



An Equal Opportunity Employer

# Southwest Florida Water Management District

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

The Southwest Florida Water Management District (District) does not discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the District's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodations as provided for in the Americans with Disabilities Act should contact the General Services Department at (352) 796-7211 or 1-800-423-1476 (FL only), extension 4527, TDD only 1-800-231-6103 (FL only).

## AGENDA

### GOVERNING BOARD MEETING

MARCH 27, 2007

9:00 A.M.

TAMPA SERVICE OFFICE

7601 US HIGHWAY 301 NORTH  
813-985-7481 OR 1-800-836-0797

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

- Viewing of the Board meeting is available at each of the service offices.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

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

At the discretion of the Board, items may be taken out of order to accommodate the needs of the Board and the public.

**The meeting will recess for lunch at a time to be announced and a closed attorney-client session will be held during the lunch break (notice follows ANNOUNCEMENTS).**

The current Governing Board agenda and the minutes of previous meetings are on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

**TUESDAY, MARCH 27, 2007**

**TAMPA SERVICE OFFICE**

7601 US HIGHWAY 301 NORTH -- 813-985-7481 OR 1-800-836-0797

**9:00 A.M. \* \* \* CONVENE MEETING OF THE GOVERNING BOARD \* \* \***  
**AND PUBLIC HEARING**  
*(TAB A)*

1. Call to Order
2. Pledge of Allegiance and Moment of Silence
3. Additions/Deletions to Agenda

**MEETING NOTICE**

4. Oath of Office for Newly Appointed Board Member(s)
5. Employee Recognition
6. Approval of Minutes – February 27, 2007 Governing Board Meeting
7. Public Input for Issues Not Listed on the Published Agenda

**REGULATION COMMITTEE (TAB B)**

**Consent Items**

8. ERP No. 43031543.001 - Upper Coastal Mitigation Bank – Citrus County
9. ERP No. 49002635.007 - Wauchula Municipal Airport – West Side Master Conceptual Permit for Phased Development – Hardee Count
10. ERP No. 49001908.050 - Sun-N-Lake Estates of Sebring, Unit 12 – Highlands County
11. ERP No. 43004784.004 - Hillsborough County – Northwest Regional Water Reclamation Facility Expansion (CIP 10769) – Hillsborough County
12. ERP No. 43020690.006 - FDOT – State Road 400 (I-4), Section 3, West of 14<sup>th</sup> Street to East of 50<sup>th</sup> Street – Hillsborough County
13. ERP No. 43031231.000 - Myakka River Estates – Manatee County
14. ERP No. 43032019.000 - Oak Creek Preserve – Phase 1 – Manatee County
15. ERP No. 49013559.018 - Pasco County – Elementary M (a.k.a. New River Elementary) – Pasco County
16. ERP No. 49027030.018 - Porter Boulevard – Pasco County
17. ERP No. 43023451.001 - Willowbrook Square – Polk County
18. ERP No. 43020825.001 - City of North Port – Narramore Sports Park – Sarasota County
19. ERP No. 43030936.000 - Largo Preserve – Sarasota County
20. TWUP No.20010420.005 - W S ~ - Extension of Temporary Permit for Peace River/Manasota Regional Water Supply Authority – DeSoto County
21. WUP No.20002452.009 - W F I D- - Florida Power & Light & OCF 27 Corporation – DeSoto County
22. WUP No. 20002740.009 - W F I N- - Eugene H. Turner and Eugene H. Turner and Son, Inc. – DeSoto County
23. WUP No.20004607.011 - W F S N- - City of Winter Haven – Polk County
24. TWUP No.20006509.007 - F N- - Polk County Board of County Commissioners/ Northeast Regional Utility Service Area – Polk County
25. WUP No.20013005.000 - F S N- - Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC – Sumter County

WATER USE PERMIT LEGEND	
W = Water Use Caution Area	N = 100% new quantities
F = Floridan Aquifer	+ = More than 50% new quantities
I = Intermediate Aquifer	N- = 50% or less new quantities
S = Surface Withdrawal	D+ = More than 50% decrease
U = Surficial Aquifer	D- = 50% or less decrease
	~ = no change
R = 100% relocated quantities	
R+ = More than 50% relocated quantities	
R- = 50% or less relocated quantities	

26. Electrical Power Plant Site Certification – SWFWMD Agency Report on Florida Power & Light Company Bobwhite-Manatee 230-kV Transmission Line – Manatee and Sarasota Counties
27. Approval of Rule Language to Amend Rule 40D-1.600, Florida Administrative Code (F.A.C.), to Specify that Final Agency Action on Certain General Environmental Resource Permits will be by the Governing Board
28. Approval of Agreement Between the Water Management Districts and the Florida Department of Agriculture and Consumer Services and Initiation of Rulemaking to Amend Rule 40D-4.091, F.A.C., Repealing Existing Agreement

29. Proposed Final Revisions to the Environmental Resource Permitting Application Form to Request Information on Corporate and Partnership Applicants and Amendment of Rule 40D-1.659, F.A.C.

**Discussion Item**

30. Statewide Stormwater Rule Issues

**Submit & File Report**

31. Resource Regulation Form Letters

**Routine Reports**

32. Demand Management Activities
33. Overpumpage Activities
34. Southern Water Use Caution Area Quantities
35. Major Water Supply Summary

## RESOURCE MANAGEMENT & DEVELOPMENT COMMITTEE (TAB C)

**Consent Items**

36. Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes
37. Water Protection and Sustainability Trust Fund – Approval of Resolution 07-08, Reallocation of Funds of Fiscal Year 2007 Projects
38. Conveyance of Lands within the East Lake Watershed Project to Hillsborough County, SWF Parcel No. 13-797-101
39. Deletion of Ten-Year Flood Guidance Levels from Previously Approved Rule Amendments to Add Minimum and Guidance Levels for Six Priority Lakes in Pasco County to Chapter 40D-8, Florida Administrative Code

**Discussion Items**

40. Florida Department Environmental Protection - Peace River Basin Resource Management Plan
41. Peer Review of Minimum Flows Report for the Lower Hillsborough River

**Submit & File Reports – None**

**Routine Reports**

42. Significant Water Supply and Resource Development Projects
43. Florida Forever Status Report
44. Land Resources Department Significant Activities
45. Minimum Flows and Levels Status Report
46. Hydrologic Conditions Status Report
47. Structure Operations Status Report

## FINANCE & ADMINISTRATION COMMITTEE (TAB D)

**Consent Items**

48. Board Travel
49. Budget Transfer Report

**Discussion Item**

50. Fiscal Year 2006 Comprehensive Annual Financial Report Presentation
51. Fiscal Year 2008 Water Supply and Water Resource Development Projects

**Submit & File Report**

52. Treasurer's Report, Payment Register, and Contingency Reserves Report

**Routine Report**

53. Fiscal Year 2008 Budget Development Process Update

## OUTREACH & PLANNING COMMITTEE (TAB E)

**Consent Item**

54. Water Conservation Month Proclamation

**Discussion Items**

- 55. Plain Language Initiative
- 56. Legislative Preview

**Submit & File Reports – None**

**Routine Reports**

- 57. Comprehensive Plan Amendment and Related Reviews Report
- 58. Review of Developments of Regional Impact
- 59. Upcoming Events

**GENERAL COUNSEL’S REPORT (TAB F)**

**Consent Items**

- 60. Consent Order – Surface Water Activity – Cattlemen Commerce Center, LLC (Cattlemen Commerce Center) – Sarasota County
- 61. Consent Order – WUP No. 20009060.005 – Lemkco Florida, Inc. – Hernando County
- 62. Consent Order – WUP No. 20007299.003 – LWV Utilities, Inc. – Pasco County
- 63. Consent Order – WUP No. 20009360.003 – Windstream Utilities Company - Marion County
- 64. Settlement Agreement – MSW No. 45010942.001 – SWFWMD v. David K. Smith – Circuit Court Case No. 04-1907-CA – Charlotte County
- 65. Initiation of Litigation – MSSW No. 489667.00 – Alan Ferguson (Alan Ferguson Photography Studio) – Sarasota County
- 66. Initiation of Litigation – WUP No. 2011993.001 – Aniceto Estrada – Hardee County
- 67. Initiation of Litigation – WUP No. 20004994.003 – James A. Messana – Hardee County
- 68. Initiation of Litigation – WUP No. 20003341.003 – Schontag Parnell Ltd. and Edward S. Schontag, Jr. – Hardee County
- 69. Initiation of Litigation – WUP No. 20000426.004 – Allapatah Cragg Groves Corporation – Polk County

**Discussion Items – None**

**Submit & File Reports – None**

**Routine Reports**

- 70. Litigation Summary and Report
- 71. Rulemaking Update

**REPORTS (TAB G)**

- 72. Environmental Advisory Committee Liaison Report
- 73. Basin Board Education Committee Report
- 74. Basin Board Land Resources Committee Report
- 75. Executive Director’s Report
- 76. Chair’s Report
- 77. Other Business

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

**PUBLIC INPUT**

**ANNOUNCEMENTS**

- Governing Board Meeting Schedule:
  - Meeting – Brooksville ..... April 24, 2007
  - Meeting – Brooksville ..... May 29, 2007
  - Meeting – Bartow ..... June 26, 2007
- Withlapopka Park Dedication – Floral City ..... March 31, 2007
- Northern Tampa Bay Water Use Caution Area Expansion Public Hearing – Dade City ..... April 9, 2007

- Volunteer Appreciation Day – Lake Panasoffkee ..... April 14, 2007
- Basin Board Meeting Schedule:
  - Pinellas-Anclote River – New Port Richey ..... April 4, 2007
  - Alafia River – Tampa ..... April 5, 2007
  - Northwest Hillsborough – Tampa ..... April 5, 2007
  - Peace River – Bartow ..... April 6, 2007
  - Manasota – Sarasota ..... April 11, 2007
  - Withlacoochee River – Brooksville ..... April 12, 2007
  - Coastal Rivers – Brooksville ..... April 12, 2007
  - Hillsborough River – Tampa ..... April 13, 2007
- Advisory Committee Meeting Schedule:
  - Industrial – Tampa ..... April 17, 2007
  - Public Supply – Tampa ..... April 17, 2007
  - Well Drillers – Tampa ..... April 18, 2007
  - Agricultural – Tampa ..... May 15, 2007
  - Green Industry – Tampa ..... May 17, 2007
  - Environmental – Tampa ..... June 13, 2007

**12:00 p.m. Notice of Closed Attorney-Client Session**

Location: Tampa Service Office Laurel Oakes Conference Room

Meeting Attendees: SWFWMD Governing Board Members;  
 Executive Director David L. Moore; General Counsel William S. Bilenky;  
 Deputy General Counsel Karen West; Assistant General Counsel Joseph Ward;  
 Frank Miller, Esquire

Closed attorney-client session pursuant to Section 286.011(8),  
 Florida Statutes, to discuss strategy related to litigation in  
 Southwest Florida Water Management District v. City of Weeki Wachee, et al.  
 in the Circuit Court, Fifth Judicial Circuit, Case No. H-27-CA-2004-366RT.  
 The subject matter of the meeting shall be confined to pending litigation.

**The meeting is not open to the public.**

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the meeting shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

**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. 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 COMMITTEES

Effective June 2006

(Revised January 2007)

<b>REGULATION COMMITTEE</b>
Todd Pressman, Chair
Thomas G. Dabney, Vice Chair

<b>RESOURCE MANAGEMENT AND DEVELOPMENT COMMITTEE</b>
Neil Combee, Chair
Heidi B. McCree, Vice Chair

<b>FINANCE AND ADMINISTRATION COMMITTEE</b>
Jennifer E. Closshey, Chair
Maritza Rovira-Forino, Vice Chair

<b>OUTREACH AND PLANNING COMMITTEE</b>
Judith C. Whitehead, Chair
Sallie Parks, Vice Chair

*The full Board serves as the members for each committee.*

<b>STANDING COMMITTEE LIAISONS</b>	
Agricultural Advisory Committee	Neil Combee
Basin Board Education Committee	Maritza Rovira-Forino
Basin Boards Land Resources Committee	Heidi B. McCree
Environmental Advisory Committee	Sallie Parks
Green Industry Advisory Committee	Patsy C. Symons
Industrial Supply Advisory Committee	Jennifer E. Closshey
Public Supply Advisory Committee	Todd Pressman
Reclaimed Water Task Force	Thomas G. Dabney
Well Drillers Advisory Committee	Thomas G. Dabney





**Governing Board Meeting  
March 27, 2007**

**9:00 a.m.**

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

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. **Pledge of Allegiance and Moment of Silence**

The Board Chair leads the Pledge of Allegiance to the Flag of the United States of America and asks that a moment of silence be observed.

3. **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." 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:**

Approval of the recommended additions and deletions to the published agenda.

**Presenter:** David L. Moore, Executive Director

4. **Oath of Office for Newly Appointed Board Members**

The Oath of Office will be administered to the newly appointed Board members by Ms. Lou Kavouras, Deputy Executive Director.

## Items 1 - 7

### 5. Employee Recognition

The District welcomes and congratulates new members of its management team. For the period of January 9 to March 19, 2007, we have one new manager to recognize.

#### *Employee Recognition – New Communication Manager*

	<b>Employee Name</b>	<b>Title</b>	<b>Department</b>	<b>Office Location</b>
<b>Rehire</b>	Robyn Hanke	Media Relations Manager	Communications	Brooksville

At the Governing Board meeting, Executive Director David Moore will welcome the new Communications Manager.

#### Staff Recommendation:

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

Presenter: David L. Moore, Executive Director

### 6. Approval of Minutes – February 27, 2007 Governing Board Meeting

#### Staff Recommendation:

See Exhibit

Approve the minutes as presented.

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

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Brooksville, Florida

February 27, 2007

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on February 27, 2007, at Brooksville Headquarters. The following persons were present:

#### Board Members Present

Talmadge G. Rice, Chair  
Judith C. Whitehead, Vice Chair  
Neil Combee, Secretary  
Jennifer E. Closshey, Treasurer  
Thomas G. Dabney, Member  
Heidi B. McCree, Member  
Sallie Parks, Member  
Todd Pressman, Member  
Maritza Rovira-Forino, Member

#### Staff Members Present

David L. Moore, Executive Director  
William S. Bilenky, General Counsel  
Lou Kavouras, Deputy Executive Director  
Richard S. Owen, Deputy Executive Director  
Eugene A. Schiller, Deputy Executive Director  
Bruce C. Wirth, Deputy Executive Director

#### Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

#### Board Members Absent

Patsy C. Symons, Member

A list of others present who signed the attendance roster is filed in the permanent files of the District. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

### Public Hearing

#### 1. Call to Order

Chair Rice called the meeting to order and opened the public hearing. Mr. Combee noted a quorum was present.

#### 2. Pledge of Allegiance and Moment of Silence

Chair Rice led the Pledge of Allegiance to the Flag of the United States of America and asked that a moment of silence be observed. (CD 1/Track 1 – 00:00/01:55)

#### 3. 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." Mr. Moore said there would not be a closed attorney-client session held during the lunch break. Mr. Moore announced the following additions and deletions to the agenda:

#### **Regulation Committee**

*The following Consent Item was deleted from consideration:*

29. WUP No. 20013005.000 - F S N- - Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC. – Sumter County

#### **Resource Management & Development Committee**

*The following Discussion Item was deleted from consideration:*

44. Florida Department Environmental Protection – Peace River Basin Resource Management Plan

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

*The following Consent Items were deleted from consideration:*

70. Settlement Agreement – MSW No. 45010942.001 - SWFWMD v. David K. Smith - Circuit Court Case No. 04-1907-CA - Charlotte County
72. Initiation of Litigation – Surface Water Activity - Cattlemen Commerce Center, LLC – Sarasota County

#### **4. Employee Recognition**

Mr. Moore said the District's employees are its most valuable resource. He made presentations to the Board for the employees who had achieved milestones of 20 years or greater to specially acknowledge and commend the contributions of these individuals. Ms. Gwen Brown, Administrative Supervisor, Resource Management; Mr. Eric DeHaven, Resource Conservation and Data Director, Resource Conservation and Data; Mr. Michael Hancock, Senior Professional Engineer, Resource Conservation and Data; and Ms. Lenora L. Williams, Computer Operation Supervisor, Information Resources, all celebrated 20 years of service. Mr. Richard Owen, Deputy Executive Director of Resource Regulation Division; Ms. Judy Carter, Human Resource Systems Analyst, Human Resources; and Mr. Randy Till, Senior Field Technician, Tampa Regulation, marked their 25-year milestones. The Governing Board sent their warm wishes to all these employees and congratulated them on their accomplishments. (CD 1/Track 1 – 01:55/17:17)

Mr. Hugh Gramling, Chairman, Agricultural Advisory Committee, presented Mr. Richard Owen with a resolution of appreciation commending him for his dedication and service to the Committee. (CD 1/Track 2 – 00:00/03:12)

Chair Rice welcomed Ms. Pat Glass, former Manatee County Commissioner, to today's meeting. Ms. Glass said Manatee County wants to express its deep gratitude to the Governing Board and District staff for the MARS project. Mr. Moore said this project also received federal money, about \$36 million, which was pursued by Ms. Glass. (CD 1/Track 3 – 00:00/04:46)

#### **5. Approval of Minutes – January 30, 2007 Governing Board Meeting**

Staff recommended approval of the minutes as presented. Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve the minutes as presented. Motion carried unanimously.** (CD 1/Track 4 – 00:00/00:17)

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

No one came forward to address the Board. (CD 1/Track 5 – 00:00/00:18)

Chair Rice relinquished the gavel to Regulation Committee Chair Pressman.

## **Regulation Committee**

### ***Consent Items***

Item 29 was removed from consideration and Item 27 was pulled for discussion.

7. ERP No. 43005309.002 - Tampa Groves Borrow Pit North – Hillsborough County
8. ERP No. 43018888.013 - Covington Park – Phase 6 (a.k.a. Waterset Phase 1) - Hillsborough County
9. ERP No. 43028129.003 - Triple Creek – Phase 1 – Hillsborough County
10. ERP No. 43028154.001 - Landings Multi-Use Docks and Dredge – Hillsborough County
11. ERP No. 43030288.000 - Tillett 2 Borrow Pit – Hillsborough County
12. ERP No. 43017706.009 - Waterlefe Golf and River Club Dredge and Fill – Manatee County
13. ERP No. 43001223.002 - Trinity Corporate Center – Pasco County
14. ERP No. 43019100.001 - SR 54 and Livingston Development – Pasco County
15. ERP No. 43020102.028 - Seven Oaks – Parcel S2 – Pasco County

- 16. ERP No. 43029993.000 - Pasco County-Chancey Parkway – Pasco County
- 17. ERP No. 43015228.002 - Catalina Grand – Pinellas County
- 18. ERP No. 43028277.002 - TerraLargo Phase 2, Shoreline Enhancement at Meadowview Lake – Polk County
- 19. ERP No. 43029918.000 - May Manor MHP – Canal Berm – Polk County
- 20. ERP No. 49031555.000 - Johnson Avenue Subdivision – Polk County
- 21. ERP No. 43029788.000 - Magnolia Springs – Sarasota County
- 22. WUP No.20006872.008 - W F I S D+ - Bob Paul, Inc. (Doehill Citrus) – DeSoto County
- 23. TWUP No.20010420.005 - W S ~ - Extension of Temporary Permit for Peace River/Manasota Regional Water Supply Authority – DeSoto County
- 24. WUP No. 20000659.010 - W F I D- - Farmland Reserve, Inc. – Hillsborough County
- 25. WUP No. 20007591.004 - W F I S- - Corporation of the Presiding Bishop of the Church Of Jesus Christ of Latter-Day Saints – Hillsborough County
- 26. WUP No. 20004309.007 - W F I U S D+ - CC Manatee Development, LLC / Ryland Homes – Manatee County
- 27. WUP No. 20007470.006 - W F R - - Manatee County Board of County Commissioners – Manatee County
- 28. WUP No. 20002980.009 - W F D- - City of Dunedin – Pinellas County
- ~~29. WUP No. 20013005.000 - F S N - Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC. – Sumter County~~

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	~ = no change
R = 100% relocated quantities	
R+ = More than 50% relocated quantities	
R- = 50% or less relocated quantities	

Following consideration, **Ms. Parks moved, seconded by Mr. Combee, to approve Regulation Consent Items 7 through 26 and 28. Motion carried unanimously.** (CD 1/Track 6 – 00:00/00:22)

**Discussion Items**

Item 27 was moved from Consent Items for consideration under Discussion Items.

**27. WUP No. 20007470.006 – W F R - – Manatee County Board of County Commissioners – Manatee County**

Mr. Dabney was provided clarification that this permit modification provided groundwater only when other sources were exhausted. Staff recommended approval of this permit modification. Following consideration, **Mr. Dabney moved, seconded by Ms. McCree, to approve Item 27. Motion carried unanimously.** (CD 1/Track 7 – 00:00/01:53)

**30. Factors Influencing Per Capita Water Use**

Mr. Owen said, at the January Governing Board, information was presented during the Northern District Strategies presentation showing the differences in per capita water use rates across the District. As a follow-up to the ensuing discussion and previous per capita discussions, staff presented additional information on this subject, including the results of

an in-depth statistical analysis of utility gross per capita daily (gpcd) water demand across the District and the factors that have the greatest impact on gross per capita water use. The District has used a 150 gpcd use standard in Water Use Caution Areas (WUCAs) to assist in managing public supply water use since the early 1990s. In addition, utilities in the WUCAs with permitted quantities greater than or equal to 100,000 gallons per day were required to report their per capita water use annually. The intent was to revise this per capita rate over time as we learned more from reported per capita rates. It became clear over time that there is significant variability in per capita water use both among utilities and over time for any given utility.

Part of the variability in per capita water use rates is due to inconsistency in the estimation methodologies used to calculate the population served by the utility. Recent Southern WUCA rule revisions address this issue by requiring that a standardized methodology be used to calculate and report service area population served to be used in the per capita calculation. It was envisioned that following Southern WUCA, we would look toward extending these revisions District-wide. However, there are other factors that cause variance in per capita water use, not all of which are under the direct control of the utility.

Since the inception of the WUCAs, it has often been asked if there is a need for, and the ability to implement, regional or other customized per capita standards other than the existing 150 gpcd standard. The implementation of per capita water use standards and related requirements in the remaining portions of the District has been discussed for some time as has been the appropriateness of the 150 gpcd standard. To assist our decision making process, the District engaged the services of Hazen and Sawyer to conduct a statistical analysis of variance in per capita water use. This research sheds light on the relative importance of the many factors that impact per capita water use.

Mr. Owen introduced Dr. Grace Johns, Hazen and Sawyer, P.C., who presented the study goal, overall methodology, utility selection and study results. Based on data collected for 45 utilities from 1998 to 2002 the values for gpcd ranged from 49 to 657 gallons per person per day with an average of 157 gallons per person per day. The eight most important determinants of gross per capita use, in descending order of importance were found to be:

- The single-family residential water and sewer bill (less fixed charges) at 12,000 gallons per month. The higher the bill, the lower the gross per capita water use.
- The median lot size for single-family residential and mobile homes times the calculated net irrigation requirement (the sum of daily evapotranspiration minus effective rainfall minus soil moisture balance for the utility and year in question). The larger the median lot size, the larger the gross per capita water use.
- The proportion of the dwelling units served by the utility that is single-family. The higher the proportion, the greater the gross per capita water use.
- The percentage of gross utility water use that is residential. The higher the percentage water use that is residential, the lower the gross per capita water use.
- The average household income in the service area in 2000. The higher the average household income, the higher the gross per capita water use.
- The ratio of shallow irrigation wells in the service area to dwelling units served by the utility. The higher the ratio of wells to dwelling units, the lower the gross per capita water use.
- The proportion of utility customers with access to reclaimed water. The higher the proportion, the lower the gross per capita water use.
- The median age of housing units in the service area in 2005. The higher the median age, the lower the gross per capita water use.

Board members engaged in lengthy discussion with Dr. Johns and staff regarding this analysis and future analyses. Mr. Owen said staff will review the results of this analysis with a work group to be established for this effort and the Public Supply Advisory

Committee as we seek input on this rule making. Staff will return to the Board with the results of this input process and with recommendations on expanding the per capita requirements in the May or June 2007 timeframe. (CD 1/Track 7 – 01:53/52:53)

At this time, Regulation Committee Chair Pressman heard public comment on this item.

Mr. John Zimmerman, Manatee County Utilities, encouraged the Board and staff to consider how statistical data can be skewed and to remove significant industrial users and level the playing field when making comparisons.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 7 – 52:53/65:11)

31. **Water Use Permit Modifications – Duration for Significant Modifications**

Mr. Ken Weber, P.G., Water Use Program Director, said at the May and July 2006 Committee meetings, discussions were held concerning extending permit durations for water use permit modifications where a review equal to a renewal occurs. Permits that are modified during their permit term retain the existing expiration date. This is because the majority of modifications involve only portions of the permitted activity hence the entire permitted activity is not re-evaluated. However, in some cases the modification is of such magnitude that it essentially results in a total re-evaluation of the permitted activity. When these types of modifications are limited to the existing permit term, they result in the staff and applicant performing another total re-evaluation within only a few years time. In these cases, it would be more efficient for both the District and the applicant to handle the modification as a full renewal, thereby giving the permit a full permit term. A renewal permit fee would be assessed rather than a modification fee, and such a renewal would be predicated upon a request by the applicant.

Staff recommended authorization to publish the rule amendments in the Florida Administrative Weekly. Absent any challenges, the rules will subsequently be filed with the Secretary of State and will become effective approximately May 1, 2007. Following consideration, **Mr. Rice moved, seconded by Ms. McCree, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 8 – 00:00/03:43)

**Submit & File Reports** – None

**Routine Reports**

The following items were submitted for the Committee's information, and no action was required.

32. **Demand Management Activities**

33. **Overpumpage Activities**

34. **Southern Water Use Caution Area Quantities**

Ms. McCree was provided clarification regarding a slight increase in the hydrographs for this report. Mr. Owen said this was associated with new groundwater quantities in the Southern Water Use Caution Area that were not constrained by the minimum flows and levels or they used one of net benefit or groundwater replacement methods to obtain water. (CD 1/Track 9 – 00:00/00:52)

35. **Major Water Supply Summary**

Mr. Dabney led a discussion regarding Regulation Committee Consent Items. He noted that he is involved in numerous partnerships and assumes his fellow Board members are as well. Mr. Dabney said he is concerned that, when he is voting on the consent items, he may not be aware of who could be involved with an applicant just by looking at a list of projects. In response to Mr. Dabney's request for a legal opinion, Mr. Bilenky said that the burden is on the Board member to disclose only if he or she knows about an existing conflict. (CD 1/Track 9 – 00:52/05:45)

Mr. Moore addressed the Board regarding an article which was not factual and very misleading about the Tampa Bay Water surface water treatment plant. He reassured the Board that the District watches these facilities very closely and the particular plant the article was written about has been a workhorse for the community. (CD 1/Track 9 – 05:45/09:56)

Regulation Committee Chair Pressman relinquished the gavel to Resource Management and Development Committee Chair Combee.

## Resource Management and Development Committee

### Consent Items

36. **Aquatic Habitat Enhancement on Lake Seminole** (Approved by the Pinellas-Anclote River Basin Board on February 7, 2007)  
Staff recommended authorization to enter into an agreement with Pinellas County for the removal of nuisance vegetation with the District's share not to exceed \$60,000; and authorize the Executive Director to execute the agreement.
37. **Pinellas County – Brooker Creek Watershed Management Program** (Approved by the Pinellas-Anclote River Basin Board on February 7, 2007)  
Staff recommended approval of the amendments with Pinellas County and with URS Southern Corporation to expand the scope of work to include the additional watersheds, modify the budget to account for the additional watersheds, and to extend the contract termination date; and authorize the Executive Director to sign the Amendments.
38. **Starkey Basin Watershed Evaluation** (Approved by the Pinellas-Anclote River Basin Board on February 7, 2007)  
Staff recommended entering into an agreement with Pinellas County for the Starkey Basin Watershed project as a multi-year funded project with a modified scope to include the Digital Topographic Information, Watershed Evaluation, and Watershed Management Plan, contingent upon the Pinellas-Anclote River Basin Board's inclusion and approval of the funds in its FY2008 budget; and authorize the Executive Director to execute the agreement.
39. **Approval of Amendment to the Construction Agreement with Subaqueous Services, Inc. for the Lake Panasoffkee Restoration Project** (Approved by the Withlacoochee River Basin Board on February 23, 2007)  
Staff recommended amending the agreement with Subaqueous Services, Inc. to increase the contract amount by \$20,763 to compensate the contractor for fuel surcharge costs imposed by Sumter Electric Cooperative through April 30, 2006.
40. **Facilitating Agricultural Resource Management Systems – Holmberg Farms, Inc.** (Approved by the Alafia River Basin Board on February 8, 2007)  
Staff recommended to (1) approve the Holmberg Farms, Inc. FARMS Project for a not-to-exceed project reimbursement of \$294,586, with \$50,000 provided by the Alafia River Basin Board budgeted FARMS funds, \$23,647 provided by the Alafia River Basin's Water Supply and Resource Development Reserves, \$73,647 provided by the Governing Board, and \$147,293 provided from 2005 State Appropriations; (2) authorize the transfer of \$150,000 from the Alafia River Basin Board's 011 H017 fund (FARMS Program), \$23,647 from the Alafia River Basin Board's 011 H100 fund (Water Supply and Resource Development Reserves), and \$120,940 from the Governing Board's 010 H017 fund (FARMS Program) to H515 Holmberg Farms, Inc. project fund; and (3) authorize the Executive Director to execute the agreement.



41. **Facilitating Agricultural Resource Management Systems – Adrian R. Chapman**  
*(Approved by the Peace River Basin Board on February 16, 2007)*  
Staff recommended to (1) approve the Adrian R. Chapman FARMS Project for a not-to-exceed project reimbursement of \$84,664, with \$21,166 provided by the Peace River Basin, \$21,166 provided by the Governing Board, and \$42,332 provided from State Appropriations; (2) authorize the transfer of \$21,166 from the Peace River Basin Board's 020 H017 fund (FARMS Program); \$21,166 from the Governing Board's 010 H017 fund (FARMS Program); and \$42,332 from the 2003, 2005 and 2006 State Appropriations allocated to the Peace River Basin Board's 020 H017 fund (State Appropriations) to H507 Adrian R. Chapman FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
42. **Facilitating Agricultural Resource Management Systems – LallyMix Farms, LLP**  
*(Approved by the Peace River Basin Board on February 16, 2007)*  
Staff recommended to (1) approve the LallyMix Farms FARMS Project for a not-to-exceed project reimbursement of \$150,000, with \$37,500 provided by the Peace River Basin Board, \$37,500 provided by the Governing Board, and \$75,000 provided from State Appropriations; (2) authorize the transfer of \$37,500 from the Peace River Basin Board's 020 H017 fund (FARMS Program), \$37,500 from the Governing Board's 010 H017 fund (FARMS Program), and \$75,000 from the 2006 and 2007 State Appropriations allocated to the Peace River Basin Board's 020 H017 fund (State Appropriations) to H509 LallyMix Farms LLP FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
43. **Facilitating Agricultural Resource Management Systems – Agreement with Florida Department of Agriculture and Consumer Services to Implement Best Management Practices for Row Crops**  
Staff recommended to (1) approve the project with IFAS for the Implementation of Row Crop BMPs for \$50,000 per year for two years, and \$55,000 for the final year (total project cost \$155,000 over three years); and (2) authorize the transfer of \$50,000 for fiscal year 2007 from H017, the FARMS Program, to H510 IFAS – Implementation of Row Crop BMPs.

Following consideration, **Ms. McCree moved, seconded by Ms. Rovira-Forino, to approve the Consent Items 36 through 43. Motion carried unanimously.** (CD 1/Track 10 – 00:00/01:57)

#### ***Discussion Items***

44. **Florida Department Environmental Protection – Peace River Basin Resource Management Plan** - This item was deleted from consideration.
45. **Tampa Bay Regional Reclaimed Water Project Update**  
Mr. Gregg W. Jones, P.G., Director, Resource Conservation and Development Department, said the purpose of this presentation was to provide the Resource Management and Development Committee with an update on project components, project costs and schedule for the Tampa Bay Regional Reclaimed Water Project. The project name has changed, deleting the reference to Downstream Augmentation, as a result of Tampa Bay Water pursuing their elements of the project under the System Configuration II Project.

In October, the Tampa Bay Water Board voted to move forward with expansion of its enhanced surface water system without the augmentation component. Permitting uncertainties and recently completed minimum flows and levels work on the lower Hillsborough River and the Tampa Bypass Canal, by the District, were the reasons behind this decision. As a result, the reuse project is currently undergoing a significant reconfiguration due to the elimination of the downstream augmentation component

(Tampa Bay Water) and the component to augment the lower Hillsborough River to meet the minimum flow (City of Tampa).

Funds associated with the downstream augmentation elements of the project will be recommended to be transferred to the Tampa Bay Water's System Configuration II surface water project. This is because several elements of the Configuration II project (surface water treatment plant expansion, pumping expansions, and intake structures) were elements of the downstream augmentation component of the original TBRRAP.

This item was for the Committee's information, and no action was required. (CD 1/Track 11 – 00:00/06:07)

46. **Approval of Agreement, Resolution 07-04 and Transfer of Funds for Tampa Bay Water's System Configuration II Project** *(Approved by the Alafia River, Hillsborough River, Northwest Hillsborough, Coastal Rivers, Pinellas-Anclote River and Withlacoochee River Basin Boards at their February Meetings)*

Mr. Gregg W. Jones, P.G., Director, Resource Conservation and Development Department, said staff is seeking approval of an agreement with Tampa Bay Water to cooperatively fund the development of the System Configuration II Project, authorize the transfer of \$7,252,494 in Governing Board funds and the transfer of \$6,000,000 of Community Budget Issue Request funds to the System Configuration II Project budget, and approve Resolution No. 07-04 which authorizes the reallocation of \$15,506,854 from the Water Protection and Sustainability Program Trust Fund to the System Configuration II Project. These funds were previously allocated for the Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project (TBRRAP) and the Northwest Hillsborough and South Central Hillsborough Interconnect Projects.

Tampa Bay Water has determined that the permitted capacity of their regional potable water supply system will be exceeded in 2011. In order to meet demand beyond 2011, Tampa Bay Water has decided to move forward with the System Configuration II project. The downstream augmentation component was eliminated from the project as a result of permitting difficulties and results from the District's MFL work on the lower Hillsborough River and Tampa Bypass Canal. However, many of the elements that would have been necessary for downstream augmentation, such as expansion of the surface water treatment plant and Tampa Bypass Canal intakes, will also be necessary for the System Configuration II project.

The System Configuration II project will develop additional capacity in Tampa Bay Water's Enhanced Surface Water System to withdraw and treat water during periods of higher flow from the Hillsborough River and Tampa Bypass Canal. As part of the project, a number of Tampa Bay Water's regional system components will need to be expanded including the surface water treatment plant and the Tampa Bypass Canal Pump Station.

It is estimated that the total cost of constructing the System Configuration II Project is \$235,122,500. Of this amount, \$232,000,000 has been determined to be eligible for reimbursement through the District's Cooperative Funding Program. Tampa Bay Water has requested the District fund 50 percent or up to \$116,000,000 of total eligible project costs. The District's and Tampa Bay Water's share of the project will be reduced to \$105,246,573 each as a result of \$21,506,854 in state funding that has been secured (\$15,506,854 from Water Protection and Sustainability Program trust funds and \$6,000,000 from the Community Budget Issue Request). Of the total state funding, \$7,753,427 from the Water Protection and Sustainability Program Trust Fund and \$6,000,000 from the Community Budget Issue Request that has been included in the Governing Board's General Fund budget, will be applied to the project. As required by the Florida Department of Environmental Protection, Board Resolution 07-04, authorizing the reallocation of \$15,506,854 from the Water Protection and Sustainability Trust Fund to the

System Configuration II project budget, was presented for the Governing Board's approval.

Staff recommended to:

- (1) Approve the agreement with Tampa Bay Water to construct the System Configuration II Project for a total amount of \$232,000,000, with the District's share not to exceed \$116,000,000, with the Alafia River Basin's share \$5,262,329, the Hillsborough River Basin's share \$13,155,822, the Northwest Hillsborough Basin's share \$6,841,027, the Coastal Rivers Basin's share \$4,209,863, the Pinellas-Anclote River Basin's share \$22,628,013, the Withlacoochee River Basin's share \$526,232, and the Governing Board's share not to exceed \$52,623,287 after adjustment for the District's share (\$10,753,427) in state funding;
- (2) Approve the transfer of \$6,268,207 of Governing Board funds previously budgeted for the Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project to the System Configuration II Project;
- (3) Approve the transfer of \$160,650 of Governing Board funds previously budgeted for the Northwest Hillsborough Interconnect Project to the System Configuration II Project;
- (4) Approve the transfer of \$823,637 of Governing Board funds previously budgeted for the South Central Hillsborough Interconnect Project to the System Configuration II Project;
- (5) Approve the transfer of \$6,000,000 of Community Budget Issue Request funds previously budgeted for the Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project to the System Configuration II Project;
- (6) Approve Resolution 07-04 which authorizes the reallocation of \$15,506,854 from the Water Protection and Sustainability Program Trust Fund that was previously budgeted for the Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project for FY2007 and the South Central Hillsborough Project for 2006 to the System Configuration II Project; and
- (7) Authorize the Executive Director to execute the agreement.

Following consideration, **Ms. Parks moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 12 – 00:00/19:46)

### ***Submit & File Report***

47. **Report on Developments with a Public Review and Comment Period for the Watershed Management Program and the Federal Emergency Management Agency Map Modernization Program**

Mr. Wirth said it is anticipated as the new Federal Emergency Management Agency (FEMA) maps are implemented there will be increased public comment. He said the District has partnered and shares the responsibility for the maps. The District is going to slow down the process and send out notices describing a 90-day input period. Chair Rice led a lengthy discussion about FEMA's responsibilities regarding the final maps. Mr. Moore said the final maps will continue to be adopted by FEMA, and the District's role is as a technical partner in the process. (CD 1/Track 13 – 00:00/30:17)

### ***Routine Reports***

The following items were submitted for the Committee's information, and no action was required.

48. **Significant Water Supply and Resource Development Projects**
47. **Florida Forever Status Report**
50. **Land Resources Department Significant Activities**
51. **Minimum Flows and Levels Status Report**
52. **Hydrologic Conditions Status Report**
53. **Structure Operations Status Report**

Committee Chair Combee relinquished the gavel to Finance and Administration Committee Chair Closshey.

## Finance and Administration Committee

### ***Consent Items***

54. **Board Travel**

District policy states that in accordance with Chapters 112 and 373, Florida Statutes, travel expenses may be incurred for official District business or for a public purpose beneficial to the District. Travel to any conference or convention requires prior approval. Staff recommended approval of Governing Board travel.

55. **Budget Transfer Report**

Staff recommended approval of the Budget Transfer Report covering all budget transfers for January 2007.

56. **Second Amendment of the FY2007 Annual Service Budget**

Staff recommended approval of Resolution No. 07-03, Second Amendment of the Fiscal Year 2007 Annual Service Budget, to increase the District's total budget by \$146,000 from \$384,381,574 to \$384,527,574.

57. **Inspector General's Update – Six-Month Progress Report: Purchasing Card Audit**

Staff recommended acceptance of the Inspector General's Update – Six Month Progress Report: Purchasing Card Audit.

Following consideration, **Ms. Parks moved, seconded by Ms. McCree, to approve the Consent Items 54 through 57. Motion carried unanimously.** (CD 1/Track 14 – 00:00/00:38)

### ***Discussion Item***

58. **Long-Range Water Supply & Water Resource Development Funding Plan Update**

Committee Chair Closshey reviewed the thought process that led to the renaming and reconfiguration of this plan. Committee Chair also thanked staff who worked diligently on this project.

Staff recommended acceptance to integrate the *Long-Range Water Supply and Water Resource Development Funding Plan* with the annual budget development process to ensure there are adequate resources to fund priority projects. Following consideration, **Mr. Combee moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 14 – 00:38/06:22)

Mr. Dabney led a discussion regarding the funding of regional water utilities versus individual utilities. He said the District has seen great success with this regionalization approach, but he is troubled by what he is seeing with the Peace River Water Supply Authority. Mr. Dabney said there have been reports that Sarasota County wants to go alone and develop the Cow Pen Slough Water Supply Project. Board members discussed the subject at length, and Ms. Rovira-Forino suggested that the Board reaffirm its policy regarding regional water supply funding. Mr. Bilenky said he did not see the need for a formal vote. He said he felt today's discussion gave Mr. Dabney a feel for the Board's continued commitment to fund regionally and he can take that information back to his Basin Board. Mr. Moore said staff has been working very hard towards implementing the Board's policy. He said he too is concerned over the recent developments in Sarasota County regarding Cow Pen Slough. Mr. Moore said staff will continue to work towards regionalization. He said the greatest benefit to a regional approach is environmental protection and he hopes this can be accomplished with an integrated system in the south. (CD 1/Track 14 – 06:22/34:47)

### ***Submit & File Report***

The following item was submitted for the Committee's information, and no action was required.

59. **Treasurer's Report, Payment Register, and Contingency Reserves Report**

### ***Routine Reports – None***

Chair Rice recessed the public hearing to provide a lunch break. Upon reconvening, Chair Rice relinquished the gavel to Outreach and Planning Committee Chair Whitehead.

## **Outreach and Planning Committee**

### ***Consent Item***

60. **Approval of the District's 2007 Consolidated Annual Report and Adoption of the 2007 Florida Forever Work Plan**

Staff recommended Governing Board approval of the 2007 Consolidated Report, including adoption of the 2007 update to the District's Florida Forever Work Plan. Following consideration, **Mr. Dabney moved, seconded by Ms. Rovira-Forino, to approve Consent Item 60. Motion carried unanimously.** (CD 1/Track 15 – 00:00/01:41)

### ***Discussion Items***

61. **Variability in Water and Sewer Utility Rates within the SWFWMD**

Mr. Jay Yingling, Senior Economist, Planning Department, presented information on historic and current water and sewer rates throughout and within regions in the District and provided insight into the variability in rates.

Rate changes from 1994 to 2007 were addressed. The year 1994 was shortly after the required adoptions of water conserving rate structures in Water Use Caution Areas (January 1993) but likely prior to any impact additional rules of District funding would have on rates under common rate setting methodologies. Rate data for a large number of utilities are generally not available for utilities in Florida prior to 1994. Combined water and sewer rates were addressed as well because in some utilities they can be inter-related. Reclaimed water is a growing source of alternative water supplies and is generally subsidized by wastewater customers so total water supply cost shows up in a combined water and sewer bill.

Mr. Yingling reviewed the relative potable water treatment costs in a source/technology matrix. Three different regional costs analysis were presented. The first regional analysis was designed by the counties being divided among three Cost Regions: low, medium, and high. Another regional analysis was conducted by splitting counties into coastal or interior categories for comparison. The third regional analysis was conducted by categorizing the counties into a north or south category for comparison.

Mr. Yingling said the following conclusions could be drawn from the study: The District continues to have a high degree of variability of water and wastewater bills due to treatment costs of various sources; water bill increases exceed rate of inflation except in Cost Region 3 and North counties; interior and coastal SWUCA real water bills converging (+11% vs. -8%, respectively); and interior SWUCA counties have the highest difference in the rate of increase between water and water/wastewater bills than any region (+7.49%).

Mr. Dabney suggested that other differences in rates may be influenced by varying surface water storage methods; Mr. Yingling concurred because above ground storage is the more expensive than other methods.

Mr. Moore said this study will be discussed again at the upcoming Water Conservation Summit. This item was presented for the Committee's information, and no action was required. (CD 1/Track 15 – 01:41/27:16)

62. **Legislative Update and Community & Legislative Affairs Department Activities**

Mr. David Rathke, Director, Community and Legislative Affairs Department, said the first day of the session is March 6, 2007, and the last day of the session will be May 4, 2007. He said the major State legislative issues can be categorized into the following categories: Property Taxes; House Issues: America's Everglades, Alternative Energy, District Budgetary Oversight, and Land Management and Acquisition; and Senate Issues: Everglades and Florida Forever.

With regards to Property Taxes, there are two major proposals out for consideration: one is Governor Crist's and the other is the House Tax Reform. Governor Crist's involves doubling the homestead exemption, Save Our Homes portability, cap on non-residential property taxes, and additional exemption of tangible personal property taxes. The House proposal is more complicated. It restricts rate of governmental growth to rollback rate plus new growth through use of a formula based on population increases and inflation. This proposal would use 2000-2001 as a base year and allows for additional increases by a unanimous vote of the governing body. A special election to consider eliminating property taxes, limiting state revenue growth, and increasing state sales taxes would be held in November.

The following legislation has been filed: Department of Interior, Springs Protection, changing the make-up of the Governing Board, Incentive Based Permitting, municipal annexation of state lands, Truth in Government spending, and wetlands permitting.

Federal issues include New Leadership, Continuing Resolution, Limited Earmarks, President's Budget, and Tax Credit Bonds.

In early February, Mr. Moore visited Washington, D.C. to discuss appropriations requests for the upcoming year. The District has identified two federal funding priorities: the Tampa Bay Regional Reclaimed Water Project, and the Upper Peace River and Myakka River Watersheds Restoration Initiative. These are the same projects the District has proposed for the last three years with the exception that Tampa Bay Water (TBW) has requested not to be included in the District's federal request. Ms. Rovira-Forino asked for clarification as to why TBW has requested not to be included in the District's federal request.

Ms. Toni Riordon spoke on behalf of TBW and answered Ms. Rovira-Forino's question. She said TBW lost about two years on their schedule while pursuing downstream augmentation. If TBW pursued federal funds that would require them to get an environmental impact system, which could take years to complete and that would extend past the 2011 goal date. It was simply a matter of timing, and TBW did not want to tie up federal funds for any part of this project. Ms. Riordon reassured the Board that TBW is willing to help the District in all other aspects of this project. Mr. Moore said whenever an organization seeks federal funding it has to approach the matter very strategically and go with your best scenario.

Ms. Parks asked Mr. Rathke, with regards to state appropriations, if the District was partnering on all of the projects listed in the Governing Board information packet. Mr. Rathke said a couple of the projects the District would be funding on its own. Ms. Parks suggested that, from an advocacy point-of-view, she could be more effective if she knew who we were partnering with on these projects. Mr. Rathke said he would make this information available to the Governing Board members.

Ms. McCree requested that Mr. Rathke continue to update the Governing Board this year as he has done in the past by e-mailing members with breaking news from the session. She said she had found that to be particularly helpful. Mr. Rathke said he had planned on continuing this form of communication this year as well.

This item was presented for the Committee's discussion, and no action was required. (CD 1/Track 15 – 27:16/58:20)

**Submit & File Reports – None**

**Routine Reports**

The following items were submitted for the Committee's information, and no action was required.

63. **Comprehensive Plan Amendment and Related Reviews Report**
64. **Review of Developments of Regional Impact**
65. **Upcoming Events**

Committee Chair Whitehead relinquished the gavel to Chair Rice.

**General Counsel's Report**

**Consent Items**

Consent Items 70 and 72 were deleted from consideration.

66. **Consent Order – Surface Water Activity - Samuel G. and Roxann T. Seaton - Highlands County**  
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation in the event that Samuel G. Seaton and Roxann T. Seaton fail to comply with the Consent Order.
67. **Consent Order – Surface Water Activity - Casto-Oakbridge Venture, Ltd. (Lakeside Village) – Polk County**  
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation in the event that Casto-Oakbridge Venture, Ltd. fails to comply with the Consent Order.
68. **Consent Order – ERP No. 44026729.000 - Master Containers, Inc. (Master Container Addition) - Polk County**  
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation in the event that Master Containers, Inc. fails to comply with the Consent Order.
69. **Settlement Agreement – Surface Water Activity - Sylvan Lea, Inc. v. SWFWMD - DOAH Case No. 03-0813 - Sarasota County**  
Staff recommended approval of the proposed Settlement Agreement.
70. **Settlement Agreement – MSW No. 45010942.001 - SWFWMD v. David K. Smith - Circuit Court Case No. 04-1907-CA - Charlotte County** - This item was deleted.
71. **Initiation of Litigation – Surface Water Activity - West Coast Investment Associates, Inc. – Hardee County**  
Staff recommended authorization of the initiation of litigation against West Coast Investment Associates, Inc. and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.
72. **Initiation of Litigation – Surface Water Activity - Cattlemen Commerce Center, LLC – Sarasota County** - This item was deleted.

73. **Initiation of Litigation – WUP No. 20009400.008 - Russ Putnal - Manatee County**

Staff recommended authorization of the initiation of litigation against Russ Putnal and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement costs, attorney's fees and court costs.

Following consideration, **Ms. McCree moved, seconded by Ms. Rovira-Forino, to approve the Consent Items 66, 67, 68, 69, 71 and 73. Motion carried unanimously.** (CD 1/Track 16 – 00:00/00:40)

***Discussion Items*** – None

Mr. Dabney led a discussion regarding the lease with Weeki Wachee. He said the District's offer to settle on a new lease was still outstanding there from nearly a year ago and he thought that offer should have an end date. Mr. Bilenky said litigation is scheduled through August. He concurred with Mr. Dabney that he does not think the settlement offer should remain open indefinitely; however, he would like to leave it open until the end of discovery. Following consideration, **Mr. Dabney moved, seconded by Mr. Pressman, to hold open the lease settlement offer for another 60 days before withdrawing the offer.** Mr. Bilenky said the discovery deadline is scheduled for April 20, 2007. **Mr. Dabney amended his motion, and Mr. Pressman accepted the change, to hold the lease settlement offer open until April 20, 2007. Motion carried unanimously.** (CD 1/Track 16 – 00:40/11:38)

***Submit & File Reports*** – None

***Routine Reports***

The following items were submitted for the Committee's information, and no action was required.

74. **Litigation Summary and Report**

Ms. Parks requested an update on the Rainbow River issue. Mr. Bilenky said the District has been named in a lawsuit along with the Florida Department of Environmental Protection. He said the District informed the plaintiff on two occasions that the District did not fail to enforce its statutes and that no grounds existed for a suit against the District.

75. **Rulemaking Update**

## Reports

76. **Green Industry Advisory Committee Liaison Report**

Ms. Kavouras said the Green Industry Advisory Committee met on February 15, 2007. Ms. Symons did attend the meeting. There were a variety of reports, including the Demand Management Report, Water Shortage Update, a report on the Soil Moisture Sensor Evaluation, Landscape Irrigation Committee Report, the Florida Department of Agriculture's Golf Course Best Management Practices Report, the Strategic Plan, Southern Water Use Caution Area Water Use Permitting forms, and the Northern District Water Use Management Strategies were discussed.

Chair Rice asked if there were any members from the Green Industry Advisory Committee that reside in the northern portion of the District. Ms. Kavouras said not that she knew of. In response to Chair Rice's question whether there was a Soil Moisture Sensor that the District recommends to the public, Ms. Kavouras said that is what this current study will determine.

77. **Agricultural Advisory Committee Liaison Report**

Ms. Kavouras said the Agricultural Advisory Committee met on February 20, 2007. Mr. Combee was not able to attend the meeting. Some of the many reports heard were FARMS Update, AGSWM Update, Mobile Irrigation Labs, and Best Management Practices. Ms. Kavouras said Mr. Michael Molligan, Director, Communications



Department, developed an agricultural portal for the District's web site for users to have one convenient resource. (CD 1/Track 16 – 11:38/20:36)

78. **Executive Director's Report**

Mr. Moore said the District is pursuing federal funding on two projects and he recently traveled to Washington, D.C. to meet with the delegation. The two projects are the Upper Peace River Restoration and the Tampa Bay Regional Reclaimed Water Project.

The Employee Meetings were conducted in February, and were very well attended. Chair Rice attended those meetings at the Bartow and Sarasota locations. Mr. Moore said staff is very appreciative of the opportunity to meet and interact with the current Governing Board Chair.

Mr. Moore provided a report on the Executive Directors and Chairs' meeting with the Secretary of the Department of Environmental Protection (DEP). He thanked Ms. Whitehead for attending on behalf of the Governing Board. Mr. Moore said it was an extensive meeting. Some of the pertinent issues raised were Governor Crist's Code of Ethics, the Plain Language Initiative, the Emergency Operations Center Tabletop Exercise, a status report on Central Florida Coordination and the Statewide Stormwater Rule Basin Specific Criteria, and the Conserve Clearinghouse Guideline. The Governor has placed a dozen people in Washington to coordinate what Florida needs at the federal level. The same set-up exists in Tallahassee. The initiative from the District regarding the potential expansion of a WUCA was discussed, the status of the arsenic ASR wells, and the Secretary of the Department of Community Affairs and his staff discussed water supply and growth management. Another issue is ad valorem and there are a number of ways being discussed to cut ad valorem for the citizens of Florida. Ms. Whitehead said she was glad to have the opportunity to attend the meeting and interact with Secretary Sole. (CD 1/Track 17 – 00:00/20:36)

Mr. Bilenky said the DEP was interested in water quantity withdrawals that would impact springs. Board discussion ensued regarding water quality and protection for the springs.

79. **Chair's Report**

Mr. Rice said Mr. Moore's report was comprehensive and he did not have anything to add at this time.

80. **Other Business** – No other business was brought before the Board.

**Public Input**

No requests to address the Board were submitted.

There being no further business to come before the Board, **Ms. Rovira-Forino moved, seconded by Mr. Pressman, to adjourn the meeting. Motion carried unanimously.** (CD 1/Track 16 – 20:36/28:12)

The meeting was adjourned at 3:05 p.m.



**Governing Board Meeting  
March 27, 2007**

**Regulation Committee**

**Consent Items**

8.	ERP No. 43031543.001	- Upper Coastal Mitigation Bank – Citrus County .....	3
9.	ERP No. 49002635.007	- Wauchula Municipal Airport – West Side Master Conceptual Permit for Phased Development – Hardee County .....	8
10.	ERP No. 49001908.050	- Sun-N-Lake Estates of Sebring, Unit 12 – Highlands County .....	12
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WATER USE PERMIT LEGEND	
W = Water Use Caution Area	N = 100% new quantities
F = Floridan Aquifer	+ = More than 50% new quantities
I = Intermediate Aquifer	N- = 50% or less new quantities
S = Surface Withdrawal	D+ = More than 50% decrease
U = Surficial Aquifer	D- = 50% or less decrease
	~ = no change
R = 100% relocated quantities	
R+ = More than 50% relocated quantities	
R- = 50% or less relocated quantities	

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CONSENT ITEMS

DISCUSSION PAPER  
8. ENVIRONMENTAL RESOURCE APPLICATION NO. 43031543.001  
Upper Coastal Mitigation Bank

**SUMMARY**

- Project Type:

This permit authorization is for the establishment of a 148.76-acre mitigation bank known as the Upper Coastal Mitigation Bank.

- Location:

The project is located at the headwaters of the Homosassa River, approximately 600 feet south of the Homosassa Wildlife Park, and approximately 1,700 feet north of the Withlacoochee State Forest in the town of Homosassa, in Citrus County.

- Surface Water Management System:

Engineering

There will be no construction activities associated with this Mitigation Bank. There are no expected adverse on- or off-site water quality or quantity impacts expected.

Environmental

The project area includes 60.78 acres of uplands and 87.98 acres of wetlands. No wetland impacts are proposed.

The project will result in 87.98 acres of wetland preservation and 60.78 acres of upland preservation, resulting in a Functional Gain of 44.08 units.

The project will also result in 12.06 acres of wetland enhancement and 24.26 acres of upland enhancement, resulting in an additional Functional Gain of 3.55 units.

Upon achieving each mitigation criterion, the bank will receive mitigation credits, not to exceed a total of 47.63 credits when all criteria have been met. All on-site wetlands and all on-site uplands will be preserved through a conservation easement.

- Meets Rule Requirements. Staff recommends approval.

EXHIBIT 4

**RULES OF THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**CHAPTER 40D-1  
PROCEDURAL**

**40D-1.659 Forms and Instructions**

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change

SURFACE WATER

Application for Permit - Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE  
PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED  
LANDS/FEDERAL DREDGE AND FILL PERMIT  
FORM 547.27/ERP (\_\_\_\_ 2/05)

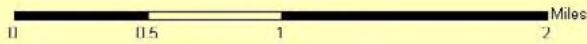
(1) through (14) No change

Specific Authority: 373.044, 373.113, 373.149, 373.171 FS. Law Implemented: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History - New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 2-1-05, 6-5-05, 10-19-05, \_\_\_\_\_.

# Location Map Upper Coastal Mitigation Bank ERP No. 43031543.001



Citrus Co.



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION  
PERMIT NO. 43031543.001

**Expiration Date: March 27, 2012** PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Upper Coastal Mitigation Bank

**GRANTED TO:** Citrus Investments, LLC  
5300 Golf Road  
Skokie, IL 60077

**ABSTRACT:** This permit authorization is for the establishment of a 148.76-acre mitigation bank as named above and as shown on the approved survey. The project is located at the headwaters of the Homosassa River, approximately 600 feet south of the Homosassa Wildlife Park, and approximately 1,700 feet north of the Withlacoochee State Forest in the town of Homosassa, in Citrus County. Information regarding the surface water management system and wetlands is contained within the tables below.

**OP. & MAINT. ENTITY:** Citrus Investments LLC

**COUNTY:** Citrus

**SEC/TWP/RGE:** 28,33/19S/17E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 148.76

**PROJECT SIZE:** 148.76 Acres

**LAND USE:** Semi-public

**DATE APPLICATION FILED:** October 12, 2006

**AMENDED DATE:** N/A



Permit No.: 43031543.001  
 Project Name: Upper Coastal Mitigation Bank

I. Water Quantity/Quality

Comments: There will be no construction activities associated with this mitigation bank. There are no expected adverse on-site or off-site impacts to water quality or water quantity.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.00	0.00	NE [ X ]	Depth [N / A]

\*Codes [ X ] for the type or method of compensation provided are as follows:

**NE = No Encroachment**

**MI = Minimal Impact** based on modeling of existing stages vs. post-project encroachment.

**N/A = Not Applicable**

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

III. Environmental Considerations

**Wetland/Surface Water Information**

**Count of Wetlands: 6**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
AA1	74.21	74.21	0.00	0.00	0.00	0.00
AA2	2.68	2.68	0.00	0.00	0.00	0.00
AA3	1.71	1.71	0.00	0.00	0.00	0.00
AA4	36.52	36.52	0.00	0.00	0.00	0.00
AA5	24.26	24.26	0.00	0.00	0.00	0.00
AA6	9.38	9.38	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>148.76</b>	<b>148.76</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

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

Wetland Comments: The project area includes 60.78 acres of uplands and 87.98 acres of wetlands. No wetland impacts are proposed.

**Mitigation Information**

**Count of Mitigation: 6**

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
AA1	0.00	0.00	0.00	0.00	74.21	8.66	0.00	0.00
AA2	0.00	0.00	0.00	0.00	0.00	0.00	2.68	0.56
AA3	0.00	0.00	0.00	0.00	1.71	0.36	0.00	0.00
AA4	0.00	0.00	0.00	0.00	36.52	21.36	0.00	0.00
AA5	0.00	0.00	0.00	0.00	0.00	0.00	24.26	14.44
AA6	0.00	0.00	0.00	0.00	0.00	0.00	9.38	2.25
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>112.44</b>	<b>30.38</b>	<b>36.32</b>	<b>17.25</b>

Permit No.: 43031543.001  
Project Name: Upper Coastal Mitigation Bank

Mitigation Comments: The project will result in 87.98 acres of wetland preservation and 60.78 acres of upland preservation, resulting in a Functional Gain of 44.08 units. The project will also result in 12.06 acres of wetland enhancement and 24.26 acres of upland enhancement, resulting in an additional Functional Gain of 3.55 units. Upon achieving each mitigation criterion, the bank will receive mitigation credits, not to exceed a total of 47.63 credits when all criteria have been met. All on-site wetlands and all on-site uplands will be preserved through a conservation easement.

A regulatory conservation easement is required.

A proprietary conservation easement is not required.

## CONSENT ITEMS

### DISCUSSION PAPER

9. ENVIRONMENTAL RESOURCE APPLICATION NO. 49002635.007  
Wauchula Municipal Airport - West Side Master Development Conceptual Permit for Phased Development

#### **SUMMARY**

- Project Type:

This application is for conceptual approval of future development at Wauchula Municipal Airport.

- Location:

The airport is approximately 220 acres located in Sections 14 and 23, Township 34 South, Range 24 East, south of Vandolah Road and west of State Road 64A, in Hardee County.

- Surface Water Management System:

#### Engineering

The future surface water management system will consist of two interconnected wet detention ponds with associated collection and conveyance. The surface water management system was designed and modeled to provide water quality treatment and water quantity attenuation for the 25-year/24-hour storm event.

#### Environmental

An approximately 4.61-acre upland cut drainage ditch is located outside of the project area, but is immediately adjacent to the western perimeter of the project area. The ditch curves around the northern side of the project area and discharges to Troublesome Creek. Two small permanent impacts to this ditch will be conceptually authorized. One is a 0.14-acre impact for the access road and one 0.05-acre impact for a stormwater pond outfall. The permittee anticipates 0.81-acre of temporary impacts to the ditch during future construction. Pursuant to the Basis of Review, Subsection 3.2.2.2, no mitigation is required for the impacts to this upland cut ditch because the ditch does not provide significant habitat for threatened or endangered species.

- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Wauchula Municipal Airport-  
West Side Master Development Conceptual  
Permit for Phased Development  
ERP No. 49002635.007**



**Hardee Co.**



Sec 14 and 23  
Twn 34S  
Rnge 24E

03/01/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
CONCEPTUAL  
PERMIT NO. 49002635.007

**Expiration Date: March 27, 2009**

PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to use the information outlined herein and shown by the application, approved drawings, plans, specifications and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District), to proceed with further applications for construction permitting.

**PROJECT NAME:** Wauchula Municipal Airport - West Side Master Development  
Conceptual Permit for Phased Development

**GRANTED TO:** City of Wauchula  
128 South 7th Avenue  
Wauchula, FL 33873

**ABSTRACT:** This application is for conceptual approval of future development at Wauchula Municipal Airport. The airport is approximately 220 acres and is located in Sections 14 and 23, Township 34 South and Range 24 East, in Hardee County. The West Side Area is west and north of the previously permitted Parallel Taxiway and T-Hangar Project (Permit No. 40002635.003). Development already permitted in the area consists of T-Hangars and Taxilanes (ERP No. 44002635.006). This permit is for the future phased construction of the remaining parcel areas. The project area is approximately 30.83 acres. The future development on the east side of the access road is anticipated to be airport related similar to the previously permitted Taxilanes and T-Hangars with an impervious coverage of 60%. The access road and airport related development on its west side is proposed with an impervious coverage of 50%. The total impervious area anticipated is 17.38 acres. The future surface water management system will consist of two interconnected wet detention ponds with associated collection and conveyance. The surface water management system was designed and modeled to demonstrate that the water quality treatment and water quantity attenuation for the 25-year/24-hour storm event have been met.

Two small permanent impacts to an existing upland cut ditch will be conceptually authorized. One is a 0.14-acre impact for an access road and one 0.05-acre impact for a stormwater pond outfall. Pursuant to the Basis of Review, Subsection 3.2.2.2, no mitigation is required for the impacts to this upland cut ditch, because the ditch does not provide significant habitat for threatened or endangered species. Temporary impacts to the ditch will be restored to similar conditions that existed prior to disturbance.

**OP. & MAINT. ENTITY:** City of Wauchula

**COUNTY:** Hardee

**SEC/TWP/RGE:** 14, 23/34S/24E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 220.00

**PROJECT SIZE:** 30.83 Acres

**LAND USE:** Government

Permit No.: 49002635.007  
 Project Name: Wauchula Municipal Airport – West Side Master Conceptual Permit for Phased Development

**DATE APPLICATION FILED:** November 13, 2006

**AMENDED DATE:** N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
West	2.54	Wet Detention
East	2.29	Wet Detention
<b>TOTAL</b>	<b>4.83</b>	

The future surface water management system will consist of two interconnected wet detention ponds with associated collection and conveyance. The surface water management system was designed and modeled to provide water quality treatment and water quantity attenuation for the 25-year/24-hour storm event.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result (feet)
0.00	0.00	N/A	N/A

III. Environmental Considerations

Wetland/Surface Water Information			Count of Wetlands: 1			
Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Perimeter Ditch	1.00	0.00	0.19	0.00	0.81	0.00
<b>TOTAL</b>	<b>1.00</b>	<b>0.00</b>	<b>0.19</b>	<b>0.00</b>	<b>0.81</b>	<b>0.00</b>

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

**Wetland Comments:** An approximately 4.61-acre upland cut drainage ditch is located outside of the project area, but is immediately adjacent to the western perimeter of the project area. The ditch curves around the northern side of the project area and discharges to Troublesome Creek. Two small permanent impacts to this ditch will be conceptually authorized. One is a 0.14-acre impact for the access road and one 0.05-acre impact for a stormwater pond outfall. The permittee anticipates 0.81-acre of temporary impacts to the ditch during future construction.

**Mitigation Comments:** Pursuant to the Basis of Review, Subsection 3.2.2.2, no mitigation is required for permanent impacts to upland cut ditches. Temporary impacts are proposed to be restored to similar conditions that existed prior to disturbance.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

DISCUSSION PAPER

10. MANAGEMENT AND STORAGE OF SURFACE WATER APPLICATION NO. 49001908.050  
Sun-N-Lake Estates of Sebring, Unit 12

**SUMMARY**

- Project Type:

A 315.00-acre single-family residential project located in Unit 12 of the Sun-N-Lake Development.

- Location:

The project site is located on the north side of Shumacher Road, approximately 0.75 mile west of U.S. Highway 27 in Highlands County.

- Surface Water Management System:

Engineering

The surface water management system consists of 15 wet detention ponds for attenuation and treatment of surface water runoff. No adverse water quality/quantity impacts are expected from this development.

100-year Floodplain

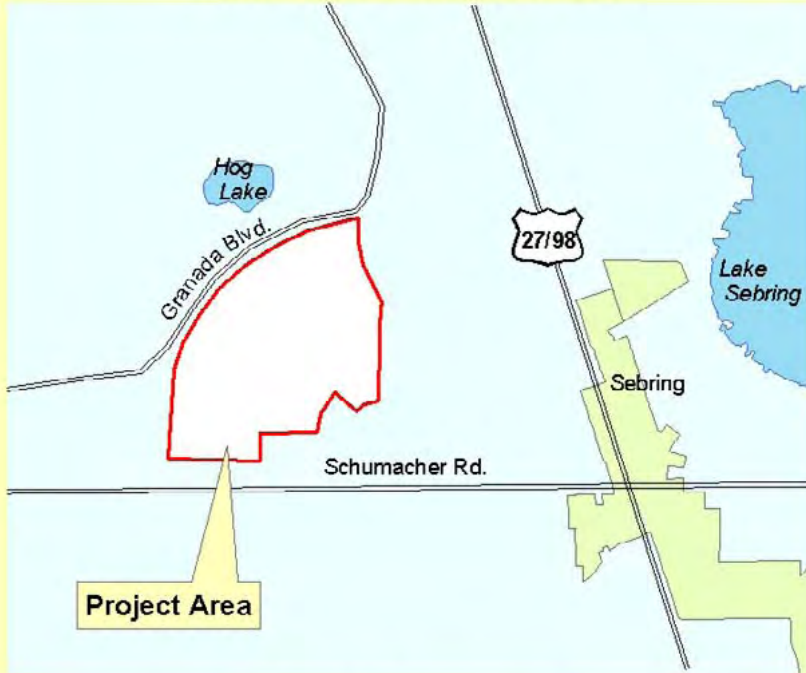
There will be no encroachment into the floodplain.

Environmental

The project area does not include any wetlands or other surface waters.

- Meets Rule Requirements. Staff recommends approval.

