

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

OPEN TO THE PUBLIC

November 15, 2012
9:00 a.m.

Holiday Inn
Perry, Florida

1. Call to Order
2. Chairman Introductions
3. Roll Call
4. Additions, Deletions, or Changes to the Agenda
5. Action Items
Approval of Agenda
6. Items Recommended on Consent
 - Agenda Item 8- Approval of Minutes
 - Agenda Item 10 -Approval of September Financial Report
 - Agenda Item 11 – Fiscal Year 2011-2012 Budget Amendment
7. Approval of Recommended Consent Items
8. Approval of Minutes – October 9, 2012 Governing Board Meeting and Workshop Minutes – **Recommended Consent**
9. Items of General Interest for Information/Cooperating Agencies and Organizations
 - A. Presentation of 10-Year Service Award – Tim Sagul, Resource Management Division Director
 - B. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
 - C. Cooperating Agencies and Organizations
 - D. Public Comment

Page 7

DIVISION OF ADMINISTRATIVE SERVICES
Joe Flanagan, Director

AS Page 1

- Action Items
10. Approval of September Financial Report – **Recommended Consent**

AS Page 4

11. Fiscal Year 2011-2012 Budget Amendment – **Recommended Consent**

AS Page 8

12. Surplus Vehicle Recommendation

AS Page 13 13. Contract for Inspector General Services

DIVISION OF LAND RESOURCES
Charles H. Houder, III, Director

LR Page 1 Informational Item
14. Land Resources Activity Summary

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

WS Page 1 Action Items
18. Second Amendment to Interagency Agreement between Suwannee River Water Management District, St. Johns River Water Management District, and Florida Department of Environmental Protection

WS Page 6 19. Authorization to Amend Contract Number 11/12-122 with the United States Geological Survey (USGS), Tallahassee District, for Water Sampling and Chemistry Analysis Services at White Sulphur and Suwannee Springs

WS Page 8 20. Authorization to Enter into a Contract for Minimum Flows and Levels Peer Review for the Lower Santa Fe and Ichetucknee Rivers and Springs

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

WR Page 1 Action Item
23. Authorization to Purchase Water Level Sensors and Cellular Modems from Federally Approved Vendors under the U.S. General Services Administration

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

RM Page 1 Action Items
15. Approval of Water Use Permit Application Number 2-11-00044.003, Lee Cemetery, Dixie County

RM Page 13 16. Approval of Water Use Permit Application Number 2-09-00030.002, John D. Milton, Jr., Suwannee County

RM Page 25 17. Approval to Amend Contract 09/10-048 with Atkins North America, Inc.

RM Page 26 18. Authorization to Seek Enforcement through State Attorney's Office Regarding Allen Dean, CE12-0021, Taylor County

RM Page 27 19. Adoption of Proposed Rule for 40B-1, 40B-4, and 40B-400, Florida Administrative Code (F.A.C.) for Statewide Environmental Resource Permitting

RM Page 178 Informational Item
20. Permitting Summary Report

GOVERNING BOARD LEGAL COUNSEL
Tom Reeves

LC Page 1 Informational Item
21. Governing Board Counsel Monthly Report (to be provided prior to Governing Board meeting)

EXECUTIVE OFFICE
Ann B. Shortelle, Ph.D., Executive Director

EO Page 1 Action Items
22. Approval of Governing Board Directive Number 12-0006, Fraud Policy

EO Page 6 23. Approval of Governing Board Directive Number 12-0007, Whistle-Blower's Act

EO Page 13 Informational Items
24. District's Weekly Activity Reports

25. Announcements

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

November 19, 2012 11:30 a.m. FGS Spring Sheds Meeting

November 28, 2012 1:30 p.m. IFAS Meeting

December 11, 2012 9:00 a.m. Board Meeting
Workshop

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

26. Adjournment

The entire meeting of the Governing Board is a public hearing and will be governed accordingly. The Governing Board may take action on any item listed on the agenda. The Governing Board may make changes to the printed agenda only for good cause shown as determined by the Chairman and stated for the record. 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. Public attendance and participation at the District Governing Board Meetings are encouraged.

Agenda
SRWMD Board Visit
November 15, 2012

1:30	Welcome & Introductions	All
1:40	Company/Site Overview, Products	Howard Drew
2:00	Sustainability /Water Use & Conservation	Ray Andreu
2:20	Questions/Discussion	
2:30	Plant driving tour – Route: Main gate, wood prep, main mill road, loop to digesting area, return to main mill road and exit. From the vehicle see Line 3 construction, chip pile, UF pilot plant, portal crane, wood fuel pile, lime kiln, DD washer, cooling towers, # 6 turbine, powerhouse, chemical purification, main mill building.	
3:15	Guests Depart	

AGENDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
GOVERNING BOARD WORKSHOP

OPEN TO THE PUBLIC

8:30 a.m., Friday
November 16, 2012

Fiddler's Restaurant
Steinhatchee, Florida

1. Back-up Generator
2. Strategic Priorities
 - Heartland Springs
 - Sustainable Water Supply
 - Water Conservation
 - MFL's
 - Water Management Lands
 - Non Structural Flood Protection
3. FY 13-14 Budget

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

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

9:00 a.m., Tuesday
October 9, 2012

District Headquarters
Live Oak, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer	X	
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	
At Large	Vacant			

Governing Board General Counsel

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

Staff:

Position	Name	Present	Not Present
Executive Director	Ann Shortelle	X	
Assistant Executive Director	Jon Dinges	X	
Governmental Affairs and Communications Director	Steve Minnis	X	
Administrative Services Division Director	Joe Flanagan		
Land Resources Division Director	Charles H. Houder. III	X	
Water Supply Division Director	Carlos Herd		X
Water Resources Division Director	Erich Marzolf	X	
Resource Management Division Director	Tim Sagul	X	
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

Vanessa Fultz, SRWMD
Kevin Wright, SRWMD
Brian Kauffman, SRWMD
Edwin McCook, SRWMD
John Good, SRWMD
Hugh Thomas, DACS
Bob Heeke, SRWMD
Pat Webster, SRWMD
Dave Dickens, SRWMD
Rhonda Scott, SRWMD
Warren Zwanka, SJRWMD
Rodney Baker, Lake City
Steven Gladden, Trenton
Donald Rich, Rich Property & Investment, Quitman, GA
Paul Still, Bradford Soil & Water, Starke
Dr. Linden Davidson, Monticello
Roland Garcia, Tallahassee
Jerome Johns,
BW Helvenston, Live Oak
Oliver "O.J." Lake, Lake City
Auley Rowell, Live Oak
Lynetta Griner, Chiefland
John Finlayson, Monticello
David Pope, Alachua
Gary Hardacre, Alachua

The meeting was called to order at 9:00 a.m.

Agenda Item No. 4 - Additions, Deletions, or Changes to the Agenda.

No changes.

Agenda Item No. 5 – Approval of Agenda.

Agenda Item No. 6 – Consent Agenda.

- Agenda Item 8 – Approval of Minutes
- Agenda Item 10 - Approval of August Financial Report
- Agenda Item 16 - Approved Appraiser List and Review Appraiser List for Fiscal Year 2013
- Agenda Item 17 - Approved Surveyor List for Fiscal Year 2013
- Agenda Item 36 - Authorization for Staff Legal Service Contracts for Fiscal Year 2012/2013

Agenda Item No. 7 – Approval of Recommended Consent Items.

MR. ALEXANDER MADE A MOTION TO ACCEPT THE AGENDA AND CONSENT AGENDA AS READ. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, WITH MR. WILLIAMS VOTING AGAINST, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, AND QUINCEY.)

Agenda Item No. 8– September 11, 2012 Governing Board Meeting, Workshop and 1st Public Hearing Minutes and September 25, 2012 Governing Board Meeting and Final Public Hearing Minutes. Approved on consent.

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

- Chairman Quincey recognized the past board members and governmental constituents in attendance.
- A presentation of the Hydrologic Conditions was given by Megan Wetherington, Senior Professional Engineer.

DIVISION OF ADMINISTRATIVE SERVICES

Agenda Item No. 10 – Approval of August Financial Report. Approved on consent.

Agenda Item No. 11 – Activity Report, Administrative Services.

The Activity Report for Administrative Services was provided as an informational item in the Board materials.

DIVISION OF LAND RESOURCES

Agenda Item No. 12 – Resolution 2012-26 Authorizing Sale of the 29-acre ± Woods Ferry Surplus Parcel in Suwannee County to Anthony Boggess. Charles Houser, Division Director, presented the staff recommendation for approval and execution of Resolution 2012-26 authorizing the sale of the Wood Ferry surplus parcel in Suwannee County to Anthony Boggess, as shown in the Board materials.

MR. MEECE MADE A MOTION FOR APPROVAL AND EXECUTION OF RESOLUTION 2012-26 AUTHORIZING THE SALE FO THE WOOD FERRY SURPLUS PARCEL IN SUWANNEE COUNTY TO ANTHONY BOGGESS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 13 – Approval of Resolution 2012-69 Declaring the Ellaville Parcel as No Longer Needed for Conservation Purposes and Authorizing its Surplus. Mr. Houser presented the staff recommendation for approval and execution of Resolution 2012-69 authorizing the surplus of 670 acres of the Ellaville Tract as no longer needed for conservation purposes, as shown in the Board materials.

MR. MEECE MADE A MOTION FOR APPROVAL AND EXECUTION OF RESOLUTION 2012-69 AUTHORIZING THE SURPLUS OF 670 ACRES OF THE ELLAVILLE TRACT AS NO LONGER NEEDED FOR CONSERVATION PURPOSES. THE MOTION WAS SECONDED BY MR. CURTIS. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 14 – Approval of Resolution 2012-70 Authorizing the Exchange of District Property for the Damascus Peanut Company Property (Updated). Mr. Houser presented the staff recommendation for approval and execution of Resolution 2012-70 authorizing the exchange of 670 acres of the Ellaville tract for 585 acres of Damascus Peanut Company, Inc., acreage to the Suwannee River Water Management District, and authorizing the Chairman and Secretary to execute necessary closing documents, as shown in the updated (supplemental) Board materials.

Chairman Quincey requested confirmation that staff had not received a text from Audubon Florida. Staff and the chairman confirmed that a text had not been received and therefore not available to read into record as requested by the Audubon.

MR. MEECE MADE A MOTION FOR APPROVAL AND EXECUTION OF RESOLUTION 2012-70 AUTHORIZING THE EXCHANGE OF 670 ACRES OF THE ELLAVILLE TRACT FOR 585 ACRES OF DAMASCUS PEANUT COMPANY, INC., ACREAGE TO THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT, AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE NECESSARY CLOSING DOCUMENTS. THE MOTION WAS SECONDED BY MR. CURTIS. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 15 – Conveyance of the Buck Bay Tract, 60 acres ± in Alachua County. Mr. Houser presented the staff recommendation for the Governing Board to rescind the prior action of the Board for the sale of real property to William and Faye Gaston and direct Board Counsel to return the binder deposition, and approve and execute Resolution 2012-71 approving the contract for the sale of real property with the City of Gainesville, as shown in the Board materials.

DR. COLE MADE A MOTION BOARD TO RESCIND THE PRIOR ACTION OF THE BOARD FOR THE SALE OF REAL PROPERTY TO WILLIAM AND FAYE GASTON AND DIRECT BOARD COUNSEL TO RETURN THE BINDER DEPOSITION, AND APPROVE AND EXECUTE RESOLUTION 2012-71 APPROVING THE CONTRACT FOR THE SALE OF REAL PROPERTY WITH THE CITY OF GAINESVILLE. THE MOTION WAS SECONDED BY MR. ALEXANDER.

Discussion occurred.

MR. WILLIAMS REQUESTED AN AMENDMENT TO THE MOTION TO INCLUDE AUTHORIZATION FOR EXECUTIVE DIRECTOR TO SPEND UP TO \$3,000 IN ADDITION TO THE COMMISSION TO SETTLE THE AMOUNT OF COMPENSATION BY THE REAL ESTATE BROKER DOUG KING. DR. COLE SECONDED THE AMENDMENT. UPON UNANIMOUS VOTE

OF THE GOVERNING BOARD, THE AMENDMENT CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

The chairman called for a vote on the motion as amend.
UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION AS AMENDED CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 16 – Approved Appraiser List and Review Appraiser List for Fiscal Year 2013 – Approved on consent.

Agenda Item No. 17 – Approved Surveyor List for Fiscal Year 2013 – Approved on consent.

Agenda Item No. 18 – Purchase of Rock Aggregate. Mr. Houder presented the staff recommendation for authorization to purchase rock and fill aggregate on an as needed basis from Department of Transportation certified mines near the project sites. Total cost shall not exceed the amount of \$106,000, as shown in the Board materials.

DR. COLE MADE A MOTION FOR APPROVAL TO PURCHASE ROCK AND FILL AGGREGATE ON AN AS NEEDED BASIS FROM DEPARTMENT OF TRANSPORTATION CERTIFIED MINES NEAR THE PROJECT SITES FOR A COST NOT EXCEED THE AMOUNT OF \$106,000. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 19 – Contract with Perpetual Contracting, Inc. for Equipment and Operators to Construct and Maintain Hydrologic Improvements and Roads for Fiscal Year 2013. Mr. Houder presented the staff recommendation for authorization for the Executive Director to execute a contract for equipment and operators to construct and maintain hydrologic improvements and roads with Perpetual Contracting, Inc., for an amount not to exceed \$172,000, as shown in the Board materials.

MR. CURTIS MADE A MOTION FOR APPROVAL TO EXECUTE A CONTRACT FOR EQUIPMENT AND OPERATORS TO CONSTRUCT AND MAINTAIN HYDROLOGIC IMPROVEMENTS AND ROADS WITH PERPETUAL CONTRACTING, INC., FOR AN AMOUNT NOT TO EXCEED \$172,000. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 20 – Contract with Florida Fish and Wildlife Conservation Commission for Cooperative Management of District Lands. Mr. Houder presented the staff recommendation to authorize the Executive Director to execute a Cooperative Agreement with Florida Fish and Wildlife Commission for management of public hunting programs on District lands, as shown in the Board materials.

MR. WILLIAMS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A COOPERATIVE AGREEMENT WITH FLORIDA FISH AND WILDLIFE COMMISSION FOR MANAGEMENT OF PUBLIC HUNTING PROGRAMS ON DISTRICT LANDS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 21 – Amendment of Agreement for the Management and Operations of R. O. Ranch. Mr. Houder presented the staff recommendation to approve and execute an amendment to the agreement for the Management and Operations of R.O. Ranch, as shown in the Board materials.

MR. ALEXANDER MADE A MOTION TO APPROVE AND EXECUTE AN AMENDMENT TO THE AGREEMENT FOR THE MANAGEMENT AND OPERATIONS OF R.O. RANCH. THE MOTION WAS SECONDED BY DR. COLE. UPON UNANIMOUS VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 22 – Activity Report Real Estate - The Activity Report for Real Estate was provided as an informational item in the Board materials.

Agenda Item No. 23 – Activity Report Land Management - The Activity Report for Land Management was provided as an informational item in the Board materials.

After a recess, the Chairman gave the public an opportunity to speak:

- Mr. Rodney Baker of Lake City Florida discussed concerns regarding a stormwater drainage system on his property.
- Mr. Paul Still requested that staff look at the scope of work for the Atkins project and discussed the purchase of lands to ensure recharge for the aquifer.

DIVISION OF WATER SUPPLY

Agenda Item No. 24 –Approval of 2013 Priority List for Establishment of Minimum Flows and Levels. John Good, Chief Professional Engineer, presented the staff recommendation for approval of the 2013 priority list for the establishment of Minimum Flows and Levels to be submitted to the Florida Department of Environmental Protection, pursuant to Section 373.042(2), Florida Statutes, as shown in the Board materials.

MR. ALEXANDER MADE A MOTION FOR APPROVAL OF THE 2013 PRIORITY LIST FOR THE ESTABLISHMENT OF MINIMUM FLOWS AND LEVELS TO BE SUBMITTED TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO SECTION 373.042(2), FLORIDA STATUTES. THE MOTION WAS SECONDED BY MR. CURTIS. UPON VOTE OF THE GOVERNING BOARD, WITH MR. MEECE VOTING AGAINST. THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, WILLIAMS AND QUINCEY.)

Agenda Item No. 25 – Water Supply Activity Report - The Activity Report for Water Supply was provided as an informational item in the Board materials.

Agenda Item No. 26 – Minimum Flows and Levels Activity Report - The Activity Report for Minimum Flows and Levels was provided as an informational item in the Board materials.

DIVISION OF WATER RESOURCES

Dr. Ann Shortelle, Executive Director, introduced Dr. Erich Marzolf as the new Division Director of Water Resources and gave a brief presentation as to his experience and credentials.

Agenda Item No. 27 – Water Resources Activity Report - The Activity Report for Water Resources was provided as an informational item in the Board materials.

DIVISION OF RESOURCE MANAGEMENT

Agenda Item No 28 -- Authorization to Seek Enforcement of Administrative Complaint and Order Regarding Richard Oldham and Diana Nicklas, CE10-0024, Bradford County. Tim Sagul, Division Director, presented the staff recommendation to authorize Counsel to seek enforcement of Administrative Complaint and Order regarding Richard Oldham and Diana Nicklas, CE10-0024, Bradford County, as shown in the Board materials.

MR. CURTIS MADE A MOTION TO AUTHORIZE COUNSEL TO SEEK ENFORCEMENT OF ADMINISTRATIVE COMPLAINT AND ORDER REGARDING RICHARD OLDHAM AND DIANA NICKLAS, CE10-0024, BRADFORD COUNTY. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 29 – Adoption of Governing Board Directive GBD12-0004 Regarding Water Management Local Government Cooperative Funding Initiative. Patrick Webster, Sr. Professional Engineer, presented the staff recommendation for the Governing Board to adopt directive number GBD12-004 regarding the Regional Initiative Valuing Environmental Resources (RIVER) Local Government Cooperative Funding Program, as shown in the Board materials.

DR. COLE MADE A MOTION TO AUTHORIZE THE GOVERNING BOARD TO ADOPT DIRECTIVE NUMBER GBD12-004 REGARDING THE REGIONAL INITIATIVE VALUING ENVIRONMENTAL RESOURCES (RIVER) LOCAL GOVERNMENT COOPERATIVE FUNDING PROGRAM. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 30– Adoption of Governing Board Directive GBD12-0005 Regarding Water Management Agricultural Cooperative Funding Initiative. Kevin Wright, Program Manager, presented the staff recommendation for the Governing Board to adopt directive number GBD12-0005 regarding the District's Agriculture Cost-share Program, as shown in the Board materials.

DR. COLE MADE A MOTION TO ADOPT DIRECTIVE NUMBER GBD12-0005 REGARDING THE DISTRICT'S AGRICULTURE COST-SHARE PROGRAM. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 31- Authorization for the Executive Director to Execute the Grant Contract for Santa Fe River Basin Management Action Plan Grant from Florida Department of Environmental Protection (FDEP). Mr. Wright presented the staff recommendation to authorize the Executive Director to execute the contract for the Santa Fe River Basin Management Action Plan grant from Florida Department of Environmental Protection, as shown in the Board materials.

MR. CURTIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE CONTRACT FOR THE SANTA FE RIVER BASIN MANAGEMENT ACTION PLAN GRANT FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 32 – Resource Management Activity Report - The Activity Report for Resource Management was provided as an informational item in the Board materials.

Agenda Item No. 33 – Ag Team/Suwannee River Partnership Activity Report - The Activity Report for Ag Team/Suwannee River Partnership was provided as an informational item in the Board materials.

Agenda Item No. 34 – Resource Management Compliance Report - The Compliance Report for Resource Management was provided as an informational item in the Board materials.

GOVERNING BOARD LEGAL COUNSEL

Agenda Item No. 35 – Governing Board Counsel Monthly Report. The Governing Board Counsel Monthly Report was provided as an informational item in the Board materials.

EXECUTIVE OFFICE

Agenda Item No. 36 -- Authorization for Staff Legal Service Contracts for Fiscal Year 2012/2013. Approved on consent.

Agenda Item No. 37 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 38 - 40th Anniversary of Water Management District Presentation. Dr. Shortelle gave a presentation in celebration of the past Governing Board members.

Steve Minnis, Director of Governmental Affairs and Communications, and Chairman Don Quincey, presented resolutions in appreciation and commendation for the service provided to the citizens of the Suwannee River Water Management District to the past Governing Board members in attendance.

The meeting adjourned at 11: 45 a.m.

Chairman

ATTEST:

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
GOVERNING BOARD WORKSHOP

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

1:16 p.m., Tuesday
October 9, 2012

District Headquarters
Live Oak, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer		X
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams			X
At Large	Vacant			

Governing Board General Counsel

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

Staff:

Position	Name	Present	Not Present
Executive Director	Ann Shortelle	X	
Assistant Executive Director	Jon Dinges	X	
Governmental Affairs and Communications Director	Steve Minnis	X	
Administrative Services Division Director	Joe Flanagan		
Land Resources Division Director	Charles H. Houder. III	X	
Water Supply Division Director	Carlos Herd		X
Water Resources Division Director	Erich Marzolf	X	
Resource Management Division Director	Tim Sagul	X	
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

Vanessa Fultz, SRWMD
Kevin Wright, SRWMD
Brian Kauffman, SRWMD
John Good, SRWMD
Hugh Thomas, DACS
Rhonda Scott, SRWMD
Warren Zwanka, SJRWMD
Paul Still, Bradford Soil & Water, Starke
Oliver "O.J." Lake, Lake City
Annette Long, Save Our Suwannee, Inc., Chiefland
Tony Cunningham, Gainesville Regionan Utilities, Gainesville
Rick Hutton, Gainesville Regionan Utilities, Gainesville
David Richardson, Gainesville Regionan Utilities, Gainesville
Brett Goodman, Jones Edmunds and Associates, Gainesville

The Ft. White High School FFA Chapter under direction from their teacher, Mr. Wayne Oelfke, gave a presentation to the Governing Board. The presentation was on the findings of their study as part of a grant received from the Nutrients for Life Foundation to educate audiences about the importance and benefit of using fertilizer and irrigation water efficiently and responsibly to produce an agronomic crop. The project was so successful they won first place in the state competition and will use their knowledge and skills learned from this project to apply for another grant at the next level of the program.

David Richardson, Professional Engineer, of Gainesville Regional Utilities (GRU) gave a presentation on water supply with anticipated growth and water demand projections. They discussed St. Johns and Suwannee's efforts to provide a plan for consumptive Use renewals and the potential means to increase allocation in the future if the need arrises without environmental impacts.

Joe Flanagan, Administrative Services Division Director, informed the Governing Board that the Auditor General of the State of Florida will conduct an operational audit that will begin in February, 2013. The District is preparing for this audit by reviewing the audits of other Districts and examining its own operational procedures.

LeRoy Marshall, Senior Professional Engineer, gave an update on the Statewide Environmental Resource Permitting Consistency and fees initiative.

The workshop adjourned at 3:00 p.m.

MEMORANDUM

TO: Governing Board
FROM: Joe Flanagan, Director, Division of Administrative Services
DATE: October 24, 2012
RE: Approval of September 2012 Financial Report

RECOMMENDATION

Staff recommends that the Governing Board approve the September 2012 Financial Report and confirm the expenditures of the District.

BACKGROUND

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

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

gal

**Suwannee River Water Management District
Cumulative Statement of Sources and Uses of Funds
Through the Month Ending September 30, 2012
(Unaudited)**

Sources	FY2012 Budget	Actuals Through 9/30/2012	Variance (under)/over Budget	Actuals as a % of Budget
Ad Valorem Property Taxes	\$ 5,412,674	\$ 5,196,175	\$ (216,499)	96%
Intergovernmental Revenues	6,870,869	1,664,049	(5,206,820)	24%
Interest on Invested Funds	208,000	1,335,235	1,127,235	642%
License & Permit Fees	302,367	171,939	(130,428)	57%
Other	1,000,000	1,423,705	423,705	142%
Fund Balance	33,595,679	2,393,484	(31,202,195)	7%
Total Sources	\$ 47,389,589	\$ 12,184,587	\$ (35,205,002)	26%

Uses	FY2012 Budget	Expenditures	Encumbrances¹	Available Budget	% Expended	% Obligated²
Water Resources Planning & Monitoring	\$ 10,862,963	\$ 4,889,789	\$ 7,757	\$ 5,965,417	45%	45%
Acquisition, Restoration & Public Works	10,265,154	756,247		\$ 9,508,907	7%	7%
Operation & Maintenance of Lands & Works	17,607,968	2,879,298		\$ 14,728,670	16%	16%
Regulation	1,884,804	1,866,120		\$ 18,684	99%	99%
Outreach	141,500	35,535		\$ 105,965	25%	25%
Management & Administration	6,627,200	1,757,598		\$ 4,869,602	27%	27%
Total Uses	\$ 47,389,589	\$ 12,184,587	\$ 7,757	\$ 35,197,245	26%	26%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² % Obligated represents the sum of expenditures and encumbrances as a percentage of the available budget.

This unaudited financial statement is prepared as of Sept 30, 2012, and covers the interim period since the most recent audited financial statements.

CASH ACCOUNT RECAP

September 2012

ACCOUNT TITLE	Monthly Interest	Interest Rate %	Closing Balance
Bank of America Permit Fee	\$0.00	0.00%	\$13,298.66
First Federal Permit Fee	\$33.42	0.30%	\$2,909.69
First Federal Depository	\$421.50	0.42%	\$437,037.46
SPIA	\$97,583.57	2.72%	\$43,067,165.34
SBA Fund A	\$95.76	0.32%	\$397,906.42
SBA Fund B	\$0.00	0%	\$678,532.91
First Federal Depository-RO Ranch	\$0.25	0.30%	\$0.25
SPIA-RO Ranch	\$8,215.82	2.27%	\$0.00
SBA Fund A-RO Ranch	\$7.49	0.32%	\$7.49
SBA Fund B-RO Ranch	\$0.00	0%	\$66,604.04
Certificate of Deposit-RO Ranch	\$0.00	N/A	\$0.00
TOTALS - ALL ACCOUNTS	\$106,357.81		\$44,663,462.26

MEMORANDUM

TO: Governing Board
FROM: Joe Flanagan, Director, Administrative Services
DATE: October 19, 2012
RE: FY 2011/2012 Budget Amendment to Reconcile Account Codes

RECOMMENDATION

District staff recommends the Governing Board authorize the amendment of the Fiscal Year 2011/2012 Budget to reconcile over expenditures and under expenditures within specific special revenue funds.

BACKGROUND

During the fiscal year ending September 30, 2012 (FY 2011/2012), there are three special revenue funds projected to be over-spent at the end of the Fiscal Year.

District auditors James Moore & Co. have recommended that Special Revenue Fund over expenditures be corrected by amending the budget and transferring additional budgeted funds from the General Fund or other Special Revenue Funds in which surplused budget amounts exist. They further recommend that these transfers be approved by the Governing Board as a part of the budget amendment process.

The FY 2011/2012 Revenue and Expenditure account transfers to effectuate the budget amendment appear on the following page. Please note that the overall District budget remains the same, and the net increase/decrease is \$0.00 after the specific accounts have been adjusted.

If you have any questions about this recommendation or if you would like any further explanation of the process prior to the November 13 Governing Board meeting, please contact District Finance Officer Vern Roberts or me.

/gal
Enclosure

**2012 Budget Amendment
Destination and Source of Funds Redistributed
At 9/30/2012**

Destination of Additional Funds		Source of Funds	
Fund 02 - Emergency Operations		Fund 01 - General Fund	
Add Revenue		Subtract Revenue	
02408 General Fund Transfers	\$90,500	01408 General Fund Transfers	(\$90,500)
Add Expenditures		Subtract Expenditures	
02516 Salaries	\$40,000	01516 Salaries	(\$40,000)
02520 Group Insurance	\$8,000	01520 Group Insurance	(\$8,000)
02521 Retirement	\$3,000	01521 Retirement	(\$3,000)
02525 Social Security	\$3,000	01525 Social Security	(\$3,000)
02540 Other Personal Services	\$1,000	01540 Other Personal Services	(\$1,000)
02586 Contractual Services	\$31,000	01586 Contractual Services	(\$31,000)
02626 Travel	\$3,500	01626 Travel	(\$3,500)
02701 Field Supplies	\$1,000	01701 Field Supplies	(\$1,000)
Fund 19 - DOT Mitigation		Fund 13 Land Acquisition & Management	
Add Revenue		Subtract Revenue	
19439 DOT Revenue	\$55,000	13499 Carryover	(\$55,000)
Add Expenditures		Subtract Expenditures	
19516 Salaries	\$1,000	19516 Salaries	(\$1,000)
19521 Retirement	\$1,000	19521 Retirement	(\$1,000)
19525 Social Security	\$1,000	19525 Social Security	(\$1,000)
19586 Contractual Serv.	\$45,000	19586 Contractual Serv.	(\$45,000)
19701 Field Supplies	\$7,000	19701 Field Supplies	(\$7,000)
Fund 48 - FEMA Mapping VII		Fund 45 - FEMA Mapping VI	
Add Revenue		Subtract Revenue	
48464 FEMA Revenue	\$200,000	45464 FEMA Revenue	(\$200,000)
Add Expenditures		Subtract Expenditures	
48516 Salaries	\$7,000	45586 Contractual Services	(\$200,000)
48520 Group Insurance	\$2,000		
48521 Retirement	\$500		
48525 Social Security	\$500		
48586 Contractual Services	\$190,000		
Total Revenue Additions	\$345,500.00		
Total Expense Additions	\$345,500.00		
TOTAL ADDITIONS	\$691,000.00		
Total Revenue Reductions			(\$345,500.00)
Total Expense Reductions			(\$345,500.00)
TOTAL REDUCTIONS			(\$691,000.00)

FISCAL YEAR 11/12 BUDGET TRANSFERS

	Original Budget	Amendment	New Budget
EMERGENCY OPERATIONS FUND REVENUES			
General Fund Transfers	\$0	\$90,500	\$90,500
Total Change in Emergency Operations Fund Revenue		\$90,500	
EMERGENCY OPERATIONS FUND EXPENDITURES			
Salaries	\$0	\$40,000	\$40,000
Group Insurance	\$0	\$8,000	\$8,000
Retirement	\$0	\$3,000	\$3,000
Social Security	\$0	\$3,000	\$3,000
Other Personal Services	\$0	\$1,000	\$1,000
Contractual Services	\$0	\$31,000	\$31,000
Travel	\$0	\$3,500	\$3,500
Field Supplies	\$0	\$1,000	\$1,000
Total Change in Emergency Operations Fund Expenditures		\$90,500	
GENERAL FUND FUND REVENUES			
General Fund Transfers	\$0.00	(\$90,500)	(\$90,500)
Total Change in General Fund Fund Revenue		(\$90,500)	
GENERAL FUND EXPENDITURES			
Salaries	\$3,007,050	(\$40,000)	\$2,967,050
Group Insurance	\$417,646	(\$8,000)	\$409,646
Retirement	\$501,175	(\$3,000)	\$498,175
Social Security	\$250,587	(\$3,000)	\$247,587
Other Personal Services	\$35,000	(\$1,000)	\$34,000
Contractual Services	\$6,180,467	(\$31,000)	\$6,149,467
Travel	\$55,250	(\$3,500)	\$51,750
Field Supplies	\$560,000	(\$1,000)	\$559,000
Total Change in General Fund Expenditures		(\$90,500)	
DOT MITIGATION FUND REVENUES			
DOT Revenue	\$0	\$55,000	\$55,000
Total Change in DOT Mitigation Fund Revenues		\$55,000	
DOT MITIGATION FUND EXPENDITURES			
Salaries	\$0	\$1,000	\$1,000
Retirement	\$0	\$1,000	\$1,000
Social Security	\$0	\$1,000	\$1,000
Contractual Services	\$0	\$45,000	\$45,000
Field Supplies	\$0	\$7,000	\$7,000
Total Change in DOT Mitigation Fund Expenditures		\$55,000	

FISCAL YEAR 11/12 BUDGET TRANSFERS

	Orig. Budget	Amendment	New Budget
LAND ACQUISITION FUND REVENUES			
Carryover From Previous Years	\$17,146,053	-\$55,000	\$17,091,053
Total Change in Land Acquisition Fund Revenues		(\$55,000)	
LAND ACQUISITION FUND EXPENDITURES			
Salaries	\$824,068	-\$1,000	\$823,068
Retirement	\$137,345	-\$1,000	\$136,345
Social Security	\$68,672	-\$1,000	\$67,672
Contractual Services	\$7,129,063	-\$45,000	\$7,084,063
Field Supplies	\$157,500	-\$7,000	\$150,500
Total Change in Land Acquisition Fund Expenditures		(\$55,000)	
FEMA VII FUND REVENUES			
FEMA Revenue	\$0	\$200,000	\$200,000
Total Change in FEMA VII Fund Revenues		\$200,000	
FEMA VII FUND EXPENDITURES			
Salaries	\$0	\$7,000	\$7,000
Group Insurance	\$0	\$2,000	\$2,000
Retirement	\$0	\$500	\$500
Social Security	\$0	\$500	\$500
Contractual Services	\$0	\$190,000	\$190,000
Total Change in FEMA VII Fund Expenditures		\$200,000	
FEMA VI FUND REVENUES			
FEMA Revenue	\$612,500	-\$200,000	\$412,500
Total Change in FEMA VI Fund Revenues		(\$200,000)	
FEMA VI FUND EXPENDITURES			
Contractual Services	\$612,500	(\$200,000)	\$412,500
Total Change in FEMA VI Fund Expenditures		(\$200,000)	
TOTAL CHANGE IN FY 11/12 REVENUES - ALL FUNDS		\$0	
TOTAL CHANGE IN FY 11/12 EXPENDITURES - ALL FUNDS		\$0	
TOTAL NET CHANGE TO TOTAL FY 11/12 BUDGET - ALL FUNDS		\$0	

MEMORANDUM

TO: Governing Board
FROM: Joe Flanagan, Director of Administrative Services
DATE: October 23, 2012
RE: Surplus Vehicle Recommendation

RECOMMENDATION

Staff recommends the Governing Board authorize staff to surplus five (5) District vehicles from the fleet.

BACKGROUND

Governor Rick Scott's September 18, 2012 letter (Attachment A) called for a "Vehicle Maintenance Standard" and "report on the development of baseline vehicle maintenance data and the use of this data to determine a cost effective vehicle replacement standard."

Fleet data has been compiled and the following was determined:

- The District has the smallest fleet by half of the next smallest district fleet.
- On average, each vehicle is only used nine days out of each month.
- Four Vehicles have over 200,000 miles.
- No vehicles have been purchased since June 2008.
- On average the District's vehicles have 31,000 more miles than other district's vehicles.
- Out of 29 vehicles, only 9 have less than 100,000 miles.

The recommendation to surplus vehicles is to reduce fleet cost and maximize use of the District's fleet. Vehicles with over 200,000 miles have a higher risk of breaking down and cost more as they age. Vehicles that are not used regularly have a higher cost per mile due to insurance and maintenance costs (such as oil changes every three months for a vehicle that has less than 3,000 miles per year driven). In order to maximize the usage of the District's fleet, staff recommends the surplus of five vehicles: three (3) vehicles with over 200,000 miles, one (1) vehicle that has an average monthly usage of 3 days per month and one (1) vehicle that has plans to be use 1 to 2 times per year. The following are the vehicles requested to be surplused:

Vehicle Description	Vehicle #	Purchased	Mileage
Chevrolet Truck 1500	2691	1/3/2003	217,823
Chevrolet 4x4 Truck 1500	2559	2/23/2001	200,846
Chevrolet Truck 1500	2692	1/3/2003	205,800
Ford F-350 4x4 Truck	2560	2/20/2001	104,680
Chevrolet Astro Van	2420	9/1/1999	63,049

Once surplused, the above three Chevrolet 1500 Trucks will be transferred to Department of Agriculture and Consumer Services (DACs) for the Suwannee River Partnership (SRP) use.

gal

Attachment A



RICK SCOTT
GOVERNOR

September 18, 2012

Mr. Don Quincey, Jr.
Chair, Governing Board
Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060

Dear Mr. Quincey:

In accordance with Section 373.536, Florida Statutes, I have reviewed the Suwannee River Water Management District's Tentative Budget for Fiscal Year 2012-13. I want to applaud the District for working cooperatively with the Department of Environmental Protection (the Department) in refocusing the resources of your District on the core missions of water supply, flood protection, water quality and natural systems.

I want to extend my appreciation to the Governing Board and its staff for its continued protection of Florida's water resources despite challenging economic times. I also appreciate the District's efforts to establish minimum flows and levels of the rivers and springs within your District. And, I want to commend the District for its initiative in the Sante Fe River Basin and the North Florida Regional Water Supply Partnership. During my visit to your area in June, I learned firsthand the importance of a stable water supply to our natural environment and the livelihoods of the residents you serve.

I would like to personally commend the Governing Board for holding the ad valorem tax rate at the same rate as last year and thereby lowering the tax burden for citizens. I understand this is a difficult decision, but one that recognizes governmental growth can not outpace that of the private sector.

Consistent with the changes in law, pursuant to Chapter 2012-126, Laws of Florida, I am approving the District's Fiscal Year 2012-13 Tentative Budget.

I want to commend all the Districts for working with the Department to ensure consistency across District boundaries while providing the most responsible use of taxpayer dollars. Moving forward, I ask that the Districts continue with consistency

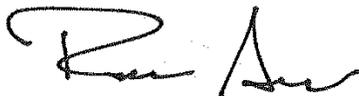
THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292

Mr. Don Quincey, Jr.
September 18, 2012
Page Two

efforts and with the refinement of a common set of performance metrics to demonstrate stewardship of taxpayer resources while focusing on the core mission of protecting and developing water resources for current and future generations. I would also like each District to review existing contracts and lease agreements and seek price concessions from vendors. I have attached a list of objectives I wish each District to pursue moving forward.

I want to thank you and your fellow Governing Board Members for your commitment to serving Floridians and I look forward to working with you during the coming year, as we continue to strive for the most efficient and effective manner to protect Florida's water resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott". The signature is fluid and cursive, with a large initial "R" and "S".

Rick Scott
Governor

cc: Ann Shortelle, Ph.D., Executive Director
Secretary Herschel Vinyard, Department of Environmental Protection

ISSUES TO ADDRESS IN THE COMING YEAR

Consistency

Although the Districts have made great strides towards achieving consistency in their budget and regulatory processes, there are still a few issues to work out. The Department of Environmental Protection (ENV) and the Executive Office of the Governor (EOG) will work with the Districts to finalize these consistency issues.

Vehicle Maintenance Standards

- Report on the development of baseline vehicle maintenance data and the use of this data to determine a cost effective vehicle replacement standard.

Structure and Staff Nomenclature

- Report on the progress of the development of a standardized classification for non-managerial positions.

Staff Levels/Reorganization

- Develop a method of regularly evaluating staffing levels to ensure that staffing is consistent with programmatic needs.

Salary Range

- Evaluate the common pay plan set for finalization in October 2012 between the NFWFMD, SJRWMD, SRWMD and SWFWMD then compare it to that of the SFWMD to determine whether a common plan is a feasible option for all Districts.

Health Insurance

- Report on the feasibility study of strategies to realize cost savings, while maintaining benefit levels.

Retiree Health Subsidies

- Districts will report on the progress of their phase out plans and conversion to a standard retiree health subsidy identical with the State's.

Metrics

DEP has begun tracking Water Management District performance on mission critical topics, both quarterly and annually. This information is used to assess the effectiveness of District work processes, such as consumptive use and environmental resource permitting, and to gauge progress toward District goals, such as meeting future water supply needs and protecting natural systems. The metrics have not been implemented for a full year and are being evaluated to determine which of the metrics will prove most useful for performance evaluation of the Districts. This information will be included in the next Tentative Budget review.

Contract and Lease Renewals

Governor Scott has asked each state agency falling under his purview to examine their existing contracts and seek price concessions from their vendors. Each Water Management District is encouraged, regarding contracts or lease agreements, to seek these same price concessions from their vendors for existing contracts. When considering lease agreements, office space should be utilized in the most efficient manner possible with a focus on saving taxpayer dollars.

MEMORANDUM

TO: Governing Board
FROM: Joe Flanagan, Director of Administrative Services
DATE: October 22, 2012
RE: Contract for Inspector General Services

RECOMMENDATION

Staff recommends the Governing Board enter into contract with Law, Redd, Crona & Munroe, P.A. to provide Inspector General services at an annual fee not to exceed \$22,500

BACKGROUND

Chapter 373.079(4)(b) requires the District to employ an Inspector General who shall report directly to the Governing Board. The District currently does not have an Inspector General and is not in compliance with this requirement.

Northwest Florida Water Management District is meeting this requirement by contracting with the CPA firm of Law, Redd, Crona & Munroe for a not to exceed annual fee of \$55,000. Staff has contacted Richard H. Law of that firm and discussed the possibility of his firm providing Inspector General services to our District.

The proposal (attached) includes a not to exceed annual fee of \$22,500.

If you have any questions or comments prior to the November 15 Governing Board Meeting, please feel free to contact me.

gal

**Proposal to Provide Inspector General Duties and
Internal Audit Services to**

Suwannee River Water Management District



October 17, 2012

**Submitted by:
Law, Redd, Crona & Munroe, P.A.
2075 Centre Pointe Boulevard, Suite 200
Tallahassee, Florida 32308
(850) 878-6189
Firm contact: Richard H. Law, CPA**



October 17, 2012

Mr. Joe Flanagan, Certified Government Finance Officer
Director of Administrative Services
Suwannee River Water Management District
9225 CR 49
Live Oak, Florida 32060

Dear Mr. Flanagan:

We are pleased to have this opportunity to present our credentials to provide Inspector General duties and internal audit services to Suwannee River Water Management District (the District). We understand the scope of services shall include internal audits, investigations, management advisory services and other audit related projects, and could relate to various areas within the District, including financial, operational, compliance, technological and administrative.

Attached is our proposal in which we describe our experience in serving similar organizations and key business reasons why the District will benefit from selecting Law, Redd, Crona & Munroe, P.A. as a qualified vendor. You can be assured that the engagement will command *immediate attention and priority service* from our engagement team. Highlights of our qualifications follow:

- LRCM has been serving clients throughout Florida since 1978. With a total staff of twenty-four, it is one of the largest firms in Tallahassee. The firm provides accounting, auditing, tax and consulting services to clients in a wide range of industries. *We have the resources to do the job effectively and efficiently. More importantly, we are committed to providing value beyond the basic services.*
- We have committed an experienced team of professionals to serve the District. Our engagement team has extensive experience providing audit, tax and consulting services to governmental and not-for-profit entities and for-profit companies, in a wide range of industries. *The experience we have gained serving similar organizations will enable us to provide the required services in the most effective manner.*
 - All audit staff included in this proposal have the qualifications required by Chapter 20.055,(4) *Florida Statutes*, and our Information technology consultant meets the requirements of Chapter 20.005,(9) *Florida Statutes*.

- We were recently engaged by Northwest Florida Water Management District to perform internal audit and inspector general services and have begun two internal audit projects. We were previously engaged by Tallahassee Community College to perform internal audit services from 2004 through 2006 where we conducted several internal audit assignments. We have recently been engaged by Citizens Property Insurance Corporation to perform a wide spectrum of internal audit and informational technology projects but have not been assigned any internal audit projects.
- Access to our firm at all times during the engagement is important to you. We are available at any time if you need to contact us concerning accounting, auditing and tax issues. *We commit to open communication and no surprises.*
- Timeliness and efficiency are emphasized at all times. *We realize that it is important to your organization that the services are delivered timely. Our record of meeting clients' required deadlines assures the District of prompt service. Our staff will coordinate with key the District personnel regarding specific timelines for each task assigned and plan the work accordingly. Our staff will be available to attend meetings, conferences and periodic progress meetings upon request.*
- We fully understand the scope of work to be performed will be by project area and assigned on a task order basis. We are personally committed to meeting your engagement needs in a practical way. *With the resources of our firm, the skill and commitment of our engagement team, our prior experience with similar organizations, and our desire to work with you, we have no doubt that the District will be served better by Law, Redd, Crona & Munroe, P.A. than any other firm.*

Thank you for considering our firm and we look forward to providing services to Suwannee River Water Management District. We trust you will find our responses to be complete; however, should you have any questions regarding this proposal or desire any supplemental information, please call Richard Law at (850) 878-6189 as the authorized representative of Law, Redd, Crona & Munroe, P.A.

