

**AGENDA**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**GOVERNING BOARD MEETING AND PUBLIC HEARING**

**OPEN TO THE PUBLIC**

August 12, 2014  
9:00 a.m.  
Lunch on your own

District Headquarters  
Live Oak, Florida

1. Call to Order
2. Roll Call
3. Announcement of any Amendments to the Agenda by the Chair  
Amendments Recommended by Staff: **None**
4. Public Comment
5. Consideration of the following Items Collectively by Consent:
  - Agenda Item 6 - July 8, 2014 Governing Board Meeting, Workshop Minutes and July 22, 2014 Intermediate Board Meeting Minutes
  - Agenda Item 9 - Approval of June 2014 Financial Report
  - Agenda Item 11 - Contract Renewal with Glover Landscape & Irrigation, LLC, M&L Contracting Services and Suwannee Lawn & Garden, Inc., for Dispersed Recreation Maintenance Services
  - Agenda Item 12 - Approval and Execution of Sovereignty Submerged Lands Lease Renewal for Atsena Otie Key, Levy County
  - Agenda Item 15 - Authorization for Executive Director to Purchase a Generator
  - Agenda Item 17 - Renewal of Environmental Systems Research Institute (ESRI) GIS Software License Maintenance Agreement
  - Agenda Item 22 - Approval of a Modification of Water Use Permit 2-84-00166.004 with a 0.0528 mgd Decrease in Allocation and a Nine-Year Permit Extension Authorizing the Use of 0.2132 mgd of Groundwater for Agricultural Uses at the Santa Fe River Ranch Project, Alachua County
  - Agenda Item 23 - Approval of a Modification of Water Use Permit 2-99-00070.005 with a 0.1843 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.3572 mgd of Groundwater for Agricultural Use at the Richard Terry Farm Project, Madison County
  - Agenda Item 24 - Approval of a Modification of Water Use Permit 2-83-00118.002 with a 0.0743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.1747 mgd of Groundwater and Surface Water for Agricultural Use at the Suwannee Valley Agricultural Extension Center (SVAEC) Project, Suwannee County

- Agenda Item 25 – Approval of a Modification of Water Use Permit 2-84-00804.004 with a 0.3743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 1.6188 mgd of Groundwater for Agricultural Use at the Whistling Pines Ranch Project, Alachua County
- Agenda Item 28 – Request for Authorization to Publish Notices of Rule Development to Amend Chapters 40B-1, 40B-4 and 40B-400, Florida Administrative Code (F.A.C.) and Develop Rules 40B-1.1010 and 40B-12.200, F.A.C.
- Agenda 34 - Authorization for the Executive Director to Enter into a Memorandum of Understanding with the Florida Public Service Commission

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6. Approval of Minutes – July 8, 2014 Governing Board Meeting, Workshop Minutes and July 22, 2014 Intermediate Board Meeting Minutes – **Recommend Consent**
7. Items of General Interest for Information/Cooperating Agencies and Organizations
  - A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
  - B. Cooperating Agencies and Organizations  
**TIME CERTAIN - 11:00 a.m.**
    - Judson Turner, Director, and Cliff Lewis, Assistant Branch Chief, Georgia Environmental Protection Division
    - Hershel Vinyard, Secretary, Drew Bartlett, Deputy Secretary of Water Policy and Eco Restoration, and Cliff Wilson, Deputy Secretary of Regulatory Programs, Florida Department of Environmental Protection

**GOVERNING BOARD LEGAL COUNSEL**  
**Tom Reeves**

LC Page 1

8. Recommendation for Disposition of Permit (WUP 2-14-00021.001) Challenge

**BUREAU OF ADMINISTRATION AND OPERATIONS**  
**Dave Dickens, Bureau Chief**

AO Page 1

9. Approval of June 2014 Financial Report – **Recommend Consent**

AO Page 8

10. Fiscal Year (FY) 2014 Land Management Review Team Report

AO Page 9

11. Contract Renewal with Glover Landscape & Irrigation, LLC, M&L Contracting Services and Suwannee Lawn & Garden, Inc., for Dispersed Recreation Maintenance Services – **Recommend Consent**

AO Page 11

12. Approval and Execution of Sovereignty Submerged Lands Lease Renewal for Atsena Otie Key, Levy County – **Recommend Consent**

AO Page 12

13. Approval of the Information Technology (IT) Audit Report from Law, Redd, Crona & Munroe, P.A., Inspector General

- AO Page 13 14. Authorization for the Executive Director to Procure Insurance Coverage from Recommended Insurance Providers
- AO Page 14 15. Authorization for Executive Director to Purchase a Generator from ACF Standby Systems LLC – **Recommend Consent**
- AO Page 15 16. Land and Facilities Operations Activity Summary Report

**DIVISION OF WATER SUPPLY**  
**Carlos Herd, P.G., Director**

No Items

**DIVISION OF WATER RESOURCES**  
**Erich Marzolf, Ph.D., Director**

- WR Page 1 17. Renewal of Environmental Systems Research Institute (ESRI) GIS Software License Maintenance Agreement – **Recommend Consent**
- WR Page 2 18. Interagency Agreement with St. Johns River Water Management District for Surface and Groundwater Chemistry Analysis
- WR Page 3 19. Approval of Resolution 2014-16, Fiscal Year 2013/2014, Budget Amendment #5, Agreement with the United States Fish and Wildlife Services
- WR Page 9 20. Agricultural Water Use Monitoring Update

**DIVISION OF RESOURCE MANAGEMENT**  
**Tim Sagul, P.E., Director**

- RM Page 1 21. Authorization to Revoke Water Use Permit 2-01-00047 – Maxwell Foods, Inc., Alachua County
- RM Page 3 22. Approval of a Modification of Water Use Permit 2-84-00166.004 with a 0.0528 mgd Decrease in Allocation and a Nine-Year Permit Extension Authorizing the Use of 0.2132 mgd of Groundwater for Agricultural Uses at the Santa Fe River Ranch Project, Alachua County - **Recommend Consent**
- RM Page 12 23. Approval of a Modification of Water Use Permit 2-99-00070.005 with a 0.1843 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.3572 mgd of Groundwater for Agricultural Use at the Richard Terry Farm Project, Madison County - **Recommend Consent**
- RM Page 21 24. Approval of a Modification of Water Use Permit 2-83-00118.002 with a 0.0743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.1747 mgd of Groundwater and Surface Water for Agricultural Use at the Suwannee Valley Agricultural Extension Center (SVAEC) Project, Suwannee County - **Recommend Consent**

- RM Page 30 25. Approval of a Modification of Water Use Permit 2-84-00804.004 with a 0.3743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 1.6188 mgd of Groundwater for Agricultural Use at the Whistling Pines Ranch Project, Alachua County - **Recommend Consent**
- RM Page 39 26. Approval to Amend Contract 09/10-119 with TBE Group, Inc. D/B/A Cardno TBE for the Implementation of the Federal Emergency Management Agency (FEMA) Risk Mapping Assessment and Planning (MAP) Program within the Mapping Activity Statement (MAS) for FEMA Fiscal Year (FY) 2009
- RM Page 40 27. Approval of the 2014 FEMA Risk Map Program Five Year Business Plan
- RM Page 71 28. Request for Authorization to Publish Notices of Rule Development to Amend Chapters 40B-1, 40B-4 and 40B-400, Florida Administrative Code (F.A.C.) and Develop Rules 40B-1.1010 and 40B-12.200, F.A.C. - **Recommend Consent**
- RM Page 77 29. Approval to Enter Into a 2014 Fiscal Year Local Government Cost Share Agreement with Lafayette County with a Modified Scope
- RM Page 78 30. Permitting Summary Report
- RM Page 79 31. Enforcement Status Report

#### **EXECUTIVE OFFICE**

**Ann B. Shortelle, Ph.D., Executive Director**

- EO Page 1 32. **Public Hearing** and Consideration of Resolution Number 2014-17 Authorizing Acquisition of a Conservation Easement over 351 +/- acres of El Trigal Farms, LLC, in Jefferson County in Exchange for District Surplus Lands
- EO Page 42 33. Consideration of Resolution No. 2014-18 Conveying 102 +/- Acres of the Barnett Tract and the White Springs Wellfield Tract, 76 Acres +/-, to the Town of White Springs, Hamilton County
- EO Page 50 34. Authorization for the Executive Director to Enter into a Memorandum of Understanding with the Florida Public Service Commission - **Recommend Consent**
- EO Page 56 35. Authorization to include Florida Department of Environmental Protection Springs Grant Funding in Fiscal Year 2014-2015 Tentative Budget
- EO Page 57 36. Performance-Based Compensation Plan
- EO Page 58 37. North Florida Regional Water Supply Partnership Stakeholder Committee Update
- EO Page 59 38. Land Acquisition and Surplus Activity Report
- EO Page 61 39. District's Weekly Activity Reports

#### 40. Announcements

Unless otherwise noted, all meetings are at District Headquarters in Live Oak, Florida.

August 27, 2014	1:30 p.m.	Lands Committee Meeting District Headquarters
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September 9, 2014	3:00 p.m.	Board Meeting
	5:05 p.m.	First Public Hearing on FY 2015 Budget District Headquarters

September 23, 2014	3:00 p.m.	Lands Committee Meeting Board Workshop
	5:05 p.m.	Second Public Hearing FY 2015 Budget District Headquarters

**\*\*Board Workshops immediately follow Board Meetings unless otherwise noted.**

#### 41. Adjournment

Any member of the public, who wishes to address the Board on any agenda item, or any other topic, must sign up (including the completion of the required speaker forms) with the Executive Director or her designee before the time designated for Public Comment. During Public Comment, the Chair shall recognize those persons signed up to speak on agenda items first. To the extent time permits, the Chair shall thereafter recognize those persons signed up to speak on non-agenda items. Unless, leave is given by the Chair, (1) all speakers will be limited to three minutes per topic, (2) any identifiable group of three persons or more shall be required to choose a representative, who shall be limited to five minutes per topic. When recognized by the Chair during Public Comment, a speaker may request to be allowed to make his or her comments at the time the Board considers a particular agenda item. The Chair may grant or deny such request in the Chair's sole discretion.

A person may not lobby the District until such person has registered as a lobbyist with the Contracts and Procurement Coordinator by filing a registration form and paying an annual registration fee of \$40.00.

##### Definitions:

•"Lobbies" is defined as seeking to influence a district policy or procurement decision or an attempt to obtain the goodwill of a district official or employee. (112.3261(1)(b), Florida Statutes [F.S.]

•"Lobbyist" is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. (112.3215(1)(h), F.S.)

The Board may act upon (including reconsideration) any agenda item at any time during the meeting. The agenda may be changed only for good cause as determined by the Chair and stated in the record. If, after the regular time for Public Comment, the agenda is amended to add an item for consideration, the Chair shall allow public comment on the added agenda item prior to the Board taking action thereon.

All decisions of the Chair concerning parliamentary procedures, decorum, and rules of order will be final, unless they are overcome by a majority of the members of the Board in attendance.

If any person decides to appeal any decision with respect to any action considered at the above referenced meeting and hearing, such person may need to ensure a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is made.

AGENDA  
SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
GOVERNING BOARD WORKSHOP

OPEN TO THE PUBLIC

August 12, 2014

District Headquarters  
Live Oak, FL

- RIVER Cost Share
- Projects Update

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD MEETING AND PUBLIC HEARING

Note: A digital recording system has been used to record these proceedings and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

9:00 a.m., Tuesday  
July 8, 2014

District Headquarters  
Live Oak, Florida

Governing Board:

<b>Seat</b>	<b>Name</b>	<b>Office</b>	<b>Present</b>	<b>Not Present</b>
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Sec./Treas.	X	
Lower Suwannee Basin	Don Quincey, Jr.	Chair	X	
Santa Fe & Wacc. Basins	Kevin W. Brown		X	
Upper Suwannee Basin	Alphonas Alexander	Vice Chair	X	
At Large	Virginia H. Johns		X	
At Large	Virginia Sanchez		X	
At Large	Guy N. Williams		X	
At Large	Gary Jones			X

Governing Board General Counsel

<b>Name</b>	<b>Firm</b>	<b>Present</b>	<b>Not Present</b>
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

<b>Position</b>	<b>Name</b>	<b>Present</b>	<b>Not Present</b>
Executive Director	Ann B. Shortelle, Ph.D.	X	
Assistant Executive Director	Jon Dinges	X	
Gov. Affairs / Communications Director	Steve Minnis	X	
Bureau of Administration and Operations	Dave Dickens	X	
Water Supply Division Director	Carlos Herd	X	
Water Resources Division Director	Erich Marzolf	X	
Resource Mgmt. Division Director	Tim Sagul	X	
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

William Irby, SRWMD	Hugh Thomas, FDACS
Ben Glass, SRWMD	Rhonda Morris
Justin Garland, SRWMD	Merrilee Malwitz-Jipson, Our Santa Fe River
Kevin Wright, SRWMD	Tyson Johnson, Parks Johnson
Jamie Sorvitek, SRWMD	Jeff Hill
Warren Zwanka, SRWMD	Craig Varn, Manson Bolves
Bob Heeke, SRWMD	Dan Buchanan, Farm Bureau
Abby Johnson, SRWMD	Jim Tatum, Our Santa Fe River
Tammy Girard, SRWMD	Brenda Flanagan, Preble-Rish, Inc.
Keith Rowell, SRWMD	Terrie Lee, USGS
Robin Lamm, SRWMD	
Bill McKinstry, SRWMD	
Megan Wetherington, SRWMD	

The meeting was called to order at 9:02 a.m.

Agenda Item No. 3 - Announcement of any Amendments to the Agenda by the Chair.

Amendments Recommended by Staff:

Addition:

- Bureau of Administration and Operations - Supplemental Page 1 – Authorization for the Executive Director to Execute a Contract for the Salvaging of Timber Resources on the Mill Creek North Tract
- Bureau of Administration and Operations - Supplemental Page 4 – Addition of Two Members and Appointment of a Vacancy to the R.O. Ranch Board of Directors

Updates:

- Resource Management – Update to Agenda Item 14 – Approval of the Modification of Water Use Permit 2-01-00017.002 with a 0.3465 mgd Increase in Allocation and a Ten-Year Permit Extension, Authorizing 0.3736 mgd of Groundwater for Agricultural Use at the Jackie Langford Project, Gilchrist County
- Executive Office - Update to Agenda Item 27 – Approval of Tentative Fiscal Year 2015 Millage and Budget

Agenda Item No. 4 – Public Comment.

- Merrilee Malwitz-Jipson, Our Santa Fe River – Moratorium on large Consumptive Use permits.

Agenda Item No. 5 - Consideration of the Following Items Collectively by Consent:

- Agenda Item 6 - Approval of June 10, 2014 Governing Board Meeting, June 11, 2014 Governing Board Workshop Minutes and June 23, 2014 Intermediate Board Meeting Minutes
- Agenda Item 8 - Approval of May 2014 Financial Report
- Agenda Item 14 – Approval of the Modification of Water Use Permit 2-01-00017.002 with a 0.3465 mgd Increase in Allocation and a Ten-Year Permit Extension, Authorizing 0.3736 mgd of Groundwater for Agricultural Use at the Jackie Langford Project, Gilchrist County
- Agenda Item 15 - Approval of the Modification of Water Use Permit 2-96-00027.002 with a 0.1436 mgd Increase in Allocation and a Ten-Year Permit Extension, Authorizing 0.2248 mgd of Groundwater for Agricultural Water Use at the Delaney Farm Project, Dixie County
- Agenda Item 19 - Request for Approval and Authorization to Revise and Re-Submit the 2014-2015 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform to Include Possible Amendments to all of Chapter 40B-1, F.A.C.
- Agenda Item 22 - Approval of Resolution 2014-11, Fiscal Year 2013/2014 Budget Amendment #2; Unanticipated Funds from the National Guard Bureau for Acquisition of the Bradford Timberlands Tract, Bradford County
- Agenda Item 26 - Reimbursement Request to the Department of Environmental Protection for the Period of April 1, 2014 through June 30, 2014 for District Expenditures Relating to Springs Restoration and Protection, Minimum Flows and Levels, Water Supply Planning, Preacquisition and Land Management Activities

MRS. SANCHEZ MADE A MOTION TO APPROVE THE CONSENT ITEMS COLLECTIVELY. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 6 – Approval of Minutes.

- June 10, 2014 Governing Board Meeting
- June 11, 2014 Governing Board Workshop
- June 23, 2014 Intermediate Governing Board Meeting

THE JUNE 10, 2014 GOVERNING BOARD MEETING MINUTES, JUNE 11, 2014 GOVERNING BOARD WORKSHOP MINUTES AND JUNE 23, 2014 INTERMEDIATE GOVERNING BOARD MEETING MINUTES WERE APPROVED WITH THE CONSENT ITEMS.

Agenda Item No. 7 - Items of General Interest for Information/Cooperating Agencies and Organizations

- Megan Wetherington gave a presentation of hydrologic conditions of the District.
- Cooperating Agencies and Organizations - None

**Governing Board Legal Counsel**

Tom Reeves discussed the progress of the Jeffery Hill \ El Rancho No Tengo cases.

**BUREAU OF ADMINISTRATION AND OPERATIONS**

Agenda Item No. 8 – Approval of May 2014 Financial Report – Approved on Consent.

Supplemental Page 4 – Addition of Two Members and Appointment of a Vacancy to the R.O. Ranch Board of Directors. Bill McKinstry, Land and Facilities Operations Manager, presented staff recommendation to the Governing Board to authorize staff to revise the R.O. Ranch, Inc., Articles of Incorporation and Bylaws to include two additional Board members and appoint Mr. Tom Seay and Mr. William Hardee to the new Board positions and appoint Mrs. Beverly Morgan to the Board of Directors to fill a vacancy.

MR. CURTIS MADE A MOTION TO AUTHORIZE STAFF TO REVISE THE R.O. RANCH, INC., ARTICLES OF INCORPORATION AND BYLAWS TO INCLUDE TWO ADDITIONAL BOARD MEMBERS AND APPOINT MR. TOM SEAY AND MR. WILLIAM HARDEE TO THE NEW BOARD POSITIONS AND APPOINT MRS. BEVERLY MORGAN TO THE BOARD OF DIRECTORS TO FILL A VACANCY. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 9 – Authorization for the Executive Director to Continue Health Care Insurance Coverage at an Aggregate Premium Cost Estimated at \$728,734 for Fiscal Year 2015 Budget.

Dave Dickens, Administrations and Operations Bureau Manager, presented staff recommendation to the Governing Board to authorize the Executive Director to continue health care insurance coverage at an aggregate premium cost estimated at \$728,734 for Fiscal Year 2015 Budget (using current staffing).

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTINUE HEALTH CARE INSURANCE COVERAGE AT AN AGGREGATE PREMIUM COST ESTIMATED AT \$728,734 FOR FISCAL YEAR 2015 BUDGET (USING CURRENT STAFFING). THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION

CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 10 – Approval of Resolution 2014-12, Fiscal Year 2013/2014 Budget Amendment #3: Authorization to Procure and Install a Generator at Suwannee River Water Management District.

Mr. Dickens presented staff recommendation to the Governing Board to authorize the Executive Director to enter into an Interagency Agreement with the Florida Division of Emergency Management (FDEM) to receive \$184,875 to procure and install a generator at the Suwannee River Water Management District and to approve Resolution 2014-12 to amend the Fiscal Year (FY) 13/14 Budget from \$29,671,518 to \$29,918,018 to recognize \$246,500 (\$184,875 from FDEM and \$61,625 from SRWMD reserves) in unanticipated revenues and unbudgeted revenues and expenditures.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) TO RECEIVE \$184,875 TO PROCURE AND INSTALL A GENERATOR AT THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT AND TO APPROVE RESOLUTION 2014-12 TO AMEND THE FISCAL YEAR (FY) 13/14 BUDGET FROM \$29,671,518 TO \$29,918,018 TO RECOGNIZE \$246,500 (\$184,875 FROM FDEM AND \$61,625 FROM SRWMD RESERVES) IN UNANTICIPATED REVENUES AND UNBUDGETED REVENUES AND EXPENDITURES. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 11 – Land and Facilities Operations Activity Summary. The Land and Facilities Operations Activity Summary was provided as an informational item in the Board materials.

Supplemental Page 1 – Authorization for the Executive Director to Execute a Contract for the Salvaging of Timber Resources on the Mill Creek North Tract. Mr. Dickens presented staff recommendation to the Governing Board to authorize the Executive Director to execute a contract for the Mill Creek North #3 Timber Salvage Sale.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT FOR THE MILL CREEK NORTH #3 TIMBER SALVAGE SALE. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

**Mr. Dickens presented the Science, Technology, Engineering, and Mathematics (STEM) students' video to the Board.**

**DIVISION OF WATER SUPPLY**

No Items

**DIVISION OF WATER RESOURCES**

Agenda Item No. 12 – Approval of Resolution 2014-13, Fiscal Year 2013/2014 Budget Amendment #4, Public Information Safety Campaign. Erich Marzolf, Director, Division of Water Resources,

presented staff recommendation to the Governing Board to authorize the Executive Director to enter into an Interagency Agreement with the Florida Division of Emergency Management to receive \$22,483.50 for a Public Information Safety Campaign about the Vertical Datum Shift for Flood Forecasting in the Suwannee River Water Management District (District) and to approve Resolution 2014-13 to amend the Fiscal Year (FY) 13/14 Budget from \$29,918,018 to \$29,940,501.50 to recognize \$22,483.50 in unanticipated and unbudgeted revenues and expenditures.

DR. COLE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT TO RECEIVE \$22,483.50 FOR A PUBLIC INFORMATION SAFETY CAMPAIGN ABOUT THE VERTICAL DATUM SHIFT FOR FLOOD FORECASTING IN THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT (DISTRICT) AND TO APPROVE RESOLUTION 2014-13 TO AMEND THE FISCAL YEAR (FY) 13/14 BUDGET FROM \$29,918,018 TO \$29,940,501.50 TO RECOGNIZE \$22,483.50 IN UNANTICIPATED AND UNBUDGETED REVENUES AND EXPENDITURES. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 13 – Agricultural Water Use Monitoring Update. The Agricultural Water Use Monitoring Update was provided as an informational item in the Board materials.

#### **DIVISION OF RESOURCE MANAGEMENT**

Agenda Item No. 14 – Approval of the Modification of Water Use Permit 2-01-00017.002, with seventeen standard conditions and six special limiting conditions, with a 0.3465 mgd Increase in Allocation and a Ten-Year Permit Extension, Authorizing 0.3736 mgd of Groundwater for Agricultural Use to Jackie Langford, Jackie Langford Project, Gilchrist County. Approved on Consent.

Agenda Item No. 15 – Approval of the Modification of Water Use Permit 2-96-00027.002, with seventeen standard conditions and four special limiting conditions, with a 0.1436 mgd Increase in Allocation and a Ten-Year Permit Extension, Authorizing 0.2248 mgd of Groundwater for Agricultural Water Use to John Delaney, Delaney Farm Project, Dixie County. Approved on Consent.

Agenda Item No. 16 – Authorization of an Interagency Agreement between the Suwannee River Water Management District and the Northwest Florida Water Management District Accepting Water Use Permitting Responsibility for Water Use Permit Number 2-92-00087.003, Simpson Nurseries Project, Jefferson County. Warren Zwanka, Senior Hydrologist, Division of Resource Management, presented staff recommendation to the Governing Board to execute an Interagency Agreement between Suwannee River Water Management District and Northwest Florida Water Management District accepting water use permitting responsibilities for Water Use Permit Number 2-92-00087.003, Simpson Nurseries Project, Jefferson County.

DR. COLE MADE A MOTION TO EXECUTE AN INTERAGENCY AGREEMENT BETWEEN SUWANNEE RIVER WATER MANAGEMENT DISTRICT AND NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING WATER USE PERMITTING RESPONSIBILITIES FOR WATER USE PERMIT NUMBER 2-92-00087.003, SIMPSON NURSERIES PROJECT, JEFFERSON COUNTY. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING

BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 17 – Approval of a Modification of Water Use Permit 2-92-00087.003 with a 0.7921 mgd Increase in Allocation and a Ten-Year Permit Extension Authorizing the Use of 1.9601 mgd of Groundwater and Surface Water for Agricultural Use (Nursery Irrigation) at the Simpson Nurseries Project, Jefferson County. – Mr. Zwanka presented staff recommendation to the Governing Board to approve a Modification of Water Use Permit 2-92-00087.003, with seventeen standard conditions and five special limiting conditions, with a 0.7921 mgd increase in allocation and a ten-year permit extension authorizing the use of 1.9601 mgd of groundwater and surface water for agricultural use (nursery irrigation) to Tiera Cielo, LLC, Simpson Nurseries Project, Jefferson County.

DR. COLE MADE A MOTION TO APPROVE A MODIFICATION OF WATER USE PERMIT 2-92-00087.003, WITH SEVENTEEN STANDARD CONDITIONS AND FIVE SPECIAL LIMITING CONDITIONS, WITH A 0.7921 MGD INCREASE IN ALLOCATION AND A TEN-YEAR PERMIT EXTENSION AUTHORIZING THE USE OF 1.9601 MGD OF GROUNDWATER AND SURFACE WATER FOR AGRICULTURAL USE (NURSERY IRRIGATION) TO TIERA CIELO, LLC, SIMPSON NURSERIES PROJECT, JEFFERSON COUNTY. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 18 – Approval of New Water Use Permit Application Number 2-14-00023.001, Summers Plantation Project, Suwannee County, for 1.7734 mgd of Groundwater for Agricultural Uses. – Mr. Zwanka presented staff recommendation to the Governing Board to approve new Water Use Permit Application Number 2-14-00023.001, with seventeen standard conditions and eight special limiting conditions, to Genevieve Summers Family Trust, Summers Plantation Project, Suwannee County, for 1.7734 mgd of groundwater for agricultural uses.

Merrilee Malwitz-Jipson, Our Santa Fe River, and Steve Gladin provided comments to the Governing Board.

MR. WILLIAMS MADE A MOTION TO APPROVE NEW WATER USE PERMIT APPLICATION NUMBER 2-14-00023.001, WITH SEVENTEEN STANDARD CONDITIONS AND EIGHT SPECIAL LIMITING CONDITIONS, TO GENEVIEVE SUMMERS FAMILY TRUST, SUMMERS PLANTATION PROJECT, SUWANNEE COUNTY, FOR 1.7734 MGD OF GROUNDWATER FOR AGRICULTURAL USES. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 19 – Request for: 1. Approve the revised 2014-2015 Annual Regulatory Plan to Include Possible Amendments to Chapter 40B-1, F.A.C; and 2. Authorize Staff to Re-Submit the revised 2014-2015 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform (OFARR), Joint Administrative Procedures Committee (JAPC), the Speaker of the House and the Senate President. Approved on Consent.

Agenda Item No. 20 – Permitting Summary Report. The Permitting Summary Report was provided as an informational item in the Board materials.

Agenda Item No. 21 – Enforcement Status Report. The Enforcement Status Report was provided as an informational item in the Board materials.

## **EXECUTIVE OFFICE**

Agenda Item No. 22 – Approval (Adoption) of Resolution 2014-11, Fiscal Year 2013/2014 Budget Amendment #2; Amending the Fiscal Year 13/14 Budget from \$29,288,518 to \$29,671,518 in Order to Recognize \$383,000 in Unanticipated and Unbudgeted Funds (Revenues) from the National Guard Bureau for Acquisition of the Bradford Timberlands Tract, Bradford County. Approved on Consent.

Agenda Item No. 23 – Authorization to Conduct a Detailed Assessment and Commence Negotiations with Winston Lovelace on a Fee Simple Purchase of 90.62 Acres +/- in Lafayette County. Jon Dinges, Assistant Executive Director, requested Governing Board authorization to conduct a detailed assessment and commence negotiations with Winston Lovelace on a Fee Simple Purchase of 90.62 Acres +/- in Lafayette County.

DR. COLE MADE A MOTION TO AUTHORIZE STAFF TO CONDUCT A DETAILED ASSESSMENT AND COMMENCE NEGOTIATIONS WITH WINSTON LOVELACE ON A FEE SIMPLE PURCHASE OF 90.62 ACRES +/- IN LAFAYETTE COUNTY. THE MOTION WAS SECONDED BY MRS. SANCHEZ. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 24 – Authorization to Conduct a Detailed Assessment and Commence Negotiations with George and Deborah Owen on a Fee Simple Purchase of 1.22 acres +/- in Columbia County. Mr. Dinges requested Governing Board authorization to conduct a detailed assessment and commence negotiations with George and Deborah Owen on a Fee Simple Purchase of 1.22 acres +/- in Columbia County.

RECOMMENDATION DIED DUE TO LACK OF A MOTION.

Agenda Item No. 25 – Consideration of Resolution No. 2014-14 Authorizing Sale of the Timber River Surplus Parcel, 1.42 acres +/-, in Madison County, Contingent on an Updated Appraisal. Mr. Dinges presented a recommendation to the Governing Board to approve and execute Resolution No. 2014-14 authorizing the sale of the Timber River surplus parcel, 1.42 acres +/-, in Madison County, contingent on an updated appraisal.

MRS. JOHNS MADE A MOTION TO APPROVE AND EXECUTE RESOLUTION NO. 2014-14 AUTHORIZING THE SALE OF THE TIMBER RIVER SURPLUS PARCEL, 1.42 ACRES +/-, IN MADISON COUNTY, CONTINGENT ON AN UPDATED APPRAISAL. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 26 – Reimbursement Request to the Department of Environmental Protection in the amount of \$1,354,746.81 for the Period of April 1, 2014 through June 30, 2014 for District

Expenditures Relating to Springs Restoration and Protection, Minimum Flows and Levels, Water Supply Planning, Preacquisition and Land Management Activities. Approved on Consent.

Agenda Item No. 27 – Approval of Tentative Fiscal Year 2015 Millage and Budget. Dr. Ann Shortelle, Executive Director, presented a recommendation to the Governing Board to approve the Tentative Fiscal Year (FY) 2015 Budget of \$24,537,387 and authorize staff to notify the Property Appraisers of the District's 15 counties that: (1) the District proposes to levy a millage rate of 0.4143; (2) the District will hold one public hearing on September 9, 2014, at 5:05 p.m. to tentatively adopt the FY 2015 budget and establish the millage rate; and (3) will hold a second public hearing on September 23, 2014, at 5:05 p.m. to adopt the FY 2015 budget and establish the millage rate.

MRS. JOHNS MADE A MOTION TO APPROVE THE TENTATIVE FISCAL YEAR (FY) 2015 BUDGET OF \$24,537,387 AND AUTHORIZE STAFF TO NOTIFY THE PROPERTY APPRAISERS OF THE DISTRICT'S 15 COUNTIES THAT: (1) THE DISTRICT PROPOSES TO LEVY A MILLAGE RATE OF 0.4143; (2) THE DISTRICT WILL HOLD ONE PUBLIC HEARING ON SEPTEMBER 9, 2014, AT 5:05 P.M. TO TENTATIVELY ADOPT THE FY 2015 BUDGET AND ESTABLISH THE MILLAGE RATE; AND (3) WILL HOLD A SECOND PUBLIC HEARING ON SEPTEMBER 23, 2014, AT 5:05 P.M. TO ADOPT THE FY 2015 BUDGET AND ESTABLISH THE MILLAGE RATE. THE MOTION WAS SECONDED BY MRS. SANCHEZ. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, SANCHEZ, WILLIAMS AND QUINCEY.)

Agenda Item No. 28 – North Florida Regional Water Supply Partnership Stakeholder Advisory Committee Update. The North Florida Regional Water Supply Partnership Stakeholder Advisory Committee update was provided as an informational item in the Board materials.

Agenda Item No. 29 – Land Acquisition and Surplus Activity Report. The Land Acquisition and Disposition Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 30 - District's Weekly Activity Reports. The District's Weekly Activity Reports were provided as an informational item in the Board materials.

Meeting adjourned at 11:26 a.m.

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Chair

ATTEST:

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SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
 MINUTES OF  
 GOVERNING BOARD WORKSHOP

Note: A digital recording system has been used to record these proceedings and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

Following the Governing Board Meeting  
 July 8, 2014

District Headquarters  
 Live Oak, FL

Governing Board:

<b>Seat</b>	<b>Name</b>	<b>Office</b>	<b>Present</b>	<b>Not Present</b>
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Sec/Treasurer		X
Lower Suwannee River Basin	Don Quincey, Jr.	Chair	X	
Santa Fe/Wacc. Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chair	X	
At Large	Virginia H. Johns		X	
At Large	Virginia Sanchez		X	
At Large	Guy N. Williams			X
At Large	Gary Jones			X

Governing Board General Counsel

<b>Name</b>	<b>Firm</b>	<b>Present</b>	<b>Not Present</b>
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

<b>Position</b>	<b>Name</b>	<b>Present</b>	<b>Not Present</b>
Executive Director	Ann B. Shortelle, Ph.D.	X	
Assistant Executive Director	Jon Dinges	X	
Governmental Affairs/Comm. Director	Steve Minnis	X	
Bureau of Administration and Operations	Dave Dickens	X	
Water Supply Division Director	Carlos Herd	X	
Water Resources Division Director	Erich Marzolf	X	
Resource Mgmt. Division Director	Tim Sagul	X	
GB and HR Coordinator	Lisa Cheshire	X	

Guests:

Bill McKinstry, SRWMD	Terrie Lee, USGS
William Irby, SRWMD	Mackinsey Shipeck, Out Santa Fe River
Paul Buchanan, SRWMD	Merrilee Malwitz-Jipson, Our Santa Fe River
Kevin Wright, SRWMD	Crag Varn, Manson Bolves
Bob Heeke, SRWMD	Paul Still, BSWCD
Megan Wetherington, SRWMD	Steve Gladin

Light Detection and Ranging (LiDAR) Discussion

Dr. Cole discussed an evaluation of the use of green LiDAR to collect bathymetric data in Manatee Springs Run and the adjacent Suwannee River. Unlike existing LiDAR technology, green LiDAR can penetrate water. This evaluation demonstrated that this LiDAR could provide bathymetric data under the clear water conditions found in the spring and run. However the current processing of these data could not accurately image through the colored and particulate laden water in the Suwannee River. It remains to be demonstrated whether further adjustments in data processing will allow imaging under conditions found in the Suwannee River at the time.

Springs Data Collection Tools and Data Sharing Techniques

Megan Wetherington discussed the technology and data collection for flow estimation in streams and spring runs. This included mechanical approaches and utilization of acoustic Doppler current profiling (ADCP) technology. Darlene Saindon discussed the new water quality monitoring sondes which FDEP has loaned the District for continuous springs monitoring. These sondes will provide real-time temperature, dissolved oxygen, pH, specific conductivity, dissolved organic matter, chlorophyll and nitrate data. Erich Marzolf discussed how the District's website is currently supplying the high public demand for data and improvements that are under development. A draft version of the Manatee Springs dashboard was demonstrated.

Conservation Easement Amendments

Staff reviewed the District conservation easements locations and general terms. Discussion ensued regarding requests from easement landowners for amendments to the terms of their easement. The Board discussed possible terms for applying for amendments and how they might be valued. Staff was directed to look for opportunities to develop a written process on how this amendment process might be accomplished.

Alternative Water Supply Update

Kevin Wright presented on the proposed conjunctive water use project at Suwannee Valley Agricultural Extension Center. Kevin also discussed several other conceptual alternative water supply projects.

The workshop ended at 3:05 p.m.

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Chair

ATTEST:

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Agenda Item Number 5 -. Approval of Updated Tentative Fiscal Year 2014-2015 Millage Rate. Ann B. Shortelle, Ph.D., Executive Director, recommended the Governing Board 1) set the tentative ad valorem millage to the rolled-back rate calculated at 0.4141 for Fiscal Year 2014-2015; 2) authorize the Executive Director to adjust the millage rate in order to avoid a tax increase and provide the tentative millage rate to the county property appraisers, and 3) authorize the Executive Director to submit the Standard Format Tentative Budget.

MRS. SANCHEZ MADE A MOTION TO: 1) SET THE TENTATIVE AD VALOREM MILLAGE TO THE ROLLED-BACK RATE CALCULATED AT 0.4141 FOR FISCAL YEAR 2014-2015; 2) AUTHORIZE THE EXECUTIVE DIRECTOR TO ADJUST THE MILLAGE RATE IN ORDER TO AVOID A TAX INCREASE AND PROVIDE THE TENTATIVE MILLAGE RATE TO THE COUNTY PROPERTY APPRAISERS, AND 3) AUTHORIZE THE EXECUTIVE DIRECTOR TO SUBMIT THE STANDARD FORMAT TENTATIVE BUDGET. THE MOTION WAS SECONDED BY DR. COLE UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, SANCHEZ AND QUINCEY.)

Meeting adjourned at 10:06 a.m.

Agenda Item No. 4 – Public Comment – Paul Still commented on the need to hire a senior staff member for the MFL process to add in the upcoming budget.

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Chair

ATTEST:

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LAW OFFICES

**DAVIS, SCHNITKER, REEVES & BROWNING, P.A.**

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CLAY A. SCHNITKER  
GEORGE T. REEVES\*#+

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APPELLATE LAWYER  
#BOARD CERTIFIED  
CITY, COUNTY AND  
LOCAL GOVERNMENT  
LAWYER  
+ALSO ADMITTED IN  
GEORGIA

Florida Registered Paralegals  
ANNETTE M. SOWELL, CP  
JOYCE A. BROWN

July 31, 2014

Hon. Don Quincey  
Chair of the Governing Board  
Suwannee River Water Management District

**VIA EMAIL**

Re: Recommendation for Disposition of the Petition for Formal Administrative Proceedings (the "PERMIT") and the Amended Petition for Formal Administrative Proceedings (the "AMENDED PERMIT")  
District Permit No.: WUP 2-14-00021.001 (the "PERMIT")  
Petitioner: Merrillee Malwitz-Jipson and Our Santa Fe River, Inc. (the "PETITIONER(S)")  
Permit Applicant: Floyd Messer

Dear Chair Quincey:

This letter is to set out my recommendation for Governing Board's disposition of the Petition for Formal Administrative Proceedings (the "PERMIT") and the Amended Petition for Formal Administrative Proceedings (the "AMENDED PERMIT") filed by Merrillee Malwitz-Jipson and Our Santa Fe River, Inc. (the "PETITIONER(S)") concerning the District's water use permit No.: WUP 2-14-00021.001 (the "PERMIT") issued to Floyd Messer. The operative facts through the filing of the AMENDED PETITION are shown below.

**HISTORY OF PERMIT AND CHALLENGE**

June 4, 2014 - The PETITIONER(S) filed the PETITION challenging the Board's issuance of the PERMIT. On the face of the PETITION, it shows that the PETITION was filed 22 days after the PETITIONER(S) received notice of the District's action on the PERMIT.

June 18, 2014 - The DISTRICT's Executive Director issued her ORDER DISMISSING PETITION, WITHOUT PREJUDICE. Under Florida law, a petition for administrative hearing must be filed no later than 21 days after the petitioner receives notice of the agency's action. As the PETITION was filed 22 days after the PETITIONER(S) received notice, the Executive Director dismissed the PETITION for, among other reasons, being untimely. However, in an abundance of caution, the Executive Director determined that the dismissal would be "without prejudice", to give the PETITIONER(S) every opportunity to attempt to state a claim. The PETITIONER(s) were given until July 3, 2014 (15 days) to file an amended petition if they wished.

June 20, 2014 - The PETITIONER(S), who were now represented by counsel, filed their MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION. This motion requested that the time for filing the amended petition be extended until July 24, 2014.

June 26, 2014 - The Executive Director issued her ORDER GRANTING PETITIONERS' MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION which granted the PETITIONER(S) the extra time they requested.

July 24, 2014 - The PETITIONER(S), filed their AMENDED PETITION.

### LEGAL ANALYSIS

Under Florida law, when a petition is filed, the DISTRICT is required to review the petition and to dismiss the petition if it was untimely filed:

Upon the receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all of the required information. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed.

§ 120.569(2)(c), Fla.Stat. (Emphasis supplied)

The applicable rules provide that to be timely, a petition for administrative hearing must be filed within 21 days after the petitioners receive notice of the agency decision. Fla. Admin. Code R. 28-106.111(2) The failure to file the petition within this time frame constitutes a waiver of the right to request a hearing. Fla. Admin. Code R. 28-106.111(4)

In the AMENDED PETITION, the PETITIONER(S) acknowledge that the PETITION was untimely:

In this case, Petitioners, acting pro se, mistakenly added an additional day to the 21-day filing deadline in observance of Memorial Day. As a result, the Original Petition was filed exactly 1 (one) day late.

AMENDED PETITION at page 4, paragraph 11

However, in the AMENDED PETITION the PETITIONER(S) request that the BOARD accept the AMENDED PETITION because it was untimely filed due to "excusable neglect."

Based on the facts of this situation and the applicable case law in both the Florida Supreme Court and the 1<sup>st</sup> District Court of Appeals, Petitioner should be granted relief from the District Order Dismissing Petition for Failure to Timely File due to excusable neglect.

AMENDED PETITION at page 4-5, paragraph 13

As there is no dispute that the PETITION was untimely, the only question presented is whether the Governing Board can apply an "excusable neglect" analysis to accept an untimely filed petition. In considering this issue, the Florida appellate courts have uniformly held that agencies cannot accept untimely filed petitions under the doctrine of "excusable neglect":

Section 120.569(2)(c), Florida Statutes, was amended in 1998 to specifically provide that a petition for hearing "shall be dismissed if ... it has been untimely filed." As a result of this amendment, Florida's appellate courts have uniformly concluded that the excusable neglect standard is not available where a party has failed to timely file a petition for hearing. See *Aleong v. Dep't of Prof. Reg.*, 963 So.2d 799 (Fla. 4th DCA 2007) (doctrine of excusable neglect did not

apply to relieve appellant of waiver of right to hearing where petition was untimely filed); *Cann v. Dep't of Children & Family Servs.*, 813 So.2d 237 (Fla. 2d DCA 2002) (excusable neglect standard does not apply in determining whether to grant untimely request for administrative hearing); *see also Patz v. Dep't of Health*, 864 So.2d 79 (Fla. 3d DCA 2003).

*Seavor v. Department of Financial Services*, 32 So.3d 722, 723 (Fla. 5th DCA 2010) (Emphasis supplied)

#### DOES THE GOVERNING BOARD HAVE ANY DISCRETION IN THIS MATTER

The Governing Board does not have discretion in whether or not to dismiss an untimely petition. Section 120.569(c), Florida Statutes, provides that an untimely petition "shall" be dismissed. This language has been interpreted by the Florida appellate courts as being mandatory. *Aleong v. Dep't of Bus. & Prof'l Reg.*, 963 So. 2d 799, 801 (Fla. 4th DCA 2007) ("The 1998 amendment to Florida Statutes section 120.569(2) added language requiring the dismissal of an untimely-filed petition. ... Accordingly, we are left with the mandatory language of section 120.569(2), which requires the dismissal of [the] untimely petition.").

#### IS BEING ONE DAY LATE SUFFICIENT CAUSE TO DISMISS THE PETITION?

The Florida appellate courts have held petitioners to the time limits provided by administrative rule and affirmed the dismissal of petitions which were even one day late. *Riverwood Nursing Center, LLC v. Agency For Health Care Admin.*, 58 So.3d 907 (Fla. 1st DCA 2011) (Affirming the dismissal of a petition filed one day late.); *Whiting v. Fla. Dept. of Law Enforcement*, 849 So. 2d 1149 (Fla. 5th DCA 2003) (Affirming the dismissal of employee's administrative appeal from notice of final agency action where appeal was filed one day late.); *Cann v. Dep't of Children & Family Servs.*, 813 So.2d 237 (Fla. 2d DCA 2002) (Affirming the dismissal of a petition filed one day late due to counsel's misunderstanding of the time the mail would take.)

#### CONCLUSION

I hereby recommend that the Governing Board dismiss the AMENDED PETITION, with prejudice. I have prepared a proposed order for the Governing Board's consideration and recommend that the Governing Board dismiss the AMENDED PETITION by approving the proposed order with whatever changes the Governing Board may deem appropriate.

Sincerely,  
Davis, Schnitker, Reeves & Browning, P.A.

/s/ *George T. Reeves*  
(Electronically signed to avoid delay)

George T. Reeves  
For the Firm  
Governing Board General Counsel

Enclosures

cc: Dr. Ann B. Shortelle, Executive Director

BEFORE THE GOVERNING BOARD OF THE SUWANNEE RIVER  
WATER MANAGEMENT DISTRICT

MERRILLEE MALWITZ-JIPSON  
and OUR SANTA FE RIVER, INC.,

Petitioner(s),

v.

DISTRICT PERMIT NO. WUP 2-14-00021.001

SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT,  
and FLOYD MESSER,

Respondents.

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**FINAL ORDER OF DISMISSAL, WITH PREJUDICE**

THIS CAUSE having come before the GOVERNING BOARD (the “BOARD”) of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (the “DISTRICT”) on the PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS (the “PETITION”), filed on June 4, 2014 and the AMENDED PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS (the “AMENDED PETITION”) filed on July 24, 2014, by the petitioner(s), MERRILLEE MALWITZ-JIPSON and OUR SANTA FE RIVER, INC., (the “PETITIONER(S)”) concerning the DISTRICT’s Permit No. WUP 2-14-00021.001 (the “PERMIT”) issued to Respondent, FLOYD MESSER, the BOARD hereby finds as follows:

**PROCEEDINGS IN THIS CASE**

1. On June 4, 2014, the PETITIONER(S) filed the PETITION.
2. The PETITION was filed 22 days after the PETITIONER(S) received notice of the BOARD’s decision on the PERMIT. (PETITION at page 2, paragraph c)

3. The applicable rules provide that to be timely, a petition for administrative hearing must be filed within 21 days after the petitioners receive notice of the agency decision. Fla. Admin. Code R. 28-106.111(2) The failure to file the petition within this time frame constitutes a waiver of the right to request a hearing. Fla. Admin. Code R. 28-106.111(4)

4. On June 18, 2014, the DISTRICT's Executive Director issued her ORDER DISMISSING PETITION, WITHOUT PREJUDICE.

5. In the ORDER DISMISSING PETITION, WITHOUT PREJUDICE, the Executive Director dismissed the PETITION for, among other reasons, being untimely. However, in an abundance of caution the Executive Director determined that the dismissal would be "without prejudice", to give the PETITIONER(S) every opportunity to state a claim. (ORDER DISMISSING PETITION, WITHOUT PREJUDICE at page 4) The order provided a 15 day time limit for filing an amended petition. (ORDER DISMISSING PETITION, WITHOUT PREJUDICE at page 4)

6. On June 20, 2014, prior to the running of the 15 day time period to file an amended petition, the PETITIONER(S), who were now represented by counsel, filed their MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION. This motion requested that the time for filing the amended petition be extended until July 24, 2014.

7. On June 26, 2014, the Executive Director issued her ORDER GRANTING PETITIONERS' MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION which granted the MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION and allowed the PETITIONER(S) the extra time they requested.

