

AGENDA

GOVERNING BOARD MEETING

January 25-26, 2005
9:00 a.m.

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

☞ All meetings are open to the public. ☞

Viewing of the Board meeting is available at each of the service offices.

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

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

The meetings will recess for lunch at a time to be announced.

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

Tuesday, January 25, 2005

BARTOW SERVICE OFFICE

170 Century Boulevard, Bartow, Florida 33830-7700 -- 863-534-1448 OR 1-800-492-7862

9:00 a.m. *Committee Meetings*

The Regulation Committee and the Resource Management and Development Committee meet concurrently, followed by the concurrent meetings of the Finance and Administration Committee and the Outreach and Planning Committee.

Regulation Committee (Tab A)**Consent Items**

1. December 14, 2004 Committee Meeting Minutes
2. Initiation of Rulemaking
 - a. Amend Rule 40D-400.500, F.A.C., to Incorporate by Reference the Updated Silviculture Best Management Practices Manual
 - b. Amend Rule 40D-4.041, F.A.C., to Create Mechanism to Provide Record Notice of Environmental Resource Permits
 - c. Amend Rule 40D-4.021, F.A.C., to Clarify the Definitions of "Alteration" and "New Surface Water Management System"

Discussion Items

3. Initiation of Rulemaking to Amend Rule 40D-3.505, F.A.C., to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination (Taylor Road Landfill)
4. Meeting Updates
 - a. Well Drillers Advisory Committee Meeting of January 19, 2005
 - b. DEP/WMD/FGWA Work Group Meeting of January 21, 2005, regarding Marion County Delegation
5. Approving Activities on Sovereign Submerged Lands - A New Procedure to Identify Projects of "Heightened Public Concern"
6. Overview of Pending Permit Report

Routine Reports

7. Overpumpage Activities
8. Southern Water Use Caution Area Quantities
9. Tampa Bay Water Well Mitigation Report
10. Demand Management Activities
11. February Committee Meeting Agenda

Resource Management and Development Committee (Tab B)**Consent Items**

12. December 14, 2004 Committee Meeting Minutes
13. Board Policy 170-8, Basin Board Land Resources Committee (Presented to Basin Board Land Resources Committee in November)

Discussion Items

14. Florida River Flows Patterns and the Atlantic Multidecadal Oscillation – Peer Review Results
15. Status of Aquifer Storage and Recovery in the Southwest Florida Water Management District
16. Peace Creek Watershed Coordinating Committee

Routine Reports

17. Hidden Lake Property – Status Report and Management Plan Review
18. 2004 Public Land Acquisition and Management Partnership Conference
19. Florida Forever Status Report
20. Land Resources Department Significant Activities
21. Minimum Flows and Levels
22. Hydrologic Conditions Report
23. Structure Operations Status Report
24. February Committee Meeting Agenda

10:15 a.m.

Finance and Administration Committee (Tab C)**Consent Items**

25. December 14, 2004 Committee Meeting Minutes
26. Consent Transfer Report

Discussion Items

27. District Emergency Operations - Hurricane Recovery and Mitigation, and Fiscal Year 2005 Budget Amendment
28. Comprehensive Watershed Management Overview
29. District Procurement Card Program

Routine Reports

30. Tampa Service Office Construction Project Update
31. Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserves Report
32. Fiscal Year 2005 First Quarter Financial Report
33. February Committee Meeting Agenda

Outreach and Planning Committee (Tab D)**Consent Items**

34. December 14, 2004 Committee Meeting Minutes
35. Selection of Federal Legislative Consultant

Discussion Items

36. Inter-District Water Rate Structure Project Preliminary Results
37. District's Regional Water Supply Plan Update
38. Water 101 Video Production

Routine Reports

39. 2005 Update to the District Water Management Plan
40. Legislative Status Report
41. February Committee Meeting Agenda

Tuesday, January 25, 2005**BARTOW SERVICE OFFICE**

170 Century Boulevard, Bartow, Florida 33830-7700 -- 863-534-1448 OR 1-800-492-7862

Board meeting will begin immediately after the Committee meetings.**★★★ Convene Meeting of the Governing Board ★★★
and Public Hearing (Tab E)**

42. Call to Order
43. Pledge of Allegiance and Invocation
44. Additions/Deletions to Agenda
45. Agenda Review

Special Discussion Items (Tab F)

46. Northern Tampa Bay Progress Report
47. Southern Water Use Caution Area Recovery Strategy Status Report

Regulatory Agenda**Regulation Consent Items** (Tab G)**Surface Water Permits**

48. ERP No. 43026903.000 - Parkside Preserve – Charlotte County
49. ERP No. 43025281.001 - Osprey Park – Highlands County
50. ERP No. 43024843.001 - Hillsborough County-Race Track Road Widening from Countryway to South Mobley – Hillsborough County
51. ERP No. 43027301.000 - Easton Park - Hillsborough County
52. ERP No. 43022140.003 - Twin Rivers, Phase III – Manatee County

- 53. ERP No. 43023846.002 - The Concession Golf Course – Manatee County
- 54. ERP No. 43027367.000 - Heritage Harbour – Stoneybrook East – Manatee County
- 55. ERP No. 43027399.000 - The Lake Club at Lakewood Ranch, Phase 1A – Manatee County
- 56. ERP No. 49027399.001 - The Lake Club at Lakewood Ranch – Manatee County
- 57. ERP No. 43027525.000 - Palma Sola Trace – Manatee County
- 58. ERP No. 43018328.005 - Spanish Oaks – Pasco County
- 59. ERP No. 43007407.012 - Marina Bay Docks – Pinellas County
- 60. ERP No. 43025342.001 - Bella Grande Townhomes Docks – Pinellas County
- 61. ERP No. 43026950.000 - Blackwater Oaks – Polk County
- 62. ERP No. 49026971.000 - Oakmont – Polk County
- 63. ERP No. 49026971.001 - Oakmont Phase One – Polk County
- 64. ERP No. 43027329.000 - Traditions Subdivision – Polk County
- 65. ERP No. 43000883.001 - Sarasota County – Webber Street Phase 1 Improvements – Sarasota County
- 66. ERP No. 43027708.000 - The Forest at Hi Hat Ranch – Sarasota County
- 67. Interagency Agreement Between SWFWMD and SJRWMD for Designation of Regulatory Responsibility for a Portion of The Villages District 9 and 10 Master Surface Water Management System – Lake County

Water Use Permits

- 68. Petition for Rule Variance - WUP No. 2006054.005 - E. R. Jahna Industries, Inc. (Haines City Sand Mine) - Polk County

Regulation Discussion Items (Tab H)

Surface Water Permits - None

Water Use Permits - None

Well Construction Permits - None

General Counsel Agenda

Proceedings (Tab I)

- 69. Final Orders
 - a. ERP No. 43024788.000 – Blanco v. SWFWMD et al., DOAH Case No. 04-0003 – Pasco County
 - b. WUP No. 20012614.000 – Lomonico v. SWFWMD, State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission – Highlands County

Enforcement Items

Consent Items (Tab J)

- 70. **Surface Water**
 - a. Consent Orders
 - (1) MSW No. 4007126.001 - DAB Foundation, Inc. (Food Lion Grocery Store) – Highlands County
 - (2) ERP No. 43024375.000 – Rosbon, L.L.C. (Creek Hollow) – Hernando County
 - (3) Carrollwood Creek Associates, Inc. (Deer Park II) – Hillsborough County
 - b. Settlement Agreements - None
 - c. Initiation of Litigation
 - (1) ERP No. 44021080.000 - Design Enterprises, Inc. (Madalyn Cove) – Polk County
 - (2) ERP No. 44019967.001 – Tomko Development, Inc. (Cypress Reserve) – Hillsborough County
- 71. **Water Use**
 - a. Consent Orders - None
 - b. Settlement Agreements - None
 - c. Initiation of Litigation - None
- 72. **Well Construction**
 - a. Consent Orders - None
 - b. Settlement Agreements - None
 - c. Initiation of Litigation – None

Discussion Items - None

Briefings and Reports (Tab K)

- 73. Rulemaking Update
- 74. Litigation Report
- 75. Other Briefing Items

Administration and Regular Business Agenda (Tab L)

Committee Reports

- 76. Regulation Committee
- 77. Resource Management and Development Committee
- 78. Finance and Administration Committee
- 79. Outreach and Planning Committee

Consent Items

- 80. Board Travel
- 81. December 14, 2004 Governing Board Meeting Minutes
- 82. Approval of Resolution 05-01, Commending Ronnie E. Duncan for His Service as a Member and Chair of the Southwest Florida Water Management District Governing Board

Chairman's Agenda (Tab M)

- 83. Chairman's Agenda
 - a. Governing Board Members' Federal Legislative Trip to Washington, DC
 - b. Advisory Committee Liaison Report(s)
 - (1) Industrial Advisory Committee
 - (2) Public Supply Advisory Committee
 - c. Basin Board Education Committee Report
 - d. Other Items

★★★ Recess Public Hearing ★★★

Public Input

Items not completed at Tuesday's meeting will be carried over to Wednesday.

Wednesday, January 26, 2005

BARTOW SERVICE OFFICE

170 Century Boulevard, Bartow, Florida 33830-7700 -- 863-534-1448 OR 1-800-492-7862

9:00 a.m. ★★★ Reconvene Meeting of the Governing Board ★★★ and Public Hearing

- 84. Call to Order
- 85. Pledge of Allegiance and Invocation
- 86. Additions/Deletions to Agenda

Items not completed at Tuesday's meeting will be heard at this time.

★★★ Recess Public Hearing ★★★

Public Input

Announcements

- Advisory Committee Meeting Schedule:

Well Drillers – Tampa	January 19, 2005
Green Industry – Tampa	February 3, 2005
Agriculture – Bartow	February 15, 2005

- Basin Board Meeting Schedule:
- Coastal Rivers – Brooksville February 1, 2005
- Pinellas-Anclote River – St. Petersburg February 2, 2005
- Alafia River – Temple Terrace February 3, 2005
- Northwest Hillsborough – Temple Terrace February 3, 2005
- Withlacoochee River – Brooksville February 7, 2005
- Peace River – Bartow February 11, 2005
- Hillsborough River – Land O’Lakes February 15, 2005
- Manasota - Sarasota February 16, 2005
- Lake Hancock Tour – Polk County February 4, 2005
- Governing Board Federal Legislative Trip – Washington, DC February 7-9, 2005
- Governing Board Meeting - Brooksville February 22-23, 2005

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 any item that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

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

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

GOVERNING BOARD COMMITTEES

Effective December 2004

<p>The Regulation Committee and the Resource Management and Development Committee meet concurrently, followed by the concurrent meetings of the Finance and Administration Committee and the Outreach and Planning Committee.</p>	
<p>FIRST SESSION</p>	
<i>West Wing</i>	<i>Board Room</i>
REGULATION COMMITTEE	RESOURCE MANAGEMENT AND DEVELOPMENT COMMITTEE
Maggie N. Dominguez, Chair	Janet D. Kovach, Chair
Judith C. Whitehead, Vice Chair	Patsy C. Symons, Vice Chair
Thomas G. Dabney	Edward W. Chance
Ronald C. Johnson	Heidi B. McCree
T. G. "Jerry" Rice	
<p>SECOND SESSION</p>	
<i>West Wing</i>	<i>Board Room</i>
FINANCE AND ADMINISTRATION COMMITTEE	OUTREACH AND PLANNING COMMITTEE
T. G. "Jerry" Rice, Chair	Heidi B. McCree, Chair
Judith C. Whitehead, Vice Chair	Thomas G. Dabney, Vice Chair
Maggie N. Dominguez	Edward W. Chance
Ronald C. Johnson	Janet D. Kovach
Patsy C. Symons	

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	T. G. "Jerry" Rice
Basin Board Education Committee	Judith C. Whitehead
Basin Boards Land Resources Committee	Janet D. Kovach
Environmental Advisory Committee	Heidi B. McCree
Green Industry Advisory Committee	Patsy C. Symons
Industrial Supply Advisory Committee	Maggie N. Dominguez
Public Supply Advisory Committee	Vacant
Well Drillers Advisory Committee	Thomas G. Dabney

Governing Board Meeting January 25, 2005

Regulation Committee

Consent Items

1. December 14, 2004 Committee Meeting Minutes 2
2. Initiation of Rulemaking
 - a. Amend Rule 40D-400.500, F.A.C., to Incorporate by Reference the Updated Silviculture Best Management Practices Manual 2
 - b. Amend Rule 40D-4.041, F.A.C., to Create Mechanism to Provide Record Notice of Environmental Resource Permits 2
 - c. Amend Rule 40D-4.021, F.A.C., to Clarify the Definitions of "Alteration" and "New Surface Water Management System" 3

Discussion Items

3. Initiation of Rulemaking to Amend Rule 40D-3.505, F.A.C., to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination (Taylor Road Landfill) 4
4. Meeting Updates 5
 - a. Well Drillers Advisory Committee Meeting of January 19, 2005
 - b. DEP/WMD/FGWA Work Group Meeting of January 21, 2005, regarding Marion County Delegation
5. Approving Activities on Sovereign Submerged Lands - A New Procedure to Identify Projects of "Heightened Public Concern" 6
6. Overview of Pending Permit Report 6

Routine Reports

7. Overpumpage Activities 7
8. Southern Water Use Caution Area Quantities 7
9. Tampa Bay Water Well Mitigation Report 7
10. Demand Management Activities 7
11. February Committee Meeting Agenda 8

Consent Items**1. December 14, 2004 Committee Meeting Minutes**

Staff Recommendation:

See Exhibit 1

Approval of the minutes as presented.

2. Initiation of Rulemaking**a. Amend Rule 40D-400.500, F.A.C., to Incorporate by Reference the Updated Silviculture Best Management Practices Manual**

The Florida Department of Agriculture and Consumer Services published the Silviculture Best Management Practices Manual in 1993. The District referenced that manual in Rule 40D-400.500, F.A.C., which describes Noticed General Permits for silvicultural surface water management systems. An updated manual was published in 2003 and included the latest suggested best management practices. Staff has reviewed the 2003 manual, and recommends the District adopt the updated document. The proposed rule amendment incorporates the updated manual.

Staff Recommendation:

See Exhibit 2.a.

Authorize rulemaking to amend Rule 40D-400.500, F.A.C., to incorporate by reference the updated Silviculture Best Management Practices Manual.

Presenter: Margaret M. Lytle, Senior Attorney

b. Amend Rule 40D-4.041, F.A.C., to Create Mechanism to Provide Record Notice of Environmental Resource Permits

Subsequent purchasers of property that is subject to an Environmental Resource Permit (ERP) are sometimes unaware of the existence of the permit, the conditions and restrictions of the permit, or the need to transfer the permit to the new owner. The South Florida Water Management District has addressed this problem by recording a notice of the existence of ERPs in the counties where the permitted properties are located. District staff is proposing rulemaking to create a mechanism to provide record notice of Individual and General ERPs within this District. The proposed rule allows District staff to record the attached form in the applicable county for all Individual and General ERPs. The notice is intended to put subsequent purchasers on notice of the existence of the ERP and the general conditions relating to the surface water management system. The notice is informational only, and specifically states that it is not an encumbrance on the property. The notice will not be required for General Permits for Minor Systems, or for Noticed General Permits.

Staff Recommendation:

See Exhibit 2.b.

Authorize rulemaking to amend Rule 40D-4.041, F.A.C., to create a mechanism to provide record notice of Environmental Resource Permits.

Presenter: Margaret M. Lytle, Senior Attorney

c. **Amend Rule 40D-4.021, F.A.C., to Clarify the Definitions of "Alteration" and "New Surface Water Management System"** Discussion Items

Recently, a developer proposing to construct a new surface water management system and alter an existing surface water management system challenged a final agency action that required a District permit for the proposed activities. Throughout this Chapter 120 proceeding, the developer asserted interpretations of District rules that are contrary to the District's longstanding interpretation and application of its rules. In order to clarify these rules for the benefit of the public, Office of General Counsel staff is recommending amendment of the rule definition of two terms, "alteration" and "new surface water management system."

A factor influencing the interpretation of these definitions is the repeal of the exemptions from permitting requirements for projects that received prior governmental approvals that was ordered by the court in *SWFWMD v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000). The court held that the "grandfather exemptions" were an invalid exercise of delegated legislative authority since the enabling statute did not specifically authorize exemptions from the District's permitting requirements based solely on prior governmental approval.

Unless a project is exempt, an Environmental Resource Permit is required prior to the alteration of any surface water management system or the construction of a new surface water management system. In accordance with the District's regulatory scheme of Chapter 40D-4, the District intended to include all activities meeting the definitions of "new surface water management system" and "alteration" within its regulation and thereafter only exclude those projects that met a specific rule or statutory exemption.

Rule 40D-4.021(1) defines the term "alteration" for the purposes of Chapters 40D-4, 40D-40 and 40D-400, F.A.C. The rule describes specific activities and impacts that constitute an alteration. The portion of this term that staff seeks to clarify is "any activity... that will increase or decrease the design discharge of the system..." Since "design discharge" has been interpreted by the District to include those projects permitted by the District and not those that had received other governmental approvals previously handled through the "grandfather exemptions," the proposed rule amendment will delete the word "design," resulting in a clearer and less complicated definition.

Rule 40D-4.021(11), F.A.C., defines the term "new surface water management system" for the purposes of Chapters 40D-4, 40D-40 and 40D-400, F.A.C. The rule currently states that a new surface water management system is any surface water management system that is either not in existence or authorized to be constructed on October 1, 1984. The proposed rule amendment clarifies that in order to be excluded from this definition, the surface water management system requires District authorization, not other prior governmental authorization. This change is consistent with the District's long-term interpretation and application of the rule, and will clarify the meaning of the term for the public.

Moreover, the recommended rule amendments are consistent with the *Save the Manatee* holding. To accept the interpretations of these terms as advanced by the above developer, would be in direct contradiction with the court's determination that the District

does not have authority to exempt activities from permitting requirements based on prior authorizations from other governmental entities.

Staff Recommendation:

See Exhibit 2.c.

Authorize rulemaking to amend Rule 40D-4.021, F.A.C., to amend the definitions of "alteration" and "new surface water management system" to clarify the terms.

Presenters: Mary Beth McNeil, Senior Attorney
Margaret M. Lytle, Senior Attorney

3. **Initiation of Rulemaking to Amend Rule 40D-3.505, F.A.C., to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination (Taylor Road Landfill)**

The District is responsible for ensuring our groundwater resources are protected and that permitting of wells does not adversely impact the water resources. There are several groundwater contamination sites present within the District. Both the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) have rules that prohibit the movement of contaminated groundwater into areas of uncontaminated groundwater. Currently, the District has no clear mechanism to deny Well Construction Permits (WCPs) that are not associated with a Water Use Permit (WUP) located in areas of contaminated groundwater. The purpose of this rulemaking is to restrict the construction of water wells in areas of known groundwater contamination.

Historical Example

The Taylor Road Landfill is a site within the District with groundwater contamination. The site is located in eastern Hillsborough County, on County-owned property, approximately 7 miles east of Tampa in the Seffner-Thonotosassa area. Interstate 4 borders the site to the south, and Mango Road (State Route 579) borders the site to the west. The County property is 252 acres in size and contains three closed landfills. The Taylor Road Landfill environmental cleanup is regulated by the EPA under the Superfund Program. Groundwater at the site is contaminated with volatile organic compounds. The remedy agreed to by EPA and the County is stipulated in the Record of Decision (ROD), which is a legal and binding document on the parties to the ROD. A major component of the selected remedy includes the use of existing and future institutional controls that include restricting construction of new potable water wells that would extract water affected by the Taylor Road Landfill.

EPA, the FDEP, and Hillsborough County recently contacted District staff to discuss how the District permits water wells near areas of known groundwater contamination. EPA and the County were specifically concerned with WCP applications near the Taylor Road Landfill Superfund site, an area within the District with known groundwater contamination. The issue first came up when an irrigation well was permitted at Gator Ford on the south end of the landfill. Additional discussion occurred concerning an application for a domestic well on the north end, which was eventually permitted with the agreement of Hillsborough County. The area delineated as having groundwater contamination is currently regulated under Chapter 62-524, Florida Administrative Code (F.A.C.), which requires 150 feet of well casing in areas within 500 feet of the landfill.

Chapter 62-524, F.A.C., regulates new potable well permitting in delineated areas, and is intended to prevent further contamination of potable water wells. As part of FDEP's

delegation of the well regulation program to the water management districts, the District has the authority to enforce these rules. FDEP has provided the water management districts with maps delineating known areas of contamination, including a map of an area around the Taylor Road Landfill. However, Chapter 62-524 F.A.C. does not address non-potable wells and does not address denial of permits in contaminated areas.

After reviewing the District's current rules, Technical Services Department and Office of General Counsel staff agreed a rule amendment was advisable to create a process for reviewing WCP applications in contaminated areas and, where applicable, denying permits that would be harmful to the water resource and the public. The proposed amendment will be applicable to all contaminated areas within the District. There are three other sites with defined areas of groundwater contamination and RODs that restrict groundwater use within the District. This rulemaking will ensure groundwater use is restricted within the Taylor Road Landfill area and other potential sites with groundwater contamination.

The proposed rule amendment will establish a mechanism to review and act upon WCP applications in areas of known groundwater contamination as delineated by EPA, FDEP, or local governments. The rule informs the public that the District will deny a WCP application if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread. The rule also advises the public that variances from the rule are available, and of the factors that would be considered in reviewing a variance request.

The proposed rule amendment will be presented to the Well Drillers Advisory Committee (WDAC) at WDAC's next meeting on January 19, 2005. Staff will present any comments or recommendations from WDAC to the Regulation Committee. Unless changes are proposed to the attached draft language, this item will not be presented again to the Regulation Committee or Governing Board.

Staff Recommendation:

See Exhibit 3

Authorize rulemaking to amend Rule 40D-3.505, F.A.C., to restrict the construction of water wells in areas of known groundwater contamination.

Presenters: Margaret M. Lytle, Senior Attorney
Marty Clasen, Professional Geologist/Engineer, Technical Services Dept.

4. **Meeting Updates**

- a. **Well Drillers Advisory Committee Meeting of January 19, 2005**
- b. **DEP/WMD/FGWA Work Group Meeting of January 21, 2005, regarding Marion County Delegation**

Staff will present a summary of the comments received at the WDAC January 19, 2005, and DEP/WMD/FGWA (Florida Ground Water Association) Work Group January 21, 2005, meetings regarding the discussion of the District delegating the Well Regulation Program to Marion County Health Department.

Staff Recommendation:

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

Presenter: Margaret Lytle, Senior Attorney, Office of General Counsel

5. **Approving Activities on Sovereign Submerged Lands - A New Procedure to Identify Projects of "Heightened Public Concern"**

The Legislature delegated authority to approve certain activities on Sovereign Submerged Lands to the water management districts in 1995. Rule 18-21.0051(4), F.A.C. requires elevation of projects of "heightened public concern" to the Governor and Cabinet, sitting as the Board of Trustees, for approval. The Board of Trustees recently expressed concern regarding the limited number of projects determined to be of heightened public concern. To address this concern, the Board of Trustees ruled that the determination of heightened public concern be elevated to the Secretary or Deputy Secretary of the Department of Environmental Protection. On November 2, 2004, DEP Secretary Castille issued a memorandum describing a new process by which applications for projects reasonably expected to result in heightened public concern can be identified and forwarded to DEP for a determination. District staff has implemented the process and several projects have been forwarded to the DEP thus far. A determination of heightened public concern can affect timeclocks and Governing Board actions on linked Environmental Resource Permits. The purpose of this presentation is to advise the Governing Board of the new process for determining projects of heightened public concern and the implications regarding Governing Board actions. In addition, staff is recommending that projects qualifying for general environmental resource permits, if determined to be of heightened public concern, be elevated to the Governing Board for agency action.

Staff Recommendation:

Approve staff recommendation to elevate general environmental resource permits, if determined to be of heightened public concern, to the Governing Board for agency action.

Presenter: H. Clark Hull, ERP Program Director, Technical Services Department

6. **Overview of Pending Permit Report**

Information relative to pending permits was presented by John Heuer to the Governing Board at the November 2004 meeting held in Arcadia. At that meeting, Mr. Heuer reviewed a list of applications that were delayed in being issued or denied due to application amendment or time extension requests. Following that presentation, members requested that this information be presented each month in the Board's packet. This is the first month in which this information is presented. This item is designed to assure that the Committee members are familiar with projects that requested more than 120 days time extensions and those projects that were not issued within 90 days of completion. This overview will familiarize Committee members with the format used in Exhibit 6 and future packets, and to answer any questions about the process or permits listed.

Staff Recommendation:

See Exhibit 6

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

Presenter: BJ Jarvis, Director, Records and Data Department

Routine Reports**7. Overpumpage Activities**

This is the updated monthly Overpumpage Activities; the chart is included as an exhibit.

Staff Recommendation: See Exhibit 7

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

Presenter: Paul O'Neil, P.E., Director, Technical Services Department

8. Southern Water Use Caution Area Quantities

This is the updated monthly Southern Water Use Caution Area Quantities; the charts are included as an exhibit.

Staff Recommendation: See Exhibit 8

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

Presenter: Paul O'Neil, P.E., Director, Technical Services Department

9. Tampa Bay Water Well Mitigation Report

This is the monthly update of Tampa Bay Water well mitigation activities; the charts are included as an exhibit.

Staff Recommendation: See Exhibit 9

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

Presenter: Paul O'Neil, P.E., Director, Technical Services Department

10. Demand Management Activities

Staff continues to actively monitor hydrologic conditions and public supply demand data. As of January 4, the U. S. Drought Monitor reported no droughts were in progress nor anticipated within the District's 16-county area. The National Weather Service's Climate Prediction Center currently anticipates near-normal or higher than normal precipitation for the foreseeable future.

Two local governments continue to use local once-per-week watering restrictions to address local water supply concerns that developed during the dry season and are expected to continue until infrastructure improvements come to fruition (Polk County, in its Northeast Regional Utility Service Area; Hillsborough County, in the area served by Tampa Bay Water's South Central Hillsborough Regional Wellfield).

Outreach

Outreach remains a priority for Demand Management staff. Staff is continuing to review and update content of the District's "Water Watch" website feature in conjunction with planned format changes. Staff is also continuing normal outreach activities, such as working with

petitioners to clarify when variances are or are not needed, answering calls to the District's water hotline and providing updates to the District's advisory committees.

Rulemaking Status

The first complete draft of amendments to the Water Shortage Plan (Rule 40D-21) is in the process of being posted to the District's website. Advisory Committee members and interested parties will be notified as soon as the posting is complete. Staff has taken great care to assure that proposed rule amendments will be consistent with planned changes to Chapter 62-40, Florida Administrative Code (Florida Department of Environmental Protection's Water Resource Implementation Rule). Public workshops are being scheduled for February and March, and another interdistrict coordination meeting is being organized. A revised draft will be presented to the Governing Board's Regulation Committee after workshop and interdistrict input has been processed.

Staff Recommendation:

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

Presenter: BJ Jarvis, Director, Records and Data Department

11. **February Committee Meeting Agenda**

MINUTES OF THE MEETING

DRAFT

Regulation Committee Governing Board

Southwest Florida Water Management District

Brooksville, Florida

December 14, 2004

The Regulation Committee of the Governing Board of the Southwest Florida Water Management District convened at 9:00 a.m. on December 14, 2004, at District Headquarters. The following persons were present:

Board Members Present

Maggie N. Dominguez, Chair
Thomas G. Dabney, Member
Ronald C. Johnson, Member
T. G. "Jerry" Rice, Member
Judith C. Whitehead, Vice Chair

Staff Members Present

John W. Heuer
H. Clark Hull
Margaret M. Lytle
Paul W. O'Neil
Karen E. West

Board Members Absent

N/A

Recording Secretary

Carol A. Lynch CPS

Other Board Member(s) Present

N/A

Chair Dominguez called the meeting to order.

The numbers preceding the items below correspond with the published agenda.

Discussion Items

1. **Process to Refer Professional Engineers to Florida Board of Professional Engineers**

When the District's Inspector General presented the final phase of an audit of the Resource Regulation Compliance program, the audit action plan recommended several changes to compliance processes, which were approved by the Governing Board. One of the proposed changes is for the District to rely more upon the Engineer of Record's certifications during the surface water permitting "As-Built" completion and other inspection phases. Accurate certification and submittal of regulation documents and plans by a licensed P.E. in responsible charge of the work on behalf of the permittee is necessary for the District to fulfill its mandates under Chapter 373, F.S.

Submission of incorrect information that is the result of negligence, fraud, or other acts by the consulting Engineer of Record can result in disciplinary proceedings by the FBPE against the P.E. in question pursuant to Sections 471.033, F.S., and Rule 61G15-19, F.A.C.

Staff presented to the committee the process established to implement the audit action plan item to refer PEs to the FBPE and provided representative examples of referrals to the FBPE. One example outlined resolution at an internal District level, and one example outlined the process followed up to forwarding the case to FBPE. The Committee directed staff to come back in one year and provide an update on the success of this process.

DRAFT

This item was presented for Committee member information only. No action was required. (Tape 1, Side A – 00:00/Tape 1, Side A – 14:70)

2. **Low Impact Development Criteria**

Low Impact Development (LID) is a term used to describe an approach to integrated site design such that hydrologic and environmental impacts often associated with conventional land development are reduced. Developers can often save money and reduce environmental impacts utilizing low impact development techniques and practices to manage stormwater runoff. Such practices include reduction in impervious surfaces and incorporation of natural and landscaping features into the stormwater treatment system. There is a growing body of low impact development research nationwide, including studies by District staff at the Florida Aquarium in Tampa.

Challenges to LID include local governmental regulations that prohibit some approaches to LID (e.g., fire and police right-of-way codes/ordinances). Over the next several months, staff will explore the development of alternative criteria suitable for low impact development projects, as well as incentives to encourage developers to use LID design criteria.

On April 29, 2005, there will be a workshop at the Florida Aquarium in Tampa to promote low impact development practices. This workshop will follow the 8th Biennial Conference on Stormwater Research and Watershed Management hosted by the District and the Florida Department of Environmental Regulation. Ms. Jennifer Seney, citizen of Pasco County and coordinator of the April 29, 2005 workshop, was present to answer questions regarding the target audience and content of the workshop. The Committee encouraged staff to continue to explore development of Low Impact Development criteria.

Following consideration, **Mr. Dabney moved, seconded by Ms. Whitehead, to direct staff to continue exploring development of Low Impact Development Criteria. Motion carried unanimously.** (Tape 1, Side A – 14:80/40:10)

3. **Conservation Easement Guidelines Update**

Preservation of uplands or wetlands is one mitigation option available to applicants for Environmental Resource Permits. This option was similarly available under MSSW rules prior to initiation of the ERP program. Since 1985, the District has accepted 423 conservation easements associated with ERP or MSSW permits. The District has accepted 35 conservation easements between January 1, 2004 and November 23, 2004.

At a recent Regulation Committee meeting, District staff proposed revisions to ERP rules affecting the required documentation and recording of conservation easements. At that meeting, concern was expressed regarding the proposed timing of easement recording relative to permit issuance. Per direction given by the Committee, staff has scheduled meetings to discuss the proposed rule language with the Developers Advisory Groups and the Environmental Resource Advisory Groups. These meetings are scheduled for January and February at the District's four service offices.

DRAFT

This item was presented for Committee member information only. No action was required. (Tape 1, Side A – 40:20/Tape 1, Side B – 00:20)

4. **Marion County Well Permitting Delegation**

The Marion County Health Department has requested the District consider delegating the well construction regulation program to them. Marion County is geographically divided between both the Southwest and St. Johns River Water Management Districts. The Marion County Department of Health would like to have the ability to permit all wells in their county. They are willing to enter into an agreement with both Southwest Florida and St. Johns River Water Management District to accomplish this. The District has met with Marion County to discuss the practicality of the delegation. If the District pursues the delegation with the county, the agreement would include participation in the District on-line permitting system. The well drilling industry has expressed concern regarding the District delegating permitting in the past. The District is working closely with the well drilling industry to see if a common objective can be reached for the best protection of the water resource. Representatives of Marion County, the Well Drillers Advisory Committee (WDAC), and the SJRWMD were present and offered differing positions on this issue.

Mr. Bill Toomer, WDAC Past Chair and FGWA Director, spoke in behalf of the well contractors' concerns regarding delegation due to complicating an already successful process administered by SWFWMD and consistency issues. The well contractors have expressed that delegation of the well construction program will compromise the exercise of the District's high standards. Further, statewide, contractors do a lot of traveling, and the delegation to local governments negates the streamlined permitting process that is provided through the water management districts. Mr. Toomer further commented that the District has highly trained and effective staff, and the well contractors do not want to see that advantage compromised. The well contractors also have experienced the inconsistencies and inefficiencies in the 12 counties that have been delegated by SJRWMD. Instead of dealing with one entity for well permits, they now have to deal with 12 individual entities, and could increase over time. Again, Mr. Toomer stated that well contractors are concerned with the inconsistencies that become an issue in the delegated counties. Mr. Toomer stated that Marion County had made a very good presentation for delegation, but questioned whether standards might change drastically as people currently in oversight of any delegation changed.

Thomas Moore, Marion County Environmental Health Director, told the Committee that to successfully implement the delegation request received from SJRWMD, they would want to administer a county-wide consistent well construction program, which would mean they would request delegation from SWFWMD. Marion County is one of the fastest growing communities in the United States. The county's minimum education requirement for Environmental Health staff is a bachelor's degree and six months training, which addresses consistency and quality of performance. The county's goal is to provide 24-48 hour service to help site wells to meet septic system setback requirements. (The county issued permits for approximately 5,500 septic systems.) As inspectors are already on-site for the septic system inspections, they could do well inspections and water sampling while on-site. The county would need to pass a resolution regarding permit fees, and would work with the well industry, District and community during that process. Thomas Moore indicated that Marion County's goal is to inspect 100% of constructed wells.

DRAFT

Ms. Catherine Walker, Assistant Division Director, Division of Water Use Regulation at SJRWMD, told the Committee that their practice of delegating well construction permitting to local governments was due to a lack staffing resource capability subsequent to the implementation of a statutory requirement to permit all wells. SJRWMD initially permitted wells that meet the CUP threshold of 6 inches or greater in diameter, all public supply wells, and all wells located in a delineated area pursuant to Chapter 62-524, F.A.C. The District's strategy to bring sub-threshold wells into a permitting program is to delegate permitting authority to local governments.

SJRWMD has currently delegated the permitting of wells less than 6 inches in diameter to 11 counties within their jurisdiction. Ms. Walker expressed concern that no formal issues regarding well construction program delegation have been brought to the attention of SJRWMD; she has had very little feedback. Ms. Walker was invited to attend the next WDAC meeting on January 19, 2005. Ms. Walker stated that she would be attending the next DEP/Water Well Contractors Work Group meeting on January 21, 2005 in Ocala.

Agency records indicate that approximately 1,000 well construction permits would be issued by SWFWMD and 3,000 well construction permits would be issued by Marion County in the SJRWMD. In 2004, 23 well construction permits were issued by SJRWMD in Marion County; these numbers together would compare to the permits issued under the Sarasota delegation agreement.

The WDAC will discuss this issue at their January 19, 2005, meeting, and the Regulation Committee requested that staff bring this issue back to the February meeting with a recommendation. The Marion County and SJRWMD representatives were invited to attend the January 19, 2005 WDAC meeting (Tampa DEP Office). There will also be a DEP Water Well Contractors Work Group meeting in Ocala on January 21, 2005, and Marion County is scheduled to give a presentation to the work group.

This item was presented for Committee member information only. No action was required. (Tape 1, Side B – 00:30/Tape 1, Side B – 26:80)

5. **Initiation of Expedited Rulemaking**

a. **Amend Rule 40D-4.091, Florida Administrative code (F.A.C.), and ERP Basis of Review Regarding Financial Assurances**

A permit applicant proposing mitigation for wetland impacts is required by Rule 40D-4.301(1)(j), F.A.C., to provide the District with assurances that the applicant is financially able to conduct the mitigation activities, including monitoring and any necessary corrective action. The ERP Basis of Review presently lists eight acceptable forms of financial assurances that an applicant may provide. Four of the listed forms are unduly complex, or are rarely (if ever) used by applicants. The proposed amendments to the ERP Basis of Review delete references to the impractical or unused forms of financial assurance.

The amendment to Rule 40D-4.091, F.A.C., incorporates the new date of the ERP Basis of Review including the modifications discussed above. Staff recommends authorization of expedited rulemaking to amend Rule 40D-4.091, F.A.C., and ERP Basis of Review regarding requirements for financial assurances.

DRAFT

b. **Amend Rules 40D-4.351, F.A.C., to Clarify that Formal Determinations of Wetlands and Other Surface Waters May be Transferred**

The proposed rule amendment clarifies that a Formal Determination of Wetlands and Other Surface Waters issued pursuant to Rule 40D-4.042, F.A.C., may be transferred to a successor in interest to the party who originally petitioned for the determination. The amendment indicates that the transfer shall be subject to the conditions of the original determination. Staff recommends authorization of expedited rulemaking to amend Rule 40D-4.351, F.A.C., to clarify that the Formal Determinations of Wetlands and Other Surface Waters may be transferred.

c. **Amend Rule 40D-40.381, F.A.C., to Include a Limiting General Condition in all General Permits for Minor Surface Water Management Systems**

In accordance with the provisions of Rule 40D-40.301, F.A.C., an applicant for a General Environmental Resource Permit for a Minor Surface Water Management System must certify that the application meets the conditions for issuance of such permits. It has been general staff practice since 1988 that applications for this type of permit only receive administrative staff review for completeness. Due to the need for engineering staff to work on larger and higher priority applications, these applications are for the most part not subject to engineering review. The permits are issued based on administrative completeness and the certification of the applicant's design Engineer of Record that technical conditions for issuance are met. After completion of construction, the District receives and reviews as-built construction drawings for the project. Occasionally, deficiencies in the engineering design or other related problems result in a project that does not meet District rule requirements. The proposed permit condition emphasizes that the permit was issued based upon the applicant's certification that the project meets all applicable rules and specifications, and informs the applicant that the applicant will be required to correct any later discovered deficiencies in the project design or construction.

Staff recommends authorization of expedited rulemaking to amend Rule 40D-40.381, F.A.C., to include a limiting general condition in all General Environmental Resource Permits for Minor Surface Water Management Systems.

Following consideration, **Mr. Rice moved, seconded by Mr. Dabney, to authorize expedited rulemaking to:**

- a. **Amend Rule 40D-4.091, F.A.C., and ERP Basis of Review Regarding Financial Assurances;**
- b. **Amend Rules 40D-4.351, F.A.C., to Clarify that Formal Determinations of Wetlands and Other Surface Waters May be Transferred; and**
- c. **Amend Rule 40D-40.381, F.A.C., to Include a Limiting General Condition in all General Permits for Minor Surface Water Management Systems.**

Motion carried unanimously. (Tape 1, Side B – 26:90/31:90)

DRAFT

Routine Reports

6. **Southern Water Use Caution Area Quantities**
7. **Tampa Bay Water Well Mitigation Report**
8. **Overpumpage Activities**
9. **Demand Management Activities**

These items were provided in the current Governing Board Packet. No action was required. (Tape 1, Side B – 32:00/Tape 1, Side B – 38:40)

10. **January Committee Meeting Agenda**

Mr. Heuer will coordinate with Chair Dominguez regarding the January Committee Meeting Agenda. (Tape 1, Side B – 38:50/Tape 1, Side B – 41:80)

- Approval of the Minutes of the Committee Meeting of December 14, 2004
- Initiation of Rulemaking to Amend 40D-3.505, F.A.C., to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination (Taylor Road Landfill)
- Update - Well Drillers Advisory Committee Meeting (January 21, 2005)
- Development of February Committee Meeting Agenda
 - Feb 2005 > Update - Conservation Easement Guidelines Update
 - Feb 2005 > Update - Marion County Well Permitting Delegation

The meeting was adjourned at 10:20 a.m.

EXHIBIT

**RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 40D-400
ENVIRONMENTAL RESOURCE PERMITS**

40D-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

(1) through (4) No change.

(5) In order to qualify for this general permit, the systems identified in subsection (4) of this section must meet the following performance standards:

(a) through (g) No change.

(h) In addition to the performance standards set forth in (a) – (g) above, the applicant, in undertaking the activities authorized herein, must utilize the best management practices set forth in the "Silviculture Best Management Practices Manual" (2003 ~~1993~~) published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, which is incorporated herein by reference.

(i) No change.

(6) No change.

Specific Authority 373.044, 373.113, 373.118, F.S. Law Implemented 373.413, 373.414, 373.416, 373, 419, F.S. History – New 10-3-95, Amended _____.

EXHIBIT

**RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 40D-4
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMITS**

40D-4.041 Permits Required.

(1) through (6) No change

(7) For any Individual or General Environmental Resource Permit issued in accordance with the requirements of paragraphs (1) and (2) of this rule, the District will prepare and record in the county wherein the permitted project is located an informational notice of permit issuance. This notice shall not be considered an encumbrance on the property. This notice is not required for General Permits for Minor Systems or for Noticed General Permits.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.413, 373.416, 373.426, 373.427, F.S. History – Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 301088, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, _____.

(Form attached)

INFORMATIONAL NOTICE OF ENVIRONMENTAL RESOURCE PERMIT

RE: Southwest Florida Water Management District Environmental Resource Permit No. _____

The Southwest Florida Water Management District (the "District") hereby gives notice that Environmental Resource Permit No. _____ (the "Permit") has been issued to authorize the construction, alteration or operation of a surface water management system located on the real property described in Exhibit "A" attached hereto and incorporated herein (the "Property"). The Property is therefore subject to the requirements and restrictions set forth in Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), and the Permit.

NOTICE

The surface water management system that is the subject of the Permit may consist of ditches, swales, impoundments, reservoirs, ponds, lakes, pipes, culverts, dams, water control structures, appurtenant work or works, and other conveyance or discharge structures. This list is provided for informational purposes and is not all-inclusive. All interested persons are advised by this notice that no portion of the surface water management system can be constructed, operated, altered, abandoned or removed without an Environmental Resource Permit from the District.

Optional paragraph 1 for permits with wetland mitigation – The Permit additionally authorizes the construction and operation of a wetland mitigation area or areas. The wetland mitigation area or areas will be identified in the Permit, and may also be identified by a plat or conservation easement. All interested persons are advised by this notice that no activity, including but not limited to construction, clearing, grading, dredging, or filling, may take place in any portion of a wetland mitigation area without an Environmental Resource Permit from the District.

Optional paragraph 2 for residential subdivision permits - The homeowners' association documents, which may include articles of incorporation, deed restrictions, or declaration of covenants, related to the residential subdivision located on the Property may contain restrictions or obligations for homeowners relating to the operation and maintenance of the surface water management system or any wetland mitigation area authorized by the Permit. Accordingly, interested parties should closely examine these documents.

Within thirty (30) days of any transfer of interest or control of the Property, or any portion thereof, containing the surface water management system, or any portion thereof, the Permittee must notify the District in writing of the transfer. Notification of the transfer of the Property does not constitute a transfer of the

Permit. Purchasers of the Property or any portion thereof are hereby notified that they must immediately contact the District to request transfer of the Permit or obtain a new Environmental Resource Permit.

Within thirty (30) days of completion of construction of the surface water management system, a Statement of Completion and as-built construction drawings certified by a Professional Engineer licensed by the State of Florida must be submitted to the District, pursuant to Sections 373.419 and 373.430(1)(b), F.S., and Rule 40D-4.381(1)(m), F.A.C.

CONDITIONS

The Permit is subject to the General Conditions set forth in Rule 40D-4.381, F.A.C., and may also contain additional specific conditions. Accordingly, interested parties should closely examine the Permit and any subsequent modifications.

CONFLICT BETWEEN NOTICE AND PERMIT

This notice is not a complete summary of the Permit. Provisions of this notice will not be used in interpreting the Permit or its provisions. In the event of a conflict between this notice and the Permit, the Permit will control.

THIS NOTICE IS NOT AN ENCUMBRANCE

This notice is intended for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the Property.

RELEASE

This notice may not be released or removed from the public records without the prior written consent of the Southwest Florida Water Management District.

This notice is executed on the ____ day of _____ 20__.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Deputy Agency Clerk

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, as _____ of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. He/she has produced _____ as identification and did/did not take an oath.

(SEAL)

Notary Public (Signature)
Commission No. _____

(Name of Notary typed, printed or stamped)

Personally known _____ OR produced identification _____
Type of identification produced _____

EXHIBIT

RULES OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT CHAPTER 40D-4 INDIVIDUAL ENVIRONMENTAL RESOURCE PERMITS

40D-4.021 Definitions.

When used in this chapter and chapters 40D-40 and 40D-400, F.A.C.:

(1) "Alteration" means any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the ~~design~~ discharge of the system, increase pollutant loading, change the point or points of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

(2) through (10) No change.

(11) "New surface water management system" means any surface water management system that was ~~which is~~ not in existence on October 1, 1984, or was not authorized by the District to be constructed on October 1, 1984.

(12) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.403, 373.419, F.S. History – Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, ~~and~~ 2-27-02, 9-26-02, 2-19-04, _____.

EXHIBIT

RULES OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT CHAPTER 40D-3 REGULATION OF WELLS

40D-3.505 Location

(1) Wells shall be located so as to not pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Minimum spacing between wells and sanitary hazards, including but not limited to, septic tanks, drain fields, and ground water contamination areas, and cesspools, shall be as specified by Section 381.0065, F.S., and 62-532.400(7), F.A.C. The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination through ingestion, inhalation, or dermal absorption. ~~This subsection does not relieve the applicant from the responsibility of complying with the requirements of any other regulatory agency with jurisdiction over the applicant's activities.~~

(3) The District will deny a permit application to construct a water well if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread. ~~The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination through ingestion, inhalation, or dermal absorption.~~

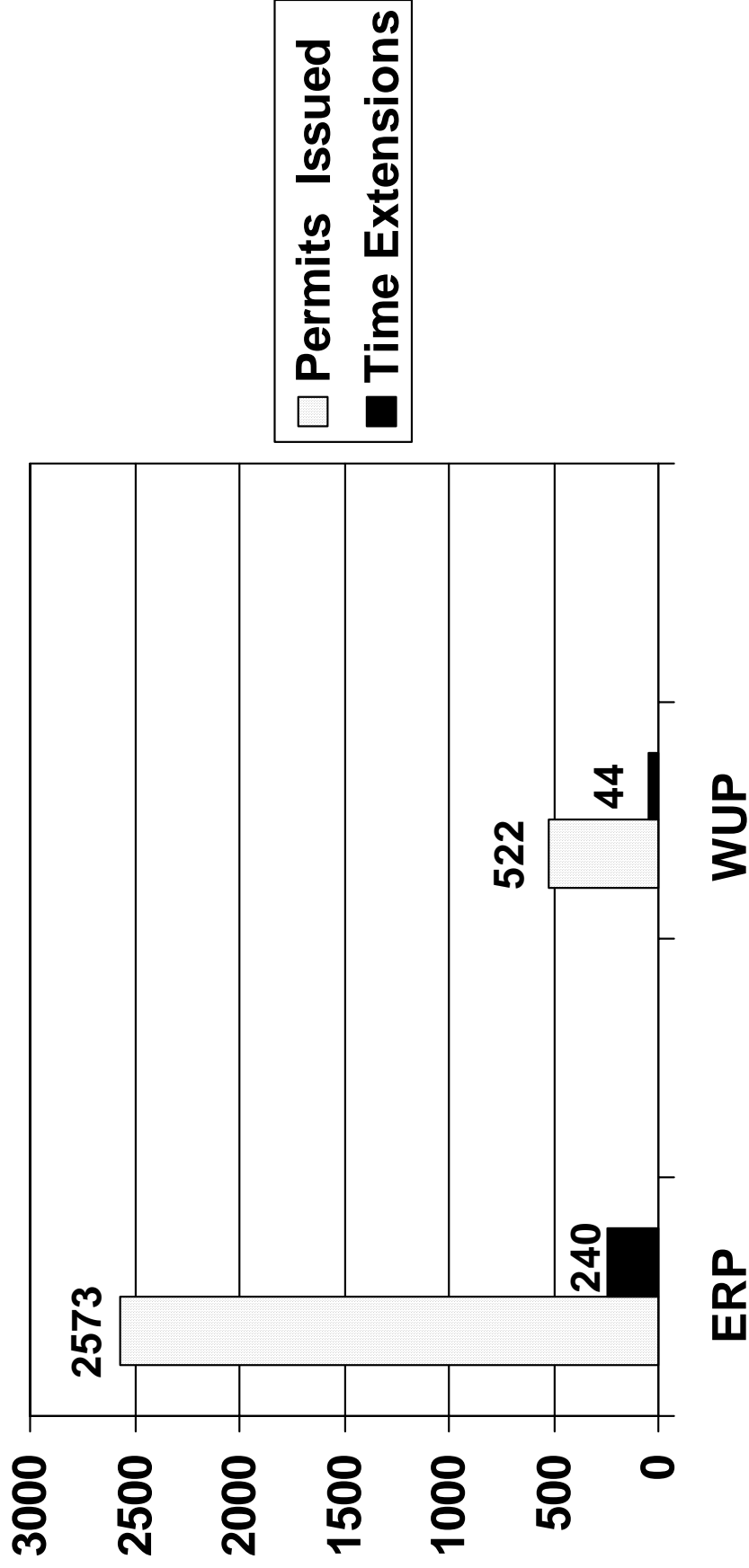
(4) A variance from the above-specified restrictions ~~distances~~ may be obtained from the District as provided in Rule 40D-1.1001, F.A.C. The review of a variance request shall include an evaluation of the following criteria, as applicable: surface and ground water gradients, well location, withdrawal amount, well depth (including depth of casing), natural barriers, impermeable geological strata, water quality sampling, compliance with the requirements of Chapter 62-524, F.A.C., other grouting or protective well construction measures, and the use of treatment systems acceptable by the Department or ~~local~~ Department of Health ~~health unit.~~

(5) Nothing in this section relieves an applicant of the responsibility to comply with the requirements of any other regulatory agency with jurisdiction over the applicant's activities.

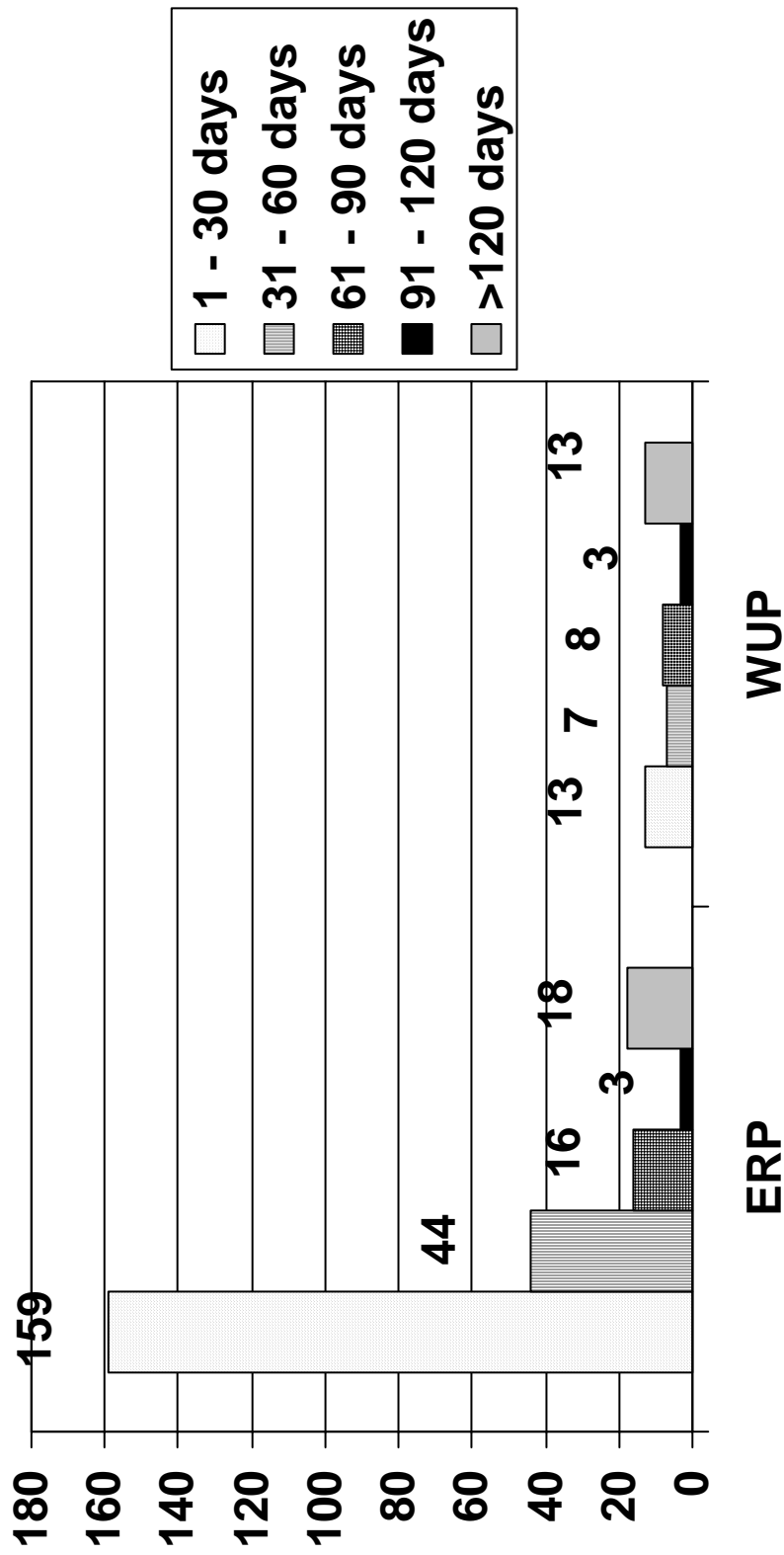
Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337, F.S. Law Implemented 373.306, 373.308, 373.309, F.S. History – New 7-1-90, Amended 12-31-92, 7-2-98, _____.

Permits Issued vs Time Extensions

December 19, 2003 – December 19, 2004



Time Extension Requests December 19, 2003 – December 19, 2004



WUPs > 120 Days Time Extensions

Issued November 17, 2004 - December 19, 2004

ISSUED

Permit Number	Revision Number	Permittee Name	Receive Date	Issue Date	Total Off Clock Days
12572	0	IMC PHOSPHATES CO	1/26/2004	12/14/2004	266
2062	6	CITY OF TAMPA WATER DEPARTMENT	4/6/1999	12/14/2004	252

INCOMPLETE AND NOT ISSUED

Permit Number	Revision Number	Permittee Name	Receive Date	Issue Date	Total Off Clock Days
		NONE AT THIS TIME			

ERPs > 120 Days Time Extensions

Issued November 17, 2004 - December 19, 2004

ISSUED

Permit Number	Revision Number	Permittee Name	Receive Date	Issue Date	Total Off Clock Days
25541	0	FERRARO HOMES INC	7/30/2003	11/29/2004	155
23431	4	FLORIDA DEPT OF TRANSPORTATION	1/5/2004	12/2/2004	152
26461	0	GRACE BIBLE CHURCH	1/9/2004	12/16/2004	121

INCOMPLETE AND NOT ISSUED

Permit Number	Revision Number	Permittee Name	Receive Date	Issue Date	Total Off Clock Days
		NONE AT THIS TIME			

WUPS

Complete Not Issued > 90 Days

Permit Number	Revision Number	Permitting Department	Permittee Name	Completion Date	Number of Days Complete to Current	Comments
12614	0	BA	STATE OF FLORIDA	8/26/2004	117	This is for dewatering of Lake Josephine for clean-up of exotic vegetation project. This project is scheduled for the January Governing Board.

ERPs

Complete Not Issued > 90 Days

Permit Number	Revision	Permitting Department	Permittee Name	Complete Date	Number of Days Complete to Current	Comments
24788	0	BR	ENTRYWAY DEVELOPERS LLC	10/23/2003	425	The application was petitioned. The ALJ issued a recommended order for denial on 12/17/04. Permit is scheduled for January Governing Board.
2875	4	BR	PASCO CO BOCC	9/10/2004	102	Petitioned on November 5, 2004.

OVERPUMPAGE ACTIVITY REPORT
MAY 1, 2000 – November 24, 2004

Table 1. CUMULATIVE SUMMARY OF ACTIVITIES

Service Office	Projects Under Review	Justified / Closed	Preparing for Legal/Technical Services	Active Files in Legal	Legal Files Closed	Total Files
Bartow	0	383	0	1	26	410
Brooksville	5	66	3	2	17	93
Sarasota	7	243	0	2	9	261
Tampa	0	227	1	0	25	253
Totals	12	919	4	5	77	1017

**OVERPUMPAGE ACTIVITY REPORT
MAY 1, 2000 – November 24, 2004**

Table 2. PROJECTS UNDER REVIEW *

Permit No.	Permittee	Use Type	Overpumpage Report Date	Service Office
2003673.004	Suntacc & Company, Inc.	R	10/26/04	Brooksville
2000368.006	Heather Golf and Country Club	R	9/29/04	Brooksville
2008165.001	Quail Meadows Utilities	P	9/29/04	Brooksville
2009791.005	Florida Governmental Utility	P	9/29/04	Brooksville
2008005.002	Century Fairfield Village Ltd	P	8/25/04	Brooksville
2011438.001	Taylor Woodrow Communities	R	11/24/04	Sarasota
2003941.005	Mission Valley Golf & Country Club	R	11/24/04	Sarasota
2003808.010	C.R. Burnett & Sons, Inc.	A	11/24/04	Sarasota
2006059.005	M Plus Ranch, Inc./West Florida	A	11/24/04	Sarasota
2012606.000	FC LLC & Myakka Ranch Holdings	A	11/24/04	Sarasota
2011918.003	Samuel Gordon	A	11/24/04	Sarasota
2010932.003	Rotonda Golf Partners, LLC	R	9/29/04	Sarasota

***These projects are under review and have not been determined to be in non-compliance at this time.**
P = Public Supply R = Recreational A = Agricultural MD = Mining/Dewatering IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT
MAY 1, 2000 – November 24, 2004**

Table 3. PREPARING FOR LEGAL/TECHNICAL SERVICES

Permit No.	Permittee	Use Type	Permitted Annual Average	Overpumpage Report Date & Estimated Annual Average Use	Estimated Percent Over Permit	Service Office
2008997.006	Inverness Golf and Country Club, Inc.	R	211,000 gpd	Standard Annual Average Overage 8/25/04 261,730 gpd	24%	Brooksville
2010923.000	Spruce Creek Development Company of Ocala, Inc.	R	445,800 gpd	Standard Annual Average Overage 8/25/04 504,642 gpd	13.1%	Brooksville
2011839.003	Walden Woods Ltd	P & R	169,820 gpd	Standard Annual Average 5/25/04 206,739 gpd	21.7%	Brooksville
2003657.002	Mainlands of Tamarac by the Gulf	R	179,800 gpd	Standard Annual Avg. Overage 4/27/04 306,250 gpd	70.5%	Tampa

P = Public Supply R = Recreational A = Agricultural MD = Mining/Dewatering IC = Industrial/Commercial

**OVERPUMPAGE ACTIVITY REPORT
MAY 1, 2000 – November 24, 2004**

Table 4. ACTIVE FILES IN LEGAL

Permit No.	Permittee	Use Type	Permitted Annual Average	Overpumpage Report Date & Annual Average Use	Percent Over Permit	Service Office	GB Aprvd CO Date
2006509.003	Polk County NERUSA	P	6,054,600 gpd	8/2004 4,567,195 gpd	0%	Bartow	10/2003
2006509.003	Polk County NERUSA	P	Van Fleet 856,200 gpd	Individual Well Overage 8/2004 3,154,814 gpd	268.5%	Bartow	10/2003
2006509.003	Polk County NERUSA	P	Polo Davenport 298,400 gpd	Individual Well Overage 8/2004 483,667 gpd	62.1%	Bartow	10/2003
2006509.003	Polk County NERUSA	P	Holiday Inn 26,800 gpd	Individual Well Overage 8/2004 42,493 gpd	58.6%	Bartow	10/2003
2003182.004	Aloha Utilities	P	2,040,000 gpd	11/2000 2,885,176 gpd	41.5%	Brooksville	03/2002
2011404.005	Village Center Community Dev. Dist.	P & R	6,050,000 gpd	Standard Annual Avg. Overage 7/27/04 6,361,959 gpd	5.1%	Brooksville	N/A
2004866.006	Englewood Water District	P	5,360,000 gpd	08/2003 2,283,138	0%	Sarasota	N/A
2004866.006	Englewood Water District	P	Well Field 1 12,000 gpd 25 Wells	Individual Wells Overage 8/2003 14,400 gpd 7 of 25 Wells	20%	Sarasota	N/A

P = Public Supply R = Recreational A = Agricultural MD = Mining/Dewatering IC = Industrial/Commercial

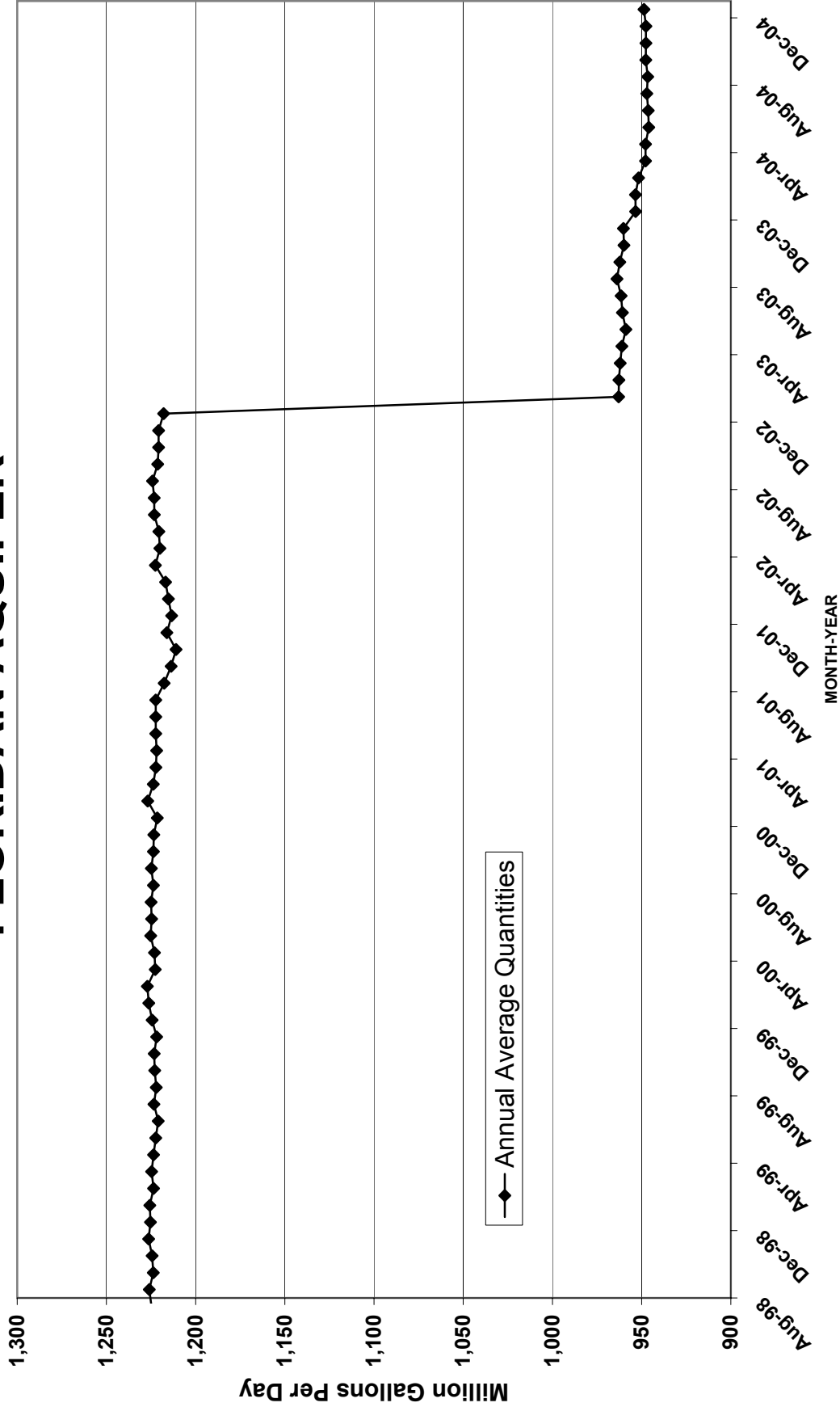
OVERPUMPAGE ACTIVITY REPORT
MAY 1, 2000 – November 24, 2004

Table 4. ACTIVE FILES IN LEGAL

Permit No.	Permittee	Use Type	Permitted Annual Average	Overpumpage Report Date & Annual Average Use	Percent Over Permit	Service Office	GB Aprvd CO Date
2004866.006	Englewood Water District	P	Well Field 2 12,000 gpd 18 Wells	Individual Wells Overage 8/2003 31,646 gpd 13 of 18 Wells	263%	Sarasota	N/A
2004866.006	Englewood Water District	P	Well Field 3 62,500 gpd 12 Wells	Individual Wells Overage 8/2003 119,124 gpd 4 of 12 Wells	191%	Sarasota	N/A
2004725.004	City of Arcadia	P	1,017,000 gpd	5/27/03 1,173,476 gpd	15%	Sarasota	N/A

SOUTHERN WATER USE CAUTION AREA

PERMITTED QUANTITIES FROM THE FLORIDAN AQUIFER

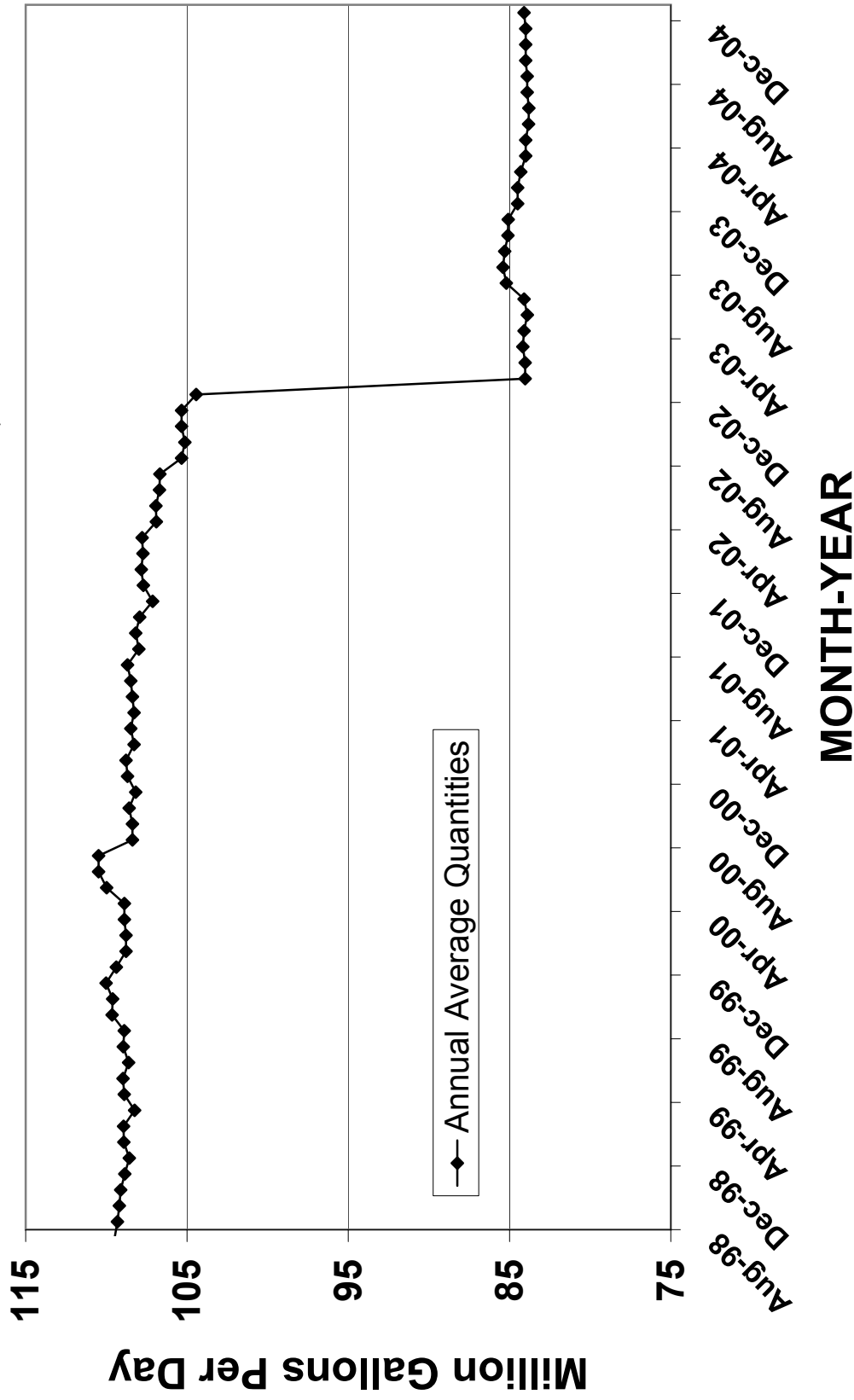


January 2005
Governing Board

1/10/05
Data from 12/28/04

SOUTHERN WATER USE CAUTION AREA

PERMITTED QUANTITIES FROM THE INTERMEDIATE AQUIFER



Mitigated Well Complaints

W.Y.	CBR	CYC	CYB	MBR	STK	NOP	ELW	COS	SOP	S21	NWH	SCH	NEB	TOTAL
1976	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1977	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1978	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1979	1	1	0	0	0	0	0	0	0	0	0	0	0	2
1980	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	29	1	0	0	0	0	0	0	0	0	0	0	0	30
1982	10	0	0	0	0	0	0	0	0	0	0	0	0	10
1983	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1984	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1985	0	0	0	0	0	0	0	0	0	0	11	0	0	11
1986	0	0	0	0	0	0	0	0	0	0	2	0	0	2
1987	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1988	0	0	0	0	0	0	0	0	0	0	0	2	0	2
1989	0	0	0	0	0	0	0	0	0	0	1	105	0	106
1990	3	0	0	0	0	0	0	0	0	0	0	50	0	53
1991	12	1	0	0	0	0	1	0	0	0	3	54	0	71
1992	10	2	0	0	0	0	0	0	0	0	0	17	0	29
1993	67	1	0	0	0	0	0	43	2	0	4	129	0	246
1994	514	16	1	0	3	4	3	41	1	15	65	166	0	829
1995	109	8	0	0	1	0	0	0	0	11	86	167	4	386
1996	21	2	1	0	1	0	3	1	0	0	30	72	0	131
1997	29	0	3	0	5	3	1	0	0	0	40	137	1	219
1998	21	1	3	0	5	6	0	0	0	0	18	105	1	160
1999	8	5	1	1	2	24	8	29	12	11	25	151	0	277
2000	46	16	15	25	10	74	22	76	18	22	45	465	0	834
2001	75	24	4	31	8	59	11	37	28	53	43	379	2	754
2002	32	1	2	2	3	56	3	24	22	26	16	81	0	268
2003	5	0	0	4	4	50	0	10	5	13	6	40	0	137
2004	3	4	1	1	0	21	0	6	6	9	10	33	0	94
2005	0	1	0	0	5	5	0	6	0	3	2	12	0	34
TOTAL:	995	84	31	64	47	302	52	273	94	163	407	2165	8	4685

Well Complaints Not-Mitigated

W.Y.	CBR	CYC	CYB	MBR	STK	NOP	ELW	COS	SOP	S21	NWH	SCH	NEB	TOTAL
1976	0	0	0	0	0	0	0	1	0	0	0	0	0	1
1977	0	0	0	0	0	0	1	0	0	0	0	0	0	1
1978	0	24	0	0	0	0	0	0	0	0	0	0	0	24
1979	0	12	0	0	0	0	0	0	0	0	0	0	0	12
1980	1	4	0	0	0	0	0	0	1	0	0	0	0	6
1981	47	4	0	0	0	0	0	0	0	0	0	0	0	51
1982	20	4	0	0	0	0	0	0	0	0	0	0	0	24
1983	0	3	0	0	0	0	0	1	0	0	0	1	0	5
1984	0	2	0	0	0	0	0	0	1	0	1	0	0	4
1985	2	5	0	0	0	0	0	0	0	0	6	5	0	18
1986	0	1	0	0	0	0	0	1	0	0	2	1	0	5
1987	0	2	0	0	0	0	1	0	0	0	0	6	0	9
1988	2	2	0	0	0	0	2	2	0	0	2	31	0	41
1989	2	3	0	0	0	0	0	0	1	1	2	79	0	88
1990	2	6	0	0	0	0	0	0	0	0	2	72	0	82
1991	5	1	0	0	0	0	6	0	0	0	1	45	0	58
1992	5	1	0	0	0	0	0	0	0	0	0	29	0	35
1993	21	7	1	0	0	0	0	30	3	4	3	37	0	106
1994	358	47	11	0	5	8	2	42	13	37	29	71	0	623
1995	144	63	4	0	3	2	1	40	7	30	148	77	7	526
1996	62	23	8	0	2	2	1	30	2	17	63	43	17	270
1997	39	20	13	0	2	7	0	13	3	15	39	95	8	254
1998	28	8	8	0	3	8	0	3	0	7	19	51	2	137
1999	28	5	6	3	6	12	3	26	9	19	29	71	2	219
2000	74	34	32	46	23	100	21	44	38	35	40	260	6	753
2001	92	29	19	41	24	87	11	43	43	81	49	213	61	793
2002	54	11	10	5	13	94	6	33	37	33	21	61	12	390
2003*	22	4	5	1	13	60	2	16	18	16	11	34	5	207
2004*	14	1	7	4	6	44	5	15	10	10	14	28	10	168
2005*	3	0	1	0	3	9	0	7	1	3	2	4	3	36
TOTAL:	1025	326	125	100	103	433	62	347	187	308	483	1314	133	4946

**Governing Board Meeting
January 25, 2005**

Resource Management and Development Committee

Consent Items

- 12. December 14, 2004 Committee Meeting Minutes 2
- 13. Board Policy 170-8, Basin Board Land Resources Committee
(Presented to Basin Board Land Resources Committee in November) 2

Discussion Items

- 14. Florida River Flows Patterns and the Atlantic Multidecadal Oscillation –
Peer Review Results 2
- 15. Status of Aquifer Storage and Recovery in the Southwest Florida Water
Management District 3
- 16. Peace Creek Watershed Coordinating Committee 5

Routine Reports

- 17. Hidden Lake Property – Status Report and Management Plan Review 7
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- 20. Land Resources Department Significant Activities 9
- 21. Minimum Flows and Levels 9
- 22. Hydrologic Conditions Report 10
- 23. Structure Operations Status Report 10
- 24. February Committee Meeting Agenda 10

Consent Items

12. **December 14, 2004 Committee Meeting Minutes**

Staff Recommendation:

See Exhibit 12

Approval of the minutes as presented.

13. **Board Policy 170-8, Basin Board Land Resources Committee** (Presented to Basin Board Land Resources Committee in November)

The Governing Board approved Board Policy 170-8, *Basin Board Land Resources Committee*, in March of 2002 and the policy now requires minor updating. The only substantive revision to the policy is to change a reference to the District's "Five-Year Land Acquisition Plan" to "Florida Forever Work Plan." The non-substantive changes are meant to clarify the intent of the policy. A copy of the policy in underline and strike-through format is included in the packet for review.

This policy was recommended for approval by the Basin Board Land Resources Committee at its November meeting.

Staff Recommendation:

See Exhibit 13

Approval of revision to Board Policy 170-8.

Presenter: Fritz H. Musselmann, Director, Land Resources Department

Discussion Items

14. **Florida River Flows Patterns and the Atlantic Multidecadal Oscillation – Peer Review Results**

As part of the development of minimum flows and levels on rivers within the District, staff conducted an analysis of river flow patterns throughout the state. The resulting report discussed changes in stream flow due to differences in rainfall as influenced by the Atlantic Multidecadal Oscillation (AMO) showing how this causes a significant multidecadal south to north difference in river flow volumes across Florida. Because the results of this work have important implications for the development of MFLs on rivers within the District, the report was submitted for independent scientific peer review. When establishing MFLs, it is important to define a "benchmark" flow period against which the effects of anticipated withdrawals can be assessed. Contrary to generally accepted approaches, this study suggests that two benchmark periods exist as influenced by Atlantic sea surface temperature. Without considering the effects of the AMO on rainfall and river flows, flow reductions due to climate have been considered by some to be due to human factors. To attribute flow reductions to human factors rather than climate, affects the amount of water available for use and could lead to the conclusion that a river is in recovery when it is not. The peer review has been completed and is highly favorable. The peer review panel concluded that, "*The report provides a convincing argument that much of the variability in streamflow hydrographs is strongly related to long-term climate oscillations associated with the AMO. The draft report concludes with a persuasive argument that this climate-driven variability in streamflow is a major factor influencing observed hydrologic changes in particular rivers in southwest Florida, even in cases with known anthropogenic sources of hydrologic alteration.*" Staff will present an overview of the report and briefly discuss the importance of this effort in developing MFLs.

Staff Recommendation:

See Exhibit 14

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

Presenter: Martin H. Kelly, Ph.D., Manager, Resource Conservation & Development Dept.

15. **Status of Aquifer Storage and Recovery in the Southwest Florida Water Management District**

Aquifer storage and recovery (ASR) is a technology that has great potential to increase the availability of water supplies in the southern half of the SWFWMD where water resources are most stressed. In recognition of this, the District has committed significant financial and staff resources to help water supply authorities, local governments, and the private sector develop ASR systems. For example, the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA); the cities of Tampa, Punta Gorda, Bradenton, and North Port; Sarasota County and Manatee County are all participants in District co-funded ASR projects that are either operational, under development, or are undergoing expansion. Projects that are currently either authorized to use ASR or that are performing operational testing with the beneficial use of the recovered water are capable of providing approximately 50 million gallons per day (mgd) of water during the dry season. Additionally, potable water ASR projects that are either in the feasibility or construction phases of development can potentially provide an additional 50 mgd, if they are built as originally planned. In addition, over a dozen reclaimed water ASR projects co-funded by the District are under development in six counties in the southern half of the District.

The regulatory requirements associated with ASR have been evolving over the past 20 years in response to new issues discovered during the operation and testing of ASR systems. One issue in particular is the mobilization of naturally occurring arsenic in the aquifer by the interaction of the injected water with the aquifer. Initially, the ASR systems were capable of eventually meeting the arsenic drinking water standards; however, in response to the U. S. Environmental Protection Agency's (EPA) action to lower the arsenic standard from 50 micrograms/liter (ug/l) to 10 ug/l, the FDEP has increased water-quality monitoring requirements to ensure compliance. District-funded research conducted at the University of South Florida has determined that minute quantities of pyrite in the limestone of the Floridan aquifer contain arsenic. Chemical differences between the treated surface water injected into ASR wells and the native aquifer water cause pyrite to dissolve which releases arsenic into the water surrounding the ASR well. It was originally thought that these elevated arsenic levels would not pose a significant problem because they generally decreased below the 50 ug/l drinking water standard as the aquifer was flushed with water pumped in and out during the testing phase. However, many ASR systems will find it very difficult to meet EPA's new arsenic standard of 10 ug/l that goes into effect on January 1, 2006.

To compound the problem, the FDEP has accelerated the time frame for meeting the new standard from January 1, 2006 to January 1, 2005. Starting January 1, 2005, any fully permitted ASR system with arsenic exceeding the new standard can apply for a variance to the FDEP's early implementation of the new rule. The variance will allow for an additional year of operation and study. However, after 2006, FDEP may allow a fully permitted site that exceeds the arsenic standard to continue operation if it can be demonstrated that the elevated arsenic concentration is a "near well" phenomenon and does not pose any threat to the aquifer beyond a significant distance (generally within 100 to 200 feet of the ASR well and limited to the property boundary.) As a result of this policy, sites such as the Peace River Facility may only have the next 12 months to install and test the monitoring wells needed to demonstrate the extent of the arsenic occurrence. Sites authorized for testing (not fully permitted) will be allowed to continue testing within the five-year construction permit time limit if an adequate monitoring well system is in place to fully characterize the nature and extent of

arsenic occurrences. In both cases a comprehensive monitoring well network is required to map the nature and extent of arsenic.

The primary issue regarding the mobilization of arsenic in the aquifer is in FDEP's interpretation of the rules related to underground injection control wells. Currently, all drinking water standards must be met prior to water being injected into the ground. FDEP has interpreted the rules governing ASR wells to mean that the standard must also be met at all times in the aquifer. That is, activities related to ASR, such as injection and withdrawal of stored water, can not cause water quality in the aquifer to exceed drinking water standards.

Over the past year, District staff conducted a detailed review of available water quality data collected from ASR sites within the District, as well as from sites in Florida outside the District. Staff also worked closely with technical representatives of local governments, water suppliers, and the FDEP to better understand and explain the technical reasons for what has been observed. On December 15, 2004, District staff, FDEP staff, and a number of technical experts met to discuss the ASR arsenic issue. The experts generally concluded that arsenic levels exceed the drinking water standard in the aquifer only within a few hundred feet of ASR wells. The FDEP staff stated that if this could be proven through the installation and sampling of monitoring wells, they would consider taking the position that the aquifer is protected and existing systems could continue to operate as long as the arsenic drinking water standard was always met at the monitoring wells.

To provide the data necessary to satisfy the FDEP, a ground-water monitoring program has been proposed using the PR/MRWSA's ASR wellfield as the test site. A total of up to 13 Upper Floridan aquifer monitoring wells are proposed to be drilled at the PR/MRWSA ASR wellfields. Geologic data and water quality data will be collected during the operation of the ASR system to determine the extent of elevated levels of arsenic in the aquifer. In addition to the work proposed at the PR/MRWSA ASR wellfield, District staff may approach the city of Tampa to conduct a similar exploratory and monitoring program at their wellfield. This could result in a future request for funds to construct and test necessary wells at the city of Tampa site.