Very truly yours,



Law, Redd, Crona & Munroe, P.A.

Table of Contents

A.	Transmittal Letter	i
B.	Table of Contents	2
C.	Pricing	4
D.	Company Profile.....	6
E.	Key Personnel.....	21
F.	Peer Review Report.....	32

C. PRICING

Pricing

We strive to utilize positions with the lowest hourly rate, commensurate with the complexity of the assigned task. Our fees for services provided in the first contract year will be based on the actual time incurred billed at our hourly rates below. Our hourly rates for subsequent years will be adjusted pursuant to negotiations with the District.

<u>Position</u>	<u>Hourly Rate</u>
Partner	\$220
Manager	155
Senior IT Auditor	140
Senior Auditor	120
Staff	100

For purposes of estimating the initial contract amount; by applying 150 hours of staff time at a blended hourly rate of \$150 would result in \$22,500. We expect travel costs to be minimal and as such, will be absorbed by the above rates.

D. FIRM PROFILE

Firm Profile

Background

Law, Redd, Crona & Munroe, P.A. has been serving North Florida since 1978. With a total personnel complement of twenty-four, it is one of the largest firms in Tallahassee. The firm provides accounting, auditing, tax and consulting services to a wide range of clients including insurance companies, construction, manufacturing and fabrication, service industries, state and local governments, special purpose governmental entities and not-for-profit organizations.

We have dedicated substantial resources to our governmental practice. Services to municipalities, counties, special districts and state agencies include: financial compliance monitoring, annual financial and compliance audits, single audits, accounting services, annual reports to the Florida Department of Banking and Finance, policy and procedural manuals, comfort letters, cost/benefit analyses, cost allocation plans, agreed-upon procedures, and assistance in preparation of comprehensive annual financial reports for submission to the Government Finance Officers Association for a Certificate of Achievement. Within the office, there are 12 professionals with specific experience providing accounting and auditing services to governments.

Our firm is structured into functional service units: audit, tax, compilation and review services. Within these service units, professionals are organized by their industry specialization into five primary levels: partner, senior manager, manager, senior and staff accountant.

Commitment to Quality

The quality control procedures adopted by LRCM meet all the necessary standards required by membership in the American Institute of Certified Public Accountants. There are five essential elements of our quality control document:

1. Independence, integrity and objectivity;
2. Personnel management;
3. Acceptance and continuance of clients and engagements;
4. Engagement performance; and
5. Monitoring.

Included in these policies and procedures is the requirement that all audit reports, reports on internal control and compliance with laws and regulations, management letters and communications to those charged with governance undergo pre-issuance review by an independent review partner.

As a member of the American Institute of Certified Public Accountants, LRCM has undergone triennial external peer reviews since 1990. Our most recent external peer review was conducted in September 2011. A copy of our 2011 report is provided on page 36. All areas under review received an unqualified opinion.

Firm Profile (Continued)

Additionally, our firm conducts an intensive internal quality control review of a sample of our engagements each year. Governmental and not-for-profit engagements were included in our external and internal reviews.

Our Experience

The District needs a qualified internal audit firm that has in-depth knowledge of generally accepted accounting principles, statutory accounting principles, auditing standards and compliance requirements. More importantly, your internal audit firm should be knowledgeable of the operating issues that commonly confront insurance entities. In essence, you need a firm that can supplement the technical expertise with the experience gained in serving organizations of similar size and stature.

LRCM has extensive experience providing professional services to organizations in a variety of industries including insurance clients, construction, manufacturing, financial services, not-for-profit and governmental entities. LRCM's commitment to provide professional services to the public sector is demonstrated by its not-for-profit and state and local government clients and the experience of its personnel assigned to the engagement. LRCM's public sector practice has a statewide presence. Our familiarity with similar organizations, as well as our overall business experience, will enable us to focus directly on engagement objectives.

We have successfully conducted several projects of similar scope and range as this proposed project:

- **Agency for Workforce Innovation (AWI)**

LRCM, jointly with Thomas, Howell, Ferguson (THF) performed financial monitoring procedures at the Regional Workforce Boards (RWB) throughout the state. These consulting procedures have been performed in accordance with American Institute of Certified Public Accountant (AICPA) standards and focused on the sufficiency of financial operation policies and procedures with governing regulations. Reports provided to AWI have detailed our observations, findings, and recommendations for operational compliance and improvement. This engagement involved coordination of multiple project teams in onsite visits to RWBs, maintaining working relationships with RWB personnel, meeting tight project deadlines, and creating deliverable reports in a format acceptable to AWI.

We also conducted an internal control study of certain RWBs and Early Learning Coalitions (ELCs) selected by AWI. These studies involved an indepth evaluation of key controls at the entity-wide and transaction levels. They also included detailed consideration of controls associated with Information Technology systems. Overall the internal control studies served as a basis for modifying existing monitoring procedures to more effectively address global control and compliance matters prevalent in today's operating environment.

Firm Profile (Continued)

- **Florida Association of Court Clerks (FACC)**
Performed jointly between LRCM and THF, this outsourced monitoring project involved site visits to the Clerk of Court for each of Florida's 67 counties to determine compliance with Title IV-D Child Support reimbursements. Procedures involved review of certain case files, proper reporting of cost allocations, consideration of allowable costs, and proper completion of reimbursement invoices. At the conclusion of each site visit, a summary finding letter was sent to each Clerk and at the conclusion of each quarter, a summary report was sent to FACC for submission to the Department of Revenue.
- **Florida Department of Financial Services (DFS)**
We performed various consulting projects for DFS including operational reviews, development of accounting policies and procedures, forensic accounting, financial examinations, and program audits. Most recently, we have performed forensic accounting procedures for the Division of Rehabilitation and Liquidation for insurance companies in receivership.
- **Tallahassee Community College (TCC)**
We performed internal audits of specific project areas. This included evaluation of policies and procedures and internal controls in the following areas: 1) procurement of goods and services, 2) student records system, and 3) accounting and reconciliation procedures between TCC and the Pat Thomas Law Enforcement Academy.
- **Florida Auditor General**
We were retained to provide quality review services relating to audit reports submitted to the Florida Department of Environmental Protection. The audit reports were required to support requests for reimbursement associated with petroleum environmental remediation projects. The projects involved visits to petroleum sites throughout the state and development of agreed-upon procedures reports according to AICPA standards.
- **Florida Department of Revenue**
We were engaged to document the flow of Child Support Enforcement (CSE) program funds in accordance with state and federal regulations, and performance of reconciliations of child support enforcement trust funds. This included reconciliation of statewide CSE collections over a four-year period as recorded in the Florida System at Florida Department of Children and Families, to receipts recorded in the Florida Accounting Information Resource System (FLAIR).
- **Florida Fish and Wildlife Conservation Commission**
We conducted an operational review of the Florida Fish and Wildlife organizational structure and assisted in the development of operating policies and procedures.

Firm Profile (Continued)

- **Florida Podiatric Association**

We performed an internal control review for this statewide trade association and its affiliated entities. Our procedures included consideration of all significant transaction cycles, comparison of actual policies and procedures against actual practice, interviews with various members of management, tests of each major transaction cycle, and consideration of financial system controls. Our approach was designed to consider and test the effectiveness of each of the internal control components. Our report included a summary of procedures performed, as well as detailed recommendations for improvement, and a presentation to the Executive Committee and Audit Committee.

- **The Florida Lottery**

We assisted in the development of the interface between the Lottery's gaming system and Statewide Automated Management Accounting System (SAMAS); monthly and annual financial reports; internal control procedures; various reconciliation procedures; standard journal entries; and attended meetings with their independent auditors and other state agencies, including the State Treasurer and the Department of Financial Services. We have provided accounting assistance with year-end closing procedures and preparation of the Lottery's financial statements, cost benefit analyses, and analysis of new business products.

- **Florida Housing Finance Corporation**

We were engaged to perform the design, development and implementation of the initial financial accounting system and management reports encompassing over 120 bond series which provided financing for single family and multi-family residences in Florida. Monthly financial statements were compiled individually and combined for each bond series and for each state funded program and the operating fund. We also provided assistance in the conversion to an in-house accounting system.

- **Leon County**

We conducted financial and compliance audits, single audits, provided assistance in retaining GFOA Certificate, GASB 34 implementation, assessment of internal controls, and building contract analysis. This audit is performed jointly between LRCM and THF.

- **Leon County School Board**

We conducted financial and compliance audits, single audits, GASB 34 implementation, and assessment of internal controls. This audit is performed jointly between LRCM and THF.

- **Florida Comprehensive Health Administration**

We compiled statutory basis financial statements and prepared the quarterly and annual statements for filing with the Office of Insurance Regulation. We also assist with the submission of component unit data to Florida Department of Financial Services.

Firm Profile (Continued)

- **Florida Birth-Related Neurological Injury Compensation Plan and Association**
We conducted annual financial audits and assisted this component unit with their reporting of financial information to the state of Florida.
- **Ocean Harbor Casualty Insurance Company***
We conducted annual financial audits and assisted with preparation of their statutory basis financial statements. This audit includes evaluation and testing of internal controls over managing general agents and third party administrators for several insurance programs in the states of Florida, California and New York.
- **Safe Harbor Insurance Company***
We conducted annual financial audits and assisted with preparation of their statutory basis financial statements. This audit includes evaluation and testing of internal controls over a managing general agent and third party administrator in the state of Florida.
- **State of Florida, Emergency Communications Number E911 System Fund**
We were engaged to perform the design, development and implementation of the accounting system of the fund. Monthly financial statements are compiled for the fund and supplementary schedules are included for each telecommunications provider doing business in Florida pursuant to *Florida Statutes*, Section 365.

*Property and Casualty insurance companies.

Many of our governmental and not-for-profit clients receive federal and state grants which are subject to single audit testing. We have experience with the audit and reporting requirements of OMB Circulars A-133, A-122, A-110, A-102, A-87 and the *Florida Single Audit Act*. Further, members of our engagement team have worked with the Florida Auditor General and Florida Comptroller during the development of the Florida Single Audit Act to educate public sector employees and private practitioners about the requirements of the Act. We have performed grant-specific audits, provided assistance with cost allocation plans, evaluated controls over grant compliance, and assisted clients in organizing the structure of their general ledger to better account for grant activity. Our compliance testing includes tests of eligibility, proper cost allocation, and allowable costs in accordance with applicable OMB circulars and compliance supplements. Our professionals regularly attend continuing education courses to stay informed about auditing techniques and regulatory changes associated with grant reporting.

Our client service team has extensive experience designing, developing and implementing automated accounting and reporting systems, developing policies and procedures, and reviewing internal controls.

Firm Profile (Continued)

Prior experience monitoring/auditing similar state, county, or local government activities

Our firm has extensive experience performing financial and compliance audits for governments. A sample listing of our governmental clients for which we have recently provided auditing, monitoring, or consulting services is listed below. Each of the engagements for the clients listed below required a detailed understanding of *Government Auditing Standards* and OMB circulars.

Agency for Workforce Innovation	Florida Department of Revenue
Alligator Point Water Resources District	Florida Department of Transportation
City of Quincy	Florida Emergency Communications Number E911 System Fund
City of Tallahassee	Florida Housing Finance Corporation
Florida Birth-Related Neurological Injury Compensation Plan	Florida Local Government Finance Commission
Florida Department of Business and Professional Regulation	Florida Lottery
Florida Department of Children and Families	Florida Prepaid College Program
Florida Department of Commerce	Gadsden County, Florida
Florida Department of Corrections	Joint Legislative Auditing Committee
Florida Department of Environmental Protection	Lake County, Florida
Florida Department of Financial Services	Leon County, Florida
Florida Department of Fish & Wildlife Commission	Leon County School District
Florida Department of Insurance	Osceola County, Florida
Florida Department of Legal Affairs	Tallahassee-Leon County Civic Center Authority
Florida Department of Management Services	The Auditor General
	The Florida Legislature
	Wilderness Coast Public Libraries

Services in accounting, audit, tax and consulting provided to our governmental clients include:

- Annual Yellow Book audits
- Single audits of state and federal awards
- Comprehensive Annual Financial Report (CAFR)
- Reports on internal control and compliance
- Reports to the audit committee
- Annual reports to the Florida Department of Financial Services
- Management letters
- Conventional and bond financings (including taxable and tax-exempt bonds)
- Feasibility studies
- Operations review
- Cost benefit analyses
- Financial forecasts and projections
- Cost allocation plans
- Agreed-upon procedures

Firm Profile (Continued)

Prior experience monitoring/auditing similar not-for-profit organizations

A significant part of our practice consists of serving not-for-profit organizations. Our professionals that serve this industry are provided with top-quality education, training, and leadership opportunities which enable them to better serve our clients. We believe our dedication and commitment to the not-for-profit industry is evidenced by the long-term client relationships we have developed with many of Tallahassee's leading associations and foundations. A select list of clients we currently serve or have served is provided below.

Able Trust*	Florida Comprehensive Health Association*
Apalachee Center, Inc.	Florida Council of Behavioral Healthcare, Inc.
Associated Industries of Florida	Florida Council for Community Mental Health, Inc.
Big Bend Cares, Inc.	Florida Educational Technology Corporation
Community Health Charities of Florida, Inc.	Florida Future Farmers of America Foundation, Inc.
Dolphin Research Center, Inc.	Florida Network of Youth and Family Services, Inc.
Elder Care Services, Inc.	Florida Psychiatric Society
Emergency Care Help Organization, Inc. (ECHO)	Florida's Foundation
Florida Alcohol and Drug Abuse Association, Inc.	MDS Research Foundation, Inc.
Florida Association of Broadcasters	Mel Fisher Maritime Heritage Society
Florida Association of Counties, Inc.	Southern Scholarship Foundation, Inc.
Florida Association of Court Clerks	The Claude Pepper Foundation, Inc.
Florida Birth-Related Neurological Injury Compensation Association, Inc.*	

*Component units of the state of Florida

Services in accounting, audit, tax and consulting provided to our not-for-profit clients include:

- Annual audits, including single audit services
- Agreed-upon procedures engagements
- Conventional and bond financings
- Feasibility studies
- Operations review
- Cost allocation plans
- Compliance evaluations
- Organizational planning
- Financial forecasts and projections
- Policy and procedural manuals
- Tax return preparation
- Application for tax-exempt status
- Inurement analysis
- Unrelated trade or business issues

Our familiarity with the organization and structure of similar organizations, federal awards and state financial assistance, *Florida Statutes*, and various compliance and matching requirements will enable us to focus directly on engagement procedures, development of the audit procedures program, completion of field work, and financial reporting issues.

Proof of the quality of our work lies not just in what we have learned from similar clients we serve or have served, but in the large number of clients who return to us as new challenges arise. That is because our people use creativity and prudence in solving problems. When you come to us with a problem, we view it as our problem. We explore a variety of solutions. We analyze the issues, identify possible alternatives, define the risks and ramifications of each, and recommend a course of action that makes the most sense for you.

Firm Profile (Continued)

Engagement Approach

The District needs internal auditors who are also familiar with their unique business model, regulatory environment, and services. Our audit team is knowledgeable and experienced where insurance services and government environments are concerned. This will allow us to quickly and efficiently gain our understanding of The District' specific procedures for conducting business, as well as recording and summarizing transactions.

Our internal audit plan will be developed specifically for each task assigned using our proven, efficient and effective methodology applied in our audit and consulting engagements. We have a practical, top-down, risk-oriented approach to auditing engagements that includes a review and evaluation of business objectives, risks and internal controls. The approach is completely integrated, and focuses on identifying and evaluating the adequacy of such controls using control objectives and on identifying risks from ineffective controls.

In carrying out the auditing duties and responsibilities as internal auditor and inspector general for the District, we will review and evaluate internal controls necessary to ensure the fiscal accountability of the District. We will conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of our findings. The scope and assignment of the audits shall be determined by the inspector general and approved by the District; the District board may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit.

- a. Such audits shall be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or, where appropriate, in accordance with generally accepted governmental auditing standards. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant the appropriate standards.
- b. Audit workpapers and reports shall be public records to the extent that they do not include information which has been made confidential and exempt from the provisions of s. 119.07(1) pursuant to law. However, when the inspector general or a member of the staff receives from an individual a complaint or information that falls within the definition provided in s. 112.3187(5), the name or identity of the individual shall not be disclosed to anyone else without the written consent of the individual, unless the inspector general determines that such disclosure is unavoidable during the course of the audit or investigation.

Our methodology allows us to take advantage of your management controls because it is not a static "checklist" approach. We will rely on tested financial and management controls to the extent possible. We will also assist in identifying the high-risk audit areas and in the development of the scope of each project in order to focus the majority of our evaluation and testing in these areas. This approach ensures that the District will receive superior quality, cost-effective services with these advantages:

Firm Profile (Continued)

- ◆ The emphasis on a top-down approach and concentration on significant events fosters a better understanding of your operations, internal control structure, and business and audit risks.
- ◆ The approach is more efficient because it clearly documents internal controls, including manual, physical and logical, and focuses on risks caused by absent or ineffective controls.
- ◆ The application of control objectives to your specific situation, instead of an audit-based checklist which results in spending unnecessary time in insignificant areas and inadequate time in important areas.
- ◆ The approach provides a better understanding of your business, which results in better, broader management recommendations.
- ◆ The assessment of risk allows for the consideration of cost-benefit analysis of improved controls.

Our approach has five key segments: planning, general risk analysis, specific risk analysis, testing, and communication of results.

Planning

For each task assigned, we will meet and work closely with key the District personnel to gather information about the District and to identify major issues affecting financial, operational, compliance, technological and administrative areas, as applicable to the task. Particular attention will be given to the significant risk-based areas and a preliminary assessment of these areas for each task. Planning an efficient audit will continue throughout the next segment – risk analysis.

General Risk Analysis

General risk analysis is a high-level review of the operations, controls and risks of the entity as a whole, and for each program area applicable to the internal audit task. During this phase, the audit team will gather information about the District and its internal control environment for the purpose of assessing both business and audit risks. Business risks are economic and financial in nature, and represent the primary challenges to management in achieving its financial goals and assuring public trust. Audit risk represents the potential for material misstatements or inaccuracies in financial reporting information.

In addition to this general risk analysis, we assess risk at the program area or financial statement account level by analyzing accounts that are most susceptible to material misstatement, control deficiencies or process inefficiencies. The audit team performs a detailed study and evaluation of your internal systems and controls in each business cycle identified for each internal audit task. The process is accomplished by identifying control techniques used to meet the specific internal control objectives we have identified as being critical to your operations.

Firm Profile (Continued)

Depending on the nature of the audit area, the level of associated inherent risk, the level of internal controls in existence, and materiality, we design our audit approach to include a variety of tests.

Specific Risk Analysis

After identifying significant business and audit risks we will evaluate the District effectiveness in managing them. This includes evaluating the management control environment, assessing the overall effectiveness of information systems operations and assessing the Corporation's ability to generate timely and meaningful financial information.

At the specific program area or financial statement account level, we evaluate detailed controls for authorizing and processing transactions, as well as the controls related to the safeguarding and reporting functions. In this process, we search for controls that are the most effective in reducing business and audit risks, as well as ways to improve existing procedures.

We begin the search by evaluating whether the District control techniques are adequate to achieve the specific internal control objectives. If the techniques are not adequate, further evaluation by the audit team is necessary. If mitigating controls are absent, the materiality of the potential impact must be assessed. We also evaluate the proper application of generally accepted accounting principles, as well as statutory accounting principles, and identify areas in which significant estimates are made by management.

As you can see, our emphasis goes beyond typical auditor vouching tests and deals more with the substance of the District specific control environment. The result is an audit scope tailored to your specific situation and targeted to specific transaction testing rather than the large, ineffective samples selected by auditors who rely heavily on statistics.

Firm Profile (Continued)

Audit Testing

After making a careful overall assessment of business and audit risks together with an evaluation of the District internal controls, we will perform audit testing that is most efficient and effective in response to the risks and controls identified. Our audit approach generally consists of a combination of internal control and substantive testing procedures.

Additionally, the following are matters to which we will give special attention:

- ◆ Review of organizational charts, policy and procedural manuals and related internal control structure;
- ◆ Economic conditions and legislative developments which may impact operations;
- ◆ Financial reporting disclosures and adoption of new accounting pronouncements

This approach results in an optimum combination of procedures that reduce risk.

Communication of Audit Results

We believe that communication of audit results goes beyond rendering our findings and recommendations. For this reason, we would welcome the opportunity to meet with the District management team during the course of each audit task and, of course, upon completion of our work.

Because our audit approach is based on an effective assessment of risk and evaluation of controls and has an industry-specific emphasis, we believe we are particularly well suited to provide meaningful input for your management team. Effective communication of the results of our efforts is a key factor in demonstrating our effectiveness as a trusted business advisor. Significant matters would be discussed at the time they first come to our attention. With the appropriate dialogue between your management group and our team throughout the course of the engagement, all reporting issues should be identified and resolved well in advance of our final report. Management will also have an opportunity to make a final review of any proposed findings and recommendations.

Firm Profile (Continued)

Commitment to Technology and Information Processing Capabilities

Technology today affords us the ability to collect and process information almost immediately. We extensively use state-of-the-art technological tools in our everyday work process. These tools enable us to achieve maximum efficiency and productivity for each project, allowing us to spend less time compiling and processing information and more time on analysis and assisting our clients with process improvement. Our goal is for our services to complement and support your business, not slow it down. In the office, each of our personnel is provided with direct phone lines and email accounts for quick accessibility. In the field, our mobile computing strategy brings together email, remote information, and application access in a unified environment. Our personnel are equipped with laptop computers and portable printers/scanners.

Laptops (and desktops located in our main office) have anti-virus and anti-spyware software to enhance their security. To remotely connect to our office, our authorized personnel use Remote and Virtual Desktop Services. Remote and Virtual Desktop Services allow access to information quickly and permit us to swiftly deploy email and essential programs to our remote employees. Access to information on the servers is protected using Active Directory to prohibit unauthorized access. An additional piece of our mobile computing strategy is the use of a private client portal and secure email transfer. This portal allows us to communicate and make critical documents available instantly to our clients and the secure email transfer allows encrypted uploads and downloads of documents between our clients and personnel.

Our data security protocol includes several layers of security that protect our client's data. External access is protected by a Layer 7 Firewall that handles intrusion detection, gateway virus filtering, and web filtering for malicious content. The firewall generates logs at four-hour intervals that are emailed to LRCM's Network Manager for review. Full backups are completed nightly with redundant offsite storage. Windows updates are completed after proper testing of patches has occurred. This process properly secures the environment along with preventing software issues from updates that are incompatible with custom software. The server room and rack are secured with lock and key/keypad entry. Passwords are changed every 60 days with a minimum of eight (8) characters and complex password requirements. The system is also set to remember six (6) previous passwords to ensure that the same passwords are not repeated. These multiple layers of security combine to provide a secure environment.

The laptops have direct access to our paperless audit files via an internet connection to our dedicated servers. We use Microsoft Windows operating systems on all of our server, laptop, and desktop resources. In addition, we use Microsoft Word, Excel and Access to create the necessary work papers that will ultimately support our recommendations. We utilize random number generators for sample selection and audit program generators, which are customizable based on the level of risk, for the performance of fieldwork. If necessary, we have access to several research databases via the internet and on our firm's networks. Both of these sources can be accessed from our laptop computers in the field.

As technology changes, so does our audit approach and technique. The use of EDP applications has become a standard part of our audit approach, and is utilized from the planning through the reporting phases of our audit.

Firm Profile (Continued)

Working Papers

All working papers and reports will be retained for a minimum of five (5) years, unless the firm is notified in writing by the District of the need to extend the retention period. We will make working papers available upon request and respond to reasonable inquiries for no additional fees, from authorized staff and Audit Committee members representing The District.

Compliance and Regulatory Matters

The District is subject to numerous compliance and regulatory matters. There are continuous developments in reporting and compliance requirements of which we stay abreast, utilizing various reporting services and continuing professional education (CPE).

Our experience has led us to develop a structured approach where auditors are well informed of potential compliance and regulatory issues. Issues are identified during the course of our audits; communicated promptly to management and the partner-in-charge; and the matters are satisfactorily resolved and reported in accordance with applicable laws and regulations.

Education and Professional Development

LRCM recognizes the critical importance of continuing professional education and self-development and has developed coordinated programs to ensure that all partners, managers and staff continue to meet the Firm's standards of professional excellence.

In an age of rapid technological and environmental change and increasing specialization, the need for such development among business professionals is essential. LRCM's commitment to continuing education helps our professionals provide the highest quality service to our clients.

We require each professional, including partners, to participate in a minimum of 80 hours of formal continuing education programs over a two-year period, which is mandated by the Florida Board of Accountancy. Many of our professionals exceed that requirement. Included in that requirement is four hours of continuing professional education in Ethics every two years.

The firm periodically sponsors in-house continuing education courses which include client attendees as well as staff members.

Firm Profile (Continued)

Participation in Associations

Law, Redd, Crona & Munroe, P.A. makes a significant effort to participate in governmental, nonprofit and professional associations. Some of our partners and staff are or have been members of the following:

- American Institute of Certified Public Accountants
- The Florida Institute of Certified Public Accountants (FICPA) Board of Governors
- FICPA Committee on Relations with State and Local Government
- FICPA Educational Foundation
- FICPA Committee on Governmental Accounting Conference
- Governmental Finance Officers Association
- Board of Trustees of the FICPA Health Benefit Trust
- Tallahassee FICPA Chapter Continuing Education Committee
- FICPA, Regent of Regulatory Issues

Our participation is a way to grow and share ideas and put something back into the community and profession.

E. KEY PERSONNEL

Our Client Service Team

Successful audit and tax performance requires a strong functional organization. Our basic approach to selecting an engagement team is based on the need for close coordination, carefully defined responsibilities and lines of communication and constant quality control throughout all phases of the engagement.

We have assembled a talented client service team to serve The District. Each team member has specific experience with similar engagements and they have the capability to perform the engagement in a timely manner. Resumes of each team member are presented on the following pages.

All client service team members currently exceed and will continue to satisfy continuing professional education requirements of the Florida Board of Accountancy.

Richard H. Law, CPA
Audit Partner

Education

Richard graduated from Florida State University with a Bachelor of Science degree in Accounting and is a Certified Public Accountant in Florida. His continuing professional education exceeds the requirements of *Florida Statutes* and *Government Auditing Standards*.

Experience

Richard has over 35 years experience in accounting and auditing for various commercial, governmental and insurance-related entities. He worked with the Office of the Auditor General for four years, the State Comptroller for two years, and in public accounting for the past 29 years. He is an active member of the FICPA; serving on a number of technical committees, board of directors, and as an instructor of accounting and auditing continuing education courses.

His responsibilities include planning, budgeting, staffing, fieldwork, review and report preparation on audit engagements and special assignments, design and implementation of accounting systems, procedural manuals and review and evaluation of internal controls.

Clients served include the following:

Florida Department of Education – Office of Student Financial Assistance (OSFA)
Wilderness Graphics, Inc.
SynTech Systems, Inc.
Safe Harbor Insurance Company
Florida Select Insurance Company
Ocean Harbor Insurance Company
Leon County, Florida
The Florida Legislature

Professional Activities

American Institute of Certified Public Accountants
Florida Institute of Certified Public Accountants
FICPA Committee on Relations with State and Local Government
Currently serves as chairman of the FICPA Committee on Governmental Standards

Bonnie T. Gandy, CPA
Audit Partner

Education

Bachelor of Science in Accounting, Florida State University.

Experience

Bonnie has over 30 years experience in providing auditing, accounting, and management advisory services to clients in a wide range of industries. She was formerly with Ernst & Young and has gained extensive experience servicing financial institutions, real estate, construction, insurance, not-for-profit, and governmental organizations. Bonnie has extensive experience with federal and state single audit requirements. Her specific skills include planning, budgeting, staffing, fieldwork, review, and report preparation on audit engagements, fiscal monitoring engagements, and special assignments; design and implementation of accounting systems and procedural manuals; and review and evaluation of internal controls. Prior to her career in accounting, she was employed in banking for seven years.

Clients served include the following:

Florida Department of Education – Office of Student Financial Assistance (OSFA)

ABLE Trust

Associated Industries of Florida, Inc.

Florida Association of Counties

Florida Association of Court Clerks, Inc.

Florida's Foundation, Inc.

Florida Association of Broadcasters, Inc.

Florida Birth-Related Neurological Injury Compensation Association

Florida Comprehensive Health Association

Elder Care Services, Inc.

Florida Housing Finance Corporation

The Florida Legislature

Leon County, Florida

Leon County School District

City of Tallahassee

Florida Lottery

Florida Agency for Workforce Innovation

Various insurance companies and financial institutions

Professional and Business Affiliations

American Institute of Certified Public Accountants

Florida Institute of Certified Public Accountants

- Past Member, Board of Governors
- Past President, Tallahassee Chapter
- Past Chair, State and Local Government Accounting Conference
- Past Member, Practice Review Committee
- Past Trustee, Education Foundation

Government Finance Officers Association, Affiliate Member

Jeanne C. Allen, CPA
Audit Partner

Education

Jeanne graduated from Florida State University. She obtained a Bachelor of Science degree with a double major in Accounting and Finance, and is a Certified Public Accountant. Her continuing professional education exceeds the requirements of *Florida Statutes* and *Government Auditing Standards*.

Experience

Jeanne has over sixteen years experience providing auditing, accounting and consulting services to governmental entities, nonprofit organizations, employee benefit plans and various companies in for-profit industries, including insurance, construction and manufacturing. Her responsibilities include planning, fieldwork, report preparation and review, as well as overall coordination of the audit process between clients and engagement teams. Jeanne formerly worked for the Florida Lottery and the Florida Public Service Commission where her responsibilities included evaluation of internal controls and analysis of cash flow projections, respectively.

Clients served include the following:

Florida Birth-Related Neurological Injury Compensation Association
Florida Legislature
Florida Department of Business & Professional Regulation
Florida Department of Education
Florida Department of Corrections
Florida Local Government Investment Trust
Leon County, Florida
Osceola County, Florida
Gadsden County, Florida
Leon County School District
Tallahassee-Leon County Civic Center Authority
Tallahassee Community College
Apalachee Center, Inc.
Eastside Psychiatric Hospital
Elder Care Services, Inc.
Florida Alcohol and Drug Abuse Association, Inc.
Florida Association of Insurance and Financial Advisors, Inc.
Florida Future Farmers of America Foundation, Inc.
Florida Institute of Certified Public Accountants
Southeastern Community Blood Center, Inc.
Southern Scholarship Foundation, Inc.
Foundation for Florida's Community Colleges
Various employee benefit plans
Various companies in for-profit industries including insurance, construction, and manufacturing

***Professional and
Business Affiliations***

American Institute of Certified Public Accountants
Florida Institute of Certified Public Accountants

Dana Powell, CPA
Senior Audit Manager

Education

Bachelor of Science in Accounting, Florida State University; Bachelor of Science in Finance, Florida State University

Experience

Dana has over 13 years of accounting and auditing experience serving governmental, not-for-profit, and for-profit organizations. Her responsibilities as an audit senior manager consist of staff supervision, planning, fieldwork, and report preparation in the areas of financial audits, attestation, and fiscal monitoring engagements. Dana has specific experience with federal and state single audit requirements. Her specific skills include planning, budgeting, staffing, fieldwork, review, report preparation on audit engagements and special assignments, and evaluation of internal controls.

Clients served include the following:

Florida Department of Education - Office of Student Financial Assistance (OSFA)
Florida Network of Youth and Family Services, Inc.
The Foundation of the State of Florida, Inc.
Florida Future Farmers of America Foundation, Inc.
Florida Association of Broadcasters, Inc.
Southern Scholarship Foundation, Inc.
Associated Industries of Florida, Inc.
Elder Care Services, Inc.
Florida Local Government Investment Trust
Agency for Workforce Innovation
Leon County School District
Leon County, Florida
The Florida Legislature
Jefferson County, Florida
City of Tallahassee

Professional and Business Affiliations

American Institute of Certified Public Accountants
Florida Institute of Certified Public Accountants

Lori Walters
Audit Manager

Education

Lori graduated from Troy State University with a Bachelor of Science degree in Accounting.

Experience

Lori has over 12 years of accounting and auditing experience serving governmental, nonprofit and for profit organizations. She also has experience with the United States Air Force and in banking. Her responsibilities consist of planning, fieldwork and report preparation. Lori has specific experience with federal and state single audit requirements and fiscal monitoring engagements.

Clients served include the following:

Leon County Board of County Commissioners
Osceola County Clerk of Circuit Court
Apalachee Center, Inc.
Elder Care Services, Inc.
America's Second Harvest of the Big Bend, Inc.
Big Bend Homeless Coalition, Inc.
2-1-1 Big Bend

***Professional and
Business Affiliations***

Florida Institute of Certified Public Accountants, Associate Member

Jamie Pitts
Audit Senior

Education

Bachelor of Science in Accounting, Florida State University;
Bachelor of Science in Finance, Florida State University

Experience

Jamie has over nine years of accounting and auditing experience serving governmental, not-for-profit, and for-profit organizations. Before joining LRCM, she worked for the state of Florida Auditor General as an Information Technology Auditor. Her responsibilities consist of planning, fieldwork, and report preparation. Her specific skills include planning, budgeting, staffing, fieldwork, review, and report preparation on audit engagements and special assignments; and evaluation of internal controls.

Clients served include the following:

Florida's Foundation (formerly Volunteer Florida Foundation)
Florida Alcohol and Drug Abuse Association, Inc.
Florida Association of Insurance and Financial Advisors
Southeastern Community Blood Center, Inc.
Ocean Harbor Casualty Insurance Company
Safe Harbor Insurance Company
Florida Select Insurance Company
Leon County School District
Leon County Sheriff Department
Agency for Workforce Innovation
Panacea Area Water System

*Professional and Business
Affiliations*

Florida Institute of Certified Public Accountants, Associate
Member
Child Advocates II, Inc. – Treasurer
Leon County Schools, Partners for Excellence Program

Delia Fernandez, CPA
Audit Senior

Education

Delia graduated from Florida State University with Bachelor of Science degrees in Accounting and Finance and with a Masters of Accountancy Degree. Her continuing professional education meets the requirements of *Florida Statutes* and *Government Auditing Standards*.

Experience

Delia has 7 years experience in public accounting and governmental auditing. Her responsibilities as an auditor include planning, fieldwork, report preparation and presentation of reports to Board Members. She has experience in governmental accounting, profit and nonprofit organizations.

Clients served include the following:

Leon County Sheriff's Department
The Florida Legislature
Leon County School District
Associated Industries of Florida
The Able Trust
Florida Association of Broadcasters, Inc.
Florida Future Farmers of America Foundation, Inc.
Agency for Workforce Innovation
Florida Emergency Communications Number E911 System Fund

***Professional and Business
Activities***

Florida Institute of Certified Public Accountants
American Institute of Certified Public Accountants

Jiajing Liu
Audit Senior

Education

Master of Accounting, Florida State University; Bachelor of Management Accounting, Shanghai University of Finance and Economics. Her continuing professional education exceeds the requirements of *Florida Statutes* and *Government Auditing Standards*.

Experience

Jiajing has over 6 years of accounting and auditing experience serving governmental, not-for-profit, and for-profit organizations. Before joining LRCM, she worked for Ernst & Young (Shenzhen Office). Her responsibilities consist of planning, fieldwork, and report preparation. Her specific skills include planning, budgeting, fieldwork, and report preparation on audit engagements and special assignments; and evaluation of internal controls. Jiajing has specific experience with federal and state single audit requirements and fiscal monitoring engagements.

Clients served include the following:

Florida Legislature
Leon County School District
Leon County Sheriff Department
Leon County Board of County Commissioners
Agency for Workforce Innovation
Florida's Foundation (formerly Volunteer Florida Foundation)
Various insurance companies

***Professional and Business
Affiliations***

Florida Institute of Certified Public Accountants
American Institute of Certified Public Accountants

Geoffrey Adams, CPA, CISA
Information Technology Senior Consultant

Education

Geoffrey is a graduate of Florida State University where he received a Master of Accounting Degree with concentration in Accounting Information Systems as well as a Bachelor of Science Degree with concentration in Information Studies. He is a Certified Public Accountant and a Certified Information Systems Auditor. His continuing professional education exceeds the requirements of the Information Systems Audit and Control Association and *Government Auditing Standards*.

Experience

Geoffrey has over eight years of accounting, audit, IT and consulting experience. Before joining Law, Redd, Crona & Munroe, PA, he worked for the State of Florida Auditor General as a Senior Information Technology Auditor, and IT manager for Jefferson Management Inc. as well as an Infantryman in the Florida Army National Guard. His responsibilities consist of planning, fieldwork and report preparation.

Clients served include the following:

- Florida Department of Education - Office of Student Financial Assistance (OSFA)
- Florida Association of Counties
- Gadsden County Board of County Commissioners
- Leon County Tax Collector
- Leon County Sheriff
- Apalachee Center, Inc.
- Associated Industries of Florida
- Osceola County Clerk
- Osceola County Tax Collector
- Various Insurance Companies

Professional and Business Affiliations

Florida Institute of Certified Public Accountants
American Institute of Certified Public Accountants
Information Systems Audit and Control Association (ISACA).
Founding member of the Tallahassee ISACA Chapter
Adjunct Accounting Information Systems and Audit Lecturer for the Florida State University College of Business.



Gregory, Sharer & Stuart, P.A.

Richard H. Caton, CPA
M. Timothy Farrell, CPA
Thomas H. Gregory, CPA
Daniel J. Hevia, CPA
Robert L. Ingham, CPA
Troy Kimbrough, CPA
James G. Newman, CPA
Paula D. Popovich, CPA
Larry W. Sharer, CPA
Byron C. Smith, CPA
Charles L. Stuart, CPA
Richard G. Ulrich, CPA
Carlos R. Vila, CPA

System Review Report

To the Shareholders of Law, Redd, Crona & Munroe, P.A.
And the Peer Review Committee of the Florida Institute of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. (the firm) in effect for the year ended March 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. in effect for the year ended March 31, 2011, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Law, Redd, Crona & Munroe, P.A. has received a peer review rating of *pass*.

Gregory, Sharer & Stuart, P.A.
September 8, 2011

CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS CONSULTANTS
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MEMORANDUM

TO: Governing Board
FROM: Charles H. Houder III, Director, Land Resources Division
DATE: October 19, 2012
SUBJECT: Land Resources Monthly Activity Summary Report

The attached reports summarizes the activities for the Land Resources Division.

The contractor conducting prescribed burns on Suwannee River Water Management District (District) lands in fiscal year 2013 is Wildland Fire Services (WFS). Also included in reports are the acres the Florida Forest Service burns on Twin Rivers State Forest (FFS TRSF).

Dormant season burns are scheduled to begin in mid November. One site-prep burn was conducted in mid October to prepare for reforestation practices in the winter.

Status of surplus activities, conservation easement reviews and acquisitions for the preceding month is updated in the following table.

PRESCRIBED FIRE

Summary Table FY 2013

	2013 Target Acres	Acres Complete
Suwannee River Water Management District	10,000	70
Florida Forest Service burns on Twin Rivers State Forest	2000	0
TOTAL	12,000	70

Prescribe Burn Activity

TRACT	COUNTY	WFS	FFS TRSF	TOTAL ACRES
Shady Grove	Taylor	70	0	70
<i>Sub-total for Period</i>		70	0	70
<i>Previous Acres Burned</i>		0	0	0
Total Acres		70	0	70

REAL ESTATE

Status of Exchange

Tract Name	Acres	County	Acquired Date	Funding Source	Proposal	Status
Ellaville Exchange for Damascus Peanut Company	670	Madison	5/1998	WMLTF	Proposed as Exchange	Governing Board approved surplus and exchange on 10/9/2012.
Lamont/Mt. Gilead for Aucilla Land Partners Conservation Easement	114	Madison and Jefferson	9/1998	WMLTF	Proposed as Conservation Easement Exchange	Timber valuation and appraisals have been reviewed.

Acquisition

OWNER	PROJECT NAME	ACRES	COUNTY	COMMENTS
J.T. Bridges Azure Properties	McAlpin Landing Addition	220	Hamilton	Offer authorization submitted to management.
Nyman, George & Sharon	Suwannee River Oaks CE	312	Gilchrist	Title review completed by legal. Conservation Easement is being drafted.

Surplus Lands

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			
Bay Creek North	24	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee entire tract \$60,720	
Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcels \$154,000	
Buck Bay	60	Alachua	12/15/1999	P2000	3/1/2012	3/15/2012		Governing Board approved surplus and sale to City of Gainesville. 10/9/2012
Cabbage Grove	30	Taylor	09/2001	WMLTF		10/5/2012	Fee entire tract \$57,750	
Chitty Bend East	20	Hamilton	12/1988	WMLTF	11/2/11	11/29/11	Fee two 10-acre tracts for \$26,400 each	
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11	11/29/11	Fee entire tract \$279,510	
Cuba Bay	22	Jefferson	02/1996	P2000	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$42,350	

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$52,030	
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3 parcels) \$343,200 Conservation Easement (3 parcels) \$243,100	
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	Pending negotiations with Hamilton County
Levings	69	Columbia	02/1998	WMLTF	6/14/2010	5/11/2011	Fee entire tract \$135,860	
Perry Spray Field	248	Taylor	9/2001	WMLTF	6/6/2012			
Steinhatchee Rise	42	Dixie	02/1996	P2000	8/27/2010	11/18/2010	Fee entire tract \$126,940 conservation easement \$97,020	
Timber River	1	Madison	03/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$10,780	
Woods Ferry	29	Suwannee	12/1988	WMLTF	8/18/2011	11/10/2011	Fee entire tract \$71,830	Offer received GB approved surplus sale on 10/9/2012

WMLTF=Water Management Lands Trust Fund; P2000=Preservation 2000; FF= Florida Forever Trust Fund

Conservation Easement Review

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Feagle, Ronald and Dorothy	Bonnet Lake	Florida Forever Bonds	433	1/27/2010	Columbia	Recreation, Forestry	1/2012	Longleaf pine planted and preserved area remains as is with hunting only.
The Campbell Group	California Swamp	Save Our Rivers and P-2000 Bonds	32,134	10/1/2001	Dixie	Forestry, Recreation	1/2012	Remains managed for pine timber and hunting with updated management plan. Wetlands undisturbed.
Champion, Roger and Donna	Mount Gilead	Florida Forever Bonds	180	8/19/2009	Madison	Forestry, Recreation	2/2012	Continues to be maintained primarily for hunting.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	640	12/30/2009	Columbia	Recreation, Forestry	2/2012	Continues to be used primarily for quail hunting. Only a few selected trees are harvested.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	5,710	12/30/2009	Suwannee	Recreation, Forestry	2/2012	Preserved areas remain intact. No additional building has occurred this year. Some illegal dumping was found.
Loncala, Inc.	Monteocha Creek	Save Our Rivers	951	11/30/2001	Alachua	Forestry, Recreation	2/2012	Four ages of slash pine. Good management plan. No harvesting planned in next 12 months.
Platt, Cody and Carol	Aucilla Addition	P-2000 Bonds	274	12/29/1999	Jefferson	Forestry, Recreation	2/2012	New owners are well aware of CE terms. Have completed residence. Plan to mark boundaries and fire lines.

