

Governing Board Meeting

Agenda and Meeting Information

April 27, 2010

9:00 a.m.

District Headquarters

2379 Broad Street • Brooksville, Florida
(352) 796-7211 • 1-800-423-1476

Weeki Wachee River

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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)
TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.

AGENDA

GOVERNING BOARD MEETING

APRIL 27, 2010

9:00 a.m.

☞ All meetings are open to the public. ☜

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

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.

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

9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

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

Bartow Service Office
170 Century Boulevard
Bartow, FL 33830-7700
863-534-1448 or 1-800-492-7862

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

Tampa Service Office
7601 US Highway 301 North
Tampa, FL 33637-6759
813-985-7481 or 1-800-836-0797

MEETING NOTICE

CONSENT AGENDA (TAB B)

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

Regulation Committee

7. Approve Changes to Proposed 20-Year Permit Rules in Response to Comments from the Joint Administrative Procedures Committee
8. Approve Well Construction Permitting Delegation Agreements with Manatee and Sarasota Counties, and Initiate and Approve Rulemaking to Incorporate the Agreements by Reference in Rule 40D-1.002, Florida Administrative Code

Resource Management Committee

9. Non-Exclusive License Agreements with Florida Gas Transmission Company for a 36-inch Natural Gas Pipeline – Edward Medard Park, Alafia River Corridor and Starkey Wilderness Preserve, SWF Parcel Nos. 11-100-150X, 11-709-144X and 15-010-058X
10. Appraisal, Purchase and Sale Agreement and Conveyance of Surplus Lands – Chito Branch Reserve, SWF Parcel No. 11-709-142S
11. Non-Exclusive Utility Easement to Tampa Electric Company for a 230-Kilovolt Overhead Transmission Line – Tampa Bypass Canal, SWF Parcel No. 13-004-315X
12. First Amendment to the Agreement with Florida Fish and Wildlife Conservation Commission for the Flying Eagle Wildlife Management Area, SWF Parcel No. 19-484-111X
13. Amendment to Conservation Easement – Myakka State Forest, SWF Parcel No. 21-708-108
14. Approve Rule Amendment to Correct Weeki Wachee River System Minimum Flow Rule
15. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Cypress Creek Watershed in Pasco County to the Federal Emergency Management Agency
16. Lower Hillsborough River Minimum Flows Recovery Plan – Approval of Cooperative Funding Agreement and Amendment with the City of Tampa
17. Facilitating Agricultural Resource Management Systems (FARMS)
 - a. OrangeCo-Bermont Groves – Charlotte County
 - b. Bethel Farms Phase II – DeSoto County
 - c. Carl Little – Hillsborough County
 - d. Francis White Strawberries – Hillsborough County
 - e. Ben Hill Griffin – Polk County

Finance & Administration Committee

18. Budget Transfer Report
19. Fiscal Year 2010 Annual Service Budget – Second Amendment
20. Office of Inspector General – Six-Month Progress Report on Audit Plan and Proposed Amendment to Fiscal Year 2010 Audit Plan

General Counsel's Report

21. Compliance Agreement – Aloha Utilities, Inc., WUP No. 20003182.005, Pasco County
22. Settlement Agreement – SWFWMD v. Louis M. Perez, et al, Case No. 2009-CA-010077, 10th Judicial Circuit – Lake Hancock Project, SWF Parcel No. 20-503-163P – Polk County
23. Agency Report – Florida Power & Light Company – DeSoto Next Generation Solar Energy Center – Site Certification Application No. PA10-56, DOAH Case No. 10-0543-EPP

Executive Director's Report

24. Approve Resolution 10-06, Commending Sallie Parks for Her Service as a Member of the Southwest Florida Water Management District Governing Board
25. Approve Governing Board March 30, 2010 Meeting Minutes

REGULATION COMMITTEE (TAB C)

Discussion Items

26. Consent Item(s) Moved for Discussion
27. January 2010 Freeze Event Update
28. Denials Referred to the Governing Board

Submit & File Report

- 29. Individual Permits Issued by District Staff

Routine Reports

- 30. Southern Water Use Caution Area Quantities
- 31. Overpumpage Report
- 32. Resource Regulation Significant Initiatives

RESOURCE MANAGEMENT COMMITTEE (TAB D)**Discussion Items**

- 33. Consent Item(s) Moved for Discussion
- 34. Hydrologic Conditions Status Report
- 35. Construction Management Services for the Lake Hancock Outfall Treatment Project
- 36. Memorandums of Understanding with Sarasota County, Appraisals, Purchase/Sale Agreement, Amend Florida Forever Work Plan and Resolution Requesting Funds – Myakka Conservation Area, SWF Parcel Nos. 21-599-105C and 21-599-106C
- 37. Expansion of Feral Hog Control Program on District Lands

Submit & File Report

- 38. Update on Agreement for the Management and Operation of the RV Griffin Reserve between the District and the Peace River/Manasota Regional Water Supply Authority – SWF Parcel No. 20-223-131X
- 39. Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for Chassahowitzka River System

Routine Reports

- 40. Florida Forever Funding
- 41. Minimum Flows and Levels
- 42. Structure Operations
- 43. Watershed Management Program and Federal Emergency Management Agency Map Modernization
- 44. Significant Water Supply and Resource Development Projects

FINANCE & ADMINISTRATION COMMITTEE (TAB E)**Discussion Items**

- 45. Consent Item(s) Moved for Discussion
- 46. Annual Employment and Vendor Diversity Report

Submit & File Report

- 47. Fiscal Year 2011 Budget Update
- 48. Fiscal Year 2010 Second Quarter Financial Report

Routine Reports

- 49. Treasurer's Report, Payment Register, and Contingency Reserves
- 50. Management Services Significant Activities

OUTREACH & PLANNING COMMITTEE (TAB F)**Discussion Items**

- 51. Consent Item(s) Moved for Discussion
- 52. "Get Outside!" April 10 Deep Creek Preserve Event Highlights
- 53. Legislative Update

Submit & File Report

- 54. Tampa Bay Regional Planning Council Future of the Region Awards

Routine Reports

- 55. Comprehensive Plan Amendment and Related Reviews
- 56. Development of Regional Impact Activity Report
- 57. Speakers Bureau
- 58. Significant Activities

GENERAL COUNSEL’S REPORT (TAB G)

Discussion Items

59. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

60. Litigation Report

61. Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

62. Industrial Advisory Committee Meeting

63. Public Supply Advisory Committee Meeting

64. Well Drillers Advisory Committee Meeting

EXECUTIVE DIRECTOR’S REPORT (TAB H)

65. Executive Director’s Report

CHAIR’S REPORT (TAB H)

66. Chair’s Report

★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★

ANNOUNCEMENTS

- January 2010 Freeze Event Workshop – TampaApril 21, 2010
- Tampa Bay SWIM Ecosystem Restoration Projects Tour – TampaApril 23, 2010
- January 2010 Freeze Event Workshop – Tampa May 18, 2010
- Lower Hillsborough River Recovery Strategy Field Trip – Tampa May 21, 2010
- Governing Board Meetings and Workshop Schedule:
 - Meeting – Brooksville May 25, 2010
 - Workshop with Withlacoochee Regional Water
Supply Authority Board of Directors – Ocala (Wednesday) June 30, 2010
 - Meeting – Ocala (Wednesday) June 30, 2010
 - Meeting – Brooksville July 27, 2010
- Basin Board Meetings:
 - Pinellas-Anclote River – Dunedin June 10, 2010
 - Hillsborough River – Tampa June 10, 2010
 - Peace River – Bartow June 11, 2010
 - Manasota – Sarasota June 16, 2010
 - Coastal Rivers – Brooksville June 17, 2010
 - Withlacoochee River – Brooksville June 17, 2010
- Basin Board Education Committee Meeting – TampaJuly 14, 2010
- Basin Board Land Resources Committee Meeting – Lecanto.....July 14, 2010
- Advisory Committee Meetings Schedule:
 - Green Industry – Tampa May 27, 2010
 - Agricultural – Tampa May 27, 2010
 - Environmental – Sarasota June 16, 2010
 - Industrial – Tampa July 20, 2010
 - Public Supply – Tampa July 20, 2010
 - Well Drillers – Tampa July 21, 2010

ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record. If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective August 25, 2009

OFFICERS	
Chair	Todd Pressman
Vice Chair	Ronald E. Oakley
Secretary	Hugh M. Gramling
Treasurer	<i>Vacant</i>

The full Board serves as the members for each committee.

REGULATION COMMITTEE
H. Paul Senft, Jr., Chair
Maritza Rovira-Forino, Vice Chair
Ronald E. Oakley, Second Vice Chair

RESOURCE MANAGEMENT COMMITTEE
Albert G. Joerger, Chair
Carlos Beruff, Vice Chair
Hugh M. Gramling, Second Vice Chair

FINANCE AND ADMINISTRATION COMMITTEE
<i>Vacant</i> , Chair
Bryan K. Beswick, Vice Chair
Neil Combee, Second Vice Chair

OUTREACH AND PLANNING COMMITTEE
Douglas B. Tharp, Chair
Jennifer E. Closshey, Vice Chair
Judith C. Whitehead, Second Vice Chair

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick/Hugh M. Gramling
Environmental Advisory Committee	Maritza Rovira-Forino
Green Industry Advisory Committee	Douglas B. Tharp
Industrial Supply Advisory Committee	Jennifer E. Closshey
Public Supply Advisory Committee	H. Paul Senft, Jr.
Well Drillers Advisory Committee	Ronald E. Oakley
OTHER LIAISONS	
Basin Board Education Committee	Maritza Rovira-Forino
Basin Board Land Resources Committee	Albert G. Joerger
Governing Board Diversity Coordinator	Maritza Rovira-Forino
Environmental Stewardship	Jennifer E. Closshey
Strategic Planning Initiative	Jennifer E. Closshey/Judith C. Whitehead
Charlotte Harbor National Estuary Program Policy Board	Bryan K. Beswick
Sarasota Bay Estuary Program Policy Board	
Tampa Bay Estuary Program Policy Board	<i>Vacant</i>
Tampa Bay Regional Planning Council	Todd Pressman, Primary Maritza Rovira-Forino, Alternate

**Governing Board Meeting
April 27, 2010**

9:00 a.m.

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

PUBLIC HEARING AND MEETING (TAB A)

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

Governing Board Meeting April 27, 2010

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 Invocation

The Board Chair leads the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offers the invocation.

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:

Approve the recommended additions and deletions to the published agenda.

Presenter: David L. Moore, Executive Director

4. Oath of Office for Appointed Board Members

The Oath of Office will be administered to Mr. Jeffrey M. Adams who was appointed by Governor Crist to a term beginning April 1, 2010 and ending March 1, 2014; and to Mr. Todd Pressman who was reappointed to a term beginning April 1, 2010 and ending March 1, 2014.

Presenter: Lou Kavouras, Deputy Executive Director

**Governing Board Meeting
April 27, 2010**

Employee Recognition

The District's employees are its most valuable resource. We are pleased and proud that the average tenure of all employees at the District is 13 years and that we are able to retain such remarkable talent. Each year, many District employees reach significant longevity milestones in their service to the District and many reach momentous milestones, which make them eligible for retirement. The District as a whole, as well as each employee's department, acknowledges and celebrates these milestones/retirements and the tremendous individual contributions they represent to the achievement of the District's mission.

At the Governing Board meeting, Executive Director David Moore will make presentations to the Board for all employees who have achieved milestones of 20 years or greater and those retiring from the District, to specially acknowledge and commend the contributions of these individuals. Mr. Moore will also welcome new members of management.

This item provides the Board with the opportunity to personally recognize and thank our dedicated employees who have reached five-year increments in service to the District and those employees who have completed at least 30 years of employment in the Florida Retirement System and are retiring from the District. We have twelve employees that have achieved longevity milestones for the period of March 1 to April 30, 2010 and two retirees.

Milestone	Employee Name	Title	Department	Office Location
Retirement	Rick McCleery	District Ombudsman	Com. & Leg. Affairs	Brooksville
	Frances Sesler	Sr. Administrative Assistant	Executive	Brooksville
35 Years	<i>None for this meeting</i>			
30 Years	Randy Hinkle	Field Coordinator	Operations	Tampa
25 Years	Terry Burrell	Senior Field Technician	Operations	Brooksville
	Sam Chehab	Senior Professional Engineer	Tampa Regulation	Tampa
	Bill Long	Senior Tradesworker	General Services	Brooksville
20 Years	Mike Bartlett	Structure Controls Analyst	Operations	Brooksville
	Karen Frazier	Accounts Payable Supervisor	Finance	Brooksville
	Ralph Kerr	Sr. Prof. Geologist/Engineer	Brooksville Regulation	Brooksville
15 Years	<i>None for this meeting</i>			
10 Years	Steven Blaschka	Land Acquisition Manager	Land Resources	Brooksville
	Jackie Johnson	Computer Drafting Technician	Land Resources	Brooksville
5 Years	Todd Hershfeld	Staff Environmental Scientist	Sarasota Regulation	Sarasota
	Kevin McAdams	Senior Professional Engineer	Sarasota Regulation	Sarasota
	Mary Torrusio	Sr. Communications Coordinator	Communications	Brooksville

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New Members of Management - The District also welcomes and congratulates new members of its management team and provides the Board the opportunity to welcome these new members of management. We have two new managers to be recognized.

	Employee Name	Title	Department	Office Location
Promotion	Darrin Herbst	Water Use Regulation Manager	Tampa Regulation	Tampa
New Hire	Claire Muirhead	Water Use Regulation Manager	Sarasota Regulation	Sarasota

Staff Recommendation:

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

Presenter: David L. Moore, Executive Director

**Governing Board Meeting
April 27, 2010**

Public Input for Issues Not Listed on the Published Agenda

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

**Governing Board Meeting
April 27, 2010**

CONSENT AGENDA

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- 8. Approve Well Construction Permitting Delegation Agreements with Manatee and Sarasota Counties, and Initiate and Approve Rulemaking to Incorporate the Agreements by Reference in Rule 40D-1.002, Florida Administrative Code 6

Resource Management Committee

- 9. Non-Exclusive License Agreements with Florida Gas Transmission Company for a 36-inch Natural Gas Pipeline – Edward Medard Park, Alafia River Corridor and Starkey Wilderness Preserve, SWF Parcel Nos. 11-100-150X, 11-709-144X and 15-010-058X 31
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 - a. OrangeCo-Bermont Groves – Charlotte County 77
 - b. Bethel Farms Phase II – DeSoto County 80
 - c. Carl Little – Hillsborough County 83
 - d. Francis White Strawberries – Hillsborough County 86
 - e. Ben Hill Griffin – Polk County 89

Finance & Administration Committee

- 18. Budget Transfer Report 92
- 19. Fiscal Year 2010 Annual Service Budget – Second Amendment 95
- 20. Office of Inspector General – Six-Month Progress Report on Audit Plan and Proposed Amendment to Fiscal Year 2010 Audit Plan 101

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Pasco County 106

22. Settlement Agreement – SWFWMD v. Louis M. Perez, et al, Case
No. 2009-CA-010077, 10th Judicial Circuit – Lake Hancock Project,
SWF Parcel No. 20-503-163P – Polk County 108

23. Agency Report – Florida Power & Light Company – DeSoto Next Generation
Solar Energy Center – Site Certification Application No. PA10-56, DOAH
Case No. 10-0543-EPP 113

Executive Director’s Report

24. Approve Resolution 10-06, Commending Sallie Parks for Her Service as a Member
of the Southwest Florida Water Management District Governing Board 123

25. Approve Governing Board March 30, 2010 Meeting Minutes 125

**Consent Agenda
April 27, 2010**

Regulation Committee

Consideration of Changes to Proposed 20 Year Water Use Permitting Rule Amendments

In July 2009, the Governing Board approved for adoption rule amendments to restructure the District's permit duration rule to be more consistent with the durations given by the St. Johns River Water Management District and the South Florida Water Management District, and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts.

After numerous changes following a challenge by the City of Tampa, in February 2010 the Board approved changes to the proposed rules in response to comments from the Joint Administrative Procedures Committee (JAPC). Those changes were noticed in the Florida Administrative Weekly on March 5, 2010. On March 24, 2010, Mosaic submitted a timely request for a public hearing before the Board on certain of the changes that were made in response to JAPC. The public hearing will occur at this April Governing Board meeting by consideration of the changes described below. This request for a public hearing puts the rules at the stage indicated by the shaded box below:



Mosaic states that the following proposed provision of the Basis of Review of the Water Use Permit Information Manual has a potential for over-regulation and confusion.

2.1 CONTROL OF PROPERTY AND ACTIVITIES

6. Permittees shall periodically confirm that the water use activities conducted by the permittee continue to be consistent with the permit and that the information included in the permit continues to be accurate. The dates for this confirmation will be specified in water use permits based upon the use type

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authorized by the permit and the likelihood that the water use activities and information in the permit will change over the duration of the permit.

This language was developed to address the issue of permits changing water uses and ownership without contacting the District to properly modify or transfer the permit. Mosaic is concerned that it will be required to periodically verify each aspect of its water use and each piece of data and information included in the permit and maintains that would be a huge undertaking.

Staff and Mosaic have agreed that the following changes shown in *papyrus font* to the language accomplishes the District's objective and satisfies Mosaic's concern:

6. Permittee shall periodically confirm that the *permittee's use of the water continues to be consistent with the permit (e.g., irrigation of 100 acres of citrus) and that the permittee is the person or entity currently conducting the water use authorized by the permit* ~~water use activities conducted by the permittee continue to be consistent with the permit and that the information included in the permit continues to be accurate.~~ . The dates for this confirmation will be specified in water use permits based upon the use type authorized by the permit and the likelihood that the water use activities and information in the permit will change over the duration of the permit.

Additionally, Mosaic states that the following provision is not clear as to when the applicant must demonstrate the length of time for which the water use will meet conditions for issuance in order for the duration of a permit to be determined.

40D-2.321 Duration of Permits.

(5) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1) above shall be granted based upon the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual.

This language is intended to clarify that an applicant for a term between 10 and 20 years must demonstrate that demand and conditions for issuance are met for the requested term.

Staff and Mosaic have agreed that the following changes shown in *papyrus font* to the language accomplishes the District's objective and satisfies Mosaic's concern:

40D-2.321 Duration of Permits.

(5) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1) above shall be granted based upon, *at the time of application*, the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual.

If the Board approves the changes described above, a notice of the changes will be published in the Florida Administrative Weekly. If after publication of the notice, there are no requests for

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hearings before the Board or petitions filed with the Division of Administrative Hearings, and no comments are received that necessitate further changes by the Board, staff will complete the rule adoption process.

Staff Recommendation:

Approve the changes described in this recap and authorize staff to complete the rule adoption process.

Presenters: Karen Lloyd, Assistant General Counsel, Office of General Counsel
Ken Weber, Water Use Program Director, Strategic Program office

**Consent Agenda
April 27, 2010**

Regulation Committee

Approve Well Construction Permitting Delegation Agreements with Manatee and Sarasota Counties, and Initiate and Approve Rulemaking to Incorporate the Agreements by Reference in Rule 40D-1.002, Florida Administrative Code (F.A.C.)

The District has long-standing relationships with both Sarasota and Manatee Counties concerning the regulation of water well construction in those counties. Since 1978, both counties have been delegated authority to issue well construction permits and administer the District's well construction regulatory program. In Sarasota County, the program is administered by the Health Department, and in Manatee County, the program is administered by its Natural Resources Department. Current agreements expire May 31, 2010. The counties and District staff seek to continue the delegation of water well construction regulation in each county for another five years. Staff has prepared for Governing Board consideration and approval standardized District well construction permitting agreements with each county, copies of which are contained in the Board's meeting information as exhibits for this agenda item. A copy of the proposed amendments to 40D-1.002, F.A.C., to incorporate the agreements into District rules by reference, is also included as an exhibit.

The agreements with both counties will continue all of the regulatory provisions contained in the current delegation agreements, with minor updates. The District will continue to be responsible for issuing and renewing water well contractor licenses. The counties will continue to accept and issue or deny water well construction permit applications except for potable wells in delineated areas, District wells and some wells that also require an underground injection control permit administered by the Department of Environmental Protection. A new provision is added whereby the District will retain responsibility to review applications and issue permits in any areas that may, in the future, be covered under the District's Memorandum of Agreement with the U.S. Environmental Protection Agency. The counties will continue to utilize the District's Water Management Information System (WMIS) for on-line permitting and will upload information into the District's WMIS for District applications processed on paper. The counties will be responsible for compliance and enforcement efforts involving water well permits and contractors as well as unlicensed well construction activities. Both counties will now submit original documents and reports to the District on a monthly basis instead of weekly or biweekly, as was required in prior delegation agreements. Monthly summary reports are no longer required, as the data are now aggregated in WMIS. Provisions have been added to address records management, data entry, scanning requirements and third party fee payment vendors for on-line permitting. Each county's current well construction-related fees are also made part of its respective agreement. A Statement of Estimated Regulatory Costs (SERC) was prepared for this rulemaking. Copies of the proposed agreements as well as the SERC are included in the Board package.

Upon Governing Board approval of the proposed delegation agreements with Manatee County and with Sarasota County, District staff will proceed with rulemaking to adopt and incorporate the agreements by reference into Rule 40D-1.002, F.A.C., without further Governing Board action. If substantive public comments are received or changes proposed, staff will bring this matter back to the Governing Board for further consideration.

Staff Recommendation:

See Exhibits

Approve the Well Construction Permitting Agreement between SWFWMD and Manatee County and the Well Construction Permitting Agreement between SWFWMD and Sarasota County, and

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approve initiation of rulemaking to incorporate the agreements by reference in Rule 40D-1.002, F.A.C.

Presenters: Tony Gilboy, Well Construction Program Manager, Brooksville Regulation Dept.
Marti Moore, Senior Attorney, Office of General Counsel

EXHIBIT A

Approval and Adoption of Well Construction Permitting Delegation Agreements Between SWFWMD and Manatee County and Between SWFWMD and Sarasota County

40D-1.002 Delegation of Authority.

(1) and (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County Board of County Commissioners, effective June 1, 2010 ~~May 24, 2005~~.

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, 2010 ~~May 24, 2005~~, and the ~~First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida, effective July 13, 2006.~~

(c) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309, F.S. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427, F.S. History - New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, _____.

EXHIBIT B MANATEE COUNTY DELEGATION AGREEMENT

EXHIBIT C SARASOTA COUNTY DELEGATION AGREEMENT

WELL CONSTRUCTION PERMITTING AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, hereinafter referred to as "MANATEE," effective June 1, 2010.

INTRODUCTION AND INTENT

WHEREAS, the DISTRICT has the authority and responsibility, within its jurisdiction, for the administration and enforcement of rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, Florida Statutes (F.S.), and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, Florida Administrative Code (F.A.C.); and

WHEREAS, MANATEE has the authority and responsibility, within the boundaries of Manatee County, Florida to protect public health and prevent disease caused by natural and manmade factors in the environment, as set forth in Chapter 381, F.S.; and

WHEREAS, Manatee County is within the jurisdiction of the DISTRICT, as described in Section 373.069, F.S., and is therefore subject to the rules, regulations, authority and orders of the DISTRICT, pursuant to Part III, Chapter 373, F.S.; and

WHEREAS, pursuant to Sections 373.308 and 373.309, F.S., the District is authorized to delegate to MANATEE by interagency agreement the authority to regulate the permitting and construction of water wells within Manatee County; and

WHEREAS, the DISTRICT and MANATEE have entered into agreements, effective since April 5, 1978, which have delegated to MANATEE the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, F.A.C.;

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Manatee County through delegation to MANATEE of the DISTRICT's implementation of Part III of Chapter 373, F.S., and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout Manatee County and protects public health, safety and welfare;

THEREFORE, based upon the mutual consideration contained in this Agreement, the parties hereby agree as follows:

1. This Agreement shall take effect on June 1, 2010. MANATEE will continue to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification or abandonment of water wells in Manatee County, with the following exceptions:

- a. permits issued in accordance with Chapter 62-524, F.A.C.;
- b. wells constructed, repaired, modified or abandoned by the DISTRICT;
- c. permits for Class I and Class V, Groups 2 through 9 wells as defined in Chapter 62-528, F.A.C; and
- d. permits for wells located within any areas subject to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the DISTRICT.

2. MANATEE will review and evaluate applications and issue or deny permits for the construction, operation, maintenance or abandonment of water wells for Class V, Group 1 injection wells, which include wells associated with thermal energy exchange, specifically air conditioning return flow wells and cooling water return flow wells. Class V, Group I wells serving multifamily residential units or business establishments, and swimming pool drainage wells serving multifamily or public swimming pools require prior permission from the Department of Environmental Protection (DEP), and DEP Form 62-528.900(4) must be completed and attached to the permit application. Class V, Group 9 injection wells serving single-family swimming pool drainage wells and air conditioning return flow well systems do not need prior DEP permission; however, DEP Form 62-528.900(9) needs to be attached to the permit.

3. MANATEE will review and evaluate permit applications as described in paragraphs 1 and 2 herein based solely upon the applicable provisions of Chapter 373, F.S., and Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C. This provision will not be interpreted as preventing MANATEE from mandating connections to public water supply, or limiting well construction in Areas of Special Concern (e.g., areas of groundwater contamination), upon DISTRICT concurrence.

4. The DISTRICT will review and evaluate applications and issue or deny permits for wells constructed, repaired, modified or abandoned in accordance with the provisions of Chapter 62-524, F.A.C., and for any wells constructed, repaired, modified or abandoned by the DISTRICT. Permits for Class I and Class V, Groups 2 through 9 (with the exception of those listed under Paragraph 2 herein), wells must be obtained from the DISTRICT pursuant to Section 373.106, F.S. The DISTRICT will provide MANATEE with a copy of permits issued by the DISTRICT for informational purposes, if requested.

5. MANATEE will administer water well contractor and water well construction regulation and require all wells be constructed, repaired, modified or abandoned in accordance with the requirements of Part III, Chapter 373, F.S., and Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C.

6. MANATEE will use the forms in use by the DISTRICT, which currently include the standardized State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form No. LEG-R.040.00 (4/09); the Well Completion Report, Form No. LEG-R.005.01 (4/09); the Well Grouting/Abandonment Form, Form No. LEG-R.041.00 (4/09); the Well Construction Inspection Checklist, Form No. RPM.004.01 (2/07); and the Public Supply Well Information and Classification Form, Form No. LEG-R.015.01 (4/09). MANATEE will use any revised or additional well construction-related forms that hereafter may be adopted by the DISTRICT.

7. MANATEE will continue to participate in the on-line permitting program implemented through the DISTRICT's Water Management Information System (WMIS). MANATEE will use the DISTRICT's fee payment vendor unless otherwise approved by the DISTRICT. In the event MANATEE desires to cease participating in WMIS on-line permitting, MANATEE will provide the DISTRICT with ninety (90) days prior written notice, after which this Agreement will terminate.

8. Prior to issuing well construction permits, MANATEE will determine whether water well contractors possess a valid State of Florida water well contractor license and are in compliance with the requirements of Chapter 62-531, F.A.C., and that all conditions for permit issuance set forth in Section 40D-3.301, F.A.C., are met. The DISTRICT will provide MANATEE with access to an appropriate computer database containing contractor licensing information.

9. MANATEE will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS permitting application process. For applications submitted on the permit application form, MANATEE will enter the data into WMIS on a daily basis and scan the application and any related permit documents into WMIS. All document scanning required pursuant to this Agreement will comply with the document standards established by the DISTRICT.

10. MANATEE will require the submittal of Well Completion Reports as described in Paragraph 6 herein no later than thirty (30) days after expiration of the permit. For Well Completion Reports submitted on paper, MANATEE will enter the data on a daily basis and scan the document into WMIS.

11. MANATEE will witness the grouting operations on all wells that are abandoned in accordance with Section 40D-3.531, F.A.C. MANATEE may grant a variance to this requirement if the conditions of subsection 40D-3.531(4), F.A.C., have been satisfied. MANATEE will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). MANATEE will scan the completed forms into WMIS and submit the originals of these reports to the DISTRICT on a monthly basis.

12. In accordance with Chapter 40D-3, F.A.C., and Chapter 62-555, F.A.C., MANATEE will issue permits, conduct well site inspections and witness the grouting

operations for public supply wells. MANATEE may grant a variance to this witnessing requirement if the conditions specified in subsection 40D-3.461(6), F.A.C., are met. MANATEE will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). MANATEE will scan the forms into WMIS and submit originals of these reports to the DISTRICT on a monthly basis.

13. MANATEE will conduct random well construction inspections for a minimum of twenty percent (20%) of all permitted wells, calculated on an annual average basis (running 12 month average). The inspectors will utilize the Well Construction Inspection Checklist referenced in Paragraph 6 herein, and will complete the form for each inspection. MANATEE will scan the form into WMIS and submit the original forms to the District on a monthly basis. MANATEE must address any deficiencies noted during the inspections.

14. MANATEE will implement and maintain an effective compliance program, in cooperation with the DISTRICT, to ensure compliance with Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C. The compliance program will include but is not limited to investigation of all unpermitted and unlicensed activities, and monitoring of compliance with well construction standards and permit conditions. As part of the compliance program:

- a. MANATEE will carry out an inspection program, as described in more detail in Paragraphs 11, 12 and 13 herein;
- b. MANATEE will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual;
- c. MANATEE will take enforcement action against licensed water well contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002 (or later version adopted by the District), and the Uniform Citations Dictionary for Water Well Contractors, October 2002 (or later version adopted by the District). Where appropriate, as described in the guidance documents, MANATEE will comply with the due process requirements of Chapter 120, F.S.;
- d. MANATEE will report enforcement actions to the DISTRICT on a monthly basis. The DISTRICT will report the appropriate information to the Statewide Clearinghouse;
- e. The DISTRICT may conduct audits of MANATEE'S compliance and enforcement programs, as the DISTRICT deems appropriate. The DISTRICT may direct MANATEE to take specified enforcement actions if the DISTRICT finds MANATEE has failed to do so where appropriate.
- f. The DISTRICT will, upon request, provide technical support and assist with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by MANATEE and the contractor.

Nothing in this Agreement will limit the independent enforcement authority of either

party.

15. MANATEE will maintain a sufficient staff level to efficiently administer the delegated program. Staff levels will consist of, at a minimum, the following type and number of positions:

- a. Supervisor – at least one person possessing the requisite level of knowledge and experience of well construction to direct the program and be responsible for the submittal of the required reports to the DISTRICT;
- b. Technicians – a sufficient number of persons responsible for field inspections and witnessing of grouting and abandonment of wells, issuance of permits, well contractor compliance, well contractors' license investigation and coordination with the DISTRICT on related water use permit conditions;
- c. Clerical - at least one person responsible for coordinating the submittal of documents and reports to the District, document scanning and records management.

16. MANATEE will implement records management procedures that comply with the applicable provisions of Chapters 119, 257, 286, F.S., and the standards and requirements for records management set forth in Chapters 1B-24 and 1B-26, F.A.C. MANATEE will scan and submit to the DISTRICT on a monthly basis the originals of the following documents and all paper forms submitted by applicants and permittees:

- a. Well Completion Reports;
- b. Well Construction, Repair, Modification or Abandonment Permit applications, permits issued and any permit applications that are denied;
- c. Well Grouting/Abandonment forms;
- d. Public Supply Well Information and Classification forms; and
- e. Well Construction Inspection Checklist forms.

17. Nothing in this Agreement will be construed to limit or delegate the DISTRICT's exclusive authority to review, evaluate and issue Water Use Permits pursuant to Chapter 373, F.S., and applicable rules. If the withdrawal from the proposed or affected well will require a Water Use Permit, MANATEE will withhold issuance of any Well Construction, Repair, Modification or Abandonment Permit until after the Water Use Permit has been issued by the DISTRICT, or until the DISTRICT has otherwise concurred in the issuance of the Well Construction Permit in writing.

18. The DISTRICT will maintain responsibility to administer examinations and issue licenses for water well contractors pursuant to Chapter 373, F.S., and applicable rules.

19. MANATEE will have the authority to charge and retain well construction permit fees, in accordance with Sections 373.109 and 373.309, F.S, and at a minimum in accordance with Rule 40D-1.607, F.A.C. It is the intention of the parties that

MANATEE will operate the program in an efficient and cost effective manner. In the event any fees proposed to be assessed by MANATEE will exceed the fees currently charged by MANATEE as set forth in Appendix 1: Fee Schedule, attached hereto and incorporated herein, MANATEE must obtain the DISTRICT's concurrence. At the written request of the DISTRICT, MANATEE will prepare and provide to the District a program financial audit justifying the proposed fee or increase. Any new or increased fee must be adopted by the Manatee County Board of County Commissioners.

20. MANATEE will permit the DISTRICT, upon request, to examine all project records, including the right to audit any books, documents and papers during the Agreement period or following termination of this Agreement. MANATEE will maintain public records associated with this Agreement for at least three years from their receipt or creation. This period will continue after the termination of this Agreement. MANATEE recognizes and agrees that it is subject to the Public Records provisions of Chapter 119, F.S., and that all public records, as defined by Chapter 119, F.S., made or received by MANATEE in conjunction with this Agreement are subject to said provisions.

21. MANATEE will submit to the DISTRICT an Annual Report summarizing activities occurring in conjunction with this Agreement, to include the following at a minimum:

- a. a comparison of well construction permits issued versus well completion reports received during the previous year;
- b. a comparison of well permits issued for abandonment versus abandonment inspection reports received during the previous year;
- c. a comparison of well permits issued for public supply wells versus well grouting inspection reports for public supply wells received during the previous year;
- d. the number of random inspections conducted during the previous year; and
- e. reports of any enforcement proceedings, including the status of any ongoing enforcement cases and copies of all Warning Letters, Notices of Violation, Consent Orders and Final Orders relating thereto.

This report will be submitted to the DISTRICT by March 15 of each year.

22. The timing and content of the reports required under this Agreement may be revised upon the mutual agreement of the project managers for each party.

23. DISTRICT staff and MANATEE staff will meet at least semi-annually, and more frequently if deemed appropriate by the parties, to review water well activities and clarify procedures.

24. The DISTRICT will provide MANATEE with appropriate training on water well regulation, and will provide technical assistance as necessary to enable proper review of permit applications or to resolve compliance problems with existing wells. The

DISTRICT will provide MANATEE with appropriate training on WMIS, scanning and document management procedures as needed.

25. The DISTRICT will provide MANATEE with information concerning proposed changes to relevant rules, and current technical and administrative procedures.

26. MANATEE may not further delegate its authority under this Agreement.

27. Unless terminated by either the DISTRICT or MANATEE upon ninety (90) days prior written notice, this Agreement will continue in effect until June 1, 2015, and may be extended upon terms mutually acceptable to both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year as indicated below.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Approved as to Legal Form and
Content

Attorney

By: _____
Todd Pressman, Chair

Attest: _____
Hugh M. Gramling, Secretary

(Seal)

Filed this _____ day of
_____ 2010.

Deputy Agency Clerk

MANATEE COUNTY DEPARTMENT OF
HEALTH

[name]
[title]
Date: _____

ATTEST:

(Seal)

Appendix 1

ENVIRONMENTAL MANAGEMENT DEPARTMENT

**WATER WELL PERMITTING PROGRAM
PERMIT FEES**

ACTIVITY	FEE
ABANDONMENTS	\$0
PUBLIC SUPPLY	\$300
OTHER WELLS¹	\$145

¹ Includes Domestic, Irrigation, Monitor, Irrigation-Repair/Deepen, Domestic-Repair/Deepen, Livestock, Test/Piezometer, Recovery Well, Injection, Connection, Dewatering, Mining, Return Air Heat, Essential Service, Foundation Test Well, Power, Recharge Well/Satellite, Drainage Well, Grounding Rod, Recreation (Lake), Geothermal, Inventory, Air Conditioning/Heat Pump, Back Plugging, Industrial, and Sealed Water Well.

WELL CONSTRUCTION PERMITTING AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
SARASOTA COUNTY, FLORIDA

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and SARASOTA COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY," effective June 1, 2010.

INTRODUCTION AND INTENT

WHEREAS, the DISTRICT has the authority and responsibility, within its jurisdiction, for the administration and enforcement of rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, Florida Statutes (F.S.), and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, Florida Administrative Code (F.A.C.); and

WHEREAS, the COUNTY has the authority and responsibility, within its jurisdiction, to protect public health and prevent disease caused by natural and manmade factors in the environment, as set forth in Chapter 381, F.S.; and

WHEREAS, the COUNTY is within the jurisdiction of the DISTRICT, as described in Section 373.069, F.S., and is therefore subject to the rules, regulations, authority and orders of the DISTRICT, pursuant to Part III, Chapter 373, F.S.; and

WHEREAS, pursuant to Sections 373.308 and 373.309, F.S., the District is authorized to delegate to the COUNTY by interagency agreement the authority to regulate the permitting and construction of water wells within the COUNTY and

WHEREAS, the DISTRICT and the COUNTY have entered into agreements, effective since April 5, 1978, which have delegated to the COUNTY the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, F.A.C.;

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Sarasota County through delegation to the COUNTY of the DISTRICT's implementation of Part III of Chapter 373, F.S., and Chapters 40D-3, 62-524, 62-531, 62-532 and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout Sarasota County and protects public health, safety and welfare;

WHEREAS, the COUNTY has and desires to continue to designate the Sarasota County Health Department (SHCD) as the department within the county to perform the

functions delegated to the COUNTY under this Agreement;

THEREFORE, based upon the mutual consideration contained in this Agreement, the parties hereby agree as follows:

1. This Agreement shall take effect on June 1, 2010. The COUNTY will continue to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification or abandonment of water wells in Sarasota County, with the following exceptions:

- a. permits issued in accordance with Chapter 62-524, F.A.C.;
- b. wells constructed, repaired, modified or abandoned by the DISTRICT;
- c. permits for Class I and Class V, Groups 2 through 9 wells as defined in Chapter 62-528, F.A.C; and
- d. permits for wells located within any areas subject to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the DISTRICT.

2. The COUNTY will review and evaluate applications and issue or deny permits for the construction, operation, maintenance or abandonment of water wells for Class V, Group 1 injection wells, which include wells associated with thermal energy exchange, specifically air conditioning return flow wells and cooling water return flow wells. Class V, Group I wells serving multifamily residential units or business establishments, and swimming pool drainage wells serving multifamily or public swimming pools require prior permission from the Department of Environmental Protection (DEP), and DEP Form 62-528.900(4) must be completed and attached to the permit application. Class V, Group 9 injection wells serving single-family swimming pool drainage wells and air conditioning return flow well systems do not need prior DEP permission; however, DEP Form 62-528.900(9) needs to be attached to the permit.

3. The COUNTY will review and evaluate permit applications as described in paragraphs 1 and 2 herein based solely upon the applicable provisions of Chapter 373, F.S., and Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C. This provision will not be interpreted as preventing the COUNTY from mandating connections to public water supply, or upon District concurrence, limiting well construction in Areas of Special Concern (e.g., areas of groundwater contamination).

4. The DISTRICT will review and evaluate applications and issue or deny permits for wells constructed, repaired, modified or abandoned in accordance with the provisions of Chapter 62-524, F.A.C., and for any wells constructed, repaired, modified or abandoned by the DISTRICT. Permits for Class I and Class V, Groups 2 through 9 (with the exception of those listed under Paragraph 2 herein), wells must be obtained from the DISTRICT pursuant to Section 373.106, F.S. The DISTRICT will provide the COUNTY with a copy of permits issued by the DISTRICT for informational purposes, if requested.

5. The COUNTY will administer water well contractor and water well construction regulation and require all wells be constructed, repaired, modified or abandoned in accordance with the requirements of Part III, Chapter 373, F.S., and Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C.

6. The COUNTY will use the forms in use by the DISTRICT, which currently include the standardized State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form No. LEG-R.040.00 (4/09); the Well Completion Report, Form No. LEG-R.005.01 (4/09); the Well Grouting/Abandonment Form, Form No. LEG-R.041.00 (4/09); the Well Construction Inspection Checklist, Form No. RPM.004.01 (2/07); and the Public Supply Well Information and Classification Form, Form No. LEG-R.015.01 (4/09). COUNTY will use any revised or additional well construction-related forms that hereafter may be adopted by the DISTRICT.

7. The COUNTY will continue to participate in the on-line permitting program implemented through the DISTRICT's Water Management Information System (WMIS). The COUNTY will use the DISTRICT's fee payment vendor unless otherwise approved by the DISTRICT. In the event the COUNTY desires to cease participating in WMIS on-line permitting, the COUNTY will provide the DISTRICT with ninety (90) days prior written notice, after which this Agreement will terminate.

8. Prior to issuing well construction permits, the COUNTY will determine whether water well contractors possess a valid State of Florida water well contractor license and are in compliance with the requirements of Chapter 62-531, F.A.C., and that all conditions for permit issuance set forth in Section 40D-3.301, F.A.C., are met. The DISTRICT will provide the COUNTY with access to an appropriate computer database containing contractor licensing information.

9. The COUNTY will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS permitting application process. For applications submitted on the permit application form, the COUNTY will enter the data into WMIS on a daily basis and scan the application and any related permit documents into WMIS. All document scanning required pursuant to this Agreement will comply with the document standards established by the DISTRICT.

10. The COUNTY will require the submittal of Well Completion Reports as described in Paragraph 6 herein no later than thirty (30) days after expiration of the permit. For Well Completion Reports submitted on paper, the COUNTY will enter the data on a daily basis and scan the document into WMIS.

11. The COUNTY will witness the grouting operations on all wells that are abandoned in accordance with Section 40D-3.531, F.A.C. The COUNTY may grant a variance to this requirement if the conditions of subsection 40D-3.531(4), F.A.C., have been satisfied. The COUNTY will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The COUNTY will scan the completed forms into WMIS and submit the originals of these reports to the DISTRICT

on a monthly basis.

12. In accordance with Chapter 40D-3, F.A.C., and Chapter 62-555, F.A.C., the COUNTY will issue permits, conduct well site inspections and witness the grouting operations for public supply wells. The COUNTY may grant a variance to this witnessing requirement if the conditions specified in subsection 40D-3.461(6), F.A.C., are met. The COUNTY will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The COUNTY will scan the forms into WMIS and submit originals of these reports to the DISTRICT on a monthly basis.

13. The COUNTY will conduct random well construction inspections for a minimum of twenty percent (20%) of all permitted wells, calculated on an annual average basis (running 12 month average). The inspectors will utilize the Well Construction Inspection Checklist referenced in Paragraph 6 herein, and will complete the form for each inspection. The COUNTY will scan the form into WMIS and submit the original forms to the District on a monthly basis. The COUNTY must address any deficiencies noted during the inspections.

14. The COUNTY will implement and maintain an effective compliance program, in cooperation with the DISTRICT, to ensure compliance with Chapters 40D-3, 62-531, 62-532 and 62-555, F.A.C. The compliance program will include but is not limited to investigation of all unpermitted and unlicensed activities, and monitoring of compliance with well construction standards and permit conditions. As part of the compliance program:

- a. The COUNTY will carry out an inspection program, as described in more detail in Paragraphs 11, 12 and 13 herein;
- b. The COUNTY will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual;
- c. The COUNTY will take enforcement action against licensed water well contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002 (or later version adopted by the District), and the Uniform Citations Dictionary for Water Well Contractors, October 2002 (or later version adopted by the District). Where appropriate, as described in the guidance documents, the COUNTY will comply with the due process requirements of Chapter 120, F.S.;
- d. The COUNTY will report enforcement actions to the DISTRICT on a monthly basis. The DISTRICT will report the appropriate information to the Statewide Clearinghouse;
- e. The DISTRICT may conduct audits of the COUNTY'S compliance and enforcement programs, as the DISTRICT deems appropriate. The DISTRICT may direct the COUNTY to take specified enforcement actions if the DISTRICT finds the COUNTY has failed to do so where appropriate.
- f. The DISTRICT will, upon request, provide technical support and assist

with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by COUNTY and the contractor.

Nothing in this Agreement will limit the independent enforcement authority of either party.

15. The COUNTY will maintain a sufficient staff level to efficiently administer the delegated program. Staff levels will consist of, at a minimum, the following type and number of positions:

- a. Supervisor – at least one person possessing the requisite level of knowledge and experience of well construction to direct the program and be responsible for the submittal of the required reports to the DISTRICT;
- b. Technicians – a sufficient number of persons responsible for field inspections and witnessing of grouting and abandonment of wells, issuance of permits, well contractor compliance, well contractors' license investigation and coordination with the DISTRICT on related water use permit conditions;
- c. Clerical - at least one person responsible for coordinating the submittal of documents and reports to the District, document scanning and records management.

16. The COUNTY will implement records management procedures that comply with the applicable provisions of Chapters 119, 257, 286, F.S., and the standards and requirements for records management set forth in Chapters 1B-24 and 1B-26, F.A.C. The COUNTY will scan and submit to the DISTRICT on a monthly basis the originals of the following documents and all paper forms submitted by applicants and permittees:

- a. Well Completion Reports;
- b. Well Construction, Repair, Modification or Abandonment Permit applications, permits issued and any permit applications that are denied;
- c. Well Grouting/Abandonment forms;
- d. Public Supply Well Information and Classification forms; and
- e. Well Construction Inspection Checklist forms.

17. Nothing in this Agreement will be construed to limit or delegate the DISTRICT's exclusive authority to review, evaluate and issue Water Use Permits pursuant to Chapter 373, F.S., and applicable rules. If the withdrawal from the proposed or affected well will require a Water Use Permit, the COUNTY will withhold issuance of any Well Construction, Repair, Modification or Abandonment Permit until after the Water Use Permit has been issued by the DISTRICT, or until the DISTRICT has otherwise concurred in the issuance of the Well Construction Permit in writing.

18. The DISTRICT will maintain responsibility to administer examinations and

issue licenses for water well contractors pursuant to Chapter 373, F.S., and applicable rules.

19. The COUNTY will have the authority to charge and retain well construction permit fees, in accordance with Sections 373.109 and 373.309, F.S., and at a minimum in accordance with Rule 40D-1.607, F.A.C. It is the intention of the parties that the COUNTY will operate the program in an efficient and cost effective manner. In the event any fees proposed to be assessed by the COUNTY will exceed the fees currently charged by the COUNTY as set forth in Appendix 1: Fee Schedule, attached hereto and incorporated herein, the COUNTY must obtain the DISTRICT's concurrence of such fee increase. At the written request of the DISTRICT, the COUNTY will prepare and provide to the District a program financial audit justifying the proposed fee or increase. Any new or increased fee must be adopted by the Sarasota County Board of County Commissioners.

20. The COUNTY will permit the DISTRICT, upon request, to examine all project records relating to the subject matter of this Agreement, including the right to audit such related books, documents and papers during the Agreement period or following termination of this Agreement. The COUNTY will maintain public records associated with this Agreement for at least three years from their receipt or creation. This period will continue after the termination of this Agreement. The COUNTY recognizes and agrees that it is subject to the Public Records provisions of Chapter 119, F.S., and that all public records, as defined by Chapter 119, F.S., made or received by the COUNTY in conjunction with this Agreement are subject to said provisions.

21. The COUNTY will submit to the DISTRICT an Annual Report summarizing activities occurring in conjunction with this Agreement, to include the following at a minimum:

- a. a comparison of well construction permits issued versus well completion reports received during the previous year;
- b. a comparison of well permits issued for abandonment versus abandonment inspection reports received during the previous year;
- c. a comparison of well permits issued for public supply wells versus well grouting inspection reports for public supply wells received during the previous year;
- d. the number of random inspections conducted during the previous year; and
- e. reports of any enforcement proceedings, including the status of any ongoing enforcement cases and copies of all Warning Letters, Notices of Violation, Consent Orders and Final Orders relating thereto.

This report will be submitted to the DISTRICT by March 15 of each year.

22. The timing and content of the reports required under this Agreement may

be revised upon the mutual agreement of the project managers for each party.

23. DISTRICT staff and COUNTY staff will meet at least semi-annually, and more frequently if deemed appropriate by the parties, to review water well activities and clarify procedures.

24. The DISTRICT will provide the COUNTY with appropriate training on water well regulation, and will provide technical assistance as necessary to enable proper review of permit applications or to resolve compliance problems with existing wells. The DISTRICT will provide COUNTY with appropriate training on WMIS, scanning and document management procedures as needed.

25. The DISTRICT will provide the COUNTY with information concerning proposed changes to relevant rules, and current technical and administrative procedures.

26. The COUNTY will designate the SCHD as the department to perform the functions delegated to the COUNTY pursuant to this Agreement. The COUNTY may not further delegate its authority under this Agreement.

27. Unless terminated by either the DISTRICT or the COUNTY upon ninety (90) days prior written notice, this Agreement will continue in effect until June 1, 2015, and may be extended upon terms mutually acceptable to both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year as indicated below.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Approved as to Legal Form and
Content

Attorney

By: _____
Todd Pressman, Chair

Attest: _____
Hugh M. Gramling, Secretary

(Seal)

Filed this _____ day of
_____ 2010.

Deputy Agency Clerk

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY

Joe Barbetta, Chairman

Date: _____

ATTEST:
KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of Sarasota County, Florida

By: _____
Deputy Clerk

Approved as to form and correctness:

County Attorney

Appendix 1: Fee Schedule*

Effective 10/14/2008

Permit Fees

Augmentation Well	\$300.00
Public Supply Well (WUP Required)	\$500.00
Public Supply Well.....	\$300.00
Commercial Irrigation Well (WUP Required).....	\$300.00
Commercial Irrigation Well	\$200.00
Other Irrigation Well (excluding sandpoint).....	\$115.00
Private Well (New)	\$140.00
Redrill	\$125.00
Repair	\$150.00
Sandpoint Well (up to 3 wells).....	\$150.00
Elevator Shaft	\$500.00
Monitor Wells (per well)	\$75.00
Plugging (6" diameter or greater)	\$100.00
Plugging (less than 6")	\$50.00
Heat Exchange (Geothermal) Well (commercial)	\$300.00
Heat Exchange (Geothermal) Well (residential)	\$150.00
Air Sparging Well (up to 8 wells).....	\$75.00
Demolition Permit Processing	\$75.00
Setback Variance Permit Processing	\$75.00
Late fee for Limited Use Public Water System	
Permit renewal after October 1.....	\$100.00
Change of permitted well use	\$75.00

Water Sample I Analysis Fees

Sample Collection Fee	\$40.00
Bacteriological (Bact)	\$20.00
Partial Chemical Testing	\$50.00
Single Chemical Analysis	\$10.00
Monthly Public Bact (includes collection fee).....	\$60.00
Public Supply Well Clearance (20 samples)	\$250.00
Public Supply Well Retest (per sample)	\$20.00
Late fee for Public Water Systems monthly, quarterly and annual chemical and bacteriological analysis results after the 15 th of the following month they are due	\$100.00

*Appendix 1 – from Sarasota County Health Department, Well Drilling Policy and Procedures Manual, October 14, 2008.

Statement of Estimated Regulatory Costs (SERC)

Proposed Amendment to Rule 40D-1.002 Delegation of Authority, F.A.C.

Incorporating by Reference the Well Construction Permitting Agreements with
Manatee County and Sarasota County



April 7, 2010

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Statement of Estimated Regulatory Costs (SERC)
Proposed Amendment to Rule 40D-1.002 Delegation of Authority, F.A.C.
Incorporating by Reference the Well Construction Permitting Agreements with
Manatee County and Sarasota County

April 7, 2010

1.0 Introduction

The District has had separate well construction permitting delegation agreements with Manatee and Sarasota counties since 1978. The current agreements expire on May 31, 2010. Continued delegation of authority to administer the well construction regulation program allows the counties to achieve related health and public safety objectives in a more efficient manner. The counties and the District seek to extend these successful public-public partnerships through May 31, 2015. Updated versions of the current agreements will be adopted and incorporated by reference in Rule 40D-1.002 Delegation of Authority, F.A.C. The proposed agreements continue the delegation of the District's well construction regulatory program to the counties, with the following changes:

- Extend the delegations another 5 years to May 31, 2015
- Exempt from delegation those wells located within any areas subject to the Memorandum of Agreement (MOA) between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the District
- Eliminate a requirement that the county notify the District of any vacancies in staff responsible for implementing the well construction permitting program in the county
- Clarify that the county will use the District's fee payment vendor unless otherwise approved
- Require the county to enter the data from permit applications, completion reports, etc., submitted on paper into the District's electronic Water Management Information System (WMIS)
- Add to the annual report the requirement to include the number of random well construction inspections conducted and status of enforcement/compliance matters undertaken during the past year
- Require submittal of paper documents to the District on a monthly as opposed to a weekly basis

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule

The entities affected by the rule are Manatee and Sarasota counties.

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues

3.1 Estimated impacts to the District

3.1.1 Estimated additional permit evaluation, processing, and monitoring costs

Except for one circumstance, there are no additional permit evaluation, processing, and monitoring costs to the District. If the District and EPA amend their MOA to include any superfund sites in Manatee or Sarasota counties, the District will bear the cost of permitting any wells near the contamination area.

3.2 Estimated costs to other state and local government entities of implementing and enforcing the proposed rule

No significant impacts are anticipated to state and local governmental entities other than Manatee and Sarasota counties regarding the implementation and enforcement of the proposed rule. Costs to Manatee and Sarasota counties are described in Section 4.1 below.

3.3 Estimated effect on state or local revenues

No significant impacts to state or local revenues are anticipated as a result of the proposed revisions.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule

4.1 Transactional costs to the counties

- Extension of delegation another 5 years to May 31, 2015
 - Cost: There are no additional costs to the counties. Existing administrative costs to the counties are expected to remain at present levels.
- Exemption for wells located within any areas subject to the Memorandum of Agreement (MOA) between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the District
 - Cost: There is no cost to the counties. There are currently no EPA Superfund sites in Manatee and Sarasota counties that are under the EPA MOA. If the District and EPA amend their MOA to include any superfund sites in Manatee or Sarasota, the counties will save on the cost of permitting any wells near the contamination area.
- Elimination of a requirement that the county notify the district of any vacancies in staff responsible for implementing the well construction permitting program in the county
 - Cost: Counties save on the cost of notification to the District.
- Clarification that the county will use the District's fee payment vendor unless otherwise approved
 - Cost: The counties are already using the District's fee payment vendor. Counties may change vendors upon District approval.

- Requirement to enter the data from permit applications, completion reports, etc., submitted on paper into the Water Management Information System (WMIS)
 - Cost: The counties have agreed to take on this obligation. District staff toured the county offices in order to ensure that proper equipment was already in place. Sarasota County staff stated that paper application and completion report data entry will cost an additional \$9,000 per year at current permitting levels. Although the counties charge higher well construction permit fees than the District, these revenues will not completely cover the counties' permitting expenses. The well construction program does not pay for itself and receives a portion of its budget from the general fund. Over 80 percent of the well construction permit applications and well construction completion reports are completed online and require no data entry on the part of the counties¹.
- Addition of requirement that the annual report include the number of random inspections conducted and status of enforcement/compliance matters undertaken during the past year
 - Cost: Since this information is already being collected under the existing agreement, it is not anticipated that the counties will incur additional costs.
- Requirement to submit paper documents to the District on a monthly as opposed to a weekly basis
 - Cost: Counties save time and postage expenses. They have the option of making one trip a month to the service offices. Permit applications and completion reports submitted on paper are entered into WMIS daily. Delay in receiving paper documents is not an issue to the District.

4.2 Transactional costs to well construction permittees

There will be no additional cost impacts to existing well owners, property owners seeking wells, or well contractors as a result of the continuation of this delegated program for another 5 years. Contractors will continue to obtain permits through the appropriate county departments. Those that submit permit applications and completion reports online will continue to do so without cost or other impact. Those that submit on paper will continue to do so without any further cost or other change.

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52., F.S.

According to Section 120.52(19), F.S., a “small county” is any county that has an unincarcerated population of 75,000 as of the time of the last census. The “small county” classification does not apply to Manatee or Sarasota counties. At the same time, well contractors generally qualify as small businesses. The extension of the delegation agreements is not expected to adversely impact well contractors or other small counties and municipalities. Therefore, there are no impacts to small businesses, small counties, or small cities.

¹ Swartz, Mark (2010, March 30 and April 1). Engineer III. Water Section Manager. Sarasota County Health Department. Telephone interviews.

**Consent Agenda
April 27, 2010**

Resource Management Committee

Non-Exclusive License Agreements with Florida Gas Transmission Company for a 36-inch Natural Gas Pipeline – Edward Medard Park, Alafia River Corridor and Starkey Wilderness Preserve – SWF Parcel Nos. 11-100-150X, 11-709-144X and 15-010-058X

Purpose

The purpose of this item is to request the Governing Board approve three non-exclusive license agreements to the Florida Gas Transmission Company (FGT) for the construction, operation and maintenance of a 36-inch gas pipeline within Edward Medard Park, Alafia River Corridor and the Serenova tract within the Starkey Wilderness Preserve. A general location map and aerials depicting the locations of the utility corridors under the proposed license agreements are included in the board packet as exhibits to this item.

Background/History

Florida Gas Transmission Company has requested the District grant them non-exclusive license agreements for permanent and temporary corridors on the Medard, Alafia and Serenova tracts to construct, operate and maintain a 36-inch natural gas pipeline. The pipeline is part of FGT's Phase VIII Expansion Project which consists of creating 482 miles of multi-diameter pipeline in Alabama, Mississippi and Florida. The project is needed to meet the growing natural gas needs of the Gulf Coast and Florida. The Federal Energy Regulatory Commission has conducted an environmental assessment of the corridors proposed under the project and will be issuing a certificate of public convenience and necessity to FGT by March 2010.

Florida Gas Transmission Company is requesting that the District grant the following:

- Alafia River Corridor - A 50-foot permanent corridor (9.427 acres) and temporary staging areas of varying sizes that total 7.984 acres.
- Edward Medard Park - A 50-foot permanent corridor (12.626 acres) and temporary staging areas of varying sizes that total 14.014 acres.
- Starkey Wilderness Preserve, Serenova tract – A 50-foot permanent corridor (2.623 acres) and temporary staging areas of varying sizes that total 2.863 acres.

The alignments of the permanent and temporary corridors in each location are collocated with existing gas pipeline corridors currently utilized by FGT. Portions of the proposed corridors will overlap portions of the existing corridors to minimize additional impacts to District lands. Staff has evaluated the corridors and determined the proposed alignments of the pipeline corridors are collocated to the greatest extent practicable with the existing gas pipeline and is the route with the least impacts.

Summary of Appraisals and Value Comparisons – Consistent with District policy, the District may receive compensation for the license agreements being granted to FGT. Appraisals dated December 9, November 2, and November 24, 2009 for corridors on the Medard, Alafia and Serenova tracts, respectively, were prepared by McKeon & Menard and submitted to the District. The appraisals meet the necessary legal or District requirements and contain the appraiser's factual data leading to the value conclusions. The appraiser estimated that the District should receive \$63,100 for the permanent and temporary corridors on the Medard tract and \$29,000 for corridors on the Alafia tract and \$25,950 for corridors on the Serenova tract.

District staff has prepared a license agreement for each tract that contains standard terms and conditions which include but are not limited to the following:

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- The term of each license agreement will run concurrently with the Federal Energy Regulatory Commission's Certificate of Public Convenience and Public Necessity for the pipeline facilities;
- A final design and construction plan for the pipeline facilities will be submitted to the District for approval;
- FGT will ensure that all federal, state and local permits are obtained;
- FGT will indemnify the District and carry appropriate insurance;
- FGT will restore lands to original grade and stabilize;
- All public recreation entrance amenities such as parking lot, kiosk, fence and public signage disturbed by the construction project will be restored.

Benefits/Costs:

- This is at no-cost to the District as FGT will be responsible for all construction, operation and maintenance of the pipeline and its facilities.
- Revenue will be placed in the District's interest-bearing land management account and used to offset land management costs.

This item will be presented to Alafia River Basin Board and Coastal Rivers Basin Board at their April meetings.

Staff Recommendation:

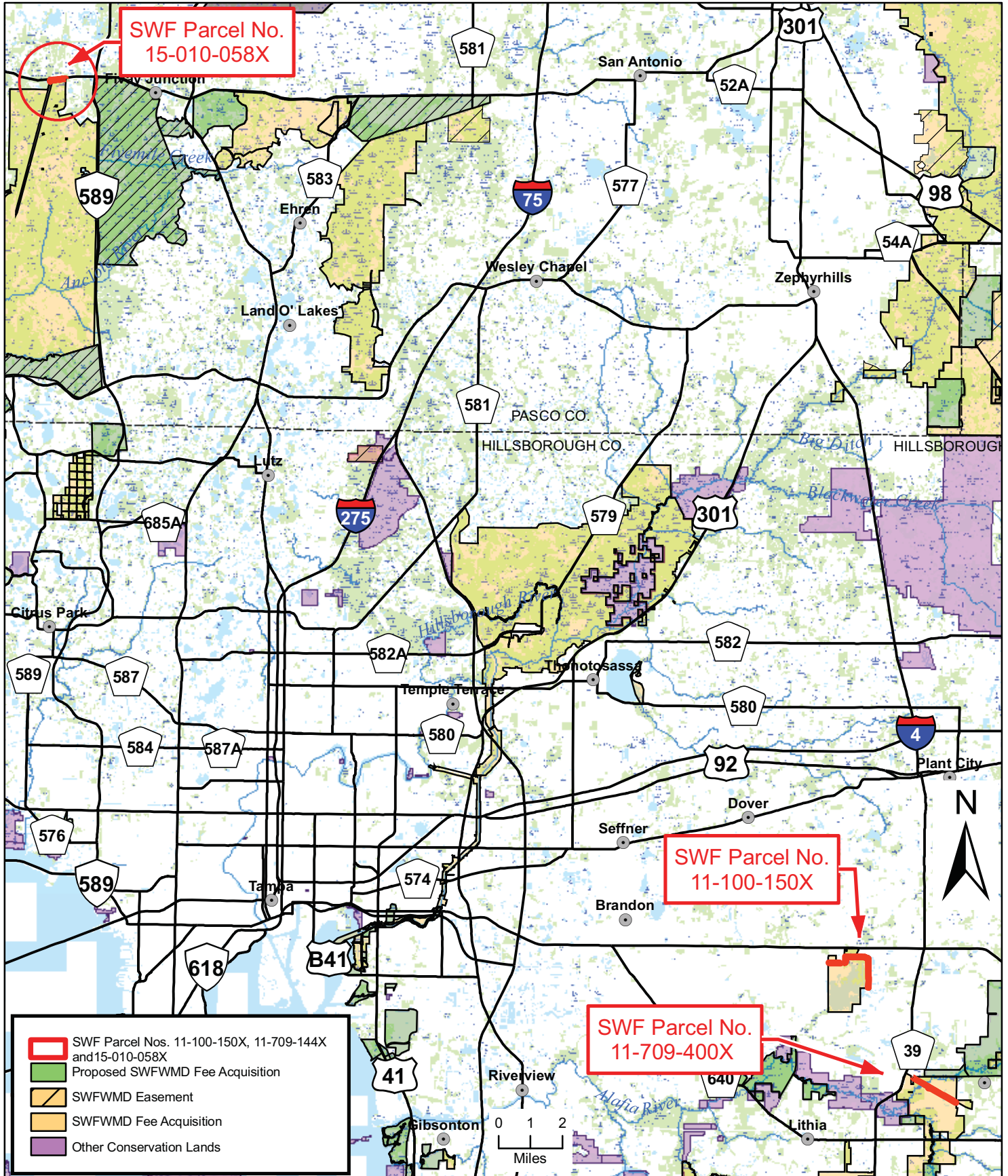
See Exhibits

- (1) Accept the appraisals of the proposed non-exclusive license agreements between the District and FGT;
- (2) Approve license agreements between the District and FGT for SWF Parcel Nos. 11-100-150X, 11-709-144X and 15-010-058X; and
- (3) Authorize the Land Resources Director to execute the license agreements.

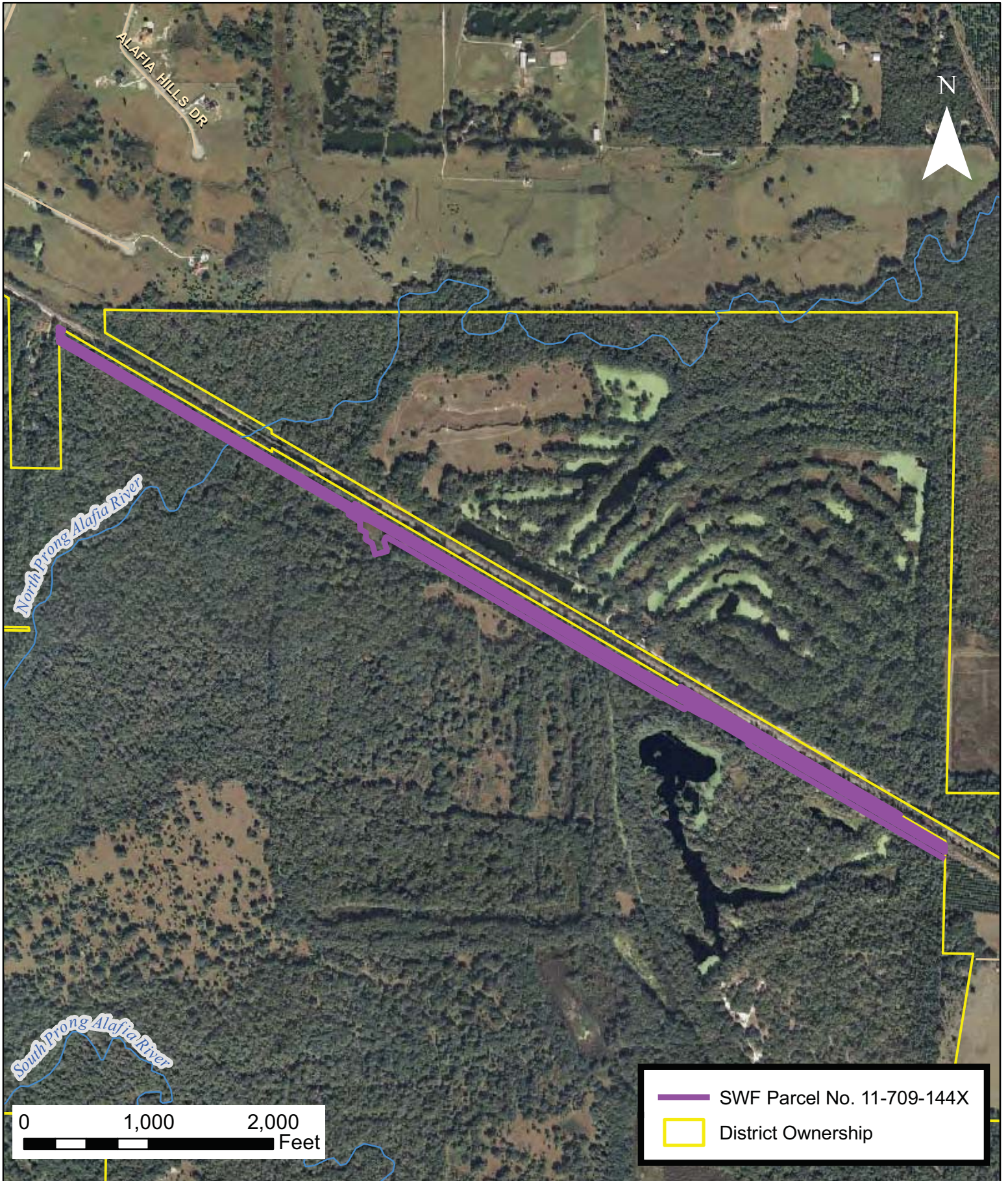
Presenter: Colleen E. Kruk, Sr. Land Use Specialist, Land Resources Department

License Agreements with FGT for Medard Park, Alafia River Corridor and Starkey Wilderness Preserve

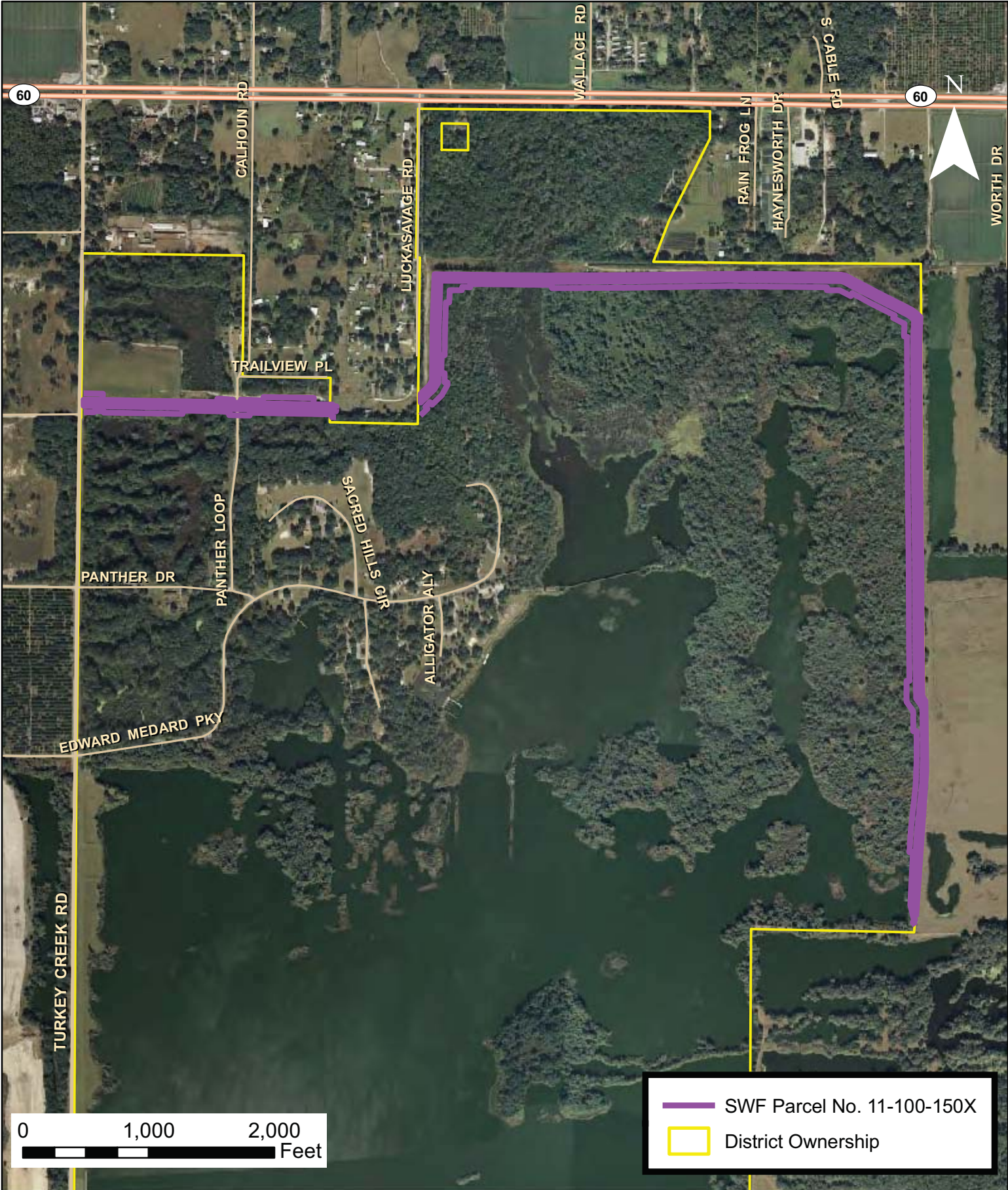
SWF Parcel Nos. 11-100-150X, 11-709-144X & 15-010-058X



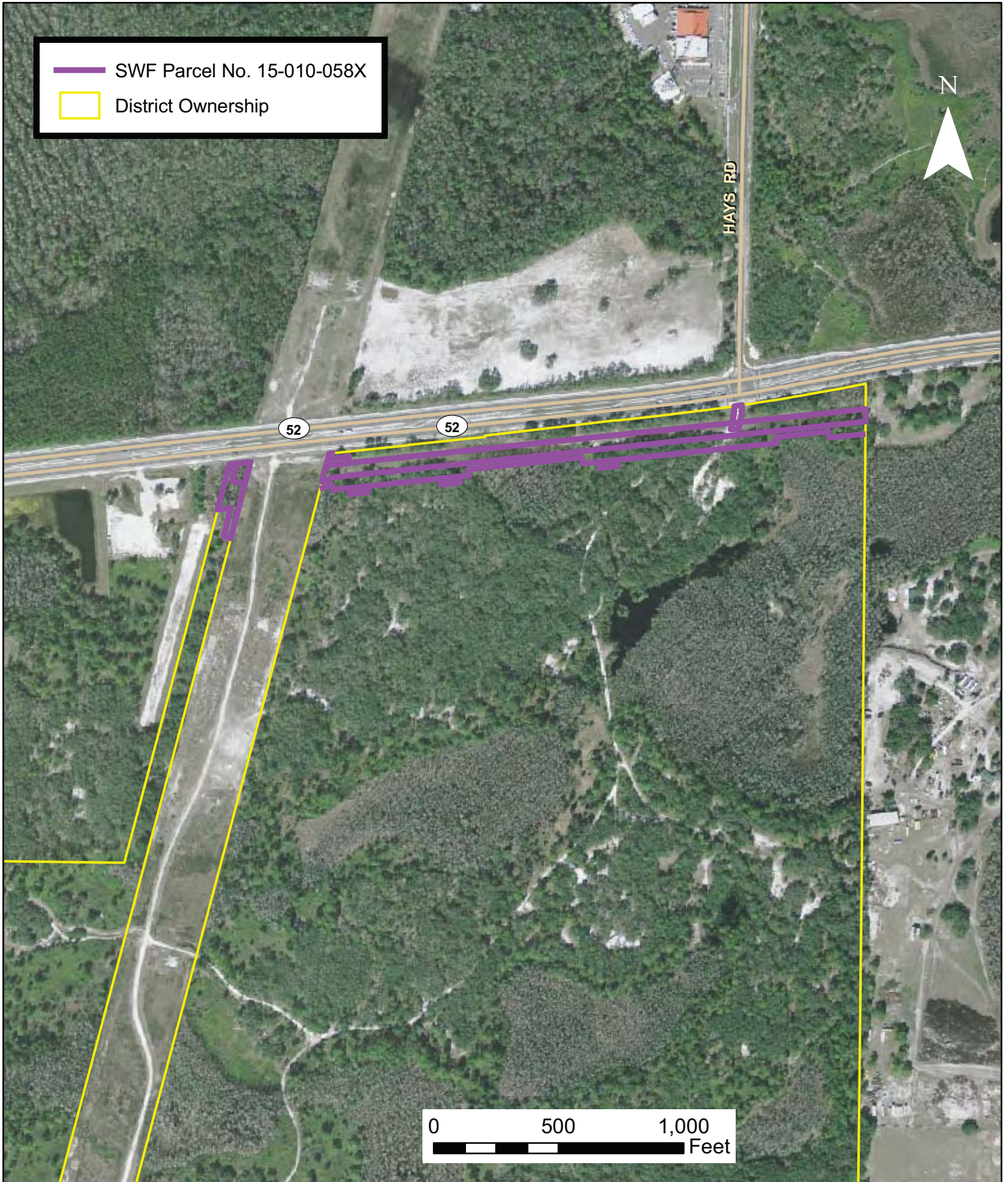
Florida Gas and Transmission License - Alafia River Corridor
SWF Parcel No. 11-709-144X



Florida Gas and Transmission License - Medard Reservoir SWF Parcel No. 11-100-150X



Florida Gas and Transmission License - Starkey Wilderness Preserve SWF Parcel No. 15-010-058X



Consent Agenda April 27, 2010

Resource Management Committee

Appraisal, Purchase and Sale Agreement and Conveyance of Surplus Lands – Chito Branch Reserve, SWF Parcel No. 11-709-142S

Purpose

The purpose of this item is to request the Governing Board approve a purchase and sale agreement and convey SWF Parcel No. 11-709-142S to Betty DeHart for the negotiated amount of \$2,940 pursuant to Section 373.089(3), Florida Statutes (F.S.). General and detailed location maps depicting the subject parcel are included in the board packet as exhibits to this item.

Background/History

On March 30, 2010 the Governing Board declared SWF Parcel No. 11-709-142S surplus. The 0.42 acres the Governing Board declared surplus represents a narrow strip of land in the northeast corner of the Chito Branch Reserve (site of the C.W. “Bill” Young Reservoir) that borders a private residence and has encroachments including portions of the adjacent owner’s residence, driveway and fence. The adjacent owner approached the District to assist in resolving the boundary encroachment issue. Because the encroachments were unintentional, were planned at the same time as the District’s acquisition, and the common boundary old fenceline remained after acquisition, staff recommended the Governing Board declare the parcel surplus.

Florida Statutes requires the District advertise its the intent to sell the property in a Hillsborough County newspaper for no less than 30 days, nor more than 45 days prior to sale. Staff has met this requirement. The Governing Board may then enter into an agreement for the purchase and sale of the surplus land subject to acceptable terms of the Board, but in no case below appraised value. The Chito Branch acquisition involved proceedings in eminent domain and a funding partnership with Tampa Bay Water. Tampa Bay Water will receive 28 percent of the proceeds which represents their interest in the land.

Summary of Appraisal and Value Comparison – Consistent with District policy, a state-certified appraiser within the Land Resources Department prepared an appraisal of the surplus property. The appraisal has an effective date of March 29, 2010, meets the necessary legal or District requirements and is based on factual data leading to the value conclusions. The appraised value was estimated to be \$7,000 per acre, or \$2,940, of which the District will receive its 72 percent share of \$2,117. A purchase and sale agreement has been negotiated with Mrs. Betty DeHart for the appraised value.

Benefits/Costs

The conveyance of this parcel will not affect the function or operation of the C.W. “Bill” Young Reservoir nor the mitigation requirements.

Pursuant to Section 373.139, F.S., revenue derived from the sale of the land may only be used for the purchase of other land.

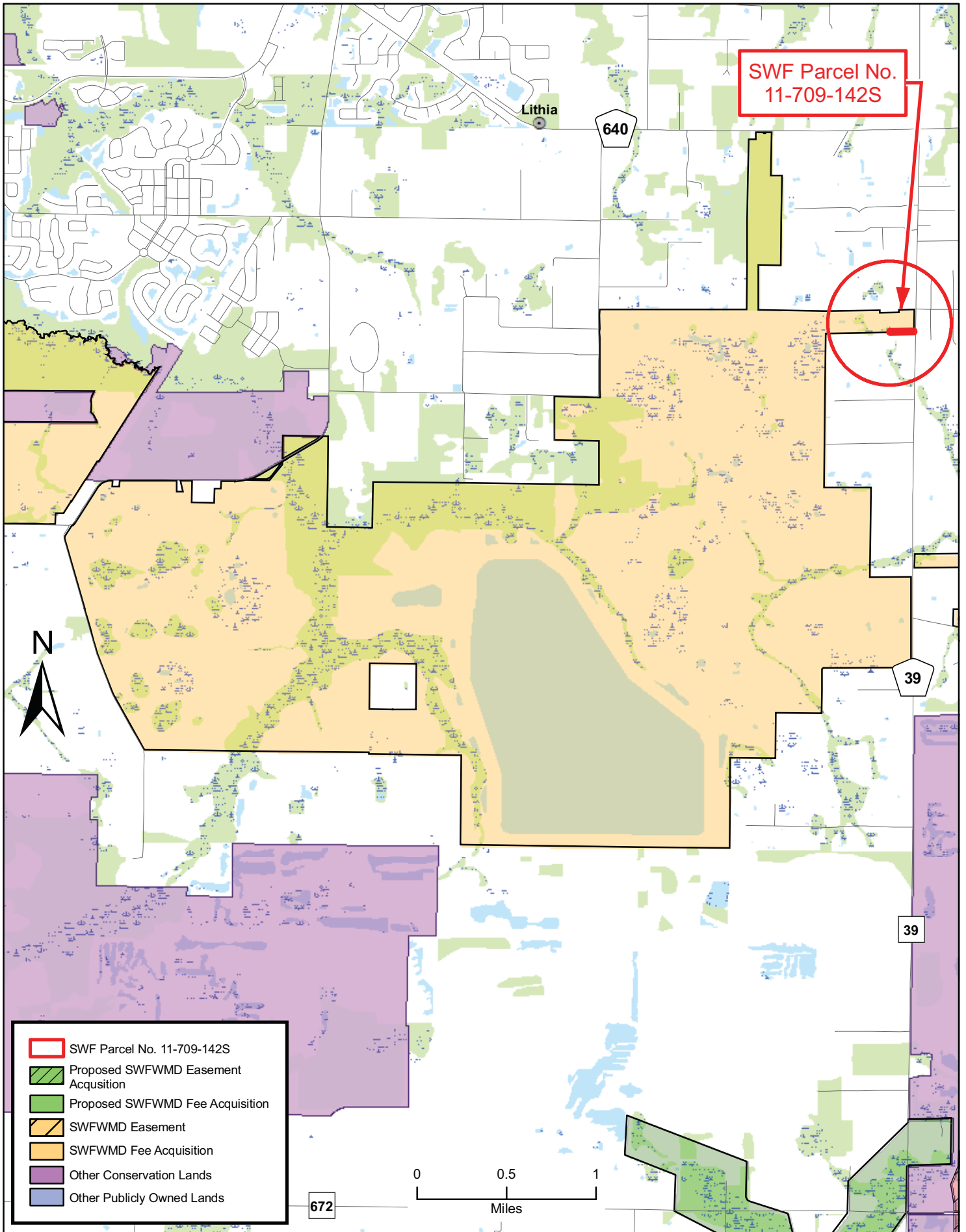
Staff Recommendation:

See Exhibits

- (1) Accept the appraisal;
- (2) Approve the purchase and sale agreement; and
- (3) Convey the parcel to Betty DeHart

Presenter: Eric Sutton, Director, Land Resources Department

Chito Branch



Chito Branch - SWF Parcel No. 11-709-142S



OLD WELCOME RD



ANGUS LN

39

39



0 100 200
Feet

-  SWF Parcel No. 11-709-142S
-  SWFWMD Fee Acquisition

Consent Agenda April 27, 2010

Resource Management Committee

Non-Exclusive Utility Easement to Tampa Electric Company for a 230-Kilovolt Overhead Transmission Line – Tampa Bypass Canal – SWF Parcel Number 13-004-315X

Purpose

The purpose of this item is to request the Governing Board approve a non-exclusive utility easement to the Tampa Electric Company (TECO) over a portion of the Tampa Bypass Canal for the construction, operation and maintenance of a 230-kilovolt overhead transmission line designed to run from Polk County to Hillsborough County. A general location map and an aerial depicting the easement location are included in the board packet as exhibits to this item.

Background/History

The TECO has requested the District grant them a non-exclusive utility easement on the Tampa Bypass Canal to construct, operate and maintain a 230-kilovolt overhead transmission line that will run from Polk County to Hillsborough County. The new overhead electric transmission line is a part of the TECO's Willow Oak-Wheeler-Davis Project, Phase 1, which consists of creating 30 miles of new overhead electric transmission line to connect the planned Willow Oak substation located west of Mulberry in Polk County to the planned Davis substation located in Temple Terrace in Hillsborough County. The project is needed to meet the growing electric needs for the region and to ensure the reliability and integrity of the electric power system.

Pursuant to the Transmission Line Siting Act, the Florida Department of Environmental Protection (FDEP), and other regulatory agencies have conducted an environmental assessment of the new overhead electric transmission line corridor. The FDEP certified the transmission line in July 2008 but did not complete the Conditions of Certification until September 2009 which delayed TECO's construction timeline. The TECO requires construction of Phase 1 to be completed by December 2010.

The TECO requested that the District grant them a 100-foot permanent corridor (2.94 acres). Staff has evaluated the corridor and determined that the alignment of the overhead electric transmission corridor will be located at a point on the Tampa Bypass Canal that will minimize impacts to the function, operation and maintenance of the canal. Additionally, the September 2009 Conditions of Certification require that the transmission line poles and supports will not be located along the banks of the canal or in such a manner that will interfere with the function, operation and maintenance of the canal.

Summary of Appraisals and Value Comparisons

Consistent with District policy, the District may receive compensation for the non-exclusive utility easement being granted to the TECO; accordingly, an appraisal was prepared by Jamir & Associates, Inc. The appraisal was reviewed by Nick Mancuso, with Mancuso Appraisal Services, Inc. The appraisal report, which has a valuation date of February 11, 2010, meets the necessary legal or District requirements and contains the appraiser's factual data leading to the value conclusion. The appraisal review for this property was prepared on April 2, 2010. The appraiser estimated that the District should receive \$218,500 for the permanent easement corridor. The TECO proposed that the District execute a standard purchase agreement to memorialize the District's acceptance of the compensation for the easement corridor.

District staff has prepared a non-exclusive utility easement that contains standard terms and

Item 11

conditions which include but are not limited to:

- The term of the easement will be perpetual;
- A final design and construction plan for the electric overhead line and facilities will be submitted to the District for approval;
- The TECO will ensure that all federal, state and local permits are obtained;
- The TECO will indemnify the District;
- The TECO will restore lands to original grade and stabilize; and
- Any public recreation amenities affected by the easement will be restored.

The TECO has advised the District that it must meet a May 1, 2010 construction commencement deadline for the electric transmission line to meet service commitments to its customers. Therefore, the TECO requested the District present this item to the Governing Board for consideration at the Board's April meeting. This item will be presented to the Hillsborough River Basin Board at its June meeting as an information item.

Benefits/Costs:

- This is at no-cost to the District as the TECO will be responsible for all construction, operation and maintenance of the overhead electric line and its facilities.
- The proposed easement traverses five District-owned parcels. One parcel was purchased prior to the Florida Water Resources Act of 1972 which requires that such proceeds involving lands purchased under this Act be utilized for the purchase of other lands. This parcel represents 14% of the overall area of the proposed easement. Accordingly, staff recommends that \$30,590 become a part of the Hillsborough River Basin's balance forward for Fiscal Year 2012 budget development and \$187,910 be placed in the Governing Board's General Fund to be held for reinvestment in land within the Hillsborough River Basin.

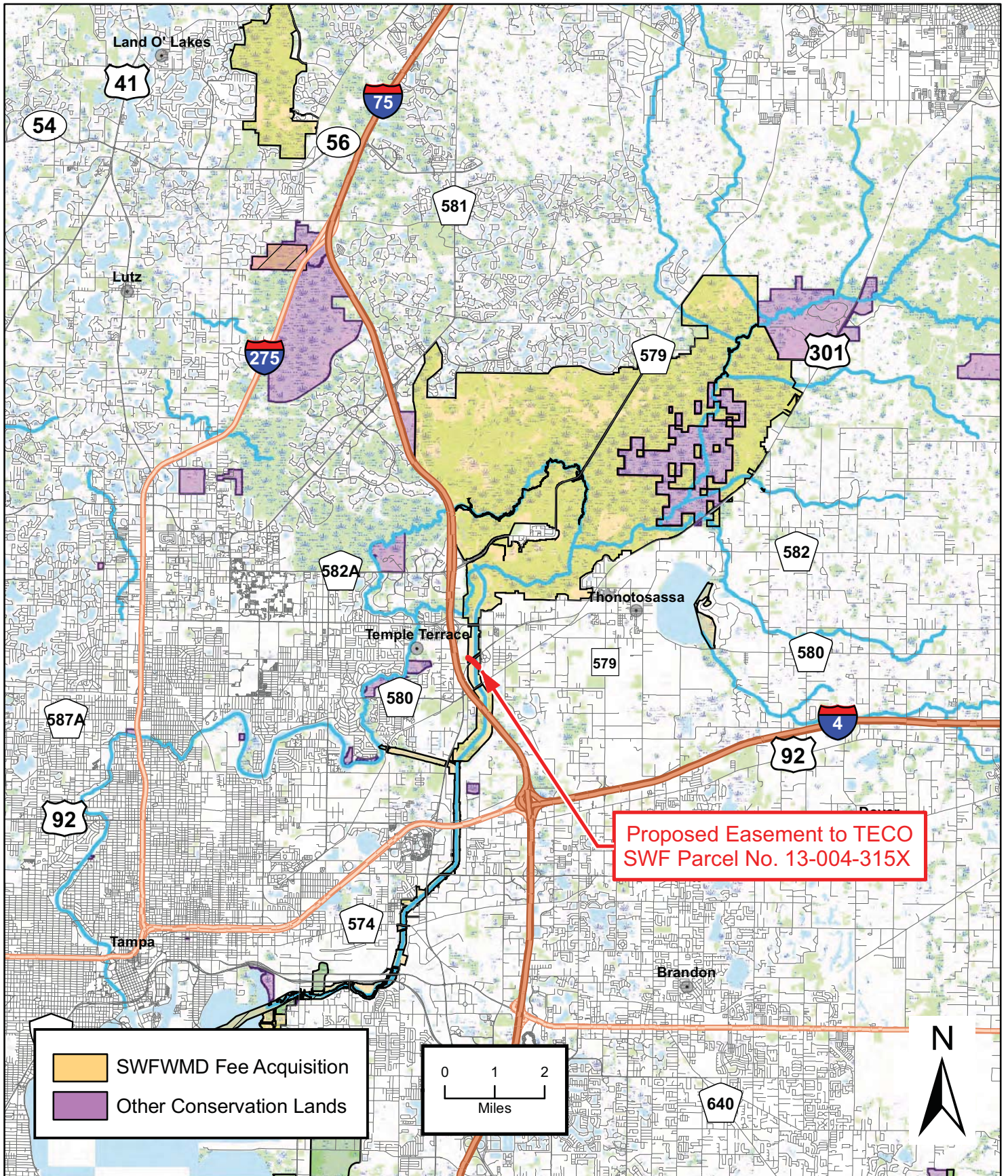
Staff Recommendation:

See Exhibits

- (1) Accept the appraisal;
- (2) Approve the Purchase/Sale Agreement;
- (3) Authorize the Land Resources Director to execute the Purchase/Sale Agreement; and
- (4) Authorize conveyance of the non-exclusive utility easement for SWF Parcel No. 13-004-315X to the TECO.

