

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/3931694563420679180>

Call-In Number for Audio: Toll Free 1-888-585-9008 - **Conference Room Number:** 704-019-452 #

Public Comment Form Link: www.MySuwanneeRiver.com/Comments

Open to Public

Limited Seating Capacity and Following CDC Guidelines Regarding Social Distancing

January 12, 2021
9:00 a.m.

District Headquarters
Live Oak, Florida

1. Call to Order
2. Governing Board Member Oath of Office
3. Roll Call
4. Announcement of any Amendments to the Agenda by the Chair
Amendments Recommended by Staff: None
5. Public Comment
6. Consideration of the following Items Collectively by Consent:
 - Agenda Item No. 7 - December 8, 2020 Board, Workshops, and Lands Committee Meeting Minutes
 - Agenda Item No. 12 - Detailed Assessment and Negotiations for the Acquisition of a Conservation Easement, Rio Lindo Parcel, Gilchrist County
 - Agenda Item No. 14 - November 2020 Financial Report
 - Agenda Item No. 15 - Memorandum of Understanding with the Florida Department of Environmental Protection
 - Agenda Item No. 17 - Florida Department of Transportation Mitigation Plan 2021-2025
 - Agenda Item No. 26 - Fiscal Year 2020 Land Management Annual Report
 - Agenda Item No. 27 - Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #6 Timber Sale
 - Agenda Item No. 28 - Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #7 Timber Sale
 - Agenda Item No. 29 - Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #8 Timber Sale
 - Agenda Item No. 31 - Update to the Lake Alto Minimum Flows and Minimum Water Levels Report
 - Agenda Item No. 32 - Update to the Lake Hampton Minimum Flows and Minimum Water Levels Report
 - Agenda Item No. 33 - Update to the Santa Fe Lake Minimum Flows and Minimum Water Level Report

- Page 7
7. December 8, 2020 Board, Workshops, and Lands Committee Meeting Minutes - **Recommend Consent**
 8. Items of General Interest for Information/Cooperating Agencies and Organizations
 - A. Hydrologic Conditions Report
 - B. Cooperating Agencies and Organizations

GOVERNING BOARD LEGAL COUNSEL
Tom Reeves

9. Update on Legal Activities / Enforcement Status Updates
- LC Page 1
10. Final Order Number 21-001, Still v. Suwannee River Water Management District and Bradford County; SRWMD No. ERP-007-233697-2; DOAH CASE NO. 20-0091

BUSINESS AND COMMUNITY SERVICES
Steve Minnis, Deputy Executive Director

Administration

- BCS Page 1
11. Land Acquisition and Disposition Activity Report
- BCS Page 4
12. Detailed Assessment and Negotiations for the Acquisition of a Conservation Easement, Rio Lindo Parcel, Gilchrist County – **Recommend Consent**
- BCS Page 11
13. Contract with Gray Construction Services, Inc., for HVAC System Replacements

Finance

- BCS Page 13
14. November 2020 Financial Report – **Recommend Consent**
- BCS Page 18
15. Memorandum of Understanding with the Florida Department of Environmental Protection – **Recommend Consent**

Resource Management

- BCS Page 28
16. Permitting Summary Report
- BCS Page 31
17. Florida Department of Transportation Mitigation Plan 2021-2025 – **Recommend Consent**
- BCS Page 44
18. Governing Board Directive 21-0001, Revised Regulatory Compliance and Enforcement Policy
- BCS Page 57
19. Modification of Water Use Permit 2-041-216102-7, Alliance Branford Gilchrist Project, Gilchrist County
 20. Cothron Update

Agriculture and Environmental Projects

- BCS Page 67 21. Contract to Provide Administrative Assistance with Cost-Share Program
- BCS Page 68 22. Contract to Provide Cost-Share Funding to R&H Farms, Inc., Columbia County
- BCS Page 71 23. Contract to Provide Cost-Share Funding to Sidney Koon, Lafayette County
- BCS Page 74 24. University of Florida On-Farm Demonstration Project: Controlled Release Fertilizers

WATER AND LAND RESOURCES

Tom Mirti, Deputy Executive Director

Land Management

- WLR Page 1 25. District Land Management and Twin Rivers State Forest Activity Summary
- WLR Page 5 26. Fiscal Year 2020 Land Management Annual Report – **Recommend Consent**
- WLR Page 40 27. Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #6 Timber Sale – **Recommend Consent**
- WLR Page 41 28. Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #7 Timber Sale – **Recommend Consent**
- WLR Page 42 29. Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #8 Timber Sale – **Recommend Consent**

Water Resources

- WLR Page 43 30. Agricultural Water Use Monitoring Report

Water Supply / MFL

- WLR Page 45 31. Update to the Lake Alto Minimum Flows and Minimum Water Levels Report – **Recommend Consent**
- WLR Page 46 32. Update to the Lake Hampton Minimum Flows and Minimum Water Levels Report – **Recommend Consent**
- WLR Page 47 33. Update to the Santa Fe Lake Minimum Flows and Minimum Water Level Report – **Recommend Consent**
- WLR Page 48 34. Update to the Lake Butler Minimum Flows and Minimum Water Level Hydro Modeling Report
35. LSFJ Revised MFL Report
36. Water Supply Update

EXECUTIVE OFFICE
Hugh Thomas, Executive Director

- EO Page 1 37. District's Weekly Activity Reports
- EO Page 15 38. **Public Hearing** and Acceptance of the 2020 Annual Work Plan
- EO Page 16 39. **Public Hearing** and Acceptance of the 2021 Florida Forever Work Plan
40. Announcements
41. Governing Board Comments

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

February 9, 2021 9:00 a.m. Board Meeting
Workshop / Committee Meetings

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

42. 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 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 an agenda item. The Chair may grant or deny such request in the Chair's sole discretion.

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

January 12, 2021
Following Board Meeting

District Headquarters
Live Oak, Florida

- Communications Year in Review and Fiscal Year 2021 Communications Plan

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/2119912704840872974>

Call-In Number: Toll Free 1-888-585-9008 - Conference Room Number: 704-019-452 #

Public Comment Form Link: www.MySuwanneeRiver.com/Comments

Open to Public

Limited Seating Capacity and Following CDC Guidelines Regarding Social Distancing

Note: A digital recording system was used to record these proceedings and is on file in the permanent files of the District. A copy of the materials and handouts are a part of the record and are filed in the permanent files of the District.

9:00 a.m., Tuesday
December 8, 2020

District Headquarters
Live Oak, Florida

Agenda Item No. 1 – Call to Order. The meeting was called to order at 9:00 a.m.

Agenda Item No 2 – Roll Call

Governing Board

Seat	Name	Office	Present	Not Present
Aucilla Basin	Vacant		-	-
Coastal River Basin	Richard Schwab	Vice Chair	X	
Lower Suwannee Basin	Vacant		-	-
Santa Fe & Wacc. Basins	Vacant		-	-
Upper Suwannee Basin	Larry Sessions		X	
At Large	Virginia H. Johns	Chair	X	
At Large	Virginia Sanchez			X
At Large	Charles Keith	Sec./Treas.	X	
At Large	Harry Smith		X	

Governing Board Legal Counsel

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

Leadership Team

Position	Name	Present	Not Present
Executive Director	Hugh Thomas	X	
Deputy Executive Director	Tom Mirti	X	
Deputy Executive Director	Steve Minnis		X
Executive Office & Board Coordinator	Robin Lamm	X	

Guests:

Merrillee M. Jipson, Our Santa Fe River	Charles Shinn, Florida Farm Bureau
Adam Collins, ACE, Inc.	Ray Hodge, Southeast Milk
Lu Merritt, Ichetucknee Alliance	George Curtis, City of Live Oak
Andy Townsend, City of Live Oak	Jim Tatum
Forrest Cothron	Jeff Hill
Rick Hutton	Charles Ross
Tony Wallace	Paul Still
Peter Kleinhenz	Madeline Hart
Geoffrey Sample	Bob Moresi

David King
Kristin Rubin
The Florida Channel
Steve Gladin
Hannah Love
Stormie Knight

Craig Varn
Denise Howard
Stefani Weeks
Benjamin Wyche
Kelly Aue

Staff:

Pam Shaw
Christina Green
Tyler Jordan
Patrick Webster
Tara Rodgers
Lindsey Garland
Bo Cameron
Kris Esklin

Warren Zwanka
Steve Schroeder
Katelyn Potter
Leroy Marshall
Paul Buchanan
Chrissy Carr
Alex Blankenship
Sky Notestein

Agenda Item No. 3 - Announcement of any Amendments to the Agenda by the Chair: Mr. Keith requested Agenda Item No. 15 - Rumberger, Kirk and Caldwell Legal Services – Contract 17/18-015 Amendment, removed from the consent agenda.

Agenda Item No. 4 – Public Comment.

- Merrillee M. Jipson, Our Santa Fe River – Niagara Bottling Company in Columbia County concerns and opposition. Questions regarding the Quail Heights item on the Consent Agenda.
- Lucinda Merritt, Ichetucknee Alliance - Niagara Bottling Company in Columbia County concerns.
- Jim Tatum, Our Santa Fe River – Seven Springs Water Use Permit application letters received by the District.
- Jeff Hill – Waiting for Agenda Item No. 15 before speaking.

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

- Agenda Item No. 6 - November 10, 2020 Board Meeting, Workshops, and Lands Committee Minutes
- Agenda Item No. 10 - Agreement with the Florida Department of Transportation for the Acquisition for the Quail Heights Parcel, Columbia County
- Agenda Item No. 11 - Detailed Assessment and Negotiations for a Fee Acquisition of the Crosby Lake Parcel, Bradford County
- Agenda Item No. 12 - Decline Right of First Refusal on Plantations at Deep Creek Conservation Easement, Columbia County
- Agenda Item No. 14 - October 2020 Financial Report
- ~~Agenda Item No. 15 – Rumberger, Kirk and Caldwell Legal Services – Contract 17/18-015 Amendment.~~ **Removed from Consent Agenda.**
- Agenda Item No. 27 - No Cost Extension for Instream Habitat Studies in the Santa Fe River

MOTION WAS MADE BY SCHWAB, SECONDED BY KEITH TO APPROVE THE RECOMMENDATION WITH AGENDA ITEM NO. 15 REMOVED. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 6 – November 10, 2020 Board Meeting, Workshops, and Lands Committee Minutes.
Approved on Consent.

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

- A. Tom Mirti, Deputy Executive Director, presentation of hydrologic conditions of the District.
- B. Cooperating Agencies and Organizations – Hugh recognized the City of Live Oak, Florida Farm Bureau, and Southeast Milk for their attendance at the meeting.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 8 – Legal Activities Updates. Tom Reeves, Board Legal Counsel, updated the Board on the Still v. Bradford County and Seven Springs Water Use Permit Application Administrative cases.

BUSINESS AND COMMUNITY SERVICES

Administration

Agenda Item No. 9 – Land Acquisition and Disposition Activity Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 10 – Agreement with the Florida Department of Transportation for the Acquisition for the Quail Heights Parcel, Columbia County. Approved on Consent.

Agenda Item No. 11 – Detailed Assessment and Negotiations for a Fee Acquisition of the Crosby Lake Parcel, Bradford County. Approved on Consent.

Agenda Item No. 12 – Decline Right of First Refusal on Plantations at Deep Creek Conservation Easement, Columbia County. Approved on Consent.

Agenda Item No. 13 – Detailed Assessment and Negotiations for the Acquisition of the Camp and Abel Tract, Hamilton County. Steve Schroeder, Administration Chief, presented this item to the Board.

MOTION WAS MADE BY SCHWAB, SECONDED BY KEITH TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Finance

Agenda Item No. 14 – October 2020 Financial Report. Approved on Consent.

Agenda Item No. 15 – Rumberger, Kirk and Caldwell Legal Services – Contract 17/18-015 Amendment. **Removed from Consent.** Pam Shaw, Chief Financial Officer, presented this item to the Board.

AMENDED MOTION WAS MADE BY KEITH, SECONDED BY SCHWAB TO PAY THE CURRENT OUTSTANDING BILLS, NOT TO EXCEED \$10,000 AND AN ADDITIONAL AUTHORIZATION OF \$10,000 TO COVER THE LEGAL SERVICES FEES FOR ANY FUTURE HEARING(S) RELATED TO THIS CASE. ANY AMOUNT OVER THE \$10,000 ADDITIONAL DOLLARS ARE TO COME BEFORE THE BOARD FOR APPROVAL. MOTION CARRIED.

Agenda Item No. 16 – Fiscal Year 2021-2022 Preliminary Budget Submission. Christina Green, Senior Budget and Fiscal Analyst, presented this item to the Board.

MOTION WAS MADE BY KEITH, SECONDED BY SCHWAB TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Resource Management

Agenda Item No. 17 – Permitting Summary Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 18 –2020 FEMA Risk MAP Program Five-Year Business Plan. Leroy Marshall, Chief Professional Engineer, presented this item to the Board. Amended recommendation to change to 2021 FEMA Risk MAP Program Five-Year Business Plan instead of 2020 FEMA Risk MAP Program Five-Year Business Plan.

MOTION WAS MADE BY SCHWAB, SECONDED BY KEITH TO APPROVE THE AMENDED RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 19 – Rulemaking to Amend Rule 40B-400.091, Florida Administrative Code Warren Zwanka, Resource Management Division Director, presented this item to the Board.

MOTION WAS MADE BY SMITH, SECONDED BY SESSIONS TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 20 – Emergency Variance Request for General Works of the District Permit Application WOD-029-237339-1, Cothron Residence, Dixie County. Mr. Marshall presented this item to the Board.

Additional information was received today, December 8, 2020, day of Board Meeting, and have not been reviewed by staff.

Adam Collins, ACE, Inc., and Forrest Cothron provided comments to the Board.

AMENDED MOTION MADE BY SCHWAB, SECONDED BY SMITH TO EXTEND THIS RECOMMENDATION TO THE FEBRUARY 9, 2021, BOARD MEETING AND EXTEND THE ENFORCEMENT ACTION UNTIL APRIL 9, 2021. MR. COLLINS, AGENT FOR MR. COTHRON, AGREED TO THE EXTENTIONS. MOTION CARRIED.

Agriculture and Environmental Projects

Agenda Item No. 21 – Agreements with the Florida Department of Environmental Protection to Receive Alternative Water Supply Grant Funds and to Enter into Cooperative Agreements. Pat Webster, Chief Professional Engineer, presented this item to the Board.

George Curtis, City of Live Oak Manager, and Rick Hutton, Gainesville Regional Utilities, provided comments to the Board.

MOTION WAS MADE BY KEITH, SECONDED BY SCHWAB TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 22 – Contract to Provide Cost-Share Funding to North Florida Holstein, L.C., Gilchrist County. Matt Cantrell, Project Manager, presented this item to the Board.

MOTION WAS MADE BY SCHWAB, SECONDED BY KEITH TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 23 - Contract to Provide Cost-Share Funding to Lee Peanut Farms, LLC, Madison County. Mr. Cantrell presented this item to the Board.

MOTION WAS MADE BY SESSIONS, SECONDED BY KEITH TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

WATER AND LAND RESOURCES

Land Management Program

Agenda Item No. 24 - District Land Management and Twin River State Forest (TRSF) Activity Summary. This summary was provided as an informational item in the Board materials.

Water Resources Program

Agenda Item No. 25 – Agricultural Monitoring Report. This report was provided as an informational item in the Board materials.

Water Supply / MFL Programs

Agenda Item No. 26 – Minimum Flows and Minimum Water Levels Update. Sean King, MFL Office Chief, provided an update to the Board.

Agenda Item No. 27 – No Cost Extension for Instream Habitat Studies in the Santa Fe River. Approved on Consent.

Agenda Item No. 28 – Update to the Lake Butler Minimum Flows and Minimum Water Levels Report. Mr. King presented this item to the Board.

MOTION WAS MADE BY SCHWAB, SECONDED BY SMITH TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 29 – Water Supply Update. Mr. Mirti provided an update to the Board.

EXECUTIVE OFFICE

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

Agenda Item No. 31 - Announcements. Mr. Thomas updated the Board on District activities.

Agenda Item No. 32 - Governing Board Comments. None

Agenda Item No. 33 - Adjournment. Meeting adjourned at 12:12 p.m.

Chair

ATTEST:

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
GOVERNING BOARD WORKSHOP**

December 8, 2020
Following Board Meeting

District Headquarters
Live Oak, Florida

Workshops began at 12:20 p.m.

Fanning Springs Wastewater Infrastructure Improvement Projects Update

Pat Webster introduced Tripp Lancaster, Mayor of Fanning Springs, who provided a powerpoint presentation regarding the Fanning Springs Wastewater Infrastructure Improvement Project. Joe Mittauer and Greg Lang, Mittauer & Associates, provided additional information.

Strategic Plan Update.

Katelyn Potter provided a powerpoint presentation regarding the Annual 2020 Strategic Plan and the District's accomplishments for last fiscal year.

Enforcement Policy Directive Update

Warren Zwanka provided a powerpoint presentation regarding updates to be made to the Enforcement Policy Directive which will be presented at the January 2021 Board Meeting for approval.

Workshop adjourned at 2:19 p.m.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF DISTRICT LANDS COMMITTEE MEETING**

Note: A digital recording system was used to record these proceedings and is on file in the permanent files of the District. A copy of the materials and handouts are a part of the record and are filed in the permanent files of the District.

December 8, 2020
Following Board Workshops

District Headquarters
Live Oak, FL

1. Call to Order / Committee Roll Call. Meeting began at 2:20 p.m.

Board Members Smith and Sessions also attended the Lands Committee Meeting and will be voting members of this month's Lands Committee Meeting.

Committee Members	Present	Not Present
Richard Schwab (Chair)	X	
Charles Keith	X	
Virginia Sanchez		X
Harry Smith	X	
Larry Sessions	X	

2. Public Comment. None

General Discussion / Updates.

3. 2021 Florida Forever Work Plan. Katelyn Potter, Communications and Organizational Development Chief, presented this item to the Committee

MOTION WAS MADE BY SMITH, SECONDED BY SESSIONS TO APPROVE RECOMMENDATION. MOTION CARRIED.

Land Acquisition / Property Offers

4. Rio Lindo Conservation Easement – Gilchrist County. Steve Schroeder, Administration Chief, presented this item to the Committee.

MOTION WAS MADE BY KEITH, SECONDED BY SMITH TO APPROVE THE RECOMMENDATION. MOTION CARRIED.

Conservation Easement Modification Requests: None

Surplus Lands: None

5. Announcements:
6. Adjournment: Meeting adjourned at 2:31 p.m.

Chair

ATTEST:

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Tommy Reeves, Board Legal Counsel

DATE: December 17, 2020

RE: Final Order Number 21-001, Still v. Suwannee River Water Management District and Bradford County; SRWMD No. ERP-007-233697-2; DOAH CASE NO. 20-0091

RECOMMENDATION

Approve proposed Final Order Number 21-001, Still v. Suwannee River Water Management District and Bradford County; SRWMD No. ERP-007-233697-2; DOAH CASE NO. 20-0091.

BACKGROUND

On December 10, 2019, the District entered a notice exemption in Environmental Resource Permit 007-233697-2 by which it determined that the Respondent, Bradford County, Florida's activities related to the repair of Southwest 101st Avenue in Bradford County, Florida, met the criteria to be an exempt activity pursuant to Rule 62-330.051(4)(e), Florida Administrative Code.

On or about December 23, 2019, Paul Still filed a petition requesting an administrative hearing review challenging the exemption, which was referred to the Division of Administrative Hearings and assigned Case No. 20-0091.

On September 10-11, 2020, a final hearing was held in this matter.

On November 19, 2020, the Administrative Law Judge issued the recommended order.

In the recommended order, the Administrative Law Judge recommended that the District approve the exemption because Mr. Still had failed to meet his burden to show that the county was not entitled to the exemption.

Also, in the recommended order, the Administrative Law Judge found that Mr. Still brought these proceedings for an improper purpose and therefore, an award of attorney's fees and costs against Mr. Still was warranted. Specifically, the Administrative Law Judge found:

86. The only conclusion that can be objectively drawn, given the facts of this case, is that the action challenging the Exemption was taken primarily to harass the County and the District, for frivolous purpose, or to needlessly increase the cost of securing the Exemption.

(Recommended Order, page 28) (Emphasis supplied)

Pursuant to Section 120.595(1)(b), Florida Statutes ("F.S."), once the Administrative Law Judge makes a finding of improper purpose as set out above, "The final order . . . shall award reasonable costs and a reasonable attorney's fee to the prevailing party . . .")

Pursuant to Section 120.57(1), F.S., the District is required to enter its final order adopting the recommended order or make changes thereto as provided by law. District staff does not believe that making any changes to the recommended order is warranted and requests that the Governing Board adopt the recommended order as its own.

Further, as the Administrative Law Judge has expressly found that Mr. Still engaged in the above proceedings for an improper purpose, District staff recommends that the District's final order (1) provide that Mr. Still shall pay the District and the county's costs and attorney's fees incurred in these proceedings and (2) remand these proceedings back to the Administrative Law Judge to set the amount of the award.

A proposed final order which accomplishes the above is attached.

/gtr
Attachment

BEFORE THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

PAUL STILL,

Petitioner,

vs.

SRWMD FINAL ORDER NO. 21-001
DOAH CASE NO. 20-0091

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT
and BRADFORD COUNTY,
FLORIDA,

Respondents.

_____ /

FINAL ORDER

On November 19, 2020, an administrative law judge (the “ALJ”) with the Division of Administrative Hearings (“DOAH”), issued a Recommended Order (the “RO”) to the Suwannee River Water Management District (the “DISTRICT”) in this case. A copy of the RO is attached hereto as Exhibit “A.” After review of the RO and the record of the proceeding before DOAH, this matter is now before the DISTRICT for final agency action.

BACKGROUND

On December 10, 2019, the DISTRICT entered a notice for Environmental Resource Permit (ERP) Exemption ERP-007-233697-2 (the “EXEMPTION”), by which it determined that the Respondent, BRADFORD COUNTY, FLORIDA (the “COUNTY”)’s activities related to the repair of Southwest 101st Avenue in Bradford County, Florida (the “ROAD”) met the criteria to be an exempt activity pursuant to Rule 62-330.051(4)(e), Florida Administrative Code (“F.A.C.”).

On or about December 23, 2019, Petitioner, Paul Still (“STILL”) filed a Petition

Requesting an Administrative Hearing Review challenging the EXEMPTION, which was referred to DOAH and assigned DOAH Case No. 20-0091.

On September 10-11, 2020, a final hearing was held in this matter.

On November 19, 2020, the RO was issued.

No party has filed any exceptions to the RO and the time limit within which such exceptions may be filed has passed. Section 120.57(1)(k), Florida Statutes (“F.S.”); Rule 28-106.217(1), F.A.C.

SUMMARY OF RECOMMENDED ORDER

In the RO, the ALJ concluded that the modified burden of proof established in Section 120.569(2)(p), F.S., is applicable. (RO - page 4, paragraph 55, page 18).¹ The ALJ found that the COUNTY and DISTRICT had established a prima facie case of entitlement for the EXEMPTION (RO - page 4, paragraph 57, page 19). Therefore, the burden of ultimate persuasion was on STILL to prove his case in opposition to the EXEMPTION by a preponderance of the competent and substantial evidence and, thereby, prove that the COUNTY failed to provide reasonable assurance that the standards for issuance of the EXEMPTION were met. (RO - page 4, paragraph 58-59, page 19) The ALJ ultimately found that the COUNTY had provided reasonable assurance that it complied with all applicable standards for the EXEMPTION established by Rule 62-330.051(4)(e) and 62-330.050(9)(b), F.A.C., and that the COUNTY is entitled to the EXEMPTION (RO - paragraph 73, page 24).

¹Citations to the RO shall be by page number such that page 2 of the RO will be cited as “(RO - page 2)”. Where the paragraphs are numbered, citations to the RO shall be by paragraph and page number such that paragraph 3 of page 2 of the RO will be cited as “(RO - paragraph 3, page 2)”

CONCLUSION

The case law of Florida holds that parties to formal administrative proceedings must alert reviewing agencies to any perceived defects in DOAH hearing procedures or in the findings of fact of ALJs by filing exceptions to DOAH recommended orders. *See, e.g., Comm'n on Ethics v. Barker*, 677 So. 2d 254, 256 (Fla. 1996); *Henderson v. Dep't of Health, Bd. of Nursing*, 954 So. 2d 77, 81 (Fla. 5th DCA 2007); *Fla. Dep't of Corrs. v. Bradley*, 510 So. 2d 1122, 1124 (Fla. 1st DCA 1987). Having filed no exceptions to any findings of fact the parties “[have] thereby expressed [[their] agreement with, or at least waived any objection to, those findings of fact.” *Env'tl. Coal. of Fla., Inc. v. Broward Cty.*, 586 So. 2d 1212, 1213 (Fla. 1st DCA 1991); *see also Colonnade Med. Ctr., Inc. v. State of Fla., Agency for Health Care Admin.*, 847 So. 2d 540, 542 (Fla. 4th DCA 2003). However, even when exceptions are not filed, an agency head reviewing a recommended order is free to modify or reject any erroneous conclusions of law and interpretations of administrative rules. Section 120.57(1)(l), F.S.

CORRECTIONS AND MODIFICATIONS TO THE RECOMMENDED ORDER

The DISTRICT agrees with the ALJ's legal conclusions and recommendations made in the RO. Therefore, the DISTRICT is not correcting or modifying the RO.

ATTORNEYS FEES AND COSTS

Under Florida Law:

The final order in a proceeding pursuant to s. 120.57(1) shall award reasonable costs and a reasonable attorney's fee to the prevailing party only where the nonprevailing adverse party has been determined by the administrative law judge to have participated in the proceeding for an improper purpose.

Section 120.595(1)(b), F.S.

The requirements of Section 120.595(1)(b), F.S., have been met and an award of reasonable costs and a reasonable attorney's fee is warranted in this case because:

- A. This proceeding is a proceeding pursuant to Section 120.57(1), F.S. (RO - page 18, paragraph 54; page 19, paragraph 59)
- B. STILL has failed to substantially change the outcome of the proposed or final agency action which is the subject of this proceeding. Therefore, STILL is a "nonprevailing adverse party" as defined by Section 120.595(1)(e)3, F.S.
- C. The ALJ has determined that STILL participated in this proceeding for an improper purpose as set out below.

STILL PARTICIPATED IN THIS PROCEEDING FOR AN IMPROPER PURPOSE

An "improper purpose" is statutorily defined as follows:

"Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.

Section 120.57(1)(e)1, F.S.

The ALJ determined that STILL participated in this proceeding for an improper purpose, when the ALJ expressly found:

82. Dr. Still admitted that 101st Avenue had not been altered in its course due to the exempt road repairs. (Tr. Vol. 2, 339:17-24). He did dispute whether the ROW had shifted from its original course in the years *before* the exempt road repair work.

83. Though he disputed ownership of the 101st Avenue ROW, Dr. Still admitted that he had no evidence that the County does not own the ROW. (Tr. Vol. 2, 352:25-353:10). He further admitted that he did not review section 95.361. (Tr. Vol. 2, 338:4-16).

84. Dr. Still's dispute as to the extent of the ROW seemingly should have been, and in fact was, resolved by his agreement to sell 1.78 acres of land to the County for the purpose of eliminating possible encroachment onto his property. That sale was commenced and completed as the work under the declared emergency was ongoing. There was no persuasive evidence to establish that the disputed 1.78 acres was actually outside of what was understood by the County to be the historic ROW, but its purchase definitively resolved the issue without the time and expense of litigation. It is difficult to craft an argument that the volitional sale of property to facilitate road repairs in an undisputed ROW, particularly when the travel surface of the road is unchanged, should then become a basis for denial of authorization to perform those road repairs.

85. Dr. Still appeared to have a concern with the initial replacement of an existing 30- inch culvert with two 24-inch culverts under 101st Avenue. Those 24-inch culverts appear in most of the photographs depicting the conditions in the area. However, when those culverts were then replaced (prior to the filing of the Petition) with one 30-inch culvert, matching the size of the preexisting culvert, any issues that existing water flow from the upgradient side of 101st Avenue was adversely impounded or obstructed, that the road repairs caused adverse impacts to existing surface water storage and conveyance capabilities, or that the road repairs caused adverse water quantity or flooding impacts to receiving waters and adjacent lands were eliminated. There was no evidence offered that the flow of water through the new 30-inch culvert was changed at all as a result of the completed road repairs. (Tr. Vol. 2, 308:18-21). Dr. Still provided no calculations of water flow or velocity to suggest that the road repairs will result in adverse water quantity or flooding impacts to receiving waters and adjacent lands.

86. The only conclusion that can be objectively drawn, given the facts of this case, is that **the action challenging the Exemption was taken primarily to harass the County and the District, for frivolous purpose, or to needlessly increase the cost of securing the Exemption.**

(RO at page 27-28) (Emphasis supplied)

Finally, the ALJ not only determined that STILL challenged the EXEMPTION for an improper purpose, but also determined that STILL's "improper purpose" applied to both the DISTRICT and the COUNTY (RO - page 28, paragraph 86). STILL did not file any exceptions to the this finding of fact. Therefore STILL has expressed his "agreement with, or at least waived any objection to" this finding of fact. *Envtl. Coal. of Fla., Inc.*, at 1213. As the ALJ

expressly found that STILL's improper purpose applied to both the DISTRICT and the COUNTY, both the DISTRICT and the COUNTY are entitled to an award of reasonable costs and a reasonable attorney's fee pursuant to Section 120.595(1)(b), F.S.

ORDER

Having reviewed the RO and the record of the proceeding before DOAH, and having considered the applicable law and being otherwise duly advised, it is ORDERED that:

- A. The RO is adopted in its entirety, and incorporated herein by reference.
- B. The DISTRICT hereby approves the December 10, 2019, ERP Exemption ERP-007-233697-2, determining that activities related to the repair of Southwest 101st Avenue in Bradford County, Florida, met the criteria to be an exempt activity pursuant to Rule 62-330.051(4)(e), F.A.C.;
- C. Pursuant to Section 120.595(1), F.S., the COUNTY is hereby awarded its reasonable costs and reasonable attorney's fees incurred in this proceeding.
- D. Pursuant to Section 120.595(1), F.S., the DISTRICT is hereby awarded its reasonable costs and reasonable attorney's fees incurred in this proceeding.
- E. This case is hereby remanded to the Division of Administrative Hearings for the limited purpose of (1) determining the award of reasonable costs and reasonable attorney's fees to the COUNTY; and (2) determining the award of reasonable costs and reasonable attorney's fees to the DISTRICT.

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.

(The remainder of this page was intentionally left blank.)

DONE and ORDERED on _____, 2021.

GOVERNING BOARD OF THE SUWANNEE
RIVER WATER MANAGEMENT DISTRICT

By: _____
Virginia H. Johns
Chair

ATTEST: _____
Charles Keith
Secretary / Treasurer

CERTIFICATE OF FILING

I HEREBY CERTIFY that the above order was filed with the Suwannee River Water
Management District on _____, 2021.

Warren Zwanka
Deputy Agency Clerk
Suwannee River Water Management District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above order was provided to:

Paul Still
14167 SW 101st Ave
Starke, FL 32091
Email: stillpe@aol.com

by email on _____, 2021.

Warren Zwanka
Deputy Agency Clerk
Suwannee River Water Management District

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PAUL STILL,

Petitioner,

VS.

CASE NO. 20-0091

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT AND BRADFORD COUNTY,
FLORIDA,

Respondents.

_____ /

RECOMMENDED ORDER

Pursuant to notice, a final hearing was held in this case on September 10 and 11, 2020, by Zoom conference before E. Gary Early, a designated Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

APPEARANCES

For Petitioner Paul Still:

Dr. Paul Edward Still, pro se
14167 Southwest 101st Avenue
Starke, Florida 32091

For Respondent Suwannee River Water Management District:

Frederick T. Reeves, Esquire
Frederick T. Reeves, P.A.
5709 Tidalwave Drive
New Port Richey, Florida 34562

For Respondent Bradford County, Florida:

William Edward Sexton, County Attorney
Bradford County, Florida
945 North Temple Avenue
Post Office Drawer B
Starke, Florida 32091

STATEMENT OF THE ISSUE

The issue to be determined is whether Bradford County meets the criteria listed in Florida Administrative Code Rule 62-330.051(4)(e) for a road repair exemption.

PRELIMINARY STATEMENT

On December 10, 2019, the Suwannee River Water Management District (“District”) entered a notice in Environmental Resource Permit (ERP): Exemption, ERP-007-233697-2 (“Exemption”), by which it determined that activities related to the repair of Southwest 101st Avenue in Bradford County, Florida (“101st Avenue” or the “road”) met the criteria to be an exempt activity pursuant to rule 62-330.051(4)(e).

On or about December 23, 2019, Paul Still (“Petitioner” or “Dr. Still”) filed a Petition Requesting an Administrative Hearing Review (“Petition”) challenging the Exemption, which was referred to DOAH and assigned as DOAH Case No. 20-0091.

On January 13, 2020, the District filed a Motion to Amend Case Caption to Include Exemption Applicant, Bradford County, Florida, as a Party, and Bradford County, Florida (“County”) was, thereafter, added as a Respondent.

The final hearing was initially set to be heard on March 23, 2020, in Live Oak, Florida. Upon motion, the hearing was continued and rescheduled for

June 17 and 18, 2020, in Live Oak. A telephonic status conference was held on May 19, 2020, to discuss both the hearing date and the means by which the hearing would be conducted. On May 21, 2020, the parties jointly requested that the hearing be rescheduled for September 10 and 11, 2020, at the District offices in Live Oak, and it was so scheduled. On July 21, 2020, in light of the continuing Covid-19 outbreak, and due to a scheduled travel-limiting medical procedure involving the undersigned, the hearing was rescheduled to be held on September 10 and 11, 2020, by Zoom conference.

On September 4, 2020, the parties filed their Joint Pre-hearing Stipulation (“JPS”). The JPS contained nine stipulations of fact, each of which are adopted and incorporated herein. The JPS also identified disputed issues of fact and law remaining for disposition.

On September 4, 2020, the County also filed a Motion in Limine objecting to consideration of whether the work performed by the County qualified for an exemption under rule 62-330.051(4)(b) for the maintenance and operation of culverted roadway crossings. Dr. Still filed a response which included a copy of the County’s July 2, 2019, Request for Verification of an Exemption, and based thereon, the motion was denied, subject to a determination that the area at issue is a “wholly artificial, non-navigable drainage conveyance.”

The final hearing was convened on September 10, 2020, as scheduled.

At the commencement of the final hearing, the issue of whether an exemption for “[c]onstruction, alteration, or maintenance, and operation, of culverted ... roadway crossing[]” pursuant to rule 62-330.051(4)(b) was sought by the County or granted by the District was taken up again. It was determined from the stipulated Exemption application that, on December 3, 2019, the Exemption request was modified to eliminate the request for

verification of the culverted roadway crossing, and the County was proceeding solely on its application for the road repair exemption in rule 62-330.051(4)(e). That substituted application was the basis for the District's notice of the Exemption. The Order denying the Motion in Limine was reconsidered in light of the additional evidence and granted on the record. Therefore, the hearing proceeded solely on the issue of whether the County met the standards for a road repair exemption under rule 62-330.051(4)(e).

The Exemption was approved under the authority of chapter 403, Florida Statutes. Therefore, the modified burden of proof established in section 120.569(2)(p), Florida Statutes, is applicable. Thus, upon the County and the District entering the complete application files and supporting documentation and the District's notice of the Exemption into evidence, the prima facie case of entitlement for the Exemption was met. Therefore, the burden of ultimate persuasion is on Petitioner to prove his case in opposition to the Exemption by a preponderance of the competent and substantial evidence and, thereby, prove that the County failed to provide reasonable assurance that the standards for issuance of the Exemption were met.

At the final hearing, by agreement of the parties, the witnesses were presented as joint witnesses, with all parties having the opportunity to elicit direct testimony and cross-examination of each witness. The following witnesses were presented: Patrick Welch, R.P.S., who was accepted as an expert in land surveying; Chad Rischar, P.W.S., who was accepted as an expert in wetland science; Jorge Morales, P.E., who was accepted as an expert in civil engineering; Mary Diaz, P.E., who was accepted as an expert in agricultural and biological engineering, environmental resource permitting ("ERP"), and rule-based exemptions to ERP; Leroy Marshall, II, P.E., who was accepted as an expert in civil engineering, ERP, and rule-based exemptions to ERP; and Christina Carr, P.W.S., who was accepted as an

expert in environmental science, ERP, rule-based exemptions to ERP, and soil and water science. Dr. Still testified on his own behalf. District Exhibits 1 through 3, County Exhibits 3 through 6, and Petitioner's Exhibits 1 through 3, 5 through 8, and 10 through 12 were received in evidence.

A two-volume Transcript of the final hearing was filed on October 7, 2020. The parties requested 20 days from the filing of the Transcript to file their post-hearing submittals. On October 22, 2020, the County moved for an extension of time to file proposed recommended orders ("PRO"). The motion was granted, and the date for filing was extended to November 3, 2020. On October 28, 2020, the District moved for an extension of time to file PROs. The motion was granted, and the date for filing was extended to November 9, 2020. Dr. Still and the District filed their PROs by 5:00 p.m. on November 9, 2020. The County's PRO was received by DOAH through the e-filing system at 5:09 p.m. on November 9, 2020, and it was, therefore, entered on the docket as being filed on November 10, 2020, in accordance with Florida Administrative Code Rule 28-106.104(3). Nonetheless, each of the PROs has been considered in the preparation of this Recommended Order.

On September 3, 2020, the County filed a Motion for Attorney's Fees and Costs Pursuant to Section 120.595, Florida Statutes, Against Petitioner, Paul Still. Mr. Still filed a response on October 6, 2020. The motion is addressed at the conclusion of this Recommended Order.

The law in effect at the time the District takes final agency action on the application being operative, references to statutes are to their current versions, unless otherwise noted. *Lavernia v. Dep't of Prof'l Reg.*, 616 So. 2d 53 (Fla. 1st DCA 1993).

FINDINGS OF FACT

Based upon the demeanor and credibility of the witnesses, the stipulations of the parties, and the evidentiary record of this proceeding, the following Findings of Fact are made:

The Parties

1. Dr. Still resides at 14167 Southwest 101st Avenue, Starke, Florida. That property abuts work that was performed pursuant to the Exemption.
2. The District is a water management district created by section 373.069(1), Florida Statutes. It has the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries. *See* § 373.069(2)(a), Fla. Stat. The District, in concert with the Department of Environmental Protection, is authorized to administer and enforce chapter 373, and rules promulgated thereunder in chapter 62-330, regarding activities in surface waters of the state. The District is the permitting authority in this proceeding and issued the Exemption to the County.
3. The County is a political subdivision of the State of Florida. The County is responsible for keeping county roads and structures within its boundary in good repair and for establishing the width and grade of such roads and structures. §§ 334.03(8) and 336.02(1)(a), Fla. Stat.
4. 101st Avenue, a dirt road, was constructed decades ago and runs in a general north/south direction for several miles. It was in existence, publicly used, and under County maintenance long before January 1, 2002. Dr. Still acknowledged that when he purchased his property in 1996, the road was publicly used and was being maintained by the County.
5. The centerline of 101st Avenue has existed in its current position as long as Mr. Welch, the Bradford County surveyor, has been familiar with the property, since at least 1996. The County owns and is allowed to use a 60-foot right-of-way ("ROW") extending 30 feet to either side of the centerline. The

driving surface of 101st Avenue has consistently been from 20 to 22 feet in width, with drainage structures extending further into the ROW.

6. The evidence was convincing that 101st Avenue was regularly maintained or repaired by the County for more than seven years prior to the Exemption. The evidence was equally convincing that, during that period, the width of the road that actually has been maintained or repaired is substantially -- if not identically -- the same as the width of 101st Avenue after the road repairs under the Exemption were completed.