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Santa Fe River Hammock, L.L.C.	Santa Fe River Hammock	P2000 - Sandlin Bay VFI Resale	167	1/31/2011	Bradford	Forestry, Recreation	2/2012	This is a new CE this year with a management plan in place.
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	P-2000 Bonds	550	5/7/1997 and 1/2/1996	Suwannee	Recreation	3/2012	All areas are for recreation purposes only. Boys Ranch personnel repainted the entire perimeter this year. Horseback riding by Ranch residents remains a major use.
Harrell, Curtis and Matthew	Falmouth Addition	P-2000 Bonds	912	10/6/1999	Suwannee	Agriculture, Recreation	3/2012	Fields are in hay production on date of inspection. Preserved areas remain as is. No encroachment. Cabins are in place.
Moore, Madeline	Moore	Florida Forever Bonds	115	12/23/2002	Jefferson	Forestry, Recreation	3/2012	CE remains in compliance, with wetlands preserved.
Sanders, Thomas and Sylvia	Mill Creek	P-2000 Bonds	339	12/6/2000	Hamilton	Recreation, Agriculture	3/2012	Members of the Sanders family are primarily hunters, but keep the property well maintained. No cattle this year.
Sheppard, Derwood and Susan	Manatee Springs Addition	Florida Forever Bonds	120	2/8/2008	Levy	Recreation	3/2012	No change. Owner says it was used very little in the last year.
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	Save Our Rivers	164	2/12/2002	Jefferson	Agriculture, Forestry	4/2012	No variation in land use. Remains in full compliance.

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Geraldine Livingston Foundation	Dixie Plantation	P-2000 Bonds	8,902	2/18/1999	Jefferson	Forestry, Recreation	4/2012	Continues to be used for timber and hunting. Longleaf pine planted each year and prescribed fire used.
Zellwin Farms, Inc.	Jennings Bluff	Save Our Rivers	362	2/1/1989	Hamilton	Recreation	4/2012	Maintained as originally agreed.
Plum Creek Timberlands	Gainesville Wellfield	P-2000 Bonds	3,084	12/15/1999	Alachua	Forestry, Recreation	5/2012	This property is primarily used for forestry activities. Gainesville Regional Utility has wells and maintained roads. Wetlands are intact.
City of Newberry	Newberry Wellfield	P-2000 Bonds	40	2/21/2001	Alachua	Recreation	5/2012	Remains in use for sports.
Davidson, Dr. C. Linden	Davidson	P-2000 Bonds	225	4/18/2002	Jefferson	Forestry, Recreation	6/2012	CE property unchanged since purchase. Food plots, fences and gates are well maintained.
Plum Creek Timberlands	Waccassa Gulf Hammock	P-2000 Bonds	21,300	12/15/2000	Levy	Forestry, Recreation	7/2012	Slash pine continues to be managed with wetlands untouched. Bill Schlitzkus is new manager.
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	Florida Forever Bonds	4,588	8/31/2002	Levy	Forestry, Recreation	7/2012	Continues to be managed for slash pine rotation. Preserved area remains as is.
Plum Creek Timberlands	Manatee Springs Addit. Suwannee Swamp	Florida Forever Bonds	12,797	3/28/2002	Levy	Forestry, Recreation	7/2012	Continues to be managed for slash pine. Preserved wetland areas remain.

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Red Hills Land Company	Foster	Florida Forever Bonds	163	3/25/2002	Jefferson	Forestry, Recreation	7/2012	No changes in easement since purchase.
Strickland Field, L.P.	Strickland Field	P-2000 Bonds	3,822	7/7/2000	Dixie	Forestry	7/2012	New 10-year land management plan.
Mann, Jack & Loy Ann	Manatee Springs Addition	FDOT Mitigation Escrow	590	5/29/2003	Levy	Recreation, Forestry	8/2012	Maintained primarily for hunting. Advised that slash pine plantations need thinning.
Meeks, David & Sarah	Manatee Springs Addition	FDOT Mitigation Escrow	370	5/29/2003	Levy	Recreation, Forestry	8/2012	Slash pine plantations have been thinned this year. In compliance with CE.
Jackson, Kevin and Patrice	Jackson	Florida Forever Bonds	171	6/23/2010	Lafayette	Agriculture, Forestry	8/2012	Planted in peanuts this year. No irrigation used. Harvesting pine straw.
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	Save Our Rivers	1,038	5/12/2006	Columbia	Forestry, Recreation	8/2012	Flood damage occurred on fencing. Forests remain well maintained.
Loncala, Inc.	Loncala Gilchrist	P-2000 Bonds	913	8/31/1999	Gilchrist	Forestry, Recreation	10/2012	Property remains as agreed to in CE. Loncala uses tract as pine plantation and corporate hunting tract.

PCA = Packaging Corporation of America, CE = Conservation Easement

pff
008-00025

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, P.G., Division Director, Water Supply

DATE: October 25, 2012

RE: Second Amendment to Interagency Agreement Between Suwannee River Water Management District, St. Johns River Water Management District, and Florida Department of Environmental Protection

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to execute the second amendment to the Interagency Agreement between Suwannee River Water Management District, St. Johns River Water Management District, and the Florida Department of Environmental Protection.

BACKGROUND

The parties have identified the need to amend Paragraph B of the Interagency Agreement. As currently written, Paragraph B requires the National Research Council's Water Science and Technology Board (WSTB) review and provide recommendations to the report jointly prepared by both districts. The revisions to Paragraph B of the Interagency Agreement have been updated based on comments received at the September 2012 Governing Board meeting.

This revision to Paragraph B makes involvement by the WSTB optional and can be initiated by either the SRWMD or the SJRWMD upon thirty days written notice. The parties to the Interagency Agreement agree to this change because 1) the districts are in agreement regarding the primary factors responsible for the observed changes, 2) the districts continue to make progress with other elements of the Interagency Agreement that are related to the observed aquifer changes, and 3) the cost for the involvement of the WSTB was significant (\$345,000) with the districts agreeing that these financial resources can be applied to other critical water resource initiatives associated with the Interagency Agreement.

Staff has coordinated the proposed second amendment with St. Johns River Water Management District and the Florida Department of Environmental Protection. Staff has attached a copy to this memorandum.

CH/dd

DRAFT Oct. 24, 2012
SECOND AMENDMENT TO INTERAGENCY AGREEMENT
BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

THIS SECOND AMENDMENT (“AMENDMENT”), by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under Chapter 373, Florida Statutes, whose address is 9225 County Road 49, Live Oak, Florida 32060, hereinafter referred to as “SRWMD”, and ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under Chapter 373, Florida Statutes, whose address is 4049 Reid Street, Palatka, Florida 32177, hereinafter referred to as “SJRWMD”, and FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, hereinafter referred to as the “DEPARTMENT”, is entered into in three originals this _____ day of _____, 2012.

PREMISES

The PARTIES entered into an Interagency Agreement on September 13, 2011, and amended on February 28, 2012, a copy of which is attached hereto as Exhibit A (“AGREEMENT”).

The PARTIES desire to amend the AGREEMENT as specifically set forth herein.

NOW, THEREFORE, the PARTIES hereby amend the AGREEMENT as follows:

1. The following replaces Paragraph B.
 - B) The purpose of this AGREEMENT is to set forth specific responsibilities of SRWMD, SJRWMD, and the DEPARTMENT (hereinafter collectively referred to as “PARTIES”) to achieve appropriate coordination with respect to the Districts’ water supply and consumptive use permitting responsibilities in

Northeast Florida. The SRWMD and SJRWMD agree that there have been changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in northeast Florida and southeast Georgia (Study Area). Both districts are united in the determination that additional data and analysis are necessary to better understand the factors that have caused these changes and the potential impact to the water resources within both districts. Both districts agree to evaluate the changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer.

SRWMD and SJRWMD have developed a scope of work to evaluate changes and potential impacts to the Upper Floridan aquifer and connected water resources, including:

1. Assessing the factors that drive changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
2. To the extent possible, investigating the proportional effect of each factor driving changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
3. Studying the trends in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
4. To the extent possible, evaluating which hydrologic features are most susceptible to changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.
5. Assessing to what extent hydrologic features may be affected by changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in the Study Area.

Existing scientific literature and data will provide the basis for successful completion of the scope of work. At their discretion, the Florida Geological Survey will participate in the technical document review and evaluation. The deliverable for the scope of work will be a co-authored report of findings that will supplement the districts' planning and permitting decisions, as well as the other elements of this AGREEMENT.

Upon 30 days written notice by the SRWMD or SJRWMD, the SRWMD and the SJRWMD agree to engage the National Research Council's Water Science and Technology Board (WSTB) to review the co-authored report of findings and provide recommendations regarding data collection and modification of scope of work, if necessary. If data collection and modification of scope of work are deemed necessary by the WSTB, and agreed to by SRWMD and SJRWMD, then upon completion of said recommendation of

data collection and scope of work, the SRWMD and the SJRWMD will resubmit an amended report of findings to the WSTB for review as outlined below. The SRWMD and SJRWMD shall share equally in the cost of WSTB activities and additional research efforts that result from WSTB recommendations. If no further modifications to scope of work or data collection are necessary, then WSTB will evaluate the co-authored report of findings and either submit a report certifying the co-authored report of findings as being the best available information for planning and permitting decisions, or submit a report documenting the WSTB method of review, findings and conclusions of fact that differ from the those of the co-authored report submitted by the SRWMD and the SJRWMD. The PARTIES agree to accept the results as the best available information for planning and permitting decisions. The PARTIES recognize that scientific knowledge is not static and that new information may become available subsequent to the WSTB findings and conclusions. Accordingly, the PARTIES also agree to consider new information when determining what is the best available information when a permitting or planning decision is being made.

2. All other terms of the AGREEMENT are hereby ratified and continue in full force and effect.
3. This AMENDMENT shall become effective upon execution by all of the PARTIES. Upon execution by the last of the PARTIES, the date of execution shall be inserted above.

IN WITNESS WHEREOF, each party, or lawful representative, has executed this AMENDMENT on the date set forth next to their signature below.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

By: _____ Date: _____
Ann B. Shortelle, Ph.D.
Executive Director

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

By: _____ Date: _____
Hans G. Tanzler, III
Executive Director

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____ Date: _____
Herschel T. Vinyard, Jr.
Secretary

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, P.G., Division Director, Water Supply

DATE: October 25, 2012

RE: Authorization to Amend Contract Number 11/12-122 with the United States Geological Survey (USGS), Tallahassee District, for Water Sampling and Chemistry Analysis Services at White Sulphur and Suwannee Springs

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to amend contract number 11/12-122 with the USGS to authorize work in the current fiscal year for a cost to the District not to exceed \$55,759.

BACKGROUND

In May 2012, the Governing Board approved this contract for work in Fiscal Year 2012 for a cost to the District not to exceed \$27,077. The existing contract was executed in August 2012 and is effective until November 30, 2012. The contract is a joint funding agreement with a scope of work that spans fiscal years 2012 and 2013. The scope of work has not changed.

The rationale for the multi-year scope was to sample under two different hydrologic conditions. The initial step was to conduct a reconnaissance dive of the White Sulphur Spring cave system in order to design the spring sampling apparatus. Conditions at the spring were not conducive for the reconnaissance dive until August 7, 2012. Therefore, significant progress on the project was not made in fiscal year 2012. Based on the information obtained during the August cave dive, the USGS is designing the sampling system, which was to be completed in October 2012.

The total cost of the project has changed based on discussions with the USGS following the reconnaissance dive. The total project cost has changed from \$95,256 to \$92,932 (reduction of 2.4 percent), with 40 percent of the funding (\$37,173) being provided by the USGS as indicated below. The District's 60 percent cost share has been reduced approximately 2.5 percent, from \$57,154 to \$55,759. It is anticipated that the entire project will be completed in fiscal year 2013.

	FY13
SRWMD	\$55,759
USGS	<u>\$37,173</u>
Total	\$92,932

Under the scope of work, water samples will be analyzed for their isotope chemistry to help determine the hydrogeologic source and age of the sulfur-laden spring water. One or more wells adjacent to White Sulphur Spring will also be sampled and their water chemistry analyzed, as well as collection and analysis of water samples from Suwannee Springs and Bell Spring (if possible). Bell Spring is located upstream of White Sulphur Spring and reportedly discharges groundwater from the intermediate aquifer system.

As mentioned in the May 2012 staff recommendation, this proposed scope of work is indirectly tied to establishment of minimum flows and levels for the Upper Suwannee River and springs, and staff proposes to fund this work from minimum flows and levels funds. Funds for these contractual services are in the FY 2013 budget in Fund Codes 01 and 13.

CH/dd

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, P.G., Division Director, Water Supply Division

DATE: October 25, 2012

RE: Authorization to Enter into a Contract for Minimum Flows and Levels (MFLs) Peer Review for the Lower Santa Fe and Ichetucknee Rivers and Springs

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with Cardno ENTRIX, Inc., for a total amount not to exceed \$77,500 to provide peer review of three reports for the Lower Santa Fe and Ichetucknee Rivers and Springs minimum flows and levels.

BACKGROUND

With the Lower Santa Fe and Ichetucknee Rivers and Springs technical efforts nearing completion, staff is requesting authorization to procure services under a consultant qualification process executed by the South Florida Water Management District (SFWMD) for water supply and water resource investigations and studies. Specifically, SRWMD would use the consultant for MFL peer review services. Staff has reviewed this process and the selected firm, and requests authorization to procure these services under the SFWMD request for qualifications as allowed by section 287.057(3)(b), Florida Statutes.

Under this proposal, the District would contract with Cardno ENTRIX, Inc., with contract management executed through its Wellington, Florida, office. The three reports subject to peer review include:

- Hydrologic Database, Statistical Analysis, and Adjusted Historical Flow Development of Select Surface Water Stations on the Lower Santa Fe and Ichetucknee Rivers
- HEC-RAS Model Development in Support of MFL Development for the Lower Santa Fe and Ichetucknee Rivers
- Technical Report: Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Springs

The services provided by the consultant will include coordination and aggregation of the reviews by up to four selected peer review panelists into a final peer review report. Funding for this contract includes payment of the peer review panelists. The selected peer review panelists will

include some combination of the following disciplines: hydrology, river hydraulic modeling, statistics, and environmental fields including fisheries and wildlife biology, and wetland ecology and soil science.

Staff is continuing coordination with the St. Johns River Water Management District, who will also have opportunity to review all SRWMD MFL materials and conclusions. After SRWMD acceptance of the reports and any needed modifications of the three reports due to the peer review, the recommended MFLs would be brought to the Governing Board for review and approval and eventual adoption into 40B-8 F.A.C.

Funds for this contract are in the approved Water Supply FY 2013 budget.

/dd

MEMORANDUM

TO: Governing Board

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

DATE: October 25, 2012

RE: Authorization to Purchase Water Level Sensors and Cellular Modems from Federally Approved Vendors under the U.S. General Services Administration

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to purchase water level sensors and cellular modems from federally approved vendors under the U.S. General Services Administration for an amount not to exceed \$143,230.

BACKGROUND

In 2012, staff installed automated water level logging equipment on 128 existing surfacewater and groundwater monitoring sites. Upgrading the sites decreased routine site visits from once per month to every four months. Real-time data collection allows staff to fix problems earlier, resulting in fewer, shorter data gaps. Real-time data also enables accelerated analyses and faster presentation of data to the public on the District's website.

Staff proposes to continue the success of the automation by installing water level sensors and cellular modems on existing and new monitoring sites that meet one or more of these critical needs:

- 1. Monitoring Site Security:** Of 224 monitor wells in the regular level and water quality networks, 10% are on property owned by the SRWMD, 40% are on federal, state, county, or city lands, and the remaining 50% are on private lands. Sixty percent of wells with continuous data beginning before 1980 are on private lands. Half of those are supply wells that cannot be automated. Staff have been identifying existing wells and potential future well sites on public lands near sites that might be lost, in order to secure future data continuity.
- 2. Monitoring Density:** The St. Johns River Water Management District began drilling or rehabilitating wells within the SRWMD on public lands in 2012 in order to increase monitoring density. In addition, the SJRWMD has been drilling wells not only in the

upper Floridan, but also in the lower Floridan, intermediate, and surficial aquifers (where appropriate) in order to investigate recharge and hydrologic response in the confined eastern portion of the SRWMD.

3. **MFL Priority Springs and Lakes:** Staff identified a number of springs and lakes where better quality continuous data, will benefit resource modeling. The real-time availability of these data on the web will also provide a secondary benefit to the public, who use lake and spring levels in making decisions about recreation and flooding potential.

This request is for up to 84 water level sensors including spare units and accessories, for a cost not to exceed \$109,000 and for up to 70 cellular modems, for a cost not to exceed \$34,230.

A detailed list of proposed sites and their justification is contained in Table 1 of this memo.

The District is proposing to buy the equipment under the prices negotiated by the U.S. General Services Administration (GSA). By “piggybacking” on the GSA contract, the District can avoid the time and cost of conducting its own bid process and can realize major discounts of catalog prices offered by the approved vendors.

Funds associated with this contract are budgeted in the FY 2012/2013 Water Resource Monitoring budget in Fund 01.

MW/dd

TABLE 1: 2013 Monitoring Sites

County	Name	Purpose		
		Monitoring Security	Monitoring Density	MFL Spring/Lake
Alachua	Lake Altho			X
Alachua	Santa Fe Rise			X
Baker	Ocean Pond Surficial Aquifer	X	X	
Baker	Ocean Pond Intermediate Aquifer	X	X	
Baker	Ocean Pond Upper Floridan	X	X	
Baker	Palestine Lake			X
Bradford	Hampton Lake			X
Bradford	Lake Rowell			X
Bradford	Lake Sampson			X
Bradford	Alligator Creek		X	
Bradford	Santa Fe Spring			X
Columbia	Falling Creek Intermediate Aquifer	X	X	
Columbia	Falling Creek Upper Floridan	X	X	
Columbia	Falling Creek Lower Floridan	X	X	
Columbia	Bay Creek Intermediate Aquifer	X	X	
Columbia	Bay Creek Upper Floridan	X	X	
Columbia	Bay Creek Lower Floridan	X	X	
Columbia	ONF 3 Surficial Aquifer		X	
Columbia	ONF 1 Surficial Aquifer		X	
Columbia	ONF 2V Surficial Aquifer		X	
Columbia	ONF 10 Surficial Aquifer		X	
Columbia	ONF 1 Intermediate Aquifer		X	
Columbia	ONF 2V Intermediate Aquifer		X	
Columbia	ONF 10 Intermediate Aquifer		X	
Columbia	ONF 3 Intermediate Aquifer		X	
Columbia	ONF 10 Upper Floridan	X	X	
Columbia	ONF 10 Lower Floridan	X	X	
Dixie	GP 5 Upper Floridan		X	
Dixie	Anderson Columbia Upper Floridan		X	
Gilchrist	DOT - 47 & 138 Upper Floridan		X	
Gilchrist	Bell Tower Upper Floridan		X	
Hamilton	Jasper Upper Floridan	X	X	
Hamilton	Jasper Lower Floridan	X	X	
Hamilton	PCS SC-11 Surficial Aquifer	X	X	
Hamilton	PCS SC-10 Upper Floridan	X	X	
Hamilton	PCS SC-11 Upper Floridan	X	X	
Hamilton	PCS SC-12F Upper Floridan	X	X	
Hamilton	PCS-SEF Upper Floridan	X	X	
Hamilton	PCS-SF Upper Floridan	X	X	
Hamilton	PCS West Upper Floridan	X	X	
Hamilton	Alapaha Lower Floridan		X	
Jefferson	Wacissa Upper Floridan		X	
Lafayette	Lafayette County Upper Floridan	X	X	
Lafayette	Lafayette VISA 1 Upper Floridan	X	X	
Lafayette	Mallory - 9F Upper Floridan		X	
Lafayette	Mallory - 3 Upper Floridan		X	
Lafayette	Mallory - 5 Upper Floridan		X	
Lafayette	Mallory - 1F Upper Floridan		X	
Lafayette	Mallory - 1S Surficial Aquifer		X	
Lafayette	Mallory - 10F Upper Floridan		X	
Lafayette	Lafayette Blue Spring			X
Lafayette	Allen Mill Pond Spring			X
Levy	DOT - SR 27-A Upper Floridan		X	
Levy	Waccasassa/Otter Creek Upper Floridan	X	X	
Madison	Gilman Upper Floridan		X	
Madison	Cherry Lake			X
Madison	Madison Upper Floridan		X	
Suwannee	DOT - SR129 & Landfill Upper Floridan	X	X	
Suwannee	Temporary MFL Suwannee Gage			X
Suwannee	Temporary MFL Suwannee Gage			X
Suwannee	Temporary MFL Suwannee Gage			X
Suwannee	Royal Springs			X
Suwannee	Blue Sink			X

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, P.E., Division Director, Resource Management
DATE: October 25, 2012
RE: Approval of Water Use Permit Application Number
2-11-00044.003, Lee Cemetery, Dixie County

RECOMMENDATION

Staff recommends the Governing Board approve Water Use Permit number 2-11-00044.003, with eighteen standard conditions and five special limiting conditions to SanBrook, LLC, in Dixie County.

BACKGROUND

This is a modification to increase irrigated acreage by 15 acres and an increase in water allocation by 0.022 million gallons daily (mgd) from 1.4692 mgd to 1.4912 mgd. One additional 10-inch well is proposed for construction. The project is not located within a Water Use Caution Area.

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

/tm

October 25, 2012

Herman "Trey" Sanchez, III
SanBrook, LLC
479 NE 446th Street
Old Town, FL 32680

Subject: Approval of Water Use Permit Application Number
2-11-00044.003, Lee Cemetery, Dixie County

Dear Mr. Sanchez:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on November 15, 2012, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

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

TS/tm
Enclosure
Certified Mail Receipt Number: 7010 1060 0001 1350 3714

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

NOTICE OF RIGHTS

9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Herman "Trey" Sanchez, III
SanBrook, LLC
479 NE 446th Street
Old Town, FL 32680

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: October 25, 2012

PROJECT: Lee Cemetery

APPLICANT:

SanBrook, LLC
479 NE 446th Street
Old Town, FL 32680

PERMIT APPLICATION NO.: 2-11-00044.003

DATE OF APPLICATION: August 28, 2012

APPLICATION COMPLETE: September 14, 2012

DEFAULT DATE: December 13, 2012

PARTNERS:

Sanchez Farms, LLC 479 NE 446 th Street Old Town, FL 32680	Brooks Ag Company, Inc PO Box 305 Samson, AL 36477
--	---

MANAGER/MEMBER DETAIL: Sanchez Farms, LLC

Herman Sanchez, JR. 479 NE 446 th Street Old Town, FL 32680	MGR
Virginia Sanchez 479 NE 446 th Street Old Town, FL 32680	MGR

MANAGER/MEMBER DETAIL: Brooks Ag Company, Inc

Fleming Brooks PO Box 305 Samson, AL 36477	President
--	------------------

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	1.4692	mgd	1.4912	mgd

Recommended Agency Action

Staff recommends approval of a Water Use Permit for an expansion of an agricultural use located within Dixie County. The permit includes eighteen standard conditions and five special limiting conditions. The permit will expire on January 10, 2032.

Project Review Staff

James Link, Kevin Wright, P.E., and Tim Sagul, P.E. have reviewed the application.

Project Location

The withdrawal facilities are located in Township 10 South, Range 13 East, Sections 29, 32 and 33 in Dixie County. The project is located within the lower Suwannee River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

Project Description

The project area consists of approximately 950 acres with approximately 791 acres being irrigated using groundwater.

The water use calculations are based upon the irrigated acreages and crop types provided by SanBrook, LLC. Crops include beans, peanuts, corn and oats. The applicant will use six center pivots for irrigation. The Average Daily Rate (ADR) of withdrawal is calculated as 1.4912 mgd, which equates to 25.3 inches of supplemental irrigation annually.

The project area includes five existing wells and one proposed well. Use of all six wells will be for irrigation. The well inventory can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the crop types, irrigated acres and type of livestock. SanBrook, LLC plans to irrigate 791 acres with three crops each year. Crops include beans, peanuts, corn and oats. SanBrook, LLC plans to begin planting corn in the Spring of 2013.

Water Conservation

The applicant has completed the Water Conservation Worksheets for Center Pivot Irrigation.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Conditions of Issuance

Is this a reasonable–beneficial use?

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

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

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

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not interfere with any presently existing legal uses of water.

Will this use be consistent with the public interest?

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

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?

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

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

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

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

Yes. Based on IFAS crop water needs this use is both reasonable and consistent with the public interest.

Will the source of the water be capable of producing the requested amounts and appropriate quality of water?

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

Yes. Based on the SRWMD North Florida Model, version 1.0, of the source will be capable of producing the requested amounts and appropriate quality of water.

Will the use degrade the source from which it is withdrawn?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not degrade the source from which it is withdrawn.

Will the use cause or contribute to flooding?

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

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

Will the use harm offsite land uses?

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

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

Will the use cause harm to wetlands or other surface water? Harm to wetland or other surface waters must be mitigated after completion of reduction or elimination of harm in accordance with sections 3.1.8. through 3.1.10. of the Water Use Permitting Guide.

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause harm to wetlands or other surface waters.

Will the use cause or contribute to a violation of either minimum flows or levels?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of either minimum flows or levels.

Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of state water quality standards.

Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes,(F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?

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

Yes, Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

Has the permit applicant's proposed reasonable-beneficial use of an alternative water supply presumed to be in the public interest?

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

No, the applicant has not proposed to use an alternative water supply.

Standard Conditions

1. This permit shall expire on **1/10/2032**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation**
4. Source classification(s) : **Groundwater**
5. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, chapter 40B-21, F.A.C.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
7. 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.
8. 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.
9. 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.
10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.
12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.
14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.
15. 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 **2-11-00044.003**.
17. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.
18. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

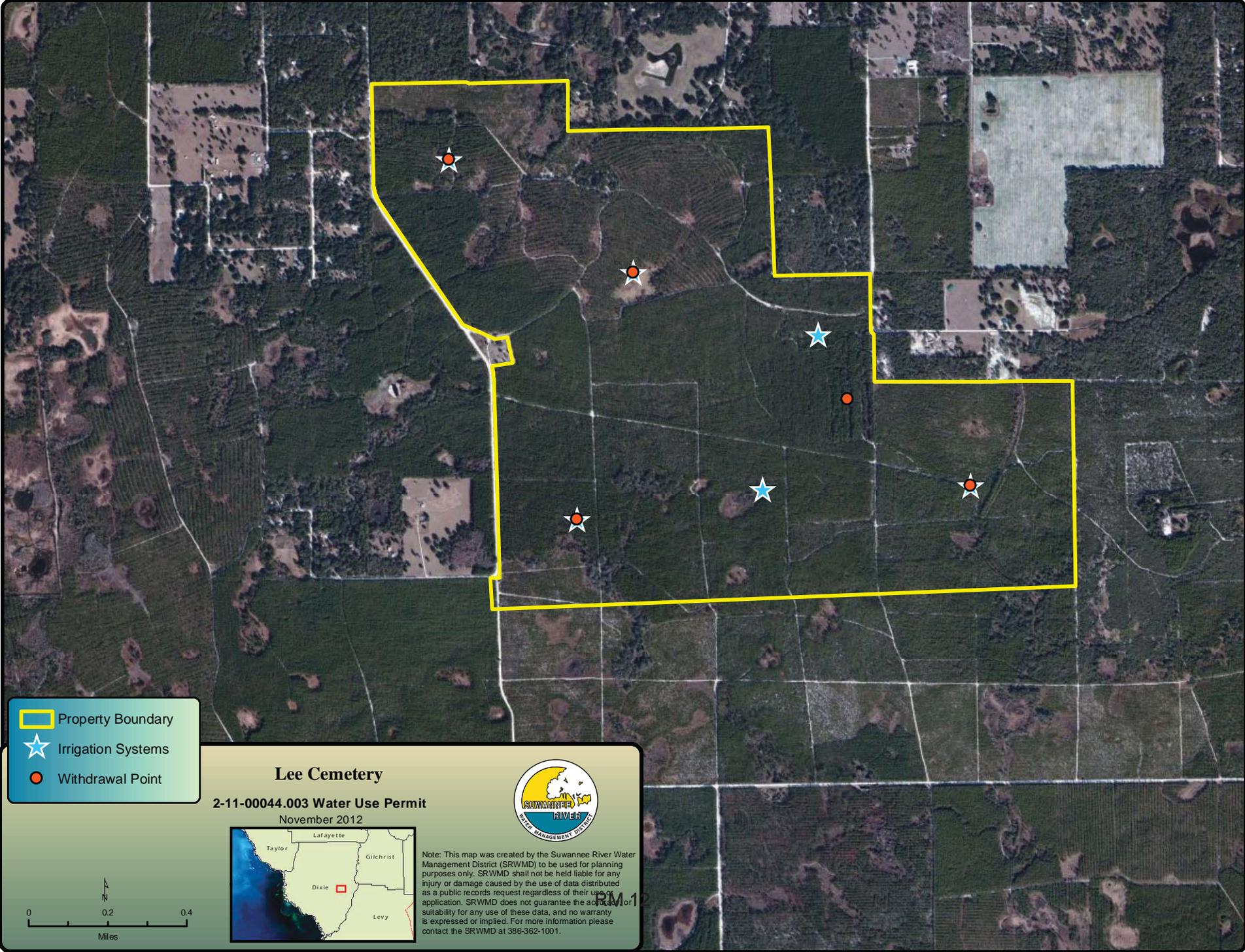
Special Limiting Conditions

19. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2022. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new best management practices, improved irrigation techniques, different crop types, and/or any other significant factor.
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 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.
22. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement. This condition applies to the proposed well only.
23. The Permittee will be allowed to traverse equipment through wetlands as allowed by Florida Department of Agriculture and Consumer Services' Best Management Practices; however, Permittee may not cultivate the wetlands without further environmental permitting.

Attachment A

2-11-00044.003
Lee Cemetery

Name	Status	Diameter	Capacity (gpm)	Water Use
Well #1	Active	10	1000	Irrigation
Well #2	Active	14	2400	Irrigation
Well #3	Active	10	1200	Irrigation
Well #4	Proposed	10	1200	Irrigation
Well #5	Active	10	1200	Irrigation
Well #6	Active	8	800	Irrigation



-  Property Boundary
-  Irrigation Systems
-  Withdrawal Point

Lee Cemetery

2-11-00044.003 Water Use Permit
November 2012



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



MEMORANDUM

TO: Governing Board

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

DATE: October 25, 2012

RE: Approval of Water Use Permit Application Number
2-09-00030.002, John D. Milton, Jr., Suwannee County

RECOMMENDATION

Staff recommends the Governing Board approve Water Use Permit number 2-09-00030.002, with eighteen standard conditions and five special limiting conditions to John D. Milton, Jr., in Suwannee County.

BACKGROUND

This is a modification to increase irrigated acreage by 366 acres and an increase in water allocation by 0.9652 million gallons daily (mgd), from 0.2586 mgd to 1.2238 mgd. Two additional 12-inch wells are proposed for construction. The project is not located within a Water Use Caution Area.

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

/tm

October 25, 2012

John D. Milton, Jr.
9707 Oak Hammock Trail
Jacksonville, FL 32256

Subject: Approval of Water Use Permit Application Number
2-09-00030.002, John D. Milton, Jr., Suwannee County

Dear Mr. Milton:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on November 15, 2012, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Tim Sagul, P. E.

TS/tm
Division Director, Resource Management

Enclosure
Certified Mail Receipt Number: 7010 1060 0001 1350 3707

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

NOTICE OF RIGHTS

- 9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
- 10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
- 11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

John D. Milton, Jr.
9707 Oak Hammock Trail
Jacksonville, FL 32256

At 4:00 p.m. this _____ day of _____, _____

Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

STAFF REPORT
WATER USE PERMIT APPLICATION

DATE: October 25, 2012

PROJECT: John D. Milton, Jr.

APPLICANT:

John D. Milton, Jr.
9707 Oak Hammock Trl
Jacksonville, FL 32256

PERMIT APPLICATION NO.: 2-09-00030.002

DATE OF APPLICATION: August 27, 2012

APPLICATION COMPLETE: August 27, 2012

DEFAULT DATE: November 25, 2012

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	0.2586	mgd	1.2238	mgd

Recommended Agency Action

Staff recommends approval of a Water Use Permit for an expansion of an agricultural use located within Suwannee County. The permit includes eighteen standard conditions and five special limiting conditions. The permit will expire on September 10, 2029.

Project Review Staff

James Link, Kevin Wright, P.E., and Tim Sagul, P.E. have reviewed the application.

Project Location

The withdrawal facilities are located in Township 05 South, Range 13 East, Section 15 in Suwannee County. The project is located within the lower Suwannee River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins. The project area is not located in a Water Resource Caution Area.

Project Description

The project area consists of approximately 633 acres with approximately 506 acres being irrigated using groundwater.

The water use calculations are based upon the irrigated acreages and crop types provided by John Milton. Crops include peanuts, oats, and potatoes. The applicant will use three center pivots for irrigation (two are proposed). The Average Daily Rate (ADR) of withdrawal is calculated as 1.2238 mgd, which equates to 32.5 inches of supplemental irrigation annually.

The project area includes one existing well and two proposed wells. Use of all three wells will be for irrigation. The District has not received an application for the two proposed Water Well Construction permits. The well inventory can be found in the table on Attachment A.

Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the crop types, irrigated acres and type of livestock. John Milton plans to irrigate 506 acres with three crops each year. Crops include peanuts, oats, and potatoes. John Milton plans to begin farming potatoes in the Spring of 2013.

Water Conservation

The applicant has completed the Water Conservation Worksheets for Center Pivot Irrigation.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Conditions of Issuance

Is this a reasonable–beneficial use?

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

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

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

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not interfere with any presently existing legal uses of water.

Will this use be consistent with the public interest?

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

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?

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

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

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

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

Yes. Based on IFAS crop water needs this use is both reasonable and consistent with the public interest.

Will the source of the water be capable of producing the requested amounts and appropriate quality of water?

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

Yes. Based on the SRWMD North Florida Model, version 1.0, of the source will be capable of producing the requested amounts and appropriate quality of water.

Will the use degrade the source from which it is withdrawn?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not degrade the source from which it is withdrawn.

Will the use cause or contribute to flooding?

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

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

Will the use harm offsite land uses?

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

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

Will the use cause harm to wetlands or other surface water? Harm to wetland or other surface waters must be mitigated after completion of reduction or elimination of harm in accordance with sections 3.1.8. through 3.1.10. of the Water Use Permitting Guide.

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause harm to wetlands or other surface waters.

Will the use cause or contribute to a violation of either minimum flows or levels?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of either minimum flows or levels.

Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?

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

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of state water quality standards.

Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes,(F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?

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

Yes, Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

Has the permit applicant's proposed reasonable-beneficial use of an alternative water supply presumed to be in the public interest?
[ref. 40B-2.301(2)(k)]

No, the applicant has not proposed to use an alternative water supply.

Standard Conditions

1. This permit shall expire on **9/10/2029**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation**
4. Source classification(s) : **Groundwater**
5. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, chapter 40B-21, F.A.C.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
7. 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.
8. 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.
9. 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.
10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, F.S.
11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.
12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.
14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.
15. 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 **2-09-00030.002**.
17. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.
18. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

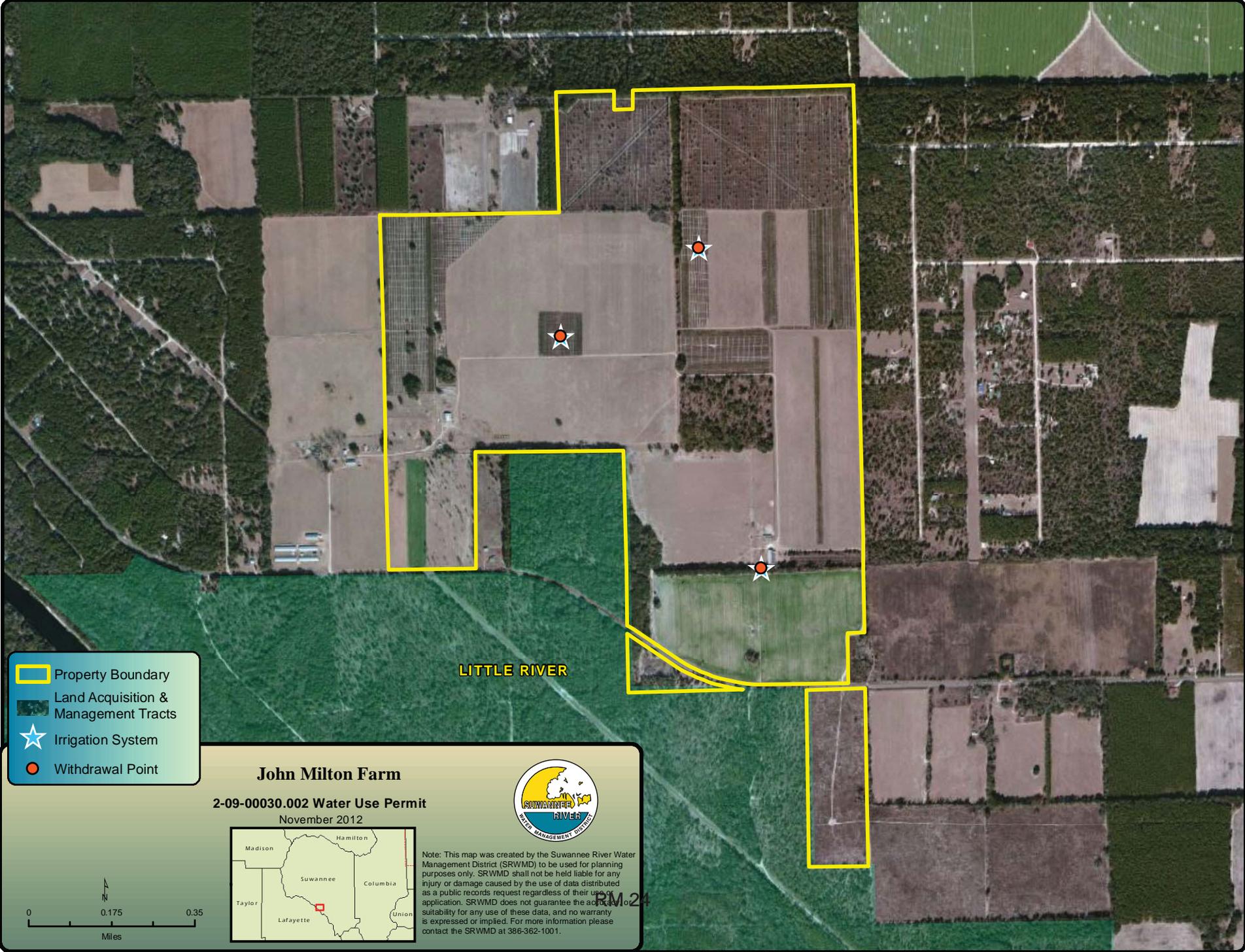
Special Limiting Conditions

19. Five-Year Compliance Review: This permit and the agricultural operation will be reviewed by District staff and the permittee every five years starting in the year 2014. During this review, the permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new Best Management Practices, improved irrigation techniques, different crop types, and/or any other significant factor.
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 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.
22. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement. This condition applies to the proposed wells only.
23. Upon written notification from the District of alternative water supply availability, permittee must use the alternative water supply if practicable. The District reserves the right to reopen this permit to require the use of alternative water supply and place all or a portion of the groundwater allocation on standby status.

Attachment A

2-09-00030.002
John D. Milton, Jr.

Name	Status	Diameter	Capacity (gpm)	Water Use
Well #1	Active	12	1400	Irrigation
Well #2	Proposed	12	1400	Irrigation
Well #3	Proposed	12	1200	Irrigation



-  Property Boundary
-  Land Acquisition & Management Tracts
-  Irrigation System
-  Withdrawal Point

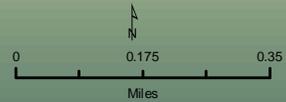
LITTLE RIVER

John Milton Farm

2-09-00030.002 Water Use Permit
November 2012



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.



APR 24

MEMORANDUM

TO: Governing Board

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

DATE: October 25, 2012

RE: Approval to Amend Contract 09/10-048 with Atkins North America, Inc. for the Implementation of the Federal Emergency Management Agency (FEMA) Risk Mapping Assessment, and Planning (MAP) Program within the Mapping Activity Statement (MAS) for FEMA Fiscal Year (FY) 2010 and FY 2011

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to amend contract 09/10-048 with Atkins North America, Inc. (Atkins) for independent Quality Assurance and Quality Control (QA/QC) of FY 2010 studies and for additional Program Management support of FY 2011 Risk MAP, not to exceed \$988,363.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's Risk MAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting Risk MAP for each basin, and subsequently, an MAS is developed for each year of participation.

The Governing Board approved the Executive Director to enter into contracts with six qualified firms on October 13, 2009, to implement the Risk MAP five-year plan. Under contract 09/10-048 Atkins has been assigned Program Management tasks for FY 2009 and FY 2010. Atkins has also been assigned Discovery tasks for FY 2010 and FY 2011. Independent QA/QC is needed, as listed within the MAS No. 10.07f, for FY 2010 studies performed by other selected firms. Also, the FY 2011 Risk MAP project requires Program Management activities which are listed in the FY 2011 MAS No. 11.08p. Atkins has provided efficient and quality services for the District's FEMA projects.

The existing contract is for \$727,094. This amendment is an increase of \$261,269. The total contract with Atkins North America will now be \$988,363.

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

JL/rl

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, P.E., Division Director, Resource Management
DATE: October 25, 2012
RE: Authorization to Seek Enforcement through State Attorney's Office
Regarding Allen Dean, CE12-0021, Taylor County

RECOMMENDATION

Staff requests authorization to seek enforcement through State Attorney's Office regarding Allen Dean, CE12-0021, Taylor County, for Practicing Well Construction without a Contractor's License.

BACKGROUND

The Department of Environmental protection (DEP) has delegated licensing of water well contractors to the Water Management Districts (WMDs) pursuant to chapter 62-531, Florida Administrative Code (F.A.C.). Additionally, chapter 62-532, F.A.C., requires that licensed contractors obtain a well construction permit prior to drilling wells. Under chapter 62-531, DEP has also delegated enforcement of well construction activities including non-licensed contractors and failure to obtain well construction permits to the WMDs.

State law also provides for regulation of wells under Part III of Chapter 373, Florida Statutes (F.S.). Specifically, Section 373.336(1), F.S. provides that:

“(1) It is unlawful for any person to:
(a) Practice water well contracting without an active license issued pursuant to this part.
(b) Construct, repair, or abandon a water well, or operate drilling equipment for such purpose, unless employed by or under the supervision of a licensed water well contractor or exempt under s. 373.326, F.S.”

And Section 373.336 (1)(f), F.S., also states that:

“(f) Engage in willful or repeated violation of this part or of any department rule or regulation or water management district or state agency rule or regulation relating to water wells which endangers the public health, safety, and welfare.

(2) It is unlawful for a business entity to engage in water well contracting or to perform any activity for which a license as a water well contractor is required unless a licensed water well contractor is responsible for supervising such activity of the business entity.

(3) Any person who violates any provision of this part or regulation or order issued hereunder shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Continuing violation after an order or conviction shall constitute a separate violation for each day so continued.”

As such, staff feels that a cost effective and timely resolution will result by turning this enforcement action over to the Taylor County State Attorney's Office to pursue. Staff will provide the State Attorney with any necessary support to resolve the issue.

TS/tm

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: October 25, 2012
RE: Adoption of Proposed Rule for 40B-1, 40B-4, and 40B-400, Florida Administrative Code (F.A.C.) for Statewide Environmental Resource Permitting

RECOMMENDATION

Staff recommends the Governing Board authorize:

- 1. Publication of a Notice of Proposed Rule for Chapters 40B-1, 40B-4, and 40B-400, F.A.C.**
- 2. File 40B-1, 40B-4, and 40B-400, F.A.C., with the Department of State if no objections or comments are received.**

BACKGROUND

Section 373.4131, Florida Statutes, became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMD) to develop statewide Environmental Resource Permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the State's ERP program.

To implement Section 373.4131, F.S., DEP has initiated rulemaking to revise chapter 62-330, F.A.C. The revisions to this chapter will cover provisions currently addressed in Suwannee River Water Management District (District) rule chapters 40B-1, 40B-4, and 40B-400, F.A.C. As a result, the District must amend rule chapters 40B-1, 40B-4, and 40B-400, F.A.C.

As part of its rulemaking, DEP also intends to incorporate by reference an Applicants' Handbook. At least two volumes of the Applicants' Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include basin designations and basin-specific rules within the WMD. These volumes will replace the District's current ERP Applicants' Handbook.