The total cost of the proposed program at the PR/MRWSA site is estimated to be \$1,050,000 including \$800,000 for construction and testing of up to 13 monitor wells, \$130,000 for engineering oversight, \$65,000 for water quality analysis, and \$75,000 for contingencies. Funds currently designated for construction of wells for the District's regional monitoring network will be utilized to cover the cost of the District's share of this project. Funds to construct wells for the regional monitoring network will be replaced in the fiscal year 2006 budget. District staff has discussed this program with the PR/MRWSA; and, the Authority has agreed to a 50/50 cost share and offered additional in-kind services for data collection and other services. District staff are currently working with the Authority to explore available options for constructing the 13 wells. One possibility is using the Authority's existing well driller and consultant, which have been previously selected in accordance with the Consultants Competitive Negotiation Act (CCNA). A second approach would be to use the District's drilling contractor who has also already been selected through the CCNA bidding process.

Staff Recommendation:

The Governing Board concur with staffs' plan to construct and test up to 13 monitor wells at the PR/MRWSA well field and utilize up to \$525,000 currently designated for construction of wells for the District's regional monitoring-well network and consultant services in the

Hydrologic Evaluation Section to cover the District's costs associated with the project; and authorize the Executive Director to approve the transfer of funds as needed and execute the necessary agreements with the PR/MRWSA or a drilling contractor and consultant to perform the work described above.

Presenter: Gregg W. Jones, P.G., Director, Resource Conservation and Development Dept.

16. **Peace Creek Watershed Coordinating Committee**

Over the past hundred years there have been substantial land alterations in the Peace Creek Watershed including clearing, drainage, re-contouring and mining. These alterations were made for residential and commercial development, transportation, agriculture, recreation, timbering, ore and mineral extraction, and other activities. These activities continue to require withdrawals of groundwater and alteration of surface waters. They have cumulatively resulted in significant changes to the watershed's hydrology and ecosystems. There has also been residential and commercial development in historical floodplains. These areas were developed prior to the current floodplain management regulations and ordinances.

The Peace Creek Canal, a privately owned canal, was constructed in the early 1900s for agricultural purposes. The Peace Creek Drainage District (PCDD), a special district established by Chapter 298, Florida Statutes, is responsible for maintenance of the canal. However, there is no regular maintenance program and maintenance is typically performed by the individual landowners. In recent years, this level of maintenance has proven to be unsatisfactory with those whose properties rely on the Peace Creek Canal for some level of flood protection. As a result, legislation was introduced, but not passed, during the 2004 Legislative session to combine the PCDD with the Lake Region Lakes Management District (LRLMD) to facilitate maintenance of the canal. Concerns regarding the legislation led to a meeting with several legislators and representatives from Polk County, PCDD, LRLMD, and the water management district (District).

As a result of the meeting and at the request of the legislators in attendance, the County, PCDD, LRLMD, and District agreed to meet to discuss the water resource management issues in the Peace Creek Watershed. The intent of the meetings was to reach some consensus on the needed improvements to the conveyance system within the PCDD. The first meeting was held in April 2004 to determine if there was a consensus to form a working group to discuss water resource management issues. There was a consensus to form a work group and several meetings were held between July 2004 and January 2005.

Public attention to the issues in the Peace Creek Watershed dramatically increased during the summer of 2004 when three successive hurricanes resulted in significant flood damage to area homes, properties and businesses. Staff met with State Senator Alexander in early December 2004 to discuss solutions to the flooding issues in the watershed. The District's Executive Director followed up with a letter to the Senator, dated December 17, 2004, outlining a process to reach consensus on an implementation plan to address the flooding issues within the watershed (see exhibit).

The recommended process is to create a "Coordinating Committee" made up of a District Governing Board member, Peace River Basin Board member from Polk County, Polk County Commissioner, LRLMD Commissioner, and the PCDD president. A technical/administrative advisory committee made of District, Polk County, and LRLMD staff would support the Coordinating Committee; the PCDD does not have any staff. The Coordinating Committee would be tasked with providing a final report by April 1, 2005 summarizing a series of recommendations for flood protection improvements. The timeline to prepare a final report is achievable because the work group that met during 2004 discussed a plan of action for most of the issues.

For example, the work group identified maintenance of the Peace Creek Canal as a key issue. Maintenance of the canal will require an assessment of the maintenance needs, permanent access (i.e. easements), an entity to conduct the maintenance, and funding. Progress has been made to address the issue of maintenance. As a result of the hurricane related flood damage, the District requested assistance from the U.S. Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) through their Emergency Watershed Protection Program to remove debris in the canal associated with the hurricanes. Debris removal activities began in November 2004 and are to be complete by February 2005 with the USDA/NRCS providing 75 percent of the funds and the District providing 25 percent of the funds. The Peace River Basin Board approved funding a maintenance assessment out of the board's reserves for contingencies at their December 10, 2004 meeting and the Polk County Board of County Commissioners will consider funding 50 percent of the cost of the maintenance assessment at their January 2005 meeting. The maintenance assessment began in January 2005 and information from the assessment will be available for the Coordinating Committee.

The larger, and more long-term solutions involve providing large storage areas through land acquisition and associated structural and non-structural alterations. Progress has been made to address the more long-term solutions. For example, the District is working with the USDA/NRCS through their Wetland Reserve Program (WRP) to restore wetlands impacted by agricultural activities within the Peace Creek Watershed. The USDA/NRCS is negotiating for the acquisition of conservation easements from several landowners along the canal through the WRP, and the USDA/NRCS has funds available for the restoration activities on these properties.

Another component of the long-term strategies is acquisition of properties to prevent flood damage. For example, Polk County has requested the District participate with the County to acquire properties flooded in the Peace River Estates, which is a subdivision along the Peace Creek Canal that experienced significant flood damage. The County's proposal is for 75 percent funding from the Federal Emergency Management Agency, 12.5 percent funding from the State, 6.25 percent from the County and 6.25 percent from the District.

Staff is recommending the District take a leadership role in this process, as the Peace Creek Watershed is a critical component of the District's water management goals, beyond just that of flood protection. Water supply, minimum flows and levels, aquifer recharge, and natural systems restoration in the watershed are all elements of the District's upper Peace River SWUCA Recovery Strategy and as such, it requires a joint effort from the Peace River Basin Board and Governing Board.

Staff will present an overview of the water resource issues in the Peace Creek Watershed. The presentation will include a discussion of the Coordinating Committee, ongoing programs to address the issues, and future activities. The issues will include a discussion of roles the Governing Board and Basin Boards have historically taken to address the issues. Some examples of the issues that the Coordinating Committee will be addressing include acquisition of canal easements, long-term maintenance of the canal, and acquisition of properties to prevent flood damage. The concept of the Coordinating Committee and goals were discussed at the Peace River Basin Board at their December 10, 2004 meeting and they unanimously approved moving forward.

Staff Recommendation:

See Exhibit 16

- (1) Approve District participation in the Coordinating Committee to address flooding issues in the Peace Creek Watershed; and
- (2) Appoint a Governing Board member to represent the Governing Board on the Coordinating Committee.

Presenter: Mark A. Hammond, Director, Resource Management Department

Routine Reports

17. Hidden Lake Property – Status Report and Management Plan Review

The District acquired the 589-acre Hidden Lake parcel in 1985 as one of the early purchases executed under the Save Our Rivers program. The property provides considerable natural flood protection benefits and preserves the pristine, 46-acre Hidden Lake. Stormwater draining from the residential development that the surrounds the property flows through the lake and eventually discharges to the southwest before draining into Rocky Sink. As such, the lake and its extensive floodplain wetlands help maintain water quality in the sink, which is connected directly to the Floridan aquifer.

- **Location** – The property is located in west-central Pasco County, on the eastern edge of Port Richey.
- **Board Authorization** – The Hidden Lake Project was authorized for acquisition in 1981 as part of the original legislation authorizing the Save Our Rivers (SOR) program.
- **Purpose of Acquisition** – Lands within the project meet the District's water quality protection, flood protection and natural systems protection areas of responsibility.
- **Funding for Acquisition** – Lands within the project were acquired with monies from the Water Management Lands Trust Fund under the SOR program. The SOR program funded the acquisition of land for purposes of water management, water supply and conservation and protection of water resources.
- **Surplus Lands** – There are no surplus lands identified in this project. The lands within the project should be retained for flood protection, enhancement of water quality, and natural systems protection.
- **Land Use and Management Plan** – In July 1998, the Governing Board approved the *Plan for Use and Management of the Hidden Lake Property*. A copy of the plan is included in the board packet as an exhibit to this item. The management plan describes the water management values of the property and identifies compatible public recreational uses. Although no Special Protection Areas (SPAs) were designated by the plan; the plan acknowledged that several mounds located on the property had potential archaeological significance and could merit designation as SPAs in the future. Additional study of the mounds has since determined that they are significant and they will be managed as SPAs.

The management plan describes general resource management activities that will be applied to all lands acquired as a part of the project. They include:

- Protecting water conveyance, natural flood protection and water quality enhancement functions by prohibiting alteration of natural areas;
 - Identifying and controlling invasive exotic species;
 - Protecting known archaeological sites;
 - Accommodating public access for resource-based recreation that is compatible with the protection of natural areas, archaeological sites and native wildlife inhabiting the property; and
 - Partnering with other agencies as necessary to ensure protection of the property.
- **Recreation** – Recreational usage of the property is limited by constraints associated with its location, access, and predominance of wetlands. There is no point where the property can be accessed by vehicle from a public right-of-way, and most usage occurs as foot traffic by residents of the surrounding neighborhoods. The property remains open to foot traffic along the limited network of trails and permitted uses include hiking, birding, fishing, nature study,

canoeing and boating. The isolated location of Hidden Lake makes it very appealing for canoeing and boating, but limits such activity to craft that can be carried by hand to and from the lake.

- **Security** – District staff maintains appropriate perimeter fences and informational signage to inform the public of authorized uses. In addition, staff's periodic presence on the property, in connection with normal land use and management activities, helps deter unauthorized activities. The District coordinates with the Pasco County Sheriff's Office to prevent looting of the property's archaeological sites.
- **Prescribed Burning** – The majority of the property consists of forested wetland that is not naturally subject to fire. Less than 30 acres supports fire-maintained natural communities and this limited acreage is divided among many small fragments concentrated along the periphery of the property where it abuts private homesites. It has been deemed impractical to mobilize District staff to conduct prescribed fires under these circumstances. Mechanical methods are employed as necessary to manage fuel loads and reduce the risk of wildfire.
- **Exotics Control** – A program to control invasive, non-native species has been implemented. There are no severe infestations of such species; however, the surrounding residential communities will continue to be a potential contributor to the introduction of such species and the District will remain vigilant for their appearance.
- **Management Costs** – The fiscal year 2005 budget includes \$553 for the project. This figure includes the minimal costs associated with maintenance of perimeter fencing and signage.

Staff Recommendation:

See Exhibit 17

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

Presenter: Eugene Kelly, Environmental Lands Planner, Land Resources Department

18. **2004 Public Land Acquisition and Management Partnership Conference**

The annual Public Land Acquisition and Management Partnership (PLAM) Conference was held in Destin on November 17-19, 2004. The conference covered a broad range of topics with an emphasis on partnerships, conservation easements and restoration. The conference continues to be a valuable resource for both staff and Board members, as conference topics are directly applicable to the District's Land Resources programs. Ten District Board members attended the conference, including Governing Board members Janet Kovach and Heidi McCree.

As in years past, the Basin Board Land Resources Committee also held its last meeting of the calendar year in conjunction with PLAM. The Committee was chaired by Ms. Kovach and discussed habitat in the Green Swamp; Board Policy 170-8, *Basin Board Land Resources Committee*; the Florida Forever Work Plan and land acquisition status.

Staff Recommendation:

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

Presenter: Fritz H. Musselmann, Director, Land Resources Department

19. **Florida Forever Status Report**

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 is continues to explore federal funding opportunities.

Staff Recommendation:

See Exhibit 19

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

Presenter: Fritz H. Musselmann, Director, Land Resources Department

20. **Land Resources Department Significant Activities**

Fire Management (*District-wide*) – District staff conducted 3,483 acres of prescribed burns during the month of December for a total of 4,843 acres burned to date in fiscal year 2005. This includes a complex 100-acre urban interface burn completed within the City of Northport boundaries and adjacent to Interstate 75.

Green Swamp West 8 (GSW8) Sandhill Restoration Project (*Withlacoochee River Basin, Pasco County*) – This project began in 2001 and entails the restoration of a 203-acre bahia grass pasture back to longleaf pine/turkey oak sandhill. Site preparation on the final phase of this site, consisting of 65 acres, started in May and continued through November, and included several aerial herbicide applications and disking treatments to create a smooth surface to allow for good seed to soil contact. In December, the site was seeded with native seed. The GSW8 restoration is now complete, except for monitoring and maintenance treatments to prevent establishment of undesirable vegetation.

Hálpata Tastanaki Cowpens Restoration Site (*Withlacoochee River Basin, Marion County*) – This project started in 2002 and entails the restoration of over 800 acres of bahia grass pasture back to flatwoods. Mechanical treatments are being used to reduce dense wax myrtle thickets and selective herbicides are being utilized to eradicate exotic grasses and weeds. In December, District staff seeded 13 acres of former bahia grass pasture with a native seed mix following intensive site preparation activities.

Staff Recommendation:

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

Presenter: Fritz H. Musselmann, Director, Land Resources Department

21. **Minimum Flows and Levels**

District staff continues to work on various phases of Minimum Flows and Levels (MFLs) development for waterbodies on the District's MFLs priority list. Attached for the Board's use and information is the current Minimum Flows and Levels Priority List and Schedule – Waterbody Timelines report that identifies the status of each waterbody in regard to the five-phase process of MFLs establishment.

Staff Recommendation:

See Exhibit 21

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

Presenter: Martin H. Kelly, Ph.D., Manager, Resource Conservation & Development Dept.

22. **Hydrologic Conditions Report**

The information presented is provisional, as of December 14, 2004. The District-wide rainfall average was 0.15 inch, which was 2.11 inches below the monthly normal of 2.26 inches. The northern region received an average of 0.23 inch of rainfall, which was 2.38 inches below the monthly normal of 2.61 inches. The central region received an average of 0.11 inch of rainfall, which was 2.36 inches below the monthly normal of 2.47 inches. The southern region also received an average of 0.11 inch of rainfall, which was 1.87 inches below the monthly normal of 1.98 inches.

In December, the provisional average streamflow at the Withlacoochee River near Holder station in the northern region was in the 95th percentile. Streamflow measured at the Hillsborough River near Zephyrhills station in the central region was in the 78th percentile, while the average streamflow measured at the Peace River at Arcadia station in the southern region was in the 75th percentile.

Provisional ground-water levels in the Floridan aquifer decreased in all three regions of the District in December. Water levels in the northern region decreased 0.20 foot, but were 5.19 feet above the bottom of the monthly normal range of historical values. The normal range in the northern region is 0 to 4 feet. Average water levels in the central region decreased 0.04 foot, but ended the month 7.00 feet above the bottom of the normal range. The normal range in the central region is 0 to 6 feet. Average water levels in the southern region decreased 0.32 foot, but ended the month 3.15 feet above the bottom of the normal range. The normal range in the southern region is 0 to 8 feet.

Provisional data show average lake levels decreased in all four regions of the District in December. Average levels in the northern region decreased 0.08 foot, which average 2.75 feet below Minimum Flood levels (MF). Average lake levels in the Tampa Bay region decreased 0.01 foot, which average 0.95 foot below MF levels. Lake levels in the Polk Uplands region decreased 0.08 foot, which average 1.07 feet below MF levels. Average lake levels decreased in the Lake Wales Ridge region by 0.08 foot, which average 2.60 feet below MF levels.

Staff Recommendation:

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

Presenter: Granville Kinsman, Manager, Hydrologic Data Section

23. **Structure Operations Status Report**

Below normal rainfall in October and November has allowed the rivers, streams and bodies of water associated with District structures to return to normal levels. As of December 14, 2004, it remains drier than normal. In response, the Structures Department is operating all structures to retain and conserve surface water.

Staff Recommendation:

See Exhibit 23

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

Presenter: Gary W. Kuhl, Director, Operations Department

24. **February Committee Meeting Agenda**

MINUTES OF THE MEETING

Resource Management and Development Committee Governing Board

Southwest Florida Water Management District

Brooksville, Florida

December 14, 2004

The Resource Management and Development Committee of the Governing Board of the Southwest Florida Water Management District met at 9:14 a.m. on December 14, 2004, at District Headquarters. The following persons were present:

Committee Members Present

Janet D. Kovach, Chair
Heidi B. McCree, Member
Ronnie E. Duncan, Member

Committee Members Absent

Patsy C. Symons, Vice Chair
Edward W. Chance, Member

Recording Secretary

M. Frances Sesler

Staff Members Present

David L. Moore
Bruce C. Wirth
Fritz F. Musselmann
Mark A. Hammond
Gregg W. Jones
Richard S. Owen
Ron J. Basso
Mark D. Barcelo
Will C. Miller
Mark M. Brown
Colleen E. Kruk
Marty H. Kelly

Chair Kovach called the meeting to order and noted a quorum was present.

Consent Items

11. **Florida Forever Work Plan – 2005 Update**

The state's water management districts are required, by statute, to file reports with the Legislature and the Department of Environmental Protection identifying acquisitions completed during the year together with modifications or additions to their five-year work plans. The reports must include a description of land management activity for each property or project area owned by the water management district. No new land acquisition projects have been identified and only one, the lake Hancock project, has been modified. This item was presented to all the Basin Boards at their October meetings and was recommended by all the Basin Boards to the Governing Board for approval. **Staff recommended approval of the 2005 annual update to the Florida Forever Work Plan.**

12. **Green Swamp Wilderness Preserve – Assignment of Cattle Grazing Lease – SWF Parcel No. 10-200-129**

On April 7, 1971 the District granted a grazing lease for SWF Parcel No. 10-200-129 to William and Mildred Roberts in conjunction with the acquisition of their property in the Green Swamp project area. The cattle grazing lease encompasses 193 acres and provides that it is automatically renewed each year unless formally terminated in writing by the parties.

The surviving lessee, William Roberts, has requested that his leasehold interest be assigned to his sister-in-law, Betty Roberts, who has a lease on adjoining District lands. Betty Robert's lease was also granted as a condition of the acquisition of her property. The two leased properties share common infrastructure and access routes.

Staff is proposing the approval of the assignment, provided the annual lease payment is increased from \$306 to \$600 annually to be more consistent with current market rates for cattle grazing leases. **Staff recommended approving the assignment of the cattle-grazing lease for SWF Parcel No. 10-200-129 to Betty Roberts.**

Following consideration, **Mr. Duncan moved, seconded by Ms. McCree, to approve Consent Items 11 and 12. Motion carried unanimously.**

Discussion Items

13. **Effect of Karst Development on Peace River Flow**

Ron Basso, Senior Professional Geologist, Hydrologic Evaluation Section, said in the upper part of the Peace River Basin, water levels within the Upper Floridan aquifer have declined 40 feet since the 1930s which has resulted in gravity drainage of the river through sinkholes and fractures into the underlying aquifers. The results from the project will be a key component of the Southern Water Use Caution Area Recovery Plan to help restore low flow on the upper section of the river. The District will also construct monitor wells, collect geologic data, and conduct aquifer hydraulic testing at four sites along the river between Bartow and Homeland.

Over the next two years, seepage runs will continue during low flow conditions (usually May and November of each year). Data collection from coring and installation of monitor wells will be completed at four sites along the river. At least one year of continuous water level measurements will be available from the river and aquifers to determine the potential and rate of exchange between the two systems. All of this data will serve to more accurately quantify the volume of stream flow lost to the groundwater system. This information is a critical component toward determining the magnitude of water resource recovery projects needed to restore low flow conditions on the Peace River.

14. **Circle B Bar Reserve – Florida Department of Transportation Wetland Mitigation**

Mark Brown, Environmental Scientist, Technical Services Department, said the Circle B Bar Reserve is a 1,256-acre tract co-owned by the District and Polk County. In 2001, as part of the Florida Department of Transportation (FDOT) mitigation nomination process, the District and County commenced planning the hydrologic restoration of over 600 acres of drained and converted wetlands within the Circle B Bar Reserve. The District designated 473 acres of the planned restoration effort for the FDOT mitigation program.

To date, wetland impacts associated with 13 FDOT roadway projects have been proposed for mitigation at the Reserve. The goals and objectives of the mitigation plan correlate well with the proposed habitat improvements and recreational activities desired by the County and the District. Restoring the wetland hydrology will provide additional improvements for water quality treatment, flood water attenuation, and increase the wetland and wildlife habitat value at the Reserve. Staff presented an overview of the proposed restoration activities associated with the Circle B Bar Reserve.

15. **Opportunities for Resource Development and Mined Phosphate Lands**

Mark Barcelo, Manager, Hydrologic Evaluation Section, Resource Conservation and Development Department, introduced Mr. Jim Samson, Director of Environmental Affairs with C.F. Industries, who gave an overview of the natural treatment concept and the role it can play in future water supply and resource development efforts in the region, and an overview of the application of this concept at a mined site in Hardee County owned by C.F. Industries.

The phosphate region of the Southern Water Use Caution Area provides many opportunities for resource development projects. The goal of the project was to demonstrate the use of natural treatment methods to treat surface water from an onsite cooling pond to drinking water standards.

These items were presented for the Committee's information only, and no action was required.

Routine Reports

16. **Lower Peace River/Deep Creek Preserve – Status Report and Management Plan Review**
17. **Florida Forever Status Report**
18. **Land Resources Department Significant Activities**
19. **Minimum Flows and Levels Status Report**
20. **Structure Operations Status Report**

21. **January Committee Meeting Agenda**
 - Approval of December 14, 2004 Committee Minutes
 - ASR Arsenic Issues
 - Basin Board Land Resource Committee Land Conference
 - Atlantic Multi Decadal Oscillation Study
 - Development of the February Committee Meeting Agenda

There being no further business, the meeting was adjourned at 10:08 a.m.

draft

The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation, as provided for in the Americans with Disabilities Act, should contact the Executive Department, telephone 1-800-423-1476 (Florida only), extension 4604; TDD ONLY 1-800-231-6103 (Florida only); FAX 352-754-6874.

BOARD POLICY
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TITLE: **BASIN BOARD LAND RESOURCES COMMITTEE**

SECTION/DEPT.: LAND RESOURCES DEPARTMENT

NUMBER: 170-8

PAGE: 1 OF 2

APPROVED BY:

WATSON L. HAYNES II, CHAIR

EFFECTIVE DATE: 1/25/05

SUPERSEDES: 3/27/02

STATEMENT OF POLICY:

The intent of this policy is to set forth the purpose, responsibilities and membership ~~guidelines~~ of the Basin Board Land Resources Committee.

Purpose

The purpose of the Basin Board Land Resources Committee is to guide, aid and assist District Land Resources staff with Land Resources initiatives, including acquisition, management and the establishment of land use parameters consistent with statutory directives and established water management goals and policies. Committee members ~~are to~~ serve as conduits of effective communication between the District and the Basin Boards ~~and~~ for the promulgation of education initiatives aimed at specific groups and the general public, regarding the aforementioned and their relationship to the District's ~~Five-Year Land Acquisition-Florida Forever Work~~ Plan.

The Basin Board Land Resources Committee ~~will shall~~ communicate with the Governing Board through ~~the~~ Resource Management and Development Committee and ~~will shall~~ have direct access to the Land Resources Director and ~~other~~ appropriate District staff.

~~The Committee's Communication and education initiatives will be primarily directed towards the following three groups efforts shall be directed three primary targets:~~

1. ~~The~~ general public and interested parties - ~~in order~~ to enhance awareness of water management goals and objectives and policies regarding ~~on~~ land acquisition, management and public use;
2. Elected officials and business leaders – ~~when where~~ appropriate and suggested specifically designated by ~~and in conjunction with~~ the Land Resources Director; and
3. Governing and Basin Board members - ~~in order~~ to facilitate the understanding, approval and advancement of land resource objectives.

Specific Committee responsibilities ~~shall~~ include:

- Gaining an understanding of land acquisition, management and public use statutory directives.
- Reviewing and providing comments on the annual revisions ~~to of~~ the ~~Five-Year Land Acquisition-Florida Forever Work~~ Plan. ~~Such to include~~ comments ~~may include on~~ new land acquisition project nominations, local government coordination suggestions and identification of regional and local partnership opportunities.
- Providing input on land acquisition, management and public use policies, procedures and guidelines.
- Providing review and comment, consistent with statutory directives and District policies, on resource management issues brought before the Committee. These issues ~~may shall~~ include, but not be limited to, research and innovative management techniques and

BOARD POLICY
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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PAGE: 2 OF 2

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WATSON L. HAYNES II, CHAIR

EFFECTIVE DATE: 1/25/05

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~~strategies, and shall be reviewed prior to each budget formulation at the request of Land Resources staff during the calendar year.~~

- ~~Coordinating~~ Coordination with Communications and Community and Legislative Affairs staff in the development and implementation of environmental education initiatives on District lands consistent with water management goals and District policies and procedures.
- ~~Facilitation of the implementation of Committee, Governing Board and Basin Board~~ land acquisition, management and public use initiatives ~~implementation~~ through direct contact with elected officials and community business leaders.
- Facilitation of District public outreach initiatives by providing community leadership and participation ing in public speaking engagements, where appropriate and in a manner consistent with District water management goals and communication policies.
- ~~Proactive~~ Support of and participation in new education programs on land acquisition, management and public use initiatives for all audiences.

Membership

Membership ~~of the Committee will shall~~ consist of one representative from each of the eight Basin Boards and the Chair of the Governing Board's Resource Management and Development Committee. Annually, each Basin Board will select a primary and alternate representative to serve on the Committee.

Terms of Membership

Terms of membership for Basin Board members ~~will shall~~ be at the discretion of the Basin Board Chair Ex Officio, but to optimize members' knowledge and increase for Committee efficacy continuity, continuous membership terms longer than one year are should be encouraged. Term of membership for the Governing Board representative ~~will shall~~ be at the discretion of the Governing Board Chair.

Officers and Duties

The Governing Board representative will act as Chair of the Committee and will serve as liaison between the Committee and the Governing Board. He or she will direct staff on the development of each Committee meeting agenda. The Committee ~~will shall~~ elect a Vice Chair annually, to serve a one-year term. The Vice Chair may serve consecutive terms and ~~will shall~~ serve as Chair in the Chair's absence.

Meetings

Meetings of the Committee ~~will be scheduled by shall be held at the call of~~ the Chair, with input from Committee members and as recommended by staff. Meetings ~~will shall~~ be held scheduled three times per year, unless otherwise warranted ~~with notice to be in accordance with District policies and procedures.~~

Peer Review Comments on: “Florida River Flow Patterns and the Atlantic Multidecadal Oscillation”

Draft Report

Ecologic Evaluation Section

Southwest Florida Water Management District (SWFWMD)

Draft report version dated August 10, 2004

Reviewers: Douglas T. Shaw, Ph.D. (dshaw@tnc.org)

David S. Gutzler, Ph.D. (gutzler@unm.edu)

Clifford N. Dahm, Ph.D. (cdahm@sevilleta.unm.edu)

Date: December 3, 2004

Summary

This draft report presents a persuasive and thoroughly documented illustration of the spatial patterns of annual streamflow hydrographs in Florida rivers. Evidence for the existence of shifts in these streamflow patterns from wetter to drier conditions and vice versa on a multidecadal time span is produced from daily streamflow records by calculating the daily median average flow (MDQ) for each calendar day in multi-year time series. MDQ hydrographs are derived for various sets of years and are considered using previously defined shifts in the “Atlantic Multidecadal Oscillation” (or AMO). This analysis procedure allows examination of the role of climate variability as a potential influence on long-term shifts in river flows in Florida. The report provides a convincing argument that much of the variability in streamflow hydrographs is strongly related to long-term climate oscillations associated with the AMO. The draft report concludes with a persuasive argument that this climate-driven variability in streamflow is a major factor influencing observed hydrologic changes in particular rivers in southwest Florida, even in cases with known anthropogenic sources of hydrologic alteration.

I. General Comments

Overall, we find the arguments in the report persuasive, the methods sound, and the conclusions well founded. We find no serious scientific flaws or technical errors in the work. The results have profound implications for water management, especially the establishment of instream flows (Minimum Flows and Levels, abbreviated MFLs) and water allocation, and for our understanding of the hydrology and long-term ecosystem dynamics of Florida's rivers. The principal results of the report are:

A. There is a pronounced difference in the seasonal cycle of river flows between peninsular Florida (where maximum flows occur in late summer -- the so-called "SRP" or Southern River Pattern), and northern Florida (where maximum flows occur in late winter -- the "NRP" or Northern River Pattern). Several rivers in a narrow geographical region between these two flow regimes exhibit an unusual long-term average annual hydrograph featuring two seasonal flow peaks (the "BRP" or Bimodal River Pattern). These rivers show hydrographic characteristics of both the SRP and NRP.

B. Average flow conditions in most rivers throughout the state changed markedly around 1970. In the three decades prior to 1970, when the AMO was in its positive phase, the SRP seasonal flow peak was pronounced. SRP rivers exhibit systematic decreases in their seasonal peak flows in subsequent decades. In contrast, NRP peak flows tended to be relatively low in the pre-1970 decades followed by abrupt increases in annual peak flows post-1970. Rivers with bimodal flow captured both features -- decreased summer peak flows and increased winter peak flows following the AMO shift around 1970. These changes are entirely consistent with previously documented multidecadal shifts in rainfall associated with a statistical mode of variability of North Atlantic Ocean temperatures known in the climate variability literature as the AMO. The very important implication from this set of results is that river flows increase and decrease in association with entirely natural shifts in the "climatic regime", apparently modulated by large-scale Atlantic Ocean temperature changes. Thus "average flow conditions" in rivers throughout Florida determined from data that do not span both phases of the AMO can seriously underestimate the long-term range of flow conditions that should be expected on these rivers.

C. Based on results summarized in the previous paragraph, AMO-related shifts in precipitation should be part of any assessment of the causes of flow changes on rivers in Florida, and should be considered in future development of regulatory MFLs on these rivers. The third section of the document presents several case studies of rivers in the SWFWMD, placing AMO-related variability into context with the individual histories of selected rivers.

In our opinion, this work represents one of the more important contributions to hydrologic science in Florida (and perhaps elsewhere) in the past several decades. We firmly believe this work should be published as soon as possible in a scientific journal with wide exposure among hydrologic scientists and practitioners (e.g., *Water Resources*

Research, Journal of Hydrology, Water Resources Bulletin, Hydrological Processes), and we would encourage the author to further document and publish his findings with respect to AMO-flow relationships for streams beyond Florida and the SWFWMD.

In this spirit, the comments below are suggestions for strengthening an already strong report by bolstering and documenting certain assumptions, reasoning, and methods. These comments should not detract from the overall merit of this work. A compiled summary of minor editorial comments is also provided as an edited version of the report sent separately to the author.

II. Principal Recommendations By Topic

A. General Recommendations

- 1.** The report mentions several times that a “fundamental premise” of the analysis and discussion is that river flows are largely rainfall driven and seasonality in streamflow reflects seasonality in rainfall. Although we agree with this premise, it may be useful to cite some references that clearly demonstrate this for Florida, especially given that many streams in the SWFWMD are influenced by spring flow and groundwater discharge, which is commonly thought to reflect the seasonality of rainfall, but at a considerable time lag.
- 2.** Because this analysis began as an outgrowth of the District’s work in establishing Minimum Flows and Levels (MFLs) and will likely have important ramifications on how MFLs are set in the future, it would be useful to include a more thorough discussion of the results in the context of MFLs. What are the implications of multidecadal streamflow variability on establishing MFLs? How can the District incorporate knowledge of this variability into its MFLs? What do the results here imply about the dynamics of the natural systems being protected? This could be accomplished in the Executive Summary as described in Section II. B below.
- 3.** Some modifications to the plotting format used throughout the report, including the appendix document, would streamline and enhance the graphical presentation: [a] Addition of labels along the top of the MDQ hydrographs to show midpoints of months (J, F, M, ..., N, D). At a minimum, we strongly suggest adding such labels to at least one MDQ hydrograph (perhaps the first one shown -- Fig. 2) so the reader could refer back to that figure when dates are mentioned with reference to subsequent plots. [b] Addition of a second set of y-axis labels along the right edge of the same plots to indicate the normalized flows (cfs/mi²). Addition of these axis labels removes the need to produce two separate plots for actual and watershed-normalized flows, because each such pair of plots shows exactly the same annual hydrograph plotted on different scales.

4. We recognize that replotting every figure at this point would be a huge task and these plotting suggestions are not essential. However, these recommendations might be implemented on just a few plots for presentations, or for subsequent development of plots to be included in shorter articles that may be derived from this report.

5. We suggest expanding the concluding remarks to present a concise summary and synthesis. As written, the text on page 77 simply presents a few (rather vague) philosophical points and ends abruptly. An expanded concluding section would serve to tie together the various sections of the report.

B. Executive Summary

The Executive Summary presents a well-written overview of the scope of work in the report. It could be usefully augmented with a short discussion of MFLs before these are first mentioned. Specifically, clarifying and emphasizing the importance of flow conditions throughout the year for development of MFL regulations needs to be plainly stated for the reader, because most of the analysis pertains to changes in high flow times of the year, not annual minimum flow conditions on the rivers. The draft report does not emphasize that MFL regulations will be drafted to pertain to flows needed at various times of year (in different seasonal "blocks"). The relevance of multidecadal shifts in peak flow seasons (result A. 2 above) was not apparent when we read the draft report, but was made abundantly clear at our meeting at the SWFWMD on 21 October 2004. Again, this need not be lengthy (we recognize that this document is not intended to provide a full justification for specific MFL requirements), but a concise explanation of the relevance of these results to MFL development would be useful. Finally, the Executive Summary should clarify how the first two sections of the report will be related to the third section.

C. Atlantic Multidecadal Oscillation

1. The body of the report would be enhanced with some additional review material on the AMO. This need not constitute a lengthy addition of text. The purpose of an augmented introductory discussion would be to emphasize that extensive peer-reviewed documentation exists describing the existence of the AMO, its basic temporal behavior, and its correlation with precipitation across Florida and the U.S. These studies have been carried out by climatologists, hydrologists, and ecologists who are completely independent of the SWFWMD, providing strong scientific justification for interpreting changes in river flows at that time in terms of natural climatic change processes. Thus the methodology used in the report, dividing river flows into pre-1970 and post-1970 epochs, is based on solid and widely accepted (albeit recent) climatological analysis. Some useful citations in this regard include: Schlesinger et al. (*Nature*, 2000, v. 367, p. 723-726), who are generally credited with being the first to point out a slow sub-century "oscillation" in Atlantic Ocean temperatures, and recent European studies on river flow and other indices related to Atlantic Ocean temperature such as the

North Atlantic Oscillation (e.g. Wedgbrow et al., *International Journal of Climate*, 2002, v. 22, p. 219-236, and Kiely, *Advances in Water Resources*, 1999, v. 23, p. 141-151). It's also important to emphasize that future shifts of the AMO are not predictable at the present time, and there is very little understanding of the mechanism(s) responsible for this component of climate variability. Therefore, while it is appropriate to look backward in time to see what shifts in river flow patterns may have occurred in conjunction with AMO shifts, it is not possible to look forward in time to project future shifts in river flows (or anything else).

2. The relationship between multidecadal streamflow patterns and the AMO, while convincingly argued, is understandably limited in a statistical sense by the fact that few streamflow records in Florida extend back far enough to encompass more than the most recent single cycle (one high SST period and one low SST period) of the AMO. It would help strengthen the argument for a relationship between streamflow and AMO if the report included a few (or even one) examples using a streamflow record that extends back to the early 1900s and would thus include one additional low SST phase of the AMO. If such records exist in Florida, they would most likely be found in north Florida and/or the Florida Panhandle. If no such records exist in Florida, then perhaps an example using a record from a stream in a nearby state could be included.

D. Median Daily Flow Plots and River Flow Patterns

1. Depicting long-term annual streamflow hydrograph patterns using the Median Daily Flow (MDQ) plots is a sound and particularly illuminating approach for demonstrating spatial and temporal patterns of the type discussed in this report. Although not as common as other graphical approaches for depicting streamflow variability, it is not without precedent in hydrology. Similar approaches, most recently in conjunction with modeling and negotiations over Apalachicola-Chattahoochee-Flint basin water allocations are published in the literature. It might be helpful to cite instances in the literature where similar approaches have been used to lend the method more credibility.

2. Given that conclusions are drawn from visual inspection and comparison of MDQ plots from different time periods, it would be helpful to know more about the natural variability inherent in those plots for each day of the year. For example, similarly derived plots of annual hydrographs from long-term data tend to be more tightly clustered around the mean (or median) daily flow in certain seasons of the year than in others. It would be helpful to have some depiction of the "uncertainty" envelope around these curves so that the reader would have a better sense of the validity and significance of the visual comparisons. This would especially aid the reader in determining, for example, whether the percent change values summarized in Table 2 are significant, especially for those with relatively small changes. It is tempting to look at the results summarized in Table 4 and ask why flows in the Apalachicola and Chattahoochee Rivers increased between the two periods, while those of the Flint River decreased for the same

period. Since the Flint and Chattahoochee are the two major tributaries that give rise to the Apalachicola, this kind of mass balance issue should not be left unanswered. Similarly, the Oconee and Ocmulgee Rivers in Georgia decrease, whereas the river those streams combine to form, the Altamaha River, increases over the same time period. We suspect that the answer here lies in the fact that all of these changes, regardless of direction, are rather small and are likely statistically insignificant. This type of comparative analysis, however, underscores the need for a better handle on the natural variability of the MDQ plots as noted above.

3. We don't necessarily favor the use of smoothing algorithms for the MDQ plots. However, the uncertainties in estimating individual calendar day median flows would be reduced by combining adjacent calendar days (e.g. considering a sample of five adjacent days in each year to determine "pentad average" mean daily flows). Retaining daily resolution to describe the seasonal cycle of river flows is not necessary (unless there is good reason to suppose that the daily flow will change abruptly on the same specific day of the year). It is standard practice in the climatological literature to keep just the few gravest harmonics of the seasonal cycle, or to smooth the daily data using pentad or similar averages. Combining X adjacent days for this purpose increases the sample size for each estimate of the daily median from N (the number of years) to N*X, although the X days for an individual year are not statistically independent due to autocorrelation of daily flow values.

4. Amplifying comment D. 2, estimates of MDQ are subject to considerable statistical sampling uncertainties. These uncertainties are not discussed in the report but should be acknowledged. Although a completely rigorous statistical evaluation of uncertainties in the annual MDQ hydrographs is probably not needed to establish the desired conclusions, a brief description of uncertainties is warranted. The large uncertainty in estimating the median value of fairly small samples of years makes the use of daily median flows potentially misleading. For example, specifying May 21 and September 22 for the date of minimum and maximum daily flows on the Peace River (page 13, figure 2) is probably not defensible statistically (as opposed to "late May" and "late September", or wording like that). For each of 365 calendar days, the uncertainty in estimating the average of the median flows is (very approximately, because the population of median values cannot be assumed to follow a Gaussian distribution) σ/\sqrt{N} , where σ is the interannual standard deviation of the daily flow values for that day and N is the number of years in the sample. One suggestion is to show an example of an MDQ hydrograph that illustrates the envelope of variability of the individual daily median flows, perhaps augmented with a histogram of daily flows for one particular calendar day.

5. The identification and illumination of distinct spatial patterns of streamflow seasonality in Florida is particularly well documented using the MDQ approach. Although the conclusions regarding north to south differences in streamflow

seasonality are not novel (see the 1984 Water Resources Atlas of Florida for a similar depiction of streamflow patterns in Florida), the MDQ approach and the inclusion of a large number of streamflow records in the analysis make this presentation particularly illuminating because it frames the subsequent discussion regarding the influence of the AMO. Identification of a narrow transition band in north central Florida where a bimodal MDQ pattern is found is a striking finding. Although the “bimodality” of certain rivers in this region (e.g., the Santa Fe) is well known, the existence of a spatially explicit transition zone between the northern (temperate) and southern (subtropical) flow patterns has not been previously identified to our knowledge. It is intriguing to speculate whether the bimodal pattern observed in the MDQ plots is the result of a large number of years in which streamflow peaked both in the spring and late summer/fall or from a large number of years in which one or the other (but not both) seasonal peaks dominated. The answer to this question might help better interpret the underlying climatic patterns that lead to the existence of the bimodal flow pattern and the transition zone in which it occurs.

6. It would strengthen the presentation on the different spatial patterns of river flow patterns if the report included more discussion of the criteria used to classify each stream as one type or another, especially for “Spring-dominated” and “Altered” patterns. For example, one might expect the station on the Apalachicola River at Chattahoochee, which is located immediately below Jim Woodruff Dam, to be identified as “Altered.” Yet, sufficient characteristics of the NRP were evident for the author to classify this stream as such. There are many more possible examples of this type included in Table 1. For example, it is not clear why a stream like the Fenholloway River would be as obviously altered as the upper Caloosahatchee River unless such determination was made a priori. Further explanation of the criteria used to classify altered streams would be helpful.

7. Given the prominence of springs in the SWFWMD, we believe more, rather than less, discussion of the spring-dominated pattern is needed. Were climate-driven patterns associated with the region evident in spring-dominated rivers despite the lower seasonal variability typical in these kinds of ecosystems? This information would increase the usefulness of this analysis by other river managers. We were intrigued by several streams in Table 1 identified as spring-dominated patterns (e.g. Big Coldwater Creek, Blackwater River, Catfish Creek and Shoal River), which are commonly considered blackwater streams. These streams do not receive direct discharge from discrete Floridan Aquifer springs, but do derive a considerable amount of their flow from laterally distributed seepage from the surficial aquifer. Also intriguing are similar streams in nearly identical settings not identified in the table as spring-dominated. Please note that Outlet River is classified as spring dominated, even though the flow is governed by the level of Lake Panasofkee (which is itself influenced by spring flow in its contributing watershed). Also, why are some streams that are commonly considered spring-influenced classified as such but some are not? For example, the Suwannee and Santa Fe Rivers, which some consider “linear springs” given

the huge number of springs lining those rivers, are classified as NRP and BRP, respectively. Different river flow patterns are sometimes attributed to different stations in the same stream (e.g., Withlacoochee River). This is not to imply that these classifications are incorrect, but only to recommend that the criteria used in the classification be documented and clarified so that interpretation of the results is less ambiguous.

8. Although the author makes the case that the BRP is unique within the United States, we suspect the SRP is also unique since few if any other places in the continental U.S. outside of south Florida have a subtropical climate. Possible exceptions could include extreme south Texas and southern Arizona, both of which are comparatively arid. However, the inclusion of the Paria River as a possible example of a transitional bimodal pattern is somewhat misleading since the two seasonal peaks are likely the result of spring snowmelt and summer rainfall events, both of which would tend to occur in each year (or most years) of the record.

9. Table 1 would be easier to read with a comprehensive caption that explains the various column headings. Some entries in the "River Pattern" column were unclear. We assume that there are inconsistencies in the entries (for example: do entries "Bimodal", "Bimodel SRP/NRP", and "Bimodal NRP/SRP" all mean the same thing?) We have two additional questions concerning Table 1. How are twice-attributed rivers (e.g. "NRP/Spring") determined? What is the meaning of the "Count" column (is this the number of days in the data record)?

10. The report would be strengthened by clearly showing the distinction between SRP, NRP, and bimodal flow regimes for sets of gage stations, instead of just showing individual gage time series. The purpose of this is to emphasize that the SRP/NRP/bimodal groupings are robust. There are two complementary ways to show this.

(a) Create a single plot showing all of the SRP flow sites from Table 1/ Figure 8 to illustrate in a single graph the similarity of their annual hydrographs. Perhaps replacing the triangular symbols with similarly colored numbers referenced to Table 1 would improve Figure 8. Is the solid black polygon the SWFWMD boundary? We recommend expanding Figure 8 so that individual rivers and gage sites can be easily found. Create corresponding graphs for the collection of NRP and bimodal flow sites. This would need to be done using data normalized by watershed area. For clarity, it might be necessary to plot only one-third or one-half of the SRP or NRP sites on a graph.

(b) Is it possible to construct composite median daily flow hydrographs for the SRP, NRP, and bimodal flow patterns by averaging over many different rivers? The compositing would need to be done using normalized data. It may be necessary to carry out normalization in addition to the watershed area normalization, perhaps by dividing each hydrograph by the maximum daily value so that each individual hydrograph has a maximum median daily flow of 1.00. Either or both of these approaches would be extremely useful for illustrative

purposes and would provide a way to summarize visually a large amount of information on just a few plots.

E. Analysis of Flow Changes in Specific Streams

1. It would help to bolster the argument on page 30 that the Econlockhatchee River is the “exception that proves the rule” for SRP streams. The report could be more specific about possible causes of the increasing trend in low flows at that site (Fig. 18). This was done for hydrologically altered streams in the SWFWMD such as the Myakka River.

2. On page 58, the assertion is made that “if flows decline as percent of mined area increases, one would expect to see monotonic flows declines in both sub-basin watersheds...” Without additional justification, the reader may be hard pressed to agree with this assertion, making the rest of the author’s argument suspect. The temporal resolution of the data in Table 9 doesn’t adequately demonstrate a monotonic trend in percent of mined area over time, though an additional data point or two in the late 1970s/early 80s and perhaps mid-1980s would help clear up this issue. However, even if mined area increased monotonically over time, it doesn’t necessarily follow that flows would decline likewise without a better understanding of the mechanisms by which mines are suspected of altering streamflow. While not the author’s argument, because he is discussing the argument of others, more discussion of the hydrologic basis of those arguments would strengthen this observation. Similarly, no hydrologic explanation is given for the possible finding that mining may have slightly increased low flows in one stream. Despite the overall convincing argument that climate is playing the major role in influencing observed changes in flow in the Alafia River, the focus of this discussion is solely on changes in mined land with no explanation of the physical/hydrologic relationships between percent mined area and streamflow. It is equally likely that changes in other land uses could have profound impacts on the hydrology of these streams that would not necessarily be reflected in percent change in land cover. For example, changes from pasture to irrigated row crops, both of which would be considered agricultural land uses in the charts in Fig. 23, could have profoundly different implications on stream hydrology (as was demonstrated in the discussion of the Myakka River).

3. The discussion of the Myakka River seems somewhat abbreviated compared to other streams discussed in the final section of the report. Given some of the material that was presented in our in-person peer review meeting, we would add a bit more discussion on page 65 about the climate driven variability identified in the Myakka River data, despite the strong signal of anthropogenic alteration. As written, this discussion contains no mention of the AMO at all.

4. On page 68, the author notes parenthetically that the Charlie Creek watershed is part of the larger Peace River at Arcadia watershed. This suggests that the

results shown for the latter station may be influenced by those of the former (i.e., those two stations are cross-correlated). It may be helpful to show the relative contribution of water coming from Charlie Creek as opposed to the rest of the Upper/Middle Peace to the flow at the Arcadia gauge to strengthen the argument here.

III. Concluding Remarks

This report analyzes and summarizes a considerable amount of hydrological data from the state of Florida to make a convincing link between temporal flow patterns and the AMO. The report also documents an intriguing spatial pattern in flow variability and seasonality from south to north in Florida. The report is an excellent example of a high caliber interdisciplinary study where the fields of climatology, hydrology, and ecology are linked effectively. We hope that the report is widely circulated and read by people interested in water resources in Florida. Sustainable use of this valuable resource by a burgeoning human population requires a clear knowledge of natural variability in water supply.

Key components of this report could be extracted and prepared for peer-review journal publication. This effort would require some additional analyses of the statistical robustness of the spatial and temporal patterns discussed in the report. This peer review document makes some suggestions concerning how such additional analyses might be carried out and presented. We feel that the insights gathered by this rigorous analysis of the hydrology of Florida rivers in the context of the AMO should be published in the widely distributed peer-reviewed literature. The novel approaches and main conclusions in this report may well find general applications in many other regions worldwide. We encourage the author with support from the SWFWMD to prepare and submit a paper for journal publication in the near future.

December 17, 2004

The Honorable J. D. Alexander
The Florida Senate
122 Tillman Avenue, Suite 1
Lake Wales, Florida 33853

Subject: Peace Creek Canal Watershed

Dear Senator Alexander:

Thank you for inviting my staff and me to your office to discuss flooding issues in the Peace Creek watershed. We very much appreciate your direction and thoughts on solutions to the problems. We have given significant thought to the problems and have outlined for your consideration a process to reach consensus on an implementation plan. Solutions to the many flooding issues go beyond the control of governmental entities and therefore the cooperation and acceptance by the citizens is an important component. The following is an outline of a plan of action to move us towards implementation of what I feel are very achievable solutions:

- Create a "Coordinating Committee" made up of SWFWMD Governing Board member (Ron Johnson), Peace River Basin Board member from Polk County (Ann Dunlap), Polk County Commissioner (appointed by Commission), LRLMD (appointed by Lakes Commission) and PCCDD (Jeff Stokes, President).
- Support the Coordinating Committee with a technical/administrative advisory staff. SWFWMD (Bruce Wirth, Deputy Executive Director), Polk County (Jeff Spence), LRLMD (Roger Griffith), none for PCCDD as they have no staff.
- Committee would be tasked with providing a final report by April 1, 2005 to you summarizing a series of recommendations for flood protection improvements (outline provided below).
- The appointed Committee could meet by early to mid January. Advisory staff could provide a first draft report by end of January. This is very achievable as the four entities (Polk County, LRLMD, PCCDD and SWFWMD) have met several times and identified and discussed a plan of action for most issues.
- Committee would meet to debate issues throughout February, bringing issues before their respective Policy Boards for comment during that same time. Public is involved and can provide input.
- Public workshops to be held throughout March seeking input on proposed draft report.
- Finalize report and seek approval of respective Committee policy boards in March and submit final report by April 1, 2005.
- Your office would be kept abreast of all issues throughout the three-month process, which would allow for consideration of any changes to the proposed bill language.
- Committee will remain in place to oversee the implementation until such time as it is determined it can be disbanded.

The following is an abbreviated list of issues. The group that has been meeting has discussed these in various degrees of detail.

- District will take the lead in making improvements to the conveyance system throughout the Peace Creek Drainage Canal, from Lakes Hamilton and Lulu to the Peace River. This will not only include reconfiguration of the canal (maintenance), but also identify upgrades to culverts and other infrastructure that currently restricts desired flows. Of course, any improvements need to be balanced against environmental goals of restoring wetlands, maintaining recharge and improving storage.
- District continues to take the lead in the larger, more long-term solutions of providing large storage areas through land acquisition and associated structural, non-structural alterations. This element is currently ongoing with several large property owners and involves funds from the Federal Government through the NRCS (three properties are currently being negotiated involving approximately \$10 million. Seek to close on less than fee by end of year. These improvements are also consistent with the Governing Boards goals for MFLs and water supply).
- District will pursue easements as part of taking over the conveyance system.
- District would then have perpetual responsibility for system O&M.
- Funding for land easements, acquisition would come from State grants, basin board, Florida Forever and possibly Governing Board if benefits to MFLs and water supply.
- Polk County would commit to making improvements to facilities of which they have control such as culverts under roads and ditches.
- Polk County would commit to improving level of service for existing roads being flooded and subsequently closed during high rainfall events.
- Polk County would review and make improvements to their zoning and building approval process to insure compliance with our goals of greater flood protection.
- Polk County would enter into a Memorandum of Understanding (MOU) with the District, similar to what we now have with Hernando and Pasco County to formalize our relationship in projects and response to flooding situations.
- LRLMD would identify necessary improvements to stabilize facilities to withstand extreme events or improve conveyance, all within environmentally acceptable levels.
- LRLMD and the District would develop a comprehensive lake management schedule identifying optimal lake levels.
- LRLMD would identify any internal drainage improvements that would benefit flood protection measures within their system.

Obviously these issues will need refinement, as some may not go forward as described and others will be developed. The concept of the Committee and the described goals were presented in detail to the Peace River Basin Board at their December 10, 2004 meeting and they unanimously approved moving forward.

Please let me know of how you wish to proceed, as we stand ready to support you in any way possible. Thank you.

Sincerely,

David L. Moore, P.G.
Executive Director

cc: Rep. Baxter Troutman	Steve Enzor
Rep. Marty Bowen	Jeff Stokes
Governing Board	Bruce Wirth
Peace River Basin Board	Jeff Spence
Chair Polk County Commission	Roger Griffith

**Resource Management and
Development Committee**

EXHIBIT 17

**Hidden Lake Property – Status Report
and Management Plan Review**

Please insert exhibit behind tab.

Southwest Florida Water Management District
Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Florida Forever Funds Available -- Inception to Date	\$ 144,832,719						Includes \$10.4 million from the Water Management Lands Trust Fund and \$3,182,719 from the P2000 Trust Fund	
Completed Acquisitions								
Lake Hancock - Griffin (20-503-105)		Water resource dev - land acq	✓	4,900,000	213		Closed	
Lake Hancock - Old Florida Plantation (20-502-101)		Water resource dev - land acq	✓	\$ 30,500,000	3,535		Closed	
Lake Pretty - Robinson (14-009-108)		Water resource dev - land acq	✓	60,000	3		Closed	
Lake Panasoffkee - Beville (19-528-135)		Restoration - land acq	✓	1,840,000	525		Closed - used WML TF funds	
Tampa Bay - Furtick (21-728-121)		Restoration - land acq	✓	830,000	127		Closed	
Tampa Bay - Kushmer (11-728-108)		Restoration - land acq	✓	82,500	16		Closed	
Tampa Bay - Pine Island (21-728-118)		Restoration - land acq	✓	450,000	70		Closed	
Tampa Bay - Huber (21-728-105)		Restoration - land acq	✓	3,550,000	300		Closed	
Tampa Bay - Shell Pit (11-728-109)		Restoration - land acq	✓	395,672	147		Closed	
Tampa Bay - TECO (11-728-110)		Restoration - land acq	✓	3,500,000	2,397		Closed	
Alafia River Corridor - Fish Hawk (11-709-131)		Preservation	✓	4,800,000	499		Closed - portion of lands also paid w/ P2000	
Annetteilga Hammock - 1029 Land Trust (15-228-1207)		Preservation		1,087,200	302		Closed	
Annetteilga Hammock - Kalathakis (15-228-1268)		Preservation		90,000	16		Closed	
Annetteilga Hammock - LeBuffe (15-228-1283)		Preservation		9,000		1	Closed	
Annetteilga Hammock - Strait (15-228-1204)		Preservation		179,200	32		Closed	
Annetteilga Hammock (mega parcels)		Preservation		93,575	14		Closed	
Flying Eagle - Boy Scouts (19-334-133)		Preservation		13,500,000	5,484		Closed	
Green Swamp - Beck (10-200-1246)		Preservation		11,250	15		Closed - used P2000 funds	
Green Swamp - Davis (10-200-1236)		Preservation		10,500	25		Closed	
Green Swamp (10-200-1242)		Preservation		1,125	3		Closed	
Lake Manatee Lower Watershed - Strickland (21-601-111C)		Preservation	✓	225,180		25	Closed	
Lake Panasoffkee - Beville (19-528-135)		Preservation		4,160,000		5,553	Closed - used WML TF funds	
Myakka River - Eagle Ridge (21-708-126)		Preservation	✓	1,670,269	997		Closed	
Panasoffkee/Outlet Tract - Gibbons (19-441-105)		Preservation		74,758	10		Closed	
Panasoffkee/Outlet Tract - Lake Panasoffkee Water Assoc. (19-441-107)		Preservation		57,000	5		Closing scheduled for August	
Pasco 1 - Connerion (15-704-102)		Preservation		9,791,139	2,980		Closed	
Prairie/Shell Creek - Burchers (20-649-105)		Preservation	✓	254,016	108		Closed	
Prairie/Shell Creek - Leonard (20-649-104)		Preservation	✓	85,036	40		Closed	
RV Griffin Reserve - Longino (21-599-102C)		Preservation	✓	1,188,231		3,802	Closed - portion of lands also paid w/ P2000	
Weekiwachee Preserve - GMB Investments (15-773-183)		Preservation		422,000	45		Closed - used WML TF funds	

Southwest Florida Water Management District
Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Weekiwachee Preserve - Suncoast Seabird Sanctuary (15-773-128)		Preservation		625,139	309		Closed	
Subtotal Completed Parcels/Projects				\$ 84,442,790	18,217	9,381		
Subtotal Funds Available	\$ 60,389,929							
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	
Annutteiga Hammock - Renshaw (15-228-1235)		Preservation		35,995	4		Closing rescheduled for January	
Annutteiga Hammock - Rush (15-228-1280)		Preservation		278,480	40		Closing rescheduled for January	
Green Swamp - Lively (10-200-1236)		Preservation		320,000	343		Title problems; closing pending	
Green Swamp West - Little Everglades Ranch (19-410-120C)		Preservation		3,850,000		1,750	Closing scheduled for February	
Lower Peace River Corridor - McLeod (20-695-101)		Preservation	✓	322,500	140		Closing scheduled for January	
Myakka River - LOR, Inc. (21-708-125)		Preservation	✓	8,000,000	3,619		Sarasota Co. closed with landowner; closing between District and County scheduled for January; Funds for one acre requiring clean-up will be escrowed	
Subtotal Funds Available	\$ 34,147,508			\$ 26,242,421	4,146	1,750		
Ongoing Acquisitions/Projects								
Tampa Bay - FISH (21-728-117C)		Restoration - land acq	✓			15	FISH will send letter describing what is for sale	TBD
Tampa Bay - Wright (11-728-112)		Restoration - land acq	✓		1		Signed contract; on hold	TBD
Lake Hancock - Hancock Lake Ranch (20-503-111)		Water resource dev - land acq	✓		81		Title information received; appraisals ordered	TBD
Lake Hancock - Stuart (20-503-109)		Water resource dev - land acq	✓		300		Title information received; appraisals ordered	TBD
Lake Hancock - Kent (20-503-107)		Water resource dev - land acq	✓		182		County made offer - District to purchase 50% interest; offer rejected	TBD
Lake Hancock - Hampton (20-503-103)		Water resource dev - land acq	✓		2,036		Title information received; appraisals ordered	TBD
Lake Hancock - Smith (20-503-110)		Water resource dev - land acq	✓		20		Received title information and appraisals	TBD
Lake Hancock - Rogers (20-503-108)		Water resource dev - land acq	✓		18		Received title information and appraisals	TBD
Lake Hancock - Coscia and Nguyn (20-503-102)		Water resource dev - land acq	✓		525		Appraisals in process	TBD
Lake Hancock - Ellsworth (20-503-106)		Water resource dev - land acq	✓		120		Title information received; consulting engineer report needed for appraisal based on development impact not yet determined	TBD
Upper Peace River - Clear Springs, LLC (20-502-107)		Water resource dev - land acq	✓		1,900		Appraisals received	TBD

Southwest Florida Water Management District
Florida Forever Status

Parcel/Project	Funds Available	Fla Forever Category	SWUCA	Estimated Cost	Fee Acres	LTF Acres	Comments	Governing Bd Date
Lower Manatee River Floodway (10 owners, 16 parcels)		Preservation	✓		100		Finalized cooperative acquisition agreement with Manatee Co.; scheduled for Feb. Boards	Feb-04
Upper Myakka - Saray Ranch (21-598-103C)		Preservation	✓		200	1,500	Appraisals received; offer pending	Apr-04
Weekiwachee Preserve - Berdeaux (15-773-143)		Preservation					Made offer; owner involved in litigation	TBD
Weekiwachee Preserve - Whitehurst/Buckner (15-773-195)		Preservation			120		Offer pending	Apr-04
Subtotal Ongoing Acquisitions/Projects				\$ 51,402,337	5,603	1,515		
Grand Total	\$ (17,254,829)			\$ 162,087,548	27,966	12,646		

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.

2005 Priority List
 Schedule and Timeline
 Exhibit A

2004 WATERBODIES

	Phase 1 Data Collection	Phase 2 Data Analysis & Draft MFL Report	Phase 3 Peer Review	Phase 4 Recovery Strategy	Phase 5 Rule Adoption
2004					
Hernando County Lakes					
Hunters	completed	completed	NA	NA	completed
Lindsey	completed	completed	NA	NA	completed
Mountain	completed	completed	NA	NA	completed
Neff	completed	completed	NA	NA	completed
Spring	completed	completed	NA	NA	completed
Weekiwachee Prairie	completed	completed	NA	NA	completed
Hillsborough County Lakes					
Charles	completed	completed	NA	NTB/Aug 2000	completed
Crescent	completed	completed	NA	NTB/Aug 2000	completed
Dan	completed	completed	NA	NTB/Aug 2000	completed
Garden	completed	completed	NA	NTB/Aug 2000	completed
Horse	completed	completed	NA	NTB/Aug 2000	completed
Jackson	completed	completed	NA	NTB/Aug 2000	completed
Mound	completed	completed	NA	NTB/Aug 2000	completed
Platt	completed	completed	NA	NTB/Aug 2000	completed
Pretty	completed	completed	NA	NTB/Aug 2000	completed
Reinheimer	completed	completed	NA	NTB/Aug 2000	completed
Strawberry	completed	completed	NA	NTB/Aug 2000	completed
Taylor	completed	completed	NA	NTB/Aug 2000	completed
Pasco County Lakes					
Bell	completed	completed	NA	NTB/Aug 2000	completed
Bird	completed	completed	NA	NTB/Aug 2000	completed
Clear	completed	completed	NA	NTB/Aug 2000	completed
Green	completed	completed	NA	NTB/Aug 2000	completed
Hancock	completed	completed	NA	NTB/Aug 2000	completed
Middle	completed	completed	NA	NTB/Aug 2000	completed
Moon	completed	completed	NA	NTB/Aug 2000	completed
Padgett	completed	completed	NA	NTB/Aug 2000	completed
Parker aka Ann	completed	completed	NA	NTB/Aug 2000	completed
Pasadena (Buddy)	completed	completed	NA	NTB/Aug 2000	completed

2005 Priority List
Schedule and Timeline
Exhibit A

RIVERS and SPRINGS

	Phase 1 Data Collection	Phase 2 Data Analysis & Draft MFL Report	Phase 3 Peer Review	Phase 4 Recovery Strategy	Phase 5 Rule Adoption
2005					
Alafia River System (freshwater)	completed	completed	Mar 2005	NA	Jun 2005
Buckhorn Spring	completed	completed	Mar 2005	NA	Jun 2005
Lithia Spring	completed	completed	Mar 2005	NA	Jun 2005
Alafia River System (estuary)	completed	Jan 2005	May 2005	NA	Jun 2005
Lower Hillsborough River (Re-eval)	Jan 2005	Jun 2005	Sep 2005	NTB/Aug 2000	TBD
Middle Peace River System	completed	completed	Mar 2005	NA	Apr 2005
Sulphur Spings	completed	completed	completed	NA	Oct 2005
Tampa Bypass Canal	completed	Dec 2004	Apr 2005	TBD	May 2005
Upper Myakka River System	completed	Mar 2005	Jul 2005	NA	Jul 2005
2006					
Bradén River System (freshwater)	Feb 2005	Jun 2005	Oct 2005	TBD	Feb 2006
Lower Myakka River System	Jan 2005	Oct 2005	Nov 2005	TBD	Jan 2006
Lower Peace River Estuary	completed	July 2005	Nov 2005	NA	Feb 2006
Upper Hillsborough River System	Dec 2004	Jun 2005	Oct 2005	NTB/Aug 2000	Feb 2006
Crystal Spring	completed	Jun 2005	Oct 2005	NTB/Aug 2000	Feb 2006
Weekiwachee River System	Jun 2005	Jan 2006	May 2006	NA	Jun 2006
Weeki Wachee Spring et al.	Jun 2005	Jan 2006	May 2006	NA	Jun 2006
2007					
Anclote River System	Jan 2006	July 2006	Nov 2006	TBD	Jan 2007
Cow Pen Slough/Canal	Jan 2007	May 2007	Sep 2007	TBD	Dec 2007
Little Manatee River System	Jan 2006	Sep 2006	Jan 2007	TBD	Feb 2007
Manatee River System	Jun 2006	Nov 2006	Mar 2007	TBD	Apr 2007
2008					
Chassahowitzka River System	Jan 2008	Jun 2008	Oct 2008	TBD	Dec 2008
Chassahowitzka Spring et al.	Jan 2008	Jun 2008	Oct 2008	TBD	Dec 2008
Rainbow Springs	Jan 2008	Jun 2008	Oct 2008	TBD	Dec 2008
2009					
Chassahowitzka River System	Jan 2009	Jun 2009	Oct 2009	TBD	Dec 2009
Chassahowitzka Spring et al.	Jan 2009	Jun 2009	Oct 2009	TBD	Dec 2009
Rainbow Springs	Jan 2009	Jun 2009	Oct 2009	TBD	Dec 2009

2005 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
2005					
Citrus County Lake Tsala Apopka	Jun 2005	Aug 2005	NA	TBD	Dec 2005
Highland County Lakes June-in-Winter Placid	completed completed	completed completed	NA NA	Jan 2005 Jan 2005	Mar 2005 Mar 2005
Hillsborough County Lakes Allen Harvey Virginia (new)	completed completed completed	Sep 2005 Sep 2005 Sep 2005	NA NA NA	NTB/Aug 2000 NTB/Aug 2000 NTB/Aug 2000	Dec 2005 Dec 2005 Dec 2005
Levy County Lake Marion	Jun 2005	Aug 2005	NA	TBD	Dec 2005
Pasco County Lakes Linda	completed	Jun 2005	NA	NTB/Aug 2000	Dec 2005
Polk County Lakes Bonnie Crooked Hancock Parker	completed completed completed completed	Oct 2004 completed TBD completed	NA NA NA NA	Jan 2005 Jan 2005 Jan 2005 Jan 2005	Mar 2005 Mar 2005 TBD Mar 2005
Sumter County Lakes Big Gant Deaton Miona Panasoffkee Okahumpka	Jun 2005 Jun 2005 Jun 2005 Jun 2005 Jun 2005	Aug 2005 Aug 2005 Aug 2005 Aug 2005 Aug 2005	NA NA NA NA NA	TBD TBD TBD TBD TBD	Dec 2005 Dec 2005 Dec 2005 Dec 2005 Dec 2005
2006					
Polk County Lakes Crooked	completed	completed	NA	Jan 2005	Mar 2005
2007					
Hillsborough County Lakes Raleigh Rogers Starvation	completed completed completed	Oct 2006 Oct 2006 Oct 2006	Oct 2001 Oct 2001 Oct 2001	Aug 2000 Aug 2000 Aug 2000	Feb 2007 Feb 2007 Feb 2007

2005 Priority List
 Schedule and Timeline
 Exhibit A

INTERMEDIATE AQUIFER

Phase 1 Data Collection	Phase 2 Data Analysis & Draft MFL Report	Phase 3 Peer Review	Phase 4 Recovery Strategy	Phase 5 Rule Adoption
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2005

Intermediate Aquifer (SWUCA)	completed	Jun 2005	Oct 2005	TBD	TBD
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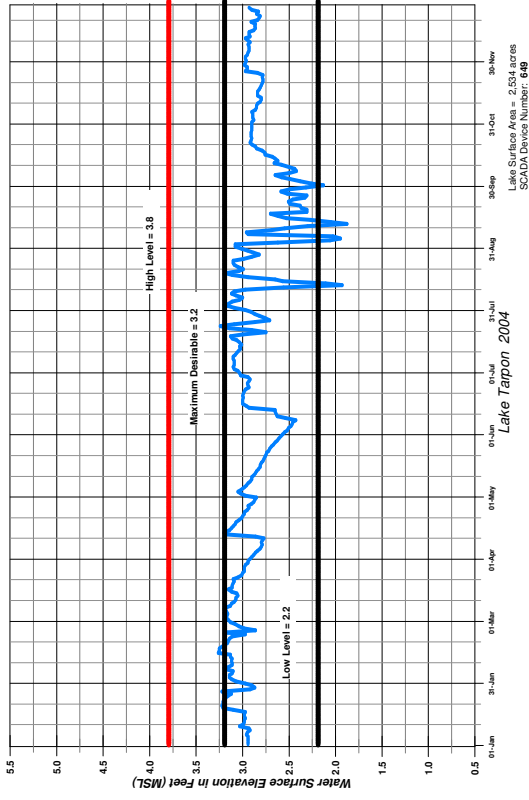
STRUCTURE OPERATIONS SECTION HYDRO-REPORT

27-Dec-2004

STRUCTURE	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE	STRUCTURE	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE
FLINT CREEK		34.76	Main Gates closed	FLORAL CITY POOL		41.64	Leslie Heifner closed
HIGH LEVEL	37.00	-2.24		HIGH LEVEL	42.50	-0.86	Floral City closed
MAXIMUM DESIRABLE	36.50	-1.74	All drop gates: 35.25' MSL	MAXIMUM DESIRABLE	42.25	-0.61	Golf Course closed
SCHEDULE	34.50	0.26		SCHEDULE	42.25	-0.61	Golf Course closed
LOW LEVEL	34.50	0.26		LOW LEVEL	40.25	1.39	Golf Course invert 38.0'
WHITE TROUT		34.68	CREST = 34.94' MSL	INVERNESS POOL		40.10	Brogden Bridge closed
HIGH LEVEL	36.50	-1.82	24" - stop logs	HIGH LEVEL	40.50	-0.40	
MAXIMUM DESIRABLE	36.00	-1.32		MAXIMUM DESIRABLE	40.25	-0.15	
SCHEDULE	35.75	-1.07		SCHEDULE	40.25	-0.15	Brogden Bridge invert 34.25'
LOW LEVEL	34.00	0.68		LOW LEVEL	38.25	1.85	
LESLIE HEIFNER		40.71	Upstream (RIVER level)	HERNANDO POOL (S353)		38.96	Van Ness closed
HIGH LEVEL	42.50	-1.79	Downstream (POOL level)	HIGH LEVEL	39.00	-0.04	S-353 closed
MAXIMUM DESIRABLE	42.25	-1.54	Closed	MAXIMUM DESIRABLE	38.75	0.21	
SCHEDULE	42.25	-1.54		SCHEDULE	38.75	0.21	S-353 invert 36.5'
LOW LEVEL	40.25	0.46		LOW LEVEL	36.75	2.21	
STEMPER		61.04	2-4" log	KEENE		62.34	Keene 1: 2-6" log
HIGH LEVEL	62.00	-0.96		HIGH LEVEL	63.00	-0.66	Keene 2: 1-6 log
MAXIMUM DESIRABLE	61.25	-0.21		MAXIMUM DESIRABLE	62.50	-0.16	Keene 3: no logs
LOW LEVEL	59.50	1.54		LOW LEVEL	60.50	1.84	Sherys Brook 3-6" logs
HANNA		61.00	18" - stop logs	INGLIS		27.38	Bypass gates open 3.88'
HIGH LEVEL	62.50	-1.50		HIGH LEVEL	28.00	-0.62	Main gates open 0.30'
MAXIMUM DESIRABLE	61.75	-0.75		MAXIMUM DESIRABLE	27.50	-0.12	2084 cfs total discharge
LOW LEVEL	59.50	1.50		LOW LEVEL	26.50	0.88	
TARPON (S551)		2.94	Main gates closed	PARKER		130.66	Gate closed
HIGH LEVEL	3.80	-0.86		HIGH LEVEL	131.00	-0.34	
MAXIMUM DESIRABLE	3.20	-0.26	All Drops at 2.80' MSL	MAXIMUM DESIRABLE	130.75	-0.09	
LOW LEVEL	2.20	0.74		LOW LEVEL	128.75	1.91	invert 129.15'
ANNE PARKER		47.40	5-6" logs	HANCOCK (P11)		98.24	Gauge at structure
HIGH LEVEL	48.75	-1.35		HIGH LEVEL	99.00	-0.76	Gauge on lake
MAXIMUM DESIRABLE	48.25	-0.85		MAXIMUM DESIRABLE	98.50	-0.26	Gates closed
LOW LEVEL	45.75	1.65		LOW LEVEL	96.00	2.24	invert 91.7'
KELL		65.54	Open	HENRY (P5)		125.96	LRLMD
HIGH LEVEL	66.00	-0.46	No logs	HIGH LEVEL	126.50	-0.54	
MAXIMUM DESIRABLE	65.50	0.04		MAXIMUM DESIRABLE	126.00	-0.04	
LOW LEVEL	63.50	2.04		LOW LEVEL	124.00	1.96	invert 122.0'
KEYSTONE		41.03	Gates dropped 0.75'	SMART (P6)		128.79	LRLMD
HIGH LEVEL	42.00	-0.97		HIGH LEVEL	128.75	0.04	
MAXIMUM DESIRABLE	41.75	-0.72		MAXIMUM DESIRABLE	128.50	0.29	
LOW LEVEL	39.75	1.28		LOW LEVEL	126.50	2.29	invert 127.2'
CRESCENT		41.82	Gate closed	FANNIE (P7)		125.69	LRLMD
HIGH LEVEL	42.50	-0.68		HIGH LEVEL	125.75	-0.06	
MAXIMUM DESIRABLE	42.00	-0.18		MAXIMUM DESIRABLE	125.50	0.19	
LOW LEVEL	40.00	1.82		LOW LEVEL	123.50	2.19	invert 119.5'
ISLAND FORD		40.86	Gates closed	HAMILTON (P8)		121.55	LRLMD
HIGH LEVEL	41.50	-0.64		HIGH LEVEL	121.50	0.05	
MAXIMUM DESIRABLE	41.00	-0.14		MAXIMUM DESIRABLE	121.25	0.30	
LOW LEVEL	39.00	1.86	crest 41.25'	LOW LEVEL	119.00	2.55	invert 110.5'
PRETTY		44.40	Mains: closed	LENA (P1)		136.56	Closed"
HIGH LEVEL	45.50	-1.10	Drops down 0.4' (44.20' MSL)	HIGH LEVEL	137.00	-0.44	
MAXIMUM DESIRABLE	44.50	-0.10		MAXIMUM DESIRABLE	136.75	-0.19	
LOW LEVEL	42.75	1.65		LOW MANAGEMENT	134.50	2.06	invert 134.47'
MAGDALENE		48.99	Lake gauge	JUNE-IN-WINTER (G90)		74.56	Gates closed
HIGH LEVEL	50.00	-1.01	Structure gauge	HIGH LEVEL	75.50	-0.94	
MAXIMUM DESIRABLE	49.50	-0.51	Gates open closed	MAXIMUM DESIRABLE	75.00	-0.44	Overflow at 74.38' MSL
LOW MANAGEMENT	47.50	1.49		LOW LEVEL	73.00	1.56	invert 65.37'
BAY		45.21	Lowered drops gates @ .30'	ARIETTA (P3)		142.43	Closed
HIGH LEVEL	46.75	-1.54	45.26' msl	HIGH LEVEL	144.00	-1.57	
MAXIMUM DESIRABLE	46.00	-0.79		MAXIMUM DESIRABLE	142.50	-0.07	
LOW LEVEL	44.00	1.21		LOW LEVEL	141.00	1.43	invert 137.4'
ELLEN-LIPSEY		40.29	Mains gates closed	GIBSON		142.66	Gate closed
HIGH LEVEL	41.50	-1.21	Drops: 40.62 - Stems 13.5"	HIGH LEVEL	143.50	-0.84	3 stop logs (16")
MAXIMUM DESIRABLE	41.00	-0.71		MAXIMUM DESIRABLE	143.00	-0.34	
LOW LEVEL	39.00	1.29		LOW LEVEL	141.50	1.16	invert 141.4'
CARROLL		36.06	2-12" logs	LOWERY		130.83	Closed
HIGH LEVEL	37.00	-0.94		HIGH LEVEL	131.00	-0.17	
MAXIMUM DESIRABLE	36.50	-0.44		MAXIMUM DESIRABLE	130.50	0.33	
LOW LEVEL	34.50	1.56		LOW LEVEL	128.50	2.33	
ARMISTEAD		40.78	9-6" logs	PEACE RIVER	Flood Stage		
HIGH LEVEL	44.00	-3.22		BARTOW	8.00	-1.45	6.55
MAXIMUM DESIRABLE	43.00	-2.22		ZOLFO SPRINGS	16.00	-6.17	9.83
LOW LEVEL	40.50	0.28		ARCADIA	11.00	-5.05	5.95
HILLSBOROUGH RIVER	Flood Stage			WITHLACOOCHEE R.	Flood Stage		
MORRIS BRIDGE	32.00	-6.26	Tampa Bypass Canal returned to normal operation - river open	TRILBY	61.27	-8.65	52.62
FOWLER	29.00	-6.39		CROOM	47.94	-4.24	43.70
CYPRESS CREEK	Flood Stage			HOLDER	35.52	-4.65	30.87
WORTHINGTON GARDENS	8.00	-3.46		WYSONG-COOLGER			
MEDARD RESERVOIR		58.56	Environmental gate open 1.0'	UPSTREAM	39.50	-0.01	39.49
MAXIMUM DESIRABLE	60.00	-1.44		DOWNSTREAM	34.00	2.59	36.59
ALAFIA RIVER	Flood Stage			LAKE PANASOFFKEE			39.81
LITHIA	13.00	-6.92		FLOOD STAGE	40.70	-0.89	
ANCLOTE RIVER	Flood Stage			MYAKKA RIVER	Flood Stage		
ELFERS	20.00	-11.54		MYAKKA RIVER STATE PARK	7.00	-3.44	3.56
LITTLE MANATEE RIVER	Flood Stage			MANATEE RIVER	Flood Stage		
WIMAUMA	11.00	-3.81		MYAKKA HEAD	11.00	-3.83	7.17