7. 101st Avenue was, prior to the exempt road repair work, "very wet" during rainy periods, and cars and trucks would routinely get stuck in the mud. Mr. Welch testified credibly that 101st Avenue was "a mess" even before the events that led to the work covered by the Exemption.

8. It is reasonable to conclude that the driving surface of 101st Avenue may have shifted by a matter of feet in either direction over the years prior to the exempt road repairs, which would have generally been the result of persons driving off of the driving surface to escape impassable areas, and of the imprecision inherent in grading a dirt road with a large motor grader. The evidence established that the County has maintained 101st Avenue at a location as close to the established centerline as possible, and has not intentionally moved or realigned 101st Avenue from its historic location.

9. Mr. Welch was very familiar with 101st Avenue, having used it numerous times, including during the period leading up to the events that precipitated the road repair work at issue. He testified to two surveys he performed of the area, first in 1996, and again in the vicinity of the Still property in May 2017. He testified that 101st Avenue was under County ownership and maintenance prior to his first survey in 1996.

10. Photographic evidence offered by Dr. Still showed 101st Avenue to be significantly degraded near his property for several years leading up to 2017. Turbidity of the waters passing alongside and under 101st Avenue was "a long ongoing issue with this road," dating back to at least 2015.

11. 101st Avenue “was in pretty poor shape” in January 2017. Cars would routinely go around wet areas on the driving surface and possibly onto Dr. Still’s property. That gave the appearance of a change in the eastern ROW. Over a period of years prior to the Exemption work, the ROW may have crept eastward as the road was graded, ditches were maintained, and residential traffic diverted around impassable areas. The shift could have been as much as 10 to 15 feet, but the evidence establishing such was neither precise nor compelling. However, even if the ROW shifted over time, the movement was not the result of intentional operation and maintenance by County staff, but was a gradual, unintentional movement over time. Such a gradual shift is common with dirt and limerock roads. Furthermore, the alignment of the travel surface was stable, and was always within the 60-foot ROW, although the stormwater structures may have gone beyond the ROW.

12. In August 2017, a series of storm events caused 101st Avenue to be flooded. Dr. Still testified that the existing road and ditches and most of the areas adjacent to his property were “destroyed” by continued public use after the August 2017 rain event. He believed there was no way to ascertain the alignment of 101st Avenue.

13. Around September 10, 2017, Hurricane Irma impacted the County, causing substantial flooding and damaging numerous dirt and limerock roads in the County, including 101st Avenue. 101st Avenue was partially damaged from flooded conditions, and rendered completely impassable at places along its path, which led motorists to drive off of the established roadway onto adjacent properties to get through. The diversion of traffic off of the road surface was due to the personal decisions of the public using the road, and was not the result of any direction, operation, or maintenance by County staff.

14 After Hurricane Irma, Governor Scott issued emergency orders that allowed local governments to undertake necessary repairs to roadways. The County issued similar emergency orders.¹

15. In November 2017, Mr. Welch performed a survey to establish the alignment of the road. 101st Avenue was partially repaired consistent with the survey and pursuant to the emergency orders, with the work beginning in December 2017.

16. As the work to repair 101st Avenue was proceeding, Dr. Still asserted that the ROW encroached onto his property. He and Mr. Welch walked the property line, noted that the ROW appeared to extend across a fence installed on the west side of 101st Avenue, and staked the disputed area. Though the County believed it was working within its ROW, it decided, more as a matter of convenience to avoid the time and expense of litigation, to purchase the disputed area. Thereafter, on January 5, 2018, the County purchased 1.78 acres of property from Dr. Still, which was incorporated into the County ROW.² The purchase of the property, and establishment of the undisputed ROW, was completed well before the December 23, 2019, filing of the Petition.

17. The travel surface of the road remained within the prescriptive and historical ROW. The “footprint” of 101st Avenue was the same before and after the road repair work. Dr. Still admitted that the road had not “physically moved.” However, he believes that the County’s use of the

¹ Since the Exemption work was largely (and lawfully) performed under the emergency orders, the County’s Exemption application was filed after the repair work had begun on 101st Avenue, and is considered an after-the-fact application. The application for the Exemption was originally filed pursuant to rules 62-330.051(4)(b) and (e). The County thereafter withdrew its request for an exemption pursuant to rule 62-330.051(4)(b), and limited its Exemption to rule 62-330.051(4)(e), which establishes the standards at issue in this proceeding. The District’s December 10, 2019, proposed agency action granted the Exemption for resurfacing the entirety of the length of 101st Avenue.

² The evidence was not sufficient to establish that the ROW actually encroached onto Dr. Still’s property. It is equally plausible that the fence encroached into the 101st Avenue ROW. Nonetheless, the issue was -- or should have been -- resolved when the County agreed to pay Dr. Still to extinguish any plausible claim to the property in dispute.

1.78 acres of purchased property for the ROW constitutes a realignment of 101st Avenue.

18. From an engineering perspective, as long as a road surface is within an established ROW, and there has been no intentional change in its direction or trajectory, the road is not “realigned.” The evidence established that 101st Avenue remained within its established ROW, and there was no intentional change in its direction or trajectory from the repair work.

19. The work performed under the exemption involved grading 101st Avenue along its entire length, and applying asphalt millings and a sealant to stabilize the travel surface. The asphalt millings placed on the 101st Avenue travel surface were applied on top of the “as-is” existing limerock. The millings provided structure and stability to the travel lanes, and eliminated erosion and the large muddy bogs that were a feature of the road during the rainy season and after storms. There was no persuasive evidence that the millings materially raised the height of the road travel surface.

20. Mr. Rischar testified that 101st Avenue, after the road repair work, is now in good condition and intact. The asphalt millings are not “loose” but are bound together. The work stabilized the roadbed, provided structural integrity, and improved water quality as compared to a simple graded road. His testimony is accepted.

21. Dr. Still produced several photographs depicting a small pile of dirt near a roadside ditch near the drainage culvert under 101st Avenue. The pile pre-dated the Exemption work. Ms. Diaz testified that the mounds had been “taken care of,” and they do not appear in any post-Exemption photographs. There was no evidence of any excavated material having been deposited at or near the Still property from the exempt road repair work.

22. As part of the Exemption work, drainage structures were incorporated to receive and convey stormwater from the road surface. Rule 62-330.051(4)(e)5. requires that work performed under a road repair exemption

incorporate “[r]oadside swales or other effective means of stormwater treatment.”

23. The evidence was not sufficient to demonstrate that the stormwater structures incorporated along 101st Avenue met the stringent criteria for “swales” as set forth in the Applicant’s Handbook, Volume II, §§ 5.5.1 and 5.5.2. However, the testimony was convincing that the drainage work incorporated into the road repairs was an “other effective means of stormwater treatment.” Dr. Still’s testimony as a “citizen scientist” was not sufficient to overcome the expert testimony offered by the County and the District.

24. During the initial phases of the work, when the County was acting under the post-Irma emergency orders, the County had not installed silt fences. Dr. Still complained to the County, and silt fences and turbidity curtains were installed. Dr. Still admitted that they “functioned fairly well.” The silt fences and turbidity curtains were installed prior to the December 23, 2019, filing of the Petition.

25. The turbidity curtains and silt screens met best management practices (“BMPs”). BMPs are generally construction-related practices, and are not designed for the “operation” of a facility after conditions have stabilized. Compliance with BMPs is intended to demonstrate compliance with water quality standards. Ms. Carr directed the County to remove the turbidity control curtains prior to her last inspection since the area had stabilized.

26. While photographic evidence depicted differences in the appearance of water in the roadside ditches from that flowing under the road from forested areas to the west, the photographs were not sufficient to establish violations of state water quality standards for turbidity. A turbidity violation is, by definition, a reading of 29 Nephelometric Turbidity Units (NTUs) over background as measured by a meter. Fla. Admin. Code R. 62-302.530(69). Ms. Carr testified credibly that one cannot gauge water quality from a picture, and that the photographs she took on her December 20, 2018, site

visit did not depict the conditions “in real life.” District employees who visited the area, including Ms. Carr, saw nothing that raised water quality concerns. The appearance of the water in photographs is not sufficient to demonstrate that the County failed to control turbidity, sedimentation, and erosion during and after construction to prevent violations of state water quality standards due to construction-related activities.

27. Dr. Still was critical of the District inspectors for failing to take turbidity samples using calibrated meters. However, he did not take such samples himself, and was not able to offer proof of any violation of water quality standards due to the exempt road repairs.

28. Rule 62-330.050(9)(b)5., read in conjunction with rule 62-330.051(4)(e)8., provides that the “construction, alteration, and operation” of exempt road repair work shall not “[c]ause or contribute to a violation of state water quality standards,” and that “[t]urbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards.” The rules establish that the standards and conditions apply to the exempt work being performed, and not to conditions in the area that may have existed prior to the exempt work.

29. The issue of turbidity, though discussed at length during the hearing, was resolved conclusively when Dr. Still admitted that turbidity was not made worse by the road repairs. Furthermore, a preponderance of the evidence established that the structure and stability provided to the travel lanes improved the turbidity and sedimentation that pre-dated the road repair, and reduced erosion of the road, not only by the repair of the road itself, but by eliminating the need to drive off of the road surface to avoid and bypass impassable areas.

30. The Exemption work included the replacement of a culvert under 101st Avenue. At some time between January 8, 2018, and January 19, 2018, an existing 30-inch culvert was removed and replaced with two 24-inch culverts. Dr. Still complained that the 24-inch culverts were resulting in

flooding of his property. Therefore, on or about December 17, 2019, prior to the December 23, 2019, filing of the Petition, the 24-inch culverts were removed, and a 30-inch culvert was installed to match the size and capacity of the previously existing culvert, and return the area to its pre-existing condition.

31. There was no evidence that the current 30-inch culvert has resulted in any flooding. Since the 30-inch culvert reestablished the pre-Exemption condition, a strong inference is drawn that the exempt work will not “cause adverse water quantity or flooding impacts to receiving water and adjacent lands.” Rather, the evidence establishes that water quantity impacts, if any, were in existence prior to the exempt road repairs.³

32. The work was not related to the alteration or maintenance of a “culverted roadway crossing,” despite the culvert work. Thus, the previous inclusion of rule 62-330.051(4)(b) as a basis for the County’s Exemption request was withdrawn. The District accepted that withdrawal, and its notice of Exemption did not include any reference to the culvert. As indicated in the Preliminary Statement and the amended disposition of the Motion in Limine, the road repair Exemption does not explicitly address culvert replacement. Therefore, any allegation that the replacement of the culvert was a violation of District permitting standards must be taken up with the District as an exercise of its enforcement discretion, and is not an issue in this proceeding.

33. Dr. Still produced photographs that were described as depicting “sediment” that was deposited along a “canal” on his property between 101st Avenue and a cleared utility easement. To the extent the photographs depicted sediment as described, which was not visually apparent, they were not sufficient to prove when any such sediment was deposited, or whether the sediment was related to the road repairs performed under the Exemption.

³ Again, simplistically, work performed under the road repair exemption is not designed to make pre-existing water quality and water quantity issues better, it just cannot make those conditions worse.

34. Mr. Rischar testified convincingly that there was no scientific data to support a determination that there are water quality issues, including turbidity, at the roadway.

35. Dr. Still produced photographs of the post-Exemption condition of 101st Avenue with several comparatively tiny depressions that, if never maintained, would presumably develop into potholes. Despite the nascent depressions, the road appeared to be vastly improved from its condition prior to the repairs, as evidenced by Dr. Still's pre-Irma photographs. Mr. Rischar testified credibly that any roadway, from the least developed dirt road to the most highly developed interstate highway can, and does, develop holes in the travel surface over time. For that reason, governmental bodies, including the County, maintain roads, including 101st Avenue. The photographs provide no support for a finding that the exempt road repairs have resulted in any violation of a standard in either rule 62-330.051(4)(e)8. or rule 62-330.050(9)(b)5.

36. The evidence established that 101st Avenue was regularly maintained and repaired by the County for more than seven years prior to the Exemption, and that the road repairs did not realign, expand the number of traffic lanes, or alter the width of the existing road.

37. The evidence established that the work performed under the Exemption did not realign 101st Avenue. The repairs to 101st Avenue included work reasonably necessary to repair and stabilize the road using generally accepted roadway design standards.

38. The evidence demonstrates that no excavated material related to the work under the Exemption was placed at or near Dr. Still's property or, for that matter, anywhere along 101st Avenue.

39. The evidence established that the repairs to 101st Avenue did not adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise

cause adverse water quantity or flooding impacts to receiving waters and adjacent lands.

40. The evidence was not sufficient to establish that the road repair work caused or contributed to a violation of state water quality standards.

Ultimate Findings of Fact

41. The greater weight of the competent substantial evidence establishes that 101st Avenue was in existence long before January 1, 2002, has been publicly used since that time, and has been regularly maintained and repaired by the County for more than seven years prior to the Exemption. Evidence to the contrary was not persuasive.

42. The greater weight of the competent substantial evidence establishes that during its relevant period of existence, the width of 101st Avenue that actually has been maintained or repaired is substantially -- if not identically -- the same as the width of 101st Avenue after the road repairs under the Exemption were completed. The work performed under the Exemption did not realign or expand the number of traffic lanes of 101st Avenue. The repairs to 101st Avenue included work reasonably necessary to repair and stabilize the road using generally accepted roadway design standards. Evidence to the contrary was not persuasive.

43. The greater weight of the competent substantial evidence establishes that no excavated material related to the work under the Exemption was placed at or near Dr. Still's property or, for that matter, anywhere along 101st Avenue. Evidence to the contrary was not persuasive.

44. The greater weight of the competent substantial evidence establishes that the repairs to 101st Avenue did not adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving waters and adjacent lands. Evidence to the contrary was not persuasive.

45. The greater weight of the competent substantial evidence establishes that the road repair work incorporated effective means of stormwater treatment, and did not cause or contribute to a violation of state water quality standards. Evidence to the contrary was not persuasive.

46. The greater weight of the competent substantial evidence establishes that turbidity, sedimentation, and erosion were controlled during and after construction, and continue to be controlled, to prevent violations of state water quality standards. Erosion and sediment control BMPs were installed and maintained in accordance with applicable guidelines and specifications. Evidence to the contrary was not persuasive.

CONCLUSIONS OF LAW

Jurisdiction

47. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. §§ 120.569 and 120.57, Fla. Stat.

Standing

48. Section 120.52(13) defines a “party,” in pertinent part, as a person “whose substantial interests will be affected by proposed agency action, and who makes an appearance as a party.” Section 120.569(1) provides, in pertinent part, that “[t]he provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency.”

49. Standing under chapter 120 is guided by the two-pronged test established in the seminal case of *Agrico Chemical Corporation v. Department of Environmental Regulation*, 406 So. 2d 478 (Fla. 2d DCA 1981). In that case, the court held that:

We believe that before one can be considered to have a substantial interest in the outcome of the proceeding, he must show 1) that he will suffer an injury in fact which is of sufficient immediacy to

entitle him to a section 120.57 hearing and 2) that his substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury.

Id. at 482; see also *St. Johns Riverkeeper, Inc. v. St. Johns River Water Mgmt. Dist.*, 54 So. 3d 1051 (Fla. 5th DCA 2011); *Palm Beach Cty. Envtl. Coal. v. Fla. Dep't of Envtl. Prot.*, 14 So. 3d 1076 (Fla. 4th DCA 2009); *Mid-Chattahoochee River Users v. Fla. Dep't of Envtl. Prot.*, 948 So. 2d 794, 797 (Fla. 1st DCA 2006).

50. Dr. Still alleged standing based on the impact that the road repair had on his property. The allegations of turbid runoff and sediment entering onto his property, as well as flooding of his property, meet the second prong of the *Agrico* test. This proceeding is designed to protect adjacent property owners from potential pollution, water quality and quantity violations, and other adverse impacts caused by the road repairs, impacts that are the subject of chapter 403 and rule 62-330.051 adopted thereunder.

51. The question for determination as to the first prong of the *Agrico* test is whether Dr. Still alleged injuries in fact of sufficient immediacy as to entitle him to a section 120.57 hearing. “[T]he injury-in-fact standard is met by a showing that the petitioner has sustained actual or immediate threatened injury at the time the petition was filed, and ‘[t]he injury or threat of injury must be both real and immediate, not conjectural or hypothetical.’” *S. Broward Hosp. Dist. v. Ag. for Health Care Admin.*, 141 So. 3d 678, 683 (Fla. 1st DCA 2014)(citing *Vill. Park Mobile Home Ass’n v. Dep’t of Bus. Reg.*, 506 So. 2d 426, 433 (Fla. 1st DCA 1987)).

52. Dr. Still alleged, inter alia, that the activities caused turbid runoff and sediment to enter onto his property, as well as flooding of his property, which is sufficient to meet the standard of an “injury in fact which is of sufficient immediacy to entitle [him] to a section 120.57 hearing.”

53. Bradford County has standing as the applicant for the Exemption. *Ft. Myers Real Estate Holdings, LLC v. Dep't of Bus. & Prof'l Reg.*, 53 So. 3d 1158, 1162 (Fla. 1st DCA 2011); *Maverick Media Group v. Dep't of Transp.*, 791 So. 2d 491, 492 (Fla. 1st DCA 2001).

Nature of the Proceeding

54. This is a de novo proceeding, intended to formulate final agency action and not to review action taken earlier and preliminarily. § 120.57(1)(k), Fla. Stat; *Young v. Dep't of Cmty. Aff.*, 625 So. 2d 831, 833 (Fla. 1993); *Hamilton Cty. Bd. of Cty. Comm'rs v. Dep't of Env'tl. Reg.*, 587 So. 2d 1378, 1387 (Fla. 1st DCA 1991); *McDonald v. Dep't of Banking & Fin.*, 346 So. 2d 569, 584 (Fla. 1st DCA 1977).

Burden and Standard of Proof

55. Section 120.569(2)(p) provides that:

For any proceeding arising under chapter 373, chapter 378, or chapter 403, if a nonapplicant petitions as a third party to challenge an agency's issuance of a license, permit, or conceptual approval, the order of presentation in the proceeding is for the permit applicant to present a prima facie case demonstrating entitlement to the license, permit, or conceptual approval, followed by the agency. This demonstration may be made by entering into evidence the application and relevant material submitted to the agency in support of the application, and the agency's staff report or notice of intent to approve the permit, license, or conceptual approval. Subsequent to the presentation of the applicant's prima facie case and any direct evidence submitted by the agency, the petitioner initiating the action challenging the issuance of the permit, license, or conceptual approval has the burden of ultimate persuasion and has the burden of going forward to prove the case in opposition to the license, permit, or

conceptual approval through the presentation of competent and substantial evidence.

56. The Exemption required notice to the District pursuant to rule 62-330.051(4)(e)7. and section 4.2.1 of the Applicant's Handbook, Volume I. Review by the District and a notice of agency action were required pursuant to sections 5.2 and 5.4 of the Applicant's Handbook, Volume I. The Exemption meets the definition of a license in section 120.52(10) because it is an authorization required by law. The Exemption verification was issued pursuant to rules promulgated under chapter 403. Therefore, the Exemption is subject to the abbreviated presentation and burden-shifting described in section 120.569(2)(p). *Spinrad v. Guerrero and Dep't of Envtl. Prot.*, Case No. 13-2254, RO ¶ 116 (Fla. DOAH July 25, 2014; Fla. DEP Sept. 8, 2014); *Pirtle v. Voss and Dep't of Envtl. Prot.*, Case No. 13-0515, RO ¶ 30 (Fla. DOAH Sept. 27, 2013, Fla. DEP Dec. 26, 2013).

57. The County and the District made the prima facie case of entitlement to the Exemption by entering into evidence the application file and supporting documentation and the District's notice of Exemption. In addition, they presented the testimony of expert witnesses in support of the road repair Exemption.

58. With the County having made its prima facie case for the Exemption, the burden of ultimate persuasion was on Dr. Still to prove his case in opposition to the Exemption by a preponderance of the competent and substantial evidence, and thereby prove that the County failed to provide reasonable assurance that the standards for issuance of the Exemption were met.

59. The standard of proof is by a preponderance of the evidence. § 120.57(1)(j), Fla. Stat.

60. "Surmise, conjecture or speculation have been held not to be substantial evidence." *Dep't of High. Saf. & Motor Veh. v. Trimble*, 821 So. 2d

1084, 1087 (Fla. 1st DCA 2002) (citing *Fla. Rate Conf. v. Fla. R.R. & Pub. Utils. Comm'n*, 108 So. 2d 601, 607 (Fla. 1959)).

Reasonable Assurance

61. Approval of the Exemption is dependent upon there being reasonable assurance that the activities authorized will meet applicable standards.

62. Reasonable assurance means “a substantial likelihood that the project will be successfully implemented.” *Metro. Dade Cty. v. Coscan Fla., Inc.*, 609 So. 2d 644, 648 (Fla. 3d DCA 1992). Reasonable assurance does not require absolute guarantees that the applicable conditions for issuance of a permit have been satisfied. Furthermore, speculation or subjective beliefs are not sufficient to carry the burden of presenting contrary evidence or proving a lack of reasonable assurance necessary to demonstrate that a permit should not be issued. *FINR II, Inc. v. CF Indus., Inc.*, Case No. 11-6495 (Fla. DOAH Apr. 30, 2012; Fla. DEP June 8, 2012).

Standards

63. Rule 62-330.051 provides that:

(4) Bridges, Driveways, and Roadways –

(e) Repair, stabilization, paving, or repaving of existing roads, and the repair or replacement of vehicular bridges that are part of the road, where:

1. They were in existence on or before January 1, 2002, and have:

a. Been publicly-used and under county or municipal ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with section 95.361, F.S.;

b. Subsequently become county or municipally-owned and maintained; or

c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and

2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;

* * *

8. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.^[4]

64. Rule 62-330.050(9)(b) provides, in pertinent part, that:

(9) The following apply when specified in an exemption in rule 62-330.051, F.A.C.:

(b) Construction, alteration, and operation shall not:

1. Adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

* * *

5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, ... due to construction-related activities. Erosion and sediment control best

⁴ As stipulated by the parties, rule 62-330.051(4)(e) 3., 4., and 6. are not at issue. In addition, although a notice of intent to use the Exemption was not provided to the District 30 days before performing the work, that requirement was resolved through a variance that was granted, published, and became final. Thus, rule 62-330.051(4)(e)7. is not at issue.

management practices shall be installed and maintained in accordance with the guidelines and specifications described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection, June 2007), ..., and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), ...; nor

6. Allow excavated or dredged material to be placed in a location other than a self-contained upland disposal site, except as expressly allowed in an exemption in rule 62-330.051, F.A.C.^[5]

65. Section 95.361(2), Florida Statutes, provides, in pertinent part, that:

In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, ... such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. ... The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

(a) The county, if it is a county road; ... whether or not there is a record of conveyance, dedication, or appropriation to the public use.

⁵ Rule 62-330.050(9)(a) and (c) are not applicable. Rule 62-330.050(9)(b)2. through 4. are not applicable, which was not disputed.

Entitlement to the Exemption

66. The use of the disjunctive “or” after rule 62-330.051(4)(e)1.b. means that, in order to meet the Exemption criteria, the road must have been in existence before January 1, 2002, and then meet *one* of the criteria in rule 62-330.051(4)(e)1.a, 1.b., or 1.c. The road does not have to meet *all* of the three “ownership” criteria in rule 62-330.051(4)(e)1.a, 1.b., and 1.c. *See Fla. Pulp and Paper Ass’n Envtl. Affairs, Inc. v. Dep’t of Envtl. Prot.*, 223 So. 3d 417, 420 (Fla. 1st DCA 2017)(“... the points of entry listed in section 120.56(2)(a) are separated by the disjunctive conjunction ‘or,’ which indicates that they are mutually exclusive alternatives.”); *see also Ellenwood v. Bd. of Arch. and Int. Design*, 835 So. 2d 1269, 1270 (Fla. 2003); *Osceola Cty. Sch. Bd. v. Arace*, 884 So. 2d 1003, 1005 (Fla. 1st DCA 2004); *Dep’t of Bus. Reg. v. Salvation Ltd., Inc.*, 452 So. 2d 65, 67 (Fla. 1st DCA 1984).

67. The evidence establishes that 101st Avenue was in existence before January 1, 2002, and has been publicly used since that time. The evidence establishes that 101st Avenue has been regularly maintained and repaired by the County for more than seven years prior to the Exemption. Thus, the road repairs meet the standards established in section 95.361 and rule 62-330.051(4)(e)1.a.

68. The evidence establishes that the work performed under the Exemption did not realign 101st Avenue or expand the number of traffic lanes of 101st Avenue. Furthermore, the repairs to 101st Avenue included work reasonably necessary to repair and stabilize the road using generally accepted roadway design standards. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)2.

69. The evidence establishes that the work performed under the Exemption incorporated effective means of stormwater treatment. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)5.

70. The evidence establishes that the repairs to 101st Avenue did not adversely impound or obstruct existing water flow, cause adverse impacts to

existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving waters and adjacent lands. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)1.

71. The greater weight of the competent substantial evidence establishes that the road repair work did not cause or contribute to a violation of state water quality standards, and that turbidity, sedimentation, and erosion were controlled during and after construction, and continue to be controlled, to prevent violations of state water quality standards. Erosion and sediment control BMPs were installed and maintained in accordance with applicable guidelines and specifications. Any issues with turbidity are not the result of the repairs to 101st Avenue, but are issues endemic to dirt and limerock roads that long pre-dated the repairs. The evidence establishes that the repairs reduced turbidity, sedimentation, and erosion from previous levels. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)5.

72. The evidence establishes that no excavated material related to the work under the Exemption was placed at or near Dr. Still's property or, for that matter, anywhere along 101st Avenue. Thus, the road repairs meet the standards established in rule 62-330.051(4)(e)8. and rule 62-330.050(9)(b)6.

73. As established in the Findings of Fact, reasonable assurance was provided that the County complied with all applicable standards for the Exemption established by rule 62-330.051(4)(e) and rule 62-330.050(9)(b), and that the County is entitled to use the Exemption.

ATTORNEYS' FEES

74. The County has moved for an award of attorneys' fees, expenses, and costs pursuant to section 120.595.

75. Section 120.595(1) provides that:

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

* * *

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection. In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

* * *

(e) For the purpose of this subsection:

1. “Improper purpose” means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.

* * *

3. “Nonprevailing adverse party” means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. ...

76. An objective test is used to determine whether a party challenged the agency action for an “improper purpose.” See *Friends of Nassau Cty, Inc. v. Nassau Cty*, 752 So. 2d 42, 51 (Fla. 1st DCA 2000). As established in *Procacci Commercial Realty, Inc. v. Department of Health and Rehabilitative Services*, 690 So. 2d 603 (Fla. 1st DCA 1997):

The use of an objective standard creates a requirement to make reasonable inquiry regarding pertinent facts and applicable law. In the absence of “direct evidence of the party’s and counsel’s state of mind, we must examine the circumstantial evidence at hand and ask, objectively, whether an ordinary person standing in the party’s or counsel’s shoes would have prosecuted the claim.”

Id. at 608 n. 9.

77. Whether a party has participated in a proceeding for an improper purpose is a question of fact, and even absent direct evidence of intent, “[i]n determining a party’s intent, the finder of fact is entitled to rely upon permissible inferences from all the facts and circumstances of the case and the proceedings before him.” *Burke v. Harbor Estates Associates, Inc.*, 591 So. 2d 1034, 1037 (Fla. 1st DCA 1991). In that regard, a reviewing judge may look not only at direct evidence of intent, but may also “examine the circumstantial evidence at hand and ask, objectively, whether an ordinary person standing in the party’s or counsel’s shoes would have prosecuted the claim.” *Friends of Nassau Cty, Inc. v. Nassau Cty.*, 752 So. 2d 42, 51 (Fla. 1st DCA 2000).

78. There was no evidence to suggest that Dr. Still has participated in two or more other proceedings involving the County and the repair of 101st Avenue. Thus, the presumption of an improper purpose is not applicable.

79. The second criterion by which to measure “improper purpose” is whether the action was taken primarily to harass or to cause unnecessary delay, for frivolous purpose, or to needlessly increase the cost of securing the Exemption.

80. 101st Avenue had been, in Dr. Still's words, "wiped out" after the August 2017 rains, a condition worsened as a result of Hurricane Irma. The publicly-used road clearly had to be repaired.

81. It became clear at the hearing that Dr. Still's primary concerns were related to concerns with turbidity and water quality, which Dr. Still admitted pre-dated the road repairs performed under the Exemption, and were *not* worsened due to the exempt road repairs. (Tr. Vol. 2, 346:6-14; 355:23-356:3).

82. Dr. Still admitted that 101st Avenue had not been altered in its course due to the exempt road repairs. (Tr. Vol. 2, 339:17-24). He did dispute whether the ROW had shifted from its original course in the years *before* the exempt road repair work.

83. Though he disputed ownership of the 101st Avenue ROW, Dr. Still admitted that he had no evidence that the County does not own the ROW. (Tr. Vol. 2, 352:25-353:10). He further admitted that he did not review section 95.361. (Tr. Vol. 2, 338:4-16).

84. Dr. Still's dispute as to the extent of the ROW seemingly should have been, and in fact was, resolved by his agreement to sell 1.78 acres of land to the County for the purpose of eliminating possible encroachment onto his property. That sale was commenced and completed as the work under the declared emergency was ongoing. There was no persuasive evidence to establish that the disputed 1.78 acres was actually outside of what was understood by the County to be the historic ROW, but its purchase definitively resolved the issue without the time and expense of litigation. It is difficult to craft an argument that the volitional sale of property to facilitate road repairs in an undisputed ROW, particularly when the travel surface of the road is unchanged, should then become a basis for denial of authorization to perform those road repairs.

85. Dr. Still appeared to have a concern with the initial replacement of an existing 30-inch culvert with two 24-inch culverts under 101st Avenue. Those 24-inch culverts appear in most of the photographs depicting the conditions

in the area. However, when those culverts were then replaced (prior to the filing of the Petition) with one 30-inch culvert, matching the size of the preexisting culvert, any issues that existing water flow from the upgradient side of 101st Avenue was adversely impounded or obstructed, that the road repairs caused adverse impacts to existing surface water storage and conveyance capabilities, or that the road repairs caused adverse water quantity or flooding impacts to receiving waters and adjacent lands were eliminated. There was no evidence offered that the flow of water through the new 30-inch culvert was changed at all as a result of the completed road repairs. (Tr. Vol. 2, 308:18-21). Dr. Still provided no calculations of water flow or velocity to suggest that the road repairs will result in adverse water quantity or flooding impacts to receiving waters and adjacent lands.

86. The only conclusion that can be objectively drawn, given the facts of this case, is that the action challenging the Exemption was taken primarily to harass the County and the District, for frivolous purpose, or to needlessly increase the cost of securing the Exemption.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Suwannee River Water Management District enter a final order:

a. Approving the December 10, 2019, Environmental Resource Permit (ERP): Exemption, ERP-007-233697-2, determining that activities related to the repair of Southwest 101st Avenue in Bradford County, Florida, met the criteria to be an exempt activity pursuant to rule 62-330.051(4)(e); and

b. Taking such action pursuant to section 120.595(1) as it deems appropriate.

c. The undersigned retains jurisdiction to determine the award of costs and attorneys' fees pursuant to section 120.595(1)(d), if the final order makes

such an award and the case is remanded by the Suwannee River Water Management District to DOAH for that purpose.

DONE AND ENTERED this 19th day of November, 2020, in Tallahassee, Leon County, Florida.



E. GARY EARLY
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 19th day of November, 2020.

COPIES FURNISHED:

George T. Reeves, Esquire
Davis, Schnitker, Reeves
and Browning, P.A.
Post Office Drawer 652
Madison, Florida 32341
(eServed)

Paul Edward Still
14167 Southwest 101st Avenue
Starke, Florida 32091
(eServed)

Frederick T. Reeves, Esquire
Frederick T. Reeves, P.A.
5709 Tidalwave Drive
New Port Richey, Florida 34562
(eServed)

William Edward Sexton, County Attorney
Bradford County, Florida
945 North Temple Avenue
Post Office Drawer B
Starke, Florida 32091
(eServed)

Hugh L. Thomas, Executive Director
Suwannee River Water
Management District
9225 County Road 49
Live Oak, Florida 32060
(eServed)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Stephen Schroeder, Chief, Office of Administration

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Land Acquisition and Disposition Activity Report

Attached for your information is the Land Acquisition and Disposition Activity Report.

SS/tm
Attachments

**LAND ACQUISITION AND DISPOSITION ACTIVITY REPORT
JANUARY 2021**

Property Offers						
Tract	Acres	County	Submittal Date	Asking Price	Acquisition Type	Comments
Gilchrist Lyme	17,854	Gilchrist	03.2019	Exchange acreage dependent on configuration/ Sandlin Bay 2.023 acre (USFS)	Easement	Tabled by Lands Committee 6.11.2019. Offeror has contract for sale of property. On hold.
Quail Heights	40.63	Columbia	07.2019	\$2,000,000	Fee	Staff review on 8.8.2019 recommended purchase in partnership with FDOT. Approved by Lands Committee on 2.11.2020. Approved by Governing Board 3.10.2020. Submitted for Springs Grant funding. Springs Grant funding not obtained for FY 2020. Property acquired by FDOT on 9.10.2020. On Lands Committee agenda for 11.10.2020 for partnership consideration with FDOT. Lands Committee approved contribution to acquisition costs 11.10.2020. On Governing Board agenda 12.08.2020. Governing Board approved on consent agenda 12.8.2020
Santa Fe Springs (ACT) a/k/a Zow, Graham Springs	282	Columbia	08.2019	\$139,041	Fee	Staff recommendation to proceed with detailed analysis and negotiations approved by Lands Committee on 12.12.2019. Approved by Governing Board on 1.14.2020. Due diligence documentation submitted by ACT and being reviewed. Drafting CE to prepare for closing after Springs Grant Funding released. Funded on Springs Grant list. Staff beginning process to finalize transaction including completion of CE terms. Draft CE submitted to ACT for review 12.9.2020.
Rio Lindo Conservation Easement	313	Gilchrist	10.2020	\$750,000	Conservation Easement	Lands Committee requested additional information at its 11.10.2020 meeting. Requested information submitted at the 12.8.2020 meeting and staff recommendation to proceed with detailed assessments and negotiations was unaniously approved. On Governing Board agenda 1.12.21.

Easement Requests				
Name	Type	County	Acres	Comments

Approved for Detailed Assessment				
Owner	Project Name	Acres	County	Comments

McB-Pinehatchee	Steinhatchee North/ RO Ranch West-Equestrian	2950/1,277	Lafayette	Approved by Governing Board 11.12.2019. Negotiations in progress. Appraisals received 8.18.2020. Staff reviewing values with NFLT and McB for negotiations. 10.13.2020 Governing Board authorized release of appraisals. Appraisals provided and negotiations ongoing. NFLT to conduct mineral rights exploitation feasibility study as it relates to a portion of the proposed exchange tract.
Drufner	Withlacoochee Hills	10	Hamilton	Approved by Governing Board 11.12.2019. Offer submitted to Seller. Counteroffer tentatively accepted subject to final Board approval and satisfactory Environment Survey Assessment. ESA contractor selected and engaged. ESA report received. On Lands Agenda for 9.21.2020 for approval. Final acquisition approved by Governing Board on 10.13.2020. Title work underway for closing.
Hickman	Alapaha Point	39.8	Hamilton	Staff recommendation to proceed with detailed analysis and negotiations approved by Lands Committee on 12.12. 2019. Approved by Governing Board on 1.14.2020. Appraisal received on 5.15.2020. Staff preparing an offer. Offer submitted. Counter-offer received. Counter-offer raised some title concerns. Title issues clarified through public records research and will be verified through formal title search. Staff is accepting counter-offer and will move forward with assessments and negotiations.
Michael and Freda Shaw	Shaw Conservation Easement Exchange	1,099	Lafayette	Negotiations ongoing.

Proposed for Surplus							
Tract	Acres	County	Acquired Date	Funding	Appraisal Date	Price	Comments
None pending.							

Authorized for Surplus							
Tract	Acres	County	Acquired Date	Funding	Appraisal Date	Price	Comments
Branford Bend	50	Suwannee	6.30.2004	Florida Forever	N/A	TBD by appraisal update.	Suspended until further review. Staff review scheduled for 8.8.2019. Staff recommends continuing surplus process to explore potential land exchanges adjacent to tract. <u>Appraisal update required.</u>
Country Club Road	80	Columbia	7.1.2015	Enforcement Action	TBD	TBD by appraisal update.	Title commitment and survey completed. Governing Board reaffirmed surplus 7.9.2019. Engineering and design process underway. Negotiations for potential sale ongoing pending final engineering/project plans. Remediation plan being finalized. Staff continues to develop disposition plans and communication plan relative to surrounding properties.
Forest Woodlands	11	Gilchrist	10.11.1996	Save Our Rivers	TBD	To be determined by appraisal.	Staff recommended for surplus. Approved by Lands Committee on 10.10.2019. Approved by Governing Board 11.12.2019. Will be offered to adjacent property owners.
Santa Fe Oasis	1	Gilchrist	4.28.1998	Save Our Rivers	TBD	TBD by appraisal update.	Approved by Lands Committee on 4.14.2020. Approved by Governing Board 5.12.2020. Offered for surplus via District website. Offered for sale to adjacent owners, two offers received. Approved by Lands Committee 8.11.2020 to accept highest offer. Scheduled for Governing Board agenda 9.8.2020. Withdrawn from Board on 9.8.2020. Being resubmitted to Lands Committee for its 9.21.2020 meeting for staff recommendation to reject all offers and offer for sale to the general public. Governing Board approved Lands Committee recommendation on 10.13.2020. All bids rejected and property will be offered for sale to the general public.
Suwannee Run Shores	1.175	Dixie	12.30.1997	Save Our Rivers	TBD	To be determined by appraisal.	Staff recommended for surplus. Approved by Lands Committee 7.9.2019. Approved by Governing Board 8.13.2019. To be offered to adjacent property owners. Adjacent Property owners notified, responses/bids with appraisals due 4.15.2020. No responses received, will be posted on website and offer for sale to general public.
Three Rivers Estates	1	Columbia	12.30.1997	Save Our Rivers	N/A	TBD by appraisal update.	Staff recommended for surplus. Approved by Lands Committee 7.9. 2019. Approved by Governing Board 8.8.2019. To be offered to adjacent property owners. Adjacent Property owners notified, responses/bids with appraisals due 4.15.2020. Two offers received, highest offer approved by Lands Committee 6.9.2020. On Governing Board agenda for 7.14.2020. Approved by Governing Board 7.14.2020. Contract being drafted.
Turtle Spring Surplus Tract	32	Lafayette	5.13.2015	Florida Forever	5.24.2015	TBD by appraisal update.	Suspended until further review. Attempting to verify final surplus status/approval by Governing Board.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Stephen Schroeder, Chief, Office of Administration

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Detailed Assessment and Negotiations for the Acquisition of a Conservation Easement, Rio Lindo Parcel, Gilchrist County

RECOMMENDATION

Approve the Lands Committee recommendation to authorize staff to enter into detailed assessment and negotiations for the acquisition of a conservation easement on Rio Lindo, a 313+/- acre parcel of real property located in Gilchrist County.

BACKGROUND

In October 2020, the District received an offer to sell a conservation easement on a 313 +/- parcel of real property located in Gilchrist County identified as Rio Lindo. The offeror proposed a price of \$750,000, which is negotiable and dependent upon appraisals.