8. On July 24, 2014, the PETITIONER(S), filed their AMENDED PETITION. In

the AMENDED PETITION, the PETITIONER(S) acknowledge that the PETITION was untimely:

In this case, Petitioners, acting pro se, mistakenly added an additional day to the 21-day filing deadline in observance of Memorial Day. As a result, the Original Petition was filed exactly 1 (one) day late.

AMENDED PETITION at page 4, paragraph 11

9. However, in the AMENDED PETITION the PETITIONER(S) request that the BOARD accept the AMENDED PETITION because it was untimely filed due to “excusable neglect.”

Based on the facts of this situation and the applicable case law in both the Florida Supreme Court and the 1<sup>st</sup> District Court of Appeals, Petitioner should be granted relief from the District Order Dismissing Petition for Failure to Timely File due to excusable neglect.

AMENDED PETITION at page 4-5, paragraph 13

#### CONCLUSIONS OF LAW

10. Upon receipt of a petition for an administrative hearing, the DISTRICT is required to review the petition and to dismiss the petition if it was untimely filed.

Upon the receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all of the required information. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed.

§ 120.569(2)(c), Fla.Stat. (Emphasis supplied)

11. Further, the DISTRICT is not allowed to refer the petition to the Division of Administrative Hearings unless the petition is in substantial compliance with the requirements of § 120.569(2)(c), Fla.Stat.

The agency may refer a petition to the division for the assignment of an

administrative law judge only if the petition is in substantial compliance with the requirements of paragraph (c).

§ 120.569(2)(d), Fla.Stat. (Emphasis supplied)

12. In this case, the PETITIONER(S) agree that the PETITION was untimely.

13. The only argument for accepting the untimely PETITION raised by the PETITIONER(S) is that the untimeliness was due to “excusable neglect”.

14. However, under Florida law, the doctrine of “excusable neglect” is not available to the PETITIONER(S):

Section 120.569(2)(c), Florida Statutes, was amended in 1998 to specifically provide that a petition for hearing “shall be dismissed if ... it has been untimely filed.” As a result of this amendment, Florida's appellate courts have uniformly concluded that the excusable neglect standard is not available where a party has failed to timely file a petition for hearing. See *Aleong v. Dep't of Prof. Reg.*, 963 So.2d 799 (Fla. 4th DCA 2007) (doctrine of excusable neglect did not apply to relieve appellant of waiver of right to hearing where petition was untimely filed); *Cann v. Dep't of Children & Family Servs.*, 813 So.2d 237 (Fla. 2d DCA 2002) (excusable neglect standard does not apply in determining whether to grant untimely request for administrative hearing); see also *Patz v. Dep't of Health*, 864 So.2d 79 (Fla. 3d DCA 2003).

*Seavor v. Department of Financial Services*, 32 So.3d 722, 723 (Fla. 5th DCA 2010) (Emphasis supplied)

15. Further, under Florida law, the dismissal of untimely petitions is mandatory. *Aleong v. Dep't of Bus. & Prof'l Reg.*, 963 So. 2d 799, 801 (Fla. 4th DCA 2007)(“The 1998 amendment to Florida Statutes section 120.569(2) added language requiring the dismissal of an untimely-filed petition. ... Accordingly, we are left with the mandatory language of section 120.569(2), which requires the dismissal of [the] untimely petition.”).

THEREFORE it is hereby ORDERED and ADJUDGED that:

1. The PETITIONER(S) have waived their right to request a hearing under Ch. 120, Fla.Stat., to contest the issuance of the PERMIT.

2. Neither the PETITION nor the AMENDED PETITION shall be referred to the Division of Administrative Hearings.

3. The PETITION and the AMENDED PETITION are hereby DISMISSED, with prejudice.

4. The Executive Director shall promptly provide a copy of this order to all parties and close the DISTRICT's file on this matter.

**JUDICIAL REVIEW**

Any party to this proceeding has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the clerk of the Suwannee River Water Management District.

DONE and ORDERED on \_\_\_\_\_, 2014.

GOVERNING BOARD OF THE SUWANNEE  
RIVER WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Don Quincey, Jr  
Chair

ATTEST: \_\_\_\_\_  
Ray Curtis  
Secretary Treasurer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this order has been furnished to the following persons:

Mr. Christopher T. Byrd, Esq.  
The Byrd Law Group, P.A.  
3505 Lake Lynda Drive, Suite 200  
Orlando, Florida 32817  
[Christopher@byrdlawflorida.com](mailto:Christopher@byrdlawflorida.com);  
[Service@byrdlawflorida.com](mailto:Service@byrdlawflorida.com)

ATTORNEYS FOR THE PETITIONER(S)

Mr. Richard E. Stadler  
[richardestadler@darbypeelee.com](mailto:richardestadler@darbypeelee.com)  
Mr. Joshua D. Crapps  
[joshuadcrapps@darbypeelee.com](mailto:joshuadcrapps@darbypeelee.com)  
Darby & Peele  
285 NE Hernando Ave  
Lake City, Florida 32055

ATTORNEYS FOR THE PERMIT APPLICANT

by email on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Tim Sagul  
Deputy Agency Clerk

MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Bureau Chief, Administration & Operations

DATE: July 28, 2014

RE: Approval of June 2014 Financial Report

RECOMMENDATION

**Staff recommends the Governing Board approve the June 2014 Financial Report and confirm the expenditures of the District.**

BACKGROUND

Chapter 373.553(1), F.S., authorizes the delegation of authority by the Governing Board to the Executive Director to disburse District funds, providing certification is made to the Board at the next regular meeting that such disbursement is proper, in order, and within budgetary limits. In compliance with the statutory provisions in Chapter 373, the Governing Board of the Suwannee River Water Management District has directed staff to prepare a Financial Report as attached.

If you have any questions about this recommendation or if you would like any further information regarding the District's financial transactions, please contact me.

DD/bmp  
Enclosures

**Suwannee River Water Management District  
Cash Report  
June 2014**

<b>ACCOUNT</b>	<b>Monthly Interest</b>	<b>Interest Rate %</b>	<b>Closing Balance</b>
Bank of America Permit Fee	-	-	\$99,645.92
First Federal Permit Fee	\$3.76	0.30%	\$14,787.74
First Federal Depository	\$576.89	0.45%	\$1,143,587.32
SPIA	\$58,457.81	1.41%	\$46,485,388.29
SBA Fund A	\$32.25	0.16%	\$254,061.94
SBA Fund B	-	-	\$87,228.29
<b>TOTAL</b>	<b>\$59,070.71</b>		<b>\$48,084,699.50</b>

**Suwannee River Water Management District**  
**Statement of Sources and Uses of Funds**  
**For the Month ending June 30, 2014**  
**(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 6/30/2014</b>	<b>Variance (Under)/Over Budget</b>	<b>Actuals As A % of Budget</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 5,384,693	\$ 5,259,279	\$ (125,414)	98%
Intergovernmental Revenues	16,721,900	9,592,876	(7,129,024)	57%
Interest on Invested Funds	333,794	299,374	(34,420)	90%
License and Permit Fees	171,939	56,230	(115,709)	33%
Other	216,318	680,359	464,041	315%
Fund Balance	6,409,874		(6,409,874)	0%
<b>Total Sources</b>	<b>\$ 29,238,518</b>	<b>\$ 15,888,119</b>	<b>\$ (13,350,399)</b>	<b>54%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances <sup>1</sup></b>	<b>Available Budget</b>	<b>%Expended</b>	<b>Obligated <sup>2</sup></b>
<b>Uses</b>						
Water Resources Planning and Monitoring	\$ 7,394,563	\$ 3,347,761	\$ 27,940	\$ 4,018,862	45%	46%
Acquisition, Restoration and Public Works	16,234,956	2,088,058	(6,720)	14,153,618	13%	13%
Operation and Maintenance of Lands and Works	2,522,765	1,450,954	(5,443)	1,077,254	58%	57%
Regulation	1,188,555	880,288	(45,075)	353,343	74%	70%
Outreach	252,952	128,754	-	124,198	51%	51%
Management and Administration	1,644,727	1,065,802	(22,337)	601,261	65%	63%
<b>Total Uses</b>	<b>\$ 29,238,518</b>	<b>\$ 8,961,616</b>	<b>\$ (51,635)</b>	<b>\$ 20,328,537</b>	<b>31%</b>	<b>30%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the available budget.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**STATEMENT OF ACTIVITY BY FUND**  
**FOR 6/30/2014**

	Fund 01	Fund 03	Fund 04	Fund 05	Fund 07	Fund 08	Fund 11
<b>TOTAL REVENUES</b>	<u>5,630,653</u>	<u>0</u>	<u>4,200,000</u>	<u>1,548,000</u>	<u>91,600</u>	<u>1,680,011</u>	<u>28,530</u>
<b>EXPENSES</b>							
<b>SALARIES AND BENEFITS</b>							
SALARIES	1,432,473	300	0	0	0	451,798	0
GROUP INSURANCE	263,789	45	0	0	0	96,346	0
RETIREMENT	141,256	21	0	0	0	41,181	0
UNEMPLOYMENT COMP	5,225	0	0	0	0	0	0
SOCIAL SECURITY	103,892	22	0	0	0	32,767	0
<b>TOTAL SALARIES AND BENEFITS</b>	<u>1,946,635</u>	<u>388</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>622,092</u>	<u>0</u>
<b>OTHER PERSONAL SERVICES</b>							
LEGAL FEES	11,308	0	0	0	0	5,714	0
CONTRACTUAL SERVICES	437,306	0	116,373	130,877	70,000	609,658	28,530
<b>TOTAL OTHER PERSONAL SERVICES</b>	<u>448,614</u>	<u>0</u>	<u>116,373</u>	<u>130,877</u>	<u>70,000</u>	<u>615,372</u>	<u>28,530</u>
<b>EXPENSES</b>							
PAYMENT IN LIEU OF TAXES	0	0	0	0	0	0	0
PRINTING	2,502	0	0	0	0	0	0
PUBLICATION OF NOTICES	4,987	0	0	0	0	0	0
POSTAGE	7,192	0	0	0	0	0	0
MEETINGS	13	0	0	0	0	0	0
REGISTRATIONS & TRAINING	14,323	0	0	0	0	1,857	0
TRAVEL EXPENSES	33,511	0	0	0	0	2,124	0
UTILITIES	32,990	0	0	0	0	0	0
COMMUNICATIONS	81,765	0	0	0	0	0	0
VEHICLE MAINTENANCE	19,962	0	0	0	0	0	0
EQUIPMENT MAINTENANCE	9,786	0	0	0	0	0	0
PROMOTIONS	7,616	0	0	0	0	0	0
FIELD SUPPLIES	93,924	0	0	0	0	549	0
OFFICE SUPPLIES	22,302	0	0	0	0	0	0
COMPUTER SUPPLIES	16,567	0	0	0	0	0	0
FUEL & LUBRICANTS	42,721	0	0	0	0	0	0
BOOKS & DOCUMENTS	2,521	0	0	0	0	26	0
OFFICE SUPPORT EQUIPMENT	510	0	0	0	0	0	0
COMPUTER SOFTWARE	27,223	0	0	0	0	0	0
EQUIPMENT RENTAL	32,336	0	0	0	0	0	0
WORKERS COMPENSATION	10,611	0	0	0	0	0	0
PROPERTY & CASUALTY INSURANCE	58,743	0	0	0	0	0	0
FEES & PERMITS	218,529	0	0	0	0	250	0
<b>TOTAL EXPENSES</b>	<u>740,634</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,806</u>	<u>0</u>
<b>OPERATING CAPITAL OUTLAY</b>							
MOBILE EQUIPMENT	0	0	0	0	0	0	0
COMPUTER EQUIPMENT	64,073	0	0	0	0	0	0
FIELD EQUIPMENT	17,166	0	0	0	0	0	0
<b>TOTAL CAPITAL OUTLAY</b>	<u>81,239</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>FIXED CAPITAL OUTLAY</b>							
ACQUISITION	0	0	0	0	0	0	0
<b>INTERAGENCY EXPENDITURES</b>							
INTERAGENCY EXPENDITURES	96,666	0	0	0	0	25,500	0
<b>TOTAL INTERAGENCY</b>	<u>96,666</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>25,500</u>	<u>0</u>
<b>TOTAL EXPENSES</b>	<u>3,313,788</u>	<u>388</u>	<u>116,373</u>	<u>130,877</u>	<u>70,000</u>	<u>1,267,770</u>	<u>28,530</u>
<b>NET INCOME</b>	<u>2,316,865</u>	<u>(388)</u>	<u>4,083,627</u>	<u>1,417,123</u>	<u>21,600</u>	<u>412,241</u>	<u>0</u>

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**STATEMENT OF ACTIVITY BY FUND**  
**FOR 6/30/2014**

	Fund 13	Fund 15	Fund 16	Fund 17	Fund 19
<b>TOTAL REVENUES</b>	<b>368,671</b>	<b>608,011</b>	<b>31,598</b>	<b>171,939</b>	<b>3,283</b>
<b>EXPENSES</b>					
<b>SALARIES AND BENEFITS</b>					
SALARIES	353,874	286,887	23,633	150,291	2,378
GROUP INSURANCE	66,661	56,790	2,836	24,772	511
RETIREMENT	29,176	24,749	2,526	12,822	217
UNEMPLOYMENT COMP	0	0	0	0	0
SOCIAL SECURITY	25,829	20,940	1,762	10,868	177
<b>TOTAL SALARIES AND BENEFITS</b>	<b>475,540</b>	<b>389,366</b>	<b>30,757</b>	<b>198,753</b>	<b>3,283</b>
<b>OTHER PERSONAL SERVICES</b>					
LEGAL FEES	17,758	16,339	235	1,121	0
CONTRACTUAL SERVICES	526,258	117,400	0	0	0
<b>TOTAL OTHER PERSONAL SERVICES</b>	<b>544,016</b>	<b>133,739</b>	<b>235</b>	<b>1,121</b>	<b>0</b>
<b>EXPENSES</b>					
PAYMENT IN LIEU OF TAXES	342,635	0	0	0	0
PRINTING	0	0	0	0	0
PUBLICATION OF NOTICES	1,419	853	0	0	0
POSTAGE	0	0	0	0	0
MEETINGS	0	0	0	0	0
REGISTRATIONS & TRAINING	610	3,549	505	0	0
TRAVEL EXPENSES	783	2,322	102	0	0
UTILITIES	0	0	0	0	0
COMMUNICATIONS	0	0	0	0	0
VEHICLE MAINTENANCE	0	0	0	0	0
EQUIPMENT MAINTENANCE	172	0	0	0	0
PROMOTIONS	0	0	0	0	0
FIELD SUPPLIES	9,557	635	0	0	0
OFFICE SUPPLIES	0	0	0	0	0
COMPUTER SUPPLIES	0	0	0	0	0
FUEL & LUBRICANTS	0	0	0	0	0
BOOKS & DOCUMENTS	0	17	0	0	0
OFFICE SUPPORT EQUIPMENT	0	0	0	0	0
COMPUTER SOFTWARE	0	0	0	0	0
EQUIPMENT RENTAL	0	0	0	0	0
WORKERS COMPENSATION	0	0	0	0	0
PROPERTY & CASUALTY INSURANCE	0	0	0	0	0
FEES & PERMITS	536	395	0	0	0
<b>TOTAL EXPENSES</b>	<b>355,712</b>	<b>7,771</b>	<b>607</b>	<b>0</b>	<b>0</b>
<b>OPERATING CAPITAL OUTLAY</b>					
MOBILE EQUIPMENT	0	44,198	0	0	0
COMPUTER EQUIPMENT	0	0	0	0	0
FIELD EQUIPMENT	0	0	0	0	0
<b>TOTAL CAPITAL OUTLAY</b>	<b>0</b>	<b>44,198</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FIXED CAPITAL OUTLAY</b>					
ACQUISITION	367,323	0	0	0	0
<b>TOTAL FIXED CAPITAL OUTLAY</b>	<b>367,323</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>INTERAGENCY EXPENDITURES</b>					
INTERAGENCY EXPENDITURES	30,921	0	0	0	0
<b>TOTAL INTERAGENCY</b>	<b>30,921</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENSES</b>	<b>1,773,512</b>	<b>575,074</b>	<b>31,599</b>	<b>199,874</b>	<b>3,283</b>
<b>NET INCOME</b>	<b>(1,404,841)</b>	<b>32,937</b>	<b>(1)</b>	<b>(27,935)</b>	<b>0</b>

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**STATEMENT OF ACTIVITY BY FUND**  
**FOR 6/30/2014**

	Fund 25	Fund 44	Fund 45	Fund 48	Fund 49
<b>TOTAL REVENUES</b>	<u>48</u>	<u>122,202</u>	<u>179,325</u>	<u>410,003</u>	<u>166,594</u>
<b>EXPENSES</b>					
<b>SALARIES AND BENEFITS</b>					
SALARIES	34	0	0	0	0
GROUP INSURANCE	9	0	0	0	0
RETIREMENT	2	0	0	0	0
UNEMPLOYMENT COMP	0	0	0	0	0
SOCIAL SECURITY	3	0	0	0	0
<b>TOTAL SALARIES AND BENEFITS</b>	<u>48</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>OTHER PERSONAL SERVICES</b>					
LEGAL FEES	0	0	0	0	0
CONTRACTUAL SERVICES	0	300	179,325	410,003	395,282
<b>TOTAL OTHER PERSONAL SERVICES</b>	<u>0</u>	<u>300</u>	<u>179,325</u>	<u>410,003</u>	<u>395,282</u>
<b>EXPENSES</b>					
PAYMENT IN LIEU OF TAXES	0	0	0	0	0
PRINTING	0	0	0	0	0
PUBLICATION OF NOTICES	0	0	0	0	0
POSTAGE	0	0	0	0	0
MEETINGS	0	0	0	0	0
REGISTRATIONS & TRAINING	0	0	0	0	0
TRAVEL EXPENSES	0	0	0	0	0
UTILITIES	0	0	0	0	0
COMMUNICATIONS	0	0	0	0	0
VEHICLE MAINTENANCE	0	0	0	0	0
EQUIPMENT MAINTENANCE	0	0	0	0	0
PROMOTIONS	0	0	0	0	0
FIELD SUPPLIES	0	12,052	0	0	0
OFFICE SUPPLIES	0	0	0	0	0
COMPUTER SUPPLIES	0	0	0	0	0
FUEL & LUBRICANTS	0	0	0	0	0
BOOKS & DOCUMENTS	0	0	0	0	0
OFFICE SUPPORT EQUIPMENT	0	0	0	0	0
COMPUTER SOFTWARE	0	0	0	0	0
EQUIPMENT RENTAL	0	0	0	0	0
WORKERS COMPENSATION	0	0	0	0	0
PROPERTY & CASUALTY INSURANCE	0	0	0	0	0
FEES & PERMITS	0	0	0	0	0
<b>TOTAL EXPENSES</b>	<u>0</u>	<u>12,052</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>OPERATING CAPITAL OUTLAY</b>					
MOBILE EQUIPMENT	0	0	0	0	0
COMPUTER EQUIPMENT	0	0	0	0	0
FIELD EQUIPMENT	0	0	0	0	0
<b>FIXED CAPITAL OUTLAY</b>					
ACQUISITION	0	0	0	0	0
<b>INTERAGENCY EXPENDITURES</b>					
INTERAGENCY EXPENDITURES	0	109,850	0	0	0
<b>TOTAL INTERAGENCY</b>	<u>0</u>	<u>109,850</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL EXPENSES</b>	<u>48</u>	<u>122,202</u>	<u>179,325</u>	<u>410,003</u>	<u>395,282</u>
<b>NET INCOME</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(228,688)</u>

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**STATEMENT OF ACTIVITY BY FUND**  
**FOR 6/30/2014**

	Fund 51	Fund 53	Fund 54	Total
<b>TOTAL REVENUES</b>	<u>206,751</u>	<u>118,090</u>	<u>18,843</u>	<u>15,583,982</u>
<b>EXPENSES</b>				
<b>SALARIES AND BENEFITS</b>				
SALARIES	0	0	0	2,701,669
GROUP INSURANCE	0	0	0	511,758
RETIREMENT	0	0	0	251,951
UNEMPLOYMENT COMP	0	0	0	5,225
SOCIAL SECURITY	0	0	0	196,260
<b>TOTAL SALARIES AND BENEFITS</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,666,863</u>
<b>OTHER PERSONAL SERVICES</b>				
LEGAL FEES	0	0	0	52,476
CONTRACTUAL SERVICES	206,751	0	18,843	3,246,908
<b>TOTAL OTHER PERSONAL SERVICES</b>	<u>206,751</u>	<u>0</u>	<u>18,843</u>	<u>3,299,383</u>
<b>EXPENSES</b>				
PAYMENT IN LIEU OF TAXES	0	0	0	342,635
PRINTING	0	0	0	2,502
PUBLICATION OF NOTICES	0	0	0	7,259
POSTAGE	0	0	0	7,192
MEETINGS	0	0	0	13
REGISTRATIONS & TRAINING	0	0	0	20,845
TRAVEL EXPENSES	0	0	0	38,843
UTILITIES	0	0	0	32,990
COMMUNICATIONS	0	0	0	81,765
VEHICLE MAINTENANCE	0	0	0	19,962
EQUIPMENT MAINTENANCE	0	0	0	9,959
PROMOTIONS	0	0	0	7,616
FIELD SUPPLIES	0	0	0	116,717
OFFICE SUPPLIES	0	0	0	22,302
COMPUTER SUPPLIES	0	0	0	16,567
FUEL & LUBRICANTS	0	0	0	42,721
BOOKS & DOCUMENTS	0	0	0	2,564
OFFICE SUPPORT EQUIPMENT	0	0	0	510
COMPUTER SOFTWARE	0	0	0	27,223
EQUIPMENT RENTAL	0	0	0	32,336
WORKERS COMPENSATION	0	0	0	10,611
PROPERTY & CASUALTY INSURANCE	0	0	0	58,743
FEES & PERMITS	0	0	0	219,709
<b>TOTAL EXPENSES</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,121,583</u>
<b>OPERATING CAPITAL OUTLAY</b>				
MOBILE EQUIPMENT	0	0	0	44,198
COMPUTER EQUIPMENT	0	0	0	64,073
FIELD EQUIPMENT	0	0	0	17,166
<b>TOTAL CAPITAL OUTLAY</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>125,437</u>
<b>FIXED CAPITAL OUTLAY</b>				
ACQUISITION	0	0	0	367,323
<b>TOTAL FIXED CAPITAL OUTLAY</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>367,323</u>
<b>INTERAGENCY EXPENDITURES</b>				
INTERAGENCY EXPENDITURES	0	118,090	0	381,026
<b>TOTAL INTERAGENCY</b>	<u>0</u>	<u>118,090</u>	<u>0</u>	<u>381,027</u>
<b>TOTAL EXPENSES</b>	<u>206,751</u>	<u>118,090</u>	<u>18,843</u>	<u>8,961,616</u>
<b>NET INCOME</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>6,622,365</u>

## MEMORANDUM

TO: Governing Board  
FROM: Dave Dickens, Bureau Chief, Administration & Operations  
DATE: July 28, 2014  
RE: Fiscal Year (FY) 2014 Land Management Review Team Report

The Land Management Review Team process is required by Florida Statutes, 373.591. The intent is to allow the public an opportunity to determine if lands titled to the Governing Board are being managed for the purposes for which they were acquired and in accordance with land management objectives.

On March 20, 2014, staff and representatives of the Florida Forest Service (FFS) led a field tour of lands in Twin Rivers State Forest (TRSF); this review area totals about 12,584 acres of fee lands. The main area of emphasis on the tour was silvicultural activities used by the FFS to restore the natural communities on TRSF and the Best Management Practices utilized to protect water and cultural resources. Eighteen individuals representing private landowners, interests groups and agencies participated in the tour.

On April 24, 2014, staff led a field tour of lands in the Lower Suwannee and Waccasassa River basins in Gilchrist and Levy counties. This review area totals about 15,821 acres of fee lands and 43,470 acres of Conservation Easement lands. The main areas of emphasis on the tour were protection of surfacewater resources while managing public use and natural communities; management of lands during the current flood event; and the many cooperators involved in the management of District lands in these basins. Sixteen individuals representing private landowners, interests groups and agencies participated in the tour.

The Review Team process continues to provide an opportunity for dialogue between staff, interested members of the community, and other agencies regarding the management of District lands. Findings by the team were positive and are included in the report.

The 2014 Land Management Review Team Report is posted on the Suwannee River Water Management District website at <http://mysuwanneeriver.com/DocumentCenter/View/9584>.

DD/bmp  
004-00445  
004-00446

## MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Bureau Chief, Administration and Operations Bureau

DATE: July 28, 2014

RE: Contract Renewal with Glover Landscape & Irrigation, LLC, M&L Contracting Services and Suwannee Lawn & Garden, Inc., for Dispersed Recreation Maintenance Services

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to renew contracts 13/14-130, Glover Landscape & Irrigation, LLC, for an amount not to exceed \$36,000; 13/14-131, M&L Contracting Services, for an amount not to exceed \$23,805; and 13/14-132, Suwannee Lawn & Garden, Inc., for an amount not to exceed \$30,091.08.**

### BACKGROUND

In the original Invitation to Bid 13/14-022 LR (ITB), the District was divided into four regions: Northeast, Northwest, Southeast and Southwest. The Northeast Region was divided into four sections and the Southeast Region was divided into two sections. The scope of work has site maintenance specifications for entrance signs, public parking, and river access points. Winter season maintenance is once per month and summer season maintenance is twice per month to mow and pick up litter. Kiosk and signs have quarterly cleaning and gates on public access roads are maintained twice yearly. Public use roads are mowed three times per year.

The above ITB was advertised and responses were received in March 2014; the contracts were executed in April 2014 for six months. The contract amounts recommended reflect twelve-month contracts and the rates are the same as 2014. The timing of the aforementioned bid and contract is so recent that rebidding the services would likely not provide significant cost savings. Additionally, if the services have to be rebid and new contractors are awarded the contracts, it will take substantial staff time to re-advertise the bids, process the contracts, educate the new contractor on District standards and familiarize the new contractors with District lands.

The three firms listed below have provided excellent services for the District for several years and have consistently provided competitive bids:

<b>Contract Number</b>	<b>Contractor</b>	<b>Service Area</b>	<b>Contract Amount</b>
13/14-130	Glover Landscape & Irrigation, LLC	Northeast Region – Section 1, Northwest Region, Southeast Region – Section 1	\$36,000.00
13/14-131	M&L Contracting Services	Southwest Region	\$23,805.00
13/14-132	Suwannee Lawn & Garden, Inc.	Northeast Region – Sections 1, 2 & 3, Southeast Region – Section 2	\$30,091.08

The principal for Glover Landscaping & Irrigation, LLC, is Tim Glover, located in Branford, Florida; M&L Contracting Services is Marvin Edmonds, located in Cross City, Florida; and Suwannee Lawn & Garden, Inc., is Al Cloud located in McAlpin, Florida. Funding for this contract is included in the Fiscal Year 2015 tentative budget and is contingent upon final budget adoption by the Governing Board.

DD/bmp

## MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Bureau Chief, Administration & Operations

DATE: July 28, 2014

RE: Approval and Execution of Sovereignty Submerged Lands Lease Renewal for Atsena Otie Key, Levy County

### RECOMMENDATION

**Staff recommends Governing Board approval and execution of a sovereignty submerged lands lease agreement renewal for the docking facilities at Atsena Otie Key in Levy County.**

### BACKGROUND

Staff requested the Florida Department of Environmental Protection (FDEP) to renew the Sovereignty Submerged Land Lease in July 2014. If approved by the Governing Board, this agreement will be executed and recorded in Levy County.

In 1997, the District acquired several parcels at Atsena Otie Key which included a 25-slip docking facility. The District was granted a five-year sovereignty submerged lands lease for the docking facilities in August 1999.

In August 2004 and January 2010, the Governing Board authorized renewal of the lease. This proposed renewal will extend the lease until August 2019. There is no income or expenses associated with the renewal or the docking facility. Atsena Otie Key and the docking facility are managed by US Fish and Wildlife Service. The dock is closed to the public as it is in disrepair.

DD/bmp

Contract No. 00/01-080

## MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Bureau Chief, Administration & Operations

DATE: July 28, 2014

RE: Approval of the Information Technology (IT) Audit Report from Law, Redd, Crona & Munroe, P.A., Inspector General

### RECOMMENDATION

**Staff recommends the Governing Board accept the IT Audit Report from Law, Redd, Crona & Munroe, Inspector General.**

### BACKGROUND

Law, Redd, Crona & Munroe, P.A. has prepared the IT Audit Report per the 2014 Internal Audit Work Plan. Staff has provided support to Law, Redd, Crona & Munroe during the preparation of the report. This report contains a review of District information technology controls in the following categories:

- IT Governance
- Security Management
- Physical Access and Environmental Controls
- Logical Access Controls
- Contingency Planning/Backup and Recovery
- Software Change Management

Staff has asked Mr. Jon Ingram of Law, Redd, Crona & Munroe to attend the August 2014 Governing Board meeting and present an overview of the IT Audit Report to the Governing Board.

/bmp

MEMORANDUM

TO: Governing Board  
FROM: Dave Dickens, Bureau Chief, Administration and Operations  
DATE: July 31, 2014  
RE: Authorization for the Executive Director to Procure Insurance Coverage from Recommended Insurance Providers

RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to procure Property and Casualty, Commercial General Liability, Auto, Workers Compensation, Life, and Disability insurance coverage from the most cost-effective providers at an aggregate premium cost of \$72,920 for Fiscal Year (FY) 2015.**

BACKGROUND

In order to achieve sufficient insurance coverage at competitive rates, the District uses a competitive selection process every third year. Property and Casualty, Commercial General Liability, Auto, Workers Compensation, Life, and Disability coverages were solicited through a competitive bid this year with the District selecting the insurance provider quoting the lowest premiums that met the requested specifications.

The FY15 proposed premiums are as follows:

COVERAGE	CARRIER	FY 2014 PREMIUM	FY 2015 PREMIUM	INCREASE (DECREASE)	% change
Liability (CGL)	PGIT	\$20,348	\$17,965	(\$2,383)	-12
Workers Comp	PGIT	\$10,392	\$8,548	(\$1,844)	-18
Auto	PGIT	\$5,250	\$5,468	\$218	4
Property	PGIT	\$32,395	\$23,949	(\$8,446)	-26
Governing Board Travel	Hartford	\$750	\$598	(\$152)	-20
Disability	Standard	\$13,530	\$10,680	(\$2,850)	-21
Life	Standard	\$8,976	\$5,712	(\$3,264)	-36
TOTAL		\$91,641	\$72,920	(\$18,721)	

Funding for this recommendation is included in the FY 2015 tentative budget and is contingent upon final approval of the FY 2015 budget.

DD/bmp

## MEMORANDUM

TO: Governing Board

FROM: Dave Dickens, Bureau Chief, Administration and Operations

DATE: July 28, 2014

RE: Authorization for Executive Director to Purchase a Generator from ACF Standby Systems LLC

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to purchase a generator from ACF Standby Systems LLC for a total amount not to exceed \$235,616.**

### BACKGROUND

As the District office is in a rural location, it is not uncommon for the District's electric supply to go down periodically. When this happens, the river levels and rainfall data cannot be collected, data cannot be served to the website, and data cannot be provided to the National Weather Service, the public and emergency managers. Therefore, there is a significant need to have electric power at all times.

The Governing Board authorized the Executive Director to enter into an Interagency Agreement with the Florida Division of Emergency Management (FDEM) to receive a federally-funded subgrant to procure and install a generator at District headquarters. This grant will provide 75% of the funding needed for this procurement; the remaining 25% will come from District general funds.

The Florida Sheriff's Association (FSA), Florida Association of Counties and Florida Fire Chief's Association cooperatively request bids for vehicles and other equipment. Businesses awarded these contracts are required to extend discounted prices to agencies authorized to purchase off state contracts.

By "piggybacking" on the Florida Sheriff's Association request for bids and contract, the District can avoid the cost of conducting its own bid process and can realize major discounts off regular retail pricing. District policies allow for this type of procurement. This procurement would provide for purchase of the generator, automatic transfer switch and uninterruptable power supply (UPS) and all materials and labor required for their installation. Staff anticipates contracting with the City of Live Oak to provide natural gas lines to District headquarters at a cost of approximately \$15,000.

gal

## MEMORANDUM

TO: Governing Board  
FROM: Dave Dickens, Bureau Chief, Administration and Operations  
DATE: July 28, 2014  
SUBJECT: Land and Facilities Operations Activity Summary

There has been no activity for reforestation. Reforestation will commence again next fiscal year.

The dispersed recreation maintenance contractors have completed the first mowing of the public-use roads on District lands.

A severely damaged 30" x 30" culvert in a public road on the Lamont Tract was replaced by Perpetual Contracting LLC on May 29, 2014.

Perpetual Contracting LLC began road maintenance of public roads in Mallory Swamp on June 30, 2014.

Harvesting of the 473-acre Little River Timber Sale #4 commenced on April 22. Approximately one-third of the timber has been harvested (same amount as last month). The harvest operation has been put on hold because of flooding and saturated soils. This sale must be completed by April 15, 2015.

Staff continued the review of four conservation easements during the past month:

- Plum Creek – Gainesville Wellfield in Alachua County (Inspected on July 17, 2014; DRAFT inspection report sent.)
- Plum Creek – Levy 1/Waccasassa/Gulf Hammock in Levy County (Inspected during the week of June 2, 2014; DRAFT inspection report sent.)
- Plum Creek – Levy 2/Manatee Springs Addition in Levy County (Inspected during the week of June 2, 2014; DRAFT inspection report sent.)
- Ace Ranch – in Lafayette County (In process of discussing solutions with Owner; waiting for the required Management Plans.)

Burning activities were conducted during the report period of June 7, 2014 through July 7, 2014.

Contractors successfully applied herbicide to approximately 390 acres for the purpose of releasing existing pines from hardwood competition, site preparation (for future planting) and to facilitate the use of prescribed fire.

Staff secured funding from the Florida Fish and Wildlife Commission for two invasive plant control projects on the Lake Rowell and Withlacoochee Quail Farm tracts. Total amount of funding is estimated at \$30,000.

Based on comments received at the June 11, 2014 Governing Board workshop, staff finalized the new District Road Plan on June 20, 2014, and uploaded it to the network. Staff is now using the new road plan.

On June 19, 2014, Edwin McCook, Bob Heeke, Scott Gregor and Tyler Futch visited the Middle Suwannee to review land management activities with Science, Technology, Engineering and Mathematics (STEM) students.

The Surplus Lands Disposition Status Report for Florida Department of Environmental Protection (FDEP), Division of State Lands, was prepared for inclusion in FDEP's Disposition of State Lands and Facilities 2014 Annual Report.

The attached report summarizes the status of current activities for the preceding month. Staff will be prepared to address any items of particular interest the Board may wish to discuss at the Governing Board meeting.

/bmp

**REAL ESTATE**

Conservation Easement Review

Owner	Project Name	Acres	County	2013-2014 Monthly Inspection Date												
				O	N	D	J	F	M	A	M	J	J	A	S	
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	164	Jefferson													
Bailey Brothers	Bailey Brothers Steinhatchee	16,522	Dixie								X					
Champion, Roger and Donna	Mount Gilead	180	Madison													
Chinquapin Farm, L.L.C.	Chinquapin Farm	6,350	Columbia, Suwannee													
City of Newberry	Newberry Wellfield	40	Alachua													
Davidson, Dr. C. Linden	Davidson	225	Jefferson													
Drummond, Graham	Lower Suwannee	543	Levy	X												
Feagle, Ronald and Dorothy	Bonnet Lake	433	Columbia													
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	550	Suwannee													
DP Research, LLC	Dixie Plantation	8,902	Jefferson								X					
Hale and McDaniel	Carter	1,232	Columbia		X											
Harrell, Curtis and Matthew	Falmouth Addition	912	Suwannee													
Jackson, Kevin and Patrice	Jackson	171	Lafayette													
Layman Law Firm	Layman Aucilla	167	Jefferson													
Loncala Inc.	Loncala Alapaha	1,141	Hamilton			X										
Loncala, Inc.	Loncala Gilchrist	913	Gilchrist			X										
Loncala, Inc.	Monteocha Creek	951	Alachua			X										
Mann, Jack & Loy Ann	Manatee Springs Addition	590	Levy													
McEnany , Michael	Waccasassa	1,104	Levy													
Meeks, David & Sarah	Manatee Springs Addition	370	Levy													
Moore, Madeline	Moore	115	Jefferson													

Conservation Easement Review (continued)

Owner	Property Name	Acres	County	2013-2014 Inspection Date													
				O	N	D	J	F	M	A	M	J	J	A	S		
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	1,192	Columbia														
Platt, Cody and Carol	Aucilla Addition	274	Jefferson														
Plum Creek Timberlands	Gainesville Wellfield	3,084	Alachua														
Plum Creek Timberlands	Waccasassa Gulf Hammock	21,300	Levy			X											
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	4,588	Levy			X											
Plum Creek Timberlands	Manatee Springs Addit. Suwannee Swamp	12,797	Levy			X											
Ragans Hoyt and Betty	Aucilla	755	Jefferson Madison														
Red Hills Land Company	Foster	163	Jefferson														
Sanders, Thomas and Sylvia	Mill Creek	339	Hamilton														
Sante Fe River Hammock, L.L.C.	Santa Fe River Hammock	167	Bradford														
Sheppard, Derwood and Susan	Manatee Springs Addition	120	Levy														
Strickland Field, L.P.	Strickland Field	3,822	Dixie														
Suwannee River Development LLC	Ace Ranch	260	Lafayette						X								
The Campbell Group-Bascom Southern LLC	California Swamp	32,134	Dixie			X											
Tisdale Robert	Tisdale	83	Levy														
Usher Family Trust	Usher	2,023	Levy														
Zellwin Farms, Inc.	Jennings Bluff	362	Hamilton														

Shading denotes month inspection is scheduled to take place. An "X" denotes completed inspection. Inspection will be rescheduled if not completed during its designated month.

**LAND AND FACILITIES OPERATIONS**

Prescribed Fire

<b>Summary Table FY 2014</b>	<b>2014 Target Acres</b>	<b>Acres Complete</b>
Suwannee River Water Management District	9,800	8,856
Florida Forest Service burns on Twin Rivers State Forest	2,000	2,158
<b>TOTAL</b>	<b>11,800</b>	<b>11,014</b>

Prescribed Burn Activity

<b>TRACT</b>	<b>COUNTY</b>	<b>B&amp;B DUGGER</b>	<b>TFC</b>	<b>WFS</b>	<b>FFS COOP</b>	<b>FFS TRSF</b>	<b>TOTAL ACRES</b>	<b>TOTAL WILDFIRE ACRES</b>
Withlacoochee	Hamilton			226				
Deese	Hamilton			43				
Tyree	Hamilton		51					
Ellaville	Madison			53				
<i>Sub-total for Period</i>		0	51	322	0	0	373	0
<i>Previous Acres Burned</i>		2,350	2,184	3,195	754	2,158	10,641	0
<b>Total Acres</b>		<b>2,350</b>	<b>2,235</b>	<b>3,517</b>	<b>754</b>	<b>2,158</b>	<b>11,014</b>	<b>0</b>

## Timber

### Reforestation

TRACT	ID	Acres	Planting Type	Species Planted	Total # of Seedlings Planted	Total Cost	Completion Date
Withlacoochee Quail Farms	189-2014-01	146	Hand	Longleaf Pine	109,500	\$28,585.44	1/8/2014
Cabbage Creek	23-2014-01	74	Hand	Longleaf Pine	44,400	\$10,964.32	1/12/2014

### Timber Sales

Tract	Contract	Acres	Tons Harvested	Gross Revenue	Completion Date
Steinhatchee Rise	12/13-057	229	14,932.90	\$192,731.22	1/10/2014
Bell Springs	13/14-014	16.90	983.49	\$ 15,143.07	1/29/2014

## Public Use

All District lands that were closed in the spring due to flooding have been reopened.

## MEMORANDUM

TO: Governing Board

FROM: Erich Marzolf, Ph.D., Division Director, Water Resources

DATE July 28, 2014

RE: Renewal of Environmental Systems Research Institute (ESRI) GIS Software License Maintenance Agreement

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to renew Environmental Systems Research Institute software license maintenance agreement for Fiscal Year 2015 for a total amount not to exceed \$42,750.**

### BACKGROUND

Computer software programs are essential to the mission of the District. ArcGIS and other associated tools, provided by Environmental Systems Research Institute, Inc., (ESRI), have become essential tools used by the District for planning, inventorying, querying or analyzing spatial data in an effort to resolve problems in a timely manner. The District's entire geographic mapping and spatial data management systems are based upon ESRI products. Maintenance includes technical support for users, upgrades for all licensed products and 40 users, and 4,000 credits for ArcGIS Online.

Funding for this contract is included in the tentative Fiscal Year 2015 budget.

ERM/dd

## MEMORANDUM

TO: Governing Board

FROM: Erich Marzolf, Ph.D., Division Director, Water Resources

DATE: July 28, 2014

RE: Interagency Agreement with St. Johns River Water Management District for Surface and Groundwater Chemistry Analysis

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into an Interagency Agreement with St. Johns River Water Management District to provide surface and groundwater laboratory analyses for a total cost not to exceed \$90,000.**

### BACKGROUND

The District has operated a network of surface and groundwater sites for hydrologic, water quality, and biological analyses since the late 1980s. In January 2014, the District entered into an agreement with the St. Johns River Water Management District (SJRWMD) that would allow the District to utilize SJRWMD's water quality laboratory for routine analyses and a limited number of additional analyses. The District has benefited from this relationship during the past several months due to the lower cost, greater number of analytes per sample, and rigorous quality assurance and control analyses.

Due to the recent changes in the District's internet provider, we will soon have greater database and regulatory connections to SJRWMD which will further benefit our water quality data management. Using SJRWMD's laboratory ensures data comparability across the resources shared by the two Districts. This agreement would run from October 1, 2014, through September 30, 2015, and retain the same per quarter rate (\$20,000) and would include \$10,000 for unanticipated large analysis requests.

Funds for this contract are budgeted in the tentative Fiscal Year 2014/2015 Water Resource Monitoring Budget.

EM/dd

## MEMORANDUM

TO: Governing Board

FROM: Erich Marzolf, Ph.D., Division Director, Water Resources

DATE: July 28, 2014

RE: Approval of Resolution 2014-16, Fiscal Year 2013/2014, Budget Amendment #5, Agreement with the United States Fish and Wildlife Service

### RECOMMENDATION

**Staff recommends the Governing Board approve receipt of a \$10,000 grant from the United States Fish and Wildlife Service, adopt Resolution 2014-16 amending the Fiscal Year 2013/2014 Budget from \$29,940,502 to \$29,950,502 in order to recognize \$10,000 in unanticipated and unbudgeted revenues, and authorize the Executive Director to approve a Cooperative Agreement with United States Fish and Wildlife Service to accept \$10,000 for the Big Bend Planning Initiative, an effort associated with the Federal RESTORE Act.**

### BACKGROUND

The U.S. Fish and Wildlife Service (USFWS) would like to enter into an agreement with the Suwannee River Water Management District to provide financial assistance for the Big Bend Planning Initiative. This planning effort is to integrate activities associated with the Federal RESTORE Act between local governments and agencies within the District. The ultimate goal is to implement projects which will sustain coastal communities' economies and ecosystems.

Planning actions will include the following:

- Contractual assistance with planning and coordinating efforts related to the RESTORE Act within the SRWMD and conduct county workshops and community informational meetings
- Contractual assistance coordinating with the United States Army Corps of Engineers on a Watershed Assessment of the Suwannee River
- Contractual assistance to conduct an Economic Feasibility Study
- Contractual assistance to solicit additional grant funding and submissions

- Contractual assistance to assist with the development of a Strategic Plan
- Use funding as match to leverage additional resources and partnerships
- Contractual assistance to develop educational/informational materials

These funds will be used as part of a larger effort to engage local counties within the Big Bend and assist them in the development of planning documents and funding proposals that will sustain, restore and protect trust resources.

Restoration and conservation actions will provide benefits to numerous threatened and endangered species and fragile habitats within the Big Bend watershed including spring systems, seagrass beds, oyster reefs, upland forests and rivers and tributaries. Additionally, benefits include positive impacts to ecosystem services including eco-tourism, fishing, clamming and silviculture.

The USFWS will provide technical assistance and serve as a member of this partnership, working with local sponsors and conservation agencies to shepherd this effort as it moves forward.

Partners include: U.S. Fish and Wildlife Service, U.S. Department of Agriculture, U.S. Department of Commerce, Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, Jefferson, Taylor, Dixie and Levy counties, National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers and the National Wildlife Refuge Association. Additional partners are expected as this initiative evolves.

Matching funds are being sought to conduct these planning studies and develop these planning documents.

ERM/dd



WMD BUDGET AMENDMENT REQUEST FORM

SRWMD AMENDMENT (05)-(2014)

August 4, 2014

**Issue Statement:** Chapter 373.536(4) (a), F.S. provides that the final adopted budget for the district is the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board. The SRWMD had not received this grant at the time of adoption of the FY13/14 budget, so it did not include this funding.

PROJECT					
PROGRAM ACTIVITY SUBACTIVITY	Current Budget	Expenditures to Date	Encumbrances	Available Budget	Amount Requested
01-0-516-0-1200-07	\$0	\$0	\$0	\$0	\$10,000
TOTAL					
SOURCE OF FUNDS					AMOUNT
United States Fish and Wildlife Service					\$10,000
SRWMD Contribution					In-kind contributions

Utilize the standardized coding and naming convention from the tentative budget and provide an amount for each expenditure category within the lowest service level (program/activity/subactivity) and a grand total.

**Agency Request:** The Suwannee River Water Management District requests a modification to the FY13-14 adopted budget. Pursuant to the requirements of s. 373.536(4)(c), F.S. – If the District receives unanticipated funds after the adoption of the final budget, the final budget may be amended, following review and approval by the Executive Office of the Governor, by including such funds, if notice of intention to amend is provided to the Legislative Budget Commission and is published in the notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525, F.S. The notice must set forth a summary of the proposed amendment.

**Fiscal Impact:** The fiscal impact to the FY13/14 Budget will be the increase in revenues of \$10,000 from The USFWS.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2014-16**

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
AMENDING THE FISCAL YEAR 2013-2014 BUDGET**

**WHEREAS**, chapters 200 and 373, Florida Statutes, require the Governing Board of the Suwannee River Water Management District (District) to adopt a final budget for each fiscal year; and

**WHEREAS**, by Resolution No. 2013-20, after a public hearing on September 24, 2013, the Governing Board of the District adopted a final budget for the District covering its proposed operations and other requirements for the ensuing fiscal year, beginning October 1, 2013 through September 30, 2014; and

**WHEREAS**, in accordance with section 189.418(7), Florida Statutes, the District will post the adopted amendment on its official website within five days after its adoption; and

**WHEREAS**, a budget amendment involves an action that increases or decreases total appropriated Fund amounts in the Budget; and

**WHEREAS**, pursuant to section 120.525, Florida Statutes, the District has provided notice of its intention to amend the Budget in the published notification of the Governing Board meeting at which the amendment will be considered; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Board of the District, that:

1. The Budget is hereby amended as summarized in the memorandum dated July 28, 2014, requesting Amendment No. 5, to the Fiscal Year 13/14 budget.
2. Budget Amendment No. 5 provides an increase of \$10,000 in budget authority and revenue for implementation of Big Bend Planning Initiative associated with the Federal RESTORE Act.