Presenter: Colleen E. Kruk, Sr. Land Use Specialist, Land Resources Department

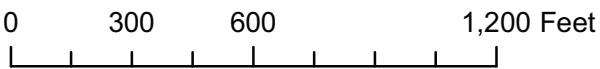
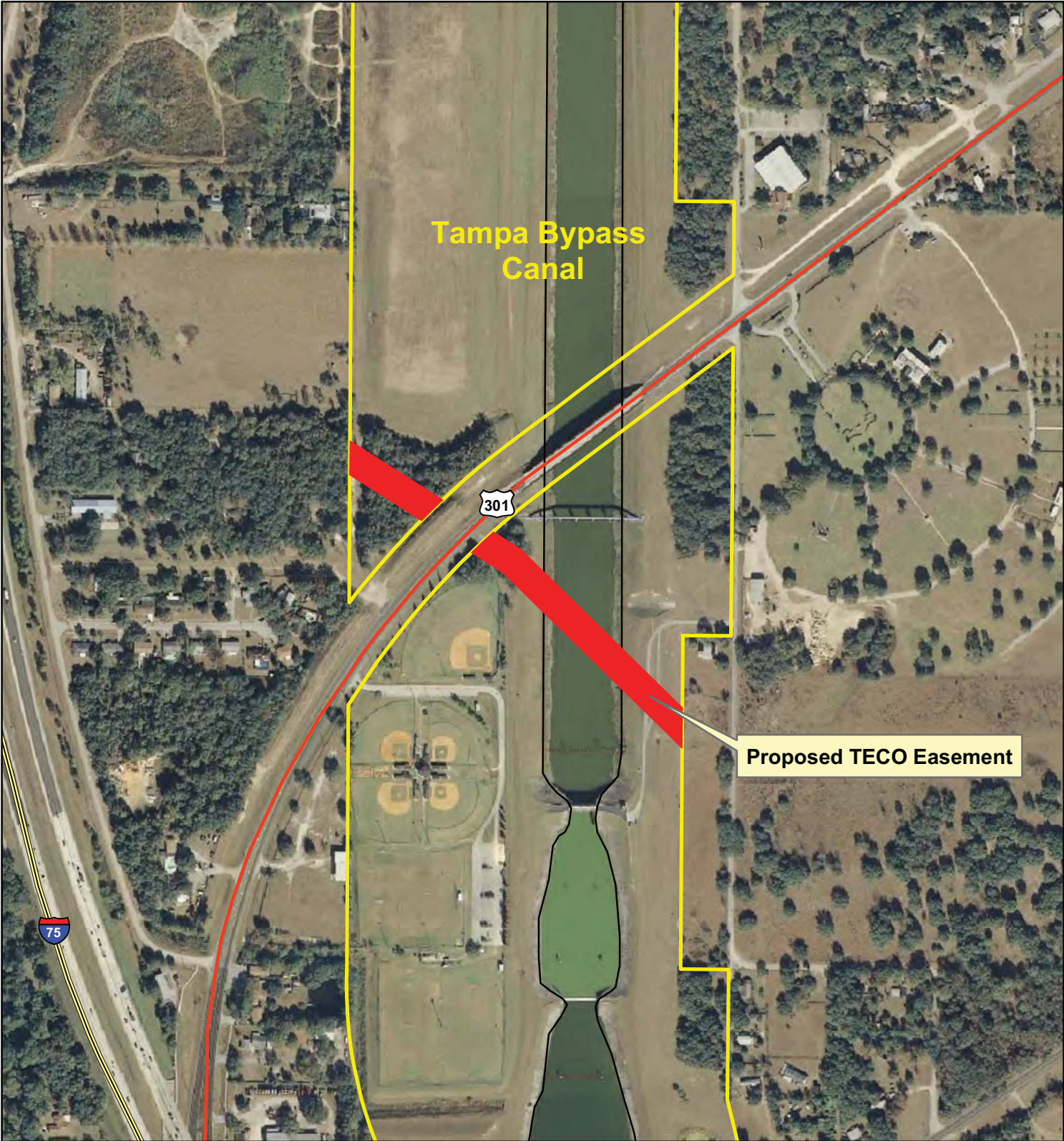
Non-Exclusive Utility Easement to TECO Tampa Bypass Canal SWF Parcel No. 13-004-315X



Non-Exclusive Utility Easement to TECO

Tampa Bypass Canal

SWF Parcel No. 13-004-315X



**Consent Agenda
April 27, 2010**

Resource Management Committee

First Amendment to the Agreement with Florida Fish and Wildlife Conservation Commission for the Flying Eagle Wildlife Management Area, SWF Parcel No. 19-484-111X

Purpose

The purpose of this item is to request the Governing Board amend the Agreement between the District and the Florida Fish and Wildlife Conservation Commission (FWC) to modify the boundaries of the Flying Eagle Wildlife Management Area (WMA) and incorporate the District's land use rules. A general location map depicting the subject parcel is included in the board packet as an exhibit to this item.

Background/History

The Flying Eagle WMA consists of 10,566 acres in Citrus County and is one of ten WMAs established by the District and FWC to provide quality hunting opportunities on over 130,000 acres of District lands. The District and FWC entered into an agreement, with a one-year term, with automatic renewal, for the Flying Eagle WMA in May of 1992.

This amendment will remove the 18-acre area now known as the Withlapopka Community Park on Gobbler Drive from the WMA. This park was developed by local residents to provide recreation in their community subsequent to the agreement being executed. This amendment will also increase hunting opportunities by adding 15 acres of District land to the WMA adjacent to and south of Moccasin Slough Road (see exhibit) that were not included within the original WMA boundary. By including these lands, hunter access is improved from Moccasin Slough Road by allowing the public to avoid a significant water feature. This amendment will result in the WMA encompassing 10,563 acres.

During the term of the current agreement, the District developed its Land Use Rules (40D-9, Florida Administrative Code) which became effective in July of 2004. These rules establish both allowable and prohibited activities on District lands. This amendment incorporates these rules into the management of the Flying Eagle and provides FWC with clarification concerning allowable recreational uses.

Benefits/Costs

The District will continue to provide quality recreational opportunities on its lands and will incur no costs related to this agreement.

This item will be presented to the Withlacoochee River Basin Board at its April meeting.

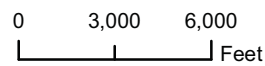
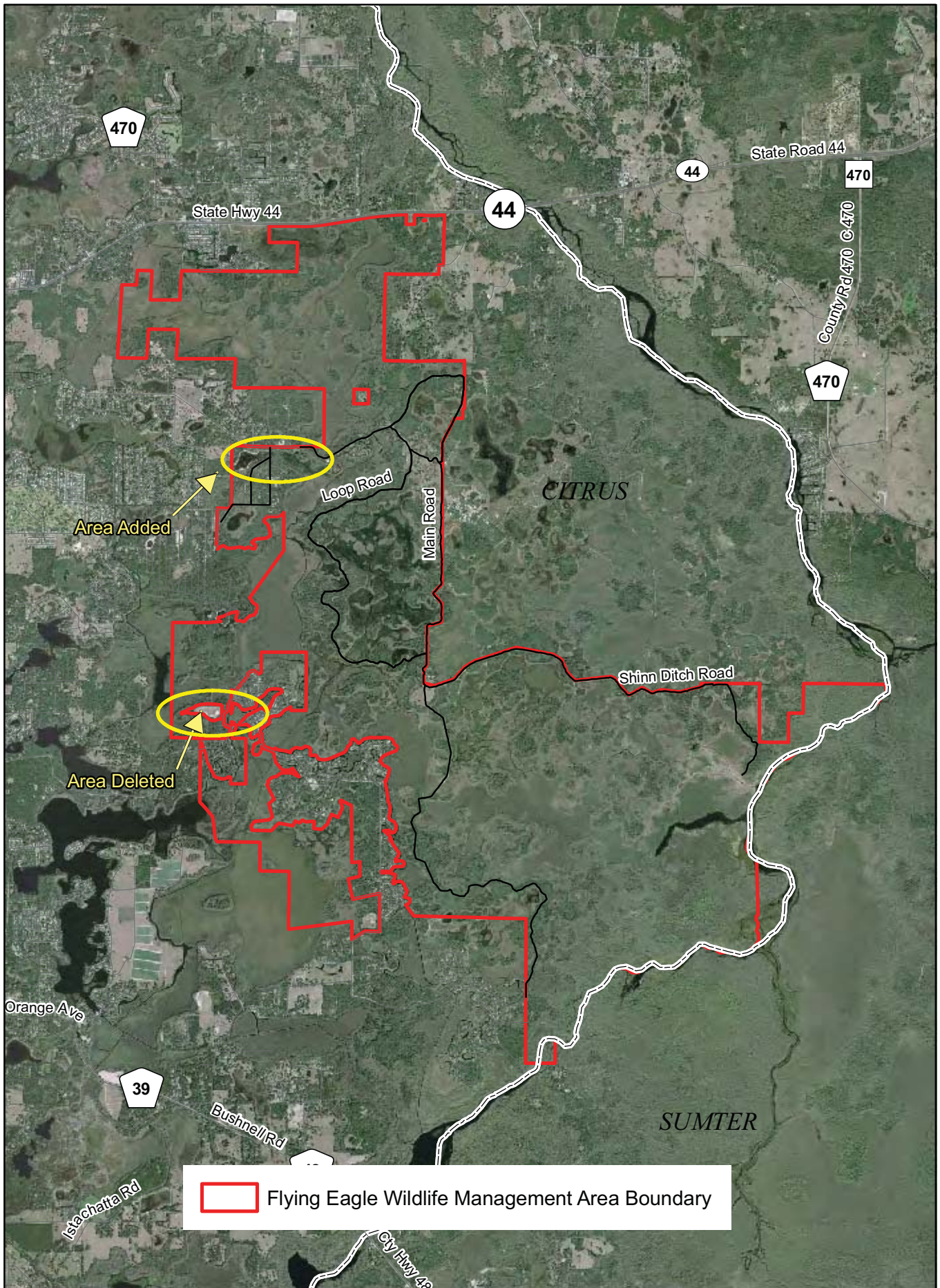
Staff Recommendation:

See Exhibit

Approve the amendment to the agreement with the Florida Fish and Wildlife Conservation Commission for the Flying Eagle Wildlife Management Area, SWF Parcel No. 19-484-111X.

Presenter: Will Miller, Land Use and Protection Manager, Land Resources Department

Flying Eagle Wildlife Management Area



Consent Agenda April 27, 2010

Resource Management Committee

Amendment to Conservation Easement – Myakka State Forest – SWF Parcel No. 21-708-108

Purpose

The purpose of this item is to request the Governing Board approve an amendment to a District-owned Conservation Easement (CE) on approximately 15 acres surrounded by Myakka State Forest in Sarasota County. A general location map depicting the subject parcel is included in the board packet as an exhibit to this item.

Background/History

The 7,654-acre Forest was acquired in fee by the District and the Board of Trustees of the Internal Improvement Trust Fund (State) in 1995 with each party holding 50 percent title. The 15-acre CE is located within the boundaries of the Forest and was excluded from the fee purchase due to the presence of a cattle dip site. The District acquired the CE over the 15 acre parcel at no-cost.

The Florida Equestrian Youth Ranch Inc. has acquired the underlying fee interest in the CE property and has requested an amendment to the terms and conditions of the CE to allow for improvements necessary for the operation of a non-profit equestrian youth camp.

In 1997 the District and Division of Forestry (DOF) entered into an Intergovernmental Lease Agreement to designate DOF as the lead manager of the Forest. The DOF concurs with the proposed modifications to the CE.

The existing CE terms prohibit:

- Construction of buildings, roads, signs, billboard or other advertising, utilities, or other structures on or above the ground.
- Dumping or placing of soil or other substances or materials as landfill or dumping or placing of trash, waste, or unsightly or offensive material.
- Excavation, drilling, or removal of loam, gravel, soil, rock or other materials.

The Amended CE terms allow for:

- A 12,000 square foot impact area for the purpose of barn, pavilion, restrooms, and the rebuilding of two existing houses to be used as bunk houses.
- Two entrance signs not to exceed 15 square feet, the design and placement to be approved by DOF.
- Excavation and maintenance of live stock watering pond not to exceed one acre subject to all permitting requirements.
- Installation and maintenance of up to three four-inch water wells subject to compliance with state and local permitting.
- The parcel can be used for non-profit youth related activities.
- Guidelines published by the Natural Resources Conservation Service titled *Agricultural Waste Management Field Handbook* and *Range and Pasture Handbook* will be followed as well as all related best management practices (BMPs).
- No construction will occur in the 2.5 acres of native range.
- No construction in the dip site area.
- A right of first refusal is granted to the District should the property be sold.

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Benefits/Costs

The amendment of this CE will not affect the initial intent of the original CE and the property will continue to be protected from development while providing an additional benefit to the public by providing opportunities for youth equestrian and wilderness camping experiences. Additionally, the amended CE adds a provision for the District's first-rights-of-refusal if the land is offered for sale.

This item will be presented to the Manasota Basin Board at its April meeting.

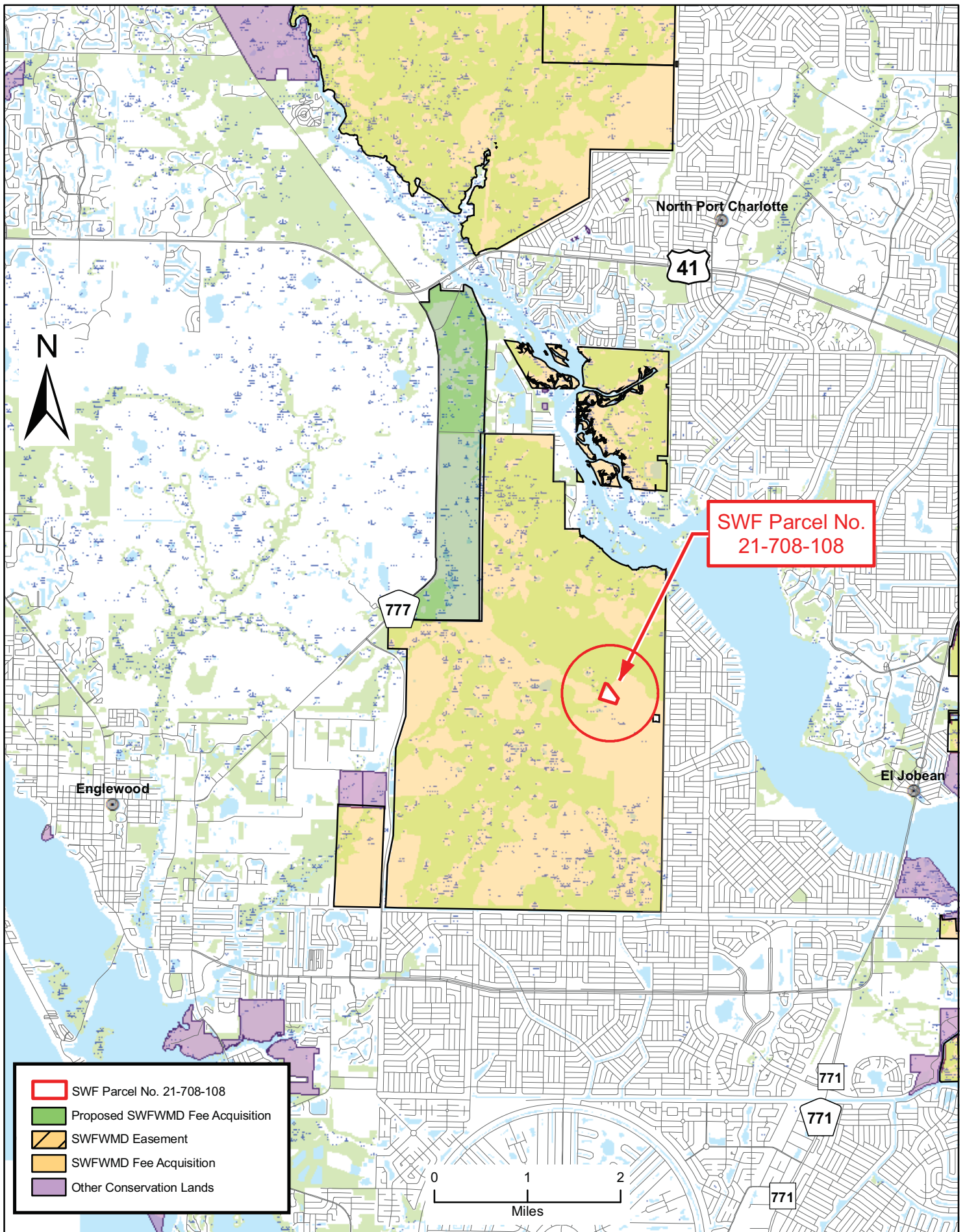
Staff Recommendation:

See Exhibit

Approve the Amendment to the Conservation Easement on SWF Parcel No. 21-708-108.

Presenter: Eric Sutton, Director, Land Resources Department

Myakka State Forest



**Consent Agenda
April 27, 2010**

Resource Management Committee

Approve Rule Amendment to Correct Weeki Wachee River System Minimum Flow Rule

Purpose

To approve an amendment to Rule 40D-8.041(11), Florida Administrative Code, to correct a typographical error in the formula used to convert well data to flow.

Background

The Board approved minimum flows for the Weeki Wachee River System became effective in 2009. Staff found a typographical error in the formula used to convert well data to flow. A minus sign is missing from the formula. The Joint Administrative Procedures Committee is requiring that the error be corrected through a rule amendment rather than through a letter of technical correction. The correction adding the minus sign is highlighted in grey in the exhibit included in the Board's meeting information.

Benefit/Costs

The correct formula will be documented in the rule so that results will be valid for any staff or outside parties relying on the formula. The District will incur no costs related to this rule amendment.

Staff Recommendation:

See Exhibit

Approve the rule amendment shown in the exhibit and authorize staff to complete the rulemaking process to correct the formula.

Presenters:

Karen A. Lloyd, Assistant General Counsel, Office of General Counsel
Mike G. Heyl, Chief Environmental Scientist, Resource Projects Department

Exhibit
Correction to Formula - Weeki Wachee Minimum Flow

RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 40D-8
WATER LEVELS AND RATES OF FLOW

40D-8.041 Minimum Flows

(11) Minimum Flows for Weeki Wachee River System located within Hernando County, Florida

(a) – (c) No change.

(d) Because climatic variation can influence river flow regimes, five and ten year mean and median standards have been developed and are set forth in Table 8-18 ("Means and Medians") as a tool to assess whether compliance with the Minimum Flow maintains 90% of the natural flow of the Weeki Wachee River System. The Means and Medians are hydrologic statistics that represent flows expected to occur during long-term periods when the Minimum Flows are being met. The Means and Medians are generated from flow records that are representative of a period devoid of significant anthropogenic impacts. The District will periodically evaluate the Means and Medians. These are evaluated as the mean and medians of annual means and medians, evaluated from January 1 through December 31 of each year. The evaluation is for both the flow at the Brooksville Gage and at the USGS Weeki Wachee Well No. 283201082315601. The flow at the Brooksville Gage is evaluated directly against Table 8-18. The well data is converted to flow with the relation $Q \text{ (cfs)} = 47.487 + 12.38 \text{ (well level) (ft)}$ and then evaluated against Table 8-18. The Means and Medians were developed using the Minimum Flow and the presumed historic flow records. Therefore, it is expected that the Means and Medians will be met if compliance with the Minimum Flow is maintained. However, since future structural alterations could potentially affect surface water or groundwater flow characteristics within the watershed and additional information pertaining to Minimum Flows development may become available, the District is committed to periodic review and revision of the Minimum Flows, as necessary.

(e) No change.

Table 8-18 No change.

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.036, 373.0361, 373.042, 373.0421, F.S. History - Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09,_____.

**Consent Agenda
April 27, 2010**

Resource Management Committee

Authorize Submission the Preliminary Flood Insurance Rate Maps for the Cypress Creek Watershed in Pasco County to the Federal Emergency Management Agency

Purpose

To request the Board authorize staff to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Cypress Creek watershed in Pasco County to the Federal Emergency Management Agency (FEMA). The 100-year, 1-day, and 3- day rainfall events was used in the Cypress Creek Watershed; infiltration was accounted for; and the 2004 topographic information was utilized in the watershed. The watershed model and floodplain information have gone through the District's process, including internal review and external peer review by experienced licensed professional engineers. Preliminary floodplain information was presented for review and comment during public workshops held in Wesley Chapel. The preliminary floodplain information is ready to be formatted to meet FEMA's mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRMs, FEMA will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years.

Background/History

The District initiated a partnership with FEMA to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas because either the initial studies were technically limited, or the maps are outdated due to significant land use changes since completion. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 1990s.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve the existing FIRMs to better identify risks of flooding within the District. The District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately \$11.2 million in federal funds from FEMA for countywide map modernization projects in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. FEMA also includes federal funding for the Map Modernization Management Support (MMMS) program to ensure MMMS partners can support the map modernization effort through activities that do not directly result in production of new or revised flood hazard maps. The District received \$851,860 in fiscal years 2004 through 2009 for the MMMS program.

District staff has been involved with interested parties regarding the WMP and FEMA Map Modernization since January 2007 as a result of preliminary floodplain maps developed for Hernando, Pasco, and Sarasota counties. Several issues were identified focusing on technical methodologies, quality control, and public input. In October 2007, staff provided a report to the Governing Board outlining staff's technical and procedural approach for development and professional oversight of watershed models. The primary issues were grouped into the

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following categories:

- Rainfall Duration
- Quality Control/Peer Review
- Outreach
- Schedule

Starting in March 2008 through December 2009, staff provided the Board an update on the status of the District's WMP and FEMA Map Modernization, including an update on the progress and activities associated with these issues. This is the second watershed in Pasco County to be presented to the Board. Since the November 2008 meeting, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for twelve Hernando County watersheds using the 100-year, 1-day rainfall event, for five watersheds in Hernando County, and one in Pasco County using the 1-day and 5-day rainfall events. The Board also authorized staff to submit the county-wide preliminary FIRMs for Hernando County.

The floodplain information for the watersheds were prepared by the District's consultants (Engineering Firm of Record) and reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The District's Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and provided opportunities to review and comment on the watershed model and floodplain information. Public workshops were held on March 18 and April 2, 2009, for the Cypress Creek Watershed for the public to review and comment on the floodplain information. The floodplain information was also made available through the District's website. Approximately 13,025 affected property owners were notified of the workshops by mail, 357 attended, and 380 property owners contacted District staff by phone or email.

Watershed	Engineering Firm of Record	Peer Review
Cypress Creek	Parsons Water and Infrastructure, Inc.	Brown and Caldwell

Staff Recommendation:

Authorize staff to submit the preliminary FIRMs for the Cypress Creek watershed in Pasco County to FEMA.

Presenter: Gordon L. McClung, Engineering & Watershed Management Program Director,
Resource Projects Department

**Consent Agenda
April 27, 2010**

Resource Management Committee

Lower Hillsborough River Minimum Flows Recovery Plan – Approval of Cooperative Funding Agreement and Amendment with the City of Tampa

(Presented at the April 8, 2010, Hillsborough River Basin Board Meeting)

Purpose

Approve a cooperative funding agreement and an amendment to an existing cooperative funding agreement with the City of Tampa for recovery of the Lower Hillsborough River minimum flows, with the District funding up to 50 percent of each agreement.

- A. Investigation of Storage or Additional Supply Options Project – Agreement total \$100,000 with District share at \$50,000.
- B. Sulphur Springs Lower Weir Project – Increase agreement total from \$337,000 to \$493,596 with District share increasing from \$150,000 to \$232,303.

Background/History

The Governing Board adopted a minimum flow rule for the Lower Hillsborough River at its August 2007 meeting. Because the river does not meet its minimum flows for much of the year, a recovery plan was adopted with the rule that specifies that several projects be implemented to provide flow to the base of the Hillsborough River dam to meet the minimum flows. The recovery plan specifies that a number of these projects will be funded by cooperative funding agreements between the District and the City of Tampa. To provide funds for these projects, the District and the City entered into a multi-year umbrella joint funding agreement for a potential total of \$44,500,000 with the District share not to exceed \$22,250,000. Each individual project requires a specific agreement and District approval. Approval is needed to initiate a cooperative funding agreement and amend an existing cooperative funding agreement that are part of the recovery plan. These two projects are described below.

- A. Investigation of Storage or Additional Supply Options (H400) - This project will review the status of the previously identified water sources that can be used to meet the minimum flows for the Lower Hillsborough River and investigate other sources or storage options to meet the minimum flows. The quantity of flows from each source will be calculated, and the cost and priority for each potential source evaluated. The District and the City have developed a cooperative agreement to fund the investigation of storage and additional supply options. The total cost of the cooperative agreement is \$100,000, with the District share for reimbursement at \$50,000 with 50 percent (\$25,000) from the Hillsborough River Basin Board and 50 percent (\$25,000) from the Governing Board (Exhibit A). Funds are included in the FY2010 budget for Project H400 for this work.
- B. Sulphur Spring Lower Weir Project (H401) – The District has adopted minimum flows for Sulphur Springs, which discharges to the Lower Hillsborough River through a gapped concrete weir located about 75 feet upstream of the mouth of the spring run. However, the District report concluded the minimum flow for the Sulphur Springs could be reduced if the weir was operated with a higher crest elevation. Under an existing cooperative funding agreement with the District, the City has conducted studies to determine the cost of updating the weir structure so that it will be more effective for addressing minimum flows. The City must obtain permits from the US Army Corps of Engineers and the Environmental Protection

Item 16

Commission to perform this work. Review of those permit applications has necessitated that additional analyses be conducted to examine potential effects on manatees and possible modifications to the originally planned work. An amendment to the existing agreement between the District and the City has been developed to fund this additional assessment, design, and possible construction work. The amendment will increase the total estimated cost of the project from \$337,000 to \$493,546, with the District's share increasing from \$150,000 to \$232,303. Funds from Project H400 for FY2010 will be transferred to Project H401 to fund the cost of the amendment. The District funding is split on a 50/50 cost basis between the Governing Board and the Hillsborough River Basin Board. This amendment increases the Hillsborough River Basin Board's contribution and the Governing Board's total contributions to the project to \$116,152 each (Exhibit B).

Benefits/Costs

These projects fund the implementation of the recovery strategy for the Lower Hillsborough as detailed in District Rule 40D-80.073, Florida Administrative Code, and as required in state statute. Dollars are budgeted in Project H400 and funds are accumulated over time consistent with project completion timelines as specified in the rule. Copies of the agreements are available upon request.

Staff Recommendation:

Approve the following cooperative agreement and amendment to a cooperative agreement with the City of Tampa for the Recovery of the Lower Hillsborough River, based on a 50/50 cost share between the Hillsborough River Basin Board and the Governing Board.

- A. Approve a cooperative funding agreement with the City of Tampa for an Investigation of Storage or Additional Supply Options for a total of \$100,000 with the Governing Board's and the Basin Board's share not to exceed \$25,000 each; and authorize the Executive Director to execute the agreement.
- B. Approve an amendment to a cooperative funding agreement with the City of Tampa for the Sulphur Springs Lower Weir Project and the transfer of \$82,303 in FY2010 funds from Project H400 to Project H401 for a total agreement cost of \$493,546 with the Governing Board's and the Basin Board's share not to exceed \$116,152 each; and authorize the Executive Director to execute the agreement.

Presenter: Sid Flannery, Senior Environmental Scientist, Resource Projects Department

AGREEMENT NO. XXXXXXXXXX

FUNDING AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE
CITY OF TAMPA
FOR THE RECOVERY OF THE LOWER HILLSBOROUGH RIVER

INVESTIGATION OF STORAGE OR ADDITIONAL SUPPLY OPTIONS (H400)

THIS FUNDING AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, for itself and on behalf of the Hillsborough River Basin Board, hereinafter collectively referred to as the "DISTRICT," and the CITY OF TAMPA, a municipality of the State of Florida, whose address is 306 E. Jackson Street, Tampa, Florida 33602 hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, Rule 40D-80.073(4), Florida Administrative Code ("F.A.C."), hereinafter the "Recovery Strategy," requires the CITY to meet the Minimum Flows for the Lower Hillsborough River by October 1, 2016, and provides a schedule for interim recovery goals to be achieved by the CITY; and

WHEREAS, the DISTRICT and the CITY entered into a Recovery Agreement for the Lower Hillsborough River wherein the parties agreed that the CITY would propose projects designed to achieve the requirements and interim recovery goals of the Recovery Strategy to the DISTRICT for funding assistance; and

WHEREAS, the DISTRICT and the CITY entered into an umbrella Joint Funding Agreement on October 19, 2007 which requires the CITY to complete an investigation of storage or additional supply options, hereinafter referred to as the "PROJECT", by October 1, 2010; and

WHEREAS, the PROJECT is critical to achieving the interim recovery goal set forth in the Recovery Strategy; and

WHEREAS, the CITY proposed the PROJECT to the DISTRICT for funding consideration; and

WHEREAS, the DISTRICT finds the PROJECT consistent with the Recovery Agreement and desires to assist the CITY in funding the PROJECT.

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

1. PROJECT MANAGER AND NOTICES. Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers will assist with PROJECT coordination and will be each party's prime contact person. Notices and reports will be sent to the attention of each party's Project Manager by U.S. mail, postage paid, to the parties' addresses as set forth in the introductory paragraph of this Agreement.

Project Manager for the DISTRICT: Sid Flannery, Ecologic Evaluation Manager

Project Manager for CITY: Brad Baird, Director, Water Department
Brian Pickard, Water Department

Any changes to the above representatives or addresses must be provided to the other party in writing.

- 1.1 The DISTRICT's Project Manager is hereby authorized to approve requests to extend a PROJECT task deadline set forth in this Agreement. Such request must be in writing and explain the reason for the extension. Such approval must be signed by the Project Manager and his or her Department Director, or Deputy Executive Director if the Department Director is the Project Manager. The DISTRICT's Project Manager is not authorized to approve any time extension which will result in an increased cost to the DISTRICT or which will exceed the expiration date set forth in Paragraph 4, Contract Period.
 - 1.2 The DISTRICT's Project Manager is authorized to adjust a line item amount of the PROJECT Budget contained in the Proposed Project Plan set forth in Exhibit "B" or, if applicable, the refined budget as set forth in Paragraph 3.3 below. The adjustment must be in writing, explain the reason for the adjustment, and be signed by the Project Manager, his or her Department Director and Deputy Executive Director. The DISTRICT's Project Manager is not authorized to make changes to the Scope of Work and is not authorized to approve any increase in the DISTRICT's maximum amount set forth in the funding section of this Agreement.
2. SCOPE OF WORK. The CITY agrees to perform the services necessary to complete the PROJECT in accordance with the Special Project Terms and Conditions set forth in Exhibit "A" and the CITY's Proposed Project Plan set forth in Exhibit "B." Any changes to this Scope of Work and associated costs, except as provided herein, must be mutually agreed to in a formal written amendment approved by the DISTRICT and the CITY, such approvals not to be unreasonably withheld, prior to being performed by the CITY, subject to the provisions of

Paragraph 3, Funding, and all subsections thereunder. The CITY will be solely responsible for managing the PROJECT, including the hiring and supervising of any consultants or contractors it engages in order to complete the PROJECT.

3. FUNDING. The parties anticipate that the total ELIGIBLE cost of the PROJECT, as defined in Paragraph 3.9 below and as set forth in Exhibit "B," will be One Hundred Thousand Dollars (\$100,000). The DISTRICT agrees to fund ELIGIBLE PROJECT costs up to Fifty Thousand Dollars (\$50,000). The CITY will be the lead party to this Agreement and pay ELIGIBLE PROJECT costs prior to requesting reimbursement from the DISTRICT.

3.1 The DISTRICT and the CITY agree that any state or federal appropriations, trust funds or grant monies received by either party for the PROJECT, will be applied to lower the total ELIGIBLE cost of the PROJECT prior to the application of any other funds.

3.2 After the application of funds pursuant to Paragraph 3.1 above, the DISTRICT agrees to fund fifty percent (50%) of the remaining ELIGIBLE costs of the PROJECT, subject to annual DISTRICT and Basin Board appropriations. DISTRICT staff will use its best efforts to secure future DISTRICT funding for the PROJECT. In the event the DISTRICT provides funding for the PROJECT in excess of the DISTRICT's share after all state and federal appropriations, trust funds and grant monies have been applied as set forth herein, the CITY will promptly refund such overpaid amounts to the DISTRICT.

3.3 The DISTRICT will reimburse the CITY for the DISTRICT's share of the ELIGIBLE PROJECT costs in accordance with the PROJECT Budget contained in the Proposed Project Plan set forth in Exhibit "B" and Paragraphs 3.1 and 3.2 above. The CITY may contract with consultant(s) or contractor(s) or both in accordance with the Special Project Terms and Conditions set forth in Exhibit "A." Upon written DISTRICT approval, the budget amounts for the work set forth in such contract(s) will refine the amounts set forth in the PROJECT Budget and be incorporated herein by reference. At no point will the DISTRICT's expenditure amount under this Agreement exceed expenditures made by the CITY. Payment will be made to the CITY in accordance with the Local Government Prompt Payment Act, Part VII of Chapter 218, F.S., upon receipt of an invoice, with the appropriate support documentation, which will be submitted to the DISTRICT monthly at the following address:

Accounts Payable Section
Southwest Florida Water Management District
Post Office Box 1166
Brooksville, Florida 34605-1166

- 3.4 The CITY will annually prepare and submit to the DISTRICT, a Schedule of Costs on a cash basis for the PROJECT from inception through completion, with totals by fiscal year, that specifically identifies actual ELIGIBLE and INELIGIBLE costs expended for the PROJECT in the form of the Summary of Tasks attached in Exhibit "B."
- 3.5 The Project Budget includes any travel expenses which may be authorized under this Agreement and reimbursement will be paid in accordance with Section 112.061, F.S., and District Procedure 13-5, attached hereto as Exhibit "C," as both may be amended from time to time.
- 3.6 The CITY will not use any DISTRICT funds for any purposes not specifically identified in the above Scope of Work.
- 3.7 The DISTRICT will have no obligation to reimburse the CITY for any costs under this Agreement prior to the contract period commencement date set forth in Paragraph 4.
- 3.8 The CITY recognizes that the DISTRICT has approved Fifty Thousand Dollars (\$50,000) for the PROJECT through Fiscal Year 2011. The DISTRICT's share of the remaining ELIGIBLE costs for the PROJECT are contingent upon approval of such amounts by the DISTRICT, in its sole discretion and judgment, in its annual budget for Fiscal Years 2008 through 2011. Additionally, the DISTRICT's performance and payment pursuant to this Agreement are contingent upon the DISTRICT's Governing Board and Basin Board appropriating funds for the PROJECT.
- 3.9 "ELIGIBLE" project costs will mean design (which includes feasibility studies, modeling, planning, initial design, and final design), engineering, and construction costs actually expended in the development of the PROJECT. ELIGIBLE project costs will include costs for design and engineering activities that may also be used to support a permit application. Costs that are not ELIGIBLE project costs include permitting (which will include the preparation, filing and the defense of permit applications), land acquisition, project financing, public relations, operating, and bid protests, including related litigation.
- 3.10 In providing its share of the funding for the PROJECT, it is the intent of the DISTRICT that the PROJECT will be constructed, maintained and operated so as to be capable of operating in accordance with the Proposed Project Plan. Accordingly, the CITY will maintain ownership of the PROJECT infrastructure and will ensure that the PROJECT infrastructure is constructed, maintained and operated in such a manner that it achieves the results as described in the Proposed Project Plan. This

provision shall survive the contract period for as long as the City owns the infrastructure.

- 3.11 The CITY's invoices must include the following certification, and the CITY hereby delegates authority by virtue of this Agreement to its Project Manager to affirm said certification:

"I hereby certify that the costs requested for reimbursement and CITY's matching funds, as represented in this invoice, are directly related to the performance under the Agreement between the Southwest Florida Water Management District and the CITY (Agreement No. _____), and are ELIGIBLE, allowable, allocable, properly documented, and are in accordance with the approved project budget."

- 3.12 If the CITY fails to perform its obligations in accordance with this Agreement and in accordance with generally-accepted professional standards and in accordance with the PROJECT scope of work and budget, the DISTRICT, upon giving notice to the CITY of such failure, will have the right to cease further payment authorization, will require the CITY to remedy such failure within a reasonable period of time and the CITY will be responsible for any additional costs incurred in making said remedy.

- 3.13 It will be considered a breach of this Agreement if the CITY abandons or significantly modifies the Project Plan without the consent of the DISTRICT. If the DISTRICT, in its sole discretion, determines that such a breach has occurred, then the DISTRICT will give the CITY written notice of the breach and allow the CITY sixty (60) days to remedy the breach. If the CITY fails to remedy within this time period, then this Agreement will automatically terminate except that the CITY will repay to the DISTRICT all monies paid under this Agreement up to the date of the breach. The term "significantly modifies" will mean modified in an important and meaningful manner. The DISTRICT will not act in an arbitrary or capricious manner.

4. CONTRACT PERIOD. This Agreement will be effective October 1, 2009 and will remain in effect through September 30, 2011, unless terminated, pursuant to Paragraph 8 below, or if amended in writing by the parties.

5. PROJECT RECORDS AND DOCUMENTS. Each party, upon request, will permit the other party to examine or audit all PROJECT related records and documents during or following completion of the PROJECT. Each party will maintain all such records and documents for at least three (3) years following completion of the PROJECT. All records and documents generated or received by either party in relation to the PROJECT are subject to the Public Records Act, Chapter 119, F.S.

6. REPORTS. The CITY will provide the DISTRICT with copies of any and all reports, models, studies, maps or other documents resulting from the PROJECT.
7. LIABILITY. Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S., or extend either party's liability beyond the limits established in Section 768.28, F.S.
8. DEFAULT. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, as long as the terminating party is not in default of any term or condition of this Agreement. To initiate termination, the terminating party must provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied the default or not initiated good faith efforts to remedy its default within thirty (30) days after receiving the Notice of Termination, this Agreement will automatically terminate.
9. DISTRICT RECOGNITION. The CITY will recognize DISTRICT funding and, if applicable, Basin Board funding in any reports, models, studies, maps or other documents resulting from this Agreement, and the form of said recognition will be subject to DISTRICT approval. If construction is involved, the CITY will provide signage at the PROJECT site that recognizes funding for this PROJECT provided by the DISTRICT and, if applicable, the Basin Board. All signage must meet with DISTRICT written approval as to form, content and location, and must be in accordance with local sign ordinances.
10. PERMITS AND REAL PROPERTY RIGHTS. The CITY must obtain all permits, local government approvals and all real property rights necessary to complete the PROJECT prior to commencing any construction involved in the PROJECT.
11. LAW COMPLIANCE. Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this Agreement.
12. COMPLIANCE WITH DISTRICT RULES & REGULATIONS. If the PROJECT involves design services, the CITY's professional designers and the DISTRICT's regulation and projects staff will meet regularly during the PROJECT design to discuss ways of ensuring that the final design for the proposed PROJECT technically complies with all applicable DISTRICT rules and regulations.

13. DIVERSITY IN CONTRACTING AND SUB-CONTRACTING. The DISTRICT is committed to supplier diversity in the performance of all contracts associated with DISTRICT cooperative funding projects. The DISTRICT requires the CITY to make good faith efforts to encourage the participation of minority owned and woman owned and small business enterprises, both as prime contractors and sub-contractors, in the performance of this Agreement, in accordance with applicable laws.
- 13.1 If requested, the DISTRICT will assist the CITY by sharing information to help the cooperators in ensuring that minority owned and woman owned and small businesses are afforded an opportunity to participate in the performance of this Agreement.
- 13.2 The CITY agrees to provide to the DISTRICT, upon final completion of the PROJECT, a report indicating all contractors and sub-contractors who performed work in association with the PROJECT, the amount spent with each contractor or sub-contractor, and to the extent such information is known, whether each contractor or sub-contractor was a minority owned or woman owned or small business enterprise. If no minority owned or woman owned or small business enterprises were used in the performance of this Agreement, then the report shall so indicate. The Minority/Women Owned and Small Business Utilization Report form is attached as Exhibit "E."
- 13.3 The CITY agrees to provide to the DISTRICT, within thirty (30) days of the execution of any amendment that increases PROJECT funding, a report indicating all contractors and sub-contractors who performed work in association with the PROJECT, the amount spent with each contractor or sub-contractor up to the date of the amendment, and to the extent such information is known, whether each contractor or sub-contractor was a minority owned or woman owned or small business enterprise. If no minority owned or woman owned or small business enterprises were used in the performance of this Agreement, then the report shall so indicate.
14. ASSIGNMENT: Except as provided herein, no party may assign any of its rights under this Agreement, voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law, or any other manner without the prior written consent of the other party. The CITY may delegate its performance in accordance with the Special Project Terms and Conditions set forth in Exhibit "A". Despite any such delegation, CITY will remain liable for the performance it delegated. Any purported assignment of rights of delegation of performance in violation of this paragraph is void.
15. SUBCONTRACTORS. Nothing in this Agreement will be construed to create, or be implied to create, any relationship between the DISTRICT and any subcontractor of the CITY.

16. THIRD PARTY BENEFICIARIES. Nothing in this Agreement will be construed to benefit any person or entity not a party to this Agreement.
17. LOBBYING PROHIBITION. Pursuant to Section 216.347, F.S., the CITY is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
18. PUBLIC ENTITY CRIMES. Pursuant to Subsections 287.133(2) and (3), F.S., a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of thirty-six (36) months following the date of being placed on the convicted vendor list. CITY agrees to include this provision in all subcontracts issued as a result of this Agreement.
19. DISCRIMINATION. Pursuant to Subsection 287.134(2)(a), F.S., an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity. The CITY agrees to include this provision in all subcontracts issued as a result of this Agreement.
20. ENTIRE AGREEMENT. This Agreement and the attached exhibits listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement.
21. DOCUMENTS. The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement, then to Exhibit "A," then to Exhibit "C," then to Exhibit "D," and then to Exhibit "B."

Exhibit "A" Special Project Terms and Conditions
Exhibit "B" CITY's Proposed Project Plan
Exhibit "C" District Travel Procedure 13-5

Exhibit "D" Special Audit Requirements
Exhibit "E" Minority/Women Owned and Small Business Utilization Report
Form

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EXHIBIT "A"
SPECIAL PROJECT TERMS AND CONDITIONS

1. CONTRACTING WITH CONSULTANT AND CONTRACTOR. The CITY may engage the services of one or more consultants, hereinafter referred to as the "CONSULTANT," and one or more contractors, hereinafter referred to as the "CONTRACTOR," to complete the PROJECT in accordance with the CITY's Proposed Project Plan previously submitted to the DISTRICT and attached as Exhibit "B." Nothing in this Agreement shall preclude the CITY from engaging the same entity to serve as both CONSULTANT and CONTRACTOR. The CITY will be responsible for administering the contracts with the CONSULTANT and CONTRACTOR. The CITY agrees that all consultants, contractors and any other person performing work on the PROJECT, regardless of whether such persons are engaged directly by the CITY, will be procured in accordance with the competitive solicitation requirements set forth in the CITY's procurement ordinance and all other laws applicable to procurements by the CITY.

2. APPROVAL OF CONTRACT. The CITY must obtain the DISTRICT's prior written approval of all contracts entered into with its CONSULTANTS and its CONTRACTORS as referenced above in item number one of this exhibit. The DISTRICT will not unreasonably withhold its approval. Time is of the essence in this Project and as evidence of such the City must complete the Project no later than October 1, 2010. Therefore, it is incumbent upon the District to act expeditiously in its review of the contracts.

4. COMPLETION DATES. The CITY will complete the PROJECT by October 1, 2010. However, in the event of any national, state or local emergency which significantly affects the CITY's ability to perform, such as hurricanes, tornados, floods, acts of God, acts of war, or other such catastrophes, or other man-made emergencies beyond the control of the CITY's such as labor strikes or riots, then the CITY's obligation to complete said work within aforementioned time frames will be suspended for the period of time the condition continues to exist.

-END EXHIBIT A-

EXHIBIT "B"
CITY's PROPOSED PROJECT PLAN

The CITY shall perform the following Tasks:

- 1) Review the project status of Sulphur Springs Diversion, Tampa Bypass Canal Diversions, Blue Sink Diversion, the raw water transmission pipeline and the Morris Bridge Sink Diversion. The review shall focus on the following:
 - Project feasibility at the time of the investigation
 - Projected fresh water equivalent at the time of the investigation
- 2) Analyze the need to include additional fresh water storage or supply projects as part of the Lower Hillsborough River Recovery Strategy.
- 3) Prepare a technical memorandum on Tasks 1 & 2 conclusions. If additional projects are determined necessary the CITY will continue with Tasks 4 through 9. If such additional projects are determined to not be necessary then the CITY will not proceed with Tasks 4 through 9.

<<<PROJECT HOLD POINT>>>

- 4) List and categorize potential storage or supply projects in addition to those identified in the Agreement (referenced in Rule 40D-80.073(4)a) that may augment fresh water flow to the Lower Hillsborough River. Additional projects may include but are not limited to aquifer storage and recovery, reservoir storage and or reclaimed water downstream augmentation.
- 5) Perform a conceptual level feasibility analysis for three or more projects listed in Task 4. This feasibility analysis shall be based on physical constructability, permitability and political viewpoints.
- 6) Analyze the range of fresh water equivalent yield(s) that could be anticipated from the projects identified in Task 4 as feasible.
- 7) Perform a conceptual level cost estimate for all projects determined to be feasible within Task 4. Estimated capital, operating and maintenance costs shall be itemized. These line item estimates shall be utilized to calculate net present value and a net present value to the anticipated freshwater equivalent ratio.
- 8) Rank the projects identified in Task 4 for implementation. The ranking shall consider the data determined in Tasks 6 and 8.
- 9) Prepare a draft report presenting the results of Tasks 1 through 8. Upon receipt of draft report comments, modify the draft report as appropriate and issue a final report.

Performance Schedule

10/01/2010 Study complete

Project Budget

Task	City Share	SWFWMD Share	Task Total
1-3	\$10,000	\$10,000	\$20,000
4-9	\$40,000	\$40,000	\$80,000
TOTAL	\$50,000	\$50,000	\$100,000

-END EXHIBIT B-

DRAFT

FIRST AMENDMENT
TO THE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE
CITY OF TAMPA
FOR THE RECOVERY OF THE LOWER HILLSBOROUGH RIVER
SULPHUR SPRINGS RUN LOWER WEIR AND
BLUE SINK DIVERSION PROJECT (H401)

This FIRST AMENDMENT entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, for itself and on behalf of the Hillsborough River Basin Board, hereinafter collectively referred to as the "DISTRICT," and the CITY OF TAMPA, a municipality of the State of Florida, whose address is 306 E. Jackson Street, Tampa, Florida 33602, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT and the CITY entered into an Agreement effective June 1, 2008, for the Recovery of the Lower Hillsborough River Sulphur Springs Lower Weir & Blue Sink Diversion Project; and

WHEREAS, the parties hereto wish to amend the Original Agreement to increase funding, modify the completion date and revise the scope of work to improve the Sulphur Springs Lower Weir.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Original Agreement, effective June 1, 2008, as follows:

1. Paragraph 3, Funding, is hereby amended to increase eligible PROJECT funding by One Hundred Sixty-Four Thousand Six Hundred and Six Dollars (\$164,606) by replacing the first two sentences of Item 3 in their entirety as follows:
 3. FUNDING. The parties anticipate that the total ELIGIBLE cost of the PROJECT, as defined in Paragraph 3.8 below and as set forth in Exhibit "B," will be Four Hundred Sixty-four Thousand Six Hundred and Six Dollars (\$464,606). The DISTRICT agrees to fund ELIGIBLE PROJECT costs up to Two Hundred Thirty-two Thousand Three Hundred and Three Dollars (\$232,303) and will have no obligation to pay any costs beyond this maximum amount.
2. Subparagraph 3.7 is hereby amended to recognize that the DISTRICT has approved Two Hundred Thirty-two Thousand Three Hundred and Three Dollars (\$232,303) for the PROJECT through fiscal Year 2010.
3. Exhibit "B", Proposed Project Plan, is hereby replaced in its entirety with Exhibit "B" attached hereto.

4. The terms, covenants and conditions set forth in the Original Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this FIRST AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
David L. Moore, Executive Director Date

CITY OF TAMPA

By: _____
Pam Iorio, Mayor Date

Attest:

City Clerk Date

Approved as to form

Janice M. McLean, Assistant City Attorney

FIRST AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE
CITY OF TAMPA
FOR
THE RECOVERY OF THE LOWER HILLSBOROUGH RIVER SULPHUR SPRINGS POOLUPPER WEIR & GATES AND SULPHUR
SPRINGS PUMPING STATION PROJECT (H401)

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	_____	_____
RISK MGMT	_____	_____
CONTRACTS	_____	_____
PRJ DEPT DIRECTOR	_____	_____
DEPUTY EXEC DIR	_____	_____
GOVERNING BOARD	_____	_____

EXHIBIT "B"
PROPOSED PROJECT PLAN

The PROJECT shall be completed by the CITY in two (2) parts that may be completed concurrently or in succession to meet PROJECT Completion Dates.

Table B.1. Project Costs Summary

PART	Title	TOTAL CITY*	TOTAL ELIGIBLE*
1.1	Lower Weir Design & CEI Services	\$58,566	\$58,566
1.2	Lower Weir Engineering, Research and Studies related to Manatee Protection	\$12,493	\$12,493
1.3	Lower Weir Environmental & Biologist Research, Modeling and Studies related to Manatee Protection	\$25,000	\$25,000
1.4	Lower Weir Construction	\$268,597	\$268,597
1.5	Lower Weir Permitting	\$28,940	\$0
1.6	Lower Weir Permitting Defense	As Necessary	\$0
2	Blue Sink Feasibility Study	\$99,950	\$99,950
TOTAL		\$493,546	\$464,606

*CITY does not warrant the listed figure will be sufficient to cover costs arising from unforeseen conditions.

PART 1: Sulphur Springs Run Lower Weir Modifications

The CITY shall modify an existing weir located within Sulphur Springs Run approximately 75' upstream of the outlet to the Hillsborough River. Modifications shall include modifying the structure containing the existing weir, making provisions to adjust weir dimensions and if deemed necessary by the CITY installing a manually operated gantry crane for weir removal/installation.

The Part 1 scope is described as follows:

1.1 Lower Weir Design and CEI Services

Provide engineering design, bid phase and construction phase services for modifying the existing weir at Sulphur Springs with a removable weir, including a manually operated gantry crane. Modifications to the structure containing the existing weir will be required for installation of the replacement weir.

CITY will be permitted to reduce the quantity of design reviews specified below if deemed appropriate by CITY Project Manager.

1.1.1 Data Collection and Review

Data reviewed will include as-built information, SDI report for weir modifications, current site plans and existing conditions survey. Data will be evaluated and used in the design of the weir modifications.

1.1.2 30% Design

Prepare a 30% Design Submittal. The 30% Design Submittal shall include but not be limited to drawings for structural design.

1.1.3 60% Design

Prepare a 60% Design Submittal. The 60% Design Submittal shall include but not be limited to technical specifications, drawings for civil/mechanical/structural design and a draft engineer's opinion of probable construction cost.

1.1.4 90% Design

Prepare a 90% Design Submittal. The 90% Design Submittal shall include but not be limited to technical specifications, drawings for civil/mechanical/structural design and a refined draft engineer's opinion of probable construction cost.

1.1.5 100% Design

Prepare a 100% Design Submittal. The 100% Design Submittal shall include but not be limited to technical specifications, drawings for civil/mechanical/structural design and an engineer's opinion of probable construction cost.

1.1.6 Bid Phase Services

Upon receiving final construction documents, CITY shall advertise PROJECT to potential construction contractors and respond to written bidphase requests for information during the advertisement period.

1.1.7 Review both the qualifications of the apparent low bidder and the bid. Make an award to a prime construction contractor.

1.1.8 Construction Phase Services

Conduct a pre-construction conference and prepare meeting notes of topics discussed and decisions made.

Review and respond to contractor submittals. for conformance with the design concept and technical specification requirements. Prepare and maintain a log of submittals to include submittal number, subject, date received, reviewer, action taken and date returned.

Respond to written construction phase requests for information regarding design plans and technical specifications in writing.

Make periodic construction observation visits at intervals appropriate to the construction work in progress and provide a narrative describing the visit. Such construction observation site visits shall review materials and equipment being used to determine if work is proceeding in accordance with the contract documents and to provide further protection against defects and deficiencies in the construction contractor's work.

Conduct a pre-final site inspection to determine if the project is substantially complete. Conduct a final inspection to determine if the work has been completed in accordance with the contract documents and the punch list.

Prepare final record drawings based on contractor supplied as built drawings and information, approved shop drawings, on site inspections and other knowledge regarding field changes, modifications, etc. made during the construction phase of the PROJECT.

Conduct pre-construction conferences, review shop drawing submittals, respond to construction phase requests for information, conduct construction observation site visits, review pay requests, conduct pre-final and final inspections and prepare Project record drawings.

1.2 Lower Weir Engineering Research and Studies related to Manatee Protection

CITY shall hire a CONSULTANT to perform engineering research, modeling and studies related to Manatee protection as necessary for Project completion.

1.3 Lower Weir Environmental & Biologist Research and Studies related to Manatee Protection

City shall hire a CONSULTANT to perform environmental and biology research, modeling and studies related to Manatee protection as necessary for Project completion.

1.4 Lower Weir Construction

Project shall be constructed by CONTRACTOR per approved construction documents. Per Item 3.2 of the Agreement, the District will not fund more than 50% of eligible construction costs subsequent to the application of appropriations (state or federal), trust funds and grant monies.

1.5 Lower Weir Permitting

1.5.1 Permit Determinations

Determine all necessary PROJECT permits including any required meetings and submittal of documents for the regulatory agencies determinations.

1.5.2 Permitting

Prepare all applications and requests for additional information responses necessary for CITY or construction contractor to obtain the permits determined in Exhibit B Section 1.2.1.

1.5.3 Permitting Fees

The CITY shall pay applicable permitting fees.

1.6 Lower Weir Permitting Defense

If necessary and deemed appropriate by applicable parties, CITY shall defend permit application at its option.

Performance Schedule for Part 1

Construction complete: 10/01/2010

City has submitted to DISTRICT a Petition for Variance dated September 14, 2009 requesting to modify the Lower Weir Construction Completion Date from October 1, 2009 TO October 1, 2010.

PART 2: Blue Sink Complex Feasibility Study to Determine Augmentation Potential for the Lower Hillsborough River Minimum Flows and Levels

The purpose of the PROJECT is to conduct a cost/benefit analysis to determine if the Blue Sink Complex can be utilized to assist the CITY in meeting the minimum flows and level (MFL) requirements that the DISTRICT has imposed as part of the recovery strategy for the Lower Hillsborough River. The PROJECT will then determine the extent of use and estimated costs for the Blue Sink Complex to be utilized in meeting MFLs for the lower Hillsborough River.

The DISTRICT will conduct a pump test on the Blue Sink Complex to determine source and probable yield.

The DISTRICT and the CITY will review the results from the pump test to determine whether the PROJECT could be permitted. If the joint decision is that the PROJECT can not be permitted, then the City will immediately issue a "Stop Work" order to the contractor. If the pump test yields a quantity less than expected other options to augment Blue Sink water will be investigated and other Part 2 work will continue. If such possible augmentation sources are feasible then cooperative funding will continue.

If the CITY has not made an award to CONSULTANT for Part 2 work and the DISTRICT and the CITY determine that the Blue Sink Complex is not feasible as a source of water to help meet the minimum flow for the Lower Hillsborough River, the CITY may either not make award to CONSULTANT or proceed with Part 2 work without cooperative funding from the DISTRICT.

If CITY has made an award to CONSULTANT for Part 2 work and the determination is made by the DISTRICT and the CITY that the Blue Sink Complex is not feasible as a source of water to help meet the minimum flow for the Lower Hillsborough River the CITY may either issue a stop work order to CONSULTANT no more than 3 working days of said determination or it may elect to continue Part 2 work without cooperative funding from the DISTRICT. The DISTRICT will not be responsible for the funding of any work performed after three (3) working days from this determination.

The Part 2 Scope of Work is described as follows:

2.1 Review of Existing Studies and Data

Review available previous studies for Blue Sink, Jasmine Sink, Orchid Sink and Sulphur Springs concerning the movement of water between these features and past yield evaluations performed.

Provide a written summary on the available previous studies and data collected. The data from past studies of the Blue Sink Complex will be reviewed and summarized.

2.2 Analysis of Blue Sink Yield and Source Comparison

As more specifically set forth at Section 2.2.1 and 2.2.2, data from DISTRICT pump test scheduled between April and May 2008 shall be analyzed to determine potential yield from the Blue Sink Complex under severe drought conditions. A source comparison will be conducted to provide options for meeting the MFLs with reuse water or other sources after the Blue Sink yield potential is determined.

2.2.1 Quantitative Analysis of Blue Sink Yield

This task will analyze the potential yield of Blue Sink to help meet the minimum flow requirement. The work in this task cannot be initiated until DISTRICT presents the pump test report to CITY.

2.2.2 Source Comparison and Augmentation Options

Flow data from the Blue Sink Complex shall be analyzed to determine whether the flows are sufficient to provide augmentation for the minimum flow. If determined to be sufficient, the Blue Sink flow augmentation option will be compared to the cost of utilizing other potential sources. If the flow from the Blue Sink Complex is deemed insufficient, other sources will be investigated.

2.3 Regulatory Review

Review local, regional, state and federal regulatory requirements that pertain directly to permitting of the four Blue Sink potential conveyance options as more fully described in Task 2.4.1. Potential regulatory requirements and factors include minimum flows and levels, total maximum daily loads, water use permitting and other regulatory and environmental issues, including water quality issues associated with the potential use of Blue Sink. Major potential regulatory issues that could adversely impact the proposed project shall be identified.

2.4 Analysis of Conveyance Alternatives

Conveyance options to transport water to the base of the dam will be evaluated once the evaluation of the Blue Sink available yield is determined. A ranking of options will be conducted to determine the most effective option for CITY.

2.4.1 Various conveyance options will be listed and analyzed for feasibility based on applicable factors. A short list of conveyance options shall then be prepared. The feasibility of the short list options shall include physical feasibility, infrastructure requirements, potential conveyance routes,

life cycle cost analysis, possible future reuse offsets, political factors, ability for the wetland to polish storm water, historical potential flood concerns and detention pond needs/siting.

2.4.2 A decision matrix will be generated and a cost/benefit analysis will be prepared with the flow options to be ranked.

2.5 Meetings

Meetings may be conducted on an as needed basis with regulation agencies and or local/state/federal governments.

2.6 Workshop and Final Report

A draft and final report summarizing the Blue Sink yield analysis, feasibility analysis, cost analysis, regulatory requirements, ranking, preliminary cost estimating and recommendations will be prepared.

2.7 Performance Schedule for Part 2

01/01/2009 CITY makes award to CONSULTANT for Part 2 WORK

10/01/2010 Final feasibility report complete

**Consent Agenda
April 27, 2010**

Resource Management Committee

Facilitating Agricultural Resource Management Systems – OrangeCo, LP – Bermont Grove – Charlotte County *(Adopted by the Peace River Basin Board)*

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with OrangeCo, LP and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$75,000 (75 percent of total project costs). Of this amount the remaining balances of the 2003 State Appropriations (\$380, which does not require a match), and the 2007 State Appropriations (\$3,661) will be used for the reimbursement, as well as \$33,649 from the 2009 State Appropriations. The Peace River Basin Board is requested to fund \$18,655, and the Governing Board is requested to fund \$18,655. Total project costs are estimated at \$100,000. Use of the FY2009 State Appropriations is contingent upon the approval of the Governing Board Budget Amendment Resolution No. 10-05 for Reallocation of Revenue presented at the April 14 Manasota Basin Board and the April 27 Governing Board meetings.

Background/History

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, restoration, and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized groundwater as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity **and** water quality or natural systems improvements. The FARMS Rule also allows for a 75 percent reimbursement if Upper Floridan aquifer withdrawals will be reduced by 50 percent or more.

As of February 22, 2010, there are currently 86 Board approved FARMS projects located in the following areas: 78 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 86 projects is 14.08 million gallons per day (mgd), with 51 operational projects totaling 6.8 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals \$18.43 million, of which 56 percent represents FARMS Program funding and 44 percent represents grower contributions.

FARMS Program staff received a project proposal from OrangeCo, LP, for their 655-acre citrus grove located within the in East Charlotte Drainage District of the Shell Creek watershed in Charlotte County. The Water Use Permit authorizes an annual average groundwater withdrawal of 389,700 gallons per day (gpd) to irrigate 542 acres of citrus with under tree spray. Since January 2007, an average of 70 percent of the permitted quantities was used to irrigate the

Item 17.a.

grove. The primary goal of the project is to reduce the withdrawal of mineralized groundwater through the construction and operation of a 50-acre surface water irrigation reservoir. The reduction in groundwater use will benefit the Upper Floridan aquifer system by replacing Upper Floridan withdrawals with surface water. FARMS project components consist of a single surface water irrigation pump station, filtration, and the piping necessary to connect the surface water reservoir to the existing irrigation system.

Benefits/Costs

The proposed project involves water quantity and water quality BMPs which qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 50 percent savings of permitted quantities, or 194,850 gpd yields a daily cost of \$0.32 per thousand gallons of groundwater reduced over the proposed five-year contract term, and \$0.10 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for flatwood citrus operations. Total project costs are estimated at \$100,000. State Appropriations will be used for \$37,690 of the reimbursement, with the remainder divided evenly between the Peace River Basin Board and the Governing Board. Upon approval, the Peace River Basin Board and Governing Board will have \$367,254 and \$1,200,140 respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

See Exhibit

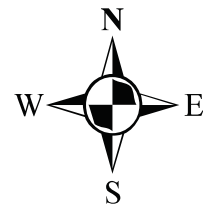
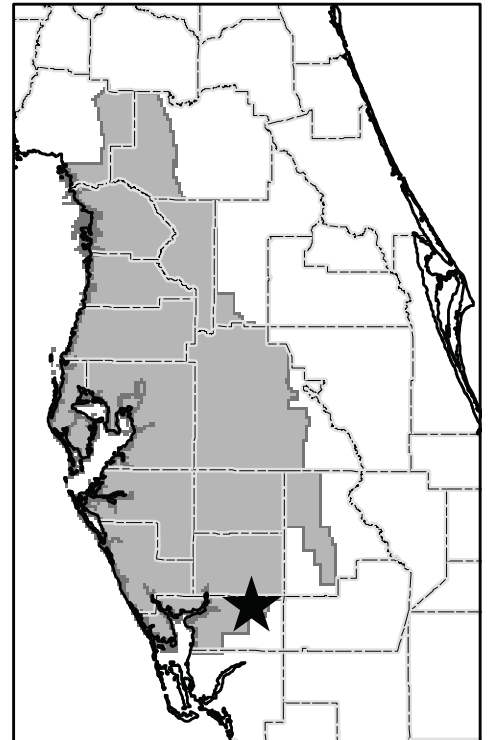
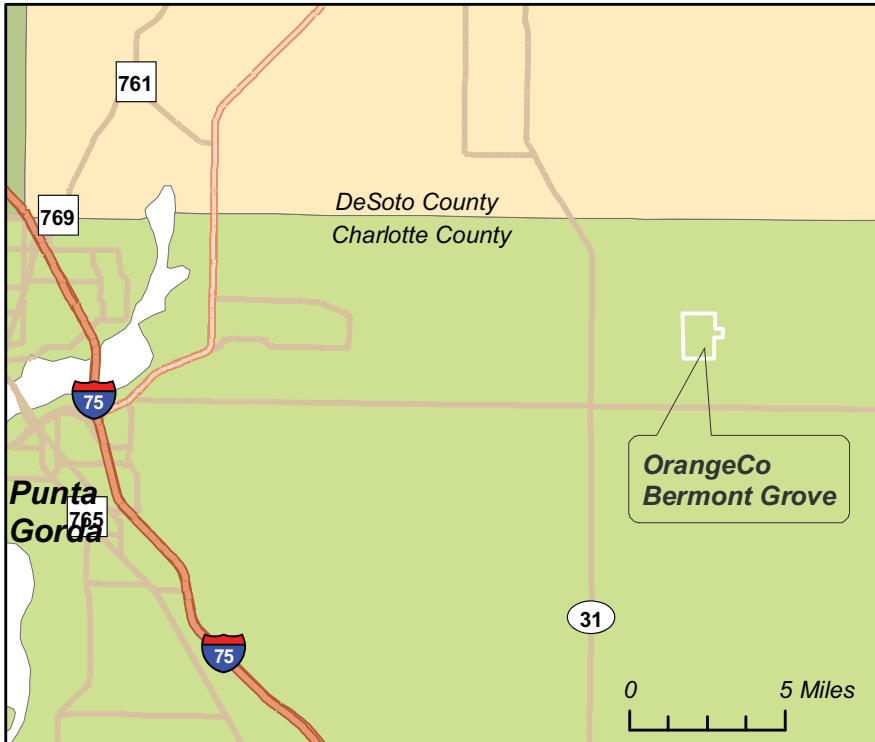
- (1) Approve the OrangeCo, LP – Bermont Grove project for a not-to-exceed project reimbursement of \$75,000 with \$18,655 provided by the Peace River Basin Board, \$18,655 provided by the Governing Board, \$37,690 provided from State Appropriations;
- (2) Authorize the transfer of \$18,655 from fund 020 H017 Peace River Basin Board FARMS funds, \$18,655 from fund 010 H017 Governing Board FARMS funds, \$4,041 from the State Appropriations allocated to fund 020 H017 FARMS funds, and \$33,649 from the State Appropriations allocated to fund 010 H017 FARMS funds, to H593, OrangeCo, LP project fund;
- (3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department

Location Map

Orange Co, LP - Bermont Grove

FARMS Project H593 - WUP No. 20002689.006



Consent Agenda April 27, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Bethel Farms, Ltd., Phase II – DeSoto County *(Adopted by the Peace River Basin Board)*

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bethel Farms, Ltd., Phase II, and approval to reimburse FARMS eligible costs not-to-exceed \$120,000 (75 percent of total project costs). Of this amount, \$6,872 from the 2005 State Appropriations, \$38,579 from the 2006 State Appropriations, and \$14,549 from the 2009 State Appropriations will be used for one-half of the reimbursement, the Peace River Basin Board is requested to fund \$30,000, and the Governing Board is requested to fund \$30,000. Total project costs are estimated at \$160,000.

Background/History

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from ground water and surface water sources) and/or conservation, and restoration and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve ground water conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized ground water as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized ground water; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity **and** water quality or natural systems improvements.

As of February 22, 2010, there are currently 86 Board approved FARMS projects located in the following areas: 78 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 86 projects is 14.08 million gallons per day (mgd), with 51 operational projects totaling 6.8 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals \$18.43 million, of which 56 percent represents FARMS Program funding and 44 percent represents grower contributions.

FARMS Program staff received a proposal for a Phase II project with Bethel Farms, located within the Horse Creek watershed approximately ten miles northwest of Arcadia, in DeSoto County. Bethel Farms recently completed a FARMS project in August 2009 that was estimated to offset approximately 58,000 gallons per day (gpd) of groundwater using a radio telemetry system to track crop environmental conditions in the field with solar powered climate and soil moisture sensors. The proposed Phase II project would enable Bethel Farms to irrigate an existing 290-acre block of sod production operations with surface water from a five-acre tailwater reservoir, estimated to supply approximately 30 percent of irrigation requirements for this area of operations. Sample results for the two wells currently providing irrigation water for

Item 17.b.

crops in the project area show specific conductance levels in excess of 2,000 $\mu\text{S}/\text{cm}$; therefore, this project will also reduce the quantity of highly mineralized water entering Horse Creek. The Phase II project is comprised of surface water pumping stations, mainline pipe, and reservoir control structures. The total authorized annual average groundwater withdrawal for irrigation wells servicing Bethel Farms citrus and sod operations is 1,929,500 gpd, of which approximately eight percent or 155,000 gpd will be offset by the surface water resources provided by the Phase II project.

Benefits/Costs

The proposed project will reduce mineralized groundwater withdrawals and involves both water quantity and quality BMPs. Therefore, the project qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated eight percent savings of total permitted quantities, or 155,000 gpd, yields a daily cost of \$0.86 per thousand gallons of ground water reduced over a proposed five-year contract term, and \$0.26 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for improved irrigation techniques in sod production operations. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Peace River Basin Board and the Governing Board. Upon approval, the Peace River Basin Board and the Governing Board will have \$379,432 and \$838,314, respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

See Exhibit

- (1) Approve the Bethel Farms Phase II project for a not-to-exceed reimbursement of \$120,000, with \$30,000 provided by the Peace River Basin Board, \$30,000 provided by the Governing Board, and \$60,000 provided from State Appropriations;
- (2) Authorize the transfer of \$30,000 from fund 020 H017 Peace River Basin Board FARMS funds, \$30,000 from fund 010 H017 Governing Board FARMS funds, \$14,549 from the State Appropriations allocated to 010 H017 FARMS funds and \$45,451 from the State Appropriations allocated to 020 H017 FARMS funds, to H601 Bethel Farms Phase II project fund; and
- (3) Authorize the Executive Director to execute the agreement.

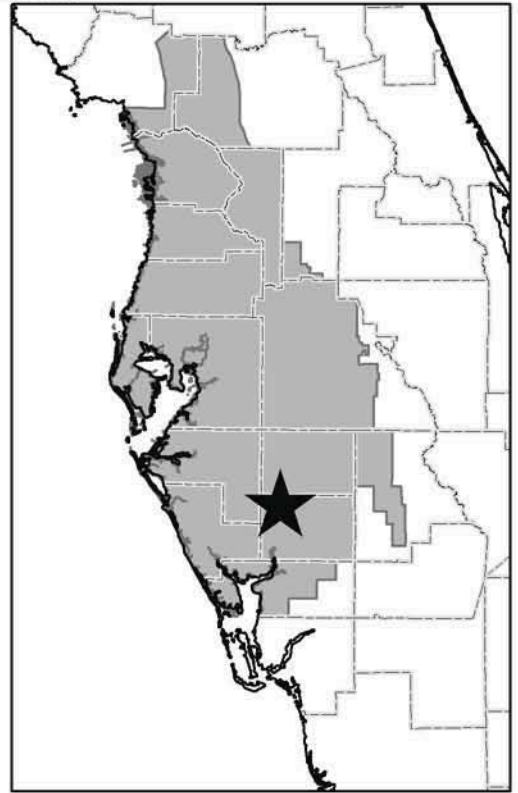
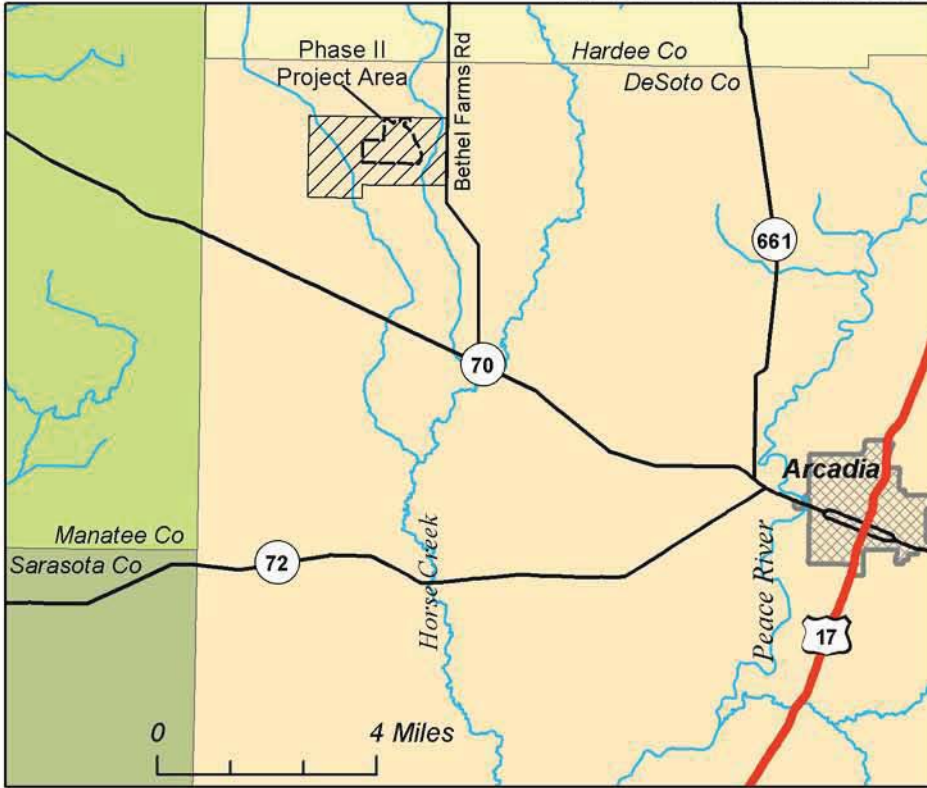
Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department

Location Map

BETHEL FARMS, LTD

Phase II FARMS Project H601

WUP 20001635.008



**Consent Agenda
April 27, 2010**

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Carl Little – Hillsborough County *(Adopted by the Hillsborough River Basin Board)*

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Carl Little and approval to reimburse FARMS eligible costs not-to-exceed \$12,000 (40 percent of total project costs). Of this amount, \$6,000 from the 2008 State Appropriations to the Governing Board will be used for one-half of the project, the Hillsborough River Basin Board is requested to fund \$3,000, and the Governing Board is requested to fund \$3,000. Total project costs are estimated at \$30,000.

Background/History

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services (FDACS), is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, and restoration and augmentation of the area's water resources and ecology. A primary emphasis of the FARMS Program is on the reduction of Upper Floridan aquifer withdrawals through conservation and the use of alternative supplies (surface water) that will improve groundwater conditions. In addition, the FARMS Program provides funding for projects that improve water quality affected by the use of mineralized groundwater. In Fiscal Year 2008, the FARMS Program was authorized to fund projects in the northern area of the District in order to take a proactive approach to water conservation, water quality improvement and natural systems protection. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity **and** water quality or natural systems improvements.

As of February 22, 2010, there are currently 86 Board approved FARMS projects located in the following areas: 78 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 86 projects is 14.08 million gallons per day (mgd), with 51 operational projects totaling 6.8 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals \$18.43 million, of which 56 percent represents FARMS Program funding and 44 percent represents grower contributions.

FARMS Program staff received a project proposal from Carl Little for 32 acres of row crop irrigation at his farm property located within the Hillsborough River watershed in northern Hillsborough County, and lying in the Northern Tampa Bay Water Use Caution Area. The farm does not have a Water Use Permit but the current annual average pumpage is estimated to be about 60,900 gallons per day from a single 4-inch diameter well open into the Upper Floridan aquifer for double-cropped peanuts and winter vegetables. Crops are grown on one half the tillable acres in a calendar year and then rotated to the other half the next year. The purpose of the project is to reduce Upper Floridan aquifer groundwater withdrawals through the conversion from travelling gun irrigation to a movable center pivot irrigation system. Under the FARMS

Item 17.c.

Rule 40D-26.101(3), F.A.C., projects are eligible for irrigation system retrofit if the applicant has previously applied to the Natural Resource Conservation Service for Environmental Quality Incentives Program funding for the same purpose, which Mr. Little has done. Proposed project components include the center pivot machine and sprinkler nozzle package, and mainline piping and docking stations.

Benefits/Costs

The proposed project involves water quantity BMPs, which qualifies for up to a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 20 percent savings of permitted quantities, or 12,180 gpd, yields a daily cost of \$1.55 per thousand gallons of groundwater reduced over a proposed five-year contract term, and \$0.47 per thousand gallons of groundwater reduced over a thirty-year term. Both projected values for groundwater savings costs are within the guidelines for the generally accepted average cost savings per thousand gallons for the improvement of irrigation systems for row crop vegetable operations. State Appropriations will be used to fund one-half of the project reimbursement. The remainder will be divided evenly between the Hillsborough River Basin Board and the Governing Board. In addition to District funding, Mr. Little will receive \$8,000 in Mini-FARMS funding from FDACS for that portion of the center pivot machine not covered by FARMS reimbursement in this project. Upon approval, the Hillsborough River Basin Board and the Governing Board will have \$94,510 and \$869,197 respectively, remaining in their FARMS Program budgets.

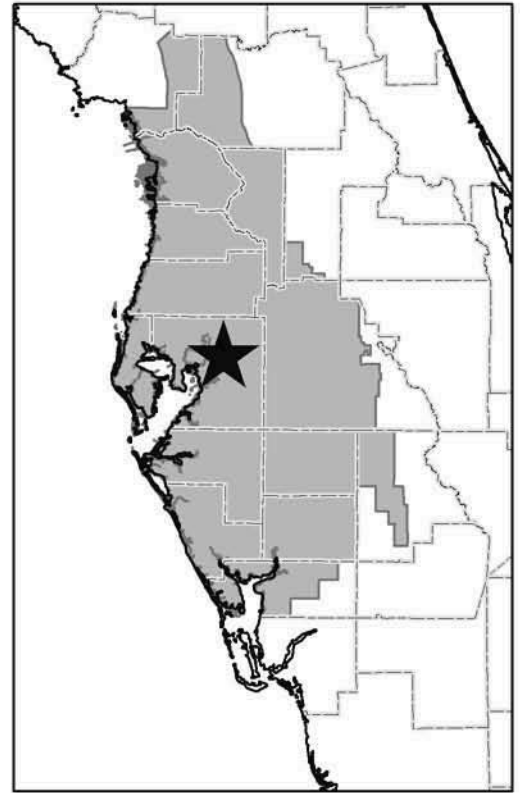
Staff Recommendation:

See Exhibit

- (1) Approve the Carl Little project for a not-to-exceed reimbursement of \$12,000 with \$3,000 provided by the Hillsborough River Basin Board, \$3,000 provided by the Governing Board, and \$6,000 provided from State Appropriations to the Governing Board;
- (2) Authorize the transfer of \$3,000 from fund 013 H017 Hillsborough River Basin FARMS funds, \$3,000 from fund 010 H017 Governing Board FARMS funds, and \$6,000 from State Appropriations allocated to fund 010 H017 FARMS funds, to the H600 Carl Little project fund; and
- (3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department

Location Map CARL LITTLE FARMS Project H600



**Consent Agenda
April 27, 2010**

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Francis White Strawberries – Hillsborough County *(Adopted by the Alafia River Basin Board)*

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Francis White and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$187,500 (75 percent of total project costs). Of this amount, the 2009 State Appropriations will be used for \$93,750 of the reimbursement, the Alafia River Basin is requested to fund \$46,875, and the Governing Board is requested to fund \$46,875. Total project costs are estimated at \$ 250,000.

Background/History

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, restoration, and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized groundwater as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity **and** water quality or natural systems improvements. FARMS Rule also allows for a 75 percent reimbursement if Upper Floridan withdrawals will be reduced by 50 percent or more.

As of February 22, 2010, there are currently 86 Board approved FARMS projects located in the following areas: 78 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 86 projects is 14.08 million gallons per day (mgd), with 51 operational projects totaling 6.8 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals \$18.43 million, of which 56 percent represents FARMS Program funding and 44 percent represents grower contributions.

FARMS Program staff received a project proposal from Francis White for a 137-acre strawberry farm located approximately five miles south of Plant City, in eastern Hillsborough County, and within the SWUCA. The property drains into the Alafia River less than a mile above its confluence with Turkey Creek. Currently, the Water Use Permit authorizes an annual average groundwater withdrawal of 112,700 mgd for the micro-irrigation of citrus trees. Since January 2004, an average of 75 percent of the permitted quantities was used to irrigate the citrus grove. The applicant is in the process of converting the grove to strawberry production using drip and overhead irrigation for crop establishment and freeze protection. It is estimated that the change in crop type will increase the permitted annual average withdrawal of groundwater to

Item 17.d.

approximately 244,000 gallons per day (gpd). Mrs. White has applied for a water use permit modification; however, the modification has been delayed pending evaluation of the impact of cold protection quantities. The existing permit allows for 2,592,000 gpd in cold protection quantities for citrus. The conversion to strawberries will require an additional 12,528,000 gpd for cold protection. The reservoir designed for the site has a capacity of nearly 23,000,000 gallons, and it is positioned to receive nearly all the runoff from the property. Preliminary calculations indicate that the reservoir should provide ample capacity for typical cold protection events. The primary goal of the project is to reduce the withdrawal of groundwater through the construction and operation of a five-acre tailwater recovery and surface water irrigation reservoir that will collect and reuse water from the property and surrounding watershed. The reduction in groundwater use will benefit Upper Floridan aquifer system by replacing Upper Floridan withdrawals with recovered tailwater and surface water. FARMS project components consist of a surface water irrigation pump station, filtration, and the piping necessary to connect the surface water reservoir to the existing irrigation system. The United States Department of Agriculture Natural Resource Conservation Service will be reimbursing the grower for the cost of excavation and water control structures.

Benefits/Costs

The proposed project involves water quantity BMPs through the excavation of a five-acre reservoir. The reservoir will provide sufficient capacity to reduce groundwater withdrawals more than 50 percent and therefore qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 60 percent savings of proposed quantities, or approximately 146,000 gpd yields a daily cost of \$1.08 per thousand gallons of groundwater reduced over the proposed five-year contract term, and \$0.32 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for strawberry operations. Total project costs are estimated at \$250,000. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Alafia River Basin Board and the Governing Board. Upon approval, the Alafia River Basin Board and Governing Board will have \$80,307 and \$878,197, respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

See Exhibit

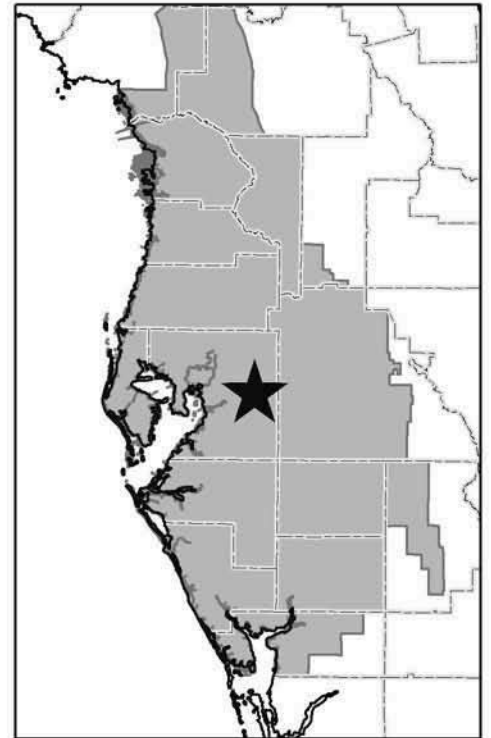
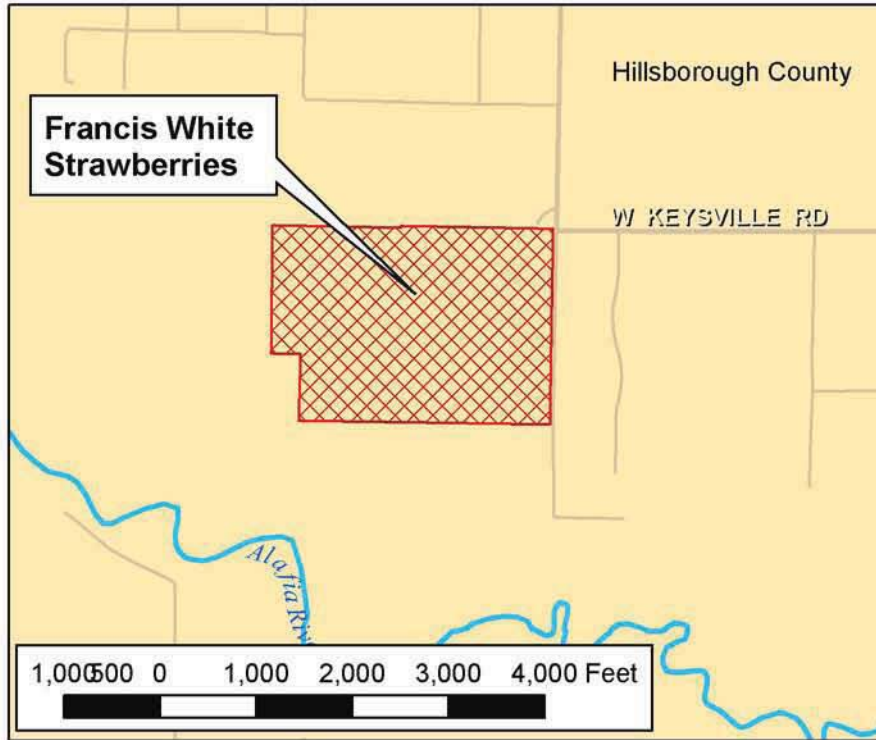
- (1) Approve the Francis White Project for a not-to-exceed project reimbursement of \$187,500 with \$46,875 provided by the Alafia River Basin Board, \$46,875 provided by the Governing Board, \$93,750 provided from State Appropriations to the Governing Board;
- (2) Authorize the transfer of \$46,875 from fund 011 H017 Alafia River Basin Board FARMS funds, \$46,875 from fund 010 H017 Governing Board FARMS funds, \$93,750 from the State Appropriations allocated to fund 010 H017 FARMS funds, to H598 Francis White Strawberries project fund; and
- (3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department

Location Map

Francis White Strawberries

FARMS Project H598 - WUP No. 20007232.005



**Consent Agenda
April 27, 2010**

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Ben Hill Griffin, Inc. – Polk County *(Adopted by the Peace River Basin Board)*

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Ben Hill Griffin, Inc., and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$10,000 (50 percent of total project costs). Of this amount, the 2009 State Appropriations will be used for \$5,000 of the reimbursement, the Peace River Basin Board is requested to fund \$2,500, and the Governing Board is requested to fund \$2,500. Total project costs are estimated at \$20,000.

Background/History

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, restoration, and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized groundwater as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity **and** water quality or natural systems improvements.

As of February 22, 2010, there are currently 86 Board approved FARMS projects located in the following areas: 78 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 86 projects is 14.08 million gallons per day (mgd), with 51 operational projects totaling 6.8 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in 2003 totals \$18.43 million, of which 56 percent represents FARMS Program funding and 44 percent represents grower contributions.

FARMS Program staff received a project proposal from Ben Hill Griffin, Inc., for a project involving three of their groves located in the Bereah area of Polk County, about five miles southwest of Frostproof. All three groves are located in the Charlie Creek watershed of the Peace River Basin. This project will implement a single weather station and soil moisture probe located at the centralized grove which will provide data to operators at each of the three groves. Two groves are contiguous and the third is less than one mile away. The Water Use Permits for all three groves authorizes a total annual average groundwater withdrawal of 350,200 gallons per day (gpd) to irrigate 586 acres of citrus with under tree spray. Since December 2007, an average of 71 percent of the permitted quantities was used to irrigate the groves. The primary goal of the project is to reduce Upper Floridan withdrawals by efficiently controlling their

Item 17.e.

irrigation events by providing the grove operators with information collected from the weather station and soil moisture probe.

Benefits/Costs

The proposed project involves water quantity BMPs which qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated two percent savings of permitted quantities, or approximately 7,000 gpd, yields a daily cost of \$1.80 per thousand gallons of groundwater reduced over the proposed five-year contract term, and \$0.54 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for flatwood citrus operations. Total project costs are estimated at \$20,000. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Peace River Basin Board and the Governing Board. Upon approval, the Peace River Basin Board and Governing Board will have \$391,385 and \$861,697 respectively, remaining in their FARMS Program budgets.

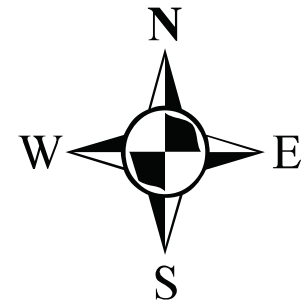
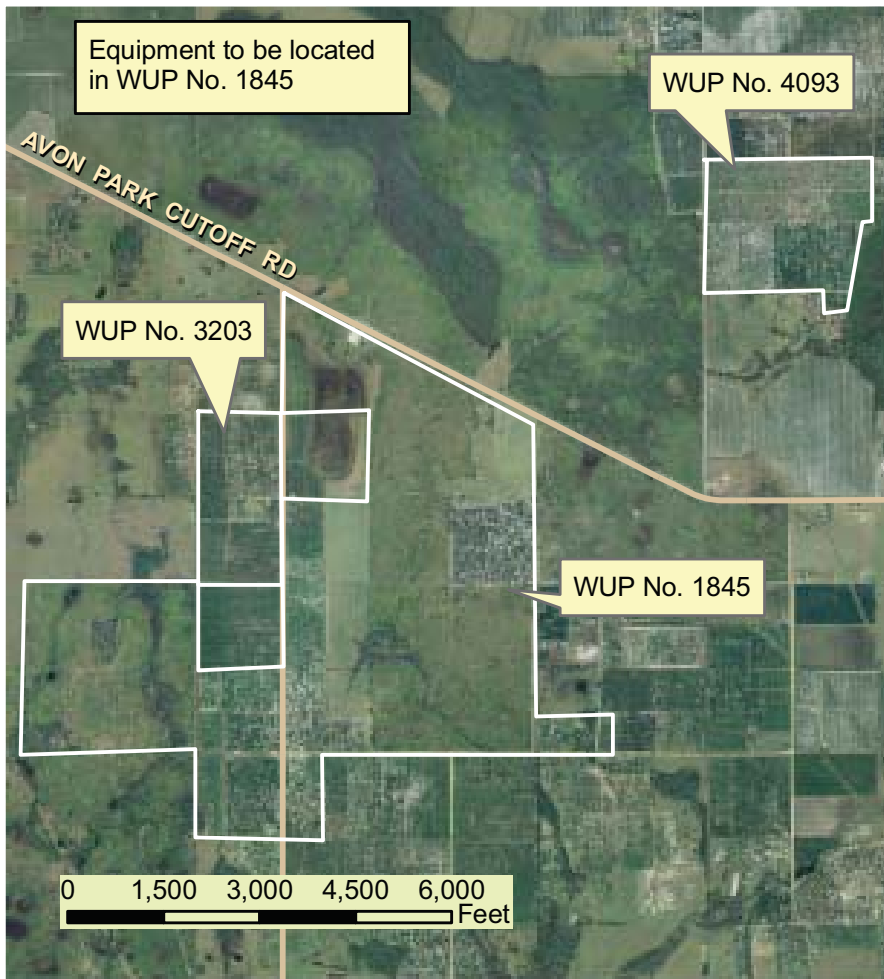
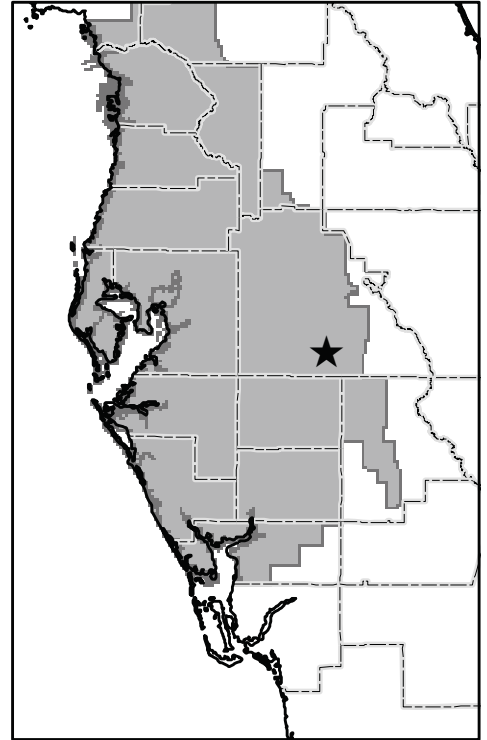
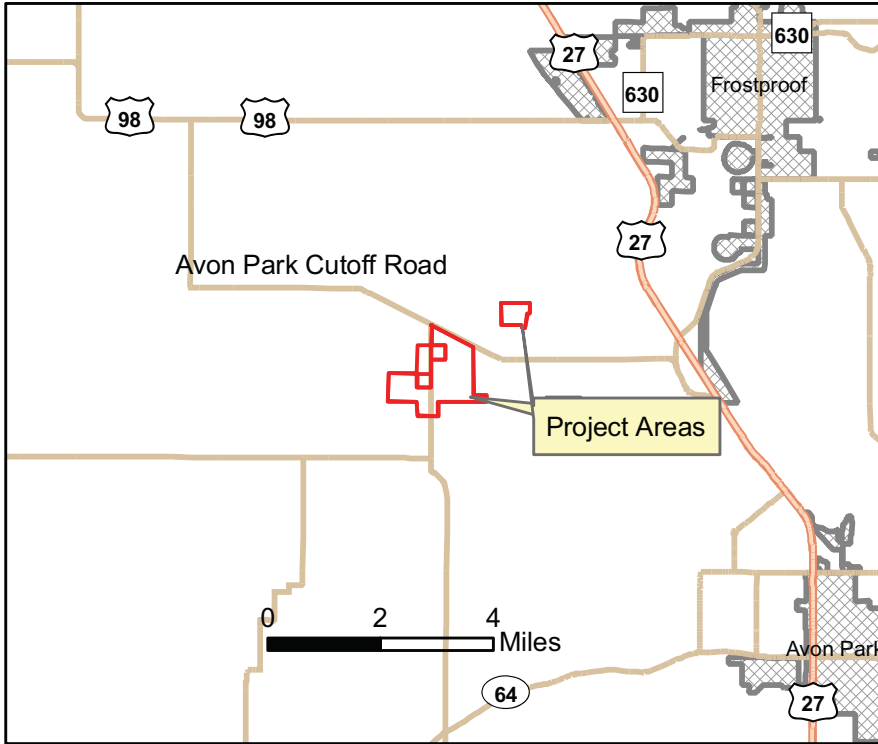
Staff Recommendation:

See Exhibit

- (1) Approve the Ben Hill Griffin, Inc. project for a not-to-exceed project reimbursement of \$10,000 with \$2,500 provided by the Peace River Basin Board, \$2,500 provided by the Governing Board, and \$5,000 provided from State Appropriations;
- (2) Authorize the transfer of \$2,500 from fund 020 H017 Peace River Basin Board FARMS funds, \$2,500 from fund 010 H017 Governing Board FARMS funds, and \$5,000 from the State Appropriations allocated to fund 010 H017 FARMS funds to H602 Ben Hill Griffin, Inc., project fund; and
- (3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department

Location Map
Ben Hill Griffin, Inc. - Weather Station
FARMS Project H602
WUP Nos. 1845, 3203, 4093



**Consent Agenda
April 27, 2010**

Finance and Administration Committee

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of March 2010.