The parcel contains 224.5 +/- acres of riverine surface waters, 180 +/- acres within the floodway, and is entirely within the 100-year floodplain. The parcel is also contained within the District's Florida Forever Work Plan, is entirely within the Fanning Springs Priority Focus Area, and is adjacent to the District's Shingle Landing and Wannee tracts. Of concern are profit and exploitation of mineral rights on a portion of the property that have not been exercised nor released by the owner of those rights. However, the location of the mineral rights is within the floodway leaving little possibility of future exploitation. Staff does not see this as a significant impediment to acquiring the conservation easement.

After review, staff determined that ownership of the conservation easement would protect against further development within the floodplain and floodway and would provide access to the property for potential projects. Land Management staff has reviewed the parcel and sees no management issues.

At the November 10, 2020 meeting, the Lands Committee expressed concern regarding the price per acre in the offer and requested to see a LiDAR map of the parcel. Staff discussed the pricing issue with the offeror's representative and was assured that the application asking price was merely a place holder. The offeror is open to negotiations of the price per acre and has expressed a willingness to accept not more than 90% of the appraised value. Additionally, the offeror indicated a willingness to contribute to the assessment costs. The offeror stressed that conservation of the land is his primary objective.

At the December 8, 2020 meeting, the Lands Committee unanimously approved the staff recommendation. A copy of the offer, triage summary map, parcel assessment and LiDAR map are attached.

SCS/tm
Attachments
File #2020-010

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
PROPERTY OFFER APPLICATION**

9225 CR 49, Live Oak, FL 32060

(386)362.1001

E-Mail: acquisitions@srwmd.org

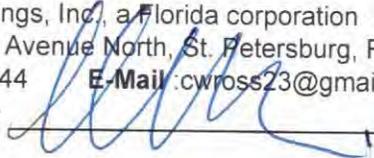
Rule 40B-9.041(1), Florida Administrative Code, requires specific information to initiate the acquisition process.

Applicant Information

Name: Harpo Holdings, Inc., a Florida corporation

Address: 8370 – 40 Avenue North, St. Petersburg, FL 33709

Phone: (727) 515-8444 **E-Mail:** cwross23@gmail.com

Applicant Signature:  President Date : October 2, 2020

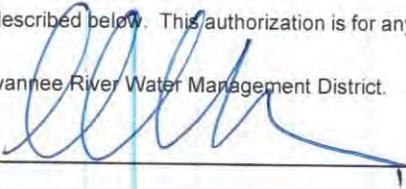
Owner of Record (Owner is Applicant yes no)

Name: Harpo Holdings, Inc., a Florida corporation

Address: 8370 – 40 Avenue North, St. Petersburg, FL 33709

Phone: (727) 515-8444 E-Mail: cwross23@gmail.com

Owner's Authorization: This is to advise the individual named above as applicant is the Authorized Representative of the owner(s) of the property described below. This authorization is for any communication and negotiations concerning conveyance of the property to the Suwannee River Water Management District.

Owner Signature:  President Date: October 2, 2020

Owner Signature: _____ Date: _____

Property/Project Information

Asking Price (Fee): n/a (Conservation Easement) : \$750,000.00 - subject to appraisal

General Location (address, intersection, etc.) 8100 SW 93 Court, Trenton, Florida

Acreage: 313 County: Gilchrist

Tax Parcel Number(s): 12-10-13-0000-0001-0010, 07-10-14-0000-0007-0010, 13-10-13-0010-0000-0420, and 13-10-13-0010-0000-0410

Legal Description: See Exhibit A.

Improvements: None.

In addition, please provide an aerial, survey, or map identifying property boundaries and a copy of the Deed.

Title Condition (Deed restrictions, easements, mineral interest, rights held by others, etc.)

Applicant is fee simple owner subject to restrictions shown upon Commitment for Title Insurance attached hereto as Exhibit B.

Agreements *(Identify any existing purchase agreement, option contract, listing agreement, or any other arrangement or agreement.)*
None.

Other Pertinent Information *(Please provide any other information that may be helpful in evaluating the request.)*
See Exhibit C



9/6/2018

EXHIBIT "A"

A parcel of land in Sections 7 and 18, Township 10 South, Range 14 East and Sections 12 and 13, Township 10 South, Range 13 East, and certain Lots in Suwannee River Sunset Gardens Subdivision as recorded in Plat Book 1, Page 10, Public Records of Gilchrist County, Florida, being more particularly described as follows:

ALL of Lot 41 and a portion of Lots 42 and 43 of above said subdivision and a portion of Government Lots 8 and 9, Section 7, Township 10 South, Range 14 East, and Government Lots 10 and 12, Section 12, Township 10 South, Range 13 East, being further described as follows: For a Point of Reference commence at the S.E. corner of Government Lot 9, Section 7, Township 10 South, Range 14 East, thence N. 0 deg. 07' 39" E., 450.03 feet, thence S. 89 deg. 44' 11" W., 151.64 feet to the Point of Beginning. Thence S. 0 deg. 04' 52" E., parallel with and 150 feet West of the East line of above said Lot 42 (Government Lot 4, Section 18, Township 10 South, Range 14 East) 3090.12 feet to the South line of Lot 42 (Government Lot 4), thence S. 89 deg. 44' 23" W., along the South line of Lot 42 and Government Lot 4, 1170.18 feet to the SW corner of Government Lot 4 and the NE corner of Government Lot 7, Section 18, Township 10 South, Range 14 East, thence S. 0 deg. 03' 23" E., along the East line of Government Lot 7, 232.17 feet to the North right-of-way line of Holly Road as shown on the Plat of Suwannee River Sunset Gardens Subdivision, thence S. 89 deg. 11' 41" W., along said right-of-way line 1803.24 feet, thence continue along said right-of-way line, N. 54 deg. 56' 19" W., 1026.06 feet to the P.C. of a curve concave to the Southwest having a radius of 392.78 feet, thence Northwesterly along the arc of said curve through a central angle of 33 deg. 26' 00", 229.20 feet to the P.T. of curve, thence continue along said right-of-way line N. 88 deg. 22' 19" W., 337.98 feet to the intersection of the Easterly right-of-way line of Magnolia Drive as shown on the said subdivision plat, thence N. 38 deg. 00' 55" E., along said Easterly right-of-way line 290.78 feet, thence N. 24 deg. 58' 49" E., 496.01 feet, thence N. 11 deg. 58' 17" E., 335.09 feet, thence N. 2 deg. 55' 04" W., 406.85 feet, thence N. 12 deg. 00' 04" W., 140.33 feet to the termination of Magnolia Drive, thence S. 74 deg. 54' 56" W., 100.15 feet to the N.E. corner of Lot 1 of said subdivision, thence continue S. 74 deg. 54' 56" W., 460 feet more or less to the Easterly bank of the Suwannee River, thence Northwesterly along the Suwannee River 1835 feet more or less to a point that bears S. 89° 44' 11" W., 5798 feet more or less from the Point of Beginning, thence N. 89 deg. 44' 11" E., 5798 feet more or less to close on the Point of Beginning.

LESS

The South 30 feet of Government Lot 4 in Section 18, Township 10 South, Range 14 East, Gilchrist County, Florida,

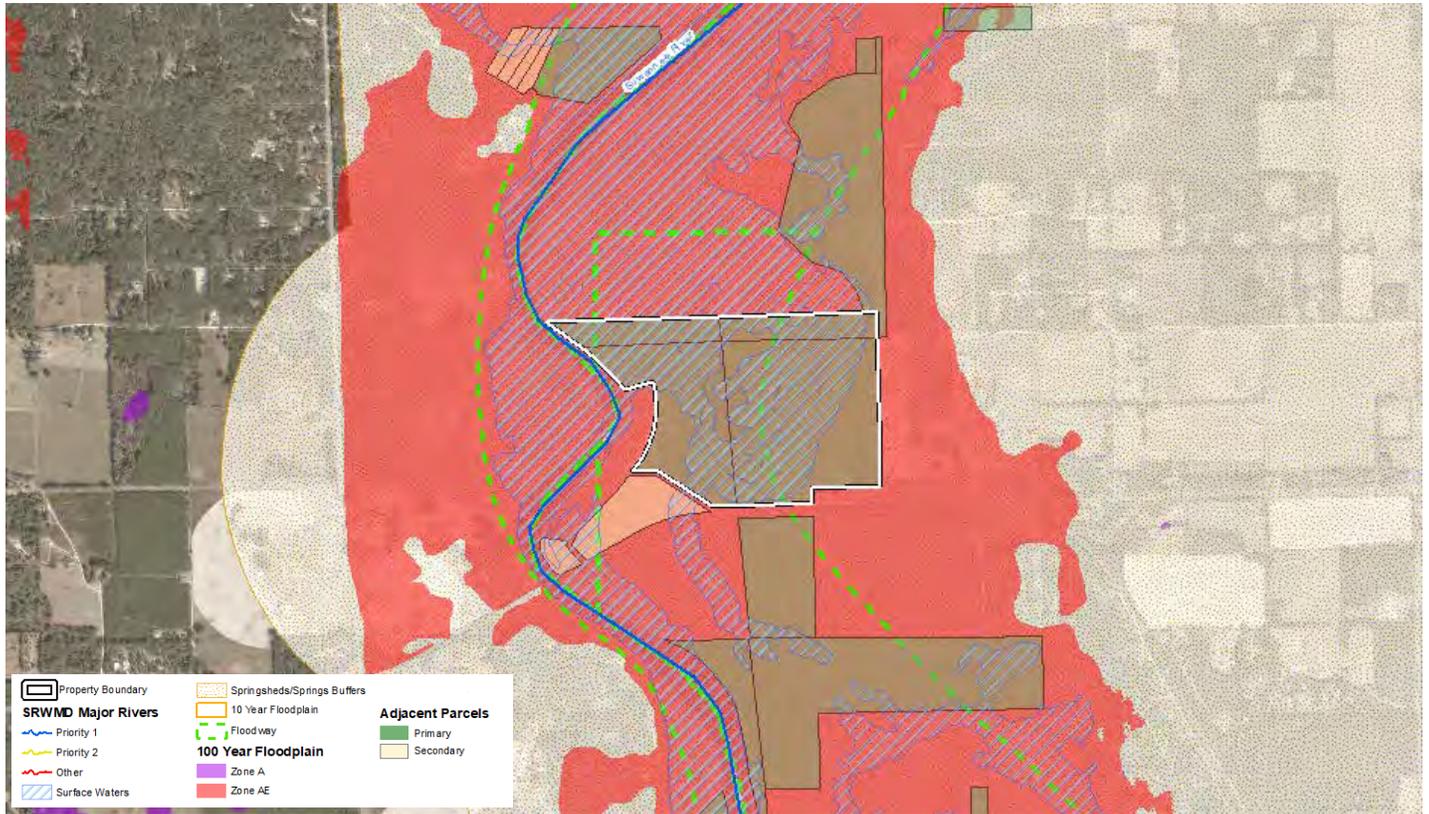
LESS the East 150 feet thereof.

AND LESS

The East 30 feet of the South 30 feet of Government Lot 6 in Section 18, Township 10 South, Range 14 East, Gilchrist County, Florida. AND LESS The East 30 feet of Government 7 in Section 18, Township 10 South, Range 14 East, Gilchrist County, Florida, lying North of Holly Road.



SUWANNEE TRIAGE ANALYSIS RESULTS



Property Name: Rio Lindo CE

Date: 10/08/20

Acreage: ± 313 ac

County: Gilchrist

Transaction Type: Conservation Easement

Florida Forever: Yes

Surface Water Protection

Major River: (Y) [Suwannee – Priority 1]

Riverine Surface Waters: (Y) [± 224.5 ac]

Flood Protection

Floodway: (Y) [± 180 ac]

10 Year Floodplain: (Y) [± 279.5 ac]

100 Year Floodplain: (Y) [± 313 ac]

Springs Protection

Springshed: (Y) [Fanning] [± 313 ac]

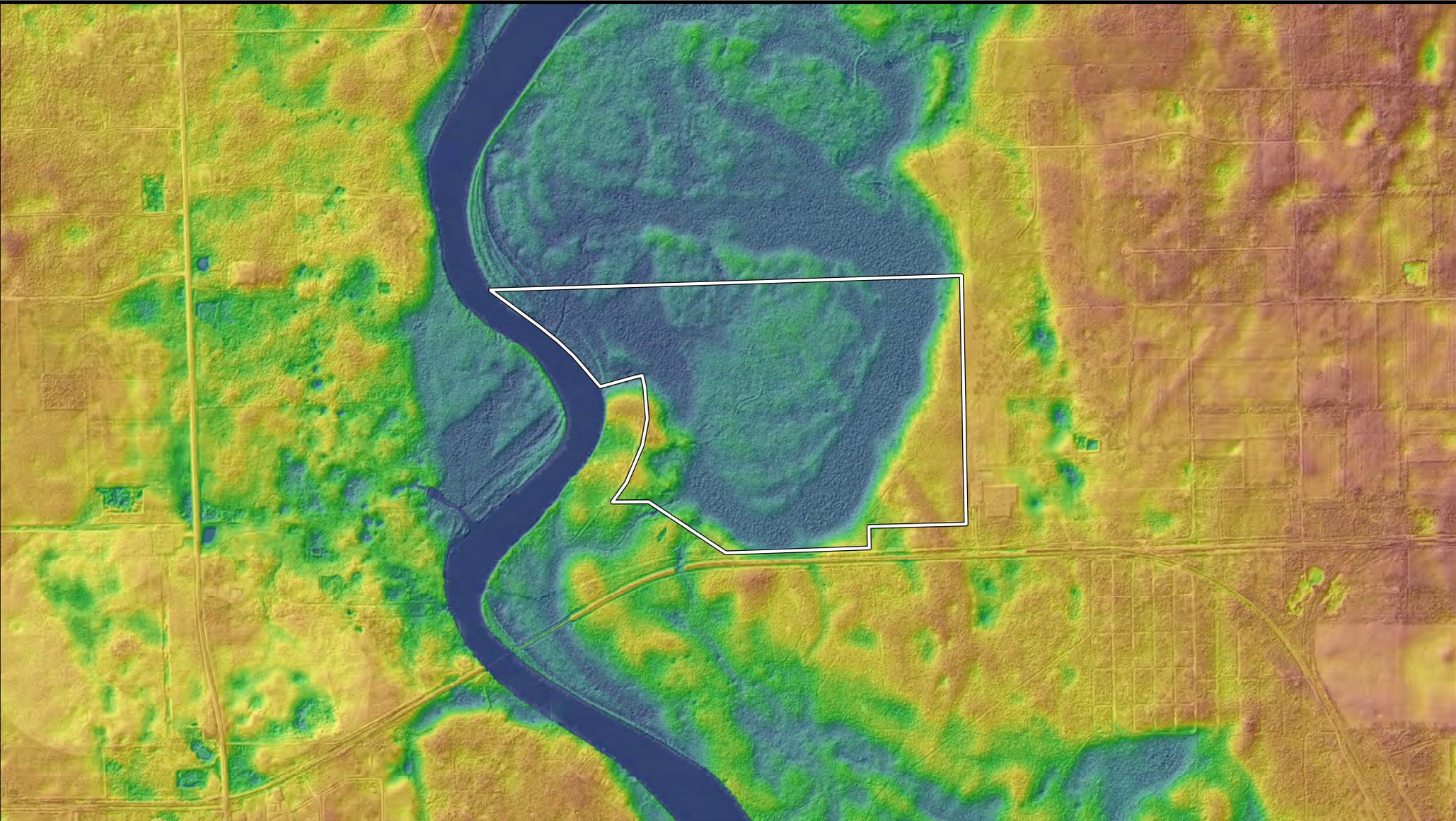
Adjacency: (Y) [Primary]

Miscellaneous

PFA: (Y) [Fanning Manatee]

WSPA: (Y) [Eastern]

BMAP: (Y) [Suwannee]



Rio Lindo CE Property Offer LIDAR



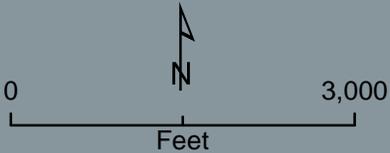
Property Boundary

Bare Earth Elevation



High : 35

Low : 0.5



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. Map Created 11/13/2020

PARCEL SUMMARY

TRACT: Rio Lindo Conservation Easement

OWNER: Harpo Holdings, Inc.

PARCEL: 313 acres +/-

PARCEL DESCRIPTION: The Rio Lindo parcel consists of 313 acres +/- located in Gilchrist County. The offer proposes a price of \$750,000 to be negotiated after an appraisal. The parcel has been previously planned for development but no development has occurred within the area being offered for the conservation easement. The parcel is adjacent to the District-owned Shingle Landing and Wannee tracts. The parcel is identified in the District's Florida Forever Work Plan.

WATER RESOURCE GUIDELINE SCREENING:

Riverine Surface Water Protection: 72%
Springshed Protection: 100% (Fanning Springs)
Floodplain Protection: 100%
Priority Focus Area: Fanning Manatee
Water Supply Planning Area: Eastern
BMAP: Suwannee

OUTSTANDING INTERESTS: The owner indicates there are outstanding mineral rights, including exploitation rights, owned by a third party on a portion of the parcel, however, the location of these rights is within the floodway so there appears to be little chance of exercising those rights. These rights as well as any other outstanding interests will be confirmed through a title search.

CURRENT ASKING PRICE: The property is being offered for \$750,000 but the owner has indicated a willingness to negotiate. Upon completion of the appraisal staff will negotiate the value of the property rights to be conveyed to the District in accordance with Florida Statutes.

ASSESSMENT COSTS: Costs of detailed assessment are estimated to be from \$5,000 to \$7,500.

ACCESS: This property appears to be accessible via county-maintained SW 85th Street.

MANAGEMENT: District staff has not visited the site but are familiar with the area due to adjacency to existing District lands and have determined that it presents no issues for management.

SCS/rl
File #2020-010

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Stephen Schroeder, Chief, Office of Administration
THRU: Steve Minnis, Deputy Executive Director, Business and Community Services
DATE: December 31, 2020
RE: Contract with Gray Construction Services, Inc. for HVAC System Replacements

RECOMMENDATION

Authorize the Executive Director to enter into contract with Gray Construction Services, Inc. for replacement of HVAC systems at an estimated cost of \$176,744 and authorize the Executive Director to approve change orders which, in the aggregate, do not exceed \$30,000.

BACKGROUND

In October 2020, the District conducted a request for proposals (RFP No. 20/21-001) for replacement of one HVAC system and replacement and consolidation of two HVAC systems. The RFP was advertised and published on the District website, local publications, and the Florida Administrative Register. Six potential respondents attended the pre-proposal conference, however, the District received and opened one proposal as follows:

<u>Company</u>	<u>City</u>
Gray Construction Services, Inc	Trenton, FL

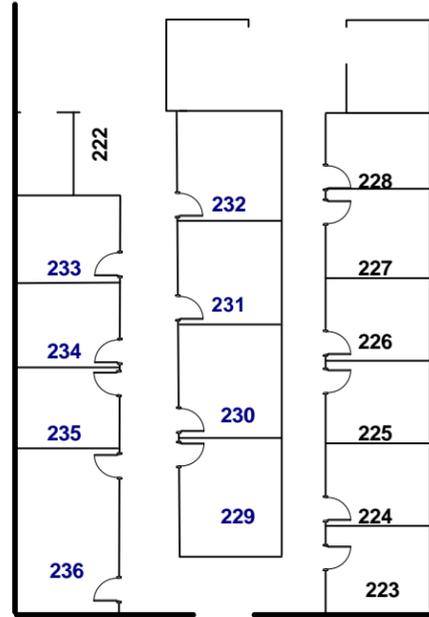
The proposal submitted includes replacing the current HVAC system in the District server room with a unit that is designed for IT server room cooling as well as consolidating two units that service the F wing and portions of the C wing into one 20-ton unit. This proposal will solve multiple logistical and mechanical issues the current HVAC systems are experiencing, as well as reduce the number of units the District must maintain. Change orders under the contract will be for good cause and only authorized for reasons not reasonably observable in pre-proposal inspections and not attributable to the contractor.

Funding for this recommendation is included in the Fiscal Year 2020- 2021 Final Budget under account code 13-5922-3-3300.

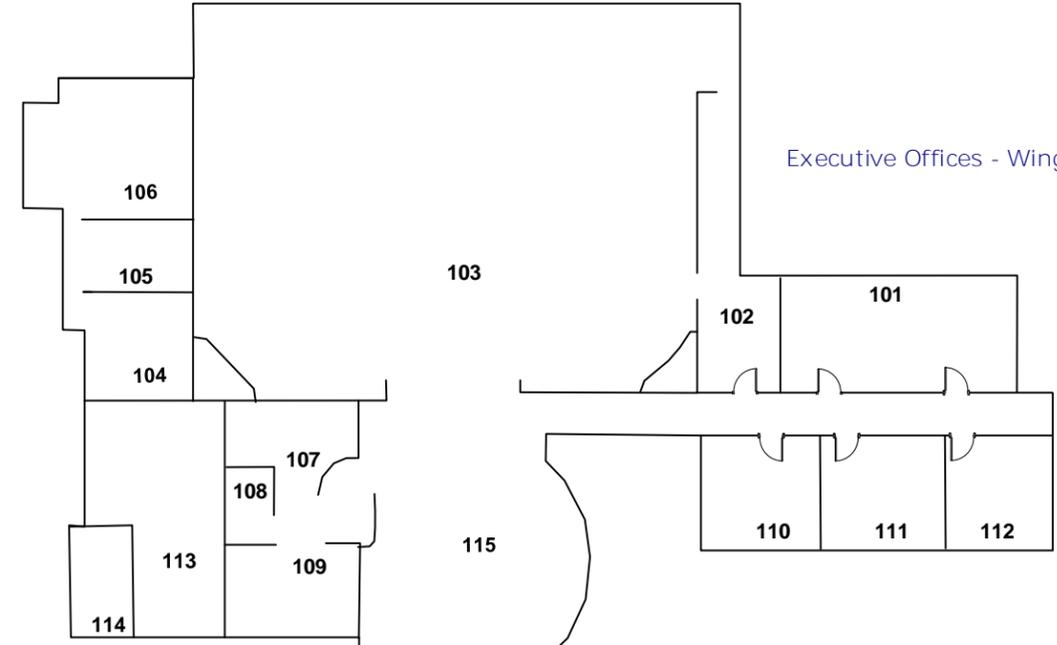
SCS/tm
Attachment

Suwannee River Water Management District
October 22, 2020

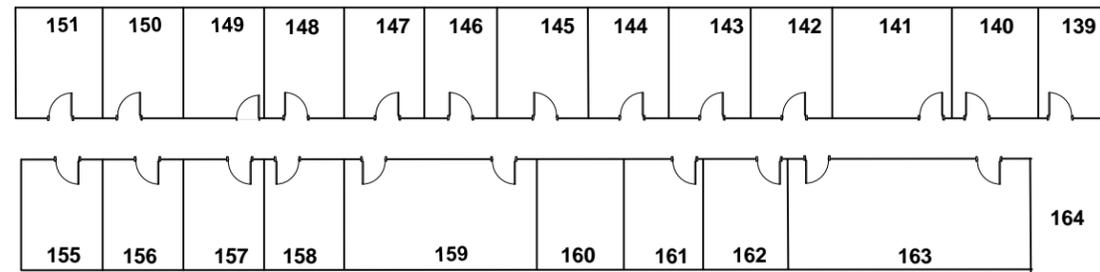
Field Services Building (Kirby)



Executive Offices - Wing A

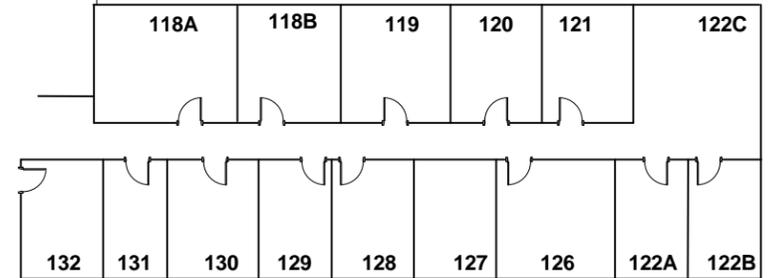


Resource Management - Wing D

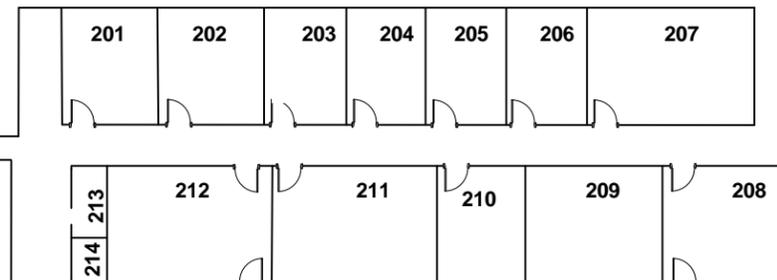


Breezeway

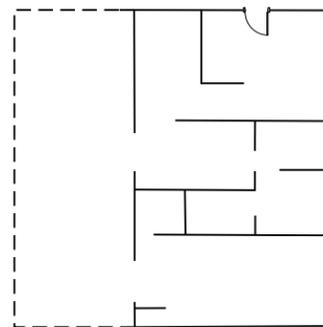
ADMINISTRATIVE SERVICES - Wing B



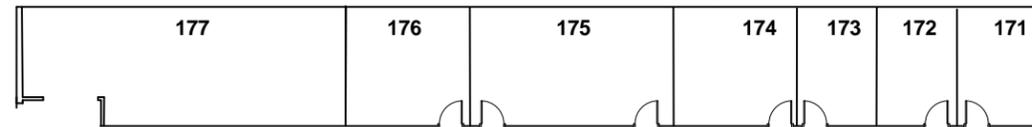
Water Resources - Wing F



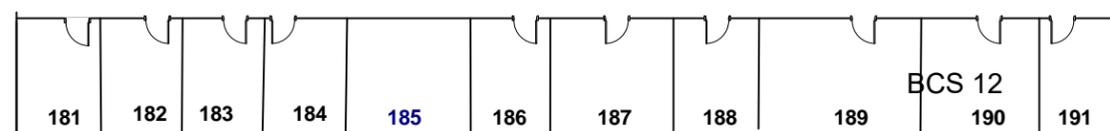
Lab Building



WATER SUPPLY & LAND RESOURCES - Wing E



Central Files & GIS - Wing C



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Pam Shaw, Chief, Office of Finance

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: November 2020 Financial Report

RECOMMENDATION

Approve the November 2020 Financial Report and confirm the expenditures of the District.

BACKGROUND

Section 373.553(1), Florida Statutes (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, F.S., the Governing Board of the Suwannee River Water Management District has directed staff to prepare a Financial Report as attached.

PS/tm
Attachments

**Suwannee River Water Management District
Cash Report
November 2020**

Financial Institution/Account	Monthly Interest	Interest Rate %	Closing Balance
First Federal Permit Fee	\$0.00		\$22,221.95
First Federal Accounts Payable	\$0.00		\$35,000.00
First Federal EFT Disbursements	\$0.00		\$0.00
First Federal Depository	\$54.89	0.00%	\$2,361,227.97
Special Purpose Investment Account (SPIA)*	<u>\$65,971.02</u>	1.92%	<u>\$41,209,050.05</u>
TOTAL	<u>\$66,025.91</u>		<u>\$43,627,499.97</u>

*SPIA is part of the Florida Treasury Investment Pool

**Suwannee River Water Management District
Statement of Sources and Uses of Funds
For the Month ending November 30, 2020
(Unaudited)**

	Current Budget	Actuals Through 11/30/2020	Variance (Under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 6,034,682	\$ 730,623	\$ (5,304,059)	12.1%
Intergovernmental Revenues	\$ 39,950,983	\$ 266,951	\$ (39,684,032)	0.7%
Interest on Invested Funds	\$ 130,000	\$ 140,889	\$ 10,889	108.4%
License and Permit Fees	\$ 163,000	\$ 41,762	\$ (121,238)	25.6%
Other	\$ 1,000,000	\$ 56,119	\$ (943,881)	5.6%
Fund Balance ¹	\$ 11,789,923	\$ 10,568	\$ (11,779,355)	0.1%
Total Sources	\$ 59,068,588	\$ 1,246,912	\$ (57,821,676)	2.1%

	Current Budget	Expenditures	Encumbrances ²	Available Budget	%Expended	%Obligated ³
Uses						
Water Resources Planning and Monitoring	\$ 11,309,318	\$ 546,958	\$ 3,595,356	\$ 7,167,005	5%	37%
Acquisition, Restoration and Public Works	\$ 37,812,028	\$ 390,394	\$ 22,433,996	\$ 14,987,638	1%	60%
Operation and Maintenance of Lands and Works	\$ 6,127,699	\$ 287,661	\$ 745,386	\$ 5,094,652	5%	17%
Regulation	\$ 1,894,389	\$ 237,929	\$ 53,053	\$ 1,603,406	13%	15%
Outreach	\$ 243,657	\$ 15,426	\$ -	\$ 228,231	6%	6%
Management and Administration	\$ 1,681,497	\$ 202,704	\$ 56,507	\$ 1,422,287	12%	15%
Total Uses	\$ 59,068,588	\$ 1,681,072	\$ 26,884,298	\$ 30,503,218	3%	48%

¹ Actual Fund Balance used is recorded at the end of the fiscal year. This amount represents Fund Balance used for the Agricultural and RIVER Cost-Share, Regional Water Resource Development, and Project Effectiveness Metrics Programs.

² Encumbrances represent unexpended balances of open purchase orders and contracts.

³ Represents the sum of expenditures and encumbrances as a percentage of the available budget.

This financial statement is prepared as of November 30, 2020 and covers the interim period since the most recent audited financial statements.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
STATEMENT OF ACTIVITY - REVENUE AND EXPENSE ROLLUP (UNAUDITED)
FOR 11/30/2020

	Y-T-D ACTUAL	ENCUMBRANCE	ANNUAL BUDGET
<u>Report Recap -</u>			
REVENUES			
DISTRICT REVENUES	969,393	0	7,327,682
LOCAL REVENUES	0	0	86,480
STATE REVENUES	117,763	0	36,208,503
FEDERAL REVENUES	149,188	0	3,656,000
FUND BALANCE UTILIZATION	10,568	0	11,789,923
TOTAL REVENUES	1,246,912	0	59,068,588
EXPENDITURES			
SALARIES AND BENEFITS	961,487	0	6,709,559
CONTRACTUAL SERVICES	482,680	8,736,192	22,052,900
OPERATING EXPENDITURES	184,435	100,264	1,810,700
OPERATING CAPITAL OUTLAY	0	41,682	410,044
FIXED CAPITAL OUTLAY	0	0	5,077,000
INTERAGENCY EXPENDITURES	52,470	18,006,159	23,008,385
TOTAL EXPENDITURES	1,681,072	26,884,297	59,068,588
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(434,160)	(26,884,297)	0
<u>General Fund -</u>			
REVENUES			
DISTRICT REVENUES	870,646	0	4,938,432
LOCAL REVENUES	0	0	86,480
STATE REVENUES	8,864	0	2,740,000
FEDERAL REVENUES	0	0	0
FUND BALANCE UTILIZATION	0	0	1,866,522
TOTAL REVENUES	879,510	0	9,631,434
EXPENDITURES			
SALARIES AND BENEFITS	752,634	0	5,181,595
CONTRACTUAL SERVICES	56,659	591,473	2,074,290
OPERATING EXPENDITURES	59,849	54,576	1,016,233
OPERATING CAPITAL OUTLAY	0	36,630	253,336
FIXED CAPITAL OUTLAY	0	0	0
INTERAGENCY EXPENDITURES	37,813	557,430	1,105,980
TOTAL EXPENDITURES	906,955	1,240,109	9,631,434
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(27,445)	(1,240,109)	0
<u>Land Management Operations -</u>			
REVENUES			
DISTRICT REVENUES	54,746	0	2,314,250
LOCAL REVENUES	0	0	0
STATE REVENUES	0	0	2,290,119
FEDERAL REVENUES	0	0	40,000
FUND BALANCE UTILIZATION	0	0	2,020,330
TOTAL REVENUES	54,746	0	6,664,699
EXPENDITURES			
SALARIES AND BENEFITS	118,287	0	786,979
CONTRACTUAL SERVICES	46,029	649,705	3,328,610
OPERATING EXPENDITURES	123,422	40,248	722,467
OPERATING CAPITAL OUTLAY	0	5,052	156,708
FIXED CAPITAL OUTLAY	0	0	977,000
INTERAGENCY EXPENDITURES	7	50,381	692,935
TOTAL EXPENDITURES	287,745	745,386	6,664,699
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(232,999)	(745,386)	0

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
STATEMENT OF ACTIVITY - REVENUE AND EXPENSE ROLLUP (UNAUDITED)
FOR 11/30/2020

	Y-T-D ACTUAL	ENCUMBRANCE	ANNUAL BUDGET
<u>District Special Revenue -</u>			
REVENUES			
DISTRICT REVENUES	0	0	0
LOCAL REVENUES	0	0	0
STATE REVENUES	0	0	0
FEDERAL REVENUES	0	0	0
FUND BALANCE UTILIZATION	10,568	0	5,319,470
TOTAL REVENUES	10,568	0	5,319,470
EXPENDITURES			
SALARIES AND BENEFITS	0	0	0
CONTRACTUAL SERVICES	10,568	1,283,698	2,250,000
OPERATING EXPENDITURES	0	0	30,000
OPERATING CAPITAL OUTLAY	0	0	0
FIXED CAPITAL OUTLAY	0	0	0
INTERAGENCY EXPENDITURES	0	919,586	3,039,470
TOTAL EXPENDITURES	10,568	2,203,284	5,319,470
EXCESS REVENUES OVER (UNDER) EXPENDITURES	0	(2,203,284)	0
<u>State Special Revenue -</u>			
REVENUES			
DISTRICT REVENUES	44,002	0	0
LOCAL REVENUES	0	0	0
STATE REVENUES	108,899	0	31,178,384
FEDERAL REVENUES	0	0	0
FUND BALANCE UTILIZATION	0	0	2,583,601
TOTAL REVENUES	152,901	0	33,761,985
EXPENDITURES			
SALARIES AND BENEFITS	90,455	0	724,985
CONTRACTUAL SERVICES	210,322	4,321,293	10,749,000
OPERATING EXPENDITURES	1,164	5,440	36,000
OPERATING CAPITAL OUTLAY	0	0	0
FIXED CAPITAL OUTLAY	0	0	4,100,000
INTERAGENCY EXPENDITURES	14,650	16,478,763	18,152,000
TOTAL EXPENDITURES	316,591	20,805,496	33,761,985
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(163,690) *	(20,805,496)	0
<i>*To be reimbursed by grants</i>			
<u>Federal Special Revenue -</u>			
REVENUES			
DISTRICT REVENUES	0	0	75,000
LOCAL REVENUES	0	0	0
STATE REVENUES	0	0	0
FEDERAL REVENUES	149,188	0	3,616,000
FUND BALANCE UTILIZATION	0	0	0
TOTAL REVENUES	149,188	0	3,691,000
EXPENDITURES			
SALARIES AND BENEFITS	111	0	16,000
CONTRACTUAL SERVICES	159,101	1,890,023	3,651,000
OPERATING EXPENDITURES	0	0	6,000
OPERATING CAPITAL OUTLAY	0	0	0
FIXED CAPITAL OUTLAY	0	0	0
INTERAGENCY EXPENDITURES	0	0	18,000
TOTAL EXPENDITURES	159,212	1,890,023	3,691,000
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(10,024) *	(1,890,023)	0
<i>*To be reimbursed by grants</i>			

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Christina Green, Senior Budget and Fiscal Analyst, Office of Finance

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2021

RE: Memorandum of Understanding with the Florida Department of Environmental Protection

RECOMMENDATION

Authorize the Executive Director to enter into a Memorandum of Understanding with the Florida Department of Environmental Protection establishing a general procedure for the disbursement of state funds.

BACKGROUND

The water management districts and Florida Department of Environmental Protection (FDEP) have collaborated on the development of a Memorandum of Understanding (MOU) to establish a general procedure for the disbursement of various state funds. The MOU is intended to establish a streamlined process and provide consistency for the disbursement of state funds.

The MOU for the District pertains to the disbursement of funds appropriated for the District's water management district operations, Environmental Resource Permitting program, Minimum Flows and Minimum Water Levels program, Payment In Lieu of Taxes program, land management operations, and alternative water supply projects, including the Water Protection and Sustainability Program Trust Fund.

CG/tm

MEMORANDUM OF UNDERSTANDING
BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR
FUNDING PROGRAMS
AGREEMENT NUMBER: WP002

This Memorandum of Understanding (“MOU”) is effective as of July 1, 2020, between the “Parties,” the Suwannee River Water Management District, a special district of the State of Florida (“District”), and the Florida Department of Environmental Protection, an agency of the State of Florida (“Department”).

WITNESSETH THAT:

WHEREAS, the District is a special district of the State of Florida, created by the Florida Legislature and given those powers and responsibilities enumerated in Chapter 373, Florida Statutes, including entering into agreements with public agencies; and

WHEREAS, the Florida Legislature provides funds to be used for implementation of Chapter 373, Florida Statutes, including protection and restoration of water supply, water quality, flood protection, and natural systems; and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Water Management District operations; and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Environmental Resource Permitting Program; and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Minimum Flows and Minimum Water Levels (MFLs); and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Payment In Lieu of Taxes (PILT); and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Land Management; and

WHEREAS, the District and Department desire to enter into a MOU establishing a general procedure for the disbursement of state funds appropriated for Alternative Water Supply, including the Water Protection and Sustainability Program Trust Fund.

NOW THEREFORE, in consideration of the obligations created in this MOU, the Parties do hereby agree as follows:

1. Recitals

The foregoing recitals are true and correct and made a part of this MOU.

2. Disbursement of Funds

Upon the District’s request and consistent with any appropriation or other legal requirements, the Department shall disburse state appropriated funds to the District in accordance with the procedures set forth in section 373.501, Florida Statutes, and Exhibits “A” and “B”, attached hereto and made a part of this MOU. The procedures set forth in the Exhibits may be modified by written amendment entered into by the Secretary of the Department, or a designee, and the District’s Executive Director, or a designee, including amendments to address modifications required by the Florida Legislature.

The amount of monies to be disbursed by the Department hereunder shall be subject to annual appropriations by the Florida legislature. The Department and the District acknowledge that such funds can be used to transfer to or reimburse the District as consistent with the appropriation each year, which may include but not be limited to the specific programmatic activities as described in the Exhibits.

3. Contacts and Notice

All notices, demands, or other communications required herein shall be in writing sent by certified mail, return receipt, or electronic mail with confirmed receipt, to:

Edward C. Smith, Director, or successor
Office of Water Policy and Ecosystems Restoration
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 24 Tallahassee, Florida 32399-3000
Edward.C.Smith@FloridaDEP.gov
(850) 245-3169

Hugh L. Thomas, Executive Director, or successor
Suwannee River Water Management District
9225 County Road 49, Live Oak, Florida 32060
Hugh.Thomas@srwmd.org
(386) 362.8313

All notices required under this MOU shall be considered delivered upon receipt if sent by certified mail, return receipt, or electronic mail with confirmed receipt. Should either party change its address, or should representatives change, written notice of such changes shall promptly be sent to the other party.

4. Records Retention/Audit

Both parties shall maintain books, records, and documents directly pertinent to their performance under this MOU. The parties shall maintain financial records and reports in accordance with their standard policies and procedures consistent with the generally accepted accounting principles. The parties shall

track disbursements and expenditures by the particular Program or Project component to which the disbursement or expenditure applies.

Either party or their authorized representative shall have access to such records for audit purposes during the term of this MOU and in accordance with recordkeeping requirements under Chapter 119, F.S.

The District understands its duty, pursuant to subsection 20.055(5), F.S., to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing. The District will comply with this duty and ensure that its subcontracts and/or subagreements issued under this MOU, if any, impose this requirement, in writing, on its subcontractors and/or subgrantees.