**PASSED AND ADOPTED THIS 12th DAY OF August, 2014 A.D.**

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
BY ITS GOVERNING BOARD**

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**MEMBERS OF THE BOARD:**

**DON QUINCEY, CHAIR  
ALPHONAS ALEXANDER, VICE CHAIR  
RAY CURTIS, SECRETARY/TREASURER  
KEVIN W. BROWN  
GEORGE M. COLE  
GARY JONES  
VIRGINIA H. JOHNS  
VIRGINIA SANCHEZ  
GUY N. WILLIAMS**

**ATTEST:**

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## MEMORANDUM

TO: Governing Board

FROM: Erich Marzolf, Ph.D., Division Director, Water Resources

DATE: July 28, 2014

RE: Agricultural Water Use Monitoring Update

# Update on Agricultural Water Use

## BACKGROUND

District permits for agricultural water use contain requirements for water use monitoring to estimate the actual volumes of water usage. Staff has determined that estimating water use with electrical data is the least costly method.

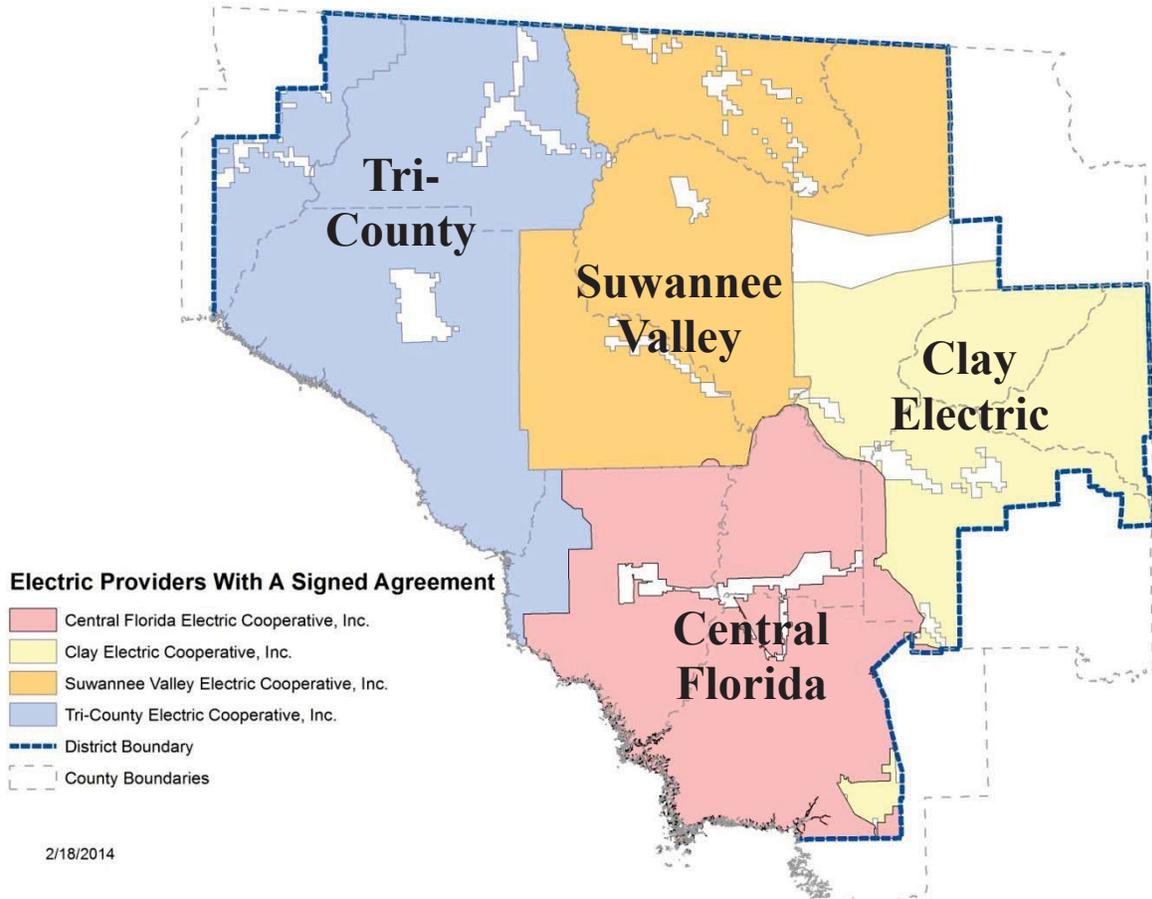
The District has reached agreements with the four major electrical cooperatives providing service to agriculture within the District. As each agreement was signed, District staff met with Cooperative staff to discuss the details of data sharing processes. In addition, lists of permittees with a monitoring requirement have been developed by the Cooperatives and staff has begun contacting the permittees to discuss their monitoring options and having them sign the agreements required to initiate data sharing. Kevin Wright and the staff working with the agricultural cost-share program are sharing the monitoring process options and the associated Cooperative forms with applicants. There are also programming upgrades being implemented within the Water Use Permitting and Reporting (WUPAR) system to better integrate the permitting and monitoring efforts.

Central Florida Electric Cooperative signed an agreement with the District to transmit electrical consumption data on October 15, 2013, which the Governing Board approved on November 12, 2013. On January 10, 2014, the District sent the first set of meter numbers to Central Florida for processing and subsequent data sharing. The District received the first set of data from Central Florida and has suggested some format revisions and minor modifications.

Clay Electric Cooperative, Inc., signed an agreement with the District to transmit electrical consumption data on November 21, 2013, which the Governing Board approved on December 10, 2013. On March 13, the District sent the first set of signed meter number agreements to the Cooperative, and they anticipate being able to complete their data programming to deliver data in the near future. Subsequent requests will be routine and faster after this first round.

Agreements with Suwannee Valley and Tri-County Electric Cooperatives were approved in March 2014 by the Governing Board and both are now signed. Staff met with Suwannee Valley on data sharing issues on March 4, 2014, and Tri-County on May 19, 2014.

As shown in the map below, the agreements with these four Cooperatives cover the majority of the District.



EM/dd

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Authorization to Revoke Water Use Permit 2-01-00047 – Maxwell Foods, Inc.,  
Alachua County

**Staff recommends the Governing Board authorize initiation of revocation proceedings for Water Use Permit (WUP) 2-01-00047, for two or more years of non-use of the water supply, pursuant to section 373.243, Florida Statutes (F.S.).**

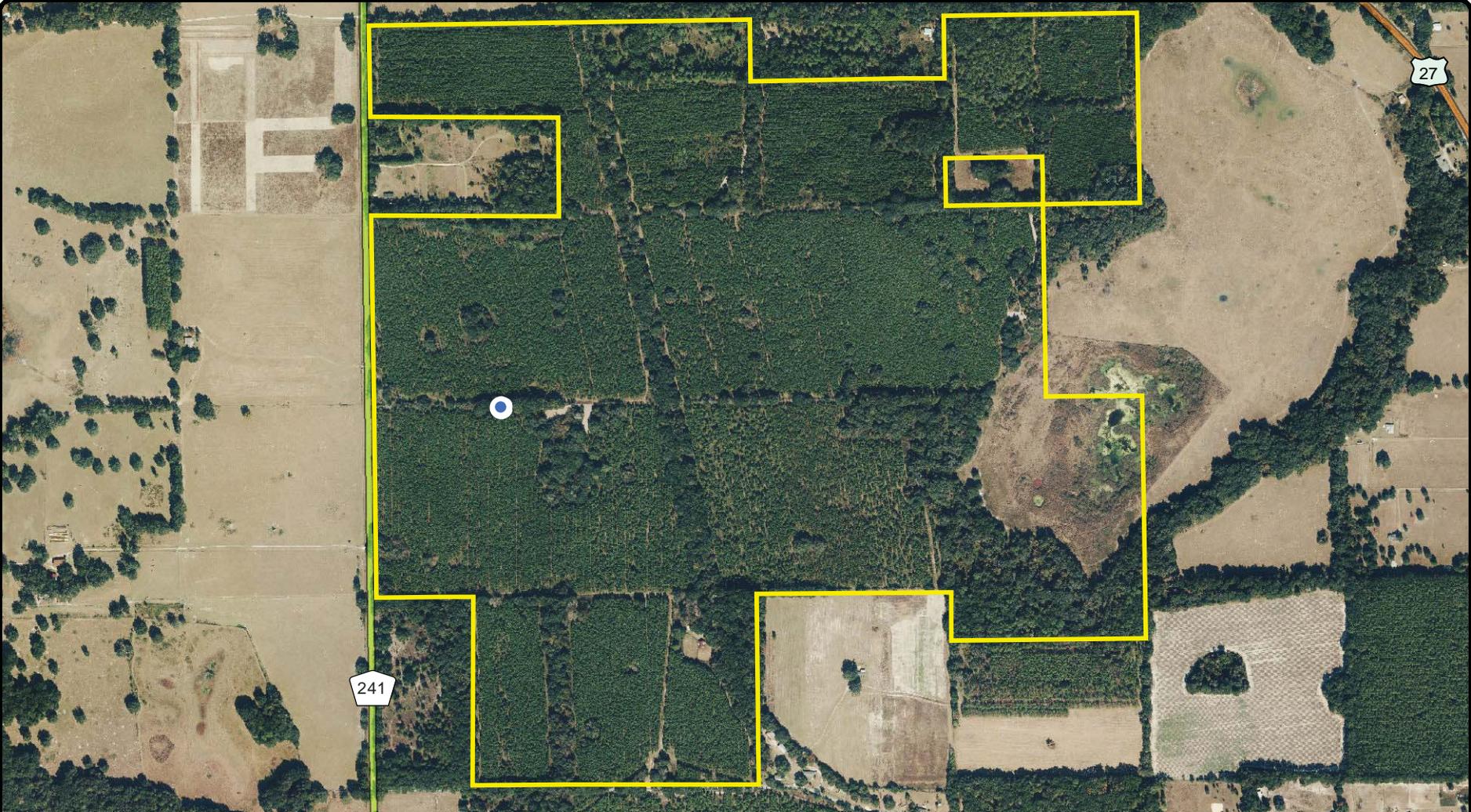
BACKGROUND

WUP 2-01-00047 was issued on April 30, 2001, to Maxwell Foods, Inc. for agricultural use (160 acres of watermelons) with an allocated daily withdrawal of 0.1083 million gallons per day. The current permit expiration date is April 30, 2021.

The project was farmed for approximately two to three years after permit issuance and then converted to a silviculture operation. The existing 10-inch diameter well was constructed prior to permit issuance and never used for the permitted agricultural operation. Maxwell Foods Inc. representatives informed district staff of their intent to keep the project in silviculture, which would not require a water use permit.

Pursuant to section 373.243, F.S., the Governing Board may revoke a WUP where the water source has not been used for a period of two or more years. Such revocation must follow Governing Board Directive 14-0002 and the proceedings contained in section 120.60, F.S., which require the District to serve an administrative complaint to the permittee.

WZ/tm



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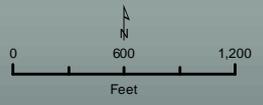
-  Project Boundary
-  Inactive Withdrawal Points

### Maxwell Foods Inc.

**2-01-00047.001 Water Use Permit**  
August 2014



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval of a Modification of Water Use Permit 2-84-00166.004 with a 0.0528 mgd Decrease in Allocation and a Nine-Year Permit Extension Authorizing the Use of 0.2132 mgd of Groundwater for Agricultural Uses at the Santa Fe River Ranch Project, Alachua County

### RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-84-00166.004, with seventeen standard conditions and six special limiting conditions, to Hitchcock's Ranch, LLC, in Alachua County.**

### BACKGROUND

This is a modification for an existing permit to irrigate 146 acres of either a corn/ rye, peanuts/ rye, or pasture/ rye rotation with 0.2132 million gallons daily (mgd) of groundwater. The overall water use has decreased 0.0528 mgd, from 0.2660 mgd to 0.2132 mgd due to the application of GWRAPPS in determining supplemental irrigation requirements for the existing crops. The project area is located within the Upper Santa Fe River Basin Water Resource Caution Area. The permit application has undergone a complete review in order to receive a nine-year permit extension for voluntary implementation of automated monitoring of withdrawals.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code (F.A.C.).

/tm

**STAFF REPORT**  
**WATER USE PERMIT APPLICATION**

**DATE:** August 1, 2014

**PROJECT:** Santa Fe River Ranch Project

**APPLICANT:**

Allen Hitchcock  
Hitchcock's Ranch, LLC  
29220 NW 122<sup>nd</sup> Street  
Alachua, FL 32615

**PERMIT APPLICATION NO.:** 2-84-00166.004

**DATE OF APPLICATION:** June 12, 2014

**APPLICATION COMPLETE:** June 12, 2014

**DEFAULT DATE:** September 10, 2014

<b>Permitted Allocations</b>			
Average Daily Rate (Million Gallons Per Day)	Total Annual Allocation (Million Gallons Per Year)	Freeze Protection (Million Gallons Per Year)	New Water to Average Daily Rate (Million Gallons Per Day)
0.2132	77.8180	0.0000	-0.0528

**Recommended Agency Action**

Staff recommends approval of this modification of Water Use Permit 2-84-00166.004 with a 0.0528 mgd decrease in allocation and a nine-year permit extension authorizing the use of 0.2132 mgd of groundwater for agricultural use at the Santa Fe River Ranch Project, Alachua County. The permit will expire on August 12, 2034.

**Project Review Staff**

Jamie Sortevik, E.I., Warren Zwanka, P.G., and Tim Sagul, P.E. have reviewed the application.

**Project Location**

The withdrawal facilities are located in Township 6 South, Range 18 East, Sections 35 and 36 and Township 7 South, Range 18 East, Sections 1, 2, 4, 10, and 11 in Alachua County. The project is located within the Santa Fe River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins. The project is located within the Upper Santa Fe River Basin Water Resource Caution Area.

**Project Description**

The project area consists of 1700 acres with approximately 146 acres being irrigated using groundwater.

Either a corn/ rye, peanuts/ rye, or pasture/ rye crop rotation is irrigated using one center pivot and one linear pivot. The supplemental irrigation calculations for the crops were based upon GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS). The ADR of withdrawal for the corn/ rye crop rotation was calculated as 0.1904 mgd, which equates to 17.53 inches of supplemental irrigation annually. The ADR of withdrawal for the pasture/ rye crop rotation was calculated as 0.1301 mgd, which equates to 11.98 inches of supplemental irrigation annually. The ADR of withdrawal for the peanuts/ rye crop rotation was calculated as 0.0961 mgd, which equates to 8.85 inches of supplemental irrigation annually.

Groundwater is also used to supply 1500 head of beef cattle. The ADR for livestock watering (0.0228 mgd) was based on an industry standard 15 gallons/cow/day.

The project area includes 14 existing wells, which are listed in Table 1.

### **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the crop types. Hitchcock's Ranch, LLC, proposes use of a center pivot and linear pivot irrigation systems to irrigate 146 acres of either a corn/ rye, peanuts/ rye, or pasture/ rye rotation.

### **Water Conservation**

The applicant has completed a Water Conservation Worksheet for the Center/ Linear Pivot Irrigation Systems. Water conservation practices include: checking system weekly for leaks and repairing any within two weeks, using a buried pipe water delivery system to prevent damage, controlling water flow through automated valves, using new and/ or retrofitted irrigation systems that will maintain efficiency at or above 80%, utilizing automated end gun shut off and only watering target crops, scheduling irrigation with UF-IFAS approved methods, and implementing a sod-based rotation.

### **Minimum Flows and Levels Compliance**

Staff determined the use will not violate the minimum flows and levels (MFLs) adopted in Chapter 40B-8, F.A.C.

### **Conditions of Issuance**

#### **Is this a reasonable–beneficial use?**

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

#### **Will this use interfere with any presently existing legal use of water?**

[ref. 40B-2.301(1)(b)]

No. No reports of interference have been received related to the current withdrawals. Therefore, staff determined the proposed withdrawals are not likely to interfere with any presently existing legal use of water.

#### **Will this use be consistent with the public interest?**

[ref. 40B-2.301(1)(c)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will this use be in such a quantity that is necessary for economic and efficient use?**

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

**Is this use for a purpose and occurs in a manner that is both reasonable and consistent with the public interest?**

[ref. 40B-2.301(2)(b)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will the source of the water be suitable for the consumptive use?**

[ref. 40B-2.301(2)(c)]

Yes. Staff determined the source is suitable for the consumptive use.

**Will the source of the water be capable of producing the requested amount?**

[ref. 40B-2.301(2)(d)]

Yes. Staff determined the source is capable of producing the requested amount.

**Except when the use is for human food preparation and direct human consumption, is the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible being utilized?**

[ref. 40B-2.301(2)(e)]

Yes. The lowest quality water source that is suitable for the purpose and that is technically, environmentally, and economically feasible is being utilized.

**Will the use harm existing offsite land uses as a result of hydrologic alterations?**

[ref. 40B-2.301(2)(f)]

No. No reports of harm to offsite land uses related to the current withdrawals have been received. Therefore, staff determined the proposed withdrawals are not likely to cause harm to offsite land uses.

**Will the use cause harm to the water resources of the area that include water quality impacts to the water source resulting from the withdrawal or diversion, water quality impacts from dewatering discharge to receiving waters, saline water intrusion or harmful upcoming, hydrologic alterations to natural systems, including wetlands or other surface waters, or other harmful hydrologic alterations to the water resources of the area?**

[ref. 40B-2.301(2)(g)]

No. Staff inspected the health and function of onsite wetlands and determined the current and proposed withdrawals will not cause harm to the water resources of the area.

**Is the use in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.?**

[ref. 40B-2.301(2)(h)]

Yes. The proposed withdrawals will not result in the violation of MFLs adopted in Chapter 40B-8, F.A.C.

**Will the project use water reserved pursuant to subsection 373.223(4), F.S.?** [ref. 40B-2.301(2)(i)]

No. The project will not use water reserved by the Governing Board pursuant to subsection 373.223(4), F.S.

### **Standard Conditions**

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
2. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
3. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted water use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of section 40B-2.351, F.A.C. Alternatively, the permittee may surrender the water use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
5. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
6. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S., and section 40B-2.331, F.A.C., are applicable to permit modifications.
7. This permit shall expire on **8/12/2034**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.402(8)(a), F.A.C., and the required fee to the District pursuant to section 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.
8. Use classification is **Agricultural**.
9. Source classification is **Groundwater**.
10. The permitted water withdrawal facilities consist of the withdrawal points listed in Table 1.
11. The permittee must mitigate interference with existing legal uses caused in whole or in part

by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.

12. The permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
13. The permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
14. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
15. The permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. All correspondence sent to the District regarding this permit must include the permit number **(2-84-00166.004)**.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

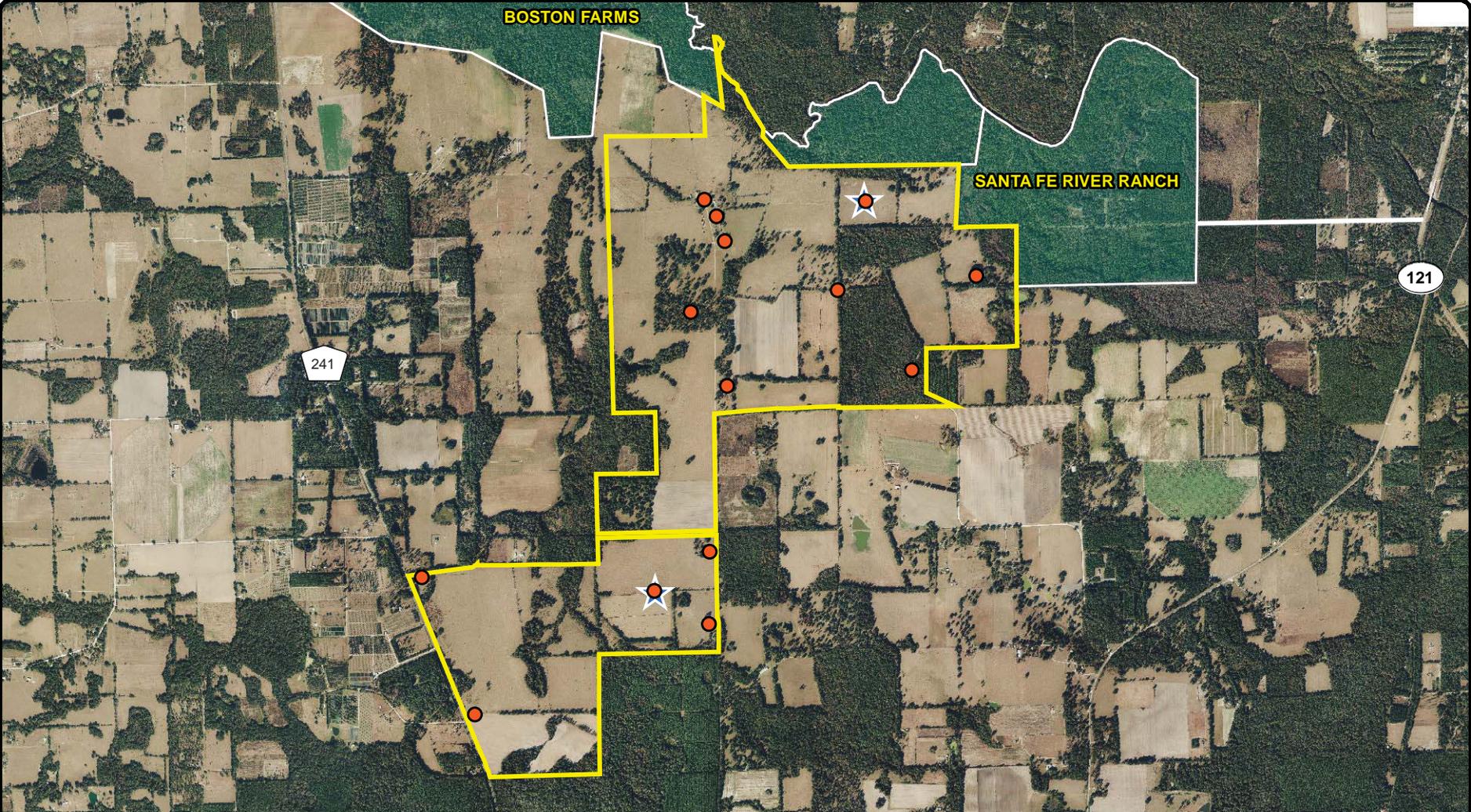
### **Special Limiting Conditions**

18. The permittee shall implement automated monitoring of groundwater withdrawals, at permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
19. The permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
20. The permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
21. The permittee's water use shall be consistent with the MFL prevention or recovery strategy developed for any water body from which this permitted water use directly or indirectly withdraws or diverts water, pursuant to subsection 40B-2.301(2)(h), F.A.C.
22. On an average annual basis and in a 1-in-10 drought scenario, the permittee is authorized to withdraw a maximum of 0.1904 mgd of groundwater for supplemental irrigation of a corn/ rye rotation, a maximum of 0.1301 mgd of groundwater for supplemental irrigation of a pasture/ rye rotation, or a maximum of 0.0961 mgd of groundwater for supplemental irrigation of a peanuts/ rye rotation.

23. On an average annual basis, the permittee is authorized to withdraw a maximum of 0.0228 mgd of groundwater for livestock watering.

**Table 1**  
 2-84-00166.004  
 Santa Fe River Ranch Project

Name	Status	Diameter	Capacity (gpm)	Water Use
Well No. 1	Active	8	800	Irrigation
Well No. 2 – Cattle Well	Active	4	20	Livestock
Well No. 3 – Cattle Well	Active	4	20	Livestock
Well No. 4 – Cattle Well	Active	4	20	Livestock
Well No. 5 – Sale Barn Well	Active	4	20	Livestock
Well No. 6 – Phillips House Well	Active	4	20	Livestock
Well No. 7 – Shop Well	Active	4	20	Livestock
Well No. 8 – Snead House Well	Active	4	20	Livestock
Well No. 9 – Cemetery Well	Active	4	20	Livestock
Well No. 10 – Tobacco Barn Well	Active	6	20	Livestock
Well No. 11 – Tobacco Field Well	Active	12	800	Irrigation
Well No. 12 – Rental House Well	Active	4	20	Livestock
Well No. 13 – West Cattle Well	Active	4	20	Livestock
Well No. 14 – New Well	Active	4	20	Livestock



- Project Boundary
- SRWMD Tracts
- Irrigation Systems
- Withdrawal Points

### Santa Fe River Ranch

**2-84-00166.004 Water Use Permit**  
August 2014

0 2,000 4,000  
Feet

Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval of a Modification of Water Use Permit 2-99-00070.005 with a 0.1843 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.3572 mgd of Groundwater for Agricultural Use at the Richard Terry Farm Project, Madison County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-99-00070.005, with seventeen standard conditions and four special limiting conditions, to Richard Terry in Madison County.**

BACKGROUND

This is a modification for an existing permit to irrigate 240 acres of either a corn/ rye, watermelon/ rye, or soybean/ rye rotation with 0.3572 million gallons daily (mgd) of groundwater. The overall water use has decreased 0.1843 mgd, from 0.5415 mgd to 0.3572 mgd, due to a change in crop rotation from corn and peanuts with winter rye to corn, watermelon, or soybeans with winter rye. The WUP has undergone a complete review in order to receive a ten-year permit extension for voluntary implementation of automated monitoring of withdrawals; and to comply with the program requirements for cost-share funding of a fertigation tank, a weather station, and sub-surface drip irrigation. The project area is not located within a Water Resource Caution Area.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code (F.A.C.).

/tm

**STAFF REPORT**  
**WATER USE PERMIT APPLICATION**

**DATE:** August 1, 2014

**PROJECT:** Richard Terry Farm Project

**APPLICANT:**

Richard Terry  
405 SE Gunpowder Avenue  
Madison, FL 32340

**PERMIT APPLICATION NO.:** 2-99-00070.005

**DATE OF APPLICATION:** June 2, 2014

**APPLICATION COMPLETE:** July 3, 2014

**DEFAULT DATE:** October 1, 2014

<b>Permitted Allocations</b>			
Average Daily Rate (Million Gallons Per Day)	Total Annual Allocation (Million Gallons Per Year)	Freeze Protection (Million Gallons Per Year)	New Water to Average Daily Rate (Million Gallons Per Day)
0.3572	130.378	0.0000	-0.1843

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit for an existing agricultural operation located within Madison County. The permit includes seventeen standard conditions and four special limiting conditions. Staff recommends a ten-year permit extension based on chapter 40B-2.331(2), F.A.C. due to voluntarily implementing automated monitoring. The permit will expire on December 18, 2029.

**Project Review Staff**

Jamie Sortevik, E.I., Warren Zwanka, P.G., and Tim Sagul, P.E. have reviewed the application.

**Project Location**

The withdrawal facilities are located in Township 1 South, Range 10 East, Sections 26, 27, 32, and 34 in Madison County. The project is located within the Suwannee River and Withlacoochee basins according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

**Project Description**

The project area consists of 281 controlled acres with approximately 240 acres being irrigated using center pivots, traveling guns, and drip irrigation.

Groundwater is used to irrigate either a corn/ rye or soybean/ rye crop rotation using center pivots. Traveling guns are used to irrigate areas inaccessible by pivots (approximately 20% of

the project). The supplemental irrigation calculations for the crops were based upon GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS). The ADR of withdrawal for the corn/ rye crop rotation was calculated as 0.3567 mgd, which equates to 19.98 inches of supplemental irrigation annually. The ADR of withdrawal for the soybean/ rye crop rotation was calculated as 0.2821 mgd, which equates to 15.8 inches of supplemental irrigation annually.

Groundwater is used to irrigate a watermelon/ rye crop rotation using drip irrigation. The ADR of withdrawal for the watermelon/ rye rotation was calculated as 0.2841 mgd, which equates to 15.91 inches of supplemental irrigation annually.

Groundwater is also used to supply to a small shop on the project area. The shop's well supplies water to sinks and bathrooms for 30 employees. The ADR of withdrawal was calculated as 0.0005 mgd based on an industry standard 15 gallons per employee per work day.

The project area includes four existing wells and the withdrawal point inventory is listed in Table 1.

### **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the crop types. Mr. Terry plans to use the center pivot, traveling gun, and drip irrigation systems to irrigate 240 acres of either a corn/ rye, watermelon/ rye, or soybean/ rye rotation.

### **Water Conservation**

The applicant has completed Water Conservation Worksheets for the center pivot, traveling gun, and drip irrigation systems. Water conservation practices include: checking the system weekly for leaks and repairing any within two weeks, using new pivots (or pivots retrofitted within 5 years) that maintain efficiency at or above 80%, end guns watering only target areas (automated shutoff not needed), utilizing soil moistures sensors and keeping written records of rainfall from rain gages to reduce irrigation, and irrigating only at night and when the wind is less than 5 mph when feasible.

### **Minimum Flows and Levels Compliance**

Staff determined the use will not violate the minimum flows and levels (MFLs) adopted in Chapter 40B-8, F.A.C.

### **Conditions of Issuance**

#### **Is this a reasonable–beneficial use?**

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

#### **Will this use interfere with any presently existing legal use of water?**

[ref. 40B-2.301(1)(b)]

No. District staff have not received reports of interference resulting from the previous groundwater withdrawals, therefore, a reduction in withdrawals is unlikely to interfere with existing legal uses of water.

**Will this use be consistent with the public interest?**

[ref. 40B-2.301(1)(c)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will this use be in such a quantity that is necessary for economic and efficient use?**

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

**Is this use for a purpose and occurs in a manner that is both reasonable and consistent with the public interest?**

[ref. 40B-2.301(2)(b)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will the source of the water be suitable for the consumptive use?**

[ref. 40B-2.301(2)(c)]

Yes. Staff determined the source is suitable for the consumptive use.

**Will the source of the water be capable of producing the requested amount?**

[ref. 40B-2.301(2)(d)]

Yes. Staff determined the source is capable of producing the requested amount.

**Except when the use is for human food preparation and direct human consumption, is the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible being utilized?**

[ref. 40B-2.301(2)(e)]

Yes. The lowest quality water source that is suitable for the purpose and that is technically, environmentally, and economically feasible is being utilized.

**Will the use harm existing offsite land uses as a result of hydrologic alterations?**

[ref. 40B-2.301(2)(f)]

No. District staff have not received reports of harm to offsite land uses resulting from the previous groundwater withdrawals, therefore, a reduction in withdrawals is unlikely to cause harm to offsite land uses.

**Will the use cause harm to the water resources of the area that include water quality impacts to the water source resulting from the withdrawal or diversion, water quality impacts from dewatering discharge to receiving waters, saline water intrusion or harmful upcoming, hydrologic alterations to natural systems, including wetlands or other surface waters, or other harmful hydrologic alterations to the water resources of the area?**

[ref. 40B-2.301(2)(g)]

No. Staff determined the current groundwater withdrawals have not caused harm to water resources of the area, therefore, a reduction in withdrawals is unlikely to cause harm to the water resources of the area.

**Is the use in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.?**

[ref. 40B-2.301(2)(h)]

Yes. The proposed withdrawals will not result in the violation of MFLs adopted in Chapter 40B-8, F.A.C.

**Will the project use water reserved pursuant to subsection 373.223(4), F.S.?** [ref. 40B-2.301(2)(i)]

No. The project will not use water reserved pursuant to subsection 373.223(4), F.S.

**Standard Conditions**

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
2. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
3. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted water use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of section 40B-2.351, F.A.C. Alternatively, the permittee may surrender the water use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
5. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
6. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S., and section 40B-2.331, F.A.C., are applicable to permit modifications.

7. This permit shall expire on **12/18/2029**. The permittee must submit the appropriate application form/ incorporated by reference in/ subsection 40B-2.402(8)(a), F.A.C., and the required fee to the District pursuant to section 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.
8. Use classification is **Agricultural**.
9. Source classification is **Groundwater**.
10. The permitted water withdrawal facilities consist of the withdrawal points listed in Table 1.
11. The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
12. The permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
13. The permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
14. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
15. The permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. All correspondence sent to the District regarding this permit must include the permit number **(2-99-00070.005)**.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

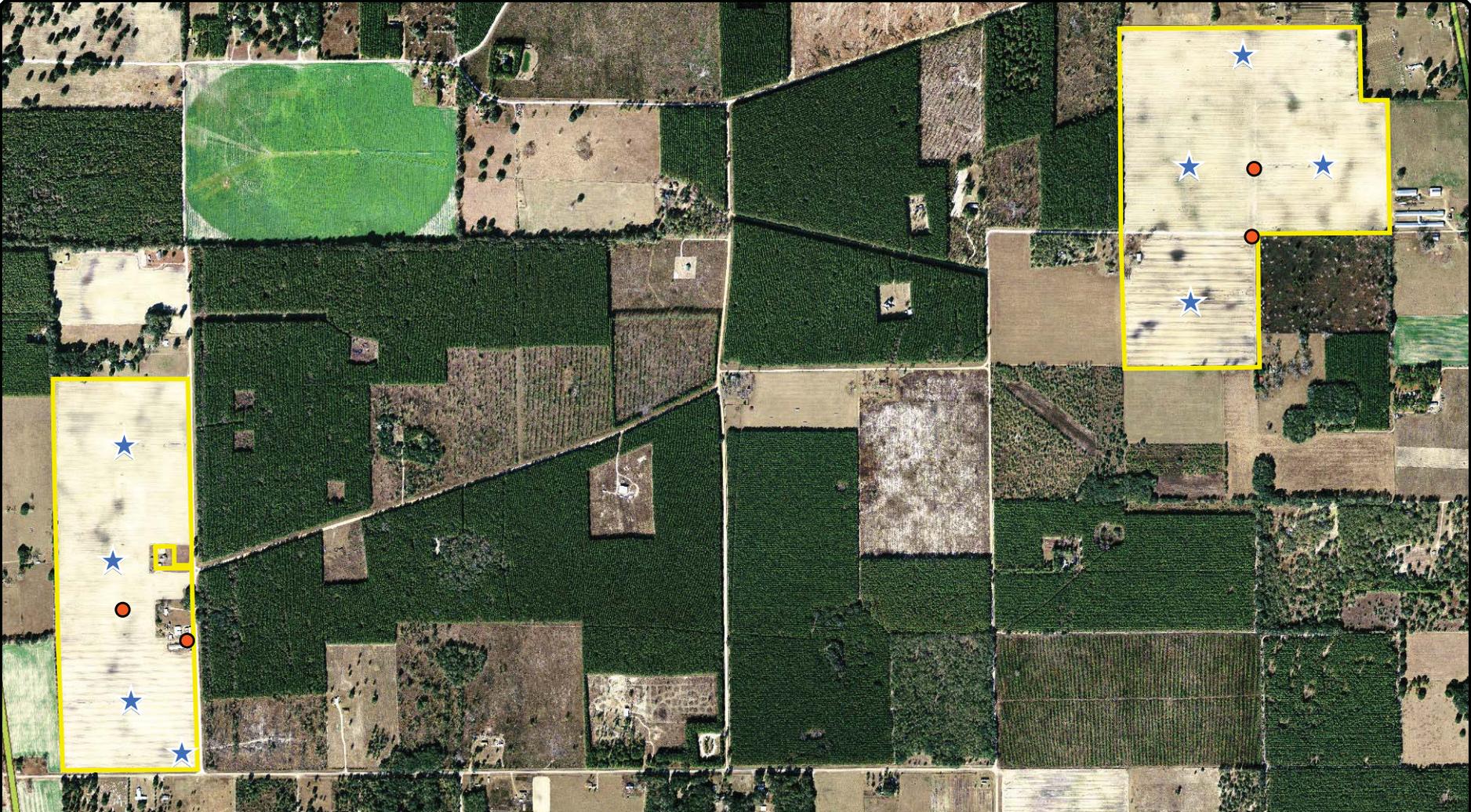
### **Special Limiting Conditions**

18. The permittee shall implement automated monitoring of groundwater withdrawals, at permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
19. The permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

20. The permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
21. On an average annual basis and only in a 1-in-10 year drought scenario, the Permittee is authorized to withdraw a maximum of 0.3567 mgd of groundwater for supplemental irrigation of a corn/ rye rotation, a maximum of 0.2841 mgd of groundwater for supplemental irrigation of a watermelon/ rye rotation, or a maximum of 0.2821 mgd of groundwater for supplemental irrigation of a soybean/ rye rotation.

**Table 1**  
2-99-00070.005  
Richard Terry Farm Project

Name	Status	Diameter	Capacity (gpm)	Water Use
Thomas Well 1	Active	10	600	Irrigation
Thomas Well 2	Active	8	600	Irrigation
Home Place Well 3	Active	8	600	Irrigation
Shop Well	Active	4	50	Other



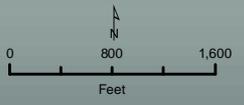
-  Project Boundary
-  Irrigation Systems
-  Withdrawal Points

### Richard Terry Farm

2-99-00070.005 Water Use Permit  
August 2014



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval of a Modification of Water Use Permit 2-83-00118.002 with a 0.0743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 0.1747 mgd of Groundwater and Surface Water for Agricultural Use at the Suwannee Valley Agricultural Extension Center (SVAEC) Project, Suwannee County

### RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-83-00118.002, with seventeen standard conditions and six special limiting conditions, to the University of Florida IFAS, Suwannee County.**

### BACKGROUND

This is a modification for an existing permit to irrigate 119 acres of a generic crop (sesame, cotton, peanuts, sorghum, corn, blueberries, blackberries, and other associated mixed vegetables) rotation with 0.1747 million gallons daily (mgd) of groundwater and surface water. The groundwater allocation includes back-up quantities in the event the surface water is unavailable for use. The overall water use has decreased 0.0743 million gallons per day (mgd), from 0.2490 mgd to 0.1747 mgd, due to a more accurate crop rotation estimate. The project area is located within Upper Suwannee River Regional Water Resource Caution Area and the permit application has undergone a complete review in order to receive a ten-year permit extension for voluntary implementation of automated monitoring of withdrawals.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code (F.A.C.).

/tm

**STAFF REPORT**  
**WATER USE PERMIT APPLICATION**

**DATE:** August 1, 2014

**PROJECT:** Suwannee Valley Agricultural Extension Center (SVAEC) Project

**APPLICANT:**

Kevin Heinicka  
University of Florida IFAS  
7580 County Road 136  
Live Oak, FL 32060

**PERMIT APPLICATION NO.:** 2-83-00118.002

**DATE OF APPLICATION:** June 12, 2014

**APPLICATION COMPLETE:** June 13, 2014

**DEFAULT DATE:** September 11, 2014

<b><u>Permitted Allocations</u></b>			
Average Daily Rate (Million Gallons Per Day)	Total Annual Allocation (Million Gallons Per Year)	Freeze Protection (Million Gallons Per Year)	New Water to Average Daily Rate (Million Gallons Per Day)
0.1747	63.7655	0.0000	-0.0743

**Recommended Agency Action**

Staff recommends approval of this modification of Water Use Permit 2-83-00118.002 with a 0.0743 mgd decrease in allocation and a ten-year permit extension authorizing the use of 0.1747 mgd of groundwater and surface water for agricultural use at the Suwannee Valley Agricultural Extension Center (SVAEC) Project, Suwannee County. The permit will expire on February 24, 2028.

**Project Review Staff**

Jamie Sortevik, E.I., Warren Zwanka, P.G., and Tim Sagul, P.E. have reviewed the application.

**Project Location**

The withdrawal facilities are located in Township 2 South, Range 14 East, Sections 15 and 22 in Suwannee County. The project is located within the Upper Suwannee River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins. The project is located within the Upper Suwannee River Regional Water Resource Caution Area.

**Project Description**

The project area consists of 290 acres with approximately 119 acres being irrigated using groundwater and surface water.

Groundwater and surface water are used to irrigate a generic crop (sesame, cotton, peanuts, sorghum, corn, blueberries, blackberries, and other associated mixed vegetables) rotation using center pivot, overhead sprinkler, drip, and microspray irrigation systems. The supplemental irrigation calculations for the crops were based upon GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS). The ADR of withdrawal for the generic crop rotation was calculated as 0.1742 mgd, which equates to 19.7 inches of supplemental irrigation annually.

Groundwater is also used commercially to supply an administration building with 30 employees. The ADR of withdrawal for the business was calculated using industry standards found in the American Water Works Journal as 0.0004 mgd. Approximately 0.0001 mgd of groundwater is also used for spray mixing.

An estimated 0.048 mgd (average annual basis) of surface water from a wholly-owned 30-acre agricultural pond will be used in lieu of groundwater when available. The withdrawal point inventory includes five existing wells and one proposed surface water pump and can be found in Table 1. Due to this modification, the ADR has decreased 0.0743 mgd, from 0.2490 mgd to 0.1747 mgd.

### **Demonstration of Need**

The applicant has provided sufficient demonstration of need pursuant to Section 2.3.3 of the Water Use Permit Applicant's Handbook.

### **Water Conservation**

The applicant has completed a Water Conservation Worksheet for the Solid-Set Sprinkler, Center Pivot, and Drip/Micro Irrigation Systems. Water conservation practices include: checking the system daily for leaks and repairing any within two weeks, using a buried pipe water delivery system to prevent damage, using UF-IFAS approved methods for irrigation scheduling, implementing conservation tillage, not using end guns on pivots, and performing drip irrigation under plastic mulch. Additionally, the applicant has proposed to use a lower quality water source (surface water) in lieu of groundwater whenever it is technically and environmentally feasible.

### **Minimum Flows and Levels Compliance**

Staff determined the use will not violate the minimum flows and levels (MFLs) adopted in Chapter 40B-8, F.A.C.

### **Conditions of Issuance**

#### **Is this a reasonable–beneficial use?**

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

#### **Will this use interfere with any presently existing legal use of water?**

[ref. 40B-2.301(1)(b)]

No. No interference resulting from the current water use at this project has been reported to date, therefore staff determined interference with any presently existing legal use of water is unlikely.

**Will this use be consistent with the public interest?**

[ref. 40B-2.301(1)(c)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will this use be in such a quantity that is necessary for economic and efficient use?**

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

**Is this use for a purpose and occurs in a manner that is both reasonable and consistent with the public interest?**

[ref. 40B-2.301(2)(b)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will the source of the water be suitable for the consumptive use?**

[ref. 40B-2.301(2)(c)]

Yes. Staff determined the sources are suitable for the consumptive use.

**Will the source of the water be capable of producing the requested amount?**

[ref. 40B-2.301(2)(d)]

Yes. Staff determined the sources are capable of producing the requested amount.

**Except when the use is for human food preparation and direct human consumption, is the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible being utilized?**

[ref. 40B-2.301(2)(e)]

Yes. The lowest quality water source that is suitable for the purpose and that is technically, environmentally, and economically feasible is being utilized.

**Will the use harm existing offsite land uses as a result of hydrologic alterations?**

[ref. 40B-2.301(2)(f)]

No. No harm to offsite land uses resulting from the current water use at this project has been reported to date, therefore staff determined that future harm to offsite land uses is unlikely.

**Will the use cause harm to the water resources of the area that include water quality impacts to the water source resulting from the withdrawal or diversion, water quality impacts from dewatering discharge to receiving waters, saline water intrusion or harmful upcoming, hydrologic alterations to natural systems, including wetlands or other surface waters, or other harmful hydrologic alterations to the water resources of the area?**

[ref. 40B-2.301(2)(g)]

No. Site inspections by district staff have determined that harm to water resources resulting from the current water use at this project has not occurred. Use of less groundwater and a surface water source is not expected to harm to water resources of the area.

**Is the use in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.?**

[ref. 40B-2.301(2)(h)]

Yes. The proposed withdrawals will not result in the violation of MFLs adopted in Chapter 40B-8, F.A.C.

**Will the project use water reserved pursuant to subsection 373.223(4), F.S.?** [ref. 40B-2.301(2)(i)]

No. The project will not use water reserved by the Governing Board pursuant to subsection 373.223(4), F.S.

**Standard Conditions**

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
2. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
3. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted water use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of section 40B-2.351, F.A.C. Alternatively, the permittee may surrender the water use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
5. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
6. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S., and section 40B-2.331, F.A.C., are applicable to permit modifications.

7. This permit shall expire on **2/24/2028**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.402(8)(a), F.A.C., and the required fee to the District pursuant to section 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.
8. Use classification is **Agricultural, Commercial**.
9. Source classification is **Groundwater**.
10. The permitted water withdrawal facilities consist of the withdrawal points listed in Table 1.
11. The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
12. The permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
13. The permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
14. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
15. The permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. All correspondence sent to the District regarding this permit must include the permit number **(2-83-00118.002)**.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

### **Special Limiting Conditions**

18. The permittee shall implement automated monitoring of groundwater withdrawals, at permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and surface water pump six inches or greater intake diameter; and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
19. The permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

20. The permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
21. On an average annual basis and in a 1-in-10 year drought scenario, the Permittee is authorized to withdraw a maximum of 0.1742 mgd of groundwater for supplemental irrigation of a generic crop rotation.
22. The permittee shall use a lower quality water source, surface water, in lieu of groundwater as irrigation water when deemed feasible pursuant to District rules and applicable state law.
23. The Permittee's water use shall be consistent with the MFL prevention or recovery strategy developed for any water body from which this permitted water use directly or indirectly withdraws or diverts water, pursuant to subsection 40B-2.301(2)(h), F.A.C.

**Table 1**  
 2-83-00118.002  
 Suwannee Valley Agricultural Extension Center (SVAEC) Project

Name	Status	Diameter	Capacity (gpm)	Water Use
Well 1 (South)	Active	8	400	Irrigation
Well 2	Active	6	300	Irrigation
Well 3 (North)	Active	8	500	Irrigation
Well 4	Active	4	30	Irrigation
Well 5 (Admin)	Active	4	30	Commercial
Farm Pond Pump	Proposed	6	550	Irrigation



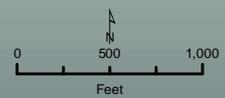
-  Project Boundary
-  Withdrawal Points
-  Proposed Withdrawal Points
-  Irrigation Systems

### Suwannee Valley Agricultural Extension Center (SVAEC)

2-83-00118.002 Water Use Permit  
August 2014



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval of a Modification of Water Use Permit 2-84-00804.004 with a 0.3743 mgd Decrease in Allocation and a Ten-Year Permit Extension Authorizing the Use of 1.6188 mgd of Groundwater for Agricultural Use at the Whistling Pines Ranch Project, Alachua County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-84-00804.004, with seventeen standard conditions and five special limiting conditions, to Roger Williams, in Alachua County.**

BACKGROUND

This is a modification for an existing permit to irrigate 1040 acres of a corn/ millet/ rye and peas/ millet/ rye rotation in a 1-in-10 year drought scenario. The Average Daily Rate (ADR) has decreased 0.3743 million gallons per day (mgd), from 1.9931 mgd to 1.6188 mgd, to the application of GWRAPPS in determining supplemental irrigation requirements and a reduction in head of cattle. The project area is not located within a Water Resource Caution Area. The permit application has undergone a complete review in order to receive a ten-year permit extension for voluntary implementation of automated monitoring of withdrawals and to comply with program requirements for cost-share funding of two center pivot retrofits.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code (F.A.C.).