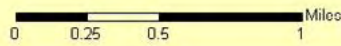
**Location Map**  
**Sun -N- Lake Estates of Sebring, Unit 12**  
**ERP No. 49001908.050**



**Highlands Co.**



Sec 15,16  
Twn 34S Rng 28E



03/01/07



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
 MANAGEMENT AND STORAGE OF SURFACE WATER  
 INDIVIDUAL CONSTRUCTION MODIFICATION  
 PERMIT NO. 49001908.050

<b>Expiration Date: March 27, 2012</b>	PERMIT ISSUE DATE: March 27, 2007
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This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Sun-N-Lake Estates of Sebring, Unit 12

**GRANTED TO:** Sun-N-Lake Estates of Sebring Improvement District  
 5306 Sun'n Lake Boulevard  
 Sebring, FL 33872

**ABSTRACT:** This permit authorization is for the construction of a new surface water management system serving a 315.00-acre, 1,268 lot single-family residential subdivision, as named above and as shown on the approved construction plans. The project site is located on the north side of Shumacher Road, approximately 0.75 mile west of U.S. Highway 27 in Highlands County. Information regarding the surface water management system, 100-year flood plain, and wetlands is contained within the tables and comments below.

**OP. & MAINT. ENTITY:** Sun-N-Lake of Sebring Improvement District

**COUNTY:** Highlands

**SEC/TWP/RGE:** 15,16/34S/28E

**TOTAL ACRES OWNED OR UNDER CONTROL:** 7,150.00

**PROJECT SIZE:** 315.00 Acres

**LAND USE:** Residential

**DATE APPLICATION FILED:** June 15, 2006

**AMENDED DATE:** N/A

Permit No.: 49001908.050  
 Project Name: Sun-N-Lake Estates of Sebring, Unit 12

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
West 1	1.76	Wet Detention
West 2	3.77	Wet Detention
West 3	2.92	Wet Detention
West 4	2.60	Wet Detention
West 5	2.56	Wet Detention
West 6	2.54	Wet Detention
West 7	3.28	Wet Detention
West 8	1.98	Wet Detention
West 9	2.11	Wet Detention
East 1	5.87	Wet Detention
East 2	4.14	Wet Detention
East 3	1.55	Wet Detention
East 4	6.13	Wet Detention
East 5	6.60	Wet Detention
East 6	5.17	Wet Detention
TOTAL	52.98	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.00	0.00	NE [X]	Depth [N/A]

\*Codes [ X ] for the type or method of compensation provided are as follows:

**NE = No Encroachment**

**N/A = Not Applicable**

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

III. Environmental Considerations

The project area does not include any wetlands or other surface waters.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

## CONSENT ITEMS

### DISCUSSION PAPER

11. ENVIRONMENTAL RESOURCE APPLICATION NO. 43004784.004  
Hillsborough County - Northwest Regional Water Reclamation Facility Expansion (CIP 10769)

#### **SUMMARY**

- Project Type:

Individual Construction Permit Modification for a 21.70-acre water reclamation facility expansion including a reject water storage pond, wastewater tanks, storage tanks, electrical and operation facility buildings, filters, vehicular use areas and a stormwater management system.

- Location:

The project is located in Sections 4 and 9, Township 28 South, and Range 17 East. The site is located approximately 3,500 feet southeast of the intersection of Race Track Road and South Mobley Road, on Dale Stitik Drive, in Hillsborough County.

- Surface Water Management System:

#### Engineering

Stormwater attenuation and water quality treatment are provided in three (3) on-line detention ponds with effluent filtration. No encroachments are proposed within the 100-year floodplain.

#### Environmental

A total of 2.05 acres of impact to existing wetlands within the project area will be off-set by a withdrawal of 4.79 acres of surplus mitigation acreage/credit from an existing 4.79-acre wetland mitigation area originally created under MSSW Permit No. 4006618.000. A UMAM/functional gain vs. loss analysis was not required for the current permit since the subject mitigation area was created prior to initiation of UMAM criteria. A specific condition of the current permit will require that the Permittee submit a request to modify the original permit to properly track existing and remaining surplus mitigation acreage.

- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Hillsborough County-Northwest Regional  
Water Reclamation Facility Expansion  
(CIP 10769)  
ERP No. 43004784.004**



**Hillsborough Co.**

**Legend**



ERP



Sec 4 and 9  
Twn 28S Rnge 17E

02/15/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION MODIFICATION  
PERMIT NO. 43004784.004

<b>Expiration Date: March 27, 2012</b>
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PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Hillsborough County - Northwest Regional Water Reclamation Facility Expansion (CIP 10769)

**GRANTED TO:** Hillsborough County Water Resource Services  
925 East Twiggs Street  
Tampa, FL 33602

**ABSTRACT:** This permit authorizes the modification of Management and Storage of Surface Waters (MSSW) Permit No. 40004784.000 for the construction of a 21.70-acre water reclamation facility expansion, including a reject water storage pond, wastewater tanks, storage tanks, electrical and operation facility buildings, filters, vehicular use areas and a stormwater management system. The stormwater management system includes three on-line detention ponds with effluent filtration to provide both attenuation of the post-development stormwater runoff such that the discharge rate from the 25-year/24-hour design storm event does not exceed the pre-development discharge rate and to provide water quality treatment via effluent filtration. Two of the on-line detention ponds are existing and require renovation by replacement of the effluent filtration systems and regrading of the pond banks. No encroachments are proposed within the 100-year riverine floodplain. The project is located in Sections 4 and 9, Township 28 South, and Range 17 East. The site is located approximately 3,500 feet southeast of the intersection of Race Track Road and South Mobley Road, on Dale Stitik Drive, in Hillsborough County.

A total of 2.05 acres of impact to existing wetlands within the project area will be off set by a withdrawal of 4.79 acres of surplus mitigation acreage/credit from an existing 4.79-acre wetland mitigation area originally created under MSSW Permit No. 4006618.000. A UMAM/functional gain vs. loss analysis was not required for the current permit since the subject mitigation area was created prior to initiation of UMAM criteria. A specific condition of the current permit will require that the Permittee submit a request to modify the original permit to properly track existing and remaining surplus mitigation acreage.

**OP. & MAINT. ENTITY:** Hillsborough County Water Resource Services

**COUNTY:** Hillsborough

**SEC/TWP/RGE:** 04, 09/28S/17E

Permit No.: 43004784.004  
 Project Name: Hillsborough County – Northwest Regional Water Reclamation Facility Expansion  
 (CIP 10769)

**TOTAL ACRES OWNED  
 OR UNDER CONTROL:** 159.20

**PROJECT SIZE:** 21.70 Acres

**LAND USE:** Government

**DATE APPLICATION FILED:** August 15, 2006

**AMENDED DATE:** N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Southwest	0.29	Effluent Filtration
South	0.83	Effluent Filtration
North	0.80	Effluent Filtration
<b>TOTAL</b>	<b>1.92</b>	

Comments: Stormwater runoff will be directed to Ponds 'South' and 'North,' constructed under MSSW No. 40004784.000, and Pond 'Southwest,' constructed under this permit, for water quality treatment and attenuation. Ponds 'South' and 'North' require replacement of the effluent filtration systems and regrading of the pond banks.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result (feet)
0.00	0.00	N/A	N/A

III. Environmental Considerations

Wetland Information			Count of Wetlands: 10	
Wetland Name	Total Acres	Not Impacted Acres	Temporary Impacts	Permanent Impacts
			Acres	Acres
A	0.32	0.32	0.00	0.00
B	0.13	0.13	0.00	0.00
C	0.11	0.11	0.00	0.00
D	1.05	1.05	0.00	0.00
E	0.26	0.16	0.00	0.10
F	1.71	1.53	0.00	0.18
G	2.75	2.75	0.00	0.00
H	1.38	0.00	0.00	1.38
J	0.77	0.76	0.00	0.01
K	2.07	1.69	0.00	0.38
<b>TOTAL</b>	<b>10.55</b>	<b>8.50</b>	<b>0.00</b>	<b>2.05</b>

Permit No.: 43004784.004

Project Name: Hillsborough County – Northwest Regional Water Reclamation Facility Expansion  
(CIP 10769)

Comments: Wetland "A" is part of a mixed hardwood forest in the northeast portion of the site that extends off-site to the north. Wetland/Surface Water "B" is a linear ditch, running north/south in the northwest portion of the site that extends off-site to the north. Wetland "C" is also a linear ditch running east-west in the southwest portion of the site. Wetland "G" is a portion of a mixed hardwood forest and ditch connection, in the southeast portion of the site that extends off-site to the east. None of the aforementioned wetland/surface waters will be impacted by the project. Wetlands "E" and "F" are both disturbed borrow areas in the northwest portion of the site, containing shrub and freshwater wetland plants. Both of these areas will be partially impacted by the project. Wetland "H" is a shallow marsh with numerous red maple seedlings. It will be permanently impacted by the project. Wetland "J" is part of a mixed hardwood area in the southwest portion of the site. It will be minimally impacted by the project. Wetland "K" is a shallow marsh/wet prairie in the east central part of the site. A portion of the wetland will be impacted by the project.

Mitigation will be provided by a withdrawal of 4.79 acres of surplus wetland mitigation acreage/credit from an existing 4.79-acre county wetland mitigation area created under MSSW Permit No. 40006618.000.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

## CONSENT ITEMS

### DISCUSSION PAPER

12. ENVIRONMENTAL RESOURCE APPLICATION NO. 43020690.006  
FDOT - State Road 400 (I-4), Section 3, West of 14th Street to East of 50th Street

#### **SUMMARY**

- Project Type:

Individual Construction Permit to extend existing ERP No. 43020690.001 to allow the continued construction of roadway improvements to a 2.82-mile section of Interstate Highway I-4 (State Road 400). The roadway will be widened from a four-lane, urban section to a six-lane urban section.

- Location:

The road project is located just east of the I-275 interchange and begins at approximately 14th Street and extends to east of 50th Street. The project is in Sections 09, 10, 15, 16, 17, and 18, Township 29 South, Range 19 East, in Hillsborough County.

- Surface Water Management System:

#### Engineering

Water quality treatment and water quantity attenuation for surface water runoff from the project will be provided in the proposed stormwater ponds.

#### Environmental

This project will impact 2.33 acres of upland cut surface water bodies. The wetland/ditch areas to be impacted will not require mitigation since the fish and wildlife habitat and water quality functions provided are negligible.

- Meets Rule Requirements. Staff recommends approval.



**Location Map**  
**FDOT-SR 400 (I-4), Section 3,**  
**West of 14th Street to East of 50th Street**  
**ERP No. 43020690.006**



**Hillsborough Co.**



Sec 09-10 and 15-18  
Twn 29S  
Rnge 19E

02/14/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION MODIFICATION  
PERMIT NO. 43020690.006

<b>Expiration Date: March 27, 2012</b>
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PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** FDOT - State Road 400 (I-4), Section 3, West of 14th Street to East of 50th Street

**GRANTED TO:** Florida Department of Transportation, District VII  
11201 North Malcolm McKinley Drive  
Tampa, FL 33612-6403

**ABSTRACT:** This permit will modify existing Environmental Resource Permit No. 43020690.001 and will extend the permit to allow the continued construction of roadway improvements to a section of Interstate Highway I-4 (State Road 400), approximately 2.82 miles in length. The project consists of widening the existing roadway from a four-lane, urban section to a six-lane, urban section with a 140-foot width grass median. Also included in the construction are improvements and/or realignments to sections of existing Columbus Drive, 50th Street, Melbourne Boulevard, 18th Avenue, 14th Avenue and 21st Avenue.

Surface water runoff from the proposed roadways will be collected by curb and gutter, and conveyed through storm sewer systems to the proposed stormwater ponds for water quality treatment and/or water quantity attenuation. The proposed project will maintain existing regional drainage patterns and the proposed surface water management system will discharge to existing stormwater conveyance systems that drain to Hillsborough Bay. The proposed surface water management system is designed to provide treatment and attenuation for the future ultimate expansion of the I-4 roadway to a twelve-lane, urban section.

The construction of the project will impact 2.33 acres of on-site upland cut surface water bodies. The wetland/ditch areas to be impacted will not require mitigation since the fish and wildlife habitat and water quality functions provided are negligible.

**OP. & MAINT. ENTITY:** Florida Department of Transportation, District VII

**COUNTY:** Hillsborough

**SEC/TWP/RGE:** 9, 10, 15, 16, 17, 18/29S/19E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 222.87

Permit No.: 43020690.006

Project Name: FDOT - State Road 400 (I-4), Section 3, West of 14<sup>th</sup> Street to East of 50<sup>th</sup> Street

**PROJECT SIZE:** 167.00 Acres

**LAND USE:** Road Project

**DATE APPLICATION FILED:** December 18, 2006

**AMENDED DATE:** N/A

I. Water Quantity/Quality

<b>POND NO.</b>	<b>AREA ACRES @ TOP OF BANK</b>	<b>TREATMENT TYPE</b>
100-1	1.65	Wet Detention
100-2	0.92	Wet Detention
100-3	1.01	Wet Detention
200-1	1.06	Effluent Filtration
200-2	1.68	Wet Detention
200-3	1.93	Wet Detention
200-4	1.33	Wet Detention
200-5	0.91	Wet Detention
300-1	3.43	Wet Detention
400-1	3.75	Wet Detention
800-1	0.44	N/A
800-2	0.42	N/A
800-3	1.14	N/A
5A	0.99	N/A
5B	0.51	N/A
6A	0.89	N/A
6B	0.73	N/A
7A	0.37	N/A
7B	0.34	N/A
300-2	0.42	N/A
<b>TOTAL</b>	<b>23.92</b>	

Comments: The proposed project will add 6.27 acres of additional impervious area to the local roadways (i.e., Columbus Avenue, 50th Street, Melbourne Boulevard, etc.) and an additional 104.60 acres of impervious area for the ultimate expansion of I-4. Ponds 100 (1, 2, and 3), 200 (1, 2, 3, 4, and 5), 300-1, and 400-1 treat the runoff from I-4 and provide equivalent treatment for the local roadways. The total impervious area treated by these ponds is 130.34 acres.

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

<b>Encroachment (Acre-Feet of fill)</b>	<b>Compensation (Acre-Feet of excavation)</b>	<b>Compensation Type</b>	<b>Encroachment Result (feet)</b>
0.00	0.00	N/A	N/A

Permit No.: 43020690.006

Project Name: FDOT - State Road 400 (I-4), Section 3, West of 14<sup>th</sup> Street to East of 50<sup>th</sup> Street

III. Environmental Considerations

**Wetland/Surface Water Information**

**Count of Wetlands: 5**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
3	1.00	0.00	1.00	0.00	0.00	0.00
4	0.60	0.30	0.30	0.00	0.00	0.00
5	0.30	0.00	0.30	0.00	0.00	0.00
5a	0.03	0.00	0.03	0.00	0.00	0.00
2	0.70	0.00	0.70	0.00	0.00	0.00
TOTAL	2.63	0.30	2.33	0.00	0.00	0.00

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

Wetland Comments: The wetlands within the project area are all upland-cut ditch/swale surface waters. There are also two stormwater ponds that will be impacted by the project.

Mitigation Comments: The wetland/ditch areas to be impacted will not require mitigation since the fish and wildlife habitat and water quality functions provided are negligible.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

13. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 43031231.000  
Myakka River Estates

**SUMMARY**

- Project Type:

This permit authorizes the construction of a surface water management system to serve a 224.23-acre single-family residential development known as Myakka River Estates.

- Location:

The project is located on the south side of Taylor Road and on the west side of the Myakka River, in Manatee County.

- Surface Water Management System:

Engineering

Quantity/Quality

Three wet detention ponds will provide water quality treatment and peak attenuation storage for the roadways. 75-foot vegetated buffers will also provide additional water quality for project runoff. Discharge from the project area flows into the Myakka River.

100-Year Floodplain

Encroachment: 0.28 acre-feet  
Compensation: 0.39 acre-feet

Environmental

There are 46.71 acres of wetlands located within the project area.

No impacts are proposed to these wetlands.

There are 5.81 acres of upland-cut ditches located within the project area, whereby 0.46 acre will be permanently impacted by the placement of fill.

No mitigation will be required for the 0.46 acre of permanent upland-cut ditch impacts pursuant to Section 3.2.2 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional wetland habitat.

- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Myakka River Estates  
ERP No. 43031231.000**



**Manatee Co.**



Sec 19  
Twn 35S Rng 22E

0 0.5 1 2 Miles

12/6/06

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
 ENVIRONMENTAL RESOURCE  
 INDIVIDUAL CONSTRUCTION  
 PERMIT NO. 43031231.000

<b>Expiration Date: March 27, 2012</b>	PERMIT ISSUE DATE: March 27, 2007
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This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Myakka River Estates

**GRANTED TO:** The Beacon Company, LLC  
 7282 55th Avenue East, Suite 191  
 Bradenton, FL 34203

**ABSTRACT:** This permit is for the construction approval of a surface water management system to serve a 224.23-acre single-family residential development known as Myakka River Estates. The project is located on the south side of Taylor Road and on the west side of the Myakka River, in Manatee County. Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

**OP. & MAINT. ENTITY:** Myakka River Estates Homeowners' Association

**COUNTY:** Manatee

**SEC/TWP/RGE:** 19/35S/19E

**TOTAL ACRES OWNED OR UNDER CONTROL:** 224.23

**PROJECT SIZE:** 224.23 Acres

**LAND USE:** Single-family Residential

**DATE APPLICATION FILED:** June 15, 2006

**AMENDED DATE:** September 15, 2006

Permit No.: 43031231.000  
 Project Name: Myakka River Estates

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	0.57	Wet Detention
2	0.82	Wet Detention
3	0.83	Wet Detention
TOTAL	2.22	

Comments: This permit authorizes the construction of a single-family residential development consisting of 36 lots (each lot having a minimum area of 5.00 acres), roadway, and three surface water management areas.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.28	0.39	EE	N/A

\*Codes [ X ] for the type or method of compensation provided are as follows:

**NE = No Encroachment**

**EE = Equivalent Excavation** to offset project filling per Section 4.4 of the District's Basis of Review;

**SM = Storage Modeling** hydrographs of pond and receiving stages indicate timing separation;

**MI = Minimal Impact** based on modeling of existing stages vs. post-project encroachment.

**N/A = Not Applicable**

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

Comments: Historic basin storage impacts associated with impacts to wetlands and other surface waters are addressed in the hydrologic/hydraulic drainage modeling.

III. Environmental Considerations

**Wetland/Surface Water Information**

**Count of Wetlands: 9**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland 1	1.90	1.90	0.00	0.00	0.00	0.00
Wetland 2	44.81	44.81	0.00	0.00	0.00	0.00
SW1	0.22	0.15	0.07	0.00	0.00	0.00



Permit No.: 43031231.000  
 Project Name: Myakka River Estates

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
SW2	0.19	0.19	0.00	0.00	0.00	0.00
SW 3	0.46	0.37	0.09	0.00	0.00	0.00
SW 4	1.29	1.29	0.00	0.00	0.00	0.00
SW 5	0.19	0.07	0.12	0.00	0.00	0.00
SW 6	0.93	0.75	0.18	0.00	0.00	0.00
SW 7	2.53	2.53	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>52.52</b>	<b>52.06</b>	<b>0.46</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

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

Wetland Comments: There are 46.71 acres of wetlands located within the project area. The larger wetland, Wetland No. 2, extends off site to the east and comprises a portion of Flatford Swamp. No wetland impacts are proposed. There are 5.81 acres of upland-cut ditches located within the project area, 0.46 acre of which will be impacted by the placement of fill.

Mitigation Comments: Wetland mitigation will not be required for the impacts to the hydric-cut ditch pursuant to subsection 3.2.2 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional wetland habitat.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

14. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 43032019.000  
Oak Creek Preserve - Phase I

**SUMMARY**

- Project Type:

This permit authorizes the construction of a surface water management system to serve a 101.10 acre rural residential subdivision.

- Location:

The project is located on Clay Gully Road approximately five miles south of State Road 70 and 15 miles east of Interstate 75 in Manatee County.

- Surface Water Management System:

Engineering

Water Quantity/Quality:

Four linear on-line retention systems and 75-foot vegetated buffers will provide water quality treatment and peak attenuation storage for the project.

100-Year Floodplain:

Encroachment: 0.00 acre-feet

Compensation: 0.00 acre-feet

Comment: A portion of the project is located within a 100-year floodplain; however, no 100-year floodplain impacts are proposed for the authorized construction. Historic basin storage impacts associated with impacts to wetlands and other surface waters are addressed in the hydrologic/hydraulic drainage modeling.

Environmental

There are 17.94 acres of wetlands located within the project area.

Approximately 0.04 acre of impacts are proposed to one wetland for the placement of a road crossing.

There is 0.04 acre of upland cut ditches located within the project area that will not be impacted.

No mitigation will be required for the 0.04-acre wetland impact crossing pursuant to Section 3.2.2 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional wetland habitat.

- Meets Rule Requirements. Staff recommends approval.

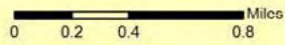
**Location Map  
Oak Creek Preserve - Phase I  
ERP No. 43032019.000**



**Manatee Co.**



Sec 4  
Twn 37S Rng 21E



01/08/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION  
PERMIT NO. 43032019.000

**Expiration Date: March 27, 2012** PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Oak Creek Preserve - Phase I

**GRANTED TO:** Myakka Valley Preserve, LLC  
8022 Polo Club Lane  
Sarasota, FL 34240

**ABSTRACT:** This permit authorizes the construction of a surface water management system to serve a 101.10 acre rural residential subdivision known as Oak Creek Preserve - Phase I. The project is located on Clay Gully Road approximately five miles south of SR 70 and 15 miles east of I-75 in Manatee County. Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

**OP. & MAINT. ENTITY:** Oak Creek Preserve Community Association, Inc.

**COUNTY:** Manatee

**SEC/TWP/RGE:** 4/37S/21E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 251.10

**PROJECT SIZE:** 101.10 Acres

**LAND USE:** Single-family Residential

**DATE APPLICATION FILED:** November 1, 2006

**AMENDED DATE:** N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Basin 1	0.16	On-line Retention
Basin 2	0.17	On-line Retention
Basin 3	0.09	On-line Retention
Basin 4	0.04	On-line Retention
<b>TOTAL</b>	<b>0.46</b>	

Comments: The project includes a 13-lot rural residential subdivision. The lots will be developed on an individual basis by future lot owners. Proposed and projected construction shall maintain a 75-foot vegetated buffer upland of all wetlands. The surface water management system has been designed to provide water quality treatment and peak attenuation storage for the development.

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

II. 100-Year Floodplain

Comments: Portions of Lot Nos. 1 through 7, and Lot Nos. 12 and 13 are located within the 100-year floodplain; however no 100-year floodplain impacts are proposed nor authorized with this permit. A Specific Condition of the permit requires the inclusion of the 100-year floodplain areas for these lots on the final plat of the subdivision. Another Specific Condition requires the Permittee to also provide notice to future buyers of the affected lots, regarding the need to obtain additional District permits to address the need to provide compensatory storage to offset any fill deposition in the 100-year floodplain.

III. Environmental Considerations

Wetland/Surface Water Information			Count of Wetlands: 6			
Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland A	6.68	6.68	0.00	0.00	0.00	0.00
Wetland B	0.47	0.47	0.00	0.00	0.00	0.00
Wetland C	4.04	4.04	0.00	0.00	0.00	0.00
Wetland D	5.84	5.84	0.00	0.00	0.00	0.00
Wetland E	0.91	0.87	0.04	0.00	0.00	0.00
OSW Ditch	0.04	0.04	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>17.98</b>	<b>17.94</b>	<b>0.04</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

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

Wetland Comments: There are 17.47 acres of four mixed hardwood wetlands and 0.47 acre of one herbaceous wetland located within the project area, all of which extend off site. A total of 0.04 acre of Wetland E will be impacted for the placement of an improved roadway crossing at the location of an existing low water crossing. There is also one 0.04-acre upland cut ditch located within the project area to which no impacts are proposed.

Permit No.: 43032019.000  
Project Name: Oak Creek Preserve, Phase 1

Mitigation Comments: No mitigation will be required for the permanent impacts to Wetland E for the placement of a road crossing pursuant to Subsection 3.2.2 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional habitat.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

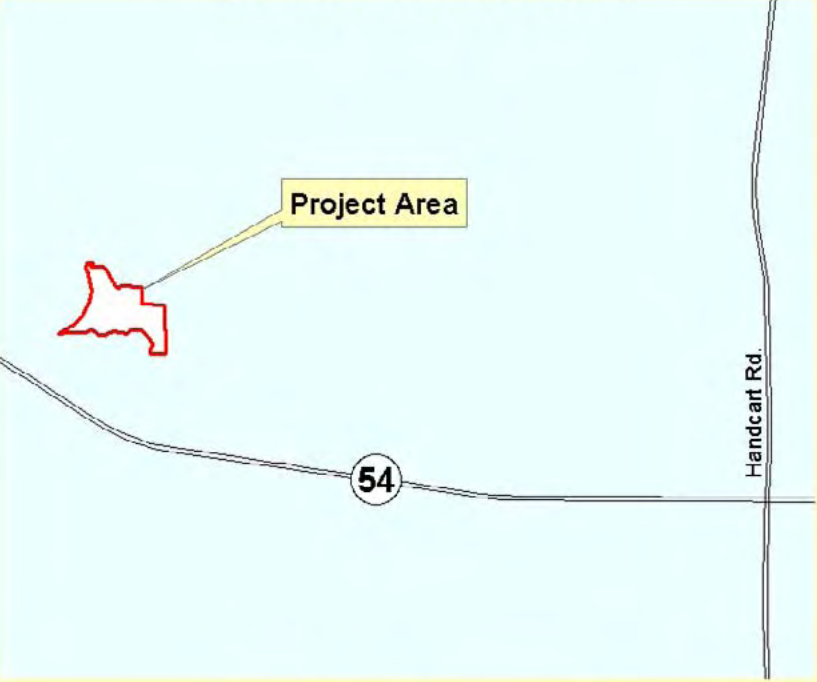
CONSENT ITEMS

15. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 49013559.018  
Pasco County - Elementary M (a.k.a. New River Elementary)

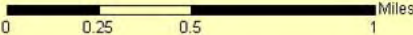
**SUMMARY**

- Project Type:  
Construction permit for a 19.45 acre school project.
- Location:  
North-side of State Road 54, approximately three miles east of County Road 581, in southern Pasco County.
- Surface Water Management System:  
Engineering  
Water Quality  
Three wet detention ponds to treat runoff.  
Water Quantity  
Attenuation provided in wet detention ponds.  
Floodplain  
7.09 acre-feet of floodplain encroachment.  
7.09 acre-feet of floodplain compensation will be provided in permit (ERP No. 49013559.019), entitled New River Lakes Phase 1 - Mitigation Areas 1 and 4.  
Environmental  
This project contains 1.47 acres of wetlands.  
Project construction will result in the filling of 1.47 acres of wetlands.  
Mitigation will be provided in permit (ERP No. 49013559.019), entitled New River Lakes Phase 1 - Mitigation Areas 1 and 4.  
No construction is authorized prior to the issuance of ERP No. 49013559.019.
- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Pasco County-Elementary M  
(a.k.a. New River Elementary)  
ERP No. 49013559.018**



**Pasco Co.**





SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION MODIFICATION  
PERMIT NO. 49013559.018

**Expiration Date: March 27, 2012** PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Pasco County - Elementary M (a.k.a. New River Elementary)  
**GRANTED TO:** District School Board of Pasco County  
11839 Treebreeze Drive  
New Port Richey, FL 34654

**ABSTRACT:** This permit authorizes construction of a new surface water management system serving a 19.45-acre elementary school project within the New River Lakes residential development. The project site is located on the north side of SR 54, approximately three miles east of CR 581, in southern Pasco County. The project area is covered by an existing Conceptual Permit (Environmental Resource Permit [ERP] No. 49013559.009), issued on May 25, 2004. Information regarding the surface water management system and wetlands is contained within the tables below.

**OP. & MAINT. ENTITY:** District School Board of Pasco County  
**COUNTY:** Pasco  
**SEC/TWP/RGE:** 14/26S/20E  
**TOTAL ACRES OWNED OR UNDER CONTROL:** 19.45  
**PROJECT SIZE:** 19.45 Acres  
**LAND USE:** Government  
**DATE APPLICATION FILED:** August 24, 2006  
**AMENDED DATE:** N/A

Permit No.: 49013559.018  
 Project Name: Pasco County – Elementary M (a.k.a. New River Elementary)

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
B16	1.90	Wet Detention
B17	1.40	Wet Detention
B18	1.58	Wet Detention
TOTAL	4.88	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
7.09	7.09	EE [ X ]	Depth [ N/A ]

\*Codes [ X ] for the type or method of compensation provided are as follows:  
**EE = Equivalent Excavation** to offset project filling per Section 4.4 of the District's Basis of Review;  
**MI = Minimal Impact** based on modeling of existing stages vs. post-project encroachment.  
**N/A = Not Applicable**

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

III. Environmental Considerations

Wetland/Surface Water Information				Count of Wetlands: 3		
Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
13	0.49	0.00	0.49	0.00	0.00	0.00
14	0.33	0.00	0.33	0.00	0.00	0.00
15	0.65	0.00	0.65	0.00	0.00	0.00
TOTAL	1.47	0.00	1.47	0.00	0.00	0.00

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

Wetland Comments: This project contains 1.47 acres of wetlands. Project construction will result in the filling of 1.47 acres of herbaceous wetlands. Additionally, one isolated wetland, totaling 0.33 acre in size, will be filled; however, since under the ERP Basis of Review (Section 3.2.2.1) no significant habitat is provided by this wetland, no habitat mitigation is required.

Permit No.: 49013559.018

Project Name: Pasco County – Elementary M (a.k.a. New River Elementary)

The 1.14 acres of significant wetland impacts will be mitigated elsewhere within the New River Lakes development. ERP No. 49013559.019, entitled New River Lakes Phase 1 - Mitigation Areas 1 and 4, will include wetland creation to offset Elementary M's impacts. Permit conditions require that no construction take place on the school site prior to the issuance of ERP No. 49013559.019. The wetland impacts and mitigation within this project are consistent with the previously approved conceptual permit, ERP No. 49013559.009 (and the subsequent modification by letter, ERP No. 49013559.017), approved prior to the use of the Unified Mitigation Assessment Methodology, therefore no functional losses and gains are listed for this project.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

## CONSENT ITEMS

16. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 49027030.018  
Porter Boulevard

### SUMMARY

- Project Type:

This permit is for the approval of a new surface water management system to serve a 95.14-acre roadway project.

- Location:

The project site is located east of County Road 581, south of State Road 54 and north of State Road 56 in Pasco County.

- Surface Water Management System:

#### Engineering

##### Water Quality

Five wet-detention ponds/wetland systems provide water quality treatment for one-inch of runoff from each contributing drainage basin.

##### Water Quantity

Attenuation provided in wet detention ponds.

Flood Insurance Rate Map Community Panel 120 230 0430E indicates portions of the project to lie within a floodplain. The project engineer has calculated that the project will result in 3.65 acre-feet of 100-year floodplain encroachment. This loss will be mitigated by raising the 100-year floodplain elevations within on-site wetlands, creating 16.85 ac-feet of storage.

#### Environmental

This project contains 4.81 acres of wetlands and surface waters.

Project construction will result in the permanent impact to 4.37 acres of wetlands.

To mitigate for the 4.37 acres of permanent wetland impact, the Permittee will perpetually preserve via conservation easement 34.90 acres of wetlands and 7.82 acres of uplands.

The amount of mitigation needed to offset the loss of wetland functions was determined using the Uniform Mitigation Assessment Method. The Functional Loss of the wetland impacts requiring habitat mitigation was determined to be 2.85 units. The mitigation Functional Gain was determined to be 3.24 units. The remaining excess 0.39 Functional Gain units are available for future projects.


Project construction will also result in the permanent impact to 0.44 acre of surface waters. However, no significant habitat is provided by the surface waters. Therefore no habitat mitigation will be required. The water quality enhancement functions impacted by the construction will be replaced by the proposed stormwater treatment system.

- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Porter Boulevard  
ERP No. 49027030.018**



**Pasco Co.**

 Project Areas



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
 ENVIRONMENTAL RESOURCE  
 INDIVIDUAL CONSTRUCTION MODIFICATION  
 PERMIT NO. 49027030.018

**Expiration Date: March 27, 2012** PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Porter Boulevard

**GRANTED TO:** DiVosta Homes  
 6003 Honore Avenue  
 Sarasota, FL 34238

Wiregrass Ranch, Inc.  
 28644 State Road 54 West  
 Zephyrhills, FL 33543-4216

Solly Branch Holdings, LLC  
 28644 State Road 54 West  
 Zephyrhills, FL 33543-4216

**ABSTRACT:** This permit is for the approval of a new surface water management system to serve a 95.14-acre roadway project. The project site is located east of CR 581, south of SR 54 and north of SR 56 in Pasco County. Information regarding the surface water management system and wetlands is contained within the tables below.

**OP. & MAINT. ENTITY:** DiVosta Homes, Wiregrass Ranch, Inc. and Solly Branch Holdings, LLC

**COUNTY:** Pasco

**SEC/TWP/RGE:** 18,19,30/26S/20E

**TOTAL ACRES OWNED OR UNDER CONTROL:** 3,160.22

**PROJECT SIZE:** 95.14 Acres

**LAND USE:** Road Project

**DATE APPLICATION FILED:** June 7, 2006

**AMENDED DATE:** N/A

Permit No.: 49027030.018  
 Project Name: Porter Boulevard

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
PB-11	1.03	Wet Detention
S3-410	3.60	Wet Detention
PB-9	1.58	Wet Detention
S1-320	3.35	Wet Detention
S1-470	3.16	Wet Detention
TOTAL	12.72	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
3.65	16.85	EE [ X ]	Depth [ N/A ]

\*Codes [ X ] for the type or method of compensation provided are as follows:

**EE** = Equivalent Excavation to offset project filling per Section 4.4 of the District's Basis of Review;

**MI** = Minimal Impact based on modeling of existing stages vs. post-project encroachment.

**N/A** = Not Applicable

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

III. Environmental Considerations

**Wetland/Surface Water Information**

**Count of Wetlands: 10**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
WL-G14	1.31	0.00	1.31	0.95	0.00	0.00
WL-L16	0.95	0.00	0.95	0.72	0.00	0.00
WL-J18-2	0.21	0.00	0.21	0.09	0.00	0.00
WL-I22	0.57	0.00	0.57	0.34	0.00	0.00
WL-J24	0.90	0.00	0.90	0.51	0.00	0.00
WL-J17	0.41	0.00	0.41	0.22	0.00	0.00
SW-K25	0.05	0.00	0.05	0.00	0.00	0.00
SW-K26	0.16	0.00	0.16	0.00	0.00	0.00
SW-J25	0.23	0.00	0.23	0.00	0.00	0.00
WL-K17	0.02	0.00	0.025	0.02	0.00	0.00
TOTAL	4.81	0.00	4.81	2.85	0.00	0.00

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

Permit No.: 49027030.018  
 Project Name: Porter Boulevard

Wetland Comments: This project contains 4.37 acres of wetlands and 0.44 acre of surface waters. Project construction will result in the permanent impact to 4.37 acres of wetlands requiring habitat mitigation, resulting in a Functional Loss of 2.85 units. Project construction will also result in the permanent impact to 0.44 acre of surface waters exempt from habitat mitigation.

**Mitigation Information**

**Count of Mitigation: 8**

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
G8-3A	0.00	0.00	0.00	0.00	20.44	0.46	0.00	0.00
G14-6	0.00	0.00	0.00	0.00	7.39	0.14	0.00	0.00
G14-7	0.00	0.00	0.00	0.00	7.07	0.10	0.00	0.00
D16	0.00	0.00	0.00	0.00	0.99	0.28	0.00	0.00
E17-1	0.00	0.00	0.00	0.00	0.93	0.26	0.00	0.00
E17-4	0.00	0.00	0.00	0.00	0.73	0.20	0.00	0.00
E17-3	0.00	0.00	0.00	0.00	1.55	0.39	0.00	0.00
A25-2	0.00	0.00	0.00	0.00	42.72	3.24	0.00	0.00
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>42.72</b>	<b>3.24</b>	<b>0.00</b>	<b>0.00</b>

Mitigation Comments: To mitigate for the 4.37 acres of wetland impacts, the Permittee will preserve in perpetuity 34.90 acres of wetlands and 7.82 acres of uplands, resulting in a net Functional Gain of 0.39 units. The 0.39 net Functional Gain units are available for future projects. Additionally, since under the ERP Basis of Review (Subsection 3.2.2.2) no significant wildlife habitat is provided by the 0.44 acre of surface waters, no habitat mitigation is required. The water quality enhancement functions impacted by the construction will be replaced by the proposed stormwater treatment system.

A regulatory conservation easement is required.

A proprietary conservation easement is not required.



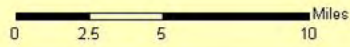
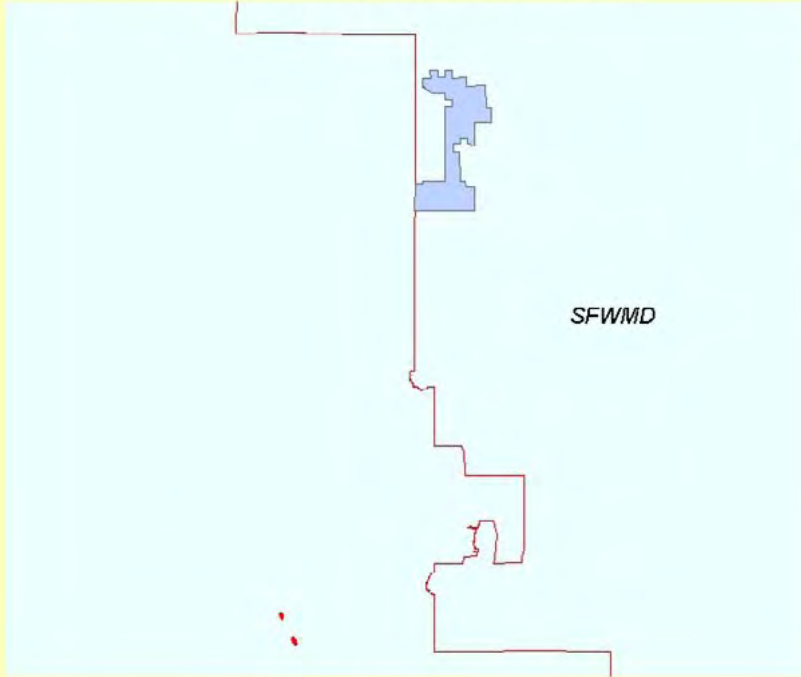
CONSENT ITEMS

17. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 43023451.001  
Willowbrook Square

**SUMMARY**

- Project Type:  
9.78-acre commercial project.
- Location:  
Northwest corner of U.S. Highway 27 and Thompson Nursery Road in Polk County.
- Surface Water Management System:  
Engineering  
Treatment and attenuation of stormwater runoff to be accomplished through one wet detention pond.  
100-year floodplain  
There will be 14.40 acre-feet of floodplain encroachment with 15.72 acre-feet of volumetric floodplain compensation through equivalent excavation.  
Environmental  
The project area includes 1.50 acres of wetlands and other surface waters.  
Permanent impacts are proposed to 1.50 acres of wetlands and other surface waters.  
Mitigation to offset the functional loss due to wetland impacts is provided by purchasing credits at the Boran Ranch Mitigation Bank.
- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Willowbrook Square  
ERP No. 43023451.001**



**Polk Co.**

-  Project Areas
-  Boron Ranch

Sec 16  
Twn 29S Rng 27E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
 ENVIRONMENTAL RESOURCE  
 INDIVIDUAL CONSTRUCTION  
 PERMIT NO. 43023451.001

<b>Expiration Date: March 27, 2012</b>	PERMIT ISSUE DATE: March 27, 2007
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This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Willowbrook Square

**GRANTED TO:** CRF Panther XII, LLC  
 500 South Florida Avenue, Suite 700  
 Lakeland, FL 33801

Odyssey Residential (WHC) III, LLC  
 500 South Florida Avenue, Suite 700  
 Lakeland, FL 33801

**ABSTRACT:** This permit authorization is for the construction of a 9.78-acre, 4-lot commercial project as named above and as shown on the approved construction plans. The project site is located on the northwest corner of U.S. Highway 27 and Thompson Nursery Road in Polk County. Information regarding the surface water management system, 100-year flood plain, and wetlands is contained within the tables and comments below.

**OP. & MAINT. ENTITY:** CRF Panther XII, LLC; and  
 Odyssey Residential (WHC) III, LLC

**COUNTY:** Polk

**SEC/TWP/RGE:** 16/29S/27E

**TOTAL ACRES OWNED OR UNDER CONTROL:** 9.78

**PROJECT SIZE:** 9.78 Acres

**LAND USE:** Commercial

**DATE APPLICATION FILED:** November 13, 2006

**AMENDED DATE:** N/A

Permit No.: 43023451.001  
 Project Name: Willowbrook Square

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	0.65	Wet Detention
TOTAL	0.65	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
14.40	15.72	EE [ X ]	Depth [ N/A ]

\*Codes [ X ] for the type or method of compensation provided are as follows:  
**EE** = Equivalent Excavation to offset project filling per Section 4.4 of the District's Basis of Review;  
**N/A** = Not Applicable

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

III. Environmental Considerations

**Wetland/Surface Water Information** **Count of Wetlands: 4**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
1	0.63	0.00	0.63	0.25	0.00	0.00
2	0.06	0.00	0.06	0.03	0.00	0.00
3 (Ditch)	0.25	0.00	0.25	0.00	0.00	0.00
4	0.56	0.00	0.56	0.19	0.00	0.00
TOTAL	1.50	0.00	1.50	0.47	0.00	0.00

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

Wetland Comments: The project area includes 1.50 acres of wetlands and other surface waters consisting of 1.25 acres of non-forested wetlands (Wetlands 1, 2, and 4) and a 0.25-acre upland-cut ditch (Wetland/Ditch 3). Permanent impacts are proposed to 1.50 acres of wetlands and other surface waters.

**Mitigation Information** **Count of Mitigation: 1**

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Boran Ranch Mitigation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.47
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.47

Permit No.: 43023451.001  
Project Name: Willowbrook Square

Mitigation Comments: Mitigation to offset 0.47 functional loss units is provided by 0.47 Herbaceous State functional gain units deducted from the Boran Ranch Mitigation Bank. The mitigation bank will obtain a Modification by Letter of Permit No. 49026121.000 following issuance of this permit and prior to impacting any wetlands authorized by this permit. The functional loss of the wetland impacts were determined pursuant to the Uniform Mitigation Assessment Method, Chapter 62-345, of the F.A.C. No mitigation is required for impacts to the ditch (Wetland 3), pursuant to subsection 3.2.2.2. of the Districts Basis of Review.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

18. **DISCUSSION PAPER**  
**ENVIRONMENTAL RESOURCE APPLICATION NO. 43020825.001**  
**City of North Port - Narramore Sports Park**

**SUMMARY**

- Project Type:

This permit authorizes the construction of a surface water management system to serve a 4.85-acre public park improvement project.

- Location:

The project is located southwest of the I-75 and North Sumter Boulevard interchange, within the Narramore Sports Park on Glenallen Boulevard in the City of North Port, Sarasota County.

- Surface Water Management System:

Engineering

Water Quality/Quantity:

One system of detention with effluent filtration will provide required water quality treatment and peak attenuation storage for the project.

100-year Floodplain:

The 100-year floodplain is not located within the project area. Historic basin storage impacts associated with impacts to wetlands and other surface waters are addressed in the hydrologic/hydraulic drainage modeling.

Environmental

The project area contains 1.87 acres of disturbed wet prairie (Wetlands A and B) and mitigation wetlands.

The referenced mitigation wetlands were previously permitted under ERP No. 43020825.000 which authorized 0.66 acre of wetland impacts thus requiring 0.66 acre of wetland creation and 1.10 acres of wetland enhancement (Wetland B) as mitigation.

Wetland A is a 0.11 acre isolated wet prairie that is not subject to review for fish and wildlife values pursuant to Section 3.2.2.1 of the Basis of Review.

Permanent impacts are proposed to the entire 1.87 acres of wetlands on-site (Wetlands A, B and the created wetland) for softball field construction.

The proposed permanent wetland and mitigation area impacts were evaluated utilizing the Uniform Mitigation Assessment Method (UMAM). The UMAM analysis identified a functional loss of 0.84.

The mitigation proposed to offset the functional loss of Wetland B and the former mitigation area consists of the purchase of 0.84 UMAM credit from the Myakka Mitigation Bank (ERP No. 43003997.005). Wetland mitigation is not required for impacts to Wetland A (0.11 acre) pursuant to Section 3.2.2.1 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional wetland habitat.

The UMAM analysis determined the mitigation provided by the permit adequately offsets the project's proposed impacts to functional wetland habitat.

- Meets Rule Requirements. Staff recommends approval.

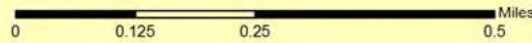
**Location Map**  
**City of North Port-Narramore Sports Park**  
**ERP No. 43020825.001**



**Sarasota Co.**



Sec 19  
Twn 39S Rng 21E



02/07/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
 ENVIRONMENTAL RESOURCE  
 INDIVIDUAL CONSTRUCTION MODIFICATION  
 PERMIT NO. 43020825.001

<b>Expiration Date: March 27, 2012</b>	PERMIT ISSUE DATE: March 27, 2007
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This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** City of North Port - Narramore Sports Park

**GRANTED TO:** City of North Port  
 4970 City Hall Boulevard  
 North Port, FL 34286

**ABSTRACT:** This permit authorizes the construction of a surface water management system designed to serve a 4.85-acre public park improvement project. The project is located southwest of the I-75 and North Sumter Boulevard interchange, within the Narramore Sports Park on Glenallen Boulevard in the City of North Port, Sarasota County. Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

**OP. & MAINT. ENTITY:** City of North Port Public Works Department

**COUNTY:** Sarasota

**SEC/TWP/RGE:** 19/39S/21E

**TOTAL ACRES OWNED OR UNDER CONTROL:** 6.60

**PROJECT SIZE:** 4.85 Acres

**LAND USE:** Government

**DATE APPLICATION FILED:** October 11, 2006

**AMENDED DATE:** N/A



I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
A	0.52	Detention with Effluent Filtration
TOTAL	0.52	

Comments: The proposed improvements to the existing Narramore Sports Park includes two (2) baseball fields and a concession/restroom building. The surface water management system has been designed to provide water quality treatment and peak attenuation storage for the improvements.

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

II. 100-Year Floodplain

Comments: The 100-year floodplain is not located within the project area. Historic basin storage impacts associated with impacts to wetlands and other surface waters are addressed in the hydrologic/hydraulic drainage modeling.

III. Environmental Considerations

**Wetland/Surface Water Information** **Count of Wetlands: 3**

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland A	0.11	0.00	0.11	0.00	0.00	0.00
Wetland B	1.10	0.00	1.10	0.44	0.00	0.00
Mitigation Area 1	0.66	0.00	0.66	0.40	0.00	0.00
TOTAL	1.87	0.00	1.87	0.84	0.00	0.00

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

Wetland Comments: The wetlands, consisting of disturbed hydrologically altered wet prairie wetlands, and Mitigation Area 1 are proposed for permanent filling impacts. The project was previously permitted under ERP No. 43020825.000 which authorized 0.66 acre in permanent filling impacts and required 0.66 acre wetland creation and 1.10 acre wetland enhancement as mitigation. The Uniform Mitigation Assessment Method analysis for Wetland B and Mitigation Area 1 resulted in a functional loss of 0.84.

**Mitigation Information** **Count of Mitigation: 1**

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Myakka Mitigation Ban	0.00	0.84	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	0.00	0.84	0.00	0.00	0.00	0.00	0.00	0.00

Permit No.: 43020825.001

Project Name: City of North Port – Narramore Sports Park

Mitigation Comments: Mitigation for permanent filling impacts to Wetland B and Mitigation Area 1 will be offset by the purchase and withdrawal of 0.84 wetland UMAM credits of similar habitat from the Myakka Mitigation Bank, ERP No. 43003997.005. Wetland mitigation is not required for impacts to Wetland A (0.11 acre) pursuant to Section 3.2.2.1 of the Basis of Review. Under this section, mitigation is not required for impacts to nonfunctional wetland habitat.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

19. DISCUSSION PAPER  
ENVIRONMENTAL RESOURCE APPLICATION NO. 43030936.000  
Largo Preserve

**SUMMARY**

- Project Type:

This permit authorizes the construction of a surface water management system to serve a 51.86-acre residential development known as Largo Preserve.

- Location:

The project is located west of Toledo Blade Road approximately 2.5 miles south of I-75, in Sarasota County.

- Surface Water Management System:

Engineering

Quantity/Quality

One wet detention system (isolated natural wetland) will provide water quality treatment and peak attenuation storage for the project.

100-Year Floodplain

The 100-year floodplain is not located within the project area. Historic basin storage impacts associated with impacts to wetlands are addressed in the hydrologic/hydraulic modeling.

Environmental

The project area contains 16.48 acres of disturbed wet prairie and freshwater marsh wetlands.

Two of the wetlands within the project, comprising 2.72 acres, were previously authorized for impact pursuant to ERP No. 43027962.000 issued for the Central Parkway Master Drainage Plan. For accounting purposes, these two wetlands (WL1 and WL2) are not reported in the ERP wetland tables as they have already been previously accounted for.

Permanent impacts are proposed to 2.23 acres of disturbed wet prairie for lot construction.

The proposed wetland impacts and mitigation were evaluated utilizing the Uniform Mitigation Assessment Method (UMAM). The UMAM analysis identified a functional loss of 0.52.

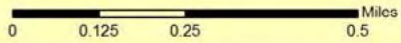
The mitigation proposed to offset the functional loss consists of the enhancement of 11.53 acres of freshwater marsh for a functional gain of 0.28 plus the purchase of 0.24 credit from the Myakka Mitigation Bank for a total functional gain of 0.52.

The UMAM analysis determined that mitigation provided by the permit adequately offsets the projects proposed impacts to functional wetland habitat.

The Applicant submitted an Irrevocable Standby Letter of Credit (No. SB 9374) to the District on January 16, 2007 in the amount of \$97,684.95 to cover 110% of the proposed mitigation costs in accordance with the financial responsibility requirements of Section 3.3.7 of the Basis of Review.

- Meets Rule Requirements. Staff recommends approval.

**Location Map  
Largo Preserve  
ERP No. 43030936.000**



**Sarasota Co.**



Sec 24-25  
Twn 39S Rng 21E

02/08/07

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION  
PERMIT NO. 43030936.000

**Expiration Date: March 27, 2012** PERMIT ISSUE DATE: March 27, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Largo Preserve  
**GRANTED TO:** Largo Preserve, LLC  
1515 Ringling Boulevard, Suite 890  
Sarasota, FL 34236

**ABSTRACT:** This permit authorizes the construction of a surface water management system to serve a 51.86-acre residential development known as Largo Preserve. The project is located west of Toledo Blade Road approximately 2.5 miles south of I-75, in Sarasota County. Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

**OP. & MAINT. ENTITY:** Largo Preserve Homeowners' Association, Inc.  
**COUNTY:** Sarasota  
**SEC/TWP/RGE:** 24/39S/21E  
**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 51.86  
**PROJECT SIZE:** 51.86 Acres  
**LAND USE:** Residential  
**DATE APPLICATION FILED:** May 1, 2006  
**AMENDED DATE:** N/A

Permit No.: 43030936.000  
 Project Name: Largo Preserve

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	13.00	Wet Detention with Natural Wetlands
TOTAL	13.00	

Comments: The project is a 486-unit residential townhome development. Water quality treatment and attenuation is provided by an on-site wet detention with natural wetlands system.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.00	0.00	N/A	N/A

Comments: The 100-year floodplain is not located within the project area. Historic basin storage impacts associated with impacts to wetlands and other surface waters are addressed in the hydrologic/hydraulic drainage modeling.

III. Environmental Considerations

Wetland/Surface Water Information			Count of Wetlands: 2			
Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
WL3	2.23	0.00	2.23	0.52	0.00	0.00
WL4	11.53	11.53	0.00	0.00	0.00	0.00
TOTAL	13.76	11.53	2.23	0.52	0.00	0.00

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

Wetland Comments: The project contains a disturbed wet prairie (WL 3) and a larger disturbed freshwater marsh mixed with some cypress and shrubs (WL 4), both of which account for 13.76 acres out of the 16.48 acres of total wetland acreage located within the project area. The project also contains the fragments of two other wetlands (WL 1 - 1.09 acres; and 2 - 1.63 acres) that extend off site and were previously identified and mitigated for in ERP No. 43027962.000, issued for the Central Parkway Master Drainage Plan. Thus, for accounting purposes, WL1 and WL2 are not reported in the table above. Wetlands WL 1, WL 2, and WL 3 will be impacted by filling for the construction of this development.

Permit No.: 43030936.000  
 Project Name: Largo Preserve

**Mitigation Information**

**Count of Mitigation: 2**

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Wetland 4	11.53	0.28	0.00	0.00	0.00	0.00	0.00	0.00
Myakka Mitigation Bank	0.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>11.53</b>	<b>0.54</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Mitigation Comments: Mitigation for impacts to WL 1 and WL 2 was previously addressed in ERP No. 43027962.000 for the Central Parkway Master Drainage Plan. Mitigation for permanent impacts to WL 3 will be accomplished by the enhancement of WL 4 and the purchase and withdrawal of 0.24 wetland Uniform Mitigation Assessment Method credits of similar habitat from the Myakka Mitigation Bank, ERP No. 43003997.005.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

20. DISCUSSION PAPER  
TEMPORARY WATER USE PERMIT APPLICATION NO. 20010420.005  
Peace River/Manasota Regional Water Supply Authority

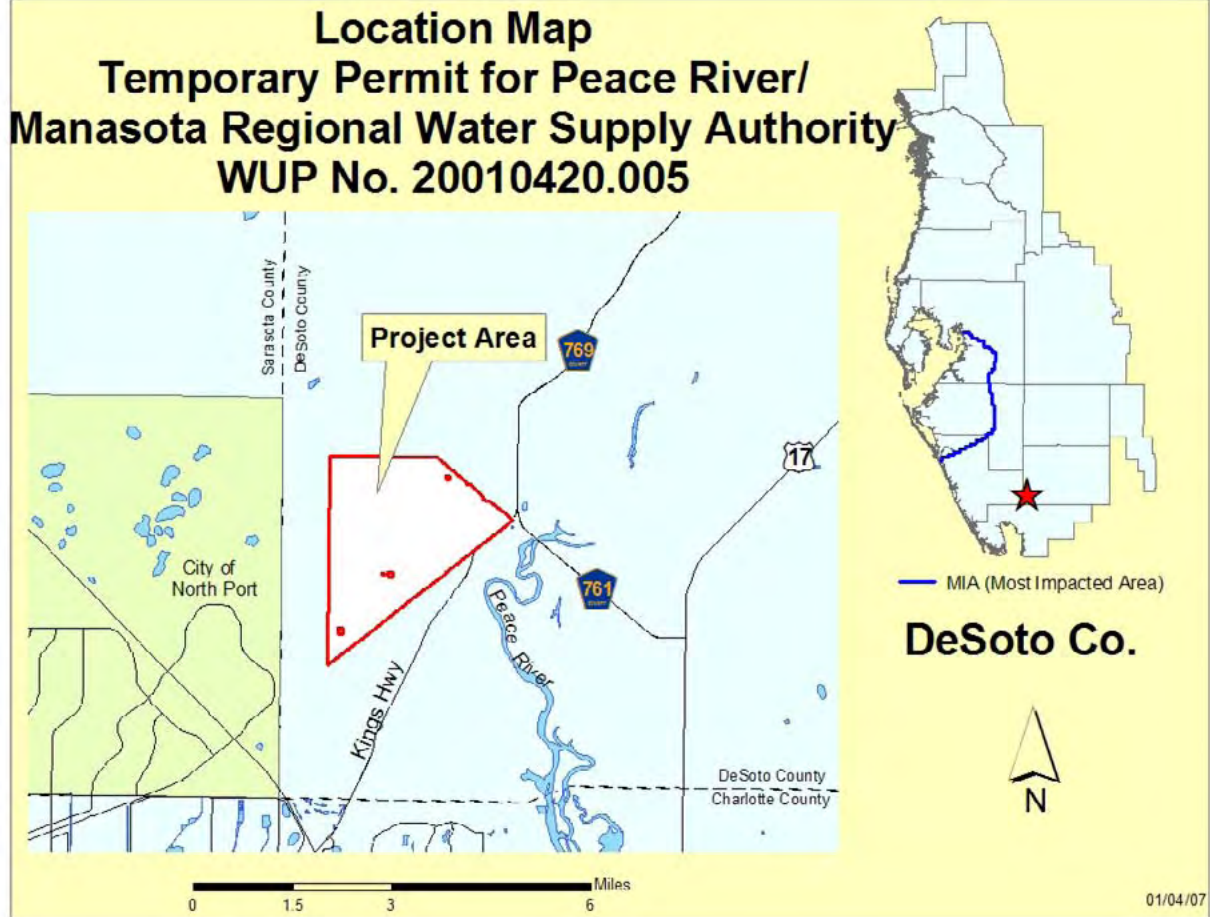
**SUMMARY**

- Extension of Temporary Water Use Permit for an existing public supply.
- DeSoto County, within the Southern Water Use Caution Area.

<u>Quantities</u>	<u>Existing (gpd)</u>	<u>Proposed (gpd)</u>	<u>Change (gpd)</u>
Standard Annual Average	32,700,000	32,700,000	0
Peak Month	38,100,000	38,100,000	0
Maximum Day	90,000,000	90,000,000	0

- The Governing Board may extend the term of a temporary WUP for subsequent periods of time to expire on or before the day following its next regular meeting pursuant to Section 373.244(3), Florida Statutes. This extension will authorize continuation of the TWUP until the March Board meeting.
- This Board action will not result in any changes in the permitted quantities associated with this water use permit as approved at the December 1, 2006 Board.
- The purpose of the extension is to allow continued diversions from the Peace River to occur at a minimum river flow of 90 cfs, from the current minimum river flow of 130 cfs as a result of the drought conditions.
- This request is consistent with the pending proposed minimum flow and level to be established for the lower Peace River and was a recommendation of the Scientific Review Panel as part of the Hydro Biological Monitoring Plan approved under Water Use Permit 20010420.000. This extension is necessary to continue to take advantage of opportunities to withdraw water when the river flow is between 130 and 90 cfs to perform monitoring tests and provide additional water supply to meet demand during the dry season.
- The signed and approved version of this TWUP is available in the Sarasota Service Office.
- Meets rule requirements. Staff recommends approval of the extension for this Temporary Water Use Permit.





## TEMPORARY WATER USE PERMIT

### **Summary:**

This permit is issued pursuant to the provisions of section 373.244, Florida Statutes, and authorizes the Permittee to temporarily withdraw water from the Peace River when the flow in the river is above 90 cfs. This authorization expires on April 25, 2007, unless the District's Governing Board grants extensions from month to month. This authorization does not allow the Permittee to exceed their previously permitted quantities authorized under WUP No. 20010420.004.

Permit No: 20010420.005  
Permit Type: Public Supply  
Classification: Individual

**Property Location:** Desoto County, approximately 4.5 miles northeast of the intersection of Charlotte, Sarasota and DeSoto counties; on the east and west sides of County Road 769 (Kings Highway)

**Granted To:** Peace River/Manasota Regional  
Water Supply Authority (Authority)  
1645 Barber Road, Suite A  
Sarasota, FL 34240-9392

### **Abstract:**

The SWFWMD received an application for modification of the current water use permit from the Authority requesting the ability to divert water from the Peace River below the currently authorized minimum flow level of 130 cfs as specified under Special Condition No.7 of Water Use Permit No. 20010420.002. In the interim, the Authority seeks authorization through this temporary water use permit to allow diversions to occur when the average daily flow as measured at the Arcadia Station for the previous day is at a flow of 90 cfs or greater. This will allow for the accommodation of a low flow test as recommended by the Scientific Review Panel established pursuant to the HBMP required by special condition number 15. The specifics of the test are contained in the documentation supporting this application received November 30, 2006 and attached hereto as Exhibit A. The term of the Temporary Water Use Permit is through April 25, 2007, unless an extension is requested by the applicant and approved by the Governing Board. This permit application was approved by the Executive Director of the Southwest Florida Water Management District pursuant to authority delegated by the Governing Board.

### **Terms and Conditions:**

1. The Permittee is authorized to divert surface water from the Peace River with the following limitations:
  - A. No diversion from the Peace River may occur when the average daily flow as measured at the Arcadia Station for the previous day is less than 90 cubic feet per second (cfs).
  - B. The amount of diversion on the Peace River at District Withdrawal No. 14 shall not exceed 10 percent of the average daily flow rate of the river as read at the Arcadia Station for the previous day.
  - C. However, in no case shall the diversion amount exceed the difference between the previous day measurement at the Arcadia Station and 90 cfs.
  - D. All diversions shall be conducted and reported in accordance with the test program set forth in Exhibit A.
2. This permit shall expire on April 25, 2007, unless extended by the Governing Board.

Permit No.: 20010420.005

Permittee: Peace River/Manasota Regional Water Supply Authority

3. All of the terms and conditions of Water Use Permit 20010420.004 shall remain in effect, unless specifically modified by this temporary WUP.

**Exhibit A – Test Program (attached)**

1) **RECOMMENDATION**

(X) Approval ( ) Denial

WUP Manager: \_\_\_\_\_  
P. Scott Laidlaw, P.G. Date

Department Director: \_\_\_\_\_  
Ross T. Morton, P.W.S. Date

Deputy Executive Director: \_\_\_\_\_  
Richard S. Owen, AICP Date

Executive Director: \_\_\_\_\_  
David L. Moore Date

December 1, 2006

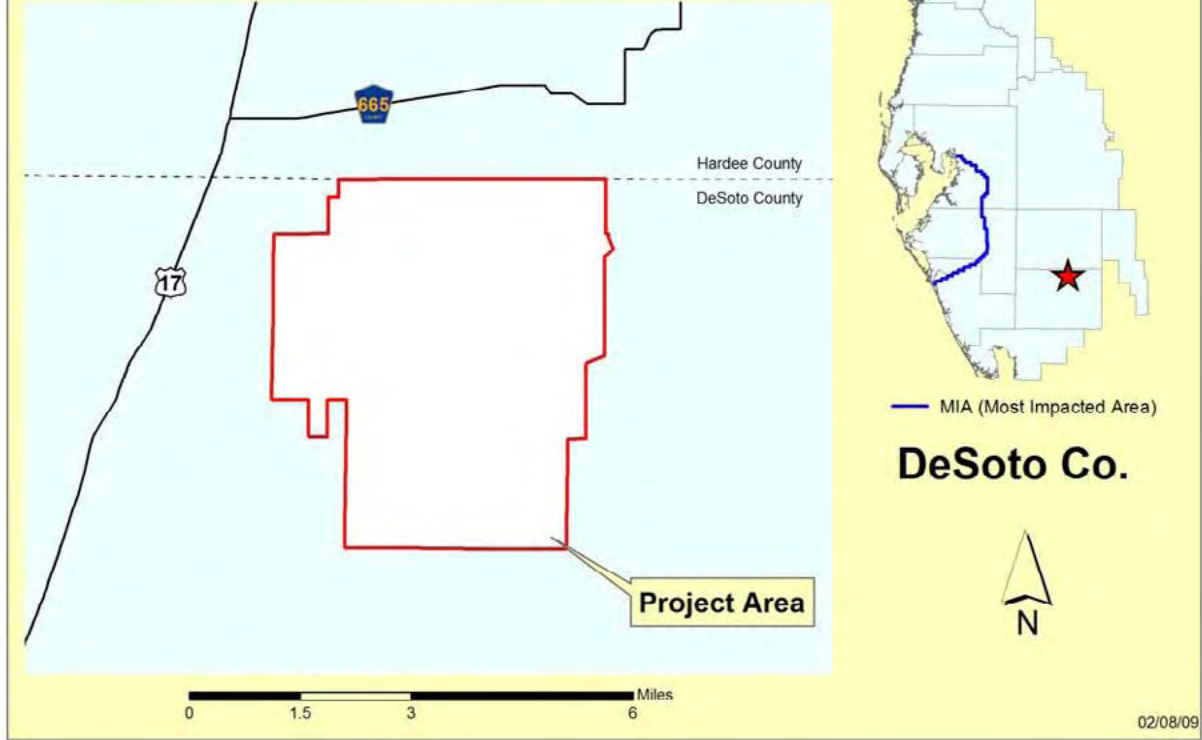
CONSENT ITEMS

21. DISCUSSION PAPER  
WATER USE PERMIT APPLICATION NO. 20002452.009  
Florida Power & Light & OCF 27 Corporation

**SUMMARY**

- Modification of an existing permit for agricultural use.
- DeSoto County, within the Southern Water Use Caution Area, (SWUCA).
- | <u>Quantities</u>       | <u>Existing (gpd)</u> | <u>Proposed (gpd)</u> | <u>Change (gpd)</u> |
|-------------------------|-----------------------|-----------------------|---------------------|
| Standard Annual Average | 5,518,100             | 4,646,900             | -871,200            |
| Drought Annual Average  | 7,643,200             | 5,074,500             | -2,568,700          |
| Peak Month              | 34,333,100            | 11,011,600            | -23,321,500         |
| Crop Protection         | 106,260,000           | N/A                   | -106,260,000        |
- The reduction in permitted quantities is due to changes in crop types on this property. The previously proposed 5,410 acres of citrus has been removed from this permit.
- Proposed quantities are for the irrigation of 200 acres of spring vegetables and 100 acres of fall vegetables; and the irrigation of 1,637 acres of sod.
- Four existing wells open to the intermediate and upper Floridan aquifer systems. One existing well open to the upper Floridan aquifer system. Thirteen proposed wells that will be open to the upper Floridan aquifer system.
- Reclaimed water is not currently available at this site.
- Special conditions include those that require the Permittee to maintain existing meters, meter previously un-metered withdrawals, install flow meters on all proposed withdrawal points, record and report monthly meter readings, cap withdrawals not in use, comply with well construction specifications, sample wells for water quality during drilling, caliper or video log five wells, investigate the feasibility of obtaining reuse water, report future reuse water connections, and modify this permit to incorporate reuse water, implement irrigation conservation measures, comply with irrigation allotments, submit annual and seasonal crop reports, comply with standard and drought annual average allocated quantities, and notice of SWUCA recovery strategy.
- Meets rule requirements. Staff recommends approval.

**Location Map**  
**Florida Power & Light & OCF 27 Corporation**  
**WUP No. 20002452.009**



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE  
INDIVIDUAL  
PERMIT NO. 20002452.009**

**EXPIRATION DATE: July 28, 2008**

PERMIT ISSUE DATE: March 27, 2007

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

**TYPE OF APPLICATION:** Modification  
**GRANTED TO:** Florida Power & Light &  
OCF 27 Corporation  
700 Universe Boulevard  
Juno Beach, FL 33408  
**PROJECT NAME:** Arcadia Tract  
**WATER USE CAUTION AREA:** Southern

<b>TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)</b>	
STANDARD ANNUAL AVERAGE	4,646,900 gpd
DROUGHT ANNUAL AVERAGE <sup>1</sup>	5,074,500 gpd
PEAK MONTH <sup>2</sup>	11,011,600 gpd
CREDIT BALANCE <sup>3</sup>	312,183,700 gallons

<sup>1</sup> Annual average limit when less than historical average rainfall if sufficient Water Conserving Credits exist in the Permittee's account.  
<sup>2</sup> Average daily use during the highest water use month.  
<sup>3</sup> Water Conserving Credit: The volume of water on account for use when greater than the Standard Annual Average is necessary to pump up to the Drought Annual Average.

**PROPERTY LOCATION:** 13,536 owned acres in DeSoto County, approximately 1.5 miles east of U.S. Highway 17, just south of the Hardee/DeSoto County line.

**ABSTRACT:** This is a modification of an existing agricultural water use permit with a decrease in permitted groundwater quantities. The standard annual average quantity decreases from 5,518,100 gallons per day (gpd) to 4,646,900 gpd (decrease of 871,200 gpd). The drought annual average quantity decreases from 7,643,200 gpd to 5,074,500 gpd (decrease of 2,568,700 gpd). The peak month quantity decreases from 34,333,100 gpd to 11,011,600 gpd (decrease of 23,321,500 gpd). The crop protection quantity of 106,260,000 gpd is removed from the permit. The decrease in quantities is due to changes in the crop plans.

Permit No.: 20002452.009  
 Permittee: Florida Power & Light & OCF 27 Corporation

Special conditions include those that require the Permittee to maintain existing meters, meter previously un-metered withdrawals, install flow meters on all proposed withdrawal points, record and report monthly meter readings, cap withdrawals not in use, comply with well construction specifications, sample wells for water quality during drilling, caliper or video log five wells, investigate the feasibility of obtaining reuse water, report future reuse water connections, and modify this permit to incorporate reuse water, implement irrigation conservation measures, comply with irrigation allotments, submit annual and seasonal crop reports, comply with standard and drought annual average allocated quantities, and notice of SWUCA recovery strategy.