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 March 2010.

Presenter: Linda R. Pilcher, Assistant Director, Finance Department

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
March 2010

Item No.	--- TRANSFERRED FROM --- Department / Expenditure Category	--- TRANSFERRED TO --- Department / Expenditure Category	Reason For Transfer	Transfer Amount
Basin Board Approved				
Hillsborough River Basin:				
1	Resource Projects Contracted Construction	Land Resources Other Contractual Services	Transfer of funds originally budgeted for the Flatwoods Park Recreation Development project. Funds were no longer needed due to Hillsborough County cancelling the project. The funds were needed to build a paved trail on the Brooker Creek Preserve.	\$ 630,000
Withlacoochee River Basin:				
2	Resource Projects Reserves for Future Projects	Operations Regular Salaries and Wages Rental of Other Equipment Central Garage Charges	Transfer of funds originally budgeted for Watershed Management Reserves. The funds were needed to restore the natural hydrology at Potts Preserve.	74,000
Manasota Basin:				
3	Resource Data & Restoration Grant - Agriculture	Resource Data & Restoration Grant - Agriculture	Transfer of budgeted funds to the appropriate project code for the Facilitating Agricultural Resource Management Systems (FARMS) CFI USA Venus II Grove project.	26,250
Total Basin Board Approved				\$ 730,250
Executive Director Approved				
General Fund:				
1	General Services Micro/Digital Imaging Service	Information Resources Unified Comm Hardware	Transfer of funds originally budgeted for imaging and microfilm conversion initiatives. This work will be performed by District staff. The funds were needed to purchase a network switch to ensure connectivity for the Centralized Imaging project.	\$ 6,600
2	Land Resources Other Contractual Services	Land Resources Other Contractual Services	Transfer of funds originally budgeted for flight services to conduct aerial ignition controlled burns on District lands. Expenditures were less than anticipated. The funds were needed for flight services to conduct additional surveys for Lygodium spp., an invasive, exotic vine.	8,000
Total Executive Director Approved				\$ 14,600
Finance Director Approved				
1	Resource Projects Grant - Financial Assistance	Resource Projects Consultant Services	Transfer of budgeted funds to the appropriate expenditure category for the WMPlan: Lower Coastal Watershed project.	\$ 100,000
2	Resource Projects Grant - Water Conservation	Resource Projects Grant - Water Conservation	Transfer of budgeted funds to the appropriate section for the Regional Reclaimed Water Partnership Initiative.	21,128,416
3	Resource Projects Grant - Financial Assistance	Resource Data & Restoration Grant - Financial Assistance	Transfer of budgeted funds to the appropriate department for Northwest Pinellas Resource Protection Plan project.	115,000

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
March 2010

Item No.	--- TRANSFERRED FROM --- Department / Expenditure Category	--- TRANSFERRED TO --- Department / Expenditure Category	Reason For Transfer	Transfer Amount
4	Strategic Program Office Contracted Construction	Strategic Program Office Contracted Construction	Transfer of budgeted funds to the appropriate project codes for the Mobbly Bayou Wilderness Preserve and Alligator Lake Management Area Florida Department of Transportation (FDOT) Mitigation projects.	400,000
5	Resource Projects Consultant Services	General Services Other Contractual Services	Transfer of budgeted funds to the appropriate department and expenditure category for imaging of environmental resource permit data for the Maintenance of Watershed Parameters and Models project.	12,300
6	Strategic Program Office Contracted Construction	Strategic Program Office Contracted Construction	Transfer of budgeted funds to the appropriate project code for the Bahia Beach FDOT Mitigation project.	150,000
7	Resource Projects Grant - Financial Assistance	Resource Data & Restoration Grant - Financial Assistance	Transfer of budgeted funds to the appropriate department for the Implementation of BMPs: Mullet Creek project.	50,000
8	Information Resources Telephone and Communications	Operations Other Contractual Services	Transfer of budgeted funds to the appropriate department and expenditure category for 2-way radio tower leases.	7,300
9	Performance Management Office Other Contractual Services	General Services Other Contractual Services	Transfer of budgeted funds to the appropriate department for Districtwide micro imaging services.	71,773
10	Strategic Program Office Contracted Construction	Strategic Program Office Contracted Construction	Transfer of budgeted funds to the appropriate project codes for the Fox Creek and Curry Creek Regional Off-Site FDOT Mitigation projects.	551,555
11	Resource Data & Restoration Grant - Agriculture	Resource Data & Restoration Grant - Agriculture	Transfer of budgeted funds to the appropriate project code for the general FARMS budget appropriation to be allocated toward future projects.	152,424
12	Resource Projects Grant - Financial Assistance	Resource Data & Restoration Grant - Financial Assistance	Transfer of budgeted funds to the appropriate department for the Cross Bayou Canal Watershed Management Plan.	131,788
13	Resource Projects Consultant Services	Resource Data & Restoration Consultant Services	Transfer of budgeted funds to the appropriate department for water sample analysis on a well site in the City of Bushnell.	2,603
			Total Finance Director Approved	<u><u>\$22,873,159</u></u>
			Total Transfers for Governing Board Approval	<u><u>\$23,618,009</u></u>

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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 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.

**Consent Agenda
April 27, 2010**

Finance and Administration Committee

Fiscal Year 2010 Annual Service Budget – Second Amendment

Purpose

Request to amend the District's combined fiscal year (FY) 2010 budget to (1) reallocate \$384,720 in prior state appropriations for the Facilitating Agricultural Resource Management Systems (FARMS) Program from the Manasota Basin budget to the General Fund budget to support proposed FY2010 FARMS projects throughout the District, with no impact on the total budget; and (2) include an additional \$5,700,000 from the Florida Forever Trust Fund for planned land acquisitions during FY2010, including lands to be acquired within the Myakka Conservation Area and Three Sisters Springs.

Background/History

During fiscal years 2004-2009, the District received \$6,400,000 in state appropriations to support the FARMS Program. In FY2010, the District did not receive any state appropriations to support the FARMS Program and no additional state funding is anticipated for FY2011. To-date all state appropriations have been allocated to FARMS projects, with the exception of \$384,720 not currently allocated in the Manasota Basin. It is requested to reallocate, through a budget amendment, the \$384,720 in the Manasota Basin FARMS Program budget to the District's General Fund FARMS Program budget to support proposed FY2010 FARMS projects throughout the District. This budget amendment will decrease the Manasota Basin's FY2010 budget by \$384,720 and increase the District's General Fund budget by the same amount, \$384,720, with no impact on the District's total combined budget. On April 14, 2010, the Manasota Basin Board adopted Resolution No. 76, *Amendment of the Fiscal Year 2010 Budget*, to decrease the Basin's modified budget by \$384,720 to reflect the reallocation of revenue from state appropriations for the FARMS Program, and to request the Governing Board amend the District's FY2010 combined budget to reflect the amended FY2010 basin budget as approved by the Basin Board.

In a separate recap under the Resource Management Committee agenda for the April 27 meeting, the Governing Board will be requested to approve an acquisition of land within the Myakka Conservation Area, SWF Parcel Nos. 21-599-105C and 21-599-106C, for \$25,887,420. In order to complete this purchase and other acquisitions planned for FY2010, including Three Sisters Springs, it is requested to amend the FY2010 budget to include \$5,700,000 in revenue appropriated by the state in prior years from the Florida Forever Trust Fund with an associated expenditure appropriation for the same amount. The table provided below includes the projected funding requirements for planned land acquisition, including ancillary costs, during FY2010:

FY2010 Adopted Budget	FY2010 Current Modified Budget	Expended To-Date	Proposed Acquisition for Myakka Conservation Area	Other Planned Acquisitions	Proposed Budget Amendment
\$26,064,493	\$30,692,958	\$2,063,361	\$25,887,420	\$8,442,177	\$5,700,000

Impact if not Approved

Regarding the state appropriations for FARMS Program, the funds will remain in the Manasota Basin budget and will eventually be used for FARMS projects. Regarding the additional revenue from the Florida Forever Trust Fund, the planned land acquisitions could not be completed in FY2010.

Item 19

The proposed budget amendment will not impact District or Basin millage rates or ad valorem property taxes.

Staff Recommendation:

See Exhibit

Approve Resolution No. 10-05, *Second Amendment of the Fiscal Year 2010 Annual Service Budget*, to increase the District's combined FY2010 modified budget by \$5,700,000. The individual amendments by Fund are as follows:

- (a) General Fund – increase budget by \$384,720;
- (b) Special Revenue Fund, Manasota Basin – decrease budget by \$384,720; and
- (c) Capital Projects Fund, Florida Forever / Save Our Rivers – increase budget by \$5,700,000.

Presenters: Linda R. Pilcher, Assistant Director, Finance Department
Eric C. DeHaven, Director, Resource Data and Restoration Department
Eric Sutton, Director, Land Resources Department

DRAFT

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 10-05

**SECOND AMENDMENT OF THE FISCAL YEAR 2010
ANNUAL SERVICE BUDGET**

WHEREAS, the Governing Board of the Southwest Florida Water Management District (District), as required by Chapters 200 and 373, Florida Statutes, and Chapter 61-691, Laws of Florida, adopted the fiscal year (FY) 2010 total budget of \$298,887,497 on September 29, 2009; and

WHEREAS, the Governing Board of the District is authorized to amend the budget to include funds received after the adoption of the final budget as provided for in Section 373.536(4), Florida Statutes; and

WHEREAS, the District has complied with the notice requirement and all other requirements of Section 373.536(4), Florida Statutes; and

WHEREAS, the Governing Board approved Resolution No. 09-24, *Amendment of the Fiscal Year 2010 Annual Service Budget*, on October 27, 2009, to increase the District's original modified budget by \$243,660; and

WHEREAS, the Manasota Basin Board adopted Resolution No. 76, *Amendment of the Fiscal Year 2010 Budget*, on April 14, 2010, to decrease the Basin's modified budget by \$384,720 to reflect the reallocation of revenue from state appropriations for the Facilitating Agricultural Resource Management Systems (FARMS) Program, and to request the Governing Board amend the District's FY2010 combined budget to reflect the amended FY2010 basin budget as adopted by the Basin Board; and

WHEREAS, the General Fund will receive \$384,720 of reallocated prior year state appropriations for the FARMS Program previously allocated to the Manasota Basin; and

WHEREAS, the District will receive unanticipated revenue of \$5,700,000 from the Florida Forever Trust Fund for planned land acquisitions during FY2010, including lands to be acquired within the Myakka Conservation Area and Three Sisters Springs.

THEREFORE, BE IT RESOLVED, by the Governing Board of the Southwest Florida Water Management District that the District's combined FY2010 modified budget is amended by an increase of \$5,700,000, as reflected on the attached budget.

APPROVED AND ADOPTED this 27th day of April, 2010, by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Todd Pressman, Chair

Attest:

Hugh M. Gramling, Secretary

CERTIFICATE AS TO RESOLUTION NO. 10-05

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 April, 2010, at a duly called and properly held meeting of the Governing Board of the Southwest Florida Water Management District, at 2379 Broad Street, Brooksville, Hernando County, Florida, at which meeting 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 meeting.

Dated at Punta Gorda, Florida, this 27th day of April, 2010.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Todd Pressman, Chair

Attest:

Hugh M. Gramling, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 27th day of April, 2010, by Todd Pressman and Hugh M. Gramling, 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 April, 2010.

Notary Public
State of Florida at Large
My Commission Expires:

**Southwest Florida Water Management District
Proposed Fiscal Year 2010 Second Budget Amendment**

FY2010 budget amendment to decrease the Manasota Basin budget by \$384,720 and increase the General Fund budget by \$384,720 to reflect the reallocation of State revenue for the District's Facilitating Agricultural Resource Management Systems Program. Increase the Florida Forever/Save Our Rivers Capital Projects Fund by \$5,700,000 to reflect unanticipated revenue from the Florida Forever Trust Fund for planned land acquisitions during FY2010 including lands to be acquired within the Myakka Conservation Area and Three Sisters Springs.

The proposed budget amendment will not impact District or Basin millage rates or ad valorem property taxes.

	FY2010 Adopted Budget	Prior Year Encumbrances	FY2010 Original Modified Budget	First Amendment Approved October 27, 2009	FY2010 Modified Budget As Amended October 27, 2009	Proposed Second Budget Amendment	FY2010 Proposed Modified Budget As Amended April 27, 2010
Revenues:							
General Fund	\$152,825,395	\$261,176,186	\$414,001,581	\$121,830	\$414,123,411	\$384,720	\$414,508,131
Special Revenue Funds							
Peace River Basin	11,307,353	39,901,922	51,209,275	121,830	51,331,105	-	51,331,105
Manasota Basin	15,735,549	46,714,903	62,450,452	-	62,450,452	(384,720)	62,065,732
Other Special Revenue Funds	90,635,422	270,336,845	360,972,267	-	360,972,267	-	360,972,267
Total Special Revenue Funds	117,678,324	356,953,670	474,631,994	121,830	474,753,824	(384,720)	474,369,104
Capital Projects Fund							
Facilities Fund	2,319,285	1,025,241	3,344,526	-	3,344,526	-	3,344,526
Florida Forever/SOR	26,064,493	4,628,465	30,692,958	-	30,692,958	5,700,000	36,392,958
Total Capital Projects Funds	28,383,778	5,653,706	34,037,484	-	34,037,484	5,700,000	39,737,484
Total Revenues	\$298,887,497	\$623,783,562	\$922,671,059	\$243,660	\$922,914,719	\$5,700,000	\$928,614,719
Expenditures:							
General Fund	\$152,825,395	\$261,176,186	\$414,001,581	\$121,830	\$414,123,411	\$384,720	\$414,508,131
Special Revenue Funds							
Peace River Basin	11,307,353	39,901,922	51,209,275	121,830	51,331,105	-	51,331,105
Manasota Basin	15,735,549	46,714,903	62,450,452	-	62,450,452	(384,720)	62,065,732
Other Special Revenue Funds	90,635,422	270,336,845	360,972,267	-	360,972,267	-	360,972,267
Total Special Revenue Funds	117,678,324	356,953,670	474,631,994	121,830	474,753,824	(384,720)	474,369,104
Capital Projects Fund							
Facilities Fund	2,319,285	1,025,241	3,344,526	-	3,344,526	-	3,344,526
Florida Forever/SOR	26,064,493	4,628,465	30,692,958	-	30,692,958	5,700,000	36,392,958
Total Capital Projects Funds	28,383,778	5,653,706	34,037,484	-	34,037,484	5,700,000	39,737,484
Total Expenditures	\$298,887,497	\$623,783,562	\$922,671,059	\$243,660	\$922,914,719	\$5,700,000	\$928,614,719

**Consent Agenda
April 27, 2010**

Finance and Administration Committee

Office of Inspector General – Six-Month Progress Report on Audit Plan and Proposed Amendment to Fiscal Year 2010 Audit Plan

Progress Report

In accordance with Board Policy 140-3, staff submits two progress reports to the Governing Board's Audit Committee. The Governing Board approved the reports' formats and information requirements.

The *Planned to Actual* report is a one-page document that shows each Board-approved audit project in the audit plan and presents:

- Planned and actual end dates;
- Planned and actual hours worked on the projects; and
- Percentage of planned hours used and estimated work completed.

Information contained in the report shows that as of March 31, the office has used 50 percent of its available hours and completed 52 percent of planned work.

The *Performance Measures* report is also a one-page document that indicates whether the work performed gives value to the District. The report shows –

- Specific Board objectives or expectations for the Office of Inspector General;
- Tasks or achievements identified by the Board that the office should complete;
- Benchmarks or standards for performing the tasks; and
- Actual office performance against the benchmarks.

To date, the Office of Inspector General has met the Board's requirements for the first six months of the fiscal year.

Proposed Amendment

In accordance with Board Policies 140-1 and 140-3, we are submitting a request to amend the Annual Audit Plan for Fiscal Year 2010. The audit plan –

- Shows the Office of Inspector General's proposed work schedule,
- Identifies the categories of services the office provides to help the District achieve its goals and objectives, and
- Presents specific cost estimates for the provision of the services.

Specifics of the audit plan amendment (attached) are presented in legislative format to show the requested change. The proposed amendment shifts available staff hours, but **does not** change the Office of Inspector General financial budget.

The amendment cancels the Florida Department of Highway Safety & Motor Vehicles (DMV) Review since the anticipated contract between DMV and the District requiring the audit was not executed. Staff will use the newly available hours to initiate the SWIM Restoration Projects Review. Through this new project, staff will evaluate the long-term success of past SWIM habitat restoration projects to determine whether the District may have potential liabilities or

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longer-term maintenance costs. At the request of Executive Management, staff have also requested approval to split the Information Technology Procurement Audit into two parts. The first part should provide timely benchmarking information in June. Part two, rescheduled for August, will contain detailed procurement process analysis and any relevant recommendations.

Staff Recommendation:

See Exhibits

In accordance with Board Policies 140-1 and 140-3, staff requests acceptance of the attached progress reports and approval of the amended audit plan as presented in the Governing Board packet.

Presenter: Kurt P. Fritsch, Inspector General

**Office of Inspector General: Fiscal Year 2010 Audit Plan -- Planned to Actual Report
For the Period of October 1, 2009 through March 31, 2010**

Audit Plan Description	Schedule Status		Actual End	Planned Hours	Actual Hours	Percentage Hours Used	Planned Work Completed
	Planned Start	Planned End					
Audit Projects							
Internal Audits							
ERP Technical Business Process Mapping	Oct-09	Jul-10	-	576	472	82%	85%
Mainframe System Decommissioning	Oct-09	Jul-10	-	390	267	68%	80%
Information Technology Procurement Audit *	Jan-10	Jun-10	-	576	194	34%	40%
Project Information Management System (PIMS) Security Audit *	Mar-10	Aug-10	-	232	22	9%	10%
SWIM Restoration Projects Review	Apr-10	Sep-10	-	288	83	29%	25%
Subtotal -- Audit Projects				2,062	1,038	50%	58%
Mandated Assignments							
Annual Office of Inspector General Report *	Oct-09	Oct-09	Oct-09	92	89	96%	100%
Purchase Card Procedure Compliance Audit (6 Month Progress Report)	Oct-09	Feb-10	Mar-10	48	48	100%	100%
OIG Audit Manual Development and Whistle-blower Procedure Revision *	Oct-09	Jul-10	-	132	53	40%	40%
Information Security Follow-Ups (ISA FY 08 and ISA FY 09)	Oct-09	Sep-10	-	332	256	77%	80%
Whistle-blower / Investigations	Oct-09	Sep-10	-	312	96	31%	35%
Monitoring for Evidence of Fraud, Waste, and Abuse	Oct-09	Sep-10	-	118	8	6%	5%
District Performance Measures	Oct-09	Sep-10	-	48	-	0%	0%
Annual Financial Audit	Dec-09	Feb-10	Mar-10	8	6	78%	100%
Chemistry Laboratory Managerial Audit *	May-10	Jul-10	-	108	30	28%	30%
Florida Department of Highway Safety & Motor Vehicles Review *	Jun-10	Aug-10	-	200	1	0%	N/A
Annual Risk Assessment and Audit Plan (FY 2011) *	Jul-10	Oct-10	-	162	87	54%	55%
Subtotal -- Mandated Assignments				1,560	673	43%	44%
Discretionary Assistance	Oct-09	Sep-10	-	1,200	693	58%	50%
Total -- Audits and Other Direct Services				4,822	2,403	50%	52%
Audit Services Administration							
Audit Management Activities	Oct-09	Sep-10	-	356	178	50%	50%
Professional Training and Development	Oct-09	Sep-10	-	196	65	33%	33%
Leave (Annual, Sick & Holidays) (1,038 earned)	Oct-09	Sep-10	-	890	490	55%	55%
Total -- Audit Services Administration				1,442	734	51%	51%
Total -- Audit Plan				6,264	3,136	50%	52%

Legend:

IG - Inspector General
PA - Principal Auditor
AA - Associate Auditor

ERP - Environmental Resource Permitting
ISA - Information Security Audit
OIG - Office of Inspector General

* Audit report submitted to Governing Board on either Consent Agenda or Submit and File; all others summarized in Annual Report

Audit Committee Monitoring
IG Performance Measures
For the Period: October 1, 2008 through March 31, 2009

Objective/Expectation	Performance Measure	Benchmark	Planned Date	Completed (%)
Identify areas Board needs Office of Inspector General (OIG) to review (Audit Plan)	• Perform annual risk assessment	Annually	October 2009	100%
	• Present District risk matrix to Executive Director (ED)	Annually	October 2009	100%
	• Obtain Finance Committee (FC) approval of annual audit plan and general audit objectives	Annually	October 2009	100%
Operate Office of Inspector General effectively and efficiently	• Present estimated dollars and hours to complete audit to FC as part of plan	Annually	October 2009	100%
	• Variance between targeted completion date and report issuance within 30 days	90%	Per Audit Plan	100%
	• Actual hours under 110% of budgeted hours	80%	Per Audit Plan	100%
	• Obtain minimum rating from customers surveyed regarding adequacy of scopes and understanding of processes [(A) Q6,7,8, (B) Q1,2,6,11, (C) Q1,4,8]	5*	September 2010	Not yet due
Determine District compliance with laws, regulations and contractual commitments and that District resources are utilized in an effective and efficient manner	• Perform audits on all high significance/high likelihood areas within this audit plan year	All	Per Audit Plan	100%
	• Legal department approval or determination of all applicable laws/regulations for process	All	Per Audit Plan	100%
	• Identify cost savings or avoidance jointly with management of a predetermined dollar range per year	\$325,000	September 2010	Not yet due
Meet customer needs / objectives	• Administer surveys to FC members within 20 days of when report is presented	All	Per Audit Plan	100%
	• Administer surveys to each auditee and appropriate executive management within 20 days of end of fieldwork	20 days	Per Audit Plan	100%
Produce timely, informative, concise and action-oriented reports	• Obtain minimum rating from customers surveyed regarding timely, adequate and effective communication [(A) Q1,2, (B) Q5,12, (C) Q3,9]	5*	September 2010	Not yet due
	• Obtain minimum rating from customers surveyed regarding clear, logical and concise audit reports [(A) Q9,10, (B) Q7,8,9,10, (C) Q5,6,7]	5*	September 2010	Not yet due
	• Draft report with end of fieldwork date noted on report, will be delivered to ED within 10 working days of last day of fieldwork (report date)	10 days	Per Audit Plan	100%
	• Results will be available for FC within 25 working days of end of fieldwork/activity (includes review process) and presented to FC no later than 60 days after fieldwork	25 days	Per Audit Plan	100%
Remain a competitive, valued internal consulting option for District management	• Obtain minimum rating from customers surveyed regarding whether customers would come to OIG with operational, compliance, or performance issues (A) Q13	4*	September 2010	Not yet due
	• Obtain minimum rating from customers surveyed regarding listening skills, interaction with personnel, team player mentality, and professionalism [(A) Q3,4,5, (B) Q13 (C) Q2]	5*	September 2010	Not yet due
	• Obtain minimum rating from customers surveyed regarding value of recommendations [(A) Q11,12, (B) Q3,4, (C) Q2]	5*	September 2010	Not yet due
Meet all statutory and other requirements specific to Office of Inspector General function	• Provide status report(s) of corrective actions taken as a result of other auditors' reports to Governing Board within 6 months and 18 - 24 months of report date, as appropriate	100%	Per Audit Plan	100%
	• File such report with ED, Governing Board and Legislative Auditing Committee within 6 months and 18 months of Auditor General or OPPAGA audit report, as required	100%	Per Audit Plan	100%
	• Provide performance measures, budget-to-date (audit plan status, report on special activities, and Action Plan progress) to the ED and Governing Board semiannually	Semiannually	October 2009 and April 2010	100%
	• Discuss OIG activities with ED monthly	Monthly	Monthly	100%
	• Adhere to all Whistle-blower timeline requirements	All	Per W/B Policy	100%
	• Compile and distribute the <i>OIG Annual Report</i> that summarizes OIG activity and significant results	Annually	October 2009	100%

* - on a scale of 1 to 7, 7 being the highest

Office of Inspector General: Proposed Amendment of the FY 2010 Audit Plan
For the Period of October 1, 2009 through September 30, 2010
Presented to the District Finance and Administration Committee: April 27, 2010

Audit Plan Description	Start	End	Planned Audit Hours				Cost (\$)
			IG Hours	PA Hours	AA Hours	Total Hours	
Audit Projects							
Internal Audits							
ERP Technical Business Process Mapping	Oct-09	Jul-10	544	16	16	576	\$ 41,371
Mainframe System Decommissioning	Oct-09	Jul-10	32	350	8	390	27,895
Mainframe System Decommissioning	Oct-09	Jul-10	32	320	8	360	25,750
Information Technology Procurement Audit *	Jan-10	Jun-10	28	300	248	576	41,199
Information Technology Procurement Audit - Part I *	Apr-10	Jun-10	16	46	16	78	5,579
Information Technology Procurement Audit - Part II *	Jan-10	Aug-10	28	300	308	636	45,491
Project Information Management System (PIMS) Security Audit *	Mar-10	Jul-10	24	200	8	232	16,594
To be assigned in April 2010	Apr-10	Sep-10	196	8	84	288	20,600
SWIM Restoration Projects Review	Apr-10	Sep-10	228	8	104	340	24,319
Subtotal -- Audit Projects			872	890	460	2,222	159,104
Mandated Assignments							
Annual Office of Inspector General Report *	Oct-09	Oct-09	24	12	56	92	\$ 6,580
Purchase Card Procedure Compliance Audit (6 Month Progress Report)	Oct-09	Feb-10	8	-	40	48	3,433
OIG Audit Manual Development and Whistle-blower Procedure Revision *	Oct-09	Jul-10	100	8	24	132	9,442
Information Security Follow-Ups (ISA FY 08 and ISA FY 09)	Oct-09	Sep-10	24	300	8	332	23,747
Information Security Follow-Ups (ISA FY 08 and ISA FY 09)	Oct-09	Sep-10	24	300	68	392	28,038
Whistle-blower / Investigations	Oct-09	Sep-10	48	20	244	312	22,316
Whistle-blower / Investigations	Oct-09	Sep-10	48	28	244	320	22,889
Monitoring for Evidence of Fraud, Waste, and Abuse	Oct-09	Sep-10	10	8	100	118	8,440
District Performance Measures	Oct-09	Sep-10	40	-	8	48	3,433
Annual Financial Audit	Dec-09	Feb-10	8	-	-	8	574
Chemistry Laboratory Managerial Audit *	May-10	Jul-10	8	-	100	108	7,725
Florida Department of Highway Safety & Motor Vehicles Review *	Jun-10	Aug-10	32	8	160	200	14,305
Annual Risk Assessment and Audit Plan (FY 2011) *	Jul-10	Oct-10	64	42	56	162	11,587
Subtotal -- Mandated Assignments			334	398	696	1,428	102,142
Discretionary Assistance	Oct-09	Sep-10	500	400	300	1,200	85,832
Discretionary Assistance	Oct-09	Sep-10	484	384	304	1,172	83,829
Total -- Audits and Other Direct Services			1,690	1,672	1,460	4,822	\$ 344,902
Audit Services Administration							
Audit Management Activities	Oct-09	Sep-10	66	50	240	356	
Professional Training and Development	Oct-09	Sep-10	64	68	64	196	
Leave (Annual, Sick & Holidays) (1,038 earned)	Oct-09	Sep-10	268	298	324	890	
Total -- Audit Services Administration			398	416	628	1,442	
Total -- Audit Plan			2,088	2,088	2,088	6,264	

Legend:

IG - Inspector General
PA - Principal Auditor
AA - Associate Auditor
ERP - Environmental Resource Permitting
ISA - Information Security Audit
OIG - Office of Inspector General

* Audit report submitted to Governing Board on either Consent Agenda or Submit and File; all others summarized in Annual Report

Consent Agenda April 27, 2010

General Counsel's Report

Compliance Agreement – Aloha Utilities, Inc., WUP No. 20003182.005, Pasco County

On September 29, 1992, the District issued Water Use Permit (WUP) No. 20003182.002 (the “.002 Permit”) to Aloha Utilities, Inc., authorizing water withdrawals of 2,040,000 gallons per day (gpd) on an annual average daily basis (AAD) from eight wells for public supply use in Aloha's Seven Springs Service Area. The Seven Springs Service Area is located in southwestern Pasco County, Florida, and is within the Northern Tampa Bay Water Use Caution Area.

On April 27, 1999, the District issued WUP No. 20003182.004 (the “.004 Permit”) to Aloha, renewing the .002 Permit and continuing to authorize AAD withdrawals of 2,040,000 gpd.

In February 2002, Aloha and the District entered into a Consent Order to address Aloha's exceedance of its permitted withdrawal quantities. Aloha subsequently failed to fully comply with the terms of the Consent Order.

On November 26, 2007, the District issued WUP No. 20003182.005 (the “.005 Permit”) to Aloha, renewing the .004 Permit and continuing to authorize AAD withdrawals of 2,040,000 gpd, while temporarily increasing peak month quantity to 3,500,000 gpd until such time as Aloha purchased and obtained delivery of 5.1 million gallons per day of potable water from Pasco County.

On August 26, 2008, the District and Aloha entered into a Settlement Agreement to resolve their dispute relating to Aloha's non-compliance with the Consent Order. Pursuant to the Settlement Agreement, Aloha paid penalties and costs to the District in the amount of \$175,000.00 for Aloha's past overpumping in violation of its permits for the time period up through August 26, 2008. Since August 26, 2008, the AAD withdrawals authorized under the .005 Permit have been consistently exceeded.

In October 2008, the Florida Governmental Utility Authority (“FGUA”) met with District staff to discuss FGUA's contemplated purchase of Aloha and the effects of such purchase on compliance with the .005 Permit. FGUA advised District staff that it had evaluated Aloha's previous proposal for coming into compliance with the .005 Permit by purchasing water from Pasco County, and determined the proposal inadequate to meet FGUA's water supply and quality needs. FGUA also provided a preliminary design of changes to the Aloha proposal, as well as a preliminary construction schedule.

On February 27, 2009, FGUA assumed ownership of Aloha's assets and ownership and operation of Aloha's utility facilities, including operation of the eight water wells subject to the .005 Permit. On March 31, 2009, FGUA submitted an application to transfer the .005 Permit from Aloha to FGUA, and the permit was transferred to FGUA in April 2009.

In a non-compliance notice dated April 21, 2009, the District informed FGUA that it was exceeding its permitted withdrawals, and advised FGUA to take action to reduce on-site well withdrawals.

Following a series of communications, FGUA met with District staff in August 2009 to discuss the excessive withdrawals and ways to come into permit compliance. As a result of those discussions, FGUA agreed to a Compliance Agreement delineating a Compliance Plan whereby FGUA will come into full compliance with the .005 Permit by August 25, 2011. The August 2011

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deadline is necessary to complete the design, permitting, bidding process, contracting, and construction of the system proposed by FGUA.

On January 21, 2010, FGUA's governing board approved the Compliance Agreement, contingent on Pasco County's Board of Commissioners approving FGUA's amended water purchase agreement with Pasco County. That approval was given in March 2010.

Subject to the Governing Board's approval, the Compliance Agreement requires FGUA to pay the District a penalty of Five Hundred dollars (\$500.00) per day for each day beyond the date of approval of the agreement by the District's Governing Board that FGUA's withdrawals exceed the amount authorized under the .005 Permit. This penalty continues to accrue each day that FGUA exceeds the permitted withdrawal quantities; however, payment of the penalty will be suspended as long as FGUA meets the deadlines established by the Compliance Plan. If FGUA meets the deadlines required by the Compliance Plan and otherwise fully adheres to the requirements of the Compliance Agreement, then no penalty shall be due.

The Compliance Plan demonstrates how and when FGUA will come into compliance with state law, District rules, and the terms of the .005 Permit. Full compliance with the .005 Permit must be achieved by FGUA by August 25, 2011. Withdrawals in excess of permitted quantities which occur after August 25, 2011 are not governed by the Compliance Agreement, and such withdrawals would subject FGUA to additional enforcement action.

The Compliance Agreement further requires FGUA to pay compensation to the District for its enforcement costs in the amount of One Thousand dollars (\$1,000.00) within 10 days of approval of the agreement by the Governing Board.

Staff Recommendation:

Approve the proposed Compliance Agreement.

Presenter: Joseph J. Ward, Assistant General Counsel

Consent Agenda April 27, 2010

General Counsel's Report

Settlement Agreement – SWFWMD v. Louis M. Perez, et al, Case No. 2009-CA-010077, 10th Judicial Circuit – Lake Hancock Project, SWF Parcel No. 20-503-163P – Polk County

Purpose

The purpose of this item is to request Governing Board approval of a Settlement Agreement for a total sum of \$225,000 in full settlement of all claims for compensation as well as attorney's fees, expert's fees and costs. The lawsuit is a Petition in Eminent Domain to acquire interests in certain parcels for the District's Lake Hancock Lake Level Modification Project (the Project). The subject of this Settlement Agreement is an easement over a 0.21-acre portion of an approximate 0.773-acre parcel owned by Louis M. and Donna Perez. A general location map of the parcel in relation to the Project (Exhibit 1) and a detailed map of the parcel (Exhibit 2) are included in the board packet as exhibits to this item.

Background/History

On September 25, 2007, the Governing Board authorized the implementation of the Project including acquisition of lands (placing priority emphasis on voluntary acquisitions) necessary for the Project. The Board also approved the use of eminent domain, if necessary, to complete the acquisition process. The Project is a result of the District being required by state law (Section 373.042, Florida Statutes (F.S.)) to develop minimum flows and levels (MFLs) on priority water bodies and aquifers. The purpose of the MFLs is to ensure that adequate flows or levels are maintained to protect the state's water resources. The District has set minimum flows for the upper Peace River including 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade, and 45 cfs at Zolfo Springs. Flows in the upper Peace River were below the minimum flows at Fort Meade approximately 28 percent of the time during the last 30 years. The District's Southern Water Use Caution Area (SWUCA) Recovery Strategy includes a specific recovery strategy, as required by state law (Section 373.0421, F.S.), for the upper Peace River because the minimum flows are not currently being met.

Ground-water withdrawals in the SWUCA have resulted in declines in aquifer levels throughout the SWUCA and contribute to reduced flows in the upper Peace River. The District determined that it is not feasible to reduce groundwater withdrawals to achieve the minimum flows for the upper Peace River. The Project is critical to the District's strategies for meeting the minimum flows in the upper Peace River. The goal of the Project is to store water by raising the control elevation of the existing outflow structure on Lake Hancock from 98.7 to 100.0 feet and to slowly release water during the dry season to help meet the flow requirements in the upper Peace River. Historically, prior to man-made alterations, the lake level was approximately one to two feet higher than the current operating level. The Project is anticipated to increase the number of days the upper Peace River will meet the minimum flow from 70 percent to 87 percent.

Project/Parcel Benefits – In addition to the Project increasing the number of days the upper Peace River will meet the minimum flow from 70 percent to 87 percent, the Project will also improve the function of approximately 1,000 acres of wetlands around the lake and preserve approximately 4,800 acres of floodplain. As of April 1, 2010, the District has acquired 7,173 acres in fee simple interest and 1,019 acres via perpetual conservation/inundation easements within the Project. Currently the parcels acquired or placed under contract total 97 percent of the

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land needed for the Project and were obtained through 58 transactions. The remaining acreage to be acquired consists of 15 parcels.

Property Description

Location and Access – The proposed easement will encumber a 0.21-acre portion of an approximate 0.773-acre parcel, (35 percent of the property) improved with a single family residence built in 1983 and located at 5220 Waterwood Run in Bartow.

Utilities and/or Improvements – The property is located at the end of a cul-de-sac, has electric, telephone and water service and is on a private septic system. The lot is improved with a single family residence with 2,879 square feet of living area and a two car garage, for a total area of 3,636 square feet. The Project will not to impact the residence; however a portion of the lawn and driveway will be inundated during certain flood events.

Zoning – The property is zoned RS (Residential Suburban) within the U.S. 98 SAP pursuant to Polk County Comprehensive Plan. The purpose of the RS district is to provide areas for suburban-density residential development to promote the proper transition land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities.

Summary of Appraisal and Value Comparisons - In accordance with District policy, one appraisal was obtained for the parcel from Nicolas J. Mancuso, MAI of Mancuso Appraisal Services, Inc. The appraisal report has an effective valuation date of July 29, 2008. The report meets the necessary legal or District requirements and contains the appraiser's factual data leading to the value conclusion of \$19,606. The property owners obtained an appraisal with a value conclusion of \$270,800. An updated appraisal was obtained by the District's special eminent domain counsel to aid in negotiations. This appraisal report was completed by Nicolas J. Mancuso, MAI with an effective date of October 15, 2009. The updated appraisal report considered engineering studies as well as the impact of the easement on the marketability of the subject property. Based on this additional information, the appraiser determined there were \$33,000 of curable damages and \$37,104 of incurable damages.

Highest and Best Use – The highest and best use, as determined by the appraiser, based on the physically possible, legally permissible, and financially feasible uses for this property, would be for single-family residential use.

The appraiser applied the Sales Comparison Approach (Market Approach) and Cost Approach to determine the value of this property. The appraiser relied on recent sales of comparable property in Polk County. Adjustments for differences between the sales and the subject were considered that included topography, site size, view, age, gross living area, garage/carport, and out buildings.

Appraised Value Whole Property	Easement Value	Incurable Damages	Curable Damages	Total Compensation Recommended by Appraiser Mancuso
\$362,000	\$14,896	\$37,104	\$33,000	\$85,000

The settlement cost for this property is \$170,000 payable to the sellers plus \$55,000 for costs and attorney fees.

Partial acquisitions can involve a wide range of opinions as to values and impacts because of the potential for limiting the utility of the unacquired portion of the parcel. The effect of a

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limitation or loss of utility is referred to as damages. The easement was appraised at \$14,896. Curable damages (fill and possible septic system mitigation) were estimated to be \$33,000 and incurable damages were estimated to be \$37,104. However, an appraiser retained by the property owners valued the incurable damages to the remaining portion of parcel of \$238,900.

A negotiated settlement avoids the significant expense and investment of staff time that is required for eminent domain litigation. The eminent domain process exposes the District to substantial costs in the form of property owner attorney's fees and expert witness fees in addition to the District's own costs for attorneys and experts.

The District's special counsel for the Lake Hancock Project, strongly recommends approval of the Settlement Agreement and has projected the litigation expense would exceed the difference between the appraised value/compensation and the settlement amount given the uncertainty of the impact of the easement on the valuation of the entire parcel and the remainder, as well as the extent of severance damages.

Settlement Agreement

- Total amount of \$225,000 in full settlement of all claims for compensation as well as attorney's fees, expert's fees and costs.
- Entry of a Stipulated Order of Taking and Final Judgment, vesting title to the easement in the District.

Impact If Not Funded/Funding

Funds are available from the Governing Board's General Fund Water Supply and Resource Development Reserve for the acquisition/purchase of this parcel. If not funded, the Lake Hancock Lake Level Modification Project cannot be implemented.

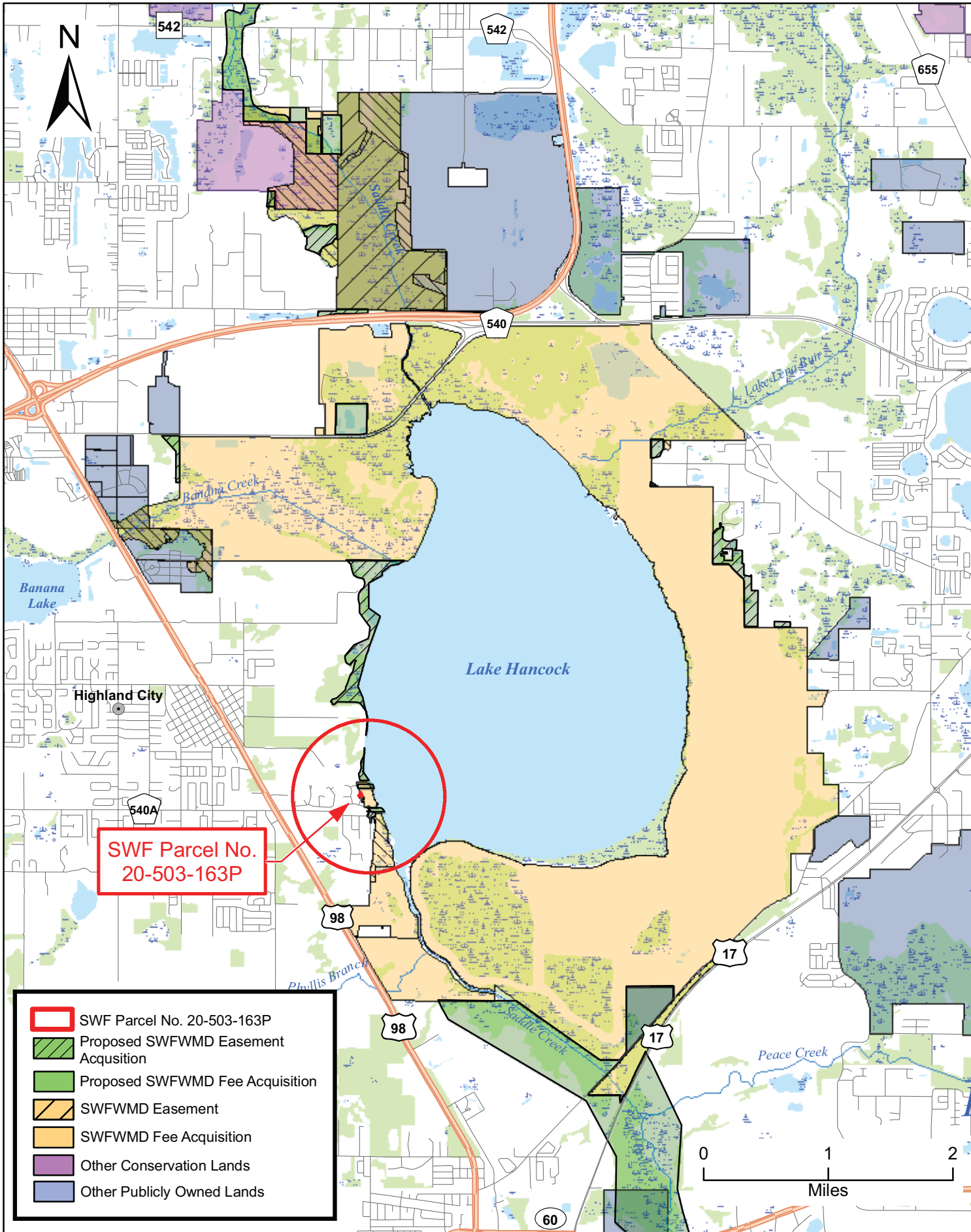
Staff Recommendation:

See Exhibits

Approve the Settlement Agreement in the total amount of \$225,000.

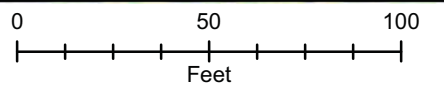
Presenter: Jack Pepper, Deputy General Counsel

Lake Hancock





- SWF Parcel No. 20-503-163P
- Perez Property
- SWFWMD Fee Acquisition



**Consent Agenda
April 27, 2010**

General Counsel's Report

Agency Report – Florida Power & Light Company – DeSoto Next Generation Solar Energy Center – Site Certification Application No. PA10-56, DOAH Case No. 10-0543-EPP

Florida Power & Light Company (FPL) seeks site certification under the Florida Electrical Power Plant Siting Act (PPSA), Chapter 403, Part II, Florida Statutes (F.S.), to construct and operate a 300 megawatt (MW) solar photovoltaic electrical power generation facility on approximately 5,177 acres to be located in DeSoto County. Known as the Next Generation Solar Energy Center, the facility will be built in three phases – the first of which has been constructed and is generating 25 MW of electricity. It is anticipated that when completed, the DeSoto Next Generation Solar Energy Center will be the largest solar photovoltaic power plant in the world.

Phase I of this project did not require site certification, as it is below the 75 MW threshold for certification under the PPSA. Phase I consists of 90,054 solar panels, related equipment and a substation located on approximately 363 acres and has been in operation since October 2009. Phase II of the project will consist of 180,000 solar panels that will occupy approximately 841 acres and generate approximately 49 MW of electricity. Phase II is also below the threshold for site certification, and has obtained all required approvals. Construction on Phase II is planned to begin this year. Phase III will consist of 820,000 additional solar panels that will occupy approximately 3,975 acres and be capable of generating up to 226 MW of electricity. Due to the fact that approval of Phase III will bring this project within the threshold of the PPSA, FPL is seeking site certification for the entire facility, which will result in any issued permits being subsumed within the site certification license that will govern all three phases.

The District is addressing only the water use needs for this project. The Department of Environmental Protection (DEP) is responsible for reviewing ongoing and proposed Environmental Resource Permit-related activities. The water needs for Phase I are minimal and are currently permitted by Small General Water Use Permit No. 20020044.000, which authorizes annual average groundwater withdrawals of 1,000 gallons per day (gpd) and a peak month quantity of 6,000 gpd for solar panel cleaning and maintenance. A separate permit currently authorizes agricultural water use on the adjacent FPL-owned parcels that will become Phases II and III of this project. FPL plans to transfer three wells currently permitted for agricultural irrigation under this permit to the solar energy project. Transition of the property from agricultural use to solar power generation use will require permit modifications. Total water needs for the entire solar energy center will be annual average groundwater withdrawals of 14,000 gpd, and a peak month maximum of 2.6 million gallons (approximately 85,000 gpd) for expanded solar panel cleaning and maintenance, potable water use by employees and visitors, and restroom facilities for a proposed administration building and a proposed maintenance building to be constructed during Phase III. Water will also be needed temporarily during construction for purposes of dust suppression and equipment washdown.

FPL's site certification application was filed with DEP on February 1, 2010, referred to the Division of Administrative Hearings (DOAH) on February 8, 2010. The assigned administrative law judge has issued a schedule for the application review and certification process that sets a final site certification hearing date of February 15, 2011. The application was determined to be complete on March 15, 2010. The DOAH schedule originally required all agency reports by August 16, 2010; however, due to the early determination of completeness of the application

Item 23

following the initial review period, FPL has moved to expedite the schedule and to require agency reports be submitted by May 21, 2010.

Staff has reviewed the application and recommends approval of site certification for this project, provided that the conditions proposed by staff become part of the overall conditions of certification for the facility. The proposed conditions address the existing and future water needs for the solar panels and related site activities, and require amendments to FPL's agricultural water use permit to transfer wells and water quantities to the solar project as Phases II and III are constructed. A copy of the draft Agency Report with conditions is in the Board package. Staff seeks Governing Board approval of the District's Agency Report and conditions to be submitted to DEP for inclusion in DEP's certification recommendations that ultimately will be submitted for approval to the Governor and Cabinet sitting as the Siting Board.

Staff Recommendation:

See Exhibit

Approve the Agency Report and proposed conditions for certification of the FPL DeSoto Next Generation Solar Energy Center.

Presenters: Marti Moore, Senior Attorney, Office of General Counsel
Ross Morton, Director, Sarasota Regulation Department

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT

FLORIDA POWER & LIGHT COMPANY NEXT GENERATION SOLAR ENERGY CENTER SITE CERTIFICATION APPLICATION NO. PA-10-0543

STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS

I. PROJECT DESCRIPTION

Florida Power & Light Company (FPL) proposes to construct and operate a 300 megawatt (MW) solar electrical power generating facility to be known as the DeSoto Next Generation Solar Energy Center, located in the north central unincorporated area of DeSoto County. The site will occupy approximately 5,177 acres of the over 13,500 acres of land owned by FPL in DeSoto County, and is situated about 8 miles north of the City of Arcadia and near the eastern side of U.S. Highway 17/State Road 35. FPL plans to complete the project in three phases. Phase I is approximately 362 acres and has been designed and constructed to generate 25 MW of electricity. Phase I became operational in October 2009. Phase II will occupy approximately 841 acres and will generate 49 MW of electricity. Local and state approvals were obtained for both phases without site certification pursuant to the Florida Power Plant Siting Act (PPSA), Chapter 403, Part II, F.S., due to the fact that these phases are below the threshold power generation level of 75 MW for site certification. With the addition of Phase III, FPL plans to obtain overall site certification for all three phases. Site certification under the PPSA will take the place of any existing requirements of local and state permits already issued for Phases I and II, and will provide the only substantive requirements applicable to the site, upon approval of the Governor and Cabinet acting as the Siting Board.

Site Description

The proposed site (other than what is currently the Phase I solar panel field) is primarily open pasture used for cattle grazing, sod farming and other agricultural uses. Existing land uses within a five-mile radius of the site are predominately crop lands and other agricultural uses interspersed with rural residential dwellings and undeveloped vegetated areas. Phase I of the project is located closest to US 17/SR 35, and consists of 90,504 solar panels, stormwater detention ponds, internal roadways, parking, a temporary office trailer, and an electrical substation. An administration building is proposed to be located within the Phase I project area, to be constructed during a later phase. Phase II will consist of 180,000 solar panels on 841 acres and will generate 49 MW of electrical power. Phase III will consist of 820,000 additional solar panels that will occupy approximately 3,975 acres and be capable of generating up to 226 MW of electricity.

The site is underlain by an unconfined surficial aquifer system, consisting of relatively permeable, sandy sediments overlying an aquiclude that hydraulically separates the surficial from the deeper artesian aquifer systems. The water table in the site area is estimated to be approximately 3 – 5.6 feet below land surface depending upon the season. The intermediate aquifer system under the site is approximately 400 feet thick. The top of the Upper Floridan aquifer in the area of the site is generally 500 – 600 feet below land surface. In this area, the Upper Floridan aquifer is of marginal quality and more highly mineralized than the intermediate aquifer system. Accordingly, the Upper Floridan is considered the more appropriate water source for industrial uses in the area and is the water source proposed for use.

The water needs of Phase I of this project are currently met through Water Use Permit (WUP) No. 20020044.000. Issued on November 3, 2009, this WUP authorizes annual average groundwater withdrawals of 1,000 gallons per day (gpd) and 6,000 gpd on a peak month basis for solar panel washing and maintenance. These quantities will continue to be used for Phase I of this project. Upon site certification, WUP No. 20020044.000 will no longer be a separate District-issued permit, and its conditions and withdrawal quantities will become integrated into the conditions for issuance of the site certification for this facility. FPL currently leases property, portions of which will become Phases II and III of the solar energy facility, to several agricultural tenants and is a co-licensee on the existing WUPs for such agricultural uses. FPL proposes to modify one of the existing permits, WUP No. 2002452.010, to assign three of the wells authorized for agricultural irrigation use to support Phases II and III of the solar energy center. As these phases are constructed, modifications will be made to WUP No. 2002452.010 to reflect the removal of the three wells. Permitted quantities under WUP No. 2002452.010 will be revised over time as land transitions from agricultural to solar power plant use and as the remaining lands not currently being farmed are placed in agricultural use.

Most of the site is not within any 100-year floodplain as determined by FEMA maps. The site is located within the Southern Water Use Caution Area. Of the 5,178 acres proposed for the entire site, approximately 363 are currently in use for electrical power generation (Phase I) and related activities, 4,340 acres are upland habitats including improved pasture, and 475 acres are wetland habitats. Most of the site is improved pasture used for cattle grazing and sod farming. Phases I and II will result in approximately 0.1 acre of wetland impact that will not require mitigation. Phase III of the project will result in approximately 9.95 acres of impacts to wetlands consisting of ditches and cattle watering ponds. Approximately 85 acres within the site are proposed for wetland preservation and enhancement as mitigation for such impacts.

The solar electrical power generation equipment consists of solar arrays that are referred to as tracker blocks. A typical tracker block consists of 24 rows oriented north and south and containing a total of 576 photovoltaic solar panels that rotate to track the daily east-west movement of the sun. Each solar panel is 5 feet by 3 feet in size and weighs approximately 60 pounds. Rows are typically spaced 13 feet apart to minimize shading during early morning and late afternoon sun conditions. Panels rotate from

east to west, 45 degrees to 45 degrees. A typical tracker block takes up approximately 90 feet by 500 feet in ground area. Tracker blocks are separated by 15 or more feet to allow maintenance access between the tracker blocks. Each solar panel generates direct electrical current as sunlight strikes the panel surface. This power is routed to the collection system, where it is converted into alternating current at transmission line voltages for export onto the power grid. The ground under and around the panels is grassed and kept mowed to minimize dust and prevent weed growth. No fuel is used for the operation of the solar energy facility, nor will operation of the facility generate any adverse environmental light, sound or air emissions. FPL reports that over the course of a year, approximately 263,300 tons of carbon dioxide emissions will be avoided by operation of the facility, which is equivalent to 46,000 less cars on the road each year.

Proposed Water Use

Solar energy generation requires minimal water use. Water used in the operation and maintenance of the solar energy center is primarily for periodic cleaning and maintenance of the solar panels. Potable water will also be needed in the future for the administration and maintenance buildings. Solar panels are typically washed twice per year. Based upon year round operation and maintenance activities, FPL advises that the project at full build-out will require annual average groundwater withdrawals of 14,000 gpd, a monthly or peak month maximum of 2.6 million gallons (approximately 85,000 gpd); and a total annual allocation of 5.1 million gallons to support the water needs for Phases I – III of the project. No water is needed for heat dissipation or process water, as is common for other electrical power generation systems. An estimated 18 persons will be employed at the site upon full build-out. Potable water needs for employees and visitors will be met through the existing water well for Phase I.

Application Review

FPL filed its site certification application with the Department of Environmental Protection (DEP) on February 1, 2010. DEP referred the application to the Division of Administrative Hearings (DOAH) on February 8, 2010. The application was distributed to all reviewing agencies, including the District, on February 15, 2010. Initial completeness comments were due by March 3, 2010. The District and all other reviewing agencies found the application to be complete. DEP issued a completeness determination on March 15, 2010. As per the schedule set through the DOAH process, agency reports were due to be filed no later than August 16, 2010; however, FPL has moved to expedite the timeframe, due to the completeness of the application. The administrative law judge assigned to this matter is expected to issue an order revising the timeframes for processing of this application, which will require agencies to submit their reports by May 21, 2010.

II. WATER USE

On November 3, 2009, the District issued WUP No. 20020044.000 to FPL for Phase I of the solar energy project. This WUP authorizes annual average groundwater

withdrawals of 1,000 gpd and peak month withdrawals of 6,000 gpd from one pre-existing 8-inch diameter well, to be used for cleaning and maintenance of the solar panels. This well will continue to be authorized for this water use under the site certification. The permit conditions applicable to this use will be incorporated into the conditions for certification proposed by the District for certification of the entire solar project.

WUP No. 20002452.010 was issued August 13, 2009 to FPL and OCF 27 Corporation and authorizes annual average groundwater withdrawals of 4,300,700 gpd, drought annual average withdrawals of 4,351,600 gpd, and a peak month withdrawal quantity of 7,656,300 gpd. Water withdrawn from 18 groundwater wells is authorized under this WUP for the irrigation of 1,000 acres of spring and fall vegetables and 200 acres of sod located on parcels totaling 12,274 acres. Approximately 4,815 acres of this permit area will become part of the solar energy project. Wells No. 1, 2 and 3 permitted under WUP No. 20002452/010 will be transferred to the solar energy project site certification. As Phases II and III become operational, FPL will be required to obtain modifications to WUP 20002452.010 to remove these wells and revise the overall permitted quantities for agricultural uses.

Staff has evaluated the proposed water uses for the solar energy center and anticipate that there will not be any adverse impacts to existing legal users, environmental features or the water resources. Staff proposes the standard and special permit conditions typically required by the District as well as any particular conditions currently applicable to WUP No. 20020044.000 for Phase I of this project. Additional conditions will require appropriate modifications to FPL's agricultural WUP as each phase of the project is constructed.

III. SURFACE WATER MANAGEMENT SYSTEM

Issues and impacts associated with the construction or alteration of surface water management systems as part of this project are being reviewed by DEP. District staff did not include recommendations in this regard.

IV. REGIONAL WATER SUPPLY

The project will not have impacts to the regional water supply.

IV. VARIANCE, EXCEPTION OR EXEMPTIONS

No variances or exemptions are required for this project.

IV. STAFF RECOMMENDATION

Staff has determined that the proposed Next Generation Solar Energy Center will meet all District substantive requirements for water use, provided that the attached conditions are included in the conditions for certification for this project. Staff recommends approval and submittal of this agency report to DEP.

REPORT AND CONDITIONS APPROVED BY:

Ross Morton
Sarasota Regulation Department Director

Date: _____

Scott Petersen
Water Use Manager
Sarasota Regulation Department

Date: _____

Edward Craig
Environmental Regulation Manager
Sarasota Regulation Department

Date: _____

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 AGENCY REPORT – RECOMMENDED CONDITIONS OF CERTIFICATON
 FLORIDA POWER & LIGHT COMPANY – DESOTO NEXT GENERATION SOLAR ENERGY CENTER
 SITE CERTIFICATION APPLICATION NO. PA-10-56**

RECOMMENDED CONDITIONS OF CERTIFICATION

WITHDRAWAL QUANTITIES AND FACILITIES

District ID/ Owner ID	Water Allocation Average Gallons per Day	Peak Month Average Gallons per Day	Well Casing/Depth Feet	STATUS
1/1	1,000	6,000	117/692	EXISTING
2/2	4,400	26,400	UNK/1,330	EXISTING
3/3	4,300	26,300	UNK/1,260	EXISTING
4/4	4,300	26,300	UNK/1,380	EXISTING
TOTAL ALL WELLS	14,000	85,000		

Citation: Sections 373.016, 373.219, 373.223(1), 373.229, F.S.; Rule 40D-2.301, F.A.C., District Basis of Review (BOR) Sections 3.0, 3.1, 3.2, 3.4, 4.1, 4.4, 4.8, 4.10

SPECIAL CONDITIONS:

1. Within sixty (60) days, the Licensee shall designate one individual responsible for receiving and responding to District notices and correspondence related to these conditions of certification. Notification to the District of the designee, including address and telephone number shall be in written form.

Citation: Sections 373.016, 373.219, 373.223, 373.229 F.S.; Rules 40D-2.301(1) and 40D-2.381, F.A.C.; BOR Section 6.2

2. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Rules 62-532.500(3)(a) and 40D-3.521, F.A.C.

Citation: Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.037, 40D-3.041, 40D-3.521, 62-532.500, F.A.C.

3. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. These conditions are subject to modification to comply with any new rules adopted by the District to meet minimum flows and levels recovery strategy.

Citation: Sections 373.016, 373.0421, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.908(3)(b), BOR Section 4.3

4. Licensee shall implement Best Management Practices (BMPs) to prevent or eliminate any off-site discharge of lower quality water to the greatest extent practicable. This is required to avoid contribution by this site to the water quality degradation and potential impairment of surface waters within the Joshua Creek watershed.

Citation: Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rule 40D-2.301(1)

5. Well construction permits shall be obtained from the District by the Licensee for any well to be constructed, repaired, modified or abandoned for this project. Well construction shall conform to requirements set forth in District and DEP rules for well construction.

Citation: Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.041, F.A.C.

6. The Licensee shall apply to modify WUP No. 20002452.010 to remove Well ID Nos. 1, 2 and 3 and associated quantities and transfer those withdrawal facilities to this site certification as the need for water to support Phases II and III becomes necessary. The modification application(s) for WUP No. 20002452.010 shall meet all conditions for issuance and the revised permit shall be issued prior to any water use from the transferred wells is authorized under these conditions of certification.

Citation: Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.331, 40D-2.351, 40D-1.6105, BOR sections 1.10, 1.12, 2.1

STANDARD CONDITIONS:

Licensee shall comply with the following Standard Conditions:

1. The Licensee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Licensee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Licensee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. The District shall collect water samples from any withdrawal point listed in the permit or shall require the Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.
4. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
5. The Licensee shall mitigate any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;
 - B. Sinkholes or subsidence caused by reduction in water levels;
 - C. Damage to crops and other vegetation causing financial harm to the owner; and
 - D. Damage to the habitat of endangered or threatened species.

6. The Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
7. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Licensee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the District shall seek modification of the conditions or request that DEP undertake compliance action or both as appropriate.
9. The Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the District.
12. The Licensee shall not deviate from any of the terms or conditions of certification for water use without written approval by the District.
13. The Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Licensee's water use classification, these conditions shall be subject to those requirements upon notice and after a reasonable period for compliance.
14. The District may establish special regulations for Water-Use Caution Areas. At such time as the District adopts such provisions, these conditions shall be subject to them upon notice and after a reasonable period for compliance.
15. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., Licensee agrees that portions of these conditions of certification shall be modified as necessary to address the water shortage.
16. These conditions for issuance are based on information provided by the Licensee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this certification, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification of these conditions so that this water use continues to meet all substantive requirements for permitted water use.
17. Within the SWUCA, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the Licensee shall be provided with a statement of facts upon which the District based its determination and an opportunity to address the change or impact prior to a reconsideration by the District of the quantities permitted or other conditions of water use set forth herein.

Citation: Sections 373.016, 373.219, 373.223(1), 373.229, F.S.; Rules 40D-2.301(1), 40D-2.381(1)-(4) F.A.C.; BOR Sections 2.1, 3.1, 3.2, 3.4, 4.1, 4.4, 4.8, 4.10, 6.1

**Consent Agenda
April 27, 2010**

Executive Director's Report

Approve Resolution 10-06, Commending Sallie Parks for Her Service as a Member of the Southwest Florida Water Management District Governing Board

To honor Ms. Sallie Parks for her term as a Governing Board member, District staff has prepared this resolution to commemorate her service. Ms. Parks was appointed by Governor Jeb Bush and she served from March 2006 through March 2010.

Staff Recommendation:

See Exhibit

Approve Resolution No. 10-06, Commending Sallie Parks for her service as a member of the Southwest Florida Water Management District Governing Board.

Presenter: Lou Kavouras, Deputy Executive Director

RESOLUTION NO. 10-06

**COMMENDING
SALLIE PARKS
FOR HER SERVICE AS A MEMBER OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD**

WHEREAS, **SALLIE PARKS** was appointed by Governor Jeb Bush to the Southwest Florida Water Management District Governing Board in March 2006 to a term to expire March 1, 2010 but she served through March 31, 2010; and

WHEREAS, **SALLIE PARKS** served as Co-Chair of the Pinellas-Anclote River Basin Board from March 2006 through March 2010; and

WHEREAS, **SALLIE PARKS** during her term, was elected to serve as the Board's Treasurer from May 2009 through March 2010; and

WHEREAS, **SALLIE PARKS** served as Finance and Administration Committee Vice Chair from June 2007 through May 2008 and as Committee Chair from June 2009 through March 2010, as Regulation Committee Chair from June 2008 through May 2009, as a Resource Management and Development Committee Member from March 2006 through May 2007, and as a Outreach and Planning Committee Member from March 2006 through May 2006 and as Committee Vice Chair from June 2006 through May 2007; and

WHEREAS, **SALLIE PARKS**, during her term, served as Governing Board liaison for the Strategic Planning Initiative from June 2008 through May 2009, and the Environmental Advisory Committee liaison from March 2008 through May 2009; and

WHEREAS, **SALLIE PARKS**, during her term on the Governing Board, also served as a liaison for the Tampa Bay Estuary Program Policy Board and the Sarasota Bay Estuary Program Policy Board; and

WHEREAS, **SALLIE PARKS**, as a member of the Governing Board and Basin Board, demonstrated exceptional skill in coalition-building, environmental leadership, foresight, wisdom and administrative abilities that were instrumental in championing productive partnering, land stewardship and environment education; and was involved in the implementation of progressive water management practices and regulations, including the acquisition, use and management of thousands of acres of unique lands for water management purposes; and whose personal dedication brought about the favorable resolution of difficult and contentious water supply matters such as ensuring a continued partnership with Tampa Bay Water through the desalination project remediation; and

WHEREAS, **SALLIE PARKS**, during her term, was honored in August 2009 as a community leader by the Largo/Mid-Pinellas Chamber of Commerce's by being a recipient of the Women Inspire Award, and named in January 2010 by Governor Charlie Crist as one of his Governor's Point of Light for her community involvement; and

WHEREAS, the Governing Board of the Southwest Florida Water Management District wishes to express its appreciation of these outstanding contributions, as well as those that are not mentioned but which will long be attributed to the service of **SALLIE PARKS**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honors **SALLIE PARKS** by adopting this resolution, expressing its appreciation for the fine and outstanding work of this woman who has dedicated herself to public service; and

BE IT FURTHER RESOLVED that this resolution be incorporated into the minutes of this District, permanently honoring the service of **SALLIE PARKS** to this District, and that this resolution be presented to her.

PASSED and ADOPTED this twenty-seventh day of April 2010.

SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT BY ITS GOVERNING BOARD

By _____
Todd Pressman, Chair

Attest: _____
Hugh Gramling, Secretary

**Consent Agenda
April 27, 2010**

Executive Director's Report

Approve Governing Board March 30, 2010 Meeting Minutes

Staff Recommendation:

See Exhibit

Approve the minutes as presented.

Presenter: David L. Moore, Executive Director

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

PLANT CITY, FLORIDA

MARCH 30, 2010

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on March 30, 2010, at the Hillsborough Community College (HCC) John R. Trinkle Center in Plant City. The following persons were present:

Board Members Present

Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Sallie Parks, Treasurer
Carlos Beruff, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
Maritza Rovira-Forino, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Staff Members

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

Board's Recording Secretary

LuAnne Stout, Administrative Coordinator

Board Member(s) Absent

Bryan Beswick, Member
H. Paul Senft, Member

A list of others present who signed the attendance roster is filed in the permanent files of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

Public Hearing

1. Call to Order

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

2. Pledge of Allegiance and Invocation

Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

3. Welcoming Remarks – Plant City Mayor Rick Lott and HCC Campus President Dr. Felix Haynes

Mayor Lott said the City is proud to host this meeting and thanked the Board for holding its meeting in Plant City. He noted the City is proud to have Ms. Closshey and Mr. Gramling serve on this Board, and many other committees and boards in this community. Mayor Lott said the City thanks the District for a number of cooperative projects. He thanked each Board member for being public servants, especially during this difficult economy.

Chair Pressman noted this meeting is a reflection of the Board's efforts to keep its presence throughout all areas of the District.

Dr. Haynes was unable to attend the meeting.

Public Hearing

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

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

4. **Additions/Deletions to Agenda**

Mr. Moore said there were no additions or deletions to the agenda. He noted that Board members received revised information for Item 17 prior to this meeting.

5. **Employee Recognition**

Mr. Moore said that the newest member of the management team will be recognized at the Board's next meeting.

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

Chair Pressman noted that a member of the public submitted a request to speak.

Mr. Horton Watkins, resident of north Polk County, said he and other residents are concerned with Gator Creek flooding roads and tributaries which need clearing. Mr. Moore noted that staff is providing a presentation regarding the Hampton Tract later in this meeting which will address Mr. Watkins' concerns. (Track 1 – 00:00/Track 2 – 10:20)

Ms. Closshey said that Mr. Greg Horwedel, City of Plant City Manager, is attending today's meeting. Chair Pressman welcomed Mr. Horwedel and noted that Mr. Bruce Haddock, City of Oldsmar Manager, is in attendance as well. (Track 2 – 10:20/10:36)

Consent Agenda

Item 11 was moved for consideration on the Outreach & Planning Committee agenda.

Resource Management Committee

7. **Resolution Requesting Encumbrance of Fiscal Year 2010 Preacquisition Costs within the Florida Forever Trust Fund**

Staff recommended to approve a resolution requesting the Florida Department of Environmental Protection to encumber the District's FY2010 budget for preacquisition costs within the Florida Forever Trust Fund, and authorize staff to request periodic reimbursements for FY2010 costs not to exceed the budgeted amount of \$3,200,000.

8. **Declaration of Surplus Lands – Chito Branch Reserve, SWF Parcel No. 11-709-142S**

Staff recommended to declare SWF Parcel No. 11-709-142S surplus.

9. **Easement Exchange – Tampa Bypass Canal, SWF Parcel Nos. 13-002-752P and 13-002-753X**

Staff recommended to accept the appraisal, and to approve the no-cost exchange of easement interests in land with JPV Investments, Inc.

10. **Non-Exclusive License Agreement to Florida Gas Transmission Company for a 24-inch Natural Gas Pipeline – Little Manatee River Corridor, SWF Parcel No. 21-058-104X**

Staff recommended to accept the appraisal of the proposed non-exclusive license agreement between the District and FGT; to authorize issuance of a license agreement for

SWF Parcel No. 21-058-104X to FGT; and to authorize the Land Resources Director to execute the license agreement.

Outreach & Planning Committee

11. **Water Conservation Month Proclamation**

This item was moved for consideration as a Committee discussion item.

Finance & Administration Committee

12. **Board Travel**

No action was required.

13. **Budget Transfer Report**

Staff recommended to request approval of the Budget Transfer Report covering all budget transfers for February 2010.

14. **Office of Inspector General – Six-Month Progress Report – Purchase Card Procedure Compliance Audit**

Staff recommended acceptance of this item as presented.

Regulation Committee

15. **Initiate and Approve Rulemaking to Require Submittal of Flow Meter Accuracy Verification Forms at Specified Months by County**

Staff recommended to authorize the initiation of rulemaking and to approve the proposed amendments to Section 5.1 of the Water Use Permit Information Manual Part B, Basis of Review, and Rule 40D-2.091(1), F.A.C., to require the submittal of flow meter accuracy verification forms at specified months by county.

16. **Initiate and Approve Rulemaking to Amend Rule 40D-3.037, Florida Administrative Code, to Incorporate by Reference Modified Appendix Adding Southern Solvents Superfund Site to Memorandum of Agreement with the Environmental Protection Agency**

Staff recommended to approve the addition of the Southern Solvents Superfund Site to the Appendix for the Memorandum of Agreement Between the EPA and the District, and authorize and approve rulemaking to amend Rule 40D-3.037, F.A.C., to incorporate by reference the revised Appendix for the Memorandum of Agreement.

17. **Approve Changes to Second Phase of the Northern Tampa Bay Recovery Rules**

Staff recommended to approve the changes to the proposed rules and to authorize staff to complete the rule adoption process.

General Counsel's Report

18. **Settlement Agreement – SWFWMD v. Paul L. Dyer, et al, Case No. 2009-CA-010062, 10th Judicial Circuit – Lake Hancock Project, SWF Parcel No. 20-503-219P – Polk County**

Staff recommended to approve the Settlement Agreement in the total amount of \$75,000.

Executive Director's Report

19. **Approve Governing Board Minutes**

a. **February 22, 2010 Joint Governing Board and Tampa Bay Water Board of Directors Workshop**

b. **February 22, 2010 Regular Monthly Meeting**

Staff recommended to approve the minutes.

Following consideration, **Ms. Parks moved, seconded by Mr. Oakley, to approve the Consent Agenda as amended. Motion carried unanimously.** (Track 2 – 10:36/11:20)

Executive Director's Report

20. **January 2010 Freeze Event Update**

Mr. Moore said it is appropriate that this meeting is held in Plant City today since this presentation focuses on the freeze event experienced in January by this community. He said staff did a great job responding to the event as it occurred and in the weeks following to have residents' water restored. Mr. Moore noted most wells have been taken care of or receipts paid. He said there are some wells that receipts have not been paid and that issue will be covered during the presentation. He said this effort is moving into the second

phase and staff is examining what changes need to be made to District rules, policies or procedures to reduce the risk of future problems and to address problems if they do occur. He noted the minutes of the first public workshop and accompanying information are posted on the District's web site. Mr. Moore said staff is working through a process with the invitees and technical experts, and holding meetings for several months to fully vet each issue. He said staff's goal is to have all research completed for the Board to take action in the November/December timeframe. (Track 2 – 10:36/13:40)

Ms. Alba E. Más, Director, Tampa Regulation Department, provided an update to the discussion that occurred as part of the Executive Director's report at the February 22, 2010 Governing Board meeting. Staff continues to pursue resolution of dry well complaints associated with the January 3 to January 13, 2010 freeze event. The cut-off for registering new complaints occurred on March 2, 2010. There were 641 well complaints within mitigation areas of which 122 cases remain open, and 112 complaints are outside permittee mitigation areas. Staff is staying in contact with affected well owners and coordinating with responsible water use permit holder until each registered complaint is closed. District-contracted well drillers have repaired or replaced 16 wells that were either not located in a permittee's mitigation area or could not be promptly addressed by the permittee. The final cost will be known after all applicable invoices are received from well drillers, but it appears that the amount will be well below the \$250,000 allocated by the Governing Board. Staff has used approximately \$65,000 in Governing Board-approved emergency funds to repair or replace wells for 17 residents who were without water and either fell outside of a mitigation area or had not had their wells repaired in a timely manner by the responsible permittees.

Ms. Más said the District will seek reimbursement whenever possible from the responsible permit holders. In more than 100 cases, residents have not yet been reimbursed by permit holders for repair/replacement of their wells. Staff is working with all parties to try to resolve these issues and has received receipts involving well repairs from 41 residents who are outside of any currently defined mitigation areas. District emergency funds cannot be used to reimburse for well repairs, and emergency funds can only be used to address a public health safety issue. If a well has been repaired and the resident has water, there is no health or safety issue.

Ms. Más said that, to address the second phase, staff held the first of three planned work sessions with 16 invitees and technical experts on March 24. The work session concentrated on three topics: (1) multi-governmental task force to secure state and federal funding for sinkhole and other repairs related to the January 2010 Dover/Plant City freeze event, (2) proposed modifications to well construction, pump depth and pressure valve cutoff devices criteria and inspections, and (3) consideration of a more equitable approach for assigning well mitigation responsibility for freeze events in the Dover/Plant City area.

Ms. Más said several potential funding sources have been identified: Federal Emergency Management Agency, Small Business Administration Disaster Loan Program and U. S. Department of Agriculture. It has been determined that this was a \$10 million event and therefore Federal Emergency Management Agency funding is unlikely. District staff is continuing to research options for well and sinkhole repairs.

Ms. Mas said well construction standard recommendations included expanding the area where standards are applied, updating requirement for cutoff devices, and coordinating pump inspections. Staff will discuss these recommendations with the Well Drillers Advisory Committee, and propose rule amendments to Chapter 40D-3 and other possible legislation. In response to Ms. Closshey's inquiry, Mr. Owen said, if there is consensus to expedite rule amendments, staff will come before the Board in two to three months to recommend approval.

Ms. Más said staff's goal is find a more equitable way to assign well mitigation responsibility to permit holders. She said presented the four options: status quo, proportional responsibility, volume-based allocation, or development of a mitigation fund. She said workshop attendees discussed the interest in change, combination of approaches used, and forming a committee to explore formation of a mitigation fund as a long-term solution. In response to Ms. Closshey's question, Mr. Moore said the work sessions are open to the public and anyone may present their suggestions. Ms. Whitehead stated she felt it is important to have a source of funding immediately available when situations occur and then sort out the details later.

Ms. Más said the first scheduled work session was March 24, and tentative dates for the other two work sessions are April 21 and May 18. Each of the three work sessions will be advertised in the Florida Administrative Weekly and open to the public; however, the focus will be discussion between the invitees, technical experts and District staff. Tentative April 21 topics of discussion are determining the need for a cap on groundwater use, developing means to significantly increase percentage of freeze protection accomplished by methods other than groundwater use, and optimizing the amount of groundwater that is used for freeze protection. Tentative May 18 topics of discussion are how to enhance communication during a freeze event, expansion of the data collection network for freeze-related information, and related local government coordination and land use planning. Enhancements to the District's web site include freeze event frequently asked questions, map overlaying well complaints and permit holders' mitigation areas on county's ownership parcels, and minutes from the February workshop and future work sessions.

Ms. Parks said the District should keep in mind that the policy of the last permittee in the door is responsible for mitigation is also diminishing the agricultural community because it means people will not apply anymore and it becomes a fairness issue. (Track 2 – 13:40/33:25)

Chair Pressman noted that a member of the public submitted a request to speak.

Mr. Steven Gambrell, resident of Plant City, said he grew up in north Florida and swam in the sinkholes. He read a letter into the record regarding the freeze event in Plant City in which his well pump and motor burned out. Mr. Gambrell said the permittee, Mr. Sprouts, responded immediately and by the end of the day his water was restored. He said he has now been informed that Mr. Sprouts is not responsible and the well contractor is requesting payment which is on hold until the mitigation issues are resolved.

Mr. Owen said staff will meet with Mr. Gambrell to understand the situation. Ms. Más said there are still 122 open cases. She said certain permittees have said they will not pay and in those cases staff is sending a final letter and preparing files for legal review. She noted that cases are not closed until staff has spoken to the complainant to ensure the matter is complete. Ms. Más said the legal department has determined the District cannot pay for those 112 outside any mitigation area and 41 have submitted receipts. She said staff is sending letters to inform them that the District is not going to hold anyone responsible or pay for it. (Track 2 – 33:25/41:00)

In response to Mr. Beruff's concern, Ms. Mas said corrective letters were sent to some residents once final determinations were made about mitigation areas. Mr. Beruff said he felt that it puts the District in a position of responsibility. Mr. Combee said someone authorized the work and the District should be careful regarding its role since the well contractors should not be left with unpaid bills. In response to Mr. Joerger's question whether staff knows the District's financial commitment regarding misnotified residents, Ms. Más said staff will investigate. Ms. Closshey asked that the legal department review the trail for notifying residents and report back to the Board. She said she would like an overview of the extent and scope of miscommunicating responsibility to the permittees. She said this information will help the Board understand a better way to come to a fair

conclusion whether it be the status quo or another method of allocating responsibility. Chair Pressman reiterated that the Board would like staff to report on these separate cases where misnotification has occurred and update the Board via email or by other communication as quickly as possible. He stated the Board wants to ensure everyone is being treated fairly.

Mr. Moore said staff will review these cases and report to the Board. He briefly reviewed the process followed when tracking permit holders and how they are responding to well complaints. He said one permit holder has 150 wells and another one has a significant number, and have said they can no longer fulfill the entire burden placed upon them. Mr. Moore said staff has informed these farmers that the District would pursue two avenues. One avenue is whether there is interest to form a fund to mitigate wells, and if it is ultimately created to have the administrators of the fund consider reimbursing individuals that had many of the well complaints during the January freeze. It was stated that the formation of such a fund, if it were to be established, will take at a minimum of months to form. The second avenue is to ask the Board to cover costs, but it has been determined by the District's General Counsel that such an approach is not legally defensible. Therefore, staff is recommending moving forward with consent orders to require the permit holder to reimburse well repairs. Mr. Bilenky said the District advanced public funds based upon this situation being in the interest of public safety. He said the District will seek to recover costs through the consent order process. Mr. Gramling said, although he is uncomfortable with initiating consent orders, there are issues on some of the complaints which need investigating in detail to ensure legitimacy and fairness. Mr. Bilenky said all cases will be brought before the Board before initiating action. In response to Mr. Beruff's question regarding ability to pay, Mr. Bilenky said hardship claims require documentation.

Ms. Closshey said fairness is the goal and this Board does have the responsibility of recognizing its requirements to the public and any precedence that might be set by taking action outside of anything done in the past. She said cases should be investigated for those components that fall outside the scope of this well went dry and this person is responsible. She said wells and pumps have a life expectancy and farmers should not be responsible when the well and/or pump are nearing their end. In response to Ms. Whitehead's concern regarding mitigation area designations, Mr. Owen said there is not a singular mitigation area but multiple areas associated with permits. He said it has been determined that some residents are outside any mitigation area and will have to bear the costs of repairs. Mr. Joerger suggested that, to address the issue of public funds, perhaps residents with a failed well outside of a mitigation area enter in an agreement to let the District monitor the well to serve a public purpose. Mr. Moore noted, from a technical point of view, small domestic wells do not typically lend themselves for monitoring.

Chair Pressman said the Board wants to be closely updated on this matter and the report needs to be detailed especially in regards to the individual cases. He said this has been a herculean effort by staff and thanked all who have been involved from the beginning, especially Board members who have spent extra time. He said direction is needed on how to handle this situation on an industry-wide basis and then move forward. (Track 2 – 00:41:00/01:03:20)

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

Chair Pressman relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

Discussion Items

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

22. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said February historically marks the fifth month of the eight-month dry season and provisional rainfall totals for the month were normal or above-normal in all regions of the District. Analysis of dry-season rainfall shows October through February totals to be above the historic mean in all regions of the District. Rainfall during the month was regionally variable and associated with the passage of several cold front systems moving across the Florida peninsula. The provisional 12-month District-wide rainfall deficit improved during February, ending the month approximately 1.4 inches above the long-term average. The 24-month and 36-month cumulative rainfall deficits also improved, but ended the month approximately 6.6 inches and 16.4 inches, respectively, below the historic average. Most hydrologic indicators showed some improvement during February, with regional groundwater levels and streamflow conditions in regional index rivers ending the month within the normal range of historic values. Regional lake levels improved, ending the month within the annual normal range in the Tampa Bay region, but remained at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data. (Track 3 – 00:00/07:50)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. David Gore, resident of Polk County, said river flows are how fast the water is leaving here without being retained in the land. He said all water flows are connected and escaping water means less for everyone. He said sinkholes can happen all over the state and the situation in Plant City is from drawdown of the entire system. He said he would like to meet with staff to discuss this on a scientific basis. (Track 3 – 07:50/12:00)

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

23. **Establishment of Numeric Water Quality Standards for Nutrients Update**

Mr. Wirth said staff is posting the District's letter and technical comments on the web site. He said the Executive Director has been speaking with editorial boards on the District's position to make it clear that it is a technical review of the report. He noted that staff has been collecting articles on this issue and copies are available.

Ms. Veronica Crow, Environmental Section Manager, Resource Projects Department, provided an update on the U.S. Environmental Protection Agency's (EPA) proposal on numeric nutrient criteria for Florida. EPA has extended the comment period for an additional 30 days and the public comment period will now close on April 28, 2010. In addition, EPA is planning another round of public hearings for April 13 in Fort Myers, April 14 in Tampa (Hilton Tampa Airport Hotel) and April 15 in Jacksonville.

Ms. Crow presented a summary of staff actions to date. She said staff is attending EPA public hearings (mid-April) and the Department of Environmental Protection (DEP) Technical Advisory Committee meeting on April 7, tracking comments submitted to the docket, working with DEP and the National Estuary Programs (NEPs) to develop scientifically sound estuarine targets, and providing written comments. She noted the estuarine targets for Tampa Bay, Sarasota Bay and Charlotte Harbor NEPs (NEP led) and Springs Coast (DEP led) are to be developed by summer 2010 for submission to EPA. (Track 3 – 12:00/19:15)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. David Gore, resident of Polk County, said the only way to address water quality is to stop it at the source. (Track 3 – 19:15/20:05)

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

24. **Upper Peace River Recovery – CS-11 Project**

Mr. Kenneth R. Herd, P.E., Water Supply Program Director, Resource Projects Department, said the CS-11 site is old mine land that could potentially be utilized as a reservoir to store excess surface waters to be released to help meet the minimum flows in the upper Peace River. He explained the basis of the project and provided a quick review of the site. He reviewed estimated costs and other considerations that led staff's recommendation to request the Governing Board direct staff to discontinue negotiations to purchase the CS-11 property.

The site is a 1,200-acre clay settling area currently owned by Clear Springs Land Development Company (Clear Springs). The District was interested in CS-11 for the following benefits: it is the largest site, the only site where the embankments are still intact, is in close proximity to the Peace River, and could store up to 25,000 acre-feet of water following a reconstruction process. Beginning in 2004, the District procured the services of a consultant to document site observations, conduct soil testing to ascertain overall suitability (including potential sinkhole risk), general feasibility, and water yield analysis. Concurrently, the District was engaged in discussions with Clear Springs regarding possible acquisition of the property.

Following the September 29, 2009 Governing and Basin Board joint workshop, District staff developed preliminary supply yield and cost estimates for the CS-11 project solely designated as a potable water supply project. Potential users of this facility for potable purpose include Polk County and other local municipalities such as the City of Bartow. District staff met with Polk County Utilities representatives to discuss these estimates and additional CS-11 background information on January 22 and 29, 2010. Polk County Utilities staff is currently evaluating potential County interest in the acquisition of the CS-11 property.

Recent studies have indicated that the District may be able to meet the minimum flows on the upper Peace River 94 percent of the days through two other projects: Lake Hancock Lake Level Modification and reducing flow losses into the Dover Sink. Based on the anticipated increased flows from these other projects, District staff did not believe it could justify the cost of the CS-11 project at \$163 million for land and reconstruction. CS-11 may be a good option as a water supply project for the county or the city of Bartow. If either of those entities choose to take the lead on the project, it could be considered for District Cooperative Funding as an alternative water supply.

Mr. Herd said staff is recommending the Governing Board direct staff to discontinue negotiations to purchase the CS-11 property. (Track 3 – 20:05/33:05)

Mr. Tharp said he is concerned with abandoning the property when it may be needed for alternative water supplies in the future. He asked, if the Board accepts staff's recommendation, what involvement, if any, will the District have in furthering negotiations on this property. Mr. Herd said the District would be allowing another potential user for potable water supply to take the lead and any future negotiations for potential acquisition of the property. In response to Mr. Tharp's question, Mr. Herd said the reclamation obligation has been extended by the Department of Environmental Protection to start construction in 2014.

Following consideration, **Ms. Closshey moved to approve the staff recommendation to discontinue negotiations to purchase the CS-11 property which enables the Board to make a decision today and allow any other interested parties to move forward and determine the ultimate best use of this particular property. Ms. Rovira-Forino seconded the motion.** (Track 3 – 20:05/35:20)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. Doug Conner, representing Clear Springs, said the District and Clear Springs have worked for several years to develop the project and restore minimum flows of the upper Peace River. Clear Springs believes the staff report in the Board meeting information is a fair representation of those efforts. Clear Springs also agrees with staff's recommendation to take an adaptive management strategy approach; however, Clear Springs thinks the Board should also consider a strategy to also preserve CS-11 as a reservoir. Clear Springs' reservoir engineers have reported that CS-11 could be brought up to current standards for about \$69 million or about \$35 million less than the cost to build a new one. He said this is a substantial deviation from the District's experts. The Department of Environmental Protection has been cooperating by deferring the reclamation plan requirement. As time passes and the minimum flows and levels (MFLs) can more accurately be measured, it may become important to have a reservoir to help meet the remaining MFLs. This reservoir eventually retrofitted could provide storage for any remaining volume to reach the MFLs, but it could also be conjunctively used as water supply reservoir for Polk County. (Track 3 – 35:20/39:00)

In response to Mr. Beruff's question, Mr. Wirth said Polk County's master plan completed last spring did identify the Peace River as a source of water but due to cost projected for 20 years plus in the future. Mr. Wirth said staff has run the scenario of withdrawals from the river to meet MFLs and other permit conditions to find an estimated safe yield of six to eight million gallons per day. He said Polk County's viewpoint it may not need water from this source for a 20-year to 30-year period. He said the County's efforts are at the southeast groundwater site for water quality. Mr. Moore said the City of Bartow will be the water service provider for the Clear Springs development, and the District has issued a 10-year water use permit through 2018. He said the City of Bartow has indicated, along with Clear Springs as part of that permit, it would like to get a permit from 2018 through 2028. Mr. Moore said staff has suggested that timeframe is sooner than Polk County will need it. He said, if they are willing to pursue this as a reservoir, District staff would be willing to approach the Board and suggest that the District provide funding in terms of alternative supply. Mr. Moore said staff does not see this as feasible for MFLs, but it is a viable water supply and especially if it can be developed by the reservoir's owner at a lesser cost.