/tm

**STAFF REPORT**  
**WATER USE PERMIT APPLICATION**

**DATE:** August 1, 2014

**PROJECT:** Whistling Pines Ranch Project

**APPLICANT:**

Roger Williams  
4306 SW Archer Road  
Gainesville, FL 32608

**PERMIT APPLICATION NO.:** 2-84-00804.004

**DATE OF APPLICATION:** June 20, 2014

**APPLICATION COMPLETE:** June 20, 2014

**DEFAULT DATE:** September 18, 2014

<b>Permitted Allocations</b>			
Average Daily Rate (Million Gallons Per Day)	Total Annual Allocation (Million Gallons Per Year)	Freeze Protection (Million Gallons Per Year)	New Water to Average Daily Rate (Million Gallons Per Day)
1.6188	590.862	0.0000	-0.3743

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit for an existing agricultural operation located within Alachua County. The permit includes seventeen standard conditions and five special limiting conditions. Staff recommends a ten-year permit extension based on chapter 40B-2.331(2), F.A.C. due to voluntarily implementing automated monitoring. The permit will expire on May 9, 2026.

**Project Review Staff**

Jamie Sortevik, E.I., Warren Zwanka, P.G., and Tim Sagul, P.E. have reviewed the application.

**Project Location**

The withdrawal facilities are located in Township 11 South, Range 17 East, Section 12 and Range 18 East, Sections 7, 18, and 19 in Alachua County. The project is partially located within the Waccasassa River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

**Project Description**

The project area consists of 1270 acres with approximately 1040 acres being irrigated using groundwater.

Groundwater is used to irrigate a corn/ millet/ rye and peas/ millet/ rye crop rotation using center pivots. The supplemental irrigation calculations for the crops were based upon GIS-Based

Water Resources and Agricultural Permitting and Planning System (GWRAPPS). The ADR of withdrawal for the crop rotation was calculated as 1.6152 mgd, which equates to 20.88 inches of supplemental irrigation annually. At any given time, 10 percent of the irrigated acres are planted in peas for seed due to a continual application of biosolids provided by Gainesville Regional Utilities.

Groundwater is also used to supply 250 head of beef cattle. The ADR of withdrawal for the livestock was calculated as 0.0036 mgd.

The project area includes ten existing wells and one proposed well, and the withdrawal point inventory is listed in Table 1.

### **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the crop types. Mr. Williams plans to use the center pivots to irrigate 1040 acres of a corn/ millet/ rye and peas/ millet/ rye rotation.

### **Water Conservation**

The applicant has completed a Water Conservation Worksheets for center pivot and livestock watering systems. Water conservation practices for center pivots include: checking the system for leaks daily and fixing any within two weeks, using all new or retrofitted center pivots and maintaining efficiency at or above 80%, employing automated end gun shutoff and only watering target crops, scheduling irrigation via soil moisture sensors, utilizing operational rain shut-off switch to automatically shutoff irrigation if predetermined rainfall amount is received, practicing conservation tillage in target area (semi no till), and irrigating only at night or when the wind is less than 5 mph when feasible. Post-retrofit, all center pivot systems at the project will have “wobblers” to further increase irrigation distribution uniformity.

Water conservation practices for livestock watering include: checking the system for leaks daily and fixing any within two weeks, delivering water through buried pipe to reduce potential for damage and controlling water flow through both automated and manual valves at two central pump stations.

### **Minimum Flows and Levels Compliance**

Staff determined the use will not violate the minimum flows and levels (MFLs) adopted in Chapter 40B-8, F.A.C.

### **Conditions of Issuance**

#### **Is this a reasonable–beneficial use?**

[ref. 40B-2.301(1)(a)]

Yes. Based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

**Will this use interfere with any presently existing legal use of water?**

[ref. 40B-2.301(1)(b)]

No. Simulated Upper Floridan aquifer (UFA) groundwater level declines from the proposed withdrawals were determined to be less than 0.2 feet at the project boundary, therefore, staff determined the use is not expected to interfere with any presently existing legal use of water.

**Will this use be consistent with the public interest?**

[ref. 40B-2.301(1)(c)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will this use be in such a quantity that is necessary for economic and efficient use?**

[ref. 40B-2.301(2)(a)]

Yes. Based on GWRAPPS crop water needs, the use is such a quantity and such quality as is necessary for economic and efficient use.

**Is this use for a purpose and occurs in a manner that is both reasonable and consistent with the public interest?**

[ref. 40B-2.301(2)(b)]

Yes. Use of water for agricultural uses is consistent with the public interest.

**Will the source of the water be suitable for the consumptive use?**

[ref. 40B-2.301(2)(c)]

Yes. Staff determined the UFA is suitable for the consumptive use.

**Will the source of the water be capable of producing the requested amount?**

[ref. 40B-2.301(2)(d)]

Yes. Staff determined the UFA is capable of producing the requested amount.

**Except when the use is for human food preparation and direct human consumption, is the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible being utilized?**

[ref. 40B-2.301(2)(e)]

Yes. The lowest quality water source that is suitable for the purpose and that is technically, environmentally, and economically feasible is being utilized.

**Will the use harm existing offsite land uses as a result of hydrologic alterations?**

[ref. 40B-2.301(2)(f)]

No. The use is not expected to harm offsite land uses.

**Will the use cause harm to the water resources of the area that include water quality impacts to the water source resulting from the withdrawal or diversion, water quality impacts from dewatering discharge to receiving waters, saline water intrusion or harmful upcoming, hydrologic alterations to natural systems, including wetlands or other surface waters, or other harmful hydrologic alterations to the water resources of the area?**  
[ref. 40B-2.301(2)(g)]

No. Simulated UFA groundwater level declines from the proposed withdrawals were determined to be approximately 0.12 feet under the adjacent waterbodies associated with Waccasassa Flats, therefore, staff determined the use will not cause harm to water resources of the area if the conditions for issuance continue to be met.

**Is the use in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.?**  
[ref. 40B-2.301(2)(h)]

Yes. The proposed withdrawals will not result in the violation of MFLs adopted in Chapter 40B-8, F.A.C.

**Will the project use water reserved pursuant to subsection 373.223(4), F.S.?** [ref. 40B-2.301(2)(i)]

No. The project will not use water reserved by the Governing Board pursuant to subsection 373.223(4), F.S.

### **Standard Conditions**

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
2. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
3. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted water use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of section 40B-2.351, F.A.C. Alternatively, the permittee may surrender the water use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.

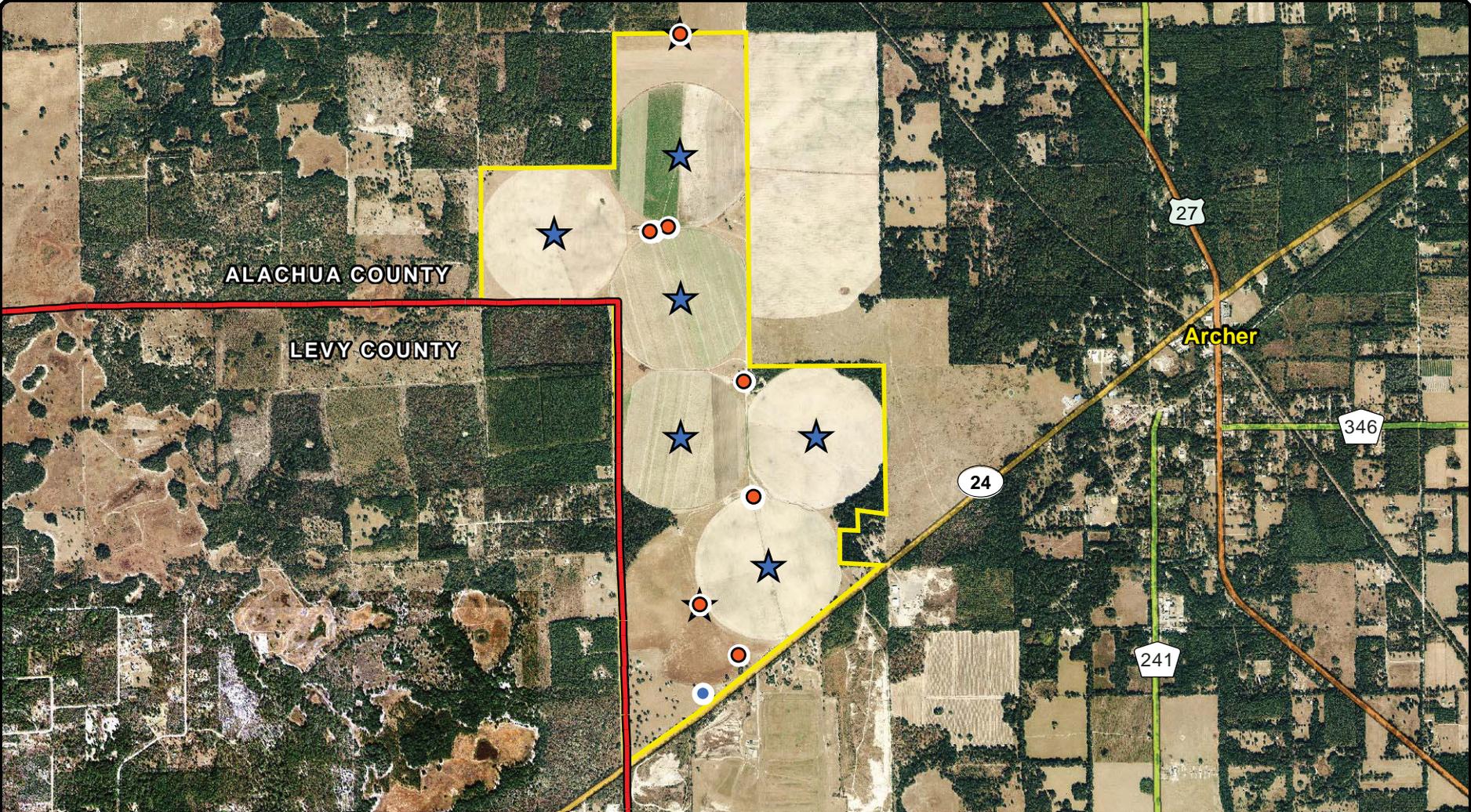
5. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
6. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S., and section 40B-2.331, F.A.C., are applicable to permit modifications.
7. This permit shall expire on **5/9/2026**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.402(8)(a), F.A.C., and the required fee to the District pursuant to section 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.
8. Use classification is Agricultural.
9. Source classification is **Groundwater**.
10. The permitted water withdrawal facilities consist of the withdrawal points listed in Table 1.
11. The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
12. The permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
13. The permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
14. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
15. The permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. All correspondence sent to the District regarding this permit must include the permit number **(2-84-00804.004)**.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

### **Special Limiting Conditions**

18. The permittee shall implement automated monitoring of groundwater withdrawals, at permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
19. The permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
20. The permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
21. On an average annual basis and only in a 1-in-10 year drought scenario, the Permittee is authorized to withdraw a maximum of 1.6152 mgd of groundwater for supplemental irrigation of a corn/ millet/ rye and peas/ millet/ rye rotation.
22. On an average annual basis, the Permittee is authorized to withdraw a maximum of 0.0036 mgd of groundwater for livestock watering.

**Table 1**  
 2-84-00804.004  
 Whistling Pines Ranch Project

Name	Status	Diameter	Capacity (gpm)	Water Use
Well No. 1	Active	12	1000	Irrigation
Well No. 2	Active	12	1000	Irrigation
Well No. 3	Active	16	2000	Irrigation
Well No. 4	Active	12	1000	Irrigation
Well No. 5	Active	12	1000	Irrigation
Well No. 6	Active	12	1000	Irrigation
Well No. 7	Active	12	1200	Irrigation
Well No. 8	Active	12	1000	Irrigation
Well No. 9	Active	6	250	Livestock/ Other
Well No. 10	Active	4	50	Livestock
Well No. 11	Proposed	4	50	Livestock



ALACHUA COUNTY

LEVY COUNTY

Archer

27

346

24

241

-  Project Boundary
-  Withdrawal Points
-  Proposed Withdrawal Points
-  Irrigation Systems

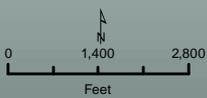
**Whistling Pines Ranch**

2-84-00804.004 Water Use Permit

August 2014



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.



## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval to Amend Contract 09/10-119 with TBE Group, Inc. D/B/A Cardno TBE for the Implementation of the Federal Emergency Management Agency (FEMA) Risk Mapping Assessment and Planning (MAP) Program within the Mapping Activity Statement (MAS) for FEMA Fiscal Year (FY) 2009

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to amend Contract 09/10-119 in the amount of \$17,597 with TBE Group, Inc. D/B/A Cardno TBE for MAS 06 tasks, for a total not to exceed \$142,597.**

### BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's Risk MAP Program. The District's five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting the Risk MAP program, and subsequently, a MAS is developed for each year of participation. The Governing Board authorized the Executive Director to enter into contracts with six qualified firms on October 13, 2009, to implement the Risk MAP five-year plan for FY09- FY13 funding. Cardno TBE is one of the six qualified firms.

Due to an appeal of the preliminary maps presented to Dixie County, the District has requested Cardno revise the previously developed preliminary DFIRMs. This requires Cardno to revise or repeat previously completed Tasks 16 – 21, and part of 22, of the contract. In addition to the technical work required, a second public meeting is required to provide the public an opportunity to review changes to the Preliminary DFIRM maps. Cardno will provide the required public notification indicating the 90 day comment period in compliance with FEMA, following the meeting. Following the 90 day period, comments received will be addressed and any final revisions to the DFIRMs will be made under Task 22.

Under contract 09/10-119 Cardno TBE has been allocated \$125,000. This amendment is an increase of \$17,597. The total contract with Cardno TBE will now be \$142,597. The additional work is scheduled to be completed September 30, 2015.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed.

LMII/tm

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Approval of the 2014 FEMA Risk Map Program Five Year Business Plan

### RECOMMENDATION

#### **Staff recommends the Governing Board**

- **Approve the 2014 FEMA Risk Map Program Five Year Business Plan; and**
- **Authorize staff to submit the Five Year Business Plan to FEMA for approval.**

### BACKGROUND

The Suwannee River Water Management District (District) has been a Cooperating Technical Partner (CTP) implementing FEMA's Map Modernization Program for many years. The previous 5 year plan was approved by FEMA in 2009 and has been the guidance the District has used to plan and prioritize work within the District. The District has worked with Atkins to produce this year's 5 year plan which will guide the District for the next five years. The District is not mandated to complete all items in the 5 year plan. The plan shall serve as a guide and will be revised yearly based on the need of the communities and projected funding. The District's vision for the next 5 years is to address data gaps in flood hazard data, improve flood risk delineation where new LiDAR is available, increase public awareness, lead engagement in mitigation planning, provide an enhanced digital platform for risk information, and align risk analysis programs while improving the quality of Risk MAP products. The District plans to complete Discovery and any resulting studies in all 9 of the District's watersheds within the next five years.

LMII/tm

# **Suwannee River Water Management District**



## **FEMA Risk MAP Program FY14 Update**

**Prepared By:**

**ATKINS**

**Last Revised July 14, 2014**

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## Executive Summary

The Federal Emergency Management Agency's (FEMA) flood hazard maps are one of the essential tools for flood mitigation in the United States. Unfortunately, many of these maps have become outdated, especially in high growth and development areas including Florida. FEMA has established a broad goal of modernizing flood hazard maps nationwide. In addition, FEMA has engaged in providing communities with flood information and tools they can use to enhance their mitigation plans and take action to better protect their citizens through the Risk Mapping, Assessment, and Planning (Risk MAP) program.

As part of a Cooperating Technical Partner (CTP) Agreement with FEMA, the Suwannee River Water Management District (SRWMD) has accepted delegation and responsibility for the Risk MAP program for areas it governs within North Florida. There are fifteen counties, including Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Suwannee, Taylor, Alachua, Union, Baker and Putnam, that are partially or completely within the District's boundaries. Prior to accepting the delegation for the Risk MAP program, SRWMD had accepted delegation and responsibility for the Map Modernization program for all of the area it governs.

As part of the Risk MAP program, FEMA requested that all partners participating, including the SRWMD, update the 5-year Business Plan developed during the Map Modernization program, detailing their approach to implementing the initiative and how the activities will contribute to FEMA's Risk MAP goals and objectives. This FY14 Plan update provides SRWMD program highlights and funding requests for FY14 and beyond.

The SRWMD vision for the Map Modernization initiative was to develop a District-wide program that provides more accurate and complete flood hazard information for counties and communities within the District. At the end of the Map Modernization process, counties within the SRWMD had updated Digital Flood Insurance Rate Maps (DFIRMs) that incorporated selected new detailed studies, approximate studies and/or updated base mapping. With the updated DFIRMs and the District's ongoing emphasis on protection and acquisition of flood prone areas, the flood protection goals and the non-structural floodplain management strategy of the SRWMD are being achieved.

The SRWMD vision for the Risk MAP initiative has been to address data gaps in flood hazard data, improve flood risk delineation where new LiDAR is available, increase public awareness, lead engagement in mitigation planning, provide an enhanced digital platform for risk information, and align risk analysis programs while improving the quality of Risk MAP products. By conducting Discovery in each of the District watersheds on a six-year cycle, and performing the resulting studies, resiliency outreach, panel revisions, and distribution of improved data; SRWMD will both serve its mission and help FEMA meet its RiskMAP objectives. SRWMD plans to revisit Discovery in each watershed on a cyclic basis, with priorities determined by monitoring growth and the needs in the watersheds during the ongoing outreach that is part of SRWMD's mission.

Under the previous Map Modernization initiative, the SRWMD has completed managing FY04 MAS projects (Dixie, Gilchrist and Lafayette Counties), FY05 MAS projects (Suwannee and

Columbia Counties), FY06 MAS projects (Taylor and Union Counties), and FY07 MAS projects (Hamilton, Levy and Madison Counties) and the FY08 MAS project (Bradford County).

The SRWMD is currently managing the following CTP projects: FY09 MAS projects (Dixie, Gilchrist and Lafayette Counties) in transition to RiskMAP, the FY10 MAS Risk MAP project (Lower Suwannee Watershed), the FY11 MAS Risk MAP projects (Santa Fe Watershed, Upper Suwannee Watershed; the FY12 MAS consisting of Discovery for the Waccasassa Watershed and riverine studies in the Econfina-Steinhatchee Watershed. Also funded under FY12 is integrating the Econfina-Steinhatchee riverine studies with Big Bend coastal modeling for a combined Preliminary map release and Post Preliminary Processing. The Big Bend coastal modeling is currently being conducted by FEMA's Professional Services contractors. The currently managed FY13 MAS includes selected RiskMAP studies in the Withlacoochee Watershed, as well as Discovery in the adjacent Alapaha watershed. The Withlacoochee is a split study, with funding for panel revisions and post-preliminary processing approved under the pending FY14 MAS.

The District will facilitate the implementation of FEMA's Risk MAP Program through direct management and support of all-regulatory, engineering, and mapping activities within the District's area. The SRWMD is committed to developing a fully integrated program that incorporates:

- Discovery
- engineering and mapping (watershed level updates)
- internal QA/QC,
- risk assessment and communication
- outreach via websites and
- mitigation planning support.

The results of these efforts will be an ongoing program that allows for delivery of quality data that increases public awareness and leads to action that reduces risk to life and property. This will be accomplished primarily through the use of FEMA grants to hire qualified contractors retained and overseen by the District.

For its management plan to be effectively implemented, the District will need the full support and involvement of all user communities, including local governments. To ensure the full engagement of its partners, the District will commit significant resources to manage stakeholder expectations through up front coordination, outreach, and customer service. Based upon our preliminary assessment, we anticipate that our current IT system will require minimal upgrades to maintain and deliver the product, and that the resources required to maintain the IT system either currently exist within the District or will be made available as needed during program development and implementation.

## Chapter 1 INTRODUCTION

### 1.1 Background

This Cooperating Technical Partner (CTP) Business Plan describes SRWMD CTP planning through the end of FY19 (September 30, 2019).

The Federal Emergency Management Agency's (FEMA) flood hazard maps are one of the essential tools for flood mitigation in the United States. Unfortunately, many of these maps have become outdated, especially in high growth and development areas including Florida. FEMA has established a broad goal of modernizing flood hazard maps nationwide. In addition, FEMA has engaged in providing communities with flood information and tools they can use to enhance their mitigation plans and take action to better protect their citizens through the Risk Mapping, Assessment, and Planning (Risk MAP) program. To achieve this goal, FEMA has acknowledged that collaborative partnerships with state, regional and local/organizations will be necessary.

As part of a Cooperating Technical Partner (CTP) Agreement with FEMA the Suwannee River Water Management District (SRWMD) has accepted delegation and responsibility for the Risk MAP program for areas it governs within North Florida. There are fifteen counties, including Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Suwannee, Taylor, Alachua, Union, Baker and Putnam, that are partially or completely within the District's boundaries. Prior to accepting the delegation for the Risk MAP program, SRWMD had accepted delegation and responsibility for the Map Modernization program for all of the area it governs. At this time, the small portion of Putnam County within the SRWMD has not been included in the updates.

**The SRWMD transitioned from Map Modernization to the Risk Map initiative beginning with FY09 Mapping Activities. The SRWMD vision for the Risk MAP initiative is to address data gaps in flood hazard data, improve flood risk delineation where new LiDAR is available, increase public awareness, lead engagement in mitigation planning, provide an enhanced digital platform for risk information, and align risk analysis programs while improving the quality of Risk MAP products. The District plans to complete Discovery and any resulting studies (not including post-preliminary mapping) in all 9 (nine) of the FEMA HUC-8 Watersheds within the District by FY 16; then, the District will continue the RiskMAP cycle by returning to watersheds that have completed their first round of RiskMAP updates in order to identify any new community needs or data needs that have been revealed during subsequent mitigation actions, new growth, and/or flooding experience. Therefore the Business Plan for FY17, FY18 and FY19 are to be based on greatest need; however, for planning purposes the business plan is projecting a return to the central watersheds of the Suwannee and Santa Fe rivers, which were the first studies initiated under RiskMAP in FY10 and FY11.**

The SRWMD has completed managing FY04 MAS projects (Dixie, Gilchrist and Lafayette Counties- total amount \$904,000- leverage amount \$180,800), FY05 MAS projects (Suwannee County – total amount \$560,000; Columbia Counties - total amount \$500,000- leverage amount \$212,000), FY06 MAS projects (Taylor and Union Counties – total amount \$1,000,000- leverage amount \$200,000), and FY07 MAS projects (Hamilton, Levy and Madison Counties – total amount \$1,025,000). The SRWMD is finalizing management of the FY08 MAS project (Bradford County - total amount \$300,000).

The District is currently managing integration of FY09 MAS projects (Dixie, Gilchrist and Lafayette Counties – total amount \$810,000 – leverage amount \$20,000) into the FY10 MAS Risk MAP project for the Lower Suwannee Watershed (HUC8- 03110205) which includes detailed studies in portions of Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison and Suwannee Counties (total amount \$1,354,000 – leverage amount \$129,000). The District is also managing implementation of the FY11 MAS with detailed studies in the Santa Fe Watershed (HUC8 03110206) which includes portions of Union, Bradford, Columbia, Gilchrist, and Suwannee Counties (total amount \$1,022,920 – leverage amount \$347,920), detailed studies for the Upper Suwannee Watershed (HUC8 03110201) which includes portions of Suwannee, Columbia, and Hamilton Counties (total amount \$1,043,799 – leverage amount \$246,467); the FY12 MAS, consisting of Discovery for the Waccasassa Watershed (\$68,000) and riverine studies in the Econfina-Steinhatchee Watershed (03110102) (\$917,780; leverage amount \$285,780). Also funded under FY12 is integrating the Econfina-Steinhatchee riverine studies with Big Bend coastal modeling for a combined Preliminary map release and Post Preliminary Processing (\$420,000; leverage amount: \$0). The Big Bend coastal modeling is currently being conducted by FEMA’s Professional Services contractors -- the models and resulting coastal flood risk mapping include coastal portions of Econfina-Steinhatchee Watershed, Lower Suwannee Watershed and Waccasassa Watershed. The resulting preliminary maps under the FY12 MAS will include coastal and riverine panel revisions in Econfina-Steinhatchee watershed and coastal panel revisions spanning Lower Suwannee and Waccasassa watersheds. The combined panel revisions include portions of Taylor, Dixie, Levy, Gilchrist and Alachua Counties. Managed under the FY13 MAS are studies in the Withlacoochee Watershed (03110203), which includes portions of Madison and Hamilton Counties (total amount \$430,000 – leverage amount \$130,000). The Withlacoochee is a split study, with funding for panel revisions and post-preliminary processing approved under the pending FY14 MAS (\$175,000 – leverage amount \$75,000).

As part of the Risk MAP program, FEMA requested that all partners participating, including the SRWMD, update the 5-year Business Plan developed during the Map Modernization program, detailing their approach to implementing the initiative and how the activities will contribute to FEMA’s Risk MAP goals and objectives. This Plan update provides SRWMD program highlights and funding requests through FY19. The broad objectives of the Risk MAP program are stated by FEMA as follows:

- Flood Hazard Data. Address gaps in flood hazard data to form a solid foundation for risk assessment, floodplain management, and actuarial soundness of the [National Flood Insurance Program](#) (NFIP).
- Public Awareness/Outreach. Ensure that a measurable increase of the public's awareness and understanding of risk results in a measurable reduction of current and future vulnerability.
- Hazard Mitigation Planning. Lead and support States, local, and Tribal communities to effectively engage in risk-based mitigation planning resulting in sustainable actions that reduce or eliminate risks to life and property from natural hazards.
- Enhanced Digital Platform. Provide an enhanced digital platform that improves management of Risk MAP, steward's information produced by Risk MAP, and improves communication and sharing of risk data and related products to all levels of government and the public.
- Alignment and Synergies. Align Risk Analysis programs and develop synergies to enhance decision-making capabilities through effective risk communication and management.

## Chapter 2 VISION FOR SUPPORTING Risk MAP

### 2.1 SRWMD Vision

The Suwannee River Water Management District was created by the Florida Legislature with the passage of the Water Resources Act of 1972, codified in Chapter 373 of the Florida Statutes. The District covers over 7,600 square miles of north central Florida. Fifteen counties including: Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, Union and 34 municipalities are partially or completely within the District’s boundaries. A listing of the Counties, population and flood insurance policy holders is shown in Table 2-1.

**Table 2-1  
SRWMD Counties Population and Flood Insurance Policies**

County	Population*	# of Policies**
Alachua	247,336	3038
Baker	27,115	180
Bradford	28,520	470
Columbia	67,531	937
Dixie	16,422	568
Gilchrist	16,939	319
Hamilton	14,799	86
Jefferson	14,761	101
Lafayette	8,870	171
Levy	40,801	1220
Madison	19,224	107
Putnam	74,364	1436
Suwannee	41,551	649
Taylor	22,570	624
Union	15,535	60

\*2010 Census

\*\*As of 4/30/2014

#### 2.1.1 Flood Protection Goals

The mission of the SRWMD is to implement the provisions of Chapter 373, Water Resources, Florida Statutes, to ensure the continued welfare of the residents and natural systems of north central Florida. Two of the major goals of the District are to minimize harm from flooding and to enhance public awareness, understanding and participation in water resource management.

Per Florida Administrative Code 62-40.458, Floodplain Protection, related District objectives are:

- Coordination with local, State and Federal governments;
- Pursue development of adequate floodplain protection information including flood level data;
- Jointly develop programs to acquire, protect and enhance floodplain functions and associated natural systems;
- Minimize incompatible activities; and
- Provide available floodplain delineation information.

The District operates under a nonstructural floodplain management policy adopted in 1979<sup>1</sup>. The policy was adopted to avoid the expense of constructing and maintaining flood control works as well as the environmental damage caused by such works. The nonstructural flood protection strategy is founded on accurate floodplain delineation and has been implemented through the following primary program activities:

- Mapping and modeling the floodplains and regulatory floodways of the five major rivers and tributaries;
- Regulating fill and development activity within designated regulatory floodways and floodplains;
- Acquiring and managing lands for floodwater storage, conveyance, and other conservation objectives;
- Assisting local governments with floodplain management responsibilities such as land use planning, development regulation, restoration activities, and public education and outreach;
- Providing Geographic Information System (GIS) data, technical assistance, and leadership within the region;
- Providing technical and funding assistance to local governments in addressing flooding and stormwater management problems.

The key elements of the nonstructural floodplain management policy have been very successful to date in reducing and eliminating environmental harm and the threat of flood damage. These key elements are regulations, land acquisition, GIS development, and public outreach and assistance.

### **2.1.2 District Water Management Regulations for Flood Protection**

District regulations currently prohibit activities that diminish floodwater conveyance in designated Works of the District Rivers using an innovative approach to implementing the authorities granted under Chapter 373, Florida Statutes. Instead of constructing physical works to address flood hazards, the District's program reserves from use that land area necessary to convey the highest velocity flood waters from a 100-year flood event. In addition, District stormwater management regulations require use of the 100-

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<sup>1</sup> The District Water Management Plan describes the nonstructural flood protection policy and the approach used to be District to implement the policy.

year critical duration storm event as the primary engineering and design criterion for stormwater management facilities.

The second component of the District's non-structural floodplain management strategy is land acquisition and management. The Save Our Rivers, Preservation 2000 and Florida Forever programs have protected over 300,000 acres and 384 miles of river corridor lands, much of it in the 100-year flood plain, protecting the region's river systems, the public, and the public water supply.

### **2.1.3 District and Other Public Conservation Lands**

One of the major objectives of the District is to promote non-structural approaches to achieve flood protection and to protect and restore the natural features and functions of the 100-year floodplain. To that end, the District has undertaken acquisition of floodplain areas for the major rivers and natural storage areas throughout the District. Public ownership in perpetuity of these flood hazard areas assures the ability to retain and attenuate floodwaters, precludes inappropriate development or use of the flood hazard areas, and protects important environmental features of the lands.

The District acquires and manages lands for water management purposes, as authorized and directed by Chapter 373, Part V, Florida Statutes. Since 1983, the acquisition priority has been the voluntary sale of lands within the 100-year floodplain of the Suwannee River and its tributaries, and the floodplains of other rivers in the District. To date, the District has protected over 286,000 acres of land, most of which is floodplains, flood prone, hazardous, and/or environmentally sensitive. Figure 2-1, shows the public conservation lands in the District.

The public, through the District, is the single largest landowner of land along the Suwannee River and its tributaries. Many land tracts of significance has been acquired; current and future land acquisition priorities target in holdings, adjacent lands, and lands that enhance or improve the management of current holdings. Future priorities will target specific areas to mitigate past flood damage and prevent inappropriate use or development of flood hazard areas.

Modernized flood hazard maps that use more detailed and accurate information are essential to the District's continued future success in its land acquisition and management program. The updated and revised maps resulting from this project will allow the District to identify and target the most important flood hazard areas for public ownership and management.

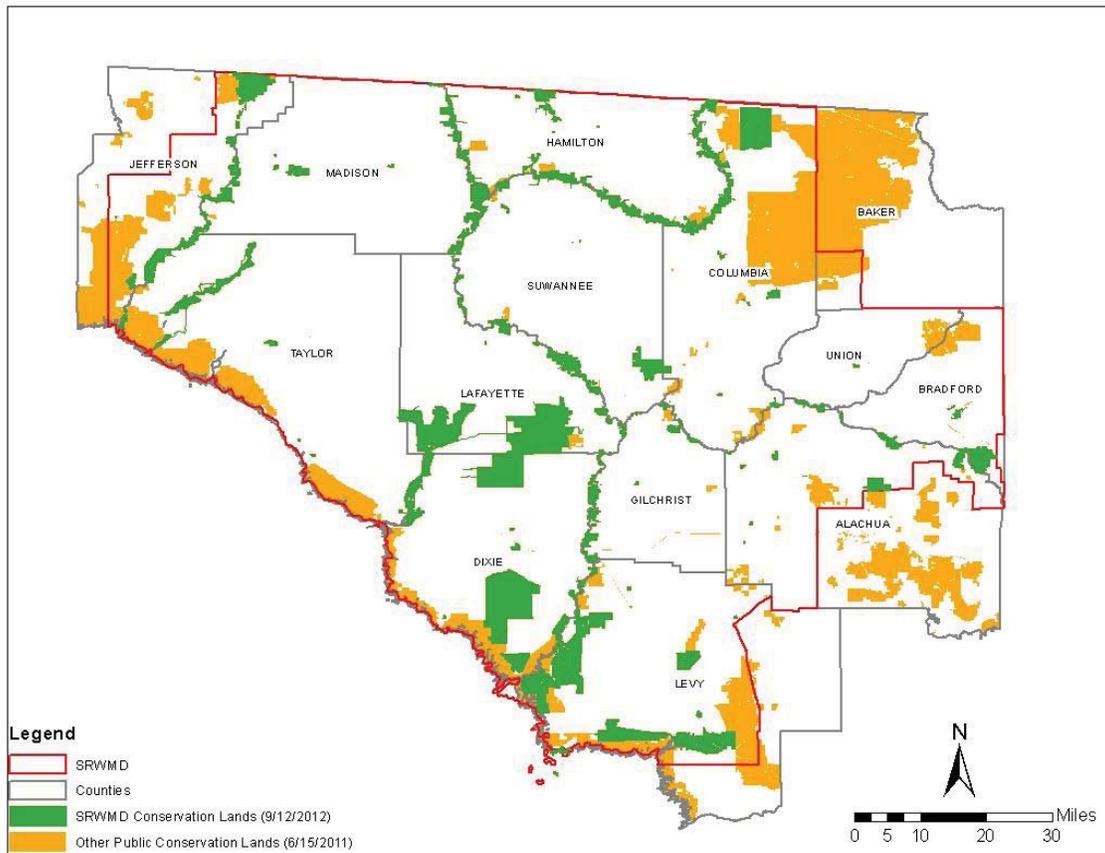


Figure 2-1 SRWMD Public Conservation Lands

#### 2.1.4 Geographic Information Systems Development and Public Outreach, and Assistance

Providing maps and other information is a cornerstone of the District’s nonstructural flood protection policy. When landowners and local building officials are aware of the location and extent of flood hazard areas, preventive strategies can be more easily implemented. The District has been a regional leader in the development and application of Geographic Information Systems (GIS) since 1983, when the District was selected as a beta test site for ArcInfo, the industry standard GIS developed by Environmental Systems Research Institute, Inc. (ESRI). Since that time the District has developed an extensive geographic data inventory, developed in-house and external capabilities, and provides leadership and assistance to local units of government in the region. Through District efforts, many county property appraisers now have compatible GIS capabilities that will assist in disseminating flood hazard maps and data at the local level resulting from the map modernization and Risk MAP projects.

Public outreach and assistance is an important component of the nonstructural flood protection policy not just by providing flood maps, but in helping the public gain an understanding of flooding and flood hazards. The District has established a website

(<http://www.srwmdfloodreport.com/>) with enhanced flood elevation data for the Suwannee River and its tributaries, Preliminary floodplains; Changes Since Last Firm, and linkage to FEMA. The website enables users to view, query, and analyze flood risk assessment data in an intuitive and user-friendly framework. End-users are able to easily locate any parcel of interest, view the Flood Insurance Study (FIS) and effective Flood Insurance Rate Map (FIRM), and create a Flood Risk Reports that provides the user with flood zone data. All of this assists the user in determining if their property is affected by a flood zone, and descriptions of how to interpret the specific FEMA flood zones. The websites will continue to be updated and populated with information on Risk MAP and flood risk data generated during DFIRM studies produced in the course of the Risk MAP program. This interface is intended to be used by the general public, community officials, and Cooperating Technical Partner staff who may not be familiar with a typical GIS interface.

GIS partnerships with most of the local governments within the District have been established. The GIS partnerships provide local governments with environmental sensitive data such as special flood hazard areas. This outreach tool assists local governments in advising property owners and potential property owners about flood risks and other environmental features associated with a parcel of land.

## **2.2 SRWMD Risk MAP Level of Participation**

The SRWMD vision for the Risk MAP initiative is to address data gaps in flood hazard data, increase public awareness, lead engagement in mitigation planning, provide enhanced digital platform for risk information, and align risk analysis programs while improving the quality of Risk MAP products. These goals are explained in further detail below.

- Goal 1: Address gaps in flood hazard data to form a solid foundation for risk assessment, floodplain management, and actuarial soundness of the National Flood Insurance Program
  - Initiate Risk MAP flood map update projects to address flood hazard data needs in high flood risk areas affected by coastal flooding, levees and other riverine flood hazards
  - Develop flood depth grids based on updated or validated engineering flood studies for use in risk communication outreach products and flood risk assessments
- Goal 2: Ensure that a measurable increase of the public's awareness and understanding of risk results in a measurable reduction of current and future vulnerability to flooding. Overarching outreach strategy will:
  - Convey risk in terms of consequences and probability, and conveys the social impacts of flood risk
  - Follow the entire Risk MAP life cycle from the continuous update of flood hazard data to the continuous update of a jurisdiction's hazard mitigation plan

- Establish a baseline of local understanding of local risk. Communities can use this baseline to measure progress annually
- Keep the message simple so that the information is easily conveyed to the public
- Goal 3: Lead and support state, local and tribal communities to effectively engage in risk-based mitigation planning resulting in sustainable actions to reduce or eliminate risks to life and property from hazards
  - Assist state, local and tribal entities to develop, adopt and implement FEMA-approved hazard mitigation plans
  - Communicate the benefits of mitigation planning messages in an overarching Risk MAP outreach strategy
  - Promote the integration of mitigation planning into other state, local and tribal planning processes
- Goal 4: Provide an enhanced digital platform that improves management of Risk MAP, stewards the information produced by Risk MAP and improves the communication and sharing of risk data and related products with all levels of government and public
  - Improve tracking of state and local hazard mitigation plans
  - Improve map production tools
  - Find and invest in accurate digital geospatial data to support improved flood hazard and flood risk analysis
- Goal 5: Align Risk Analysis programs and develop synergies to enhance decision making capabilities through effective risk communication and management

By the end of FY13, all of the counties participation in the Map Modernization program within the SRWMD will have an updated DFIRM, some with new detailed studies, some with approximate studies and some with updated base mapping. Further updates to these DFIRMs in the future will occur through the Risk MAP program on a watershed basis and be determined by the usage of risk assessments to determine the priority for these new DFIRM studies.

It is the objective of the District to be the full service provider for all engineering, mapping, and administrative requirements within the SRWMD boundaries. For its management plan to be effectively implemented, the District will need the full support and involvement of CTPs and user communities. To ensure the full engagement of its partners, the District will commit a significant amount of resources to manage stakeholder expectations through upfront coordination, outreach, and customer service. In addition, the District will execute Memorandums of Understanding (MOU) with each County and participating community.

Through its three branches, technical management, IT systems, and customer service (see Figure 2-2); the SRWMD will satisfy its five goals outlined above. Furthermore, the SRWMD will continuously assess the effectiveness of its program and make the necessary changes to ensure the highest quality service and deliverables. Details of the District's level of participation follows.

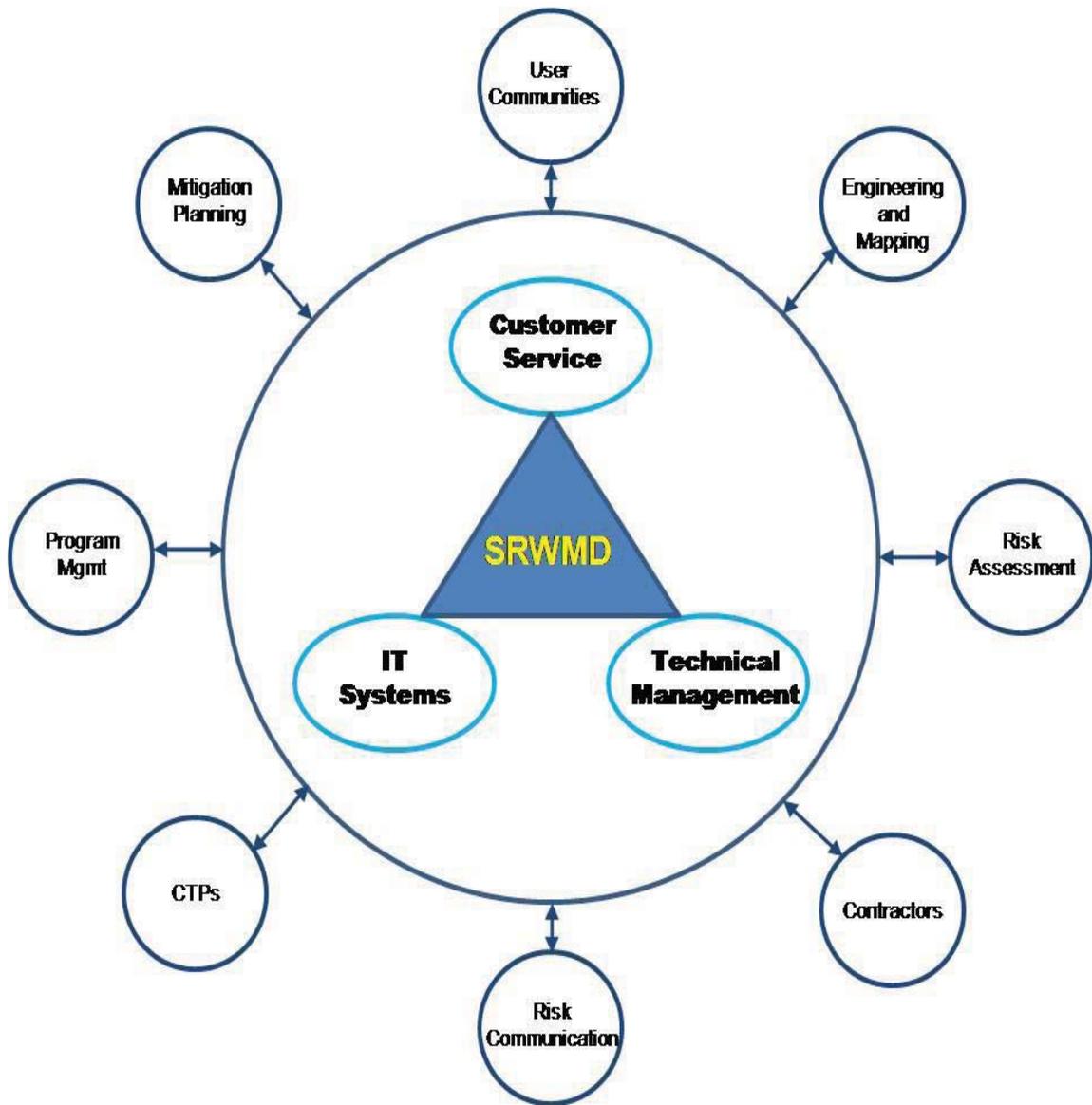


Figure 2-2 SRWMD Comprehensive Management Support of Risk MAP Needs

### 2.2.1 Engineering and Mapping

The SRWMD will continue to support all activities associated with identifying flood hazards and the technical production of accurate Digital Flood Insurance Rate Maps (DFIRM) and Flood Insurance Studies (FIS). Following the Risk MAP program, the District and its contractor's propose to perform all the activities listed below:

- Discovery activities: field visits, CNMS updates, review mitigation plans, discovery reports and maps, conduct community interviews, coordination and attendance at County and community Discovery meetings, and development of project scope
- Data collection activities: field surveys, topographic data/LiDAR, existing H&H studies and digital basemaps (updated USGS DOQQ);
- Engineering activities: hydraulic, hydrologic, riverine analyses;
- Floodplain delineation activities: detailed, approximate, and re-delineation;
- DFIRM Production activities: Preliminary DFIRM, QA/QC, and database development; and
- Flood risk dataset activities: development of changes since last Flood Insurance Rate Map, flood depth and analysis grids, flood risk assessment data, areas of mitigation interest;
- Post Preliminary Processing: Community Meetings and Map Adoption

The District's strategy to implement the engineering and mapping component will utilize the District's existing engineering, mapping, and GIS technical infrastructure along with outsourcing of the majority of the engineering and mapping to contractors. The District has extensive experience in water resource related activities, which provides an ideal staging point for the implementation of the District's mapping and engineering role. The District will also provide ongoing floodplain management coordination with the local communities participating in the NFIP to allow for a more local management of the issues that concern FEMA. As part of its management strategy, the District will manage and coordinate all contractor activity in the SRWMD.

The District will use detailed topography (LiDAR) of the floodplain and coastal areas likely to experience significant development pressures in the coming years at it becomes available. Figure 2 – 3 shows the existing and contracted LiDAR within SRWMD.