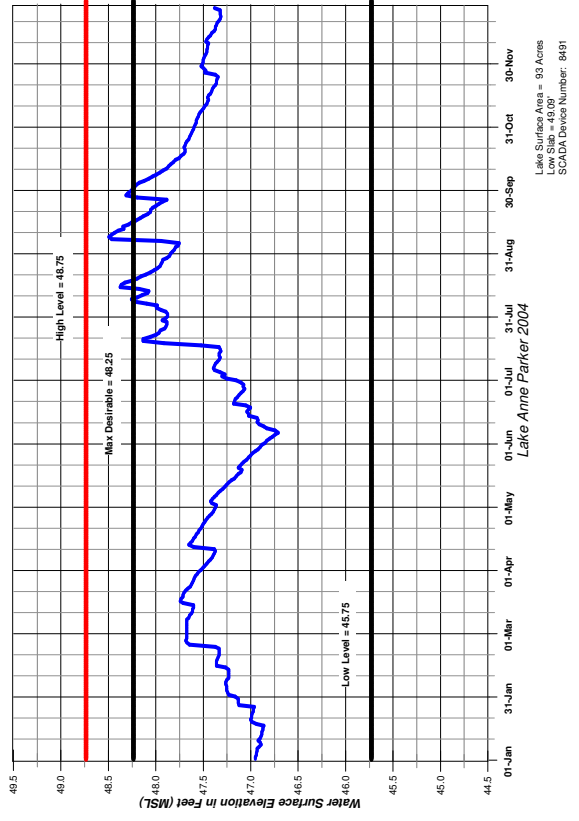
Lake Tarpon, S-551

Daily Average Values



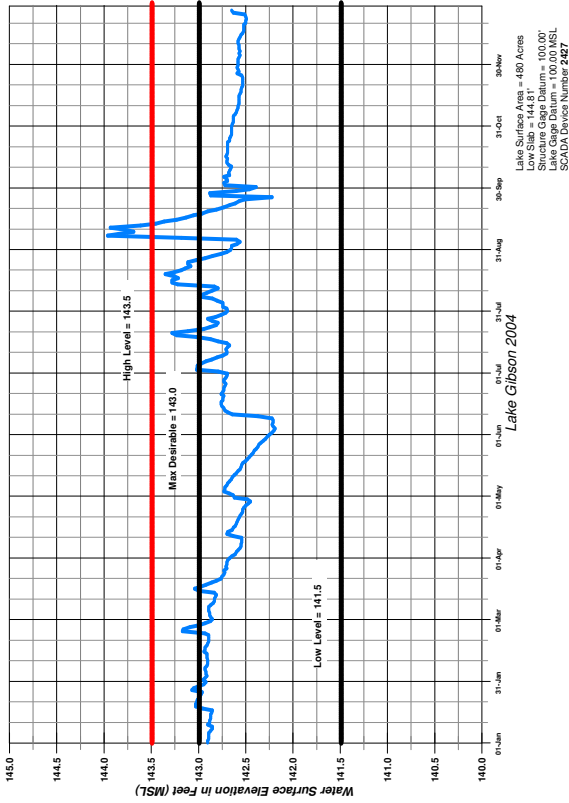
Lake Anne Parker

Daily Average Values



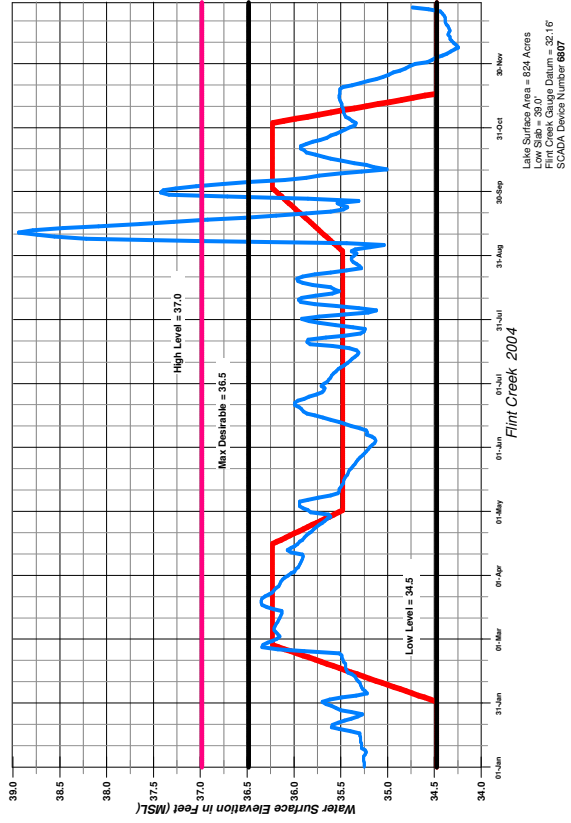
Lake Gibson

Daily Average Values



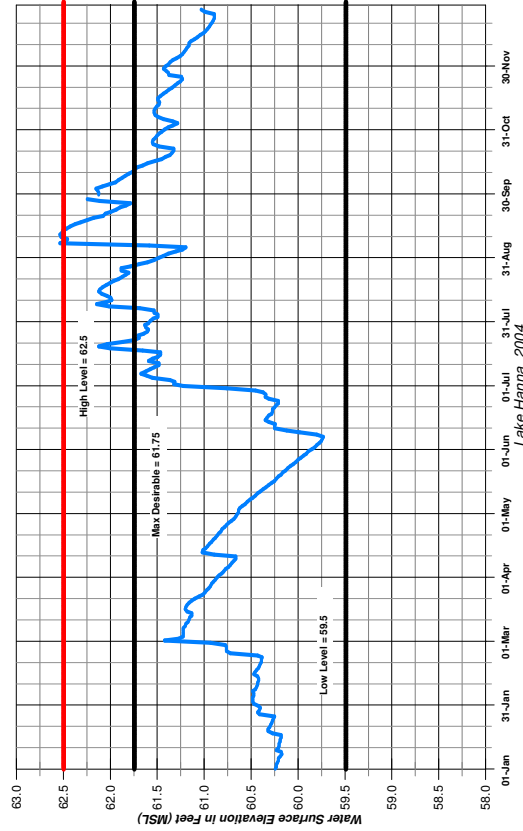
Lake Thonotosassa

Daily Average Values



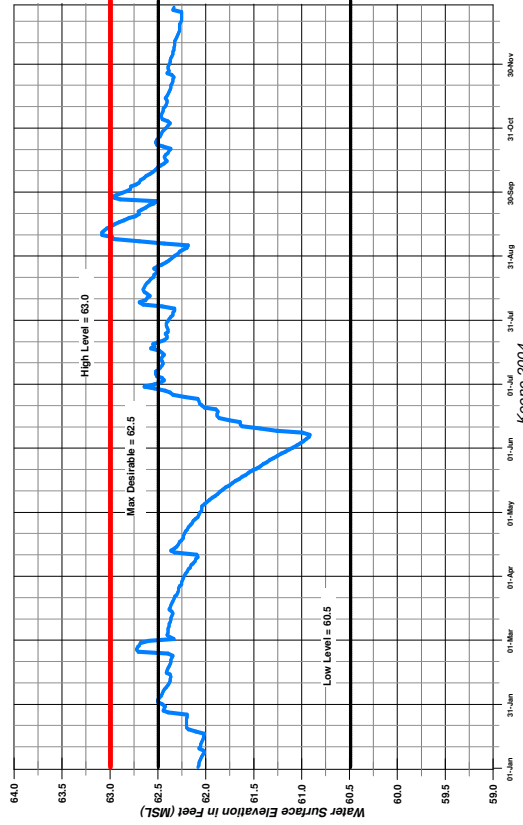
Lake Hanna

Daily Average Values



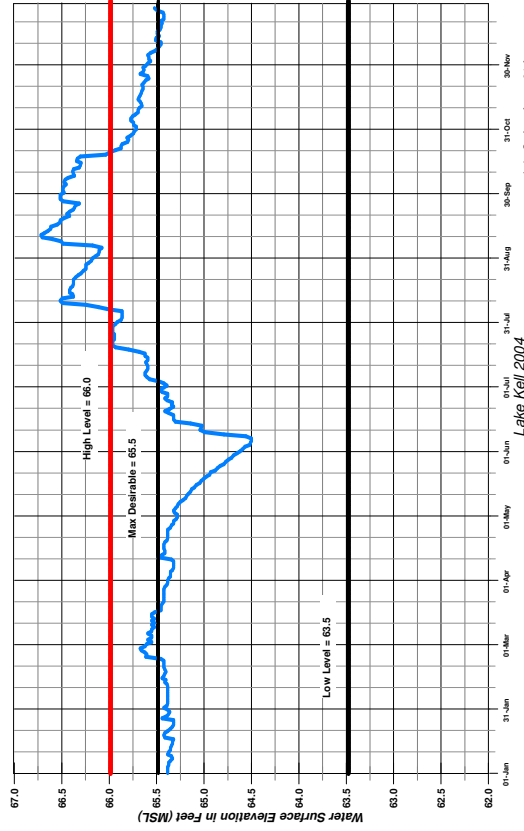
Lake Keene

Daily Average Values



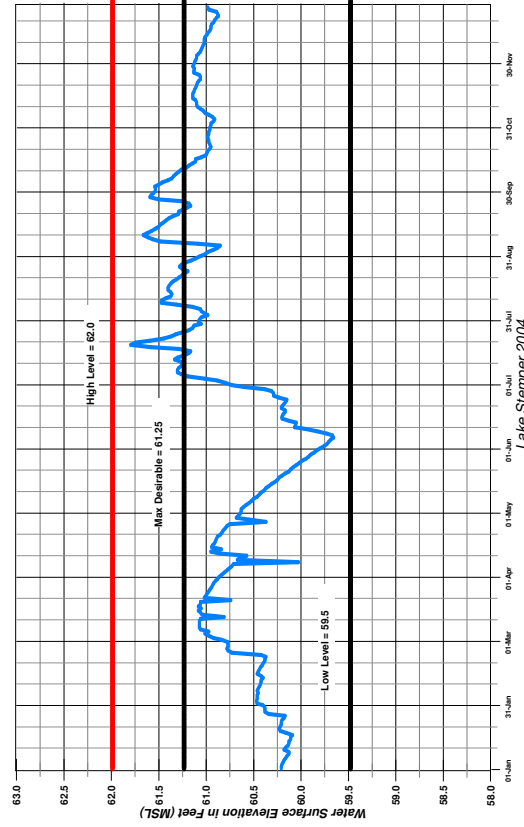
Lake Kell

Daily Average Values



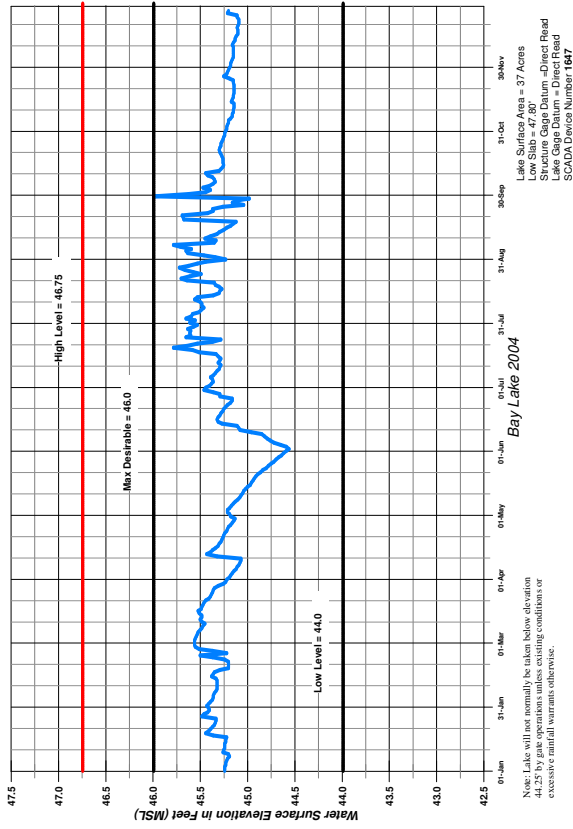
Lake Stemper

Daily Average Values



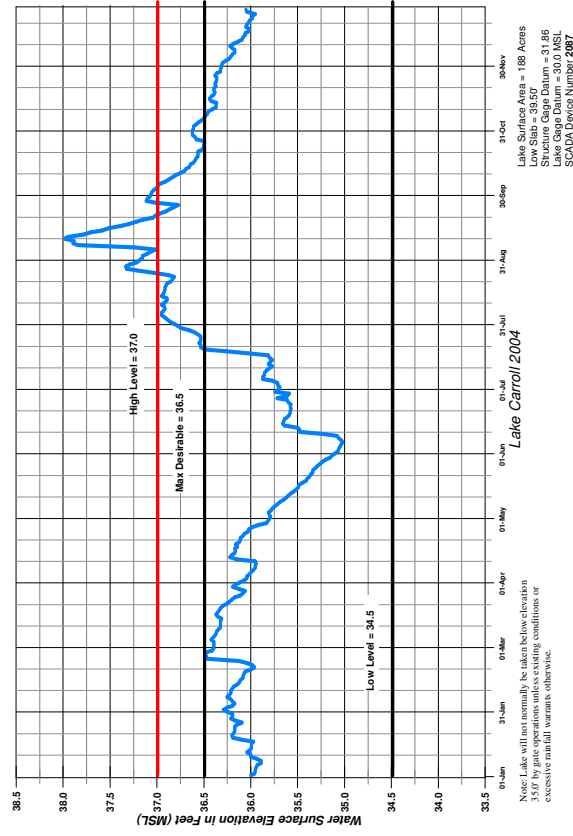
Bay Lake

Daily Average Values



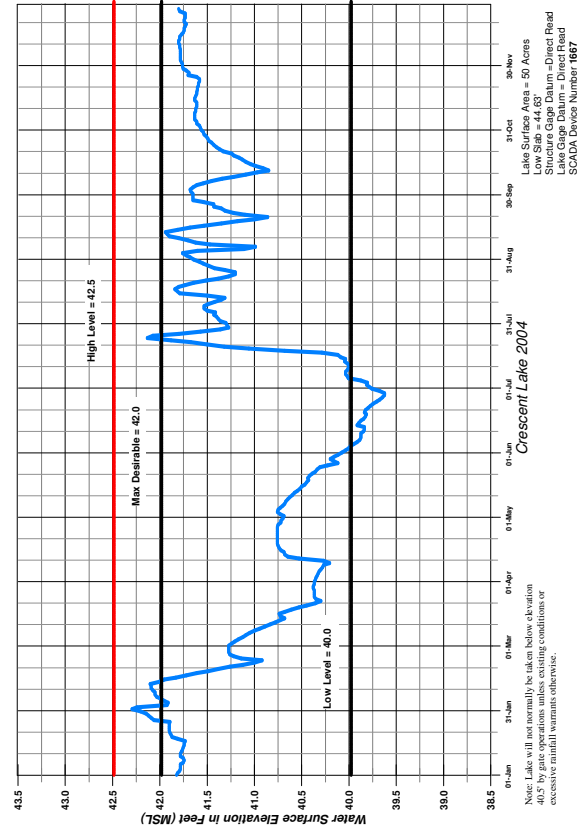
Lake Carroll

Daily Average Values



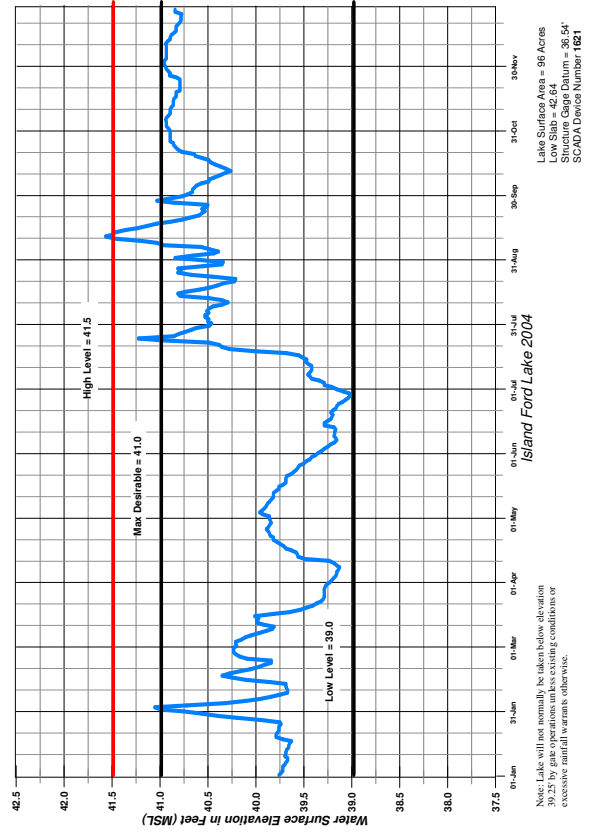
Crescent Lake

Daily Average Values



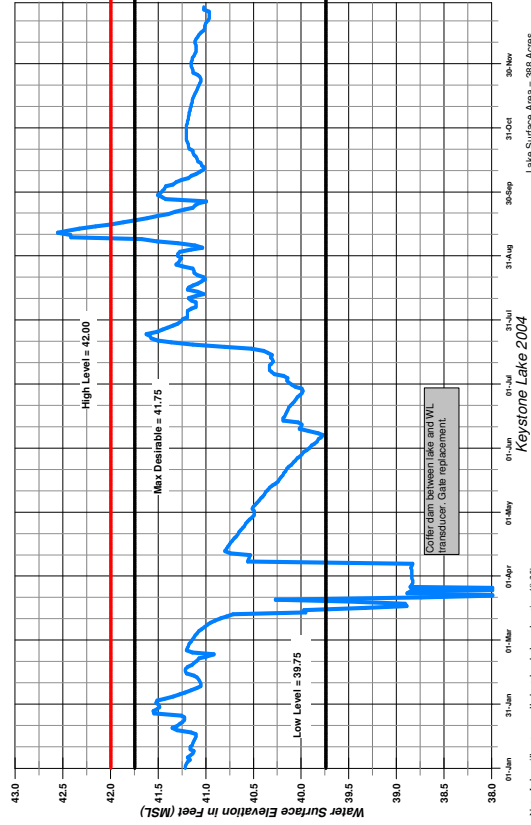
Island Ford Lake

Daily Average Values



Keystone Lake

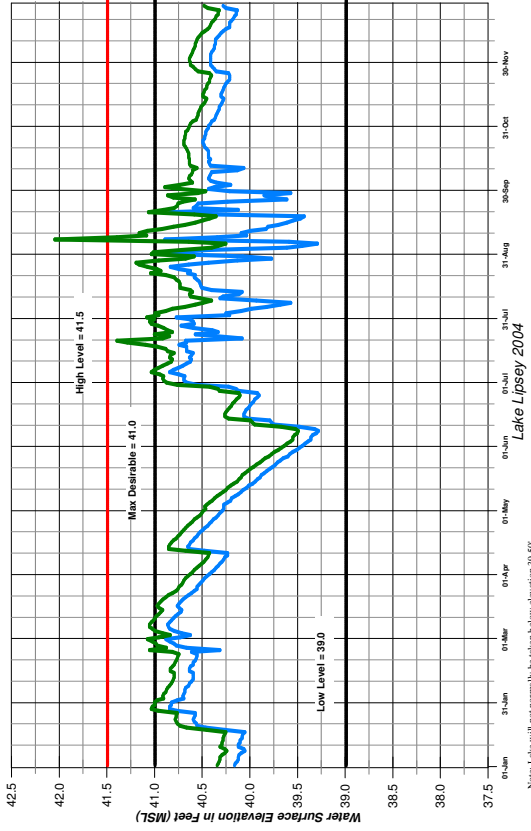
Daily Average Values



Note: Lake will not normally be taken below elevation 40.25' by gate operations unless existing conditions or excessive rainfall warrants otherwise.

Lakes Ellen & Lipsey

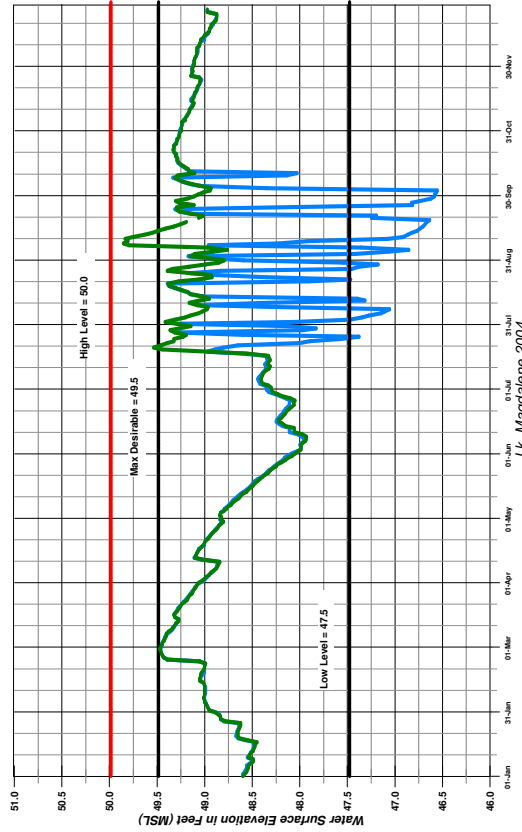
Daily Average Values



Note: Lake will not normally be taken below elevation 39.50' by gate operations unless existing conditions or excessive rainfall warrants otherwise.

Lake Magdalene

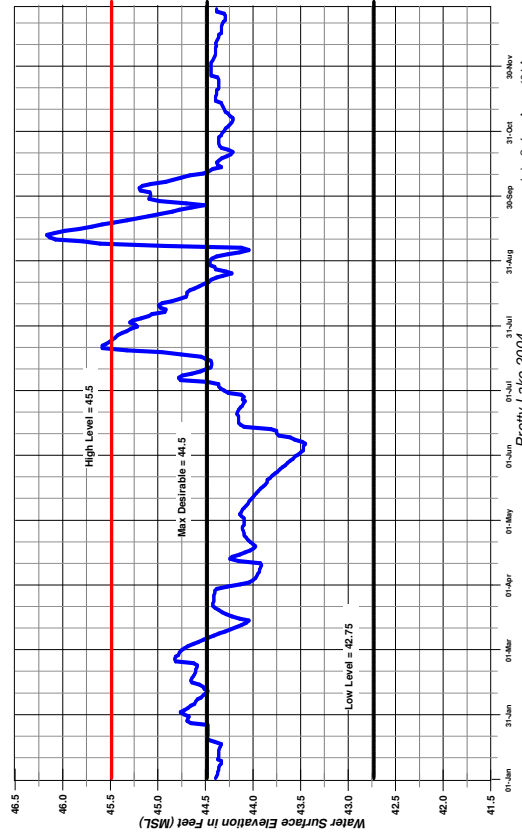
Daily Average Values



Note: Lake will not normally be taken below elevation 48.0' by gate operations unless existing conditions or excessive rainfall warrants otherwise.

Pretty Lake

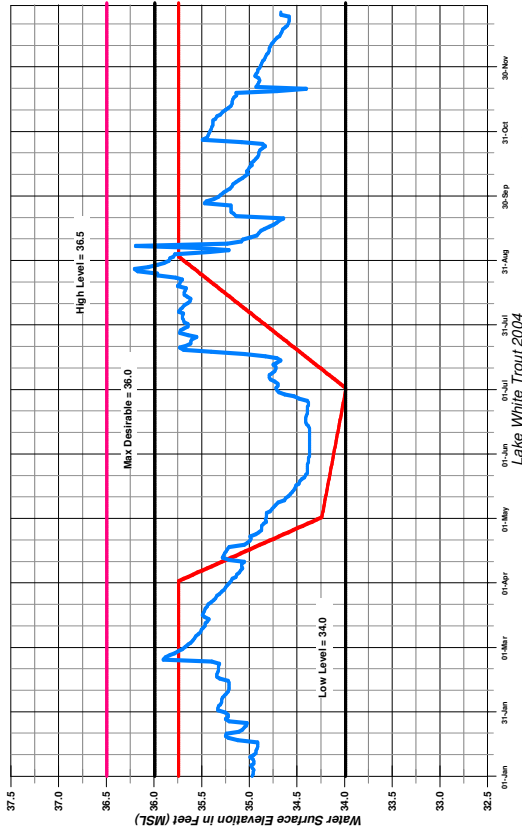
Daily Average Values



Note: Lake will not normally be taken below elevation 43.25' by gate operations unless existing conditions or excessive rainfall warrants otherwise.

Lake White Trout

Daily Average Values

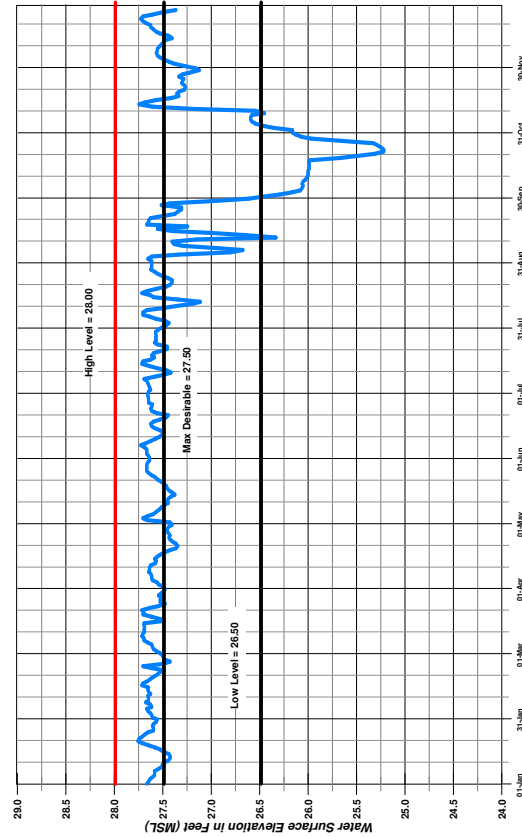


Lake White Trout 2004
Lake Surface Area = 75 Acres
Low Sill = 39.41'
Structure Gate Datum = 33.38'
Lake Gauge Datum = 19.5 MSL
SCADA Device Number 1927

Note: Lake will not normally be taken below elevation 34.5 by gate operations unless existing conditions or excessive rainfall warrant otherwise.

Lake Rousseau

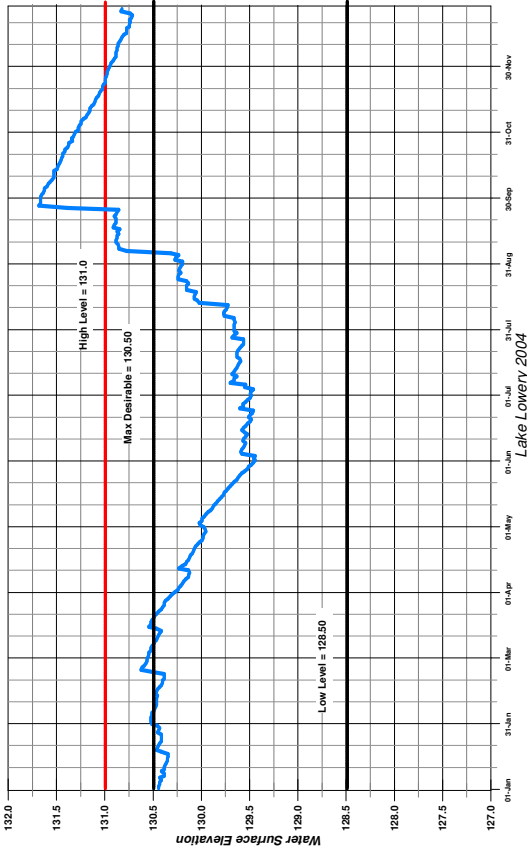
Daily Average Values



Lake Rousseau 2004
Lake Surface Area = 3,857 Acres
Structure Gate Datum = 10.00
SCADA Device Number 6137

Lake Lowery

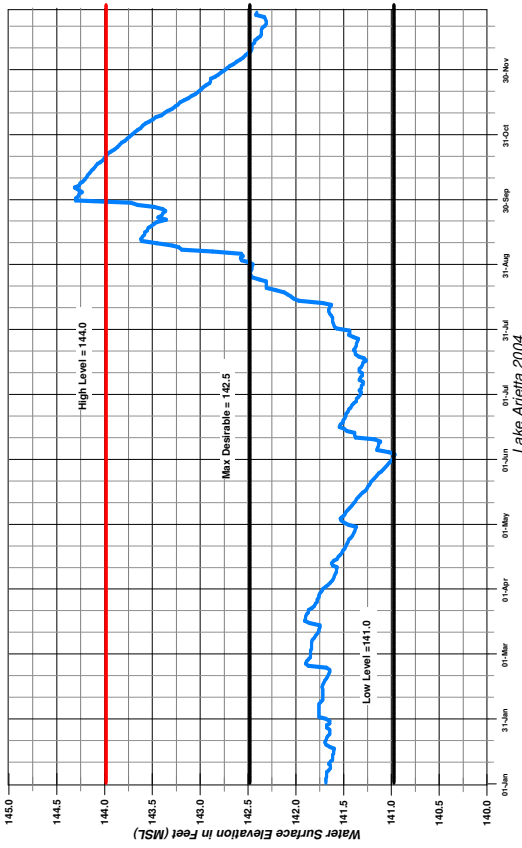
Daily Average Values



Lake Lowery 2004
Lake Surface Area = 900 Acres
Low Sill = 130.00'
Structure Gate Datum = 128.00'
SCADA Device Number 6181

Lake Arietta (P3)

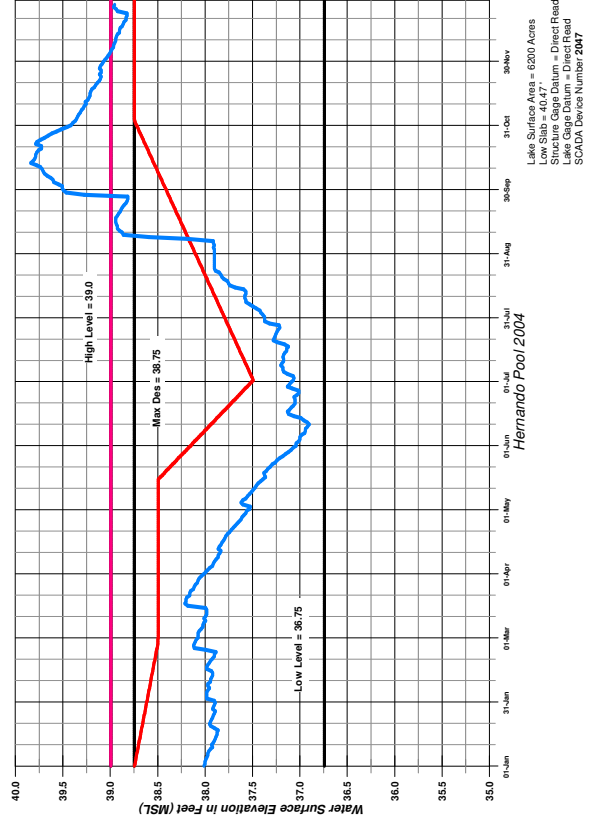
Daily Average Values



Lake Arietta 2004
Lake Surface Area = 758 Acres
Lake Gauge Datum = 100.00'
SCADA Device Number 7491

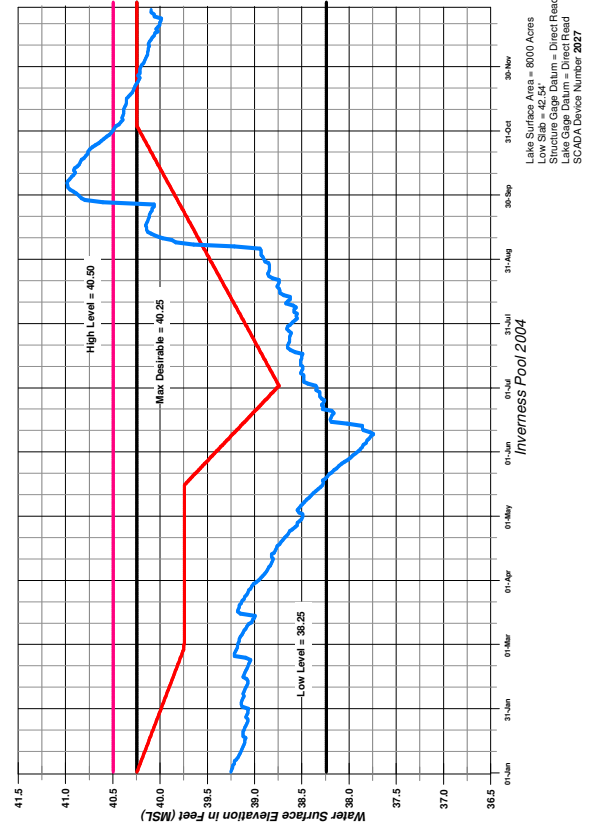
Hernando Pool

Daily Average Values



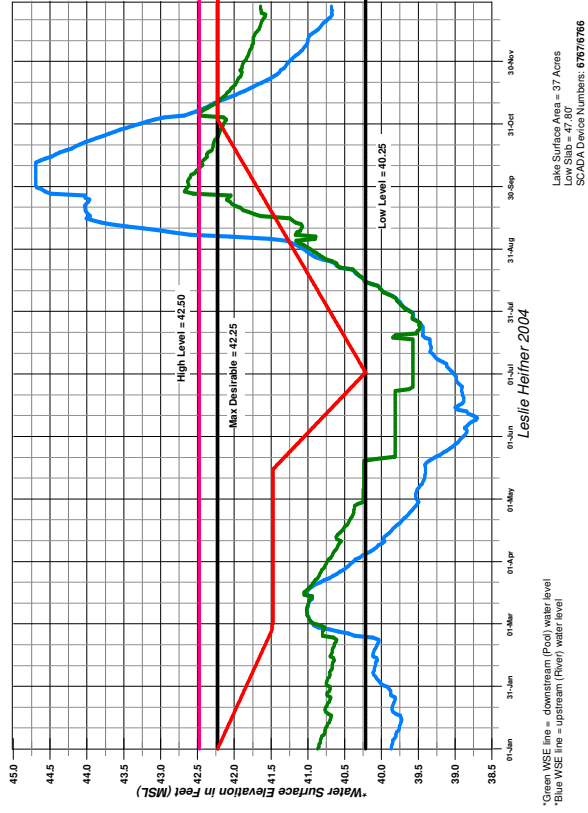
Inverness Pool

Daily Average Values



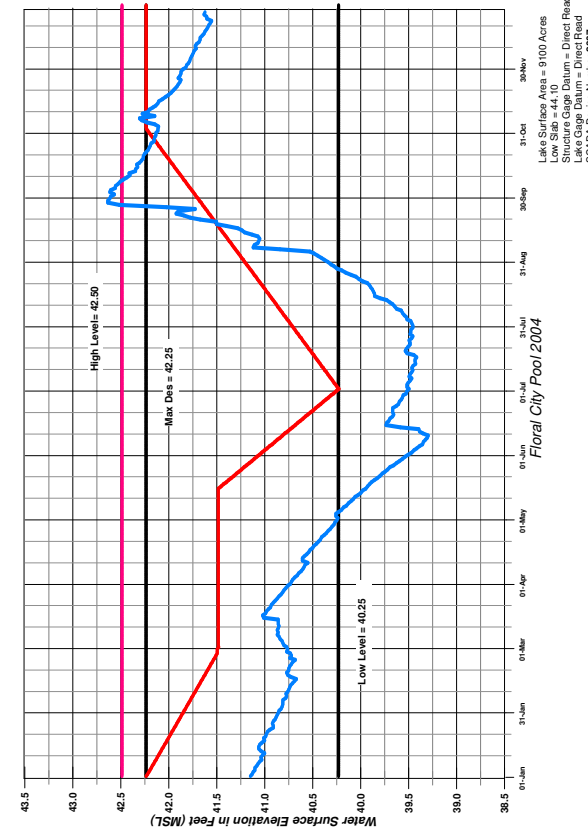
Leslie Heifner

Daily Average Values



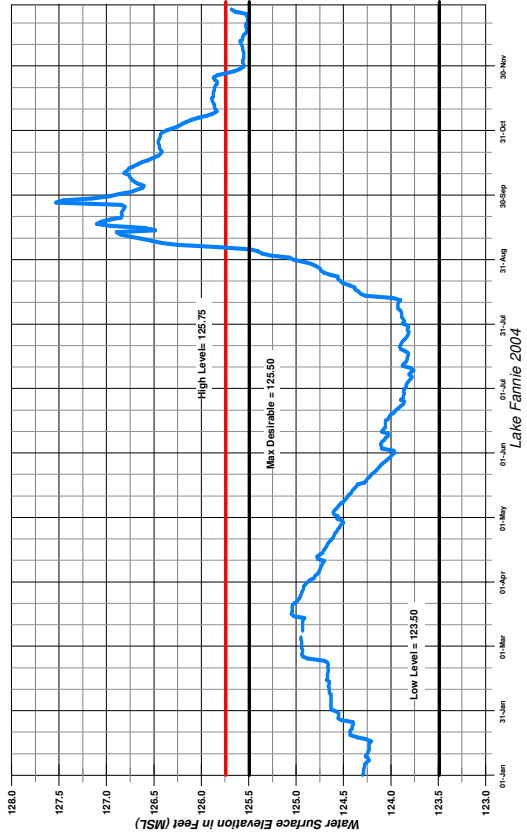
Floral City Pool

Daily Average Values



Lake Fannie (P7)

Daily Average Values

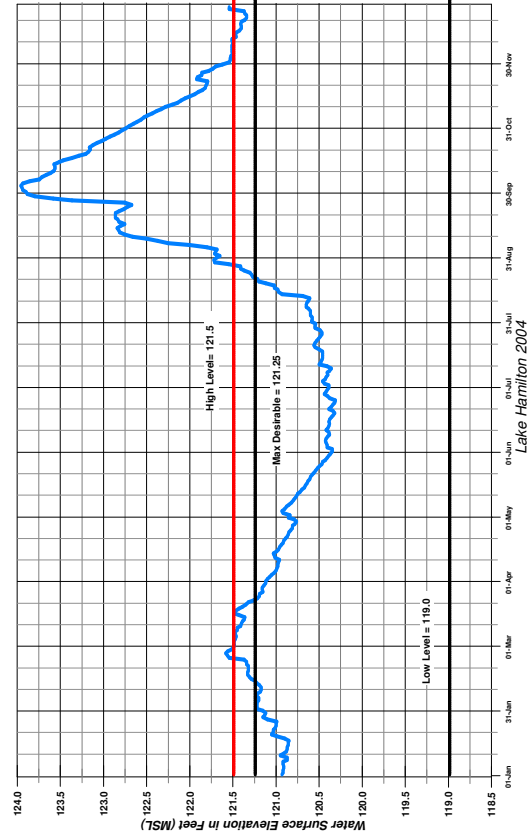


Lake Surface Area = 653 Acres
 Lake Gauge Datum = 127.68'
 Lake Gauge Datum = 120.36' MSL
 SCADA Device Number 2187

Note: Lake will not normally be taken below elevation 124.0' by gate operations unless existing conditions or excessive rainfall warrants otherwise.

Lake Hamilton (P8)

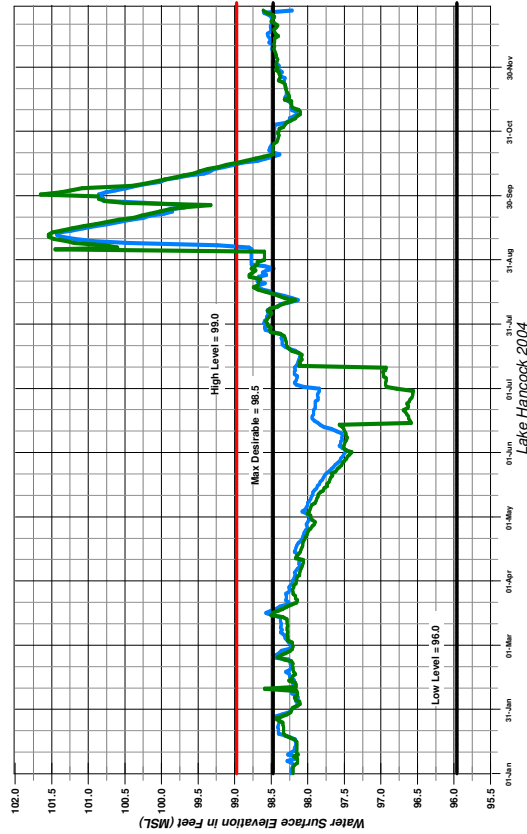
Daily Average Values



Lake Surface Area = 2,640 Acres
 Lake Gauge Datum = 115.00'
 SCADA Device Number 1747

Lake Hancock (P11)

Daily Average Values

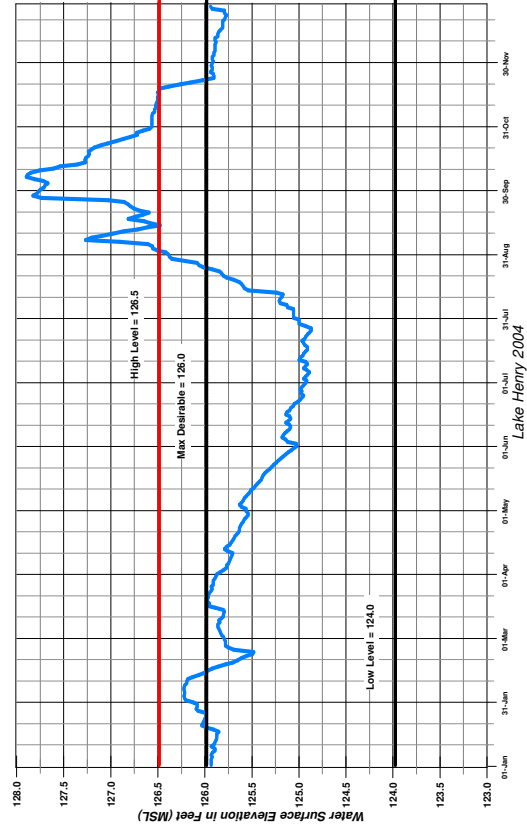


Lake Surface Area = 4,541 Acres
 Lake Gauge Datum = 92.78' MSL
 Structure Gauge Datum = 84.08'
 SCADA Device Number 1707

Note: Lake will not normally be taken below elevation 96.50' by gate operations unless existing conditions or excessive rainfall warrants otherwise.
 Blue is gauge at structure
 Green is gauge on lake

Lake Henry (P5)

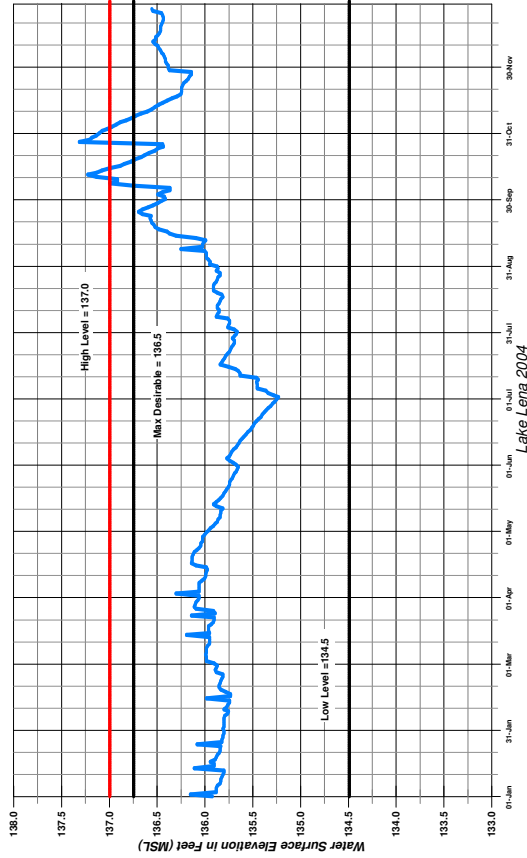
Daily Average Values



Lake Surface Area = 897 Acres
 Structure Gauge Datum = 100.00' MSL
 SR 544 Gauge Datum = 120.0' MSL
 SCADA Device Number 1807

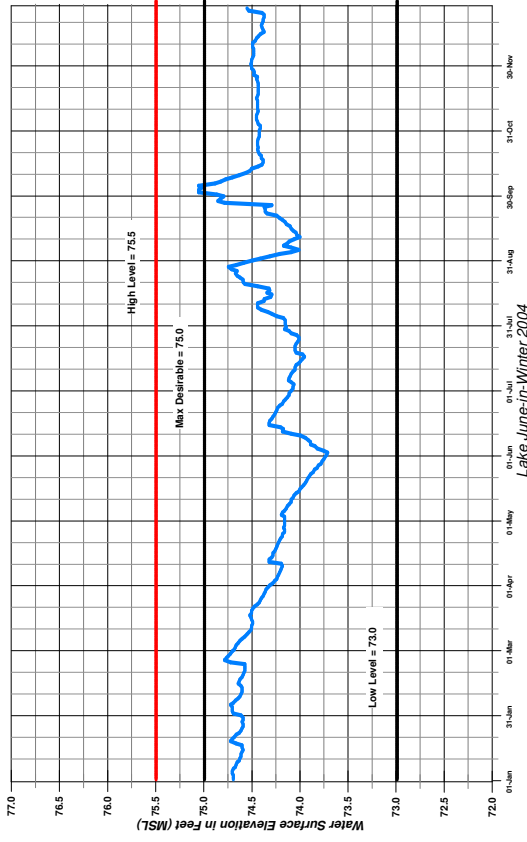
Lake Lena (P1)

Daily Average Values



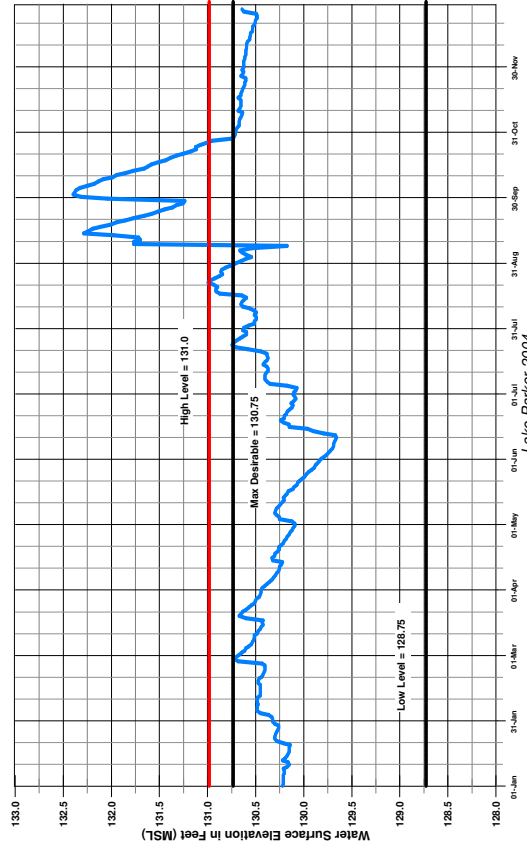
Lake June-in-Winter (G90)

Daily Average Values



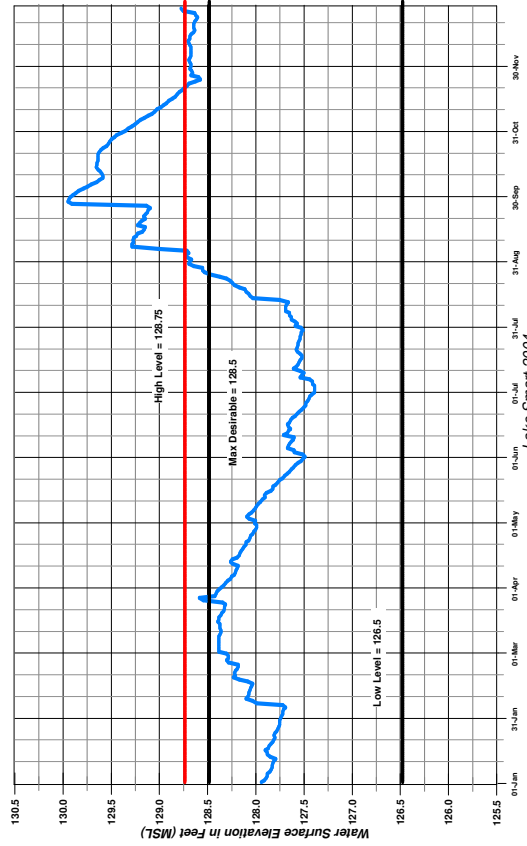
Lake Parker

Daily Average Values



Lake Smart (P6)

Daily Average Values



**Governing Board Meeting
January 25, 2005**

Finance and Administration Committee

Consent Items

- 25. December 14, 2004 Committee Meeting Minutes 2
- 26. Consent Transfer Report 2

Discussion Items

- 27. District Emergency Operations - Hurricane Recovery and Mitigation,
and Fiscal Year 2005 Budget Amendment 2
- 28. Comprehensive Watershed Management Overview 6
- 29. District Procurement Card Program 6

Routine Reports

- 30. Tampa Service Office Construction Project Update 7
- 31. Treasurer's Report, Payment Register for Accounts Payable,
and Contingency Reserves Report 8
- 32. Fiscal Year 2005 First Quarter Financial Report 8
- 33. February Committee Meeting Agenda 8

Consent Items

25. **December 14, 2004 Committee Meeting Minutes**

Staff Recommendation:

See Exhibit 25

Approval of the minutes as presented.

26. **Consent Transfer Report**

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 26

Committee recommend approval to the Governing Board.

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

Discussion Items

27. **District Emergency Operations - Hurricane Recovery and Mitigation, and Fiscal Year 2005 Budget Amendment**

Purpose

The purpose of this presentation is to (1) provide an update on the ongoing cleanup activities; (2) recommend the Board authorize additional hurricane debris cleanup activities for several major watercourses and Charlotte Harbor and Sarasota Bay; (3) review federal and state hurricane relief funding programs, including recent legislation in regard to funding availability and District funding match requirements; (4) approve a transfer of General Fund contingency reserves to provide a budget appropriation equal to the District's match requirements; and (5) approve a budget amendment to recognize the additional grant funding and establish a budget appropriation to allow the expenditure of grant monies.

The District is currently conducting hurricane debris cleanups of the Peace Creek Canal, Peace River and Flint Creek utilizing federal disaster relief funding through the Natural Resources Conservation Service (NRCS). In addition to these projects, staff is recommending several additional hurricane debris removal projects focusing on major waterways and estuary systems.

New projects include additional dollars for the Peace Creek Canal, the Alafia River, tributaries to the Peace River in Hardee and DeSoto Counties, Shell and Prairie Creeks and Alligator Creek in Charlotte County. The funding source for these projects would come from the NRCS, with the District providing a 25 percent match. Staff has requested and will request for these new NRCS projects reimbursement of 50 percent of its match from the Florida Department of Community Affairs (FDCA). In regard to the estuary systems, the Florida Department of Environmental Protection (FDEP) has requested the District to oversee removal of hurricane debris from bays, bayous, sounds and rivers that pose a public health,

safety or environmental threat. Charlotte Harbor and Sarasota Bay are the two systems with debris meeting these criteria. Monies for these activities would come from the Federal Emergency Management Agency (FEMA) through FDEP with the State providing any required match.

Background

The summer and early fall of 2004 brought Tropical Storm Bonnie and Hurricanes Charley, Frances, Ivan and Jeanne through or near the area encompassed by the Southwest Florida Water Management District (District). Three of the storms, Charley, Frances and Jeanne, had major impacts on the citizens and water bodies in the District. Flowing water courses in the Peace River and Alafia River watersheds were significantly impacted with fallen trees and both Charlotte Harbor and Sarasota Bay have windblown debris from homes, boats and trees that are of concern to public health and safety. The debris, left in place, may increase chances for future flooding or become navigation hazards.

Current and Proposed Hurricane Recovery and Mitigation Activities

Since the occurrence of Hurricane Charley in mid-August 2004, the NRCS has conducted debris assessments on the Peace River, the Peace Creek Canal, Flint Creek (Hillsborough County), tributaries of the Peace River, and Alligator Creek (Charlotte County). More recently assessments were conducted of the Alafia River, Shell and Prairie Creeks and determined that debris removal was necessary.

Based on a formal agreement with the NRCS, the District began debris cleanup operations on the Peace Creek Drainage Canal on December 8, 2004. The agreement provides for 75 percent reimbursement of District expenses. The total NRCS contract amount for the Peace Creek Drainage Canal is \$472,340. Significant progress has been made in the lower reaches of the system and as a result water levels have fallen quickly. However, the amount of debris and the difficulty in removing it was underestimated and additional funding is being sought to complete the entire system. Staff will present pictures of the cleanup effort to give a perspective on the type and magnitude of required activities.

The Governing Board, on December 14, 2004, approved an amendment to the NRCS agreement for debris cleanup of the Peace River from Bartow to the southern boundary of Desoto County, a distance of approximately 105 miles. The total contract amount for the Peace River channel cleanup is \$992,660. Work had not begun at the writing of this recap as the District was finalizing the procurement process for a contractor(s). Additionally, at the December meeting, the Governing Board approved an amendment to the NRCS contract in the amount of \$120,000 for debris cleanup and snagging of Flint Creek downstream of the District's water control structure on Lake Thonotosassa. Both projects are subject to 75 percent District reimbursement from the NRCS. The Flint Creek project will require an additional \$100,000 for cleanup, to be shared equally by the District and Hillsborough County.

During recent informal conversations with local governments and the Charlotte Harbor Aquatic Preserve staff, several other projects were identified for consideration. Alligator Creek, south of Punta Gorda in Charlotte County, is in need of debris cleanup. Initial NRCS estimated debris cleanup cost is \$800,000. In Desoto and Hardee Counties, NRCS has identified a need to remove debris in the tributaries of the Peace River, primarily focusing on road crossings and other critical flow control points. An initial NRCS assessment of the Peace River tributaries estimated the debris cleanup cost at \$2,200,000. In addition to these projects, the debris removal for the Peace Creek Drainage Canal has been more difficult and as a result, more costly than originally estimated and NRCS is evaluating the remaining cleanup and determining if additional funding is warranted. The estimate at this time is an additional

\$400,000. That determination along with final costs will be made before the meeting. The remaining systems currently being assessed are the Alafia River, Shell Creek and Prairie Creek. At the time of this recap, the NRCS and District had not yet concluded the assessments but have assigned a preliminary cost of \$1 million for each waterbody. Staff is seeking to have final cost estimates by the Governing Board meeting.

The District staff in cooperation with agencies mentioned above has held discussions on expanding cleanup activities for several other water bodies. At the November 4, 2004, Governing Board Chairmen and Executive Directors' meeting, Secretary Castile requested the Water Management Districts to take the lead in debris removal within tidally influenced sovereign lands. Subsequently, on November 9, 2004, FDEP staff (Division of State Lands) conducted a conference call with staff members of the State's water management districts suggesting a partnership with the districts in the cleanup of storm debris in "sovereign submerged lands (bays, bayous and rivers (tidal portions))." The FDEP has requested that the water management districts "will act as agent(s) in implementing surveys and subsequent debris removal activities." Funding for this project will flow from FEMA to FDCA and then to FDEP. FDEP will then provide cost reimbursement to the water management districts. Final arrangements among FDEP, FEMA and the District are expected to be determined prior to the Governing Board meeting. FDEP staff have informally mentioned that \$20 million is being requested from FEMA for the Statewide "bays, bayous and river" debris cleanup. No specific allocation of dollars for each District has been provided. Charlotte Harbor and Sarasota Bay are the District water bodies expected to be included in this project and debris assessments are currently ongoing. Current cost estimates are \$2.65 million. Like other preliminary estimates, we expect to have final costs by the Governing Board meeting.

Funding Programs and Recent Legislation

Federal funding for hurricane related damages to facilities and natural systems are available from two sources, the NRCS and FEMA. NRCS funding is limited to debris removal in flowing watercourses. FEMA funding is available for costs associated with damaged facilities, labor, equipment and for certain preventative activities. Additionally, FEMA provides funding for debris removal of major water bodies when it can be shown that there exists an environmental threat or a public health and safety issue. With this in mind, the District is working primarily with the NRCS on debris removal for flowing systems and with FEMA on the sovereign lands cleanup and internal District projects. Certain deadlines exist for these programs. Currently NRCS has a February 15, 2005 deadline for all funding requests. FEMA in coordination with FDCA has provided written guidelines for projects to be submitted for Hazard Mitigation Grant funding consideration with a deadline of April 15, 2005. The funding match requirement for NRCS is 25 percent for the cooperator and for FEMA, up to 10 percent. In regard to the District's match contribution, there exists at least two opportunities for recapturing all or half of the District's match. An existing agreement called the Statewide Mutual Aid Agreement, signed by the District in 2001, allows for participating parties that are requested to provide assistance during a declared disaster an opportunity to request 100 percent reimbursement of related expenses from FDCA. Additionally, legislation from the recent special session (HB 19A) provides for reimbursement of 50 percent of any local government's match associated with a federal hurricane assistance grant. Water Management District's are considered local governments under the interpretation of this bill. Requests for reimbursement of the District's existing projects (Peace Creek Canal, Peace River and Flint Creek) have been made and similar requests will be made for any future District funding match associated with the hurricane cleanup.

The following table shows the existing and recommended projects and related funding.

Existing Projects (Appropriated)	District's Est. Max Match (25%)	NRCS (75%)	FEMA (Est. 50%)	Hills. County	Total Cost	Cumulative Total
District-wide Labor/Equip.	\$681,615		\$681,615		\$1,363,230	\$1,363,230
Peace Creek Drainage Canal	118,085	\$354,255			472,340	1,835,570
Peace River	248,165	744,495			992,660	2,828,230
Flint Creek	80,000	90,000		\$50,000	220,000	\$3,048,230
Totals	\$1,127,865	\$1,188,750	\$681,615	\$50,000	\$3,048,230	

Proposed Projects	District's Est. Max Match (25%)	NRCS (75%)	FEMA (90%)	State (10%)	Total Cost	Cumulative Total
Alligator Creek	\$200,000	\$600,000			\$800,000	\$800,000
Peace River Tributaries	550,000	1,650,000			2,200,000	3,000,000
Peace Creek Drainage Canal	100,000	300,000			400,000	3,400,000
Alafia River	250,000	750,000			1,000,000	4,400,000
Shell and Prairie Creeks	500,000	1,500,000			2,000,000	6,400,000
Charlotte/Sarasota Bays			\$2,385,000	\$265,000	2,650,000	\$9,050,000
Totals	\$1,600,000	\$4,800,000	\$2,385,000	\$265,000	\$9,050,000	

Impact If Not Funded

The NRCS and FEMA emergency recovery grants related to the hurricanes were not anticipated and therefore not included in the current budget. In order to accomplish the projects, a budget amendment is necessary to recognize the grant monies as revenue and to establish a budget appropriation for project expenditures. See Exhibit 27 for Resolution 05-02, Amendment of the Fiscal Year 2005 Annual Service Budget, to increase the District's budget by \$7,450,000 from \$279,252,797 to an amended total budget of \$286,702,797.

Staff Recommendation:

See Exhibit 27

- (1) Approve a transfer of \$1,600,000 from General Fund Contingency Reserves for hurricane debris cleanup projects in the Peace Creek Drainage Canal, Alafia River, Peace River tributaries, Shell and Prairie Creeks, and Alligator Creek, with the understanding that the District will seek reimbursement equal to at least one-half of this amount; and
- (2) Approve Resolution No. 05-02, Amendment of the Fiscal Year 2005 Annual Service Budget (see Exhibit 27), to increase the District's FY2005 combined budget by \$7,450,000 from \$279,252,797 to an amended total budget of \$286,702,797; and

- (3) Authorize the Executive Director to execute agreements with the NRCS, FEMA and FDEP for the referenced projects, not to collectively exceed \$9,050,000.

Presenter: Bruce C. Wirth, Deputy Executive Director

28. **Comprehensive Watershed Management Overview**

The Comprehensive Watershed Management (CWM) initiative is a watershed-based approach to address the District's four areas of responsibilities--water quality, natural systems, flood protection and water supply--with particular emphasis on the first three. This initiative began in the early 1990s primarily in response to broad based recognition that there needed to be a comprehensive, well coordinated management strategy of surface waters and associated natural systems similar to the well established approach to managing water supply. This was brought into focus with the culmination of the District's 1992 Needs and Sources Plan, the predecessor to the more recent 2001 Regional Water Supply Plan. Other factors included an emerging nationwide emphasis on watershed based management and greater community involvement. Also, the District's Cooperative Funding Program was budding in projects funded through the resource management elements of the organization would occasionally not be permitted by Resource Regulation, an issue that would be avoided through closer coordination.

During the early years of the CWM initiative, emphasis was placed on developing community-based strategic plans for the District's eleven major watersheds. These plans were developed through a lengthy and staff intensive process that included representation from all areas of the organization as well as other entities and interested parties, including the Department of Environmental Protection, Fish and Wildlife Commission, Army Corps of Engineers, National Estuarine Program (NEP), Regional Planning Councils, local governments, environmental organizations, and citizen activists. Arguably, the greatest benefit of this process would be identification of several major initiatives that have, or are in the process of, being implemented. These initiatives result in a more coordinated, effective and efficient approach to managing watersheds, and include the development of the Lotus Notes Project management Database, the District's Watershed Management Initiative including the map modernization program, and the District's decision support system. Additionally, the process resulted in refinement of Surface Water Improvement and Management (SWIM), Florida Forever, and NEP plans, and the District's Minimum Flows and Levels priority list.

Eleven watershed plans will be updated on a five-year basis with the next round scheduled to begin in FY2006. In the interim, staff will continue to coordinate with their counterparts in other organizations to implement the diverse elements of the plans. Staff will provide an update on the current status of the initiatives at the January Committee meeting.

Staff recommendation:

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

Presenter: David L. Moore, Executive Director

29. **District Procurement Card Program**

Purpose

To provide the Governing Board an overview of the advantages of the District's Procurement Card (P-card) program.

Background

Staff initiated the P-card program in June of fiscal year 2004 and has found it to be an effective means for acquisition of small items under \$1,000. This is a significant change in the

way the District acquires items from vendors on an as needed basis. Prior to 1996, the District had a system of "field purchase orders" in place for acquiring items needed by staff. This would require a staff member to contact a supervisor to request approval for a purchase; the supervisor would in turn contact the Procurement Section to request a purchase order; and the Procurement Section would then produce a purchase order and send it to the requesting department. The process would in some cases take a day or two to complete a purchase under \$750. This system had the effect of creating a large inventory of items needed by staff and field crews that could not wait for a purchase order to be produced.

In 1996, the District's financial system was capable of producing on-line purchase documents (P.D.s) that were created at the requesting department's computer and eliminated the need for the Procurement Section to produce a purchase order which shortened the process, reduced some of the inventory items but still required the staff member receive a document to complete the purchase.

The advent of the P-card has significantly reduced the use of the P.D. system. Since the introduction of the P-card in June 2004 for the six months ended December 31, 2004 the use of P.D.s has decreased 92.5 percent from 2,213 transactions to 164 transactions as compared to the same time period in 2003. This has a ripple effect in that the administrative costs of processing P.D.'s (i.e., data entry, processing a paper document) are eliminated. Use of the P-card also had a positive affect on the number of checks issued which was reduced by 19.5 percent within the six-month period June 1, 2004 – December 31, 2004 as compared to 2003.

The P-card is basically a limited use credit card that can be adjusted to fit the needs of the individual user and provide management control of purchased items. For example, a card can be issued to a mechanic which allows the purchase of automobile supplies, but would not authorize building materials. The cards proved to be very beneficial after the hurricane events when crews traveling to affected areas could acquire supplies, food, and make hotel reservations prior to entering assigned areas. This also reduced the need for crews to carry cash, as many businesses even in areas without power would accept the District P-cards and process transactions at a later date. Although managers may require prior approval, once issued and the parameters of use are set, the individual District employee can use the P-card without having to receive prior approval. To ensure the proper use of all P-cards, the Finance Department has instituted procedures to review daily purchases and insure that all purchase packets contain documentation for all purchases, the public purpose is stated, and the approval of the Department Director is obtained prior to submittal.

In addition to the administrative savings, the card will produce a rebate of .50 percent which based upon usage generated \$6,100.00 for the first six months of use. The P-card program, coupled with the changes the Governing Board instituted in Board Policy 150-1 Procurement, have resulted in the reduction of one full-time buyer position in the Procurement Section. The position was reallocated to the Accounting Section for a much-needed Accountant II position to assist with the federal and state grant programs.

Staff Recommendation:

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

Presenters: Daryl F. Pokrana, Director, Finance Department
Malcolm K. Wilson, Purchasing Manager, Finance Department

Routine Reports

30. **Tampa Service Office Construction Project Update**

This item is to keep the Board advised of the progress/status of the Tampa Service Office Construction Project. On a monthly basis, a written summary report of the accomplishments of the previous month will be included along with a schedule for the project. Critical decision points to monitor the schedule will be highlighted.

Staff Recommendation: See Exhibit 30

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

Presenter: Eugene A. Schiller, Deputy Executive Director

31. **Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserves Report**

In accordance with Board Policy No. 130-3, a monthly report on investments shall be provided to the Governing Board. A copy of the Treasurer's Report as of December 31, 2004, which reflects total cash and investments at a market value of \$381,970,799, is included as an exhibit.

In accordance with Board Policy No. 130-1, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register for Accounts Payable listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic funds transfers (EFTs).

The FY2005 Contingency Reserves Report (District only) follows:

ORIGINAL BUDGET AMOUNT:	\$4,577,652	Date of Board Action
Less Approved Transfers		
Hurricanes Debris Cleanup for Flint Creek and Peace River Projects	448,230	December 14, 2004
BALANCE:	\$4,129,422	

Staff Recommendation: See Exhibit 31

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

Presenter: Daryl F. Pokrana, Director, Finance Department

32. **Fiscal Year 2005 First Quarter Financial Report**

This presentation is to provide the Finance and Administration Committee with a financial status report for fiscal year 2005 through the end of the first quarter. The forecast highlights major revenues and expenditures anticipated for this fiscal year in comparison with the budget.

Staff Recommendation: See Exhibit 32

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

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

33. **February Committee Meeting Agenda**

MINUTES OF THE MEETING

**Finance and Administration Committee
Governing Board**
Southwest Florida Water Management District
Brooksville, Florida December 14, 2004

The Finance and Administration Committee of the Governing Board of the Southwest Florida Water Management District met at 10:26 a.m. on December 14, 2004, at the District's headquarters in Brooksville. The following persons were present:

Committee Members Present

T. G. "Jerry" Rice, Chair
Judith C. Whitehead, Vice Chair
Maggie N. Dominguez, Member
Ronald C. Johnson, Member

Committee Members Absent

Patsy C. Symons, Member

Staff Members Present

David L. Moore
Gene A. Heath
William S. Bilenky
Eugene A. Schiller
Lou Kavouras
Kurt Fritsch
Mark A. Hammond
Gary W. Kuhl
Elaine M. Kuligofski

Alba Mas
Paul O'Neil
Daryl F. Pokrana
Linda R. Pilcher
Jack Pepper
Steve Dicks
Julie Pickard

Recording Secretary

C. LuAnne Stout

Chair Rice called the meeting to order and noted that a quorum was present.

Consent Items

22. **Consent Transfer Report**

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 recommended the Committee recommend approval to the Governing Board.**

23. **Brooksville Janitorial Services Contract**

In a memo dated February 1, 2000, Governor Bush requested that all state agencies and political subdivisions utilize RESPECT of Florida (community based organizations providing employment for persons with disabilities) wherever possible. The District took the opportunity to enter into an outsourcing contract with RESPECT of Florida for janitorial services from July 1, 2002 through December 31, 2004. The experience has proved beneficial to both parties. The District will receive quality services from an agency that supports disabled citizens at a first year cost of \$.006718/SF/day, not to exceed \$210,000. There has not been a cost adjustment since the commencement of the 2002 contract which read, "not to exceed \$195,000." Each subsequent year renewal will adjust costs based upon the Consumer Price Index. Funds are budgeted for and available in the Facilities Section's operating and maintenance accounts. **Staff recommended to authorize the Executive Director to enter into a one-year contract with two one-year renewal options with RESPECT of Florida for an amount not to exceed \$210,000 the first year, and escalation costs the second and third years based upon the Consumer Price Index, subject to an annual budget appropriation.** Ms. Dominguez noted that this is a great example of another facet of diversity in action.

24. **One-Foot Orthophoto**

Funding in the amount of \$1,164,500 was approved in the Fiscal Year (FY) 2005 budget to create digital orthophotos for all areas in the District south of the northern boundary of Pasco County. This area was prioritized for the initial year based on the availability of funding and the priority placed on water resource issues in the Northern Tampa Bay and Southern Water

Use Caution Areas. The program was to be expanded in future years to cover the entire District. Staff has entered into negotiations with the three mapping firms currently under contract with the District to provide digital orthophotos. As a result of increased competition between firms providing digital mapping services and significant improvements in the data processing associated with the use of digital aerial mapping cameras staff has negotiated costs below those originally estimated for the project. These reductions in costs will allow the District to expand the area to be mapped to include those parts of Hernando, Sumter, Citrus, Levy, Lake and Marion counties that are in the District and still remain below the FY2005 budgeted amount. Mapping the entire District will not only provide District staff with current photography over these areas, but will also provide a valuable resource to local governments in this region. **Staff recommended the Committee recommend the Governing Board approve the expansion of the original project area to include the entire District; and authorize the Executive Director to issue purchase orders for the expanded project areas with the District's funding not to exceed \$1,164,500.**

Following consideration, **Mr. Johnson moved, seconded by Ms. Dominguez, to approve the staff recommendations for Consent Items 22 through 24. The motion carried unanimously.** (Tape 1, Side A – 0.0/1.2)

Discussion Items

25. **Hurricanes Debris Cleanup: Amend Contract with NRCS and Transfer General Fund Contingency Reserves**

Mr. Gary Kuhl, Operations Director, said that, in August 2004, the Governing Board approved a transfer of \$2.6 million from General Fund contingency reserves for emergency response expenditures related to Tropical Storm Bonnie and Hurricane Charley recovery efforts. It was anticipated that eligible hurricane recovery expenditures would be reimbursable at 75 percent from the Federal Emergency Management Agency (FEMA) and 12.5 percent from the Florida Department of Community Affairs (DCA). Subsequently, the FEMA reimbursement rate was increased to 90 percent of eligible expenditures, with 5 percent to be reimbursed by the DCA.

Since certain expenditures are not eligible for FEMA reimbursement, an estimated recovery rate of 50 percent has been conservatively used as the anticipated FEMA reimbursement rate for hurricane related expenditures. The reimbursement rate under the NRCS contract is 75 percent. Effective September 1, 2004, the District entered into an initial contract for \$472,340 with the NRCS for the cleanup of the Peace Creek Drainage Canal. The NRCS will reimburse the District for 75 percent of the total project costs or \$354,255. On September 28, 2004, the Governing Board authorized the encumbrance of the remaining portion of the \$2.6 million that had not yet been expended or encumbered under contract (\$1.1 million) for carryforward to FY2005, and to expand the use of the funds for recovery efforts associated with subsequent hurricane events (i.e., Frances, Jeanne and Ivan). As of November 24, 2004, the District had expended or encumbered under contract \$1,835,570, leaving an unexpended balance of \$764,430, of the initial \$2.6 million allocated for hurricane recovery activities.

Staff is requesting to amend the NRCS contract to a revised amount of \$1,585,000 (existing Peace Creek Drainage Canal project - \$472,340, proposed Flint Creek project - \$120,000 and proposed Peace River project - \$992,660), for an increase of \$1,112,660. In addition to the NRCS contract for Flint Creek, staff is requesting an additional \$100,000, with \$50,000 to be reimbursed by Hillsborough County, revising the total project budget for Flint Creek to \$220,000. The total budget for the Peace Creek Drainage Canal, Flint Creek and Peace River projects would be \$1,685,000. To complete the Flint Creek and Peace River projects, an additional \$448,230 is required to be allocated from General Fund contingency reserves. Of the currently anticipated total District hurricane recovery expenditures of \$3,048,230 (see table), it is expected that at least \$1,920,365 (63 percent) will be reimbursed to the District. Total District hurricane recovery expenditures as currently anticipated are provided in the table below.

Project	District's Allocation	District's Cost Share	NRCS	FEMA (Est.)	Hills. County	Total Cost	Cumulative Total
Initial Allocation	\$2,600,000						
District-wide Labor/Equipment Expend/Encumb		\$681,615		\$681,615		\$1,363,230	\$1,363,230
Peace Creek Drainage Canal		118,085	\$354,255			472,340	1,835,570
Flint Creek		80,000	90,000		\$50,000	220,000	2,055,570
Peace River		248,165	744,495			992,660	3,048,230
Additional Allocation Required	\$448,230						
TOTALS	\$3,048,230	\$1,127,865	\$1,188,750	\$681,615	\$50,000	\$3,048,230	

Mr. Schiller noted that Mr. Bilenky is investigating whether a DCA emergency mutual aide contract may allow for more reimbursement by the state. Mr. Kuhl noted that all equipment purchased for emergency response activities has been accounted for. He said that the only missing item is a generator the District has had for 25 years. **Staff recommended to (1) authorize the transfer of \$448,230 from General Fund contingency reserves for the Flint Creek and Peace River projects, to be reimbursed at 75 percent under the contract with the NRCS; and (2) authorize the Executive Director to execute an amendment to the NRCS contract to add funding for the Flint Creek and Peace River projects; thereby, increasing the contract amount by \$1,112,660 for a revised estimated cost not to exceed \$1,585,000.** Following consideration, **Mr. Johnson moved, seconded by Ms. Dominguez, to approve the staff recommendation as presented. The motion carried unanimously.** (Tape 1, Side A – 1.2/18.3)

26. **Fiscal Year 2006 (FY2006) Budget Development Process**

Ms. Linda Pilcher, Assistant Finance Director, reviewed the FY2006 Budget Development Process establishing priorities and defining general preparation assumptions. She noted that District staff will begin the FY2006 budget development process in January. A memorandum with attachments provided an overview of the planned budget development process, consistent with the objectives of the Executive Office of the Governor. The exhibit included the budget calendar, preliminary list of priority issues, Governor's letter to the District dated September 14, 2004, and general preparation assumptions. **This item was presented for the Governing Board's review and acceptance.**

In response to Mr. Johnson's question, Mr. Schiller said that the District's priorities and assumptions are identical to Governor's Office requests and the Governor's letter to the Governing Board in September. He noted that Committee Chair Rice has requested for staff to rethink the budget notebook to provide a short overview of the budget. Chair Rice said he would like to see a 25- to 30-page summary and remaining information becomes the backup document. He said he also would like a definition for Comprehensive Watershed Management (CWM) since it encompasses so many projects. Chair Rice said that Mr. Schiller will discuss these items with Mr. Moore and report back to the Committee for a brief presentation at the January Committee meeting. Following consideration, **Ms. Dominguez, moved, seconded by Mr. Johnson, that the Governing Board accept the planned budget development process. The motion carried unanimously.** (Tape 1, Side A – 18.3/30.9)

Routine Reports

27. November 2004 Interim Report on Workforce and Vendor Diversity

This quarterly newsletter, Ripples, updates the key statistics and information contained in the annual Workforce and Vendor Diversity Report for the Governing Board and Basin Board members. Mr. Schiller noted that 48 percent of contracts for discretionary spending are with minority or small businesses. Mr. Johnson said he is proud of the work the District does in diversity, and it reflects staff's commitment to diversity. This item is presented for the Committee's information, and no action is required.

28. Tampa Service Office Construction Project Update

This item is to keep the Board advised of the progress/status of the Tampa Service Office Construction Project. A written summary report of the accomplishments of the previous month was included in the Board packet, along with a schedule for the project. Mr. Schiller noted that currently insulation is in short supply. In response to Mr. Johnson's question, Mr. Schiller said the contract only provides relief for time extensions due to force majeure. Discussion ensued regarding the contract and costs to the contractor. Mr. Moore noted that he has met with the contractor to resolve issues. This item is presented for the Committee's information only, and no action is required. (Tape 1, Side A – 30.9/Side B - 7.9)

29. Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserves Report

In accordance with Board Policy No. 130-3, a monthly report on investments shall be provided to the Governing Board. A copy of the Treasurer's Report as of November 30, 2004, which reflects total cash and investments at a market value of \$273,410,238, was included in the packet. In accordance with Board Policy No. 130-1, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register for Accounts Payable listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic funds transfers (EFTs), and the FY2005 Contingency Reserves Report (District only) was also included. These items were presented for the Committee's information only, and no action was required.

30. January Committee Meeting Agenda

Chair Rice requested items for consideration by the Committee. Mr. Schiller said that CWM, procurement cards, hybrid car utilization, Alchemy software, and mainframe changeover. Mr. Pokrana noted that this is the last year of the contract for utilizing the current auditors, KPMG; therefore, staff will be sending out a bid request with the results and a recommendation for the Committee to recommend to the Governing Board to select the next auditors. The Committee members were in agreement to place CWM and Alchemy on the January agenda, and hear the other items at a later meeting.

- Approval of the Minutes of the Committee Meeting of December 14, 2004
- Consent Transfer Report
- Comprehensive Watershed Management Overview
- Records Management Alchemy Retrieval Software
- Routine Reports
 - Tampa Service Office Construction Project Update
 - Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserves Report
- Development of the February Committee Meeting Agenda
(Tape 1, Side B – 7.9/10.0)

There being no further business, the meeting was adjourned at 11:17 a.m.

The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation, as provided for in the Americans with Disabilities Act, should contact the Executive Department, telephone 1-800-423-1476 (Florida only), extension 4604; TDD ONLY 1-800-231-6103 (Florida only); FAX 352-754-6874.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Consent Transfer Report
Month Ended December 31, 2004

ITEM NO.	DEPARTMENT	EXPENDITURE CATEGORY	DEPARTMENT	EXPENDITURE CATEGORY	REASON FOR TRANSFER	AMOUNT TRANSFERRED
Basin Board Approved						
Peace River Basin Board:						
1	N/A	Contingencies	Resource Management	Consultant Services	Transfer of contingency reserves to consultant services for conduct of the Peace Creek Watershed Evaluation.	\$ 50,000
1	Resource Management	Reserves for Seminole Lake Restoration	Resource Management	Grant - Financial Assistance	Transfer of Lake Seminole Reserves to the Aquatic Habitat Enhancement of Lake Seminole Project.	200,000
2	Resource Management	Regular Salaries and Wages FICA Retirement Group Insurance Consultant Services Medical Exams / Monitoring Travel - Staff Duties Central Garage Charges	Resource Management	Regular Salaries and Wages FICA Retirement Group Insurance Consultant Services Medical Exams / Monitoring Travel - Staff Duties Central Garage Charges	Transfer from Sawgrass Lake Environmental Study to Sawgrass Lake Restoration project for implementation of the project to clean up the site and improve surface water quality.	1,023,179
Total Basin Board Approved						\$ 1,273,179
Executive Director Approved - Basins						
Withlacoochee River Basin:						
1	Land Resources	Security Services	Land Resources	Security Services	Transfer of funds budgeted for security services on other district lands to provide security services on the recently acquired Flying Eagle Boy Scout Tract. Due to the size of the property and existing amenities, the property requires security.	\$ 7,300
Executive Director Approved - General Fund						
1	Finance	Regular Salaries and Wages	Finance	Other Contractual Services	Transfer of unused salary budget resulting from vacancies to other contractual services for temporary assistance to facilitate the preparation of invoices to FEMA requesting reimbursement of hurricane recovery expenditures	10,000
2	Land Resources	Overtime	Land Resources	Telephone and Communications	Transfer of overtime budget not anticipated to be required due to improved processes and technology to provide for the annual cellular service for data modems that control Real-Time Kinematic Global Positioning System units	2,000
3	Resource Management	Contracted Construction	Resource Management	Contracted Construction	Transfer from Tampa Bay habitat restoration projects budget to Pt. Redwing ecosystem restoration project for Tampa Bay. The funds will be used to repair project weirs that were damaged due to hurricanes and heavy rains.	42,561
4	Bartow Regulation	Regular Salaries and Wages	Bartow Regulation	Other Contractual Services	Transfer of unused salary budget due to vacancies to other contractual services to outsource Bartow Regulation Vault position. This is consistent with plan to outsource vault positions as they become vacant.	18,000
5	Operations	District Land Maintenance Materials	Operations	Equipment - Outside	Transfer of unused maintenance materials budget to fund 8" trailer mounted pump.	19,000
6	Resource Management	Consultant Services	Resource Management	Grant - Financial Assistance	Transfer from SWIM Plan Implementation for Crystal River/Kings Bay project budget for additional data analyses of sediment resuspension required for SWIM activities to improve water clarity in Kings Bay.	1,000
7	Resource Management	Contracted Construction	Resource Management	Contracted Construction	Transfer from Tampa Bay habitat restoration projects budget to Lancaster Tract Habitat Restoration project for construction management activities.	24,600
Total Executive Director Approved						\$ 124,461

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Basin Boards, Executive Director, or Finance Director consistent with Board Policy number 130-8, and are presented for Governing Board approval on the consent agenda. All Basin transfers are made based on Basin Board authority and are presented to the Governing Board via this report for ratification or approval. Executive Director approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts of \$50,000 or less. Finance Director approved transfers are accounting type transfers with no change to the original budget intent.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Consent Transfer Report
Month Ended December 31, 2004

ITEM NO.	DEPARTMENT	EXPENDITURE CATEGORY	DEPARTMENT	EXPENDITURE CATEGORY	REASON FOR TRANSFER	AMOUNT TRANSFERRED
Finance Director Approved						
1	Res. Conservation & Development	Grant - Financial Assistance	Res. Conservation & Development	Consultant Services	Transfer of budgeted funds to appropriate expenditure code for A Research Project: Evaluation of Soil Moisture Based On-Demand Irrigation Controllers	\$ 209,010
2	Resource Management	Contracted Construction	Resource Management	Grant - Financial Assistance	Transfer of budgeted funds to appropriate expenditure code for SWIM Intertidal Habitat Restoration in Sarasota Bay	115,000
3	Resource Management	Contracted Construction	Resource Management	Grant - Financial Assistance	Transfer of budgeted funds to appropriate expenditure code for construction of SWIM Sarasota Bay Spoil Island Restoration project.	120,000
4	Operations	Contracted Construction	Resource Management	Contracted Construction	Transfer of budgeted funds to appropriate department for contracted trucking services associated with habitat enhancement/restoration on Lancaster Tract.	50,000
5	Technical Services	Contracted Construction	Resource Management	Reforestation of Vegetation	Transfer of budgeted funds to appropriate department and expenditure code for planting activities at Cockroach Bay FDOT mitigation project.	5,622
6	Resource Management Environmental Section	Grant - Financial Assistance	Resource Management SWIM Section	Grant - Financial Assistance	Transfer of budgeted funds to appropriate departmental section for design, permitting and construction of Eagle Lake Park Stormwater and Wetland Restoration Project.	560,000
7	Resource Management Environmental Section	Consultant Services	Resource Management Engineering Section	Consultant Services	Transfer of budgeted funds to appropriate departmental section for completion of digitizing services necessary for watershed evaluation of Josephine / Jackson Creek Watershed.	2,500
Total Finance Director Approved						\$ 1,062,132
Total Transfers for Governing Board Approval						\$ 2,459,772

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Basin Boards, Executive Director, or Finance Director consistent with Board Policy number 130-8, and are presented for Governing Board approval on the consent agenda. All Basin transfers are made based on Basin Board authority and are presented to the Governing Board via this report for ratification or approval. Executive Director approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts of \$50,000 or less. Finance Director approved transfers are accounting type transfers with no change to the original budget intent.

DRAFT

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 05-02

**AMENDMENT OF THE FISCAL YEAR 2005
ANNUAL SERVICE BUDGET**

WHEREAS, the Governing Board of the Southwest Florida Water Management District (District), as required by Chapters 200 and 373, Florida Statutes (F.S.), and Chapter 61-691, Laws of Florida, adopted the fiscal year (FY) 2005 total budget of \$279,252,797 on September 28, 2004; 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 Subsection 373.536(4), F.S.; and

WHEREAS, the District has complied with the notice requirement and all other requirements of ss. 373.536(4), F.S.; and

WHEREAS, the General Fund will receive \$7,450,000 in unanticipated revenue from the U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS) of \$4,800,000, the U.S. Federal Emergency Management Agency (FEMA) of \$2,385,000 and the Florida Department of Community Affairs (DCA) of \$265,000 for hurricane debris cleanup activities for several major watercourses and Charlotte Harbor and Sarasota Bay.

NOW THEREFORE, BE IT RESOLVED, by the Governing Board of the Southwest Florida Water Management District that the FY2005 District budget is amended by an increase of \$7,450,000 from \$279,252,797 to an amended total budget of \$286,702,797, as reflected on the attached budget.

PASSED AND ADOPTED this 25th day of January 2005, by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Watson L. Haynes II, Chair

Attest:

Judith C. Whitehead, Secretary

CERTIFICATE AS TO RESOLUTION NO. 05-02

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 25th day of January 2005, at a duly called and properly held meeting of the Governing Board of the District, 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 Brooksville, Florida, this 25th day of January 2005.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Watson L. Haynes II, Chair

Attest:

Judith C. Whitehead, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 25th day of January 2005, by Watson L. Haynes II and Judith C. Whitehead, 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 25th day of January 2005.

Notary Public
State of Florida at Large
My Commission Expires:

**Southwest Florida Water Management District
Fiscal Year 2005 Proposed Budget Amendment**

Unanticipated Additions to Budgeted Revenues

Increase the FY2005 General Fund budget by \$7,450,000 to reflect unanticipated revenue from the U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS) of \$4,800,000 for hurricane debris cleanup projects in the Peace Creek Drainage Canal, Alafia River, Peace River tributaries, Shell and Prairie Creeks, and Alligator Creek; and to reflect unanticipated revenue from the U.S. Federal Emergency Management Agency (FEMA) of \$2,385,000 and the Florida Department of Community Affairs (DCA) of \$265,000 for hurricane debris cleanup projects in the Charlotte and Sarasota Bays.

