

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/6113585241594134544>

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

Open to Public

August 9, 2022
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 - July 12, 2022 Board Meeting and Workshop Minutes
 - Agenda Item No. 13 - June 2022 Financial Report
 - Agenda Item No. 14 – Amendment to Contract 17/18-219 with Gallagher Benefit Services, Inc.
 - Agenda Item No. 16 - Fiscal Year 2022-2023 Annual Regulatory Plan
 - Agenda Item No. 17 - Modification of Water Use Permit 2-121-217276-3, Boatright Farm, Suwannee County
 - Agenda Item No. 22 - Contract with Locklear & Associates, Natural Analytic Services Price Creek Cattle Company, Wetlands Solutions Inc., H2O Mobile Labs, and Tide Line Services, LLC
 - Agenda Item No. 26 - Amendment to Contract 20/21-186 with SanRiver Farms, LLC for Agricultural Cost-Share Funding, Suwannee County
 - Agenda Item No. 27 - Amendment to Contract 21/22-171 with Herman Sanchez III for Agricultural Cost-Share Funding, Dixie, Lafayette, Levy, Suwannee and Gilchrist Counties
 - Agenda Item No. 28 - Amendment to Contract 20/21-187 with Sanchez Farms, LLC for Agricultural Cost-Share Funding, Dixie, Lafayette, Levy and Gilchrist Counties
 - Agenda Item No. 32 - Task Work Assignment 19/20-045.006 with Northstar Contracting Group, Inc.
6. July 12, 2022 Board 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
 - C. Staff Recognition - Kris Eskelin (Five Years) and Robbie McKinney (15 Years)

GOVERNING BOARD LEGAL COUNSEL

Tom Reeves

- LC Page 1
8. Settlement of Claim on Insurance Policy No. WLG-904943-1220 - Starke Bypass Mitigation Area Project
 9. Update on Legal Activities

BUSINESS AND COMMUNITY SERVICES

Tim Alexander, Deputy Executive Director

Administration

- BCS Page 1
10. Land Acquisition and Disposition Activity Report
 11. Electronic Bid Update
- BCS Page 4
12. Right of First Refusal on Layman Law Firm – Walker Springs Conservation Easement, Jefferson County

Finance

- BCS Page 11
13. June 2022 Financial Report – **Recommend Consent**

Human Resources

- BCS Page 16
14. Amendment to Contract 17/18-219 with Gallagher Benefit Services, Inc. – **Recommend Consent**

Resource Management

- BCS Page 17
15. Permitting Summary Report
- BCS Page 21
16. Fiscal Year 2022-2023 Annual Regulatory Plan – **Recommend Consent**
- BCS Page 24
17. Modification of Water Use Permit 2-121-217276-3, Boatright Farm, Suwannee County – **Recommend Consent**
- BCS Page 32
18. Rulemaking to Amend Rule 40B-4.1070, Florida Administrative Code

OUTREACH AND OPERATIONS

Katelyn Potter, Division Director

Outreach and Operations

19. District Lands Web Map Showcase

Land Management

- OPS Page 1
20. District Land Management and Twin Rivers State Forest Activity Summary

Hydrologic Data Services

- OPS Page 5 21. Agricultural Water Use Monitoring Report
- OPS Page 8 22. Contract with Locklear & Associates, Natural Analytic Services Price Creek Cattle Company, Wetlands Solutions Inc., H2O Mobile Labs, and Tide Line Services, LLC – **Recommend Consent**
- OPS Page 9 23. Task Work Assignment 19/20-043.007 with Land and Sea

WATER RESOURCES

Amy Brown, Deputy Executive Director

24. Water Resources Division Updates

Agriculture and Environmental Projects

- WR Page 1 25. Contracts with Local Entities for Regional Initiative Valuing Environmental Resources Cost-Share Program
- WR Page 4 26. Amendment to Contract 20/21-186 with SanRiver Farms, LLC for Agricultural Cost-Share Funding, Suwannee County – **Recommend Consent**
- WR Page 7 27. Amendment to Contract 21/22-171 with Herman Sanchez III for Agricultural Cost-Share Funding, Dixie, Lafayette, Levy, Suwannee and Gilchrist Counties - **Recommend Consent**
- WR Page 10 28. Amendment to Contract 20/21-187 with Sanchez Farms, LLC for Agricultural Cost-Share Funding, Dixie, Lafayette, Levy and Gilchrist Counties - **Recommend Consent**
- WR Page 13 29. Contract with Hidden River Farms, LLC, for Agricultural Cost-Share Funding, Hamilton County
- WR Page 16 30. Contract with Herman Sanchez Jr., for Agricultural Cost-Share Funding, Dixie, Lafayette, Gilchrist, Levy and Suwannee Counties
- WR Page 19 31. Contract for Fiscal Year 2022 with the Federal Emergency Management Agency to Administer the Risk Mapping, Assessment and Planning Program
- WR Page 20 32. Task Work Assignment 19/20-045.006 with Northstar Contracting Group, Inc. – **Recommend Consent**

Minimum Flows and Minimum Water Levels

No Items

Water Supply

33. Water Use Estimation Update

Water Resources

34. Water Quality Update

EXECUTIVE OFFICE

Hugh Thomas, Executive Director

35. Announcements

36. Governing Board Comments

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

| | | |
|---------------------------------------|-----------|--|
| September 13, 2022 | 3:00 p.m. | Board Meeting |
| | 5:05 p.m. | First Public Hearing on Fiscal Year 2022-2023 Budget |
| September 26, 2022 (MONDAY) | 3:00 p.m. | Workshops and/or Committee Meetings |
| | 5:05 p.m. | Final Public Hearing on Fiscal Year 2022-2023 Budget |

Workshops and Committee Meetings will begin following the Board Meeting unless otherwise noted.

37. Adjournment

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

Definitions:

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

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

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

All decisions of the Chair concerning parliamentary procedures, decorum, and rules of order will be final, unless they are overcome by a majority of the members of the Board in attendance. If any person decides to appeal any decision with respect to any action considered at the above referenced meeting and hearing, such person may need to ensure a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is made.

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

GoTo Webinar Link: <https://attendee.gotowebinar.com/register/5967981314157151243>

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

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 as if set out in full herein and are filed in the permanent files of the District.

July 12, 2022
9:00 a.m.

District Headquarters
Live Oak, Florida

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

Agenda Item No 2 – Roll Call

Governing Board

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

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 | Tim Alexander | X | |
| Deputy Executive Director | Amy Brown | X | |
| Executive Office & Board Coordinator | Robin Lamm | X | |

Agenda Item No. 3 – Oath of Office for Board Member Larry Sessions. Tom Reeves, Board Legal Counsel, administered the Oath of Office to reappointed Board Member Larry Sessions.

Agenda Item No. 4 – Board Committee Assignments.

Chair Johns updated the Board on the new Committee Assignments.

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

Agenda Item No. 5 - Announcement of any Amendments to the Agenda by the Chair:

UPDATE:

Agenda Item No. 16 – Business and Community Services - Tentative Fiscal Year 2022-2023 Millage and Budget

DELETION AT BOARD MEETING:

Agenda Item No. 19 – Business and Community Services - Enforcement Action for Unpermitted Structures and Wetland Dredging - Hearn Properties, Inc., Madison County

MOTION WAS MADE BY KEITH, SECONDED BY THOMPSON TO APPROVE THE AGENDA AMENDMENTS. MOTION CARRIED UNANIMOUSLY.

Agenda Item No. 6 – Public Comment. None

Agenda Item No. 7 - Consideration of the Following Items Collectively by Consent:

- Agenda Item No. 8 - June 14, 2022 Governing Board Meeting, Lands Committee Meeting, and Executive Director Evaluation Committee Meeting Minutes
- Agenda Item No. 11 - Performance Evaluation Review of Executive Director and Contract Amendment
- Agenda Item No. 14 - May 2022 Financial Report
- Agenda Item No. 18 - Renewal of Agricultural Water Use Permit 2-029-215986-4, Oak Grove Farm, Dixie and Lafayette Counties
- Agenda Item No. 25 - Renewal of Contracts 20/21-033, 20/21-036, 20/21-037 for Construction and Maintenance of Hydrological Improvements and Roads
- Agenda Item No. 26 - Contract with Williams Timber Inc. for the Steinhatchee Springs #22 Timber Sale
- Agenda Item No. 29 - Contract for Agricultural Cost-Share with Carl Allison, Suwannee and Columbia Counties
- Agenda Item No. 30 - Contract for Agricultural Cost-Share with Shenandoah Dairy, Inc., Suwannee County
- Agenda Item No. 32 – Contract with Packaging Corporation of America for Streamflow Monitoring
- Agenda Item No. 33 - Task Work Assignment 19/20-041.017 with Wood Environmental and Infrastructure Solutions, Inc.
- Agenda Item No. 34 - Memorandum of Agreement 21/22-013 with St. Johns River Water Management District for Surface and Groundwater Chemistry Analysis

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

Agenda Item No. 8- June 14, 2022 Governing Board Meeting, Lands Committee Meeting, and Executive Director Evaluation Committee Meeting Minutes. Approved on Consent.

Agenda Item No. 9 - Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. Robbie McKinney, Manager, Office of Water Resources, gave a presentation of hydrologic conditions of the District.
- B. Cooperating Agencies and Organizations. None
- C. Service Recognition: Ben Glass and Steve Carpenter were recognized for five years of service with the District.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 10 – Legal Activities Update. Mr. Reeves updated the Board on the Thakor Ashish lawsuit.

Agenda Item No. 11 – Performance Evaluation Review of Executive Director and Contract Amendment. Approved on Consent.

BUSINESS AND COMMUNITY SERVICES

Administration

Agenda Item No. 12 – Land Acquisition and Disposition Activity Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 13 – Resolution Number 2022-05, Ross Preserve/Rio Lindo Conservation Easement, Gilchrist County. Steve Schroeder, Chief, Office of Administration, presented this item to the Board.

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

Finance

Agenda Item No. 14 – May 2022 Financial Report. Approved on Consent.

Agenda Item No. 15 – Resolution Number 2022-06, Release of Fiscal Year 2022-2023 State Appropriations. Christina Green, Budget Manager, Office of Finance, presented this item to the Board.

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

Agenda Item No. 16 – Tentative Fiscal Year 2022-2023 Millage and Budget – **UPDATED.** Mrs. Green presented this item to the Board.

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

Resource Management

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

Agenda Item No. 18 – Renewal of Agricultural Water Use Permit 2-029-215986-4, Oak Grove Farm, Dixie and Lafayette Counties. Approved on Consent.

Agenda Item No. 19 – ~~Enforcement Action for Unpermitted Structures and Wetland Dredging – Hearn Properties, Inc., Madison County.~~ **DELETED**

Agenda Item No. 20 – Rulemaking to Amend Rules 40B-3.021, 40B-3.035, 40B-3.051, 40B-3.101, 40B-3.201, 40B-3.411, and 40B-3.521, Florida Administrative Code. Warren Zwanka, Director, Resource Management Division, presented this item to the Board.

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

Agenda Item No. 21 – Contract with GreenTrust Environmental, Inc. Mr. Zwanka presented this item to the Board.

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

Agenda Item No. 22 – Task Work 19/20-024.001 with Eutaw Utilities, Inc. Ashley Stefanik, Chief, Office of ERP and Environmental Compliance, presented this item to the Board.

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

OUTREACH AND OPERATIONS

Communications and Outreach

No Items

Land Management

Agenda Item No. 23 - 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. 24 - Interlocal Agreement with Hamilton County for Management of the Turner Bridge Park and Roline Boat Ramp. Bill McKinstry, Chief, Office of Land Management, presented this item to the Board.

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

Agenda Item No. 25 – Renewal of Contracts 20/21-033, 20/21-036, 20/21-037 for Construction and Maintenance of Hydrological Improvements and Roads. Approved on Consent.

Agenda Item No. 26 – Contract with Williams Timber Inc. for the Steinhatchee Springs #22 Timber Sale. Approved on Consent.

Hydrologic Data Services

Agenda Item No. 27 – Agricultural Water Use Monitoring Report. This report was provided as an informational item in the Board materials.

Agenda Item No. 28 – Task Work Assignment 19/20-078.007 with Vanasse Hangen Brustlin, Inc. Vince Robinson, Manager, Office of Hydrologic Data Services, presented this item to the Board with the added budget code of 20-2586-1-1102-18-00.

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

WATER RESOURCES

Agriculture and Environmental Projects

Agenda Item No. 29 – Contract for Agricultural Cost-Share with Carl Allison, Suwannee and Columbia Counties. Approved on Consent.

Agenda Item No. 30 – Contract for Agricultural Cost-Share with Shenandoah Dairy, Inc., Suwannee County. Approved on Consent.

Minimum Flows and Levels

Agenda Item No. 31 – Task Work Assignment 19/20-082.006 with Intera, Inc. Sean King, Chief, Office of Minimum Flows and Minimum Water Levels, presented this item to the Board.

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

Water Supply

No Items

Water Resources

Agenda Item No. 32 – Contract with Packaging Corporation of America for Streamflow Monitoring. Approved on Consent.

Agenda Item No. 33 – Task Work Assignment 19/20-041.017 with Wood Environmental and Infrastructure Solutions, Inc. Approved on Consent.

Agenda Item No. 34 – Memorandum of Agreement 21/22-013 with St. Johns River Water Management District for Surface and Groundwater Chemistry Analysis. Approved on Consent.

Agenda Item No. 35 – Interagency Joint Funding Agreement with United States Geological Survey. Susie Hetrick, Chief, Office of Water Resources, presented this item to the Board.

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

EXECUTIVE OFFICE

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

Agenda Item No. 37 - Governing Board Comments. None

Agenda Item No. 38 - Adjournment. Meeting adjourned at 12:03 p.m.

Chair

ATTEST:

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

Workshop began at 12:43 p.m.

Gainesville Regional Utilities Groundwater Recharge Wetlands Project Presentation

Rick Hutton and Kristen Sealey, Gainesville Regional Utilities, provided a powerpoint presentation regarding the Groundwater Recharge Wetland Park and other recharge wetland projects developed by Gainesville Regional Utilities.

Workshop ended at 1:36 p.m.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: George T. Reeves, Esq., General Counsel

DATE: August 1, 2022

RE: Settlement of Claim on Insurance Policy No. WLG-904943-1220 - Starke Bypass Mitigation Area Project

RECOMMENDATION

Approve a written settlement agreement with Catlin Specialty Insurance Company to settle the District's claim on insurance policy no. WLG-904943-1220 concerning the Starke Bypass Project.

BACKGROUND

In the early 2010's the Florida Department of Transportation (FDOT) began the planning and later construction of the Highway 301 bypass road around the City of Starke (the "Starke Bypass Project"). As part of the Starke Bypass Project, wetlands were going to be impacted and, under both Federal and Florida law, such impacts required mitigation. Pursuant to Section 373.4137(3)(a), Florida Statutes, the FDOT may "purchase mitigation services through the water management districts" to accomplish such mitigation. FDOT chose to purchase mitigation services through the District to be implemented on a 250-acre mitigation conservation easement on the east shore of Lake Rowell, north of Alligator Creek (the "Subject Property").

To accomplish the mitigation necessary for the Starke Bypass Project, on or about March 16, 2015, the District entered into a contract with Alligator Creek Mitigation Bank, LLC (Alligator Creek) under which the District agreed to pay a total contract price of \$2,980,000 and Alligator Creek agreed to provide not less than 47 Uniform Mitigation Assessment Method (UMAM) units, recognized by the U.S. Army Corps of Engineers. Under the contract, Alligator Creek was to purchase a conservation easement in favor of the District, perform construction and planning establish the wetlands, and engage in long term monitoring to ensure the UMAM credits were created on the Subject Property. The contract price was divided as follows:

| | |
|--|--------------------|
| Permitting | \$171,200 |
| Acquisition of the Conservation Easement | \$2,347,967 |
| Construction | \$261,800 |
| Planting | \$144,500 |
| Monitoring | \$26,700 |
| Long Term Financial Assurance | \$27,833 |
| Total | \$2,980,000 |

Pursuant to the Contract, part of the above contract price was used to purchase Insurance Policy No. WLG-904943-1220 (the "Policy") from Catlin Specialty Insurance Company with a \$415,000 policy limit. The Policy is a policy of Compensatory Mitigation Project Insurance. Under the Policy, in the event there is a failure to meet the performance standards of the project, the Insurer is to either undertake and complete or secure through payment the compensatory mitigation for which Alligator Creek was legally responsible.

Pursuant to the contract, Alligator Creek purchased the conservation easement and performed work on the property, but the wetlands have not trended toward success and additional work is necessary to make the mitigation successful.

On October 18, 2019, the District prepared a memorandum outlining how Alligator Creek failed to meet the performance standards under the contract.

On December 30, 2019, the District sent a notice of claims to the Insurer stating that a claim was being made because Alligator Creek has failed, during the policy period, to meet performance standards under the project and included a copy of both the Policy and the October 18, 2019, memorandum.

On July 20, 2020, the attorney for the Insurer sent a reservation of rights letter setting out the various defenses the Insurer believes that it has to payment under the Policy. A copy of this letter is included.

Since receipt of the above letter, we have been working on this issue intermittently with Alligator Creek and the Insurer to attempt to reach an agreement without the need for litigation.

Earlier this year, the FDOT retained a contractor to give a proposed plan and cost estimate for correcting the wetland project. A copy of the proposed plan and \$350,262 cost estimate are also included.

On July 22, 2022, staff provided a copy of the proposed plan and cost estimate to the attorney for the Insurer and requested that the insurer agree to fund such plan. The attorney for the insurer responded that the insurer would (1) waive the defenses set out in its reservation of rights letter and (2) fund the \$350,262 cost of the plan, if the District released the insurer from further liability under the policy. The undersigned and the attorney for the insurer have negotiated a settlement agreement (copy enclosed) which provides that upon execution, the insurer will pay the total \$350,262 to the District within 30 days and both parties release each other from any further liability concerning the policy.

If the Governing Board approves the settlement agreement, the District is waiving its right to seek an additional \$64,738 ($\$415,000 - \$350,262 = \$64,738$) under the policy. However, the District eliminates the risk that the insurer will be successful on the defenses raised in its reservation of rights letter. Further, even if the District were ultimately successful, under the settlement agreement, the District receives the funds now as opposed to after a lawsuit and floating the costs and attorney's fees for such litigation (although if the District were ultimately successful the District would recover its costs and attorney's fees).

Staff recommends the District approve the settlement agreement.

/tr
Attachments

July 20, 2020

Thomas M. Contois
Partner
tom.contois@phelps.com
Direct 919 789 5336

George T. Reeves
Davis, Schnitker, Reeves & Browning, P.A.
Post Office Drawer 652
Madison, Florida 32341

RESERVATION OF RIGHTS

| | |
|----------------|--|
| Insured: | Alligator Creek Mitigation Bank, LLC |
| Policy No.: | WLG-904943-1220 |
| Policy Period: | December 17, 2015 to December 17, 2020 |
| Matter: | Compensatory Mitigation Project at the Starke Bypass Mitigation Area |

Dear Mr. Reeves:

As you know, Catlin Specialty Insurance Company issued a Compensatory Mitigation Project insurance policy to the Alligator Creek Mitigation Bank, LLC, for a wetlands mitigation project at the Starke Bypass Mitigation Area. I represent Catlin with respect to the claim submitted by the Suwannee River Water Management District (the “State Water District”) regarding that project. I write to update you on the status of the investigation of the claim, and to identify certain issues raised by the investigation.

The investigation of the project

The claim made by State Water District asserts that the Alligator Creek Mitigation Bank has failed to meet performance standards for the Compensatory Mitigation Project – a project to establish or revitalize a wetland area outside the town of Starke, Florida. Since receiving the claim from the State Water District, Catlin has investigated the background, history, and current status of the project, in an effort to understand the factors that have had an impact on the project, including factors that might continue to have an impact, and to understand what work might need to be undertaken to bring the project to completion.

As part of its investigation, Catlin has reviewed the correspondence from the State Water District and the memorandum it provided regarding its assessment of the project. Catlin

also requested and received a substantial volume of information about the project and its history from the insured, the Alligator Creek Mitigation Bank. Catlin has reviewed that information as well, and interviewed Kevin Burkett, one of the principals of the Mitigation Bank, and Carl Salafrio, of Environmental Consulting & Design, the environmental consultant to the Mitigation Bank.

The mitigation project

Based on the investigation, Catlin's understanding is that the need for the wetlands project arose when the Florida Department of Transportation constructed a highway bypass around the town of Starke, Florida, that resulted in a loss of certain wetland areas. The wetlands project was meant to compensate for those lost wetlands. In March 2015, the State Water District selected a location for the project and denoted it as the Starke Bypass Mitigation Area. Bids were submitted by contractors interested in doing the work, one of which came from the Alligator Creek Mitigation Bank. The bid from the Mitigation Bank, and its plans for doing the work, were based in significant part on information provided by the State Water District regarding anticipated water levels in the project area, including the effect on water levels that would result from the operation of one or more floodgates downstream from the project area. The bid from the Mitigation Bank was substantially less than the next lowest bid, and in November 2015, the State Water District contracted with the Alligator Creek Mitigation Bank to undertake the project. An Environmental Resource Permit was issued that provided detailed plans for, among other things, the engineering, grading, and planting required to establish a wetland area.

The Mitigation Bank promptly began work on the project by grading, treating for invasive plant species, planting hundreds of pounds of native ground cover plants, and planting approximately 61,000 saplings and 5,000 one-gallon trees.¹ Approximately 12,000 more saplings were planted in early 2017 to make up for losses due to various causes.

The Mitigation Bank retained Environmental Consulting & Design, Inc. (EC&D), to help plan and monitor the progress of the project. According to EC&D, the project was trending toward success by Summer 2017.

In September 2017, rainfall from Hurricane Irma caused severe flooding of the project area. In addition, in response to flooding from the hurricane, a mine being operated upstream from the wetland area released millions of gallons of water into the watershed that then flowed into the project area. Portions of the project area were under several feet of water for an extended period. An assessment done in January 2018 showed that the flooding had killed about 85% of the trees that had been planted. In addition, as the floodwaters receded, they

¹ The reference to "one-gallon" trees appears to be a reference to the size of the container in which the trees were rooted, indicating that these trees were larger than the other saplings.

left behind an unusually high volume of seeds from weedy species upstream from the project area. As those seeds germinated, the weeds that grew competed with the ground cover plants that the Mitigation Bank had planted as part of the project.

After the assessment in January 2018, there was an extended period of discussion and negotiation between the Mitigation Bank, EC&D, and the State Water District over possible changes to the project that would address the damage done by the flooding and get the project back on track for success. It appears that the parties were unable to agree on how the work should proceed.

Starting in early 2018, the Mitigation Bank and EC&D took the position that successfully completing the project would require modification of the original design requirements stated in the permit, both because of the required growth schedule and because of the apparent dangers of extensive flooding in the area. The Mitigation Bank expressed a concern that, due to various factors, harmful flooding conditions might continue to endanger the project.

One factor had to do with tree limbs, trash, and other debris that had accumulated in Alligator Creek on land owned or controlled by the State Water District, all of which could obstruct the flow of water through the creek, and cause flooding of the project area. The Mitigation Bank requested that the State Water District remove the trees, but it appears that the State Water District did not do so for an extended period of time.

In addition, it appears that, at some point near the beginning of the project, the operation of a floodgate downstream from the wetlands area changed hands, and the new floodgate operating schedule differed from that contemplated when the original permit was issued. As a result, the water conditions and potential flooding in the project area differed from the conditions that were anticipated when the project was designed and the contract signed. Information provided by the Mitigation Bank indicates that the State Water District was aware of these changes, but did not inform the Mitigation Bank about them in a timely manner. Information provided by the Mitigation Bank also indicates that the State Water District continued to insist that the project follow the original plan, even though the changes in the operation of the floodgate were likely to cause more flooding in the project area, and prevent the project from succeeding.

From time to time over the course of the project, there would be assessments of how the newly planted trees and grasses were progressing. These assessments included numerical data regarding the number, height, and girth of the trees, and the percentage of grasses that had been planted as part of the project, versus other invasive species. In early 2018, after Hurricane Irma, the Mitigation Bank stopped collecting the numerical data because so many of the plantings had been killed, and re-planting of almost the entire project area had become necessary.