Discussion ensued regarding reclamation costs and requirements, postponing development of facility, donating property to Polk County or City of Bartow, and using cooperative funding at a future time. Mr. Tharp stated he would like staff to follow this project closely. Mr. Combee said Polk County, City of Bartow, Clear Springs and Mosaic have a vested interest to reach an agreement that will be mutually beneficial. He said the District may be a cooperator in the future.

Committee Chair Joerger called the motion and it carried unanimously. (Track 3 – 39:00/47:30)

25. **District-Owned Lands Wetlands Restoration Program – Green Swamp Preserve – Hampton Tract Restoration Project**

Mr. Philip A. Rhinesmith, Senior Environmental Scientist, Resource Projects Department, provided an update on the proposed restoration activities associated with the Green Swamp Preserve Hampton Tract. In January 2000, the District acquired the 7,760-acre Hampton Tract which is part of the District's Green Swamp Wilderness Preserve. The budget for the project for design, permitting, and construction is \$1.5 million; and the District's Florida Department of Transportation (FDOT) Mitigation Program provides 100 percent of the funding necessary for project completion.

This is one of six active wetland restoration projects under the District's wetland restoration program approved by the Board in 2004 and uses a four-phase approach:

(1) feasibility and alternatives phase, (2) surface water modeling and design, (3) environmental permitting and (4) construction. The proposed hydrologic restoration activities will result in the hydrologic restoration to approximately 1,300 acres of impacted wetlands on the property, and involves restoring the historic storage and natural wetland drainage pathways associated with Bee Tree Drain, Sapling Drain, and Colt Creek Drain. These three ditched creek wetland systems contribute flow directly to a ditched segment of Gator Creek, a tributary to the Withlacoochee River. Since this is a restoration project, the District will not pursue any restoration activity which will result in any increase in runoff or water elevations to private properties.

In response to Committee Chair Joerger's inquiry, Mr. Rhinesmith said breaches will be cut into the berm to allow water to flow through District-owned lands that is currently impacting adjacent property owners. Committee Chair Joerger asked whether this creates a private benefit to the adjacent property owners and does it allow the District to reserve the right to re-inundate them. Mr. Wirth said, while it does provide some flood relief on pastures, the public benefit is that when the berm is breached it will provide water to wetlands that are dry. He said staff does not see a value to re-flood the adjacent properties. In response to Mr. Oakley's question, Mr. Rhinesmith said water will be held back with ditch plugs on District-owned lands to rehydrate the impacted wetlands.

Mr. Combee said he requested this presentation because he was concerned about the property owners in the Ranchland Acres area. He said that area stays wet at times and he did not want the District making situation worse. He said there is a dike that floods property owners upstream. He said the property owners are delighted about restoring the natural state as long as the residents are protected. Mr. Wirth said staff will restore the system so that all potential changes occur within District property but not back to its original natural drainage.

Mr. Rhinesmith said, on March 13, 2010, a public meeting was held for adjacent property owners and interested parties on the Hampton Tract to provide an opportunity to present the restoration plan and receive comments. Most of the comments raised involve non-project related offsite flooding issues. One property owner raised concerns that the proposed activities may result in flooding of his property. Once the comments are addressed, the District will finalize the design plans and submit permit applications to Florida Department of Environmental Protection and the United States Army Corps of Engineers for project construction. Project construction activities are expected to be completed in 12 months following receipt of permits. (Track 3 – 00:47:30/01:02:44)

Committee Chair Joerger noted that several members of the public submitted requests to speak.

Mr. Charles Parker, Sr., resident of Ranchland Acres, said he is a life-long resident of Florida and lived at his current home for 26 years. He said 20 years ago flooding was occurring from Gator Creek since it cannot handle the water flow with three inches of rain. He said he would like this project postponed indefinitely until the water flow problem is addressed for Gator Creek.

Mr. David Gore, resident of Polk County, said he saw the same issues with Lake Lowry. He said it rains all over and this project is creating flooding where restoration will occur.

For clarification, Committee Chair Joerger said Mr. Parker's property should have no change since nothing is being done to Gator Creek. He said the project affects creeks that will back up water on District property. He said important habitat on District property will be rehydrated thereby providing flood relief to adjacent property owners. Mr. Wirth noted that low flow ditch blocks will be installed to restore the drainage areas.

Mr. Horton Watkins, resident of Ranchland Acres, stated his concerns associated with Bee Tree Drain, Sapling Drain, and Colt Creek Drain. He said the County needs to clean out the four large culverts in Gator Creek. (Track 3 – 01:02:44/01:12:44)

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

26. **Authorize Submission of Preliminary Hernando County Flood Insurance Rate Maps to the Federal Emergency Management Agency**

Mr. Gordon McClung, P.E., Engineering & Watershed Management Program Director, Resource Projects Department, said staff is requesting the Board's authorization to submit the preliminary Hernando County Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA). FEMA will then begin the FIRM adoption process for Hernando County. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for 17 of 20 watersheds in Hernando County. The watershed models and floodplain information have gone through the District's process including internal review and external peer review by experienced licensed professional engineers. The District's Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were provided opportunities to review and comment on the watershed models and floodplain information. Public workshops were held for each watershed for the public to review and comment on the floodplain information. The floodplain information was also made available through the District's website.

Mr. McClung said staff recommends to authorize submission of the preliminary Hernando County FIRMs for Hernando County to FEMA. Following consideration, **Ms. Parks moved, seconded by Ms. Closshey, to approve the staff recommendation.**

In response to Chair Pressman's question regarding public concerns, Mr. McClung said staff has worked with the public who felt the results were unreasonable and reviewed the parameters and, although they may not have liked the results, they were reasonable. Ms. Whitehead said she was impressed that staff researched past history and met with long-time residents.

Committee Chair Joerger called the motion and it carried unanimously. (Track 3 – 01:12:44/01:17:20)

Submit & File Report

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

- 27. **Fiscal Year 2011 Water Supply and Water Resource Development Projects**
- 28. **Lower Hillsborough River Recovery Strategy Implementation Annual Update**
- 29. **City of Oldsmar Request for Voluntary Annexation of District Lands – Lake Tarpon Outfall Canal**

Routine Reports

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

- 30. **Florida Forever Funding**
- 31. **Minimum Flows and Levels**
- 32. **Structure Operations**
- 33. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
- 34. **Significant Water Supply and Resource Development Projects**
(01:17:20/01:17:40)

Resource Management Committee Chair Joerger relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Item 11 was moved from Consent Agenda for consideration as a Discussion Item.

Discussion Items

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

11. **Water Conservation Month Proclamation**

Mr. Michael Molligan, Director, Communications Department, said staff is requesting the Governing Board to execute a resolution declaring April 2010 as "Water Conservation Month." April 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. It is anticipated that the Governor will sign a proclamation that April 2010 is "Water Conservation Month." Last year, more than 170 local governments and the water management districts declared April 2009 as "Water Conservation Month." Approximately 70 of the 98 local governments within the District have passed similar resolutions this year.

Staff recommended to approve and execute Resolution 10-03 declaring April 2010 as "Water Conservation Month." **Ms. Closshey moved to approve staff's recommendation.** She noted that she represented the Board before the City of Plant City Council when it approved its proclamation. **Ms. Rovira-Forino seconded the motion and it carried unanimously.** Ms. Whitehead said she attended the City of Brooksville Council meeting and received its proclamation. She noted the City is very appreciative of the District and is committed to following conservation guidelines and per capita requirements. (Track 4 – 00:00/02:15)

36. **"Get Outside!" February 27 Hampton Tract Event Highlights**

Mr. Michael Molligan, Director, Communications Department, provided an overview of highlights of "Get Outside!" Day, held 10 a.m. to 2 p.m. on February 27, 2010, at Green Swamp Wilderness Preserve – Hampton Tract in Polk County. Despite cold and rainy weather, the event drew 130 visitors and 29 volunteers, and offered 22 booths and displays. Attendees included 20 youth and chaperones from Dade City Boys and Girls Club, and 57 family members from the Dade City Farmworkers Self-Help Union. Volunteers included members of Boy Scout Troop 72, members of American Disability Adventures, and students from Tenoroc High School. Event expenses were \$4,675 and include bus rental, portable toilet rental, tent rental, refreshments for staff and volunteers, promotional items, and hike guides.

The next event is scheduled for April 10, 2010, at the Deep Creek Preserve in DeSoto County. This item was presented for the Committee's information, and no action was required. (Track 4 – 02:15/11:10)

37. **2010 Regional Water Supply Plan Update**

Mr. Roy Mazur P.E., Director, Planning Department, presented information regarding recent activities in the compilation of the 2010 Regional Water Supply Plan (RWSP) Update and to discuss the significant findings of the Regional Water Supply Plan. Chapter 373, Florida Statutes, requires each water management district to initiate a Districtwide water supply assessment that describes water demands and identifies potential sources of water to meet demand over a 20-year planning horizon.

Mr. Mazur said District staff is currently developing the 2010 updated plan and anticipates a draft RWSP for public comment in April 2010. He reviewed the current project status, significant findings within each planning region, and upcoming public outreach. After stakeholder input through public workshops and the advisory committees, it is anticipated the RWSP will be presented to the Governing Board for consideration in November or December 2010. (Track 4 – 11:10/22:55)

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

38. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, discussed the progress of state legislation related to water and natural resources, current legislative activities, District priorities, and budget forecasts. (Track 4 – 22:55/35:30)

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

Submit & File Report – None

Routine Reports

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

39. **Comprehensive Plan Amendment and Related Reviews**

40. **Development of Regional Impact Reviews**

41. **Speakers Bureau**

42. **Significant Activities**

- Ms. Kavouras noted that on March 8 the District hosted "Water Matters Day" at the Pittsburgh Pirates/New York Yankees Spring Training Game in Bradenton at which Chair Pressman threw out the first pitch. Staff distributed water conservation materials and more than 2,000 five-minute shower timers. There will be advertisements in the brochures and programs throughout spring training.

(Track 4 – 35:30/38:06)

Outreach and Planning Committee Chair Tharp relinquished the gavel to Finance and Administration Committee Chair Parks.

Finance and Administration Committee

Discussion Items

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

44. **Fiscal Year 2009 Comprehensive Annual Financial Report**

Mr. Daryl F. Pokrana, Director, Finance Department, introduced Ms. Lori Nissen, representing KPMG, the District's financial auditors, who presented the District's fiscal year 2009 Comprehensive Annual Financial Report (CAFR). 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.

Ms. Nissen provided an overview of the CAFR, 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, 2009. She distributed to the Board members the required communications letter. Ms. Nissen reviewed certain matters related to the conduct of the audit as required by auditing standards. She said there were no negative findings or areas of improvement to report to the Board.

Staff recommended to accept and place on file the District's CAFR, 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, 2009. Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (Track 5 – 00:00/13:32)

Submit & File Report

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

45. **Fiscal Year 2011 Budget Update**

Routine Reports

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

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

47. **Management Services Significant Activities**

- Ms. Rovira-Forino thanked staff regarding the combined expenditures of \$4.5 million with minority and small businesses in the first quarter of fiscal year 2010 which shows the District's commitment to and participation in minority business opportunities. She noted the diversity report will be presented at the Board' next meeting.
- Mr. Terry Redman, Director, Information Resources Department, provided an update on the IBM mainframe successful decommissioning. Mr. Schiller noted that the *Information Resources Department Five-Year Technology Plan* will be presented next month.
- Mr. Schiller said the District has received over 85 percent of its yearly tax commissions.
(Track 5 – 13:32/19:58)

Finance and Administration Committee Chair Parks relinquished the gavel to Regulation Committee Vice Chair Rovira-Forino.

Regulation Committee

Discussion Items

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

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

There were no requests for applications or petitions referred to the Governing Board for final action.

Submit & File Report

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

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

Routine Reports

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

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

52. **Overpumpage Report**

53. **Resource Regulation Significant Initiatives**

(Track 6 – 00:00/00:30)

Regulation Committee Vice Chair Rovira-Forino relinquished the gavel to Chair Pressman.

General Counsel's Report

Discussion Items

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

Submit & File Reports – None

Routine Reports

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

55. **Litigation Report**

56. **Rulemaking Update**

(Track 7 – 00:00/00:05)

Chair's Report

57. **Basin Board Education Committee Meeting**

Ms. Rovira-Forino said the meeting was held on March 3, 2010. The Committee meeting included presentations on the Florida Water StarSM Gold incentive program for builders who incorporate indoor and outdoor water conservation practices in their model homes; "Get Outside!" campaign accomplishments; District's public service advertising campaign, which promoted skipping a week of irrigation in the winter months; and staff's refined criteria for ranking and prioritizing education projects being considered for FY2011. The next meeting is scheduled for July 14, 2010, at the Tampa Service Office. (Track 7 – 00:05/00:48)

58. **Basin Board Land Resources Committee Meeting**

Mr. Joerger said the meeting was held on March 16, 2010 and included the land use stakeholders. The Committee meeting included presentations on a research effort initiated by a multi-departmental team of staff to determine the most effective approach to enhance awareness of District lands through signage, a staff evaluation of potential revenue generating uses on District lands, latest developments in Tallahassee regarding funding for the District's land acquisition and management programs, and "Get Outside!" campaign accomplishments, followed by open discussion on a number of issues. The next meeting is scheduled for July 14, 2010 in Lecanto. (Track 7 – 00:48/02:00)

59. **Agricultural Advisory Committee Meeting**

Mr. Gramling said the meeting was held on February 25, 2010. Mr. Mac Caraway was elected chair and Mr. Jeff Krieger was elected vice chair of the Committee. The Committee meeting included presentations on the CARES, which stands for County Alliance for Responsible Environment Stewardship, program which is designed to recognize farmers who adopt best management practices in their operation to benefit the farmer and the environment and to demonstrate their commitment to water resource protection; frost/freeze protection update; hydrologic conditions/drought update and water shortage restrictions; establishment of numeric water quality standards for nutrients update; Institute of Food and Agricultural Sciences (IFAS) research projects update; and the rulemaking process from the recommendation to the Governing Board to initiate rulemaking to the final rule adoption. The next meeting is scheduled for May 27, 2010 in the Tampa Service Office. (Track 7 – 02:00/03:05)

60. **Environmental Advisory Committee Meeting**

Ms. Rovira-Forino said the meeting was held on March 8, 2010. The Committee meeting included presentations on the establishment of numeric water quality standards for nutrients update, frost/freeze protection update, hydrologic conditions/drought update and water shortage restrictions, rulemaking update, and an overview of the hydrology and geology of the Green Swamp. The next meeting is scheduled for June 16, 2010 in the Tampa Service Office. (Track 7 – 03:05/04:20)

Chair's Report

52. **Chair's Report**

- Chair Pressman noted he attended the March 8, 2010, meeting of the Tampa Bay Regional Planning Council. There was a presentation on Amendment 4, a proposed constitutional amendment also known as Hometown Democracy, which would require voters to approve local comprehensive plan amendments. The Council held its Future of the Region Awards/Luncheon on March 19 at the Quorum Hotel in Tampa. Three Board

members (Mr. Oakley, Ms. Parks and Ms. Rovira-Forino) represented the District at this event.

- Chair Pressman said the Tampa Bay area newspapers have had articles about the success of conservation causing water rates to increase to meet operating expenses. He said he spoke to Mr. Molligan about the public perception of this message. Staff met with both the Tampa Tribune and St. Petersburg Times which wrote editorials addressing the issue.

There being no further business to come before the Board, Ms. Closshey moved, seconded by Mr. Joerger, to adjourn the meeting. (Track 7 – 04:20/07:47)

The meeting was adjourned at 12:27 p.m.

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702 or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.

**Governing Board Meeting
April 27, 2010**

REGULATION COMMITTEE

Discussion Items

- 26. Consent Item(s) Moved for Discussion
- 27. January 2010 Freeze Event Update (45 minutes) 2
(Strategic Plan: Water Supply – Regulation)
- 28. Denials Referred to the Governing Board (0 minutes) 3

Submit & File Reports

- 29. Individual Permits Issued by District Staff 4

Routine Reports

- 30. Southern Water Use Caution Area Quantities 5
- 31. Overpumpage Report 8
- 32. Resource Regulation Significant Initiatives Report 18

Regulation Committee April 27, 2010

Discussion Item

January 2010 Freeze Event Update

Staff continues to pursue resolution of dry well complaints associated with the January 3, 2010 to January 13, 2010 freeze event. For those Water Use Permit holders that have not resolved their assigned well complaints, staff is preparing files for Legal to pursue resolution. District contracted well drillers have completed repairs or replacement of wells that were either not located in a permittee's mitigation area or could not be promptly addressed by the permittee. Staff is pursuing reimbursement of District costs where appropriate. The final cost will be known after all applicable invoices are received from well drillers, but it appears that the amount will be well below the \$250,000 allocated for this by the Governing Board.

The second of three work sessions to obtain input from the sixteen Invitees and eight Technical Experts will be held on April 21. The work session will concentrate on three topics: (1) Determining the Need for a Cap on Groundwater Use for Freeze Protection (2) Developing Means to Significantly Increase the Percentage of Freeze Protection Accomplished by Methods Other Than Floridan Aquifer Groundwater and (3) Optimizing Water Use for Freeze Protection.

Staff is working on follow-up from the March 24 work session. The minutes of that meeting along with the work plans discussed are posted on the District's website and information is being updated as it becomes available.

Staff will provide current complaint status and will describe outcomes of the second work session.

Staff Recommendation:

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

Presenter: Alba E. Más, Director, Tampa Regulation Department

**Regulation Committee
April 27, 2010**

Discussion Item

Denials Referred to the Governing Board

Chapter 2009-243, Laws of Florida (Senate Bill 2080), which amends Chapter 373, Florida Statutes, to require, among other things, delegation of all water use and environmental resource permitting to the District Executive Director, is now effective. In anticipation of the need to implement the delegation provisions of the new law, the Governing Board approved at its June 23, 2009 meeting Southwest Florida Water Management District Order No. SWF 09-022. Pursuant to the Order, if the Executive Director or designated staff proposes to deny a permit application or a petition for variance or waiver of permitting requirements, the applicant or petitioner will be advised of the opportunity to request referral to the Governing Board for final action.

In addition, pending amendments to District Rule 40D-1.6051, Florida Administrative Code, provide that if District staff intends to deny a permit application for incompleteness, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. It is anticipated that this amendment will become effective in August 2009.

Under these circumstances, if an application or petition requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Board meeting date.

Staff Recommendation:

To be presented at the Board meeting.

Presenter: Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation

INDIVIDUAL PERMITS ISSUED: ERPS

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
<i>There are no ERPs to report at this time.</i>							

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

INDIVIDUAL PERMITS ISSUED: WUPS

PERMIT NUMBER	PERMITTEE NAME / PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20008985.006	Valencia Groves	DeSoto	Renewal of existing permit in the SWUCA with no change in permitted quantities for the irrigation of 3,2 51 acres of citrus	Agricultural	2,602,500	2,602,500	10
20005875.007	Bickett Farms	DeSoto	Renewal of existing permit with an increase in permitted quantities for the irrigation of 864 acres of citrus and the watering of 400 head of cattle	Agricultural	772,700	613.,900	10
20009478.007	Michael Boran	DeSoto	Renewal of existing agricultural water use permit with a decrease in permitted quantities for the irrigation of 200 acres of sod and 200 acres of commercial hay	Agricultural	992,000	953,700	10
20007637.007	Riverside Golf Course Community Golf-Boating	Hillsborough	Golf Course	Public Supply	789,000	513,900	10
20011921.005	Caren Heller Barness Land Holdings	Manatee	Renewal of existing agricultural water use permit for the irrigation of 150 acres of spring tomatoes and 11 5 acres of fall tomatoes	Agricultural	616,400	616,400	10
20006068.006	Rolling Meadows Ranch, Inc.	Polk	Supplemental irrigation citrus and cattle watering	Agricultural	1,361,400	1,433,100	10

**Resource Management Committee
April 27, 2010**

Routine Report

Southern Water Use Caution Area Quantities

The Southern Water Use Caution Area Quantities from last month's Board packet is attached for your information.

Due to unanticipated problems encountered with the District's Permit Information Center during the month of January 2010, the most current data for this report was not available at the time of its preparation.

Staff Recommendation:

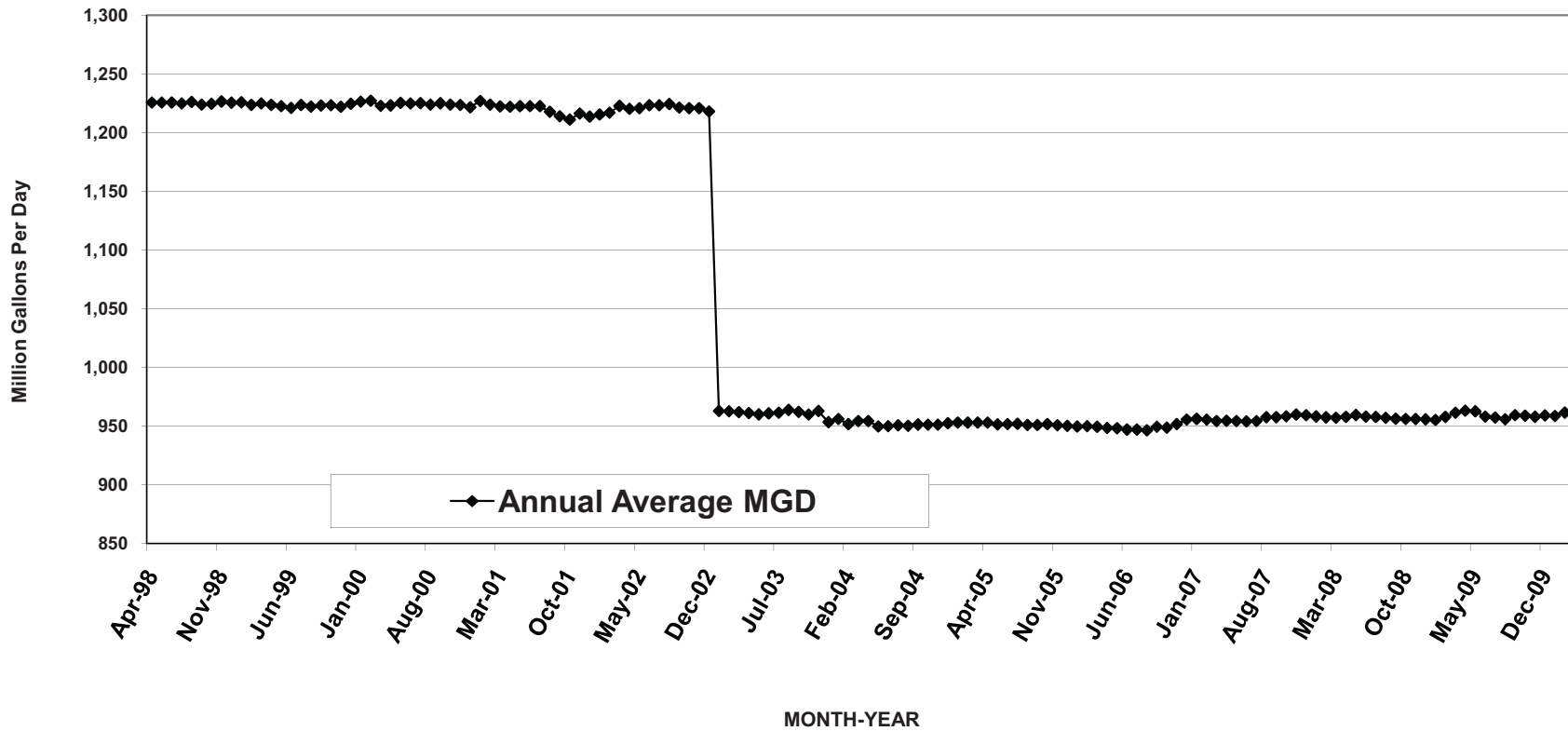
See Exhibit

This information is being provided for inclusion in the current Governing Board Packet.

Presenter: Richard Owen, AICP, Deputy Executive Director, Resource Regulation

SOUTHERN WATER USE CAUTION AREA

FLORIDAN AQUIFER PERMITTED QUANTITIES February 25, 2010

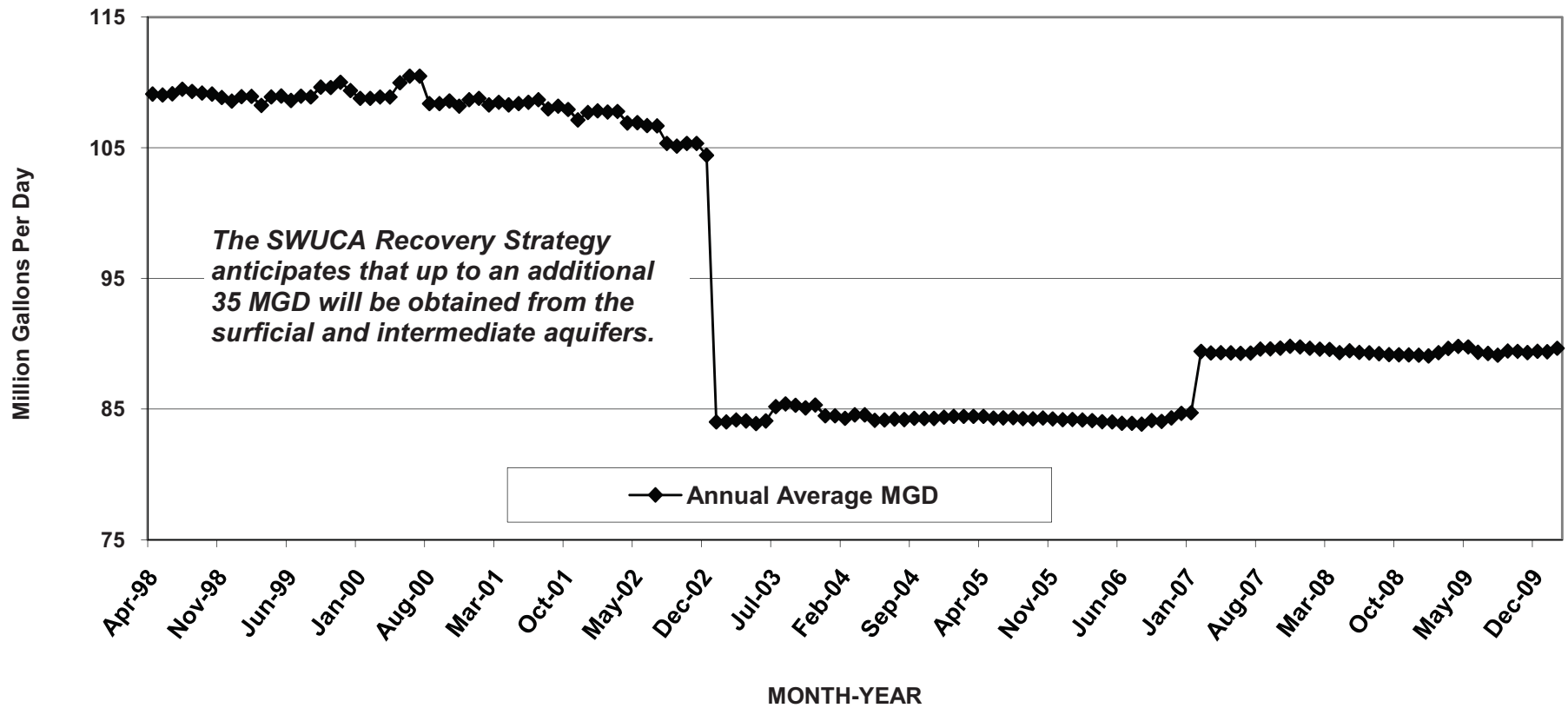


March 2010
Governing Board

SOUTHERN WATER USE CAUTION AREA

INTERMEDIATE AQUIFER PERMITTED QUANTITIES

February 25, 2010



Overpumpage Activity Report February 2010

Table 1. Overpumpage Report Summary

Service Office	Projects Under Review (Table 2)		Preparing for SPO / Legal (Table 3)		Justified/Closed Since Previous Report (Table 4)		Active Files in Legal (Table 5)		Consent Order Monitoring (Table 6)		Total Files	
	Previous Month	Current Month	Previous Month	Current Month	Previous Month	Current Month	Previous Month	Current Month	Previous Month	Current Month	Previous Month	Current Month
Bartow	0	0	0	0	1	0	1	1	0	0	2	1
Brooksville	0	0	0	0	1	0	6	5	0	0	7	5
Sarasota	4	19	0	0	0	0	0	0	0	0	4	19
Tampa	3	29	0	0	1	0	1	0	0	0	5	29
Totals	7	48	0	0	3	0	8	6	0	0	18	54

SPO = Strategic Program Office

The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 2. Projects Under Review ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>Continuing From Previous Report</i>					
8987.004	C & D FRUIT & VEGETABLE CO INC	A	128,200	3	Sarasota
9471.003	ORANGE CO LP	A	269,100	2	Sarasota
12543.000	CHARLOTTE CO BOCC	R	88,200	3	Sarasota
13096.000	T J AND MARY CHASTAIN	A	475,800	3	Sarasota
8176.004	ALBRITTON & SONS LTD	A	158,200	4	Tampa
9611.000	JOSEPH R GOODSON & STEPHEN	A	139,700	5	Tampa
12868.000	EISENHOWER PROPERTY GROUP LLC	A	366,900	3	Tampa
<i>New Since Previous Report *</i>					
572.005	SORRELLS GROVES INC	A	233,200	1	Sarasota
1020.007	RYALS CITRUS & CATTLE CO	A	330,400	1	Sarasota

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 2. Projects Under Review ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>New Since Previous Report *</i>					
1635.008	BETHEL FARMS LIMITED	A	1,929,500	1	Sarasota
1722.005	SUNNY SOUTH PACKING CO	A	79,200	1	Sarasota
1774.004	SUNNY SOUTH PACKING CO	A	62,700	1	Sarasota
3160.005	C & H GROVES INC	A	135,900	1	Sarasota
3941.006	MISSION VALLEY GOLF & COUNTRY CLUB INC	A	178,000	1	Sarasota
5875.006	JAMES & MARGARET BICKETT	A	613,900	1	Sarasota
8420.007	JAMES R GRAINGER II	A	1,047,900	1	Sarasota
9073.004	JOSEPH JR	A	206,100	1	Sarasota
9223.006	NB/85 ASSOCIATES	R	145,200	1	Sarasota
9279.003	SORRELLS GROVES INC	A	75,600	1	Sarasota

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 2. Projects Under Review ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>New Since Previous Report *</i>					
9391.009	WFA LAND CO INC	A	1,807,000	1	Sarasota
10541.003	JONES POTATO FARM C/O JOHN STEPHENS-N M	A	688,400	1	Sarasota
11549.005	PREMIERE AGRICULTURAL PROPERTIES	A	873,200	1	Sarasota
74.003	SAMUEL D WILLIAMSON	A	135,200	1	Tampa
263.005	C DENNIS CARLTON	A	164,300	1	Tampa
274.004	JOHN D LAWRENCE TRUSTEE	A	133,900	1	Tampa
381.004	CHARLES G-BETTY J-AND DEBORAH GRIMES	A	107,200	1	Tampa
526.004	RUSSELL G MOLL & FAMILY INC	A	195,100	1	Tampa
1130.004	JOHN & JAMES MARING	A	106,700	1	Tampa
1276.004	RONNIE E & PAMELA D YOUNG	A	235,400	1	Tampa

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 2. Projects Under Review ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>New Since Previous Report *</i>					
1444.004	CHARLES G JR/SR & BETTY GRIMES & DEBORA	A	237,000	1	Tampa
1869.006	CIRCLE S FARMS INC	A	180,500	1	Tampa
2128.005	BVG GROVES INC	A	100,800	1	Tampa
4748.004	WILLIAM K. KEENE AND MARK LAVERNE LETT	A	134,800	1	Tampa
6020.006	BIG TREE NURSERY	A	243,400	1	Tampa
6622.004	MARCUS G & SARAH F WILLIAMSON	A	157,840	1	Tampa
7059.003	CHARLES G GRIMES REVOCABLE TST	A	124,400	1	Tampa
7105.007	RIVERVIEW GROVE LTD	A	184,100	1	Tampa
7591.004	CORPORATION OF THE PRESIDING BISHOP	A	1,037,300	1	Tampa
7774.002	LAKE CARLTON ARMS PARTNERSHIP	R	277,800	1	Tampa

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 2. Projects Under Review ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>New Since Previous Report *</i>					
7895.004	TAMI MCKNIGHT TRUSTEE OF THE GDK LAND T	A	386,300	1	Tampa
8048.004	ROY DAVIS	A	282,100	1	Tampa
8410.004	RUSSELL WEISS	A	155,500	1	Tampa
8748.003	G & D FARMS INC	A	244,600	1	Tampa
9224.005	CHARLES G & BETTY GRIMES &	A	446,800	1	Tampa
9418.003	FANCY FARMS INC	A	185,300	1	Tampa
9633.003	G & D FARMS INC	A	200,200	1	Tampa
9633.004	G & D Farms, Inc.	A	200,200	1	Tampa
12350.000	JOHN G AND JAMES AUSTIN MARING	A	147,200	1	Tampa

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* The number of permits under review increased significantly, from 7 in the previous month (December, 2009 pumpage) to 48 in the current month (January, 2010). Although staff investigations continue on all of these apparent overpumpages, most of these are likely attributable to pumpage for freeze protection. There is also the potential for data errors associated with the District's Permit Information Center, where permittees submit meter readings online. The District is in the process of correcting these data errors.

Overpumpage Report February 2010

Table 3. Preparing for Strategic Program Office / Legal ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>None For This Report</i>						

(1) Preliminary determination that permit is in non-compliance; file is being prepared for or is under review by Strategic Program Office.
 (2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

Overpumpage Report February 2010

Table 4. Justified / Closed Since Previous Report ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Months on Report	Service Office
<i>None For This Report</i>					

(1) Determination that Permit is in compliance - no further action

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

Overpumpage Report February 2010

Table 5. Active Files in Legal ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>Continuing From Previous Report</i>						
10392.005	MILMACK INC	R	259,900 gpd	11/26/2008 338,393 gpd 30.2 %	01/27/2010 335,520 gpd 29.10 %	Bartow
3182.005	FLORIDA GOVERNMENTAL UTILITY AUT	P	2,040,000 gpd	03/27/2009 3,744,904 gpd 83.5 %	02/24/2010 3,005,786 gpd 47.30 %	Brooksville
8833.004	SEVILLE LLC	R	337,600 gpd	01/28/2009 569,618 gpd 68.7 %	01/27/2010 349,564 gpd 3.50 %	Brooksville
9791.007	CITRUS COUNTY *	P	2,064,000 gpd	06/28/2006 2,552,635 gpd 26.9 %	01/27/2010 2,226,879 gpd 7.90 %	Brooksville
12843.000	VIKINGS LLC	R	310,520 gpd	06/27/2007 500,427 gpd 90.3 %	12/28/2009 219,959 gpd -29.20 %	Brooksville
12966.000	STONE CREEK COMMUNITY ASSOC INC	R	205,300 gpd	07/29/2009 216,925 gpd 5.6 %	02/24/2010 217,164 gpd 5.80 %	Brooksville

(1) Strategic Program Office concurs with non-compliance and file is in Legal for enforcement.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* WUP 9791 - Citrus County had a Permitted Annual Average of 2,010,000 gpd until February 24, 2009 (new revision issued)

Overpumpage Report February 2010

Table 6. Consent Order Monitoring ⁽¹⁾

Permit No.	Permit Holder	Use Type ⁽²⁾	Permitted Annual Average	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office	GB Approved CO Date
<i>None For This Report</i>							

(1) Legal pursued enforcement action and a Consent Order has been signed; corrective actions are now being monitored for compliance.
 (2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

Regulation Committee

April 27, 2010

Routine Report

Resource Regulation Significant Initiatives Report

This report provides information regarding significant activities within the Resource Regulation Division. Recent activity within each of the District's major permitting programs is provided, followed by information regarding other significant activities.

TYPE OF PERMIT	DEPARTMENTS				
ENV RES PERMITS (ERP) ISSUED – FEB 10	BARTOW	BROOKSVILLE	SARASOTA	TAMPA	TOTAL
General Minor Systems	6	5	6	7	24
Noticed Generals	3	2	5	5	15
Generals	11	19	16	22	68
Individuals	0	0	2	3	5
Formal Wetland Determinations	0	1	0	1	2
ERP Conceptuals	0	0	0	1	1
ERP Site Condition	0	0	0	0	0
Letter Modifications	3	6	2	7	18
TOTALS	23	33	31	46	133
ENV RES ACRES PERMITTED – FEB 10	BARTOW	BROOKSVILLE	SARASOTA	TAMPA	TOTAL
General Minor Systems	88.11	299.81	8.82	10.09	406.83
Noticed Generals	.38	2.05	100.11	10.10	112.64
Generals	133.82	260.32	106.17	71.70	572.01
Individual	0.00	0.00	16.30	475.65	491.95
Formal Wetland Determinations	0.00	10.97	0.00	1.83	12.80
ERP Conceptuals	0.00	0.00	0.00	42.41	42.41
ERP Site Condition	0.00	0.00	0.00	0.00	0.00
TOTALS	222.31	573.15	231.40	611.78	1,638.64
WATER USE PERMITS ISSUED – FEB 10	BARTOW	BROOKSVILLE	SARASOTA	TAMPA	TOTAL
Small Generals	31	8	3	5	47
Generals	3	0	5	1	9
Individuals	0	0	1	0	1
Letter Modifications	5	3	1	1	10
TOTALS	39	11	10	7	67
WELL CNST PMTS ISSUED – FEB 10	BARTOW	BROOKSVILLE	SARASOTA	TAMPA	TOTAL
Well Construction	126	133	22	216	497
COMPLIANCE ACTIVITIES – FEB 10	BARTOW	BROOKSVILLE	SARASOTA	TAMPA	TOTAL
Water Use Inspections	2	0	7	0	9
ERP/WUP Permit Cond Violatns	0	8	3	4	15
ERP/WUP Expired/Expiring	1	0	42	88	131
ERP/WUP Prmt Ownshp Trnsfrs	26	8	2	8	44
ERPs Recertifications Received	68	64	120	77	329
ERP/WUP Complnts Invstgtd	22	16	11	73	122
ERP Construction Inspections	142	159	202	408	911
ERP As-Builts Received	31	9	29	110	179
ERP Transfer to Operation	18	18	36	88	160
Well Abandonments/Groutings	10	21	0	37	68
Well Construction Inspections	7	23	11	22	63
TOTALS	327	326	463	915	2,031
AGRICULTURAL GROUND & SURFACE WATER MGT PROJECT DESIGNS (AGSWM) – FEB 10					
Ordinary Farming	3				
Temporary Farming	0				
Permanent Farming	0				
DISTRICT TOTALS	3				

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- **Conserve Florida - Statewide Public Supply Water Conservation Initiative** – Tampa Regulation and Strategic Program Office staffs remain engaged in Conserve Florida, a statewide initiative to develop a water conservation options program for public supply users, because there are many potential regulatory implications. Staff continues to participate in a statewide workgroup and its various committees, plus internal coordination with Conservation Projects staff and other non-regulatory departments. The main product of this initiative to date is two versions of a tool for utilities to use when developing or updating their water conservation plans; one version is a web-based computer application called “The Guide” and the other is a spreadsheet referred to as “EZ Guide” (both versions identify recommended and optional elements to include in a water conservation plan based on the utility's size, mix of customers, existing efforts, etc). The workgroup also helps Florida Department of Environmental Protection (DEP) staff provide oversight of the Conserve Florida Clearinghouse (currently hosted by the University of Florida, under contract from DEP, to provide technical support for both versions of the water conservation planning guide, an on-line water conservation library, and other core services). The District's financial contribution to the Clearinghouse in Fiscal Year 2010 is \$75,000. Conserve Florida's workgroup also provides a forum for all participants to receive information and solicit input on their conservation-related activities. **New activities since last meeting:** Executive, Tampa Regulation and Conservation Projects staff met with colleagues from DEP and the other water management districts in Tallahassee on March 12, 2010. Strategic Program Office and General Counsel staff also participated via teleconference. After a demonstration of the “EZ Guide” was provided, the meeting became a high-level discussion regarding the future direction and funding for Conserve Florida. The need for greater governance of the Clearinghouse was stressed, including a formal steering committee to make policy-level decisions and at least one technical advisory group to assist Clearinghouse operation by providing expert input and review of draft products. The DEP announced that it may need to reduce its 2010 contribution (which also covers funding for the Northwest Florida and Suwannee River districts), South Florida indicated it may need to reduce its 2011 contribution, and those present indicated concern that the professional associations for public suppliers had already ceased financial contributions. Tampa Regulation and General Counsel staff participated in a follow-up work session on March 23, 2010 that also involved representatives from DEP, the University of Florida, and the St. Johns River and South Florida districts. Details regarding the steering committee and its technical advisory group(s) were developed and clarified. The steering committee's voting membership will consist of DEP, the water management districts and other financial contributors; it will approve and monitor the Clearinghouse's workplan, budget and major work products. Membership in the technical advisory group(s) will be broader; all work products, including professional papers and conference presentations, must have technical vetting in addition to any subsequent peer review. The Clearinghouse's 2010-2011 budget was fine-tuned to place more emphasis on technical support and assistance to public suppliers, less emphasis on services that can be efficiently provided as in-kind contributions, and prioritize specific tasks if full funding is not available.
- **Water Shortage Plan – Rulemaking Update** – The Southwest Florida Water Management District's Water Shortage Plan (Rule 40D-21, F.A.C.) was adopted in 1984 and updated in 2006 to reflect experience with the 1999-2001 drought. Similarly, the Governing Board approved initiation of rulemaking during its meeting on September 29, 2009 in order to refine the plan to reflect additional experience exercising various provisions of the plan. A focus group, which met on November 5, 2009 and January 14, 2010, has helped staff identify needed refinements and explore potential amendment language. The focus group consisted of representatives from each of the District's advisory committees, several interested utilities and other subject matter experts (such as the air conditioning industry and UF-IFAS). Staff also held a public workshop on November 20, 2009 and posted three concept documents to the District's website as a means of soliciting additional input. A working draft of proposed amendments has been prepared by staff. This draft incorporates over two dozen refinements that were discussed with the focus group, and it would reduce the number of restriction phases while strengthening the lawn watering schedules in those phases. **New activities since last meeting:** Staff is modifying the working draft based on feedback from an Executive briefing, and the result will be posted to the District's website. Another rulemaking workshop has been scheduled for April 29 to solicit input from focus group members and the general public prior to bringing a revised draft to the Governing Board for action in June.

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- **Executive Director Orders** – Two (2) emergency authorizations remain in effect. Executive Director Order No. SWF 07-045, as modified, allows the Peace River/Manasota Regional Water Supply Authority (Authority) to use a temporary diversion schedule for water withdrawals from the Peace River. The higher withdrawal rate has been used, when sufficient river flow exists, to help meet regional demand and also replenish the Authority's two reservoirs and two ASR wellfields. Executive Director Order No. SWF 08-024, as modified, allows Tampa Bay Water to use a temporary diversion schedule for water withdrawals from the Alafia River. The higher withdrawal rate has been used, when sufficient river flows exist, to help meet regional demand and replenish the C.W. Bill Young Regional Reservoir. **New activities since last meeting:** The current status of reservoir and ASR storage will be provided as part of the Hydrologic Conditions report during the discussion portion of the Resource Management agenda. Conditions have improved sufficiently that staff is preparing to rescind Executive Director Order No. SWF 07-045 effective on April 30, 2010.
- **Water Shortage Orders** – One non-emergency order implementing water shortage restrictions remains in effect. Water Shortage Order No. SWF 07-02 was first issued in January 2007 and is currently scheduled to expire on June 30, 2010. It imposes a maximum of once-per-week lawn watering and other Modified Phase II water shortage conservation measures for all water uses in most of the District's 16-county area. The only exception involves portions of Marion County that are allowed to follow restrictions imposed by the St. Johns River Water Management District. **New activities since last meeting:** No significant activities, other than ongoing services provided by the hotline (see below).
- **Water Restriction Hotline** – Tampa Regulation staff continues to maintain a toll-free telephone number (1-800-848-0499) and e-mail address (water.restrictions@watermatters.org) that citizens and local officials can use to ask questions, report possible violations, and request information about water shortage and year-round water conservation measures. **New activities since last meeting:** The hotline, in addition to having served as part of the District's call center for freeze-related dry well complaints, is providing customer service to permittees submitting data through the new Permit Information Center (PIC). Excluding PIC calls, the hotline answered 327 calls and 49 e-mails during the four-week period ending March 26, 2010. These calls and e-mails resulted in 11 first-time violation letters being issued. Nine variances (requests for a special watering schedule that abides by the basic intent of current water shortage restrictions or applicable year-round water conservation measures) were also approved or otherwise resolved.
- **Central Florida Coordination Area Rules Development and Implementation** – District staff continues to coordinate with St. John's River Water Management and South Florida Water Management staff on the assessment of groundwater sustainability and development of regulations for the Central Florida Coordination Area (CFCA). The first phase of regulations was approved by all three Governing Boards at their December 2007 meetings. Major components of the Phase I rules include establishing 2013 demands as the limit on new groundwater withdrawals in the CFCA. The rules also provide an incentive for permittees to develop alternative water supplies. Those permittees that agree to meet demands beyond 2013, with alternative supplies, can obtain a 20-year permit for their groundwater supplies. The rules also contain a sunset provision, requiring the Districts to re-evaluate this determination of groundwater availability by 2012 and to either reaffirm this determination or adopt new rules which could either lower or increase the available groundwater in the region. Within the SWFWMD, these rules only apply in the portion of Polk County outside the SWUCA, and in Lake County. Representatives of the three Districts have been meeting to develop a plan to evaluate the sustainability issues of the CFCA and chart a course for the next phase of regulations that will focus on longer-term solutions to the areas water resource issues. Meetings have been occurring on a frequent basis and are expected to continue throughout the year. Environmental staff of the three Districts has conducted environmental assessments within the area. Additionally, meetings continue between the staff of the three districts undertaking the ground water flow modeling and hydrologic evaluation of the water resources in the area. Regular meetings have been conducted during the past year and will continue throughout 2010. District staff and contractors are continuing hydrologic data

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analysis, groundwater flow modeling, and wetland assessments within the area. A public meeting was held on September 25, 2009 in Orlando at which the Districts provided an update of ongoing activities to stakeholders. Presentations on the wetland assessments, modeling and data analyses were provided, as well as a draft schedule of activities intended to result in Phase II rules to be implemented by the time the current rules sunset in December 2012. The meeting was very well attended by approximately 100 people, including utility representatives, consultants and other interested persons. Additional public workshops will be scheduled to continually inform and involve stakeholders in the ongoing activities of the CFCA effort. Staff from the three water management districts reviewed and confirmed the CFCA project schedule and is finalizing a Work Plan for Phase II of the project. The staff has also been preparing presentations for a second stakeholder's workshop for the purpose of providing an overview and status of the districts' hydrologic modeling and environmental work efforts. It is anticipated that the workshop will be held in April 2010. **New activities since last meeting:** The final draft of the Work Plan - Phase II is being reviewed and is anticipated to be approved in April 2010. Alterations to the Work Plan will be a schedule adjustment of the Groundwater Availability to December 2010 and final changes to the task "Accountability Matrix". Given the adjustment in schedule, the public workshop on modeling tools has been postponed to summer 2010. The SWFWMD will lead a sub-group to discuss the management of the data generated by the CFCA task work. The Rule Making subgroup will be meeting the first week in May 2010.

- **Statewide Stormwater Rule** – Unmanaged urban stormwater creates a wide variety of effects on Florida's surface and ground waters. Urbanization leads to the compaction of soil; the addition of impervious surfaces such as roads and parking lots; alteration of natural landscape features such as natural depressional areas which hold water, floodplains and wetlands; construction of highly efficient drainage systems; and the addition of pollutants from everyday human activities. These alterations within a watershed decrease the amount of rainwater that can seep into the soil to recharge our aquifers, maintain water levels in lakes and wetlands and maintain spring and stream flows. Consequently, the volume, speed and pollutant loading in stormwater that runs off developed areas increases leading to flooding, water quality problems and loss of habitat. In 1990, in response to legislation, the Florida Department of Environmental Protection (DEP) developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule). This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of DEP, the water management districts, and local governments. The rule provides that one of the primary goals of the program is to maintain, to the degree possible, during and after construction and development, the predevelopment stormwater characteristics of a site. The rule also provides a specific minimum performance standard for stormwater treatment systems: to remove at least 80% of the post-development stormwater pollutant loading of pollutants "that cause or contribute to violations of water quality standards." However, for a variety of reasons, the BMP design criteria in the stormwater or environmental resource permitting rules of DEP or the WMDs were never updated to achieve this level of treatment. In January 2008, the DEP initiated rule making to implement these criteria statewide. A Technical Advisory Committee was established and staff representatives were identified from the DEP and WMDs to assist in the rulemaking effort. The DEP has requested that each water management district contribute to fund the Statement of Estimated Regulatory Cost (SERC) in support of the proposed rule. This District has agreed to pay \$25,000 under a Memorandum of Understanding that is currently being developed. **New activities since last meeting:** DEP and WMD staff completed the latest revision of the draft *Applicant's Handbook*, which was posted on the DEP's web site on March 17, 2010. Public workshops will be held during May 2010, with meeting notices published in the Florida Administrative Weekly. Scheduled locations for these public workshops are: Live Oak; Pensacola; Tallahassee; Tampa; Jacksonville; Orlando; Fort Myers; and West Palm Beach. Additional revisions to the *Applicant's Handbook* are scheduled to occur later in 2010 and early in 2011, followed by additional public workshops for each revision. Pending Legislative authorization, the tentative Rule adoption and effective date will occur sometime later in 2011, or beyond.

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- **Establishment of Numeric Water Quality Standards for Nutrients** – Under the Clean Water Act (CWA) Section 303, states are required to establish water quality standards, which define the amounts of pollutants (in either numeric or narrative form) that waters can contain without impairment of their designated beneficial uses. Florida currently uses a narrative nutrient standard to guide the management and protection of its waters. The Florida Department of Environmental Protection (DEP) has relied on this narrative for many years because nutrients are unlike any other pollutant regulated by the federal Clean Water Act (CWA). Nutrients are not only present naturally in aquatic systems, they are necessary for the proper functioning of biological communities. In July 2008, the Florida Wildlife Federation and other environmental groups sued the Environmental Protection Agency (EPA) in an attempt to compel the adoption of numeric nutrient criteria in Florida. The lawsuit claims that numeric nutrient criteria are necessary and that EPA was obligated by the CWA Section 303 (c)(4), to promptly propose such criteria. EPA has signed a consent decree which obligates them to propose numeric nutrient standards for Florida's fresh water lakes and streams by January 2010, and estuaries and coastal systems by January 2011. On November 16, 2009, a fairness hearing was held in federal court to review the appropriateness of the consent decree. The federal judge approved the Consent Decree and schedule for setting nutrient criteria beginning this January (initial criteria) with the goal of adopting the first set of criteria in October 2010. On November 17, 2009, the DEP held a public meeting with the Technical Advisory Committee (TAC) on the Development of Numeric Nutrient Criteria for Streams and Lakes. EPA published draft numeric nutrient criteria in the Federal Register on January 25, 2010. Public comments were originally requested during a 60 day comment period following publication. EPA held three public hearings in Florida during the comment period. The meetings were held on February 16, 2010 in Tallahassee, February 17, 2010 in Orlando and February 18, 2010 in West Palm Beach. On April 7, 2010, the DEP held an additional TAC meeting to discuss the draft rule as published. The DEP will continue to study and collect scientific information regarding nutrients in Florida's estuarine and coastal waters and will work with EPA in developing those standards. This District will continue to coordinate with DEP and the other water management districts to provide any appropriate input to EPA on this initiative. **New activities since last meeting:** EPA, in response to numerous requests from stakeholders, including the Florida Legislature, announced an extension of the comment period an additional 30 days to close on April 28, 2010. In addition, EPA is planning to hold three more public workshops: April 13 in Fort Myers; April 14 in Tampa; and April 15 in Jacksonville. District staff is reviewing the draft criteria and preparing written comments to submit to EPA.

- **Proposed Revisions to Surface Water Classification System** – Florida's surface water quality standards include a classification system which describes how a water body is best used. The current system, established over 30 years ago, consists of these classes:

Class I: Potable Water Supplies

Class II: Shellfish Propagation or Harvesting

Class III: Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife

Class IV: Agricultural Water Supplies

Class V: Navigation, Utility and Industrial Use

For each of these classes, water quality standards necessary to protect that designated beneficial use are established. In July 2009, the Florida Stormwater Association petitioned the Florida Department of Environmental Protection (DEP) to adopt a new classification system. The petition states that the existing system is outdated and requires revision to effectively implement the Total Maximum Daily Load Program and related environmental management and restoration efforts. The petition seeks adoption of a classification system similar to that developed in 2007 by an advisory committee to the DEP, which creates Human Use (HU) and Aquatic Life (AL) Use Categories:

HU – 1: Potable use

HU – 2: Shellfish harvesting

HU – 3: Swimmable (prolonged and direct contact)

- HU – 4: Incidental or accidental contact*
- HU – 5: Unsafe or not possible for contact*
- HU – 6: Agricultural use
- HU – 7: Industrial use
- AL – 1: Exceptional structure and function; reference systems
- AL – 2: Balanced and healthy systems
- AL – 3: Altered systems
- AL – 4: Substantial changes in systems

* Proposed to represent different exposure associated with recreational contact

The DEP conducted public workshops on August 18, 2009 and November 18, 2009 on the rule revisions necessary to adopt the new classification system. The DEP conducted an additional public workshop on January 7, 2010 in response to numerous comments received on the December 2009 rule draft. The DEP is no longer proposing to break out uses into Human Use and Aquatic Life categories. The draft rule now proposes to refine the existing classification system by adding a sub classification to Class III. The Class III-Limited subcategory will apply to wholly artificial or altered water bodies and will be protective of fish consumption, limited recreation and propagation and maintenance of a limited population of fish and wildlife. Class III-Limited waters may have Site Specific Alternative Criteria for nutrients, bacteria, dissolved oxygen, alkalinity, specific conductance, transparency, turbidity or pH that are established by petition under Rule 62-302.800, F.A.C. Additionally, the DEP is proposing to incorporate into this rule, a document that specifies the process for any person with a substantial interest in the water body to petition the DEP to reclassify a water body. The DEP conducted another public workshop on February 22, 2010 to present refinements that have been made to the proposed rule in response to public comment. Biological integrity was added to the parameters that are eligible for a Site Specific Alternative Criteria. These rule revisions require approval by the Environmental Regulatory Commission (ERC) and the Environmental Protection Agency. The DEP plans to present the proposed rule revisions to the ERC at their May 20, 2010 meeting for approval. The District continues to monitor this DEP initiative and provide any appropriate input. **New activities since last meeting:** There have been no new activities since the last meeting.

- **Reclaimed Water Policy Workgroup** – During the 2008 legislative session, a number of reuse issues prompted proposed legislation. The proposals raised several areas of concern regarding the respective roles of local governments, utilities and the water management districts related to reclaimed water. In lieu of legislation, the Florida Department of Environmental Protection (DEP) agreed to review emerging reclaimed water issues, particularly those related to the regulation of reuse under the consumptive use permitting program. DEP held three public meetings with interested stakeholders to discuss impediments, incentives, policy clarifications and concerns regarding reclaimed water issues as they relate to consumptive use permitting. All parties agreed the goal of the workshops was to develop specific ideas on how to enhance and promote the use of reclaimed water in relation to consumptive use permitting policies. Meeting attendees included representatives from DEP, the five water management districts, local government, utilities and other parties with interest in reuse. There was consensus on some, but not all, topics. For those topics on which stakeholders continued to have different views, there was at least improved understanding of other viewpoints. Continued dialog among utilities, regulators and water users on these topics is important to further reuse throughout Florida. The DEP stakeholder meetings concluded in November 2009. At the invitation of interested utilities, the water management districts, DEP and utilities convened another workgroup to continue the dialog on the unresolved topics. This workgroup began meeting in April 2009 and meets approximately every month to develop consensus on policy proposals to enhance water management district and utility coordination in reuse feasibility analyses in the water use permitting processes and to enhance focus on reclaimed water during the Regional Water Supply Planning process. **New activities since last meeting:** The workgroup met on March 26, 2010. At the previous meeting (January 29, 2010) the water management districts and the DEP were asked to return to the March 26 meeting with concepts regarding the development of reclaimed water mitigation credits and offsets. The utilities would like the water management districts to adopt rules that will allow them to obtain water withdrawal credits in

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the water use permitting program in exchange for providing reclaimed water to existing permittees. During February and March, the water management districts and the DEP prepared a paper describing reclaimed water credits and offsets that would be consistent with Florida water law. The paper was to be discussed at the March meeting. However, in March, the workgroup was advised that a member of the House of Representatives requested draft legislation from the workgroup to codify the progress of the workgroup to date. At the March meeting, the workgroup finalized draft amendments to section 373.250, F.S. Section 373.250 was enacted in 1994 and addresses the legislative intent that reclaimed water be used as a source when it is available to a site and the use is environmentally, technically and economically feasible. The amendments prepared by the workgroup set forth the manner in which the District will process water use permit applications that are for uses within a local government's reclaimed water service areas or mandatory reuse zones. The process is intended to enhance coordination between local governments and the water management districts to ensure that available reclaimed water is utilized when it is feasible and in the best interests of the water resources to do so. The paper prepared by the water management districts and DEP regarding reclaimed water credits and offsets will be discussed at the next meeting on May 14, 2010.

Staff Recommendation:

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

Presenter: Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation

**Governing Board Meeting
April 27, 2010**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

33. Consent Item(s) Moved for Discussion		
34. Hydrologic Conditions Status Report.....	(15 minutes)	2
35. Construction Management Services for the Lake Hancock Outfall Treatment Project.....	(30 minutes)	4
<i>(Strategic Plan: Water Quality – Maintenance & Improvement)</i>		
36. Memorandums of Understanding with Sarasota County, Appraisals, Purchase/Sale Agreement, Amend Florida Forever Work Plan and Resolution Requesting Funds – Myakka Conservation Area, SWF Parcel Nos. 21-599-105C and 21-599-106C	(25 minutes)	30
<i>(Strategic Plan: Natural Systems – Conservation & Restoration)</i>		
37. Expansion of Feral Hog Control Program on District Lands	(15 minutes)	39
<i>(Strategic Plan: Natural Systems – Conservation & Restoration)</i>		

Submit & File Report

38. Update on Agreement for the Management and Operation of the RV Griffin Reserve between the District and the Peace River/Manasota Regional Water Supply Authority – SWF Parcel No. 20-223-131X		40
39. Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for Chassahowitzka River System		43

Routine Reports

40. Florida Forever Funding		45
41. Minimum Flows and Levels		49
42. Structure Operations		53
43. Watershed Management Program and Federal Emergency Management Agency Map Modernization		67
44. Significant Water Supply and Resource Development Projects		70

Resource Management Committee April 27, 2010

Discussion Item

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 rainfall totals for the month, as of March 31st, were above-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- The northern region received an average of 8.01 inches of rainfall, equivalent to the 93rd percentile.
- The central region received 7.06 inches of rainfall, equivalent to the 93rd percentile.
- The southern region recorded an average of 6.81 inches of rain, equivalent to the 93rd percentile.
- District-wide, average rainfall was 7.23 inches, equivalent to the 94th percentile.

Streamflow

March streamflow data indicates regional streamflow increased in all three regions of the District, compared to the previous month. The northern region ended the month at the upper-end of the normal range, while the central and southern regions ended the month above-normal, based on flow conditions in regional index rivers. Normal streamflow is defined as falling between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 71st percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 88th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 76th percentile.

Groundwater Levels

Groundwater data for March indicate levels in the Floridan/Intermediate aquifer increased in all three regions of the District. All regions ended the month within the normal range of historical values. Normal groundwater levels are defined as those falling between the 25th and 75th percentiles.

- The average groundwater level in the northern counties was in the 52nd percentile.
- The average groundwater level in the central counties was in the 68th percentile.
- The average groundwater level in the southern counties was in the 69th percentile.

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Lake Levels

Water-level data for March indicates average lake levels increased in all regions of the District. The Northern, Polk Uplands and Lake Wales Ridge regions ended the month below the base of the annual normal range, while the Tampa Bay region ended the month within the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region increased 0.69 foot and were 3.01 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.63 foot and were 0.76 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.69 foot and were 1.41 feet below the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region increased 0.31 foot and were 4.35 feet below the base of the annual normal range.

Issues of Significance

March historically marks the sixth month of the 8-month dry season and provisional rainfall totals for the month show accumulations in the upper-normal or above-normal range in all regions of the District. Analysis of dry-season rainfall shows October through March totals to be above the historic mean in all regions of the District.

Rainfall during the month was regionally variable and associated with the passage of a series of cold front systems moving across the District. The provisional twelve-month District-wide rainfall accumulation indicates that rainfall conditions have shifted from deficit into surplus conditions. The 12-month accumulation through the end of March now shows a surplus of approximately 7.11 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed good improvement during March, ending the month approximately 3.79 and 11.21 inches, respectively, below the historic average.

In response to the high rainfall totals, all hydrologic indicators showed improvement during March, with regional groundwater levels and streamflow conditions in regional index rivers ending the month within the normal or above-normal range of historic values. Regional lake levels improved, ending the month within the annual normal range in the Tampa Bay region, but remained at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District through June 2010, due to the presence of but diminishing El Niño conditions in the Pacific Ocean. Continued above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts, and will be needed for lake levels in the Northern, Polk Uplands and Lake Wales regions to fully recover from the multi-year drought.

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

Staff Recommendation:

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

Presenter: Granville Kinsman, Manager, Hydrologic Data Section

**Resource Management Committee
April 27, 2010**

Discussion Item

Construction Management Services for the Lake Hancock Outfall Treatment Project

Purpose

Recommend Governing Board approval to amend the consultant agreement with Parsons Water & Infrastructure, Inc. (Parsons) to add a total of \$1,260,000 for bidding services, construction management services, system start-up and operation assistance, and contingency funding for the Lake Hancock Outfall Treatment Project (Project). Requested funds for this item are available in the existing project budget.

Background/History

The Lake Hancock projects are critical in the District's strategies for meeting minimum flows in the Upper Peace River, improving water quality in the Peace River and Charlotte Harbor, an estuary of national significance. The goal of the Project is to improve water quality discharging from Lake Hancock through Saddle Creek to the Peace River. Water quality treatment of discharges from Lake Hancock has been identified as the most cost effective means of reducing nitrogen loads into the Peace River and Charlotte Harbor.

The specific objective of the Project is to utilize large-scale constructed wetlands to reduce annual nitrogen loads up to 27 percent from flow discharging from Lake Hancock. The wetland treatment system is planned to be constructed within an abandoned former waste phosphatic clay disposal area located immediately south of the lake on the District's Old Florida Plantation property. Lake water will be pumped through three wetland cells totaling approximately 1,008-acres. The treated water will ultimately discharge into Lower Saddle Creek, which begins below the District's structure and runs along the west and south sides of the proposed treatment area.

The primary construction elements of the Project involve the following: (1) grading of the three wetland cells which involves approximately 1.8 million cubic yards of earthwork, (2) modifications to the 7.5-miles of existing berms to achieve design grades, which involves 300,000 cubic yards of earthwork and, (3) construction of a pump station, control building, inlet canal to the pump station, six water control structures, and discharge channel with box culvert. The current engineer's estimate for construction is \$25,000,000, based on standard construction cost data and actual vendor quotes.

The project was first budgeted in fiscal year (FY) 2003 and the District procured an engineering consultant, Parsons Water & Infrastructure, Inc., in FY2004. The Parsons project team includes Ardaman and Associates, Inc. (geotechnical), Wetland Solutions, Inc. (environmental science), Environmental Research and Design, Inc. (water quality), Pickett and Associates, Inc. (survey), and other supporting subconsultants. The scope of services in the RFP included all project phases from feasibility to construction management services and operational assistance. The contract with Parsons was implemented in phases with the first task aimed at selecting a treatment technology. The individual tasks identified in the scope of services included the following: (1) Research, Monitoring and Data Acquisition, (2) Feasibility Study, (3) Design and Permitting, (4) Construction Management Services, and (5) System Start-up and Operation. The agreement with Parsons is work order based, where individual phases or tasks and associated compensation are negotiated and authorized through a work order document. This type of consultant services contract was appropriate because the treatment method and project location were unknown when the project commenced. Funds have been added to the consultant agreement as the scope for individual tasks has been defined. The attached table (Table 1 – Engineering Services Cost Summary) provides a more detailed breakdown of costs associated with the engineering tasks.

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At the December 2009 Governing Board meeting, staff presented an overview of the Project and the consultant scope of services. The Board approved the staff recommendation to amend the consultant agreement to add \$798,950 for final design and permitting. At the Board meeting, staff indicated they would return to a future Board meeting with recommendations for construction management and inspection services following additional review of proposed costs.

Construction Management Budget

Five primary efforts were undertaken to review the consultant scope and budgetary cost estimate for construction management services. These efforts included: (1) an independent review of budgetary construction management costs performed by URS Inc, an engineering consulting firm experienced with construction of large-scale stormwater treatment areas (STAs), reservoirs, and pump stations; (2) a comprehensive review by staff of consultant billing rates for professional services; (3) a detailed evaluation of the berm and optimization of the extent of the seepage cutoff wall, (4) a staff review of construction management consultant hours budgeted for 20 individual construction elements, and (5) staff assignment of potential risk associated with construction elements in order to determine level of inspection needs. The findings of these efforts are summarized below:

- *Review of Construction Management Costs by URS*

URS has provided construction management services for numerous similar scale projects, including South Florida Water Management District (SFWMD) STAs. URS reviewed the 60 percent project design, specifications, engineer's estimate, schedule, and the proposed scope and budgetary cost estimates. They concluded "*that the mix of staff, and the time the staff members were allocated on the project, appears generally overall reasonable and customary for this type of construction.*" URS also noted that the construction management estimate as a percentage of the construction costs is lower for this project than that seen on other recent water resource projects of a similar nature. They recommend closer review of several tasks and associated disciplines including: (1) the low number of hours associated with the construction manager position, (2) the high salary rate for the clerical support position, and (3) the high number of hours attributed to the Instrumentation Engineer. District staff has addressed these recommendations. See attached URS report.

- *Review of Consultant Billing Rates*

District staff conducted a review of the billing rates proposed by Parsons and their subconsultant team. These rates were compared to other District projects, SFWMD projects, and the FDOT Consultant Wage Rate Averages Report. Results of this comparison indicate that several positions (Clerical, Senior Designer, CADD, and Construction Inspector) had slightly higher than average rates associated with the position. Staff subsequently renegotiated with the Parsons team to lower those rates and, subsequently, reduced the proposed construction management cost by \$30,657. The following table summarizes the resulting billing rates for key positions on the Parsons' team and the average billing rates used for comparison (the rate includes salary plus overhead).

Labor Description	Parsons Team	Average Rate
Project Manager	\$151.00	\$156.38
Senior Engineer	\$147.54	\$144.71
Project Engineer	\$96.14	\$109.77
Senior Scientist	\$110.00	\$113.84
Clerical	\$57.00	\$56.60
CADD	\$82.00	\$78.85
Construction Manager	\$134.00	\$153.30
Construction Inspector	\$86.00	\$80.16

- *Review of Seepage Control*

The geotechnical subconsultant completed a detailed evaluation of the proposed seepage cutoff wall and recommended a reduction in the extent of the required seepage cutoff wall from the full perimeter of the outer berm (6 miles) to a length of approximately 4.5 miles. This reduces the estimated construction cost of the cutoff wall by about 25 percent, or \$565,000, and the associated construction management proposed cost by \$30,797.

- *Review of Consultant Budgeted Hours*

A total of 20 construction elements were identified and construction management hours were broken down by each element as shown in Table 2. Construction management hours were reduced based on each element's anticipated schedule and requirements dictated by the technical specifications. Other adjustments that were made included assigning lower level staff, where possible, to perform construction engineering and inspection of less critical project elements. This reduced the construction management proposed cost by \$57,862.

- *Assignment of Risk to Construction Elements*

Each element was then evaluated for risk and ranked based on cost, complexity, environmental sensitivity, inspection method, required testing, and impact of failure. Following this analysis, the construction management cost estimate was reduced further by eliminating consultant hours associated with the three low ranked components including: (1) land clearing and preparation, (2) cell grading and, (3) control building/site work. This reduced the construction management proposed cost by \$50,738.

Benefits/Costs

The Project will provide significant water quality benefits to the Peace River and Charlotte Harbor. The District is responsible for operation and maintenance of the Project over its 50 year project life. Given the significant capital investment and maintenance responsibility, staff recommends the District procure outside construction management services to ensure the critical elements of the project are properly constructed. The estimated costs for these services, including contingency, and one year of start-up assistance, is not to exceed \$1,260,000. This is a reduction of \$170,054 from the Construction Engineering and Inspection Services cost estimate (\$1,430,054) presented to the board back in August.

Staff Recommendation:

See Exhibits

Approval to amend the consultant agreement to add \$1,260,000 for bidding services, construction management services, system start-up and operation assistance, and contingency funding for the Lake Hancock Outfall Treatment Project.

Presenter: Janie Hagberg, Senior Professional Engineer, Surface Water Improvement and Management Program

**LAKE HANCOCK OUTFALL TREATMENT PROJECT
TABLE 1: ENGINEERING COST SUMMARY**

TASK DESCRIPTION	SUB-TASK TOTAL	TASK TOTAL	CONTRACT TOTAL	
			EXISTING AGREEMENT	PROPOSED FOURTH AMENDMENT
COMPLETED OR ONGOING:				
Task 1: RESEARCH MONITORING & DATA ACQUISITION (COMPLETED)				
a) Water Quality Monitoring - Data Collection	\$ 81,825.44			
b) Existing Data Acquisition	\$ 12,935.74			
c) Existing Treatment Facility Evaluation Report	\$ 14,424.64			
d) Project Management, Modeling, Preliminary Evaluation	\$ 61,804.18			
Subtotal		\$ 170,990.00		--
Task 2: FEASIBILITY STUDY (COMPLETED)				
a) Alternative Treatment Technology Evaluation	\$ 336,902.00			
b) Geotechnical Testing	\$ 108,293.00			
c) Constructability Testing/Plant Establishment Study	\$ 312,889.00			
d) Basis of Design Report	\$ 350,916.00			
Subtotal		\$ 1,109,000.00		--
Task 3: DESIGN AND PERMITTING (CURRENT ACTIVE TASK)				
a) Permitting	\$ 154,656.00			
b) Site Characterization (Geotechnical Testing and Survey)	\$ 338,761.00			
c) Preliminary through 60 Percent Design (includes Project Management and Modeling)	\$ 729,040.00			
d) Upper Peace River (P-11) Coordination/ Habitat Enhancement Plan	\$ 147,553.00			
e) 90 Percent Design (includes Project Management and Modeling)	\$ 600,566.00			
f) Final Design	\$ 198,384.00			
Subtotal		\$ 2,168,960.00	\$ 3,448,950.00	--

THE FOLLOWING TASKS ARE PENDING APPROVAL:

Task 4: CONSTRUCTION ENGINEERING SERVICES (Future Work Order Tasks)				
a) Bidding Services	\$ 27,457.00			
b) Construction Engineering and Construction Inspection	\$ 973,843.00			
c) Contingency	\$ 165,700.00			
Subtotal		\$ 1,167,000.00	--	\$ 1,167,000.00
Task 5: START-UP AND OPERATION SERVICES (Future Work Order Tasks)				
a) Start-up Services - 1 Year	\$ 93,000.00			
Subtotal		\$ 93,000.00	--	\$ 93,000.00
CONTRACT TOTAL		\$ 4,708,950.00	\$ 3,448,950.00	\$ 1,260,000.00

LAKE HANCOCK OUTFALL TREATMENT PROJECT
TABLE 2: ESTIMATED CONSTRUCTION ENGINEERING AND INSPECTION COST BY PROJECT ELEMENT

ITEM	DESCRIPTION	RISK ²	TOTAL CONSTRUCTION MANAGEMENT (CM) HOURS ³	CM ESTIMATED COST ⁴	CONSTRUCTION EST ⁵
Land Clearing & Preparation	Land clearing/preparation of 1,039 acres.	Low	109	\$ 10,644	\$ 2,196,000
Cell Grading	Interior wetland cell earthwork over 1,039 acres (1.8 M CY). Includes deep zone (channel) excavation.	Low	227	\$ 23,317	\$ 6,781,000
Embankment	Berm construction, includes compaction and importing borrow material: 168,000 CY in place, 151,300 CY borrow. Includes removal of existing drainage features: 42 LF arched CMP; 64 LF 36" CMP; 50LF 48" CMP; and (3) concrete weirs. Includes backfill and compaction to specification.	High	2,671	\$ 219,286	\$ 1,601,000
Inlet Channel	Avg. 35' by 200' long channel dredged from shoreline at pump station into lake, includes floating trash barrier and erosion protection.	Med	275	\$ 30,412	\$ 453,000
Roadway	10,300 LF, 12' wide, 12" limerock base with geotextile liner.	Med	58	\$ 6,117	\$ 762,000
Seepage Cut-off Wall	4.3 miles soil bentonite trench average 17' depth.	High	1,035	\$ 86,151	\$ 1,612,000
Splitter Box	24' x 32' x 13' deep cast-in-place concrete structure, (2) 8' x 4' motorized weir gates, 48" influent pipe, (2) 36" discharge pipes, includes over excavation and structural fill.	High	246	\$ 25,606	\$ 127,000
Internal Structures (3)	15' x 12' x 13' deep cast-in-place concrete structure, 8' x 4' motorized weir gate, 36" HDPE pipe connection, access bridge and walkway.	High	801	\$ 83,485	\$ 233,000
Discharge Structure	35' x 8' x 13' deep cast-in-place concrete structure, (2) 8' x 4' motorized weir gates, (6) 36" HDPE pipes, grated platform and railing.	High	331	\$ 34,574	\$ 144,000
Aeration Structure	135' x 30' x 13' deep cast-in-place concrete structure, (6) 36" influent HDPE pipes, access bridge	Med	358	\$ 38,131	\$ 285,000
Box Culvert/Discharge Channel	108 LF 8' x 4" CBC; Channel Excavation, Rip Rap, Geoweb.	Med	316	\$ 33,359	\$ 610,000
Pipes and Culvert	Pipe installation: 50 LF 24" HDPE, 2908 LF 36" HDPE, 258 LF 48" HDPE, 600 LF 48" DIP.	Med	414	\$ 42,993	\$ 710,000
Pump Station Structure	55' x 22' x 20' deep cast-in-place concrete structure with 3 bays, each with stop log channel, aluminum ladder assembly, and hatch. Top of structure equipped with aluminum grate walkway. Includes sheet pile/dewatering.	High	640	\$ 67,874	\$ 711,000
Pumps	(3) submersible mixed flow pumps. Includes testing, training and commissioning.	High	164	\$ 18,201	\$ 825,000
Trash Rake	(3) Duperon SC-100. Includes testing, training and commissioning.	High	166	\$ 18,496	\$ 589,000
Pump Station Piping	(3) headworks assemble: each equipped with 36" DIP, 36"x24" reducer, 36" check valve, 36" air/vacuum valves, 36" plug valve, 36"x48" Tee. 6' x 8' concrete meter vault.	High	179	\$ 18,981	\$ 486,000
Control Building/Site Work	22' x 32' concrete block with control room and equipment storage; Earthwork, sheet piling, geotextile, asphalt road, security fence.	Low	163	\$ 16,778	\$ 342,000
Power	(2) 7,800 LF conduit, 11 pedestals, transformer, control building and pump station wiring, grounding.	High	369	\$ 32,737	\$ 611,000
Controls/Telephone	(2) 7,800 LF conduit and T-1 line, radio, cellular IP, (5) communication towers, dataloggers, (20) level sensors, RTUs	High	437	\$ 44,002	\$ 984,000
Wetland Planting/Grassing	515,579 wetland plants across 1,000 acres.	Med	300	\$ 29,740	\$ 656,000

¹ Assumes 10 hour days.

² Risk considers construction cost; environmental sensitivity; public safety; complexity of construction; applicable standards for quality and method of construction; and method of inspection.

³ Labor hours include all labor categories involved in activity.

⁴ Labor Estimate for each Project Component Includes Labor Hours for Construction Administration and Inspection (Vehicle, Testing or Miscellaneous Expenses Not Included).

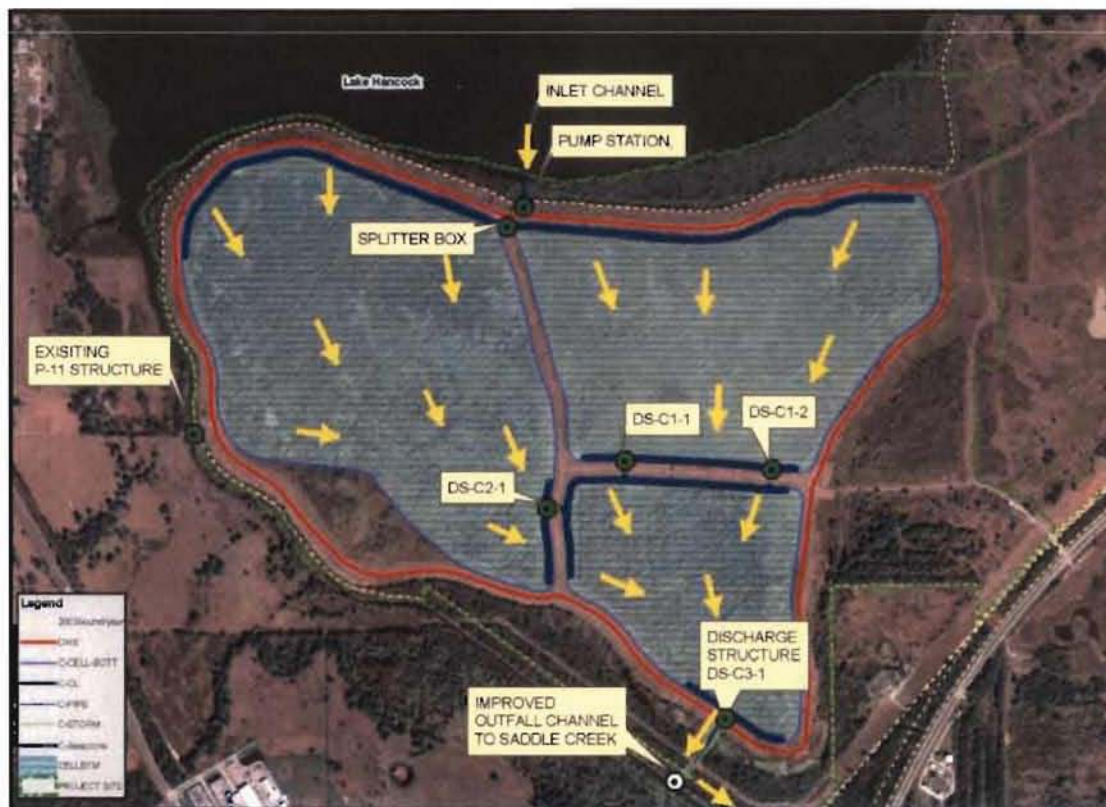
⁵ Engineer's estimate based on 60% design.



Evaluation of Proposed Construction Management Budget Lake Hancock Outfall Water Treatment Project

Prepared for:
Southwest Florida Water Management District

November 24, 2009



Prepared by:
URS Corporation
7800 Congress Avenue, Suite 200
Boca Raton, Florida 33487



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November 24, 2009

Southwest Florida Water Management District
Tampa SWIM Department
7601 US Highway 301 North
Building 1 – Receiving
Tampa, FL 33637

Attn: Eric Dehaven
Cc: Janie Hagberg

Re: Memorandum
Evaluation of Proposed Construction Management Budget
Parsons Water and Infrastructure, Inc.
Lake Hancock Outfall Treatment Project

URS is pleased to submit this Memorandum summarizing the conclusions of our evaluation of the subject Construction Management budget prepared by Parsons Water and Infrastructure, Inc. It is understood this budget has been through prior rounds of review and negotiations with SWFWMD staff prior to this evaluation. The SWFWMD wishes URS to provide the District with an independent review of the current (Oct 2009) negotiated budget.

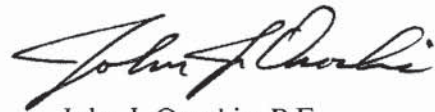
URS Corporation has been retained directly by the Southwest Florida Water Management District (SWFWMD) to provide consulting services for the review of this Construction Management program and budget being established for implementation of the Lake Hancock Outfall Treatment Project. This project is being completed in accordance with our Operations General Engineering Services Contract dated January 28, 2008, Proposal Number #009-07, Purchase Order Number 10PO0000210 with the Southwest Florida Water Management District.

Respectfully submitted,

URS Corporation Southern



Thomas F. Mullin, P.E.
Vice President
Corporate Principal-In-Charge
Director of Engineering – Boca Raton, FL
(561) 862-1070 Direct



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Project Reviewer
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1.0 EXECUTIVE SUMMARY

URS has completed a detailed review and evaluation of the proposed Construction Management budget for the Lake Hancock Outfall Project as prepared and submitted by Parsons Water and Infrastructure, Inc. and their subconsultants Ardaman and Associates, Inc. and Wetland Solutions, Inc. Following are key highlights from the results of our efforts.

1. SWFWMD staff have negotiated a current (Oct. 09) Construction Management Budget of about \$1.39 Million versus a construction cost estimate of \$25 Million thus representing a (CM/Construction) cost ratio of about 5.5%. This percentage is in the typical % CM range but is lower than that seen by URS on other recent projects of a similar nature with other WMD's.

2. The Parson's Construction Manager (CM) is budgeted on the project at a level of overall effort equivalent to slightly less than 2 days per week for the 19 month duration of field construction. This is considered by URS to be a low average level of involvement for this key position on the project.

3. The Parson's Construction Inspector (CI) is budgeted on the project at an overall level of effort equivalent to 2 days per week for the 19 month duration of field construction. The Parsons CI effort will be supplemented with full time staff from Ardaman for Earthworks/Slurry Wall Inspection/Testing oversight and Wetland Solutions for Planting Inspection. Limited and infrequent visits will be made by Home Office staff in support of the CIs field observation and inspection activities. This Parson's CI level of effort is considered to be overall as minimal. It is noted that there will be periods during construction (i.e. either partial days or whole days) when no Parsons CM or CI personnel will be physically onsite and construction work may go unmonitored for brief periods.

4. Full time CI and testing of earthworks and slurry wall installation is to be provided by Ardaman and Associates, Inc. This level of manhour effort is necessary and the budgeted scope appears reasonable and appropriate. However, Ardaman's proposal for laboratory testing for Fines Content (300 tests) and Hydraulic Conductivity (192 Tests) should require further justification of the basis for the significant numbers of tests being proposed.

5. Home office staff are scheduled to provide Engineering During Construction (EDC) support services to the project in the form of submittal reviews, RFI review and response, periodic field visits and work order directives/change orders etc. The overall levels of effort for the various disciplines generally appear reasonable except for a couple of minor discrepancies as discussed in more detail later in this report.

6. Post construction Home office services appear reasonable with the exception of 180 hours (4.5 Weeks) of Senior Designer time in Task 11.13. Further clarification of this individual's involvement and specific work efforts should be provided and reviewed.

7. The largest labor category manhour involvement in the CM budget is for the Clerical position currently budgeted at a total of 1553 hours. Removing post construction phase work (160 Hours), this position has an average level of effort of about 17 hours per week. This represents less than a half time position on the project and is generally considered reasonable for a part-time field assignment. It is noted that the hourly rate (\$67/hr) is for that of a more senior level secretary. A less senior level individual may be more appropriate for staffing the work considering the nature of the work anticipated on this project. Such work should mostly be filing and invoice preparation with some light word processing typing for monthly reports and the like.



2.0 GENERAL OVERVIEW OF THE PROJECT

The Lake Hancock Outfall Treatment Project (Project) is a Southwest Florida Water Management District (District) initiative focused on improving water quality discharging from Lake Hancock to the Peace River. The Project site, located in Bartow, Florida, was the location of a previous 1,300-acre phosphatic clay settling area that was active until 1980. The above-grade settling areas were initially enclosed by an earthen dike/embankment constructed on unmined natural ground using local soil borrow fill. The embankments were subsequently degraded as part of reclamation closure activities and will now be partially re-built for this project. The project envisions construction of a wetland treatment system in the clay settling areas as contained by a series of perimeter and interior embankments. A physical design schematic is presented on Plate 1.

Construction of the proposed wetland treatment system will require modifications and the raising of degraded existing exterior and interior dikes, surface grading and leveling of settled waste phosphatic clay surfaces inside the proposed wetland cells, excavation of deep zones for flow distribution and collection to and from the treatment cells and wetland plantings. The deep zones will be excavated along the inside toe at designated locations along the exterior and interior dikes. In addition, the Project will require construction of an inlet channel, pump station, water control structures and ancillary facilities.

The project is being designed by Parsons Water & Infrastructure, Inc. The project is currently at the 60 percent design phase with an approximate estimated construction cost in the neighborhood of \$25,000,000. Subconsultants for the construction phase CM effort are to include Ardaman and Associates, inc. for Earthworks/Slurry Wall inspection and testing and Wetland Solutions, Inc. for Wetlands planting oversight.

3.0 URS SCOPE OF SERVICES

Under the assigned URS Scope of Work, URS has been generally tasked with:

- 1.) Attending a Teleconference Kickoff Meeting;
- 2.) Reviewing the Design Drawings, Specifications and Other Project Documents;
- 3.) Evaluation of Proposed Construction Management Budgets and
- 4.) Preparation of this Memorandum Summarizing the Conclusions of the Evaluation.

This review and evaluation is to primarily focus on the quantity, type, and level of effort for the construction phase personnel including levels of effort for each major design discipline as well as the Construction Management and Construction Inspection staff including subconsultants. The review is to consider the level of effort of each individual by discipline entity over the course of the anticipated construction schedule. In general, URS is to render an opinion as to the appropriateness of the labor mix and anticipated level of effort and personnel utilization based on the understanding of the project scope

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and anticipated construction schedule. A copy of the budget request is provided as Attachment A to this memorandum.

4.0 BRIEF OVERVIEW OF QUALIFICATIONS AND EXPERIENCE

The URS review and evaluation efforts will be led by Thomas F. Mullin, P.E., V.P – Manager of Engineering for URS Boca Raton Office as supported by John Ososkie, P.E., Senior Civil Engineer who is also located in the URS Boca Raton office. Brief bio-sketches are provided as follows:

Thomas F. Mullin, PE, VP – Mr. Mullin will serve as the Project Lead. Mr. Mullin has over 33 years total experience in Civil and Geotechnical design projects. Mr. Mullin has been responsible for the civil and geotechnical design work of several major water resources projects including major Stormwater Treatment Areas and reservoir impoundments for power plant cooling water storage and heat dissipation. His design and construction oversight experience includes foundation design and resident engineering services on nuclear power plant structures, reservoir embankments, transportation facilities, numerous high rise towers and commercial and industrial structures. Mr. Mullin has extensive experience pertaining to civil earthworks design, foundation design and construction QC oversight, structural backfilling, test programs, QC testing procedures and documentation, installation and evaluation of geotechnical monitoring instrumentation and pile load testing. Mr. Mullin also has experience as a contract/construction manager for civil construction work having led the construction management oversight of the initial construction of the Disney MGM Studio Tours project in Orlando, Florida.

John Ososkie, PE - Mr. Ososkie will function as a technical reviewer in support of the Project Lead. John is a licensed professional engineer with 21 years experience in civil and water resource engineering on projects for Federal and local governmental clients, as well as private sector projects. Mr. Ososkie's recent projects include project management and civil designs for CERP Biscayne Bay Coastal Wetlands Project for the SFWMD and the civil designs for the Biscayne Trails and Snake Creek Trails Projects for Dade County, Florida.

URS staff have experience on several major water resources project of a general nature similar the Lake Hancock project. Representative experience includes the following projects:

SFWMD Stormwater Treatment Area 5 Flow way 3
(2560 Acre STA - \$13,500,000 Construction Cost). - URS provided the detailed Civil, Structural, Mechanical and Electrical Designs for the project which was completed in July 2007. This project included 11 miles of embankments and 6 remotely controlled water



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control structures. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 1.6 year construction duration.

SFWMD Stormwater Treatment Area 6 Section 2 Flow way (1440 Acre STA - \$23,500,000 Construction Cost). URS provided the detailed Civil, Structural, Mechanical and Electrical Designs for the project which was completed in August 2007. This project included 7.5 miles of embankments and 11 remotely controlled water control structures. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 1.7 year construction duration.



and Electrical Designs for the project which was completed in August 2007. This project included 7.5 miles of embankments and 11 remotely controlled water control structures. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 1.7 year construction duration.

SFWMD Compartment C Stormwater Treatment Area Flow way (6240 Acre STA - \$37,000,000 Construction Cost). URS provided the detailed Civil, Structural, Mechanical and Electrical Designs for the project which was completed in August 2007. This project included 7.5 miles of embankments and 11 remotely controlled water control structures. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 1.7 year construction duration.

and Electrical Designs for the project which was completed in August 2007. This project included 7.5 miles of embankments and 11 remotely controlled water control structures. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 1.7 year construction duration.



Progress Energy Hines Power Plant (8000 Acre Power Block and Cooling Pond Areas (\$26,000,000 Construction Costs). - URS performed extensive water resources evaluations, civil designs and geotechnical work for site certification, licensing and Phase 1 Cooling Pond and Power Block site development for a new 3,000 mega-watt power plant on 8,000 acres of land previously mined for phosphate ore. The site contained clay settling areas, open mine pits, sand tailing disposal areas, and some partially reclaimed phosphate lands. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 2.0 year construction duration.



evaluations, civil designs and geotechnical work for site certification, licensing and Phase 1 Cooling Pond and Power Block site development for a new 3,000 mega-watt power plant on 8,000 acres of land previously mined for phosphate ore. The site contained clay settling areas, open mine pits, sand tailing disposal areas, and some partially reclaimed phosphate lands. In addition to the design, URS provided full time Construction Management oversight, Engineering During Construction and Construction Inspection and testing services during the 2.0 year construction duration.

Construction and Construction Inspection and testing services during the 2.0 year construction duration.

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5.0 SUMMARY OF AVAILABLE INFORMATION

URS attended an initial budget review kick-off teleconference meeting conducted by SWFWMD on November 3, 2009. During the meeting, SWFWMD requested members of the Parsons design team and subconsultants to provide URS with an overview of the project history, scope and objectives. In addition, the team discussed the preparation of the construction phase services budget and briefly discussed the major assumptions or rationale used in preparing the estimate.