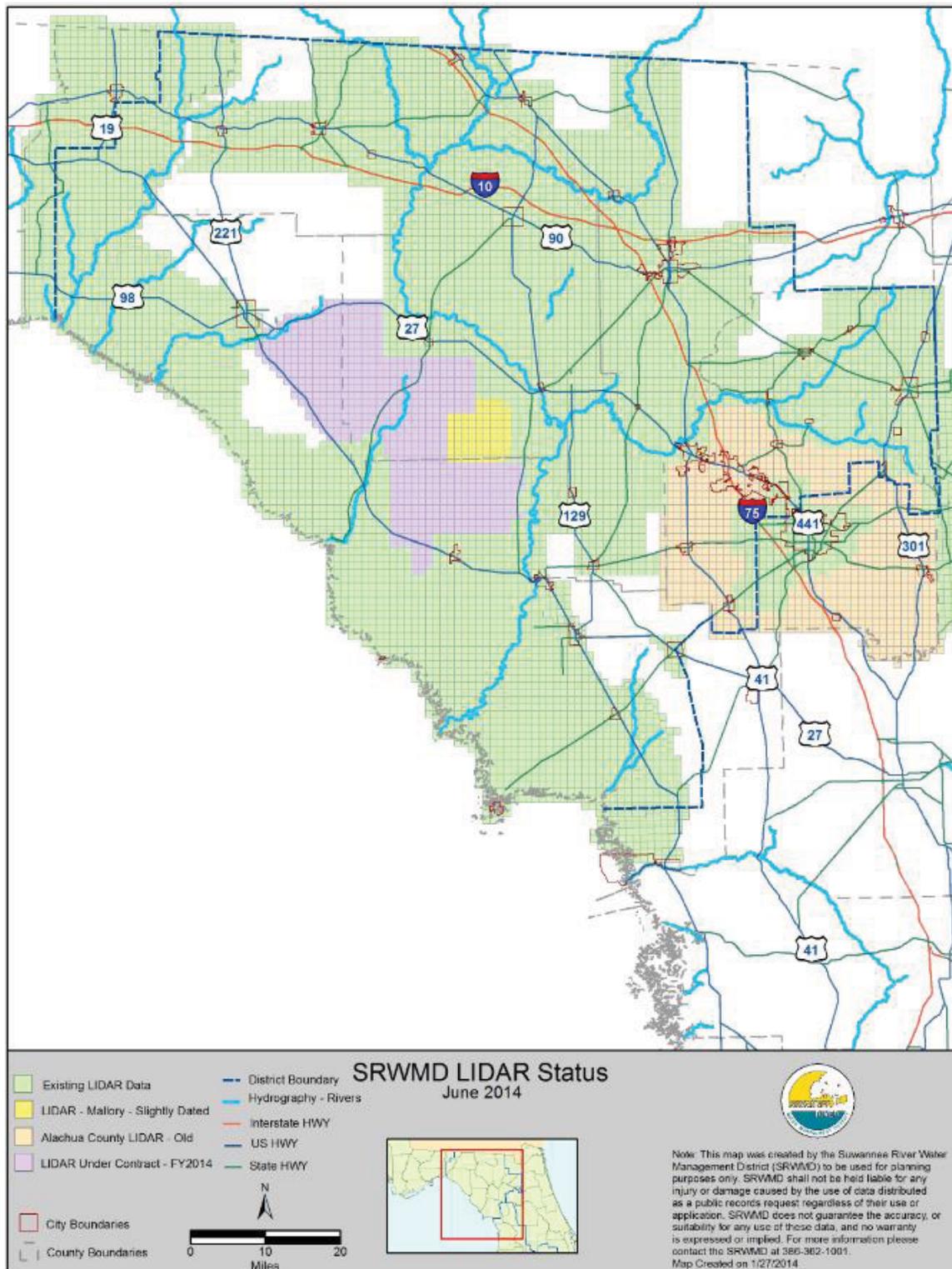


Figure 2 – 3 SRWMD LiDAR

### **2.2.2 Risk Assessment and Risk Communication**

The SRWMD will assess and communicate risk to ensure that a measurable increase of the public's awareness and understanding of risk results in a measurable reduction of current and future vulnerability to flooding.

Risk assessment data and analyses are defined as processes for analyzing or evaluating the risk associated with a hazard, and using that information to make informed decisions on the appropriate ways to reduce the impacts of the hazard on people and property. As part of the Risk MAP Program, non-regulatory Flood Risk Products shall be developed for study areas based upon the latest guidance available. Flood Risk Products that will be created include Flood Risk Reports and Flood Risk Maps.

Flood Risk Products serve as the delivery mechanisms for the Flood Risk Datasets and information developed within a flood risk study. Typically these Flood Risk Datasets include but are not limited to:

- Changes Since Last FIRM
- Depth & Analysis
- Flood Risk Assessment

Although this program is conceived on a HUC-8 watershed flood hazard and flood risk analysis framework, it is also recognized that there will be occasions where a watershed approach is not appropriate. Examples include site-specific levee analysis, coastal analysis. As a result, Flood Risk Products and Flood Risk Datasets are intended to be scalable to support the variability of project requirements and available funding.

### **2.2.3 Mitigation Planning and Actions**

The SRWMD will assist and support state, local and tribal communities to effectively engage in risk-based mitigation planning resulting in sustainable actions to reduce or eliminate risks to life and property from hazards. FEMA considers mitigation planning to be critical, and mitigation planning technical assistance will be identified starting at Discovery. During initial plan development there are four phases of the planning process:

- Planning Process
- Risk Assessment
- Mitigation Strategy
- Plan Maintenance

Hazard Mitigation Planning technical assistance and training provided through Risk MAP will focus on building a community's capability to plan for and reduce risk. The following steps are to be emphasized:

- Incorporating new flood hazard and risk information;
- Updating and refining mitigation strategies, especially as related to new flood hazard/risk information;
- Training mitigation planning teams; and
- Incorporating mitigation into existing community plans, programs, and policies.

Throughout the RiskMAP cycle, the District will utilize Region IV best practice templates to track and report Actions.

### **2.2.2 Outreach**

An essential component of the SRWMD Risk MAP program is community outreach and customer service to ensure stakeholder support and public awareness. Outreach begins during the Discovery phase of a watershed-level Risk MAP project and continues through final community meetings. The primary goals of the outreach component are to:

- Engage communities early and often of Risk MAP projects;
- Increase public awareness of risk and education of flood hazards;
- Communicate the benefits of the hazard mitigation planning process;
- Ensure stakeholder support and proper management of expectations;
- Establish two-way communication with stakeholders impacted by the floodplain remapping, as well as the NFIP in general;
- Ensure compliance with due process and other regulatory requirements;
- Minimize the number of technical appeals and protests;
- Ensure public understanding of the benefits of new maps;
- Interact with technical representatives to ensure production of quality maps;
- Enhance ownership and use by communities;
- Ensure that other users know how to use the new maps; and
- Track/monitor/evaluate outreach activities and adjust efforts according to feedback received and evolving project needs.

To accomplish these goals, the SRWMD will provide: an interactive website for the public to view flood risk data and obtain DFIRMs, FIS reports and risk reports; stakeholder notification to each County and community included in the Risk MAP project; public education and information through public meetings; informational brochures/newsletter article; PowerPoint presentations to interested organizations; press releases; and flood risk products.

### **2.2.3 Independent QA/QC**

The SRWMD will continue to perform all necessary QA/QC functions for both engineering and mapping products associated with the DFIRM projects in the District. QA/QC activities will be performed either by District personnel or one of the District's

contractors. QA/QC reviews will be performed by qualified personnel other than those who performed the work. FEMA guidelines will be followed for all engineering and mapping reviews along with standard engineering QA/QC guidelines. QA/QC activities will be funded by FEMA to the District through the Risk MAP funding grant process.

### **2.3 Program Management**

The SRWMD will provide a program management structure that will motivate partners to share responsibilities and align the District's, FEMA's and the local community missions to reduce vulnerability to floods and other hazards and increase public awareness of risk and education of flood hazards. The objective of Program Management activities is to recognize the activities undertaken by CTPs as part of the active process of managing multiple projects for the SRWMD. All process and deliverables shall be completed in accordance to FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners (G&S) and effective Procedure Memoranda (PMs).

Program management for the District's participation in Risk MAP program will be accomplished through the combined use of District staff and the use of contractors. The contractor will implement the following program management action items:

- Define program management goals including those associated with prioritization and execution of program elements;
- Assist in the annual update of the Risk MAP Business Plan;
- Assist in outreach activities (community meetings, media coordination and mailings);
- Coordinate and/or administer training for Communities affected by the proposed DFIRM updates regarding RiskMAP, the Community Rating System, and Flood Insurance
- Continued development of website to provide widespread access to Risk MAP data, improved risk analysis reporting and generation of reports consistent with Risk MAP goals and datasets
- Creation of a Program Management site to facilitate management, scheduling, and information sharing for multiple projects over multiple years
- Identify roles and responsibilities for all entities contributing to the District's mapping efforts;
- Develop and manage data standards, product specifications, and quality of the products to be used by the communities and other end users;
- Manage and track the progress of the DFIRM projects against schedules and budgets;
- Develop monthly status reports for District use and quarterly status reports that are to be supplied to FEMA Region 4;
- Evaluate program performance and recommend improvements;
- Promote partnerships with local communities through meetings and data mining;
- Provide for program management staff time;
- Development of continuous improvement strategies and innovative technical and building practices;

- Manage Risk MAP discovery and prioritization of projects in collaboration with the District;
- Track production of DFIRM products of District study contractors;
- Assist as needed with interpretation and implementation of Risk Map requirements;
- Develop an effective post storm and/or post disaster flood hazard documentation and assessment procedure that will be utilized to continually assess the accuracy of the Special Flood Hazard Areas (SFHA) on the DFIRMs. This information will be utilized for restudy determination purposes;
- General support activities including those defined in 44CFR, Part 66;
- Risk MAP reviews;
- FEMA mapping coordination (DCA coordination, flood recovery mapping);
- NSP/CTP pre-discovery activities.

### 2.3.1 IT Management System

The IT management systems will be the foundation that the technical management and outreach service components will be built upon. The system is composed of three major modules: the public websites (mentioned in the outreach section), the data management system, and the data repository. Of the three modules, the data repository, accessible through FEMA’s MIP, will be the core component. Figure 2-4, illustrates the relationship among the three modules.

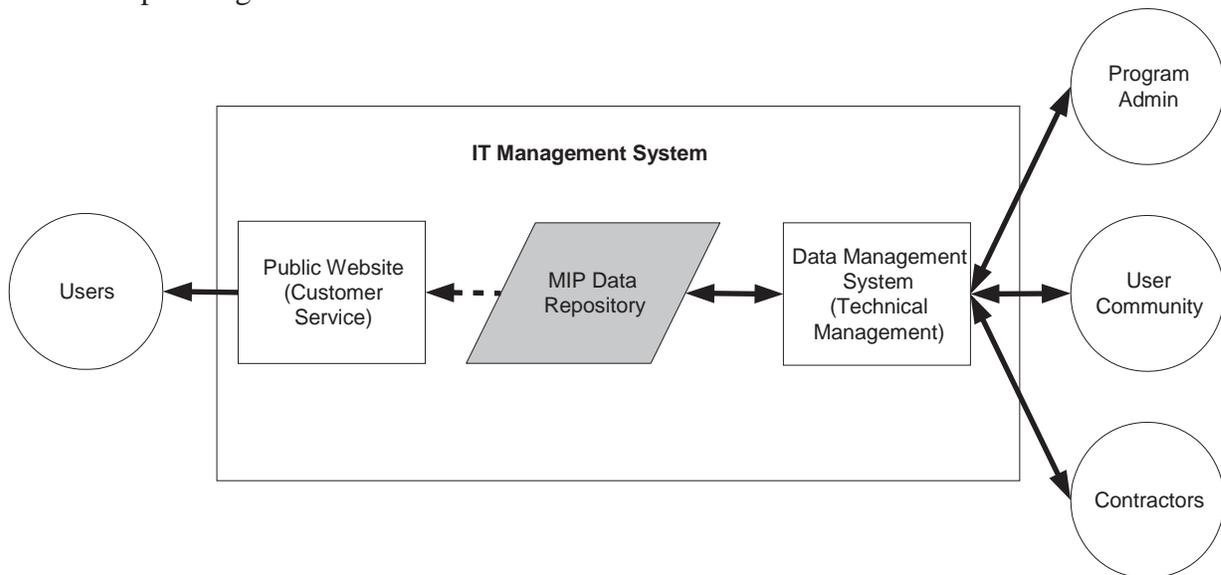


Figure 2-4 The IT Management System

Development of the public websites has been initiated and will continue to be updated for the duration of the Risk MAP program. Of the three modules the public websites have an immediate impact to generate public awareness and manage public expectations. Elements of the MIP data repository will be made available to the public by way of these websites. In the interim, the District proposes to use an offsite hosting service for the public website through a study contractor to store, disseminate and maintain DFIRM data and electronic versions of the DFIRMs.

### 2.3.2 Community Outreach

An essential component of the SRWMD Risk MAP program is community outreach and customer service to ensure stakeholder support and the proper management of expectations of the overall program. The SRWMD will focus its customer service activities through various mechanisms, including interactive websites with community information and status of ongoing projects, in-house and community training programs, and public outreach activities. The website (<http://www.srwmdfloodreport.com/>) is a GIS-enabled system that will allow users to review the current status of existing projects, announcements, complete informational tutorials, and download fact sheets, issue papers, news releases, and other documents. The site also includes a data viewer where DFIRM data is available for viewing and printing maps. All of this assists the user in determining if their property is affected by a flood zone, and descriptions of how to interpret the specific FEMA flood zones. An added feature of the site is the ability of the user to view preliminary flood data that is available. The goal of this site is to help the user identify their flood risk. The objectives for the site is to provide the user with flood zone data, identify risk, and assist the user in determining how far they are from the flood zone. The website will continue to be populated with flood risk data generated during DFIRM studies produced in the course of the Risk MAP program.

In addition to the above activities that promote the ownership of FEMA's flood hazard maps by user communities, there will be additional activities by the SRWMD to raise public awareness and participation in the study process. These activities could include such activities as fact sheets, flyers, information packages, advertisements, and outreach meetings with local government officials. By providing more outreach opportunities directed toward local governments, the SRWMD could leverage existing data and analyses from local levels. Furthermore, due to increased involvement of citizens and local officials, there will be a reduction in the number of appeals and protests to DFIRM products.

The SRWMD also proposes outreach and coordination with the Northwest Florida Water Management District (NFWFMD) for Map Modernization and Risk MAP activities that affect Jefferson County and the Southwest Florida Water Management District (SWFWMD) for activities that affects Levy County that lie only partially within the jurisdiction of the SRWMD.

## **Chapter 3**

### **RECOMMENDATIONS FOR MAPPING THROUGH FY19**

Unmet needs were documented during Flood Map Modernization Program and continue to be documented during the current Risk MAP Program. Recommendations for upcoming Fiscal year programs and funds are listed in order of decreasing priority.

#### **FY09 Funding**

Studies and map updates for Dixie, Gilchrist, Lafayette and Suwannee Counties (total cost at \$830,000). Suwannee was completed under Map Modernization. Dixie, Gilchrist and Lafayette are being incorporated into RiskMAP and will enter Preliminary Mapping under the FY10 Lower Suwannee Risk Map project in Fall 2014.

#### **FY10 Funding - Lower Suwannee (03110205)**

Discovery, studies and re-mapping for Lower Suwannee River HUC8 basin (03110205) which includes detailed studies in portions of Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison and Suwannee Counties (estimated cost at \$1,417,300; FEMA Contribution = \$1,225,000; SRWMD Contribution = \$192,300; totals include LiDAR). Discovery completed in FY12. Studies and mapping initiated in FY12.

Topographic data collection (LiDAR) in support of detailed studies (total cost at \$506,600; FEMA Contribution = \$475,000; SRWMD Contribution = \$31,600).

#### **FY11 Funding - Santa Fe (03110206) & Upper Suwannee (03110201)**

##### **Santa Fe (03110206)**

Discovery, studies and re-mapping of Santa Fe HUC8 basin (03220206) which includes portions of Union, Bradford, Columbia, Gilchrist, and Suwannee Counties (estimated cost at \$1,022,920; FEMA Contribution = \$675,000; SRWMD Contribution = \$347,920). Discovery to be completed by Nov 2012. Studies and mapping to be initiated in FY13.

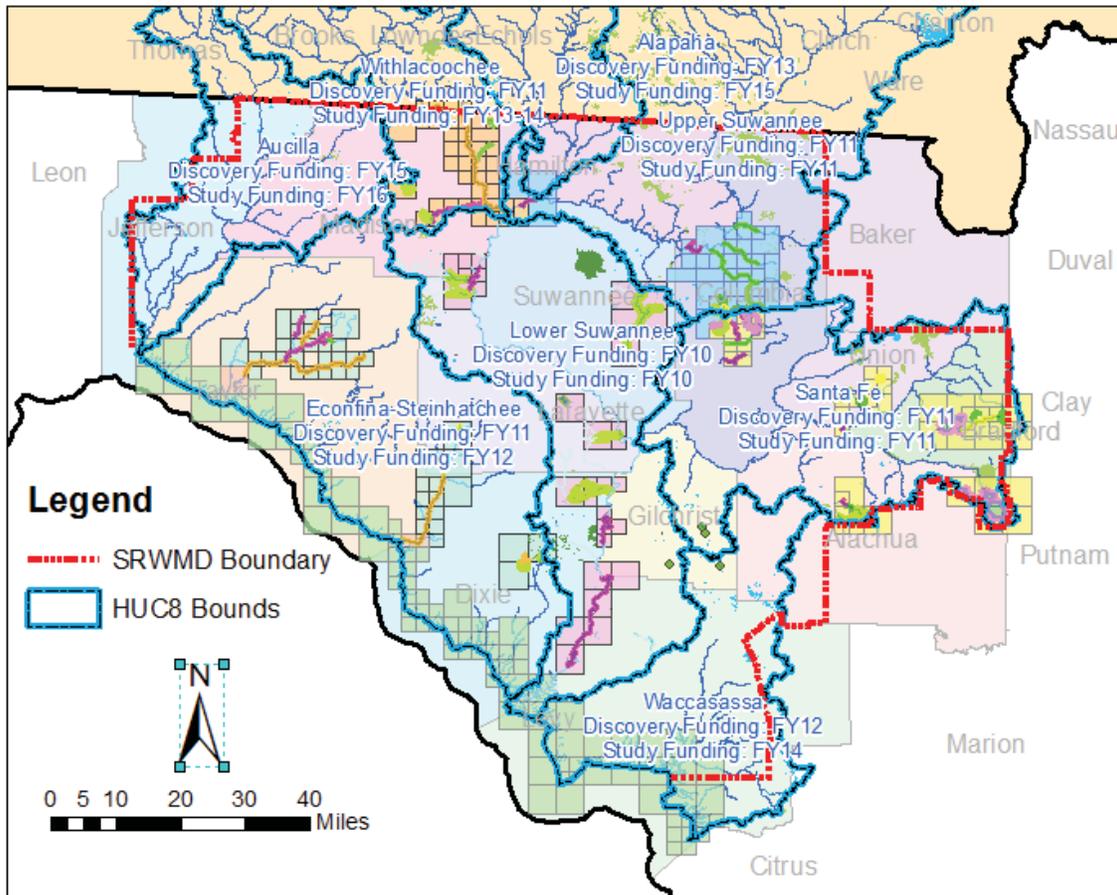


Figure 3 -1 SRWMD Business Plan showing including panel revisions in progress.

### Upper Suwannee (03110201)

Discovery, studies and re-mapping of Upper Suwannee HUC8 basin (03110201), which includes portions of Suwannee, Columbia, and Hamilton Counties (estimated cost at \$1,043,799; FEMA Contribution = \$807,000; SRWMD Contribution = \$246,467). Discovery to be completed by November 2012. Studies and mapping to be initiated in FY13.

#### Additional Activities under FY11 Funding

Discovery for Withlacoochee HUC8 basin (03110203) which includes portions of Madison and Hamilton Counties (estimated cost at \$75,000, SRWMD Contribution \$7,500). Discovery to be completed in November 2012. Studies to be implemented under FY13 funding.

Discovery for Econfinia-Steinhatchee HUC8 basin (03110102) which includes portions of Dixie, Taylor, Lafayette and Madison Counties (estimated cost at 75,000;

SRWMD \$7,500 staff time leverage). Discovery to be completed in November 2012. Studies to be implemented under FY12 funding.

Post-Preliminary processing additional effort for Levy County (estimated cost \$13,400; FEMA Contribution = \$8,000; SRWMD Contribution = \$5,400).

**FY12 Funding – Econfina-Steinhatchee (03110102) & Coastal Big Bend, FL**

Studies and re-mapping of Econfina-Steinhatchee HUC8 basin (03110102) underway which includes portions of Dixie, Taylor, Lafayette and Madison Counties (estimated cost at \$917,780; FEMA Contribution = \$632,000; SRWMD Contribution = \$285,780).

Re-mapping (Preliminary and Post-preliminary) of Coastal – Big Bend, Florida, which includes portions of Waccasassa HUC8 basin (03110101 - Levy County), Lower Suwannee HUC8 basin (03110205 - Levy and Dixie Counties) and Econfina-Steinhatchee HUC8 basin (03110102 - Dixie and Taylor Counties) (estimated cost at \$420,790; FEMA Contribution = \$420,790; SRWMD Contribution = \$0). Re-mapping to be initiated in FY15 dependent on receiving Coastal Study from FEMA Professional Technical Services contractor for Region IV.

Discovery for Waccasassa HUC8 basin (03110101) underway which includes portions of Levy, Gilchrist and Alachua Counties (estimated cost at \$65,000; FEMA Contribution = \$65,000; SRWMD Contribution = \$6,500 staff time).

**FY13 Funding – Withlacoochee (03110203) Studies and Alapaha (03110202) Discovery**

Studies and re-mapping of Withlacoochee HUC8 basin (03110203) which includes portions of Madison, Hamilton, and Suwannee Counties.

1. Model updates and floodplain mapping for 57 miles identified in Withlacoochee Discovery and preparation of Non-Regulatory products. (\$300,000)
2. See FY14 Funding needs to cover RiskMAP report, preliminary mapping and post-preliminary processing in Withlacoochee.

Discovery for Alapaha HUC8 basin (03110202) which includes a portion of Hamilton County. (Allocation: \$65,000; FEMA Portion: \$65,000; SRWMD Contribution = \$6,500 staff time).

**FY14 Funding – Waccasassa (03110101) Studies & Withlacoochee (03110203) Map Production**

Studies and re-mapping of Waccasassa HUC8 basin (03110101) which includes portions of Alachua, Levy, and Gilchrist Counties.

1. Detailed study for Waccasassa Lake and surrounding flooding source (estimated cost \$75,000)
2. Detailed study for Waccasassa River located within Levy County. The Waccasassa River stretches from the Gulf of Mexico splitting Levy County in half (estimated cost \$225,000)
3. Additional projects determined during Waccasassa Discovery. (Total Matching Grant Allocation: \$300,000 FEMA; SRWMD contribution \$130,000 in LiDAR, aerial, and staff time leverage).

RiskMAP report and preliminary mapping of Withlacoochee HUC8 basin (03110203) based on studies completed under FY13 MAS. Includes portions of Madison, Hamilton, and Suwannee Counties. (Allocation \$175,000 FEMA).

No Discovery required under FY14 grant.

Program Management and Community Engagement and Risk Coordination (CERC):  
\$100,000

**FY15 Funding – Alapaha (03110202) Studies, Waccasassa Preliminary and Post-Preliminary Mapping, Aucilla (03110103) Discovery**

Studies and re-mapping of Alapaha HUC8 basin (03110202) which includes a portion of Hamilton County

1. Additional re-study is anticipated as map maintenance activities in the municipality of Jennings. The re-study will generally focus on updating the municipality (based on development, high level of Zone A area, identified mapping problems, new data sources, etc.) and will result in publication of revised panels for a portion of Hamilton County.
2. Additional projects in the Alapaha watershed to be determined during Alapaha Discovery under FY13 funding. (Estimated Cost \$300,000 FEMA. SRWMD contribution: \$130,000 in LiDAR, Aerial, and staff time leverage).
3. Continuation of Waccasassa Watershed studies to include RiskMAP and Preliminary Mapping Products, Post-Preliminary Products and Outreach. (\$105,000 FEMA. SRWMD Contribution \$45,000 in LiDAR, Aerial, and staff time leverage)
4. Discovery for Aucilla HUC8 basin (03110103) which includes portions of Jefferson, Taylor and Madison Counties including 386 miles of CNMS revalidations otherwise expiring FY18. (Estimated Cost: \$85,500; FEMA Portion: \$85,500; SRWMD estimated contribution \$9,500 staff time).

CNMS revalidation for 199 miles expiring FY16 in Econfina-Steinhatchee, Lower Suwannee, Santa Fe, and Upper Suwannee watersheds and 4 miles expiring FY17 in Lower Suwannee (Estimated cost \$9,500; FEMA Portion \$9,500)

Enhanced Program Management and CERC MAS to expand outreach activities and incorporate web-based map and model management capabilities into the SRWMD website (\$200,000).

### **FY16 Funding - Aucilla (03110103)**

Studies and re-mapping of Aucilla HUC8 basin (03110103) which includes portions of Jefferson, Madison, and Taylor Counties.

1. Additional re-study is anticipated as map maintenance activities in the municipality of Greenville. The re-study will generally focus on updating the municipality (based on development, high level of Zone A area, identified mapping problems, new data sources, etc.) and will result in publication of revised panels for a portion of Madison County (\$200,000)
2. Detailed study for upper portions of Wacissa River and associated flooding source within Jefferson County. Wacissa River headwaters is located within the Town of Wacissa which has historically been impacted by flooding (estimated \$150,000)
3. Additional projects to be determined during Aucilla Discovery under FY13 funding(\$50,000)  
(Estimated Match Grant: \$400, 000 FEMA. SRWMD Contribution: \$175,000 additional in topographic leverage, aerial leverage and staff time).

Discovery update under RiskMAP cycle for Lower Suwannee River HUC8 basin (03110205) which includes portions of Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison and Suwannee Counties; includes \$2000 for CNMS revalidation of 56 miles in Lower Suwannee expiring in FY18. (Estimated cost: \$70,000 FEMA).

Enhanced Program Management and CERC MAS to expand outreach activities and incorporate web-based map and model management capabilities into the SRWMD website (\$150,000).

### **FY17 Funding – Lower Suwannee (03110205)**

Studies and re-mapping in Lower Suwannee HUC8 basin (03110205) which includes portions of Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison and Suwannee Counties.

1. Additional re-study is anticipated as map maintenance activities, due to mitigation actions, public lands acquisition, new growth. (\$300,000)

2. Plan for addition of non-regulatory products for unmodified areas to be used as outreach tools and integrated with web-based outreach. Identify new Areas of Mitigation Action to include in outreach in coordination with Florida Dept. of Emergency Management (\$100,000).

Total: FEMA Contribution: \$400, 000. SRWMD Contribution: \$175,000 in topographic leverage, aerial leverage and staff time.

Discovery update under RiskMAP cycle for Upper Suwannee River HUC8 basin (03110201) including CNMS revalidations as needed (\$68,000)

Enhanced Program Management and CERC MAS to expand outreach activities and incorporate web-based map and model management capabilities into the SRWMD website (\$125,000).

### **FY18 Funding – Upper Suwannee (03110201)**

Studies and re-mapping in Upper Suwannee HUC8 basin (03110205)

1. Additional re-study is anticipated as map maintenance activities, due to mitigation actions, new growth. (\$300,000)
2. Plan for addition of non-regulatory products for unrevised areas so entire watershed is covered. To be used as outreach tools and integrated with web-based outreach and incorporate Areas of Mitigation Action (\$100,000).

Total: FEMA Contribution: \$400, 000. SRWMD Contribution: \$175,000 in topographic leverage, aerial leverage and staff time.

Discovery update under RiskMAP cycle for Upper Suwannee River HUC8 basin (03110201) including CNMS updates for NVUE (\$70,000)

Enhanced Program Management and CERC MAS to expand outreach activities and incorporate web-based map and model management capabilities into the SRWMD website (\$125,000).

### **FY19 Funding – Santa Fe (03110206)**

Studies and re-mapping in Santa Fe HUC8 basin (03110206)

1. Additional re-study is anticipated as map maintenance activities, due to mitigation actions, new growth. (\$300,000)

2. Plan for addition of non-regulatory products for unrevised areas so entire watershed is covered. To be used as outreach tools and integrated with web-based outreach and incorporate Areas of Mitigation Action (\$200,000).

Discovery update under RiskMAP cycle for Econfinia-Steinhatchee HUC8 basin (03110201) including CNMS updates for NVUE (\$70,000)

## Chapter 4

### GEOSPATIAL DATA COORDINATION

Through Circular A-16, the Office of Management and Budget (OMB) directs Federal agencies that produce, maintain or use spatial data to participate in the development of the National Spatial Data Infrastructure (NSDI). The goal of the NSDI is to reduce duplication of effort among agencies; improve quality and reduce costs related to geographic information; make geographic data more accessible to the public; increase the benefits of using available data; and establish key partnerships with cities, counties, states, tribal nations, academia and the private sector to increase data availability.

To help realize this goal, FEMA has developed a Geospatial Data Coordination Policy and a plan for implementing that policy. In support of the policy, metadata catalogs and other tools will provide access to the data holdings of FEMA's flood mapping program through various portals of the NSDI.

#### 4.1 SRWMD Geospatial Coordination

The SRWMD is currently implementing portions of the items contained in the Geospatial Data Coordination Policy. The SRWMD is acquiring existing data for use in the development of the DFIRM and ensuring that the data is FGDC compliant. The District is currently utilizing existing USGS digital orthoquads and topographic data. To date, other digital photo data or topographic data has not been utilized.

As part of the Map Modernization and Risk MAP process, the District is also developing digital database and metadata information for use by other agencies or the public. In addition to providing this information on the MIP, the District will also provide this information to the NSDI clearinghouse.

In accordance with FEMA's *Geospatial Data Coordination Policy*, dated August 23, 2005, and FEMA's *Geospatial Data Coordination Implementation Guide*, dated January 2011, all SRWMD geospatial data will be "coordinated, collected, documented and reported with standardized, complete and current information in compliance with Federal geospatial data reporting standards." This will entail the following:

- Posting planned projects to appropriate systems for coordination;
- Identifying existing data;
- Acquiring existing data;
- Building partnerships for the creation of new data; and
- Documenting and standardizing data.

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1, 2014

RE: Request for Authorization to Publish Notices of Rule Development to Amend Chapters 40B-1, 40B-4 and 40B-400, Florida Administrative Code (F.A.C.) and Develop Rules 40B-1.1010 and 40B-12.200, F.A.C.

### RECOMMENDATION

**Staff recommends the Governing Board authorize publication of the attached Notices of Rule Development to amend Chapters 40B-1, 40B-4, and 40B-400, F.A.C. and Develop Rules 40B-1.1010 and 40B-12.200, F.A.C.**

### BACKGROUND

Amendments to Chapter 40B-1, Florida Administrative Code (F.A.C.), will provide clarification of permit application consideration procedures and include a fee for lobbyist registration and fees for land owners applying for amendments to conservation easements. New Rule 40B-1.1010, F.A.C., will describe the point of entry into proceedings for District permitting decisions; and new Rule 40B-12.200, F.A.C., will address new requirements for registering to lobby the District pursuant to section 112.3261, Florida Statutes.

Environmental Resource Permitting (ERP) rules continue to be developed following statewide ERP consistency (SWERP) efforts. As a result, additional amendments to Chapters 40B-4 and 40B-400, F.A.C., are being recommended to further streamline these rules. As before, the rule amendments are not expected to substantively affect agricultural or silvicultural activities, nor will they substantively change the current ERP evaluation criteria and requirements for other activities.

The attached Notices of Rule Development, if approved, will begin the rulemaking process to revise the District's rules.

WZ/tm

Attachments

## NOTICE OF DEVELOPMENT OF RULEMAKING

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

General and Procedural Rules

RULE CHAPTER NUMBER:

40B-1

RULE NOS:

RULE TITLES:

40B-1.1010	Point of Entry into Proceedings
40B-1.102	Definitions
40B-1.106	Interagency Agreements
40B-1.135	Delegations of Authority
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.704	Bond
40B-1.706	Fees
40B-1.709	Suspension, Revocation, and Modification of District Permits
40B-1.711	Emergency Action
40B-1.809	Inconsistency with Section 287.055, Florida Statutes

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules to describe the point of entry into proceedings for District permitting decisions, provide clarification of permit application consideration procedures, include a fee for lobbyist registration, and include fees for land owners applying for amendments to conservation easements pursuant to 373.088, F.S.

SUBJECT AREA TO BE ADDRESSED: Noticing procedures; Point of entry into proceedings; Lobbying fee

RULEMAKING AUTHORITY: [120.54\(5\)](#), [373.044](#), [373.083](#), [373.109](#), [373.113](#), [373.118](#), [373.171](#), [373.4141 FS](#).

LAW IMPLEMENTED: [120.54\(5\)](#), [120.57](#), [120.59](#), [120.60](#), [218.075](#), [253.115](#), [373.079\(4\)\(a\)](#), [373.083\(5\)](#), [373.084](#), [373.085](#), [373.086](#), [373.088](#), [373.106](#), [373.109](#), [373.116](#), [373.118](#), [373.216](#), [373.219](#), [373.229](#), [373.308](#), [373.309](#), [373.313](#), [373.323](#), [373.413](#), [373.4136](#), [373.414](#), [373.416](#), [373.418](#), [373.421](#), [373.426](#), [373.427 FS](#).

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT  
AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Warren Zwanka

Suwannee River Water Management District

9225 C.R. 49, Live Oak, Florida 32060

(386)362-1001 or

(800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## NOTICE OF DEVELOPMENT OF RULEMAKING

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Lobbyist Registration

RULE CHAPTER NUMBER:

40B-12

RULE NOS:   RULE TITLES:

40B-12.200   Lobbyist Registration Procedures

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to develop a rule to describe procedures for registering in order to lobby the District.

SUBJECT AREA TO BE ADDRESSED: Lobbyist definition; Lobbyist registration

RULEMAKING AUTHORITY: [112.3261\(8\) FS.](#)

LAW IMPLEMENTED: [112.3261 FS.](#)

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Steve Minnis  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
(386)362-1001 or  
(800)226-1066 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## NOTICE OF DEVELOPMENT OF RULEMAKING

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Works of the District Permits

RULE CHAPTER NUMBER:

40B-4

RULE NOS:

RULE TITLES:

40B-4.1090

Documents, Publications and Agreements Incorporated by Reference

40B-4.3010

Works of the District Permits

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules to implement changes resulting from State Wide Environmental Resource Permit (SWERP) phase I efforts by the Florida Department of Environmental Protection and the five Water Management Districts. The changes are being made to make permitting rules less confusing for applicants, treat applicants equitably statewide, provide consistent protection of water resources, and streamline the application and permitting process.

**SUBJECT AREA TO BE ADDRESSED:** Repeal of documents incorporated by reference in 40B-4.1090, F.A.C. and limiting the width of boardwalks and stairs in 40B-4.3010, F.A.C.

**RULEMAKING AUTHORITY:** [373.044](#), [373.083](#), [373.109](#), [373.113](#), [373.118](#), [373.171](#), [373.4141 FS](#).

**LAW IMPLEMENTED:** [120.57](#), [120.59](#), [120.60](#), [218.075](#), [373.084](#), [373.085](#), [373.086](#), [373.106](#), [373.109](#), [373.116](#), [373.118](#), [373.229](#), [373.313](#), [373.413](#), [373.416](#), [373.426 FS](#).

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Leroy Marshall II, P.E., CFM  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
(386)362-1001 or  
(800)226-1066 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## NOTICE OF DEVELOPMENT OF RULEMAKING

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource Permits

RULE CHAPTER NUMBER:

40B-400

RULE NOS:

40B-400.091

RULE TITLES:

Publications and Agreements Incorporated by Reference

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules to implement changes resulting from State Wide Environmental Resource Permit (SWERP) phase I efforts by the Florida Department of Environmental Protection and the five Water Management Districts. The changes are being made to make permitting rules less confusing for applicants, treat applicants equitably statewide, provide consistent protection of water resources, and streamline the application and permitting process.

**SUBJECT AREA TO BE ADDRESSED:** Repeal of documents incorporated by reference in 40B-400.091, F.A.C.

**RULEMAKING AUTHORITY:** [373.044](#), [373.083](#), [373.109](#), [373.113](#), [373.118](#), [373.171](#), [373.4141 FS](#).

**LAW IMPLEMENTED:** [120.57](#), [120.59](#), [120.60](#), [218.075](#), [373.084](#), [373.085](#), [373.086](#), [373.106](#), [373.109](#), [373.116](#), [373.118](#), [373.229](#), [373.313](#), [373.413](#), [373.416](#), [373.426 FS](#).

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Leroy Marshall II, P.E., CFM  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
(386)362-1001 or  
(800)226-1066 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: August 1,, 2014

RE: Approval to Enter Into a 2014 Fiscal Year Local Government Cost Share Agreement with Lafayette County with a Modified Scope

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into a 2014 fiscal year Local Government Cost Share Program Agreement with Lafayette County with a modified scope.**

### BACKGROUND

On March 12, 2014, the Governing Board authorized the Executive Director to enter into contracts with 11 cooperators within the 2014 fiscal year Local Government RIVER Cost Share Program.

One of the projects approved was the CR 416/354 Flood Abatement Project in Lafayette County which the District committed \$100,000 to Lafayette County in order to improve flood protection within the CR 416 project area. The original project scope consisted of (1) resizing and replacing all existing side drainage pipes along CR 416; (2) repairing impervious ditch areas along the western side of CR 416 as needed; and (3) installing drainage structures and piping as needed along the eastern side of CR 416 to allow water to flow north toward SR 20.

After significant flooding this spring, the existing ditches and the road along CR 416 severely eroded and caused sediment to deposit in a portion of the ditch and in a low lying wetland; both areas are downstream of the original project location. The county has requested a modification to the scope of this project in order to remove the sediment in order to begin the process of repairing the road and the ditches.

PW/tm

MEMORANDUM

TO: Governing Board  
 FROM: Tim Sagul, P.E., Division Director, Resource Management  
 DATE: August 1, 2014  
 RE: Permitting Summary Report

**Environmental Resource Permitting (ERP) Activities**

**Permit Review**

The following table summarizes the environmental resource permitting activities during the month of June 2014 and program totals from January 2011 to June 2014.

	Exemption Requests	Noticed Generals	Generals	10-2 Self Certifications	Individuals	Conceptuals	Total
Applications received in June	8	0	2	3	3	1	17
Permits issued in June	3	0	0	0	0	0	3
Inspections in June	0	7	18	6	1	0	32
Total permits issued	165	295	261	59	71	6	857

The following Individual Environmental Resource Permits were issued by staff, pursuant to 373.079(4)(a), Florida Statutes, in June 2014.

File Number	Project Name	County	Issue Date
None			

**Water Use Permitting and Water Well Construction Activities**

The following table summarizes water use and water well permitting activities during the month of June.

June 2014	Received		Issued
Water Use Permits	16		14
<b>Water well permits issued: 106</b>			
Abandoned/Destroyed	7	Livestock	4
Agricultural Irrigation	5	Monitor	0
Aquaculture	0	Nursery	0
Climate Control	0	Test	0
Fire Protection	0	Public Supply	0
Garden (Non Commercial)	0	Self-supplied Residential	85
Landscape Irrigation	4	Drainage or Injection	0
Commercial or Industrial	0	Remediation Recovery	1

**MEMORANDUM**

TO: Governing Board  
FROM: Tim Sagul, P.E., Division Director, Resource Management  
DATE: August 1, 2014  
RE: Enforcement Status Report

**Matters Staff is attempting to gain compliance without enforcement action**

<b>Respondent</b>	<b>Justin M. Fitzhugh</b>
<b>Enforcement Number / County</b>	<b>CE05-0046 / Columbia</b>
<b>Violation</b>	<b>Non-Functioning Stormwater Management System &amp; Failure to Submit As-Builts</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock</b>
<b>Date Sent to Legal</b>	<b>July 1, 2010</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$2,111 (approximate)</b>

This violation is for a non-functioning surface water management system and failure to submit as-built certification forms.

Staff inspected site on March 7, 2013. Vegetation cleared, the retention pond is still not in compliance. Staff contacted new owner, Joe Peurrung. Staff has requested that the current attorney cease work on the enforcement file. In the event that the current owner does not follow through with correcting the violation, staff will have the file reopened. Owner's engineer has contacted District staff and has been working on a corrective plan. **Staff reviewed a preliminary application on May 8, 2014. An application is to be submitted by November 1, 2014.**

<b>Respondent</b>	<b>Richard Oldham</b>
<b>Enforcement Number / County</b>	<b>CE10-0024 / Bradford</b>
<b>Violation</b>	<b>Unpermitted Pond &amp; Deposition of Spoil Material</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A.</b>
<b>Date sent to legal</b>	<b>October 13, 2011</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$5,000 / \$2,473</b>

This violation is for construction of a pond without a permit and deposition of spoil material in a flood area.

Richard Oldham and Diana Nicklas were served with an Administrative Complaint and Order and the time for filing a petition for hearing lapsed.

Counsel filed a Petition for Enforcement in the Circuit Court for Bradford County and had Oldham and Nicklas personally served. The file was transferred from Brannon, Brown, Haley & Bullock, P.A., to Board Counsel for resolution.

<b>Respondent</b>	<b>Larry R. Sigers</b>
<b>Enforcement Number / County</b>	<b>CE08-0072 / Columbia</b>
<b>Violation</b>	<b>Unpermitted Dredge &amp; Fill</b>
<b>Legal Counsel</b>	<b>Robinson, Kennon &amp; Kendron, P.A.</b>
<b>Date sent to legal</b>	<b>October 5, 2011</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$7,500 / \$7,517.00</b>

A Consent Agreement was entered into with Mr. Sigers as a result of violations of District Rules. District Staff met with Mr. Sigers on May 14, 2014, at the subject property to complete the required second annual monitoring event. Mr. Sigers is in the process of replanting areas where vegetation has died. Current water levels prevent the completion of the replanting project; however, volunteer wetland species were noted in abundance during the inspection. Mr. Sigers indicated that he will complete all plantings in accordance with Consent Agreement. District staff will conduct the third annual monitoring event within the next 12 months to determine success of mitigation.

<b>Respondent</b>	<b>Cannon Creek Airpark</b>
<b>Enforcement Number / County</b>	<b>CE05-0031/ Columbia</b>
<b>Violation</b>	<b>Unpermitted Construction</b>
<b>Legal Counsel</b>	<b>Tommy Reeves</b>
<b>Date sent to legal</b>	<b>February 2006</b>
<b>Target Date</b>	<b>In Permit Process</b>
<b>Legal Fees to date</b>	<b>\$7,048.50</b>

This enforcement action has been on-going for a number of years. This involves work that was done within the subdivision to alleviate flooding. The work was done without a permit. Columbia County officials are working on a stormwater project that may alleviate the practical need to obtain compliance with the existing District permit, but instead would require that the permit be modified to reflect the system as constructed.

District staff is currently reviewing an ERP application to implement one phase of the County's master stormwater plan that includes the Cannon Creek area, which should address the remaining drainage problems for this project. The District is waiting for Columbia County to respond to the mitigation offer before taking further action on the permit application.

Columbia County responded to the request for additional information. Staff is reviewing the submittal in regards to the proposed wetland mitigation offer.

District staff met with Columbia County on February 28, 2012, to discuss outstanding RAI items and expect to soon receive additional information from the County. Columbia County proposes to "bundle" the wetland mitigation required for this project with mitigation being provided for a Home Depot project. Staff plans to discuss this approach with the District's Governing Board.

A permit for this project was issued on August 6, 2012. Staff is working with Columbia County on an appropriate resolution.

**Matters the Governing Board has directed staff to take enforcement**

<b>Respondent</b>	<b>Charlie Hicks, Jr.</b>
<b>Enforcement Number / County</b>	<b>CE07-0087 / Madison County</b>
<b>Violation</b>	<b>Unpermitted Construction in Floodway</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>October 30, 2008</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$21,536.50</b>

The violation consists of construction of a structure in the floodway, without obtaining a Works of the District permit. The case has been before this court several times.

The nonjury trial on damages was conducted on April 3, 2012. The Court entered its Final Judgment awarding the District a total amount of \$31,794.07, which consisted of a \$10,000 penalty, an award of attorneys' fees of \$19,454.50, and legal and investigative costs totaling \$2,339.57. The file was transferred from Brannon, Brown, Haley & Bullock, P.A., to Board Counsel for resolution.

<b>Respondent</b>	<b>EI Rancho No Tengo, Inc.</b>
<b>Enforcement Number / County</b>	<b>CE05-0017 / Columbia</b>
<b>Violation</b>	<b>Unpermitted Construction</b>
<b>Legal Counsel</b>	<b>Tommy Reeves</b>
<b>Date sent to legal</b>	<b>January 2006</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$253,160.50</b>

This enforcement matter has been ongoing since 2006. After multiple court hearings, and in accordance with Court rulings, a Notice of Sheriff's Sale was sent to the parties by certified mail.

The Sheriff's Sale of Defendant's real property pursuant to two writs of execution occurred on May 3, 2011. The Executive Director and Counsel were present at the sale. After an opening bid by Jeffrey Hill of ten dollars, Mr. Still bid \$390,000, which was also the highest bid. Twenty-two minutes prior to the sale, Jeffrey Lance Hill, Sr., filed a chapter 12 case with the U.S. Bankruptcy Court in Jacksonville, Florida. Counsel has since consulted with Lance Cohen, a bankruptcy attorney in Jacksonville, whom the District retained in 2008 when EI Rancho No Tengo, Inc., filed a bankruptcy case. Mr. Cohen is of the opinion that because Mr. Hill filed for bankruptcy prior to the Sheriff's Sale, the District's interest in quieting title would best be served in bankruptcy court. Therefore, Staff has directed Counsel to work with Mr. Cohen again to efficiently and expeditiously secure title to the land in the District.

On March 22, 2012, the Bankruptcy Court granted the District's motion to dismiss the Chapter 12 bankruptcy case filed by Jeffrey Hill. On March 28, 2012, District staff recorded the Sheriff's deed with the Columbia County Clerk's Office.

On May 16, 2012, Mr. Hill filed a Notice of Appeal of the Bankruptcy Court's May 3<sup>rd</sup> Order. The District's bankruptcy counsel, Lance Cohen, is responding to the appeal. Staff was directed to meet with the newer Board members individually to bring them up to date and after this was done to schedule a meeting with Mr. Hill, Mr. Williams and Mr. Reeves to discuss possible settlement. The parties have met, but a settlement was not reached.

The District's bankruptcy counsel, Lance Cohen, filed an Answer Brief on September 10, 2012, in Jeffrey Hill's appeal of the Bankruptcy Court's dismissal of his Chapter 12 case. The case is now fully briefed and, therefore, either oral argument or a written decision should occur or be issued before the end of the year. A mediation meeting was held July 29 at the Federal Courthouse in Jacksonville. The judge gave an October 15, 2013 deadline for resolution. Mr. Quincey, at the direction of the board, is working with Mr. Hill and will bring back a proposed settlement to the Board. No settlement was reached at the October 2013 Governing Board meeting. Counsel was directed to pursue a quiet title action.

On January 24, 2014, the U.S. District Court entered its order affirming the Bankruptcy Court's dismissal of Mr. Hill's bankruptcy case. Mr. Hill has appealed this matter to the 11<sup>th</sup> Circuit Court of Appeal in Atlanta.

<b>Plaintiff</b>	<b>Jeffrey L. Hill, Sr. and Linda P. Hill</b>
<b>Enforcement Number / County</b>	<b>CE11-0045 / Columbia</b>
<b>Violation</b>	<b>NA</b>
<b>Legal Counsel</b>	<b>SRWMD Insurance Legal Counsel</b>
<b>Date sent to legal</b>	<b>August 2011</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$9,550</b>

This is not a District enforcement matter, but appears to have been prompted by one. This matter concerns a circuit court complaint recently filed against the District by Jeffrey and Linda Hill arising out of the District's enforcement litigation against El Rancho No Tengo, Inc. In summary, the Complaint alleges that the District has violated Plaintiffs' personal and property rights, acted with recklessness and malice, taken Plaintiffs' personal and property, forced Mr. Hill into bankruptcy, and caused Plaintiffs psychological and emotional harm. The request for relief includes returning all real and personal property taken, permanently enjoining the District from taking Plaintiffs' property, damages in the amount of \$1,000,000.00, renewal and reinstatement of a writ dated August 4, 1991, and costs and attorney's fees. District Counsel has responded by filing a motion to dismiss, strike and for more definite statement. Counsel is currently researching whether a judgment on the merits may also be available at this stage of the proceeding. In any event, Counsel will soon request a hearing on the District's motion(s).