**WATER USE TABLE (in gallons per day)**

<u>Use</u>	<u>Standard Annual Average</u>	<u>Drought Annual Average</u>	<u>Peak Month</u>
Agriculture:	4,646,900	5,074,500	11,011,600

**IRRIGATION ALLOCATION RATE TABLE**

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Sod	1,524	Seepage	33.5"/yr.	37.0"/yr.
Sod	113	Center pivot	32.8"/yr.	36.4"/yr.
Spring Vegetables/Row Crop	200	Seepage	25.6"/yr.	25.6"/yr.
Fall Vegetables/Row Crop	100	Seepage	25.0"/yr.	25.0"/yr.

CONSENT ITEMS

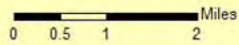
22. DISCUSSION PAPER  
WATER USE PERMIT APPLICATION NO. 20002740.009  
Eugene H. Turner and Eugene H. Turner and Son, Inc.

**SUMMARY**

- Renewal of an existing permit for agricultural use.
- DeSoto County, within the Southern Water Use Caution Area, (SWUCA).
- | <u>Quantities</u>       | <u>Existing (gpd)</u> | <u>Proposed (gpd)</u> | <u>Change (gpd)</u> |
|-------------------------|-----------------------|-----------------------|---------------------|
| Standard Annual Average | 563,500               | 572,700               | 9,200               |
| Drought Annual Average  | 924,500               | 823,600               | -100,900            |
| Peak Month              | 4,661,500             | 3,926,800             | -734,700            |
| Crop Protection         | 14,400,000            | 14,400,000            | 0                   |
- The changes in quantities are due to a correction in the SWUCA automatic water use permit that was issued on December 20, 2002 and a more accurate assessment of the irrigated acres.
- Proposed quantities are for the microjet irrigation of 650 acres of citrus.
- One existing well open to the intermediate aquifer system. Three existing wells open to the intermediate and upper Floridian aquifer systems. Two existing wells open to the upper Floridian aquifer system.
- Reclaimed water is not currently available at this site.
- Special conditions include those that require the Permittee to maintain existing meters, record and report monthly meter readings, cap withdrawals not in use, caliper or video log one well, investigate the feasibility of obtaining reuse water, report future reuse water connections, and modify this permit to incorporate reuse water, implement irrigation conservation measures, document and report crop protection, comply with irrigation allotments, submit annual crop reports, comply with standard and drought annual average allocated quantities, and notice of SWUCA recovery strategy.
- Meets rule requirements. Staff recommends approval.



**Location Map  
Eugene H. Turner and  
Eugene H. Turner and Son, Inc.  
WUP No. 20002740.009**



— MIA (Most Impacted Area)

**DeSoto Co.**



12/6/06

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE  
INDIVIDUAL  
PERMIT NO. 20002740.009**

**EXPIRATION DATE: March 27, 2017**

PERMIT ISSUE DATE: March 27, 2007

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

**TYPE OF APPLICATION:** Renewal

**GRANTED TO:** Eugene H. Turner and  
Eugene H. Turner and Son, Inc.  
Post Office Box 789  
Arcadia, FL 34265

**PROJECT NAME:** South Grove

**WATER USE CAUTION AREA:** Southern

<b>TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)</b>	
STANDARD ANNUAL AVERAGE	572,700 gpd
DROUGHT ANNUAL AVERAGE <sup>1</sup>	823,600 gpd
PEAK MONTH <sup>2</sup>	3,926,800 gpd
CROP PROTECTION/MAXIMUM <sup>3</sup>	14,400,000 gpd
CREDIT BALANCE <sup>4</sup>	273,095,800 gallons

<sup>1</sup> Annual average limit when less than historical average rainfall if sufficient Water Conserving Credits exist in the Permittee's account.

<sup>2</sup> Average daily use during the highest water use month.

<sup>3</sup> Maximum use allowed in any 24-hour period/ Frost and Freeze protection of crops.

<sup>4</sup> Water Conserving Credit: The volume of water on account for use when greater than the Standard Annual Average is necessary to pump up to the Drought Annual Average.

**PROPERTY LOCATION:** 744.3 owned acres in DeSoto County, approximately 8 miles southwest of the city of Arcadia; on the east side of U.S. Highway 17.

**ABSTRACT:** This is a renewal of an existing agricultural water use permit with an increase in the standard annual average quantity. The standard annual average quantity increases from 563,500 gallons per day (gpd) to 572,700 gpd (increase of 9,200 gpd). The drought annual average quantity decreases from 924,500 gpd to 823,600 gpd (decrease of 100,900 gpd). The peak month quantity decreases from 4,661,500 gpd to 3,926,800 gpd (decrease of 734,700 gpd). The crop protection quantity remains 14,400,000 gpd.

Permit No.: 20002740.009  
 Permittee: Eugene H. Turner & Eugene H. turner and Son, Inc.

The changes in quantities are due to a correction in the SWUCA automatic water use permit that was issued on December 20, 2002 and an accurate assessment of the irrigated acres.

Special conditions include those that require the Permittee to maintain existing meters, record and report monthly meter readings, cap withdrawals not in use, caliper or video log one well, investigate the feasibility of obtaining reuse water, report future reuse water connections, and modify this permit to incorporate reuse water, implement irrigation conservation measures, document and report crop protection, comply with irrigation allotments, submit annual crop reports, comply with standard and drought annual average allocated quantities, and notice of SWUCA recovery strategy.

**WATER USE TABLE (in gallons per day)**

<b><u>Use</u></b>	<b><u>Standard Annual Average</u></b>	<b><u>Drought Annual Average</u></b>	<b><u>Peak Month</u></b>	<b><u>Crop Protection</u></b>
Agriculture:	572,700	823,600	3,926,800	14,400,000

**IRRIGATION ALLOCATION RATE TABLE**

<b><u>CROP/USE TYPE</u></b>	<b><u>IRRIGATED ACRES</u></b>	<b><u>IRRIGATION METHOD</u></b>	<b><u>STANDARD IRRIGATION RATE</u></b>	<b><u>DROUGHT IRRIGATION RATE</u></b>
Citrus Spray Mix	650	Low volume under tree spray	13.2"/yr.	19.0"/yr.

CONSENT ITEMS

23. DISCUSSION PAPER  
WATER USE PERMIT APPLICATION NO. 20004607.011  
City of Winter Haven

**SUMMARY**

- Modification of an existing permit for public supply use.
- Polk County, in the Southern Water Use Caution Area.
- | <u>Quantities</u> | <u>Existing (gpd)</u> | <u>Proposed (gpd)</u> | <u>Change (gpd)</u> |
|-------------------|-----------------------|-----------------------|---------------------|
| Annual Average    | 10,565,300            | 12,285,000            | 1,719,700           |
| Peak Month        | 13,288,300            | 16,707,000            | 3,418,700           |
- The increase in quantities are necessary to meet an increase in the projected population through 2009.
- Quantities were determined based on both the Winter Haven Planning Department and the Bureau of Economic and Business Research population projections.
- The projected adjusted gross per capita is 133 gallons per person per day.
- The District has funded \$50,000 towards the design of a reuse master plan for the City that proposes upgrading wastewater facilities and distribution systems. The City has applied for, in 2007, nine cooperative funding projects to assist in reuse implementation and alternative sources.
- There are twenty-two existing upper Floridan aquifer wells and one existing surface water withdrawal.
- Special conditions include those that require the Permittee to continue to maintain existing flow meters and submit monthly meter readings; investigate feasibility of reuse; properly plug and abandon wells not in use; report incorporation of any new alternative water supply sources; submit an annual report on the per capita water use rate, residential use, non-residential significant uses, public supply conservation efforts, public supply billing and meter reading practices, reclaimed water supplied and utilized, and waste water disposal; adhere to the stipulated per capita water use rate; adhere to pumpage distribution flexibility limits; adhere to lake management water levels and future stressed lake abandonment requirements, implement and submit progress reports for the approved Environmental Management Plan (EMP) and adjust pumpage quantities per EMP findings; submit an annual report on the wellfield operation; adhere to Central Florida Coordination Area requirements; and, report withdrawal-related complaints.
- Meets Rule requirements. Staff recommends approval.

**Location Map  
City of Winter Haven  
WUP No. 20004607.011**



- MIA (Most Impacted Area)
- City of Winter Haven
- Project area

**Polk Co.**



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE  
INDIVIDUAL  
PERMIT NO. 20004607.011**

**EXPIRATION DATE: July 27, 2009**

PERMIT ISSUE DATE: March 27, 2007

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

**TYPE OF APPLICATION:** Modification

**GRANTED TO:** City of Winter Haven  
Post Office Box 2277  
Winter Haven, FL 33883

**PROJECT NAME:** Fairfax Water Plant and Garden Grove

**WATER USE CAUTION AREA:** Southern - Highlands Ridge

<b>TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)</b>	
STANDARD ANNUAL AVERAGE	12,285,000 gpd
PEAK MONTH <sup>1</sup>	16,707,000 gpd

<sup>1</sup> Average daily use during the highest water use month.

**PROPERTY LOCATION:** 2,600 owned acres and 39,200 services acres in Polk County, approximately 10 miles east of Lakeland at the intersection of U.S. Highways 92 and 17.

**ABSTRACT:** This is a modification to increase quantities on an existing water use permit for public supply use. The annual average quantity increases from 10,565,300 gallons per day (gpd) to 12,285,000 gpd (increase of 1,719,700 gpd), and the peak month quantity increases from 13,288,300 gpd to 16,707,000 gpd (increase of 3,418,700 gpd). The increases are due to an increase in population served from 65,766 residents currently to 74,727 residents in 2009.

Special conditions include those that require the Permittee to continue to maintain existing flow meters and submit monthly meter readings; investigate feasibility of reuse; properly plug and abandon wells not in use; report incorporation of any new alternative water supply sources; submit an annual report on the per capita water use rate, residential use, non-residential significant uses, public supply conservation efforts, public supply billing and meter reading practices, reclaimed water supplied and utilized, and waste water disposal; adhere to the stipulated per capita water use rate; adhere to pumpage distribution flexibility limits; adhere to lake management water levels and future stressed lake abandonment requirements, implement and submit progress reports for the approved Environmental Management Plan (EMP) and adjust pumpage quantities per EMP findings; submit an annual report on the wellfield operation; adhere to Central Florida Coordination Area requirements; and, report withdrawal-related complaints.

Permit No.: 20004607.011  
 Permittee: City of Winter Haven

**WATER USE TABLE (in gallons per day)**

<b><u>Use</u></b>	<b><u>Standard Annual Average</u></b>	<b><u>Peak Month</u></b>
Public Supply	12,285,000	16,707,000
<b><u>SERVICE AREA NAME</u></b>	<b><u>POPULATION SERVED</u></b>	<b><u>PER CAPITA RATE</u></b>
Fairfax Water Plant and Garden Grove		
Total Public Supply	82,832	Gross 148 gpd/person Adjusted Gross 133 gpd/person

DISCUSSION PAPER

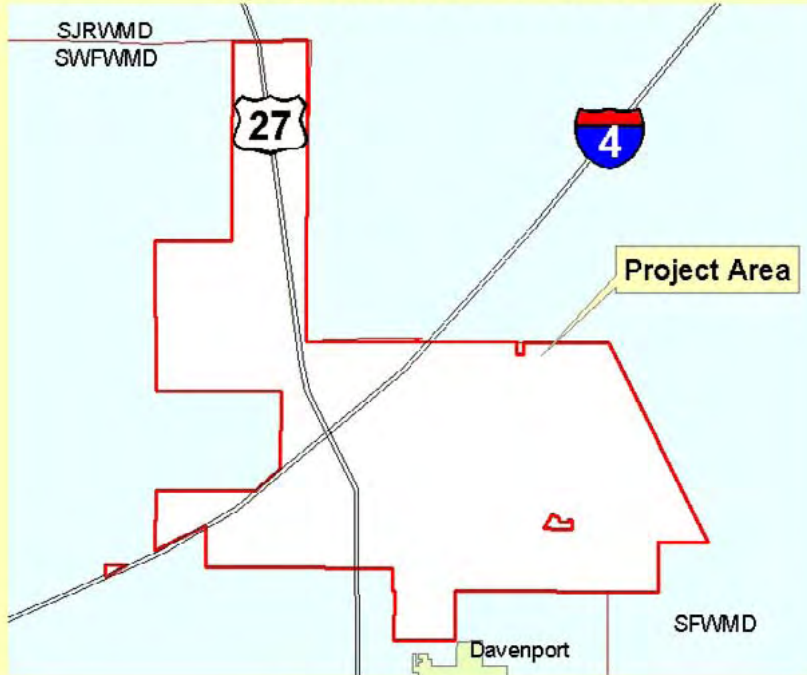
24. TEMPORARY WATER USE PERMIT APPLICATION No. 20006509.007  
Polk County Board of County Commissioners  
Polk County Utilities Northeast Regional Utility Service Area

**SUMMARY**

- Temporary Water Use Permit (TWUP) for an existing public supply use.
- Polk County, within the Central Florida Coordination Area.
- | <u>Quantities</u> | <u>Existing (gpd)</u> | <u>Proposed (gpd)</u> | <u>Change (gpd)</u> |
|-------------------|-----------------------|-----------------------|---------------------|
| Annual Average    | 6,054,600             | 6,304,600             | 250,000             |
| Peak Month        | 8,113,200             | 8,513,200             | 400,000             |
- The TWUP is required pursuant to the provisions of section 373.244, Florida Statutes. The permit term of a temporary WUP cannot extend beyond the next Governing Board meeting and if the permit is extended, it must be approved at each Governing Board. This extension will authorize pumpage at the indicated quantities until the April Governing Board meeting.
- The Governing Board action will result in a temporary increase in permitted quantities.
- The Permittee has requested this TWUP while the renewal application is being evaluated. Continued growth in the population served has increased water use to the point that projected demand is expected to exceed allocations beginning in April 2007. The Permittee has not issued any letters of commitment to supply new developments since July 1, 2003. However, the water demand to support the growth associated with previously issued letters of commitment has caused the Permittee to approach their currently permitted quantities.
- On July 1, 2003, the District issued a consent order to Polk County to address the County exceeding their permitted quantities. The County took actions to meet the requirements of the consent order including: eliminating issuance of new letters committing water supply for proposed development, conducting aquifer performance tests, adding new wells, improving the hydraulic efficiency of the water distribution system, and entering into an agreement with an adjacent water utility (Tohopekaliga Water Authority) to receive a temporary potable water supply. During the November 2006 Governing Board meeting, District staff reported that Polk County is in compliance with their consent order and permitted quantities.
- NERUSA's public supply system and service area are located in Polk County within both the Southwest Florida (SWFWMD) and South Florida (SFWM) Water Management Districts, and is within the Central Florida Coordination Area (CFCA). The Southwest, South, and St. Johns River Water Management Districts are collectively working towards adopting and implementing rule language for the CFCA to address consistency in Water Use Permitting within the region. Additionally, the three District's are coordinating the review of several public supply Water (Consumptive) Use Permit applications. A significant aspect of the coordinated review is identifying approaches to eliminate, minimize, and if necessary, mitigate for adverse environmental impacts. An environmental management plan will be incorporated into the permit applications included in this coordinated application review.
- Meets rule requirements. Staff recommends approval of this TWUP.



**Location Map**  
**Polk County Board of County Commissioners**  
**Northeast Regional Utility Service Area**  
**TWUP No. 20006509.007**



— MIA (Most Impacted Area)

**Polk Co.**



03/01/07

## TEMPORARY WATER USE PERMIT

### **Summary:**

This permit is issued pursuant to the provisions of section 373.244, Florida Statutes, and authorizes the Permittee to temporarily withdraw an additional 250,000 gallons per day (gpd) Annual Average, and 400,000 gpd Peak Month from Polk County's Northeast Regional Utility Service Area (NERUSA) wellfield. This authorization expires on April 25, 2007, unless an extension is requested by the Permittee and approved by the Governing Board.

Permit No: 20006509.007  
Permit Type: Public Supply  
Classification: Individual

**Property Location:** Polk County's Northeast Regional Utility Service Area (NERUSA) is located in the northeastern corner of the County, at the intersection of Interstate Highway 4 and U.S. Highway 27. The service area is bounded on the north by Lake County, east by Osceola County, west by the Green Swamp, and south by the City of Davenport.

**Granted To:** Polk County Board of County Commissioners  
Northeast Regional Utilities Service Area (NERUSA)  
Post Office Box 9005, Drawer ES 01  
Bartow, FL 33831

### **Abstract:**

On July 23, 2004, Polk County submitted an application to renew and modify Water Use Permit No. 20006509.005 to increase the Annual Average quantity from 6,054,600 gallons per day (gpd) to 10,918,000 gpd, and increase the Peak Month quantity from 8,113,200 gpd to 14,194,000 gpd. This requested increase is due to increased population projections within NERUSA. During the period this permit renewal application has been under review, the Permittee's water demands have continued to increase and have approached the currently permitted quantities. For the month of April 2007, the water use being requested is an Annual Average quantity of 6,304,600 gpd and a Peak Month quantity of 8,513,200 gpd. The term of the Temporary Water Use Permit (TWUP) is through April 25, 2007.

### **Statement of Necessity**

Polk County's NERUSA provides public supply water to a large area of Polk County. The use of groundwater from the wells in the NERUSA wellfield is authorized under the existing permit. The Permittee requested this TWUP because continued growth in the population served has increased water use to the point that projected demand is expected to exceed allocations beginning in April 2007.

### **Background**

On July 1, 2003, the District issued a consent order to Polk County to address the County exceeding its permitted quantities. The County took actions to meet the requirements of the consent order including: eliminating issuance of new letters committing water supply for proposed development, conducting aquifer performance tests, adding new wells, improving the hydraulic efficiency of the water distribution system, and entering into an agreement with an adjacent water utility (Tohopekaliga Water Authority) to receive a temporary potable water supply.

Permit No.: 20006509.007  
Permittee: Polk County Board of County Commissioners

During the November 2006 Governing Board meeting, District staff reported that Polk County is in compliance with their consent order and permitted quantities.

NERUSA's public supply system and service area are located in Polk County within both the Southwest Florida (SWFWMD) and South Florida (SFWMD) Water Management Districts, and is within the Central Florida Coordination Area (CFCA). The Southwest, South, and St. Johns River Water Management Districts are collectively working towards adopting and implementing rule language for the CFCA to address consistency in Water Use Permitting within the region. Additionally, the three District's are coordinating the review of several public supply Water (Consumptive) Use Permit applications. A significant aspect of the coordinated review is identifying approaches to eliminate, minimize, and if necessary, mitigate for adverse environmental impacts. An environmental management plan will be incorporated into the permit applications included in this coordinated application review.

The NERUSA water supply system that is the subject of this permit consists of fifteen (15) public supply wells of which twelve (12) are existing, three (3) wells are proposed and an interconnect with the Tohopekaliga Water Authority. The Permittee ceased issuing letters of commitment since July 1, 2003, for new water quantities. However, previously issued letters of commitment authorized continued growth, resulting in the need for additional groundwater withdrawals within NERUSA to meet the potable water demand. The TWUP is necessary to allow a temporary increase in existing permitted groundwater to meet projected public supply demands, while District Staff completes review of the pending Water Use Permit renewal application.

#### **Status of Pending WUP Application**

The application for renewal and modification was received July 23, 2004. District staff is currently reviewing the pending water use permit application (20006509.006) for completeness.

#### **Review of Request**

Section 373.244, Florida Statutes (F.S.) provides that the Governing Board shall consider whether a request for a TWUP appears to meet the District's permitting criteria as set forth in section 373.223, F.S. Staff concludes that the request meets the criteria in this section.

The requested groundwater quantity is necessary to supply potable water to residents and businesses in the NERUSA. Staff anticipates that the additional temporary groundwater withdrawal authorized by this TWUP will not cause adverse impacts.

#### **Recommendation**

(X) Approval                      ( ) Denial

Staff has concluded that the proposed increase in water use, is reasonable and beneficial, is consistent with the public interest, and will not interfere with existing legal uses. Therefore, staff recommends approval of this TWUP with the following conditions:

#### **General Conditions:**

Conditions 1-18

#### **Special Conditions:**

1. This TWUP shall expire on April 25, 2007, unless extended by the Governing Board.
2. All of the terms and conditions of Water Use Permit 20006509.005 shall remain in effect, unless specifically modified by this temporary WUP.

Permit No.: 20006509.007

Permittee: Polk County Board of County Commissioners

3. All submittals made to demonstrate compliance with this permit must include the TWUP number plainly labeled on the submittal.
4. This TWUP authorizes the maximum uses of 6,304,600 gallons per day (gpd) Annual Average and 8,513,200 gpd Peak Month of groundwater from wells in the Northeast Regional Utility Service Area wellfield.
5. Total withdrawals from wells in the Northeast Regional Utility Service Area Wellfield must be recorded monthly and reported to the District by April 23, 2007.
6. This temporary increase in groundwater withdrawals shall not increase withdrawal quantities from the Van Fleet (DID 2) or Loma Linda (DID 11, 12) withdrawal points.
7. During the term of this temporary water use permit Polk County shall not issue letters of commitment for additional water within the NERUSA.

CONSENT ITEMS

DISCUSSION PAPER

25. WATER USE PERMIT APPLICATION NO. 20013005.000  
 Sumter Water Conservation Authority, LLC,  
 The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC,  
 Village Center Community Development District and Central Sumter Utility Company, LLC.

**SUMMARY**

- The permit combines and modifies three existing water use permits with two new water use permit applications. The five water use permits and applications were previously identified as WUP Nos. 20011404.008, 20012236.003, 20012239.003, 20012609.000, 20012893.000.
- Sumter County

<b>QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)**</b>		
	<b>ANNUAL AVERAGE</b>	<b>PEAK MONTH</b>
TOTAL	23,775,400	75,454,315
GROUNDWATER	19,750,400	62,811,628
SURFACE WATER	4,025,000	12,642,687
<b>PREVIOUSLY AUTHORIZED QUANTITIES (in gpd)</b>		
TOTAL	14,783,000	26,812,000
GROUNDWATER	12,793,000	20,561,330
SURFACE WATER	1,990,000	6,250,670

\*\* This permit authorizes an increase of 8,992,400 gpd (Annual Average) and an increase of 48,642,316 gpd (Peak Month) quantities, including both surface and groundwater.

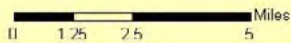
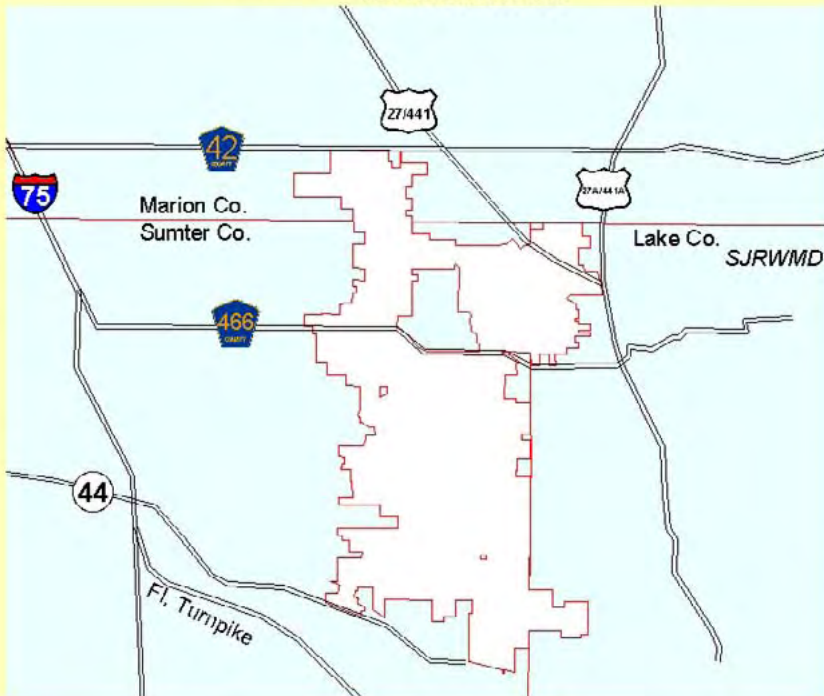
- An estimated annual average 8,638,000 gallons per day (gpd) of reclaimed water will be used to irrigate golf courses and common areas in 2013. Approximately 1,200,000 gpd of the reclaimed water will be from the City of Wildwood and remaining 7,438,000 gpd will be generated within The Villages service area. All available reuse water is currently used on golf courses within The Villages.
- The increase in the annual average quantities is due to projected increases in residential population, commercial development and recreational facilities, primarily golf courses, to serve The Villages through buildout, currently projected through 2012
- Nineteen Floridan aquifer wells currently exist and twelve new Floridan aquifer wells are proposed. Seven surface water pumping stations currently exist in the permit and seven new surface water pumping stations are proposed.
- The permit requires development and implementation of a plan for alternative water supply; development of an Impact Management Plan to ensure that no unacceptable adverse impacts occur to water resources; development and implementation of a Wetland Hydration Plan; continued metering of withdrawals and reuse quantities; confirmation of the accuracy of meters every five years; submittal of monthly meter readings; monitoring and reporting of water levels, water quality and environmental conditions; submittal of annual reports of hydrologic and environmental conditions; development of a plan to optimize the use of stormwater for irrigation; submittal and implementation of a Water Conservation Plan; and submittal of annual reports on water conserving activities in the service area.

Application No.: 20013005.000

Permittee: Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC

- The permit requires extensive data collection and monitoring to ensure that unacceptable impacts to lakes and wetlands do not occur. Additionally, the permit allows for the importation of additional water supply to offset groundwater withdrawal quantities and reduce demand to maintain compliance with the permit conditions, if necessary.
- The permit requires at least seven million gallons per day (mgd) of alternative water supply to be developed if determined to be necessary and feasible to meet public water supply demands to offset groundwater allocated under this permit. Additionally, the permit requires the Permittees to work in consultation with the Southwest Florida Water Management District, St. John's River Water Management District and appropriate local governments to evaluate and select one or more alternative water supply projects within Sumter County and the St. Johns River Water Management District within a specified timeframe.
- The permit requires the Permittees to continue to meter existing withdrawals and reuse quantities, confirm the accuracy of the meters every five years, and submit monthly meter readings; monitor and report water levels, water quality and environmental conditions; submit annual reports of hydrologic and environmental conditions; develop a plan to optimize the use of stormwater for irrigation; and submit annual reports on water conserving activities in the service area.
- The evaluated gross per capita water use is 242 gallons per day, excluding golf course use, based on 1.9 person per household and lawn and landscape irrigation. The permit requires the permittee to develop and implement water conservation BMPs to reduce the per capita rate.
- Meets rule requirements. Staff recommends approval.

Location Map  
Sumter Water Conservation Authority, LLC,  
The Villages Water Conservation Authority, LLC,  
North Sumter Utility Company, LLC,  
Village Center Community Development District and  
Central Sumter Utility Company, LLC. - Sumter County  
WUP No. 20013005.000



— MIA (Most Impacted Area)

**Marion Co., Sumter Co.,  
Lake Co.**



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE  
INDIVIDUAL  
PERMIT NO. 20013005.000**

**EXPIRATION DATE: March 27, 2013**

PERMIT ISSUE DATE: March 27, 2007

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

**TYPE OF APPLICATION:** Modification\*

**GRANTED TO:** Sumter Water Conservation Authority, LLC  
The Villages Water Conservation Authority, LLC  
North Sumter Utility Company, LLC  
Central Sumter Utility Company, LLC  
1020 Lake Sumter Landing  
The Villages, FL 32162

Village Center Community Development District  
3231 Wedgewood Lane  
The Villages, FL 32162

**PROJECT NAME:** The Villages in Sumter County

**WATER USE CAUTION AREA:** N/A

<b>QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)**</b>		
	<b>ANNUAL AVERAGE</b>	<b>PEAK MONTH</b>
TOTAL	23,775,400	75,454,315
GROUNDWATER	19,750,400	62,811,628
SURFACE WATER	4,025,000	12,642,687
<b>PREVIOUSLY AUTHORIZED QUANTITIES (in gpd)</b>		
TOTAL	14,783,000	26,812,000
GROUNDWATER	12,793,000	20,561,330
SURFACE WATER	1,990,000	6,250,670

\* See Abstract.

\*\* In addition to these quantities, an estimated annual average 8,638,000 gallons per day (gpd) of reclaimed water will be used to irrigate golf courses and common areas in 2013. Approximately 1,200,000 gpd of the reclaimed water will be from the City of Wildwood and 7,438,000 gpd will be reclaimed water generated within the service area.

**PROPERTY LOCATION:** 1,327 owned acres and 20,008 serviced acres in northeast Sumter County.



Permit No.: 20013005.000  
 Permittee: Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC

**ABSTRACT:** This permit combines and modifies three existing water use permits and includes two new water use applications. This permit increases quantities for public supply and recreational use. Annual average quantities from groundwater increase from 12,793,000 gpd to 19,750,400 gpd and annual average quantities from surface water increase from 1,990,000 gpd to 4,025,000 gpd. Peak month quantities from groundwater increase from 20,561,330 gpd to 62,811,629 gpd and peak month quantities from surface water increase from 6,250,670 gpd to 12,642,687 gpd.

The increase in water quantity is due to a projected increase in residential population and commercial and golf course use through buildout of the development. Nineteen Floridan aquifer wells are currently permitted and twelve new Floridan aquifer wells are proposed. Seven surface water pumping stations are currently permitted and seven new surface water pumping stations are proposed.

Special conditions require Permittees to develop and implement a plan for using alternative water supplies; develop an Impact Management Plan to ensure that no unacceptable adverse impacts occur to water resources; develop and implement a Wetland Hydration Plan; continue to meter withdrawals and reuse quantities; confirm the accuracy of the meters every five years; submit monthly meter readings; monitor and report water levels, water quality and environmental conditions; submit annual reports of hydrologic and environmental conditions; develop a plan to optimize the use of stormwater for irrigation; and submit annual reports on water conserving activities in the service area.

The five water use permits and applications were previously identified as WUP Nos. 20011404.008, 20012236.003, 20012239.003, 20012609.000 and 20012893.000.

**WATER USE TABLE (in gallons per day)**

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply:	21,728,918	66,906,122
Recreation/Aesthetic:	2,046,482	8,548,193

<u>FACILITY NAME</u>	<u>USE TYPE</u>
The Villages in Sumter County	Residential Lawn and Landscape Fire Protection/Testing Commercial Use

<u>SERVICE AREA NAME</u>	<u>POPULATION SERVED</u>	<u>PER CAPITA RATE</u>
The Villages in Sumter County		
Total Public Supply:	88,069	Gross 242 gpd/person

**IRRIGATION ALLOCATION RATE TABLE**

<u>USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>IRRIGATION RATE</u>
Fairways, Tees and Greens	2282	Sprinkler over plant	40.0"/yr.

## Regulation Committee March 27, 2007

### *Consent Item*

#### **Electrical Power Plant Site Certification – SWFWMD Agency Report on Florida Power & Light Company Bobwhite-Manatee 230-kV Transmission Line – Manatee and Sarasota Counties**

##### *Procedural Overview*

The Florida Electric Transmission Line Siting Act (TLSA), Sections 403.52 – 403.5365, Florida Statutes, sets forth a centralized and coordinated licensing process for the location of electric transmission line corridors and for the construction, operation and maintenance of electric transmission lines. Once a transmission line is certified by the Governor and Cabinet sitting as the Siting Board, the conditions of certification constitute the only regulatory permitting requirements for the transmission line. The Florida Department of Environmental Protection (DEP) is the processing agency for all TLSA certifications. The Southwest Florida Water Management District is one of several statutory reviewing agencies that are required to participate in the transmission line corridor certification process. Reviewing agencies do not take final agency action on the application. As a reviewing agency, the District is required to submit an Agency Report addressing matters within the District's jurisdiction, and which contains recommended conditions for certification necessary to meet applicable substantive permitting requirements. No other permits are required, as the TLSA certification takes the place of all other required permits. After Agency Reports are submitted and DEP issues its project analysis report, an administrative hearing is held before an Administrative Law Judge who issues a Recommended Order on the certification application, with the Final Order certifying the transmission facility issued by the Siting Board. The schedule for processing of FPL's application for the Bobwhite – Manatee Transmission Line requires Agency Reports to be submitted to DEP by April 3, 2007. The administrative hearing is scheduled for September 11, 2007. Members of the public or other parties may propose alternate routes for consideration.

#### **Florida Power & Light Company's Bobwhite – Manatee 230-kV Transmission Line**

Florida Power & Light Company (FPL) proposes to construct a new 230-kilovolt (kV) electric transmission line, which will connect its existing Manatee substation near Parrish in Manatee County to a proposed Bobwhite substation east of Interstate 75 and approximately ¼ mile north of Fruitville Road in Sarasota County. The proposed transmission corridor is approximately 25.5 miles long and ranges in width from 200 feet along existing road rights-of-way to 4,500 feet in areas where new rights-of-way will be needed. Once FPL acquires the property interests necessary for additional rights-of-way, the boundaries of the certified corridor will be narrowed to only the land within the obtained rights-of-way. The Florida Public Service Commission has approved the need for this additional transmission line, based upon FPL's increasing load and customer base in the surrounding area. FPL selected the preferred corridor location following an extensive study of the area and evaluation of alternate route locations. The selected route, which crosses a small portion of the Edward Chance Preserve along Gilley Creek in Manatee County, has the least impact to District lands and works and to environmental features in the area.

District staff has provided DEP with its comments and need for additional, more site specific information necessary for reasonable assurance of no adverse impacts to the water resources including wetlands, floodplains and historic basin storage, and compliance with surface water

## Item 26

management system requirements. Because the actual transmission line right of way will not be determined until after the corridor is certified, much of the specific information required for reasonable assurance will be provided post-certification. The District's Agency Report recommends certification, provided the necessary information for assessment of impacts is submitted for District post-certification review and approval.

Staff Recommendation:

See Exhibit *(to be provided)*

Approve the proposed Agency Report and Conditions of Certification to be submitted to the Department of Environmental Protection for Florida Power & Light Company's proposed Bobwhite – Manatee 230 kV Transmission Line.

Presenter: Martha A. Moore, Senior Attorney

**Regulation Committee  
March 27, 2007**

***Consent Item***

**Approval of Rule Language to Amend Rule 40D-1.600, F.A.C., to Specify that Final Agency Action on Certain General Environmental Resource Permits will be by the Governing Board**

General Environmental Resource Permits are issued by District staff, pursuant to authority delegated by the Governing Board. When a General Environmental Resource Permit involves activities on sovereign submerged lands a proprietary authorization is also required. District staff is authorized to issue the proprietary authorization except in certain cases prescribed by rule. One exception is for projects determined to be of heightened public concern according to DEP Rule 18-21.0051 (4), F.A.C. A determination of heightened public concern is based on a project's potential effect on the environment or a project's controversial nature. When an application has been determined to be of heightened public concern, the decision to issue the proprietary authorization must be made by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). The proposed rule amendment revises Rule 40D-1.600, F.A.C., to state that a General Environmental Resource Permit with an associated proprietary authorization that is of heightened public concern must be approved by the Governing Board. This revision will allow the Governing Board an opportunity to gain an awareness of these projects and to provide staff with comment and direction prior to appearing before the Board of Trustees. The Governing Board previously approved initiation of rulemaking at its combined July/August meeting.

Staff Recommendation:

See Exhibit

Approve final rule language and authorize staff to complete the rulemaking process.

Presenters: Karen S. Gruenhagen, Sr. Environmental Scientist  
Karen E. West, Deputy General Counsel

## **EXHIBIT**

### **40D-1.600 Permit Applications – General and Noticed General Permits.**

- (1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, 40D-40, Florida Administrative Code, are issued by staff except when the application is concurrently reviewed with an application for a proprietary authorization that is deemed to be of heightened public concern pursuant to 18-21.0051 (4), F.A.C. or denied in which case final action is taken by the Governing Board.
- (2) Noticed General Permits are issued or denied by staff.

**Regulation Committee  
March 27, 2007**

*Consent Item*

**Approval Of Agreement Between the Water Management Districts and the Florida Department of Agriculture and Consumer Services and Initiation of Rulemaking to Amend Rule 40D-4.091, F.A.C., Repealing Existing Agreement**

In 2000 the District and the Florida Department of Agriculture and Consumer Services, (FDACS) entered into an Agreement to facilitate the resolution of disputed claims under Section 373.406(2), Florida Statutes (F.S.). This statutory provision exempts certain agriculture related activities from regulation under Part IV of Chapter 373, F.S. The District and FDACS agreed that consultation between the two agencies regarding disputed claims would help ensure the consistent interpretation and application of the exemption to qualifying activities and result in a speedier resolution of the disputed issues. At the time, this District was the only water management district to enter into such an agreement with FDACS.

In 2006, the Florida Legislature created Section 373.407, F.S., that requires FDACS and all the water management districts to enter into an agreement under which FDACS will conduct a nonbinding review of any existing or proposed activity to assist in a determination as to whether the activity qualifies for the exemption under Section 373.406(2), F.S. During the latter part of 2006 the five water management districts and FDACS negotiated an agreement that all parties agree complies with the requirements of Section 373.407, F.S. This new agreement will replace this District's existing agreement with FDACS, currently adopted by rule in Rule 40D-4.091, Florida Administrative Code (F.A.C.). All parties to the new agreement also concluded that the new agreement does not require adoption by rule. Agreements must be executed no later than July 1, 2007. Copies of both the existing agreement and the new agreement are attached for your information.

The District's existing agreement is adopted by rule. Once the Governing Board has approved and executed the new agreement rulemaking should be commenced to repeal the adoption of the existing agreement. A copy of the proposed rule amendment is also attached for your information.

Staff Recommendation:

See Exhibits

Approve the Memorandum of Agreement between the water management districts and FDACS; delegate authority to the Executive Director to execute the agreement on behalf of the District; and authorize rulemaking to repeal this District's existing agreement with FDACS.

Presenters: Paul O'Neil, Regulation Performance Management Director  
Karen E. West, Deputy General Counsel

**MEMORANDUM OF AGREEMENT  
BETWEEN THE NORTHWEST FLORIDA, SUWANNEE RIVER, ST. JOHNS RIVER,  
SOUTHWEST FLORIDA, AND SOUTH FLORIDA WATER MANAGEMENT DISTRICTS AND  
THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
REGARDING  
NONBINDING REVIEW OF EXEMPTIONS  
UNDER SUBSECTION 373.406(2), FLORIDA STATUTES**

This **MEMORANDUM OF AGREEMENT** is made and entered into by the **NORTHWEST FLORIDA, SUWANNEE RIVER, ST. JOHNS RIVER, SOUTHWEST FLORIDA, AND SOUTH FLORIDA WATER MANAGEMENT DISTRICTS** (hereinafter “Districts”) with the **FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES** (hereinafter “DACs”).

**WITNESSETH:**

**WHEREAS**, subsection 373.406(2), Florida Statutes, states: “Nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography of any tract of land for purposes consistent with the practice of such occupation. However, such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters;” and

**WHEREAS**, the Districts are authorized to regulate activities under Part IV of Chapter 373, Florida Statutes; and

**WHEREAS**, section 373.407, Florida Statutes, directs DACs and each water management district to enter into a Memorandum of Agreement (MOA) under which DACs, upon the request of a water management district, shall conduct a nonbinding review as to whether an existing or proposed activity qualifies for an exemption under subsection 373.406(2), Florida Statutes; and

**WHEREAS**, the MOA is required to provide processes and procedures by which DACs shall undertake this review effectively and efficiently and issue a recommendation; and

**WHEREAS**, the Districts and DACs want to expedite the resolution of exemption claims;

**NOW, THEREFORE**, the Districts and DACs hereby agree as follows:

1. Upon a request by a District for DACs to conduct a nonbinding review and prepare a written report as to whether an existing or proposed activity qualifies for an exemption under Section 373.406(2), F.S., DACs will submit the report to the District within 45 days of receiving all information from the District regarding the activity.
2. DACs and the District will cooperatively exchange all information and data relevant to the review of the existing or proposed activity under subsection 373.406(2), F.S.

3. DACS shall include in its written report an explanation of the basis for its conclusions, and shall provide copies of or references to any documents or other sources of information or guidance used in making its determinations (e.g., manuals, rules, statutes, plans, technical bulletins, technical consultations, etc.).
4. District and DACS technical staff will mutually perform any cross-training that may be necessary to implement this MOA.
5. The Districts and DACS hereby designate the staff named below as the primary agency contacts. All notices, reports, and correspondence contemplated by this MOA will be sent to the primary agency contacts by regular U.S. Mail at the addresses below:

**Northwest Florida Water Management District:**

**Suwannee River Water Management District:**

**St. Johns River Water Management District:**

**Southwest Florida Water Management District:**

Paul O'Neil, P.E.  
2379 Broad Street  
Brooksville, FL 34601  
(352)796-7211

**South Florida Water Management District:**

**Florida Department of Agriculture and Consumer Services:**

6. This MOA will be reviewed by the parties one year from the date of its execution, and thereafter as determined necessary by the parties. Any modification to the MOA must be made in writing, as agreed to by the parties.
7. This MOA can be executed in counterparts, and will take effect within each District upon execution by the applicable District and DACS.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**



**IN WITNESS WHEREOF**, each party, or its lawful representative, has executed this Memorandum of Agreement on the date set forth next to their signature below.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

\_\_\_\_\_  
David L. Moore, Executive Director Date

Approved as to Legal  
Form and Content

\_\_\_\_\_  
Attorney

**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

\_\_\_\_\_  
Charles Bronson, Commissioner of Agriculture Date

Approved as to Legal  
Form and Content

\_\_\_\_\_  
Attorney

## EXHIBIT

### **40D-4.091 Publications and Agreements Incorporated by Reference.**

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, May 2, 2006. This document is available from the District upon request.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998. This document is available from the District upon request.

(3) Chapter 62-344, F.A.C., Delegation of Environmental Resource Program to Local Governments.

~~(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), F.S., dated December 13, 2002. This document is available from the District upon request.~~

(4)~~(5)~~ Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414, F.S. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441, F.S. History – New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, \_\_\_\_\_.

**Regulation Committee  
March 27, 2007**

***Consent Item***

**Proposed Final Revisions to the Environmental Resource Permitting Application Form to Request Information on Corporate and Partnership Applicants and Amendment of Rule 40D-1.659, F.A.C.**

At the July-August Governing Board meeting, staff received approval to initiate rulemaking to amend the ERP application form to properly identify applicants who are corporations, partnerships, or trusts. The proposed revision was presented to the ERP Advisory Groups and comments received indicated that an additional category of "Other" (e.g., limited liability partnership) should be added as a choice on the application for various other entities not fitting the proposed categories. In addition to proposing this requested enhancement to Section A of the form (Exhibit 1), staff is requesting three additional minor changes necessitated by recent programmatic and rule changes.

First, another revision is proposed to Section A of the ERP application form (Exhibit 1) to allow the FDOT or one of its agents applying for an ERP to indicate that the proposed project has been reviewed under the Efficient Transportation Decision Making" or "ETDM" process. Through this process, proposed road construction projects are reviewed by various agencies, including the District, prior to submitting an application for an ERP. This should alert the District evaluator to the existence of a substantial body of existing information regarding the proposed project and expedite the review process.

Second, a revision is proposed to Section B of the ERP application form (Exhibit 2A) to provide a place on the form where an entity can indicate their intent to use a Noticed General Permit recently adopted by the Department of Environmental Protection under Rule 62-341.448, F.A.C., entitled "General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges that are Part of the Roadway". This rule will be administered by the water management districts and entities seeking to use this rule must provide notice to the appropriate water management district of their intent to do so. A copy of Rule 62-341.448, F.A.C., is attached as Exhibit 2B for information purposed only.

Third, a revision is proposed to Section H of the ERP application form (Exhibit 3) to provide a place on the form where an applicant can indicate that they are applying for a permit pursuant to the recently adopted criteria for minor residential subdivisions under Rule 40D-40.301(2), F.A.C.

The ERP application form is adopted by reference in Rule 40D-1.659, F.A.C. and any revisions to the form must be made in association with a corresponding change to Rule 40D-1.659 (Exhibit 4) to incorporate the newly revised form into District rules.


**Staff Recommendation:**

**See Exhibits**

Authorize final revisions to the ERP application form and amendment to Rule 40D-1.659, F.A.C.

**Presenters:** H. Clark Hull, Jr., ERP Program Director  
Karen E. West, Deputy General Counsel

Exhibit 1

	<p style="text-align: center;"><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p style="text-align: center;"><i>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</i></p> <p style="text-align: center;">2379 BROAD STREET · BROOKSVILLE, FL 34604-6899 (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
<b>FOR AGENCY USE ONLY</b>		
ACOE Application # _____	DEP/WMD Application # _____	
Date Received _____	Date Received _____	
Proposed Project Latitude _____ N _____ N _____ O	Fee Received \$ _____	
Proposed Project Longitude _____ N _____ N _____ O	Fee Receipt # _____	

**SECTION A**

**PART 1:**  
**Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters?**  
 **yes**  **no**  
**Is this application being filed by or on behalf of an entity eligible for a fee reduction?**  **yes**  **no**

---

**PART 2:**

**A. Type of Environmental Resource Permit Requested (check at least one)**

- Noticed General - include information requested in Section B.
- Standard General (single family dwelling)-include information requested in Sections C and D.
- Standard General (all other projects) - include information requested in Sections C and E.
- Standard General (minor systems) - include information requested in Sections C and H.
- Standard General (borrow pits) - include information requested in Sections C and I.
- Individual (single family dwelling) - include information requested in Sections C and D.
- Individual (all other projects) - include information requested in Sections C and E.
- Individual (borrow pits) - include information requested in Sections C and I.
- Conceptual - include information requested in Sections C and E.
- Mitigation Bank (construction) - include information requested in Section C and F.  
 (If the proposed mitigation bank involves the construction of a surface water management system requiring another permit listed above, check the appropriate box and submit the information requested by the applicable section.)
- Mitigation Bank (conceptual) - include information requested in Section C and F.

**B. Type of activity for which you are applying (check at least one)**

- Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters.  
 (If reapplying for an expired, denied or withdrawn permit/ application, please provide previous permit # \_\_\_\_\_.)
- Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP.
- Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # \_\_\_\_\_  
 and check applicable modification type.  
 Alteration of a system     Extension of permit duration     Abandonment of a system  
 Construction of additional phases of a system     Removal of a system

**C. Are you requesting authorization to use State Owned Submerged Lands.**  **yes**  **no**  
 If yes, include the information requested in Section G.

**D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:**  
 Individual     Programmatic General     General     Nationwide     Not Applicable

**E. Are you claiming to qualify for an exemption?**  **yes**  **no**  
 If yes, provide rule number if known \_\_\_\_\_.

<b>PART 3:</b>	
<b>A. OWNER(S) OF LAND</b>	<b>B. APPLICANT (IF OTHER THAN OWNER)</b>
NAME	NAME
COMPANY AND TITLE	COMPANY AND TITLE
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ( ) FAX ( )	TELEPHONE ( ) FAX ( )
<b>C. AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)</b>	<b>D. CONSULTANT (IF DIFFERENT FROM AGENT)</b>
NAME	NAME
COMPANY AND TITLE	COMPANY AND TITLE
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE ( ) FAX ( )	TELEPHONE ( ) FAX ( )
<b>PART 4: PROJECT INFORMATION</b> A. Name of project, including phase if applicable: _____ B. Is this application for part of a multi-phase project? <input type="checkbox"/> yes <input type="checkbox"/> no C. Total applicant-owned area contiguous to the project: _____ acres D. Total project area for which a permit is sought: _____ acres E. Total impervious area for which a permit is sought: _____ acres F. Total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters: _____ acres or _____ square feet (_____ hectares or _____ square meters) G. Total number of new boat slips proposed: _____	

**PART 5: PROJECT LOCATION** (use additional sheets, if needed)

County(ies) \_\_\_\_\_  
Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Land Grant name, if applicable \_\_\_\_\_  
Tax Parcel Identification Number \_\_\_\_\_  
Street address, road, or other location \_\_\_\_\_  
City, Zip Code, if applicable \_\_\_\_\_

**PART 6: IDENTITY OF APPLICANT**

Is the permit applicant one of the following (please check if applicable):

- \_\_\_\_\_ Florida corporation
- \_\_\_\_\_ Florida limited liability corporation
- \_\_\_\_\_ Florida limited partnership
- \_\_\_\_\_ Florida general partnership
- \_\_\_\_\_ Foreign corporation/partnership
- \_\_\_\_\_ Trust
- \_\_\_\_\_ Other (explain) \_\_\_\_\_

If so, please include with application documentation of status of applicant to legally operate in the State of Florida (e.g. copy of last corporate annual report submitted to the Florida Department of State).

**PART 7 6: DESCRIBE IN GENERAL TERMS THE PROPOSED PROJECT, SYSTEM, OR ACTIVITY.**

**PART 87:**

**A.** If there have been any pre-application meetings for the proposed project, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

Date(s)	Location(s)	Names
_____	_____	_____
_____	_____	_____
_____	_____	_____

**B.** If this project has been previously reviewed through the FDOT Efficient Transportation Decision Making (ETDM) process, provide the ETDM project review number(s) assigned by FDOT:

\_\_\_\_\_  
\_\_\_\_\_

**BC.** Please identify by number any MSSW/WRM (dredge & fill)/ERP/ACOE permits or applications pending, issued or denied and any related enforcement actions at the proposed project site.

Agency	Date	Number/ Type	Action Taken
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**CD.** Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant) and/or is located within a 500 foot radius of the project boundary (for proprietary authorizations, if any). Please provide a drawing identifying each owner and adjoining property lines. (Use additional sheets, if needed).

1.	_____	2.	_____
	_____		_____
	_____		_____
3.	_____	4.	_____
	_____		_____
	_____		_____
5.	_____	6.	_____
	_____		_____
	_____		_____

**PART 98:**

A. By signing this application form, I am applying, or I am applying on behalf of the owner or applicant, for the permit and/or proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true complete and accurate. I understand that knowingly making any false statement or representation in the application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001. I understand this is an application and not a permit and work prior to approval is a violation. I understand that this application and any permit or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the owner or applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity.

\_\_\_\_\_  
Typed/Printed Name of Owner, Applicant or Agent Corporate Title, if applicable

\_\_\_\_\_  
Signature of Owner, Applicant or Agent Date

---

**B. AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:**

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above.

\_\_\_\_\_  
Typed/Printed Name of Owner or Applicant Corporate Title, if applicable

\_\_\_\_\_  
Signature of Owner or Applicant Date

---

**C. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:**

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Southwest Florida Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor authorized work if a permit is granted.

\_\_\_\_\_  
Typed/Printed Name Corporate Title, if applicable

\_\_\_\_\_  
Signature Date

---

D. I certify that the engineering features of this surface water management system have been designed by me or under my responsible charge and in my professional opinion conform with sound engineering principles and all applicable rules and specifications. I further agree that I or my engineering firm will furnish the applicant/permittee with a set of guidelines and schedules for maintenance and operation of the surface water management system.

By: \_\_\_\_\_  
Signature of Engineer of Record Name (please type) FL P.E. No.


! A F F I X S E A L !

\_\_\_\_\_  
Company Name

Date: \_\_\_\_\_  
Company Address

Phone: ( ) \_\_\_\_\_  
City, State, Zip



	<p>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</p> <p><i>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</i></p> <p>2379 BROAD STREET ! BROOKSVILLE, FL 34604-6899 (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	<p>EXHIBIT 2A</p>
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**SECTION B**

**INFORMATION FOR NOTICED  
GENERAL ENVIRONMENTAL RESOURCE PERMITS**

To qualify for a Noticed General Permit (NGP) for specific activities, the project must strictly comply with all of the terms, conditions, requirements, limitations and restrictions applicable to the NGP applied for. You should carefully review the District or Department of Environmental Protection rule sections of the pertaining to the NGP for which you are applying to ensure that your project meets the requirements of that NGP and provide the information requested below.

A. Are you applying for an NGP under DEP Rule Chapter 62-341.448, F.A.C., "General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges that are Part of the Roadway"?  
       Yes        No

B. If No, provide the District rule section number of the NGP for which you are applying:\_\_\_\_\_.

~~B~~C. Indicate the project boundaries on a USGS quadrangle map, reduced or enlarged as necessary to legibly show the entire project. If not shown on the quadrangle map, provide a location map, that shows a north arrow, a graphic scale, Section(s), Township(s), and Range(s), and detail sufficient to allow a person unfamiliar with the project site to find it.

~~C~~D. A legible site plan showing the following features, as applicable:

- 1) property boundaries and dimensions
- 2) name and location of any adjoining public streets or roads
- 3) location, dimensions (and use if not apparent) of all existing structures
- 4) locations and dimensions of all proposed works
- 5) label all impervious and pervious areas and indicate their surface area
- 6) indicate the direction of drainage relative to the proposed improvements
- 7) permanent and temporary erosion, sedimentation and turbidity controls
- 8) boundaries of wetlands and other surface waters identifying open water areas
- 9) boundaries, area and volumes of all temporary and permanent earthwork including pre and post-construction grades

~~D~~E. Wetland or aquatic habitat descriptions.

~~E~~F. Construction methods and schedule.

~~F~~G. Additional information that would show that you qualify for the NGP, addressing all the parameters, thresholds and conditions listed. Errors and omissions will be identified within 30 days by the processing agency.

~~G~~H. Any calculations and drawings that require certification pursuant to Chapter 471, Florida Statutes, must be signed and sealed by an appropriate professional.

Exhibit 2B

**62-341.448 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.**

A general permit is hereby granted to counties and municipalities to pave existing county or municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes: the repair and stabilization of such roads in preparation of paving; the repair or replacement of bridges and culverts that are part of the roadway; construction or alteration of associated stormwater management systems; other work reasonably necessary to pave the road; and the construction, alteration, operation, and maintenance of systems and works authorized under this general permit, provided all of the terms and conditions below are met.

(1) The existing road and any associated bridges:

(a) Must have been constructed prior to January 1, 2002, and in continuous use as a county or municipally owned and maintained road (including any associated bridge or bridges) thereafter. For the purposes of this general permit, county or municipal ownership shall include roads that have been presumed to be dedicated in accordance with Section 95.361, F.S.; and

(b) Must not: be located in, on, or over; directly discharge to; or significantly degrade Outstanding Florida Waters.

(2) The proposed road and any bridge work, together:

(a) Must not exceed two traffic lanes;

(b) Must not expand the number of existing traffic lanes, except that any single-lane bridges may be widened to two travel lanes, provided the bridge widening does not exceed that reasonably necessary to connect the bridge with the road being paved;

(c) Must not result in a total paved roadway surface (including travel lanes, safety shoulders, and bike paths) that is more than 32 feet wide, or 36 feet wide for bridges;

(d) Must be constructed, operated, and maintained within roadway and bridge right-of-way owned by the county or municipality, including where ownership is through presumed dedication in accordance with Section 95.361, F.S.;

(e) Must not realign the roadway;

(f) Must not involve any more dredging or filling of wetlands or other surface waters than is reasonably necessary to prepare the roadway for paving, including all work to repair, extend, or replace any culverts, other drainage structures, and bridges associated with the roadway, and to construct or reconfigure surface water management systems associated with the paving. However, the amount of such dredging and filling, both temporary and permanent, must not impact more than 0.5 acre of wetlands and other surface waters for a total and complete project, with the allowance of an additional 0.5 acre of work in roadside ditches constructed through uplands. A “total and complete project” shall consist of the total amount of work needed to pave, and prepare for paving, all unpaved segments of a single named or numbered (county or state road number) roadway. The sum of all wetland and other surface water impacts associated with phases of paving the named or numbered roadway must not exceed the above acreage limits. However, the total acreage limits for this general permit shall not include work conducted to prepare the roadway for paving when the preparation is done in accordance with:

1. All the terms and conditions of routine custodial maintenance;

2. An exemption adopted under Part IV of Chapter 373, F.S.;
  3. An exemption contained in Section 403.813(2), F.S.; or
  4. Any other general permit adopted under Part IV of Chapter 373, F.S.;
- (g) Must not adversely affect wetlands or other surface waters outside of the footprint

of any dredging and filling;

(h) Must not reduce existing water conveyance or treatment capacity or adversely affect existing offsite drainage patterns;

(i) Must not cause adverse upstream or downstream flooding or drainage;

(j) Must not adversely affect receiving waters; and

(k) Must not be within the footprint of an approved Comprehensive Everglades Restoration Project boundary; if a final boundary has not been selected, the boundary from Chapter 9 of the *Central and Southern Florida Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, U.S. Army Corps of Engineers and South Florida Water Management District, April 1999, which is hereby incorporated by reference, shall be used to define the approved boundary.

(3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule 62-341.215, F.A.C., and all the specific conditions in paragraphs (a) through (k) below.

(a) Roadside swales, establishment of permanent vegetative cover, or other effective means of stormwater management within the right-of-way must be incorporated into the project, and must be designed, constructed, operated and maintained to prevent increases in pollution loading or changes in the point of discharge that can cause adverse impacts to receiving waters or offsite property.

(b) No debris from the removal of existing roadway, bridge, culvert, and other surface water management features shall be placed within wetlands or other surface waters.

(c) Creosote must not be a component of any pilings, pile jackets, headwalls, bulkheads, or other structural components used in roadway, bridge, culvert, or other surface water management structures.

(d) Any bridge or culvert must not cross a stream or other watercourse having a drainage area upstream of the work of more than ten (10) square miles.

(e) Bridges and other water conveyance features must be designed, constructed, operated, and maintained to convey normal flows and overtopping during a 25-year, 24-hour storm event.

(f) Best management practices for erosion and sediment control must be used to prevent water quality violations during and after construction. These shall include a construction-phase water management and erosion control plan that is designed and implemented to include site-specific measures adapted from practices and procedures described in the following publications that are adopted herein and incorporated by reference:

1. The guidelines set forth in Chapter 6 of *The Florida Development Manual: A Guide to Sound Land and Water Management*, Vol. II, Florida Department of Environmental Regulation, June 1988; and

2. The provisions set forth in *The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual*, Florida Department of Environmental Protection and Florida Department of Transportation, Fifth Impression, June 2005.

(g) Temporary or permanent vegetative cover must be established on both sides of the pavement within the road right-of-way and along water conveyances as soon as practicable, but in no case more than seven (7) days after construction activities have ceased in portions of the site where construction activities have temporarily or permanently ceased.

(h) Activities conducted and authorized by this permit must be operated and maintained by the county or municipality for the life of the system.

(i) This general permit does not constitute a Works of the District permit from a water management district, nor obviate the need for obtaining such a permit where required by a water management district.

(j) Applicants are advised that drawings, any submitted construction plans, and supporting calculations must be signed, sealed, and dated by an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapters 471, 472, 481, or 492, F.S., when the design of the system requires the services of such registered professional. For purposes of this rule, an “appropriate registered professional” means a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems. Examples of appropriate registered professionals are professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

(k) The performance of routine custodial maintenance of structures and activities within the roadway alignment, such as replacement of culverts in kind to their former size, grade, and elevation, and the performance of activities qualifying for an exemption under Part IV of Chapter 373 or Section 403.813(2), F.S., such as maintenance of ditches and swales to prior design specifications in accordance with Section 403.813(2)(g) or (j), F.S., or under other general permits adopted under Part IV of Chapter 373, F.S., may be conducted to prepare the roadway for paving in advance of using this general permit, and any dredge and fill volumes associated

with such work shall not be included within the limits established in paragraph (2)(f) of this general permit.

(4) In accordance with Section 403.813(2)(t), F.S., this general permit shall not require submittal of a fee and shall be binding on the Department, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District with no additional rulemaking by those Districts.

(5) Notices to use this general permit shall be submitted to the water management district established under Section 373.069, F.S., having regulatory jurisdiction over the geographic area in which the proposed project will be located using the form for noticing general permits for the applicable water management district as adopted in Rules 40B-1.901(13), 40C-4.900(1), 40D-1.659, or 40E-1.659, F.A.C. In addition to the information required on those forms, this notice must also include the materials required in paragraphs (5)(a) or (b), below.

(a) For roads that are not subject to overtopping by a one percent-chance storm event and do not require: any fill to elevate the roadway (other than the base and pavement up to a maximum height of eight (8) inches, and sub-base work provided there is no net addition of fill); any grading of side slopes; any alteration, expansion, or modification of drainage structures and bridges; any work in wetlands or other surface waters; or more than minor shoulder work to level the shoulders to meet the new pavement:

1. A project description that describes the work to be done, including a statement signed by the responsible official in the county or municipality that the proposed activity will comply with the limitations in paragraph (5)(a) herein, and all the other terms and conditions of this general permit;

2. A location map in sufficient detail to enable persons who are unfamiliar with the site to find the road to be paved, including the beginning and ending limits of the proposed activity;

3. A fully dimensioned or scaled plan view, and fully dimensioned or scaled cross sectional views that clearly depict and distinguish the road right-of-way and the footprint of existing and proposed work at typical sections, including the width, height, and slopes of existing and proposed grades; thickness of sub-base, base, and pavement layers; and shoulder work; and

4. A copy of a Federal Emergency Management Agency flood insurance rate map or a map signed and sealed by an appropriate registered professional that demonstrates that the road segments to be paved are not subject to overtopping by a one percent-chance storm event.

(b) For all other roads to be paved under this general permit:

1. All the information requested in paragraph (5)(a) above, plus a summary of the total amount of proposed dredging and filling in wetlands or other surface waters (in square feet or acreage);

2. A fully dimensioned or scaled plan view that clearly depicts and distinguishes all areas of proposed dredging and filling, the limits of proposed surface water management systems, and the location of all culverts, other drainage structures, and bridges that are proposed to be altered;

3. Fully dimensioned or scaled cross sections that clearly depict and distinguish dredging and filling at typical sections, including at culvert, other drainage system, and bridge modifications;

4. Fully dimensioned or scaled typical cross sections of surface water management system alterations;



5. An erosion and sedimentation control plan demonstrating compliance with the provisions of paragraphs (3)(f) and (g) of this general permit; and


6. If design of the project requires the services of an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapter 471, 472, 481, or 492, F.S., all supporting drawings, materials, statements, construction plans, and calculations that are required to be signed, sealed, and dated by the registered professional.

(c) Notice to use this general permit is not required for subsequent routine custodial maintenance activities that may be required to the systems authorized under this general permit.

(6) Projects that have previously qualified under the exemption in Section 403.813(2)(t), F.S., following notice to the Department or water management district, but have not been fully implemented as of the effective date of this general permit, are authorized under this general permit to be completed under the terms of that exemption until [effective date plus 365 days].

Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.813(2)(t) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.419, 403.813(2)(t) FS. History – New 2-22-07.

### Exhibit 3

	<p>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</p> <p><i>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</i></p> <p>2379 BROAD STREET ! BROOKSVILLE, FL 34604-6899 (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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## SECTION H

### INFORMATION FOR GENERAL ENVIRONMENTAL RESOURCE PERMITS FOR MINOR SURFACE WATER SYSTEMS

To obtain a General Permit for a Minor Surface Water Management System, the project must meet all of the requirements of Section A, Part 1 **OR** one of the requirements of Section A, Part 2 and both of the requirements of Section A, Part 3. Indicate which thresholds apply to your project and submit the information requested in Section B.

#### A. Project Thresholds

##### Part 1.

- The total land area does not equal or exceed 10 acres;
- The area of impervious surface will not equal or exceed two acres;
- Any activities to be conducted in, on or over wetlands or other surface waters will consist of less than 100 square feet of dredging or filling;
- The activities will not utilize pumps for stormwater management;
- The activities will not utilize storm drainage facilities larger than one 24 inch diameter pipe or its hydraulic equivalent;
- Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review;
- The proposed building floors will be above the 100-year flood elevations;
- The surface water management system can be effectively operated and maintained, and;
- The proposed activities will not cause significant adverse impacts to occur individually or cumulatively.

##### Part 2.

- 40D-4.051(3) - NORMAL AND NECESSARY FARMING AND FORESTRY
- 40D-40.301 (2) - MINOR RESIDENTIAL SUBDIVISION

##### Part 3.

- Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review described in Rule 40D-4.091(1), and
- The Surface Water Management System can be effectively operated and maintained.

**Exhibit 3 (Continued)**

**B. Technical and Legal Information**

1. Provide a copy of the boundary survey and/or a legal description and acreage of the total land area of contiguous property owned or controlled by the applicant, including the project site.
2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400' or more detailed, with total land, project area and any on-site wetlands delineated.
3. Provide a detailed topographic map (with contours) of the site and adjacent hydrologically related area. The location and description of bench marks (minimum of one per major water control structure) should be included.
4. Describe the location, size (in acres) and type of any on-site wetlands or other surface waters.
5. Provide the project site development plan and acreage of the total area of impervious surface.
6. Provide the Surface Water Management System design plans, calculations and reports signed and sealed by a Florida Registered Professional Engineer, as required by law.
7. Provide construction drawings signed and sealed by the design engineer showing the location and details of the Surface Water Management System including but not limited to any preserved wetlands, lakes, culverts, pipes, under drains, exfiltration trenches, discharge structures, pumps and related facilities such as paving, grading and erosion or sediment control measures to be employed.
8. Indicate type of water quality treatment system used:  

<input type="checkbox"/> Man-made wet detention	<input type="checkbox"/> Off-line retention (Dry pond)
<input type="checkbox"/> On-line effluent filtration (side bank or under drain filters)	<input type="checkbox"/> Off-line underground exfiltration system
<input type="checkbox"/> On-line retention (Dry pond)	<input type="checkbox"/> Wet detention utilizing natural wetlands
	<input type="checkbox"/> Other (explain)
9. If a Water Use Permit has been issued for the project, state the permit number.
10. Indicate how any existing wells located within the project site will be utilized or abandoned.
11. Provide a letter or other current evidence of potential acceptance by the operation and maintenance entity, if the entity is to be a public body such as a city or drainage district. If the entity is a homeowners or other association, final draft documents verifying either the present or imminent existence of such an organization and its ability to accept operation and maintenance responsibility are required.

## Regulation Committee March 27, 2007

### *Discussion Item*

#### **Statewide Stormwater Rule Issues**

The purpose of this item is to brief the Governing Board on an important statewide rulemaking effort being initiated by the Florida Department of Environmental Protection regarding the regulation of stormwater discharges.

The State of Florida began regulating stormwater discharges in 1978 under rules developed by the Department of Environmental Regulation (later renamed the Department of Environmental Protection). Authority to regulate these discharges was delegated to the Southwest Florida Water Management District in 1984 and was implemented with our Management and Storage of Surface Waters (MSSW) regulatory program.

Amendments to Florida Statutes in 1994 required the Department and the water management districts to seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under Part IV of Chapter 373, F.S. A multi-phase approach to this effort was initiated, with the first phase addressing wetlands permitting criteria. Consistent statewide wetlands permitting criteria were adopted in 1995 by the Department and four of the five water management districts as Environmental Resource Permitting (ERP) rules (the Northwest Florida Water Management District did not adopt ERP rules at that time but is currently in the process of adopting ERP rules). The second phase of this effort was to address the regulation of stormwater discharges. Consistent statewide rules pertaining to the regulation of stormwater discharges have not yet been developed.

Since 1999, the State of Florida has been assessing its water bodies as part of the Total Maximum Daily Loads program required under the Clean Water Act. As a result of these assessments, hundreds of water bodies and water body segments have been identified as impaired, mostly as a result of excess nutrients. Stormwater discharges have been identified as the most likely cause of impairment in these waters.

Florida's Water Resource Implementation Rule, Chapter 62-40, F.A.C. requires that: *"The Department and the Districts, pursuant to Section 373.418, F.S., shall, when adopting rules pertaining to stormwater management systems, specify design and performance criteria for new stormwater management systems which:*

- 1. Achieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards.*

- 2. Achieve at least 95 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards in Outstanding Florida Waters."*

Additionally, Chapter 62-40 states *"The primary goals of the state's stormwater management program are to maintain, to the maximum extent practical, during and after construction and development, the pre-development stormwater characteristics of a site."*

Research conducted in Florida over the past decade indicates that the pollutant reduction goals of the Water Resource Implementation Rule, as stated above, have not been consistently met. It is apparent from this research that the answer isn't just larger stormwater treatment systems. Achieving these goals requires implementing source controls to limit the generation of pollutants, sound site design to minimize pollutant transport, use of new technologies to remove pollutants, and a site-specific customized approach to target specific pollutants of concern.