Following the meeting, URS conducted a reasonably detailed overview of project related documents provided by SWFWMD, including but not limited to:

1. Lake Hancock Outfall Treatment Project Technical Specifications (60% Design)
2. Lake Hancock Outfall Treatment Project Design Plans (60% Design)
3. Parsons Construction Management Scope of Work
4. Parsons Construction Management Work Items by Discipline
5. Parsons Construction Management Budget Estimate
6. Ardaman Construction Management Budget Estimate
7. Wetland Solutions, Inc. Construction Management Budget Estimate
8. Parsons Anticipated Construction Schedule
9. Parsons Engineers Opinion of Probable Construction Cost

In evaluating the CM budget, URS conducted a task by task evaluation of each technical discipline represented in the budget estimate spreadsheet. Additionally, URS looked at the construction phase level of efforts of certain key staff, most notably the Parson's Construction Manager and Parson's Construction Inspector to evaluate their overall levels of effort being applied to the project. Based on the mix of disciplines and labor categories, it is apparent that the estimate includes Construction Management, Construction Inspection and Engineering During Construction services, including the final Engineer of Record review, incorporation of as-builts and regulatory certification services.

6.0 CONSTRUCTION MANAGER/CONSTRUCTION INSPECTOR PROJECT INVOLVEMENT OVERVIEW

The following evaluations in Section 5 present an overview of the individual and combined levels of efforts of the key Parsons Construction Manager and Construction Inspector as related to their involvement in day to day field construction and oversight activities. Manhours for these individuals are actually spread across a series of tasks on the spreadsheet which in many cases have a reasonable and defined basis and in other cases are rough "guestimates" of the level of effort which may be required for a particular task. It is important to evaluate the average weekly level of involvement of these key staff in order to fully understand and appreciate the level of services to be provided in these key labor categories.

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6.1 Project Manager - Based on the distribution of labor efforts, it is apparent that the Construction Manager and not the Project Manager will take the primary lead role in day to day coordination and management of H/O office support needs and over field CI staff for the duration of the project. The Project Manager's overall budgeted level of effort (304 Hours or 16 Hours/Month) is nominal and is targeted/budgeted primarily to General Contract Management and Subcontract Administration and to attending a limited number of meetings. The level of participation in the project is considered reasonable.

6.2 Construction Manager - The CM level of effort for Task 10 Construction Administration activities is 686 hours of which most of this effort is dedicated to in-office based activities including coordination with the home office design staff, etc. The CM level of effort for Task 11 Construction Inspection activities totals, 696 hours, but a portion of the time (approximately 136 hours – Tasks 11.10 to 11.13) will be incurred at the end of the project after construction is essentially completed and punch list items issued and closed out. These post construction phase hours were not used to evaluate CM involvement over the 19 month period of physical construction activities. Approximately 33% (180 hours) of the CMs remaining 560 hours in Task 11.1 to 11.9 are to be dedicated to physical time in the field observing construction activities. This is equivalent to about 9.5 hours per month or a little more than 2 hours per week of physical presence time in the field observing the progress of construction.

In looking at this position's overall budgeted time allocation, the CM is allocated a total of 1246 hours between Task 10 (686 Hours) and Task 11 (560 Hours) to be expended over a 19 month construction period. This translates to approximately 15 hours per week or slightly less than 2 days per week involvement in both field and office related activities during the physical construction period.

URS considers this to be a low level of involvement for the most key and important position on the project. This is particularly true if the SWFWMD is not going to have an active and dedicated Owner's representative at the site who is well experienced with the heavy civil construction/earthworks nature of this project. While the nature of the project design is not complex, the difficult nature of the soft to very soft ground construction conditions at this site, poses certain risks to construction activities which should not be readily discounted, dismissed or overlooked.

On other Water Management District projects as well as large civil construction projects on which URS has been recently involved in Florida, it is typical and standard practice for the Owner to provide a dedicated Owner's Construction Manager or Representative in support of the consultants CM staff. This presence is intended to assure that the CM is performing his subcontracted functions in a timely, diligent and responsible manner and to assure that the CM's responses to RFIs, Work Orders, Design or other Change Notices are in the best interests of the SWFWMD. Other WMD's, consistent with the FDOT CEI approach, have recently gone to an approach where the Design Consultant provides only the Home Office EDC support and a completely independent firm (i.e. who has not been

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involved in the design) is engaged to provide the CM and CI staffing services. URS does not support or recommend this philosophy on large earthwork reservoir impoundment projects as there are intricacies from a geotechnical design and construction perspective, that can be too easily missed or overlooked by inexperienced and/or unqualified earthwork inspectors from an outside firm. Additionally, this approach can alter and confuse the line of “Professional Liability” and responsibility for design/performance related issues and problems especially where water retention embankments and structures are involved which are a public safety issue.

6.3 Construction Inspector - In evaluating the Parson’s CI (PCI) overall budget allocation, the PCI has 1312 hours dedicated to Task 11 activities. This also equates to approximately 16 hours per week (or 2 days per week) of average physical field presence. The distribution of hours between Task 11.1 thru 11.3, indicates the PCI would spend approximately 65% of his time in the field and up to 35% of his time on administrative duties including preparing daily field reports in the site office. This level of effort appears overall to be minimal but not entirely unreasonable so as to provide periodic oversight of the construction progress. It is noted that specification Section 01020, Measurement and Payment indicates that a number of the contractor pay items will be unit priced items measured for payment in the field. This unit measurement/pay approach would normally dictate a higher level of field presence by the CM and CI staff in order to verify and track quantities being installed consistent with how measurement activities and verification thereof are being handled by the contractor. The PCI’s level of effort combined with the CI’s from Ardaman, should be capable of providing adequate CI services for the Earthwork aspects of the project. However, due to the limited budgeted level of effort of this individual, it is apparent that there will be periods during construction (i.e. either partial or whole days) when no Parson’s CI person will be present on-site. Earthwork inspections will be fully covered by Ardaman and Associates staff, so there will likely be periods when construction of the pump station, piping and electrical/mechanical systems may not be fully covered.

6.4 Combined Parson’s CM/CI Presence – It is apparent from the information in Sections 5.1 and 5.2, that a combined non-overlapping labor effort for both the CM and CI equates to only 4 days per week of physical field presence with approximately 1.5 days of that CM/CI time being allocated to administration and paperwork duties - as opposed to in-field inspection time. Accordingly, Parson’s CM/CI staff will only be capable of providing an equivalent half-time inspection person in the field on an average weekly basis during the course of construction. Overlapping of the CM/CI physical presence on site on any given day will effectively decrease the average weekly inspection coverage.

While the embankment and civil earthworks and slurry wall construction should be adequately covered by Ardaman CI staff, other construction activities including wetland area excavation and backfilling, structural construction, piping installation, mechanical and electrical construction and issues related to the offsite borrow area and FDOT highway use, will only be covered on a part-time daily or weekly. Field inspection

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activities will be minimally enhanced by the periodic field inspections by home office Engineering staff as will be subsequently discussed.

Overall, this combined CM/CI level of effort is considered by URS to be a minimized effort in a reasonable attempt to achieve the construction management oversight goals of the CM contract. The SWFWMD should review this level of average Parson's CM/CI on-site presence and determine if such partial effective presence for on-site inspection and other administration activities, is consistent with the District's needs and in the best interests of protecting the District from potential construction and other claims. Such presence and protection would be obviously enhanced by the SWFWMD assignment of a highly experienced and qualified Owner's representative to the field in support of the Owner's administration and monitoring of field construction activities.

6.5 Construction Phase Clerical Support - The largest labor category manhour involvement in the CM budget is for that of the Clerical position currently budgeted at a total of 1553 hours. Removing post construction phase work (160 Hours), this position has an average level of effort of about 17 hours per week. This represents less than a half time position on the project and is generally considered reasonable for a part-time field assignment. It is noted that the hourly rate (\$67/hr) is for that of a more senior level secretary. A less senior level individual may be more appropriate for staffing the work considering the nature of the work anticipated on this project. Such work should mostly be filing and invoice preparation with some light word processing typing for monthly reports and the like.

6.6 Subconsultant Project Involvement - Due to the part-time presence of the Parson's CM and CI throughout the project, the scope of work provided to Ardaman to be present onsite at any time slurry wall and/or earthwork operations are being conducted appear reasonable. In reviewing the construction schedule, the time allocated by Ardaman in their proposal (95 days for cut-off wall and 198 days for earthwork) appears to be significantly higher than the time allocated in the provided construction schedule. The Slurry trench would progress at an average rate of about 350 feet per day which is reasonable for a 15 foot deep trench. The two schedules should be coordinated and the Ardaman budgets reduced to match the anticipated schedule.

Following the assumption that Ardaman is present whenever the work is performed, the effort allocated to Ardaman is appropriate for the work to be inspected. Section 02260, Soil-Bentonite Backfill Cut-off Wall Construction, indicates the engineer is required to conduct slurry viscosity testing every 2 hours and at any other time when the borrow source material appears to change, or the water source or mixing operations are interrupted for any reason. In addition, placement of the slurry is critical to the proper installation and subsequent functioning of the seepage cutoff wall and normally requires constant oversight by the engineer during the construction process. Ardaman is also budgeted to be onsite full time during levee construction operations to observe the progress of placement and compaction efforts and to monitor/test compaction density for acceptance. Through the use of nuclear density testing equipment, Ardaman will be able

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to monitor and test compaction at multiple earthwork operations and locations during the work day. The effort budgeted for Ardaman appears reasonable.

The budget for Ardaman laboratory testing services includes an apparent large number of Fines Content (300) and Hydraulic Conductivity Tests (192) compared to the 198 day earthwork and 95 day slurry trench installation schedules. Further justification should be provided and reviewed and approved for the level of testing proposed.

The evaluation of the budgeted effort for Wetland Solutions, Inc. followed the same approach dividing the number of hours budgeted by either the frequency of events (meetings, site visits, etc.) or the duration of construction (i.e., planting activities, etc.). Based on this evaluation, WSI has allocated 4 hours per week for Technical Support and 4 hours per day for planting oversight over the 30 day planting operations. In addition, 120 hours has been designated for post plant survival inspections providing an additional 15 trips at 8 hours per trip to inspect plantings. This level of effort appears reasonable.

7.0 TASK 10 - CONSTRUCTION ADMINISTRATION OVERVIEW

In general, the design team level of effort in Task 10 appears reasonable with a few minor exceptions based on the detailed task utilization assumptions included in the spreadsheets. An example of one notable exception is in Task 10.4 Special Meetings. This task is presumably a contingency meeting task to be used to address unforeseen project implementation issues or problems that cannot be addressed through the shop drawing or basic RFI process. Based on the assumption of 4 hours per meeting, the Instrumentation Engineer is being budgeted to attend 15 special meetings. Even though this task appears as a contingency meetings task, it does not seem reasonable to assume that the instrumentation elements of this project would generate a need for such extensive special involvement from the instrumentation engineer over and above that already planned for in other submittal review tasks.

Task 10.1 Attend Pre-Construction Conference – There were no issues with the levels of efforts and the proposed budgets are reasonable.

Task 10.2 Review and Respond to Progress Schedules/Provide Monthly Reports – The level of effort for the Construction Manager was equivalent to 7.5 Hours/Month. This is a reasonable level of effort for reviewing the progress schedule and for preparing and issuing a Monthly Report.

7.1 Home Office Design Team Project Involvement During Construction

In evaluating the home office EDC staff involvement in the construction phase, in some cases, discipline design staff were not lumped together into a single labor category and it was evident that the spreadsheet breakout includes 2 or 3 different levels of staff

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performing different functions at different periods as related to that discipline over the course of construction. For example, three mechanical engineers are represented in the budget spreadsheet heading with different billing rates. The combined level of effort allocated to these three mechanical engineers will be used to evaluate the need for this level of mechanical engineering support over the course of the task requirements.

Design related Engineering During Construction (EDC) support services were mostly included in the Task 10, Construction Administration section. This effort was evaluated to involve primarily shop drawing review and responding to RFIs during the initial months of the project. Design staff EDC efforts listed in Task 11, Construction Inspection are intended solely for field visits to periodically monitor the progress of construction and to confirm construction conformance with the plans. URS reviewed and correlated the EDC efforts with the construction schedule and assumed that the discipline in question was only being utilized in the field during the length of time that discipline related element of construction was being implemented (i.e., structural engineer in field only when pump station or structures being constructed, etc.).

Task 10.3 - Provide Office Based EDC Personnel

The following sections will primarily focus on Home Office Engineering Personnel and their budgeted levels of effort for providing Engineering During Construction support services.

Project Manager (8 Hours)

The Project Manager has very limited time during project initiation to provide oversight and confirmation that the submittal management and review activities and processes are coordinated and implemented properly. This is minimal support over the anticipated duration of construction and is reasonable.

Project Engineer (16 Hours)

The Project Engineer's time appears to be primarily the administration and management support of the technical staff focusing on overall coordination and resolving questions and issues between disciplines and the design objectives and intent of the project components. The Project Engineer takes a semi-active role in office management of submittals along with the Senior Civil Engineer. This level of effort is reasonable.

Mechanical (84 Hours)

Total hours for Mechanical EDC support is 84 which includes shop drawing reviews/approvals and re-reviews of revised submittals of all major and minor equipment with an approximate allocation of hours (50%) to the junior mechanical engineer. The line item also includes responses to discipline specific RFI's and coordination of resolutions. Assumptions indicate the ME is anticipated to expend 1.3 hours per drawing review to include evaluation, and review response preparation/packaging. A sufficient number of hours are provided to the senior ME's to provide guidance and final approvals. This level of effort appears reasonable.

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Civil (92 Hours)

The Project is primarily that of a civil design and construction project. Task includes two senior civil engineers totaling 92 hours. It is not clear as to the reason for the differentiation between responsibilities, but the higher hourly rate civil engineer (72 hours) is provided with a significantly higher labor effort and thus percentage of cost. The effort is based on the assumptions that shop drawing reviews incur 1.5 hours per review with re-review time estimated at 1 hour. RFI review and response effort has been allocated in Task 10.8 for this discipline. The remaining 32 hours in this task appear to be allocated to overall submittal process management. The Senior Civil Engineer in support of the Project Engineer, appears to also play an active role in overall administrative project management and submittal processing in support of the Project Manager. The level of effort appears reasonable.

Structural (60 Hours)

Budgeted level of effort includes 60 hours with the junior engineer being allocated 40 hours of the budget. Based on stated assumptions, junior engineer shop drawing review (1.5 hours) and re-review (1 hour) appear reasonable. Senior engineer is included in review of shop drawings when vendor design calculations require verification (assumed 5 calculation reviews at 2 hours per review=10 hours). Response to structural RFI's is handled by senior engineer at a rate of 5 RFIs at 2 hours = 10 hours. All assumed levels of effort appear reasonable.

Instrumentation (40 Hours)

Level of effort is estimated at 40 hours. Based on stated assumptions, this effort includes 20 shop drawing reviews with all assumed to be re-submitted with changes and re-reviewed. The level of effort provides for 1 hour for initial and 1 hour for re-review activities for each submittal. RFI Review is budgeted in Task 10.8 for this discipline. The level of effort for the re-review appears to be a little high compared to the initial review; however, a one hour normal hourly charge is not unreasonable. Overall, this level of effort appears reasonable.

Electrical (60 Hours)

Task includes 60 hours of senior and junior engineer effort with the junior engineer having 40 hours of time allocated. Task assumes 10 shop drawings that would most likely be "systems" submittals including many different component parts requiring increased review times. Assuming 2.5 hours for each review with 1.5 hour for re-review accounts for the 40 hours of effort. Senior engineer will incur 2 hours per RFI with 0.5 hours to review and approve each submittal. Level of effort estimated for this discipline appears reasonable.

Task 10.4 Schedule and Attend 10 Special Meetings - The task provides for the primary engineering staff to attend a series of "special meetings" to address project related issues. Assuming these special meetings are conducted in the field, some level of travel would be incidentally required. Using an average of 4 hours/meeting duration

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including travel, the following number of special meetings are envisioned by the estimate:

Project Manager – 1.6
Construction Manager - 10
Senior Mechanical - 2
Senior Civil - 6
Senior Structural - 4
Instrumentation - 15
Electrical – 8

This distribution appears to be excessive for the Instrumentation and Electrical Engineers particularly in that Task 10.3 appears to have allocated sufficient time for review and coordination of shop drawings (at which time most inconsistencies would have been identified. The lack of complexity of the project design appears not to justify the full 10 meeting level of effort for any discipline (except the CM) or that multiple engineers should attend any one given special meeting. Further justification in this task for the Instrumentation Engineer and to a lesser degree, the Electrical Engineer should be provided for review. A clarification as to the overall scope and assumptions regarding these individuals in this task may be necessary to further evaluate and confirm its appropriateness.

Task 10.5 Review and Sign Payment Applications Monthly - This task envisions the CM reviewing monthly pay applications prior to forwarding to Owner for processing. It provides 7.5 hours per month which would include an initial review and evaluation, along with a second review after Contractor modifications and re-submittal to finalize the pay application. It is noted that Task 11.5 also allocates approximately 3.8 hours per month for the CI to review the measure for payment elements associated with the pay request thus providing the CM with validation of the corresponding pay quantities presented in the Contractor pay request. This level of effort allocation appears reasonable.

Task 10.6 Provide Forecast of Variance to District - This task includes the efforts of the CM to communicate potential project variances to the District during the pay period rather than waiting for either the Contractor pay application, or future quantity and pay item overruns. The Manhour allocation is established at an average of 3 hours per month over the term of the contract. Actual expenditures will most likely come about in response to specific issues. Overall, the budget is considered reasonable.

Task 10.7 Coordinate with Other Authorities - This task includes 40 hours of CM effort and 16 hours of PM effort to coordinate with “other Authorities” during the project implementation period. Coordination efforts can be assumed to be coordination with the Power Company and Verizon for service connections to the pump station, along with coordination with FDOT and local municipalities on Maintenance of Traffic (MOT) plans for borrow source hauling activities. This may also include meetings with FDEP or

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other state regulators conducting inspections for compliance with State issued construction and SWPPP permits or if Threatened and Endangered Species are encountered on the jobsite. The established budget for this task appears reasonable for the PM and CM but may be under budgeted if significant regulatory or utility coordination issues develop during construction of the project. This task may require technical support particularly from the Electrical or Environmental Disciplines for which there is no budget allocation in the task at the present time.

Task 10.8 Respond to RFI's and Maintain RFI Tracking Log - This task is related to Task 10.3 in that it deals with answering contractor questions during construction activities. Comparison of the appropriateness of this effort allocation must be combined with assumptions/distribution of effort in Task 10.3. Based on an RFI response assumption of 2 hours, the Project Engineer is anticipated to address up to 20 RFI's over the course of the project or approximately 1 per month. The Senior Civil Engineer is budgeted to address an RFI 2 times per month over the life of the project with approximately 1 hour of support each month from the junior engineer. The Instrumentation engineer will respond to 2 RFI's per month during the 4 month pump station electrical and instrumentation installation timeframe. The CM will be responsible for maintaining an RFI Log and will track and coordinate the distribution of RFI's to the design team, and dissemination of RFI responses to the Contractor. On average, the CM has been allocated 2.5 hours per month over the life of the project. All other discipline efforts related to RFI review and response are included in related Task 10.3. Overall, the Level of effort allocated and distribution appears reasonable.

Task 10.9 Issue Bulletins & Coordinate WO's and CO's - The scope of this task appears to be somewhat duplicative in nature in that review and coordination of issued RFIs should either be handled by the CM/CI and/or the design team member during construction observation activities covered in Task 11.1. Work efforts to provide design changes and issue Work Orders and Change Orders are covered by this task. Overall the duplication of the various levels of engineers within a discipline should be eliminated for this Task. Discipline Senior Engineers should be primarily responsible for performing work in this task due to the contractual nature of WO's and CO's.

Task 10.10 Not Used

Task 10.11 Attend 40 Bi- Monthly Meetings - Meetings are scheduled twice each month. Labor allocation for the PM is significantly below expected if the PM is anticipated to attend each monthly meeting. The current budget only allows PM attendance at only 10 of the monthly meetings which may be on the light side. The Senior Civil Engineer is also budgeted to attend 10 monthly meetings as well. It is unclear why the Instrumentation Engineer would be budgeted to attend 10 meetings. There is no scheduled participation of the Structural, Mechanical or Electrical Engineer in this Task whom should normally attend at least a couple of meetings during work periods in their discipline. Based on the allocation, the CM is scheduled to moderate all monthly meetings as expected with the PM and Senior Civil Engineer invited to attend

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half of all meetings as work progress and as field issues dictate. This level of effort, except for the Instrumentation Engineer, appears reasonable for the duration of the project. There should be a budget allocated for a couple of meeting attendances each by the Structural, Mechanical and Electrical Engineers. If hours for these meetings are included in Task 10.3, or in Task 11.1, they should be broken out and recorded in the correct task.

8.0 HOME OFFICE CONSTRUCTION INSPECTION SUPPORT

The following sections present an overview of the individual efforts of the Parson's Home Office Engineering support team during construction activities. The Parsons Construction Engineer, Construction Manager and Construction Inspector are not included in this overview as their levels of effort have been evaluated in Section 5 of this Memorandum.

8.1 H/O Design Team Overview

The H/O Design team support during construction is primarily focused in Tasks 11.1 and Task 11.9. Tasks 11.10 to 11.14 are considered to be of a Post Construction nature and will be addressed separately.

Task 11.1 Observe the Construction and Make Field Observations - The H/O design team level of support budgeted for Task 11.1 appears to be very reasonable considering the frequency that each discipline is scheduled to be on-site. This frequency is based on the number of hours budgeted in the Cost Estimate spreadsheet, spread over the length of construction time established by the construction schedule when work related to that discipline is being conducted.

In general, the frequency of an estimated 4 hour field visit by each discipline during their applicable construction period is summarized below:

<u>Discipline</u>	<u>Freq. of 4 Hr Site Visit</u>	<u>Construction Duration</u>
Mechanical –	1 trip per week (24)	24 Weeks
Civil –	1 trip every 3 weeks (27)	81 Weeks
Structural –	1 trip every 4 weeks (4)	16 Weeks
Instrumentation –	1 trip every 2 weeks (14)	28 Weeks
Electrical –	1 trip every 3 weeks (9)	27 Weeks

These site visits are being conducted by the Engineer of Record or their designated engineering representative, and are done for the purpose of observing the work and for verifying that the design plans and specifications are being implemented in accordance with the design intent of the discipline components. These inspections are not intended to confirm detailed compliance with every element of the design drawings but only to provide a supplemental minimum level of assurance to the EOR that the project is being

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constructed as designed. In some cases this may include observations made at critical points in construction such as a rebar inspection before a major foundation pour.

The CM/CI will also be performing detailed reviews of the progress and compliance of the Contractors work against the contract plans and specifications and will be notifying the Contractor of apparent non-compliance using work directives or notices of deficiencies. With respect to design staff site visits, the level of effort appears consistent with the magnitude and duration of work to be inspected and is considered reasonable.

Tasks 11.2 to 11.8 – There is no H/O design support in these Task activities.

Task 11.9 - Prepare Final Punchlist – For the purpose of evaluating this task, it is assumed that the respective PM or discipline engineers will be making full day trips to the field to perform the punch list inspections. The level of effort for this task is as follows:

<u>Discipline</u>	<u>Frequency of 4 Hour Site Visit</u>
Project Manager	1 Man Day Trip
Mechanical Engineer	2 Man Day trips
Civil Engineer	2 Man Day trips
Structural Engineer	None
Electrical Engineer	1 Man Day Trip
Instrumentation Engineer	1 Man Day Trip

The level of effort budgeted for this task is reasonable and appropriate for those disciplines with budgets. However, it is noted that the Structural Engineer and subconsultants Ardaman and Wetland Solutions appear not to be participating in the punch list process. It would be normal and appropriate for the Structural Engineer and for Wetland Solutions to punch list the structures and planted wetlands species and a similar budget for these components should be included. The Civil Engineering staff should be capable of punchlisting Ardaman's CI oversight areas. If hours for this work are included in the prior Task 11.1, they should be shifted to this task.

Task 11.10 - Certify Test Results to the Permitting Agencies – Normally, the certification of test results to the agencies is provided by the entity performing the test. The CM budget appears to include an appropriate level of effort for Ardaman staff to prepare and issue their soils and concrete reports during the course of construction and the budgets for the Parson's Civil (28 Hours), Structural (8 Hours) and Electrical Staff (16 Hours) are also reasonable for reviewing and EOR approval and certification of the civil works earthwork/slurry wall, concrete and electrical checkout testing respectively.

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Task 11.11 - Project Certification - Further justification of the combined manhours (48 Hours) of the Instrumentation and Electrical Engineer in this category is needed.

Task 11.12 - Startup Assistance – Startup assistance is generally primarily required of the Electrical, Mechanical and Instrumentation Engineers. The budgeted hours for the Electrical (32 Hours) and Instrumentation Engineer (60 Hours) are not unreasonable but appear to be high for the task. Startup issues are normally checked out during the punch list phase so the need for this level of effort, particularly for the Instrumentation Engineer requires further clarification and justification. No Mechanical Engineers hours are included in this task and the Civil Engineer (40 Hours) should also require some further justification and clarification as to the anticipated nature of any civil startup issues. It is not certain why this task is separate or different from Task 12.0 – Startup (initial and during first year).

Task 11.13 – Record Drawings/O&M Manuals - This task includes the preparation of record drawings from the as-built drawings and specifications provided by the Contractor as well as O&M manuals for operating equipment and structures. Historically, preparation of record drawings include evaluating contractor redline sets and incorporating the modifications to the contract from change orders reflected in the redline set, as well as incorporating as-built survey information often provided on separate sheets from surveyors or material installers.

The level of effort for the Project Engineer (40 Hours) and CM (40 Hours) appear consistent with previous URS experience on similar projects, but the reason for the sole inclusion of the structural engineer in this task (30 hours) is not readily apparent. There are no other hours allocated for the other design disciplines to review and check as-built information or to provide any necessary additional input to the preparation of the O & M manuals. Small budgets for the Electrical and Mechanical Engineer should be considered particularly for compiling and incorporating the O&M Manuals.

In addition, a Senior Designer has been included for 4.5 weeks (180 hours budgeted) but this does not coincide with anticipated record drawing production needs which are primarily that of a CADD effort. This personnel inclusion and level of effort needs to be clarified to evaluate and approve its appropriateness. The primary effort with as-builts will be that of revising the design drawings by the CAD staff (80 Hours) to incorporate the actual installed configuration and final component elevations. The CAD staff level of effort appears consistent with a project of this size and complexity.

Task 11.14 – Operations Training Workshop – The level of effort to prepare for and give this training workshop appears reasonable.

Task 12.0 – Start-Up (Initial and During First Year) – This task needs to be combined with Task 11.12.



9.0 SUMMARY AND CONCLUSIONS

In summary, URS has reviewed the budget allocations for both field based staff and design staff supporting and overseeing the construction activities. In addition, URS was able to review the coordinated efforts of Ardaman and WSI and the contribution of field oversight effort on Parson's behalf over the course of the project. In general, URS found that the mix of staff, and the time the staff members that were allocated on the project, appears generally overall reasonable and customary for this type of construction.

It is noted however, that the CM budget (i.e. including the CM, EDC and CI Services) as a percentage of construction costs is lower for this project than that seen by URS on other recent water resources projects of a similar nature. CM services on these other projects have been as high as 7% to 10(+)% on other WMD projects which have been staffed with full time subconsultant field Construction Management and Construction Inspection personnel with intermittent support for the home office engineering design staff. This stated percentage of construction cost range does not include the costs of the Owner's provision of a dedicated site representative - which would be in addition to the above costs.

No "major" additional decreasing cost adjustments are anticipated to be required of the proposed CM budgets and it generally appears that SWFWMD staff have done a reasonable and effective job in negotiating and reducing earlier CM cost proposal submittals. There are several Tasks and technical disciplines and their related manhour budget requests, where additional justification for the requested budgets should be requested. Further approvals of requested manhour budgets should be negotiated for these tasks. Finally, there are a few technical disciplines where discipline participation is needed and small additional budgets should be provided.

Respectfully Submitted,
URS Corporation

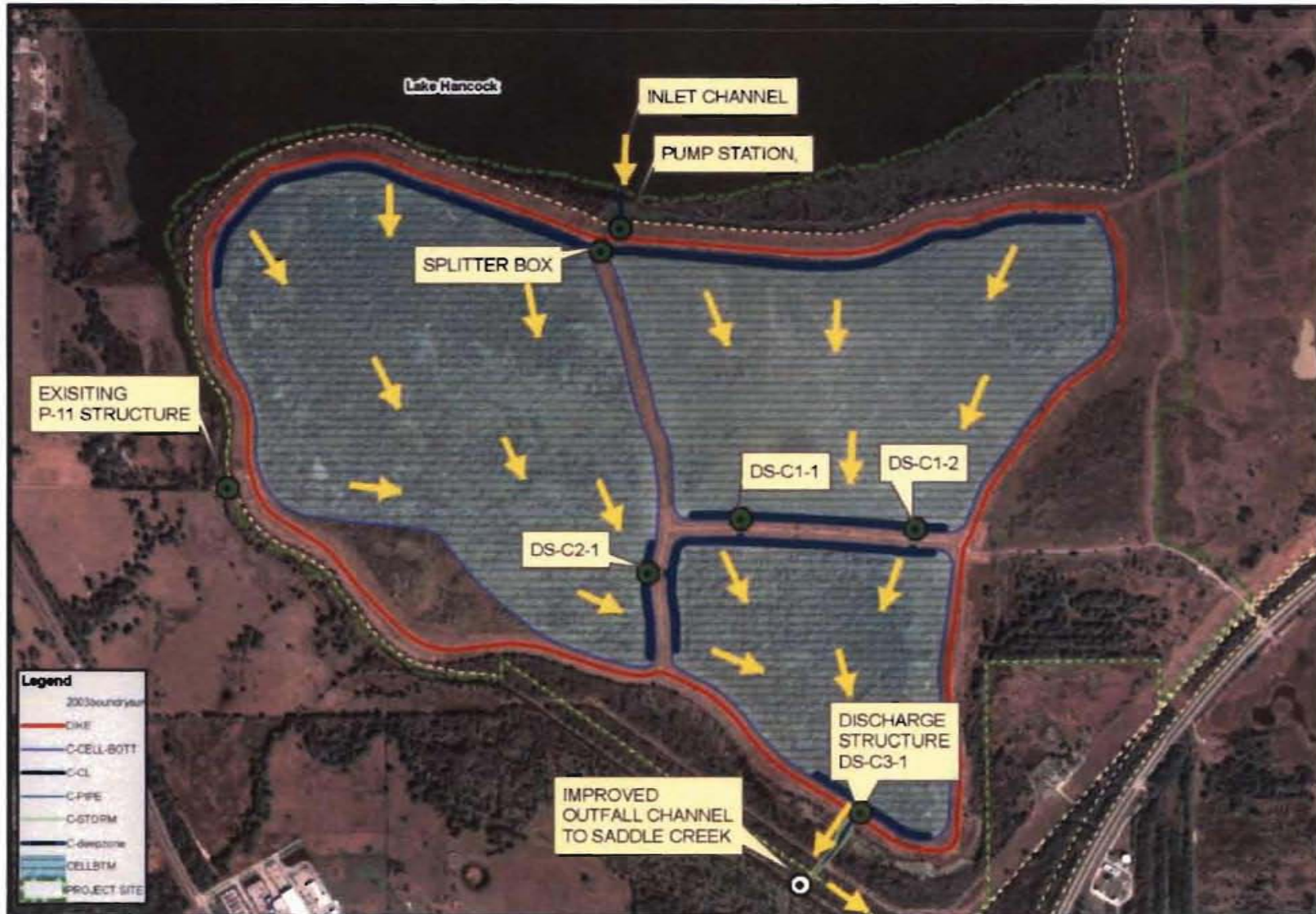


Plate 1: Lake Hancock Concept Site Plan

**Resource Management Committee
April 27, 2010**

Discussion Item

Memorandums of Understanding with Sarasota County, Appraisals, Purchase/Sale Agreement, Amend Florida Forever Work Plan and Resolution Requesting Funds – Myakka Conservation Area, SWF Parcel Nos. 21-599-105C and 21-599-106C

Purpose

The purpose of this item is to request the Governing Board:

- Accept the assignments to purchase conservation easements for SWF Parcel Nos. 21-599-105C (Walton Ranch) and SWF Parcel No. 21-599-106C (Longino Ranch), totaling approximately 7,698 acres for a total cost to the District of \$25,887,420, subject to adjustment after final survey;
- Authorize the Land Resources Director to execute Memorandums of Understanding with Sarasota County to define the parameters of an acquisition partnership for SWF Parcel Nos. 21-599-105C and 106C;
- Accept the appraisals;
- Amend the Florida Forever Work Plan to designate an inholding on the Longino Ranch as “proposed less-than-fee acquisition;”
- Authorize the Land Resources Director to execute an amendment to the 2002 Longino Perpetual Conservation Easement (SWF Parcel No. 21-599-102C) allowing for a recreational trail, if necessary;
- Approve the resolution requesting funds;
- Designate the parcels as having been acquired for conservation purposes; and
- Authorize any other instruments determined by the Office of General Counsel to be necessary for acquisition of SWF Parcel Nos. 21-599-105C and 106C.

Background/History

The Myakka Conservation Area and the RV Griffin Reserve/Lower Peace River Corridor are currently two separate regionally significant public land conservation areas within the Myakka River and Peace River watersheds. The Myakka Conservation Area consists of State, District and Sarasota County conservation landholdings totaling approximately 95,000 acres. More specifically, the landholdings that make up the current core conservation area are: Myakka River State Park; T. Mabry Carlton, Jr. Memorial Reserve; numerous lands purchased by Sarasota’s Environmentally Sensitive Lands Protection Program (ESLPP); and the District’s Myakka Prairie, Myakka State Forest, Deer Prairie Creek and Myakkahatchee Creek projects. The RV Griffin/Lower Peace River Corridor consists of District conservation lands totaling over 11,840 acres and includes the Lewis Longino Preserve, RV Griffin Reserve and Deep Creek Preserve (See exhibit 1 to this item).

If approved, the proposed Walton and Longino ranch acquisitions would add 7,698 acres and provide a critical link between these two regional conservation areas, creating a contiguous ecological core of over 114,500 acres. The parcels are characterized by improved pasture interspersed with extensive depression marshes, wet prairies, sloughs, pine flatwoods and hardwood hammock. In addition to the protection of water supplies, water quality and natural flood protection, the parcels provide critical habitat for a wide array of aquatic, terrestrial and avian wildlife species, many state or federally protected. The completion of this ecological corridor within the Myakka Conservation Area will ensure ecological connectivity on a regional scale; where native wildlife, hydrological and ecological processes can occur unimpeded across the landscape. Additionally, the acquisition completes a critical link in the regional recreational greenway network, providing the public with an uninterrupted network of hiking, multi-use and

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paddling trails stretching from the mouth of the Myakka River at Charlotte Harbor, north to the Myakka River State Park and east to the Peace River.

Proposed Land Acquisition Partnership (See exhibit 2 to this item) – On April 26, 2000, Sarasota County and the District entered into an agreement to acquire lands shared between the District's Florida Forever projects and the County's Environmentally Sensitive Lands Protection Program Priority Protection sites. County and District staff routinely conduct coordination meetings to evaluate eligible lands, determine feasibility of potential acquisitions, and establish the lead agency on negotiations. To date the District has protected 47,140 acres within Sarasota County at a total cost of more than \$107 million. The County has contributed approximately \$51 million of this total in partnership dollars. The downturn in the economy has resulted in decreased buying power of the County's ESLPP as a result of reduced ad valorem funding. Therefore, the County has proposed a partnership where the District contributes \$25,887,420 and the County contributes \$2,380,380 of the total funding for the conservation easement, subject to acreage adjustment based upon the final survey. In addition, the County is providing \$9,139,200 to acquire the underlying fee title of the Walton Ranch with the intent to surplus 2,568± acres of the fee title subject to a District/County conservation easement.

The Walton and Longino ranches are identified on both the County's ESLPP list and the District's Florida Forever Work Plan as less-than-fee acquisitions. The County has negotiated a less-than-fee acquisition of the 3,890-acre Longino Ranch at a purchase price of \$14,559,000. The proposed partnership provides that the District will contribute \$13,103,100 (90 percent) of the funding, with the County contributing \$1,455,900 (10 percent) of the purchase price of the conservation easement, subject to acreage adjustment based upon the final survey. As part of the negotiations, the County negotiated a recreational trail easement across the southern boundary of an existing conservation easement that was purchased from the Longino family by the County and the District in 2002. This trail corridor will allow a public trail that could ultimately create a public recreation experience across the entire Myakka Conservation Area from the Myakka River to the Peace River.

The owners of the Walton Ranch will only sell fee title to the 3,808-acre ranch. The County is only interested in fee ownership of the southern 1,240± acres to be used as a regional nature park and regional trail access. As proposed, the transaction will involve the District and County purchasing a conservation easement over the entire 3,808 acres for \$13,708,800. The District will contribute \$12,784,320 and the County will contribute \$924,480 of the purchase price of the conservation easement. The County's contribution represents a ten percent interest in the conservation easement on the northern 2,568± acres. The County will also purchase the remainder fee title for the entire ranch at \$9,139,200. The County will retain the underlying fee title for the southern 1,240± acres for the park, and surplus the underlying fee title on the northern 2,568± acres in three potential divisions, subject to the conservation easement held by the District and County.

Summary of Terms of the Memorandums of Understanding – In order to facilitate the partnership with Sarasota County, two Memorandums of Understanding (MOUs) are offered for the Board's consideration, one each for the Walton and Longino transactions. The Sarasota Board of County Commissioners is scheduled to consider the MOUs and options to purchase the properties at its April 14th (Walton) and April 27th (Longino) meetings. The terms for the MOUs are as follows:

Longino MOU

- If the County accepts the Assignment of the Option Agreement, the County will in turn assign the Option Agreement to the District. At the time of closing, the District will contribute \$13,103,100 and convey an undivided 10 percent interest in the perpetual conservation easement and a 50 percent interest in the recreational trail easement on the 2002 easement in consideration of the County providing payment of \$1,455,900. The final survey will be utilized to adjust this number based upon actual acreage.
- The District and County will be jointly responsible for annual monitoring of the easement.

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- If the County makes available any sale of development rights derived from the acquisition, the District's share of these proceeds will be used to purchase additional environmentally sensitive lands within Sarasota County that are identified in the District's Florida Forever Work Plan.

Walton Ranch MOU

- If the County exercises its option to purchase the Walton Ranch, it will acquire fee simple title and will grant a perpetual conservation easement to the District for a total cost of \$13,708,800. The proposed funding split provides for the District to contribute \$12,784,320 and the County to contribute \$924,480. The final survey will be utilized to adjust the total compensation based upon actual acreage. When the County surpluses the underlying fee title, the District will convey a ten percent interest in the conservation easement to the County in recognition of their financial contribution.
- The seller will be allowed to continue to occupy the property post-closing for a maximum of 120 days rent free.
- The County will retain fee simple title to the southern 1,240± acres for a trail corridor for public access, including vehicular parking, hiking, equestrian use, camping and associated facilities, and other related activities mutually agreed upon by the County and the District.
- The District and County will be jointly responsible for annual monitoring of the easement.
- If the County makes available any sale of development rights derived from the acquisition, the District's share of these proceeds will be used to purchase additional environmentally sensitive lands within Sarasota County that are identified in the District's Florida Forever Work Plan.
- The County will be responsible for the management of the land retained in fee ownership by the County, as well as the construction and maintenance of the recreational trail.

Terms and Conditions of the Perpetual Conservation Easements

Walton Ranch – The District will hold 90 percent of the less-than-fee interest and the County will hold 10 percent of the less-than-fee interest in the northern 2,568 acres. The District will hold 100 percent of the less-than-fee interest in the southern 1,240± acres and the County will own the underlying fee.

- Development rights will be conveyed to the District and the County. The property can only be divided into three divisions.
- Recreational amenities will be allowed to be constructed by the County in the southern 1,240± acres.
- Dumping, mining and wetland/cypress harvesting will be prohibited.
- Exploration and extraction of oil, gas and minerals will be prohibited.
- Natural areas will remain undisturbed.
- There will be no actions to negatively impact endangered species, archeological, cultural or historic sites.
- There will be no planting of exotics and no activities will be allowed to alter or damage waters and hydrology.
- All agricultural activities must be within the best management practices further defined in the easement and baseline documentation.
- The owner may construct access roads for the purpose of accessing agriculture operations and future residences.
- There are provisions for future agricultural operations that can be implemented if they are agreed upon by all parties and that meet the intent of the easement to protect natural areas.
- Rights reserved to Grantor:
 - To sell, give or otherwise convey the property, subject to the terms of the easement;
 - To maintain, repair and restore the existing improvements located on the property;
 - To construct or place barns, windmills, fences, water troughs or other buildings necessary to carry out the ranch operations or other permitted uses on the property;
 - To maintain and construct paths, trails and fire guards or lanes, and to maintain existing roads necessary to protect and manage the natural resources of the property, the ranch operations or permitted uses;

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- All recreational and educational rights on or related to the property, which are not inconsistent with the conservation values; the right to observe, maintain, or photograph the property;
- The right to introduce and stock native fish or wildlife on the property;
- The right to use the property for hiking, camping, horseback riding or eco-tourism; to continue to own the right to hunt and fish on the property;
- The right to grant, lease or sell the rights, or privileges reserved to Grantor contingent upon a wildlife management plan;
- To conduct controlled or prescribed burning on the property;
- To continue any and all ranch operations or other permitted uses on the property;
- To conserve and protect the natural state of the property; to protect the relatively natural habitat of the fish, wildlife, plants, while allowing certain agriculture, including the ranch operations, public recreation and to adapt the use of the property in response to unknown future circumstances with prior written approval from Grantee;
- To conduct ecological restoration, enhancement, species relocation and preservation activities and monitoring activities that may result in the preservation and/or generation of conservation credits, and to sell those conservation credits and retain all consideration from such sales;
- To construct and occupy two single-family residences in the northeastern most sections on the potential surplus parcel;
- To construct and occupy one single family residence on the northwest section, and to construct and occupy one single family residence on the west-central section; and
- To construct or install utilities, drainage and a single driveway for access to each residence.

Longino Ranch – The District will hold 90 percent of the less-than-fee interest and the County will hold 10 percent of the less-than-fee interest.

- Development rights will be conveyed to the District and the County. The property can only be divided into five divisions. The sellers will reserve the right to construct a maximum of five future residences to be located within the improved pasture as depicted in the baseline inventory. The location of the structures will not impact the sensitive resources as described in the baseline inventory.
- Dumping, mining and wetland/cypress harvesting will be prohibited.
- Exploration and extraction of oil, gas and minerals will be prohibited.
- Natural areas will remain undisturbed.
- There will be no actions to negatively impact endangered species, archeological, cultural or historic sites.
- There will be no planting of exotics and no activities will be allowed to alter or damage waters and hydrology.
- All agricultural activities must be within the best management practices further defined in the easement and baseline documentation.
- The owner may construct access roads only for the purpose of accessing agriculture operations and future residences.
- There are provisions for future agricultural operations that can be implemented if they are agreed upon by all parties and that meet the intent of the easement to protect natural areas.
- Rights reserved to Grantor:
 - To sell, give or otherwise convey the property, subject to the terms of the easement;
 - To maintain, repair and restore the existing improvements located on the property;
 - To construct or place barns, windmills, fences, water troughs or other buildings necessary to carry out the ranch operations or other permitted uses on the property;
 - To maintain and construct paths, trails and fire guards or lanes, and to maintain existing roads necessary to protect and manage the natural resources of the property, the ranch operations or permitted uses;
 - All recreational and educational rights on or related to the property, which are not inconsistent with the conservation values; the right to observe, maintain, or photograph the property; the right to introduce and stock native fish or wildlife on the property; the right to use the property for hiking, camping, horseback riding or eco-tourism; to continue to own the right to hunt and fish on the property; the right to grant, lease or sell the rights, or privileges

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- reserved to Grantor contingent upon a wildlife management plan;
- To conduct controlled or prescribed burning on the property;
- To continue any and all ranch operations or other permitted uses on the property;
- To conserve and protect the natural state of the property; to protect the relatively natural habitat of the fish, wildlife, plants, or other similar agriculture and to adapt the use of the property in response to unknown future circumstances with prior written approval from Grantee;
- To allow access to the property to the public for specified events; and
- To conduct ecological restoration, enhancement, species relocation and preservation activities and monitoring activities that may result in the preservation and/or generation of conservation credits, and to sell those conservation credits and retain all consideration from such sales.

Terms and Conditions of the Perpetual Recreational Trail Easement – Longino Ranch – The District and the County both agree that a recreational trail easement over land encumbered by the 2002 Perpetual Conservation Easement will complete the critical link in the regional recreational greenway network and provide outdoor recreational opportunities and education for the general public. In order to provide for trail development, the 2002 Perpetual Conservation Easement may need to be amended. The County will be responsible for the design, construction and maintenance of the trail. Terms include:

- Grantor agrees not to build any structures or plant any vegetation within the easement; and
- No motorized vehicles permitted except for maintenance and security of the trail.

Amendment to the Florida Forever Work Plan – An oversight in the Florida Forever Work Plan excludes a 360-acre inholding within the Longino Ranch. Staff recommends the Board amend the Florida Forever Work Plan to identify this inholding as “proposed less-than-fee acquisition” in the 2010 Plan.

These acquisitions are consistent with the District’s Florida Forever Work Plan, which specifically identifies the properties for acquisition.

Acquisition of these lands will meet the following Florida Forever program goals:

- Enhance the coordination and completion of land acquisition projects
- Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state
- Increase natural resource-based public recreational and educational opportunities.

These Florida Forever goals are consistent with the District’s goals for water resource management.

Property Description

Location and Access – Both parcels are located south of State Road 72, west of the Lewis Longino Preserve, and north of the City of North Port. Both parcels are accessible from State Road 72.

The Walton Ranch consists of approximately 69 percent uplands and 31 percent wetlands. Approximately 3,000 acres are improved for ranching operations, while the remainder consists of native cover including dry prairie, mesic hammock, herbaceous and forested wetlands, and pine flatwoods.

The Longino Ranch consists of approximately 70 percent uplands and 30 percent wetlands. Approximately 2,303 acres are improved for ranching operations, while the remainder consists of native cover including forested sloughs and freshwater marsh.

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Utilities and/or Improvements – Electricity and telephone service are available to both properties. Water is by private well and sewer is by septic.

Zoning - The current zoning on both properties is Open Use Agriculture, which allows one unit per 160 acres. The future land use on both properties is rural, which allows agriculture, silviculture, recreation, and low density residential uses with a maximum density of one unit per five acres.

Summary of Appraisals and Value Comparisons – In accordance with District policy, two appraisals were obtained for each property; from Joe String of String Appraisals Services, Inc. and Ronald M. Saba, of Hettema, Saba & Walch, LLC for the Walton Ranch and from Joe String of String Appraisals Services, Inc. and Robert Fletcher of Bass & Associates, Inc. for the Longino Ranch. The appraisals were reviewed by Kathy W. Evans, MAI, of Evans Valuation Services. The appraisal reports, which have effective dates of June and July of 2009, meet the necessary legal or District requirements and contain the appraisers' factual data leading to the value conclusion.

Highest and Best Use – The highest and best use, as determined by the appraisers, based on the physically possible, legally permissible and financially feasible uses for the Walton Ranch is for limited agricultural uses, equine activities, and recreational uses; and for the Longino Ranch limited agricultural uses, equine activities, and recreational uses.

The appraisers applied the Sales Comparison Approach (Market Approach) for the proposed conservation easement acquisitions to determine the value of both properties. The appraisers relied on recent sales of comparable property in St. Lucie, Charlotte, Hardee and Okeechobee counties. The sales were adjusted for differences that included, date of sale, location/access and physical characteristics including size and topography.

The following is a comparison of the negotiated purchase price to the appraised values for both proposed conservation easement acquisitions, as well as the proposed partnership arrangement:

Tract	Appraised Value – String	Appraised Value – Saba/ Bass	Negotiated Amount	District Share	County Share
Walton Ranch conservation easement Total (3,808± acres)	\$14,470,000	\$12,480,000	\$13,708,800	\$12,784,320	\$924,480
Per Acre	\$3,800	\$3,277	\$3,600		
Longino Ranch conservation easement Total (3,890± acres)	\$14,005,000	\$16,500,000	\$14,559,000	\$13,103,100	\$1,455,900
Per Acre	\$3,600	\$4,242	\$3,743		
Total	\$28,475,000	\$28,980,000	\$28,267,800	\$25,887,420	\$2,380,380

The negotiated price for the Walton Ranch conservation easement is approximately five percent less than the String appraisal and approximately ten percent more than the Saba appraisal. The negotiated price for the Longino Ranch conservation easement is approximately four percent more than the String appraisal and approximately 12 percent less than the Fletcher appraisal.

Benefits/Costs

Management Costs – The District's management will consist only of the annual inspection to monitor compliance with the terms of both conservation easements. The property owners will remain responsible for management costs such as fencing, prescribed burning, exotic species control, road maintenance and security for the area encumbered by the conservation easements.

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Budget Amendment – In order to accomplish this acquisition, a budget amendment is required. Please refer to the budget amendment included on the Finance Committee Consent Agenda (Fiscal Year 2010 Annual Service Budget – Second Amendment).

Funds for the acquisitions are available from the Florida Forever Trust Fund. In order for funds to be released from the Trust Fund by the Florida Department of Environmental Protection, a resolution signed by the Governing Board must accompany the request.

This item will be presented to the Manasota Basin Board as an information item at its June meeting.

Staff Recommendation:

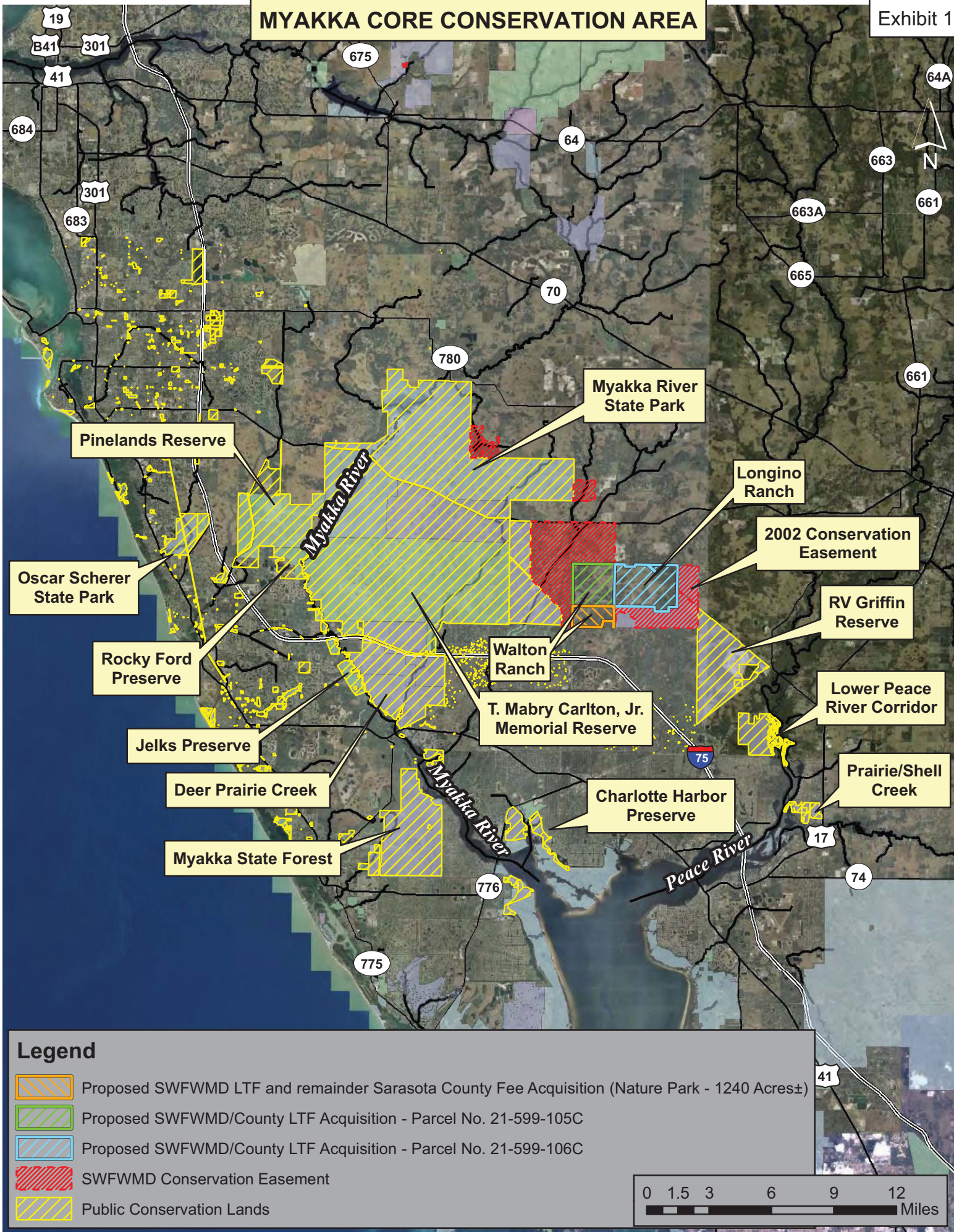
See Exhibits

- (1) Accept the assignments to purchase conservation easements for SWF Parcel Nos. 21-599-105C (Walton Ranch) and SWF Parcel No. 21-599-106C (Longino Ranch), totaling approximately 7,698 acres for a total cost to the District of \$25,887,420, subject to adjustment after final survey;
- (2) Authorize the Land Resources Director to execute Memorandums of Understanding with Sarasota County to define the parameters of an acquisition partnership for SWF Parcel Nos. 21-599-105C and 106C;
- (3) Accept the appraisals;
- (4) Amend the Florida Forever Work Plan to designate an inholding on the Longino Ranch as “proposed less-than-fee acquisition;”
- (5) Authorize the Land Resources Director to execute an amendment to the 2002 Longino Perpetual Conservation Easement (SWF Parcel No. 21-599-102C) allowing for a recreational trail, if necessary;
- (6) Approve the resolution requesting funds;
- (7) Designate the parcels as having been acquired for conservation purposes; and
- (8) Authorize any other instruments determined by the Office of General Counsel to be necessary for acquisition of SWF Parcel Nos. 21-599-105C and 106C.

Presenter: Eric Sutton, Director, Land Resources Department

MYAKKA CORE CONSERVATION AREA

Exhibit 1



MANATEE CO.
SARASOTA CO.

72

Walton Ranch

Longino Ranch

2002 Conservation Easement




SWFWMD Easement,
County Fee/Nature Park

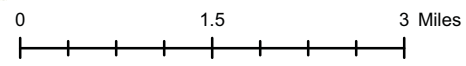
Perpetual Trail Easement

RV Griffin Reserve

769
761

DESOTO CO.

-  Perpetual Trail Easement (location approximate)
-  Proposed Acquisition
-  District Easement, County Fee/Nature Park
-  District/County Easement
-  District Conservation Easement
-  SWFWMD Fee Acquisition
-  Other Conservation Lands
-  SWFWMD Proposed Fee Acquisition
-  SWFWMD Proposed Less-than-fee Acquisition



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**Resource Management Committee
April 27, 2010**

Discussion Item

Expansion of Feral Hog Control Program on District Lands

Purpose

This is an information item only to present to the Board the status of the feral hog problem on District lands including environmental impacts, past and recent control efforts, and their affect in reducing hog populations and associated resource damage.

Background/History

Feral hogs are by far the most destructive exotic animal species on District lands. Through its high adaptability to all Florida habitats, high reproductive rate and lack of natural predators, the species has become overabundant on all District lands, despite the District's best control efforts to date. Its proclivity to root up large areas of soil daily in search of food disrupts natural habitats, surface flows, causes erosion and provides vectors for exotic plant invasion. It competes with native species for food and habitat and carries diseases that are transmittable to humans, native wildlife and domestic livestock. Since 1995, Procedure 61-9, *Control of Terrestrial Exotics on District-owned Lands (Flora and Fauna)*, has guided staff in the implementation of this program, which includes contracted trapping, public wildlife management area hog hunts and special District-administered hog hunts. Recent efforts have also been made to research and develop new alternatives such as sterilization, with mixed results.

Benefits/Costs

With the reintroduction of special hog hunts in FY2009, 2,314 feral hogs were removed from District lands, a 250 percent increase from FY2008 reductions. However, all indicators suggest that additional control efforts may be necessary to reduce and maintain populations and associated environmental damage to acceptable levels. Some options are being developed as part of the FY2011 budget development.

Staff Recommendation:

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

Presenter: Kevin W. Love, Land manager, Land Resources Department

**Resource Management Committee
April 27, 2010**

Submit & File Report

Update on the Agreement for the Management and Operation of the RV Griffin Reserve between the District and the Peace River/Manasota Regional Water Supply Authority – SWF Parcel No. 20-223-131X

Purpose

To inform the Board that, per Governing Board approval on November 26, 2007, the District's Land Resources Director will execute the Management and Operations Agreement (Management Agreement) between the District and the Peace River/Manasota Regional Water Supply Authority (Authority) for the RV Griffin Reserve (SWF Parcel No. 20-223-131X); and an agreement to terminate the existing license agreement between the District and the Authority (SWF Parcel No. 20-223-104X).

Background and History

In 1992, the District acquired the 5,914-acre RV Griffin Reserve from General Development Corporation for the purpose of expanding a water supply system located on adjoining lands owned by the Peace River/Manasota Regional Water Supply Authority. At acquisition, the District and the Authority entered into a License Agreement over approximately 2,640 acres of the Reserve for the purpose of operating the water supply system including an existing reservoir. The Authority has since operated a regional reservoir and aquifer storage and recovery system (ASR) and has completed construction of an additional six billion-gallon reservoir, the majority of which lies on District-owned property. A general location map is included in the board packet as an exhibit to this item.

To date, the District has conveyed to the Authority an exclusive easement over 1,480 acres including the footprint of the new reservoir and surrounding lands, and a non-exclusive easement over the remaining 4,434 acres of the Reserve. The non-exclusive easement encompasses a 1,371-acre mitigation area required by the Florida Department of Environmental Protection (DEP) to offset wetland impacts during reservoir construction. The District has also conveyed a conservation easement over the mitigation area to the DEP. The District and the Authority have agreed on terms of a Management Agreement under which the Authority will be responsible for the management of natural resources and land use activities on the Reserve. While the Authority is inherently responsible for management of property within the exclusive easement, the Management Agreement encompasses the remaining 4,434 acres. The significant aspects to the Management Agreement are listed below:

- The term on the Management Agreement is for 20 years with a mutual option to extend for an additional 20-year term.
- The Authority, at its expense, will assume all management responsibilities for the Reserve, including but not limited to, natural resource management, security and public access and recreation.
- The District and the Authority agree that the existing cattle grazing/haying lease serves as a valuable tool for natural resource management on the Reserve and the District will assign its rights and responsibilities under the lease to the Authority.
- The Authority will be solely responsible for reaching mitigation success criteria.
- The Authority will be responsible for providing a land use and management plan and annual work plans for District approval.

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- The Authority will restore a 200-acre Bahia pasture that is located within the area under a conservation easement where cattle grazing is prohibited.
- The Management Agreement will supersede the License Agreement dated January 28, 1992, between the District and the Authority; accordingly, the License Agreement will be terminated.

Benefits and Costs

The Authority will assume all costs associated with the management of the RV Griffin Reserve. Management costs include, but are not limited to, fencing, prescribed burning, exotic species control, resource monitoring, road maintenance, resource protection, restoration, contract administration and maintenance of recreational amenities.

Staff Recommendation:

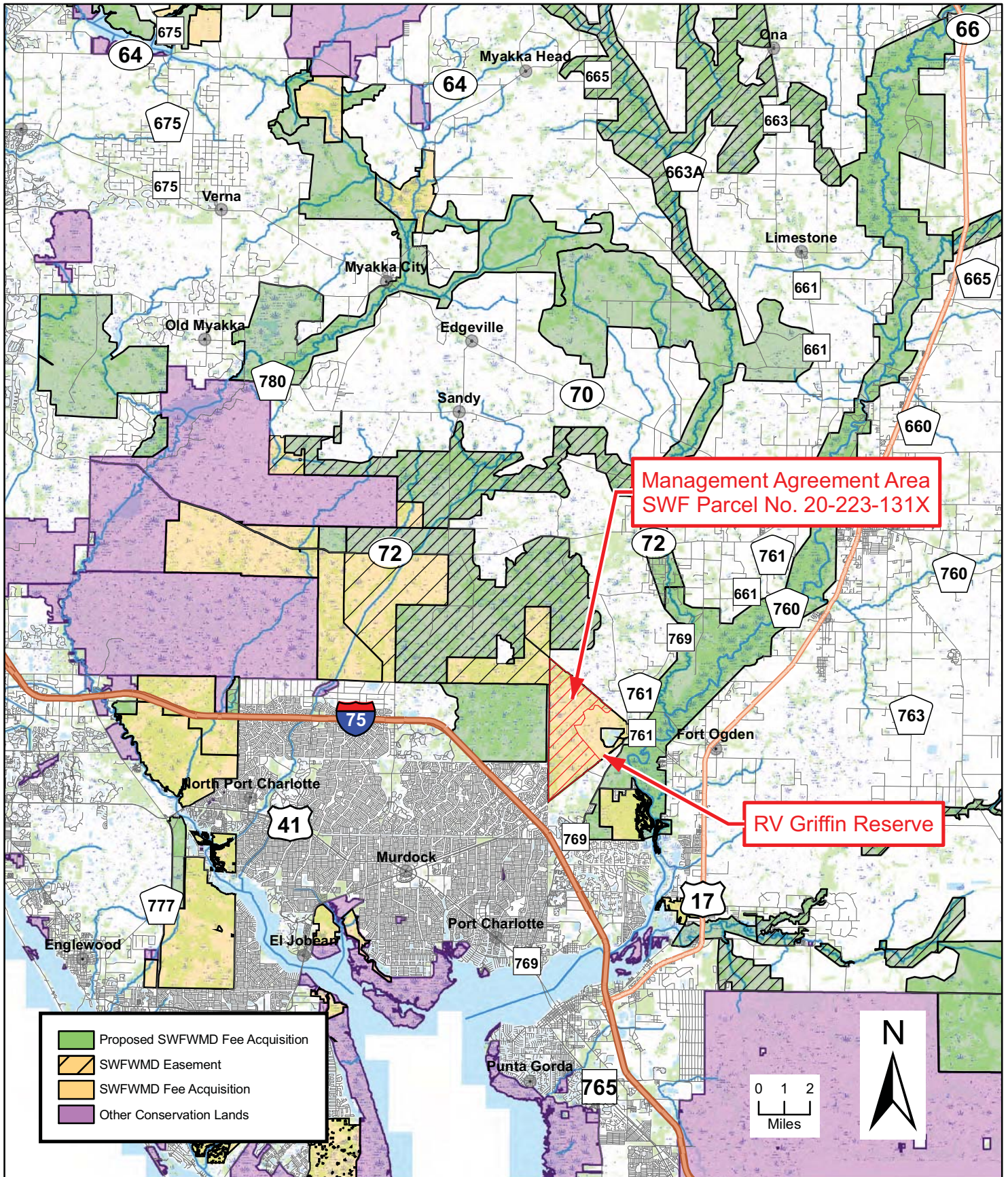
See Exhibit

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

Presenter: Eric Sutton, Director, Land Resources Department

Management Agreement between the District and the Peace River/Manasota Regional Water Supply Authority

SWF Parcel No. 20-223-131X



**Resource Management Committee
April 27, 2010**

Submit & File Report

Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for Chassahowitzka River System

Purpose

To present, for information only, the recommended minimum flows for the Chassahowitzka River System and summarize the methodologies used to develop the recommendation.

Background/History

The Chassahowitzka River System is located on the west coast of Florida in Hernando and Citrus counties approximately 17 miles northwest of Brooksville. The headwater for the Chassahowitzka River is the Chassahowitzka Main Spring, but more than a dozen springs discharge additional Floridan aquifer flow into the Chassahowitzka River. The river receives a small amount of surface runoff from its 89 square mile watershed, but the overwhelming majority of flow arises from the 180 square mile springshed that produces a relatively constant discharge with little seasonal variation. The river flows 5.6 miles from the headspring to the Gulf of Mexico at Chassahowitzka Bay. It is designated an "Outstanding Florida Water," and the lower half of the river is part of the approximately 31,000-acre Chassahowitzka National Wildlife Refuge. For purposes of establishing a Minimum Flow and Level (MFL), the main river, all named and unnamed springs and contributing tributaries, and Blind Spring are considered part of the river system.

The main river is tidally influenced to the main spring. There is minimal development below the main spring but above the main spring, canals have been constructed and there is a small enclave of residences. Estimated discharge from the main spring has averaged 63 cubic feet per second (cfs) for the period 1967-2007.

Purpose/Approach

The purpose of establishing the minimum flow is to maintain a sufficient freshwater flow to the system to prevent significant harm to resources. A broad spectrum of ecological resources were identified and evaluated for sensitivity to reduced flows using both numeric models and empirical regressions. Estuarine resources evaluated included the amount of saline habitat, fish and invertebrates, benthic communities, shoreline, mollusks and thermal habitat for the West Indian manatee. Break points in ecological response were not observed, and a 15 percent loss of resource or habitat was adopted as representative of significant harm. Declines due to groundwater withdrawals were estimated to be approximately one cfs and insignificant compared to the average flow. Twenty-nine estuarine component scores representing individual taxa or habitat evaluations were computed. Surface runoff contributes relatively little flow to the system and the discharge from the springs is relatively constant. Consequently, seasonal evaluation of the MFL criteria was not conducted.

The recommended MFL is to limit reductions in Chassahowitzka River flow to 11 percent of the baseline flow (i.e., unaffected by withdrawals). The basis of the recommended MFL is contained in the report *Chassahowitzka River System Recommended Minimum Flows and Levels* attached as Exhibit A in the Board's meeting information.

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Benefits/Costs

The minimum flows recommended by the analysis are to assure that the natural resources associated with the Chassahowitzka River System are protected from significant harm from consumptive water use.

The next step toward establishing the minimum flow is a peer review of the proposed minimum flows by an independent scientific panel. The panel will conduct their review and report to the Governing Board at a future meeting. Following a favorable peer review report, staff will return to the Board with proposed rule language to establish the minimum flow.

Staff Recommendation:

See Report

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

Presenter: Mike Heyl, Chief Environmental Scientist, Resource Projects Department

**Resource Management Committee
April 27, 2010**

Routine Report

Florida Forever Funding

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, Director, Land Resources Department

Southwest Florida Water Management District
 Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Florida Forever Funds Available -- Inception to Date	\$ 254,163,581					Includes \$13,170,753 from the Water Management Lands Trust Fund, \$3,182,719 from the P2000 Trust Fund and \$5,310,109 from FDOT mitigation	
Completed Acquisitions							
Panasoffkee/Outlet Tract - Gibbons (19-441-105)		Preservation	\$ 74,758	10		Closed 01/18/2001	
Annuteliga 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	
Annuteliga 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	
Annuteliga 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	
Annuteliga 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	

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Southwest Florida Water Management District
Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	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 funds	
Flying Eagle - Keough (19-334-137)		Preservation	25,535	20		Closed 10/12/2006	
Lake Hancock - Kent (20-503-122)		Water resource dev - land acq	3,726,950	370		Closed 10/26/2006	
Green Swamp - Raulerson (10-200-1258)		Preservation	400,000	20		Closed 04/13/2007	
Annutteliga Hamock - O'Brien (15-228-1288)		Preservation	87,000	3		Closed 07/13/2007	
Annutteliga Hamock - Tye (15-228-1287)		Preservation	570,000	30		Closed 07/13/2007	
Lake Hancock - Powell (20-503-152)		Water resource dev - land acq	30,000	2		Closed 07/26/2007	
Lower Hillsborough FDA - Guerard (13-300-110)		Preservation	1,750,000	70		Closed 09/06/2007	
Green Swamp West - Barnes (19-410-123C)		Preservation	1,125,000		300	Closed 10/30/2007	
Gum Slough - King/Phebus (19-193-195)		Preservation	94,500	35		Closed 11/25/2007	
Myakkahatchee Creek - Carlton (21-694-102 and 103C)		Preservation	19,746,592	4,744	7,626	Closed 12/20/2007 - used Florida Forever & FDOT mitigation funds	
Lake Hancock - Hampton (20-503-103)		Water resource dev - land acq	37,175,000	2,036		Closed 4/30/2008	
Annutteliga Hammock - Hadley (15-228-1290)		Preservation	90,211	5		Closed 6/26/2008	
Lower Manatee River Floodway - Green (21-602-110)		Preservation	987,915	43		Closed 7/31/2008	
Myakka Prairie - Harrison (21-199-109C)		Preservation	818,730		663	Closed 9/11/2008	
Green Swamp - Vegso (10-200-1005)		Preservation	2,500	3		Closed 9/30/2008	
Weekiwachee Preserve - Aripeka Heights (15-773-143)		Preservation	2,175,000	210		Closed 10/8/2008	
Annutteliga Hammock - Koblis (15-228-1294)		Preservation	95,000	5		Closed 10/15/2008	
Annutteliga Hammock - Reid (15-228-1296)		Preservation	119,723	6		Closed 11/14/2008	
Annutteliga Hammock DeGolden (15-228-258)		Preservation	444,999	40		Closed 11/25/2008	
Annutteliga Hammock - Both (15-228-1293)		Preservation	11,057	6		Closed 12/23/2008	
Annutteliga Hammock - O'Ryan (15-228-1295)		Preservation	263,550	13		Closed 12/23/2008	
Crooked Lake - Stuart (20-697-101)		Restoration - land acq	5,367,292	3,508		Closed 12/30/2008	
Crooked Lake - Britt (20-697-102)		Restoration - land acq	147,500	77		Closed 6/2/2009	
Upper Hillsborough - Schaper (10-400-167)		Preservation	570,000	33		Closed 7/10/2009	

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Southwest Florida Water Management District
Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Annuteliga Hammock (6 mega-parcels)		Preservation	157,195	14		Closed 11/2009	
Myakka Prairie - Hullinger (21-199-110C)		Preservation	500,000		588	Closed 11/4/2009	
Myakka Prairie - Carithers (21-199-106C)		Preservation	204,500		233	Closed 2/18/2010	
Myakka Prairie - Chapman (21-199-107C)		Preservation	162,500		185	Closed 2/18/2010	
Annuteliga Hammock (2 mega-parcels)		Preservation	59,335	5		Closed 3/25/2010	
Subtotal Completed Parcels/Projects			\$ 202,540,492	38,979	21,274		
Subtotal Funds Available	\$ 51,623,089						
Parcels/Projects Approved By Board (Funds Encumbered within DEP Trust Fund)							
South Saddle Creek Restoration and Water Quality Treatment Project		Restoration - capital improvement	\$ 13,435,446	N/A	N/A	Funds encumbered	
Subtotal Parcels/Projects Approved By Board			\$ 13,435,446	-	-		
Subtotal Funds Available	\$ 38,187,643						
Ongoing Acquisitions/Projects							
Annuteliga Hammock (2 parcels)		Preservation		20		Negotiating with owners	TBD
Brooker Creek - O'Rourke (14-074-158)		Preservation		1,725		On hold	TBD
Flying Eagle - Windam (19-334-145)		Preservation		400		On hold	TBD
Halpata Tastanaki Preserve - Cannon (19-733-117)		Preservation		40		On hold	TBD
Lower Peace River Corridor - Fredrick (20-695-105)		Preservation			700	On hold	TBD
Myakka Conservation Area - Walton (21-599-105C)		Preservation			3,890	Scheduled for April Governing Board	Apr-10
Myakka Conservation Area - Longino (21-599-106C)		Preservation			3,808	Scheduled for April Governing Board	Apr-10
Myakka Prairie - Horton (21-199-108C)		Preservation			1,235	Partnership with NRCS; scheduled subject to availability of federal funds	TBD
RV Griffin Reserve - McCall (21-599-101)		Preservation		5,776		On hold	TBD
Starkey Wilderness Preserve - Starkey (16-010-038)		Preservation		2,345		Discussing acquisition options	TBD
Three Sisters Springs (15-347-123)		Restoration - land acq		56		Partnership between City of Crystal River, US Fish & Wildlife Service, Florida Communities Trust (FCT), FCT presented offer	TBD
Upper Myakka - Hollingsworth (21-598-111)		Restoration- land acq		1,200		Negotiating with owner	TBD
Weekiwachee Preserve - Boat Springs (15-773-144)		Preservation		64		On hold	TBD
Subtotal Ongoing Acquisitions/Projects			\$ 56,065,575	11,626	9,633		
Grand Total	\$ (17,877,932)		\$ 272,041,513	50,605	30,907		

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 Committee
April 27, 2010**

Routine Report

Minimum Flows and Levels

District staff continues to work on various phases of Minimum Flows and Levels (MFLs) development for water bodies 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 – Water Body Timelines report that identifies the status of each water body in regard to our five phase process of MFL establishment.

Staff Recommendation:

See Exhibit

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

Presenter: Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director,
Resource Projects Department

*Board Adopted 2010 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
2009					
Anclote River System	completed	completed	completed	Recovery	Dec 2009
Lower Peace River Estuary	completed	completed	completed	NA	Initiated June 2009
2010					
Chassahowitzka River System and Springs	completed	completed	ongoing	TBD	Jun 2010
Gum Springs Group	completed	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Homosassa River System and Springs	completed	Jun 2010	Aug 2010/ Nov 2010	TBD	Dec 2010
Little Manatee River System	completed	Apr 2010	May 2010/ Aug 2010	TBD	Oct 2010
Lower Myakka River System	completed	Nov 2009	Jan 2010 / May 2010	TBD	July 2010
Manatee River System	completed	Feb 2010	Jun 2010 / Sep 2010	TBD	Dec 2010
Northern Tampa Bay - Phase II	Jan 2010	May 2010	Jul 2010 / Oct 2010	Recovery	Nov 2010
Middle and Upper Withlacoochee River System (Green Swamp)	completed	May 2010	Jul 2010 / Oct 2010	TBD	Nov 2010
Rainbow Springs	completed	completed	May 2010 / Aug 2010	TBD	Oct 2010
Shell Creek Estuary	completed	completed	completed	Recovery	Dec 2010
2011					
Brooker Creek	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Crystal River System	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Kings Bay Spring	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Lower Withlacoochee River System	Jan 2011	May 2011	Jul 2011 / Oct 2011	TBD	Nov 2011
Pithlachascotee River System	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
2012					
Charlie Creek (Peace River drainage)	Jan 2012	May 2012	Jul 2012 / Oct 2012	TBD	Nov 2012
Horse Creek (Peace River drainage)	Jan 2012	May 2012	Jul 2012 / Oct 2012	TBD	Nov 2012
North Prong Alafia River	Jan 2012	May 2012	Jul 2012 / Oct 2012	TBD	Nov 2012
South Prong Alafia River	Jan 2012	May 2012	Jul 2012 / Oct 2012	TBD	Nov 2012
2013					
Prairie Creek (Peace River drainage)	Jan 2013	May 2013	Jul 2013 / Oct 2013	TBD	Nov 2013
Shell Creek (Peace River drainage)	Jan 2013	May 2013	Jul 2013 / Oct 2013	TBD	Nov 2013
2014					
Cypress Creek	Jan 2014	May 2014	Jul 2014/ Oct 2014	TBD	Nov 2014

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.

* Waterbodies completed through Phase 5 will be removed from this list and added to the *Minimum Flows and Levels Established to Date* list when the priority list is updated each year.

Board Adopted 2010 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
2009					
Polk County Lakes Hancock	completed	Nov 2009	NA	completed	Dec 2009
2010					
Hillsborough County Lakes					
Raleigh	completed	Aug 2010	completed	completed	Dec 2010
Rogers	completed	Aug 2010	completed	completed	Dec 2010
Starvation	completed	Aug 2010	completed	completed	Dec 2010
Wimauma	June 2010	Aug 2010	NA	TBD	Dec 2010
Polk County Lakes					
Crystal (near Lake Wales)	June 2010	Aug 2010	NA	TBD	Dec 2010
North Lake Wales	June 2010	Aug 2010	NA	TBD	Dec 2010
2011					
Hillsborough County Lakes					
Carroll	June 2011	Aug 2011	NA	TBD	Dec 2011
Hooker	June 2011	Aug 2011	NA	TBD	Dec 2011
Marion County Lakes					
Bonable	June 2011	Aug 2011	NA	TBD	Dec 2011
Little Bonable	June 2011	Aug 2011	NA	TBD	Dec 2011
Tiger	June 2011	Aug 2011	NA	TBD	Dec 2011
Polk County Lake					
Lowery	June 2011	Aug 2011	NA	TBD	Dec 2011
2012					
Hillsborough County Lakes					
Hanna	June 2012	Aug 2012	NA	TBD	Dec 2012
Keene	June 2012	Aug 2012	NA	TBD	Dec 2012
Kell	June 2012	Aug 2012	NA	TBD	Dec 2012
Polk County Lakes					
Amoret	June 2012	Aug 2012	NA	TBD	Dec 2012
Aurora	June 2012	Aug 2012	NA	TBD	Dec 2012
Bonnet	June 2012	Aug 2012	NA	TBD	Dec 2012
Easy	June 2012	Aug 2012	NA	TBD	Dec 2012
Effe	June 2012	Aug 2012	NA	TBD	Dec 2012
Little Aurora	June 2012	Aug 2012	NA	TBD	Dec 2012
Josephine	June 2012	Aug 2012	NA	TBD	Dec 2012
2013					
Hernando County Lakes					
Tooke	June 2013	Aug 2013	NA	TBD	Dec 2013
Whitehurst	June 2013	Aug 2013	NA	TBD	Dec 2013

* Waterbodies completed through Phase 5 will be removed from this list and added to the *Minimum Flows and Levels Established to Date* list when the priority list is updated each year.

Minimum Flows and Levels Established to Date

- Alafia River (upper freshwater segment)
- Alafia River Estuary (includes Lithia and Buckhorn Springs)
- Braden River (freshwater segment)
- Citrus County Lakes - Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Dona Bay (Cow Pen Slough/Canal)
- Hernando County Lakes - Hunters, Lindsey, Mountain, Neff, Spring and Weekiwachee Prairie
- Highland County Lakes – Angelo, Anoka, Denton, Jackson, Little Lake Jackson, June-in-Winter, Letta, Lotela, Placid, Tulane, and Verona
- Hillsborough County Lakes – Alice, Allen, Barbara, Bird, Brant, Calm, Charles, Church, Crenshaw, Crescent, Crystal, Cypress, Dan, Deer, Dosson, Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Harvey, Helen, Hobbs, Horse, Jackson, Juanita, Little Moon, Merrywater, Mound, Platt, Pretty, Rainbow, Reinheimer, Round, Saddleback, Sapphire, Stemper, Strawberry, Sunset, Sunshine, Taylor and Virginia.
- Hillsborough River (lower segment)
- Hillsborough River – upper segment (including Crystal Spring)
- Levy County Lake - Marion
- Northern Tampa Bay - 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Floridan Aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish, Bird, Buddy, Camp, Clear, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon, Padgett, Parker aka Ann, Pasadena, Pasco, Pierce, unnamed #22 aka Loyce
- Peace River (middle segment)
- Peace River (upper segment – "low" minimum flows)
- Polk County Lakes – Annie, Bonnie, Clinch, Crooked, Dinner, Eagle, Lee, Mabel, McLeod, Parker, Starr, Venus, and Wales
- Myakka River (upper freshwater segment)
- Sulphur Springs (Hillsborough County)
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka and Panasoffkee
- SWUCA – Floridan Aquifer
- Tampa Bypass Canal
- Weekiwachee River System and Springs
(includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)

Resource Management Committee April 27, 2010

Routine Report

Structure Operations

March historically marks the sixth month of the 8-month dry season and provisional rainfall totals for the month show accumulations in the upper-normal or above-normal range in all regions of the District. Analysis of dry-season rainfall shows October through March totals to be above the historic mean in all regions of the District.

Rainfall during the month was regionally variable and associated with the passage of a series of cold front systems moving across the District. The provisional twelve-month District-wide rainfall accumulation indicates that rainfall conditions have shifted from deficit into surplus conditions. The 12-month accumulation through the end of March now shows a surplus of approximately 7.11 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed good improvement during March, ending the month approximately 3.79 and 11.21 inches, respectively, below the historic average.

In response to the high rainfall totals, all hydrologic indicators showed improvement during March, with regional groundwater levels and streamflow conditions in regional index rivers ending the month within the normal or above-normal range of historic values. Regional lake levels improved, ending the month within the annual normal range in the Tampa Bay region, but remained at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District through June 2010, due to the presence of but diminishing El Niño conditions in the Pacific Ocean. Continued above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts, and will be needed for lake levels in the Northern, Polk Uplands and Lake Wales regions to fully recover from the multi-year drought.

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

Rainfall

Provisional rainfall totals for the month, as of March 31st, were above-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- The northern region received an average of 8.01 inches of rainfall, equivalent to the 93rd percentile.
- The central region received 7.06 inches of rainfall, equivalent to the 93rd percentile.
- The southern region recorded an average of 6.81 inches of rain, equivalent to the 93rd percentile.
- District-wide, average rainfall was 7.23 inches, equivalent to the 94th percentile.

A summary of the operations made in March is as follows:

Item 42

- Inglis Water Control Structures: The Inglis Bypass Spillway was operated during the month of March in order to maintain water levels in Lake Rousseau and provide flow to the lower Withlacoochee River. The average monthly water level for Lake Rousseau was 27.65' NGVD. The recommended maintenance level for the reservoir is 27.50' NGVD.
- Withlacoochee River Basin: All water conservation structures are open on the Tsala Apopka Chain of Lakes with the exception of S-353, Van Ness and Brogden Culvert allowing river water into the system. Structure gates were operated to equally share incoming river water between the chain of lakes. The Wysong-Coogler Water Conservation Structure main and low flow gates are in the fully open position at 34.00' NGVD to provide flow to the Withlacoochee River downstream of the structure and aid in lowering the elevation of Lake Panasoffkee, promoting increased light penetration to submerged aquatic vegetation growth and improved water clarity. The average monthly water level for Lake Panasoffkee was 39.50' NGVD.
- Alafia River Basin: The Medard Reservoir remained lowered for the month of March as work continues on the Medard Reservoir Embankment Rehabilitation Project. The current water level of the Medard Reservoir is 48.70' NGVD. Structure improvements at Medard are complete.
- Hillsborough River Basin: Structures A and G, Flint Creek, Pretty, Armistead, Ellen-Lipsey, Island Ford, Crescent, Keystone, Keene 2, Sherry's Brook, Hanna, and Stemper structures were operated during the month of March to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Thonotosassa was 36.42' NGVD compared to the recommended maintenance level of 36.50' NGVD.
- Pinellas-Anclote River Basin: The Lake Tarpon and the Sawgrass Structures were operated during the month of March to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Tarpon was 3.27' NGVD compared to the recommended maintenance level of 3.20' NGVD.
- Peace River Basin: There were no structures operated during the month of March. The average monthly water level for Lake June-in-Winter was 73.92' NGVD compared to the recommended maintenance level of 75.00' NGVD.
- Green Swamp: The Lake Gibson Structure was operated during the month of March in order to maintain recommended maintenance levels. The average monthly water level for Lake Gibson was 143.0' NGVD. The recommended maintenance level for the lake is 143.0' NGVD.

Staff Recommendation:

See Exhibit

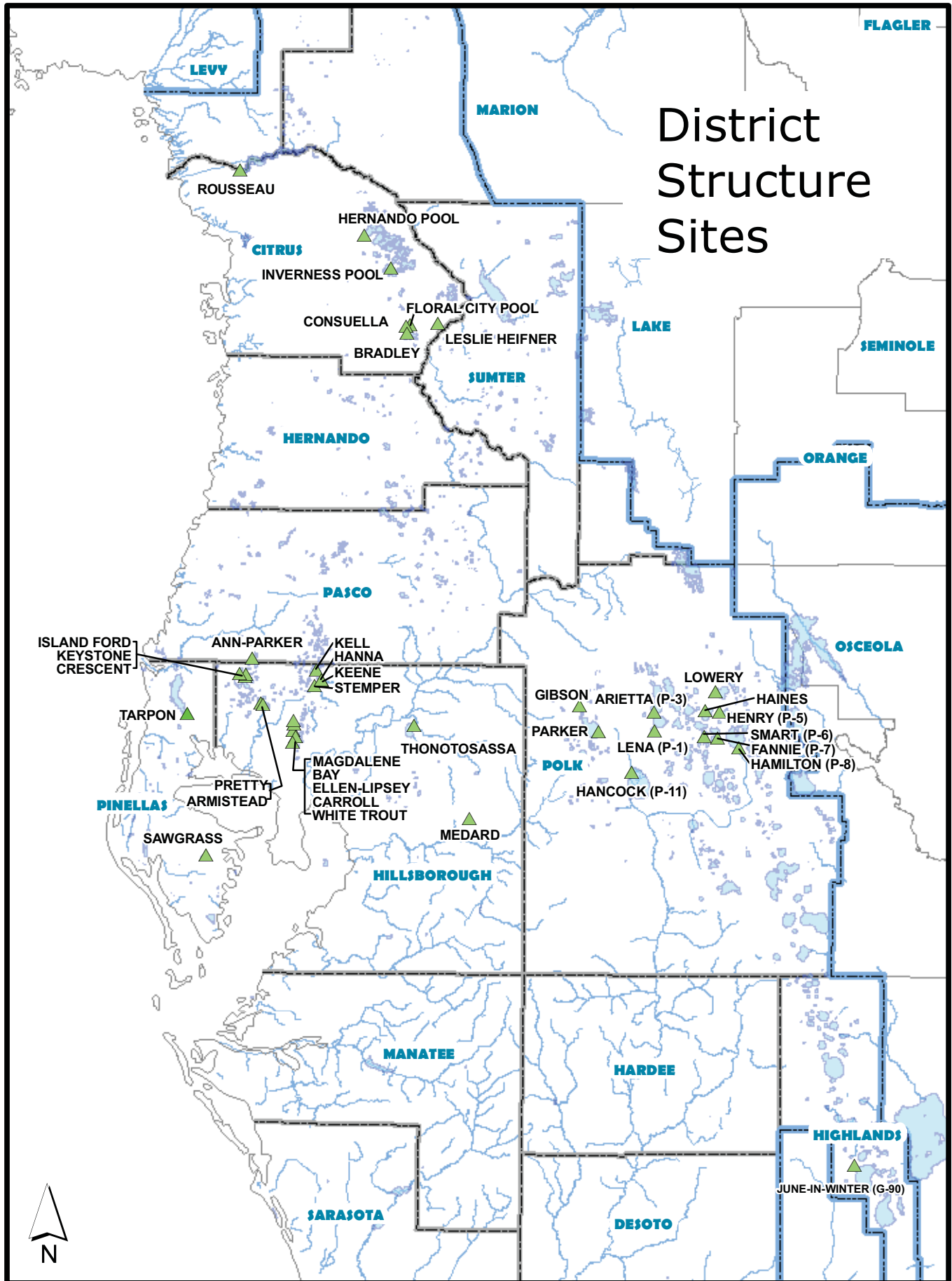
This item is provided for the Committee's information, and no action is required.