5. Standards of Compliance

- (a) The District hereby assures that no person shall be excluded on the grounds of race, color, creed, national origin, disability, age, or sex, from participation in, denied the benefits of, or be otherwise subjected to discrimination in any activity under this MOU. The District shall take all measures necessary to effectuate these assurances.
- (b) The laws of the State of Florida shall govern all aspects of this MOU. In the event it is necessary for either party to initiate legal action regarding this MOU, such action shall be brought in Leon County, Florida.
- (c) The District and the Department shall allow public access to all non-exempt records pertaining to this MOU in accordance with the provisions of Chapter 119, Florida Statutes. This MOU may be terminated by either party for refusal by the other party to allow such public access.

6. Relationship of the Parties

This MOU is neither intended nor shall it be construed to grant any rights, privileges, or interest to any third party.

7. General Provisions

- (a) Notwithstanding any provisions of this MOU to the contrary, the Parties shall not be held liable for any failure or delay in the performance of this MOU that arises from fires, floods, strikes, embargoes, acts of the public enemy, unusually severe weather, outbreak of war, restraint of Government, pandemics, riots, civil commotion, force majeure, act of God, or for any other cause of the same character which is unavoidable through the exercise of due care and beyond the control of the parties. Failure to perform shall be excused during the continuance of such circumstances, but this MOU shall otherwise remain in effect.
- (b) In the event any provisions of this MOU conflict, or appear to conflict, the MOU, including all exhibits, attachments and all documents specifically incorporated by reference, shall be interpreted as a whole to resolve any inconsistency.
- (c) Failures or waivers to insist on strict performance of any covenant, condition, or provision of this MOU by the Parties, their successors and assigns shall not be deemed a waiver of any of its rights or remedies, nor shall it relieve the other party from performing any subsequent obligations strictly in accordance with the terms of this MOU. No waiver shall be effective unless in writing

and signed by the party against whom enforcement is sought. Such waiver shall be limited to provisions of this MOU specifically referred to therein and shall not be deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.

- (d) Should any term or provision of this MOU be held, to any extent, invalid or unenforceable, as against any person, entity or circumstance during the terms hereof, by force of any statute, law, or ruling of any forum of competent jurisdiction, such invalidity shall not affect any other term or provision of this MOU, to the extent that the MOU shall remain operable, enforceable and in full force and effect to the extent permitted by law.
- (e) This MOU may be amended only by written instrument executed by the Parties hereto or their authorized designee.
- (f) Either Party may terminate this MOU by notifying the other in writing at least sixty (60) days prior to the effective date of termination. Work satisfactorily performed in accordance with the terms of this agreement within 60-days receipt of this notice is not cancellable but must be invoiced within 30 days of the effective date of termination. The Department may not find work unsatisfactorily performed simply because the activity is only partially completed at the time of receipt of the notice of termination.
- (g) This MOU states the entire understanding and agreement between the Parties. The Parties recognize that any representations, statements, or negotiations made by staff do not suffice to legally bind a party in a contractual relationship unless they have been reduced to writing and signed by an authorized representative. This MOU shall inure to the benefit of and shall be binding upon the Parties, their respective assigns, and successors in interest.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this MOU on the date first written above.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

By: _____

Date: _____

Print Name and Title

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____

Date: _____

Print Name and Title

FDEP Attorney approved as to legal form:

By: _____

Name: _____

Date: _____

EXHIBIT A

Disbursement Procedure for Water Management District Operations, Environmental Resource Permitting Program, Payment In Lieu of Taxes, and Land Management Programs

1. Definitions

- (a) “Operations” shall include costs for all budget categories in support of direct operations and the District’s mission. Such costs may include, but are not limited to, salaries and benefits; other personal services; parts and supplies, small tools or equipment, and construction and maintenance products, or other operational supplies; operating capital outlay; contractual expenditures; interagency expenditures; and fixed capital outlay. State appropriations for “Operations” may not be used for expenditures of a type that do not represent direct operating costs to the fund, including but not limited to transfers out, transfers to Constitutional Officers, and reserves for contingency.
- (b) “Environmental Resource Permitting (ERP) Program” shall mean the regulatory program within the Water Management Districts that reviews, issues, and enforces environmental resource, surface water and works of the district permits. This regulatory program manages and protects surface waters, showing that projects are consistent with the goals and policies of the state, and that construction/alteration and operation of a surface water management system will not be harmful to waters of the state.
- (c) “Minimum Flows and Minimum Water Levels (MFL) Program” shall mean the establishment of minimum surface and ground water levels and surface water flow conditions required to protect water resources from significant harm, as determined by the water management district’s Governing Board and consistent with section 373.042, Florida Statutes. This includes, but is not limited to, the determination and establishment of minimum flows and minimum water levels for streams, estuaries, lakes, aquifers, wetlands, and springs (including independent scientific peer review) in order to avoid significant harm to water resources or ecology of the area.
- (d) “Payment In Lieu of Taxes (PILT)” is defined by section 373.59, Florida Statutes.
- (e) “Land Management” shall mean all maintenance, custodial, and restoration efforts for lands acquired through federal, state, and locally sponsored land acquisition programs. Management activities undertaken must meet the statutory charge to manage lands in such a way as to ensure a balance between public access, general public recreational purposes, restoration, and protection of their natural state and condition. Examples of land management include, but are not limited to, ecosystem management, recreational enhancements, prescribed burning, fencing, exotic plant control, road maintenance, and feral hog control.

2. Release and Disbursement of Funds from the Department

- (a) State appropriated funds may be released by the Department to the District for District operations and the ERP, MFL, PILT, and Land Management programs. Reimbursement to the District for

land acquisition or related pre-acquisition activities are only allowed for MFLs and Land Management.

- (b) A fully authorized and signed Governing Board resolution identifying the funds requested for release shall be submitted to the Department prior to the release of funds requested by the District to cover the District operations, ERP, MFL, PILT, and Land Management program costs based on the amount of funds budgeted for the fiscal year.
- (c) The District shall provide the Department with a spend plan that identifies the budget information, narrative description, timeframes for implementation, and anticipated timeframes for funding requests to the Department (quarterly) for each program's expenditures. In addition, the District shall provide the Department with quarterly updates to this schedule. The Department will review and approve the spend plan in writing to the District consistent with annual appropriations. For the Department's administrative purposes, funds will be considered encumbered upon the Department's approval of the spend plan.
- (d) The District may request a quarterly release of funds for operations, ERP, MFL, PILT, and Land Management according to the release schedule in the Department-approved spend plan. The District shall coordinate with the Department annually on the release schedule.
- (e) In order to ensure the timely release of funds for operations, ERP, MFL, PILT, and Land Management programs, the budget and spend plan for each item shall be coordinated with the Department to the maximum extent practicable.
- (f) A request for the release of funds consistent with the appropriation shall be made by the Executive Director of the District, or designee, based on the release schedule in the Department-approved spend plan, and shall include the following:
 - (1) The amount of funds being requested, the programs for which the funds are requested, and the corresponding District resolution number; and
 - (2) A budget of the programs for which funds are requested and costs incurred; and
 - (3) The General Appropriations Act (GAA) line item and the amount appropriated.
- (g) Upon receipt by the Department of a request for release of funds from the District, the Department shall:
 - (1) Review the Governing Board resolution and request from the District;
 - (2) Confirm that the funding request is consistent with the release schedule in the Department-approved spend plan; and
 - (3) Determine whether there are sufficient funds to pay the requested costs. Within 30 days of receipt of a request, the Department shall notify the District that either the funds will be released or that they will not be released. If the Department determines that funds will not be released, a written notice shall specify the reasons for withholding the moneys requested.
- (h) Funds approved for release shall be disbursed to the District pursuant to section 215.422, Florida Statutes.

EXHIBIT B

Disbursement Procedure for Alternative Water Supply Projects

1. Definitions

“Alternative Water Supply” is defined by sections 373.019 and 373.707, Florida Statutes. It may include, but not be limited to, projects that implement conservation, reuse, surface water, and other water supply and water resource development projects.

2. Programmatic Requirements

When state funds are available for Alternative Water Supply, the District shall submit projects to the Department for funding, according to Department direction. Only when the project selection process is complete, and one or more District projects have been selected, and a spend plan has been submitted by the District and approved by the Department in writing, may the District proceed with requesting the release of funds in Section 3 below.

3. Release of Funds

- (a) State appropriated funds may be released by the Department for Alternative Water Supply projects.
- (b) The District shall provide the Department with a spend plan for the selected Alternative Water Supply projects to include, at a minimum, the project name, the project cooperator, a project description, location of the project, capital costs (see 373.019(2), Florida Statutes), total project costs, anticipated project benefits, timeframes for implementation, and anticipated timeframes for funding requests to the Department (biannually). The Department will review and approve the spend plan in writing to the District consistent with annual appropriations. For the Department’s administrative purposes, funds will be considered encumbered upon the Department’s approval of the spend plan.
- (c) The following additional information shall also be provided to document project activities for each project, as applicable:
 - (1) A formal resolution adopted by the Governing Board of the District to cover the District’s Alternative Water Supply projects which identify the funds requested for release consistent with the funds budgeted for the fiscal year;
 - (2) For projects with a local government, utility, regional utility authority or other local sponsor, an electronic copy of the funding agreement between the District and the local sponsor; and
 - (3) For projects that will utilize Water Protection and Sustainability Program Trust Fund (WPSP) funding, the Department-provided submittal worksheet, including the Department-provided certification of project costs.

- (d) In order to ensure the timely release of funds for Alternative Water Supply projects, the District shall coordinate its anticipated funding release requests with the Department to the maximum extent practicable.
- (e) The District may request the release of funds for Alternative Water Supply projects based on the Department-approved spend plan. The District may request no more than two installments per fiscal year, with the first no earlier than November 15 and the second no earlier than May 15 of each year.
- (f) A request for the release of funds consistent with the appropriation(s) and approved project list shall be made by the Executive Director of the District, or designee, based on the Department's release schedule and shall include the following:
 - (1) The amount of funds being requested and the funding sources for which the funds are requested; and
 - (2) The deliverables as outlined in Section 3(c).

4. Disbursement

Funds approved for release shall be disbursed to the District pursuant to section 215.422, Florida Statutes.

Upon receipt by the Department of a request for release of funds from the District, the Department shall:

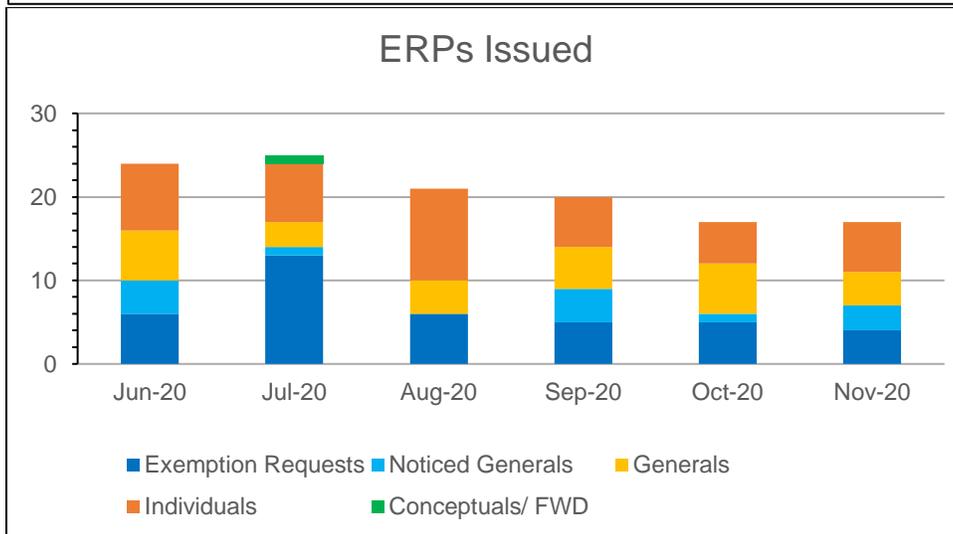
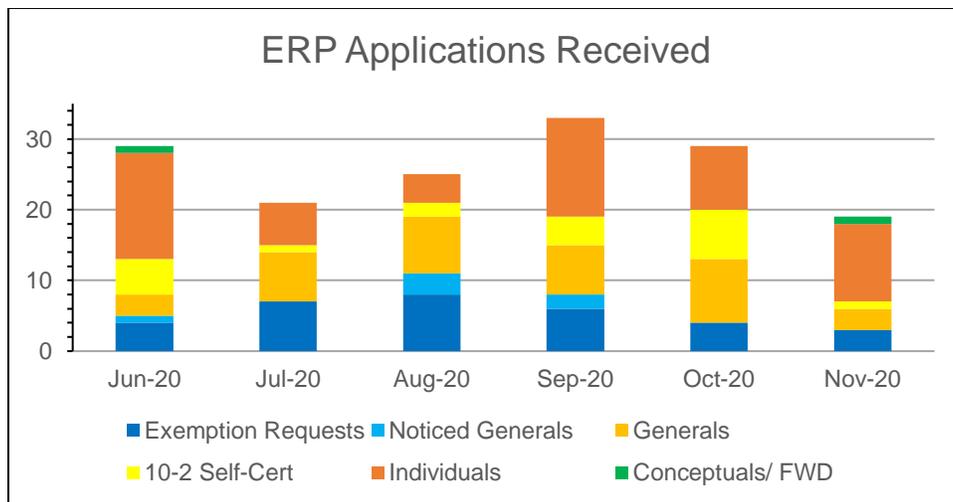
- (a) Review the Governing Board resolution and request from the District;
- (b) Review all deliverables and supporting documentation and ensure programmatic consistency of funds per any annual appropriation proviso requirements and/or section 373.707, Florida Statutes;
- (c) Confirm that the Department has received an annual budget that covers the associated reimbursement request; and
- (d) Determine whether there are sufficient funds to pay the requested costs. Within 30 days of receipt of a request, the Department shall notify the District that either the funds will be released or that they will not be released. If the Department determines that funds will not be released, a written notice shall specify the reasons for withholding the moneys requested.

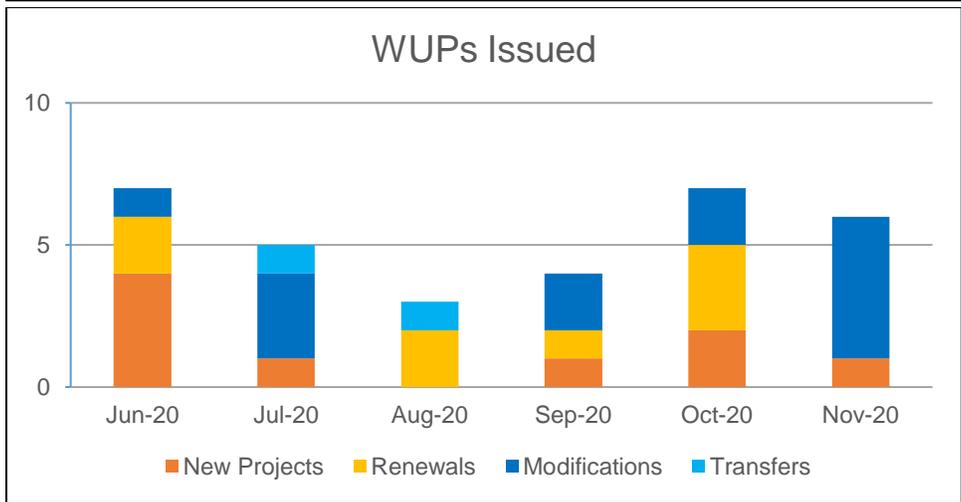
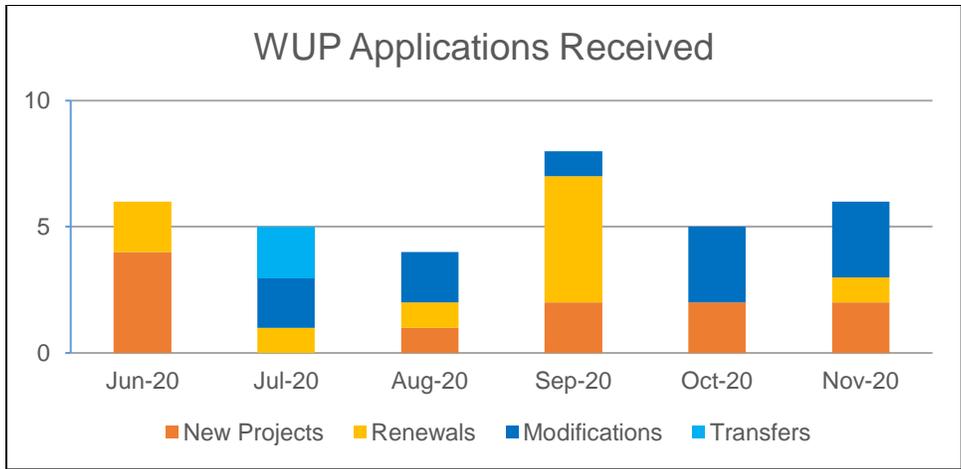
5. Reporting

The District shall provide the Department with quarterly progress reports no later than 30 days following the end of a quarter using the Department-provided template on all Alternative Water Supply projects receiving state funding. The reporting quarters shall be October-December, January-March, April-June, and July-September. Occasionally, more frequent updates may be requested by the Department and the District shall comply with such requests, to the maximum extent practicable.

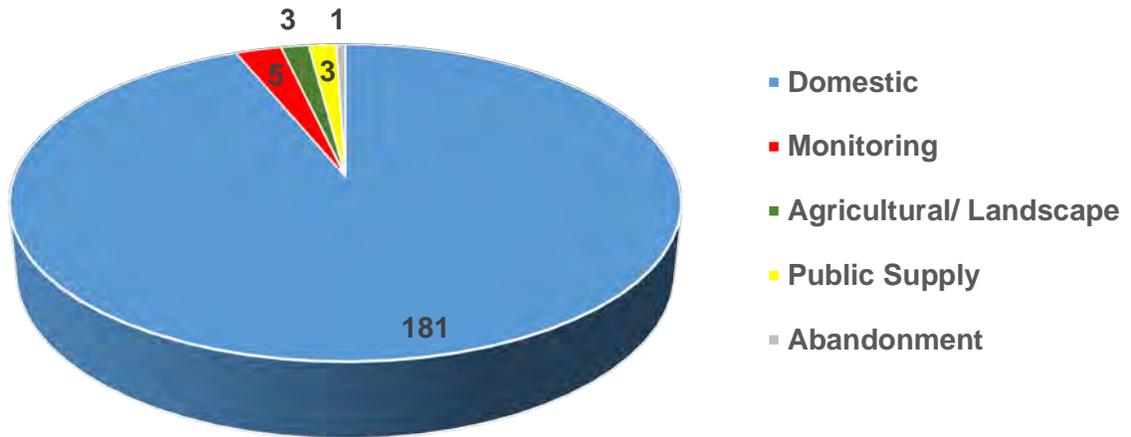
MEMORANDUM

TO: Governing Board
FROM: Warren Zwanka, Director, Division of Resource Management
THRU: Steve Minnis, Deputy Executive Director, Business and Community Services
DATE: December 31, 2020
RE: Permitting Summary Report





Water Well Permits Issued November 2020



40B-4.1020 Definitions

GB Authorized Rulemaking	8/27/2020
Notice of Rule Development	9/25/2020
Public Workshop	n/a
Notice of Proposed Rule	11/16/2020
Notice of Rule Change	n/a
Mail to DOS	12/15/2020
Effective Date	1/4/2021

40B-4.1040 Permits Required

GB Authorized Rulemaking	8/27/2020
Notice of Rule Development	9/25/2020
Public Workshop	n/a
Notice of Proposed Rule	11/16/2020
Notice of Rule Change	n/a
Mail to DOS	12/15/2020
Effective Date	1/4/2021

40B-4.1100 Duration of Permits

GB Authorized Rulemaking	8/27/2020
Notice of Rule Development	9/25/2020
Public Workshop	n/a
Notice of Proposed Rule	11/16/2020
Notice of Rule Change	n/a
Mail to DOS	12/15/2020
Effective Date	1/4/2021

40B-4.1110 Modification of Permits

GB Authorized Rulemaking	8/27/2020
Notice of Rule Development	9/25/2020
Public Workshop	n/a
Notice of Proposed Rule	11/16/2020
Notice of Rule Change	12/7/2020
Mail to DOS	
Effective Date	

40B-4.3000 Adopted Works of the District

GB Authorized Rulemaking	8/27/2020
Notice of Rule Development	9/25/2020
Public Workshop	n/a
Notice of Proposed Rule	11/16/2020
Notice of Rule Change	12/7/2020
Mail to DOS	
Effective Date	

40B-400.091 Statewide Stormwater Rules

GB Authorized Rulemaking	12/8/2020
Notice of Rule Development	12/21/2020
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Effective Date	

Compliance Agreements: None to report

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Christina Carr, Chief Environmental Scientist, Office of Environmental Compliance

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 29, 2020

RE: Florida Department of Transportation Mitigation Plan 2021-2025

RECOMMENDATION

Accept the annual Florida Department of Transportation Mitigation Plan 2021-2025.

BACKGROUND

Section 373.4137, Florida Statutes, identifies an environmental mitigation process for transportation projects. The statute requires that mitigation for transportation projects be accomplished through regional, long-term planning instead of on a project-by-project basis. The statute also requires that Florida Department of Transportation (FDOT) fund the mitigation and the District carry out the plans.

Each year, FDOT submits a work plan to the District that identifies environmental impacts from planned transportation projects. District staff develops a mitigation plan for each project that secures all state and federal permits for the impacts and streamlines District review of the permit application once submitted. All projects and their mitigation strategies are contained in the mitigation plan, which is updated each year for approval by the District's Governing Board. This year's plan adds one new project (the Bascom Norris round-about) and provides the status of all ongoing projects. Location of impacts and ongoing mitigation information is contained in the attached report.

CC/tm
Attachment

**Florida Department of Transportation
Mitigation Plan**

2021 - 2025

**Suwannee River Water
Management District**

TABLE OF CONTENTS

Executive Summary	1
Background Information	2
New Projects	3
Ongoing Projects	3
Completed Projects	3
Figure 1. FDOT construction projects	8
Figure 2. Wetland Mitigation Sites	9
Table 1. FDOT Construction Projects and Associated Mitigation Projects	10

EXECUTIVE SUMMARY

In accordance with section 373.4137, Florida Statutes (F.S.), the Suwannee River Water Management District (District) must develop and implement regional, long-range mitigation planning for wetland impacts associated with Florida Department of Transportation (FDOT) projects.

A total of 15 wetland mitigation projects have been initiated since 1996. Eight projects were completed successfully, five are being monitored by District staff, and two were for the purchase of mitigation bank credits. The District has received a sum total of \$6,060,856 from FDOT to manage these wetland mitigation activities. The FDOT has proposed one new project for the 2021 through 2025 planning period.

BACKGROUND INFORMATION

Section 373.4137, F.S., states that environmental mitigation for the impact of transportation projects proposed by the FDOT can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. The statute sets forth specific language designed to provide funding to the Florida Department of Environmental Protection (FDEP) and the Water Management Districts (WMDs) to develop a mitigation plan to offset environmental impacts from FDOT road projects that require an Environmental Resource Permit (ERP). By July 1st of each year, the FDOT must submit to the WMDs an environmental impact inventory containing a list of projects with proposed wetland impacts. The list is published at least three years prior to planned construction. Based on the yearly inventory, WMD staff develop a mitigation plan capable of securing all local, regional, state, and federal permits for the proposed impacts.

The statute requires each WMD, in consultation with the FDEP, the United States Army Corps of Engineers (USACE), and other appropriate federal, state, and local governments, to develop a mitigation plan for presentation to the WMD Governing Board prior to March 1st of each year. Once the mitigation plan is approved by the Governing Board it shall be submitted to FDEP for approval. Upon approval by FDEP, the WMDs can implement mitigation projects as outlined in the mitigation plan.

FDOT wetland impacts in the District have occurred or will occur in the following eight river basins: Alapaha, Aucilla, Coastal Rivers, Santa Fe, Suwannee River, Upper Suwannee River, Waccasassa, and Withlacoochee (Figure 1). This mitigation plan is designed to provide in-kind mitigation for impacted wetlands within the same basin the impacts occur. The plan consists of one or more mitigation alternatives for each FDOT project (Figure 2). In some cases, alternatives include more than one mitigation project that, when combined, yield an alternative that will offset the FDOT impacts and secure the appropriate permits.

Mitigation planning projects undertaken since February of 2004 have used the Uniform Mitigation Assessment Method (UMAM), in accordance with Chapter 62-345, Florida Administrative Code (F.A.C.), to calculate the functional gain for each mitigation proposal. For these projects, the relative functional gain of the proposed mitigation is used in place of wetland mitigation ratios.

NEW PROJECTS

- 1) FDOT Project: Northwest Bascom Norris Drive
Mitigation Project 1: Edwards Bottomland (EBL)

The District received an application from FDOT for ERP-023-204915-12, on November 5 2020, for the construction of a roundabout at the intersection of Bascom Norris Road and Main Street (441) in Columbia County. The anticipated construction commencement date is August 21, 2021. FDOT has estimated 0.37 acres of wetlands (FLUCCS 630) will be impacted as a result of the project. The project will occur in the Santa Fe River basin and the mitigation will occur at the EBL Mitigation Site project. Upon completion of the EBL project, which consists of 10.33 acres of wetland/hydrologic restoration, enhancement, and creation plus invasive species removal and control, a total UMAM functional gain of 7.49 will have been created. EBL project earthwork, Phase I wetland plantings, and the baseline monitoring were completed in 2019. Phase II wetlands plantings were completed in 2020. Phase III will be completed in 2021. The estimated total projected mitigation costs for the EBL project are \$181,890.00. With the completion of Phase I and Phase II, 5.49 functional gain units were made available for FDOT projects. The Northwest Bascom Norris Drive UMAM functional loss of 0.19 will be deducted from the EBL Mitigation Site functional gain units upon permit issuance.

ONGOING PROJECTS

Santa Fe River Basin

- 1) FDOT Project: County Road 231 New River Bridge Replacement
Mitigation Project 1: EBL

The District received an application from FDOT for ERP-007-228291-2, on September 10, 2018, for the construction of a new bridge over the New River on County Road (CR) 231 in Bradford and Union counties. The construction began around March 3, 2020 and is ongoing. FDOT proposes 1.26 acres of wetlands will be impacted by the project resulting in a total UMAM functional loss of 0.62. The project will occur in the Santa Fe River basin and the mitigation for the project will be completed at the EBL mitigation site. This project's UMAM functional loss of 0.62 was deducted from the EBL functional gain units.

COMPLETED PROJECTS

AUCILLA RIVER BASIN

- 1) FDOT Project: US 98 Aucilla River Bridge Replacement
Mitigation Credits 3: San Pedro Bay Mitigation Bank Credit Purchase

The District issued ERP-123-212754-1 on October 24, 2011, for the replacement of US Highway 98 Bridge across Aucilla River. The bridge replacement impacted 5.7 acres of wetlands. Mitigation included purchase of mitigation credits from San Pedro Bay Mitigation Bank, and water quality improvements for District owned Cabbage Grove and Mt. Gilead tracts. Mitigation credits (0.87 units) were purchased in November 2010 by the District using a total of \$43,500 in funding received from the FDOT for this project. District staff met with USACE and FDOT representatives in 2016 to evaluate the success of the mitigation project. It was determined that an additional 0.42 mitigation credits would be required to complete the project. FDOT purchased these mitigation credits from the San Pedro Bay Mitigation Bank on October 27, 2017.

WITHLACOOCHEE RIVER BASIN

- 2) FDOT Project: State Road 53 Widening and Resurfacing (US 90 to State Line)
Mitigation Project 4: West Farm Lake Stormwater Pond Project

The District issued ERP-079-204218-1 on June 9, 1998, for the widening of SR 53 from US Highway 90 in the City of Madison to the Georgia State Line, impacting 1.6 acres of wetlands. Mitigation created wetland and lake habitat at the West Farm Lake Storm Water Facility in Madison County. Mitigation activities were completed in March 2001. The District received \$260,325 from FDOT for this project.

- 3) FDOT Project: State Road 14 Widening (I-10 to CSX Transportation Railroad)
Mitigation Project 5: Cabbage Grove Wetland Enhancement

The District issued ERP-079-209145-1 on March 11, 2003, for the widening of SR 14 from Interstate 10 to the CSX Transportation Railroad in the City of Madison. The widening of SR 14 impacted 0.89 acres of wetlands. Mitigation restored natural water flow in wetlands within District-owned property, Cabbage Grove Tract, in Taylor County. The District received \$75,594 from FDOT. The mitigation project was completed in 2006. The District conducted operation and maintenance improvements at this site in December 2011.

UPPER SUWANNEE RIVER BASIN

- 4) FDOT Project: County Road 143 Widening (CR 146 to I-75)
Mitigation Project 6: Woods Ferry Hydrologic Enhancements

The District issued ERP-047-209544-1 on December 13, 2005 for the widening of CR 143 in Hamilton County from CR 146 to Interstate 75, impacting 1.23 acres of wetlands. The District contracted with consultants to identify, evaluate, and construct mitigation activities within District-owned Woods Ferry Tract in Suwannee County. Mitigation involved hydrologic enhancement of seven wetland sites by improving drainage features to restore natural water flow. Mitigation activities were completed in November 2006. The District received \$110,970 from FDOT for the mitigation. Evaluation of mitigation

success was conducted by Jones, Edmunds and Associates in 2010 and shown to have met mitigation requirements.

COASTAL RIVERS BASIN

- 5) FDOT Project: State Road 51 Widening Lafayette County
Mitigation Project 7: Steinhatchee River Basin Hydrological Improvements

The District issued ERP-067-223712-1 on March 13, 2001, for the widening of SR 51 from the City of Mayo to the Taylor County line impacting 3.5 acres of wetlands in 2002. The mitigation project restored natural water flow for wetlands located on District-owned Steinhatchee Springs tract. The District received \$279,174 from FDOT for this project.

- 6) FDOT Project: State Road 51 Widening Taylor and Dixie Counties
Mitigation Credits 3: San Pedro Bay Mitigation Bank Credit Purchase

The District issued ERP-123-210590-1 on October 10, 2006 for the widening of SR 51 from the Town of Steinhatchee to the Lafayette County line, impacting 1.27 acres of wetlands. Mitigation was achieved by purchase of mitigation credits from San Pedro Bay Mitigation Bank. The District received \$10,200 from FDOT for mitigation and purchased 0.6 mitigation credits from San Pedro Mitigation Bank in 2006.

SANTA FE BASIN

- 7) FDOT Project: US Hwy 441 Santa Fe River Bridge Replacement
FDOT Project: State Road 121 Santa Fe River Bridge Replacement
Mitigation Project 8: Alligator Lake Surface Water Improvement and Management (SWIM) Program

The District issued ERP-001-206684-1 and ERP-125-205839-1 on June 13, 2000 and May 13, 1999, respectively, for the replacement of bridges crossing the Santa Fe River in Alachua and Union Counties. These projects impacted 2.3 acres of wetlands. The mitigation project restored natural water flow between wetlands adjacent to Alligator Lake and Price Creek (both in Columbia County). Mitigation activities were completed in March 2001. The District received \$60,000 from FDOT for this project. District staff inspected the Alligator Lake and Price Creek surface water improvements project in January 2017.

- 8) FDOT Project: County Road 231 Widening (SR 100 to Baker County Line)
Mitigation Project 9: Cellon Creek Floodplain Restoration at San Felasco Hammock State Preserve

The District issued ERP-125-209144-1 on March 11, 2003, for the widening of CR 231 in Union County from SR 100 to the Baker County line, impacting 1.96 acres of wetlands. The mitigation project restored natural water flow and exotic plant species were removed within wetlands in San Felasco Hammock State Preserve (Alachua

County). Construction activities were completed in August 2004, and exotic plant removal was completed in June 2011. The District received a total of \$166,476 from FDOT for wetland mitigation and a final report from FDEP in January 2011.

- 9) FDOT Project: County Road 229 New River Bridge Replacement
Mitigation Project 10: Lake Rowell Tract Restoration and Enhancement

The District issued ERP-125-210531-1 on April 12, 2005, for the replacement of the CR 229 bridge over New River at the Union/Bradford County's line, impacting 2.44 acres of wetlands. The mitigation project, located at the District-owned Lake Rowell tract, restored natural water connections between Alligator Creek and Lake Rowell (both in Bradford County). The District received \$180,214 from FDOT for this project. Mitigation activities were completed in 2006, evaluated in 2013, and deemed to be a success.

- 10) FDOT Project: Starke Bypass Project (State Road 223)
Mitigation Project 2: Starke Bypass Mitigation Area (SBMA)

The District issued ERP-007-213985-1 on October 22, 2017, for the construction of a new roadway corridor, State Road (SR) 223, that routes traffic around the City of Starke in Bradford County. The project impacted 58.06 acres of wetlands with a total UMAM functional loss of 46.47. Construction of SR223 was completed on September 12, 2019. A wetland mitigation project to offset these impacts was advertised under a low bid design-build procedure. The District awarded the contract to one of two shortlisted design-build firms. The winning bid was \$2,980,000 submitted by Alligator Creek Mitigation Bank, LLC. The District issued ERP-007-223088-1 on November 6, 2015 for the Starke Bypass Mitigation Area. Alligator Creek Mitigation Bank, LLC initiated construction activities in December 2015. Construction of the mitigation site is complete and monitoring of wetland plantings for success has been ongoing.

WACCASSASSA RIVER BASIN

- 11) FDOT Project: State Road 500 Widening (from Chiefland to Bronson)
Mitigation Projects:

11. Cedar Key Storm Water Quality Restoration Project
12. Cow Creek Road Restoration in Goethe State Forest
13. Wetland Preservation in Levy County

The District issued ERP-075-206226-1 on May 9, 2002, for the widening of SR 500 from Chiefland to Bronson. The project impacted 23.0 acres of wetlands. Mitigation involved improvements to the Cedar Key stormwater system to prevent discharge of sediments, nutrients, bacteria, and heavy metals into the Gulf of Mexico. In addition, natural water flow into wetlands was restored within the Goethe State Park, and approximately 1,000 acres of wetlands in Levy County were preserved by conservation easements to the District. Mitigation activities were completed in May 2007. The District received \$1,713,490 from FDOT for this project. The Cedar Key Water Quality Restoration Project was evaluated by District staff in 2019 and determined to be successful. The

Cow Creek Road Restoration project was evaluated November 2017 and determined to be successful. In 2003 the District acquired and recorded conservation easements for the Meeks and Mann parcels (1,000 acres) in Levy County.

- 12) FDOT Project: State Road 24 Widening from Otter Creek to Rosewood
Mitigation Project 14: Devil's Hammock Hydrological Enhancement and Preservation

The District issued ERP-075-210019-1 on March 8, 2005, for the widening of SR 24 in Levy County, impacting 9.95 acres of wetlands. The District contracted with consultants to identify, evaluate, and construct the mitigation project that restored natural water flow for wetlands located on the District-owned Devil's Hammock property. Mitigation activities were completed in January 2007. The District received \$180,913 from FDOT for this project. Evaluation of mitigation success was conducted by Jones, Edmunds and Associates in 2010 and shown to have met mitigation requirements.