On October 20, 2011, Plaintiffs served an Amended Complaint to which Counsel responded by serving an Amended Motion to Dismiss and Strike. Counsel also provided a draft Motion to Award [\$57.105, F.S.] Attorney's Fees to Plaintiffs on November 17, 2011. Counsel attended a hearing on the District's amended motion to dismiss and strike the amended complaint on December 9, 2011. The Court dismissed three counts of Hills' amended complaint and struck three more, but also gave the Hills 30 days from the date the order is signed to file a second amended complaint.

Counsel drafted and delivered an order to the Hills for review and comment on December 19, 2011. Comments on the draft order are due from the Hills to Counsel on December 22, 2011, at which time Counsel will send a proposed order to Judge Parker. Once a second amended complaint is filed by the Hills, Counsel will prepare an answer with affirmative defenses.

Rather than commenting to Staff Counsel on the District's draft proposed order, Plaintiff's filed their "Objection to Proposed Order," but not before Staff Counsel submitted the District's proposed order to Judge Parker on December 26, 2011. Thereafter, the District's proposed

order was entered and Plaintiffs filed a timely motion for rehearing. On January 25, 2012, this case was transferred from Staff Counsel Jennifer Springfield to Staff Counsel Lindsey Lander. In February, this case was transferred to the District's Insurance Claim Services.

A hearing was set for October 5, 2012, regarding the Plaintiffs Motion for Rehearing on the Court's order dismissing and striking the amended complaint and allowing Plaintiffs 30 days leave to file a second amended complaint. Mr. Quincey, at the direction of the Board, is working with Mr. Hill and will bring back a proposed settlement to the Board. No settlement was reached at the October 2013 Governing Board meeting.

A hearing on the District's amended motion for summary judgment (among other of Plaintiffs' motions) occurred on February 6, 2014. **Additionally, Mr. Hill filed a complaint in Federal Court on March 24, 2014.**

<b>Respondent</b>	<b>Jeffrey Hill / Haight Ashbury Subdivision</b>
<b>Enforcement Number / County</b>	<b>CE04-0003 / Columbia</b>
<b>Violation</b>	<b>Not Built in Accordance with Permitted Plans</b>
<b>Legal Counsel</b>	<b>Tommy Reeves</b>
<b>Date sent to legal</b>	<b>May 2006</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$13,176</b>

This enforcement activity has been ongoing for several years. At the hearing on January 31, 2011, the Court granted the District's motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees.

Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.), Counsel intends to ask the Court to schedule another case management conference, as well as a hearing to determine the civil penalty amount and the amount of the District's costs and attorney's fees, all of which have already been awarded. During the pendency of the bankruptcy proceeding, Staff Counsel drafted an agreement between the District and the County setting forth the County's offer to obtain the necessary legal access and perform the correction action required on the stormwater management system. Thereafter, the District would transfer the permit to the County as the perpetual operation and maintenance entity. In exchange for the County's assistance, and other actions agreed to by the County to help the District resolve two other long-standing ERP violations, the District contemplates donating an approximate 42-acre parcel of land on Alligator Lake that adjoins County-owned property.

Columbia County Attorney, Marlin Feagle, has reviewed the draft interlocal agreement (ILA) and County Manager is still interested in pursuing this approach. Staff from the District and County are editing the agreement and expect to present it to the Governing Board at their August meeting.

The Governing Board approved the ILA, but the Columbia County Commission chose not to pass the agreement. They wish to continue working with the District on a revised agreement. Staff is waiting to hear back from Columbia County staff.

<b>Respondent</b>	<b>Jeffrey Hill / Smithfield Estates-Phase 1</b>
<b>Enforcement Number / County</b>	<b>CE04-0025 / Columbia</b>
<b>Violation</b>	<b>Not Built in Accordance with Permitted Plans</b>
<b>Legal Counsel</b>	<b>Tommy Reeves</b>
<b>Date sent to legal</b>	<b>May 2006</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$13,176</b>

This enforcement activity has been ongoing for several years. At the hearing on January 31, 2011, the Court granted the District's motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees.

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MEMORANDUM

TO: Governing Board

FROM: Ann B. Shortelle, Ph.D., Executive Director

DATE: July 30, 2014

RE: **Public Hearing** and Consideration of Resolution Number 2014-17 Authorizing Acquisition of a Conservation Easement over 351 +/- acres of El Trigal Farms, LLC, in Jefferson County in Exchange for District Surplus Lands

RECOMMENDATION

**Subject to public comment that may be received, staff recommends the Governing Board approve and execute Resolution 2014-17 authorizing the Executive Director to exercise a contract to acquire the 351-acre (+/-) conservation easement in exchange for District surplus lands.**

BACKGROUND

In accordance with Section 373.139(3)(a), Florida Statutes, a public hearing is scheduled for August 12, 2014, to take comments on the exchange of real property interests on lands owned by El Trigal Farms in Jefferson County and the Suwannee River Water Management District.

Section 373.089(4), Florida Statutes, gives authority to the Governing Board to exchange interests or rights in lands. The statute gives authority for the Governing Board to set the terms and conditions that the Governing Board considers necessary to equalize the value of exchanged properties.

In accordance with the direction given by the Governing Board at its June 11, 2014, meeting, staff applied a proportional timber valuation adjustment to District surplus lands having timber valuation within the appraisals.

On July 7, 2014, staff received Mr. Bobby Floyd's list of surplus tracts for exchange. The 70-acre +/- Jennings Bluff surplus tract has been a part of the discussions with Mr. Floyd and is one of the surplus tracts on Mr. Floyd's exchange list.

At its June 2012 meeting, the Governing Board authorized staff to negotiate with Hamilton County on the use of the entire 500-acre Jennings Bluff tract, which includes the 70-acre +/- surplus tract, based on the County's request to acquire the surplus tract and use the surrounding District lands for recreation.

In view of the potential exchange with Mr. Floyd, staff contacted Hamilton County staff in April 2014 to determine the County's position on the Jennings Bluff surplus tract. Following receipt of Mr. Floyd's exchange list, staff contacted Hamilton County staff again to determine the County's position. On July 17, 2014, Hamilton County staff made a written request that the District

consider conveyance of the Jennings Bluff surplus tract to the County for development into a natural park attraction.

Removal of the Jennings Bluff surplus tract from Mr. Floyd's exchange list would require exchange of the entire 121-acre +/- Chitty Bend West surplus tract plus \$56,990 in cash boot to equalize values. An alternative would be to set aside a portion of the tract for consideration of conveyance to Hamilton County, thus leaving the remainder for exchange with Mr. Floyd. This alternative would require exchange of a portion of both the Chitty Bend West and Jennings Bluff surplus tracts to equalize values with no cash boot from the District.

JD/rl

Attachments

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2014-17**

**RESOLUTION APPROVING THE EXCHANGE  
OF REAL PROPERTY INTERESTS WITH  
EL TRIGAL FARMS, LLC., JEFFERSON COUNTY**

**WHEREAS**, the Suwannee River Water Management District has been offered a perpetual conservation easement over lands owned by El Trigal Farms, LLC., consisting of approximately 351 acres in Jefferson County, Florida, a map of said lands being attached hereto; and

**WHEREAS**, the consideration for said conservation easement shall be the fee title to approximately 337 acres of District surplus lands, maps of said lands being attached hereto; and

**WHEREAS**, the result of the exchange will be the protection through perpetual conservation easement held by the Suwannee River Water Management District of 351 +/- acres of land located in and adjacent to the 100-year floodplain of the Aucilla River; and

**WHEREAS**, the exchange and the acquisition of the additional conservation easement acreage are consistent with Section 373.089(4), Florida Statutes (F.S.), Section 373.199, F.S., and with the Florida Forever five-year work plan filed with the Legislature and the Florida Department of Environmental Protection; and

**WHEREAS**, said additional conservation easement acreage is being acquired in less-than-fee simple for water management purposes and meets the goals and criteria of Section 259.101, F.S.; and

**WHEREAS**, said lands will be maintained in an environmentally acceptable manner compatible with the resource values for which acquired and, to the extent practical, in such a way as to restore and protect their natural state and condition; and

**WHEREAS**, said lands have been appraised by at least one real estate appraiser and were approved for acquisition after duly noticed public meeting to inform the public of this exchange of property interests; and

**WHEREAS**, an environmental audit shall be performed prior to closing, and, before the purchase of any land found to be contaminated a remediation plan will be submitted to the Department; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Suwannee River Water Management District:

(1) Exchange of the real property interests on the described lands with El Trigal Farms, LLC, and its successors or assigns is approved, and the Executive Director is authorized to exercise an exchange agreement on behalf of the District.

**RESOLUTION NO. 2014-17**

(2) The above statements are hereby certified and declared to be true and correct, and the acquisition of said conservation easement is hereby further certified to be consistent with this District's plan of acquisition and Section 373.199, F.S.

(3) District hereby approves the use of appropriate funds for the exchange of property interests and associated closing costs.

**PASSED AND ADOPTED ON MOTION, SECOND AND AN AFFIRMATIVE VOTE OF NOT LESS THAN SIX MEMBERS (TWO-THIRDS OF THE TOTAL MEMBERSHIP) OF THE GOVERNING BOARD, THIS 12TH DAY OF AUGUST, 2014.**

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**



**MEMBERS OF THE BOARD:**

- DON QUINCEY, CHAIR**
- ALPHONAS ALEXANDER, VICE CHAIR**
- RAY CURTIS, SECRETARY/TREASURER**
- KEVIN W. BROWN**
- GEORGE M. COLE**
- GARY JONES**
- VIRGINIA H. JOHNS**
- VIRGINIA SANCHEZ**
- GUY N. WILLIAMS**

**ATTEST:**



**PUBLIC HEARING SUMMARY  
EL TRIGAL FARMS, LLC, CONSERVATION EASEMENT EXCHANGE  
JEFFERSON COUNTY**

**TRANSACTION SUMMARY**

The sellers are El Trigal Farms, LLC, Susan Kempton Floyd, William Robert Floyd, and Cheyenne Fawn Floyd, collectively referred to as El Trigal Farms for purposes of this document.

Under the proposed exchange, the District will acquire a conservation easement over 351 +/- acres of El Trigal Farms and the District will convey title to 337 acres of surplus lands tracts.

An exchange of property interests will reduce land management costs, protect 0.71 miles of Aucilla River frontage, and preserve 296 acres of floodplain forest intact under perpetual conservation easement protection. The conservation easement will prohibit development, subdivision and timber harvesting. The owner will control access and hunting rights.

The attached table contains a summary of the conservation easement and the surplus lands exchange tracts.

In accordance with the direction given by the Governing Board at its June 11, 2014, meeting, staff applied a proportional timber valuation adjustment to District surplus lands having timber valuation within the appraisals. The proportional timber valuation adjustment was applied to the Blue Sink and Jennings Bluff surplus tracts and resulted in additional exchange value of \$20,992.

The exchange value of the conservation easement over 351 +/- acres of El Trigal Farms was established at \$668,850 by the Governing Board at its June 11, 2014, meeting. The exchange value of the surplus tracts in the attached table is \$668,832.

**MANAGEMENT:** The District will no longer manage the 337 +/- acres of surplus lands tracts conveyed to El Trigal Farms. District management of the 351 +/- acres of the conservation easement will consist of coordination with the land owners and periodic inspection and reporting.

**CLOSING COSTS:** Each party will pay for costs related to its side of the transaction. This includes title insurance premium, documentary stamps, attorneys' fees, and cost of an environmental audit. The sellers will pay for a survey of the District surplus tracts to generate a metes and bounds legal description unless a survey exists. The District will pay for a survey of the seller's conservation easement. The sellers will pay realtor commission fees on the surplus lands tracts.

**TITLE ISSUES:** There are no title issues to report at this time.

**Attachment to Public Hearing Summary  
El Trigal Farms LLC Conservation Easement / District Surplus Lands Exchange Summary**

<b>TRACT</b>	<b><i>El Trigal Farms Conservation Easement</i></b>	<b><i>Cuba Bay</i></b>	<b><i>Hunter Creek Tracts 1-3</i></b>	<b><i>Chitty Bend East</i></b>	<b><i>Blue Sink West</i></b>	<b><i>Jennings Bluff</i></b>	<b><i>Chitty Bend West (partial)</i></b>
<b>Owner</b>	El Trigal Farms, LLC	SRWMD	SRWMD	SRWMD	SRWMD	SRWMD	SRWMD
<b>County</b>	Jefferson	Madison	Hamilton	Hamilton	Suwannee	Hamilton	Madison
<b>Acreage</b>	351 +/-	22 +/-	119.2 +/-	20 +/-	39 +/-	70 +/-	66.8 +/- (part of 121-acre surplus tract)
<b>WATER RESOURCE PROTECTION</b>							
<b>Floodplain Protection</b>	84% (296 acres)	15% (3.4 acres)	0%	0%	4% (3 acres)	0%	0%
<b>Surfacewater Protection</b>	57% (201 acres)	8% (1.8 acres)	8% (10 acres)	5% (1 acre)	11% (9 acres)	3% (2 acres)	0%
<b>Aquifer Recharge</b>	0%	0%	0%	0%	0%	0%	33% (40 acres) for 121-acre tract
<b>Springs Protection</b>	0%	0%	0%	0%	19% (15 acres)	0%	0%
<b>Tract Description</b>	Proposed conservation easement	Declared surplus	Declared surplus	Declared surplus	Declared surplus	Declared surplus	Declared surplus
<b>Exchange Value</b>	\$668,850						



PROPERTY or affirmatively show that no part of the PROPERTY is located either partially or totally seaward of the CCCL, (4) provide a "metes and bounds" legal description of the property being surveyed, and (5) show the actual number of acres of the property being surveyed, excluding public road rights-of-way and railroad rights-of-way.

*TITLE COMMITMENT* shall mean a commitment to issue a title insurance policy for the PROPERTY, purchased from the CLOSING AGENT as agent for a Florida licensed title insurance company.

2. **EXCHANGE**: The DISTRICT shall convey the DISTRICT PROPERTY to the LANDOWNER and in exchange the LANDOWNER shall convey the LANDOWNERS PROPERTY to the DISTRICT on the terms and as provided in this CONTRACT.
3. **PRICE**: Neither the DISTRICT nor the LANDOWNER shall pay any amount to the other to equalize the values of the DISTRICT PROPERTY and the CONSERVATION EASEMENT.
4. **EXPENSES**: The expenses of closing this transaction shall be paid, at closing, as follows:

4.1 For conveying the DISTRICT PROPERTY:

4.1.1 DISTRICT shall pay for:

- 4.1.1.1 Preparation of the deed of conveyance of the DISTRICT PROPERTY
- 4.1.1.2 Documentary stamp tax on the deed of conveyance of the DISTRICT PROPERTY
- 4.1.1.3 Owner's title insurance policy (including the TITLE COMMITMENT, search, examination and related charges) on the DISTRICT PROPERTY
- 4.1.1.4 All outstanding ad valorem taxes and assessments on the DISTRICT PROPERTY for all years prior to the year of closing, if any
- 4.1.1.5 DISTRICT's attorney's fees

4.1.2 LANDOWNER shall pay for:

- 4.1.2.1 Charges to record the deed of conveyance of the DISTRICT PROPERTY
- 4.1.2.2 Costs of an environmental audit of the DISTRICT PROPERTY if the LANDOWNER decides to have one prepared.
- 4.1.2.3 Costs of a SURVEY of the DISTRICT PROPERTY.
- 4.1.2.4 All ad valorem taxes and assessments on the PROPERTY for the year of closing (with no proration).
- 4.1.2.5 LANDOWNER's attorneys fees
- 4.1.2.6 All commissions due any realtors.

4.2 For conveying the CONSERVATION EASEMENT:

4.2.1 The LANDOWNER shall pay for:

- 4.2.1.1 Documentary stamp tax on the CONSERVATION EASEMENT
- 4.2.1.2 Owner's title insurance policy (including the TITLE COMMITMENT, search, examination and related charges) on the CONSERVATION EASEMENT
- 4.2.1.3 All outstanding ad valorem taxes and assessments on the LANDOWNERS PROPERTY for all years prior to the year of closing
- 4.2.1.4 All ad valorem taxes and assessments on the LANDOWNERS PROPERTY for the year of closing and all prior years.
- 4.2.1.5 LANDOWNER's attorneys fees

4.2.2 The DISTRICT shall pay for:

- 4.2.2.1 Charges to record the CONSERVATION EASEMENT
- 4.2.2.2 Costs of an environmental audit of the LANDOWNERS PROPERTY if the DISTRICT decides to have one prepared.
- 4.2.2.3 Costs of a SURVEY of the LANDOWNERS PROPERTY.
- 4.2.2.4 DISTRICT's attorney's fees

**5. DISCHARGE OF TAX LIEN ON PROPERTY.**

5.1 The DISTRICT acquired fee simple title to the DISTRICT PROPERTY prior to the immediate past January 1. Therefore, there is no lien for unpaid ad valorem taxes and assessments for the year of closing. For all years prior to the year of closing, the DISTRICT shall be responsible for and pay at closing all unpaid ad valorem taxes and assessments on the DISTRICT PROPERTY, so as to discharge the lien of such ad valorem taxes and assessments.

5.2 For the year of closing, the LANDOWNER shall discharge the lien of all unpaid ad valorem taxes and assessments on the LANDOWNER PROPERTY for the year of closing by paying an estimated, prorated amount into escrow with the applicable tax collector(s) as provided by Section 196.295, Florida Statutes, Rule 12D-13.016, Florida Administrative Code and other applicable provisions of law. For all years prior to the year of closing, the LANDOWNER shall be responsible for and pay at closing all unpaid ad valorem taxes and assessments on the LANDOWNER PROPERTY.

6. **CLOSING:** The closing of this transaction shall be conducted by the CLOSING AGENT at its offices. The CLOSING DATE shall be no later than ninety (90) days after the EFFECTIVE DATE.

**7. CONVEYANCE:**

7.1 The DISTRICT shall convey title to the DISTRICT PROPERTY to the LANDOWNER, at closing. Pursuant to Section 373.099, Florida Statutes, the deed of conveyance shall convey only the interest of the DISTRICT in the DISTRICT PROPERTY, with no warranties of title. The deed of conveyance shall convey the DISTRICT PROPERTY by the legal description contained in the deed of conveyance which conveyed the DISTRICT PROPERTY into the DISTRICT.

7.2 The LANDOWNER shall execute and deliver to the DISTRICT a conservation easement over the LANDOWNERS PROPERTY which shall be substantially in the form of the CONSERVATION EASEMENT. The CONSERVATION EASEMENT shall utilize the surveyed legal description shown on the SURVEY of the LANDOWNERS PROPERTY as provided herein.

8. **CONDITIONS PRECEDENT TO CLOSING**: Conditions precedent to the DISTRICT's obligation to close shall be:

8.1 Compliance with the relevant provisions of law governing the DISTRICT's authority to sell real property, including without limitation Sections 373.089 and 373.099, Florida Statutes. These statutory requirements include, but are not limited to, the requirements that (1) both the parcels of property set out herein be appraised and that these appraisals show the appropriate fair market values for the specified time frames; and (2) a notice of intention to sell be published as required by statute and should a better offer be made in response thereto, that the DISTRICT would have the right to terminate this CONTRACT, in which event both parties shall be relieved of all further obligations to the other. Further, should the DISTRICT fail to comply with all of these legal requirements through inadvertence, oversight or otherwise, the parties agree to extend the Closing Date a reasonable amount of time to allow compliance with the same.

8.2 Approval by the State of Florida, Department of Environmental Protection.

9. **TITLE EVIDENCE**: No later than thirty (30) days after the EFFECTIVE DATE, the CLOSING AGENT will provide a TITLE COMMITMENT for the DISTRICT PROPERTY to the LANDOWNER, and a TITLE COMMITMENT for the CONSERVATION EASEMENT to the DISTRICT.

9.1 If the TITLE COMMITMENT for the DISTRICT PROPERTY reflects someone other than the DISTRICT has an ownership interest in the DISTRICT PROPERTY, any defects in title to the DISTRICT PROPERTY, and/or any title exceptions for the DISTRICT PROPERTY that are unacceptable to the LANDOWNER, (the "Title Defects for the DISTRICT PROPERTY"), and the LANDOWNER so notifies the DISTRICT in writing no later than forty (40) days after the EFFECTIVE DATE, then the DISTRICT shall have sixty (60) days from the date of such written notification to correct or remove the Title Defects for the DISTRICT PROPERTY, and Closing shall be extended for sixty (60) days (the "Extended Closing Date"). If DISTRICT is unable or unwilling to correct or remove the Title Defects for the DISTRICT PROPERTY no later than ten (10) days before the Extended Closing Date, the LANDOWNER may either, by written notice to DISTRICT: (a) accept the Title Defects for the DISTRICT PROPERTY and close this transaction according to the terms of this CONTRACT no later than the Extended Closing Date, or (b) terminate this CONTRACT and thereupon both parties shall be relieved of all further obligations under this CONTRACT. The LANDOWNER shall be deemed to have waived all objections to all matters shown on the TITLE COMMITMENT except for those matters shown on the written notice of objections set out above.

9.2 If the TITLE COMMITMENT for the CONSERVATION EASEMENT reflects someone other than the LANDOWNER has an ownership interest in the

CONSERVATION EASEMENT, any defects in title to the CONSERVATION EASEMENT, and/or any title exceptions for the CONSERVATION EASEMENT that are unacceptable to the DISTRICT (the "Title Defects for the CONSERVATION EASEMENT"), and the DISTRICT so notifies the LANDOWNER in writing no later than forty (40) days after the EFFECTIVE DATE, then the LANDOWNER shall have sixty (60) days from the date of such written notification to correct or remove the Title Defects for the CONSERVATION EASEMENT, and Closing shall be extended for sixty (60) days (the "Extended Closing Date"). If the LANDOWNER is unable or unwilling to correct or remove the Title Defects for the CONSERVATION EASEMENT no later than ten (10) days before the Extended Closing Date, the DISTRICT may either, by written notice to the LANDOWNER: (a) accept the Title Defects for the CONSERVATION EASEMENT, and close this transaction according to the terms of this CONTRACT no later than the Extended Closing Date, or (b) terminate this CONTRACT, and thereupon both parties shall be relieved of all further obligations under this CONTRACT. The DISTRICT shall be deemed to have waived all objections to all matters shown on such title insurance commitment except for those matters shown on the written notice of objections set out above.

## 10. **SURVEY:**

### 10.1 LANDOWNERS PROPERTY:

10.1.1 No later than thirty (30) days after the EFFECTIVE DATE, the DISTRICT may, at the DISTRICT's option and expense, have a SURVEY prepared for the LANDOWNERS PROPERTY. If the SURVEY reflects any defects that, in the DISTRICT's sole discretion, would adversely affect the CONSERVATION EASEMENT the DISTRICT may treat the same as a "Title Defects for the CONSERVATION EASEMENT" and resolve the same as provided in paragraph entitled TITLE EVIDENCE.

10.1.2 No later than five (5) days after the EFFECTIVE DATE, the LANDOWNER shall furnish the DISTRICT with a copy of any and all surveys of the LANDOWNERS PROPERTY in the LANDOWNER's possession or control.

### 10.2 DISTRICT PROPERTY:

10.2.1 No later than thirty (30) days after the EFFECTIVE DATE, the LANDOWNER shall, at the LANDOWNER's expense, have a SURVEY prepared for the DISTRICT PROPERTY. If the SURVEY reflects any defects that, in the LANDOWNER's sole discretion, would adversely affect the DISTRICT PROPERTY the LANDOWNER may treat the same as a "Title Defects for the DISTRICT PROPERTY" and resolve the same as provided in paragraph entitled TITLE EVIDENCE.

10.2.2 No later than five (5) days after the EFFECTIVE DATE, the DISTRICT shall furnish the LANDOWNER with a copy of any and

all surveys of the DISTRICT PROPERTY in the DISTRICT's possession or control.

**11. ENVIRONMENTAL MATTERS:**

**11.1 LANDOWNERS PROPERTY:**

11.1.1 The LANDOWNER represents to DISTRICT that: (i) other than in compliance with all applicable environmental laws, rules and regulations, LANDOWNER has not disposed of or dumped any hazardous waste or other environmental pollutants onto the LANDOWNERS PROPERTY, and LANDOWNER has no actual knowledge, without inquiry, that any third party has dumped any hazardous waste or other environmental pollutants onto the LANDOWNERS PROPERTY, (ii) to the best of LANDOWNER's actual information and belief, without inquiry, the LANDOWNERS PROPERTY has not been used as a dump, land-fill or garbage disposal site, and there has been no allegations that the LANDOWNERS PROPERTY has violated any applicable environmental laws, rules or regulations, (iii) LANDOWNER has not received actual notice from any government agency that the LANDOWNERS PROPERTY is in violation of any applicable environmental laws, rules or regulations, or that any remedial action is required on the LANDOWNERS PROPERTY.

11.1.2 No later than five (5) days after the EFFECTIVE DATE, the LANDOWNER shall furnish the DISTRICT with a copy of any and all environmental audits and reports, and all correspondence relating to environmental matters on and for the LANDOWNERS PROPERTY in the LANDOWNER's possession or control.

11.1.3 No later than thirty (30) days after the EFFECTIVE DATE, the DISTRICT may, at the DISTRICT's option and expense, have an environmental audit performed for the LANDOWNERS PROPERTY. If the environmental audit reflects any defects that, in the DISTRICT's sole discretion, would adversely affect the LANDOWNERS PROPERTY the DISTRICT may treat the same as a "Title Defects for the LANDOWNERS PROPERTY" and resolve the same as provided in paragraph entitled TITLE EVIDENCE.

**11.2 DISTRICT PROPERTY:**

11.2.1 The DISTRICT represents to LANDOWNER that: (i) other than in compliance with all applicable environmental laws, rules and regulations, DISTRICT has not disposed of or dumped any hazardous waste or other environmental pollutants onto the DISTRICT PROPERTY, and DISTRICT has no actual knowledge, without inquiry, that any third party has dumped any hazardous waste or other environmental pollutants onto the DISTRICT PROPERTY, (ii) to the best of DISTRICT's actual

information and belief, without inquiry, the DISTRICT PROPERTY has not been used as a dump, land-fill or garbage disposal site, and there has been no allegations that the DISTRICT PROPERTY has violated any applicable environmental laws, rules or regulations, (iii) DISTRICT has not received actual notice from any government agency that the DISTRICT PROPERTY is in violation of any applicable environmental laws, rules or regulations, or that any remedial action is required on the DISTRICT PROPERTY.

11.2.2 No later than five (5) days after the EFFECTIVE DATE, the DISTRICT shall furnish the LANDOWNER with a copy of any and all environmental audits and reports, and all correspondence relating to environmental matters on and for the DISTRICT PROPERTY in the DISTRICT's possession or control.

11.2.3 No later than thirty (30) days after the EFFECTIVE DATE, the LANDOWNER may, at the LANDOWNER's option and expense, have an environmental audit performed for the DISTRICT PROPERTY. If the environmental audit reflects any defects that, in the LANDOWNER's sole discretion, would adversely affect the DISTRICT PROPERTY the LANDOWNER may treat the same as a "Title Defects for the DISTRICT PROPERTY" and resolve the same as provided in paragraph entitled TITLE EVIDENCE.

12. **DEFAULT:** Should either party default on any terms of this CONTRACT, then the non-defaulting party shall be entitled to either: (a) specific performance, except specific performance is not available as a remedy for failure to cure title defects (including survey and environmental defects treated as title defects herein, or (b) terminate this CONTRACT, in which event both parties shall be relieved of all further obligations to the other. These are the exclusive remedies available to the parties in the event of default prior to Closing.
13. **BROKERS:** No brokers or Realtors are involved in this transaction nor entitled to a commission on this transaction, except for (1) Poole Realty, Inc., 127 E. Howard Street, Live Oak, FL 32064, and (2) Daniel Crapps Agency, Inc., 2606 U.S. Hwy 90 West #101, Lake City, FL 32055-4746.
14. **BINDING EFFECT:** This CONTRACT shall be binding on the parties hereto, and their respective heirs, successors and assigns, and estates, as the case may be.
15. **NO ALTERATIONS PRIOR TO CLOSING:** Prior to closing neither party shall (a) cut any timber from any parcel of property referenced herein, or (b) execute or enter into any contracts, easements, mortgages, leases or other agreements relative to any parcel of property referenced herein.
16. **CONDITION OF PROPERTY:** Except for the warranties and representations specifically set forth in this CONTRACT and in any of the closing documents, all properties are being conveyed "as is, where is", with no representations as to the condition or fitness for any particular purpose thereof. Neither party guarantees nor make any representations as to the accuracy of any reports, studies, audits, appraisals, or other information concerning any property it may have provided to the other party.

17. **CASUALTY LOSS:**

17.1 In the event any portion of the timber located on the DISTRICT PROPERTY is damaged or destroyed by wind, fire, casualty, disease, or by any other means or act of God, prior to Closing, to an extent greater than Ten Thousand and No/100 (\$10,000.00) Dollars in value, then the LANDOWNER may either: (a) accept the condition of the DISTRICT PROPERTY and close this transaction according to the terms of this CONTRACT, or (b) terminate this CONTRACT, and thereupon both the DISTRICT and the LANDOWNER shall be relieved from all further obligations under this CONTRACT.

17.2 In the event any portion of the timber located on the LANDOWNERS PROPERTY is damaged or destroyed by wind, fire, casualty, disease, or by any other means or act of God, prior to Closing, to an extent greater than Ten Thousand and No/100 (\$10,000.00) Dollars in value, then the DISTRICT may either: (a) accept the condition of the LANDOWNERS PROPERTY and close this transaction according to the terms of this CONTRACT, or (b) terminate this CONTRACT, and thereupon both the DISTRICT and the LANDOWNER shall be relieved from all further obligations under this CONTRACT.

18. **ASSIGNABILITY:** Neither party may assign this Contract without the prior written consent of the other party.

19. **NON-MERGER CLAUSE:** The terms of this Contract shall survive Closing.

20. **RIGHTS OF INSPECTION:** The parties, though their agent and otherwise, shall both have the right to enter both parcels of property referenced herein prior to closing to inspect and investigate such parcels at any reasonable time upon notice to the other party. The inspecting party shall be responsible for any damage or liability caused by such inspections and investigations.

21. **TIME IS OF THE ESSENCE:** Time is of the essence in this agreement.

22. **PERSONAL PROPERTY:** Neither this CONTRACT nor the deed of conveyance shall convey or affect the title to any personal property not permanently affixed to real property.

23. **GOVERNING LAW:** This CONTRACT shall be governed by and construed in accordance with the laws of the State of Florida, without regard to its conflict of laws rules.

24. **NON-MERGER CLAUSE:** The terms of this CONTRACT shall survive the closing.

25. **VENUE AND JURISDICTION OF LITIGATION:** The exclusive venue and jurisdiction for any litigation enforcing, construing or relating to this CONTRACT shall be the Circuit Court or the County Court in and for Suwannee County, Florida. If under applicable law exclusive jurisdiction over any such matters is vested in the federal courts, then exclusive jurisdiction and venue shall be in the United States District Court for the Middle District of Florida, Jacksonville Division.

26. **WAIVER OF JURY TRIAL:** The parties mutually and forever waive any and all right to trial by jury in any legal proceeding arising out of or relating to this CONTRACT or this transaction. The parties agree to have any such actions decided by a judge alone, without a jury.
27. **NO WAIVER OF SOVEREIGN IMMUNITY:** Notwithstanding anything else herein to the contrary, nothing herein shall be construed to waive or to otherwise affect the DISTRICT's sovereign immunity and/or the protections given the DISTRICT under Section 768.28, Florida Statutes.
28. **NO THIRD PARTY BENEFICIARIES:** The provisions of this CONTRACT are for the sole and exclusive benefit of the DISTRICT and the LANDOWNER. No provision of this CONTRACT will be deemed for the benefit of any other person or entity, and no other person or entity shall acquire any rights under this CONTRACT.
29. **CONTRACT NOT TO BE RECORDED:** Neither this CONTRACT nor any notice of this CONTRACT shall be recorded in the public records of any County.
30. **ENTIRE AGREEMENT:** This CONTRACT supersedes all previous agreements, oral or written, between DISTRICT and LANDOWNER, and represents the whole and entire agreement between the parties. Neither party has entered into the CONTRACT in reliance upon any fact or representation not expressly provided in the CONTRACT.
31. **AMENDMENT, REVOCATION OR ABANDONMENT OF THIS CONTRACT:**  
This CONTRACT may not be amended, revoked, or abandoned except through a written agreement executed by the parties with the same formalities as this CONTRACT.
32. **CONTRACT NOT TO BE CONSTRUED AGAINST EITHER PARTY:** This CONTRACT is the product of negotiation between the parties, thus the terms of this CONTRACT shall not be construed against either party as the drafter.
33. **FURTHER ASSURANCES:** The parties shall execute such further documents and do any and all such further things as may be necessary to implement and carry out the intent of this CONTRACT.
34. **REQUIRED STATUTORY NOTICES:** The following notices are given as required by law:

#### COASTAL EROSION NOTICE

THE PROPERTY BEING PURCHASED MAY BE SUBJECT TO COASTAL EROSION AND TO FEDERAL, STATE, OR LOCAL REGULATIONS THAT GOVERN COASTAL PROPERTY, INCLUDING THE DELINEATION OF THE COASTAL CONSTRUCTION CONTROL LINE, RIGID COASTAL PROTECTION STRUCTURES, BEACH NOURISHMENT, AND THE PROTECTION OF MARINE TURTLES. ADDITIONAL INFORMATION CAN BE OBTAINED FROM THE FLORIDA DEPARTMENT OF

ENVIRONMENTAL PROTECTION, INCLUDING WHETHER THERE ARE SIGNIFICANT EROSION CONDITIONS ASSOCIATED WITH THE SHORELINE OF THE PROPERTY BEING PURCHASED.

PROPERTY TAX  
DISCLOSURE SUMMARY

BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION.

RADON GAS NOTICE

RADON GAS: RADON IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL AND STATE GUIDELINES HAVE BEEN FOUND IN BUILDINGS IN FLORIDA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY HEALTH DEPARTMENT.

LEAD BASED PAINT HAZARD

EVERY PURCHASER OF ANY INTEREST IN REAL PROPERTY ON WHICH A RESIDENTIAL DWELLING WAS BUILT PRIOR TO 1978 IS NOTIFIED THAT SUCH PROPERTY MAY PRESENT EXPOSURE TO LEAD FORM LEAD BASED PAIN THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE, INCLUDING LEARNING DISABILITIES, REDUCED INTELLIGENCE QUOTIENT, BEHAVIORAL PROBLEMS, AND IMPAIRED MEMORY. LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. THE SELLER OF ANY INTEREST IN RESIDENTIAL REAL PROPERTY IS REQUIRED TO PROVIDE THE PURCHASER WITH INFORMATION ON LEAD BASED PAINT HAZARDS FROM RISK ASSESSMENTS OR INSPECTIONS IN THE SELLER'S POSSESSION AND NOTIFY THE PURCHASER OF ANY KNOWN LEAD BASED PAINT HAZARDS. A RISK ASSESSMENT OR INSPECTION FOR POSSIBLE LEAD BASED PAINT HAZARDS IS RECOMMENDED PRIOR TO PURCHASE.

36. **MISCELLANEOUS:** This CONTRACT may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument. This CONTRACT may be executed and delivered by facsimile and/or email transmission, with the intention that such facsimile and/or email signature and delivery shall have the same effect as an original signature and actual delivery. In the event a day of performance falls on a Saturday, Sunday or legal holiday under the laws of the State of Florida, the day of performance shall be extended to the

next day not a Saturday, Sunday or legal holiday.

37. **CONTRACT CONTINGENT ON GOVERNING BOARD APPROVAL:**

Notwithstanding anything else herein to the contrary, this CONTRACT shall not be binding on any party and shall have no effect unless and until this CONTRACT is fully executed and approved by written resolution of the Governing Board of the DISTRICT.

(The remainder of this page was intentionally left blank.)

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by DISTRICT,  
the Executive Director of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a Florida  
water management district created pursuant to Section 373.069, Florida Statutes.

SUWANNEE RIVER WATER MANAGEMENT  
DISTRICT

By: \_\_\_\_\_  
Ann Shortelle, Ph.D.  
As its Executive Director

(The remainder of this page was intentionally left blank.)

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by  
BUYER, \_\_\_\_\_.

\_\_\_\_\_

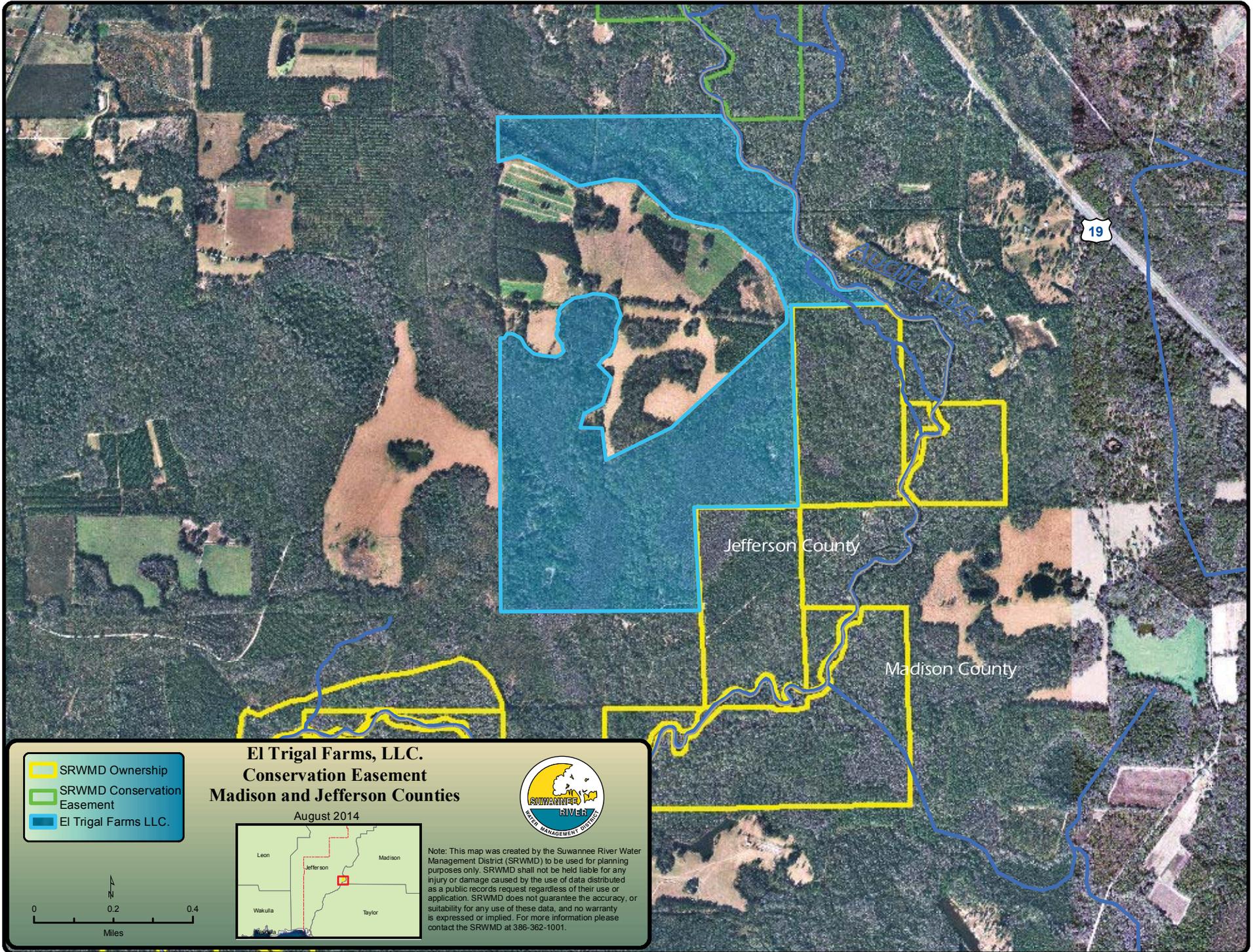
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by  
\_\_\_\_\_ who is  
personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

(The remainder of this page was intentionally left blank.)



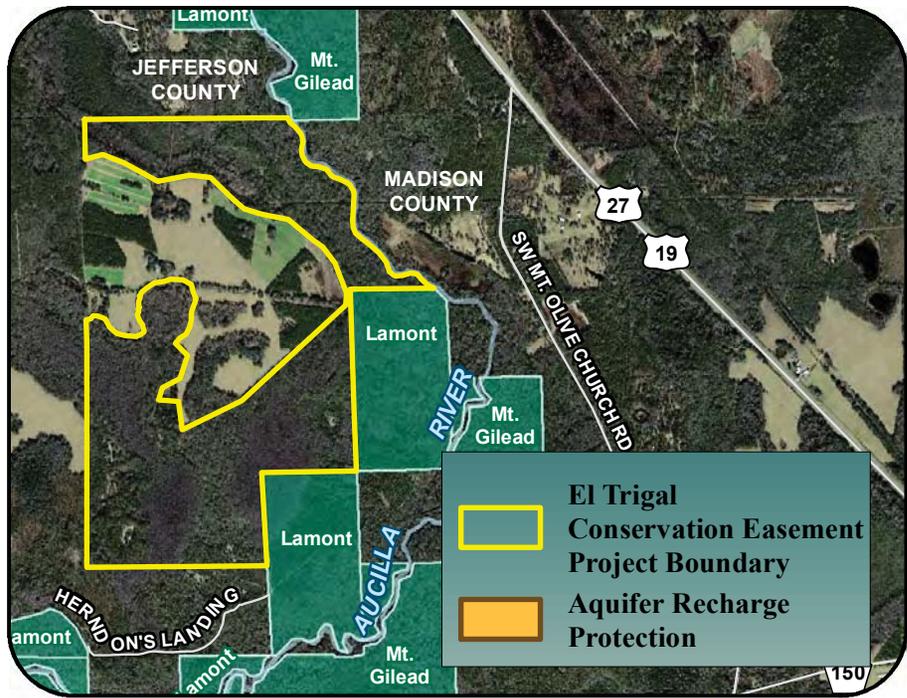
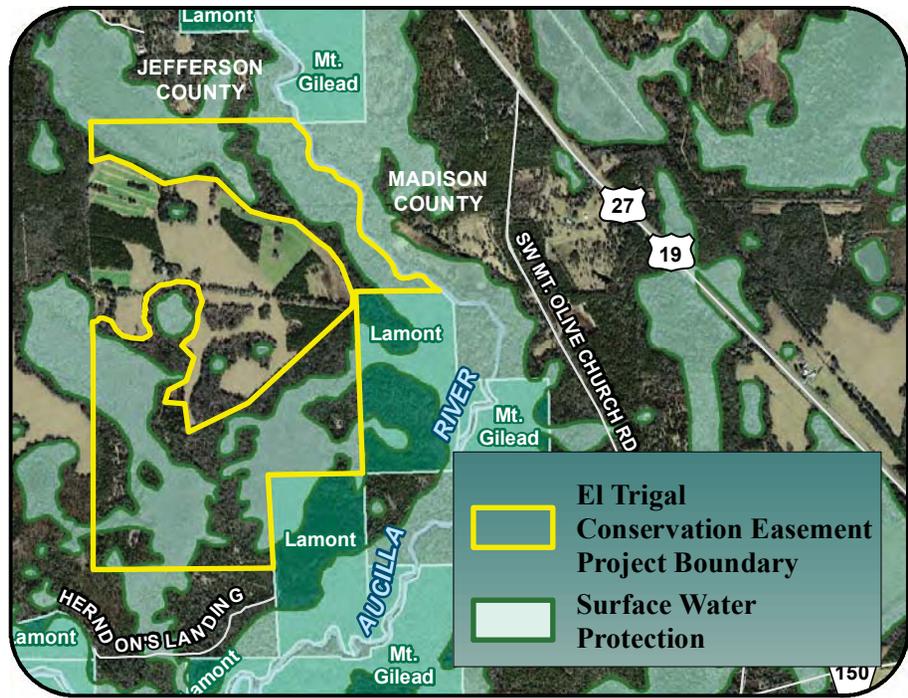
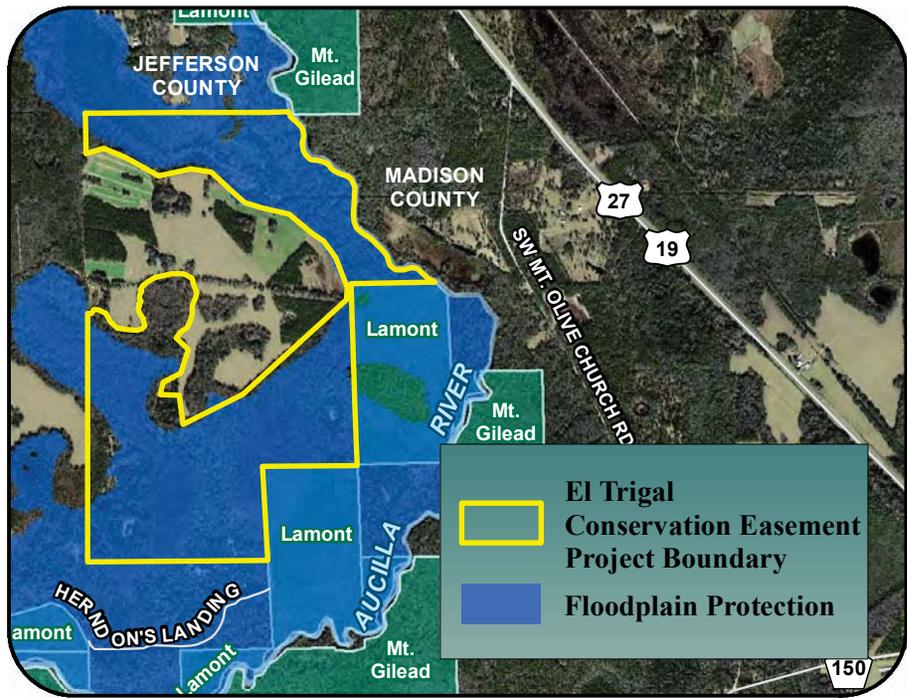
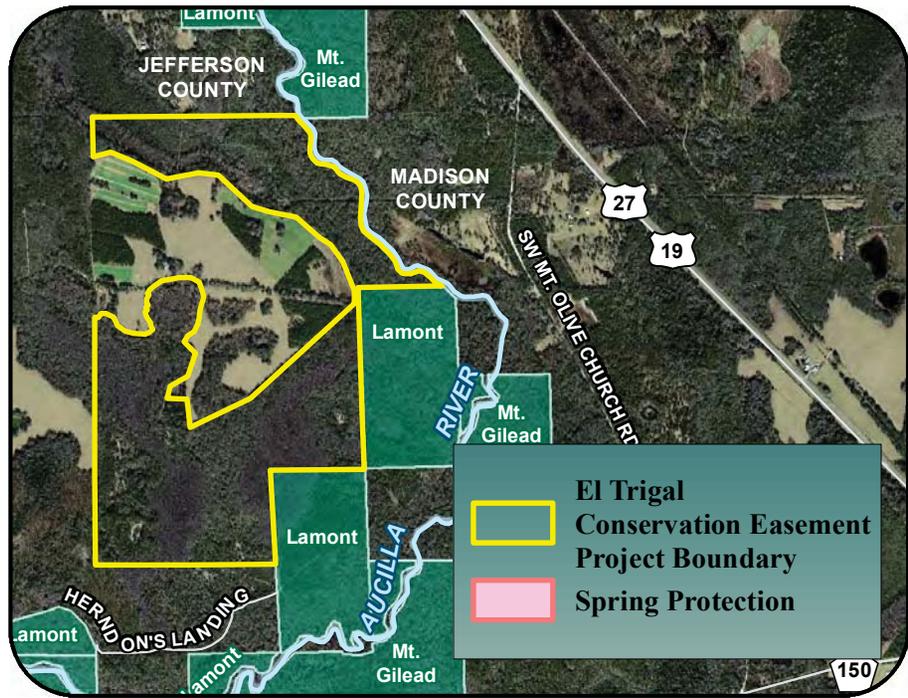


EXHIBIT B

Prepared by and return to:  
**Davis, Schnitker, Reeves  
& Browning, P.A.**  
519 West Base Street  
Madison, Florida 32340  
File No.:

\_\_\_\_\_ [Space Above This Line For Recording Data] \_\_\_\_\_

**CONSERVATION EASEMENT**

THIS CONSERVATION EASEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012 by \_\_\_\_\_, having a mailing address of \_\_\_\_\_, (hereinafter referred to collectively as the “GRANTOR”) and in favor of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a Florida water management district created pursuant to Section 373.069, Florida Statutes, having a mailing address of 9225 CR 49, Live Oak, Florida 32060 (hereinafter referred to as the “DISTRICT”).

