

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/7821906343365978383>
Public Comment Form Link: www.MySuwanneeRiver.com/Comments

Open to Public
Limited Seating Capacity and Following CDC Guidelines Regarding Social Distancing

May 11, 2021
9:00 a.m.

District Headquarters
Live Oak, Florida

1. Call to Order
2. Roll Call
3. Announcement of any Amendments to the Agenda by the Chair
Amendments Recommended by Staff: None
4. Public Comment
5. Consideration of the following Items Collectively by Consent:
 - Agenda Item No. 6 – April 13, 2021 Board Meeting, Audit Committee Meeting, and Workshop Minutes
 - Agenda Item No. 14 - March 2021 Financial Report
 - Agenda Item No. 15 - Payment in Lieu of Taxes
 - Agenda Item No. 16 - Fiscal Year 2019-2020 Financial Audit
 - Agenda Item No. 18 - Rulemaking to Amend Rules 40B-4.1110, 40B-4.1140, 40B-4.3020, and 40B-4.3040 for Works of the District Permits
 - Agenda Item No. 26 - Contract with University of South Florida to Update the Soil and Water Assessment Tool Model
6. April 13, 2021 Board Meeting, Audit Committee Meeting, and Workshop Minutes - **Recommend Consent**
7. Items of General Interest for Information/Cooperating Agencies and Organizations
 - A. Hydrologic Conditions Report
 - B. Cooperating Agencies and Organizations

Page 6

GOVERNING BOARD LEGAL COUNSEL
Tom Reeves

8. Update on Legal Activities / Enforcement Status Updates

- LC Page 1 9. Final Order Number 21-008, *Florida Springs Council, Inc. vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1180
- Final Order Number 21-009, *Merrilee Malwitz-Jipson vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1179

BUSINESS AND COMMUNITY SERVICES
Tim Alexander, Deputy Executive Director

Administration

- BCS Page 1 10. Land Acquisition and Disposition Activity Report
- BCS Page 4 11. Governing Board Resolution 2021-01, Quail Heights Acquisition, Columbia County
12. RO Ranch Update
13. HVAC Update

Finance

- BCS Page 8 14. March 2021 Financial Report – **Recommend Consent**
- BCS Page 13 15. Payment in Lieu of Taxes – **Recommend Consent**
- BCS Page 15 16. Fiscal Year 2019-2020 Financial Audit – **Recommend Consent**

Resource Management

- BCS Page 16 17. Permitting Summary Report
- BCS Page 19 18. Rulemaking to Amend Rules 40B-4.1110, 40B-4.1140, 40B-4.3020, and 40B-4.3040 for Works of the District Permits - **Recommend Consent**

Agriculture and Environmental Projects

- BCS Page 27 19. Florida Department of Environmental Protection Alternative Water Supply and Conservation Funds Agreements
- BCS Page 29 20. Contract to Provide Cost-Share Funding to Southern Cross Organics and Energy, LLC, Suwannee County
- BCS Page 34 21. Contract to Provide Cost-Share Funding to Murphy Farms of Hamilton County, LLC, Hamilton County
- BCS Page 38 22. Contract to Provide Cost-Share Funding to Murphy Farms 2, LLC, Hamilton County

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

May 11, 2021
Following Board Meeting

District Headquarters
Live Oak, Florida

- Fiscal Year 2021-2022 Tentative Budget Discussion
- Agricultural Monitoring Discussion

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/1866408207680852239>

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

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

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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
April 13, 2021

District Headquarters
Live Oak, Florida

Agenda Item No. 1 – Call to Order. The meeting was called to order at 8:59 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	Larry Thompson		X	
Santa Fe & Wacc. Basins	Vacant			-
Upper Suwannee Basin	Larry Sessions		X (phone)	-
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	Tim Alexander	X	
Executive Office & Board Coordinator	Robin Lamm	X	

Guest

Charles Shinn, Florida Farm Bureau	Renee Demps, Madison County
Cory Mikell, H2O Technologies	Craig Varn, Manson Bolves Law Group
Doug Manson, Manson Bolves Law Group	Michael Tibble, Mittauer & Associates
Toby Witt, Columbia County Commissioner	David Ward, Aucilla/Wacissa River Group
Lee Jones, Town of Greenville	Richard Powell, Powell & Jones CPA's

Peter Kleinhenz, Tall Timbers
Jamie Bell, Jones Edmunds
Erica Hernandez, Alachua Conservation Trust
David Kraus, Columbia County
Paria Shirzadi
Lance Hill
Bruce Borders
The Florida Channel
Robert Denis
Jack Hampton
Merrilee Jipson
Jamie Jones
Frances Losito
Christian Merricks
Robert Moresi
Benjamin Rangel
Bruce Ritchie
Paul Still
Benjamin Wyche

James Dunbar, Aucilla Research Institute, Inc.
Jamie Jones, City of Newberry
Byron Flagg
Melissa Kennedy
Jeff Hill
Steve Gladin
Kelly Aue
Ashley DeLance
John Fitzgerald
Madeline Hart
Betty Johnson
Tom Kay
Patti Marshall
Lucinda Merritt
Travis Parker
Kevin Ratkus
Jimmie Scott
Cera White

Staff:

Katelyn Potter
Paul Buchanan
Tilda Musgrove
Pat Webster
Edwin McCook
Amy Brown
Wri Irby
Bo Cameron
Alex Garcia
Tara Rodgers

Lindsey Covington
Leroy Marshall
Steve Schroeder
Libby Schmidt
Sean King
Tyler Jordan
Bill McKinstry
Kris Eskelin
David Christian

Agenda Item No. 3 - Announcement of any Amendments to the Agenda by the Chair: None

Agenda Item No. 4 – Public Comment:

- Commissioner Toby Witt, Columbia County – Possible solutions to the Country Club Road property with Columbia County Board of Commissioners.
- Steve Gladin – Concerns regarding the Country Club Road property solution.

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

- Agenda Item No. 6 - March 9, 2021 Board Meeting, Workshops, and Lands Committee Minutes
- Agenda Item No. 12 - R.O. Ranch Exchange with McB-Pinehatchee, Lafayette County
- Agenda Item No. 13 - Thakor Ashish Ingress/Egress Agreement, Suwannee County
- Agenda Item No. 14 - Lasky Tract Acquisition, Gilchrist County
- Agenda Item No. 15 - Warner-Harrell Conservation Easement Amendment, Suwannee County
- Agenda Item No. 16 – Newberry Wellfield Conveyance, Alachua County
- Agenda Item No. 17 - February 2021 Financial Report

- Agenda Item No. 27 - Contract 19/20-245 with Balfour Timber Company
- Agenda Item No. 30 - Task Work Assignment for Contract 20/21-100.002 with Dewberry Engineers, Inc.

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

Agenda Item No. 6 – March 9, 2021 Board Meeting, Workshops, and Lands Committee Minutes. Approved on Consent.

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

- Robbie McKinney gave a presentation of hydrologic conditions of the District.
- Cooperating Agencies and Organizations – None
- Service Recognition – Bill McKinstry and Tilda Musgrove were recognized for ten years of service to the District.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 9 – Appeal of Final Order Number 21-003, Seven Springs Water Company v. Suwannee River Water Management District; SRWMD Renewal WUP App. No. 2-041-218202-3; DOAH Case Nos. 20-1329, 20-3581 (Consolidated). Tom Reeves, District Legal Counsel, presented this item to the Board.

The following attendees provided comments to the Board:

Bruce Borders, Concerned citizen
Doug Manson, Manson Bolves Law Group

AMENDED MOTION WAS MADE BY SCHWAB, SECONDED BY SMITH TO AUTHORIZE THE GENERAL COUNSEL TO FILE A STIPUALTION OF DISMISSAL OF THE APPEAL STYLED *SUWANNEE RIVER WATER MANAGEMENT DISTRICT V. SEVEN SPRINGS*, CASE NO. 1D21-0888, PROVIDED THAT IN SUCH STIPUALTION SEVEN SPRINGS WATER COMPANY WAIVED THE DEFENSES OF RES JUDICATA, COLLATERAL ESTOPPEL AND SIMILAR DEFENSES WHICH MIGHT PRECLUDE THE DISTRICT FROM RAISING THE ISSUE OF WHETHER SECTION 120.60 BARRED THE DISTICT FROM ENFORCING SECTIONS 2.1.1 AND 2.3.1 OF THE DISTRICT WATER USE PERMITTING HANDBOOK AGAINST SEVEN SPRINGS (THE SAME ISSUES THAT LED TO DISTRICT TO ENTER THE APPEALLED FINAL ORDER, "UNDER PROTEST") IN OTHER LEGAL PROCEEDINGS. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

Agenda Item No. 8 – Legal Activities Update (followed Agenda Item No. 9). Mr. Reeves updated the Board on the lawsuit filed by Mr. Little in Gilchrist County regarding water use permit applications.

BUSINESS AND COMMUNITY SERVICES

Administration

Agenda Item No. 10 – Land Acquisition and Disposition Activity Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 11 – HVAC Renovation and Replacement Update. Steve Schroeder, Administration Chief, updated the Board on the progress of the HVAC renovations.

Agenda Item No. 12 – R.O. Ranch Exchange with McB-Pinehatchee, Lafayette County. Approved on Consent.

Agenda Item No. 13 – Thakor Ashish Ingress/Egress Agreement, Suwannee County. Approved on Consent.

Agenda Item No. 14 – Lasky Tract Acquisition, Gilchrist County. Approved on Consent.

Agenda Item No. 15 - Warner-Harrell Conservation Easement Amendment, Suwannee County. Approved on Consent.

Agenda Item No. 16 – Newberry Wellfield Conveyance, Alachua County. Approved on Consent.
Finance

Agenda Item No. 17 – February 2021 Financial Report. Approved on Consent.

Resource Management

Agenda Item No. 18 – Permitting Summary Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 19 – Task Work Assignment for Contract 20/21-070 with Atkins North America, Inc. Leroy Marshall, Engineering/ERO Chief, presented this item to the Board.

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

Agenda Item No. 20 – Task Work Assignment for Contract 20/21-069 with AECOM, Inc. Mr. Marshall presented this item to the Board.

MOTION WAS MADE BY KEITH, SECONDED BY THOMPSON TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

Agenda Item No. 21 – Riverview Project and Flood Report Updates Presentation. Paul Buchanan, GIS Program Manager, and Mr. Marshall provided a powerpoint presentation on the Riverview Project and reporting updates on the SRWMD Flood Mapper website.

Agriculture and Environmental Projects

Agenda Item No. 22 – Springs Funding Applications. Pat Webster, Agricultural and Environmental Projects Chief, presented this item to the Board.

The following attendees provided comments of support to the Board:
David Kraus, Columbia County Manager
Peter Kleinhenz, Tall Timbers
Dr. James Dunbar, Aucilla Research Institute, Inc.
Jamie Bell, Jones Edmunds

Erica Hernandez, Alachua Conservation Trust
Renee Demps, Madison County Board of Commissioners
David Ward, Aucilla/Wacissa River Group
Byron Flagg, Alachua County

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

Agenda Item No. 23 – Alternative Water Supply Funding Applications. Mr. Webster presented this item to the Board.

The following attendees provide comments of support to the Board:

David Kraus, Columbia County Manager
Erica Hernandez, Alachua Conservation Trust
Lee Jones, Greenville Chief Executive Officer
Brittany Brown, City of Greenville Mayor

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

Agenda Item No. 24 – Cost-Share Funding to Riley Putnal, Suwannee County. Libby Schmidt, Project Manager, presented this item to the Board.

MOTION WAS MADE BY THOMPSON, SECONDED BY SCHWAB TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

Agenda Item No. 25 – Cost-Share Funding to Sidney Koon, Lafayette County. Ms. Schmidt presented this item to the Board.

MOTION WAS MADE BY SCHWAB, SECONDED BY THOMPSON TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

WATER AND LAND RESOURCES

Land Management Program

Agenda Item No. 26 - District Land Management & Twin River State Forest (TRSF) Activity Summary. This summary was provided as an informational item in the Board materials.

Agenda Item No. 27 - Contract 19/20-245 with Balfour Timber Company. Approved on Consent.

Water Resources Program

Agenda Item No. 28 – Agricultural Monitoring Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 29 – Withlacoochee Water Quality Overview. Tom Mirti, Deputy Executive Director, provided an overview to the Board.

Agenda Item No. 30 – Task Work Assignment for Contract 20/21-100 with Dewberry Engineers, Inc. Approved on Consent.

Water Supply / MFL Programs

Agenda Item No. 31 – Task Work Assignment for Contract 19/20-082 with Intera, Inc. Sean King, Minimum Flows and Minimum Water Levels Chief, presented this item to the Board.

MOTION WAS MADE BY KEITH, SECONDED BY THOMPSON TO APPROVE THE RECOMMENDATION. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.

Agenda Item No. 32 – Lower Santa Fe and Ichetucknee Project Strategy. Mr. King provided an update to the Board.

Agenda Item No. 33 – Water Supply Plan Update. Amy Brown, Water Supply Chief, provided an update to the Board.

EXECUTIVE OFFICE

Agenda Item No. 34 - District's Weekly Activity Reports. These reports were provided as an informational item in the Board materials.

Agenda Item No. 35 – Contract with Robin Shepherd Studios, Inc., for the Who We Are Campaign. Lindsey Covington, Communications and Outreach Manager, presented this item to the Board.

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

Agenda Item No. 36 - Announcements. Mr. Thomas updated the Board on District activities.

Agenda Item No. 37 - Governing Board Comments. Chair Johns thanked staff for the virtual component of the Board meeting.

Agenda Item No. 38 - Adjournment. Meeting adjourned at 1:35 p.m.

Chair

ATTEST:

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF AUDIT COMMITTEE**

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/1866408207680852239>

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

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April 14, 2020
Following Board Meeting

District Headquarters
Live Oak, FL

1. Call to Order / Committee Roll Call. Meeting began at 2:07 p.m.

Committee Members

Present

Not Present

Virginia Johns

X

Charles Keith

X

Richard Schwab

X

Board Members Smith and Thompson also attended the Audit Committee Meeting

2. Public Comment: None

3. Discussion Items:

Pam Shaw, Finance Chief introduced Richard Powell, Powell & Jones, to present the Fiscal Year 2019-2020 Financial Audit to the Committee.

- Fiscal Year 2019-2020 Financial Audit Acceptance

MOTION MADE BY SCHWAB, SECONDED BY KEITH TO ACCEPT THIS REPORT.
MOTION CARRIED UNANIMOUSLY.

4. Announcements: None

5. Adjournment. Meeting adjourned at 2:21 p.m.

ATTEST:

Chair

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

Workshop began at 2:21 p.m.

District Road Maintenance Option Discussion

Bill McKinstry, Land Management Chief, and Wri Irby, Land Management Specialist, provided a powerpoint presentation regarding District road maintenance options.

Workshop adjourned at 3:36 p.m.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: George T. Reeves, Governing Board Legal Counsel

DATE: May 3, 2021

RE: Final Order Number 21-008, *Florida Springs Council, Inc. vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1180

Final Order Number 21-009, *Merrillee Malwitz-Jipson vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1179

RECOMMENDATION

Request the Governing Board enter the enclosed proposed final orders disposing of the matters relating to Seven Springs Water Company.

DOCUMENTS ENCLOSED

1. Final Order Number 21-008, *Florida Springs Council, Inc. vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1180 (Attached to the proposed final order is a copy of the ORDER DISMISSING PETITION AND CLOSING FILE issued by the Division of Administrative Hearings which precipitated the District considering this proposed final order.)
2. Final Order Number 21-009, *Merrillee Malwitz-Jipson vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1179 (Attached to the proposed final order is a copy of the ORDER DISMISSING PETITION AND CLOSING FILE issued by the Division of Administrative Hearings which precipitated the District considering this proposed final order.)

RECORD

The record in *Florida Springs Council, Inc. vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1180, is available on the Division of Administrative Hearings ("DOAH")'s website <https://www.doah.state.fl.us/ALJ/> , search Case No. 21-1180.

The record in *Merrillee Malwitz-Jipson vs. Seven Springs Water Company and Suwannee River Water Management District*, DOAH Case No. 21-1179, is available on the Division of Administrative Hearings ("DOAH")'s website <https://www.doah.state.fl.us/ALJ/>, search Case No. 21-1179.

BACKGROUND

On February 24, 2021, the DISTRICT issued its Final Order No. No. 21-003 in which the DISTRICT adopted, under protest, a recommended order which recommended that the DISTRICT issue renewal water use Permit Number 2-041- 218202-3 (the "PERMIT") to Respondent, Seven Springs Water Company ("SEVEN SPRINGS").

On March 16 and 17, 2021, the Petitioners filed petitions which requested an administrative hearing on the DISTRICT's issuance of the PERMIT.

On March 25, 2021, the DISTRICT appealed Final Order No. 21-003 to the First District Court of Appeals where it was assigned Case No. 1D21-0888.

On March 30, 2021, the DISTRICT referred the two PETITIONS to DOAH where they were assigned to ALJ FFOLKES.

On March 31, 2021, ALJ FFOLKES issued an Order to Show Cause in each case directing the parties to show cause why the petitions should not be dismissed for lack of jurisdiction under the Rule 9.600 of the Florida rules of appellate procedure, which provides that lower tribunals are divested of jurisdiction over matters which are on appeal unless the appeals court allows the lower tribunal to proceed.

On April 11, 2021, the DISTRICT filed in the First District Court of Appeal its MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING in which the DISTRICT requested the appeals court to stay the appeal and relinquish jurisdiction to allow ALJ FFOLKES to proceed with the proceedings before DOAH.

On April 12, 2021, the DISTRICT filed in both DOAH cases, a response to the Order to Show Cause which requested ALJ FFOLKES to take no action on the Order to Show Cause until after the First District Court of Appeal ruled on the MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING, a copy of which was attached.

On April 14, 2021, ALJ FFOLKES entered an ORDER DISMISSING PETITION AND CLOSING FILE in each case (the "ORDERS OF DISMISSAL"). In the ORDERS OF DISMISSAL, ALJ FFOLKES dismissed the petitions for lack of subject matter jurisdiction, closed DOAH's file and relinquished jurisdiction to the DISTRICT for entry of an appropriate final order of dismissal.

On April 28 and 29, 2021, the petitioners filed exceptions to the ORDERS OF DISMISSAL.

PROPOSED FINAL ORDERS

The proposed final orders dismiss the petitions for the reasons set out in the ORDERS OF DISMISSAL. As set out in the proposed final orders, I do not necessarily agree with the legal rulings made by ALJ FFOLKES in the ORDERS OF DISMISSAL, but the ORDERS OF DISMISSAL ruled that DOAH (and the District) did not have jurisdiction to proceed. In my opinion, the DISTRICT does not have the authority to order DOAH to hear petitions where DOAH has determined that it lacks subject matter jurisdiction. Therefore the DISTRICT should enter the proposed final orders dismissing the PETITIONS so that the parties may appeal to the First District Court of an Appeal. The First District Court of Appeal has the authority to review all rulings by both the DISTRICT and DOAH and can correct any errors.

TR/rl
Attachments

STATE OF FLORIDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

OUR SANTA FE RIVER, INC., FLORIDA
SPRINGS COUNCIL, INC., AND MICHAEL
ROTH,

Petitioners,

vs.

Final Order No. 21-008
DOAH Case No. 21-1180

SEVEN SPRINGS WATER COMPANY
AND SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

Respondents.

FINAL ORDER

This case comes to the Suwannee River Water Management District (the “DISTRICT”) upon the ORDER DISMISSING PETITION AND CLOSING FILE (the “ORDER OF DISMISSAL”) from Administrative Law Judge FRANCINE M. FFOLKES (“ALJ FFOLKES”) with the State of Florida, Division of Administrative Hearings (“DOAH”). A copy of the ORDER OF DISMISSAL is attached as Exhibit A. The ORDER OF DISMISSAL was entered on April 14, 2021.

STATEMENT OF THE CASE

1. On February 24, 2021, the DISTRICT’s issued its Final Order No. No. 21-003 in which the DISTRICT adopted, under protest, the recommended order issued by Administrative Law Judge G.W. CHISENHALL (“ALJ CHISENHALL”), in which ALJ CHISENHALL recommended that the DISTRICT issue renewal water use Permit Number 2-041- 218202-3 (the “PERMIT”) to Respondent, Seven Springs Water Company (“SEVEN SPRINGS”).