## Item 30

Following statutory direction to "achieve a statewide, coordinated and consistent permitting approach", the Department and water management districts have met several times in the past year to discuss development of a statewide stormwater rule to improve stormwater management practices and meet pollution reduction goals. These discussions are still at a conceptual stage and considerable work remains to be done. No draft rule language has been developed yet. It is expected that there will be substantial stakeholder involvement in this rulemaking effort, including the establishment of one or more technical advisory groups over the next few months to assist in rule development.

Staff Recommendation:

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

Presenter: H. Clark Hull, Jr., ERP Program Director, Regulation Performance Management Department

## Regulation Committee March 27, 2007

### *Discussion Item*

#### **Resource Regulation Form Letters**

The Governing Board has expressed an interest in potentially revising the various form letters used by the Resource Regulation Division in communicating with the regulated public. This topic arose during the August 1, 2006 Board Planning Workshop. The Division has developed approximately 164 form letters (see Exhibit 1 – Form Letter Index) in an effort to enhance staff efficiencies and to communicate in a consistent manner. The practice of using form letters has been in place since the beginning of the various Resource Regulation programs (Water Use Permitting, Well Construction Permitting and Environmental Resource Permitting [formerly Management and Storage of Surface Waters]). Form letters are utilized during the permit application and review process, as well as the compliance component of these programs. Over time, these letters have all gone through varying forms of rewriting. For example, about ten years ago, several staff teams were established with the specific intention of rewriting the letters.

In response to the Board's request, Resource Regulation is currently engaged in a thorough review of all form letters with specific regard for readability. Clear communication, with minimization of governmental jargon, is one of the objectives of the current endeavor and is consistent with the Governor's "Plain Language" initiative outlined in Executive Order 07-01.

Staff will provide the Regulation Committee with examples of the on-going exercise by exhibiting "before" and "after" form letters. Exhibit 2A displays the currently used standard letter that is sent out when an ERP is not required. Exhibit 2B displays a proposed revision of this letter. In addition, the review of some form letters has resulted in no changes being proposed, such as the letter for WUP delinquencies, shown in Exhibit 3. Staff will continue to review and update as appropriate all Resource Regulation form letters with an objective of completing this review within the next three months.

Staff Recommendation:

See Exhibits

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

Presenter: Paul O'Neil, P.E., Director, Regulation Performance Management Department

**Exhibit 1**  
**Resource Regulation Form Letters**

**Water Use Permitting**

- 01 Additional Information
- 01 Additional Information – 2<sup>nd</sup> Issue
- 01 Additional Information – 3<sup>rd</sup> Issue
- 03 Clarification of Received Information
- 03 Clarification of Received Information – 2<sup>nd</sup> Issue
- 03 Clarification of Received Information – 3<sup>rd</sup> Issue
- 03 Clarification of Received Information – 4<sup>th</sup> Issue
- 03 Clarification of Received Information – 5<sup>th</sup> Issue
- 03 Clarification of Received Information – 6<sup>th</sup> Issue
- 03 Clarification of Received Information – 7<sup>th</sup> Issue
- 04 Elapsed Time Notification
- 04 Elapsed Time Notification – 2<sup>nd</sup> Issue
- 04 Elapsed Time Notification – 3<sup>rd</sup> issue
- 04 Elapsed Time Notification – 4<sup>th</sup> Issue
- 04 Elapsed Time Notification – 5<sup>th</sup> Issue
- 05 Statement of Completeness
- 06 Test Program
- 07 Notification of Application Amendment
- 08 Notice of Incomplete Application
- 09 Final Agency Transmittal Letter – Modification of Permit (Approval/Denial)
- 10 Well Tag Installation
- 11 Meter Reading Reporting
- 11 Meter Reading Reporting – 2<sup>nd</sup> Issue
- 12 Meter Reading Reporting – 2<sup>nd</sup> Notification
- 13 Time Ext. Request Approval/Denial
- 13 Time Ext. Request Approval/Denial – 2<sup>nd</sup> Issue
- 13 Time Ext. Request Approval/Denial – 3<sup>rd</sup> Issue
- 13 Time Ext. Request Approval/Denial – 4<sup>th</sup> Issue
- 13 Time Ext. Request Approval/Denial – 5<sup>th</sup> Issue
- 13 Time Ext. Request Approval/Denial – 6<sup>th</sup> issue
- 13 Time Ext. Request Approval/Denial – 7<sup>th</sup> Issue
- 13 Time Ext. Request Approval/Denial – 8<sup>th</sup> issue
- 13 Time Ext. Request Approval/Denial – 9<sup>th</sup> Issue
- 14 Exception to Rule
- 15 Corrected Letter Mod/Permit
- 16 Notice of Non-Compliance
- 16 Notice of Non-Compliance – 2<sup>nd</sup> Issue
- 17 Notice of Non-Compliance – again
- 18 Exceeding Permitted Quantity
- 19 Revocation Staff Report
- 20 Water Use Pumpage Advisory
- 21 Manatee Co. Well Construction
- 22 Sarasota Co. Well Construction
- 23 Special Well Construction Stip Memo
- 25 Second Request for Meter Readings
- 26 Rcpt of Delinquent Mtr Rdgs/Enforcement Advisory
- 27 Non-Compliance of Crop Report & Meter Reading Submittals
- 28 Non-Compliance of Crop Report Submittals
- 29 Processing Notice
- 30 Non-Compliance – Inaccurate Data Submittals

NA Receipt of Water Permit Application  
NA Renewal of Water Use Permit

**Water Use Permitting Compliance**

Delinquent Reporting of Condition for Water Use Permit  
Delinquent Special Condition Reporting for Water Use Permit

**Well Construction Permitting (automated Email)**

Approved Well Construction Permit – No Changes  
Approved Well Construction Permit – With Changes

**Well Construction Permitting Letter**

Information Letter – Overdue Completion Report

**Environmental Resource Permitting**

01 Corrected Permit  
01 Corrected Permit – 2<sup>nd</sup> Issue  
02 RAI W/Checklist  
02 RAI W/Checklist – 2<sup>nd</sup> Issue  
02 RAI W/Checklist – 3<sup>rd</sup> Issue  
02 RAI W/Checklist – 4<sup>th</sup> Issue  
02 RAI W/Checklist – 5<sup>th</sup> Issue  
03 RAI Substantially Incomplete w/ Checklist  
04 Clarification of Rec'd Info  
04 Clarification of Rec'd Info – 2<sup>nd</sup> Issue  
04 Clarification of Rec'd Info – 3<sup>rd</sup> Issue  
04 Clarification of Rec'd Info – 4<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 5<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 6<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 7<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 8<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 9<sup>th</sup> Issue  
04 Clarification of Rec'd Info – 10<sup>th</sup> Issue  
05A Status of Permit Application (No FCMP req'd)  
05A Status of Permit Application (No FCMP req'd) – 2<sup>nd</sup> Issue  
05 Coastal – Status of Permit Application (FCMP Complete)  
05 CZM Manatees & Sea Turtles  
05 CZM Manatees & Sea Turtles – 2<sup>nd</sup> Issue  
06 Additional Info Time Extension  
06 Additional Info Time Extension – 2<sup>nd</sup> Issue  
06 Additional Info Time Extension – 3<sup>rd</sup> Issue  
06 Additional Info Time Extension – 4<sup>th</sup> Issue  
06 Additional Info Time Extension – 5<sup>th</sup> Issue  
06 Additional Info Time Extension – 6<sup>th</sup> Issue  
06 Additional Info Time Extension – 7<sup>th</sup> Issue  
06 Additional Info Time Extension – 8<sup>th</sup> Issue  
06 Additional Info Time Extension – 9<sup>th</sup> Issue  
07 Ltr Mod or Notice General Approval/Denial  
07 Ltr Mod or Notice General Approval/Denial – 2<sup>nd</sup> Issue  
07 Ltr Mod or Notice General Approval/Denial – 3<sup>rd</sup> Issue  
08 Incomplete App  
08 Incomplete App – 2<sup>nd</sup> Issue  
08 Incomplete App – 3<sup>rd</sup> Issue  
08 Incomplete App – 4<sup>th</sup> Issue



- 09 ERP, MSW, WRP Approval
- 10 FAA Denial
- 11 FAA Approval
- 12 Prop. Auth. FAA or APO Notice
- 12 Prop. Auth. FAA or APO Notice – 2<sup>nd</sup> Issue
- 13 Wetland & Surface Water Determination
- 13 Wetland & Surface Water Determination – 2<sup>nd</sup> Issue
- 14 Appraisal for Private Easement
- 15 Transfer of Permit
- 15 Transfer of Permit – 2<sup>nd</sup> Issue
- 16 Pre-Application Meeting
- 17 WRP Denial
- 18 Permit Application Fee
- 19 Project Eval/Rule Variance
- 19 Project Eval/Rule Variance – 2<sup>nd</sup> Issue
- 20 Agricultural Rule Exemption Qualification or Disqualification
- 20 Agricultural Rule Exemption Qualification or Disqualification – 2<sup>nd</sup> Issue
- 21 Notification of Potentially Harmful Activities
- 22 Transfer of Incorrectly Submitted Application
- 23 Formal Det. Of Wetlands Approval
- 24 Formal Det. Of Wetlands Denial
- 25 Permit Application Withdrawal
- 26 Special Case Agreement
- 27 Forwarding of Permit Inquiry (DEP)
- 28 Written Agreement Pursuant to Special Cases
- 29 HPC Determination Memo
- 30 HPC Determination AG Ltr
- 31 Sovereign Submerged Lands Title Determination Results
- 40 PAA Letter (Approval/Denial w/ Draft & Final Permit)
- 40 PAA Letter (Approval/Denial w/ Draft & Final Permit) – 2<sup>nd</sup> Issue
- 41 FAA Returned Letters
- 42 PAA Withdrawal
- 43 Revised Schedule for Gov. Bd.
- 44 PAA Revised – Denial
- 45 Wrong Water Management District
- 46 Transfer of Incorrectly Submitted App (From RPM)

### **Environmental Resource Permitting Compliance**

- 01 Transfer of Operation
- 02 1<sup>st</sup> Request for Statement of Inspection
- 03 2<sup>nd</sup> Request for Statement of Inspection
- 04 Notice of Expired Permit
- 06 Response to O&M Inspection – same schedule
- 06 Response to O&M Inspection – same schedule
- 07 Response to O&M Inspection – extended schedule
- 07 Response to O&M Inspection – extended schedule
- 08 Response to O&M Inspection – Inspected w/ De
- 08 Response to O&M Inspection – Inspected w/ De
- 09 Notice of Unauthorized Construction
- 10 Notice of Unauthorized Activities – Ag form
- 11 SOC – 2<sup>nd</sup> Request for SOC/AS-Builts (14 days)
- 12 SOC – 1<sup>st</sup> Request (30 days)
- 13 SOC – 1<sup>st</sup> Request w/ deviations (30 days)
- 14 Notice of As-Built Deviation

14 Notice of As-Built Deviation – 2<sup>nd</sup> Issue  
15 Notice of As-Built Consent Order Deviation  
16 Notice of Operation without a Permit  
17 Notice of Operation without a Permit – 2<sup>nd</sup> Notice  
18 Second Notice of As-Built Deviations  
18 Second Notice of As-Built Deviations – 2<sup>nd</sup> Issue  
19 Processing Notice  
20 Request for Transfer of Ownership  
21 Request for Transfer of Ownership – 2<sup>nd</sup> Request  
22 Compliance Time Extension Approval  
NA Receipt of ERP Permit Application  
NA Request for Construction Notification  
NA Receipt of As-Built Drawing/Statement of Completion  
NA Compliance with Permit Tracking Conditions  
NA Request for Reporting Data  
NA Reminder of Inspection Report Coming Due

**TOTAL NUMBER OF LETTERS = 164**

**Exhibit 2A  
Project Evaluation / Rule Variance**

Date

Permittee/Project Owner address

Subject: **Project Evaluation - {Prompt - What type of exemption is this?- 1 - Project Evaluation/Permit Not Required, 2 - Letter Mod/Mod Not Required, 3 - Project Exempt}**

Project Name:

Inquiry Number:

County: Hernando

Sec/Twp/Rge:

**{Opt.}** Latitude/Longitude:

Reference: Rule 40D-4.041, Florida Administrative Code (F.A.C.)  
Subsection 373.406(6), Florida Statutes (F.S.)

Dear Mr.

The District has reviewed the information you submitted  for the project referenced above and has determined that an Environmental Resource Permit **{(ERP)}** **will not be required {Edit sentence as needed.}**

Rule 18-21.005 (1)(b), Florida Administrative Code, (F.A.C.), lists activities for which consent has been granted by the Board of Trustees. This project is one of the listed activities and no written authorization is required.}

The information received by the District will be kept in the **{Service office Location}** Service Office to support the District's determination regarding your project. The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes.  Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District.  Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

This letter constitutes notice of Final Agency Action of the project listed above. *A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C.* Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference.  A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within **{Opt – 14/21}** days of receipt of this notice. **{Opt for SSL - If you wish to challenge the determination that this project meets the requirements of 18-21.005(1)(a), F.A.C., a shorter time to file an objection is applicable. A request for hearing must be received within 14 days of receipt of this notice.}** Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail.  Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S.  Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

If you have questions regarding this matter, please contact **{Engineer or ES Evaluator Name}**, at the **{ServoffDepartmentLocation}** Service Office, extension **{Engineer or ES Evaluator Ext}**[ ]. Please reference the Project Name and Inquiry Number in future communications concerning this project.

Sincerely,

[ ] Director  
Regulation Department

DirectorInitials:EvaluatorsInitials:UserInitials

Enclosures: Noticing Packet  
Section 28-106.201 and 28-106.301. F.A.C.

cc: Inquiry No.  
Agency Action Party  
Engineer/Consultant  
Public Doc. Requestor  
USACOE  
[ ] (Enter other cc's here.)

**Exhibit 2B  
Project Evaluation / Rule Variance**

Date

Permittee/Project Owner address

Subject: **Project Evaluation - {Prompt - What type of exemption is this?- 1 - Project Evaluation/Permit Not Required, 2 - Letter Mod/Mod Not Required, 3 - Project Exempt}**

Project Name:

Inquiry Number:

County: Hernando

Sec/Twp/Rge:

**{Opt.}** Latitude/Longitude:

Reference: Rule 40D-4.041, Florida Administrative Code (F.A.C.)  
Subsection 373.406(6), Florida Statutes (F.S.)

Dear Mr.

Thank you for your recent submittal to the Southwest Florida Water Management District. The District has reviewed the information you submitted  for the project referenced above and has determined that an Environmental Resource Permit **{(ERP)}** **will not be required** **{Edit sentence as needed.}**

Rule 18-21.005 (1)(b), Florida Administrative Code, (F.A.C.), deals with Sovereign Submerged Lands related issues and lists activities for which consent has been granted by the Board of Trustees. This project is one of the listed activities and no written authorization is required.

The information you submitted to the ~~The information received by the~~ District will be kept in the **{Service office Location}** Service Office ~~to support the District's determination regarding your project.~~ The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes.  Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District.  Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

~~This letter constitutes notice of Final Agency Action of the project listed above. A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference.  A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within **{Opt - 14/21}** days of receipt of this notice. **{Opt for SSL - If you wish to challenge the determination that this project meets the requirements of 18-21.005(1)(a), F.A.C., a shorter time to file an objection is applicable. A request for hearing must be received within 14 days of receipt of this notice.}** Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail.  Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S.  Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.~~

~~Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use. [ ]~~

If you have questions regarding this matter, please contact **{Engineer or ES Evaluator Name}**, at the **{ServoffDepartmentLocation}** Service Office, extension **{Engineer or ES Evaluator Ext}[ ]**. Please reference the Project Name and Inquiry Number in future communications concerning this project.

Sincerely,

[ ] Director  
Regulation Department

DirectorInitials:EvaluatorsInitials:UserInitials

Enclosures: Noticing Packet  
Section 28-106.201 and 28-106.301. F.A.C.

cc: Inquiry No.  
Agency Action Party  
Engineer/Consultant  
Public Doc. Requestor  
USACOE  
[ ] (Enter other cc's here.)

[NOTE: The following will be included with the existing Noticing Packet]

ADMINISTRATIVE INFORMATION

This letter constitutes notice of Final Agency Action of the project listed above. A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. [ ] A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within {Opt – 14/21} days of receipt of this notice. {Opt for SSL - If you wish to challenge the determination that this project meets the requirements of 18-21.005(1)(a), F.A.C., a shorter time to file an objection is applicable. A request for hearing must be received within 14 days of receipt of this notice.} Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. [ ] Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. [ ] Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing. [ ]

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use. [ ]

**Exhibit 3  
Water Use Permit Delinquencies**

DATE

NAME  
ADDRESS  
CITY STATE ZIP

SUBJECT: DELINQUENT REPORTING OF CONDITIONS FOR  
WATER USE PERMIT NO. 20 0000.000  
PROJECT/SITE NAME:

Dear Permittee:

The above reference Water Use Permit has special conditions which require the reporting of specific data and/or information in a timely manner. As of this date the enclosed listing represents data and/or information not yet received by this office. It is requested that this list be reviewed and completed. The list can be used in lieu of the Water Use Report Form to fill in the delinquent data.

If the information has been submitted, there are discrepancies with the data, which will not allow it to be entered as submitted. Clarification is needed on the data to be able to satisfy the condition.

Please advise this office as to the status of this special condition reporting requirement.

Should you need forms for future reporting of data or have any questions regarding your reporting requirement, please contact me at extension 4361.

Sincerely,

(signed)  
PAULA RIVERO, PERMIT DATA SPECIALIST  
RECORDS AND DATA DEPARTMENT

ENCLOSURE: As stated

CC: File of Record (SARASOTA)

CC: MICHAEL KESINGER  
3027 LAKE ALFRED RD  
WINTER HAVEN, FL 33771-1499



## Regulation Committee March 27, 2007

### *Routine Report*

#### **Demand Management Activities**

##### *Background*

At its January 30, 2007 meeting, the Governing Board concurred with the Executive Director's decision to declare a water shortage and impose appropriate restrictions. Order SWF 07-02, effective January 16 through July 31, declares modified "Phase II" Severe Water Shortage restrictions for the District's entire sixteen county area. The Order specifically acknowledges that some local governments already had once-per-week lawn watering restrictions in effect prior to the District's declaration, allowing those local governments to retain any special watering schedule that is at least as restrictive as the intent of modified "Phase II" restrictions.

##### *Current Conditions*

Staff continues to monitor water resource conditions in accordance with the District's Water Shortage Plan (Chapter 40D-21, Florida Administrative Code). As of March 8, current conditions do not warrant a further change in restrictions. Details can be found in the monthly Hydrologic Conditions report and weekly conditions news releases.

##### *Public Outreach*

Outreach remains an integral part of regional Demand Management efforts. The volume of calls to the District's hotline (1-800-848-0499) has been up since the change in restrictions was announced. Hotline customers include the general public asking questions about a wide range of restriction and water conservation topics, as well as Water Use Permit holders and local officials needing help interpreting how the new restrictions apply to specific situations. Follow-up activities resulting from these calls include: first-time violation letters, enforcement referrals to local governments, e-mail and written clarifications and face-to-face meetings. Staff has also been providing status information to the Basin Boards, advisory committees, and other key stakeholders. These customized outreach efforts augment and complement the District's current water conservation messaging on television, radio and print media.

Staff will be available to provide a brief presentation regarding current conditions, recent activities, and any additional recommended District response.

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

This item is provided for the Committee's information only, unless data available in mid March indicate it may be prudent to take additional "water shortage" action.

**Presenter:** Paul O'Neil, P.E.; Director, Regulation Performance Management Department

**OVERPUMPAGE ACTIVITY REPORT**  
**January 26, 2007**

**Table 1. CUMULATIVE SUMMARY OF ACTIVITIES**

<b>Service Office</b>	<b>Projects Under Review</b>	<b>Justified / Closed</b>	<b>Preparing for Regulation Performance Management/Legal</b>	<b>Active Files in Legal</b>	<b>Consent Order Monitoring</b>	<b>Legal Files Closed</b>	<b>Total Files</b>
<b>Bartow</b>	12	513	3	1	0	29	558
<b>Brooksville</b>	19	131	2	9	1	19	181
<b>Sarasota</b>	8	361	0	0	0	12	381
<b>Tampa</b>	2	264	1	1	0	30	298
<b>Totals</b>	41	1269	6	11	1	90	1418

**OVERPUMPAGE ACTIVITY REPORT**  
**January 26, 2007**

**Table 2. PROJECTS UNDER REVIEW \***

Permit No.	Permittee	Use Type	Report Date	Service Office
2005635.005	Billy Allen	A	01/26/07	Bartow
2005638.005	Running W Citrus Limited	A	01/26/07	Bartow
2005720.005	H. Fredrick & Sharon Kieber	A	01/26/07	Bartow
2005920.010	Pioneer Grove Inc.	A	01/26/07	Bartow
2006160.005	L D Smith, Jr.	A	01/26/07	Bartow
2006278.005	Sun Ridge, Inc.	A	01/26/07	Bartow
2007778.002	Floyd K Sr. & Joyce L Devane	A	01/26/07	Bartow
2009710.001	Thelma C Raley, Inc.	A	01/26/07	Bartow
2010560.002	Crews Groves, Inc.	A	01/26/07	Bartow
2011630.002	Victor Story Sr. – Story Citrus Inc	A	01/26/07	Bartow
2012265.002	EEW Development Co., LC	A	01/26/07	Bartow
2008298.005	Hidden Acres Nursery, Inc.	A	11/28/06	Bartow
2002999.002	Marion Utilities Inc. (not County)	P	01/26/07	Brooksville
2003206.013	The Villages of Lake Sumter	R	01/26/07	Brooksville
2008193.003	City of Center Hill	P	01/26/07	Brooksville
2011404.007	Village Center CDD	P	01/26/07	Brooksville

**\*These projects are under review and have not been determined to be in non-compliance at this time.**

P = Public Supply    R = Recreational    A = Agricultural    MD = Mining/Dewatering    IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT**  
**January 26, 2007**

**Table 2. PROJECTS UNDER REVIEW \***

Permit No.	Permittee	Use Type	Report Date	Service Office
2011589.002	Lexington Oaks Golf 54 LLC	R	01/26/07	Brooksville
2012233.000	Hernando Oaks Partners LLC	R	01/26/07	Brooksville
2012239.002	Villages Water Conservation Authority	R	01/26/07	Brooksville
2000025.006	Pasco County Utilities	P	12/27/06	Brooksville
2000923.005	Traveler's Rest RV Park	P	12/27/06	Brooksville
2007852.002	Hofius Golf Shop	R	12/27/06	Brooksville
2012218.001	Marion County Utilities (Spruce Creek Preserve)	P	11/28/06	Brooksville
2000368.007	Heather Golf and Country Club	R	11/28/06	Brooksville
2002842.006	Florida Governmental Utility Authority (Citrus Springs/Pine Ridge)	P	11/28/06	Brooksville
2008165.003	Marion County Utilities (Quail Meadows)	P	11/28/06	Brooksville
2008675.003	USA Veterans Administration (VA Cemetery)	R	11/28/06	Brooksville
2010199.002	Sherman Hills Golf	R	11/28/06	Brooksville
2010476.003	Del Webb's Spruce Creek	P	11/28/06	Brooksville
2008892.002	Zephyr Springs Golf	R	06/28/06	Brooksville
2011863.001	Pasco County Utilities (Lake Jovita)	P	05/26/06	Brooksville
2012630.001	The Concession Land Development, LLC	R	01/26/07	Sarasota

**\*These projects are under review and have not been determined to be in non-compliance at this time.**

P = Public Supply    R = Recreational    A = Agricultural    MD = Mining/Dewatering    IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT**  
**January 26, 2007**

**Table 2. PROJECTS UNDER REVIEW \***

Permit No.	Permittee	Use Type	Report Date	Service Office
2008987.004	C & D Fruit & Vegetables Co., Inc.	A	12/27/06	Sarasota
2002793.004	DeSoto Land Holdings, LLLP	A	11/28/06	Sarasota
2006968.005	Calvin Boggess, Jr.	A	11/28/06	Sarasota
2012386.000	Batista and Evelyn Madonia	A	11/28/06	Sarasota
2006863.004	Key Club Association	R	11/28/06	Sarasota
2010606.006	Longboat Key Club	R	11/28/06	Sarasota
2007893.004	Tournament Players Club	R	04/27/06	Sarasota
2009065.005	Lansbrook Master Association, Inc.	R	01/26/07	Tampa
2007102.004	Robert and Helen Parke	A	12/27/06	Tampa

**\*These projects are under review and have not been determined to be in non-compliance at this time.**

P = Public Supply    R = Recreational    A = Agricultural    MD = Mining/Dewatering    IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT**  
**January 26, 2007**

**Table 3. PREPARING FOR LEGAL/REGULATION PERFORMANCE MANAGEMENT**

Permit No.	Permittee	Use Type	Permitted Annual Average	Original Report Date Annual Average Use Percent Over	Current Report Date Annual Average Use Percent Over	Service Office
2006597.004	John G Wood	P, R	89,900 gpd	05/26/06 109,485 gpd 21.8%	01/26/07 124,821 gpd 48.3%	Bartow
2009516.004	Sebring Land LP & Highlands	P	223,700 gpd	06/28/06 275,833 gpd 23.3%	01/26/07 328,655 gpd 46.1%	Bartow
2004708.007	Sun'N Lakes of Sebring	P	1,006,200 gpd	07/26/06 1,054,200 gpd 4.8%	01/26/07 1,445,934 gpd 37.2%	Bartow
2010923.000	Spruce Creek Development	R	445,800 gpd	06/28/06 462,416 gpd 3.7%	01/26/07 477,347 gpd 7.1%	Brooksville
2006040.006	City of Zephyrhills	P	2,746,000 gpd	05/26/06 2,950,504 gpd 7.4%	01/26/07 2,959,510 gpd 7.8%	Brooksville
2001782.003	Spencer Farms, Inc.	A	274,700 gpd	10/28/06 602,959 gpd 119.5%	01/26/07 808,791 gpd 194.4 %	Tampa

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## OVERPUMPAGE ACTIVITY REPORT JANUARY 26, 2007

**Table 4. ACTIVE FILES IN LEGAL**

Permittee	Use Type	Permitted Annual Average	Original Report Date Annual Average Use Percent Over	Current Report Date Annual Average Use Percent Over	Service Office
Country Club Utilities, Inc.	P	106,400 gpd	01/31/06 256,852 gpd 141.4%	01/26/07 291,047 gpd 59.0%	Bartow
Lindrick Service Corporation	P	870,000 gpd	06/28/06 882,547 gpd 1.4 %	12/27/07 906,554 gpd 4.2% Latest Available	Brooksville
Florida Governmental Utility	P	2,010,000 gpd	04/27/06 2,552,635 gpd 26.9%	01/26/07 3,093,588 gpd 53.9%	Brooksville
Hernando County Water and Sewer (West Hernando)	P	6,970,000 gpd	06/28/06 8,365,537 gpd 20.0%	01/26/07 9,913,062 gpd 42.2%	Brooksville
Hernando County Water and Sewer (Spring Hill)	P	14,060,100 gpd	05/26/06 15,719,491 gpd 11.8%	01/26/07 14,745,590 gpd 4.9%	Brooksville
LWV Utilities, Inc.	P	55,000 gpd	05/26/06 59,471 gpd 8.1%	01/26/07 74,038 gpd 34.6%	Brooksville
Century-Fairfield Village, LTD	R	102,800 gpd	06/28/06 166,188 gpd 61.7%	01/26/07 152,673 gpd 48.5%	Brooksville
Lemko Florida, Inc.	R	392,500 gpd	06/28/06 422,504 gpd 7.6%	01/26/07 396,248 gpd 1.0%	Brooksville

P = Public Supply    R = Recreational    A = Agricultural    MD = Mining/Dewatering    IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT  
JANUARY 26, 2007**

**Table 4. ACTIVE FILES IN LEGAL**

<b>Permittee</b>	<b>Use Type</b>	<b>Permitted Annual Average</b>	<b>Original Report Date Annual Average Use Percent Over</b>	<b>Current Report Date Annual Average Use Percent Over</b>	<b>Service Office</b>
Sun Country Estates/Paddock Down (Windstream Utilities)	P	633,000 gpd	05/26/06 714,197 gpd 12.8%	01/26/07 795,316 gpd 25.6%	Brooksville
USA Hirukawa, Citrus Springs	R	222,000 gpd	04/27/06 271,078 gpd 22.1%	01/26/07 321,967 gpd 45.0%	Brooksville
G & D Farms, Inc.	A	109,800 gpd	05/26/06 143,279 gpd 30.5%	01/26/07 178,855 gpd 62.8%	Tampa



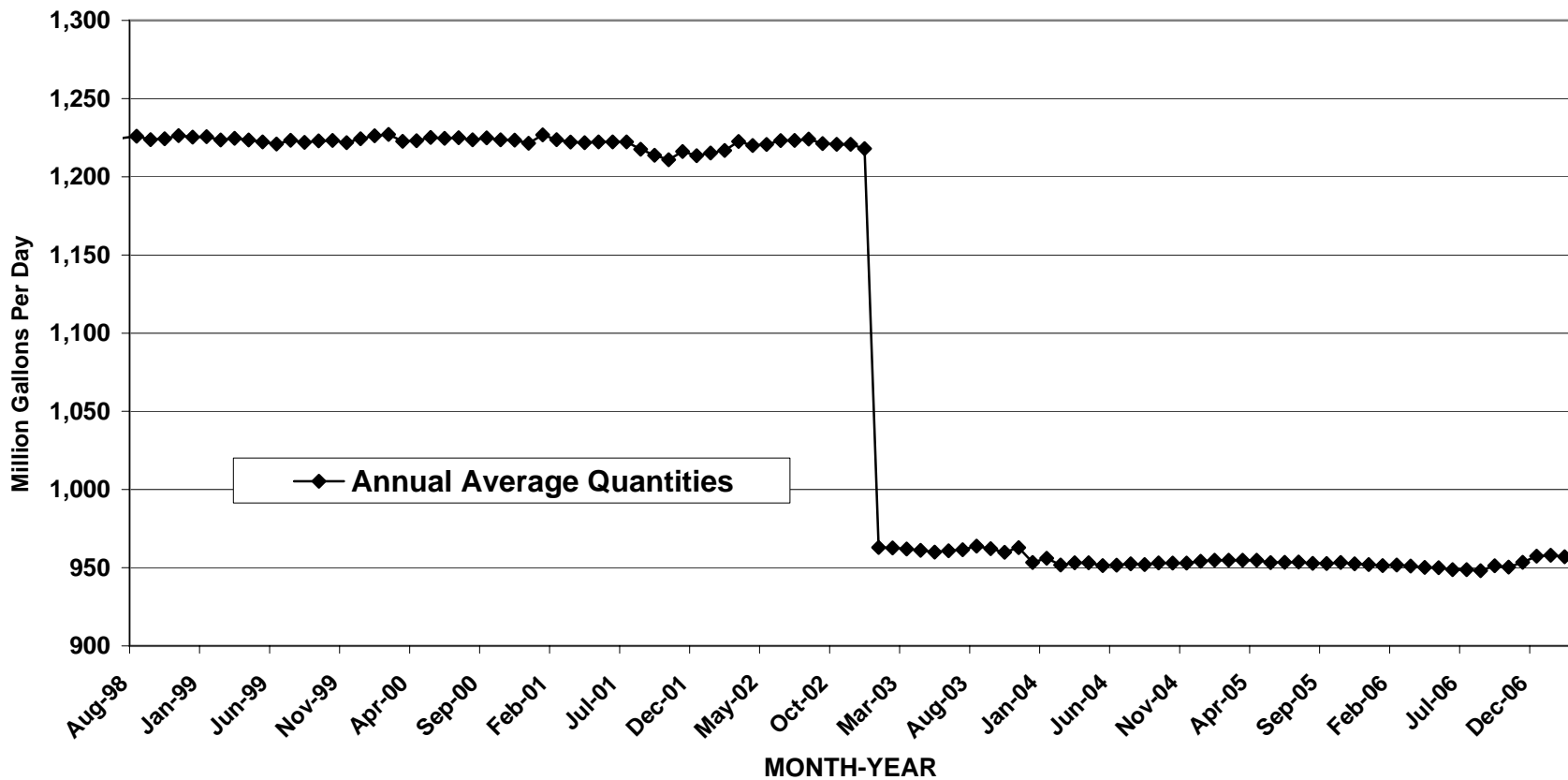
**OVERPUMPAGE ACTIVITY REPORT  
JANUARY 26, 2007**

**Table 5. CONSENT ORDER MONITORING**

Permittee	Use Type	Permitted Annual Average	Original Report Date Annual Average Use	Current Report Date Annual Average Use Percent Over	Service Office	GB Aprvd CO Date
Aloha Utilities	P	2,040,000 gpd	11/2000 2,885,176 gpd	01/26/07 3,859,143 gpd 89.2%	Brooksville	3/2002

# SOUTHERN WATER USE CAUTION AREA

## PERMITTED QUANTITIES FROM THE FLORIDAN AQUIFER



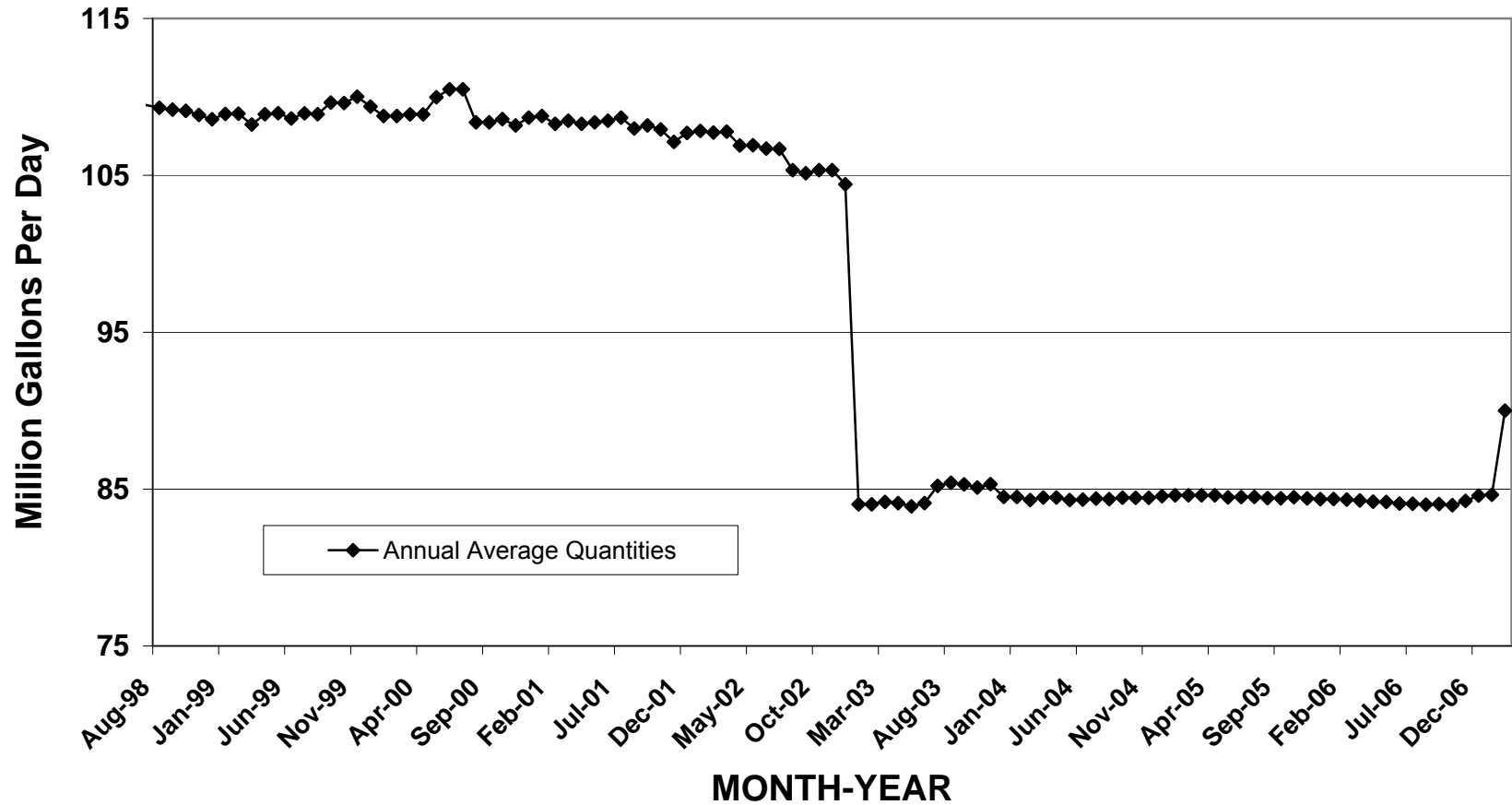
136

March 2007  
Governing Board

3/1/07

# SOUTHERN WATER USE CAUTION AREA

## PERMITTED QUANTITIES FROM THE INTERMEDIATE AQUIFER



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## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2002														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	6.02	10.94	2.87	3.06	0.41	0.43	0.24	0.23	8.15	8.03	29.27	29.19	13.24	14.71
Feb	6.68	8.56	2.12	2.12	0.40	0.48	0.25	0.32	8.04	8.01	29.02	29.60	13.41	15.02
Mar	7.51	9.82	1.42	1.63	0.41	0.52	0.25	0.28	8.16	11.38	29.31	34.02	13.61	14.61
Apr	7.48	3.28	1.51	5.08	0.45	0.50	0.26	0.31	8.31	10.87	29.51	35.24	13.69	14.29
May	7.48	0.00	1.47	4.49	0.41	0.40	0.27	0.29	8.18	8.30	29.68	37.36	13.82	14.27
Jun	8.30	21.29	1.75	4.70	0.40	0.27	0.28	0.31	8.12	7.19	29.69	29.24	13.98	14.58
Jul	8.95	15.83	1.93	2.08	0.40	0.28	0.34	0.87	7.97	4.43	30.70	25.50	14.19	14.71
Aug	10.02	18.84	1.93	0.05	0.40	0.26	0.39	0.85	7.85	4.79	30.62	24.68	14.26	14.37
Sep	11.13	19.71	1.93	0.00	0.39	0.33	0.38	0.26	7.69	5.87	30.37	22.08	14.35	14.60
Oct	12.05	26.17	1.93	0.00	0.39	0.35	0.39	0.35	7.73	7.54	30.08	28.54	14.47	13.43
Nov	13.07	21.54	1.93	0.00	0.39	0.41	0.40	0.41	7.61	6.97	29.91	30.70	14.27	12.06
Dec	14.72	20.32	1.93	0.00	0.38	0.40	0.41	0.40	7.49	6.54	29.06	22.64	14.14	13.11

## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2003														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	15.36	18.43	1.67	0.00	0.39	0.46	0.42	0.35	7.59	9.30	28.69	24.80	14.18	15.22
Feb	16.04	17.48	1.51	0.00	0.39	0.49	0.42	0.39	7.63	8.38	28.41	26.00	14.28	16.21
Mar	16.69	17.42	1.50	1.59	0.39	0.49	0.43	0.37	7.39	8.63	27.85	27.41	14.28	14.67
Apr	17.21	9.57	1.97	10.84	0.38	0.48	0.43	0.33	7.37	10.68	27.85	35.26	14.30	14.57
May	17.49	3.36	2.58	11.65	0.38	0.37	0.44	0.41	7.37	8.27	27.42	32.27	14.25	13.68
Jun	16.55	9.81	2.47	3.30	0.38	0.31	0.45	0.37	7.38	7.26	27.13	25.72	14.26	14.62
Jul	17.22	23.81	2.29	0.00	0.39	0.31	0.43	0.61	7.65	7.65	26.89	22.72	14.37	16.05
Aug	17.33	20.09	2.29	0.00	0.39	0.30	0.39	0.39	7.85	7.16	26.47	19.69	14.53	16.21
Sep	17.39	20.50	2.29	0.00	0.39	0.31	0.40	0.42	7.99	7.49	26.35	20.69	14.61	15.56
Oct	17.02	21.74	2.29	0.00	0.39	0.41	0.40	0.40	7.99	7.61	26.20	26.67	14.76	15.26
Nov	16.99	21.21	2.29	0.00	0.40	0.46	0.40	0.41	8.06	7.83	26.05	28.90	15.02	15.21
Dec	16.85	18.64	2.29	0.02	0.40	0.46	0.41	0.41	7.99	5.65	26.44	27.32	15.21	15.34

## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2004														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	16.64	15.99	2.29	0.00	0.41	0.52	0.41	0.40	7.94	8.82	26.88	29.87	15.03	13.15
Feb	16.90	20.08	2.29	0.00	0.42	0.57	0.41	0.41	8.03	9.25	26.94	25.92	15.01	15.31
Mar	16.97	18.24	2.16	0.03	0.43	0.63	0.41	0.37	8.07	9.05	27.21	30.57	15.09	15.67
Apr	16.99	9.87	2.09	10.09	0.42	0.38	0.42	0.37	7.91	8.75	26.98	32.43	15.17	15.50
May	17.12	4.85	2.42	15.52	0.43	0.47	0.42	0.41	7.87	7.76	27.08	33.51	15.32	15.51
Jun	16.66	4.29	2.77	7.50	0.44	0.41	0.46	0.94	7.86	7.19	27.40	29.58	15.38	15.25
Jul	16.72	24.42	2.77	0.01	0.45	0.44	0.45	0.42	7.87	7.78	27.52	24.15	15.33	15.56
Aug	15.66	7.63	2.77	0.05	0.47	0.57	0.45	0.42	8.14	10.34	28.12	26.73	15.03	12.67
Sep	15.17	14.61	2.77	0.02	0.49	0.54	0.45	0.42	8.09	6.90	28.41	24.25	14.83	13.10
Oct	15.25	22.62	2.77	0.00	0.50	0.57	0.45	0.39	8.16	8.35	28.37	26.14	14.88	15.81
Nov	15.61	25.57	2.77	0.00	0.52	0.66	0.45	0.39	8.14	7.59	28.56	31.31	14.82	14.44
Dec	15.71	19.90	2.77	0.00	0.53	0.56	0.45	0.45	8.35	8.09	28.73	29.23	14.66	13.51

## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2005														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	16.07	20.13	2.77	0.00	0.54	0.65	0.45	0.40	8.36	9.01	28.64	28.85	14.83	15.17
Feb	16.05	20.63	2.77	0.00	0.55	0.70	0.45	0.42	8.40	10.07	29.00	31.51	14.46	10.96
Mar	16.15	19.34	2.77	0.00	0.55	0.65	0.45	0.44	8.36	8.56	28.86	28.94	14.42	15.21
Apr	16.69	16.46	2.02	0.91	0.57	0.66	0.46	0.39	8.36	8.79	28.73	30.92	14.38	15.08
May	17.20	10.93	1.76	12.46	0.58	0.52	0.46	0.48	8.40	8.19	28.47	30.36	14.37	15.34
Jun	17.83	11.88	1.59	5.44	0.58	0.50	0.42	0.45	8.42	7.48	27.97	23.55	14.33	14.77
Jul	17.49	20.40	1.59	0.00	0.59	0.55	0.43	0.48	8.49	8.63	27.91	23.43	14.29	15.11
Aug	18.59	20.61	1.58	0.00	0.59	0.48	0.43	0.49	8.20	6.84	27.97	27.49	14.47	14.83
Sep	19.18	21.76	1.58	0.00	0.58	0.50	0.44	0.48	8.20	6.99	28.42	29.70	14.66	15.40
Oct	19.02	20.76	1.58	0.00	0.58	0.49	0.45	0.47	8.15	7.65	28.61	28.38	14.59	14.92
Nov	18.63	20.87	1.58	0.00	0.57	0.60	0.45	0.45	8.19	8.12	28.54	30.48	14.68	15.52
Dec	18.78	21.66	1.58	0.00	0.58	0.64	0.45	0.43	8.11	7.11	28.54	29.15	14.81	15.05

## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2006														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	18.81	20.45	1.58	0.00	0.58	0.72	0.45	0.41	8.06	8.52	28.97	33.95	14.66	13.47
Feb	18.72	19.47	1.58	0.01	0.59	0.79	0.45	0.40	7.92	8.21	29.28	35.60	14.73	11.82
Mar	18.31	14.55	1.77	2.24	0.61	0.83	0.44	0.37	8.10	10.71	30.21	39.85	14.20	8.95
Apr	17.05	1.07	2.85	14.09	0.62	0.83	0.44	0.39	8.35	11.77	31.19	42.83	14.05	13.30
May	16.12	0.00	3.26	17.21	0.64	0.71	0.45	0.54	8.53	10.35	32.00	39.87	13.98	14.56
Jun	15.22	0.87	4.20	16.87	0.64	0.50	0.45	0.44	8.90	11.89	32.69	32.01	13.95	14.32
Jul	15.00	17.80	4.63	5.13	0.63	0.47	0.44	0.44	9.01	9.98	33.11	28.40	13.72	12.46
Aug	14.90	19.49	4.63	0.00	0.63	0.53	0.44	0.44	9.11	8.05	33.64	33.63	13.14	8.03
Sep	14.85	21.11	4.64	0.04	0.64	0.51	0.43	0.42	9.16	7.61	33.53	28.45	12.68	9.70
Oct	14.53	16.95	4.64	0.00	0.66	0.75	0.43	0.42	9.33	9.57	34.04	34.35	12.57	13.71
Nov	13.08	3.23	5.05	5.03	0.67	0.80	0.43	0.42	9.46	9.73	34.19	32.28	12.46	14.13
Dec	11.87	7.49	6.25	14.09	0.68	0.73	0.43	0.42	9.62	9.02	34.42	31.92	12.36	13.90

## Peace River / Manasota Regional Water Supply Authority and Member Governments Annual Average / Monthly Production (MGD)

Calendar Year 2007														
	PRMRWSA SW		PRMRWSA GW		Charlot Co. GW		Desoto Co. GW		Sarasota Co. GW		Manatee Co. SW		Manatee Co. GW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	10.96	9.70	6.43	2.13	0.68	0.74	0.43	0.42	9.72	9.65	34.26	32.07	12.35	13.39
Feb														
Mar														
Apr														
May														
Jun														
Jul														
Aug														
Sep														
Oct														
Nov														
Dec														

**Note** PRMRWSA - Peace River/Manasota Regional Water Supply Authority  
 Manatee County is a Member of the PRMRWSA, However no withdrawal quantities are transferred to Manatee County  
 ASR - Aquifer Storage and Recovery (ground water recovery from ASR wells)

## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2002						
	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	61.00	66.55	2.04	0.00	9.54	0.00
Feb	62.76	65.99	2.04	0.00	7.15	0.00
Mar	65.98	70.82	1.95	0.89	4.59	0.00
Apr	66.12	66.51	2.19	8.96	4.52	0.11
May	65.34	50.82	2.12	9.78	5.56	19.96
Jun	64.66	51.68	2.67	9.99	5.87	11.28
Jul	65.68	62.81	2.69	2.69	4.67	0.00
Aug	67.41	75.22	2.69	0.00	3.38	0.28
Sep	67.55	73.25	2.69	0.00	3.24	0.00
Oct	67.12	70.58	2.89	2.29	2.87	0.00
Nov	66.52	71.86	2.92	0.45	2.70	0.00
Dec	65.91	64.81	2.92	0.00	2.66	0.00

## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2003						
	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	65.73	64.47	2.92	0.00	2.66	0.00
Feb	65.64	64.85	2.92	0.00	2.66	0.00
Mar	65.31	66.86	2.85	0.00	2.66	0.00
Apr	65.89	73.62	2.18	0.93	2.65	0.00
May	67.71	72.16	1.96	7.18	1.09	1.61
Jun	68.97	67.07	1.76	7.50	0.39	2.83
Jul	69.21	65.63	2.01	5.67	0.39	0.00
Aug	69.19	74.98	2.01	0.00	0.37	0.00
Sep	70.12	84.59	2.01	0.00	0.37	0.00
Oct	71.57	87.62	1.82	0.00	0.37	0.00
Nov	72.65	84.96	1.78	0.00	0.37	0.00
Dec	73.72	77.45	1.78	0.00	0.37	0.00

## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2004						
Month	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	74.60	74.81	1.78	0.00	0.37	0.00
Feb	75.42	73.01	1.78	0.00	0.37	0.00
Mar	76.14	75.27	2.19	4.83	0.37	0.00
Apr	76.59	79.08	2.88	9.80	0.37	0.00
May	77.70	85.34	3.03	8.95	0.29	0.72
Jun	78.48	76.52	3.20	9.30	0.07	0.18
Jul	79.07	72.61	3.28	6.72	0.07	0.00
Aug	78.82	72.02	3.41	1.70	0.07	0.00
Sep	78.32	78.42	3.41	0.00	0.07	0.00
Oct	78.08	84.87	3.41	0.00	0.07	0.00
Nov	78.32	87.85	3.41	0.00	0.07	0.00
Dec	78.98	85.25	3.41	0.00	0.07	0.00

## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2005						
Month	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	79.35	79.12	3.41	0.00	0.07	0.00
Feb	79.77	81.12	3.41	0.00	0.07	0.00
Mar	79.65	73.87	3.19	2.55	0.07	0.00
Apr	79.08	72.11	3.24	9.89	0.07	0.00
May	78.33	76.53	3.23	9.08	0.01	0.00
Jun	77.75	69.47	3.21	9.10	0.00	0.00
Jul	77.80	73.16	2.70	0.70	0.00	0.00
Aug	79.00	86.11	2.57	0.00	0.00	0.00
Sep	80.00	90.62	2.57	0.00	0.00	0.00
Oct	80.30	88.41	2.57	0.00	0.00	0.00
Nov	80.29	87.79	2.57	0.00	0.00	0.00
Dec	79.38	74.54	2.57	0.00	0.00	0.00



## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2006						
Month	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	79.39	79.17	2.57	0.00	0.00	0.00
Feb	79.17	78.30	2.57	0.00	0.00	0.00
Mar	79.68	79.90	2.71	3.80	0.14	1.59
Apr	79.79	73.46	2.69	9.57	1.26	13.64
May	78.30	71.09	2.76	9.96	3.19	22.77
Jun	77.17	73.46	2.76	9.03	4.86	20.32
Jul	77.57	77.96	2.70	0.00	4.86	0.00
Aug	77.60	86.44	2.70	0.00	4.86	0.00
Sep	77.30	86.93	2.70	0.00	4.86	0.00
Oct	78.02	96.88	2.70	0.00	4.86	0.00
Nov	77.56	82.25	2.70	0.00	5.52	7.98
Dec	76.78	65.32	2.70	0.00	6.53	11.89

## CITY OF TAMPA ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

Calendar Year 2007						
Month	Hillsborough River SW		Rome Avenue ASR GW		Wholesale TBW	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	76.44	75.14	2.70	0.00	6.89	4.34
Feb						
Mar						
Apr						
May						
Jun						
Jul						
Aug						
Sep						
Oct						
Nov						
Dec						

**Note** ASR storage volumes are subtracted from the Hillsborough River Reservoir withdrawals to eliminate double accounting  
ASR - Aquifer Storage and Recovery (ground water recovery from ASR wells)

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2002

Month	Ground Water						Surface Water							
	Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	147.55	132.37	23.20	20.72	1.04	2.76	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Feb	144.30	134.5	23.10	20.95	1.31	4.84	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Mar	142.47	144.75	23.42	23.76	1.50	4.12	0.36	0.27	0.00	0.00	0.00	0.00	0.00	0.00
Apr	142.81	151.98	23.59	25.00	1.51	1.98	0.40	0.43	0.00	0.00	0.00	0.00	0.00	0.00
May	144.02	181.43	23.83	29.93	1.77	5.01	0.41	0.14	0.00	0.00	0.00	0.00	0.00	0.00
Jun	144.41	150.45	23.89	22.53	2.05	4.86	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Jul	143.43	125.55	23.60	14.94	2.35	4.60	0.34	0.10	0.00	0.00	0.00	0.00	0.00	0.00
Aug	141.41	122.84	23.09	16.15	2.84	5.91	0.32	0.48	0.00	0.00	0.00	0.00	0.11	1.27
Sep	139.72	110.44	22.61	17.06	3.29	5.34	0.29	0.33	0.00	0.00	0.00	0.00	1.40	15.48
Oct	137.23	110.75	22.24	22.21	3.42	1.58	0.27	0.41	0.00	0.00	0.00	0.00	3.56	25.98
Nov	134.15	106.07	21.54	20.94	3.60	2.24	0.20	0.00	0.00	0.00	0.00	0.00	5.90	28.06
Dec	130.27	91.99	21.09	18.90	3.88	3.34	0.18	0.01	0.00	0.00	0.00	0.00	8.39	29.91

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2003

Month	Ground Water						Surface Water							
	Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	126.10	82.36	21.07	20.47	4.00	4.19	0.18	0.01	0.00	0.00	0.00	0.00	12.32	47.18
Feb	121.32	77.26	21.14	21.73	3.89	3.55	0.19	0.06	0.00	0.00	0.00	0.00	16.34	48.21
Mar	117.19	95.11	20.92	21.21	3.76	2.52	0.28	1.38	0.00	0.00	0.08	1.03	18.91	30.86
Apr	112.14	91.29	20.70	22.27	3.97	4.51	0.34	1.10	0.00	0.00	1.27	14.06	21.63	32.65
May	104.85	94.20	20.23	24.35	3.92	4.43	0.53	2.43	0.00	0.00	3.21	22.39	23.68	24.54
Jun	98.46	73.52	20.03	20.12	3.73	2.56	0.72	2.28	0.00	0.00	3.76	6.72	27.67	47.94
Jul	93.51	66.01	20.53	20.90	3.59	2.88	0.89	2.17	0.00	0.00	3.76	0.00	32.47	57.58
Aug	88.55	63.42	20.81	19.52	3.45	4.21	0.85	0.00	0.00	0.00	4.01	2.96	36.87	54.06
Sep	86.14	81.42	21.32	23.16	3.23	2.72	0.97	1.84	0.00	0.00	4.46	5.52	38.72	37.72
Oct	82.83	71.26	21.58	25.38	3.43	4.00	1.12	2.15	0.00	0.00	5.35	10.42	40.32	45.11
Nov	79.66	67.98	21.93	25.17	3.65	4.83	1.24	1.45	0.00	0.00	6.16	9.94	42.06	48.90
Dec	78.51	78.03	22.33	23.64	3.71	4.12	1.41	2.09	0.08	0.91	7.27	12.96	42.55	35.88

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2004

Month	Ground Water						Surface Water							
	Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	76.80	62.00	22.49	22.40	3.78	5.06	1.57	1.85	0.22	1.68	9.06	21.18	42.12	41.94
Feb	75.26	58.77	22.39	20.58	3.95	5.57	1.57	0.09	0.50	3.42	10.19	14.18	42.47	52.49
Mar	73.82	77.95	22.64	24.13	4.17	5.10	1.55	1.16	0.77	3.23	10.37	3.00	44.55	55.75
Apr	74.97	104.99	23.03	27.04	4.13	4.08	1.67	2.47	1.09	3.83	9.42	2.94	44.71	34.56
May	76.37	111.20	23.58	30.88	4.01	3.02	1.70	2.83	1.34	2.96	7.86	4.47	45.31	31.76
Jun	82.02	140.92	24.14	26.91	4.06	3.17	1.60	1.05	1.40	0.75	7.66	4.29	41.37	0.68
Jul	83.63	85.64	24.14	20.82	4.32	5.97	1.48	0.72	1.40	0.04	7.81	1.71	40.54	47.62
Aug	85.23	82.52	23.82	15.75	4.56	7.09	1.48	0.08	1.47	0.79	7.69	1.58	39.81	45.32
Sep	84.60	73.87	23.35	17.45	4.83	5.90	1.38	0.62	1.47	0.00	7.29	0.66	40.87	50.43
Oct	84.65	72.06	22.99	21.14	4.92	5.16	1.39	2.22	1.47	0.00	6.60	2.27	42.07	59.55
Nov	85.38	76.58	22.95	24.68	4.91	4.71	1.45	2.22	1.47	0.00	5.83	0.56	43.33	63.98
Dec	85.69	81.89	22.83	22.21	4.93	4.38	1.44	1.98	1.39	0.00	4.73	0.07	44.80	53.48

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2005

Month	Ground Water						Surface Water							
	Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly
Jan	87.01	77.57	22.80	22.05	4.89	4.48	1.41	1.52	1.25	0.00	2.94	0.06	46.27	59.58
Feb	90.79	104.15	23.07	23.79	4.79	4.38	1.58	2.10	0.97	0.00	1.92	1.35	45.06	38.04
Mar	90.91	79.43	22.83	21.24	4.75	4.61	1.52	0.47	0.70	0.00	1.71	0.62	45.16	56.95
Apr	90.56	100.8	22.73	25.85	4.74	4.00	1.32	0.00	0.38	0.00	1.70	2.80	45.95	43.96
May	90.47	110	22.33	26.04	4.83	4.14	1.08	0.00	0.24	1.31	1.65	3.91	46.38	36.97
Jun	85.96	87.01	21.70	19.40	5.07	5.99	0.99	0.00	0.37	2.32	1.30	0.00	50.41	49.07
Jul	86.72	94.66	21.51	18.54	5.08	6.12	0.93	0.00	0.37	0.00	1.16	0.00	49.97	42.30
Aug	87.74	94.67	21.86	19.89	4.95	5.47	0.93	0.00	0.30	0.00	1.02	0.00	50.27	48.88
Sep	92.28	128.48	22.18	21.32	4.86	4.92	0.88	0.00	0.36	0.71	0.97	0.00	48.06	23.98
Oct	95.71	113.09	22.08	20.00	4.88	5.40	0.69	0.00	0.36	0.00	0.78	0.00	45.86	33.15
Nov	97.97	103.91	21.60	18.84	4.99	6.00	0.51	0.00	0.36	0.00	0.73	0.00	44.37	46.08
Dec	98.90	92.89	21.21	17.51	5.14	6.12	0.39	0.59	0.36	0.00	0.72	0.00	43.42	42.03

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2006

		Ground Water					Surface Water								
		Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	
Jan	100.54	97.3	21.03	19.94	5.26	5.91	0.33	0.78	0.36	0.00	0.72	0.00	42.30	46.16	
Feb	100.10	98.87	20.78	20.84	5.24	4.16	0.22	0.77	0.36	0.00	0.62	0.00	42.52	40.72	
Mar	102.62	109.73	21.28	27.16	5.16	3.66	0.28	1.17	0.36	0.00	0.56	0.00	42.23	53.41	
Apr	105.33	133.29	21.87	32.95	5.21	4.65	0.37	1.17	0.36	0.00	0.33	0.00	43.05	53.90	
May	107.50	135.98	22.28	30.95	5.23	4.35	0.46	1.09	0.25	0.00	0.00	0.00	44.78	57.67	
Jun	110.46	122.69	22.68	24.25	5.14	4.91	0.56	1.13	0.06	0.00	0.00	0.00	45.34	55.79	
Jul	110.18	91.29	22.84	20.46	5.01	4.56	0.65	1.12	0.06	0.00	0.00	0.00	46.15	51.97	
Aug	113.33	132.34	22.77	19.01	5.06	6.06	0.74	1.03	0.07	0.13	0.00	0.00	43.35	15.33	
Sep	111.98	112.25	22.43	17.27	5.19	6.50	0.82	1.03	0.01	0.00	0.00	0.00	43.41	24.67	
Oct	111.60	108.41	22.94	26.10	5.29	6.55	0.91	1.03	0.01	0.00	0.00	0.00	44.85	50.45	
Nov	111.99	108.60	23.31	23.28	5.35	6.78	1.00	1.03	0.01	0.00	0.00	0.00	44.76	45.05	
Dec	112.69	101.57	23.51	19.87	5.39	6.57	1.03	1.03	0.01	0.00	0.00	0.00	45.65	52.70	

## TAMPA BAY WATER ANNUAL AVERAGE / MONTHLY PRODUCTION (MGD)

### Calendar Year 2007

		Ground Water					Surface Water								
		Consolidated Permit		SCHRWF		BUDWF		Tampa Hills. Int.		US 301 Int.		TBW Desal		ESWP	
Month	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	Ann. Avg.	Monthly	
Jan	112.69	101.57	23.31	17.62	5.44	6.57	1.05	1.05	0.01	0.00	0.00	0.00	45.26	41.45	
Feb															
Mar															
Apr															
May															
Jun															
Jul															
Aug															
Sep															
Oct															
Nov															
Dec															

**Note**

SCHRWF - South Central Hillsborough Regional Wellfield

BUDWF - Brandon Urban Disbursed Wellfield

ESWP - Enhanced Surface Water Project (Surface Water Delivered to the Regional TBW Water Treatment Plant)



**Governing Board Meeting  
March 27, 2007**

**Resource Management and Development Committee**

***Consent Items***

- 36. Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes ..... 2
- 37. Water Protection and Sustainability Trust Fund – Approval of Resolution 07-08, Reallocation of Funds of Fiscal Year 2007 Projects ..... 3
- 38. Conveyance of Lands within the East Lake Watershed Project to Hillsborough County, SWF Parcel No. 13-797-101 ..... 7
- 39. Deletion of Ten-Year Flood Guidance Levels from Previously Approved Rule Amendments to Add Minimum and Guidance Levels for Six Priority Lakes in Pasco County to Chapter 40D-8, Florida Administrative Code ..... 8

***Discussion Items***

- 40. Florida Department Environmental Protection – Peace River Basin Resource Management Plan ..... (30 minutes) ..... 9
- 41. Peer Review of Minimum Flows Report for the Lower Hillsborough River ..... (30 minutes) ..... 21

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

***Routine Reports***

- 42. Significant Water Supply and Resource Development Projects ..... 23
- 43. Florida Forever Status Report ..... 29
- 44. Land Resources Department Significant Activities ..... 33
- 45. Minimum Flows and Levels Status Report ..... 34
- 46. Hydrologic Conditions Status Report ..... 37
- 47. Structure Operations Status Report ..... 39

**Resource Management and Development Committee  
March 27, 2007**

**Consent Item**

**Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes**

*Purpose*

This resolution requests the Governing Board approve a resolution requesting the Florida Department of Environmental Protection to encumber the District's FY2007 current modified budget for the above-mentioned costs within the WMLTF, and authorize staff to request quarterly reimbursements for FY2007 costs for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes to eligible counties, not to exceed the total current modified budget of \$19,634,474.

*Background/History*

The District and Basins are eligible to receive reimbursement of costs for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes to eligible counties for lands acquired or to be acquired with funds from the Water Management Lands Trust Fund (WMLTF), commonly known as Save Our Rivers, Preservation 2000 Trust Fund and Florida Forever Trust Fund.

*Costs*

The current modified budgets by category and Basin for FY2007 are as follows:

<b>Land Management, Maintenance and Capital Improvements</b>	
General Fund	\$3,376,690
Alafia River Basin	995,734
Hillsborough River Basin	2,463,853
Northwest Hillsborough Basin	54,058
Coastal Rivers Basin	1,883,711
Pinellas-Anclote River Basin	1,510,641
Withlacoochee River Basin	2,002,330
Peace River Basin	1,726,110
Manasota Basin	2,167,305
Subtotal Land Management, Maintenance and Capital Improvements	\$16,180,432
<b>Preacquisition</b>	
General Fund	\$727,768
Capital Projects Fund	2,351,274
Subtotal Preacquisition	\$3,079,042
<b>Payments in Lieu of Taxes</b>	
General Fund	\$375,000
Subtotal Payments in Lieu of Taxes	\$375,000
<b>Total</b>	<b>\$19,634,474</b>

Staff Recommendation:

Approval of Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes in the amount of \$19,634,474 and authorize staff to request quarterly reimbursements for the fiscal year not to exceed \$19,634,474.

Presenter: Eric Sutton, Assistant Director, Land Resources Department

**Finance and Administration Committee  
March 27, 2007**

***Consent Item***

**Water Protection and Sustainability Trust Fund – Approval of Resolution 07-08, Reallocation of Funds of Fiscal Year 2007 Projects**

*Purpose*

To request the Board adopt Resolution 07-08, which reflects reallocation of Water Protection and Sustainability Trust Funds (WPSTF) (Senate Bill 444) from a project in the Withlacoochee River Basin withdrawn by the cooperator to another project in the Withlacoochee River Basin also receiving WPSTF dollars. The withdrawn project is the Citrus County Meadowcrest Reclaimed Water Storage Project; the funds will be reallocated to the City of Inverness Reclaimed Water Transmission Main Project.

*Background/History*

In 2005, the Florida Legislature passed SB 444, which established the WPSTF; a mechanism for water management districts to provide financial assistance to local entities to develop alternative water supplies. These funds can be used to fund up to 20 percent of the construction component of alternative water supply projects. The legislation requires the Governing Board to annually approve, by resolution, the list of projects receiving funds from the WPSTF. It also requires the Governing Board to approve, by resolution, any changes to the list of projects. The last related resolution the Governing Board approved was Resolution 07-04, reallocating WPSTF from the Tampa Bay Regional Reclaimed Water Project to the Tampa Bay Water System Configuration II Project.

The Citrus County Meadowcrest Reclaimed Water Storage Project (L766) that received fiscal year (FY) 2007 WPSTF dollars has been withdrawn. This is because the cooperator has determined that a storage facility at the Meadowcrest Wastewater Treatment Plant is not needed, because adequate storage is available in the form of a lined storage pond at the site where the reclaimed water will be used for irrigation. Staff is proposing that the \$6,000 in WPSTFs allocated with this project be reallocated to L468, the City of Inverness Reclaimed Water Transmission Main Project. The reallocation not only ensures the revenues from the trust fund remain used by a similar project that meets the state requirements, but also retains the use of funds for alternative water supplies within the northern region of the District. The funds are also reallocated within the same basin, so no budget amendment will be required.

*Benefits/Costs*

There are no additional costs associated with this item. The benefit of reallocating the FY2007 WPSTFs from the Meadowcrest project to another alternative water supply project is retaining the ability to use the funds for projects that provide water supply benefits within the northern region of the District. Approving the reallocation of the \$6,000 ensures that the District will be able to use all of the appropriated revenues and remain in compliance with state guidelines.

*Impact If Not Funded*

If not approved, the District will miss the opportunity to leverage state funds with cooperator dollars, which will increase the difficulty of raising the funds necessary to develop new water supplies.

Staff Recommendation:

See Exhibit

Approve the reallocation of \$6,000 in FY2007 Water Protection and Sustainability Trust Funds from project L766 to L468.

Presenter: Gregg W. Jones, P.G., Director, Resource Conservation & Development Dept.



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 07-08**

**REVISION TO THE SLATE OF PROJECTS RECEIVING ASSISTANCE IN  
FISCAL YEAR 2007 FROM THE WATER PROTECTION AND  
SUSTAINABILITY TRUST FUND**

**WHEREAS**, the Water Protection and Sustainability Trust Fund was established in Fiscal Year (FY) 2006 to provide funding assistance for development of alternative water supplies; and

**WHEREAS**, the Southwest Florida Water Management District (District) was allocated \$15 million in FY2007 to use in combination with its approved funding to assist in funding the project construction costs of alternative water supply projects selected by the Governing Board; and

**WHEREAS**, Chapter 373.1961, Florida Statutes (F.S.), requires that the Governing Board of the District determine the projects selected for financial assistance as part of the Water Protection and Sustainability Trust Fund (Trust Fund); and

**WHEREAS**, after careful evaluation, District staff determined that the Citrus County Meadowcrest Reclaimed Water Storage Project (L766) met all of the requirements for use of the Trust Funds according to Chapter 373.1961(3)(f) and (g), and the criteria of the District's Cooperative Funding Initiative; and

**WHEREAS**, the Citrus County Meadowcrest Reclaimed Water Storage Project (L766) was selected for receiving Trust Funds in FY2007, and approved by the Governing Board in its adoption of the Budget via District Resolution 06-16, has been withdrawn by Citrus County, leaving a total of \$6,000 in Trust Funds unallocated; and

**WHEREAS**, the City of Inverness Reclaimed Water Transmission Main (L468) project was selected for receiving Trust Funds in FY2006 and in FY2007 and is an alternative water supply project in need of additional funding over multiple years; and

**WHEREAS**, allocating \$6,000 in Trust Funds from the withdrawn Citrus County project (L766) will not exceed the maximum funding percentage allowable for the use of state funds once all District and cooperator funds are budgeted, per Chapter 373.1961(3)(e); and

**WHEREAS**, the FY2007 Trust Funds approved for the Citrus County Meadowcrest Reclaimed Water Storage Project (L766) by the Withlacoochee River Basin Board as part of its budget adoption at its August 2006 meeting will be used to fund the City of Inverness Reclaimed Water Transmission Main (L468) project.