In early 2019 the State Water District requested a report on the project, including numerical data. None was available for 2018, and in August 2019, the State Water District made its own assessment of the project. A copy of that assessment was provided with the claim submitted by the State Water District. The assessment concluded that the project was behind schedule in various respects and was “not trending toward success.” The State Water District assessment does not mention or appear to consider in any fashion the impact on the project of the flooding caused by Hurricane Irma, the water released by the mine, or the other factors that have had an impact on water levels in the project area, including the obstruction of Alligator Creek, and the changes in the operation of the floodgate downstream from the project.

Based on the investigation, it appears that the current status of the project is not due to any failure by the Mitigation Bank to diligently pursue the work, but is instead the result of various factors outside of its control – including some factors which are in the control of, or at least partially in the control of, the State Water District. Indeed, prior to Hurricane Irma, the Mitigation Bank appears to have been meeting project goals and deadlines before the flooding reversed much of the progress. The State Water District appears to be at least partially responsible for the impact of increased flooding at the project site, due to its failure to notify the Mitigation Bank of the changes in the operation of the floodgate, its failure for an extended period to remove the obstructions from Alligator Creek, and its refusal to allow the Mitigation Bank to modify the project in ways that would address the impact of the flooding resulting from the hurricane and the unanticipated factors that were affecting the project’s water levels. It is Catlin’s understanding that the permit for the project was originally issued by the U.S. Army Corps of Engineers, and that changes to the project might require a modification of the permit, but it appears that the State Water District has been unwilling to seek any such modification.

Based on the investigation, it appears that various factors that are preventing the project from succeeding are still present, and may continue to hinder or prevent success. In addition, the State Water District itself appears to have concluded that, at least in some areas, the project cannot succeed because the water levels are too low – a factor clearly outside the control of the Mitigation Bank.² Catlin intends to continue to investigate the project, to add to its understanding of whether it might succeed, and how.

Policy provisions and potential coverage issues

Catlin’s review of the claim indicates that various policy provisions may be relevant, including provisions addressing the issues discussed below. Based on the information currently available, these are the provisions that appear most likely to be relevant to the claim, but as

² The memorandum provided by the State Water District with its claim indicates, in the “Conclusion” section, that “[c]urrent hydric soil indicators give reason to suspect hydrologic criteria are not able to be met since the seasonal high water level (determined by hydric soil indicators) is not within 4 inches of land surface for transects 2, 7, 10, and 12.”

more information is learned, other provisions may also become relevant. By omitting them from the discussion below, Catlin does not mean to suggest that other policy provisions are not relevant. To the contrary, the policy must be read and interpreted as a whole, and coverage for the claims remains subject to all of the policies' terms, conditions, and exclusions.

The insuring agreement provides that

In the event of the "Named Insured's" failure during the "policy period" to meet "performance standards" under the "Compensatory Mitigation Project" at the "insured property," the Company agrees to undertake and complete or secure through payment, whether directly or through a "Third Party," the 'compensatory mitigation' for which the 'Named Insured' is legally responsible under the "Compensatory Mitigation Project," provided the 'regulatory body' first makes a 'claim' to the Company in writing and during the 'policy period.'

(Policy Form EGPM 050 1112, Section I.)

As the insuring agreement indicates, the policy does not provide for payment of the policy proceeds to the regulatory body making a claim. Rather, the policy provides that, when a claim is made, Catlin will,

as soon as reasonably practicable, perform its due diligence to identify, undertake and complete or secure through payment the "compensatory mitigation" subject to the Limit of Liability. The Company will work with the "Regulatory Body" in good faith to foster agreement concerning all "compensatory mitigation" to be undertaken and completed or secured through payment, including approval of a third party to receive payment, pursuant to a "Claim" and will undertake and complete or secure through payment such "compensatory mitigation" as soon as reasonably practical after notice of a "Claim."

(Policy Form EGPM 050 1112, Section VI.F. Claim Adjustment.) As you know, the policy's limit of liability is \$415,000.00.

As contemplated by the policy, Catlin is prepared to work with the State Water District in good faith, in an effort to reach an agreement regarding additional mitigation work that must be undertaken to complete the project. In doing so, the factors that have prevented success must, of course, be addressed, as must the State Water District's conclusion that successful completion of the project is not possible in some areas. As you know, the law does not compel parties to perform a contract that has become impossible.

Catlin is also concerned about the indications that actions by the State Water District, or lack of action, have contributed to the difficulties in completing the project. It is, of course, well established that the beneficiary of an insurance contract cannot profit from that contract as a

result of its own wrongdoing. Catlin trusts that, as we discuss how to proceed, the State Water District will share the aim of finding steps that can be taken to promote the success of the project, and not hinder it.

Conclusion

Catlin's understanding of the facts relating to the claim, and its position regarding the claim, is based on the information currently available. If you believe Catlin has misunderstood the claim, or the facts relating to the project, please let us know that. If you have information that would bear on Catlin's understanding of the project, or its coverage position, please forward it.

Catlin reserves its right to supplement or amend its evaluation of coverage and potential coverage issues based on any additional information that becomes available. Catlin reserves its rights to supplement this letter to limit or deny coverage as warranted by the facts now known or later developed. Catlin intends to continue to investigate this claim, without waiving any of its rights, to make certain that it arrives at an accurate determination of the extent of any coverage available under the policy.

This letter is not, and should not be construed as a waiver of any terms, conditions, exclusions, or other provisions of the policy. Catlin reserves all of its rights under the policy and applicable law.

Sincerely,

/s/ Thomas M. Contois

Thomas M. Contois

cc: Craig Rosen
Large Loss Specialist
Energy Liability
One World Financial Center
200 Liberty Street, 25th Floor
New York, NY 10281
craig.rosen@axaxl.com

Alligator Creek Mitigation Bank, LLLC
1005 Edgewater Drive
Orlando, FL 32804
kburkett@smcconstruction.com



3 May 2022

**RE: Starke Bypass Mitigation Area –Cost Estimate
Bradford County, Florida**

Dear District Staff:

Please see approximate costs associated with the implementation of the proposed Adaptive Management Plan at the Starke Bypass Mitigation Area (SBMA). The costs detailed in the attached spreadsheets detail the following components of the management plan:

- Initial mowing and herbicide treatment at SBMA *Costs were approximated by District Staff
- Planting of native tree species in regenerating wetland forested mixed and regenerating cypress wetland polygons
- Vegetative monitoring and reporting for a duration of 10 years; with more intensive monitoring completed in years 1-5, and less intensive monitoring in years 6-10. Costs include mileage and materials.
- Routine invasive/exotic species inspections; quarterly in years 1-5, semi-annually in years 6-10
- Costs associated with modifying both the SRWMD and USACE permits
- Ongoing mowing and herbicide treatment of invasive/exotic species at SBMA. * costs were approximated by District Staff.

Please note that the attached costs are estimated and are subject to change. Costs are dependent on the approval of the proposed Adaptive Management Plan

Sincerely,

ENVIRONMENTAL RESOURCE SOLUTIONS
A Division of SES Energy Services LLC

Walt Esser
Senior Environmental Scientist

Attachment: Cost Estimate for Mitigation Implementation at Starke Bypass Mitigation Area

woe/P22036_Cost Estimate_SBMA5/3/22

| |
|--|
| Starke Bypass Mitigation Area |
| Construction & Implementation Cost Estimate |
| April 2022 |

| Description | Quantity | Unit | Cost/Unit | Total Cost | Notes |
|-------------|----------|------|-----------|------------|-------|
|-------------|----------|------|-----------|------------|-------|

| | | | | | |
|---|-------|-------|-----------|---------------------|---|
| Habitat Enhancement | | | | | |
| Initial Mowing of Habitat W1 (Regenerating Wetland Forested Mixed) | 61.47 | AC | \$ 200.00 | \$36,882.00 | Mowing of 61.47 acres of W1 habitat. Combined cost for years 1, 3, and 5; Provided by WMD |
| Herbicide Treatment within Forested Habitat | 42 | AC | \$ 400.00 | \$50,400.00 | Herbicide Treatment within forested polygons. Combined cost for years 1, 3, and 5; Provided by WMD |
| Planting of 75 trees per acre within W1 (Regenerating Wetland Forested Mixed) | 4611 | Trees | \$ 10.00 | \$46,110.00 | 61.47 acres of W1 to be planted with 3 gallon cypress, red maple, and sweetgum at a density of 75 trees per acre |
| Planting of 75 Trees per acre within Regenerating Cypress Wetlands | 317 | trees | \$ 10.00 | \$3,170.00 | 4.23 acres of regenerating cypress wetlands to be planted with 3 gallon cypress at a density of 75 trees per acre |
| Total | | | | \$136,562.00 | |

| | | | | | |
|---|------|-------|-----------|---------------------|--|
| Vegetative, Wildlife & Hydrologic Monitoring and Reporting | | | | | |
| Vegetative Monitoring/Reporting Year 1-2 | 256 | Hours | \$ 100.00 | \$25,600.00 | 128 hours/Year @ \$100 per hour x 2 years. |
| Vegetative Monitoring Reporting Year 1-2 | 56 | Hours | \$ 150.00 | \$8,400.00 | 20 hours per year for report writing/editing/addressing of comments. + 8 hours per year for agency site visit |
| Mileage/Materials Years 1-2 | 2340 | miles | \$ 0.60 | \$1,404.00 | 8 trips for monitoring 1 trip for agency site visit per year for 2 years |
| Vegetative Monitoring/Reporting Year 3-5 | 192 | Hours | \$ 100.00 | \$19,200.00 | 64 hours per year @ \$100 per hour for 3 years |
| Vegetative Monitoring Reporting Year 3-5 | 84 | Hours | \$ 150.00 | \$12,600.00 | 20 hours per year for report writing/editing/addressing of comments. + 8 hours per year for agency site visit for 3 years |
| Mileage/Materials Years 3-5 | 1950 | Miles | \$ 0.68 | \$1,326.00 | 4 trips for monitoring 1 trip for agency site visit per year for 3 years |
| Invasive Exotic Vegetation Check Years 1-5 | 320 | Hours | \$ 100.00 | \$32,000.00 | Quarterly Check of Invasive Exotic Coverage at SBMA. 8 Hours per visit + 8 hours of Tech Memo and Graphics Compilation = 64 hours per year for 5 years |
| Total | | | | \$100,530.00 | |

| | | | | | |
|---------------------------------|---|----|-------------|--------------------|--|
| Administrative | | | | | |
| Modification of District Permit | 1 | -- | \$ 9,000.00 | \$9,000.00 | |
| Modification of USACE Permit | 1 | -- | \$ 9,000.00 | \$9,000.00 | |
| Total | | | | \$18,000.00 | |

| | |
|-------|--------------|
| TOTAL | \$255,092.00 |
|-------|--------------|

| |
|--------------------------------------|
| Starke Bypass Mitigation Area |
| Years 6-10 Cost Estimate |
| April 2022 |

| Description | Quantity | Unit | Cost/Unit | Total Cost | Notes |
|---|----------|-------|-----------|--------------------|---|
| Site Maintenance | | | | | |
| Yearly Vegetative Monitoring | 80.00 | hours | \$ 100.00 | \$8,000.00 | 16 hours per year for 5 years |
| Vegetative Monitoring Reporting Years 6-10 | 80.00 | hours | \$ 150.00 | \$12,000.00 | 8 hours per year+ 8 hours per year for agency site visit for 5 years |
| Mileage | 1,950 | Miles | \$ 0.60 | \$1,170.00 | 3 trips per year for 5 years |
| Vegetative Mowing | 61 | Acres | \$ 200.00 | \$24,400.00 | Combined cost for mowing years 7 and 9. Costs Provided By District Staff |
| Herbicide Treatment | 42 | Acres | \$ 400.00 | \$33,600.00 | Combined cost for Treating years 7 and 9. Costs Provided By District Staff |
| Invasive Exotic Vegetation Check Years 6-10 | 160 | Hours | \$ 100.00 | \$16,000.00 | Semi Annual check of Invasive Exotic Species Coverage. 8 hours per visit + 8 hours report and graphics compilation = 32 hours per year for 5 years. |
| Total | | | | \$95,170.00 | |

This adaptive management plan addresses mitigation implementation at the Starke Bypass Mitigation Area. Initial mitigation activities were conducted in late 2015. A site assessment was conducted in March 2022 to evaluate current site conditions and provide recommendations to ensure the SBMA meets permitted success criteria and provides appropriate functions and values to the watershed.

Site Work Plan

Completed mitigation activities included:

- Blocking of ditches that rapidly drain the site
- Removal of invasive/exotic & nuisance species
- Removal of fill material to create wetland habitat
- Planting native grasses and trees
- Perpetual preservation through conservation easements

Blocking of ditches that rapidly drain the site

A number of ditch blocks were installed within the network of ditches that facilitated the draining of the SBMA. The blocking of these ditches resulted in a more natural hydroperiod within the SBMA wetlands.

Removal of invasive/exotic and nuisance species

The coverage of invasive exotic species at the SBMA has long been a management challenge. Supplemental herbicide applications have reduced coverage of invasive/exotic and nuisance species coverages. However, coverages of invasive exotic species, namely rattlebox (*Sesbania punicea*) and Chinese tallow (*Triadica sebifera*) currently exceed permitted standards.

Removal of fill material to create wetland habitat

Upland pasture was scraped to appropriate wetland grade to create hydric pine flatwoods and wetland forested mixed wetland habitat

Planting native grasses and trees

Within upland and wetland habitat the re-colonization by native plant species was augmented by the planting of additional native tree and grass species. Supplemental planting efforts have also been conducted. While planting efforts resulted in appropriate tree densities within the upland mixed forest and hydric pine flatwoods habitats, the wetland forested mixed and cypress wetlands do not currently meet permitted trees per acre success criteria.

Perpetual preservation through conservation easement

A conservation easement was recorded over the SBMA site. The conservation easement will ensure preservation of the site in perpetuity.

While implemented mitigation activities were successful in increasing the ecological functions provided by the SBMA, permitted success standards are not being met within several wetland polygons. Additional mitigation activities proposed are detailed below.

Intensive removal of invasive/exotic species within wetland forested mixed wetland communities

The removal of invasive/exotic species is paramount to the success of the SBMA. While ongoing herbicide treatments have reduced the presence of invasive/exotic species, coverages exceed permitted standards. Invasive/exotic species will be aggressively targeted for eradication. Rattlebox and Chinese tallow have been noted to be the most problematic species at the SBMA. Rattlebox will be treated through a combination of mowing and herbicide application. Mowing has been documented by the University of Florida, Institute of Food and Agricultural Sciences as an effective method for rattlebox removal. An initial mowing of the wetland forested mixed community will be conducted. Mower decks will be set to the highest setting possible to avoid the removal of regenerating tree species. Following the completion of the initial mowing, ongoing herbicide and mowing efforts will ensure coverage of rattlebox remains suppressed. Chinese tallow will be treated through the cutting of stumps and application of herbicide. While Japanese climbing fern (*Lygodium japonicum*), cogongrass (*Imperata cylindrica*), and Peruvian primrosewillow (*Ludwigia peruviana*) provide minimal coverage at the SBMA, they will be treated with herbicide where encountered.

Regular site visits will be conducted to monitor the coverage of invasive/exotic species within enhancement polygons at SBMA. Following the initial mowing and herbicide application, quarterly inspections will be conducted in years 1-5, with semi-annual inspections conducted in years 6-10.

Installation of desirable trees within the wetland forested mixed and cypress wetland communities

Tree numbers within the regenerating wetland forested mixed and cypress wetland communities are currently below permitted trees per acre success criteria. A supplemental planting of 3 gallon trees will occur within these communities. The installation of larger tree material will position trees above the shrub strata, decreasing the potential of tree mortality experienced by flooding or lack of available sunlight. Tree species will include bald cypress (*Taxodium distichum*), sweetgum (*Liquidambar styraciflua*), and red maple (*Acer rubrum*). Currently, the wetland forested mixed and cypress communities exhibit 78 and 38 trees per acre, respectively. Trees will be installed at a density of 75 trees per acre to bolster existing tree numbers and provide assemblages and densities typically seen in a natural wetland forested mixed community

Modification of issued permit

During the site assessment it was noted that approximately 19.9 acres± of permitted wetland forested mixed habitat exhibited hydrologic conditions and vegetative assemblages consistent with a wet pine flatwoods community. The permit should be modified to reflect habitat boundary adjustments. Additionally, success criteria should be modified to reflect current mitigation site standards. For example, a range of trees per acre within mitigation polygons should be proposed. The current mitigation bank standard for forested wetlands is 60-450 trees per acre.

Proposed mitigation measures will protect and enhance site conditions, promoting establishment of a natural community structure and increasing vegetative diversity. Activity-specific mitigation plans are detailed below.

Community-Specific Mitigation Plans

U1: Mixed Upland Forest – 25.40

Completed mitigation activities within this community type included the removal of non-desirable species and the installation of native upland trees. This community type is trending towards success. The implementation of continued herbicide treatments will ensure invasive/exotic species do not become problematic within the U1 community. Observed recruitment of slash pine has supplemented installed species, and tree numbers are trending towards meeting success. If future monitoring events note stagnant or decreasing desirable tree numbers, a supplemental planting of 3 gallon trees will occur.

W1A: Hydric Pine Flatwoods– 117.17 Acres

Completed mitigation activities within this community type included the blocking of ditches, removal of non-desirable species, wetland creation through fill material removal, and the installation of pine species. This community type is trending towards success. The implementation of continued herbicide treatments will ensure invasive/exotic species do not become problematic within the W1 community. Observed recruitment of slash pine has supplemented installed species, and tree numbers are exceeding permitted success criteria. If future monitoring events note stagnant or decreasing desirable tree numbers, a supplemental planting of three gallon trees will occur.

W1B: Mature Hydric Pine Flatwoods – 9.95 Acres

Completed mitigation activities within this community type included the blocking of ditches and removal of earthen berms. This community type is currently meeting or exceeding all permitted success criteria sans the coverage of invasive/exotic species. Chinese tallow will be removed through the application of herbicide on cut stumps. Conducted monitoring events will note coverages of invasive/exotic species and indicate if additional treatments are required.

W2A: Regenerating Wetland Forested Mixed – 61.47 Acres

Completed mitigation activities within this community type included the blocking of ditches, removal of non-desirable species, wetland creation through fill material removal, and the installation of pine species. Coverage of rattlebox and Chinese tallow will be reduced through the implementation of an intensive removal program. Both mowing and the application of herbicide will be used to reduce the coverages of invasive exotic species. The installation of desirable tree species will supplement tree species currently present. Three gallon trees will be installed at 75 trees per acre.

W2B: Mature Wetland Forested Mixed – 18.03 Acres

Completed mitigation activities within this community type included the blocking of ditches and removal of earthen berms. This community type is currently meeting or exceeding all permitted success criteria sans the coverage of invasive/exotic species. Chinese tallow will be removed through the application of herbicide on cut stumps. Conducted monitoring events will note coverages of invasive/exotic species and indicate if additional treatments are required.

W3A: Regenerating Cypress – 4.23 Acres

Completed mitigation activities within this community type included the blocking of ditches, removal of non-desirable species, wetland creation through fill material removal, and the installation of pine species. Coverage of rattlebox and Chinese tallow will be reduced through the implementation of an intensive removal program. Both mowing and the application of herbicide will be used to reduce the coverages of invasive exotic species. The installation of desirable tree species will supplement tree species currently present. Three gallon trees will be installed at 75 trees per acre.

W3B: Mature Cypress – 14.29 Acres

Completed mitigation activities within this community type included the blocking of ditches and removal of earthen berms. This community type is currently meeting or exceeding all permitted success criteria sans the coverage of invasive/exotic species. Chinese tallow will be removed through the application of herbicide on cut stumps. Conducted monitoring events will note coverages of invasive/exotic species and indicate if additional treatments are required.

SETTLEMENT AGREEMENT AND GENERAL RELEASE OF ALL CLAIMS

This Settlement Agreement and General Release of All Claims is made between and entered into by the Suwannee River Water Management District (the "District") and Catlin Specialty Insurance Company ("Catlin").

BACKGROUND

This Agreement is prompted by the following considerations, and the desire of the Parties to reach an amicable resolution of claims asserted by the District, and to avoid the costs and uncertainties of litigation.

Catlin issued a Compensatory Mitigation Project Insurance Policy to Alligator Creek Mitigation Bank, LLC, for the period from December 17, 2015 through December 17, 2020, bearing policy number WLG-904943-1220. Subject to its terms and conditions, the Catlin policy provided claims-made-and-reported coverage for a specified Compensatory Mitigation Project – in particular, the Alligator Creek Mitigation Project – insuring that it would meet certain performance standards. The Catlin policy identified the District as a regulatory body that could make a claim under the policy.

On December 30, 2019, the District submitted a claim asserting that the Project was not trending toward success. Since that time, Catlin has conferred with the named insured, the Alligator Creek Mitigation Bank – regarding the status of the Project, and has discussed with the District various potential approaches to a successful completion of the Project. Catlin and the District have agreed on one of those approaches, set forth in an adaptive management plan proposed by Environmental Resource Solutions. The estimated cost of that plan is \$350,262.00.

The Parties desire to resolve, on mutually agreeable terms, all claims involving the Catlin policy. The Parties, through counsel, have discussed the claims and the issues presented, and have agreed to resolve those claims, in their entirety, according to the terms of this Agreement.

TERMS OF THE AGREEMENT

The Parties incorporate the foregoing recitals and the facts set forth therein into, and expressly make those facts a substantive part of this Agreement. In consideration of the facts set forth above, and the promises set forth below, the Parties agree as follows:

1. **Definitions:** As used in this Agreement, the following terms shall have the following meanings:
 - (a) “Agreement” means this Settlement Agreement and General Release of All Claims.
 - (b) “Catlin” means: (i) Catlin Specialty Insurance Company; (ii) any past, present, and future affiliates, direct and indirect parents, subsidiaries, divisions, partners, owners and principals of Catlin Specialty Insurance Company; (iii) any past, present, and future officers, directors, employees, agents, representatives, partners, owners, principals, members, shareholders, and attorneys of any of the individuals or entities listed in (i) or (ii) above; and (iv) any past, present, and future predecessors, successors, beneficiaries, heirs, assigns, executors, trustees, and administrators of any of the individuals or entities listed in (i), (ii), or (iii) above.
 - (c) The “Catlin policy” means the insurance policy issued by Catlin, bearing policy number WLG-904943-1220, for the period from December 17, 2015 through December 17, 2020.

(d) The “District” means (i) the Suwannee River Water Management District; (ii) any past, present, and future divisions, partners, and principals of the Suwannee River Water Management District; (iii) any past, present, and future officers, directors, employees, agents, representatives, partners, owners, principals, members, shareholders, and attorneys of any of the individuals or entities listed in (i) or (ii) above; and (iv) any past, present, and future predecessors, successors, beneficiaries, heirs, assigns, executors, trustees, and administrators of any of the individuals or entities listed in (i), (ii), or (iii) above.

(e) The “District Claims” means any and all claims against Catlin that the District had or has now, or might have in the future, based upon, arising out of, or relating directly or indirectly to, in whole or in part, the Catlin policy, including but not limited to any and all past, present or future claims, demands, damages, actions or causes of action, obligations, duties, liabilities, rights, costs, loss of services, expenses, compensation, or interest of any type, nature, or kind whatsoever, known and unknown, suspected and unsuspected, fixed or contingent, mature or unmature, liquidated or unliquidated, direct or consequential, whether based upon tort, contract, statute, regulation, or other theory of recovery, and whether for compensation, bodily or emotional injury, financial loss, property damage, breach of the duty of good faith and fair dealing, misconduct of any type, nature, or kind in any handling, evaluating, investigating, adjusting, litigating, or resolving any claims made under the Catlin policy, unfair or deceptive insurance or trade practices, treble or punitive damages, penalties, fines or fees.

(f) “Party” refers to one of the parties to this Agreement, which are the District and Catlin. “Parties” refers to the District and Catlin collectively.

(g) "Project" refers to the Compensatory Mitigation Project known as the Alligator Creek Mitigation Project.

(h) "The Settlement Funds" means the amount specified in paragraph 3 of this Agreement.

2. **Full and Complete Consideration:** The District agrees and acknowledges that it accepts payment of the Settlement Funds and the other provisions of this Agreement as a full, complete, final and binding compromise of the District Claims.