2. On March 16, 2021, the Petitioner, FLORIDA SPRINGS COUNCIL, INC., (“COUNCIL”)¹ filed its PETITION FOR ADMINISTRATIVE HEARING (the “PETITION”), in which it requested an administrative hearing on the DISTRICT’s issuance of the PERMIT.

¹The original petitioners also included OUR SANTA FE RIVER, INC. and MICHAEL ROTH. However, on April 26, 2021, OUR SANTA FE RIVER, INC. and MICHAEL ROTH, filed a Notice of Voluntary Withdrawal withdrawing the petition. This leaves only COUNCIL as the petitioner herein.

3. On March 25, 2021, the DISTRICT appealed Final Order No. 21-003 to the First District Court of Appeals where it was assigned Case No. 1D21-0888.

4. On March 30, 2021, the DISTRICT referred the PETITION to DOAH where it was assigned to ALJ FFOLKES.

5. On March 31, 2021, ALJ FFOLKES issued an Order to Show Cause directing the parties to show cause why the PETITION should not be dismissed for lack of jurisdiction under Fla. R. App. P. 9.600, which provides that lower tribunals are divested of jurisdiction over matters which are on appeal unless the appeals court allows the lower tribunal to proceed.

6. On April 11, 2021, the DISTRICT filed in the First District Court of Appeal its MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING in which the DISTRICT requested the appeals court to stay the appeal and relinquish jurisdiction to allow ALJ FFLOKES to proceed with the proceedings before DOAH.

7. On April 12, 2021, the DISTRICT filed with DOAH a response to the Order to Show Cause which requested ALJ FFOLKES to take no action on the Order to Show Cause until after the First District Court of Appeal ruled on the MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING, a copy of which was attached.

8. On April 14, 2021, ALJ FFOLKES entered the ORDER OF DISMISSAL. In the ORDER OF DISMISSAL, ALJ FFOLKES dismissed the PETITION for “lack of subject matter jurisdiction”, closed DOAH’s file and relinquished jurisdiction to the DISTRICT “for entry of an appropriate final order of dismissal.” (ORDER OF DISMISSAL at page 3)

9. On April 28, 2021, COUNCIL filed its PETITIONERS’ EXCEPTIONS TO DIVISION OF ADMINISTRATIVE HEARINGS’ ORDER DISMISSING PETITION AND CLOSING FILE setting out its exceptions to the ORDER OF DISMISSAL.

STATUS OF THE ORDER OF DISMISSAL

10. The ORDER OF DISMISSAL is not a recommended order. The term “recommended order” is defined in Ch. 120 as follows: “‘Recommended order’ means the official recommendation of an administrative law judge assigned by the division or of any other duly authorized presiding officer, other than an agency head or member of an agency head, for the final disposition of a proceeding under ss. 120.569 and 120.57.” Section 120.52(15), Fla. Stat. The ORDER OF DISMISSAL does not use the term “recommended” in its title or in its body (except where it references ALJ CHISENHALL’s previous recommended orders) and does not recommend that the DISTRICT do anything.

11. But more importantly, the ORDER OF DISMISSAL finds that both the DISTRICT and DOAH lack jurisdiction. ALJ FFOLKES finds that “a tribunal has jurisdiction

to determine its own jurisdiction” (ORDER OF DISMISSAL at page 1) and then rules that “Neither the District nor DOAH may proceed because the appellate court's jurisdiction also includes the legal issue raised by Petitioners.” (ORDER OF DISMISSAL page 3) and then, “The petition is DISMISSED for lack of subject matter jurisdiction.” (ORDER OF DISMISSAL at page 3) This is not a recommendation of dismissal, but an order determining that DOAH lacks jurisdiction and then outright dismissing the PETITION. Therefore the ORDER OF DISMISSAL is not a “recommended” order.

12. Finally, it is apparent that ALJ FFOLKES did not consider the ORDER OF DISMISSAL to be a recommended order. This is because ALJ FFOLKES did not give the standard “Notice of Rights to Submit Exceptions” which is given on recommended orders. The governing statutes and rules governing exceptions only apply to recommended orders. *See*, Section 120.57(1)(k), Fla. Stat. (“The agency shall allow each party 15 days in which to submit written exceptions to the recommended order.”); Rule 28-106.217(1), F.A.C. (“Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order. . . .”) That is why recommended orders issued by DOAH have a “Notice of Rights to Submit Exceptions” at the end, to give notice that the parties may submit exceptions. As ALJ FFOLKES did not give the standard “Notice of Rights to Submit Exceptions” on the ORDER OF DISMISSAL, it is apparent that ALJ FFOLKES did not consider the ORDER OF DISMISSAL to be a recommended order.

FINDINGS OF THE ORDER OF DISMISSAL

13. In the ORDER OF DISMISSAL, ALJ FFOLKES found that DOAH and the DISTRICT lacked subject matter jurisdiction. The apparent reason seems to be that DOAH and the DISTRICT were divested of jurisdiction due to the appeal:

The lower tribunal cannot conduct further proceedings and enter orders that would affect or interfere with the subject matter of the appeal, and thus impinge on the appellate court's power and authority to decide the issues raised. *See Bailey v. Bailey*, 392 So. 2d 49 (Fla. 3d DCA 1981).

A separate lower tribunal is also without jurisdiction to proceed with subject matter that is pending on appeal. *See Dep't of Rev. ex rel. Simmons v. Wardlaw*, 25 So. 3d 80, 82 (Fla. 4th DCA 2009). The lower tribunal cannot act if it would interfere with the subject matter of a pending appeal. *See Casavan v. Land O'Lakes Realty, Inc. of Leesburg*, 526 So. 2d 215, 216 (Fla. 5th DCA 1988). Neither the District nor DOAH may proceed because the appellate court's jurisdiction also includes the legal issue raised by Petitioners.

(ORDER OF DISMISSAL at page 3) (Emphasis supplied); However, at the time ALJ FFOLKES issued the ORDER OF DISMISSAL, ALJ FFOLKES had been informed that the First District Court of Appeal was considering a stay of the appeal and relinquishing jurisdiction to DOAH to proceed. *See*, Fla. R. App. P. 9.600(b) (Stating that, “[T]he court by order may permit the lower

tribunal to proceed with specifically stated matters during the pendency of the appeal.”) Therefore it would seem as though the proper course would have been to hold the proceedings before DOAH in abeyance and allow the First District Court of Appeal to rule on the motion to stay appeal and relinquish jurisdiction to DOAH to proceed with a hearing on the PETITION.

14. However, ALJ FOLKES also gave another reason for issuing the ORDER OF DISMISSAL as follows:

Petitioners argue that they should be able to file a new petition challenging the Permit based on Florida Administrative Code Rule 40B-1.1010(2)(a). The new petition essentially challenges a legal ruling made by the judge in the *Seven Springs Water* case regarding the licensing provision in section 120.60(1), Florida Statutes. The District responded to the Order to Show Cause on April 12, 2021. The District's response reflects its understanding that it has invoked the jurisdiction of the First DCA to review final agency action. *See* § 120.68(1), Fla. Stat. (2020); *Sowell v. State, Dep't of Rev.*, 136 So. 3d 1285 (Fla. 1st DCA 2014); *Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

Petitioners contend that the District's rule 40B-1.1010(2)(a) allows their new petition. However, such an interpretation of the rule cannot be condoned by the undersigned. Such an interpretation would mean that the administrative adjudicatory process would never come to an end as new and former petitioners attempt to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling. The appropriate remedy is to appeal the final agency action.

(ORDER OF DISMISSAL at page 2) (Emphasis supplied)

15. The operative provisions of Rule 40B-1.1010(2)(a), F.A.C. provide, “If final agency action materially differs from a written notice of the DISTRICT’s intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing.” COUNCIL argues that as the DISTRICT’s intended action was to deny the PERMIT and the DISTRICT’ final agency action was to grant the Permit, the DISTRICT’s final action “materially differs” from its intended action triggering Rule 40B-1.1010(2)(a)’s reopening of a 14 day window to file a petition.

16. But ALJ FOLKES ruled that COUNCIL’s interpretation of Rule 40B-1.1010(2)(a), F.A.C. “cannot be condoned” because it “would mean that the administrative adjudicatory process would never come to an end as new and former petitioners attempt to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling.” (ORDER OF DISMISSAL at page 2) As the DISTRICT has now taken final agency action on the PERMIT, and the rule only reopens a single 14 day window to file a petition after the DISTRICT takes final action, it is unclear why ALJ FOLKES believes that COUNCIL’s interpretation “would mean that the administrative adjudicatory process would never come to an end.” ALJ FOLKES

did not offer what other possible interpretation of Rule 40B-1.1010(2)(a), F.A.C. could be “condoned” or find that Rule 40B-1.1010(2)(a), F.A.C. was invalid.²

17. Therefore it seems likely that ALJ FFOLKES’s belief that COUNCIL’s interpretation of Rule 40B-1.1010(2)(a), F.A.C. “cannot be condoned” is the reason ALJ FFOLKES chose not to hold the DOAH proceedings in abeyance to wait for the First District Court of Appeal’s ruling on the motion to stay and for relinquishment of jurisdiction and entered the ORDER OF DISMISSAL.

EXCEPTIONS

18. While COUNCIL filed exceptions, the statutory provisions concerning exceptions, including the requirement for the DISTRICT to rule on the exceptions, apply only to recommended orders. See, Section 120.57(1)(k), Fla. Stat. (“The agency shall allow each party 15 days in which to submit written exceptions to the recommended order. The final order shall include an explicit ruling on each exception. . .”)

19. As the ORDER OF DISMISSAL is not a recommended order, the requirements concerning exceptions do not apply and this final order need not include an explicit ruling on COUNCIL’s exceptions.

DISTRICT MAY NOT MODIFY OR DEVIATE FROM ALJ FFOLKES RULING

20. Section 120.57(1)(l), Fla. Stat., which provides statutory authority for an agency to modify or reject an ALJ’s findings of facts and/or conclusions of law, concerns only “recommended orders” and is therefore inapplicable to the ORDER OF DISMISSAL.

21. Further, the ORDER OF DISMISSAL was cast as an order determining DOAH’s

²It is also worth noting that the operative language from the DISTRICT’s Rule 40B-1.1010(2)(a), F.A.C. is substantially the same as the operative language contained in (1) the St. Johns Water Management District’s rule 40C-1.1007(2)(a) (“If the District's Governing Board takes action which substantially differs from a written notice of the District's decision describing intended action, persons who may be substantially affected shall have an additional 21 days, . . . from the date of receipt of notice of said action to request an administrative hearing. . .”); (2) the Southwest Florida Water Management District’s rule 40D-1.1010(2)(a) (“If final agency action materially differs from a written notice of the District's intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing.”); and (3) the South Florida Water Management District’s rule 40E-0.109(2) (“If the District takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, F.A.C., unless otherwise provided by law.”)

“subject matter jurisdiction” The DISTRICT does not believe it has the authority to overrule ALJ FFOLKES on the issue of DOAH’s subject matter jurisdiction and compel DOAH to exercise jurisdiction which ALJ FFOLKES has ruled that DOAH lacks.

22. Therefore, the DISTRICT is compelled to dismiss the PETITION for the reasons set out in the ORDER OF DISMISSAL.

ORDER

The PETITION is dismissed, with prejudice, for the reasons set out in the ORDER OF DISMISSAL.

JUDICIAL REVIEW

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

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

DONE and ORDERED on _____, 2021.

GOVERNING BOARD OF THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

By: _____
Virginia H. Johns
Chair

ATTEST: _____
Charles Keith
Secretary / Treasurer

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

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:

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by email on _____, 2021.

Warren Zwanka
Deputy Agency Clerk
Suwannee River Water Management District

EXHIBIT “A”

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

OUR SANTA FE RIVER, INC., FLORIDA
SPRINGS COUNCIL, INC., AND MICHAEL
ROTH,

Petitioners,

vs.

Case No. 21-1180

SEVEN SPRINGS WATER COMPANY AND
SUWANNEE RIVER WATER MANAGEMENT
DISTRICT,

Respondents.

ORDER DISMISSING PETITION AND CLOSING FILE

This cause came before the undersigned on the parties' responses to the Order to Show Cause dated March 31, 2021. The parties were directed to brief the undersigned as to why this case should not be dismissed for lack of jurisdiction. *See Sun Ins. Co. v. Boyd*, 105 So. 2d 574, 575 (Fla. 1958)(explaining that a tribunal has jurisdiction to determine its own jurisdiction).

Petitioners, Our Santa Fe River, Inc., Florida Springs Council, Inc., and Michael Roth (Petitioners), filed a petition challenging the issuance of water use Permit Number 2-041-218202-3 (Permit). The Permit was issued by a Final Order rendered on February 24, 2021. Respondent, Suwannee River Water Management District (District), rendered the Final Order after a Recommend Order was entered by an administrative law judge with the Division of Administrative Hearings (DOAH) in consolidated Case Nos. 20-1329 and 20-3581. The DOAH judge entered the Recommended Order after conducting a section 120.57(1), Florida Statutes, evidentiary hearing. *See Seven Springs Water Co. v. Suwannee River Water Mgmt. Dist.*, Case No. 20-3581 (Fla. DOAH Jan. 20, 2021; Fla. SRWMD Feb. 24, 2021). Having rendered the Final Order, under protest, the District appealed the Final

Order to the First District Court of Appeal (DCA) on March 25, 2021 (Case No. 1D21-0888). *See Barfield v. Dep't of Health*, 805 So. 2d 1008, 1013 (Fla. 1st DCA 2001).

The procedural history of *Seven Springs Water* and Case No. 20-3830, which had also been consolidated with it, will not be detailed here. However, that procedural history is accurately outlined in Respondent, Seven Springs Water Company's (Respondent), response to the Order to Show Cause, that took the form of a brief in support of dismissal filed on April 12, 2021.

Petitioners responded to the Order to Show Cause on April 5, 2021. Of note is that two Petitioners, Our Santa Fe River, Inc. (Our Santa Fe), and Michael Roth (Roth), had intervened in the *Seven Springs Water* case. Having filed a notice of voluntary dismissal prior to the final hearing, Our Santa Fe and Roth are not parties to the District's Final Order.

Petitioners argue that they should be able to file a new petition challenging the Permit based on Florida Administrative Code Rule 40B-1.1010(2)(a). The new petition essentially challenges a legal ruling made by the judge in the *Seven Springs Water* case regarding the licensing provision in section 120.60(1), Florida Statutes. The District responded to the Order to Show Cause on April 12, 2021. The District's response reflects its understanding that it has invoked the jurisdiction of the First DCA to review final agency action. *See* § 120.68(1), Fla. Stat. (2020); *Sowell v. State, Dep't of Rev.*, 136 So. 3d 1285 (Fla. 1st DCA 2014); *Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

Petitioners contend that the District's rule 40B-1.1010(2)(a) allows their new petition. However, such an interpretation of the rule cannot be condoned by the undersigned. Such an interpretation would mean that the administrative adjudicatory process would never come to an end as new and former petitioners attempt to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling. The appropriate remedy is to appeal the final agency action. *See Id.*

"In an appeal from a final order, the scope of review encompasses all of the decisions made in the lower tribunal until the entry of the final order." *See* Padovano, Fla. App. Prac. § 18:2 (2021). The lower tribunal is divested of jurisdiction to modify or amend the appealed final order. *See Brown v. Brown*, 931 So. 2d 251 (Fla. 1st DCA 2006); *State, Dep't of Envtl. Reg. v. Apelgren*, 611 So. 2d 72 (Fla. 4th DCA 72). The lower tribunal cannot conduct further proceedings and enter orders that would affect or interfere with the subject matter of the appeal, and thus impinge on the appellate court's power and authority to decide the issues raised. *See Bailey v. Bailey*, 392 So. 2d 49 (Fla. 3d DCA 1981).

A separate lower tribunal is also without jurisdiction to proceed with subject matter that is pending on appeal. *See Dep't of Rev. ex rel. Simmons v. Wardlaw*, 25 So. 3d 80, 82 (Fla. 4th DCA 2009). The lower tribunal cannot act if it would interfere with the subject matter of a pending appeal. *See Casavan v. Land O'Lakes Realty, Inc. of Leesburg*, 526 So. 2d 215, 216 (Fla. 5th DCA 1988). Neither the District nor DOAH may proceed because the appellate court's jurisdiction also includes the legal issue raised by Petitioners.

Therefore, having reviewed the responses, and being otherwise advised, it is,

ORDERED that:

1. The petition is DISMISSED for lack of subject matter jurisdiction.
2. The file of the Division is CLOSED, and jurisdiction is relinquished to the Suwannee River Water Management District for entry of an appropriate final order of dismissal. *See Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

DONE AND ORDERED this 14th day of April, 2021, in Tallahassee, Leon County, Florida.



FRANCINE M. FFOLKES
Administrative Law Judge
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Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

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STATE OF FLORIDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MERRILLEE MALWITZ-JIPSON,

Petitioner,

vs.

Final Order No. 21-009
DOAH Case No. 21-1179

SEVEN SPRINGS WATER COMPANY
AND SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

Respondents.

FINAL ORDER

This case comes to the Suwannee River Water Management District (the “DISTRICT”) upon the ORDER DISMISSING PETITION AND CLOSING FILE (the “ORDER OF DISMISSAL”) from Administrative Law Judge FRANCINE M. FFOLKES (“ALJ FFOLKES”) with the State of Florida, Division of Administrative Hearings (“DOAH”). A copy of the ORDER OF DISMISSAL is attached as Exhibit A. The ORDER OF DISMISSAL was entered on April 14, 2021.

STATEMENT OF THE CASE

1. On February 24, 2021, the DISTRICT’s issued its Final Order No. No. 21-003 in which the DISTRICT adopted, under protest, the recommended order issued by Administrative Law Judge G.W. CHISENHALL (“ALJ CHISENHALL”), in which ALJ CHISENHALL recommended that the DISTRICT issue renewal water use Permit Number 2-041- 218202-3 (the “PERMIT”) to Respondent, Seven Springs Water Company (“SEVEN SPRINGS”).

2. On March 17, 2021, the Petitioner, MERRILLEE MALWITZ-JIPSON, (“MALWITZ-JIPSON”) filed a PETITION FOR ADMINISTRATIVE HEARING (the “PETITION”), in which it requested an administrative hearing on the DISTRICT’s issuance of the PERMIT.

3. On March 25, 2021, the DISTRICT appealed Final Order No. 21-003 to the First District Court of Appeals where it was assigned Case No. 1D21-0888.

4. On March 30, 2021, the DISTRICT referred the PETITION to DOAH where it was assigned to ALJ FFOLKES.

5. On March 31, 2021, ALJ FFOLKES issued an Order to Show Cause directing the parties to show cause why the PETITION should not be dismissed for lack of jurisdiction under Fla. R. App. P. 9.600, which provides that lower tribunals are divested of jurisdiction over matters which are on appeal unless the appeals court allows the lower tribunal to proceed.

6. On April 11, 2021, the DISTRICT filed in the First District Court of Appeal its MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING in which the DISTRICT requested the appeals court to stay the appeal and relinquish jurisdiction to allow ALJ FFLOKES to proceed with the proceedings before DOAH.

7. On April 12, 2021, the DISTRICT filed with DOAH a response to the Order to Show Cause which requested ALJ FFOLKES to take no action on the Order to Show Cause until after the First District Court of Appeal ruled on the MOTION TO STAY APPEAL AND RELINQUISH JURISDICTION TO CONSIDER AND RULE ON PENDING PETITIONS FOR ADMINISTRATIVE HEARING, a copy of which was attached.

8. On April 14, 2021, ALJ FFOLKES entered the ORDER OF DISMISSAL. In the ORDER OF DISMISSAL, ALJ FFOLKES dismissed the PETITION for “lack of subject matter jurisdiction”, closed DOAH’s file and relinquished jurisdiction to the DISTRICT “for entry of an appropriate final order of dismissal.” (ORDER OF DISMISSAL at page 3)

9. On April 29, 2021, MALWITZ-JIPSON filed her PETITIONERS’ EXCEPTIONS TO DIVISION OF ADMINISTRATIVE HEARINGS’ ORDER DISMISSING PETITION AND CLOSING FILE setting out her exceptions to the ORDER OF DISMISSAL.