The proposed budget amendment have no impact on ad valorem taxes

	<u>FY2005 Adopted Budget</u>	<u>Proposed Budget Amendment</u>	<u>FY2005 Amended Budget</u>
<u>Revenues:</u>			
General Fund	\$118,894,079	\$7,450,000	\$126,344,079
Special Revenue Funds	130,911,648		130,911,648
Capital Projects Fund	29,447,070		29,447,070
Total Revenues	<u><u>\$279,252,797</u></u>	<u><u>\$7,450,000</u></u>	<u><u>\$286,702,797</u></u>
<u>Expenditures:</u>			
General Fund	\$118,894,079	\$7,450,000	\$126,344,079
Special Revenue Funds	130,911,648		130,911,648
Capital Projects Fund	29,447,070		29,447,070
Total Expenditures	<u><u>\$279,252,797</u></u>	<u><u>\$7,450,000</u></u>	<u><u>\$286,702,797</u></u>

Finance and Administration Committee

EXHIBIT 30

Tampa Service Office Construction Project Update

Please remove this page and insert exhibit.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT1
 TREASURER'S REPORT TO THE GOVERNING BOARD
 December 31, 2004

AGENCY SECURITIES

CUSIP NUMBER	SECURITY DESCRIPTION	EFFECTIVE INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY	PURCHASE COST	MARKET VALUE	% OF PORTFOLIO
3133ML7H2	3 years Federal Home Loan Bank	3.80%	02/08/2002	02/08/2005	39	10,000,000	10,012,360	
3133MYZF7-0	3 years Federal Home Loan Bank Callable 09/12/03, quarterly thereafter	2.38%	06/12/2003	06/12/2006	528	10,000,000	9,886,953	
3133MYZF7-1	3 years Federal Home Loan Bank Callable 09/12/03, quarterly thereafter	2.38%	06/12/2003	06/12/2006	528	10,000,000	9,886,953	
31339XFC3	3 years Federal Home Loan Bank Callable 07/16/03, monthly thereafter	2.25%	06/19/2003	06/16/2006	532	10,000,000	9,885,000	
31339XF90	3 years Federal Home Loan Bank Callable 09/19/03, quarterly thereafter	2.20%	06/19/2003	06/19/2006	535	10,000,000	9,859,812	
31339XK94	3 years Federal Home Loan Bank Callable 09/26/03, quarterly thereafter	2.20%	06/26/2003	06/26/2006	542	10,000,000	9,857,099	
31339YNQ1	3 years Federal Home Loan Bank Callable 10/28/03, quarterly thereafter	2.27%	07/28/2003	07/28/2006	574	10,000,000	9,854,900	
3133X02W8	3 years Federal Home Loan Bank Callable 11/14/03, quarterly thereafter	2.50%	08/14/2003	08/14/2006	591	10,000,000	9,884,464	
3133X45N7	3 years Federal Home Loan Bank Callable 6/08/04, quarterly thereafter	3.04%	03/08/2004	03/08/2007	797	9,805,000	9,732,621	

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 TREASURER'S REPORT TO THE GOVERNING BOARD
 December 31, 2004

AGENCY SECURITIES (Continued)

CUSIP NUMBER	SECURITY DESCRIPTION	EFFECTIVE INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY	PURCHASE COST	MARKET VALUE	% OF PORTFOLIO
3133X4VB4	3 years Federal Home Loan Bank Callable 4/30/04, monthly thereafter	3.00%	03/29/2004	03/28/2007	817	10,000,000	9,925,000	
3136F5PGO	3 years Federal National Mortgage Assoc Agency Callable 7/30/04, quarterly thereafter	2.76%	04/30/2004	04/30/2007	850	10,000,000	9,912,500	
3133X9GJ3	3 years Federal Home Loan Bank Callable 1/03/05, monthly thereafter	3.73%	12/03/2004	12/03/2007	1,067	10,000,000	9,995,000	
Total Agency Securities						\$ 119,805,000	\$ 118,692,662	31%

SBA ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE	PURCHASE COST	MARKET VALUE	% OF PORTFOLIO
271413	State Board of Admin. (SBA) General Investments	2.19	\$ 259,281,755	\$ 259,281,755	
271411	SBA Workers' Comp	2.19	1,145,133	1,145,133	
271412	SBA Benefit Plan	2.19	21,181	21,181	
271414	SBA Land Resources, SOR	2.19	102,072	102,072	
271415	SBA Advanced State Funding	2.19	7,371,544	7,371,544	
271416	SBA Advanced State Funding, FDOT Maint & Mon.	2.19	645,032	645,032	
Total SBA Accounts			\$ 268,566,717	\$ 268,566,717	69%
TOTAL INVESTMENTS			\$ 388,371,717	\$ 387,259,379	100%
Accrued Interest on Investments			691,180	691,180	
TOTAL INVESTMENTS AND ACCRUED INTEREST			\$ 389,062,897	\$ 387,950,559	
Cash, SunTrust Demand Account			(5,979,760)	(5,979,760)	
TOTAL CASH, INVESTMENTS, AND ACCRUED INTEREST			\$ 383,083,137	\$ 381,970,799	

Weighted average yield on portfolio at December 31, 2004 is 2.35%

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 TREASURER'S REPORT TO THE GOVERNING BOARD
 December 31, 2004

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS	\$	%
District General	170,250,718	44.45%
Alafia River	7,154,258	1.87%
Hillsborough River	14,097,447	3.68%
Northwest Hillsborough	17,214,887	4.49%
Coastal Rivers	9,972,258	2.60%
Pinellas-Anclote River	80,134,803	20.92%
Withlacoochee River	14,026,090	3.66%
Peace River	26,130,471	6.82%
Manasota	34,070,554	8.89%
SWIM Program	9,838,311	2.57%
DOT Mitigation	193,340	0.05%
TOTAL EQUITY IN CASH AND INVESTMENTS	\$ 383,083,137	100.00%

SUNTRUST DEMAND ACCOUNT ACTIVITY

	Cash Balance 11/30/2004	Cash Received	Cash Disbursed	Cash Balance 12/31/2004
Opening Balance	\$ (226,364) *			
Cash Receipts		108,033,047		
Cash Disbursements (Checks)			10,617,798	
Cash Disbursements (Wires)			23,624,745	
Interbank Transfers (Wires)		22,049,500		
Purchase of Security (Wires)			10,000,000	
TOTAL SUNTRUST DEMAND ACCOUNT	\$ (226,364)	\$ 130,082,547	\$ 135,835,943	\$ (5,979,760) *

* Excess funds from the District's SunTrust Bank Demand Account are transferred to the District's SBA investment account daily. This may result in a negative book balance. However, a positive bank balance is maintained at all times.

FISCAL YEAR 2005 QUARTERLY FINANCIAL REPORT



FIRST QUARTER FINANCIAL REPORT

**Three months ended
December 31, 2004**

JANUARY 2005

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
FISCAL YEAR 2005 QUARTERLY FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004**

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INTRODUCTION

The first quarter report covers the three months ended December 31, 2004 of financial activities for fiscal year (FY) 2005. 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

For the first quarter, the District collected \$116.9 million in Ad Valorem Taxes (73 percent of the annual budget). Based on collection rates in prior years, ad valorem taxes are forecast to be on track with the budget.

Interest earnings are currently projected to be on track with the budget. The majority of the \$1.9 million of interest earnings projected to be in excess of the budget are due to the Partnership Trust. These earnings are not included in the annual budget, and will be used to offset the future required Partnership Trust contributions of the General Fund and six participating basins. Other revenues are projected to exceed the budgeted amounts by \$1,267,838, which will be included as part of the balance forward projections for FY2006. This is primarily due to the return of \$1,137,441 of excess fees to the District by the property appraisers and tax collectors within the 16-county area.

Expenditures / Encumbrances

First 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 three months of the fiscal year and the projections made as of the end of the quarter, December 31, 2004, the financial condition of the Southwest Florida Water Management District, including the individual Basins, is positive and budget variances are favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention. We will continue to monitor and report on all financial activities throughout FY2005 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 districtwide 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 major capital projects) that are legally restricted to expenditures for specified purposes. The accounts of the eight Basins, Surface Water Improvement and Management program, 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 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 FY2005 budget.

Interfund Transfer: Interfund transfers represent the transfer of money from one fund to another within a governmental unit.

FY2004 Actual: This represents actual revenues and expenditures for the prior fiscal year as reported in the District's Comprehensive Annual Financial Report (CAFR).

Adopted FY2005 Budget: This is the formally adopted budget for the current fiscal year.

Prior Year Encumbrances: This represents the amount of prior year encumbrances and board designations carried forward from FY2004 and reappropriated for FY2005.

Budget Amendments/Transfers: This identifies formal budget amendments and approved transfers of budgeted funds from one budget line to another during the fiscal year. There were no budget amendments during the first quarter of FY2005.

Modified FY2005 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 FY2004 and reappropriated for FY2005, and adjusted for budget amendments/transfers.

FY2005 Encumbrances YTD: Represents the amount of encumbrances and board designations existing as of the end of the first quarter, December 31, 2004.

FY2005 Actuals YTD: This represents actual funds expended in the first quarter of FY2005.

FY2005 Forecast: The forecast is a projection of expected 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 FY2005 Budget and the FY2005 Forecast to show an initial projected carryover amount.

Fund Balance Restricted for Encumbrances: This represents the portion of Fund Balance that has been reserved or designated as of September 30, 2004, the end of the prior fiscal year, to fund outstanding encumbrances or board designations that have been reappropriated for expenditure in FY2005.

Projected Carryover for FY2006: The first 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. The second quarter projections, which will be issued in April 2005, will be used as the basis for basin revenue (Balance From Prior Years) projections for the FY2006 budget.

Acronyms:

FDOT	Florida Department of Transportation
SWIM	Surface Water Improvement and Management
FY	Fiscal Year
YTD	Fiscal Year-To-Date

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**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004**

DISTRICT ALL FUNDS

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$143,801,912	\$160,203,737	\$0	\$0	\$160,203,737	\$0	\$116,899,417	\$160,203,737	\$0
Balance From Prior Years	0	26,821,230	0	0	26,821,230	0	0	26,821,230	0
Local Funding / County / City	1,284,522	2,552,507	3,355,457	0	5,907,964	0	0	5,907,964	0
State Funding	58,686,378	60,177,164	76,931,689	0	137,108,853	0	14,068,834	136,645,598	(463,255)
Federal Funding	3,207,673	1,800,461	10,154,928	0	11,955,389	0	0	11,955,389	0
Permit Fees	3,303,915	2,300,000	0	0	2,300,000	0	796,850	2,300,000	0
Interest on Investments	4,565,891	4,145,000	0	0	4,145,000	0	1,238,919	6,039,150	1,894,150
Other	3,309,578	1,873,692	0	0	1,873,692	0	1,586,888	3,141,530	1,267,838
Total Revenues and Balances	\$218,159,869	\$259,873,791	\$90,442,074	\$0	\$350,315,865	\$0	\$134,590,908	\$353,014,598	\$2,698,733
Fund Balance Restricted for Encumbrances	\$0	\$0	\$281,356,281	\$0	\$281,356,281	\$0	\$0	\$281,356,281	\$0
Interfund Transfers - SWIM	2,379,973	4,238,468	9,622,743	0	13,861,211	0	32,740	13,552,375	(308,836)
Interfund Transfers - Partnership	15,116,277	15,140,538	0	0	15,140,538	0	0	15,140,538	0
Total Revenues, Balances and Transfers	\$235,656,119	\$279,252,797	\$381,421,098	\$0	\$660,673,895	\$0	\$134,623,648	\$663,063,792	\$2,389,897
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$45,971,918	\$49,394,358	\$85,655	\$123,646	\$49,603,659	\$36,719	\$10,627,234	\$49,103,659	(\$500,000)
Other Personal Services	36,509,730	59,285,386	90,316,838	(1,594,485)	148,007,739	95,451,903	3,054,958	147,350,075	(657,664)
Operating Expenses	18,672,432	21,737,097	1,555,364	427,244	23,719,705	3,346,059	6,466,982	23,719,705	0
Operating Capital Outlay	3,497,804	3,750,177	1,205,329	1,766,251	6,721,757	2,809,252	319,295	6,721,757	0
Fixed Capital Outlay	36,600,623	27,084,600	27,406,643	0	54,491,243	26,764,278	19,665,856	54,491,243	0
Grants	46,556,248	73,760,756	206,401,067	131,882	280,293,705	217,589,491	1,647,992	280,103,114	(190,591)
Reserves for Water Supply & Resource Dev	0	16,457,299	44,716,372	(10,000)	61,163,671	44,706,372	0	61,163,671	0
Reserves for Watershed Management	0	494,689	0	0	494,689	0	0	494,689	0
Reserves for Contingencies	0	7,909,429	111,087	(844,538)	7,175,978	111,087	0	7,175,978	0
Total Expenditures / Encumbrances	\$187,808,755	\$259,873,791	\$371,798,355	\$0	\$631,672,146	\$390,815,161	\$41,782,317	\$630,323,891	(\$1,348,255)
Interfund Transfers - SWIM	\$2,379,973	\$4,238,468	\$9,622,743	\$0	\$13,861,211	\$13,828,471	\$32,740	\$13,552,375	(\$308,836)
Interfund Transfers - Partnership	15,116,277	15,140,538	0	0	15,140,538	0	0	15,140,538	0
Total Expenditures, Reserves & Transfers	\$205,305,005	\$279,252,797	\$381,421,098	\$0	\$660,673,895	\$404,643,632	\$41,815,057	\$659,016,804	(\$1,657,091)
Projected Carryover for FY2006									\$4,046,988

Note: Refer to Introduction on page 1 and individual fund reports on pages 6-19 for explanation of variances.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004**

GENERAL FUND (DISTRICTWIDE)

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$88,260,896	\$97,975,893	\$0	\$0	\$97,975,893	\$0	\$70,547,895	\$97,975,893	\$0
Balance From Prior Years	0	10,151,492	0	0	10,151,492	0	0	10,151,492	0
Local Funding / County / City	377,381	111,000	0	0	111,000	0	0	111,000	0
State Funding	1,539,003	4,466,541	650,239	0	5,116,780	0	61,769	5,116,780	0
Federal Funding	2,029,345	540,461	6,006,850	0	6,547,311	0	0	6,547,311	0
Permit Fees	3,303,915	2,300,000	0	0	2,300,000	0	796,850	2,300,000	0
Interest on Investments	1,709,113	1,700,000	0	0	1,700,000	0	503,559	1,700,000	0
Other	2,505,329	1,648,692	0	0	1,648,692	0	1,149,551	2,479,193	830,501 (1)
Total Revenues and Balances	\$99,724,982	\$118,894,079	\$6,657,089	\$0	\$125,551,168	\$0	\$73,059,624	\$126,381,669	\$830,501
Fund Balance Restricted for Encumbrances	\$0	\$0	\$74,197,415	\$0	\$74,197,415	\$0	\$0	\$74,197,415	\$0
Total Revenues, Balances and Transfers	\$99,724,982	\$118,894,079	\$80,854,504	\$0	\$199,748,583	\$0	\$73,059,624	\$200,579,084	\$830,501

EXPENDITURES / ENCUMBRANCES

Salaries and Benefits	\$40,727,610	\$42,682,401	\$50	\$8,446	\$42,690,897	\$17,638	\$9,448,673	\$42,190,897	(\$500,000)
Other Personal Services	8,835,972	17,046,544	19,171,945	(1,447,120)	34,771,369	22,980,303	1,431,956	34,771,369	0
Operating Expenses	14,134,293	16,481,272	895,678	72,423	17,449,373	2,487,705	4,952,720	17,449,373	0
Operating Capital Outlay	3,375,611	3,303,977	1,193,235	1,766,251	6,263,463	2,794,922	317,230	6,263,463	0
Fixed Capital Outlay	3,942	28,600	7,370	0	35,970	3,670	538	35,970	0
Grants	3,794,468	14,110,956	28,453,064	0	42,564,020	27,932,014	511,067	42,564,020	0
Reserves for Water Supply & Resource Dev	0	13,064,085	30,982,463	0	44,046,548	30,982,463	0	44,046,548	0
Reserves for Contingencies	0	5,257,652	111,087	(400,000)	4,968,739	111,087	0	4,968,739	0
Total Expenditures / Encumbrances	70,871,896	111,975,487	80,814,892	0	192,790,379	87,309,802	16,662,184	192,290,379	(500,000)
Interfund Transfers - SWIM	\$10,954	\$0	\$39,612	\$0	\$39,612	\$39,612	\$0	\$39,612	\$0
Interfund Transfers - Partnership	6,905,943	6,918,592	0	0	6,918,592	0	0	6,918,592	0
Total Expenditures, Reserves & Transfers	\$77,788,793	\$118,894,079	\$80,854,504	\$0	\$199,748,583	\$87,349,414	\$16,662,184	\$199,248,583	(\$500,000)
Projected Carryover for FY2006									\$1,330,501

(1) Other revenue principally due to \$730,990 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

ALAFIA RIVER BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$2,517,053	\$3,518,106	\$0	\$0	\$3,518,106	\$0	\$2,890,689	\$3,518,106	\$0
Balance From Prior Years	0	520,148	0	0	520,148	0	0	520,148	0
Local Funding / County / City	3,684	0	0	0	0	0	0	0	0
State Funding	98,427	443,463	330,174	0	773,637	0	0	773,637	0
Interest on Investments	76,930	80,000	0	0	80,000	0	22,878	80,000	0
Other	1,605	0	0	0	0	0	18,076	18,076	18,076 (1)
Total Revenues and Balances	\$2,697,699	\$4,561,717	\$330,174	\$0	\$4,891,891	\$0	\$2,931,643	\$4,909,967	\$18,076
Fund Balance Restricted for Encumbrances	\$0	\$0	\$3,273,208	\$0	\$3,273,208	\$0	\$0	\$3,273,208	\$0
Total Revenues, Balances and Transfers	\$2,697,699	\$4,561,717	\$3,603,382	\$0	\$8,165,099	\$0	\$2,931,643	\$8,183,175	\$18,076
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$289,070	\$383,378	\$0	\$0	383,378	\$0	\$40,872	\$383,378	\$0
Other Personal Services	505,834	894,389	1,210,877	0	2,105,266	1,511,280	30,297	2,105,266	0
Operating Expenses	416,450	167,371	38,085	0	205,456	38,924	62,958	205,456	0
Operating Capital Outlay	0	0	500	0	500	0	500	500	0
Grants	438,742	1,910,623	1,343,941	0	3,254,564	1,390,236	14,702	3,254,564	0
Reserves for Water Supply & Resource Dev	0	0	47,403	0	47,403	47,403	0	47,403	0
Reserves for Contingencies	0	150,000	0	0	150,000	0	0	150,000	0
Total Expenditures / Encumbrances	\$1,650,096	\$3,505,761	\$2,640,806	\$0	\$6,146,567	\$2,987,843	\$149,329	\$6,146,567	\$0
Interfund Transfers - SWIM	\$895,725	\$410,836	\$962,576	\$0	\$1,373,412	\$1,371,450	\$1,962	\$1,293,412	(\$80,000) (2)
Interfund Transfers - Partnership	644,354	645,120	0	0	645,120	0	0	645,120	0
Total Expenditures, Reserves & Transfers	\$3,190,175	\$4,561,717	\$3,603,382	\$0	\$8,165,099	\$4,359,293	\$151,291	\$8,085,099	(\$80,000)
Projected Carryover for FY2006									\$98,076

(1) Other revenue principally due to \$17,954 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

(2) Marsh Creek Habitat Enhancement project: Hillsborough County did not identify lands needed for additional work; funds no longer required.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

HILLSBOROUGH RIVER BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$7,125,716	\$8,622,421	\$0	\$0	\$8,622,421	\$0	\$6,798,342	\$8,622,421	\$0
Balance From Prior Years	0	1,278,013	0	0	1,278,013	0	0	1,278,013	0
Local Funding / County / City	22,070	315,000	714,488	0	1,029,488	0	0	1,029,488	0
State Funding	454,135	1,441,891	2,016,210	0	3,458,101	0	0	3,458,101	0
Interest on Investments	161,894	160,000	0	0	160,000	0	47,706	160,000	0
Other	296,601	0	0	0	0	0	69,336	69,336	69,336 (1)
Total Revenues and Balances	\$8,060,416	\$11,817,325	\$2,730,698	\$0	\$14,548,023	\$0	\$6,915,384	\$14,617,359	\$69,336
Fund Balance Restricted for Encumbrances	\$0	\$0	\$5,762,224	\$0	\$5,762,224	\$0	\$0	\$5,762,224	\$0
Total Revenues, Balances and Transfers	\$8,060,416	\$11,817,325	\$8,492,922	\$0	\$20,310,247	\$0	\$6,915,384	\$20,379,583	\$69,336

EXPENDITURES / ENCUMBRANCES

Salaries and Benefits	\$696,880	\$940,912	\$0	\$44,829	985,741	\$0	\$118,293	\$985,741	\$0
Other Personal Services	1,589,514	3,230,913	4,199,717	(114,829)	7,315,801	4,662,649	74,401	7,279,637	(36,164) (2)
Operating Expenses	527,061	818,041	38,335	70,000	926,376	35,237	292,824	926,376	0
Operating Capital Outlay	20,900	3,000	500	0	3,500	0	500	3,500	0
Fixed Capital Outlay	300	0	0	0	0	0	0	0	0
Grants	1,757,779	2,453,854	2,774,972	0	5,228,826	2,727,685	471,993	5,228,826	0
Reserves for Water Supply & Resource Dev	0	896,346	40,000	0	936,346	40,000	0	936,346	0
Reserves for Contingencies	0	150,000	0	0	150,000	0	0	150,000	0
Total Expenditures / Encumbrances	\$4,592,434	\$8,493,066	\$7,053,524	\$0	\$15,546,590	\$7,465,571	\$958,011	\$15,510,426	(\$36,164)
Interfund Transfers - SWIM	\$277,313	\$651,662	\$1,439,398	\$0	\$2,091,060	\$2,088,154	\$2,906	\$2,091,060	\$0
Interfund Transfers - Partnership	2,669,477	2,672,597	0	0	2,672,597	0	0	2,672,597	0
Total Expenditures, Reserves & Transfers	\$7,539,224	\$11,817,325	\$8,492,922	\$0	\$20,310,247	\$9,553,725	\$960,917	\$20,274,083	(\$36,164)
Projected Carryover for FY2006									\$105,500

(1) Other revenue principally due to \$50,518 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

(2) Tampa Bypass Canal Landfill Site: Project completed under budget.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

NORTHWEST HILLSBOROUGH BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$4,593,204	\$4,995,198	\$0	\$0	\$4,995,198	\$0	\$4,159,455	\$4,995,198	\$0
Balance From Prior Years	0	780,814	0	0	780,814	0	0	780,814	0
Local Funding / County / City	3,578	56,202	0	0	56,202	0	0	56,202	0
State Funding	12,810	21,873	46,344	0	68,217	0	0	68,217	0
Interest on Investments	176,213	190,000	0	0	190,000	0	59,883	190,000	0
Other	2,439	0	0	0	0	0	33,091	33,091	33,091 (1)
Total Revenues and Balances	\$4,788,244	\$6,044,087	\$46,344	\$0	\$6,090,431	\$0	\$4,252,429	\$6,123,522	\$33,091
Fund Balance Restricted for Encumbrances	\$0	\$0	\$11,372,142	\$0	\$11,372,142	\$0	\$0	\$11,372,142	\$0
Total Revenues, Balances and Transfers	\$4,788,244	\$6,044,087	\$11,418,486	\$0	\$17,462,573	\$0	\$4,252,429	\$17,495,664	\$33,091
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$322,991	\$349,348	\$0	\$0	349,348	\$0	\$42,305	\$349,348	\$0
Other Personal Services	463,879	562,630	203,666	0	766,296	295,249	29,971	766,296	0
Operating Expenses	229,388	239,099	31,845	0	270,944	32,414	114,581	270,944	0
Grants	356,224	3,742,810	7,847,171	0	11,589,981	7,960,263	2,475	11,589,981	0
Reserves for Water Supply & Resource Dev	0	0	3,225,900	0	3,225,900	3,225,900	0	3,225,900	0
Reserves for Contingencies	0	300,000	0	0	300,000	0	0	300,000	0
Total Expenditures / Encumbrances	\$1,372,482	\$5,193,887	\$11,308,562	\$0	\$16,502,469	\$11,513,826	\$189,332	\$16,502,469	\$0
Interfund Transfers - SWIM	\$48,157	\$82,200	\$109,904	\$0	\$192,104	\$191,796	\$308	\$192,104	\$0
Interfund Transfers - Partnership	766,801	768,000	0	0	768,000	0	0	768,000	0
Total Expenditures, Reserves & Transfers	\$2,187,440	\$6,044,087	\$11,418,486	\$0	\$17,462,573	\$11,705,622	\$189,640	\$17,462,573	\$0
Projected Carryover for FY2006									\$33,091

(1) Other revenue principally due to \$32,941 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

COASTAL RIVERS BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$3,317,387	\$3,688,277	\$0	\$0	\$3,688,277	\$0	\$2,376,549	\$3,688,277	\$0
Balance From Prior Years	0	1,336,791	0	0	1,336,791	0	0	1,336,791	0
Local Funding / County / City	170,385	60,055	747,996	0	808,051	0	0	808,051	0
State Funding	980,325	680,881	1,220,939	0	1,901,820	0	0	1,901,820	0
Interest on Investments	115,046	130,000	0	0	130,000	0	36,970	130,000	0
Other	262,126	225,000	0	0	225,000	0	40,366	265,366	40,366 (1)
Total Revenues and Balances	\$4,845,269	\$6,121,004	\$1,968,935	\$0	\$8,089,939	\$0	\$2,453,885	\$8,130,305	\$40,366
Fund Balance Restricted for Encumbrances	\$0	\$0	\$6,000,107	\$0	\$6,000,107	\$0	\$0	\$6,000,107	\$0
Total Revenues, Balances and Transfers	\$4,845,269	\$6,121,004	\$7,969,042	\$0	\$14,090,046	\$0	\$2,453,885	\$14,130,412	\$40,366
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$536,757	\$717,757	\$0	\$0	717,757	\$0	\$94,268	\$717,757	\$0
Other Personal Services	1,653,650	1,074,087	3,727,278	0	4,801,365	4,127,089	86,940	4,801,365	0
Operating Expenses	233,054	431,120	29,764	0	460,884	24,961	96,839	460,884	0
Operating Capital Outlay	8,985	10,000	500	0	10,500	0	565	10,500	0
Grants	1,259,688	2,332,581	3,823,200	0	6,155,781	3,851,129	1,840	6,155,781	0
Reserves for Water Supply & Resource Dev	0	660,947	97,838	0	758,785	97,838	0	758,785	0
Reserves for Contingencies	0	200,000	0	0	200,000	0	0	200,000	0
Total Expenditures / Encumbrances	\$3,692,134	\$5,426,492	\$7,678,580	\$0	\$13,105,072	\$8,101,017	\$280,452	\$13,105,072	\$0
Interfund Transfers - SWIM	\$17,556	\$80,112	\$290,462	\$0	\$370,574	\$369,303	\$1,271	\$370,574	\$0
Interfund Transfers - Partnership	613,428	614,400	0	0	614,400	0	0	614,400	0
Total Expenditures, Reserves & Transfers	\$4,323,118	\$6,121,004	\$7,969,042	\$0	\$14,090,046	\$8,470,320	\$281,723	\$14,090,046	\$0
Projected Carryover for FY2006									\$40,366

(1) Other revenue principally due to \$29,233 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004**

PINELLAS-ANCLOTE RIVER BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$20,270,787	\$22,371,747	\$0	\$0	\$22,371,747	\$0	\$17,811,041	\$22,371,747	\$0
Balance From Prior Years	0	7,265,345	0	0	7,265,345	0	0	7,265,345	0
Local Funding / County / City	16,495	675,000	340,000	0	1,015,000	0	0	1,015,000	0
State Funding	290,428	653,350	590,000	0	1,243,350	0	0	1,243,350	0
Interest on Investments	954,238	1,075,000	0	0	1,075,000	0	308,248	1,075,000	0
Other	6,489	0	0	0	0	0	111,895	111,895	111,895 (1)
Total Revenues and Balances	\$21,538,437	\$32,040,442	\$930,000	\$0	\$32,970,442	\$0	\$18,231,184	\$33,082,337	\$111,895
Fund Balance Restricted for Encumbrances	\$0	\$0	\$49,754,662	\$0	\$49,754,662	\$0	\$0	\$49,754,662	\$0
Total Revenues, Balances and Transfers	\$21,538,437	\$32,040,442	\$50,684,662	\$0	\$82,725,104	\$0	\$18,231,184	\$82,836,999	\$111,895

EXPENDITURES / ENCUMBRANCES

Salaries and Benefits	\$558,610	\$611,016	\$0	\$0	611,016	\$0	\$96,657	\$611,016	\$0
Other Personal Services	577,050	5,957,123	2,847,030	219,010	9,023,163	3,314,021	35,538	9,023,163	0
Operating Expenses	643,019	1,000,944	32,410	0	1,033,354	30,303	445,858	1,033,354	0
Operating Capital Outlay	8,350	354,000	500	0	354,500	0	500	354,500	0
Grants	9,689,214	17,793,544	36,979,548	40,528	54,813,620	45,783,768	106,670	54,773,620	(40,000) (2)
Reserves for Water Supply & Resource Dev	0	0	7,039,396	(10,000)	7,029,396	7,029,396	0	7,029,396	0
Reserves for Contingencies	0	1,000,000	0	(249,538)	750,462	0	0	750,462	0
Total Expenditures / Encumbrances	\$11,476,243	\$26,716,627	\$46,898,884	\$0	\$73,615,511	\$56,157,488	\$685,223	\$73,575,511	(\$40,000)
Interfund Transfers - SWIM	\$446,594	\$1,867,815	\$3,785,778	\$0	\$5,653,593	\$5,640,411	\$13,182	\$5,424,757	(\$228,836) (3)
Interfund Transfers - Partnership	3,450,534	3,456,000	0	0	3,456,000	0	0	3,456,000	0
Total Expenditures, Reserves & Transfers	\$15,373,371	\$32,040,442	\$50,684,662	\$0	\$82,725,104	\$61,797,899	\$698,405	\$82,456,268	(\$268,836)

Projected Carryover for FY2006

\$380,731

(1) Other revenue principally due to \$111,814 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

(2) Odessa Wastewater Treatment Facility Reclaimed Water Pump Station: Project cancelled.

(3) Brooker Creek Restoration Project - Channel L: Bid for this project combined with another similar project; overall bid came in lower than anticipated so additional funds not required.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

WITHLACOCOCHEE RIVER BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$2,598,289	\$2,837,157	\$0	\$0	\$2,837,157	\$0	\$1,323,043	\$2,837,157	\$0
Balance From Prior Years	0	1,204,371	0	0	1,204,371	0	0	1,204,371	0
Local Funding / County / City	144,395	566,500	252,846	0	819,346	0	0	819,346	0
State Funding	9,791,610	6,654,110	4,933,459	0	11,587,569	0	0	11,587,569	0
Federal Funding	1,284	0	1,098,000	0	1,098,000	0	0	1,098,000	0
Interest on Investments	40,196	50,000	0	0	50,000	0	21,042	50,000	0
Other	1,781	0	0	0	0	0	9,392	9,392	9,392 (1)
Total Revenues and Balances	\$12,577,555	\$11,312,338	\$6,284,305	\$0	\$17,596,643	\$0	\$1,353,477	\$17,606,035	\$9,392
Fund Balance Restricted for Encumbrances	\$0	\$0	\$2,643,100	\$0	\$2,643,100	\$0	\$0	\$2,643,100	\$0
Total Revenues, Balances and Transfers	\$12,577,555	\$11,312,338	\$8,927,405	\$0	\$20,239,743	\$0	\$1,353,477	\$20,249,135	\$9,392
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$936,270	\$1,029,036	\$0	\$0	1,029,036	\$0	\$192,044	\$1,029,036	\$0
Other Personal Services	10,179,882	8,047,374	6,862,511	145,000	15,054,885	7,494,340	297,180	15,054,885	0
Operating Expenses	468,786	680,423	12,605	0	693,028	19,773	113,978	693,028	0
Operating Capital Outlay	15,445	0	0	0	0	0	0	0	0
Grants	587,863	549,054	933,819	0	1,482,873	1,097,683	6,453	1,482,873	0
Reserves for Water Supply & Resource Dev	0	0	0	0	0	0	0	0	0
Reserves for Watershed Management	0	494,689	0	0	494,689	0	0	494,689	0
Reserves for Contingencies	0	200,000	0	(145,000)	55,000	0	0	55,000	0
Total Expenditures / Encumbrances	\$12,188,246	\$11,000,576	\$7,808,935	\$0	\$18,809,511	\$8,611,796	\$609,655	\$18,809,511	\$0
Interfund Transfers - SWIM	\$53,776	\$245,933	\$1,118,470	\$0	\$1,364,403	\$1,359,874	\$4,529	\$1,364,403	\$0
Interfund Transfers - Partnership	65,740	65,829	0	0	65,829	0	0	65,829	0
Total Expenditures, Reserves & Transfers	\$12,307,762	\$11,312,338	\$8,927,405	\$0	\$20,239,743	\$9,971,670	\$614,184	\$20,239,743	\$0
Projected Carryover for FY2006									\$9,392

(1) Other revenue principally due to \$9,105 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

PEACE RIVER BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$6,038,604	\$5,725,534	\$0	\$0	\$5,725,534	\$0	\$3,039,628	\$5,725,534	\$0
Balance From Prior Years	0	1,824,093	0	0	1,824,093	0	0	1,824,093	0
Local Funding / County / City	223,621	101,250	607,120	0	708,370	0	0	708,370	0
State Funding	537,622	2,108,933	14,749,193	0	16,858,126	0	0	16,858,126	0
Federal Funding	0	125,000	0	0	125,000	0	0	125,000	0
Interest on Investments	299,516	310,000	0	0	310,000	0	94,322	310,000	0
Other	2,797	0	0	0	0	0	49,566	49,566	(1)
Total Revenues and Balances	\$7,102,160	\$10,194,810	\$15,356,313	\$0	\$25,551,123	\$0	\$3,183,516	\$25,600,689	\$49,566
Fund Balance Restricted for Encumbrances	\$0	\$0	\$16,493,010	\$0	\$16,493,010	\$0	\$0	\$16,493,010	\$0
Total Revenues, Balances and Transfers	\$7,102,160	\$10,194,810	\$31,849,323	\$0	\$42,044,133	\$0	\$3,183,516	\$42,093,699	\$49,566
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$707,364	\$1,035,939	\$0	\$0	1,035,939	\$0	\$157,777	\$1,035,939	\$0
Other Personal Services	1,760,140	3,777,794	16,824,370	50,000	20,652,164	17,550,610	60,734	20,652,164	0
Operating Expenses	359,970	500,140	15,556	(1)	515,695	16,602	105,122	515,695	0
Operating Capital Outlay	24,648	3,500	1,058	0	4,558	0	0	4,558	0
Grants	4,875,331	3,060,506	13,500,837	1	16,561,344	13,727,307	27,632	16,561,344	0
Reserves for Water Supply & Resource Dev	0	1,147,244	770,147	0	1,917,391	770,147	0	1,917,391	0
Reserves for Contingencies	0	300,000	0	(50,000)	250,000	0	0	250,000	0
Total Expenditures / Encumbrances	\$7,727,453	\$9,825,123	\$31,111,968	\$0	\$40,937,091	\$32,064,666	\$351,265	\$40,937,091	\$0
Interfund Transfers - SWIM	\$247,032	\$369,687	\$737,355	\$0	\$1,107,042	\$1,101,303	\$5,739	\$1,107,042	\$0
Total Expenditures, Reserves & Transfers	\$7,974,485	\$10,194,810	\$31,849,323	\$0	\$42,044,133	\$33,165,969	\$357,004	\$42,044,133	\$0
Projected Carryover for FY2006									\$49,566

(1) Other revenue principally due to \$49,390 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

MANASOTA BASIN

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$8,104,976	\$9,219,404	\$0	\$0	\$9,219,404	\$0	\$6,702,775	\$9,219,404	\$0
Balance From Prior Years	0	2,297,893	0	0	2,297,893	0	0	2,297,893	0
Local Funding / County / City	291,613	667,500	679,307	0	1,346,807	0	0	1,346,807	0
State Funding	433,099	1,741,212	702,016	0	2,443,228	0	0	2,443,228	0
Interest on Investments	407,108	450,000	0	0	450,000	0	133,369	450,000	0
Other	4,578	0	0	0	0	0	105,615	105,615	105,615 (1)
Total Revenues and Balances	\$9,241,374	\$14,376,009	\$1,381,323	\$0	\$15,757,332	\$0	\$6,941,759	\$15,862,947	\$105,615
Fund Balance Restricted for Encumbrances	\$0	\$0	\$22,339,222	\$0	\$22,339,222	\$0	\$0	\$22,339,222	\$0
Total Revenues, Balances and Transfers	\$9,241,374	\$14,376,009	\$23,720,545	\$0	\$38,096,554	\$0	\$6,941,759	\$38,202,169	\$105,615
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$538,576	\$708,409	\$0	\$0	708,409	\$0	\$121,178	\$708,409	\$0
Other Personal Services	1,751,658	2,994,532	3,036,491	0	6,031,023	3,762,613	33,209	6,031,023	0
Operating Expenses	340,165	568,013	34,912	0	602,925	51,000	223,221	602,925	0
Operating Capital Outlay	4,400	2,700	0	0	2,700	0	0	2,700	0
Grants	5,710,867	8,533,455	16,996,729	0	25,530,184	17,428,237	444,249	25,530,184	0
Reserves for Water Supply & Resource Dev	0	688,677	2,513,225	0	3,201,902	2,513,225	0	3,201,902	0
Reserves for Contingencies	0	350,000	0	0	350,000	0	0	350,000	0
Total Expenditures / Encumbrances	\$8,345,666	\$13,845,786	\$22,581,357	\$0	\$36,427,143	\$23,755,075	\$821,857	\$36,427,143	\$0
Interfund Transfers - SWIM	\$382,866	\$530,223	\$1,139,188	\$0	\$1,669,411	\$1,666,568	\$2,843	\$1,669,411	\$0
Total Expenditures, Reserves & Transfers	\$8,728,532	\$14,376,009	\$23,720,545	\$0	\$38,096,554	\$25,421,643	\$824,700	\$38,096,554	\$0
Projected Carryover for FY2006									\$105,615

(1) Other revenue principally due to \$105,496 in excess fees returned to the District by the Property Appraisers and Tax Collectors.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004
SURFACE WATER IMPROVEMENT AND MANAGEMENT (SWIM) PROGRAM

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Local Funding / County / City	\$31,300	\$0	\$13,700	\$0	\$13,700	\$0	\$0	\$13,700	\$0
State Funding	4,110,993	13,757,674	15,994,125	0	29,751,799	0	49,105	29,288,544	(463,255) (1)
Federal Funding	1,177,044	1,135,000	3,050,078	0	4,185,078	0	0	4,185,078	0
Interest on Investments	10,994	0	0	0	0	0	8,076	30,000	30,000
Other	225,833	0	0	0	0	0	0	0	0
Total Revenues and Balances	\$5,556,164	\$14,892,674	\$19,057,903	\$0	\$33,950,577	\$0	\$57,181	\$33,517,322	(\$433,255)
Interfund Transfers - SWIM	\$2,379,973	\$4,238,468	\$9,622,743	\$0	\$13,861,211	\$0	\$32,740	\$13,552,375	(\$308,836) (1)
Total Revenues, Balances and Transfers	\$7,936,137	\$19,131,142	\$28,680,646	\$0	\$47,811,788	\$0	\$89,921	\$47,069,697	(\$742,091)
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$487,938	\$776,726	\$66,524	\$57,171	900,421	\$0	\$145,130	\$900,421	\$0
Other Personal Services	4,312,874	14,038,000	19,783,197	(428,459)	33,392,738	18,838,716	310,140	32,771,238	(621,500) (1)
Operating Expenses	170,898	183,581	74,103	279,935	537,619	34,384	58,388	537,619	0
Operating Capital Outlay	6,415	0	9,036	0	9,036	0	0	9,036	0
Grants	2,945,534	4,132,835	8,747,786	91,353	12,971,974	10,691,169	60,911	12,821,383	(150,591) (1)
Total Expenditures, Reserves & Transfers	\$7,923,659	\$19,131,142	\$28,680,646	\$0	\$47,811,788	\$29,564,269	\$574,569	\$47,039,697	(\$772,091)
Projected Carryover for FY2006									\$30,000

(1) Brooker Creek Restoration Project - Channel L (\$572,091): Bid for this project combined with another similar project; overall bid came in lower than anticipated so additional funds not required and Marsh Creek Habitat Enhancement (200,000): Hillsborough County did not identify lands needed for additional work.; funds no longer required.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

FDOT MITIGATION PROGRAM

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
State Funding	\$2,837,556	\$172,236	\$8,155,291	\$0	\$8,327,527	\$0	\$0	\$8,327,527	\$0
Total Revenues and Balances	\$2,837,556	\$172,236	\$8,155,291	\$0	\$8,327,527	\$0	\$0	\$8,327,527	\$0
Fund Balance Restricted for Encumbrances	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues, Balances and Transfers	\$2,837,556	\$172,236	\$8,155,291	\$0	\$8,327,527	\$0	\$0	\$8,327,527	\$0
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$169,852	\$159,436	\$19,081	\$13,200	191,717	\$19,081	\$19,918	\$191,717	\$0
Other Personal Services	2,613,506	0	8,136,210	(18,087)	8,118,123	7,219,224	315,167	8,118,123	0
Operating Expenses	54,151	12,800	0	4,887	17,687	0	493	17,687	0
Fixed Capital Outlay	47	0	0	0	0	0	0	0	0
Total Expenditures, Reserves & Transfers	\$2,837,556	\$172,236	\$8,155,291	\$0	\$8,327,527	\$7,238,305	\$335,578	\$8,327,527	\$0
Projected Carryover for FY2006									\$0

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

PARTNERSHIP TRUST FUND

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Interest on Investments	\$614,548	\$0	\$0	\$0	\$0	\$0	\$0	\$1,864,150	\$1,864,150 (1)
Total Revenues and Balances	\$614,548	\$0	\$0	\$0	\$0	\$0	\$0	\$1,864,150	\$1,864,150
Fund Balance Restricted for Encumbrances	\$0	\$0	\$85,000,000	\$0	\$85,000,000	\$0	\$0	\$85,000,000	\$0
Interfund Transfers - Partnership	15,116,277	15,140,538	0	0	15,140,538	0	0	15,140,538	0
Total Revenues, Balances and Transfers	\$15,730,825	\$15,140,538	\$85,000,000	\$0	\$100,140,538	\$0	\$0	\$102,004,688	\$1,864,150
EXPENDITURES / ENCUMBRANCES									
Grants	\$15,140,538	\$15,140,538	\$85,000,000	\$0	\$100,140,538	\$85,000,000	\$0	\$100,140,538	\$0
Total Expenditures, Reserves & Transfers	\$15,140,538	\$15,140,538	\$85,000,000	\$0	\$100,140,538	\$85,000,000	\$0	\$100,140,538	\$0
Projected Carryover for FY2006									\$1,864,150

(1) Partnership Trust assets are currently invested as follows:

Federal National Mortgage Association discount notes (two) Combined purchase price: \$84.8 million Face value: \$86.59 million Purchased: 9/1/2004 Maturing: 8/19/2005 Yield: 2.179 percent	Federal Home Loan Mortgage Corp. discount note Purchase Price: \$988,981 Face value: \$1 million Purchased: 9/1/2004 Maturing: 3/31/2005 Yield: 1.93 percent.
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Interest earnings for the first quarter are \$470,370 and will be recorded in January 2005 through amortization of the bond discounts. Earnings will remain in the Trust and be used to offset future required partnership contributions of the General Fund and six participating Basins.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

FLORIDA FOREVER / SAVE OUR RIVERS

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
State Funding	\$37,600,370	\$28,035,000	\$27,543,699	\$0	\$55,578,699	\$0	\$13,957,960	\$55,578,699	\$0
Interest on Investments	95	0	0	0	0	0	2,866	0	0
Total Revenues and Balances	\$37,600,465	\$28,035,000	\$27,543,699	\$0	\$55,578,699	\$0	\$13,960,826	\$55,578,699	\$0
Fund Balance Restricted for Encumbrances	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues, Balances and Transfers	\$37,600,465	\$28,035,000	\$27,543,699	\$0	\$55,578,699	\$0	\$13,960,826	\$55,578,699	\$0
EXPENDITURES / ENCUMBRANCES									
Salaries and Benefits	\$0	\$0	\$0	\$0	\$0	\$0	\$150,119	\$0	\$0
Other Personal Services	177,913	589,000	144,426	0	733,426	63,369	0	733,426	0
Operating Expenses	978,715	390,000	0	0	390,000	0	0	390,000	0
Fixed Capital Outlay	36,596,334	27,056,000	27,399,273	0	54,455,273	26,760,608	19,665,318	54,455,273	0
Total Expenditures, Reserves & Transfers	\$37,752,962	\$28,035,000	\$27,543,699	\$0	\$55,578,699	\$26,823,977	\$19,815,437	\$55,578,699	\$0
Projected Carryover for FY2006									\$0

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REVENUES AND EXPENDITURES / ENCUMBRANCES FINANCIAL REPORT
FOR THE THREE MONTHS ENDED DECEMBER 31, 2004

FACILITIES FUND

REVENUES	FY2004 ACTUAL	ADOPTED FY2005 BUDGET	PRIOR YEAR ENCUM- BRANCES	BUDGET AMENDMENTS/ TRANSFERS	MODIFIED FY2005 BUDGET	FY2005 ENCUMBRANCES YTD	FY2005 ACTUALS YTD	FY2005 FORECAST	VARIANCE
Ad Valorem Taxes	\$975,000	\$1,250,000	\$0	\$0	\$1,250,000	\$0	\$1,250,000	\$1,250,000	\$0
Balance From Prior Years	0	162,070	0	0	162,070	0	0	162,070	0
Total Revenues and Balances	\$975,000	\$1,412,070	\$0	\$0	\$1,412,070	\$0	\$1,250,000	\$1,412,070	\$0
Fund Balance Restricted for Encumbrances	\$0	\$0	\$4,521,191	\$0	\$4,521,191	\$0	\$0	\$4,521,191	\$0
Total Revenues, Balances and Transfers	\$975,000	\$1,412,070	\$4,521,191	\$0	\$5,933,261	\$0	\$1,250,000	\$5,933,261	\$0
EXPENDITURES / ENCUMBRANCES									
Other Personal Services	\$2,087,858	\$1,073,000	\$4,169,120	\$0	\$5,242,120	\$3,632,440	\$349,425	\$5,242,120	\$0
Operating Expenses	116,482	264,293	352,071	0	616,364	574,756	0	616,364	0
Operating Capital Outlay	33,050	73,000	0	0	73,000	14,330	0	73,000	0
Reserves	0	1,777	0	0	1,777	0	0	1,777	0
Total Expenditures, Reserves & Transfers	\$2,237,390	\$1,412,070	\$4,521,191	\$0	\$5,933,261	\$4,221,526	\$349,425	\$5,933,261	\$0

Projected Carryover for FY2006

\$0

**Governing Board Meeting
January 25, 2005**

Outreach and Planning Committee

Consent Items

- 34. December 14, 2004 Committee Meeting Minutes 2
- 35. Selection of Federal Legislative Consultant 2

Discussion Items

- 36. Inter-District Water Rate Structure Project Preliminary Results 2
- 37. District's Regional Water Supply Plan Update 3
- 38. Water 101 Video Production 4

Routine Reports

- 39. 2005 Update to the District Water Management Plan 5
- 40. Legislative Status Report 6
- 41. February Committee Meeting Agenda 6

Consent Items

34. December 14, 2004 Committee Meeting Minutes

Staff Recommendation:

See Exhibit 34

Approval of the minutes as presented.

35. Selection of Federal Legislative Consultant

At the direction of the Governing Board, staff issued a request for quotes for federal consultant services based on the accumulated experience of the past two years, and consistent with District procurement procedures for selecting consultant services less than \$100,000. The District requested quotes from five (a minimum of three is required) of the most qualified applicants from 2004. These firms included Capitolink, Cornerstone Government Affairs, Holland & Knight, Salem Law Group, and Trammel and Company.

Only one of the five submitted a proposal, which was Holland and Knight. Their proposal was the same as last year in scope, staffing, and price. The price quoted was \$96,000 plus travel expenses, if any, incurred while traveling outside of the Washington, D.C. area. The consulting team is identical to 2004, including Mr. Rich Gold, former Congresswoman Tillie Fowler, and former Congressman Gerry Sikorski. Based on the experience of the proposed consulting team, a record of previous results, and the quality of the proposal submitted, CLA staff recommends retaining Holland & Knight, for federal consulting services in 2005 with the potential for annual renewals of their services through 2009.

Staff Recommendation:

Staff recommends the approval of retaining Holland & Knight, for federal consulting services and requests that the board allow the expenditure of budgeted funds for these services through a purchase order in an amount not to exceed \$100,000.

Presenter: David Rathke, Director, Community and Legislative Affairs Department

Discussion Items

36. Inter-District Water Rate Structure Project Preliminary Results

The District entered into a contract with Dr. John B. Whitcomb in June of 2003 to investigate the effectiveness of water conservation-oriented rate structures. The total cost of the project, \$235,000, is being shared by the SWFWMD (\$100,000), SJRWMD (\$75,000), SFWMD (\$50,000), and the NFWMD (\$10,000). Sixteen utilities across the State were selected and agreed to participate in the study based on a number of criteria to ensure statistical validity. Surveys were sent to over 7,000 single family residential customers of the selected utilities and over 50% were returned complete. In addition to the survey questions on persons-per-household, irrigation systems and sources, water using features, and their opinions on rates and rate structures, individual water use and tax parcel data, along with weather and irrigation restrictions data were collected and analyzed.

The study focused on the impact of water (and sewer) price on water usage by single-family residential households. The preliminary results clearly show that as price goes up, water use goes down. Even more important, this study focused on the differential effects of two different

types of rate structures – uniform (where the price per unit stays constant regardless of how much is used) and inclining block (where the price per unit increases as water use increases). The results indicate that, all other things equal, inclining block rates do conserve more water than do uniform rates. The results also show more of a price-induced reduction in water use when affordable alternative sources of irrigation water, such as shallow wells and reclaimed water, are available.

The preliminary results are being peer reviewed, but by all appearances this may be the best research conducted to date on the effectiveness of rate structure as a conservation tool. Dr. Whitcomb will present the preliminary results and discuss how these results will be incorporated into an accessible public information document and a water rate/water use simulation model.

Staff Recommendation:

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

Presenters: Jay Yingling, Senior Economist, Planning Department
Dr. John B. Whitcomb

37. **District's Regional Water Supply Plan Update**

The District is in the process of updating its Regional Water Supply Plan (RWSP) that was completed and accepted by the Governing Board in 2001. The update, which will be completed in the latter part of 2005, will cover the period from 2005 to 2025. The purpose for preparing the RWSP is to provide the framework for future water management decisions in areas of the Southwest Florida Water Management District (District) where the hydrologic system is stressed due to withdrawals. The RWSP is an assessment of projected water demands and water supply options, associated costs, and funding strategies that assist water users such as local governments, water supply authorities, and private interests in meeting their water supply needs.

The requirement for regional water supply planning was further defined in legislation passed in 1997. The legislation called for the development of a RWSP for areas where existing and reasonably anticipated sources of water were determined to be inadequate to meet future demand over a minimum 20-year time horizon, based upon the results of a Districtwide Water Supply Assessment. The legislation also called for the District to reevaluate its determination of where a RWSP is needed at least every five years, and for any existing RWSP to be updated every five years.

The Districtwide Water Supply Assessment, which was completed in 1998, showed that regional water supply planning should be initiated for the ten-county portion of the District that extended from Pasco County to the District's southern boundary in Charlotte County. This is because the region's water supply requirements were currently or projected to cause minimum flow and level exceedances. The District's 2001 RWSP showed that sufficient alternative water sources existed in the ten-county planning region to meet future demands and replace some of the current withdrawals causing hydrologic stress. Because sources within the planning region were sufficient from a technical and economic perspective to meet these demands, sources outside the planning region were not investigated.

The 2005 RWSP will build upon the 2001 RWSP but it will also incorporate the District's proposed Southern Water Use Caution Area recovery strategy as well as local government and water supply authority planning efforts such as the Heartland Alliance Water Supply Plan, the Water Planning Alliance Regional System Planning & Engineering Study, and Tampa Bay Water's Long-Term Water Supply Plan. In addition to developing new water supply options, these entities have taken the planning level information in the 2001 RWSP and refined it to provide more detailed information on cost and feasibility for the water supply options in their local areas of interest. The District has coordinated closely with these efforts and in some cases provided funding.

Staff will provide a status report on the development of the RWSP and a schedule for its completion.

Staff Recommendation:

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

Presenter: Gregg W. Jones, P.G., Director, Resource Conservation & Development Dept.

38. **Water 101 Video Production**

Last year the District identified a need for video materials to provide basic information about water issues in west central Florida and the role of the Southwest Florida Water Management District in protecting water resources. To fill this need, the District has developed a high-definition video resource titled *Water 101*, narrated by veteran actor Hal Holbrook.

The video is intended to serve as a resource for District staff at public speaking engagements, for orientation briefings for new Governing and Basin Board members and District staff, and for general public viewing.

The video has four separate segments that can be used individually or in various combinations. The segments include an eight-minute general overview of water resource issues and the District, and three seven-minute regional segments highlighting the diverse water resource issues in the southern, central and northern portions of the District. This flexible format will allow a speaker or orientation presenter to choose the appropriate materials for the intended audience. For example, a speaker giving a presentation to a Kiwanis Club in Sarasota County could choose to use the southern segment of the video or combine the southern segment with the general overview portion. The video in its entire 30-minute format will be made available for programming on cable stations throughout the District. The video will also be distributed to schools, libraries and recreation centers. The video components can also be streamed via the Internet.

The cost of the program is \$160,000. Funding was provided by the District Governing Board and all of the Basin Boards.

District	\$135,000	Northwest Hillsborough	\$ 1,750
Alafia River	\$ 1,500	Peace River	\$ 4,250
Coastal Rivers	\$ 2,250	Pinellas-Anclote River	\$ 6,250
Hillsborough River	\$ 3,500	Withlacoochee River	\$ 1,750
Manasota	\$ 3,750		

Water 101 provides a supplement to ongoing environmental and conservation messages. Staff will present the eight-minute overview segment of the video to the committee members.

Staff Recommendation:

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

Presenter: Linda McBride, Communications Department Director

Routine Reports

39. **2005 Update to the District Water Management Plan**

The District's "comprehensive plan" is required by statute (373.036 (2) (a) F.S.) to be updated at least every five years, a process last completed in 2000. The updated plan is due to the Department of Environmental Protection (DEP) by the end of May 2005. Staff provided an overview of the format and process for the update at the Committee's December meeting, and this month continues efforts to keep the Board informed of progress. This item also serves as one of numerous public input opportunities to help shape the District's preferred future.

This month's emphasis is on two items: (1) a response to the Committee Chair's question of last month regarding a visual representation of how the DWMP fits in with all other applicable plans (including the plans that guide us on a state level as well as other internal District plans), and (2) a brief status report on the work of the staff focus groups convened for each of the District's areas of responsibility.

Figure 1 (see Exhibit 39) details the relationship of the DWMP to the Florida Water Plan (FWP), and the plans of other external water management partners. It reflects the strong connection between the FWP and the five DWMPs of the districts. In fact, the FWP is made up in large part of these five plans, along with other aspects exclusive to DEP. All these plans share the same areas of responsibility (Water Supply, Flood Protection, Water Quality and Natural Systems) as well as a reliance on watershed-based management. Also notable in this diagram is the State Water Resource Implementation Rule. It serves as the source for many of the requirements for the DWMP (including much of the format and guidelines developed by DEP and the districts), and provides for consistency of District plans and programs. This is the primary vehicle through which the Department exercises its supervisory authority over the districts.

On the right side of the diagram, the District's many water management partners are depicted. These entities do their own planning (e.g., local government comprehensive plans, capital facility plans of local and regional water suppliers, etc.), and / or rely on the District for technical assistance in plan development and review (DCA, Developments of Regional Impact, etc.). As shown in the exhibit, this planning is not directly linked to the DWMP. The importance of District outreach and other coordination efforts is reflected in making such connections (i.e., the classic "land and water linkage").

Figure 2 (see Exhibit 39) demonstrates the interrelationship of the District's many internal plans. This model, based upon a South Florida Water Management District schematic, and supported by the statewide Water Planning Coordination Group, shows a classic planning hierarchy. The District's mission, vision and goals are included in the DWMP (the long-range, comprehensive plan for water management), which also encompasses all other plans that

contribute to resource management activities, such as the Regional Water Supply Plan, SWIM plans and the SWUCA Recovery Strategy, among others. These resource plans are further put into effect by action-oriented work plans such as the Capital Improvement Plan or site-specific SWIM project plans. At the District, all this planning is connected to the annual budget through the Governing Board's establishment of strategic priorities, with regular evaluation and updating as needed. Conceptually, the DWMP is a repository for all the noted plans, incorporated by reference. The DWMP serves as the policy foundation for consistency among District plans and programs, but is not self-executing. The DWMP is implemented through specific decisions of the Board(s) and related actions of staff.

One of the earliest activities in the update process is the work of the staff focus groups convened for each of the District's primary areas of responsibility. These groups, made up of cross-departmental and interdisciplinary members, are intended to gain staff expertise and buy-in to the Plan update. This is being accomplished in a compact, focused approach that recognizes the need to limit impacts on staff workloads. By the end of January, all five focus groups will have completed their input, allowing Planning staff to create a rough first draft of the revised chapters for Water Supply, Flood Protection, Water Quality, Natural Systems and Management Services. It is anticipated that Planning staff will bring key portions of this work to the next Committee meeting in February.

Staff Recommendation:

See Exhibit 39

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

Presenter: B. Terry Johnson, Manager, Planning Department

40. **Legislative Status Report**

This item is to keep the Board advised of the current activities of the Community and Legislative Affairs Department in seeking legislative changes and funding at the state and federal levels. On a monthly basis, a written summary report of the accomplishments will be included as an exhibit.

Staff Recommendation:

See Exhibit 40

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

Presenter: David Rathke, Director, Community and Legislative Affairs Department

41. **February Committee Meeting Agenda**

MINUTES OF THE MEETING

Outreach and Planning Committee Governing Board Southwest Florida Water Management District

Brooksville, Florida December 14, 2004

The Outreach and Planning Committee of the Governing Board of the Southwest Florida Water Management District met at 10:26 a.m., on December 14, 2004, at the District Headquarters in Brooksville. The following persons were present:

Committee Members Present

Heidi B. McCree, Chair
Thomas G. Dabney, Vice Chair
Ronnie E. Duncan, Member
Janet D. Kovach, Member

Staff Members Present

David L. Moore Beth Bartos
Lou Kavouras Rand W. Frahm
Linda McBride B. Terry Johnson
Richard S. Owen Rand Baldwin
David Rathke

Committee Member(s) Absent

Edward W. Chance, Member

Recording Secretary

Paula L. McCleery

Other Board Member(s) Present

Watson L. Haynes, II

Chair McCree called the meeting to order.

1. Board Policy 110-3E, Outreach and Planning Committee

Lou Kavouras, Executive Assistant, explained the recent reorganization and development of a new Division, which will combine strategic planning, communication and education, legislative affairs activities and the associated outreach functions of the District, and how this Committee was formed to oversee these activities. Ms. Kavouras reviewed the draft board policy detailing the responsibilities and the objectives of the newly formed Committee. She also mentioned the other Governing Board Policies that this Committee will periodically review on an annual basis. Ms. Kavouras said staff recommendation is for the approval of Board Policy 110-3E Outreach and Planning Committee. Following discussion, **Ms. Kovach moved, seconded by Mr. Duncan to approve the staff recommendation. There being no objection, the motion carried unanimously.** (Tape 1, Side A).

2. Public Outreach Materials

Linda McBride, Communications Director, provided an overview of the new District's outreach materials that are being developed at this time to inform the public about water resource issues. She said our current materials are referred to as "brochures," but this information is far beyond that concept, and will have companion pieces associated with them. She said the materials were designed in three levels to provide content with an appropriate depth of information for the subject matter and the intended audience. Level 1 will focus on the key responsibilities of the District, such as "Who we are and what we do," water supply, watersheds, etc. Level 2 is designed to provide in-depth information on topics such as the District's budget, cooperative funding, springs protection, FARMS, ASR, etc. Ms. McBride said Level 3 are "tip cards" designed to motivate people to take actions that benefit the water resources, examples include: efficient irrigation, fertilizer tips and selecting a professional landscaper. She said these materials will be useful for staff and

Board members to use in various combinations for their speaking engagements. PowerPoint presentations will be prepared for the Level 1 topics. Ms. Kovach asked if it would be appropriate for the District's business cards to have the same new look as this material. Ms. McBride said that was an excellent idea and she would have staff will look into it. Ms. McBride also informed the Committee about billboards that will be promoted starting in January which will provide information about ultra low flow toilets and flappers. Ms. McBride said this is a joint project with Tampa Bay Water, intended to make the public aware of proper toilet maintenance and flapper replacement. She noted these billboards will be displayed around the Tampa Bay area and will include a web address that will be easy to read and remembered. She said this web site is where the pertinent information will be located. The District will be listed as a partner and will include a direct link back to the District's web page. **This item was for information only, and no action was required.** (Tape 1, Side A).

3. **Fiscal Year 2006 Cooperative Funding Initiative**

Rand Baldwin, Sr. Community Affairs Coordinator, said the kick-off meetings for the cooperative funding process were held Districtwide in October and November, and were well attended by local government representatives. He said the applications were due to the District on December 3rd, and that a total of 253 projects were submitted, with the requested funding amounting to over \$91 million dollars. He said during the next few months, these proposals will be assigned to project managers for review, evaluation and ranking. Mr. Baldwin said in February, staff will provide information to each Basin Board on projects submitted for funding considerations for their appropriate basin, and then at the April Basin Board meetings, staff will provide a detailed staff recommendation of the project proposals for funding recommendations. He reviewed some of the evaluation criteria with the Committee, which includes statutory authority, consistent with regional water supply plans, funding commitment, and past performance of the cooperator. Additionally, he noted a new requirement in this process is for the applicant to provide any information relative to diversity efforts as to if any minority business will be used. **This item was for information only; and no action was required.** (Tape 1, Side A).

4. **2005 Update to the District Water Management Plan**

Terry Johnson, Planning Manager, said the purpose for this update is to make the Governing Board aware of the District's second statutorily required five-year update to the District Water Management Plan (Plan) and the associated process. He said the District needs planning tools to explain what we do and why, and this Plan provides a means to communicate our accountability to the public. He noted that DEP and the other WMDs developed a standard format and guidelines process to establish minimum criteria for a uniform format of the Plan. Mr. Johnson reviewed the schedule for the update process, which includes: process design and preparation; internal update process; external input process; and the completion of the Plan update. He said the Plan is required to be submitted to DEP by the end of May 2005. He said the concept for the updated Plan will be a smaller printed version, and will also be available on the District's website, which will include links to information available from the District. There will be several opportunities for local governments and the public to provide input. Chair McCree requested that staff provide a flowchart or visual that shows how the District Water Management Plan relates to other internal plans, such as the CWM plans, Florida Forever, etc, which would help Board members, as well as the public, have a better understanding of how these plans relate to each other. **This item was for information only; and no action was required.** (Tape 1, Side A).

5. **Legislative Status Report**

David Rathke, Community and Legislative Affairs Director, said when people think about legislative initiatives they do not relate them to be a part of outreach efforts, but most of what is done in a legislative program is driven by outreach. He said a status report on legislative initiatives will become a routine report for this Committee. Mr. Rathke said that for the State legislative initiative, we have been attending delegation meetings and reaching out to our Legislators to ensure sponsorship for all of our District water projects, and have received positive feedback. He said staff have been working with other districts, agencies and the Governor's office to identify potential legislative issues for the coming session. Mr. Rathke noted the special session of the Legislation began on December 13th and will focus on hurricane preparedness, recovery and property tax abatement. He said there was a meeting with Highlands County to discuss the issue of moving that County into the South Florida Water Management District, and the attendees included the staff from each wmd, representatives from Senator Alexander's office, Representative Grimesley's office, and the Governor's office. He said the Governor's office staff indicated that if the water resources of the county were going to be protected at least as well as, if not better than the existing system, the Governor might consider allowing the move to take place. He said staff were instructed to develop a Memorandum of Agreement between the two water management districts on water resource issues in Highlands County in an attempt to ensure permitting and other water resource management issues would be consistent if the County were to change districts. He said there have been meetings to discuss the Peace Creek Drainage District, and a bill filed to abolish it and add it to the existing Lakes Region Lake Management District. He said growth management is expected to be an issue this year as well as budget issues. Mr. Rathke also provided a review of the Federal legislative initiatives, which include the President's signing of the appropriation package for the Federal budget and that the District will receive funding for some of our projects. The WaterReuse Association was successful in promoting alternative water technology policies, and received a significant increase in funding this year. Lastly, Mr. Rathke said staff is in the process of working on the agenda for the Governing Board trip to Washington DC, which is scheduled to take place February 7 – 10, 2005. **This item was for information only; and no action was required.** (Tape 1, Side B).

6. **January Committee Meeting Agenda**

- Legislative Status Report
- District Water Management Plan Update
- Preliminary Results of the Water Rate Study
- Water 101 Video
- Water Supply Planning Coordination
- Development of the February Committee Meeting Agenda

At this time a public request was made by Mr. David Gore to address the Committee regarding water quality and quantity issues.

The meeting adjourned at 11:40 a.m.

Florida Water Plan

Water
Supply

Water
Quality

DEP Programs
and Activities

State Water
Resource
Implementation Rule

Flood
Protection &
Floodplain
Management

Natural
Systems

Water Quality
Standards

Watershed Management
(common to both FWP and DWMPs)

District Water Management Plans

Water Supply: Regional Water Supply Plans, etc.

Natural Systems: Minimum Flows and Levels, etc.
Technical Data, Information

Water Quality: ERP, PLRGs, etc.

Floodplains: Projects, Mapping, etc.

Water Management Partners

State Agencies

Local Governments

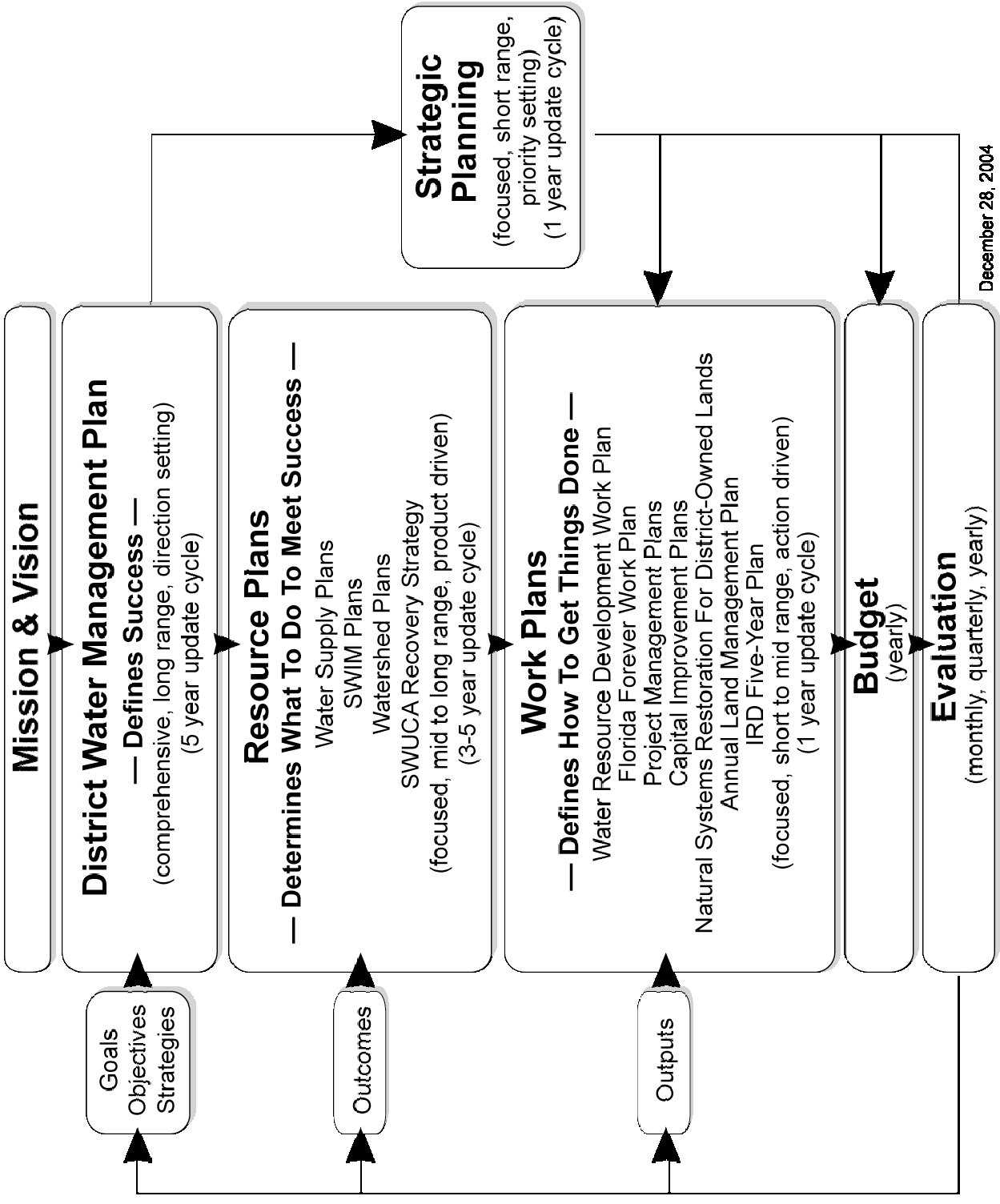
Regional Water
Supply Authorities

Water Utilities

Self-Suppliers

Other Parties

Water Management Planning Process



State and Federal Legislative Program

January 6, 2005

STATE

Appropriations - For the past quarter, Community and Legislative Affairs (CLA) staff has been engaged in meeting with members of our State Legislative Delegations to make them aware of the various projects for which we will be seeking funding in the upcoming legislative session that begins on March 8, 2005.

A legislator must sponsor projects, for which the District will be seeking funding. CLA staff has been meeting with legislators, and their staffs, in the District and Tallahassee to secure their sponsorship. The following table outlines the projects being pursued and the project sponsors.

Project Title	Funding Request	Senate Sponsor	House Sponsor
Crystal River/Kings Bay SWIM Restoration	\$200,000	Fasano	Dean
FARMS	\$1,000,000	Bennett	Detert
Lake Panasoffkee SWIM	\$1,500,000	Dockery	Russell
Rainbow River SWIM	\$100,000	Argenziano	Cretul
Sarasota Bay SWIM Restoration	\$100,000	Bennett	Detert
Tampa Bay Regional Reclaimed Water and Downstream Augmentation	\$10,000,000	Crist	Littlefield
Tampa Bay SWIM Restoration	\$5,000,000	Bennett	Bilirakis
Upper Peace River/Charlotte Harbor Restoration Initiative	\$5,000,000	Alexander	Grant

Additionally, District staff has been meeting with staff of the Governor's Office of Policy and Budget, the Department of Environmental Protection (Department), and other stakeholder groups to solicit their support for District project funding. The Legislature will potentially appropriate funds from various sources to fund water projects. Typically these funds are derived from a portion of documentary stamps, trust funds and general revenue. The amount of funding varies annually and flows through the Department. It should be noted that some projects have received funding outside of the annual water project funding source. These have included funding for the Everglades, the restoration of Lake Okeechobee and the wastewater program in the Florida Keys. Unlike the region served by the Southwest Florida Water Management District, these areas have been designated as "areas of critical state concern" by the legislature. Although, the District has been pursuing a separate line-item appropriation outside of the water project funding process this is likely to be very difficult, primarily due to the lack of this designation. Additionally, the Florida Legislature has not typically funded water supply projects through this process, choosing to limit its participation in water projects to wastewater, stormwater and restoration projects. Instead, the state funds water supply projects through the State Revolving Loan Program. Based on this process and the eligibility requirements of the Legislature, the restoration, stormwater and wastewater components of the projects are vital. Without these components, projects are not likely to be funded, or may be vetoed by the Governor.

Tampa Bay Partnership – In an effort to increase the effectiveness of the District's legislative program CLA and Executive Department staff have been reaching out to interest groups and stakeholders throughout the region. One group that staff has been working closely with over the past several months is the Tampa Bay Partnership. It is anticipated that the Tampa Bay Partnership will support the District's funding requests for the Tampa Bay Regional Reclaimed Water and Downstream Augmentation project and the restoration of Tampa Bay. Additionally, these projects will be included in their legislative package this year. At the invitation of the Tampa Bay Partnership Board of Directors, CLA staff will be meeting with Senate President Tom Lee on January 11th to discuss the funding of these projects.

Water Use Reservations – The water use reservation work group has not met since the last meeting of the Governing Board. However, a meeting has been scheduled for January 10th. The agenda for this meeting is primarily related to utility issues. Several utilities and regional water supply authorities from across the state have been invited to make presentations to the work group related to how they develop and fund water supplies. It should be noted that Tampa Bay Water and the City of Lakeland have been invited to make a presentation at this meeting. District staff has been participating in this workgroup and will be available to the Governing Board to discuss this issue.

Well Pump Depth – CLA staff has had numerous discussions with the other water management districts, the Department, the Governor's Office of Planning and Budget, and the agricultural community regarding this issue. These discussions have generally been positive and it is hoped that this issue will be run as a bill amendment this session. Additional discussions with the agricultural community will be taking place and it is hoped that with their support the amendment will pass.

District Boundary Changes – HB 171 has been filed in the House of Representatives to move the District boundary in Highlands County. While the discussions between the two water management districts have continued regarding the drafting of a Memorandum of Understanding it was anticipated the bill would still be filed. Representative Denise Grimesly is now the House member from this area and she is sponsoring the bill. A Senate Companion has not yet been filed, but is anticipated to be filed by Senator J. D. Alexander. HB 171 is the same as the bill that passed last session. Currently, it is unknown if the bill will pass, however, it is likely the membership of the House will be supportive.

Additionally, Levy County has indicated its desire to move completely into the Suwannee River Water Management District. Staff from both districts has been meeting with the county, the cities within Levy County, the Legislative Delegation members, and others regarding this issue. If this change takes place the Withlacoochee River system and the watershed of the Rainbow River would be split in two making management of these systems exceedingly difficult. This issue has surfaced primarily due to concerns about protection of spring flows and the flows in the Suwannee River resulting from bottled water permitting and issues related to movement of water over long distances for public supply use. It is unknown if a bill will be filed or if this change may be added to HB 171.

Piney Point – The Department has continued its efforts to close the Piney Point facility. However, there is no change regarding the disposition of the property or a resolution of the issues regarding liability. At this time, there has been no legislation filed regarding this issue. However, there is approximately one month before the bill-filing deadline passes. DEP's funding issues associated with the continued closure efforts have also not been resolved and will likely not be discussed until later in the budgetary process.

Chair Clarke Project Tour – In an increasing effort to inform legislators of District projects and water resource issues, Representative Donna Clarke, Chair of the House Water and Natural Resources Committee, will be touring the Peace River Basin on January 31. Chair Clarke will receive briefings by District staff regarding water supply planning, the Southern Water Use Caution Area, and other issues followed by a flyover of the Peace River Watershed, the C.W. "Bill" Young Regional Reservoir, and Piney Point.

Lake Hancock Tour – Additional outreach efforts are moving forward with regard to the projects associated with Lake Hancock and the restoration of minimum flows in the upper Peace River. District staff in partnership with Polk County has been planning a project briefing and tour of the lake and adjacent area. The objective of the tour is to further inform the District's Governing Board members and the Polk County Commissioners of project status and the technical issues regarding infrastructure surrounding the lake such as the Polk County landfill.

FEDERAL

The 109th Congress has convened and CLA staff will be engaged, in the next several months, in securing sponsors for appropriations requests and determining the issues that will be important to the mission of the District.

CLA staff is planning the Third Annual Governing Board trip to Washington, D.C. Polk County Commissioners and staff, and key staff from The Peace River/Manasota Regional Water Supply Authority, Tampa Bay Water, and Polk County will be joining Governing Board members on this trip. It is scheduled for February 7 through 9.

Monday, February 7 will be a travel day with an organizational meeting scheduled for 6:00 p.m. at the hotel. This will be followed by a dinner, hosted by Holland & Knight, at The Palm Restaurant. Former Congresswoman, Tillie Folwer, will be joining the group for dinner and will be providing an informal summary of her views on the issues developing in the 109th Congress.

The next day, Tuesday, February 8, meetings and briefings will be scheduled. A "working lunch", with speakers on key issues, is also planned. The luncheon will be held at The Florida House on Capitol Hill.

On Wednesday, February 9, a continental breakfast is planned for our Congressional Delegation Members, and staff, from 8:00 a.m. to 10:00 a.m. The breakfast will be in a conference room in one of the House Office Buildings and will be sponsored again this year by Congressman Adam Putnam. After the breakfast there will be a short time for additional meetings and then the group will be departing for the airport.

The group will be staying at the St. Gregory Hotel, located at 2033 M Street, N.W.

Governing Board members participating in the trip are Mr. Dabney, Mr. Haynes, Ms. McCree, Ms. Kovach, Mr. Rice, Ms. Symons, and Ms. Whitehead. Staff accompanying the Board members will be Mr. Moore, Mr. Rathke, and Ms. Kavouras.

Tampa Bay Water participants on the trip are Ms. Riordan and Mr. Lenaerts. Participants from Peace River/Manasota Regional Water Supply Authority are Mr. Pilon and Mr. Manson. The participants from Polk County include Commission Chairman Jack Myers, Commissioner Paul Sanft, and County Administrator Mike Herr.

**Governing Board Meeting
January 25-26, 2005**

Board meeting to begin immediately after the Committee meetings.

**★ ★ ★ *Convene Meeting of the Governing Board* ★ ★ ★
*and Public Hearing***

42. Call to Order 2
43. Pledge of Allegiance and Invocation 2
44. Additions/Deletions to Agenda 2
45. Agenda Review 2

42. 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.

43. Pledge of Allegiance and Invocation

The Board Chair leads the Pledge of Allegiance to the Flag of the United States of America.

An invocation is offered.

44. Additions/Deletions to Agenda

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting.

Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

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

Presenter: David L. Moore, Executive Director

45. Agenda Review

For efficiency purposes, Chairman Haynes will review the Governing Board agenda with the members and will note any changes to the order of the agenda for the remainder of the meeting. Additionally, Board members are asked to identify any Regulatory and/or General Counsel consent items listed on the agenda that they would like to move from *consent* to *discussion*. Any Board member voting conflicts on consent items should also be declared at this time.

Presenter: Chairman Watson L. Haynes II

**Governing Board Meeting
January 25-26, 2005**

Special Discussion Items

47. Northern Tampa Bay Progress Report 2
48. Southern Water Use Caution Area Recovery Strategy Status Report 4

47. **Northern Tampa Bay Progress Report**

Partnership Agreement Implementation

Seawater Desalination Facility

On November 15, 2004, Tampa Bay Water's (TBW) Board approved an Agreement with American Water Pridesa (AWP) to remedy the seawater desalination facility. Remediation and testing is scheduled for completion by October 20, 2006. The negotiated cost to repair the facility is \$29.1 million dollars. AWP will take over the plant in January 2005 and accept full responsibility for design and construction of remediation and achieving acceptance. While the repairs are being conducted, the facility will not provide water to the regional system. Per the agreement with TBW, the District's cost will not exceed the original \$85 million and these funds will not be transferred to TBW until the District is satisfied that the facility is performing up to its original design specifications.

Surface Water Treatment Facility

The surface water treatment plant continues to produce potable water to supplement regional demand. For the month of November, the plant supplied an average of 63 million gallons per day (mgd) of potable water to TBW's regional distribution system and as a result, groundwater production from the 11 Northern Tampa Bay Wellfields averaged 78 mgd. Through November, the 12-month running average was approximately 86 mgd. This is well below the currently required 12-month running average of 121 mgd and the 90 mgd 12-month running average that is required as of December 31, 2007.

Tampa Bay Regional Reservoir

Construction of the 15-billion gallon Tampa Bay Regional Reservoir facility is complete with only administrative and punch list items remaining. The reservoir is scheduled to begin filling in January 2005.

Staff continues to evaluate TBW's recommended actions, water supply projects and regulatory activities associated with the Partnership Agreement as they unfold up to this Board meeting.

West Pasco Infrastructure Improvement Project

The West Pasco Infrastructure Improvement project will provide an additional source of water to the areas currently being served by the Starkey and North Pasco Wellfields by interconnecting them to the regional distribution system. Once the connection is completed, wellfield production can be reduced and recovery of natural systems can occur.

The West Pasco Infrastructure Improvement project was approved for funding by the Governing Board, Coastal Rivers Basin Board, and the Pinellas-Anclote River Basin Board in their fiscal year 2005 budgets. On December 20, 2004, TBW's Board of Directors approved a final pipeline route and booster station location. A draft Agreement between the District and TBW is under review and will be completed by January 2005 with the project to be complete by January 2008.

Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project

During the 2004 Legislative session, the Appropriations Committee of the U.S. Congress appropriated \$1.45 million, which was approved in the federal budget for the Regional Project. It is anticipated that the funds will come to the District from the U. S. Environmental Protection Agency (EPA) Region IV in Atlanta by July 2005. The project team continues to discuss the appropriate allocation of costs for the project, including the use of federal and

state funds. The federal funds will be distributed proportionately to project partners, in accordance with the allocation scenario ultimately agreed-upon by the project team in a master project agreement. Additional federal and state funds will be sought in 2005.

The Regional Project team met on December 2, 2004. The major topic of discussion was the determination of specific operational yields over time for each partner associated with project, and how those yields may impact others. Since TBW requires the information first, it was agreed that TBW representatives would meet individually with each of the partners. It is anticipated that by the January team meeting each partner will have an idea the range of reclaimed water flows required for its respective project segment. Over the next month, project partners will review and provide comments on a list of issues to be considered for a master agreement. It is hoped the master agreement can be drafted for review by early Spring 2005.

The following is the status of projects being developed by the project partners. A scope of work for a project (H301) with the city of Tampa to begin a basis of design report for the major north-south pipeline has been drafted. It is anticipated that an agreement will be brought to the affected basin boards, and the Governing Board, in February for approval. The transmission pipeline associated with the New River area (H302) and the Land O'Lakes reclaimed water reservoir project (H305) are progressing on schedule. Phase I of the feasibility study for the Tampa Bay Water Downstream Augmentation Project is on schedule, and is expected to be completed by May 2005. Hillsborough County is evaluating its pipeline sizes, locations and customers in anticipation of accepting seven mgd of reclaimed water during peak demand periods. The county is also developing a scope of work for a project to beneficially use surplus wet-weather flows from its own facilities and from the city of Tampa. It is anticipated an agreement can be developed and presented to the affected basin boards for approval in April 2005. The District has selected consultants to investigate options for wet weather reclaimed water storage and environmental restoration in Pasco County.

The project team continues to work together between meetings as appropriate. The next project team meeting has been scheduled for January 28, 2005. The operational flows and drafting of the master agreement will be the significant topics of discussion.