WITNESSETH:

WHEREAS, the GRANTOR is the owner of certain lands on which there are certain significant naturally occurring ecosystems; and,

WHEREAS, such lands have certain natural, scenic and special characteristics which should be preserved; and,

WHEREAS, the best way for the natural, scenic and special characteristics of such lands to be preserved is for the GRANTOR to convey to the DISTRICT a perpetual conservation easement on, over and across such lands for this generation and for future generations.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, the GRANTOR hereby voluntarily grants and conveys to the DISTRICT, its successors and assigns, a conservation easement in perpetuity over the below described property of the nature and character and to the extent as follows:

1. **RECITALS:** The above recitals are incorporated herein by reference as an integral part hereof.
2. **DEFINITIONS:** The following terms shall have the following meaning herein unless the context clearly requires otherwise:

## EXHIBIT B

*CONSERVATION EASEMENT* shall mean this written conservation easement.

*DISTRICT* shall have the same meaning as set forth in the first paragraph of this CONSERVATION EASEMENT.

*EFFECTIVE DATE* shall mean the date this CONSERVATION EASEMENT is last executed by the parties.

*EXCAVATION* shall include, without limitation, digging, dredging and mining of material as well as the extraction of liquid or gaseous material through the use of a well, pump or pipeline. It shall not be necessary that the materials be removed from the PROPERTY for such activity to constitute EXCAVATION.

*FILLING* shall mean the placement of SOIL or similar material on land for any purpose including, without limitation, the raising the level of the land generally or just as to a portion or feature of the land such as a depression, pond, stream or ditch.

*GRANTOR* shall have the same meaning as set forth in the first paragraph of this CONSERVATION EASEMENT.

*MINERALS* shall include, without limitation, metallic ores, jewels, hydrocarbons such as natural gas, coal, asphaltum and petroleum, useful rocks such as shale, granite, limestone and marble, and other miscellaneous materials such as feldspar, fluorspar, gypsum, silica rock, borax, sulphur, alum, carbonate and nitrate of soda, and salt.

*OWNER* or *OWNERS* shall mean the GRANTOR, its successors and assigns, and all other persons and entities which may come to own any interest in the PROPERTY, or any portion thereof, by any reason. Provided that this term shall not include the DISTRICT and its successors and assigns.

*PERMITTED STRUCTURES* shall mean those STRUCTURES, either presently existing on the PROPERTY, or to be constructed or placed on the PROPERTY, as shown on the drawing attached hereto as Schedule "B".

*PROPERTY* shall mean that certain parcel of real property as more particularly described in Schedule "A", attached hereto.

*SOIL* shall include, without limitation, loam, topsoil, muck, peat, humus, sand, and common clay.

*STRUCTURES* shall include, without limitation, buildings, mobile homes, campers, barns, sheds, outhouses, signs, billboards or other advertising, utilities, dirt roads, improved roads, bridges, asphalt or concrete pavement, antennas, towers, lights, power poles, fences, gates, posts, above-ground and below-ground storage tanks, above-ground and below-ground septic tanks, ponds (man-made), ditches, dams, dikes, wells and

## EXHIBIT B

firebreaks. Provided that this term shall not include duck blinds, deer stands and similar structures.

*TIMBER* shall include, without limitation, living, dead, standing, fallen, severed, burned, unburned, damaged, undamaged, diseased and disease-free trees.

*VEGETATION* shall include, without limitation, living, dead, standing, fallen, severed, burned, unburned, damaged, undamaged, diseased and disease-free plants, shrubs, or other vegetation. Provided that this term shall not include *TIMBER*.

*WASTE MATERIAL* shall include, without limitation, solid waste, liquid waste, trash, garbage, litter, yard waste, animal waste, ashes, medical waste, hazardous substances, toxic waste and other unsightly or offensive materials.

3. **PURPOSE:** The purpose of this CONSERVATION EASEMENT is to assure that the PROPERTY will be retained forever in its existing natural condition and to prevent any use of the PROPERTY that will impair or interfere with the environmental value of the PROPERTY.
4. **RESTRICTIONS ON USE OF THE PROPERTY:** After the EFFECTIVE DATE, no OWNER shall take any action, do anything or knowingly permit anyone else to do anything which would be inconsistent with the purpose of this CONSERVATION EASEMENT. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited on, over and under any portion of the PROPERTY:
  - 4.1 Construction or placement of STRUCTURES, other than the PERMITTED STRUCTURES.
  - 4.2 EXCAVATION of SOIL or MINERALS in such manner as to affect (temporarily or permanently), or be visible from (temporarily or permanently), the surface.
  - 4.3 FILLING.
  - 4.4 The dumping, placing or disposal of WASTE MATERIAL.
  - 4.5 Removal or destruction of TIMBER or VEGETATION, except as may be expressly set out in this CONSERVATION EASEMENT or otherwise agreed between the OWNERS and the DISTRICT in advance and reflected in a writing executed by both parties.
  - 4.6 Exploration for MINERALS in such manner as to affect (temporarily or permanently), or be visible from (temporarily or permanently), the surface.
  - 4.7 Surface use except for purposes that permit the land or water area to

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remain predominantly in its natural condition.

4.8 Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation. Such prohibited activities shall include, without limitation:

4.8.1 Any activity or use which could cause erosion, siltation or change of topography;

4.8.2 Any activity which has the effect of disrupting, altering, polluting, depleting, or extracting any existing surface or subsurface water flow or natural water sources;

4.8.3 The use of pesticides or biocides, including, without limitation, insecticides, fungicides, rodenticides and herbicides; and,

4.8.4 The introduction of exotic plant or animal species.

4.9 Acts or uses detrimental to such retention of land or water areas.

4.10 Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

5. **OWNERS' RETAINED RIGHTS:** The OWNERS shall retain all rights accruing from their ownership of the PROPERTY, including the right to engage in or permit or invite others to engage in all uses of the PROPERTY that are not expressly prohibited herein and are not inconsistent with the purpose of this CONSERVATION EASEMENT. Notwithstanding anything else herein to the contrary, it shall not be deemed inconsistent with the purpose of this CONSERVATION EASEMENT for the OWNERS, and the OWNERS' guests, to:

5.1 Freely come, go, remain on and roam the PROPERTY for extended periods of time.

5.2 Construct, reconstruct, replace, repair and maintain the PERMITTED STRUCTURES. Provided nothing herein relieves the OWNERS from the responsibility of complying with all applicable regulations and obtaining all necessary permits for such activities from the DISTRICT, local building and zoning authorities and otherwise.

5.3 Construct and maintain duck blinds, deer stands and similar structures within the PROPERTY for the purposes of hunting or nature study.

5.4 Conduct controlled burning on the PROPERTY. Provided nothing herein relieves the OWNERS from the responsibility of complying with all applicable

EXHIBIT B

regulations and obtaining all necessary permits for such burning from the Florida Forest Service or otherwise.

5.5 Hunt, harvest, remove, observe, maintain and photograph fish and wildlife on the PROPERTY in compliance with all federal, state and local laws, rules and regulations concerning such activities. The use of bird dogs for hunting is specifically allowed.

5.6 Introduce and stock the PROPERTY with fish, game and fowl in compliance with all federal, state and local laws, rules and regulations concerning such activities. Provided that except as may be specifically authorized by the DISTRICT, in advance and by a writing executed by both parties, the PROPERTY may only be stocked with native species of fish, game and fowl.

5.7 Feed, care for and maintain the naturally occurring and stocked fish, game and fowl in compliance with all federal, state and local laws, rules and regulations concerning such activities.

6. **DISTRICT'S TIMBER RIGHTS:** In the event, and only in the event, a portion of the TIMBER on the PROPERTY is damaged by natural disaster, fire, infestation or the like, the DISTRICT may, after consultation with the OWNERS, enter upon the PROPERTY, with manpower and equipment, and cut and/or remove any TIMBER which is damaged or dead. In such event, the DISTRICT shall restore and reforest the area in which such TIMBER is removed within a reasonable time frame. All costs for cutting, removal, restoration and reforestation shall be at the expense of the DISTRICT, and the DISTRICT shall be entitled to the proceeds from the sale of the TIMBER so cut and/or removed, if any.
7. **EXOTIC SPECIES:** Either the DISTRICT or the OWNERS may take whatever actions such party deems necessary to eradicate and/or control nuisance, exotic and/or non-native fish, animals and plants without the consent of the other party, provided:
  - 7.1 The other party is given reasonable notice of the actions;
  - 7.2 The actions do not unreasonably interfere with the rights of the other party as set out in this CONSERVATION EASEMENT;
  - 7.3 The other party shall only be responsible to pay for the actions to the extent agreed by the parties in writing; and,
  - 7.4 The actions are permitted under applicable law.
8. **RESTRICTIONS ON ALIENATION:** The OWNERS shall retain the right to sell, grant, convey, transfer, alienate, gift, donate and/or devise the PROPERTY subject to the following specific restrictions on transfers:

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8.1 No OWNER may sell, grant, convey, transfer, alienate, gift, donate or devise any interest in the PROPERTY, or any portion thereof, except such OWNER's entire undivided interest in all portions of the PROPERTY. In other words, no OWNER may subdivide the PROPERTY.

8.2 The OWNERS shall ensure that all subsequent deeds or other instruments conveying or transferring any interest in the PROPERTY contain a notice of this CONSERVATION EASEMENT, showing the recording information therefor. Such notice shall be in substantially the following form:

“NOTICE IS GIVEN that a recorded, Conservation Easement places certain restrictions on the subject property. Such Conservation Easement is recorded in the public records of \_\_\_\_\_ County, Florida at O.R. Book \_\_\_\_\_ page \_\_\_\_\_.”

8.3 Upon becoming an OWNER, such OWNER shall furnish the DISTRICT with his or her name and current addresses and all subsequent addresses.

8.4 In the event, the PROPERTY may become owned by more than one OWNER at the same time (by operation of law, court order or otherwise), those OWNERS must select one OWNER to receive all notices from the DISTRICT concerning the PROPERTY and authorize that OWNER to act on behalf of the other OWNERS and to accept service of process in any legal action or administrative proceeding filed by the DISTRICT. Should the then OWNERS fail or refuse to name one OWNER to comply with the terms hereof, then the DISTRICT may, by petitioning a court of competent jurisdiction in Suwannee County, Florida, request the court to appoint one of the OWNERS to be the one OWNER who, on behalf of the other OWNERS, accepts notice, acts for the other OWNERS and accepts service of process. The District shall designate a contact person for the owners to correspond with.

9. **WAIVER OF RIGHT TO PARTITION PROPERTY:** The GRANTOR forever waives, and the other OWNERS shall not have, the right to partition the PROPERTY “in kind”.
10. **DISTRICT'S MAY TRANSFER ITS RIGHTS UNDER THIS CONSERVATION EASEMENT:** The DISTRICT may assign or transfer its interest herein to any other lawfully constituted and authorized governmental body whose statutory authority and purposes include conservation of land or water area or the preservation of sites or properties; provided that the then OWNERS shall be given 30 days advance written notice of such transfer.
11. **TAXES ON THE PROPERTY:** The OWNERS shall pay all ad valorem or other taxes and assessments which may now or hereinafter be assessed or charged against the

EXHIBIT B

PROPERTY. However, regardless of such payment, pursuant to Sections 197.572 and 704.06(4), Florida Statutes, as amended, all provisions of this CONSERVATION EASEMENT shall survive and be enforceable after the issuance of a tax deed for the PROPERTY.

12. **DISTRICT'S RIGHT OF ENTRY:** The DISTRICT and its officers, employees and agents (along with appropriate invitees and guests), shall be entitled to enter and remain on the PROPERTY in a reasonable manner and at reasonable times for all legal purposes, including, without limitation, inspection of the PROPERTY to assure compliance with this CONSERVATION EASEMENT and access to contiguous properties for similar purposes. The DISTRICT shall give reasonable advance notice of such entry to the OWNERS, provided that advance notice will not be required for entry in the event of fire, natural disaster, or other occurrences threatening the PROPERTY or the TIMBER thereon. This CONSERVATION EASEMENT does not grant to the public in general any rights to enter or access the PROPERTY.
13. **DISTRICT MAY CONTROL PUBLIC ACCESS:** The DISTRICT retains the right to prevent and control access onto and over the PROPERTY by the public by building and maintaining fences and installing gates, and to post the land to exclude public use, trespass, and hunting.
14. **CONSERVATION EASEMENT TO BE PERPETUAL:** This CONSERVATION EASEMENT shall be perpetual.
15. **CONSERVATION EASEMENT SHALL RUN WITH THE LAND:** This CONSERVATION EASEMENT shall run with the land and be binding on all the OWNERS.
16. **LIABILITY OF THE DISTRICT:** Pursuant to Section 704.06(10), Florida Statutes, as amended, the fact that the DISTRICT holds this CONSERVATION EASEMENT does not subject the DISTRICT to any liability for any damage or injury that may be suffered by any person on the PROPERTY or as a result of the condition of the PROPERTY. The OWNERS hereby assume all liability for any injury or damage to the person or property of third parties which may occur on the PROPERTY arising from the OWNERS' ownership of the PROPERTY. Neither the OWNERS, nor any person or entity claiming by or through the OWNERS, shall hold the DISTRICT liable for any damage or injury to person or personal property which may occur on the PROPERTY.
17. **WARRANTY OF OWNERSHIP OF PROPERTY AND ABILITY TO GRANT CONSERVATION EASEMENT:** The GRANTOR fully warrants that, at the time of the execution and delivery of this CONSERVATION EASEMENT, the GRANTOR held unencumbered, fee simple title to the PROPERTY and had the legal authority and ability to execute and deliver this CONSERVATION EASEMENT. GRANTOR will warrant and defend the same against the lawful claims of all persons whomsoever.

EXHIBIT B

18. **ENFORCEMENT OF THIS CONSERVATION EASEMENT:** The DISTRICT may enforce the provisions of this CONSERVATION EASEMENT by injunction or proceeding in equity or at law, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the PROPERTY that may be damaged by any activity inconsistent with this CONSERVATION EASEMENT.
19. **DISTRICT'S DISCRETION IN ENFORCEMENT:** The DISTRICT may enforce the terms of this CONSERVATION EASEMENT at its discretion, but if the DISTRICT declines to exercise its rights under this CONSERVATION EASEMENT, the DISTRICT's forbearance shall not be construed to be a waiver by the DISTRICT of such term, or of any subsequent breach of the same, or any other term of this CONSERVATION EASEMENT, or of any of the DISTRICT's rights under this CONSERVATION EASEMENT. No delay or omission by the DISTRICT in the exercise of any right or remedy upon any breach of this CONSERVATION EASEMENT shall impair such right or remedy or be construed as a waiver. The DISTRICT shall not be obligated to the OWNERS, or to any other person or entity, to enforce the provisions of this CONSERVATION EASEMENT.
20. **GOVERNING LAW:** This CONSERVATION EASEMENT shall be governed by and construed in accordance with the laws of the State of Florida, without regard to its conflict of laws rules.
21. **VENUE AND JURISDICTION OF LITIGATION:** The exclusive venue and jurisdiction for any litigation enforcing, construing or relating to this CONSERVATION EASEMENT shall be the Circuit Court or the County Court in and for Suwannee County, Florida. If under applicable law exclusive jurisdiction over any such matters is vested in the federal courts, then exclusive jurisdiction and venue shall be in the United States District Court for the Middle District of Florida, Jacksonville Division.
22. **ATTORNEYS FEES AND COSTS:** If a legal action is brought to enforce or construe any provision of this CONSERVATION EASEMENT, the prevailing party shall recover its costs, expenses and reasonable attorney's fees incurred therein from the non-prevailing party.
23. **WAIVER OF JURY TRIAL:** The DISTRICT and the OWNERS forever waive any and all right to trial by jury in any legal proceeding arising out of or relating to this CONSERVATION EASEMENT and agree to have any such actions decided by a judge alone, without a jury.
24. **NO WAIVER OF SOVEREIGN IMMUNITY:** Notwithstanding anything else herein to the contrary, nothing herein shall be construed to waive or to otherwise affect the DISTRICT's sovereign immunity and/or the protections given the DISTRICT under Section 768.28, Florida Statutes.

EXHIBIT B

25. **CONSERVATION EASEMENT AND NOTICES TO BE RECORDED:** This CONSERVATION EASEMENT shall be recorded and indexed in the same manner as any other instrument affecting the title to real property, in the County or Counties where the PROPERTY is located. The DISTRICT may re-record this CONSERVATION EASEMENT, or a notice thereof, from time to time, whenever, the DISTRICT determines that it is necessary or convenient to do so. Upon request of the DISTRICT, and from time to time, the OWNERS, or any of them, shall execute and deliver to the DISTRICT a notice of this CONSERVATION EASEMENT, prepared by the DISTRICT, for recording.
26. **CHANGES TO BE IN WRITING:** No portion of this CONSERVATION EASEMENT may be amended, revoked, abandoned or released except through a written agreement executed by the parties with the same formalities as this CONSERVATION EASEMENT and recorded in the County or Counties where the PROPERTY is located.
27. **CONSTRUCTION OF CONSERVATION EASEMENT:** This CONSERVATION EASEMENT is the product of negotiation between the parties, thus the terms of this CONSERVATION EASEMENT shall not be construed against either party as the drafter. Any general rule of construction notwithstanding, this CONSERVATION EASEMENT shall be liberally construed in favor of the grant to affect the purposes of this CONSERVATION EASEMENT and the policy and purpose of Section 704.06, Florida Statutes.
28. **INTEGRATION CLAUSE:** This CONSERVATION EASEMENT contains the entire agreement between the parties and supercedes all prior contracts, agreements or understandings between the parties. Each party represents and warrants to the other that no contract, agreement or representation on any matter exists between the parties except as expressly set out herein.
29. **NO THIRD PARTY RIGHTS:** The provisions of this CONSERVATION EASEMENT are for the sole and exclusive benefit of the DISTRICT and the OWNERS and no provision of this CONSERVATION EASEMENT will be deemed for the benefit of any other person or entity. There shall be no third party rights of enforcement of this CONSERVATION EASEMENT.

(The remainder of this page was intentionally left blank.)

EXHIBIT B

IN WITNESS WHEREOF, \_\_\_\_\_ (one of the GRANTORS) has herunto set his or her hands and seal the date first hereinabove written.

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_

\_\_\_\_\_

Witness (print name under signature)

\_\_\_\_\_

Witness (print name under signature)

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_, who is personally known to me, or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_

Notary Public (print name under signature)  
Commission #

My Commission Expires:

(The remainder of this page was intentionally left blank.)

EXHIBIT B

IN WITNESS WHEREOF, \_\_\_\_\_, (one of the GRANTORS)  
has herunto set his or her hands and seal the date first hereinabove written.

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_

Witness (print name under signature)

\_\_\_\_\_

Witness (print name under signature)

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012, by \_\_\_\_\_, who is personally known to me, or who  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_

Notary Public (print name under signature)  
Commission #

My Commission Expires:

(The remainder of this page was intentionally left blank.)

EXHIBIT B

ACCEPTANCE BY THE DISTRICT

The DISTRICT hereby accepts this CONSERVATION EASEMENT and agrees to be bound by the terms thereof.

GOVERNING BOARD OF THE SUWANNEE  
RIVER WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Don Quincey, Jr  
Chair

(OFFICIAL SEAL)

ATTEST: \_\_\_\_\_  
Ray Curtis  
Secretary Treasurer

(The remainder of this page was intentionally left blank.)

EXHIBIT B

SCHEDULE "A"  
(Legal Description of the PROPERTY)

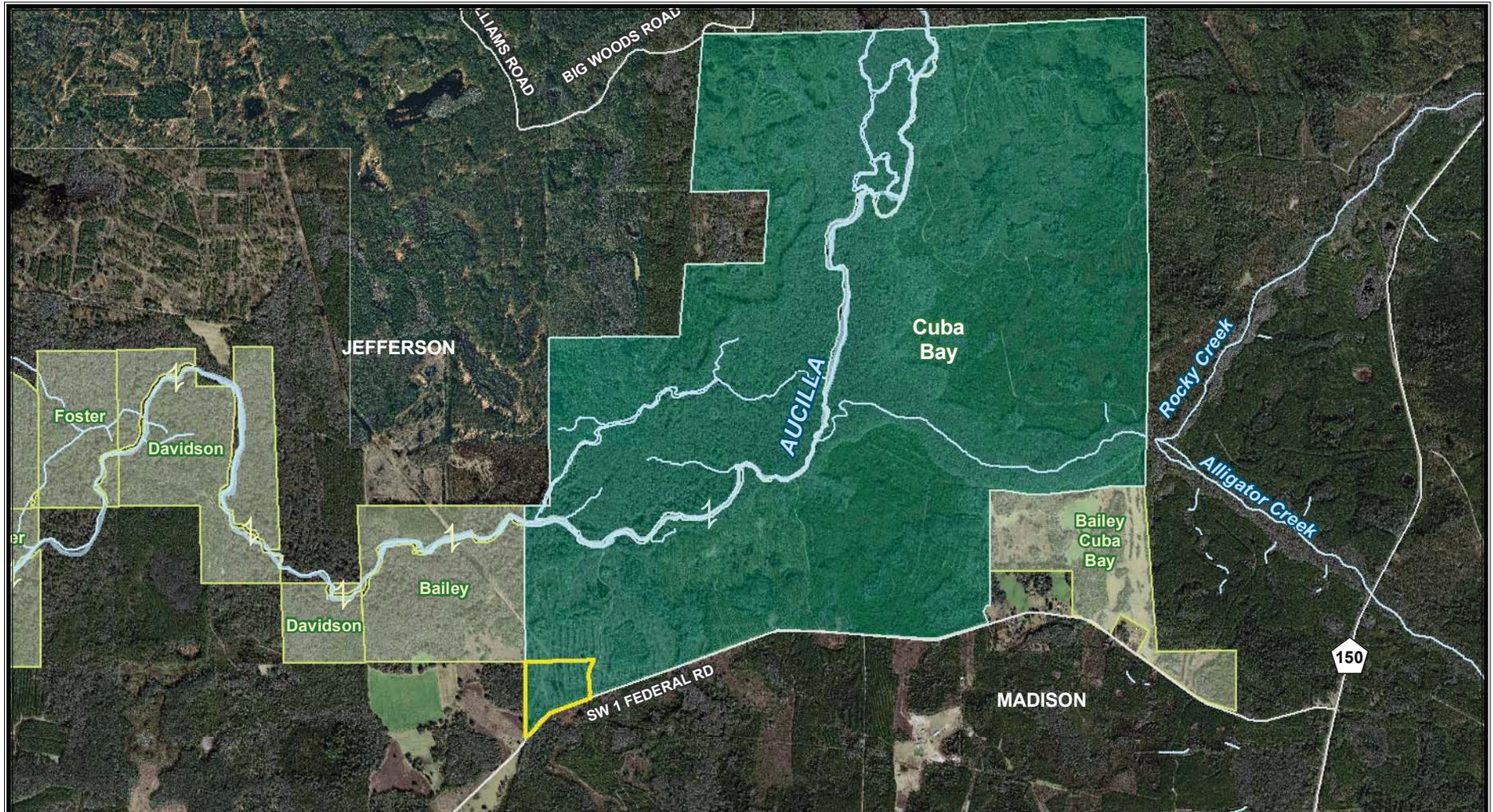
That certain parcel of real property located in \_\_\_\_\_ County, Florida and more particularly described as follows:

EXHIBIT B

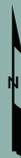
SCHEDULE "B"

(Drawing of the PROPERTY showing the PERMITTED STRUCTURES)

EXHIBIT C



-  Cuba Bay = 22 Acres (+/-)
-  SRWMD Fee Land
-  SRWMD CE
-  Rivers & Streams



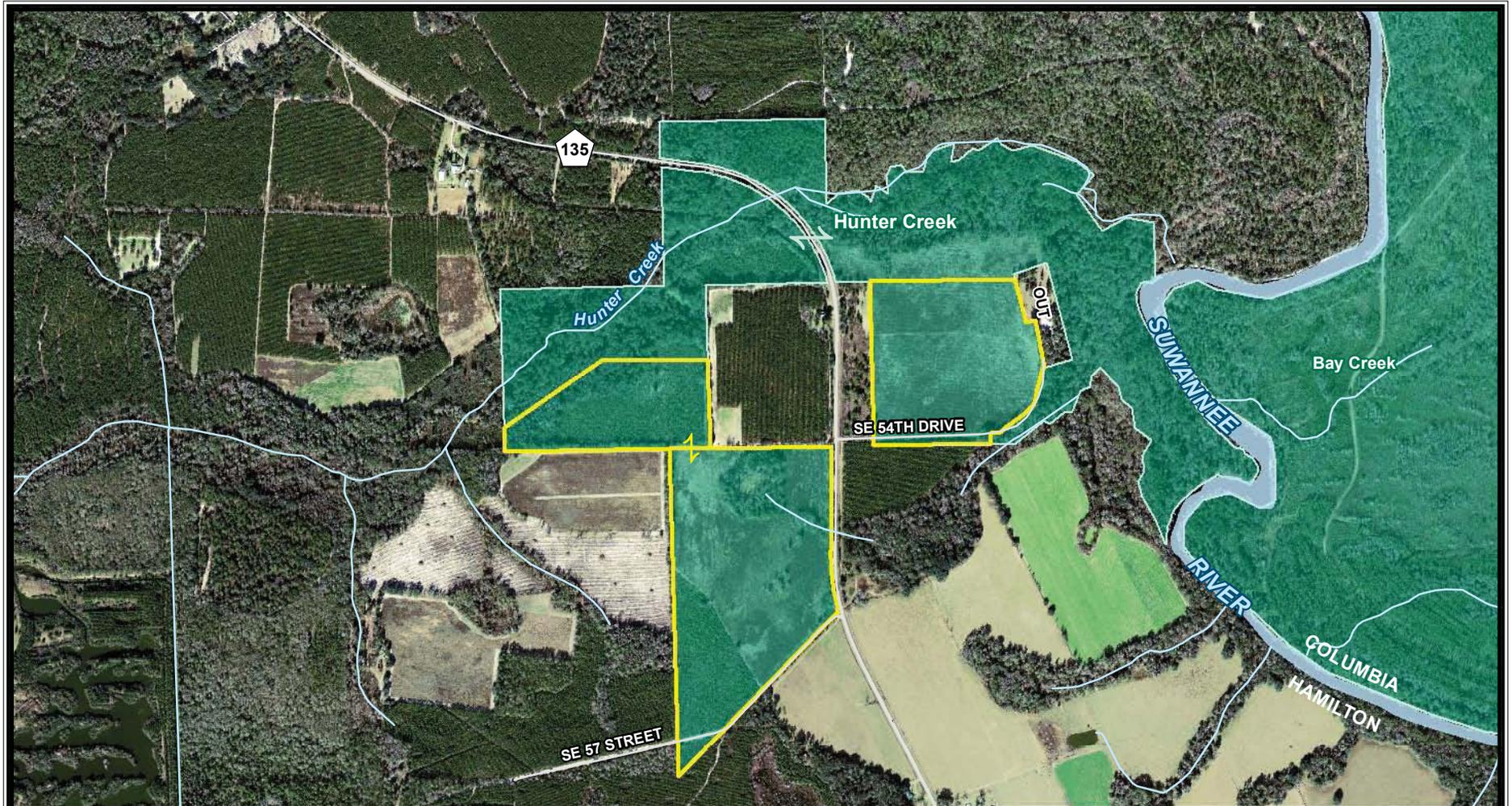
**Cuba Bay  
Madison County, FL**



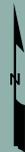
NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of the data distributed as a public records request regardless of their use or applications. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. For more information please contact the SRWMD Department of LA&M at 1-386-362-1001. Madison & Jefferson 2010 NC 1FT Imagery.

Date: 04/20/2011

EXHIBIT D



-  Surplus Land
-  SRWMD Fee Land
-  Streams (USGS Modified)



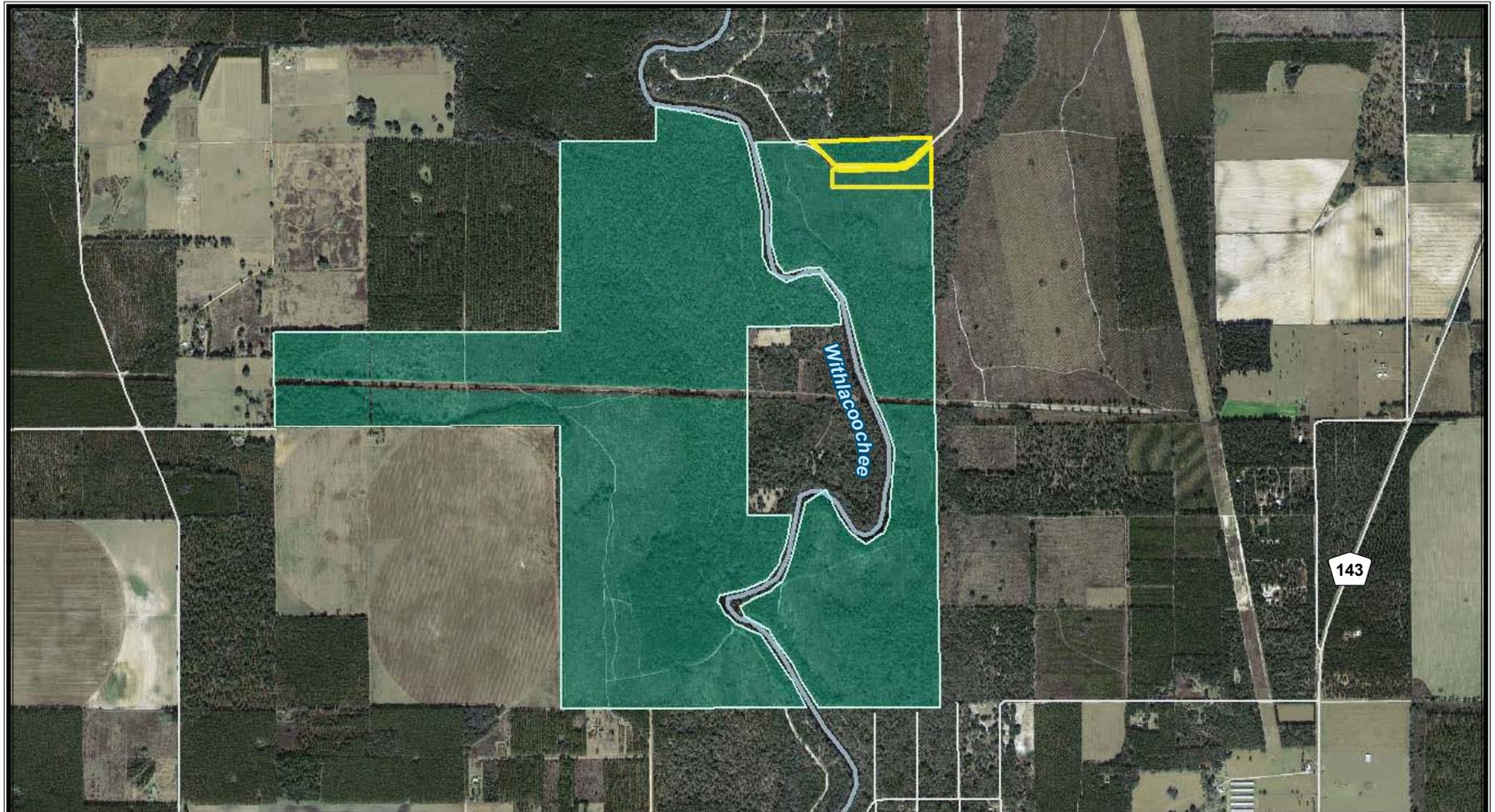
Surplus Lands  
Hunter Creek  
Hamilton County, FL



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of the data distributed as a public records request regardless of their use or applications. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. For more information please contact the SRWMD Department of LA&M at 1-386-362-1001. Hamilton 2010 NC 1FT Imagery

DATE: 05/05/2011

EXHIBIT E



-  Chitty Bend East = 20 Acres (+/-)
-  SRWMD Fee Land
-  Rivers & Streams



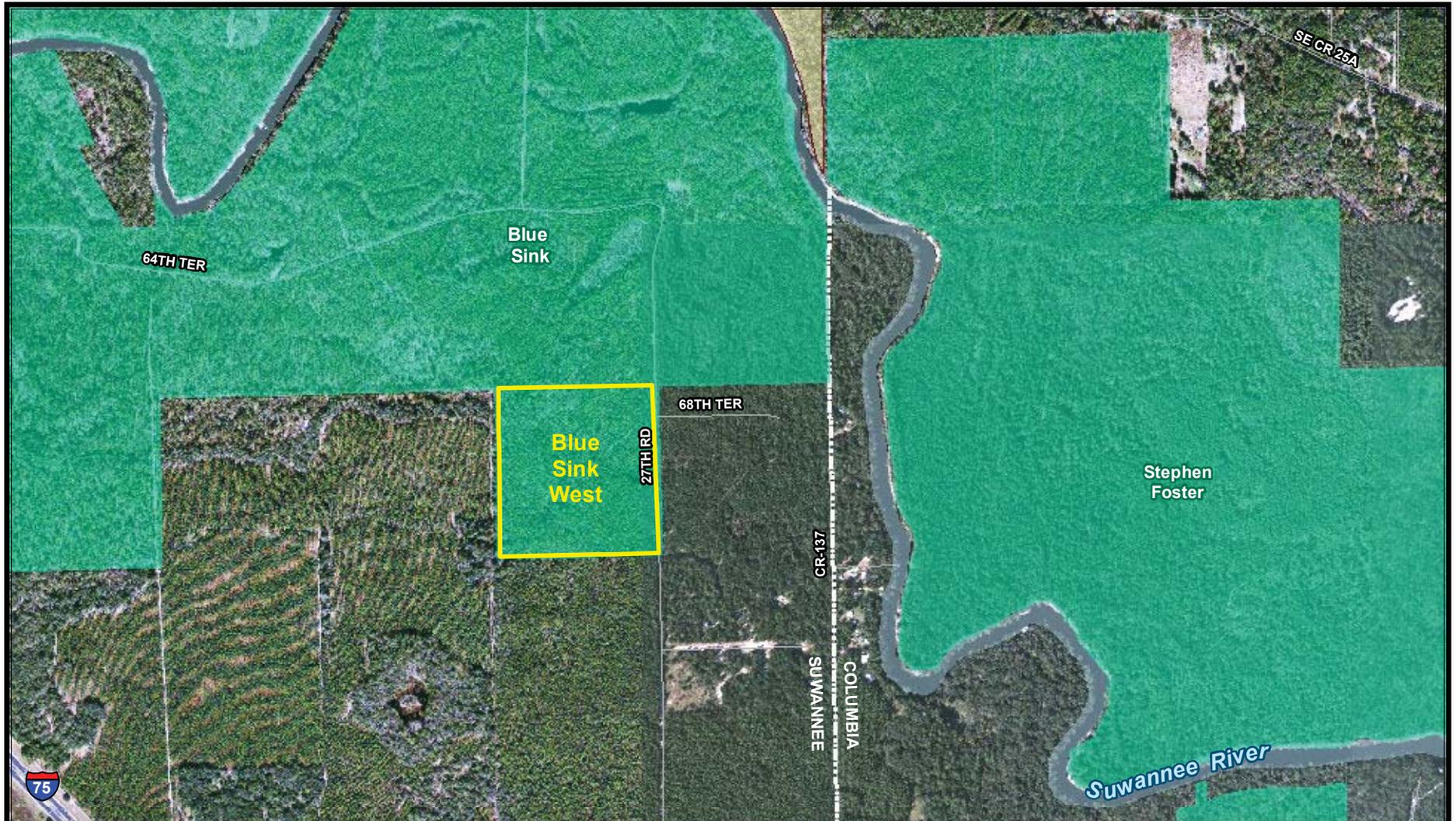
### Chitty Bend East Hamilton County, FL



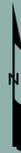
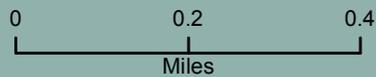
NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of the data distributed as a public records request regardless of their use or applications. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. For more information please contact the SRWMD Department of LA&M at 1-386-362-1001. Hamilton and Madison 2010 NC 1FT Imagery.

Date: 05/18/2011

EXHIBIT F



-  Surplus Land
-  SRWMD Fee Land
-  Fee Ownership Other Agencies



Surplus Lands  
Blue Sink  
Suwannee County, FL



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of the data distributed as a public records request regardless of their use or applications. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. For more information please contact the SRWMD Department of LA&M at 1-386-362-1001.

# Surplus Land Jennings Bluff Tract Hamilton County Florida

-  SRWMD Surplus Land Boundary = 70 Acres
-  SRWMD Fee Lands
-  SRWMD CE Lands
-  SRWMD Access ESMT Public



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information, please contact the SRWMD at 1-800-226-1066. Hamilton 2010 NC 1 FT Imagery.

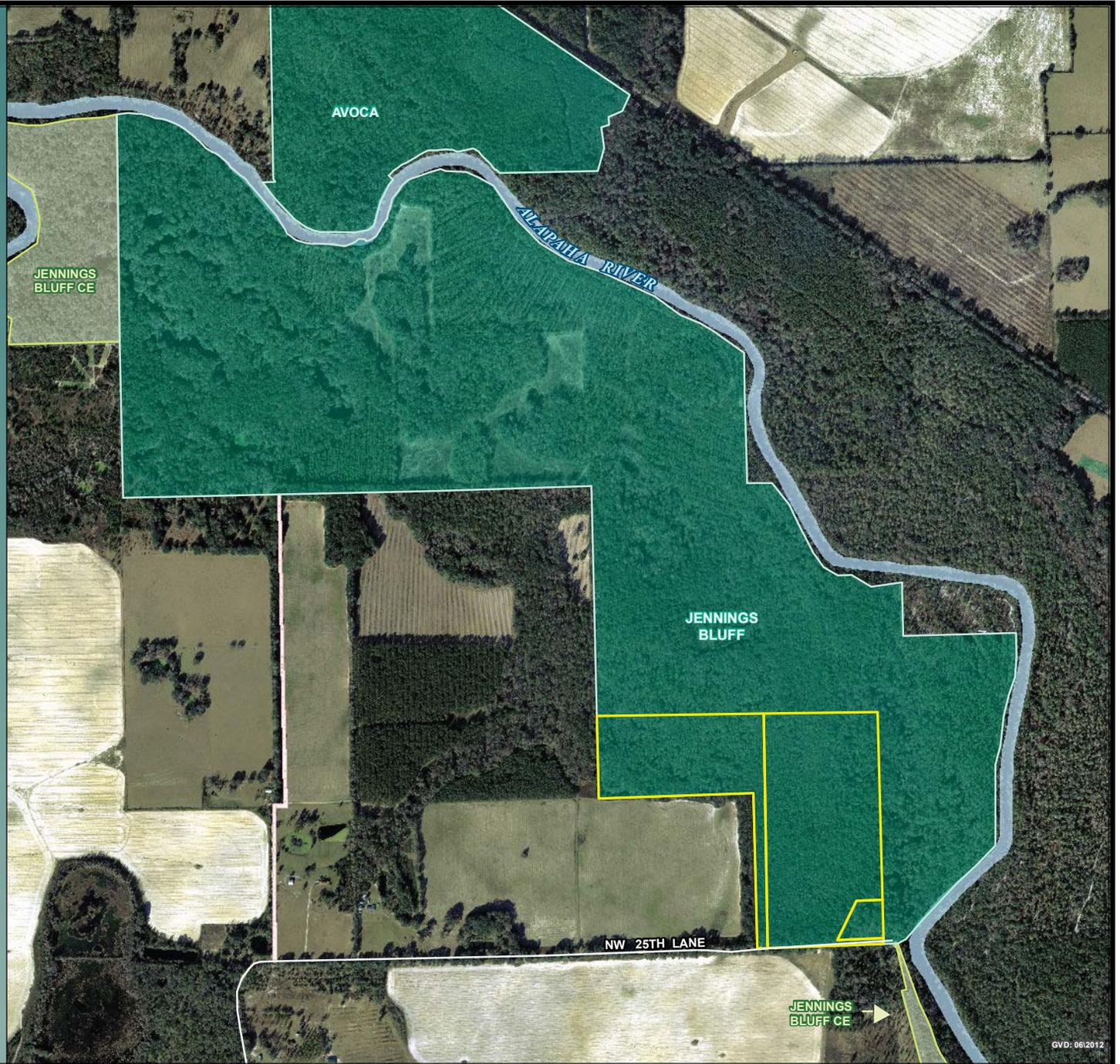
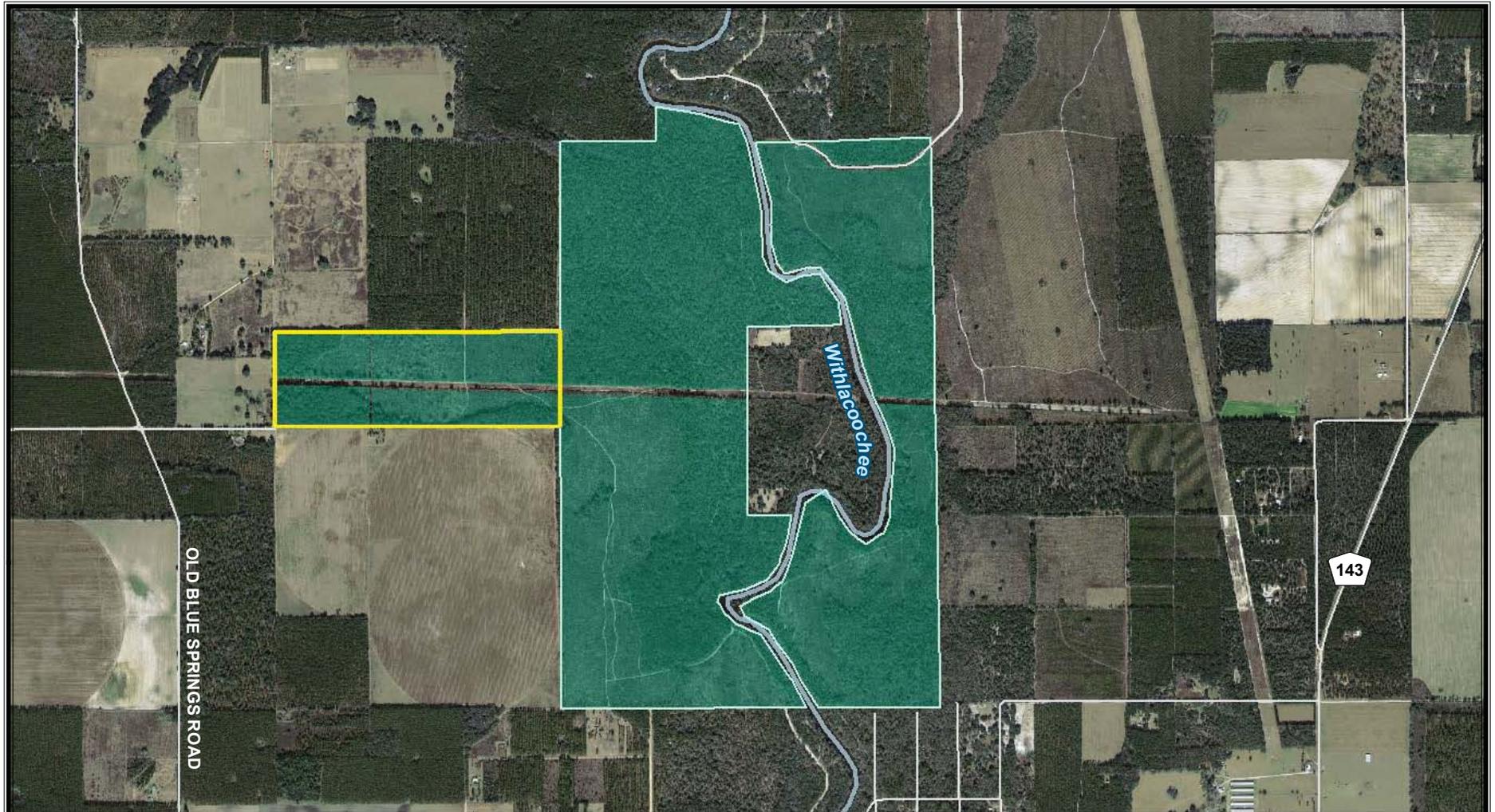
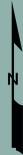


EXHIBIT H



-  Chitty Bend West = 121 Acres (+/-)
-  SRWMD Fee Land
-  Rivers & Streams



### Chitty Bend West Madison County, FL



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Department of Land Acquisition and Management (LA&M), to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of the data distributed as a public records request regardless of their use or applications. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. For more information please contact the SRWMD Department of LA&M at 1-386-362-1001. Hamilton and Madison 2010 NC 1FT Imagery.