3. **Payments:** As part of this settlement of the District Claims, Catlin shall pay to the District the total sum of \$350,262.00. Payment of the Settlement Funds shall be made by Catlin within 30 days of the date on which the District executes this Agreement. The Settlement Funds shall be paid by check made payable to "Suwannee River Water Management District" and delivered to Mr. George T. Reeves, Davis, Schnitker, Reeves & Browning, P.A., 501 West Base Street, Madison, Florida 32340 (Mailing address: P.O. Drawer 652, Madison, Florida 32341). The District's Federal Tax ID No. is 59-1520101. The District will provide to Catlin an executed W-9 form.

4. **Release from Catlin to the District:** Catlin hereby waives, releases and forever discharges the District, of any and from any and all actions, suits, debts, claims, demands and obligations whatsoever in law and equity, which Catlin may or might have or claim to have against the District by reason of any matter, cause or thing whatsoever, related to the Catlin policy, from the beginning of the world to the day of the date of this Agreement, except such rights and claims as Catlin has against the District under the terms of this Agreement, it being Catlin's intention that henceforth there shall be, as between Catlin and the District, only such

rights and obligations as are specifically provided in this Agreement, and that except as herein otherwise provided, all liability of every kind and nature on the part of Catlin to the District, and on the part of the District to Catlin, past, present and future, actual or potential, shall cease and terminate absolutely and forever upon the performance of the terms and conditions of this Agreement.

5. **Release from the District to Catlin:** The District hereby waives, releases and forever discharges the Catlin, of any and from any and all actions, suits, debts, claims, demands and obligations whatsoever in law and equity, which the District may or might have or claim to have against Catlin by reason of any matter, cause or thing whatsoever, related to the Catlin policy, from the beginning of the world to the day of the date of this Agreement, except such rights and claims as the District has against Catlin under the terms of this Agreement, it being the District's intention that henceforth there shall be, as between the District and Catlin, only such rights and obligations as are specifically provided in this Agreement, and that except as herein otherwise provided, all liability of every kind and nature on the part of the District to Catlin, and on the part of Catlin to the District, past, present and future, actual or potential, shall cease and terminate absolutely and forever upon the performance of the terms and conditions of this Agreement. Without limiting the foregoing the District hereby fully and forever releases, acquits, and discharges Catlin from, and covenants not to sue Catlin for, the District Claims or any of them.

- (a) The District understands, acknowledges, agrees, and intends that this Agreement shall be effective as a full, final, and complete release and accord and satisfaction of the District Claims. In furtherance of this intention, the District

expressly acknowledges that this Agreement includes a GENERAL RELEASE OF THE DISTRICT CLAIMS THAT THE DISTRICT MAY NOT KNOW OR SUSPECT TO EXIST IN ITS FAVOR AT THE TIME OF EXECUTING THIS RELEASE, WHICH IF KNOWN BY IT MIGHT HAVE MATERIALLY AFFECTED ITS DECISION TO ENTER THIS SETTLEMENT AND GENERAL RELEASE. The District understands, acknowledges, and agrees to the significance and consequences of this GENERAL RELEASE of the District Claims, that this GENERAL RELEASE of the District Claims is an essential and material term of this Agreement, and that this Agreement would not have been entered by Catlin without this GENERAL RELEASE of the District Claims. As a result, the District hereby assumes full responsibility for this GENERAL RELEASE of the District Claims, and, except as provided in this Agreement, hereby fully and forever releases, acquits, and discharges any and all actions, causes of action, suits, claims, counts, rights, obligations, liabilities, notices, controversies, costs, fees (including attorneys' fees), expenses, damages, judgments, interest (including prejudgment or post-judgment interest), or demands of any type, nature, or kind that may hereafter occur or arise or that later become known to the District.

- (b) The District understands, acknowledges, and agrees that it is aware that facts or circumstances may hereafter be discovered or exist in addition to or different from those now known or believed to be true with respect to this Agreement, but that it is the District's intention to enter into the releases in this Agreement, and that all such releases shall remain in effect as full, final, and complete

releases notwithstanding any such later discovery or existence of any such additional or different facts or circumstances.

- (c) The District understands, acknowledges, and agrees that this GENERAL RELEASE of the District Claims was separately bargained for and that the District has consulted with counsel of its choice regarding this GENERAL RELEASE of the District Claims. The District understands, acknowledges, and agrees that this GENERAL RELEASE of the District Claims shall be given full force and effect in accordance with each and every term and condition of this GENERAL RELEASE of the District Claims, including but not limited to those terms and conditions relating to the waiver of unknown or unsuspected actions, causes of action, suits, claims, counts, rights, obligations, liabilities, notices, controversies, costs, fees (including attorneys' fees), expenses, damages, judgments, interest (including prejudgment or post-judgment interest), or demands of any type, nature, or kind.

6. **Disclaimer of Liability:** The intent of the Parties in entering this Agreement is to resolve their dispute and to avoid the expense and uncertainty of litigation. This Agreement is not, and should not be construed to be, an admission of liability by any of the Parties.

7. **Warranties by the District:**

- (a) The District warrants and represents that it has been fully informed and has full knowledge of the terms, conditions and effects of this Agreement, and that it has had a full and fair opportunity to review and understand this Agreement and consult with its lawyers regarding this Agreement;

- (b) The District warrants and represents that it has, either itself or through its attorneys, fully investigated to its full satisfaction all facts surrounding this Agreement;
- (c) The District warrants and represents that this Agreement is executed without reliance by it upon any statement or representation by any third party or its agent; and
- (d) The District warrants and represents that it has made no assignment, voluntary or involuntary, of all or any part of the claims released herein to any other person or entity.

8. **Authority:** Each of the Parties warrants and represents that the individual executing this Agreement on its behalf has full right, authority, and capacity to do so, and to bind all of the individuals and entities included within the definition of that Party.

9. **Non-waiver:** Any waiver of any provision of this Agreement shall not be deemed to constitute a waiver of any other provision, whether or not similar, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided in writing. No breach of any portion of this Agreement can be waived unless in writing. Waiver of any one breach of any provision in this Agreement shall not be deemed to be a waiver of any other breach of the same or other provisions hereof.

10. **Interpretation:** The Parties acknowledge and agree that each has been given the opportunity to independently review this Agreement with legal counsel, and has the requisite experience and sophistication to understand, interpret and agree to the particular language of the provisions of this Agreement. Each of the Parties represents that it participated

in the negotiation and drafting of this Agreement, and as a result, each of the Parties to this Agreement shall be considered as a drafter of this Agreement. This Agreement shall not be construed in favor of or against any of the Parties, but shall be construed as if all Parties to this Agreement prepared the Agreement.

11. **Execution of Documents:** Each of the Parties agrees to execute and deliver such documents and instruments, and to take such actions, as may be reasonably necessary to fully carry out the intent and purposes of this Agreement, and without recovery of any additional costs and fees, all matters in controversy having been settled, compromised, and adjourned.

12. **Parties Bound:** This Agreement shall apply to, be binding upon, and inure to the benefit of the Parties, and their respective successors, assigns, heirs and other representatives.

13. **Governing Law, Venue, Waiver of Jury Trial, Attorney's Fees:** Interpretation and performance of this Agreement shall be governed by the laws of the State of Florida, without reference to laws governing conflicts of law. The exclusive venue and jurisdiction for any legal proceedings enforcing, construing or relating to this Agreement shall be the state courts of the State of Florida in and for the Florida county where the Project is located. The Parties mutually and forever waive any and all right to trial by jury in any legal proceedings arising out of or relating to this Agreement and agree to have any such actions decided by a judge alone, without a jury. In any legal proceedings arising out of or related to this Agreement the prevailing party shall be entitled to recover its reasonable attorney's fees and costs from the non-prevailing party.

14. **Counterparts:** This Agreement may be executed in counterparts, and facsimile and digitally transmitted original signatures shall be deemed originals, all of which taken together shall constitute one and the same Agreement.

15. **Entire Agreement:** This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof and supersedes any and all prior or contemporaneous agreements, understandings, promises, representations, warranties, covenants, negotiations and discussions, whether oral or written, whether express, implied or apparent in connection with the subject matter hereof. No supplements, modifications, waivers, or terminations of this Agreement shall be binding unless executed in writing by the Parties. Prior to being fully executed by all parties, no part of this Agreement shall have any effect nor bind either Party. Further, prior to being fully executed by all parties, this Agreement shall be deemed an offer to compromise a disputed claim and inadmissible in court for any purpose.

IN WITNESS WHEREOF, the parties have entered into this Settlement Agreement and General Release on the day and year written below.

(Signature pages follow.)

Suwannee River Water Management District

Signature: _____

Printed name: _____

Title: _____

Date: _____

Catlin Specialty Insurance Company

Signature: _____

Printed name: _____

Title: _____

Date: _____

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: July 29, 2022
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

| Property Offers | | | | | | | |
|---|---|------------|-----------|--------------------|----------------------------|------------------------|---|
| Owner | Tract | Acres | County | Submittal Date | Asking Price | Acquisition Type | Comments |
| 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 (GB)11.12.2019. Final exchange offer approved by GB 4.13.21. Request for GB approval of contract by GB 9.14.2021 for survey approved to obtain a metes and bounds/sketch for McB property. 12.14.21 Survey has commenced, Exchange agreement being reviewed by District legal counsel. McB-Pinehatchee is reviewing the exchange agreement as of 12.28.21. Survey complete. Exchange agreement remains under review by McB-Pinehatchee. 3.14.21 negotiations continuing regarding District access easement and some other minor issues. Exchange agreement revisions being reviewed by District legal counsel. Final changes to exchange agreement being reviewed by McB-Pinehatchee. On June GB Agenda for final resolution. Resolution approved at June GB. Forwarded to Reeves for closing. |
| Camp and Abel | Camp and Abel | 266 | Hamilton | 09.23.20 | \$948,000 | Fee | Approved for detailed assessment and negotiations 12.8.20. Property being tasked to NFLT for negotiation and assessment. Transaction will be processed in house and not contracted. ESA Phase 1 ordered. Appraisal ordered. Delayed completion due to flooding. ESA Phase 1 site visit scheduled 5.18. 2022. ESA report received and reported no concerns. Appraisal pending. |
| 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 LC on 6.9.20. Approved by GB on 7.14.20. In discussions with Offeror to exchange for Timber River parcel in Madison County. Offeror has tentatively agreed to exchange. Draft contract submitted to Counsel for review on 3.3.21. Awaiting additional guidance from Counsel regarding appraisals. Contract revised and submitted to Pfleiger. Staff will order an ESA Phase 1 and appraisal of the Riverbend property; Pfleiger will order an appraisal on the District land in Timber River. Signed contract received from Pfleiger to be submitted for GB Chair signature. Satisfactory Phase 1 ESA was received. Appraisal in process. Final exchange approved by LC 1.11.22. . Approved by GB 2.8.22. Will proceed to closing. Pending Closing. |
| 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 LC on 12.12.2019. Approved by GB on 1.14.20. 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. CE submitted for legal review 3.3.21. Legal comments received. Revised CE submitted to ACT for review on 6.9.21. Final revisions being made to CE language; expect completion before 7.31.21. Additional revisions submitted after conference with ACT; being reviewed internally. Terms of CE have been agreed to. Moving towards final closing. Final documents pending with ACT for signature. Pending closing. |
| Florida Department of Transportation | Quail Heights | 40.63 | Columbia | | \$651,105 | Fee | Staff review on 8.8.19 recommended purchase in partnership with FDOT. Approved by LC on 2.11.20. Approved by GB 3.10.20. Submitted for Springs Grant funding but not obtained for FY 20. Property acquired by FDOT on 9.10.20. LC approved contribution to acquisition costs 11.10.20. GB approved on consent agenda 12.8.20. FDOT contract completed. Resolution for acquisition on GB agenda 5.11.21 and was approved. Final revisions and resolution of all contingencies complete and satisfied. Funds will be distributed to FDOT before 6.1.21. Agreement with FDOT executed. Funds referred after due diligence. Staff is working on obtaining appropriate surveys and negotiating agreement with Columbia County. Interlocal agreement being drafted with Columbia County. Survey received from Columbia County. Determining next steps for completion of transaction. |
| Harpo Holdings, Inc. | Rio Lindo/Ross Preserve Conservation Easement | 313 | Gilchrist | 10.2.20 | TBD based on appraisal | Conservation Easement | Staff recommendation to proceed with detailed assessments and negotiations was approved by GB agenda 1.12.21. CE terms being negotiated and under review by District Legal Counsel. CE terms in ongoing negotiations. CE terms agreed to. Seller is obtaining appraisal. Appraisal received. Proposed final agreement to GB in July. Resolution 2022-05 approved by Governing Board July 2022. Will finalize easement and proceed to closing. |
| Lasky | Lasky | 351.74 | Gilchrist | 11.2020 | \$855,000 | Fee | Approved for detailed assessment and negotiation by GB 4.13.21. Phase 1 ESA report received. No issues noted. Appraisal complete. Negotiations underway with owner. Offer submitted to owner 1.18.22. Potential agreed price of \$770,000 subject to GB approval. Resolution on Agenda for 4.12.22. Approved by GB. Seller is clearing up title issues to get contract completed. Seller has received title report. Working on clearing title. Title issue resolved. Contract being prepared. |
| R.L. Henderson | Telford Springs | 94 | Suwannee | 12.2020 | \$1,135,000 | Fee | Submitted to LC 3.9.21 as a Springs Restoration program acquisition. Approved by LC. Board agenda 4.13.21, approved as part of Spring Restoration Grant application. Submitted as a Springs Grant project. Springs Grant award notice released 11.9.21. Discussions underway with Seller and Alachua Conservation Trust for moving forward to complete transaction. Grant agreement and ACT contract being finalized. Final documents being reviewed and closing being scheduled. Management agreement being negotiated with ACT. |
| Rayonier | Lake Sampson (Rayonier) | 30+/- | Bradford | District Initiated | TBD | Fee | Submitted to LC on 5.11.21 to be funded through FDEP grant; acquisition if AWS project related. Approved by LC. On GB Agenda for 6.8.21 and was approved. TWA opened with NFLT for negotiations with Rayonier. Negotiations continuing. |
| Bierman | Luken's tract exchange | 1 acre | Levy | 8.2021 | Exchange | Fee for Fee | 10.12.21 LC approved staff moving forward with exchange negotiations. LC recommendation approved by GB 11.11.21. Survey completed for 1 acre parcel District will receive. Exchange agreement being reviewed by District's legal counsel. Revised Agreement being reviewed by Bierman. New 1 acre tract has been created with Property Appraiser and Deed recorded to facilitate trade. Legal description of District land being verified. |

Proposed for Surplus

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

Authorized for Surplus

| Tract | Acres | County | Acquired Date | Funding | Appraisal Date | Price | Comments |
|-----------------------------|-------|-----------|---------------|-----------------|----------------|--------------------------------|--|
| Forest Woodlands | 11 | Gilchrist | 10.11.1996 | Save Our Rivers | TBD | To be determined by appraisal. | Staff recommended for surplus. Approved by Lands Committee (LC) on 10.10.19. Approved by Governing Board (GB) 11.12.19. 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 LC on 4.14.20. Approved by GB 5.12.20. Offered for sale to adjacent owners, two offers received. Approved by LC 8.11.20 to accept highest offer. Withdrawn from GB on 9.8.20. Being resubmitted to LC for its 9.21.20 meeting for staff recommendation to reject all offers and offer for sale to the general public. GB approved LC recommendation on 10.13.20. 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. Awaiting legal guidance on establishing minimum price for public notice of intent to sell. |
| Suwannee Run Shores | 1.175 | Dixie | 12.30.1997 | Save Our Rivers | TBD | To be determined by appraisal. | Staff recommended for surplus. Approved by LC 7.9.19. Approved by GB 8.13.19. Adjacent Property owners notified, responses/bids with appraisals due 4.15.20. 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 LC 7.9.19. Approved by GB 8.8.19. Adjacent Property owners notified, responses/bids with appraisals due 4.15.20. Two offers received, highest offer approved by LC 6.9.20. On GB agenda for 7.14.20 and approved. 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 GB. |
| Newberry Wellfield | 58.66 | Alachua | 1.11.2000 | P-2000 | N/A | \$0 | 3.9.21 LC recommended surplus and conveyance to the City of Newberry with specified conditions. Approved by GB 4.13.21. Conveyance documents being drafted for legal review. Conveyance on hold pending resolution of issues relating to timber operations by the District. Timber operations underway. Once complete, transaction will be closed. |

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: July 29, 2022

RE: Right of First Refusal on Layman Law Firm – Walker Springs Conservation Easement, Jefferson County

RECOMMENDATION

Approve the recommendation to decline to exercise the right of first refusal on the Layman Law Firm – Walker Springs Conservation Easement in Jefferson County.

BACKGROUND

The District purchased a Conservation Easement on 167.14 acres of land known as the Layman Law Firm – Walker Springs Conservation Easement for \$250,710. Subsequently, the property was subdivided with 84.32 acres being sold to a third party. At the time of purchasing the Conservation Easement, the District also reserved a right of first refusal to purchase the fee on said land in the event the owner elected to sell to a third party.

On June 13, 2022, the District received notice that the current owner had received a *bona fide* offer to purchase the 84.32-acre parcel for \$449,500. Under the terms of the Conservation Easement, the District has 90 days to exercise its right of first refusal to purchase the property.

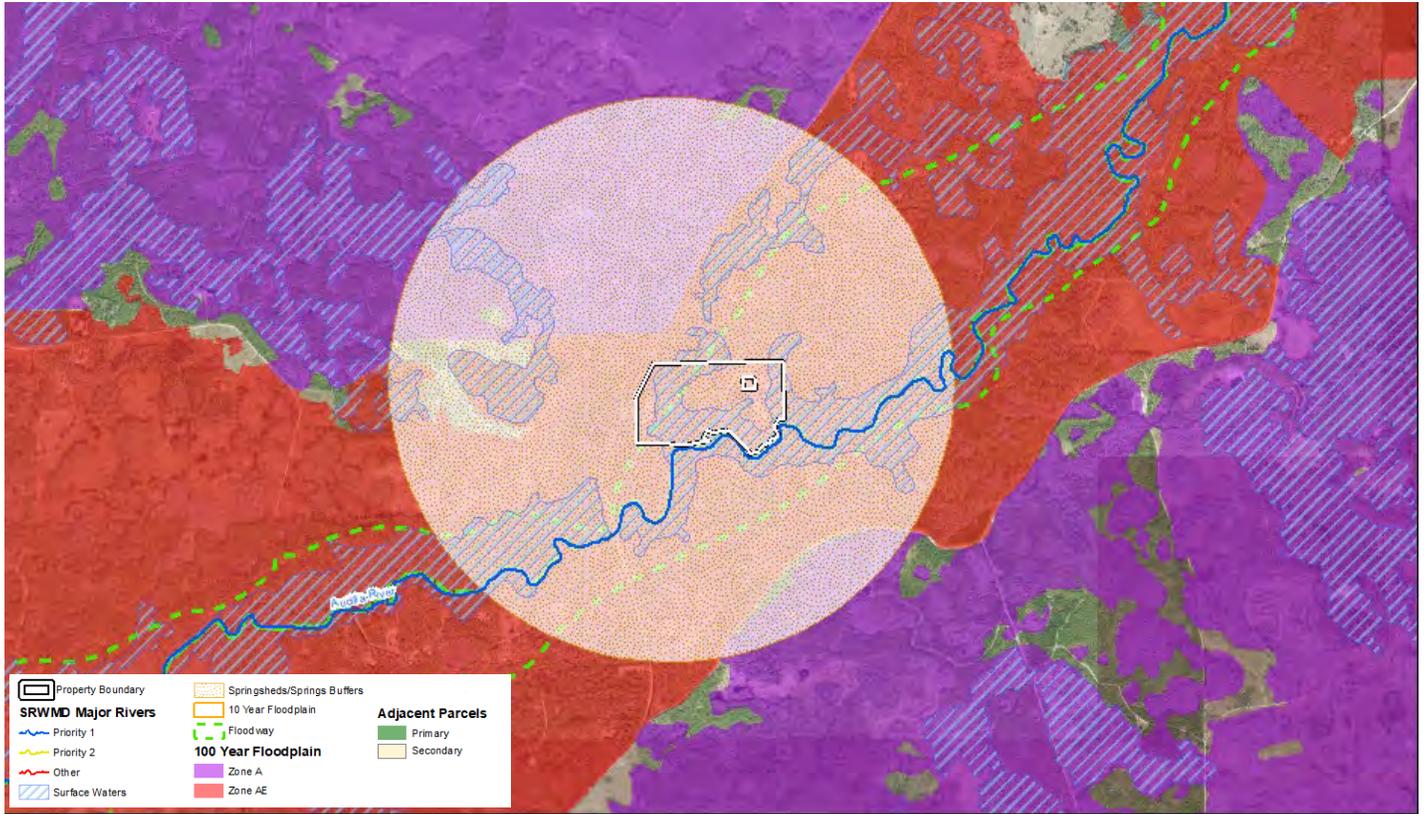
Upon review, staff has determined that ownership of the fee would not enhance the District's ability to provide for conservation on the property and would not otherwise benefit the District. Staff therefore recommends that the District decline to purchase the property in fee under the terms of the right of first refusal.

The District previously declined to exercise this right in 2016 and again in 2019. The 2019 contract for sale was ultimately withdrawn and the sale did not conclude. The sale to a third party will have no impact on the District's enforcement of its conservation easement which will continue to be binding on the purchasers. The contract for sale specifically states that the property is subject to the Conservation Easement.