Tampa Bay Water Board Meetings

On December 20, 2004, TBW's Board of Directors approved a motion by their Chairman to change their meetings from a monthly to a bi-monthly schedule. TBW's Board will review the schedule and any required policy changes at their January 17, 2005 meeting. TBW's Board will begin its bi-monthly meeting schedule in February and continue to meet every third Monday of even numbered months.

Staff Recommendation:

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

Presenter: Gregg Jones, P.G., Director, Resource Conservation and Development Dept.

48. Southern Water Use Caution Area Recovery Strategy Status Report

Staff reviewed with the Board at the December 2004 meeting changes to the proposed SWUCA Recovery Strategy, Section 9, the Regulatory Component and associated rules. A SWUCA Work Group meeting is scheduled for January 19, 2005 to review these latest changes and staff will report on the input received at this meeting. Staff is also scheduled to discuss the changes with DEP staff and will report on their input. Other meetings scheduled prior to the January Board meeting where input will be sought include the Industrial and Public Supply advisory committees. Staff will return to the Board at the February meeting with a report on further input received. It is also hoped that staff will be able to present the actual cumulative impact analysis for the period January 1, 2000 through December 31, 2004. Staff will not ask for authorization to publish the rule revisions until all parties have had an opportunity to review the cumulative impact analysis discussed above.

Staff Recommendation:

Governing Board review and discussion of the revised Recovery Strategy and associated rules, and concurrence to solicit further input.

Presenter: Richard S. Owen, Director, Planning Department

**Governing Board Meeting
January 25-26, 2005**

Regulatory Agenda

Regulation Consent Items

Surface Water Permits

48.	ERP No. 43026903.000 - Parkside Preserve – Charlotte County	2
49.	ERP No. 43025281.001 - Osprey Park – Highlands County	7
50.	ERP No. 43024843.001 - Hillsborough County-Race Track Road Widening from Countryway to South Mobley – Hillsborough County	11
51.	ERP No. 43027301.000 - Easton Park - Hillsborough County	16
52.	ERP No. 43022140.003 - Twin Rivers, Phase III – Manatee County	21
53.	ERP No. 43023846.002 - The Concession Golf Course – Manatee County	26
54.	ERP No. 43027367.000 - Heritage Harbour – Stoneybrook East – Manatee County	30
55.	ERP No. 43027399.000 - The Lake Club at Lakewood Ranch, Phase 1A – Manatee County	35
56.	ERP No. 49027399.001 - The Lake Club at Lakewood Ranch – Manatee County	40
57.	ERP No. 43027525.000 - Palma Sola Trace – Manatee County	45
58.	ERP No. 43018328.005 - Spanish Oaks – Pasco County	50
59.	ERP No. 43007407.012 - Marina Bay Docks – Pinellas County	55
60.	ERP No. 43025342.001 - Bella Grande Townhomes Docks – Pinellas County	60
61.	ERP No. 43026950.000 - Blackwater Oaks – Polk County	65
62.	ERP No. 49026971.000 - Oakmont – Polk County	70
63.	ERP No. 49026971.001 - Oakmont Phase One – Polk County	75
64.	ERP No. 43027329.000 - Traditions Subdivision – Polk County	83
65.	ERP No. 43000883.001 - Sarasota County – Webber Street Phase 1 Improvements – Sarasota County	89
66.	ERP No. 43027708.000 - The Forest at Hi Hat Ranch – Sarasota County	94
67.	Interagency Agreement Between SWFWMD and SJRWMD for Designation of Regulatory Responsibility for a Portion of The Villages District 9 and 10 Master Surface Water Management System – Lake County	99

Water Use Permits

68.	Petition for Rule Variance - WUP No. 2006054.005 - E. R. Jahna Industries, Inc. (Haines City Sand Mine) - Polk County	100
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CONSENT ITEMS

48. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43026903.000
Parkside Preserve

SUMMARY

- Project Type:

Construction of a surface water management system serving a 199.38 acre residential development.

- Location:

The project area is located in Charlotte County, approximately 0.50 mile west of I-75 and one mile south of U.S. 17.

- Surface Water Management System:

Engineering

Quantity/Quality

Nine wet-detention ponds provide stormwater attenuation and water quality treatment.

100-Year Floodplain

The project is not located in the 100-year floodplain.

Environmental

There is one 1.95 acre degraded wetland that occurs within the project boundary that will be permanently impacted.

Wetland mitigation includes enhancement of 4.04 acres of wetlands off site at the Charlotte Harbor Preserve State Park in Charlotte County.

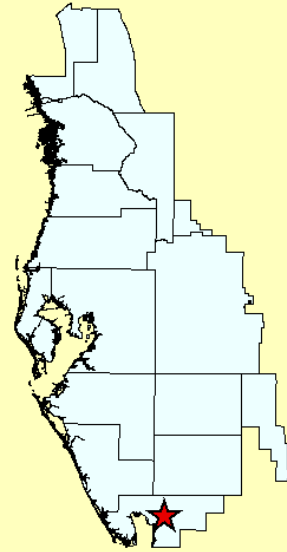
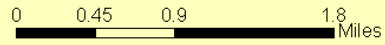
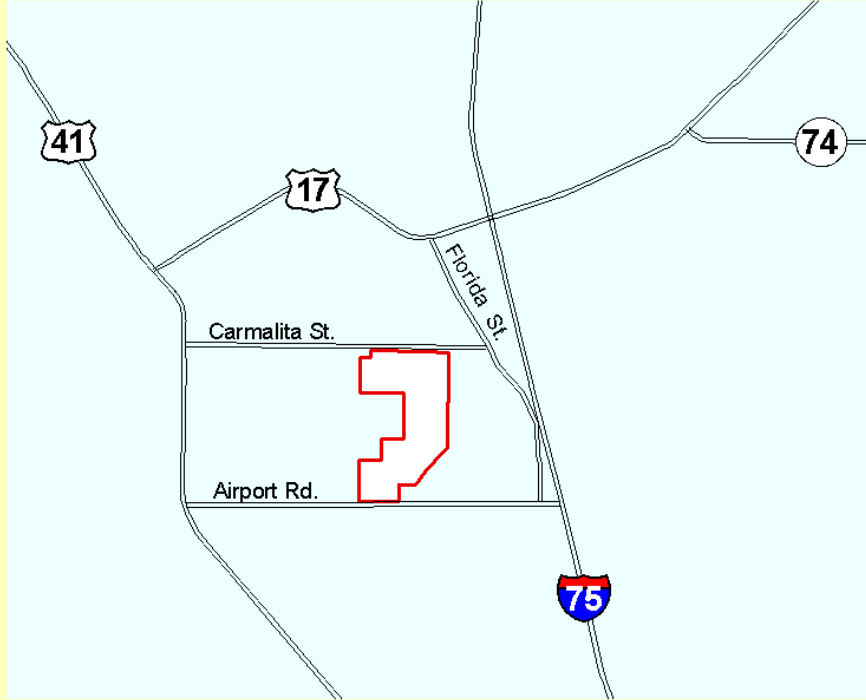
There are also eight upland cut features totaling 2.20 acres that occur within the project boundary that will be permanently impacted.

A total of 1.83 acres of permanent impacts will occur to upland cut ditches and ponds within the project area.

Functional wetland habitat mitigation will not be required for the upland cut ditches and pond impacts pursuant to Section 3.2.2.2 of the Basis of Review.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Parkside Preserve
ERP No. 43026903.000**



Charlotte Co.



Sec 08
Twn 41S, Rng 23E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 INDIVIDUAL CONSTRUCTION
 PERMIT NO. 43026903.000

Expiration Date: January 25, 2010	PERMIT ISSUE DATE: January 25, 2005
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This permit is issued under the provisions of Chapter 373, Florida Statutes (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Parkside Preserve

GRANTED TO: Carmalita Investment, LLC
 12800 University Drive, Suite 275
 Fort Myers, FL 33907

ABSTRACT: This permit is for the construction approval of a surface water management system that serves a 199.38 acre residential development. The project is located in Charlotte County 0.5 mile west of I-75 and one mile south of U.S. 17. Information regarding the surface water management system, 100-year floodplain, and wetland information is contained within the tables below.

OP. & MAINT. ENTITY: Parkside Preserve Homeowners' Association

COUNTY: Charlotte

SEC/TWP/RGE: 8/41S/23E

TOTAL ACRES OWNED OR UNDER CONTROL: 199.38

PROJECT SIZE: 199.38 Acres

LAND USE: Residential

DATE APPLICATION FILED: April 2, 2004

AMENDED DATE: N/A

Permit No.: 43026903.000
 Project Name: Parkside Preserve

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	5.50	Wet Detention
2	2.89	Wet Detention
3	5.03	Wet Detention
4	2.99	Wet Detention
5	2.83	Wet Detention
6	7.18	Wet Detention
7	10.63	Wet Detention
8	1.61	Wet Detention
9	1.88	Wet Detention
TOTAL	40.54	

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

There is no FEMA floodplain within the project area.

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL-1	1.95	0.00	0.00	1.95
TOTAL	1.95	0.00	0.00	1.95

Comments: There is one degraded freshwater marsh totaling 1.95 acres that occurs within the project boundary. This wetland will be permanently impacted and mitigated for off site. There are three upland cut ditches and five upland cut ponds totaling 2.20 acres that also occur within the project boundary. A total of 1.83 acres of permanent impacts will occur to two of the three upland cut ditches and all five upland cut ponds. A larger drainage canal, Surface Water 8, 0.37 acre, will not be impacted.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
CHPSP	0.00	0.00	4.04	0.00	0.00
TOTAL	0.00	0.00	4.04	0.00	0.00
Net Change	-1.95	Other compensation total			4.04

Comments: Mitigation includes enhancing 4.04 acres of wetland offsite at the Charlotte Harbor Preserve State Park in Charlotte County on Burnt Store Road (CR 765). Functional wetland habitat mitigation will not be required for the upland cut ditch and pond impacts pursuant to Section 3.2.2.2 of the Basis of Review (B.O.R.), 40D-4, F.A.C.

Permit No.: 43026903.000
Project Name: Parkside Preserve

Watershed Name: Southern Coastal

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

49. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43025281.001
Osprey Park

SUMMARY

- Project Type:

The project type is a 41.37-acre commercial development

- Location:

The project site is located in Highlands County, on east side of U.S. Highway 27, approximately one-half mile north of Fairmont Drive.

- Surface Water Management System:

Engineering

Treatment and attenuation of stormwater runoff to be accomplished via one wet detention and one on-line retention pond.

Flood Insurance Rate Map Community Panel No. 120111 0029 B indicates that this project does not lie within a floodplain.

Environmental

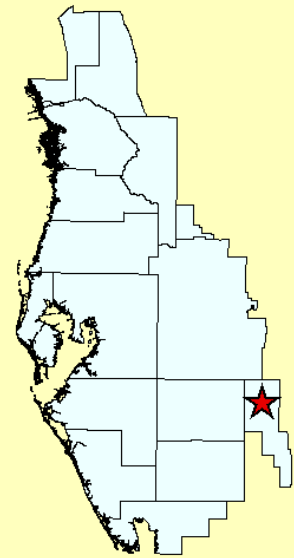
There are 10.15 acres of wetlands and surface waters within the project area, consisting of 7.01 acres of forested wetlands (Wetlands WL-1) and 3.14 acres of surface waters (SW 1, 2, and 3).

Permanent impacts to the 2.09 acres of wholly owned, upland cut ponds (SW 1 and 2), are proposed due to the construction of the entrance road and the wet detention pond.

No mitigation for wildlife habitat is required, because the upland cut ponds do not provide significant habitat for threatened or endangered species.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Osprey Park
ERP No. 43025281.001**



Highlands Co.



Sec 14 & 15
Twn 34S, Rng 28E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43025281.001

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Osprey Park

GRANTED TO: H. Frederick Keiber, M.D., P.A. Profit Sharing Plan
3601 South Highlands Avenue
Sebring, FL 33870

ABSTRACT: This permit authorization is for the construction of a new surface water management system serving a 41.37-acre commercial development as named above and as shown on the approved construction drawings. The project site is located in Highlands County, on the east side of U.S. Highway 27, approximately one-half mile north of Fairmont Drive. Information regarding the surface water management system, 100-year floodplain, and wetlands is contained within the tables and comments below.

OP. & MAINT. ENTITY: H. Frederick Keiber, M.D., P.A. Profit Sharing Plan

COUNTY: Highlands

SEC/TWP/RGE: 14,15/34S/28E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 45.83

PROJECT SIZE: 41.37 Acres

LAND USE: Commercial

DATE APPLICATION FILED: May 11, 2004

AMENDED DATE: July 23, 2004

Permit No.: 43025281.001
 Project Name: Osprey Park

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
A	4.26	Wet Detention
C	0.05	Retention
TOTAL	4.31	

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

II. 100-Year Floodplain

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

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

NE = No Encroachment

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL -1	7.01	7.01	0.00	0.00
SW 1	1.23	1.23	0.00	0.00
SW 2	0.86	0.86	0.00	0.00
SW 3	1.05	1.05	0.00	0.00
TOTAL	10.15	10.15	0.00	0.00

Comments: There are 10.15 acres of wetlands and surface waters within the project area, consisting of 7.01 acres of forested wetlands (Wetlands WL-1) and 3.14 acres of surface waters (SW 1, 2, and 3). Permanent impacts to the 2.09 acres of wholly owned, upland cut ponds (SW 1 and 2), are proposed due to the construction of the entrance road and the wet detention pond. No mitigation is required because the upland cut ponds do not provide significant habitat for threatened or endangered species, and the loss is not recorded in the table above because it was deemed insignificant.

Watershed Name: Kissimmee Ridge

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

DISCUSSION PAPER

50. ENVIRONMENTAL RESOURCE APPLICATION NO. 43024843.001
Hillsborough County - Race Track Road Widening from Countryway to South Mobley

SUMMARY

- Project Type:

Individual Construction Permit for the widening and partial re-alignment of a 1.6-mile section of Race Track Road. The existing two-lane rural roadway will be widened to an urban two-lane divided section with curb and gutter.

- Location:

The project is located in northwest Hillsborough County, Sections 4 and 5, Township 28 South, Range 17 East, just east of the Pinellas-Hillsborough County line.

Surface Water Management System:

Engineering

Water quality treatment will be provided through wet detention. Calculations were provided that demonstrate no adverse impacts to the rate of discharge and negligible changes to peak stages upstream and downstream of the project area for the 100-year/24-hour design storm event.

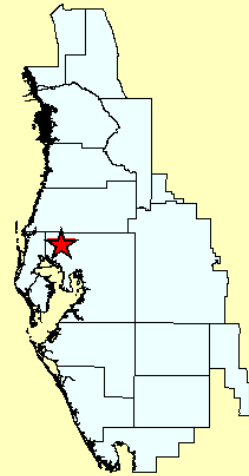
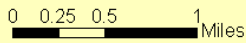
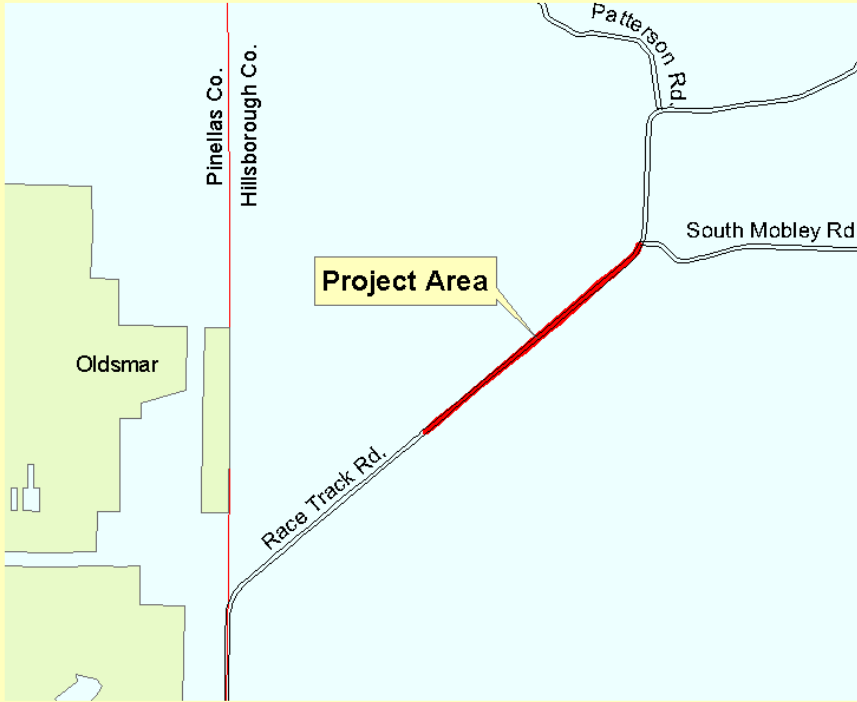
Hillsborough County will operate and maintain the proposed roadway and associated ponds.

Environmental

The proposed project will permanently impact 2.30 acres of forested and herbaceous wetlands that occur within the Race Track Road right-of-way. To compensate for the proposed impacts, Hillsborough County will withdraw a total of 4.37 acres of credit from the Hillsborough County Northwest Mitigation Bank.

- Meets Rule Requirements. Staff recommends approval.

Location Map Hillsborough County-Racetrack Road ERP No. 43024843.001



Hillsborough Co.



Sec 4,5
Twn 28S, Rng 17E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43024843.001

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Hillsborough County - Race Track Road Widening from Countryway to South Mobley

GRANTED TO: Hillsborough County Department of Public Works
601 East Kennedy Boulevard
Tampa, FL 33602

ABSTRACT: This roadway improvement project developed by Hillsborough County involves the widening of 1.569 miles of Race Track Road. The existing two-lane rural roadway will be widened to an urban two-lane divided section with curb and gutter. Water quantity calculations were provided that demonstrate no adverse off-site impacts. Water quality calculations show that the required treatment volume is provided via wet detention. Approximately 2.30 acres of permanent wetland impacts are proposed. Mitigation for permanent impacts will be provided in the Hillsborough County Northwest Mitigation Bank.

OP. & MAINT. ENTITY: Hillsborough County Department of Public Works

COUNTY: Hillsborough

SEC/TWP/RGE: 04, 05/28S/17E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 29.00

PROJECT SIZE: 29.00 Acres

LAND USE: Government

DATE APPLICATION FILED: March 1, 2004

AMENDED DATE: September 29, 2004

Permit No.: 43024843.001

Project Name: Hillsborough County – Race Track Road Widening from Countryway to South Mobley

I. Water Quantity/Quality

POND NAME	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Pond 6	1.24	Wet Detention
Swale 6A	0.19	Wet Detention
Pond 7	1.90	Wet Detention
TOTAL	3.33	

Comments: Water quantity calculations demonstrate that total post-development peak discharge rates will be less than existing conditions. Drainage calculations show that two new ponds in combination with a redesigned existing borrow pit are sized to provide water quality treatment and attenuation for the project drainage area. A concurrent permit application (Environmental Resource Permit No. 44010394.009) is being processed to modify the existing borrow pit. Water quality calculations verify that the required treatment volume is provided, with proposed bleed-down orifices sized to draw down the water quality volumes in greater than 120 hours.

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

II. 100-Year Floodplain

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

Comments: Calculations were provided that demonstrate negligible changes to peak stages are predicted upstream and downstream of the project area for the 100-year/24-hour design storm event.

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL-2E	1.70	1.03	0.00	0.67
WL-2W	0.38	0.00	0.00	0.38
WL-4E	0.19	0.00	0.00	0.19
WL-4W	0.30	0.00	0.00	0.30
WL-5E	0.02	0.00	0.00	0.02
WL-5W	0.03	0.00	0.00	0.03
WL-6E	0.22	0.00	0.00	0.22
WL-6W	0.37	0.16	0.00	0.21
WL-7E	0.56	0.28	0.00	0.28
TOTAL	3.77	1.47	0.00	2.30

Permit No.: 43024843.001

Project Name: Hillsborough County – Race Track Road Widening from Countryway to South Mobley

Comments: The Hillsborough County - Race Track Road widening from Countryway to South Mobley project contains approximately 3.77 acres of larger wetland systems that extend out of the project boundaries. Approximately 2.3 acres of forested and herbaceous wetlands within the project boundaries will be permanently impacted by road and outfall construction.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND RESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
NW Hillsborough Mitigation Bank - Forested	3.40	0.00	0.00	0.00	0.00
NW Hillsborough Mitigation Bank - Herbaceous	0.97	0.00	0.00	0.00	0.00
TOTAL	4.37	0.00	0.00	0.00	0.00
NET CHANGE	+2.07	OTHER MITIGATION TOTAL			0.00

Comments: Mitigation will be provided by deducting available credits from the Hillsborough County Northwest Mitigation Bank. A reduced mitigation ratio will be used due to the previously disturbed nature of the impact areas, and the high quality of the already existing mitigation bank. A concurrent permit application (Management and Storage of Surface Water Permit No. 40003592.023) is being processed to deduct the 4.37 acres of credits, and update the remaining balance in the bank (Management and Storage of Surface Water Permit No. 40003592.011).

Watershed Name: Tampa Bay Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

51. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027301.000
Easton Park

SUMMARY

- Project Type:

An Individual Permit for the construction of a 600-unit single-family residential subdivision and the associated stormwater management system.

- Location:

The site is located in Sections 2 and 11, Township 27 South, Range 20 East. The project is south of the Pasco County Line and is bounded on the southeast by Morris Bridge Road.

- Surface Water Management System:

Engineering

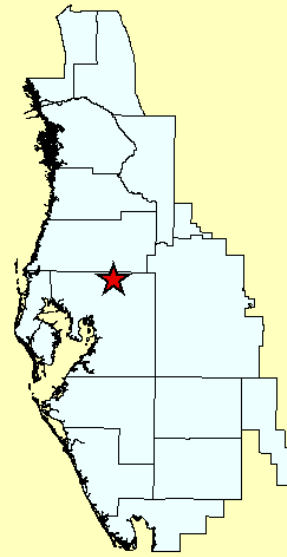
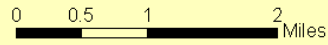
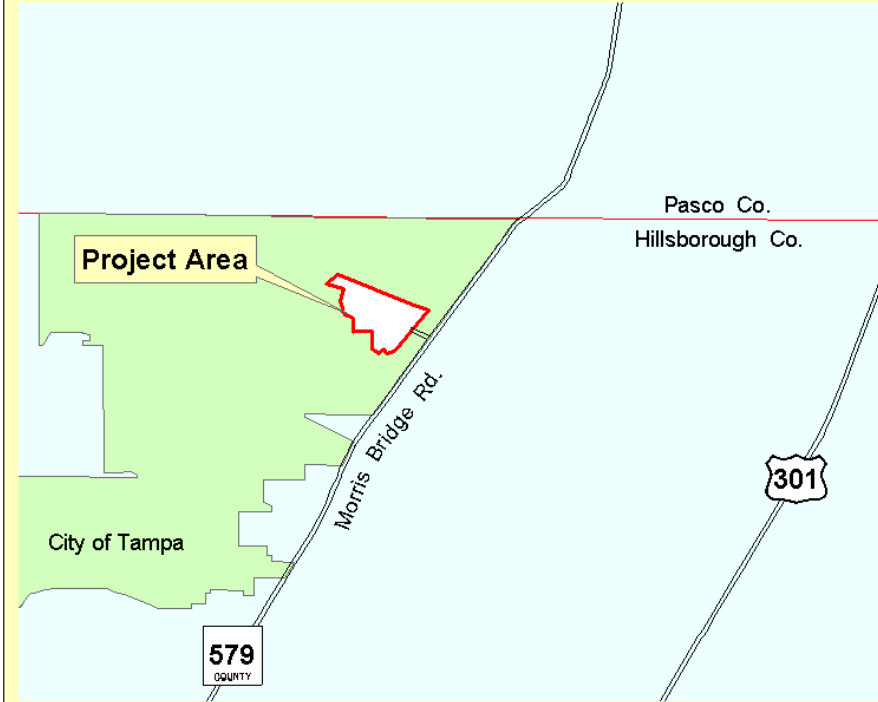
Water quality treatment for the project runoff is provided through wet detention. Supporting calculations demonstrate that the post-development peak rate of discharge from a 25-year, 24-hour storm will not exceed the pre-development peak discharge rate for the same storm event.

Environmental

There are 68.58 acres of wetlands larger than one half acre within the project boundary and approximately 1.95 acres of less than one half acre wetlands on site. One of the less than one half-acre wetlands will be impacted by the project. Mitigation is not required pursuant to Basis of Review, Subsection 3.2.2.1.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Easton Park
ERP No. 43027301.000**



Hillsborough Co.



Sec 02 & 11
Twn 27S, Rng 20E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43027301.000

Expiration Date: January 25, 2010

PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Easton Park**GRANTED TO:** M/I Homes of Tampa, LLC
4904 Eisenhower Boulevard, Suite 150
Tampa, FL 33634

ABSTRACT: This permit application is for the construction of 600 single-family residential units and the related stormwater management facilities. Runoff from the project area will be conveyed to a system of stormwater ponds and wetlands where water quality treatment and water quantity attenuation will be provided. Water quality treatment will be provided through wet detention. Floodplain encroachment is compensated adequately and equivalently. Supporting calculations demonstrate that the post-development peak discharge rate for a 25-year, 24-hour storm will not exceed the pre-development peak discharge rate for the same storm. A homeowners' association will be created for operation and maintenance of the stormwater management system.

OP. & MAINT. ENTITY: Easton Park Homeowners' Association**COUNTY:** Hillsborough**SEC/TWP/RGE:** 02, 11/27S/20E**TOTAL ACRES OWNED
OR UNDER CONTROL:** 437.00**PROJECT SIZE:** 437.00 Acres**LAND USE:** Residential**DATE APPLICATION FILED:** June 17, 2004**AMENDED DATE:** July 9, 2004

Permit No.: 43027301.000
 Project Name: Easton Park

I. Water Quantity/Quality

POND NAME	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Pond U	7.82	Wet Detention
Pond F	1.83	Wet Detention
Wetland F	0.90	Wet Detention
Pond G	1.28	Wet Detention
Wetland G	1.00	Wet Detention
Wetland E	11.20	Wet Detention
Pond M1	3.84	Wet Detention
Pond M2	1.46	Wet Detention
Pond M3	2.44	Wet Detention
Ponds X1 & X2	1.52	Wet Detention
Wetland X	2.02	Wet Detention
Wetland D	34.90	Wet Detention
Pond O	1.63	Wet Detention
Pond A	2.20	Wet Detention
Pond B	3.22	Wet Detention
Pond C	3.73	Wet Detention
SUMP A	5.69	N/A
Pond 100	2.25	N/A
Pond 200	0.87	N/A
Pond 300	3.72	N/A
Pond 400	4.09	N/A
Pond 500	1.97	N/A
Pond 600	3.57	N/A
TOTAL	103.15	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result (feet)
11.29	48.73	EE	N/A

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

Permit No.: 43027301.000
 Project Name: Easton Park

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Aa	5.56	5.56	0.00	0.00
Ab	2.64	2.64	0.00	0.00
Ac	3.12	3.12	0.00	0.00
Ad	8.23	8.23	0.00	0.00
B	0.02	0.02	0.00	0.00
D	22.92	22.92	0.00	0.00
E	3.64	3.64	0.00	0.00
G	0.52	0.52	0.00	0.00
H	1.28	1.28	0.00	0.00
I	2.01	2.01	0.00	0.00
L	4.90	4.90	0.00	0.00
M	4.90	4.90	0.00	0.00
N	0.25	0.25	0.00	0.00
O	0.65	0.65	0.00	0.00
P	0.29	0.29	0.00	0.00
Q	0.32	0.32	0.00	0.00
R	0.84	0.84	0.00	0.00
T	0.97	0.98	0.00	0.00
V	2.82	2.82	0.00	0.00
W	1.73	1.73	0.00	0.00
X	0.83	0.83	0.00	0.00
Y	0.14	0.14	0.00	0.00
TOTAL	68.58	68.58	0.00	0.00

Comments: None of the existing wetlands within the project boundary will be impacted except for Wetland U, which is less than one half acre and therefore will not require mitigation pursuant to Basis of Review, Subsection 3.2.2.1. Wetlands C, F, J, K, S, and Ts are also less than one half acre and will not be impacted.

Watershed Name: Hillsborough River

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

52. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43022140.003
Twin Rivers, Phase III

SUMMARY

- Project Type:

This permit is for the construction approval of a surface water management system serving a 241.00 acre residential development.

An Incidental Site Activities Permit was issued for the project on November 22, 2004, authorizing limited land clearing, limited excavation of borrow areas, and installation of erosion and sediment control facilities, all in upland areas of the project.

- Location:

The project is located within Manatee County approximately seven miles east of Interstate -75, south of Golf Course Road.

- Surface Water Management System:

Engineering

Quantity/Quality

Peak attenuation storage and water quality treatment are provided in excavated ponds and wetlands. The method of water quality treatment is wet detention.

100-Year Floodplain

40.71 acre-feet of 100-year floodplain encroachment.

44.53 acre-feet of 100-year floodplain compensation.

Environmental

The project area contains 98.82 acres of disturbed herbaceous and forested wetlands.

The project also contains 2.46 acres of upland-cut agricultural ditches.

Permanent impacts are proposed to 0.82 acre of forested wetlands.

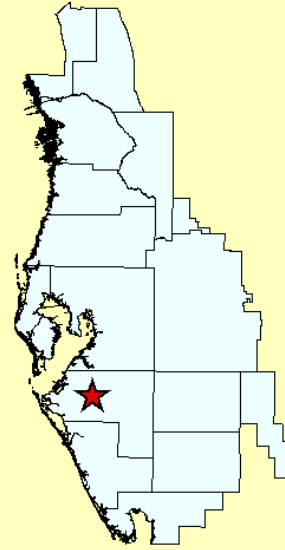
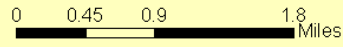
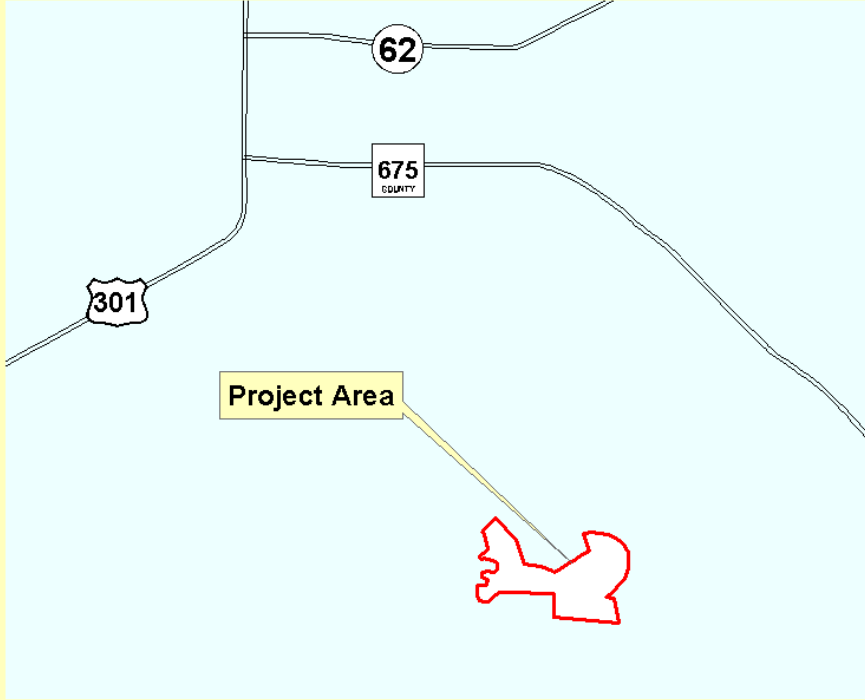
Permanent impacts are also proposed to 2.46 acres of upland-cut ditches.

Mitigation for wetland impacts will be provided by the construction of 1.39 acres of wetland creation.

Mitigation for water quality impacts to the upland-cut ditches will be provided by the project's surface water management system.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Twin Rivers Phase III
ERP No. 43022140.003**



Manatee Co.



Sec 10
Twn 34S, Rng 19E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43022140.003

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Twin Rivers, Phase III

GRANTED TO: Gamble Creek, L.C. By: Countreewide Realty, Inc.
and Twin Rivers II, L.C., By: Countreewide Realty, Inc.
9115 58th Drive East, Suite A
Bradenton, FL 34202

ABSTRACT: This permit is for the construction of a surface water management system to serve a 241.00 acre residential development known as Twin Rivers, Phase III. The project is located on the south side of Golf Course Road, approximately seven miles east of I-75 in Manatee County. An Incidental Site Activities Permit was issued for the project on November 22, 2004, authorizing limited land clearing, limited excavation of borrow areas, and installation of erosion and sediment control facilities, all in upland areas of the project. Information regarding the surface water management system, 100-year floodplain, and wetlands is contained within the tables below.

OP. & MAINT. ENTITY: Twin Rivers Association Inc.

COUNTY: Manatee

SEC/TWP/RGE: 10/34S/19E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 1,213.00

PROJECT SIZE: 241.00 Acres

LAND USE: Residential

DATE APPLICATION FILED: March 31, 2004

AMENDED DATE: August 27, 2004

Permit No.: 43022140.003
 Project Name: Twin Rivers, Phase III

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
SWF 1	0.72	Wet Detention
SWF 2	1.40	Wet Detention
SWF 2A	0.45	Wet Detention
SWF 3	5.03	Wet Detention
SWF 4	1.01	Wet Detention
SWF 5	0.38	Wet Detention
SWF 6	2.19	Wet Detention
SWF 7	0.86	Wet Detention
SWF 8	2.80	Wet Detention
SWF 9	1.62	Wet Detention
SWF 10	1.37	Wet Detention
Wetland K	7.11	N/A*
Wetland K2	1.18	N/A*
Wetlands M, N, & O	6.78	N/A*
TOTAL	32.90	

Comments: *These wetlands are used for attenuation only.

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
		NE []	Depth [N/A]
40.71	44.53	EE [X]	Depth [N/A]
		SM []	Depth [N/A]
		MI []	Depth [N/A]

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

NE = No Encroachment

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

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

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

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
K	5.07	5.07	0.00	0.00
K2	0.61	0.61	0.00	0.00
L	0.54	0.54	0.00	0.00
M	1.99	1.99	0.00	0.00
N	2.17	2.17	0.00	0.00
O	0.54	0.54	0.00	0.00
P	10.69	10.15	0.00	0.54
P2	65.72	65.72	0.00	0.00
PP	0.38	0.38	0.00	0.00
X	5.69	5.69	0.00	0.00
Y	3.78	3.78	0.00	0.00
Y2	1.64	1.36	0.00	0.28
TOTAL	98.82	98.00	0.00	0.82

Comments: The project area contains 98.82 acres of disturbed herbaceous and forested wetlands which have been disturbed by cattle grazing and the excavation of perimeter agricultural ditches. The project also contains 2.46 acres of agricultural ditches which surround some of the wetlands. Permanent impacts are proposed to 0.82 acre of forested wetlands for lot and road development. Permanent impacts are also proposed to 2.46 acres of upland-cut ditches.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
2	0.18	0.00	0.00	0.00	0.00
3	1.00	0.00	0.00	0.00	0.00
4	0.21	0.00	0.00	0.00	0.00
TOTAL	1.39	0.00	0.00	0.00	0.00
NET CHANGE	0.57	OTHER MITIGATION TOTAL			0.00

Comments: Mitigation for wetland impacts will be provided by the construction of 1.39 acres of marsh and forested swamp habitat. The impacts and mitigation were evaluated utilizing UMAM and the actual amount of mitigation needed to replace the functions and values of the wetlands proposed to be impacted is 1.30 acres by this method.

Watershed Name: Manatee River

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

53. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43023846.002
The Concession Golf Course

SUMMARY

- Project Type:

This permit is for the construction of a new surface water management system to serve an 18-hole golf course.

- Location:

The project is located immediately south of SR 70 and west of Verna Road in Manatee County.

- Surface Water Management System:

Engineering

Quantity/Quality:

Peak discharge attenuation and water quality treatment will be provided by man-made wet detention ponds and isolated wetlands.

100-Year Floodplain:

The site is not located within the 100-year floodplain.

Environmental

The project area contains 84.21 acres of disturbed herbaceous and forested wetlands.

The project also contains eight upland-cut agricultural ditches comprising 7.64 acres.

No impacts are proposed to wetlands within the project.

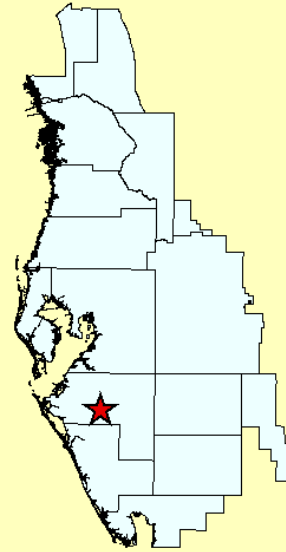
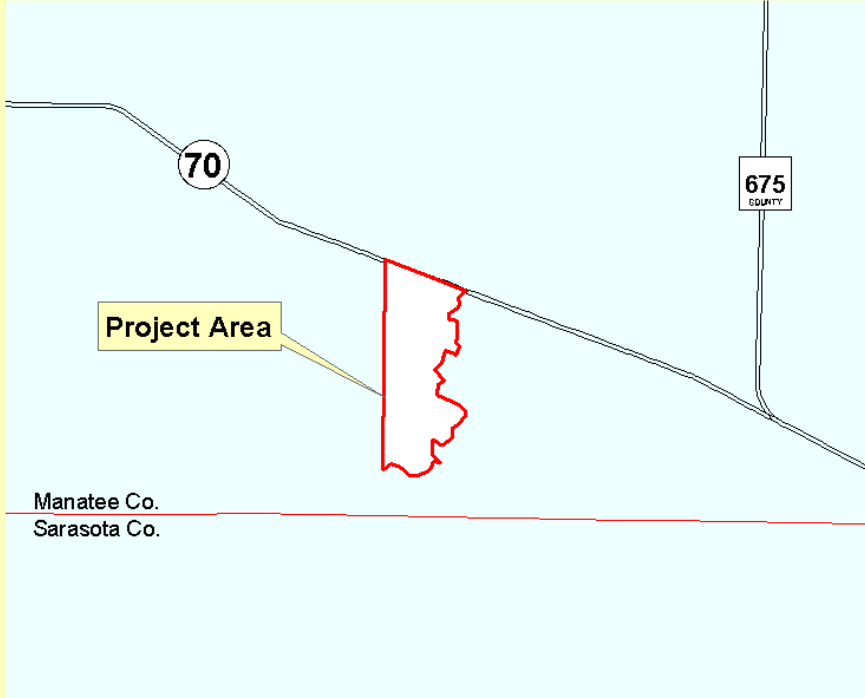
Permanent impacts are proposed to 0.26 acre of upland-cut ditches.

No wetland mitigation is required for the impacts to upland cut ditches pursuant to Section 3.2.2.2 of the Basis of Review (B.O.R.).

Compensation for water quality impacts to other surface waters will be provided by the project's surface water management system.

- Meets Rule Requirements. Staff recommends approval.

Location Map Concession Golf Course ERP No. 43023846.002



Manatee Co.



Sec 30 & 31
Twn 35S, Rng 20E



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43023846.002

Expiration Date: January 25, 2010

PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: The Concession Golf Course

GRANTED TO: The Concession Land Development, LLC
9916 East Harry, Suite 104
Wichita, KS 67207

ABSTRACT: This permit is for construction of a new surface water management system to serve an 18-hole golf course. The project is located immediately south of SR 70 and west of Verna Road in Manatee County. An Incidental Site Activities (ISA) Permit was issued for the project on December 2, 2004, authorizing limited earthwork, installation of erosion and sediment control measures and limited clearing and excavation in upland areas of the project area. Information regarding the surface water management system, 100-year floodplain, and wetlands is contained in the tables below.

OP. & MAINT. ENTITY: The Concession Land Development, LLC

COUNTY: Manatee

SEC/TWP/RGE: 30,31/35S/20E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 1,232.00

PROJECT SIZE: 514.68 Acres

LAND USE: Semi-public

DATE APPLICATION FILED: August 30, 2004

AMENDED DATE: N/A

Permit No.: 43023846.002
 Project Name: The Concession Golf Course

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1A	1.43	Wet Detention
2A	6.83	Wet Detention
3A	6.72	Wet Detention
3B	6.17	Wet Detention
5A	2.99	Wet Detention
6A	4.76	Wet Detention
12A	3.97	Wet Detention
14A	8.83	Wet Detention
16A	8.30	Wet Detention
TOTAL	50.00	

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

II. 100-Year Floodplain

Comments: There is no FEMA floodplain located within the project area.

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
AA/AA-2	9.21	9.21	0.00	0.00
AA-3	1.42	1.42	0.00	0.00
BB	4.54	4.54	0.00	0.00
BB-2	0.58	0.58	0.00	0.00
I	12.62	12.62	0.00	0.00
X-3	5.54	5.54	0.00	0.00
X-4	6.42	6.42	0.00	0.00
II	3.86	3.86	0.00	0.00
II-2*	0.39	0.39	0.00	0.00
DD	17.79	17.79	0.00	0.00
DD-2	3.52	3.52	0.00	0.00
FF	1.72	1.72	0.00	0.00
KK	14.97	14.97	0.00	0.00
JJ	1.18	1.18	0.00	0.00
EE*	0.45	0.45	0.00	0.00
TOTAL	84.21	84.21	0.00	0.00

Comments: The project area contains 84.21 acres of herbaceous and forested wetlands which have been disturbed by cattle grazing and the excavation of agricultural ditches. (NOTE: * refers to wetlands that are either connected and/or extend off site). The project also contains eight upland-cut agricultural ditches comprising 7.64 acres. No impacts are proposed to wetlands within the project. Permanent impacts are proposed to 0.26 acre of upland-cut ditches.

Watershed Name: Manatee River, South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

54. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027367.000
Heritage Harbour - Stoneybrook East

SUMMARY

- Project Type:

This permit is for the construction of a new surface water management system to serve a 288.76-acre single-family residential subdivision known as Heritage Harbour - Stoneybrook East.

- Location:

The project area is located on the west side of Upper Manatee River Road, approximately one mile north of State Road 64, in Manatee County.

- Surface Water Management System:

Engineering

Peak attenuation discharge attenuation and water quality treatment will be provided in 5 wet detention ponds.

100-year floodplain

0.12 acre-feet of encroachment.

0.26 acre-feet of compensation.

Environmental

The project area contains 10.74 acres of disturbed wetlands and 21.00 acres of upland-cut ditches and a cattle pond.

The project will permanently impact 6.68 acres of highly-impacted and excavated wetlands for the construction of roadways, storm-water treatment ponds and residential lots.

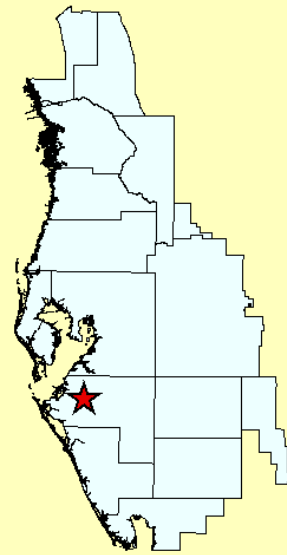
Temporary wetland impacts of 4.06 acres will also occur for wetland enhancement mitigation.

The 4.14 acres of permanent wetland impact requiring mitigation equates to a functional loss of 1.11 acres. Mitigation will be provided by the creation of 8.83 acres of wetlands, the enhancement of 4.06 acres of wetlands and 3.35 acres of upland buffer enhancement by planting of native species and removal of nuisance/exotic species.

Permanent filling impacts to the 21.00 acres of upland-cut ditches and the upland-cut cattle ponds are also authorized, and do not require mitigation, pursuant to Section 3.2.2.2 of the Basis of Review.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Heritage Harbour
ERP No. 43027367.000**



Manatee Co.



Sec 19
Twn 34S, Rng 19E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 INDIVIDUAL CONSTRUCTION
 PERMIT NO. 43027367.000

Expiration Date: January 25, 2010 PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Heritage Harbour - Stoneybrook East

GRANTED TO: Moore's Dairy Farm, Inc.
 11408 Upper Manatee River Road
 Bradenton, FL 34212-9793

ABSTRACT: This permit is for the construction of a new surface water management system to serve a 288.76-acre single-family residential subdivision, known as Heritage Harbour - Stoneybrook East. The project area is located on the west side of Upper Manatee River Road, approximately one mile north of State Road 64, in Manatee County. Information regarding the surface water management system, wetlands, and 100-year floodplain is contained in the tables below.

OP. & MAINT. ENTITY: Heritage Harbour South Community Development District

COUNTY: Manatee

SEC/TWP/RGE: 19/34S/19E

**TOTAL ACRES OWNED
 OR UNDER CONTROL:** 288.76

PROJECT SIZE: 288.76 Acres

LAND USE: Single-family Residential

DATE APPLICATION FILED: July 1, 2004

AMENDED DATE: N/A

Permit No.: 43027367.000
 Project Name: Heritage Harbour – Stoneybrook East

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
305	5.73	Wet Detention
319	8.47	Wet Detention
300	1.50	Wet Detention
302	3.87	Wet Detention
304	9.72	Wet Detention
TOTAL	29.29	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
		NE []	Depth [N/A]
0.12	0.26	EE [X]	Depth [N/A]
		SM []	Depth [N/A]
		MI []	Depth [N/A]

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

NE = No Encroachment

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

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

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

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL-A	0.59	0.00	0.00	0.59
WL-B	1.66	0.00	0.00	1.66
WL-C	0.96	0.00	0.00	0.96
WL-D	1.39	0.00	0.35	1.04
WL-E	0.89	0.00	0.89	0.00

Permit No.: 43027367.000
 Project Name: Heritage Harbour – Stoneybrook East

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL-F	0.88	0.00	0.00	0.88
WL-G	1.18	0.00	0.00	1.18
WL-H	3.19	0.00	2.82	0.37
TOTAL¹	10.74	0.00	4.06	6.68

¹Wetland total includes 2.54 acres of excavated, open water portions internal to Wetlands A,B,D,E,F,G and H previously verified as surface waters by District staff.

Comments: Permanent impacts to highly disturbed wetlands are for the construction of residential lots, roadways and storm water treatment ponds. Temporary impacts are for wetland enhancement mitigation. Permanent filling impacts to 21.0 acres of upland cut ditches and an upland excavated cattle pond are also authorized by this permit. Out of the 6.68 acres of total permanent wetland impact, 4.14 acres of emergent, herbaceous wetland require mitigation, equating to a functional loss of 1.11.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
1	6.11	0.00	1.24	0.00	1.87
2	2.72	0.00	2.82	0.00	1.48
TOTAL	8.83	0.00	4.06	0.00	3.35
NET CHANGE	+2.15	OTHER MITIGATION TOTAL			7.41

Comments: Mitigation is provided by the creation of wetlands adjacent to enhanced Wetlands D, E and H, and includes regrading and planting, and the creation of planted upland buffers with native upland species surrounding the mitigation areas. A functional gain of 2.86 will be provided by the 16.24 acres of mitigation. Impacts to open water areas internal to Wetlands A, B, D, E, F, G, and H, and to upland-excavated ditches and cattle ponds do not require mitigation, pursuant to Sections 3.2.2 and 3.2.2.2 of the Basis of Review (B.O.R.).

Watershed Name: Manatee River

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

55. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027399.000
The Lake Club at Lakewood Ranch, Phase 1A

SUMMARY

- Project Type:

This permit is for construction of a surface water management system to serve a 702.18-acre single-family residential development known as The Lake Club at Lakewood Ranch - Phase 1A.

- Location:

The project is located northeast of the intersection of Lorraine Road and University Parkway in Manatee County.

- Surface Water Management System:

Engineering

Peak attenuation storage and water quality treatment are provided by 9 man-made lakes and 10 isolated wetlands. The method of water quality treatment will be wet detention.

The site is not located within a Federal Emergency Management Agency 100-year floodplain.

Environmental

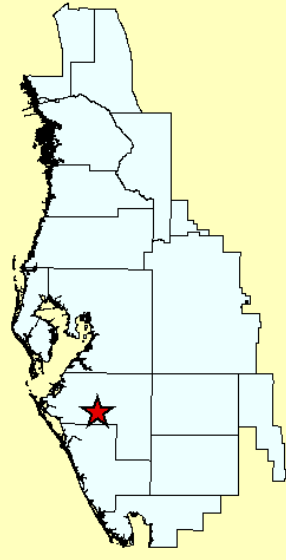
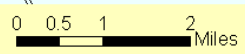
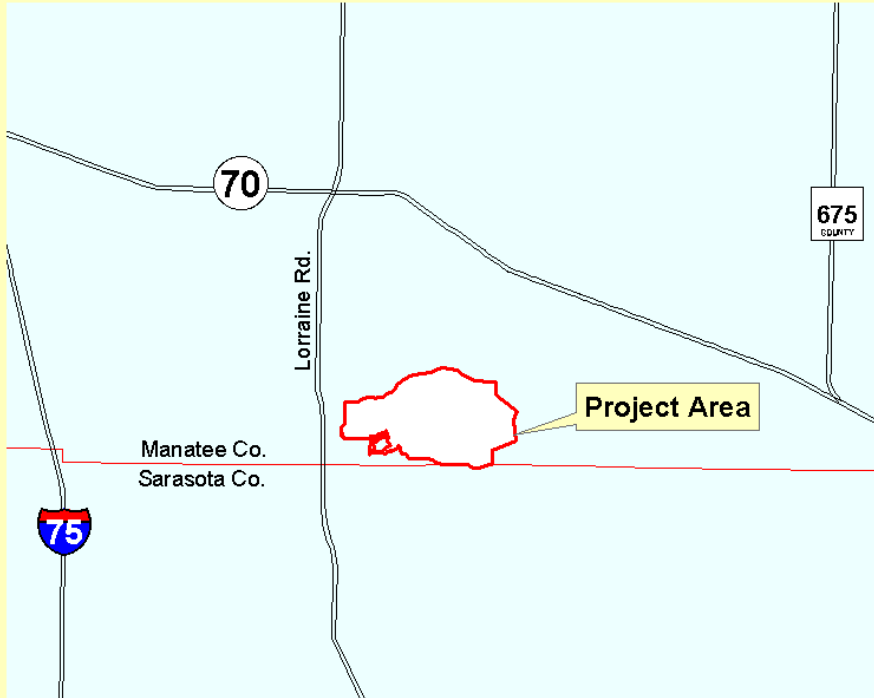
The project area contains 113.42 acres of wetlands and 2.66 acres of upland cut ditches.

No wetland impacts will occur.

Permanent filling impacts to 2.66 acres of upland cut ditches will not require mitigation, pursuant to Section 3.2.2.2 of the Basis of Review, and are authorized with this permit.

- Meets Rule Requirements. Staff recommends approval.

Location Map
Lake Club at Lakewood Ranch - PH 1A
ERP No. 43027399.000



Manatee Co.



Sec 34,35, & 36
Twn 35S, Rng 19E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43027399.000

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: The Lake Club at Lakewood Ranch, Phase 1A

GRANTED TO: SMR Communities, Inc.
6225 Lorraine Road
Bradenton, FL 34202

ABSTRACT: This permit is for construction of a new surface water management system to serve a 702.18-acre single-family residential development. The project encompasses Phase 1 of construction implementation within the limits of Conceptual Permit application No. 49027399.001, which was concurrently submitted with this project. The project is located in the northeast quadrant of the intersection of Lorraine Road and University Parkway, in Manatee County. Information regarding the surface water management system, wetlands, and 100-year floodplain is contained in the tables below.

OP. & MAINT. ENTITY: Lakewood Ranch CDD #5

COUNTY: Manatee

SEC/TWP/RGE: 34,35,36/35S/19E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 3,000.00

PROJECT SIZE: 702.18 Acres

LAND USE: Single-family Residential

DATE APPLICATION FILED: July 9, 2004

AMENDED DATE: N/A

Permit No.: 43027399.000
 Project Name: The Lake Club at Lakewood Ranch, Phase 1A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Basin 2A L-201	7.95	Wet Detention
Basin 22 L-202	0.59	Wet Detention
Basin 3A L-301	1.21	Wetland Treatment
Basin 3B L-302	2.12	Wetland Treatment
Basin 3D L-303	2.19	N/A *
Basin 3K L-304	78.66	Wet Detention
Basin 3E L-305	2.36	Wetland Treatment
Basin 3L L-306	5.46	Wet Detention
Basin 3I L-307	0.60	Wetland Treatment
Basin 4A L-401	0.50	Wetland Treatment
Basin 4E L-402	0.83	Wetland Treatment
Basin 4C L-403	21.36	Wet Detention
Basin 4I L-404	5.23	Wet Detention
Basin 8A L-801	6.19	Wetland Treatment
Basin 8C L-802	2.21	Wet Detention
Basin 8E L-803	44.30	N/A *
Basin 8F L-804	0.65	Wetland Treatment
Basin 8H L-805	3.96	Wet Detention
Basin 8L L-806	2.43	Wet Detention
TOTAL	188.80	

Comments: * No treatment; attenuation only.

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

II. 100-Year Floodplain

Comments: The site is not located within the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA).

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
SE-W1 ²	4.61	4.61	0.00	0.00
SE-W3 & SE-W66 ¹	3.54	3.54	0.00	0.00
SE-W4	12.82	12.82	0.00	0.00
SE-W5	2.02	2.02	0.00	0.00
SE-W6	3.54	3.54	0.00	0.00
SE-W7	1.10	1.10	0.00	0.00
SE-W11, SE-W67, & SE-W68 ¹ & ²	9.84	9.84	0.00	0.00
SE-W15 ²	0.38	0.38	0.00	0.00
SE-W34 & SE-W69 ¹	14.12	14.12	0.00	0.00
SE-W35 ²	13.57	13.57	0.00	0.00
SE-W36	1.10	1.10	0.00	0.00
SE-W37	4.66	4.66	0.00	0.00
SE-W38	19.66	19.66	0.00	0.00
SE-W39	6.65	6.65	0.00	0.00
SE-40	3.03	3.03	0.00	0.00
SE-W64, SE-W65 & Phase XI Mitigation Area	12.00	12.00	0.00	0.00
SE-W129	0.78	0.78	0.00	0.00
TOTAL	113.42	113.42	0.00	0.00

(1) Wetlands form one, hydrologically contiguous system.

(2) Wetlands extend off site.

Comments: Permanent filling impacts totaling 2.66 acres are proposed to upland cut ditches, and are authorized by this permit. Mitigation for the upland cut ditch impacts will not be required, pursuant to Section 3.2.2.2, Basis of Review (B.O.R.). Upland buffers for several wetlands will also be regraded and replanted. Specific conditions are included in the permit for the upland buffer restoration.

Watershed Name: Manatee River, South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

56. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 49027399.001
The Lake Club at Lakewood Ranch

SUMMARY

- Project Type:

This permit is for the conceptual approval of a surface water management system to serve a 1,048.17-acre single-family residential development known as The Lake Club at Lakewood Ranch.

- Location:

The project is located in the northeast quadrant of the intersection of Lorraine Road and University Parkway, in Manatee County.

- Surface Water Management System:

Engineering

Quantity/Quality

Peak attenuation storage and water quality treatment are provided by 14 man-made lakes and 17 isolated wetlands. The method of water quality treatment will be wet detention.

100-Year Floodplain

There is no FEMA floodplain located within the project area.

Environmental

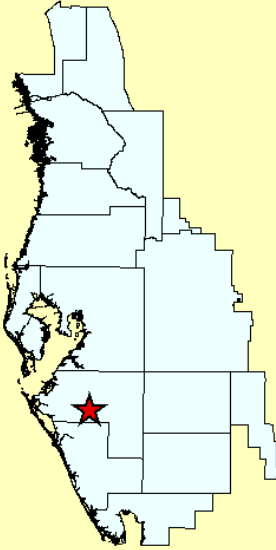
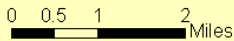
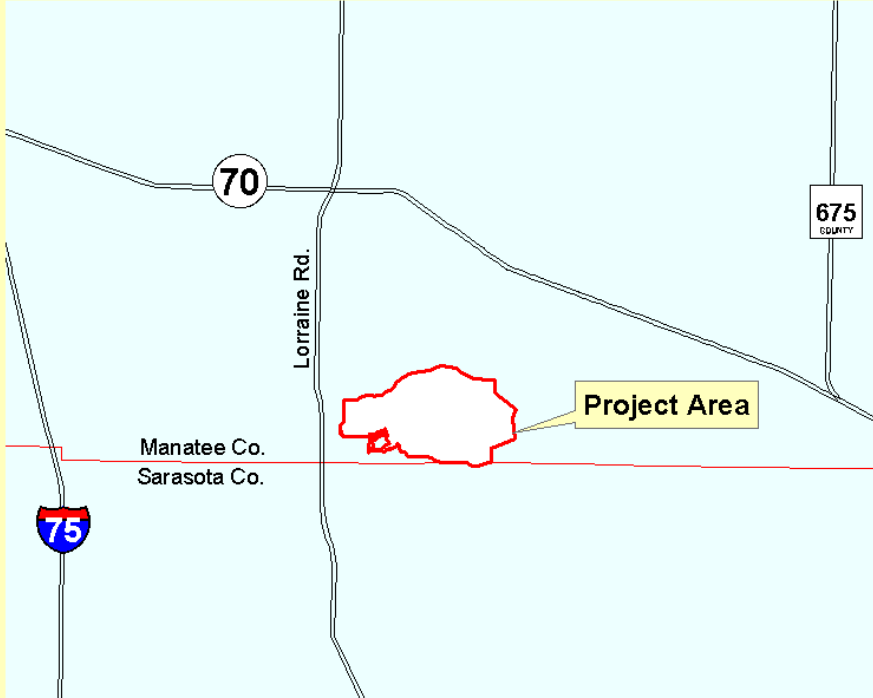
Wetland and Other Surface Water Impacts

The project area contains 192.88 acres of wetlands and 4.17 acres of agricultural ditches that are surface waters.

Permanent filling impacts to 4.17 acres of agricultural ditches will not require compensation, pursuant to Section 3.2.2.2 of the B.O.R., and will be authorized with the issuance of a construction permit.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Lake Club at Lakewood Ranch
ERP No. 49027399.001**



Manatee Co.



Sec 34,35, & 36
Twn 35S, Rng 19E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 CONCEPTUAL
 PERMIT NO. 49027399.001

Expiration Date: January 25, 2007
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: The Lake Club at Lakewood Ranch

GRANTED TO: SMR Communities, Inc.
 6225 Lorraine Road
 Bradenton, FL 34202

ABSTRACT: This permit is for the conceptual approval of a surface water management system to serve a 1,048.17-acre single-family residential development. The project is located in the northeast quadrant of the intersection of Lorraine Road and University Parkway, in Manatee County. An application for a 702.18-acre Individual construction permit for Phase I, Environmental Resource Permit (ERP) No. 43027399.000, was concurrently filed with this Conceptual permit application and is pending approval. Information regarding the surface water management system, 100-year floodplain, and wetlands is contained within the tables below.

OP. & MAINT. ENTITY: Lakewood Ranch CDD #5

COUNTY: Manatee

SEC/TWP/RGE: 34,35,36/35S/19E

**TOTAL ACRES OWNED
 OR UNDER CONTROL:** 3,000.00

PROJECT SIZE: 1,048.17 Acres

LAND USE: Single-family Residential

DATE APPLICATION FILED: July 9, 2004

AMENDED DATE: N/A

Permit No.: 49027399.001
 Project Name: The Lake Club at Lakewood Ranch

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
L-101	0.80	Wetland Treatment
L-102	0.90	Wetland Treatment
L-103	0.45	Wetland Treatment
L-201	7.95	Wet Detention
L-202	0.59	Wet Detention
L-301	1.21	Wetland Treatment
L-302	2.12	Wetland Treatment
L-303	2.19	N/A*
L-304	78.66	Wet Detention
L-305	2.36	Wetland Treatment
L-306	5.46	Wet Detention
L-307	0.60	Wetland Treatment
L-401	0.90	Wetland Treatment
L-402	0.83	Wetland Treatment
L-403	21.36	Wet Detention
L-404	5.23	Wet Detention
L-501	13.62	N/A*
L-601	1.15	Wetland Treatment
L-602	1.47	Wetland Treatment
L-701	19.99	Wet Detention
L-702	1.54	Wet Detention
L-703	2.76	Wet Detention
L-704	7.72	N/A*
L-705	3.99	Wet Detention
L-901	3.00	Wet Detention
L-801	6.19	Wetland Treatment
L-802	2.21	Wet Detention
L-803	44.30	N/A*
L-804	0.65	Wetland Treatment
L-805	3.96	Wet Detention
L-806	2.43	Wet Detention
TOTAL	246.19	

Comments: * No treatment; attenuation only.

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

II. 100-Year Floodplain

Comments: There is no FEMA floodplain located within the project area.

Permit No.: 49027399.001
Project Name: The Lake Club at Lakewood Ranch

III. Environmental Considerations

Comments: A total of 4.17 acres of upland cut ditches are within the project area and will be permanently filled. No mitigation is required for these impacts, pursuant to Section 3.2.2.2, Basis of Review. (B.O.R.).

Watershed Names: Manatee River, South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

57. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027525.000
Palma Sola Trace

SUMMARY

- Project Type:

This permit is for the construction of a new surface water management system to serve a 105.84-acre, mixed-use residential subdivision. The project encompasses the construction of single-family residential dwellings, townhouses and villas.

- Location:

The project site is located along the east side of 75th Street West, approximately 600 feet north of Cortez Boulevard in the City of Bradenton, in Manatee County.

- Surface Water Management System:

Engineering

Peak Discharge attenuation and water quality treatment will be provided by nine wet detention ponds.

There is 0.93 acre-feet of encroachment and 1.05 acre-feet of compensation in the 100-year floodplain.

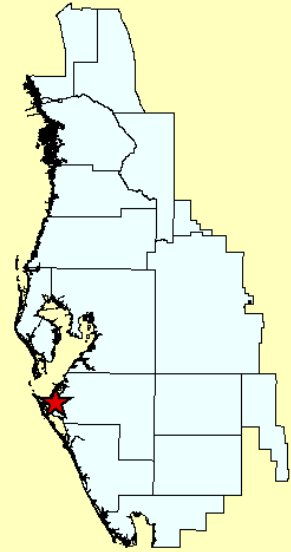
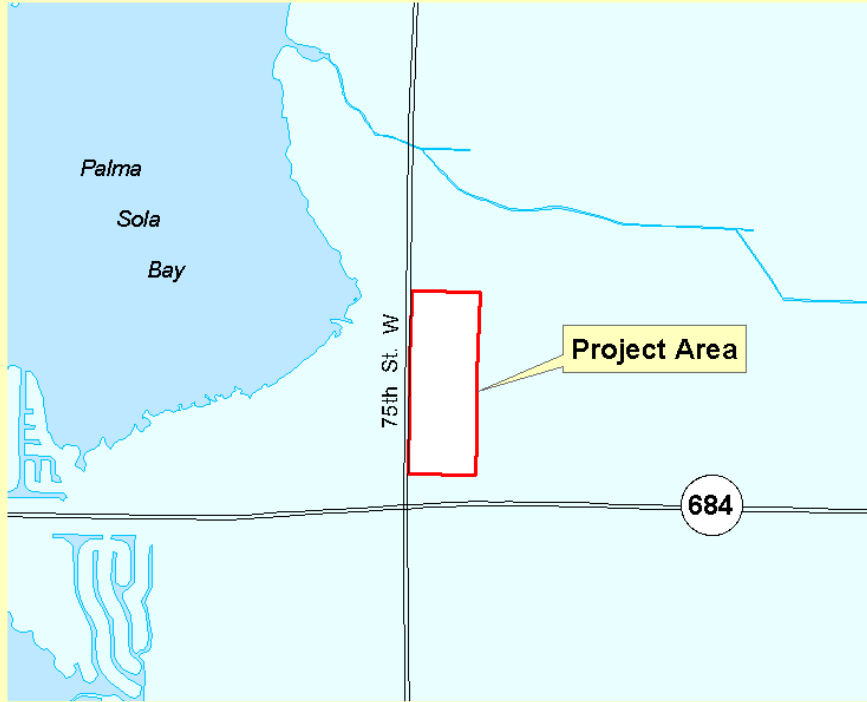
Environmental

Wetland and Other Surface Water Impacts

A total of 1.05 acres of wetlands and 5.48 acres of upland-cut ponds occur on-site. De minimis wetland impacts of 0.01 acre for permanent erosion control in Palma Sola Creek, and 4.99 acres of filling impacts to upland-cut ponds will not require mitigation pursuant to Chapter 373 406(6), F.S., Section 3.2.2 and 3.2.2.2 of the Basis Of Review.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Palma Sola Trace
ERP No. 43027525.000**



Manatee Co.



Sec 06
Twn 35S, Rng 17E

0 0.25 0.5 1 Miles

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 INDIVIDUAL CONSTRUCTION
 PERMIT NO. 43027525.000

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Palma Sola Trace

GRANTED TO: Taylor Woodrow Homes Central FL., LLC
 2610 South Falkenberg Rd.
 Riverview, FL 33569

ABSTRACT: This permit is for the construction of a new surface water management system to serve a 105.84-acre, mixed-use residential subdivision. The project site is located along the east side of 75th Street West, approximately 600 feet north of Cortez Boulevard in the City of Bradenton, in Manatee County. Information regarding the surface water management system, 100-year floodplain and wetlands is contained in the tables below.

OP. & MAINT. ENTITY: Palma Sola Trace Master Property Owner Association

COUNTY: Manatee

SEC/TWP/RGE: 6/35S/17E

**TOTAL ACRES OWNED
 OR UNDER CONTROL:** 105.84

PROJECT SIZE: 105.84 Acres

LAND USE: Multi-family Residential

DATE APPLICATION FILED: August 4, 2004

AMENDED DATE: N/A

Permit No.: 43027525.000
 Project Name: Palma Sola Trace

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1-A	3.00	Wet Detention
1-B	2.19	Wet Detention
1-C	1.30	Wet Detention
2	0.68	Wet Detention
3	1.40	Wet Detention
4	1.30	Wet Detention
5	1.50	Wet Detention
6	1.10	Wet Detention
7	1.40	Wet Detention
TOTAL	13.87	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
		NE []	Depth [N/A]
0.93	1.05	EE [X]	Depth [N/A]
		SM []	Depth [N/A]
		MI []	Depth [N/A]

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

NE = No Encroachment

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

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

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

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Palma Sola Creek	1.05	1.04	0.00	0.01
TOTAL	1.05	1.04	0.00	0.01

Permit No.: 43027525.000
Project Name: Palma Sola Trace

Comments: Construction of a road crossing and pedestrian bridge crossing over Palma Sola Creek are authorized; however, since the structures are open underneath and the footings will be constructed landward of the wetland line, no wetland impacts are authorized. De minimis wetland impacts of 0.01 acre are authorized for the placement of rip-rap into Palma Sola Creek above the mean high water line (MHWL) of the creek. Several upland-cut ponds totaling 5.48 acres are also located within the project area. Permanent dredging and filling impacts of 4.99 acres of impacts to these ponds are authorized. Pursuant to Chapter 373.406(6), F.S., Sections 3.2.2. and 3.2.2.2 of the Basis of Review (B.O.R.), mitigation for the de minimis wetland impacts and filling of the 4.99 acres of upland-cut, golf course ponds will not be required.

Watershed Name: South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

58. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43018328.005
Spanish Oaks

SUMMARY

- Project Type:

This permit is for the construction of a new surface water management system to serve a 165.29-acre, 262 single-family units, residential subdivision called Spanish Oaks.

- Location:

The project site is located on the east side of the Suncoast Parkway, west side of Shady Hills Road, and north of SR 52, in western Pasco County.

- Surface Water Management System:

Engineering

Water Quality

Runoff water quality is managed by the 14 regulated wet detention ponds, which comprise approximately 20.0 acres of the project area. The treatment system will treat one inch of runoff from the contributing area. Each regulated pond includes a skimmer to ensure that oils, greases and floating pollutants are not discharged into receiving waters. Each regulated pond includes an orifice, which has been sized such that no more than one-half of the treatment volume is discharged in not less than 60 hours. No adverse on-site or off-site water quality impacts are anticipated.

Water Quantity

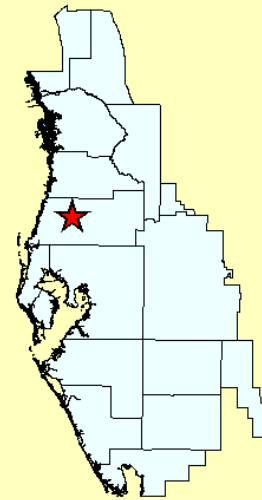
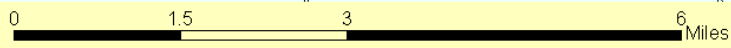
The engineer-of-record furnished computations, consistent with the Basis of Review, and construction plans that demonstrate that the project is expected to discharge a peak flow to off-site of 200-cfs in the post-project condition versus 264-cfs in the pre-project condition for the 25-year, 24-hour, National Resource Conservation Service (NRCS) Type II-Florida Modified, rainfall distribution with a total depth of 9.00 inches, and to discharge a peak flow to off-site of 285-cfs in the post-project condition versus 384-cfs in the pre-project condition for the 100-year, 24-hour, NRCS Type II-Florida Modified, rainfall distribution with a total depth of 12.00-inches.

Environmental

There are 71.76 acres of wetlands within the project area. Project construction will result in 0.04 acre of temporary wetland impacts. Mitigation will be provided by a conservation easement over 2.82 acres of uplands and wetlands.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Spanish Oaks
ERP No. 43018328.005**



Pasco Co.



Sec 06
Twn 25S, Rng 18E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43018328.005

Expiration Date: January 25, 2010

PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Spanish Oaks
GRANTED TO: Shady Hills, LLC
2304 San Jose Circle
Tampa, FL 33629

ABSTRACT: This permit is for the construction of a new surface water management system to serve a 165.29-acre, 262 single-family units residential subdivision called Spanish Oaks. The project site is located on the east side of the Suncoast Parkway, west side of Shady Hills Road, and north of State Road 52, in western Pasco County.

OP. & MAINT. ENTITY: Spanish Oaks Homeowner Association
COUNTY: Pasco
SEC/TWP/RGE: 6/25S/18E
**TOTAL ACRES OWNED
OR UNDER CONTROL:** 165.29
PROJECT SIZE: 165.29 Acres
LAND USE: Residential
DATE APPLICATION FILED: March 26, 2004
AMENDED DATE: April 8, 2004

Permit No.: 43018328.005
 Project Name: Spanish Oaks

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	0.53	Wet Detention
3	0.48	Wet Detention
4	0.82	Wet Detention
5	0.21	Wet Detention
6	3.13	Wet Detention
7	0.16	Wet Detention
8	0.30	Wet Detention
9	1.34	Wet Detention
10	0.37	Wet Detention
11	1.62	Wet Detention
14	0.32	Wet Detention
17	0.17	Wet Detention
18	0.47	Wet Detention
Wetland H	8.82	Wet Detention
TOTAL	18.74	

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

II. 100-Year Floodplain

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

*Codes [X] for the type or method of compensation provided are as follows:
SM = Storage Modeling hydrographs of pond and receiving stages indicate timing separation;
MI = Minimal Impact based on modeling of existing stages vs. post-project encroachment.
N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND PRESERVATION NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
D	25.92	25.88	0.04	0.00
H	7.89	7.89	0.00	0.00
I	5.54	5.54	0.00	0.00
J	0.44	0.44	0.00	0.00
K	2.24	2.24	0.00	0.00
L	1.36	1.36	0.00	0.00
M	0.20	0.20	0.00	0.00
N	1.71	1.71	0.00	0.00
O	0.64	0.64	0.00	0.00
T	0.79	0.79	0.00	0.00
U	6.17	6.17	0.00	0.00
V	17.26	17.26	0.00	0.00
W	1.60	1.60	0.00	0.00
TOTAL	71.76	71.72	0.04	0.00

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
1	0.00	0.71	0.00	0.00	0.00
2	0.00	0.42	0.00	0.00	0.00
3	0.00	0.00	0.00	1.69	0.00
TOTAL	0.00	1.13	0.00	1.69	0.00
NET CHANGE	-0.00	OTHER MITIGATION TOTAL			2.82

Comments: This project contains 71.76 acres of wetlands. Project construction will result in 0.04 acre of temporary impact to wetlands as well as some encroachment into a conservation easement. Mitigation for the wetland and the conservation easement impacts is provided by restoration of the 0.04 acre of impact to Conservation Easement D and preservation by establishment of a conservation easement over Upland Preservation Areas 1 (0.71 acre) 2 (0.42 acre), and 3 (1.69 acres). It was determined that the total Functional Loss of 0.01 acre is adequately compensated by a total Functional Gain of 0.38 acre. A wetland buffer has been provided as reasonable assurance that secondary impacts will not occur.

Watershed Name: Upper Coastal Drainage

A regulatory conservation easement is required.

A proprietary conservation easement is not required.

CONSENT ITEMS

59. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43007407.012
Marina Bay Docks

SUMMARY

- Project Type:

Individual Construction Permit for a 34 slip docking facility associated with a multi-family residential project in adjacent uplands currently under construction. Boardwalk access to floating finger piers will be constructed over deep-water and will not require dredging.

- Location:

The project is located in Pinellas County on Boca Ciega Bay/Maximo Channel. This location is approximately 0.38 mile south of 54th Avenue South in Section 10, Township 32 South, Range 16 East.

- Surface Water Management System:

Engineering

Since the project is on a tidal water body, neither water quantity attenuation nor floodplain compensation is required.

Hydrographic studies demonstrate that flushing time (the time required to reduce the concentration of a conservative pollutant to ten percent of its original concentration) for the marina basin is approximately four days, generally the maximum that is desirable for docking facilities.

Additional pollutant loads leaving the docking facility are expected to adequately disperse in the receiving water body so as not to significantly affect existing ambient water quality.

No fueling or sewage pump-out facilities are proposed.

Environmental

There is 0.61 acre of the Boca Ciega Bay Aquatic Preserve within the project area.

The project will be constructed waterward of the sea grassbeds and proposes to create an additional 462 square feet of reef to provide additional fish habitat.

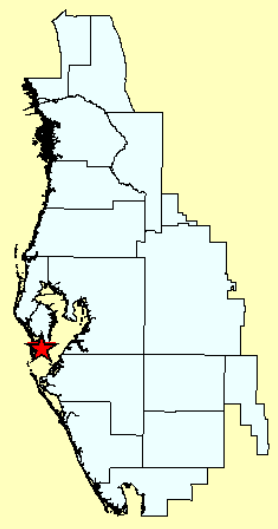
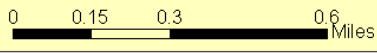
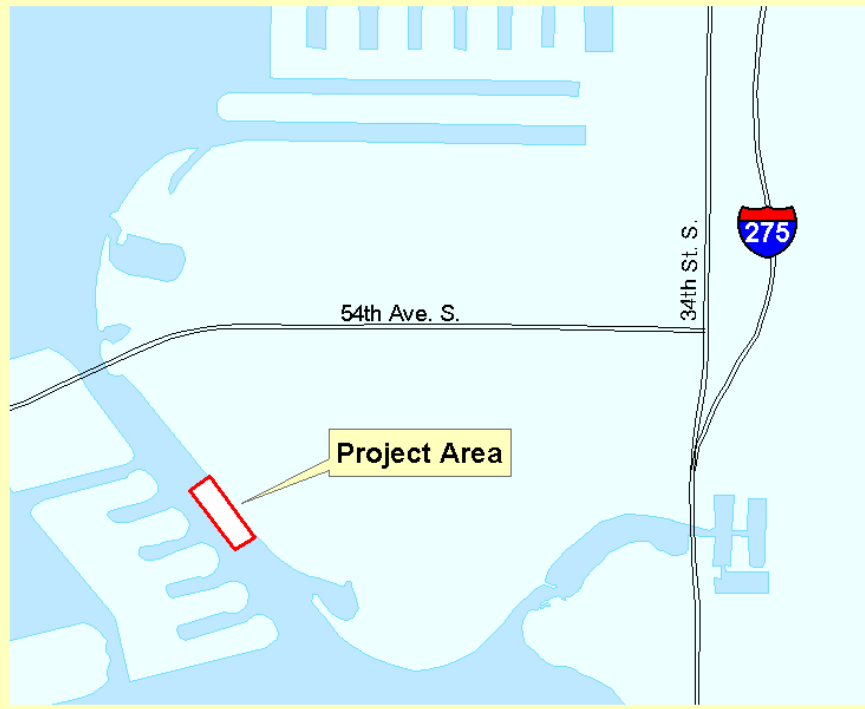
An educational board on manatees will be placed at the dock entrance and manatee signs will be located on the dock structures.

A Sovereign Submerged Land proprietary authorization, in the form of a lease, will also be issued to the Permittee pursuant to Chapter 18-21, F.A.C.

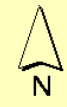
A 10-foot conservation easement will be placed on the existing shoreline as required for the Sovereign Submerged Lands Lease.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Marina Bay Docks
ERP No. 43007407.012**



Pinellas Co.



Sec 10
Twn 32S, Rng 16E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT (ERP) AND
 SOVEREIGN SUBMERGED LAND AUTHORIZATION (SL)
 INDIVIDUAL CONSTRUCTION SURFACE WATER MANAGEMENT SYSTEMS
 PERMIT NO. 43007407.012
 AND
 SOVEREIGNTY LANDS STANDARD LEASE

ERP Expiration Date: January 25, 2010 SL Expiration Date: January 25, 2010

PERMIT ISSUE DATE: January 25, 2005

This permit, issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and Chapter 40D-4, Florida Administrative Code, (F.A.C.), authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawings, plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District).

Authorization is granted to use sovereign submerged lands as outlined herein and shown by the application, approved drawings, plans, and other documents attached hereto and kept on file at the District under the provisions of Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., as well as the policies of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). This approval does not disclaim any title interests that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by the Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

All construction, operation, and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Marina Bay Docks

GRANTED TO: Swan Landing Development, LLC
 3001 North Rocky Point Drive, Suite 335
 Tampa, FL 33607

ABSTRACT: This project involves the construction of a 34 slip docking facility in Pinellas County on Boca Ciega Bay/Maximo Channel, approximately 0.38 mile south of 54th Avenue South. The facility is proposed as an amenity to a multi-family residential development currently under construction on adjacent uplands. Boardwalk access to floating finger piers will be constructed over deep-water portions of sovereign submerged land, and will not require dredging. There is 0.61 acre of the Boca Ciega Aquatic Preserve within the project area. Dock construction requires a Sovereign Submerged Lands Lease and is included with this permit. A 10-foot conservation easement will be placed on the existing shoreline as required for the Sovereign Submerged Lands Lease.

OP. & MAINT. ENTITY: Swan Landing Development, LLC

COUNTY: Pinellas

WATERBODY NAME: Boca Ciega Bay

AQUATIC PRESERVE: Boca Ciega Bay

SEC/TWP/RGE: 10/32S/16E

TOTAL ACRES OWNED OR UNDER CONTROL: 26.26

PROJECT SIZE: 2.02 Acres

Permit No.: 43007407.012
 Project Name: Marina Bay Docks

LAND USE: Multi-family Residential
DATE APPLICATION FILED: November 21, 2003
AMENDED DATE: September 24, 2004

I. Water Quantity/Quality

Neither water quantity attenuation nor water quality treatment is required. Hydrographic studies demonstrate that flushing time (the time required to reduce the concentration of a conservative pollutant to ten percent of its original concentration) for the marina basin is approximately four days, generally the maximum that is desirable for docking facilities. Pollutants leaving the docking facility are expected to adequately disperse in the receiving water body so as not to significantly affect existing ambient water quality. No fueling or sewage pump-out facilities are proposed.

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

II. 100-Year Floodplain

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Boca Ciega Bay	0.61	0.00	0.61	0.00
TOTAL	0.61	0.00	0.61	0.00

Comments: There is 0.61 acre of the Boca Ciega Bay Aquatic Preserve within the project area. The project will construct 34 boat slips for use by the residents of the Marina Bay Development, which will temporarily impact 0.61 acre of wetlands and open waters. The dock construction requires a Sovereign Submerged Lands Lease and it is included with this permit. The project will be constructed waterward of the seagrass beds and proposes to create an additional 462 square feet of reef adjacent to the observation pier to provide additional habitat for fish. An educational board on manatees will be placed at the dock entrance and manatee signs will be located on the dock structures. The reef construction and placement of the educational board and manatee signs are provided to offset the public interest requirements of Chapter 18-21, F.A.C. The project area has a sandy bottom with turbidity curtain proposed during construction; therefore, a mixing zone will not be required. A 10-foot conservation easement will be placed on the existing shoreline as required for the Sovereign Submerged Lands Lease.

Watershed Name: Upper Coastal Drainage

A regulatory conservation easement is not required.

Permit No.: 43007407.012
Project Name: Marina Bay Docks

IV. Sovereign Submerged Lands

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Docks	26,527 square feet	0 cubic yards	34
TOTAL	26,527 square feet	0 cubic yards	34

Shoreline Length: 915 feet

A proprietary conservation easement is required.

CONSENT ITEMS

60. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43025342.001
Bella Grande Townhomes Docks

SUMMARY

- Project Type:

Individual Construction Permit for a 10 slip docking facility associated with a multi-family residential project in adjacent uplands currently under construction. Boardwalk access to fixed finger piers will be constructed over un-vegetated deep-water and will not require dredging.

- Location:

The project is located in Pinellas County on Boca Ciega Bay. This location is approximately 0.12 mile southeast of the intersection of 55th Avenue and Gulf Boulevard in St. Petersburg Beach, Section 6, Township 32 South, Range 16 East.

- Surface Water Management System:

Engineering

Since the project is on a tidal water body, neither water quantity attenuation nor floodplain compensation is required.

Hydrographic studies demonstrate that flushing time for the marina basin is approximately four days, generally the maximum that is desirable for docking facilities.

Additional pollutant loads leaving the docking facility are expected to adequately disperse in the receiving water body so as not to significantly affect existing ambient water quality.

No fueling or sewage pump-out facilities are proposed.

Environmental

There is 0.19 acre of the Boca Ciega Bay Aquatic Preserve within the project area.