Date: 05/18/2011

MEMORANDUM

TO: Governing Board  
FROM: Ann B. Shortelle, Ph.D., Executive Director  
DATE: July 29, 2014  
RE: Consideration of Resolution No. 2014-18 Conveying 102 +/- Acres of the Barnett Tract and the White Springs Wellfield Tract, 76 Acres +/-, to the Town of White Springs, Hamilton County

RECOMMENDATION

**Staff recommends that the Governing Board approve and execute Resolution No. 2014-18 authorizing the conveyance 102 acres +/- of the Barnett Tract and the White Springs Wellfield Tract, 76 acres +/-, to the Town of White Springs.**

BACKGROUND

On May 21, 2014, staff met with the Town of White Springs regarding the Town's request for the District to convey a portion of the Barnett Tract (134 acres +/- total) for recreational development.

At its June 25, 2014, meeting, the Lands Committee reviewed Town's request and also inquired about the White Springs Wellfield tract. The Lands Committee voted to recommend conveyance of 102 +/- acres of the Barnett Tract and the 76-acre +/- White Springs Wellfield tract to the Governing Board. The Lands Committee recommendation includes the District retaining a reversionary interest in both tracts and including appropriate land use restrictions on the wellfield tract to protect the water supply.

The proposed conveyance of 102 +/- acres of the Barnett Tract would leave 32 acres +/- of the tract in District ownership along the Suwannee River to protect river frontage and the floodplain.

If these conveyances are approved by the Governing Board, the Town of White Springs proposes to assist with closing costs, including surveying.

JD/rl  
Attachments

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2014-18**

**RESOLUTION APPROVING THE CONVEYANCE OF LAND OWNED BY THE  
SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
TO THE TOWN OF WHITE SPRINGS**

**WHEREAS**, the Suwannee River Water Management District owns 134 +/- acres in the Barnett Tract and 76 acres +/- in the White Springs Wellfield Tract, both in Hamilton County; and

**WHEREAS**, Town of White Springs has requested conveyance of 102 +/- acres of the Barnett Tract for recreational development use and conveyance of the 76-acre +/- White Springs Wellfield Tract for continued use as a water treatment and well head protection area, a map of both tracts being attached hereto; and

**WHEREAS**, the conveyance is consistent with Section 373.089 and 373.056, Florida Statutes (F.S.); and

**WHEREAS**, said lands are not required for District purposes; and

**WHEREAS**, said conveyances are in the public interest, for the public convenience and welfare, and for the public benefit; and

**WHEREAS**, upon conveyance of the White Springs Wellfield Tract, the Town of White Springs' use of the property shall be limited to purposes of potable water production including all necessary wells, treatment plants, utility corridors, water lines, and other such facilities as may be reasonable needed to construct and maintain a potable water production facility and removal of dead and dying vegetation, mowing, and conducting forest management in accordance with applicable best management practices; and

**WHEREAS**, if said lands are not used for intended purposes and if the Town of White Springs desires to convey title to the lands to another entity, then ownership of the property shall revert to the Suwannee River Water Management District.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Suwannee River Water Management District:

- (1) Conveyance of the described lands owned by the Suwannee River Water Management District shall be without charge to the Town of White Springs.
- (2) The Chair and Secretary of the GOVERNING BOARD, the Executive Director of the DISTRICT, the GOVERNING BOARD attorney and all other officers and employees of the DISTRICT are hereby authorized and directed to do all things necessary to close and complete the transaction, including termination of the existing lease from the Suwannee River Water Management District to the Town of White Springs on the White Springs Wellfield Tract upon execution of a deed of conveyance.
- (3) The above statements are hereby certified and declared to be true and correct, and the conveyance of said parcels is hereby further certified to be consistent with this District's plan of acquisition and Section 373.056 (4), F. S.

**RESOLUTION 2014-18**

**PASSED AND ADOPTED THIS 12th DAY OF AUGUST, 2014 A.D.**

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
BY ITS GOVERNING BOARD**

---

**MEMBERS OF THE BOARD:**

**DON QUINCEY, CHAIR  
ALPHONAS ALEXANDER, VICE CHAIR  
RAY CURTIS, SECRETARY/TREASURER  
KEVIN W. BROWN  
GEORGE M. COLE  
GARY JONES  
VIRGINIA H. JOHNS  
VIRGINIA SANCHEZ  
GUY N. WILLIAMS**

**ATTEST:**

---

**PARCEL ASSESSMENT  
PROPOSED CONVEYANCE TO WHITE SPRINGS**

**August 2014**

TRACT: Barnett

COUNTY: Hamilton

ACREAGE: 102 acres ±

TRACT DESCRIPTION: The Barnett Tract lies along the western boundary of Big Shoals State Park. It is widest at the southern end where it provides a protected buffer of natural pine and hardwood along the Suwannee River from the state park to U.S. 41. The majority of the property is former pasture that has been reforested with longleaf pine.

PARENT TRACT: The 134-acre parent tract was purchased from Jerry Barnett on June 29, 2001 for \$260,331.00.

ACCESS: The property has frontage along CR 135, U.S. 41 and Sunrise Drive. Access from Sunrise Drive is limited by a stream that has no crossing. Access from U.S. 41 is limited by its proximity to the Suwannee River.

**RESOURCE REVIEW**

(a) Water Resources:

Recharge: 0% (0 acres)

Springs Protection: 0% (0 acres)

Surface Water Protection: 14% (15 acres +/-)

100-year Floodplain: 5% (5 acres +/-)

(b) Management Efficiency: Conveyance of lands outside the floodplain along the Suwannee River to the City of White Springs would reduce the District's land management costs.

(c) Public Use: The property is currently open for hiking, biking, horseback riding and fishing. Since it provides a physical connection from the state park to U.S. 41, the property could be used to extend the Woodpecker Trail into White Springs.

(d) Archaeological, Historical Records: Staff found one record of an archaeological site.

Rare Species Records: None

Active Exotic Plants Records:

- Camphor Tree
- Chinese Privet
- Glossy Privet
- Elephant Ear
- Wax Begonia
- Wild Taro

Natural Communities:

Mesic flatwoods	93.3 acres
Bottomland forest	12.2 acres
Upland mixed forest	10.7 acres
Upland hardwood	5.4 acres
Wet/scrubby flatwoods	5.1 acres
Basin swamp	4.1 acres
Dome/floodplain swamp	3.0 acres

- (e) Linkage: Ecological linkages could be maintained by the District retaining ownership to land along the Suwannee River. Recreational linkages could be maintained or enhanced through cooperative management of lands conveyed to the City of White Springs.
- (f) Adverse Impact to Future Management: No significant impacts to management operations are anticipated.
- (g) Marketability: The property is presumed to be marketable on the open real estate market.
- (h) Other Public Land Managers: Managers at Big Shoals State park, Big Shoals State Forest and Stephen Foster Folk Culture Center State Park will be notified if the Governing Board approves the parcel for conveyance.
- (i) Funding Source: Preservation 2000 funds were expended in this acquisition.

**PARCEL ASSESSMENT  
PROPOSED CONVEYANCE TO WHITE SPRINGS**

**August 2014**

TRACT: White Springs Wellfield

COUNTY: Hamilton

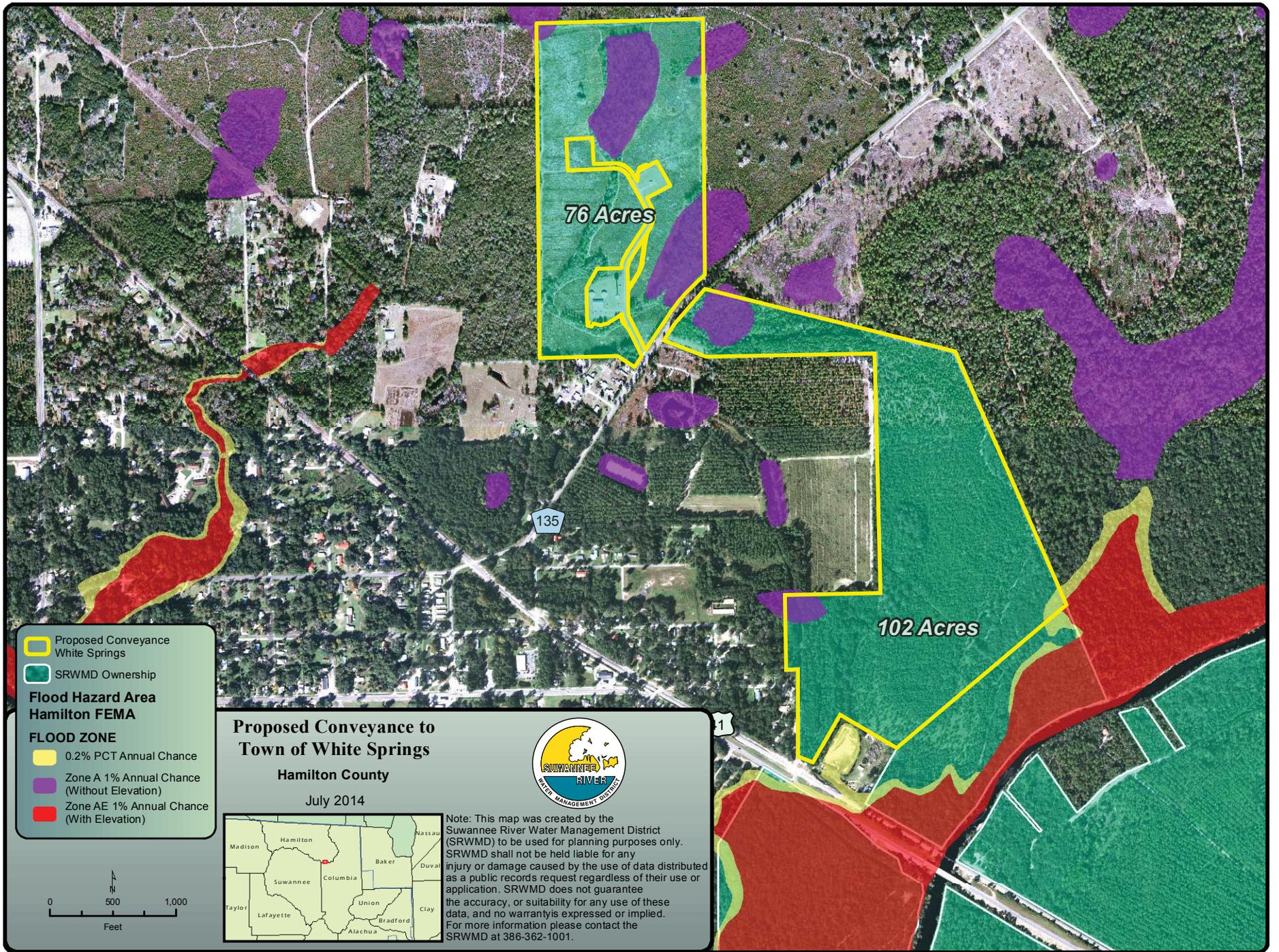
ACREAGE: 76 acres ±

TRACT DESCRIPTION: The White Springs Wellfield Tract is located on County Road 135 northeast of White Springs. The tract was purchased to provide a location for the Town of White Springs to conduct water supply development. The Town of White Springs has developed the site for water supply and has a lease from the District that will need to be terminated upon conveyance. The property was purchased from Jerry Barnett on February 4, 2000, for \$99,294.00.

ACCESS: The property has frontage along CR 135.

**RESOURCE REVIEW**

- (a) Water Resources:
  - Recharge: 0% (0 acres)
  - Springs Protection: 0% (0 acres)
  - Surface Water Protection: 54% (41 acres +/-)
  - 100-year Floodplain: 19% (14 acres +/-)
- (b) Management Efficiency: Conveyance of lands to the City of White Springs would eliminate the District's land management responsibilities for these lands.
- (c) Public Use: The property is not open for public use.
- (d) Archaeological, Historical Records: No records were found.
  - Rare Species Records: None
  - Active Exotic Plants Records: Chinaberry on approximately 0.18 acres.
  - Natural Communities: The tract contains a combination of flatwoods and basin swamp.
- (e) Linkage: The tract was not purchased for ecological or recreational linkages.
- (f) Adverse Impact to Future Management: No significant impacts to management operations are anticipated.
- (g) Marketability: The property is not expected to be marketable because of the presence of water supply infrastructure and an active lease to the Town of White Springs.
- (h) Other Public Land Managers: Managers at Big Shoals State park, Big Shoals State Forest and Stephen Foster Folk Culture Center State Park will be notified if the Governing Board approves the parcel for conveyance.
- (i) Funding Source: Preservation 2000 funds were expended in this acquisition.

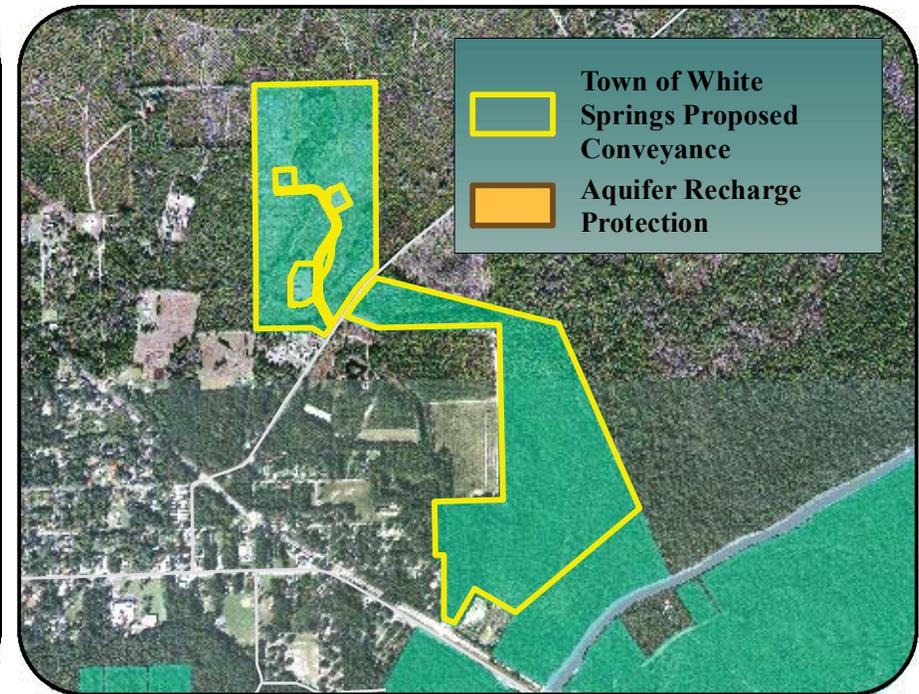
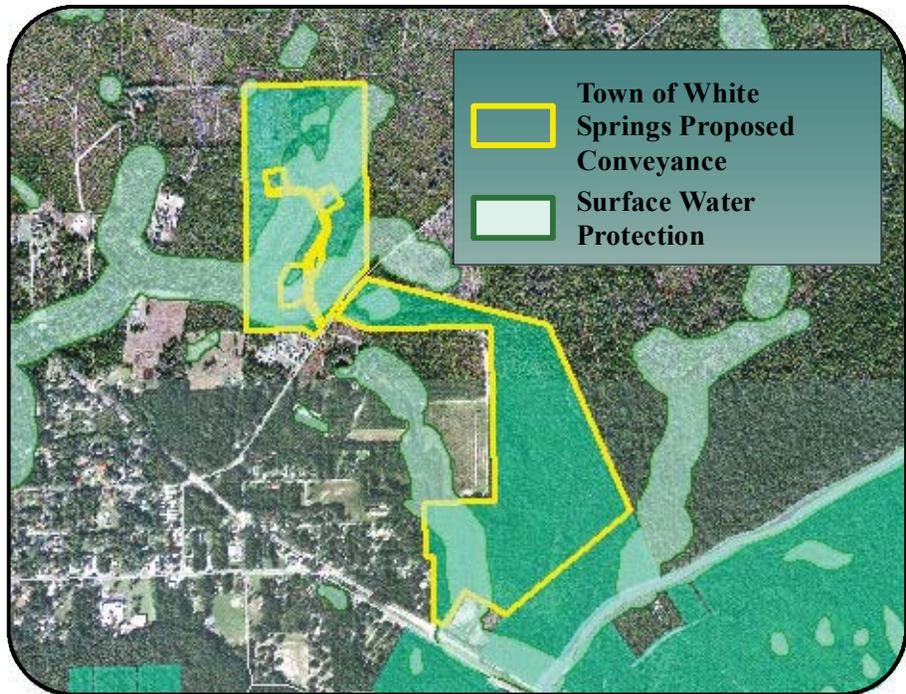
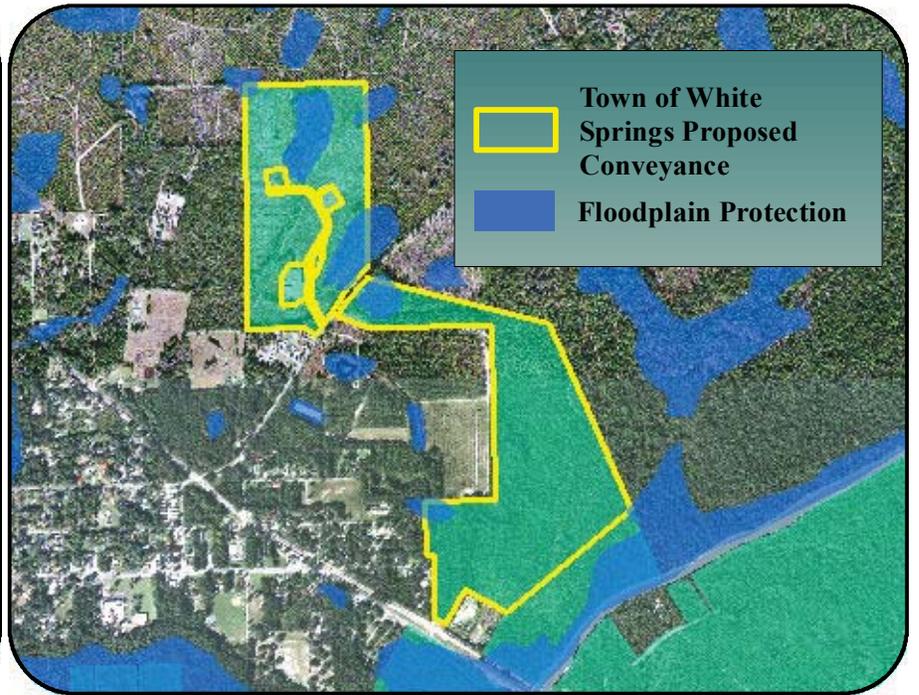
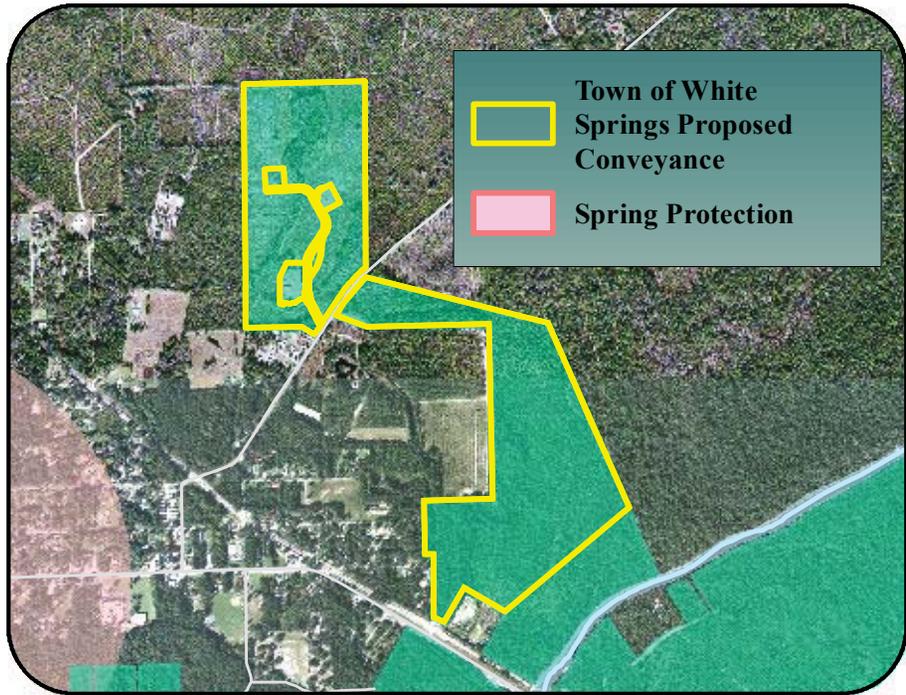


**Proposed Conveyance to  
Town of White Springs  
Hamilton County  
July 2014**



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.





## MEMORANDUM

TO: Governing Board

FROM: Ann B. Shortelle, Ph.D., Executive Director

DATE: July 29, 2014

RE: Authorization for the Executive Director to Enter into a Memorandum of Understanding with the Florida Public Service Commission

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to sign the Memorandum of Understanding with the Florida Public Service Commission in regard to water conservation and water reuse coordination.**

### BACKGROUND

The Florida Public Service Commission (PSC) and the Florida Water Management Districts (WMDs) initially entered into a Memorandum of Understanding on June 27, 1991, to jointly cooperate as necessary to implement an effective, state-wide water conservation policy for utilities subjected to the PSC jurisdiction.

The PSC and WMDs staffs collaborated to update the MOU executed in 1991. The revisions basically reorganize and simplify the 1991 MOU to support coordinated and reciprocal water conservation, water reuse, and water supply matters. The PSC is in the process of executing individual agreements with the water management districts, except for the Northwest Florida Water Management District who choose to opt out. The PSC approved the MOU on June 25, 2014.

The updated MOU establishes two common objectives. The first is to encourage and promote the reduction of use through conservation rate structure, promoting reuse, and through education. The second is use the technical expertise of the WMDs for water source development and water resource management and to use the technical expertise of the PSC for economic regulation and rate design of jurisdictional utilities in promoting efficient water consumption.

SM/rl  
Attachment

**MEMORANDUM OF UNDERSTANDING**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**AND**  
**FLORIDA PUBLIC SERVICE COMMISSION**

The Suwannee River Water Management District (SRWMD) and the Florida Public Service Commission (FPSC) recognize that water conservation and reuse and use of reclaimed water are key elements of Florida's long-term water management strategy. It is our goal to ensure the efficient and conservative utilization of water resources in Florida. This Memorandum of Understanding (MOU) formally outlines the responsibilities and duties of the SRWMD and FPSC in regard to water conservation and water reuse and describes how the SRWMD and FPSC will coordinate on these issues.

**BACKGROUND**

**The SRWMD**

The SRWMD was created by the Florida Legislature and given those powers and responsibilities enumerated in Chapter 373, Florida Statutes (F.S.). Within its jurisdiction, the SRWMD's mission is to manage and protect water resources of the region by balancing and improving water quality, flood control, natural systems and water supply. The SRWMD administers flood protection programs, performs technical investigations into water resources, develops water shortage plans for times of drought, and acquires and manages lands for water management and conservation purposes, among others. The SRWMD implements permitting programs for the regulation of the consumptive use of water, well construction, and surface water management. The SRWMD is empowered to enter into contracts with public agencies, private corporations, or other persons, pursuant to Section 373.083, F.S.

**The Florida Public Service Commission**

The FPSC is an agency of the State of Florida created by the Florida Legislature and given the powers and responsibilities enumerated in Chapter 367, F.S. The FPSC's jurisdiction

is limited to economic regulation of investor-owned water and wastewater utilities in counties that have designated the FPSC as the regulatory entity. A county may by resolution, pursuant to Section 367.171, F.S., designate the FPSC as the economic regulator of investor-owned water and wastewater utilities.<sup>1</sup> For those utilities subject to its jurisdiction, the FPSC establishes authorized rates and rates of return for investor-owned water and wastewater utilities pursuant to Chapter 367, F.S., and Chapter 25-30, Florida Administrative Code (F.A.C.).

### **COMMON OBJECTIVES**

The common objectives, as they relate to public water systems, are as follows:

1. To encourage and promote the efficient use of ground and surface water resources through, among other measures, employment of conservation promoting rate structures, promotion of reuse and use of reclaimed water, and through consumer education programs.
2. To effectively employ the technical expertise of the SRWMD regarding water source development and water resource management and of the FPSC regarding economic regulation and rate design of jurisdictional utilities for the promotion of efficient water consumption.

### **FPSC RESPONSIBILITIES**

The following represents a general description of the roles and responsibilities of the FPSC related to water service providers. The FPSC's jurisdiction is limited to investor-owned utilities and is effective in Florida counties that have designated the FPSC as the regulatory authority for economic regulation. The FPSC agrees to implement policies and procedures necessary to administer the following duties when applicable:

1. Determine the type of rate structure needed to encourage conservation in association with water use planning or permitting requirements.

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<sup>1</sup> As of June 1, 2014, the FPSC regulates investor-owned water and wastewater utilities in 37 Florida counties.

2. Timely notify the SRWMD of the FPSC public meetings with customers where conservation efforts, water use planning, or permitting criteria will be discussed.
3. Recognize and may allow recovery of prudently incurred expenses and investment necessary to address and correct unaccounted for water that exceeds limits set in SRWMD rule or in a utility's Consumptive Use Permit or, in the alternative, adjust expense levels to discourage higher than allowable unaccounted for water. Established rates will be set in a way that recognize the impact of conservation on a utility's revenues. Recognize and may allow recovery of prudently incurred expenses, which may include meter accuracy testing, meter replacement and leak detection, and other reasonable conservation programs.
4. Provide technical input to the SRWMD as requested with regard to service territories.

The FPSC staff will assist the SRWMD to the extent provided by law and agency workload.

### **SRWMD RESPONSIBILITIES**

The following represents a general description of the roles and responsibilities of the SRWMD related to water service providers. The SRWMD agrees to implement policies and procedures necessary to administer the following duties:

1. Evaluate public water supply needs to determine beneficial demands and identify future deficiencies.
2. Identify demand management (conservation) strategies and alternative water supply sources necessary to meet reasonable demands.
3. Evaluate water resource availability.
4. Evaluate and monitor cumulative water withdrawal rates and identify and recommend potential options for resource management protection.
5. When requested by the FPSC, participate at FPSC public meetings and evidentiary hearings where water use planning or permitting matters are to be discussed.
6. Provide technical input to the FPSC as necessary and appropriate in FPSC proceedings. This may include, but not be limited to, testimony from expert witnesses.

The SRWMD staff will assist the FPSC to the extent provided by law and agency workload.

### **PROJECT COORDINATION**

1. The SRWMD and the FPSC will each designate a liaison to coordinate communication between the agencies. The liaison of the respective agencies will be the principal contact persons for the technical staff on a particular project.
2. The designated representative of the SRWMD and the FPSC representative, with designated members of their staffs, shall communicate as necessary.
3. The SRWMD and the FPSC shall endeavor to provide appropriate technical assistance in necessary enforcement actions taken against individual water systems subject to FPSC jurisdiction for failure to implement recommended water conservation and reuse measures.

### **AMENDMENTS**

This MOU may be amended by mutual agreement of the SRWMD and the FPSC. Either party may terminate its participation in this Memorandum of Understanding by providing 180 days written notice to the other party.

### **PREVIOUS MOU**

This MOU supersedes the previous MOU dated, July 27, 1991, between the WMDs and the FPSC. Upon execution of this MOU by the SRWMD and the FPSC, the MOU dated, July 27, 1991, shall be null and void between the SRWMD and the FPSC.

**EFFECTIVE DATE AND SIGNATURES**

This MOU will become effective on the date of the last signature. The parties, or their authorized representative, are duly authorized to execute this agreement.

Approved:

Approved:

\_\_\_\_\_

Florida Public Service Commission

Water Management District

By: \_\_\_\_\_

By: \_\_\_\_\_

Executive Director

Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_

MEMORANDUM

TO: Governing Board  
FROM: Ann B. Shortelle, Ph.D., Executive Director  
DATE: July 28, 2014  
RE: Authorization to include Florida Department of Environmental Protection Springs Grant Funding in Fiscal Year 2014-2015 Tentative Budget

RECOMMENDATION

**Staff recommends that the Governing Board 1) accept \$8,123,660 from the Department of Environmental Protection for Springs Projects Grant Funding subject to approval of the Joint Legislative Budget Commission, 2) use \$768,240 from fund balance to include as a portion of the District's cost share match 3) increase the Tentative Fiscal Year Budget to \$33,429,287, and 4) authorize the Executive Director to make budgetary adjustments associated with accepting the springs grant.**

BACKGROUND

At the July 8, 2014 Governing Board Meeting the Board approved a Tentative Fiscal Year (FY) 2014-2015 Budget of \$24,537,387.

On July 25, 2014, the Florida Department of Environmental Protection (DEP) noticed the District that subject to Joint Legislative Budget Commission approval that the District will be awarded a total of \$8,123,660 for springs projects. The District's total cost-share match is expected to be \$2,038,240 and local matches total is projected at \$5,032,775.

Funding for these springs projects are subject to the Joint Legislative Budget Commission approval as stipulated in the FY14-15 General Appropriations Act Appropriation line 1645 proviso language.

Including the DEP springs funding will revise the Tentative Fiscal Year 2014-2015 budget to \$33,429,287.

SM/rl

## MEMORANDUM

TO: Governing Board  
FROM: Ann B. Shortelle, Ph.D., Executive Director  
DATE: July 29, 2014  
RE: Performance-Based Compensation Plan

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to continue the performance-based compensation plan for a total cost not to exceed \$106,000.**

### BACKGROUND

Last year, the Governing Board authorized the implementation of a performance-based compensation plan to incentivize performance. The Executive Director implemented the performance-based evaluation system consistent with the Governing Board's recommendation, and in accordance with Chapter 2014-51, section 8(5)(i)(j), Laws of Florida. Each employee has performance goals that align with the District's strategic priorities and performance metrics. Supervisors and managers are currently evaluating staff performance.

Employees qualifying based on demonstrated performance and supervisor evaluation may be eligible for compensation from a combination of recurring and non-recurring funds.

Non-recurring funds for this plan are included in the adopted Fiscal Year 2014 budget. Recurring funds for this plan are included in the tentative Fiscal Year 2015 budget and are contingent upon adoption of the Fiscal Year 2015 budget.

ABS/rl

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, P.G., Division Director, Water Supply

THRU: Ann B. Shortelle, Ph.D., Executive Director

DATE: July 25, 2014

RE: North Florida Regional Water Supply Partnership Stakeholder Advisory Committee Update

**July 14, 2014, Stakeholder Advisory Committee (SAC) Meeting:**

At this meeting the SAC heard presentations on the following topics:

- Review and Approval: the SAC reviewed, discussed and approved the updated committee workplan and key topics for evaluation. The SAC discussed skipping the August meeting to save money while waiting on the NFSEG model. The next meeting is scheduled for September 22, 2014.
- Updates: the SAC received updates on the status of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs MFL rule development process and the SJRWMD Water Supply Plan.
- Presentations: a briefing was provided on FDACS water use projections data report. DEP gave a presentation on potentiometric surface maps.

Other information was presented and discussed at the meeting. This summary is intended as an update to the technical information presented to the SAC as it relates to the joint regional water supply planning process between the St. Johns River and Suwannee River Water Management Districts.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the Governing Board meeting if you would like further information.

CO/ch

MEMORANDUM

TO: Governing Board

FROM: Ann B. Shortelle, Ph.D., Executive Director

DATE: July 29, 2014

RE: Land Acquisition and Disposition Activity Report

**Approved for Detailed Assessment**

Owner	Project Name	Acres	County	Comments
Rayonier Forest Resources, L. P.	Camp Blanding Addition	2,240	Bradford	Appraisals are complete on the North 320 acres and staff has commenced negotiations with Rayonier and coordination with Camp Blanding and DEP. Appraisals are on hold for the South 1,920 acres.
El Trigal Farms, Floyd Family	El Trigal Farms Conservation Easement Exchange	351	Jefferson	Staff has received Mr. Floyd's surplus lands exchange list and is preparing this item for Board consideration on August 12.
Douglas Anderson	Anderson/Pine Landing Conservation Easement Exchange	72/122	Dixie	Closing documents were signed July 8, 2014.
SRWMD	Florida Gateway College	16.25	Columbia	The College sent a revised proposal and the College will draft a conveyance agreement for consideration by the Board.
Michael and Freda Shaw	Shaw Conservation Easement Exchange	1,027	Lafayette	One draft appraisals has been received and being reviewed. The second is pending appraiser completion.
Rock Bluff Spring Co., LLC	Rock Bluff Springs	173	Gilchrist	Appraisals are complete.
Winston Lovelace	Turtle Spring	91	Lafayette	Staff has requested title examination and appraisal contracts are executed.

**Authorized for Exchange**

Tract	Acres	County	Acquired Date	Funding Source	Comments
Ellaville Exchange for Damascus Peanut Company	986	Madison	12/1/1988	WMLTF	Governing Board approved the exchange agreement with the Trustees of the Internal Improvement Trust Fund.

**Surplus Lands**

Tract	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Alligator Lake	43	Columbia	8/10/2001	P2000				Governing Board approved conveyance on August 13, 2013 contingent upon the inter-local agreement with Columbia County.

Tract	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Blue Sink	39	Suwannee	12/1988	WMLTF	11/23/13	7/12/10	\$97,500	Listed with Poole Realty.
Chitty Bend East	20	Hamilton	12/1988	WMLTF	2/3/14	11/29/11	Fee, two 10-acre tracts for \$25,000 each	Listed with Daniel Crapps Agency
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11	11/29/11	Fee, entire tract \$223,850	Listed with Poole Realty
Cuba Bay	22	Madison	02/1996	P2000	2/7/14	11/10/11	Fee, \$36,740	Listed with Poole Realty
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/10	11/18/10	Fee entire tract \$34,930	Listed with Daniel Crapps Agency
Hunter Creek	120	Hamilton	09/2002	P2000	1/27/14	11/18/10	Fee, (3 parcels) \$276,000	Listed with Daniel Crapps Agency
Jennings Bluff	70	Hamilton	02/1989	WMLTF	1/27/14	N/A	Fee, entire tract \$215,600	Set aside for discussion with Hamilton County.
Hampton Springs Road Tract (Perry Spray Field)	248	Taylor	9/2001	WMLTF	6/6/12		CE \$198,400	The Governing Board authorized discussions with Taylor County.
Timber River	1	Madison	03/1998	WMLTF	8/5/10	11/18/10	Fee entire tract \$6,000	Listed with Poole Realty. Approved by Governing Board contingent on appraisal update. Appraisal update is underway.

ABS/jd

MEMORANDUM

TO: Governing Board  
FROM: Ann B. Shortelle, Ph.D., Executive Director  
DATE: July 25, 2014  
RE: District's Weekly Activity Reports

Attached are the weekly District activity reports for the month of July.

ABS/rl  
Attachments



## Weekly Activity Report to Governing Board June 23-27, 2014

### *Executive / Management*

- Ann Shortelle and Steve Minnis participated in a conference call with representatives of Wedgworth Leadership Institute for Agriculture and Natural Resources to discuss water resource issues.
- Steve Minnis met with Doug McNicol, Lee Council President, and Christine Donaldson, Lee Town Manager, concerning water resource issues in the Town.
- Jon Dinges and Bob Heeke met with Paul Catlett and Matt Corby of Camp Blanding to discuss potential upcoming projects.
- Jon Dinges, Erich Marzolf, and Bill McKinstry met with Kent Wimmer, of Defenders of Wildlife, to discuss collaboration on natural resource issues.

### *Water Supply*

- Don Quincey, Jon Dinges, Carlos Herd, and staff from DEP and SJRWMD attended the Quarterly Executive Coordination meeting in Palatka to discuss progress on the DEP/SRWMD/SJRWMD interagency agreement.

### *Water Resources*

- Glenn Horvath attended a GIS workshop on Advanced Geospatial Tools and Techniques in Natural Resources.
- Bebe Willis and Keith Rowell completed the annual mandatory data input into the Department of Environmental Protection and Department of Management Services Lands Information Tracking System (LITS).

### *Resource Management*

- Leroy Marshall attended the Quarterly Florida Silver Jackets meeting in Tallahassee along with staff from the other WMDs, the Florida Department of Emergency Management, and other agencies.

### *Ag Team / Suwannee River Partnership*

- Don Quincey was one of the speakers at the CARES dinner. Several District staff attended and assisted in the serving line at the CARES dinner. Kevin Wright and Sarah Luther staffed a District booth at the CARES dinner to inform farmers of agricultural programs.

### *Administration & Operations Bureau*

- Dave Dickens, Erich Marzolf, Kevin Wright, Sarah Luther, Paul Buchanan, Bebe Willis, Marc Minno, and Darlene Saindon gave presentations and/or provided hands-on activities for students in the Science, Technology, Engineering, and Mathematics (STEM) Program on various site visits throughout the District.

*Communications*

- Abby Johnson distributed press releases on new registration requirements for lobbyists and on current hydrologic conditions.
- Abby Johnson participated in the weekly DEP/WMD Communications Press call.

*Announcements for Week of June 30, 2014:*

- The District office will be closed on July 4<sup>th</sup> in recognition of Independence Day.



## Weekly Activity Report to Governing Board June 30-July 4, 2014

### *Executive / Management*

- Ann Shortelle and Tommy Kiger attended the Statewide reuse study kickoff meeting in Brooksville along with Senator Simpson and staff from DEP and the other WMDs.
- Ann Shortelle, Jon Dinges, and Steve Minnis met with Bobby Floyd and David Ward regarding the conservation easement exchange project.

### *Water Resources*

- Erich Marzolf participated in the RESTORE / steering committee of the Big Bend Planning Initiative conference call along with staff from DEP, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service.
- Erich Marzolf participated in SJRWMD Springs Science Day in Palatka.

### *Resource Management*

- Tim Sagul, Carlos Herd, and Daniel Simpson conducted a site visit of the Lake Harris recharge well.
- Tim Sagul, Mike Fuller, and Pat Webster met with FDOT and their consultants to discuss the Starke Bypass Project.
- Brian Kauffman and Kevin Wright met with representatives of Madison County to discuss flooding on White Wing Dove Road.

### *Ag Team / Suwannee River Partnership*

- Ann Shortelle participated in a conference call with staff from DEP and FDACS concerning the Suwannee BMAP.

### *Communications*

- Abby Johnson distributed press releases on the CARES recipient awards and to announce the meeting for the Ichetucknee Springshed Water Quality Improvement Project.
- Abby Johnson participated in the weekly DEP/WMD Communications Press call.
- Steve Minnis participated in the Bi-Weekly Communications Directors call with staff from DEP and the other WMDs.
- Steve Minnis participated in an interview with GTN concerning the public meeting for the Ichetucknee Springshed Water Quality Improvement Project and an interview with WUFT regarding the project.

### *Announcements for Week of July 7, 2014:*

- The monthly Governing Board meeting is scheduled for July 8 at 9:00 a.m. at District Headquarters.

- A public meeting concerning the Ichetucknee Springshed Water Quality Improvement Project is scheduled for July 10 at 5:30 p.m. at the Columbia County School Board Auditorium Administrative Complex, 372 W Duval Street, Lake City.



## Weekly Activity Report to Governing Board July 7-11, 2014

### *Executive / Management*

- Ann Shortelle and Jon Dinges participated in the DEP/WMD Bi-weekly conference call.
- Jon Dinges attended the Suwannee River League of Cities Board meeting in Madison.
- Steve Minnis attended the Ecofina River Legislative Tour at NFWMD.

### *Water Resources*

- Erich Marzolf participated in the RESTORE Coordination meeting with staff from the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, and U.S. Fish and Wildlife Service.

### *Resource Management*

- Ann Shortelle, Pat Webster, and Dale Jenkins conducted a site visit to discuss potential water resource development options in Bradford County.
- Pat Webster and Daniel Simpson attend a preconstruction meeting with the Town of Bronson regarding their RIVER project.
- Mike Fuller participated in a teleconference with representatives from DEP and the other WMDs to discuss a proposed methodology for assessing cumulative impacts in coastal areas.

### *Ag Team / Suwannee River Partnership*

- Kevin Wright attended Florida Farm Bureau's Young Farmer and Rancher annual meeting.

### *Administration & Operations Bureau*

- Ann Shortelle, Dave Dickens, Erich Marzolf, Carlos Herd, Tim Sagul, and Abby Johnson attended the public meeting concerning the conceptual design for the Ichetucknee Springshed Water Quality Improvement Project.
- Dave Dickens and Bob Heeke conducted a site inspection at Pot Springs in Hamilton County.

### *Communications*

- Abby Johnson distributed press releases on the Governing Board's approval of the Tentative Fiscal Year 2014 Budget and on hydrologic conditions for June.
- Abby Johnson participated in the weekly DEP/WMD Communications Press call.

### *Announcements for Week of July 14, 2014:*

- The North Florida Regional Water Supply Partnership Stakeholder Advisory Committee meeting is scheduled for July 14 at 1:00 p.m. at Florida Gateway College in Lake City.



## Weekly Activity Report to Governing Board July 14-18, 2014

### *Executive / Management*

- Ann Shortelle, Tommy Kiger, and staff from DEP and the other WMDs participated in a conference call to discuss water reuse and other provisions under Senate Bill 536.
- Ann Shortelle and Jon Dinges met with Town of White Springs representatives Mayor Helen Miller, Ed Miller, and Bob Farley to discuss the Barnett Tract Project.

### *Water Supply*

- Ann Shortelle, Carlos Herd, Abby Johnson, and Carree Olshansky attended the North Florida Regional Water Supply Partnership Stakeholder Advisory Committee meeting.
- Ann Shortelle and Carlos Herd toured the Withlacoochee River to assess springs and other geological features on the river.
- Carlos Herd and Dale Jenkins participated in a conference call with staff from SJRWMD concerning the North Florida Regional Water Supply Plan.

### *Water Resources*

- Erich Marzolf and staff from DEP, FDACS, and the other WMDs participated in a conference call regarding the development of a model conservation easement to help address nitrogen in spring recharge areas.

### *Resource Management*

- Tim Sagul, Leroy Marshall, Daniel Simpson, Pat Webster, and Alejandra Rodriguez attended the Florida Floodplain Managers Association Regional meeting at District Headquarters.
- Tim Sagul, Warren Zwanka, and Gloria Hancock attended the North Central Florida Water Well Association meeting in Ocala.
- Leroy Marshall, Steve Minnis, and Dave Dickens met with staff from Lafayette County regarding flooding issues.
- Pat Webster and Daniel Simpson met with staff from Bradford County regarding flooding issues.

### *Ag Team / Suwannee River Partnership*

- Ann Shortelle, Kevin Wright, and staff from FDACS met to discuss springs projects.
- Ann Shortelle, Eric Marzolf, Hugh Thomas, Joel Love, and Kevin Wright participated in a presentation with FDACS and UF/IFAS on soil moisture probes.
- Ann Shortelle, Kevin Wight, Sarah Luther, Abby Johnson, and Carree Olshansky participated in a Subsurface Drip Demonstration Tour in Hamilton County.
- Joel Love hosted a Conservation Tillage Field Day for Conservation Technicians in Monticello.

### *Communications*

- Abby Johnson distributed press releases about an educational tour of a local farm using subsurface drip irrigation and to announce the launching of the springs dashboard available on the District's website.
- Abby Johnson participated in the weekly DEP/WMD Communications Press call.
- Abby Johnson and Brian Kauffman participated in separate phone interviews with GTN concerning flooding.
- Steve Minnis participated in a radio interview with WJTK concerning the budget.
- Megan Wetherington participated in a radio interview with WJTK concerning hydrologic conditions.

### *Announcements for Week of July 21, 2014:*

- The Intermediate Governing Board meeting is scheduled for July 22 at 10:00 a.m. at District Headquarters.



## Weekly Activity Report to Governing Board July 21-25, 2014

### *Executive / Management*

- Don Quincey, Ann Shortelle, Jon Dinges, Carlos Herd, and Erich Marzolf attended the 2014 Environmental Permitting School in Marco Island.

### *Resource Management*

- Mike Fuller and staff from various state agencies participated in the Coastal Managers Forum meeting via conference call to address concerns of climate change and ocean rise.
- Tim Sagul and Pat Webster attended the Department of Transportation's Local Agency Program Recertification and Strategy meeting in Lake City.
- Kevin Wright, Brain Kauffman, and Patrick Webster met with staff from the City of Madison and Madison County regarding a potential RIVER project.

### *Administrative Services & Operations*

- Bill McKinstry, Bob Heeke, Wry Irby, and Tyler Futch attended the Florida Forest Services' Silviculture Best Management Practices Workshop in Lake City.

### *Communications*

- Abby Johnson distributed press releases about the Ichetucknee Springshed Water Quality Improvement Project, about new springs monitoring equipment recently deployed within the District, and about the Governing Board's vote to lower the millage rate.
- Abby Johnson participated in the weekly DEP/WMD Communications Press call.
- Abby Johnson participated in a phone interview with WUFT concerning the Ichetucknee Springshed Water Quality Improvement Project.
- Abby Johnson participated in a phone interview with Lake City Reporter concerning the new springs monitoring equipment.
- Steve Minnis and Dave Dickens participated in a phone interview with WJTK concerning the Ichetucknee Springshed Water Quality Improvement Project.
- Megan Wetherington participated in a phone interview with WJTK concerning hydrologic conditions.



## Weekly Activity Report to Governing Board July 28-August 1, 2014

### *Executive / Management*

- Ann Shortelle and Carree Olshansky attended The Ichetucknee Partnership Board meeting.
- Ann Shortelle and Tommy Kiger participated in a conference call with staff from DEP, FDACS, and the other WMDs to discuss water policy associated with SB 536.

### *Water Supply*

- Carlos Herd, Dale Jenkins, Tommy Kiger, and Kevin Wright participated in a conference call with staff from SJRWMD and FDEP to discuss FDACS agricultural water supply demand projections as part of the joint SJRWMD / SRWMD North Florida Regional Water Supply Plan.
- Ann Shortelle, Dale Jenkins, Abby Johnson, and Brian Kauffman participated in the initiation of a dye trace study for the Middle Suwannee Aquifer Recharge Project.

### *Water Resources*

- Marc Minno and Darlene Saindon participated in the monthly Inter-District Springs conference call

### *Resource Management*

- Tim Sagul and Warren Zwanka attended the CUP Anti-Drift meeting in Orlando with staff from DEP and the other WMDs.

### *Ag Team / Suwannee River Partnership*

- Ann Shortelle, Erich Marzolf, Kevin Wright, Sarah Luther, Megan Wetherington, Dale Jenkins, Glen Horvath, Brian Brooker, and Hugh Thomas attended a soil moisture probe field pilot discussion with staff from FDEP, IFAS and FDACS.
- Joel Love, Hugh Thomas, Sarah Luther, and Kevin Wright attended the CARES Dinner follow-up meeting with staff from FDACS and Farm Bureau.

### *Administrative Services & Operations*

- Steve Minnis and Dave Dickens met with staff from the City of Live Oak to discuss the natural gas line for the District's emergency generator.

### *Communications*

- Abby Johnson participated in the bi-weekly Communications Directors call.
- Steve Minnis participated in the weekly DEP/WMD Communications Press call.
- Steve Minnis and Abby Johnson participated in a phone interview with the Chiefland Citizen concerning the District's' new springs monitoring equipment.

*Announcements for Week of August 4, 2014:*

- The FEMA RFQ 13/14-039 Selection Committee meeting is scheduled for August 6 at 3:00 p.m. at District Headquarters.