Presenter: David Crane, Manager, Structure Operations Section

STRUCTURE OPERATIONS SECTION HYDROLOGIC REPORT

April 6, 2010

STRUCTURE	ELEVATION LEVELS	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE	STRUCTURE	ELEVATION LEVELS	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE	
FLINT CREEK			36.51	Gate 1 Closed	FLORAL CITY POOL			40.59		
HIGH LEVEL	37.00	-0.49		Gate 2 Closed	HIGH GUIDE LEVEL	41.80	-1.21		Leslie Heifner Open	
MAXIMUM DESIRABLE	36.50	0.01		All drop gates: 36.00' MSL	HIGH MIN LEVEL	41.20	-0.61		Floral City Fully Open	
LOW LEVEL	34.50	2.01	invert 32.9'		MIN LAKE LEVEL	39.80	0.79	Golf Course	Golf Course All Gates Open	
					LOW GUIDE LEVEL	39.60	0.99	invert 38.0'	Moccasin Slough Open	
KELL			65.70	Open (No Boards)	INVERNESS POOL			39.44		
HIGH LEVEL	66.00	-0.30			HIGH GUIDE LEVEL	40.30	-0.86		Brogden Bridge Open	
MAXIMUM DESIRABLE	65.50	0.20			HIGH MIN LEVEL	40.10	-0.66	Brogden Bridge	Brogden Culvert Closed	
LOW LEVEL	63.50	2.20	invert 64.66'		MIN LAKE LEVEL	38.70	0.74	invert 34.25'	Bryant Slough gates Closed	
					LOW GUIDE LEVEL	37.80	1.64			
KEENE			62.42	Keene 1: Open (No Boards)	HERNANDO POOL (S353)			37.90		
HIGH LEVEL	63.00	-0.58		Keene 2: Open (6" of Board)	HIGH GUIDE LEVEL	39.00	-1.10			
MAXIMUM DESIRABLE	62.50	-0.08	1-invert 61.6'	Keene 3: Open (No Boards)	HIGH MIN LEVEL	38.70	-0.80	S-353	Van Ness closed	
LOW LEVEL	60.50	1.92	2-invert 61.6'	Sherry's Brook: 18" of Board In	MIN LAKE LEVEL	37.30	0.60	invert 36.5'	S-353 gates closed	
					LOW GUIDE LEVEL	35.90	2.00			
STEMPER			61.27	4" of Board Installed	Two Mile Prairie (max)	35.00	-10.10	24.90		
HIGH GUIDE LEVEL	61.20	0.07								
HIGH MIN LEVEL	60.80	0.47								
MIN LAKE LEVEL	59.40	1.87	invert 60.25'							
LOW GUIDE LEVEL	59.10	2.17								
HANNA			61.62	18" of Board Installed	LESLIE HEIFNER			41.21	Upstream (RIVER level)	
HIGH LEVEL	62.50	-0.88			UPSTREAM	40.04		41.09	Downstream (POOL level)	
MAXIMUM DESIRABLE	61.75	-0.13			DOWNSTREAM	40.03	0.01		Gate Fully Open	
LOW LEVEL	59.50	2.12	invert 60.28'					invert 35.0'		
CYPRESS CREEK	Flood Stage				WYSONG-COUGLER			38.11	Main Gate At 34.08'	
WORTHINGTON GARDENS	8.00	-3.65	4.35	Drop gate open 3.0'	UPSTREAM	39.50	-1.39	38.13	Low Flow Gate at 34.03'	
					DOWNSTREAM				1120 USGS Total cfs flow	
SAWGRASS LAKE			4.83	Gate 1 Open	INGLIS			27.64		
HIGH LEVEL	5.00	-0.17		Gate 2 Closed	HIGH LEVEL	28.00	-0.36		By-pass Gates Open 3.93	
LOW LEVEL	3.80	1.03		Gate 3 Closed	MAXIMUM DESIRABLE	27.50	0.14		Main Gates Open to 0.20	
					LOW LEVEL	26.50	1.14	invert 11.3'	1147 Total Bypass cfs flow	
TARPON (S551)			3.30	Main gates Closed	LAKE BRADLEY			40.25	313 Total Main cfs Flow	
HIGH LEVEL	3.80	-0.50		Drop gates 1,2,3 at 3.00'	MAXIMUM DESIRABLE	42.50	-2.25		Gate Fully Open	
MAXIMUM DESIRABLE	3.20	0.10		Drop gate 4 at 3.20 (not working)						
LOW LEVEL	2.20	1.10			LAKE CONSUELLA			36.91	Logs out Open	
					MAXIMUM DESIRABLE	41.50	-4.59			
ANNE PARKER			48.01	36" of Board Installed	MEDARD RESERVOIR			51.99	Gate Fully Open	
HIGH LEVEL	48.75	-0.74			MAXIMUM DESIRABLE	60.00	-8.01		Lowered for Berm Repair	
MAXIMUM DESIRABLE	48.25	-0.24								
LOW LEVEL	45.75	2.26	invert 46.40'		HANCOCK (P11)			98.23	Gauge at structure	
					HIGH LEVEL	99.00	-0.77		98.15	Gauge on lake
WHITE TROUT			35.54	18" of Board Installed	MAXIMUM DESIRABLE	98.50	-0.27			
HIGH LEVEL	36.50	-0.96			LOW LEVEL	96.00	2.23	invert 91.7'	Gate Closed	
MAXIMUM DESIRABLE	36.00	-0.46								
LOW LEVEL	34.00	1.54	invert 32.94'		HENRY (P5)			125.72	LRLMD	
					HIGH LEVEL	126.50	-0.78			
KEYSTONE			41.67	Both Closed (Manually)	MAXIMUM DESIRABLE	126.00	-0.28			
HIGH LEVEL	42.00	-0.33		(Structure Inoperable)	LOW LEVEL	124.00	1.72	invert 122.0'		
MAXIMUM DESIRABLE	41.75	-0.08								
LOW LEVEL	39.75	1.92	invert 37.2'		SMART (P6)			125.21	LRLMD	
					HIGH LEVEL	128.75	-3.54			
CRESCENT			42.05	Gate Closed	MAXIMUM DESIRABLE	128.50	-3.29			
HIGH GUIDE LEVEL	41.90	0.15			LOW LEVEL	126.50	-1.29	invert 127.2'		
HIGH MIN LEVEL	41.30	0.75								
MIN LAKE LEVEL	40.30	1.75	invert 38.5'		FANNIE (P7)			120.84	LRLMD	
LOW GUIDE LEVEL	39.80	2.25			HIGH LEVEL	125.75	-4.91			
					MAXIMUM DESIRABLE	125.50	-4.66			
ISLAND FORD			41.09	Gates 1&3 Open 0.30'	LOW LEVEL	123.50	-2.66	invert 119.5'		
HIGH LEVEL	41.50	-0.41		Gate 2 Open 0.50'						
MAXIMUM DESIRABLE	41.00	0.09			HAMILTON (P8)			119.45	LRLMD	
LOW LEVEL	39.00	2.09	crest 41.25'		HIGH LEVEL	121.50	-2.05			
					MAXIMUM DESIRABLE	121.25	-1.80			
PRETTY			44.59	Lift Gate Closed	LOW LEVEL	119.00	0.45	invert 110.5'		
HIGH LEVEL	45.50	-0.91		Drop Gate at 1.00'						
MAXIMUM DESIRABLE	44.50	0.09			LENA (P1)			134.89	Gates closed	
MIN LAKE LEVEL	42.75	1.84	invert 38.0'		HIGH LEVEL	137.00	-2.11			
LOW GUIDE LEVEL	42.20	2.39			MAXIMUM DESIRABLE	136.75	-1.86			
					LOW MANAGEMENT	134.50	0.39	invert 134.47'		
MAGDALENE			49.47	Lake gauge	JUNE-IN-WINTER (G90)			74.22	Gates Closed	
HIGH LEVEL	50.00	-0.53	49.48	Structure gauge	HIGH LEVEL	75.50	-1.28		Overflow at 75.25' MSL	
MAXIMUM DESIRABLE	49.50	-0.03			MAXIMUM DESIRABLE	75.00	-0.78			
LOW MANAGEMENT	47.50	1.97	invert 45.6'	Gates Closed	LOW LEVEL	73.00	1.22	invert 65.37'		
BAY			45.60	Gates Closed	ARIETTA (P3)			139.02	Gate closed	
HIGH LEVEL	46.75	-1.15			HIGH LEVEL	144.00	-4.98			
MAXIMUM DESIRABLE	46.00	-0.40			MAXIMUM DESIRABLE	142.50	-3.48			
LOW LEVEL	44.00	1.60	invert 44.0'		LOW LEVEL	141.00	-1.98	invert 137.4'		
ELLEN-LIPSEY			40.59	Structure Gauge	GIBSON			142.83	Gate Closed	
HIGH LEVEL	41.50	-0.91	40.79	Lake Gauge	HIGH LEVEL	143.50	-0.67		Stop log bays at 143.00' crest	
MAXIMUM DESIRABLE	41.00	-0.41			MAXIMUM DESIRABLE	143.00	-0.17			
LOW LEVEL	39.00	1.59	invert 37.6'	Both Gate 1 Closed	Low Level	141.50	1.33	invert 141.4'		
				Drops: At 41.00'						
CARROLL			35.65	24" of Board Installed	PARKER			129.97	Gate closed	
HIGH LEVEL	37.00	-1.35			HIGH LEVEL	131.00	-1.03			
MAXIMUM DESIRABLE	36.50	-0.85			MAXIMUM DESIRABLE	130.75	-0.78			
LOW LEVEL	34.50	1.15	invert 34.17'		LOW LEVEL	128.75	1.22	invert 129.15'		
ARMISTEAD			42.68	Gate Closed	PEACE RIVER	Flood Stage				
HIGH LEVEL	44.00	-1.32			BARTOW	8.00	-4.00	4.00		
MAXIMUM DESIRABLE	43.00	-0.32			ZOLFO SPRINGS	16.00	-9.85	6.15		
LOW LEVEL	40.50	2.18			ARCADIA	11.00	-8.32	2.68		
HILLSBOROUGH RIVER	Flood Stage			S-155 is open	LITTLE MANATEE RIVER	Flood Stage				
MORRIS BRIDGE	32.00	-4.78	27.22		WIMAUMA	11.00	-7.10	3.90		
FOWLER	29.00	-5.94	23.06							
					ALAFIA RIVER	Flood Stage				
WITHLACOCOCHEE R.	Flood Stage				LITHIA	13.00	-9.12	3.88		
TRILBY	61.27	-3.49	57.78							
CROOM	47.94	-2.22	45.72		MYAKKA RIVER	Flood Stage				
HIGHWAY. 48			41.39		MYAKKA STATE PARK	7.00	-3.02	3.98		
LAKE PANASOFFKEE	40.70	-1.32	39.38							
HOLDER	35.52	-3.62	31.90		MANATEE RIVER	Flood Stage				
					MYAKKA HEAD	11.00	-7.84	3.16		
ANCLOTE RIVER	Flood Stage									
ELFERS	20.00	-9.95	10.05							



District Structure Sites

ISLAND FORD
KEYSTONE
CRESCENT

ROUSSEAU

HERNANDO POOL

CITRUS

INVERNESS POOL

CONSUELLA

FLORAL CITY POOL

BRADLEY

LESLIE HEIFNER

SUMTER

HERNANDO

PASCO

PINELLAS

TARPON

ANN-PARKER

KELL HANNA

KEENE

STEMPER

MAGDALENE BAY

ELLEN-LIPSEY

CARROLL

WHITE TROUT

PRETTY ARMISTEAD

SAWGRASS

HILLSBOROUGH

MEDARD

MANATEE

SARASOTA

POLK

GIBSON

ARIETTA (P-3)

PARKER

HANCOCK (P-11)

LENA (P-1)

LOWERY

HAINES

HENRY (P-5)

SMART (P-6)

FANNIE (P-7)

HAMILTON (P-8)

HARDEE

DESOTO

HIGHLANDS

JUNE-IN-WINTER (G-90)

FLAGLER

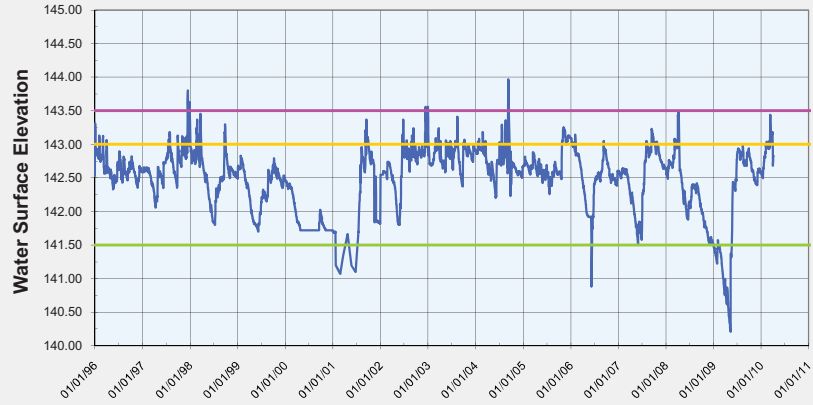
SEMINOLE

ORANGE

OSCEOLA



Lake Gibson

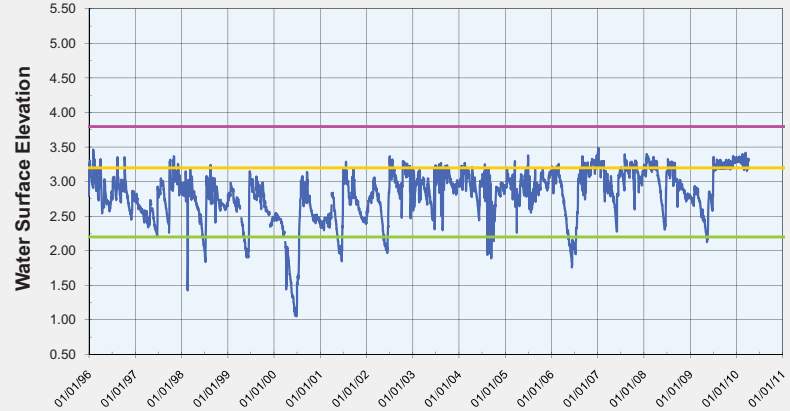


Daily Average Values

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 Level — Max. Desirable — High Level

Lake Tarpon, S-551

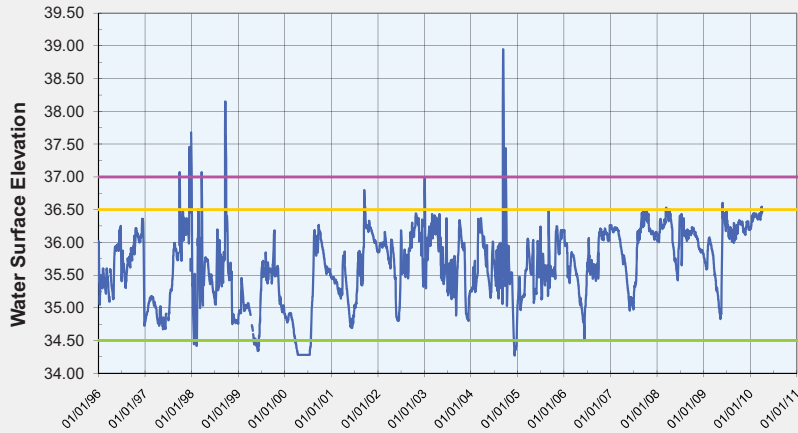


Daily Average Values

Lake Surface Area = 2,534
SCADA Device # 6491

— Lake Level — Low Level — Max. Desirable — High Level

Lake Thonotosassa

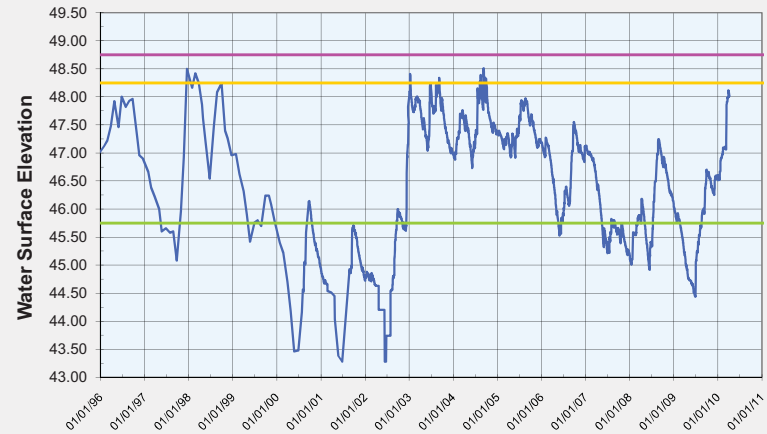


Daily Average Values

Lake Surface Area = 824 Acres
Low Slab = 39.0'
Flint Creek Gauge Datum = 32.16
SCADA Device #6807

— Lake Level — Low Level — Max. Desirable — High Level

Lake Anne Parker



Daily Average Values

Lake Surface Area = 93 Acres
Low Slab = 40.09'
SCADA Device Number: 8491

— Lake Level — Low Level — Max. Desirable — High Level

Lake Hanna

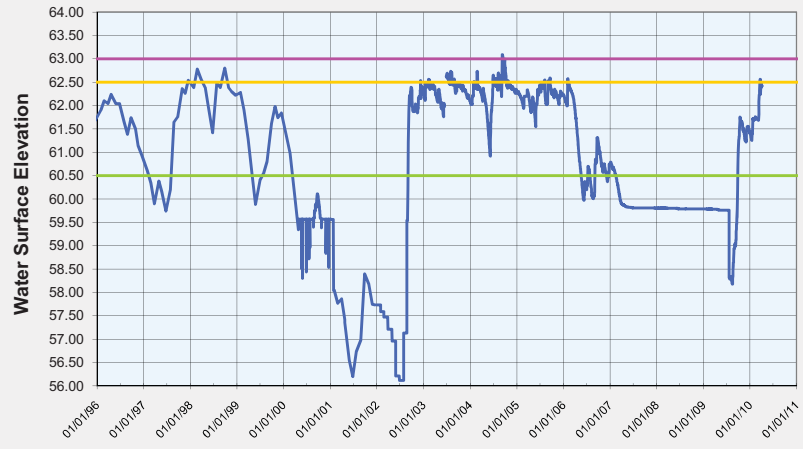


Daily Average Values

Lake Surface Area = 29 Acres
 Low Slab = 63.68'
 SCADA Device #7531

— Lake Level — Low Level — Max. Desirable — High Level

Lake Keene

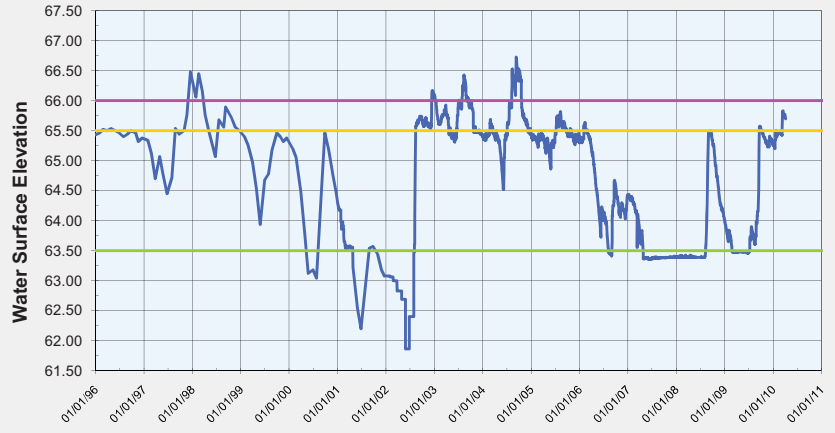


Daily Average Values

Lake Surface Area = 31 Acres
 SCADA Device Number 7631

— Lake Level — Low Level — Max. Desirable — High Level

Lake Kell

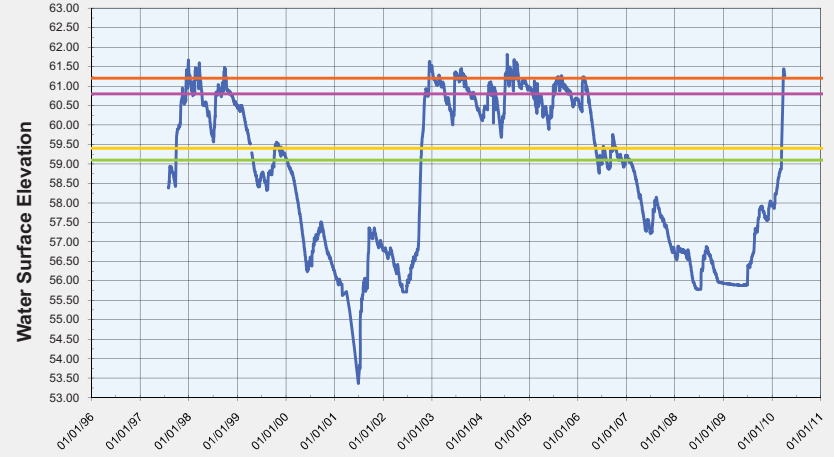


Daily Average Values

Lake Surface Area = 31 Acres
 Low Slab = 68.09'
 Structure Gauge Datum = 62.95'
 Lake Gauge Datum = 54.45' MSL

— Level — Low Level — Max. Desirable — High Level

Lake Stemper



Daily Average Values

Lake Surface Area = 58.32 Acres
 Low Slab = 63.70'
 Lake Gauge Datum = 30.3 MSL
 SCADA Device # 2067

— Lake Level — Low Guide Lv. — Min Lake Lv. — High Min Lv. — High Guide Lv.

Bay Lake

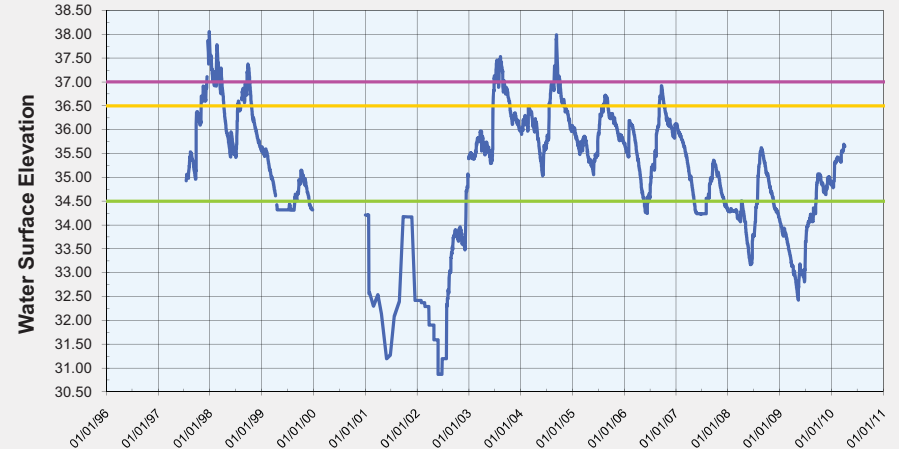


Daily Average Values

Lake Surface area = 37 Acres
 Low Slab = 47.80'
 Structure Gauge Datum = Direct Read
 Lake Gauge Datum = Direct Read
 SCADA Device Number = 1647

— Lake Level — Low Level — Max. Desirable — High Level

Lake Carroll

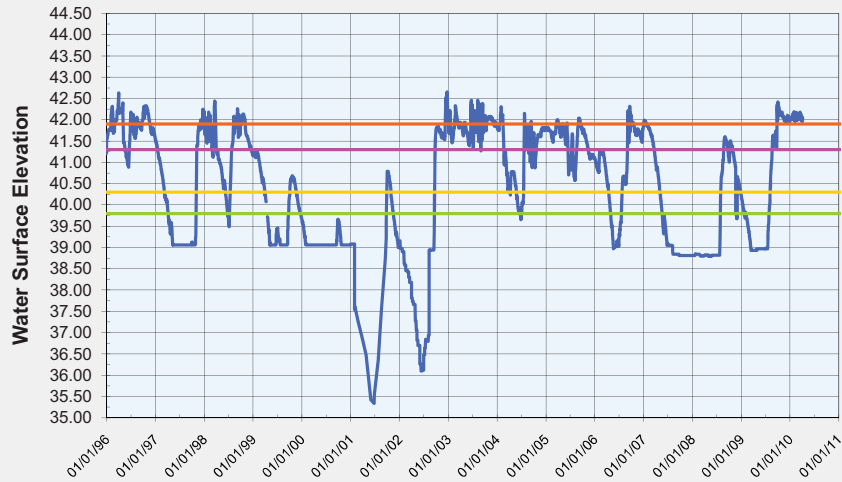


Daily Average Values

Lake Surface Area = 188 Acres
 Low Slab = 39.50'
 Structure Gauge Datum = 31.86'
 Lake Gauge Datum = 30.0 MSL

— Lake Level — Low Level — Max. Desirable — High Level

Crescent Lake

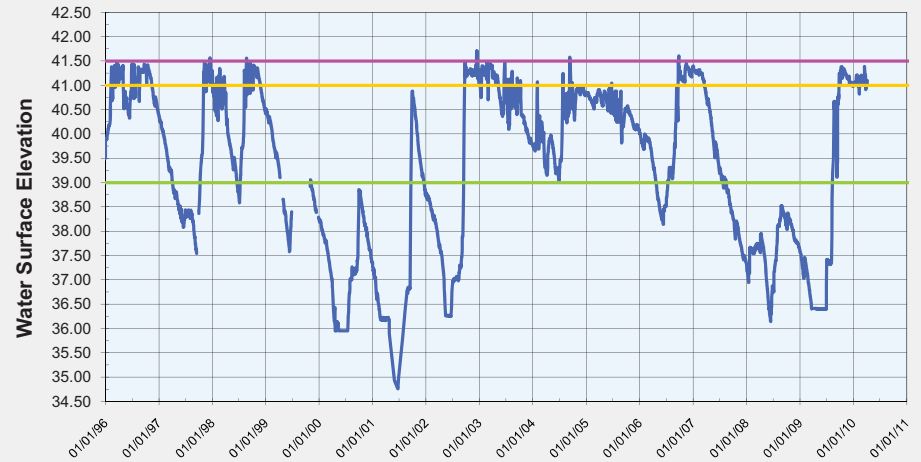


Daily Average Values

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 Guide Lv. — Min Lake Lv. — High Min Lv. — High Guide Lv.

Lake Island Ford

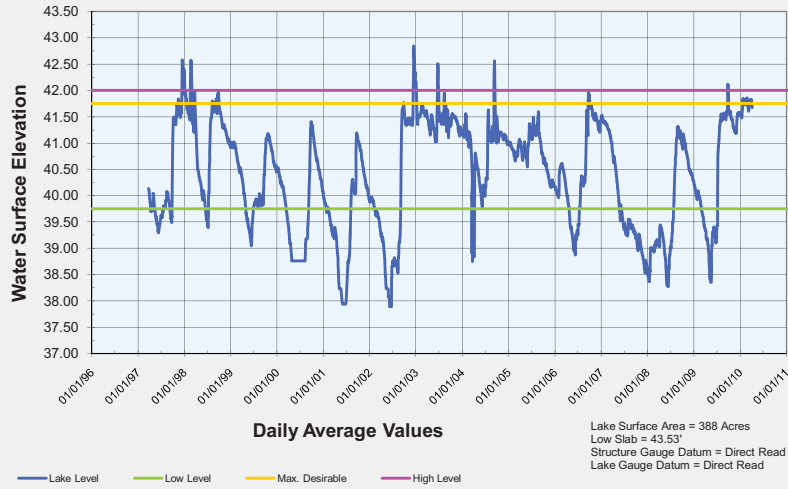


Daily Average Values

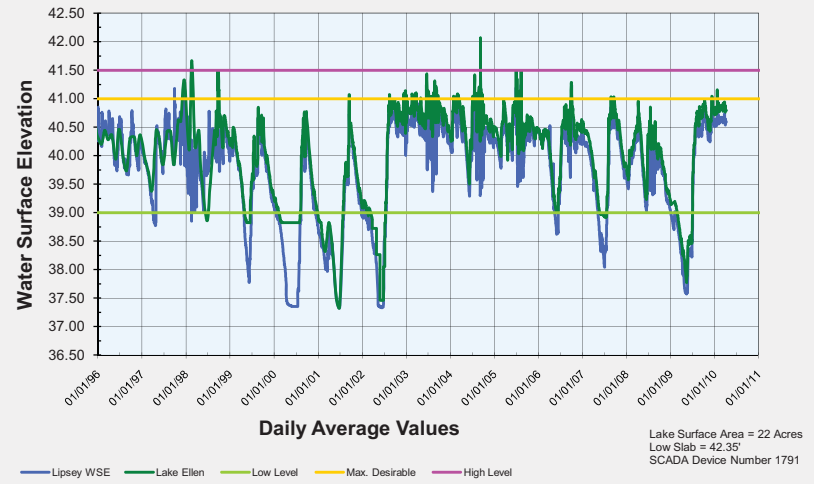
Lake Surface Area = 96 Acres
 Low Slab = 42.64'
 Structure Gauge Datum = 36.54'
 SCADA Device number = 1621

— WSE — Low Level — Max Desirable — High Level

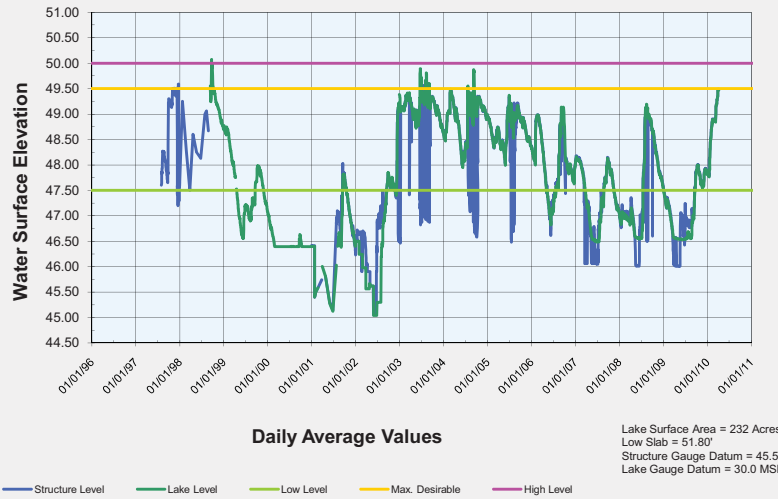
Lake Keystone



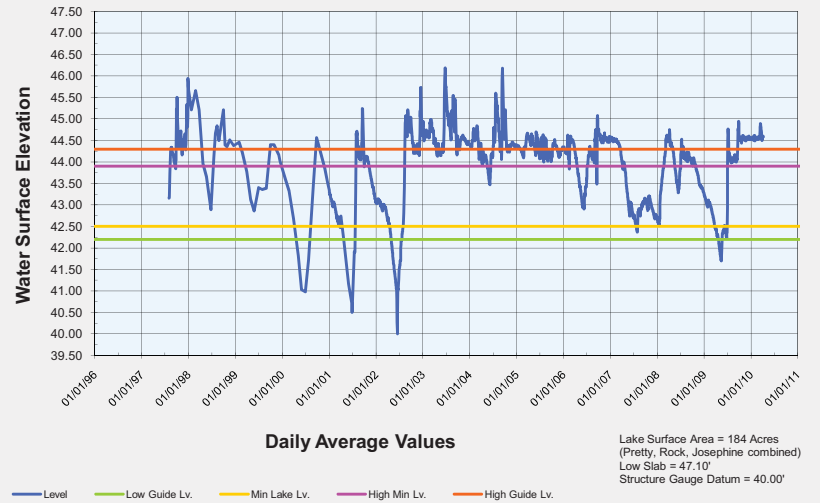
Lakes Ellen and Lipsey



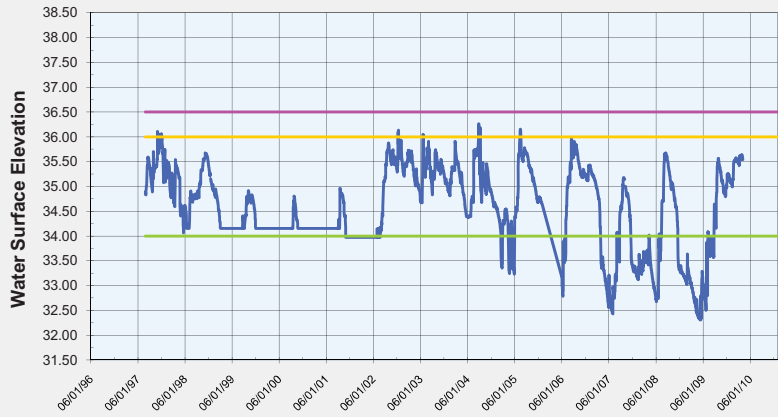
Lake Magdalene



Lake Pretty



Lake White Trout



Daily Average Values

Lake Surface Area = 75 Acres
 Low Slab = 39.41'
 Structure Gauge Datum = 33.38'
 Lake Gauge Datum = 19.98' MSL

— Lake Level — Low Level — Max. Desirable — High Level

Lake Lowery

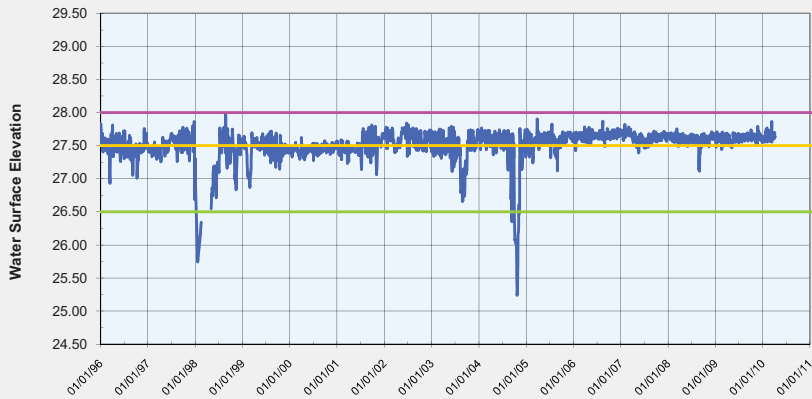


Daily Average Values

Lake Surface Area = 903 Acres
 Low Slab = 131.61
 SCADA Device Number 6181

— Lake Level — Low Level — Max. Desirable — High Level

Lake Rousseau



Daily Average Values

Lake Surface Area = 3657 Acres
 Structure Gauge Datum = 10.00
 SCADA Device Number 6137

— Lake Level — Low Level — Max. Desirable — High Level

Lake Arietta (P-3)

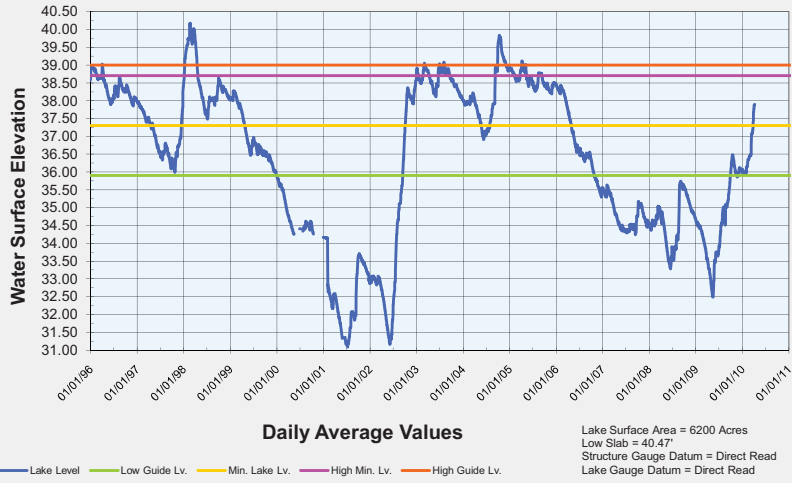


Daily Average Values

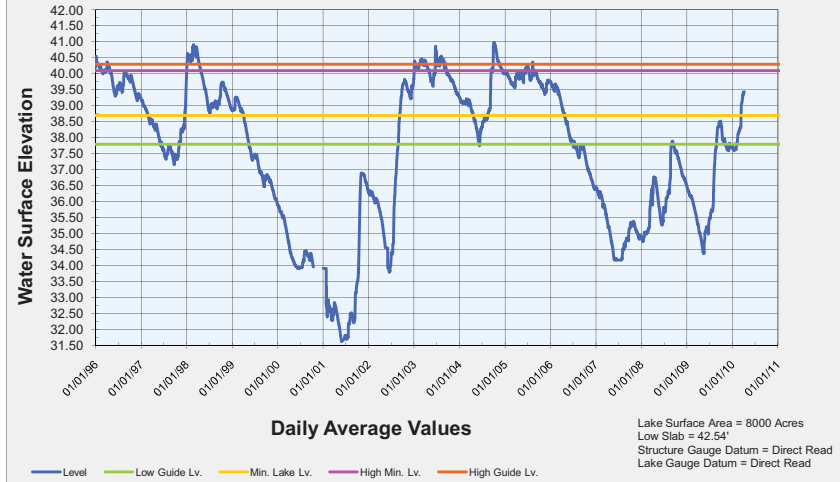
Lake Surface Area = 758 Acres
 Lake Gauge Datum = 100.00'
 SCADA Device Number 7431

— Lake Level — Low Level — Max. Desirable — High Level

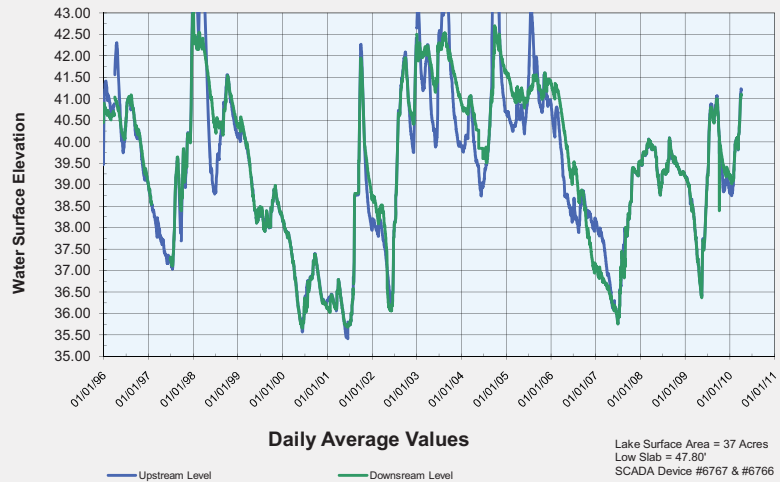
Hernando Pool



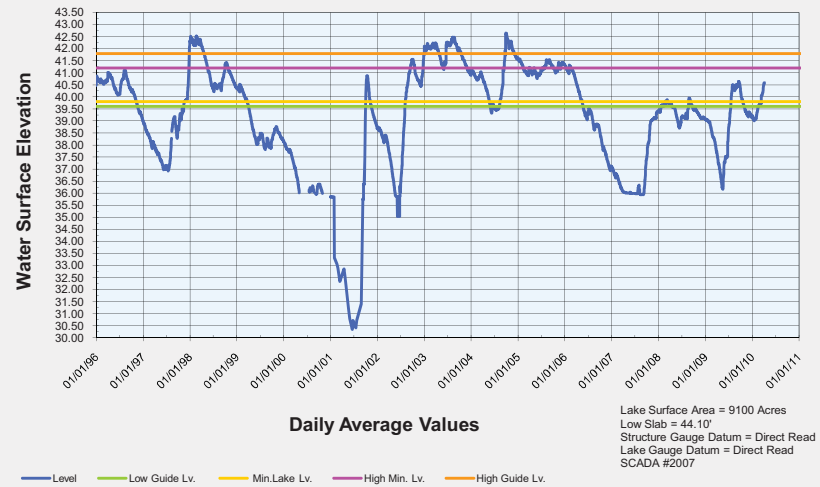
Inverness Pool



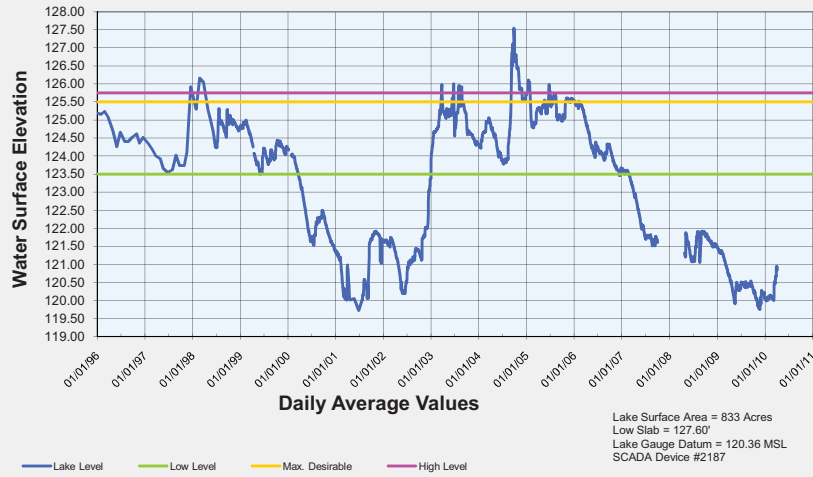
Leslie Heifner



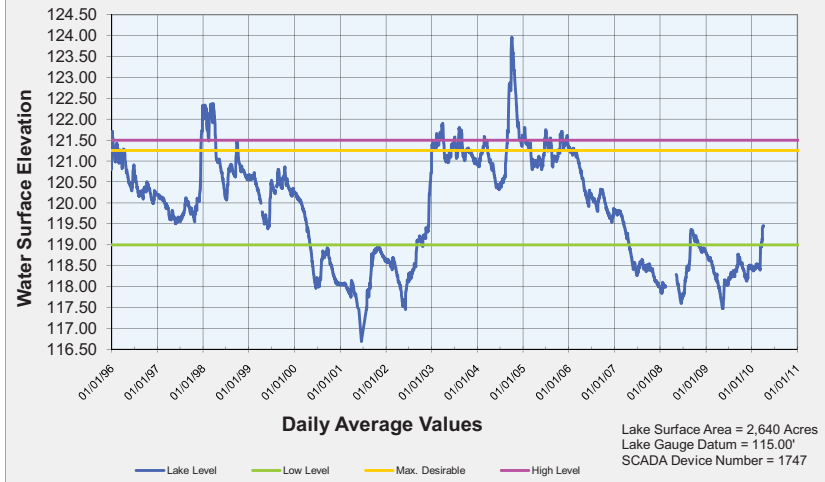
Floral City Pool



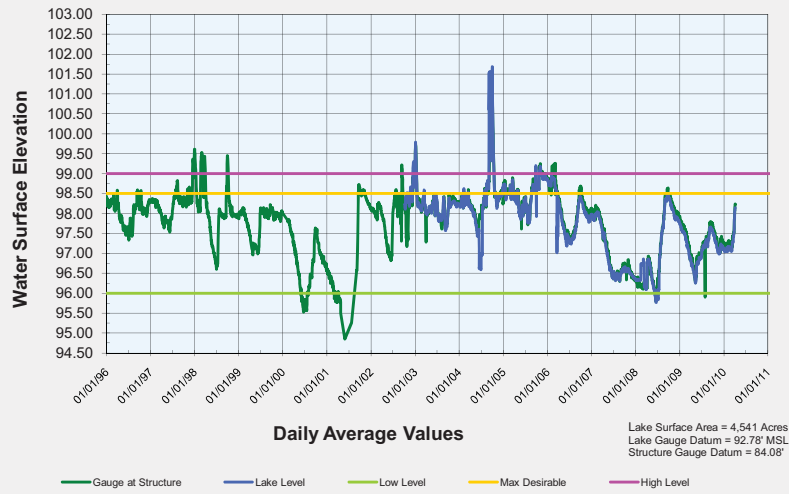
Lake Fannie (P-7)



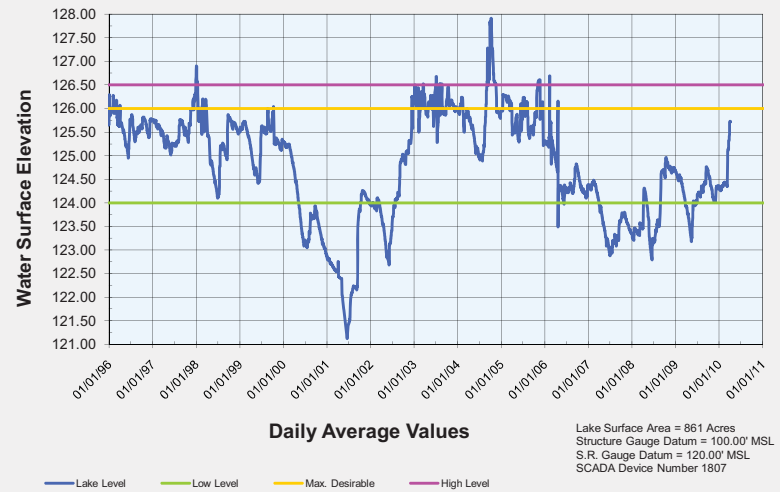
Lake Hamilton (P-8)



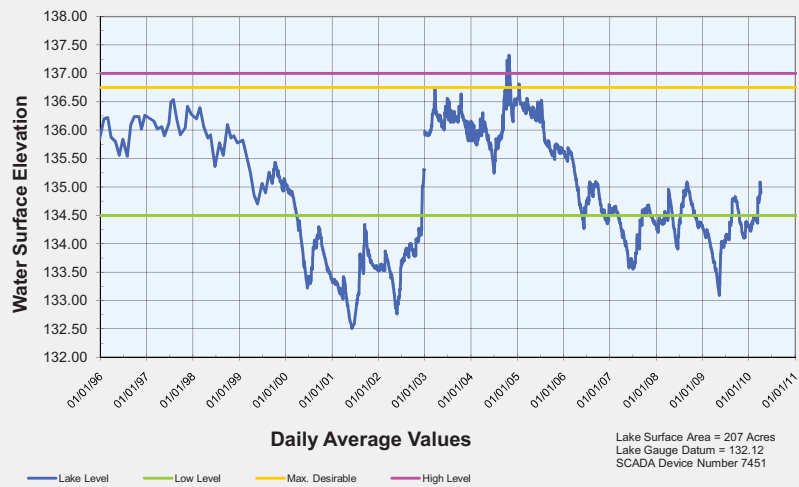
Lake Hancock (P-11)



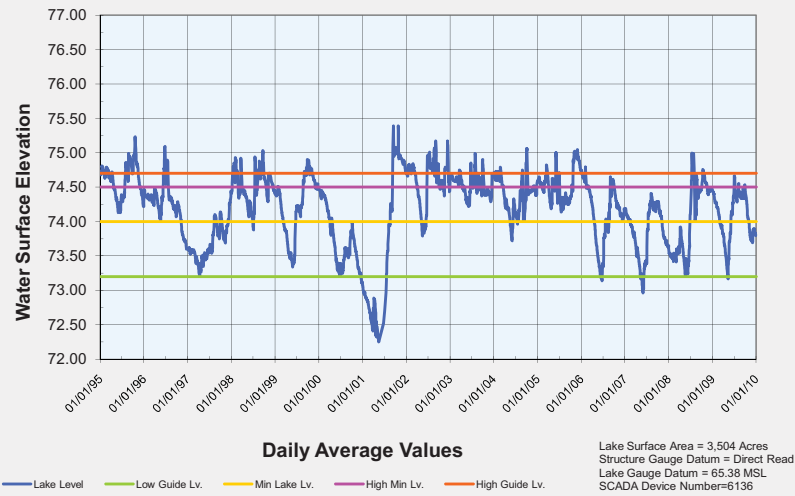
Lake Henry (P-5)



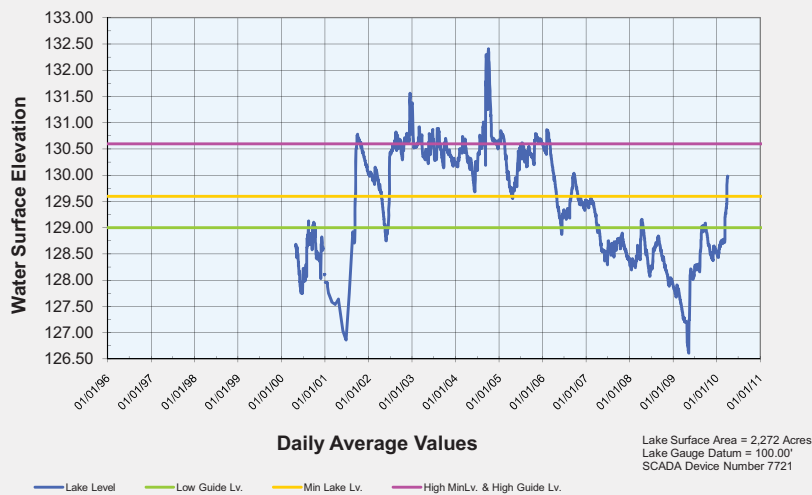
Lake Lena (P-1)



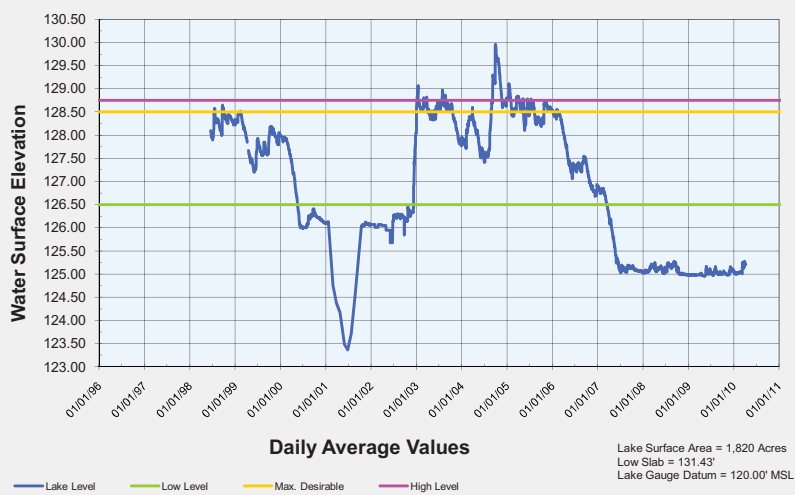
Lake June-in-Winter (G-90)



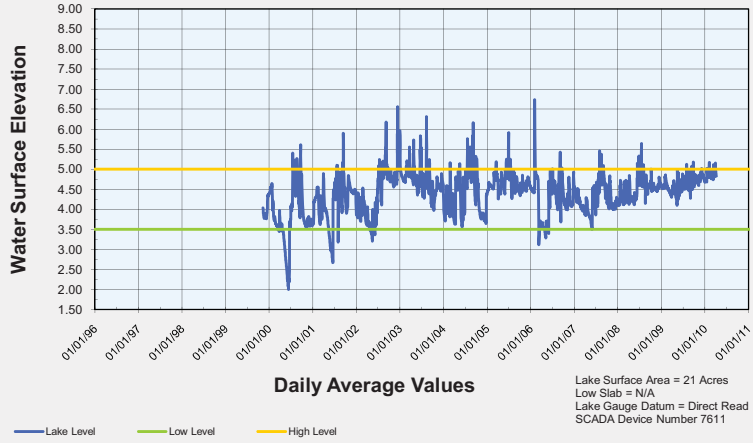
Lake Parker



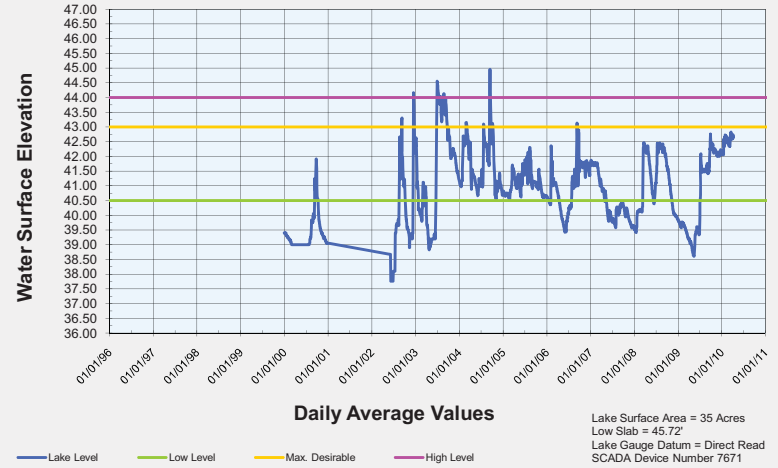
Lake Smart (P-6)



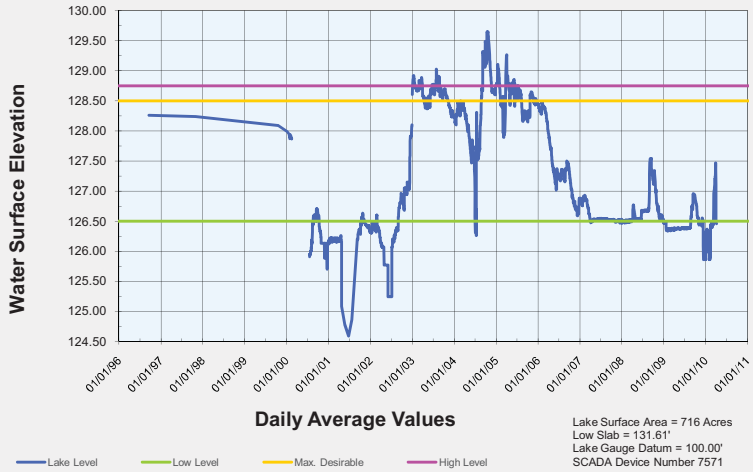
Sawgrass Lake



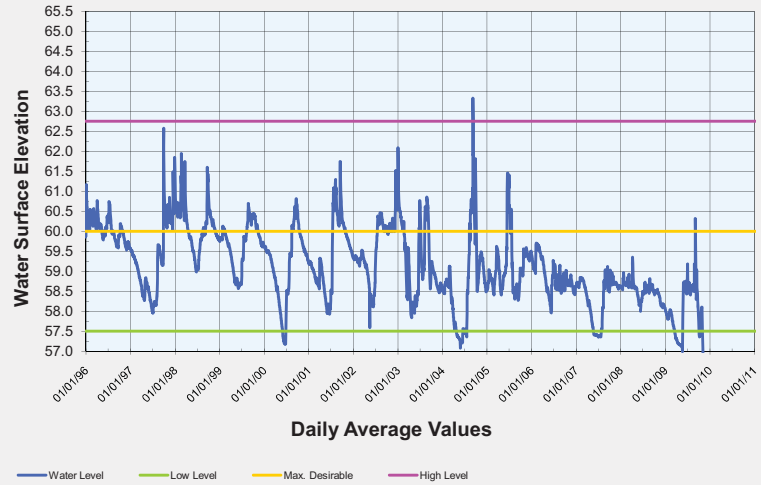
Lake Armistead

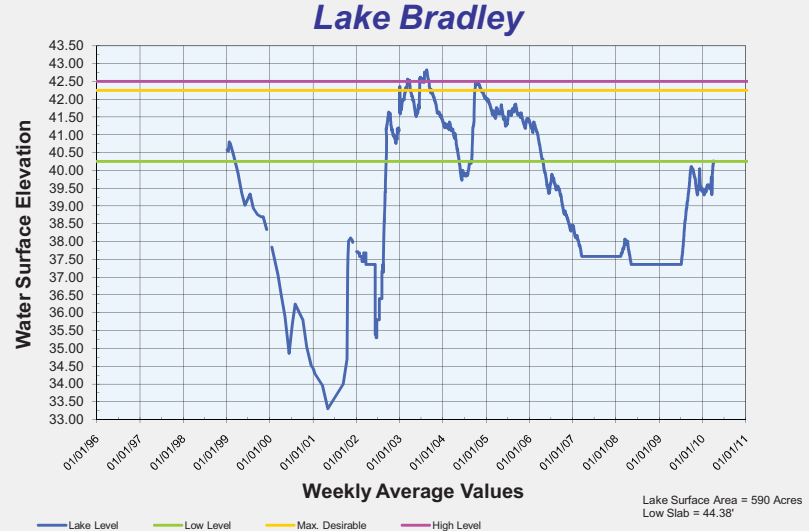
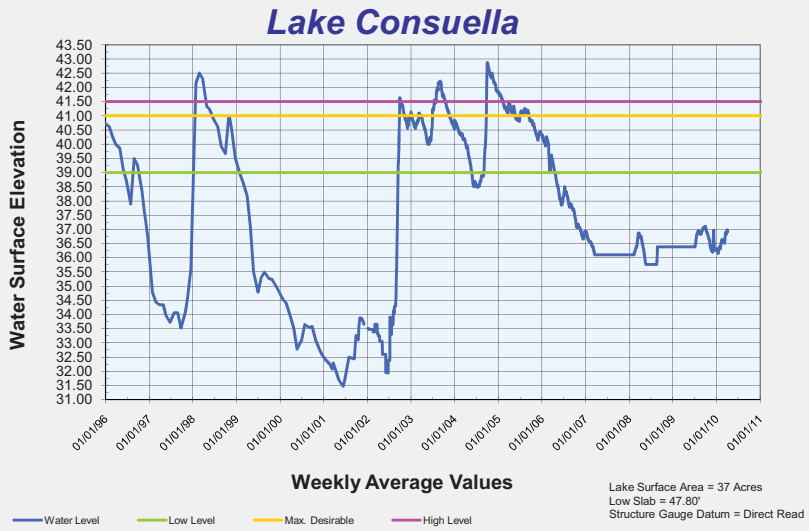


Lake Haines



Medard





**Resource Management Committee
April 27, 2010**

Routine Report

Watershed Management Program and Federal Emergency Management Agency Map Modernization

District staff continues to work on various steps of the District's Watershed Management Program and Federal Emergency Management Agency Map Modernization. Attached for the Board's information is the current schedule that identifies the status of each watershed for the topographic information, watershed evaluation, watershed management plan, and Flood Insurance Rate Maps (FIRMs). The list also indicates whether the updated FIRMs will be a redelineation of the existing FIRMs or based on a detailed study.

Staff Recommendation:

See Exhibit

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

Presenter: Mark A. Hammond, P.E., Director, Resource Projects Department

**Exhibit – Watershed Management Program and FEMA Map Modernization Schedule
April 2010**

Year	County	Watershed	Topographic Information	Watershed Model	Public Meetings	Present to Board	Submit Preliminary DFIRMs to FEMA	
2009	Hernando	Blue Sink	complete	complete	complete	complete	Mar 2010	
		Bystre Lake	complete	complete	complete	complete	Mar 2010	
		Centralia	complete	complete	complete	complete	Mar 2010	
		Chassahowitzka River	complete	complete	complete	complete	Mar 2010	
		Croom	complete	complete	complete	complete	Mar 2010	
		Little Withlacoochee	complete	complete	complete	complete	Mar 2010	
		Lizzie Hart Sink	complete	complete	complete	complete	Mar 2010	
		McKethan	complete	complete	complete	complete	Mar 2010	
		Oman Quarry/Indian Creek	complete	complete	complete	complete	Mar 2010	
		Powell	complete	complete	complete	complete	Mar 2010	
		Spring Hill Lakes/Aripeka	complete	complete	complete	complete	Mar 2010	
		Toachodka	complete	complete	complete	complete	Mar 2010	
		Tooke	complete	complete	complete	complete	Mar 2010	
		Weeki Wachee Prairie	complete	complete	complete	complete	Mar 2010	
		Willow Sink	complete	complete	complete	complete	Mar 2010	
	Wiscon	complete	complete	complete	complete	Mar 2010		
	Withlacoochee River	complete	complete	complete	complete	Mar 2010		
	Pasco	Anclote - E. of Suncoast	complete	complete	complete	complete	May 2010	Jun 2010
		Cypress Creek	complete	complete	complete	complete	Apr 2010	May 2010
		South Lakes	complete	complete	complete	complete	Apr 2010	May 2010
		Upper E. Cypress Creek	complete	complete	complete	complete	Apr 2010	May 2010
		East Zephyrhills	complete	complete	complete	complete	complete	May 2010
		Lake Zephyr	complete	complete	complete	complete	complete	May 2010
		Trout Creek	complete	complete	complete	complete	Apr 2010	May 2010
	Sarasota	Island Of Venice	complete	complete	complete	complete	Jun 2010	Aug 2010
		Whitaker Bayou	complete	complete	complete	complete	Jun 2010	Aug 2010
		Hudson Bayou	complete	complete	complete	complete	Jun 2010	Aug 2010
		Curry Creek	complete	complete	complete	complete	Jun 2010	Aug 2010
		Hatchett Creek	complete	complete	complete	complete	Jun 2010	Aug 2010
		Alligator Creek	complete	complete	complete	complete	Jun 2010	Aug 2010
		Big Slough - Northport	complete	complete	Jan 2010	complete	Jul 2010	Oct 2010

FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.

**Exhibit – Watershed Management Program and FEMA Map Modernization Schedule
April 2010**

Year	County	Watershed	Topographic Information	Watershed Model	Public Meetings	Present to Board	Submit Preliminary DFIRMs to FEMA
2010	Polk	Itchepackesassa Creek	complete	complete	Jun 2010	Aug 2010	Oct 2010
		Christina	complete	complete	complete	May 2010	Aug 2010
		Peace CreekCanal	complete	complete	Jun 2010	Aug 2010	Oct 2010
		Polk City	complete	Mar 2010	Jun 2010	Aug 2010	Oct 2010
	DeSoto	Thornton Branch	complete	complete	Jun 2010	Jul 2010	Oct 2010
		Deep Creek Gully	complete	complete	Jun 2010	Jul 2010	Oct 2010
	Hardee	City of Wauchula	complete	complete	May 2010	Jul 2010	Oct 2010
		Horse Creek	complete	complete	May 2010	Jul 2010	Oct 2010
		Alligator Branch	complete	complete	May 2010	Jul 2010	Oct 2010
		Thompson Branch	complete	complete	May 2010	Jul 2010	Oct 2010
	Highlands	Carter Creek	complete	Jul 2010	Dec 2010	Feb 2011	May 2011
		Avon Park	complete	Dec 2010	May 2011	Jul 2011	Oct 2011
		Sebring	complete	Dec 2010	May 2011	Jul 2011	Oct 2011
	Citrus	Withlacoochee River	complete	Jul 2010	Oct 2010	Dec 2010	Aug 2011
		Crystal River	complete	complete	Apr 2010	Jun 2010	Oct 2010
		Tsala Apopka Outlet	complete	May 2010	Jun 2010	Aug 2010	Oct 2010
		Shinn Ditch	complete	May 2010	Jun 2010	Aug 2010	Oct 2010
Homosassa South Fork		Apr 2010	Sep 2010	Feb 2011	Apr 2011	Aug 2011	
Leslie Heifner Canal		complete	May 2010	Jun 2010	Aug 2010	Oct 2010	
Cardinal Lane		complete	Apr 2010	May 2010	Aug 2010	Nov 2010	
Lake Bradley		complete	May 2010	Jun 2010	Aug 2010	Oct 2010	
Floral City		complete	May 2010	Jun 2010	Aug 2010	Oct 2010	
Inverness		complete	May 2010	Jun 2010	Aug 2010	Oct 2010	
Center Ridge		complete	complete	May 2010	Jul 2010	Oct 2010	
Homosassa River - South		complete	Sep 2010	Feb 2011	Apr 2011	Aug 2011	
Homosassa River - North	complete	Sep 2010	Feb 2011	Apr 2011	Aug 2011		
Sumter	Big Prairie	complete	TBD	TBD	TBD	TBD	
	Bushnell	complete	TBD	TBD	TBD	TBD	
	Gant Lake	complete	TBD	TBD	TBD	TBD	
	Jumper Creek Canal	complete	TBD	TBD	TBD	TBD	
	Webster	complete	complete	TBD	TBD	TBD	
Manatee	Buffalo Canal/Frog Creek	complete	complete	May 2010	Jul 2010	Sep 2010	
	Gamble Creek	complete	complete	Jun 2010	Aug 2010	Oct 2010	
	Braden River	complete	Mar 2010	Jun 2010	Sep 2010	Dec 2010	

TBD - To be determined.

Note: FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.

**Resource Management Committee
April 27, 2010**

Routine Reports

Significant Water Supply and Resource Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen. For greater detail, refer to the Project Information Management System (PIMS) write-ups or request information directly from the project manager identified with the project.

Lake Hancock Lake Level Modification Project

This project is being implemented as part of the adopted Southern Water Use Caution Area (SWUCA) Recovery Plan for restoring minimum flows in the Upper Peace River. The project began in 2002 with preliminary feasibility and development of a scope of work to raise the water level in the lake. The District received the Conceptual Environmental Resource Permit (CERP) for the project from the Florida Department of Environmental Protection (FDEP) in June 2007 with an operating level of up to 100 feet (currently the District operates the P11 structure at an elevation of 98.7 feet). In response, the Governing Board in September 2007 authorized the project to go forward with final design, permitting, and construction; adopted the Resolution Authorizing Proceedings in Eminent Domain, including a Declaration of Taking; amended the 2007 Update to the Florida Forever Work Plan to include all lands identified as necessary for the project, designating \$41 million in Florida Forever Trust Funds; and designated and encumbered \$79 million in General Fund Water Supply and Resource Development Reserves for the project. Seventy-three parcels were identified as necessary to acquire in fee (40 parcels) or a lesser interest (33 easement parcels). At the September 2007 Governing Board meeting, the Board instructed staff to exhaust all negotiations prior to filing eminent domain proceedings. All property owners have been contacted and offers made. On June 12, 2009, FDEP approved the District's request to extend the CERP commence construction deadline to June 14, 2011.

New Activities Since Last Meeting: The District's consultant, DMK Associates, Inc., is completing the design plans and specifications for the replacement of the Lake Hancock outfall structure. The FDEP environmental resource permit application for the construction of the new outfall structure was approved on March 2, 2010. District staff is currently working on a public easement for the structure and utility easements for the communication and electric lines. District staff and the District's consultant, BCI Engineers and Scientists, Inc., met with the Florida Department of Transportation on March 31, 2010, to discuss required mitigation activities associated with the 570/Polk County Parkway area. District staff met with BCI and City of Lakeland staff on March 19, 2010, to discuss three mitigation design alternatives for the Oak Hill Cemetery project. BCI and District staff also met on March 12, 2010, regarding modeling and data acquisition for the 540/Jacque Lee Lane area. District staff met onsite with BCI and FDEP staff on March 24, 2010, to identify and discuss specific regulatory requirements associated with the proposed mitigation projects in the Cocsia/Lake Lena Run area. District staff continues to work with the Riverlake Homeowners Association to evaluate pre- and post-effects to the subdivisions stormwater management facility. ***Acquisition Status:*** Of the 73 parcels necessary for the project, 56 parcels (8,193 acres including 30 homes) have been acquired. The remaining acquisitions include a total of 17 parcels (267 acres) comprised of four fee acquisition parcels (five homes) and 13 partial easement acquisitions. District staff has made offers on all acquisitions necessary for the project. Currently all remaining acquisitions are being handled through the District's special counsel who has proceeded with offers made in accordance with Florida Statutes. The District's special counsel has initiated litigation on seven parcels (four fee and three easements). The first suits have been filed on the four remaining fee acquisitions. The order of taking hearing for the remaining fee parcels concluded on February 24, 2010. Legal action related to the remaining easement parcels will follow after a case management hearing to set court dates. The District's special counsel and staff continue to evaluate opportunities for

settlement that avoid litigation. In order to prepare for those portions of the Old Florida Plantation Development of Regional Impact (DRI) not needed for its projects, the District is proceeding with filing of a Notice of Proposed Change and Comprehensive Plan Amendment through the Central Florida Regional Planning Council and the City of Bartow. The changes to the DRI will allow the proposed development to accommodate the District's Lake Hancock minimum flows and levels (MFL) and land use projects. *Project Managers: Scott Letasi/Michael Peck/Steve Blaschka*

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 selection of wetlands as the treatment option was based on a comprehensive consultant investigation into alternative treatment technologies. The District's consultant (Parsons) has completed the 60 percent design and is moving forward on completion of final design and permitting as authorized by the Governing Board at the December 2009 meeting. The Board did not authorize entering into an agreement for construction management oversight, but instead requested staff to return at a later time to provide a breakdown of costs and procurement options. ***New Activities Since Last Meeting:*** Parsons is proceeding with the final design. The geotechnical sub-consultant has completed analysis of the seepage cutoff wall design and determined that the length can be reduced, thereby reducing costs. Staff is finalizing information on costs of construction services and refinement, volume of necessary work to be performed, and alternatives for construction management services, with the plan to present to the April Governing Board for approval. *Project Manager: Janie Hagberg*

Watershed Management Program/ Federal Emergency Management Agency Map Modernization

The District initiated a partnership with the Federal Emergency Management Agency (FEMA) to modernize Flood Insurance Rate Maps (FIRMs) as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization, and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, either because the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. Accurate floodplain information is vital to local government planning and zoning and to the District's regulatory program. The benefit ultimately is to the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local governments' understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late '90s. Additionally, the District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship and to improve the existing FIRMs to better identify risks of flooding within the District. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately \$11.2 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. The Map Modernization Program also includes federal funding for management support. For fiscal year (FY) 2004 through FY2009, the District received \$851,860 and could receive an additional \$207,000 through FY2012. FEMA began FIRM updates for Hillsborough and Marion counties before the District became a CTP. FEMA issued its letter of determination finalizing the FIRMs for Hillsborough and Marion counties, and the FIRMs became effective on August 28, 2008. ***New Activities Since Last Meeting:*** Hernando County: The Governing Board authorized staff to submit the preliminary countywide Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA) and begin FEMA's adoption process at the March 30, 2010 meeting. Pasco County: The Anclote Watershed is being finalized, and the Trout Creek and Cypress Creek watersheds are going to the April Governing Board for approval. The consultant is continuing to address District comments for the Pithlachascottee

River/Bear Creek watersheds. Sarasota County: Presentations are being given to area Homeowner Associations, including the South Venice Civic Association, to familiarize them with the preliminary floodplains. Work continues, with Sarasota County staff assisting with review of additional watersheds in the area. Polk County: Work continues in the County; Peace Creek and Itchepackesassa Creek watersheds are currently being reviewed and refined. Hardee County: The Alligator Branch, Buzzard's Roost, Thompson Branch, City of Wauchula, and Horse Creek watersheds have been peer reviewed and the watershed consultants are addressing comments in preparation for public meetings. DeSoto County: Deep Creek Watershed is currently being peer reviewed and Thornton Branch review is ongoing. Sumter County: The Mapping Activity Statement was transmitted to FEMA for signature. Citrus County: Peer Review for Unincorporated Crystal River began last month. Other watershed models are being developed by consultants; several are being reviewed by District staff. Levy County: Post Preliminary Processing Outreach meetings with the communities affected by the map adoption process occurred in March. Marion County: FIRMs were adopted in August 2008 prior to updating the watershed models to account for infiltration in deep sandy soils. Models continue to be updated. Manatee County: Buffalo Creek Watershed is currently being peer reviewed. Two additional watershed models are being reviewed by District staff and peer reviewers have been assigned. FEMA will manage the production of the FIRMs and the map adoption process. *Project Manager: Gordon McClung*

Myakka River Watershed Initiative

The Myakka River Watershed Initiative is a comprehensive project that will illustrate the effects of land use conversions and alterations and evaluate best management practices (BMPs) for environmental restoration alternatives. A primary focus of the initiative is the Flatford Swamp area. The overall objective of this initiative is to restore historic water quantity regimes, improve water quality, natural system, and reduce floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the SWUCA. In February 2006, the Governing Board allocated \$500,000 to hire a consultant team to perform elements of the Watershed Management Program and for the collection of topographic information in eastern Manatee County using Light Detection and Ranging (LiDAR) mapping technologies. Several outreach meetings were held to solicit stakeholder input and gather data. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. This information was provided to the Peace River Manasota Regional Water Supply Authority (Authority) for use in its latest water supply master plan. Several preliminary scenarios for removal of excess water from the swamp have been evaluated, and the consultant is currently refining the costs/benefits of each option. District staff continues to meet with potential partners, including Mosaic and Manatee County, to discuss the status of the Flatford Swamp Hydrologic Restoration. ***New Activities Since Last Meeting:*** The consultant team is gathering field data for hydraulic event modeling that will be used to predict water stages during various storm events. An internal meeting was held on March 24, 2010, to discuss natural system benefits from the proposed Flatford Swamp Hydrologic Restoration project. Staff is scheduling meetings with Manatee County and Mosaic to discuss joint studies to determine the feasibility of using the excess water from Flatford Swamp in their operations. *Project Manager: Lisann Morris*

Tampa Bay Water

- **System Configuration II Project:** The Governing Board approved the agreement with Tampa Bay Water (TBW) for the System Configuration II Project at its February 2007 meeting; and the cooperative agreement was executed May 1, 2007. The project, when completed in 2011, is expected to provide up to 25 million gallons per day (mgd) of alternative water to the regional system. The estimated total project cost is \$247,694,339; with the District committing to half of eligible costs of \$232 million, which is \$116 million. 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 project components are primarily associated with improvements to the regional systems treatment, transmission, and storage infrastructure. Specifically, this project includes six surface water pumping projects and four system interconnects that will allow TBW to deliver the new alternative water supply to their

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member governments. The Surface Water Treatment Plant (SWTP) Expansion, TBC Pump Station Expansion, TBW Regional High Service Pump Station Expansion, SWTP Repump Station Expansion, South Central Hillsborough Intertie (SCHI) Booster Pumping Station, and Off-stream Reservoir Pump Station are all project components that contribute to the downstream enhancements. The South Central Hillsborough Infrastructure Project (SCHIP) Phases IB and II, Northwest Hillsborough Pipeline, Morris Bridge Booster Station Expansion, and Cypress Creek Pump Station Expansion are part of the system interconnects. **New Activities Since Last Meeting:** The project is currently on schedule, with completion expected by the end of 2011. *Project Manager: Audrie Goodwin*

Peace River Manasota Regional Water Supply Authority

- **Reservoir:** The District is cooperatively funding the construction of the 6-billion-gallon reservoir, which has now reached its full storage capacity. **New Activities Since Last Meeting:** The final invoice has been processed and payment has been issued to the cooperator. *Project Manager: Audrie Goodwin*
- **Facilities:** The above Reservoir project is for the design and construction of a 6-billion-gallon reservoir; this project is for the design and construction associated with expanding the surface water treatment plant capacity from 24 to 48 mgd. Additionally, five miles of 20-inch pipeline have been constructed from the Authority facilities to extended areas of DeSoto County, with the potential to supply up to 5.5 mgd. Construction activities consist of pumping and treatment units, a maintenance building, dewatering facility, filters, storage tanks, thickener, storage facilities, and chemical feed and disinfection stations. **New Activities Since Last Meeting:** Construction on the facility is complete. Ongoing activities include warranty repairs, development of final Record Drawing submittals and preparation of final payment to contractor. *Project Manager: Audrie Goodwin*
- **Regional Integrated Loop System Project:** The Integrated Loop System Feasibility and Routing Study was completed by the Authority in June 2006. This study recommended four main phases to interconnect the water supply and distribution systems of Authority members and non-member customers. Phases 1 and 1A connect the Peace River Water Treatment Plant (WTP) to the City of Punta Gorda's Shell Creek WTP. Phase 1 is a 6-mile-long, 24-inch diameter pipeline that will extend the Authority's existing transmission line along US17 southward. Design was completed in 2007, but the project was postponed through 2009 in favor of constructing Phase 1A. **Phase 1A** will provide additional service to developed portions of Charlotte County near I-75 and includes approximately 12 miles of pipeline with a capacity of 6 mgd and a subaqueous crossing of the Peace River. A cooperative funding agreement between the District and Authority for Phase 1A was executed in September 2008. Design is complete, the Authority advertised for construction services in March 2010, and construction is expected to begin by late summer 2010. Total cost is estimated at \$19,015,000 with the District providing up to \$12,007,500, which includes \$5 million in West-Central Florida Water Restoration Action Plan (WRAP) funding. The eventual completion of both pipelines will establish rotational capacity between the two WTPs. **Phase 2** inter-connect will run from the Peace River WTP to the City of North Port's WTP, then branch westward to the Englewood Water District and northward to establish a rotational link with the Carlton WTP. The Authority submitted a FY2010 cooperative funding request for the first 5.5-mile segment. This portion of the route will deliver North Port's allocated share of the Authority's supply from the Peace River WTP. North Port and the Authority executed an Interlocal Agreement for the development of Phase 2 on June 3, 2009. Construction is expected to commence by April 2011. Phases 3 and 4 will eventually interconnect the Carlton WTP to water supply systems in Manatee County. Preliminary engineering for Phase 3 was completed in March 2008. The first portion of this pipeline, Phase 3A, will extend the Authority's existing regional transmission line that currently terminates at the Carlton WTP. Phase 3A will provide an additional water delivery point to Sarasota County and create a potential inter-tie to the City of Venice. A cooperative funding agreement between the District and Authority was executed for Phase 3A on November 10, 2008. This project includes 8.4 miles of 48-inch diameter pipeline with a design capacity of 37 mgd and includes a sub-aqueous crossing of the Myakka River. The total project cost was initially estimated at \$42,570,000; however, a more recent cost summary has estimated the total cost at \$31,879,240. The District's share is 50 percent of the eligible total cost. The future expansion of Phase 3B northward will join long-term components

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of Phase 4 in Manatee County and will connect to the surface water treatment facility on Lake Manatee and a WTP on University Parkway. **New Activities Since Last Meeting:** The Authority continues to negotiate with potential funding partners for the development of Phase 1. The Phase 1A construction bidding period has commenced; and a contract award is anticipated at the May 5, 2010, Authority Board meeting. District staff forwarded a draft cooperative funding amendment to the Authority for Phase 1A to extend the contract deadline and task schedule and update to recent changes to contractual language. The final design work for Phase 2 is ongoing. The execution of the District's cooperative funding agreement for Phase 2 is expected by the end of April 2010. Phase 3A construction commenced on February 19, 2010. District staff forwarded a draft cooperative funding amendment to the Authority for Phase 3A to revise the budget reducing overall project costs, extend the contract deadline and task schedules, and update recent changes to contractual language. *Project Manager: John Ferguson*

Aquifer Storage and Recovery – Arsenic Research

The District continues to take a lead role in investigating methods for controlling the mobilization of arsenic occurring during Aquifer Storage and Recovery (ASR) activities. Beginning in 2008, the District initiated a pilot project with the City of Bradenton for the design, permitting, and construction of a degasification system to remove dissolved oxygen (DO) from water prior to injection and storage in the aquifer. The project is co-funded by the District, South Florida Water Management District (SFWMD), St. Johns River Water Management District (SJRWMD), the Peace River Manasota Regional Water Supply Authority, and the City of Bradenton. The pilot project is being performed at the City of Bradenton's ASR site and capable of processing water at 700 gallons per minute (gpm) with 99.96 percent removal of DO. A final report documenting the effectiveness of DO removal will be prepared at the end of the project, which is expected in 2010. Construction of the degasification system was completed in June 2008, and the City's staff was trained on operation of the equipment. The first full cycle test with deoxygenated water began on December 2, 2008. On December 17, 2008, the system was shut down due to three pipe leaks and a membrane fouling problem, which required back-flushing of the system. Repairs to the degasification system were made in January 2009 and the membrane fouling problem was corrected. **New Activities Since Last Meeting:** As of March 23, 2010, 112 million gallons (mg) of treated water have been injected into the ASR well since the full volume cycle test began in July 2009. This is approximately 80 percent of the targeted amount of 140 mg. Since the last update, which reported the system was shut down due to continuing contactor fouling issues, the City and the manufacturer have replaced four contactors and restarted the system. The system has been running for several weeks and is starting to show reduced performance due to fouling. Studies to determine the cause of the fouling have implicated the chemical used to remove chlorine from the water. Alternative methods are available to remove chlorine that may result in less fouling; however, budget constraints may be an issue with implementing a new dechlorination system. Under the current setup the system will need to be cleaned at least once to reach the City's new goal of 130 mg; which they believe they can meet if the system fouling issue can be managed for the next three weeks. The District will continue to work with the City to determine how to implement solutions to the fouling problem before the next cycle test begins. With respect to the Underground Injection Control (UIC) regulatory front, the District along with the FDEP and FGS (Florida Geological Survey) are still assessing the State's options for future efforts on this issue. The District is currently reviewing case law regarding the UIC program to determine if there is any pre-existing ruling that would support Florida's ASR regulatory stance. The District is also working on a webinar with the American Groundwater Trust (AGWT) that will highlight national ASR issues. *Project Manager: Don Ellison*

Lower Hillsborough River MFL Recovery Strategy – Implementation

At the August 2007 meeting, the Governing Board established the minimum flow for the Lower Hillsborough River (LHR). As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a "recovery strategy" must be developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The proposed recovery strategy was approved by the Governing Board at the August 2007 meeting. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flow. Projects that are planned under the recovery strategy include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. Per the recovery strategy, 75 percent of the 11 cfs (8.2 cfs or 5.3 mgd) transferred to the reservoir from the TBC is being pumped to the base of the dam. This amount of freshwater, in combination with 10 cfs supplied from Sulphur Springs to the base of the dam by the City of Tampa (COT), indicates an actual minimum flow of 18.2 cfs (11.8 mgd) or 70 to 80 percent of the adopted minimum flow is now being supplied to the LHR, depending on season. ***New Activities Since Last Meeting:*** Staff is currently processing several cooperative agreements with the COT to fund various phases of the Sulphur Springs weir and pump house projects and the Blue Sink flow-diversion project. COT staff submitted (March 12, 2010) its responses for the Request for Additional Information to the U.S. Army Corps of Engineers in connection with the requested permit for the Sulphur Springs lower weir project. District staff is developing design alternatives to select a scenario for the Morris Bridge Sink pump station project. Due to improved hydrologic conditions, diversions of water from the TBC to the base of the dam were halted on January 22. A field trip for Governing and Basin Board members is planned for Friday, May 21, 2010; and will include visits to the COT's dam, Sulphur Springs, Blue Sink, and Morris Bridge Sink. *Project Managers: Marty Kelly/Mike Holtkamp*

Regional Reclaimed Water Partnership Initiative – TECO/Lakeland/Polk/Mulberry

- **Reuse Project:** This project, consisting of transmission pipelines and storage, will provide reclaimed water from several domestic wastewater treatment facilities to TECO's power facility in southeast Polk County. Phase I of the project will use approximately 5.2 mgd of reclaimed water from the City of Lakeland for the first TECO expansion. Additional quantities are also available from Polk County and the City of Mulberry. Preliminary design for Phase 1 has begun, and the system is expected to be operational in 2013. Though TECO's power generation expansion has been delayed as a result of the economic downturn and reduced demands, TECO intends to replace, to the greatest extent possible, existing groundwater uses with reclaimed water before the expansion is complete. To do this, additional treatment of the reclaimed water is necessary, consisting of filtering and possible reverse osmosis to reduce dissolved solids to an acceptable level. The reverse osmosis reject water (concentrate by-product) will be mixed with other facility discharge water and pumped to one of two proposed deep injection wells for final disposal. While the wells are being drilled as part of this project, only one will be eligible for cooperative funding. As required by the cooperative funding agreement, TECO will use reclaimed water from the City of Lakeland to offset current groundwater use associated with existing facilities prior to the power generation expansion. Phase I is estimated to cost \$65,686,800. Plans for Phase II, originally estimated to be underway by 2012, have also been delayed. Initial estimates indicate that 6 mgd of reclaimed water will be needed for TECO's second phase of expansion, although the source has not been identified. ***New Activities Since Last Meeting:*** TECO has entered into contracts with MWH and AECOM for oversight of the exploratory well construction and project engineering, respectively. Contract execution with the exploratory injection well driller is pending. A monthly project management meeting with AECOM was held on April 13. *Project Manager: Alison Ramoy*
- **Recharge Project:** As part of the Regional Reclaimed Water Partnership Initiative (RRWPI), the District undertook an investigation to determine the Feasibility of Using Reclaimed Water for direct and indirect aquifer recharge in the Tampa Bay Area. The project was developed to maximize the beneficial use of reclaimed water flows and assess possible improvements to southern Hillsborough and western Polk counties. Based on the findings, TBW has submitted and was granted a cooperative funding request for the current fiscal year to further explore aquifer recharge. ***New Activities Since Last Meeting:*** District staff is working with TBW and

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the City of Clearwater to prepare scopes of work and contract documents for one indirect and two direct aquifer recharge feasibility studies that received FY2010 cooperative funding. District staff is also reviewing aquifer recharge projects included in FY2011 cooperative funding applications. *Project Manager: Sandie Will*

Land Resources

In March 2010, the Land Resources Department participated in or hosted the following events:

- Resource management hog hunts were conducted at the Lower Hillsborough Wilderness Preserve and the Hampton Tract within the Green Swamp Wilderness Preserve. A total of 17 hogs were removed from the properties. Hog harvest was low due to high water conditions on the properties.
- Staff made a “Discover A Watershed” presentation and tour for a group of teachers at the Serenova Tract within the Starkey Wilderness Preserve.
- The sixth annual Volunteer Appreciation Day was held on March 27 at Jay B. Starkey Wilderness Park within the Starkey Wilderness Preserve. Approximately 100 people attended including staff and board members. Approximately 9,000 volunteer hours were recorded for 2009. Twenty-three awards were presented to various individuals and groups for their dedication to maintenance of trails, campground hosts, and support of District programs.
- District staff, the National Wild Turkey Federation, the Florida Fish and Wildlife Conservation Commission and the Peace River/Manasota Regional Water Supply Authority worked together to create a youth turkey/hog hunt on the RV Griffin Reserve in DeSoto County. Six girls and six boys, ages eight to seventeen, participated in the weekend-long event. This cooperative effort provided a rich experience that included environmental education, a hunter safety training program, overnight camping and a valued experience in the outdoors. The group harvested four gobblers and one large hog.
- Staff conducted a tour of Green Swamp West for the Environmental Advisory Committee following the Committee’s meeting on March 8. The tour began at the District’s meeting facility and featured an upland restoration project, a timber management zone, “Hogback Ridge,” Compressco and Ashley Campgrounds, and a cattle lease under partnership with the Pasco County School Board.

Fire Activity

Recurring wet cold fronts through the end of 2009 have maintained adequate ground and fuel moisture, diminished wildfire probability, and brought conditions for safe prescribed burning. Growing season burns have begun and high surface water levels, though impeding accessibility somewhat, are making for safe and highly productive burning conditions. This is expected to continue through spring and summer months. To date this fiscal year, approximately 15,000 acres have been burned under prescription on District lands. Staff’s prescribed burning goal for FY2010 is 40,000 acres and, if conditions continue as expected, staff should attain a record burning year.

Staff Recommendation:

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

Presenter: Bruce C. Wirth, P.E., Deputy Executive Director, Resource Management

**Governing Board Meeting
April 27, 2010**

FINANCE & ADMINISTRATION COMMITTEE

Discussion Items

- 45. Consent Item(s) Moved for Discussion
- 46. Annual Employment and Vendor Diversity Report (15 minutes) 2
(Strategic Plan: Mission Support)

Submit & File Report

- 47. Fiscal Year 2011 Budget Update 3
- 48. Fiscal Year 2010 Second Quarter Financial Report 7

Routine Reports

- 49. Treasurer's Report, Payment Register, and Contingency Reserves Report 28
- 50. Management Services Significant Activities 34

**Finance and Administration Committee
April 27, 2010**

Discussion Item

Annual Report on Employment and Vendor Diversity

Purpose

This annual report to the Governing Board reflects the District's vendor and employment diversity management philosophy and provides a progress report on the key activities and statistics from calendar year 2009.

Background

Since the District's first Diversity Management Plan was approved in 1995, the District has implemented and maintained aggressive outreach efforts to recruit diverse applicants for employment as well as diverse vendors to provide goods and services to the District. Our goals and strategies have been developed with the enthusiastic input, guidance, cooperation and support of past and current Governing Board members, outside consultants and reviewers and staff.

The 2010 report reflects staff activities and progress during calendar year 2009. Among other things, the report includes:

- *SWFWMD Diversity Goals and Strategies* for enhancements both to employment diversity and vendor diversity.
- *Status Report on Continuous Programs* that staff are working on to promote the District's diversity efforts, including student internship programs, minority vendor and cooperative funding partner outreach activities.
- *Update on Diversity Initiatives* underway in the Human Resources and Finance Departments for this Fiscal Year. It also provides a list of some of the significant initiatives for 2009 and goals for 2010.
- *Workforce Outreach and Events*, including recruitment, community outreach efforts, diversity events attended, District Employee Committee activities and mentoring initiatives.
- *Future Challenges*, including the District's ongoing initiatives to promote environmental responsibility among employees and in our recruitment efforts.
- *Exhibits and Statistical Reports* in support of the status updates provided.

Benefit/Costs

The District's diversity management strategies promote an environment that:

- (1) Creates a level playing field for persons of diverse background to participate in employment and vendor opportunities;
- (2) Values the contributions of each individual toward meeting overall water management objectives; and
- (3) Reflects, serves and incorporates the interests of the diverse communities within our region.

Staff Recommendation:

See Report

Accept the Annual Report on Employment and Vendor Diversity at the District.

Presenter: Elaine M. Kuligofski, Director, Human Resources & Risk Management

**Finance and Administration Committee
April 27, 2010**

Submit & File Report

Fiscal Year 2011 Budget Update

Purpose

Provide the Finance and Administration Committee an update on the fiscal year 2011 (FY2011) budget development process.

Background

Budget requests for FY2011 have been received from all departments and budget meetings are now underway. Executive and Budget staffs are working with the departments to finalize the budget requests.

Ad valorem property tax revenue assumptions continue to be revised. In March, based on updated information provided by the county Property Appraisers and the Legislature's Office of Economic and Demographic Research, the ad valorem revenue assumptions were re-evaluated and revised as follows: General Fund – remain 9 percent decrease; Alafia River Basin – remain 9 percent decrease; Coastal Rivers Basin – 8 percent decrease; Hillsborough River Basin – 9 percent decrease; Manasota Basin – 10 percent decrease; Peace River Basin – 11 percent decrease; Pinellas-Anclote River Basin – 11 percent decrease; and Withlacoochee River Basin – 7 percent decrease;

In April, the preliminary budgets were presented to the Basin Boards for consideration. The Basin Boards will set priorities and resource allocations for FY2011. As discussed during the Long-Range Water Supply and Water Resource Development Funding Plan update in December 2009, the basins within the Southern Water Use Caution Area (Alafia River, Manasota and Peace River Basins) continue to face the greatest funding challenges for FY2011. The basins in the Northern Tampa Bay and Northern District planning areas are well positioned for FY2011.

More recent information from the Hillsborough County Property Appraiser indicates they are now projecting a 10 to 12 percent decrease in property values. If this is supported by the June 1 estimate of taxable value and other county estimates are in line with the projections, the planning assumptions may be revised for the General Fund – 10 percent decrease; and Alafia River Basin – 11 percent decrease and Hillsborough River Basin – 11 percent decrease. The ad valorem revenue estimates will be revised when the June 1 estimates of taxable value are received from the county property appraisers, and finalized based on the July 1 certifications of taxable value also provided by the county property appraisers.

The FY2011 Recommended Annual Service Budget will be presented to the Governing Board in June, including the proposed FY2011-FY2015 Five-Year Capital Improvements Plan and the Information Resources Department proposed FY2011-FY2015 Five-Year Technology Plan. These two draft five-year plans were originally scheduled by staff to be presented to the Governing Board in April. However, a decision was made to defer presentation of these plans until better estimates of revenue will be available following the receipt of the June 1 estimates of taxable value from the county property appraisers. Beginning in July through September, monthly updates will be provided to the Governing Board for approval of budget changes prior to inclusion in the District's budget.

Budget development is on schedule with the FY2011 budget calendar which is attached as an exhibit for reference.