STATUS OF THE ORDER OF DISMISSAL

10. The ORDER OF DISMISSAL is not a recommended order. The term “recommended order” is defined in Ch. 120 as follows: “‘Recommended order’ means the official recommendation of an administrative law judge assigned by the division or of any other duly authorized presiding officer, other than an agency head or member of an agency head, for the final disposition of a proceeding under ss. 120.569 and 120.57.” Section 120.52(15), Fla. Stat. The ORDER OF DISMISSAL does not use the term “recommended” in its title or in its body (except where it references ALJ CHISENHALL’s previous recommended orders) and does not recommend that the DISTRICT do anything.

11. But more importantly, the ORDER OF DISMISSAL finds that both the DISTRICT and DOAH lack jurisdiction. ALJ FFOLKES finds that “a tribunal has jurisdiction to determine its own jurisdiction” (ORDER OF DISMISSAL at page 1) and then rules that “Neither the District nor DOAH may proceed because the appellate court’s jurisdiction also includes the legal issue raised by Petitioners.” (ORDER OF DISMISSAL page 3) and then, “The petition is DISMISSED for lack of subject matter jurisdiction.” (ORDER OF DISMISSAL at page 3) This is not a recommendation of dismissal, but an order determining that DOAH lacks jurisdiction and then outright dismissing the PETITION. Therefore the ORDER OF

DISMISSAL is not a “recommended” order.

12. Finally, it is apparent that ALJ FFOLKES did not consider the ORDER OF DISMISSAL to be a recommended order. This is because ALJ FFOLKES did not give the standard “Notice of Rights to Submit Exceptions” which is given on recommended orders. The governing statutes and rules governing exceptions only apply to recommended orders. *See*, Section 120.57(1)(k), Fla. Stat. (“The agency shall allow each party 15 days in which to submit written exceptions to the recommended order.”); Rule 28-106.217(1), F.A.C. (“Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order. . . .”) That is why recommended orders issued by DOAH have a “Notice of Rights to Submit Exceptions” at the end, to give notice that the parties may submit exceptions. As ALJ FFOLKES did not give the standard “Notice of Rights to Submit Exceptions” on the ORDER OF DISMISSAL, it is apparent that ALJ FFOLKES did not consider the ORDER OF DISMISSAL to be a recommended order.

FINDINGS OF THE ORDER OF DISMISSAL

13. In the ORDER OF DISMISSAL, ALJ FFOLKES found that DOAH and the DISTRICT lacked subject matter jurisdiction. The apparent reason seems to be that DOAH and the DISTRICT were divested of jurisdiction due to the appeal:

The lower tribunal cannot conduct further proceedings and enter orders that would affect or interfere with the subject matter of the appeal, and thus impinge on the appellate court's power and authority to decide the issues raised. *See Bailey v. Bailey*, 392 So. 2d 49 (Fla. 3d DCA 1981).

A separate lower tribunal is also without jurisdiction to proceed with subject matter that is pending on appeal. *See Dep't of Rev. ex rel. Simmons v. Wardlaw*, 25 So. 3d 80, 82 (Fla. 4th DCA 2009). The lower tribunal cannot act if it would interfere with the subject matter of a pending appeal. *See Casavan v. Land O'Lakes Realty, Inc. of Leesburg*, 526 So. 2d 215, 216 (Fla. 5th DCA 1988). Neither the District nor DOAH may proceed because the appellate court's jurisdiction also includes the legal issue raised by Petitioners.

(ORDER OF DISMISSAL at page 3) (Emphasis supplied); However, at the time ALJ FFOLKES issued the ORDER OF DISMISSAL, ALJ FFOLKES had been informed that the First District Court of Appeal was considering a stay of the appeal and relinquishing jurisdiction to DOAH to proceed. *See*, Fla. R. App. P. 9.600(b) (Stating that, “[T]he court by order may permit the lower tribunal to proceed with specifically stated matters during the pendency of the appeal.”) Therefore it would seem as though the proper course would have been to hold the proceedings before DOAH in abeyance and allow the First District Court of Appeal to rule on the motion to stay appeal and relinquish jurisdiction to DOAH to proceed with a hearing on the PETITION.

14. However, ALJ FFOLKES also gave another reason for issuing the ORDER OF

DISMISSAL as follows:

Petitioners argue that they should be able to file a new petition challenging the Permit based on Florida Administrative Code Rule 40B-1.1010(2)(a). The new petition essentially challenges a legal ruling made by the judge in the *Seven Springs Water* case regarding the licensing provision in section 120.60(1), Florida Statutes. The District responded to the Order to Show Cause on April 12, 2021. The District's response reflects its understanding that it has invoked the jurisdiction of the First DCA to review final agency action. See § 120.68(1), Fla. Stat. (2020); *Sowell v. State, Dep't of Rev.*, 136 So. 3d 1285 (Fla. 1st DCA 2014); *Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

Petitioners contend that the District's rule 40B-1.1010(2)(a) allows their new petition. However, such an interpretation of the rule cannot be condoned by the undersigned. Such an interpretation would mean that the administrative adjudicatory process would never come to an end as new and former petitioners attempt to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling. The appropriate remedy is to appeal the final agency action.

(ORDER OF DISMISSAL at page 2) (Emphasis supplied)

15. The operative provisions of Rule 40B-1.1010(2)(a), F.A.C. provide, “If final agency action materially differs from a written notice of the DISTRICT’s intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing.” MALWITZ-JIPSON argues that as the DISTRICT’s intended action was to deny the PERMIT and the DISTRICT’s final agency action was to grant the Permit, the DISTRICT’s final action “materially differs” from its intended action triggering Rule 40B-1.1010(2)(a)’s reopening of a 14 day window to file a petition.

16. But ALJ FFOLKES ruled that MALWITZ-JIPSON’s interpretation of Rule 40B-1.1010(2)(a), F.A.C. “cannot be condoned” because it “would mean that the administrative adjudicatory process would never come to an end as new and former petitioners attempt to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling.” (ORDER OF DISMISSAL at page 2) As the DISTRICT has now taken final agency action on the PERMIT, and the rule only reopens a single 14 day window to file a petition after the DISTRICT takes final action, it is unclear why ALJ FFOLKES believes that MALWITZ-JIPSON’s interpretation “would mean that the administrative adjudicatory process would never come to an end.” ALJ FFOLKES did not offer what other possible interpretation of Rule 40B-1.1010(2)(a), F.A.C. could be “condoned” or find that Rule 40B-1.1010(2)(a), F.A.C. was invalid.¹

¹It is also worth noting that the operative language from the DISTRICT’s Rule 40B-1.1010(2)(a), F.A.C. is substantially the same as the operative language contained in (1) the St. Johns Water

17. Therefore it seems likely that ALJ FFOLKES’s belief that MALWITZ-JIPSON’s interpretation of Rule 40B-1.1010(2)(a), F.A.C. “cannot be condoned” is the reason ALJ FFOLKES chose not to hold the DOAH proceedings in abeyance to wait for the First District Court of Appeal’s ruling on the motion to stay and for relinquishment of jurisdiction and entered the ORDER OF DISMISSAL.

EXCEPTIONS

18. While MALWITZ-JIPSON filed exceptions, the statutory provisions concerning exceptions, including the requirement for the DISTRICT to rule on the exceptions, apply only to recommended orders. See, Section 120.57(1)(k), Fla. Stat. (“The agency shall allow each party 15 days in which to submit written exceptions to the recommended order. The final order shall include an explicit ruling on each exception. . .”)

19. As the ORDER OF DISMISSAL is not a recommended order, the requirements concerning exceptions do not apply and this final order need not include an explicit ruling on MALWITZ-JIPSON’s exceptions.

DISTRICT MAY NOT MODIFY OR DEVIATE FROM ALJ FFOLKES RULING

20. Section 120.57(1)(l), Fla. Stat., which provides statutory authority for an agency to modify or reject an ALJ’s findings of facts and/or conclusions of law, concerns only “recommended orders” and is therefore inapplicable to the ORDER OF DISMISSAL.

21. Further, the ORDER OF DISMISSAL was cast as an order determining DOAH’s “subject matter jurisdiction” The DISTRICT does not believe it has the authority to overrule ALJ FFOLKES on the issue of DOAH’s subject matter jurisdiction and compel DOAH to exercise jurisdiction which ALJ FFOLKES has ruled that DOAH lacks.

22. Therefore, the DISTRICT is compelled to dismiss the PETITION for the reasons

Management District’s rule 40C-1.1007(2)(a) (“If the District's Governing Board takes action which substantially differs from a written notice of the District's decision describing intended action, persons who may be substantially affected shall have an additional 21 days, . . . from the date of receipt of notice of said action to request an administrative hearing. . .”); (2) the Southwest Florida Water Management District’s rule 40D-1.1010(2)(a) (“If final agency action materially differs from a written notice of the District's intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing.”); and (3) the South Florida Water Management District’s rule 40E-0.109(2) (“If the District takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, F.A.C., unless otherwise provided by law.”)

set out in the ORDER OF DISMISSAL.

ORDER

The PETITION is dismissed, with prejudice, for the reasons set out in the ORDER OF DISMISSAL.

JUDICIAL REVIEW

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

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

DONE and ORDERED on _____, 2021.

GOVERNING BOARD OF THE SUWANNEE
RIVER WATER MANAGEMENT DISTRICT

By: _____

Virginia H. Johns
Chair

ATTEST: _____

Charles Keith
Secretary / Treasurer

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

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:

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Email: John@AndersonNovember.com

by email on _____, 2021.

Warren Zwanka
Deputy Agency Clerk
Suwannee River Water Management District

EXHIBIT “A”

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

MERRILLEE MALWITZ-JIPSON,

Petitioner,

vs.

Case No. 21-1179

SEVEN SPRINGS WATER COMPANY AND
SUWANNEE RIVER WATER MANAGEMENT
DISTRICT,

Respondents.

ORDER DISMISSING PETITION AND CLOSING FILE

This cause came before the undersigned on the parties' responses to the Order to Show Cause dated March 31, 2021. The parties were directed to brief the undersigned as to why this case should not be dismissed for lack of jurisdiction. *See Sun Ins. Co. v. Boyd*, 105 So. 2d 574, 575 (Fla. 1958)(explaining that a tribunal has jurisdiction to determine its own jurisdiction).

Petitioner, Merrilee Malwitz-Jipson (Petitioner), filed a petition challenging the renewal permit (Permit No. 2-041-218202-3) issued by a Final Order on February 24, 2021. The Final Order was rendered by Respondent, Suwannee River Water Management District (District), after a Recommend Order was entered by an administrative law judge with the Division of Administrative Hearings (DOAH) in consolidated Case Nos. 20-1329 and 20-3581. The DOAH judge entered the Recommended Order after conducting a section 120.57(1), Florida Statutes, evidentiary hearing. *See Seven Springs Water Co. v. Suwannee River Water Mgmt. Dist.*, Case No. 20-3581 (Fla. DOAH Jan. 20, 2021; Fla. SRWMD Feb. 24, 2021). Having rendered the Final Order, under protest, the District appealed the Final

Order to the First District Court of Appeal (DCA) on March 25, 2021 (Case No. 1D21-0888). *See Barfield v. Dep't of Health*, 805 So. 2d 1008, 1013 (Fla. 1st DCA 2001).

The procedural history of *Seven Springs Water* and Case No. 20-3830, which had also been consolidated with it, will not be detailed here. However, that procedural history is accurately outlined in Respondent, Seven Springs Water Company's (Respondent), response to the Order to Show Cause, that took the form of a brief in support of dismissal filed on April 12, 2021.

Petitioner responded to the Order to Show Cause on April 9, 2021. Petitioner argued that she should be able to challenge a legal ruling made by the judge in the *Seven Springs Water* case in a new and separate "informal hearing" under section 120.57(2). Petitioner also advanced that argument in a Motion for Relinquishment of Jurisdiction filed on April 7, 2021. The District responded to the Order to Show Cause on April 12, 2021. The District's response reflects its understanding that it has invoked the jurisdiction of the First DCA to review final agency action. *See* § 120.68(1), Fla. Stat. (2020); *Sowell v. State, Dep't of Rev.*, 136 So. 3d 1285 (Fla. 1st DCA 2014); *Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

Petitioner contends that the District's Florida Administrative Code Rule 40B-1.1010(2)(a) allows her new petition. However, such an interpretation of the rule cannot be condoned by the undersigned. Such an interpretation would mean that the administrative adjudicatory process would never come to an end as Petitioner attempts to get the same tribunals, DOAH and the District, to rehear an unfavorable legal ruling. The appropriate remedy is to appeal the final agency action. *See Id.*

"In an appeal from a final order, the scope of review encompasses all of the decisions made in the lower tribunal until the entry of the final order." *See* Padovano, Fla. App. Prac. § 18:2 (2021). The lower tribunal is divested of jurisdiction to modify or amend the appealed final order. *See Brown v. Brown*, 931 So. 2d 251 (Fla. 1st DCA

2006); *State, Dep't of Envtl. Reg. v. Apelgren*, 611 So. 2d 72 (Fla. 4th DCA 72). The lower tribunal cannot conduct further proceedings and enter orders that would affect or interfere with the subject matter of the appeal, and thus impinge on the appellate court's power and authority to decide the issues raised. *See Bailey v. Bailey*, 392 So. 2d 49 (Fla. 3d DCA 1981).

A separate lower tribunal is also without jurisdiction to proceed with subject matter that is pending on appeal. *See Dep't of Rev. ex rel. Simmons v. Wardlaw*, 25 So. 3d 80, 82 (Fla. 4th DCA 2009). The lower tribunal cannot act if it would interfere with the subject matter of a pending appeal. *See Casavan v. Land O'Lakes Realty, Inc. of Leesburg*, 526 So. 2d 215, 216 (Fla. 5th DCA 1988). Neither the District nor DOAH may proceed because the appellate court's jurisdiction also includes the legal issue raised by Petitioner.

Therefore, having reviewed the responses, and being otherwise advised, it is,

ORDERED that:

1. The petition is DISMISSED for lack of subject matter jurisdiction.
2. The file of the Division is CLOSED, and jurisdiction is relinquished to the Suwannee River Water Management District for entry of an appropriate final order of dismissal. *See Hill v. Div. of Retirement*, 687 So. 2d 1376 (Fla. 1st DCA 1997).

DONE AND ORDERED this 14th day of April, 2021, in Tallahassee, Leon County, Florida.



FRANCINE M. FFOLKES
Administrative Law Judge
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Tallahassee, Florida 32399-3060
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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Stephen Schroeder, Chief, Office of Administration

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

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 MARCH 2021

Property Offers							
Owner	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)	Conservation Easement	Tabled by Lands Committee 6.11.2019. Offeror has contract for sale of property. On hold.
Approved for Detailed Assessment							
Owner	Project Name	Acres	County	Submittal Date	Asking Price	Acquisition Type	Comments
McB-Pinehatchee	Steinhatchee North/ RO Ranch West-Equestrian	2950/1,277	Lafayette		Exchange	Exchange - Fee for Fee	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. Proposed final offer being submitted to Lands Committee 3.9.21 for recommendation to Governing Board. LC approved offer on Governing Board agenda 4.13.21.
Hickman	Alapaha Point	39.8	Hamilton	08.21.19	\$159,200	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. 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			Conservation Easement	Negotiations ongoing.
Crosby Lake	Crosby Lake	1,380	Bradford		TBD	TBD - possibly mixed fee and CE	Approved for detailed assessment and negotiations 12.8.2020. Staff proceeding with discussions and project assessment including Bradford County and the City of Starke. Staff met with Offeror on 2.25.21 to update on status and timelines. Staff met with County and City staff 3.8.21. Joint meeting of County and City commissions being scheduled possibly April or May.
Camp and Abel	Camp and Abel	266	Hamilton	09.23.20	\$948,000	Fee	Approved for detailed assessment and negotiations 12.8.2020. Property being tasked to NFLT for negotiation and assessment.
Pfleiger	Riverbend Estates	1.1	Dixie	03.20.20	\$11,000/Possible exchange	Fee	Staff recommendation to proceed with detailed assessment and negotiations. Approved by Lands Committee on 6.9.2020. Approved by Governing Board agenda on 7.14.2020. In discussions with Offeror to exchange for Timber River parcel in Madison County. Offeror has tentatively agreed to exchange. Contract being prepared. Draft contract submitted to Counsel for review on 3.3.21.
Alachua Conservation Trust	Santa Fe Springs (ACT) a/k/a Zow, Graham Springs	282	Columbia		\$139,041	Conservation Easement	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. ACT comments received and being reviewed. Internal review complete. Will be submitted to legal for final approval. CE submitted for legal review 3.3.21.
Florida Department of Transportation	Quail Heights	40.63	Columbia		\$651,105	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. Lands Committee approved contribution to acquisition costs 11.10.2020. Governing Board approved on consent agenda 12.8.2020. Draft agreement provided by FDOT under review. FDOT contract completed. Resolution for acquisition on Governing Board agenda 5.11.2021.
Harpo Holdings, LLC	Rio Lindo Conservation Easement	313	Gilchrist	10.2.20	TBD based on appraisal	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 unanimously approved. On Governing Board agenda 1.12.21. Approved by Governing Board on 1.12.21. Discussions underway with seller on due diligence cost sharing. Seller is editing SRWMD Template CE for property. Sellers edits received, being reviewed internally.
Lasky	Lasky	351.74	Gilchrist	11.2020	\$855,000	Fee	Being submitted to Lands Committee 3.9.21. Approved for detailed assessment and negotiation by LC 3.9.21. On Governing Board agenda 4.13.21. Approved by Board. Request for quotes for ESA Phase 1 being prepared.
R.L. Henderson	Telford Springs	94	Suwannee	12.2020	\$1,135,000	Fee	Submitted to Lands Committee 3.9.21 as a Springs Restoration program acquisition. Approved by LC on Governing Board agenda 4.13.21. Approved by Governing Board as part of Spring Restoration Grant application.
Adams	Adams Tract	231.1	Madison	08.2020	TBD	Fee	Submitted to Lands Committee 3.9.21 as a Springs Restoration program acquisition. Approved by LC on Governing Board agenda 4.13.21. Approved by Governing Board as part of Spring Restoration Grant application.

Proposed for Surplus

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

Authorized for Surplus

Tract	Acres	County	Acquired Date	Funding	Appraisal Date	Price	Comments
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. Staff is trying to obtain a review appraisal to reconcile disparate appraisals received and determine minimum price for bids.
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.
Newberry Wellfield	58.66	Alachua	1.11.00	P-2000	N/A	\$0	3.9.21 Lands Committee recommended surplus and conveyance to the City of Newberry with specified conditions. Approved by Governing Board 4.13.21. Conveyance documents being drafted for legal review.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Stephen Schroeder, Chief, Office of Administration

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Governing Board Resolution 2021-01 - Quail Heights Parcel Acquisition, Columbia County

RECOMMENDATION

Staff requests the Governing Board approve Resolution 2021-01 for the acquisition of the Quail Heights Parcel in Columbia County consisting of 21.3 acres +/- using PCS Mitigation funds in an amount not to exceed \$670,000.

BACKGROUND

At its December 8, 2020 regular meeting, the Governing Board authorized the Executive Director to enter into a contract with the Florida Department of Transportation (FDOT) for the acquisition of the Quail Heights Parcel for the amount of \$651,105. The agreement calls for the District to acquire 21.3 acres +/- from the FDOT for the approved price and FDOT has requested payment of said funds prior to June 1, 2021 due to fiscal year accounting restraints.

Under the terms of the agreement, the District is required to conduct a survey of the property in order to subdivide from the larger 40.63 acre +/- parcel acquired by FDOT. The District will also be required to perform a title commitment. FDOT has completed Environmental Site Assessments as part of the acquisition and staff is reviewing that report. The District will defer accepting the deed to the property pending the above matters as well as negotiating an agreement for the construction and management of a joint use pond with Columbia County. The deed will be provided to the District or its designee, Columbia County, upon completion of the agreement with Columbia County.