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Board of the Southwest Florida Water Management District that the Trust Funds approved for the Citrus County Meadowcrest Reclaimed Water Storage Project (L766) shall be transferred to the City of Inverness Reclaimed Water Transmission Main (L468) project.

**PASSED and ADOPTED** this 27 day of March 2007, by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Talmadge G. Rice, Chair

Attest:

\_\_\_\_\_  
Neil Combee, Secretary

Approved by Legal:  
\_\_\_\_\_

**CERTIFICATE AS TO RESOLUTION NO. 07-08**

STATE OF FLORIDA  
COUNTY OF HERNANDO

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the 27th day of March 2007, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at which hearing a majority of the members of the Governing Board were present, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Brooksville, Florida, this 27th day of March 2007.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Talmadge G. Rice, Chair

Attest:

\_\_\_\_\_  
Neil Combee, Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 27th day of March 2007, by Talmadge G. Rice, and Neil Combee, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this 27th day of March 2007.

\_\_\_\_\_  
Notary Public  
State of Florida at Large  
My Commission Expires:

**Resource Management and Development Committee  
March 27, 2007**

***Consent Item***

**Conveyance of Lands within the East Lake Watershed Project to Hillsborough County, SWF Parcel No. 13-797-101**

*Purpose*

Approve conveyance SWF Parcel 13-797-101 to Hillsborough County and authorize the Chair of the Governing Board to sign the attached Quitclaim Deed conveying approximately 3.275± acres to Hillsborough County, in accordance with the October 2, 1995 Agreement between the District and Hillsborough County for the East Lake Watershed Stormwater Retrofit Project as amended.

*Background/History*

The property was acquired by the District from the Florida Department of Transportation on June 23, 1998 for the District's East Lake Stormwater Restoration Project. The project costs were to be funded jointly by the District and Hillsborough County with Hillsborough County being responsible for long term maintenance once the project was constructed. The September 2, 1998 Amendment to the original Agreement specifically stated in Section 20.3 "it is the District's intent to convey remainder parcel 128 to the County at a future date subsequent to the completion of construction of the project". To that end, project construction has been completed therefore, consistent with the amended Agreement, staff is requesting that the Board authorize the chair of the Governing Board execute a Quitclaim Deed conveying the property to Hillsborough County.

Staff Recommendation:

Approve conveyance SWF Parcel 13-797-101 to Hillsborough County and authorize the Chair of the Governing Board to sign the attached Quitclaim Deed.

Presenter: Eric Sutton, Assistant Director, Land Resources Department

**Resource Management and Development Committee  
March 27, 2007**

***Consent Item***

**Deletion of Ten-Year Flood Guidance Levels from Previously Approved Rule Amendments to Add Minimum and Guidance Levels for Six Priority Lakes in Pasco County to Chapter 40D-8, Florida Administrative Code**

*Purpose*

Deletion of the Ten-Year Flood Guidance Levels from previously approved rule amendments for six priority lakes in Pasco County.

*Background/History*

On November 30, 2006, the Board approved publication of rule amendments in the Florida Administrative Weekly pertaining to adoption of proposed minimum and guidance levels for Crews Lake, Lake Iola, Lake Jessamine, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (Loyce Lake) in Pasco County. The rule amendments called for incorporation of minimum and guidance levels, including a Ten Year Flood Guidance Level, for each lake into Table 8-2 of the District's Water Levels and Rates of Flow Rules (Chapter 40D-8, Florida Administrative Code). The amendments also included deletion of currently adopted guidance levels for the lakes from Table 8-3 in the existing rule.

The Ten-Year Flood Guidance Levels for the lakes were developed in accordance with the District's Watershed Management Program guidelines. As discussed at the February 2007 Governing Board meeting, staff has proposed that final acceptance of data, models and reports developed as part of the program will be delayed to allow for model updates and a public comment period.

Implementation of this review process for the flood levels that have been developed for the priority Pasco County lakes would delay adoption of the minimum and guidance levels that staff is seeking to incorporate into District rules. Staff therefore recommends deletion of the proposed Ten Year Flood Guidance Levels from the rule amendments. This action is not expected to adversely impact District activities because the Ten Year Flood Guidance Level is not currently used in the Environmental Resource or Water Use Permitting programs. The intent is to bring back for adoption the Ten Year Flood Guidance Levels once the model results have been completed and accepted.

Staff will prepare rule amendments that exclude the Ten Year Flood Guidance Level for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (Loyce Lake) from Table 8-2, Section 40D-8.624, Florida Administrative Code. Staff will be prepared to address any Board concerns regarding the proposed rule amendment revisions.

*Benefits/Costs*

Deletion of the Ten-Year Flood Guidance Levels from the previously approved rule amendments will streamline the process of adopting minimum levels for six priority lakes.

Staff Recommendation:

Approve deletion of the Ten-Year Flood Guidance Level for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (Loyce Lake) from the previously approved rule amendments to Chapter 40D-8, Florida Administrative Code, for publication in the Florida Administrative Weekly and adoption into District rules.

Presenter: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department

## Resource Management and Development Committee March 27, 2007

### *Discussion Item*

#### Florida Department of Environmental Protection - Peace River Basin Resource Management Plan

##### *Purpose*

This item is to present to the Board the Florida Department of Environmental Protection's (FDEP) proposed Resource Management Plan for the Peace River Basin. District staff have been providing technical assistance to the FDEP and are part of the project management team for this effort.

##### *Background/History*

In 2003, the Florida Legislature directed the FDEP, in consultation with the District, to conduct the Peace River Cumulative Impact Assessment Study. The purpose of the study was to evaluate the cumulative impacts in the Peace River Basin of development activities prior to the introduction of state regulation and provide the technical foundation for development of a resource management plan. In addition the study was to evaluate the effectiveness of existing regulatory programs in avoiding or minimizing existing and future impacts. The study focused on the principal factors affecting the ecology and hydrology of the basin, including climatic changes, groundwater withdrawals, and land use changes. The management plan, which is separate from the cumulative impact study, identifies regulatory and non-regulatory actions needed to minimize any existing and future adverse impacts to water resources in the basin. The resource management plan was submitted to the Florida Legislature on March 6, 2007.

The Cumulative Impact Assessment Study results were presented to the Governing Board at their January 2007 meeting. Primary conclusions of the study were: (1) long-term variations in rainfall have led to substantial declines in average and above average flows over the last 60 years; (2) groundwater withdrawals have caused a loss of spring flow and base flow in the upper part of the watershed, resulting in the periodic loss of perennial flow in the river between Bartow and Homeland during low flow conditions; (3) increased dry season flows from agricultural runoff have led to water quality degradation in the Joshua, lower Horse, Prairie, and Shell Creek tributaries of the lower Peace River; (4) land use and cover patterns in the watershed have changed dramatically since the 1940s, with most changes occurring prior to 1979; and (5) water quality improvements have been made with respect to some parameters over the watershed as a whole; however, some portions of the watershed continue to experience water quality degradation.

The resource management plan incorporates many existing programs from the FDEP, the District, and the Florida Department of Agriculture and Consumer Services. Recommended actions of the highest priority include: (1) Develop a land acquisition plan and funding strategy for the Peace River Basin through collaboration of local, state, and regional conservation land acquisition entities to assure a coordinated and equitable approach; (2) Develop a proposal to ensure adequate funding for the Nonmandatory Mine Reclamation Program to fund reclamation targeted at specific water resource benefits in the basin; (3) Jointly review DEP and Southwest Florida Water Management District environmental resource permitting in the basin to determine whether permitting criteria, special basin rules, or other regulatory strategies should be enhanced to minimize cumulative impacts more effectively; (4) Consider combining the Environmental Resource Permit and Conceptual Reclamation Plan approval processes into a streamlined and more protective, comprehensive phosphate mining authorization to enhance

## Item 40

environmental protection and restoration; and (5) Work with the Southwest Florida Water Management District and area local governments to evaluate, plan and initiate financing for the necessary environmental infrastructure to assure sustainable water supplies and improved water quality in the Peace River basin.

### *Benefits/Costs*

The Legislature provided the funding for this project; no funding was provided by the District.

### Staff Recommendation:

See Exhibit

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

Presenter: Mark D. Barcelo, Manager, Hydrologic Evaluation Section  
Richard Cantrell, Florida Department of Environmental Protection

# Peace River Basin Resource Management Plan

Summary of Impacts, Recommendations and Implementation Plan



Florida Department of Environmental Protection

March 2007



# Peace River Basin Resource Management Plan Summary

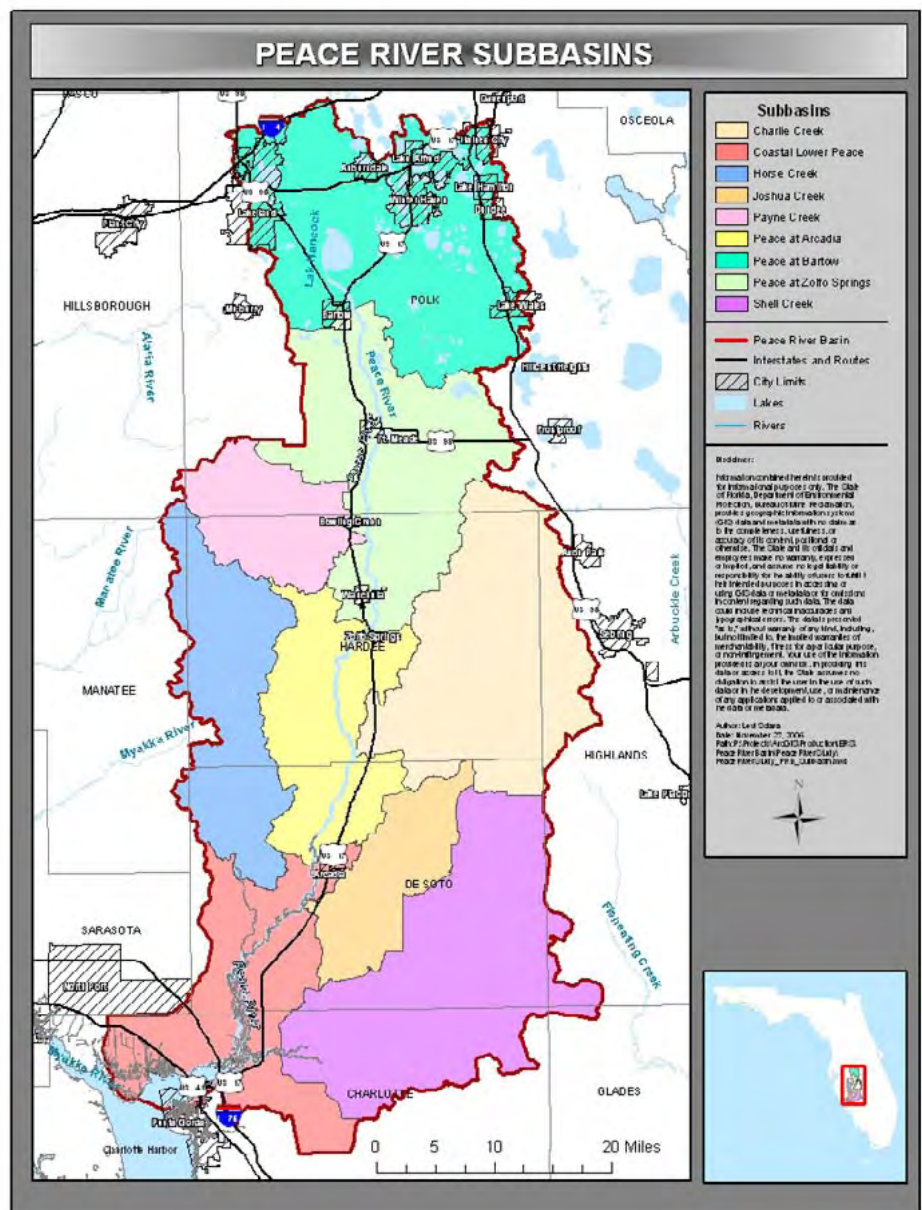
The Peace River is the principal ecological feature connecting central Florida to the southwest coast and consists of nine sub-basins covering approximately 2,350 square miles. In 2000, the population of the area was roughly 366,000 people; by 2020, that number is projected to grow to approximately 480,000, a 31% increase. Agricultural land uses encompass about 80% of the basin while urban and mining each cover roughly 10% of the area.

The river is the major freshwater source entering Charlotte Harbor and its flows are essential to maintaining the overall health and productivity of the estuary. It also is an essential source of drinking water to the coastal population. Changes in Peace River flows have long been observed. The severe drought of 1999-2001 and the resulting extended period of dry riverbed in the upper basin, the southward expansion of phosphate mining, and impacts to water supplies at the populous southern end of the system have focused more attention on this unique natural resource.

## Cumulative Impact Study

In 2003, the Florida Legislature directed the Florida Department of Environmental Protection (DEP) in consultation with the Southwest Florida Water Management District, to study the cumulative effects of major changes in “landform and hydrology” in the Peace River basin (Chapter 2003-423, Laws of Florida). The DEP contracted with Post, Buckley, Schuh & Jernigan, Inc., an environmental and engineering consulting firm, to complete the *Peace River Cumulative Impact Study*, with the objectives of evaluating:

- Cumulative impacts of activities on surface and ground waters, wetlands, fisheries, aquatic and estuarine



- habitats, and water supplies before and after state regulatory and reclamation programs;
- Effectiveness of existing programs in avoiding, minimizing, mitigating, or compensating for cumulative impacts; and
- Benefits and implications of establishing buffer areas within the 100-year floodplain of major surface waters in the basin.

The study focused on the major causes of stress to the ecology and hydrology of the basin, including rainfall, groundwater withdrawals, and land use changes associated with urban growth, agriculture, mining, and other activities. Preliminary results of the *Cumulative Impact Study* were presented to the public at a series of workshops throughout the basin. The final study was published January 26, 2007 and is available from the DEP's website at [www.dep.state.fl.us/water/mines/prcis.htm](http://www.dep.state.fl.us/water/mines/prcis.htm).

### **Major Findings of the Cumulative Impact Study**

There is no single, predominant cause of impacts to water resources in the Peace River basin. Urban development, agricultural operations and mining have all contributed to the basin's decline. Evidence of these impacts can be seen through many indicators:

- Approximately 343 miles of streams and associated floodplains were lost in the basin during the study period from the 1940s through 1999.
- During this same period, the basin sustained a 38.5% reduction in wetland acres, a loss of about 136,000 of the original 355,000 acres.
- Approximately 31,000 wetland acres were lost after 1979 despite the existence of more stringent regulations.
- Native upland habitats declined from more than 834,000 acres in the 1940s to fewer than 243,000 acres in 1999, a 71% decrease.
- Floridan aquifer levels in the area have declined by 20 to 50 feet.
- Surface water augmentation from mineralized groundwater (high in dissolved salts) used for irrigation and freeze protection has adversely affected Punta Gorda's public water supply.
- The impacts of phosphate mining on landform and hydrology are found in the four sub-basins in the northern basin where mining occurs.
- Urbanization had the heaviest impacts in the northernmost and southernmost sub-basins and is expected to expand.
- Agricultural activities caused significant impacts on water resources throughout the Peace River basin; these impacts are now mostly noted in the central and upper southern portions of the basin because of the land use changes to mining and urbanization in the upper sub-basins.

As noted earlier, Chapter 2003-423, Laws of Florida, required an evaluation of establishing buffer areas in the basin. Buffers are the most effective means of flood protection because they prevent placement of incompatible land uses within flood-prone areas and ensure that development does not alter natural patterns of water movement and storage. They also provide natural habitat and wildlife corridors and contain wetland areas that serve to filter floodwaters and other runoff, thereby protecting downstream water quality.

In order to secure any buffer area, there are environmental, economic, legal ownership, and land use considerations that must be taken into account. The study discusses the establishment of buffers

both by regulatory means, such as using buffers as mitigation for wetland impacts, as well as non-regulatory approaches, like land acquisition and dedication of conservation easements.

A summary of the *Peace River Cumulative Impact Study* as well as a copy of the entire report are available on DEP's webpage at <http://www.dep.state.fl.us/water/mines/prcis.htm>.

## **Peace River Basin Resource Management Plan**

Chapter 2003-423, Laws of Florida, also charges the DEP to prepare this resource management plan for the Peace River basin, which was developed with assistance from the Southwest Florida Water Management District and a stakeholder group consisting of representatives from local governments, regional water suppliers, regional planning councils, the mining industry, agriculture interests, development groups, environmental organizations, and fishing interests within the basin. The plan describes the key characteristics of the Peace River basin, summarizes the major impacts to area water resources along with their causes, describes existing resource management programs, and recommends actions necessary to avoid, minimize, mitigate or compensate for cumulative impacts in the basin.

Based on the *Cumulative Impact Study*, this management plan identifies 22 major impacts to the surface and ground waters, wetlands, fisheries, aquatic habitats, and water supplies of the Peace River basin caused by agriculture, phosphate mining, urbanization, and climate. Impacts range from the more obvious ones noted in the previous section to more subtle changes such as the loss of spring habitat, reduction in base flow in the upper parts of the river, and shifts in fish species due to mineralization.

Urban centers (Lakeland, Auburndale, Haines City, Winter Haven, Bartow and unincorporated Port Charlotte) are currently confined to the northernmost and southernmost parts of the watershed. However, residential, commercial, and industrial development is spreading slowly but surely throughout the entire Peace River basin, including the areas of Fort Meade, Zolfo Springs, Bowling Green, and Arcadia. The infrastructure required to support this development is bringing with it more stormwater runoff from roads and parking lots, additional wastewater treatment and discharge or reuse flows, higher demand for public water supply, large-scale clearing of native lands, and other consequences of growth that threaten the basin's water resources. Major east-west and north-south transportation corridors are being planned that could bisect the basin.

## **Management Plan Recommendations**

The Peace River basin still contains significant floodplains that provide habitat for many wildlife species; natural forest stands; wetland areas that filter runoff and protect water quality; natural storage and detention of floodwaters; and protection for drinking water supplies. In order to preserve the remaining critical ecosystem and, equally essential, restore damaged areas vital to sustaining this growing area, its people and its economy, this management plan recommends specific actions to improve the environment and quality of life in the Peace River basin.

Among the most important of these recommendations are those to expand or expedite critical existing programs, like the aquifer recovery strategies in the Southern Water Use Caution Area and for minimum flows and levels in the basin. Others call for new actions that the DEP and Southwest Florida Water Management District can undertake immediately under their existing authorities.

Several recommendations call for significant, multi-agency policy shifts. The complete list of recommendations is set forth in the “Summary of Recommendations,” below, and discussed in detail in chapter 5 of the complete plan. Of these recommendations, five priorities for new efforts stand out:

1. Develop an acquisition plan and funding strategy for the Peace River Basin through collaboration of local, state, and regional conservation land acquisition entities to assure a coordinated and equitable approach.
2. Develop a proposal to ensure adequate funding for the Nonmandatory Mine Reclamation Program to fund reclamation targeted at specific water resource benefits in the basin.
3. Jointly review DEP and Southwest Florida Water Management District environmental resource permitting in the basin to determine whether permitting criteria, special basin rules, or other regulatory strategies should be enhanced to minimize cumulative impacts more effectively.
4. Consider combining the Environmental Resource Permit and Conceptual Reclamation Plan approval processes into a streamlined and more protective, comprehensive phosphate mining authorization to enhance environmental protection and restoration.
5. Work with the Southwest Florida Water Management District and area local governments to evaluate, plan and initiate financing for the necessary environmental infrastructure to assure sustainable water supplies and improved water quality in the Peace River basin.

### **Management Plan Implementation**

The DEP proposes to implement a series of actions, some in conjunction with partner agencies, to address cumulative impacts in the Peace River basin. The actions are set forth according to the timeframe during which they will be undertaken and follow from the report’s recommendations.

This implementation plan itself is outlined in chapter 6 of the complete plan. It is, by design, dynamic and intended to be continuously improved as better information about basin hydrology and ecology becomes available. Several of the proposed actions are beyond the resources of any one agency and require collective action by various agencies and stakeholders in the basin. These agencies and stakeholders must effectively coordinate—and hold each other accountable—for implementing the plan’s recommendations and action steps; monitoring their progress; and refining, adapting, and developing new actions as circumstances demand.

The *Peace River Cumulative Impact Study* graphically illustrates the causes of decline in the Peace River basin. This resource management plan sets forth actions necessary to begin reversing the decline and preserving this critical ecological area for future generations. It can only be accomplished through the concerted efforts of all stakeholders in the Peace River basin.

## Summary of Water Resource Impacts

The *Peace River Cumulative Impact Study* identified 22 major impacts to water resources, summarized in the table below. Note that agricultural land uses today comprise approximately 80% of the Peace River basin while urban and mining land uses each cover roughly 10%.

Water Resources and Impacts		Source of Stress			
		Agriculture	Mining	Urbanization	Climate
<b>Surface Waters</b>					
1	Loss of 343 miles of streams and associated floodplains	*	*	*	
2	Increased mineralization of surface waters in southern sub-basins (Joshua, Shell/Prairie, Lower Horse creeks)	*			
3	Increased conductivity levels (essentially, a reflection of dissolved solids) in Payne Creek	*	*		
4	Reduced base flow in northern sub-basins	*	*	*	*
5	Loss of flow from Kissengen Spring to river	*	*	*	
6	Increased color in upper basin causing reduced water clarity	*	*	*	
7	Alteration of natural drainage patterns in watershed	*	*	*	
8	Post-regulation water quality improved in upper basin, but nutrients in Lake Hancock contribute to poor water quality downstream		*	*	
9	Many surface water segments in the basin have been verified by DEP to be “impaired” (not meeting water quality criteria) for at least one pollutant or condition	*	*	*	
<b>Groundwaters</b>					
10	Decline of 20-50 feet in Floridan aquifer level	*	*	*	*
5	Loss of base flow – northern sub-basin (Kissengen Spring)	*	*	*	
<b>Wetlands</b>					
11	Loss of 136,000 acres of original 355,000 acres of wetlands in total basin during study period (most pre-regulation)	*	*	*	
12	Continuing loss of wetlands (31,000 acres) after 1979 despite regulations, but at slower rate	*	*	*	
<b>Fisheries</b>					
13	Increasing number of exotic fishes and fish species			*	
14	Loss of spring fish species	*	*	*	
15	Shifts in fish species due to mineralization	*			
16	Fish population losses due to loss of stream habitats	*	*	*	
<b>Aquatic Habitats</b>					
1	Loss of 343 miles of streams and associated floodplains	*	*	*	
17	Loss of spring habitat	*	*	*	
18	Reduction in the amount of time a wet stream channel occurs in upper basin	*	*	*	*
11	Loss of 136,000 acres of wetlands	*	*	*	
19	Increase of man-made waterbodies	*	*	*	
<b>Water Supplies</b>					
20	Peace River Water Supply – changes to seasonal hydroperiod that might cause more days of low flow	*	*	*	*
21	Impact of mineralization of Shell/Prairie creeks on Punta Gorda water supply	*			
22	Limitations on groundwater supplies in Southern Water Use Caution Area	*	*	*	*

## Summary of Recommendations

Recommendation	Implementing Agency			
	DEP	SWFWMD	DACS	Other
<b>General</b>				
Develop an acquisition plan and funding strategy for the Peace River basin through collaboration of local, state, and regional conservation land acquisition entities to assure a coordinated and equitable approach	*	*		
Determine value of formal Peace River Coordinating Committee	Multiple agencies/ stakeholders			
<b>Stopping Wetland and Stream Losses</b>				
Evaluate environmental resource permitting to determine whether enhanced permitting criteria, special basin rules, or other regulatory strategies should be implemented to minimize cumulative impacts more effectively	*	*		
<b>Floodplain Protection</b>				
Provide incentives to direct development away from the 100-year floodplain, review Florida's Uniform Mitigation Assessment Methodology (wetlands) to determine whether preservation of the floodplain would serve as appropriate mitigation offset for development activities	*	*		
Revise, update and secure funding for Integrated Habitat Network plan and accelerate floodplain mapping modernization	*	*		
<b>Phosphate Industry Regulation and Reclamation</b>				
Develop a proposal to ensure adequate funding for the Nonmandatory Reclamation Program to fund reclamation targeted at specific water resource benefits	*			
Evaluate combining Environmental Resource Permit and Conceptual Reclamation Plan approval into single phosphate mining authorization	*			
<b>Assist Agricultural Industry</b>				
Promote greater participation in Facilitating Agricultural Resource Management Systems program		*	*	
Promote greater use of Mobile Irrigation Laboratory program		*	*	
Develop incentives to increase use of agricultural Best Management Practices			*	
<b>Research and Studies</b>				
Update land use change analysis with 2005 aerial photography and conduct similar analyses every 5 years	*	*		
Accelerate development of Peace River integrated ground and surface water model		*		
<b>Protecting and Enhancing Basin Hydrology, Water Quality and Quantity, and Public Water Supplies</b>				
Adopt and implement Total Maximum Daily Load determinations and Basin Management Action Plans for impaired surface waters in basin	*			
Develop minimum flows and levels and recovery strategies where needed		*		
Implement Southern Water Use Caution Area recovery strategies		*		
Accelerate and secure funding for Upper Peace River/ Saddle Creek Restoration Project	*	*		FWC
Monitor Shell Creek and Prairie Creek Watersheds Management Plan to ensure protection of Punta Gorda's water supply; develop similar plans in other Peace River sub-basins		*		
Work with the Southwest Florida Water Management District and area local governments to improve the use of zoning, land use and comprehensive planning tools to protect water resources in the basin; provide technical assistance to evaluate, plan and initiate financing for environmental infrastructure necessary to assure sustainable water supplies and improved water quality	*	*		

## Peace River Resource Management Plan Implementation

The DEP proposes to implement the following actions, some in conjunction with partner agencies, to address cumulative impacts in the Peace River basin. The actions are set forth according to the timeframe during which they will be undertaken.

This plan is, by design, dynamic and intended to be continuously improved as better information about basin hydrology and ecology becomes available. Several of the proposed actions are beyond the resources of any one agency and require collective action by various agencies and stakeholders in the basin. These agencies and stakeholders must effectively coordinate—and hold each other accountable—for implementing the recommendations and action steps below; monitoring their progress; and refining, adapting, and developing new actions as circumstances demand. Only through concerted effort can cumulative impacts in the Peace River basin be minimized or eliminated.

### Ongoing Actions

- Evaluate reclaimed and released mining parcels to better determine their wetland function.
- Monitor progress of the *Shell Creek and Prairie Creek Watersheds Management Plan* to ensure the goals and objectives are achieved by 2014.
- Promote and expand Department of Agriculture and Consumer Services Mobile Irrigation Laboratory Program.
- Support the Department of Agriculture and Consumer Services efforts to reduce agricultural water use by 40 mgd by 2025 through the Facilitating Agricultural Resource Management Systems (FARMS) program.

### Short-Term Actions – Complete within six months to one year

- Adopt Total Maximum Daily Load determinations in the Peace River basin: Banana Lake, Banana Lake Canal, Lake Bonny, Lake Hancock, Lake Lena, Lake Parker, Peace Creek Drainage Canal, Peace River above Bowlegs Creek, Saddle Creek below Lake Hancock, Wahnetta Farms Drain Canal, and Winter Haven Chain of Lakes (Southern).
- Develop an acquisition plan and funding strategy for the Peace River Basin through collaboration of local, state, and regional conservation land acquisition entities to assure a coordinated and equitable approach.
- Develop a proposal to ensure adequate funding of the Nonmandatory Reclamation Program to support reclamation targeted at specific water resource benefits.
- Develop a long-term needs analysis for funding from the Nonmandatory Lands Reclamation Trust Fund for the management of conservation lands in the Integrated Habitat Network, and submit legislative budget requests consistent with established fund needs.
- Evaluate the benefits of combining the Environmental Resource Permit and Conceptual Reclamation Plan approval into a single mining authorization as a means of improving resource protection and process streamlining.
- Determine whether a formal Peace River Coordinating Committee should be established to facilitate intergovernmental and stakeholder interactions.

- Expedite, in conjunction with the Southwest Florida Water Management District, the development and implementation of the Final Evaluation of Stream Flow Losses through Karst Features in the Upper Peace River, in conjunction with the U.S. Geologic Survey.
- Develop incentives to increase the use of agricultural Best Management Practices in conjunction with Department of Agriculture and Consumer Services.

### **Mid-Term Actions – Complete within two years**

- To provide an incentive to direct development away from the 100-year floodplain, review Florida’s Uniform Mitigation Assessment Methodology (wetlands) to determine whether preservation of the floodplain would serve as appropriate mitigation offset for development activities.
- Complete minimum flows and levels for the lower Peace River estuary system and Lake Hancock, scheduled for adoption in 2007 (Southwest Florida Water Management District).
- Provide the Southwest Florida Water Management District with data needed to complete the Peace River Integrated (computer) Model and assure it accounts for phosphate mining lands.
- Take appropriate corrective measures in all sub-basins where specific conductance (a measure of dissolved solids) in surface waters has been increasing (Southwest Florida Water Management District).
- Adopt Total Maximum Daily Load determinations for Winter Haven Chain of Lakes (Northern).
- Conduct a study of mechanisms to remediate stream losses to in-channel Karst features (Southwest Florida Water Management District).

### **Long-Term Actions – Complete within four years**

- Work with the Southwest Florida Water Management District and area local governments to improve the use of zoning, land use and comprehensive planning tools to protect water resources in the basin; provide technical assistance to evaluate, plan and initiate financing for environmental infrastructure necessary to assure sustainable water supplies and improved water quality.
- Complete “middle” and “high” minimum flows for the upper Peace River, scheduled for adoption by 2011 (Southwest Florida Water Management District).
- Evaluate existing regulatory programs in conjunction with the Southwest Florida Water Management District to determine the need for program enhancements or development of special basin rules to protect water resources.
- Revise and update the Integrated Habitat Network and coordinate with Southwest Florida Water Management District to accelerate floodplain mapping modernization.
- Expedite, in conjunction with the Southwest Florida Water Management District, development and implementation of:
  - Lake Hancock Lake Level Modification and Ecosystem Restoration Project.
  - Lake Hancock Water Quality Treatment Project.
  - Peace Creek Restoration Program.
  - Upper Peace River Resource Development Project.
- Complete the Upper Peace River/Saddle Creek Restoration Project.



- Amend Tenoroc Fish Management Area project area lease to include FDEP-Division of Water Resource Management as co-manager with the Florida Fish and Wildlife Conservation Commission.
- Provide partial funding in cooperation with the Florida Fish and Wildlife Conservation Commission for complete upland and wetland restoration, drainage, enhancement, and management of entire project area through the sale of on-site resources.
- Acquire clay settling areas on adjacent privately-owned property to complete drainage enhancement to Upper Saddle Creek in cooperation with the Southwest Florida Water Management District, Polk County, and Florida Fish and Wildlife Conservation Commission.
- Request funding from the Southwest Florida Water Management District since water being managed in the Upper Peace River/Saddle Creek Restoration Project will be used in support of the Peace River Minimum Flows and Levels recovery strategies.

## Resource Management and Development Committee March 27, 2007

### *Discussion Item*

#### **Peer Review of Minimum Flows Report for the Lower Hillsborough River**

##### *Purpose*

Presentation of the independent scientific peer review report by Mr. Gary Powell, member of peer review panel, on their findings and recommendations upon review of District's re-evaluation of the Minimum Flow for the Lower Hillsborough River (LHR). This is an information item only.

##### *Background/History*

In 1999, the Governing Board established a minimum flow for the LHR of 10 cubic feet per second at the base of the City of Tampa's (City) Hillsborough River dam. The minimum flow was subsequently challenged by a number of parties (City of Tampa, Friends of the River, Sierra Club and Crystal Springs Recreational Preserve, Inc., and Two Rivers Ranch, Inc.) and an administrative hearing was scheduled. Prior to the scheduled hearing, the parties reached a settlement agreement. After review of the initial MFL document on the LHR, the peer review panel noted that there was very little actual empirical data in the flow range for which the MFL was being developed, and suggested that experimental flow releases should be carried out in the low flow range so that more data could be gathered. The panel stated, "One option is releasing 10, 20 or 30 cfs from the dam, and for each of these flows evaluate improvements to or impacts on water quality, and the probability that such releases would result in impacts." The settlement agreement is consistent with the previous peer review panel's recommendation and stipulated that the District and the City of Tampa would develop and participate in a joint study plan for collection of additional low flow data in the range of flow up to at least 30 cubic feet per second. The settlement language was adopted into District Rule, 40D-80.073, and in part said, "the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water quantity, and existing changes and structural alterations, to re-evaluate the minimum flow requirement to maintain the existing biological communities in the LHR."

Staff completed a draft report documenting the re-evaluation of minimum flows for the LHR, and presented its findings and the draft report to the Governing Board at its September 2006 board meeting. This report along with supporting documentation and comments from interested parties was submitted to an independent, scientific review panel for voluntary peer review. The panel is comprised of three scientists who have extensive experience and expertise in estuarine hydrology and ecology. The panel's mission was to review the validity of the technical approach used by the District to determine the proposed minimum flows. In doing so, the panel considers how well the conclusions in the reports are supported by the data, procedures, and analyses that are presented. The Governing Board should give significant weight to the panel's findings when adopting minimum flows.

Development of a minimum flow is essentially a five phase process. The initial phase involves Data Collection (Phase 1), which is followed by Data Analysis and Development of a Draft MFL Report (Phase 2). The District submits all MFLs developed for rivers, springs and estuaries for independent scientific peer review, and this constitutes Phase 3 of the MFL development process. If the MFL is not being met or is projected to fall below the proposed MFL over the next 20 years, a "recovery strategy" is developed as Phase 4 of the process. In the case of the LHR, a recovery strategy is needed and is currently under development. Once the recovery

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strategy is completed (Phase 4), it will be presented to the Board along with a proposed rule for adoption (Phase 5). It is anticipated that the recovery strategy and proposed rule will be submitted to the Board for their consideration in the May to June timeframe.

In summary, the independent scientific peer review panel has submitted a report to the District on the LHR that presents their findings. Mr. Gary Powell, President of Aquatic Science Associates and peer review panel member, will make a presentation to the Board concerning the panel's findings. District staff will respond to the panel's findings at the April 2007 meeting.

### Staff Recommendation:

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

Presenter: Dr. Marty Kelly, Manager, Ecologic Evaluation Section  
Gary L. Powell, President, Aquatic Science Associates  
Peer Review Panel Member

**Resource Management & Development Committee  
March 27, 2007**

***Routine Reports***

**Significant Water Supply and Resource Development Projects**

This report provides information on significant water supply and resource development projects in which the Governing Board is participating in funding. The report provides a short status of significant activities associated with the project that have recently occurred or are about to happen. For greater detail, refer to the Project Notes write-ups or request information directly from the project managers.

***Lake Hancock Lake Level Modification Project***

The Governing Board approved moving forward with submittal of the Conceptual Environmental Resource Permit (ERP) application at its January 2006 meeting, with the understanding that staff would work with Polk County to explore entering into a Memorandum of Agreement (MOA) to address any issues associated with the landfill. The District and County finalized an MOA, which was approved by the Governing Board on July 31, 2006, and the Board of County Commissioners on August 9, 2006. As a result, the District submitted the Conceptual ERP application for the Project to the Florida Department of Environmental Protection (FDEP) and to the United States Army Corps of Engineers on August 31, 2006. The request also includes a request for authorization to utilize sovereign submerged lands. The FDEP requested two 30-day extensions to its allowable 30-day timeframe to review and ask for additional information. The District agreed, based on the FDEP wanting to outsource the review of the watershed model. An additional information request was received from FDEP on December 5, 2006. **New Activities Since Last Meeting:** The District met with FDEP on March 5, 2007, to go over their latest request for additional information. The District had responded on February 7, 2007. The meeting clarified several outstanding issues and, as a result, the FDEP indicated by letter dated March 7, 2007, that the application was complete as of February 7, 2007, and processing for final agency action has begun. The District is also coordinating with the USACE regarding application review. It is expected that the staff will be back before the Governing Board around June to seek approval to move forward based on a favorable permit outcome. *Project Manager: Harry Downing*

***Lake Hancock Outfall Treatment Project***

At the February 2006 Governing Board meeting, the Board approved the staff recommendation to adopt a 27 percent nitrogen load reduction goal and to utilize wetlands as the primary treatment component. The District's consultant (Parsons) was tasked with conducting geotechnical testing at the proposed location of the treatment wetlands, investigation into existing wetland systems configurations, and a Basis of Design Report (BODR). This report establishes the objectives, data, and assumptions that form the foundation of design (configuration of wetland cells and infrastructure). The final BODR will contain preliminary design plans and is anticipated to be complete in June 2007. **New Activities Since Last Meeting:** The District's consultant continued work on the BODR. The project team met with the City of Bartow Development Review Committee to discuss project coordination. Major design submittals will be copied to the City and coordination on electrical service is progressing. An initial permitting coordination meeting with the Florida Department of Environmental Protection (FDEP) was held on February 22, 2007. FDEP staff indicated the project qualifies for a Noticed General Environmental Resource Permit (ERP). The project team has developed a scope for testing to be conducted on the site to evaluate construction methods and vegetation

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establishment within the former clay settling area. Part of the first phase is to excavate test pits at the site. Observations made during this effort will provide valuable information regarding construction methods. The second phase includes a plant establishment evaluation that will be conducted at the site for a period of one year. *Project Manager: Janie Hagberg*

### ***Pilot Testing Of Biological Treatment Systems***

At the February 2006 Governing Board meeting, following the vote on the Lake Hancock Outfall Treatment Project, the Board directed staff to initiate a project for pilot testing of biological water treatment systems. At the May 2006 Governing Board meeting, the Board authorized staff to proceed with the pilot testing of biological water treatment systems and to hire a consultant to assist the District in the pilot testing project. At the November 2006 meeting, the Board approved the transfer of \$200,000 from General Fund Reserves for Contingencies to fund the consultant services for the pilot testing project and authorized staff to enter into an agreement with CH2M Hill, Inc. The agreement with the consultant was signed on January 7, 2007, and a kick-off meeting was held January 17, 2007. **New Activities Since Last Meeting:** On February 20, 2007, District staff and members of the consultant team visited a 15 mgd periphyton-based water treatment system in Okeechobee County that was constructed for the South Florida Water Management District. The vendors who developed and operate the system were present to provide the tour and answer questions. The consultant delivered a detailed literature review of periphyton-based biological water treatment systems and a review of potential pilot test sites to the District on February 28, 2007. *Project Manager: Gary Williams*

### ***Peace Creek Watershed***

In 2005, the Governing Board and Peace River Basin Board agreed to take on the responsibility to maintain and, where possible, improve the water conveyance/storage capabilities of the Peace Creek Canal. One of the primary tasks includes research on property ownership, so the District can seek any necessary easements over the system. The work directly related to the Peace Creek Canal is part of the larger District effort, which started years earlier with watershed modeling and expanded in 2005, and will develop a watershed management plan that evaluates approximately 13,000 acres of lakes and 13,000 acres of wetland areas for potential surface water storage systems within the Peace Creek Watershed. The District continues to provide aquatic plant maintenance in the canal; a treatment was completed in October 2006. A permanent spraying schedule is to be implemented in FY2007. The District applied for permits from the FDEP and US Army Corps to remove sediments in strategic reaches of the canal in 2005. The FDEP permit was received in 2006. Polk County began acquiring 18 residential properties along the canal that have repeatedly flooded. The District (Governing Board and Peace River Basin) is providing up to \$250,000 to the County, as matching funds for the FEMA grant, to acquire the properties. A draft Watershed Management Plan Alternatives Report was completed in December 2006. Staff is analyzing the technical aspects of the report and will prepare recommendations accordingly. **New Activities Since Last Meeting:** An aerial inspection of the canal was performed in mid-February. As a result, the Operations Department will begin concentrating on aquatic weed control activities within the eastern portion of the canal and the south loop, while staff begins obtaining license agreements for the remainder of the canal. Staff began meeting with the County and landowners to go over the information in the draft Watershed Plan Alternatives Report. *Project Manager: Shelley Thornton*

### ***Myakka River Watershed Initiative***

At the February 2006 Governing Board meeting, funding in the amount of \$500,000 was approved to begin the collection of topographic information in eastern Manatee County using Light Detection and Ranging (LiDAR) mapping technologies and to hire a consultant team to

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perform elements of the Watershed Management Program (WMP). The District received and is continuing review of the eastern Manatee County LiDAR deliverables. The Planning Department has initiated the process of updating each of the District's 11 Comprehensive Watershed Management (CWM) plans; one is for the Myakka River. A meeting was held to discuss ongoing issues, develop goals, and refine potential Technical and Policy level committee membership. The agreement with the Consultant, the Singhofen & Associates team was executed, and the kick-off meeting was held with District staff on December 11, 2006. The Consultant team held the first outreach meeting on February 14, 2007. During the meeting, attendees discussed the project in detail, solicited stakeholder input on issues and on available sources of data. **New Activities Since Last Meeting:** Staff is scheduled to present to the Environmental Advisory Committee on March 14, 2007. The first deliverables for Work Order No. 1 are under review. In addition to the consultant work, the District was contacted by a land owner in the upper portion of the watershed (Coker Creek) regarding potential impediments to historical conveyance ways that are causing the back-up of water. District survey staff will gather stream profile information for determination of existing conditions and options to excess water in the headwaters. *Project Manager: Lisann Morris*

### Tampa Bay Water

#### **Tampa Bay Regional Reclaimed Water Project**

The Tampa Bay Regional Reclaimed Water Project (TBRRP) partners met on January 10, 2007, to discuss project configuration scenarios and the transition to the City of Tampa becoming the lead agency on the project. The city will be evaluating funding scenarios and presenting financial strategies internally and, once they have an approved plan of action, will meet with the rest of the project team to continue discussions on project reconfigurations and cost reassessment. The project team hopes to regroup in a couple of months and complete the project reconfiguration by summer of this year. Meanwhile, work continues on the some core project elements, including wet weather storage in Pasco and Hillsborough counties, and reuse customer identification in the City of Tampa. **New Activities Since Last Meeting:** The status of the TBRRP project was presented to all six of the participating Basin Boards and the Governing Board at their respective meetings in February. Each Board approved the transfer of funds set aside for downstream augmentation in the TBRRP project to TBW's System Configuration II project in the collective amounts of \$6 million in FY2007 State appropriations, \$15 million in FY2007 Water Protection and Sustainability Trust Funds (Senate Bill 444), and \$12.5 million in ad valorem. The action still leaves the TBRRP with \$2.1 million in FY2006 State appropriations and \$33.1 million in ad valorem; therefore, no additional funds for the project are expected to be requested from the participating Basin Boards or the Governing Board in FY2008. *Project Manager: Kathy Scott*

#### **System Configuration II Project**

The Governing Board approved the agreement with TBW for the System Configuration II project at their February 2007 meeting. The project when completed in 2011 is expected to provide up to 25 mgd of alternative water to the regional system. The estimated total project cost is \$235,122,500 with the District committing to half of eligible costs of \$232,000,000 or \$116,000,000. The project seeks to increase TBW's overall system capacity by drawing more water from the Hillsborough River during high flows, via the Tampa Bypass Canal (TBC), in combination with increasing the allowable percentage of withdrawals from the TBC. The projects are primarily associated with the construction of improvements to the regional systems treatment, transmission and storage infrastructure. **New Activities Since Last Meeting:** This is the first time the System Configuration II project has been included in the monthly routine report. TBW has submitted a request to modify their existing WUP to allow for the changes in transfer and withdrawal from the Hillsborough River and TBC respectively. District Regulation

and Project staffs are working closely together to insure compatibility between regulatory criteria, including MFL's, and project goals. TBW is currently working on the final design of the various components. *Project Manager: Brian Armstrong*

### ***Remediation of the Seawater Desalination Plant***

American Water Pridesa (AWP) assumed operation of the plant in January 2005 and began full-scale pilot testing to locate deficiencies and determine remediation strategies. Following completion of this process, Tampa Bay Water (TBW) issued a notice to proceed in October 2005 to construct the repairs. Repairs included modifications to the DynaSand filters, placement of 18 diatomaceous earth filters, and additional modifications to the pre- and post-treatment systems. The agreement between TBW and AWP called for the start of the acceptance test on September 21, 2006, and completion of the facility by October 20, 2006. AWP filed delay claims and rescheduled the acceptance test and completion date for November 13 and 26, 2006, respectively. AWP again revised the dates for completion of the facility and acceptance test to December 22, 2006. **New Activities Since Last Meeting:** AWP informed TBW's Board that they intend to begin the acceptance testing in March. Currently, the facility is still processing small amounts of water through the intake, pretreatment, and R.O. systems. Construction on the post treatment facilities has been completed and additional water will be brought into the plant this month in preparation for March acceptance testing. *Project Manager: Brian Armstrong*

### ***Demand and Supply Availability***

**New Activities Since Last Meeting:** Groundwater production from the 11 central-system wellfields averaged 94 mgd for the month of February and the 12-month moving average was approximately 113 mgd. The Consolidated Permit requires TBW's 12-month moving average withdrawals from the central system wellfields to be at or below 90 mgd by December 31, 2008. For the month of February, the Surface Water Treatment Plant (SWTP) supplied an average of 46 mgd of potable water to TBW's regional system. The majority of the water treated at the SWTP in the month of February was obtained from the C.W. Bill Young Reservoir. During February, 66 million gallons of water were pumped into the reservoir and approximately 900 million gallons were pumped out. This brought the total amount of water remaining in the reservoir at the end of February to 9.13 billion gallons. *Project Manager: Brian Armstrong*

### **Peace River/Manasota Regional Water Supply Authority**

#### ***Regional Expansion Projects***

The Peace River/Manasota Regional Water Supply Authority's (Authority) consultant for the Regional Reservoir Expansion project has completed the final design and is currently in the permitting and bid phase. Recent progress includes submitting a response to FDEP's first request for additional information (RAI) for the Environmental Resource Permit (ERP) application to construct the reservoir. The Authority Board approved three pre-qualified contractors, and an invitation to bid was issued to the contractors in January 2007. Construction of the Facility Expansion Project will occur through three separate contracts. The first contract focuses on site preparation, which began in December and is currently 50 percent complete. The second contract is for construction of a maintenance building, dewatering facility, filters, storage tanks, thickeners, and chemical feed and disinfection stations. The bid opening was February 9, 2007. The third contract is for construction of an operations center; a notice to proceed with construction is scheduled for September 2007. **New Activities Since Last Meeting:** A second RAI was received from the FDEP for construction of the reservoir. The Authority's consultant team anticipates submitting a response to the second RAI in early March. The Authority received one bid for Contract 2 of the Facility Expansion. The bid came in approximately \$17 million over the original engineer's estimate of probable cost and, as a result,

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the Authority Board postponed moving forward with entering into an agreement with the sole bidder, allowing staff time to negotiate a lower cost. A newly negotiated agreement will be brought back to the Authority's Board in March for approval and may result in the Authority requesting additional funding from the District. *Project Manager: Brian Armstrong*

### ***Regional Integrated Loop System Project***

The first phase of the Regional Integrated Loop System Project will consist of an interconnect between the Authority and Punta Gorda's water treatment plant on Shell Creek. The interconnection is a necessary component of the GAP plan and will provide the Authority with up to 2 mgd of potable water until the expansion projects are completed. The Authority's Board selected the contractor for the first phase of the project in April 2006, and a contract for design and development of a guaranteed maximum price for construction was executed in August 2006. At the conclusion of the contract, the Authority Board will either accept the maximum price and issue a notice to proceed for construction or look for another firm to complete the project. An interlocal agreement for the interconnect between the Peace River Facility and the Punta Gorda Facility was approved by the City of Punta Gorda in September and the Authority's Board in October. The next step is to execute a water supply contract and operational agreement for the interconnect. The contract will define operating and financial conditions for the transfer of water between the two entities. It was anticipated that the water supply contract and operational agreement would be brought to the Authority's Board and City of Punta Gorda's Council for approval in February 2007. **New Activities Since Last Meeting.** The Authority's Board and the City of Punta Gorda's Council postponed approval of the water supply contract until March. Both entities will continue to negotiate the final revisions to the water supply contract. In light of this, the Authority's Board postponed taking action on approving an agreement with the design builder for construction of the first phase (Wal Mart to Punta Gorda) of the regional loop interconnect project. *Project Manager: Brian Armstrong*

### ***Integrated Regional Water Supply Water Master Plan***

The Authority's Board authorized staff, at its March 2006 meeting, to enter into an agreement with HDR Engineering to complete the Integrated Regional Water Supply Master Plan (IRWSMP) and Regional System Reliability Model (RSRM). The IRWSMP will provide for the phased development of six new water supply sources, integrate the sources with the Regional Loop System, and develop costs for the Authority's seven year capital improvement program (CIP). The RSRM will be used to perform the technical and hydrologic modeling efforts necessary to integrate the new sources into the regional system and support the Authority's CIP. The six new sources include Shell Creek, Myakkahatchee Creek, Peace River, Upper Myakka System, Cow Pen Slough, and the Carlton Wellfield. A draft of the IRWSMP was submitted to the Authority's Board in December. The District was provided a copy and will review and provide comments, if appropriate. **New Activities Since Last Meeting:** The Authority's Board of Directors held a workshop on February 21, 2007, to review the draft plan. The Board discussed reliability, implementation scheduling, and funding for the projects. In addition, the Board gave staff direction to move forward with feasibility studies on Shell Creek, the Upper Myakka System, and Cow Pen Slough/Dona Bay. *Project Manager: Brian Armstrong*

### **Staff Recommendation:**

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

**Presenter:** Bruce C. Wirth, Deputy Executive Director, Resource Management & Development



**Resource Management and Development Committee  
March 27, 2007**

***Routine Report***

**Florida Forever Funding Status Report**

*Purpose*

No Board action is required. This item is submitted for information purposes only.

*Background/History*

Attached for the Board's use and information is the monthly funding status report for the Florida Forever program. The projects have been categorized as acquisitions or projects for: restoration; capital improvements for restoration; water resource development; and preservation. In addition to Florida Forever funding, staff continues to explore all funding opportunities.

Staff Recommendation:

See Exhibit

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

Presenter: Eric Sutton, Assistant Director, Land Resources Department

Southwest Florida Water Management District  
 Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
<b>Florida Forever Funds Available -- Inception to Date</b>	<b>\$ 200,103,472</b>						Includes \$13,170,753 from the Water Management Lands Trust Fund and \$3,182,719 from the P2000 Trust Fund	
<b>Completed Acquisitions</b>								
Panasoffkee/Outlet Tract - Gibbons (19-441-105)		Preservation		74,758	10		Closed 01/18/2001	
Annutteliga Hammock (mega parcels)		Preservation		205,744	38		Closed between 08/09/2001 and 02/09/2005 - 23 parcels	
Weekiwachee Preserve - Wooley (15-773-168)		Preservation		869,732	65		Closed 10/04/2001	
Weekiwachee Preserve - Jones (15-773-121)		Preservation		317,785	54		Closed 10/12/2001	
Weekiwachee Preserve - Leahon (15-773-180)		Preservation		42,933	49		Closed 03/13/2002	
RV Griffin Reserve - Longino (21-599-102C)		Preservation	✓	1,188,231		3,802	Closed 07/18/2002 - used P2000 & Florida Forever funds	
Annutteliga Hammock - Strait (15-228-1204)		Preservation		179,200	32		Closed 07/22/2002	
Green Swamp - Distefano (10-200-1242)		Preservation		1,125	3		Closed 08/09/2002	
Tampa Bay - Furtick (21-728-121)		Restoration - land acq	✓	830,000	127		Closed 12/30/2002	
Prairie/Shell Creek - Burchers (20-649-105)		Preservation	✓	254,016	108		Closed 01/16/2003	
Prairie/Shell Creek - Leonard (20-649-104)		Preservation	✓	85,036	40		Closed 01/16/2003	
Alafia River Corridor - Fish Hawk (11-709-131)		Preservation	✓	4,800,000	899		Closed 02/06/2003 - used P2000 & Florida Forever funds	
Myakka River - Eagle Ridge (21-708-126)		Preservation	✓	1,670,269	997		Closed 02/07/2003	
Lake Pretty - Robinson (14-009-108)		Water resource dev - land acq	✓	60,000	3		Closed 03/27/2003	
Weekiwachee Preserve - GMB Investments (15-773-183)		Preservation		422,000	56		Closed 05/28/2003 - used WMLTF funds	
Tampa Bay - Kushmer (11-728-108)		Restoration - land acq	✓	82,500	16		Closed 07/18/2003	
Tampa Bay - Pine Island (21-728-118)		Restoration - land acq	✓	450,000	86		Closed 08/09/2003	
Lake Panasoffkee - Beville (19-528-135)		Restoration - land acq		1,840,000	525		Closed 09/18/2003 - used WMLTF funds	
Lake Panasoffkee - Beville (19-528-135C)		Preservation		4,160,000		5,553	Closed 09/18/2003 - used WMLTF funds	
Annutteliga Hammock - 1029 Land Trust (15-228-1207)		Preservation		1,087,200	288		Closed 09/24/2003	
Pasco 1 - Connerton (15-704-102)		Preservation		9,792,677	2,981	507	Closed 09/29/2003	
Lake Hancock - Old Florida Plantation (20-502-101)		Water resource dev - land acq	✓	30,500,000	3,535		Closed 11/21/2003	
Tampa Bay - TECO (11-728-110)		Restoration - land acq	✓	1,713,572	2,347		Closed 12/11/2003	
Tampa Bay - Huber (21-728-105)		Restoration - land acq	✓	3,287,657	102		Closed 12/18/2003	
Panasoffkee/Outlet Tract - Lake Panasoffkee Water Assoc. (19-441-107)		Preservation		57,000	6		Closed 08/18/2004	
Annutteliga Hammock - Kalathakis (15-228-1268)		Preservation		90,000	16		Closed 09/23/2004	
Green Swamp - Davis (10-200-1238)		Preservation		10,500	25		Closed 10/13/2004	
Lake Manatee Lower Watershed - Strickland (21-601-111C)		Preservation	✓	225,180		25	Closed 11/16/2004	
Tampa Bay - Shell Pit (11-728-109)		Restoration - land acq	✓	395,672	147		Closed 12/02/2004	
Flying Eagle - Boy Scouts (19-334-133)		Preservation		13,500,000	5,484		Closed 12/14/2004	

Southwest Florida Water Management District  
Florida Forever Status

Parcel/Project	Funds Available	Fia Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Green Swamp - Beck (10-200-1246)		Preservation		11,250	15		Closed 12/14/2004 - used P2000 funds	
Lake Hancock - Griffin (20-503-105)		Water resource dev - land acq	✓	\$ 4,900,000	213		Closed 12/30/2004	
Weekiwachee Preserve - Suncoast Seabird Sanctuary (15-773-128)		Preservation		625,139	309		Closed 12/30/2004	
Annutteliga Hammock - Rush (15-228-1280)		Preservation		278,480	40		Closed 02/09/2005	
Lower Peace River Corridor - McLeod (20-695-101)		Preservation	✓	309,550	62		Closed 02/09/2005	
Green Swamp West - Little Everglades Ranch (19-410-120C)		Preservation		3,784,550		1,792	Closed 02/11/2005	
Myakka River - LOR, Inc. (21-708-125)		Preservation	✓	7,999,807	3,319		Closed 03/18/2005 - used WMLTF & Florida Forever funds	
Green Swamp - Jones (10-200-1251)		Preservation		2,200	3		Closed 05/31/2005	
Green Swamp - Glass (10-200-1254)		Preservation		200,000	20		Closed 06/01/2005	
Lake Hancock - Coscia and Nguyn (20-503-102)		Water resource dev - land acq	✓	5,225,000	590		Closed 08/04/2005	
Green Swamp East - Crowell (10-200-1237)		Preservation		2,500	4		Closed 2/16/2006	
Green Swamp East - Overstreet (10-200-1145)		Preservation		24,101,645	5,067		Closed 5/31/2006 - used WMLTF, Florida Forever, Polk Co. and State funds	
Flying Eagle - Keough (19-334-137)		Preservation		25,535	20		Closed 10/12/2006	
Lake Hancock - Kent (20-503-107)		Water resource dev - land acq	✓	3,726,950	370		Closed 10/26/2006	
<b>Subtotal Completed Parcels/Projects</b>				<b>\$ 129,385,393</b>	<b>28,072</b>	<b>11,679</b>		
<b>Subtotal Funds Available</b>	<b>\$ 70,718,079</b>							
<b>Parcels/Projects Approved By Board (Funds Encumbered within DEP Trust Fund)</b>								
Green Swamp - Raulerson (10-200-1258)		Preservation		400,000	20		Closing June 30	Jan-07
South Saddle Creek Restoration and Water Quality Treatment Project		Restoration - capital improvement	✓	\$ 13,435,446	N/A	N/A	Funds encumbered	
<b>Subtotal Parcels/Projects Approved By Board</b>				<b>\$ 13,835,446</b>	<b>\$ 20</b>	<b>-</b>		
<b>Subtotal Funds Available</b>	<b>\$ 56,882,633</b>							
<b>Ongoing Acquisitions/Projects</b>								
Lake Hancock - Hampton (20-503-103)		Water resource dev - land acq	✓		2,036		Lawsuit dropped; owners' attorney obtaining appraisal bids	TBD
Lake Hancock - Powell (20-503-152)		Water resource dev - land acq	✓		2		Owner accepted offer; scheduled for April Boards	Apr-07
Lake Hancock - Widlakie (20-503-177 and 178)		Water resource dev - land acq	✓		12		Sold to new owners; on hold	TBD
Upper Peace River - Clear Springs, LLC (20-502-107)		Water resource dev - land acq	✓		1,900		Negotiations starting over; on hold	TBD
Alafia River Corridor - Gooch (11-709-112)					750		50/50 partnership with Hillsborough County; working on interlocal agreement; Hillsborough County has acquired parcel	Jun-07
Green Swamp - Coxe (10-200-1260)		Preservation			2		Title issues causing delay	Oct-07
Green Swamp West - Barnes (19-410-123C)		Preservation				300	Preparing contract	Aug-07
Gum Slough - King/Phebus (19-193-195)		Preservation			35		Contract signed; title issues causing delay	Oct-07
Lake Panasoffkee - Patterson (19-528-112)		Preservation			1		Owner declined cleanup	TBD
Lake Panasoffkee - Chandler (19-528-142)		Preservation			107		Owner sold to another party	

Southwest Florida Water Management District  
 Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Lower Hillsborough FDA - Guerard (13-300-110)		Preservation			70		50/50 partnership with Hillsborough County; County purchased parcel, scheduled for April Boards	Apr-07
Lower Manatee River Floodway - Bowman (21-601-102)		Preservation	✓		12		Owner not interested in selling	TBD
Lower Manatee River Floodway - Green (21-601-110)		Preservation	✓		43		Owner not interested in selling	TBD
Lower Manatee River Floodway - Grindler (21-601-108)		Preservation	✓		40		Owner not interested in selling	TBD
Lower Manatee River Floodway - Hartzell (21-601-109)		Preservation	✓		8		Owner not interested in selling	TBD
Lower Manatee River Floodway - Knowles (21-601-104)		Preservation	✓		7		Owner not interested in selling	TBD
Lower Manatee River Floodway - Knowles (21-601-106)		Preservation	✓		7		Owner not interested in selling	TBD
Lower Manatee River Floodway - Potter (21-601-111)		Preservation	✓		21		Owner not interested in selling	TBD
Lower Manatee River Floodway - Riggs National Property Co. (21-601-103)		Preservation	✓		26		Owner not interested in selling	TBD
Lower Manatee River Floodway - Stewart (21-601-105)		Preservation	✓		34		Owner not interested in selling	TBD
Lower Manatee River Floodway - Williams (21-601-107)		Preservation	✓		11		Owner not interested in selling	TBD
Myakkahatchee Creek - Carlton (21-694-101C)		Preservation	✓		12,530		Negotiating conservation easement and fee simple acquisition	Jun-07
Potts Preserve - Goodgame (19-484-123)		Preservation			20		Reviewing other alternatives	TBD
Tampa Bay Estuarine Ecosystem - Amerson (21-728-124)		Restoration - land acq	✓		20		On hold until State determines partnership status; meeting with the DEP's Division of State Lands 11/9/06	TBD
Tampa Bay Estuarine Ecosystem - Bascom (21-728-125)		Restoration - land acq	✓		6		On hold until State determines partnership status; meeting with the DEP's Division of State Lands 11/9/06	TBD
<b>Subtotal Ongoing Acquisitions/Projects</b>				<b>\$ 112,576,500</b>	<b>17,700</b>	<b>300</b>		
<b>Grand Total</b>	<b>\$ (55,693,867)</b>			<b>\$ 255,797,339</b>	<b>45,792</b>	<b>11,979</b>		

Note that projected monies to be spent exceed current funding. This is due to the fact that not all acquisitions will be consummated since the District's acquisition program is opportunity-driven and primarily voluntary.

**Resource Management and Development Committee  
March 28, 2007**

***Routine Report***

**Land Resources Department Significant Activities**

**Fire Management (*District-wide*)** – Staff has conducted approximately 500 acres of prescribed burns this period, for a fiscal year total of 1,100 acres District-wide, well below expected targets for this time of year. The persistent dry weather since last summer has significantly curtailed prescribed burning on most public lands state-wide. This trend is expected to continue through the spring months. While District staff will continue to conduct prescribed burns when conditions allow, the fiscal year goal of 25,000 to 30,000 acres is probably not realistic.

**Staff Recommendation:**

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

**Presenter:** Eric Sutton, Assistant Director, Land Resources Department

**Resource Management and Development Committee  
March 27, 2007**

***Routine Report***

**Minimum Flows and Levels**

District staff continues to work on various phases of Minimum Flows and Levels (MFLs) development for waterbodies on the District's MFLs priority list. Attached for the Board's use and information is the current Minimum Flows and Levels Priority List and Schedule – Waterbody Timelines report that identifies the status of each waterbody in regard to our five phase process of MFL establishment.

Staff Recommendation:

See Exhibit

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

Presenter: Martin H. Kelly, Ph.D., Manager  
Resource Conservation & Development Department

2007 Priority List  
Schedule and Timeline  
Exhibit A

RIVERS, SPRINGS and ESTUARIES

	Phase 1 Data Collection	Phase 2 Data Analysis & Internal Draft MFL Report	Phase 3 Rpt to Board / Peer Review	Phase 4 Recovery Strategy	Phase 5 Rule Adoption
<b>2007</b>					
Alafia River System (estuary)	completed	Feb 2007	Apr 2007/Jul 2007	NA	Aug 2007
Buckhorn Spring	completed	completed	completed	NA	Aug 2007
Lithia Spring	completed	completed	Apr 2007/Jul 2007	NA	Aug 2007
Braden River System (freshwater)	completed	completed	Jan 2007 / Apr 2007	NA	May 2007
Sulphur Spings	completed	completed	completed	NA	
Tampa Bypass Canal	completed	completed	completed	NA	
Lower Hillsborough River (Re-eval)	completed	completed	completed	in progress	Mar 2007
Lower Myakka River System	completed	Apr 2007	Jun 2007 / Sep 2007	TBD	Oct 2007
Lower Peace River Estuary	completed	Jan 2007	Mar 2007 / Jun 2007	NA	Jul 2007
Upper Hillsborough River System	completed	completed	Completed / in progress	NTB/Aug 2000	Apr 2007
Crystal Spring	completed	completed	Completed / in progress	NTB/Aug 2000	Apr 2007
Weekiwachee River System	completed	Jan 2007	Mar 2007 / Jun 2007	NA	Jul 2007
Weeki Wachee Spring et al.	completed	Jan 2007	Mar 2007 / Jun 2007	NA	Jul 2007
Ancote River System	completed	May 2007	Jul 2007 / Oct 2007	TBD	Nov 2007
Cow Pen Slough/Canal	completed	Jun 2007	Aug 2007 / Nov 2007	TBD	Dec 2007
Little Manatee River System	completed	Jun 2007	Aug 2007 / Nov 2007	TBD	Dec 2007
Manatee River System	Feb 2007	Jul 2007	Sep 2007 / Nov 2007	TBD	Dec 2007
<b>2008</b>					
Chassahowitzka River System	Jan 2008	May 2008	Jul 2008 / Oct 2008	TBD	Nov 2008
Chassahowitzka Spring et al.	Jan 2008	May 2008	Jul 2008 / Oct 2008	TBD	Nov 2008
Blind Springs	Jan 2008	May 2008	Jul 2008 / Oct 2008	TBD	Nov 2008
Rainbow Springs	Jan 2008	May 2008	Jul 2008 / Oct 2008	TBD	Nov 2008
<b>2009</b>					
Homosassa River System	Jan 2009	May 2009	Jul 2009 / Oct 2009	TBD	Nov 2009
Homosassa Spring	Jan 2009	May 2009	Jul 2009 / Oct 2009	TBD	Nov 2009
Middle Withlacoochee River System	Jan 2009	May 2009	Jul 2009 / Oct 2009	TBD	Nov 2009
Upper Withlacoochee River System (Green Swamp)	Jan 2009	May 2009	Jul 2009 / Oct 2009	TBD	Nov 2009
<b>2010</b>					
Crystal River System	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Kings Bay Spring	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Gum Springs Group	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Hidden River Springs 1 and 2	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Northern Tampa Bay - Phase II	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Pithlachascotee River System	Jan 2010	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
<b>2011</b>					
Lower Withlacoochee River System	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Brooker Creek	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Upper Peace River "Middle" and "High" Minimum Flows	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011

At the Board's direction, staff have added projected dates on which: we expect to have internal draft reports complete, presentation of draft to Board, report of peer review to Board, and return for rule establishment.

2007 Priority List  
Schedule and Timeline  
Exhibit A

**LAKES**

	Phase 1 Data Collection	Phase 2 Data Analysis & Draft MFL Report	Phase 3 Peer Review	Phase 4 Recovery Strategy	Phase 5 Rule Adoption
<b>2006</b>					
Citrus County Lakes					
Fort Cooper	completed	completed	NA	NA	completed
Tsala Apopka	completed	completed	NA	NA	completed
Highland County Lakes					
Placid	completed	completed	NA	completed	Dec 2006
Levy County Lake					
Marion	completed	completed	NA	NA	completed
Pasco County Lakes					
Crews	completed	completed	NA	TBD	Nov 2006
Iola	completed	completed	NA	TBD	Nov 2006
Jessimine	completed	completed	NA	TBD	Nov 2006
King	completed	Dec 2006	NA	TBD	Dec 2006
King (East)	completed	Dec 2006	NA	TBD	Dec 2006
Pasco	completed	completed	NA	TBD	Nov 2006
Pierce	completed	completed	NA	TBD	Nov 2006
Unnamed #22, aka Loyce	completed	completed	NA	TBD	Nov 2006
Polk County Lakes					
Annie	Jun 2006	Aug 2006	NA	completed	Dec 2006
Bonnie	completed	completed	NA	completed	Dec 2006
Crooked	completed	completed	NA	completed	Dec 2006
Dinner	completed	Aug 2006	NA	completed	Dec 2006
Lee	completed	Aug 2006	NA	completed	Dec 2006
Mabel	completed	Aug 2006	NA	completed	Dec 2006
Starr	completed	Aug 2006	NA	completed	Dec 2006
Venus	completed	Aug 2006	NA	completed	Dec 2006
Sumter County Lakes					
Big Gant	completed	completed	NA	NA	completed
Deaton	completed	completed	NA	NA	completed
Miona	completed	completed	NA	NA	completed
Okahumpka	completed	completed	NA	NA	completed
Panasoffkee	completed	completed	NA	NA	completed
<b>2007</b>					
Highlands County Lakes					
Angelo	June 2007	Aug 2007	NA	TBD	Dec 2007
Anoka	June 2007	Aug 2007	NA	TBD	Dec 2007
Denton	June 2007	Aug 2007	NA	TBD	Dec 2007
Tulane	June 2007	Aug 2007	NA	TBD	Dec 2007
Verona	June 2007	Aug 2007	NA	TBD	Dec 2007
Hillsborough County Lakes					
Raleigh	completed	Mar 2007	completed	completed	May 2007
Rogers	completed	Mar 2007	completed	completed	May 2007
Starvation	completed	Mar 2007	completed	completed	May 2007
Pasco County Lakes					
Linda	completed	completed	NA	completed	Dec 2007
Polk County Lakes					
Hancock	completed	TBD	NA	completed	Dec 2007
<b>2008</b>					
Hillsborough County Lake					
Wimauma	June 2008	Aug 2008	NA	TBD	Dec 2008



**Resource Management and Development Committee  
March 27, 2007**

***Routine Report***

**Hydrologic Conditions Status 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. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data. The information presented below is a summary of data presented in much greater detail in the 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/hydro.htm>.