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Staff Recommendation:

See Exhibit

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

Presenter: Linda R. Pilcher, Assistant Director, Finance Department

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Fiscal Year 2011 Budget Calendar

Rev. 04/14/10

<u>DATES</u>	<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>
October 2009	Annual Basin Board Planning Workshops	Basin Boards
October	Formal Update WS&WRD Funding Plan Over Planning Horizon of 2030 Cooperative Funding Meetings	Staff/Prospective Cooperators/Public
December 1-31	Develop FY2011 Budget Preparation Guidelines	Executive/Budget
December 4	FY2011 Cooperative Funding Applications Due	Prospective Cooperators
December 15	Governing Board Review FY2011 Budget Development Process	Executive/Budget/Governing Board
December 15	Governing/Basin Boards Joint Workshop & Governing Board Mtg. Formal Update WS&WRD Funding Plan Over Planning Horizon of 2030	Basin Boards/Governing Board
January 1-31, 2010	Review FY2011 Cooperative Funding Applications	Staff
January 4	FY2010 First Quarter Financial Report & Planning Forecast	Directors/Budget
Beginning January 21	Budget Preparation and BRASS Software Training Distribute FY2011 Budget Preparation Guidelines	Budget/Financial Systems/Staff Budget
February	Basin Boards Review Cooperative Funding Applications	Basin Boards
February	Identify New or Continuing FY2011 Major Alternative Water Supply & Water Resource Development (WS&WRD) Projects from Cooperative Funding Submittals	Staff
February	Rank FY2011 Cooperative Funding Applications	Staff
February 19	Recurring Budget Requests and Staff Resource Allocations Due	Directors
February 26	New and Non-Recurring Budget Requests Due	Directors
March 5	Capital Improvements Plan Requirements Due	Directors
March 5	General Services and Information Resources Departments New and Non-Recurring Budget Requests Due	Directors
March 8	Preliminary Budget Summary	Executive/Budget
March 10-26	Executive Review of Budget Submissions	Executive/Budget/Directors
March 29-April 2	Departmental Follow-up Review (Executive Adjustments)	Executive/Budget/Directors
March 30	Present FY2011 WS&WRD Projects; Update Existing Project Costs and Schedule/Budget Update	Governing Board
March 30	FY2011 Budget Update – Update Ad Valorem Revenue Estimates following State’s Revenue Estimating Conference	Executive/Budget/Governing Board
April	Basin Boards Review Preliminary Budgets	Basin Boards
April	Present FY2011 Basin WS&WRD Projects; Update Existing Project Costs and Schedule/Budget Update	Basin Boards
April 1	FY2010 Second Quarter Financial Report & Planning Forecast	Directors/Budget
April 5	Executive Budget Summary (All Funds)	Executive/Budget
April 27	FY2011 Budget Update	Executive/Budget/Governing Board
May 25	FY2011 Budget Update – Update Revenue Estimates following 2010 Legislative Session	Executive/Budget/Governing Board
May 28	Final Executive Review of FY2011 Recommended Annual Service Budget	Executive/Budget
June	Basin Boards Review Proposed Budgets & Adopt Proposed Millage Rates	Basin Boards
June	Review Elements of WS&WRD Funding Plan Relative to Costs & Schedule of Proposed or Modified Projects and Planned Funding	Basin Boards
June 1	Estimates of Taxable Value	Budget
June 3	Picture-In-Time for FY2011 Recommended Annual Service Budget	Budget
June 30	FY2011 Annual Presentation of Recommended Annual Service Budget Including Draft Information Resources Five-Year Technology Plan and Draft Five-Year Capital Improvements Plan	Executive/Budget/Governing Board Executive/IRD/Budget/ Governing Board
June 30	Update WS&WRD Funding Plan Revenue Assumptions with FY2011 Ad Valorem Revenue Estimates & Make Necessary Adjustments to Budget	Governing Board

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Fiscal Year 2011 Budget Calendar (continued)

Rev. 04/14/10

<u>DATES</u>	<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>
July	Special Basin Board Meetings, if needed, to adopt proposed FY2011 Millage Rates	Budget/Basin Boards
July 1-15	Certifications of Taxable Value	Property Appraisers/Budget
July 1	FY2010 Third Quarter Financial Report & Planning Forecast	Directors/Budget
July 27	FY2011 Budget Update & Adopt Proposed Millage Rates for District and Watershed Basins	Executive/Budget/Governing Board
August	Basin Boards Review Final Budgets & Adopt Final Millage Rates and Budgets	Basin Boards
August	Update WS&WRD Funding Plan Revenue Assumptions with Final FY2011 Ad Valorem Revenue Estimates & Make Necessary Adjustments to Budget	Basin Boards
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
August	Executive Office of the Governor (EOG) Budget Review	EOG/Executive/Budget
August 4	Submit Proposed Millage Rates & Preliminary Disclosure of Maximum Millage Levies to Property Appraisers	Budget
August 24	FY2011 Budget Update	Executive/Budget/Governing Board
September 5	House and Senate Appropriations and Appropriate Substantive Committee Chairs Comments Due	Legislature
September 14	Public Hearing (Tentative Budget) – Tampa Service Office	Governing Board
September 21	EOG Budget Review Comments Due	EOG
September 23-26	Advertise Millage Rates and Budget	Budget
September 28	Public Hearing (Final Budget) – District Headquarters, Brooksville	Governing Board
October 1	Forward Resolution to Property Appraisers, Tax Collectors & Department of Revenue	Budget
October 8	Issue FY2011 Budget in Brief Report	Budget
October 28	Certify Compliance to Department of Revenue Including the DR-487, DR-420s, DR-422s, DR-420 MMs & DR-487V	Budget
December 15	EOG Report on Review of Water Management District Budgets for FY2011	EOG
December 31	Certify Compliance to Department of Financial Services	Budget
March 1, 2011	Submit Consolidated Water Management District Annual Report (including the Five-Year Capital Improvements Plan) 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

**Finance and Administration Committee
April 27, 2010**

Submit & File Report

Fiscal Year 2010 Second Quarter Financial Report

Purpose

The purpose of the Fiscal Year 2010 Second Quarter Financial Report is to identify and forecast major trends, conditions or variances that may need management's attention. Based on the financial activities for the first six months of the fiscal year, the financial condition of the District is positive and budget variances are generally favorable.

Background

The second quarter report covers the financial activities for the first six months of fiscal year (FY) 2010 which ended March 31, 2010. It provides a summary of the financial activities on an All Funds basis and for each separate Fund that compares Revenues to Expenditures/ Encumbrances. In preparation of this report, all departments were asked to review their financial activities and provide an estimate of budgeted funds that would not be expended or encumbered this fiscal year and identify any outside revenue that would not be received this fiscal year due to an associated reduction in program expenditures (for amounts \$10,000 or more). This information was then compiled and projections were made based on the overall financial activities for the first six months of the fiscal year. Staff will continue to monitor and report on all financial activities throughout FY2010, to ensure the District's continued financial success.

Staff Recommendation:

See Exhibit

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

Presenter: Linda R. Pilcher, Assistant Director, Finance Department

FISCAL YEAR 2010 QUARTERLY FINANCIAL REPORT



SECOND QUARTER FINANCIAL REPORT

**Six Months Ended
March 31, 2010**

APRIL 2010

Prepared By: Finance Department
For additional copies, please call extension 4103.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
FISCAL YEAR 2010 QUARTERLY FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010**

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¹ Financial Report is provided for the Northwest Hillsborough Basin for **FY2009 Actual** only reflecting financial results from October 1, 2008 through December 31, 2008. The Northwest Hillsborough Basin was merged with the Hillsborough River Basin effective January 1, 2009.

² Financial Report is provided for the Surface Water Improvement and Management (SWIM) Program for **FY2009 Actual** only reflecting the financial results for FY2009, from October 1, 2008 through September 30, 2009. Effective October 1, 2009, the use of a separate accounting fund for the SWIM Program was discontinued. The SWIM projects are now included as part of the Basin Funds, and the budget and financial results through the second quarter of FY2010 are reflected in the individual Basin Funds in this report.

INTRODUCTION

The second quarter report covers the financial activities for the first six months of fiscal year (FY) 2010. The purpose of the report is to identify and forecast major trends, conditions or variances that may need management's attention. To accomplish this, a financial report has been prepared on an All Funds basis and for each separate Fund that compares Revenues to Expenditures/Encumbrances.

Revenues

Through the second quarter, the District collected \$161.1 million in ad valorem taxes. This represents 86 percent of the annual budget which compares favorably with 84 percent collected by this same time last year (FY2009) and with 86 percent collected for FY2008. For FY2009, the District collected 96.2 percent of the ad valorem tax levy, or 0.2 percent above the 96 percent historically budgeted. For FY2008, the District collected 96.5 percent of the ad valorem levy or 0.5 percent above the 96 percent budgeted. Based on this, collection of ad valorem taxes appears to be on track with the budget.

The FY2010 interest earnings budget was based on a 1 percent interest rate; the weighted average yield on the District's investment portfolio was 1.33 percent at March 31, 2010. Due to the portfolio's current rate of return and higher cash balances related to project timing and reserves, current projections for FY2010 indicate interest earnings will exceed the budgeted amounts within the individual Funds by a combined amount of \$1,645,000. Refer to the individual financial reports for the amounts by Fund.

It is currently anticipated that the District will receive an estimated \$1.6 million in permit fees for FY2010, based on the number of applications received to-date, annualized. This is \$800,000 less than budgeted for FY2010, and is primarily due to a decline in the number of Environmental Resource Permit applications projected for FY2010 compared to FY2009. Any shortfall in permit fee revenue in the General Fund will be offset by projected interest earnings in excess of budget.

Expenditures / Encumbrances

Second quarter information indicates that most major projects will be accomplished or encumbered during this fiscal year except as noted in the financial reports.

Conclusion

Based on the financial activities for the first six months of the fiscal year and the projections as of the end of the quarter, March 31, 2010, the financial condition of the Southwest Florida Water Management District, including the individual Basins, is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention other than permit fees, as discussed. We will continue to monitor and report on all financial activities throughout FY2010 as a means to ensure the District's continued financial success.

DEFINITIONS AND ACRONYMS

The following definitions are provided as a tool when reviewing this report:

Fund Accounting: The accounts of the District are organized and operated on the basis of funds. A fund is an independent fiscal and accounting entity with a self-balancing set of accounts. Governmental accounting information is organized into funds, each with separate revenues, expenditures, and fund balances. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions.

General Fund: The general fund is the District's general operating fund. It accounts for all financial resources of the District, except those required to be accounted for in another fund.

Special Revenue Funds: Special revenue funds account for specific revenue sources (other than capital revenue sources) that are legally restricted to expenditures for specified purposes. For FY2010, the seven Basins, Florida Department of Transportation (FDOT) Mitigation program, and the Partnership Trust are accounted for as special revenue funds.

Capital Projects Funds: Capital projects funds account for financial resources that are used for the acquisition of major capital projects associated with the Florida Forever / Save Our Rivers land acquisition program, and the District's Facilities projects.

Balance From Prior Years: This represents funds carried over from prior years that are allocated for expenditure in the FY2010 budget.

Interfund Transfer: Interfund transfers represent the transfer of money from one fund to another within a governmental unit. With the elimination of the separate fund for the SWIM Program, no interfund transfers are budgeted for FY2010.

FY2009 Actual: This represents actual audited revenues and expenditures for the prior fiscal year.

Adopted FY2010 Budget: This is the adopted budget for the current fiscal year.

Prior Year Encumbrances: This represents the amount of prior year encumbrances and board designations carried forward from FY2009 and re-appropriated for FY2010.

Budget Amendments/Transfers: This identifies formal budget amendments and approved transfers of budgeted funds from one budget line to another during the fiscal year.

Modified FY2010 Budget: This is the modified budget which is the adopted budget increased by the amount of prior year encumbrances and board designations carried forward from FY2009 and re-appropriated for FY2010, and adjusted for budget amendments/transfers.

Encumbered at Month-End: This represents valid encumbrances and board designations outstanding at March 31, 2010.

FY2010 Actuals YTD: This represents actual funds expended through the second quarter of FY2010, or fiscal year-to-date (YTD).

FY2010 Forecast: The forecast is a projection of revenues and expenditures / encumbrances and board designations for the current fiscal year and is based on actual operating results, and current information, activities, trends, and conditions.

Variance: This calculated field is the difference between the Modified FY2010 Budget and the FY2010 Forecast to show an initial projected carryover amount.

Fund Balance Restricted for Encumbrances: This represents the portion of Fund Balance that was reserved or designated as of September 30, 2009, the end of the prior fiscal year, to fund outstanding encumbrances or board designations that were re-appropriated for expenditure in FY2010. Outside revenue associated with outstanding encumbrances or board designations is reflected as revenue in the **Prior Year Encumbrances column.**

Projected Carryover for FY2011: The second quarter projection represents an initial estimate of funds that will be available at the end of the fiscal year for carryover as a funding source for subsequent years. These projections will be used to develop the Basins' *Balance From Prior Years* projections for the FY2011 budget.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010**

DISTRICT ALL FUNDS

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$216,624,815	\$187,951,017	\$0	\$0	\$187,951,017	\$0	\$161,104,814	\$187,951,017	\$0
Balance From Prior Years	0	56,524,860	0	0	56,524,860	0	0	56,524,860	0
Local Funding / County / City	2,238,741	3,281,165	9,311,007	0	12,592,172	0	175,199	12,592,172	0
State Funding	54,724,473	39,745,475	87,032,923	243,660	127,022,058	0	4,647,009	126,386,647	(635,411) (1)
Federal Funding	2,288,759	1,670,000	6,778,817	0	8,448,817	0	0	8,448,817	0
Permit Fees	1,672,672	2,400,000	0	0	2,400,000	0	818,957	1,600,000	(800,000) (1)
Interest on Investments - District	13,220,367	5,900,000	0	0	5,900,000	0	4,797,310	7,545,000	1,645,000
Other	5,112,286	1,414,980	0	0	1,414,980	0	979,090	1,592,721	177,741 (1)
Total Revenues and Balances	\$295,882,113	\$298,887,497	\$103,122,747	\$243,660	\$402,253,904	\$0	\$172,522,379	\$402,641,234	\$387,330
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$520,660,816	\$0	\$520,660,816	\$0	\$0	\$520,660,816	\$0
Interfund Transfers - SWIM	4,012,815	0	0	0	0	0	0	0	0
Interfund Transfers - Basin Merger	36,896,146 (2)	0	0	0	0	0	0	0	0
Total Revenues, Balances and Transfers	\$336,791,074	\$298,887,497	\$623,783,563	\$243,660	\$922,914,720	\$0	\$172,522,379	\$923,302,050	\$387,330
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$60,878,966	\$62,749,169	\$0	\$26,200	\$62,775,369	\$12,275	\$26,676,658	\$62,775,369	\$0
Other Personal Services	42,099,444	54,334,520	138,545,792	(3,523,220)	189,357,092	140,434,382	13,936,716	187,355,996	(2,001,096) (1)
Operating Expenses	23,555,015	27,628,681	2,868,877	(924,458)	29,573,100	3,596,935	13,283,765	29,573,100	0
Operating Capital Outlay	11,017,755	2,705,429	4,317,988	5,732,655	12,756,072	5,919,093	3,887,527	12,756,072	0
Fixed Capital Outlay	21,020,747	24,910,200	1,531,820	394,000	26,836,020	799,193	1,825,338	26,836,020	0
Cooperative Funding Initiative Grants	141,876,007	112,153,031	281,605,159	47,343	393,805,533	321,838,607	46,530,652	360,288,201	(33,517,332) (1)
Reserves for Water Supply & Resource Dev	0	2,762,182	189,499,321	(451,000)	191,810,503	191,810,503	0	191,810,503	0
Reserves for Stormwater Management	0	0	3,697,608	0	3,697,608	3,697,608	0	3,697,608	0
Reserves for Watershed Management	0	0	1,716,998	(74,000)	1,642,998	1,642,998	0	1,642,998	0
Reserves for Contingencies	0	11,644,285	0	(983,860)	10,660,425	0	0	10,660,425	0
Total Expenditures / Encumbrances	\$300,447,934	\$298,887,497	\$623,783,563	\$243,660	\$922,914,720	\$669,751,594	\$106,140,656	\$887,396,292	(\$35,518,428)
Interfund Transfers - SWIM	\$4,012,815	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interfund Transfers - Basin Merger	36,896,146 (2)	0	0	0	0	0	0	0	0
Total Expenditures, Reserves & Transfers	\$341,356,895 (3)	\$298,887,497	\$623,783,563	\$243,660	\$922,914,720	\$669,751,594	\$106,140,656	\$887,396,292	(\$35,518,428)
Projected Carryover for FY2011									\$35,905,758

(1) Refer to individual fund reports on the following pages for explanation of variances.

(2) Northwest Hillsborough Basin and Hillsborough River Basin were merged effective January 1, 2009, to be known as the Hillsborough River Basin. The fund balance (i.e., assets minus liabilities) of the Northwest Hillsborough Basin was transferred to the Hillsborough River Basin (shown as an interfund transfer) effective January 1, 2009.

(3) FY2009 expenditures in excess of revenues are funded by Fund Balance as planned and budgeted.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010**

GENERAL FUND (DISTRICTWIDE)

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$134,486,978	\$118,483,566	\$0	\$0	\$118,483,566	\$0	\$101,322,897	\$118,483,566	\$0
Balance From Prior Years	0	23,723,939	0	0	23,723,939	0	0	23,723,939	0
Local Funding / County / City	430,902	333,714	236,954	0	570,668	0	6,959	570,668	0
State Funding	17,741,841	3,249,196	20,402,018	121,830	23,773,044	0	1,603,835	23,773,044	0
Federal Funding	1,426,641	470,000	5,666,083	0	6,136,083	0	0	6,136,083	0
Permit Fees	1,672,672	2,400,000	0	0	2,400,000	0	818,957	1,600,000	(800,000) (1)
Interest on Investments	6,192,018	2,750,000	0	0	2,750,000	0	2,307,306	3,600,000	850,000
Other	3,156,333	1,414,980	0	0	1,414,980	0	964,530	1,578,161	163,181 (2)
Total Revenues and Balances	\$165,107,385	\$152,825,395	\$26,305,055	\$121,830	\$179,252,280	\$0	\$107,024,484	\$179,465,461	\$213,181
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$234,871,131	\$0	\$234,871,131	\$0	\$0	\$234,871,131	\$0
Total Revenues, Balances and Transfers	\$165,107,385	\$152,825,395	\$261,176,186	\$121,830	\$414,123,411	\$0	\$107,024,484	\$414,336,592	\$213,181
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$53,366,319	\$54,911,006	\$0	\$0	\$54,911,006	\$12,275	\$24,000,346	\$54,911,006	\$0
Other Personal Services	20,740,888	32,285,486	34,753,602	(3,592,607)	63,446,481	40,926,930	8,163,940	61,985,961	(1,460,520) (3)
Operating Expenses	18,417,781	21,716,125	2,591,543	(1,017,871)	23,289,797	3,118,884	10,379,544	23,289,797	0
Operating Capital Outlay	10,916,791	2,586,429	4,272,037	5,741,655	12,600,121	5,884,604	3,879,038	12,600,121	0
Fixed Capital Outlay	9,461,925	510,200	310,705	394,000	1,214,905	311,580	316,062	1,214,905	0
Cooperative Funding Initiative Grants	39,929,960	34,816,149	57,584,795	31,513	92,432,457	76,434,668	9,284,139	90,987,339	(1,445,118) (4)
Reserves for Water Supply & Resource Dev	0	0	161,663,504	(451,000)	161,212,504	161,212,504	0	161,212,504	0
Reserves for Contingencies	0	6,000,000	0	(983,860)	5,016,140	0	0	5,016,140	0
Total Expenditures / Encumbrances	\$152,833,664	\$152,825,395	\$261,176,186	\$121,830	\$414,123,411	\$287,901,445	\$56,023,069	\$411,217,773	(\$2,905,638)
Interfund Transfers - SWIM	\$9,880	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$152,843,544	\$152,825,395	\$261,176,186	\$121,830	\$414,123,411	\$287,901,445	\$56,023,069	\$411,217,773	(\$2,905,638)
Projected Carryover for FY2011									\$3,118,819

(1) Refer to Introduction to Second Quarter Financial Report on Page 10 for discussion of FY2010 permit revenue.

(2) Other revenue due to \$12,510 in excess fees returned to District by Property Appraisers and Tax Collectors; \$9,781 in interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District; and \$140,890 received due to consent orders for water settlement and legal fees.

(3) Project Cancelled: Biological Water Treatment System Pilot Study (\$710,520). Remaining budgeted funds not required: Outside Legal Services (\$525,000); and Expert Legal Testimony/Analysis (\$225,000).

(4) Project completed under budget: West Pasco Infrastructure Improvement-Starkey/North Pasco (\$1,445,118).

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010

ALAFIA RIVER BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$4,821,088	\$4,403,720	\$0	\$0	\$4,403,720	\$0	\$3,779,247	\$4,403,720	\$0
Balance From Prior Years	0	2,092,681	0	0	2,092,681	0	0	2,092,681	0
Local Funding / County / City	180,391	91,710	29,511	0	121,221	0	0	121,221	0
State Funding	972,360	416,868	7,830,918	0	8,247,786	0	61,072	8,218,375	(29,411) (2)
Interest on Investments	371,049	160,000	0	0	160,000	0	134,584	205,000	45,000
Other	2,573	0	0	0	0	0	440	440	440 (1)
Total Revenues and Balances	\$6,347,461	\$7,164,979	\$7,860,429	\$0	\$15,025,408	\$0	\$3,975,343	\$15,041,437	\$16,029
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$13,521,139	\$0	\$13,521,139	\$0	\$0	\$13,521,139	\$0
Total Revenues, Balances and Transfers	\$6,347,461	\$7,164,979	\$21,381,568	\$0	\$28,546,547	\$0	\$3,975,343	\$28,562,576	\$16,029
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$474,142	\$552,679	\$0	\$0	\$552,679	\$0	\$238,697	\$552,679	\$0
Other Personal Services	915,805	1,228,700	10,382,713	0	11,611,413	9,697,888	730,253	11,562,395	(49,018) (2)
Operating Expenses	200,470	282,973	14,120	0	297,093	38,085	159,089	297,093	0
Operating Capital Outlay	2,417	0	1,400	0	1,400	1,400	0	1,400	0
Cooperative Funding Initiative Grants	2,336,818	4,800,627	10,540,143	0	15,340,770	13,476,238	981,828	15,340,770	0
Reserves for Water Supply & Resource Dev	0	0	443,192	0	443,192	443,192	0	443,192	0
Reserves for Contingencies	0	300,000	0	0	300,000	0	0	300,000	0
Total Expenditures / Encumbrances	\$3,929,652	\$7,164,979	\$21,381,568	\$0	\$28,546,547	\$23,656,803	\$2,109,867	\$28,497,529	(\$49,018)
Interfund Transfers - SWIM	\$180,514	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$4,110,166	\$7,164,979	\$21,381,568	\$0	\$28,546,547	\$23,656,803	\$2,109,867	\$28,497,529	(\$49,018)
Projected Carryover for FY2011									\$65,047

(1) Other revenue primarily due to \$356 interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Projects Cancelled: Port Redwing Habitat Restoration (\$28,970)*; and Apollo Beach Habitat Restoration (\$20,048)*.

* Project would have been funded 60% from state Water Management Lands Trust Fund and 40% from Basin ad valorem revenue.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010**

HILLSBOROUGH RIVER BASIN

REVENUES	FY2009 ACTUAL (1)	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$13,004,137	\$15,673,726	\$0	\$0	\$15,673,726	\$0	\$13,449,561	\$15,673,726	\$0
Balance From Prior Years	0	6,252,595	0	0	6,252,595	0	0	6,252,595	0
Local Funding / County / City	296,339	778,178	2,318,459	0	3,096,637	0	0	3,096,637	0
State Funding	3,248,898	1,789,251	7,362,209	0	9,151,460	0	153,916	8,793,845	(357,615) (3),(4)
Federal Funding	23,176	0	200,000	0	200,000	0	0	200,000	0
Interest on Investments	1,219,810	770,000	0	0	770,000	0	595,019	970,000	200,000
Other	1,895,558	0	0	0	0	0	1,270	1,270	1,270 (2)
Total Revenues and Balances	\$19,687,918	\$25,263,750	\$9,880,668	\$0	\$35,144,418	\$0	\$14,199,766	\$34,988,073	(\$156,345)
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$67,759,694	\$0	\$67,759,694	\$0	\$0	67,759,694	\$0
Interfund Transfers - Basin Merger	36,896,146 (1)	0	0	0	0	0	0	0	0
Total Revenues, Balances and Transfers	\$56,584,064	\$25,263,750	\$77,640,362	\$0	\$102,904,112	\$0	\$14,199,766	\$102,747,767	(\$156,345)
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$1,368,130	\$1,453,205	\$0	\$0	\$1,453,205	\$0	\$527,333	\$1,453,205	\$0
Other Personal Services	2,006,946	3,069,829	11,245,740	0	14,315,569	9,528,949	668,890	13,824,011	(491,558) (3)
Operating Expenses	965,676	1,279,663	47,208	0	1,326,871	103,290	759,419	1,326,871	0
Operating Capital Outlay	20,204	18,000	2,700	0	20,700	2,700	0	20,700	0
Cooperative Funding Initiative Grants	9,096,780	16,522,146	50,773,995	0	67,296,141	54,425,160	3,670,958	42,184,181	(25,111,960) (4)
Reserves for Water Supply & Resource Dev	0	1,920,907	11,873,111	0	13,794,018	13,794,018	0	13,794,018	0
Reserves for Stormwater Management	0	0	3,697,608	0	3,697,608	3,697,608	0	3,697,608	0
Reserves for Contingencies	0	1,000,000	0	0	1,000,000	0	0	1,000,000	0
Total Expenditures / Encumbrances	\$13,457,736	\$25,263,750	\$77,640,362	\$0	\$102,904,112	\$81,551,725	\$5,626,600	\$77,300,594	(\$25,603,518)
Interfund Transfers - SWIM	\$588,799	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$14,046,535	\$25,263,750	\$77,640,362	\$0	\$102,904,112	\$81,551,725	\$5,626,600	\$77,300,594	(\$25,603,518)
Projected Carryover for FY2011									\$25,447,173

(1) Northwest Hillsborough Basin and Hillsborough River Basin were merged effective January 1, 2009. FY2009 Actual reflects the financial results of the Hillsborough River Basin for the first quarter of FY2009 and the financial results of the merged Basin for the last three quarters of FY2009. The fund balance (i.e., assets minus liabilities) of the Northwest Hillsborough Basin was transferred to the Hillsborough River Basin (shown as an interfund transfer) effective January 1, 2009.

(2) Other revenue primarily due to \$1,010 interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(3) Project completed under budget: McIntosh Park Water Quality/Wetland Enhancement (\$491,558)*.

(4) Projects Cancelled: South Tampa Area Reclaimed Project Expansion (\$9,886,600); Implementation of BMPs: Dale Mabry (\$8,500,000); Implementation of BMPs: Spanishtown Creek (\$6,600,000); Davis Island's Seaplane Basin Water Quality Improvement (\$75,000)**; and Urban Lake Rescue (\$50,360)**.

* Project would have been funded 60% from state Water Management Lands Trust Fund (WMLTF) and 40% from Basin ad valorem revenue.

** Project would have been funded 50% from state WMLTF and 50% from Basin ad valorem revenue.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
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NORTHWEST HILLSBOROUGH BASIN

REVENUES	FY2009 ACTUAL (1)	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$5,376,574	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funding	1,413	0	0	0	0	0	0	0	0
Interest on Investments	498,469	0	0	0	0	0	0	0	0
Other	1,115	0	0	0	0	0	0	0	0
Total Revenues and Balances	\$5,877,571	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues, Balances and Transfers	\$5,877,571	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$44,954	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Personal Services	31,055	0	0	0	0	0	0	0	0
Operating Expenses	140,084	0	0	0	0	0	0	0	0
Cooperative Funding Initiative Grants	382,658	0	0	0	0	0	0	0	0
Total Expenditures / Encumbrances	\$598,751	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interfund Transfers - SWIM	\$5,814	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interfund Transfers - Basin Merger	36,896,146 (1)	0	0	0	0	0	0	0	0
Total Expenditures, Reserves & Transfers	\$37,500,711	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected Carryover for FY2011									\$0

(1) Northwest Hillsborough Basin and Hillsborough River Basin were merged effective January 1, 2009, to be known as the Hillsborough River Basin. FY2009 Actual represents the financial results of the Northwest Hillsborough Basin for the first quarter of FY2009, prior to the merger. The fund balance (i.e., assets minus liabilities) of the Northwest Hillsborough Basin was transferred to the Hillsborough River Basin (shown as an interfund transfer) effective January 1, 2009.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
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COASTAL RIVERS BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$4,553,491	\$4,048,023	\$0	\$0	\$4,048,023	\$0	\$3,449,290	\$4,048,023	\$0
Balance From Prior Years	0	1,672,079	0	0	1,672,079	0	0	1,672,079	0
Local Funding / County / City	462,508	1,133,139	2,040,123	0	3,173,262	0	18,632	3,173,262	0
State Funding	1,919,919	1,102,923	683,981	0	1,786,904	0	586,476	1,786,904	0
Interest on Investments	301,392	130,000	0	0	130,000	0	108,252	160,000	30,000
Other	1,042	0	0	0	0	0	271	271	271 (1)
Total Revenues and Balances	\$7,238,352	\$8,086,164	\$2,724,104	\$0	\$10,810,268	\$0	\$4,162,921	\$10,840,539	\$30,271
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$10,462,023	\$0	\$10,462,023	\$0	\$0	\$10,462,023	\$0
Total Revenues, Balances and Transfers	\$7,238,352	\$8,086,164	\$13,186,127	\$0	\$21,272,291	\$0	\$4,162,921	\$21,302,562	\$30,271

EXPENDITURES / ENCUMBRANCES

Salaries and Benefits	\$738,634	\$798,691	\$0	\$0	\$798,691	\$0	\$288,846	\$798,691	\$0
Other Personal Services	2,402,055	3,371,256	4,678,324	0	8,049,580	5,730,064	686,071	8,049,580	0
Operating Expenses	339,512	428,531	5,937	0	434,468	30,299	210,590	434,468	0
Operating Capital Outlay	2,417	0	0	0	0	0	0	0	0
Fixed Capital Outlay	0	0	448,400	0	448,400	448,400	0	448,400	0
Cooperative Funding Initiative Grants	2,432,746	2,584,103	6,689,315	0	9,273,418	8,089,468	734,272	9,187,683	(85,735) (2)
Reserves for Water Supply & Resource Dev	0	403,583	1,364,151	0	1,767,734	1,767,734	0	1,767,734	0
Reserves for Contingencies	0	500,000	0	0	500,000	0	0	500,000	0
Total Expenditures / Encumbrances	\$5,915,364	\$8,086,164	\$13,186,127	\$0	\$21,272,291	\$16,065,965	\$1,919,779	\$21,186,556	(\$85,735)
Interfund Transfers - SWIM	\$96,019	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$6,011,383	\$8,086,164	\$13,186,127	\$0	\$21,272,291	\$16,065,965	\$1,919,779	\$21,186,556	(\$85,735)
Projected Carryover for FY2011									\$116,006

(1) Other revenue due to interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Project completed under budget: West Pasco Infrastructure Improvement-Starkey/North Pasco (\$85,735).

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010**

PINELLAS-ANCLOTE RIVER BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$27,497,327	\$21,459,185	\$0	\$0	\$21,459,185	\$0	\$18,657,859	\$21,459,185	\$0
Balance From Prior Years	0	14,311,882	0	0	14,311,882	0	0	14,311,882	0
Local Funding / County / City	163,218	81,546	671,737	0	753,283	0	45,682	753,283	0
State Funding	3,241,545	246,441	11,497,632	0	11,744,073	0	121,977	11,495,688	(248,385) (2)
Federal Funding	0	800,000	500,000	0	1,300,000	0	0	1,300,000	0
Interest on Investments	2,885,201	1,350,000	0	0	1,350,000	0	1,031,227	1,640,000	290,000
Other	8,077	0	0	0	0	0	8,373	8,373	8,373 (1)
Total Revenues and Balances	\$33,795,368	\$38,249,054	\$12,669,369	\$0	\$50,918,423	\$0	\$19,865,118	\$50,968,411	\$49,988
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$109,286,216	\$0	\$109,286,216	\$0	\$0	\$109,286,216	\$0
Total Revenues, Balances and Transfers	\$33,795,368	\$38,249,054	\$121,955,585	\$0	\$160,204,639	\$0	\$19,865,118	\$160,254,627	\$49,988
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$775,172	\$1,050,648	\$0	\$0	\$1,050,648	\$0	\$305,354	\$1,050,648	\$0
Other Personal Services	2,536,954	2,316,897	33,044,778	100,000	35,461,675	32,580,546	472,147	35,461,675	0
Operating Expenses	1,020,741	1,081,613	37,683	0	1,119,296	50,993	663,174	1,119,296	0
Operating Capital Outlay	0	41,000	18,568	0	59,568	7,106	5,589	59,568	0
Cooperative Funding Initiative Grants	18,355,045	31,821,204	80,753,528	(100,000)	112,474,732	103,085,485	5,367,427	106,520,355	(5,954,377) (2)
Reserves for Water Supply & Resource Dev	0	437,692	8,101,028	0	8,538,720	8,538,720	0	8,538,720	0
Reserves for Contingencies	0	1,500,000	0	0	1,500,000	0	0	1,500,000	0
Total Expenditures / Encumbrances	\$22,687,912	\$38,249,054	\$121,955,585	\$0	\$160,204,639	\$144,262,850	\$6,813,691	\$154,250,262	(\$5,954,377)
Interfund Transfers - SWIM	\$1,134,377	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$23,822,289	\$38,249,054	\$121,955,585	\$0	\$160,204,639	\$144,262,850	\$6,813,691	\$154,250,262	(\$5,954,377)
Projected Carryover for FY2011									\$6,004,365

(1) Other revenue due to \$7,172 in excess fees returned to District by Property Appraisers and Tax Collectors; and \$1,201 in interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Projects Cancelled: Bee Branch Drainage Improvements (\$86,000); and 49th Street Stormwater Retrofit System (\$496,770)*. Projects completed under budget: West Pasco Infrastructure Improvement-Starkey/North Pasco (\$1,362,119); and Implementation of BMPs: 22nd Street South & Vicinity (\$696,488). Projects Withdrawn: Implementation of BMP's: Pinellas Park, Improvement Area 3 (\$2,713,000); Implementation of BMPs: Bishop Creek at Rainbow Farms (\$225,000); and Clearwater Stevenson Creek WMP (\$375,000).

* Project would have been funded 50% from state Water Management Lands Trust Fund and 50% from Basin ad valorem revenue.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
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WITHLACOCHEE RIVER BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$4,925,509	\$4,591,289	\$0	\$0	\$4,591,289	\$0	\$3,814,829	\$4,591,289	\$0
Balance From Prior Years	0	1,777,484	0	0	1,777,484	0	0	1,777,484	0
Local Funding / County / City	321,554	665,768	2,757,657	0	3,423,425	0	102,361	3,423,425	0
State Funding	1,485,482	1,232,075	698,583	0	1,930,658	0	148,603	1,930,658	0
Federal Funding	148,161	0	0	0	0	0	0	0	0
Interest on Investments	232,430	90,000	0	0	90,000	0	87,219	130,000	40,000
Other	1,240	0	0	0	0	0	464	464	464 (1)
Total Revenues and Balances	\$7,114,376	\$8,356,616	\$3,456,240	\$0	\$11,812,856	\$0	\$4,153,476	\$11,853,320	\$40,464
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$8,226,123	\$0	\$8,226,123	\$0	\$0	\$8,226,123	\$0
Total Revenues, Balances and Transfers	\$7,114,376	\$8,356,616	\$11,682,363	\$0	\$20,038,979	\$0	\$4,153,476	\$20,079,443	\$40,464
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$1,200,642	\$1,300,910	\$0	\$26,200	\$1,327,110	\$0	\$421,563	\$1,327,110	\$0
Other Personal Services	2,269,280	2,298,414	6,526,177	0	8,824,591	6,804,718	817,431	8,824,591	0
Operating Expenses	800,140	817,419	39,868	50,800	908,087	53,070	284,925	908,087	0
Operating Capital Outlay	3,713	40,000	20,483	3,000	63,483	20,483	2,900	63,483	0
Cooperative Funding Initiative Grants	1,264,677	3,699,873	3,378,837	(6,000)	7,072,710	6,571,902	358,102	6,971,036	(101,674) (2)
Reserves for Watershed Management	0	0	1,716,998	(74,000)	1,642,998	1,642,998	0	1,642,998	0
Reserves for Contingencies	0	200,000	0	0	200,000	0	0	200,000	0
Total Expenditures / Encumbrances	\$5,538,452	\$8,356,616	\$11,682,363	\$0	\$20,038,979	\$15,093,171	\$1,884,921	\$19,937,305	(\$101,674)
Interfund Transfers - SWIM	\$382,914	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$5,921,366	\$8,356,616	\$11,682,363	\$0	\$20,038,979	\$15,093,171	\$1,884,921	\$19,937,305	(\$101,674)
Projected Carryover for FY2011									\$142,138

(1) Other revenue due to interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Project completed under budget: Lake Tsala Apopka Stormwater Project (\$26,674). Project Withdrawn: Implementation of BMPs: Alternative 2A (\$75,000).

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
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PEACE RIVER BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$8,525,216	\$7,314,826	\$0	\$0	\$7,314,826	\$0	\$6,093,097	\$7,314,826	\$0
Balance From Prior Years	0	2,404,536	0	0	2,404,536	0	0	2,404,536	0
Local Funding / County / City	212,781	197,110	872,207	0	1,069,317	0	1,565	1,069,317	0
State Funding	3,241,599	740,881	20,883,204	121,830	21,745,915	0	280,308	21,745,915	0
Federal Funding	0	400,000	412,734	0	812,734	0	0	812,734	0
Interest on Investments	554,085	250,000	0	0	250,000	0	187,778	300,000	50,000
Other	4,519	0	0	0	0	0	2,534	2,534	2,534 (1)
Total Revenues and Balances	\$12,538,200	\$11,307,353	\$22,168,145	\$121,830	\$33,597,328	\$0	\$6,565,282	\$33,649,862	\$52,534
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$17,733,778	\$0	\$17,733,778	\$0	\$0	\$17,733,778	\$0
Total Revenues, Balances and Transfers	\$12,538,200	\$11,307,353	\$39,901,923	\$121,830	\$51,331,106	\$0	\$6,565,282	\$51,383,640	\$52,534
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$1,073,972	\$1,378,433	\$0	\$0	\$1,378,433	\$0	\$450,015	\$1,378,433	\$0
Other Personal Services	4,090,190	2,757,464	22,930,100	(30,613)	25,656,951	21,038,421	502,483	25,656,951	0
Operating Expenses	492,443	836,158	41,542	42,613	920,313	41,315	458,800	920,313	0
Operating Capital Outlay	56,662	20,000	2,800	(12,000)	10,800	2,800	0	10,800	0
Cooperative Funding Initiative Grants	7,040,077	6,065,298	16,107,015	121,830	22,294,143	18,513,255	1,743,321	22,183,689	(110,454) (2)
Reserves for Water Supply & Resource Dev	0	0	820,466	0	820,466	820,466	0	820,466	0
Reserves for Contingencies	0	250,000	0	0	250,000	0	0	250,000	0
Total Expenditures / Encumbrances	\$12,753,344	\$11,307,353	\$39,901,923	\$121,830	\$51,331,106	\$40,416,257	\$3,154,619	\$51,220,652	(\$110,454)
Interfund Transfers - SWIM	\$445,431	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$13,198,775	\$11,307,353	\$39,901,923	\$121,830	\$51,331,106	\$40,416,257	\$3,154,619	\$51,220,652	(\$110,454)
Projected Carryover for FY2011									\$162,988

(1) Other revenue primarily due to \$1,772 in excess fees returned to District by Property Appraisers and Tax Collectors; and \$664 in interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Projects completed under budget: Lake Hollingsworth Westside Stormwater Treatment (\$61,387) and Lake Eva Water Quality Improvement (\$11,175). Change in project scope: Lake Parker Stormwater BMP Implementation (\$37,892).

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
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MANASOTA BASIN

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$12,184,495	\$10,726,682	\$0	\$0	\$10,726,682	\$0	\$9,288,034	\$10,726,682	\$0
Balance From Prior Years	0	3,220,379	0	0	3,220,379	0	0	3,220,379	0
Local Funding / County / City	166,323	0	384,359	0	384,359	0	0	384,359	0
State Funding	4,315,139	1,388,488	9,805,073	0	11,193,561	0	303,167	11,193,561	0
Interest on Investments	946,225	400,000	0	0	400,000	0	345,925	540,000	140,000
Other	9,829	0	0	0	0	0	1,208	1,208	1,208 (1)
Total Revenues and Balances	\$17,622,011	\$15,735,549	\$10,189,432	\$0	\$25,924,981	\$0	\$9,938,334	\$26,066,189	\$141,208
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$36,525,471	\$0	\$36,525,471	\$0	\$0	\$36,525,471	\$0
Total Revenues, Balances and Transfers	\$17,622,011	\$15,735,549	\$46,714,903	\$0	\$62,450,452	\$0	\$9,938,334	\$62,591,660	\$141,208
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$984,317	\$1,115,712	\$0	\$0	\$1,115,712	\$0	\$393,344	\$1,115,712	\$0
Other Personal Services	1,857,859	1,507,199	6,862,527	0	8,369,726	6,465,524	587,460	8,369,726	0
Operating Expenses	441,495	669,007	90,976	0	759,983	81,162	326,415	759,983	0
Operating Capital Outlay	8,936	0	0	0	0	0	0	0	0
Cooperative Funding Initiative Grants	12,921,652	11,843,631	34,527,531	0	46,371,162	41,242,431	3,140,605	45,663,148	(708,014) (2)
Reserves for Water Supply & Resource Dev	0	0	5,233,869	0	5,233,869	5,233,869	0	5,233,869	0
Reserves for Contingencies	0	600,000	0	0	600,000	0	0	600,000	0
Total Expenditures / Encumbrances	\$16,214,259	\$15,735,549	\$46,714,903	\$0	\$62,450,452	\$53,022,986	\$4,447,824	\$61,742,438	(\$708,014)
Interfund Transfers - SWIM	\$1,169,067	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures, Reserves & Transfers	\$17,383,326	\$15,735,549	\$46,714,903	\$0	\$62,450,452	\$53,022,986	\$4,447,824	\$61,742,438	(\$708,014)
Projected Carryover for FY2011									\$849,222

(1) Other revenue due to interest earnings received from Tax Collectors related to delinquent taxes and short-term earnings on tax collections before amounts were distributed to District.

(2) Change in project scope: Punta Gorda Reverse Osmosis Facility (\$500,000). Project Cancelled: CF Industries Aquifer Recharge & Recovery (\$208,014).

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010

SURFACE WATER IMPROVEMENT AND MANAGEMENT (SWIM) PROGRAM

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Local Funding / County / City	\$4,725	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funding	5,120,117	0	0	0	0	0	0	0	0
Federal Funding	658,549	0	0	0	0	0	0	0	0
Total Revenues and Balances	\$5,783,391	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interfund Transfers - SWIM	\$4,012,815	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues, Balances and Transfers	\$9,796,206	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$749,805	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Personal Services	3,163,949	0	0	0	0	0	0	0	0
Operating Expenses	366,553	0	0	0	0	0	0	0	0
Cooperative Funding Initiative Grants	5,615,594	0	0	0	0	0	0	0	0
Total Expenditures, Reserves & Transfers	\$9,895,901	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Projected Carryover for FY2011

\$0

Note: Effective October 1, 2009, the use of a separate accounting fund for the SWIM Program was discontinued. SWIM projects are now included as part of the Basin Funds. The budget and financial results through the second quarter of FY2010 are reflected in the individual Basin Funds in this report.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010

FDOT MITIGATION PROGRAM

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
State Funding	\$1,634,289	\$3,514,859	\$3,240,840	\$0	\$6,755,699	\$0	\$126,228	\$6,755,699	\$0
Federal Funding	32,232	0	0	0	0	0	0	0	0
Interest on Investments	19,688	0	0	0	0	0	0	0	0
Total Revenues and Balances	\$1,686,209	\$3,514,859	\$3,240,840	\$0	\$6,755,699	\$0	\$126,228	\$6,755,699	\$0
Total Revenues, Balances and Transfers	\$1,686,209	\$3,514,859	\$3,240,840	\$0	\$6,755,699	\$0	\$126,228	\$6,755,699	\$0
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$102,879	\$187,885	\$0	\$0	\$187,885	\$0	\$51,160	\$187,885	\$0
Other Personal Services	324,307	3,309,275	3,240,840	0	6,550,115	3,295,216	478,747	6,550,115	0
Operating Expenses	6,080	17,699	0	0	17,699	54	7,004	17,699	0
Fixed Capital Outlay	1,233,255	0	0	0	0	0	0	0	0
Total Expenditures, Reserves & Transfers	\$1,666,521	\$3,514,859	\$3,240,840	\$0	\$6,755,699	\$3,295,270	\$536,911	\$6,755,699	\$0
Projected Carryover for FY2011									\$0

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
 SIX MONTHS ENDED MARCH 31, 2010

PARTNERSHIP TRUST FUND

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$21,250,000	\$0	\$21,250,000	\$0	\$0	\$21,250,000	\$0
Total Revenues, Balances and Transfers	\$0	\$0	\$21,250,000	\$0	\$21,250,000	\$0	\$0	\$21,250,000	\$0
EXPENDITURES / ENCUMBRANCES									
Cooperative Funding Initiative Grants	\$42,500,000	\$0	\$21,250,000	\$0	\$21,250,000	\$0	\$21,250,000	\$21,250,000	\$0
Total Expenditures, Reserves & Transfers	\$42,500,000	\$0	\$21,250,000	\$0	\$21,250,000	\$0	\$21,250,000	\$21,250,000	\$0
Projected Carryover for FY2011									\$0

Note: On March 4, 2010, Tampa Bay Water (TBW) received the remaining 25 percent (\$21.25 million) for the Desal Plant costs. These funds were paid as the plant had operated at 25 mgd for four consecutive months. In addition, the TBW also received the interest earnings (\$10.3 million) on the \$85 million (funding set aside for the Desal Plant) as the plant had operated for 12 consecutive months at an annual average rate of 20 mgd of water for distribution to its customers. The trust account was officially closed on March 5, 2010.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010

FLORIDA FOREVER / SAVE OUR RIVERS

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
State Funding	\$11,801,871	\$26,064,493	\$4,628,465	\$0	\$30,692,958	\$0	\$1,261,427	\$30,692,958	\$0
Total Revenues and Balances	\$11,801,871	\$26,064,493	\$4,628,465	\$0	\$30,692,958	\$0	\$1,261,427	\$30,692,958	\$0
Total Revenues, Balances and Transfers	\$11,801,871	\$26,064,493	\$4,628,465	\$0	\$30,692,958	\$0	\$1,261,427	\$30,692,958	\$0
EXPENDITURES / ENCUMBRANCES									
Other Personal Services	\$1,112,264	\$1,300,000	\$3,855,750	\$0	\$5,155,750	\$3,633,022	\$524,729	\$5,155,750	\$0
Operating Expenses	364,040	364,493	0	0	364,493	0	25,500	364,493	0
Fixed Capital Outlay	10,325,567	24,400,000	772,715	0	25,172,715	39,213	1,509,276	25,172,715	0
Total Expenditures, Reserves & Transfers	\$11,801,871	\$26,064,493	\$4,628,465	\$0	\$30,692,958	\$3,672,235	\$2,059,505	\$30,692,958	\$0

Projected Carryover for FY2011

\$0 (1)

(1) Florida Forever / Save Our Rivers expenditures are fully funded by the Florida Forever Trust Fund and Water Management Lands Trust Fund. Therefore, there is no projected carryover for FY2011.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
SIX MONTHS ENDED MARCH 31, 2010

FACILITIES FUND

REVENUES	FY2009 ACTUAL	ADOPTED FY2010 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2010 BUDGET	ENCUMBERED AT MONTH-END	FY2010 ACTUALS YTD	FY2010 FORECAST	VARIANCE
Ad Valorem Revenue	\$1,250,000	\$1,250,000	\$0	\$0	\$1,250,000	\$0	\$1,250,000	\$1,250,000	\$0
Balance From Prior Years	0	1,069,285	0	0	1,069,285	0	0	1,069,285	0
Other	32,000	0	0	0	0	0	0	0	0
Total Revenues and Balances	\$1,282,000	\$2,319,285	\$0	\$0	\$2,319,285	\$0	\$1,250,000	\$2,319,285	\$0
Fund Balance - Restricted for Encumbrances	\$0	\$0	\$1,025,241	\$0	\$1,025,241	\$0	\$0	\$1,025,241	\$0
Total Revenues, Balances and Transfers	\$1,282,000	\$2,319,285	\$1,025,241	\$0	\$3,344,526	\$0	\$1,250,000	\$3,344,526	\$0
EXPENDITURES / ENCUMBRANCES									
Other Personal Services	\$647,892	\$890,000	\$1,025,241	\$0	\$1,915,241	\$733,104	\$304,565	\$1,915,241	\$0
Operating Expenses	0	135,000	0	0	135,000	79,783	9,305	135,000	0
Operating Capital Outlay	6,615	0	0	0	0	0	0	0	0
Reserves	0	1,294,285	0	0	1,294,285	0	0	1,294,285	0
Total Expenditures, Reserves & Transfers	\$654,507	\$2,319,285	\$1,025,241	\$0	\$3,344,526	\$812,887	\$313,870	\$3,344,526	\$0
Projected Carryover for FY2011									\$0

**Finance and Administration Committee
April 27, 2010**

Routine Report

Treasurer's Report, Payment Register, and Contingency Reserves

Purpose

Presentation of the Treasurer's Report, Payment Register, and Contingency Reserves.

Background

In accordance with Board Policy 130-3, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. Attached is a copy of the Treasurer's Report as of March 31, 2010, which reflects total cash and investments at a market value of \$730,308,385.

As reflected on the March 31, 2010, Treasurer's Report, the investment portfolio had \$108.5 million or 14.8 percent invested with the State Board of Administration (SBA) of which \$99.2 million is invested in the Florida PRIME (formerly the Local Government Investment Pool) and \$9.3 million in the Fund B Surplus Funds Trust Fund (Fund B). The District has received \$115.5 thousand of Pool A interest earnings during the first six months of fiscal year (FY) 2010. Fund B is not distributing interest earnings. The District is managing its short-term and daily liquidity needs through the use of the Florida PRIME and two money market funds (Dreyfus Government Cash Management and Federated Government Obligations #5). Consistent with Board Policy 130-3, the maximum percent of the portfolio that will be invested in any one money market fund is 25 percent.

Fund B consists of assets that had defaulted on a payment, paid more slowly than expected, or had any significant credit and liquidity risk. Fund B cash holdings are being distributed to participants as they become available monthly from maturities, sales and received income. The investment objective for Fund B is to maximize the present value of distributions. At March 31, 2010, the District's investment in Fund B was \$9.3 million, down from the initial investment of \$40.7 million. The market value of the Fund B investments is estimated at \$6.1 million or approximately 65.2 percent of cost, reflecting \$3.2 million at risk. District staff is not aware of any plans by the SBA to liquidate Fund B investments below cost.

On April 7, 2010, the SBA released another \$115 thousand from Fund B. Therefore, subsequent to March 31, 2010, the balance of \$9.3 million has been reduced by \$.1 million, leaving the District's balance in Fund B at \$9.2 million, which would further reduce the \$3.2 million at risk.

Staff will continue to monitor the SBA activities to determine how this will impact the District's current investment in the SBA Florida PRIME, and affect the District's investment strategy going forward.

During the six months ended March 31, 2010, the District collected \$161.1 million in ad valorem taxes, which is 85.7 percent of the annual budget. This compares favorably with 84.3 percent in FY2009 and 85.6 percent in FY2008, for collections during this same period.

Item 49

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

The FY2010 Contingency Reserves Report (District only) follows:

ORIGINAL BUDGET AMOUNT:	\$6,000,000	Date of Board Action
Less Approved Transfers		
Well Frost/Freeze Remediation	250,000	
BALANCE:	\$5,750,000	

Staff Recommendation:

See Exhibit

These items are provided 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
 March 31, 2010

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
FEDERAL FARM CREDIT										
31331yq45	3.88	Bullet	06/13/2008	05/19/2011	2.93	414	\$9,800,000	\$10,281,300	\$115,500	
31331y3n8	3.91	Bullet	07/30/2008	07/15/2011	2.96	471	9,920,000	10,368,800	76,528	
31331gvq9	1.98	Callable	05/18/2009	05/18/2012	3.00	779	10,000,000	10,021,900	73,150	
31331gwq8	1.80	Callable	05/21/2009	05/21/2012	3.00	782	10,000,000	10,018,800	65,000	
31331jak9	1.95	Callable	01/07/2010	01/07/2013	3.00	1013	20,000,000	20,006,200	91,000	
31331jbh5	2.07	Callable	01/22/2010	01/22/2013	3.00	1028	20,000,000	20,018,800	79,350	
31331jcb7	1.80	Callable	01/25/2010	01/25/2013	3.00	1031	14,000,000	13,995,660	46,200	
31331jdj9	1.79	Callable	02/11/2010	02/11/2013	3.00	1048	10,000,000	9,959,400	24,861	
TOTAL FEDERAL FARM CREDIT							\$103,720,000	\$104,670,860	\$571,589	14.18
FEDERAL HOME LOAN BANK										
3133xr2y5	3.26	Bullet	11/03/2008	06/11/2010	1.60	72	\$9,960,000	\$10,053,100	\$91,667	
3133xmes6	2.95	Bullet	11/20/2008	10/22/2010	1.92	205	10,264,200	10,209,400	193,229	
3133xpny6	3.10	Bullet	05/01/2008	03/11/2011	2.86	345	9,938,300	10,212,500	15,972	
3133xr4u1	3.44	Bullet	06/10/2008	06/10/2011	3.00	436	9,910,000	10,256,300	96,354	
3133xufu2	1.60	Callable	08/17/2009	02/17/2012	2.50	688	10,000,000	10,084,400	19,556	
3133xudx8	1.25	Callable	08/07/2009	05/07/2012	2.75	768	10,150,000	10,159,541	50,750	
3133xu4u4	1.13	Callable	07/23/2009	07/23/2012	3.00	845	20,000,000	20,043,800	42,500	
3133xuza4	1.00	Callable	09/28/2009	09/28/2012	3.00	912	20,000,000	20,043,800	1,667	
3133xwg86	0.95	Callable	12/28/2009	12/28/2012	3.00	1003	19,980,000	20,006,200	38,750	
3133xwex3	1.25	Callable	01/14/2010	01/14/2013	3.00	1020	20,000,000	20,006,200	53,472	
TOTAL FEDERAL HOME LOAN BANK							\$140,202,500	\$141,075,241	\$603,917	19.17

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 TREASURER'S REPORT TO THE GOVERNING BOARD
 March 31, 2010

AGENCY SECURITIES (CONTINUED)

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
FEDERAL HOME LOAN MORTGAGE CORPORATION										
3128x8tv4	1.50	Callable	04/09/2009	04/09/2012	3.00	740	\$10,000,000	\$10,002,500	\$71,667	
3128x8a93	2.05	Callable	05/11/2009	05/11/2012	3.00	772	20,000,000	20,036,800	159,444	
3128x9x21	1.15	Callable	03/29/2010	06/29/2012	2.25	821	20,020,000	19,952,600	1,500	
3128x9gn4	1.25	Callable	10/15/2009	10/15/2012	3.00	929	20,000,000	20,004,600	115,278	
3128x9uk4	2.13	Callable	01/28/2010	01/28/2013	3.00	1034	20,000,000	20,022,600	74,375	
3128x9y61	1.25	Callable	03/22/2010	03/22/2013	3.00	1087	20,000,000	19,970,200	6,250	
TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION							\$110,020,000	\$109,989,300	\$428,514	15.04
FEDERAL NATIONAL MORTGAGE ASSOCIATION										
3136fhjj5	1.60	Callable	04/20/2009	04/20/2011	2.00	385	\$10,000,000	\$10,006,300	\$71,556	
3136f9hx4	3.13	Bullet	04/21/2008	04/21/2011	3.00	386	10,000,000	10,253,100	138,889	
3136fhlu7	1.60	Callable	04/29/2009	04/29/2011	2.00	394	10,000,000	10,006,300	67,556	
3136fhlv5	1.15	Callable	04/29/2009	04/29/2011	2.00	394	10,000,000	10,003,100	48,556	
3136f9mv2	3.25	Callable	05/05/2008	05/05/2011	3.00	400	10,000,000	10,025,000	131,806	
3136fhjg1	1.38	Callable	04/07/2009	10/07/2011	2.50	555	10,000,000	10,000,000	66,458	
3136fhmm4	1.25	Callable	04/28/2009	10/28/2011	2.50	576	20,000,000	20,012,600	106,250	
3136fhpw9	1.30	Callable	05/11/2009	05/11/2012	3.00	772	20,000,000	20,012,600	101,111	
3136fjff5	1.00	Callable	10/15/2009	10/15/2012	3.00	929	20,000,000	20,018,800	42,222	
3136fjc66	1.13	Callable	12/28/2009	12/28/2012	3.00	1003	20,000,000	20,025,000	58,125	
3136fjm40	1.38	Callable	01/25/2010	01/25/2013	3.00	1031	20,000,000	20,043,800	50,417	
3136fju41	1.50	Callable	01/29/2010	01/29/2013	3.00	1035	20,000,000	20,012,600	51,667	
3136fj3u3	1.50	Callable	02/19/2010	02/19/2013	3.00	1056	20,000,000	19,987,600	35,000	
TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION							\$200,000,000	\$200,406,800	\$969,613	27.34
TOTAL AGENCY SECURITIES							\$553,942,500	\$556,142,201	\$2,573,633	75.73

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 TREASURER'S REPORT TO THE GOVERNING BOARD
 March 31, 2010

STATE BOARD OF ADMINISTRATION (SBA) & OTHER INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
Florida PRIME (Formerly Local Government Investment Pool)						
271413	SBA General Investments	0.20	\$49,419,840	\$49,419,840		
271411	SBA Workers' Compensation	0.20	1,364,119	1,364,119		
271412	SBA Benefit Plan	0.20	60,546	60,546		
271414	SBA Land Resources	0.20	7,365,126	7,365,126		
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.20	11,880,174	11,880,174		
271416	SBA Advanced State Funding (FDOT Maintenance and Monitoring)	0.20	3,050,420	3,050,420		
271417	SBA Advanced State Funding (WRAP)	0.20	14,305,076	14,305,076		
271418	SBA Advanced State Funding (WPSTF AWS)	0.20	11,736,788	11,736,788		
			\$99,182,089	\$99,182,089		
Fund B Surplus Funds Trust Fund (1)						
271413	SBA General Investments	0.00	\$8,487,377	\$5,537,165		
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.00	840,144	548,110		
			\$9,327,521	\$6,085,275		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$108,509,610	\$105,267,364		14.83
	DREYFUS GOVERNMENT CASH MANAGEMENT ACCOUNT	0.01	1,001	1,001		0.00
	FEDERATED GOVERNMENT OBLIGATIONS #5 ACCOUNT	0.03	69,039,589	69,039,589		9.44
	TOTAL INVESTMENTS		\$731,492,700	\$730,450,155		100.00
	CASH, SUNTRUST DEMAND ACCOUNT (2)		(141,770)	(141,770)		
	TOTAL CASH AND INVESTMENTS		\$731,350,930	\$730,308,385		

Weighted average yield on portfolio at March 31, 2010 is 1.33%.

(1) Fund B commingles investments from participants in a portfolio of securities with the objective to maximize the present value of distributions to participants, to the extent reasonable and prudent, net of fees. This objective emphasizes both the timeliness and extent of the recovery of participants' original principal. This is according to Investment Policy Guidelines, Local Government Investment Fund B, Part III. Investment Objective (effective 12/21/07). The District is not receiving interest earnings distributions from the SBA-Fund B accounts.

(2) Excess funds from the District's SunTrust Bank Demand Account are transferred to the District's money market accounts daily. This may result in a negative book balance. However, a positive bank balance is maintained at all times.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 TREASURER'S REPORT TO THE GOVERNING BOARD
 March 31, 2010

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$352,472,268	48.19%
Alafia River Basin	21,117,010	2.89%
Hillsborough River Basin	88,327,680	12.08%
Coastal Rivers Basin	16,086,794	2.20%
Pinellas-Anclote River Basin	145,985,218	19.96%
Withlacoochee River Basin	12,631,773	1.73%
Peace River Basin	33,375,562	4.56%
Manasota Basin	56,507,249	7.73%
SWIM Program	2,211,619	0.30%
FDOT Mitigation Program	2,635,757	0.36%
<i>TOTAL EQUITY IN CASH AND INVESTMENTS</i>	<u>\$731,350,930</u>	<u>100.00%</u>

**Finance and Administration Committee
April 27, 2010**

Routine Report

Management Services Significant Activities

Water Management Information System (WMIS)

The vision for WMIS, as defined in the Governing Board approved 2005 Vision Statement and included in the IRD 2006-2010 Five-Year Technology Plan, is that it will enable the District's major resource management and planning activities by storing and retrieving all Scientific and Regulatory data as well as providing critical operational support to the District's Water Use Permitting (WUP), Environmental Resource Permitting (ERP), Well Construction Permitting (WCP), and all regulatory compliance programs. Specifically, it will (1) facilitate and allow for comprehensive demonstration of the District's accomplishment of its mission and accountability for its performance in meeting its areas of responsibility; (2) provide for the entry, maintenance, analysis, and presentation of the District's scientific and regulatory data; (3) be easy to use, robust, nimble, and enable appropriate decision-making through the consistent application of the District's scientific, regulatory, and business processes; and (4) be a component of the District's Strategic Information Systems architecture. **History:** Because WMIS was planned to be developed over an extended period using the Rational Unified Process, components of the system have been developed and released in sequence. The following are the key release dates for the system:

- January 2007, WCP was fully on-line
- October 2007, small general agricultural renewal applications, staff evaluations, and permit issuances on-line
- March 2008, all hydrologic and geographic information system data on-line for District and public use
- July 2008, all small general permit applications, staff evaluations, and permit issuances online
- April 2009, general and individual permit applications, staff evaluations, and permit issuances on line (excluding public supply)
- August 2009, public supply general and individual permit applications on line
- October 2009, the Permit Information Center (PIC) available for public registration
- December 2009, the PIC opened for public use to submit and review water use permit compliance data
- March 8, 2010, ERP functionality transferred from the IBM mainframe to WMIS Server. The transfer of the ERP system completed the shutdown of all regulatory processing on the IBM Mainframe system. Reporting is now being handled by a data warehouse database.

Current Status: The base project is scheduled for completion by September 30, 2010 with planned interim releases designed to continuously improve well-defined District regulatory and scientific functions. Following are the performance status indicators of the completed releases:

- WCP – Public on-line use for applications and completion report submission: 80%
- WCP – District staff use for evaluation and permit issue: 99%
- WUP – Public on-line use for applications: 20%
- WUP – District staff use for evaluation and permit issue: 99%
- PIC – Eligible permits registered for participation in PIC: 38%
- PIC – Eligible permits with meter data successfully submitted via PIC: 25%
- ERP – Not yet available

During this reporting period, the public and staff identified important changes necessary to improve the WUP and PIC releases. The specific nature of these recommended changes are noted below. **Next Major Milestones:** An ERP on-line application process for entry of notice general applications and exemptions is scheduled for release by June. The release of improved ERP internal review functionality and online application capability for all permit application types is planned for September 2010. The following improvements are being made to WUP functionality to increase the online usage rate, further streamline the WUP internal regulation review process and make the system more user-friendly for permittees. The target dates help

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ensure that all WUP updates will be included in the comprehensive WMIS 2.0 release in September 2010.

- Reduce number of mandatory fields and attachments in the WUP forms in order to increase the initial application acceptance rate (current target date May 31, 2010).
- Correct remaining data entry errors (e.g. monthly meter readings resulting from the transfer of legacy WUP data from IBM mainframe to WMIS server) to improve use of PIC by the public (current target date July 31, 2010).
- Develop the capability for parallel processing for internal review by District hydrologists and environmental scientists (current target date August 31, 2010).
- Create a Permit Conditions Wizard to simplify the process of assigning conditions and permits during permit review (current target date August 31, 2010).
- Improve the Permit Information Center (PIC) features and functionality to make the data submission process easier for permit holders (current target date August 31, 2010).

WMIS remains on time and within budget.

IBM Decommissioning

One of the original goals of the Water Management Information System (WMIS) initiative was to integrate regulatory and scientific information processing on a standardized architecture. A critical element of that goal was the elimination of all processing on the IBM Mainframe by October 2010. The IBM Decommissioning Project started in November 2008 with a stated objective to stop all District functional use of the IBM Mainframe Computer by March 8, 2010; seven months ahead of the originally planned date of October 2010. This early shutdown provided the District with a projected cost savings of \$1.26M over two fiscal years (\$670,000 in FY2010 and \$590,000 in FY2011). Eight subprojects had to be completed on time for the primary objective to be met. **Current Status:** Through a project portfolio management approach, functional processing on the IBM Mainframe was completed on March 8, 2010 with WMIS release 1.9. The physical shut down process began on March 22, 2010 as identified in the Project Plan. Secure data removal and erasure has started. **Next Major Milestones:** The planned physical removal of the IBM Mainframe and Tampa Data Center cleaning is scheduled to occur by June 30, 2010. The project remains on time and within budget.

Enterprise Content Management (ECM)

ECM provides for the centralized management of all content and allows quick access to the information in a structured manner. It is critical to the District's business continuity that this information is safe, secured and easily retrievable on demand. The Information Resources Department (IRD) and Records Management share in this task of managing the District's critical information in this environment. Due to requirements listed in Florida Administrative Code (FAC) 1B-26.003, storage for electronic records is also a major concern addressed with an ECM infrastructure. The District has already implemented some components of content management such as imaging and workflow processing in the Water Management Information System (WMIS). South Florida and St. Johns Water Management Districts are in like stages of their ECM implementations. A Master Service Agreement was signed with I know, LLC for ECM services on December 31, 2008 and task orders are being created from this agreement to implement this project. **Current Status:** Taxonomy Integration Analysis (TO#9) and the Scanning Strategy (TO#10) were initiated on March 22, 2010 with an estimated completion date of April 26, 2010. The Finance Business Process improvement (TO#11) and Contracts Task Order (TO#12) started on April 5, 2010 with an estimated completion date of May 28, 2010. **Next Major Milestones:** Once the four analysis task orders referenced in Current Status are complete, implementation task orders for these projects will be initiated. The ECM project remains on time and within budget.

Land Resources Information System (LaRIS)

In 1981, the Save Our Rivers program was established by the Florida Legislature for the acquisition of lands necessary for water management, water supply, protection and conservation of water resources. This program was broadened in 1990 with the Preservation 2000 Act and revised in 1999 with the Florida Forever Act. Utilizing these programs, the Southwest Florida Water Management District (District) has acquired fee simple interest in over 330,000 acres and less than fee interest in over 67,000 acres for various water management

requirements. The lands that are acquired by the District require management and maintenance to provide public access, recreational use and protection of the natural systems. Managing these resources requires that District staff have access to comprehensive information for each of the District's properties. The LaRIS was envisioned to meet land acquisition and management requirements and significantly improve the business processes. The 2005 LaRIS vision statement states that the system will:

- Provide a common, centralized storage location for detailed Land Resources data.
- Have user-friendly applications for the input and maintenance of Land Resources data.
- Validate information is in proper format.
- Generate required documentation output such as detailed reports and map documents.
- Allow District staff to easily and efficiently access and utilize the necessary information pertaining to District-owned lands to perform the duties of their jobs.

Funding for this project is reimbursable through the currently budgeted Water Management Lands Trust Fund. **Current Status:** The major components of LaRIS are in production. Enhancements and improvements are being made to the operational system as part of the standard software maintenance and modification process. **Next Major Milestones:** The next major modifications to the operational system, based on customer requirements, are planned for completion by April 30, 2010. These include location maps, land use agreement components and administrative reports. Additionally, Land Resources has requested additional spatial data analysis features be included in the April release. The ability to maintain special use areas is planned for a July 2010 release. Funding for these modifications is included in the original Water Management Lands Trust Fund account.

Project Information Management System/Cooperative Funding Initiative (PIMS/CFI)

The PIMS project was started in FY 2006 as a replacement for a limited function project management system written in Domino/Lotus Notes. The earlier project management solution was a critical resource used by the Governing Board and Basin Boards to evaluate the progress of existing projects. The proposed PIMS solution provides an easier to use process for project definition, automates the integration with the financial systems and provides integration with other district applications including the WMIS, the Surface Water Improvement Management (SWIM) program and document management. It is designed to reduce the administrative effort to maintain the information, improve the accuracy of the information and provide more flexibility in how the information is reported. It also includes Cooperative Funding Initiative (CFI) online access. **Current Status:** The current system, including on-line Cooperative Funding Initiative and Project Management, is in production. Enhancements and improvements are being made to the operational system as part of the standard software maintenance and modification process. The data collection links and lapsed funds reporting were updated on April 5, 2010. **Next Major Milestones:** Future plans include the integration with the new Financial Performance Budgeting in June 2010. The project remains on time and within budget.

Human Resources Information System (HRIS)

As originally identified in the *Information Resources Department Five-Year Technology Plan, FY2008 – FY2012*, the District purchased the NuView HR and Payroll System in August 2007 via a Request for Proposal (RFP) to replace the existing application, Hewitt CYBORG Human Resource and Payroll. The older CYBORG system is not fully integrated or as robust as required for current District demands. The NuView system will provide improved integration; reduce the staff impact for data input and analysis; help ensure the District's technical architecture standards are met; and provide for the orderly removal of legacy systems from the IBM Mainframe by February 2010. **Current Status:** The HRIS is in production with version 4.12 of the software. **Next Major Milestones:** As previously reported, NuView rescheduled the release of its latest version, 4.14, from October 2009 to December 2009. The original plan was to start conversion to 4.14 in March 2010 to ensure system stability before adding additional modules such as Recruitment, Training and Compensation. However, due to issues with the 834 report to Blue Cross Blue Shield such as the Social Security Number (SSN) and address accuracy for retiree spouses, this planned upgrade is now scheduled for June 2010. The total project remains on time and within budget for the Initial Operational Capability (IOC).

Unified Communication Process Improvement

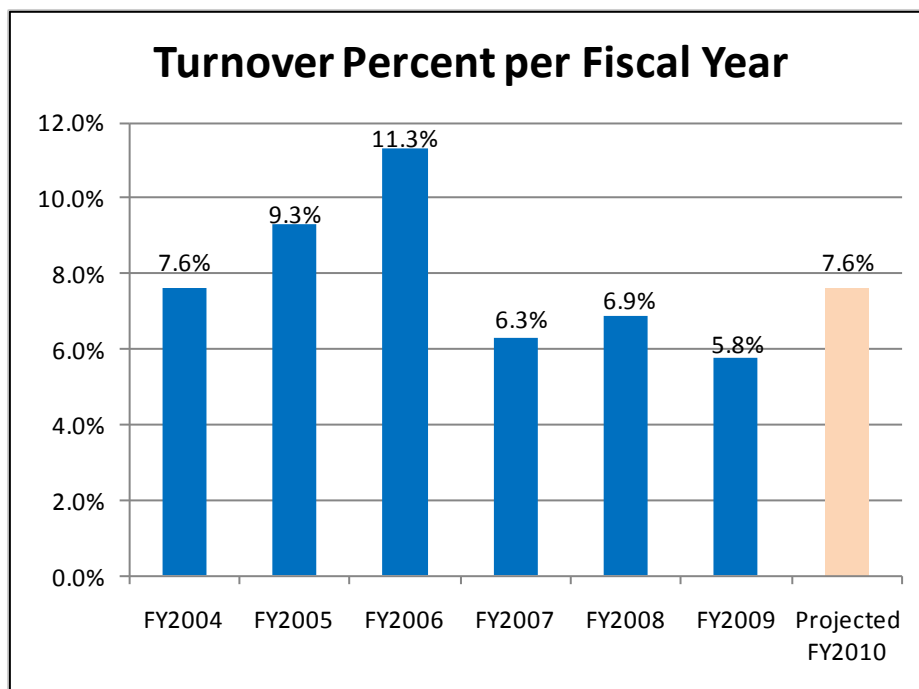
As first identified in the *IRD Five-Year Technology Plan, FY 2009 – FY2013*, the District has identified the need for Unified Communications to improve staff communication during significant storm events; field operations and daily work. Unified Communication includes, but is not limited to, voice, video, data and two-way radio frequency (RF) communications. According to the IRD Technology Plan, the major milestones are communications support consolidation in October 2008 (Completed), Networking Infrastructure and telecommunications upgrades in 2009 (Started) Voice over IP in 2010, Unified Messaging in 2011, Radio Integration in FY2012, and Unified Communications in 2013. The goals of this project are to:

- Create a common understanding of communications interoperability at the District to all business units throughout the organization.
- Integrate existing and future communications systems
- Establish a process for the acquisition, implementation, ongoing support, and maintenance of this communications infrastructure.
- Facilitate training to enhance the efforts of a unified communications strategy.
- Ensure close coordination between Finance, Information Resources, Land Resources, Operations and General Services during all phases of the Unified Communications project.

Current Status: The prototype Voice over IP (VoIP) equipment is arriving on site. Project kickoff meeting is scheduled for April 19, 2010. The addition of generators at four radio towers and the addition of a new radio tower in Sarasota are at the end of the permitting phase with expected completion by of May 2010. **Next Major Milestones:** Estimated completion for the Sarasota tower construction project by WPC is the end of May 2010. Backup generator installation for the remaining four radio towers is being done by Cross Construction and is expected to be complete by early summer 2010. The rescheduling from May 2010 is because the proposed generators are no longer available from the vendor and another model must be evaluated. The total project remains on time and within budget.

Employee Turnover

Employee turnover is widely viewed as a key indicator of an employer's ability to attract and retain the critical talent required to carry out the mission and strategic priorities of the enterprise. As a public sector employer, the District has historically achieved turnover relatively low compared to the private sector and, generally, to other public sector organizations in its geographic area. This continues to be the situation with the economic downturn of the past several months producing a further dampening effect on our turnover experience.



Current Status:

- For the six months in FY2010, employee turnover (regular, board-authorized positions) was 3.8% compared to 2.7% for the same time period in FY2009.
- Retirements account for 37% of the separations so far in FY 2010. At least three more retirements are expected for the remainder of the fiscal year.
- The number of vacant positions as of March 31, 2010 was 31. The average number of vacancies for the previous 12 months was 23.

Human Resources staff will continue to track and report to management on turnover trends to ensure that we are prepared to respond to any unusual trends that may occur in the future.

Financial Systems

The Financial Information Technology team is responsible for supporting the District's software applications critical to the District's financial operations. These software applications currently include the ADVANTAGE Financial software, the BRASS budget software, the Business Objects reporting solution as well as other internally developed applications. The Payroll Section coordinates with Human Resources and Information Resources staff to ensure continuous support to meet mission critical payroll data processing requirements. The primary software applications used to meet these requirements are the NuView Payroll system and the Kronos Workforce Central system. ***Current Status:*** Payroll staff will continue to participate in the Human Resources Information System (HRIS) project during the fiscal year 2010 planned upgrade of the HRIS to a new release. Payroll staff will continue work with the software vendor on improvements to the Florida Retirement System reporting mechanism and work toward resolution of other ongoing system issues. The Kronos Workforce Central system upgrade activities have also begun. Financial Systems staff continues to work with software vendor consultants to implement the new Performance Budgeting software as a replacement of the BRASS budget software. The software has been installed and progress is being made on system configuration and system testing activities. Staff is also currently pursuing an upgrade to the Business Objects reporting solution. ***Next Major Milestones:*** The Performance Budgeting software implementation project will be a major focus of the Financial Systems Section through December 2010 with the system expected to be operating in a Production environment by January 2011. Payroll staff is working toward upgrading the Kronos Workforce Central system to the most recent software release by the end of May 2010. The Business Objects reporting solution upgrade is expected to be completed by the end of May 2010. Finally, the upgrade to the next release of the Cort Payroll system, to include a new version of the integration utility, is expected to begin in May 2010. All projects are on time and within budget.

Parking Lot Reconstruction/Rehabilitation

The District currently owns and maintains over 880,000 square feet of parking lot and driveway pavement at our headquarters and the three service offices. This pavement along with the associated stormwater management system represents a significant capital investment. The District conducted an inventory and inspection of these areas and found that reconstruction of the heavy equipment area in Brooksville and other preventative maintenance treatment efforts needed to be performed to extend the life of the paved surfaces. This work will include repairs of depressions and pot holes, double micro surfacing and crack sealing, and cold in-depth recycling w/S-3 overlay where needed. ***New Activities Since Last Meeting:*** Phases 1 and 2 are now complete. Phase 2 was under budget by \$200,035.

Connection to Hernando County Sewer System

The existing onsite sewer treatment plant was installed in 1976 and is 33 years old. The system cost \$30,000 per year to operate and is in need of new air pumps, which will cost around \$4,000 and other components will need major repairs in the near future. To keep the system operating, staff is spending two hours per day on preventative maintenance. A more cost effective, long-term reliable sewer system for the District requires connecting to the Hernando County sewer line at a budgeted cost of \$300,000. Projected annual operating cost will be \$6,000 per year. ***New Activities Since Last Meeting:*** Construction is ongoing for connection to the Hernando

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County sewer system. The building to house the new emergency generator is 95 per cent complete, and the project is on schedule for substantial completion on May 5, 2010.

Staff Recommendation:

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

Presenter: Gene Schiller, Deputy Executive Director, Management Services

**Governing Board Meeting
April 27, 2010**

OUTREACH & PLANNING COMMITTEE

Discussion Items

- 51. Consent Item(s) Moved for Discussion
- 52. “Get Outside!” April 10 Deep Creek Preserve Event Highlights..... (10 minutes) 2
(Strategic Plan: Natural Systems – Conservation & Restoration)
- 53. Legislative Update (20 minutes) 3
(Strategic Plan: Mission Support)

Submit & File Report

- 54. Tampa Bay Regional Planning Council Future of the Region Awards 4

Routine Reports

- 55. Comprehensive Plan Amendment and Related Reviews Report 5
- 56. Development of Regional Impact Activity Report 9
- 57. Speakers Bureau 14
- 58. Significant Activities 17

Outreach and Planning Committee April 27, 2010

Discussion Item

“Get Outside!” April 10 Deep Creek Preserve Event Highlights

Purpose

To provide an overview of highlights of “Get Outside!” Day, held 10 a.m. to 2 p.m. on April 10, 2010, at the Deep Creek Preserve in DeSoto County.

Background/History

Since FY2007, the Communications and Land Resources departments have been working together to find the best way to let people know that District lands are available for recreation and to encourage more people to visit District lands. Last September the District launched the “Get Outside!” campaign to promote the recreational opportunities available to the public on District-owned lands. The campaign was developed based on social research. The key findings showed that people want to get outside more often. Most want to walk or hike and prefer to do these activities with their friends and family. In addition, the research also showed that people’s highest priorities when enjoying the outdoors are location and access, and the largest barrier to getting outside more often is lack of time. Most respondents said they enjoyed just being outside and wanted to be able to enjoy the outdoors easily on the spur of the moment with very little planning. In preparation for the “Get Outside!” campaign, Land Resources staff has made District lands more inviting with standardized property entrance signs as well as new or improved picnic areas, restrooms, kiosks and informational signs.

As part of the campaign, the District hosted three community events to showcase District lands with the hope that those attending will come back with family and friends to enjoy these properties on their own. The first event was held at Starkey Wilderness Preserve’s Serenova Tract in Pasco County on November 7. The second event was held on February 27, 2010, at the Green Swamp Wilderness Preserve — Hampton Tract in Polk County. Highlights from each of these events have already been presented at previous Governing Board meetings. The third event was planned for April 10, 2010, at the Deep Creek Preserve in DeSoto County.

Scheduled, family-friendly activities included a guided nature hike, scavenger hunt, boat tours, an equestrian display, live animal presentations from Lowry Park Zoo, large equipment displays and other activities that promote protection of land and water resources.

Staff Recommendation:

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

Presenter: Michael Molligan, Director, Communications Department

**Outreach and Planning Committee
March 30, 2010**

Discussion Item

Legislative Update

Federal Legislative Issues Update

CLA staff will provide an update on the Districts efforts to support economic development for water supply and related infrastructure at the federal level. These efforts include Private Activity Bonds and Clean Renewable Water Supply Tax Credit Bonds.

State Legislative Issues Update

CLA staff will provide an update on the 2010 legislation session that began March 2. Staff will discuss the progress of legislation related to water and natural resources and the budget.

Staff Recommendation:

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

Presenter: David Rathke, Director, Community and Legislative Affairs Department

**Outreach and Planning Committee
April 27, 2010**

Submit & File Report

Tampa Bay Regional Planning Council Future of the Region Awards

Two District projects managed by the Surface Water Improvement and Management (SWIM) Program and the Communications Department received awards at the Tampa Bay Regional Planning Council's 18th Annual Future of the Region Awards on March 19 in Tampa. The Future of the Region Awards program recognizes achievement in resource planning and management and encourages future vision and cooperation within the Tampa Bay area.

Terra Ceia Ecosystem Restoration Project

The District received second place in the Environmental category for the Terra Ceia Ecosystem Restoration project. This project was a SWIM Initiative in collaboration with the Terra Ceia State Park and the Aquatic Preserves Program of the Florida Department of Environmental Protection. The project restored a mosaic of 618 acres of estuarine, freshwater wetland and coastal upland habitats and will provide significant benefits to the natural systems within Tampa Bay.

Reducing the Regional Demand for Water During the Four-Year Drought

The District received honorable mention in the Public Education category for its drought education campaign. To raise public awareness and promote water conservation during the four-year drought, the District conducted a coordinated education campaign that included public service advertising; outreach to the media; integration into District programs and activities; and outreach through homeowners associations, utility bill inserts, conservation signs, online tools, email blasts and social networking.

Staff Recommendation:

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

Presenter: Eric DeHaven, Director, Resource Data & Restoration Department

**Outreach and Planning Committee
April 27, 2010**

Routine Reports

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**.