DISCUSSION

This memo, and attached Notices of Proposed Rules, is a continuation of the October 9, 2012, workshop on ERP fees staff presented to the Board. The attached Notices of Proposed Rule, if approved, will continue the rulemaking process to amend the District's rules consistent with the statewide ERP rule mandate in Section 373.4131, F.S. They show the changes that would be made to the language of each rule chapter and to the District's Applicant's Handbook Volume II. Although there are many changes shown, most of the rules have been moved to or replaced by Chapter 62-330, F.A.C., Applicant's Handbook Volume I or Applicant's Handbook Volume II. The major changes proposed to the rules are new fees and the expansion of thresholds such that more projects will qualify for exemptions or permits which do not require the design of an engineer. The changes proposed to the District's rules are summarized below.

40B-1

Staff proposes to update the fees to be consistent with the other WMDs and FDEP as presented in the October 9, 2012 Board workshop on ERP fees. In addition, staff proposes to add the procedures for applicants to apply for a variance to a Work of the District and to add the procedures for point of entry into proceedings and mediation. Lastly, some of the District's forms, such as the ERP application, will be repealed. These forms will be replaced by statewide forms that will be incorporated into Chapter 62-330, F.A.C. Other forms, such as As-built certifications, will be renumbered and renamed.

40B-4

Staff proposes to repeal all ERP rules from this chapter. All of the current ERP rules will be moved to or replaced by Chapter 62-330, F.A.C, the Applicant's Handbook Volume I, or the Applicant's Handbook Volume II. 40B-4, F.A.C. will become strictly Works of the District rules with new permitting thresholds. The changes to the Works of the District criteria will make our rules consistent with FEMA floodplain management rules and County Building Codes.

40B-400

Staff proposes to repeal all sections of this chapter except for the section entitled Documents, Publication and Agreements Incorporated by Reference. All of the rules that are proposed to be repealed will be moved to or replaced by Chapter 62-330, F.A.C, Applicant's Handbook Volume I, or Applicant's Handbook Volume II. Within the Documents, Publication and Agreements Incorporated by Reference section will be the link to Chapter 62-330, F.A.C., the Applicant's Handbook Volume II and other important documents needed to implement the ERP program.

Applicant's Handbook Volume II

Staff proposes to repeal the current Applicant's Handbook and Applicant's Guide. The information in the Applicant's Handbook will be moved to or replaced in the Applicant Handbook Volume I. The information in the Applicant's Guide will be moved to or replaced with the Applicant's Handbook Volume II.

Staff proposes to follow the timeline proposed by DEP such that statewide rules incorporated by reference will be implemented at the same time. The current projected proposed implementation of these rules is late March to early April 2013.

A copy of the Notices of Proposed Rule follows this memorandum.

LMII/rl

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

General and Procedure Rules

RULE CHAPTER NUMBER:

40B-1

RULE TITLES:

Fees

Variances from Specific Rule Criteria for Works of the District Permits

Point of Entry into Proceedings and Mediation

General

RULE NOS.:

40B-1.706

40B-1.707

40B-1.708

40B-1.901

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with section 373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant's Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District's Chapter 40B-1, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: This proposed rule will update the fees to be consistent with the other WMDs and DEP. In addition, the proposed rules will add a section which provides the procedures for applicants to apply for a variance for a work of the district and a section that will add the procedures for Point of Entry into Proceedings and Mediation. Lastly, some of the District's forms, such as the ERP application will be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that this will have an adverse economic impact on small business if ERP applicants choose to participate. This rule will not likely increase direct or indirect regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person, who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, F.S.

LAW IMPLEMENTED: 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:
Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.706 Fees.

(1) and (2) No Change

~~(3) Fees for Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters.~~

~~(a) Subsection 373.421(2), F.A.C., authorizes the governing board to require fees to process and act on a petition for formal determination of the landward extent of wetlands and other surface waters. Petition application fees shall be due at the time of filing the petition and shall be nonrefundable. Such fees shall be based on the total acreage of the property for which a request for formal determination is filed, according to the following schedule:~~

1. Properties less than 1 acre	\$250
2. Properties at least 1 acre but less than 10 acres	\$550
3. Properties at least 10 acres but less than 40 acres	\$750
4. Properties at least 40 acres but less than 100 acres	\$1,500
	0

~~5. For properties 100 acres or larger, the fee shall be \$1,500 for the first 100 acres and \$200 per each additional 100 acres (or portion thereof).~~

~~(b) For a new formal determination that covers property on which a valid formal determination exists the fee shall be \$250, provided:~~

~~1. The petition for the new formal determination is filed within 60 days of the date of expiration of the existing formal determination;~~

~~2. The physical conditions of the property have not changed, other than changes authorized by permit, so as to alter the boundaries of wetlands or other surface waters; and~~

~~3. The methodology for determining the landward extent of the wetlands and other surface waters as authorized by Sections 373.421 and 373.4211, Florida Statutes, has not been amended since the date the existing formal determination was issued.~~

~~(c) For petitions for determinations made as part of an application for a permit required by district rules, the fees enumerated above shall be supplemental to any applicable permit fee identified in tables 1.A. through 1.B. below.~~

~~(4) Any portion of the fees enumerated in this rule in excess of \$100 shall be waived for any city or county government upon receipt of a certification from such city or county of hardship required in Chapter 94-278, Laws of Florida. Any such certification shall be presumed to be valid for the entire fiscal year of the city or county during which certification is made unless the~~

~~certification clearly indicates a duration to the contrary.~~

TABLE 1.A. SCHEDULE OF PERMIT FEES

WATER USE PERMITS

General Water Use Permits Less than 10,000 GPD-ADR per paragraph 40B-2.041(4), F.A.C. \$100

Modification or Renewal \$50

General Water Use Permits 10,000 GPD-ADR or more and less than 2,000,000 GPD-ADR \$230

as per paragraph 40B-2.041(4), F.A.C.

Modification or Renewal \$115

Individual or Conceptual Approval Water Use Permits per subsection 40B-1.703(3) and paragraph 40B-2.041(5), F.A.C. \$530

Modification or Renewal \$265

TABLE 1.B. SCHEDULE OF FEES

ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS

~~General Permit for Agriculture Activities per paragraph 40B-4.2010(1)(b), F.A.C. \$250~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$200~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Noticed General Permit for Minor Activities per Rules 40B-400.417, 40B-400.427, 40B-400.431, 40B-400.439, 40B-400.453 through 40B-400.457, 40B-400.463, 40B-400.467, F.A.C. \$100~~

~~General Permits specified in paragraph 40B-4.2010(2)(b), F.A.C., as follows:~~

~~Projects Less Than 1 Acre and No Construction or Alteration in, or over~~

~~Wetlands or Other Surface Waters. \$250~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$200~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Projects Less Than 40 Acres and No Construction or Alteration in, on or over~~

~~Wetlands or Other Surface Waters. \$700~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$500~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Projects Less Than 100 Acres and No Construction or Alteration in, on or over~~

~~Wetlands or Other Surface Waters. \$1,000~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$750~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Projects Less Than 100 Acres with Up to 1 Acre of Construction or Alteration~~

~~in, on or over Wetlands or Other Surface Waters. \$1,600~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$1,200~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Projects Less Than 40 Acres with Up to 1 Acre of Construction or Alteration in,~~

~~on or over Wetlands or Other Surface Waters. \$1,000~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$750~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

~~Projects Greater Than 40 Acres but Less Than 100 Acres with Up to 1 Acre~~

~~Construction or Alteration in, on or over Wetlands or Other Surface Waters. \$1,600~~

~~Modification per subsection 40B-4.1110(4), F.A.C. \$1,200~~

~~Transfer per subsection 40B-4.1130(3), F.A.C. \$150~~

TABLE 1.B. SCHEDULE OF FEES

ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS

(Continued)

~~General Work of the District Development Permit per Rule 40B-4.3010, F.A.C. \$250~~

Individual Operations and Maintenance Permit for Existing Projects Permitted per Rule 40B-4.1040 and paragraph 40B-4.1070(1)(e), F.A.C.	\$1,750
Individual Permit for all Other Projects Not Specified Below with No Construction or Alteration in, on or over Wetlands or Other Surface Waters per Rule 40B-4.1040, F.A.C.	\$2,500
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,250
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Individual Permits with a Total Acreage of Construction or Alteration in, on or over Wetlands or Other Surface Waters as follows:	
Up to 2 acres	\$3,000
>2 up to 5 acres	\$4,000
>5 up to 10 acres	\$5,500
>10 up to 50 acres	\$6,500
>50 up to 100 acres	\$8,000
More than 100 acres	\$10,000
Modifications per subsection 40B-4.1110(4), F.A.C.	\$3,000
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Conceptual Approval Permits	\$5,600
Individual Permit for New Landfills per Rule 40B-4.1040, F.A.C.	\$8,350
Modification per subsection 40B-4.1110(4), F.A.C.	\$3,800
Modification per subsection 40B-4.1110(5), F.A.C., and Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,300
Individual Permit for Existing Landfills per Rule 40B-4.1040 and paragraph 40B-4.1070(1)(e), F.A.C.	\$9,500
Modification per subsection 40B-4.1110(4), F.A.C.	\$3,800
Modification per subsection 40B-4.1110(5), F.A.C., and Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,300
Variations Associated With an Environmental Resource Permit Application	
Variations from paragraph 40B-400.104(1)(c), F.A.C.	\$100
Other variations pursuant to Rule 40B-400.191, F.A.C.	\$500
Mitigation Banks and Mitigation Bank Conceptual Approval Permits	\$4,000
Modification of Mitigation Bank Permits or Mitigation Bank Conceptual Approvals Where the Total Land Area of the Project Is Not Increased	\$700
Modification of Mitigation Bank Permits or Mitigation Bank Conceptual Permits Where the Total Land Area of the Project Is Increased	\$2,000

<u>Use of the reviewing agency's electronic self-certification system</u>	<u>\$0</u>
<u>Verification of exemption under 373.406, F.S., 403.813, F.S., 62-330, F.A.C., or 40B-4, F.A.C.</u>	<u>\$100</u>
<u>Verification of qualification to use a Noticed General Permit under 62-330, F.A.C., or 40B-4, F.A.C.</u>	<u>\$250</u>
<u>Variance or Waiver under 120.542, F.S.</u>	<u>\$0</u>
<u>All other Variations or Waivers</u>	<u>\$550</u>
<u>Works of the District General Permits</u>	<u>\$490</u>
<u>Modification of a Works of the District General Permit</u>	<u>\$245</u>
<u>All Individual or Conceptual Approval Permits under 62-330, F.A.C. or 40B-4, F.A.C.:</u>	
<u>(1) New applications – the processing fee for a new permit application shall be as determined from the categories below:</u>	
<u>(a) Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips</u>	<u>\$490</u>
<u>(b) Total project area of less than 10 acres that does not meet (1)(a), above,</u>	<u>\$1,190</u>

<u>but that involves less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters, AND less than 10 new boat slips</u>	
<u>(c) Project exceeds any of the thresholds in (1)(b), above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on or over wetlands and other surface waters, AND less than 30 new boat slips</u>	<u>\$2,110</u>
<u>(d) Project exceeds any of the thresholds in (1)(c), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on or over wetlands and other surface waters, AND less than 50 new boat slips</u>	<u>\$5,610</u>
<u>(e) Project exceeds any of the thresholds in (1)(d), above, but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters</u>	<u>\$9,120</u>
<u>(f) Project exceeds any of the thresholds in (1)(e), above</u>	<u>\$11,220</u>
<u>(g) Projects that are exclusively agricultural or silvicultural, and that involve a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters</u>	<u>\$250</u>
<u>(h) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(g), above, but involves a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters</u>	<u>\$1,055</u>
<u>(i) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(h), above, but involve a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters</u>	<u>\$2,805</u>
<u>(j) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(i), above, but involve a total project area of less than 640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters</u>	<u>\$4,590</u>
<u>(k) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(j), above</u>	<u>\$5,610</u>
<u>(l) Individual or Conceptual Permits solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term "environmental restoration or enhancement" means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for fish, wildlife, and listed species</u>	<u>\$250</u>
<u>(m) Individual or Conceptual Permit solely to retrofit an existing stormwater management system or systems to add treatment to and reduce stormwater pollutant loadings from the system or systems</u>	<u>\$250</u>
<u>(2) All Major Modifications including those that exceed any of the thresholds in 62-330.315(3), F.A.C.:</u>	<u>50% of (1)</u>
<u>(3) All Minor Modifications including those that do not exceed any of the thresholds in 62-330.315(3), F.A.C.:</u>	

<u>(a) Transfers or Time Extensions of Permits, where not exempted from fees under Florida Statutes</u>	<u>\$0</u>
<u>(b) Minor Modifications to correct minor errors that do not involve technical review, or to incorporate changes requested by the reviewing agency</u>	<u>\$0</u>
<u>(c) All other Minor Modifications</u>	<u>25% of (1)</u>
<u>Resubmittal of an application that was previously withdrawn or administratively denied, in accordance with 62-330.090(1)(b), F.A.C. The Agency shall apply the processing fee paid when the previous application was submitted to the fee required for the new application. If the resubmitted application would require a greater fee, only the additional portion shall be required.</u>	
<u>New Determinations of the Landward Extent of Wetlands and Other Surface Waters</u>	
<u>(1) Informal Determinations, where:</u>	
<u>(a) Total area to be included in the determination is up to 1 acre</u>	<u>\$100</u>
<u>(b) Additional fee per acre (or portion thereof) beyond the first, total fee not to exceed \$500</u>	<u>\$50</u>
<u>(2) Formal Determinations, where:</u>	
<u>(a) Total area to be included in the determination is less than 10 acres</u>	<u>\$860</u>
<u>(b) Total area to be included in the determination is at least 10, but less than 40 acres</u>	<u>\$1,180</u>
<u>(c) Total area to be included in the determination is at least 40, but less than 100 acres</u>	<u>\$2,370</u>
<u>(d) Total area to be included in the determination is at least 100</u>	<u>\$2,370</u>
<u>(e) Additional fee per 100 acres (or portion thereof) beyond the first 100 acres</u>	<u>\$200</u>
<u>Reissuance of Informal Determinations</u>	<u>\$50</u>
<u>Reissuance of Formal Determinations, in accordance with 62-330.201(5), F.A.C.</u>	<u>\$350</u>
<u>Any fee in excess of \$100, as determined by this section, shall be reduced to this amount, which shall not exceed \$100, for public projects when the applicant is a county or municipality (or under contract thereto) that qualifies under Section 218.075, F.S.</u>	<u>\$100</u>

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 218.075, 373.109 FS. History—New 6-16-88, Amended 11-25-90, 12-22-92, 10-16-94, 11-8-94, 10-3-95, 1-3-96, 6-22-99, 5-6-12 [DATE]..

40B-1.707 Variances from Specific Rule Criteria for Works of the District Permits

(1) The Governing Board is authorized to grant a variance from the provisions of Section 373.414, F.S., and 40B-4.3030, F.A.C., pursuant to Section 403.201, F.S. The variance under this rule is provided in addition to the variance and waiver procedures set forth in Chapter 28-104, F.A.C., which implements Section 120.542, F.S.

(2) A person seeking a variance must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed and that the grant of a variance will be consistent with the general intent and purpose of this chapter.

(3) Any person seeking a variance shall file a petition for a variance that contains the following information:

(a) The petitioner's name and signature.

(b) The statute or rule from which the variance is sought.

(c) Facts showing that a variance should be granted for one of the reasons set forth in Section 403.201, F.S.

(d) The time period for which the variance is sought, not to exceed the time period permitted by law, including the reasons and facts supporting the time period.

(e) The requirements which the petitioner can meet including the date or time when the requirements will be met.

(f) The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. The petitioner shall include a schedule when compliance will be achieved.

(g) The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is granted.

(h) The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is denied.

(4) The District shall review the application within a reasonable period of time after receipt to determine if the application is complete. If the application is determined to be incomplete, the applicant shall be afforded an opportunity to supply additional information before the District evaluates the merits of the request.

(5) The District shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition.

(6) The District shall prepare a notice of proposed agency action regarding the petition for a variance. The District shall publish this notice one time in the Florida Administrative Weekly, and one time in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

(7) Renewals of variances shall be applied for in the same manner as the initial variance.

Rulemaking Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 403.201 FS. History—New 9-2-98, Amended 6-12-00, 6-26-02 [DATE].

40B-1.708 Point of Entry into Proceedings and Mediation

(1) Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to this chapter, publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) If the Board takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., unless otherwise provided by law. The Board action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.

(3) Notwithstanding Rule 28-106.111, F.A.C., intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, F.S., shall provide a 14 day point of entry to file petitions for administrative hearing under Rule 28-106.111, F.A.C.

Rulemaking Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History—New 7-2-98, Amended 6-12-00, 3-22-09 [DATE].

40B-1.901 General.

The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or on the District's website requested by mail or telephone and are hereby incorporated by reference as follows:

(1) Form number 40B-2.041A, The form entitled Water Use Permit Status Form, ~~form number 40B-2.041A, is~~ incorporated by reference in Rule 40B-2.041, F.A.C.;

(2) Form number 40B-2.041B, The form entitled Application for Water Use Permit Agricultural Use, ~~form number 40B-2.041B, is~~ incorporated by reference in Rule 40B-2.041, F.A.C.

(3) Form number 40B-2.041C, The form entitled Application for Water Use Permit Augmentation/Other Use, ~~form number 40B-2.041C, is~~ incorporated by reference in Rule 40B-2.041, F.A.C.;

(4) Form number 40B-2.041D, The form entitled Application for Water Use Permit Commercial Use, ~~form number 40B-2.041D, is~~ incorporated by reference in Rule 40B-2.041, F.A.C.;

(5) Form number 40B-2.041E, The form entitled Application for Water Use Permit Potable Water Supply Use, ~~form number 40B-2.041E, is~~ incorporated by reference in Rule 40B-2.041, F.A.C.;

(6) Form number 40B-2.351A, The form entitled Water Use Permit Transfer Form, ~~form number 40B-2.351A, is~~ incorporated by reference in Rule 40B-2.351, F.A.C.;

~~(7) The form previously incorporated in this subsection is no longer valid;~~

~~(8) The form previously incorporated in this subsection is no longer valid;~~

~~(9) The form previously incorporated in this subsection is no longer valid;~~

~~(10) 40B-1.901(10) Notice of Intent to Construct a Minor Surface Water Management System Pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., Effective January 29, 2001;~~

~~(714) Form number 40B-4.3020, The form entitled~~ Application for a General Work of the District Development Permit for District Floodways, ~~form number 40B-4.3020A, is~~ incorporated by reference in Rule 40B-4.3020, F.A.C.;

~~(12) The form entitled~~ Petition for a Formal Wetland and Surface Water Determination, ~~form number 40B-400.046A, is~~ incorporated by reference in Rule 40B-400.046, F.A.C.;

~~(13) 40B-1.901(13) Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Effective January 29, 2001;~~

~~(14) 40B-1.901(14) Construction Commencement Notice, Effective January 29, 2001;~~

~~(15) 40B-1.901(15) Annual Status Report, Effective January 29, 2001;~~

~~(8) Form number 40B-1.901(A), As-Built Certification by the Permittee, Effective January 29, 2001.~~

~~(9) Form number 40B-1.901(B), As-Built Certification by the Operation and Maintenance Entity, Effextive January 29, 2001.~~

~~(1046) Form number 40B-1.901(C46), As-Built Certification by a Registered Professional, Effective January 29, 2001; and~~

~~(11) Form number 40B-1.901(D), Transfer to Operation and Maintenance Entity (17) 40B-1.901(17) Notice of Intent to Construct, Operate, Maintain, Alter, Abandon, or Remove a Minor Silvicultural System Pursuant to Rule 40B-400.500, F.A.C., Effective May 15, 2005.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, 4-1-10 [DATE].

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Sagul, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: November 15, 2012.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Works of the District Permits

RULE CHAPTER NUMBER:

40B-4

RULE TITLES:

RULE NOS.:

Definitions	40B-4.1020
Implementation	40B-4.1030
Permits Required	40B-4.1040
Exemptions	40B-4.1070
Documents, Publications and Agreements Incorporated by Reference	40B-4.1090
Duration of Permits	40B-4.1100
Modification of Permits	40B-4.1110
Revocation of Permits	40B-4.1120
Transfer of Permits	40B-4.1130
Limiting Conditions on Permits	40B-4.1140
Emergency Authorization	40B-4.1150
Inspections and Enforcement	40B-4.1170
General Environmental Resource Permits	40B-4.2010
Content of Environmental Resource Permit Application	40B-4.2020
Conditions for Issuance of Environmental Resource Permits	40B-4.2030
Minimum Operation and Maintenance Entity Requirements	40B-4.2035
Minimum Operation and Maintenance Standards	40B-4.2040
Works of the District Permits	40B-4.3010
Content of a Works of the District Permit Application	40B-4.3020
Conditions for Issuance of Works of the District Permits	40B-4.3030
Minimum Operation and Maintenance Standards	40B-4.3040
Unlawful Use of Works of the District	40B-4.3050

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with section 373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement section 373.4131, F.S., DEP has initiated rulemaking to revise

Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant's Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District's Chapter 40B-4, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: This proposed rule will repeal and remove all ERP rules and references. 40B-4, F.A.C. will become strictly a Works of the District rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse economic impact on small business if ERP applicants choose to participate. This rule will not likely increase direct or indirect regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person, who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, F.S.

LAW IMPLEMENTED: 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:
Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1020 Definitions.

(1) "100-Year Flood/One Percent Annual Chance of Flood" means that flood which has a one-percent probability of recurrence in any one year. The 100-year flood/one percent annual chance of flood elevation is the highest elevation of flood waters during the 100-year flood/one percent annual chance of flood and is calculated or estimated from the best available information. The 100-year flood/one percent annual chance of flood elevation shall not include coastal storm surge elevations unless such elevations have been developed in an approved Federal Emergency Management Agency Flood Insurance Study and such approved storm surge elevations have been accepted for implementation by the appropriate unit of local or state government.

(2) "Clearing" means removal of either vegetation or structures for any purpose other than perpetual agricultural or silvicultural activities. Clearing includes, but is not limited to, cutting brush, removal of trees, burning, root-raking, de-stumping, land leveling, earthwork, chopping,

grinding, and any other activity intended to convert property from its current condition to a developable condition.

~~(3) "Conservation Plan" means a formal document, prepared or approved by the local Soil and Water Conservation District organized pursuant to Chapter 582, F.S., which outlines a system of management practices to control soil erosion, reduce sediment loss, or protect the water quality on a specific parcel of property.~~

(43) "Conversion" means a man-made change to a wetland as defined in Section 373.019(22), F.S., or surface water by draining, filling, or other means which results in the permanent change of the wetland or surface water to an upland.

~~(5) "Critical Duration" means the duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical duration" storm.~~

~~(6) "Detention" or "To Detain" means the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of stormwater.~~

(47) "Development" means any man-made change to improved or unimproved real estate within a work of the district including but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.

(58) "Direct Hydrologic Connection" means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.

~~(9) "Effective Grain Size" means the diameter of filter sand or other aggregate that corresponds to the 10th percentile finer by dry weight on the grain size distribution curve.~~

(106) "Engineer" means a professional engineer registered in Florida, or other person exempted pursuant to the provisions of Chapter 471, F.S., who is competent in the fields of hydrology and stormwater control.

~~(11) "Existing Surfacewater Management System" means any surfacewater management system including an individual work upon which construction is complete and the system is in operation on the effective date of this chapter, or any system which has received construction authorization pursuant to a permitting program established under the authority of Chapter 373 or 403, F.S., prior to the effective date of this chapter. In addition, a redevelopment project, including drainage improvements, street paving, or stormwater improvements, which has received funding approval in a local unit of government's fiscal year 1985-1986 budget or for which federal or state grant funds have been committed prior to the effective date of this chapter shall be considered an existing system.~~

~~(12) "Filtration" or "To Filter" means selective removal of suspended matter from stormwater by passing the water through at least two feet of suitable fine textured granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.~~

(743) "Floodway" or "Regulatory Floodway" means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood/one percent annual change of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

(814) "Governing Board" means the governing board of a water management district. Unless used in a different context, "governing board" or "board" means the governing board of the Suwannee River Water Management District.

~~(15) "Impervious" means land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.~~

~~(16) "Minimum Level" means the level of the water table or of the potentiometric surface in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.~~

(917) "Minimum Rate of Flow" means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.

~~(18) "New Surfacewater Management System" or "New Works" means any system or work which is not an existing system.~~

(1019) "New Development" means any development as defined herein which:

(a) Was not complete on the effective date of this chapter; or

(b) Involves substantial improvement to any structure in a work of the district; or

(c) Involves alteration of any work or development appurtenant works or surfacewater management system in a work of the district.

(1120) "Obstruction" means any fill, structure, work, appurtenant work, or surfacewater management system placed in waters, a floodway, or a work of the district which may impede the flow of water or otherwise result in increased water surface elevations.

(1224) "Project Area" means the total land area owned or controlled by the applicant which will be serviced or affected by a surfacewater management system or work.

~~(22) "Retention" or "To Retain" means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff by complete on-site storage.~~

~~(23) "Stormwater" means the flow of water which results from, and which occurs immediately following a rainfall event.~~

(1324) "Structure" means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

~~(25) "Subdivision" means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.~~

(1426) "Substantial Improvement" means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe conditions or any alteration of a structure listed on the National Register of Historic Places.

(2715) "Surveyor" or "Professional Land Surveyor" means a person who is registered to engage in the practice of land surveying under Sections 472.001 through 472.039, F.S.

~~(28) "Uniformity Coefficient" means the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D60/D10 ratio where D10 and D60 refer to particle diameter corresponding to the 10th and 60th percentile of the material which is finer by dry weight.~~

(1629) "Water Management District" means any flood control, resource management, or water management district operating under the authority of Chapter 373, F.S. Unless otherwise stated, water management district or district shall refer to the Suwannee River Water Management District.

~~(30) "Watershed" means the land area which contributes to the flow of water into a receiving body of water. Watersheds are subdivided into the following types;~~

~~Coastal: watershed areas contributing runoff to the Gulf of Mexico by sheet flow or coastal streams which are subject to tidal effect.~~

~~Stream: watershed areas contributing runoff to a stream or river.~~

~~Lake-Open: watershed areas contributing runoff to a lake which has an outfall.~~

~~Lake-Closed: watershed areas contributing runoff to a lake which does not have an outfall.~~

~~Stream-Sink: watershed areas contributing runoff to a stream which recharges an aquifer through a sinkhole under normal flow.~~

~~Internal Drainage: watershed areas without well defined surfacewater drainage patterns and where runoff, if it occurs, infiltrates as recharge following a rain event.~~

(17) Work or "Works" means all artificial structures, including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state and includes all types of dredging and filling to create, remove, or located in, on, or over wetlands or other surface waters.

~~(1834) "Work of the District" means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board as works of the district. Works of the district officially adopted by the board are adopted by rule in Rule 40B-4.3000, F.A.C., of this chapter.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History—New 9-25-85, Amended 12-22-92, 10-3-95, 5-13-07, 2-28-12 [DATE].

40B-4.1030 Implementation.

The implementation dates of this chapter are as follows:

~~(1) January 1, 1986 for paragraph 40B-4.1040(1)(a), F.A.C., which requires persons to obtain surfacewater management permits.~~

~~(2) April 1, 1986 for paragraph 40B-4.1040(1)(ab) and Rule 40B-4.3040, F.A.C., which require persons to obtain works of the district development permit if the proposed development is in one of the following areas adopted as a work of the district.~~

~~(a) The Alapaha River and its floodway in Hamilton County, Florida;~~

~~(b) The Aucilla River and its floodway in Jefferson, Madison, or Taylor counties, Florida;~~

~~(c) The Suwannee River or its floodway in Columbia, Hamilton, Lafayette, Madison, or Suwannee counties, Florida; or~~

~~(d) The Withlacoochee River and its floodway in Hamilton or Madison counties, Florida.~~

~~(3) July 1, 1986 for paragraph 40B-4.1040(1)(ba) or 40B-4.3040, F.A.C., which require persons to obtain work of the district development permit if the proposed development is in one of the following areas adopted as a work of the district.~~

~~(a) The Santa Fe River and its floodway in Alachua, Bradford, Columbia, Gilchrist, Suwannee, or Union counties, Florida; or~~

~~(b) The Suwannee River and its floodway in Dixie, Gilchrist, or Levy counties, Florida.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.409, 373.413, 373.416, 373.426 FS. History— New 9-25-85 Amended [DATE].

40B-4.1040 Permits Required.

(1) Permits are required as follows:

~~(a) Environmental resource permit prior to initiating any project which involves draining, developing, or subdividing property, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging or filling, or the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, appurtenant works, works, or surfacewater management system.~~

~~(ab) Works of the district development permit prior to initiating any project which involves draining, developing, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging of filling, or the construction, alteration, maintenance operation, or abandonment of any dams, impoundment reservoir, appurtenant works, works or surfacewater system.~~

~~as outlined in paragraph (a) above within a regulatory floodway as defined within this chapter.~~

~~(be) When the need to obtain a works of the district development permit is in conjunction with the requirements for obtaining an environmental resource permit, application shall be made and shall be considered by the district as part of the request for an environmental resource permit application. In such cases the environmental resource permit shall include the requirements of this chapter. Otherwise, a separate works of the district development permit must be obtained.~~

(2) ~~Works of the District~~ ~~Each of the foregoing~~ permits may be issued in one of ~~fivefour~~ forms as follows:

(a) Noticed general permits are issued by rule upon notice from the applicant that an activity authorized by specific rules in this chapter is going to be constructed, operated and maintained in accordance with said rules.

(b) General permits are issued for relatively minor projects following limited investigation and project review.

~~Unless a general permit is authorized pursuant to this chapter, an individual or conceptual approval permit is required.~~

(c) Individual permits are issued for projects which may have significant impacts on water and related land resources.

~~and require governing board action.~~

(d) Conceptual ~~approval~~ permits are issued for projects which are expected to occur in phases or over long periods of time. ~~and also require governing board action.~~ However, conceptual approval permits cannot authorize actual construction.

~~(e) Abandonment permits are issued for projects which propose to remove works or development in a work of the district.~~

~~(e3) Specific procedures, noticing or application requirements, and conditions for issuance of ~~environmental resource permits or~~ works of the district ~~development~~ permits are detailed in Rule 40B-1.703, F.A.C., ~~or Part II or Part III of this chapter or Chapter 40B-400, F.A.C.,~~ including any materials adopted by reference thereto.~~

~~(3) Chapter 93-213, Laws of Florida, amended Chapters 373 and 403, F.S., to provide for consolidation and streamlining of permitting programs of the district and Department. Chapter 93-213, L.O.F., required a series of rule amendments by the water management districts and Department to accomplish the streamlining and consolidation. The adoption of Chapter 40B-400, F.A.C., was the first significant rulemaking effort of the district necessary to comply with the provisions of Chapter 93-213, L.O.F. The provisions of Chapter 40B-400, F.A.C., are supplemental to this chapter. Subsequent to the effective date of Chapter 40B-400, F.A.C., permits required by this chapter which have been known as surfacewater management permits will be henceforth titled Environmental Resource Permits. Subsequent to the effective date of Chapter 40B-400, F.A.C., if a provision of this chapter is found to be in conflict with a provision of Chapter 40B-400, F.A.C., the provisions of Chapter 40B-400, F.A.C., shall govern.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 12-22-92, 10-3-95, 10-18-04 [DATE].

40B-4.1050 Permit Fees.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109 FS. History—New 9-25-85, Amended 6-16-88, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-4.1060 Recognition of Comparable Regulatory Programs.

The district recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, state, or federal agencies which may overlap with some or all of the requirements of this chapter. In order to avoid duplication, an applicant may use any forms, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a local unit of government, other state, or federal agency, pursuant to any rules which establish requirements equal to or more stringent than these rules in lieu of any such submittals required by Rule ~~40B-4.2020~~ or 40B-4.3020, F.A.C., of this chapter.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.085, 373.413 FS. History—New 9-25-85, Amended 9-13-04 [DATE].

40B-4.1070 Exemptions.

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

~~(a) The activities which are exempt pursuant to Section 373.406, F.S., are as follows:~~

~~1. The alteration of the topography of any tract of land for purposes consistent with the practice of agriculture, silviculture, floriculture, or horticulture so long as such alteration is not for the sole or predominant purpose of impounding or obstructing surface waters.~~

~~2. The construction, operation, or maintenance of any agricultural closed system; however, this exemption does not eliminate the necessity of meeting generally accepted engineering practices for the construction, operation, and maintenance of dams, dikes, or levees.~~

~~(b) Surfacewater management system where the sole purpose of such a system is to facilitate the construction, reconstruction, alteration, or maintenance of a structure or structures for private residential use which will have less than 0.25 acres of total impervious surface (including buildings and paved areas such as driveways, carports, etc.) within the project area, provided such residential structures are not placed in waters or result in the destruction of wetlands. This exemption does not apply to construction which will impound surface waters, the development of a system servicing industrial or commercial land uses, or subdivisions.~~

~~(c) Surfacewater management system which will connect to a system permitted and constructed pursuant to this chapter providing the permit for the permitted system anticipated the connection or it is modified to include the connection and the system is functioning as permitted.~~

~~(d) Culverts (or similarly functioning works) used in conjunction with the maintenance or repair of existing agricultural or forestry roads in upland areas where the culvert is not placed in a stream or wetland and its predominant purpose is to provide conveyance of sheet flow that would be impeded without the culvert.~~

~~(e) Existing surfacewater management systems which are maintained and operated (not altered), provided the system is not or does not become a danger to public health or safety.~~

~~(f) Connections or additions to existing surfacewater management systems owned, operated, and maintained by a unit of local (city or county), regional, or state government if the connection or addition is authorized by the local unit of government under a local ordinance or by the unit of regional or state government under a license issued pursuant to Section 120.60,~~

F.S., if:

- ~~1. The authorization or license requires control of post-development runoff rates and/or volumes in a manner consistent with the requirements of Rule 40B-4.2030, F.A.C.;~~
- ~~2. Such connections or additions do not require alteration of the existing system; and~~
- ~~3. Such connections or additions do not cause the existing system to become a hazard to the public health, safety, or general welfare.~~

~~(g) The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other storm water management systems is not reduced and the projects are located completely within uplands:~~

- ~~1. Sidewalks that have a width of six feet or less,~~
- ~~2. Turn lanes less than 0.25 miles in length and other intersection improvements,~~
- ~~3. Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.~~

~~(h) Recreational paths that have a width of eight feet or less for one-lane paths and twelve feet or less for two-lane paths and which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.~~

~~(21) The following activities are exempt from the requirements for obtaining works of the district ~~development~~ permits specified in paragraph 40B-4.1040(1)(~~ba~~), F.A.C.:~~

(a) Work or dDevelopment 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) Alterations to the topography of land which shall include, but not be limited to, plowing, bedding, or minor grading, harvesting or regeneration associated with the normal practices of agriculture, silviculture, or horticulture, whether private or commercial provided:

1. No fill from outside the immediate area of such alterations is used.
2. The erosion of disturbed soils can be controlled through the use of appropriate best management practices.
3. The seasonal scheduling of such activities will avoid work during times of high-flood hazard.
4. The 75 feet immediately adjacent to and including the normally recognized bank of a water is left in its natural state.

~~(3) The following activities are not subject to the permitting requirements of this chapter:~~

~~(a)(c)~~ Construction or maintenance of certain docks, seawalls, bulkheads, mooring pilings, or dolphins which are regulated by the Florida Department of Environmental Protection pursuant to the authority in Section 403.813, F.S.

~~(b)-(d)~~ Work or dDevelopment 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)~~ Projects which have received an authorization under Rule 403.814(12), F.S.

~~(f)~~ Structures placed below the natural grade of the ground outside of the 75 foot setback.

~~(g)~~ 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 of a reasonable size, which are less than or equal to 6 inches above the natural grade of the ground provided that the decorative landscape garden is located outside of the 75 foot.

~~(i)~~ Driveways, sidewalks, and paths which at the driving or walking surface, is less than or equal to 6 inches above the adjacent natural grade of the ground and located outside of the 75

foot setback.

(j) Boardwalks or stairs, waterward of the top of bank, which are no more than 5 feet in width. If landings are required, each shall be no more than 144 square feet.

(k) the removal of dead or diseased vegetation.

(42) Upon written request, the district will provide written confirmation that projects such as described in subsections 40B-4.1070(1) ~~through (3)~~, F.A.C., are exempt. Persons making such requests shall state the provision under which a project is considered exempt and may supply any supporting information to substantiate the request. ~~The request must include evidence that the owner of a permitted or existing system will authorize a connection if an exemption under paragraphs 40B-4.1070(1)(c), (e), or (f), F.A.C., is claimed.~~

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 [DATE].

40B-4.1080 Procedures and Schedule for Receiving Applications, Comments, Agency Action, and Administrative Hearings.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.116, 373.118, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 3-19-86, Repealed 6-16-88.

40B-4.1090 Documents, Publications and Agreements Incorporated by Reference.

(1) The Governing Board hereby adopts by reference ~~the~~ Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, U.S. Army Corps of Engineers, Jacksonville District used to establish the floodway for the works of the district identified in Chapter 40B-4, Part III, F.A.C.

(2) The following Flood Insurance Studies are hereby incorporated by reference and supersede subsection 40B-4.1090(1), F.A.C., for each county listed below:

(a) Alachua County, Florida and Incorporated Areas, Effective June 16, 2006;

(b) Columbia County, Florida and Incorporated Areas, Effective February 4, 2009;

(c) Dixie County, Florida and Incorporated Areas, Effective September 29, 2006;

(d) Gilchrist County, Florida and Incorporated Areas, Revised September 29, 2006;

(e) Hamilton County, Florida and Incorporated Areas, Effective June 4, 2010,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00140>;

(f) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006;

(g) Madison County, Florida and Incorporated Areas, Effective May 3, 2010;

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00140>

(h) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007;

(i) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;

(j) Union County, Florida and Incorporated Areas, Effective February 4, 2009.

(k) Bradford County, Florida and Incorporated Areas, Effective May 2, 2012

(l) Levy County, Florida and incorporated Areas, Effective November 2, 2012

(m) Jefferson County, Florida and Incorporated Areas, Effective July 16, 1991

(3) The Governing Board hereby adopts by reference the “Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual”, effective July 2008. This is available at District headquarters and on the District’s website.

(4) The Governing Board hereby adopts the Applicants’ Handbook Volume II effective March 1, 2013. This is available at district headquarters and on the District’s website.

(5) The Governing Board hereby adopts by reference the “Urban Hydrology for Small Watersheds”, U.S. Department of Agriculture, Soil Conservation Service, Engineering Division, Technical Release 55, June 1986; and, “Buffer Zone Study for Suwannee River Water Management District”, Dames and Moore, September 8, 1988. This is available at district headquarters and on the District’s website.

(6) The Governing Board hereby adopts by reference the “Standard Methods for the Examination of Water and Wastewater” by the American Public Health Association or “Methods for Chemical Analysis of Water and Wastes” by the U.S. Environmental Protection Agency. This is available at district headquarters and on the District’s website.

(7) The Governing Board hereby adopts by reference the latest version of the “Florida Standard Specification for Road and Bridge Construction”. This is available at district headquarters and on the District’s website.

Rulemaking Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History—New 11-21-02, Amended 5-13-07, 4-21-08, 4-30-09, 8-31-09, 3-14-11 [DATE].

40B-4.1100 Duration of Permits.

(1) The standard duration of permits issued pursuant to this chapter shall be as follows:-

(a) Three years duration for noticed general permits authorizing the construction or alteration of a work or development in a works of the district. When a permit is issued for construction or alteration and the subsequent operation and maintenance, the portion of the permit authorizing construction or alteration shall be limited to three years from the date of issuance. The portion of the permit for the subsequent operation and manitenance shall be perpetual.

~~(ba) Three years duration for general permits authorizing the construction or alteration of a surfacewater management system or work or development in a works of the district. work unless the construction involves or affects a works of the district development permit. In the latter event, the duration shall be specified as a limiting condition on the permit.~~ When a permit is issued for construction or alteration and the subsequent operation and maintenance, the portion of the permit authorizing construction or alteration shall be limited to three years from the date of issuance. The portion of the permit for the subsequent operation and manitenance shall be perpetual.

~~(cb) Five years’ duration for individual permits authorizing the construction or alteration of a surfacewater management system or work or development in a works of the district. work unless the construction involves or affects a works of the district development permit. In the latter event, the duration shall be specified as a limiting condition on the permit but shall not exceed five years.~~ When a permit is issued for construction or alteration and the subsequent operation and maintenance, ~~then~~ the portion of the permit authorizing construction or alteration shall be limited to five years from the date of issuance. Individual permits shall not be extended. The portion of the permit for the subsequent operation and manitenance shall be perpetual.

(d) Five years’ duration for conceptual approval permits unless, within that period, application for a works of the district permit for any part of the project is filed. If such application is filed, the conceptual approval permit is valid for the duration of the project.

(e) Five years duration for abandonment permits to remove a work or development in a work of the district.

~~(c) Perpetual duration for permits authorizing the operation and maintenance of a surfacewater management system or work.~~

~~(d) Five years’ duration for conceptual approval permits unless, within that period, application for a construction, alteration, operation, and maintenance permit for any part of the project is filed. If such application is filed, the conceptual approval permit is valid for the duration of the project. Conceptual approval permits shall not be extended.~~

~~(e) As specified on the permit for any permit to abandon a system or work but not to exceed five years.~~

(2) Permits may be authorized with durations that are less than the standard durations found in subsection 40B-4.1100 (1), F.A.C.

(3) Permits may not be authorized with durations that are greater than the standard durations found in subsection 40B-4.1100 (1), F.A.C.

(4) Permits shall not be extended

~~authorizing the construction, alteration, or abandonment of a system or work shall expire as specified~~

~~in the permit.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 12-22-92, 9-13-04 [DATE].

40B-4.1110 Modification of Permits.

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

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

(3) If the executive director determines that the danger to the public is imminent, he may order a temporary suspension of construction, alteration, repair, or operation of the ~~system,~~ work, or development in a work of the district; or he may specify temporary conditions for continued operation, alteration, repair, or development until a hearing is complete or the district otherwise issues a final order; or the executive director may take appropriate action pursuant to Rule 40B-4.1170, F.A.C.

(4) Applications to modify permits may be made by permittees in the same manner as the original permit.

(5) Requests to modify permits for construction or operation, applications may be filed by letter request provided the modification does not:

- (a) Request a substantial change in the permit authorization; or
- ~~(b) Increase the off-site discharge;~~
- ~~(c) Decrease the required detention or retention;~~
- ~~(d) Increase calculated 100 year flood/one percent chance elevations. Decrease (lower) required flood control elevations of roads or buildings; or~~
- ~~(e) Decrease stormwater treatment quantities or efficiency.~~

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

40B-4.1120 Revocation of Permits.

(1) The district may revoke a permit if it determines that a ~~surfacewater management system, work or development in a work of the district work, or appurtenant work~~ has become a danger to the public health or safety or is in violation of any district rule or order or the conditions of the permit.

(2) Revocation of permits shall be conducted in accordance with Section 373.429, F.S., and Chapter 40B-1, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.57, 120.60, 373.084, 373.085, 373.429 FS. History—New 9-25-85 [DATE].

40B-4.1130 Transfer of Permits.

(1) Noticed General, General, and Conceptual works of the district ~~development~~ permits shall automatically transfer to operation and maintenance entity or the new owner upon his taking title to the lands involved in such a permit. No notice to the district shall be required for

such transfer~~s~~ unless specifically required as a limiting condition on the permit.

~~(2) Environmental resource permits for operation and maintenance will be transferred to the responsible entity for such operation and maintenance upon completion of all work specified in the permit to construct, alter or abandon, provided the permittee notifies the district in accordance with Section 373.416(2), F.S., within 30 days of the sale or conveyance of the system, work, appurtenant work or works, or the land on which the permitted project is located.~~

~~(3) A permittee may apply for transfer of a surfacewater management permit to construct or alter a surfacewater management system pursuant to the requirements of this chapter and upon submission of any fee required by Rule 40B-1.706, F.A.C. However, a surfacewater management permit to construct or alter a system will not be transferred after the expiration date of any such permit.~~

(24) Individual, and abandonment permits shall not be automatically transferred. After completion of construction or removal of the work or development in a work of the district, surfacewater management system and any required approvals by the district, the district will transfer the operational and maintenance phase of the permit to the accepted operational entity identified in the permit. When a new entity becomes the owner of the system, the permittee and new owner shall notify the District of the sale and new entity responsibilities. The District shall transfer the permit to the new operation and maintenance entity.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.413, 373.416 FS. History—New 9-25-85, Amended 12-22-92, 9-13-04 [DATE].