SS/tm
Attachment

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2021-01

**AUTHORIZING THE ACQUISITION OF THE QUAIL HEIGHTS PARCEL LOCATED IN
COLUMBIA COUNTY CONSISTING OF 21.3 ACRES +/- FROM THE FLORIDA
DEPARTMENT OF TRANSPORTATION**

WHEREAS the Suwannee River Water Management District (District) has entered into an agreement with the Florida Department of Transportation (FDOT) for the acquisition of 21.3 acres +/- of real property located in Columbia County and known as Quail Heights. A graphic depiction of said lands being attached hereto as Attachment A; and

WHEREAS the transaction is encompassed within a larger project whereby the District, the FDOT and Columbia County will construct a water retention, water quality enhancement, flood attenuation and stormwater retention facility consisting of an FDOT pond and a joint use pond; and

WHEREAS the parcel lies within the Ichetucknee Springshed Priority Focus Area and is partially within the floodplain; and

WHEREAS the purchase price for said lands shall be \$651,105; and

WHEREAS FDOT has agreed to transfer the property to the District or its designee upon receipt of written direction from the District; and

WHEREAS pending negotiations with Columbia County, the District may relinquish ownership of the land to Columbia County at a future date conditioned upon project cooperation and funding; and

WHEREAS the final acquisition of the parcel is contingent upon acceptance by the District of Environmental Site Assessments conducted by FDOT, a survey and legal description of the parcel and satisfactory evidence of clean and marketable title; and

WHEREAS the funding for this acquisition will be paid from the PCS Mitigation Fund and will include the price of acquisition and related acquisition costs; and

WHEREAS said lands are being acquired in fee simple for water management purposes and the acquisition meets the goals and criteria of section 259.105, Florida Statutes; and

WHEREAS said lands have been appraised by a real estate appraiser and were approved for acquisition after duly noticed public meeting to inform the public of this acquisition.

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

1. The above statements are hereby certified and declared to be true and correct, and the acquisition of said lands are hereby further certified to be consistent with this District's plan of acquisition and Section 373.199, Florida Statutes.
2. The Chair and Secretary of the Governing Board, the Executive Director, the Governing Board attorney and all other officers and employees of the District are hereby authorized and directed to do all things necessary to close and complete the acquisition.
3. The District hereby approves the use of the PCS Mitigation Funds for an amount not to exceed \$670,000 for the purchase price and acquisition costs.

PASSED AND ADOPTED THIS ____ DAY OF _____, _____.

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

MEMBERS OF THE BOARD:

**VIRGINIA H. JOHNS, CHAIR
RICHARD SCHWAB, VICE CHAIR
CHARLES KEITH, SECRETARY/TREASURER
VIRGINIA SANCHEZ
LARRY SESSIONS
HARRY SMITH
LARRY THOMPSON**

ATTEST:

ATTACHMENT A

DEPICTION OF THE LANDS



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Pam Shaw, Chief, Office of Finance

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: March 2021 Financial Report

RECOMMENDATION

Approve the March 2021 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
March 2021**

Financial Institution/Account	Monthly Interest	Interest Rate %	Closing Balance
First Federal Permit Fee	\$0.00		\$500.00
First Federal Accounts Payable	\$0.00		\$35,000.00
First Federal EFT Disbursements	\$0.00		\$0.00
First Federal Depository	\$56.77	0.00%	\$1,325,884.68
Special Purpose Investment Account (SPIA)*	<u>\$53,678.08</u>	1.42%	<u>\$45,795,509.82</u>
TOTAL	<u><u>\$53,734.85</u></u>		<u><u>\$47,156,894.50</u></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 March 31, 2021
(Unaudited)

	Current Budget	Actuals Through 3/31/2021	Variance (Under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 6,034,682	\$ 5,489,590	\$ (545,092)	91.0%
Intergovernmental Revenues	\$ 39,950,983	\$ 3,759,322	\$ (36,191,661)	9.4%
Interest on Invested Funds	\$ 130,000	\$ 386,141	\$ 256,141	297.0%
License and Permit Fees	\$ 163,000	\$ 133,705	\$ (29,295)	82.0%
Other	\$ 1,000,000	\$ 439,164	\$ (560,836)	43.9%
Fund Balance ¹	\$ 11,789,923	\$ 367,185	\$ (11,422,738)	3.1%
Total Sources	\$ 59,068,588	\$ 10,575,107	\$ (48,493,481)	17.9%

	Current Budget	Expenditures	Encumbrances ²	Available Budget	%Expended	%Obligated ³
Uses						
Water Resources Planning and Monitoring	\$ 11,309,318	\$ 2,306,095	\$ 3,824,814	\$ 5,178,409	20%	54%
Acquisition, Restoration and Public Works	\$ 37,812,028	\$ 2,646,474	\$ 22,185,643	\$ 12,979,911	7%	66%
Operation and Maintenance of Lands and Works	\$ 6,127,699	\$ 1,272,365	\$ 1,433,520	\$ 3,421,814	21%	44%
Regulation	\$ 1,894,389	\$ 772,927	\$ 38,118	\$ 1,083,344	41%	43%
Outreach	\$ 243,657	\$ 72,372	\$ -	\$ 171,285	30%	30%
Management and Administration	\$ 1,681,497	\$ 708,285	\$ 72,474	\$ 900,738	42%	46%
Total Uses	\$ 59,068,588	\$ 7,778,518	\$ 27,554,569	\$ 23,735,501	13%	60%

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 March 31, 2021 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 3/31/2021

	Y-T-D ACTUAL	ENCUMBRANCE	ANNUAL BUDGET
<u>Report Recap -</u>			
REVENUES			
DISTRICT REVENUES	6,448,600	0	7,327,682
LOCAL REVENUES	86,480	0	86,480
STATE REVENUES	3,295,069	0	36,208,503
FEDERAL REVENUES	377,773	0	3,656,000
FUND BALANCE UTILIZATION	367,185	0	11,789,923
TOTAL REVENUES	10,575,107	0	59,068,588
EXPENDITURES			
SALARIES AND BENEFITS	2,882,172	0	6,709,559
CONTRACTUAL SERVICES	2,349,878	9,097,385	22,052,900
OPERATING EXPENDITURES	457,732	140,822	1,810,700
OPERATING CAPITAL OUTLAY	625,991	88,686	410,044
FIXED CAPITAL OUTLAY	18,896	161,744	5,077,000
INTERAGENCY EXPENDITURES	1,443,849	18,065,932	23,008,385
TOTAL EXPENDITURES	7,778,518	27,554,569	59,068,588
EXCESS REVENUES OVER (UNDER) EXPENDITURES	2,796,589	(27,554,569)	0
<u>General Fund -</u>			
REVENUES			
DISTRICT REVENUES	5,896,298	0	4,938,432
LOCAL REVENUES	86,480	0	86,480
STATE REVENUES	1,312,356	0	2,740,000
FEDERAL REVENUES	0	0	0
FUND BALANCE UTILIZATION	0	0	1,866,522
TOTAL REVENUES	7,295,134	0	9,631,434
EXPENDITURES			
SALARIES AND BENEFITS	2,269,305	0	5,181,595
CONTRACTUAL SERVICES	273,972	591,115	2,074,290
OPERATING EXPENDITURES	244,008	83,171	1,016,233
OPERATING CAPITAL OUTLAY	76,001	0	253,336
FIXED CAPITAL OUTLAY	0	0	0
INTERAGENCY EXPENDITURES	365,527	408,230	1,105,980
TOTAL EXPENDITURES	3,228,813	1,082,516	9,631,434
EXCESS REVENUES OVER (UNDER) EXPENDITURES	4,066,321	(1,082,516)	0
<u>Land Management Operations -</u>			
REVENUES			
DISTRICT REVENUES	386,183	0	2,314,250
LOCAL REVENUES	0	0	0
STATE REVENUES	856,094	0	2,290,119
FEDERAL REVENUES	0	0	40,000
FUND BALANCE UTILIZATION	0	0	2,020,330
TOTAL REVENUES	1,242,277	0	6,664,699
EXPENDITURES			
SALARIES AND BENEFITS	341,237	0	786,979
CONTRACTUAL SERVICES	667,279	1,154,932	3,328,610
OPERATING EXPENDITURES	211,680	47,211	722,467
OPERATING CAPITAL OUTLAY	10,482	0	156,708
FIXED CAPITAL OUTLAY	18,896	161,744	977,000
INTERAGENCY EXPENDITURES	42,722	69,633	692,935
TOTAL EXPENDITURES	1,292,296	1,433,520	6,664,699
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(50,019)	(1,433,520)	0

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
STATEMENT OF ACTIVITY - REVENUE AND EXPENSE ROLLUP (UNAUDITED)
FOR 3/31/2021

	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	367,185	0	5,319,470
TOTAL REVENUES	367,185	0	5,319,470
EXPENDITURES			
SALARIES AND BENEFITS	0	0	0
CONTRACTUAL SERVICES	216,242	1,054,745	2,250,000
OPERATING EXPENDITURES	0	0	30,000
OPERATING CAPITAL OUTLAY	15,265	0	0
FIXED CAPITAL OUTLAY	0	0	0
INTERAGENCY EXPENDITURES	135,679	870,452	3,039,470
TOTAL EXPENDITURES	367,186	1,925,197	5,319,470
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(1)	(1,925,197)	0
<u>State Special Revenue -</u>			
REVENUES			
DISTRICT REVENUES	166,119	0	0
LOCAL REVENUES	0	0	0
STATE REVENUES	1,126,619	0	31,178,384
FEDERAL REVENUES	0	0	0
FUND BALANCE UTILIZATION	0	0	2,583,601
TOTAL REVENUES	1,292,738	0	33,761,985
EXPENDITURES			
SALARIES AND BENEFITS	271,362	0	724,985
CONTRACTUAL SERVICES	722,247	4,708,561	10,749,000
OPERATING EXPENDITURES	2,044	10,440	36,000
OPERATING CAPITAL OUTLAY	524,244	88,686	0
FIXED CAPITAL OUTLAY	0	0	4,100,000
INTERAGENCY EXPENDITURES	899,921	16,717,617	18,152,000
TOTAL EXPENDITURES	2,419,818	21,525,304	33,761,985
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(1,127,080) *	(21,525,304)	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	377,773	0	3,616,000
FUND BALANCE UTILIZATION	0	0	0
TOTAL REVENUES	377,773	0	3,691,000
EXPENDITURES			
SALARIES AND BENEFITS	268	0	16,000
CONTRACTUAL SERVICES	470,138	1,588,031	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	470,406	1,588,031	3,691,000
EXCESS REVENUES OVER (UNDER) EXPENDITURES	(92,633) *	(1,588,031)	0
<i>*To be reimbursed by Grants</i>			

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Pam Shaw, Chief, Office of Finance

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Payment in Lieu of Taxes

RECOMMENDATION

Approve Payment in Lieu of Taxes in the amount of \$361,711.97.

BACKGROUND

In order to offset the effect on the tax rolls of the small counties from public acquisition of land, the Legislature enacted the Payment in Lieu of Taxes program (PILT) in 1992. Each year, the District works with the county commissions and staff to prepare applications for properties purchased or sold during the previous calendar year. The payment for a particular parcel is equal to the average of the actual taxes paid for the three years prior to the District's acquisition of the property. The reimbursement amount is only calculated one time, and that payment is paid for as long as the District owns the property, and for so long as the county qualifies for PILT. All counties within the District that have an estimated population of 150,000 or fewer as of April 1 qualify for PILT. Population levels shall be determined pursuant to 186.901 Florida Statute.

PILT only applies to fee simple properties owned by the District. Unless otherwise exempted, landowners continue to pay the taxes for lands on which the District holds conservation easements, and the parcels are still reassessed on a regular basis by the property appraiser's office. Once the tax information is obtained from the counties, the acquired property information is sent to the Department of Revenue for certification.

For the 2020 tax year, 12 counties applied for PILT for a total of \$361,711.97. The reimbursement amounts for each county are shown in Attachment A. The state appropriated \$352,909 for the District for PILT. The District's Fiscal Year 2020-2021 budget includes \$360,000 for PILT. The balance of PILT will be paid from Ad Valorem revenues.

PS/tm
Attachment

ATTACHMENT A

TAX YEAR 2020 SCHEDULE FOR
PAYMENT IN LIEU OF TAXES FOR FY21

BRADFORD	\$ 21,159.28
COLUMBIA	\$ 37,269.71
DIXIE	\$ 20,965.17
GILCHRIST*	\$ 61,917.22
HAMILTON	\$ 37,036.13
JEFFERSON	\$ 9,682.99
LAFAYETTE	\$ 77,581.69
LEVY	\$ 30,401.84
MADISON	\$ 19,935.12
SUWANNEE	\$ 28,320.81
TAYLOR	\$ 16,609.30
UNION	\$ 832.71
TOTAL	\$ 361,711.97

*Gilchrist County's PILT payment includes a refund of \$3,328.60 to correct a prior year reduction for costs of Otter Springs entrance road improvements. This loan was fully paid in FY 2019-2020.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Pam Shaw, Chief Financial Officer, Office of Finance

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Fiscal Year 2019 - 2020 Financial Audit

RECOMMENDATION

Accept the Fiscal Year 2019 - 2020 Financial Audit Report from Powell and Jones, CPAs.

BACKGROUND

Powell and Jones, Certified Public Accountants (CPA), has prepared the Fiscal Year 2019 - 2020 Financial Audit Report. Staff provided support to Powell and Jones during the preparation of the report. This report:

1. Contains the District's financial statements and accompanying notes and schedules;
2. Reflects the financial activities for Fiscal Year 2019 - 2020;
3. Contains the auditor's opinion that the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the District as of September 30, 2020; and
4. Contains no findings.

Richard Powell from Powell and Jones, CPA, presented the Fiscal Year 2019 - 2020 Financial Audit Report to the Audit Committee at its April 13, 2021 Audit Committee Meeting. The Audit Committee voted to accept the report to be sent to the Governing Board for acceptance.

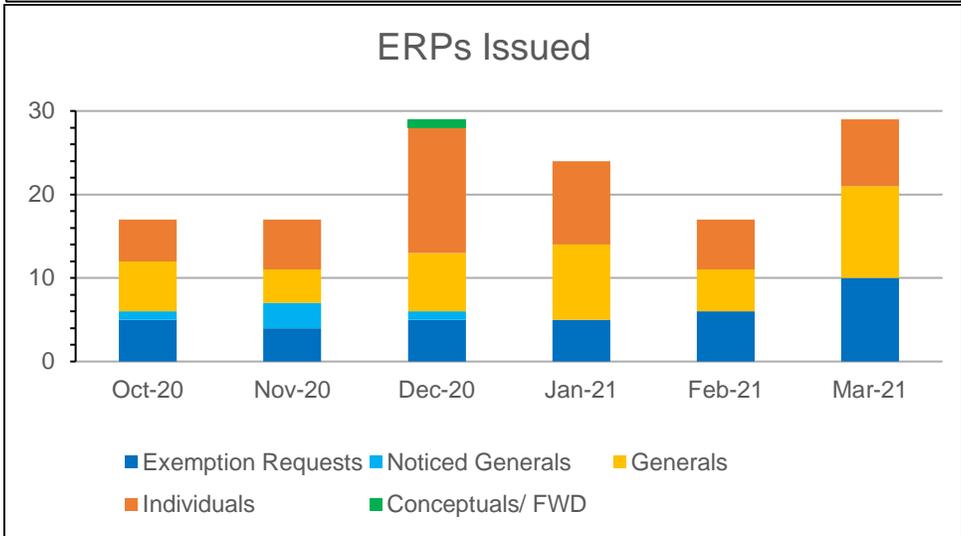
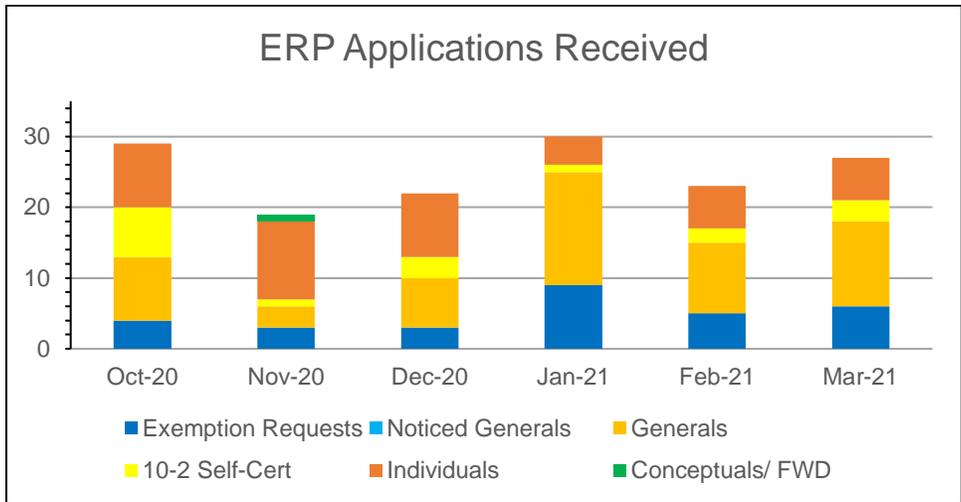
To view a copy of the audit, visit the [District's website](#).

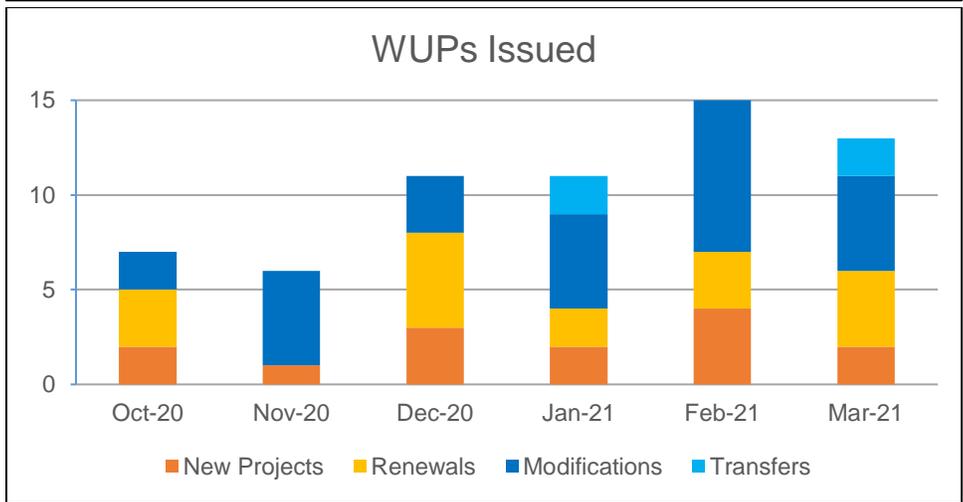
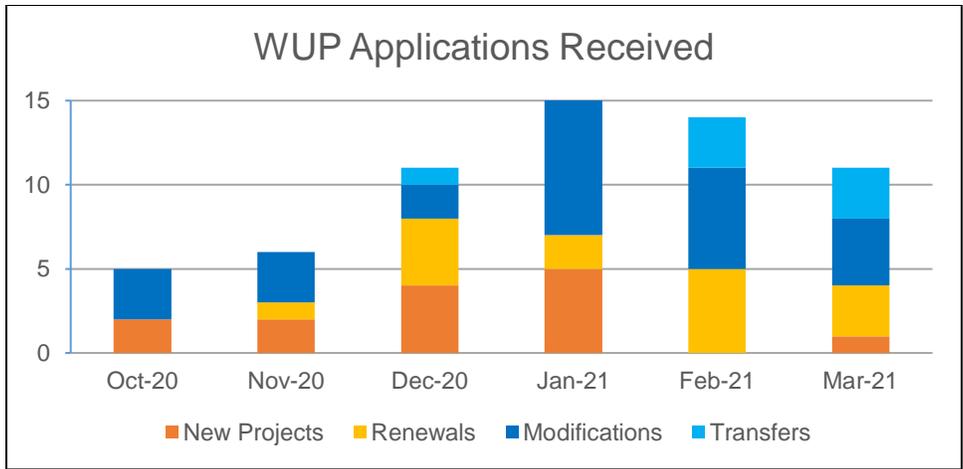
PS/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

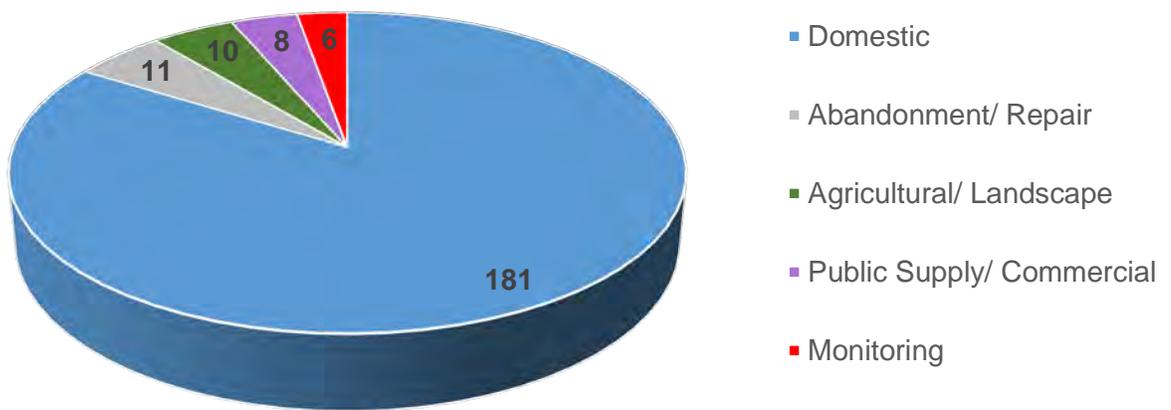
MEMORANDUM

TO: Governing Board
FROM: Warren Zwanka, Director, Division of Resource Management
THRU: Tim Alexander, Deputy Executive Director, Business and Community Services
DATE: April 30, 2021
RE: Permitting Summary Report





Water Well Permits Issued March 2021



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	

40B-1.703 Consideration of Permit Apps

GB Authorized Rulemaking	
Notice of Rule Development	
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Effective Date	

40B-1.704 Bond

GB Authorized Rulemaking	
Notice of Rule Development	
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Effective Date	

40B-1.706 Fees

GB Authorized Rulemaking	
Notice of Rule Development	
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Effective Date	

40B-1.709 Susp., Revoc., Mod. of Permits

GB Authorized Rulemaking	
Notice of Rule Development	
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Effective Date	

40B-1.1010 Pt. of Entry into Proceedings

GB Authorized Rulemaking	
Notice of Rule Development	
Public Workshop	
Notice of Proposed Rule	
Notice of Rule Change	
Mail to DOS	
Repealed	

Compliance Agreements:

None to report

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Warren Zwanka, Director, Division of Resource Management

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Rulemaking to Amend Rules 40B-4.1110, 40B-4.1140, 40B-4.3020, and 40B-4.3040 for Works of the District Permits

RECOMMENDATION

Authorize staff to amend Works of the District rules 40B-4.1110, 40B-4.1140, 40B-4.3020, and 40B-4.3040, Florida Administrative Code.