Figure 1. FDOT Construction Projects

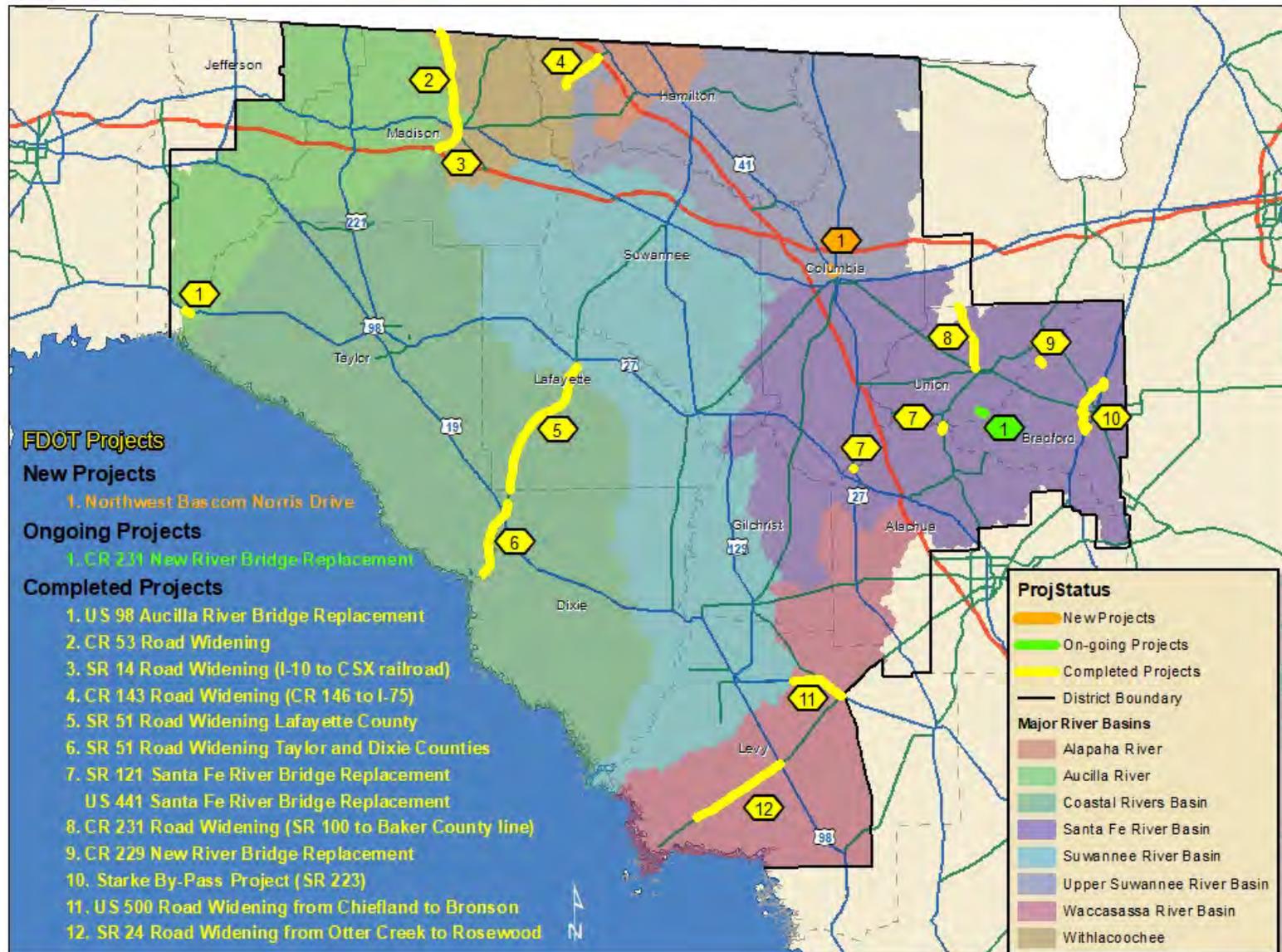


Figure 2. Wetland Mitigation Sites

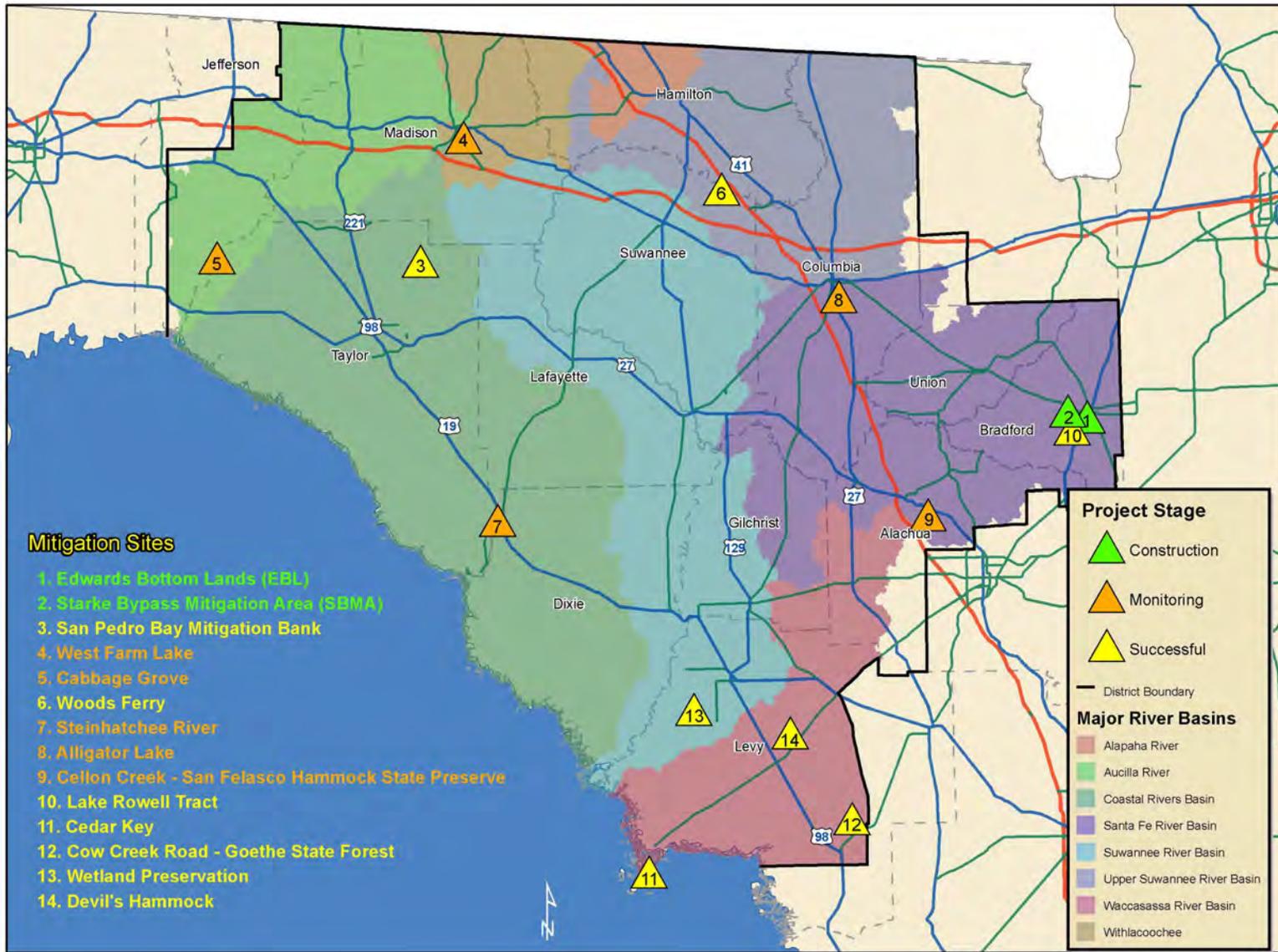


TABLE 1. FDOT CONSTRUCTION PROJECTS AND ASSOCIATED MITIGATION PROJECTS

FDOT Project Status	River Basin	FDOT Project	FDOT Work Number	ERP Number	Impact Acres	Mitigation Stage*	Mitigation Project	Revenue from FDOT	Total Fund Expended
NEW	Satna Fe	1. Northwest Bascom Norris Drive	446295	204915-12	0.37	C	1. Edwards Bottomland (EBL)	\$ 181,890.00	\$ 181,890.00
ONGOING	Santa Fe	1. CR 231 New River Bridge Replacement	433957	209144-1	1.50	C	1. Edwards Bottomland (EBL)		
Currently there are no projects for the Alapaha or Suwannee River basins.									
COMPLETED	Aucilla	1. US 98 Aucilla River Bridge Replacement	2108732	212754-1	5.70	S	2. San Pedro Bay Mitigation Bank Credit Purchase**	\$ 43,500.00	\$ 43,500.00
	Withlacoochee	2. State Road 53 Widening and Resurfacing (US 90 to State Line)	2117565	204218-1	1.60	M	3. West Farm Lake Stormwater Pond Project	\$ 260,325.00	\$ 260,325.00
		3. State Road 14 Widening (I-10 to CSX railroad)	2105281	209145-1	0.90	M	4. Cabbage Grove Wetland Enhancement	\$ 75,594.00	\$ 46,459.00
	Upper Suwannee River	4. County Road 143 Widening (CR 146 to I-75)	2122181	209544-1	1.23	S	5. Woods Ferry Hydrologic Enhancements	\$ 110,970.00	\$ 53,848.00
	Coastal Rivers (Steinhatchee)	5. State Road 51 Widening Lafayette County	2100751 2100851	223712-1	3.50	M	6. Steinhatchee River Hydrological Improvements	\$ 279,174.00	\$ 279,174.00
		6. State Road 51 Widening Taylor and Dixie Counties	2108502 2084662	210590-1	1.27	S	2. San Pedro Bay Mitigation Bank Credit Purchase**	\$ 10,200.00	\$ 10,200.00
	Santa Fe	7. US Hwy 441 Santa Fe River Bridge Replacement and State Road 121 Santa Fe River Bridge Replacement	2110486	206684-1 205839-1	1.00 1.30	M	7. Alligator Lake Surface Water Improvement and Management (SWIM) Program	\$ 60,000.00	\$ 60,000.00
		8. County Road 231 Widening (SR 100 to Baker County line)	2128801	209144-1	1.96	M	8. Cellon Creek Floodplain Restoration at San Felasco Hammock State Preserve	\$ 166,476.00	\$ 72,180.00
		9. County Road 229 New River Bridge Replacement	2128761	210531-1	2.44	S	9. Lake Rowell Tract Restoration and Enhancement	\$ 180,214.00	\$ 180,214.00
		10. Starke By-pass Project (SR223)	2080014 2080015 2080016	213985-1	58.06	C	10. Starke Bypass Mitigation Area (SBMA)	\$ 2,980,000.00	\$ 2,931,843.00
	Waccasassa	11. State Road 500 Widening from Chiefland to Bronson	2117089	206226-1 204584-1 224156-1	23.00	S	11. Cedar Key Storm Water Quality Restoration Project	\$ 1,713,490.00	\$ 1,713,490.00
S						12. Cow Creek Rd Restoration in Goethe State Forest			
S						13. Wetland Preservation in Levy County			
12. State Road 24 Widening from Otter Creek to Rosewood	210384	210019-1	9.95	S	14. Devil's Hammock Hydrological Enhancement and Preservation	\$ 180,913.00	\$ 190,694.00		

*Mitigation Stage: P-Proposed, M-Monitoring, C-Construction, S-Successful
 **Multiple credit purchases from same mitigation bank

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Warren Zwanka, Director, Division of Resource Management

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Governing Board Directive 21-0001, Revised Regulatory Compliance and Enforcement Policy

RECOMMENDATION

Approve Governing Board Directive 21-0001, updating the District's Compliance and Enforcement policy for enforcing rule compliance pursuant to Chapters 120 and 373, Florida Statutes and Chapter 28, Florida Administrative Code.

BACKGROUND

The current regulatory compliance and enforcement policy went into effect in March 2011 and requires revision to improve clarity and organization and reflect statutory penalty revisions. This updated directive adds new definitions, increases maximum penalties pursuant to subsection 373.129(5), Florida Statutes, implements a new water use permitting (WUP) penalty matrix, and categorizes the compliance/enforcement process into distinct complaint, compliance, and enforcement phases.

Specifically, the complaint phase section describes District's staff's investigation of potential violations, the compliance phase section describes staff actions to resolve violations, and the enforcement phase section describes legal actions to resolve violations. The new WUP penalty matrix is modeled on South Florida Water Management District's approach, basing penalties on permit size and violation deviation from rule.

The processes set forth in this directive do not apply to water well construction violations, nor do they affect the Executive Director's ability to take immediate emergency actions as necessary to protect the public health, safety, or welfare; or other reasonable uses of land and water resources, pursuant to rule 40B-1.711, Florida Administrative Code.

WZ/tm
Attachments

**Suwannee River Water Management District
Compliance and Enforcement Policy
March 2011**

Reference to Prior Policy

This updated Policy supersedes previous versions of the District's Enforcement Policy dated January 1999, and implements statutory authority to enforce District rules pursuant to Chapter 28, Florida Administrative Code (F.A.C.), and applicable laws in Chapters 120 and 373, Florida Statutes (F.S.).

Definitions

Compliance - actions taken by staff and respondents to remedy a violation.

Compliance Agreement - a written agreement between staff and respondents which resolves violations without enforcement action. This agreement is for violations that are readily resolvable.

Consent Order - an agreement executed by a respondent and approved by order of the Governing Board to resolve a violation.

Enforcement - formal administrative or circuit court action(s) taken against respondents to achieve adherence to District rules, permit conditions, agreements and orders.

Violations of District Rules

Staff shall pursue resolution of violations involving water well construction and water well contractor licensing in accordance with Chapter 40B-3, F.A.C. Enforcement includes the imposition of an administrative fine pursuant to the authority in s.373.333(5)(b), F.S., and may be accomplished through a Compliance Agreement, Consent Order, Administrative Complaint and Proposed Order, or Circuit Court Complaint. Penalties for violations involving water well construction and well contractor licensing shall be consistent with the most current version of the Florida Unified Citations Dictionary for Water Well Contractors.

Violations regarding Environmental Resource, Works of the District and Water Use Permits may be resolved through a Compliance Agreement, Consent Order or Administrative Complaint and Proposed Order.

Staff shall present to the Board, at least monthly, a written report on the status of all matters in compliance. Counsel shall prepare a similar report on the status of all matters in enforcement.

Compliance

When staff discovers a violation, staff shall notify the respondent by phone, if possible, and with a written Notice of Violation via certified and regular mail. Staff will include a Stop Work Order if the respondent's activity will result in continuing harm to water resources. The Notice of Violation describes the violation and gives the respondent 20 days to contact District staff to schedule a resolution meeting. If the respondent fails to contact staff within 20 days of mailing the Notice of Violation and the District receives no certified mail return receipt, staff will have a process server deliver the Notice of Violation with the same schedule for contact.

At the resolution meeting, staff and the respondent will attempt to agree upon corrective actions, time frames, penalties and reimbursement of costs. Staff will inform the respondent that if the Governing Board directs legal counsel to pursue enforcement, any contact must be through counsel and the

District will seek reimbursement of attorneys' fees. At the conclusion of the resolution meeting, staff will prepare a compliance agreement and mail it to the respondent for signature. The use of compliance agreements is limited to certain projects (see Appendix 2). In the compliance agreement, a maximum timeframe of 45 days will be given to the respondent for substantial progress in achieving compliance.

If the respondent fails to contact staff within 20 days of receipt of a Notice of Violation, meet in a timely manner, fails to follow through on any stipulations of the compliance agreement or misses a time frame in the compliance agreement then staff will recommend that the Governing Board direct counsel to initiate enforcement at the next regularly-scheduled Governing Board meeting.

If the respondent achieves compliance in a timely manner, then no enforcement action will be taken.

Enforcement

Enforcement begins when the Governing Board directs counsel to initiate formal proceedings to resolve a violation.

Once the Governing Board has directed counsel to pursue enforcement against the respondent, counsel will attempt to initiate resolution without litigation by giving the respondent 20 days to pay a penalty, attorneys' fees and costs, and District costs and demonstrate substantial progress in achieving compliance.

If the respondent fails to perform the required actions within 20 days, counsel shall recommend that the Governing Board authorize further enforcement such as an administrative complaint, civil complaint or criminal complaint. Counsel shall keep the Governing Board and staff informed during litigation.

Considerations for Compliance and Enforcement Proceedings

During either compliance or enforcement proceedings, staff or counsel shall impose a penalty appropriate to the situation. Penalty calculations shall be consistent with the Penalty Matrix attached in Appendix 1. If a respondent remedies an inadvertent Works of the District violation that requires no after-the-fact permit then the penalty will be waived.

Counsel may conduct mediation to resolve litigation proceedings. Mediation conducted by court order or stipulation while the case is in the jurisdiction of circuit court will be conducted under the provisions of Rules 1.700-1.730, Florida Rules of Civil Procedure.

Mediation conducted in administrative proceedings will be conducted in accordance with Section 120.573, Florida Statutes and the Uniform Rules of Administrative Procedure, specifically those rules set forth in sections 28-106.401-405, Florida Administrative Code.

The Governing Board may authorize the Executive Director to either represent the District or designate a staff member to represent the District at mediation. The outcome of the mediation shall be considered by the Governing Board at their next regularly scheduled meeting.

DATE 3/8/11



**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**


Don Quincey, Jr.
Governing Board Chairman

APPENDIX 1 - PENALTY MATRIX

Environmental Resource and Water Use Permits

The penalty matrix has two uses. It guides District requests to the courts for imposition of civil penalties in accordance with s. 373.129, F.S. It is also used by staff and Legal Counsel to draft Compliance Agreements, Consent Orders or other settlement agreements and assess settlement amounts in a consistent manner.

Subsection 373.129(5), F.S., provides for penalties not to exceed \$10,000 per violation, with each day a violation continues being considered a separate violation. Given the policy of the legislature, the penalty matrix establishes guidelines for assessment of maximum amounts for the more severe violations and lesser amounts for less severe to minor violations. Two measures of severity are used: extent of deviation from requirements and, more importantly, severity of water resource impact.

Within each category, three recommended amounts are shown--minimum, nominal, and maximum. Minimum amounts represent the lowest amount to be requested for each category of violation and presumes that the Respondent is willing to settle. The nominal amount is the target or default amount to be requested of the courts or Respondent in settlement negotiations. The maximum amount represents the highest amount to be requested for each category of violation and presumes an uncooperative Respondent or circumstances that would otherwise justify escalating the violation to the next category. Additionally, staff shall take into consideration other circumstances involved in either raising or lowering the penalty. Such consideration may include economic gain by the violator and good faith efforts to resolve the violation.

Water Well Construction and Well Contractor Licensing

Penalties for violations involving water well construction standards and permitting or well contractor licensing will be consistent with the most current version of the Florida Unified Citations Dictionary for Water Well Contractors.

SRWMD PENALTY MATRIX

EXTENT OF DEVIATION FROM SRWMD RULE REQUIREMENTS					
	MAJOR	MODERATE	MINOR		
POTENTIAL FOR ADVERSE IMPACTS TO WATER AND RELATED NATURAL RESOURCES OR PUBLIC SAFETY	MAJOR	<ul style="list-style-type: none"> Violation results in an eminent threat to public health, safety, or general welfare. Violation results in a permanent or continuing increase in flood hazard; drainage of surface waters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution that is (are) not confined to the project area; or which impact offsite waters. Violation results in the destruction or loss of wetland habitat by drainage, filling, or other means. Violation results in a permanent or continuing increase in flood hazard; drainage of surface waters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution that is (are) confined to the project area; and which does not impact offsite waters. Violation results in a temporary or non-continuing increase in flood hazard; drainage of surfacewaters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution. Violation results in no apparent adverse impacts to water and related natural resources. Impacts resulting from the violation are (have been) corrected immediately after notice; and, there are no apparent permanent or continuing adverse impacts to water and related natural resources. 	<ul style="list-style-type: none"> Flagrant or repeated (willful) violations of District Rules or permit requirements. Failure to comply with final orders. Falsification of completion reports, as-built reports, or other information required by rule, order, or permit condition. Flagrant or repeated deviation or disregard of permit conditions or orders. 	<ul style="list-style-type: none"> Deviation (exceeding) permit authorization. Significant deviation from permitted plans, specifications, or designs. Significant deviation from permit conditions. Activity prior to obtaining required permits. 	<ul style="list-style-type: none"> Violations where no permit is required from SRWMD but where the District has enforcement authority. Inadvertent violations. DOES NOT INCLUDE ANY VIOLATION OF PERMIT CONDITIONS OR THE TERMS OF A DISTRICT FINAL ORDER! Failure to submit completion reports, as-built reports, or other information required by rule, order or permit conditions.
	MODERATE	Maximum: \$10,000 Nominal: \$8,000 Minimum: \$6,000 (for each acre of wetland loss)	Maximum: \$5,000 Nominal: \$4,000 Minimum: \$3,000 (for each acre of wetland loss)	Maximum: \$1,250 Nominal: \$1,000 Minimum: \$750 (for each acre of wetland loss)	
	MINOR	Maximum: \$5,000 Nominal: \$4,000 Minimum: \$3,000	Maximum: \$2,500 Nominal: \$2,000 Minimum: \$1,500	Maximum: \$750 Nominal: \$500 Minimum: \$375	
		Maximum: \$1,500 Nominal: \$1,000 Minimum: \$750	Maximum: \$350 Nominal: \$250 Minimum: \$125 (or at least \$25 per day reporting violations)		

APPENDIX 2 - THRESHOLDS FOR USING COMPLIANCE AGREEMENTS

Specified District staff has been delegated the authority to resolve environmental resource permit (ERP), water use permit (WUP) and water well permit (WWP) violations through a Compliance Agreement for the following types of violations:

1. ERP, WUP and WWP violations that can be resolved by issuance of a staff-issued permit or modification.
2. Violations of ERP, WUP and WWP permit conditions.

ERP, WUP and WWP violations involving the following circumstances cannot be processed with a Compliance Agreement and must be processed through a Consent Order for consideration by the Governing Board:

1. All unauthorized work that does not cease within one day of Respondent receiving written notification (i.e. Stop Work Order) from the District;
2. Written objection to the violation or project is received during the time that the Compliance Agreement is being processed;
3. Unauthorized impacts to a total of one or more acres of wetlands, other surface waters, uplands in riparian habitat protection zones (RHPZ), upland buffers and conservation easement areas.
4. The unauthorized work impacts or has the potential to impact aquatic or wetland dependent species that are listed in Table 12.2.7-1, ERP Handbook as threatened, endangered or species of special concern;
5. A violation of state water quality standards where turbidity exceeds 200 Nephelometric Turbidity Units (NTUs) above natural background;
6. Any violation of state water quality standards which exceeds 25 percent above a state water quality standard other than turbidity;
7. Any violation of state water quality standards in Outstanding Florida Waters (OFWs); or
8. Respondents who in the last five years have: (a) entered into a compliance agreement or consent order with the District, (b) been the subject of a final order on a District administrative complaint, or (c) received an adverse judgment in an enforcement lawsuit filed by the District.

All violations resolved by compliance agreements shall be brought to the next timely Governing Board meeting for informational purposes. At the discretion of the Executive Director, any compliance matter that can be resolved by a compliance agreement may be brought to the Governing Board for action.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

GOVERNING BOARD DIRECTIVE

Directive Number: **GBD21-0001**
Date Approved: **Date:** _____
Subject: **Regulatory Compliance and Enforcement Directive**
Approval: _____
Governing Board Chair

Secretary/Treasurer



1.0 Reference to Prior Directive

Previous Directive GBD11-0005, effective March 2011

2.0 Purpose and Intent

To implement the District's statutory authority to enforce rule compliance pursuant to Chapters 120 and 373, Florida Statutes (F.S.) and Chapter 28, Florida Administrative Code (F.A.C.). This directive does not apply to immediate emergency actions taken by the District as necessary to protect the public health, safety, or welfare; the health of animals, fish, or aquatic life; the works of the District; a public water supply; or recreational, commercial, industrial, agricultural, or other reasonable uses of land and water resources, pursuant to rule 40B-1.711, F.A.C.

3.0 Definitions

- a) Administrative Complaint - means a written document issued to a respondent that contains allegation(s) of violation(s) of F.S. or F.A.C., actions and timelines to bring the violation to resolution by the respondent when unable to do so through a compliance agreement or consent order.
- b) Compliance – means actions taken by staff, Governing Board, and respondents to resolve a violation without the need for legal enforcement action.
- c) Compliance Agreement – means a written agreement between staff and respondents that restores or permits violations without enforcement action. This agreement is for violations that are readily resolvable by remediation, restoration or by permit.
- d) Consent Order – means an agreement executed by a respondent and approved by order of the Governing Board to resolve a violation.
- e) Counsel – means the Governing Board counsel or any legal services contracted by the District to assist with compliance or enforcement.

- f) Enforcement – means formal administrative or circuit court action(s) taken against respondents to achieve adherence to District rules, permit conditions, agreements, and orders.
- g) Executive Leadership – means the Executive Director or a Deputy Executive Director.
- h) Notice of Complaint – means a written notification to a landowner detailing an alleged violation received by the District regarding an activity on the landowner’s property that may or may not be a violation of District rule(s).
- i) Notice of Non-compliance – means a written notification to a respondent detailing the District’s determination of the extent of a violation, specific rule(s) violated, and recommended corrective actions.
- j) Permit Revocation - means to cancel the authorization(s) and legal right(s) granted in a District permit.
- k) Resource Management Division Leadership – means the Division Director or Program Chiefs in the Resource Management Division.
- l) Respondent – means the landowner(s), lessee(s), or riparian rights owner(s), whether a person or entity, that owns or has control of property on which a violation or an alleged violation has occurred.
- m) Staff – means staff employed by the District.
- n) Stop Work Order – means a declaratory statement contained in a Notice of Complaint, Notice of Non-Compliance, or hand-delivered notice that staff believes respondent is conducting an activity that appears to be a violation of rule on a certain date.
- o) Written Notification – means an email sent with a read receipt notification, or a letter transmitted by regular or certified postal mail.

4.0 Elements of Policy

A. Applicability

1. Staff shall pursue resolution for violations of chapters 40B-2, 40B-4, 40B-8, 40B-21, and 40B-400, F.A.C., in accordance with this directive. Staff shall pursue resolution for violations of chapters 18-20, 18-21, 62-330, and 62-331, F.A.C., for which the District has jurisdiction per the effective Operating Agreement between the District and FDEP, in accordance with this directive.
2. Staff shall pursue resolution for violations of chapters 40B-3, 62-531, and 62-532, F.A.C., in accordance with the Water Well Construction Disciplinary Guidelines and Citations Dictionary (Citations Dictionary). Administrative fines shall be pursuant to the authority in subsection 373.333(5), F.S., and penalties shall be consistent with the Citations Dictionary.

B. Complaint / Staff Observation Phase

1. The objective of this phase is to establish contact with a respondent to determine the extent of a violation or an alleged violation, if any. Complaints received by staff or from staff observation of potential violations shall be

investigated to the extent possible based on the information provided by a complainant or from field observations.

2. For an activity that appears to be a violation of District rule listed in 4.0 A.1. (above), staff shall notify the respondent by email or letter with a Notice of Complaint giving the respondent 10 calendar days to contact staff. If the activity is ongoing, the Notice of Complaint shall contain a Stop Work Order. The Notice of Complaint shall, at a minimum, also contain the following:
 - i. The property location and parcel number of the alleged violation(s);
 - ii. The rule citation(s) for the alleged rule(s) violated (if known);
 - iii. Contact information for the staff member assigned to the item; and
 - iv. The due date by which the respondent must contact staff.
3. If a response to the Notice of Complaint is not received by staff within 10 days, a second notice giving the respondent 10 calendar days to reply is sent using certified mail. If no response from the certified notice is received by staff after the second 10 calendar days, staff will send respondent certified correspondence stating enforcement proceedings will commence at a specified Governing Board meeting. Certified mail that is delivered to the address on file with the Property Appraiser and returned, or delivered unsigned, is considered appropriate notice to the respondent.
4. Respondents observed by staff to be actively performing an activity that violates a rule listed in Section 4.0 A.1. shall be provided a Stop Work Order in the field if possible. This hand-delivered Stop Work Order shall be followed by a written Notice of Complaint within 10 days.
5. Once contact is made with the respondent, staff will expeditiously investigate to determine the full extent of the alleged violation. This process could take several site visits to complete depending on the complexity of the violation(s). If the respondent becomes uncooperative during the investigation process, staff will send respondent certified correspondence stating enforcement proceedings will commence at a specified Governing Board meeting.
6. If no violation is found, staff shall report their findings to the complainant and take no further action.
7. If the activity appears to be a violation of a rule listed in Section 4.0 A.1. (above), but the District does not have jurisdiction, the complaint shall be expeditiously forwarded to the appropriate agency.

C. Compliance Phase

1. The objective of this phase is to resolve violations of a rules listed in Section 4.0 A.1. with a respondent without the need for legal enforcement proceedings. Staff negotiations with a respondent shall, however, be conducted under the advisement of counsel when the respondent has legal representation.
2. Once contact has made with the respondent and the full extent of the violation has been determined by staff, a Notice of Non-compliance is mailed

to the respondent. The Notice of Non-Compliance shall, at a minimum, contain the following:

- i. The property location and parcel number of the confirmed violation(s);
 - ii. The rule citation(s) for the specific rule(s) violated, and a statement that the activity could be a violation of other local, state, or federal rules;
 - iii. The recommended penalty based on the appropriate penalty matrix;
 - iv. The current staff costs for the investigation and a statement that additional staff and legal fees may accrue;
 - v. A statement indicating the District's preference to resolve the violation(s) through a negotiated Compliance Agreement rather than enforcement; and
 - vi. A due date for the respondent to have negotiated and entered into a Compliance Agreement.
3. Corrective actions for a violation are primarily determined by whether the corrective action(s) require a permit, not if the violation(s) would have required a permit. When determining whether a permit or a Compliance Agreement is required to implement corrective actions, the following minimum guidelines apply:
 - i. A permit is required as part of corrective actions if the violation(s) occurred on a project previously permitted by the District, the corrective actions require the issuance of a variance, or the corrective actions have the potential to cause additional harm to water resources or flooding.
 - ii. A Compliance Agreement is required as part of corrective actions if a permit is required for the corrective action(s) but a permit application from the respondent has not been received by the District, or the corrective actions require payment of a penalty.
4. Compliance Agreement corrective actions and penalties shall be negotiated by Resource Management Division Leadership and approved by Executive Leadership. A summary of executed Compliance Agreements shall be provided each month to the Governing Board in the Resource Management Summary Report.
5. The following adjustment factors may be considered when determining the penalty cost for a violation:
 - i. Respondent's willingness to stop work upon notice;
 - ii. Respondent's willingness to bring the violation into compliance;
 - iii. Magnitude of harm to the water resources; and
 - iv. Recurrence of the violation(s) by the respondent.
6. Penalty payment alone without corrective actions is not considered to be a sufficient resolution for a violation of rules listed in Section 4.0 A.1.
7. At any point during the compliance phase, the respondent may request that staff's findings and recommended corrective actions be brought before the Governing Board. Corrective actions decided upon between the respondent

and the Governing Board shall be codified in a Consent Order (delivered in a Notice of Violation) and shall supersede any agreement previously made with staff. The Governing Board may amend staff's recommended corrective actions to include, but not be limited to, assessed penalties, additional time to resolve the violation(s), and other requirements.

D. Enforcement Phase

1. The objective of this phase is to address harm to District water resources and violations of District rules through legal action.
2. Violations (either fully or partially verified by staff) that are unable to be resolved in the compliance phase transition to the enforcement phase when any of the following occur:
 - i. Respondent is non-responsive to at least two attempts to contact, one of which being a certified letter.
 - ii. Respondent fails to sign either a Compliance Agreement or a Consent Order.
 - iii. Respondent fails to comply with the terms of either a Compliance Agreement or Consent Order in the timeframe(s) stipulated in the agreement or order.
3. To begin enforcement, staff brings a recommendation detailing the location, compliance timeline, rule(s) violated, and magnitude of violation(s), along with an Administrative Complaint to the Board for consideration. Administrative Complaints shall, at a minimum, contain the following:
 - i. The property location and parcel number of the confirmed violation(s);
 - ii. The rule citation(s) for the specific rule(s) violated;
 - iii. Required corrective actions and whether they require a District permit;
 - iv. The maximum penalty based on the appropriate penalty matrix, and whether it includes permit revocation;
 - v. Staff and legal costs accrued at the time the Administrative Complaint was drafted; and
 - vi. A notice of rights stating that the Administrative Complaint shall be become final unless the respondent files a written petition for administrative hearing within 14 days, pursuant to subsection 373.119(1), F.S.
4. The Administrative Complaint shall be sent to the respondent using certified mail.
5. Mediation conducted by counsel to resolve litigation proceedings by court order or stipulation while the case is in the jurisdiction of circuit court will be conducted under the provisions of Rules 1.700-1.730, Florida Rules of Civil Procedure.

ERP PENALTY MATRIX*

EXTENT OF DEVIATION FROM RULE → → →	MAJOR	MODERATE	MINOR
IMPACT TO WATER RESOURCES OR PUBLIC HEALTH, SAFETY, OR WELFARE ↓ ↓ ↓	<ul style="list-style-type: none"> • Flagrant or repeated (willful) disregard for District rule, permit condition, compliance agreement, or Order • Falsification of documents required by District rule, permit condition, compliance agreement, or Order 	<ul style="list-style-type: none"> • Significant deviation from District rule, permit condition, compliance agreement, or Order • Violation occurred prior to obtaining required authorization 	<ul style="list-style-type: none"> • Deviation from District rule where no District permit is required • Failure to submit documents required by District rule, permit condition, compliance agreement, or Order • Inadvertent or self-reported violations
<p style="text-align: center;">MAJOR</p> <ul style="list-style-type: none"> • Violation results in an eminent threat to water resources or public health, safety, or welfare • Violation results in a permanent or continuing flood hazard, drainage of surface waters, aquifer dewatering, surface water storage loss, floodway conveyance loss, or a pollution source not confined to the project area • Violation results in significant wetland destruction or functional loss by drainage or other means 	<p>Maximum: \$15,000</p> <p>Minimum: \$9,000</p>	<p>Maximum: \$7,500</p> <p>Minimum: \$4,500</p>	<p>Maximum: \$3,750</p> <p>Minimum: \$2,250</p>
<p style="text-align: center;">MODERATE</p> <ul style="list-style-type: none"> • Violation results in a temporary flood hazard, drainage of surface waters, aquifer dewatering, surface water storage loss, floodway conveyance loss • Violation results in a pollution source not confined to the project area that does not impact offsite waters • Violation results in wetland destruction or functional loss by drainage or other means 	<p>Maximum: \$7,500</p> <p>Minimum: \$4,500</p>	<p>Maximum: \$3,750</p> <p>Minimum: \$2,250</p>	<p>Maximum: \$1,875</p> <p>Minimum: \$1,125</p>
<p style="text-align: center;">MINOR</p> <ul style="list-style-type: none"> • Violation results in no apparent impact • Violation has been corrected by respondent and has no apparent permanent or continuing impacts 	<p>Maximum: \$3,750</p> <p>Minimum: \$2,250</p>	<p>Maximum: \$1,875</p> <p>Minimum: \$1,125</p>	<p>Maximum: \$950</p> <p>Minimum: \$575**</p>

* Applied on a per acre of wetland impact basis, if applicable

** Or at least \$25/ day of continued violation

WUP PENALTY MATRIX

EXTENT OF DEVIATION FROM RULE → → →	MAJOR	MODERATE	MINOR
IMPACT TO WATER RESOURCES OR PUBLIC HEALTH, SAFETY, OR WELFARE ↓ ↓ ↓	<ul style="list-style-type: none"> • >25% over-pumpage • Flagrant or repeated (willful) disregard for District rule, permit condition, compliance agreement, or Order • Falsification of documents required by District rule, permit condition, compliance agreement, or Order 	<ul style="list-style-type: none"> • 10-25% over-pumpage • Consumptive water use without a permit • Repeated Non-compliance with District rule or a permit condition 	<ul style="list-style-type: none"> • <10% over-pumpage • Non-compliance with a District rule or a permit condition • Failure to modify a permit when necessary • Failure to follow conservation measures
<p style="text-align: center;">MAJOR</p> <ul style="list-style-type: none"> • Violation by >0.5 mgd water user 	<p style="text-align: center;">Maximum: \$15,000 Minimum: \$9,000</p>	<p style="text-align: center;">Maximum: \$7,500 Minimum: \$4,500</p>	<p style="text-align: center;">Maximum: \$3,750 Minimum: \$2,250</p>
<p style="text-align: center;">MODERATE</p> <ul style="list-style-type: none"> • Violation by 0.1-0.5 mgd water user 	<p style="text-align: center;">Maximum: \$7,500 Minimum: \$4,500</p>	<p style="text-align: center;">Maximum: \$3,750 Minimum: \$2,250</p>	<p style="text-align: center;">Maximum: \$1,875 Minimum: \$1,125</p>
<p style="text-align: center;">MINOR</p> <ul style="list-style-type: none"> • Violation by <0.1 mgd water user 	<p style="text-align: center;">Maximum: \$3,750 Minimum: \$2,250</p>	<p style="text-align: center;">Maximum: \$1,875 Minimum: \$1,125</p>	<p style="text-align: center;">Maximum: \$950 Minimum: \$575*</p>

* Or at least \$25/ day of continued violation

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Christina Carr, Chief Environmental Scientist, Office of Environmental Compliance

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Modification of Water Use Permit 2-041-216102-7, Alliance Branford Gilchrist Project, Gilchrist County

RECOMMENDATION

Approve Water Use Permit 2-041-216102-7 with seventeen standard conditions and eleven special limiting conditions to Alliance Branford, LLC, in Gilchrist County.

BACKGROUND

The permit is for the modification of an existing 725-acre dairy located approximately nine miles north of Bell, in Gilchrist County. The modification includes the addition of a proposed 8-inch diameter well, a proposed 10-inch diameter well, revision of crop allocations, the addition of a livestock cooling water allocation, and the addition of 56 irrigated acres for a total of 488 irrigated acres. Groundwater from three existing wells and two proposed wells is used to irrigate row crops through five existing center pivots, and groundwater from four existing wells is used for livestock watering and cooling. Supplemental irrigation models and industry standards were used to determine the 1.4707 million gallons per day (mgd), 1-in-10-year drought allocation, a 0.4716 mgd increase from the previous sequence.

All active wells 8-inch diameter or greater (four wells) will be monitored through electrical consumption. There have been no reports of interference or observed harm to water resources associated with previous withdrawals at this project. The lowest quality water sources available are being used to supplement groundwater use. The permit currently includes an alternative water supply project offset of 0.1211 mgd from the onsite wastewater treatment facility permitted under Florida Department of Environmental Protection permit number FLA116173. The project is located in the Eastern Water Supply Planning Area.

Staff has determined the proposed withdrawals are in accordance with minimum flows and minimum water levels (MFLs) and MFL recovery strategies pursuant to Chapters 62-42, 40B-8, and Emergency Rule 40BER17-01, Florida Administrative Code (F.A.C.). The application is complete and satisfies the conditions for issuance in Chapter 40B-2, F.A.C.

CC/tm
Attachments

WATER USE TECHNICAL STAFF REPORT
10-Dec-2020
APPLICATION NO.: 2-041-216102-7

Owner: Jan Henderson
Alliance Branford, LLC
4951 NW 170th St
Trenton, FL 32693-7859
(352) 463-6613

Applicant: Jan Henderson
Alliance Branford, LLC
4951 NW 170th St
Trenton, FL 32693-7859
(352) 463-6613

Agent: Not Applicable

Compliance Contact: Jan Henderson
Alliance Branford, LLC
4951 NW 170th St
Trenton, FL 32693-7859
(352) 463-6613

Project Name: Alliance Branford Gilchrist
County: Gilchrist

WSPA: Yes

Objectors: No

Authorization Statement:

The permittee is authorized to withdraw a maximum of 1.0421 mgd of groundwater for supplemental irrigation of corn/ corn/ rye or a maximum of 0.7037 mgd of groundwater for supplemental irrigation of corn/ sorghum/ rye. The permittee is also authorized to withdraw a maximum of 0.4286 mgd of groundwater for livestock use.

Recommendation: Approval

Reviewers: Christina Carr; Greg Trotter; Monica Schott; Warren Zwanka

Allocation Summary		
Average Daily Rate (Million Gallons Per Day)	Freeze Protection (Million Gallons Per Year)	Allocation Change (Million Gallons Per Day)
1.4707	0.0000	0.4716

Permit Expiration: Permit to expire May 13, 2029; consistent with the terms of the previous permit sequence.

ACTION REQUESTED: Modification of an existing permit to add irrigated acres, modify the crop and livestock allocations, and add withdrawal points.

PROJECT DESCRIPTION:

This project is located northeast of the intersection of US-129 and CR-138, approximately nine miles north of the town of Bell in Gilchrist County, and consists of 725 controlled and 488 irrigated acres. Groundwater from three existing irrigation wells, Well No. 7 (Station ID 119552), Well No. 8 (Station ID 120687), and Well No. 9 (Station ID 118793), is used to irrigate corn, sorghum, or rye through three center pivots (Pivot E, Pivot C, and Pivot B, respectively). Groundwater from the surficial aquifer is recirculated from fifteen interceptor wells under Pivot B to supplement groundwater withdrawn from Well No. 9 and reduce nutrient leaching. Groundwater from two proposed irrigation wells, Well No. 11 (Station ID 140686) and Well No. 12 (Station ID 140687), will be used to irrigate corn, sorghum, or rye through two center pivots (Pivot A and Pivot D, respectively). Groundwater from four livestock wells, Well Numbers 1, 2, 4, and 10, is used to provide for the water demands of approximately 2300 head of milking dairy cattle. The permit currently includes an alternative water supply project offset of 0.1211 mgd from the onsite wastewater treatment facility where recycled wastewater is used via the Lagoon Pump to irrigate the fields in lieu of groundwater withdrawals. No changes to this alternative water supply project are requested.

Two inactive wells stopped functioning properly, Well No. 3 (Station ID 120293) and Well No. 5 (Station ID 120686); therefore, special condition 21 was added to require the abandonment of these wells.

The permittee has elected to provide SRWMD electrical consumption to comply with the water use reporting requirement of special condition 18.

WATER USE CALCULATIONS:

The District's WUPAR irrigation model was used to determine the 15.61 inches/ year for supplemental irrigation of corn from February 15 to July 31 and from August 1 to December 15. The GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS) was used to determine the following supplemental irrigation requirements:

Sorghum grown from August 1 to December 15: 6.29 inches/ year

Rye grown from December 15 to February 14: 0.82 inches/ year

The livestock watering requirements were calculated based on the industry standard 150 gallons per day (gpd) per dairy cow per day for the cattle populations provided. However, it was estimated that 25 gpd/cow of the allocated amount is replaced by reused water to flush out the barns, resulting in a total allocation of 125 gallons of groundwater per day per cow. The cooling requirements for the dairy cattle were based on use of the existing cooling system. Six cooling barns have a total of 540 sprinklers

spraying one gallon of water per sprinkler over a span of six minutes, and the parlor has eight sprinklers spraying 1 gpm per sprinkler.

PERMIT APPLICATION REVIEW:

Staff have determined this application meets the conditions for issuance set forth in section 373.223, Florida Statutes and rule 40B-2.301, Florida Administrative Code. A summary of the staff review is provided below:

Project withdrawals were modeled and showed a simulated Upper Floridan aquifer drawdown of less than 0.5 feet at the project boundary and no reports of interference from previous withdrawals at this project have been received by the District, therefore, groundwater withdrawals at this project are not expected to interfere with any presently existing legal uses of water. Additionally, staff inspected project wetlands and determined that the proposed water use is not expected to cause any harm to natural systems or the water resources of the area for the duration of the permit.

Water use consistent with the aforementioned supplemental irrigation model is economic and efficient. The permittee implements the following water conservation measures for the agricultural uses: checking periodically for irrigation leaks and repairing them as needed, adding a new pivot and/or retrofitted system, efficiency testing the pivot to ensure that an 80% distribution uniformity will be maintained, using soil moisture probes for irrigation scheduling, using operational pump shutdown safety to prevent pump operation in the event of irrigation system shutdown, using cover crops and conservation tillage to increase soil health and soil water holding capacity, and making sure that the automated end gun shutoff works properly and waters only target crops.