40B-4.1140 Limiting Conditions on Permits.

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

~~(2) In addition to specific project conditions on any permit, t~~The following standard limiting conditions shall be a part of all permits issued pursuant to this chapter unless waived or modified by the District.:

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

(b) Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain performance based erosion and sediment control best management practices. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual. If project-specific conditions require additional measures beyond those specified in the erosion and sediment control plan, if approved as part of the permit, the permittee shall implement the additional best management practices as necessary. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources or adjacent properties.

~~(bc)~~ Water quality data representative of the water discharged from the permitted work or development in a work of the districtsystem, including, but not limited to, the parameters in Chapter 62-302, F.A.C., shall be submitted to the district as required. If water quality data ~~are~~ is required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in “Standard Methods for the Examination of Water and Wastewater” by the American Public Health Association or “Methods

for Chemical Analysis of Water and Wastes” by the U.S. Environmental Protection Agency.

~~(de)~~ Noticed general and general permits shall be transferred to the The operational and maintenance phase automatically upon the completion of the work or development in a work of the district. The operational and maintenance phase of individual and abandonment permits of an environmental resource permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the district. ~~If required by the district,~~ Such as-built certification shall be made by a registered licensed professional-an engineer or surveyor. Within 30 days after the completion of construction or independent portion of the work or development in a work of the district, the permittee shall submit a written statement of completion and certification by a registered licensed professional, using the supplied As-Built Certification Form No. 40B-1.901(21). When the completed work or development in a work of the district differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the construction of the work or development in a work of the district is complete and ready for inspection. The statement of completion and certification shall be based on on-site observations conducted by the registered licenced professional, or under his or her direct supervision or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as “as-built” or “record” drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(e) The operation phase of individual and abandonment permits shall not become effective until the permittee has complied with the requirements of the condition in the paragraph above, the District determines the work or development in a work of the district to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the approved responsible operation and maintenance operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40B-4.1130, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

~~Within 30 days after the completion of construction of the system, the permittee shall notify the district that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the district for operation and maintenance. The district may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.~~

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

~~(e) The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40B-1, F.A.C.~~

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

~~(hg)~~ The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.

~~(h) It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.~~

~~(i) The surfacewater management system shall be constructed prior to or concurrent with the development that the system is intended to serve, and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve.~~

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

~~(j) This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in Chapter 40B-4, F.A.C.~~

~~(k) All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.~~

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

~~(m) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.~~

~~(n) Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.~~

~~(o) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40B-1.901(19) indicating the actual start date and the expected completion date.~~

~~(p) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40B-1.901(20). These forms shall be submitted during June of each following year.~~

~~(q) For those works or developments which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the work or development, such easement or deed restriction, together with any other final operation or maintenance documents as are required by paragraph Part VI of the Applicants Handbook Volume II, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the work or development, or upon completion of construction of the work or development, whichever occurs first. For those works or developments which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the work or development is accepted by the local governmental entity. Failure~~

to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted work or development.

(r) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(s) The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted work, development, or the real property at which the work or development is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40B-4.1130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(t) Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the work or development to insure conformity with the plans and specifications approved by the permit.

(u) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District. If evidence of the existence of historic resources is discovered or observed at permitted project sites or during permitted activities after a permit is issued, the applicant, owner, contractor, or agent thereof shall notify the District and the Division of Historical Resources, Compliance and Review Section within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds.

(v) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

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

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

40B-4.1150 Emergency Authorization.

(1) Permission to begin the construction of the works or development prior to the issuance of a permit may be requested in writing when emergency conditions exist which justify the request. However, no such permission shall be granted unless the requested works ~~is~~ are part of a works of the district system application which is already under consideration for a permit under this chapter. A serious set of unforeseeable circumstances must exist to create an emergency. Mere carelessness, financial hardship, or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

~~_(2) Surface water management systems which are under construction on the implementation date of this chapter and do not qualify as existing systems may be issued emergency authorizations to proceed with construction upon submission of appropriate application and~~

~~supporting documents.~~

~~(32) The executive director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the board at its next regularly scheduled meeting. Failure to receive the board's concurrence shall immediately invalidate the emergency authorization.~~

~~Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426, 373.439 FS. History— New 9-25-85 Amended [DATE].~~

40B-4.1170 Inspections and Enforcement.

~~(1) Inspections will be in accordance with Section 373.423, F.S., and the Applicants' Handbook Volume II.~~

~~(2) Enforcement will be in accordance with Chapter 373, F.S., and the Applicants' Handbook Volume II~~

~~Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.119, 373.136, 373.429, 373.439, 373.603, 373.613, 373.614 FS. History—New 9-25-85 Amended [DATE].~~

40B-4.2010 General Environmental Resource Permits.

~~(1) General Environmental Resource Permit for Agricultural Activities.~~

~~(a) A Noticed General Permit may be issued to any person engaged in the practice of agriculture pursuant to the procedures in paragraph 40B-1.703(1)(b) and Rule 40B-400.211, F.A.C., and subject to the applicable conditions listed in paragraph 40B-4.2010(1)(c) and Rule 40B-4.2030, F.A.C., for any of the activities listed below:~~

~~1. Culvert placement, replacement, and maintenance in streams with less than 10 cubic feet per second average discharge (as estimated or calculated from the best available information) at the culvert location, or streams draining less than 10 square miles upstream of the culvert location.~~

~~2. Bridge construction, replacement, and maintenance for structures up to 50 feet in length and 25 feet or less in width supported on pilings or trestles.~~

~~3. Construction, replacement, or maintenance of low-water crossings (hard surface crossings over which water flows during and immediately following storm events).~~

~~4. Temporary stream channel diversions necessary to complete projects described in subparagraphs 40B-4.2010(1)(a)1.-3., F.A.C., above.~~

~~5. Channel clearing and shaping as may be necessary to insure maximum hydraulic efficiency of the structures described in subparagraphs 40B-4.2010(1)(a)1.-3., F.A.C., above.~~

~~6. Access roads and roadside ditches on agricultural and forest lands.~~

~~7. Agricultural field drainage ditches constructed and maintained to remove surface water from the field during harvesting, site preparation and planting, or other normal field activities.~~

~~8. Construction of a sump associated with waters to be utilized as a withdrawal point for irrigation or stock watering on adjacent lands.~~

~~9. Temporary sediment or turbidity control barriers used in conjunction with temporary low-water crossings or construction.~~

~~10. Excavated ponds for agriculture, forestry, conservation, wildlife management or wildlife enhancement purposes that have less than 50 acre feet of storage capacity or are less than 5 acres in surface area.~~

~~(b) A General Environmental Resource Permit may be issued to any person engaged in the practice of agriculture pursuant to the procedures in paragraph 40B-1.703(1)(c), F.A.C., and subject to the conditions listed in paragraph 40B-4.2010(1)(c) and Rule 40B-4.2030, F.A.C., for any of the following minor operations:~~

~~Construction, replacement, and maintenance of excavations, impoundments on agricultural, forest, or conservation lands which impound waters by a dam, dike, or levee less than 10 feet in height from the natural bed of the watercourse at the downstream toe of the structure, or which~~

has a maximum impounding capacity of 50 acre-feet and a maximum upstream drainage area of one square mile.

~~(c) A General Environmental Resource Permit may be issued for the activities described in paragraph 40B-4.2010(1)(a) or (b), F.A.C., above if the conditions listed in subsections 40B-4.2030(1)-(7), F.A.C., are met. The district will assume the applicant has provided the reasonable assurance required in subsections 40B-4.2030(2) and (3) and Rules 40B-400.103 and 40B-400.104, F.A.C., if the following performance standards are met:~~

~~1. The project will not result in the permanent conversion of existing wetlands and surface waters to uplands through filling, drainage, or other means. This provision is not intended to prohibit farm ponds, stream crossings or crossing isolated wetlands which may disturb small areas of the wetland by filling, provided such crossings are in accordance with the other conditions listed in this chapter and Chapter 40B-400, F.A.C.~~

~~2. Best management or conservation practices appropriate to the specific operations are utilized. Specifically:~~

~~a. Roads shall be laid out and constructed to minimize erosion and sedimentation and shall be constructed and maintained with appropriate erosion and sedimentation control measures;~~

~~b. Best management practices listed in "Silviculture Best Management Practices", latest edition, published by the Florida Department of Agriculture and Consumer Services, or listed in the United States Department of Agriculture, Soil Conservation Service "Water Resources Notebook for Florida" shall be used to the extent necessary to minimize erosion, sedimentation or other adverse impacts; and~~

~~c. Stream and wetland crossings such as culverts, bridges, and low water crossings shall be constructed and maintained so as to not increase scour, upstream or downstream velocities, or flood hazards outside the project area, and areas used for temporary stream diversions are restored to their previous contours and elevations. When fill or channel shaping occurs in conjunction with a stream crossing, measures to stabilize bare soil such as soil compaction, grassing, or other measures shall be employed during the construction to minimize erosion.~~

~~3. Works such as ditches or small canals for access or agricultural drainage shall be constructed and maintained with a maximum cross-sectional area at the outfall of 35 square feet and shall be separated from a stream channel or lake or open water body by a buffer strip of at least 35 feet of undisturbed natural vegetation or at least 300 feet of grassed swale.~~

~~4. Agricultural roads (excluding turnoffs, passing areas, or loading areas) constructed under a general permit shall be no more than 25 feet wide between the banks of roadside ditches or no more than 40 feet wide including roadside ditches.~~

~~5. Activities which cross, connect to, or are in a work of the district must conform to the requirements in Rule 40B-4.3030, F.A.C.~~

~~6. Impoundments, dams, dikes, or levees must be verified by the district to be low hazard, small, or intermediate size dams as defined in "Recommended Guidelines for Safety Inspection of Dams", Department of the Army, Office of the Chief of Engineers.~~

~~(2) General Environmental Resource Permits.~~

~~(a) A Noticed General Environmental Resource Permit may be issued to any person pursuant to the procedures listed in paragraph 40B-1.703(1)(b) and Rule 40B-400.211, F.A.C., and subject to the conditions listed in Rule 40B-4.2030, F.A.C., and this subsection for any of the minor activities listed below:~~

~~1. Construction of barns, out-buildings, farm equipment storage and maintenance sheds and other similar structures on agricultural lands provided that:~~

~~a. The cumulative total impervious surface of such structures does not exceed 10 percent of the project area;~~

~~b. Such structures are not part of a larger plan of development associated with an aquaculture operation, concentrated animal feeding operation, commercial greenhouse or hydroponic growing facility, or other facility that requires an industrial waste discharge permit from the Florida Department of Environmental Protection pursuant to Chapter 62-660 or 62-670,~~

~~F.A.C.;~~

~~c. Such structures will not be located in, cross or connect to a work of the district; and,
d. Such structures will not be located in surface waters or cause the permanent loss of wetland habitat.~~

~~2. Minor projects for which the owner provides reasonable assurance with the notice that there will be no adverse impacts outside the project area and which:~~

~~a. Create less than 0.25 acres of impervious surface as measured cumulatively from the implementation date of this chapter;~~

~~b. Are not part of a larger plan of development that has been permitted or requires a permit pursuant to this chapter;~~

~~c. Will not be located in, cross or connect to a work of the district; and,~~

~~d. Will not be located in surface waters or cause the permanent loss of wetland habitat.~~

~~3. Borrow pits which:~~

~~a. Are less than 5 acres excavation area, as measured at natural grade,~~

~~b. Are located entirely upland of waters and wetlands,~~

~~c. Do not impound, impede or divert the flow of surface waters, and~~

~~d. Do not intercept an aquifer.~~

~~(b) A General Permit may be issued to any person pursuant to the procedures listed in paragraph 40B-1.703(1)(c), F.A.C., and subject to the conditions listed in Rules 40B-4.2030, 40B-400.103 and 40B-400.104, F.A.C., for the construction, operation, and maintenance of a surfacewater management system servicing a total project area less than 100 acres provided:~~

~~1. The system will not cross or connect to a work of the district;~~

~~2. Construction or alteration of the system in, on or over wetlands or other surface waters shall not exceed 1 acre;~~

~~3. If there is a discharge, it will not be to an Outstanding Florida Water;~~

~~4. The total volume of water the system is capable of impounding is less than 120 acre-foot;~~

~~5. The system includes less than 10 new boat slips.~~

Rulemaking Authority 373.044, 373.118, 373.171 FS. Law Implemented 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426 FS. History— New 9-25-85, Amended 8-10-86, 2-12-87, 6-16-88, 2-1-89, 12-22-92, 10-3-95, 9-13-04 Repealed [DATE].

40B-4.2020 Content of Environmental Resource Permit Application.

~~(Copies of forms incorporated by reference below may be obtained at the District office.)~~

~~(1) Appropriate notice for Noticed General Permits shall be filed with the district by submitting one of the following forms which are hereby incorporated by reference and any such information specified in paragraph 40B-4.2020(3)(a), F.A.C., as appropriate for the scope of the project:~~

~~(a) Form 40B-1.901(10), "Notice of Intent to Construct a Minor Surface Water Management System Pursuant to subsection 40B-4.2010(1) or paragraph (2)(a), F.A.C.," Suwannee River Water Management District, Effective January 29, 2001.~~

~~(b) Form 40B-1.901(17), "Notice of Intent to Construct a Minor Silvicultural Surface Water Management System Pursuant to Rule 40B-400.500, F.A.C.," Suwannee River Water Management District, Effective January 29, 2001.~~

~~(c) Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit," Effective January 29, 2001.~~

~~(2) Applications for general environmental resource permits shall be filed with the district by submitting the following form which is hereby incorporated by reference, and such information specified in paragraph 40B-4.2020(3)(b), F.A.C., as appropriate for the scope of the project:~~

~~Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/ Federal Dredge and Fill Permit," Effective January 29,~~

2001.

~~(3) Application for individual or conceptual approval environmental resource permits shall be filed with the district and shall contain the following information as may be appropriate to the project. The board encourages applicants to request a pre-application conference with district staff to explore the appropriate items to be included with the application and the level of detail needed. It is the intention of the board that only the information necessary to evaluate the potential impacts of the proposed project be included.~~

~~(a) Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit," Effective January 29, 2001, hereby incorporated by reference and which contains the following information:~~

- ~~1. The applicant's name and complete address including zip code.~~
- ~~2. The owner's name and complete address if applicant is other than the owner.~~
- ~~3. If applicable, the name, complete address, phone number, and contact person of the applicant or owner.~~
- ~~4. General project information including:
 - ~~a. The applicant's project name or identification number;~~
 - ~~b. The project location relative to county, section, township, and range, or a metes and bounds description, and listing of the parcel identification number or numbers assigned to the property on which the project is located by the county property appraiser;~~
 - ~~c. The total project area in acres;~~
 - ~~d. The total land area owned or controlled by the applicant or owner which is contiguous with the project area;~~
 - ~~e. A description of the scope of the proposed project including the land uses to be served;~~
 - ~~f. A description of the proposed surfacewater management system or work;~~
 - ~~g. A description of the water body or area which will receive any proposed discharges from the system; and~~
 - ~~h. Anticipated beginning and ending date of construction or alteration.~~~~

~~(b) The following information will be required and shall be submitted in a form and level of detail appropriate to the project.~~

- ~~1. Site information specific to the undeveloped project area including:
 - ~~a. A detailed location drawing with the scale identified;~~
 - ~~b. A recent (not more than three years prior to the date of application) aerial photograph encompassing the project area at a scale no smaller than one inch equals 800 feet with the project area and total land area identified;~~
 - ~~c. A topographic map of the site which shows clearly the location, identification, and elevation of bench marks; at least one bench mark required for each major water control structure. Unless otherwise approved by the district, the minimum contour interval of the topographic map shall be two feet;~~
 - ~~d. A detailed overall project area map showing corners of the appropriate section, existing hydrography and runoff patterns and the size, location, topography, and land use of any off-site areas which drain onto, through, or from the project area;~~
 - ~~e. A current land use map (FDOT Level III Classification adequate);~~
 - ~~f. Soils map of the site (existing U. S. D. A. — N. R. C. S. maps adequate);~~
 - ~~g. A map of seasonally high water table elevations;~~
 - ~~h. A map of vegetative cover including adjacent wetlands (may be combined with e. above);~~~~
- ~~and~~

~~i. A soil conditions report including a map showing the location of any soils borings or percolation tests. Percolation tests representative of design conditions shall be performed if surfacewater management systems propose to utilize swales, percolation (retention), or exfiltration (detention with filtration) designs.~~

~~2. Master Development or Improvement Plan (Master Surfacewater Management Plan) which includes:~~

- a. Grading and surfacewater management plans with special attention given to perimeter grading;
 - b. Location of all water bodies to be included in the surfacewater management system (natural and artificial) with details of hydrography, side slopes, depths, and water surface elevations or hydrographs;
 - c. Drainage basin or watershed boundaries with special attention given to off-site runoff being routed onto, through, or around the project;
 - d. Paving, road, and building plan showing the location, dimensions, and specifications of roads and buildings (including elevations);
 - e. Right-of-way and easement locations for the system including all areas to be reserved as part of the surfacewater management system (specify the manner of reservation);
 - f. Location, dimensions, and specifications of internal minor works;
 - g. Existing nearby off-site water resource facilities such as works, surfacewater management systems, wells, or well fields, etc. which might be affected by the proposed project, along with the names and addresses of the owners of such facilities;
 - h. Name and address of the person who prepared the plans and specifications of construction; and
 - i. Name and address of the person who will construct the proposed work.
3. Design calculations including:
- a. Description, tabulation, or graphs of the design storm used for the design including rainfall depth, duration, intensity, distribution, and antecedent conditions;
 - b. References to the method used to make the design calculations;
 - c. Computation of off-site inflows;
 - d. Computations of stage-storage and stage-discharge for the respective structures;
 - e. Actual acreages and percentage of the project area for impervious surfaces, natural water bodies and wetlands, artificial lakes, canals, retention or detention areas, swales, other pervious surfaces, and total project area;
 - f. Runoff computations showing discharges, elevations, and volumes retained or detained and the volumes of stormwater treated for applicable design storm events;
 - g. Design specifications of all works (water control structures) including the design rates of discharge for each;
 - h. Computation of pre-development runoff and storage;
 - i. Computation of post-development runoff and storage; and
 - j. Computation of minimum road and building elevations.
 - k. An erosion control and stabilization plan which identifies the location, relative timing, and specifications for all erosion control and stabilization measures that are required as part of the project construction, operation, and maintenance designs.
 - l. Specifications or instructions relating to the perpetual operation and maintenance of the proposed surfacewater management system.
4. Legal and institutional information including:
- a. A copy of a boundary survey and evidence of ownership or control;
 - b. Identification of the entity responsible for the perpetual care, operation, maintenance, and associated liabilities of the system. If the entity is to be a public body such as a county, municipality, or special district, a letter or other evidence of acceptance must be included. If the entity is a non-public body such as a homeowner's association or private corporation or person, documentation of its existence, fiscal and legal ability, and willingness to accept the responsibility must be included;
 - c. Identification of local governmental units, state, or federal agencies contacted in connection with obtaining approval for the proposed project including addresses, contacts, and current status of any determinations made or pending by such agencies or units; and
 - d. Documentation of legal and physical availability of a receiving water body or off-site surfacewater management system to receive any project discharge if such is not evident from

design plans.

~~(c) Projects on exclusively agricultural lands may submit an approved conservation plan in lieu of the information specified in paragraph 40B-4.2020(3)(b), F.A.C. Information specified in paragraph 40B-4.2020(3)(a), F.A.C., must be included with the application.~~

~~(d) Projects on exclusively silvicultural lands may submit a forest water management plan which addresses the appropriate elements in "Silvicultural Best Management Practices," Florida Department of Agriculture and Consumer Services, Division of Forestry, latest edition. Appropriate data utilized to prepare the forest water management plan should be included. The forest water management plan may be submitted in lieu of the information specified in paragraph 40B-4.2020(3)(b), F.A.C. Information specified in paragraph 40B-4.2020(3)(a), F.A.C., must be included with the application.~~

~~(4) Appropriate notices for noticed general permits shall be signed by the applicant, owner or authorized agent and submitted to the district along with any supporting information required by this chapter. Applications for general permits, individual permits and conceptual approval permits shall be signed by the applicant, owner or authorized agent and submitted with all supporting information in duplicate.~~

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

40B-4.2030 Conditions for Issuance of Environmental Resource Permits.

~~(1) The district will not approve the issuance of permits for existing systems which are in violation of law or which have discharge to surface waters of the state that is in violation of a permit condition of any unit of local, state, or federal government or which presents an immediate danger to public health or safety.~~

~~(2) Before a permit is issued for the construction, alteration, maintenance, operation, or abandonment of a surfacewater management system or individual work, the district must have reasonable assurance that:~~

~~(a) The system or work will not increase flood hazards outside the project area;~~

~~(b) The system or work will not increase flood hazards which may affect the health, safety, and general welfare of persons residing within the project area;~~

~~(c) The system or work will not cause excessive drainage of surface water or permanent dewatering of surficial aquifers;~~

~~(d) The system or work will not cause erosion, and that any activities or land uses served by the system or work will not create erosion or sedimentation which may render the system unserviceable or degrade receiving waters;~~

~~(e) Waters discharged or percolated from the system or work will receive a minimum level of stormwater treatment necessary to comply with appropriate state water quality standards;~~

~~(f) The system or work will have minimum adverse environmental impacts including impacts to fish, wildlife, wetlands, or other natural resources; and~~

~~(g) The system or work will be maintained and operated in a manner consistent with the provisions of Rules 40B-4.2035 and 40B-4.2040, F.A.C.~~

~~(3) The new surfacewater management systems or individual works shall not convert wetlands to uplands through drainage, filling, or other means unless the applicant provides reasonable assurance that:~~

~~(a) No net reduction in storage will occur;~~

~~(b) A reasonable plan of mitigating the loss of the original wetlands can and will be implemented. The district will presume that fish and wildlife values of isolated wetlands smaller than one-half acre are minimal, and no plan of mitigating such minimal impacts will be required unless this presumption is rebutted by case-by-case review of site specific data that clearly demonstrates that the specific isolated wetland has significant value to offsite aquatic or wetland dependent species or it is used by threatened or endangered species; and~~

~~_(c) No reduction in recharge will occur as a result of the conversion.~~

~~(4) The new surfacewater management systems or individual works shall not facilitate development in a work of the district if such developments will have the potential of reducing floodway conveyance.~~

~~(5) The new surfacewater management systems or individual works shall not, in and of themselves or in conjunction with the land uses the system or work will service, create increased flood hazards by reducing surfacewater storage volumes within the project area. The district will consider reductions due to filling, soil compaction, or covering with impervious surface in determining loss of storage and any increase in flood hazard. Measures to mitigate individual reductions in storage within the project area, which are in conformance with the other provisions of this chapter, may be approved by the district.~~

~~_(6) The new surfacewater management systems or individual works shall not require placement of permanent fill materials above the natural grade of the ground in a work of the district unless:~~

~~(a) The proposed surfacewater management system or work is determined by the board to be clearly in the public interest; and~~

~~(b) Any increased flood hazards on affected lands are mitigated through acquisition, easement, or other legal device.~~

~~(7) The new surfacewater management systems or an individual work shall not utilize contiguous wetlands or dilution in waters of the state to achieve required stormwater treatment levels.~~

~~(8) Except as provided by subsection 40B-4.2030(9), F.A.C., below, all individual or conceptual approval permits for new surfacewater management systems or works must be in compliance with subsection 40B-4.2030(1) through (7), F.A.C., above. The district will presume the applicant has demonstrated reasonable assurance as required in subsection 40B-4.2030(2), F.A.C., above if the system or works are designed, constructed, operated, and maintained in conformance with the following minimum standards:~~

~~(a) Buildings are elevated on piles such that the lowest structural member of the first floor is one foot above the 100-year flood elevation, or in the case of monolithic slab construction, the finished slab elevation shall be one foot above the 100-year flood elevation;~~

~~(b) If required by Chapter 471, F.S., the system will be designed by an engineer; and~~

~~(c) If the project falls totally within a stream, or open-lake watershed, detention systems must be installed such that the peak rate of post-development runoff will not exceed the peak rate of pre-development runoff for storm events up through and including either:~~

~~1. A design storm with a 10-year, 24-hour rainfall depth with SCS type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational land uses; or~~

~~2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.~~

~~(d) If a detention system is utilized, the discharge structure of the system shall be designed to provide for the release of water at rates similar to pre-development conditions for storm events up through and including the design storm.~~

~~(e) If any part of a project falls within stream-to-sink watershed, either detention as described in paragraph 40B-4.2030(8)(c), F.A.C., above or retention as described in paragraph 40B-4.2030(8)(f), F.A.C., below may be used.~~

~~(f) If the project area falls within an internally drained or closed-lake watershed or any part of the project area is in a stream-to-sink watershed and the retention option in paragraph 40B-4.2030(8)(e), F.A.C., above is used, the retention volume shall be the total post-development runoff less the pre-development runoff resulting from a 100-year critical duration storm.~~

~~(g) Surfacewater management systems must be designed to provide minimum stormwater treatment by percolation, evapotranspiration, detention with filtration, or other means of the post-development runoff volumes listed below, whichever is less:~~

~~1. If any part of the project area is in a stream-to-sink watershed and the stormwater can be reasonably expected to be free of hazardous or toxic substances, the minimum stormwater treatment volume shall be the runoff from the first 2.0 inches of rainfall from the design storm;~~

~~2. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.5 inches of rainfall from the design storm; or~~

~~3. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to any class of surface water other than an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.0 inch of rainfall from the design storm.~~

~~(h) Detention and retention systems must be designed to provide treatment volumes specified in paragraph 40B-4.2030(8)(g), F.A.C., above within 72 hours following the end of the design storm event. For retention systems, only percolation and evapotranspiration may be used to reduce storage and treatment volumes in the system. If detention with filtration is proposed, the design must accommodate a safety factor of two which can be accomplished by increasing storage volumes, providing specified treatment volumes within 36 hours, or other means. Further, filters and filtration systems must have pore spaces large enough to provide a minimum permeability equal to or greater than the soil surrounding the filter. The filter medium must be stable and not move. If sand or other fine textured medium is used, it must meet the following characteristics:~~

~~1. Have less than one percent silt, clay, or organic matter unless filter fabric which will retain the fines is also used;~~

~~2. Have a uniformity coefficient of 1.5 or greater; and~~

~~3. Have an effective grain size of 0.20 to 0.55 millimeters in diameter.~~

~~These criteria are not intended to preclude the use of multilayered filters nor the use of additives to increase ion exchange, precipitation, or pollutant adsorption capacities of the filter.~~

~~(i) All detention or retention systems shall be equipped with an emergency spillway designed to pass runoff resulting from storm events larger than the design storm used to calculate storage volumes.~~

~~(j) Detention and retention basins are designed with side slopes of 4:1 (horizontal to vertical) to a depth at least two feet below the control elevation. Side slopes must be stabilized with vegetation to prevent erosion and provide pollutant removal.~~

~~(k) If the proposed system will serve a use which produces or stores hazardous or toxic substances, the system shall be designed to have no stormwater discharge which contains such substances.~~

~~(l) Swales, if used, must be designed to treat, through percolation or evapotranspiration, a volume of stormwater equal to at least 80 percent of the runoff resulting from a design storm with a three-year, one-hour rainfall depth and SCS type II distribution falling on average antecedent moisture conditions.~~

~~(m) Surfacewater management systems which service land uses with more than 50 percent of the project area in impervious surface or more than two acres of impervious surface, or which discharge water directly from inlets in paved areas must be equipped with a baffle, skimmer, grease trap, or other mechanism suitable for preventing oils and greases from exiting through any discharge structure.~~

~~(n) Roads with public access must be constructed and laid out in conformance with the minimum standards of local government. In the absence of local government standards for roads and associated surfacewater management systems, the following minimum standards shall apply:~~

~~1. Driving surface shall be stabilized soil, according to the latest edition of the Florida Standard Specification for Road and Bridge Construction.~~

~~2. Two driving lanes with a minimum driving surface of 16 feet.~~

~~3. Driving surface shall be sloped to drain at a minimum of 2 percent (2%).~~

~~4. Culverts shall be used to maintain pre-development drainage patterns up to the 10-year, 24-hour storm event.~~

~~5. Swales shall be used for water quality treatment with a maximum slope of three-to-one (3:1) and erosion shall be controlled with grass or other equivalent method.~~

~~(e) The responsible entity for the perpetual operation and maintenance must be identified.~~

~~(p) There must be no net decrease in storage volume below the 100-year flood elevation within the project area which may result in increased flood hazards.~~

~~(q) All storage volumes in detention or retention systems shall be calculated so as not to include any volumes below the average seasonal high water table for the project area.~~

~~(r) Surfacewater management systems must not alter contributing areas or watershed boundaries of any watershed or basin not wholly contained within the project area.~~

~~(s) There must be no reduction of floodway conveyance within the project area.~~

~~(t) Storage volumes designed into retention or detention systems to meet the requirements of paragraphs 40B-4.2030(8)(c) through (f), F.A.C., above must be available as follows:~~

~~1. One-half of the total volume within seven days following the end of the design storm event, and~~

~~2. The total volume within 30 days following the end of the design storm event.~~

~~(9) The board recognizes that redevelopment and/or upgrading of existing surfacewater management systems, or construction of new surfacewater management systems by units of local government in areas of existing intensive development may not be able to fully meet the standards in subsection 40B-4.2030(8), F.A.C. In such circumstances, the board may issue surfacewater management permits utilizing alternate standards to those listed in subsection 40B-4.2030(8), F.A.C., provided the alternate standards provide, to the greatest extent practical, the reasonable assurance listed in subsection 40B-4.2030(1) through (7), F.A.C.~~

~~(10) The board recognizes that from time to time, projects will be proposed that require permits under this chapter that are for the improvement, expansion, modification, or redevelopment of facilities that were in place prior to the effective date of this chapter. In such circumstances, permits may be issued using alternate standards than those listed in subsection 40B-4.2030(8), F.A.C., provided:~~

~~(a) The reasonable assurance conditions listed in subsections 40B-4.2030(1)-(7), F.A.C., are satisfied;~~

~~(b) The standards listed in subsection 40B-4.2030(8), F.A.C., are followed to the greatest extent practical for a particular project; and~~

~~(c) Any alternate standards which take into account and gives credit for the quantity of excess runoff generated by impervious surfaces in existence prior to the effective date of this chapter will insure that the minimum water quality treatment volumes specified in paragraph 40B-4.2030(8)(g), F.A.C., are satisfied.~~

~~(11) The district shall not approve the issuance of permits for new surface water management systems or individual works which result in permanent damage to a work of the district.~~

~~(12) The district shall not approve the issuance of permits for new private roads within a work of the district that are constructed with fill material.~~

~~(13) The district shall not approve the issuance of permits for mining, associated mining activities, and borrow pits within a work of the district.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 10-3-95, 10-18-04, 6-11-08 Repealed [DATE].

40B-4.2035 Minimum Operation and Maintenance Entity Requirements.

~~(1) Responsibility for operation and maintenance of a surfacewater management system permitted under this chapter shall be a perpetual obligation of a single entity which wholly owns~~

or controls the lands on which any component of the permitted system is located and which has the fiscal, legal, and logistical capability to perform operation and maintenance in accordance with district rules and permit conditions.

~~(2) The following units of government are considered acceptable operation and maintenance entities provided the entity owns or has a valid perpetual easement, or other perpetual legal access to the property on which the system is located.~~

~~(a) Units of local government including counties, municipalities, municipal service taxing units, or special service districts;~~

~~(b) Active Chapter 298, F.S., drainage districts, drainage or water control districts created by an act of the Florida legislature, Chapter 190, F.S., Community Development Districts, or Chapter 170, F.S., Special Assessment Districts;~~

~~(c) Legally constituted public utilities; or~~

~~(d) Regional, state, or federal agencies.~~

~~(3) Non-profit corporations including home owners associations, property owners associations, condominium owners associations, or master associations may be considered acceptable operation and maintenance entities provided:~~

~~(a) The corporation or association must comply with the applicable provisions of Chapters 617, 618, 718, 719, F.S., or other applicable statutes;~~

~~(b) The Articles of Incorporation, Declaration of Protective Covenants, Deed Restrictions, Declaration of Condominium, or By-Laws (as appropriate) must clearly demonstrate:~~

~~1. The corporation has the authority to own and convey property;~~

~~2. The corporation has the authority to operate and maintain common property (specifically the system permitted by the Suwannee River Water Management District);~~

~~3. The corporation has the authority to establish rules and regulations governing membership or take any other actions necessary for the purposes for which the corporation or association was organized;~~

~~4. The corporation has the authority to assess members and enforce said assessments;~~

~~5. The corporation has the authority to sue and be sued;~~

~~6. The corporation has the authority to contract for services to provide for operation and maintenance of the system;~~

~~7. The corporation has the authority to require all owners of real property or units to be members of the corporation or association;~~

~~8. The corporation must exist in perpetuity, and in the event of the dissolution or failure to perform required operation and maintenance by the corporation or association, there must be reasonable assurance that a unit of local, regional, state, or the federal government will accept operation and maintenance responsibility through the permit modification process in district rules; and~~

~~9. The land on which the surfacewater management system is located is owned or otherwise controlled by the corporation or association to the extent necessary to operate and maintain the system or convey operation and maintenance to another entity.~~

~~(c) The corporation or association is limited to single owners of single units, lots, or residences and is not an association of multiple, interval, or time-share owners.~~

~~(4) A property owner or developer may be considered an acceptable operation and maintenance entity as follows:~~

~~(a) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity (i.e., farm, corporate office, commercial, or industrial facility).~~

~~(b) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity, but the premises are to be leased or rented to third parties (i.e., shopping centers, office parks, industrial parks, or mobile home parks).~~

~~(c) The property on which the system is located is wholly owned or otherwise controlled by~~

~~the permittee and is intended to be maintained in the permittee's ownership until such time as the property and operation and maintenance of the system is transferred to another entity approved by the district.~~

~~(d) Upon issuance of a permit to operate and maintain a surfacewater management system, or upon transfer of a construction, alteration or abandonment permit to the operation and maintenance phase, the district shall record with the Clerk of the Circuit Court of the county in which the property is located a notice which states words to the effect:~~

~~1. The property includes a surfacewater management system permitted by the Suwannee River Water Management District;~~

~~2. The permit requires the perpetual operation and maintenance of the surfacewater management system in accordance with the terms and conditions of the permit and rules of the Suwannee River Water Management District;~~

~~3. In accordance with Section 373.416(2), F.S., rules of the Suwannee River Water Management District, and conditions of the permit, the perpetual operation and maintenance of the surfacewater management system is the responsibility of the owner or future owner(s) of the property; and~~

~~4. Within 30 days of any change of ownership, the Suwannee River Water Management District must be notified by the owner in whose name the permit was granted. Upon proper notification the permit for operation and maintenance of the system will transfer to the new owner.~~

~~Permits for projects issued to a unit of government or projects which do not qualify for a permit pursuant to paragraph 40B-4.1040(2)(c), F.A.C., and subparagraphs 40B-4.2010(2)(b)2.-4., F.A.C., shall not be recorded.~~

~~(5) Unincorporated associations of owners who share a surfacewater management system or who have portions or individual components of a larger surfacewater management system on their property are generally not acceptable operation and maintenance entities. However, for surfacewater management systems composed entirely of swales which are permitted to serve a private road or drive providing access to no more than five parcels of land, each larger than one acre, the district will accept such unincorporated associations. The district shall place limiting conditions on such permits to insure owners or future owners of such lands understand that operation and maintenance of the surfacewater management system is the undivided responsibility of the owners.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History—New 2-1-89, Amended 12-22-92 Repealed [DATE].

40B-4.2040 Minimum Operation and Maintenance Standards.

~~(1) All surfacewater management systems permitted by the district shall be operated and maintained in accordance with the designs, plans, calculations, and other specifications that are submitted with an application, approved by the district, and incorporated by reference into any permit issued.~~

~~(2) Surfacewater management systems shall be kept free of debris, trash, garbage, oils and greases, and other refuse through regular inspection and maintenance by the permittee.~~

~~(3) Oil and grease separators, skimmers, or collection devices shall be inspected and maintained on a regular basis by the permittee to insure that they are working properly and do not allow the discharge of oils or greases. Oils and greases or other materials removed from such a device during routine maintenance shall be disposed of by lawful means.~~

~~(4) The system shall be regularly inspected and maintained by the permittee to insure that all erosion is controlled and soil is stabilized to prevent sediment discharge to waters in the state.~~

~~(5) All structures within the system shall be regularly inspected and maintained by the permittee to insure that they remain in an operable condition, free of obstruction and sediment,~~

and, where appropriate, secure from vandalism or unauthorized operation.

~~(6) Swales, ditches, canals, and other similar works shall be inspected and maintained on a regular basis by the permittee to insure that they do not become clogged or choked with vegetative or aquatic growth to such an extent as to render them inoperable.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History—New 2-1-89, Amended 9-13-04 Repealed [DATE].

40B-4.3010 General Works of the District Development Permits.

~~(1) (4)A noticed general works of the district permit may be granted pursuant to the procedures in Rule 40B-1.703, F.A.C., to any person for work or development in a work of the district described below:~~

~~(a) Floating docks and access structures associated with floating docks.~~

~~(b) Decks which are 200 square feet or less and at the walking surface, less than or equal to 1 foot above the average natural ground elevations within the area under and immediately adjacent to the deck.~~

~~(c) Structures or fill which are obstructions to flow of less than or equal to 100 square feet of the cross-sectional area of the floodway which are located outside of the 75 foot setback.~~

~~(d) Silviculture roads, driveways, sidewalks and paths which are, at the driving or walking surface, less than or equal to 1 foot above the adjacent natural ground elevation and are located outside of the 75 foot setback.~~

~~(e) Decroitive landscaping gradens of a reasonable size, which is less than or equal to 1 foot above the natural grade of the ground provided the decroitive landscape is located outside of the 75 foot setback.~~

~~(f) Boardwalks which have a walking surface less than or equal to 1 foot above the natural ground elevation within the area under and immediately adjacent to the boardwalk.~~

~~(g) Projects solely for the restoration of natural resources.~~

~~(2) A general works of the district ~~development~~ permit may be granted pursuant to the procedures in Rule 40B-1.703, F.A.C., to any person for a ~~sinlge famly duration not to exceed three years for the development work or development~~ in a work of the district described below:~~

~~(a) Construction of a structure for single-family residential or agricultural use, which can not be authorized by rule 403.814(12), F.S. The construction shall includeing the leveling of land for the foundation and associated private water supply, wastewater disposal, and driveway access which is in compliance with all applicable ordinances or rules of local government, state, and federal agencies, and which meets the requirements of this chapter.~~

~~(b) Fixed docks.~~

~~(c) Decks which are 200 square feet or less and at the walking surface, greater than 1 foot above the average natural ground elevations within the area under and immediately adjacent to the deck.~~

~~(d) Boat ramps, Boat lifts, seawalls, retaining walls, rip-rap and other such structures.~~

~~(e) Driveways, sidewalks or paths which at the driving or walking surface is, at any point along the driveway, more than 1 foot above the adjacent natrual ground elevation outside of the 75 foot setback.~~

~~(f) Boadwalks which are landward of the top of bank and the walking surface is, at any point along the boardwalk, more than 1 foot above the natural ground elevation within the area under and immediately adjacent to the boardwalk.~~

~~(g) Structures which are obstructions to flow of greater than 100 square feet of the cross-sectional area of the floodway.~~

~~(h) Retaining walls which are landward of the top of the bank.~~

~~(i) All projects which propose floats under a structure, landward of the top of bank.~~

~~(3) An individual work of the district permit may be granted pursuant to the procedurs in Rule 40B-1.703, F.A.C., to any person for work or development in a work of the district described~~

below. Individual work of the district permits shall adhere to the requirements in the Applicants Handbook Volume II and Chapter 62-330, F.A.C., in addition to the requirements of this chapter.

(a) Projects solely for environmental restoration or enhancement of natural resources.

(b) All Projects that are not single family, agriculture, silviculture, horticulture, or restoration.

(42) All ~~A-general~~ permits issued pursuant to this rule shall be subject to the conditions in Rule 40B-4.3030, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86, 12-22-92, 10-18-04 [DATE].

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

(1) Applications for a noticed general or general works of the district ~~development~~ permit shall be filed with the district and shall contain the following:

(a) Form 40B-4.3020A, "Application for ~~General~~ Work of the District ~~Development~~ Permit for District Floodways," ~~April 1, 2010, hereby incorporated by reference.~~ This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com. The application form contains the following:

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

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

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

(d) For noticed general work of the district permits a building plan prepared by the applicant or his agent. For general work of the district permits, a building plan prepared or submitted by a Florida registered -licensed professional engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation; and

(e) Any supporting calculations, designs, surveys, or applicable documents, which ~~in the applicant's opinion,~~ may support the application.

~~(f) If the applicant is only constructing a dock, boardwalk or deck according to paragraph 40B-4.3030(9)(a) and (b), F.A.C., the site plan may be prepared by the applicant.~~

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

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

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

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

(a) Form 40B-4.3020, "Application for a Work of the District Permit for District Floodways," This form is available at District headquarters and on the District's website at

www.mysuwanneeriver.com. The application form contains the following:

Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit," Effective January 29, 2001, hereby adopted by reference and which contains the following:

1. The applicant's name and complete address including zip code;
2. The owner's name and complete address if applicant is other than the owner;
3. If applicable, the name, complete address, phone number, and contact person of the owner.
4. General project information including:
 - a. The applicant's project name or identification number;
 - b. The project location relative to county, section, township, and range, or a metes and bounds description;
 - c. The total project area in acres;
 - d. The total land area owned or controlled by the applicant or owner which is contiguous with the project area;
 - e. A description of the scope of the proposed project including the land uses to be served;
 - f. A description of the proposed surfacewater management system or work;
 - g. A description of the water body or area which will receive any proposed discharges from the system; and
 - h. Anticipated beginning and ending date of construction or alteration.
- (b) Copies of all permits received from, or applications made to, local units of government, state, or federal agencies.
- (c) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared or submitted by a registered licensed professional.
- (d) Any supporting calculations, designs, or surveys, prepared or submitted by a registered licensed professional or applicable legal documents, which ~~in the applicant's opinion,~~ support the application.
- (e) Copies of engineer or surveyor certifications required by this chapter.
- (f) Applicants must provide copies of legal documents demonstrating ownership.
- (g) Where applicable, the applicant must provide the name and address of the person who prepared the plans and specification of construction.
- (h) Where applicable, the applicant must provide the name and address of the person who will construct the proposed work.

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

40B-4.3030 Conditions for Issuance of Works of the District ~~Development~~ Permits.

(1) The district will not approve the issuance of permits for:

(a) Existing works or development in a work of the district which are in violation of law or which have discharge to waters of the state that is in violation of a permit condition of any unit of local, state, or federal government or which presents an immediate danger to public health or safety.

~~(b)(1) The district will not approve the issuance of separate permits for development in a work of the district for a~~Any proposed project that requires an ~~environmental resource permit pursuant to Part Chapter 62-330, F.A.C., of this chapter.~~ For such projects, works or development in a work of the district may be authorized as part of the any environmental resource permit issued. In such cases, the environmental resource permit shall meet the conditions of issuance found in Chapter 62-330, F.A.C., and this chapter.

~~(c)(2) The district will not approve the issuance of a works of the district development permit for a~~Any work, structures, road, or other facilities which have the potential of individually or cumulatively reducing floodway conveyance or increasing water-surface elevations above the

100-year flood/one percent annual chance of flood elevation, or increasing soil erosion.

(d) Work or development in a work of the district which result in permanent damage to a work of the district.

(e) New roads within a work of the district which at any point along the road, have a driving surface greater than 1 foot above adjacent natural ground elevations, and result in a net fill within the floodway.