BACKGROUND

This recommended rulemaking includes publishing a Notice of Rule Development, publishing a Notice of Proposed Rule, and filing the proposed rules and any changes that do not change the intent of the rulemaking with the Department of State if no objections are received. It also includes authorizing the Executive Director to certify that violations of the rules would not be minor violations pursuant to section 120.695, Florida Statutes.

The intent of the rule amendments shown in Attachment A are as follows:

- 40B-4.1110, Florida Administrative Code (F.A.C.) (Modification of Permits) amendments add criteria under which an activity may qualify as a minor modification.
- 40B-4.1140, F.A.C. (Limiting Conditions on Permits) amendments add newly defined terms to make the rule more understandable to the regulated public.
- 40B-4.3020, F.A.C. (Content of Works of the District Permit Applications) amendments further clarify for the regulated public the application requirements for each type of Works of the District (WOD) permit, including exemption requests; and simplify the WOD application form (Attachment B).
- 40B-4.3040, F.A.C. (Unlawful Use of Works of the District) amendments further clarify the responsible party in WOD violations for the regulated public.

These amendments largely clarify existing rule or reduce regulatory burdens; therefore, staff has determined that the requested rulemaking will have no adverse impact on the regulated public.

WZ/tm
Attachments

Attachment A

40B-4.1110 Modification of Permits.

(1) An application for modification of permits shall be processed in accordance with this rule, unless the permit is otherwise revoked, suspended, or has expired.

(2) The District has the authority to modify a permit issued pursuant to this chapter at any time if it determines that the work or development in a Work of the District is in violation of any District rule, order or a condition of the permit and has or may become a danger to public health or safety. Before any such modification, the District shall give affected persons notice of the proposed modification with the reasons for such modification and reference to applicable District rule, order, or permit conditions. The notice shall state that affected persons may request an administrative hearing by filing a petition for such hearing with the District. In no event shall the time for filing said petitions be more than 14 days from the date the notice was sent or published, and no such modification shall be made without a hearing if requested.

(3) When the executive director or their designee determines that the danger to the public is imminent or that violations to these rules will result in adverse impacts to adjacent landowners, he/she shall order a temporary suspension of construction, alteration, repair, or operation of the work or development in a Work of the District; or he/she shall specify temporary conditions for continued operation, alteration, repair, or development until a hearing is complete or the District otherwise issues a final order; or the executive director or their designee may take appropriate action pursuant to Rule 40B-4.1170, F.A.C.

(4) Requests to modify permits for construction or operation may be made by application or by letter. Permit modifications shall meet the criteria of this chapter and shall be classified as major modifications unless they meet any of the criteria in subsection (5) or (6) below.

~~(a)(5)~~ A minor modification to a Works of the District permit shall be granted provided that the modification is for the extension of a permit duration with no proposed changes to the previously permitted activity.

~~(b)(6)~~ The proposed modification in addition to the previously permitted noticed general or authorized exempt activity pursuant to Rule 40B-4.1070, F.A.C., meets noticed general Works of the District permit criteria and the criteria below: A minor modification to a Works of the District permit shall be granted provided that the proposed modification does not exceed Noticed General permit criteria, unless:

1. All application documents required in Rule 40B-4.3020, F.A.C., have been submitted; and

2. All previously required limiting permit conditions have been met;

~~(c)(a)~~ The proposed activity is inside of the 50-foot obstruction shadow of an authorized structure and meets the requirements of paragraph 40B-4.1110(4)(b)1. and 2., F.A.C.; ~~The proposed modification in addition to the previously permitted noticed general or authorized exempt activity pursuant to Rule 40B-4.1070, F.A.C., meets either general or individual Works of the District permit criteria;~~

~~(d)(b)~~ The proposed modification to a previously permitted general or individual Works of the District permit meets the noticed general or exemption criteria and meets the requirements of paragraph 40B-4.1110(4)(b)1. and 2., F.A.C.; ~~or The proposed work is outside of the 50-foot obstruction shadow of an authorized structure;~~

~~(e)(e)~~ The proposed modification has already been included in a perviously permitted zero-rise report and meets the requirements of paragraph 40B-4.1110(4)(b)1. and 2., F.A.C. ~~All application documents required in Rule 40B-4.3020, F.A.C., have not been submitted; or~~

~~(d)~~ All previously required limiting permit conditions have not been met.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.57, 120.60, 373.084, 373.085, 373.429, 373.439 FS. History—New 9-25-85, Amended 12-22-92, 10-14-13, 1-24-2, [DATE].

40B-4.1140 Limiting Conditions on Permits.

(1) The ~~District~~district may impose on permits granted under this chapter such reasonable conditions as are necessary to assure that the permitted project, activities, operations, or development in a Work of the District~~work of the district~~ will be consistent with the overall objectives of the ~~District~~district, will not be harmful to the water

resources in the ~~District~~district, and will not endanger public health or safety.

(2) The following standard limiting conditions shall be a part of all permits issued pursuant to this chapter unless waived or modified by the District.

(a) The permittee shall perform all construction authorized in a manner so as to minimize adverse impacts to fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during construction, including riprap, reinforcement, or compaction of any fill materials placed around newly installed residential and non-residential structures, to minimize erosion, turbidity, nutrient loading, and sedimentation in the receiving waters.

(b) Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain performance based erosion and sediment control best management practices. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03047>. This document is incorporated herein by reference and may be obtained from the District website at <http://www.mysuwanneeriver.com/Permitting>, or by writing to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. If project-specific conditions require additional measures beyond those specified in the erosion and sediment control plan, if approved as part of the permit, the permittee shall implement the additional best management practices as necessary. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources or adjacent properties.

(c) Noticed General and General permits shall be transferred to the operational and maintenance phase automatically upon the completion of the work or development in a Work of the District~~work of the district~~. The operational and maintenance phase of individual permits shall be transferred following the criteria in the Applicant's Handbook Volume II and Chapter 62-330, F.A.C. Abandonment permits will not become effective until the owner or his authorized agent certifies that all facilities have been removed in accordance with the permit. Within 30 days after the completion of the removal of the work or development in a Work of the District~~work of the district~~, the owner or his authorized agent shall complete an As-Built Certification Form 40B-1.901A. When the completed removal of the work or development in a Work of the District~~work of the district~~ differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the removal of the work or development in a Work of the District~~work of the district~~ is complete and ready for inspection. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(d) No change.

(e) Off-site discharges during and after construction shall be made only through the facilities authorized by the permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the District~~district~~. Such discharges may be subject to operating schedules established by the District~~district~~.

(f) The permittee shall hold and save the District~~district~~ harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, alteration, abandonment, work, or development in a Work of the District~~work of the district~~ which is authorized by the permit.

(g) No change.

(h) This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any activity approved by this permit. It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of federal, state, or local government or special District~~district~~. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(i) through (j) no change.

(k) Each phase or independent portion of the permitted work or development in a Work of the District~~work of the district~~ must be completed in accordance with the permit conditions prior to the initiation of the permitted use of site

infrastructure located within the area served by that portion or phase of the work or development. Each phase or independent portion of the work or development must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the work or development to an approved entity.

(1) through (s) no change.

(3) In addition to the standard limiting conditions set forth in subsection 40B-4.1140(2), F.A.C., the Governing Board shall impose on any permit granted under this chapter, such reasonable project-specific conditions as are necessary to assure that the permitted work or development in a Work of the District~~work of the district~~ will meet the conditions for issuance in Chapter 40B-4, F.A.C. Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with Chapter 28-106, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.117, 373.171 FS. Law Implemented 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04, 11-3-08, 10-14-13, [DATE].

40B-4.3020 Content of Works of the District Permit Applications.

(1) Applications for exemption requests and all noticed general or general Works of the District~~works of the district development~~ permits shall be filed with the District~~district~~ and shall contain all of the following:

(a) Form 40B-4.3020, "Application for a Work of the District Permit for District Floodways," [HYPERLINK]http://www.flrules.org/Gateway/reference.asp?No=Ref_03167, effective [DATE]~~August 1, 2013~~. This document is incorporated herein by reference and may be obtained from the District website at <http://www.mysuwanneeriver.com/Permitting>, or by writing to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. ~~The application form contains the following:~~

1. ~~The applicant's name and complete address including zip code;~~
2. ~~The owner's name and complete address if applicant is other than the owner;~~
3. ~~If applicable, the name, complete address, phone number, and contact person of the applicant or owner;~~

(b) Copies of all permits received from local units of government, state, or federal agencies, including the onsite sewage disposal system permit any variances issued thereto, ~~and a copy of the onsite sewage disposal system permit issued by the Florida Department of Health under Chapter 64E-6, F.A.C.;~~

(c) For exemption requests and noticed general Works of the District~~work of the district~~ permits, a site plan to scale showing all improvements, works, or development prepared by the applicant or his agent. For all other general Works of the District~~work of the district~~ permits, a site plan to scale showing all improvements, works or development with any conditions or limitations placed thereon prepared by a registered professional including plan and profile views with relevant elevations noted such as the elevation of the lowest structural member and benchmark shown. For exemption requests, both noticed general and general Works of the District~~work of the district~~ permits, the site plan shall show the location of all trees to be removed which are greater than six inches diameter as measured at four feet, six inches above the natural ground;

(d) For exemption requests and noticed general Works of the District~~work of the district~~ permits a building plan prepared by the applicant or his agent. For all other general Works of the District~~work of the district~~ permits, a building plan prepared or submitted by a registered professional showing profile and detail views of the pilings, the elevation of the lowest structural member, ~~and~~ any building components within the area below the 100-year flood/one percent annual chance of flood elevation, ~~and any residential or non-residential structures which are shadowed within 50 feet of the largest obstruction footprint; and~~

(e) For exemptions and noticed general permits, calculations, designs, surveys, or applicable documents, which support the application and applicable legal documents,

(f) For general, individual and conceptual permits, a signed and sealed survey that includes the top of bank, 75-foot setback, floodway line, Ordinary High Water Line, all easements, existing structures, property lines, benchmarks,

(g) For general, individual and conceptual permits, a zero-rise certification signed and sealed by a Florida registered professional. Such certification shall follow the criteria in Applicant's Handbook Volume II section 3.6.6. and include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate. The certification shall, include, at a minimum, a location map showing existing and added channel cross sections, a

scaled graphical representation of channel geometry for each cross section used in the calculation, a scaled graphical representation of floodway encroachments for pre-development and post-development conditions, pre-development calculations matching existing conditions, and post-development calculations showing the rise in flood elevation.

(h) For general, individual and conceptual permits, an Erosion, Sedimentation and Turbidity Control Plan that includes performance based erosion and sediment control best management practices in accordance with the guidelines and specifications described in the State of Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03047>.

(i) For Individual and conceptual permits that propose commercial works or development in a Work of the District, a signed and sealed calculation of the setback from the top of bank.

(j) For general, individual and conceptual permits all other calculations, designs, surveys, or applicable documents, prepared by a registered professional and applicable legal documents which support the application.

~~(k)(e)~~ Calculations, designs, surveys, or applicable documents, which support the application.

~~(f)~~ Applicants must provide copies of legal documents demonstrating ownership.

~~(l)(g)~~ Where applicable, the applicant must provide the name and address of the person who prepared the plans and specifications of construction.

~~(m)(h)~~ Where applicable, the applicant must provide the name and address of the person who will construct the proposed work.

~~(2) Applications for individual or conceptual works of the district permits shall be filed with the district and shall contain the following:~~

~~(a) Form 40B 4.3020, "Application for a Work of the District Permit for District Floodways," This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com. The application form contains the following:~~

~~1. The applicant's name and complete address including zip code;~~

~~2. The owner's name and complete address if applicant is other than the owner;~~

~~3. If applicable, the name, complete address, phone number, and contact person of the owner.~~

~~4. General project information including:~~

~~a. The applicant's project name or identification number;~~

~~b. The project location relative to county, section, township, and range, or a metes and bounds description;~~

~~c. The total project area in acres;~~

~~d. The total land area owned or controlled by the applicant or owner which is contiguous with the project area;~~

~~e. A description of the scope of the proposed project including the land uses to be served;~~

~~f. A description of the proposed surfacewater management system or work;~~

~~g. A description of the water body or area which will receive any proposed discharges from the system; and~~

~~h. Anticipated beginning and ending date of construction or alteration.~~

~~(b) Copies of all permits received from, or applications made to, local units of government, state, or federal agencies.~~

~~(c) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared or submitted by a registered professional.~~

~~(d) Calculations, designs, and surveys, prepared by a registered professional and applicable legal documents, which support the application.~~

~~(e) Copies of engineer or surveyor certifications required by this chapter.~~

~~(f) Applicants must provide copies of legal documents demonstrating ownership.~~

~~(g) Where applicable, the applicant must provide the name and address of the person who prepared the plans and specification of construction.~~

~~(h) Where applicable, the applicant must provide the name and address of the person who will construct the proposed work.~~

Rulemaking Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86, 9-13-04, 8-8-07, 7-6-08, 4-1-10, 10-14-13, [DATE].

40B-4.3040 Unlawful Use of Works of the District.

(1) It shall be unlawful to connect with, place a structure in or across, or otherwise cause development to occur in a ~~Work of the District~~~~work of the district~~ without a ~~Works of the District~~~~works of the district~~ development permit. The ~~District~~~~district~~ may use any remedy available to it under Chapter 120 or 373, F.S., and Chapter 40B-1, F.A.C., to cause an unpermitted work or development to be removed or permitted.

(2) It shall be unlawful for any permitted use to violate the provisions of Chapter 373, F.S., or this chapter, or limiting conditions of a ~~Works of the District~~~~works of the district~~ development permit. The ~~District~~~~district~~ may use any remedy available to it under Chapter 120 or 373, F.S., and Chapter 40B-1, F.A.C., to cause the unpermitted use or development to be removed or brought into compliance with Chapter 373, F.S., and this chapter.

(3) Damage to ~~Works of the District~~~~works of the district~~ resulting from violations specified in subsections 40B-4.3040(1) through (2), F.A.C., above shall be repaired by the ~~land or riparian rights owner~~~~viator~~.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 9-13-04, 5-8-05, 8-8-07, 10-14-13, [DATE].



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

APPLICATION FOR A WORK OF THE DISTRICT PERMIT FOR DISTRICT FLOODWAYS FORM 40B-4.3020

Please provide complete information for the items on this application. Applicants should consult the listings of content and conditions for use of a permit in 40B-4.3020 and 40B-4.3030, Florida Administrative Code (F.A.C.). This information may be found on www.mysuwanneeriver.com. For a general permit to be valid, all of the information required on this application must be supplied and the proposed development must meet the conditions listed in 40B-4.3030, F.A.C. **This form is not intended for wetland related activities.**

Application Type: New Permit Modification to Existing Permit Exemption Request

Existing Permit Number and/or Related District Permit Numbers: _____

Name of Project: _____

Parcel Number(s): _____

Owner's Name: _____ Telephone Number: _____

Title and Company: _____

Mailing Address: _____

Project Location Address: _____

E-Mail Address: _____

County of Project: _____ Project Size (acres): _____

Agent (if applicable): _____

Total square feet of proposed over water structures: _____

Project Description (please check all that apply):

- Residence
- Boardwalk
- Deck
- Floating Dock
- Non-floating Dock
- Boat Ramp/Seawalls/Retaining Walls/Rip-Rap
- Shed/Pole Barn

A Works of the District Permit is authorized by Chapter 40B-4, F.A.C., which requires permittees to comply with all limiting conditions listed in rule 40B-4.3030, F.A.C. Submission of this application and subsequent development under the provisions of the permit constitutes agreement by the permittee to abide by these conditions. Failure to abide by these conditions may constitute a violation of District rules and result in District enforcement action.

Signature of the OWNER of the property on which the development will occur. _____ Date _____

Water for Nature. Water for People.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Below is a list of items that may be beneficial to include with the application package. Please use this list as a guide when submitting your application.

1. All Activities

- Project location map that clearly depicts the location of all proposed activities
- Location of property lines, including linear feet of shoreline owned by the applicant
- Mean high water line (MHWL) (tidal waters) or ordinary (or seasonal) high water line (OHWL) (non-tidal waters)
- The location and dimensions (length, width, height) of all existing and proposed structures or works located in, on, or over wetlands or other surface waters, within the project area
- Detailed cross-section views with complete dimensions
- The boundaries, size (square feet and acres) and type of each wetland (including herbaceous, forested, mangroves, seagrass and other submerged/emergent vegetation) and other surface water in the project area
- Clearly shade or hatch each dredge or fill area, and label with the area (acres and square feet) and volume (cubic yards)
- Location and type of all proposed turbidity, erosion and sedimentation control measures

2. Docks, Piers, Boat Slips and Ramps

- Profile-view drawings that clearly show the elevation of the structure above MHWL (tidal waters) or OHWL (non-tidal waters), and water depth, in relation to mean low water (tidal waters) or ordinary or seasonal low water (non-tidal waters) at mooring sites and the bottom of the boat ramp (if applicable)
- Show width of waterway and the path and distance between the waterward end of the structure and the nearest marked navigation channel
- Number each slip
- Show and label width of deck planks and plank spacing

3. Seawalls and Other Shoreline Stabilization

- Location of the proposed structures in relation to MHWL (tidal waters), or OHWL (non-tidal waters), including measurements from at least 3 fixed structures or in relation to the existing structure(s), and location of new structure
- Cross-section drawings depicting the proposed shoreline stabilization structures (including geotextile fabric, anchors/tiebacks, and other features, if applicable) that clearly show the slope ratio (horizontal:vertical)
- Show how your structure will tie into neighboring structures, if applicable
- For living shorelines, identify the proposed plant species, and for each species, indicate the locations, spacing and elevations relative to the mean high and low (for tidal waters) or ordinary or seasonal high (for non-tidal waters) water line

Water for Nature. Water for People.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Patrick Webster, Chief, Office of Agriculture and Environmental Projects

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Florida Department of Environmental Protection Alternative Water Supply and Conservation Funds Agreements

RECOMMENDATION

Authorize the Executive Director to enter into an agreement with the Florida Department of Environmental Protection to receive alternative water supply and conservation funds and to enter into agreements with the appropriate entities to implement the projects.

BACKGROUND

Governor DeSantis and the Florida Legislature included funding for alternative water supplies for the water management districts in Chapter 2020-111, Laws of Florida, Fiscal Year 2020-2021 (FY 2021) General Appropriations Act.