Concrete slabs will be removed from a shallow area near the seawall, which will allow for additional seagrass colonization. An artificial oyster bar will be created to provide an area for colonization of oysters, which are currently found only on the seawall and pilings. An artificial reef, comprised of twelve reef bay balls, will also be provided.

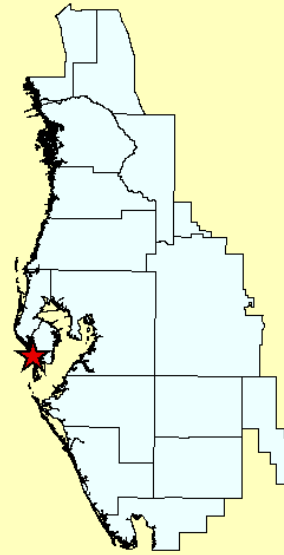
Existing natural resources will not be adversely impacted. Manatee education signs, sea grass location signs and bow-in mooring only, an artificial reef, and a created oyster enhancement area will be provided as part of the public interest criteria.

Proprietary authorization for activities over submerged lands will be obtained via modification of an existing sovereign submerged lands lease over the project area held by the Permittee pursuant to Chapter 18-21, F.A.C.

A conservation easement will be required for the Sovereign Submerged Lands Lease.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Bella Grande Townhome Docks
ERP No. 43025342.001**



Pinellas Co.



Sec 06
Twn 32S, Rng 16E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT (ERP) AND
SOVEREIGN SUBMERGED LAND AUTHORIZATION (SL)
INDIVIDUAL CONSTRUCTION SURFACE WATER MANAGEMENT SYSTEMS
PERMIT NO. 43025342.001
AND
SOVEREIGNTY LANDS STANDARD LEASE

ERP Expiration Date: January 25, 2010
SL Expiration Date: January 25, 2010

PERMIT ISSUE DATE: January 25, 2005

This permit, issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and Chapter 40D-4, Florida Administrative Code, (F.A.C.), authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawings, plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District).

Authorization is granted to use sovereign submerged lands as outlined herein and shown by the application, approved drawings, plans, and other documents attached hereto and kept on file at the District under the provisions of Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., as well as the policies of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). This approval does not disclaim any title interests that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by the Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

All construction, operation, and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Bella Grande Townhomes Docks

GRANTED TO: Bella Grande, LLC
556 Central Avenue
St. Petersburg, FL 33701

ABSTRACT: This project involves the construction of a 10 slip docking facility on Boca Ciega Bay, approximately 0.12 mile southeast of the intersection of 55th Avenue and Gulf Boulevard in St. Petersburg Beach, Pinellas County. The facility is proposed as an amenity to multi-family residential development currently under construction on adjacent uplands. Boardwalk access to fixed finger piers will be constructed over an unvegetated open water area. The dock facility will be constructed along a segment of the eastern shoreline of a basin in Boca Ciega Bay, and will not require dredging. There is 0.19 acre of the Boca Ciega Aquatic Preserve within the project area. Proprietary authorization for activities over submerged lands will be obtained via modification of an existing sovereign submerged lands lease over the project area held by the Permittee pursuant to Chapter 18-21, F.A.C.

OP. & MAINT. ENTITY: Bella Grande, LLC

COUNTY: Pinellas

WATERBODY NAME: Boca Ciega Bay

AQUATIC PRESERVE: Boca Ciega Bay

Permit No.: 43025342.001
 Project Name: Bella Grande Townhomes Docks

SEC/TWP/RGE: 06/32S/16E
TOTAL ACRES OWNED OR UNDER CONTROL: 1.81
PROJECT SIZE: 0.19 Acre
LAND USE: Multi-family Residential
DATE APPLICATION FILED: March 22, 2004
AMENDED DATE: October 27, 2004

I. Water Quantity/Quality

Neither water quantity attenuation nor water quality treatment is required. Hydrographic studies demonstrate that flushing time (the time required to reduce the concentration of a conservative pollutant to ten percent of its original concentration) for the marina basin is approximately four days, generally the maximum that is desirable for docking facilities. Pollutants leaving the docking facility are expected to adequately disperse in the receiving water body so as not to significantly affect existing ambient water quality. No fueling or sewage pump-out facilities are proposed.

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

II. 100-Year Floodplain

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Boca Ciega Bay	0.19	0.00	0.19	0.00
TOTAL	0.19	0.00	0.19	0.00

Comments: Two existing finger piers and a rectangular dock will be removed from shallow areas adjacent to the existing seawall. The new dock facility will be constructed over an unvegetated deeper water area along the seawalled segment of a basin in Boca Ciega Bay. This estuarine surface water body is within a portion of the Pinellas County Aquatic Preserve. The new docking facility will be constructed in a deeper water portion to avoid an existing sparse seagrass bed, which will not be adversely impacted. Concrete slabs will be removed from a shallow area near the seawall, which will allow for additional seagrass colonization. An artificial oyster bar will be created to provide an area for colonization of oysters, which are currently found only on the seawall and pilings. An artificial reef, comprised of twelve reef bay balls, will also be provided.

Permit No.: 43025342.001
Project Name: Bella Grande Townhomes Docks

Watershed Name: Upper Coastal Drainage

A regulatory conservation easement is not required.

IV. Sovereign Submerged Lands

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Dock, Not Marginal, 3 Slips or More	7,406 square feet	0 cubic yards	10
TOTAL	7,406 square feet	0 cubic yards	10

Shoreline Length: 321.5 feet

Comments: Removal of concrete slabs to allow for additional seagrass colonization, creation of an artificial oyster bar, and the construction of an artificial reef will be provided as part of the public interest criteria.

A proprietary conservation easement is required.

CONSENT ITEMS

61. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43026950.000
Blackwater Oaks

SUMMARY

- Project Type:

A 121.03-acre individual project for the construction of an 83-lot residential subdivision.

- Location:

The project site is located north of Old Highway 60, approximately two miles northwest of the intersection of S.R. 60 and S.R. 37 in Polk County.

- Surface Water Management System:

Engineering

The surface water management system consists of four wet detention ponds, one effluent filtration pond, and five retention ponds for attenuation and treatment of surface water runoff. No adverse water quality/quantity impacts are expected from this development.

100-year floodplain

There will be 1.25 acre-feet of encroachment into the floodplain. Adequate volumetric compensation (equivalent excavation) of 1.41 acre-feet is provided by excavating soil material between the same levels that encroachment occurred.

Environmental

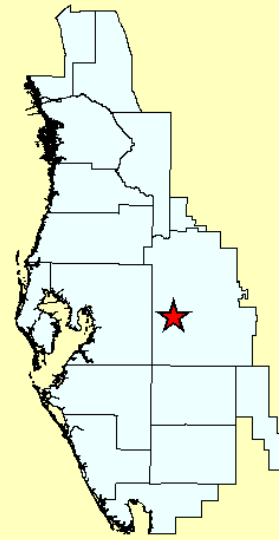
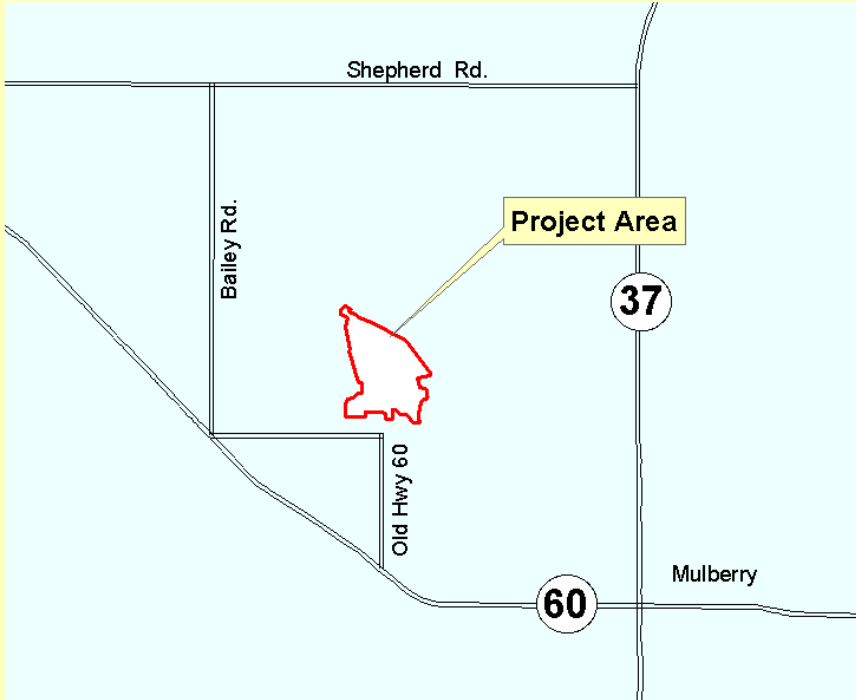
The project area includes 25.00 acres of forested wetlands contiguous with the North Prong Alafia River and 21.04 acres of surface waters created from phosphate mining.

Temporary impacts are proposed to 0.01 acre of wetlands and 0.01 acre of surface waters. Permanent impacts are proposed to 0.15 acre of wetlands and 0.01 acre of surface waters.

Mitigation for 0.15 acre of permanent forested wetland impacts and 0.01 acre of surface water impacts is provided by 0.16 acre of forested wetland creation and 20.15 acre of forested wetland preservation.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Blackwater Oaks
ERP No. 43026950.000**



Polk Co.



Sec 34
Twn 29S, Rng 23E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43026950.000

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Blackwater Oaks

GRANTED TO: HW Land Co. LLC
5900 Imperial Lakes Boulevard
Mulberry, FL 33860

ABSTRACT: This permit authorization is for the construction of a 121.03-acre, 83-lot residential subdivision, as named above and as shown on the approved construction plans. The project site is located north of Old Highway 60, approximately two miles northwest of the intersection of S.R. 60 and S.R. 37 in Polk County. Information regarding the surface water management system, 100-year flood plain, and wetlands is contained within the tables and comments below.

OP. & MAINT. ENTITY: Blackwater Oaks Homeowners Association, Inc.

COUNTY: Polk

SEC/TWP/RGE: 34/29S/23E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 121.03

PROJECT SIZE: 121.03 Acres

LAND USE: Residential

DATE APPLICATION FILED: April 13, 2004

AMENDED DATE: June 14, 2004

Permit No.: 43026950.000
 Project Name: Blackwater Oaks

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
A	0.44	Wet Detention
B	1.72	Wet Detention
C	0.49	Effluent Filtration
D	0.35	Retention
E	0.49	Retention
F	0.77	Wet Retention
G	0.22	Retention
H	0.48	Retention
J	0.48	Wet Detention
K	0.32	Retention
TOTAL	5.76	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
1.25	1.41	EE [X]	Depth [N/A]

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

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Wetland #1	4.19	4.19	0.00	0.00
Wetland #2	20.15	20.15	0.00	0.00
Wetland #3	4.22	4.22	0.00	0.00
Wetland #4	4.85	4.69	0.01	0.15
Wetland #5	12.63	12.61	0.01	0.01
TOTAL	46.04	45.86	0.02	0.16

Comments: The project area includes 25.00 acres of forested wetlands (#2 and #4) contiguous with the North Prong Alafia River and 21.04 acres of surface waters created from phosphate mining (#1, #3, and #5). Temporary impacts are proposed to 0.01 acre of forested wetlands (#4) and 0.01 acre of surface waters (#5). Permanent impacts are proposed to 0.15 acre of forested wetlands (#4) and 0.01 acre of surface waters (#5).

Permit No.: 43026950.000
 Project Name: Blackwater Oaks

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
M-1	0.16	0.00	0.00	0.00	0.00
Wetland #2	0.00	0.00	0.00	20.15	0.00
TOTAL	0.16	0.00	0.00	20.15	0.00
NET CHANGE	0.00	OTHER MITIGATION TOTAL			20.15

Comments: Mitigation for 0.15 acre of permanent forested wetland impacts (Wetland #4) and 0.01 acre of surface water impacts (Wetland #5) is provided by 0.16 acre of forested wetland creation (M-1) and 20.15 acre of forested wetland preservation.

Watershed Name: Alafia River

A regulatory conservation easement is required.

A proprietary conservation easement is not required.

CONSENT ITEMS

62. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 49026971.000
Oakmont

SUMMARY

- Project Type:

637.10-acre residential project (899 single-family lots and 100 units of multi-family).

- Location:

The project is located between Ronald Reagan Parkway (County Road 54) and Bowen Road, approximately one and one-half miles east of Interstate 4 in Polk County.

- Surface Water Management System:

Engineering

Treatment and attenuation of stormwater runoff to be accomplished via fifteen wet detention ponds.

100-year floodplain

There will be 66.78 acre-feet of floodplain encroachment with 94.00 acre-feet of equivalent excavation for floodplain compensation.

Environmental

The project area contains 148.43 acres of wetlands and other surface waters consisting of 41.03 acres of mixed forested wetlands, 102.17 acres of herbaceous wetlands, and 5.23 acres of man made canals.

There are 35.17 acres of permanent wetland impacts conceptually proposed consisting of 24.30 acres to herbaceous wetlands, 5.64 acres to mixed forested wetlands, and 5.23 acre to manmade canals.

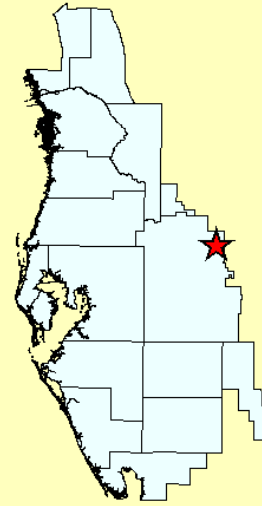
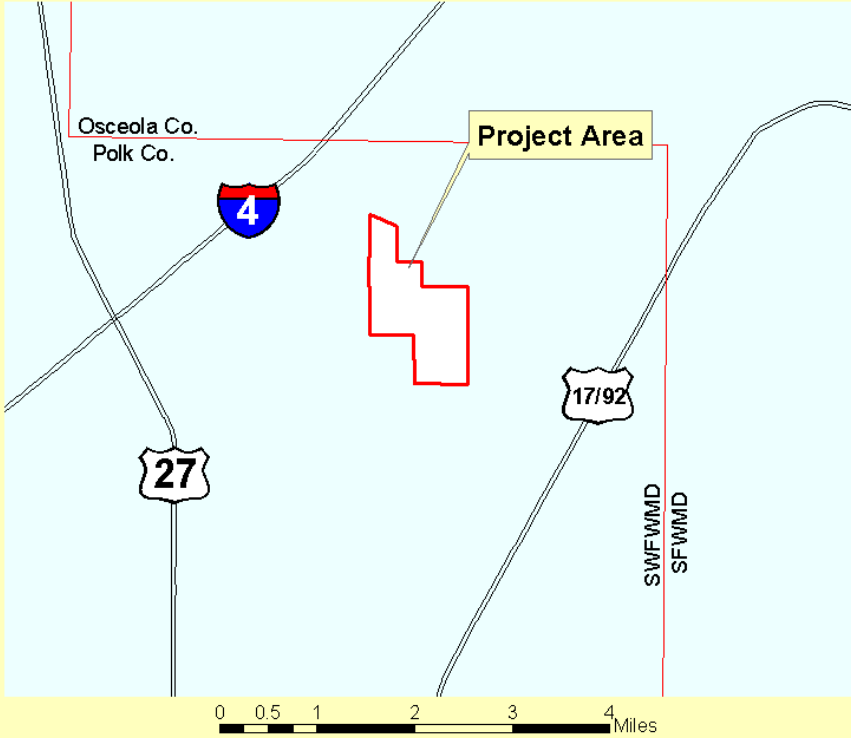
Mitigation for the permanent impacts to onsite wetlands is conceptually proposed to be the preservation, through the use of a conservation easement, of 75.83 acres of herbaceous wetlands, 35.39 acres of mixed forested wetlands, and 77.17 acres of associated upland habitat .

The impacts to the isolated wetlands, less than 0.50 acre in size and the impacts to upland cut surface water features (canals) will not require mitigation for wildlife habitat because they are not used by threatened or endangered species and have been deemed insignificant.

All conceptually approved impacts to wetlands will be detailed in future construction permits for this project and therefore are not included in wetland tables in this permit.

- Meets Rule Requirements. Staff recommends approval.

Location Map Oakmont Conceptual ERP No. 49026971.000



Polk Co.



Sec 3,10,15
Twn 26S, Rng 27E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
CONCEPTUAL
PERMIT NO. 49026971.000

Expiration Date: January 25, 2007

PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Oakmont

GRANTED TO: Oakmont Grove Venture, LLC
401 West Colonial Drive, Suite 7
Orlando, FL 32804

ABSTRACT: This permit is for the conceptual approval of a surface water management system serving a 637.10-acre residential project as named above and as shown on the approved conceptual drawings. The project is located between Ronald Reagan Parkway (County Road 54) and Bowen Road, approximately one and one-half miles east of Interstate 4 in Polk County. Information regarding the surface water management systems, 100-year floodplain and wetlands is contained within the tables and comments below.

OP. & MAINT. ENTITY: Oakmont Community Development District

COUNTY: Polk

SEC/TWP/RGE: 3,9,10,15/26S/27E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 637.10

PROJECT SIZE: 637.10 Acres

LAND USE: Residential

DATE APPLICATION FILED: April 16, 2004

AMENDED DATE: N/A

Permit No.: 49026971.000
 Project Name: Oakmont

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1000	2.19	Wet Detention
2000	4.10	Wet Detention
3000	1.02	Wet Detention
4000	1.81	Wet Detention
5000	3.75	Wet Detention
6000	9.93	Wet Detention
7000	2.17	Wet Detention
8000	10.76	Wet Detention
9000	5.07	Wet Detention
10000	2.14	Wet Detention
11000	2.49	Wet Detention
12000	2.59	Wet Detention
13000	0.69	Wet Detention
14000	1.97	Wet Detention
15000	1.20	Wet Detention
TOTAL	51.88	

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
66.78	94.00	EE [X]	Depth [N/A]

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

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

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Comments:

The project area contains 148.43 acres of wetlands and other surface waters consisting of 41.03 acres of mixed forested wetlands (W31, 2.63 ac.; W32, 3.43 ac.; W37, 3.72 ac.; W38, 19.91 ac.; W39, 7.30 ac.; W43, 2.63 ac.; W44, 1.33 ac.; and W48, 0.08 ac.), 102.17 acres of herbaceous wetlands (W1, 0.36 ac.; W2, 1.37 ac.; W3, 22.93 ac.; W4, 0.12 ac.; W5, 0.08 ac.; W6, 0.38 ac.; W7, 1.34 ac.; W8, 8.07 ac.; W10, 0.97 ac.; W11, 0.35 ac.; W12/14, 2.14 ac.; W13, 1.39 ac.; W15, 3.18 ac.; W16, 0.17 ac.; W17, 0.04 ac.; W18, 0.57 ac.; W19, 0.41 ac.; W20, 0.44 ac.; W21, 0.76 ac.; W22, 14.25 ac.; W23, 4.11 ac.; W24, 2.07 ac.; W25, 0.68 ac.; W26, 0.99 ac.; W27, 0.89 ac.; W28, 0.60 ac.; W29, 4.96 ac.; W30, 5.43 ac.; W33, 2.25 ac.; W34, 2.00 ac.; W35, 0.33 ac.; W36, 3.24 ac.; W40, 1.53 ac.; W41, 0.54 ac.; W42, 2.74 ac.; W45, 3.46 ac.; W46, 1.35 ac.; W47, 2.44 ac.; W49, 2.70 ac.; and W50, 0.54 ac.) and 5.23 acres of man made canals (W8sw, 0.93 ac.; W9sw, 1.11 ac.; W12/14sw, 0.93 ac.; W29sw, 0.78 ac.; and W30sw, 1.48 ac.).

There are 35.17 acres of permanent wetland impacts conceptually proposed consisting of 24.30 acres to herbaceous wetlands (W1, 0.36 ac.; W3, 2.99 ac.; W4, 0.12 ac.; W5, 0.08 ac.; W6, 0.38 ac.; W7, 1.34 ac.; W8, 1.71 ac.; W11, 0.35 ac.; W12/14, 2.14 ac.; W16, 0.17 ac.; W17, 0.04 ac.; W18, 0.04 ac.; W19, 0.41 ac.; W23, 4.11 ac.; W24, 2.07 ac.; W25, 0.68 ac.; W26, 0.99 ac.; W27, 0.89 ac.; W28, 0.60 ac.; W30, 0.03 ac.; W35, 0.33 ac.; W40, 0.72 ac.; W41, 0.54 ac.; W42, 1.94 ac.; W45, 0.22 ac.; and W49, 1.05 ac.), 5.64 acres to mixed forested wetlands (W32, 0.16 ac.; W38, 0.17 ac.; W39, 3.86 ac.; W43, 0.51 ac.; W44, 0.86 ac.; and W48, 0.08 ac.), and 5.23 acre to manmade canals (W8sw, 0.93 ac.; W9sw, 1.11 ac.; W12/14sw, 0.93 ac.; W29sw, 0.78 ac.; and W30sw, 1.48 ac.).

Mitigation Comments:

Mitigation for the permanent impacts to onsite wetlands is conceptually approved to be the preservation of 75.83 acres of herbaceous wetlands, 35.39 acres of mixed forested wetlands, and 77.17 acres of associated upland habitat.

Mitigation for wildlife habitat will not be required for impacts to W1, W4, W5, W6, W11, W16, W17, W19, and W35 because they are isolated, less than 0.50 acre in size and are not used by threatened or endangered species.

Mitigation for wildlife habitat will not be required for the upland cut surface water features (canals), W8sw, W9sw, W12/14sw, W29sw, and W30sw, because they do not provide significant habitat to threatened or endangered species.

The amount of mitigation needed to offset proposed wetland impacts was determined through the use of the Unified Mitigation Assessment Methodology (Chapter 62-345 F.A.C.).

All conceptually approved mitigation for impacts to wetlands will be detailed in future construction permits for this project and are therefore not included in mitigation tables in this permit.

Watershed Name: Kissimmee Ridge

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

63. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 49026971.001
Oakmont Phase One

SUMMARY

- Project Type:

A 452.90-acre phase of a residential project (325 single-family lots and 100 units of multi-family).

- Location:

The project is located between Ronald Reagan Parkway (CR 54) and Bowen Road, approximately one and one-half miles east of Interstate 4 in Polk County.

- Surface Water Management System:

Engineering

Treatment and attenuation of stormwater runoff to be accomplished via seven wet detention ponds.

100-year floodplain

There will be 19.04 acre-feet of floodplain encroachment with 20.91 acre-feet of equivalent excavation for floodplain compensation.

Environmental

The project area contains 129.10 acres of wetlands and other surface waters consisting of 35.39 acres of mixed forested wetlands, 90.74 acres of herbaceous wetlands, and 2.97 acres of man made canals.

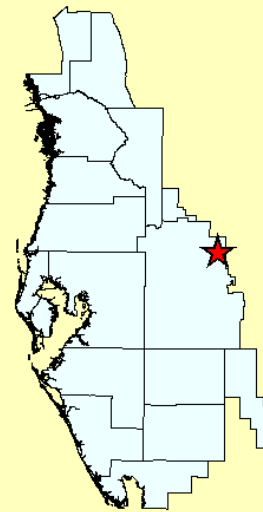
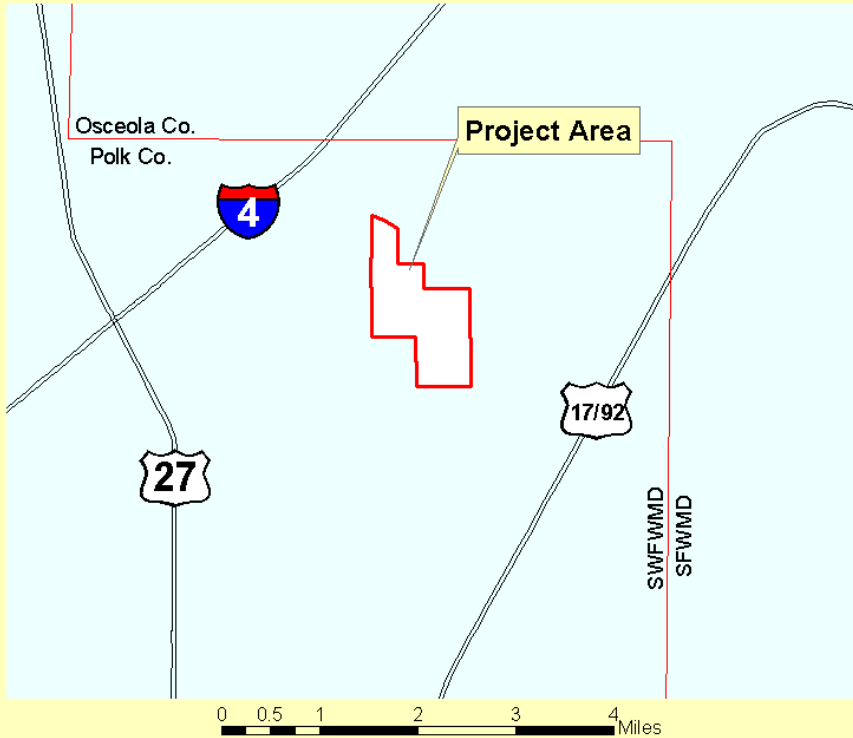
There are 15.71 acres of permanent wetland impacts proposed consisting of 12.74 acres to herbaceous wetlands and 2.97 acre to manmade canals.

Mitigation for the permanent impacts to onsite wetlands is provided by the preservation of 75.83 acres of herbaceous wetlands, 35.39 acres of mixed forested wetlands, and 77.17 acres of associated upland habitat. Mitigation provided by this permit includes that necessary to offset all wetland impacts conceptually approved in Environmental Resource Permit No. 49026971.000.

Mitigation for habitat was not required for impacts to the onsite wetlands less than 0.50 acre in size because they are isolated and are not used by threatened or endangered species.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Oakmont Phase 1
ERP No. 49026971.001**



Polk Co.



Sec 3, 10, 15
Twn 26S, Rng 27E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 49026971.001

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: Oakmont Phase One

GRANTED TO: Oakmont Grove Venture, LLC
401 West Colonial Drive, Suite 7
Orlando, FL 32804

ABSTRACT: This permit is for the construction of a new surface water management system serving a 452.90-acre phase of a residential project as named above and as shown on the approved construction drawings. The project is located between Ronald Reagan Parkway (CR 54) and Bowen Road, approximately one and one-half miles east of Interstate 4 in Polk County. An Incidental Site Activities (ISA) Permit was issued for the project on December 21, 2004, authorizing installation of erosion and sediment control measures, limited clearing and limited excavation in upland areas of the project. Information regarding the surface water management systems, 100-year floodplain and wetlands is contained within the tables and comments below.

OP. & MAINT. ENTITY: Oakmont Community Development District

COUNTY: Polk

SEC/TWP/RGE: 3,9,10,15/26S/27E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 637.10

PROJECT SIZE: 452.90 Acres

LAND USE: Residential

DATE APPLICATION FILED: May 14, 2004

AMENDED DATE: July 12, 2004

Permit No.: 49026971.001
 Project Name: Oakmont Phase One

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1000	2.19	Wet Detention
2000	4.10	Wet Detention
3000	1.02	Wet Detention
4000	1.81	Wet Detention
5000	3.75	Wet Detention
6000	9.93	Wet Detention
9000	5.07	Wet Detention
TOTAL	27.87	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
19.04	20.91	EE [X]	Depth [N/A]

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

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
W1	0.36	0.36	0.00	0.00
W2	1.37	1.37	0.00	0.00
W3	22.93	19.94	0.00	2.99
W4	0.12	0.12	0.00	0.00
W5	0.08	0.08	0.00	0.00
W6	0.38	0.38	0.00	0.00
W7	1.34	0.00	0.00	1.34
W8	8.07	6.36	0.00	1.71
W8sw	0.93	0.93	0.00	0.00
W9sw	1.11	1.11	0.00	0.00
W10	0.97	0.97	0.00	0.00
W11	0.35	0.35	0.00	0.00
W12/14	0.56	0.00	0.00	0.56

Permit No.: 49026971.001
 Project Name: Oakmont Phase One

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
W12/14sw	0.93	0.93	0.00	0.00
W13	1.39	1.39	0.00	0.00
W15	3.18	3.18	0.00	0.00
W17	0.04	0.04	0.00	0.00
W18	0.53	0.53	0.00	0.00
W19	0.13	0.13	0.00	0.00
W20	0.44	0.44	0.00	0.00
W21	0.76	0.76	0.00	0.00
W22	14.25	14.25	0.00	0.00
W23	1.09	0.00	0.00	1.09
W24	1.00	0.00	0.00	1.00
W25	0.68	0.00	0.00	0.68
W26	0.99	0.00	0.00	0.99
W29	4.96	4.96	0.00	0.00
W30	5.40	5.40	0.00	0.00
W31	2.63	2.63	0.00	0.00
W32	3.27	3.27	0.00	0.00
W33	2.25	2.25	0.00	0.00
W34	2.00	2.00	0.00	0.00
W36	3.24	3.24	0.00	0.00
W37	3.72	3.72	0.00	0.00
W38	19.74	19.74	0.00	0.00
W39	3.44	3.44	0.00	0.00
W40	0.81	0.81	0.00	0.00
W42	0.80	0.80	0.00	0.00
W43	2.12	2.12	0.00	0.00
W44	0.47	0.47	0.00	0.00
W45	3.24	3.24	0.00	0.00
W46	1.35	1.35	0.00	0.00
W47	2.44	2.44	0.00	0.00
W49	2.70	1.65	0.00	1.05
W50	0.54	0.54	0.00	0.00
TOTAL	129.10	117.69	0.00	11.41

Comments: The project area contains 129.10 acres of wetlands and other surface waters consisting of 35.39 acres of mixed forested wetlands (W31, 2.63 ac.; W32, 3.27 ac.; W37, 3.72 ac.; W38, 19.74 ac.; W39, 3.44 ac.; W43, 2.12 ac.; and W44, 0.47 ac.), 90.74 acres of herbaceous wetlands (W1, 0.36 ac.; W2, 1.37 ac.; W3, 22.93 ac.; W4, 0.12 ac.; W5, 0.08 ac.; W6, 0.38 ac.; W7, 1.34 ac.; W8, 8.07 ac.; W10, 0.97 ac.; W11, 0.35 ac.; W12/14, 0.56 ac.; W13, 1.39 ac.; W15, 3.18 ac.; W17, 0.04 ac.; W18, 0.53 ac.; W19, 0.13 ac.; W20, 0.44 ac.; W21, 0.76 ac.; W22, 14.25 ac.; W23, 1.09 ac.; W24, 1.00 ac.; W25, 0.68 ac.; W26, 0.99 ac.; W29, 4.96 ac.; W30, 5.40 ac.; W33, 2.25 ac.; W34, 2.00 ac.; W36, 3.24 ac.; W40, 0.81 ac.; W42, 0.80 ac.; W45, 3.24 ac.; W46, 1.35 ac.; W47, 2.44 ac.; W49, 2.70 ac.; and W50, 0.54 ac.) and 2.97 acres of man made canals (W8sw, 0.93 ac.; W9sw, 1.11 ac.; and W12/14sw, 0.93 ac.).

Permit No.: 49026971.001
 Project Name: Oakmont Phase One

There are 15.71 acres of permanent wetland impacts proposed consisting of 12.74 acres to herbaceous wetlands (W1, 0.36 ac.; W3, 2.99 ac.; W4, 0.12 ac.; W5, 0.08 ac.; W6, 0.38 ac.; W7, 1.34 ac.; W8, 1.71 ac.; W11, 0.35 ac.; W12/14, 0.56 ac.; W17, 0.04 ac.; W23, 1.09 ac.; W24, 1.00 ac.; W25, 0.68 ac.; W26, 0.99 ac.; and W49, 1.05 ac.), and 2.97 acre to manmade canals (W8sw, 0.93 ac.; W9sw, 1.11 ac.; and W12/14sw, 0.93 ac.).

The impacts to W1, W4, W5, W6, W11, and W17 (1.33 acres in total) are not recorded in the table above because they are isolated, less than 0.50 acre in size, are not used by threatened or endangered species, and were deemed insignificant.

The impacts to W8sw, W9sw, and W12/14sw (2.97 acres in total) are not recorded in the table above because they are upland cut surface water features not used by threatened or endangered species and were deemed insignificant.

The functional loss for the 11.41 acres of wetland impact requiring mitigation for wildlife habitat is 6.81 acres.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
W2	0.00	0.00	0.00	1.37	0.00
W3	0.00	0.00	0.00	19.94	0.00
W8	0.00	0.00	0.00	6.36	0.00
W10	0.00	0.00	0.00	0.97	0.00
W13	0.00	0.00	0.00	0.26	0.00
W15	0.00	0.00	0.00	2.85	0.00
W18	0.00	0.00	0.00	0.53	0.00
W20	0.00	0.00	0.00	0.44	0.00
W21	0.00	0.00	0.00	0.49	0.00
W22	0.00	0.00	0.00	14.01	0.00
W29	0.00	0.00	0.00	4.96	0.00
W30	0.00	0.00	0.00	5.40	0.00
W31	0.00	0.00	0.00	2.63	0.00
W32	0.00	0.00	0.00	3.27	0.00
W33	0.00	0.00	0.00	2.25	0.00
W34	0.00	0.00	0.00	2.00	0.00
W36	0.00	0.00	0.00	3.24	0.00
W37	0.00	0.00	0.00	3.72	0.00
W38	0.00	0.00	0.00	19.74	0.00
W39	0.00	0.00	0.00	3.44	0.00
W40	0.00	0.00	0.00	0.81	0.00
W42	0.00	0.00	0.00	0.80	0.00
W43	0.00	0.00	0.00	2.12	0.00
W44	0.00	0.00	0.00	0.47	0.00
W45	0.00	0.00	0.00	3.24	0.00
W46	0.00	0.00	0.00	1.35	0.00
W47	0.00	0.00	0.00	2.44	0.00

Permit No.: 49026971.001
 Project Name: Oakmont Phase One

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
W49	0.00	0.00	0.00	1.65	0.00
W50	0.00	0.00	0.00	0.47	0.00
UP3-1	0.00	0.40	0.00	0.00	0.00
UP3-2	0.00	1.42	0.00	0.00	0.00
UP3-3	0.00	0.06	0.00	0.00	0.00
UP3-4	0.00	0.90	0.00	0.00	0.00
UP3-5	0.00	0.23	0.00	0.00	0.00
UP8-1	0.00	3.93	0.00	0.00	0.00
UP8-2	0.00	2.63	0.00	0.00	0.00
UP13-1	0.00	1.43	0.00	0.00	0.00
UP15-1	0.00	4.74	0.00	0.00	0.00
UP21-1	0.00	0.29	0.00	0.00	0.00
UP22-1	0.00	4.01	0.00	0.00	0.00
UP22-2	0.00	0.24	0.00	0.00	0.00
UP30-1	0.00	2.47	0.00	0.00	0.00
UP30-2	0.00	0.27	0.00	0.00	0.00
UP30-3	0.00	0.15	0.00	0.00	0.00
UP31-1	0.00	0.79	0.00	0.00	0.00
UP32-1	0.00	1.24	0.00	0.00	0.00
UP36-1	0.00	6.78	0.00	0.00	0.00
UP37-1	0.00	1.17	0.00	0.00	0.00
UP37-2	0.00	0.46	0.00	0.00	0.00
UP38-1	0.00	33.56	0.00	0.00	0.00
UP38-2	0.00	0.40	0.00	0.00	0.00
UP38-3	0.00	1.51	0.00	0.00	0.00
UP38-4	0.00	0.72	0.00	0.00	0.00
UP40-1	0.00	0.27	0.00	0.00	0.00
UP43-1	0.00	0.51	0.00	0.00	0.00
UP43-2	0.00	1.37	0.00	0.00	0.00
UP45-1	0.00	5.09	0.00	0.00	0.00
UP45-2	0.00	0.13	0.00	0.00	0.00
TOTAL	0.00	77.17	0.00	111.22	0.00
NET CHANGE	-11.41	OTHER MITIGATION TOTAL			188.39

Comments: Mitigation for the permanent impacts to onsite wetlands is provided by the preservation of 75.83 acres of herbaceous wetlands, 35.39 acres of mixed forested wetlands, and 77.17 acres of associated upland habitat.

Mitigation for habitat will not be required for impacts to W1, W4, W5, W6, W11, W17, and W19 (1.33 acres in total), because they are isolated, less than 0.50 acre in size, and are not used by threatened or endangered species.

No mitigation is required for the upland cut surface water features (canals), W8sw, W9sw, and W12/14sw (2.97 acres in total), because they do not provide significant habitat to threatened or endangered species.

The functional gain for the mitigation proposed in this authorization is 35.20, which offsets all impacts identified in the Conceptual Permit (No. 49026971.000).

Permit No.: 49026971.001
Project Name: Oakmont Phase One

Watershed Name: Kissimmee Ridge

A regulatory conservation easement is required.

A proprietary conservation easement is not required.

CONSENT ITEMS

64. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027329.000
Traditions Subdivision

SUMMARY

- Project Type:

216.17-acre phase of a residential project (251 single-family lots and 78 multi-family units).

- Location:

The project is located at the northwest and southeast corners of the intersection of Thompson Nursery Road and West Ruby Lake Drive in the city of Winter Haven, Polk County.

- Surface Water Management System:

Engineering

Treatment and attenuation of stormwater runoff to be accomplished via six wet detention ponds and three retention ponds.

100-year floodplain

An isolated floodplain located within the entire control of the applicant will be filled. There will be 9.75 acre-feet of floodplain encroachment within this isolated floodplain. Compensation for this impact will be characterized as a minimal impact.

Environmental

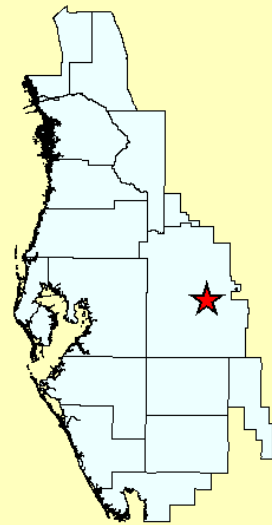
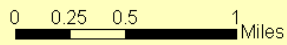
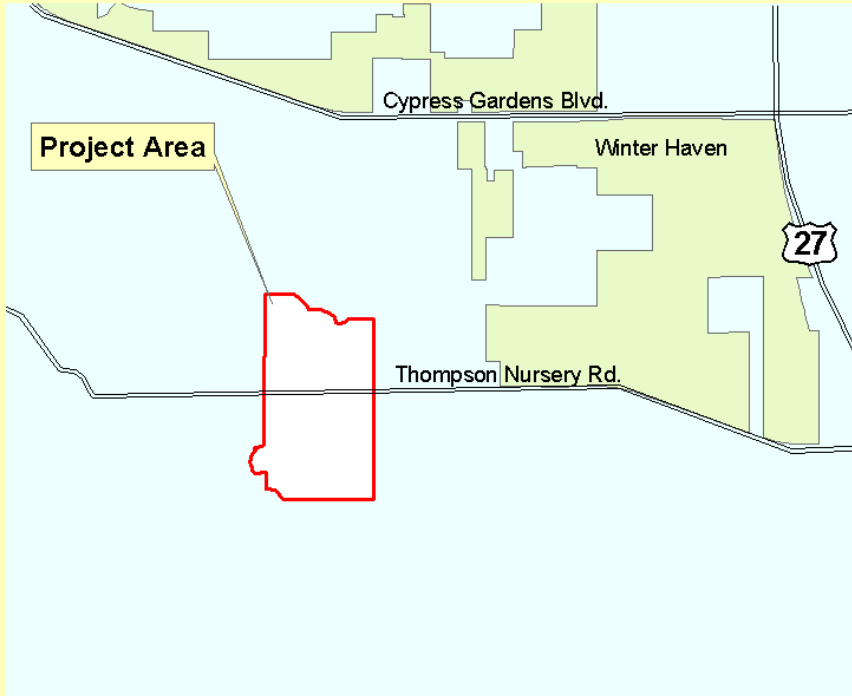
The project area contains 76.54 acres of wetlands and other surface water features consisting of 4.46 acres of herbaceous lake fringe wetlands, 5.96 acres of inland herbaceous wetlands, 19.54 acres of forested wetlands, 1.05 acres of agricultural ponds, and 45.53 acres of lakes including Lake Ruby, Lake Hart, and Reeves Lake.

There are 3.72 acres of permanent wetland impacts proposed by this project consisting of 0.29 acre of herbaceous wetland impacts, 2.25 acres of forested wetland impacts, 0.13 acre of open water lake impacts, and 1.05 acres of permanent impacts to the onsite agricultural ponds.

Mitigation for the permanent impacts to onsite wetlands is provided by 3.35 acres of forested wetland creation, 3.10 acres of herbaceous wetland enhancement, and 59.93 acres of preservation consisting of 16.62 acres of forested wetland, 3.31 acres of herbaceous wetlands, and 40.00 acres of non-sovereign lake bottom. No mitigation is required for the upland cut agricultural ponds, because they do not provide significant habitat to threatened or endangered species.

- Meets Rule Requirements. Staff recommends approval.

**Location Map
Traditions Subdivision
ERP No. 43027329.000**



Polk Co.



Sec 13
Twn 29S, Rng 26E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT (ERP) AND
SOVEREIGN SUBMERGED LAND AUTHORIZATION (SL)
INDIVIDUAL CONSTRUCTION SURFACE WATER MANAGEMENT SYSTEMS
PERMIT NO. 43027329.000
AND
SOVEREIGNTY LANDS STANDARD LEASE AND LETTER OF CONSENT

ERP Expiration Date: January 25, 2010	PERMIT ISSUE DATE: January 25, 2005
SL Expiration Date: Five (5) years from FDEP Executed Lease Instrument	

This permit, issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and Chapter 40D-4, Florida Administrative Code, (F.A.C.), authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawings, plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District).

Authorization is granted to use sovereign submerged lands as outlined herein and shown by the application, approved drawings, plans, and other documents attached hereto and kept on file at the District under the provisions of Chapter 253, F.S., and Chapter 18-21, F.A.C., as well as the policies of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). This approval does not disclaim any title interests that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by the Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

All construction, operation, and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Traditions Subdivision

GRANTED TO: Ruby Lake Development, LLC
744 Highland Avenue
Orlando, FL 32803

Sheryl Ann Nieto
217 Coleman Drive, Southeast
Winter Haven, FL 33884

Miguel Diaz and Cindy Diaz
800 Olsen Road, Southeast
Winter Haven, FL 33880

ABSTRACT: This permit is for the construction of a new surface water management system serving a 216.17-acre phase of a residential project as named above and as shown on the approved construction drawings. The project is located at the northwest and southeast corners of the intersection of Thompson Nursery Road and West Ruby Lake Drive in the city of Winter Haven, Polk County. An Incidental Site Activities (ISA) Permit was issued for the project on December 21, 2004, authorizing installation of erosion and sediment control measures, limited clearing and limited excavation in upland areas of the project. Information regarding the surface water management systems, 100-year floodplain and wetlands is contained within the tables and comments below.

Permit No.: 43027329.000
 Project Name: Traditions Subdivision

OP. & MAINT. ENTITY: Traditions at Winter Haven Homeowners' Association, Inc.
 1635 East Highway 50, Suite 200
 Clermont, FL 34711

COUNTY: Polk

WATERBODY NAME: Lake Ruby

AQUATIC PRESERVE: N/A

SEC/TWP/RGE: 13,24/29S/26E

**TOTAL ACRES OWNED
 OR UNDER CONTROL:** 292.90

PROJECT SIZE: 216.17 Acres

LAND USE: Residential

DATE APPLICATION FILED: June 23, 2004

AMENDED DATE: N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
100	1.10	Retention
101	1.10	Wet Detention
201	2.14	Wet Detention
202	2.20	Wet Detention
203	0.67	Wet Detention
205	1.46	Retention
206	0.40	Wet Detention
207	1.03	Retention
209	6.22	Wet Detention
TOTAL	16.32	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
9.75	0.00	MI [X]	Depth [0.00]

*Codes [X] for the type or method of compensation provided are as follows:
MI = Minimal Impact based on modeling of existing stages vs. post-project encroachment.
N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
W-1	1.40	0.00	0.00	1.40
W-2	1.12	0.53	0.00	0.59
W-3/3A	17.02	16.76	0.00	0.26
W-4	3.35	3.31	0.00	0.04
W-5	3.63	3.56	0.00	0.07
W-6	1.11	0.93	0.00	0.18
W-7	2.33	2.33	0.00	0.00
SW-1	5.49	5.48	0.00	0.01
SW-2	0.94	0.94	0.00	0.00
SW-3	6.44	6.44	0.00	0.00
SW-4	9.30	9.28	0.00	0.02
SW-5	24.30	24.28	0.00	0.02
SW-6	0.11	0.11	0.00	0.00
TOTAL	76.54	73.87	0.00	2.67

Comments: The project area contains 76.54 acres of wetlands and other surface water features consisting of 4.46 acres of herbaceous lake fringe wetlands (W-4, 3.35 acres and W-6, 1.11 acres), 5.96 acres of inland herbaceous wetlands (W-5, 3.63 acres and W-7, 2.33 acres), 19.54 acres of forested wetlands (W-1, 1.40 acres; W-2, 1.12 acres; and W-3/3A, 17.02 acres), 45.53 acres of lakes (SW-1/Lake Ruby, 5.49 acres; SW-3/Lake Hart lobe, 6.44 acres; SW-4/Lake Hart, 9.30 acres; and SW-5/Reeves Lake, 24.30 acres), and 1.05 acres of agricultural ponds (SW-2, 0.94 acre and SW-6, 0.11 acre).

There are 3.72 acres of permanent wetland impacts proposed by this project consisting of 0.29 acre of herbaceous wetland impacts (W-4, 0.04 acre; W-5, 0.07 acre; and W-6, 0.18 acre), 2.25 acres of forested wetland impacts (W-1, 1.40 acre; W-2, 0.59 acre; and W-3, 0.26 acre), 0.13 acre of open water lake impacts (SW-1/Lake Ruby, 0.09 acre; SW-4/Lake Hart, 0.02 acre; and SW-5, 0.02 acre), and 1.05 acres of permanent impacts to the onsite agricultural ponds (SW-2, 0.94 acre and SW-6, 0.11 acre).

The impacts to SW-2 and SW-6 are not recorded in the table above because they are upland cut surface water features not used by threatened or endangered species and were deemed insignificant.

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
WC-1	2.92	0.00	0.00	0.00	0.00
WC-2	0.43	0.00	0.00	0.00	0.00
WE-1	0.00	0.00	1.80	0.00	0.00

Permit No.: 43027329.000
 Project Name: Traditions Subdivision

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
WE-2	0.00	0.00	0.24	17.44	0.00
WE-3	0.00	0.00	0.82	0.00	0.00
WE-4	0.00	0.00	0.24	42.49	0.00
TOTAL	3.35	0.00	3.10	59.93	0.00
NET CHANGE	-0.76	OTHER MITIGATION TOTAL			0.00

Comments: Mitigation for the permanent impacts to onsite wetlands is provided by 3.35 acres of forested wetland creation (WC-1, 2.92 acres and WC-2, 0.43 acre), 3.10 acres of herbaceous wetland enhancement (WE-1/W-5, 1.80 acres; WE-2/Lake Hart, 0.24 acre; WE-3/Lake Ruby, 0.82 acre; and WE-4/Reeves Lake, 0.24 acre), and preservation and 59.93 acres of preservation consisting of 16.62 acres of forested wetland, 3.31 acres of herbaceous wetlands, and 40.00 acres of non-sovereign lake bottom (Lake Hart, 15.72 acres; and Reeves Lake, 24.28 acres).

No mitigation is required for the upland cut surface water features (agricultural ponds), SW-2 and SW-6, because they do not provide significant habitat to threatened or endangered species.

The functional gain for the mitigation proposed in this authorization is 3.42, which offsets the functional loss (1.23) caused by the impacts proposed by this project.

Watershed Name: Peace River

Rule 18-21.005 (1)(a), Florida Administrative Code, (F.A.C.), lists activities that may be conducted on sovereign submerged lands without a Proprietary Authorization. This project meets the requirements of 18-21.005 (1)(a)1., F.A.C.

A regulatory conservation easement is required.

IV. Sovereign Submerged Lands

Standard Lease:

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Ramp/Piers/ Docks	27,025 square feet	17 cubic yards	35
TOTAL	27,025 square feet	17 cubic yards	35

Letter of Consent:
 35,719 square feet of shoreline restoration

Shoreline Length: 1,800 feet

A proprietary conservation easement is required.

CONSENT ITEMS

65. **DISCUSSION PAPER**
ENVIRONMENTAL RESOURCE APPLICATION NO. 43000883.001
Sarasota County - Webber Street Phase 1 Improvements

SUMMARY

- Project Type:

This permit is for construction of a new surface water management system to serve a 1.15-mile road project.

- Location:

The project involves widening of the existing portion of Webber Street from Nodosa Drive to Mapleloft Road and new construction involving the extension of Webber Street from Mapleloft Road to Cattlemen Road, in Sarasota County.

- Surface Water Management System:

Engineering

Three manmade wet detention ponds will provide peak discharge attenuation and water quality treatment for the project.

There is 0.73 acre-feet of encroachment and 0.83 acre-feet of compensation in the 100-year floodplain.

Environmental

Wetland and Other Surface Water Impacts

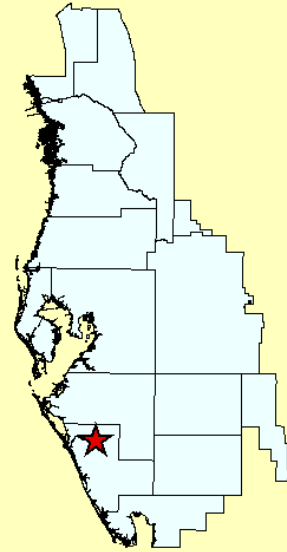
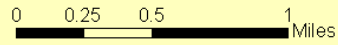
A total of 2.14 acres of wetlands occur on site, including a less than half-acre wetland (Wetland 1 - 0.07 acre).

A total of 2.14 acres of permanent wetland impacts are approved for construction of the roadway and a storm water treatment pond. Mitigation will be provided by the withdrawal of credits from the Sarasota County Fox Creek Regional Offsite Mitigation Area.

Permanent impacts to 0.13 acre of an upland-cut drainage canal are also authorized, and do not require compensation, pursuant to Section 3.2.2.2 of the B.O.R.

- Meets Rule Requirements. Staff recommends approval.

Location Map
Sarasota Co. - Webber Street Ph 1
ERP No. 43000883.001



Sarasota Co.



Sec 35 & 36
Twn 36S, Rng 18E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 INDIVIDUAL CONSTRUCTION
 PERMIT NO. 43000883.001

Expiration Date: January 25, 2010	PERMIT ISSUE DATE: January 25, 2005
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This permit is issued under the provisions of Chapter 373, Florida Statutes (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Sarasota County - Webber Street Phase 1 Improvements

GRANTED TO: Board of County Commissioners, Sarasota County
 Post Office Box 8
 Sarasota, FL 34230-0008

ABSTRACT: This permit is for construction of a new surface water management system to serve a 1.15-mile road project. The project involves widening of the existing portion of Webber Street from Nodosa Drive to Mapleloft Road and extending Webber Street from Mapleloft Road to Cattlemen Road, in Sarasota County. Information regarding the surface water management system, wetlands, and 100-year floodplain is contained in the tables below.

OP. & MAINT. ENTITY: Sarasota County Public Works

COUNTY: Sarasota

SEC/TWP/RGE: 35,36/36S/18E

TOTAL ACRES OWNED OR UNDER CONTROL: 31.78

PROJECT SIZE: 12.54 Acres

LAND USE: Government

DATE APPLICATION FILED: April 26, 2004

AMENDED DATE: N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Ridgewood	3.16	Wet Detention
Ibis	2.56	Wet Detention
Colonial Oaks	1.03	Wet Detention
TOTAL	6.75	

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

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
		NE []	Depth [N/A]
0.726	0.829	EE [X]	Depth [N/A]
		SM []	Depth [N/A]
		MI []	Depth [N/A]

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

NE = No Encroachment

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

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

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

N/A = Not Applicable

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

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
Ridgewood Pond Wetland	2.07	0.00	0.00	2.07
TOTAL	2.07	0.00	0.00	2.07

Comments: Permanent impacts will result in the conversion of a disturbed, shallowly excavated herbaceous and hydric hammock wetland into a storm water treatment facility. A less than 0.5 acre forested remnant wetland of Phillippi Creek (Wetland 1 - 0.07 acre) will be filled for roadway impacts. An additional 0.13 acre of temporary dredging impacts to an upland-cut drainage canal (Canal C4-106) are also authorized by this permit.

Permit No.: 43000883.001

Project Name: Sarasota County-Webber Street Phase 1 Improvements

Mitigation Information:

Comments: A functional wetland impact loss of 0.06 acre was determined. Wetland impacts will be mitigated by the withdrawal of 0.06 credits from the Sarasota County Fox Creek Regional Off-site Mitigation Area (ERP No. 43027077.000). Permanent impacts to upland-cut ditches are not required, pursuant to Section 3.2.2.2 of the Basis of Review (B.O.R.). Permanent impacts to Wetland No. 1 will also not require mitigation, as the wetland meets the criteria of Section 3.2.2.1 of the B.O.R. for regulated activities in isolated wetlands less than one-half acre in size.

Watershed Name: South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

CONSENT ITEMS

66. DISCUSSION PAPER
ENVIRONMENTAL RESOURCE APPLICATION NO. 43027708.000
The Forest at Hi Hat Ranch

SUMMARY

- Project Type:

Construction of a surface water management system to serve a 274.60-acre, 54 lot, single-family residential development.

- Location:

The project is located off State Highway 72, in Sarasota County, approximately 1.5 miles west of the Myakka River State Park.

- Surface Water Management System:

Engineering

Quantity/Quality

Peak discharge attenuation and water quality treatment are provided in three man-made wet detention systems and four natural isolated wetlands.

100–Year Floodplain

There is no FEMA 100-year floodplain located within the project area.

Environmental

This project contains a total of 59.68 acres of wetlands.

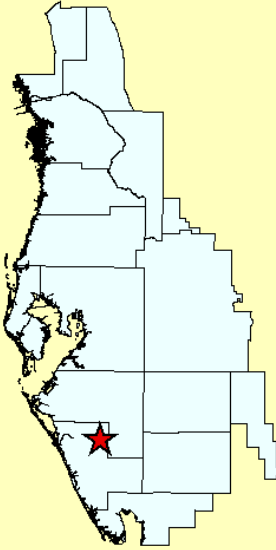
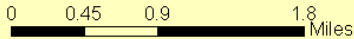
No permanent wetland impacts will occur within the project area.

A total of 1.62 acres of temporary wetland impacts will occur within the project. This temporary impact is for regrading activity necessary for the restoration and enhancement of the wetland.

A total of 3.38 acres of temporary upland cut impacts will also occur within an existing ditch, for regrading of the created/restoration area for Wetland WL-C.

- Meets Rule Requirements. Staff recommends approval.

Location Map
The Forest at Hi Hat Ranch
ERP No. 43027708.000



Sarasota Co.



Sec 13,14,23 & 24
Twn 37S, Rng 19E

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43027708.000

Expiration Date: January 25, 2010
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PERMIT ISSUE DATE: January 25, 2005

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

PROJECT NAME: The Forest at Hi Hat Ranch

GRANTED TO: Utopia Lands, LLP
11708 Fruitville Road
Sarasota, FL 34240

ABSTRACT: This permit authorizes the construction of a new surface water management system designed to serve a 274.60-acre residential development known as The Forest at Hi Hat Ranch. The project is located off State Highway 72, in Sarasota County, approximately 1.5 miles west of the Myakka River State Park. An Incidental Site Activities (ISA) Permit was issued for the project on November 29, 2004, authorizing limited earthwork, installation of erosion and sediment control measures and limited clearing and excavation in upland areas of the project. Information regarding the surface water management system, 100-year floodplain, and wetlands is contained in the tables below.

OP. & MAINT. ENTITY: Utopia Lands, LLP

COUNTY: Sarasota

SEC/TWP/RGE: 13,14,23,24/37S/19E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 1,950.00

PROJECT SIZE: 274.60 Acres

LAND USE: Single-family Residential

DATE APPLICATION FILED: September 16, 2004

AMENDED DATE: October 14, 2004

Permit No.: 43027708.000
 Project Name: The Forest at Hi Hat Ranch

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Wetland A	33.77	Natural Wetland
Wetland D	6.67	Natural Wetland
Wetland K	3.52	Natural Wetland
Wetland N1	1.71	Natural Wetland
SB-4	0.63	Wet Detention
SB-5	0.63	Wet Detention
SB-9	0.63	Wet Detention
TOTAL	47.56	

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

II. 100-Year Floodplain

Comments: There are no FEMA floodplains located within the project area.

III. Environmental Considerations

Wetland Information:				
WETLAND NO.	TOTAL AC.	NOT IMPACTED AC.	TEMPORARILY DISTURBED AC.	PERMANENTLY DESTROYED AC.
WL-A	32.80	32.80	0.00	0.00
WL-C	1.62	1.62	1.62	0.00
WL-D	6.67	6.67	0.00	0.00
WL-E	1.44	1.44	0.00	0.00
WL-F	1.04	1.04	0.00	0.00
WL-G	0.72	0.72	0.00	0.00
WL-H	1.12	1.12	0.00	0.00
WL-I	1.01	1.01	0.00	0.00
WL-I 2	0.61	0.61	0.00	0.00
WL-J	1.45	1.45	0.00	0.00
WL-K	3.25	3.25	0.00	0.00
WL-L	3.00	3.00	0.00	0.00
WL-M	0.85	0.85	0.00	0.00
WL-N 1	1.59	1.59	0.00	0.00
WL-O	1.32	1.32	0.00	0.00
WL-Q	0.17	0.17	0.00	0.00
WL-R	0.72	0.72	0.00	0.00
WL-S	0.30	0.30	0.00	0.00
TOTAL	59.68	59.68	1.62	0.00

Comments: A total of 18 wetlands comprising of 59.68 acres are located within the project area. Two of these wetlands are isolated, less than 0.50 acre (WL-Q = 0.17 acre and WL-S = 0.30 acre) and will not be impacted. Wetland WL-C totals 1.62 acres and contains two small wetlands (0.66 acre and 0.96 acre) that will be enhanced and incorporated into a restored and created 4.53 acre wetland/littoral area. There are three upland cut features within the project area totaling 6.18 acres, of which 0.53 acres will be permanently impacted.

Permit No.: 43027708.000
 Project Name: The Forest at Hi Hat Ranch

Mitigation Information:					
AREA NO.	CREATED/ RESTORED AC.	UPLAND PRESERVED AC.	ENHANCED WETLAND AC.	WETLANDS PRESERVED AC.	MISC. MITI. AC.
WL-C	4.53	0.00	0.00	0.00	0.00
TOTAL	4.53	0.00	0.00	0.00	0.00
NET CHANGE	4.53	OTHER MITIGATION TOTAL			0.00

Comments: A total of 4.53 acres within Wetland WL-C will be created/restored and incorporated into the wetland/littoral area.

Watershed Name: South Coastal Drainage

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

Governing Board Meeting January 25-26, 2005

Regulatory Agenda

Regulation Consent Items

Surface Water Permit

67. **Interagency Agreement Between SWFWMD and SJRWMD for Designation of Regulatory Responsibility for a Portion of The Villages District 9 and 10 Master Surface Water Management System – Lake County**

The Villages proposes to construct a large-scale mixed residential, commercial and recreational project known as The Villages District 9 and 10 Master Surface Water Management System in northwest Lake County, north of State Road 44. The project crosses water management district boundaries. The majority of the project will be located within the regulatory jurisdiction of the Southwest Florida Water Management District (SWFWMD), and all adverse wetland impacts will occur with the SWFWMD. 370 acres of the proposed project, constituting the wetland mitigation area, will be located within the St. Johns River Water Management District (SJRWMD).

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. SWFWMD staff, SJRWMD staff, and The Villages agree SWFWMD is the appropriate water management district to review the Environmental Resource Permit Application for this project. A memorandum of understanding approved by both water management district governing boards is necessary to authorize the SWFWMD to issue an ERP to The Villages for the proposed project, including that portion located within the SJRWMD. The SJRWMD Governing Board approved the interagency agreement for this project on December 7, 2004.

Staff Recommendation:

Approve the Interagency Agreement between the Southwest Florida Water Management District and the St. Johns River Water Management District for Designation of Regulatory Responsibility for The Villages District 9 and 10 Master Surface Water Management System.

Presenter: Margaret M. Lytle, Senior Attorney

Governing Board Meeting January 25-26, 2005

Regulatory Agenda

Regulation Consent Items

Water Use Permit

68. **Petition For Rule Variance - WUP No. 20006054.005 – E. R. Jahna Industries, Inc. (Haines City Sand Mine) – Polk County**

E. R. Jahna Industries, Inc. (“Jahna”) seeks a variance from a District rule in connection with its pending Water Use Permit (WUP) Application No. 20006054.005 for continued groundwater withdrawals at its Haines City Sand Mine located near Haines City in Polk County. The permitted water use occurs on property owned by Jahna and on property owned by Pamela Estes and Terry Bielling and leased to Jahna. The permittees on the current WUP are Jahna, Pamela Estes and Terry Bielling. The pending application is complete, except that it does not contain the signature of Terry Bielling. Jahna has advised that over the past 12 months, repeated attempts have been made to obtain Mr. Bielling’s signature on the WUP renewal application, but he has failed to cooperate without explanation. Jahna has requested a variance from WUP Information Manual Basis of Review (BOR) Section 2.1.1, which requires that all property owners sign a WUP application and be named as a permittee.

BOR Section 2.1.1 provides that applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located. Applications for leased property must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). BOR Section 2.1.1 further provides that if there are multiple owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the WUP when issued. The requirement that all property owners sign the WUP application and be named permittees on the issued WUP ensures that there will at all times be a responsible entity that the District can hold legally accountable for complying with the rules of the District and the conditions of the WUP, and thereby ensure that the permitted water use remains consistent with the statutory mandates and does not harm the water resources.

Section 373.219, F.S., authorizes the District to require permits for the consumptive use of water and to impose such conditions as are necessary to assure that such use is consistent with the overall objectives of the District and is not harmful to the water resources. Pursuant to Section 373.223, F.S., a WUP applicant must establish that the proposed water use is a reasonable-beneficial use, is in the public interest, and will not interfere with any existing legal use of water. An applicant demonstrates entitlement to a WUP by providing reasonable assurances that it has met the conditions for issuance of a WUP as set forth in District Rule 40D-2.301, Florida Administrative Code (F.A.C.). The standards and criteria set forth in the BOR are used to determine whether the applicant has provided the reasonable assurances necessary for issuance of a WUP. The BOR provisions identify the usual procedures and information used by District staff in permit application review and are incorporated into the District rules by reference. In addition to the specific conditions for issuance of WUPs, Rule 40D-1.6501, F.A.C., further provides that all District permits are contingent upon the continued ownership, lease or other legal control of property rights in the lands on which permitted activities will occur. Ultimately, the requirement for all owners’ signatures on a WUP application and their inclusion as

permittees accords the District the legal means to ensure that the proposed water use will continue to meet the statutory criteria for issuance of a WUP.

Section 120.542, Florida Statutes, (F.S.), allows persons conducting activities regulated by government agencies to seek variances from agency rules. Section 120.542(2), F.S., requires an agency to grant a variance or waiver of a rule it administers when a person subject to the rule demonstrates that the purpose of the statute underlying the rule will be or has been achieved by other means, and application of the rule would create a substantial hardship or would violate principles of fairness. "Substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

Jahna has asserted that requiring the signatures of all property owners (and thus requiring that all owners be named permittees) on its WUP renewal application will result in a legal hardship and will violate principles of fairness. Information provided by Jahna in support of its Petition for Rule Variance documents that Jahna occupies the property at issue and conducts its mining operations pursuant to a valid lease, originally executed in 1972, which accords it the exclusive and sole right to conduct mining operations on the property, including the right to drill wells and otherwise use and occupy the lands under the lease. No other entity, including the owners, can conduct mining operations on the leased property, for the duration of the lease. The lease obligates the owners to make efforts as necessary for Jahna to obtain a mining permit as required by the state and Polk County, but is silent as to the owners' obligation to assist Jahna in obtaining any other regulatory authorizations in order to conduct its mining operations. If Jahna were unable to renew its WUP for lack of one of the property owner's signature, Jahna would no longer have authorization to withdraw water for its mining activities from the leased property portion of its Haines City Sand Mine, effectively resulting in it having to cease all mining operations.

Jahna's lease establishes that it has sufficient legal control over all of the property upon which the regulated water use will take place, as is required by Rule 40D-1.6105, F.A.C. If BOR Section 2.1.1 were to be waived, Jahna and at least one of the owners of the leased property would be legally obligated to comply with all conditions of the WUP. Jahna has otherwise provided reasonable assurances that the conditions for issuance of a WUP required by 40D-2.301, F.A.C. have been met. The purposes of the underlying statute authorizing the District to impose such conditions as are reasonably necessary to assure that the water use is and remains consistent with the overall objectives of the District can still be achieved. If Jahna's Petition to waive BOR Section 2.1.1 were not granted, imposition of the rule would create a legal hardship for Jahna.

Pursuant to Section 120.542(2), F.S., a variance shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means and application of the rule would create a substantial hardship or violate principles of fairness. Jahna has provided sufficient information to demonstrate that the statutory requirements for waiving BOR Section 2.1.1 have been met. Staff therefore recommend that the Governing Board issue an order granting the requested variance from BOR Section 2.1.1.

Staff Recommendation:

Approve the proposed Order Granting a Variance from the Provisions of Water Use Permit Manual Basis of Review Section 2.1.1, as requested by E. R. Jahna Industries, Inc., for WUP Application No. 20006054.005.

Presenter: Martha A. Moore, Senior Attorney

**Governing Board Meeting
January 25-26, 2005**

Regulatory Agenda

Regulation Discussion Items

Surface Water Permits – None

Water Use Permits – None

Well Construction Permits - None

**Governing Board Meeting
January 25-26, 2005**

General Counsel Agenda

Proceedings

69. Final Orders

- a. ERP No. 43024788.000 – Blanco v. SWFWMD et al.,
DOAH Case No. 04-0003 – Pasco County 2

- b. WUP No. 20012614.000 – Lomonico v. SWFWMD,
State of Florida Division of State Lands and Florida Fish
and Wildlife Conservation Commission – Highlands County 3

69. Final Orders**a. ERP No. 43024788.000 – Blanco v. SWFWMD et al., DOAH Case No. 04-0003 – Pasco County**

On November 14, 2003, the District issued notice of proposed agency action for approval of Individual Environmental Resource Permit Application No. 43024788.000 (the Permit Application), submitted by Entryway Developers, L.L.C. Westfield Homes of Florida, a Florida General Partnership (Westfield), subsequently purchased the property and assumed the Permit Application. The Permit Application, if approved, would authorize the construction of a new surface water management system to serve a 266.36-acre residential development known as Ashley Glen. The proposed project is located in Pasco County, near the northeast intersection of the Suncoast Parkway and State Road 54.

On December 10, 2003, Dr. Octavio Blanco filed a timely Petition for Formal Administrative Hearing with the District. The Petition did not substantially comply with the requirements governing the initiation of administrative proceedings, and was dismissed with leave to amend. An Amended Petition was filed on December 30, 2003, which met the necessary requirements. Therefore, the Amended Petition was referred to the Division of Administrative Hearings (DOAH).

The final hearing in this matter commenced on August 31, 2004, and continued on September 1, 2004. Because of the approach of Hurricane Frances, the scheduled third day of hearing was delayed until October 13, 2004. The District, Westfield, and Dr. Blanco each appeared at the final hearing and presented testimony and evidence supporting their respective positions. After the hearing, all parties submitted Proposed Recommended Orders.

The Administrative Law Judge (ALJ) issued his Recommended Order on December 17, 2004. The Recommended Order states that Westfield failed to provide the District with reasonable assurances that some of the conditions for issuance of permits in Rule 40D-4.301, Florida Administrative Code (F.A.C.), had been met. The ALJ further found that Westfield had failed to demonstrate that the project was not contrary to the public interest as required by Rule 40D-4.302, F.A.C. The ALJ recommended denial of the Permit Application.

Westfield submitted timely exceptions to the Recommended Order on January 3, 2005, requesting that the Governing Board reject the ALJ's findings of fact and conclusions of law supporting denial of the Permit Application, and approve the Permit Application.

Dr. Blanco is entitled to submit responses to Westfield's exceptions. This response will not be due until January 13, 2005.

The Governing Board will be provided with the hearing transcripts, Recommended Order, Exceptions, any responses to the Exceptions that may be filed, a proposed Final Order, and rulings on exceptions in a supplemental mailing.

Staff Recommendation:

To be presented at the Governing Board meeting.

Presenter: Margaret M. Lytle, Senior Attorney

b. **WUP No. 20012614.000 – Lomonico v. SWFWMD, State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission – Highlands County**

On September 24, 2004, the District issued Notice of Proposed Agency Action for approval of Individual Water Use Permit (WUP) No. 20012614.000 (“Permit”) to the State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission, to authorize the dewatering of Lake Josephine for an aquatic habitat improvement project that would remove accumulated muck and vegetative material from the lake bottom, thereby improving water quality and aquatic habitat. Lake Josephine is located between Sebring and Lake Placid in Highlands County. The Permit was initially proposed for Governing Board approval at the October 25, 2004 Governing Board meeting. (Further information concerning the Permit is contained within the Governing Board packet for that meeting.) On October 20, 2004, the District received a petition from Anthony V. Lomonico (“Petitioner”) requesting a hearing. The petition was timely filed, but was not in substantial compliance with the requirements of Section 120.569(2)(c), Florida Statutes (F.S.), or Rule 28-106.201(2), Florida Administrative Code (F.A.C.). In addition to other deficiencies, the petition failed to sufficiently explain how the issuance of the proposed Permit would substantially affect Petitioner’s interests, or was in violation of any statute or rule. On October 22, 2004, an Order of Dismissal Without Prejudice was entered, which gave Petitioner an additional 14 days to submit an amended petition that met the requirements established by statute and rule for petitions for administrative hearings. A timely amended petition was received on November 10, 2004; however, it also failed to allege certain required elements. A Second Order of Dismissal Without Prejudice was entered on November 23, 2004, which granted Petitioner leave to file another amended petition that substantially complied with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), F.A.C. The deadline for filing an amended petition was December 13, 2004. Petitioner filed another amended petition on December 14, 2004. The amended petition was not timely filed, and such defect cannot be cured.

Accordingly, a Final Order of Dismissal With Prejudice is proposed to conclude this administrative process. The Final Order also approves the issuance of WUP No. 20012614.000 to the State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission.

Staff Recommendation:

See Exhibit 69.b.

Approve the Final Order of Dismissal With Prejudice, which dismisses with prejudice the petition and amended petition filed by Anthony V. Lomonico, and approves the issuance of WUP No. 20012614.000 to the State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission.

Presenter: Martha A. Moore, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 05-

ANTHONY V. LOMONICO,

Petitioner,

vs.

WUP Application No. 20012614.000

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, STATE OF
FLORIDA DIVISION OF STATE LANDS
and FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Respondents.

FINAL ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER came before the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("District") upon the filing by Petitioner, ANTHONY V. LOMONICO, of a Petition for formal administrative hearing concerning the District's proposed issuance of Individual Water Use Permit No. 20012614.000 ("Permit") to STATE OF FLORIDA DIVISION OF STATE LANDS and FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("Permittees"). The District hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. On September 24, 2004, the District issued Notice of Proposed Agency Action for approval of the Permit to be issued to Permittees, authorizing the dewatering of Lake Josephine for an aquatic habitat improvement project that would remove accumulated muck and vegetative material from the lake bottom to improve water

quality and aquatic habitat ("Project"). The Project is located within Section 32, Township 35 South, Range 29 East, in Highlands County.

2. On October 20, 2004, the District received Petitioner's letter requesting a hearing ("Petition").

3. The Petition was timely filed but was not in substantial compliance with the substantive requirements of Section 120.569(2)(c), Florida Statutes (F.S.), and Rule 28-106.201(2), Florida Administrative Code (F.A.C.).

4. On October 22, 2004, an Order of Dismissal Without Prejudice ("Order") was entered granting leave to Petitioner to file an amended petition that substantially complies with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), Florida Administrative Code, F.A.C.

5. On November 10, 2004, the District received from Petitioner another written objection to the issuance of the Permit, hereinafter referred to as the "Amended Petition."

6. The Amended Petition was timely filed. However, the Amended Petition again failed to allege certain elements required by Rule 28-106.201(2), F.A.C. of the Uniform Rules of Procedure.

7. Therefore, on November 23, 2004, a Second Order of Dismissal Without Prejudice ("Second Order") was entered granting leave to Petitioner to file an amended petition that substantially complies with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.210(2), F.A.C., within 14 days of the date of entry of the Second Order. A copy of the Second Order is attached hereto and incorporated herein by

reference as Exhibit "A."

8. Allowing five additional days for mailing of the Second Order (and allowing for the 19th day falling on a Sunday) as provided for by Rule 28-106.103, F.A.C., the deadline for Petitioner to file a sufficient amended petition for administrative hearing was December 13, 2004.

9. Petitioner filed an amended petition on December 14, 2004. A copy of the amended petition is attached hereto as Exhibit "B."

10. The amended petition filed on December 14, 2004 is not timely, and such defect cannot be cured.

CONCLUSIONS OF LAW

11. The conclusions of law contained in the Second Order attached hereto as Exhibit "A" are hereby adopted and incorporated by reference into this Final Order.

12. Section 120.569(2)(c), F.S. and Rule 28-106.201(4), F.A.C., provide that a petition shall be dismissed if it has been untimely filed.

13. Petitioner has failed to file a timely amended petition curing the defects noted in the Second Order. By failing to file a timely amended petition meeting the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), F.A.C., Petitioner has waived his right to an administrative hearing pursuant to Chapter 120, F.S.

STATEMENT OF ORDER

Based upon the foregoing, the Petition and Amended Petition are hereby dismissed with prejudice on the grounds that the pleadings are not in substantial compliance with the requirements of Section 120.569(2)(c), F.S., and Rule 28-

106.201(2), F.A.C., of the Uniform Rules of Procedure, and no amended petition curing the noted defects was timely filed within 14 days of the entry of the Second Order of Dismissal Without Prejudice.

Individual Water Use Permit No. 20012614.000 is hereby issued to the State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission.

DONE AND ORDERED by the Governing Board of the Southwest Florida Water Management District this _____ day of January 2005, in Brooksville, Hernando County, Florida.

By: _____
Watson L. Haynes, II, Chair

Attest: _____
Judith C. Whitehead, Secretary

(Seal)

Filed this _____ day of
January 2005.

Deputy Agency Clerk

Copies furnished to:

Anthony V. Lomonico
1712 Sentinal Point Road
Sebring, Florida 33870

John Beachman Furse
Florida Fish and Wildlife Conservation Commission
Okeechobee Fisheries Field Station
3991 Southeast 27th Court
Okeechobee, Florida 34974

State of Florida
Division of State Lands
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Martha A. Moore
Senior Attorney
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899

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BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ANTHONY V. LOMONICO,

Petitioner,

vs.

WUP Application No. 20012614.000

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, STATE OF
FLORIDA DIVISION OF STATE LANDS
and FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Respondents.

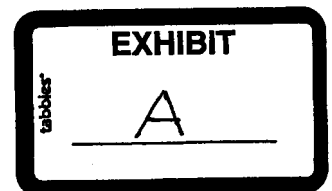
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SECOND ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER came before the SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT ("District") upon the filing by Petitioner, ANTHONY V.
LOMONICO, of a Petition concerning the District's issuance of Individual Water Use
Permit No. 20012614.000 ("Permit") to STATE OF FLORIDA DIVISION OF STATE
LANDS and FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
("Permittees"). The District hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. On September 24, 2004, the District issued Notice of Proposed Agency
Action for approval of the Permit issued to Permittees authorizing the dewatering of
Lake Josephine for an aquatic habitat improvement project that would remove
accumulated muck and vegetative material from the lake bottom to improve water
quality and aquatic habitat ("Project"). The Project is located within Section 32,
Township 35 South, Range 29 East, in Highlands County.



2. On October 20, 2004, the District received Petitioner's letter requesting a hearing ("Petition").

3. The Petition was timely filed but was not in substantial compliance with the substantive requirements of Section 120.569(2)(c), Florida Statutes (F.S.), and Rule 28-106.201(2), Florida Administrative Code (F.A.C.).

4. On October 22, 2004, an Order of Dismissal Without Prejudice ("Order") was entered granting leave to Petitioner to file an amended petition that substantially complies with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), Florida Administrative Code, F.A.C. A copy of the Order is attached hereto and incorporated herein by reference as Exhibit "A."

5. On November 10, 2004, the District received from Petitioner another written objection to the issuance of the Permit, hereinafter referred to as the "Amended Petition." A copy of the Amended Petition is attached hereto and incorporated herein by reference as Exhibit "B."

6. The Amended Petition was timely filed.

7. However, the Amended Petition fails to adequately allege the following:

- (a) An explanation of how Petitioner's substantial interests will be affected by the agency determination;
- (b) A concise statement of the ultimate facts alleged, including the specific facts Petitioner contends warrant reversal or modification of the agency's proposed action;
- (c) A statement of the specific rules or statutes Petitioner contends

require reversal or modification of the agency's proposed action;

and

- (d) A statement of the relief sought by Petitioner, stating precisely the action Petitioner wishes the agency to take with respect to the agency's proposed action.

CONCLUSIONS OF LAW

8. Section 120.569(2)(c), F.S., requires that each petition or request for hearing must include the items required by the Uniform Rules of Procedure. The statutory section further specifies that a petition must be dismissed if it is not in substantial compliance with these requirements. Dismissal of a petition is to be without prejudice, at least once, to the petitioner's filing a timely amended petition curing the defects.

9. Rule 28-106.201(2), F.A.C., requires that a petition challenging agency action and requesting an administrative hearing must contain the following:

- (a) The name and address of each agency affected by the action and the agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

10. In order for a petitioner to adequately allege that its substantial interests will be affected by the agency action as required by Rule 28-106.201(2)(b), F.A.C., the petitioner must allege and ultimately prove sufficient facts to demonstrate that: (a) petitioner will suffer an injury in fact which is of sufficient immediacy to entitle it to a hearing under Chapter 120, F.S., and (b) petitioner's substantial injury is of a type or nature which the proceeding is designed to protect. Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981).

11. The Petition fails to sufficiently allege how the issuance of the Permit will cause Petitioner an injury in fact which is of sufficient immediacy to interests protected

by Part II of Chapter 373, F.S. The Petition does not specifically allege how Petitioner's property will suffer adverse impacts as a result of the dewatering authorized by the Permit, or other facts sufficient to demonstrate Petitioner's standing in this administrative proceeding.

12. Petitioner cites rules and statutes that concern the Florida Department of Environmental Protection and the aquatic plant management program implemented by that agency. Petitioner's statements contained in his Amended Petition appear to concern the aquatic plant management permit issued for Lake Josephine by the Department of Environmental Protection to the Florida Fish and Wildlife Conservation Commission. Petitioner states, with reference to Section 369.20, F.S., Florida Aquatic Weed Control Act, that he would like to be part of the program. Petitioner does not sufficiently relate his concerns to proposed WUP No. 20012614.000 authorizing dewatering of Lake Josephine and does not cite any District rules or any provision of Chapter 373, F.S., that would require reversal or modification of the proposed agency action which is the subject of Petitioner's challenge.

13. The Petition therefore fails to comply with subsections (b), (e), (f) and (g) of Rule 28-106.201(2), F.A.C.

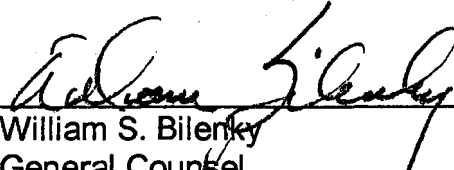
STATEMENT OF ORDER

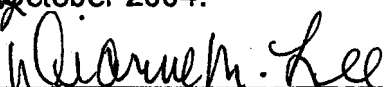
Based upon the foregoing, the Petition is hereby dismissed without prejudice on the grounds that it is not in substantial compliance with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), F.A.C., of the Uniform Rules of Procedure. Petitioner is granted leave to file an amended petition curing the noted

defects within 14 days of the date of entry of this Order. If a timely sufficient amended petition is filed, the amended petition will be referred to the Division of Administrative Hearings. If no amended petition is filed, a final order dismissing the Petition with prejudice will be entered by the undersigned. If an untimely or insufficient amended petition is filed, the District Governing Board may enter a final order dismissing the petition with prejudice.

DONE AND ORDERED this 23RD day of November 2004, in Brooksville, Hernando County, Florida.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: 
William S. Bilenky
General Counsel

~~NOVEMBER~~
Filed this 23RD day of
October 2004.

Deputy Agency Clerk

Copies furnished to:

Anthony V. Lomonico
1712 Sentinal Point Road
Sebring, Florida 33870

Martha A. Moore
Senior Attorney
Southwest Florida Water Management District
2379 Broad Street

Brooksville, FL 34604-6899

John Beachman Furse
Florida Fish and Wildlife Conservation Commission
Okeechobee Fisheries Field Station
3991 Southeast 27th Court
Okeechobee, Florida 34974

State of Florida
Division of State Lands
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

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BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ANTHONY V. LOMONICO,

Petitioner,

vs.

WUP Application No. 20012614.000

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, STATE OF
FLORIDA DIVISION OF STATE LANDS
and FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

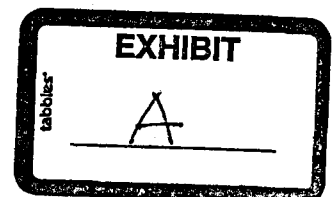
Respondents.

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER came before the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("District") upon the filing by Petitioner, ANTHONY V. LOMONICO, of a Petition concerning the District's issuance of Individual Water Use Permit No. 20012614.000 ("Permit") to STATE OF FLORIDA DIVISION OF STATE LANDS and FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("Permittees"). The District hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. On September 24, 2004, the District issued Notice of Proposed Agency Action for approval of the Permit issued to Permittees authorizing the dewatering of Lake Josephine for an aquatic habitat improvement project that would remove accumulated muck and vegetative material from the lake bottom to improve water quality and aquatic habitat ("Project"). The Project is located within Section 32, Township 35 South, Range 29 East, in Highlands County.