**Rainfall**

Provisional data through February 28<sup>th</sup> indicate that rainfall totals were within the normal range for the northern and southern regions of the District, but was just below the base of the normal range for the central region. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles of the historical average for each month.

- The northern region received an average of 2.72 inches of rainfall, equivalent to the 49<sup>th</sup> percentile.
- The central region received 1.26 inches of rainfall, equivalent to the 24<sup>th</sup> percentile.
- The southern region recorded an average of 1.86 inches of rain, equivalent to the 43<sup>rd</sup> percentile.
- The average rainfall District-wide was 1.99 inches, equivalent to the 39<sup>th</sup> percentile.

**Streamflow**

In February, provisional data indicates streamflow increased in the northern and southern regions of the District, but decreased in the central region, compared to the previous month. Streamflow continues to remain below normal in the northern and central regions, while it moved into the normal range in the southern region. Normal streamflow is defined as falling between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The average streamflow in the Withlacoochee River near Holder in the northern region was in the 7<sup>th</sup> percentile.
- The average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 13<sup>th</sup> percentile.
- The average streamflow measured in the Peace River at Arcadia in the southern region was in the 30<sup>th</sup> percentile.

**Groundwater Levels**

Provisional groundwater data derived from the Aquifer Resource Index, as of February 27, 2007, indicate levels in the Floridan/Intermediate aquifer increased in the northern counties of the District, while it decreased in the central and southern counties. Groundwater levels in the northern counties continue to remain below the normal range, while the central and southern counties continued to remain within the normal range of historic monthly values.

- The average groundwater level in the northern counties increased 0.27 foot, but was 0.62 foot below the bottom of the monthly normal range of historical values. The normal range in the northern region is 0 to 4 feet.

## Item 46

- The average groundwater level in the central counties decreased 0.30 foot, but was 3.08 feet above the bottom of the normal range. The normal range in the central counties is 0 to 6 feet.
- The average groundwater level in the southern counties decreased 0.57 foot, but ended the month 4.73 feet above the bottom of the normal range. The normal range in the southern counties is 0 to 8 feet.

### Lake Levels

Average lake levels for February decreased in the Northern, Tampa Bay and Lake Wales Ridge regions of the District, and were below the base of the annual normal range. Lake levels increased slightly in the Polk Uplands region and were within the annual normal range of fluctuation. Normal lake levels are defined as levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region decreased 0.20 foot and were 2.94 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.11 foot and were 0.09 foot below the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.02 foot and were 0.05 foot above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.03 foot and were 1.76 feet below the base of the annual normal range.

### Issues of Significance

The District is now five months into the annual dry season (October through May) and below normal rainfall for the cumulative 12-month period continues to be a contributing cause for the abnormally dry conditions throughout the District. Average rainfall, District-wide, during the current 12-month period has been about 41 inches, which is 13 inches below average and 8 inches below the bottom of the normal range. Hydrologic conditions (e.g., rainfall, streamflow, lake and groundwater levels, etc.) have shown minimal improvement in the northern region of the District compared to last month, while conditions stayed the same or slightly worsened in the central and southern regions.

The U.S. Drought Monitor continues to categorize the District as under (either) abnormally dry or moderate drought conditions. Current NOAA climate forecasts have been revised from their previous predictions of above-normal rainfall through May 2007 and now only forecast normal rainfall conditions through that period. Therefore, current dry conditions may persist until the summer rains of the wet season (June through September) begin.

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

### Staff Recommendation:

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

Presenter: Granville Kinsman, Manager, Hydrologic Data Section

**Resource Management and Development Committee  
March 27, 2007**

***Routine Report***

**Structure Operations Status Report**

Structure Operations continues to focus on conserving water. The U.S. Drought Monitor continues to categorize the District as under (either) abnormally dry or moderate drought conditions. Current NOAA climate forecasts have been revised from their previous predictions of above-normal rainfall through May 2007 and now only forecast normal rainfall conditions through that period. Therefore, current dry conditions may persist until the summer rains of the wet season (June through September) begin. Rainfall for February 2007 has been within the normal range for the northern and southern regions of the District, but was just below the base of the normal range for the central region. The northern region received an average of 2.72 inches (49th percentile); the central region received an average of 1.26 inches (24<sup>th</sup> percentile), and the southern region received an average of 1.86 inches (43rd percentile). Average rainfall on a District-wide basis was 1.99 inches (39th percentile).

A summary of the operations made in February is as follows:

- Inglis Water Control Structures: The Inglis Bypass Spillway was operated during the month of February in order to maintain water levels on Lake Rousseau and provide flow to the lower Withlacoochee River. The average monthly water level for Lake Rousseau was 27.71' NGVD. The recommended maintenance level for the reservoir is 27.5' NGVD.
- Withlacoochee River Basin: All structures on the Tsala Apopka chain of lakes remained closed during the month of February. The Wysong Structure continues to be fully opened as flow continues to be below permitted operational levels (minimum flow is 188 CFS), with a current discharge flow of 67 CFS.
- Alafia River Basin: The environmental gate at the Medard Reservoir Structure was opened an average of 0.5' for the month of February to maintain water levels in the reservoir and to provide flow to the Little Alafia River.
- Hillsborough River Basin: There were no operations of any structures in the Hillsborough Basin for the month of February.
- Pinellas-Anclote River Basin: The weir gates on S-551 were operated during the month of February to maintain water levels on Lake Tarpon. Currently the weir gates are closed to maximize water levels. The average water level for the month of February for Lake Tarpon was 3.15' NGVD. The recommended maintenance level for Lake Tarpon is 3.2' NGVD.
- Northwest Hillsborough River Basin: Channels A and G, Lake Armistead, and Lake Pretty were all operated in February to maintain water levels.
- Peace River Basin: G-90 structure was not operated during the month of February. The average monthly water level for Lake June-in-Winter was 73.96' NGVD compared to the recommended maintenance level of 75.0' NGVD.

Staff Recommendation:

See Exhibit

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

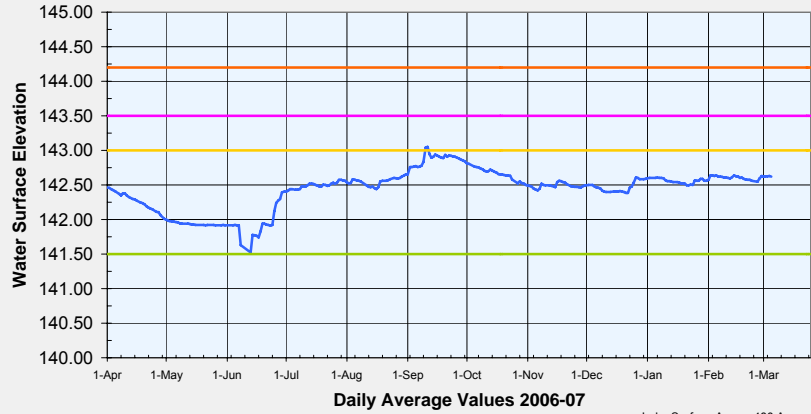
Presenter: Tanase Bude, Manager, Structure Operations Section

# STRUCTURE OPERATIONS SECTION HYDROLOGIC REPORT

March 5, 2007

STRUCTURE	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE	STRUCTURE	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE
<b>FLINT CREEK</b>		<b>36.16</b>		<b>FLORAL CITY POOL</b>		<b>36.43</b>	
HIGH LEVEL	37.00	-0.84	Gates Closed	HIGH LEVEL	42.50	-6.07	Leslie Heifner closed
MAXIMUM DESIRABLE	36.50	-0.34	All drop gates: 36.00' MSL	MAXIMUM DESIRABLE	42.25	-5.82	Floral City closed
LOW LEVEL	34.50	1.66	<i>invert 32.9'</i>	LOW LEVEL	40.25	-3.82	Golf Course <i>invert 38.0'</i> Moccasin slough closed
<b>KELL</b>		<b>64.17</b>		<b>INVERNESS POOL</b>		<b>35.93</b>	
HIGH LEVEL	66.00	-1.83	Closed	HIGH LEVEL	40.50	-4.57	Brogden Bridge closed
MAXIMUM DESIRABLE	65.50	-1.33	No logs	MAXIMUM DESIRABLE	40.25	-4.32	Bryant Slough gates closed
LOW LEVEL	63.50	0.67	<i>invert 64.66'</i>	LOW LEVEL	38.25	-2.32	<i>Brogden Bridge invert 34.25'</i>
<b>KEENE</b>		<b>60.28</b>	Keene 1: 2-6" log Keene 2: One 6" log Keene 3: no logs Sherry's Brook: 18" of Logs	<b>HERNANDO POOL (S353)</b>		<b>35.41</b>	
HIGH LEVEL	63.00	-2.72		HIGH LEVEL	39.00	-3.59	S-353 <i>invert 36.5'</i> Van Ness closed
MAXIMUM DESIRABLE	62.50	-2.22		MAXIMUM DESIRABLE	38.75	-3.34	S-353 gates closed
LOW LEVEL	60.50	-0.22		LOW LEVEL	36.75	-1.34	
<b>STEMPER</b>		<b>58.78</b>	Two 4" logs installed	Two Mile Prairie (max)	35.00	-11.28	<b>23.72</b>
HIGH LEVEL	62.00	-3.22		<b>LESLIE HEIFNER</b>		<b>37.70</b>	Upstream (RIVER level)
MAXIMUM DESIRABLE	61.25	-2.47		HIGH LEVEL	42.50	-4.80	Downstream (POOL level)
LOW LEVEL	59.50	-0.72	<i>invert 60.25'</i>	MAXIMUM DESIRABLE	42.25	-4.55	Gate Closed
<b>HANNA</b>		<b>59.44</b>	18" of stop log installed	LOW LEVEL	40.25	-2.55	<i>invert 35.0'</i>
HIGH LEVEL	62.50	-3.06		<b>WYSONG-COUGLER</b>		<b>35.13</b>	Main Gate Fully Open
MAXIMUM DESIRABLE	61.75	-2.31		UPSTREAM	39.50	-4.37	35.12 Low Flow Gate Fully Open
LOW LEVEL	59.50	-0.06	<i>invert 60.28'</i>	DOWNSTREAM			70 cfs total flow
<b>CYPRESS CREEK WORTHINGTON GARDENS</b>	Flood Stage 8.00	-5.31	2.69	Drop gate open 3.0'			
<b>MEDARD RESERVOIR</b>		-1.27	<b>58.73</b>	Gate Open 5.0"	<b>INGLIS</b>		<b>27.69</b>
MAXIMUM DESIRABLE	60.00			HIGH LEVEL	28.00	-0.31	By-pass gates Open 2.60'
<b>TARPON (S551)</b>		-0.65	<b>3.15</b>	MAXIMUM DESIRABLE	27.50	0.19	Main Gates Closed
HIGH LEVEL	3.80		Main gates Closed	LOW LEVEL	26.50	1.19	<i>invert 11.3'</i> 1030 cfs total flow
MAXIMUM DESIRABLE	3.20	-0.05	All Drops Open 3.40	<b>LAKE BRADLEY</b>			
LOW LEVEL	2.20	0.95		MAXIMUM DESIRABLE	42.50	-4.64	<b>37.86</b>
<b>ANNE PARKER</b>		-1.85	<b>46.90</b>				
HIGH LEVEL	48.75			<b>LAKE CONSUELLA</b>			
MAXIMUM DESIRABLE	48.25	-1.35		MAXIMUM DESIRABLE	41.50	-5.14	<b>36.36</b>
LOW LEVEL	45.75	1.15	<i>invert 46.40'</i>				
<b>WHITE TROUT</b>		-1.58	<b>34.92</b>	<b>HANCOCK (P11)</b>		<b>98.04</b>	Gauge at structure
HIGH LEVEL	36.50		CREST = 33.94' MSL	HIGH LEVEL	99.00	-0.96	97.91 Gauge on lake
MAXIMUM DESIRABLE	36.00	-1.08	12" of stop log installed	MAXIMUM DESIRABLE	98.50	-0.46	
LOW LEVEL	34.00	0.92	<i>invert 32.94'</i>	LOW LEVEL	96.00	2.04	<i>invert 91.7'</i> Gate Closed
<b>KEYSTONE</b>		-0.75	<b>41.25</b>				
HIGH LEVEL	42.00			<b>HENRY (P5)</b>		<b>124.34</b>	
MAXIMUM DESIRABLE	41.75	-0.50		HIGH LEVEL	126.50	-2.16	LRLMD
LOW LEVEL	39.75	1.50	<i>invert 37.2'</i>	MAXIMUM DESIRABLE	126.00	-1.66	
<b>CRESCENT</b>		-0.87	<b>41.63</b>	LOW LEVEL	124.00	0.34	<i>invert 122.0'</i>
HIGH LEVEL	42.50						
MAXIMUM DESIRABLE	42.00	-0.37		<b>SMART (P6)</b>		<b>126.66</b>	
LOW LEVEL	40.00	1.63	<i>invert 38.5'</i>	HIGH LEVEL	128.75	-2.09	LRLMD
<b>ISLAND FORD</b>		-0.28	<b>41.22</b>	MAXIMUM DESIRABLE	128.50	-1.84	
HIGH LEVEL	41.50			LOW LEVEL	126.50	0.16	<i>invert 127.2'</i>
MAXIMUM DESIRABLE	41.00	0.22	<i>invert 35.0'</i>	<b>FANNIE (P7)</b>		<b>123.41</b>	
LOW LEVEL	39.00	2.22	<i>crest 41.25'</i>	HIGH LEVEL	125.75	-2.34	LRLMD
<b>PRETTY</b>		-1.04	<b>44.46</b>	MAXIMUM DESIRABLE	125.50	-2.09	
HIGH LEVEL	45.50			LOW LEVEL	123.50	-0.09	<i>invert 119.5'</i>
MAXIMUM DESIRABLE	44.50	-0.04		<b>HAMILTON (P8)</b>		<b>119.65</b>	
LOW LEVEL	42.75	1.71	<i>invert 38.0'</i>	HIGH LEVEL	121.50	-1.85	LRLMD
<b>MAGDALENE</b>		-2.17	<b>47.83</b>	MAXIMUM DESIRABLE	121.25	-1.60	
HIGH LEVEL	50.00		Lake gauge	LOW LEVEL	119.00	0.65	<i>invert 110.5'</i>
MAXIMUM DESIRABLE	49.50	-1.67	Structure gauge	<b>LENA (P1)</b>		<b>134.55</b>	
LOW MANAGEMENT	47.50	0.33	<i>invert 45.6'</i>	HIGH LEVEL	137.00	-2.45	Gates closed
<b>BAY</b>		-1.34	<b>45.41</b>	MAXIMUM DESIRABLE	136.75	-2.20	
HIGH LEVEL	46.75			LOW MANAGEMENT	134.50	0.05	<i>invert 134.47'</i>
MAXIMUM DESIRABLE	46.00	-0.59		<b>JUNE-IN-WINTER (G90)</b>		<b>73.88</b>	
LOW LEVEL	44.00	1.41	<i>invert 44.0'</i>	HIGH LEVEL	75.50	-1.62	Gates Closed
<b>ELLEN-LIPSEY</b>		-1.49	<b>40.01</b>	MAXIMUM DESIRABLE	75.00	-1.12	Overflow at 75.25' MSL
HIGH LEVEL	41.50		Structure Gauge	LOW LEVEL	73.00	0.88	<i>invert 65.37'</i>
MAXIMUM DESIRABLE	41.00	-0.99	Lake Gauge	<b>ARIETTA (P3)</b>		<b>139.86</b>	
LOW LEVEL	39.00	1.01	Gate Closed Drops: 40.62 - Stems 13.5"	HIGH LEVEL	144.00	-4.14	Gate closed
<b>CARROLL</b>		-1.39	<b>35.61</b>	MAXIMUM DESIRABLE	142.50	-2.64	
HIGH LEVEL	37.00			LOW LEVEL	141.00	-1.14	<i>invert 137.4'</i>
MAXIMUM DESIRABLE	36.50	-0.89		<b>GIBSON</b>		<b>142.62</b>	
LOW LEVEL	34.50	1.11	<i>invert 34.17'</i>	HIGH LEVEL	143.50	-0.88	Gate Closed
<b>ARMISTEAD</b>		-2.43	<b>41.57</b>	MAXIMUM DESIRABLE	143.00	-0.38	Stop log bays at 142.60' crest
HIGH LEVEL	44.00			LOW LEVEL	141.50	1.12	<i>invert 141.4'</i>
MAXIMUM DESIRABLE	43.00	-1.43		<b>PARKER</b>		<b>129.46</b>	
LOW LEVEL	40.50	1.07	Gate Closed	HIGH LEVEL	131.00	-1.54	Gate closed
<b>HILLSBOROUGH RIVER</b>	Flood Stage	-7.45	<b>24.55</b>	MAXIMUM DESIRABLE	130.75	-1.29	
MORRIS BRIDGE	32.00	-7.27	<b>21.73</b>	LOW LEVEL	128.75	0.71	<i>invert 129.15'</i>
FOWLER	29.00			<b>PEACE RIVER</b>	Flood Stage		
<b>WITHLACOCHEE R.</b>	Flood Stage	-11.49	<b>49.78</b>	BARTOW	8.00	-4.39	<b>3.61</b>
TRILBY	61.27			ZOLFO SPRINGS	16.00	-11.32	<b>4.68</b>
CROOM	47.94	-8.19		ARCADIA	11.00	-9.15	<b>1.85</b>
HIGHWAY 48			<b>39.75</b>	<b>LITTLE MANATEE RIVER</b>	Flood Stage		<b>2.71</b>
LAKE PANASOFFKEE		-3.39	<b>37.74</b>	WIMAUMA	11.00	-8.29	
HOLDER	40.70	-7.42		<b>ALAFIA RIVER</b>	Flood Stage		<b>3.57</b>
	35.52		<b>37.31</b>	LITHIA	13.00	-9.43	
			<b>28.10</b>	<b>MYAKKA RIVER</b>	Flood Stage		<b>2.72</b>
				MYAKKA STATE PARK	7.00	-4.28	
<b>ANCLOTE RIVER</b>	Flood Stage	-12.03	<b>7.97</b>	<b>MANATEE RIVER</b>	Flood Stage		<b>2.43</b>
ELFERS	20.00			MYAKKA HEAD	11.00	-8.57	

### Lake Gibson



Daily Average Values 2006-07

Lake Surface Area = 480 Acres  
 Low Slab = 144.81'  
 Structure Gauge Datum = 100.00'  
 Lake Gauge Datum = 135.00 MSL  
 SCADA Device Number 2427

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Tarpon, S-551



Daily Average Values 2006-07

Lake Surface Area = 2,534  
 SCADA Device # 6491

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Thonotosassa



Daily Average Values 2006-07

Lake Surface Area = 824 Acres  
 Low Slab = 39.0'  
 Flint Creek Gauge Datum = 32.16  
 SCADA Device #6807

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Anne Parker



Daily Average Values 2006-07

Lake Surface Area = 93 Acres  
 Low Slab = 40.09'  
 SCADA Device Number: 8491

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Hanna



Daily Average Values 2006-07

Lake Surface Area = 29 Acres  
Low Slab = 63.68'  
SCADA Device #7531

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Keene



Daily Average Values 2005-06

Lake Surface Area = 31 Acres  
SCADA Device Number 7631

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Kell



Daily Average Values 2006-07

Lake Surface Area = 31 Acres  
Low Slab = 68.09'  
Structure Gauge Datum = 62.95'  
Lake Gauge Datum = 54.45' MSL  
SCADA #1981

— Level — Low Mgmt — Max. Desired — High Level — 10 Yr. Flood

### Lake Stemper



Daily Average Values 2006-07

Lake Surface Area = 58.32 Acres  
Low Slab = 63.70  
Lake Gauge Datum = 30.3 MSL  
SCADA Device # 2067

— Lake Level — Low Mgmt — Max. Desirable — High Level — 10 yr. Flood

### Bay Lake



Daily Average Values 2006-07

Lake Surface area = 37 Acres  
 Low Slab = 47.80'  
 Structure Gauge Datum = Direct Read  
 Lake auge Datum = Direct Read  
 SCADA Device Number = 1647

— Level — Low Mgmt. — Max. Desired — High Level — 10 yr. Flood

### Lake Carroll



Daily Average Values 2006-07

Lake Surface Area = 188 Acres  
 Low Slab = 39.50'  
 Structure Gauge Datum = 31.86'  
 Lake Gauge Datum = 30.0 MSL  
 SCADA Device Number: 2087

— Lake Level — Low Mgmt — Max. Desirable — High Level — 10 yr. Flood

43

### Crescent Lake



Daily Average Values 2006-07

Lake Surface Area = 50 Acres  
 Low Slab = 44.63'  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = Direct Read  
 SCADA Device Number = 1667

— Level — Low Mgmt — Max. Desired — High Level — 10 yr. Flood

### Lake Island Ford



Daily Average Values 2006-07

Lake Surface Area = 96 Acres  
 Low Slab = 42.64  
 Structure Gauge Datum = 36.54'  
 SCADA Device number = 1621

— WSE — LOW MGMT — MAX. DES. — High Level — 10 yr. Flood

### Lake Keystone

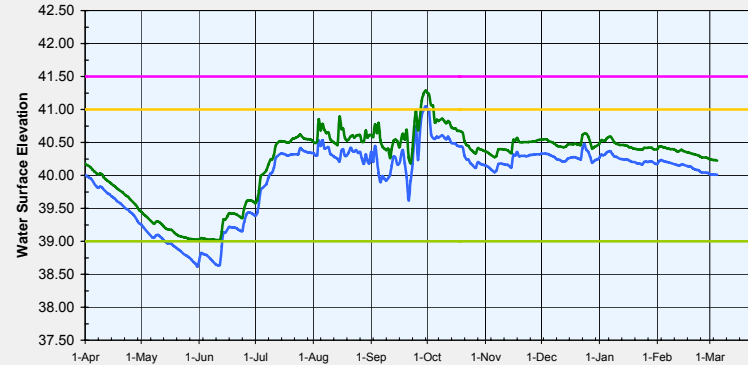


Daily Average Values 2006-07

Lake Surface Area = 388 Acres  
 Low Slab = 43.53'  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = Direct Read  
 SCADA Device Number: 6161

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lakes Ellen and Lipsey

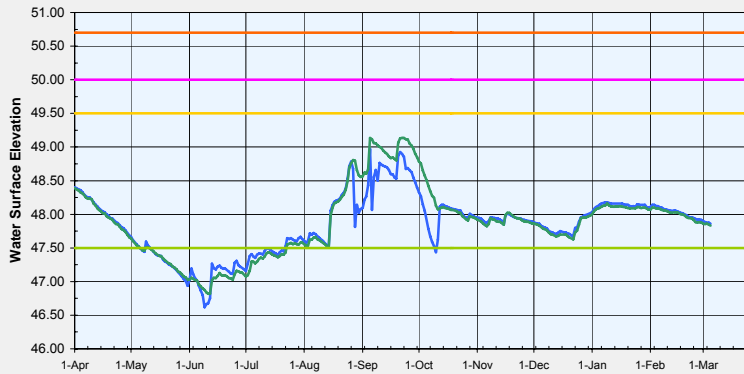


Daily Average Values 2006-07

Lake Surface Area = 22 Acres  
 Low Slab = 42.35'  
 SCADA Device Number 1791

— Lipsey WSE — Lake Ellen — Low Mgmt. — Max. Des. — Min. Flood

### Lake Magdalene



Daily Average Values 2006-07

Lake Surface Area = 232 Acres  
 Low Slab = 51.80'  
 Structure Gauge Datum = 45.52  
 Lake Gauge Datum = 30.0 MSL

— Structure Level — Lake Level — Low Mgmt — Max. Desired — High Level — 10 yr. Flood

### Lake Pretty



Daily Average Values 2006-07

Lake Surface Area = 184 Acres  
 (Pretty, Rock, Josephine combined)  
 Low Slab = 47.10'  
 Structure Gauge Datum = 40.00'  
 Lake Gauge Datum = 31.74' MSL  
 SCADA Device #1967

— Level — Low Mgmt — Max. Desired — High Level — 10 Yr. Flood



### Lake White Trout

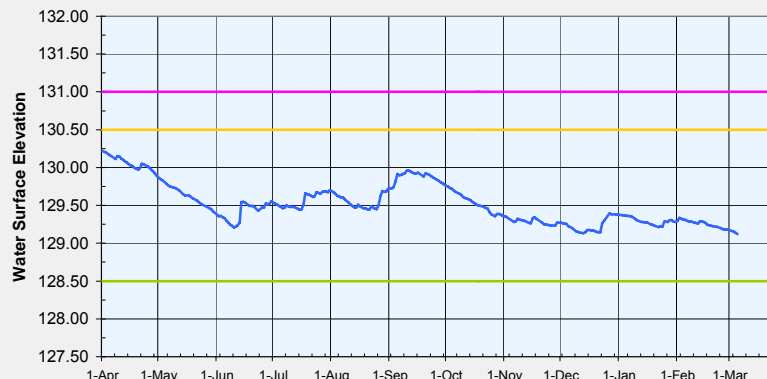


Daily Average Values 2006-07

Lake Surface Area = 75 Acres  
 Low Slab = 39.41'  
 Structure Gauge Datum = 33.38'  
 Lake Gauge Datum = 19.98' MSL

— Level — Low Mgmt — Max. Desirable — High Level — 10 yr. Flood

### Lake Lowery

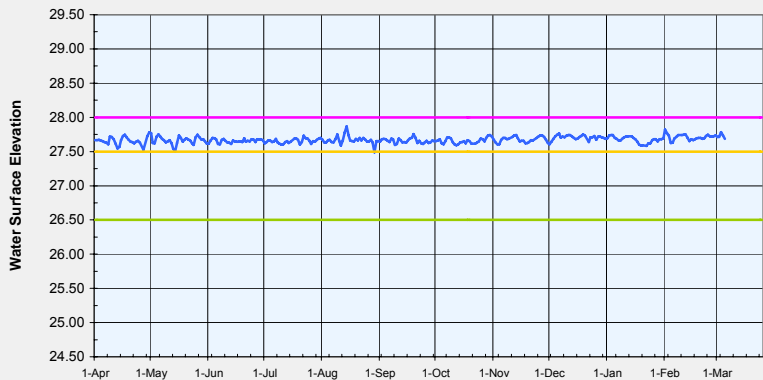


Daily Average Values 2006-07

Lake Surface Area = 903 Acres  
 Low Slab = 131.61'  
 SCADA Device Number 6181

— Lake Level — Low Mgmt. — Max. Desirable — High Level

### Lake Rousseau



Daily Average Values 2006-07

Lake Surface Area = 3657 Acres  
 Structure Gauge Datum = 10.00  
 SCADA Device Number 6137

### Lake Arietta (P-3)

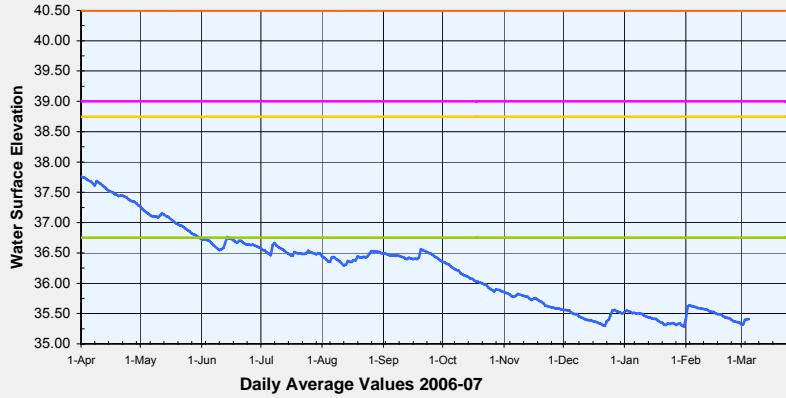


Daily Average Values 2006-07

Lake Surface Area = 758 Acres  
 Lake Gauge Datum = 100.00'  
 SCADA Device Number 7431

— Lake Level — Low Mgmt. — Max. Desirable — High Level

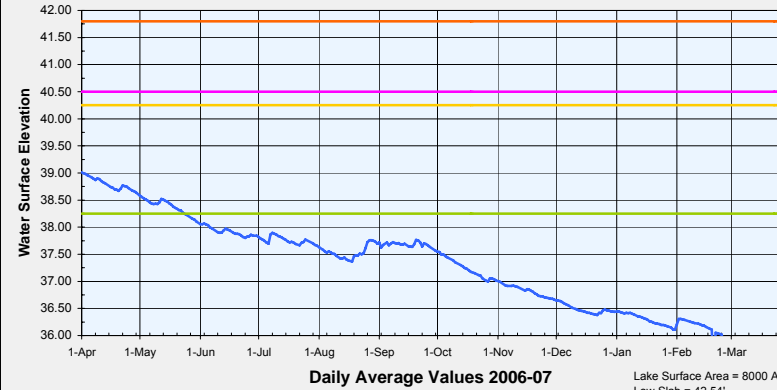
### Hernando Pool



— Lake Level    — Low Mgmt.    — Max. Desirable  
— High Level    — 10 yr. Flood

Lake Surface Area = 6200 Acres  
 Low Slab = 40.47'  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = Direct Read

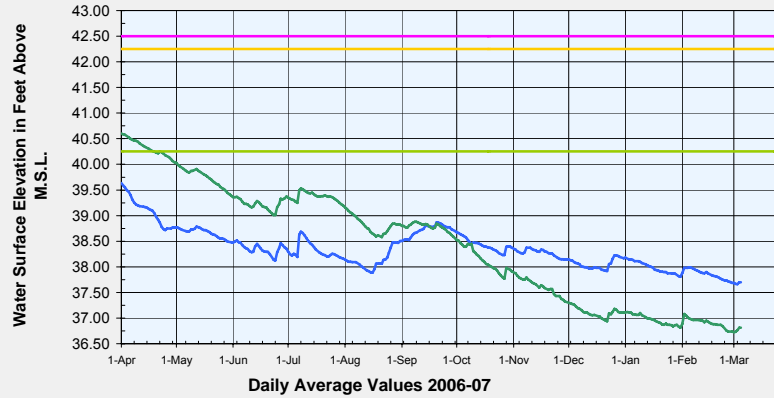
### Inverness Pool



— Level    — Low Mgmt    — Max. Desirable    — High Level    — 10 Yr. Flood

Lake Surface Area = 8000 Acres  
 Low Slab = 42.54'  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = Direct Read  
 SCADA # 2027

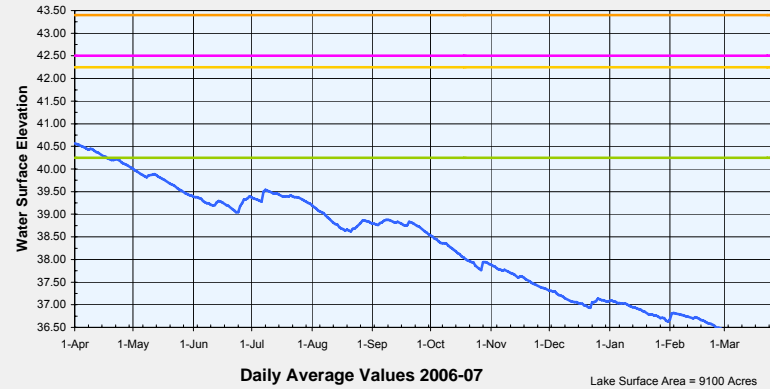
### Leslie Heifner



— Upstream Level    — Downstream Level    — Low Mgmt.  
— Max. Desirable    — High Level

Lake Surface Area = 37 Acres  
 Low Slab = 47.80'  
 SCADA Device #6767 & #6766

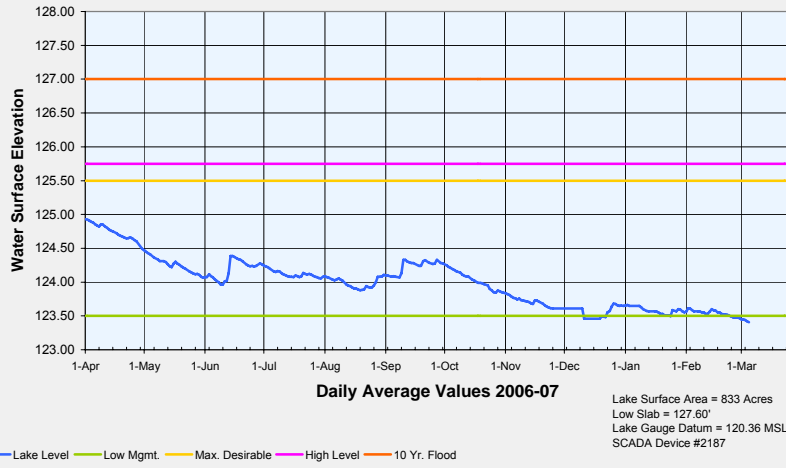
### Floral City Pool



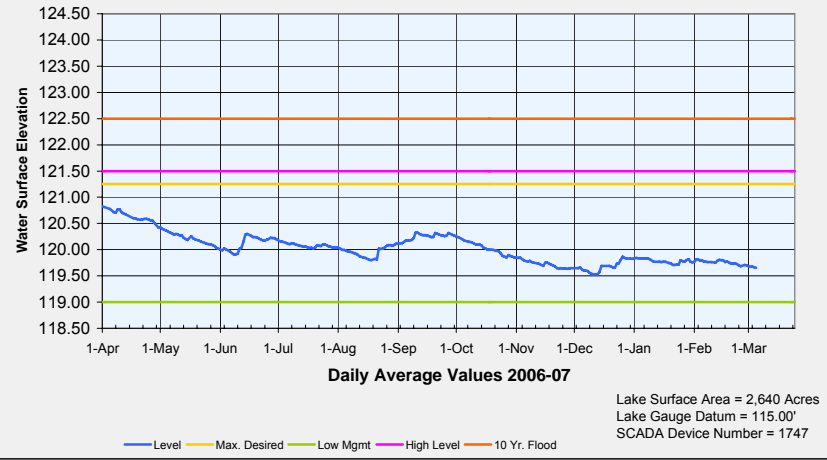
— Level    — Low Mgmt    — Max. Desired    — High Level    — 10 Yr. Flood

Lake Surface Area = 9100 Acres  
 Low Slab = 44.10'  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = Direct Read  
 SCADA #2007

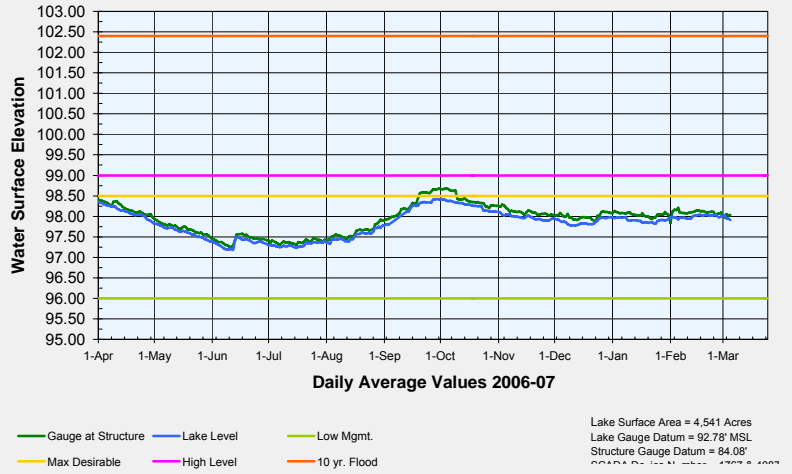
### Lake Fannie (P-7)



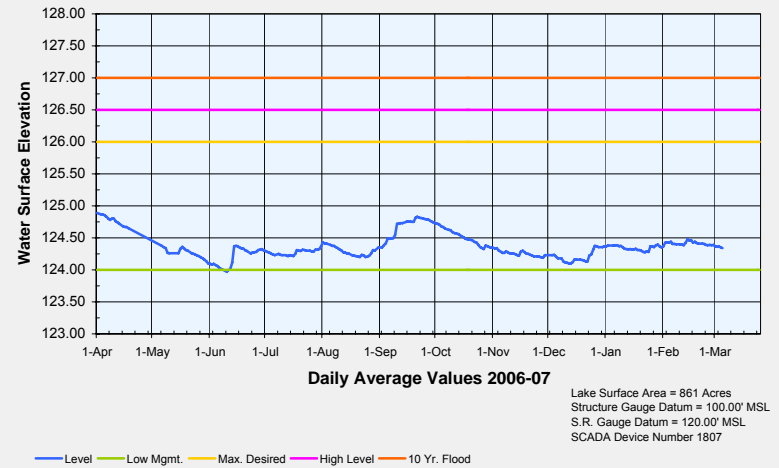
### Lake Hamilton (P8)



### Lake Hancock (P-11)



### Lake Henry (P-5)



### Lake Lena (P-1)



Daily Average Values 2006-07

Lake Surface Area = 207 Acres  
 Lake Gauge Datum = 132.12  
 SCADA Device Number 7451

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake June-in-Winter (G-90)



Daily Average Values 2006-07

Lake Surface Area = 3,504 Acres  
 Structure Gauge Datum = Direct Read  
 Lake Gauge Datum = 65.38 MSL  
 SCADA Device Number=6136

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Parker



Daily Average Values 2006-07

Lake Surface Area = 2,272 Acres  
 Lake Gauge Datum = 100.00'  
 SCADA Device Number 7721

— Lake Level — Low Mgmt. — Max. Desirable — High Level — 10 yr. Flood

### Lake Smart (P-6)



Daily Average Values 2006-07

Lake Surface Area = 1,820 Acres  
 Low Slab = 131.43'  
 Lake Gauge Datum = 120.00' MSL  
 SCADA Device Number: 2167

— Lake Level — Low Mgmt. — Max. desirable — High Level — 10 Yr. Flood



**Governing Board Meeting  
March 27, 2007**

**Finance and Administration Committee**

***Consent Items***

48. Board Travel .....	3
49. Budget Transfer Report .....	4

***Discussion Item***

50. Fiscal Year 2006 Comprehensive Annual Financial Report Presentation .....	(10 minutes) .....	7
51. Fiscal Year 2008 Water Supply and Water Resource Development Projects .....	(10 minutes) .....	8

***Submit & File Report***

52. Treasurer's Report, Payment Register, and Contingency Reserves Report .....	11
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***Routine Report***

53. Fiscal Year 2008 Budget Development Process Update .....	14
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**Finance and Administration Committee  
March 27, 2007**

***Consent Item***

**Board Travel**

District policy states that in accordance with Chapters 112 and 373, Florida Statutes, travel expenses may be incurred for official District business or for a public purpose beneficial to the District. Travel to any conference or convention requires prior approval.

Within the geographic boundaries of the District, Governing Board members may incur travel expenses to attend Governing and Basin Board meetings or for other purposes beneficial to the District, excluding conferences and conventions. Scheduled travel for Governing Board members outside the District or to attend conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting. Non-scheduled travel outside the District or to attend any conference or convention requires prior approval of the Governing Board Chair, or in her absence, the Vice Chair.

As of March 15, 2007, no travel is planned for outside the geographic boundaries of the District is scheduled.

**Staff Recommendation:**

No action required at this time.

**Presenter:** Lou Kavouras, Deputy Executive Director

**Finance and Administration Committee  
March 27, 2007**

***Consent Item***

**Budget Transfer Report**

*Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of February 2007.

*Background*

In accordance with Board Policy No. 130-8, all transfers approved by the Basins, Executive Director and Finance Director under delegated authority are regularly presented to the Finance and Administration Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

See Exhibit

Request approval of the Budget Transfer Report covering all budget transfers for February 2007.

Presenter: Linda R. Pilcher, Assistant Director, Finance Department



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**February 2007**

Item No.	--- TRANSFERRED FROM --- Department / Expenditure Category	--- TRANSFERRED TO --- Department / Expenditure Category	Reason For Transfer	Transfer Amount
<b><u>Basin Board Approved</u></b>				
<b>Alafia River Basin:</b>				
1	Resource Conservation & Dev Reserves for Water Res Dev	Resource Conservation & Dev Grant - Water Conservation	Transfer of budgeted Water Supply and Resource Development Reserves to the appropriate project code for CF Industries Aquifer Recharge and Recovery project.	\$ 109,476
<b>Peace River Basin:</b>				
2	Resource Conservation & Dev Reserves for Water Res Dev	Resource Conservation & Dev Grant - Water Conservation	Transfer of budgeted Water Supply and Resource Development Reserves to the appropriate project code for CF Industries Aquifer Recharge and Recovery project.	218,985
<b>Manasota Basin:</b>				
3	Resource Conservation & Dev Reserves for Water Res Dev	Resource Conservation & Dev Grant - Water Conservation	Transfer of budgeted Water Supply and Resource Development Reserves to the appropriate project code for CF Industries Aquifer Recharge and Recovery project.	109,476
<b>Total Basin Board Approved</b>				<b>\$ 437,937</b>
<b><u>Executive Director Approved</u></b>				
<b>General Fund:</b>				
1	Office of General Counsel Recording and Court Costs	Office of General Counsel Equipment - Inside	Transfer of funds originally budgeted for recording and court costs. The funds were needed for replacement of fax machine.	\$ 1,500
<b>Total Executive Director Approved</b>				<b>\$ 1,500</b>
<b><u>Finance Director Approved</u></b>				
1	Executive Planning Resource Conservation & Data Regulation Performance Management Bartow Regulation Brooksville Regulation Sarasota Regulation Resource Management Resource Conservation & Dev Travel - Training	Human Resources & Risk Mgmt Districtwide Training Programs	Transfer of budgeted funds to the appropriate department for supervisory development training class.	\$ 4,200
2	Information Resources Regulation Performance Management Resource Management Operations Travel - Training	Human Resources & Risk Mgmt Districtwide Training Programs	Transfer of budgeted funds to the appropriate department for time management training class.	850
3	Resource Management Consultant Services	Resource Management Grant - Financial Assistance	Transfer of budgeted funds to the appropriate expenditure category for the Lake Clinch Outfall Replacement project.	479,000
4	Resource Management Grant - Financial Assistance	Resource Management Consultant Services	Transfer of budgeted funds to the appropriate expenditure category for the River Tower Shoreline Restoration project.	139,506

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
Budget Transfer Report  
February 2007**

Item No.	--- TRANSFERRED FROM ---	--- TRANSFERRED TO ---	Reason For Transfer	Transfer Amount
	Department / Expenditure Category	Department / Expenditure Category		
5	Planning Information Resources Resource Conservation & Data Regulation Performance Management Bartow Regulation Brooksville Regulation Tampa Regulation Sarasota Regulation Resource Management Resource Conservation & Dev Operations Land Resources Travel - Training	Resource Management Travel - Training	Transfer of budgeted funds to the appropriate department for ArcGIS training class.	33,755
6	General Services Contracted Construction	General Services Contracted Construction	Transfer of budgeted funds to the appropriate project code for the Tampa Data Center Remediation project.	190,000
7	Human Resources & Risk Mgmt Brooksville Regulation Tampa Regulation Land Resources Travel - Training	Information Resources Travel - Training	Transfer of budgeted funds to the appropriate department for Crystal Reports XI software training class.	1,852
8	Resource Management Consultant Services	Resource Management Miscellaneous Permits & Fees	Transfer of budgeted funds to the appropriate expenditure code for application fee to DEP for Conceptual Environmental Resource Permit application for Public Land Use related to Lake Hancock Lake Level Modification project.	512
9	Resource Management Contracted Construction	Operations Regular Salaries and Wages Other Contractual Services Rental of Other Equipment Central Garage Charges Parts and Supplies	Transfer of budgeted funds to the appropriate department for sediment removal, culvert installation, and bank stabilization at select locations at Peace Creek Canal.	123,179
10	Operations Other Contractual Services	Operations Other Contractual Services	Transfer of budgeted funds to the appropriate section to perform culvert maintenance at Medard Reservoir, Tampa Bypass Canal, Tarpon Outfall Canal, Lake Fannie and Tsala Apopka Chain of Lakes.	7,123,986
<b>Total Finance Director Approved</b>				<b>\$ 8,096,840</b>
<b>Total Transfers for Governing Board Approval</b>				<b>\$ 8,536,277</b>

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This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Basin Boards, Executive Director, or Finance Director consistent with Board Policy number 130-8, and are presented for Governing Board approval on the consent agenda. All Basin transfers are made based on Basin Board authority and are presented to the Governing Board via this report for ratification or approval. Executive Director approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts of \$50,000 or less. Finance Director approved transfers are accounting type transfers with no change to the original budget intent.

**Finance and Administration Committee  
March 27, 2007**

***Discussion Item***

**Presentation of FY2006 Comprehensive Annual Financial Report**

***Purpose***

Presentation of the District's FY2006 Comprehensive Annual Financial Report by the District's financial auditors, KPMG, for acceptance by the Governing Board.

***Background***

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

The Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2006, will be distributed prior to the meeting. KPMG representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report and management letter will also be made by KPMG.

**Staff Recommendation:**

**See Report**

Accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2006.

**Presenters:** Daryl F. Pokrana, Director, Finance Department  
KPMG Representatives

## Finance and Administration Committee March 27, 2007

### *Discussion Item*

#### **Fiscal Year 2008 Water Supply and Water Resource Development Projects**

##### *Purpose*

This is an information item to provide an overview of fiscal year (FY) 2008 funding requests for water supply and water resource development projects, discuss any significant changes to cornerstone projects of the Long-Range Water Supply and Water Resource Development (WS&WRD) Funding Plan, and review past allocations of the State's Water Protection and Sustainability Trust Funds (State Trust Funds) for alternative water supply projects.

##### *Background/History*

At its February 27, 2007 meeting, the Governing Board accepted the Finance and Administration Committee's recommendation to revise its budget calendar to include an annual process for updating the WS&WRD Funding Plan. As part of that process, WS&WRD projects proposed for funding in FY2008 will be presented to the Governing Board for the first time. Based on what cooperators have requested for FY2008 funding, staff is assessing the budget implications of the cornerstone projects that were key to the WS&WRD Funding Plan. Currently there are no significant changes to the WS&WRD Funding Plan since it was last presented to the Governing Board in December 2006. However, staff will make the Board aware of several developments that could impact the plan over the next several months.

Exhibit 1 is the list of the 19 WS&WRD projects currently in house for evaluation for Governing Board funding in FY2008. Staff, upon completion of the evaluation, will determine which projects will be funded. Three of the projects are new and 16 are ongoing; meaning they are multi-year projects that were approved for funding in prior years and are back for approval of FY2008 funding. Of the 19 projects, 13 are potentially eligible to receive FY2008 State Trust Funds.

Regarding the distribution of State Trust Funds thus far, the District received \$25 million and \$15 million, respectively in FY2006 and FY2007, all of which is currently allocated to a total of 30 projects (Exhibit 2). Of these funds, 46 percent were allocated to the Northern Tampa Bay (NTB) Planning Area, 52 percent to the Southern Water Use Caution Area (SWUCA) Planning Area, and 2 percent to the Northern Planning Area.

The amount of State Trust Funds to be provided to the District for allocation to water supply projects for FY2008 has not yet been determined by the Legislature. However, the District is proceeding under the assumption that the amount will be \$15 million as it was in 2007. The allocation of these funds to alternative water supply projects in the SWUCA, NTB and Northern Planning Areas of the District is anticipated to be similar to how the State Trust Funds were allocated in FY2006-2007, as indicated in the previous paragraph. Please note that Governor Crist and the Legislature are considering property tax relief measures. District staff are watching cautiously to determine any impacts on funding for the planned projects.

Staff Recommendation:

See Exhibits

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

Presenter: Gregg W. Jones, P.G., Director, Resource Conservation & Development Dept.

### Exhibit 1. Fiscal Year 2008 Water Supply and Water Resource Development Projects

#	Cooperator	Notes	Project Description	Total Estimated Cost *	FY 2008 Request
<b>Northern Tampa Bay</b>					
H055	Pasco Co	◇ ❶	SR 52 East/West Regional Reclaimed Water Interconnect	\$ 18,600,000	\$ 3,100,000
H056	Pasco Co	◇ ❶	Boyette RW Storage Reservoir	\$ 18,550,000	\$ 3,000,000
H065	Tampa Bay Water	◇ ❶	System Configuration II	\$ 232,000,000	\$ 22,685,397
<b>NTB Subtotal</b>				<b>\$ 269,150,000</b>	<b>\$ 28,785,397</b>
<b>Southern Water Use Caution Area</b>					
F033	PR/MRWSA	◇ ❶	Peace River Facility Expansion	\$ 93,400,000	\$ 9,500,000
F032	PR/MRWSA	◇ ❶	Peace River Reservoir Expansion	\$ 55,200,000	\$ 6,189,444
H#s		❶ L	Upper Peace River Restoration (5 projects)	\$ 217,000,000	\$ 5,000,000
H017	Various	❶ ^	Facilitating Agricultural Resource Management Systems (FARMS)	\$ 25,000,000	\$ 5,000,000
H027	Charlotte Co	◇ ❶	Regional Reclaimed Water Expansion	\$ 7,250,000	\$ 2,181,750
H050	PR/MRWSA	◇ ❶	PR/MRWSA Reg Integ Loop Sys - Ph 1 Interconnect	\$ 11,500,000	\$ 3,042,200
H051	PR/MRWSA	◇ ❶	PR/MRWSA Reg Integ Loop Sys-Ph 2 Interconnect	\$ 106,200,000	\$ 2,500,165
H052	PR/MRWSA	◇ ❶	Regional Integrated Loop System - Phase III Interconnect	\$ 146,200,000	\$ 2,500,100
H059	Bradenton	◇	City of Bradenton Reservoir Expansion	\$ 8,174,000	\$ 250,000
H062	CFI Industries	◇ ❶	CF Industries Aquifer Recharge-Recovery Proj	\$ 4,500,000	\$ 1,374,190
H063	PR/MRWSA	◇	Regional Resource Development Project Feasibility Studies	\$ 5,000,000	\$ 750,000
L493	Sarasota County	◇	Dona Bay Watershed Management Plan	\$ 61,365,912	\$ 4,000,000
<b>SWUCA Subtotal</b>				<b>\$ 740,789,912</b>	<b>\$ 42,287,849</b>
<b>DISTRICT TOTAL</b>				<b>\$ 1,009,939,912</b>	<b>\$ 71,073,246</b>

\* Includes planning, design permitting and construction.

◇ Potentially eligible for alternative water supply funding under Water Protection and Sustainability Trust Funds (SB 444).

❶ Ongoing; funds requested as part of a multi-year contract/program.

^ Ongoing District initiative; amount shown represents an estimated five-year cost.

L Includes costs for land.

H#s Includes Projects # H008, H009, H014, H024 and H034, all related to the Upper Peace River Restoration.

**Exhibit 2. FY2006 and FY2007 State Trust Fund Allocation**

Local Sponsor	Description	FY2006				FY2007				Percent of State Allocation to Date
		(\$) SWFWMD	(\$) Cooperator	(\$) State (WPSTF)	(\$) Total	(\$) SWFWMD	(\$) Cooperator	(\$) State (WPSTF)	(\$) Total	
Pasco Co	SE Regional Interconnect	545,300	545,300	239,405	1,330,005					
TBW	System Configuration II	1,647,273	1,647,273	506,854	3,801,400	12,536,412	15,000,000	15,000,000	42,536,412	
Pinellas Co	Lake Tarpon ASR	680,000	680,000	340,000	1,700,000					
Tampa	South Tampa Area Reuse	1,853,602	1,853,602	926,800	4,634,004					
Clearwater	Morningside Area RW Transmission & Distribution Pipelines	1,600,000	800,000	600,000	3,000,000					
Pasco Co	Connerton Recl Water Trans and Storage	433,262	433,262	216,632	1,083,156					
Hillsborough Co	Lithia Pinecrest RW Transmission Main	1,025,041	1,025,041	362,520	2,412,602					
Dunedin	RW Transmission & Distribution	468,500	468,500	203,000	1,140,000					
Pasco Co	Overpass Road RW Transmission Main	95,920	95,920	8,160	200,000					
Hillsborough Co	Abby Grove RW Distribution Project	78,400	78,400	39,200	196,000					
Hillsborough Co	Casey Lake Manors RW Xmission & Distribution	98,400	98,400	49,200	246,000					
Hillsborough Co	Bordeaux Village RW Distribution Project	221,600	221,600	110,800	554,000					
	<b>NTB Area Subtotal</b>	<b>8,747,298</b>	<b>7,947,298</b>	<b>3,602,571</b>	<b>20,297,167</b>	<b>12,536,412</b>	<b>15,000,000</b>	<b>15,000,000</b>	<b>42,536,412</b>	<b>46%</b>
PR/MRWSA	Reservoir Expansion	4,331,320	11,431,046	6,533,976	22,296,342					
PR/MRWSA	Facility Expansion	2,366,252	2,366,253	12,161,596	16,894,101					
Charlotte Co	Regional Reuse	800,000	800,000	400,000	2,000,000					
PR/MRWSA	Regional Integrated Loop System, Ph 1 Interconnect	2,144,000	2,144,000	562,000	4,850,000					
Bradenton	Potable ASR Program	478,800	478,800	101,650	1,059,250					
Lake Placid	Reuse (REDI)	331,124	138,556	117,420	587,100					
Charlotte Co	Rotunda Reclaimed Water ASR	289,550	289,550	90,900	670,000					
Polk Co	Northeast Regional RW Storage	382,648	382,648	134,704	900,000					
Charlotte Co	Golf Course Reuse Storage	293,743	293,743	120,328	707,814					
Sarasota	Payne Park Reuse	250,000	250,000	125,000	625,000					
Aqua Utilities	Lakewood Ranch Reuse	154,827	154,827	54,644	364,298					
Sarasota County	North Sarasota Co. RW ASR	566,743	566,743	164,864	1,298,350					
Palmetto	Reclaimed Water ASR	389,000	389,000	72,000	850,000					
Englewood WD	Reuse Transmission - Stillwater	113,793	113,793	43,996	271,582					
	<b>SWUCA Area Subtotal</b>	<b>12,891,800</b>	<b>19,798,959</b>	<b>20,683,078</b>	<b>53,373,837</b>					<b>52%</b>
Brooksville	City of Brooksville South Brooksville Reuse	742,623	742,623	371,311	1,856,557					
Inverness	RW Transmission Main	773,850	773,850	267,300	1,815,000					
Levitt & Sons	South Brooksville Reuse System Phase II	222,130	222,130	75,740	520,000					
	<b>Northern Area Subtotal</b>	<b>1,738,603</b>	<b>1,738,603</b>	<b>714,351</b>	<b>4,191,557</b>					<b>2%</b>
	<b>Grand Total</b>	<b>21,545,928</b>	<b>27,653,087</b>	<b>25,000,000</b>	<b>81,288,961</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>100%</b>

**Finance and Administration Committee  
March 27, 2007**

***Submit & File Report***

**Treasurer's Report, Payment Register, and Contingency Reserves Report**

*Purpose*

Presentation of the Treasurer's Report, Payment Register, and Contingency Reserves Report.

*Background*

In accordance with Board Policy No. 130-3, a monthly report on investments shall be provided to the Governing Board. Attached is a copy of the Treasurer's Report as of February 28, 2007, which reflects total cash and investments at a market value of \$590,390,788.

In accordance with Board Policy No. 130-1, 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 funds transfers (EFTs).

The FY2007 Contingency Reserves Report (District only) follows:

<b>ORIGINAL BUDGET AMOUNT:</b>	<b>\$5,800,000</b>	<b>Date of Board Action</b>
<b>Less Approved Transfers</b>		
Pilot Testing of Biological Water Treatment Systems	\$200,000	November 30, 2006
Independent Auditing Services Contract Amendment	33,135	January 30, 2007
Media Messaging Supplemental Funding	250,000	January 30, 2007
<b>BALANCE:</b>	<b>\$5,316,865</b>	

Staff Recommendation:

See Exhibit

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

Presenter: Daryl F. Pokrana, Director, Finance Department

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
February 28, 2007**

**AGENCY SECURITIES**

CUSIP NUMBER	EFFECTIVE INTEREST RATE	CALLABLE/ BULLET	PURCHASE DATE	MATURITY DATE	DURATION (YRS) OF SECURITY	DAYS TO MATURITY	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>FEDERAL FARM CREDIT</b>										
31331vae6	4.54	Callable	09/27/2005	03/27/2008	2.50	393	\$10,000,000	\$9,945,000	\$195,472	
31331xav4	5.32	Callable	10/17/2006	10/17/2008	2.00	597	10,000,000	9,990,680	199,500	
<b>TOTAL FEDERAL FARM CREDIT</b>							<b>\$20,000,000</b>	<b>\$19,935,680</b>	<b>\$394,972</b>	<b>3.39</b>
<b>FEDERAL HOME LOAN BANK</b>										
3133x45n7	3.04	Callable	03/08/2004	03/08/2007	3.00	8	9,805,000	9,801,353	144,068	
3133x4vb4	3.00	Callable	03/29/2004	03/28/2007	3.00	28	10,000,000	9,984,000	128,333	
3133xae8	3.93	Callable	02/09/2005	11/09/2007	2.75	254	10,000,000	9,916,340	123,358	
3133x9gj3	3.73	Callable	12/03/2004	12/03/2007	3.00	278	10,000,000	9,895,000	92,214	
3133xdxn6	5.00	Callable	12/14/2005	12/14/2007	2.00	289	7,025,000	7,013,022	76,104	
3133xc7g2	4.25	Callable	06/28/2005	12/28/2007	2.50	303	10,000,000	9,927,170	75,556	
3133xjsd1	5.25	Bullet	01/30/2007	01/02/2008	0.92	308	10,000,000	10,003,240	26,979	
3133xjta6	5.48	Callable	02/02/2007	02/02/2010	3.00	1070	10,000,000	9,993,380	45,667	
<b>TOTAL FEDERAL HOME LOAN BANK</b>							<b>\$76,830,000</b>	<b>\$76,533,505</b>	<b>\$712,279</b>	<b>13.00</b>
<b>FEDERAL HOME LOAN MORTGAGE CORPORATION</b>										
3128x4t43	5.44	Bullet	07/20/2006	09/17/2007	1.16	201	\$9,950,000	\$9,982,000	\$229,167	
3128x5cq9	5.62	Callable	07/12/2006	06/13/2008	1.92	471	9,977,000	10,004,650	120,694	
3128x5b64	5.55	Callable	02/08/2007	02/08/2010	3.00	1076	10,000,000	10,001,360	37,000	
<b>TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION</b>							<b>\$29,927,000</b>	<b>\$29,988,010</b>	<b>\$386,861</b>	<b>5.07</b>
<b>FEDERAL NATIONAL MORTGAGE ASSOCIATION</b>										
3136f5pg0	2.76	Callable	04/30/2004	04/30/2007	3.00	61	\$10,000,000	\$9,959,970	\$93,533	
31359mj20	5.47	Bullet	06/20/2006	08/27/2007	1.19	180	9,932,000	9,979,000	6,771	
3136f5c90	5.43	Callable	07/12/2006	06/02/2008	1.89	460	9,958,000	10,025,180	130,000	
3136f7f36	5.50	Callable	06/26/2006	06/26/2008	2.00	484	10,000,000	9,997,930	100,833	
31359mt45	5.75	Callable	07/20/2006	06/29/2009	2.95	852	10,000,000	10,013,350	100,625	
<b>TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION</b>							<b>\$49,890,000</b>	<b>\$49,975,430</b>	<b>\$431,762</b>	<b>8.44</b>
<b>TOTAL AGENCY SECURITIES</b>							<b>\$176,647,000</b>	<b>\$176,432,625</b>	<b>\$1,925,874</b>	<b>29.90</b>



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
February 28, 2007**

**STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
271413	SBA General Investments	5.38	\$382,221,735	\$382,221,735		
271411	SBA Workers' Compensation	5.38	1,029,556	1,029,556		
271412	SBA Benefit Plan	5.38	25,126	25,126		
271414	SBA Land Resources	5.38	581,131	581,131		
271415	SBA Advanced State Funding	5.38	28,272,310	28,272,310		
271416	SBA Advanced State Funding (FDOT Maintenance and Monitoring)	5.38	2,055,570	2,055,570		
	<b>TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS</b>		<b>\$414,185,428</b>	<b>\$414,185,428</b>		<b>70.10</b>
	<b>TOTAL INVESTMENTS</b>		<b>\$590,832,428</b>	<b>\$590,618,053</b>		<b>100.00</b>
	<b>CASH, SUNTRUST DEMAND ACCOUNT</b>		<b>(227,265)</b>	<b>(227,265)</b>		
	<b>TOTAL CASH AND INVESTMENTS</b>		<b>\$590,605,163</b>	<b>\$590,390,788</b>		

Weighted average yield on portfolio at February 28, 2007 is 5.18%.

**EQUITY - CASH AND INVESTMENTS**

DISTRICT AND BASINS			
District General Fund	\$	282,488,330	47.83%
Alafia River Basin		12,866,863	2.18%
Hillsborough River Basin		28,459,248	4.82%
Northwest Hillsborough Basin		27,608,568	4.67%
Coastal Rivers Basin		14,016,169	2.37%
Pinellas-Anclote River Basin		115,563,499	19.57%
Withlacoochee River Basin		15,238,708	2.58%
Peace River Basin		33,858,516	5.73%
Manasota Basin		49,383,041	8.36%
SWIM Program		9,314,051	1.58%
FDOT Mitigation Program		1,808,170	0.31%
<b>TOTAL EQUITY IN CASH AND INVESTMENTS</b>	<b>\$</b>	<b>590,605,163</b>	<b>100.00%</b>

**Finance and Administration Committee  
March 27, 2007**

***Routine Report***

**Fiscal Year 2008 Budget Development Process Update**

*Purpose*

Provide the Finance and Administration Committee with an update on the fiscal year 2008 (FY2008) budget development process.

*Background*

The FY2008 budget development process began in November 2006, with the Governing Board's acceptance of the FY2008 Budget Strategic Priorities and General Budget Preparation Assumptions. Training on budget preparation and the Budget Reporting and Analysis Support System (BRASS) began on January 19. Following training, staff began to develop the FY2008 budget requests. Department budget requests were submitted through March 2. During March, Executive and Budget staff are working with the departments to finalize the budget requests. Also, during March, a preliminary budget will be prepared for each Basin to be presented at the April Basin Board meetings.

The proposed Five-Year Capital Improvements Plan and the Information Resources Department proposed Five-Year Technology Plan will be presented to this Committee in April. The staff budget development process will culminate on May 29 when the Recommended Annual Service Budget will be presented to the Governing Board at the annual budget workshop. From that point, monthly updates will be provided to the Governing Board for approval prior to inclusion in the District's budget.

The FY2008 budget preparation assumptions were developed based on existing direction from the Governor's Office. If additional direction is received from Governor Crist's Office, this will be provided to the Committee. It should be noted that there is proposed legislation that would impact the millage rates levied by the District and Basins which, if passed, could have a material impact on the FY2008 budgets.

Budget development is on schedule with the FY2008 budget calendar, as revised on February 27, to reflect the ongoing update of the Long-Range Water Supply & Water Resource Development Funding Plan as part of the budget development process. A copy is provided for reference.

Staff Recommendation:

See Exhibit

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

Presenter: Linda R. Pilcher, Assistant Finance Director, Finance Department

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
Fiscal Year 2008 Budget Calendar**

Rev. 02/27/07

<u>DATES</u>	<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>
October	Basin Board Planning Workshops	Planning/Basin Boards
October	Basin Board Cooperative Funding Meetings	Staff/Prospective Cooperators/Public
November 30- December 1, 2006	Governing Board Review FY2008 Budget Development Process	Governing Board/Budget/ Planning/Public
December 1	FY2008 Cooperative Funding Applications Due	Prospective Cooperators
December 1-31	Review FY2008 Cooperative Funding Applications	Staff
December 1-31	Develop FY2008 Budget Preparation Guidelines	Executive/Budget
January 1-31	Evaluate FY2008 Cooperative Funding Applications	Staff
January 3, 2007	FY2007 First Quarter Financial Report & Planning Forecast	Directors/Budget
Beginning January 19	Budget Preparation and BRASS Software Training	Budget/Financial Systems/Staff
	Distribute FY2008 Budget Preparation Guidelines	Budget
<b>February 1</b>	<b>Identify New or Continued FY2008 Alternative Water Supply &amp; Water Resource Development (WS&amp;WRD) Projects From Cooperative Funding Submittals</b>	<b>Staff</b>
February	Rank FY2008 Cooperative Funding Applications	Staff
February	Basin Boards Review Cooperative Funding Applications	Basin Boards
February 16	Recurring Budget Requests and Staff Resource Allocations Due	Directors
February 23	New and Non-Recurring Budget Requests Due	Directors
March 2	Capital Improvements Plan (CIP) Requirements Due	Directors
March 2	General Services and Information Resources Departments New and Non-Recurring Budget Requests Due	Directors
March 9	Preliminary Budget Summary	Executive/Budget
March 12-16	Executive Review of Budget Submissions	Executive/Budget/Directors
March 19-23	Departmental Follow-up Review (Executive Adjustments)	Executive/Budget/Directors
<b>March 27</b>	<b>Present FY2008 WS&amp;WRD Projects; Review Past &amp; Proposed SB 444 Allocations; Update Existing Project Costs and Schedule</b>	<b>Executive/Budget/Governing Board</b>
April	Basin Boards Review Preliminary Budgets	Basin Boards
<b>April</b>	<b>Present FY2008 Basin WS&amp;WRD Projects; Review Past &amp; Proposed SB 444 Allocations; Update Existing Project Costs and Schedule</b>	<b>Basin Boards</b>
April 4	FY2007 Second Quarter Financial Report & Planning Forecast	Directors/Budget
April 9	Executive Budget Summary (All Funds)	Executive/Budget
April 23-27	Final Executive Review of Recommended Combined FY2008 Budget	Executive/Budget
April 24	Review Draft Information Resources Five-Year Plan & Computer Sinking Fund Strategy and Draft Five-Year Capital Improvements Plan	Executive/Budget/Governing Board
April 30	Picture-In-Time for May Budget Workshop	Budget
May 29	Budget Workshop (FY2008 Recommended Annual Service Budget)	Governing Board
<b>May 29</b>	<b>Review Elements of WS&amp;WRD Funding Plan Relative To Costs &amp; Schedule Of Proposed Or Modified Projects, Legislative Appropriation(s) of SB 444 And Grants</b>	<b>Governing Board</b>
June	Basin Boards Review Tentative Budgets & Adopt Proposed Millage Rates	Basin Boards
<b>June</b>	<b>Review Elements of WS&amp;WRD Funding Plan Relative To Costs &amp; Schedule Of Proposed Or Modified Projects, Legislative Appropriation(s) of SB 444 And Grants</b>	<b>Basin Boards</b>
June 26	FY2008 Budget Update – Tentative Budget for Submission to Governor	Executive/Budget/Governing Board
June 26	Adopt Proposed Millage Rates for District and Watershed Basins	Governing Board
June 29	Picture-In-Time for August 1 Tentative Budget Submission	Budget
July 1-14	Certification of Property Values	Property Appraisers/Budget
July 5	FY2007 Third Quarter Financial Report & Planning Forecast	Directors/Budget
July 31	FY2008 Budget Update	Executive/Budget/Governing Board

**Bold = Long Range Water Supply & Water Resource Development Funding Plan activities**

August 1	Submit Standard Format Tentative Budget to Governor, President of the Senate, Speaker of the House, Legislative Committee Chairs, Secretary of the Department of Environmental Protection, and each County Commission	Budget
<b>August</b>	<b>Update WS&amp;WRD Funding Plan Revenue Assumptions With Certified Assessment Information &amp; Make Necessary Adjustments To Budget</b>	<b>Basin Boards</b>
August	Basin Boards Adopt Final Millage Rates and Budgets	Basin Boards
August 4	Submit Proposed Millage Rates to Property Appraisers	Budget
August 28	FY2008 Budget Update	Executive/Budget/Governing Board
<b>August 28</b>	<b>Update WS&amp;WRD Funding Plan Revenue Assumptions With Certified Assessment Information &amp; Make Necessary Adjustments To Proposed Budget</b>	<b>Executive/Budget/Governing Board</b>
August	Executive Office of the Governor (EOG) Budget Review	EOG/Executive/Budget
September 5	House and Senate Appropriations Chair Comments Due	Legislature
September 11	Public Hearing (Tentative Budget) - Tampa Service Office	Governing Board
September 18	EOG Budget Review Comments Due	EOG
September 20-23	Advertise Millage Rates and Budget	Budget
September 25	Public Hearing (Final Budget) - District Headquarters Brooksville	Governing Board
September 28	Forward Resolution to Property Appraisers and Tax Collectors	Budget
October 5	Issue FY2008 Budget in Brief Report	Budget
October 25	Certify Compliance to Department of Revenue	Budget
<b>October</b>	<b>Annual Basin Board Planning Workshops and Governing Board Meeting Formal Update WS&amp;WRD Funding Plan Over Planning Horizon Of 2025 (Include Impact Of Potential Projects In Planning Stage)</b>	<b>Basin Boards/Governing Board</b>
December 15	Report on Water Management District Expenditures	EOG
December 31	Certify Compliance to Department of Financial Services	Budget
March 1, 2008	Submit Consolidated Water Management District Annual Report (including the Five-Year CIP) to Governor, President of the Senate, Speaker of the House, Legislative Committee Chairs, Secretary of the Department of Environmental Protection, and each County Commission	Planning/Budget

**Bold = Long Range Water Supply & Water Resource Development Funding Plan activities**



**Governing Board Meeting  
March 27, 2007**

**Outreach and Planning Committee**

***Consent Item***

54. Water Conservation Month Proclamation ..... 2

***Discussion Items***

55. Plain Language Initiative ..... (10 minutes) ..... 4  
56. Legislative Preview ..... (20 minutes) ..... 7

***Submit & File Reports*** – None

***Routine Reports***

57. Comprehensive Plan Amendment and Related Reviews Report ..... 8  
58. Review of Developments of Regional Impact ..... 12  
59. Upcoming Events ..... 19

**Outreach and Planning Committee  
March 27, 2007**

***Consent Item***

**Water Conservation Month Proclamation**

The purpose of this item is to request that the Committee recommend that the Governing Board sign a resolution declaring April 2007 as "Water Conservation Month." Declaring April as "Water Conservation Month" has historically been used by the District as a means to focus the attention of the public on the need for and benefits of water conservation and to highlight the resources available to help them.