A total of \$1,800,000 line item 1622 was appropriated from the Water Protection and Sustainability Program Trust Fund of which ten percent, or \$180,000, is allocated to the District pursuant to subsection 373.707(8)(b), Florida Statutes. The funding can be used for the development of alternative water supplies and conservation projects.

- On November 10, 2020, the Governing Board approved Resolution No. 2020-11, authorizing the Executive Director to make a request to the Florida Department of Environmental Protection (FDEP) to encumber and release \$180,000 from the Water Protection and Sustainability Trust Fund.

Additionally, on November 12, 2019, the Governing Board authorized the Executive Director to enter into agreements with the FDEP to receive \$5.4 million for Alternative Water Supply (AWS) grant funds and to enter into agreements to implement the projects. One of the projects approved was the Public Water Supply Efficiency Project which will provide a portion of the funding for this project.

District staff collaborated with local governments and interested stakeholders and invited them to submit project concepts for funding. District staff has selected three projects for this funding which are outlined in the attached table.

Funding for these projects will be provided by the FDEP through the approval of \$180,000 from the Water Protection and Sustainability Program Trust Fund and other funding sources as outlined in the attached table.

Funding for these projects is included in the Fiscal Year 2020-2021 Final Budget under account codes 06-6-930-7-2201-39-01 and 03-6930-7-2201-38-05.

PW/tm
Attachment

FY 2021 / 2022 Water Protection and Sustainability Funds Recommended Projects

No.	Project Name	Cooperator	Resource Benefit	WSPSP Revenue Requested	Match Funds	Total Estimated Cost
1	Ft. White Water Main Loop	Ft. White, Town of	Water Conservation Lower Santa Fe Ichetucknee Rivers	\$16,355	\$129,000	\$145,355
2	High Springs Water Main Loop	High Springs, City of	Water Conservation Lower Santa Fe Ichetucknee Rivers	\$85,160	\$162,840	\$248,000
3	Potable Water Improvements - Maple St.	Live Oak, City of	Water Conservation Middle Suwannee River	\$78,485	\$15,224	\$93,709
TOTAL COSTS				\$180,000	\$307,064	\$487,064

WSPSP Water Protection and Sustainability Program

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

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

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Contract to Provide Cost-Share Funding to Southern Cross Organics and Energy, LLC, Suwannee County

RECOMMENDATION

Authorize Executive Director to enter into contract with Southern Cross Organics and Energy, LLC for an amount not to exceed \$636,714.49.

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. In Fiscal Year 2011-2012 (FY 2012), the Governing Board allocated \$7 million to the program.

At the September 2016 Governing Board meeting, the Board authorized the Executive Director to execute a Springs Funding agreement with FDEP for improvements in dairy wastewater systems to reduce nutrient impacts and/or conserve water for an amount totaling \$1,500,000.

Southern Cross Organics and Energy, LLC (SCOE) proposes to expand their existing wastewater storage capacity from about 1.7 million gallons to approximately 29 million gallons. This project will greatly improve the dairy's ability to store wastewater and deliver nutrients to crops in their spray fields in response to and in line with crop needs while also reducing the total amount of nitrogen indeterminately being applied to spray fields as a consequence of day-to-day wastewater management.

In addition to the environmental benefits associated with this dairy lagoon expansion project, an additional 260 acres of spray field area are planned (outside of the scope of this project) which will allow SCOE to expand their wastewater distribution footprint for providing nutrients at the right time in the right place in accordance with crop nutrient demand.

Overall, the increase in wastewater storage associated with this lagoon expansion project is estimated to reduce the amount of the dairy's wastewater nitrogen that is currently leached to groundwater by over 70%.

The total cost of this project is estimated to be \$848,952.65. FDEP Dairy Wastewater Improvements Funding (LP6103C) will contribute approximately \$100,000, or all of the remaining funds in that grant District cost-share will contribute the remaining 75% of the project cost. The producer will contribute approximately \$212,238.16 or 25% of the project cost. See Exhibit A for a project cost breakdown. See Exhibit B for the site map and Exhibit C for the construction plan.

Funding for this project is included in the FY 2021 Final Budget under account code(s) 06-0610 0-2400-06-05, and 51-2586-7-2400-06-07.

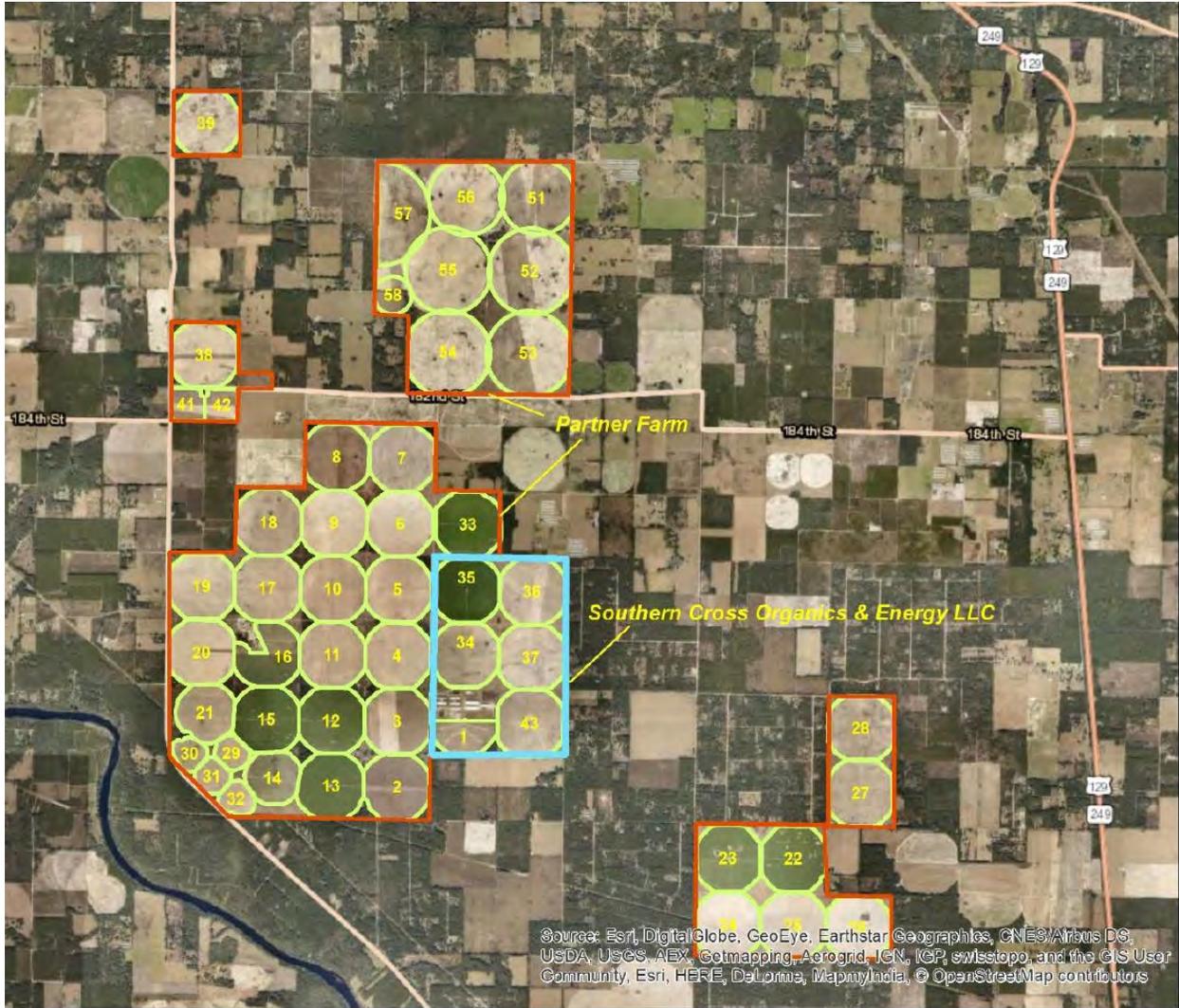
LMS/tm
Attachments

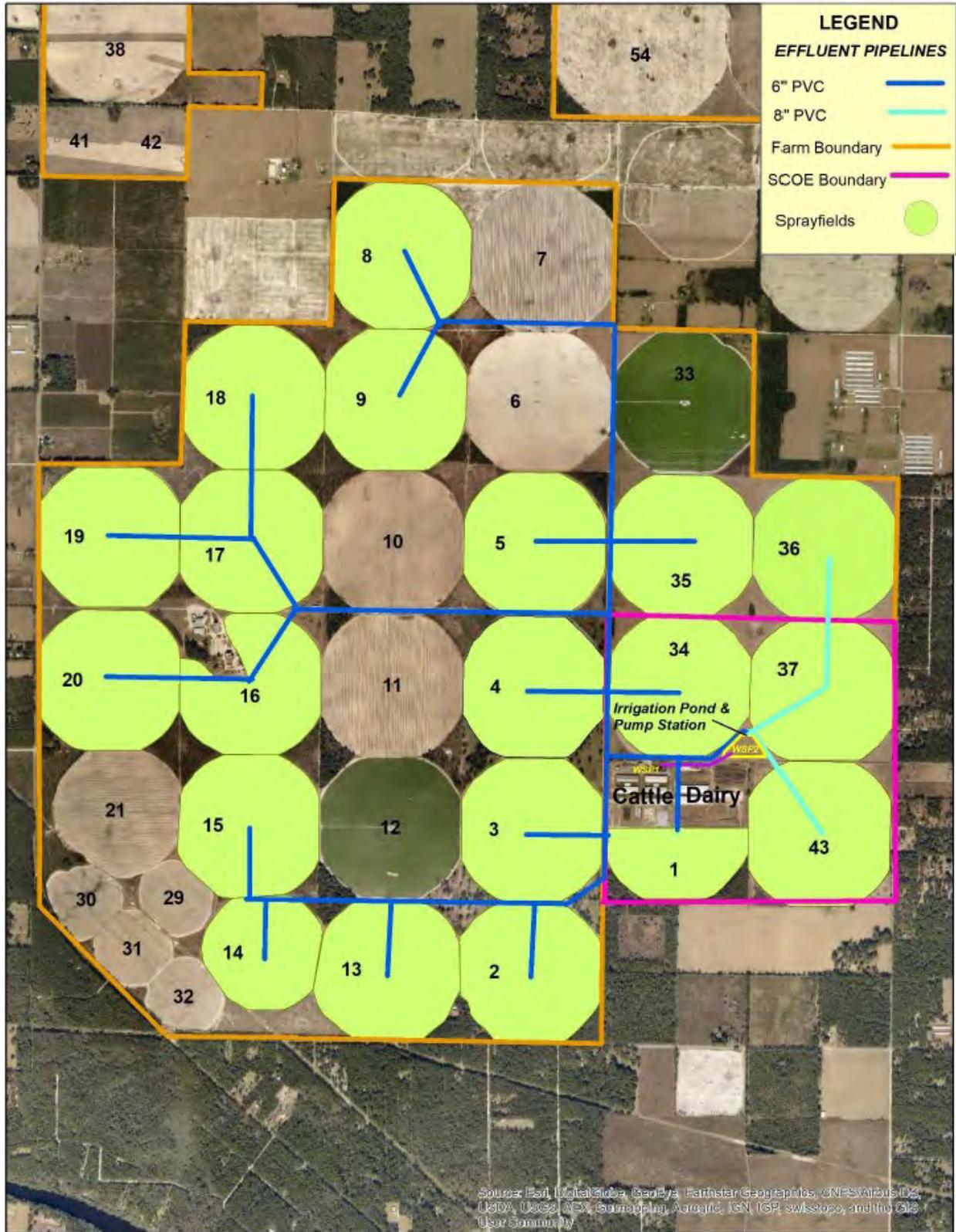
Exhibit A – Itemized List

Southern Cross Organics and Energy, LLC Lagoon Expansion Project

		Project Budget				
Category	Item	Quantities	Unit	Unit \$	Total cost	Totals
Earth works	Cut	108,000	cu.yd	\$2.00	\$216,000	
	Fill	11,150	cu.yd	\$2.00	\$22,300	
	Contingency	1	ea	15%	\$35,745	
	Total earthwork estimate					\$274,045
Liner	HDPE liner	285,000	sq.ft	\$1.20	\$342,000	
	Contingency	1	ea	15%	\$51,300	
	Total liner estimate					\$393,300
Perimeter Fencing	No climb fence	2,500	lft	\$3.00	\$7,500	
	Contingency	1	ea	15%	\$1,125	
	Total fencing estimate					\$8,625
Pond transfer system	Piping	1,800	ft	\$5.42	\$9,756	
	Pipe installation	1	ea	\$9,500	\$9,500	
	Pump/riverscreen	1	ea	\$18,900	\$18,900	
	Plumbing fittings	1	ea	\$4,000	\$4,000	
	Electrical	1	ea	\$1,200	\$1,200	
	Electrical Installation	1	ea	\$1,000	\$1,000	
	Contingency	1	ea	15%	\$6,653	
Total transfer system est.					\$51,009	
Lagoon to Pivot Pumping System	100 hp Pump/riverscreen	1	ea	\$57,000	\$57,000	
	Pump VFD	1	ea	\$17,000	\$17,000	
	Remote start/stop	1	ea	\$1,955	\$1,955	
	Pump Installation	1	ea	\$5,500	\$5,500	
	Electrical service	1	ea	\$2,500	\$2,500	
	Electrical installation	1	ea	\$1,000	\$1,000	
	Plumbing fittings	1	ea	\$10,000	\$10,000	
	Concrete	1	ea	\$1,500	\$1,500	
	Contingency	1	ea	15%	\$14,468	
Total pumping system est.					\$110,923	
Pump house	Pump House building/concrete	1		\$3,000	\$3,000	
	Contingency	1	ea	15%	\$450	
	Total pump house est.					\$3,450
Engineering Design	JGMIII	1	ea	\$7,600	\$7,600	\$7,600
					Total project cost	\$ 848,952.65
					Dairy Wastewater Improvements Funding	
					District Funding	
					Producers Share	
						\$212,238.16

Exhibit B – Site Map





SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

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

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Contract to Provide Cost-Share Funding to Murphy Farms of Hamilton County, LLC, Hamilton County

RECOMMENDATION

Authorize Executive Director to enter into contract with Murphy Farms of Hamilton County, LLC for an amount not to exceed \$200,600.

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 \$6 million dollars to the program.

At the November 2019 Governing Board meeting, the Board authorized the Executive Director to execute an agreement with the FDEP for pivot retrofits to improve irrigation efficiency and reduce groundwater pumping for an amount totaling \$500,400.

This cost share project is with Murphy Farms of Hamilton County, LLC located in Hamilton County on approximately 1200 acres of corn, peanuts, soybeans, millet, peas, and vegetable crops. The producer proposes to retrofit 14 pivots, upgrade one pump from high pressure to low pressure, install one new control panel, purchase two stationary fertigation tank systems and purchase 20 soil moisture probes. Pivot retrofits are performed to improve the performance and irrigation efficiency of center pivot irrigation equipment. Pump upgrades allow for improved irrigation management in equipment operating at low pressure and reduces water losses due to system blow outs. The stationary fertigation tanks will allow the producer to apply fertilizer more efficiently through a center pivot irrigation system, significantly reducing the amount of nitrogen applied. Soil moisture probes monitor soil moisture and temperature which allows the producer to more precisely schedule irrigation events based on the actual needs of the crop.

The soil moisture probes are estimated to reduce water use by approximately 0.375 million gallons per day at a cost to the District of \$0.16 per thousand gallons over the life of the equipment. The pivot retrofits are estimated to reduce water use by 0.266 million gallons per day. This project is located within the Suwannee River Basin Management Action Plan area and the Eastern Water Supply Planning Area.

The total project cost for the pivot retrofits is estimated at \$154,000. The District will contribute \$138,600, or approximately 90% of the items cost with the applicant contributing \$15,400.

The total project cost for the soil moisture sensors is estimated to be \$44,444.44. The District will contribute \$40,000, or approximately 90% of the items' cost. The applicant's portion for these items will be \$4,444.44, or 10% of the equipment cost.

The total cost of the pump upgrade is estimated to be \$7,333.33. The District will contribute \$5,500, or approximately 75% of the item's cost. The applicant's portion of this item will be \$1,833.33, or 25% of the cost.

The stationary fertigation tank system project is estimated to cost \$16,000. The District will contribute \$12,000, or approximately 75% of the cost with the applicant contributing \$4,000, or approximately 25% of the project cost.

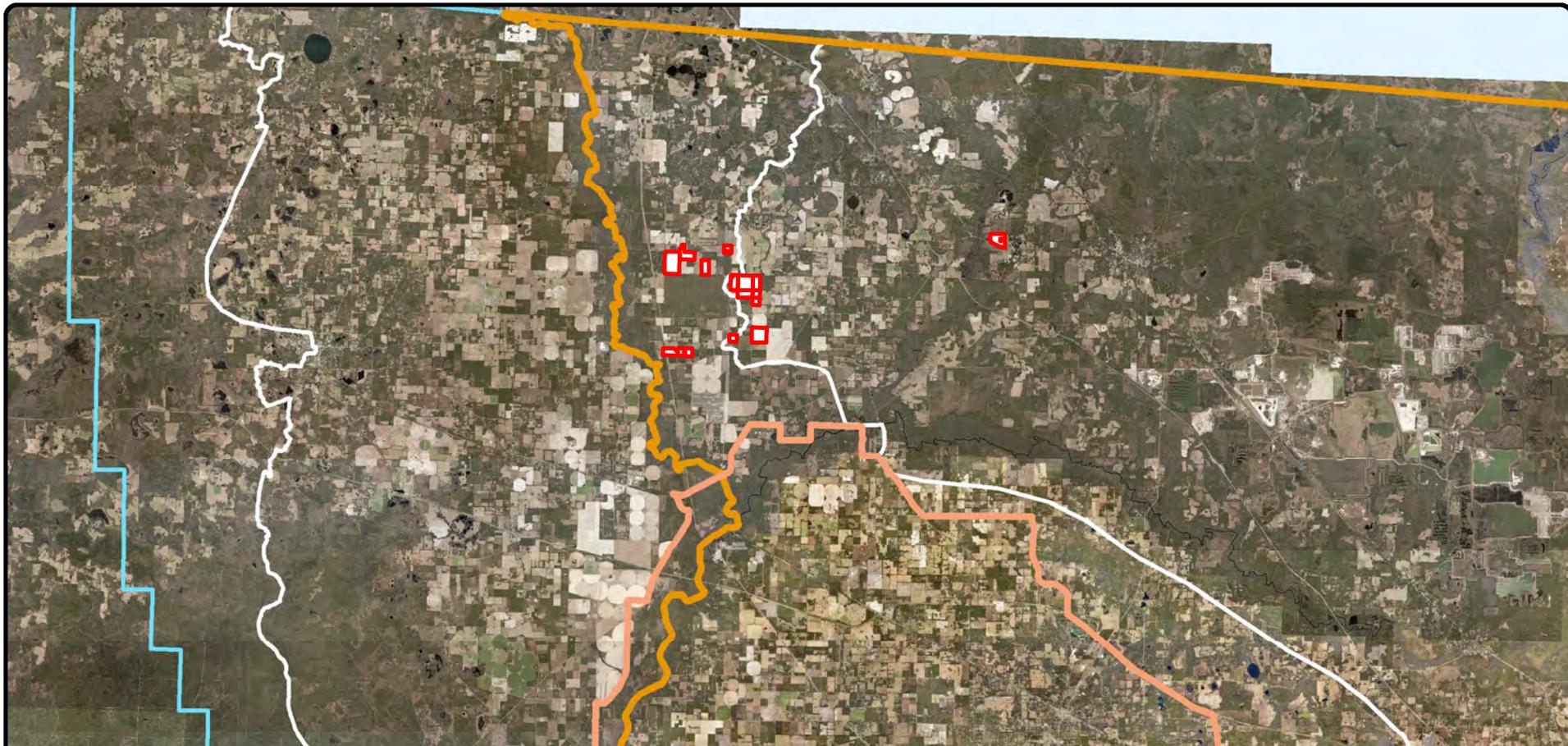
The project cost for the new control panel is estimated to be \$6,000. The District will contribute \$4,500, or approximately 75% of the cost with the applicant contributing \$1,500, or approximately 25% of the project cost.