(f) Mining, associated mining activities, and borrow pits within a regulatory floodway.

(23) Roads with public access shall be constructed and laid out in conformance with the minimum standards of local government. Where roads are not required to be paved, the applicant must provide design specifications for erosion and sediment control. Where roads are required to be paved, swales will generally be considered adequate for erosion and sediment control. In the absence of local government standards for roads, the following minimum standards shall apply:

(a) Driving surface shall be stabilized soil, according to the latest edition of the Florida Standard Specification for Road and Bridge Construction.

(b) Two driving lanes with a minimum driving surface of 16 feet.

(c) Driving surface shall be sloped to drain at a minimum of 2 percent (2%).

(d) Culverts shall be used to maintain pre-development drainage patterns up to the 10-year, 24-hour storm event.

(e) Swales shall be used for water quality treatment with a maximum slope of three-to-one (3:1) and erosion shall be controlled with grass or other equivalent method.

(3) The roofs on pole barns, pavillions, gazebos, and any other such structures shall be such that the lowest structural horizontal member of the roof is at an elevation at least one foot above the 100 year flood/one percent annual chance of flood elevation.

(4) Buildings in the floodway shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation.

(5) The area below the first floor of elevated buildings shall meet the criteria in the code of federal regulations 44CFR60.3(d)~~be left clear and unobstructed except for the piles or stairways.~~

(6) A permanent elevation monument shall be established on the property by a surveyor licensed under Section 472, F.S. The monument shall be adequate to establish land surface and minimum buildup elevations to the nearest 1/100 of a foot.

(7) No fill material ~~or other obstructions~~ shall be placed above the natural grade of the ground except for minor amounts of fill~~obstructions~~ which are less than or equal to 100 square feet of the cross-sectional area of the floodway. This paragraph is not intended to limit the use of pilings for structural purposes. All ~~fill placed~~~~obstructions developed~~ on any single parcel of land after the implementation date of this chapter shall be considered cumulatively.

(8) No activities shall be proposed which would result in the filling or conversion of wetlands.

(9) For any work or development in a work of the district which requires a general, conceptual, or individual permit ~~structure placed within a floodway~~, the district shall require that a Florida registered licensed professional engineer certify that such a work or development~~structure~~ will not obstruct flows or increase 100-year flood/one percent annual chance of flood elevations by more than 0.01 feet. Such certification shall include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate. ~~Exceptions to this certification are stated in paragraphs (a) and (b) below.~~

~~(a) Boardwalks and decks less than one foot above natural grade.~~

~~(b) Floating docks and access structures associated with floating docks.~~

~~(c)~~The certification shall include, at a minimum, a location map showing existing and added channel cross sections, a scaled graphical representation of channel geometry for each cross section used in the calculation, a scaled graphical representation of floodway encroachments for pre-development and post-development conditions, pre-development calculations matching

existing conditions, and post-development calculations showing the rise in flood elevation.

(10) Proposed boat ramps, seawalls, retaining walls, and rip-rap within a work of the district shall be designed by a Florida registered licensed professional engineer. Plans for these structures shall provide for erosion, sedimentation and turbidity control.

~~(11) The district shall not approve the issuance of permits for driveways within a work of the district that are constructed with fill material.~~

~~(12) The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1, 1985:~~

~~(a)(11) No clearing shall occur in areas outside of the 75 foot setback [except as provided in paragraphs (d) and (e) below] other than what is necessary to construct structures, associated water supply, wastewater disposal, and private driveway access facilities.~~

(12) Clearing within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body.

~~(b)(13) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks. The following conditions shall apply to decks and boardwalks:~~

1. Decks and boardwalks shall not be enclosed, except for a structural roof; and
2. Decks, boardwalks and structural roofs shall be built in a manner to minimize destruction of existing vegetation.

~~(c) Clearing within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body.~~

~~(d) Harvest or regeneration of timber or agricultural crops shall not be limited provided the erosion of disturbed soils can be controlled through the use of appropriate best management practices, the seasonal scheduling of such activities will avoid work during times of high flood hazard, and the 75 feet immediately adjacent to and including the normally recognized bank of a water is left in its natural state as a buffer strip.~~

~~(14e) As to those lands subdivided prior to January 1, 1985, the governing board shall, in cases of extreme hardship, authorize a variance and issue a works of the district ~~development permits for with~~ exceptions to the conditions listed in paragraphs 40B-4.3030(12)(a) through (13), F.A.C.~~

~~(f)(15) The 75-foot setback in paragraphs (a) through (d) above shall be considered a minimum depth for an undisturbed buffer. The limitations on disturbance and clearing within the buffer as set out in paragraphs (12a) and (13) through (d) above shall apply, and any runoff through the buffer shall be maintained as unchannelized sheet flow. The actual depth of the setback and buffer for any land use other than single-family residential development, agriculture, or forestry shall be calculated in accordance with the methodology in: "Urban Hydrology for Small Watersheds", U.S. Department of Agriculture, Soil Conservation Service, Engineering Division, Technical Release 55, June 1986; and, "Buffer Zone Study for Suwannee River Water Management District", Dames and Moore, September 8, 1988, such that the post-development composite curve number for any one-acre area within the encroachment line does not exceed:~~

1. A value of 46 for areas within the encroachment line with predominantly Class A soils;
2. A value of 65 for areas within the encroachment line with predominantly Class B soils;
3. A value of 77 for areas within the encroachment line with predominantly Class C soils; or
4. A value of 82 for areas within the encroachment line with predominantly Class D soils.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-18-04, 5-13-07, 8-8-07, 8-11-10, 2-28-12 [DATE].

40B-4.3040 Minimum Operation and Maintenance Standards.

(1) The permittee or operation and maintenance entity shall regularly inspect and maintain the work or development to insure that:

(a) All erosion is controlled and soil is stabilized to prevent sediment discharge to waters in the state.

(b) The work or development does not become clogged or choked with vegetative or aquatic growth to such an extent as to render it inoperable.

(c) All structures within the work or development shall remain in an operable condition, free of obstruction and sediment, and, where appropriate, secure from vandalism or unauthorized operation.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History—New 2-1-89, Amended 9-13-04 [DATE].

40B-4.30~~40~~540 Unlawful Use of Works of the District.

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

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

(3) It is prohibited for any person to operate any motorized vehicle within a work of the district that includes the channel of a stream as defined by the normally recognized bank. Law enforcement officers, during the normal course of their duties, are exempt from this rule.

(4) Damage to works of the district resulting from violations specified in subsections 40B-4.30~~40~~540(1) through (3), F.A.C., above shall be repaired by the violator.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Sagul, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: November 15, 2012.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource Permits

RULE CHAPTER NUMBER:

40B-400

RULE TITLES:

RULE NOS.:

Definitions	40B-400.021
Formal Determinations	40B-400.046
Exemptions	40B-400.051
Publications and Agreements Incorporated by Reference	40B-400.091
Content and Processing of the Application, Amended 12-3-98	40B-400.101
Conditions for Issuance of Permits	40B-400.103
Additional Conditions for Issuance of Permits	40B-400.104
Limiting Conditions	40B-400.115
Policy and Purpose	40B-400.201
Processing Procedures for Noticed General Permits	40B-400.211
General Conditions for All Noticed General Permits	40B-400.215
General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks	40B-400.417
General Permit for Certain Piers and Associated Structures	40B-400.427
General Permit for Installation of Riprap	40B-400.431
General Permit for the Installation of Fences	40B-400.437
General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways	40B-400.439
General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation	40B-400.443
General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements	40B-400.447
General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline (Repealed)	40B-400.453
General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters	40B-400.455
General Permit for Subaqueous Utility Crossing of Artificial Waterways	40B-400.457

General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies	40B-400.463
General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies	40B-400.467
General Permit for Minor Activities	40B-400.475
General Permit to the Department to Conduct Minor Activities	40B-400.483
General Permit to the Department for Environmental Restoration or Enhancement	40B-400.485
General Permit to the Department to Change Operating Schedules for Department Water Control Structures (Repealed)	40B-400.487
General Permit to U.S. Forest Service for Minor Works within National Forests	40B-400.495
General Permit After Notice for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems	40B-400.500
Environmental Resource Permit Applicant's Handbook Volume II	

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with section 373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant's Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District's Chapter 40B-400, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: This proposed rule will repeal and remove all sections of this rule except 40B-400.091, F.A.C. This section will be changed to link this rule to 62-330, F.A.C., incorporate the Applicant Handbook Volume II and other important items needed to implement the ERP program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse economic impact on small business if ERP applicants choose to participate. This rule will not likely increase direct or indirect regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person, who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, F.S.

LAW IMPLEMENTED: 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:
Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-400.021 Definitions.

~~The definitions set forth in Rule 40B-4.1020, F.A.C., shall apply to this chapter. Additionally, as used in this chapter:~~

~~(1) "Aquatic preserves" means those areas designated in Part II, Chapter 258, F.S.~~

~~(2) "Coral" means living stony coral and soft coral.~~

~~(3) "Creation" means the establishment of new wetlands or surface waters by conversion of other land forms.~~

~~(4) "Drainage basin" means a subdivision of a watershed.~~

~~(5) "Endangered species" means those animal species which are listed in Rule 68A-27.003, F.A.C., and those plant species which are listed in 50 Code of Federal Regulations 17.12.~~

~~(6) "Enhancement" means improving the ecological value of wetlands, other surface waters, or uplands that have been degraded in comparison to their historic condition.~~

~~(7) "Forested wetlands" means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than four inches is greater than ten percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S., or Sections 403.927, F.S. (1984 Supp.) as amended, and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.~~

~~(8) “Herbaceous wetlands” means those wetlands dominated by nonwoody vegetation that have less than a ten percent canopy coverage of trees with a diameter at breast height of greater than four inches.~~

~~(9) “Isolated wetland” means any wetland without a direct hydrologic connection to a lake, stream, estuary, or marine water.~~

~~(10) “Listed species” means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C., and those plant species listed in 50 Code of Federal Regulations 17.12, when such plants are found to be located in a wetland or other surface water.~~

~~(11) “Materials” means matter of any kind, such as, sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement oyster culch pursuant to Section 597.010, F.S. and Chapter 5L-3, F.A.C.~~

~~(12) “Mitigation” means an action or series of actions to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet the criteria set forth in paragraphs 40B-400.103(1)(d) and (f) and Rule 40B-400.104, F.A.C. Mitigation usually consists of restoration enhancement, creation, preservation, or a combination thereof.~~

~~(13) “Preservation” means the protection of wetlands, other surface waters or uplands from adverse impacts by placing a conservation easement or other comparable land use restriction over the property or by donation of fee simple interest in the property to an appropriate entity.~~

~~(14) “Regulated activity” means the construction, alteration, operation, maintenance, abandonment or removal of a system regulated pursuant to Part IV, Chapter 373, F.S.~~

~~(15) “Restoration” means converting back to historic condition those wetlands, surface waters, or uplands which currently exist as a land form which differs from the historic condition.~~

~~(16) “Riprap” is a sloping retaining or stabilizing structure made to reduce the force of waves and to protect the shore from erosion, and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.~~

~~(17) “Species of special concern” means those species listed in Rule 68A-27.005, F.A.C.~~

~~(18) “Submerged grassbeds” means any native, herbaceous, submerged vascular plant community that is growing on the bottoms of surface waters waterward of the mean high water line or ordinary high water line.~~

~~(19) “Surface water management system or System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms “surface water management system” or “system” include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and 373.403(14), F.S.~~

~~(20) “Threatened species” means those animal species listed in Rule 68A-27.004, F.A.C.~~

~~(21) "Vertical seawall" is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap covering the waterward face to the mean high water line shall not be considered a vertical seawall.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.046 Formal Determinations.

~~(1) Pursuant to Section 373.421(2), F.S., a real property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in real property may petition the District for a formal determination for that property. A formal determination means the District will determine the locations on the property of the landward extent (boundaries) of wetlands and other surface waters defined in Chapter 62-340, F.A.C., as ratified in Section 373.4211, F.S.~~

~~(2) To petition for a formal determination, the petitioner must submit to the District the following:~~

~~(a) Three completed copies of the appropriate District form listed in Rule 40B-1.901, F.A.C., including copies of all items required by that form; and~~

~~(b) A nonrefundable formal determination fee as prescribed in Rule 40B-1.706, F.A.C.~~

~~(3)(a) Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any additional information which may be necessary to complete review of the petition. The District shall complete the determination and shall issue a notice of intended agency action within 60 days after the petition is deemed complete. The District shall publish the notice of intended agency action on the petition in a newspaper of general circulation in the county or counties where the property is located.~~

~~(b) The provisions of Sections 120.57 and 120.569, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action pursuant to Chapter 28-106, F.A.C. If no request for an administrative hearing is filed, the District will then take final action on the petition for the formal determination.~~

~~(4) A petitioner can request a formal determination consisting of a certified survey, an approximate delineation, or combinations thereof as described in ss. 12.5.2 of the Environmental Resource Permit Applicant's Handbook, adopted by reference in Rule 40B-400.091, F.A.C.~~

~~(5) The Executive Director is delegated the authority to take final action on petitions for formal determinations under this section. The Executive Director shall issue a formal determination only if the petitioner has satisfied all the requirements of this section.~~

~~(6) A formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of the wetlands and other surface waters during that period.~~

~~(7) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in Rule 40B-1.706, F.A.C., provided:~~

~~(a) Physical conditions on the property have not changed so as to alter the boundaries of the wetlands and other surface waters during that period;~~

~~(b) The rules setting forth the methodology used to delineate the landward extent of wetlands or other surface waters have not changed since the previous formal determination; and~~

~~(c) The petition is submitted within 60 days prior to the existing determination's expiration.~~

~~(8) Pursuant to Section 373.421(4), F.S., the Governing Board shall revoke the formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

~~(9) Form 40B-400.046A: Petition for a Formal Wetland and Surfacewater Determination, effective April 1, 2010, is hereby incorporated by reference. This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02, 4-1-10 Repealed [DATE].

40B-400.051 Exemptions.

~~(1) Exemptions are as found in Section 373.406, F.S.~~

~~(2) No permit shall be required under Chapter 40B-4 or 40B-400, F.A.C., for the following activities:~~

~~(a) The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert shall not be changed. However, the material used for the culvert may be different from the original material. This exemption does not authorize the repair, replacement, or alteration of dam's spillways or appurtenant works, nor construction activities or procedures that cause violation of water quality standards as set forth in Chapter 62-302 and Rule 62-4.242, F.A.C.~~

~~(b) The performance of maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into wetlands or other surface waters, provided no more dredging is performed than is necessary to restore the canal, channels, basins, berths, and intake and discharge structures to original design specifications, and provided that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent wetlands or other surface waters. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund, the Department, the District or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal, channel, basin, berth or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than five feet below mean low water.~~

~~(c) The maintenance of functioning insect control structures, and the maintenance of functioning dikes and functioning irrigation and drainage ditches, including roadway drainage ditches, provided:~~

~~1. The spoil material is deposited on a self-contained upland spoil site which will prevent the escape of the spoil material and return water into wetlands or other surface waters.~~

~~2. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive as determined by the Department of Agriculture and Consumer Services, pursuant to Section 403.088(1), F.S., that it will inhibit the proposed insect control, existing spoil sites or dikes may be used, upon notification to the District. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as approved, conditionally approved, restricted or conditionally restricted waters for shellfish harvesting by the Department, or functions as a habitat for commercially or recreationally important shellfish or finfish.~~

~~3. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.~~

~~4. This exemption shall apply to manmade trenches dug for the purpose of draining water from the land or for transporting water for use on the land and which are not built for navigational purposes.~~

~~(d) Maintenance of minor silvicultural surface water management systems as described in subsection 40B-400.500(4), F.A.C., which were permitted under Part IV of Chapter 373, F.S., or were constructed prior to the requirements for a permit under this part, provided such maintenance is conducted in accordance with the performance standards set forth in subsection 40B-400.500(5), F.A.C.~~

~~(e) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least six months each year, beginning September 1 and ending February 28. The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.~~

~~(f) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.~~

~~(g) The installation and repair of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local government entities' activities will not take place in any manatee habitat which structures have 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters which are Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated~~

~~with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such structure:~~

- ~~1. Shall be used for recreational, noncommercial activities;~~
- ~~2. Shall be constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than necessary to install the pilings;~~
- ~~3. Shall not substantially impede the flow of water, or create a navigational hazard, or cause water quality violations; and~~
- ~~4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a dock shall include the construction of structures attached to the dock which are only suitable for the mooring or storage of boats (i.e., boatlifts).~~

~~Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.~~

~~(h) Construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways where construction will not violate water quality standards, impede navigation, or adversely affect flood control.~~

~~(i) The replacement or repair of existing docks and mooring piles, provided:~~

- ~~1. No fill material other than the piles is used;~~
- ~~2. The replacement or the repaired dock or mooring pile is in the same location and of the same configuration and dimensions as the dock or mooring pile being replaced or repaired; and~~
- ~~3. The dock or mooring pile must be functional and able to provide access to boats moored at the dock or pile before this exemption may be used unless such dock or mooring pile has been rendered nonfunctional by a discrete event, such as a storm, flood, accident or fire.~~

~~(j) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists, or the installation and maintenance to design specifications of boat ramps open to the public in any wetlands or other surface waters where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the wetlands or other surface waters, and the installation of docks with an area of 500 square feet or less over wetlands or other surface waters that are associated with and adjoining the boat ramps constructed pursuant to this exemption. All material removed shall be placed upon a self-contained upland site so as to~~

~~prevent the escape of the spoil material and return water from the spoil site into the wetlands or other surface waters. For the purpose of this exemption, artificial bodies of water shall include residential canal systems, canals permitted by a District created under Section 373.069, F.S., and artificially created portions of the Florida Intracoastal Waterway.~~

~~(k) Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways, where such construction will not violate existing water quality standards, impede navigation or adversely affect flood control. An artificially created waterway is defined as a body of water that has been totally dredged or excavated and which does not overlap natural wetlands or other surface waters. For the purpose of this exemption, artificially created waterways shall also include existing residential canal systems.~~

~~(l) The restoration of a seawall or riprap at its previous location or upland of or within one foot waterward of its previous location. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.~~

~~(m) The construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S.~~

~~(n) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters, except in Class I and Class II waters and aquatic preserves, provided that no dredging or filling is necessary.~~

~~(o) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters.~~

~~(p) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or power pole or line, provided that the work does not involve dredge and fill activities other than the removal of the existing structure and the installation of the new structure, and, in the case of a power pole or line, the activity does not increase the voltage of existing power lines. An activity does not qualify to use this exemption if it results in relocation of an existing structure or facility more than ten feet in any direction from its original location, or if it involves the construction of new power or telephone lines or the repair and replacement of existing structures that require dredge and fill activities in order to provide access to the site.~~

~~(q) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided:~~

~~1. No more dredging or filling in wetlands or other surface waters is performed than that necessary to replace or repair pilings;~~

~~2. The structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge; and~~

~~3. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters.~~

~~(r) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked in accordance with Section 327.40, F.S.~~

~~(s) Construction of freshwater fish attractors by Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided that the material to be used shall be clean concrete, rock, brush, logs, or trees, and shall be free of soils, preservatives, oil, greases, debris, litter, putrescible substances, "white goods," asphalt material, tires, or other pollutants, and shall be firmly anchored to the bottom of the waterbody. The size of an individual fish attractor shall not exceed one quarter of an acre in area. The material shall be placed so that the top of the fish attractor is at least three feet below the surface of the water at mean annual low water and shall be outside any posted navigational channels. No fish attractor material shall be placed on or in areas vegetated by native aquatic vegetation. The site shall be marked with a buoy or buoys to ensure that no material is deposited outside of the site.~~

~~(t) Installation of piling support structures associated with water testing or monitoring equipment by the Department or the District, provided that flow or navigation are not impeded.~~

~~(u) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:~~

~~1. This exemption shall apply only to wholly artificial, non-navigable drainage conveyances;~~

~~2. The construction project area shall not exceed one acre, and the construction shall be for a discrete project that is not part of a larger plan of development which requires permitting under Chapter 40B-4 or 40B-400, F.A.C.;~~

~~3. The artificial waterway in existing condition shall be not more than four feet deep, measured from the top of bank to the bottom of the artificial waterway;~~

~~4. The person performing the exempt activity shall ensure that the size and capacity of the culvert(s) will be adequate to pass normal high water stages of the artificial waterway without causing adverse impacts to upstream or downstream property, but the culvert shall not be larger than one 24-inch diameter pipe, or its equivalent, and in no instance shall the culvert provide a smaller cross-sectional area or discharge capacity than any upstream culvert;~~

~~5. The elevation of the culvert invert shall be at the existing bottom grade of the artificial waterway;~~

~~6. The length of the driveway or roadway crossing the waterway shall not exceed 30 feet from top of bank to top of bank;~~

~~7. The top width of the driveway or roadway shall not exceed 20 feet, the toe to toe width shall not exceed 40 feet, and side slopes shall be no steeper than three feet horizontal to one foot vertical;~~

~~8. Clean fill used for the crossing shall be obtained from an upland borrow pit or from a dredge site that is in compliance with the regulatory requirements of Part IV of Chapter 373, F.S., either through a permit or an exemption;~~

~~9. There shall be no additional dredging, filling, or construction activities within the artificial waterway or project area, except those directly involved in the construction or operation and maintenance of the culverted crossing and those exempted from regulation under Part IV of Chapter 373, F.S.;~~

~~10. All temporary fill in construction areas shall be removed and regraded to original elevations and revegetated;~~

~~11. The person performing the exempt activity shall implement measures for erosion and pollution control using best management practices, including turbidity curtains or similar devices and other site specific practices, in strict adherence to the Florida Department of Transportation's "Standard Specifications for Road and Bridge Construction," and Chapter 6 of the Department's "Florida Development Manual," to prevent violations of state water quality standards. Temporary erosion controls shall be implemented prior to and during construction, and permanent erosion control measures for all exposed soils shall be completed within seven calendar days of the most recent construction activity;~~

~~12. Any spoil material from construction or maintenance shall be used or disposed of on an upland portion of the property or shall be transported off site and deposited on a self-contained upland spoil site that is in compliance with the permitting requirements of this chapter and Chapter 40B-4, F.A.C., as applicable;~~

~~13. If dewatering is performed, all temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs and to prevent siltation, erosion or turbid discharges into waters of the state in violation of state water quality standards. Any temporary works shall be completely removed, and all areas upstream and downstream from the crossing shall be restored to grades, elevations and conditions which existed before the construction;~~

~~14. This exemption shall apply only to a maximum of two crossings on any total land area of property with a minimum distance of 500 feet between crossings; and~~

~~15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing.~~

~~(v) The installation, removal, and replacement of utility poles that support telephone or communication cable lines, or electric distribution lines of 35 KV or less, together with the bases and anchoring devices to support those poles, as specified below. For the purpose of this exemption, "anchoring device" shall mean steel guy wires fastened to the ground, and "base" shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. This exemption shall be subject to the following conditions:~~

~~1. No more than 15 utility poles may be installed, removed, or replaced in wetlands;~~

~~2. This exemption shall not apply in surface waters other than wetlands;~~

~~3. The temporary disturbance to wetlands shall be limited to a length of 0.5 miles, an areal extent of 0.5 acre, and a width of 30 feet to access the site to actually install, remove, or replace the utility poles. Thereafter, maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor that does not exceed a total width of 15 feet and a total area of 0.25 acre;~~

~~4. This exemption shall not apply in forested wetlands located within 550 feet from the mean or ordinary high water line of a named waterbody that is designated as an Outstanding Florida Water or an Outstanding National Resource Water, or to activities in any aquatic preserves;~~

~~5. There shall be no permanent placement of fill other than utility poles and anchoring devices;~~

~~6. There shall be no dredging or filling of fill pads or access roads except for temporary mats, which may be used to access pole installation sites, and all temporary mats shall be removed within thirty days after the installation, removal or replacement of the utility poles, associated bases, and anchoring devices;~~

~~7. The installation of the utility pole(s) and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands;~~

~~8. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards due to construction-related activities;~~

~~9. Except for the permitted structures, pre-construction ground elevations and the contours of all soils that are disturbed by construction activities, including vehicle ruts in wetlands, shall be restored within 30 days of completion of the installation of the utility line or cable, and restored grades shall be stabilized within 72 hours following completion of elevation and contour restoration to minimize erosion;~~

~~10. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;~~

~~11. Water jets shall not be used except for those which are a pre-engineered part of the pole, and provided that the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;~~

~~12. Vehicular access in wetlands shall be limited to existing roads, trails, rights-of-way or easements, and to other previously disturbed corridors where they exist; and~~

~~13. The permittee shall provide an annual report to the District which summarizes the activities conducted under this exemption for the period from January 1 to December 31, of each year, including: the acreage of temporary impacts in wetlands resulting from the use of temporary mats and the clearing of wetland vegetation; the extent of permanent impacts to wetlands including the number of poles and structures in wetlands and the acreage of clearing in wetlands; the voltage of all electric lines that are installed; the number of times this exemption is used; the specific location of each line that is installed (including the county, the section, township, and range, and the identity of permanent landmarks such as roads and named wetlands and other surface waters within or adjacent to the work location); and the number of times and locations where water jets are used.~~

~~(3) Exemptions for Treatment or Disposal Systems.~~

~~(a) Alteration and maintenance of the following shall be exempt from the provisions in this chapter and Chapter 40B-4, F.A.C., implementing Sections 373.414(1) through 373.414(6), 373.414(8), and 373.414(10), F.S.; and Section 373.414(7), F.S., regarding any authority to apply state water quality standards within any works, impoundments, reservoirs, and other watercourses described in this subsection and any authority granted pursuant to Section 373.414, F.S. (1991):~~

~~1. Works, impoundments, reservoirs, and other watercourses constructed and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under Rules 62-528.700, 62-302.520 or Chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, 62-701, F.A.C., or Section 403.0885, F.S., or rules implementing Section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to Chapter 62-611, F.A.C., or Section 403.0885, F.S., or its implementing rules;~~

~~2. Works, impoundments, reservoirs, and other watercourses constructed solely for wastewater treatment or disposal before a construction permit was required under Chapter 403, F.S., and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under Rules 62-528.700, 62-302.520, or Chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, 62-701, F.A.C., or Section 403.0885, F.S., or rules implementing Section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to Chapter 62-611, F.A.C., or Section 403.0885, F.S., or its implementing rules;~~

~~3. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acre in combined area on a project-wide basis, constructed and operated solely for stormwater treatment in accordance with a noticed exemption under Chapter 62-25, F.A.C., or a valid permit issued under Chapters 62-25 (excluding Rule 62-25.042), 62-330, 40B-4, F.A.C., except those permitted as wetland stormwater treatment systems; and~~

~~4. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acre in combined area on a project-wide basis, constructed and operated solely for stormwater treatment before a permit being required under Chapter 62-25 or 40B-4, F.A.C.~~

~~(b) Alteration and maintenance of the following shall be exempt from the provisions in this chapter and Chapter 40B-4, F.A.C., adopted to implement Sections 373.414(1), 373.414(2)(a), 373.414(8), and 373.414(10), F.S.; and Sections 373.414(3) through 373.414(6), F.S.; and Section 373.414(7), F.S., regarding any authority to apply state water quality standards within any works, impoundments, reservoirs, and other watercourses described in this subsection and any authority granted pursuant to Section 373.414, F.S. (1991), except for authority to protect threatened and endangered species in isolated wetlands:~~

~~1. Works, impoundments, reservoirs, and other watercourses of 0.5 acre or greater in combined area on a project-wide basis, constructed and operated solely for stormwater treatment in accordance with a noticed exemption under Chapter 62-25, F.A.C., or a valid permit issued under Chapters 62-25 (excluding Rule 62-25.042), 62-330, 40B-4, F.A.C., except those permitted as wetland stormwater treatment systems.~~

~~2. Works, impoundments, reservoirs, and other watercourses of 0.5 acre or greater in combined area on a project-wide basis, constructed and operated solely for stormwater treatment before a permit was required under Chapter 62-25 or 40B-4, F.A.C.~~

~~(c) The exemptions in paragraphs (a) and (b) above shall not apply to works, impoundments, reservoirs or other watercourses that are:~~

~~1. Currently wetlands which existed before construction of the stormwater treatment system and were incorporated in it;~~

~~2. Being altered through expansion into wetlands or other surface waters; or~~

~~3. Wetlands created, enhanced or restored as mitigation for wetland or surface water impacts under a permit issued by the Department or the District.~~

~~(d) Alterations and maintenance of works, impoundments, reservoirs and other watercourses exempt under this subsection shall not be considered in determining whether the wetland permitting threshold in this chapter and Chapter 40B-4, F.A.C., are met or exceeded.~~

~~(e) Works, impoundments, reservoirs and other watercourses exempt under this subsection, other than isolated wetlands in systems described in paragraph (b) above, shall not be delineated under Section 373.421, F.S.~~

~~(f) This exemption shall not affect the application of state water quality standards, including those applicable to Outstanding Florida Waters, at the point of discharge to waters as defined in Section 403.031(13), F.S.~~

~~(g) As used in this subsection, "solely for" means the reason for which a work, impoundment, reservoir, or other watercourse is constructed and operated, and such construction and operation would not have occurred but for the purposes identified in paragraphs (a) and (b) above. Furthermore, the phrase does not refer to a work, impoundment, reservoir, or other watercourse constructed or operated for multiple purposes. Incidental uses, such as occasional recreational uses, will not render the exemption inapplicable, so long as the incidental uses are not part of the original planned purpose of the work, impoundment, reservoir or other watercourse. However, for those works, impoundments, reservoirs, or other watercourses described in subparagraphs (a)3. and (b)1., use of the system for flood attenuation, whether originally planned or unplanned, shall be considered an incidental use so long as the works, impoundments, reservoirs, and other watercourses are no more than two acres larger than the minimum area required to comply with the applicable stormwater treatment requirements of Chapter 62-25, 62-330 or 40B-4, F.A.C. For the purposes of this subsection, reuse from a work, impoundment, reservoir, or other watercourse is part of treatment or disposal.~~

~~(4) Surface Waters or Wetlands Created by Mosquito Control Activities. Construction, alteration, operation, maintenance, removal, and abandonment of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works, in, on or over lands that have become surface waters or wetlands solely because of mosquito control activities undertaken as a part of a governmental mosquito control program, and which lands were neither surface water or wetlands before such activities, shall be exempt from the provisions in this chapter adopted by the District to implement Sections 373.414(1) through (6); 373.414(7) regarding any authority granted pursuant to Sections 373.414 (1991), 373.414(8) and 373.414(10), F.S.~~

~~(5) The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are~~

~~constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02, 5-15-02, 10-6-09 Repealed [DATE].

40B-400.091 Publications and Agreements Incorporated by Reference.

~~(1) This rule is used in conjunction with Rule 62-330, F.A.C. to impliment the District's responsibilty under part IV of Chapter 373, F.S.~~

~~(2) The Governing Board hereby adopts the Applicants' Hanbook Volume II effective January 31, 2013. This document is available at District headquaters and on the District's website.~~

~~(3) The Governing Board hereby adopts the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between the Suwannee River Water Management District and the Florida Department of Environmental Protection, effective July 1, 2007. This document is available at District headquesrters and on the District's website.~~

~~(4) The Governing Board hereby adopts by reference the Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, U.S. Army Corps of Engineers, Jacksonville District used to establish the floodway for the works of the district identified in Chapter 40B-4, F.A.C. This document is available at District headquesrters and on the District's website.~~

~~(5) The Governing Board hereby adopts by reference the "Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual", effective July 2008. This document is available at District headquarters and on the District's website.~~

~~(6) The Governing Board hereby adopts by reference the following Flood Insurance Studies for each county listed below. Each of the documents are available at the District headquarters and on the District's website:~~

~~(a) Alachua County, Florida and Incorporated Areas, Effective June 16, 2006;~~

~~(b) Bradford County, Florida and Incorporated Areas, Effective May 2, 2012~~

~~(c) Columbia County, Florida and Incorporated Areas, Effective February 4, 2009;~~

~~(d) Dixie County, Florida and Incorporated Areas, Effective September 29, 2006;~~

~~(e) Gilchrist County, Florida and Incorporated Areas, Revised September 29, 2006;~~

~~(f) Hamilton County, Florida and Incorporated Areas, Effective June 4, 2010,~~

~~(g) Jefferson County, Florida and Incorporated Areas, Effective July 16, 1991~~

~~(h) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006;~~

~~(i) Levy County, Florida and incorporated Areas, Effective November 2, 2012~~

~~(j) Madison County, Florida and Incorporated Areas, Effective May 3, 2010;~~

~~(k) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007;~~

~~(l) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;~~

~~(m) Union County, Florida and Incorporated Areas, Effective February 4, 2009.~~

~~The Governing Board hereby adopts by reference:~~

~~(1) "Environmental Resource Permit Applicant's Handbook — May 2002."~~

~~(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Suwannee River Water Management District and Department of Environmental Protection, effective July 1, 2007.~~

Specific Authority 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS. Law Implemented 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS. History—New 10-3-95, Amended 12-3-98, 3-7-02, 5-15-02, 7-1-07 [DATE].

40B-400.101 Content and Processing of the Application, Amended 12-3-98.

~~(1) All applications for environmental resource permits shall be filed and processed in~~

~~accordance with Chapters 120 and 373, F.S., and Chapter 40B-1, F.A.C.~~

~~(2)(a) Each application for an individual or conceptual approval environmental resource permit shall be filed upon the appropriate District form listed in Rule 40B-1.901, F.A.C. The applicant shall submit three copies of the application, construction plans and any supporting documents describing the proposed system.~~

~~(b) Each application for an individual environmental resource permit or a conceptual approval environmental resource permit which seeks authorization to alter, abandon, or remove a system, or a portion of a system, which is exempt from permitting under the provisions of subsection 40B-400.051(2), F.A.C., shall contain the plans and information required by paragraph 40B-400.101(2)(a), F.A.C., respectively, for the system as it was originally constructed, as it exists on the date of the permit application, and as it is proposed to be modified.~~

~~(3) A complete application for an individual or a general environmental resource permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to s. 401, Public Law 92-500, 33 USC section 1341. Issuance of the permit shall constitute certification of compliance with water quality standards, unless the permit is issued pursuant to the net improvement provisions of Section 373.141(1)(b)3., F.S., or specifically states otherwise.~~

~~(4) If the permit application involves activities located in, on, or over wetlands or other surface waters, then, within three business days of receipt of the application, the District shall forward a copy to the appropriate office of the U.S. Army Corps of Engineers unless specifically authorized by the Corps to do otherwise.~~

~~(5) If the application involves activities located in, on, or over wetlands or other surface waters the District shall forward a copy of the notice of application to and request comments from:~~

~~(a) The Florida Fish and Wildlife Conservation Commission;~~

~~(b) The Florida Department of State, Division of Historical Resources;~~

~~(c) Any person who has requested a copy of the specific application that is under review;~~
~~and~~

~~(d) The Department of Environmental Protection, if the proposed activities have a potential to impact marine species listed in Rule 39-27.003, 39-27.004, or 39-27.005, F.A.C.~~

~~(6) If at any time during the processing of the application, it appears that the application involves activities which may take place on state-owned lands, the District shall send a copy of the application to the Division of State Lands, Department of Environmental Protection.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95 Repealed [DATE].

40B-400.103 Conditions for Issuance of Permits.

~~(1) In order to obtain a standard general, individual, or conceptual approval permit under this chapter or Chapter 40B-4, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:~~

~~(a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;~~

~~(b) Will not cause adverse flooding to on-site or off-site property;~~

~~(c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;~~

~~(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;~~

~~(e) Will not adversely affect the quality of receiving waters such that the water quality standards set forth in Chapters 62-3, 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C.,~~

~~including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in Rule 62-4.242(2) and (3), F.A.C., will be violated;~~

~~(f) Will not cause adverse secondary impacts to the water resources;~~

~~(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows;~~

~~(h) Will not cause adverse impacts to a work of the District established pursuant to Section 373.086, F.S.;~~

~~(i) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;~~

~~(j) Will be conducted by an entity with the financial, legal, and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and~~

~~(k) Will comply with any applicable special basin or geographic area criteria established by District rule.~~

~~(2) If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant must comply with the requirements set forth in s. 12.2.4.5, Environmental Resource Permit Applicant's Handbook.~~

~~(3) The standards and criteria, including the mitigation provisions and the provisions for elimination or reduction of impacts, contained in the Environmental Resource Permit Applicant's Handbook adopted by reference in Rule 40B-400.091, F.A.C., shall determine whether the reasonable assurances required by subsection 40B-400.103(1) and Rule 40B-400.104, F.A.C., have been provided.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95 Repealed [DATE].

40B-400.104 Additional Conditions for Issuance of Permits.

~~In addition to the conditions set forth in Rule 40B-400.103, F.A.C., in order to obtain a standard general, individual, or conceptual approval permit under this chapter or Chapter 40B-4, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal and abandonment of a system:~~

~~(1) Located in, on or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in ss. 12.2.3 through 12.2.3.7, Environmental Resource Permit Applicant's Handbook:~~

~~(a) Whether the activity will adversely affect the public health, safety or welfare or the property of others;~~

~~(b) Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;~~

~~(c) Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;~~

~~(d) Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;~~

~~(e) Whether the activity will be of a temporary or permanent nature;~~

~~(f) Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and~~

~~(g) The current condition and relative value of functions being performed by areas affected by the proposed activity.~~

~~(2) When determining whether the applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant's violation of any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity, and efforts taken by the applicant to resolve these violations.~~

~~(3) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in ss. 12.2.8 through 12.2.8.2, Environmental Resource Permit Applicant's Handbook.~~

~~(4) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth in or incorporated by reference in Chapter 5L-1, F.A.C., will comply with the additional criteria in ss. 12.2.5 of the Applicant's Handbook adopted by reference in Rule 40B-400.091, F.A.C.~~

~~(5) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in ss. 12.2.6 of the Applicant's Handbook.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.115 Limiting Conditions.

~~(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40B-4, F.A.C., unless waived by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit.~~

~~(a) All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.~~

~~(b) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.~~

~~(c) Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.~~

~~(d) Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, which is incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.~~

~~(e) Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.~~

~~(f) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40B-1.901(19) indicating the actual start date and the expected completion date.~~

~~(g) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40B-1.901(20). These forms shall be submitted during June of each following year.~~

~~(h) For those systems which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by paragraph 40B-4.2030(2)(g), F.A.C., and Rule 40B-4.2035, F.A.C., must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.~~

~~(i) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.~~

~~(j) Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, using the supplied As-Built Certification Form No. 40B-1.901(21) incorporated by reference in subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:~~

- ~~1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;~~
- ~~2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;~~
- ~~3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;~~
- ~~4. Dimensions, elevations, contours, final grades, or cross-sections of the system to~~

determine flow directions and conveyance of runoff to the treatment system;

5. ~~Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;~~

6. ~~Existing water elevation(s) and the date determined; and~~

7. ~~Elevation and location of benchmark(s) for the survey.~~

~~(k) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraph (i) above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with Rule 40B-4.2035, F.A.C., accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the approved responsible operation and maintenance operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40B-4.1130, F.A.C., the permittee shall be liable for compliance with the terms of the permit.~~

~~(l) Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior to implementation so that a determination can be made whether a permit modification is required.~~

~~(m) This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in this chapter and Chapter 40B-4, F.A.C.~~

~~(n) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.~~

~~(o) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.~~

~~(p) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Rule 40B-400.046, F.A.C., provides otherwise.~~

~~(q) The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40B-4.1130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.~~

~~(r) Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.~~

~~(s) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District. If evidence of the existence of historic resources is discovered or observed at permitted project sites or during permitted activities after a permit is issued, the applicant, owner, contractor, or agent thereof shall notify the District and the Division~~

~~of Historical Resources, Compliance and Review Section [(850)-245-6333] within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds.~~

~~(t) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.~~

~~(2) In addition to those general conditions set forth in subsection (1), the Governing Board shall impose on any permit granted under this chapter and Chapter 40B-4, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will meet the conditions for issuance in Rules 40B-400.103 and 40B-400.104, F.A.C. Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with Chapter 28-106, F.A.C.~~

~~(3) The Governing Board hereby adopts by reference "Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual", effective July 2008. This is available at District headquarters and on the District's website.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02, 5-15-02, 6-7-09 Repealed [DATE].

40B-400.201 Policy and Purpose.

~~The purpose of Part II of this chapter is to provide noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the District, both individually and cumulatively. Mitigation is neither necessary nor required for activities that qualify for noticed general permits. Persons wishing to use one or more of the general permits in Part II of this chapter shall be subject to the notice provisions of Rule 40B-400.211, F.A.C., before any activity is conducted as authorized herein. The general conditions provided pursuant to Rule 40B-400.215, F.A.C., shall apply to all of the general permits in Part II of this chapter. Strict compliance with all of the terms, conditions, requirements, limitations and restrictions applicable to a desired noticed general permit under this part is required to qualify for such a permit.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.211 Processing Procedures for Noticed General Permits.

~~(1) A noticed general permit authorizes the construction, operation, maintenance, alteration, abandonment, or removal of certain minor surface water management systems as set forth in Part II of this chapter, after notice is provided to the District. Whenever a noticed general permit specifies procedures different from the procedures in this section, the procedures specified in the noticed general permit will govern.~~

~~(2) Any person wishing to construct, operate, maintain, alter, abandon, or remove a surface water management system pursuant to a noticed general permit set forth in Part II of this chapter shall provide notice to the District by submitting a complete Notice of Intent to Use a Noticed General Permit, on the appropriate District form listed in Rule 40B-1.901, F.A.C., including the appropriate application fee required in Rule 40B-1.706, F.A.C., to the District at least 30 days prior to undertaking construction, operation, maintenance, alteration, abandonment or removal of the system. For the purposes of this subsection, the application form is only considered submitted when it is actually received by the District.~~

~~(3) If the District determines that the system does not qualify for a noticed general permit, the District shall so notify the applicant by mailing a notification within 30 days of receiving the completed copy of the appropriate District form as listed in Rule 40B-1.901, F.A.C. For the purposes of this subsection, mailing shall be deemed to occur when the notice is properly~~

~~addressed, stamped, and deposited in the United States mail, and the postmark date shall be the date of mailing. When the District notifies the applicant that the system does not qualify for a noticed general permit due to an error or omission in the original notice to the District, the applicant shall have 60 days from the date of the notification to amend the notice to use the general permit and submit additional information to correct such error or omission. If the applicant amends the notice to use a noticed general permit and submits additional information correcting the error or omission within the 60-day time limit, no additional application fee will be required for the noticed general permit. If the District does not mail the notice informing the applicant that the system does not qualify for a noticed general permit within 30 days of receipt of the original notice to use the general permit, or amended notice to use the general permit if an amended notice is submitted, the applicant may conduct the activity authorized by the noticed general permit.~~

~~(4) If the District notifies an applicant that the system for which a noticed general permit is sought does not qualify for the noticed general permit, the applicant may apply for a standard general or individual permit. The application fee for the noticed general permit shall be applied to the application fee for a standard general or individual permit if the applicant applies for such a permit within 60 days of notification by the District.~~

~~(5) All construction, operation, maintenance, alteration, abandonment, or removal of any system pursuant to a noticed general permit must comply with the provisions of that general permit.~~

~~(6) For systems which qualify for a noticed general permit, the District will not publish, or require the applicant to publish, newspaper notice of the notice submitted to qualify for the permit. However, persons qualifying for a noticed general permit may publish, in a newspaper of general circulation in the affected area, a notice of intent to use a noticed general permit.~~

~~(7) A noticed general permit shall also constitute certification of compliance with state water quality standards where necessary pursuant to s. 401, Public Law 92-500, 33 USC section 1341, for activities that qualify for the noticed general permit and that are performed in accordance with the conditions of the noticed general permit.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.215 General Conditions for All Noticed General Permits.

~~(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in Part II of this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.~~

~~(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The District may also begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.~~

~~(3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.~~

~~(4) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit and Part II of this chapter.~~

~~(5) This general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to human health or welfare, animal, plant or aquatic life,~~

or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and District rules.