2. On October 20, 2004, the District received Petitioner's letter requesting a hearing ("Petition"). A copy of the Petition is attached hereto as Exhibit "1."

3. The Petition was timely filed.

4. However, the Petition failed to adequately allege or contain the following:

- (a) Telephone number of Petitioner;
- (b) A statement of when and how Petitioner received notice of the agency action;
- (c) An explanation of how Petitioner's substantial interests will be affected by the agency determination;
- (d) A statement of all disputed issues of material fact;
- (e) A concise statement of the ultimate facts alleged, including the specific facts Petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes Petitioner contends require reversal or modification of the agency's proposed action;
and
- (g) A statement of the relief sought by Petitioner, stating precisely the action Petitioner wishes the agency to take with respect to the agency's proposed action.

CONCLUSIONS OF LAW

5. Section 120.569(2)(c), F.S., requires that each petition or request for hearing must include the items required by the Uniform Rules of Procedure. The statutory section further specifies that a petition must be dismissed if it is not in

substantial compliance with these requirements. Dismissal of a petition is to be without prejudice, at least once, to the petitioner filing a timely amended petition curing the defects.

6. Rule 28-106.201(2), F.A.C., requires that a petition challenging agency action and requesting an administrative hearing must contain the following:

- (a) The name and address of each agency affected by the action and the agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

7. In order for a petitioner to adequately allege that its substantial interests will be affected by the agency action as required by Rule 28-106.201(2)(b), F.A.C., the petitioner must allege and ultimately prove sufficient facts to demonstrate that: (a) petitioner will suffer an injury in fact which is of sufficient immediacy to entitle it to a hearing under Chapter 120, F.S., and (b) petitioner's substantial injury is of a type or nature which the proceeding is designed to protect. Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981).

8. The Petition fails to sufficiently allege how the issuance of the Permit will cause Petitioner an injury in fact which is of sufficient immediacy to interests protected by Part II of Chapter 373, F.S. The Petition does not specifically allege how Petitioner's property will suffer adverse impacts as a result of the dewatering and habitat improvement project as authorized by the Permit, or other facts sufficient to demonstrate Petitioner's standing in this administrative proceeding.

9. Petitioner additionally fails to state what material facts are being disputed; the ultimate facts alleged, including the specific facts Petitioner contends warrant reversal or modification of the agency's proposed action; what rules or statutes Petitioner contends have been violated or otherwise require reversal or modification of the proposed agency action; and what relief is being sought by Petitioner, including what specific action Petitioner wants the District to take regarding the proposed agency action.

10. The Petition also fails to include Petitioner's telephone number or a statement of when and how Petitioner received notice of the agency decision.

11. The Petition therefore fails to comply with subsections (b), (c), (d), (e), (f) and (g) of Rule 28-106.201(2), F.A.C.

STATEMENT OF ORDER

Based upon the foregoing, the Petition is hereby dismissed without prejudice on the grounds that it is not in substantial compliance with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), F.A.C., of the Uniform Rules of Procedure. Petitioner is granted leave to file an amended petition curing the noted defects within 14 days of the date of entry of this Order. If a timely sufficient amended petition is filed, the amended petition will be referred to the Division of Administrative Hearings. If no amended petition is filed, a final order dismissing the Petition with prejudice will be entered by the undersigned. If an untimely or insufficient amended petition is filed, the District Governing Board may enter a final order dismissing the petition with prejudice.

DONE AND ORDERED this 22nd day of October 2004, in Brooksville,
Hernando County, Florida.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By 

William S. Bilenky
General Counsel

Filed this 22nd day of
October 2004.

W. J. M. K.
Deputy Agency Clerk

Copies furnished to:

Anthony V. Lomonico
1712 Sentinel Point Road
Sebring, Florida 33870

Martha A. Moore
Senior Attorney
Southwest Florida Water Management District
2379 Broad Street
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State of Florida
Division of State Lands
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

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October 18, 2004

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

RE: Adjacent Property Owners- Permit # 20012614.000

This letter is to request a hearing regarding the proposed action (Lake Josephine Aquatic Habitat Improvement Project). As a homeowner on Lake Josephine I am opposed to the draw down. I am aware that there are other options available and would like the opportunity to voice my concerns regarding this issue. I would also like the opportunity to submit an alternative.

Thank you in advance for your consideration.

Anthony V. Lomanico
Anthony V. Lomanico
1712 Sentinal Point Rd.
Sebring FL 33870

AM

Southwest Florida Water
Management District

OCT 20 2004

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RRD-Bartow

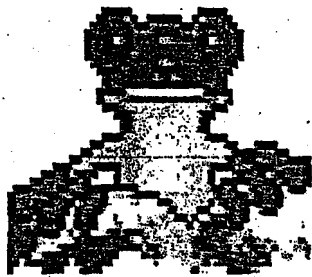
EXHIBIT

1

1712 Sentinel Point Rd
Sebring, FL 3 3712

Proposal

Lake Clean up and Maintenance for Highland County



*Anthony Lomonico property owner,
member of Lake Josephine
Homeowners Association,
and Tree hugger*

Southwest Florida Water
Management District

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2. No Heavy Construction Equipment

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1. Herbicide Use Reduction

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3. Public Benefits

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2. Administration

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1. Florida Aquatic Weed Control Act

2. Funding (403.0615)

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1. Harvesters

A. Robotic Hedgehog

B. Remote Controlled Electric Lagoon Pumper

..... Page 8

1. Harvesters

A. Rotomite

..... Page 9

1. Harvesters

Please clean my home; do not destroy it.

State of Florida Lake Management

Clean-up and Maintenance

Benefits of Corrective Process (maintenance instead of construction)



Reduce Costs

- ◆ Consolidate equipment and material use for the State Department and county.
- ◆ A successful maintenance program with these benefits:
 - Less paperwork with blanket permits.
 - No heavy construction with regular maintenance.
 - Using guidelines that are realistic to create unity in the Southwest Florida Water Management District and the community.

No Heavy Construction Equipment

- ◆ No need to dewater the central and west lakes of Lake Josephine when you utilize the harvesters for clean up.
- ◆ Heavy equipment becomes stuck in the muck!
- ◆ Changing the environment is not allowable under the guidelines of the permit. Creating islands changes the natural evolution of the water and the environmental habitat.
 - “De-watering” the lake breaks down the evolution and then the expensive of building the fish, fowl and plant life from scratch.

Herbicide Use Reduction

- ◆ Herbicides have not proven to be effective in destroying advanced tussocks.
- ◆ Can be used to control plant communities, which form the matrix for advanced tussock development.
- ◆ Herbicide used in small amounts to control the water hyacinth and burhead sedge with other more practical and successful methods.
- ◆ Using less herbicide helps keep the underground waterways from being polluted.

Blanket Permits

- ◆ The use of a structured maintenance program with specific guidelines will be in the best interest for all parties.
 - One permits to clean and maintain the entire County of Florida by permitting the method and process.
 - Complete restructuring is always more expensive than regular maintenance.
 - More control and less cost by less construction and more maintenance is the best option.

Public Benefits

- ◆ *Improvement of foraging, spawning for invertebrate, fish, waterfowl, and wading bird populations.*
- ◆ *Natural re-establishment of desirable native aquatic plants and increased diversity of plant species.*

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- ◆ *Reduction of phosphorous and nitrogen loading into the lake through the removal of tussock and associated organic material.*
- ◆ *Improvement of water movement, allowing flushing of accumulated detritus.*
- ◆ *Improved access for recreational users.*
- ◆ *Safer boating.*
- ◆ *Increased aesthetic value for the lake and Community.*
- ◆ *Minimizing mosquito breeding through mechanical methods rather than chemical methods should be the concern for both the public and the Florida Department of Environmental Protection."(Lk Josephine Aquatic Habitat Enhancement Project, 12, 2000)*

Administration

- ◆ The Lake Josephine (Highlands County) Aquatic Habitat Enhancement Project has found:
 - The construction of Structure #4 in 1969 by the US Conservation Service to stabilize water levels allowed the development of the aquatic problem on Lake Josephine.
 - The muck in Lake Josephine to be up to 4 foot deep in some areas.
- ◆ Phase I and II of the Lake Josephine project is to be administered by the Highlands County Aquatic Weed Control Project and coordinated with Florida Department of Environmental Protection, FFWCC, SWFWMD, Highlands County, and *public interests*.
 - We know that the FFWCC has used aquatic weed harvesters successfully.

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Yes, the period of time to start the project should be quicker and the benefit of not draining and bulldozing the natural environment is well worth the effort.

The Florida Department of Environmental Protection Bureau of Aquatic Plant Management, under their own permit rules state:

o **62C-20.0011 Program Policies.**

▪ **Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.**

369.20 Florida Aquatic Weed Control Act—

- ◆ The Department of Environmental Protection is responsible for the control of the process for eradication and regulation of noxious weeds.
- ◆ The Department specifically is to promote, develop and support research activities towards more *effective* and *efficient* control of aquatic plants And is authorized to:
 - o Contract into agreements with public, private agencies or corporations for research and development of aquatic plant control methods.
 - o Disperse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants.

Funding

◆ **403.0615 Water resources restoration and preservation.—**

(2) The department shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. This program shall be funded from the General Revenue Fund, from funds available from the Ecosystem Management and Restoration Trust Fund, and from available federal ~~moneys~~ Florida Water Management District

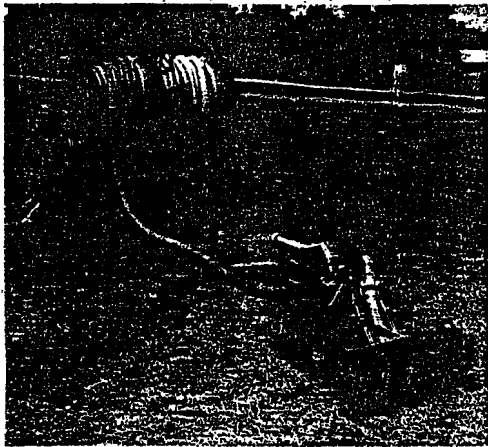
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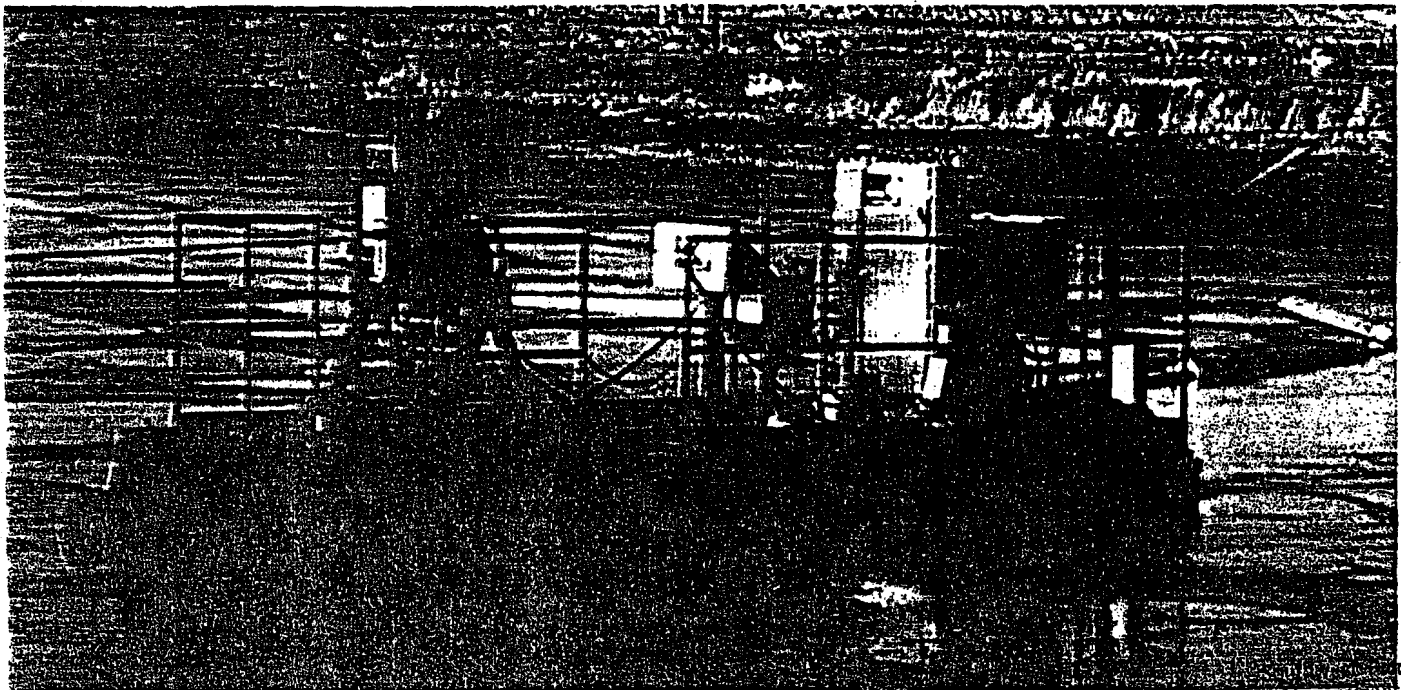
Equipment currently used in applications for this type of project.

Harvesters

Robotic Hedgehog



Remote Controlled Electric Lagoon Pumper



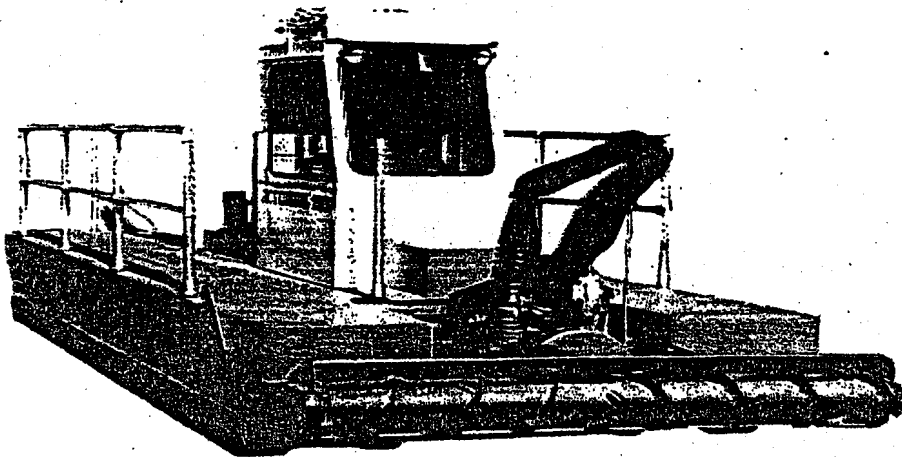
Florida Water
Management District

Equipment currently used in applications for this type of project.

Rotomite

APPLICATIONS

- ◆ *Management of Wastewater biosolids*
- ◆ *Removal of Water treatment residuals*
- ◆ *Cleaning of ponds & lagoons*
- ◆ *Storm water management & Flood control*
- ◆ *Sewage lift stations Emergency pumping*

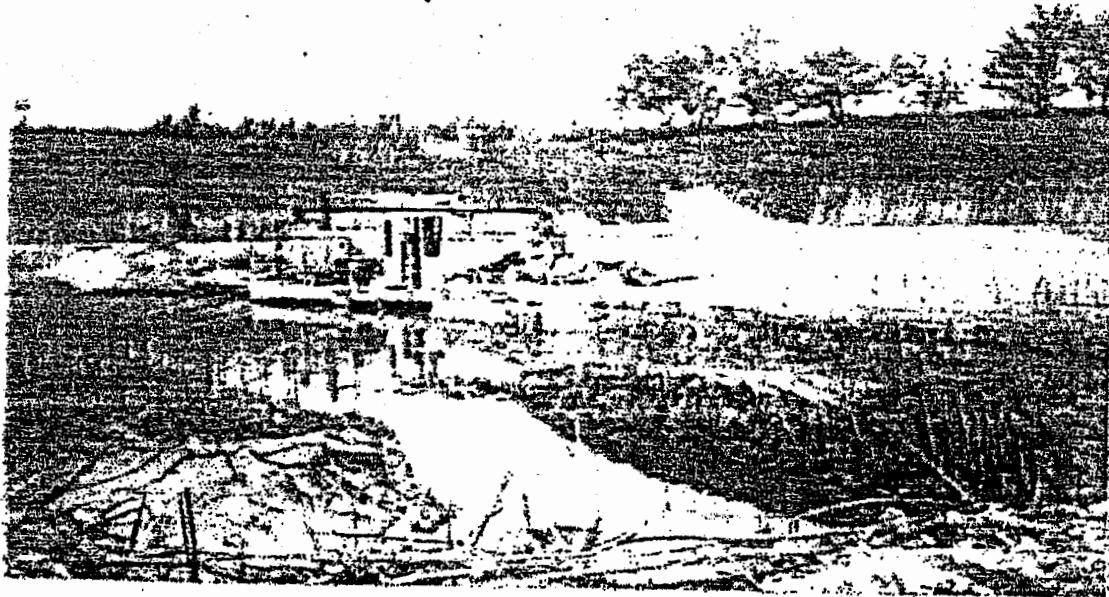


Southwest Florida Water
Management District

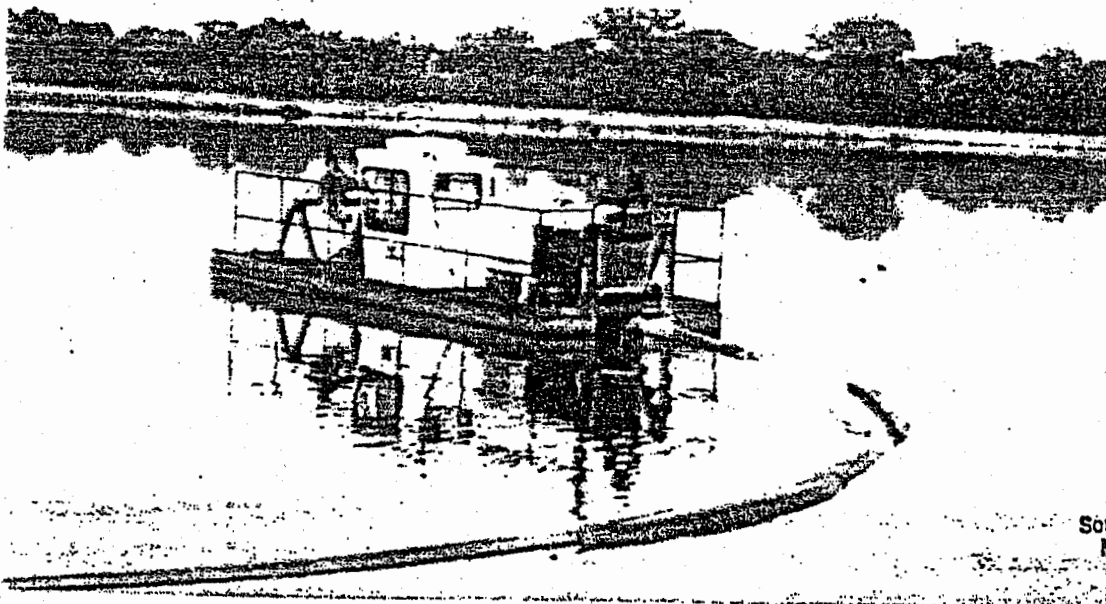
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Equipment currently used in applications for this type of project

Pit Hog



Performance in the demolition application



Performance in the water application

Southwest Florida Water
Management District

OCT 20 2004

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Anthony V. Lomonico
1712 Sentinel Point
Sebring, FL 33870
863-385-8133

Please find following information as required by Rule 28-106.201(2), F.A.C. as requested.

4(a) 863-385-8133 Office Number
4(a) 954-605-7192 Cell Number

This is in response to the application for Water Usage Permit No. 20012614.000 for Lake Josephine- Highlands County Florida.

4(b) I received notification of the project via a postcard that was mailed to my home address (please see attached copy of postcard). Notice of Agency Action.

4(c) As a property owner on Lake Josephine I am opposed to the dewatering project. The process leaves unsafe areas, unsafe water conditions (interrupts natural food chain) minimizes recreational use, creates injury to plant life in areas not planned to work in. If project is shut down no procedure is offered to keep items from floating down stream.

The Florida Department of Environmental Protection Bureau of Aquatic Plant Management, under their own permit rules state:

62C-20.0011 – Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.

4(d) The proposed project will limit use of the lake for recreational purposes; it will affect the existing plant and aquatic life in a negative manner. This has been proven from similar projects, for example as on Lake Istkapoga and Lake Jackson.

4(e) The solutions offered do not solve the problem, they are a temporary obstruction to a maintenance plan that is not working. This in turn will affect me. An effective maintenance plan is needed with guidelines designed to protect wildlife, not endanger, remove or interrupt existing wildlife habitats.

4(f) *62C-20.0011- Program Policies*

Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.

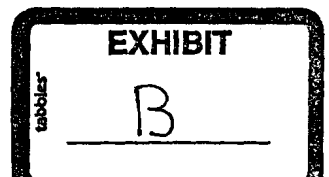
369.20 Florida Aquatic Weed Control Act- The Department of Environmental Protection is responsible for the control of the process for eradication and regulation of noxious weeds.

The Department specifically is to *promote, develop and support research activities* towards more effective and efficient control of aquatic plants and is authorized to:

- Contract into agreements with public, private agencies or corporations for research and development of aquatic plant control methods.

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GARD-Bartow



- Disperse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants.

4(g) By utilizing lake cleaning equipment that is readily available (see attached brochure) note under 369.20 I would like to be a part of the program. By doing this will resolve funding 403.0615 Water resources restoration and preservation allowing county to receive funding from both South Florida Water Management and South West Florida Water Management. This funding will allow county to increase revenue for departments in critical need and reduce costs to departments not working as efficiently as they can be due to South and Southwest controlling directives.

6(a)- Southwest Florida Water Management District
2379 Broad St
Brooksville, FL 34604-6899

State of Florida Division of State Lands
3900 Commonwealth Blvs.
Tallahasee, FL 32399

Florida Fish and Wildlife Conservation Commission
Okochobee Fisheries Field Station
3991 SE 27th Ct
Okeechobee, FL 34974

6(b)- Anthony V Lomonico
1712 Sentinel Point
Sebring, FL 33870
863-385-8133
954-605-7192

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Southwest Florida Water Management District

NOV 10 2004

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Southwest Florida Water
Management District

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1712 Sentinel Point Rd
Sebring, FL 33712

Proposal

Lake Clean up and Maintenance for Highland County



*Anthony Lomonico property owner, Tree
hugger and member of Lake Josephine
Homeowners Association.*

Southwest Florida Water
Management District

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State of Florida Lake Management

Clean-up and Maintenance

Benefits of Corrective Process (use of harvesters)

Reduce Costs

- ◆ Consolidate equipment and material use for the State Department and county.
- ◆ A successful maintenance program with these benefit :
 - Less paperwork with blanket permits.
 - No heavy construction with regular maintenance.
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No Heavy Construction Equipment

- ◆ No need to dewater the central and west lakes of Lake Josephine when you utilize the harvesters for clean up.
- ◆ Heavy equipment becomes stuck in the muck!
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~~“De-watering” the lake breaks down the evolution and then the expensive of building the fish, fowl and plant life from scratch.~~

Herbicide Use Reduction

- ◆ Herbicides have not proven to be effective in destroying advanced tussocks.

Southwest Florida Water
Management District

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Blanket Permits

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Public Benefits

- ◆ Improvement of foraging, spawning for invertebrate, fish, waterfowl, and wading bird populations
- ◆ Natural re-establishment of desirable native aquatic plants and increased diversity of plant species
- ◆ Improvement of water movement, allowing flushing of accumulated detritus.
- ◆ Improved access for recreational users

Southwest Florida Water
Management District

NOV 10 2004

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-
- ◆ Reduction of phosphorous and nitrogen loading into the lake through the removal of tussock and associated organic material
 - ◆ Safer boating
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-
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Southwest Florida Water
Management District

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Administration

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 - The muck in Lake Josephine to be up to 4 foot deep in some areas.

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 - We know that the FFWCC has used aquatic weed harvesters successfully.
 - Yes, the time frame to start the project should be quicker and the benefits of not completely breaking down the natural environment is well worth the effort.
 - The Florida Department of Environmental Protection Bureau of Aquatic Plant Management, under their own permit rules state:
 - 62C-20.0011 Program Policies.
 - Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.

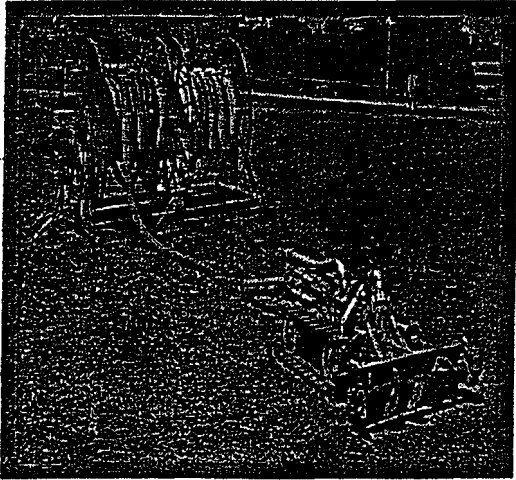
Southwest Florida Water
Management District

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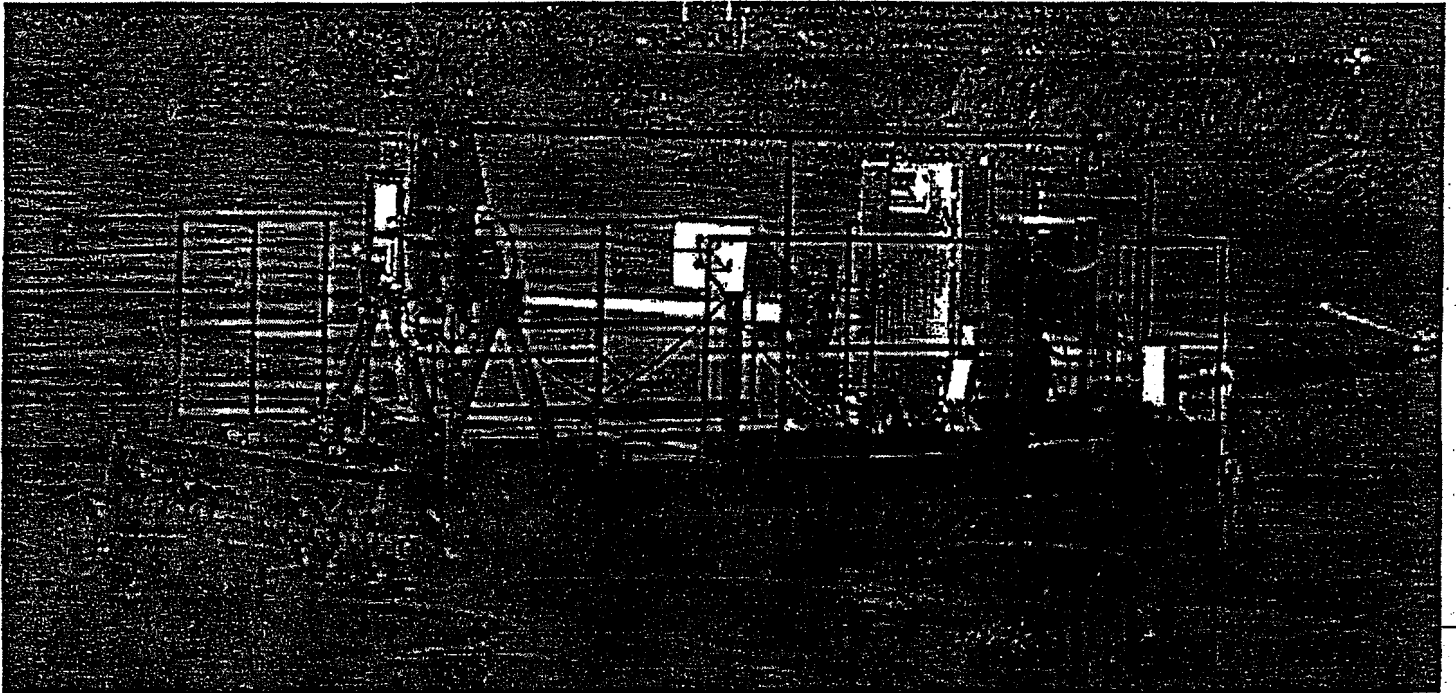
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Harvesters

Robotic Hedgehog



*Remote Controlled Electric
Lagoon Pumper*



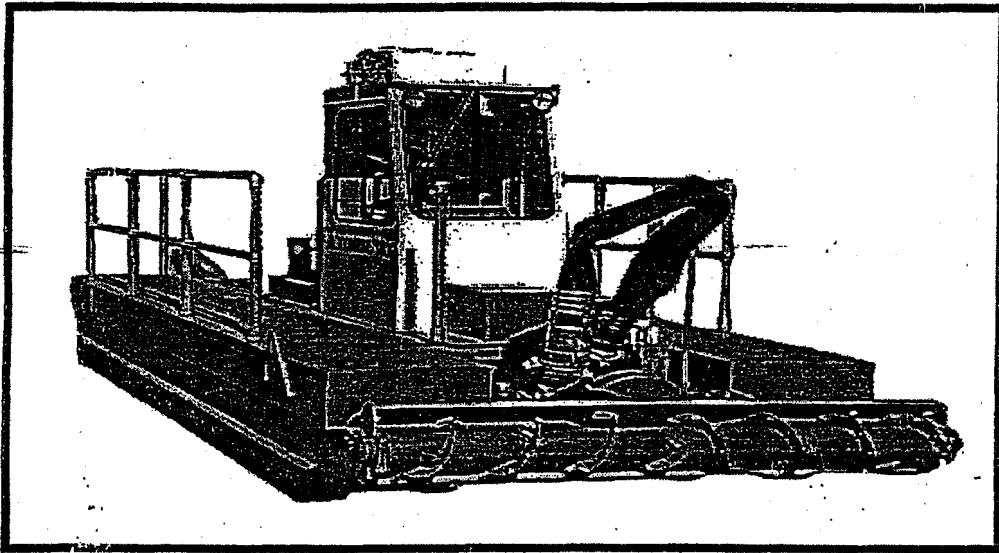
Southwest Florida Water
Management District

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Rotomite **APPLICATIONS**

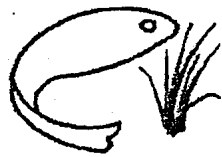
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- ◆ *Cleaning of ponds & lagoons*
- ◆ *Storm water management & Flood control*
- ◆ *Sewage lift stations Emergency pumping*



Southwest Florida Water
Management District

NOV 10 2004

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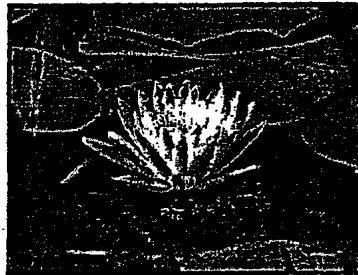
Special Services

Links

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ALLSTATE RESOURCE MANAGEMENT, INC.

A lake management company that operates throughout South Florida.



Our Mission:

To promote greater awareness of Florida's precious water resources and to create on-going programs for the restoration and protection of our lakes, wetland wildlife and waterways.

Our services:

- Waterway and Wetland Maintenance
- Weed and Algae Control
- Fish Stocking
- Stormwater Drainage System Services
- Flying Insect Control
- Wetland Planting
- Water Testing
- Wildlife Management
- Fountain Installation and Repairs

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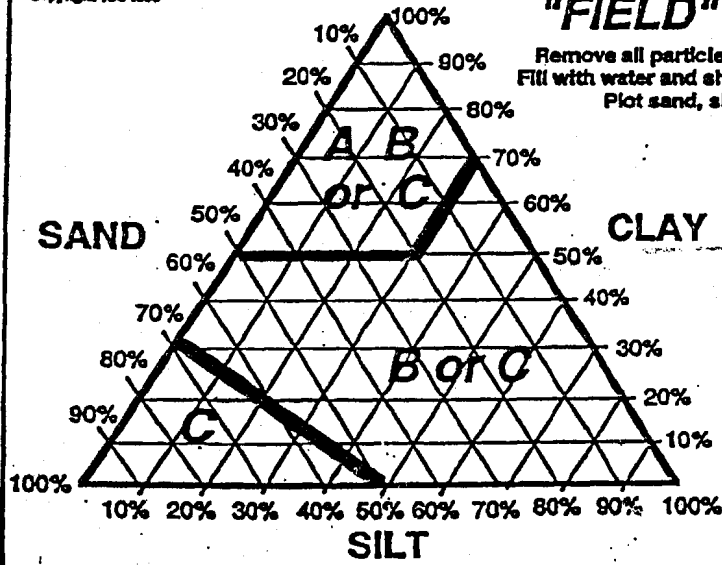
info@allstateresource.com

2041 S.W. 70th Avenue · Building D-11 · Davie, Florida 33317-7326
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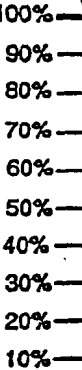
"FIELD" CLASSIFICATION CHART

Remove all particles larger than 1/8". Fill with soil to 100% line. Fill with water and shake until soil and water are completely mixed. Plot sand, silt and clay volume on triangle chart.



soil fill line

Percent of volume



Sand settles in 30 seconds
Silt settles in 3 minutes
Clay is balance of volume

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1-800-SHORING

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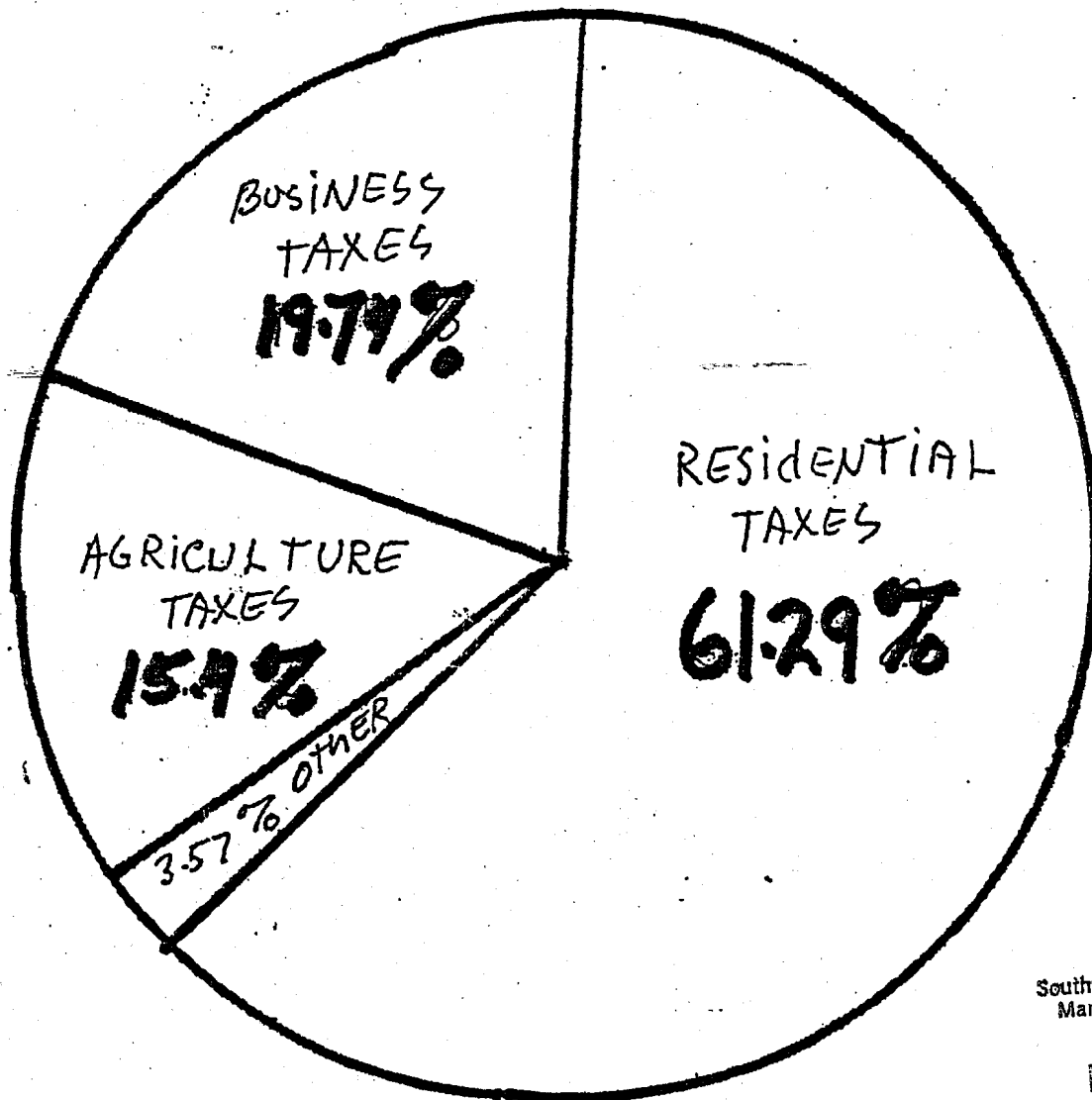
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1998

HIGHLANDS COUNTY

REAL PROPERTY ASSESSMENT ROLL



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ANTHONY V LOMONICO
1712 SENTINEL POINT ROAD
SEBRING, FL 33875

863-385-8133 office ** 954-605-7192 cell

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DEC 27 2004

OFFICE OF
GENERAL COUNSEL

December 14, 2004

Southwest Florida Water Management District,
State of Florida Division of State Lands and
Florida Fish and Wildlife Conservation Commission

Southwest Florida Water
Management District

DEC 14 2004

Attn: Martha A. Moore
Senior Attorney
SFWMD
2379 Broad Street
Brooksville, FL 34604-6899

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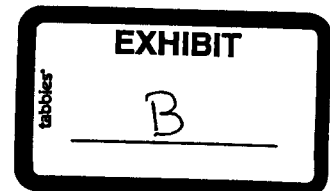
File of Record
Permit 18 →

This letter is in response to the second order of dismissal without prejudice and application for Water Usage Permit No. 20012614.000 for Lake Josephine-Highlands County Florida.

Regarding Project located within section 32, Township 35 South, Range 29 East, in Highlands County and written objections to the issuance of the Permit, named "Amended Petition" attached as Exhibit B.

7. Amended Petition must clarify and allege the following:

- a. Financial Impact: The financial impact brings up a point of a severe negative effect and that is the draw down technique just does not work. We will be inconvenienced our lives placed in jeopardy and for no good reason because the draw down will not solve any of the current issues they FWC wants to fix. If the land owner on the North side of the lake wishes to clean the area up to their property should they not have to pay for it themselves as I did? Why would my tax dollars go to increase their property value while my needs are left unattended to or not addressed at all? The tax monies used to dewater and clean the lake will only clean the north side of the lake as outlined in the water use permit and will affect one or two property owners which is a conflict because the tax monies should represent all of the property owners on the lake and not just a chosen few. None of the tax dollars I have paid over the years will benefit me with this drawdown nor will it benefit the other 95% of the property owners on the lake. I will have to continue to spend additional dollars to clean my own area because the tax dollars I paid to clean and maintain the lake is planned to be used to clean only one area owned by one individual and will not in any way benefit myself or other property owners.
- Loss of Use: Another negative consequence by dewatering the lake is the water recreation will be non-existent for all of us, and yet the finished project will not end up as a benefit for anyone. We will all suffer the loss of lake front property as a recreation so that one property owner will benefit while the rest of us suffer.



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SEBRING, FL 33875**

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Life threatening Conditions: The alligators now living in the area of the north side because of the huge build up of tussock will now come ashore and eat our domesticated pets or even worse possibly a child. Do we all now have to move in order to live in safety? Also, keep in mind we will be going soon into a mating season will cause these animals to be highly aggressive. I must reiterate I am in fear of my children and animals lives!

Additional Policing of the Lake: During the drawdown of Lake Istokpoga the authorities had to increase their patrols to control the illegal activities that dewaterers seems make it an easier target. The "mud bogs" that bring in the 4 wheel drive trucks can destroy the habitat. It is obvious we will have to deal with the same issues. This will bring more noise pollution in our quiet area where most of us came to retire in the quiet peaceful community of Sebring on Lake Josephine. Instead of a fishing lake we will be known as muck hole gathering on the weekends.

Mosquito Control: While the lake is in a dewatered state the pockets of standing water is bound to increase the incubation of the mosquito larvae. And from what I have seen in the past two summers the mosquito problem in this area and other Florida areas has exploded out of control with the West Nile Virus which preys on the very young and older generation and can be deadly in a lot of the cases. In Highlands County the US Census population statistics show that around 33% of the population is over 55.

Crystal Clear Lakes: Only forty years ago Lake Josephine was a pristine clear lake that was mismanaged by FWC, DEP, and SWFMD now they want to compound the problem by using smoke screen temporary fixes to repair their mistakes. You can not fix 40 years of mismanagement with a one time repair proposition. A maintenance plan MUST be implemented in order to repair the lake issues in a timely fashion that will benefit all of the tax paying property holders.

9. Meeting of Rule 28-106.201(2)

- a) 863-385-8133 Office Number; 954-605-7192 Cell Number
- b) Anthony V. Lomonico, 1712 Sentinel Point Rd., Sebring, FL 33875
- c) We received original notice of project visa post card (see attached) and notice of agency decision on November 27, 2004 through US Postal Mail service.
- d) Dewatering continues the change of the natural habitat as shown in the below documented research:

Changing the Habitat: In 1910 D.J. Nicholson did a count of the Osprey nests as he rowed down Lake Istokpoga Creek (now Istokpoga Canal) and found 75 active nests. In 1999 Mike McMillian counted 214 active nests around Lake Istokpoga. The number of nests continue to rise at a rate of 20-25 nests per year. This artificial increase in the number of Ospreys is due to the changes that were most noticeable after 1979 when hydrilla was introduced to the lakes. Osprey live near fresh or salt water and feed on the fish in the area. This is why the fish count is so low. Yes the hydrilla

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makes for a great nest for fish and other wildlife which one may think at first is a great thing. However, we know that any changes in the environment will produce a ripple effect and we do not know the consequences of changing the environment until years, and sometimes decades have passed. Such is the case for Lake Josephine which also was once free of cattails and hydrilla and had white sandy beaches and supported plant and animal life that is indigenous to the local environment as was intended by Mother Nature. Now Lake Josephine is over run with larger numbers of the animal life that yes is indigenous to the environment but should not accumulate in numbers that would hurt other plant and animal life that is also indigenous to the environment. There were large fish and other types of fish in the lake prior to these changes now with the increased population of alligators and osprey which survive on the fish in the lake these numbers continue to decrease. "How could the present day number of Ospreys be so much higher than in presettlement times or how is the lake different today than in 1910 when Nicholson conducted his survey and recorded 75 Osprey nests? The obvious differences are 1) nutrient loading has potentially increased productivity, 2) less fishable area because of the large expanses of cattail and other aquatic vegetation (old photos of the lake show no cattail and white sandy beaches, 3) hydrilla was introduced in 1979, and 4) approximately 20-30 percent of the shoreline is developed. I developed a theory which simply states that hydrilla (to a point; too much is obviously harmful) provides cover and nursery habitat for fish. The fish population is artificially high (at least for some species) and therefore the Osprey population is artificially high. I believe that if you completely removed the hydrilla from Lake Istokpoga the reproductive success of the Ospreys would decrease to a level insufficient to replace their numbers. The number of Ospreys on the lake would slowly decrease until it stabilized at a more natural level. I have been testing this theory for the past two years on Lake Arbuckle in Polk County. Lake Arbuckle has many similarities to Lake Istokpoga (other than size). It is a shallow lake ringed by cypress and with very little development. Hydrilla was a major concern on Lake Arbuckle and eventually removed approximately seven years ago. My theory would suggest that the number of Ospreys on Lake Arbuckle increased to an artificial level during the years of hydrilla infestation. When hydrilla was removed the fish population quickly stabilized to a more natural and much lower level. The lake could no longer support the high number of Ospreys. That is the theory and here is what I actually have found over the past two years. Lake Arbuckle supports 75 occupied Osprey nests. This number is quite high for a 4000-acre lake. The reproductive success of the birds however is extremely poor. The reproductive success numbers are very similar to the days when Ospreys were having trouble with DDT. The Lake Arbuckle birds are not replacing their numbers. I suggest that the number of Osprey nests on Lake Arbuckle will slowly decrease until a

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more natural number is obtained. Unfortunately it may take another 10-15 years to prove or disprove my theory because Ospreys are so long lived.
<http://www.friendsofistokpoga.homestead.com/files/ospreys.htm>

By: Mike McMillian

Lake Okeechobee watershed, as defined in this project, The Everglades Restoration Project, consists of the entire area that contributes surface water flow and phosphorus loads to Lake Okeechobee. The project area consists of the northern Lake Okeechobee drainage area that generally includes the Taylor/Nubbin Slough Basin, the Kissimmee River Basin, the Lake Istokpoga /Indian Prairie Canal/Harney Pond Basin, (which is inclusive of Josephine Creek) Fisheating Creek and Nicodemus Slough. The project also includes the St. Lucie canal drainage area and the eastern segment of the Caloosahatchee River. Additionally, the project area includes portion of the Everglades Agricultural Area from which runoff is pumped into Lake Okeechobee.

- e) The complications that Istokpoga had will be amplified because they were in a drought during the drawdown and we are at the end of an extreme rainy season of water into our lakes and rivers, specifically from the last three hurricanes. The heavy equipment became stuck in the muck during the clean up because some the areas were wetter than they expected them to be in a drought, in some cases the large heavy equipment sank to the cab. Imagine every piece of equipment placed into the lake bed getting stuck. This is a very realistic possibility as we learn from the history of other lake cleanings that were done before us. As every great historian would say we should learn from the past and not have history repeat itself of the negative impacts we have in our reign to control. Quote from the Lake Restoration Update written by Bill Dwinell the President of Friends of Lake Istokpoga Association, Inc. "Some other complications that the contractors and the FWC ran into was the shoreline soil. Many areas were wetter than expected, and many areas had deep muck holes. Numerous pieces of equipment were sunk in the "mud" slowing the work down. One story I heard was that a track-hoe was sunk up to the top of the cab. Area two and area eight were areas where a lot of equipment was stuck, which caused some on-the-fly change in plans for the locations of some wildlife islands. I guess it is good that the drought kept the water level about six inches below the level the FWC requested, or it would have been even more difficult." **The article went on to say, "Where do we go from here? Well, all of the original objectives were not met with this accelerated drawdown. The islands are still thick with tussock. The area south of area 9 still has tussock that has not been removed. The south end of the lake is thick with muck. The shoreline is been exposed to the sun and has lots of grass and weeds growing. Spatterdock is expanding, especially with the low water levels, and will likely expand toward the shore as the water rises. Many of the canals are choked with weeds and algae. I am sure there will be more as we get rain and the lake begins to fill." Well, the three years have passed and the hydrilla is once again out of control in Lake Istokpoga and will continue to worsen because they have no maintenance plan in place.**

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One of the most personal negative affects on me is the fact that the SWFMD and FWC refuses to look at other options that could repair the problem for the entire community on Lake Josephine instead they insist on a draw down that is supposed to benefit the portion of the north side of the middle lake and will in reality not even benefit them since the clean up will only be a temporary fix.

(f) 62C-20.0011- Program Policies

Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.

369.20 Florida Aquatic Weed Control Act- The Department of Environmental Protection is responsible for the control of the process for eradication and regulation of noxious weeds.

The Department specifically is to *promote, develop and support research activities* towards more effective and efficient control of aquatic plants and is authorized to:

- Contract into agreements with public, private agencies or corporations for research and development of aquatic plant control methods.
- Disperse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants.

(g)By utilizing lake cleaning equipment that is readily available (see attached brochure) note under 369.20 I would like to be a part of the program. By doing this will resolve funding 403.0615 Water resources restoration and preservation allowing county to receive funding from both South Florida Water Management and South West Florida Water Management.

This funding will allow county to increase revenue for departments in critical need and reduce costs to departments not working as efficiently as they can be due to South and Southwest controlling directives.

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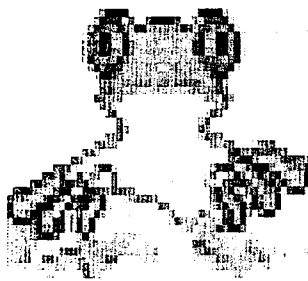
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2301 US 27 South
Sebring, FL 33870
863-385-8133

Proposal

Lake Clean up and Maintenance for Highlands County



***Anthony Lomonico property owner,
Member of Lake Josephine
Homeowners Association,
In Coordination with Lomonico
Contracting Inc.***

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1.	Florida Aquatic Weed Control Act
2.	Funding (403.0615)

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Please clean my home; do not destroy it.

State of Florida Lake Management

Clean-up and Maintenance

Benefits of Corrective Process (Maintenance instead of Construction)



Reduce Costs

- ◆ Consolidate equipment and material use for the State Department and county.
- ◆ A successful maintenance program with these benefits:
 - Less paperwork with blanket permits.
 - No heavy construction with regular maintenance.
 - Using guidelines that are realistic to create unity in the Southwest Florida Water Management District and the community.

No Heavy Construction Equipment

- ◆ No need to dewater the central and west lakes of Lake Josephine when you utilize the harvesters for clean up.
- ◆ Heavy equipment becomes stuck in the muck!
- ◆ Changing the environment is not allowable under the guidelines of the permit. Creating islands changes the natural evolution of the water and the environmental habitat.
 - “De-watering” the lake breaks down the evolution and then the expensive of building the fish, fowl and plant life from scratch.

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.....

Herbicide Use Reduction

- ◆ Herbicides have not proven to be effective in destroying advanced tussocks.
- ◆ Can be used to control plant communities, which form the matrix for advanced tussock development.
- ◆ Herbicide used in small amounts to control the water hyacinth and burhead sedge with other more practical and successful methods.
- ◆ Using less herbicide helps keep the underground waterways from being polluted.

Blanket Permits

- ◆ The use of a structured maintenance program with specific guidelines will be in the best interest for all parties.
 - One permit to clean and maintain the entire County of Highlands by permitting the method and process.
 - Complete restructuring is always more expensive than regular maintenance.
 - More control and less cost by less construction and more maintenance is the best option.

"Public Benefits

- ◆ *Improvement of foraging, spawning for invertebrate, fish, waterfowl, and wading bird populations.*
- ◆ *Natural re-establishment of desirable native aquatic plants and increased diversity of plant species.*

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- ◆ *Reduction of phosphorous and nitrogen loading into the lake through the removal of tussock and associated organic material.*
- ◆ *Improvement of water movement, allowing flushing of accumulated detritus.*
- ◆ *Improved access for recreational users.*
- ◆ **Safer boating.**
 - ◆ **Increased aesthetic value for the lake and Community.**
 - ◆ **Minimizing mosquito breeding through mechanical methods rather than chemical methods should be the concern for both the public and the Florida Department of Environmental Protection.”(Lk Josephine Aquatic Habitat Enhancement Project, 12, 2000)**

Administration

- ◆ The Lake Josephine (Highlands County) Aquatic Habitat Enhancement Project has found:
 - The construction of Structure #4 in 1969 by the US Conservation Service to stabilize water levels allowed the development of the aquatic problem on Lake Josephine.
 - The muck in Lake Josephine to be up to 4 foot deep in some areas.
- ◆ Phase I and II of the Lake Josephine project is to be administered by the Highlands County Aquatic Weed Control Project and coordinated with Florida Department of Environmental Protection, FFWCC, SWFWMD, Highlands County, and **public interests**.
 - We know that the FFWCC has used aquatic weed harvesters successfully.

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- Yes, the period of time to start the project should be quicker and the benefit of not draining and bulldozing the natural environment is well worth the effort.
- The Florida Department of Environmental Protection Bureau of Aquatic Plant Management, under their own permit rules state:
 - 62C-20.0011 Program Policies.
 - Shall administer the aquatic plant management program of the state through a system of contracts and permits so as to protect human health, safety, and recreation, and to prevent injury to plant life, animal life and property.

369.20 Florida Aquatic Weed Control Act.--

- ◆ The Department of Environmental Protection is responsible for the control of the process for eradication and regulation of noxious weeds.
- ◆ The Department specifically is to promote, develop and support research activities towards more *effective* and *efficient* control of aquatic plants And is authorized to:
 - Contract into agreements with public, private agencies or corporations for research and development of aquatic plant control methods.

Disperse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants.

Funding

- ◆ 403.0615 Water resources restoration and preservation.--

(2) The department shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. This program shall be funded from the General Revenue Fund, from funds available from the Ecosystem Management and Restoration Trust Fund, and from available federal moneys.

Florida Water Management District

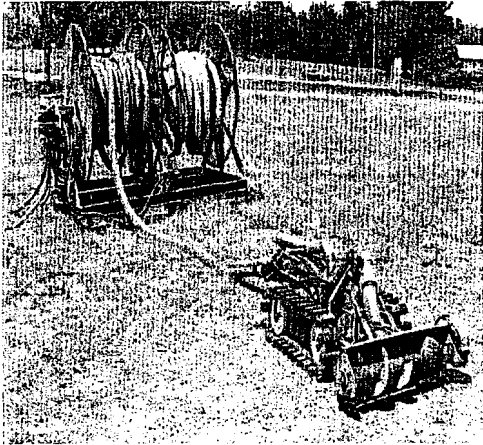
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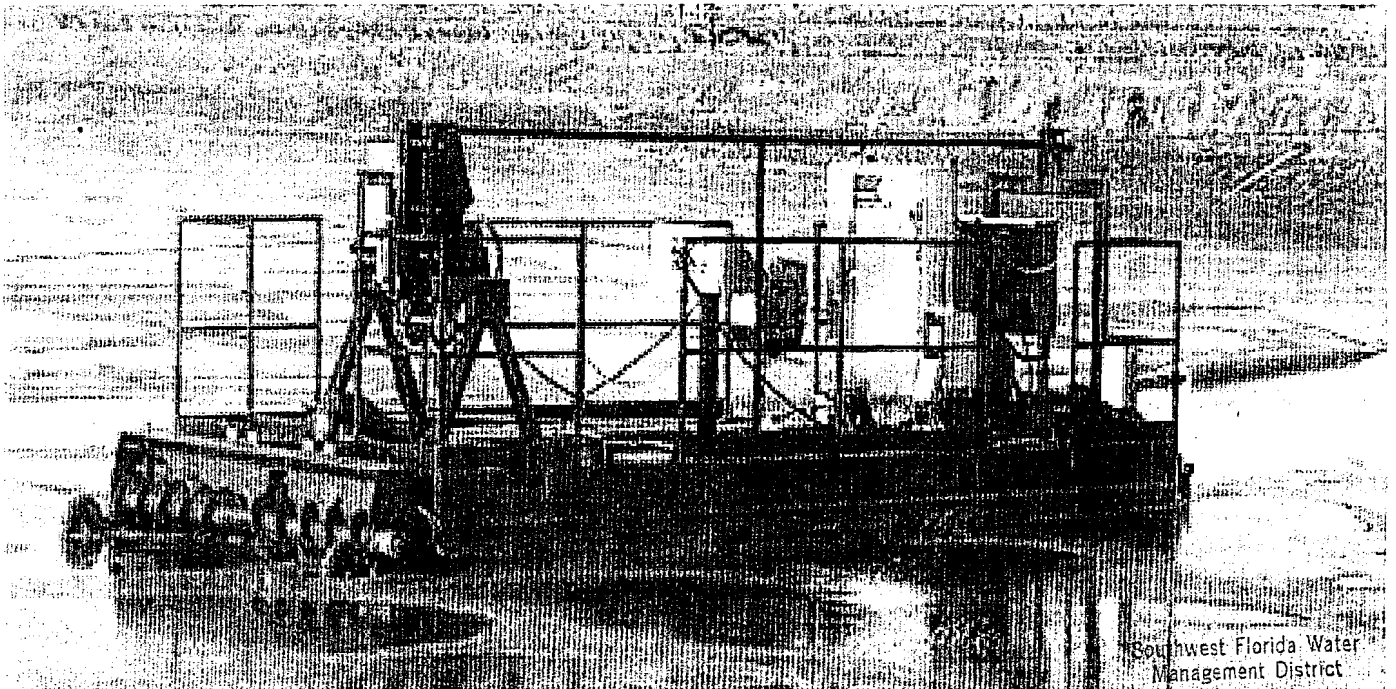
Equipment currently used in applications for this type of project.

Harvesters

Robotic Hedgehog



Remote Controlled Electric Lagoon Pumper



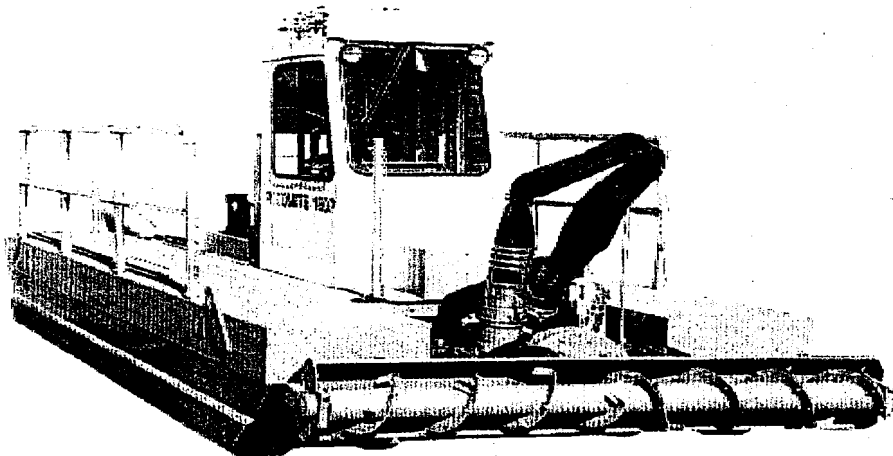
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Equipment currently used in applications for this type of project.

Rotomite

APPLICATIONS

- ◆ ***Management of Wastewater biosolids***
- ◆ ***Removal of Water treatment residuals***
- ◆ ***Cleaning of ponds & lagoons***
- ◆ ***Storm water management & Flood control***
- ◆ ***Sewage lift stations Emergency pumping***



Southwest Florida Water
Management District

DEC 14 2004

**Governing Board Meeting
January 25-26, 2005**

General Counsel Agenda

Enforcement Items

Consent Items

70. Surface Water

a. Consent Orders

- (1) MSW No. 4007126.001 - DAB Foundation, Inc.
(Food Lion Grocery Store) – Highlands County 2
- (2) ERP No. 43024375.000 – Rosbon, L.L.C. (Creek Hollow) –
Hernando County 3
- (3) Carrollwood Creek Associates, Inc. (Deer Park II) –
Hillsborough County 4

b. Settlement Agreements – None

c. Initiation of Litigation

- (1) ERP No. 44021080.000 - Design Enterprises, Inc.
(Madalyn Cove) – Polk County 5
- (2) ERP No. 44019967.001 – Tomko Development, Inc.
(Cypress Reserve) – Hillsborough County 6

71. Water Use

a. Consent Orders - None

b. Settlement Agreements - None

c. Initiation of Litigation - None

72. Well Construction

a. Consent Orders – None

b. Settlement Agreements – None

c. Initiation of Litigation – None

Discussion Items - None

Consent Items70. **Surface Water**a. **Consent Orders**(1) **MSW No. 4007126.001 - DAB Foundation, Inc. (Food Lion Grocery Store) – Highlands County**

On September 4, 1991, the District issued Management of Surface Water (MSW) Permit No. 4007126.001 ("Permit") authorizing construction and operation of a surface water management system for a Food Lion Grocery Store ("Project") located on approximately 2.61 acres of land on U.S. Highway 27 North in Sebring, Highlands County ("Property"). On November 13, 1991, the Permit was transferred to DAB Sebring, Inc., which had acquired the Property. On November 20, 1991, the Permit was transferred to the operation phase. Following transfer of the Permit to the operation phase, a Statement of Inspection for Proper Operation and Maintenance was required to be submitted to the District every two years. In February 1993, DAB Foundation, Inc. ("Owner") acquired the Property from DAB Sebring, Inc. However, Owner did not seek transfer of the Permit or otherwise obtain a permit for the operation of the surface water management system, and did not submit any Statements of Inspection for Proper Operation and Maintenance.

By letters dated April 21, 2003 and May 30, 2003, District staff advised Owner of the requirement to obtain a permit authorizing operation of the system and, upon obtaining a permit, to submit the required Statement of Inspection. No response was received. On December 9, 2003, a Notice of Violation was issued to Owner concerning the failure to obtain a permit and the requirement to submit a Statement of Inspection for the Project. Owner did not respond to the Notice. On August 12, 2004, a proposed Consent Order was issued to Owner to obtain compliance and assess penalties and costs totaling \$1,700 in accordance with the new ERP penalty matrix as follows:

- \$1,000 for the failure to obtain a permit, within the penalty matrix range of \$250 - \$1,000 for correctable document nonsubmittals; and
- \$700 in District enforcement costs, which is the standard cost assessment for the failure to submit required documents.

Following issuance of the proposed Consent Order, Owner's attorney contacted the District to advise that DAB Sebring, Inc. and Owner were related entities, and that Owner was not aware that it needed to have the Permit transferred to it. A counter offer of \$250 for penalties and costs was made. In light of the fact that the required Statements of Inspection were never submitted by either DAB Sebring, Inc. or Owner, on November 15, 2004, District issued a revised Proposed Consent Order assessing penalties and costs totaling \$1,050 as follows:

- \$250 for the failure to submit a Statement of Inspection, in accordance with the standard penalty of \$250 for the failure to submit such reports for dry retention systems; and
- \$800 in District enforcement costs, which is the standard cost assessment for the failure to submit Statements of Inspection.

At the December 14, 2004 Governing Board meeting, initiation of litigation was authorized. DAB Foundation, Inc., has since agreed to the proposed revised Consent Order and has returned a signed Consent Order and full payment of \$1,050 for assessed penalties and costs.

Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation in the event that DAB Foundation, Inc. fails to comply with the terms of the Consent Order.

Presenter: Martha A. Moore, Senior Attorney

(2) ERP No. 43024375.000 – Rosbon, L.L.C. (Creek Hollow) – Hernando County

On October 28, 2002, Rosbon, L.L.C., (Owner) submitted an Environmental Resource Permit (ERP) application to the District, seeking authorization to construct a surface water management system for a residential subdivision known as Creek Hollow (the Project) on approximately 207 acres of real property in eastern Hernando County. District staff issued Owner a Request for Additional Information (RAI) concerning the ERP Application on November 25, 2002. The ERP application was withdrawn by Owner on January 21, 2003. Inspections by District staff on January 22, 2003, and January 27, 2003, indicated the construction of a road, ditches and culverts, which impacted approximately 0.96 acre of forested wetlands and adversely impacted adjacent property.

A Notice of Unauthorized Construction was issued on January 27, 2003. The Owner re-submitted an ERP application on July 15, 2003. A Consent Order was issued on January 5, 2004. The Consent Order required the Owner to obtain the necessary ERP for the Project, comply with the conditions of the Consent Order and assessed penalties and costs totaling \$25,400 as follows:

- \$4,000 for minor visible sediment in the penalty matrix range of \$2,500 - \$7,500 for such violation;
- \$1,250 for potential flooding damage in the penalty matrix range of \$0 - \$2,500 for such violations;
- \$14,400 for 0.96 acre of forested wetlands destruction at \$15,000 per acre in the penalty matrix range of \$5,000 - \$15,000 per acre for such violations;
- \$5,000 for construction without a permit in the penalty matrix range of \$0 - \$5,000 for such violations; and
- \$750 for District enforcement costs.

On February 6, 2004, the Owner responded to the Consent Order requesting that the fine be waived in consideration of the increased expense for performing an additional wetland delineation survey. On February 12, 2004, the District rejected the Owner's counter-offer. On August 26, 2004, the Owner submitted a wetland survey, but did not provide any counter-offer or agree to the terms of the Consent Order. On October 1, 2004, District staff sent a Clarification of Received Information letter to Owner. On October 25, 2004, a meeting between the Owner and District staff was held wherein it was determined that the cost per acre of forested wetlands should be reduced from \$15,000 per acre to \$10,000 per acre and the impacted acreage should be reduced from 0.96 acre to 0.56 acre. On November 10, 2004, District staff sent a revised Consent Order assessing penalties and costs totaling \$16,600, which reflected the previous assessments with a reduction of \$8,800 due to the reduction of forested wetland impacts from 0.96 acre to 0.56 acre and the reduction from \$15,000 per acre to \$10,000 per acre.

On November 17, 2004, Owner made a counter-offer of \$8,350 for penalties and costs. Because District staff could not confirm minor sediment deposition in ditches had occurred, the water quality degradation was recalculated based on potential only, which reduced that portion of the penalty from \$4,000 to \$2,450. On December 3, 2004, District staff responded to Owner's counter-offer with a Consent Order that assessed penalties and costs totaling \$15,050 as follows:

- \$2,450 for potential water quality degradation in the penalty matrix range of \$0 - \$2,500 for such violation;
- \$1,250 for potential flooding damage in the penalty matrix range of \$0 - \$2,500 for such violations;
- \$5,600 for .56 acre of forested wetlands destruction at \$10,000 per acre in the penalty matrix range of \$5,000 - \$15,000 per acre for such violations;
- \$5,000 for construction without a permit in the penalty range of \$0 - \$5,000 for such violations; and
- \$750 for District enforcement costs.

On December 20, 2004, Owner signed and forwarded the Consent Order.

Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Rosbon, L.L.C. fails to comply with the Consent Order.

Presenter: Steve Rushing, Assistant General Counsel

(3) Carrollwood Creek Associates, Inc. (Deer Park II) – Hillsborough County

On November 6, 2002, Windward Homes, Inc. submitted an Environmental Resource Permit (ERP) application (the Application) to the District for the construction of a single-family subdivision on approximately 40 acres of land located in northern Hillsborough County (the Property). The project is known as Deer Park II. In connection with the Application, construction plans were submitted proposing to remove an existing 2-inch diameter well from the Property. In February 2003, the Property was conveyed to Carrollwood Creek Associates, Inc. (the Owner). The District was not notified of this conveyance. On April 15, 2003, the District approved the Application and issued ERP No. 44021088.001 (the Permit) to the applicant, Windward Homes, Inc. The Permit required that any existing wells in the path of construction be properly plugged and abandoned by a licensed well contractor in accordance with applicable regulations.

On January 21, 2004, the District received a complaint that a 2-inch diameter well on the Property was not properly abandoned. On this same date, District staff conducted a site inspection but was unable to locate the well. On February 12, 2004, a representative of Owner's construction company confirmed that an equipment operation ran over the 2-inch diameter well, pulled the casing out of the ground and subsequently paved over the area with asphalt.

On December 3, 2004, the District sent Owner a proposed Consent Order offering to resolve the violations for a payment of \$4,200.00, which consisted of the following:

- \$1,000 for minor construction deviation in the penalty matrix range of \$250 - \$2,499
- \$500 for willful violation (50% increase within penalty matrix range of 0% to 200%)
- \$2,700 in District costs.

In addition, the Consent Order required that the Permit be transferred from Windward Homes, Inc. to Owner within a certain timeframe.

Owner responded that the Permit had recently been transferred to the operation and maintenance phase and therefore requested the elimination of the Permit transfer requirement. Other than this change, Owner indicated it was agreeable to signing the Consent Order. District staff confirmed that subsequent to the matter being referred to the District's legal department, the Permit had been transferred to the subdivision's homeowners' association for operation and maintenance. Accordingly, a revised Consent Order was sent to Owner eliminating the Permit transfer requirement. All

other terms of the original proposed Consent Order, including the penalty as set forth above, remained the same.

Owner has signed the revised Consent Order.

Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Carrollwood Creek Associates, Inc., fails to comply with the Consent Order.

Presenter: Mary Beth McNeil, Senior Attorney

b. **Settlement Agreements** – None

c. **Initiation of Litigation**

(1) **ERP No. 44021080.000 - Design Enterprises, Inc. (Madalyn Cove) – Polk County**

On January 16, 2001, the District issued Environmental Resource Permit (ERP) No. 44021080.000 ("Permit") to authorize the construction and operation of a surface water management system serving a 36-lot residential subdivision known as Madalyn Cove ("Project") located on approximately 6.65 acres of land in Auburndale, Polk County ("Property"). On July 19, 2002, the Permit was transferred to Design Enterprises, Inc., ("Permittee") which became responsible for completing construction of the Project and submitting the required Statement of Completion, certified as-built drawings, Articles of Incorporation for a homeowners association, recorded plat and recorded Protective Covenants or Deed Restrictions meeting District requirements. By letters dated September 4, 2002 and December 30, 2002, District staff requested that the Permittee submit the required documents. By letter dated March 13, 2003, the Project engineer advised District staff that the overdue documents would be submitted by April 7, 2003; however, the documents were not submitted. A Notice of Violation was issued on May 30, 2003 for the failure to submit the required documents. A second Notice of Violation was issued on May 21, 2004. On June 10, 2004, the District received Articles of Incorporation for Madalyn Cove Homeowners Association, Inc., and a Declaration of Protective Covenants for Madalyn Cove. However, the required Statement of Completion and as-built drawings were not submitted.

By letter dated June 14, 2004, the Permittee advised District staff of certain deviations in the construction of the Project that had prevented it from being able to submit a Statement of Completion and as-built drawings certifying compliance with the permitted plans. An extension to July 15, 2004 was granted for the submittal of the documents. However, in July 2004, District staff received complaints concerning possible filling in of one of the Project's stormwater ponds. District staff site observations revealed that Pond 1 of the Project did not appear to be constructed as permitted. The Permittee subsequently advised that corrective work would be completed for Pond 1 and the required Statement of Completion and as-built drawings would be submitted by September 1, 2004; however, the documents were not submitted.

On September 13, 2004, the Permittee advised District staff that a modification of the Permit may be necessary to address certain as-built conditions. No application to modify the Permit nor the required Statement of Completion and as-built drawings were submitted. Therefore, on November 5, 2004, a proposed Consent Order was issued. The Consent Order assessed penalties and costs totaling \$1,950 as follows:

- \$1,000 for the failure to submit a Statement of Completion and as-built construction drawings for a Standard General ERP, which is the standard penalty for such violation;

- \$250 for the failure to submit a recorded plat, within the penalty matrix range of \$250 - \$1,000 for other correctable document failures; and
- \$700 in District enforcement costs, which is the standard cost assessment for the failure to submit Statement of Completion/as-built documents.

Since issuance of the proposed Consent Order, the Owner has advised District staff of events that delayed its ability to undertake certain corrections to the system and submit the required Statement of Completion and as-built drawings. The Permittee was invited to make a reasonable counter offer in settlement of the matter, but as of the preparation of this recap, has declined to do so. By letter dated December 28, 2004, Permittee's counsel was advised that the matter would be placed on the agenda for the January 2005 Governing Board meeting to seek authorization to initiate litigation, and that staff continue to be willing to negotiate the terms of a Consent Order to resolve this matter. As of the preparation of this recap, staff await a response.

Staff Recommendation:

Authorize the initiation of litigation against Design Enterprises, Inc. and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement and court costs and attorney's fees.

Presenter: Martha A. Moore, Senior Attorney

(2) **ERP No. 44019967.001 – Tomko Development, Inc. (Cypress Reserve) – Hillsborough County**

On January 23, 2004, the District issued Environmental Resource Permit (ERP) No. 44019967.001 (the Permit) to Tomko Development, Inc. (Permittee), to resolve a compliance matter related to a previously permitted surface water management system serving an 80-acre residential subdivision known as Cypress Reserve located in northeastern Hillsborough County. The Permit required Permittee, the developer of Cypress Reserve, to construct back yard conveyance swales, which were also required to be constructed by Permittee under ERP No. 44019967.000. Additionally, the Permit required the construction of driveway culverts and the installation of bleed down orifices. The permitted conveyance swales were also required to be recorded as drainage easements on the subdivision's plat. The Permit required that all construction work be complete within sixty (60) days from Permit issuance or by March 23, 2004. The Permit required the submittal of a Statement of Completion, as-built construction drawings and a copy of the recorded plat within thirty (30) days after construction was complete.

On March 2, 2004, District staff conducted a site inspection and observed that other than the placement of survey stakes, no other construction activities had taken place. On March 3, 2004, District staff sent a letter to Permittee reminding it that all construction activities must be complete by March 23, 2004.

Subsequent to March 23, 2004, District staff conducted a site inspection and observed that the required construction activities were not complete. Specifically, Permittee did not construct all of the permitted swales. Additionally, the constructed swales were neither constructed to their permitted dimensions nor sodded as required. Moreover, staff observed that an unauthorized swale and control structure had been constructed and that appropriate turbidity and erosion controls had not been implemented at the site. On May 13, 2004, District staff sent Permittee a letter requiring the immediate implementation of appropriate turbidity and erosion controls and the completion of all construction activities authorized by the Permit no later than May 30, 2004.

Permittee did not come into compliance and on June 17, 2004, District staff sent a letter to Permittee advising that the matter would be referred to the District's legal

department. On July 6, 2004, District staff conducted another site inspection and observed that the swales had not been sodded and appropriate turbidity and erosion controls had not been installed resulting in sedimentation within a natural creek system.

On August 19, 2004, District staff sent a Notice of Violation (NOV) to Permittee requiring the following to be complete within fourteen (14) days: a) the implementation of appropriate turbidity and erosion controls including the installation of sod in the swales; b) the removal of sedimentation from within the natural creek system; c) the completion of all the construction work authorized by the Permit; d) the removal of the unauthorized swale and control structure; and, e) the submittal of a copy of the recorded plat. Additionally, the NOV required the submittal of a Statement of Completion and as-built construction drawings within thirty (30) days.

On September 8, 2004, Permittee contacted District staff and advised that all of the activities required by a) through d) of the NOV, were complete. Additionally, Permittee indicated that a copy of the recorded plat, the Statement of Completion and as-built construction drawings would be submitted the following week.

On September 17 and 21, 2004, District staff conducted site inspections and observed the construction activities required by the NOV were not complete. Specifically, not all of the swales had been constructed, the swales that had been constructed were neither constructed to their permitted dimensions nor sodded, the unauthorized swale and control structure had not been removed, the sedimentation within the natural creek system had not been removed, several locations of erosion existed on the site, and appropriate turbidity and erosion controls had not been implemented. As a result of these violations, sedimentation was displaced throughout the site, including within a natural creek system and wetlands, and water quantity impacts occurred. Permittee also failed to provide the District with a Statement of Completion, as-built construction drawings, and a copy of the recorded plat as required.

In an attempt to resolve the violations, on October 15, 2004, a proposed Consent Order was sent to Permittee including the payment of \$37,650 in penalties and costs as follows:

- \$19,000 for 6 separate violations of water quality degradation in wetlands and other surface waters (varying amounts for each violation depending on the severity)
- \$8,700 for 6 separate violations of water quantity impacts (varying amounts for each violation depending on the severity)
- \$7,250 for 5 separate violations of construction deviations (varying amounts for each violation depending on the severity)
- \$2,700 for District costs

The Consent Order also required the following corrective actions within certain timeframes: a) the implementation of appropriate turbidity and erosion controls within the project including the installation of sod within the swales; b) the completion of all the activities required under the Permit; c) the submittal of a Statement of Completion and two sets of certified as-built construction drawings; d) the submittal of a Restoration Plan subject to the District's approval proposing to restore the natural creek system and the on-site wetlands to the conditions they were in prior to the violations including the removal of sedimentation; and, e) the completion of the work required by the approved Restoration Plan within a specified time.

On November 2, 2004, District staff and Permittee met to discuss the Consent Order. Permittee was advised that due to the extent of the violations, District staff was not agreeable to resolving the matter without the payment of an appropriate penalty. On November 23, 2004, District staff met Permittee at the project site. On December 13, 2004, Permittee responded in writing to the Consent Order without including a counter-offer. On December 17 and 29, 2004, District staff again advised Permittee

that District staff was not willing to resolve the violations without the payment of an appropriate penalty.

As of the date of the preparation of this recap, the District has not received a counter-offer from Permittee.

Staff Recommendation:

Authorize the initiation of litigation against Tomko Development, Inc. and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement costs, attorney's fees and court costs.