Exhibit A lists the cost share items and funding breakdown for each item. Funding for this project is included in the FY 2021 Budget under account codes 51-2586-7-2400-06-07 and 03-2586-7-2201-37.

LMS/tm
Attachments

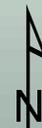
Exhibit A – Itemized List

Producer	Item	Maximum Cost-Share	Quantity	SRWMD Total	Producer Share
Murphy Farms of Hamilton County, LLC	Soil Moisture Probes	\$2,000	20	\$40,000	\$4,444.44
Murphy Farms of Hamilton County, LLC	Pivot Retrofits	\$9,900	14	\$138,600	\$15,400.00
Murphy Farms of Hamilton County, LLC	Pump Upgrade (high to low pressure)	\$5,500	1	\$5,500	\$1,833.33
Murphy Farms of Hamilton County, LLC	New Control Panel	\$4,500	1	\$4,500	\$1,500.00
Murphy Farms of Hamilton County, LLC	Stationary Fertigation Tank	\$6,000	2	\$12,000	\$4,000.00
Project Total:				\$200,600	\$27,177.77



Murphy Farms of Hamilton County Ag Cost-Share

May 2021



-  Murphy Farms of Hamilton County
-  Water Supply Planning Area -
-  Water Supply Planning Area -
-  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.

BCS 37

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

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

THRU: Tim Alexander, Deputy Executive Director, Business and Community Services

DATE: April 30, 2021

RE: Contract to Provide Cost-Share Funding to Murphy Farms 2, LLC, Hamilton County

RECOMMENDATION

Authorize Executive Director to enter into contract with Murphy Farms 2, LLC for an amount not to exceed \$109,900.

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 \$6 million dollars to the program. Since FY 2012, approximately 71% of District funds have been spent and obligated through contracts with agricultural producers.

At the November 2019 Governing Board meeting, the Board authorized the Executive Director to execute an agreement with the Florida Department of Environmental Protection (FDEP) for pivot retrofits to improve irrigation efficiency and reduce groundwater pumping for an amount totaling \$500,400.

This cost share project is with Murphy Farms 2, LLC located in Hamilton County on approximately 200 acres of corn, peanuts, soybeans, millet, peas, and vegetable crops. The producer proposes to retrofit six pivots, upgrade one pump from high pressure to low pressure, purchase 12 soil moisture probes, install two new control panels and purchase two stationary fertigation tanks.

This project is located within the Suwannee River Basin Management Action Plan area and the Eastern Water Supply Planning Area.

The pivot retrofits are estimated to reduce water use by 0.114 million gallons per day. The soil moisture probes are estimated to reduce water use by approximately 0.0625 million gallons per day at a cost to the District of \$0.16 per thousand gallons over the life of the equipment. The stationary fertigation tank systems are expected to reduce nitrogen application by 12,000 pounds per year.

The total project cost for the soil moisture sensors is estimated to be \$26,666.67. The District will contribute \$24,000, or approximately 90% of the items' cost. The applicant's portion for these items will be \$2,666.67, or 10% of the equipment cost.

The total project cost for the pivot retrofits is estimated at \$66,000. The District will contribute \$59,400, or approximately 90% of the items' cost. The applicant's portion for these items will be \$6,600, or 10% of the cost.

The total cost of the pump upgrade is estimated to be \$7,333.33. The District will contribute \$5,500, or approximately 75% of the item's cost. The applicant's portion of this item will be \$1,833.33, or 25% of the cost.

The project cost of the new control panels is estimated at \$12,000. The District will contribute \$9,000, or approximately 75% of the cost, with the applicant's portion being \$3,000, or approximately 25% of the cost.

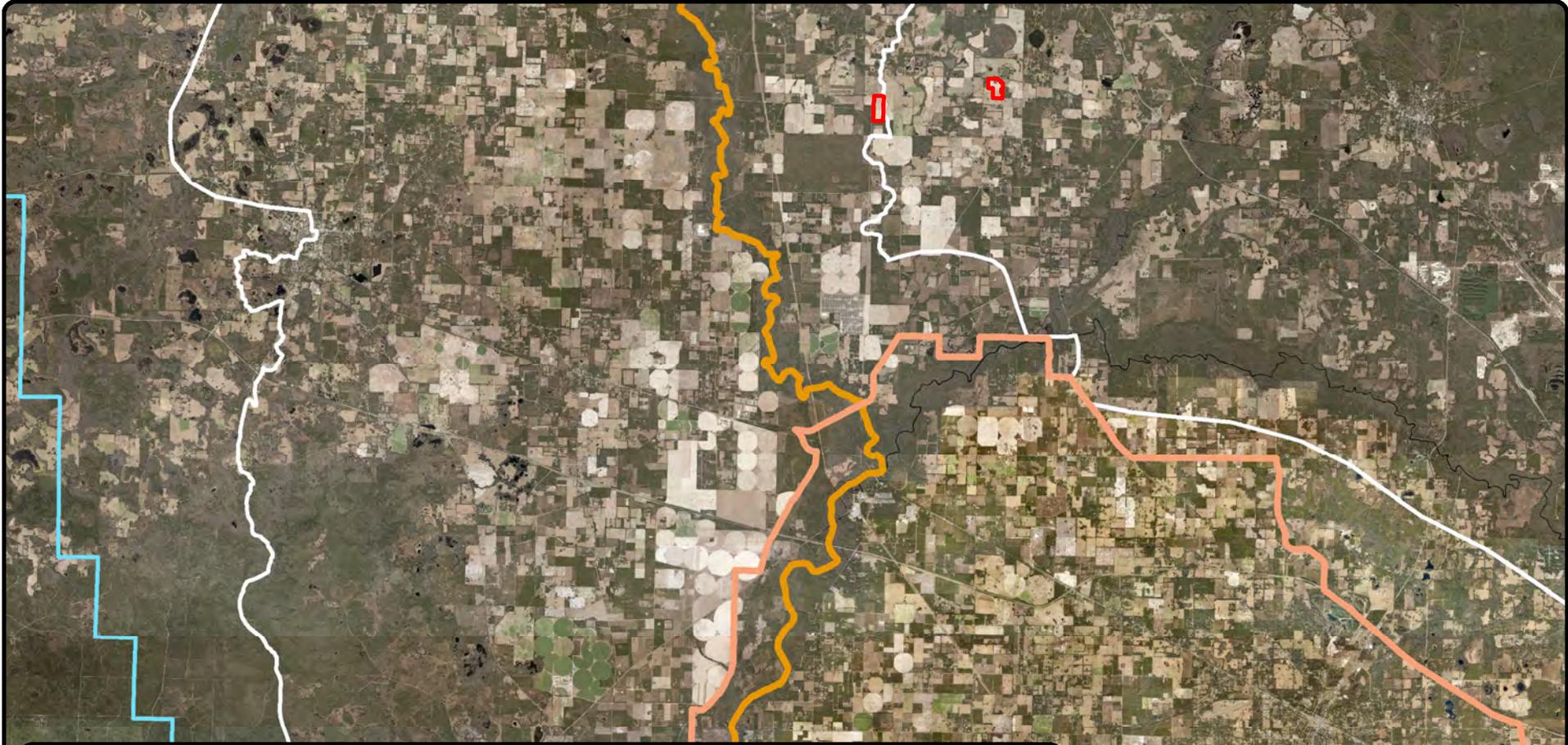
The cost of the stationary fertigation tank systems is estimated to be \$16,000. The District will contribute \$12,000 or approximately 75% towards the project cost with the applicant contributing \$4,000 or approximately 25% of the projects cost.

Exhibit A lists the cost share items and funding breakdown for each item. Funding for this project is included in the FY 2021 Budget under account codes 51-2586-7-2400-06-07 and 03-2586-7-2201-37.

LMS/tm
Attachments

Exhibit A – Itemized List

Producer	Item	Maximum Cost-Share	Quantity	SRWMD Total	Producer Share
Murphy Farms 2, LLC	Soil Moisture Probes	\$2,000	12	\$24,000	\$2,666.67
Murphy Farms 2, LLC	Pivot Retrofits	\$9,900	6	\$59,400	\$6,600.00
Murphy Farms 2, LLC	Pump Upgrade (high to low pressure)	\$5,500	1	\$5,500	\$1,833.33
Murphy Farms 2, LLC	New Control Panel	\$4,500	2	\$9,000	\$3,000.00
Murphy Farms 2, LLC	Stationary Fertigation Tank Systems	\$6,000	2	\$12,000	\$4,000.00
Project Total:				\$109,900	\$18,100.00



-  Murphy Farms 2
-  Water Supply Planning Area -
-  Water Supply Planning Area -
-  Suwannee_BMAP
-  Troy Peacock Lafayette Blue Falmouth PFA

Murphy Farms 2 Ag Cost-Share

May 2021



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: Bill McKinstry, Chief, Office of Land Management

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

DATE: April 30, 2021

RE: District Land Management and Twin Rivers State Forest Activity Summary

BACKGROUND

Land Management staff attended the 21st Biennial Southern Silvicultural Research Conference virtual meeting on March 16 and 17.

Land Management staff attended the Southeast Society of American Foresters Annual Conference virtual meeting on March 24, 2021.

Land Management staff attended the North Florida Prescribed Fire Council virtual meeting on March 31, 2021.

Land Management staff installed gates on the Alapahoochee and Levings tracts.

District staff repaired an advanced treatment toilet at Atsena Otie Key.

District contractors continued road repairs on the Upper Suwannee and Sandlin Bay tracts.

The Sheriff's Posse Adventure Racing held the Conquer the Karst Adventure Race on the Steinhatchee Springs, Steinhatchee Falls, and Steinhatchee Rise tracts on March 21, 2021 with approximately forty participants.

The timber harvesting operation on the Twin Rivers State Forest (TRSF) Ellaville #19 sale was completed.

The annual timber inventory project on TRSF is nearly complete. Most of this month's work was done on the Ellaville Tract.

The kiosk at the Ellaville Loop Road entrance was refurbished with new plexiglass and a new map.

The picnic table at the end of Road 1 of the Anderson Springs Tract was repaired.

TRSF boundary maintenance including new paint and signage was completed on the Black Tract and is ongoing on the Mill Creek North Tract.

Both the Deese and Ellaville tracts were treated with herbicide to control invasive infestations of Chinaberry and wisteria.

Additional limerock base material was delivered and spread on the public access road on the Deese Tract.

A stump cruise was conducted to determine the timber volume which was inadvertently removed from a 1.5-acre area that was beyond the designated sale boundary on the Ellaville #19 sale.

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

Conservation Easement Monitoring: Two conservation easements were inspected and completed for term compliance: Mann and Meeks.

Vegetation Management Projects: During the reporting period, 435 additional acres of woods mowing, 47 acres of upland roller chopping, and 6.5 miles of ditch mowing were completed.

Vegetation management work is being conducted for fuel reduction, natural community restoration, and wildfire mitigation purposes.

Vegetation Management (10/01/2020 – 04/15/2021)

ACTIVITY	ACRES		MILES	
	Planned	Complete	Planned	Complete
Herbicide	300	79	0	0
Roller Chop Uplands	248	254	0	0
Roller Chop (Mallory Swamp)	1000	0	0	0
Woods Mowing	2000	721	0	0
Ditch Mowing	0	0	25	27

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

Invasive Plant Treatments (10/01/2020 – 04/15/2021)

ACTIVITY	INFESTATIONS	
	Planned	Complete
Invasive Plant	153	80

Rare Plant Monitoring Program: During the reporting period, 143 rare plant occurrences were monitored.

Rare Plant Monitoring (10/01/2020 – 04/15/2021)

ACTIVITY	OCCURRENCES	
	Planned	Complete
Rare Plant Species Monitoring	140	162

Prescribed Fire Program:

- Contractors conducting prescribed burns on District lands 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 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, 3,578 additional acres were burned.

Prescribed Fire Summary Table (10/1/2020 – 04/15/2021)

	2021 TARGET ACRES	ACRES COMPLETED
SRWMD	7000	5,045
FFS TRSF	2000	1,357
TOTAL	9000	6,402

Prescribed Fire (10/01/2020 – 04/15/2021)

TRACT	COUNTY	B&B	WS	SRS	FFS COOP	FFS TRSF	TOTAL SRWMD ACRES	TOTAL TRSF ACRES	TOTAL WILDFIRE ACRES
Cuba Bay	Madison	158.1	0.0	0.0	0.0	0.0	158.1	0.0	0.0
Natural Well Branch	Taylor	353.8	91.0	0.0	0.0	0.0	353.8	0.0	0.0
Grady	Lafayette	0.0	70.3	0.0	0.0	0.0	70.3	0.0	0.0
Chitty Bend West	Madison	0.0	0.0	0.0	0.0	257.0	0.0	120.0	0.0
Sub Total for Period		511.9	70.3	0.0	0.0	257.0	582.2	257.0	0.0
Previous Acres Burned		1471.9	353.3	0.0	0.0	160.0	1825.2	160.0	0.0
Total Acres		1983.8	423.6	0.0	0.0	417.0	2407.4	417.0	0.0

Timber Sales: Open and Recently Completed Timber Sales

Open Timber Sales

SALE NAME	COUNTY	ACRES	HARVEST TYPE
Wolf Creek #1	Jefferson	72	Thinning
Cuba Bay	Madison	315	Thinning
Steinhatchee Springs #19	Lafayette	330	Thinning
Steinhatchee Springs #20	Lafayette	208	Thinning
Steinhatchee Springs #21	Lafayette	366	Thinning
Ellaville #19	Madison	176	Clear-cut
Ellaville #20	Madison	276	Thinning
Nature Coast Wellfield #2	Levy	110	Clear-cut
Seven Bridges #1	Jefferson	224	Thinning
Sandlin Bay #6	Columbia	192	Thinning
Sandlin Bay #7	Columbia	219	Thinning
Sandlin Bay #8	Columbia	233	Thinning
High Springs Wellfield #1	Alachua	239	Thinning

Recently Completed Timber Sales

SALE NAME	COUNTY	ACRES	HARVEST TYPE	REVENUE
Westwood West #4	Madison	89	Clear-cut	\$133,107.77
Natural Well Branch #1	Taylor	240	Thinning	\$236,996.71

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: April 30, 2021

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 April 13, 2021, the District has permitted 1,819 (240.1 million gallons per day-mgd) irrigation wells which include a water use monitoring condition, of which 1,449 (207.6 mgd) wells are active, i.e., the wells have been drilled already. The District is monitoring 1,400 (203.3 mgd) of the 1,449 active wells. The remaining 49 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 706 (128 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 264 (44.6 mgd) telemetry systems installed by the District for this purpose.

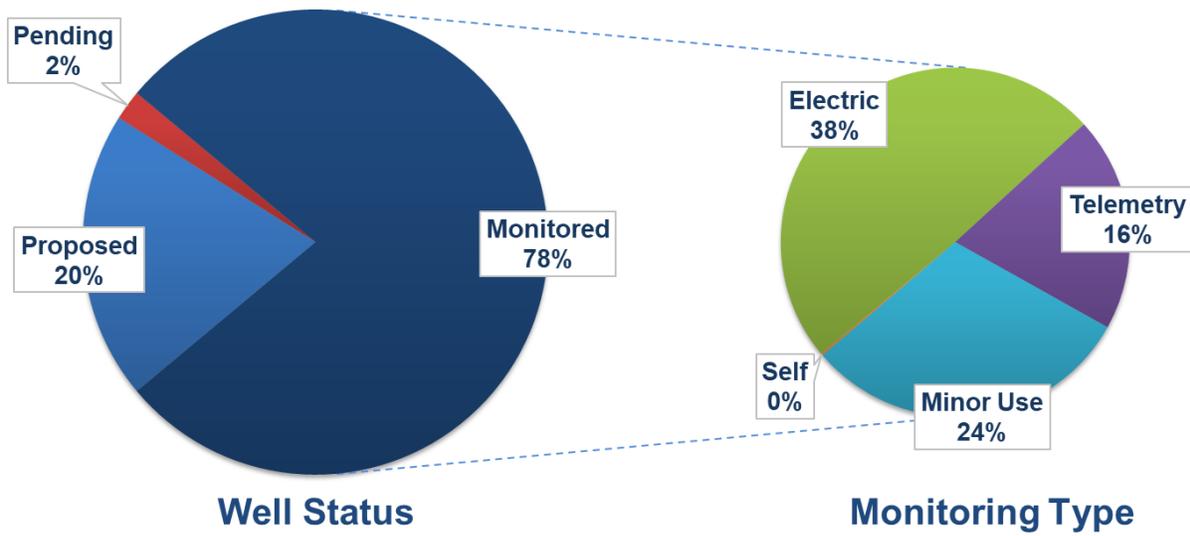
Some withdrawal points have very limited use (< 0.05 mgd each) and are monitored for status changes by individual site visits. There are currently 428 (30.4 mgd) limited use monitoring points in the District. Some users monitor their own water use and report that data to the District. There are currently two (0.3mgd) 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 97.4% of existing active wells (98.0% 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: Warren Zwanka, Director, Division of Resource Management

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

DATE: April 30, 2021

RE: Rulemaking to Amend Rule 40B-8.021 and Adopt New Rule 40B-8.121, Florida Administrative Code, for the Lake Butler Minimum Surface Water Levels

RECOMMENDATION

Authorize staff to amend District Minimum Flows and Water Levels (MFL) rule 40B-8.021 and adopt new rule 40B-8.121, Florida Administrative Code (F.A.C.) for the Lake Butler Minimum Surface Water Levels.

BACKGROUND

This recommended rulemaking includes publishing a Notice of Rule Development, publishing a Notice of Proposed Rule, and filing the proposed rules and any changes that do not change the intent of the rulemaking with the Department of State if no objections are received. It also includes authorizing the Executive Director to certify that violations of the rules would not be minor violations pursuant to section 120.695, Florida Statutes.

The minimum water levels for Lake Butler are set for establishment in 2021 on the District's Minimum Flows and Minimum Water Levels (MFL) Priority List and Schedule. Rule 40B-8.021, F.A.C., defines terms used in MFL rules contained in chapter 40B-8, F.A.C. Rule 40B-8.121, F.A.C., will establish minimum water levels for Lake Butler and subsequent lakes on the Priority List and Schedule. Staff has determined that the lake is not in a prevention or recovery status, therefore, the requested rulemaking will have no adverse impact on the regulated public.

A copy of the proposed rule language is attached for reference.

WZ/TM/pf
Attachment

**CHAPTER 40B-8
MINIMUM FLOWS AND LEVELS**

- 40B-8.011 Policy and Purpose
- 40B-8.021 Definitions
- 40B-8.031 Minimum Surface Water Levels and Flows [for Madison Blue Spring](#)
- 40B-8.041 Minimum Surface Water Levels and Flows for Lower Suwannee River, Little Fanning Spring, Fanning Spring and Manatee Spring
- 40B-8.051 Minimum Surface Water Levels and Flows for the Waccasassa River and Levy Blue Spring
- 40B-8.061 Minimum Surface Water Levels and Flows for the Upper Santa Fe River
- 40B-8.071 Minimum Surface Water Levels and Flows for the Econfina River
- 40B-8.081 Minimum Surface Water Levels and Flows for the Aucilla River and Nutall Rise
- 40B-8.091 Minimum Surface Water Levels and Flows for the Wacissa River and Wacissa River Priority Springs
- 40B-8.101 Minimum Flows and Minimum Water Levels for the Steinhatchee River and Steinhatchee River Priority Springs
- [40B-8.121 Minimum Surface Water Levels for Lakes](#)

40B-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings:

- (1) through (26) no change.
- [\(27\) "NAVD" means North American Vertical Datum of 1988.](#)
- (27) through (46) renumbered (28) through (47)

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042 FS. History—New 9-15-05, Amended 8-7-06, 7-29-07, 12-10-07, 6-27-16, 8-15-19, [DATE].

40B-8.121 Minimum Surface Water Levels for Lakes.