SS/tm
File #09-010
Attachments



SUWANNEE TRIAGE ANALYSIS RESULTS



Property Name: Walker Springs CE

Date: 07/21/22

Acreage: ± 84.32 ac

County: Jefferson

Transaction Type: Conservation Easement

Florida Forever: No

Surface Water Protection

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

Riverine Surface Waters: (Y) [± 44.17 ac]

Flood Protection

Floodway: (Y) [± 60.43 ac]

10 Year Floodplain: (NA)

100 Year Floodplain: (Y) [± 79.59 ac]

Springs Protection

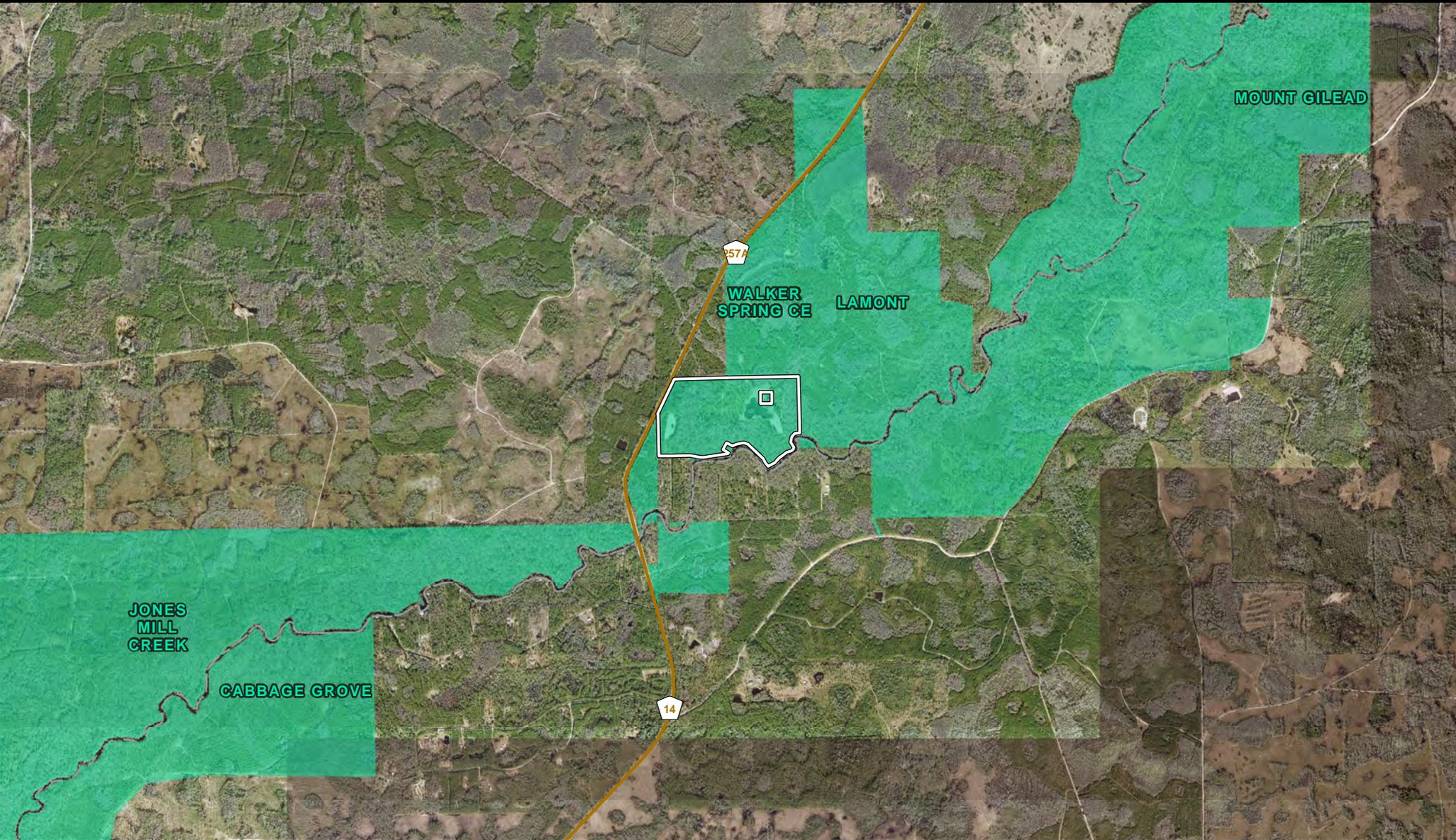
Springshed: (Y) [± 84.32 ac]

Miscellaneous

PFA: (N)

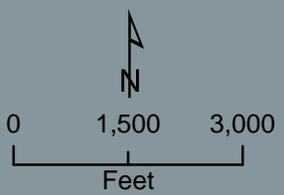
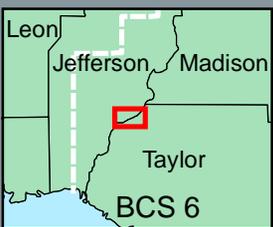
WSPA: (N)

BMAP: (N)



Walker Springs CE
± 84.32 Ac
Jefferson County

-  Property Boundary
-  SRWMD Ownership/CE
-  Other Public Ownership

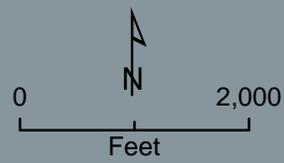
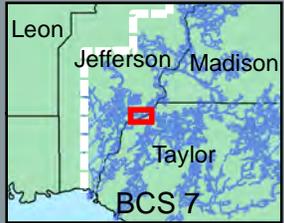


Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001. Map Created 7/21/2022



Walker Springs CE Property Offer Surface Water Protection

-  Property Boundary
-  SRWMD Major Rivers
-  Priority 1
-  Priority 2
-  Other
-  Surface Waters (Riverine)



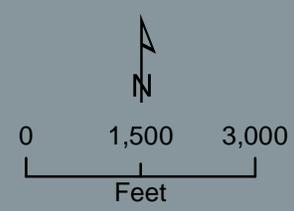
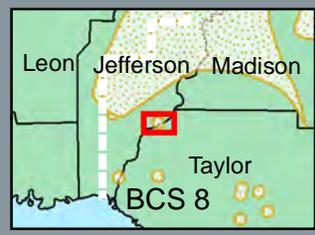
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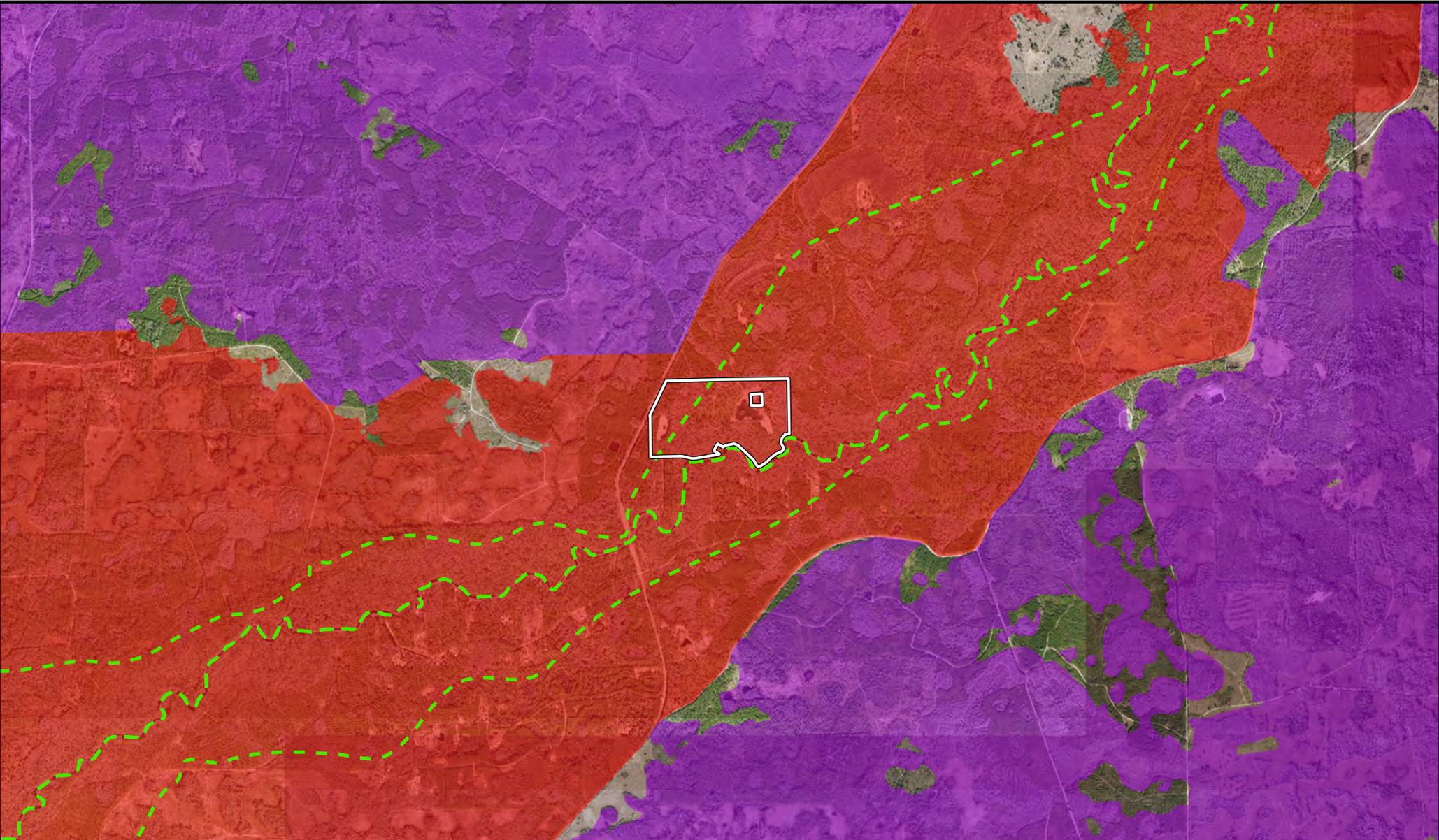
Springs Buffer

**Walker Springs CE
Property Offer
Springs Protection**

-  Property Boundary
-  Springs Protection

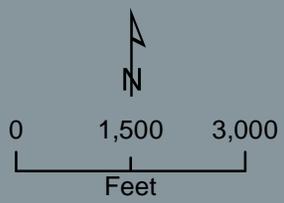
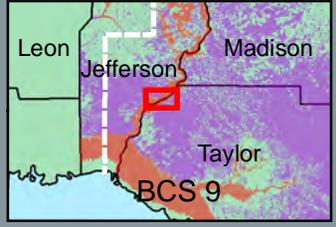


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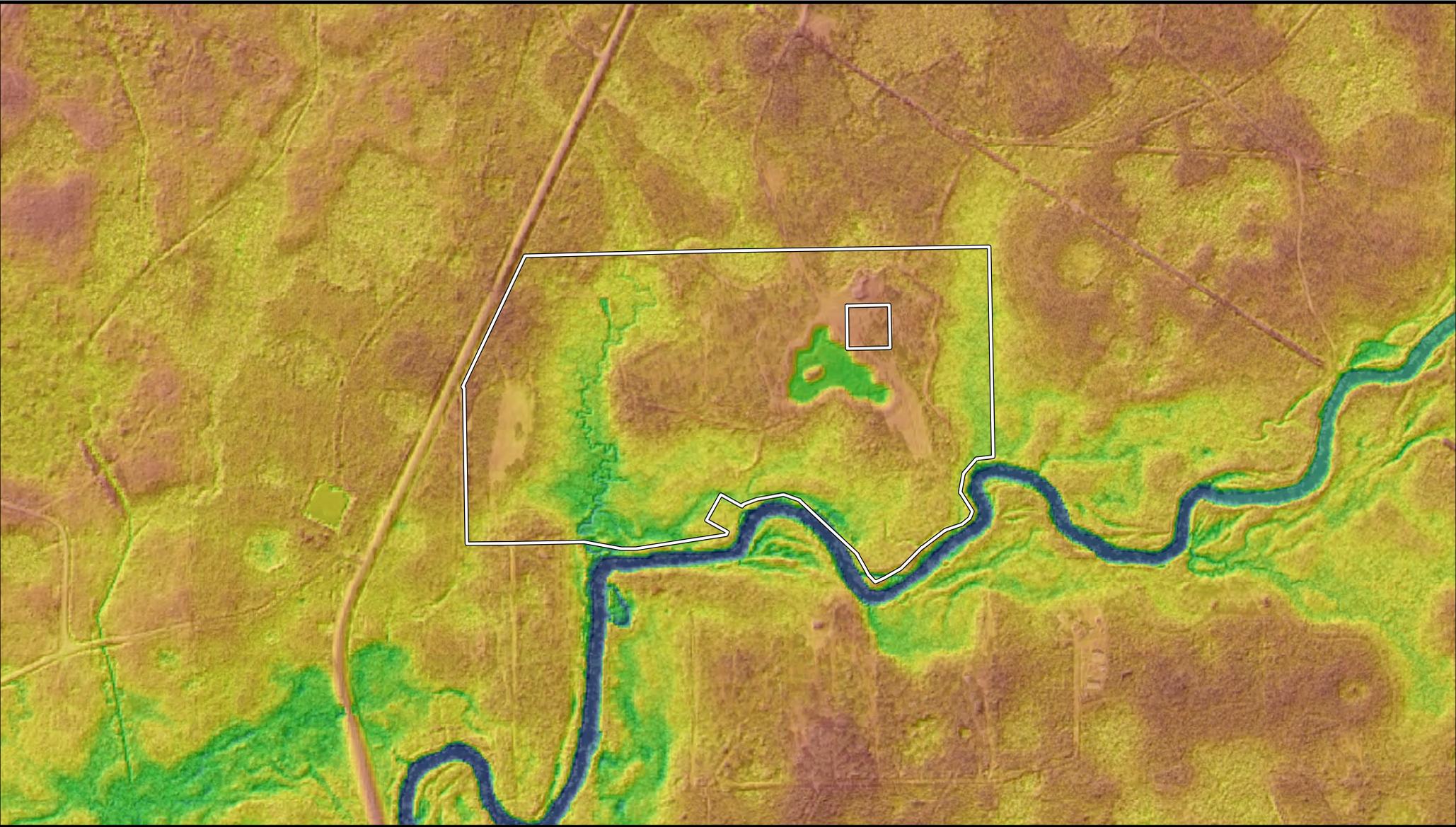


-  Property Boundary
-  10 Year Floodplain
-  Floodway
- 100 Year Floodplain**
-  Zone A
-  Zone AE

Walker Springs CE Property Offer Floodplain Protection



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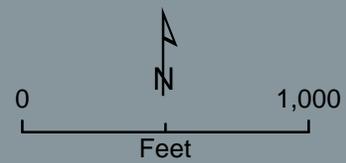
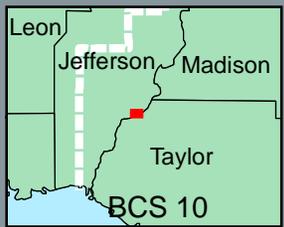


Walker Springs CE Property Offer LIDAR

 Property Boundary

Bare Earth Elevation
 High : 43.7603

 Low : 18.0504



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001. Map Created 7/21/2022

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: July 29, 2022
RE: June 2022 Financial Report

RECOMMENDATION

Approve the June 2022 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
June 2022**

| Financial Institution/Account | Monthly Interest | Interest Rate % | Closing Balance |
|--|-----------------------------|----------------------------|-------------------------------|
| First Federal Permit Fee | \$0.00 | | \$1,718.03 |
| First Federal Accounts Payable | \$0.00 | | \$35,000.00 |
| First Federal EFT Disbursements | \$0.00 | | \$170,984.78 |
| First Federal Depository | \$82.63 | 0.02% | \$539,900.50 |
| Special Purpose Investment Account (SPIA)* | <u>\$29,733.66</u> | 0.84% | <u>\$41,805,343.14</u> |
| TOTAL | <u><u>\$29,816.29</u></u> | | <u><u>\$42,552,946.45</u></u> |

*SPIA is part of the Treasury Investment Pool administered by Florida Department of Financial Services.

**Suwannee River Water Management District
Statement of Sources and Uses of Funds
For the Month ending June 30, 2022
(Unaudited)**

| | Current Budget | Actuals Through 6/30/2022 | Variance (Under)/Over Budget | Actuals As A % of Budget |
|----------------------------|---------------------------|--|---|-------------------------------------|
| Sources | | | | |
| Ad Valorem Property Taxes | \$ 6,233,836 | \$ 6,449,585 | \$ 215,749 | 103.5% |
| Intergovernmental Revenues | \$ 40,025,263 | \$ 7,872,311 | \$ (32,152,952) | 19.7% |
| Interest on Invested Funds | \$ 130,000 | \$ 207,798 | \$ 77,798 | 159.8% |
| License and Permit Fees | \$ 163,000 | \$ 197,153 | \$ 34,153 | 121.0% |
| Other | \$ 1,000,000 | \$ 1,285,796 | \$ 285,796 | 128.6% |
| Fund Balance ¹ | \$ 12,090,274 | \$ 1,762,930 | \$ (10,327,344) | 14.6% |
| Total Sources | \$ 59,642,373 | \$ 17,775,573 | \$ (41,866,800) | 29.8% |

| | Current Budget | Expenditures | Encumbrances ² | Available Budget | %Expended | %Obligated ³ |
|--|---------------------------|----------------------|----------------------------------|-----------------------------|------------------|--------------------------------|
| Uses | | | | | | |
| Water Resources Planning and Monitoring | \$ 12,132,696 | \$ 4,478,834 | \$ 5,467,659 | \$ 2,186,202 | 37% | 82% |
| Acquisition, Restoration and Public Works | \$ 37,432,257 | \$ 6,964,687 | \$ 20,407,127 | \$ 10,060,443 | 19% | 73% |
| Operation and Maintenance of Lands and Works | \$ 6,260,432 | \$ 2,983,777 | \$ 1,253,573 | \$ 2,023,082 | 48% | 68% |
| Regulation | \$ 1,902,609 | \$ 996,064 | \$ 61,191 | \$ 845,355 | 52% | 56% |
| Outreach | \$ 195,233 | \$ 132,651 | \$ - | \$ 62,582 | 68% | 68% |
| Management and Administration | \$ 1,719,146 | \$ 1,162,151 | \$ 70,803 | \$ 486,191 | 68% | 72% |
| Total Uses | \$ 59,642,373 | \$ 16,718,166 | \$ 27,260,353 | \$ 15,663,855 | 28% | 74% |

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, contracts, and task work assignments.

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

This financial statement is prepared as of June 30, 2022 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 6/30/2022

| | Y-T-D ACTUAL | ENCUMBRANCE | ANNUAL BUDGET |
|--|--------------------|---------------------|-------------------|
| <u>Report Recap -</u> | | | |
| REVENUES | | | |
| DISTRICT REVENUES | 8,140,331 | 0 | 7,526,836 |
| LOCAL REVENUES | 86,480 | 0 | 86,480 |
| STATE REVENUES | 6,873,077 | 0 | 35,980,783 |
| FEDERAL REVENUES | 912,755 | 0 | 3,958,000 |
| FUND BALANCE UTILIZATION | 1,762,930 | 0 | 12,090,274 |
| TOTAL REVENUES | 17,775,573 | 0 | 59,642,373 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 4,470,417 | 0 | 6,923,044 |
| CONTRACTUAL SERVICES | 6,604,795 | 13,260,699 | 20,845,400 |
| OPERATING EXPENDITURES | 840,389 | 117,835 | 1,903,500 |
| OPERATING CAPITAL OUTLAY | 39,331 | 28,939 | 313,044 |
| FIXED CAPITAL OUTLAY | 9,548 | 1,334,055 | 5,251,000 |
| INTERAGENCY EXPENDITURES | 4,753,686 | 12,518,825 | 24,406,385 |
| TOTAL EXPENDITURES | 16,718,166 | 27,260,353 | 59,642,373 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | 1,057,407 | (27,260,353) | 0 |
| <u>General Fund -</u> | | | |
| REVENUES | | | |
| DISTRICT REVENUES | 6,825,057 | 0 | 5,300,069 |
| LOCAL REVENUES | 86,480 | 0 | 86,480 |
| STATE REVENUES | 1,931,109 | 0 | 2,740,000 |
| FEDERAL REVENUES | 0 | 0 | 0 |
| FUND BALANCE UTILIZATION | 0 | 0 | 1,789,672 |
| TOTAL REVENUES | 8,842,646 | 0 | 9,916,221 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 3,308,238 | 0 | 5,297,558 |
| CONTRACTUAL SERVICES | 554,475 | 552,227 | 2,228,502 |
| OPERATING EXPENDITURES | 469,817 | 69,184 | 1,057,573 |
| OPERATING CAPITAL OUTLAY | 31,295 | 0 | 200,608 |
| FIXED CAPITAL OUTLAY | 0 | 0 | 0 |
| INTERAGENCY EXPENDITURES | 524,736 | 235,300 | 1,131,980 |
| TOTAL EXPENDITURES | 4,888,561 | 856,711 | 9,916,221 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | 3,954,085 | (856,711) | 0 |
| <u>Land Management Operations -</u> | | | |
| REVENUES | | | |
| DISTRICT REVENUES | 1,260,497 | 0 | 2,151,767 |
| LOCAL REVENUES | 0 | 0 | 0 |
| STATE REVENUES | 1,307,726 | 0 | 2,290,119 |
| FEDERAL REVENUES | 16,000 | 0 | 40,000 |
| FUND BALANCE UTILIZATION | 0 | 0 | 2,323,546 |
| TOTAL REVENUES | 2,584,223 | 0 | 6,805,432 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 541,602 | 0 | 827,736 |
| CONTRACTUAL SERVICES | 1,526,965 | 906,832 | 3,129,898 |
| OPERATING EXPENDITURES | 360,351 | 48,651 | 773,927 |
| OPERATING CAPITAL OUTLAY | 8,037 | 28,939 | 112,436 |
| FIXED CAPITAL OUTLAY | 9,548 | 199,055 | 1,251,000 |
| INTERAGENCY EXPENDITURES | 583,197 | 209,569 | 710,435 |
| TOTAL EXPENDITURES | 3,029,700 | 1,393,046 | 6,805,432 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | (445,477) * | (1,393,046) | 0 |

**To be reimbursed by State Appropriations and Ad Valorem*

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
STATEMENT OF ACTIVITY - REVENUE AND EXPENSE ROLLUP (UNAUDITED)
FOR 6/30/2022

| | 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 | 1,626,766 | 0 | 5,653,970 |
| TOTAL REVENUES | 1,626,766 | 0 | 5,653,970 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 0 | 0 | 0 |
| CONTRACTUAL SERVICES | 1,207,178 | 1,710,262 | 2,050,000 |
| OPERATING EXPENDITURES | 0 | 0 | 30,000 |
| OPERATING CAPITAL OUTLAY | 0 | 0 | 0 |
| FIXED CAPITAL OUTLAY | 0 | 0 | 0 |
| INTERAGENCY EXPENDITURES | 419,588 | 1,636,199 | 3,573,970 |
| TOTAL EXPENDITURES | 1,626,766 | 3,346,461 | 5,653,970 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | 0 | (3,346,461) | 0 |
| <u>State Special Revenue -</u> | | | |
| REVENUES | | | |
| DISTRICT REVENUES | 54,777 | 0 | 0 |
| LOCAL REVENUES | 0 | 0 | 0 |
| STATE REVENUES | 3,634,242 | 0 | 30,950,664 |
| FEDERAL REVENUES | 0 | 0 | 0 |
| FUND BALANCE UTILIZATION | 136,164 | 0 | 2,323,086 |
| TOTAL REVENUES | 3,825,183 | 0 | 33,273,750 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 611,566 | 0 | 781,750 |
| CONTRACTUAL SERVICES | 2,221,927 | 5,980,024 | 9,484,000 |
| OPERATING EXPENDITURES | 8,832 | 0 | 36,000 |
| OPERATING CAPITAL OUTLAY | 0 | 0 | 0 |
| FIXED CAPITAL OUTLAY | 0 | 1,135,000 | 4,000,000 |
| INTERAGENCY EXPENDITURES | 3,210,115 | 10,435,807 | 18,972,000 |
| TOTAL EXPENDITURES | 6,052,440 | 17,550,831 | 33,273,750 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | (2,227,257) * | (17,550,831) | 0 |
| <i>*To be reimbursed by State 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 | 896,755 | 0 | 3,918,000 |
| FUND BALANCE UTILIZATION | 0 | 0 | 0 |
| TOTAL REVENUES | 896,755 | 0 | 3,993,000 |
| EXPENDITURES | | | |
| SALARIES AND BENEFITS | 9,011 | 0 | 16,000 |
| CONTRACTUAL SERVICES | 1,094,248 | 4,111,354 | 3,953,000 |
| OPERATING EXPENDITURES | 1,388 | 0 | 6,000 |
| OPERATING CAPITAL OUTLAY | 0 | 0 | 0 |
| FIXED CAPITAL OUTLAY | 0 | 0 | 0 |
| INTERAGENCY EXPENDITURES | 16,050 | 1,950 | 18,000 |
| TOTAL EXPENDITURES | 1,120,697 | 4,113,304 | 3,993,000 |
| EXCESS REVENUES OVER (UNDER) EXPENDITURES | (223,942) * | (4,113,304) | 0 |
| <i>*To be reimbursed by Federal Grants</i> | | | |

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Lisa Cheshire, Chief, Office of Human Resources

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

DATE: July 29, 2022

RE: Amendment to Contract 17/18-219 with Gallagher Benefit Services, Inc.

RECOMMENDATION

Authorize the Executive Director to amend contract 17/18-219 for broker services with Gallagher Benefit Services, Inc. to include a three-month, extension at no additional cost to the District.

BACKGROUND

The District retains an insurance broker to provide a scope of services that includes competitively procuring employee benefits packages, for health, dental, vision, group term life, and long-term disability insurance coverages. In March 2017, the District advertised Request for Qualifications 16/17-016AO. At the May 2017, Governing Board meeting, the Board approved a no-cost agreement for broker services with Gallagher Benefit Services, Inc. for a period of five years, beginning October 1, 2017, and ending September 30, 2022.

In October 2019, staff received approval from the Governing Board to change the District's benefit plan from a fiscal year to a calendar year. In November 2021, the Governing Board approved the renewal of employee health, vision, group term life and long-term disability insurance coverages and approved the change of the District's dental plan provider from Solstice to Florida Combined Life for calendar year 2022.

Staff recommends the Governing Board approve a three-month contract extension and amend the original contract to address the administrative changes mentioned above.