~~(6) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.~~

~~(7) The authorization to conduct activities pursuant to general permit may be modified, suspended or revoked in accordance with Chapter 120, and Section 373.429, F.S.~~

~~(8) This permit shall not be transferred to a third party except pursuant to Rule 40B-4.1130, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.~~

~~(9) Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.~~

~~(10) The permittee shall maintain any permitted system in accordance with the plans submitted to the District and authorized by this general permit.~~

~~(11) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of three years.~~

~~(12) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands or other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.~~

~~(13) The permittee shall hold and save the District harmless from any and all damages, claims or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.~~

~~(14) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 12-23-08 Repealed [DATE].

40B-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

~~(1) A general permit is hereby granted to any person for construction, alteration or maintenance of a boat ramp and the associated accessory docks, provided:~~

~~(a) The boat ramp is not exempt from permitting pursuant to Section 403.813(1)(b), F.S., Rule 40B-4.1070 or 40B-400.051, F.A.C.;~~

~~(b) The boat ramp is not part of a larger plan of development proposed by the applicant which requires a standard general or individual environmental resource permit;~~

~~(c) The construction of a new boat ramp or the widening of an existing boat ramp which would increase the number of boat launching lanes does not occur in waters that are accessible to manatees in Dixie or Levy counties, excluding the portions of those waters that are upstream of water control structures that preclude the passage of manatees, and inland waterbodies with no connection to coastal waters. However, the limiting provisions of this paragraph shall not apply to the construction of a new boat ramp at a single family residence when the residence is not part of a larger plan of development proposed by the applicant;~~

~~(d) No ramp or accessory dock shall be constructed under this general permit unless navigational access exists to the ramp and accessory docks which provides a minimum depth of two feet below the mean low water level in tidal waters or two feet below the mean annual low water level in non-tidal waters;~~

~~(e) There shall be no filling of wetlands or other surface waters, other than the actual boat ramp surface, incidental filling associated with recontouring the land under the ramp to create a smooth grade, and pilings for associated accessory docks;~~

~~(f) Ramps constructed or altered under this general permit shall not exceed a width of 35 feet, including the side slopes. State agencies, counties, municipalities and water management districts are authorized to construct or alter a ramp or to widen an existing ramp which does not exceed 50 feet in width;~~

~~(g) The construction, alteration or use of the boat ramp and accessory docks shall not significantly impede navigability in the water body;~~

~~(h) The above-water portion of the ramp is landward of the mean high water line (for tidal waters) or the ordinary high water line (for non-tidal waters);~~

~~(i) Dredging shall be limited to that amount of material necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension, and the amount of dredged material shall be less than 100 cubic yards;~~

~~(j) All spoil material that results from activities authorized by this general permit shall be deposited in an upland spoil site which shall be designed and located to prevent the escape of spoil material into wetlands or other surface waters such that state water quality standards are not violated;~~

~~(k) A maximum of two accessory docks, abutting to either one or both sides of the boat ramp shall be authorized, and the total square footage of the accessory docks shall be less than 500 square feet over wetlands or other surface waters. State agencies, counties, municipalities and water management districts are authorized to construct or alter accessory docks such that the total area of the accessory docks over wetlands or other surface waters does not exceed 1000 square feet and the accessory docks are not more than six feet wide;~~

~~(l) There shall be no dredging or filling of submerged grassbeds or coral communities;~~

~~(m) No part of the accessory docks shall be located over submerged grasses or coral communities; and~~

~~(n) the accessory docks shall not be used for overnight mooring, except for accessory docks at a boat ramp at a single family residence.~~

~~(2) The construction or alteration of a boat ramp or accessory docks does not obligate the District to approve any subsequent request to dredge for navigational access.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS.
History—New 10-3-95 Repealed [DATE].

40B-400.427 General Permit for Certain Piers and Associated Structures.

~~(1) A general permit is hereby granted to any person to construct, extend, or remove piers and associated structures as described below:~~

~~(a) Single-family piers along with boat lifts, boat houses, terminal platforms, and gazebos attached to the pier, where these structures:~~

- ~~1. Do not accommodate the mooring of more than two water craft;~~
- ~~2. Do not, together with existing structures, exceed a total area of 2000 square feet;~~
- ~~3. Have a minimum depth of two feet below the mean low water level for tidal waters and two feet below the mean annual low water level for nontidal waters for all areas designed for boat mooring and navigational access; and~~

~~(b) Public fishing piers that do not exceed a total area of 2000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, or terminal platforms, shall not occur over submerged grassbeds, coral communities, or wetlands. In addition, the boat mooring location shall not be over submerged grassbeds, coral communities, or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;~~

~~(b) There shall be no wet bars, living quarters, or living quarters over wetlands or other surface waters or on the pier, and no structure authorized by this general permit shall be enclosed by walls or doors;~~

~~(c) The structure and its use shall not significantly impede navigability in the water body;~~

~~(d) There shall be no dredging or filling associated with construction of the structures authorized herein, other than that required for installation of the actual pilings for the pier, boat lift, boat shelter, gazebo, or terminal platform;~~

~~(e) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and~~

~~(f) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS.
History—New 10-3-95 Repealed [DATE].

40B-400.431 General Permit for Installation of Riprap.

~~(1) A general permit is hereby granted to any person installing riprap at the toe of an existing vertical seawall, provided:~~

~~(a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimensions;~~

- ~~(b) The slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than eight feet;~~
- ~~(c) There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;~~
- ~~(d) Neither the distance nor the use of the riprap shall interfere with navigation;~~
- ~~(e) There is no filling or dredging associated with the placement of riprap other than the riprap material itself;~~
- ~~(f) There shall be no filling of submerged grassbeds;~~
- ~~(g) The amount of wetland area filled shall not exceed 100 square feet; and~~
- ~~(h) There shall be no filling of coral communities.~~
- ~~(2) This general permit shall be subject to the following specific conditions:~~
 - ~~(a) Installation of the structure does not obligate the District to approve any subsequent request to dredge for navigational access;~~
 - ~~(b) There shall be no backfilling to obtain usable upland or to straighten an otherwise sinuous shoreline; and~~
 - ~~(c) There shall be no filling or backfilling to reclaim land lost by avulsion or erosion.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.437 General Permit for the Installation of Fences.

~~A general permit is hereby granted to any person installing a fence in wetlands or other surface waters, except in Outstanding Florida Waters, Outstanding National Resource Waters, Aquatic Preserves, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department for shellfish harvesting, provided:~~

- ~~(1) The structure shall not block navigation, create a navigational hazard, impede the natural flow of water by itself or through the accumulation of debris;~~
- ~~(2) No fence shall be installed into open waters (areas of water bodies not supporting emergent vegetation) of any navigable river, stream, canal, or tributary thereof, a distance of more than 25 feet or more than twenty percent of the width of the open water, whichever is less, and no fence shall extend more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands;~~
- ~~(3) The fence will be constructed of wire attached to posts which project at least two feet above the mean annual flood or ordinary high water elevation of the waterway;~~
- ~~(4) In navigable waters and all lakes, the structure shall be adequately marked with reflectors visible from both directions paralleling the shoreline; and~~
- ~~(5) Dredging or filling performed shall be limited to that necessary to install individual fence posts.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.439 General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways.

- ~~(1) A general permit is hereby granted to any person for the purpose of constructing or maintaining a culverted driveway, roadway crossing, or bridge of an artificial waterway provided:~~
 - ~~(a) This general permit shall apply only to wholly artificial, non-navigable drainage conveyances;~~
 - ~~(b) A culvert or culverts shall be placed under the roadway or driveway;~~
 - ~~(c) The size and number of the culvert(s) shall be adequate to pass normal high water stages of the artificial water body being crossed. In no instance shall the culvert(s) provide a~~

~~smaller cross-sectional area or discharge capacity than any upstream culvert;~~

~~(d) The elevation of the culvert invert shall be at the existing bottom grade of the artificial waterway;~~

~~(e) The length of the driveway, roadway or bridge crossing the waterway shall not exceed 50 feet top of bank to top of bank;~~

~~(f) The top width of the driveway, roadway, or bridge shall not exceed 75 feet, the toe to toe width shall not exceed 100 feet and the side slopes shall not be steeper than two horizontal to one vertical;~~

~~(g) Clean fill used for the crossing must be obtained from uplands or from a dredge site which is in compliance with the permitting requirement of Chapter 40B-400, F.A.C., as applicable;~~

~~(h) There shall be no additional dredging, filling or construction activities, except as exempted from regulation under Part IV of Chapter 373, F.S., and those directly involved in the construction or maintenance of the proposed crossing or bridge; and~~

~~(i) The maintenance of the roadway, driveway or bridge shall continue to provide at least the same volume of discharge through the culvert(s).~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) The permittee shall stabilize fill areas and waterway banks disturbed by the activity by revegetation or riprap within 72 hours of completion of construction to prevent erosion, siltation or turbid runoff into wetlands and other surface waters.~~

~~(b) If dewatering is performed, all temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs and no siltation, erosion or turbid discharges into wetlands or other surface waters occur in violation of state water quality standards. Any temporary works shall be completely removed and all areas upstream and downstream from the crossing shall be restored to grades, elevations and conditions which existed before construction.~~

~~(3) This general permit shall apply only to a maximum of two crossings on a given parcel of property with a minimum distance of 500 feet between crossings. Maintenance shall be allowed at any and all existing structures meeting the specifications of this general permit.~~

~~(4) This general permit shall not apply if:~~

~~(a) Relocation of all or part of the artificial waterway is required, or~~

~~(b) Dredging or filling activities are required, other than for the proposed culvert crossing from regulation under Part IV of Chapter 373, F.S.~~

~~(5) This general permit does not authorize any road construction or alteration connecting to a crossing authorized by this general permit.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.443_General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

~~(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:~~

~~(a) The replacement, modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.~~

~~(b) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or return water from the spoil deposition area into wetlands or other surface waters is prohibited.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) In addition to compliance with the notice provisions of Rule 40B-400.211, F.A.C., within 90 days following completion of construction, the permittee will notify by letter the appropriate District office of the date construction activities were completed;~~

~~(b) No dredging of access or work channels are authorized by this general permit;~~

~~(c) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;~~

~~(d) All fill placed in wetlands other than fill on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones" as described in chapter 3, Roadside Design Manual, American Association of State Highway and Transportation Officials dated October 1988, revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. These wetland areas shall be maintained, and planted as necessary, to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within clear zones that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and the forested wetlands other than forested wetlands in clear zones that are disturbed by fill shall achieve a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction. A maintenance plan must be developed and implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than ten percent of the areal cover in any stratum at any time for the five-year period following the initial planting or restoration of the site;~~

~~(e) Hydraulic openings of new bridges constructed under paragraph (1)(a) above shall be sufficient to prevent downstream scour, increased downstream water velocities and increased backwater elevations on the property of others;~~

~~(f) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5, May 7, 1982;~~

~~(g) Horizontal and vertical clearances for replacement bridge structures shall meet or exceed those of the bridge being replaced;~~

~~(h) Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity;~~

~~(i) The fill areas and the banks of the water body shall be stabilized with vegetation or riprap within seven days following completion of slope construction. This stabilization is considered a construction priority and completed fill slopes in wetlands and other surface waters shall not remain unstabilized while other construction continues;~~

~~(j) This general permit does not authorize the use of dredged material for roadway construction;~~

~~(k) The permittee shall use erosion and sediment control best management practices, including turbidity curtains or similar devices, in strict adherence to these practices as described in Chapter 6, The Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988) to prevent violations of state water quality standards;~~

~~(l) This general permit authorizes dredging and filling for the replacement, modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this Permit. Any~~

~~connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40B-4 or 40B-400, F.A.C., as applicable, before the start of construction; and~~

~~(m) This general permit does not authorize replacement or modification of bridges or approaches which involve the construction of additional traffic lanes.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 8-9-07 Repealed [DATE].

40B-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

~~(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:~~

~~(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.~~

~~(b) Relocation, recontouring, widening, or reconstruction of existing highway drainage ditches through uplands provided the floor elevation of the ditch is not deepened below the original design elevation and provided that the work does not cause a change in the hydrology of any wetlands which are connected to or which are adjacent to the ditch.~~

~~(c) Culvert placement, replacement and maintenance associated with existing roadways, in streams with an average discharge of less than ten cubic feet per second at the culvert location or streams draining less than ten square miles, provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream, does not reduce existing flood conveyance of the stream for the 100-year flood flow and does not reduce existing flood storage within the 10-year flood plain. The material excavated or deposited as fill shall not exceed 1000 cubic yards in wetlands and other surface waters. The cross-sectional area of the culvert shall not be reduced unless the reduced cross-section provides for an equal or greater discharge capability. In the case of a culvert installed as a wildlife crossing, the cross-sectional area shall not be reduced.~~

~~(d) Construction of temporary bypass lanes and stream channel diversions necessary to complete projects detailed in paragraph (c) above, provided the area used for the temporary bypass lanes and temporary diversion is restored to its previous contours and elevations.~~

~~(e) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of structures authorized by paragraph (c) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or return water from the spoil deposition area into wetlands or other surface waters is prohibited.~~

~~(f) Repair of existing concrete bridge pilings by the construction of pile jackets, provided that the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, proper turbidity control measures shall be employed as necessary to prevent violations of state water quality standards.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) The permittee shall use erosion and sediment control best management practices, including turbidity curtains or similar devices, in strict adherence to these practices as described in Chapter 6, The Florida Land Development Manual: A Guide to Sound Land and Water~~

~~Management (Florida Department of Environmental Regulation, 1988) to prevent violation of state water quality standards.~~

~~(b) Immediately following completion of slope construction, the fill areas and any disturbed banks of wetlands or other surface waters shall be stabilized with vegetation or riprap to prevent erosion. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.~~

~~(c) In addition to complying with the notice provisions of Rule 40B-400.211, F.A.C., at least 90 days prior to commencement of construction, the permittee shall provide written notification to the District of the date the permitted construction activities are planned to begin and within 90 days following completion of construction the permittee shall provide written notification to the District of the date construction activities are completed.~~

~~(d) The permittee shall limit stream channel relocation to streams which have an average annual discharge of ten cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability.~~

~~(e) This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.~~

~~(3) This general permit does not authorize the construction of additional traffic lanes. Systems which require additional traffic lanes must first obtain a general or individual environmental resource permit under Chapter 40B-4, F.A.C., as applicable, before the start of construction.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 8-9-07 Repealed [DATE].

40B-400.453 General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline.

~~(1) A general permit is hereby granted for the installation, maintenance, repair and removal of underground cable, conduit or pipeline that transmits electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, or natural gas.~~

~~(2) This general permit is subject to the following special conditions:~~

~~(a) The maximum width of the disturbed corridor in wetlands shall not exceed 30 feet. The maximum width of the excavated trench shall not exceed eight feet, with temporary spoil storage banks not to exceed ten feet in width;~~

~~(b) The total area of wetland disturbance shall not exceed 0.5 acre of forested wetlands per ten miles of cable, conduit, or pipeline;~~

~~(c) For a trench with a top width greater than three feet in herbaceous wetlands, the upper layer of the soil horizon shall initially be scraped and segregated into a spoil bank that is separated from the spoil bank resulting from the excavation of the trench for the utility line. The upper layer of the soil horizon shall be replaced as the last step of restored grades to facilitate natural revegetation;~~

~~(d) Maintenance trimming or removal of trees in wetlands will be conducted only within the impacted areas authorized under this general permit and only as necessary to perform repairs on the cable, conduit, or pipeline;~~

~~(e) This general permit does not authorize construction in surface waters other than wetlands;~~

~~(f) There shall be no net placement of permanent fill resulting from the activities authorized by this general permit;~~

~~(g) There shall be no dredging or filling in wetlands to access the work areas authorized by this general permit, except for temporary mats. All temporary mats shall be removed within thirty days after completion of the installation of the line within the wetland portion of the project;~~

~~(h) The works authorized by this general permit shall not impede the flow of water in wetlands or other surface waters, except for a maximum period of 30 days during construction, provided that the impeded flow does not cause flooding and shall not adversely affect the wetlands or other surface waters;~~

~~(i) Temporary spoil banks shall contain breaches that prevent impoundment or restriction of surface water flows;~~

~~(j) This general permit does not authorize the installation of conduit for draining wetlands or other surface waters;~~

~~(k) Pre-construction ground elevations and the contours of all disturbed soils, including vehicle ruts in wetlands and other surface waters, shall be restored within 30 days of completion of line installation. Restored grades shall be stabilized within 72 hours following completion of elevation and contour restoration to minimize erosion;~~

~~(l) Vehicle usage in wetlands and other surface waters shall be conducted so as to minimize tire rutting and erosion impacts;~~

~~(m) For purposes of this general permit, vehicular access in wetlands and other surface waters shall be limited to existing roads, trails, rights-of-way or easements, and to other previously disturbed corridors where they exist;~~

~~(n) This general permit shall not apply in Outstanding Florida Waters, Outstanding National Resource Waters, Aquatic Preserves, or Class I waters; and~~

~~(o) During the initial clearing event and when conducting subsequent normal maintenance activities, the permittee shall eradicate all Brazilian pepper, Australian pine, and melaleuca from the wetland portions of the utility right of way.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95 Repealed [DATE].

40B-400.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters.

~~(1) A general permit is hereby granted to any person constructing an aerial pipeline, cable, or conduit crossing of artificial waterways (including man-made canals and drainage ditches as defined in Section 403.803, F.S.) and natural water bodies, where the width of such waterways or waterbodies is no greater than 25 feet, provided:~~

~~(a) The crossing is not located in Outstanding Florida Waters, Outstanding National Resource Waters, Aquatic Preserves, Class I waters, Class II waters, or waters approved, conditionally approved, restricted or conditionally restricted by the Department for shellfish harvesting. For the purposes of this section, aerial pipeline, cable or conduit crossings include: pipelines, cables and conduits transporting potable water, raw non-wastewater, including well water and reservoir water, reclaimed water, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes; electrical power cables and conduits that are not subject to the provisions of Sections 403.52-.539, F.S.; and telephone and other electronic communication cables and conduits;~~

~~(b) There shall be a minimum clearance of five feet between the pipeline, cable or conduit and the elevation of the mean or ordinary high water line, and no pipeline, cable or conduit shall be lower than existing pipeline, cable or conduit structures in the area;~~

~~(c) The structure shall not create a navigational hazard or impede the natural flow of water;~~

~~(d) Dredging shall be restricted to that quantity necessary for actual installation of the support piles, and no fill other than the support piles shall be placed within wetlands or other surface waters. Any disturbance of the side slopes of the waterway shall be stabilized with~~

native vegetation;

~~(e) Work activities for the installation of the aerial crossing shall be restricted to a width of no more than thirty (30) feet on each side of the crossing alignment. In cases where multiple pipes, cables or conduits are to be installed along the same alignment the 30-foot width shall commence from the outermost pipes, cables or conduits. For the purposes of this general permit, no more than three pipes shall be placed along a given alignment, and in no case shall the total disturbance area exceed 75 feet in width; and~~

~~(f) Construction techniques necessary for the installation of the aerial pipeline, cable, or conduit, including the transport and placement of materials, shall not disturb the adjacent bottoms of the waterbody or adversely affect water quality.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) Any pipeline or conduit transporting authorized materials, other than potable water or raw non-wastewater, shall be subject to the following spill prevention design criteria:~~

~~1. Double-piping (pipe within a pipe) constructed in such a manner that any leakage from the inside pipe into the outside pipe shall be conveyed to spill detention areas constructed in areas outside of wetlands or other surface waters; and~~

~~2. Pressure sensitive devices designed to detect any leak shall be installed proximal to the aerial crossing, and shall be designed to allow both visual and audible detection.~~

~~(b) The District shall be notified within 24 hours of any leak or failure of any of the pipes associated with the aerial crossing.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.457 General Permit for Subaqueous Utility Crossing of Artificial Waterways.

~~(1) A general permit is hereby granted to any person constructing, repairing or replacing a subaqueous utility crossing of artificial waterways (which are defined for purposes of this rule as residential canal systems and all other bodies of water that have been totally excavated from uplands and which do not overlap wetlands or other surface waters at the location of the crossing and which were not created as a part of a mitigation plan) provided:~~

~~(a) The work is not located in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters or waters approved, conditionally approved, restricted or conditionally restricted by the Department for shellfish harvesting;~~

~~(b) Such construction shall be limited only to non-navigable watercourses or to those waterways in which navigation can be maintained at all times without the necessity of removing or relocating turbidity control devices to allow boat passage;~~

~~(c) No dredging or filling shall be conducted in wetlands or other surface waters, which are located landward of the top of the banks of an artificial waterway. Dredging and back-filling of littoral zones and wetland vegetation growing on the side slopes of the artificial waterway may be performed only as is reasonably necessary to install the subaqueous utility line crossing and restore the banks to their original design specifications;~~

~~(d) There shall be no dewatering or construction of temporary berms or dikes;~~

~~(e) The maximum length of the utility crossing shall not exceed 150 feet from top of bank to top of bank. Excavated trench dimensions shall be limited to a depth of not more than ten feet below existing bottom contours and a trench top width of not more than ten feet;~~

~~(f) The maximum width of the area disturbed by equipment during construction shall be no more than 30 feet wide;~~

~~(g) All previously excavated contours are restored with on-site native backfill, coarse sand, or clean, non-toxic rock bedding or cap material, as appropriate, within 72 hours following installation of the utility line;~~

~~(h) This general permit shall only authorize utility installations extending from bank to~~

~~opposite bank on a particular waterway. The placement of utility lines paralleling the watercourse alignment is not authorized; and~~

~~(1) Placement of the utility line shall not result in a navigational hazard. Customary navigation through the waterway shall be maintained at all times during installation.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) Measures shall be taken to prevent violations of state water quality standards during and after construction arising from the work, such as the use of turbidity curtains, staked filter cloth and staked hay bales. Where turbidity curtains, filter cloth, hay bales and similar structural measures are not sufficient to contain turbid runoff, additional measures, such as restricting work to periods of low flow and dry season months, shall be taken to ensure that construction can be performed in a manner which will not violate water quality standards;~~

~~(b) All erodible ground areas and slopes disturbed during construction shall be revegetated with sod, mulch, seed, or wetland species or otherwise stabilized within 72 hours after installation of the utility line and at any other time as necessary to prevent violations of state water quality standards in wetlands or other surface waters;~~

~~(c) Temporary or permanent spoil disposal sites shall be located exclusively on uplands and shall be sited or designed to prevent violations of state water quality standards in wetlands or other surface waters;~~

~~(d) The utility crossing shall be designed in accordance with generally recognized practices of sound engineering; and~~

~~(e) Signs shall be installed and maintained at conspicuous locations to identify the alignment and type of the utility line within wetlands or other surface waters.~~

~~(3) For purposes of this section, utility crossings or lines include: crossings and lines transporting potable water, raw nonwastewater, including well water and reservoir water, or domestic wastewater; electrical power cables and conduits that are not subject to Sections 403.52-.539, F.S.; and telephone and other electronic communication cables and conduits.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95 Repealed [DATE].

40B-400.463 General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

~~(1) A general permit is hereby granted to any governmental mosquito control agency to construct and operate culverts and associated water control structures for the control of water levels in mosquito control impoundments, provided:~~

~~(a) The construction or operation of the culvert and associated water control structure is done only to provide improved transport of tidal water and organisms between the impounded wetland and adjacent surface waters or between cells within existing mosquito control impoundments for the purpose of improving water quality and the quality of fish and wildlife values;~~

~~(b) This general permit does not authorize the construction or operation of culverts and associated water control structures for the purpose of facilitating aquaculture;~~

~~(c) The construction or operation of culverts and associated water control structures is not required as mitigation under Part IV of Chapter 373, F.S.;~~

~~(d) Access for the construction or operation of the culverts and associated water control structures does not require dredging or filling in wetlands or other surface waters or equipment access through wetlands;~~

~~(e) Culverts and associated water control structures shall be installed in locations that restore historic flow patterns, such as at or adjacent to historic locations of tidal creeks, and shall be located and operated such that water quality standards for dissolved oxygen shall not~~

~~be violated in the receiving waters outside the impoundment;~~

~~(f) Culverts and associated water control structures shall either be left open year-round or shall be only seasonally closed as necessary to control mosquito breeding and to minimize the application of pesticides;~~

~~(g) This general permit does not constitute authorization to enter upon the property of others to perform activities authorized by this permit; and~~

~~(h) This general permit does not authorize the construction of culverts or water control structures in the locations of existing breaches of the impoundment dike.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) Culverts and associated water control structures shall be made of a corrosion resistant material;~~

~~(b) The diameter and invert elevation of the culverts and associated water control structures shall be sufficient to maintain flow and prevent scouring under expected hydrologic conditions; and~~

~~(c) Within 72 hours after construction of each culvert and associated water control structure, and at any other time as necessary to prevent erosion, siltation and turbidity that causes violations of state water quality standards in wetlands or other surface waters, the wetlands disturbed by construction shall be stabilized with indigenous wetland vegetation or clean riprap, and the uplands disturbed by construction shall be stabilized with vegetation, riprap, or other means.~~

~~(3) The District shall send a copy of the notice to use this general permit to the Chairman of the Subcommittee on Managed Marshes which is established under Section 388.46, F.S.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

~~(1) A general permit is hereby granted to any governmental mosquito control agency to breach mosquito control impoundments, provided:~~

~~(a) The work is done only to provide improved transport of tidal water and organisms between the impounded wetland and adjacent surface waters or between cells within existing mosquito control impoundments for the purpose of improving water quality and the quality of fish and wildlife values;~~

~~(b) The construction of the breaches is not required as mitigation under Part IV, Chapter 373, F.S.;~~

~~(c) Access for the construction of the breaches does not require dredging or filling in wetlands or other surface waters, or equipment access through wetlands;~~

~~(d) The breaches shall be installed in locations that restore historic flow patterns, such as at or adjacent to historic locations of tidal creeks, and shall be located so as to prevent violations of the water quality standards for dissolved oxygen in the receiving waters outside the impoundment; and~~

~~(e) This general permit does not constitute authorization to enter upon the property of others to perform activities authorized by this permit.~~

~~(2) This general permit shall be subject to the following specific conditions:~~

~~(a) Spoil material excavated during construction of the breaches shall be handled and deposited in such a manner as to prevent violations of the water quality standards for turbidity and shall be contained in an upland disposal site; and~~

~~(b) Within 72 hours after construction of any breach, and at any other time as necessary to prevent erosion, siltation and turbidity that causes violations of state water quality standards in wetlands or other surface waters, the wetlands disturbed by construction shall be stabilized with~~

~~indigenous wetland vegetation or clean riprap, and the uplands disturbed by construction shall be stabilized with vegetation, riprap, or other means.~~

~~(3) The District shall send a copy of the notice to use this general permit to the Chairman of the subcommittee on Managed Marshes which is established under Section 388.46, F.S.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

40B-400.475 General Permit for Minor Activities.

~~(1) A general permit is hereby granted for the construction, alteration, maintenance, operation, abandonment and removal of the following minor systems:~~

~~(a) Piling supported structures of less than 1000 square feet over wetlands or other surface waters, which are not designated Outstanding Florida Waters;~~

~~(b) Piling supported structures of less than 500 square feet over wetlands or other surface waters in an Outstanding Florida Water;~~

~~(c) Dredging or filling of less than 100 square feet of wetlands or other surface waters;~~

~~(d) Less than 4000 square feet of impervious surface in uplands that is subject to vehicular traffic, such as roads, parking lots and driveways, and less than 9000 square feet total of impervious surface in uplands;~~

~~(e) Maintenance dredging of 50 cubic yards or less of material from surface waters other than wetlands, provided the dredged material is placed in uplands and turbidity control measures are employed to prevent return water from causing violation of state water quality standards; or~~

~~(f) A single-family residence that is not part of a larger plan of common development proposed by the applicant, including the associated residential improvements such as a driveway, garage and an on-site sewage disposal system, provided:~~

~~1. This paragraph shall not apply to property which was part of a tract of land that was divided into two or more parcels after July 1, 1994;~~

~~2. This paragraph shall not apply to construction or alteration in surface waters other than isolated wetlands or any wetlands in an Area of Critical State Concern;~~

~~3. Dredging and filling of isolated wetlands shall be limited to only those areas required for siting the portions of the residence and associated residential improvements which cannot be sited in uplands because there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which the residence and associated residential improvements can be located. On-site sewage disposal systems shall be constructed in uplands unless there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which such disposal system can be located. For the purposes of this paragraph, "unrestricted area of uplands" means an area of uplands which is not restricted by easement, deed restriction, local government regulation, or similar restriction which would prevent the activities authorized under this paragraph (f) and which is configured such that all or part of the residence and associated residential improvements can be constructed in the uplands. An area of uplands will only be considered restricted if all available variance or waiver procedures have been exhausted; and~~

~~4. The total area of dredging or filling in isolated wetlands for the residence and associated residential improvements shall not exceed 4000 square feet; and the total area of clearing in wetlands (including the dredging and filling for the residence and associated residential improvements) shall not exceed 6000 square feet on the contiguous property owned by the applicant.~~

~~(2) In order to qualify for this general permit, an applicant must provide reasonable assurance that the proposed system:~~

~~(a) Does not significantly impede navigation and does not entail the construction of a~~

~~structure for the launching or mooring of a boat when navigational access to the structure does not currently exist;~~

~~(b) Does not cause a violation of state water quality standards;~~

~~(c) Does not impede the conveyance of a stream, river or other watercourse in a manner that would increase off-site flooding;~~

~~(d) Does not adversely impact aquatic or wetland-dependent listed species;~~

~~(e) Does not cause the drainage of wetlands; and~~

~~(f) Is not located in, on or over a coral community, macro-marine algae or submerged grassbed community. For the purposes of this general permit, macro-marine algae community shall not include algae unattached to the bottom, nor shall it include algae growing landward of the mean high water line or growing as an epiphyte on woody plants.~~

~~(3) Persons wishing to qualify for this general permit must file a notice describing the proposed activities and providing plans and other information necessary to evaluate the potential for adverse impacts from the proposed activities. Any person proposing a system described in paragraph (1)(e) above, shall submit tax parcel information or other documentation, sufficient to establish that the property is not part of a tract of land that was divided into two or more parcels after July 1, 1994. The District will provide written notification to the applicant whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not commence until the District has provided written notice that the applicant qualifies for the general permit.~~

~~(4) A determination that an activity qualifies for a general permit for a minor activity applies only to the site specific activity, location, method of construction or operation of the authorized activity and the other design and operation features of the authorized activity.~~

~~(5) This general permit shall not be applicable to any parcel of property which has been the subject of the successive filing of notices under this section within a three-year period where the combination of activities to be conducted pursuant thereto exceeds the thresholds in subsection 40B-400.475(1), F.A.C.~~

~~(6) The provisions of paragraph (1)(f) do not supersede the exemption set forth in Section 403.813(2)(q), F.S.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 6-7-10 Repealed [DATE].

40B-400.483 General Permit to the Department to Conduct Minor Activities.

~~A general permit is hereby granted to the Department to conduct the activities described below:~~

~~(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include: temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acre for any one structure;~~

~~(2) Canal bank and bottom stabilization necessary to repair erosion damage and restore previously existing canal configurations. Authorized repair methods include placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles or other similar stabilization materials. The distance to be restored or repaired shall not exceed 2000 feet at any~~

~~one location along canal banks and 500 feet along canal bottoms; and~~

~~(3) Aerial pipeline crossings (including support piles) of man-made canals consistent with the provisions of Rule 40B-400.455, F.A.C., except that the width of the crossing may be up to 200 feet.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02 Repealed [DATE].

40B-400.485 General Permit to the Department for Environmental Restoration or Enhancement.

~~(1) A general permit is hereby granted to the Department for the construction, alteration, operation, maintenance, removal and abandonment of systems to implement Department environmental restoration or enhancement projects.~~

~~(2) In order to qualify for this general permit, the environmental restoration or enhancement project must comply with any one of the following procedures:~~

~~(a) The project is part of a Surface Water Improvement And Management Plan developed pursuant to Section 373.453, F.S., that is reviewed by the Department and approved by a water management district in accordance with Section 373.456, F.S.; or~~

~~(b) The project is approved by the Secretary of the Department after conducting at least one public meeting; or~~

~~(c) The project is wholly or partially funded by the Department through the Water Resources Restoration and Preservation Act pursuant to Section 403.0615, F.S.~~

~~(3) This general permit shall be subject to the following specific conditions:~~

~~(a) A project under this general permit shall not significantly impede navigation.~~

~~(b) All erodible ground areas and slopes disturbed during construction shall be revegetated with sod, mulch, seed, wetland species, or otherwise appropriately stabilized within 72 hours after completion of the activity authorized under this general permit and at any other time as necessary to prevent violations of state water quality standards.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 5-15-02 Repealed [DATE].

40B-400.487 General Permit to the Department to Change Operating Schedules for Department Water Control Structures.

~~(1) A general permit is hereby granted to the Department to change the operating schedules for existing water control structures that are owned or operated by the Department when such changes are for the purpose of environmental restoration or enhancement.~~

~~(2) The Department shall hold at least one public meeting concerning the proposed operating schedule prior to its approval.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.416 FS. History—New 10-3-95. Repealed [DATE].

40B-400.495 General Permit to U.S. Forest Service for Minor Works within National Forests.

~~(1) A general permit is hereby granted to the U.S. Forest Service to conduct the works described below:~~

~~(a) Bathing beach restoration at developed recreation sites where maintenance dredging is less than 100 cubic yards per year and less than 100 cubic yards per single occurrence;~~

~~(b) Dock construction, replacement and maintenance for docks of up to 1000 square feet of surface area over wetlands and other surface waters, in Outstanding Florida Waters and~~

~~Outstanding National Resource Waters, subject to restrictions listed in Section 403.813(2)(b) and (d), F.S.;~~

~~(2) This general permit is subject to the following specific conditions: The U.S. Forest Service or its contractors shall utilize turbidity control measures while dredging or filling within wetlands and other surface waters to prevent violations of state water quality standards.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95 Repealed [DATE].

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

~~(1) Subject to the requirements of this section, a general permit is hereby granted to:~~

~~(a) Any person constructing, operating, maintaining (including repairing or replacing), altering, abandoning, or removing surface water management systems which:~~

- ~~1. Are not exempt under Rule 40B-4.1070, F.A.C.;~~
- ~~2. Meet the permit thresholds set forth in Rule 40B-4.2010, F.A.C.;~~
- ~~3. Meet the terms and conditions specified in subsections (4), (5) and (6) of this section; and~~
- ~~4. Are designed to place the property into silvicultural use or to perpetuate the maintenance of this property in silvicultural use.~~

~~(b) The U.S. Forest Service to construct, operate, maintain, alter, abandon, or remove surface water management systems which:~~

- ~~1. Are not exempt under Rule 40B-4.1070, F.A.C.;~~
- ~~2. Meet the permit thresholds set forth in Rule 40B-4.2010, F.A.C.;~~
- ~~3. Meet the terms and conditions specified in subsections (4), (5) and (6) of this section.~~

~~(2) No construction, operation, maintenance (including repair or replacement), alteration, abandonment, or removal of the minor silvicultural surface water management system described in subsection (1) of this section, shall commence until a completed Notice of Intent to Construct a Minor Silvicultural System, on the appropriate District form listed in Rule 40B-1.901, F.A.C., is received by the District or said Notice of Intent is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Applicants may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of Part II of this chapter, including completed permit applications for each activity. The construction, operation, maintenance, alteration, abandonment or removal shall only be authorized when the Notice of Intent is received by the District and provided the proposed activity qualifies for the general permit pursuant to this section and the conditions of issuance are followed.~~

~~(3) The Notice of Intent to Construct a Minor Silvicultural System shall include the information contained in appropriate District form listed in Rule 40B-1.901, F.A.C.~~

~~(4) This general permit shall be for any of the following minor silvicultural surface water management systems:~~

~~(a) A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than ten cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than ten square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. Under this paragraph, the fill material shall be no more than 24 inches above culvert structures. The fill material on the road approaches shall be no more than 24 inches above grade, except within an area of 100 feet from either side of a culvert. The road must be designed with culvert inlets positioned at or below the natural grade of the bed of the stream or other watercourse to prevent the permanent~~

impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

~~(b) A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than ten cubic feet per second average discharge at the location of the work or a drainage area upstream of the work of less than ten square miles. The design of the work must allow for conveyance of existing flow during the period of use and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within 30 months of the filing of the Notice of Intent in subsection (3), whichever is sooner.~~

~~(c) A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than ten cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than ten square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of 24 inches above natural grade.~~

~~(d) A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where the road surface area over the wetland or other impoundment is less than 0.5 acre. Such crossings are not authorized when the landowner can construct a road which avoids filling in wetlands. Such crossings must be located in a manner which minimizes the area of wetlands being filled. Fill material for crossings of isolated wetlands or other isolated impoundments may be excavated from the wetland being crossed, provided that all excavation takes place immediately adjacent to the road surface and that the excavated area consists only of narrow trenches which are not connected to ditches constructed or maintained for drainage purposes. In addition, such excavations shall not result in drainage from the wetland.~~

~~(e) Temporary stream channel diversions necessary to complete the works described in paragraph (4)(a), (b), or (c) above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.~~

~~(f) Clearing and snagging in a stream or other watercourse within 50 feet of the center line of a culverted fill road or a bridge described in paragraph (4)(a), (b), or (c) above, necessary to construct said work.~~

~~(g) A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourses, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be removed immediately following the completion of the silvicultural operation or within 30 months of the filing of the Notice of Intent in subsection (3), whichever is sooner.~~

~~(h) Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of 18 square feet spaced no closer than 660 feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The permittee will not be required to fill field ditches after seedling establishment.~~

~~(i) Above grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet or less within a construction corridor up to 50 feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have~~

~~associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to this section or subsection 40B-4.2010(1), F.A.C., prior to the effective date of this section, but must not connect directly or indirectly to any works on-site or off-site which are designed or constructed to provide drainage or conveyance or which result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.~~

~~(j) Upland borrow areas needed to obtain fill material for crossings authorized by this noticed general permit of streams, other watercourses, wetlands and other impoundments. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.~~

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

~~(a) Except for those areas to be filled for crossings as provided in this section, the proposed activities must not convert wetlands or other surface waters to uplands.~~

~~(b) A road or bridge must be designed to convey normal water flow while being adequately stabilized to allow for overtopping during storm events without washing out.~~

~~(c) A permanent road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.5 mile from any traversing work which traverses the same stream, other watercourse, wetland or impoundment. A low water crossing or temporary road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than one-quarter mile from any traversing work which traverses the same stream, other watercourse, wetland, or other impoundment. The spacing limitation shall be measured along the stream, other water course, wetland or other impoundment. Notwithstanding the spacing limitation in this paragraph, at least one low water crossing, road or bridge crossing of any stream, other watercourse, wetland or other impoundment may be constructed to each upland area being managed for silviculture that would not otherwise be accessible if these spacing limitations were met.~~

~~(d) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased velocities downstream of the work that would cause scour outside of the area of clearing and snagging described in paragraph (4)(f) above.~~

~~(e) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased flooding on property not owned by the permittee.~~

~~(f) Erosion control measures must be undertaken to limit the transfer of suspended solids into the receiving waterbody during and after construction of the proposed work. After removing any temporary crossing, disturbed portions of the stream bank and stream channel shall be restored to approximate their original shape and flow capacity. Erodible ground area associated with the crossing shall be stabilized with riprap, mulch or seeded for appropriate ground cover vegetation within 72 hours after removal.~~

~~(g) Upland field ditches may connect only to works which are permitted by the District or are exempt from permitting by the District and only if the connection will not cause the work to exceed its conveyance capacity or to increase flooding on property now owned by the~~

~~permittee. However, this section does not authorize connection to works without the consent of the owner of the work. Field ditches will be presumed to meet the erosion control requirements of paragraph (5)(f), above when they are separated from streams, other watercourses, wetlands or other impoundments by a buffer strip of undisturbed vegetation and provided the integrity of this buffer is maintained. The width of the buffer strip shall be the width of the total Special Management Zone (primary zone and secondary zone) as described in the "Silviculture Best Management Practices Manual" referenced in paragraph (h). However, field ditches may discharge directly to a wetland when the slope of the uplands within 1000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands.~~

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

~~(i) If climatic or flow conditions prevent the removal of a temporary crossing within the time frame specified in this section, the applicant may submit another Notice of Intent to extend the time period for removal and restoration of the temporary crossing. The applicant must provide a written explanation and evidence supporting the need to reauthorize the crossing and must specify the additional time needed to remove the crossing, which may not exceed one year.~~

~~(6) The duration of the general permit authorized in this section is:~~

~~(a) For construction, alteration, abandonment, or removal of the silvicultural surface water management system: one year to complete the permitted activity;~~

~~(b) For operation or maintenance of the silvicultural surface water management system: permanent.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95 Repealed [DATE].

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

ENVIRONMENTAL RESOURCE PERMIT APPLICANT'S HANDBOOK VOLUME II

(DESIGN REQUIREMENTS FOR STORMWATER
TREATMENT AND MANAGEMENT SYSTEMS)

FOR USE WITHIN THE GEOGRAPHIC LIMITS OF THE
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

Volume II is incorporated by reference in 62-330, F.A.C. and 40B-400, F.A.C.



TABLE OF CONTENTS

PART I – INTRODUCTION, ORGANIZATION, APPLICABILITY

- 1.1 Introduction
- 1.2 Criteria Objectives
- 1.3 Policy and Purpose

PART II – GENERAL CRITERIA

- 2.1 Definitions & Acronyms
 - 2.1.1 Definitions
 - 2.1.2 Acronyms
- 2.2 Fees & Surety
 - 2.2.1 Fees
 - 2.2.2 Surety
- 2.3 General Design and Performance Criteria
 - 2.3.1 Pre Application Conference
- 2.4 Professional Certification
- 2.5 Surveys
- 2.6 Computer Models

PART III – STORMWATER QUANTITY/FLOOD CONTROL

- 3.1 General
 - 3.1.1 Factors Influencing Water Quantity
 - 3.1.2 Antecedent Moisture Conditions
- 3.2 Design Storms
- 3.3 Discharge Rates and Volumes
 - 3.3.1 Methodologies for Calculating Discharge
- 3.4 Recovery
 - 3.4.1 Percolation and Water Table
 - 3.4.2 Mounding
- 3.5 Compensating Stormwater Treatment
- 3.6 Flood Zone Criteria
 - 3.6.1 Static Systems
 - 3.6.2 Floodplain Storage and Conveyance
 - 3.6.3 Importer/Exporter
 - 3.6.4 Compensating Storage
 - 3.6.5 Dynamic Systems
 - 3.6.6 No Rise Requirements
- 3.7 Tailwater Conditions
 - 3.7.1 Topographical Information
 - 3.7.2 Surface Profiles
- 3.8 Low Flow & Base Flow Maintenance

PART IV – STORMWATER QUALITY

- 4.1 General
 - 4.1.1 Factors Influencing Water Quality
- 4.2 Dewatering
- 4.3 State Water Quality Standards

- 4.4 Recovery
- 4.5 Erosion and Sediment Control
 - 4.5.1 Side Slopes
- 4.6 Pollutant Control
 - 4.6.1 Pre Treatment
 - 4.6.2 Oil and Grease Control
- 4.7 Runoff Coefficients and Curve Numbers for Stormwater Systems

PART V – BEST MANAGEMENT PRACTICES

- 5.1 Retention pond Design Criteria and Guidelines
 - 5.1.1 Description
 - 5.1.2 Criteria
- 5.2 Dry Detention Pond Design Criteria
 - 5.2.1 Description
 - 5.2.2 Criteria
- 5.3 Exfiltration Trench Systems Design Criteria and Guidelines
 - 5.3.1 Description
 - 5.3.2 Criteria
- 5.4 Wet Detention Pond Design Criteria and Guidelines
 - 5.4.1 Description
 - 5.4.2 Criteria
 - 5.4.3 Permanent Pool
- 5.5 Swales System Design Criteria and Guidelines
 - 5.5.1 Description
 - 5.5.2 Criteria
- 5.6 Vegetated Natural buffers Design criteria and Guidelines
 - 5.6.1 Description
 - 5.6.2 Criteria
- 5.7 Borrow Pits & Ponds
 - 5.7.1 Description
 - 5.7.2 Criteria
- 5.8 Dams & Impoundments
 - 5.8.1 Description
 - 5.8.2 Criteria
 - 5.8.3 Embankment Slope Stability
 - 5.8.4 Construction Standards
 - 5.8.5 Principal Spillways
 - 5.8.6 Emergency Spillways
 - 5.8.7 Reservoir Regulation
- 5.9 Sensitive Karst Areas
 - 5.9.1 Background of the Sensitive Karst Area
 - 5.9.2 Hydrogeology of the Sensitive Karst Area
 - 5.9.3 Additional Design Criteria for Sensitive Karst Areas

PART VI – OPERATION AND MAINTENANCE

- 6.1 General
 - 6.1.1 Subsequent Transfers
 - 6.1.2 Recording of Easements, Deed Restrictions and other Operation and Maintenance Documents Transfers
 - 6.1.3 Property Conveyance
 - 6.1.4 Phased Projects

- 6.2 Entity Requirements
- 6.3 Operation Phase and Release of Bond
- 6.4 Operation and Maintenance Responsibilities
- 6.5 Minimum Standards
- 6.6 Inspections
- 6.7 Compliance
- 6.8 Enforcement

PART VII – APPENDICES

Appendix

- A - District map and boundaries
- B - Design Storms

PART I – INTRODUCTION, ORGANIZATION, APPLICABILITY

1.1 Introduction

This **Applicant’s Handbook Volume II** accompanies Chapter 62-330 F.A.C. and the **Applicant’s Handbook—Volume I** (General and Environmental).” **Applicant’s Handbook Volume I** is applicable to all environmental resource permit applications, and provides:

- Background information on the environmental resource permit (ERP) program, including points of contact;
- A summary of the statutes and rules that are used to authorize and implement the ERP program;
- A summary of the types of permits, permit thresholds, and exemptions; and
- A discussion of the environmental criteria used for ERP evaluations.