[\(1\) The following terms, as used in this rule, shall have the following meanings:](#)

[\(a\) "Minimum Frequent High" means a chronically high surface water level or flow with an associated frequency and duration that allows for inundation of the floodplain at a depth and duration sufficient to maintain wetland functions.](#)

[\(b\) "Minimum Frequent Low" means a chronically low surface water level or flow that generally occurs only during periods of reduced rainfall. This level is intended to prevent deleterious effects to the composition and structure of floodplain soils, the species composition and structure of floodplain and instream biotic communities, and the linkage of aquatic and floodplain food webs.](#)

[\(c\) "Seasonally Flooded" means a hydroperiod category where surface water is typically present for extended periods \(30 days or more\) during the growing season, resulting in a predominance of submerged or submerged and transitional wetland species. During extended periods of normal or above normal rainfall, lake levels causing inundation are expected to occur several weeks to several months every one to two years.](#)

[\(d\) "Semi-Permanently Flooded" means a hydroperiod category where surface water inundation persists in most years. When surface water is absent the water table is usually near the land surface. In many lakes with emergent marshes this water level is near the lower elevation that supports emergent marsh or floating vegetation and peat substrates, or other highly organic hydric substrates. This characterization may not be true for herbaceous wetlands around sandhill type lakes, which often have emergent vegetation that follows declining water levels to below the lower elevation of peat substrate. Water levels causing inundation are expected to occur approximately eighty percent of the time over a long term period of record. Exposure of these ground elevations is expected to re-occur, on average, about every five to ten years for extended periods \(several or more months\) during moderate droughts.](#)

[\(2\) The following minimum surface water levels are established:](#)

<u>Water Body Name</u>	<u>County (Latitude/ Longitude)</u>	<u>Minimum Level</u>	<u>Level (Feet NAVD)</u>	<u>Event</u>	<u>Hydroperiod Category</u>	<u>Duration (Days)</u>	<u>Return Interval (Interval Measurement Period)</u>
<u>Lake Butler</u>	<u>Union (30°02'00"N/ 082°20'12"W)</u>	<u>Minimum Frequent High</u>	<u>129.55</u>	<u>Flooding</u>	<u>Seasonally flooded</u>	<u>30</u>	<u>2 years (June 1 to May 31)</u>
		<u>Minimum Frequent Low</u>	<u>127.30</u>	<u>Exposure</u>	<u>Semi-permanently flooded</u>	<u>120</u>	<u>5 years (October 1 to September 30)</u>

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History–New [DATE].

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Amy Brown, Chief, Office of Water Supply

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

DATE: April 30, 2021

RE: Contract with University of South Florida to Update the Soil and Water Assessment Tool Model

RECOMMENDATION

Authorize the Executive Director to execute a contract with the University of South Florida to incorporate newly available data into the farm-scale Soil and Water Assessment Tool (SWAT) model developed for the Suwannee River Water Management District (District) to enhance the analysis of farm water budgets, for an amount not to exceed \$12,000.

BACKGROUND

The District is charged with ensuring sufficient water supplies to meet projected future demands while sustaining natural systems. Over half of the water use in the District is agricultural, therefore, refining our understanding of the water budget associated with agricultural water use is critical to regional water supply planning. In 2020, a water budget model was developed using the SWAT model with data from 2019. The model was developed to assist the District in analyzing modifications to the water budget resulting from changes to environmental parameters or agricultural practices.

The District has an opportunity to improve the SWAT model using data collected throughout 2020 from a funded project at the Suwannee Valley IFAS Extension Farm. The farm is growing a standard corn-peanut rotation on 40 acres and is irrigating using a center pivot. Data monitoring and collection on the farm began in February 2019 and includes soil moisture data measured at six, 12, and 18-inch depths every 15 minutes along with drainage below the root zone collected via lysimeter and recorded every 15-minutes.

The proposed work will incorporate newly collected data. The availability of these continuous data sets collected throughout 2020 will enable the model calibration to be updated and a more thorough development of model sensitivity and uncertainty to be performed. The report will include farm-scale water budgets, both modeled and observed, from the 2020 calendar year. The District will use this model to examine how farm-scale water budgets are influenced by factors such as rainfall, temperature, and cropping scenarios.

Funding for this contract is included in the Fiscal Year 2020-2021 Final Budget under 01-6-930-1-1101-04-00. Attachment A details the scope of work for this contract.

AB/pf
Attachment

Attachment A:

Update the Soil and Water Assessment Tool (SWAT) modeling to Enhance Farm-Scale Water Budget Analyses Using Experimental Farm Data

Purpose

To incorporate newly available data into the farm-scale Soil and Water Assessment Tool (SWAT) model developed for the Suwannee River Water Management District (SRWMD) to enhance the analysis of farm water budgets.

Introduction

SWAT is a semi-distributed hydrological model that provides detailed water budgeting of surface water systems with a limited groundwater component. SWAT was developed by Texas A&M for the United States Department of Agriculture (USDA); thus, its strengths lie in incorporating farm-level management and vegetation information to understand detailed water budgets on these landscapes. SWAT models detailed water budgets via a host of empirical equations, many of which contain parameters that require calibration.

A SWAT model was recently developed for the SRWMD to quantify and analyze return flows from irrigation to the Floridan Aquifer System. The model used data collected from a Florida Department of Agricultural and Consumer Services (FDACS) funded project on an experimental farm in northern Florida. The farm grows a standard corn-peanut rotation on 40 acres and is irrigated using a center pivot. Data monitoring and collection on the farm began in February 2019 and includes soil moisture data measured at six, 12, and 18-inch depths every 15 minutes along with drainage below the root zone collected via lysimeter and recorded every 15-minutes. The model was developed using available hydrological data from 2019.

Because 2019 was the beginning of data collection for the FDACS farm project, gaps in data transfer/collection occurred. At the time of final calibration and model runs, soil moisture data was only available partial growing seasons for corn and peanut crops. Furthermore, lysimeter data was only available after installation in November 2019. Thus, minimal calibration, sensitivity, and uncertainty analyses were performed due to a lack of continuous and complete data sets.

The proposed work aims to improve the calibration of the SWAT model by including more hydrological data that can improve parameter calibration and model certainty. Additional sensitivity and uncertainty analyses will be performed as well as reporting farm-scale water budgets - both model and observed - from the 2020 calendar year.

Work Plan

The work plan is a continuation of the initial project and is broken into the following tasks:

Task 1: Collect, organize, and import additional hydrological data into the SWAT model environment.

Task 2: Isolate a calibration and validation period and perform calibration using newly acquired data.

Task 3: Perform sensitivity and uncertainty analysis on parameter estimates and results using the Calibration and Uncertainty Program specifically developed for SWAT.

Task 4: Perform additional water budget estimates on newly acquired data.

Scope of Work

The scope of this work is to improve the performance of a farm-scale SWAT model with subsequent interpretation and reporting of model results.

Timeline, deliverables, effort (%)

- 1) June 30, 2021 – Mid-project report (Online PowerPoint) (10%)
- 2) August 1, 2021 – Model transfer with input datasets and results (40%)
- 3) August 15, 2021 – Final report (50%)

Budget

The total contract amount shall not exceed \$12,000 and will be billed to the SRWMD based on completion of deliverables (1-3) listed above.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Hugh Thomas, Executive Director
DATE: April 30, 2021
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 MARCH 21 – 27, 2021

Executive / Management

- No reporting activity.

Legislative and Community Affairs

- Ben Glass virtually attended Interim Committee Week 4 of the Florida Legislature.

Administration

- No reporting activity.

Finance

- Pam Shaw virtually attended the FGFOA on Paperless Offices.
- Pam Shaw and Kelly Landis provided P-Card Audit documentation to the Inspector General.

Land Management

- District contractors mowed woods at Gar Pond and Mattair Springs tracts.
- Steve Carpenter and Ryan Sims attended the Southeast Society of American Foresters Virtual Annual Conference.
- District contractors made repairs on the Upper Suwannee tracts.
- Edwin McCook assisted with the Riverview Project on the Upper Suwannee River.

Resource Management

- No reporting activity.

Water Resources

- No reporting activity.

Minimum Flows and Minimum Water Levels

- Tom Mirti, Sean King and Sky Notestein met with the Florida Springs Institute to discuss the MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.
- Sean King, Katelyn Potter and Sky Notestein virtually met with the Ichetucknee Alliance to discuss the prevention and recovery strategy for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.
- Sean King gave a virtual presentation to the North Central Florida Regional Planning Council about MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.

Water Supply

- District staff met with representatives of the City of Jasper to discuss water supply planning activities.
- District staff met with representatives of the City of Live Oak to discuss water supply planning activities.
- Water Supply staff met with SJRWMD to support implementation of regional modeling.
- Water Supply staff virtually attended sessions presented at the Georgia Water Resources Conference.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Pat Webster and Kris Eskelin virtually attended a meeting to discuss the High Springs water main loop.
- Bob Heeke and Dave Christian performed a site visit and inspection of the Mallory Swamp Project in Lafayette County.
- Pat Webster and Kris Eskelin met with representatives of the City of Archer and FDEP to discuss potential funding sources for the proposed wastewater treatment facility.
- Pat Webster met virtually with Debra Preble of Kimley-Horn to discuss the Archer Springs Protection Project.
- Pat Webster met virtually with Amanda Peck of FDEP to discuss the Mill Creek Sink Water Quality Improvement Project.
- Pat Webster performed landscaping maintenance and watering of the newly planted trees at the Edwards Bottomlands Project in Starke.
- Pat Webster and Libby Schmidt performed a site visit to the Southern Cross Dairy to discuss the project and timeline for a planned wastewater lagoon AWS expansion.
- Libby Schmidt performed an Ag exemption determination site visit in Gilchrist County.
- Libby Schmidt attended the Suwannee River Partnership Breakfast to provide an update.
- Kris Eskelin performed multiple site visits to Tropical Traditions for project updates.
- Pat Webster and Kris Eskelin met virtually with Florida Rural Water Association to discuss water audits.

Information Technology and GIS

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- Weekly Top Performing Post

Suwannee River Water Management District
March 25

Misty measurements at Poe Springs! Our Hydrologic Data Services team collects flow measurement data to monitor the condition of the aquifer and determine the magnitude of a spring.

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

573 People Reached | 66 Engagements | [Boost Post](#)

Andy Hillhouse and 25 others | 3 Comments

Like | Comment | Share

Performance for Your Post

573 People Reached

29 Reactions, Comments & Shares

23 Likes	23 On Post	0 On Shares
2 Love	2 On Post	0 On Shares
1 Angry	1 On Post	0 On Shares
3 Comments	3 On Post	0 On Shares
0 Shares	0 On Post	0 On Shares

37 Post Clicks

1 Photo Views	0 Link Clicks	36 Other Clicks
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NEGATIVE FEEDBACK

0 Hide Post	1 Hide All Posts
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Announcements for the week of April 4 – 10, 2021

- No reporting activities.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WE WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR MAR. 28 – APR. 3, 2021

Executive / Management

- Hugh Thomas performed a site visit to the Beehaven Project at Nutrien in White Springs.
- Hugh Thomas and Tim Alexander participated in the monthly FDEP/WMD conference call.

Legislative and Community Affairs

- Ben Glass virtually attended Interim Committee Week 5 of the Florida Legislature.

Administration

- No reporting activity.

Finance

- Tim Alexander, Pam Shaw and Christina Green attended a virtual meeting with FDEP on the Water Management District's Budget and Administrative Coordination meeting.

Land Management

- District contractors completed mowing at Gar Pond and Mattair Springs tracts.
- District staff repaired the Clivis Multrum toilet at Atsena Otie Key.
- District contractors are ditch mowing on the Cabbage Grove Tract and completed daylighting roads on the Levings Tract.
- District contractors roller chopped at R.O. Ranch near the Crossway Branch Trailhead.
- Steve Carpenter completed the Meeks Conservation Easement monitoring.
- Steve Carpenter virtually attended the North Florida Prescribed Fire Council meeting.
- District contractors repaired roads on the Upper Suwannee tracts and Sandlin Bay.
- Edwin McCook assisted with the Riverview Project on the Withlacoochee and Alapaha Rivers.

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

- Tom Mirti and Tara Rodgers met with the USGS and Florida State Park Staff at Suwannee River State Park to discuss the Suwannee River at Ellaville gage.
- Tara Rodgers, Kevin Jones and Lindsey Covington participated in a podcast for Teledyne Marine's Marine Tech Talk discussing the District's monitoring program.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Agriculture and Environmental Projects

- Bob Heeke and Dave Christian attended a virtual meeting with a contractor to review the Mallory Swamp Groundwater Modeling Update.
- Bob Heeke performed an inspection of the Pot Springs Project in Hamilton County.
- Pat Webster and Kris Eskelin attended a virtual meeting with representatives of the City of Lake City to review their water budget.
- Tim Alexander, Pat Webster, Dave Christian and Bob Heeke met virtually with Dixie County representatives for the Dixie County SPRINGS MBAR Planning Meeting.
- Dave Christian performed an inspection of the Mallory Swamp Project in Lafayette County.
- Libby Schmidt performed an Ag exemption determination in Levy County for the Black Pronghorn Equestrian Village.
- Libby Schmidt responded to an Ag water homeowner complaint in Columbia County at the G&K Nursery.
- Pat Webster conducted a field review at Nutrien.
- Pat Webster and Dave Christian met virtually with Madison County and Jones Edmunds to discuss the Madison Wells Project.

Communications

- Weekly Top Performing Post

Performance for Your Post

3,795 People Reached

250 Reactions, Comments & Shares

155 Like	63 On Post	92 On Shares
17 Love	9 On Post	8 On Shares
1 Haha	0 On Post	1 On Shares
14 Wow	4 On Post	10 On Shares
28 Comments	8 On Post	20 On Shares
35 Shares	33 On Post	2 On Shares

207 Post Clicks

11 Photo Views	18 Link Clicks	178 Other Clicks
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Announcements for the week of April 11 – 17, 2021

- The District will hold its monthly Governing Board Meeting and Workshop on Tuesday, April 13, 2021 at 9 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

WE WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR APRIL 4 – 10, 2021

Executive / Management

- Hugh Thomas virtually participated on the 2021 Agricultural Best Management Practices Summit.
- Hugh Thomas presented at the Columbia County Economic Development Board Meeting.

Legislative and Community Affairs

- Ben Glass virtually attended Interim Committee Week 6 of the Florida Legislature.

Administration

- No reporting activity.

Finance

- No reporting activity.

Land Management

- District staff installed gates on the Alapahoochee and Levings tracts.
- Steve Carpenter completed the Meeks Conservation Easement monitoring.
- Steve Carpenter attended the North Florida Prescribed Fire Council virtual meeting.
- District contractors repaired roads on the Upper Suwannee and Sandlin Bay tracts.
- District contractors completed roller chopping at RO Ranch.

Resource Management

- No reporting activity.

Water Resources

- Darlene Velez participated in Florida Natural Resource Leadership Institute training in Keystone Heights.

Minimum Flows and Minimum Water Levels

- No reporting activity.

Water Supply

- Water Supply staff met with organizers from the University of Florida Floridan Aquifer Collaborative Engagement for Sustainability (FACETS) research project to discuss the water schools completed in February 2021.
- Water Supply staff met with SJRWMD to support implementation of regional modeling and development of the upcoming North Florida Regional Water Supply Plan.
- Water Supply staff and Robbie McKinney attended the Florida Water Climate Alliance webinar on 2020 Hurricane Season Impacts on Water Management in Florida.

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Bob Heeke and David Christian participated in a presentation to the UF Forest Hydrology lab at Brooks Sink.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

- Bob Heeke and David Christian performed a site inspection of the Mallory Swamp Project in Lafayette County.
- Kris Eskelin performed a final walk-through and site visit to the High Springs Phase 2 Gravity Sewer Extension Project.
- Kris Eskelin performed a site visit to the Rum Island Project.
- Pat Webster performed site maintenance to the Edwards Bottomlands Project in Bradford County.
- Libby Schmidt attended an on-site Ag permit pre-application meeting at Liberty Health Sciences in Alachua County.
- Libby Schmidt represented the District in a virtual CARES Planning meeting with Florida Farm Bureau, UF and FDACS.
- Patrick Webster and Libby Schmidt met NFWFMD regarding Ag Cost-Share.

Information Technology and GIS

- Paul Buchanan, Jamie Gaylord and Edwin McCook collected 360 RiverView pictures on the Suwannee, Santa Fe and Ichetucknee rivers.
- Andrew Neel provided FDEP all LIDAR DEMs covering the District.
- Andrew Neel provided District FEMA contractor LIDAR DEMs for the Upper and Lower Suwannee River Watershed Studies.

Communications

- Weekly Top Performing Post

Performance for Your Post

710 People Reached		
26 Reactions, Comments & Shares		
7 Like	4 On Post	3 On Shares
2 Love	1 On Post	1 On Shares
14 Comments	6 On Post	8 On Shares
3 Shares	3 On Post	0 On Shares
41 Post Clicks		
3 Photo Views	0 Link Clicks	38 Other Clicks

NEGATIVE FEEDBACK

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Announcements for the week of April 18 – 24, 2021

- No announcement.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

WE WEEKLY ACTIVITY REPORT TO GOVERNING BOARD FOR APRIL 11 – 17, 2021

Executive / Management

- Hugh Thomas performed a site visit with Board Member Harry Smith and County Commissioners Darrell Smith and Bobby Crosby in Gilchrist County.
- Hugh Thomas virtually participated with the Florida Builders Association discussing MFLs, prevention and recovery strategies and water issues.
- Hugh Thomas performed a site visit to the Tropic Traditions Project in Newberry.

Legislative and Community Affairs

- Ben Glass virtually attended Interim Committee Week 7 of the Florida Legislature.

Administration

- No reporting activity.

Finance

- Pam Shaw met with the SRWMD Audit Committee. Richard Powell presented the FY20 Financial Audit Report.
- Pam Shaw and District staff participated on a call with FDEP, FDOT and Columbia County to discuss the Quail Heights Project.
- Pam Shaw met with the Suwannee County Tax Collector to discuss PILT.

Land Management

- Bill McKinstry visited the Alapahoochee Addition Tract that has been offered to the District.
- Bill McKinstry completed the Land Management Review Team invitation list and letter.
- District contractors repaired roads on the Upper Suwannee tracts and Sandlin Bay.

Resource Management

- Warren Zwanka, Emily Ryan and David King toured the Gainesville Renewable Energy Center and discussed water use and water supply planning.
- Warren Zwanka attended the North Central Florida Water Well Association meeting in Ocala to discuss upcoming water well contractor training.
- Leroy Marshall attended the Florida Floodplain Managers Association conference in St. Petersburg.

Water Resources

- Darlene Velez virtually participated in Florida Certified Contract Manager Training.
- Robbie McKinney virtually presented the Hydrologic Conditions Report to the San Pedro Bay Landowner Association.

Minimum Flows and Minimum Water Levels

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Water Supply

- Water Supply staff met with SJRWMD to support implementation of regional modeling and development of the upcoming North Florida Regional Water Supply Plan.
- Water Supply staff virtually attended the Suwannee Satilla Regional Planning Council meeting.
- District staff conducted an on-site visit of the Deerhaven Renewable Plant.

Hydrological Data

- No reporting activity.

Agriculture and Environmental Projects

- Bob Heeke and Dave Christian performed a site inspection of the Pot Springs Project.
- Hugh Thomas, Tom Mirti, Tim Alexander, Warren Zwanka, Pat Webster and Bob Heeke met with representatives of Jones Edmunds to discuss the Madison Blue Aquifer Recharge Wells.
- Bob Heeke and Dave Christian met with Matt Cohen of University of Florida at the Brooks Sink Project site.
- Pat Webster, Kris Eskelin and Bob Heeke participated on a Springs Grant virtual meeting with FDEP.
- Libby Schmidt performed a site inspection for an agriculture pre-application of a watermelon packing shed in Union County.
- Tim Alexander, Pat Webster and Steve Schroeder attended a meeting with FDOT and Columbia County on the Quail Heights Ponds Project.

Information Technology and GIS

- No reporting activity.



SUWANNEE RIVER

WATER MANAGEMENT DISTRICT

Communications

- District staff met with a vendor to review draft educational materials for the Flood Risk Campaign.
- District staff met with a vendor to discuss goals for the Permit to Protect outreach materials.
- District staff met with a vendor to kick-off the District Lands Web Map redesign.
- Weekly Top Performing Post

Performance for Your Post

397 People Reached		
11 Reactions, Comments & Shares		
4 Likes	4 On Post	0 On Shares
1 Haha	1 On Post	0 On Shares
6 Comments	4 On Post	2 On Shares
0 Shares	0 On Post	0 On Shares
9 Post Clicks		
0 Photo Views	0 Link Clicks	9 Other Clicks
NEGATIVE FEEDBACK		
1 Hide Post	0 Hide All Posts	
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Announcements for the week of April 25 – May 1, 2021

- District Leadership will hold a Quarterly Leadership meeting.