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

Presenter: Roy A. Mazur, Director, Planning Department

Local Government Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	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
CITRUS	09-01	Regular	05/06/09	05/07/09	05/15/09	7/2/2009		10/13/09	Yes	Residential Densities/Progress Energy
Citrus	09-02	Regular	07/16/09	08/15/09	08/14/09	9/14/09		01/15/10	Yes	Port District Land Use
Crystal River	08-02	Regular	09/02/08	09/11/08	10/10/08	11/18/08				Transfer of Development Rights
Crystal River	08-1ER	EAR Based	04/28/08	04/23/08	05/27/08					EAR amendments
CHARLOTTE	09-2	EAR Based	09/01/09	09/02/09	10/13/09	10/20/09	12/30/2009			
Charlotte	10-1	Regular	01/04/10	01/06/10	02/16/10	03/09/10				Complete rewrite of plan
Punta Gorda	08-PEFE1	Schools	04/21/08	04/21/08	04/25/08	6/20/2008	not rcvd	not rcvd		
Punta Gorda		CIE	12/14/09		None					
Wauchula	WSFWP	WSFWP	12/07/08	12/10/08	01/15/09	02/11/09	05/11/09			
Zolfo Springs	WSFWP	WSFWP	12/07/08	12/10/08	01/14/09	02/11/09				
HERNANDO	09-01	CIE	08/27/09	09/02/09	09/28/09	10/30/09		02/03/10	Yes	FY2009-2014 Capital Improvements Plan
Hernando	10D1	DRI	01/27/10	02/03/10	02/23/10					Quarry Preserve DRI
Hernando	10-1	Regular	01/22/10	01/26/10	02/03/10					FLU Change Rural to Mining, near Withlacoochee State Forest
HIGHLANDS	08-1	Regular	04/15/08	04/15/08	05/06/08	6/10/2008				
Highlands	WSFWP	WSP	06/05/08	06/11/08	06/23/08	8/8/2008				
Highlands	08-2	Regular	09/16/08	09/18/08	10/31/08	11/19/2008		02/27/09	No	Blue Head Ranch, Lake Placid Groves, Westby Ranch; 100 page ORC
Avon Park	08-1	EAR, WSP	04/07/08	04/17/08	05/14/08	6/20/2008	10/16/08			Water Supply Plan
Avon Park	09-1	Regular	03/12/09	03/16/09	04/24/09	5/8/2009				
Lake Placid	WSFWP	WSP	08/18/08	08/21/08	10/08/08	10/20/2008				
HILLSBOROUGH	08PEFE1	School	09/11/07	09/11/07	10/10/07	11/09/07	05/07/08	06/20/08		Public education amendments - No substantive comments
Hillsborough	09-1	Regular	04/18/09	04/20/09	05/04/09	06/15/09		08/10/09	Yes	Material included two plan amendments. No substantive comments
Tampa	08PEFE1	School	09/11/07	09/11/07	10/10/07	11/09/07		08/12/08		Public education amendments - No substantive comments
Tampa	08-1AR	AR	04/14/08	04/16/08	05/01/08	05/16/08				Identified flood protection concerns.
Tampa	08-2AR	AR	08/13/08	08/12/08	09/23/08	10/20/08	02/19/09			EAR-based amendments and water supply work plan
Temple Terrace	08-1	Regular	12/04/07	11/30/07	12/27/07	01/29/08				No substantive comments
Temple Terrace	09-1ER	Ear-based	12/24/08	01/13/09	02/13/09	03/17/09	Not Rcvd	09/02/09	Yes	Made several water supply comments
LAKE	08-PEFE1	PSFE	09/05/08	09/09/08	10/08/08	11/10/08	12/29/08	02/09/09	No	Schools
Lake	WSFWP	WSP	10/09/08	10/10/08	11/07/08					Water Supply Plan
Lake	10-1ER	EAR-Based	02/03/10							
Inglis	08-1	EAR	12/26/07	01/02/08	01/24/08	Not Rcvd	Not Rcvd	Not Rcvd	N/A	EAR Review-comments addressed water supply, stormwater mgmt, aquifer recharge areas, water conservation & flood control
Inglis	09-01	Regular	03/30/09	04/02/09	04/30/09	05/29/09		09/10/09	Yes	Land Use Districts
Inglis	10-1ER	EAR-Based	12/18/09	12/23/09	01/06/10	02/22/10				Local sources first, flooding, stormwater management
Bronson	08-PEFE1	PSFE	04/21/08	04/08/08	06/05/08	Not Rcvd	Not Rcvd	Not Rcvd	N/A	Schools
Williston	08-PEFE1	PSFE	04/30/08	04/29/08	05/27/08	06/27/08	Not Rcvd	Not Rcvd	N/A	Schools
Williston	09-1ER	EAR-Based	10/13/09	10/15/09	11/09/09					Text Amendments
MANATEE	07-1	Regular	06/04/07	06/01/07	07/03/07	08/01/07	09/28/07			Commented on water quality concerns for proposed construction debris & demolition landfill
Manatee	08PEFE1	School	10/26/07	11/09/07	11/28/07	01/02/08	04/09/08			School Facilities Element
Manatee	08D1	DRI	04/09/08	04/10/08	05/12/08	06/09/08				
Manatee	08-1	Regular	04/15/08	04/17/08	06/16/08	06/20/08	08/05/08			Identified wetland concerns
Manatee	08-2	Regular	08/11/08	08/10/08	09/09/08	10/20/08	12/16/08			Several water resource concerns identified
Manatee	09-1	Regular	04/28/09	05/01/09	06/10/09	07/06/09	08/18/09	09/30/09	Yes	Identified water quality concerns for proposed Class III landfill
Manatee	09-2	Regular	08/13/09	08/13/09	09/28/09	10/15/09				Identified natural resources and water supply and sewer concurrency issues.
Manatee	09PTF1	Port Fac Pln	10/22/09	10/22/09	11/17/09	12/22/09				Port Master Plan amendment
Bradenton	08-1	Regular	01/14/08	02/04/08	02/27/08	04/04/08				No substantive comments
Bradenton	08-PEFE1	School	06/11/08	06/13/08	07/07/08	08/08/08	10/10/08			School Facilities Element
Bradenton	08-2ER	EAR	08/29/08	09/16/08	10/14/08					
Bradenton Beach	09-1ER	EAR	12/16/08	12/17/08	01/09/09	02/18/09	10/16/09	12/17/09		Made several comments re: water supply work plan

Local Government Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	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
Holmes Beach	NA	EAR	04/25/07	04/30/07	05/30/07	N/A	N/A	N/A		EAR Review-comments addressed water supply, coastal mgmt & stormwater mgmt
Palmetto	10-1	School	11/10/09	11/17/09	12/09/09					Mentioned water supply work plan requirement
MARION	09-1&2	Regular	08/11/09	08/12/09	09/11/09	10/09/09		1/14/2010 2/9/10	Yes	WSP/ Secondary Springs Protection Zone
Marion	NA	EAR	09/08/09	09/10/09	10/02/09					EAR Review-comments included RWSP
Ocala	08PEFE1	PSFE	04/16/08	Not Rcvd	05/13/08	06/13/08	10/27/08	Not Rcvd	N/A	Schools
Ocala	07-02	Regular	10/01/07	10/04/07	10/30/07	12/05/07	03/20/08	02/27/08	No	1.41 million commercial sq. ft.
PASCO	07D1	DRI	12/12/06	12/14/06	01/09/07	02/09/07	Not Received			Trinity Proposed Phase Transmittal
Pasco	07D2	DRI	12/12/06	12/14/06	01/12/07	02/09/07	Not Received			Pasco Town Centre
Pasco	09D1	DRI	07/09/09	07/15/09	09/12/09	09/15/08				SunWest Harbourtowne DRI
Pasco	09-1	Regular	09/01/09	09/03/09	09/28/09	11/16/09	01/12/10	02/23/10	Yes	4 FLU changes including sites abutting Anclote River & Green Swamp, various text amendments including Critical Linkages, map series changes
Pasco	10-1	Regular	01/04/10	03/17/10						Update Pasadena Hills Area Plan; TOD/TBARTA/One Bay policies; Market Areas; Mitchell FLU; Wetlands policy
Zephyrhills	09-1	Regular	11/03/08	11/05/08	11/26/08	01/06/09				2 FLUM Changes: IL to IN and MU to IN
Zephyrhills	09-2ER	EAR-Based	03/13/09	03/18/09	04/14/09					Includes 10 Year Water Supply Work Plan
San Antonio	08-1ER	EAR-Based	02/20/08	03/11/08	04/08/08	05/12/08				May include 10-Yr Water Supply Work Plan
Dade City	EAR	EAR	10/10/07	10/17/07	11/06/07	N/A	04/10/08			EAR Review
Dade City	08-1PEFE	PEFE	12/03/07	N/A	12/05/07					Public School Facilities Element
Dade City	10-1ER	EAR-Based	10/19/09	11/16/09	11/17/09	01/05/10				10YWSFWP (partial, GOPS)
Dade City	10-RWSP1	10 Yr WSFWP	12/18/09	01/05/10	01/06/10					10YWSFWP
St. Leo	09-1ER	EAR-Based	12/22/2009	1/9/2009	2/6/2009	3/9/09	6/29/2009			EAR-based amendments
Clearwater	09-1AR	AR	04/21/09	04/21/09	05/04/09					Alternative Review
Clearwater	09-2AR	AR	10/01/09	10/01/09	10/20/09					Alternative Review
Dunedin	08-1AR	AR	11/06/07	11/06/07	11/29/07	12/11/07				
Dunedin	09-1AR	AR	04/17/09	04/23/09	05/04/09					Alternative Review
Gulfport	08-1ARA	Regular	07/15/08	07/22/08	08/15/08	9/15/08	05/05/09			EAR Review
Gulfport	09PEFE1	PEFE	10/29/08	10/29/08	None		02/12/09			
Indian Rocks Beach	10-01ER	EAR	11/04/09	11/05/09	12/03/09					
Largo	08-2ARB	EAR	07/29/08	08/25/08	08/25/08	09/26/08				EAR Review
Largo	09-2AR	AR	06/24/09	06/26/09	07/20/09					2 FLUM Changes
Madeira Beach	09-1AR	AR	12/09/08	12/16/08	01/09/09	01/14/09				
N. Redington Beach	09-1	Regular	11/24/08	11/26/08	None	01/28/09	03/30/09			
Pinellas County	08-2AR	AR	08/06/08	08/06/08	None	09/05/08	11/21/08			Alternative Review
Pinellas County	09-1AR	AR	11/06/08	11/10/08	12/10/08	12/10/08				Alternative Review
Pinellas County	09-2AR	AR	08/05/09	08/05/09	08/31/09					Alternative Review
Pinellas Park	07PEFE-1	PEFE	10/16/07	10/18/07	10/19/07					Public School Facilities Element
Redington Shores	08-1AR	EAR	09/02/08	10/11/08	None	11/18/08				EAR Review
Safety Harbor	09-1AR	AR	05/13/09	05/15/09	06/15/09					Alternative Review
St. Petersburg	08-01ARB	AR	12/18/07	12/18/07	None	10/23/08				FLUM
St. Petersburg	09-1AR	AR	03/16/09	04/16/09						Alternative Review
St. Pete Beach	09-1ER	EAR	12/31/08	01/31/09	None	03/03/09		09/10/09	Yes	EAR Review
Seminole	09RWSP-1	WSFWP	08/18/09	08/18/09	09/08/09					10 Yr WSFWP
Tarpon Springs	08-2AR	AR	09/28/08	09/28/08	None	10/28/08	10/20/09			FLUM
Tarpon Springs	09-1AR	AR	03/04/09	04/04/09	None					Alternative Review
Tarpon Springs	09-1ER	EAR	02/17/09	02/17/09	03/26/09	04/14/09		10/20/09		EAR Review
Dundee	WSP	WSP	04/17/09	04/30/09						
Highland Park	WSFWP	WSFWP	04/03/09	03/27/09	05/11/09	05/27/09				
Town/Lake Hamilton	09RWSP	WSFWP	09/18/09	09/28/09						Aligns with the Polk Cty Supplemental WSP
SARASOTA	07-D1	DRI	02/08/07	02/12/07	None	04/11/07	08/03/07	09/13/07	No	SIPOC - FLUM amendment
Sarasota	09D-1	DRI	07/24/09	07/29/09	08/05/09	09/28/09				Villages of Lakewood Ranch South
Sarasota	09-2A	CIE	10/09/09							Resubmittal of 08-CIE1
Sarasota	10-1	Regular	12/17/09	12/23/09	02/03/10	02/22/10				Includes 10yr WS Work Plan
City of Sarasota		CIE	12/08/09	NA	None			02/03/10	Yes	

Local Government Comprehensive Plan Amendment and Related Reviews Report

Local Government	DCA Project #	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
City of Sarasota	10-1	Regular	03/05/10	03/17/10	03/17/10					no comments
Venice	07-2ER	EAR based	07/09/07	07/19/07	08/14/07	09/17/07	Not Rcvd	Not Rcvd		
Venice	08-PEFE!	Schools	02/02/09	not rcvd	none	none	none	none		
Venice	09-1ER	EAR based	08/26/09	08/31/09	10/13/09					No separate 10yr WS workplan
North Port	08-2	Regular	06/30/08	N/A	N/A	N/A	N/A	N/A	N/A	Returned; EAR Based not adopted
North Port	09D1	DRI	01/06/09	01/26/09	02/09/09					Isles of Athena
North Port	09-1	Regular	08/11/09	08/11/09	09/10/09	10/12/09	12/03/09			1 FLUM change & 1 transportation LOS
North Port		CIE	11/30/09	NA	None					
SUMTER	09-01	Regular	08/27/09	09/02/09	09/25/09					Commerce Park
Sumter	09-R1							01/08/10	Yes	
Sumter	09-2							12/23/09	Yes	
Sumter	08-2	Regular	10/09/08	10/22/08	11/20/08	12/22/08	02/27/01	04/14/09	No	RV Park development
Sumter	08-1	Regular	05/02/08	05/21/08	06/19/08	07/21/08	11/03/08	Not Rcvd	N/A	89 acres land use change
Bushnell	10-1	Regular	01/22/10	02/03/10	02/03/10					FLU Update, Industrial & Agriculture, CIE update
City of Coleman	09CIE1	CIE						01/14/10	Yes	
Wildwood	09-1	Regular	12/02/08	01/09/09	02/07/09	03/09/09	Not Rcvd	07/01/09	No	Comprehensive Plan Update (2009-2035)
Wildwood	08D1	DRI	02/07/08	02/13/08	03/21/08	09/21/08	11/06/08	12/31/08	No	8,025 homes
Wildwood	08D2	DRI	06/19/08	06/26/08	07/24/08	08/25/08	11/21/08	12/31/08	No	1.2 million sq ft (commercial development)
Wildwood	07D1	DRI	07/24/07	07/26/07	08/23/07	09/25/07	11/13/08	12/31/08	No	3,000 homes
Wildwood	07D2	DRI	07/24/07	07/26/07	08/23/07	09/25/07	12/11/08	12/31/08	No	2,262 homes
Wildwood	07-1	Regular	07/06/07	06/29/07	07/27/07	08/27/07	Not Rcvd	01/22/08	No	1,632 acre annexation
NOTES										
** Amendment Types may include: Regular; DRI; EAR Based; Water Supply Plan; ASRPP										
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.										
Key to Abbreviations:										
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										
ASRPP=DCA pilot program for Pinellas and Broward Counties, and the cities of Tampa and Hialeah										

**Outreach and Planning Committee
April 27, 2010**

Routine Reports

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

Presenter: Roy A. Mazur, Director, Planning Department

DRI Activity Report

Project Name	Govt's	Project Type	Acreege	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
CFRPC									
Westby Ranch	Highlands	Mixed Use	12,000	ADA	1/23/2008				
CSX Railroad	Winter Haven	Railroad Terminal	318	ADA	10/15/2007	10/5/2007			
Lake Placid Groves	Highlands	Mixed Use	2,144	ADA	2/8/08				
CF Industries South Pasture Mine Extension	Hardee	Phosphate Mine	6,750	SD	6/1/05	3/3/05	8/10/06		No increase in water use anticipated
FL International Aiport	Hardee & Polk	Airport/ Mixed Use	22,400	ADA	3/23/05				Significant transportation improvements may accompany this major project
Four Corners Town Center	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	Polk	Industrial	173	SD	6/23/05	8/8/05			Project to address water storage and water quality at Mosaic chemical plants
Williams	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	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
Champion's Gate	Polk & Osceola	Mixed Use	100+/-	ADA	12/7/05	1/31/06	2/10/06		Transfer approved entitlements from Osceola to Polk Co concerning development of Champion's Gate
Village of Valencia Lake	DeSoto	Mixed Use	4,000	ADA		10/30/07			
Carlton Ranch	DeSoto	Mixed Use	5,860	ADA	8/8/05				Major new project proposed in eastern DeSoto County; 17,000 homes proposed
SWFRPC									
Lakewood Ranch Corp Park	Sarasota	Mixed Use		NOPC		1/11/08	None	None	
Sandhill	Charlotte Co.	Mixed Use		NOPC NOPC		5/28/08 4/14/09	None None	None	
Victoria Estates	Charlotte			NOPC		4/14/09	None	None	
Murdock Center	Charlotte	Mixed Use		NOPC		9/9/08	10/21/08	None	
Babcock Ranch Community	Charlotte	Mixed Use	13,630	ADA		1/16/09			SFWMD - coord review re: WS & GW impacts Incr 1 2,980 ac
Harborview	Charlotte	Mixed Use		SD		9/23/09	10/20/09	None	
Heron Creek	Sarasota	Mixed Use		NOPC		3/11/10			Formerly Marsh Creek - North Port

DRI Activity Report

Project Name	Govt's	Project Type	Acreege	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
TBRPC									
Apollo Beach	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
Wolf Creek Branch	Hillsborough	Mixed Use	1,618	SD		9/7/05	10/18/05 02/10/06 04/04/06 05/18/06 06/22/06 11/07/07 01/15/08		Project proposes 4,505 residential units, 457,380 s.f. of commercial/office, 2 schools and 121 acres of recreation
Rocky Point Harbor	Hillsborough	Residential		NOPC			05/11/06 07/18/06		Proposes 35 wet slips
Fishhawk Ranch	Hillsborough	Residential	70	NOPC		4/24/07	05/24/07 08/06/07		Proposes the addition of 70 acres to existing DRI
Mosaic Riverview Phosphogypsum Stack Expansion	Hillsborough	Mining	N/A	NOPC		10/14/09	10/29/09		Proposes construction of a process-water loading station and transport of process water to Polk County facility
Mosaic Fertilizer, Hillsborough County Mines DRI	Hillsborough	Mining	77	NOPC		9/25/09	10/20/09		Proposes addition of 77 acres to existing DRI
Big Bend Transfer Co. Sulfur Handling Facility	Hillsborough	Industrial		NOPC		5/11/09	6/9/09		Proposes combining several DRIs, extend construction date and revise concept development plan
Tampa Bay Center	Hillsborough	Commercial		NOPC			1/5/10		
Heritage Harbor	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
Landing at Heritage Harbour	Manatee	Mixed Use	NA	NOPC		10/18/09	11/13/09		Proposes a number of changes to the development scenario
Gulf Coast Factory Shops	Manatee	Commercial	25	NOPC		11/22/05	12/19/05 04/17/06 09/19/06 02/22/07		Proposal to extend build out, add 24 acres, add 7,500 s.f. restaurant, relocate drainage and establish additional project entrance

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DRI Activity Report

Project Name	Govt's	Project Type	Acreege	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
University Lakes	Manatee	Mixed Use	4,033	NOPC		3/1/06	03/01/06 08/15/06 12/18/06 07/27/07		Proposal to add 812 residential units, 120,000 sf of office and 405 hotel rooms
Four Corners Mine	Manatee	Phosphate Mining	299	NOPC		2/19/07	3/22/07		Proposal to add 299 acres to Four Corners's boundary
Four Corners Mine	Manatee	Phosphate Mining	272	Pre-App		4/9/09	4/24/09		Proposal to add 272 acres to Four Corners's boundary
University Commons	Manatee	Commercial	30	NOPC		3/16/07	04/10/07 10/02/07 04/28/08		Proposes to add 60,578 sf of commercial development
Mosaic SE Tract (Manson-Jenkings)	Manatee	Phosphate Mining	103	NOPC		7/20/07	8/15/07		Proposes addition of 103 acres & other changes to connect property with the Wingate Creek
Mosaic Wingate Creek Mine	Manatee	Phosphate Mining	N/A	NOPC		7/20/07	08/15/07 01/18/08		Proposes changes to mine plan, setback area, waste disposal plan and trucking route
Cypress Banks	Manatee	Mixed Use	3,879	NOPC		11/23/07	12/18/07 06/25/08		
Gateway North	Manatee	Mixed Use	1,065	NOPC			06/13/08 07/14/08		Modifications to internal roadway system and school site
Mitchell Ranch Plaza	Pasco	Mixed Use	126	NOPC		8/16/05 03/18/08	04/08/08 11/17/09		Eliminate Phases/theatre, add hospital/med ofc/hotel, reduce retail, accelerate buildout
Connerton	Pasco	Mixed Use	166	NOPC		8/3/05	8/23/05		Changes to the Employment Center
Connerton	Pasco	Mixed Use	1,115	NOPC		12/27/05			Development of Village 5
Bexley Ranch	Pasco	Mixed Use		NOPC		7/25/07 01/05/09 7/21/09	7/31/07		Extension request, Transportation analysis changes
Suncoast Crossings	Pasco	Mixed Use	66	NOPC		7/20/07	7/31/07 04/29/08		Combine office entitlements into 1 parcel, unused shift office entitlements, add Research and Development uses
The Grove @ Wesley Chapel	Pasco	Mixed Use	120	NOPC	N/A	6/23/08 9/10/08	7/7/08 9/22/08		Add 62.32 acres; Add Hotel to Land Use Trade Off Mechanism; Reduce movie seats
Carillon	St. Petersburg	Office	180	NOPC		4/6/05	4/18/05		Increase Office entitlements by 65K sq ft,chg name of developer
Shoppes at Park Place	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	Largo	Mixed Use	34	NOPC		4/24/06	N/A		TBRPC is asking for more comments in order to consider the changes proposed not a Substantial Deviation
Largo Town Center (AKA) Bay Area Outlet Mall	Largo	Mixed Use	34	NOPC		10/3/06 01/18/07 09/21/07	01/22/07 04/05/07 10/19/07		Developer answered questions proposed for traffic generation & specific development order changes. Declared sufficient

DRI Activity Report

Project Name	Govt's	Project Type	Acreage	Appl. Type	Pre-App Mtg. Date	Receipt Date	Sufficiency Comments Sent	Final Comments Sent	Comments
Trinity Communities	Pasco & Pinellas	Mixed Use	4	NOPC		4/5/07 10/01/07	4/23/2007 10/05/07 04/08/08		Extend build out date, add 136K mediucal office space, 115 residential units, reduce commercial/retail use
Gateway Centre	Pinellas Park	Mixed Use	558	NOPC		5/2/07 11/14/08	N/A		Response to questions posed on Transportation issues
Bayonet Point Shopping Mall	Pasco	Mixed Use	4	NOPC	3/19/09	5/1/2009 7/6/09 10/6/09	5/29/09 11/2/09		Add 3.96 acres, establish land use equivalency matrix, exchange for 500 residential units
WRPC									
Hernando Oaks	Hernando	Residential	1,149	ADA	2/22/06	2/3/06	8/18/06		1,525 residential units
Secret Promise	Lake	Mixed Use	3,747	ADA	12/29/05	8/21/06	9/11/06 8/06/07 03/21/08		7,000 residential units
Renaissance Trails	Sumter	Mixed Use	1,311	ADA	12/16/05	7/10/06	08/11/06 02/09/07		2,262 residential units
Southern Oaks	Sumter	Mixed Use	2,332	ADA	2/21/08	4/30/09	11/18/09 3/22/10		3,144 residential units
Wildwood Springs	Sumter	Mixed Use	1,047	ADA	9/25/2006	5/31/06	11/14/07 08/23/07 02/27/08 06/30/08		3,000 residential units
Landstone Communities	Sumter	Mixed Use	4,159	ADA	5/14/2007	11/16/07	02/23/08 05/06/08		8,025 residential units
Quarry Preserve	Hernando	Mixed Use	4,250	ADA	6/7/2007	5/29/2007 1/29/10	3/20/208 11/28/08	2/23/2010	1,900 residential units; 2nd Sufficiency received

Abbreviations: CFRPC: Central Florida Regional Planning Council

WRPC: Withlacoochee Regional Planning Council

SWERPC: 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
April 27, 2010**

Routine Report

Speakers Bureau

Purpose

This report is provided for the Committee's information and shows District staff participation in the outreach performed by the Speakers' Bureau program.

Background

The District has had a Speaker's Bureau Program since the early 1970s. For the past 20 years, the Program has been administered by the Community and Legislative Affairs Department (CLA) or the Communications Department. Currently, the program is managed by Susan Kessel of the CLA Department. The Speakers Bureau coordinates staff experts and generalists to speak or make presentations to interested community or business groups, or to address professional, governmental or technical groups on a variety of issues. The types of groups and organizations requesting a speaker is varied: civic organizations (Rotary, Kiwanis, Sertoma, etc.), chambers of commerce, colleges and high schools, and associations (homeowners, engineering, realtors, developers, etc.). Every request in the past two years has been honored. Over the past several years, staff has developed a library of PowerPoint presentations to go along with our popular *Water 101* video. State-of-the-art audio-visual equipment is available in all of the service offices to accommodate presentations in those areas.

The following table summarizes the Speakers' Bureau activities for the past three months.

Organization	Topic	Aud	Speaker	Dept
January 2010				
Port Charlotte AARP	Water 101	50	Ed Hobin	CLA
Tampa Bay Sierra Club	Water 101/Get Outside!	30	Ed Hobin	CLA
Manatee/Sarasota Sierra Club	Water 101/Get Outside!	75	Ed Hobin	CLA
Rotary Club of Spring Hill	Get Outside!	15	Ed Hobin	CLA
East Pasco Water Coalition	Florida Rural Water Assoc.	14	Ed Hobin	CLA
Paddle Florida	Overview of Peace River	80	Danny Kushmer	CLA
Native Plant Society	Get Outside!	15	Will Miller	LND
The Villages Newcomers Orientation	Water Conservation	160	Douglas Tharp	GOV
Bradenton City Council	Reclaimed Water Issues	50	David Moore	EXE
Too Far	Water Resources Update	50	David Moore	EXE
Fox 13 "Your Turn"	Dry Wells/Sinkholes		David Moore	EXE
EVENT				
Pasco County Green Solutions		222	COM	
February 2010				
Plant City Downtown Luncheon Club	Frost Freeze/Dry Wells/Sinkholes	40	David Moore	EXE
Manatee County Historical Society	Water 101/Get Outside!	30	Ed Hobin	CLA
Hernando County "D" Club	Water 101	26	Ed Hobin	CLA
Village Green HOA - Bradenton	Water 101/SB2080	20	Ed Hobin	CLA
Kathleen High School Career Fair	Get Outside!	200	Mary Torrusio	COM
Leadership Plant City	Water 101/Get Outside!	19	Daniel Kushmer	CLA
Exloritas	Geology and Hydrogeology	20	David Arnold	PRJ
YMCA Plant City	Water 101/Frost-Freeze/FARMS	18		
Hernando FL. Friendly Landscaping	Landscaping Workshop	100	Michael Molligan	COM
The Founders Garden Club	Get Outside!	50	Lou Kavouras	EXE
Downtown Luncheon Club Plant City	Frost Freeze/Dry Wells/Sinkholes	40	David Moore	CLA
Greater Plant City Chamber	Frost Freeze/Dry Wells/Sinkholes	100	David Moore	CLA
Frost Freeze Public Meeting	Frost Freeze/Dry Wells/Sinkholes	300	David Moore	CLA
United Communities of Hernando County	Watershed Mgmt/FEMA Maps	60	Gene Altman	MAN
Rampart Properties	FL. Friendly Landscaping	45	Chris Dewey	COM
The Villages Newcomers Orientation	Water Conservation		Douglas Tharp	GOV

Item 57

Organization	Topic	Aud	Speaker	Dept
UF Water Resources Institute	Linking Land Use/ Water Supply Plng	75	Roy Mazur	PLN
Exploritas	Geology/Hydrogeology	20	David Arnold	PRJ
Bay Indies HOA Meeting	Flood Plain Mgmt/ Watershed Mgmt	200	Gordon McClung	PRJ
Ridge Manor Property Owners Assoc.	Agriculture Fences	50	Clay Black	REG
March 2010				
Plant City Master Gardeners	Water 101/ Get Outside!	19	Ed Hobin	CLA
Focus on Change Lake Alfred	WMD and Drought Update	240	Ed Hobin	CLA
Focus on Change Leesburg	WMD and Drought Update	290	Ed Hobin	CLA
Manatee Sertoma club	Water 101		Ed Hobin	CLA
United Methodist Temple Men's Group	Water 101	20	Danny Kushmer	CLA
SWIM 2010 Lemon Bay Workshop	Water Use/ Conservation	15	Terri Behling	CLA
Community Associations Institute	SB2080	32	Sylvia Durell	COM
Community Associations Institute	Landscape Ordinances	60	Michael Molligan	COM
Manatee County Planning Commission	Reclaimed Water	50	Dave Moore	EXE
Hillsborough Co Planning Commission	Linking Land Use/Water Supply Plng	100	Dave Moore	EXE
St. Petersburg Times Editorial Board	Reclaimed Water/Hydrologic Conditions/ Get Outside!/Watersheds/Conservation	10	Dave Moore	EXE
Volunteer Appreciation Day	Recreational Lands/Get Outside!	110	Dave Moore	EXE
Gulf Trace Elementary School (Pasco)	Water Cycle/Conservation	53	Kaylie Kushmer	COM
Freedom High School (Hillsborough)	Hillsborough River Watershed	76	Kaylie Kushmer	COM
Mango Elementary School (Hillsborough)	Watersheds/Water Cycle/ Conservation	114	Kaylie Kushmer	COM
Azalea Elementary School (Pinellas)	Groundwater Filtration/FL Farmers	100	Kaylie Kushmer	COM
Lakeland Christian School	Water Cycle/Watersheds	79	Kaylie Kushmer	COM
Too Far	Get Outside!/Recreation	30	Will Miller	LND
Citrus County Business Roundtable	Florida Water Star	40	Susan Douglas	COM
The Villages Newcomers Orientation	Water Conservation		Douglas Tharp	GOV
Risk and Insurance Mgmt. Society	Get Outside!	50	Will Miller	LND
American Society of Civil Engineers	New SWFWMD Initiatives	150	Roy Mazur	PLN
UF TREEO Center	The Budget Process	15	Roy Mazur	PLN
Wisconsin Club	Water 101	35	Jason Mickel	PLN
Saint Leo University	Growth Management Regulation	8	Mikel Renner	PLN
Exploritas	Geology/Hydrogeology	20	Dave Arnold	PRJ
Heritage Pines Democratic Club	Local Geology/Sinkholes	15	Dave Arnold	PRJ
Exploritas	Geology/Hydrogeology	25	Dave Arnold	PRJ
Hernando Co Groundwater Guardians	Geology/Hydrogeology of Blue Sink	40	Dave Arnold	PRJ
Berkley Manor HOA	Local Geology/Sinkholes	50	Dave Arnold	PRJ
South Venice Civic Assoc.	Watersheds/Floodplain Mapping	50	Gordon McClung	PRJ
Florida Irrigation Society- Tampa Chapter	Water Restrictions/Related Issues	25	Lois Sorensen	REG
Rivendel Residents Town Hall Meeting	Water Quality		Ross Morton	REG
EVENTS				
Hernando County Water Awareness	Home Water Conservation	11	COM	
Starkey Wilderness Preserve	Volunteer Appreciation Day		LND, COM	

Key to Organization Abbreviations

Assn	- Association
AWRA	- American Water Resources Association
AWWA	- American Water Works Association
C of C	- Chamber of Commerce
Comm	- Commission
Comte	- Committee
DAR	- Daughters of the American Revolution
FFG	- Florida Fruit Growers
IFAS	- Institute of Food & Agricultural Sciences
HOA	- Homeowners Association
PHCC	- Pasco-Hernando Community College
UF	- University of Florida
USF	- University of South Florida
RWSA	- Regional Water Supply Authority
W/S	- Workshop

Key to Department Abbreviations

CLA	- Community & Legislative Affairs
COM	- Communications
EXE	- Executive
OPS	- Operations
PLN	- Planning
PRJ	- Resource Projects
RDR	- Resource Data & Restoration
REG	- Regulation
RPM	- Regulation Performance Management
GOV	- Governing Board

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Benefits/Costs

The benefit of the Speakers' Bureau program is the ongoing education of the public and community leaders regarding water resource management. The program provides an opportunity for interaction among the public and District staff knowledgeable in all areas of the District's statutory responsibilities and it provides a mechanism for communication of District priorities and concerns. Additionally, the program is utilized as a tool to influence behavior change in the areas of water conservation and to ensure support for the District's legislative initiatives.

Staff Recommendation:

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

Presenter: David Rathke, Director, Community and Legislative Affairs Department

**Outreach and Planning Committee
April 27, 2010**

Routine Report

Significant Activities

Conservation Messaging

The District promotes water conservation year-round using a variety of methods — public service advertising, news media outreach, the District’s web site, special events, utility bill stuffers, outreach to existing partners and social media efforts such as the online *WaterMatters.org Newsletter*, Facebook and Twitter. ***New Activities Since Last Meeting*** — The District received an honorable mention award in the Public Education category at the Tampa Bay Regional Planning Council’s 18th Annual Future of the Region Awards for the District’s public education campaign during the four-year drought. Staff distributed a series of news releases throughout the month of April featuring water conservation tips to support Water Conservation Month.

"Get Outside!" Campaign

Since FY2007, the Communications and Land Resources departments have been working together to find the best way to let people know that District lands are available for recreation and to encourage more people to visit District lands. In September 2009 the District launched the “Get Outside!” campaign to promote the recreational opportunities available to the public on District-owned lands. The campaign was developed based on social research. Key findings showed that people want to get outside more often. Most want to walk or hike and prefer to do these activities with their friends and family. In addition, research also showed that people’s highest priorities when enjoying the outdoors are location and access, and the largest barrier to getting outside more often is lack of time. Most respondents said they enjoyed just being outside and wanted to be able to enjoy the outdoors easily on the spur of the moment with very little planning. In preparation for the “Get Outside!” campaign, Land Resources staff has made District lands more inviting with standardized property entrance signs as well as new or improved picnic areas, restrooms, kiosks and informational signs. As part of the campaign, the District is also hosting three community events to showcase District lands with the hope that those attending come back with family and friends to enjoy these properties on their own. The first event was held at Starkey Wilderness Preserve’s Serenova Tract in Pasco County on Nov. 7; the second event was held at the Green Swamp Wilderness Preserve — Hampton Tract in Polk County on Feb. 27, 2010. ***New Activities Since Last Meeting*** — The third “Get Outside!” community event is planned for the Deep Creek Preserve on April 10, 2010. The event will feature various activities including nature hikes, an I Spy scavenger hunt, an equestrian display, boat tours, live animal presentations from Lowry Park Zoo, and other displays and activities that promote the District’s protection of land and water resources. The “Get Outside!” campaign is being advertised from mid-March through the end of May on 30 buses in Hillsborough County as part of the District’s partnership with Lamar Advertising. The partnership was originally established to allow the District’s “Skip a Week” message to be displayed free on buses with unsold advertising space. Communications and Land Resources staff worked with Bay News 9 and Central Florida News 13 reporter Scott Fais on a “Florida on a Tankful” travel segment showcasing bird watching at the Weekiwachee Preserve. The segment is tentatively scheduled to air on Sunday, April 11, on both stations. Staff is also working with the travel reporter on a camping segment at the Green Swamp Wilderness Preserve West Tract. The segment is scheduled to be taped on April 13 and 14.

Water Conservation Hotel and Motel Program (Water CHAMP) and Water Program for Restaurant Outreach (Water PRO)

Water CHAMP promotes water conservation in hotels and motels by encouraging guests to use their towels and linens more than once during their stay. Participating hotels and motels receive program materials free of charge. The recent Districtwide five-year follow-up water audit

confirmed Water CHAMP participants saved an average of 17 gallons of water per occupied room per day. Based on these audit findings, the cost benefit for the program, using the total cost amortized over five years, is \$0.47 per thousand gallons of water saved. Water PRO educates both restaurateurs and guests through free materials such as table tents, children's coloring sheets, coasters and self-audit checklists. "We serve water only upon request" buttons are also available for wait staff. **New Activities Since Last Meeting** — Water CHAMP currently has 459 participants, or 49 percent of all hotels and motels in the District. Of the 474 hotels/motels within the District with 50 or more rooms, 337, or 71 percent, are CHAMP properties. An article will be published in the upcoming newsletter for the Hillsborough County Hotel & Motel Association regarding Water CHAMP and how saving water saves money in the food and beverage departments of lodging facilities. Water PRO is being promoted through one-on-one visits with restaurant managers, partnerships with utility companies, networking at industry meetings and direct mail. As of March 3, 2010, there were 256 restaurants in the District participating in Water PRO. A direct mail piece went out targeting 100 restaurants in the District that were featured in *Florida Trend* magazine.

Florida Water StarSM Gold (FWSG) Certification Program

FWSG is a voluntary certification program for builders that encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices (BMPs) in landscapes. FWSG involves a certification process that includes inspection by independent certifiers and project monitoring and oversight by water management districts. Based on estimates, in an average home, the program could save up to 20,000 gallons of water indoors and reduce outdoor water use by as much as 40 percent every year. Statewide expansion of the program will include certifications for existing homes, commercial properties and communities. This is the program's second year in the District, and the first house was certified March 25, 2009. **New Activities Since Last Meeting** — Agreements: Builders who intend to incorporate FWSG criteria in current or future projects sign nonbinding participation agreements with the District. To date, 14 agreements have been signed, representing approximately 279 homes. Certifications: As of April 8, 2010, there have been 22 homes certified as FWSG properties. Education: The first two-day certifier training for government employees was held in the Charlotte County Building Department on March 24–25. The second training is planned for April 19–20 in Sarasota and will include government staff of Sarasota and Manasota counties. Program Updates: Staff participated in a Green Business Roundtable at Central Florida Community College in Citrus County on March 17.

Water Conservation

In late March, the Governor signed a state proclamation recognizing April as Water Conservation Month. The Governing Board and 46 municipalities within the District issued formal proclamations as well. In addition, the District is promoting Water Conservation Month through a variety of special events, school outreach efforts and social media. Visitors to the District's web site are encouraged to save water through the Power of 10% home water-use calculator, the online Classroom Challenge for teachers and students and Florida-Friendly Landscaping™.

Research Findings

The Communications Department has been using research to enhance program design, plan communications strategies and evaluate programs. A database of the District's social research is available at WaterMatters.org/SocialResearch/. **New Activities Since Last Meeting** — The FY2010 public service advertising posttest survey was conducted via telephone March 1–15 to gauge opinions of residents and campaign recall after the District's "Skip a Week" campaign. The survey data will help staff evaluate the effectiveness of the campaign and gain insight into behaviors for next year's media campaign. The Water-Wise Irrigation Practices and Perceptions Campaign is designed to examine theories of behavior and change as well as how social conditions affect irrigation practices. Survey packets were distributed to 250 Pinellas County residents to promote program participation. In addition, a web site was created that includes survey links and program information.

Florida Yards & Neighborhoods (FYN)

Recognizing the potential of water conservation and water quality protection through promotion of Florida-Friendly Landscaping (FFL) practices, the District began partnering with the University of Florida in FY2001 to support FFL education. Education on landscaping BMPs is provided to homeowners; students; builders, landscape and irrigation professionals; and community/homeowners association (HOA) members and boards in 11 counties. ***New Activities Since Last Meeting*** — Staff and state and local FYN coordinators presented on SB 2080 and FFL at the 7th Annual Hillsborough County Neighborhoods Conference. The event was held at the Hillsborough County Community College and attracted several hundred HOA board members and homeowners. **Citrus County:** As part of Crystal River/Kings Bay/Rainbow River Springs Awareness Week, the Citrus County FYN program facilitated free soil tests for residents to help them determine the right fertilizer and plant selection for their landscapes. The test provided the soil's pH level, lime requirement and phosphorus, potassium, magnesium and calcium levels. Approximately two-thirds of Citrus County residents have soils with very high levels of phosphorus, making additional phosphorus unnecessary. The FNGLA Landscape Challenge, which was rained out in March, has been rescheduled for April 16. Approximately six teams plan to take part in the hands-on competition featuring integrated pest management, proper fertilizer application, right plant/right place and efficient irrigation.

Watershed Education

The District's watershed education efforts focus on water quality, stormwater runoff, water conservation and natural systems. Through these efforts, the District encourages specific behaviors, such as reducing fertilizer and pesticide use, maintaining septic systems, conserving water, disposing of trash appropriately and picking up and disposing of pet waste. ***New Activities Since Last Meeting*** — (1) The Polk County Water School is scheduled for April 22–June 3. The goal is to educate elected officials and government decision-makers on ways to protect Polk County's water resources. The program will provide participants the opportunity to learn about the area's hydrology, geology, water quality, water conservation and the future of our water supply. (2) As part of the 2010 Springs Awareness Week, two volunteer activities were held in Dunnellon. On March 14, Dunnellon Boy Scout Troop 452 participated in a stormdrain marking along Pennsylvania Avenue. Approximately 50 storm drains were marked with decals that state "No Dumping. Drains to Water Body." On March 26, volunteers participated in an aquatic planting at Blue Run Park in Dunnellon. Participants learned how plants help filter stormwater runoff and keep pollutants from entering the pond. (3) The District continues to partner with the Tampa Bay Estuary Program to implement the "Pooches for the Planet" program in Pinellas County. The program won second place in the Public Education category at the Tampa Bay Regional Planning Council's 18th Annual Future of the Region Awards.

Community Education Grant Program

The Community Education Grant (CEG) program is in its thirteenth year and is funded through Basin Initiatives for Public Education (P268). The CEG program provides funding assistance up to \$5,000 per project for individuals, service groups, community associations and other organizations to implement a water resources education project. ***New Activities Since Last Meeting*** — Projects are implemented between March and July 2010. **The FishHawk Ranch Homeowners Association held its first of four workshops on March 13. The workshop focused on outdoor conservation and participants were encouraged to distribute rain gauges to their friends and neighbors.** The city of Bradenton Beach's "Using Every Drop" event was held on March 20 with 25 attendees.

Youth Education

The District provides water resources education programs to county school districts, private schools, homeschool groups and nonformal educators through Splash! school grants, field trip programs, educational resources for students and educators, and teacher training workshops. Staff coordinates and facilitates Project WET (Water Education for Teachers), Great Water Odyssey and Healthy Water, Healthy People workshops throughout the District's 16 counties. Kindergarten through twelfth-grade educators attending workshops receive curricula as well as District materials. ***New Activities Since Last Meeting*** — **Outreach:** (1) Youth Education staff

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conducted four “Youth Education Team” trainings. These trainings were held at the Brookville, Sarasota, Bartow and Tampa District offices during the first two weeks of March. A total of 58 District staff members were trained in various youth-related classroom activities and encouraged to perform classroom presentations at local schools. (2) Staff judged the Polk County Regional Science and Engineering Fair on March 5. More than 350 students exhibited projects. (3) During March, the following school presentations were made:

- Gulf Trace Elementary in Pasco County on water cycle and conservation — 50 students
- Freedom High School in Hillsborough County on the Hillsborough River watershed and groundwater — 75 students
- SWFWMD Volunteer Appreciation Day at Jay B. Starkey Wilderness Preserve in Pasco County on watersheds and the water cycle — 110 students
- Pinellas County’s Azalea Elementary on Florida’s farms and groundwater filtration — 200 students
- Polk County’s Lakeland Christian School on watersheds, the water cycle and water conservation — 75 students

School Board Contact: Staff visited the Springs Coast Environmental Education Center in Hernando County on March 5 to observe the new sixth-grade field trip program. Teacher Training: (1) The Great Water Odyssey is a multidisciplinary technology-based computer program designed by the St. Johns River Water Management District and being distributed in this District to increase third-, fourth- and fifth-grade students’ understanding of the importance of protecting and conserving Florida’s water. Sixteen teachers from Polk and Marion counties are registered to participate in the four-week online course. Teachers completing the course will earn 20 continuing education credits. (2) A Discover a Watershed workshop was presented for Nature’s Classroom staff in Thonotosassa on March 16–18. District staff presented information about the Serenova Tract. (3) Two Project WET workshops are planned for April 8 and April 13. Publications: Approximately 148,580 youth education publications and materials have been distributed this calendar year. More than 285,200 youth publications have been distributed in fiscal year 2010.

2010 Regional Water Supply Plan Update

In accordance with Chapter 373, Florida Statutes, each water management district is required to initiate a District-wide water supply assessment that describes water demands and identifies sources of water available over a 20-year planning horizon. If the assessment indicates available water supplies cannot meet projected demands and sustain the water resources and related natural systems, a regional water supply plan shall be developed for that area. The District completed the first assessment in 1998. The re-evaluation of the need for a regional water supply plan must be made by each district at least every five years. The 1998 Water Supply Assessment indicated that sufficient water supplies were available to meet projected 20-year demands only in the Northern Planning Region of the District (Hernando County and all counties to the north). The Governing Board approved staff’s recommendation that a regional water supply plan was necessary in the southern ten counties (South-Central Planning Region) of the District, and staff subsequently produced the Regional Water Supply Plan in 2001. In 2003, the Governing Board concurred with the determination that a regional water supply plan was again needed for the southern ten counties of the District and that a regional water supply plan was not necessary for the Northern Planning Region. The Board approved the Regional Water Supply Plan in December 2006 (first update). In an effort to be more consistent with other water management districts, future regional water supply plan updates will be completed every five years beginning in 2010. In June 2008, the Governing Board approved staff recommendation to move forward with 2010 update, to include the northern five counties. Staff will keep the Governing Board apprised of progress as the regional water supply planning proceeds through this Significant Activity Report or as a Committee Discussion Item. ***New Activities Since Last Meeting*** - The public comment draft is scheduled to be released on April 20th with comment due July 16th. The drafts are available for viewing and download from the District’s web site. Comments may also be submitted through the web site. In April, staff facilitated informational presentations before the Basin Boards and the Public Supply, Industrial, and Well Drillers Advisory Committees. Four open public meetings as well as presentations before the Regional Planning Councils are scheduled for May.

One Bay – Regional Visioning

One Bay is a partnership of public and private leaders spearheaded by five regional organizations: Tampa Bay Regional Planning Council, Tampa Bay Estuary Program, Southwest Florida Water Management District, Tampa Bay Partnership Regional Research & Education Foundation and the Urban Land Institute Tampa Bay District. The organization was formed in 2007 to follow through on the success of Reality Check, a day-long event at the Tampa Convention Center where citizens from across the region came together to vision for the future of Tampa Bay. Based on data compiled at the Reality Check events, different priorities were identified in different communities. These priorities were translated into four growth pattern "scenarios" intended to illustrate the different alternatives and encourage input from as many stakeholders as possible. The four scenarios were presented at a series of five Town Hall meetings, held simultaneously, at locations throughout the region on June 2, 2008. The four scenarios are general concepts that will help further assess the priorities deemed most important by citizens in looking ahead to the future. The four scenarios are the focal point of an internet based survey. The opinions and data gathered will be analyzed and used to eventually develop a unified vision for the seven-county Tampa Bay region to help guide the region's growth and expansion. The Congress of Regional Leaders is set for April 16 at the Tampa Convention Center, the event is free; those interested may register at <http://www.myonebay.com/>. The primary purpose of the Congress is to foster collaboration and "buy in" of the One Bay Vision by identifying where participants see change happening in their communities and where it could happen by developing short and long-term strategies regional leaders can consider as they make important decisions about the built environment, natural environment and mobility in the region.

Regional Planning Council Update

- **Tampa Bay Regional Planning Council (March 8, 2010)** - Ron Weaver, Stearns Weaver law firm, and Ward Friszolowski, former St. Pete Beach Mayor and Executive President of Harvard Jolly, made presentations in opposition to Amendment 4, a proposed constitutional amendment, also known as Hometown Democracy, that would require voters to approve local comprehensive plan amendments. Ron Weaver stated Florida is the most difficult state to develop in and shared findings of the Washington Economics Group's (WEG) economic study of the proposal, which forecasts Florida would lose over 260,000 jobs and almost \$35 billion in economic output each year if the amendment is passed. Ward Friszolowski addressed City of St. Pete Beach's experience with a "local version" of Amendment 4, in effect since 2006. His presentation highlighted the voter fatigue resulting from the education process often necessary to understand the amendments, unwillingness of business owners to invest due to the uncertainty of long-term planning and how political action committees have become a major influence in framing the issue. The presentation is available for viewing at www.tbrpc.org. The Council held its Future of the Region Awards/Luncheon on March 19 at the Quorum Hotel in Tampa. Three Board members (Ron Oakley, Sallie Parks and Maritza Rovira-Forino) represented the District at this event. You will hear more about the event in April.
- **Central Florida Regional Planning Council** - No meeting was scheduled for March, the next meeting is scheduled for April 14, 2010
- **Southwest Florida Regional Planning Council (March 18, 2010)** - The North Port Gardens DRI Request for Extension was approved via consent. The Council also supported staff recommendation not to approve the Harborview DRI Substantial Deviation until such time when the consultants are present to answer questions. The Council discussed several current issues such as the State Fertilizer Rule Preemption of Local Ordinances the new Statewide Stormwater Rule along with several bills currently under consideration by the Legislature. Their next meeting is scheduled for April 15, 2010 where SWFWMD staff will be presenting an update on the Regional Water Supply Plan.
- **Withlacoochee Regional Planning Council (March 18, 2010)** - The Council approved its Per Capita Funding Assessment, approved several emergency management training contracts, and discussed a resolution critical of Amendment 4 (Hometown Democracy).

Local Government Outreach

As part of the District's community and legislative affairs program, the Community and Legislative Affairs (CLA) Department is responsible for (1) developing effective relationships with local elected and public officials and their staff, (2) serving as the District's day-to-day liaison with local officials, (3) facilitating coordination of District programs to assist local government entities, (4) promoting the mission of the District and (5) helping to develop and foster sound public policy on water resource related issues. To meet these responsibilities, CLA has developed long-standing programs and tactics, including but not limited to, project tours, the e-Resource newsletter, e-mail alerts and one-on-one meetings. ***New Activities Since Last Meeting:***

- CLA staff participated in the planning and implementation of the Northern Planning Region Work Group meeting for the Regional Water Supply Plan (RWSP). Due to the inclusion of the Northern Planning Region in the RWSP for the first time, thirteen members of various Northern District environmental groups, county governments, consultants and representatives of the WRWSA met to learn about the District's RWSP.
- CLA staff met with Citrus County's new Water Conservation Specialist, Debbe Hooper, and provided information to help Citrus County increase enforcement for residents not following the Modified Phase II (Severe Water Shortage) restrictions.
- CLA staff is working with Regulation, Planning and Resource Projects on the City of Haines City WUP renewal, including coordinating several pre-meetings and discussions prior to the submittal.
- CLA staff participated in Polk County Day in Tallahassee. Numerous local elected officials as well as Representatives and Senators attended the reception.
- CLA staff presented a legislative update to the Basin Board Land Resource Committee at the Sarasota SO.
- CLA staff continues to coordinate with Regulation and Resource Projects on the City of Lake Wales Reuse project and organized several meetings to ensure the city will utilize this resource to its full potential possibly including the Lake Wales Golf and Country Club for delivery.
- CLA staff continues to work with the Avon Park Air Force Range and the Central Florida Development Council on a Joint Land Use Study (JLUS). This study is to ensure that growth in and around the range will not interfere with the mission of the Range. Three municipalities and four counties are affected in some way and are participating in the study. Public meetings are to begin in late May.
- CLA staff with support from the District Ag. Team, SWIM staff and Executive coordinated a tour for the Governing Board in the Plant City/Dover area. The tour included stops at a strawberry farm that utilized FARMS Program funding to implement a tail water recovery system and a nursery that also uses tail water recovery. A stop was also made at a tropical fish farm to educate Board members on water use in this industry.
- CLA staff continues to monitor Charlotte County's request to get a 10 MGD water use permit from Babcock Ranch. The permit would be issued by the South Florida Water Management District and the SWFWMD is coordinating with SFWMD on the issue. Charlotte County does not have a demonstrated need or demand for the water and SFWMD sent the County a letter saying the permit would be processed for denial if the County did not withdraw the request. Commissioner Bob Starr sent a letter to Governor Crist expressing his dissatisfaction with the two WMDs and asking Governor Crist to intervene.
- The City of Bradenton is seeking a comprehensive plan amendment from Manatee County. The amendment would remove the prohibition of using reclaimed water in the Evers Watershed. The City has approximately 5 MGD of reclaimed water available for residential/commercial use and the community of Lakewood Ranch would like to purchase the water for irrigation purposes. The comp plan amendment was approved by a vote of 4-2 by the Manatee County Planning Commission and approved by the County Commission by a vote of 5-1. The amendment is currently being reviewed by the Department of Community Affairs. District staff is supportive of this change and CLA staff has worked closely with Executive and provided Executive staff with talking points for both the Planning Commission and County Commission meetings. CLA staff continues to work with the Mayor of Bradenton and the County Commission on this issue.

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- CLA staff contacted all local governments within the District's 16-County area and asked them to declare April as Water Conservation Month. CLA staff, and at times Board members, attended the various meetings to accept proclamations throughout the months of March and April. The counties that issued proclamations are: Charlotte, Citrus, DeSoto, Hardee, Hernando, Hillsborough, Levy, Manatee, Marion, Polk, Sarasota and Sumter. Peace River/Manasota and Withlacoochee Regional Water Supply Authorities, as well as Tampa Bay Water, issued proclamations. The following local governments also issued proclamations: Arcadia, Auburndale, Avon Park, Bartow, Bradenton Beach, Brooksville, Bushnell, Center Hill, Coleman, Crystal River, Davenport, Dunnellon, Fort Meade, Inverness, Lakeland, Longboat Key, Mulberry, Ocala, Palmetto, Plant City, Punta Gorda, Safety Harbor, Tampa, Tarpon Springs, Temple Terrace, Venice, Webster, Wildwood, Williston, Yankeetown, Zolfo Springs.

Legislation and Policy

CLA acts as the District's day-to-day representatives before the Florida Legislature and U.S. Congress. This includes educating officials and staff regarding the mission of the District, providing information on issues and legislation, and coordinating our legislative program with other state and federal agencies. The department recommends, develops and executes the District's legislative program based on Governing Board and executive staff direction. Staff works with executive, legal and other departments to develop and manage internal District legislative procedures and policies. ***New Activities Since Last Meeting:***

- The 2010 Legislative Session is underway. CLA staff continues to monitor and engage on legislation affecting the District.
- CLA staff continues to monitor the numeric nutrient criteria issue in Tallahassee. A number of legislative committees have heard extensive testimony on this issue.
- CLA staff continues to meet with FDEP and the other water management districts weekly in Tallahassee to discuss potential impacts on legislation.

Community Outreach

In addition to acting as the District's liaison to local government, CLA is responsible for the primary "grassroots and grasstops" outreach to local community organization and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District's legislative program and allow for opportunities to communicate the District's mission, policies and the goals. ***New Activities Since Last Meeting:***

- CLA staff participated in chambers of commerce government affairs committee meetings and provided information on water issues for legislative agendas.
- CLA staff met with the Citrus County Chamber to discuss adding a "going green" section to the Citrus County *Chamber Connection* newsletter and website. They are interested in featuring information on how businesses can participate in water conservation. Additional meetings are scheduled to continue to partner with the Chamber on this effort.
- CLA staff worked with the Dick Pope/Polk County Chapter of the Florida Public Relations Association in coordinating and hosting a Roast & Toast for Polk County Sheriff Grady Judd with a portion of the proceeds benefiting the Sheriff's Youth Villa in Bartow.
- CLA staff continues to work with Polk County Extension on the upcoming Water School 2010. CLA is coordinating with District staff, SFWMD and PR/MWSA for presentations and tours during this seven week school.
- CLA staff organized a "Water Matters" day at the March 8th Pirates Spring Training game against the Yankees. More than 4,000 people attended the game and staff distributed 2,000 Pirates/SFWMD baseball themed 5-minute shower timers and water conservation materials. Dozens of people signed the District's pledge to reduce their water use by 10%. Governing Board Chair Todd Pressman threw out the first pitch and the event was a huge success. The District's ad in the program guide will also be viewed by fans who are attending the Bradenton Marauder's 70 games this spring and summer in Bradenton.

Staff Recommendation:

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

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services

Special Events – May 1 - June 12, 2010

Event Title: FishHawk Ranch Goes Green Symposium

Date: May 1

Time: 8 a.m.–Noon

Location: Palmetto Club at FishHawk Ranch, 17004 Dorman Road, Lithia

Sponsoring Organizations: FishHawk Ranch Homeowners Association, District

Attendees: General public

Event Description: This workshop will educate participants about protecting nature and reducing water use to benefit the environment. Attendees will receive free water-saving devices, while supplies last. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: Spring Fest 2010

Date: May 1

Time: 9 a.m.–4 p.m.

Location: Railroad Park in downtown Haines City and Health Chic House

Sponsoring Organizations: City of Haines City, The Health Chic, District

Attendees: General public

Event Description: This annual community celebration is designed to teach local residents about water conservation practices. The Health Chic House will present water conservation exhibits and offer workshops on Florida-Friendly Landscaping, rain barrels and composting. Entertainment will be provided all day at Railroad Park Gazebo. In addition to food and craft vendors, free kids activities and contests will be offered throughout the day. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: 2010 Manatee County Water School

Date: May 6 and 7

Time: 7:30 a.m.–5 p.m.

Location: Manatee County Extension Office, Kendrick Auditorium, 1303 17th Street W., Palmetto

Sponsoring Organizations: Manatee County Extension, District

Attendees: Government decision-makers

Event Description: This two-day event will feature presentations and a watershed tour to different water management sites in Manatee County.

District Contact Information

Name: Virginia Sternberger, (352) 796-7211, ext. 4753; Virginia.Sternberger@WaterMatters.org

Event Title: Winter Haven's Florida-Friendly Trails Kickoff

Date: May 8

Time: 8–11 a.m.

Location: Three Winter Haven trail locations — Downtown Trail (Winter Haven Library), South Lake Howard Nature Park and Lake Hartridge Nature Park

Sponsoring Organizations: City of Winter Haven, District

Attendees: General public

Event Description: Come visit all three trails, validate your Florida-Friendly Trail Guide and complete a survey to receive a drought-tolerant plant (while supplies last). These trails are perfect for all ages interested in walking, biking, skating, picnicking and learning about the nine Florida-Friendly Landscaping principles. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: Mayfaire by the Lake

Date: May 8–9

Time: 10 a.m.–5 p.m.

Location: Downtown Lakeland

Sponsoring Organizations: District and others

Attendees: General public

Event Description: One of the largest arts and crafts festivals in central Florida. This year the District's Water Conservation Restroom Station will be at the event promoting water conservation and Florida-Friendly Landscaping.

District Contact Information

Name: Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Event Title: RBCA Operation Healthy Water III

Date: May 22

Time: 8 a.m.–2 p.m.

Location: Sunlit Cove Boat Ramp, 234 Sunlit Cove Dr., St. Petersburg

Sponsoring Organizations: Riviera Bay Civic Association, Keep Pinellas Beautiful, District

Attendees: Riviera Bay Civic Association homeowners, neighboring volunteers and general public

Event Description: This one-day cleanup will clear debris from the neighborhood canal system and within the watershed as far out as Riviera Bay. Meetings will be held before and after the cleanup to provide education on water conservation and stormwater runoff. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: Pinellas Living Green Expo

Dates and Times: June 5 from 9 a.m.–5 p.m.; June 6 from 10 a.m.–4 p.m.

Location: The Coliseum, 535 4th Ave. N., St. Petersburg

Sponsoring Organizations: Tampa Bay Water, City of St. Petersburg, City of Dunedin, Pinellas County, St. Petersburg College, Channel Ten Connects, Progress Energy, District

Attendees: General public

Event Description: The Pinellas Living Green Expo provides guests with ideas, resources and information that promote sustainable living through energy, water efficiency and environmental resource conservation. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: FishHawk Ranch Goes Green Symposium

Date: June 12

Time: 8 a.m.–Noon

Location: Palmetto Club at FishHawk Ranch, 17004 Dorman Road, Lithia

Sponsoring Organizations: FishHawk Ranch Homeowners Association, District

Attendees: General public

Event Description: Participants will learn about building rain barrels and how reducing their water use benefits the environment. Attendees will receive free water-saving devices, while supplies last. This event is sponsored through the District's Community Education Grant program.

District Contact Information

Name: Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

**Governing Board Meeting
April 27, 2010**

GENERAL COUNSEL'S REPORT

Discussion Items

59. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

60. Litigation Report	2
61. Rulemaking Update	15

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

April 2010

(Changes in status since last month are in boldface type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
Paradise Lakes Utility, LLC v. SWFWMD		C. Felice	Request for Extension of Time to File Petition for Extension of Hearing	8/15/08 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 8/21/08 - Order Granting Request for Extension of Time entered. 9/25/08 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 10/16/08 - Order Granting Second Request for Extension of Time entered. 1/16/09 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 1/23/09 - Order Granting Third Request for Extension of Time entered. 4/22/09 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 4/29/09 - Order Granting Fourth Request for Extension of Time entered. 6/22/09 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 7/9/09 - Order Granting Fifth Request for Extension of Time entered. 8/21/09 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 10/14/09 - Order Denying Request for Extension of Time entered. 10/27/09 - Petition for Formal Administrative Hearing filed.
Shelley, David and Barbara v. SWFWMD		C. Felice	Request for Extension of Time to File Petition for an Administrative Hearing	11/25/10 - Request for an Enlargement of Time to File a Petition served. 12/9/09 - Order Granting Request for Extension of Time (Petition shall be filed with (received by) the District on or before 5:00 p.m. on 1/15/10) entered. 1/15/10 - Petition for Formal Administrative Hearing served.

ENFORCEMENT CASES

(Including Administrative Complaints)

SWFWMD v. Abbott, Robert C. and Robin E.		C. Felice	Administrative Complaint and Order	11/11/08 - Respondents served. 1/9/09 – Order No. SWF 09-02 entered.
SWFWMD v. Atwood, Sean		A. Vining	Administrative Complaint and Order	10/12/09 – Respondent served. 1/7/10 – Order No. SWF 2010-001 entered.
SWFWMD v. Barfield, Robert		A. Vining	Administrative Complaint and Order	7/7/09 - Respondent served. 8/17/09 – Order No. SWF 09-027 entered.
SWFWMD v. Bickel, Gary J. and Deborah T./Case No. CA 08-3878	5 th Judicial Circuit, Hernando County/	C. Felice	Complaint and Petition for Enforcement of Consent Order No. 06-29	11/24/08 – Complaint and Petition for Enforcement filed. 1/7/09 – Defendant Gary J. Bickel's Motion for Extension of Time to File and Answer served. 1/26/09 - Answer to Complaint and Petition for Enforcement with Affirmative Defenses served. 1/28/10 - Plaintiff's Motion to Strike Defendants' Affirmative Defenses served. 3/22/10 - Notice of Hearing (on Motion to Strike set for

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. R.J. Bunbury Homes, Inc./Case No. 08-011833CI21	6 th Judicial Circuit, Pinellas County/J. Schaefer	A. Vining	Complaint and Petition for Enforcement of ACO No. SWF 07-055	8/12/08 – Complaint and Petition for Enforcement filed. 8/19/08 – Complaint and Petition for Enforcement served. 9/2/08 - Answer to Complaint and Petition for Enforcement served. 11/25/09 – Consent Final Judgment entered. 4/21/10) served.
SWFWMD v. John Belcher/Case No. 06-4467CI-8	6 th Judicial Circuit, Pinellas County/F. Quesada	A. Vining	Complaint and Petition for Enforcement of ACO No. SWF 06-20	7/6/06 - Summons and Complaint served on Defendant. 10/27/06 – Motion for Default by the Court, and Notice of Hearing served. 11/13/06 – Order Denying Motion for Default by the Court entered. 1/17/07 – Order granting Plaintiff's Motion to Strike Defendant's Affirmative Defenses entered. 2/25/08 – Plaintiff's Motion for Summary Judgment served. 5/27/08 – Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment served. 8/15/08 – Order granting Plaintiff's Motion for Summary Judgment entered. 9/17/08 – Notice of Hearing on Attorney Fees and Costs served. 12/7/09 – Final Summary Judgment entered.
SWFWMD v. Fatima Enterprises		A. Vining	Administrative Complaint and Order	7/21/09 – Respondent served. 8/17/09 – Order No. SWF 09-026 entered.
SWFWMD v. HCH Holdings, LLC		A. Wells	Administrative Complaint and Order	7/11/08 - Respondent served. 8/21/08 - Order No. SWF 08-030 entered.
ω SWFWMD v. The Kell Group, Ltd. Case No. 09CA007932 Div. K	13 th Judicial Circuit, Hillsborough County/Levens	A. Vining	Complaint and Petition for Enforcement	3/27/09 – Complaint and Petition for Enforcement filed. 4/2/09 – Defendants served. 8/19/09 – Answer to Complaint and Third-Party Complaint served. 1/13/10 – Notice of Appearance served. 1/13/10 – Motion for Extension of Time to Respond to Third Party Complaint served. 1/22/10 – Third Party Defendants' Motion to Dismiss Third Party Complaint served. 1/26/10 – Notice of Change of Counsel served. 2/1/10 – Notice of Hearing on Third Party Defendants' Motion to Dismiss Third Party Complaint and Third Party Defendant Sazam, Inc.'s Motion to Vacate and Set Aside Clerk's Default and Incorporated Memorandum of Law served. 2/5/10 – Amended Notice of Hearing served.
SWFWMD v. Lake Sebring Estates Development, Corp./Case No. 08-892GCS	10th Judicial Circuit, Highlands County/O. Shinholser	J. Ward	Complaint and Petition for Enforcement to enforce ACO No. SWF 06-54	7/15/08 - Complaint filed. 7/23/08 – Registered Agent served. 8/11/08 - Notice of Appearance filed on behalf of Defendant served. 9/2/08 - Answer and Affirmative Defenses served. 1/19/10 - Plaintiff's First Request for Production to Defendant and Notice of Service of Plaintiff's First Set of Interrogatories to Defendant served. 2/25/10 - Notice of Service of Defendant's Objections and Responses to Plaintiff's First Request for Production and Interrogatories served; Defendant's Objections and Responses to Plaintiff's First Request for Production served. 3/17/10 - Notice of Taking Deposition (3 - set for 6/17/10) served.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. McClendon, J.C., Jr./Case No.0811837CI13	6 th Judicial Circuit, Pinellas County/M. Shames	A. Vining	Complaint and Petition for Enforcement of ACO SWF07-056	8/12/08 – Complaint and Petition for Enforcement filed. 8/18/08 – Complaint and Petition for Enforcement served. 8/29/08 – Response served. 9/16/08 – Motion for Default by the Court served. 9/19/08 – Notice of Hearing on Motion for Default by the Court served. 11/21/08 – Proposed Order Denying Plaintiff's Motion for Default by the Court served. 11/26/08 – Order Denying Plaintiff's Motion for Default by the Court entered. 12/23/09 – Plaintiff's Motion for Summary Judgment served. 12/30/09 – Notice of Hearing served.
SWFWMD v. Maldonado, Santos, Sr./Case No. 252008CA000661	10th Judicial Circuit/Hardee County/	A. Wells	Complaint and Petition for Enforcement of ACO SWF 08-031	11/12/08 - Complaint filed. 11/14/08 - Defendant served via substitute service (wife). 6/30/09 – Default entered. 7/15/09 – Plaintiff's Motion for Final Judgment After Default and Notice of Telephonic Hearing served. 7/30/09 – Amended Notice of Telephonic Hearing served. 9/3/09 – Final Judgment After Default entered.
SWFWMD v. Martinez, Manuel & Wendy/Case No. 51-2009-CA-004936 ES	6 th Judicial Circuit/Pasco County/S. Gardner	A. Vining	Complaint and Petition for Enforcement of ACO SWF 07-063	5/22/08 – Complaint filed. 6/10/09 – Complaint served. 6/30/09 – Answer and Affirmative Defenses served.
➤ SWFWMD v. Sean M. Murphy and Shelly A. Murphy		C. Kenney	Administrative Complaint and Order	2/9/08 – Administrative Complaint and Order served on Sean M. Murphy. 2/28/08 – Order No. SWF 08-005 entered.
SWFWMD v. Shant Hotels, LLC/Case No. 53-2008-CA-0010708-0000-00	10th Judicial Circuit, Polk County/D. Prince	A. Wells	Complaint and Petition for Enforcement of ACO No. SWF 08-029	11/5/08 - Complaint filed. 11/17/08 - Defendant served. 1/5/09 - Motion for Default filed. 2/2/09 - Motion for Default by the Court served; Notice of Hearing (on Motion for Default - set for 3/3/09) served. 3/6/09 - Default by the Court entered.
SWFWMD v. Zerep Enterprises, Inc.		A. Vining	Administrative Complaint and Order	6/8/09 – Administrative Complaint and Order served. 6/30/09 – Order No SWF09-023 entered.

MISCELLANEOUS

Bank of America, et al. v. Richardson, David A. and Lisa A., et al./ Case No. 52-2009-CA-09017751-CI-020	Sixth Judicial Circuit/Pinellas County	J. Ward	Foreclosure complaint against David and Lisa Richardson, against whom the District has a judgment with regard to an enforcement action	10/16/09 - Summons, Complaint and Notice of Lis Pendens served. 11/4/09 - Answer of Defendant SWFWMD served. 11/18/09 - Motion for Summary Judgment served. 12/22/09 - Certification of Compliance with Foreclosure Procedures served. 3/5/10 - Notice of Filing of Affidavit in Support of Motion for Final Summary Judgment served; Notice of Filing of Amended Affidavit of Costs served.
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<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
Crystal Bay at Kingsway Condominium Association, Inc.		C. Kenney	Petition for Variance or Waiver	2/5/10 - Petition received. 3/5/10 - Request for Additional Information letter mailed.
Davis, Alfred J. and Cindy v. SWFWMD, et al./Case No. 8:09-cv-1070-T17	United States District Court of the Middle District of Florida, Tampa Division	J. Ward	Complaint for Declaratory and Injunctive Relief	6/19/09 - Summons and Complaint for Declaratory and Injunctive Relief served. 6/19/09 - Plaintiffs' Notice of Pendency of Other Actions served. 9/11/09 - Defendant SWFWMD's Motion to Dismiss Counts IV, V, VI and VII of Plaintiffs' Complaint, Motion for More Definite Statement and Incorporated Memorandum of Law served. 9/14/09 - Defendant City of St. Petersburg's Motion to Dismiss and Incorporated Memorandum of Law served. 9/14/09 - EPA's Answer to Complaint served. 9/21/09 - Case Management Report served. 9/22/09 - Order entered (directing parties to engage in limited discovery). 9/29/09 - Plaintiffs' Response in Opposition to Defendant, City of St. Petersburg's Motion to Dismiss served. 9/30/09 - Plaintiffs' Response in Opposition to Defendant, SWFWMD's Motion to Dismiss served. 11/2/09 - City of St. Petersburg's Response to Plaintiff's Request for Admissions served. 11/5/09 - Defendant SWFWMD's Response to Plaintiff's Requests for Admissions served. 1/10/09 - EPA's Responses to Plaintiffs' Requests for Admissions served. 11/18/09 - Order on Defendants' Motions to Dismiss (granting City's & SWFWMD's motions to dismiss counts IV-VII of the complaint, and dismissing them from the action) entered. 11/30/09 - Plaintiffs' Rule 59(E) Motion to Alter or Amend the Judgment on Defendants' Motions to Dismiss served. 12/29/09 - Order (to show cause on or before 1/8/10 why Motion to Alter or Amend the Judgment on Defendants' Motions to Dismiss should not be granted for failure to respond thereto) entered. 1/8/10 - Defendant City of St. Petersburg's Response to Order to Show Cause with Incorporated Memorandum of Law served; Defendant SWFWMD's Response to Order to Show Cause served. 2/16/10 - Order on Plaintiff's Rule 59(E) Motion to Alter or Amend the Judgment on Defendant's Motion to Dismiss entered. 2/25/10 - First Amended Complaint for Prospective Remedial Injunctive Relief served. 3/8/10 - Defendant David L. Moore's Motion to Dismiss Counts IX, X and XI of Plaintiffs' First Amended Complaint, Motion for More Definite Statement, and Incorporated Memorandum of Law served. 3/18/10 - Plaintiff's Response to City of St. Petersburg's Motion to Dismiss the First Amended Complaint Counts Against the City served. 3/22/10 - Plaintiff's Response in Opposition to David L. Moore's Motion to Dismiss the First Amended Complaint Against Him served.

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<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
Hames, Cedar and Nora H. Scholin v. State of FL Department of Environmental Protection and SWFWMD/Case No. 2007-CA-001649	12 th Judicial Circuit, Manatee County/P. Dubensky	D. Graziano/ J. Ward	Suit for damages alleging inverse condemnation	4/4/07 – Amended Complaint and Summons served. 4/23/07 - State of Florida Department of Environmental Protection’s Motion to Dismiss served. 5/16/07 - Order from Middle District of Florida remanding case back to circuit court entered. 5/18/07 - SWFWMD’s Motion to Dismiss served. 8/7/07 – SWFWMD’s Answer served. 8/9/07 - Plaintiffs’ Reply to Affirmative Defenses and Motion to Strike served. 8/15/07 - Defendant SWFWMD’s Motion for Summary Judgment and Memorandum of Law in Support of Defendant’s Motion served. 8/23/07 - (Plaintiff’s) Motion to Bifurcate served. 10/12/07 - Defendant SWFWMD’s Amended Motion for Summary Judgment and Memorandum of Law in Support of Defendant’s Motion served. 10/17/07 - (Plaintiffs’) Motion for Partial Summary Judgment as to SWFWMD’s Liability for Taking Under Counts I, II, IV, V, VII, VIII, X, XI, XIII, XIV, XVII, XX and XXIII of Plaintiff’s Amended Complaint served. 11/6/07 – Memorandum of Law in Opposition to Plaintiffs’ Motion for Summary Judgment served. 12/7/07 - Order Denying Defendant’s Amended Motion for Summary Judgment; Order Granting Plaintiff’s Motion for Partial Summary Judgment as to SWFWMD’s Liability for Taking entered. 1/14/08 - Order Denying Defendant Southwest Florida Water Management District’s Motion for Rehearing entered. 2/4/08 - Agreed Order Regarding Date of Taking entered. 2/20/08 - Notice of Invoking Automatic Stay Pending Review Pursuant to Rule 9.310(b)(2), Fla.R.App.P. served. 2/22/08 - Motion for Relief from Stay; Notice of Hearing (scheduled for 3/4/08) served. 5/9/08 - Defendant’s Notice of Serving Proposal for Settlement to Plaintiffs served. 9/05/08 - Motion in Limine on Taking Issue served. 9/8/08 - Order Scheduling Case for Jury Trial, Pretrial Conference & Referral to Mediation entered. (Trial set for 1/26/09; Pretrial set for 1/16/09). 9/25/08 - Defendant’s Response to Plaintiffs’ Motion in Limine on the Taking Issue served. 9/29/08 - Motion to Continue Mediation Date served; Motion to Set Aside/Vacate Court’s Order Granting Partial Summary Judgment for Misrepresentation on the Court served. 10/2/08 - Amended Motion to Set Aside/Vacate Court’s Order Granting Partial Summary Judgment for Misrepresentation on the Court served and Notice of Rescheduled Hearing (set for the 10/6/08) served. 10/6/08 - Plaintiffs’ Motion to Strike or for More Definite Statement and for Sanctions and, in the Alternative, Response in Opposition to Defendant’s Motion to Set Aside/Vacate Judgment for Misrepresentation on the served. 10/10/08 - Defendant’s Reply to Plaintiffs’ Response in Opposition to Motion to Set Aside/Vacate served. 10/13/08 - Order (vacating Order Granting Plaintiff’s Motion for Partial Summary Judgment (entered 12/7/07)) entered. 10/23/08 -

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
Mudd, Marcia, et al. v. SWFWMD, et al./Case No. 2006CA-001537-0000	10th Judicial Circuit, Polk County/D. Prince	D. Scott/J. Ward	Complaint for Inverse Condemnation and Continuing Trespass	<p>Plaintiffs' Motion for Rehearing and Reconsideration served. 10/31/08 - Memorandum in Opposition to Plaintiffs' Motion for Reconsideration of the Court's Order Vacating the Order Granting Partial Summary Judgment served. 11/12/08 - Order on Plaintiffs' Motion for Rehearing and Reconsideration (denied) entered. 12/23/08 - Order (granting Motion to Continue the Trial) entered. 3/12/09 - Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955) served. 6/3/09 - Defendant's Response and Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment served. 6/4/09 - Notice of Withdrawal of Allegations that Lots 8-10 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955), and Voluntary Dismissal of Counts XVI, XIX and XXII of the Amended Complaint served; Motion to Treat Plaintiffs' Pending Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955), as a Motion in Limine in the Alternative served. 6/10/09 - Order on Motion for Partial Summary Judgment (denied) entered. 6/25/09 - Plaintiffs' Motion for Rehearing and Reconsideration served. 7/13/09 - Plaintiffs' Notice of Supplemental Authority on Its Motion for Rehearing and Reconsideration served. 7/17/09 - Order on Motion for Rehearing and Reconsideration (denied) entered. 1/5/10 - Order Setting Case Management Conference (set for 3/12/10) entered. 3/9/10 - Pretrial Stipulation (stipulating to non-jury trial period of 12/6/10 and pre-trial being held on 11/24/10) filed. 3/23/10 - Order Scheduling Case for Non-Jury Trial and Referral to Mediation (trial set for 12/6/10) entered.</p> <p>11/3/08 - Summons and Second Amended Complaint for Inverse Condemnation and Continuing Trespass served. 12/4/08 - Defendant, SWFWMD's Motion to Dismiss and/or Motion to Abate and/or Motion for a More Definite Statement served. 12/11/08 - Amended Answer and Affirmative Defenses of Defendant, City of Lake Wales to Plaintiffs' Second Amended Complaint served. 12/23/08 - Reply to Affirmative Defenses Asserted by Defendant City of Lake Wales served. 10/26/09 - Polk County's Motion to Dismiss served. 12/4/09 - Amended Notice of Hearing (on DEP's Amended Motion to Dismiss & SWFWMD's Motion to Dismiss and/or Abate and/or Motion for More Definite Statement p set for 12/16/09) served. 2/1/10 - Third Amended Complaint for Inverse Condemnation served. 2/9/10 - Order Granting FDEPs Amended Motion to</p>

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<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
				Dismiss & SWFWMD's Motion to Dismiss, with Leave to Amend entered. 2/11/10 - Polk County's Motion to Dismiss Plaintiffs' Third Amended Complaint for Inverse Condemnation served. 2/22/10 - Defendant SWFWMD's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint for Inverse Condemnation served. 2/26/10 - Defendant SWFWMD's Motion for Final Summary Judgment served. 3/4/10 - Notice of Hearing (on Motion for FSJ set for 5/20/10) served. 3/9/10 - Unopposed Motion to Withdraw as Counsel for Defendant served. 3/11/10 - Plaintiffs' First Request for Production Upon Defendant SWFWMD served. 3/12/10 - Order on Unopposed Motion to Withdraw as Counsel for Defendant (Granted) entered; Notice of Objection to Defendant SWFWMD's Notice of Non-Party Production to Richard J. Lewis served. 3/18/10 - Request for Copies (Polk County's request to: (1) SWFWMD for copies of documents produced by Richard G. Lewis; (2) City of Lake Wales; and (3) Plaintiffs for documents produced by SWFWMD pursuant to Plaintiff's First Request for Production to SWFWMD) served. 3/26/10 - Amended Notice of Hearing (on 5/20/10 adding Plaintiff's Not of Objection to our Notice of Non-Party Production to Richard J. Lewis) served.
Reynolds, Mark D. v. SWFWMD & Lowry Park Zoological Society of Tampa, Inc./Case No. 08-CA-28944	13th Judicial Circuit/M. Nacke	L. Tetreault/ J. Ward	Claim of unjust enrichment	1/12/09 - Summons, Complaint, Affidavit of Service, Certificate of Service received from Attorney General's office. 1/16/09 - Defendant's (Lowry Park Zoological Society) Motion for Extension of Time to Respond to Plaintiff's Complaint served. 1/20/09 - Defendant SWFWMD's Motion to Dismiss for Insufficiency of Service of Process served. 1/22/09 - Motion for Leave of Court to File Amended Complaint and Amend Style of Case served. 1/26/09 - Defendant's (Lowry Park Zoological Society of Tampa, Inc.) Second Motion for Extension of Time to Respond to Plaintiff's Complaint served. 2/6/09 - Defendant's (Lowry Park Zoological Society, Inc.'s) Answer and Defenses and Counterclaim served. 2/17/09 - (Reynolds') Motion to Dismiss Counter Complaint served.
Rockwell, Karen v. SWFWMD/Case No. 09-00534	13th Judicial Circuit/J. M. Barton	T.R. Unice, Jr./J. Ward	Claim for injuries incurred by auto accident with District vehicle driven by District employee	2/4/09 - Summons, Complaint, Request for Admissions, Request to Produce, Interrogatories served. 2/26/09 - Defendant's Answer and Affirmative Defenses served; (SWFWMD's) Motion to Strike served. 6/17/09 - Motion to Enlarge Time Period Barring Service of Proposals for Settlement Pursuant to Rule 1.442 served.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. Ancaya, Francisco L., et al/Case No. 2009-CA-010077	10th Judicial Circuit, Polk County/K. Wright	R. Neill/J. Pepper	Petition in Eminent Domain (Parcel 20-503-229-P - Ancaya; Parcel 20-503-215-P - Benton; Parcel 20-503-217-P - Cox; and 20-503-163-P - Perez)	9/11/09 - Application for Docketing and Assignment of Case filed. 9/22/09 - Order of Taking Hearing Order entered. 10/5/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Motion to Limit Service of Pleadings and Notice of Hearing; Summons to Show Cause and Notice of Hearing Date served. 10/28/09 - (Cox's) Answer and Request for Hearing served; (Benton's) Answer and Request for Hearing served. 11/2/09 - Defendants' (Ancaya) Motion to Continue Order of Taking served; Notice of Hearing (on Defendants' (Ancaya) Motion to Continue Order of Taking - 11/23/09) served. 11/3/09 - Answer of Defendants Perez to the Petition in Eminent Domain served; Request for Hearing on Behalf of Defendants Perez served; Motion to Continue Hearing on the Order of Taking of Defendants Perez served. 11/10/09 - Petitioner's Motion to Enforce Settlement Agreement (Ancaya) served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P served. 11/12/09 - Answer to Petition in Eminent Domain of Defendants Ancaya served. 11/17/09 - Notice of Hearing on Motion to Amend Declaration of Taking and Estimate of Value served. 11/23/09 - Order Limiting Service of Pleadings (as to all Parcels) entered; Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendant Cox, Benton served; Petitioner's Motion to Dismiss Counterclaim of Defendant, Cox, Benton served; Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing (Perez, Cox, Benton, Ancaya) entered; Order Directing Mediation (Perez, Cox, Benton) entered; Order on Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P entered. 11/24/09 - Petitioner's Amended Reply and Motion to Strike Referenced Affirmative Defenses and any Associated Denial of Defendants Benton, Cox served; Amended Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-163-P (Perez), Parcel No. 20-503-217-P (Cox), 20-503-215-P (Benton), Parcel No. 20-503-229-P (Ancaya) served. 11/25/09 - Petitioner's Motion to Dismiss Counterclaim of Defendants, Perez served; Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and any Associated Denial of Defendants Perez served. 12/3/09 - Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and any

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. Crabtree, Don Gary, et al./Case No. 53-2009-CA0008352	10th Judicial Circuit, Polk County/K. Wright	R. Neill/J. Pepper	Petition in Eminent Domain (Parcel 20-503-196 - Crabtree; Parcel 20-503-129 - Shea; Parcel 20-503-207 - Weflen)	<p>Associated Denial of Defendants Ancaya served. 12/17/09 - Stipulated Order of Taking and Final Judgment as to Parcel 217-P (Cox) and Parcel 215-P (Benton) entered. 12/22/09 - Notice of Payment (fees for Cox and Benton parcels) served. 1/13/10 - Notice of Deposit (of sum due per Stipulated Order re Benton) served. 2/2/10 - Order Denying Petitioner's Motion to Enforcement Settlement Agreement entered. 3/29/10 – Pre-Order of Taking Mediated Settlement Agreement (as to Perez) entered.</p> <p>7/29/09 - Application for Docketing and Assignment of Case. 8/11/09 - Amended Eminent Domain Order of Taking Hearing Order entered. 8/21/09 - Lis Pendens; Summons to Show Cause and Notice of Hearing; Petition in Eminent Domain; Declaration of Taking and Estimate of Value served. 8/28/09 - Waiver of Service and Acceptance of Process of Defendants Crabtree, Shea and Weflen; Waiver of Service and Acceptance of Process of Defendants Shea; Waiver of Service and Acceptance of Process of Defendants Crabtree served. 9/1/09 - Notice of Filing Waivers of Service and Acceptance of Process, Together with Original Summonses served. 9/17/09 - Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served. 9/24/09 - Answer and Affirmative Defenses of Shea to Petition in Eminent Domain served; Request for Hearing on Behalf of Defendants Shea served; Answer to Petition in Eminent Domain of Defendants Crabtree served; Defendants' (Crabtree) Motion to Continue Order of Taking served; Answer to Petition in Eminent Domain of Defendants Weflen served; Defendants' (Weflen) Motion to Continue Order of Taking served. 10/1/09 - (Midflorida Federal's) Answer to Petition in Eminent Domain (re: Shea) served. 10/6/09 - Motion to Continue Hearing on the Order of Taking of Defendants Shea and Notice of Hearing on the Motion (set for 10/20/09) served. 10/7/09 - Petitioner's Motion to Amend Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served. 10/15/09 - Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendants Shea served. 10/21/09 - Petitioner's Reply to Answer and Defenses of Defendant Midflorida Federal Credit Union (as to the Shea parcel) served. 10/23/09 - Second Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served.</p>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. Dyer, Paul L., et al./Case No. 2009-CA-010062	10th Judicial Circuit, Polk County/K. Wright	R. Neill/J. Pepper	Petition in Eminent Domain (Parcel 20-503-219-P)	10/30/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (2/22/10) (Crabtree) entered. 11/4/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (1/26/10) (Shea) entered. 1/19/10 - Defendants', Crabtree and Weflen, Supplement to Witness List Pursuant to Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing served. 1/25/10 - Amended Defendant's Motion in Limine and Incorporated Memorandum of Law Prohibiting Evidence (Shea) served; Amended Defendant's Motion in Limine and Incorporated Memorandum of Law Prohibiting Admission of Evidence Related to Flooding of the Properties Too Remote in Time to the Taking (Shea) served. 1/26/10 - Order on Case Management Conference (re Shea, Crabtree and Weflen) entered. 2/19/10 - Request to Take Judicial Notice (with regard to Crabtree Shea & Weflen) served. 9/10/09 - Application for Docketing and Assignment of Case served. 9/22/09 - Order of Taking Hearing Order entered. 10/5/09 - Notice of Lis Pendens filed; Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Summons to Show Cause; Notice of Hearing served. 10/23/09 - Petitioner's Witness and Exhibit List served. 11/10/09 - Petitioner's Motion to Amend Petition in Eminent Domain served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-219-P served. 11/17/09 - Notice of Hearing (on Motions to Amend Declaration of Taking and Estimate of Value and Petition in Eminent Domain - set for 11/23/09) served. 1/12/10 - Order Granting Petitioner's Motion to Amend Petition in Eminent Domain entered. 1/14/10 - (Bank of America's) Answer to Petition in Eminent Domain served. 3/5/10 - Motion for Default (against Riverlake HOA and against TLA, Inc., db/a/ Caribbean Pools) served. 3/10/10 - Default (against Riverlake HOA) entered. 3/12/10 - Default (against Caribbean Pools) entered.
SWFWMD v. Pitz, Sharon E., et al./Case No. 2009-CA-010078	10th Judicial Circuit, Polk County/K. Wright	R. Neill/J. Pepper	Petition in Eminent Domain (Parcel 20-503-198-P)	9/10/09- Application for Docketing and Assignment of Case filed. 10/2/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Summons to Show Cause; Notice of Hearing served. 10/23/09 - Defendants' Pitz and Connolly, Answer and Affirmative Defenses to Petition in Eminent Domain served. 11/6/09 - Petitioner's Reply to

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
SWFWMD v. Sutton, Lawrence, et al./Case No. 53-2009-CA-008298	10th Judicial Circuit, Polk County	R. Neill/J. Pepper	Petition in Eminent Domain (Parcel 20-503-220)	<p>Affirmative Defenses of Defendants Pitz and Connolly served. 11/18/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-198-P served. 11/23/09 - Order on (granting) Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-198-P entered. 11/24/09 - Amended Declaration of Taking and Estimate of Value in Connection with Parcel 20-503-198-P served. 1/12/10 - Stipulated Order of Taking as to Parcel 198-P entered.</p> <p>7/28//09 - Application for Docketing and Assignment of Case. 8/17/09 - Amended Eminent Domain Order of Taking Hearing Order entered. 9/2/09 - Notice of Lis Pendens served; Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-220 served. 9/4/09 - Summons to Show Cause and Notice of Hearing Date issued to all Defendants. 9/16/09 - Polk County's Answer to Petition in Eminent Domain and Motion to Be Dropped as a Party Due to Misjoinder served. 9/28/09 - Defendants' Motion to Continue Order of Taking served; Answer to Petition in Eminent Domain of Defendants Sutton served. 10/30/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (1/26/10) entered. 11/19/09 - Answer (as to Countrywide Bank and Mortgage Electronic Registration Systems) to Petition in Eminent Domain served. 12/11/09 - Defendants' Sutton Order of Taking Hearing Updated Witness List served. 12/22/09 - Supplement to Petitioner's (Sutton) Witness List and Exhibit List served; Supplement to Petitioner's Witness and Exhibit List served. 1/19/10 - Defendants', Sutton, Supplement to Witness List Pursuant to Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing served. 1/26/10 - Order on Case Management Conference entered. 2/19/10 - Request to Take Judicial Notice served.</p>
Trinkaus, Regina v. SWFWMD/Case No. H27CA2007-175	5 th Judicial Circuit, Hernando County/D. Merritt, Sr.	T. Gonzalez/L. Tetreault	Complaint for breach of contract	<p>2/26/07 – Complaint served. 3/16/07 – Defendant’s Motion to Dismiss Plaintiff’s Complaint for Failure to State a Cause of Action, or, Alternatively, Motion for More Definite Statement, and Memorandum of Law served. 6/21/07 - Defendant’s Reply Memorandum served. 10/2/07 - Order (granting SWFWMD's Motion to Dismiss without prejudice) entered. 10/02/07 - Amended Complaint served. 10/19/07 - Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint for Failure to State A Cause of Action and Memorandum of Law served. 11/26/07 -</p>

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current as of 04/01/10)</u>
				<p>Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss the Amended Complaint served. 12/18/07 - Plaintiff's Counter Motion for Section 57.105 Sanctions and Incorporated Memorandum of Law served. 3/4/08 - Notice of Filing Motion for Attorney's Fees and Costs Pursuant to Section 57.105, Florida Status, and Incorporated Memorandum of Law served. 4/15/08 - Notice of Hearing (on our Motion to Dismiss Amended Complaint set for 6/2/08) served. 6/2/08 - Emergency Motion to Continue or in the Alternative Other Relief served. 6/3/08 - Order (granting our Motion to Dismiss Amended Complaint w/o prejudice and granting Plaintiff 15 days from 6/2/08, in which to file Second Amended Complaint) entered. 6/18/08 - Second Amended Complaint served. 7/1/08 - Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Cause of Action and Incorporated Memorandum of Law served. 9/25/08 - Order to Show Cause entered (giving Trinkaus 10 days to respond to our Motion to Dismiss Second Amended Complaint). 10/27/08 - Defendant's Reply to Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint served. 11/17/08 - Response to Supplement to Motion to Dismiss served. 12/30/08 - Defendant's Unopposed Motion for Extension of Time to Respond to Plaintiff's Second Amended Complaint served. 1/5/09 - Order Granting Defendant's Unopposed Motion for Extension of Time to Respond to Plaintiff's Second Amended Complaint entered. 1/7/09 - Defendant's Answer and Defenses to Plaintiff's Second Amended Complaint served. 3/4/09 - Order of Referral to General Magistrate entered; Order Scheduling Case Management Conference (set for 4/8/09) entered. 4/3/09 - Defendant's Case Management Statement served. 4/6/09 - Plaintiff's Notice of Compliance with Order Scheduling Case Management Conference served. 4/8/09 - Report and Recommendation of General Magistrate served. 4/28/09 - Order Adopting Report of General Magistrate and Granting Order for Extension of Time entered; Order of Referral to Mediation entered. 5/14/09 - Notice of Scheduled Mediation (set for 8/20/09 at 1:30 p.m.) served. 6/3/09 - Motion for Leave to Amend (attaching Third Amended Complaint) served. 6/17/09 - Defendant's Response to Plaintiff's Motion for Leave to Amend served. 7/9/09 - Regina Trinkaus' Reply to Affirmative Defenses served. 9/30/09 - Report and Recommendation of General Magistrate (recommended that Motion for Summary Judgment by filed within 30 days and</p>

STYLE/CASE NO.

COURT/JUDGE

ATTORNEY

DESCRIPTION

STATUS (current as of 04/01/10)

scheduled for hearing; that court enter order confirming the recommendation immediately, if no exceptions filed within 10 day period provided by court rules) served. 10/5/09 - Notice of Exceptions to Findings of General Magistrate served. 10/13/09 - Defendant's Response to Plaintiff's Notice of Exceptions to Report and Recommendation of General Magistrate served. 10/29/09 - Defendant's Motion for Summary Judgment served; Defendant's Notice of Filing Materials in Support of its Motion for Summary Judgment served; Notice of Filing Affidavit of Elaine M. Kuligofski served. 11/18/09 - Notice of Hearing on Defendant's Motion for Summary Judgment (set for 1/13/10) served. 1/6/10 - Defendant's Memorandum of Law in Support of Its Motion for Summary Judgment served. 1/11/10 - Notice of Filing (of HRD Employee Relations Guidelines promulgated on 12/1/02) served. 1/13/10 - Order on Plaintiffs' Exceptions to Findings of General Magistrate Geraldine E. Bishop entered. 1/22/10 - Order Granting Defendant's Motion for Summary Judgment and Entering Final Judgment entered. 2/1/10 - Regina Trinkaus' Motion for Rehearing served. 2/2/10 - Cover Sheet and Regina Trinkaus' Corrected Motion for Rehearing served. 2/22/10 - Defendant's Response to Plaintiff's Corrected Motion for Rehearing; Defendant's Motion for Attorneys' Fees and Costs Pursuant to its Proposal for Settlement and Memorandum of Law; Defendant's Motion to Tax Costs and Memorandum of Law; Defendant's Renewal of Motion for Sanctions; Notice of Filing Defendant's Proposal for Settlement to Plaintiff served. 3/3/10 - Notice of Hearing (on above pending motions - set for 6/2/10) served.

RULEMAKING UPDATE

APRIL 2010 PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. 40D-1.1021 – Emergency Authorization for Activities Under 373 Part IV	Nov 2009	Effective April 12, 2010	Nov 2009
2. 40D-1.607, 2.091, 2.301, 40D-2.321, BOR 1.9., 2.2, 40D-3.322 – 20-year permit for uses with traditional and AWS sources, 5-year compliance review, population growth report, establish permit fee, clarify type of ERP required to obtain a 20-year permit for multi-phase, long-term AWS projects	Jul/Aug 2006	Public Meeting to consider changes April 2010	July 2009 April 2010
3. 40D-1 – Senate Bill 142 Permit delegation	NA	TBD	May 2010
4. 40D-2 – Central Florida Coordination Area	NA	Rule Development Oct 2010	TBD
5. 40D-2, 40D-8 and 40D-80 – Phase II of Northern Tampa Bay MFL recovery strategy	May 2009	Effective May 27, 2010	Dec 2009 Mar 2010
6. 40D-2.091 – Enhanced water conservation requirements	Sep 2007	Effective April 27, 2010	Sep 2009
7. 40D-2.091 – Require submittal of flow meter accuracy verification forms at specified months by county	NA	Effective approx June 2010	Mar 2010
8. 40D-2.091(2) – Revised irrigation reporting forms for frost/freeze events	NA	TBD	May 2010
9. 40D-2.101(2) – Phosphate mining WUP application form	NA	TBD	Sep 2010
10. 40D-2.302 – Upper Peace River/Lake Hancock Reservation	NA	Initiate	May 2010
11. 40D-2.321 – Permit duration runs from previous expiration date	NA	TBD	Nov 2010
12. 40D-2.331 – Require permit modification if permittee exceeds 90% of permitted quantity	NA	TBD	Nov 2010
13. 40D-2.361(1) – Adopt requirements for when renewal applications for Individual WUPs must be submitted	NA	TBD	Nov 2010
14. 40D-2 – Amendments in response to management of frost/freeze events	NA	Initiate & Approve	Oct 2010
15. 40D-3 – Amendments to expand special criteria within Dover/Plant City area for management of frost/freeze events	NA	TBD	May 2010
16. 40D-3.037 – Incorporate By Reference modified Appendix adding Southern Solvents superfund site to Memorandum of Agreement with the EPA	NA	Effective approx June 2010	Mar 2010

NA = NOT ACCOMPLISHED; TBD = TO BE DETERMINED

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
17. 40D-3.037 – Incorporate By Reference modified Appendix adding Arkla Terra superfund site to Memorandum of Agreement with the EPA	NA	TBD	Sep 2010
18. 40D-3.037 – Incorporate by reference Sarasota County Delegation Agreement	NA	Initiate & Approve	Apr 2010
19. 40D-3.037 – Incorporate by reference Manatee County Delegation Agreement	NA	Initiate & Approve	Apr 2010
20. 40D-4.021, 40D-4.051 and 40D-400.475 – Establish an exemption from ERP rules for minor activities	Feb 2010	Effective Approx June 2010	Feb 2010
21. 40D-4.051 – Repeal certain ERP exemptions encompassing activities covered by noticed general permits	NA	TBD	Jun 2010
22. 40D-4.091 – Amend ERP BOR rules regarding mitigation for impacts to wetlands and other surface waters	June 2008	TBD	TBD
23. 40D-8.041 – Add minimum flows for Anclote River	NA	Initiate & Approve	May 2010
24. 40D-8.041 – Add minimum flows for Chassahowitzka	NA	Peer Review	Sep 2010
25. 40D-8.041 – Add minimum flows for Little Manatee River System	NA	TBD	Dec 2010
26. 40D-8.041 – Add minimum flows for Lower Myakka River System	NA	TBD	Oct 2010
27. 40D-8.041 – Add minimum flows for Manatee River System	NA	TBD	Dec 2010
28. 40D-8.041 – Add minimum flows for estuarine segment (lower) of Peace River	Jun 2009	TBD	May 2010
29. 40D-8.041 – Add minimum flows for estuarine segment (lower) of Shell Creek	NA	TBD	TBD
30. 40D-8.041(11) – Correction to flow formula for Weeki Wachee minimum flow	NA	Initiate & Approve	Apr 2010
31. 40D-8.624 – Add minimum levels for Crews Lake in Pasco County	Nov 2006	TBD	TBD
32. 40D-9.170 – Revise hunting provisions	Jan 2010	Proposed amendments submitted to Legislature for review pursuant to S. 373.1391(6), F.S.	Jan 2010
33. 40D-21 – Refine water shortage plan based on recent shortages	Sep 2009	Approve	May 2010
34. 40D-400 – Establish Noticed General Permit for Agricultural Related Activities	NA	Initiate	Jun 2010

NA = NOT ACCOMPLISHED; TBD = TO BE DETERMINED

**Governing Board Meeting
April 27, 2010**

COMMITTEE/LIAISON REPORTS

62. **Industrial Advisory Committee Meeting**

The Committee met on April 20, 2010, and Ms. Closshey is the Board's liaison.

63. **Public Supply Advisory Committee Meeting**

The Committee met on April 20, 2010; and Mr. Senft is the Board's liaison.

64. **Well Drillers Advisory Committees Meeting**

The Committee met on April 21, 2010; and Mr. Oakley is the Board's liaison.

EXECUTIVE DIRECTOR'S REPORT

65. **Executive Director's Report**

CHAIR'S REPORT

66. **Chair's Report**