The proposed withdrawals are in accordance with MFLs and MFL recovery strategies pursuant to Chapters 62-42 and 40B-8, F.A.C.; and Emergency Rule 40BER17-01. Additionally, cumulative reductions in flow from the allocation were evaluated at the Outstanding Florida Springs (OFS) and no measurable reductions were recorded. No OFS listed in 40BER17-01 has an estimated cumulative flow decline of 9.9%.

WITHDRAWAL POINT INFORMATION:

Site Name: Alliance Branford

Well Details						
District ID	Station Name	Casing Diameter (inches)	Capacity (GPM)	Source Name	Status	Use Type
118793	Well No. 9 (A&B Well)	12	1000	FAS - Upper Floridan Aquifer	Active	Agricultural
119150	Well No. 2	6	300	FAS - Upper Floridan Aquifer	Active	Agricultural

Well Details						
District ID	Station Name	Casing Diameter (inches)	Capacity (GPM)	Source Name	Status	Use Type
119552	Well No. 7 (E Well)	10	1000	FAS - Upper Floridan Aquifer	Active	Agricultural
120293	Well No. 3	6	300	FAS - Upper Floridan Aquifer	Inactive	--
120685	Well No. 4	4	20	FAS - Upper Floridan Aquifer	Active	Agricultural
120686	Well No. 5	4	20	FAS - Upper Floridan Aquifer	Inactive	--
120687	Well No. 8 (C&D Well)	12	1000	FAS - Upper Floridan Aquifer	Active	Agricultural
121038	Well No. 1	6	300	FAS - Upper Floridan Aquifer	Active	Agricultural
123034	Well No. 10	8	500	FAS - Upper Floridan Aquifer	Active	Agricultural
140686	Well No. 11	10	1000	FAS - Upper Floridan Aquifer	Proposed	Agricultural
140687	Well No. 12	8	600	FAS - Upper Floridan Aquifer	Proposed	Agricultural

Pumps Detail						
District ID	Station Name	Pump Intake Diameter (inches)	Capacity (GPM)	Source Name	Status	Use Type
123265	Lagoon Pump	10	250	Lagoon	Active	Agricultural

Conditions

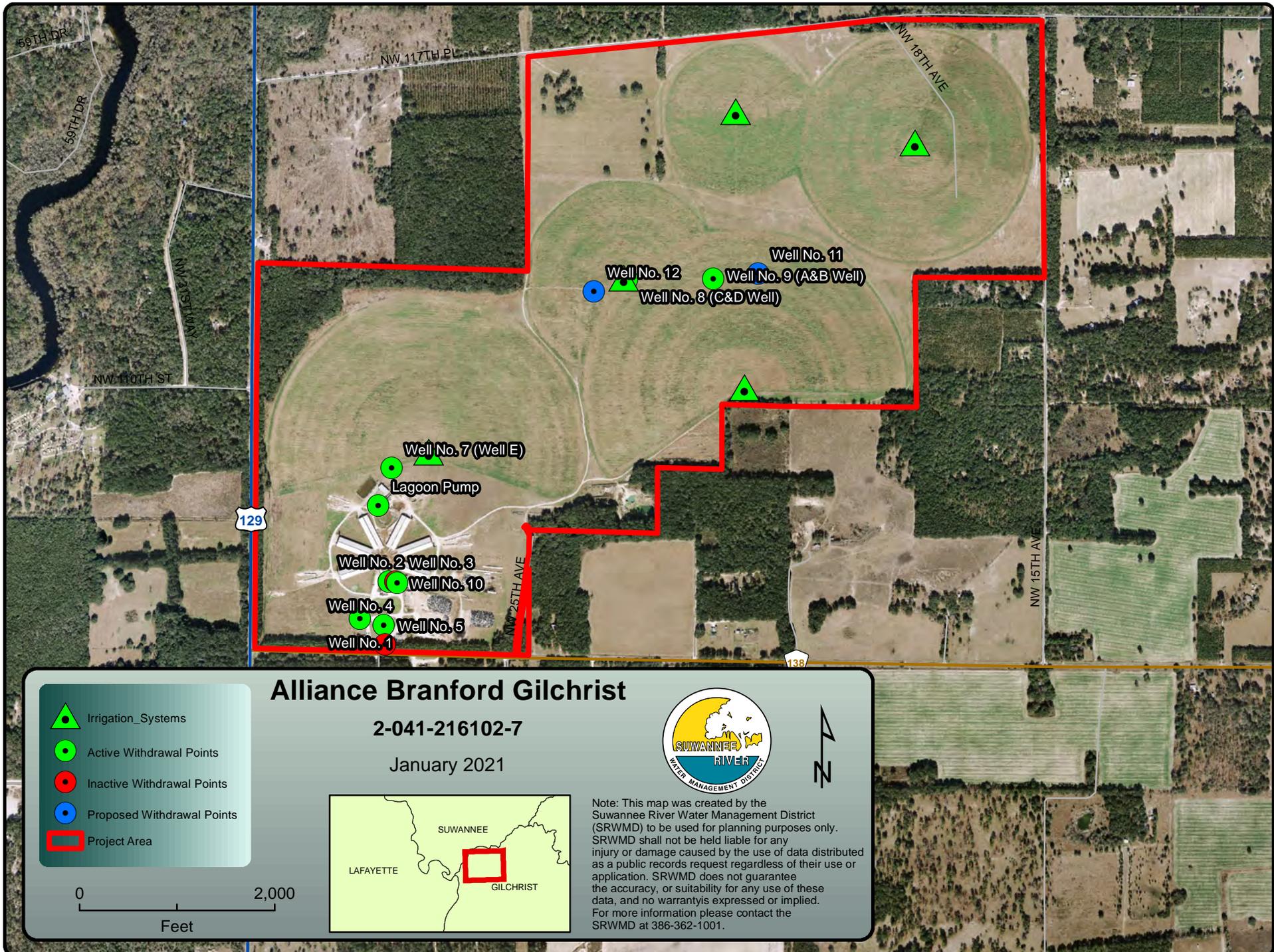
1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., 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 **5/13/2029**. The permittee must submit the appropriate application form incorporated 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 stations in the Withdrawal Point Information table(s).

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 **(2-041-216102-7)**.
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.
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'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.
21. The permittee shall have the two inactive wells (Station IDs 120686 and 120293) abandoned by a licensed water well contractor within one year of issuance of this permit.
22. 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.
23. The lowest quality water source, such as dairy wastewater, shall be used in lieu of groundwater for agricultural irrigation at this project when technically, economically, and environmentally feasible.
24. The permittee agrees to participate in a Mobile Irrigation Lab (MIL) program and allow access to the Project Site for the purpose of conducting a MIL evaluation at least once every five years.
25. Following the effective date of the re-evaluated Minimum Flows and Levels adopted pursuant to Rule 62-42.300(1)(e), F.A.C., this permit is subject to modification during the term of the permit, upon reasonable notice by the District to the permittee, to achieve compliance with any approved MFL recovery or prevention strategy for the Lower Santa Fe River, Ichetucknee River, and Associated Priority Springs. Nothing herein shall be construed to alter the District's authority to modify a permit under circumstances not addressed in this condition.
26. The permittee shall install and maintain no less than one backflow prevention device when fertigating and no less than two backflow prevention devices when chemigating on all wells or surface water pumps connected to the irrigation system. The backflow prevention device(s) shall be installed between the water source and the injection point.
27. The permittee is authorized to withdraw a maximum of 1.0421 mgd of groundwater for supplemental irrigation of corn/ corn/ rye or a maximum of 0.7037 mgd of groundwater for supplemental irrigation of corn/ sorghum/ rye. Daily allocations are calculated on an average annual basis and the maximum allocation is only authorized in 1-in-10 year drought conditions.

28. The permittee is authorized to withdraw a maximum of 0.4286 mgd of groundwater for livestock use. Daily allocations are calculated on an average annual basis and the maximum allocation is only authorized in 1-in-10 year drought conditions.



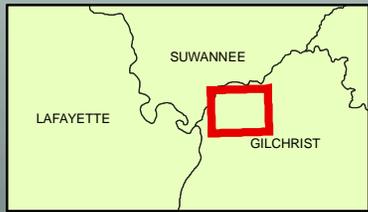
Alliance Branford Gilchrist

2-041-216102-7

January 2021



- Irrigation_Systems
- Active Withdrawal Points
- Inactive Withdrawal Points
- Proposed Withdrawal Points
- Project Area



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.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Matthew Cantrell, Project Manager, Office of Agriculture and Environmental Projects

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Contract to Provide Administrative Assistance with Cost-Share Program

RECOMMENDATION

Authorize Executive Director to enter into contract with Levy County Soil and Water Conservation District and Suwannee County Soil and Water Conservation District.

BACKGROUND

The District has provided agricultural cost-share funds along with the Florida Department of Agriculture and Consumer Services (FDACS) and the Florida Department of Environmental Protection (FDEP) as part of the Suwannee River Partnership (SRP) to help agricultural producers implement best management practices (BMPs). These BMPs help farmers conserve water and improve water quality in the District.

The District's Agricultural Cost-Share Program has been supported through funding from the District, FDEP, and FDACS over time. In Fiscal Year 2011-2012 (FY 2012), the Governing Board allocated \$7 million to the program. Since FY 2012, this program has resulted in approximately 13.47 million gallons per day of water conserved and 775,680 pounds of nitrogen reduced.

Governing Board Directive GBD 20-0006 authorizes District cost-share funds to be expended for administrative services to implement one or more of the District's agricultural cost-share programs. These two soil and water conservation districts have existing contracts with FDACS to provide similar administrative assistance on FDACS cost-share programs. Administering the FDACS contracts provides the necessary experience to assist with implementation of the District's cost-share program.

These soil and water conservation districts will provide administrative assistance and implement the following portions of the cost-share program: Precision Agriculture Practices Grant, Alternative Water Supply Pivot Retrofits Grant, and District's Agricultural Cost-Share Program. As a part of the contract, the soil and water conservation districts will, at a minimum: process cost-share materials (applications and reimbursement documents), perform field verifications, review deliverables, and process payments to producers. Initial conversations with the two soil and water conservation districts have agreed on a five-percent administrative fee based on contract reimbursements.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under account code 51-2586-7-2400-06-07.

MC/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Matthew Cantrell, Project Manager, Office of Agriculture and Environmental Projects

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Contract to Provide Cost-Share Funding to R&H Farms, Inc., Columbia County

RECOMMENDATION

Authorize Executive Director to enter into contract with R&H Farms, Inc. in the amount not to exceed \$144,800.

BACKGROUND

The District has provided agricultural cost-share funds along with the Florida Department of Agriculture and Consumer Services (FDACS) and the Florida Department of Environmental Protection (FDEP) as part of the Suwannee River Partnership (SRP) to help agricultural producers implement best management practices (BMPs). These BMPs help farmers conserve water and improve water quality in the District.

The District's Agricultural Cost-Share Program has been supported through funding from the District, FDEP, and FDACS over time. In Fiscal Year 2011-2012 (FY 2012), the Governing Board allocated \$7 million dollars to the program. Since FY 2012, this program has resulted in approximately 13.47 million gallons per day of water conserved and 775,680 pounds of nitrogen reduced.

This cost-share project is with R&H Farms, Inc. consisting of 233 irrigated acres located in Alachua, Bradford, and Columbia counties. The producer proposes to retrofit eight pivots and install eight controller panels, install eight GPS end-gun shutoffs, and install eight remote controls. This will increase the efficiency of the producer's center pivots and producer's management of irrigation events.

These upgrades are expected to reduce water use by approximately 69,700 gallons per day at a cost to the District of \$0.81 per thousand gallons over the life of the equipment. This project is located within the Eastern Water Supply Planning Area and the Ichetucknee Priority Focus Area.

The total project cost is estimated to be \$175,466.67. The District will contribute \$144,800. The applicant's portion of these items will be \$30,666.67. Exhibit A is a list of the cost share items, funding amount, and water conservation tools. Funding for this project is included in the FY 2020-2021 Final Budget under account code 51-2586-7-2400-06-07 and 03-2586-7-2201-37.

MC/tm
Attachments

Exhibit A – Itemized List

Producer	Item	Maximum Cost-Share	Quantity	SRWMD Total	Producer Share
R&H Farms, Inc.	Irrigation Retrofit	\$9,900	8	\$79,200.00	\$8,800.00
	Controller Panels	\$4,500	8	\$36,000.00	\$12,000.00
	GPS End-Gun Shutoffs	\$1,500	8	\$12,000.00	\$4,000.00
	Remote Controls	\$2,200	8	\$17,600.00	\$5,866.67
Project Total:				\$144,800.00	\$30,666.67



Project Area

Ichetucknee PFA

R&H Farms, Inc. Cost-Share

0 4

Miles

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.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Libby Schmidt, Project Manager, Office of Agriculture and Environmental Projects

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 31, 2020

RE: Contract to Provide Cost-Share Funding to Sidney Koon, Lafayette County

RECOMMENDATION

Authorize Executive Director to enter into contract with Sidney Koon in the amount not to exceed \$54,208.54.

BACKGROUND

At the September 20, 2017, Governing Board meeting, the Board approved the District to enter into a contract with the Florida Department of Environmental Protection (FDEP) to receive \$2,000,000 in Springs Funding for a Precision Agriculture Cost-Share Program. Subsequently, at the July 9, 2019 Governing Board meeting, the Board approved the District to enter into a contract amendment with FDEP to receive an additional \$3,000,000 in Springs Funding for the same Precision Agricultural Cost-Share Program. Under this program, agriculture producers were invited to submit proposals to implement precision agriculture practices on their operations that will cost-effectively reduce nutrients (nitrogen) in groundwater that contributes to spring flow.

Precision agriculture practices includes precision soil mapping, aerial imagery, grid soil sampling, tissue sampling, variable rate nutrient application, side-dressing equipment, and variable rate irrigation. Based on the evaluation criteria, one applicant is being recommended for cost-share funding today.

Sidney Koon has applied for parts of the Precision Agriculture Cost-Share Program including grid soil sampling, variable rate nutrient application, and tissue sampling. This project consisting approximately of 2,168 acres is in the Suwannee River Basin Management Action Plan area, Western Water Supply Planning Area, and the Troy Peacock Lafayette Blue Falmouth Priority Focus Area. It is estimated that 54,209 pounds of nitrogen loading will be reduced at a cost of \$1.00 per pound of nitrogen reduced. The total cost of this project is estimated at \$72,278.05. FDEP Springs Funding will contribute \$54,208.54 or 75% of the project's costs, with the producer contributing \$18,069.51 or 25% of the total project cost. See Exhibit A for a detailed project cost breakdown.

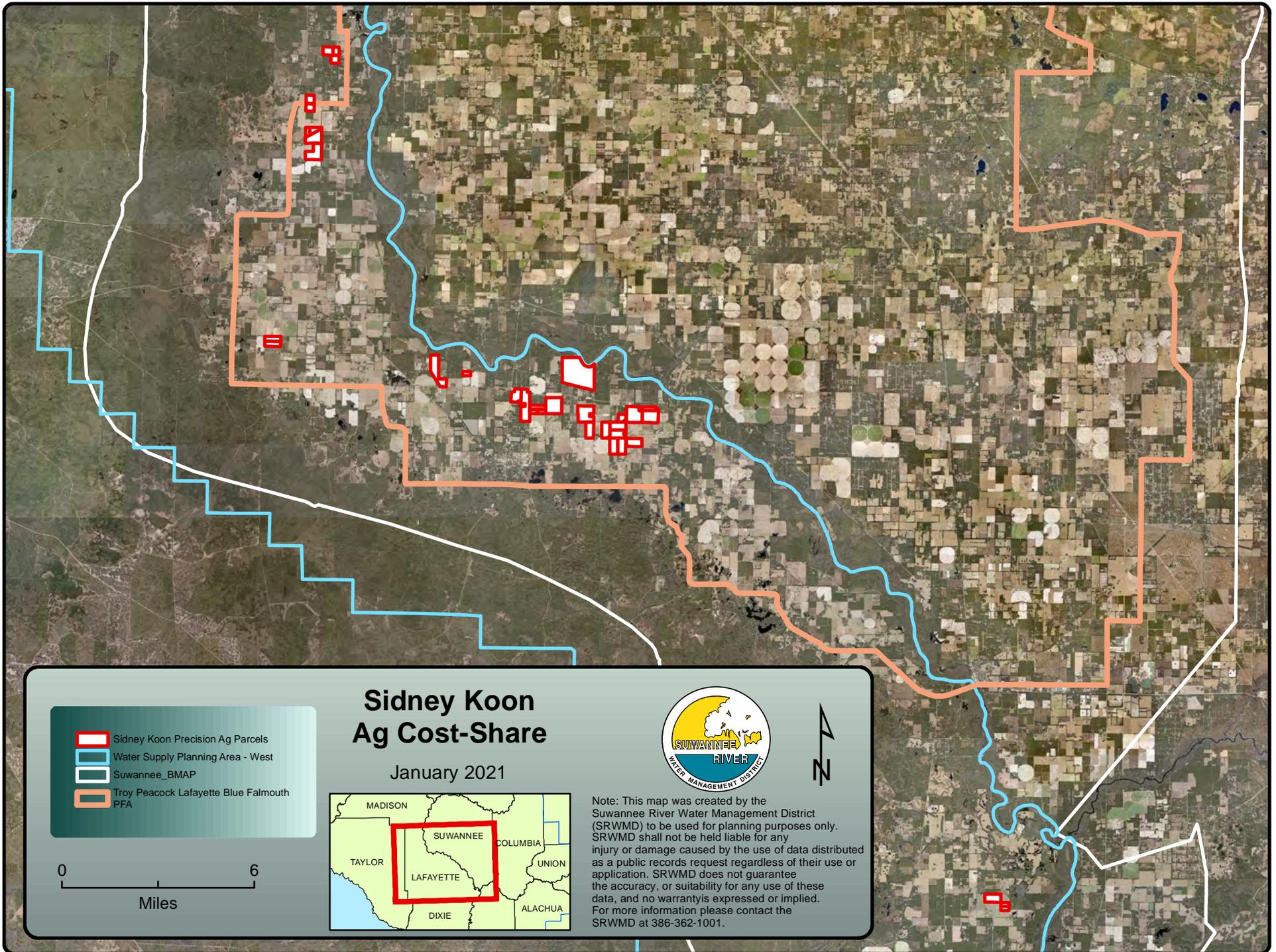
Funding for this project is included in the Fiscal Year 2020-2021 Final Budget account code 06-2586-7-2400-18-01.

LMS/tm
Attachments

Exhibit A – Itemized List

Producer	Item	Maximum Cost-Share	Quantity	SRWMD Total	Producer Share
Sidney Koon	Precision Soil Sampling	\$7	2,168.34	\$15,178.38	\$5,059.46
	Tissue Sampling	\$20	433.37	\$8,673.40	\$2,891.13
	Variable Rate Nutrient Application ¹	\$7	4336.68	\$30,356.76	\$10,118.92
Project Total:				\$54,208.54	\$18,069.51

¹This item can be reimbursed twice per year at a maximum of \$7 per acre.



Sidney Koon Ag Cost-Share

January 2021



-  Sidney Koon Precision Ag Parcels
-  Water Supply Planning Area - West
-  Suwannee_BMAP
-  Troy Peacock Lafayette Blue Falmouth PFA



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.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Libby Schmidt, Project Manager, Office of Agriculture and Environmental Projects 

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: December 29, 2020

RE: University of Florida On-Farm Demonstration Project: Controlled-release Fertilizers

RECOMMENDATION

Authorize the Executive Director to enter into an agreement with the University of Florida to implement an on-farm demonstration project for an amount not to exceed \$98,560.10.

BACKGROUND

At the September 13, 2016, Governing Board Meeting, the Board approved the District to enter into a contract with the Florida Department of Environmental Protection (FDEP) to receive \$5,000,000 in Springs Funding for the Sustainable Suwannee Program. Under the original program, agriculture producers were invited to submit proposals to implement lower input rotations in their operations that will cost-effectively reduce nutrients (nitrogen) in groundwater that contributes to spring flow.

Over the past four years, research has been conducted on the use of controlled-release fertilizer in carrot, corn, and watermelon cultivation at the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) North Florida Research and Education Center-Suwannee Valley (NFREC-SV) in Live Oak, FL. The results of this research have provided evidence of a potential role for controlled-release fertilizer in best management practices for various crops grown in the District.

The scope of this project is to evaluate controlled-release fertilizer technology in corn production on cooperating farms to broaden understanding of the practical management, feasibility across multiple locations, and the efficacy of controlled-release fertilizer on corn with the goal of reduced nitrogen loading and water quality improvement.

This project will consist of three field demonstrations of approximately 30 acres on three large farms each located within the Suwannee River Basin Management Action Plan (BMAP) area. The demonstrations will involve side-by-side comparisons of a grower's standard conventional fertilizer application with a controlled-release fertilizer applied on corn in a side-dressing application. Soil moisture sensors will be used to monitor and guide irrigation schedules. Plant tissue and soil nutrient analysis will be conducted to monitor the fate and uptake of nitrogen and release rate of the controlled-release nitrogen which is designed for the crop growth model and the average seasonal temperature in the Suwannee River Basin. The reduction in nutrient losses from leaching from the controlled-release fertilizer are expected to result in lower seasonal rates of nitrogen being applied. This project is expected to result in a nitrogen reduction of 50-90 pounds per acre based upon prior research.

The University of Florida will, through the NFREC-SV, implement this project to demonstrate the benefits of controlled-release fertilizer technology, side-dressing applications, and soil moisture sensors. At least one Extension Field Day and one Electronic Data Resource Source (EDIS) UF/IFAS publication demonstrating the project results will be provided.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under account code 06-2586-7-2400-06-03 and 51-2586-7-2400-06-07.

LMS/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Bill McKinstry, Chief, Office of Land Management
THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources
DATE: December 31, 2020
RE: District Land Management and Twin Rivers State Forest Activity Summary

BACKGROUND

District contractors began preparing sites for planned winter prescribed burns.

An illegal river camp was identified and removed by District staff.

District contractors completed road improvements in preparation for a planned timber sale on Seven Bridges Tract. The contractor remobilized to the Steinhatchee Springs Tract to begin a hydrological facilities improvement project.

District staff virtually attended a Fire and Restoration Strategies training hosted by Tall Timbers.

District, Florida Forest Service (FFS), Florida Wildlife Commission, and Florida State Park staffs met to discuss planned natural community and facility management of the co-managed Big Shoals public lands.

FFS staff monitored gopher tortoise relocation on the Anderson Springs Tract in reference to the new Gulf Power right-of-way on Twin Rivers State Forest.

FFS staff removed and replaced six gates on the Ellaville Tract.

FFS staff completed boundary maintenance on the Ellaville Tract.

FFS staff began boundary maintenance on the Black Tract.

The attached report summarizes the status of current District and TRSF activities for the preceding month.

Conservation Easement Monitoring

None during the reporting period.

Vegetation Management Projects: During the reporting period, 21 acres of woods mowing was conducted on the Lake City Wellfield Tract. Vegetation management work is being conducted for fuel reduction, natural community restoration, and wildfire mitigation purposes.

FY 2021 Activity Table – Vegetation Management (10/01/2020 – 12/07/2020)

ACTIVITY	ACRES		MILES	
	Planned	Complete	Planned	Complete
Herbicide	300	79	0	0
Roller Chop Uplands	248	0	0	0
Roller Chop (Mallory Swamp)	1000	0	0	0
Woods Mow	2000	21	0	0
Ditch Mow	0	0	25	0

Invasive Plant Monitoring Program: During the reporting period, nine additional plant infestations were monitored or treated.

FY 2021 Activity Table – Invasive Plant Treatments (10/01/2020 – 12/07/2020)

ACTIVITY	INFESTATIONS	
	Planned	Complete
Invasive Plant	153	41

Rare Plant Monitoring Program: No additional rare plant occurrences were monitored during the reporting period.

FY 2021 Activity Table – Rare Plant Monitoring (10/01/2020 – 12/07/2020)

ACTIVITY	OCCURRENCES	
	Planned	Complete
Rare Plant Species Monitoring	140	0

Prescribed Fire Program:

- Contractors conducting prescribed burns on District lands this year include B&B Dugger (B&B), Schmidt Reforestation Services (SRS), and Wildlands Services (WS). Also, included in this report are the acres the Florida Forest Service (FFS) burns on the Twin Rivers State Forest (TRSF). When available, the FFS will provide a crew to burn additional acres on both District tracts and TRSF.
- The following table provides information on the District's Prescribed Burn Program through the reporting period. During this period, no additional acres were burned.

FY 2021 Activity Table Prescribed Fire Summary Table (10/1/2020 – 12/07/2020)

	2021 TARGET ACRES	ACRES COMPLETED
SRWMD	7000	0
FFS TRSF	2000	0
TOTAL	9000	0

FY 2021 Activity Table - Prescribed Fire (10/01/2020 – 12/07/2020)

TRACT	COUNTY	B & B	WS	SRS	FFS	TOTAL SRWMD ACRES	TOTAL TRSF ACRES	TOTAL WILDFIRE ACRES
Sub Total for Period	0	0	0	0	0	0	0	0
Previous Acres Burned	0	0	0	0	0	0	0	0
Total Acres	0	0	0	0	0	0	0	0

Timber Sales:

Activity Table – Open and Recently Completed Timber Sales

TRACT	CONTRACT	ACRES	TONS HARVESTED	REVENUE	STATUS	CONTRACT END DATE
Wolf Creek #1	19/20-011	72			Active	2/2/2021
Natural Well Branch #1	19/20-063	240	13,626	\$236,996.71	Complete	11/26/2020
Steinhatchee Springs #19	19/20-139	330			Inactive	3/13/2021
Cuba Bay #2	19/20-129	315			Inactive	3/04/2021
Steinhatchee Springs #20	19/20-145	208			Inactive	04/24/2021
Steinhatchee Springs #21	19/20-146	366			Inactive	04/24/2021
Ellaville #19	20/21-009	176		\$300,507.17	Inactive	10/14/2021
Ellaville #20	20/21-013	276			Inactive	10/26/2021
Westwood West #4	20/21-010	89		\$133,107.77	Active	10/14/2021
Nature Coast Wellfield #2	20/21-011	110			Inactive	10/26/2021
Seven Bridges #1	20/21-012	224			Inactive	10/26/2021

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Bill McKinstry, Chief, Office of Land Management

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Fiscal Year 2019-2020 Land Management Annual Report

RECOMMENDATION

Accept the Fiscal Year 2019-2020 Land Management Annual Report.

BACKGROUND

The Land Management Annual Report is an overview of management activities conducted on fee-simple title lands held by the Governing Board. The report is used by the District during the Land Management Review Team annual review of District lands and is incorporated into the District's Florida Forever Work Plan.

The report summarizes the goals, objectives, and strategies of the approved District Land Management Plan and generally follows its organizational format.

Several notable Fiscal Year 2019-2020 achievements include:

- District was awarded \$98,838 from a grant for mechanical vegetation control.
- District completed 10 timber sales totaling 2,095 acres and received \$1,768,631 in revenue.
- 596 Special Use Authorizations were issued.
- District completed a restoration and improvement project at the Blue Sink Canoe and Kayak Launch on the Suwannee River.
- Of the 15,002 acres planned for disturbance (prescribed fire, mechanical, or chemical treatments) a total of 14,545 acres were treated.
- Approximately 66% of District lands is available for public hunting.
- Approximately 97% of District lands are open to the public for recreation.

The report addresses key topics that provide information as to whether District lands are being managed for the purposes for which the land was acquired, and in accordance with established land management objectives.

The report indicates an ongoing effort by the District's land management staff to have open and clear communication about its land management activities, participating in water resource-related projects, actively managing, and enhancing public use, and striving to improve natural resources on District lands. Lastly, the report attempts to address social and economic management goals which are also key components of the land management program.

WVM/pf
Attachment



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

January 2021

FISCAL YEAR 2019-2020

LAND MANAGEMENT ANNUAL REPORT



Fiscal Year 2019-2020 Land Management Annual Report
Suwannee River Water Management District

Governing Board

Virginia H. Johns, Chair
Richard Schwab, Vice Chair
Charles Keith, Secretary/Treasurer
Virginia Sanchez
Larry Sessions
Harry Smith

Executive Director

Hugh Thomas

CONTENTS

INTRODUCTION 1

GOALS OF THE DISTRICT LAND MANAGEMENT PLAN 2

REPORT OF LAND MANAGEMENT PROGRAM ACTIVITIES..... 4

I. RESOURCE PROTECTION 4

II. PUBLIC USE.....15

III. COMMUNICATIONS.....20

IV. FISCAL RESPONSIBILITY22

APPENDIX A: SRWMD STATUTORY SUMMARY28

Americans with Disabilities Act: The District does not discriminate upon the basis of any individual’s disability status. This nondiscrimination policy involves every aspect of the District’s functions including one’s access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District at 386.362.1001 or 800.226.1066 (Florida only). The District’s fax number is 386.362.1056.

EXECUTIVE SUMMARY

The Fiscal Year 2019-2020 (FY 2020) Land Management Report is an annual overview of management objectives and activities conducted on fee-simple title lands held by the Governing Board of the Suwannee River Water Management District (District) during the fiscal year. The report is used by the District during the Land Management Review Team (LMRT) annual review of District lands, which is required by section 373.591, Florida Statutes (F.S.). The report summarizes objectives of the approved Fiscal Year 2017-2018 District Land Management Plan (DLMP) and generally follows its organizational format, addressing key topics that provide information as to whether District lands are being managed for the purposes for which they were acquired and in accordance with established land management objectives.

The report illustrates an ongoing effort by District's land management program staff to include and participate in water resource-related projects on District lands. It provides details and accomplishments on natural community resource projects which are designed to maintain or improve natural communities, forest resources, rare species, cultural, historical resources, and aesthetic and visual resources. It also addresses social and economic management goals and activities which are key components of the land management program and include public use, communications, and fiscal responsibility.

INTRODUCTION

The District's jurisdictional boundary includes approximately 7,640 square miles across all or part of 15 north-central Florida counties.

The District holds fee-simple title to approximately 160,165 acres in addition to approximately 127,438 acres of conservation easements (3.2% and 2.6% of the District's land area, respectively) as of October 27, 2020. The District also holds less-than-fee title to approximately 749 acres of access easements.

District management of these lands provides water resource benefits including:

- Preserving floodplain areas to maintain storage capacity, attenuate floodwaters, prevent flood-related injury and damage, and prevent inappropriate development.
- Preventing groundwater contamination by maintaining low-intensity land uses within the floodplain and high recharge areas.
- Preserving and/or restoring spring areas to improve surface and groundwater.
- Preserving and/or restoring natural communities throughout the area to support or enhance populations of native species.
- Preserving aquatic buffer zones from high impact uses that have a high potential to degrade surface water quality.
- Supporting water resource development initiatives.

The majority of District lands are considered conservation lands, and most are located along river corridors, streams, headwaters, and recharge areas. The District has also purchased real property for specific water resource projects such as wellfields, flood storage, water management, aquifer recharge, water resource development, water supply development, and preservation. These project lands are managed for specific purposes as identified in the acquisition.

Lands titled to the District are managed under a multiple-use policy that emphasizes water resource protection, maintenance, and restoration of the land's natural state and condition, and provides for public access and recreation. Planning land management activities and uses at the ownership level allows for efficient and effective implementation of Governing Board priorities and achievement of goals. The following four goals are outlined in the DLMP.

- Resource Protection
- Public Use
- Communications
- Fiscal Responsibility

To ensure the District is meeting its four land management goals, the Excellence in Land Management Program (ELM) was established in 2004. This program uses quantifiable data to measure and track qualitative goals. ELM is used in conjunction with the statutorily required annual LMRT evaluation. LMRT participants use the ELM scorecard to determine whether land management is meeting the goals of the DLMP by scoring the strategies used to achieve those goals.

Additionally, LMRT participants evaluate if the District is achieving its statutory requirements (section 259.036, F.S.) by scoring the following questions, the LMRT must evaluate:

- Are District lands being managed in a manner consistent with the purpose for which they were acquired, including public access?
- Are District land managers implementing the DLMP?

GOALS OF THE DISTRICT LAND MANAGEMENT PLAN

Goal 1: Resource Protection

Objectives - ensure District lands are managed for natural resource protection and maintain/restore lands using natural community Desired Future Condition (DFC) guidelines when practical and as referenced in Appendix A of the DLMP.

Water Resource Strategies

- Minimize structural floodplain management on District-managed conservation lands.
- Maintain ground and surface water quantity and quality during land management activities by using enhanced silviculture Best Management Practices (BMPs).
- Restore hydrologic regimes to the DFC where possible.
- Maintain water management structures to achieve their intended function.
- Develop and maintain water resource projects on the lands to improve water quality and enhance water supply.

Soils, Topography, Ground Cover, and Natural Community Strategies

- Minimize soil degradation (e.g., erosion, compaction).
- Manage and/or restore historic natural communities for a given site to DFC standards to the extent practical.
- Reduce degradation of the existing native groundcover.
- Monitor the grass, herbaceous, and shrub layers to detect if the resource falls within the DFC standard acceptable range.

- Reintroduce or supplement current native ground covers with local stock were needed to achieve ecosystem functions.
- Update and maintain current reference data.

Forest Resource Strategies

- Manage for natural community heterogeneity to attain a multi-aged and vertically diverse forest, including retaining dominant and/or old-growth trees and snags.
- Maintain the dominant and co-dominant tree species within the DFC acceptable parameter range.
- Reforest within DFC standards using techniques that minimize damage to other natural resources.
- Ensure that commercial harvests provide the maximum financial returns that are possible with the consistent attainment of primary natural resource values.
- Maintain an accurate and current forest resource inventory.

Rare Species Resource Strategies

- Protect and manage biodiversity on District lands.
- Track rare species locations, status, and implement rare species BMPs.
- Maintain and/or increase existing rare and imperiled species populations on District lands.

Cultural and Historic Resource Strategies

- Protect and prevent negative impacts on cultural and historical resources during all activities.
- Document location of significant cultural and historical resources on District-owned lands and share information with the Division of Historic Resources within the Florida Department of State.
- Monitor the condition of cultural and historical resources on District-managed lands.

Aesthetic and Visual Resource Strategies

- Maintain or enhance the overall visual quality of District lands.
- Minimize or mitigate short-term negative appearances of land management activities.

Goal 2: Public Use

Objectives - provide resource-based public use opportunities.

Public Use Strategies

- Establishing and maintaining public use on District lands.
- Provide Special Use Authorizations (SUA) for compatible public use activities.
- Follow Governing Board Directives 90-2 and 92-1 for exclusive use requests.
- Provide hunting and fishing opportunities on District lands.
- Coordinate with law enforcement agencies to enforce Florida statutes and administrative rules on District-managed lands.
- During emergency situations, staff will assist persons in danger and communicate responses with the appropriate agency.

Goal 3: Communications

Objectives - encourage participation from outside agencies, organizations, and private citizens when developing management plans for the lands under its stewardship.

Communications Strategies

- Obtain public and private stakeholder input in the management of District lands.
- Use applicable modes of communication to encourage and promote public recreation on District lands.
- Ensure public inquiries into management activities or public use are addressed in a timely manner.
- Complete an annual land management report and conduct the annual LMRT following the guidance of the DLMP.

Goal 4: Fiscal Responsibility

Objectives - minimize the costs associated with land management by contracting with the private sector, partnering with other land management agencies and organizations, and submitting proposals for land management grant funding.

Fiscal Responsibility Strategies

- Ensure revenues are derived from operations conducted to achieve land management objectives.
- Minimize structural operational management approaches wherever practical.
- Contract with the most cost-effective and experienced firms to complete land management activities following District policies.
- Coordinate with other land management agencies and organizations to complete land management activities to reduce District costs.
- Attempt to locate and obtain grants to help fund projects on District lands.
- Assist with the surplus lands program to ensure funds derived from the disposals of unneeded land holdings are redirected to fund the purchase of higher value, water-resource lands.

FISCAL YEAR 2020 REPORT OF LAND MANAGEMENT PROGRAM ACTIVITIES

I. RESOURCE PROTECTION

Goal - protect, enhance, and/or restore natural, archaeological, and historical resources on lands owned by the District.

1. Water Resources

District lands provide unique water resource opportunities because of their proximity to major rivers and their tributaries. At the tract level, there may be opportunities to impact altered water flows and water retention capacities to allow more natural buffering characteristics of the floodplain, such as flood attenuation, to be enhanced and provide protection to the receiving water body. At the site level, many facilities such as river access points, hydrologic facilities, and roads require review, construction, and maintenance to function in the floodplain without

adverse water resource impacts. The objective of facilities' design is to make them transparent to high and low-flow conditions within the floodplain.

Natural community and facility projects are generally implemented using silvicultural BMPs as a minimum standard for implementation. Silvicultural practices, natural community restoration projects, hydrological improvements, and road maintenance operations are planned to protect or enhance water resources.

Specific Governing Board-approved water resource projects may be initiated for flood control, water storage, water management, conservation, protection of water resources, aquifer recharge, water resource, and water supply development. These projects typically require engineered solutions and have project-specific goals and management. In many cases, the water resource benefits are designed to extend beyond the tract. The District's Florida Forever Work Plan describes all District-wide projects. The projects listed below are specifically targeted for District fee-owned lands.

Water Resource Projects

- *Blue Sink River Access Project*

In Fiscal Year 2009-2010 (FY 2010), the District completed a restoration and improvement project at an old and very large erosion scar on the bank of the Suwannee River in the Blue Sink Tract. The site was fully developed into a canoe/kayak launch and included paved parking, ADA improvements, and mending of the erosion scar. Shortly after construction was complete the river flooded and the new construction within the erosion scar catastrophically failed. The site was closed and was unmaintained for approximately 10 years. The District contracted with a firm to make improvements to the launch area for public access and to further reduce erosion potential without removing any large portions of the reoccupied vegetation. In FY 2020, the contractor for the project had to start and stop work often because of high river levels. A small wildfire adjacent to the site further damaged existing facilities which required a contract amendment to be employed. On September 11, 2020, the District re-opened the Blue Sink Canoe and Kayak Launch.

- *Bell Springs Erosion Repairs*

Land management staff completed erosion control measures at Bell Springs following damage which was caused by a person fleeing from law enforcement and crashing into the spring run.

- *Underwater Cave System Research*

Many District lands contain springs, karst windows, and other geologically significant systems for North Florida. The District issues temporary ingress and egress special use agreements (SUAs) for underwater cave system mapping, water testing, and research to private non-profit research firms. The SUAs are for 12 separate tracts of land. The SUAs are re-issued each year to continue the research. This research is undertaken at no obligation or cost to the District and the information obtained is shared with the District.

- *District Lands Hydrological Facilities Improvement Plan*

The District has a hydrological facilities geodatabase where information related to water conveyance is stored (culverts, surface crossing, bridges, etc.). The database has not had any significant updates for more than a decade. In FY 2019, District staff and the Environmental Systems Research Institute (ESRI) began improvements to the geodatabase to make it viable for annual tract inspections. The improvements were tested in FY 2019 and rolled out just before FY 2020. In FY 2020, land management staff began an ambitious project to update the geodatabase with current hydrological facility conditions and information about previously undocumented facilities. The goal of this project is to create a robust geodatabase and make hydrological facility maintenance more proactive.

As an example, by the end of FY 2020, the geodatabase indicates there are 1,273 hydrological facilities located on District lands. Of those, approximately 871 of those facilities are considered culverts, and of which 384 are in the Mallory Swamp Tract. In FY 2016, staff completed a maintenance/inspection project on 220 of the Mallory Swamp Tract culverts. In FY 2019 and 2020, land management staff collected information on another 465 existing or new culvert systems (400 inspected in FY 2020 and 65 inspected in FY 2019). Between earlier work completed in FY 2016 and work recently done in FY 2019 and 2020, land management staff have inspected and collected information on 849 of the known 871 culverts on District lands.