Therefore, staff recommends approval to update the original consulting agreement to:

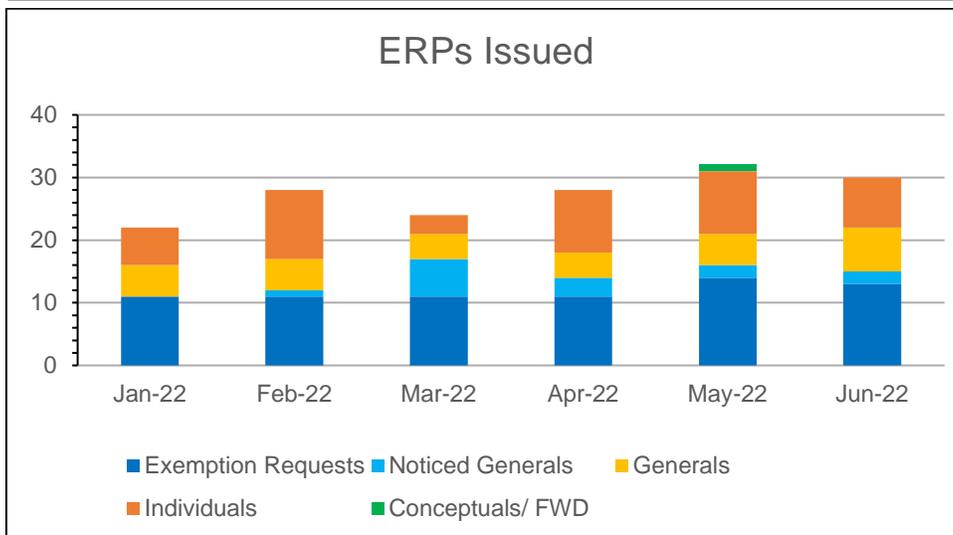
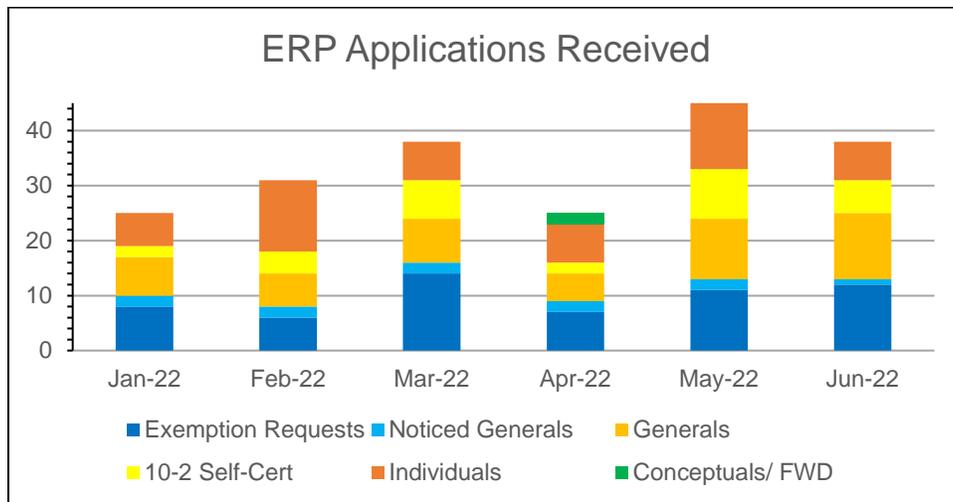
1. Extend the term of the agreement to align with the calendar plan year that ends December 31, 2022.
2. Update carrier information in the agreement to match the current dental plan provider of Florida Combined Life.

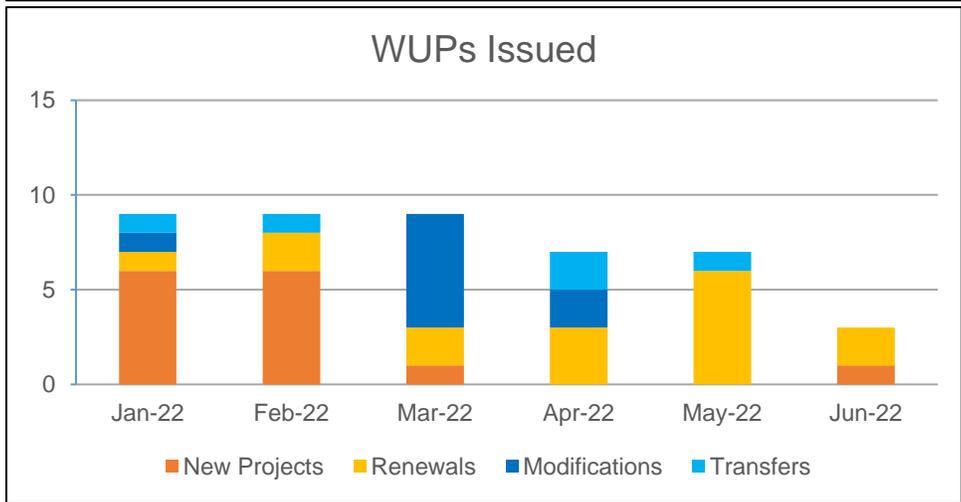
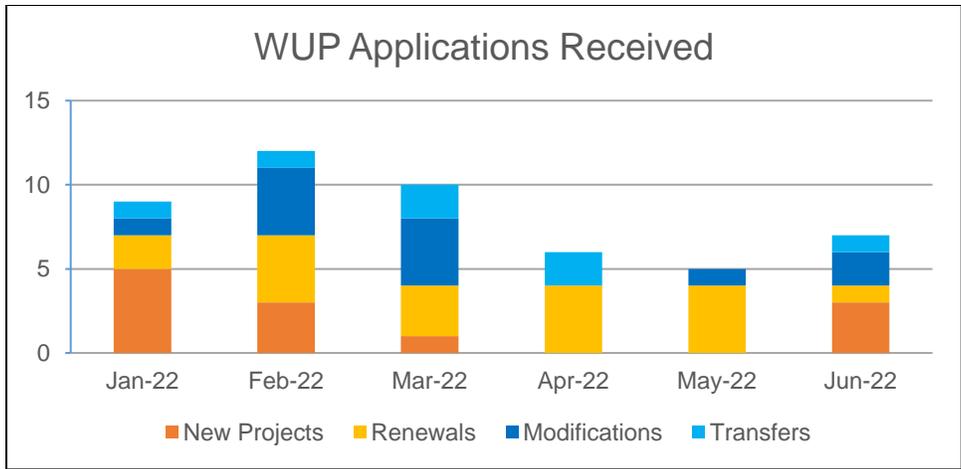
LC/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

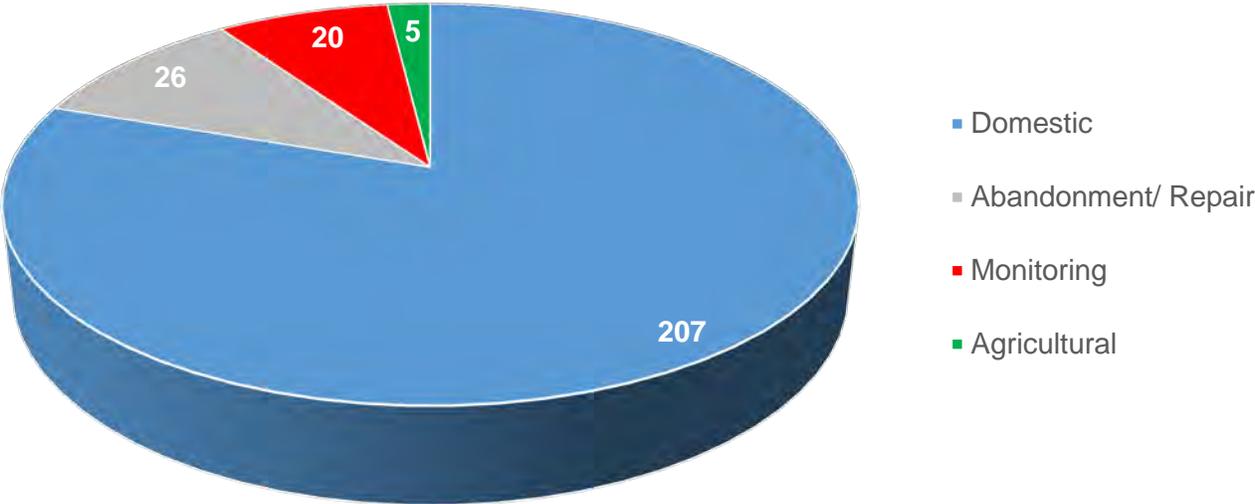
MEMORANDUM

TO: Governing Board
FROM: Warren Zwanka, Director, Division of Resource Management
THRU: Tim Alexander, Deputy Executive Director, Business and Community Services
DATE: July 29, 2022
RE: Permitting Summary Report





Water Well Permits Issued June 2022



40B-8.121 Lakes Alto and Santa Fe MFLs

| | |
|----------------------------|------------|
| GB Authorized Rulemaking | 12/14/2021 |
| Notice of Rule Development | |
| Public Workshop | 12/16/2021 |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-8.121 Lake Hampton MFL

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 1/11/2022 |
| Notice of Rule Development | |
| Public Workshop | 1/26/2022 |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-400.091 ERP Stormwater (AH Vol. II)

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 5/10/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-3.021 Definitions

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-3.035 Materials Incorporated by Ref

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Repealed | |

40B-3.051 Exemptions

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-3.101 Content of Application

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Repealed | |

40B-3.201 Permit Fees

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-3.411 Completion Report

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Repealed | |

40B-3.521 Well Seals

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 7/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-4.1010 Policy and Purpose

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 4/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Repealed | |

40B-4.1040 Permits Required

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 4/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

40B-4.3035 Minimum O&M Standards

| | |
|----------------------------|-----------|
| GB Authorized Rulemaking | 4/12/2022 |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Repealed | |

| | |
|----------------------------|--|
| GB Authorized Rulemaking | |
| Notice of Rule Development | |
| Public Workshop | |
| Notice of Proposed Rule | |
| Notice of Rule Change | |
| File with DOS | |
| Effective Date | |

ERP/ WUP 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: July 29, 2022

RE: Fiscal Year 2022-2023 Annual Regulatory Plan

RECOMMENDATION

Approve the Fiscal Year 2022-2023 Annual Regulatory Plan and authorize submittal to the Governor's Office of Fiscal Accountability and Regulatory Reform, the Joint Administrative Procedures Committee, the Florida Speaker of the House, and the Florida Senate President.

BACKGROUND

Section 120.74, Florida Statutes (F.S.), requires state agencies to submit an Annual Regulatory Plan to the Office of Fiscal Accountability, Joint Administrative Procedures Committee, the Florida Speaker of the House, and the Florida Senate President by October 1st each year, in order that they may have an expectation of the rules that will be updated and/or created during the upcoming year. Furthermore, Governor DeSantis requested expedited reporting of the plan from all agencies by September 1st.

The District is not required to complete all proposed rulemaking in the plan, however, any amendments to or initiation of new rules are required to be listed in the plan before the agency proceeds with rulemaking. Additionally, a list of laws enacted during the previous 12 months that affect the duties or authority of the District, and whether the District must adopt rules to implement those laws, is also included with the plan.

For Fiscal Year 2022-2023, significant anticipated rule amendments include the clarification of water use reporting requirements in the Water Use Applicant's Handbook, incorporated by reference in Chapter 40B-2, Florida Administrative Code (F.A.C.), continued overhaul of the District's water well construction rules in Chapter 40B-3, F.A.C., continued amendments to Works of the District rules in Chapter 40B-4, F.A.C., additional minimum levels for lakes in Chapter 40B-8, F.A.C., and potential amendments to District stormwater rule requirements in the Environmental Resource Permitting Applicant's Handbook Volume II, incorporated by reference in Chapter 40B-400, F.A.C.

The attached plan must be certified by the Governing Board Chair and legal counsel pursuant to paragraph 120.74(1)(d), F.S.

WZ/tm
Attachment

2022-2023 Annual Regulatory Plan

Suwannee River Water Management District

| Rule Number | Rule Title | Rulemaking Action | Description of current Rule | Description of Changes to be Made in Rulemaking | Reason for Rulemaking | Economic Impact | Highly Technical or Complicated |
|---------------|--|-------------------|--|---|-----------------------|-------------------------------------|---------------------------------|
| 40B-1.706 | Fees | Rule Amendment | Establishes a fee schedule for permits, exemptions, and variances | Provide for nominal fee for processing variances from District rules | Update rule | Minor | No |
| 40B-2.301 | Conditions for Issuance of Permits | Rule Amendment | Implements Part II, Chapter 373, F.S. | Revise Applicant Handbook to clarify water use reporting requirements and address impact offsets, substitution credits, and reservation of water resource/ supply development project benefits | Update rule | None | No |
| 40B-2.331 | Modification of Permits | Rule Amendment | Implements Part II, Chapter 373, F.S. | Clarify letter modification criteria | Update rule | None | No |
| 40B-2.501 | Classification of Permits | Rule Amendment | Implements Part II, Chapter 373, F.S. | Revise groundwater sources and organize water use types | Update rule | None | No |
| 40B-3, F.A.C. | Permitting of Well Construction | Rule Amendments | Implements Part III, Chapter 373, F.S. | Adopt current FDEP rules and address JAPC recommendations | Update rules | Reduction in cost of doing business | Yes |
| 40B-4, F.A.C. | Works of the District Permits | Rule Amendments | Implements Part IV, Chapter 373, F.S. | Incorporate riverbank stabilization guide, clarify rule language, and revise flood maps | Update rules | Reduction in cost of doing business | Yes |
| 40B-8.021 | Definitions | Rule Amendment | Rules defines terms related to the establishment of minimum flows and levels | Add definitions as new MFLs are established | Update rule | None | No |
| 40B-8.031 | Minimum Flows and Levels for Madison Blue Spring | Rule Amendment | Implements Sections 373.042 and 373.0421, F.S. | Re-evaluate MFL for Madison Blue Spring | Update rule | Dependent on MFL status | Yes |
| 40B-8.121 | Minimum water levels for Lakes Hampton, Santa Fe, Alto, and Cherry | Rule Amendments | Implements Sections 373.042 and 373.0421, F.S. | Provide criteria for determining whether the MFL for a water body is being met and the accompanying prevention or recovery strategy if necessary | Update rule | Dependent on MFL status | Yes |
| 40B-21.631 | Water Shortage Plan, Phase II | Rule Amendment | Rules provide for the conservation, protection, and management of water during periods of water shortage | Revise so that language for Phase II is at least as restrictive as current year-round lawn watering restrictions | Update rule | None | No |
| 40B-21.641 | Water Shortage Plan, Phase III | Rule Amendment | Rules provide for the conservation, protection, and management of water during periods of water shortage | Revise so that language for Phase III is at least as restrictive as current year-round lawn watering restrictions | Update rule | None | No |
| 40B-400.091 | Publications and Agreements Incorporated by Reference | Rule Amendments | Implements Part IV, Chapter 373, F.S. (Environmental Resource Permitting) | Update flood maps, and revise Applicant's Handbook to incorporate new stormwater design criteria for consistency with other WMDs and implement SB 712 statewide stormwater quality requirements | Update rules | Under evaluation | Yes |

| Laws enacted or amended during the previous 12 months that affect the duties or authority of SRWMD | Description | | | Rulemaking Action | Must SRWMD adopt rules to implement? | Proposed NOPR date |
|--|--|--|--|-------------------|--------------------------------------|--------------------|
| SB 882 | Requires each WMD, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from the Land Acquisition Trust Fund; requires WMDs to consider certain criteria when including wetlands on the list and to notify affected property owners; provides a process for removal from the list of affected property owners upon request | | | Amendment | No | N/A |
| HB 965 | Provides for water quality enhancement areas, service areas, permits, and credits; directs FDEP and WMDs to authorize sale and use of enhancement credits for specified purposes; directs FDEP to maintain credit ledgers; revises requirements for developers and homebuilders to qualify for graywater technology incentives | | | Amendment | No | N/A |
| HB 7049 | Revises legal notice publishing requirements; removes newspaper website publication option; provides for publication of legal notices on agency or publicly accessible websites; establishes county population requirements for noticing on publicly accessible websites; provides alternative methods to public for receiving notices; requires publicly accessible website posting of governmental agency public bid advertisements | | | New | No | N/A |
| HB 7053 | Establishes EOG Office of Resilience; appoints Chief Resilience Officer; requires FDEP reporting to governor and legislature; requires FDOT development of resilience action plan for highway system, and reporting to governor and legislature; revises eligible projects within Resilient Florida Grant Program; revises vulnerability assessment requirements for non-coastal communities; extends comprehensive statewide flood vulnerability and sea level rise assessment due date for FDEP; ranks Statewide Flood and Sea Level Rise Resilience Plan projects; provides for Florida Flood Hub for Applied Research and Innovation tidal and storm surge flooding data to certain entities; revises requirements for copies of evaluation certificates that must be submitted to DEM | | | Amendment | No | N/A |
| Previous Years Laws Enacted Requiring Rulemaking | Description | | | Rulemaking Action | Must SRWMD adopt rules to implement? | Proposed NOPR date |
| §373.219(3), F.S. | Developes unified definition of “harmful to the water resources” for Outstanding Florida Springs | | | Amendment | Yes | 5/1/2019* |
| SB 712 | Implements statewide review of FDEP and District rules regarding stormwater quality treatment | | | Amendment | Yes | Upon completion |

* Awaiting FDEP guidance on rulemaking

We hereby certify that we have reviewed the Suwannee River Water Management District’s (District) 2022-2023 Annual Regulatory Plan, pursuant to paragraph 120.74(1)(d), F.S. All District rules have been reviewed as of August 9, 2022, to determine if they remain consistent with the District’s rulemaking authority and the laws implemented.

Virginia H. Johns
Chair

Date

George T. Reeves
Legal Counsel

Date

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: July 29, 2022

RE: Modification of Water Use Permit 2-121-217276-3, Boatright Farm, Suwannee County

RECOMMENDATION

Approve modification of Water Use Permit 2-121-217276-3, with eighteen standard conditions and nine special limiting conditions to Boatright Farms in Suwannee County.

BACKGROUND

This is a modification of an existing agricultural water use to increase irrigated acreage, water use allocation, install seven additional wells, and receive a ten-year permit extension for voluntary implementation of automated monitoring of withdrawals. The modification includes a change in crop from tobacco/rye to rotations of peanut/rye, millet/oats, and Bahia grass. The additional wells include three, 12-inch diameter and three, 10-inch diameter wells used for irrigation, and one 4-inch diameter well used for livestock watering. The additional 740 irrigated acres includes 11 new center pivots and 17 new pivot connections for portable pivots. The project consists of 2,400 acres of which a total of 1,360 acres are irrigated, however, with the rotation of portable pivots a maximum of only 1,000 acres can be irrigated at a time. The project consists of three separate sites located west of Live Oak in Suwannee County. Groundwater will be used to irrigate the proposed crop rotations through eight fixed center pivots and five portable pivots. Groundwater will also be used to provide the water needs of up to 500 head of livestock. Supplemental irrigation models were used to determine the 0.8081 million gallons per day (mgd) two-in-ten-year drought allocation and industry standards were used to determine the 0.0075 mgd livestock allocation. The additional acreage and irrigation constitute a 0.5692 mgd allocation increase from the previous permit sequence.

All active irrigation wells will be monitored using District-installed telemetry devices. Project withdrawals were modeled and increased groundwater withdrawals at this project are not expected to interfere with any presently existing legal uses of water or harm the water resources of the area. No lower-quality water sources are available for use.

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

WZ/tm
Attachment

WATER USE TECHNICAL STAFF REPORT
15-Jul-2022
APPLICATION NO.: 2-121-217276-3

Owner: Michael Boatright
Boatright Farms, LP
14925 County Road 250
Live Oak, FL 32060-5446

Applicant: Same as Owner

Agent: Not Applicable

Compliance Contact: Not Applicable

Project Name: Boatright Farms Limited Partnership
County: Suwannee

WSPA: Yes

Objectors: No

Authorization Statement:

The permittee is authorized to withdraw a maximum of 0.8081 mgd of groundwater for supplemental irrigation of 1000 acres of millet/oats, or a maximum of 0.7356 mgd of groundwater for supplemental irrigation of 1000 acres of peanuts/rye, or a maximum of 0.5208 mgd of groundwater for supplemental irrigation of 1000 acres of Bahia grass during 2-in-10 year drought conditions. The permittee is also authorized to withdraw 0.0075 mgd of groundwater for livestock watering.

Recommendation: Approval

Reviewers: David King; Warren Zwanka

| Allocation Summary | | |
|---|---|--|
| Average Daily Rate (Million Gallons Per Day) | Freeze Protection (Million Gallons Per Year) | Allocation Change (Million Gallons Per Day) |
| 0.8156 | n/a | 0.5692 |

Permit Expiration: Ten-year permit extension, to expire March 18, 2035

ACTION REQUESTED: Modification of an existing permit to receive a ten-year permit extension for voluntary implementation of automated monitoring of withdrawals, add seven new wells and 740 irrigated acres, and change crop type.

PROJECT DESCRIPTION:

The project consists of three separate sites - one located approximately five miles and the other approximately 10 miles west of Live Oak in Suwannee County; and consists of approximately 2,400 controlled and 1,360 irrigated acres. However, with the rotation of portable pivots a maximum of only 1000 acres can be irrigated at a time. The site was previously permitted for 260 acres of tobacco/rye and 500 head of livestock. The applicant proposes to change crops to rotations of peanut/rye,

millet/oats, and Bahia grass. The applicant also proposes to install three 12-inch diameter wells (Station IDs 148300, 148500, 148681), and three 10-inch diameter wells (Station IDs 148498, 148501, 148680) to irrigate crops using center pivots along with the existing wells (Station IDs 148677, 148486, 148485, 148483, 148482, 15095, 3015); and to install one 4-inch diameter well (Station ID 148678) to water livestock along with existing wells (Station IDs 148679, 148676, 148499, 148497, 148496, 148491, 57793). The change in crop type and increase in acreage results in a projected 231% increase in groundwater allocation.

The permittee has elected to participate in the SRWMD monitoring program using telemetry devices to comply with the water use reporting requirements of special condition 19.

WATER USE CALCULATIONS:

The GIS-Based Water Resources and Agricultural Permitting and Planning System (GWRAPPS) was used to determine the following supplemental irrigation requirements during 2-in-10 year drought conditions:

Bahia grass grown perennially: 7.00 in/year
Peanuts grown from April 1 to September 15: 6.68 inches/ year
Millet grown from April 1 to August 30: 7.65 inches/ year
Oats grown from October 1 to March 1: 3.21 inches/ year
Rye grown from November 1 to February 28: 3.21 inches/ year

PERMIT APPLICATION REVIEW:

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

Project withdrawals were modeled and showed a simulated Upper Floridan aquifer drawdown of less than 0.5 feet at the project boundary; therefore, groundwater withdrawals at this project are not expected to interfere with any presently existing legal uses of water or harm the water resources of the area. Additionally, staff evaluated area soil and wetland inventories, and aerial imagery compared with the simulated groundwater drawdown and do not expect this proposed use of groundwater to cause harm to crops and other types of vegetation, including wetlands and other surface waters, or cause damage to the habitat of endangered or threatened species at the site or adjacent properties for the duration of the permit.

Water use consistent with the aforementioned supplemental irrigation models is economic and efficient. The permittee will implement the following water conservation measures for the agricultural uses: checking periodically for irrigation leaks and repairing them as needed, efficiency testing the pivot every five years and maintaining an 80% distribution uniformity, using cover crops and conservation tillage to increase soil health and soil water holding capacity, using soil moisture probes, and ensuring that automated end gun shutoffs works properly and water only target crops.