Presenter: Mary Beth McNeil, Senior Attorney

71. **Water Use**

- a. **Consent Orders** - None
- b. **Settlement Agreements** - None
- c. **Initiation of Litigation** - None

72. **Well Construction**

- a. **Consent Orders** – None
- b. **Settlement Agreements** – None
- c. **Initiation of Litigation** – None

Discussion Items - None

**Governing Board Meeting
January 25-26, 2005**

General Counsel Agenda

Briefings and Reports

74. Rulemaking Update

See Exhibit 74

75. Litigation Report

See Exhibit 75

76. Other Briefing Item(s)

RULEMAKING UPDATE
January 2005

**I. PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS
AUTHORIZED INITIATION OF RULEMAKING**

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	PROJECTED BOARD APPROVAL DATE
1. Rulemaking to Revise Form No. 547.27/ERP and Amend 40D-1.659, F.A.C.	October 2004	Effective approximately 1/31/05	N/A
2. Southern Water Use Caution Area (SWUCA II)/(40D-2, 40D-8 and 40D-80) a. Minimum Flow for Upper Peace River b. Minimum levels for Upper Floridan Aquifer c. Minimum Levels for Lakes d. Recovery and/or Prevention Strategies	January 2002	Work group meeting 12/04, Governing Board Meeting 12/14/04	TBA
3. Rulemaking to Amend Rules 40D-2.091, 40D-2.341, 40D-3.341 and 40D-4.341, F.A.C. and WUP Basis of Review to Allow Cancellation of Permits at Request of Permittees	October 2004	Effective approximately 1/31/05	N/A
4. Rulemaking to Amend Rules 40D-2.351, F.A.C. to Clarify Conditions for Transfers of Water Use Permits	October 2004	Effective approximately 1/31/05	N/A
5. Rulemaking to Amend 40D-3.038, F.A.C. to Require Well Contractors to Notify the District When They Change Their Mailing Address.	August 2004	Effective approximately 1/31/05	N/A
6. Rulemaking to Amend Rule 40D-4.091, F.A.C. and ERP Basis of Review Regarding Title Insurance for Regulatory Conservation Easements Granted to the District	October 2004	To ERP advisory committees, 12/04, 1/05 and 2/05	3/05
7. Rulemaking to Amend 40D-4.091 and ERP Basis of Review Regarding Fencing on Wet Detention Systems	January 2004	Effective approximately 1/31/05	N/A
8. Initiation of Expedited Rulemaking to Amend Rule 40D-4.091, F.A.C., and ERP Basis of Review Regarding Financial Assurances	December 2004	Effective approximately 3/05	N/A

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	PROJECTED BOARD APPROVAL DATE
9. Rulemaking to Amend 40D-4.331, F.A.C., Modification of Permits and 40D-1.659 to adopt the form	April 2004	Effective approximately 1/31/05	N/A
10. Rulemaking to Develop New Procedures for Processing Statements of Completion and As-Built Submittals (40D-4.351)	June 2004	Effective approximately 1/31/05	N/A
11. Rulemaking to Amend Rule 40D-4.351, F.A.C. to Clarify that Formal Determination of Wetlands and Other Surface Waters May Be Transferred	December 2004	Effective approximately 3/05	
12. Rulemaking to Amend References to Works of the District (40D-6) within District Rules and BOR	March 2003	Effective approximately 1/31/05	N/A
13. Rulemaking to Amend Tables 8-2 and 8-3 regarding lake levels (40D-8.624)	December 2004	Effective approximately 3/05	
14. Amendments to update and streamline definitions, shortage phases and specific restrictions in the Water Shortage Plan (40D-21)	November 2001	Public workshops 2/05 and 3/05	TBA
15. Amend Chapter 40D-40.301, F.A.C., for Construction, Operation and Maintenance of Unpaved Roads Serving Low Density Rural Residential Lots	November 2003	Effective approximately 1/31/05	N/A
16. Rulemaking to Amend Rule 40D-40.302, F.A.C., to Clarify Conditions for Issuance of General Permits	October 2004	Effective approximately 1/31/05	N/A
17. Rulemaking to Amend Rule to Include a Limiting General Condition in all General Permits for Minor Surface Water Management Systems (40D-40.381)	December 2004	Effective approximately 3/05	N/A

II. PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS NOT YET AUTHORIZED INITIATION OF RULEMAKING

RULE	STAFF RECOMMENDATION
1. Initiation of Rulemaking to Amend 40D-2 to address miscellaneous clean up items	Governing Board Initiate Rulemaking -TBA
2. Southern Water Use Caution Area (SWUCA II)/(40D-2, 40D-8 and 40D-80) a. Minimum Flow for Alafia River	Governing Board Initiate Rulemaking - 2005
3. Initiation of Rulemaking to Amend Rule 40D-3.505, F.A.C. to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination	Governing Board Initiate Rulemaking - 1/2005
4. Initiation of Rulemaking to Amend Rule 40D-4.021, F.A.C. to Clarify the Definition of a New Surface Water Management System	Governing Board Initiate Rulemaking - 1/2005
5. Initiation of Rulemaking to Amend Rule 40D-4.041, F.A.C. to Create Mechanism to Provide Record Notice of Environmental Resource Permits.	Governing Board Initiate Rulemaking - 1/2005
6. Initiation of Rulemaking to Amend Rule 40D-4.321, F.A.C. to Revise the Duration of Conceptual Environmental Resource Permits	Governing Board Initiate Rulemaking - 2005
7. Initiation of Rulemaking to Amend Rule 40D-4.331, F.A.C. to Clarify Conditions for the Extension of Environmental Resource Permits (file with 40D-4.321)	Governing Board Initiate Rulemaking - 2005
8. Tampa Bypass Canal Minimum Flow Methodology and Flow (40D-8)	Governing Board Initiate Rulemaking - 2005
9. Sulphur Springs Minimum Flow Methodology and Flow (40D-8)	Governing Board Initiate Rulemaking - 2005
10. Initiation of Rulemaking to Amend Rule 40D-400.500, F.A.C., to Incorporate by Reference the Updated Silviculture Best Management Practices Manual (40D-400)	Governing Board Initiate Rulemaking - 1/2005

III. INACTIVE PROPOSED RULES FOR WHICH THE GOVERNING BOARD HAS AUTHORIZED INITIATION OF RULEMAKING - TO BE REMOVED FROM UPDATE

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	PROJECTED BOARD APPROVAL DATE
Nothing for January			

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

January 2005

(Changes in status since last month are in boldface type)

ADMINISTRATIVE PROCEEDINGS

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
Behrens, Alan v. SWFWMD and Has-Ben Groves/Case No. 03-1129	Division of Administrative Hearings/C. Stampelos	M. Moore	Formal Administrative Proceedings on objection to issuance of WUP No. 20012410.000	Petition filed 2/19/03. 3/12/03 -Amended Petition filed. 3/25/03 - Referred to DOAH. Deposition of Behrens held 5/23/03. 6/24/03 – District's Motion for Summary Recommended Order of Dismissal and for Reasonable Costs and Attorney's Fees served. 6/30/03 – Petitioner's Notice of Voluntary Withdrawal served and Order Closing File entered. 7/2/03 – District's Notice to Pursue Motion for Reasonable Attorney's Fees and Costs Pursuant to Section 120.569(2)(e), F.S. served. Behrens Response filed 7/28/03. Hearing on District's Motion held 11/13/03. 2/25/04 - Final Order issued finding that Behrens filed his petition for an improper purpose and imposing a sanction of \$500.00 payable to the District within 45 days of the Order. 3/25/04 – Notice of Appeal filed. (See Appeals).
Blanco, Octavio v. SWFWMD, Entryway Developers, L.L.C., & Westfield Homes, Inc./Case No. 04-0003	Division of Administrative Hearings/D. Maloney	M. Lytle	Formal Administrative Proceedings on objection to issuance of ERP No. 43024788.000	12/10/03 – Petition filed. 12/16/03 – Order of Dismissal Without Prejudice entered. 12/30/03 – Amended Petition filed. 12/31/03 – Notice of Referral filed. 7/20/04 – Notice of Hearing entered. Hearing held 8/31–9/1/04. Hearing continued and concluded on 10/13/04. Proposed Recommended Orders filed by all parties on 11/15/04.
Davidson, Lloyd v. SWFWMD and FDOT/Case No. 04-4482	Division of Administrative Hearings/C.A. Stampelos	M.B. McNeil	Formal Administrative Proceedings on objection to issuance of ERP No. 43027063.000	11/8/04 – Letter objecting to issuance of permit received. 11/23/04 - Order of Dismissal Without Prejudice entered. 12/6/04 - Petition Amendment served. 12/15/04 - Referral letter to DOAH. 12/17/04 - Initial Order entered. 12/29/04 - Joint Response to Initial Order served. 12/30/04 - 12/30/04 - Notice of Hearing (set for March 15 & 16, 2005) served; Order of Pre-Hearing Instructions entered.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
M.A. Grondin Trust v. SWFWMD/Case No. 04-2963	Division of Administrative Hearings/D. Alexander	M. Moore	Formal Administrative Proceedings on denial of ERP Application No. 49019187.000	8/16/04 – Petition for Formal Hearing filed. 8/18/04 – Notice of Referral to DOAH. 8/20/04 – Initial Order issued. 8/26/04 – Substitution of Counsel filed. 8/27/04 – Joint Response to Initial Order filed. Mediation scheduled for 10/28/04. 9/17/04 - Order Placing Case in Abeyance entered. 10/18/04 – Notice of Mediation served. Mediation held 10/28/04. 11/14/04 – Settlement Agreement approved by Governing Board. 11/24/04 – Notice of Settlement filed with DOAH.
In re: Progress Energy Florida Hines Energy Center Power Block 4/Case No. 04-2817EPP	Division of Administrative Hearings/J. L. Johnston	M. Moore	DOAH proceeding on Power Plant Site Certification Application No. PA-92-33SA3	8/5/04- Site Certification Application filed. 8/12/04 – DEP Notice of Filing List of Affected Agencies 8/12/04 – Notice of Receipt of Application and Request for assignment of ALJ. 8/12/04 – Initial Order. 8/20/04 – Statement of Completeness. 9/23/04 – District Notice of Intent to be Party. 10/1/04 – Joint Response to Initial Order, Filing of Schedule, Motion and Stipulation for Alteration of Time Frames. 12/14/04 – District Agency Report approved by Governing Board. Report filed with DEP 12/15/04.
Save the Homosassa River Alliance, Inc., James Bitter, Winston Perry, Alfred M. Dye, Trustee, and Shirley S. Dye, Trustee v. SWFWMD and Halls River Development, Inc./Case No. 02-0844	Division of Administrative Hearings/C.A. Stampelos	M. McNeil/ M. Lytle	Formal Administrative Proceedings on objection to issuance of ERP No. 44021328.000	Petition filed 1/9/02. Petition dismissed without prejudice on 1/18/02. Amended petition filed 2/1/02. Referred to DOAH on 2/6/02. Hearing held 9/11-13/02. 10/14/02 - Stipulated Motion to Correct Formal Administrative Hearing Transcript and Serve and File Proposed Recommended Order Within Twenty Days of Filing Corrected Transcript. 10/21/02 - Order (extending time to file PRO as above). 4/17/03 - Stipulated Motion to Stay Proceedings; Affidavit of Notice of Filing Certificate of Reporter served. 5/5/03 - Order staying final judgment until ruling is made in two circuit court cases and one appeal court case (non-District related) entered. 2/12/04 - Stipulated Motion to Continue Stay. 4/30/04 - Order Continuing Stay and Placing Case in Abeyance (until August 2, 2004, with status reports due at 30 day intervals) entered. 6/1/04 - Stipulated Status Report of the Parties served. 7/1/04 - Stipulated Status Report of the Parties served. 7/30/04 - Stipulated Status Report of the Parties served. 8/26/04 - Stipulated Status Report of the Parties served. 9/29/04 - Stipulated Status Report of the Parties served. 10/29/04 - Stipulated Status Report of the Parties served. 12/2/04 - Stipulated Status Report of the

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
Sylvan Lea, Inc. v. SWFWMD/Case No. 03-0813	Division of Administrative Hearings/C. Stampelos	M.B. McNeil/D. Jackson	Formal Administrative Proceedings on objection to the District requiring an ERP.	2/24/03 - Petition for Formal Administrative Hearing filed. 3/5/03 - Notice of Referral letter sent to DOAH. 10/4/04 - Notice of Hearing entered (hearing set for 2/1 - 3/05); Order of Pre-Hearing Instructions entered. 11/24/04 - District's 2d Set of Interrogatories served. 12/22/04 - SWFWMD's Motion for Recommended Summary Final Order served. 12/27/04 - ALJ's Order (treating District's above Motion as a motion to relinquish jurisdiction) entered; Answers to 2d Set of Interrogatories served.
Weidemeyer Land Trust and John Weidemeyer v. Pasco County and SWFWMD	Division of Administrative Hearings/J.L. Johnston	N. Spirtos	Formal Administrative Proceedings on objection to issuance of Permit No. 43002875.004	11/5/04 – Petition objecting to issuance of permit received. 11/19/04 – Notice of Referral to DOAH.

DELEGATED ADMINISTRATIVE HEARING MATTERS

Billings, Glenda S. v. SWFWMD and R.F.H. Ill, Inc.		M. Moore	Request for administrative proceedings objecting to Ridge Acres MSW No. 40732.002 - .007	11/15/04 – Letter received objecting to drainage system impact.
Hailey, Robert H., Jr. v. SWFWMD and Citrus County		N. Spirtos	Formal Administrative Proceedings on objection to issuance of Permit 44024165.001.	9/13/04 - Petition for Formal Hearing filed. 9/20/04 - Petitioner and Respondent Citrus County met to negotiate a settlement. 9/23/04 - Counsel for Petitioner and Counsel for Citrus County provided written requests for a 90-day deferral of the referral to DOAH. 9/28/04 - Deferral granted through February 28, 2005.
E. R. Jahna Industries, Inc. v. SWFWMD		M. Moore	Petition for Waiver of Rule 40D-1.6105, F.A.C.	11/19/04 – Petition received. 12/17/04 - RAI issued.
Lomonico, Anthony V. v. SWFWMD, State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission		M. Moore	Petition for administrative proceedings objecting to issuance of Permit No. 20012614.000	10/20/04 – Petition received. 10/22/04 – Order of Dismissal Without Prejudice entered. 11/10/04 – Amended Petition received. 11/23/04 – Second Order of Dismissal Without Prejudice entered. 12/14/04 – Amended Petition filed. Final Order of Dismissal with Prejudice (untimely filing) to be considered by Governing Board at 1/25/05 meeting.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
G. Puckett & Associates v. SWFWMD, State of Florida Division of State Lands and Florida Fish and Wildlife Conservation Commission		M. Moore	Petition for administrative proceedings objecting to issuance of Permit No. 20012614.000	10/20/04 – Petition received. 10/22/04 – Order of Dismissal Without Prejudice entered. 11/23/04 – Order of Dismissal With Prejudice entered.
SICO, Inc. v. SWFWMD		M. McNeil	Request for Formal Administrative Hearing regarding District's Proposed Agency Action for Denial of ERP No. 44003012.011	9/22/04 - Petition for Formal Administrative Hearing filed. 10/5/04 - Letter from attorney for Petitioner agreeing to defer forwarding petition to DOAH for a period of 60 days from 10/4/04. 11/4/04 – Letter from attorney for Petitioner agreeing to defer forwarding petition to DOAH for a period of 60 days from 12/4/04. 12/14/04 - Consent Order No. SWF 04-098 approved by Governing Board. One of the requirements of the Consent Order was to dismiss with prejudice the Petition for Formal Administrative Hearing within 5 days of approval of the Consent Order. 12/28/04 - Notice of Dismissal served.
Yoder, Daphne v. SWFWMD and Bd. of County Commissioners, Sarasota County		D. Jackson	Request for administrative proceedings objecting to ERP No. 43026682.000	11/19/04 – Request for hearing received. 11/23/04 – Order of Dismissal Without Prejudice entered.

ENFORCEMENT CASES

(Including Administrative Complaints)				
SWFWMD v. Adventureland, Inc./Case No. 2004-CA-89	5 th Judicial Circuit, Citrus County/P. Thomas	S. Rushing	Complaint and Petition to Enforce Final Order for ERP violations	Complaint filed 1/6/04. Notice of Lis Pendens filed 1/29/04. Motion for Default filed 2/4/04. Default entered 2/6/04. 4/15/04 – Motion for Default Final Judgment filed. Hearing on motion held 7/15/04. July 15, 2004 – Default Final Judgment entered.
SWFWMD v. Aloha Utilities, Inc./Case No. 51-2002-CA-2549-WS, Section G	6 th Judicial Circuit, Pasco County/S. Mills	M. Lytle/S. Rushing/J. Pepper	Complaint and Petition to Enforce Consent Order, and pursue new WUP violations	Complaint filed 9/23/02. 4/2/03 – Defendant's Stipulated Motion to File First Amended Answer, Affirmative Defenses and Counterclaim served. 4/8/03 – Ordered and Adjudged that Defendant's First Amended Answer, Affirmative Defenses and Counterclaim shall be accepted and considered filed, and Plaintiff shall respond to Defendant's First

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
SWFWMD v. Paul K. Bowser/Case No. 04-5746 CI 19	6th Judicial Circuit, Pinellas County/J. Lenderman	M. B. McNeil	Complaint and Petition for Enforcement for well construction violations	Amended Answer, Affirmative Defenses and Counterclaim entered. 4/16/03 – SWFWMD's Reply to Affirmative Defenses, and Answer and Affirmative Defense to Counterclaim served. Depositions of Aloha witnesses held 8/28/03. 7/13/04 – Joint Stipulation to Stay Action served. 7/14/04 – Order Approving Joint Stipulation to Stay Action entered.
Governing Board of the St. Johns River Water Management District v. Vista Park Development, Inc./Case No. GCG-01-444-08	10th Judicial Circuit, Polk County/M. McCarthy	M. Moore/S. Rushing	Complaint and Petition for Enforcement for Construction of Subdivision without ERP	8/4/04 - Complaint sent to be filed. 8/17/04 - Complaint served. 9/8/04 - Received response from Bowser - not filed with Court. Settlement Agreement approved at October Governing Board meeting. 11/1/04 -Settlement Agreement and Joint Motion for Consent Final Judgment sent for filing. 11/2/04 - Consent Final Judgment entered.
SWFWMD v. HCH Holdings, Inc./Case No. 53-2004-CC-00-2833	County Court,Polk County/S. Selph	M. Moore	Complaint for civil penalties for ERP violations	Complaint filed by SJRWMD 1/22/01. Motion to Substitute SWFWMD as Plaintiff filed by SJRWMD 6/12/03. SWFWMD Joinder in Plaintiff's Motion to Substitute Parties, Motion for Leave to File Supplement to Complaint filed 3/3/04. Order substituting SWFWMD as Plaintiff entered 3/9/04. Supplement to Complaint filed 3/9/04. 4/4/04 - Answer filed. 8/24/04 – Settlement Agreement approved by Governing Board. 9/17/04 - Signed Settlement Agreement filed with court. 9/21/04 – Consent Final Judgment entered. 12/17/04 – Motion to Withdraw filed by Vista Park attorney.
SWFWMD v. Joseph F. Miranda, Inc./Case No. 53-2004CC-004728-0000-00	Polk County/S. Selph	M. Moore	Complaint for civil penalties for unauthorized construction	6/10/04 – Complaint filed. 6/18/04- Complaint served. 7/7/04 - Notice of Appearance Filed. 8/3/04 – Motion for Default Final Judgment served. 10/26/04 - Settlement Agreement approved by Governing Board. 11/9/04 – Order Approving Settlement Agreement entered.
SWFWMD v. Lake Erie Corporation/Case No. 04CA1239	5th Judicial Circuit, Lake County/W. G. Law	S. Rushing/ N. Spirtos	Complaint and Petition for Enforcement of Consent Order for ERP violations	Complaint filed 9/24/04, served on 10/1/04. Settlement Agreement presented to November Governing Board. 12/27/04 – Settlement Agreement filed. Complaint filed 4/2/04, served 4/19/04. Extension of time to file answer granted until 6/21/04. 6/21/04 - Answer served. 9/14/04 - SWFWMD's discovery requests served on Defendant. 9/28/04 - Joint Stipulation for Withdrawal of Attorney for Defendant served. 10/12/04 - Response to Request for

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
				Production served. 10/14/04 - Response to Plaintiff's First Request for Production of Documents and Things served. 10/19/04 - Plaintiff's Notice of No Objection to Joint Stipulation for Withdrawal of Attorney for Defendant served. 10/27/04 - Order Authorizing Withdrawal of Attorney for Defendant. 10/28/04 - Completion of Response to Request for Production by South Lake Title Services, Inc. served.
SWFWMD v. Richard Roy Landrigan/Case No. 04-8616-CC	County Court, Hillsborough County/A. McNeil	M.B. McNeil	Complaint for violation of terms of WUP No. 20004870.002, .003, .004	4/21/04 - Complaint filed. 6/22/04 - Amended Complaint sent for filing and Alias Summons sent for issuance (determined that Defendant is currently residing in NM). 7/8/04 - Defendant served. 7/22/04 - Answer served. 8/6/04 - Plaintiff's Motion to Strike Affirmative Defense served. 9/27/04 - (Defendant's) Motion for Summary Judgment; Affidavit in Support of Defendant's Motion for Summary Judgment and Affidavit as to Costs served. 10/12/04 - Amended Notice of Hearing served (set for 11/29/04). 11/24/04 - (Defendant's) Emergency Motion to Continue served. 12/10/04 - Order Granting Plaintiff's Motion to Strike Affirmative Defenses entered.
SWFWMD v. Robert McEwen/Case No. 04-2630	Division of Administrative Hearings/C. Stampelos	M. Moore	Formal Administrative Proceedings on Objection to Administrative Complaint and Order concerning Well Construction Permit Violations	ACO served 6/11/04. 6/16/04- Request for Hearing. 7/20/04 - Referral to DOAH. 8/9/04 – Order of Pre-hearing Instructions. Hearing scheduled for 11/3/04. 10/8/04 – Notice of Taking Deposition Duces Tecum served. 10/13/04 – Respondent's Motion to Continue the Final Hearing and Notice of Cancellation of Taking Deposition Duces Tecum served; and Order Granting Continuance and Placing Case in Abeyance entered.
SWFWMD v. Mid-Florida Portable Toilet Services, Inc./Case No. 04-345CCS	County Court, Highlands County/P. Estrada	M. Moore/S. Rushing	Complaint for civil penalties for unauthorized construction	7/22/04 – Complaint filed. Summons served 7/27/04. 8/12/04 – Motion to Dismiss filed. Hearing on Motion scheduled for 10/4/04. Motion not heard on 10/4/04, to be rescheduled. 10/13/04 – Amended Notice of Hearing served, hearing set for 12/1/04. 12/1/04 – Hearing on Defendant's Motion to Dismiss – Motion Denied. Defendant's deposition noticed for 1/5/05.
SWFWMD v Balkrishna Patel and All American Petroleum of Central	County Court, Polk County/M. Raiden	M. Moore/S. Rushing	Complaint for ERP violations	Complaint filed on 9/18/02. Balkrishna Patel and All American Petroleum were served on 12/6/02. Motion for Default filed 1/10/03. 2/17/03 - Default granted. Motion for Default Final Judgment filed

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
Florida, Inc./Case No. 02-CC11-3857				10/31/03. Hearing held 11/21/03. Default Final Judgment entered. Judgment recorded 12/18/03. 11/18/04 – Satisfaction of Judgment Against Defendant Balkrishna Patel served. 12/17/04 – Satisfaction of Judgment filed for recording.
SWFWMD v. Polk Properties, Inc., et al./Case No. G99-1779-08	10 th Judicial Circuit, Polk County/C. Moore	S. Rushing	Suit to enforce Consent Order	Complaint filed 5/27/99. Cone Constructors Inc. filed for bankruptcy 6/9/00. 4/3/01 - District filed Proof of Claim for \$443,240 with Bankruptcy Court. Final Judgment entered against Polk Properties, Inc., for \$547,859 on 6/15/01.
SWFWMD v. Kenneth Sassaman, d/b/a Sassaman Pump and Sprinkler/Case No. 02-1332-CI-11	6th Judicial Circuit, Pinellas County/S. F. Schaeffer	S. Rushing	Complaint and Petition for Enforcement of Final Order regarding well construction violations	Complaint and Petition for Enforcement filed 2/14/02. 2/19/04 - Kenneth Sassaman served. 3/10/04 - Sassaman served written responses to portions of Exhibit "A" to the Complaint, but failed to plead or otherwise defend the complaint itself. 3/23/04 - District served its Motion for Default by the Court. Settlement Agreement approved at October Board meeting. 10/28/04 - Joint Stipulation for Judgment sent for filing. 10/2/04 - Stipulated Final Judgment entered.
SWFWMD v. David K. Smith/Case No. 04-1907-CA	20th Judicial Circuit, Charlotte County/I. Anderson, Jr.	M. McNeil/S. Rushing	Complaint for MSSW permit violations	9/29/04 - Complaint filed; Summons issued. 10/4/04 - received letter from attorney for Defendant stating he would accept service of process. 10/5/04 - Summons and Complaint sent to Sheriff to serve on attorney. 10/15/04 - Service made on attorney for Defendant. 10/22/04 - Notice of Lis Pendens served. 11/4/04 - Motion to Strike Lis Pendens or to Require the Posting of a Bond served; Motion to Dismiss served.

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
SWFWMD v. Steven C. Smith, Teresa S. Smith & Good Life Development, Inc./Case No. 03CA1662-ES, Section Y	6th Judicial Circuit, Pasco County/L. Tepper	S. Rushing/ N. Spirtos	Complaint and Petition for Enforcement of Consent Order for ERP violations	6/6/03 – Complaint and Petition for Enforcement filed. 8/21/03 – Defendants served. 9/9/03 - Answer and Affirmative Defense filed. 12/5/03 – Defendants Amended First Affirmative Defense served. 9/28/04 - Board approved Settlement Agreement. 10/5/04 - Settlement Agreement and Joint Motion for Consent Final Judgment served. 10/15/04 - Consent Final Judgment entered.
SWFWMD v. Charles C. Stone, d/b/a Junior's Sod & Lawn Care/Case No. 04-7840-CI	6th Judicial Circuit, Pinellas County/A. Rondolino	M. McNeil	Complaint and Petition for Enforcement of Administrative Complaint and Order No. 04-080	11/3/04 – Complaint and Petition for Enforcement filed. 11/10/04 - Return of Service received. Defendant not found. 12/21/04 - Sent Alias Summons to Clerk for issuance. 1/4/05 - Sent to private process server to attempt service.
SWFWMD v. Amanda Suggs/ DOAH Case No. 03-0787	Division of Administrative Hearings/L. Stevenson	J. Pepper/M. Lytle	Request for Administrative Hearing objecting to Administrative Complaint and Order for unpermitted construction activities	1/13/03 – Amanda Suggs served. Petition filed on 1/21/03. 1/24/03 - Order of Dismissal Without Prejudice entered. Amended Petition filed 2/10/03. Notice of Referral sent to DOAH 3/3/03. 3/31/03 - Order Consolidating DOAH Case Nos. 03-0787, 03-0788 and 03-1128 entered. 12/1/03 – Complainant's Motion to Amend Administrative Complaint and Order served. 12/17/03 – Order granting Complainant's Motion to Amend Administrative Complaint and Order entered. Hearing scheduled for May 17-20, 2004. 5/13/04 – Respondents' Motion to Bifurcate served. 5/17/04 – Respondents withdrew petitions for administrative hearing. 5/18/04 – Deborah Suggs' Motion to Relinquish Jurisdiction Pursuant to Section 120.57(1)(j), F.S. served. 5/19/04 – Complainant's Response to Deborah Suggs' Motion to Relinquish Jurisdiction Pursuant to Section 120.57(1)(j), F.S. served. 5/20/04 – Order Closing Files entered. 5/25/04 – Governing Board approved Final Order confirming finality of Administrative Complaint and Order. 5/27/04 – Notice of Entry of Final Order (with Final Order) served. 6/16/04 – Respondents' Request for Review by FLWAC filed. (See Appeals).

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
SWFWMD v. Amber Suggs/DOAH Case No. 03-0788	Division of Administrative Hearings/C. Stampelos	J. Pepper/M. Lytle	Request for Administrative Hearing objecting to Administrative Complaint and Order for unpermitted construction activities	2/5/03 – Amber Suggs served. Petition filed on 2/18/03. See DOAH Case No. 03-0787 above.
SWFWMD v. Deborah Suggs/DOAH Case No. 03-1128	Division of Administrative Hearings/C. Stampelos	J. Pepper/M Lytle.	Request for Administrative Hearing objecting to Administrative Complaint and Order for unpermitted construction activities	3/5/03 – Deborah Suggs served. Petition filed on 3/17/03. Notice of Referral to DOAH sent 3/26/03. See DOAH Case No. 03-0787 above.
SWFWMD v. Danny J. Suggs, et al./Case No. 2003-CA-000724	5 th Judicial Circuit, Sumter County/H. Stancil	J. Pepper/R. Fitzpatrick	Complaint enforcing Final Order No. SWF 03-050	Complaint and Plaintiff's Request to Inspect Land filed 7/7/03. 10/20/03 – Defendant Danny J. Suggs' Answer. 10/22/03 – Defendant Joann Suggs-Krueger's Answer served. 10/23/03 – Defendant Joann Suggs-Krueger's Amended Answer served. 10/24/03 – Gary D. Suggs', Joseph M. Krueger's, Harold W. Steed's and Lisa Steed's Answer served. 11/23/03 – Plaintiff's Motion for Temporary Injunction served. 3/2/04 – Order Granting Plaintiff's Motion for Temporary Injunction entered. 4/2/04 – Plaintiff's Motion for Partial Summary Judgment as to Enforceability of the Administrative Complaint and Order served. 4/6/04 – Plaintiff's Notice of Filing (documents in support of its Motion for Summary Judgment) served. 4/14/04 – (Plaintiff's) Notice of Hearing (on Motion for Partial Summary Judgment as to Enforceability of the Administrative Complaint and Order) served. 4/19/04 – (Defendants') Notice of Hearing (on Defendants' Motion for Leave to Add Affirmative Defenses) served. 4/20/04 – Motion for Leave to Add Affirmative Defenses served. 5/4/04 - Response to District's Motion for Partial Summary Judgment served. 5/11/04 – Order denying Defendants' Motion for Stay/Motion to Modify Injunction entered. 5/13/04 – Defendants' Supplemental Response to Plaintiff's Motion for Partial Summary Judgment served. 6/9/04 – Plaintiff's Notice of Appeal of Non-Final Order served. (See Appeals). 6/11/04 – Order Granting Attorney's Fees (for motion to compel inspection of land) entered. 7/12/04 – Order Granting Attorney's Fees (for motion to compel production of documents) entered. 9/30/04 – Received check in payment of attorney's fees. 11/30/04 – Notice of Withdrawal

<p>as Counsel (Oertel, Fernandez, Cole & Bryant, P.A.) served. 12/13/04 – District’s Notice of Substitution of Counsel and Motion for Contempt served. 1/4/05 – Notice of Hearing served. Hearing on Motion for Contempt and Status Conference scheduled for 3/1/05.</p>		
<p>8/27/04 - District issued Administrative Complaint. 12/9/04 - Respondent served with Administrative Complaint. 12/22/04 - Request for Extension of Time served. 1/4/05 - Order Granting Request for Extension of Time entered.</p>	<p>Administrative Complaint regarding unauthorized construction (fill & debris having been pushed into a borrow pit) without an ERP</p>	
<p>Complaint filed 12/8/98. Amended Complaint filed 5/2/03. Answer to Amended Complaint filed 5/19/03. 6/9/04 - Amended Order Setting Trial Before the Court and Order Directing Mediation (Pre-Trial Conf. set for 10/12/04; 2 day trial set to commence during the 2-week trial block beginning 11/1/04) entered. 8/25/04 - Amended Notice of Mediation Conference served (set for 9/30/04). 9/30/04 - Mediation held. 10/7/04 - Plaintiff’s Motion to Amend Complaint served. 10/8/04 - Notice of Continuation of Mediation Conference served. 10/11/04 - Order Granting Motion to Amend Complaint served (deeming Second Amended Complaint filed). 10/14/04 - Mediator’s Notice of Impasse served. 11/1/04 - Plaintiff’s Motion for Leave to File Its Third Amended Complaint (w/Third Amended Complaint) served. 11/3/04 - Order Granting Motion to Amend Complaint entered. 11/12/04 - Notice of Appearance (of Stephen H. Artman for Defendants) served. 12/16/04 - Answer to Plaintiff’s Third Amended Complaint and Affirmative Defenses served.</p>	<p>Complaint for unauthorized construction; wetland impacts.</p>	
<p>Complaint filed 11/5/03. 11/13/03 – Registered Agent served. Answer served 3/11/04. Interrogatories and Request for Production to Defendant filed 3/25/04. 5/10/04 – Motion for Extension of Time to Respond to Discovery served. 6/9/04 - Second Motion for Extension of Time to Respond to Discovery served. Negotiations pending. Site visit occurred 9/20/04.</p>	<p>Complaint and Petition for Enforcement of Consent Order for ERP violations</p>	

MISCELLANEOUS

<u>STYLE/CASE NO.</u>	<u>COURT/JUDGE</u>	<u>ATTORNEY</u>	<u>DESCRIPTION</u>	<u>STATUS (current through 1/5/05)</u>
Bartow Municipal Airport Authority, et al. v. SWFWMD, et al./Civil Case No. 53-2004CA-4484	Circuit Court, Polk County/J. F. Laurent	S. Rushing	Eminent Domain Proceeding with regard to property in Polk County subject to a Final Judgment, which the District had recorded in the County	12/17/04 - Summons to Show Cause served, together with Eminent Domain Order of Taking Hearing Order; Petition in Eminent Domain; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Notice of Adding Parties. 12/21/04 - Defendant SW Southeast Holdings Inc., Answer to Petition in Eminent Domain served. Defendant SW Southeast Holdings Inc., Witness List for Order of Taking Hearing; (SW Southeast's) Request to Produce (to Petitioners) served (all through Rogers Towers, P.A.). 12/28/04 - Answer of Defendant, SW Southeast Holdings, Inc.; Request for Production (to Petitioners); Witness List of Defendant, SW Southeast Holdings, Inc. for Order of Taking Hearing served (all through Michael Sierra, P.A.).
SWFWMD v. Flagship Outdoor, L.L.C./Civil Case No. H-27-CC-2002000508	County Court, Hernando County/P. Hyslop	S. Rushing/W. Bilenky	Complaint filed seeking award of costs incurred for removal of billboard foundations associated with Flagship Outdoor, LLC v. SWFWMD, Case No. H27-CA-2001-2271-JWS	Complaint mailed 6/5/02. Summons issued June 11, 2002. Affidavit of Non-Service issued 6/18/02 and sent to be filed with Court on 7/10/02. 11/25/02 - Motion for Enlargement of Time filed; Notice of Filing Affidavit and Affidavit filed. 12/4/02 - Order Enlarging Time entered. 1/2/03 - Alias Summons issued. 1/9/03 - Alias Summons sent to NJ Sheriff to serve Manager of the corporation. Affidavit of Service indicating Defendant served on 2/6/03. Settlement presented to April 2003 Governing Board. 6/4/03 - Joint Stipulation for Judgment sent for filing. 6/9/03 - Stipulated Final Judgment entered.
Great West Casualty Co., a/s/o Clement McKenzie v. SWFWMD and Michael V. Herr/Case No. 03-CC-28536, Div. I	County Court, Hillsborough County/C. Anderson	S. Pratico/S. Rushing	Complaint for damages involving motor vehicle accident with District vehicle	Complaint and Summons served 1/13/04. 2/9/04 - SWFWMD's Answer & Affirmative Defenses served. 2/9/04 - Defendant Michael Vaughan Herr's Motion to Dismiss served. 2/9/04 - SWFWMD served discovery requests. 5/7/04 - Proposal for Settlement served. 5/11/04 - SWFWMD's Motion to Compel served. 5/31/04 - SWFWMD's Motion to Compel served. 7/21/04 - SWFWMD's & Herr's

Heartland Investments, LLC v. SWFWM, et al./Case No. GC04-580	10th Judicial Circuit, Highlands County/J. Langford	K. West/L. Tetreault	Suit for quiet title to certain real property in Highlands County	Motion to Compel Plaintiff's Response to Interrogatory No. 4 served. 10/15/04 – Summons, Notice of Lis Pendens and Complaint filed. 11/10/04 – Service made on SWFWM. 11/12/04 – District's Motion to Quash Process and Motion to Dismiss for Insufficiency of Process or Lack of Jurisdiction served.
SICO, Inc. v. SWFWM and County of Hillsborough, Florida/Case No. 04-07344	13th Judicial Circuit, Hillsborough County/	M. McNeil/J. Pepper	Complaint for Unlawful Taking, Violation of the FL Constitution, Declaratory judgment and Damages	8/11/04 - Complaint filed. 8/26/04 - SWFWM sent notice to Plaintiff of its intent to file its Motion for Award of Attorney's Fees. 12/20/04 - Notice of Voluntary Dismissal With Prejudice as to Defendant SWFWM served.
State of Florida Department of Transportation v. Florida Power Corp, et al./Case No. 51-2004-CA-2490-WS	6th Judicial Circuit, Pasco County/W. Lowell Bray, Jr.	K. West/G. Schiff	Suit to condemn District land for road widening	9/23/04 - Summons to Show Cause served, together with Lis Pendens, Petition, Declaration of Taking and Motion for Order Limiting Service of Papers. 10/15/04 - (Pasco County's) Answer and Affirmative Defenses served.
Suggs, Deborah v. SWFWM/ Case No. 2004-CA-000404	5th Judicial Circuit, Sumter County/H. Stancil	J. Pepper/R. Fitzpatrick	Complaint requesting injunction and declaratory judgment regarding administrative proceeding	Complaint filed 4/15/04. 4/16/04 – Complaint and Summons served. 4/27/04 – Motion for Preliminary Injunction served. 5/4/04 – Defendant's Motion to Dismiss and Motion for Assessment of Attorneys' Fees and Costs served. 5/16/04 – Order Denying Motion for Preliminary Injunction entered. 7/1/04 – Plaintiff's Notice of Voluntary Dismissal of Count II (Injunction) served. Hearing on Defendant's Motion to Dismiss held 8/16/04. 8/23/04 – Order Granting Motion to Dismiss entered. 9/21/04 – Notice of Appeal (of Order Granting Motion to Dismiss) entered. (See Appeals).
S.W. Southeast Holdings, Inc. v. SWFWM/Case No. H-27-CA-2002-2027-RT	5th Judicial Circuit, Hernando County/R. Tombrink	J. Pepper/S. Rushing	Complaint for Declaratory Judgment and Injunction regarding enforcement activities by the District	Complaint filed 7/23/02. 8/2/02 – Summons served. 8/22/02 – Defendant's Motion to Dismiss, Motion to Strike and Motion for Assessment of Attorneys' Fees and Costs served. 11/6/02 – Order Granting Defendant's Motion to Dismiss Plaintiff's Complaint entered. 10/15/03 - Defendant's Motion to Dismiss with Prejudice and Renewed Motion for Assessment of Attorneys' Fees and Costs and Notice of Hearing filed. Hearing held 1/7/04. Motion to dismiss granted. 2/10/04 - Order Dismissing Plaintiff's Complaint with Prejudice entered. Hearing held; Attorney's fees granted. 04/18/04 - Final Judgment Awarding Attorneys' Fees and

Costs entered. 11/1/04 - Demand for payment letter sent to new attorney. 11/12/04 - Received check from SW Southeast Holdings, via their attorney in the amount of \$3,960.70.

SWFWMD v. Weeki
Wachee Springs, LLC,
et al./Case No. H-27-
CA-2004-366-RT

5th Judicial Circuit,
Hernando County/R.
Tombrink

F. Miller/B.
Bilenky

Complaint for Declaratory
Judgment regarding lease

Complaint filed and Summons served 3/31/04.
3/31/04 – Plaintiff's Request for Admissions to Defendant (Weeki Wachee Springs, LLC),
Plaintiff's Request to Produce to Defendant, Weeki Wachee Springs, LLC, Notice of Service of Interrogatories to Defendant (Weeki Wachee Springs, LLC) served. Notice of Service of Interrogatories to Defendant (City of Weeki Wachee) served. 4/2/04 – (SWFWMD's) First Amended Complaint for Declaratory Judgment and Plaintiff's Motion to Consolidate served. 4/8/04 – Motion to Dismiss Complaint, With Prejudice, for Want of Subject Matter Jurisdiction, or for Reassignment Pursuant to Administrative Order, and Memorandum of Law in Support Thereof, Defendants' Objection to Plaintiff's Motion to Consolidate and Objection to, and Motion for Order Protecting Defendants from Premature Discovery served. 4/12/04 – Notice of Filing Affidavit of Service on Weeki Wachee, LLC and Notice of Filing Affidavit of Service on City of Weeki Wachee served. 5/17/04 – Notice of Appearance (J. Ellis) and Notice of Hearing served. Hearing on Motion to Dismiss and Motion to Consolidate held 6/17/04.
6/14/04 – Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss served. 6/18/04 – (Defendants') Memorandum Supplemental to Defendants' Motion to Dismiss served. 7/18/04 – Order Denying Motion to Dismiss Complaint with Prejudice, for Want of Subject Matter Jurisdiction, or For Reassignment entered. 8/10/04 – Motion for Default served. 8/12/04 – Motion to Strike Motion for Default and Enlarge Time for Response to Complaint served. 8/17/04 – Notice of Filing of Petition for Writ of Prohibition, or, in the Alternative, Notice of Appeal of Non-Final Order served. (SEE APPEALS) 8/20/04 – Motion to Compel Deposition served. 8/26/04 – Notice of Hearing (on various District Motions; hearing scheduled for 11/29/04), Second Amended Notice of Taking Deposition Duces Tecum and Plaintiff's Motion to Compel Discovery and Motion to Have

Request for Admissions Deemed Admitted served. 8/30/04 – Verified Motion for Emergency Temporary Injunction served. 8/31/04 – Notice of Hearing (set for 9/1/04) served. 9/1/04 – Verified Amendment to Verified Motion for Emergency Temporary Injunction, Notice of Filing (Verified Motion for Temporary Mandatory and Prohibitory Injunctions) and Motion to Stay Proceeding served. 9/2/04 – Notice of Filing of Water Park Amusement Ride Inspection Report served. 9/7/04 – Defendants' Motion for Assessment of Attorneys' Fees Against Plaintiff, Pursuant to Section 57.105, F.S. served. 9/8/04 – Notice of Hearing served. Hearing regarding various motions scheduled for 11/29/04. 9/20/04 – Order Granting Defendants' Motion to Strike, Without Prejudice, and Ordering Mediation and Conflict Resolution Procedures, Under Section 164.1041(1), F.S. entered. 11/4/04 - Notice of Scheduled Mediation served. Mediation held 11/18/04. Mediation to be continued. 11/23/04 – Amended Notice of Hearing served. **1/5/05 - Notice of Mediation served. Continued mediation scheduled for 2/3/05.**

Complaint filed and Summons served 3/30/04. 3/31/04 – Notice of Filing (Affidavit of Service) served. 4/2/04 – Defendant's Motion to Transfer, and Answer and Affirmative Defenses to Complaint for Declaratory Judgment and Counterclaim served. 4/8/04 – Objection to Discovery Request and Motion for Protective Order, Plaintiffs' Motion to Dismiss or Strike Counterclaim, and Plaintiffs' Response to the Defendant's Affirmative Defenses served. 4/9/04 – Plaintiffs' Objection to Defendant's Motion for Transfer served. 4/12/04 – Response to Request for Production of Documents served. 4/26/04 – Notice of Filing and Notice of Hearing served. Hearing held 5/10/04. Defendant's Memorandum of Law in Response to Plaintiffs' Objection to Motion to Transfer and Defendant's Memorandum of Law in Opposition to Plaintiffs' Motion to Dismiss or Strike Counterclaim served. 5/17/04 – Notice of Appearance (J. Ellis) served. 7/28/04 – Defendant/Counter Plaintiff's Notice of Supplemental Authority served. 8/17/04 – Notice of Additional Authority served. 9/7/04 – Plaintiffs' Motion for Assessment of Attorneys' Fees Against

Weeki Wachee Springs, LLC, et al. v. SWFWMD/Case No. H-0027-CC-2004-000252

Hernando County Court/P. Hyslop

F. Miller/B. Bilenky

Complaint for Declaratory Judgment regarding lease

Defendant, Pursuant to Section 57.105, F.S.; and Answer and Affirmative Defenses to Complaint for Declaratory Judgment and Amended Counterclaim served. 10/4/04 – Response to Affirmative Defenses, and Motion to Dismiss Amended Counterclaim for Failure to State a Cause-of-Action served. **12/17/04 – Plaintiffs/Counter-Defendants' Motion for Summary Final Judgment and Affidavit of Robyn A. Anderson served. 12/22/04 – Defendant's Motion to Transfer served and Order Denying Defendant's Motion to Transfer and Granting Leave to Amend entered.**

8/27/04 – Verified Complaint for Declaratory Judgment for: (a) Temporary and Permanent Mandatory and Prohibitory Injunctions; and (b) Declaratory Judgment; Each Regarding (c) the Rights and Duties of a Landlord and Tenant, Each to the Other, Pursuant to the Lease Between Them, Verified Motion for Temporary Mandatory and Prohibitory Injunctions, Summons, and Notice of Hearing (scheduled for 8/27/04) served. 8/30/04 – First Amendment to Verified Complaint for Declaratory Judgment for a) Temporary and Permanent Mandatory and Prohibitory Injunctions; and b) Declaratory Judgment; Each Regarding c) the Rights and Duties of a Landlord and Tenant, Each to the Other, Pursuant to the Lease Between Them served. 9/27/04 – Notice of Filing (Affidavit of Service) served.

3/26/04 - Notice of Appeal filed. 7/02/04 – Appellant's Initial Brief and Appendix filed. 7/15/04 - Appellee's Motion to Strike Appellant's Brief filed. 7/15/04 – Appellant's Motion for Extension of Time for Submitting Affidavits in Support of Initial Brief filed. 7/20/04- Appellee's Objection to Appellant's Motion to Extension of Time filed. 8/5/04 – Order issued denying Appellant's Motion for Extension of Time for Submitting Affidavits, granting Appellee-District's Motion to Strike Brief and according Appellant 15 days to serve amended brief. 8/7/04 – Appellant's Motion to Request Oral Argument filed. 9/24/04 – Amended Initial Brief filed. 10/18/04 –

Verified Complaint for Declaratory Judgments regarding landlord/tenant rights and duties

F. Miller/B. Bilenky

Hernando County Court/P. Hyslop

Weeki Wachee Springs, LLC v SWFWMD/Case No. H27-CC-2004-739

APPEALS

Appeal of Final Order issued in DOAH Case No. 03-1129

M. Moore

2d District Court of Appeal

Behrens, Alan R. v. SWFWMD/ Case No. 2D04-1250

Appellee's Answer Brief and Appendix served. 11/10/04 – Appellant's Motion for Extension of Time in which to File Reply Brief and for Additional 5 Pages served. 11/22/04 – Appellant's Notice That No Reply Brief Will Be Filed served. **12/17/04 – Oral Argument assigned for 2/22/05.**

6/16/04 – Request for Review of Final Order of SWFWMD served. 6/24/04 – Notice of Filing Transcript served. 6/30/04 – Respondent's Motion to Dismiss Request for Review served. 7/1/04 – (DEP's) Recommendation of Dismissal for Lack of Jurisdiction and (DEP's) Motion to Consolidate and for Extension of Time served. 7/13/04 – Petitioners' Response to Motion to Dismiss, and Recommendation of Dismissal for Lack of Jurisdiction, and Petitioners' Motion to Amend served. 7/20/04 – Respondent's Reply to Petitioners' Response to Motion to Dismiss Request for Review served. 8/30/04 – Final Order of Dismissal filed. 9/22/04 – Notice of Appeal served. (See Case No. 1D04-4230 below)

Request for Review of Final Order No. SWF 04-040 entered in DOAH Case Nos. 03-0787, 03-0788 and 03-1128

J. Pepper

Fla. Land and Water Adjudicatory Commission

Suggs, Amanda, et al. v. SWFWMD/Case No. WMD-04-008

9/22/04 – Notice of Appeal served. 9/23/04 – Acknowledgment of receipt of Notice of Appeal. 10/1/04 – Docketing Statement and Notice of Appearance of Counsel served. 10/7/04 – Index to Record on Appeal served. 10/20/04 – Amended Index to Record on Appeal served. 11/24/04 – Appellants' Unopposed Motion for Enlargement of Time to File Initial Brief served.

Appeal of Final Order of Dismissal of the Florida Land and Water Adjudicatory Commission

J. Pepper

1st District Court of Appeal

Suggs, Amanda, et al. v. SWFWMD and FLWAC/Case No. 1D04-4230

9/21/04 – Notice of Appeal served. 9/28/04 – Acknowledgment of New Case entered. 10/11/04 – Appellee's Motion to Dismiss Appeal served. 11/5/04 – Index to Record on Appeal served. 11/17/04 – Order granting motion to dismiss entered.

Appeal of Order Granting Motion to Dismiss in Case No. 2004-CA-000404

J. Pepper/R. Fitzpatrick

5th District Court of Appeal

Suggs, Deborah v. SWFWMD/Case No. 5D04-3220

8/17/04 – Notice of Filing of Petition for Writ of Prohibition, or in The Alternative, Notice of Appeal of Non-Final Order served. 8/18/04 – Acknowledgment of New Case entered. 8/23/04 – Motion to Strike Petition for Writ of Prohibition, or in The Alternative, Notice of Appeal of Non-Final Order/Motion for Sanctions Including Imposition of Attorneys' Fees and Costs and Sanctions Against Petitioners or Their Counsel served. 8/26/04 –

Appeal of Non-Final Order in Case No. H-27-CA-2004-366-RT

B. Bilenky/ F. Miller

5th District Court of Appeal

Weeki Wachee Springs, LLC, et al. v. SWFWMD/5D04-2808

Amended Petition for Writ of Prohibition, or in The Alternative, Notice of Appeal of Non-Final Order served. 8/27/04 – Response to Motion to Strike Petition for Writ of Prohibition, Conditional Motion to Amend Petition for Writ of Prohibition, and Motion for Attorneys' Fees. 8/27/04 - District's Motion to Dismiss – Plaintiffs' (Appellants' (sic)) Amended Petition for Writ of Prohibition, or in the alternative, Notice of Appeal of Non-Final Order served. 9/7/04 – Plaintiffs'/Appellants' Motion for Assessment of Attorneys' Fees Against Defendant/Appellee, Pursuant to Section 57.105, F.S. served. 9/10/04 – Request for Oral Argument served. 9/23/04 – (District's) Motion to Dismiss – Appellants' Notice of Appeal of Non-Final Order served. 9/29/04 – Notices of Filing (Defendants' Motion for Assessment of Attorneys' Fees Against Plaintiff, Pursuant to Section 57.105, F.S.; Plaintiffs' Motion for Assessment of Attorneys' Fees Against Defendant, Pursuant to Section 57.105, F.S.; and Plaintiffs/Appellants' Motion for Assessment of Attorneys' Fees Against Defendant/Appellee, Pursuant to Section 57.105, F.S.) served. 10/1/04 – Appellants' Response in Opposition to Appellee's Motion to Dismiss Appellants' Notice of Appeal of Non-Final Order, and Notice of Appearance of Counsel served. **12/10/04 – Per Curiam opinion denying Petitioners writ of prohibition filed. Order stating Motions to Dismiss are moot and denying Motion for Assessment of Attorneys' Fees filed. 12/16/04 – Motion for Rehearing and/or Clarification and/or Certification served.**

**Governing Board Meeting
January 25-26, 2005**

Administration and Regulation Business Agenda

Committee Reports

- 76. Regulation Committee (*Tab A*)
- 77. Resource Management and Development Committee (*Tab B*)
- 78. Finance and Administration Committee (*Tab C*)
- 79. Outreach and Planning Committee (*Tab D*)

Consent Items

- 80. Board Travel 2
- 81. December 14, 2004 Governing Board Meeting Minutes 2
- 82. Approval of Resolution 05-01, Commending Ronnie E. Duncan
for His Service as a Member and Chair of the Southwest Florida
Water Management District Governing Board 2

Consent Items

80. **Board Travel**

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

Within the geographic boundaries of the District, Governing Board members may incur travel expenses to attend Governing and Basin Board meetings or for other purposes beneficial to the District, excluding conferences and conventions. Scheduled travel for Governing Board members outside the District or to attend conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting. Non-scheduled travel outside the District or to attend any conference or convention requires prior approval of the Governing Board Chairman, or in his absence, the Vice Chairman.

As of January 11, 2005, the following travel outside the geographic boundaries of the District is scheduled:

Name	Estimated Cost	Purpose
Watson L. Haynes II Heidi B. McCree Judith C. Whitehead T. G. "Jerry" Rice Thomas G. Dabney Janet D. Kovach Patsy C. Symons	\$580 - \$800 per person; travel costs include mileage, airfare, ground transportation, meals and lodging.	Enhance the District's federal funding efforts; February 7-9, 2005; Washington, DC
Heidi B. McCree	\$300; travel costs include mileage, airfare, ground transportation, meals and lodging.	Florida Greenways and Trails Association Meeting; February 3-4, 2005; Tallahassee

Staff Recommendation:

Approve Governing Board travel as designated above.

Presenter: Lou Kavouras, Director, Boards and Executive Services

81. **December 14, 2004 Governing Board Meeting Minutes**

Staff Recommendation:

See Exhibit 81

Approval of the minutes as presented.

82. **Approval of Resolution 05-01, Commending Ronnie E. Duncan for His Service as a Member and Chair of the Southwest Florida Water Management District Governing Board**

Staff Recommendation:

See Exhibit 82

Approval of Resolution No. 05-01, Commending Ronnie E. Duncan for his service as a Member and as Chair of the Southwest Florida Water Management District Governing Board.

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

December 14, 2004

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on December 14, 2004, at the Brooksville headquarters. The following persons were present:

Board Members Present

Watson L. Haynes II, Chair
Heidi B. McCree, Vice Chair
Judith C. Whitehead, Secretary
Talmadge G. Rice, Treasurer
Thomas G. Dabney, II, Member
Maggie N. Dominguez, Member
Ronnie E. Duncan, Member
Ronald C. Johnson, Member
Janet D. Kovach, Member

Board Members Absent

Edward W. Chance, Member
Patsy C. Symons, Member

Staff Members Present

David L. Moore, Executive Director
Gene A. Heath, Assistant Executive Director
William S. Bilenky, General Counsel
Eugene A. Schiller, Deputy Executive Director
John W. Heuer, Deputy Executive Director
Bruce C. Wirth, Deputy Executive Director
Lou Kavouras, Executive Assistant

Recording Secretary

Annette D. Oakes, Senior Admin. Assistant

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

Items 1 through 36 were presented during Committee meetings, and those matters will be considered during Committee Reports and Recommendations. Therefore, the Board meeting began with Agenda Item 37.

37. **Call to Order**

Chair Haynes called the meeting to order and opened the public hearing. Ms. Whitehead noted a quorum was present. Chair Haynes said no presentations are planned for consent items or routine reports; however, staff is prepared to answer any questions on the individual items.

38. **Pledge of Allegiance and Invocation**

Chair Haynes led the Pledge of Allegiance to the Flag of the United States of America. Mr. Heath offered the invocation.

39. **Minutes of the Meetings of November 16, 2004**

Following consideration, **Ms. Kovach moved, seconded by Mr. Duncan, to approve the aforementioned minutes as presented. Motion carried unanimously.** (CD 1/Track 1 – 01:09/01:20)

40. **District Awards**

a. **Hillsborough Education Foundation's 13th Annual Business Partnership Award**

Ms. Colleen E. Kruk, Land Use and Protection Manager, Land Resources Department, announced that on November 12, 2004, the District received a special award in

recognition of its funding contributions for the Nature's Classroom Environmental Education facilities at the Hillsborough Education Foundation's 13th Annual Business Partnership Awards Celebration ceremony. The award was presented to the Board. Ms. Kruk said these facilities would be used to provide an outstanding environmental education experience to Hillsborough County students visiting Nature's Classroom. (CD 1/Track 1 – 01:20/05:25)

b. **Florida Government Communicators' Association's Crystal Award**

Ms. Linda McBride, Director, Communications Department, said the District was awarded the third prize in the Single Topic Publication category for the Kings Bay "Mayday" Hang-up Project. She introduced four Kings Bay Association members, Mr. Sam Lyons, Mr. and Mrs. Phil Jannarone, and Ms. Bonnie Taylor. Ms. McBride said these members were instrumental in this project's success. The two-sided, full-color doorknob hanger encouraged adoption of human behaviors that impact local water resources in positive ways. With just \$1,000 of Community Education Grant funds from the Coastal Rivers Basin Board, approximately 5,000 hangers were printed and delivered in the Crystal River/Kings Bay area by 18 Kings Bay Association members. (CD 1/Track 1 – 05:25/09:43)

c. **Marion County 10th Annual Master Gardener Spring Festival 2004 Award**

Ms. Linda McBride, Director, Communications Department, said the District was awarded the third prize in the Special Events category at the Marion County Master Gardener Spring Festival. The Festival was partially funded through a Community Education Grant from the Withlacoochee River Basin Board for \$3,500. The two-day event attracted 9,000 and featured Florida-friendly landscaping seminars and exhibits. Over 1,000 people attended the seven Florida Yards & Neighborhoods (FYN) classes presented throughout weekend. With funding from the Withlacoochee River Basin Board, Ms. Kathleen Patterson coordinates the FYN Program education, primarily in the District side of the county. There were 136 entries in the awards program and 40 winners. (CD 1/Track 1 – 09:44/10:52)

41. **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. Mr. Moore requested Chair Haynes's approval and he confirmed that the additions met with his approval.

General Counsel Agenda

The following item is moved from Enforcement Consent to Enforcement Discussion Items:

64.c.(1) ~~Surface Water - Initiation of Litigation~~ Proposed Consent Order - ERP No. 46015451.001 – Chan C. Choy (Albert's C.C. Bistro) – Hillsborough County

42. **Agenda Review**

Mr. Duncan declared a voting conflict on Item 63 and said he would recuse himself from voting on the item. (CD 1/Track 1 – 10:52/13:00)

Special Discussion Items

43. **Approve Rule Amendments to add Minimum and Guidance Levels for Selected Priority Lakes in Hernando, Hillsborough and Pasco Counties to Chapter 40D-8, Florida Administrative Code**

Mr. Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, noted that staff has used previously peer-reviewed, Governing Board adopted methods to develop proposed minimum and guidance levels for 15 priority lakes in Hernando, Hillsborough and Pasco Counties. Staff has considered comments on the levels received from local governments and the public, including input received at three public workshops. Mr. Leeper reviewed some specific comments on the proposed levels, together with staff responses.

Minimum levels proposed for Lakes Clear, Hancock, Hunters, Lindsey, Middle, Mountain, Neff, Pasadena/Buddy, Pretty, and Spring are currently being met. Data are insufficient for determining minimum levels compliance for Crescent Lake and Weekiwachee Prairie Lake. Data collected during the next ten years will permit compliance determination for these two lakes. Minimum levels proposed for Lakes Horse and Taylor are not currently being met. For those lakes where the High Minimum Lake Level and Minimum Lake Level have not been equaled or exceeded ten and fifty percent of the time, respectively, the recovery strategy outlined in Section 40D-D80.873 will apply.

Staff recommended adoption of the minimum levels proposed for the 15 priority lakes into Table 8-2, Section 40D-8.624, Florida Administrative Code and deletion of currently adopted guidance levels for these lakes from Table 8-3, Section 40D-8.624, Florida Administrative Code. Following consideration, **Ms. Dominguez moved, seconded by Ms. McCree, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 2 – 00:00/08:15)

44. **Peer Review of Minimum Flows Report for Sulphur Springs**

Dr. Martin Kelly, Manager, Ecologic Evaluation Section, said staff had completed a draft report concerning the adoption of minimum flows for Sulphur Springs. The report had been submitted to an independent, scientific review panel for voluntary peer review. The panel was comprised of three scientists who have extensive experience in estuarine science. The panel's mission was to review the validity of the technical approach used by the District to determine the proposed minimum flows. In doing so, the panel members considered how well the conclusions were supported by the data, procedures, and analyses presented.

The Chairman of the panel, Dr. Paul Montagna of the University of Texas, made a presentation to the Board concerning the panel's findings. Dr. Montagna spoke about the other panel members and the methodology used for their peer review. Dr. Montagna said the panel thought the District's report was based on sound scientific methodology. The panel suggested that more continuous dissolved oxygen meters be set-up for monitoring purposes. The District will respond to the panel's findings at the January 2005 meeting. Consideration of the panel's findings will allow for any adjustments that are needed before minimum flows for Sulphur Springs are adopted.

Mr. Moore said the District had sent out another report for peer review entitled, "Florida River Flow Patterns and the Atlantic Multidecadal Oscillation." The long-term rainfall report authored by Dr. Kelly and reviewers deemed the report one of the most significant

contributions to ecologic science in Florida in the past several decades. (CD 1/Track 3 – 00:00/22:36)

Chair Haynes recessed the public hearing for a lunch break.

45. **Southern Water Use Caution Area Revised Recovery Strategy and Associated Rules**

Mr. Richard Owen, Director, Planning Department, said that the revised SWUCA Recovery Strategy and associated draft rules are included as an exhibit to this item. Changes to the Recovery Strategy were shown in a ~~strike-through~~ and underline fashion from the March 2004 Draft version of the document. The main changes involved removing provisions dealing with relocation, specifically relocation with a change in owner or use type, self-relocation will remain in the strategy. All references to lapsed quantities have been removed and additional, previously proposed provisions, dealing with competing applications have also been removed. In place of some of those deleted elements staff has introduced the cumulative impact analysis.

Changes to the existing rules include Chapter 40D-2, Water Use Permitting, and its associated basis of review and Chapter 40D-80, The Recovery and Prevention Strategies for Minimum Flows and Levels. The most pertinent sections in the rules include the cumulative impact analysis and the net benefit provisions.

Mr. Owen reviewed with the Board input received from the SWUCA Work Group meeting of November 8, 2004, the Agricultural Advisory Committee, which met November 9, 2004 and the Environmental Advisory Committee, which met on December 8, 2004, regarding deletion of the relocation (with the exception of the self-relocation provisions), lapsed quantities and competing applications and the addition of the cumulative impact analysis. The result at each of those meetings was that each group requested an opportunity to review the documents.

Mr. Owen said with the Board's concurrence on the revised Strategy and rules, staff will solicit further input from the SWUCA Work Group and advisory committees. Staff will return to the Board at the January meeting with a report on further input received and, if there are no remaining significant items under development, will seek approval of the Recovery Strategy and authorization to publish the rule revisions in the Florida Administrative Weekly at the February meeting.

Chair Haynes relinquished the gavel to Vice Chair McCree.

Mr. Wirth briefly reported on current issues in the Upper Peace Basin. Polk County has made application to expand the landfill. District staff is working closely with Polk County and they are confident both agencies' projects can go forward. With regard to the Peace Creek drainage canal, Mr. Wirth said a status report would be forthcoming in January, he went on to say that the District has been working with the Natural Resources Conservation Service to purchase conservation easements to help correct some local flooding issues. (CD 1/Track 4 – 00:00/15:00)

46. **Emergency Operations Improvement Programs**

Mr. Gary W. Kuhl, Director, Operations Department, reported the hurricane related expenditures to have been \$1.36 million for this past season. The Board authorized \$2.6 million for recovery efforts. Two NRCS projects were taken before the Finance Committee at this month's Board meeting, Flint Creek and the Peace River, both are

clean-up projects, which would temporarily exceed the approved \$2.6 million threshold. The District would be reimbursed for the \$1.1 million out-of-pocket expenditures.

Mr. Kuhl reviewed and suggested improvements for District facilities, water control structures, equipment, communications, data collection/analysis, internal procedures and coordination with local governments and other agencies so that the District can continue to improve its response to major storm events. District staff coordinated with the State Emergency Operations Center throughout the hurricane events via telephone conference calls, computer tracking systems and participation on-site in Tallahassee. Staff also participated with county and city staff to cleanup impacted areas. Up to 100 members of the District's staff assisted with cleanup activities in Polk, Hardee, Charlotte and DeSoto Counties in August and early September.

Mr. Moore held meetings with key District staff before and following each hurricane event to review operations and procedures. The overall assessment is that the District's functions and activities before, during and after the hurricane events were well planned and managed. Most emergency-related District procedures were already in-place and staff had been trained to handle critical circumstances. The series of four back-to-back hurricane events over a six-week period did, however, necessitate the need for an in-depth review of the District's emergency procedures and relevant equipment and facilities.

As a result of these meetings, staff developed a comprehensive list of recommended improvements. The identified improvements were separated into two general categories: projects, facilities and equipment, and procedural or protocol items. (CD 1/Track 5-00:00/44:33)

Regulatory Agenda

Hydrologic Conditions Report

47. **Hydrologic Conditions Report**

Report was provided in the packet and staff was available to answer any questions.

Regulation Consent Items

Surface Water Permits

48. Interagency Agreement between SWFWMD and SFWMD for Designation of Regulatory Responsibility for a Portion of Kinney Harmon Road Project – Polk County
49. ERP No. 43027105.000 - Villages at Avalon – Hernando County
50. ERP No. 43003034.010 - Riverside Club Wildcat Creek Crossing – Hillsborough County
51. ERP No. 43026632.000 - University Groves Master Infrastructure – Manatee County
52. ERP No. 43022710.002 - Channel 5 Drainage Improvements from Park Boulevard to 66th Street North – Pinellas County
53. ERP No. 43002802.004 - Tree and Wildlife Preserve – Polk County
54. ERP No. 43021171.014 - Willow Chase – Sarasota County
55. ERP No. 43025681.001 - Venetian Falls – Phases 2 & 3 – Sarasota County
56. ERP No. 43026682.000 - Sarasota County - Bahia Vista Street Widening – Sarasota County
57. ERP No. 43027133.000 - Preserve at Oak Hill – Sumter County

Water Use Permits

- 58. Interagency Agreement between SWFWMD and SFWMD for Designating Regulatory Responsibility for McNew Ranch – Charlotte County
- 59. WUP No. 20002062.006 - W S ~ - City of Tampa Water Department – Hillsborough County
- 60. WUP No. 20012572.000 - W F D- - IMC Phosphates Company (Owens Road Farm) – Hillsborough County
- 61. WUP No. 20004345.008 - W F I N+ - Gerald M. Mixon, Sr. (Mixon Family Farm) – Polk County
- 62. WUP No. 20004559.007 - W F I N- - Ben Hill Griffin Inc. (Section 33-35) – Polk County

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

Following consideration, **Ms. Kovach moved, seconded by Ms. Whitehead, to approve Regulation Consent Items 48 through 62, as presented. Motion carried unanimously.** (CD 1/Track 6 – 00:00/00:13)

Regulation Discussion Items

Surface Water Permits

- 63. **Power Plant Site Certification - Progress Energy Florida - SWFWMD Agency Report on Supplemental Site Certification Application for Hines Energy Complex Power Block No. 4 – Polk County**

Staff recommended approval of the proposed Agency Report containing conditions of certification for Progress Energy Florida’s Hines Energy Complex Power Block 4.

Following consideration, **Ms. Dominguez moved, seconded by Ms. Kovach, to approve Item 63. Mr. Duncan declared a voting conflict and abstained from voting. The motion carried.** (CD 1/Track 6 – 00:13/00:43)

General Counsel Agenda

Rulemaking – None

Proceedings – None

Enforcement Items

Consent Items

- 64. **Surface Water**
 - a. **Consent Orders**
 - (1) **MSW No. 48009465.000 - Carmelita B. Lim and Abraham N. Lim (2315 U.S. 27 North (F/K/A Walker MRI)) – Highlands County** – Staff recommended to approve the Consent Order and authorize the litigation against Carmelita B. Lim and

Abraham N. Lim as necessary to obtain compliance with the terms of the Consent Order.

- (2) **SICO, Inc. (Avila Golf and Country Club) & Avila Property Owners' Association, Inc. – Hillsborough County** – Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that SICO, Inc. or Avila Property Owners' Association, Inc., fail to comply with the Consent Order.
 - (3) **ERP No. 44016965.001 - J.E. Futch Custom Homes, Inc. (Ashley Oaks Subdivision) - Highlands County** – Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that J.E. Futch Custom Homes, Inc. fails to comply with the terms of the Consent Order.
- b. **Settlement Agreements** - None
- c. **Initiation of Litigation**
- (1) **ERP No. 46015451.001 – Chan C. Choy (Albert's C.C. Bistro) – Hillsborough County** – Moved to Discussion
 - (2) **MSW No. 4007126.001 – DAB Foundation, Inc. (Food Lion Grocery Store) – Highlands County** – Staff recommended to authorize the initiation of litigation against DAB Foundation, Inc. and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.
 - (3) **ERP No. 46020771.000 – Harbsmeier, Dezayas & Appel Investments, LLC (Rick Strawbridge SP00-005) – Polk County** – Staff recommended to authorize the initiation of litigation against Harbsmeier, Dezayas & Appel Investments, LLC and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement and court costs and attorney's fees.

65. **Water Use**

- a. **Consent Orders - WUP Nos. 2006509.003 and 2006509.004 – Polk County Board of County Commissioners (Consent Order No. SWF 03-096 Modification – Northeast Regional Utility Service Area) – Polk County** – Staff recommended to approve the proposed Consent Order Modification and authorize the initiation of litigation in the event that the Polk County Board of County Commissioners fails to comply with the terms of the Consent Order as modified.
- b. **Settlement Agreements** - None
- c. **Initiation of Litigation** – None

66. **Well Construction**

- a. **Consent Orders** - None
- b. **Settlement Agreements** - None
- c. **Initiation of Litigation** - None

Following consideration, **Mr. Haynes moved, seconded by Ms. Dominguez, to approve Enforcement Consent Items, as presented. Motion carried unanimously.** (CD 1/Track 6 – 00:43/02:12)

Discussion Items

64.c. **Initiation of Litigation**

- (1) **ERP No. 46015451.001 – Chan C. Choy (Albert's C.C. Bistro) – Hillsborough County – Moved to Discussion**

Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Chan C. Choy fails to comply with the

Consent Order. Following consideration, **Mr. Johnson moved, seconded by Ms. Kovach, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 6 – 02:12/02:53)

Briefings and Reports

67. **Rulemaking Update**

Report was provided in the packet and staff was available to answer any questions.

68. **Litigation Report**

Report was provided in the packet and staff was available to answer any questions.

69. **Other Briefing Items**

Mr. Bilenky provided an update regarding the ongoing litigation with the City of Weeki Wachee and Weeki Wachee LLC. Chair Haynes commended Mr. Bilenky and his staff for their efforts on the Weeki Wachee case, as well as another case, where the District was involved with an auto accident claimant who was trying to get the District's sovereign immunity waived. He noted that the District was successful in proving this claim fraudulent and the claim was withdrawn. Mr. Dabney requested an update be added to the discussion in January concerning health and safety issues at the Weeki Wachee attraction. (CD 1/Track 6 – 02:53/09:46)

Vice Chair McCree returned the gavel to Chair Haynes.

Administration and Regular Business Agenda

Committee Reports

70. **Regulation Committee**

Discussion Items

1. **Process to Refer Professional Engineers to Florida Board of Professional Engineers**

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

2. **Low Impact Development Criteria**

The Committee recommended that staff continue exploring development of Low Impact Development Criteria.

Following consideration, **the Governing Board unanimously approved the Committee's recommendation.**

3. **Conservation Easement Guidelines Update**

This item was presented for Committee member information only. No action was required.

4. **Marion County Well Permitting Delegation**

This item was presented for Committee member information only. No action was required.

5. **Initiation of Expedited Rulemaking**

a. **Amend Rule 40D-4.091, Florida Administrative code (F.A.C.), and ERP Basis of Review Regarding Financial Assurances**

A permit applicant proposing mitigation for wetland impacts is required by Rule 40D-4.301(1)(j), F.A.C., to provide the District with assurances that the applicant is financially able to conduct the mitigation activities, including monitoring and any necessary corrective action. The ERP Basis of Review presently lists eight acceptable forms of financial assurances that an applicant may provide. Four of the listed forms are unduly complex, or are rarely (if ever) used by applicants. The proposed amendments to the ERP Basis of Review delete references to the impractical or unused forms of financial assurance.

The amendment to Rule 40D-4.091, F.A.C., incorporates the new date of the ERP Basis of Review including the modifications discussed above. Staff recommends authorization of expedited rulemaking to amend Rule 40D-4.091, F.A.C., and ERP Basis of Review regarding requirements for financial assurances.

b. **Amend Rules 40D-4.351, F.A.C., to Clarify that Formal Determinations of Wetlands and Other Surface Waters May be Transferred**

The proposed rule amendment clarifies that a Formal Determination of Wetlands and Other Surface Waters issued pursuant to Rule 40D-4.042, F.A.C., may be transferred to a successor in interest to the party who originally petitioned for the determination. The amendment indicates that the transfer shall be subject to the conditions of the original determination. Staff recommends authorization of expedited rulemaking to amend Rule 40D-4.351, F.A.C., to clarify that the Formal Determinations of Wetlands and Other Surface Waters may be transferred.

c. **Amend Rule 40D-40.381, F.A.C., to Include a Limiting General Condition in all General Permits for Minor Surface Water Management Systems**

The Committee recommends authorization of expedited rulemaking to amend Rule 40D-40.381, F.A.C., to include a limiting general condition in all General Environmental Resource Permits for Minor Surface Water Management Systems.

Following consideration, **the Governing Board unanimously approved the Committee's recommendation to amend the aforementioned rules.**

Routine Reports

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

7. **Tampa Bay Water Well Mitigation Report**

8. **Overpumpage Activities**

9. **Demand Management Activities**

These items were provided in the current Governing Board Packet. No action was required.

10. **January Committee Meeting Agenda**

- Approval of the Minutes of the Committee Meeting of December 14, 2004
- Initiation of Rulemaking to Amend 40D-3.505, F.A.C., to Specifically Restrict the Construction of Water Wells in Areas of Known Groundwater Contamination (Taylor Road Landfill)
- Update - Well Drillers Advisory Committee Meeting (January 21, 2005)
- Development of February Committee Meeting Agenda

71. **Resource Management and Development Committee**

Consent Items

11. **Florida Forever Work Plan – 2005 Update**

The Committee recommended approval of the 2005 annual update to the Florida Forever Work Plan. Following consideration, **the Governing Board unanimously approved the Committee's recommendation.**

12. **Green Swamp Wilderness Preserve – Assignment of Cattle Grazing Lease – SWF Parcel No. 10-200-129**

The Committee recommended approving the assignment of the cattle-grazing lease for SWF Parcel No. 10-200-129 to Betty Roberts. Following consideration, **the Governing Board unanimously approved the Committee's recommendation.**

Discussion Items

13. **Effect of Karst Development on Peace River Flow**

14. **Circle B Bar Reserve – Florida Department of Transportation Wetland Mitigation**

15. **Opportunities for Resource Development and Mined Phosphate Lands**

These items were presented for the Committee's information only, and no action was required.

Routine Reports

16. **Lower Peace River/Deep Creek Preserve – Status Report and Management Plan Review**

17. **Florida Forever Status Report**

18. **Land Resources Department Significant Activities**

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

20. **Structure Operations Status Report**

These items were presented for the Committee's information only, and no action was required.

21. **January Committee Meeting Agenda**

- Approval of December 14, 2004 Committee Minutes
- ASR Arsenic Issues
- Basin Board Land Resource Committee Land Conference
- Atlantic Multi Decadinal Oscillation Study
- Development of the February Committee Meeting Agenda

Ms. Kovach made note that copies of a letter from DEP regarding MFLs were being provided to all Governing Board members.

72. **Finance and Administration Committee**

Consent Items

22. **Consent Transfer Report**

The Committee recommended the approval of the Consent Transfer Report.

23. **Brooksville Janitorial Services Contract**

The Committee recommended to authorize the Executive Director to enter into a one-year contract with two one-year renewal options with RESPECT of Florida for an amount

not to exceed \$210,000 the first year, and escalation costs the second and third years based upon the Consumer Price Index, subject to an annual budget appropriation.

24. **One-Foot Orthophoto**

The Committee recommended the Governing Board approve the expansion of the original project area to include the entire District; and authorize the Executive Director to issue purchase orders for the expanded project areas with the District's funding not to exceed \$1,164,500.

Following consideration, **the Governing Board unanimously approved the Committee's recommendation for Consent Items 22 through 24.**

Discussion Items

25. **Hurricanes Debris Cleanup: Amend Contract with NRCS and Transfer General Fund Contingency Reserves**

The Committee recommended to (1) authorize the transfer of \$448,230 from General Fund contingency reserves for the Flint Creek and Peace River projects, to be reimbursed at 75 percent under the contract with the NRCS; and (2) authorize the Executive Director to execute an amendment to the NRCS contract to add funding for the Flint Creek and Peace River projects; thereby, increasing the contract amount by \$1,112,660 for a revised estimated cost not to exceed \$1,585,000.

Following consideration, **the Governing Board unanimously approved the Committee's recommendation.**

26. **Fiscal Year 2006 (FY2006) Budget Development Process**

The Committee recommended that the Governing Board accept the planned budget development process. Following consideration, **the Governing Board unanimously approved the Committee's recommendation.**

Routine Reports

27. **November 2004 Interim Report on Workforce and Vendor Diversity**

28. **Tampa Service Office Construction Project Update**

29. **Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserve Report**

These items were presented for the Committee's information only, and no action was required.

30. **January Committee Meeting Agenda**

- Approval of the Minutes of the Committee Meeting of December 14, 2004
- Consent Transfer Report
- Comprehensive Watershed Management Overview
- Records Management Alchemy Retrieval Software
- Routine Reports
 - Tampa Service Office Construction Project Update
 - Treasurer's Report, Payment Register for Accounts Payable, and Contingency Reserves Report
- Development of the February Committee Meeting Agenda

72. **Outreach and Planning Committee**

31. **Board Policy 110-3E, Outreach and Planning Committee**

Ms. Lou Kavouras, Executive Assistant, explained the recent reorganization and development of a new Division, which will combine strategic planning, communication

and education, legislative affairs activities and the associated outreach functions of the District, and how this Committee was formed to oversee these activities. Ms. Kavouras reviewed the draft board policy detailing the responsibilities and the objectives of the newly formed Committee. She also mentioned the other Governing Board Policies that this Committee will periodically review on an annual basis. Ms. Kavouras said staff recommendation is for the approval of Board Policy 110-3E, Outreach and Planning Committee.

Following discussion, **the Governing Board unanimously approved the Committee's recommendation to formally accept Board Policy 110-3E, creating the Outreach and Planning Committee.**

32. **Public Outreach Materials**
33. **Fiscal Year 2006 Cooperative Funding Initiative**
34. **2005 Update to the District Water Management Plan**
35. **Legislative Status Report**

These items were for information only; and no action was required. (CD 1/Track 6 – 09:46/15:24)

36. **January Committee Meeting Agenda**
 - Legislative Status Report
 - District Water Management Plan Update
 - Preliminary Results of the Water Rate Study
 - Water 101 Video
 - Water Supply Planning Coordination
 - Development of the February Committee Meeting Agenda

Consent Items

74. **Board Travel**
No action required.
75. **Presented to the Peace River Basin Board - Peace Creek Watershed - Maintenance Assessment**
Staff recommended approval of an agreement with PBS&J for an amount not to exceed \$50,000 for the Peace Creek Canal Maintenance Assessment, and authorize the Executive Director to execute the agreement.
76. **Presented to the Pinellas-Anclote River Basin Board – Duck Slough Watershed Evaluation and Management Plan**
Staff recommended approval of the agreement with Pasco County, effective as of October 26, 2004 for \$499,076, with the Basin's share not to exceed \$249,538; and authorize the Executive Director to execute the agreement.
77. **Presented to the Withlacoochee River Basin Board – City of Webster Watershed Management Plan**
Staff recommended approval of the agreement with the City for \$145,000, with the Withlacoochee River Basin Board's share not to exceed \$72,500, authorize the Executive Director to execute the agreement, and approve the consulting services agreement with JEA for \$145,000, and authorize the Executive Director to execute the agreement.

Following consideration, **Ms. Dominguez moved, seconded by Ms. Kovach, to approve Consent Items 74 through 77. Motion carried unanimously.** (CD 1/Track 6 – 15:24/15:36)

Chairman's Agenda

78. Chairman's Agenda

a. Advisory Committee Liaison Report(s)

Ms. Kovach reported that the Basin Board Land Resources Committee met during the Public Land Acquisition and Management Conference that took place in November. Ms. McCree and Mr. Moore attended the conference along with other District staff. Ms. Kovach said the conference was very informative; in particular, a video was available regarding the harvesting of cypress trees.

Ms. McCree reported that the Environmental Advisory Committee did meet this past Wednesday; however, she was unable to attend. Ms. McCree said the minutes of that meeting will be available shortly for those interested parties.

b. Approval of 2004 Performance Evaluations of the Executive Director, General Counsel and Inspector General

Chair Haynes expressed his appreciation to the Board for their input on these performance evaluations. Ms. Kuligofski was available to answer any questions. Board members thanked Ms. Kuligofski for handling the administrative process once again this year. Mr. Dabney and his fellow Board members thanked Messrs. Moore, Bilenky, and Fritsch for their strong leadership of this organization throughout the year.

Following consideration, **Mr. Dabney moved, seconded by Ms. Kovach, to approve the performance evaluations and proposed goals and objectives for the year 2005 for the Executive Director, General Counsel and Inspector General; and authorized the Governing Board Chairman to sign the final, approved 2004 performance appraisals and deliver them to the employees on behalf of the Governing Board. Motion carried unanimously.** (CD 1/Track 6 – 15:36/20:10)

c. Other Items

Chair Haynes announced that Mr. Duncan will be back to attend the January 2005 Governing Board meeting to receive recognition for his outstanding service to this organization.

On behalf of the entire Governing Board, Chair Haynes expressed his appreciation to all of the District's dedicated employees for their hard work and wished them the best this holiday season. (CD 1/Track 6 – 15:56/20:36)

Mr. Rice said that, on December 7, 2004, he had the opportunity to meet with Pasco County Commissioners and a group of five District employees and, as a result of the coordination between the two organizations, Pasco County has developed a Flood Plan. He said he is very proud of the role the District played in this plan development. Mr. Moore said this was an example of the third or fourth plan of this type developed through the coordinated planning.

Mr. Moore provided a report on the dedication of Shell Prairie Creek. He said the event, which took place in Punta Gorda, was well planned and attended. He commended staff, in particular Messrs. Heath, Guida, DeHaven, Brown, Minnis, and Mesdames Kavouras and Starks, for seeing this partnership to fruition.

Ms. Kovach announced that a new entity, CDM, has been selected to close the gypsum stack at Piney Point. She will provide a copy of a letter for Board members regarding improved protection planned for mining sites.

Chair Haynes recessed the public hearing at 3:00 p.m.

Public Input

No persons came forward to speak.

There being no further business to come before the Board, **Ms. Kovach moved, seconded by Mr. Rice, to adjourn the meeting. Motion carried unanimously.** (CD 1/Track 6 – 20:36/26:47)

The meeting was adjourned at 3:01 p.m.

The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation, as provided for in the Americans with Disabilities Act, should contact the Executive Department, telephone 1-800-423-1476 (Florida only), extension 4604; TDD ONLY 1-800-231-6108 (Florida only); FAX 352-754-6874.

RESOLUTION NO. 05-01

COMMENDING
RONNIE E. DUNCAN
FOR HIS SERVICE AS A MEMBER AND AS CHAIR OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
GOVERNING BOARD

WHEREAS, **RONNIE E. DUNCAN** was appointed by Governor Jeb Bush to the Southwest Florida Water Management District Governing Board in March 1999 and served until January 2005; and

WHEREAS, **RONNIE E. DUNCAN** during his term served as Governing Board Treasurer from April 1999 through May 2000 and then as Governing Board Vice Chair from May 2000 to May 2001; and

WHEREAS, **RONNIE E. DUNCAN** was elected Chair of the Governing Board in April 2001 and served in that capacity through April 2003; and

WHEREAS, **RONNIE E. DUNCAN** served as Finance and Administration Committee Vice Chair from May 1999 through August 2000 and then became the Committee Chair in September 2000 through May 2001; and

WHEREAS, **RONNIE E. DUNCAN** during his term also served as a member of the Governing Board Planning Committee, Finance and Administration Committee, and Governing/Basin Board Coordination Committee; and also served as Chair of the Basin Board Education Committee; and

WHEREAS, **RONNIE E. DUNCAN** also served as Co-Chair Ex Officio of the Pinellas-Anclote River Basin Board from May 1999 to January 2005; and

WHEREAS, **RONNIE E. DUNCAN** spearheaded the formation of a Water Conservation Task Force to promote conservation and the efficient uses of water; initiated the “Building A Bridge” program to encourage coordination with local elected officials; was actively involved in the City of Dunedin’s Curlew Creek Task Force to help facilitate solutions to alleviate local flooding and erosion problems; supported the development of environmental education centers throughout the District; championed numerous District education initiatives; and

WHEREAS, **RONNIE E. DUNCAN** as a member of the Governing Board and Basin Board demonstrated exceptional skills in coalition-building, environmental leadership, foresight, wisdom and administrative abilities that were instrumental in ensuring responsible stewardship of water resources and related natural systems while providing the foundation for continuous economic growth of west-central Florida; and

WHEREAS, **RONNIE E. DUNCAN** sought to enhance consistency among the water management districts in an effort to improve fairness and equity of water management services throughout the state; and

WHEREAS, during the past five years **RONNIE E. DUNCAN** served as a member of the District Governing Board and Basin Board, he led 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, the Cooperative Funding Program, Minimum Flows and Levels, Southern Water Use Caution Area Recovery Strategy, and the Northern Tampa Bay New Water Supply and Groundwater Withdrawal Reduction Agreement (Partnership Agreement); and

WHEREAS, **RONNIE E. DUNCAN**, as a member of the Governing Board and Basin Board, demonstrated his preparedness for meetings as evidenced by his dedicating many hours to reviewing and researching topics before meetings and workshops; and

WHEREAS, during his tenure as Governing Board Chair, **RONNIE E. DUNCAN** was awarded the “10 Who Care” community leadership award from Channel 10 for his work with water conservation and water issues in Tampa Bay, and he was given the 2003 Herman W. Goldner Award for Regional Leadership by the Tampa Bay Regional Planning Council, demonstrating his exemplary spirit of regional cooperation, dedication to his community and notable achievement in encouraging future vision; and

WHEREAS, **RONNIE E. DUNCAN** at all times carried out the District's responsibilities in an outstanding manner and with respect and cooperation toward municipal and county governments, other public and private entities, consultants and the public; 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 **RONNIE E. DUNCAN**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honor **RONNIE E. DUNCAN** by adopting this resolution, expressing its appreciation for the fine and outstanding work of this man who has dedicated himself to public service; and

BE IT FURTHER RESOLVED that this resolution is spread upon the minutes of this District, permanently honoring the service of **RONNIE E. DUNCAN** to this District, and that this resolution is presented to him.

PASSED and ADOPTED this twenty-fifth day of January 2005.

SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT BY ITS GOVERNING BOARD

BY _____
Watson L. Haynes II, Chair

Attest: _____
Judith C. Whitehead, Secretary

**Governing Board Meeting
January 25-26, 2005**

Chairman's Agenda

- 83. Chairman's Agenda
 - a. Governing Board Members' Federal Legislative Trip to Washington, DC 2
 - b. Advisory Committee Liaison Report(s) 2
 - (1) Industrial Advisory Committee
 - (2) Public Supply Advisory Committee
 - c. Basin Board Education Committee Report 2
 - d. Other Items 2

83. **Chairman's Agenda**

a. **Governing Board Members' Federal Legislative Trip to Washington, DC**

Mr. Rathke will provide information about the trip (see Outreach and Planning Committee Exhibit 40 – Legislative Status Report).

b. **Advisory Committee Liaison Reports**

- (1) Industrial Advisory Committee
- (2) Public Supply Advisory Committee

If requested, Mr. Richard Owen will provide reports of the meetings.

c. **Basin Board Education Committee Report**

Ms. Whitehead will provide a report of the January 11th meeting.

d. **Other Items**