- *Hydrological Facility Restoration Projects*

Three hydrological improvement projects were completed in the Cabbage Grove Tract. These projects were conducted at various water access locations for the purpose of reducing erosion and sediment loading into the water bodies while maintaining or improving public access.

Six hydrological facilities (two culverts and four low-water crossings) were replaced or repaired in the Jones Mill Creek Tract. One culvert was replaced in the Mt. Gilead Tract.

- *West Ridge Water Resource Development Area*

The West Ridge Water Resource Development Area project includes approximately 640 acres of District-owned land adjacent to the Florida National Guard's (Guard) Camp Blanding in Bradford County. The purchase was funded by a grant from the Guard through the Department of Defense (DOD) as part of a program designed to secure buffers around military installations. The Guard manages the property for the District at no cost.

The original Florida Environmental Protection Department (FDEP) mine reclamation permit required restoration of pre-development flows within the mined areas of Chemours Corporation and District lands however due to current concerns about westward stormwater flow the District and Chemours Corporation have collaborated on a permit modification. The modification will control the discharge rates by detaining the flows and releasing them slowly in a controlled manner. The modification also has the future potential for water conservation through water re-use and aquifer recharge to the Upper Floridan Aquifer to augment flows to the upper Santa Fe River basin. During the

last fiscal year, Chemours Corporation received the modified FDEP permit to reclaim the mine which includes the work on the West Ridge Tract.

- *Pot Springs Environmental Restoration and Enhancement Project*

In 2017, Springs funding was approved to restore the site. Improvements consisted of bank stabilization, access to the spring, and improvements to limit erosion from uplands. Funding for this project was from the Florida Department of Environment Protection (FDEP) through the Pot Springs Restoration contract and the District. FDEP award the District \$255,765 in grant funding (RIVERS and Spring grants) to complete the project. District staff and TRSF re-opened Pot Springs on December 30, 2019, after the restoration work was complete.

2. Soils, Topography, Ground Cover, and Natural Communities

Florida Statutes direct District staff to manage lands “in such a way as to ensure a balance between public access, general public recreational purposes, and the restoration of their natural state and condition”. The District uses existing desired future condition (DFC) standards as a guide for planning, implementing, and tracking natural community management activities on its properties. The DFCs provide information about plant community structure, representative plant species, hydrologic regimes, and the frequency that prescribed fire or other vegetation management activities should be implemented to help meet and/or maintain DFC objectives. By using these standards, District staff can evaluate the current condition of a natural community and then determine what management activities are needed to help meet statutory requirements and DFC objectives.

Many District lands currently meet DFC objectives including floodplain swamps and other wetland areas. These areas are often easily maintained through passive management or natural processes such as periodic flooding. However, many upland natural communities or transitional communities require active management to help meet and/or maintain DFC objectives. Management practices that may be used in these areas include the installation of hydrologic facilities, prescribed fire, mechanical or chemical treatments, timber harvesting, and reforestation.

Natural Community Management & Restoration Projects

- *Prescribed Fire/Vegetation Management*

Many natural plant communities on District lands were historically influenced and maintained by the periodic occurrence of fire and other disturbances on the landscape. The District continues to use prescribed fire and other vegetation management tools, such as mechanical and chemical treatments, to manage vegetation within these communities to help meet DFC objectives. The five main fire-adapted natural communities the District targets for management and restoration work include sandhills, upland pine, scrubby flatwoods, mesic flatwoods, and wet flatwoods. The District focuses on these communities because of their vegetation type or structure, their need for frequent fire or disturbance, and their proximity to other wetland communities that require periodic disturbance. Combined, these targeted communities make up approximately 59,594 acres or 71% of the total acres on District lands that were historically influenced by fire.

The remaining 29% of fire-influenced communities consist of wetland natural communities such as shrub bogs, depression marshes, and dome swamps. These communities are not actively targeted for prescribed burning or periodic disturbances. Fire is allowed to spread into these areas from adjacent communities that are being burned, but only when the risk is minimal for long-term smoke-management issues, mortality to wetland timber, and prolonged consumption of organic soils. When necessary, firelines are installed to help avoid adverse impacts on wetlands, water resources, or the public.

The District has developed disturbance intervals (DI) for the five targeted communities listed above. These intervals are derived from the fire return intervals developed by the Florida Natural Areas Inventory (FNAI) for these communities (Table 1). These intervals indicate the disturbance rotation or the number of years that should occur between each disturbance.

Although these return intervals are listed as a range, the District's goal is to implement prescribed fire or create a similar disturbance within these natural communities on a 2 to 3-year return interval. This interval falls within the low to mid-range of the FNAI standards and was chosen to better address the high productivity of woody vegetation on many District lands. This targeted two to three-year return interval will also continue to be evaluated for effectiveness based on field results and any additional research or data made available. From a planning and budgeting standpoint, all Land Management Core Areas that contain these listed communities will be targeted for work on a 2 to 3-year return interval. When measuring the success of meeting this fire or disturbance return interval standard, the District will use a 3-year return interval to quantify individual fiscal year results. In this case, a 3-year return interval was chosen because it is close or equal to the maximum range for many listed communities and it better reflects fluctuating results that are often influenced by factors such as weather.

Table 1. Fire Return/Disturbance Intervals (DI)

Natural Community	Acres (approximate)	FRI
Sandhill	10,097	1-3 yrs.
Upland Pine	6,722	1-3 yrs.
Scrubby Flatwoods	3,989	5-15 yrs.
Mesic Flatwoods	23,384	2-4 yrs.
Wet Flatwoods	12,685	1-10 yrs.

- *Designating Land Management Core Areas*

Within the five targeted natural communities listed above, the District allocates most of its resources to areas designated as Land Management Core Areas. These core areas contain one or more of the following attributes:

- Areas have a recent history of prescribed burning or disturbance,
- Vegetation within these areas can be effectively maintained using prescribed fire or other mechanical/chemical treatments, and/or
- Areas have received other land management activities (timber thinning,

reforestation, etc.) requiring additional vegetation management practices to complete a restoration prescription or help meet a DFC goal.

The total acreage of these core areas can increase or decrease based on various factors. For example, some District lands contain targeted natural communities that are not included in the core areas because the current vegetative structure/composition inhibits the successful application of prescribed fire. However, if a preliminary management practice such as a mechanical or chemical treatment is implemented that creates conditions favorable for the use of prescribed fire, these areas can then be added to the total core acreage. Conversely, there may be core areas removed from the system because of size, location, and/or vegetative characteristics that consistently inhibit the efficient use of prescribed fire. Core acreage can also increase or decrease if natural community lines are adjusted or community designations are changed based on field observations or updated information.

The District's goal is to consistently increase the percentage of Land Management Core Areas that are within their designated DI (Table 2). This can be achieved by using prescribed fire or other disturbances that cause a similar disturbance, control targeted vegetation, and help the District meet DFC objectives. Table 3 provides additional information on Land Management Core Areas and the status of their disturbance intervals.

Table 2. Land Management Core Areas – Disturbance Interval Status (District Lands)

	2020	2019	2018	2017	2016
% Core Areas within Disturbance Interval (DI) - ALL DISTURBANCE TYPES	64%	63%			
% Core Areas within Disturbance Interval (DI) - PRESCRIBED FIRE	56%	57%	57%	51%	54%
Total Acres Planned (all disturbance types)	15,002	10,500	15,000	13,000	12,000
Total Acres Treated (all disturbance types)	14,545	6,308	18,065	6,398	12,528
Acres burned that met objective	10,768	6,040	18,001	5,901	12,289
Wildfire Acres	11	0.20	0	29	54

Table 3. Acres of Managed Natural Communities by Classification (FY 2020)

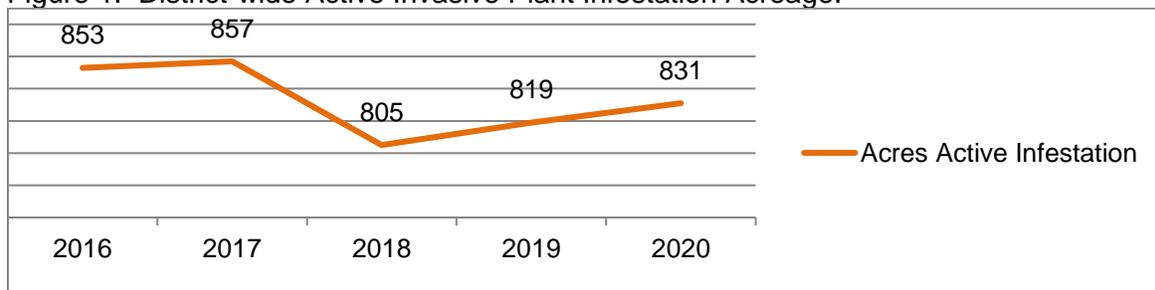
	Acres	% of total
Fire Maintained Natural Communities - TOTAL	83,658	
<i>Targeted Communities</i>	59,594	71
<i>Non-Targeted Communities</i>	24,064	29
Land Management Core Areas - TOTAL	49,682	
Total Acres Within Disturbance Interval (end of 2020)	31,787	64
<i>Last Disturbance Type Applied - Prescribed Fire</i>	27,881	56
<i>Last Disturbance Type Applied - Mechanical/Chemical</i>	3,906	8
Total Acres Out of Disturbance Interval (end of 2020)	17,895	36
Acres, where pine density is too thick or stand age, is too young to safely burn*	8,823	18
Acres within Mallory Swamp Wildlife Management Area	4,589	9
Remaining Acreage	4,483	9

*Stand age only applies to slash pine (*Pinus elliottii*)

- *Invasive Plant Control (District staff):*

In FY 2020, District staff monitored 171 invasive plant infestations; 97 of those infestations were treated with herbicides. Total infestation acreage increased during FY 2020 (Figure 1). This increase was the result of infestation areas increasing in size and new infestation areas being identified.

Figure 1. District-wide Active Invasive Plant Infestation Acreage.



- *Invasive Plant Control (Contractors):*

Contractors are used to treat larger more complex areas of invasive plant infestations. Contracts for this work are either procured by District staff or through cooperating agencies when grants are pursued. Work completed in FY 2020 is listed in Table 4:

Table 4. FY 2020 Completed Invasive Plant Treatment Projects (Contractors)

Work Location	County	Extent	Targeted Species	Contract Amount	Funding Source
Lake Rowell/ Lake Alto	Bradford	75.3 acres	Japanese Climbing Fern, Chinese Tallow, Camphor tree	\$19,000.00	SRWMD
Edwards Bottomlands	Bradford	32 acres	Japanese Climbing Fern, Chinese Tallow, Camphor tree	\$6,000.00	SRWMD

- *Vegetation Management (Mechanical)*

Mechanical treatments such as whole tree chipping, roller chopping, woods mowing, and ditch mowing are used to help meet natural community DFC objectives, prepare sites for prescribed fire, reforestation, and protect District resources from the damaging effects of wildfires. Work completed in FY 2020 included:

- Approximately 1,043 acres were roller-chopped, and 1,888 acres were mowed to help facilitate the use of prescribed fire and to help meet natural community management objectives.
- Approximately 152 miles of ditch edges were mechanically treated on the Mallory Swamp and Steinhatchee Springs tracts in FY 2020. This work was done to increase the width of areas along road edges to provide better fire break capabilities. This will facilitate the safe use of prescribed fire and help protect forest resources from the damaging effects of wildfires.

- *Vegetation Management (Chemical)*

The application of chemical herbicides on District lands is periodically used to help control hardwood competition on sites that are being prepared for pine reforestation or to facilitate the use of prescribed fire and help meet natural community DFC objectives. Work completed in FY 2020 included:

- Approximately 201 acres were treated for reforestation site-prep purposes and 425 were treated to facilitate the use of prescribed fire and help meet natural community management objectives.

3. Forest Resources

- *Timber Harvest*

The District harvests timber resources to promote conditions that more closely resemble natural forests. Ten sales were implemented (Table 6): one final harvest (conditions met

to achieve DFCs), eight stand improvement pine thinning's, and one restoration pine thinning with hardwood removal.

Timber harvest objectives include:

- Reducing overstory stocking to meet desired levels for the natural community,
- Improving forest health by removing poor health trees or stands, and
- Reducing species not native to the natural community.

Planning, advertising, contract oversight, timber sale security, and financial reconciliation are components of the timber sale process.

Table 6. FY 2020 Timber Sale Acres by Harvest Type and Species.

Species	Harvest Type	FY 20 Acres (10 sales)	FY 19 Acres (11 sales)	FY 18 Acres (8 sales)
Loblolly Pine	First Thin	72		42
	Second Thin	126	345	129
	Final Harvest		280	181
	SPB Salvage		55	70
	ALL LOBLOLLY	198	680	424
Slash Pine	First Thin	1,698	719	
	Second Thin	137		
	Final Harvest	62	73	138
	ALL SLASH	1,897	792	138
Longleaf Pine	First Thin		143	61
Hardwood	Removal			121
	TOTALS	2,095	1,615	742

- *Forest Resource Inventory*

In FY 2020, the District received its final forest inventory products from F4-Tech. This inventory will improve data collecting, reporting, and planning for silvicultural operations. The FY 2020 improvements were custom modifications specifically for the District which will improve data collection and interpretation. Inventory data was collected on 812 plots by staff in FY 2020. The data from these plots are used to quantify the acres that have achieved their natural community goals and provide data for areas that could be improved by silvicultural activities. As part of this planned project, the District has contracted with a firm to complete 3,080 plots using the new inventory system in FY 2021, which will update data in operational timber stands that were last cruised in FY 2011 and identify volumes and other species data in areas where a restoration project has been potentially identified.

4. Rare Species Resources

The District conducts rare species monitoring and survey work on a regular basis to help document the location of new species and to monitor the status of existing occurrences. This information is documented and recorded in a rare species geodatabase that is made available to District staff. To help lower the potential for negative impacts on existing species occurrences, District staff can consult the rare species geodatabase before planning and conducting management activities. If potential impacts from management activities are

identified, staff locate and delineate areas to prevent potential conflicts. Management activities are also adjusted if needed to prevent impacts to these resources.

In FY 2020, District staff conducted rare species monitoring/survey work on the tracts listed below. All information was uploaded into the District's rare species geodatabase.

Table 7. FY 2020 Rare Plant Species Monitoring Survey Work

Location	County	Known Occurrences Monitored	Known Occurrences Observed	New Occurrences Added
Adams	Lafayette	3	3	0
Big Shoals	Hamilton	7	5	0
Cabbage Creek	Taylor	7	6	0
Cabbage Grove	Taylor	7	4	0
Devil's Hammock	Levy	14	13	0
47 Runs	Levy	31	17	0
McAlpin Landing	Hamilton	1	1	0
Natural Well Branch	Taylor	8	6	0
Osteen	Hamilton	3	2	0
Santa Fe Swamp	Lafayette	4	1	1
Scanlon	Taylor	6	4	0

5. Cultural and Historical Resources

The majority of District lands have been studied for cultural and historical resources by a professional archaeologist. One hundred sixty-nine (169) known sites are located on District lands and can be found in the Florida Department of State Master Site Files. The Master Site Files indicate that approximately twenty-six (26) of these sites are considered significant cultural or historical sites and should be monitored by the District. Another twenty-three (23) sites have been discovered by District staff over the years and are also monitored. Additionally, five (5) of these sites are monitored by cooperating agencies and are generally not inspected by District staff.

Prior to the FY 2020 monitoring staff determined there were 49 cultural and historical resource sites needing to be monitored (i.e., 21 significant sites plus the 23 discovered sites minus the 5 sites managed by other agencies). Staff attempt to inspect these sites annually while working on other projects in the vicinity. In FY 2020 District staff inspected all 49 sites plus the 5 sites managed by other agencies. Additionally, staff documented 24 additional sites this past year which will require future monitoring.

During the inspections staff document damaged sites (i.e., looting) and other illegal activities. Staff provides FWC law enforcement with that information. In FY 2020 staff identified 7 recently looted sites. Table 8 summarizes staff monitoring activities.

Table 8. Status of Cultural and Historical Resource Sites.

Measures	2020	2019**	2018	2017	2016
Significant sites inspected (26)	26	2	23	12	7
Staff documented or looted sites (23)	23	1	12	12	0*
Sites managed by other agencies (5)	5		1		
Number recently damaged sites	7	0	2	6	1

*District staff did not document the inspection of these sites in FY 2016.

**The technology used to collect and process information during tract inspections was not available almost for the entire year.

The District follows the “Protocol for Managing Cultural and Historical Resources on Suwannee River Water Management District Lands” to avoid damaging these resources. The area’s most likely for cultural resources, based on the known sites, are classified “High Probability Zones”, and are included as a geodatabase for planning purposes. Before District staff initiates any major ground disturbance activities staff reviews the Protocol and the geodatabases, including the Master Site Files, to determine if the activity could negatively impact a cultural or historical resource. If there are concerns a planned activity could be impactful, District staff may contract with a professional archaeologist to delineate a site or help plan the activity.

Cultural or Historical Projects

- The District completed a Cultural Resource Assessment Survey on 33 acres of the J. H. Anderson, Jr. Memorial Park – Rock Bluff Tract and defined the high and low archaeological probability zones for the tract. This work was completed in anticipation of future construction projects related to tract management and public use.

6. Aesthetic and Visual Resources

The consideration of the visual or aesthetic resources while managing property is a key component of the land management program. Every aspect of these resources, from facility planning to managing contractors or the public, has visual impacts.

There is a vast array of opportunities to improve or maintain aesthetic values during land management activities. Some of these include timing of operations, minimizing debris or litter along internal roads, minimizing clearcuts during timber harvests, consistency in facility designs, placement of signage, or maintaining the District’s unwritten rule of not posting boundaries or installing signs along riverbanks. District staff has found one of the greatest impacts to visual quality is education. When appropriate the District attempts to post interpretive information about activities (either on District lands or online) however our one-on-one conversations with the public about short-term and long-term objectives have and continue to be very effective. Overall, District staff desires to maintain our lands in such a way that the public perceives wilderness or natural beauty when visiting.

II. PUBLIC USE

Goal: Provide opportunities for high quality, compatible resource-based recreation, and educational programs to meet the public's needs while protecting water resources.

District lands provide many resource-based recreational opportunities. Of the 160,165 acres owned by the District, approximately 97% are open to the public for recreation. Planning for public uses and facilities considers the sensitivity of the site, the proximity of similar recreational opportunities, time, financial requirements to provide the use, and public demand for the use. Within the DLMP the District provides the public with a Public Use Standard which lists allowable recreational uses approved by the Governing Board by tract, including uses that require a Special Use Authorization (SUA).

Conservation lands not opened to the public are tracts located in gated communities or where access is otherwise restricted. Lands classified in the Public Use Standard as "project lands" are also closed to the public. These fee-title lands were purchased to develop infrastructure for water resource development projects and these tracts may not be open to the public for recreational activities due to the primary purpose for which the properties were purchased. Public use may be allowed once a project is completed but only after a suitability study has been undertaken.

Recreation Resources

The District has developed facility standards that detail recreational facilities, roads, trails, signs, kiosks, fence design and construction, and maintenance procedures. These standards ensure facilities provide a safe, aesthetically pleasing, outdoor environment for the public that can be effectively maintained and minimizes potential impacts to water resources. District staff inspects public use facilities, and schedules maintenance to help ensure longevity and safety. Table 9 indicates the facility type, number of facilities, and fiscal year of review.

Table 9. Public-Use Facilities*

Facility Type	2020	2019	2018	2017	2016	2015	2014
Trailheads	32	31	31	31	31	30	29
Docks & Boat Ramps	11	11	11	11	11	11	11
Hand & Canoe Launch Sites	19	19	19	19	19	19	19
Picnic Areas	23	23	22	22	22	21	14
Interpretive Sites	11	11	9	9	9	10	10
Restrooms	16	18	15	15	15	15	15
Miles Trails	228	228	228	232	232	237	226
Miles Driving Trails**	383	381	334	332	332	325	313

*Recreation facilities in GIS were reviewed and updated during the recreation guide upgrades on the web site. The review process allows staff to evaluate the facilities for changes or upgrades of use.

**Driving trails are drivable surfaces owned by the District or other entities that may or may not be maintained by the District. In 2019 administrative roads in Mallory Swamp changed to secondary roads to allow access to hunters. In the DLMP only public and secondary roads are open for the public to drive, administrative and abandoned roads are closed.

Public Use and Facility Maintenance and Construction

- Land management staff continue to work with GIS staff to improve geodatabases for use on smart devices that enable staff and contractors to collect and use real-time data. In FY 2020, staff inspected all major tracts and existing facilities located on them (1,463 individual facility and culture resource inspection locations inspected). Staff also visited many small parcels owned by the District. During the inspections, staff could note in the geodatabase (referred to as observations) if additional staff or contractor attention were required at specific sites or if other important land management actions were required on District lands. A small subset of the items reported in FY 2020 included removing trees or trash, repairing, or replacing facilities, improvements to GIS data, recreation sites maintenance needs, signage or other new facility needs, restrict, or report unauthorized use, cultural resource damage or looting, and discovery of exotic vegetation, rare species, or other natural resources management needs. Some items could be taken care of this fiscal year while others will require a greater degree of planning and budgeting before they can be resolved. Of the 803 observations found in FY 2020 staff completed 195 of those observations before October 1, 2020. It should also be recognized that staff and contractors completed many repairs and other improvements on District lands during those field days which were never recorded.
- A new all-terrain vehicle (ATV) parking area was constructed along the McCall's Chapel Grade to provide better access for ATV users who access Mallory Swamp Tract from the southern entrance. The original ATV parking area on Sandy Grade will be abandoned and moved to the old hunter check station parking area near the north entrance when the trail re-opens following hunting season.
- A road sign project was completed within the Mallory Swamp Tract to improve visitor service and to identify which roads can be legally traveled by the public. All the named roads in Mallory Swamp had new road signs installed; visitors should only travel on named roads. Additionally, closed roads were marked with signage. A road hierarchy sign was added at each entrance describing road types and explaining the user expectation.
- In 2015, the District conveyed approximately 46 acres of the Jennings Bluff Tract to Hamilton County, including a portion of an access easement into the property. In that transaction, an easement was reserved to the District to ensure continued access to the remaining portion of Jennings Bluff Tract. In 2019, staff discovered discrepancies in the survey and, subsequently discovered that the easement language limited access to District staff and contractors only, and the legal description of the entire easement did not appear consistent with the survey. District staff worked with legal counsel to revise the language so that the public had legal access and hired a surveyor to resurvey the easement so that the survey had a correct legal description.
- District staff has been diligently completed small facility and tract improvement projects while conducting tract inspections during the COVID-19 pandemic. As an example, during this time staff replaced antiquated cable gates with farm gates and installed new farm gates to restrict illegal access at 12 locations around the District. Staff also removed several trailer loads of litter, tires, metal, camping items, appliances, and other items which likely existed on the properties before the District purchased them.

- The District installed 6,725 feet of perimeter fencing around the J. H. Anderson, Jr. Memorial Park – Rock Bluff Tract.
- Following a storm event this summer, three large trees fell across and crushed 20 feet of the boardwalk at the Falmouth Springs Park. The boardwalk had to be closed until repairs could be achieved. The boardwalk was reopened on July 2, 2020.
- In June 2020, Suwannee Springs Park was affected by a flooding event resulting from Tropical Storm Cristobal. The flood deposited a large amount of debris in the spring house and damaged the pool access walkway. Due to higher-than-normal water levels and the difficulty in removing the debris the spring pool debris cleanout will take place in FY 2021. The access walkway was repaired in FY 2020.
- In FY 2014, the District reduced road coverage, revised management practices, and added a progressive review and approval process for general road maintenance. The culmination of this effort was a new road maintenance plan that centers on a three-year rotation for all roads deemed necessary for public access. In recent years, the District has had a renewed interest in increasing timber harvests which have required additional road maintenance. There has also been renewed public and stakeholder interest in road maintenance on the Mallory Swamp Tract. The increased attention has challenged staff with adhering to the District-wide three-year rotation due to the amount of time and resources necessary to accomplish these activities.

Approximately 85 miles of road maintenance was completed on the following tracts: Goose Pasture, Mt. Gilead, Cabbage Grove, Cuba Bay, Lamont, Wolf Creek, Roline, Cabbage Creek, Jones Mill Creek, and Mallory Swamp tracts. Of the 85 total miles of road work completed in FY 2020, approximately 7 miles were associated with timber harvest operations.

- The District has a five-year rotation plan to mark and paint District land boundaries. The District has approximately 1,000 miles of property boundary line with one hundred sixty-three (163) miles being marked or painted in FY 2020.

Special Use Authorizations

To protect sensitive resources and reduce management costs sometimes it is necessary to limit some recreational opportunities and the use of certain roads or other accesses on District lands. Some uses, such as camping and other night uses, require an SUA. The Public Use Standard provides recreational users with a list of recreational activities that require an SUA. Examples of these activities include all-terrain vehicle (ATV) use, night-time access, or access for persons with disabilities.

SUAs may also be issued for opportunities not listed in the Public Use Standard. By virtue of the Governing Board-approved DLMP, District staff have the responsibility of issuing SUAs associated with activities referenced in the Public Use Standard. Examples include research and data collection, adventure races, trail maintenance, placement of beehives, and nuisance hog removal.

An SUA serves as an agreement between the District and user; it details terms, conditions, liability protection, and time frame of the proposed use (Table 10). The District issues SUAs

and reserves the right to refuse anyone an SUA if the proposed use threatens water resources, public safety, or other natural resources on District lands.

Table 10. FY 2020 Special Use Authorizations

Recreation	Temporary Ingress and Egress ¹	Mallory Swamp ATV Trail	Non-Recreational ²	Goose Pasture Camping	Total
356	37	17	18	168	596

¹Temporary Ingress and Egress SUAs may include recreational use on the Lukens Tract in Cedar Key.

²Non-Recreational SUAs issued during the fiscal year include research and data collection, recreation competitions, hog removal, and apiary leases.

Requests for uses that are clearly or potentially exclusive require Governing Board consideration before any agreement, license, or authorization are approved. Such uses may include legal conveyance of property rights, such as rights-of-way or access easements; tract closures for research or media projects; or exclusive use of resources as in resource harvesting. Governing Board Directives 90-2 and 92-1 set guidelines for District staff involved with land acquisition or surplus to respond to public requests for certain exclusive uses.

Hunting and Fishing

The District’s goal for public hunting on District lands is to provide high-quality hunting opportunities. The District meets annually with the FWC to review opportunities for public hunting on District lands. Public hunting on District lands is offered through management agreements with FWC and the United States Fish and Wildlife Service (USFWS). Fishing is allowed on District tracts subject to FWC fishing regulations (Table 11).

Table 11. Hunting and Fishing Access.

	2020	2019	2018	2017	2016	2015	2014
Number of acres open to public hunting	106,146	106,146	108,298*	108,292*	104,945	104,945	105,019
Number of fishing access locations	111	111	111	109	109	107	103

*In FY 2017 the 2,157-acre Bay Creek Tract was added to the FWC public hunting program and was subsequently removed in FY 2018 due to legal issues.

- Starting in FY 2018, the District continues to partner with Suwannee River Strutters, Lake City Longbeards, Swamp Strutters, Jefferson County King of Springs, and Gator Gobblers Chapters of the National Wildlife Turkey Federation to sponsor women in the outdoors and youth special opportunity hunts. These special opportunity hunts allow additional hunting opportunities on 6,169 acres.
- Camp Blanding manages the District’s Double Run Creek Tract and leases it to hunting (2,030 acres). The Double Run Creek Tract was purchased as part of the Blanding Buffers project and may be used for future water resource projects.

Law Enforcement

The District relies on FWC and county sheriffs' offices to enforce Florida Statutes and administrative rules on District-managed lands. FWC and sheriffs perform regular patrols on District lands as part of their normal operations. The District also manages interagency contracts with FWC and various counties to utilize enhanced law enforcement services. The contracts allow the District to pay off-duty officers for enhanced patrols in areas with chronic violations or during periods of intensive use such as holiday weekends at high-use areas.

In FY 2020, the FWC officers who participated in the enhanced law enforcement program spent 655 hours patrolling District lands, the Suwannee County Sheriff's Office spent 24 hours patrolling Suwannee and Falmouth Springs, Jefferson County Sheriff's Office spent 55 hours patrolling Goose Pasture Campground, and Hamilton County Sheriff's Office spent 42 hours patrolling Pot Springs recreation area. The District also paid for additional patrols on Independence Day and Labor Day.

FWC made several significant cases involving the destruction of District lands. In one case in our Southwest Region, the perpetrators who were caught damaging District lands were fined, required to pay restitution, and were served no-trespass warnings. Six of those perpetrators received a five-year no-trespass warning and one, who was charged with felony destruction, received a lifetime no-trespass order. In another case in our Northwest Region, individuals were charged with littering and must pay restitution to the District for trash removal expenses.

Emergencies

Staff encourages the public to dial 911 when emergencies arise on District lands. During emergencies involving facilities, natural disturbances, or hazard materials, the District's land management staff play an integral role. The District maintains a Continuity of Operations Plan (COOP) required by the Florida Department of Emergency Management and has an active District Staff Safety Team that is organized internally.

The COOP addresses coordinated post-disaster response and recovery, rapid deployment, and pre-deployment of resources, communications, and warning systems, and presents annual exercises to determine the District's ability to respond to an emergency. The essential role of land management staff during emergencies is associated with facilities, field operations, District headquarters, and public safety.

The District has established Tract Closing Procedures, which are followed during events that require COOP activation (e.g., hurricanes) or when conditions become unsafe for public access (e.g., flooding). Table 12 identifies all District tracts, facilities, or roads that were closed in FY 2020 due to emergencies, extreme weather events, vandalism, or pandemic.

Table 12. FY 2020 District Land Closures

Tract, Facilities or Roads	County	Closure Date	Event
Gar Pond	Columbia	7/9/2020	Timber Harvest
Mt. Gilead Tract	Taylor/Madison	8/13/2020	Downed Trees on Road
Goose Pasture Campground Park	Jefferson	3/15/2020	COVID-19
Withlacoochee Tract (Pot Springs)	Hamilton	8/2020	Timber Harvest
Falmouth Springs Park	Suwannee	6/15/2020	Tree on Boardwalk
Suwannee Springs Park (Spring Pool)	Suwannee	6/23/2020	Flooding and Flood Damage
McAlpin Landing Tract	Suwannee	6/25/2020	Flood Damage to Road
J. H. Anderson, Jr. Memorial Park – Rock Bluff Springs	Gilchrist	3/19/2020	COVID-19
Devil's Hammock Tract	Levy County	7/23/2020	River Flooding

III. COMMUNICATIONS

Goal – Coordinate with Public and Private Stakeholders in the Management of District Lands.

The District encourages public and private stakeholder input for the management of District lands. Communication opportunities and public inquiries into management activities and recreation are facilitated through a variety of applications including but not limited to, phone calls, mail, print materials, press releases, outreach activities, social media, website, and other electronic applications. Discussions during the Land Management Review Team (LMRT) and comments received during the Excellence in Land Management (ELM) process are important communication opportunities that staff utilizes to determine management effectiveness each year.

FY 2020 Land Management Review Team

As indicated in the Executive Summary on page one, the District is required by Florida Statutes to complete a review of District lands with a review team by October 1 of each year. The COVID-19 pandemic negatively impacted that process last year and no review or ELM report was completed. Although the District staff had planned, invited participants, and advertised for an April 1, 2020 review in the Aucilla and Econfina River basins, the review had to be canceled due to travel and meeting restrictions imposed as a result of the COVID-19 pandemic. The District intends to reinstate the review of lands in those basins in FY 2021. District staff complete their internal FY 2019 Land Management Annual Report, which is used by the review team each year and is posted on the District's website.

District Land Management Plan

On March 13, 2018, the Governing Board adopted an updated DLMP which retains the goals and guidance of the 2011 DLMP. A new section was added called Land Management Operations and Facilities. The section outlines the minimum requirements for operational activities such as the District's DFC and silviculture best management practices. The new

section also provided direction in five core programs: timber management, invasive exotic management, prescribed fire/vegetation management, public use management, and road/hydrologic facility management.

The revised DLMP requires staff to create and maintain documents detailing standards that provide guidance for each program. These standards should be approved by the District's Executive Office and are meant to communicate how each program functions, what is required, outline management activities, provide reliable information to users and improve land management continuity while achieving ELM goals. As of December 1, 2020; District's Executive Office have approved two of the five program standards, two are undergoing review by District leadership, and one is being reviewed by staff. The expectation is that all will be adopted by the Executive Office in FY 2021.

Land Management Communication Initiatives

- During the COVID-19 pandemic, lands owned and managed by the District remained opened to the public with a prohibition of groups larger than 10 people. Additionally, camping at Goose Pasture Campground was prohibited from March 23 until May 28, 2020. Land management staff aided in public communication by placing signage at popular recreation sites indicating the Florida Department of Health restrictions.
- All District Land Management Annual Reports and the District's Land Management Plan are posted on the District's website.
- Staff continues to provide images and text for the District's social media outreach efforts via Facebook, Instagram, and Twitter.
- Staff continues to use the "Important Notices" feature on the District web page to provide information to the public regarding flooding, tract closures, and management activities that may affect public use.
- Staff completed five presentations about public use of District lands in FY 2020.
- Staff completed six new kiosk panels in FY 2020.

Regional Resource Group Participation

District staff participates in regional groups to provide input, understand issues, or gain more knowledge about managing publicly owned conservation lands.

- North Florida Prescribed Fire Council
- San Pedro Bay Landowners Association
- FWC - Invasive Plant Management Section's Weed Control Project
- USFS/Florida Trail Association (Florida National Scenic Trail)
- Suwannee Bicycle Association
- Sheriff Posse Adventure Racing
- Natural Resources Leadership Institute
- National Wild Turkey Federation and five local chapters
- Florida Master Loggers
- Society of American Foresters
- Florida Forestry Association
- North Central Florida Cooperative Invasive Species Management Area
- Florida Forest Stewardship Program
- Santa Fe River Basin Conservation Partnership (Alachua Conservation Trust)
- Aucilla River Watershed Coalition (Tall Timbers)
- Groundcover Restoration Workshop (Longleaf Alliance)
- Florida Feral Hog Working Group (FWC)
- Public Lands Acquisition and Management (FDEP)
- Levy County Coon Hunters Association

IV. FISCAL RESPONSIBILITY

Goal: Protect resources and efficiently manage District lands within the District's annual budget.

District staff minimizes the costs associated with land management by contracting or collaborating with other agencies and private sector firms, entering into agreements with other land management agencies and organizations, and submitting proposals for land management grant funding. The District also tracks revenues, expenditures, land purchases, and the surplus of lands each year to ensure the District stays fiscally responsible and compliant with Florida Statutes.

Management Agreements

The District enters into management agreements and/or leases with organizations that reduce District management costs and still provide similar management, protection, and public access (Table 14).

Table 14. Agencies Managing District lands.

Managing Agency	Tracts	Acres
<i>No Cost Management Agreements</i>		
Alachua County	2	222
City of Lake City	1	27
City of Newberry	1	61
City of White Springs	1	7
Columbia County	2	96
Florida Department of Environmental Protection	9	1,980
Florida Fish and Wildlife Conservation Commission	2	862
Florida National Guard	2	2,678
Gilchrist County	1	513
Hamilton County	3	17
Jefferson County	1	22
Levy County	1	4,274
University of Florida	2	738
US Fish and Wildlife Service	5	1,635
No Cost Management Total Acres:		13,132
<i>Shared Revenue Agreements</i>		
Alachua Conservation Trust	1	170
Florida Forest Service	13	12,444
Shared Revenue Total Acres		12,614
Total		25,746

Under an existing lease agreement, the Florida Forest Service (FFS) manages approximately 12,444 acres of District lands as part of the Twin Rivers State Forest (TRSF). As part of the lease, the District has agreed to reimburse FFS for management expenses each year and FFS provides the District the revenue from timber sales on District lands associated with TRSF. In FY 2020, the District reimbursed FFS \$140,435 for management expenses and the District received \$652,721 in revenue from timber sales.

R.O. Ranch Equestrian Park is located on the District-owned R.O. Ranch Tract which contains various structures and facilities that must be maintained. The R.O. Park was managed by R. O. Ranch, Inc., a Florida not-for-profit corporation, from 2006 to 2016. The R.O. Park area where most of the buildings and structures are located is closed to the public. However, many of the equestrian trails are still open for public use. In FY 2020 the District spent \$22,479 on building and property maintenance, utilities, and trails.

In January 2019, the District entered into a cooperative management agreement with Alachua Conservation Trust (ACT), a Florida not-for-profit corporation, to manage the District-owned J.H. Anderson, Jr., Memorial Park – Rock Bluff Springs Tract. At the time of the agreement, a management plan was approved that detailed the responsibilities of each party. As part of this management plan, the District agreed to provide quarterly funding until October 1, 2021 (\$14,843 per quarter) and allowing ACT to charge an entrance fee provided that revenues

generated by ACT through fees would be used to fund ACT's budget and any remaining funds should be returned to the District. In FY 2019, the District paid ACT \$59,374 for operational expenses. An additional \$31,746 was spent by the District on supplies and contractors for the two projects that were completed on the property. No remaining funds were available or provided to the District in FY 2020.

Public hunting opportunities are provided on 106,146 acres (66%) of District-owned lands in cooperation with FWC and USFWS. These agencies manage the hunting opportunities, dates, bag limits, and law enforcement at no cost to the District. No fees for hunting are charged by the District and no revenues are received by the District.

The District has agreements with private and public entities to provide trail maintenance for 134 miles (59%) of the bike, horse, and multi-use trails on District lands. These trails are maintained at no cost to the District and are available for use by the public.

Collaborations

- District staff met with Four Rivers Land and Timber Company to discuss and plan ongoing law enforcement and mutual road maintenance needs in the Northwest Region.
- District staff continues to work with FWC on road maintenance in the Mallory Swamp Tract. In FY 2020, FWC contributed \$30,000 to the District for the procurement of rock aggregate for road maintenance. This collaboration led to the repair of approximately 43 miles of roads.

Grant Applications and Awards

In FY 2020, the District received grant funding from the following source to help reduce the cost of natural community management.

FFS Prescribed Fire Enhancement Program:

- The District was reimbursed \$98,838 for completing approximately 278 acres of woods mowing and 279 acres of roller chopping work on various tracts throughout the District. This work was done to help reduce fuel loads, facilitate the use of prescribed fire, and help meet natural community DFC objectives.

Revenues

The District has opportunities to generate revenues while implementing its natural resource management activities (Table 15). Timber sales generate the majority of the revenue from land management activities.

Table 15. FY 2020 Land Resources Revenues.

Category	FY 2020
Timber	\$1,768,631
Land Use (Apiary Leases)	\$250
Grants*	\$98,838
State Appropriation (Operations)	\$1,777,210
Total	\$3,644,929

*Does not include awarded grants (funds have not yet been received).

In FY 2020, the District sold an estimated 103,328 tons of timber in 10 sales on 2,095 acres. The sale types were clear-cut, pine thinning, and a restoration pine thinning with hardwood removal. Total gross revenues are estimated (since all sales have not been completed as of October 1, 2020) to be \$ 1,798,223.

Expenditures

Expenditures in the land management program are divided into categories for budgeting as follows (Table 16):

- Natural Resource Management – includes water resource projects, reforestation, timber sales, protected species, and vegetative management outside of prescribed fire.
- Invasive Plant Management – includes the costs associated with invasive plant treatments including hiring private contractors and staff time/field supplies needed to conduct in-house treatments.
- Prescribed Fire – private contractor costs and supplies for prescribed burning and fire-line establishment and maintenance.
- Public Use – includes expenses for maintaining site-based and dispersed recreation activities, developing new sites, signs, maps, brochures, and sanitation.
- Facility and Road Management – includes costs for maintaining roads, hydrologic structures, boundaries, rental equipment, gates, debris removal, and other facility improvement projects.
- Administration and Planning – includes expenses for planning, GIS, real-estate activities, fees, permits, training, management plans and reviews, interagency law enforcement coordination, and other operational expenses.