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

WITHDRAWAL POINT INFORMATION:**Site Name:** Boatright Farms Limited Partnership

| Well Details | | | | | |
|---------------------|--------------------------------|---------------------------------|------------------------|---------------|-----------------|
| District ID | Station Name | Casing Diameter (inches) | Source Name | Status | Use Type |
| 3015 | Harley Baker | 10 | Upper Floridan Aquifer | Active | Agricultural |
| 15095 | Richardson Well | 12 | Upper Floridan Aquifer | Active | Agricultural |
| 57793 | David Baker Livestock | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148300 | Allied Field (Well 11) | 12 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148482 | Fortner (Well 1) | 10 | Upper Floridan Aquifer | Active | Agricultural |
| 148483 | Howland Place (Well 2) | 10 | Upper Floridan Aquifer | Active | Agricultural |
| 148484 | Howland Place 2 (Well 3) | 10 | Upper Floridan Aquifer | Inactive | unknown |
| 148485 | Hart Place (Well 4) | 10 | Upper Floridan Aquifer | Active | Agricultural |
| 148486 | Old Place (Well 5) | 8 | Upper Floridan Aquifer | Active | Agricultural |
| 148491 | Howland livestock (Well 7) | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148496 | Ragan North Livestock (Well 8) | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148497 | Ragan South livestock (Well 9) | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148498 | Ragan Well | 10 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148499 | Howland livestock (Well 6) | 2 | Upper Floridan | Active | Agricultural |

| Well Details | | | | | |
|--------------|--------------------|--------------------------|------------------------|----------|--------------|
| District ID | Station Name | Casing Diameter (inches) | Source Name | Status | Use Type |
| | | | Aquifer | | |
| 148500 | David Baker Well | 12 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148501 | Jolly South Well | 10 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148676 | Fortner Livestock | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148677 | Jolly Pump | 8 | Upper Floridan Aquifer | Active | Agricultural |
| 148678 | 144th St Livestock | 4 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148679 | 153rd Rd Livestock | 4 | Upper Floridan Aquifer | Active | Agricultural |
| 148680 | 144th St Well | 10 | Upper Floridan Aquifer | Proposed | Agricultural |
| 148681 | 153rd Rd Well | 12 | Upper Floridan Aquifer | Proposed | Agricultural |

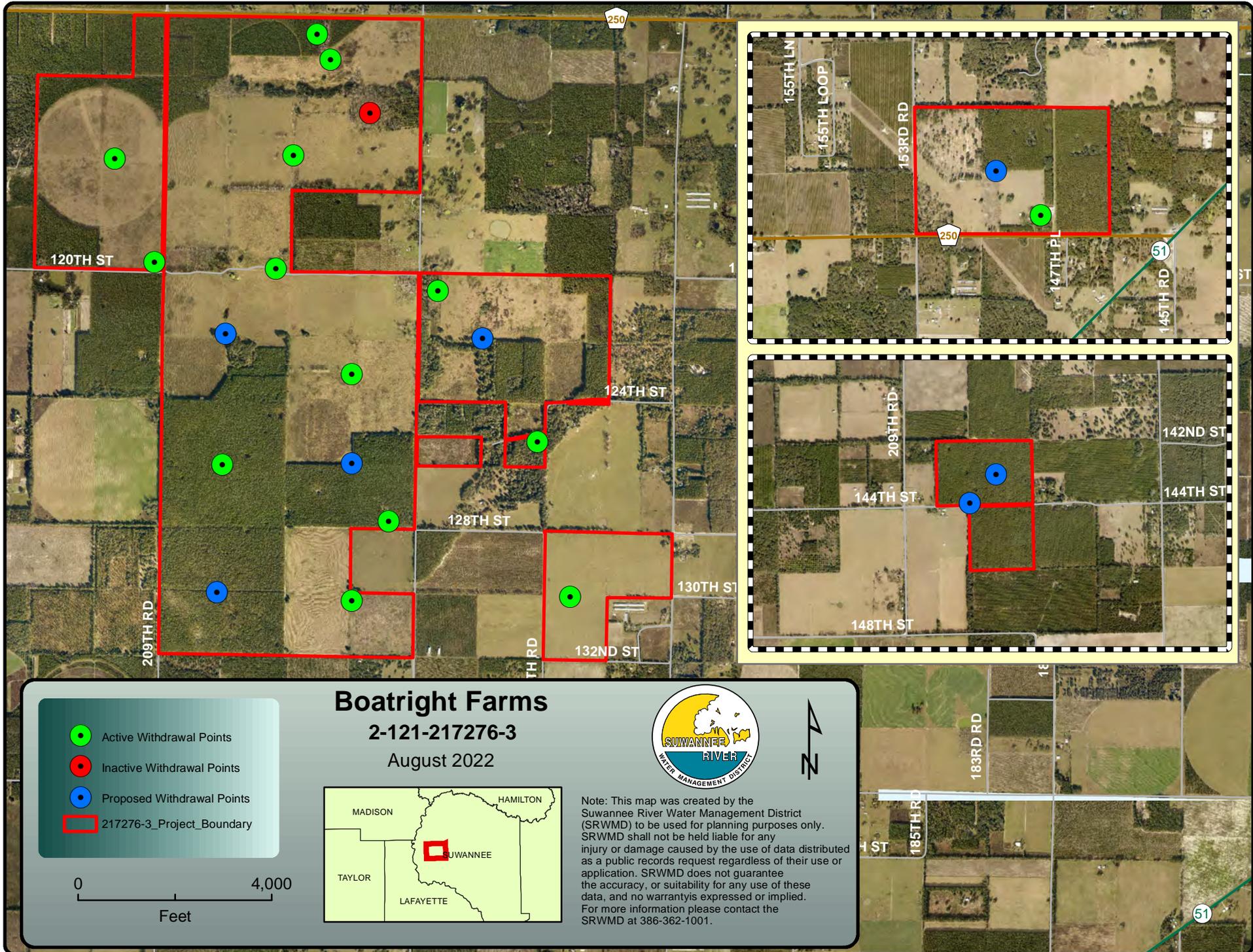
Conditions

1. All water uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
2. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
3. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted water use is made. Where the permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of rule 40B-2.351, F.A.C. Alternatively, the permittee may

surrender the water use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

4. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
5. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.
6. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S. and rule 40B-2.331, F.A.C., are applicable to permit modifications.
7. This permit shall expire on **3/18/2035**. The permittee must submit the appropriate application form incorporated and the required fee to the District pursuant to rule 40B-2.361, F.A.C., up to one year prior to this expiration date in order to continue the use of water.
8. Use classification is **Agricultural**.
9. Source classification is **Groundwater**.
10. The permitted water withdrawal facilities consist of the stations in the Withdrawal Point Information table(s).
11. The permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
12. The permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
13. The permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
14. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
15. The permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

16. All correspondence sent to the District regarding this permit must include the permit number **(2-121-217276-3)**.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.
18. The lowest quality water source, such as reclaimed water or surface water, shall be used in lieu of groundwater at this project when technically, economically, and environmentally feasible.
19. The permittee shall implement automated monitoring of groundwater withdrawals, at permittee's expense, upon commencement of withdrawals. Monthly reports shall include volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered within the following month in an approved District format. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.
20. The permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.
21. The permittee's water use shall be consistent with the MFL prevention or recovery strategy developed for any water body from which this permitted water use directly or indirectly withdraws or diverts water, pursuant to subsection 40B-2.301(2)(h), F.A.C.
22. The permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
23. The permittee agrees to participate in a Mobile Irrigation Lab (MIL) program and allow access to the Project Site for the purpose of conducting a MIL evaluation at least once every five years.
24. Following the effective date of the re-evaluated Minimum Flows and Levels adopted pursuant to subsection 62-42.300(1)(e), F.A.C., this permit is subject to modification during the term of the permit, upon reasonable notice by the District to the permittee, to achieve compliance with any approved MFL recovery or prevention strategy for the Lower Santa Fe River, Ichetucknee River, and Associated Priority Springs. Nothing herein shall be construed to alter the District's authority to modify a permit under circumstances not addressed in this condition.
25. The permittee shall install and maintain no less than one backflow prevention device when fertigating and no less than two backflow prevention devices when chemigating on all wells or surface water pumps connected to the irrigation system. The backflow prevention device(s) shall be installed between the water source and the injection point.
26. The permittee is authorized to withdraw a maximum of 0.8081 mgd of groundwater for supplemental irrigation of 1000 acres of millet/oats, or a maximum of 0.7356 mgd of groundwater for supplemental irrigation of 1000 acres of peanuts/rye, or a maximum of 0.5208 mgd of groundwater for supplemental irrigation of 1000 acres of bahia grass. Daily allocations are calculated on an average annual basis and the maximum allocation is only authorized during 2-in-10 year drought conditions.
27. The permittee is authorized to withdraw 0.0075 mgd of groundwater for livestock watering. Daily allocations are calculated on an average annual basis.



Boatright Farms

2-121-217276-3

August 2022



- Active Withdrawal Points
- Inactive Withdrawal Points
- Proposed Withdrawal Points
- 217276-3_Project_Boundary



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: Warren Zwanka, Director, Division of Resource Management

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

DATE: July 29, 2022

RE: Rulemaking to Amend Rule 40B-4.1070, Florida Administrative Code

RECOMMENDATION

Authorize staff to amend Works of the District Rule 40B-4.1070, Florida Administrative Code.

BACKGROUND

Chapter 40B-4, Florida Administrative Code (F.A.C.), is a set of rules used by the District to regulate activities within the floodways of five rivers (Suwannee, Santa Fe, Withlacoochee, Alapaha, Aucilla) as set forth in Section 373.085, Florida Statutes (F.S.). To make these complex works of the district (WOD) rules more understandable to the regulated public, staff is engaged in an ongoing rulemaking process.

In this set of rulemaking, staff is requesting authorization to publish a Notice of Rule Development for the rule listed below, publish the Notice of Proposed Rule, and file 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. The request also includes authorizing the Executive Director to certify that violations of the rules would not be minor violations pursuant to section 120.695, F.S. The intent of the rule amendments shown in Attachment A are as follows:

- 40B-4.1070(1)(a), F.A.C. amendment clarifies the implementation date of the rule for grandfathered works or development
- 40B-4.1070(1)(d), F.A.C. amendment recognizes the transition of septic tank regulation to the Florida Department of Environmental Protection
- 40B-4.1070(1)(e), F.A.C. amendment clarifies that the statute cited only applies to commercial projects
- 40B-4.1070(1)(g), F.A.C. amendment specifies how cross-sectional area is calculated
- 40B-4.1070(1)(h), F.A.C. repealed due to being more constraining than what is already exempt pursuant to rule 40B-4.1070(1)(g), F.A.C.
- 40B-4.1070(1)(h), F.A.C. [replacement] amendment includes a note that use of this exemption could adversely affect future permitted site development
- 40B-4.1070(1)(l), F.A.C. new rule creates an exemption for temporary structures on site for fewer than 180 days
- 40B-4.1070(1)(m), F.A.C. new rule creates an exemption for government monitoring equipment in the regulatory floodway
- 40B-4.1070(2), F.A.C. new rule alerts the regulated public that exempt activities may be subject to the limitations of Chapter 62-330, F.A.C.

These amendments and new rules clarify existing rule or reduce regulatory burdens; therefore, a Statement of Estimated Regulatory Cost will not be necessary.

WZ/tm
Attachment

Attachment A

40B-4.1070 Exemptions.

(1) The following activities are exempt from the requirements for obtaining Works of the District~~works of the district~~ permits specified in paragraph 40B-4.1040(1)(a), F.A.C.:

(a) A work or development within a Works of the District that was completed or partially completed prior to January 29, 2001, including routine custodial maintenance, so long as it is not altered or substantially improved.~~Work or development within a work of the district which is completed prior to the implementation dates in Rule 40B 4.1030, F.A.C., or which was authorized by permits issued by any other local, regional, state, or federal agency provided the work or development is in compliance with conditions of all such permits. If a work or development activity is complete and did not previously require permits from any local, regional, state, or federal agency, the activity is exempt including routine custodial maintenance so long as it is not altered or substantially improved.~~

(b) no change.

(c) no change.

(d) Work for an onsite sewage disposal system that is regulated by the Florida Department of Health or the Florida Department of Environmental Protection.~~Work for an onsite sewage disposal system for a single family residence which is regulated by the Florida Department of Health under Chapter 64E-6, F.A.C.~~

(e) Commercial projects~~Projects~~ which have received an authorization under Section 403.814(12), F.S.

(f) no change.

(g) Non-residential structures outside of the 75-foot setback placed above the natural grade of the ground that are less than or equal to 50 square feet of cross sectional area of the floodway when calculated cumulatively on a project with other obstructions.~~Structures placed above the natural grade of the ground which are less than or equal to 50 square feet of the cross-sectional area of the floodway outside of the 75 foot setback.~~

~~(h) Decorative landscaping gardens which are above the natural grade of the ground which are less than or equal to 25 square feet of the cross-sectional area of the floodway and located outside of the 75 foot setback.~~

~~(h)(i)~~ Driveways, sidewalks, and paths which at the driving or walking surface, are less than or equal to 6 inches above the adjacent natural grade of the ground and located outside of the 75 foot setback. Note: the cross-sectional area of obstruction of the floodway created in the use of this exemption, when calculated cumulatively on a project with other obstructions, is applied to the implementation of rules 40B-4.3010 and 40B-4.3030, F.A.C.

(j) through (k) renumbered (i) through (j).

(k) no change.

(l) Temporary structures outside of the 75-foot setback, which are on the site for fewer than 180 consecutive days.

(m) Installation and placement of hydrologic monitoring equipment and associated decks no greater than 200 square feet of walking surface for the purposes within the regulatory floodway by federal, state, or local governmental entities.

(2) no change.

(3) An exemption from these rules shall not relieve any person or entity from compliance with the requirements of Chapter 62-330, F.A.C., incorporated by reference in Rule 40B-4.1090, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.406, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04, 8-11-10, 10-14-13, [DATE].

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board
FROM: Bill McKinstry, Chief, Office of Land Management
THRU: Katelyn Potter, Director, Outreach and Operations
DATE: June 29, 2022
RE: District Land Management and Twin Rivers State Forest Activity Summary

BACKGROUND

The topographic survey has been completed for the Rock Bluff Enhancement Project.

Hydrological improvements, coupled with some road maintenance, have been completed in the Devils Hammock Tract.

Ryan Sims completed marking the planned timber harvest boundaries for the Deaden Loop Timber Harvest on the Mud Swamp Tract.

District staff conducted field testing of the rookery application to monitor rookeries on District lands.

District staff completed a utility easement use agreement for private property adjacent to the Bell Springs Tract.

District staff completed the annual LITS report and sent it to the Department of Environmental Protection.

District contractors have completed woods mowing on Ruth Springs, Gar Pond, and Mattair Springs tracts.

District staff installed a gate to prohibit access to a wet area that was being used as a mud bog on the Scanlon Tract.

District staff met with the potential new owners of Walker Springs Tract to explain the conservation easement.

District contractors completed ditch mowing along roads in the Lamont and Goose Pasture tracts.

District contractors are roller chopping in the Mallory Swamp Tract.

District contractors completed pile burning on the Gar Pond Tract.

District contractors continue road mowing on tracts in the Northeast Region (Upper Suwannee).

District contractors repaired decking on the Falmouth Springs boardwalk.

District contractors completed herbicide treatment of exotics at Falmouth Springs and Ellaville tracts.

An extension was approved for the Ellaville #22 Timber Harvest for 60 days from the initial completion date.

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

Conservation Easement Monitoring: The Ocilla Land Partners were inspected and are in compliance with the terms.

Vegetation Management Projects: During the reporting period, 25 additional miles of ditch edge mowing were completed on the Goose Pasture and Lamont tracts in Jefferson County. 391 additional acres of wood mowing was also completed on several tracts throughout the District.

In Fiscal Year 2022, vegetation management work will be conducted for fuel reduction, natural community restoration, and wildfire mitigation purposes.

Vegetation Management (10/01/2021 – 07/15/2022)

| 2022 ACTIVITY | ACRES | ACRES | MILES | MILES |
|---------------------|---------|----------|---------|----------|
| | Planned | Complete | Planned | Complete |
| Herbicide | 283 | 35 | 0 | 0 |
| Roller Chop Uplands | 375 | 0 | 0 | 0 |
| Mulching | 85 | 0 | 0 | 0 |
| Woods Mowing | 690 | 1,165 | 0 | 0 |
| Ditch Edge Mowing | 0 | 0 | 54 | 96 |

Invasive Plant Monitoring Program: During the reporting period, 12 additional infestations were monitored/treated by District staff.

Invasive Plant Treatments (10/01/2021 – 07/15/2022)

| 2022 ACTIVITY | INFESTATIONS | INFESTATIONS |
|----------------|--------------|--------------|
| | Planned | Complete |
| Invasive Plant | 160 | 160 |

Rare Species Monitoring/Surveying Program: During the reporting period, 28 additional rare plant occurrences were monitored, and 44 additional gopher tortoise transects were surveyed.

Rare Species Monitoring/Surveying (10/01/2021 – 07/15/2022)

| 2022 ACTIVITY | LOCATIONS OR TRANSECTS | LOCATIONS OR TRANSECTS |
|-------------------------------|------------------------|------------------------|
| | Planned | Complete |
| Rare Plant Species Monitoring | 150 | 39 |
| Gopher Tortoise Surveys | 100 | 286 |

Prescribed Fire Program: Contractors conducting prescribed burns on District lands include Attack-One Fire Management Services, B&B Dugger Inc., and Wildlands Services Inc. Also included in this report are the acres the Florida Forest Service (FFS) burns on Twin Rivers State Forest (TRSF). When available, the FFS will provide a crew to burn additional acres on both District tracts and TRSF. No additional acres were burned during the reporting period.

Prescribed Fire Summary Table (10/1/2021 – 07/15/2022)

| | 2022 TARGET ACRES | ACRES COMPLETED |
|----------|-------------------|-----------------|
| SRWMD | 10,700 | 9,654 |
| FFS TRSF | 2,000 | 1,754 |
| TOTAL | 12,700 | 11,408 |

Timber Sales:

Timber Sales Recently Completed

| SALE NAME | COUNTY | ACRES | HARVEST TYPE | REVENUE |
|---------------------------|----------|-------|-----------------------|--------------|
| Nature Coast Wellfield #2 | Levy | 110 | Clearcut | \$265,991.53 |
| High Springs Wellfield #1 | Alachua | 239 | Hardwood Removal | \$17,035.00 |
| Withlacoochee Hills #1 | Hamilton | 72 | Hardwood Removal | \$31,988.85 |
| Holton Creek #4 | Hamilton | 130 | Hardwood Removal | \$99,731.75 |
| Cuba Bay #3 | Madison | 80 | Thinning and Clearcut | \$191,832.81 |
| Little River #6 | Suwannee | 200 | Clearcut | \$131,390.50 |
| Withlacoochee #4 | Hamilton | 113 | Clearcut | \$198,203.00 |
| Newberry Wellfield #1 | Alachua | 52 | Thinning and Clearcut | \$157,298.11 |

Open Timber Sales

| SALE NAME | COUNTY | ACRES | HARVEST TYPE |
|--------------------------|-----------|-------|-----------------------|
| Cuba Bay #2 | Madison | 315 | Thinning |
| Steinhatchee Springs #19 | Lafayette | 330 | Thinning |
| Steinhatchee Springs #20 | Lafayette | 208 | Thinning |
| Steinhatchee Springs #21 | Lafayette | 366 | Thinning |
| Seven Bridges #1 | Jefferson | 224 | Thinning |
| Sandlin Bay #6 | Columbia | 192 | Thinning |
| Sandlin Bay #7 | Columbia | 219 | Thinning |
| Sandlin Bay #8 | Columbia | 233 | Thinning |
| Ellaville #21 | Madison | 140 | Clearcut and Chipping |
| Cabbage Grove #2 | Taylor | 222 | Thinning |
| Mill Creek South #10 | Madison | 124 | Thinning |
| Gilchrist Wellfield #1 | Gilchrist | 100 | Thinning and Chipping |
| Steinhatchee Springs #22 | Lafayette | 298 | Thinning |

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Alejandro Arteaga Garcia, Senior Data Analyst, Office of Hydrologic Data Services

THRU: Katelyn Potter, Director, Outreach and Operations

DATE: July 29, 2022

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 eight (8) inches in diameter or greater.

As of July 18, 2022, the District is monitoring 1,470 (218.6 MGD) of a total 1,576 active permitted wells (234.9 MGD). The remaining 106 active wells not yet monitored are scheduled for site visits to determine the type of monitoring that will be implemented. An additional 301 proposed wells have yet to be drilled.

The District offers three options for monitoring: electric provided by the power company, telemetry on diesel systems, and self-reporting. To date, farmer electric agreements from cooperatives are in effect on 723 (136.1 MGD) monitoring points. The District currently employs telemetry on 262 (46.2 MGD) diesel-powered systems. There are currently two (0.28 MGD) self-monitored points.

Additionally, there are currently 481 (35.9 MGD) sites for which monitoring is currently not feasible. Staff visit these sites each year to reevaluate the feasibility of monitoring.

The attached figures show the current well status and monitoring type for all wells with water use monitoring conditions (Figure 1), and the status of flow data collection by source within the Districts' agricultural monitoring network (Figure 2)

Agricultural Water Use Stations with Monitoring Conditions

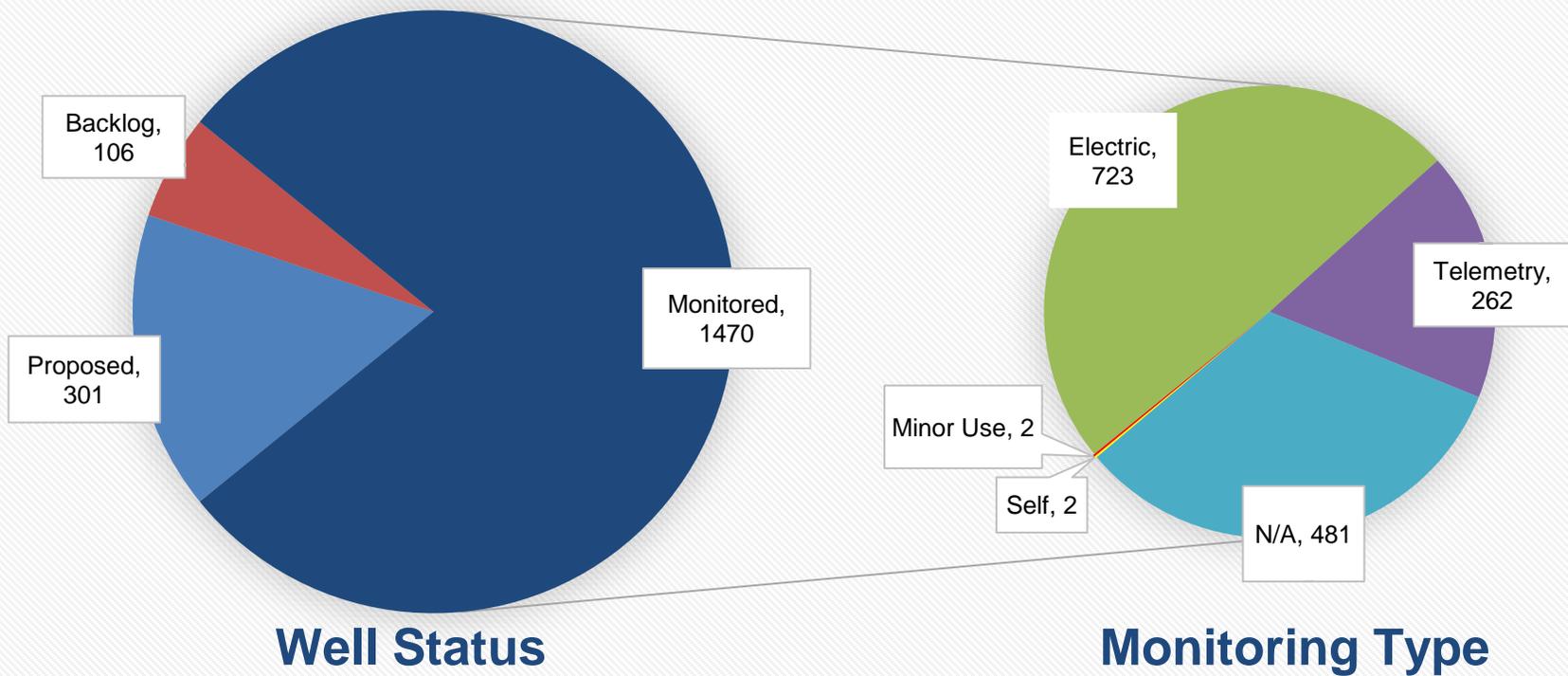


Figure 1. Well status and monitoring type for all wells with water use monitoring conditions as of July 18, 2022.