Since 1998, the state of Florida, water management districts, local governments and water-related organizations have declared April as "Water Conservation Month." April is typically the time of year when water demands increase due to generally hot and dry conditions. The concept of "Water Conservation Month" was developed by the Florida Water Wise Council, which has since evolved into the Water Efficiency Division of the Florida Section of the American Water Works Association. The Florida Water Wise Council board encouraged its members to declare "Water Conservation Month" within their own agencies and worked with the Secretary of the Department of Agriculture to have the state make a similar declaration.

It is anticipated that on March 13 the Governor will sign a proclamation that April 2007 is "Water Conservation Month." Last year, 171 local governments and the water management districts declared April 2006 as "Water Conservation Month." More are expected to join in the effort in 2007.

The resolution for the committee's consideration and recommendation for approval by the Governing Board is attached.

Staff Recommendation:

See Exhibit

Recommend the Governing Board approve and sign Resolution 07-05 declaring April 2007 as "Water Conservation Month."

Presenter: Michael Molligan, Director, Communications Department

RESOLUTION NO. 07-05  
PROCLAIMING APRIL 2007 AS

# “WATER CONSERVATION MONTH”

WHEREAS, the State of Florida, the Southwest Florida Water Management District, local governments and others have, since 1998, designated April, typically a dry month when water demands increase, as Florida’s Water Conservation Month to educate citizens about saving Florida’s precious water resources; and

WHEREAS, the Southwest Florida Water Management District has always encouraged and supported water conservation through its water supply planning, coordination of educational programs and special events, Cooperative Funding Initiative, technical assistance and regulatory authority; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, each business, industry, school and citizen can help save water by participating in District and local conservation programs, and by adhering to water conservation restrictions and ordinances.

THEREFORE, BE IT RESOLVED that the Southwest Florida Water Management District hereby proclaims the month of April 2007 as “WATER CONSERVATION MONTH.”

BE IT FURTHER RESOLVED that the Southwest Florida Water Management District shall continue to promote water conservation through its various programs.

BE IT FURTHER RESOLVED that the Chairman and Secretary of the Governing Board are hereby authorized to affix their signatures to the Resolution on behalf of the Board.

PASSED AND ADOPTED in Brooksville, Hernando County, Florida, on this 27<sup>th</sup> day of March, 2007.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
BY ITS GOVERNING BOARD



By: \_\_\_\_\_  
Chair

Attest: \_\_\_\_\_  
Secretary

Southwest Florida  
Water Management District  
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**Outreach and Planning Committee  
March 27, 2007**

***Discussion Item***

**Plain Language Initiative**

*Purpose*

The purpose of this item is to request Governing Board approval for a new Board Policy promoting the Governor's Plain Language Initiative.

*Background/History*

The Southwest Florida Water Management District is implementing the Plain Language guidelines issued by the Governor's Office of Citizen Services. In accordance with Governor Crist's Plain Language Initiative outlined in Executive Order 07-01, the District will review all types of documents intended for the general public to make them as easy to understand and use as possible. While the District has a long history of offering good customer service, there is always room to improve our communications with everyone, from the casual internet visitor to experienced contractors applying for permits.

Through the Plain Language Initiative, the District will make it as easy as possible for the general public to understand our commonly used forms, letters, applications, notices, reports and web sites. There will always be a place for legal analysis and scientific reports, particularly due to our agency's expertise in technical and engineering work. But the use of needlessly complex jargon, acronyms and difficult sentences should be avoided in everyday documents intended for the public.

A procedure to accompany the Board Policy will be developed that will stress the expectation that using plain language is part of everyone's job at the District to ensure that information communicated to the public is clear, consistent, concise, easy-to-read and relevant. The procedure will designate a leadership team to oversee and monitor the District's plain language efforts and to ensure that the initiative moves forward agencywide. Education and training will be available for employees to improve writing skills that embrace the use of plain language and the District's intranet site will be updated to include access to the Governor's Plain Language Initiative handbook and other helpful administrative standards.

The District will strive for continuous improvement by requiring directors and managers to periodically review public documents for plain language and, as needed, implement appropriate changes. In addition, the District will solicit input from the public as part of ongoing evaluation to ensure the Governor's Initiative is being adequately implemented.

Staff Recommendation:

See Exhibit

Approve Board Policy 110-9, Plain Language Initiative.

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: <b>PLAIN LANGUAGE INITIATIVE</b>			
SECTION/DEPT: COMMUNICATIONS	NUMBER: 110-9	PAGE: 1 OF 2	
APPROVED BY: TALMADGE G. RICE, CHAIR	EFFECTIVE DATE: 04/01/2007	SUPERSEDES: NEW	

**STATEMENT OF POLICY:**

Effective communication has always been critical to the mission and function of the Southwest Florida Water Management District (District). It is vitally important that all written correspondence is clear, concise and easy to understand.

In accordance with Governor Crist's Plain Language Initiative outlined in Executive Order 07-01, the District's policy will be to review all types of documents intended for the general public to make them as easy to understand and use as possible.

Overall, the District's Plain Language Initiative will promote:

- Clear language that is commonly understood by the intended audience;
- Providing specific answers in logical sequences;
- Using short sentences written in an active verb; and
- Layout and design that help the reader absorb meaning easily.

**OBJECTIVE:**

To establish guidelines for the implementation of the District's Plain Language Initiative.

**IMPLEMENTATION:**

1. Stress the expectation that using plain language is part of everyone's job at the District to ensure that information communicated to the public is clear, consistent, concise, easy-to-read and relevant.
2. Apply plain language standards and best practices in all District communication areas including the following:
  - written correspondence
  - e-mail
  - web sites
  - meeting summaries and minutes
  - publications and printed material
  - rules and regulatory language
  - forms and applications
  - reports
  - oral communication
  - presentations
3. Communicate to staff that the use of plain language is an essential job skill and that the deputy executive directors and department directors are responsible for supporting, implementing and evaluating the District's plain language plan.
4. Adopt a procedure that will provide guidelines for staff, including:
  - Making plain language use a part of the District's priorities.
  - Making plain language a part of the review process for regulatory and non-regulatory documents and updating as necessary.
  - Using plain language in all letters, e-mail and all new documents, publications and reports that are meant for public consumption.
  - Designating a leadership team to oversee and monitor the District's plain language efforts and to ensure that the initiative moves forward agency wide.

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: <b>PLAIN LANGUAGE INITIATIVE</b>			
SECTION/DEPT: COMMUNICATIONS	NUMBER: 110-9	PAGE: 2 OF 2	
APPROVED BY: TALMADGE G. RICE, CHAIR	EFFECTIVE DATE: 04/01/2007	SUPERSEDES: NEW	

- Establishing training opportunities for employees to improve writing skills that embrace the goals and objectives of the Governor's Plain Language Initiative.
- Instruction on the use of plain language as part of the orientation for new employees.
- Posting the Governor's Plain Language Initiative handbook on the District's intranet site along with the other administrative standards for easy access by all employees.

**REFERENCE:** Executive Order 07-01  
Plain Language Initiative Handbook, Governor's Office of Citizen Services

**HISTORY:** New

**Outreach and Planning Committee  
March 27, 2007**

***Discussion Item***

**Legislative Preview**

*Purpose*

The Community and Legislative Affairs Department prepares and implements the District's legislative programs and priorities. With the beginning of the legislative session approaching, this item is intended to update the Governing Board regarding legislative activities. Several legislative issues from the past three years have the potential to resurface during the coming session in Tallahassee.

*Background/History*

**State Issues**

Staff will provide an update regarding legislative activities including the progress of several bills related to the following: (1) oversight of water management district budgets, (2) tax reform, (3) governing board reorganization, (4) wetland permitting, and (5) springs protection.

**Federal Issues**

Staff will update the board on the upcoming federal appropriations process. Additionally, the progress of legislation regarding tax credit bonds, reform of the Army Corps of Engineers and the amendment of the Federal Water Pollution Control Act will be discussed.

**Staff Recommendation:**

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

**Presenter:** Colleen Thayer, APR, Legislative Affairs Representative, Community  
and Legislative Affairs Department

**Outreach and Planning Committee  
March 27, 2007**

***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, showing new or changed information in **bold**. This month the report has been streamlined by deletion of outdated information. The result is a shorter report that focuses on current review activity.

*Background/History*

The District provides 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 all aspects of water resource management, including water supply, flood protection, water quality and natural systems, and is intended to support sound land use decisions. A number of statutory provisions direct the District in the provision of this assistance, particularly Section 373.0391, Florida Statutes (F.S.), Technical Assistance to Local Governments. As a part of the District's efforts to ensure that appropriate water resource information and policy direction is reflected in local government comprehensive plans, the District conducts reviews of local government proposed plan amendments. The state land planning agency, the Department of Community Affairs (DCA), administers this review process. Comments submitted by the District typically become a part of DCA's "objections, recommendations, and comments" report to the local government. In addition, the District will often perform informal reviews of draft plan updates working directly with local governments.

*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:

See Exhibit

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

Presenter: Rand Frahm, Interim Director, Planning Department

Local Government  
Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	Assigned Planner	Amend. Type**	Received from Gov't	DCA Comment Request Letter Received	Comments Sent	DCA ORC Report Received	Adopted Amend Received	DCA NOI Received	In Compliance?	Comments/Issues/Objections
<b>CHARLOTTE</b>											
Charlotte	05-2	Davies	Regular	06/13/05	06/14/05	07/11/05	12/08/05	12/01/05	02/03/06	4 Yes/2 No	6 Amendments
Charlotte	06-1	Davies	EAR / DRI	12/21/05	12/28/05	01/25/06	02/17/06	04/13/06	05/31/06	2 Yes/2 No	9 Amendments, 5 adopted
Charlotte	06-2	Davies	Regular	04/17/06	04/19/06	05/15/06	07/05/06				6 Amendments - US41 ext, FLUM
Charlotte	07-1ER	Davies	EAR	01/02/07	02/02/07						Ear based
Charlotte	07-2	Davies	Regular	01/08/07							2 lg FLUM amendments (SWFWMD land)
Punta Gorda	07-1	Davies	Regular	01/08/07	02/04/07						FLU Element text amendments
<b>CITRUS</b>											
Citrus	06-1ER	Sanders	EAR Based	03/14/06	03/16/06	04/14/06	05/17/06				16 EAR -Based Amendments
Citrus	06-2	Sanders	Regular	07/06/06	07/11/06	08/11/06	09/08/06	11/02/06	12/20/06	Yes	450 Residential Units
<b>DESOTO</b>											
<b>HARDEE</b>											
Hardee	07-1	Springstead	Regular	12/15/06	01/07/07	<b>02/01/07</b>	<b>03/07/07</b>				
Wauchula	05-2	Springstead	Regular	09/29/05	09/30/05	11/03/05	N/A	N/A	N/A	N/A	Changed to 06-1
Wauchula	06-1	Springstead	Regular	08/14/06		09/12/06	10/16/06		01/02/07	Yes	
Zolfo Springs	07-1	Springstead	Regular		12/19/06		<b>02/16/07</b>				
<b>HERNANDO</b>											
Hernando	06-01	Sanders	Regular	04/14/06	04/20/06	04/26/06	06/16/06	01/11/07	<b>02/21/07</b>	Yes	184 acre residential development
Hernando	06D-1	Sanders	DRI	06/12/06	07/18/06	07/24/05	09/15/06				Hickory Hill DRI
Hernando	06-02	Sanders	Regular	09/13/06	10/18/06	11/01/06	02/20/07		<b>02/20/07</b>	No	5-Year Schedule of Capital Improvements
Brooksville	06-01	Sanders	Regular	05/16/06	05/26/06	06/16/06	07/24/06		11/09/06	Yes	Annexation of 765 acres
<b>HIGHLANDS</b>											
Highlands	05-2	Springstead	Regular	08/19/05	08/25/02	09/23/05	10/21/05		03/14/06	No	7 Future Land Use Map amendments
Highlands	06-1	Springstead	Regular	02/21/06	03/01/06	03/27/06	04/27/06		11/22/06	Yes/No	2 of 9 amendments are In Compliance
Highlands	06-2	Springstead	Regular	07/10/06	07/10/06	08/10/06	9/12/2006		<b>02/20/07</b>	Yes	4 FLUM amendments
Highlands	<b>07-1</b>	<b>Springstead</b>	<b>Regular</b>	<b>02/08/07</b>	<b>02/13/07</b>						
Lake Placid	06-2	Springstead	Regular	08/30/06		10/17/06	11/02/06		<b>02/08/07</b>	Yes	
Sebring	05-1	Springstead	Regular	07/11/05	07/15/05	08/11/05	09/14/05	01/03/06	03/08/06	No	6 Future Land Use Map Amendments
Sebring	06-1	Springstead	Regular	07/25/05	07/25/05	08/18/05	09/22/05	01/03/06	<b>02/14/07</b>	Yes/No	<b>2 of the 4 amendments are in compliance</b>
<b>HILLSBOROUGH</b>											
Hillsborough	06-1	Neasman	Regular	05/05/06	05/10/06	06/19/06	07/11/06	08/07/06	09/15/06	Yes/No 2	Two amendments not in compliance due to infrastructure issues.
Hillsborough	06-2	Neasman	Regular	08/31/06	09/05/06	10/10/06	11/07/06	12/11/06			No substantive comments
Plant City	06-2	Neasman	Regular	07/11/06	07/23/06	07/13/06	08/24/06	10/23/06	12/01/06	Yes	No substantive comments
Plant City	07-1	Neasman	Regular	10/23/06	10/25/06	11/28/06	12/19/06				
Plant City	<b>TBA</b>	<b>Neasman</b>	<b>Regular</b>	<b>02/26/07</b>							
Tampa	06-1	Neasman	Regular	04/24/06	04/27/06	05/25/06	06/28/06	09/18/06	10/27/06	Yes	Highlighted the need for hurricane mitigation planning.
Tampa	06-2	Neasman	Regular	09/26/06	09/22/06	10/16/05	11/27/06				No substantive comments
Temple Terrace	06-1	Neasman	Regular	04/05/06	04/07/06	05/03/06	06/21/06	none	10/27/06	Yes	No substantive comments
<b>LAKE</b>											
<b>LEVY</b>											
Levy	06-02	Sanders	Regular	07/18/06	07/26/06	08/07/06	09/26/06	12/15/06	12/27/06	Yes	33 acres commercial development
Levy	06-1ER	Sanders	EAR-Based	03/15/06	03/21/06	04/04/06			12/05/06	Yes	12 Amendments

Local Government  
Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	Assigned Planner	Amend. Type**	Received from Gov't	DCA Comment Request Letter Received	Comments Sent	DCA ORC Report Received	Adopted Amend Received	DCA NOI Received	In Compliance?	Comments/Issues/Objections
MANATEE	06-1	Neasman	Regular	03/27/06	04/24/06	04/28/06	06/21/06	08/24/06	10/09/06	Yes/No 1	Commented on the importance of hurricane mitigation planning.
Bradenton	06-2	Neasman	Regular	09/05/06	08/24/06	10/03/06	10/19/06	12/22/06	02/06/07	Yes	
MARION	06-01	Sanders	Regular	04/24/06	05/15/06	06/01/06	07/10/06		<b>02/12/07</b>	<b>No</b>	Springs Protection Zone
Marion	06-2	Sanders	Regular	08/23/06	08/28/06	09/25/06	10/24/06	12/19/06	01/26/07	Yes/No	3 of 4 amendments not in compliance
PASCO	04D2	Renner	DRI	04/12/04	04/12/04	05/12/04	06/15/04	12/13/04	01/25/05	No	Cypress Creek Town Center. Settlement agreement 05/11/05
Pasco	06D1	Renner	DRI	02/28/06	03/06/06	03/30/06	05/04/06				Epperson Ranch DRI
Pasco	06-1ER	Renner	EAR-Based	03/06/06	03/06/06	04/05/06	05/04/06		08/17/06	No	Concurrency issues
Pasco	06R1	Burke	Remedial	08/21/06	None	None	08/24/06	09/14/06	09/29/06	Yes	Finalized version of 06-1ER
Pasco	06-2	Burke	Regular	08/21/06	08/23/06	09/21/06	No Comments		<b>01/31/07</b>	Yes	FLUM Amendment RES-3 to RES-24 & CON
Pasco	07D1	Burke	DRI	12/12/06	12/14/06	<b>01/09/07</b>					Trinity Proposed Phase Transmittal
Pasco	<b>07D2</b>	<b>Burke</b>	<b>DRI</b>	<b>12/12/06</b>	<b>12/14/06</b>	<b>01/12/07</b>					<b>Pasco Town Centre</b>
Pasco	<b>07D3</b>	<b>Burke</b>	<b>DRI</b>	<b>01/31/07</b>	<b>02/02/07</b>	<b>02/23/07</b>					<b>Wiregrass</b>
Dade City	05-1	Renner	Regular	05/05/05	06/03/05	06/28/05	08/16/05	12/21/05	<b>12/29/06</b>	Yes	7 Amendments
St. Leo	EAR	Burke	EAR	12/18/06	12/21/06	<b>01/09/07</b>					EAR Review
Zephyrhills	EAR	Burke	EAR	11/28/06	12/08/06	<b>01/04/07</b>					EAR Review
PINELLAS	07-1	Belangia	Regular	12/11/06	12/14/06	01/05/07					2 FLUM Changes
Bellair Shore	No #	Belangia	EAR	07/27/06	07/25/06	08/23/06					EAR Review
Safety Harbor	06CIE1	Belangia	CIE	01/20/06	None	None	DCA will not review	N/A	N/A	N/A	Capital Improvement Element, DCA will NOT Review.
Safety Harbor	EAR	Belangia	EAR	12/29/06	01/09/07						EAR Review
Dunedin	07-1	Belangia	Regular	11/05/06	11/06/06	11/28/06	01/05/07				Text Amendments
Dunedin	EAR	Belangia	EAR	10/02/06	10/05/06	10/16/06					EAR Review
Tarpon Springs	EAR	Belangia	EAR	12/04/06	12/06/06	01/04/07					EAR Review
Gulfport	EAR	Belangia	EAR	12/07/06	12/21/06	01/05/07					EAR Review
Madeira Beach	07-1	Belangia	Regular	12/11/06	12/12/06	01/05/07					1 Text Amendment
Madeira Beach	EAR	Belangia	EAR	12/11/06	12/12/06	12/27/06					EAR Review
Indian Shores	EAR	Belangia	EAR	12/06/06	12/06/06	12/27/06					EAR Review
Largo	EAR	Belangia	EAR	01/10/07	01/09/07						EAR Review
Largo	06-1	Belangia	Regular	04/26/06	04/28/06	None	07/05/06				Vineyard River FLUM
St. Petersburg	06-2	Belangia	Regular	03/31/06	03/30/06	04/26/06	06/05/06	11/01/06	12/15/06	Yes	Text Amendments & Future Land Use Amendments
POLK											
Polk County	06-1	Springstead	Regular	02/23/06	04/28/06	05/31/06	07/28/06		09/18/06	Yes	
Polk County	06-2	Springstead	Regular	08/24/06	08/22/06	09/21/06	10/23/06		<b>02/23/07</b>	<b>Yes</b>	
Auburndale	06-1	Springstead	Regular	05/01/06	05/03/06	06/07/06	07/10/06		10/05/06	Yes	
Bartow	06-1	Springstead	Regular	04/03/06	04/12/06	05/04/06	07/05/06	07/17/06	08/28/06	Yes/No	1 of the 2 amendments was in compliance
Dundee	05-1	Springstead	Regular	08/25/05	09/06/05	10/03/05	11/01/05	01/03/06	02/28/06	No	
Eagle Lake	06-1	Springstead	Regular	01/18/06	01/19/06	02/10/06	03/21/06		08/02/06	No	
Haines City	<b>07-1ER</b>	<b>Springstead</b>	<b>Regular</b>	<b>02/05/07</b>	<b>02/07/07</b>						
Lake Alfred	06-1	Springstead	Regular	04/10/06	04/13/06	05/04/06	06/21/06		08/24/06	Yes	
Lake Hamilton	05-1	Springstead	Regular	10/12/05	10/27/05	11/22/05	12/22/05	NA	NA	NA	Number changed to 06-1
Lake Hamilton	05-2	Springstead	Regular	10/26/05	10/31/05	11/29/05	12/30/05	NA	NA	N	Number changed to 06-1
Lake Hamilton	06-1	Springstead	Regular	NA	NA	NA	NA	NA	07/10/06	No	Amend. 05-1 & 05-2 became 06-1
Lake Wales	06-1	Springstead	Regular	03/29/06	04/11/06	05/04/06	06/05/06	08/02/06	09/27/06	Yes	7 Future Land Use Map Amendments
Lake Wales	06-2	Springstead	Regular	10/16/06				01/10/07	<b>02/20/07</b>	<b>Yes</b>	
Lakeland	06-1A	Springstead	Regular	04/26/06	04/28/06	05/25/06	06/28/06		08/24/06	Yes	

## Local Government Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	Assigned Planner	Amend. Type**	Received from Gov't	DCA Comment Request Letter Received	Comments Sent	DCA ORC Report Received	Adopted Amend Received	DCA NOI Received	In Compliance?	Comments/Issues/Objections
Lakeland	06-2	Springstead	Regular	08/31/06	10/02/06	10/20/06	12/04/06		02/06/07	Yes	
Mulberry	06-1	Springstead	Regular	05/15/06	05/16/06	06/19/06	07/17/06		02/16/07	Yes	
Polk City	05-2	Springstead	Regular	10/03/05		11/14/05	12/07/05				
Winter Haven	06-1	Springstead	Regular	04/27/06	05/02/06	06/05/06	07/05/06		09/30/06	Yes	14 Map Amendments; 2 Policies
Winter Haven	06-2	Springstead	Regular	08/31/06	09/01/06	10/18/06	11/06/06		09/29/06	Yes	
<b>SARASOTA</b>											
Sarasota	06-1R	Davies	Remedial	10/31/05	11/03/05	11/23/05	none	02/07/06	10/27/06	Yes	Sch Board Challenge Settlement Agreement
Sarasota	06D-1	Davies	DRI	03/17/06	03/27/06	04/19/06					Palmer Ranch NOPC - no comments
Sarasota	07-1	Davies	Regular	01/09/07							3 Amendments-CIE, FLU, Housing
City of Sarasota	06-1	Davies	Regular	05/22/06	05/25/06	06/02/06	07/20/06	10/04/06	11/20/06	No	4 Amendments; 1 withdrawn, 3 adopted
Venice	06-2	Davies	Regular	09/05/06	09/05/06	10/19/06	11/07/06	12/06/06	12/29/06	Yes	7 FLUM changes - coord w/Venice
<b>SUMTER</b>											
Sumter	07-01	Sanders	Regular	11/27/06	12/01/06	12/20/06	02/01/07				72 acres mixed use development
Sumter	06-02	Sanders	Regular	07/27/06	07/31/06	08/28/06	09/26/06	02/14/07			100 residential units
Bushnell	06-01	Sanders	Regular	10/05/06	10/11/06	11/03/06	12/12/06				297 acre annexation
Center Hill	06-01	Sanders	Regular	03/23/06	04/11/06	05/05/06	06/21/06	11/03/06	01/11/07	Yes	1,500 acre annexation
Center Hill	06-02	Sanders	Regular	06/30/06	07/12/06	08/04/06	09/12/06				600 homes
Wildwood	06-01	Sanders	Regular	10/10/06	10/19/06	11/17/06	12/13/06				1,777 acre annexation
<b>NOTES</b>											
** Amendment Types may include:											
Regular											
DRI											
EAR Based											
Water Supply Plan											
Evaluation and Appraisal Reports (EARs) are not plan amendments but are required every 7 years. EAR-Based amendments are required 18 months after the report is determined to be sufficient by the State.											
<b>Key to Abbreviations:</b>											
DCA = FL Dept. of Community Affairs											
ORC Report = Objections, Recommendations & Comments											
NOI = Notice of Intent = Determination by DCA whether amendment is in compliance with statutes and rules											
EAR = Evaluation and Appraisal Report											
DRI = Development of Regional Impact											
PRD = Preliminary Review Determination											



**Outreach and Planning Committee  
March 27, 2007**

***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, showing new or changed information in **bold**.

*Background/History*

The District participates in the review of Developments of Regional Impact (DRIs) pursuant to Section 380.06, Florida Statutes. DRI's are large-scale development projects that exceed statutorily specified thresholds such that the project is assumed to have potential impacts that transcend multiple local government jurisdictions. The District is one of several agencies that are required to participate in the review process, which is administered by the regional planning councils. 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 benefits of the District's DRI review program are to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider large scale development proposals. This helps to ensure these 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:

See Exhibit

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

Presenter: Rand Frahm, Interim Director, Planning Department

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
<b>CFRPC</b>										
Ona Mine	Springstead	Hardee	Phosphate Mine	20,595	ADA	7/11/05	April 2000 5/2/05			Application originally submitted in April, 2000, subsequently put on hold, then reactivated with the 5-2-05 submittal
CF Industries South Pasture Mine Extension	Springstead	Hardee	Phosphate Mine	6,750	SD	6/1/05	3/3/05	8/10/06		No increase in water use anticipated.
FL International Airport	Springstead	Hardee & Polk	Airport/ Mixed Use	22,400	ADA	3/23/05				Significant transportation improvements may accompany this major project.
Four Corners Town Center	Springstead	Polk	Commercial	130	ADA	3/1/05	7/7/05			Commercial center (open air mall) at SR 54 and HWY 27 in NE Polk County
Mosaic Regional Process Water Treatment Pond	Springstead	Polk	Industrial	173	SD	6/23/05	8/8/05			Project to address water storage and water quality at Mosaic chemical plants.
Williams	Springstead	Lakeland	Mixed Use	255	NOPC		5/5/05	6/7/05		Omission of parcels to become USF Lakeland Campus - approx. 530 acres
Lakeland Central Park	Springstead	Lakeland	Mixed Use	718	ADA	7/15/05	11/17/05	1/3/06		Mixed Use development on the west side of Lakeland near the Rooms to Go HQ; some wetland issues
Clear Springs DRI	Springstead	Bartow	Mixed Use	5,159	ADA	10/6/05				Multi-phase mixed use development around Bartow; will double the size of the City of Bartow once built
Champion's Gate	Springstead	Polk & Osceola	Mixed Use	100+/-	ADA	12/7/05	1/31/06	2/10/06		Transferapproved entitlements from Osceola to Polk County concerning the development of Champion's Gate
Carlton Ranch	Springstead	DeSoto	Mixed Use	5,860	ADA	8/8/05				Major new project proposed in eastern DeSoto County; 17,000 homes proposed
<b>SWFRPC</b>										
Heron Creek	Davies	North Port	Mixed Use		NOPC		9/12/06	10/6/02		Language revision
Harborview	Davies	Charlotte Co.	Mixed Use		SD	11/17/2006				Pre-App only
The Loop at Punta Rayo	Davies	Charlotte Co.	Mixed Use	204	ADA		7/27/06	8/16/06		No pre-app materials received
Isles of Athena	Davies	North Port	Mixed Use	5,740	ADA	3/3/05	8/15/05	2/28/06	8/3/2006	1st Sufficiency Response received -7/11/06

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Punta Gorda Town Center	Davies	Punta Gorda	Mixed Use	195.6	Pre-App	9/21/2005	9/15/05			Pre-App only so far
Babcock Ranch	Davies	Charlotte/Lee	Mixed Use	17,000	CPA		12/21/05	1/25/06		Comp Plan Amendment, Coord w/SFWMD
Sarasota Interstate Park of Commerce	Davies	Sarasota Co.	Mixed Use	276	SD	11/29/2005	3/3/06	3/7/06	5/24/2006	increase, add movie theater, combine stormwater management systems, extend
Murdock Center	Davies	Charlotte/Lee	Mixed Use	646	NOPC		2/10/2006			Buildout date extension - no comments
<b>TBRPC</b>										
Lake Hutto	Neasman	Hillsborough	Mixed Use	1,129	ADA		9/23/04	10/26/04 4/5/05 6/24/05 09/02/05	11/2/2005	Project proposes 3,560 residential units, 185,000 s.f. of retail, 180,000 s.f. of office and an 800-student elementary school.
Cargill Riverview Facility	Neasman	Hillsborough	Mining	N/A	NOPC		8/22/05	9/14/05		NOPC proposes changes to Development Order.
Fishhawk Ranch	Neasman	Hillsborough	Residential	20	NOPC		1/11/05	02/04/05 10/10/06	4/20/05	Add 19.8-acre parcel, increase sf residential by 200 units, allow alternative uses on tract 14 and the conversion of 107 sf units for 160 mf units.
Summerfield Crossings	Neasman	Hillsborough	Mixed Use	N/A	NOPC		12/29/04	1/19/05 3/01/05		
Southbend	Neasman	Hillsborough	Mixed Use	401	NOPC		11/12/04	6/7/2005		Increase residential entitlements by 103 single-family units and project area by 401 acres.
Walden Woods	Neasman	Plant City	Mixed Use	160	NOPC		3/7/05	3/18/05 5/25/05		
Tampa Technology Park (West)	Neasman	Tampa	Mixed Use	1160	NOPC		8/15/05	09/13/05 11/04/05 12/05/05		
Apollo Beach	Neasman	Hillsborough	Mixed Use	Not Provided	NOPC		9/8/05	09/22/05 10/13/05 12/14/05 03/15/06 09/23/06 01/18/07		Review on 9/22/05 dealt with time extension for build out.

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Wolf Creek Branch	Neasman	Hillsborough	Mixed Use	1,618	SD		9/7/05	10/18/05 02/10/06 04/04/06 05/18/06 06/22/06		Project proposes 4,505 residential units, 457,380 s.f. of commercial/office, 2 schools and 121 acres of recreation.
Hillsborough County Mines Addition	Neasman	Hillsborough	Phosphate Mine	1,599	SD		3/30/06	04/26/06 <b>03/01/07</b>		Proposes the addition of 1,599 acres to the existing DRI boundary.
Rocky Point Harbor	Neasman	Hillsborough	Residential		NOPC			05/11/06 07/18/06		Proposes 35 wet slips.
Cypress Banks	Neasman	Manatee	Mixed Use	991	NOPC		11/30/04	12/21/04 2/25/05	4/28/05	
Four Corners Mine	Neasman	Manatee	Phosphate Mine	305	NOPC		1/25/05	2/22/05	4/20/05	
Northwest Sector	Neasman	Manatee	Mixed Use	1,519	ADA	9/27/04	3/14/05	03/31/05 08/15/05 11/16/05 02/21/06 03/21/06		Project proposes 4,096 single-family dwellings, 350 multi-family units, 200,000 s.f. of commercial and 105,000 s.f. of office.
Heritage Harbor	Neasman	Manatee	Mixed Use	288	NOPC		7/2/04	7/28/04 1/19/05 05/30/06 09/05/06 12/18/06		Proposes the addition of 288 acres to existing DRI.
Creekwood	Neasman	Manatee	Mixed Use	818	NOPC		4/18/05	05/11/05 07/26/05		
Gulf Coast Factory Shops	Neasman	Manatee	Commercial	25	NOPC		11/22/05	12/19/05 04/17/06 09/19/06 <b>02/22/07</b>		Proposal to extend build out, add 24 acres, add 7,500 s.f. restaurant, relocate drainage and establish additional project entrance.
River Club Park of Commerce	Neasman	Manatee	Commercial	36	NOPC		11/23/05	1/25/06		Proposal involves new development layout; DO language revisions; and, use changes.
Cooper Creek	Neasman	Manatee	Mixed Use	605	NOPC		5/5/05	5/31/05		

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Lakewood Centre	Neasman	Manatee	Mixed Use	695	ADA		4/28/06	5/30/06		Commented on pre-application document on 12/13/05. ADA proposes 3,675 dwelling units, 300 hotel rooms, 1,774,000 sf of retail and 1,563,000 sf of office.
University Lakes	Neasman	Manatee	Mixed Use	4,033	NOPC		3/1/06	03/01/06 08/15/06 12/18/06		Proposal to add 812 residential units, 120,000 sf of office and 405 hotel rooms.
Two Rivers	Burke	Pasco	Mixed Use	3,532	ADA	4/25/05	8/25/2006 01/23/07	9/22/2006 <b>02/16/07</b>		ADA Proposes 6,400 residential units, 630,000 sf retail and 2,670,000 sf office space
Epperson Ranch	Renner	Pasco	Mixed Use	1,752	ADA	4/26/04	9/13/04	10/14/04 3/30/05 6/24/05 09/13/05	11/29/2005	
Pasco Town Centre	Burke	Pasco	Mixed Use	929	ADA	6/28/04	06/12/06 10/12/06 <b>01/12/07</b>	01/31/06 07/06/06 <b>01/22/07</b>		
Wiregrass Ranch	Burke	Pasco	Mixed Use	5,118	ADA	10/25/04	12/28/2004 07/05/06 9/18/06 10/17/06	5/16/05 10/26/05 07/07/06 9/25/06	11/22/2006	Major project along Bruce B. Downs corridor in Pasco.
Ashley Glen	Renner Burke	Pasco	Mixed Use	260	ADA	7/25/05	11/14/2005 05/05/06 11/06/06 01/31/07	5/25/2006 11/29/06 <b>02/22/07</b>		Revised to increase office component by 1 million square feet and the residential component by 300 units.
Starkey Ranch	Burke	Pasco	Mixed Use	2,500	ADA	8/22/05	6/5/2006 10/31/06	06/19/06 11/28/06		Headwaters of Anclote R., drains to Starkey Wellfield
Mitchell Ranch Plaza	Renner	Pasco	Mixed Use	126	NOPC		8/16/05	9/2/05		Eliminate Phases/theatre, add hospital/med ofc/hotel, reduce retail, accelerate buildout
Connerton	Renner	Pasco	Mixed Use	166	NOPC		8/3/05	8/23/05		Changes to the Employment Center
Connerton	Renner	Pasco	Mixed Use	1,115	NOPC		12/27/05			Development of Village 5
Carillon	Belangia	St. Petersburg	Office	180	NOPC		4/6/05	4/18/05		Increase Office entitlements by 65K sq ft, change name of developer.
Shoppes at Park Place	Belangia	Pinellas Park	Mixed Use	67	NOPC		4/11/05	4/22/05		Add a .44 acre parcel to the project site
Bay Area Outlet Mall	Belangia	Largo	Mixed Use	34	NOPC		9/27/05	10/13/05		Increase retail, movie theater, and residential units. No comment letter.

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Bay Area Outlet Mall	Belangia	Largo	Mixed Use	34	NOPC		3/30/06	4/10/06		Provided additional information in response to questions raised by agencies in previous NOPC letter. No comment letter sent.
Bay Area Outlet Mall	Belangia	Largo	Mixed Use	34	NOPC		4/24/06	N/A		Tampa Bay Regional Planning Council is asking for more comments in order to consider the changes proposed not a Substantial Deviation.
Largo Town Center (fka) Bay Area Outlet Mall	Belangia & Burke	Largo	Mixed Use	34	NOPC		10/3/2006 01/18/07	10/11/2006 01/22/07		Developer provided answers to questions proposed in regards to traffic generation and specific development order changes./ Declared sufficient.
Trinity Communities	Belangia & Renner	Pasco & Pinellas	Mixed Use	3,741	NOPC		1/5/06	1/10/06		Change use designations, map configurations to reflect actual use of parcels.
Trinity Communities	Belangia & Burke	Pasco & Pinellas	Mixed Use	3,741	NOPC		11/13/06	11/28/06		Remove Trinity College parcel from DRI-No comment
Trinity Communities	Belangia & Renner	Pasco & Pinellas	Mixed Use	3,741	NOPC		4/13/06	N/A		Additional information sent by Law Office handling DRI for client. SWFWMD does not have any further comments.
Gateway Centre	Belangia	Pinellas Park	Mixed Use	558	NOPC		7/18/05	8/19/05		Increase Residential Units, Inclusion of a Museum Land Use
<b>WRPC</b>										
Beverly Hills	Sanders	Citrus	Public Use	2	NOPC	N/A	10/2/06	10/9/06		5,175 sq ft Boys/Girls club facility
Hickory Hill	Sanders	Hernando	Residential	2,771	ADA	2/24/05	2/9/05	5/6/05	12/30/05	1,750 residential units
Hernando Oaks	Sanders	Hernando	Residential	1,149	ADA	2/22/06	2/3/06	8/21/06		1,525 residential units
Lake Hideaway	Sanders	Hernando	Mixed Use	986	ADA	2/9/06	1/25/06	08/04/06		2,400 residential units
Crystal River Mall	Sanders	Citrus	Mixed Use	76	NOPC	N/A	12/16/05	01/06/06		Increase of 49 residential units
Citrus Hills	Sanders	Citrus	Mixed Use	129	NOPC	N/A	5/26/06	06/12/06		Additional 129 acres
Meadowcrest	Sanders	Citrus	Mixed Use	17	NOPC	N/A	11/8/05	11/29		Increase of 46 residential units
Seven Hills	Sanders	Hernando	Mixed Use	10	NOPC	N/A	11/21/06	12/1		120-unit senior apartment complex
Sunrise	Sanders	Hernando	Mixed Use	1,386	ADA	1/13/05	5/17/05	11/01/05		4,800 residential units
Oark Run	Sanders	Marion	Mixed Use	822	NOPC	N/A	12/8/05	12/15/05		Phase 3 extension date

As of March 8, 2007

## DRI Activity Report

Project Name	Assigned Planner	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Secret Promise	Sanders	Lake	Mixed Use	3,747	ADA	12/29/05	8/21/06	9/11/06		9,211 residential units
Renaissance Trails	Sanders	Sumter	Mixed Use	1,311	ADA	12/16/05	7/10/06	8/11/06		2,262 residential units
Timber Pines	Sanders	Hernando	Mixed Use	150	NOPC	N/A	5/17/05	5/27/05		1,680 residential units
Villages	Sanders	Sumter	Mixed Use	15	NOPC	N/A	9/9/05	9/28/05		60-bed skilled nurisng facility
Villages	Sanders	Sumter	Mixed Use	89	NOPC	N/A	2/2/06	2/7/06		No increase in residential units
Villages	Sanders	Sumter	Mixed Use	85	NOPC	N/A	4/24/06	5/12/06		Mixed Use Increase
Wildwood Springs	Sanders	Sumter	Mixed Use	1,025	ADA	09/25/06	9/8/06			3,000 Residential Units

**Key to Abbreviations:**

**CFRPC:** Central Florida Regional Planning Council

**WRPC:** Withlacoochee Regional Planning Council

**SWFRPC:** Southwest Florida Regional Planning Council

**ADA:** Application for Development Approval

**TBRPC:** Tampa Bay Regional Planning Council

**NOPC:** Notice of Proposed Change

**SD:** Substantial Deviation

**DRI:** Development of Regional Impact

**Notes:**

For NOPCs and SDs, acreage shown represents the proposed change in project area

**Bold** text indicates a change from previous report

**Outreach and Planning Committee  
March 27, 2007**

***Routine Report***

**Upcoming Events – April 2007**

**Event Title:** A Celebration of Water

**Date:** April 1–5, 2007

**Time:** 10 a.m.–5 p.m.

**Location:** The Pier Aquarium

**Sponsoring Organization:** Partial sponsorship by the SWFWMD

**Event Details:** This continuing communitywide event celebrates the power and beauty of water in our everyday lives.

***District Contact Information***

**Name:** Raina O'Neil

**Phone:** (352) 796-7211, ext. 4774

**Email:** Raina.ONeil@WaterMatters.org

**Event Title:** Hillsborough County Adopt-A-Pond's Lake, Pond and Stream Night

**Date:** April 6, 2007

**Time:** 6–9 p.m.

**Location:** The Florida Aquarium

**Sponsoring Organization:** Partial sponsorship by the SWFWMD

**Event Details:** This communitywide event features exhibits from environmental organizations and presentations relating to lake and pond issues.

***District Contact Information***

**Name:** Kendra Antoine

**Phone:** (352) 796-7211, ext. 4753

**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Cutting Your Bottom Line While Conserving Water and Energy – Luncheon and Conservation Workshop

**Date:** April 10, 2007

**Time:** Noon–3 p.m.

**Location:** Tradewinds Island Grand Hotel, 5600 Gulf Blvd., St. Pete Beach, FL

**Sponsoring Organizations:** Florida Restaurant and Lodging Association (FRLA), SWFWMD, Progress Energy, Florida Department of Environmental Protection (FDEP)

**Event Details:** This marks the first time that hotel/motel general managers and restaurant owners and managers will meet together to discuss how to conserve water and energy in their businesses. The FRLA's monthly meeting is the forum for this luncheon and workshop. The program includes presentations by staff from the SWFWMD, FDEP, Progress Energy and the City of St. Petersburg. The goal of the workshop is to provide water and energy conservation information to the various hospitality professionals and encourage participation in the SWFWMD's Water C.H.A.M.P. and restaurant programs.

***District Contact Information***

**Name:** Samantha Sieber

**Phone:** (352) 796-7211, ext. 4782

**Email:** Samantha.Sieber@WaterMatters.org



## Item 59

**Event Title:** Charlotte Harbor Environmental Center's All-Day Field Trip Upriver

**Date:** April 11, 2007

**Time:** 8 a.m.–5:30 p.m.

**Location:** Charlotte Harbor Environmental Center, Punta Gorda, FL

**Sponsoring Organization:** Partial sponsorship by the SWFWMD

**Event Details:** This field trip includes a tour of the upper Peace River, including a phosphate mining facility, a mining reclamation site and other sites that may impact the water resource. Reservations are required no later than April 4, 2007.

***District Contact Information***

**Name:** Kendra Antoine

**Phone:** (352) 796-7211, ext. 4753

**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Water, Wings & Wild Things

**Date:** April 14, 2007

**Time:** 10 a.m.–2 p.m.

**Location:** IMC Agrico Park, Bartow, FL

**Sponsoring Organization:** SWFWMD, Lakes Education Action Drive, Polk County Division offices

**Event Details:** The goal of this event is to engage individuals and families in fun, nature-based activities to celebrate Earth Day and Polk County's natural heritage. Attendees will have the opportunity to visit environmental exhibits, meet native animals, learn how to landscape with native plants, walk through a butterfly tent, and enjoy folk music and much more! Attendees will also have the opportunity to learn about the Peace River watershed during the "Spanning the Watershed" event in collaboration with the Water, Wings & Wild Things.

***District Contact Information***

**Name:** Kendra Antoine

**Phone:** (352) 796-7211, ext. 4753

**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Peace River "Spanning the Watershed"

**Date:** April 17, 2007

**Time:** 9 a.m.–1 p.m.

**Location:** Paynes Creek State Park, Bowling Green, FL

**Sponsoring Organization:** SWFWMD

**Event Details:** The goal of this event is to engage individuals and families in fun, nature-based activities to celebrate Earth Day. Attendees will have the opportunity to visit environmental exhibits and to learn about the Peace River watershed during Peace River Watershed Awareness Week.

***District Contact Information***

**Name:** Kendra Antoine

**Phone:** (352) 796-7211, ext. 4753

**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Charlotte Harbor Environmental Center's All-Day Charlotte Harbor Field Trip

**Date:** April 18, 2007

**Time:** 8 a.m.–5:30 p.m.

**Location:** Charlotte Harbor Environmental Center, Punta Gorda, FL

**Sponsoring Organization:** Partial sponsorship by the SWFWMD

**Event Details:** This field trip includes a tour of the Shell Creek Water Treatment Facility and the lower Peace River and a boat trip on Charlotte Harbor. Reservations are required no later than April 11, 2007.

***District Contact Information***

**Name:** Kendra Antoine  
**Phone:** (352) 796-7211, ext. 4753  
**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Peace River "Spanning the Watershed"

**Date:** April 19, 2007

**Time:** 9 a.m.–1 p.m.

**Location:** DeSoto Park/Morgan Park, Arcadia, FL

**Sponsoring Organization:** SWFWMD

**Event Details:** The goal of this event is to engage individuals and families in fun, nature-based activities to celebrate Earth Day. Attendees will have the opportunity to visit environmental exhibits and to learn about the Peace River watershed during Peace River Watershed Awareness Week.

***District Contact Information***

**Name:** Kendra Antoine  
**Phone:** (352) 796-7211, ext. 4753  
**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Venice Sharks Tooth Festival

**Date:** April 20–22, 2007

**Time:** Friday, April 20 4–9 p.m.  
Saturday, April 21 10 a.m.–9 p.m.  
Sunday, April 22 10 a.m.–5 p.m.

**Location:** Venice Beach, Venice, FL

**Sponsoring Organization:** Various sponsors benefiting the Special Olympics

**Event Details:** This family festival features children's activities, rides and entertainment. SWFWMD's Water Conservation Restroom Station will be on hand to promote Florida-friendly landscaping.

***District Contact Information***

**Name:** Melissa Roe  
**Phone:** (352) 796-7211, ext. 4776  
**Email:** Melissa.Roe@WaterMatters.org

**Event Title:** Peace River "Spanning the Watershed"

**Date:** April 21, 2007

**Time:** 12 noon–7 p.m.

**Location:** Punta Gorda Block Party, Downtown Punta Gorda, FL

**Sponsoring Organization:** SWFWMD

**Event Details:** The goal of this event is to engage individuals and families in fun, nature-based activities to celebrate Earth Day. Attendees will have the opportunity to visit environmental exhibits and to learn about the Peace River watershed during Peace River Watershed Awareness Week.

***District Contact Information***

**Name:** Kendra Antoine  
**Phone:** (352) 796-7211, ext. 4753  
**Email:** Kendra.Antoine@WaterMatters.org

**Event Title:** Celebrate Earth Day 2007 With Friends

**Date:** April 21, 2007

**Time:** 10 a.m.–5 p.m.

**Location:** Honeymoon Island, Dunedin, FL

**Sponsoring Organization:** Pinellas County Parks & Recreation, Friends of the Island Parks

**Event Details:** This year's festival will highlight the parks, birds, animals and environment that make the Island Parks special. There will be live outdoor entertainment, delicious food and much more for the entire family to enjoy! Highlights of this event will include seafood, fine artists, craft and environmental vendors and a bigger-than-ever environmental display in Osprey Village. There will also be guided walks, talks and information on the upcoming nature center.

***District Contact Information***

**Name:** Virginia Sternberger

**Phone:** (352) 796-7211, ext. 4779

**Email:** Virginia.Sternberger@WaterMatters.org

**Event Title:** Lake Placid Earth Day

**Date:** April 21, 2007

**Time:** 10:30 a.m.–2:30 p.m.

**Location:** DeVane Park, W. Interlake Blvd., Lake Placid, FL

**Sponsoring Organization:** Town of Lake Placid and SWFWMD

**Event Details:** At this celebration, event attendees will learn about ways to preserve Florida's natural resources through exhibits and hands-on activities.

***District Contact Information***

**Name:** Virginia Sternberger

**Phone:** (352) 796-7211, ext. 4779

**Email:** Virginia.Sternberger@WaterMatters.org

**Event Title:** Water Conservation in Agri/Aquaculture Tours

**Date:** April 21, 2007

**Time:** 10 a.m.–4 p.m.

**Location:** 4899 NW Highway 72, Arcadia, FL

**Sponsoring Organization:** SWFWMD

**Event Details:** Walking tours (guided and unguided) of this "green" farm will be available. The guided tours will describe the hydrologic cycle, watersheds and wetlands and how they interrelate with the operation.

***District Contact Information***

**Name:** Virginia Sternberger

**Phone:** (352) 796-7211, ext. 4779

**Email:** Virginia.Sternberger@WaterMatters.org

**Event Title:** River Cleanup III

**Date:** April 22, 2007

**Time:** 8 a.m.–1 p.m.

**Location:** Lowry Park Boat Ramp, Tampa, FL

**Sponsoring Organization:** SWFWMD and Lowry Park Zoo for Boy Scout Troop #47

**Event Details:** Lowry Park Zoo's "Zoo Troop" #47 is teaming up with adults and children from the "Zoo School," riverfront homeowners, JPMorgan Chase employees and other Scout troops to conduct the third annual river cleanup. Teams will focus on an area of the river shoreline between the Lowry Park Boat Ramp North to the Sulphur Springs Park and water tower.

***District Contact Information***

**Name:** Virginia Sternberger

**Phone:** (352) 796-7211, ext. 4779

**Email:** Virginia.Sternberger@WaterMatters.org

## Item 59

**Event Title:** Groundwater Institute

**Date:** April 26–28, 2007

**Time:** Thursday, April 26 4–8 p.m.  
Friday, April 27 8:30 a.m.–4 p.m.  
Saturday, April 28 8:30 a.m.–3 p.m.

**Location:** Plantation Inn & Golf Resort  
9301 West Fort Island Trail, Crystal River, FL

**Sponsoring Organization:** SWFWMD

**Event Details:** This is a three-day event that will include teacher trainings and an educational field trip focusing on groundwater issues.

***District Contact Information***

**Name:** Raina O'Neil

**Phone:** (352) 796-7211, ext. 4774

**Email:** Raina.ONeil@WaterMatters.org

**Event Title:** Green Thumb Festival

**Date:** April 28–29, 2007

**Time:** Saturday, April 28 9 a.m.–4 p.m.  
Sunday, April 29 10 a.m.–3:30 p.m.

**Location:** Walter Fuller Park, 7891 26<sup>th</sup> Ave. N, St. Petersburg, FL

**Sponsoring Organization:** St. Petersburg Parks and Recreation

**Event Details:** This is a plant show and sale that includes children's activities and educational presentations for adults. The SWFWMD's Water Conservation Restroom Station will be on hand to promote Florida-friendly landscaping.

***District Contact Information***

**Name:** Melissa Roe

**Phone:** (352) 796-7211, ext. 4776

**Email:** Melissa.Roe@WaterMatters.org



**Governing Board Meeting  
March 27, 2007**

**General Counsel's Report**

***Consent Items***

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63. Consent Order – WUP No. 20009360.003 – Windstream Utilities Company - Marion County .....	7
64. Settlement Agreement – MSW No. 45010942.001 – SWFWMD v. David K. Smith – Circuit Court Case No. 04-1907-CA – Charlotte County .....	8
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68. Initiation of Litigation – WUP No. 20003341.003 – Schontag Parnell Ltd. and Edward S. Schontag, Jr. – Hardee County .....	13
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***Discussion Items*** – None

***Submit & File Reports*** – None

***Routine Reports***

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## General Counsel's Report March 27, 2007

### *Consent Item*

#### **Consent Order – Surface Water Activity -- Cattlemen Commerce Center, LLC (Cattlemen Commerce Center) – Sarasota County**

In January 2005, District staff conducted a pre-application meeting with Cattlemen Commerce Center, LLC (Owner) to discuss an Environmental Resource Permit (ERP) for a proposed commercial project on an approximately 35-acre parcel of property located in Sarasota County (the Property). The meeting included a comprehensive discussion about environmental issues, including wetlands located on the Property.

On April 19, 2005, Sarasota County Resource Protection staff contacted District staff regarding earthmoving activities and possible wetlands impacts on the Property. On April 28, 2005, District staff conducted a site inspection of the Property and observed dredging and filling activities resulting in impacts to a 3.17-acre forested wetland; filling of a north-south ditch on the Property; and clearing activities in the northern end of the ditch and in the northeast section of the Property. Additionally, no turbidity and erosion controls were in use. No ERP had been issued to authorize the construction of a surface water management system for the Property. Therefore, on June 3, 2005, District staff sent Owner a Notice of Unauthorized Construction advising it to obtain an ERP and cease construction immediately.

After some discussion between staff and Owner representatives, District staff sent Owner a Notice of Violation and proposed Consent Order on October 31, 2005. The proposed Consent Order required Owner to obtain an ERP and assessed penalties and costs of \$86,360 as follows:

- \$1,500 for potential water quality degradation within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$2,450 for potential water quantity impacts within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$32,100 for 3.26 acres of unauthorized wetlands impacts resulting in a functional loss of 1.07, multiplied by \$30,000 for forested wetlands;
- \$3,230 for clearing 3.23 acres of uplands assessed at \$1,000 per acre;
- \$2,900 for filling .58 acres of uplands assessed at \$5,000 per acre;
- \$42,180 representing a 100% upward adjustment on the base penalty for a willful violation, having commenced construction without a permit after having been advised of the requirements to obtain an ERP; and
- \$2,000 standard District enforcement costs.

On November 14, 2005, Owner rejected the proposed Consent Order and requested a meeting with District staff to discuss the matter. Owner expressed several fundamental objections to the proposed Consent Order, including the belief that the activities were exempt, the nature of the impacted wetlands system, and the propriety of the upward adjustment for willfulness. District staff reviewed Owner's objections and determined that they were without merit. On January 25, 2006 Owner applied for an ERP, and as part of the application submitted a wetland restoration and monitoring plan which was approved by District staff and implemented in March 2006.

## Item 60

On June 9, 2006, District staff sent Owner a letter regarding staff's intention to seek authorization from the District Governing Board to initiate litigation against Owner, as Owner had failed to respond to the District's proposed Consent Order. In response, on June 26, 2006, Owner submitted a counteroffer for consideration by District staff, proposing penalties and costs of \$12,650 as follows:

- \$1,500 for potential water quality degradation within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$2,450 for potential water quantity impacts within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$3,800 for 3.23 acres of unauthorized wetlands impacts resulting in a functional loss of .19 multiplied by \$20,000 for herbaceous wetlands;
- \$2,900 for filling .58 acres of uplands assessed at \$5,000 per acre; and
- \$2,000 in District enforcement costs.

District staff did not accept the counteroffer as it was based upon Owner's previously stated objections, which had been determined by staff to be unfounded. However, staff recalculated the wetlands impact assessments, calculating separate impacts for dredging and filling activities, accounting for time and restoration factors, and using updated survey acreage for the impacted wetland. On October 2, 2006, District staff submitted to Owner a revised Consent Order, proposing penalties and costs of \$33,614 as follows:

- \$1,500 for potential water quality degradation within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$2,450 for potential water quantity impacts within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$9,600 for 3.17 acres of unauthorized wetlands impacts resulting in a combined functional loss of .32 multiplied by \$30,000 for forested wetlands;
- \$1,615 for clearing 3.23 acres of uplands, assessed at \$500.00 per acre;
- \$2,900 for filling .58 acres of uplands, assessed at \$5,000.00 per acre;
- \$18,065 representing a 100% upward adjustment to the base penalty for a willful violation;
- a reduction in penalties and costs in the amount of \$4,516 representing a 25% adjustment to the base penalty for good faith efforts to comply (included for prompt implementation of the wetland restoration and monitoring plan); and
- \$2,000 in standard District enforcement costs.

Owner did not agree to the revised Consent Order and reasserted its original objections to the proposal. Additionally, it claimed that remediation activities which had already occurred on the property fully and significantly mitigated for any unauthorized impacts. District staff disagreed with Owner's claims. On February 9, 2007, Owner submitted a second settlement offer of \$17,975 in penalties and costs as follows:

- \$1,500 for potential water quality degradation within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$2,450 for potential water quantity impacts within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$3,800 for 3.23 acres of unauthorized wetlands impacts resulting in a functional loss of .19 multiplied by \$20,000 for herbaceous wetlands;
- \$2,900 for filling .58 acres of uplands assessed at \$5,000 per acre;
- \$5,325 representing a 50% upward adjustment to the base penalty for a willful violation; and
- \$2,000 in District enforcement costs.



## Item 60

District staff did not accept the proposed counteroffer, as it was essentially the same offer proposed by Owner in June 2006 and was based upon presumptions with which District staff disagrees. As a result, on February 12, 2007, District staff informed Owner of its intention to seek authorization from the District Governing Board to initiate litigation in this matter. On February 15, 2007, legal counsel for Owner contacted District staff by telephone and made an oral counteroffer of \$25,000. Staff reexamined the District's revised Consent Order, and determined that while a slight adjustment to the penalties for water quality and quantity degradation was warranted, all other aspects of the revised Consent Order were proper. Therefore, on February 19, 2007, District staff submitted a final Consent Order proposing penalties and costs of \$28,450 as follows:

- \$500 for potential water quality degradation within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$500 for potential water quantity impacts within the penalty matrix range of \$250 - \$2,499 for such violations;
- \$9,600 for 3.17 acres of unauthorized wetlands impacts resulting in a combined functional loss of .32 multiplied by \$30,000 for forested wetlands;
- \$1,615 for clearing 3.23 acres of uplands, assessed at \$500.00 per acre;
- \$2,900 for filling .58 acres of uplands, assessed at \$5,000.00 per acre;
- \$15,115 representing a 100% upward adjustment to the base penalty for a willful violation;
- a reduction in penalties and costs in the amount of \$3,780 representing a 25% adjustment to the base penalty for good faith efforts to comply (included for prompt implementation of the wetland restoration and monitoring plan); and
- \$2,000 in standard District enforcement costs.

On February 27, District staff received a signed Consent Order from Owner.

### Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Owner, Cattlemen Commerce Center, LLC, fails to comply with the Consent Order.

Presenter: Amy C. Duffey, Staff Attorney

## General Counsel's Report March 27, 2007

### *Consent Item*

#### **Consent Order – WUP No. 20009060.005 – Lemkco Florida, Inc. – Hernando County**

On June 29, 2005, the District issued Water Use Permit No. 20009060.005 (the Permit) to Lemkco Florida, Inc. (Permittee). The Permit authorizes withdrawals of 392,500 gallons per day (gpd) on an annual average basis and 878,000 gpd on a peak month basis for golf course, lawn and landscape irrigation for the Seven Hills Golfers Club in Spring Hill, Hernando County.

On December 12, 2005, District staff issued a Notice of Non-Compliance advising Permittee that the annual average quantity withdrawn for the 12-month period ending October 2005 was 434,462 gpd, approximately 11% in excess of the permitted quantity. Permittee responded by letter dated January 10, 2006, explaining that it had experienced a number of irrigation issues including breaks in one or more irrigation lines. District staff considered Permittee's correspondence and determined that the permitted quantity made sufficient allowance for occasional extraordinary events such as line breaks.

In an attempt to resolve this matter, on November 30, 2006, the District mailed a proposed Consent Order to Permittee calling for the payment of \$1,915.55 in penalties and costs, which included the following:

- \$1,665.55 for the overpumpage of permitted quantities pursuant to the overpumpage formula; and
- \$250.00 in District enforcement costs.

On March 1, 2007, the District received the signed Consent Order.

#### **Staff Recommendation:**

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Lemkco Florida, Inc. fails to comply with the Consent Order.

**Presenter:** Jack Pepper, Deputy General Counsel

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Consent Order – WUP No. 20007299.003 – LWV Utilities, Inc. – Hernando County**

LWV Utilities, Inc. (Permittee) holds Water Use Permit No. 20007299.003 which authorizes withdrawals of 55,000 gallons per day (gpd) on an annual average basis and 68,000 gpd on a peak month basis for public supply to an approximate 160 acre service area east of New Port Richey in Pasco County.

On July 5, 2005, District staff issued a Notice of Non-Compliance advising Permittee that the annual average quantity withdrawn for the 12-month period ending May 2005 was 62,011 gpd, approximately 13% in excess of the permitted quantity. Permittee responded by letter dated July 15, 2005, explaining that there had been a pipeline break and that it was having a meter tested. On December 28, 2005, the District issued a Second Notice of Non-Compliance advising Permittee that the annual average quantity withdrawn for the 12-month period ending October 2005 was 72,000 gpd, approximately 32% in excess of the permitted quantity. In addition, Permittee failed to report the quantities withdrawn in January, February and May 2006.

In an attempt to resolve this matter, on December 15, 2006, the District mailed a proposed Consent Order to Permittee calling for the payment of \$1,816.58 in penalties and costs, which includes the following:

- \$1,266.58 for the overpumpage of permitted quantities pursuant to the overpumpage formula;
- \$300.00 for the failure to submit 3 monthly pumpage reports; and
- \$250.00 in District enforcement costs.

The proposed Consent Order also requires Permittee to submit to the District a compliance plan demonstrating how compliance will be achieved within a certain timeframe.

By letter dated January 30, 2007, Permittee made a counter-offer in the total amount of \$550.00 for penalties and costs. District staff rejected the counter-offer based on the fact that Permittee has been exceeding its permitted quantity since February 2005. Subsequently, Permittee agreed to the District's proposed penalties and costs and on February 15, 2007, the District received the signed Consent Order.

**Staff Recommendation:**

Approve the proposed Consent Order and authorize the initiation of litigation in the event that LWV Utilities, Inc. fails to comply with the Consent Order.

**Presenter:** Jack Pepper, Deputy General Counsel

**General Counsel's Report  
March 27, 2007**

*Consent Item*

**Consent Order – WUP No. 20009360.003 – Windstream Utilities Company – Marion County**

Windstream Utilities Company (Permittee) holds Water Use Permit No. 20009360.003 which authorizes withdrawals of 633,000 gallons per day (gpd) on an annual average basis and 960,000 gpd on a peak month basis for public supply to a service area in Marion County known as Majestic Oaks Water System.

On July 6, 2006, District staff issued a Notice of Non-Compliance advising Permittee that the annual average quantity withdrawn for the 12-month period ending May 2006 was 714,197 gpd, approximately 13% in excess of the permitted quantity.

In an attempt to resolve this matter, on November 30, 2006, the District mailed a proposed Consent Order to Permittee calling for the payment of \$1,625.75 in penalties and costs, which includes the following:

- \$1,375.75 for the overpumpage of permitted quantities pursuant to the overpumpage formula; and
- \$250.00 in District enforcement costs.

The proposed Consent Order also requires Permittee to submit to the District a compliance plan demonstrating how compliance will be achieved within a certain timeframe.

On February 14, 2007, the District received a copy of the signed Consent Order.

**Staff Recommendation:**

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Windstream Utilities Company fails to comply with Consent Order.

**Presenter:** Jack Pepper, Deputy General Counsel

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Settlement Agreement – MSW No. 45010942.001 – SWFWMD v. David K. Smith – Circuit Court Case No. 04-1907-CA – Charlotte County**

On September 20, 1993, the District issued Management and Storage of Surface Water (MSW) Permit No. 45010942.000 (the .000 Permit) to David K. Smith (the Defendant). The .000 Permit authorized the construction of a surface water management system to serve a 12.11-acre mining project known as DKS Bermont Pit (the Project) located in central Charlotte County. The .000 Permit authorized impacts to 1.86 acres of herbaceous wetlands and required as mitigation therefor, the creation of two wetland mitigation areas totaling 2.79 acres. The .000 Permit required Defendant to complete all aspects of the wetland mitigation within 30 days of wetland impacts. The .000 Permit also required the submittal of a Statement of Completion and as-built drawings within 30 days of completion of the surface water management system.

In September 1999, District staff conducted a site inspection and observed that wetlands were impacted and mining activities were occurring at the property; however, the mitigation areas had not been completed. In December 1999, Defendant submitted a request to modify the .000 Permit to allow for an extension in which to complete the mitigation areas. On April 12, 2000, the District approved this modification and issued MSW No. 45010942.001 (the .001 Permit). The .001 Permit required that all aspects of the mitigation plan be complete by July 31, 2000. Subsequently, Defendant requested an extension until the end of September 2000 and District staff granted this request. In March 2001, District staff conducted a site inspection and observed that the mitigation areas still had not been completed.

In December 2001, District staff sent a Notice of Violation to Defendant. Thereafter, District staff observed that the mitigation areas had not been completed. District staff also noted that the side slopes of the pit had not been constructed in accordance with the .000 Permit in that they were steeper than the permitted graduated slope of 2:1 and 5:1.

In August 2004, District staff sent a proposed Consent Order to Defendant offering to resolve the matter for a total amount of \$52,000 in penalties and costs, as follows:

- \$44,000 for wetland impacts
- \$5,000 for moderate construction deviation in the range of \$2,500 - \$7,499 for failure to construct side slopes in accordance with the permit
- \$1,000 for failure to submit SOC and as-builts
- \$2,000 for District enforcement costs

The proposed Consent Order also required Defendant to complete the following corrective actions within certain timeframes: a) complete pit side slopes in accordance with the permitted plans or construct a fence around the pit in accordance with District rule; b) obtain an Environmental Resource Permit to provide mitigation for the impacted wetland; c) submit a Statement of Completion and as-built drawings; and d) submit a baseline wetland monitoring report.

Defendant did not agree to sign a Consent Order and the Governing Board authorized the initiation of litigation against Defendant at its September 2004 meeting. Subsequently, the District filed suit against the Defendant in Circuit Court.

## Item 64

Thereafter, District staff and Defendant engaged in settlement discussions. Defendant offered to complete all corrective actions necessary to mitigate for the wetland impacts and to bring the property into compliance; however, he indicated he was not willing to pay a penalty since the cost of these corrective actions were significantly higher than the penalty included in the Consent Order. He indicated that he intended to sell the property to a third party and would incorporate the corrective actions into the purchase and sale agreement. District staff responded that it would not agree to resolve the lawsuit without the payment of a penalty and Defendant must remain responsible for completing the corrective actions even if the property was sold. Additionally, District staff advised that all debris within the wetland and wetland buffer that had been observed by District staff on a site inspection must be removed.

In June 2005, Defendant agreed to remove the debris and offered an amount of \$2,500 to resolve the matter. District staff reconsidered the penalty initially proposed in the Consent Order and agreed to recommend to the Governing Board a total payment of \$6,000, \$4,000 for penalties and \$2,000 for costs. In arriving at this reduced penalty amount, District staff considered the facts that Defendant agreed to purchase mitigation bank credits at a cost of approximately \$100,000 in place of creating the mitigation areas required under the .000 Permit which results in a significantly lower wetland functional loss and penalty under the penalty matrix, and Defendant's efforts to complete all corrective actions on the property to the District's satisfaction.

Defendant agreed to the amount proposed by District staff but indicated that a Settlement Agreement could not be entered into until the permitting and other corrective action details were known since this information would need to be included in the purchase and sale agreement with the prospective purchasers.

In October 2005, District staff met with Defendant and the prospective purchasers to discuss the corrective action details. Throughout 2006 and early 2007, Defendant submitted various documents, including a topographic survey and draft as-built drawings, to District staff for review and comment. In March 2007, District staff provided final comments and identified the remaining as-built deviations.

Defendant agreed to incorporate the as-built deviations into the Settlement Agreement and the prospective purchasers agreed to become jointly obligated with Defendant for any defaults in the Settlement Agreement. The Settlement Agreement was revised accordingly and it is expected to be executed by Defendant and the prospective purchasers prior to the Governing Board meeting.