Table 16. FY 2020 Land Resources Expenditures.

Category*	FY 2020
Natural Resource Management	\$817,190
Exotic Invasive Management	\$19,350
Prescribed Fire	\$382,284
Public Use	\$211,755
Facility & Road Management.	\$393,351
Administration and Planning	\$55,808
Salaries and Benefits	\$529,650
Total	\$2,409,387

**Does not include Payments in Lieu of Taxes, FFS Agreement Expenditures, RO Ranch Equestrian Park Expenditures, Rock Bluff Springs Expenditures, and Country Club Road Project.*

Payments in Lieu of Taxes (PILT)

When the District purchases land in fee simple (all ownership rights), the lands are taken off the county ad valorem tax roll. The Legislature established a payment in lieu of taxes program in 1992 to reimburse local governments for the loss of revenue. To qualify for this program, the county must have a population of less than 150,000. Payments were made to counties in the amount of \$357,144.97. The state appropriated the District’s \$352,909 for PILT in FY 2020.

Land Acquisitions

District lands are acquired following section 373.139 F.S. and 40B-9 Florida Administrative Code. District staff who are involved in processing acquisition-related activities are guided by Governing Board Directive 19-0005. Table 17 is a list of acquisitions completed in FY 2020.

Table 17: FY 2020 Land Acquisitions

Tract	Seller	Acres	County	Closing Date	Transaction	Funding Source
White Springs Tract	Jim Moses	9.8	Hamilton	10/31/2019	Fee Exchange - Moses	Florida Forever and Save our Rivers Surplus Fund Balance

**\$12,008.50 of Florida Forever funds were used for closing costs*

Surplus Lands

Disposing of lands that are not needed for water-resource protection allows the District to redirect funds to a higher value, water-resource lands and/or reduce land management costs. Land Management staff participate in the review process of any potential surplus parcels and provides feedback to the Executive Office and Governing Board. Table 18 is a list of surplus lands completed in FY 2020.

Table 18: FY 2020 Surplus of Lands

Surplus Parcels	Acres	County	Closing Date	Transaction	Proceeds
Town of Fort White Wellfield	101	Columbia	7/14/2020	Conveyed to Municipality	\$0.00
Blue Sink Tract	20	Suwannee	10/24/2019	Conservation Easement Exchanged - Moses	\$0.00

APPENDIX A**SRWMD STATUTORY SUMMARY***Verified December 2020***Land Acquisition and Management****Section 373.139(2) F.S. Acquisition of Real Property.**

- Flood control
- Water storage
- Water management
- Conservation and protection of water resources
- Aquifer recharge
- Water resource and water supply development
- Preservation of wetlands, streams, and lakes.

Section 373.1391 F.S. Management of Real Property.

- (1a) “Managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and the restoration of their natural state and condition. Except when prohibited by a covenant or condition in section 373.056(2) F.S., lands owned, managed, and controlled by the district may be used for multiple purposes including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.”
- (1b) “Whenever practical, such lands shall be open to the general public for recreational uses. General public recreational purposes shall include, but not limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands.”
- (5) “The following additional uses of lands acquired pursuant to the Florida Forever program and other state-funded land purchase program shall be authorized, upon a finding by the governing board, if they meet the criteria specified in (a) – (e): water resource development projects, water supply development projects, storm-water management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:
- (a) Not inconsistent with the management plan for such lands.
 - (b) Compatible with the ecosystem and resource values of such lands.
 - (c) The proposed use is appropriately located on such lands and where consideration is given to the use of other available lands.
 - (d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and
 - (e) The use is consistent with the public interest.”

Section 373.591 F.S., Management Review Teams.

- (1) To determine whether conservation, preservation, and recreation lands titled in the names of the water management districts are being managed for the purposes for which they were acquired and in accordance with land management objectives, the water management districts shall establish a land management review team to conduct periodic management reviews. The land management review team shall be composed of the following members:
 - (a) One individual from the county or local community in which the parcel is located.
 - (b) One employee of the water management district.
 - (c) A private land manager mutually agreeable to the governmental agency representatives.
 - (d) A member of the local soil and water conservation district board of supervisors.
 - (e) One individual from the Fish and Wildlife Conservation Commission.
 - (f) One individual from the Department of Environmental Protection.
 - (g) One individual representing a conservation organization.
 - (h) One individual from the Department of Agriculture and Consumer Services' Florida Forest Service.
- (2) The management review team shall use the criteria provided in section 259.036 F.S., in conducting its reviews.
- (3) In determining which lands shall be reviewed in any given year, the water management district may prioritize the properties to be reviewed.
- (4) If the land management review team finds that the lands reviewed are not being managed in accordance with their management plan, prepared in a manner and form prescribed by the Governing Board of the district, and otherwise meeting the timber resource management requirements of s. 253.036 F.S. the land managing agency shall provide a written explanation to the management review team.
- (5) Each water management district shall, by October 1 of each year, provide its Governing Board with a report indicating which properties have been reviewed and the review team's findings.

Section 259.036 F.S., Management Review Teams.

- (3) "In conducting a review, the land management review team shall evaluate the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geologic or hydrologic functions, or archaeological features. The review shall also evaluate the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan."

Section 253.036 F.S., Forest Management.

"All land management plans described in section 253.034(5) F.S. which are prepared for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. The lead agency shall prepare the analysis, which shall contain a

component or section prepared by a qualified forester which assesses the feasibility of managing timber resources on the parcel for resource conservation and revenue generation purposes through a stewardship ethic that embraces sustainable forest management practices if the lead management agency determines that the timber resource management is not in conflict with the primary management objectives of the parcel.” ” All additional revenues generated through multiple-use management or compatible secondary use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency’s jurisdiction. In addition, such revenue shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations.”



For additional information please contact
Suwannee River Water Management District
9225 CR 49, Live Oak, FL 32060
386.362.1001
www.mysuwanneeriver.com

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Bill McKinstry, Chief, Office of Land Management
THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources
DATE: December 31, 2020
RE: Contract with H. B. Tuten, Jr, Logging Inc, for the Sandlin Bay #6 Timber Sale

RECOMMENDATION

Authorize the Executive Director to Execute a Contract with, H. B. Tuten, Jr, Logging Inc., for the Sandlin Bay #6 Timber Sale.

BACKGROUND

On December 8, 2020, the District issued Invitation to Bid 20/21-003 WLR for timber located on the Sandlin Bay Tract in Columbia County. The timber sale is a 190-acre logger-select thinning of 23 to 32-year-old planted slash pines. This harvest will reduce the number of diseased or suppressed trees and allow the highest quality trees to continue growing. Additionally, it will improve ecological conditions and wildlife habitat by allowing more sunlight penetration to the forest floor, enhancing the production of groundcover.

Bid responses were received on December 23, 2020. Bids were received from two companies as indicated below. The bid calculation revenue is based on the District estimated volumes of pine pulpwood and pine chip-n-saw.

Bidder	City	Bid Calculation Revenue
H. B. Tuten, Jr, Logging Inc.	Perry, Florid	\$149,330.50
Genesis Timber	Madison, Florida	\$138,002.70

H. B. Tuten, Jr, Logging Inc., bid was \$12.16ton for pine pulpwood and \$22.81/ton for pine chip-n-saw.

SC/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Bill McKinstry, Chief, Office of Land Management
THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources
DATE: December 31, 2020
RE: Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #7 Timber Sale

RECOMMENDATION

Authorize the Executive Director to Execute a Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #7 Timber Sale.

BACKGROUND

On December 8, 2020, the District issued Invitation to Bid 20/21-004 WLR for timber located on the Sandlin Bay Tract in Columbia County. The timber sale is a 219-acre logger-select first thinning of 23 to 32-year-old planted slash pines. This harvest will reduce the number of diseased or suppressed trees and allow the highest quality trees to continue growing. Additionally, it will improve ecological conditions and wildlife habitat by allowing more sunlight penetration to the forest floor, enhancing the production of groundcover.

Bid responses were received on December 23, 2020. Bids were received from two companies as indicated below. The bid calculation revenue is based on the District estimated volumes of pine pulpwood and pine chip-n-saw.

Bidder	City	Bid Calculation Revenue
H. B. Tuten Jr. Logging Inc.	Perry, Florida	\$172,123.05
Genesis Timber	Madison, Florida	\$160,752.57

H. B. Tuten Jr. Logging Inc., bid was \$12.16/ton for pine pulpwood and \$22.81/ton for pine chip-n-saw.

SC/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Bill McKinstry, Chief, Office of Land Management
THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources
DATE: December 31, 2020
RE: Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #8 Timber Sale

RECOMMENDATION

Authorize the Executive Director to Execute a Contract with H. B. Tuten Jr. Logging Inc., for the Sandlin Bay #8 Timber Sale.

BACKGROUND

On December 8, 2020, the District issued Invitation to Bid 20/21-005 WLR for timber located on the Sandlin Bay Tract in Columbia County. The timber sale is a 233-acre logger-select first thinning of 23 to 32-year-old planted slash pines. This harvest will reduce the number of diseased or suppressed trees and allow the highest quality trees to continue growing. Additionally, it will improve ecological conditions and wildlife habitat by allowing more sunlight penetration to the forest floor, enhancing production of groundcover.

Bid responses were received on December 23, 2020. Bids were received from three companies as indicated below. The bid calculation revenue is based on the District estimated volumes of pine pulpwood and pine chip-n-saw.

Bidder	City	Bid Calculation Revenue
H. B. Tuten Jr. Logging Inc.	Perry, Florida	\$183,126.35
Genesis Timber	Madison, Florida	\$179,076.81
Great South Timber Dealers	Lake City, Florida	\$165,057.20

H. B. Tuten Jr. Logging Inc., bid was \$12.16/ton for pine pulpwood and \$22.81/ton for pine chip-n-saw.

SC/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Darlene Velez, Chief, Office of Water Resources

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Agricultural Water Use Monitoring Report

BACKGROUND

In September 2012, the District began a program of water use monitoring for agricultural water use reporting on wells of 8" diameter or greater. As of November 23, 2020, the District has permitted 1,772 (255.2 MGD) irrigation wells which include a water use monitoring condition, of which 1,415 (217.5 MGD) wells are active, i.e., the wells have been drilled already. The District is monitoring 1,377 (211.5 MGD) of the 1,415 active wells. The remaining 38 active wells not yet monitored are scheduled for site visits to determine the type of monitoring that will be implemented.

Where possible, agricultural water use is estimated using monthly electric power consumption records provided by the electrical power provider. Estimation by power use is the most cost-effective method of water use reporting. To date, the farmer agreements authorizing the District to receive power usage reports directly from the cooperatives are in effect on 678 (130.2 MGD) monitoring points.

Not all withdrawal points are suitable for estimation using power consumption. Diesel-powered pumps and complex interconnected irrigation systems still require direct methods of monitoring. The District employs telemetry to conduct water use monitoring on diesel-power systems. There are currently 274 (49.7 MGD) telemetry systems installed by the District for this purpose.

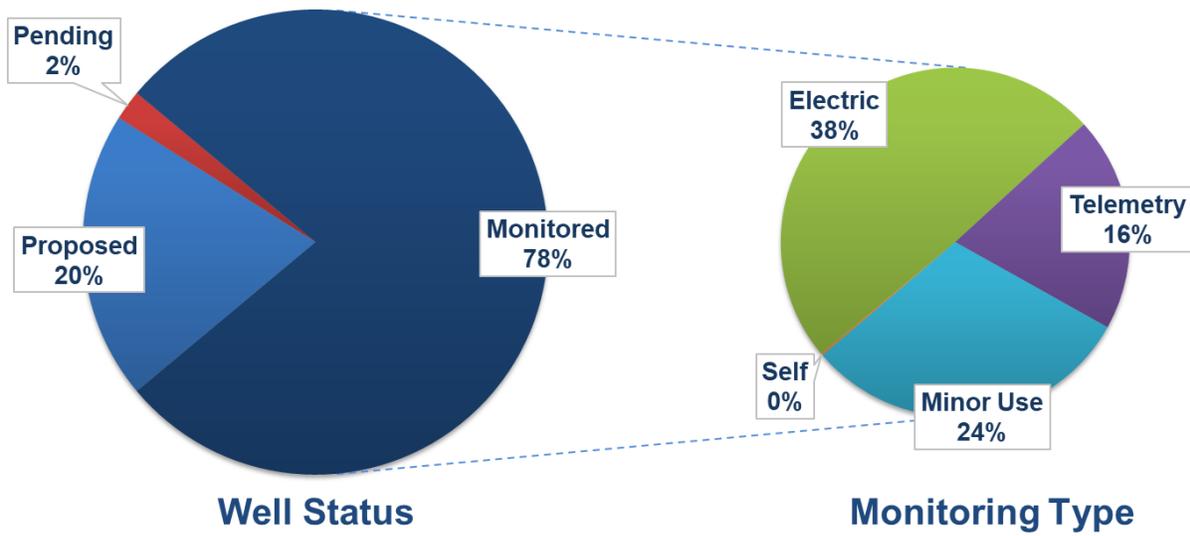
Some withdrawal points have very limited use (< 0.05 MGD each) and are monitored for status changes by individual site visits. There are currently 422 (31.3 MGD) limited use monitoring points in the District. Some users monitor their own water use and report that data to the District. There are currently 2 (0.3 MGD) self-monitored points.

Since April 2017, the District has consistently had over 94% of active wells and permitted allocation being monitored. To date, the District is monitoring approximately 97.3% of existing active wells (97.3% of allocation) with water use permit monitoring conditions.

The attached figure shows the current well status and monitoring type for all wells with water use monitoring conditions (Figure 1).

Figure 1: Graph on the left shows the current status of all permitted wells with a water use monitoring condition. The graph on the right shows the monitoring type for all currently monitored wells.

Agricultural Water Use Stations with Monitoring Conditions



DSV/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Sean King, Chief, Office of Minimum Flows and Minimum Water Levels

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Update to the Lake Alto Minimum Flows and Minimum Water Levels Report

RECOMMENDATION

Authorize the Executive Director to approve Task Work Assignment #19/20-061.004 with Environmental Consulting and Technology, Inc. for technical support services to update the 2018 Lake Alto Minimum Flows and Minimum Water Levels Report for an amount not to exceed \$19,156.00.

BACKGROUND

The District developed draft minimum lake levels for Lake Alto (Alachua County) in 2018. A companion report provided hydrologic and modeling analyses. The minimum flows and minimum water levels (MFL) recommendation was aided by a thorough peer review.

After the development of the North Florida Southeast Georgia groundwater model, changes to the report are required. This task work assignment (TWA) is for Environmental Consulting and Technology, Inc. to revise the 2018 MFL Report to include additional hydrologic data to coincide with the updates to the final hydrology and modeling companion report.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under code 20-2-586-1-1102-18 and will be assigned to the Lake Alto MFL code 20-2-586-1-1102-06.

LM/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Sean King, Chief, Office of Minimum Flows and Minimum Water Levels

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Update to the Lake Hampton Minimum Flows and Minimum Water Levels Report

RECOMMENDATION

Authorize the Executive Director to approve Task Work Assignment #19/20-061.003 with Environmental Consulting and Technology, Inc. for technical support services to revise the 2017 Lake Hampton Minimum Flows and Minimum Water Levels Report for an amount not to exceed \$19,940.00.

BACKGROUND

The District developed draft minimum lake levels for Lake Hampton (Bradford County) in 2017. A companion report provided hydrologic and modeling analyses. The minimum flows and minimum water levels (MFL) recommendation was aided by a thorough peer review.

After the development of the North Florida Southeast Georgia (NFSEG) groundwater model, changes to the report are required. This task work assignment (TWA) is for Environmental Consulting and Technology, Inc. to revise the 2017 MFL Report to include additional hydrologic data to coincide with the updates to the final hydrology and modeling companion report.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under code 20-2-586-1-1102-18 and will be assigned to the Lake Hampton MFL code 20-2586-1-1102-08.

LM/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Sean King, Chief, Office of Minimum Flows and Minimum Water Levels

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Update to the Lake Santa Fe Minimum Flows and Minimum Water Levels Report

RECOMMENDATION

Authorize the Executive Director to approve Task Work Assignment #19/20-061.005 with Environmental Consulting and Technology, Inc., for technical support services to revise the 2018 Lake Santa Fe Minimum Flows and Minimum Water Levels Report for an amount not to exceed \$19,156.00.

BACKGROUND

The District developed draft minimum lake levels for Lake Santa Fe (Alachua and Bradford counties) in 2018. A companion report provided hydrologic and modeling analyses. The minimum flows and minimum water levels (MFL) recommendation was aided by a thorough peer review.

After the development of the North Florida Southeast Georgia (NFSEG) groundwater model, changes to the report are required. This task work assignment (TWA) is for Environmental Consulting and Technology, Inc. to revise the 2018 MFL Report to include additional hydrologic data to coincide with the updates to the final hydrology and modeling companion report.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under code 20-2-586-1-1102-18-00 and will be assigned to the Lake Santa Fe MFL code 20-2-586-1-1102-09.

LM/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Sean King, Chief, Office of Minimum Flows and Minimum Water Levels

THRU: Tom Mirti, Deputy Executive Director, Water and Land Resources

DATE: December 31, 2020

RE: Update of the Lake Butler Hydrologic Modeling Report and Status Assessment
Technical Memo

RECOMMENDATION

Authorize the Executive Director to approve Task Work Assignment 19/20-061.006 with Environmental Consulting and Technology, Inc., for technical services to update the 2017 Lake Butler Water Budget Modeling Phase B Technical Report – Final and to develop a status assessment technical memo for the minimum flows and minimum water levels for an amount not to exceed \$19,980.00.

BACKGROUND

Environmental Consulting and Technology, Inc. (ECT) developed a Storm Water Management Model (SWMM) for Lake Butler and wrote the 2017 Lake Butler Water Budget Modeling Phase B Technical Report – Final as part of District task work assignment (TWA) 14.15-050.03, 14.15-050.03A, and 14.15-050.03B. This hydrologic modeling report is a companion report to the MFL report. The model was peer-reviewed.

Development of the North Florida Southeast Georgia (NFSEG) groundwater model allowed for a more robust minimum flows and minimum water levels (MFL) analysis using North Florida Southeast Georgia (NFSEG) model results. ECT incorporated the NFSEG model results into an updated Lake Butler SWMM model as part of Task Work Assignment 19/20-061.001. This task work assignment is for ECT to update the 2017 model report to include the updated model work, including the use of NFSEG model results, and to develop a separate status assessment technical memo for the Lake Butler MFL.

Funding for this project is included in the Fiscal Year 2020-2021 Final Budget under code 20-2586-1-1102-18-00 and will be assigned to the Lake Butler MFL code 20-2-586-1-1102-07.

DC/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Hugh Thomas, Executive Director
DATE: December 29, 2020
RE: District's Weekly Activity Reports

Attached are the weekly District activity reports.

Please feel free to contact staff prior to the Governing Board meeting if you would like further information.

HT/rl
Attachments



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR NOVEMBER 15 – 21, 2020

Executive / Management

- Hugh Thomas met with Chair Virginia Johns to discuss the December Board Agenda.
- Hugh Thomas performed a site visit to Lee Peanut with FDACS.

Legislative and Community Affairs

- Ben Glass virtually attended the Florida Senate and House Organizational Sessions.
- Tim Alexander virtually attended a Madison County Commission meeting.

Administration

- Sharon Hingson completed the Florida Institute of Government “Public Records Management” at Florida State University.

Finance

- Pam Shaw and Christina Green virtually attended a meeting with FDEP to coordinate the shared project list database.
- The finance team held a Finance Office orientation with Governing Board member Larry Sessions at District Headquarters.

Land Management

- No reporting activities.

Resource Management

- Leroy Marshall attended the Hamilton County BOCC meeting to discuss revised FEMA flood maps and inform them of the upcoming public meeting.
- Leroy Marshall hosted the Hamilton County FEMA virtual public meeting to discuss revised FEMA flood maps.
- Warren Zwanka and Chrissy Carr attended the November meeting of the North Central Florida Water Well Association in Trenton to discuss overdue well completion reports.

Water Resources

- Darlene Velez participated in Natural Resources Leadership Institute Training in Destin.
- Alex Blankenship virtually attended the Fall Coastal Managers Forum.

Minimum Flows and Minimum Water Levels

- No reporting activities.

Water Supply

- No reporting activities.

Hydrological Data

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Agriculture and Environmental Projects

- Steve Minnis, Pat Webster and Tim Alexander met virtually with the City of Lake City staff and consultants for the City of Lake City Alternative Water Supply Analysis.
- Bob Heeke and Dave Christian met with Josh Lindstrom with NorthStar in a virtual meeting to review the Mallory modeling piezometer locations.
- Libby Schmidt attended the ACT Public Event Clean-up Day at the Santa Fe Springs property in Columbia County.
- Pat Webster, Bob Heeke, Dave Christian and Matt Cantrell attended the virtual LNSWR Modeling biweekly meeting with Wood to discuss completed work and the upcoming schedule.
- Pat Webster and Kris Eskelin attended the virtual City of Lake City Alternative Water Supply Analysis meeting held by Jones Edmunds.
- Kris Eskelin and Tim Alexander attended the virtual Alachua County Planning Commission Public Hearing discussing the GRU Wetland Project Zoning Approval Special Exception.
- Project Review team, as well as the Legislative and Community Affairs team, met virtually with representatives of the City of Madison and Madison County to discuss potential cost-share opportunities through grants.
- Pat Webster and Bob Heeke participated in the SRWMD/ACT Project Meeting.
- Libby Schmidt and Ben Glass made a site visit to Glory Farms in Gilchrist County to discuss equipment eligibility for the Precision Ag Cost-share Program.

Information Technology and GIS

- Paul Buchanan participated in a quarterly webinar with the State of Florida Geographic Information Officer, Kim Jackson, that is intended for State Agencies, Water Management Districts and Federal partners.
- Paul Buchanan participated in a GIS managers inter-district quarterly webinar with Water Management Districts, FDEP, FWC, FDOT, FDEM, FDACS, FDOR, LABINS, USGS and USACE.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- Lindsey Covington met with DEP and the WMDs to discuss updates to the Monthly Potable Reuse state-wide campaign.
- Lindsey Covington met with Moore Communications to discuss the progress of the 319 Grant.
- Weekly Top Performing Post

Suwannee River Water Management District
Published by Lindsey Garland [?] · November 16 at 1:55 PM · 🌐

November is #ManateeAwarenessMonth. Learn how you can protect these gentle giants by visiting MyFWC Florida Fish and Wildlife - <https://myfwc.com/research/manatee/>

Performance for Your Post

438 People Reached		
19 Reactions, Comments & Shares		
15 Like	15 On Post	0 On Shares
4 Love	4 On Post	0 On Shares
0 Comments	0 On Post	0 On Shares
0 Shares	0 On Post	0 On Shares
2 Post Clicks		
0 Photo Views	2 Link Clicks	0 Other Clicks

NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

438 People Reached 21 Engagements **Boost Post**

👍👍 Wil Griego, Tessa Eger and 17 others

👍 Like 💬 Comment ➦ Share 🌐

Announcements for the week of November 29 – December 5, 2020

- The District will continue to open the office to the public in phases.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR NOVEMBER 22 – 28, 2020

Executive / Management

- No reporting activity.

Legislative and Community Affairs

- Tim Alexander virtually attended a meeting of the National Weather Service.

Administration

- No reporting activity.

Finance

- Pam Shaw attended a virtual Grant Solutions Training.

Land Management

- Ryan Sims successfully completed training to become a Florida Certified Contractor Manager.

Resource Management

- No reporting activity.

Water Resources

- No reporting activity.

Minimum Flows and Minimum Water Levels

- No reporting activity.

Water Supply

- No reporting activity.

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Matt Cantrell attended the virtual On-Farm BMP Equipment Purchasing meeting with the University of Florida.
- Pat Webster performed regular maintenance to the Edwards Bottomlands Project in Starke.
- Bob Heeke performed a site visit and inspection of the Mallory Swamp Project in Lafayette County.

Information Technology and GIS

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- Weekly Top Performing Post

Suwannee River Water Management District
Published by Lindsey Garland · November 24 at 9:12 AM

Have you heard of Seven Bridges Road in Jefferson County?
These bridges are estimated to be about 100 years old and are located on District land bordering the Aucilla River.

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

4,203 People Reached 625 Engagements [Boost Post](#)

Fran Van Ella, Khrys Kantarze and 52 others 4 Comments 23 Shares

Like Comment Share

Performance for Your Post

4,203 People Reached

223 Reactions, Comments & Shares

118 Like	45 On Post	73 On Shares
17 Love	5 On Post	12 On Shares
8 Wow	4 On Post	4 On Shares
57 Comments	6 On Post	51 On Shares
23 Shares	23 On Post	0 On Shares

402 Post Clicks

15 Photo Views	0 Link Clicks	387 Other Clicks
----------------	---------------	------------------

NEGATIVE FEEDBACK

2 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

Announcements for the week of December 6 – 12, 2020

- The District will continue to open the office to the public in phases.
- The District will hold its monthly Governing Board Meeting and Workshop on December 8, 2020 at 9:00 a.m. The meeting will be accessible online via webinar technology, and open to the public with limited seating capacity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR NOV. 29 – DEC. 5, 2020

Executive / Management

- Hugh Thomas met with Ray Hodge of Southeast Milk to discuss dairy projects.

Legislative and Community Affairs

- Ben Glass virtually attended the Governor's press conference.
- Tim Alexander virtually attended the Small County Coalition meeting.
- Tim Alexander virtually attended the Jefferson County Board of County Commissioners meeting.
- Tim Alexander virtually attended the North Florida Economic Development Partnership meeting.

Administration

- No reporting activity.

Finance

- The finance team held a Finance Office orientation with Governing Board member Harry Smith at District Headquarters.

Land Management

- District contractors harvested timber on Twin Rivers State Forest on the Westwood West Tract in Madison County and Wolf Creek Tract in Jefferson County.
- Land Management staff attended the webinar Fire and Other Restoration Strategies in Compensatory Mitigation in the Southeastern U.S. sponsored by Tall Timbers.
- Bill McKinstry assisted Alachua County in obtaining surveys of District lands on the Santa Fe River to assist the county with land purchases in the same area.
- District staff removed a permanent camp that had been set up on District lands along the Santa Fe River.
- District contractors began work to repair hydro facilities on the Steinhatchee Springs Tract.

Resource Management

- No reporting activity.

Water Resources

- Darlene Velez, Tara Rodgers, Kevin Jones, Alex Blankenship and Tim Alexander virtually attended the Integrated Warning Team Meeting hosted by NOAA National Weather Service.
- Darlene Velez virtually attended the Florida Coastal Mapping Forum.
- Tom Mirti and Darlene Velez virtually attended the Nature Coast Biological Station Technical Advisory Committee Meeting.

Minimum Flows and Minimum Water Levels

- No reporting activity.

Water Supply

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Bob Heeke performed a site visit and inspection of the Mallory Swamp project in Lafayette County.
- Matt Cantrell attended the Levy Soil and Water Conservation District meeting in Bronson.
- Libby Schmidt virtually attended “Understanding the Logistics of SB 712” presented by UF/IFAS and FDACS OWP.
- Pat Webster performed a site visit and inspection of the Starke Bypass Wetland Mitigation site in Bradford County.
- Kris Eskelin attended the High Springs monthly construction progress meeting for discussions on the gravity sewer extensions phase A2 held at City Hall in High Springs.
- The Project Review Team, along with Ben Glass and Tim Alexander, met with representatives of the City of Lake City to discuss potential cost share opportunities.
- The Project Review Team, along with Ben Glass and Tim Alexander, met with representatives of the City of Lake Butler and their project engineers to discuss potential cost share opportunities.
- The Project Review Team met to discuss UF/IFAS On-Farm Demonstration project proposal.

Information Technology and GIS

- Paul Buchanan and Edwin McCook assisted the Florida Trail Association, US Forest Service and the Florida Park Service with GPS/GIS elevations for a proposed bridge project over Robinson Branch.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- Lindsey Garland met with Moore Communications to discuss the progress of the 319 Grant.
- Weekly Top Performing Post

Post Details

Performance for Your Post

349 People Reached		
7 Reactions, Comments & Shares		
5 Like	5 On Post	0 On Shares
1 Love	1 On Post	0 On Shares
1 Comments	1 On Post	0 On Shares
0 Shares	0 On Post	0 On Shares
7 Post Clicks		
1 Photo Views	0 Link Clicks	6 Other Clicks
NEGATIVE FEEDBACK		
0 Hide Post	0 Hide All Posts	
0 Report as Spam	0 Unlike Page	

Reported stats may be delayed from what appears on posts

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

349 People Reached	14 Engagements	Boost Post
--------------------	----------------	----------------------------

Agnes Wigal, Carolyn Grace Jordan and 4 others · 1 Comment

Like Comment Share

Announcements for the week of December 13 – 19, 2020

- The District will continue to open the office to the public in phases.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR DECEMBER 6 – 12, 2020

Executive / Management

- Hugh Thomas, with Tim Alexander attending, presented the 2020 Payment in lieu of Taxes to Taylor County.

Legislative and Community Affairs

- Ben Glass, with Tom Mirti attending, virtually presented a monthly update on the District's activities to the North Central Florida Regional Planning Council.

Administration

- Sharon Hingson, chaplain for the Florida Emergency Preparedness Association (FEPA), virtually participated in the quarterly board of directors meeting.
- Sharon Hingson virtually attended the Public Records and Sunshine Law webinar presented by Preferred Governmental Claim Services.

Finance

- No reporting activity.

Land Management

- District contractors harvested timber on Twin Rivers State Forest on the Westwood West Tract in Madison County and Wolf Creek Tract in Jefferson County.
- District contractors continued repairing hydro facilities on the Steinhatchee Springs Tract.

Resource Management

- No reporting activity.

Water Resources

- Darlene Velez virtually participated in Natural Resource Leadership Institute training.

Minimum Flows and Minimum Water Levels

- No reporting activity.

Water Supply

- No reporting activity.

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Hugh Thomas, Steve Minnis, Pat Webster, Matt Cantrell and Libby Schmidt met with representatives from Florida Public Utilities Corporation Energy regarding waste to energy options and opportunities.
- Kris Eskelin virtually attended the Board of Alachua County Commissioners meeting discussing the GRU Wetland Park.
- Patrick Webster and Dave Christian virtually attended the Alligator Creek Alternative Formulation meeting hosted by USACE.
- Patrick Webster and Dave Christian attended a meeting with Madison County on the Madison Wells Project.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

- Patrick Webster attended a meeting with the Florida Public Utilities Corporation.
- The Project Review Team met with Columbia County concerning applications for funding an industrial park.
- Patrick Webster and Bob Heeke attended a meeting with Tall Timbers concerning the Adams Springs Tract.
- Patrick Webster and Kris Eskelin discussed the Archer Stormwater Master Plan with the City of Archer.
- Bob Heeke performed a site visit and progress inspection of the Mallory Swamp Project in Lafayette County.

Information Technology and GIS

- Paul Buchanan, Andrew Neel and Bob Heeke had a virtual meeting with Dewberry and USGS to review their identification and delineation processing procedures for hydrography features tagged in the new Levy County LIDAR data.

Communications

- Lindsey Covington met with Suwannee River Partnership outreach coordinator to discuss the Partnership's 319 Grant.
- Weekly Top Performing Post

Suwannee River Water Management District
Published by Lindsey Garland · December 7 at 2:21 PM

The District has partnered with the Florida Trail Association, Florida Forest Service and Big Shoals State Park to construct a bridge over Robinson Branch to provide safer crossing conditions for hikers. District staff assisted by recording elevations of the bridge site using GPS units.

Performance for Your Post

1,036 People Reached		
53 Reactions, Comments & Shares		
43 Like	31 On Post	12 On Shares
3 Love	3 On Post	0 On Shares
4 Comments	3 On Post	1 On Shares
3 Shares	3 On Post	0 On Shares
85 Post Clicks		
26 Photo Views	0 Link Clicks	59 Other Clicks

NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

1,036 People Reached	138 Engagements	Boost Post
-----------------------------	------------------------	-------------------

Susan Borst Garland, Fran Van Ella and 32 others · 3 Comments · 3 Shares

Like Comment Share

Announcements for the week of December 20 – 26

- The District office will be closed on Friday, December 25, 2020 in observance of the Christmas Holiday. Staff will resume normal business hours on Monday, December 28, 2020.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR DECEMBER 13 – 19, 2020

Executive / Management

- Hugh Thomas and Ben Glass attended the Levy County Delegation meeting in Williston.
- Hugh Thomas participated on the Natural Resource Leadership Institute (NRLI) Advisory Committee conference call.

Legislative and Community Affairs

- Ben Glass and Tim Alexander attended the Alachua County Delegation meeting in Gainesville.
- Ben Glass attended the Union County Delegation meeting in Lake Butler.
- Ben Glass attended the Bradford County Delegation meeting in Starke.
- Ben Glass attended the Jefferson County Delegation meeting in Monticello

Administration

- No reporting activity.

Finance

- No reporting activity.

Land Management

- District contractors harvested timber on Twin Rivers State Forest on the Westwood West Tract in Madison County and Wolf Creek Tract in Jefferson County.
- District contractors completed tree planting on Alapahoochee, Osteen and Woods Ferry tracts.
- District contractors began timber inventory at Gar Pond Tract.
- District contractors have completed road mowing on Sandlin Bay Tract, while work continues with ditch mowing.

Resource Management

- Warren Zwanka, Chrissy Carr and Monica Schott attended the December meeting of the North Central Florida Water Well Association in McIntosh to discuss well completion report submittals.

Water Resources

- Tom Mirti and Darlene Velez virtually participated in the Horseshoe Cove and Suwannee Sound Workshop Planning meeting.

Minimum Flows and Minimum Water Levels

- Sean King and Sky Notestein virtually attended a Florida Department of Environmental Protection public meeting for proposed recreation management changes at Ichetucknee Springs State Park.
- Louis Mantini, Robbie McKinney and Sky Notestein collected data with assistance from a consultant on the Santa Fe River segment between Olustee Creek and O'Leno Sink.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Water Supply

- No reporting activity.

Hydrological Data

- Tara Rodgers, Kevin Jones and Darlene Velez met with contractors on-site at Santa Fe Spring to discuss dye tracing work under the FDEP Monitoring Grant.

Agriculture and Environmental Projects

- Steve Minnis, Pat Webster, Warren Zwanka, Amy Brown, Ben Glass, Tim Alexander, Chrissy Carr, Kris Eskelin, David Christian and Emily Ryan attended a virtual meeting with staff from the Florida Rural Water Association (FRWA) and Lake City regarding the City's water audit findings, recommendations and potential partnership projects. District staff then met with FRWA staff regarding other potential cooperative water audits for municipal suppliers within the District.
- Pat Webster, Bob Heeke and Dave Christian attended a virtual meeting with engineering representatives of Madison County to hold follow-up discussions of the Drainage Well Replacement Project.
- Pat Webster and Kris Eskelin attended a virtual meeting with the City of Lake City and their representatives to discuss progress of the Alternative Water Supply Analysis.
- Bob Heeke and Dave Christian performed site inspections of the Mallory Swamp Project in Lafayette County.
- Pat Webster met with representatives of the Taylor Coastal Water and Sewer District to discuss the construction guidelines for the RIVER grant.
- Pat Webster performed site maintenance to the Edwards Bottomlands Project in Bradford County.
- Patrick Webster and Dave Christian met with the USACE, City of Starke and Bradford County representatives to discuss final project array alternatives.
- Kris Eskelin attended a virtual workshop with GRU's utility advisory board to discuss the Groundwater Recharge Wetland Project.

Information Technology and GIS

- Paul Buchanan performed an on-site visit to the Hamilton County Building Department to load updated FEMA flood hazard data to their GIS system.
- Andrew Neel fulfilled a GIS data request to the Conversation Fund to provide GIS data of imagery, LIDAR DEM and various layers of hydrography data covering Columbia and Hamilton counties.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- Lindsey Covington met with Moore Communications to discuss the progress of the 319 Grant.
- Weekly Top Performing Post

Suwannee River Water Management District
Published by Lindsey Garland · 191 · December 16 at 3:52 PM · 🌐

"I remember enjoying the springs with my father and grandfather," said Edwin McCook, Suwannee River Water Management District land management specialist. "But as laws changed so did access to the springs. Now, I know my son, grandsons and so many members of the community who would not have otherwise had access will be able to enjoy this gem for years to come."

Find out more about Rock Bluff Springs and how the District is preserving this water resource:
<https://bit.ly/3ailpz9>

Performance for Your Post

4,299 People Reached

79 Reactions, Comments & Shares

63 Like	24 On Post	39 On Shares
7 Love	1 On Post	6 On Shares
2 Comments	0 On Post	2 On Shares
7 Shares	5 On Post	2 On Shares

148 Post Clicks

41 Photo Views	37 Link Clicks	70 Other Clicks
-------------------	-------------------	--------------------

NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

Announcements for the week of December 27 – January 2, 2021

- The District office will be closed on Thursday December 31, 2020 and Friday, January 1, 2021 in observance of the New Year. District Staff will resume normal business hours on Monday, January 4, 2021.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Katelyn Potter, Chief, Office of Communication and Organizational Development

DATE: December 29, 2020

RE: ***Public Hearing*** and Acceptance of the 2020 Annual Work Plan

RECOMMENDATION

Conduct a public hearing and accept the 2020 Annual Work Plan.

BACKGROUND

In lieu of the District developing a water management plan and the water management plan annual report pursuant to section 373.036(2), Florida Statutes (F.S.), the District has selected the option to develop a five-year strategic plan with an annual update pursuant to paragraph 373.036(2)(e), F.S. The annual strategic plan update and annual work plan is included in the District's Consolidated Annual Report due March 1 each calendar year, for submission to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Environmental Protection, as required by subsection 373.036(7), F.S.

The 2021-2025 District Strategic Plan was accepted by the Governing Board at the September meeting and is posted on the District website.

The District has four areas of responsibility which include water supply, water quality, natural systems and flood protection. To meet these responsibilities, the District's Strategic Plan establishes the District's priorities and goals for the next five years and identifies strategies to accomplish these goals. The Annual Work Plan outlines the accomplishments and status of the strategic plan to accomplish its goals, strategies and tactics.

View the 2020 Annual Work Plan on the District website at www.MySuwanneeRiver.com/about.

/kcp

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Katelyn Potter, Chief, Office of Communication and Organizational Development

DATE: December 29, 2020

RE: ***Public Hearing*** and Acceptance of the 2021 Florida Forever Work Plan

RECOMMENDATION

Conduct a public hearing and accept the 2021 Florida Forever Work Plan.

BACKGROUND

An annual update of the Florida Forever Work Plan is required by subsection 373.199(7), Florida Statutes (F.S.). The Florida Forever Act provides funding for land acquisition projects and water resource development and restoration projects. The 2020 Florida Forever Work Plan Update presents projects the District has identified as eligible for funding under the Florida Forever Act, section 259.105, F.S. The update also reports on District land acquisition, and land management, restoration projects and water quality improvement projects.

Each year, the Florida Forever Work Plan Update is included in the District's Consolidated Annual Report due March 1, for submission to the Governor, the President of the Senate, the Speaker of the House of Representatives, Office of Economic and Demographic Research and the Department of Environmental Protection, as required by subsection 373.036(7), F.S.

At the December 8, 2020 Lands Committee meeting, the Committee approved the Florida Forever Work Plan for staff recommendation to the Governing Board for acceptance.

View the 2021 Annual Work Plan on the District website at www.MySuwanneeRiver.com/about.

/kcp