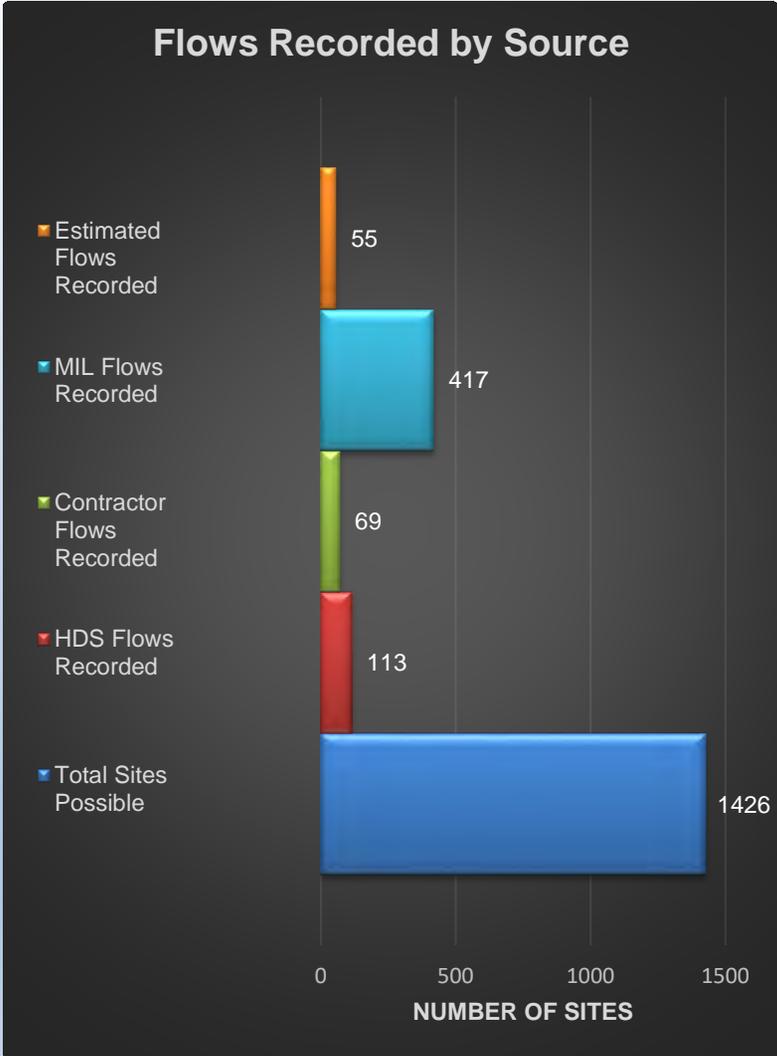
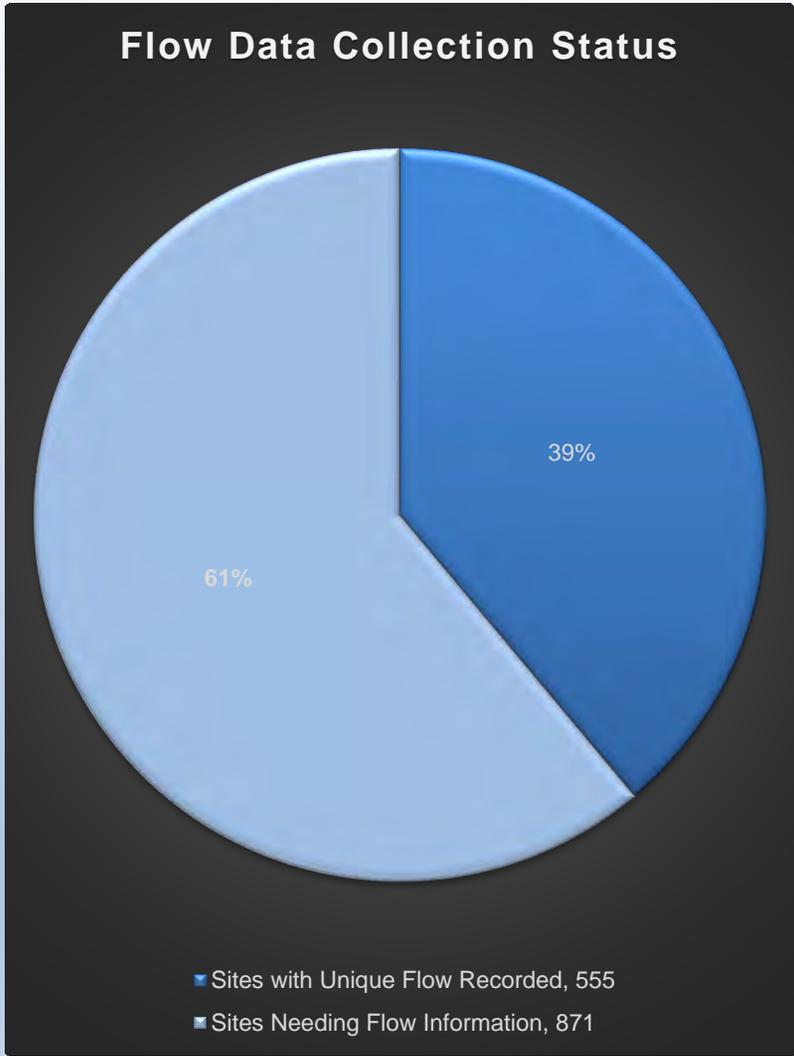


Figure 2. Status of flow data collection by source within the Districts' agricultural monitoring network as of July 18, 2022.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Vince Robinson, Field Program Manager, Office of Hydrologic Data Services

THRU: Katelyn Potter, Director, Outreach and Operations

DATE: July 29, 2022

RE: Contract with Locklear & Associates, Natural Analytic Services Price Creek Cattle Company, Wetlands Solutions Inc., H2O Mobile Labs, and Tide Line Services, LLC

RECOMMENDATION

Authorize the Executive Director to execute contracts with Locklear & Associates, Natural Analytic Services, Price Creek Cattle Company, Wetlands Solutions Inc., H2O Mobile Labs, and Tide Line Services, LLC, for field support services for agricultural water use monitoring for an amount not to exceed \$80,000.

BACKGROUND

On July 13, 2022, the District issued a request for qualifications (RFQ 22/23-023) for field support services for agricultural water use monitoring. All work will be issued via task work assignment to qualified vendors based on price, location, and vendor availability.

These agreements provide technical support to the District in fulfillment of its agricultural water use data collection responsibilities specified in Governing Board Directive 21-0007. The technical support will include conducting flow measurements on irrigation systems, data entry, and reporting results for each measurement.

The response deadline was set for July 28, 2022. Six (6) firms responded, with the qualified firms indicated below. The selection committee considered all the firms to be qualified based on their responses.

| Firm | City |
|--------------------------------|--------------------------|
| Locklear & Associates, Inc | Gainesville, Florida |
| Natural Analytic Services, LLC | Satellite Beach, Florida |
| Price Creek Cattle Company | Lake City, Florida |
| Wetlands Solutions, Inc. | Gainesville, Florida |
| H2O Mobile Labs | Gainesville, Florida |
| Tide Line Service LLC | West Palm Beach, Florida |

Funding for this recommendation is included in the Fiscal Year 2022-2023 budget under code 09-2-586-2-1200-36-01.

VSR/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Alejandro Arteaga Garcia, Senior Data Analyst, Office of Hydrologic Data Services

THRU: Katelyn Potter, Director, Outreach and Operations

DATE: July 29, 2022

RE: Task Work Assignment 19/20-043.007 with Land and Sea Surveying

RECOMMENDATION

Authorize the Executive Director to issue Task Work Assignment 19/20-043.007 for NAVD 88 vertical elevation surveys with Land and Sea Surveying Concepts, Inc. for an amount not to exceed \$120,000.

BACKGROUND

The District has operated a network of surface and groundwater sites for water levels since the 1980s. This task work assignment is to resurvey or complete an initial survey on 72 monitoring locations to establish the North American Vertical Datum of 1988 (NAVD 88) elevations.

According to the National Geodetic Survey (NGS), in 1993 NAVD 88 was affirmed as the official vertical datum in the National Spatial Reference System (NSRS) for the conterminous United States and Alaska. Since that time, the District has worked to update surveys of well monitoring locations in order to accurately report groundwater and surface water data. Since 2018, the District has budgeted \$30,000 per year to survey sites into the new datum – resulting in an average of 18 sites being updated per year. The FY 2023 effort is a continuation and enhancement of previous years and will increase the number of locations to be surveyed, four-fold. This data is foundational to the core mission areas of the District and supports the offices of Hydrologic Data Services, Minimum Flows and Minimum Water Levels, Water Resources, and GIS.

Land and Sea Surveying was selected as a qualified contractor for Chapter G: Surveying and Mapping of RFQ 18/19-025AE for General Engineering and Environmental Services. Staff selected Land and Sea Surveying for this work because they are best equipped for mobilizing quickly, and they have provided excellent service with high-quality survey work for the District in the past.

Funds will be available for this task work assignment in the Fiscal Year 2022-2023 Tentative Budget under account code 01-2586-2-1200-32-00.

AAG/pf

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Division of Water Resources

DATE: July 29, 2022

RE: Contracts with Local Entities for Regional Initiative Valuing Environmental Resources Cost-Share Program

RECOMMENDATION

Authorize the Executive Director to execute contracts for the below projects with the appropriate entities for the Fiscal Year 2022-2023 Regional Initiative Valuing Environmental Resources cost share program and Alternative Water Supply Program for an amount not to exceed \$865,803, and to reduce the 50% match requirement.

BACKGROUND

The Fiscal Year 2022-2023 Tentative Budget includes funding for Regional Initiative Valuing Environmental Resources (RIVER) projects that enhance or address the District's water supply, water quality, flood protection and/or natural systems core missions. This funding is consistent with sections 373.703 and 373.705, Florida Statutes (F.S.), which state that water management districts may provide assistance to local governments, regional water supply authorities, and water utilities. The funding awarded in prior years has facilitated the District's mission and achieved improvements to the infrastructure, economy, and public health of communities throughout the District. With the addition of proposed projects, since 2013, the District has funded 85 projects through the RIVER program which have reduced an estimated 8,000 pounds of nutrients, conserved 1.44 million gallons of water, protected over 50,000 acres from flooding, and restored five acres of natural systems.

Attached is a list of the recommended projects, including a brief description of proposed funding amounts, and a map showing the recommended project locations.

Pursuant to Section 288.0656(1)(b), F.S., the Board may reduce or waive the requirements for matching funds when requested by rural counties or municipalities, as defined by Subsection 288.0656(1)(b), F.S. Current program guidelines require a 50% match from awarded entities.

Seven projects were submitted for funding consideration. One of the projects has already been funded. Four projects were submitted by Rural Economic Development Initiative (REDI) communities and include a match of less than 50%. Projects were submitted by two non-REDI communities, one with a 50% match, the other with no match. The non-REDI community which did not provide a 50% match was excluded from consideration. Staff recommends dispersing a total of \$660,803 from RIVER funds and \$205,000 from Alternative Water Supply funds for five of the seven projects.

Funding for this recommendation is included in the Fiscal Year 2022-2023 Tentative Budget under budget codes 53-6-930-7-2201-39-03, 53-6-930-7-2300-00-03, 53-6-930-7-2400-00-01 and 03-6930-7-2201-38-01 and is contingent upon approval of the FY 2023 Final Budget.

LM/tm
Attachments

FY 2022 / 2023 RIVER Cost-Share Program Recommended Projects

| No. | Project Name | Cooperator | Resource Benefitted | RIVER Revenue Requested | Other Funding | Total Estimate Cost | Notes |
|------|--|--------------------------------|---|-------------------------|---------------|---------------------|---|
| 2772 | Houston Avenue Drainage Well Replacement | City of Live Oak | Flood protection, nutrient reduction and recharge to the Upper Floridan Aquifer | \$184,738 | \$35,188 | \$219,926 | Drainage well replacement with biofilter system - estimated 25 lbs/yr TN reduction. |
| 2773 | Irvin Avenue Drainage Well Replacement | City of Live Oak | Flood protection, nutrient reduction and recharge to the Upper Floridan Aquifer | \$242,170 | \$46,128 | \$288,298 | Drainage well replacement with estimated 45 lbs/yr TN reduction. |
| 2776 | Oakmont Reclaimed Water Extension Phase 5b | Gainesville Regional Utilities | Water Conservation, Upper Floridan Aquifer | \$83,375 | \$83,375 | \$166,750 | Extend reclaimed lines to offset 0.051 mgd of groundwater pumping. |

| | | | |
|--------------------|------------------|------------------|------------------|
| TOTAL COSTS | \$510,283 | \$164,691 | \$674,974 |
|--------------------|------------------|------------------|------------------|

CONTINGENCY PROJECT SUBJECT TO OBTAINING STATE REVOLVING FUNDS (SRF)

| | | | | | | | |
|------|--|--------------------|--|-----------|-----------|-----------|--|
| 2777 | Greenville Water System Filter Project | Town of Greenville | Water Conservation, Upper Floridan Aquifer | \$150,520 | \$602,080 | \$752,600 | Match requirement for approximately 20% of SRF loan. |
|------|--|--------------------|--|-----------|-----------|-----------|--|

| | | | |
|--------------------|------------------|------------------|--------------------|
| TOTAL COSTS | \$660,803 | \$766,771 | \$1,427,574 |
|--------------------|------------------|------------------|--------------------|

FY 2022 / 2023 application to be considered for Alternative Water Supply funding

| No. | Project Name | Cooperator | Resource Benefitted | RIVER Revenue Requested | Applicant's Share | Total Estimate Cost | Notes |
|------|---|-----------------|--|-------------------------|-------------------|---------------------|---|
| 2774 | Ellisville/Town of Fort White Meter Replacement Program | Columbia County | Water Conservation, Upper Floridan Aquifer | \$205,000 | \$88,506 | \$293,506 | Replacement of aged infrastructure to reduce water loss and provide long term accountability. |

| | | | |
|--------------------|------------------|------------------|--------------------|
| GRAND TOTAL | \$865,803 | \$855,277 | \$1,721,080 |
|--------------------|------------------|------------------|--------------------|



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

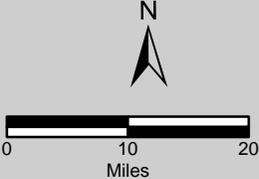
FY22-23 RIVER APPLICATIONS

August 2022



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001. Map Created on 7/19/2022

-  Applications
-  Major Rivers
-  District Boundary



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Amendment to Contract 20/21-186 with SanRiver Farms, LLC for Agricultural Cost-Share Funding, Suwannee County

RECOMMENDATION

Authorize the Executive Director to amend Contract 20/21-186 with SanRiver Farms, LLC. for additional agricultural cost-share funding for an amount not to exceed \$99,266.

BACKGROUND

The Suwannee River Water Management District (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. Best management practices help farmers conserve water and improve water quality in the District.

SanRiver Farms, LLC. has applied for agricultural cost-share under the District Agricultural Cost-Share Program to implement precision soil sampling, plant tissue sampling and variable rate nutrient application for use across 2,449 acres of corn and peanuts in Suwannee County. The original contract was approved by the Executive Director on August 23, 2021 and contained four pivot retrofits for an amount not to exceed \$39,600. The first amendment was approved by the Governing Board on May 11, 2022 and contained 27 soil moisture probe second year service agreements for an amount not to exceed \$55,200.

This project is located in the Suwannee River Basin Management Action Plan area, Eastern Water Supply Planning Area, and Troy Peacock Lafayette Blue Falmouth Priority Focus Area. A potential estimated reduction of approximately 61,225 lbs. of nitrogen is associated with this amendment.

The cost of this amendment is estimated at \$58,739.97. District cost-share will contribute no more than \$44,066.00 and the producer will contribute \$14,673.91 of the total project cost. The new total contract amount will be \$99,266. This proposal, when combined with previous awards, will not exceed the total maximum cost-share amount of \$300,000 over five years allowed under this program.

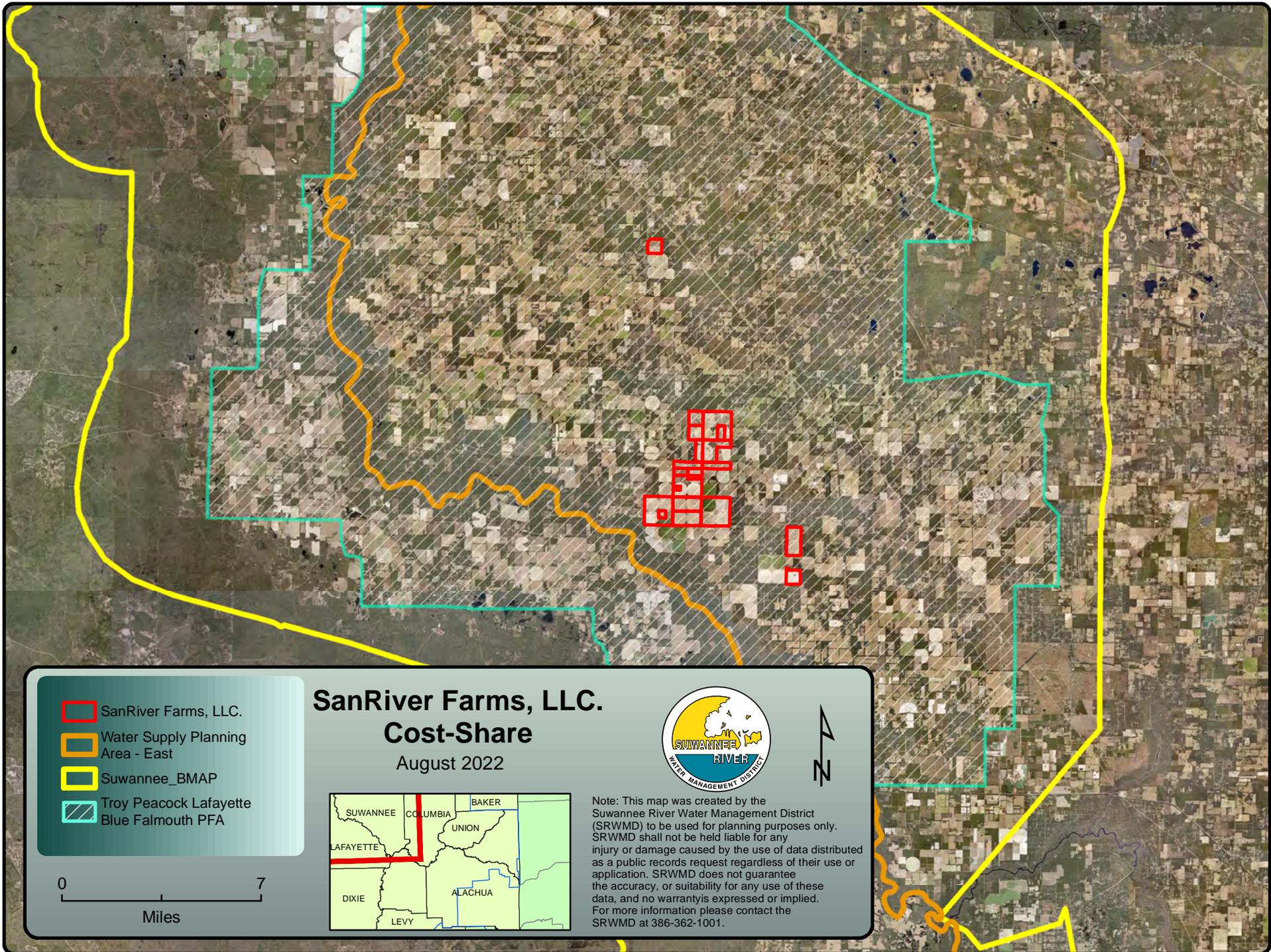
Exhibit A lists the cost share items and funding breakdown. Funding for this project is included in the Fiscal Year 2022 budget under account code 06-2586-7-2400-18-01 and is contingent upon approval of the FY 2023 Final Budget.

JBC/tm
Attachments

Exhibit A – Itemized List

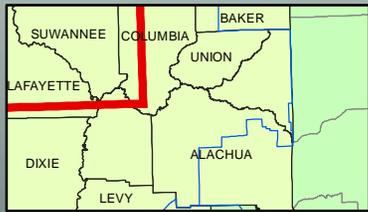
| Producer | Item | Maximum Cost-Share | Quantity | SRWMD Total | Producer Share |
|----------------------|------------------------------------|--------------------|----------|-------------|----------------|
| SanRiver Farms, LLC. | Precision Soil Sampling | \$7/Acre | 2,449 | \$17,143 | \$5,706.17 |
| | Plant Tissue Sampling | \$20/sample | 489 | \$9,780 | \$3,261.63 |
| | Variable Rate Nutrient Application | \$7/acre | 2,449 | \$17,143 | \$5,706.17 |
| Project Total: | | | | \$44,066 | \$14,673.91 |

JBC/tm
Attachment



-  SanRiver Farms, LLC.
-  Water Supply Planning Area - East
-  Suwannee_BMAP
-  Troy Peacock Lafayette Blue Falmouth PFA

SanRiver Farms, LLC.
Cost-Share
 August 2022



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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Amendment to Contract 21/22-171 with Herman Sanchez III for Agricultural Cost-Share Funding, - Dixie, Lafayette, Levy, Suwannee, and Gilchrist Counties

RECOMMENDATION

Authorize the Executive Director to amend Contract 21/22-171 with Herman Sanchez III for additional agricultural cost-share best management practices for an amount not to exceed \$63,290.

BACKGROUND

The Suwannee River Water Management District (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. Best management practices help farmers conserve water and improve water quality in the District.

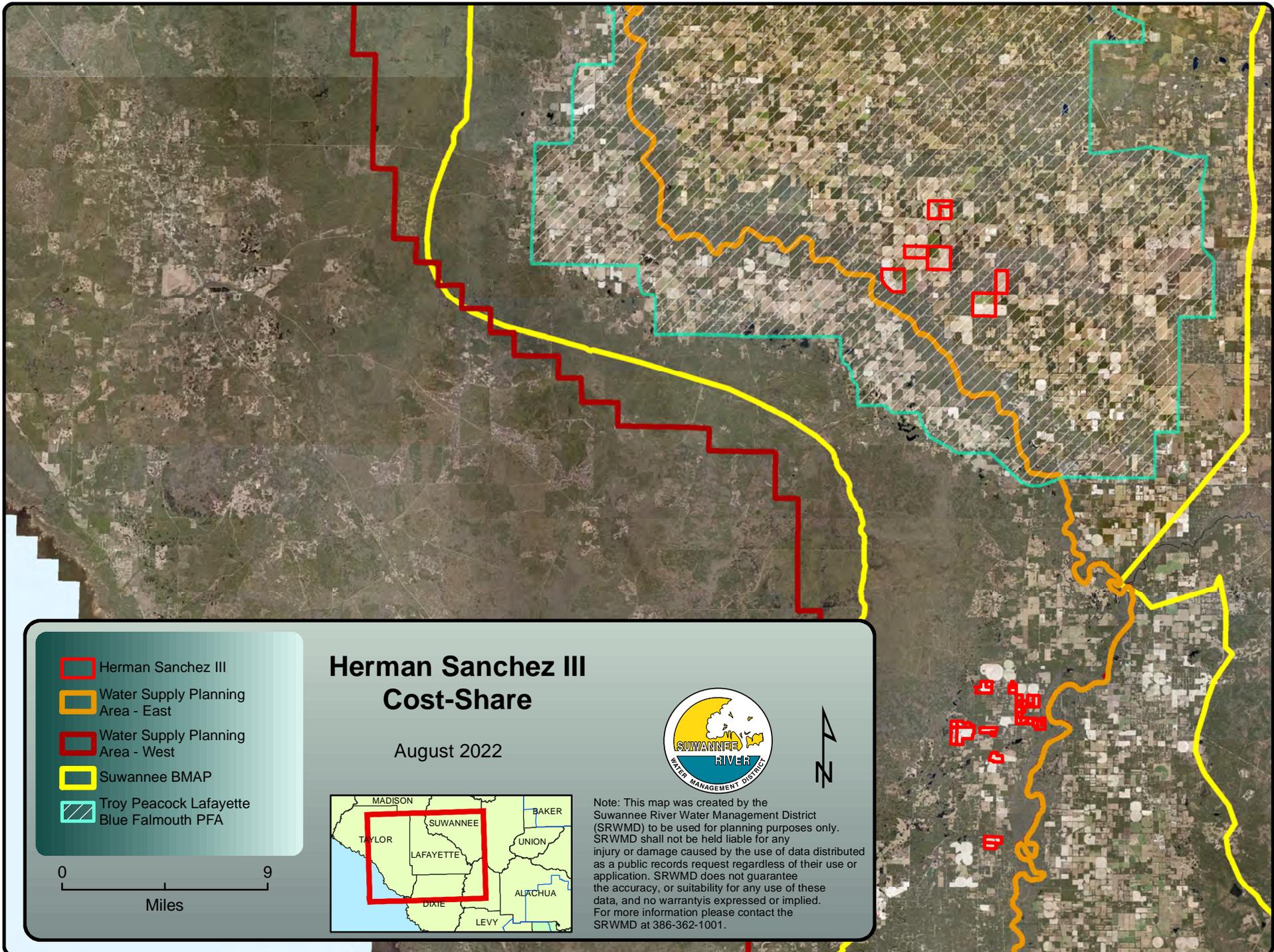
Herman Sanchez III has applied for agricultural cost-share under the District Agricultural Cost-Share Program to implement precision soil sampling, plant tissue sampling and variable rate nutrient application for use across 2,405 acres of corn and peanuts in Dixie, Levy, Lafayette, Suwannee, and Gilchrist counties. The original contract was approved by the Executive Director on June 29, 2022 and contained ten soil moisture probe purchases for an amount not to exceed \$20,000. This project is located in the Suwannee River Basin Management Action Plan area, Eastern and Western Water Supply Planning Area, and Troy Peacock Lafayette Blue Falmouth Priority Focus Area. A potential estimated reduction of approximately 60,125 lbs. of nitrogen is associated with this amendment. The total cost of this amendment is estimated at \$57,705.57. District cost-share will contribute no more than \$43,290 and the producer will contribute \$14,415.57 of the total project cost. The new total contract amount will be \$63,290. This proposal, when combined with previous awards, will not exceed the total maximum cost-share amount of \$300,000 over five years allowed under this program.