### Staff Recommendation:

Approve the proposed Settlement Agreement.

Presenter: Mary Beth McNeil, Senior Attorney

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Initiation of Litigation – MSSW Permit No. 489667.00 – Alan Ferguson (Alan Ferguson Photography Studio) – Sarasota County**

On November 6, 1991, the District issued Management of Surface Water Permit Number 489667.00 (the Permit) to Alan Ferguson (Owner). The Permit authorized the construction of a surface water management system (System) serving a commercial project on a parcel of property located at 1234 Second Street in Sarasota County.

Pursuant to Tracking Condition 3 of the Permit, a Statement of Inspection for Proper Operation and Maintenance (Statement of Inspection) must be submitted to the District certifying that the System continues to function as permitted two years after operation of the System is authorized and every two years thereafter. On October 7, 2005, submittal of a Statement of Inspection for the System became due. On July 11, 2005, September 9, 2005 and January 10, 2006, the District sent letters notifying Owner of the need to submit the overdue Statement of Inspection.

On August 15, 2006, District staff issued a Notice of Violation to Owner, again notifying Owner of the need to submit the overdue Statement of Inspection. Owner called staff in response to the Notice of Violation and requested an extension of time until September 28, 2006 to submit the Statement of Inspection. However, the Statement of Inspection was not submitted. Staff again tried to contact Owner, as well as his engineer of record, but no response has been received.

On January 23, 2007, District staff issued a proposed Consent Order to Owner for the above-described violation. The Consent Order assessed \$1,050 in penalties and costs as follows:

- \$250 for failure to submit the Statement of Inspection for a dry retention system; and
- \$800 in standard District enforcement costs.

To date, District staff has not received any response to the proposed Consent Order.

**Staff Recommendation:**

Authorize the initiation of litigation against Alan Ferguson and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for permit condition violation, and to recover District enforcement costs, court costs and attorney's fees.

**Presenter:** Carrie N. Felice, Attorney

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Initiation of Litigation – WUP No. 2011993.001 – Aniceto Estrada – Hardee County**

On December 21, 1999, the District issued Water Use Permit (WUP) No. 2011993.000 to Aniceto Estrada to authorize groundwater withdrawals of 232,100 gallons per day (gpd) on an annual average basis for the irrigation of 100 acres of row crops on property located in Hardee County. In January 2003, the District issued WUP No. 2011993.001 to reduce annual average withdrawals to 215,500 gpd and add certain conditions required by implementation of the Rules adopted for the Southern Water Use Caution Area, which included requirements for the metering and reporting of pumpage for all withdrawal quantities exceeding 100,000 gpd. Meter readings were initially submitted through November 2003 but stopped. Consequently, the District's Records and Data Division began sending computer-generated form letters concerning overdue meter reading reports.

In January 2004, District staff issued a Notice of Noncompliance concerning the failure to submit the required meter readings. No response was received. On July 6, 2006, District staff issued another Notice. A meter reading was received for the month of July 2006, but no further reports were submitted. A review of property records revealed that the property for which the WUP was issued was also owned by Mr. Aniceto's brothers Roberto and Salvador Aniceto. Therefore, on October 19, 2006, a proposed Consent Order was issued to the Aniceto brothers to obtain compliance and assess penalties and costs of \$1,250 as follows:

- \$1,000 – for nonsubmittal of meter reports for the months of August and September 2006 at \$500 per report; and
- \$250 – District costs for report nonsubmittals.

Mr. Aniceto Estrada contacted District staff in response to the Consent Order. District staff met with Mr. Estrada in November 2006 and have since modified the Permit to include all owners as permittees. Mr. Estrada offered to pay \$650 in resolution of the violations. A revised Consent Order was issued on January 8, 2007 which assessed penalties and costs of \$650 as follows:

- \$400 – for nonsubmittal of meter reports; and
- \$250 – District costs.

As of the preparation of this recap, Mr. Estrada has not returned a signed Consent Order or otherwise responded to the proposed revised Consent Order. Meter readings have been submitted through February 2007.

**Staff Recommendation:**

Authorize the initiation of litigation against Aniceto Estrada and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.

**Presenter:** Martha A. Moore, Senior Attorney



**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Initiation of Litigation – WUP No. 20004994.003 – James A. Messana – Hardee County**

On January 4, 2002, the District issued Water Use Permit (WUP) No. 20004994.002 to James A. Messana to authorize groundwater withdrawals of 159,200 gallons per day (gpd) on an annual average basis for the irrigation of 100 acres of row crops on property located in Hardee County. In December 2002, the District issued WUP No. 20004994.004 to reduce annual average withdrawals to 92,600 gpd and add certain conditions required by implementation of the Southern Water Use Caution Area Rules. Both Permits required submittal of monthly meter readings; however, no meter reading reports were ever submitted. The District's Records and Data Division sent computer-generated form letters to Mr. Messana concerning overdue meter reading reports which went unheeded.

In February 2006, District staff issued a Notice of Noncompliance concerning the failure to submit the required meter readings. No response was received. On June 8, 2006, another Notice was issued. A meter reading was received for the month of July 2006, but no further reports were submitted. In November 2006, District staff made telephone contact with Mr. Messana concerning the obligation to submit meter readings. In December 2006, a meter reading was submitted, but no further reports have been received. Consequently, on February 15, 2007, a proposed Consent Order was issued to obtain compliance and which assessed penalties and costs of \$1,250 as follows:

- \$1,000 – for nonsubmittal of meter reports for the months of December 2006 and January 2007 at \$500 per report; and
- \$250 – District costs for report nonsubmittals.

As of the preparation of this recap, Mr. Messana has not responded to the proposed Consent Order.

**Staff Recommendation:**

Authorize the initiation of litigation against James A. Messana and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.

**Presenter:** Martha A. Moore, Senior Attorney

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Initiation of Litigation – WUP No. 20003341.003 – Schontag Parnell Ltd. and Edward S. Schontag, Jr. – Hardee County**

On February 5, 2002, the District issued Water Use Permit (WUP) No. 20003341.002 to Schontag Parnell Ltd. and Edward S. Schontag, Jr. ("Permittees") to authorize groundwater withdrawals of 169,600 gallons per day (gpd) on an annual average basis for the irrigation of 95 acres of citrus on property located in Hardee County. In December 2002, the District issued WUP No. 20003341.003 to reduce annual average withdrawals to 109,600 gpd and add certain conditions required by implementation of the Southern Water Use Caution Area Rules, such as the requirement to submit monthly meter reading/pumpage reports. The permittees submitted regular meter reading/pumpage reports in 2003 and 2004, but stopped reporting as of March 2005. At the time of the last report, withdrawals were exceeding the permitted quantities by 105%. The District's Records and Data Division sent computer-generated form letters concerning the failure to submit the required reports, but no response was received.

In July 2006, District staff issued a Notice of Noncompliance concerning the failure to submit the required meter readings. No response was received. On January 19, 2007, a proposed Consent Order was issued to obtain compliance and to assess penalties and costs of \$2,750 as follows:

- \$2,500 – for nonsubmittal of meter reports for the months of August through December 2006 at \$500 per report; and
- \$250 – District costs for report nonsubmittals.

Following issuance of the proposed Consent Order, Mrs. Schontag telephoned District staff to advise that meter reading information was retained but not sent to the District, and that the acreage being irrigated had increased, which accounted for the increased pumpage. She advised that the reports would be gathered and submitted, and that application would be made to modify the Permit to increase withdrawal quantities for the additional irrigated acres. However, as of the preparation of this recap, no reports have been submitted, and no further contact has been made with District staff.

**Staff Recommendation:**

Authorize the initiation of litigation against Schontag Parnell Ltd. and Edward S. Schontag, Jr. and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.

**Presenter:** Martha A. Moore, Senior Attorney

**General Counsel's Report  
March 27, 2007**

***Consent Item***

**Initiation of Litigation – WUP No. 20000426.004 – Allapatah Cragg Groves Corporation – Polk County**

On April 7, 1993, the District issued Water Use Permit (WUP) No. 20000426.003 to authorize groundwater withdrawals of 198,000 gallons per day (gpd) on an annual average basis for the irrigation of 160 acres of citrus and cattle pasture on property located south of Bartow in Polk County. In December 2002, the District issued WUP No. 20000426.004 to reduce annual average withdrawals to 121,000 gpd for the irrigation of 130 acres of citrus and add certain conditions required by implementation of the Southern Water Use Caution Area Rules, such as a requirement to submit monthly reports of meter readings and pumpage. In March 2003, the Permit was transferred to Allapatah Cragg Groves Corporation ("Permittee"). The Permittee submitted meter reading/pumpage reports until July 2005, after which no further reports were submitted. Computer-generated form letters requesting submittal of reports were sent by the District's Records and Data Division, but the Permittee did not comply.

In July 2006, District staff issued a Notice of Noncompliance concerning the failure to submit the required meter readings. No response was received. On January 19, 2007, District staff issued a proposed Consent Order to obtain compliance and to assess penalties and costs of \$2,750 as follows:

- \$2,500 – for nonsubmittal of meter reports for the months of August through December 2006 at \$500 per report; and
- \$250 – District costs for report nonsubmittals.

As of the preparation of this recap, the Permittee has not submitted any meter reading reports and has not responded to the proposed Consent Order.

**Staff Recommendation:**

Authorize the initiation of litigation against Allapatah Cragg Groves Corporation and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.

**Presenter:** Martha A. Moore, Senior Attorney

**SUMMARY OF RECENT LITIGATION ACTIVITY**

**March 2007**

**ADMINISTRATIVE PROCEEDINGS**

<u>STYLE/CASE NO.</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
City of Lakeland v. SWFWMD/Case No. 07-0564	J. Ward/D. Graziano	Challenge to WUP (DOAH)	<b>DOAH Hearing set for June 18 – 22, June 25 – 27, and July 2 &amp; 3, 2007. Parties have exchanged public records requests and are providing documents in response. Preparations for hearing are on-going.</b>
SWFWMD v. Oak Ford Golf Club Owners Association, Inc.; Union Golf of Florida, Inc.; Brownsburg Golf Course, Inc.; David W. Swartz; Sherry Swartz and Richard D. Saba as Trustee of the Saba Trust	J. Ward	Complaint for Enforcement - ERP violations	<b>DOAH case abated until April 30, 2007 to enable parties to pursue settlement. Parties conducted site visit on February 26, 2007 in furtherance of settlement negotiations.</b>

**MISCELLANEOUS**

Crowley Museum and Nature Center, Inc. v. SWFWMD, et al./ Case No. 2002-CA-015283NC	J. Ward	Complaint for inverse condemnation, trespass, nuisance and negligence	<b>Hearing on SWFWMD's Motion to Dismiss Fourth Amended Complaint set for March 28, 2007.</b>
<b>Hewett, Carol v. SWFWMD, et al. Case No. 5:07-CV-57-OC-10GRS</b>	<b>J. Ward</b>	<b>Complaint for injunctive relief pursuant to Clean Water Act.</b>	<b>Ms. Hewett has filed suit against the Department of Environmental Protection and the District regarding activities undertaken by a third party adjacent to the Rainbow River. The complaint does not clearly state what the District was supposed to have done, but failed to do.</b>

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

March 2007

(Changes in status since last month are in boldface type)

**ADMINISTRATIVE PROCEEDINGS**

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/2007)</u>
Aloha Utilities, Inc. v. SWFMWD/ Case No. 06-2776	Division of Administrative Hearings/B. Canter	J. Ward	Formal Administrative Proceedings on objection to issuance of WUP 20003182.005	7/28/06 - Petition for Formal Administrative Hearing served. 8/2/06 - Initial Order entered. 8/23/06 - Notice of Hearing served (set for January 9 - 12, 2007). 11/21/06 - Stipulated Agreement to Continue served. 11/22/06 - Order Granting Continuance entered. 2/6/07 – Notice of Hearing served (set for May 14 – 17, 2007); Order of Pre-Hearing Instructions entered. <b>2/8/07 – Amended Notice of Hearing (as to location) served.</b>
CFE Materials, Inc. v. SWFMWD/Case No. 06-5019	Division of Administrative Hearings/T. K. Wetherell, II	M. Moore	Formal Administrative Proceedings on objection to issuance of WUP No. 2001298.001	12/4/06 – Request for Administrative Hearing served. 12/12/06 Initial Order entered. 12/27/06- Notice of Hearing for 4/2-4, 2007 served. 1/9/07 – Motion for Extension of Time (for parties to meet re: resolution) served. 1/10/07 – Order Granting Extension of Time entered. 1/19/07 – Joint Motion to Continue Final Hearing served. 1/24/07 – Order Granting Continuance and Re-Scheduling hearing to May 23 – May 25, 2007 entered. <b>2/26/07 – Amended Notice of Appearance for Petitioner served.</b>
In Re: Florida Power and Light Company Bobwhite-Manatee 230KV Transmission Line Project Transmission Line Siting Application No. TA07-14	DOAH Case No. 07- 0026	M. Moore	Whether the application of Florida Power and Light Company for the Bobwhite- Manatee 230 Kilovolt transmission line project should be certified under the State of Florida Transmission Line Siting Act	1/9/07 – DEP's Statement of Additional Agencies Entitled to Copies of the Application and Amendments served. DEP's Request for Assignment of Administrative Law Judge served. 1/10/07 – Initial Order entered. 1/16/07 – Motion to Intervene filed by Schroeder-Manatee Ranch, Inc. and Lake Club Investors LLC. DEP's Proposed Site Certification Application Schedule served. 1/17/07 – DEP's Response to the Initial Order served. DEP's Notice of Filing of Transmission Line Siting Application served. 1/18/07 – Notice of Substitution of Counsel for Manatee County and Notice of Appearance served. 1/19/07 – Statement of Counsel Regarding Motion to Intervene served. 1/23/07 – Notice of Hearing entered by DOAH. 1/23/07 – Order Establishing Site Certification Application Schedule entered. Notice of Appearance and Substitution of Counsel served by Sarasota County Attorney's Office. 1/24/07 – Statement of Counsel for Schroeder-Manatee Ranch filed, confirming that Motion to Intervene is Unopposed served. 1/26/07 – SWFMWD's Notice of Intent to be a Party served. 2/1/07 – SWFMWD's Request for Additional Information served. 2/2/07 – Preliminary Statement of Issues served by Sarasota County. <b>2/8/07 – Department of Transportations' Notice of Intent to be a Party served. Department of Environmental Protection's</b>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
				<p><b>Determination of Incompleteness served. 2/12/07 – Order of Pre-Hearing Instructions entered. 2/13/07 – Manatee County's Notice of Intent to Hold an Informational Public Meeting; Manatee County's Request to Have a Public Hearing in Manatee County; and Manatee County's Notice of Intent to be a Party served. 2/13/07 – Order Granting Motion to Intervene by Schroeder-Manatee, Ranch entered. 2/16/07 – Joint Stipulation and Motion for Alteration of Time Limit served by DEP; First Interrogatories and First Request to Produce served by Schroeder-Manatee Ranch on Florida Power &amp; Light. 2/21/07 – SWFWMD's Preliminary Statement of Issues served. 2/22/07 – Florida Power &amp; Light's Notice of Filing Completeness Response served. 2/22/07 – Florida Department of Environmental Protection and Florida Power &amp; Light's Amended Joint Stipulation and Motion for Alteration of Time Limit served. 2/26/07 – Florida Department of Transportations' Preliminary Statement of Issues received. 2/26/07 – Order Altering Time Limit entered.</b></p>
<p>Fryman, Russell J. as Co-Trustee of the Virginia B. Fryman Trust, and Virginia B. Fryman v. Sebring Retail Associates, LLC and SWFWMD Case No. 07-0110</p>	<p>Division of Administrative Hearings/J.L. Johnston</p>	<p>M. Moore</p>	<p>Formal Administrative Proceedings on objection to issuance of ERP No. 43030774.000</p>	<p>11/21/06 – Request for Administrative Hearing served. 12/27/06 – Order of Dismissal With Prejudice (dismissing Russell Fryman in his individual capacity) entered. 1/4/07 – Second Amended Verified Petition for Formal Administrative Proceedings served. 1/10/07 – Initial Order entered. 1/24/07 – Motion to Dismiss, Motion to Expedite Proceedings and Motion for Case Management Conference served by Applicant/Respondent. 1/30/07 – Respondent's Notice of Hearing on all Pending Motions as of January 26, 2007 served. 1/31/07 – Petitioners' Response to the Motion to Dismiss, Motion to Expedite Proceedings, Motion for Case Management Conference filed by Respondent, Sebring Retail Associates, LLC and Motion for Substitution of Parties or in the Alternative, Motion for Abatement of Action served. 2/5/07 – Respondent's Response to Petitioner's Motion for Substitution of Parties or in the Alternative, Motion for Abatement of Action served. 2/6/07 – Order on Pending Motions entered. 2/8/07 – Notice of Hearing for Final Hearing scheduled for May 16-18, 2007, and Order of Pre-Hearing Instructions entered. <b>2/13/07 – Respondent's Amended Notice of Taking Deposition served. 2/21/07 – Resolution session held; no resolution reached. 2/23/07 – all parties filed Witness Lists. 2/26/07 – Notice of Taking Deposition Duces Tecum of Dylan Larson and C. Matthew Jones served. 2/27/07 – Petitioner Fryman Trust's Verified Answers to Respondent's Interrogatories; Petitioner Virginia Fryman's Motion for Extension of Time to Respond to Respondents' Discovery Requests served.</b></p>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Fryman, Russell J. as Co-Trustee of the Virginia B. Fryman Trust and Virginia Fryman v. SWFWMD and Highlands County Board of County Commissioners Case No. 07-0465	Division of Administrative Hearings/J.L. Johnston	M. Moore	Formal Administrative Proceedings on objection to issuance of ERP No. 44027361.002	<b>2/28/07 - Petitioner's Responses to SWFWMD's Request for Production of Documents; Answers to Interrogatories; Petitioner's Motion for Substitution of Parties; and Petitioner's Responses to Respondent's Request for Production of Documents served. 3/2/07 – Respondent's Objection to Petitioner's Motion for Extension of Time to Serve Discovery Responses served. 3/2/07 – Order Granting Substitution of Parties entered.</b>  11/28/06 – Request for Administrative Hearing served. 1/3/07 – Order of Dismissal With Prejudice (dismissing Russell Fryman in his individual capacity) and Notice of Entry of Final Order entered. 1/17/06 – Second Amended Verified Petition for Formal Administrative Proceedings served. 1/26/07 – Initial Order entered. <b>2/19/07 Amended Response to Initial Order served. 2/21/07 – Notice of Hearing set for June 20 and 21, 2007 served. 3/5/07 –Resolution Session held; no resolution reached.</b>
City of Lakeland v. SWFWMD/Case No. 07-0564	Division of Administrative Hearings/T.K. Wetherell, II	J. Ward/D. Graziano	Formal Administrative Proceedings on City of Lakeland's objection to conditions of WUP No. 20004912.006	1/22/07 – City of Lakeland, Florida's Petition for Formal Administrative Proceedings served. 2/1/07 – Initial Order entered. <b>2/9/07 – Joint Response to Initial Order served. 2/15/07 – Notice of Hearing (set for June 18 – 22, June 25 – 27, and July 2 &amp; 3, 2007) served; Order of Pre-Hearing Instructions entered. 3/2/07 – SWFWMD's First Set of Interrogatories and Request for Production to Petitioner served.</b>
SWFWMD v. Oak Ford Golf Club Owners Association, Inc.; Union Golf of Florida, Inc.; Brownsburg Golf Course, Inc.; David W. Swartz; Sherry Swartz and Richard D. Saba as Trustee of the Saba Trust	DOAH Consolidated Case Nos. 07-183 and 07-469/T.K. Wetherell, II	J. Ward	Formal Administrative Proceedings regarding Administrative complaint and Order for ERP violations	11/17/06 – ACO served on Saba; ACO served on Registered Agent for Brownsburg Golf Course, Inc. 11/29/06 – ACO served on David W. and Sherry Swartz. 12/6/06 – ACO served on Registered Agent for Union Golf of Florida, Inc. 12/11/06 – ACO served on Registered Agent for Oak Ford Golf Club Owners Association. 12/26/06 – Respondent Oak Ford Golf Club Owners Association, Inc.'s Petition Requesting an Administrative Hearing filed. 1/5/07 – (Brownsburg's & Swartzs') Petition for Formal Hearing filed. 1/8/07 – (Union Golf's) Petition for Administrative Hearing to Challenge the Administrative Order Issued by the Southwest Florida Water Management District filed. 1/11/07 – (Oak Ford's) Amended Petition for Formal Hearing served. 1/12/07 – Initial Order entered. 1/31/07 – Notice of Hearing served; Order of Pre-Hearing Instructions entered. 2/2/07 – Order of Consolidation entered. <b>2/8/07 - Notice of Service of Petitioners Brownsburg Golf Course, Inc. and David and Sherry Swartz' First Interrogatories to SWFWMD – Case Nos. 07-183 and 07-469 served; Petitioners Brownsburg Golf</b>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
				<p><b>Course, Inc., and David and Sherry Swartz's First Request for Production to SWFWMD served; Petitioners' Motion to Expedite Discovery served; Petitioners, Brownsburg Golf Course, Inc. and David and Sherry Swartz's Request for Admissions served. 2/9/07 - Respondent's Unopposed Motion for Leave to Modify Pre-Hearing Deadline served; (Union Golf's) Amended Affirmative Defenses served. 2/12/07 - SWFWMD's Response to Petitioners' Motion to Expedite Discovery served. Order Granting Extension of Time (extending date to 2/26/07 to hold resolution session) entered. 2/13/07 - Order Denying Motion to Expedite Discovery entered. 2/15/07 - Petitioner Oak Ford Golf Club Owners Association, Inc.'s Request for Admissions to Respondent SWFWMD served; Petitioner Oak Ford Golf Club Owners Association, Inc.'s First Request to Produce to Respondent SWFWMD served; Notice of Service of Petitioner Oak Ford Golf Club Owners Association, Inc.'s First Interrogatories to Respondent SWFWMD (w/Interrogatories) served. 2/21/07 - (SWFWMD's) Notice(s) of Taking Deposition of Brownsburg corporate rep and David &amp; Sherry Swartz; of Richard Takahashi, individually &amp; as Union Golf corporate rep and Susan Hentz, individually &amp; as Union Golf corporate rep; and Oak Ford corporate rep served. 2/21/07 - Respondent's Witness List; Brownsburg Golf Course, Inc. and David &amp; Sherry Swartz Witness Disclosure List; Brownsburg Golf Course, Inc. and David and Sherry Swartz' Witness Disclosure List; Oak Ford Golf Club Owners Association, Inc.'s Witness Disclosure List served. 2/27/07 - Joint Motion to Abate Proceeding served; Order Canceling Hearing and Placing Case in Abeyance entered. 3/1/07 - Order No. SWF 07-20 (entered against Richard D. Saba as Trustee of the Saba Trust only) entered.</b></p>
Sylvan Lea, Inc. v. SWFWMD/Case No. 03-0813	Division of Administrative Hearings/C. Stampelos	M. McNeil/J. Ward	Formal Administrative Proceedings on objection to the District requiring an ERP.	<p>2/24/03 – Petition for Formal Administrative Hearing filed. 12/22/04 - SWFWMD's Motion for Recommended Summary Final Order served. 12/27/04 - ALJ's Order (treating District's above Motion as a motion to relinquish jurisdiction) entered. 1/11/05 - Joint Motion for Continuance filed. 1/12/05 - Order Granting Continuance and Re-Scheduling Hearing entered (hearing set for 5/3 - 5/5/05). 2/18/05 – Order denying Respondent's Motion for Recommended Summary Final Order (without prejudice) entered. 4/1/05 - Order Canceling Hearing and Placing Case in Abeyance entered. 3/30/06 - Petitioner's Motion to Consolidate and Set Administrative</p>



<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Renna, Edward v. SWFWMD/Case No. 06-4114	Division of Administrative Hearings/D. Alexander	M. Moore	Formal Administrative Proceedings regarding Administrative Complaint and Order for Construction without ERP	Hearing served. 4/25/06 - Agreed Motion to Unabate served. 5/12/06 - Notice of Hearing served (scheduled for 9/12 - 14/06). 8/11/06 - Agreed Motion to Continue the Administrative Hearing served. 8/15/06 - Order Granting Continuance and Placing Case in Abeyance entered. 9/26/06 - Notice of Hearing entered (set for December 6 & 7, 2006). 10/31/06 - Joint Motion for Continuance served. 11/9/06 - Order Granting Continuance and Placing Case in Abeyance (status report due 2/2/07) entered. 2/5/07 - Order Continuing Case in Abeyance entered. <b>2/27/07 - Settlement Agreement entered into between the parties and approved by the Governing Board.</b>  6/23/06 - Petition for Formal Hearing received from Respondent. 10/20/06 - Initial Order entered. 11/2/06 - Notice of Hearing; Order of Pre-Hearing Instructions served. Hearing set for 12/13 - 14/06. 12/8/06 - Renna's Motion for Leave to Amend and Withdraw Admissions served. 12/11/06 - SWFWMD's Response to Edward Renna's Motion for Leave to Amend/Withdraw Admissions and SWFWMD's Motion to Continue served; Order Granting Continuance entered. 1/5/07 - Notice of Hearing served. Final Hearing scheduled for 4/16 - 4/17/07. <b>Mediation held on 3/7/07.</b>

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**DELEGATED ADMINISTRATIVE HEARING MATTERS**

Lindrick Service Corporation v. SWFWMD		N. Spirtos	Request for Administrative Hearing regarding WUP No. 20002978.010	11/23/05 - Petition/Request for Administrative Hearing received. 12/7/05 - Request from Petitioner/Permittee to not forward Petition to DOAH pending further discussions with District staff.
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**ENFORCEMENT CASES**

(Including Administrative Complaints)

SWFWMD v. Aloha Utilities, Inc./Case No. 51-2002-CA-2549 WS, Section G	6 <sup>th</sup> Judicial Circuit, Pasco County/S. Mills	J. Ward	Complaint and Petition to Enforce Consent Order and pursue new WUP violations	Complaint filed 9/23/02. 4/2/03 - Defendant's Stipulated Motion to File First Amended Answer, Affirmative Defenses and Counterclaim served. 4/8/03 - Ordered and Adjudged that Defendant's First Amended Answer, Affirmative Defenses and Counterclaim shall be accepted and considered filed, and Plaintiff shall respond to Defendant's First Amended Answer, Affirmative Defenses and Counterclaim entered. 4/16/03 - SWFWMD's Reply to Affirmative Defenses, and Answer and Affirmative Defense to Counterclaim served. 7/13/04 - Joint Stipulation to Stay Action served. 7/14/04 - Order Approving Joint Stipulation to Stay Action entered.
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<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
SWFWMD v. Michael E. Brown and Arlene A. Brown		M. Moore	Administrative Complaint and Order for Construction without ERP	8/16/05 – Administrative Complaint and Order served. 8/26/05 – Objection to ACO and request to hold in abeyance received. 10/6/05 – Objection on hold pending additional site investigation and negotiation. 11/9/05 – Site investigation conducted; Staff reviewing counter-proposal. 8/14/2006 – Proposed revised Consent Order served. 8/28/2006 – Response to revised Consent Order served. 10/3/2006 – Order of Dismissal Without Prejudice served. 10/27/06 – Motion for Extension of Time to file Amended Petition served. 10/30/06 – Order Granting Extension of Time to 12/1/06 entered. 12/4/06 – Letter received from Michael Brown with new monetary settlement offer. 12/20/06 – Letter to Michael and Arlene Brown regarding settlement offer. 1/9/07 – Order of Dismissal with Prejudice entered; Notice of Final Agency Action entered. <b>2/15/07 – Administrative Complaint and Ordered entered.</b>
Governing Board of the St. Johns River Water Management District v. Vista Park Development, Inc./Case No. GCG-01-444-08	10th Judicial Circuit, Polk County/M. McCarthy	M. Moore	Complaint and Petition for Enforcement for Construction of Subdivision without ERP	Complaint filed by SJRWMD 1/22/01. Motion to Substitute SWFWMD as Plaintiff filed by SJRWMD 6/12/03. Order substituting SWFWMD as Plaintiff entered 3/9/04. Supplement to Complaint filed 3/9/04. 4/4/04 - Answer filed. 8/24/04 – Settlement Agreement approved by Governing Board. 9/21/04 – Consent Final Judgment entered. 1/24/05 - Plaintiff's Motion for Contempt and Notice of Hearing served. Scheduled for 2/2/05. 2/2/05 - Order Adjudging Defendant in Contempt entered. 3/21/05 - (Carlos Goffi's) Motion to Intervene served. 4/6/05 - Order of Transfer and Reassignment entered. 4/11/05 - Notice of Hearing (on Motion to Intervene) served. Hearing set for 5/11/05. 4/15/05 - Notice of Filing (providing notice to shareholders of entry of Order of Appointment of Receiver Pendente Lite) served. 5/11/05 Hearing on Carlos Goffi's Motion to Intervene. Payment of \$6,229.22 received from Vista Park Receiver. Order of denial on Intervention Motion issued 5/26/05. 8/26/05 – Motion to Intervene filed by Joao Emilio Perrella. 8/31/05 – Hearing on Motion to Intervene held. 9/22/05 – Order denying Motion to Intervene entered. 5/11/06 – ERP Application received, which seeks to address pending compliance issues involving Vista Park Phase II. 8/28/06 – Notice demanding payment of \$10,000 contempt penalty sent. 8/31/06 – Contempt penalty of \$10,000 received. ERP addressing compliance matters issued to JB Development of Davenport, Inc. on 10/12/06.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
SWFWMD v. Carl Douglas, Jr./Case No. 252005CA000338	10th Judicial Circuit, Hardee County/R. Doyel	M. Moore	Complaint and Petition for Enforcement of Consent Order	6/16/05 - Complaint filed. 6/28/05 - Complaint served. 9/1/05 – Motion for Default filed. 9/2/05 – Default entered. 2/22/06 – District's Motion for Default Final Judgment, Proposed Default Final Judgment and Notice of Hearing served. 4/5/06 – Hearing on Motion for Default Final Judgment held; motion granted. Defendant ordered to complete and submit Financial Statement in 45 days, Judgment of \$4,125 entered. Payments being made.
Derek Welling v. Vista Park Development, Inc., Vista Park Management, Inc., and Vista Park Homes, Inc. v. SWFWMD v. Carlos Goffi/Case No. 2005-CA-000515	10th Judicial Circuit, Polk County/R. Doyel	M. Moore	Complaint for Dissolution of the named corporate defendants	2/28/05 - Motion to Intervene by SWFWMD served. 3/1/05 - Notice of Hearing (set for 3/2/05) served. 3/2/05 - Order Granting Motion to Intervene by SWFWMD entered. 3/7/05 - Order Appointing Receiver Pendente Lite entered. 3/18/05 – Motion to Intervene by Carlos Goffi served. 4/1/05 - (Intervenor Goffi's) Notice of Appeal of a Non-Final Order served (appealing the Order Appointing Receiver Pendente Lite entered 3/7/05). 4/11/05 - Notice of Hearing (on Motion to Intervene) served. 4/15/05 - Notice of Filing (providing notice to shareholders of entry of Order of Appointment of Receiver Pendente Lite) served. 8/26/05 - Motion to Intervene filed by Joao Emilio Perrella. 8/31/05 – Hearing on Motion to Intervene held. 9/22/05 – Orders granting Motions to Intervene entered. 5/19/06 – Plaintiff Derek Welling's Motion for Approval of Payment by Receiver, Notice of Hearing and Notice of Filing Affidavits of Allison Edwards and Derek Welling served. 6/1/06 – (Intervenor Perrella's) Motion to Strike Affidavit of Derek Welling or, in the Alternative, Motion in Opposition to Motion for Approval of Payment by Receiver served. 6/23/06 Order granting Motion for Approval of Payment by Receiver entered. 8/17/06 – Motion for Approval of Payment to Creditor served. 8/23/06 – Notice of Filing Settlement Agreement served. 8/24/06 – Notice Withdrawing Motion for Approval of Payment to Creditor served. 8/25/06 – Notice of Cancellation of Hearings served. 8/29/06 – Order Approving Payment to Creditor entered.
SWFWMD v. Lake Erie Corporation/ Case No. 04CA1239	5th Judicial Circuit, Lake County/W. G. Law	J. Ward	Complaint and Petition for Enforcement of Consent Order for ERP violations	Complaint filed 4/2/04, served 4/19/04. Extension of time to file answer granted until 6/21/04. 6/21/04 - Answer served. 9/14/04 - District's discovery requests served on Defendant. 9/28/04 - Joint Stipulation for Withdrawal of Attorney for Defendant served. 6/24/05 - District's Motion for Summary Judgment served. 11/4/05 - Order for Partial Summary judgment entered (deeming Requests for Admissions to Defendant admitted). 7/12/06 - Deposition of corporate representative.
SWFWMD v. John Belcher/Case No. 06-4467CI-8	6 <sup>th</sup> Judicial Circuit, Pinellas County/F. Quesada	A. Vining	Complaint and Petition for Enforcement of Administrative Complaint and Order	7/6/06 - Summons and Complaint served on Defendant. 10/27/06 – Motion for Default by the Court, and Notice of Hearing served. 11/6/06 – Hearing on Motion for Default. 11/7/06 – Notice of Filing of ACO and return of service served. Proposed Order Denying Motion for Default served. 11/13/06 – Order Denying Motion for Default by the Court entered.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
				Defendant given 10 days to file Answer to Plaintiff's Complaint and Petition for Enforcement. 11/15/06 – Answer served. 12/11/06 – Plaintiff's Motion to Strike Defendant's Affirmative Defenses; Plaintiff's Reply to Defendant's Second Affirmative Defense; and Notice of Hearing served. Hearing held on 1/2/07. 1/17/07 – Order on Plaintiff's Motion to Strike Defendant's Affirmative Defenses entered.
SWFWMD v. Polk Properties, Inc., et al./Case No. G99-1779-08	10th Judicial Circuit, Polk County/C. Moore	M. Moore	Suit to enforce Consent Order	Complaint filed 5/27/99. Cone Constructors Inc. filed for bankruptcy 6/9/00. 4/3/01 – District filed Proof of Claim for \$443,240 with Bankruptcy Court. Final Judgment entered against Polk Properties, Inc., for \$547,859 on 6/15/01. Bankruptcy still open.
SWFWMD v. Alan J. Rieder and Cynthia F. Rieder/Case No. 2005CA-001184-0000	10th Judicial Circuit, Polk County/D. Maloney	M. Moore	Complaint and Petition for Enforcement to enforce Administrative Complaint and Order No. 05-09	3/23/05 – Complaint and Petition for Enforcement filed. 6/8/05 - Mediation held. 6/28/05 - Mediation Settlement Agreement approved by Governing Board. 6/28/05 – Proposed Consent Final Judgment incorporating Settlement Agreement sent for execution. 9/27/05 – Third payment received pursuant to Settlement Agreement. 10/19/05 – Payment received. 11/15/05 – Payment received. 2/24/06 – Request for six month's extension for commencement of specific terms of the agreement served. 3/6/06 – Response denying request for extension. 4/20/06 – Payment received. 5/26/06 - Motion to Enforce Settlement Agreement filed and hearing set for 7/6/06. 7/7/06 – Order Approving and Enforcing Mediation Agreement entered. 10/6/06 – Motion for Contempt and Notice of Hearing filed. 10/30/06 – Order Adjudging Defendants in Contempt served, setting 1/1/07 as compliance date or daily penalty of \$250 thereafter. 11/13/06 – Order Adjudging Defendants in Contempt entered. Compliance with Contempt Order being monitored.
SWFWMD v. David K. Smith/Case No. 04-1907-CA	20th Judicial Circuit, Charlotte County/I. Anderson, Jr.	M. McNeil	Complaint for MSSW permit violations	9/29/04 - Complaint filed; Summons issued. 10/22/04 - Notice of Lis Pendens served. 4/6/06 – Survey received from Defendant; proposed Settlement Agreement drafted. 5/10/06 – District requested additional information to be included in survey. 8/20/06 – Proposed as-built drawings and Statement of Completion received from Defendant. 10/11/06 – District staff advised Defendant of deviations in proposed as-built drawings. The parties are in the process of finalizing a settlement agreement.
SWFWMD v. Danny J. Suggs, et al./Case No. 2003-CA-000724	5 <sup>th</sup> Judicial Circuit, Sumter County/J. Booth	D. Graziano/J. Pepper	Complaint enforcing Final Order No. SWF 03-050	Complaint filed 7/7/03. 10/20/03 – Defendant Danny J. Suggs' Answer. 10/22/03 – Defendant Joann Suggs-Krueger's Answer served. 10/23/03 – Defendant Joann Suggs-Krueger's Amended Answer served. 10/24/03 – Gary D. Suggs', Joseph M. Krueger's, Harold W. Steed's and Lisa Steed's Answer served. 3/2/04 – Order Granting Plaintiff's Motion for Temporary Injunction entered. 5/11/04 – Order denying Defendants' Motion for Stay/Motion to Modify Injunction entered. 6/11/04 – Order

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
24 SWFWMD v. Tomko Development, Inc. and Built To The T, Inc./Case No. 05-4689, Division F	13th Judicial Circuit, Hillsborough County/Judge Nielson	J. Ward	Complaint to enjoin defendant to complete activities required by ERP Nos. 4419967.000, .001	Granting Attorney's Fees (for motion to compel inspection of land) entered. 7/12/04 – Order Granting Attorney's Fees (for motion to compel production of documents) entered. 12/13/04 – District's Motion for Contempt served. 4/25/05 – Order Adjudging Defendants in Contempt entered. 8/3/05 – Motion for Summary Judgment served. 8/31/05 – Order denying Plaintiff's Motion for Partial Summary Judgment entered. 5/18/06 – Order Granting Defendants' Amended Motion for Judicial Inspection, Order on Defendants' Amended Motion for Evaluation of Defendants' Proposed Activity, and Order on Defendants' Motion to Modify Injunction entered. 6/9/06 – Order Scheduling Case Management Conference (scheduled for 7/18/06); Order Scheduling Judicial Inspection (scheduled for 10/11/06) entered. 7/28/06 – Order granting Plaintiff's Motion to Add Parties, etc. entered. 8/1/06 – Order on Motion to Modify Injunction After Considering the Party's Memoranda entered. 8/28/06 – Answer of new defendants served. 8/29/06 – Notice of Appeal of a Non-Final Order served. 9/12/06 – Order of Cancellation of Judicial Inspection entered. 9/18/06 – Plaintiff's Reply to New Defendants' Affirmative Defenses served. <b>2/13/07 – Order Granting Amended Motion for Protective Order entered. 2/22/07 – Notice of Service of Defendants' Answers to Interrogatories served. 2/23/07 – Defendants' Response to Plaintiff's Request for Production served.</b> (See Appeals)  5/31/05 - Complaint filed. 6/30/05 - Answer served. 7/20/05 - Plaintiff's Reply to Tomko Development's Affirmative Defenses; 10/25/05 - Order entered granting District's Motion to Strike Affirmative Defenses. 3/2/06 - Plaintiff's Motion to Amend Complaint served. 7/13/06 - Order (granting Motion to Amend Complaint) entered. 8/2/06 - Defendant's Motion to Dismiss Count III of Amended Complaint served. 11/10/06 - Built To The T served. 12/29/06 – Motion for Entry of Default Judgment, or in the Alternative, Motion to Strike Response of Defendant Built To The T, Inc. served. 1/4/07 – Notice of Hearing (set for 2/6/07) on previous Motion served. 1/23/07 – Defendant Built To The T, Inc.'s Answer and Affirmative Defenses to Amended Complaint served. 1/30/07 – Notice of Cancellation of Hearing served. <b>2/16/07 – Amended notice of Taking Deposition Duces Tecum (of corporate rep of Tomko set for 3/7/07) served. 2/20/07 – Notice of Taking Deposition Duces Tecum (of corporate rep of Built To The T, Inc. set for 3/28/07) served.</b>
SWFWMD v. Trimar Southeast Developments, Inc./Case No. 512003CA- 3209ES, Section Y	6th Judicial Circuit, Pasco County/W. Cobb	J. Ward	Complaint and Petition for Enforcement of Consent Order for ERP violations	Complaint filed 11/5/03. Answer served 3/11/04. 8/7/06 – Order granting Motion to Withdraw; and Order granting Third Motion for Extension of Time to Respond to Discovery entered. <b>2/27/07 – Documents responsive to Request for Production to Trimar Southeast Developments served.</b>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
	<b><u>MISCELLANEOUS</u></b>			
Crowley Museum and Nature Center, Inc. v. SWFWMD, et al./Case No. 2002-CA-015283NC	12th Judicial Circuit, Sarasota County/B. A. Titus	J. Ward	Complaint for inverse condemnation, trespass, nuisance and negligence	10/16/06 - Plaintiff's Motion to Amend Complaint (to serve Fourth Amended Complaint for Inverse Condemnation, Trespass, Nuisance and Negligence) served. 11/1/06 - Plaintiff's Revised Motion for Leave to Amend Complaint served. 11/21/06 - Order Granting Leave to Amend the Complaint entered. 12/11/06 - SWFWMD & SWFWMD Governing Board's Motion to Dismiss Fourth Amended Complaint served. 1/24/07 - Defendant SWFWMD's Amended Motion to Dismiss, Motion to Strike, Motion for a More Definite Statement, and Supporting Memorandum of Law served. 1/31/07 - (SWFWMD's) Objection to Referral of Motion to Dismiss Hearing to Magistrate served. <b>2/1/07 - Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Christine Moore's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Margaret Mary Barons' Answer to the Fourth Amended Complaint; Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Margaret Mary Barons' Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Thomas Schrader's Answer to the Fourth Amended Complaint; Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Thomas Schrader's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendants Sandy Branch, Grainger Farms, and Grainger's Answer to the Fourth Amended Complaint; Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendants Sandy Branch, Grainger Farms, and Grainger's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant McClure Properties Ltd.'s Answer to the Fourth Amended Complaint; Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant McClure Properties Ltd.'s Answer to the Fourth Amended Complaint served. 2/8/07 - Grainger Farms' Response and Objection to Nature Center's Request to Enter and Inspect Land; Sandy Branch's Response and Objection to Nature Center's Request to Enter and Inspect Land; McClure Properties, Ltd.'s Response and Objection to Nature Center's Request to Enter and Inspect Land; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses</b>

STYLE/CASE NO.

COURT/JUDGE

ATTORNEY

DESCRIPTION

STATUS (current as of 3/8/07)

**Raised in Defendant Handcart Citrus & Cattle, Inc.'s Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Handcart Citrus & Cattle, Inc.'s Answer to the Fourth Amended Complaint; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Harry Cortese's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Harry Cortese's Answer to the Fourth Amended Complaint; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Theodore Schrader's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Theodore Schrader's Answer to the Fourth Amended Complaint; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Michael Cortese's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Maxine Cortese's Answer to the Fourth Amended Complaint; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Maxine Cortese's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Michael Cortese's Answer to the Fourth Amended Complaint; (Crowley's) Motion to Strike, or in the Alternative, Motion for a More Definite Statement as to the Affirmative Defenses Raised in Defendant Terrence Schrader's Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant Terrence Schrader's Answer to the Fourth Amended Complaint served. 2/09/07 - Order of Referral to Magistrate entered. 2/14/07 - (Thomas Falkner's) Response to Plaintiff's Request to Enter and Inspect Land served. 2/16/07 - Objection to Referral of SWFWMD's Motion to Dismiss to Magistrate served. 2/20/07 - Amended Notice of Appearance (Scott Hamilton as co-counsel for James R. Grainger, II and Grainger Farms) served. 2/21/07 - Notice of Cancellation of Hearing (set for 2/27/07) served. 2/27/07 - Notice of Cancellation of Hearing (set for 3/6/07) served. 3/1/07 - (Crowley's) Objection to Referral of All Motion to Directed to the Pleadings to Magistrate served. 3/2/07 - Notice of Hearing (on our Amended Motion to Dismiss, motion to Strike, Motion for More Definite Statement and Supporting Memo of Law (set for 3/28/07) and Case Management; (Crowley's) Motion to Strike or in the Alternative Motion for More Definite Statement as to the Affirmative Defenses Raised in Defendants John Falkner, Stephen Cerven, AJF**

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Ham, Lance H. and Norma G. Ham v. City of Plant City, Hillsborough County and SWFWMD/Case No. 05-CA-9419 R	Hillsborough County Circuit Court/C. Isom	E. Kohlmyer/J. Ward	Suit for damages and injunctive relief alleging inverse condemnation	<b>Farms, Inc., CFL Farms, Inc., TAF Farms, Inc. and Classie Growers' Amended Answer to the Fourth Amended Complaint; Plaintiff's Reply to Defendant, John Falkner, Stephen Cerven, AJF Farms, Inc., CLF Farms, Inc, TAF Farms, Inc. and Classie Growers' Amended Answer to the Fourth Amended Complaint served.</b>  11/10/05 – Summons and Complaint served. 11/21/05 – Plant City's Motion to Dismiss for Failure to State a Cause of Action served. 12/13/05 – SWFWMD's Motion to Dismiss and/or Motion to Abate and/or Motion for a More Definite Statement'; and Plaintiffs' Amended Complaint served. 1/3/06 – Hillsborough County's Motion to Dismiss Counts II and III of Plaintiffs' Amended Complaint served. 1/10/06 – Defendant, SWFWMD's Answer and Affirmative Defenses to Plaintiff's Amended Complaint served. 1/17/06 – Defendant Plant City's Answer and Affirmative Defenses to Amended Complaint served. <b>2/14/07 – Amended Notice of Taking Plaintiffs' Video Taped Depositions (Lance &amp; Norma Ham set for 4/30/07; Audie Ham set for 5/1/07 and Lancayle Ham set for 6/1/07) served.</b>
27 Hewett, Carol v. SWFWMD, et al. Case No. 5:07-CV-57-OC-10GRS	U.S. District Court, Middle District of Florida, Ocala/Wm. Terrell Hodges, Sr. District Judge and Gary R. Jones, Magistrate Judge	J. Ward	<b>Suit for injunctive relief to compel SWFWMD and DEP to conduct investigations into activities of the Rainbow River Ranch, LLC, and to enforce state laws and regulations</b>	<b>2/26/07 – Summons and complaint received via certified mail.</b>
Marcia Mudd, Donald Ahern and Rita Ahern v. City of Lake Wales, DEP and SWFWMD/Case No. 2006CA-001537-0000	10 <sup>th</sup> Circuit, Polk County/J. Michael Hunter	J. Ward	Suit for injunctive relief	10/11/06 – First Amended Motion for Temporary Injunction served. 10/23/06 - Answer and Affirmative Defenses of the Defendant, City of Lake Wales, to the Plaintiffs' First Amended Complaint for Injunction served; Reply of the Defendant, City of Lake Wales, to the Plaintiffs' First Amended Motion for Temporary Injunction served. 10/30/06 - SWFWMD's Motion to Dismiss First Amended Complaint served. 11/3/06 - DEP's Response to First Amended Motion for Temporary Injunction served; DEP's Motion to Dismiss served. 11/07/06 - Motion of the Defendant, City of Lake Wales, for Summary Judgment served; Notice of Hearing (on above Motion) served. 11/20/06 - Defendant SWFWMD's Memorandum of Law in Support of Motion to Dismiss First Amended Complaint served. <b>2/16/07 – Order on Defendant SWFWMD's Motion to Dismiss First Amended Complaint (granted without prejudice) entered. Case dismissed as to SWFWMD.</b>



<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Oak Ford Golf Club Owners Association, Inc. v. Union Golf of Florida, Inc., Brownsburg Golf Course, Inc., David W. and Sherry Y. Swartz and SWFWMD /Case No. 2006 CA 5467 NC	12th Circuit, Sarasota County/D. Economou	J. Ward	Suit to require defendant/ permittee, Union Golf - 40000380.002, to bring the project's surface water management system into compliance with permit.	6/19/06 - District served with Summons and Complaint. 7/17/06 - Defendant SWFWMD's Motion to Dismiss or Abate Action Until Administrative Remedies Have Been Exhausted served. 10/19/06 - Plaintiff's Opposition to Defendant SWFWMD's Motion to Dismiss or Abate Action Until Administrative Remedies Have Been Exhausted served. 10/27/06 - Notice of Hearing (on defensive pleadings above) set for 1/3/07. 11/3/06 - Order (Granting) Defendant SWFWMD's Motion to Dismiss or Abate Action Until Administrative Remedies Have Been Exhausted entered. 1/22/07 - Order on Plaintiff's Motion to Strike Defendant's Demand for Attorney Fees; Order on Plaintiff's Motion to Strike Defendant's Affirmative Defenses; Order Denying Defendant's Motion to Dismiss or for a More Definite Statement of Counts 8, 9 and 10 of the Complaint entered. <b>2/28/07 – Answer, Affirmative Defenses and Crossclaim of Brownsburg Golf Course, Inc., David W. Swartz and Sherry Y. Swartz served.</b>
SWFWMD v. Weeki Wachee Springs, LLC, et al./Case No. H-27-CA-2004-366-RT	5th Judicial Circuit, Hernando County/R. Tombrink	F. Miller/J. Ward/ B. Bilenky	Complaint for Declaratory Judgment regarding lease	Complaint filed and Summons served 3/31/04. 4/2/04 – (SWFWMD's) First Amended Complaint for Declaratory Judgment and Plaintiff's Motion to Consolidate served. 4/8/04 – Motion to Dismiss Complaint served. 7/18/04 – Order Denying Motion to Dismiss Complaint entered. 8/10/04 – Motion for Default served. 8/12/04 – Motion to Strike Motion for Default and Enlarge Time for Response to Complaint served. 8/17/04 – Notice of Filing of Petition for Writ of Prohibition, or, in the Alternative, Notice of Appeal of Non-Final Order served. (See Appeals) 8/30/04 – Verified Motion for Emergency Temporary Injunction served. 9/20/04 – Order Granting Defendants' Motion to Strike, Without Prejudice, and Ordering Mediation and Conflict Resolution Procedures, Under Section 164.1041(1), F.S. entered. Mediation held 11/18/04. Mediation to be continued. 11/23/04 – Amended Notice of Hearing served. 1/5/05 - Notice of Mediation served. Continued mediation held on 2/3/05. 2/14/05 – (SWFWMD's) Motion to Dispense with Florida Governmental Conflict Resolution Act served. 2/21/05 – Defendants' Response in Opposition to Plaintiff's Motion to Dispense with Florida Governmental Conflict Resolution Act served. 5/3/05 - Motion to Abate Action Pursuant to Sections 164.101 – 164.1061, F.S., the Florida Governmental Conflict Resolution Act served. 5/5/05 – Notice of Hearing served. 5/19/05 – Plaintiff's Memorandum in Response to Defendants' Motion to Abate served. 6/16/05 – Notice of Cancellation of Hearing and Notice of Hearing served. Hearing set for 6/30/05.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
				<p>6/27/05 – Motion to Withdraw served. 6/28/05 - City's Supplemental Memorandum, Both: (a) in Opposition to SWFWMD's Motion to Dispense with Florida Governmental Conflict Resolution Act; and (b) in Support of City's Motion to Abate Action Pursuant to §§164.101 – 164.1061, Fla. Stat., the Florida Governmental Conflict Resolution Act served. 6/29/05 – Order Granting Motion to Withdraw entered. 7/6/05 – Order imposing stay of proceedings until conclusion of Circuit Court Appellate Panel entered. 7/11/05 - Notice of Hearing (re: Motion to Dispense) served. Scheduled for 8/29/05. 8/3/05 – Mediation Results Report served. 8/5/05 – Mediation Results Report filed. 8/11/05 – Motion to Quash Plaintiff's Notice of Hearing for August 29, 2005, and Notice of Hearing served. 10/29/05 – Notice of Hearing served. Hearing on Motion to Dispense with Florida Governmental Conflict Resolution Act scheduled for 12/12/05. 12/2/05 – Amended Notice of Hearing served. 12/12/05 – Defendants' Response to Plaintiff's Memorandum in Support of Plaintiff's Motion to Dispense with Florida Governmental Conflict Resolution Act served. 12/14/05 – Hearing on Motion to Dispense with Florida Governmental Conflict Resolution Act held. 1/23/06 – Motion for Reconsideration of Ruling Establishing Logistical Requirements for Joint Public Meeting; and Notice of Hearing served. (Hearing conducted on 2/3/06). 2/1/06 – Plaintiff's Motion for Rehearing; and Notice of Filing served. 2/3/06 – Order (a) Granting Defendant's Motion to Abate Action; (b) Denying Plaintiff's Motion to Dispense with Florida Governmental Conflict Resolution Act; and (c) Establishing Logistical Guidelines for Joint Public Meeting entered, and Notice of Filing served. 3/9/06 – Notice of Meeting Pursuant to This Court's Order Dated February 3, 2006 served. 4/25/06 – Meeting to negotiate settlement pursuant to Court's Order. 5/12/06 – Notice of Compliance with Chapter 164, F.S., and Motion to Re-Institute Court Proceedings served. 5/30/06 – The City of Weeki Wachee's: (a) Objection to the SWFWMD's Notice of Compliance with Chapter 164, F.S., and Motion to Re-institute Court Proceedings; and (b) Motion for Order Requiring that Compliance with the Florida Governmental Conflict Resolution Act Be Recommended served. 6/20/06 – Notice of Hearing (on Plaintiff's Motion to Re-Institute Court Proceedings) served. Order Re-Instating Court Proceedings entered. Hearing scheduled for 8/22/06. 7/20/06 – (Defendants') Motion for Award of Attorneys' Fees served. 8/24/06 – Motion for Order Reconsidering Order Declining to</p>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
				<p>Enforce Ch. 164, F.S., with Incorporated Memorandum of Law in Support Thereof and Notice of Filing served. 8/30/06 – Showing of Good Cause, and Motion to Consolidate (with Case No. H-27-CA-2005-552-RT) served. 9/5/06 - Order Denying Motion for Order Reconsidering Order Declining to Enforce Ch. 164, Fla. Stat., With Incorporated Memorandum of Law in Support Thereof entered. 10/20/06 – Directions to Clerk served. 12/12/06 – Notice to Convene Case Management Conference served. 12/14/06 – Order Scheduling Case Management Conference entered. 12/18/06 – Amended Order Scheduling Case Management Conference entered. 1/25/07 - District's Response to Case Management Order served. 1/26/07 – Case Management Statement by Weeki Wachee Springs, LLC and City of Weeki Wachee served. 1/28/07 – Motion to Dismiss First Amended Complaint for Declaratory Judgment for Failure to State a Cause-Of-Action, and Memorandum of Law in Support Thereof served. 2/8/07 – Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss First Amended Complaint for Declaratory Judgment served. 2/8/07 – Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss First Amended Complaint for Declaratory Judgment served. <b>2/9/07 – Notice of Service of Defendant's Answers to Plaintiff's Interrogatories to Defendant, Weeki Wachee Springs, LLC; Notice of Service of Defendant's Answers to Plaintiff's Interrogatories to Defendant, City of Weeki Wachee; Defendant; Weeki Wachee Springs, LLC's, Response to Plaintiff's Request to Produce; Defendant, Weeki Wachee Springs, LLC's, Amended Response to Plaintiff's Request for Admissions to Defendant served. 2/13/07 – Order Denying Defendant's Motion to Dismiss entered. 2/21/07 – Order Pursuant to Case Management Conference entered. 2/23/07 – Motion for Reconsideration of February 13, 2007, Order Denying Defendants' Motion to Dismiss served. 2/28/07 – Third Amended Notice of Taking Deposition Duces Tecum (of R. Anderson) served.</b></p>

**APPEALS**

Octavio Blanco v. SWFWMD and Westfield Homes of Florida/Case No. 2D06-2534	2d District Court of Appeal	B. Bilenky/J. Ward	Appeal of Final Order No. SWF 06-36, which adopted ALJ's Recommended Order and issued ERP No. 43024788.002	6/2/06 - Notice of Administrative Appeal served; Motion for Stay Pending Appeal served. 6/6/06 – Order granting temporary stay served. 6/13/06 – District's Response to Appellant's Motion for Stay Pending Appeal served. 6/15/06 - Order granting Westfield's Motion for an extension of time entered. 6/16/06 -
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<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Suggs, Danny J., Gary D. Suggs, et. al v. SWFWMD/Case No. 5D06-3108	5th District Court of Appeal	D. Graziano/J. Ward	Appeal of Non-Final Order dated 8/1/06 issued by Circuit Court, Case No. 2003-CA-000724	(Westfield's) Response in Opposition to Motion for Stay and Alternative Demand that Appellant Post Sufficient Bond served. 6/21/06 - Order granting Appellant's motion to stay pending appeal conditioned on posting bond entered. 7/12/06 - Order Granting Westfield's Motion for Extension of Time to Determine Bond Amount entered. 7/21/06 - Index to Record served. 8/29/06 - Order entered (granting Appellant's motion for extension of time (60 days) to serve initial brief; stay remains in effect). 9/12/06 - Record transmitted to DCA, together with Certificate of Clerk. 10/16/06 - Initial Brief of Appellant received. 11/29/06 – Answer Brief of Appellee SWFWMD served. 11/30/06 – Appellee, Westfield Homes of Florida's Motion to Supplement Record served. 11/30/06 – Answer Brief of Appellee, Westfield Homes of Florida, Inc. served. 12/4/06 – Order (granting Appellee's motion to supplement record) entered. 12/19/06 – Index to Supplement Record, Certificate of Clerk and Supplement Record served.  8/29/06 – Notice of Appeal served. 9/13/06 – Appellant's Initial Brief served. 10/13/06 – District's Answer Brief served. 11/2/06 – Reply Brief of Appellants served.
City of Weeki Wachee and Weeki Wachee, LLC v. SWFWMD /Case No. 5D06- 2525	5th District Court of Appeal	B. Bilenky/J. Ward/F. Miller	Appeal of Order dated 6/20/06 issued by Circuit Court, Case No. H-27-CA-2004-366-RT	7/21/06 – Petition for Writ of Certiorari filed and Acknowledgment of New Case issued. 8/17/06 – Order to show cause (SWFWMD to respond within 20 days) and Order to reply (Weeki Wachee to reply within 10 days) entered. 9/5/06 – District's Response to Petition for Writ of Certiorari, and Motion for Sanctions Pursuant to Rule 9.410, or in the Alternative, Under the Inequitable Conduct Doctrine, and Incorporated Memorandum of Law served. 10/3/06 – Petitioners' Reply to Response to Petition for Writ of Certiorari served. 10/5/06 – Respondent's Objection to Petitioners' Reply served. 10/7/06 – Motion for Retroactive Enlargement of Time Within Which to Serve Reply Brief served. 10/23/06 – Notice of Additional Authority Regarding Petitioners' Reply to Response to Petition for Writ of Certiorari served. 10/26/06 – The Court has stricken the Notice of Supplemental Authority that was served on 10/23/06. 11/2/06 – Amended Notice of Supplemental Authority Regarding Petitioners' Reply to Response to Petition for Writ of Certiorari served. 11/16/06 – Order granting Motion for Retroactive Enlargement of Time to Serve Reply Brief and denying Petition for Writ of Certiorari entered. 11/27/06 – Order denying Respondent's Motion for Sanctions entered.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 3/8/07)</u>
Weeki Wachee Springs, LLC v. SWFWMD/Case No. SC05-1008	Supreme Court of Florida	B. Bilenky/ F. Miller	Appeal of Opinion issued by 5th District Court of Appeal, Case No. 5D04-2808	6/2/05 – Petition for Review Pursuant to All Writs Power and Request for Oral Argument served. 6/9/05 – District's Motion to Dismiss – "Petition for Review Pursuant to All Writs Power," Motion for Sanctions Including Imposition of Attorneys' Fees and Costs and Sanctions Against Petitioners or Their Counsel served; and Acknowledgment of New Case entered. 6/10/05 – Notice of Erratum Regarding Petition for Review Pursuant to All Writs Power served. 6/11/05 – Petitioners' Response to Respondent's Motion to Dismiss Petition for Review Pursuant to All Writs Power served. 2/8/06 – Order dismissing "Petition for Review Pursuant to All Writs Power" for lack of jurisdiction, Respondent's motion to dismiss and Petitioner's request for oral argument are denied as moot entered. 2/15/06 – Motions: For Rehearing of February 8, 2006, Order; and For Leave to Serve Amended Motion for Rehearing served. 2/23/06 – Objection to Petitioners' Motion(s:) for . . .Leave to Serve Amended Motion for Rehearing, and Response to Motions: for Rehearing of February 8, 2006, Order, and Leave to Serve Amended Motion for Rehearing served. 6/22/06 – Order denying Petitioners Motions: For Rehearing of 2/8/06, And For Leave to Serve Amended Motion for Rehearing entered.

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**CONSENT ORDERS**

<u>VIOLATOR</u>	<u>BOARD POLICY</u>	<u>ATTORNEY</u>	<u>VIOLATIONS</u>	<u>STATUS (current through 3/8/07)</u>
Jerry Cissne	160-6	A. Duffey	Well construction violation	1/26/07 – Signed by violator 2/13/07 – Signed by Executive Director
Tony Holt	160-6	A. Vining	Well construction without a permit	2/16/07 – Signed by violator 2/22/07 – Signed by Executive Director
Van Adams Farms, Inc. (WUP #2011840.001)	160-6	M. Moore	Failure to submit monthly meter readings	2/14/07 – Signed by violator 2/15/07 – Signed by Executive Director
Wilbur Van Adams Roland L. Skipper Van Adams Farms, Inc. (WUP #2002358.003)	160-6	M. Moore	Failure to submit monthly meter readings	2/14/07 – Signed by violator 2/15/07 – Signed by Executive Director
Wilbur Van Adams (WUP #2009847.002)	160-6	M. Moore	Failure to submit monthly meter readings	2/14/07 – Signed by violator 2/15/07- Signed by Executive Director

## RULEMAKING UPDATE March 2007

### I. PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS AUTHORIZED INITIATION OF RULEMAKING

Rule	Initiation Date	Next Scheduled Action	Projected Board Approval Date
1. (40D-1, 40D-2) Southern Water Use Caution Area (SWUCA) – rulemaking to adopt forms needed for SWUCA	Nov/Dec 2006	Governing Board Apr 2007	Governing Board Apr 2007
2. (40D-1.600) Rulemaking to specify that final agency action on general permits will be by Governing Board if project involves sovereign submerged lands and determined to be of heightened public concern	Jul/Aug 2006	Governing Board Mar 2007	Governing Board Mar 2007
3. (40D-1.659) Rulemaking to adopt amendments to WUP application forms to request information of corporate/partnership applicants	Jul/Aug 2006	Governing Board Apr 2007	Governing Board Apr 2007
4. (40D-1.659) Rulemaking to adopt amendments to ERP application form to request information on corporate/partnership applicants	Jul/Aug 2006	Governing Board Mar 2007	Governing Board Mar 2007
5. (40D-2) Rulemaking to adopt amendments to address Central Florida Coordination Area (CFCA) issues	Oct 2006	Governing Board Apr 2007	Governing Board May 2007
6. (40D-2.091, 40D-2.331, BOR 1.9, 1.11, 1.12) Amend rules to allow permit renewal when major modification requested	Jul/Aug 2006	Effective Approximately May 2007	N/A
7. (40D-2.321, BOR 1.9) Amend rules to provide for a 20-year permit for uses with both traditional and AWS sources and establish permit fee	Jul/Aug 2006	TBA	TBA
8. (40D-3.042) Rulemaking to allow multiple wells under a single permit	Nov/Dec 2006	Effective Approximately Mar 2007	N/A
9. (40D-4.021) Rulemaking to revise the definition of Conceptual Permit	Apr 2006	TBA	TBA
10. (40D-4.051) Rulemaking to create exemption from permitting for sidewalks and recreational trails	Oct 2006	TBA	TBA
11. (40D-4.091(2)) Rulemaking to adopt revised operating agreement between District and DEP	Jul/Aug 2006	Effective Date July 1, 2007	N/A

Rule	Initiation Date	Next Scheduled Action	Projected Board Approval Date
12. (40D-4.321) Rulemaking to revise the duration of Conceptual Environmental Resource Permits	Apr 2006	TBA	TBA
13. (40D-4.331) Rulemaking to clarify conditions for the extensions of Environmental Resource Permits	Apr 2006	TBA	TBA
14. (40D-4.331) Rulemaking to allow the extension of a current permit duration by letter modification	Oct 2006	TBA	TBA
15. (40D-8) Minimum levels for Lakes Crews, Iola, Jessamine, Pasco, Pierce, and Unnamed Lake No. 22 (also known as Loyce) in Pasco County	Nov/Dec 2006	Governing Board Mar 2007	Governing Board Mar 2007
16. (40D-8.041) Rulemaking to add minimum flows for the freshwater segment of the Alafia River	Nov 2005	Continue Public Hearing to Apr 2007	TBA
17. Rulemaking to adopt the District's Program "Facilitating Agricultural Resource Management Systems" (FARMS)	Oct 2006	TBA	TBA

**II. PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS NOT AUTHORIZED INITIATION OF RULEMAKING**

Rule	Staff Recommendation
1. (40D-1) Various amendments, as necessary, to implement WMIS	Governing Board Initiate Rulemaking 2007
2. (40D-2.091) Misc. clean-up rulemaking to add phone numbers to Crop Report forms incorporated by reference	Governing Board Initiate Rulemaking 2007
3. (40D-2.091) Expand SWUCA per capita requirements District-wide	Governing Board Initiate Rulemaking 2007
4. (40D-4.041) Rulemaking to further clarify Conceptual Permit requirements	Governing Board Initiate Rulemaking 2007
5. (40D-4.091) Rulemaking to amend BOR to include UMAM	Governing Board Initiate Rulemaking 2007
6. (40D-4.091(4)) Rulemaking to repeal incorporation of MOA between District and FDACS regarding ERP exemption claims pursuant to Section 373.406(2), F.S.	Governing Board Initiate Rulemaking Mar 2007
7. (40D-4.331) Rulemaking to create "minor" ERP modification for residential outparcels	Governing Board Initiate Rulemaking 2007
8. (40D-8) Tampa Bypass Canal minimum flow	Governing Board Initiate Rulemaking 2007

<b>Rule</b>	<b>Staff Recommendation</b>
<b>9. (40D-8) Crystal Springs minimum flow</b>	<b>Governing Board Initiate Rulemaking 2007</b>
<b>10. (40D-8) Sulphur Springs minimum flow methodology and flow</b>	<b>Governing Board Initiate Rulemaking 2007</b>
<b>11. (40D-8) Lower Hillsborough River minimum flow restudy</b>	<b>Governing Board Initiate Rulemaking 2007</b>
<b>12. (40D-8) Upper Hillsborough River minimum flow</b>	<b>Governing Board Initiate Rulemaking 2007</b>

**III. INACTIVE PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS AUTHORIZED INITIATION OF RULEMAKING**

**- TO BE REMOVED FROM UPDATE**

<b>Rule</b>	<b>Initiation Date</b>
<b>None this month</b>	







**Governing Board Meeting  
March 27, 2007**

**Reports**

72. **Environmental Advisory Committee Liaison Report**

The Committee met on March 14, 2007, and Ms. Parks is the Board's liaison.

73. **Basin Board Education Committee Report**

This report provides an overview of the Basin Board Education meeting held on March 6, 2007, at the District's Tampa Service Office. Vice Chair, Mac Carraway, chaired the meeting. The overview will include reports on FY2007 and beyond planning, the Children's Museum of Tampa, the District's Regional Builder/Developer FYN Coordinator, the District's Water C.H.A.M.P. program, Homeowner Association Outreach, and Peace River Spanning the Watershed Events in April.

**Staff Recommendation:**

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

**Presenter:** Maritza Rovira-Forino, Chair, Basin Board Education Committee

74. **Basin Board Land Resources Committee Report**

The Committee met on March 22, 2007, and Ms. McCree is the Board's liaison.

75. **Executive Director's Report**

- a) March 2 Ed Chance Preserve Dedication
- b) March 9 Peace River/Manasota Regional Water Supply Authority Board Meeting
- c) March 9 Circle B Bar Reserve Environmental Education Center Dedication
- d) March 23 Water Conservation Summit
- e) City of Lakeland Water Use Permit
- f) Old Florida Plantation Update
- g) Pasco County Duck Slough Issue
- h) Hernando County FEMA Update Issue
- i) Brooker Creek Preserve Water Use Permit Withdrawal

76. **Chair's Report**

77. **Other Business**