Exhibit A lists the cost share items and funding breakdown. Funding for this project is included in the Fiscal Year 2022 budget under account code 06-2586-7-2400-18-01 and is contingent upon approval of the FY 2023 Final Budget.

JBC/tm
Attachment

Exhibit A – Itemized List

| Producer | Item | Maximum Cost-Share | Quantity | SRWMD Total | Producer Share |
|--------------------|------------------------------------|--------------------|----------|-------------|----------------|
| Herman Sanchez III | Precision Soil Sampling | \$7/Acre | 2405 | \$16,835 | \$5,603.65 |
| | Plant Tissue Sampling | \$20/sample | 481 | \$9,620 | \$3,208.27 |
| | Variable Rate Nutrient Application | \$7/acre | 2405 | \$16,835 | \$5,603.65 |
| Project Total: | | | | \$43,290 | \$14,415.57 |



-  Herman Sanchez III
-  Water Supply Planning Area - East
-  Water Supply Planning Area - West
-  Suwannee BMAP
-  Troy Peacock Lafayette Blue Falmouth PFA

Herman Sanchez III Cost-Share

August 2022



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: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Amendment to Contract 20/21-187 with Sanchez Farms, LLC for Agricultural Cost-Share Funding - Dixie, Lafayette, Levy and Gilchrist Counties

RECOMMENDATION

Authorize the Executive Director to amend Contract 20/21-187 with Sanchez Farms, LLC. for additional agricultural cost-share best management practices for an amount not to exceed \$138,800.

BACKGROUND

The Suwannee River Water Management District (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. Best management practices help farmers conserve water and improve water quality in the District.

Sanchez Farms, LLC. has applied for agricultural cost-share under the District Agricultural Cost-Share Program to implement precision soil sampling, plant tissue sampling and variable rate nutrient application for use across 4,400 acres of corn, green beans, watermelons and peanuts in Dixie, Levy, Lafayette, and Gilchrist counties. The original contract was approved by the Executive Director on August 23, 2021, and contained four pivot retrofits for an amount not to exceed \$39,600. The first amendment was approved by the Governing Board on May 11, 2022, and contained ten soil moisture probe purchases for an amount not to exceed \$59,600. This project is located in the Suwannee River Basin Management Action Plan area, Western Water Supply Planning Area, and Fanning Manatee Priority Focus Area. A potential estimated reduction of approximately 110,000 lbs. of nitrogen is associated with this amendment. The total cost of this amendment is estimated at \$105,573.60. District cost-share will contribute no more than \$79,200 and the producer will contribute \$26,373.60 of the total project cost. The new total contract amount will be \$138,800. This proposal, when combined with previous awards, will not exceed the total maximum cost-share amount of \$300,000 over five years allowed under this program.

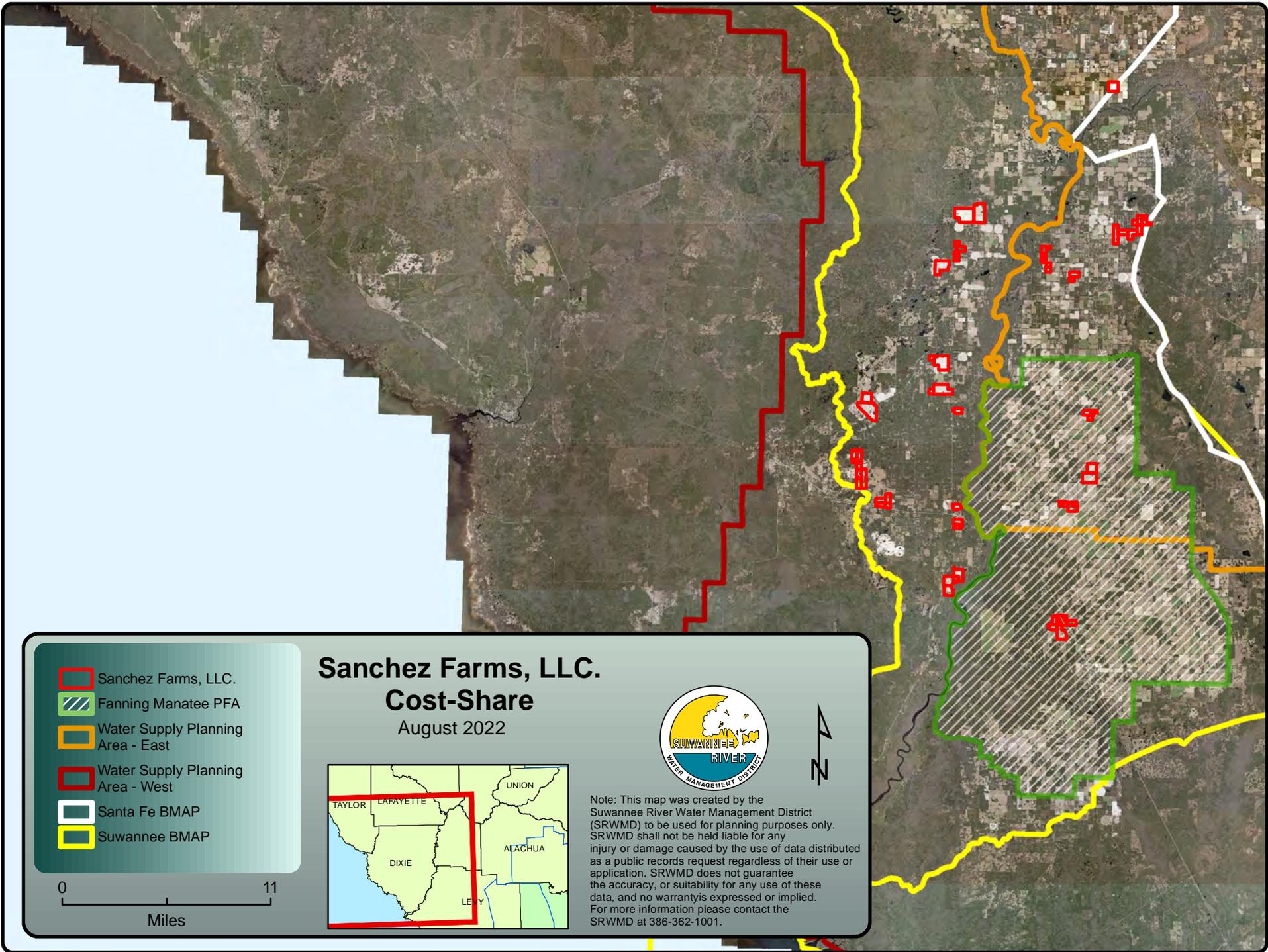
Exhibit A lists the cost share items and funding breakdown. Funding for this project is included in the Fiscal Year 2022 budget under account code 06-2586-7-2400-18-01 and is contingent upon approval of the FY 2023 Final Budget.

JBC/tm
Attachments

Exhibit A – Itemized List

| Producer | Item | Maximum Cost-Share | Quantity | SRWMD Total | Producer Share |
|---------------------|------------------------------------|--------------------|----------|-------------|----------------|
| Sanchez Farms, LLC. | Precision Soil Sampling | \$7/Acre | 4400 | \$30,800 | \$10,252.00 |
| | Plant Tissue Sampling | \$20/sample | 880 | \$17,600 | \$5,869.60 |
| | Variable Rate Nutrient Application | \$7/acre | 4400 | \$30,800 | \$10,252.00 |
| Project Total: | | | | \$79,200 | \$26,373.60 |

JBC/tm
Attachment



-  Sanchez Farms, LLC.
-  Fanning Manatee PFA
-  Water Supply Planning Area - East
-  Water Supply Planning Area - West
-  Santa Fe BMAP
-  Suwannee BMAP

Sanchez Farms, LLC.
Cost-Share
 August 2022



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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Contract with Hidden River Farms, LLC for Agricultural Cost-Share Funding, Hamilton County

RECOMMENDATION

Authorize the Executive Director to enter into a contract with Hidden River Farms, LLC to implement agricultural cost-share practices for an amount not to exceed \$90,500.

BACKGROUND

The Suwannee River Water Management District (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. Best management practices help farmers conserve water and improve water quality in the District.

Hidden River Farms, LLC has applied for agricultural cost-share under the District's Agricultural Cost-Share Program to implement pivot retrofits, new control panels, remote control of center pivot and GPS end-gun shutoffs for use on 237 acres of corn, green beans, carrots and peanuts in Hamilton County. The project is located in the Eastern Water Supply Planning Area and Suwannee Basin Management Action Plan. It is estimated that a potential water savings of approximately 0.1275 MGD may be obtained through this project.

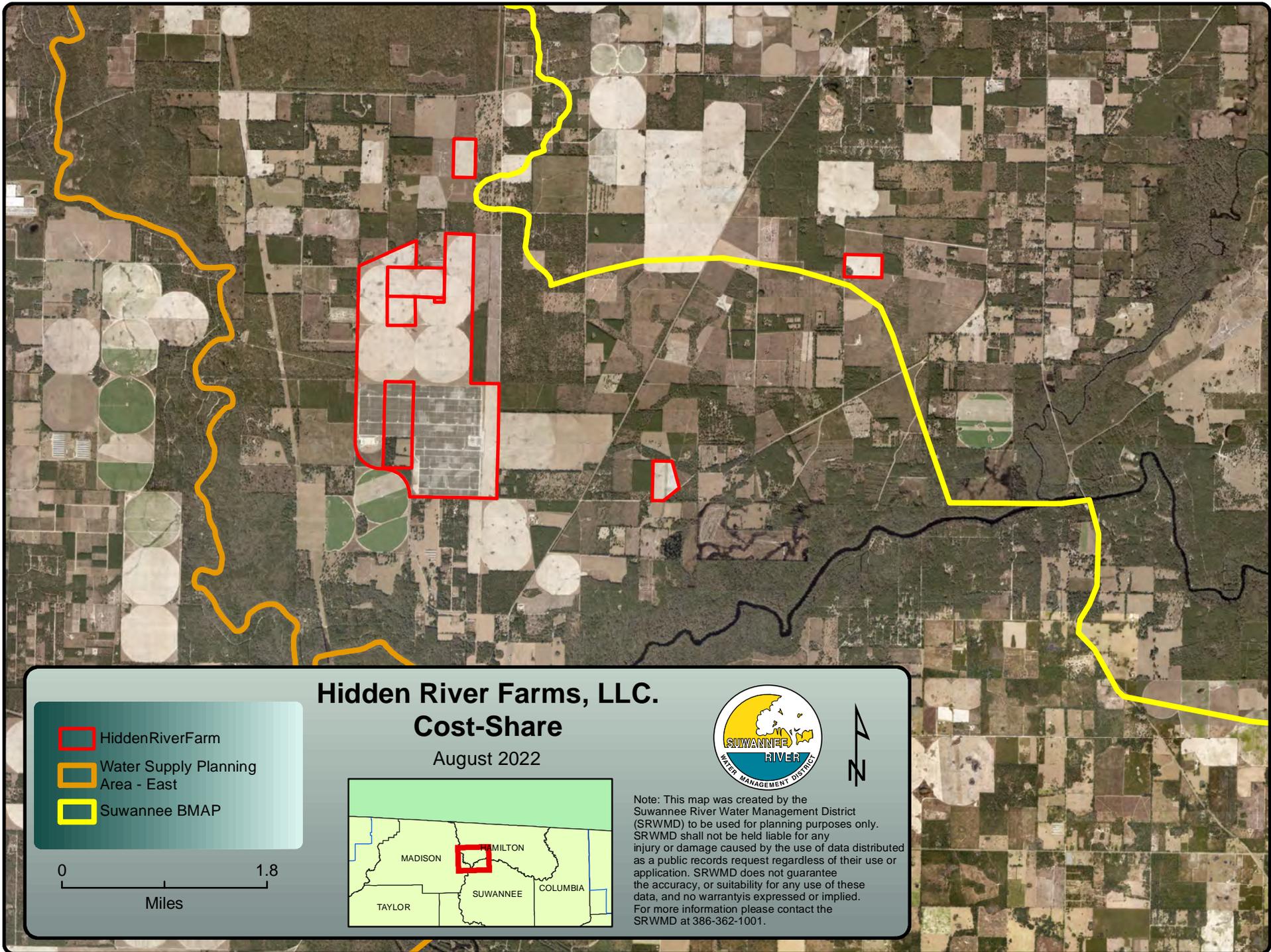
The total cost of this project is estimated at \$103,666.67. District cost-share will contribute no more than \$90,500 and the producer will contribute \$13,166.67 of the total project cost. This proposal, when combined with previous awards, will not exceed the total maximum cost-share amount of \$300,000 over five years allowed under this program.

Exhibit A lists the cost share items and funding breakdown for each item. Funding for this project is included in the Fiscal Year 2021-2022 budget under account code 51-2586-7-2400-06-07 and 03-2586-7-2201-37 and is contingent upon approval of the FY 2023 Final Budget.

JBC/tm
Attachments

Exhibit A – Itemized List

| Producer | Item | Maximum Cost-Share | Quantity | SRWMD Total | Producer Share |
|--------------------------|---------------------|---------------------------|-----------------|--------------------|-----------------------|
| Hidden River Farms, LLC. | Pivot Retrofit | \$9,900 | 5 | \$49,500 | \$5,500.00 |
| | Control Panel | \$4,500 | 5 | \$22,500 | \$1,500.00 |
| | GPS End Gun Shutoff | \$1,500 | 5 | \$7,500 | \$2,500.00 |
| | Remote Control | \$2,200 | 5 | \$11,000 | \$3,666.67 |
| Project Total: | | | | \$90,500 | \$13,166.67 |



Hidden River Farms, LLC. Cost-Share

August 2022



- HiddenRiverFarm
- Water Supply Planning Area - East
- Suwannee BMAP

0 1.8
Miles



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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Contract with Herman Sanchez Jr. for Agricultural Cost-Share Funding - Dixie, Lafayette, Gilchrist, Levy and Suwannee Counties

RECOMMENDATION

Authorize the Executive Director to enter into a contract with Herman Sanchez Jr. to implement agricultural cost-share practices for an amount not to exceed \$56,880.

BACKGROUND

The Suwannee River Water Management District (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. Best management practices help farmers conserve water and improve water quality in the District.

Herman Sanchez Jr. in Dixie, Lafayette, Gilchrist, Levy and Suwannee counties has applied for agricultural cost-share under the District's Agricultural Cost-Share Program to implement precision soil sampling, plant tissue sampling and variable rate nutrient application for use on 3160 acres of peanuts, corn, potatoes, green beans and grass seed in Dixie, Lafayette, Gilchrist, Levy and Suwannee counties. The project is located in the Eastern and Western Water Supply Planning Areas, Fanning Manatee Priority Focus Area, Troy Peacock Lafayette Blue Falmouth Priority Focus Area and Suwannee Basin Management Action Plan. It is estimated that there is an applied nitrogen savings of approximately 79,000 lbs. may be obtained through this project.

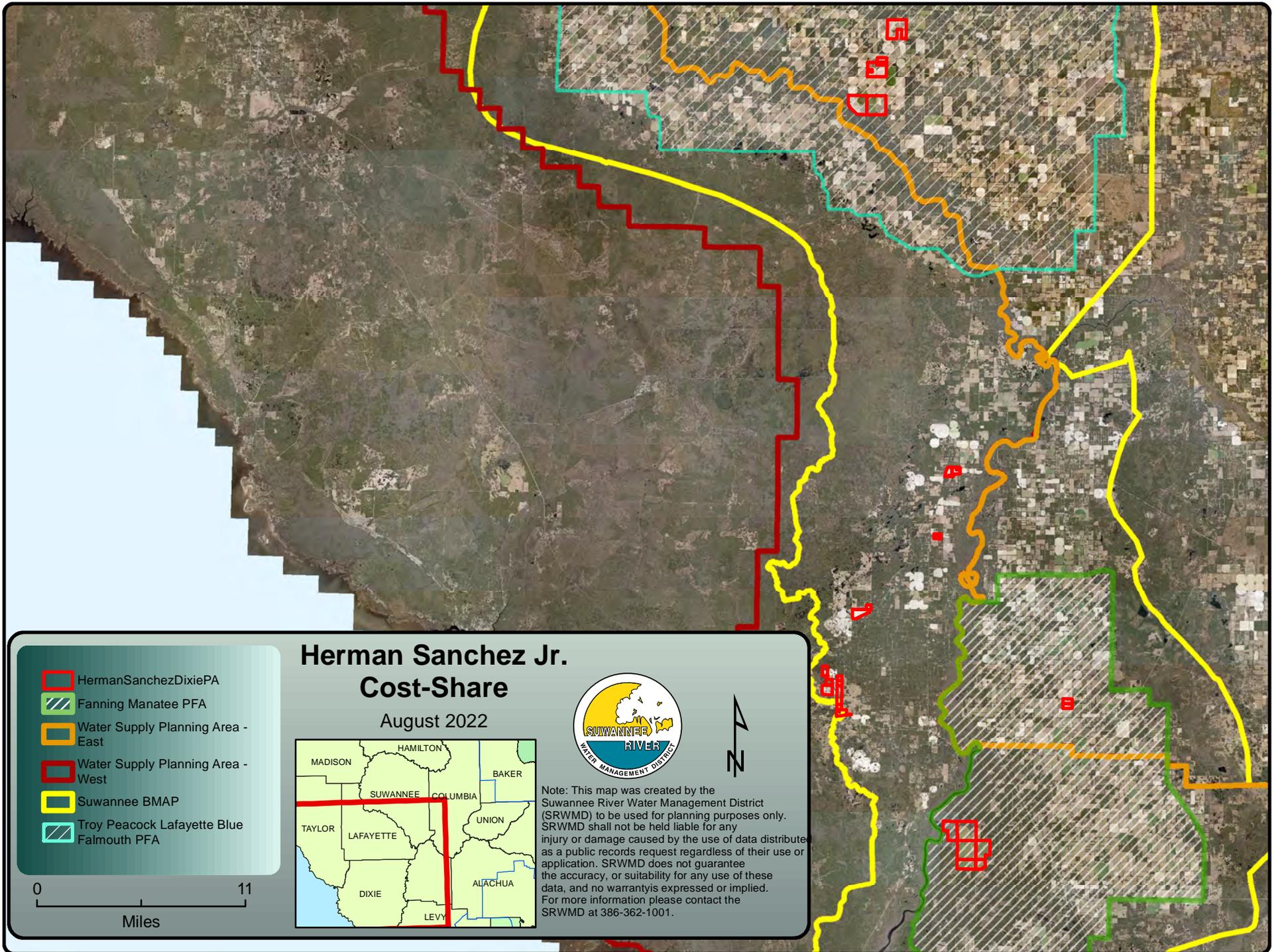
The total cost of this project is estimated at \$75,821.04. District cost-share will contribute no more than \$56,880 and the producer will contribute \$18,941.04 of the total project cost. This proposal, when combined with previous awards, will not exceed the total maximum cost-share amount of \$300,000 over five years allowed under this program.

Exhibit A lists the cost share items and funding breakdown for each item. Funding for this project is included in the Fiscal Year 2021-2022 budget under account code 06-2586-7-2400-18-01 and is contingent upon approval of the FY 2023 Final Budget.

JBC/tm
Attachments

Exhibit A – Itemized List

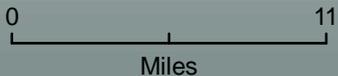
| Producer | Item | Maximum Cost-Share | Quantity | SRWMD Total | Producer Share |
|-----------------------|------------------------------------|---------------------------|-----------------|--------------------|-----------------------|
| Herman Sanchez Jr. | Precision Soil Sampling | \$7/acre | 3160 | \$22,120 | \$7,362.80 |
| | Plant Tissue Sampling | \$20/sample | 632 | \$12,640 | \$4,215.44 |
| | Variable Rate Nutrient Application | \$7/acre | 3160 | \$22,120 | \$7,362.80 |
| Project Total: | | | | \$56,880.00 | \$18,941.04 |



Herman Sanchez Jr. Cost-Share August 2022



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SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Contract for Fiscal Year 2022 with the Federal Emergency Management Agency to Administer the Risk Mapping, Assessment and Planning Program

RECOMMENDATION

Authorize the Executive Director to enter into contract with the Federal Emergency Management Agency to receive an estimated \$1,620,396 to implement the Fiscal Year 2022 Risk Mapping, Assessment and Planning Program in the Waccasassa, Econfina and Steinhatchee Watershed basins.

BACKGROUND

The District has been a Cooperating Technical Partner implementing Federal Emergency Management Agency (FEMA's) Map Modernization and Risk Mapping, Assessment and Planning (Risk MAP) programs for over 20 years. Each December, the Governing Board considers the five-year FEMA business plan which identifies the District's vision and level of participation for supporting the Risk MAP program. FEMA's Risk MAP program is an ongoing program in the District's river basins.

To implement this plan, District staff has developed a Mapping Activity Statement (MAS) for Federal Fiscal Year 2022 (FY 22) that details a step-by-step process to enhance the regulatory flood maps and provide Risk MAP products for the stated basins. The District expects the proposed MAS for Federal FY 22 to be approved and monies allocated by FEMA within the next couple of weeks. When received, it is important that award documents be executed as quickly as possible. With the addition of the FY 2022 allocation, the District will have 12 active contracts totaling \$15,917,207. All information created or provided by the District, such as computer models, and staff time are used as the local match.

LM/tm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Leroy Marshall, Chief, Office of Agriculture and Environmental Projects

THRU: Amy Brown, Deputy Executive Director, Water Resources

DATE: July 29, 2022

RE: Task Work Assignment 19/20-045.006 with Northstar Contracting Group, Inc.

RECOMMENDATION

Authorize the Executive Director to execute a task work assignment for the Mallory Swamp Data Collecting and Phase 2 Modeling Plan with Northstar Contracting Group, Inc. for an amount not to exceed \$22,178.

BACKGROUND

Northstar Contracting Group, Inc. (Northstar) completed a Phase 1 hydraulic modeling for the Mallory Swamp Tract and surrounding area as part of Task Work Assignment (TWA) 19/20-045.005. Phase 1 included developing and testing groundwater and surface water models for the area. Phase 2 will utilize the model to assess impacts of water resource development objectives and operations in Mallory Swamp and the surrounding areas.

This TWA will outline the effort, cost, and steps needed to use the models to address the objectives and develop a watershed master plan. It will also include retrieving data collected by instruments in Mallory Swamp since the end of 2021. That data will be useful for model validation and scenarios.

Funding for this project is included in the Fiscal Year 2022 budget under account code 05-2586-7-2201-04-04 and is contingent upon approval of the Fiscal Year 2023 Final Budget.

DC/tm