This Volume is designed to be applicable only to those ERP applications that involve the design of an engineered surfacewater management system that requires a permit as provided in 62-330, F.A.C.,

The environmental resource permit program regulates all types of surface water management systems, including stormwater management systems, dams, impoundments, reservoirs, appurtenant work, or works, and dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S., or any combination thereof. These terms are defined in Sections 373.019, and 373.403, F.S., Chapter 62-346.030, F.A.C., and in Section 2.1 of this Volume. As such, a stormwater management system is a type of surface water management system. A stormwater management system is defined in Sections 373.403(10) and 403.031(16), F.S., as a system that is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

Therefore, this Volume generally is not applicable to activities that do not generate more than an incidental amount of stormwater runoff, such as:

- Dredging and filling to construct such things as most “stand-alone” seawalls and docks and “in water” types of activities, such as channel dredging. This would not include dredging and filling in wetlands or other surface waters to construct such things as bridges or culverted road crossings, parking areas, building sites, or land fill which may or may not contain structures;
- Semi-impervious piers (i.e., slatted decking) that do not convey vehicular traffic. This would not include such things as wharfs at a port facility;
- Construction of an individual, single family residences, duplex, triplex, or quadruplex that are is not part of a larger plan of development;
- “Stand-alone” dredging, including maintenance dredging;
- Activities that do not add new impervious surfaces, such as the installation of overland and buried electric and communication transmission and distribution lines.

Only Applicant’s Handbook Volume I would apply to most of these activities because, unless specifically exempt, the above activities are still considered as types of surface water management activities, and therefore are subject to regulation under Chapter 62-330, F.A.C.

This Volume provides specific, detailed engineering information to meet the water quality and quantity design requirements of engineered stormwater management systems. Such systems are regulated by the Suwannee River Water Management District through the ERP program authorized under s. 373.4145, F.S. This Volume explains, and provides more detail on, the rule criteria for stormwater quality and quantity contained in Chapter 62-330, F.A.C. In cases where conflicting or ambiguous interpretations of the information in this Volume results in uncertainty, the final determination of appropriate procedures to be followed will be made using Chapters 120 and 373, F.S., applicable F.A.C. rule chapters, and best professional judgment of staff.

Both Applicant's Handbook Volumes I and II are adopted by reference in Chapter 62-330, F.A.C., and, as such, are rules of the Department and the District. The Handbooks are written to provide more detail and clarity to the public in understanding the statutory and rule provisions that implement the ERP program. We have attempted to write these Handbooks in an understandable, "user-friendly" format.

1.2 Criteria Objectives

The criteria contained herein were established with the primary goal of meeting District water resource objectives as set forth in Chapter 373, F.S. Performance criteria are used where possible. Other methods of meeting overall objectives and which meet the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C., will be considered. Compliance with the criteria herein constitutes a presumption that the project proposal is in conformance with the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C. Pursuant to Section 373.4131, F.S., if a stormwater management system is designed in accordance with the criteria in this Handbook or if a system is constructed operated, and maintained for stormwater treatment in accordance with a valid Environmental Resource Permit or exemption under Part IV of Chapter 373, the discharges from the system are presumed not to violate applicable state water quality standards.

1.3 Policy and Purpose

This Volume is intended to:

Prevent increase in existing flood hazards or damages by requiring that new development of water and related land resources:

1. Not restrict floodway conveyance through the use of fill or other obstruction;
2. Maintain pre-development rates of stormwater runoff and/or total volume of stormwater runoff as may be appropriate to the project and hydrologic conditions of the developed land;
3. Not reduce net storage volumes (including wetland, depressional, and soil storage volumes) within a project area; and
4. That new development which occurs in floodprone areas is made flood resistant to the greatest extent practical, or that development which cannot be made flood resistant is not permitted in floodprone areas.

Prevent pollution of waters by requiring control of post-development runoff from such areas to the extent necessary to insure minimum state water quality standards are met.

Preserve fish and wildlife by insuring that new development preserves or mitigates the conversion of water related habitats.

Prevent excessive drainage which will have an adverse impact on aquifer recharge or which would result in permanent conversion of wetlands to a non-wetland area.

Prevent the adverse alterations of drainage areas, watershed boundaries, and the interbasin transfers of surface water.

Further, it is the policy of the district that non-structural flood control methods are preferable to structural methods; and, therefore, it is the intent of the district not to support, sponsor, build, or otherwise initiate a structural public works flood control or drainage project intended to support new development; nor to assume maintenance or operational responsibility of such projects.

PART II – GENERAL CRITERIA

2.1 Definitions and Acronyms

2.1 .1 Definitions

Additional Definitions can also be found in Applicant’s Handbook Volume I and Chapter 62-330, F.A.C.

“100-Year Flood/One Percent Annual Chance of Flood” means that flood which has a one-percent probability of recurrence in any one year. The 100-year flood/one percent annual chance of flood elevation is the highest elevation of flood waters during the 100-year flood/one percent annual chance of flood and is calculated or estimated from the best available information. The 100-year flood/one percent annual chance of flood elevation shall not include coastal storm surge elevations unless such elevations have been developed in an approved Federal Emergency Management Agency Flood Insurance Study and such approved storm surge elevations have been accepted for implementation by the appropriate unit of local or state government.

“Base Flood Elevation” means the highest water surface elevation with a 1 percent chance of being equaled or exceeded in a given year.

“Closed Basin” means a watershed in which the runoff does not have a surface outfall up to and including the 100-year flood level.

“Closed System” means any reservoir or works located entirely within agricultural lands owned or controlled by the user and which requires water only for the filling, replenishing, and maintaining the water level thereof.

“Control Elevation” means the lowest elevation at which water can be released through the control device or withdrawn by a stormwater reuse system. This is sometimes referred to as the invert elevation.

“Control Structure (Control or Bleed-down Device)” means the element of a discharge structure which allows the gradual release of water under controlled conditions. Examples include orifices, notches, weirs, and effluent filtration systems.

“Critical Duration” means the length of the storm event that produces the largest difference between post development and pre development peak flow or volume without routing post-development hydrographs through a stormwater management system.

“Cut-off-Trench” means an excavation into the foundation material to accept an extension of the core.

“Detention Volume” means the volume of open surface storage behind the discharge structure measured between the overflow elevation and control elevation.

“Development” means any man-made change to improved or unimproved real estate within a work of the district including but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving,

excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.

“Direct Hydrologic Connection” means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.

“Discharge Structure” means a structural device, usually of concrete, metal, etc., through which water is discharged from a project to the receiving water.

“Earthen Dam” means a dam in which the principal barrier is an embankment of earth or rock fill or combination of earth and rock fill.

“Elevation” means the height in feet above mean sea level according to National Geodetic Vertical Datum or North American Vertical Datum.

“Emergency Spillway” means the spillway designed to convey excess water through, over, or around a dam.

“Emergency Spillway Hydrograph” means the hydrograph used to establish the dimensions of the emergency spillway.

“Floodway” or “Regulatory Floodway” means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood/one percent annual change of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

“Freeboard” means the height of the lowest point on the dam above the maximum design water level in the impoundment.

“Height of Dam” means the vertical distance as measured from the lowest elevation of the structure crest to the lowest point of natural ground, including any stream channel, along the downstream toe of the structure.

“Hydroperiod” means the duration of inundation in a wetland.

“Littoral Zone” means the portion of a wet detention or stormwater reuse pond which is designed to contain rooted aquatic plants.

“Minimum Rate of Flow” means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.

“Normal Water Level” means the starting design water elevation used when determining stage/storage design computations in a retention or detention area. A retention or detention system may have two designated "normal water levels" associated with it if the system is designed for both water quality and water quantity.

“New Development” means any development as defined herein which:

- (a) Was not complete on the effective date of this chapter; or
- (b) Involves substantial improvement to any structure in a work of the district; or
- (c) Involves alteration of any work or development in a work of the district.

“Off-line Treatment System” means a system only for water quality treatment that collects project runoff and has no direct discharge capability other than percolation and evaporation. A system utilizing detention with effluent filtration is not an off-line treatment system.

“On-line Treatment System” means a dual purpose system that collects project runoff for both water quality and water quantity requirements. Water quality volumes are recovered through percolation and evaporation while water quantity volumes are recovered through a combination of percolation, evaporation, and surface discharge.

“Open Basin” means all watersheds not meeting the definition of a Closed Basin.

“Operation and Maintenance” means any activity or repair required to keep a stormwater management system functioning as permitted and designed.

“Overflow Elevation” means the design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

“Permanent Pool” means the portion of a wet detention or stormwater reuse pond, which normally holds water, (e.g., between the normal water level and pond bottom), excluding any water volume claimed as wet detention treatment volume or stormwater reuse volume.

“Phreatic Surface” means the upper surface of the water table within the mass of the dam. It is the elevation of the water surface if an open hole were dug into the dam.

“Piping” means progressive erosion of soil within the dam, starting downstream and working upstream, creating a tunnel into the dam. Piping occurs when the velocity of the flow of seepage water is sufficient for the water to transport material from the embankment.

“Principal Spillway” means the lowest ungrated spillway designed to convey water from the reservoir at predetermined release rates.

“Regional Offsite Mitigation Areas” (ROMA) means environmental enhancement projects that serve as mitigation for multiple impact projects. Impact permit applicants pay money to the ROMA sponsor, and the collected funds are used toward the implementation of the larger mitigation project. ROMAs that serve as mitigation for more than 5 permits or 35 acres of impact are operated under a memorandum of agreement (MOA), similar to a mitigation bank permit.

“Rolled Dam” means a dam constructed of fill which is placed in layers which are mechanically compacted individually prior to placement of the next higher layer.

“Storage Capacity (of a dam)” means the volume of water impounded by the structure below the emergency spillway crest; or if no emergency spillway is used, the volume of water impounded below the top of the structure, less any freeboard.

“Substantial Improvement” means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of

the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe conditions or any alteration of a structure listed on the National Register of Historic Places.

“Tailwater Level (of a dam)” means the elevation of the water at the downstream toe of the dam.

“Toe (of a dam)” means the junction between the face of the dam and the adjacent terrain.

“Underdrain” means a drainage system installed beneath a stormwater holding area to improve the infiltration and percolation characteristics of the natural soil when permeability is restricted due to periodic high water table conditions or the presence of layers of fine textured soil below the bottom of the holding area. These systems usually consist of a system of interconnected below-ground conduits such as perforated pipe, which simultaneously limit the water table elevation and intercept, collect, and convey stormwater which has percolated through the soil.

“Uniform Mitigation Assessment Method” means the method to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits.

“Wet Detention System” means a water quality treatment system that provides temporary storage of water in a permanently wet impoundment with subsequent gradual release of the stormwater. This system removes pollutants through settling, soil adsorption, and nutrient uptake by the vegetation.

“Works of the District” means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board as works of the district. Works of the District officially adopted by the board are adopted by rule in Rule 40B-4.3000, FAC.

2.1.2 Acronyms

List of Commonly Used Acronyms

Acronym	Definition
AMC	Antecedent Moisture Condition
BMP	Best Management Practice
CFR	Code of Federal Regulations
cfs	Cubic feet per second
District	Suwannee River Water Management District

ERP	Environmental Resource Permit
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FEMA	Federal Emergency Management Agency
FSE&SCIM	Florida Stormwater, Erosion & Sedimentation Control Inspector's Manual
FWC	Florida Fish and Wildlife Conservation Commission
FS	Florida Statute
GPS	Global Positioning System
HSG	Hydrologic Soil Group
I/Ptotal	Intensity/Total Precipitation
MOA	Memorandum of Agreement
NA	Not applicable
NRCS	Natural Resources Conservation Service
NWL	Normal Water Line
OFW	Outstanding Florida Water
O&M	Operation and Maintenance
PMP	Probable Maximum Precipitation
P/Ptotal	Precipitation/Total Precipitation
ROMA	Regional Offsite Mitigation Areas
SHWL	Seasonal High Water Level
SRWMD	Suwannee River Water Management District
T	Time
UMAM	Uniform Mitigation Assessment Method
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VNB	Vegetated Natural Buffer
WOD	Works of the District

2.2 Fees & Surety

2.2.1 Fees

A non-refundable permit processing fee as specified by section 40B-1.706, FAC, is required for the processing of each permit application or for a permit modification, and must be submitted concurrently with the filing of an application or the notice of intent. An application or notice submitted without the fee will not be considered complete.

2.2.2 Surety

Surety for certification of completion of construction shall be required as per Chapter 40B-1.704, F.A.C. for projects which propose new stormwater systems. Projects which propose to use existing systems or modify existing system will not require the surety. Projects which do not propose a stormwater system will not be required to provide the surety. Upon completion of the project in accordance with the permitted plans and specifications and submittal of the required as-built certification package the bond will be released.

2.3 General Design and Performance Criteria

All activities shall meet and comply with the applicable requirements in **Part II and Part VI of the Volume**. Activities that require an engineered stormwater management system under this Volume shall meet all the applicable requirements of **Part III and Part IV of this Volume**. Design criteria can be found in **Part V of the volume**.

For the purposes of this District the conditions in 62-330.301, F.A.C. are further explained as thje following.

62-330.301(1)(a), F.A.C. The system or work will not cause excessive drainage of surface water or permanent dewatering of surficial aquifers.

62-330.301(1)(b), F.A.C. The system or work will not increase flood hazards outside the project area nor increase flood hazards which may affect the health, safety, and general welfare of persons residing within the project area.

62-330.301(1)(c), F.A.C. The system or work will not reduce surfacewater storage volumes within the project area.

62-330.301(1)(d), F.A.C. The system or work will have minimum adverse environmental impacts including impacts to fish, wildlife, wetlands, or other natural resources.

62-330.301(1)(e), F.A.C. Waters discharged or percolated from the system or work will receive a minimum level of stormwater treatment necessary to comply with appropriate state water quality standards.

62-330.301(1)(h), F.A.C. The new surfacewater management systems or individual works shall not facilitate development in a work of the district if such developments will have the potential of reducing floodway conveyance.

62-330.301(1)(j), F.A.C. The system or work will be maintained and operated in a manner consistent with the provisions in Part VI of this volume.

The district will not approve the issuance of permits for existing systems which are in violation of law or which have discharge to surface waters of the state that is in violation of a permit condition of any unit of local, state, or federal government or which presents an immediate danger to public health or safety.

The system or work will not cause erosion, and that any activities or land uses served by the system or work will not create erosion or sedimentation which may render the system

unserviceable or degrade receiving waters;

The new surfacewater management systems or an individual work shall not utilize contiguous wetlands or dilution in waters of the state to achieve required stormwater treatment levels.

Finished floor elevations are required for all buildings. Buildings shall be elevated on piles such that the lowest structural member of the first floor is one foot above the 100-year flood elevation, or in the case of monolithic slab construction, the finished slab elevation shall be one foot above the 100-year flood elevation;

If the proposed system will serve a use which produces or stores hazardous or toxic substances, the system shall be designed to have no stormwater discharge which contains such substances.

Roads with public access must be constructed and laid out in conformance with the minimum standards of local government. In the absence of local government standards for roads and associated surfacewater management systems, the following minimum standards shall apply:

1. Driving surface shall be stabilized soil, according to the latest edition of the Florida Standard Specification for Road and Bridge Construction.
2. Two driving lanes with a minimum driving surface of 16 feet.
3. Driving surface shall be sloped to drain at a minimum of 2 percent (2%).
4. Culverts shall be used to maintain pre-development drainage patterns up to the 10-year, 24-hour storm event.
5. Swales shall be used for water quality treatment with a maximum slope of three-to-one (3:1) and erosion shall be controlled with grass or other equivalent method.

All storage volumes in detention or retention systems shall be calculated so as not to include any volumes below the average seasonal high water table for the project area.

Surfacewater management systems must not alter contributing areas or watershed boundaries of any watershed or basin not wholly contained within the project area.

There must be no reduction of floodway conveyance within the project area.

Systems serving a use that produces or stores hazardous or toxic substances shall be designed to have no stormwater discharge that contains such substances.

Stagnant water conditions such as hydraulically dead end canals are to be avoided, regardless of the type of development.

Redevelopment and/or upgrading of existing surfacewater management systems or construction of new surfacewater management systems by units of local government in areas of existing intensive development may not be able to fully meet the standards above. In such circumstances, the District may issue surfacewater management permits utilizing alternate standards to those listed above provided the alternate standards provide, to the greatest extent practical, the reasonable assurance listed above. Applicants proposing to use alternative criteria are encouraged to have a pre-application conference with District staff.

Legal authorization, such as an easement, deed restrictions, or other instrument must be provided establishing a right-of-way or access for maintenance of the stormwater management

system unless the operation and maintenance entity wholly owns or retains ownership of the property. The following are requirements for specific types of maintenance access easements:

(a) Easements must cover at least the primary and high maintenance components of the system (i.e., inlets, outlets, littoral zones, filters, pumps, etc.), including provisions for equipment to enter and perform the necessary maintenance on the system. Applicants may propose site-specific easements that meet this requirement.

(b) Easements for water bodies, open conveyance systems, stormwater basins, and storage areas that:

- Include the area of the water surface measured at the top of the pond and at the control elevation;
- Are traversable by maintenance equipment.

(c) Access easements must be 20 feet wide from a public road or public right-of-way to the stormwater management system.

Applicants who propose to use offsite areas that are not under their ownership or control must obtain sufficient legal authorization prior to permit issuance to use the area in order to satisfy the requirements for issuance specified in section 40B-4.2030, FAC. Any alteration to stormwater discharges to adjacent properties resulting from permitted activities, such as increase of flow or change of discharge location, also requires appropriate legal authorization. A copy of the legal authorization must be submitted with the permit application.

2.3.1 Pre-application Conference

Pre-application meetings are encouraged. The purpose of a pre-application meeting is to identify issues that need to be addressed in detail such as:

- (a) Application completion, processing, and evaluation procedures;
- (b) Information that will be required for evaluation of the application;
- (c) Information regarding surface water data that is known to be available at that time;
- (d) The criteria that will be used to evaluate the application; and
- (e) Other hydrologic, environmental, or water quality data that may be needed to evaluate the application.

Pre-application meetings assist the applicant to submit a complete application. Information provided during a pre-application meeting is considered preliminary and not part of the formal application process, thus are not binding on the District.

To receive the maximum benefit from the pre-application conference, the applicant should bring as much of the following information as they have to the meeting. It is not necessary to bring all of the following information, but the more specific the information at the start of the meeting, the more specific the results will be. Useful information includes:

- (a) Geographic references such as section, township, range and parcel identification number;
- (b) An overview map displaying the section, township, range and project location or parcel identification number and/or a detailed map (acceptable maps include tract maps, parcel maps, plats or similar engineering construction drawings, or aerial photography at the plat-tract map scale);
- (c) Aerial photograph at scale suitable for photo-interpretation of wetlands or other surface waters with ownership and project area outlined;
- (d) The total land area, project area and land survey;
- (e) Existing and proposed topography (grading) showing the existing and proposed flow patterns;
- (f) The location of any on site or adjacent wetlands and other surface waters;
- (g) Wildlife survey, if appropriate;
- (h) The location and details of the existing and proposed surface water management system;

- (i) A brief narrative describing the proposed construction activity;
- (j) Construction drawings to illustrate the proposed activities;
- (k) The history behind any existing permits that directly relate to the project or may be affected by the project;
- (l) Differentiate between contiguous ownership and property served by proposed activity, and if single activity or phased construction;
- (m) Location of impervious surfaces (i.e. buildings, parking areas, etc.), the amount of proposed impervious area and the amount of impervious area to be removed;
- (n) Location of activities that may increase pollutant loading and adversely affect water quality (both surface and ground):
- (o) Information on proposed stormwater management system design concepts such as: wet detention, dry retention, on-line, off-line, culverts, etc;
- (p) Soils information;
- (q) FEMA flood hazard map, if in approximate area, how to establish an existing floodplain elevation;
- (r) FEMA flood insurance study if a designated floodway is involved;
- (s) Any existing or preliminary analyses (modeling);
- (t) Erosion and sediment control plan;
- (u) Operation and maintenance plan;
- (v) Water and sewerage service for the project;
- (w) Compliance or enforcement; and
- (x) Bonding, letter of credit or other type of surety requirements for as-built certifications.

To schedule a pre-application conference, potential applicants should contact the District office.

2.4 Professional Certification

All construction plans and supporting calculations submitted to the District for surface water management systems that require the services of the registered professional must be signed, sealed, and dated by a registered professional. "Registered Professional" means a professional registered or licensed by and in the State of Florida and who possesses the expertise and experience necessary for the competent preparation, submittal and certification of documents and materials, and performing other services required in support of permitting, constructing, altering, inspecting, and operating a proposed or existing activity regulated under Part IV of Chapter 373, F.S. Examples of registered professionals, authorized pursuant to Chapter 455, F.S., and the respective practice acts by which they are regulated, are professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

2.5 Surveys

All survey data to be submitted shall be signed and sealed by the appropriate registered professional. The survey shall include township, range and section, parcel information including parcel number and legal descriptions, temporary and permanent benchmarks, boundary information, topographic contours, all existing easements, setbacks, existing structures, FEMA flood zones with corresponding flood elevation information, location of water, sewer, reuse, gas and power lines, the location of all natural formations such as wetlands, sink holes, ponds, lakes, creeks, and streams.

2.6 Computer models

The district does not have a specified list of computer models that must be used. Any model used must be able to provide the reasonable assurance that is required for issuance. District staff will use common models or if available the model the design professional used in order to review the results. If the model the design professional used is not available to the district reviewer, the results from available models must be similar.

PART III – STORMWATER QUANTITY / FLOOD CONTROL

3.1 General

This document refers, in common engineering language, to flood and drought frequency impacts interchangeably with rainfall frequency. Additional calculations may be required to identify other combinations of site conditions and rainfall frequencies which might result in impacts of the specified frequency. Examples include designs affected by spring tides, fluctuating tides and fluctuating receiving water stages.

An applicant for an ERP permit must provide mitigation for changes to water quantity such that these changes do not cause harm to individuals or water resources. The most widely used form of mitigation is the construction of stormwater management systems. Most systems are a combination of a retention and detention system. However, it is common practice to term a system exclusively retention or detention dependent upon its main function. Thus, a system whose volume is mostly in the form of retention would be called a retention system and likewise for a detention system.

These measures are not the only acceptable forms of mitigation. An applicant may wish to propose other alternatives, such as acquisition of flood rights or compensation for anticipated damages.

3.1.1 Factors Influencing Water Quantity

Water quantity can be measured in terms of volume and rate. The volume of runoff will be increased by any one of the following factors:

- (a) Vegetation removal;
- (b) Elimination of natural depressional storage;
- (c) Soil compaction;
- (d) Placement of impervious surfaces over pervious surfaces; or
- (e) Ditching.

The rate of runoff is a function of volume and time. The discharge rate increases if runoff volume is increased, by the factors listed above, and/or the time of concentration is decreased. The time of concentration decreases if a channelization effect is incurred, such as converting overland sheet flow to ditch flow or converting ditch flow to storm sewer flow. The net effect of these activities is to increase flow velocity, thereby decreasing time of concentration

3.1.2 Antecedent Moisture Condition

AMC refers to the amount of moisture and storage in the soil profile prior to a storm event. Antecedent soil moisture is an indicator of wetness and availability of soil to infiltrate water. The AMC can vary from dry to saturated depending on the amount of rainfall received prior to a

given point in time. Therefore, “average AMC” means the soil is neither dry nor saturated, but at an average moisture condition at the beginning of a storm event when calculating recovery times.

The antecedent condition has a significant effect on runoff rate, runoff volume, infiltration rate, and infiltration volume. The infiltration volume is also known as the upper soil zone storage. Both the infiltration rate and upper soil zone storage are used to calculate the recovery time of retention systems and must be estimated using any generally accepted and well documented method with appropriate parameters consistent with such generally accepted and well documented method to reflect drainage practices, SHWL, the AMC, and any underlying soil characteristics which would limit or prevent percolation of storm water into the soil column.

3.2 Design Storms

For projects which serve exclusively agricultural, forest, conservation, or recreational land uses, a design storm with a 10-year, 24-hour rainfall depth with SCS type II distribution falling on average antecedent moisture conditions shall be used.

For projects which serve all other land uses, a design storm with 100-year critical duration rainfall depth with SCS type II distribution falling on average antecedent moisture conditions shall be used.

The District requires specific storm events to be analyzed in order to determine the storm of critical duration. The storm frequency (return period) is the probability that a storm depth would be equaled or exceeded in a given period of time. The relationship between design storm frequency and duration and rainfall distribution data is provided in the Appendix. The applicant shall analyze the 100-year frequency (one percent annual chance) analysis of the 1-, 2-, 4-, 8-, 24-hour, and 3-, 7-, and 10 day durations.

3.3 Discharge rates and volumes

For projects which fall within a coastal, stream, or open-lake watershed, retention or detention systems may be utilized. For these systems, the post-developed peak discharge rate must not exceed the pre-developed peak discharge rate for any event. The discharge structure of the system shall be designed to provide for the release of water at rates similar to pre-development conditions for storm events up through and including the design storm.

For projects which fall within an internally drained, stream to sink or closed-lake watershed retention systems shall be utilized. For these systems, the post-developed peak discharge rate and volume must not exceed the pre-developed peak discharge rate and volume for any event. The discharge structure of the system shall be designed to provide for the release of water at rates similar to pre-development conditions for storm events up through and including the design storm. The required retention volume is the post-developed runoff volume less the pre-developed runoff volume for the 100-year critical event with a maximum duration of 10 days.

Where multiple off-site discharges are designed to occur and the combined discharges outfall to the same receiving water body, the District will not allow the total post-development peak discharge to exceed the pre-development peak discharge for the combined discharges.

3.3.1 Methodologies for Calculating Discharge

There are several equations available for calculating discharge including, but not limited to, the Rational Method, Natural Resources Conservation Service (NRCS) method, and USGS regression equations.

A peak discharge analysis typically consists of generating pre-development and post-development runoff hydrographs, routing the post-development hydrograph through a detention or retention basin, and sizing an overflow structure to control post-development discharges at or below pre-development discharge. Acceptable design techniques also include the use of grassed waterways, and any other storage capability that the particular system may have.

Peak discharge computations shall consider the duration, frequency, and intensity of rainfall, the antecedent moisture conditions, upper soil zone and surface storage, time of concentration, tailwater conditions, changes in land use or land cover, and any other changes in topographic and hydrologic characteristics. Large systems should be divided into sub-basins according to artificial or natural drainage divides to allow for more accurate hydrologic simulations.

The Peak Rate Factor reflects the effect of watershed storage on the hydrograph shape and directly and significantly impacts the peak discharge value. As such, K' must be based on the true watershed storage of runoff, and not on the slope of the landscape which is more accurately accounted for in the time of concentration. However, the average slope of natural watersheds is highly interrelated with the surface storage potential. Land development will generally result in a reduction of natural storage. As a result, the K' value should either increase or remain constant, but never decrease. In most cases, post-development conditions will include detention storage areas; this storage should be accounted for by routing the hydrograph based on a defined stage-storage-discharge relationship and should therefore not be considered in determining K' . The most conservative approach is to use a $K' = 484$ for post-development.

3.4 Recovery

Storage volumes designed into retention or detention systems must be available as follows:

1. One-half of the total volume within seven days following the end of the design storm event, and
2. The total volume within 30 days following the end of the design storm event.

For retention systems, only percolation and evapotranspiration may be used to reduce storage volumes in the system.

Since the stormwater must receive at least the minimum amount of water quality treatment before discharge, detention systems with a bleed down pipe at the bottom of the pond are not permissible. For detention systems with filtration, the design must accommodate a safety factor of two which can be accomplished by increasing storage volumes, or reducing the percolation rates. Further, filters and filtration systems must have pore spaces large enough to provide a minimum permeability equal to or greater than the soil surrounding the filter. The filter medium must be stable and not move. If sand or other fine textured medium is used, it must meet the following characteristics:

1. Have less than one percent silt, clay, or organic matter unless filter fabric which will retain the fines is also used;
2. Have a uniformity coefficient of 1.5 or greater; and
3. Have an effective grain size of 0.20 to 0.55 millimeters in diameter.

These criteria are not intended to preclude the use of multilayered filters nor the use of additives

to increase ion exchange, precipitation, or pollutant adsorption capacities of the filter.

In the event that a stormwater pond cannot meet the requirements above, the design professional may route back storms through the system. The system must be able to provide for required discharge rates and volumes.

3.4.1 Percolation and Water Table

Percolation outflow is a function of site specific conditions such as soil density, particle size, degree of saturation, and water table. The recovery of the system depends on this information. Therefore, determining the percolation outflow is extremely important and can be very difficult. Percolation tests shall be performed or supervised by the appropriate registered professional. The location of soil borings and percolation test should be in the proposed location of the retention or detention pond. There shall be at least one boring per acre of the retention or detention pond. Boring should be spread out within the proposed area in order to obtain a reliable sampling.

Water table elevations will affect percolation rates. The design professional must consider seasonal high ground water table (SHGWT) at the site to accurately determine percolation rates. Where the SHGWT is at different elevations within the proposed location of the detention or retention pond, the average of the highest and lowest SHGWT shall be used. SHGWT must be determined by on-site soil investigation by the appropriate registered professional.

Other information, such as, but not limited to, base of aquifer, fillable porosity, and horizontal conductivity shall also be provided by the appropriate registered professional. A soils report, which should include information from any documents about the soil such as the NRCS soil reports and any information found through testing of the specific soils, should be signed and sealed by the appropriate registered professional. soil report Soil borings supporting the determination are required.

3.4.2 Mounding

In addition to the water table, mounding will affect the percolation rate. For retention ponds, a computer model that incorporates a mounding analysis must be used. The mounding analysis is not required for detention ponds.

3.5 Compensating Stormwater Treatment

Applicants may find that it is impractical to construct a stormwater management system to capture the runoff from a portion of the project site as a result of on-site conditions such as extreme physical limitations, availability of right-of-way, or maintenance access. One method is to provide treatment for an off-site area which currently is not being treated (i.e., "off-site compensation"). Each method is designed to furnish the same level of treatment as if the runoff from the entire project site was captured and treated in accordance with the provisions of this Guide.

The applicant is strongly encouraged to schedule a pre-application conference with District staff to discuss the project if this alternative is being considered. Other rule criterion, such as peak discharge attenuation, will still have to be met if the applicant uses this method.

3.6 Floodplain Delineation

District requires that the applicant's engineer will determine and provide the one percent annual chance of flood elevation as part of the required information for any development in or around areas subject to flooding. These elevations should be determined using one of the following sources:

- (a) Historical gaged data;
- (b) Detailed flood study with a current, effective model;
- (c) Federal Emergency Management Agency (FEMA) flood insurance rate maps and flood insurance studies that have an established base flood elevation; or
- (d) Calculations that are based on an acceptable hydrologic and hydraulic methodology.

Floodplain areas occur as static or dynamic systems. Static floodplain areas consist of runoff entrapped and held in surface bodies such as ponds, swamps, lakes, and topographical depressions. Outflow from a static floodplain area occurs through natural percolation and/or evapotranspiration. Dynamic floodplain (or floodway) areas occur in riverine systems.

3.6.1 Static Systems

The floodplain elevation for a static system is determined using a flood routing calculation similar to the one used in design of a retention facility. If percolation is available, a critical duration analysis must be performed. The floodplain elevation will be the highest elevation calculated for the various durations. For some static systems such as large lakes and complex lake chain systems, it is extremely difficult if not impossible to perform an accurate analysis. For these situations, historical information should be sought from local residents or government officials.

3.6.2 Floodplain Storage and Conveyance

A project may not:

- (a) Reduce existing surfacewater storage and conveyance capabilities;
- (b) Cause adverse water quantity impacts to receiving waters and adjacent lands;
- (c) Increase flood hazards outside the project area; or
- (d) Increase flood hazards that may affect the health, safety, and general welfare of persons residing within the project area.

There must be no net decrease in storage volume below the one percent annual chance of flood elevation within the project area which may result in increased flood hazards. The District will consider reductions due to filling, soil compaction, or covering with impervious surface in determining loss of storage and any increase in flood hazard. Floodways and floodplains, and levels of flood flows or velocities of adjacent streams, impoundments, or other water courses must not be altered so as to adversely impact the off-site storage and conveyance capabilities of the water resource. In accordance with paragraph 40B-4.2030(8)(a), FAC, buildings must be elevated on piles such that the lowest structural member of the first floor is one foot above the 100-year flood elevation, or in the case of monolithic slab construction, the finished slab elevation shall be one foot above the 100-year flood elevation.

3.6.3 Importer/Exporter (Site Storage Capacity)

Project areas which import runoff before development must continue to do so after development. Project areas which export runoff prior to development may continue to do so.

The post development export of runoff must meet the appropriate rate and or volume criteria as well as approximate the type of export (for example, pre-developed sheet flow exporting should be approximated in the post-developed condition).

3.6.4 Compensating Storage

Compensating storage maybe used in order to accomplish no net increase in flood elevations. Compensating volumes shall be above the seasonal high ground water table and shall, at a minimum, have a 1:1 ratio of volume provided to volume displaced. The volume below the maximum stage in the retention pond may not serve or contribute to the compensating volume.

3.6.5 Dynamic Systems

Floodplain elevations for dynamic systems (floodways) can be calculated using a generally accepted hydrologic and hydraulic modeling technique. This approach provides reliable data and is only superseded by historical gage information in accuracy.

3.6.6 “No-Rise” Requirements for Floodways

For any structure placed within a floodway, including a Work of the District, a Florida licensed engineer shall certify that such structure will not obstruct flows or increase the one percent annual chance of flood elevations by more than 0.01 feet. Certification shall include step-backwater calculations using the one percent annual chance of flood discharge rate.

A generalized method for determining “no-rise” for adopted Works of the District may include the steps below. All model runs shall be in the floodplain (“without floodway”) conditions.

- (a) Obtain the current effective District model.
- (b) Run the current effective model. Your results must match that of the current effective model.
- (c) Add the pre-development cross-sections of channel and overbank geometry (without proposed floodway encroachment). Run the model with pre-development cross-sections.
- (d) Run the model with the existing permitted and proposed floodway encroachments.
- (e) The water surface profile obtained in (d) should be no greater than the water surface profile obtained in (c) by no greater than 0.01 feet.

The engineer shall submit a report demonstrating a systematic analysis that provides evidence that the proposed project will produce no rise in flood profile or base flood elevations. The report should document an analytical process similar to the preceding method.

3.7 Determination of Tailwater Conditions

The applicant must determine the design discharge rate, 100-year discharge rate, and corresponding tailwater elevations prior to selecting a culvert configuration. The tailwater elevations are the water surface elevations in the receiving watercourse at the culvert outlet corresponding to the discharge rates.

The discharge rate is established using any acceptable hydrologic methodology. Typically, for small watersheds (i.e., less than 200 acres), the Rational Method is acceptable. For larger watersheds, a Regression Analysis as discussed above should be used. Generally, the NRCS methods should not be used since they may not produce a critical design situation. The District does not specify a design frequency to be used since the frequency may vary depending on specific site conditions and other constraints. However, the design frequency and corresponding

hydraulic data must be provided in addition to analyzing the structure under 100-year frequency conditions.

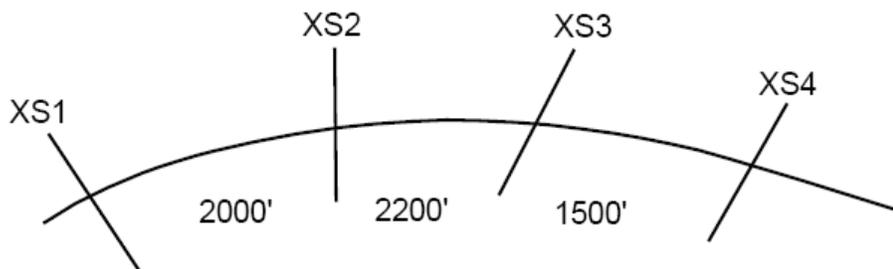
The tailwater elevation for the design discharge rate can be obtained by computing the water profile corresponding to the design rate as discussed above. However, if a computer model is not employed, an approximation may be used by solving Manning's equation using the design discharge rate and the friction slope corresponding to the 100-year profile and 10-year frequency.

If the project is bounded by natural watercourses, a water surface profile analysis, as discussed above, will automatically provide the tailwater elevation for the 100-year discharge rate.

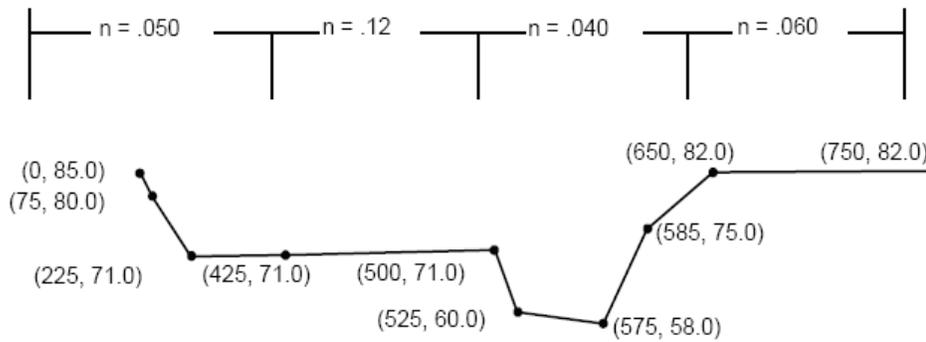
If the project area discharges to man-made ditches and channels with a uniform cross section and slope, the slope of the energy line is parallel to the water surface and channel bottom. Thus, the tailwater depth is determined using Manning's equation and the physical slope of the channel bottom.

3.7.1 Topographical Information

Cross-section information is required for the reach of the system to be modeled. A minimum of four cross sections should be taken. In addition, all channel bends and constrictions should have cross sections. Cross sections should be taken perpendicular to the flow of the waterbody. The initial cross section should be located some distance downstream of the area to be modeled. The distance between successive cross sections must also be determined as depicted below



Cross sections should be taken from left to right looking downstream and proceed upstream. Required information includes beginning station and elevation with successive elevations and stations being recorded at each break not to exceed intervals of 200 feet. Manning's "n" values should also be selected in the field and noted on the cross section. Manning's "n" values should change to reflect differences in resistance to flow such as trees, limbs, brush, meandering channel, etc. A typical cross section with required field information is depicted in below

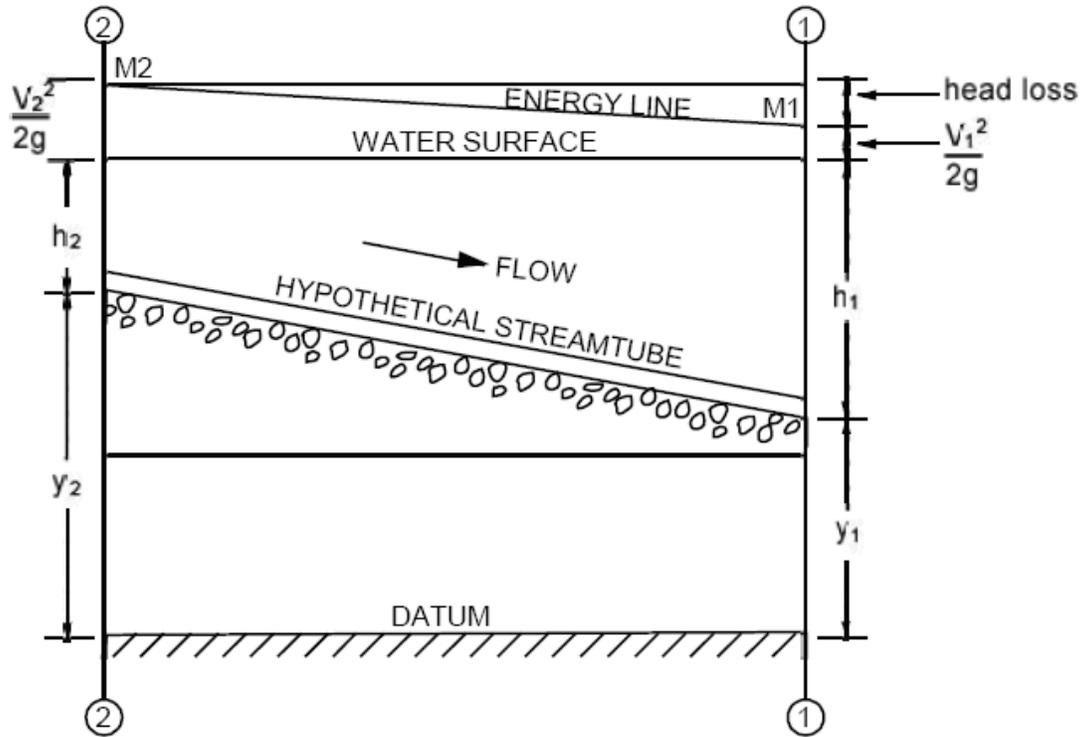


3.7.2 Surface Profile

Prior to calculating the water surface profile, the information outlined in the previous sections must be obtained.

The next step is to calculate the boundary properties for each cross section at various elevations. The elevation interval selected should be commensurate with the accuracy desired. A minimum accuracy of even one-foot elevations is required. Therefore, boundary properties should be determined at one-half foot increments. Required cross section properties include area, wetted perimeter, and hydraulic radius.

Once this data has been generated, the calculation of the water surface profile begins. The water surface elevation of successive cross sections is achieved by solving the one-dimensional energy equation as it applies to natural watercourses. The energy equation relationships are graphically depicted below.



3.8 Low flow and Base Flow Maintenance

Proposed systems shall not decrease the flows of adjacent streams, impoundments or other watercourses below any minimum level or flow established by a water management District Governing Board pursuant to Section 373.042, FS.

PART IV – STORMWATER QUALITY

4.1 General

An applicant for individual or general permit must provide mitigation for changes to water quality such that these changes do not cause harm to individuals or water resources. The most widely used form of mitigation is the construction of stormwater management systems. Most systems are a combination of a retention and detention system. However, it is common practice to term a system exclusively retention or detention dependent upon its main function. Thus, a system whose volume is mostly in the form of retention volume would be called a retention system and likewise for a detention system.

All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards.

Water quality impacts are typically mitigated by providing treatment of initial runoff volume. This initial volume sometimes called “first-flush” carries a high percentage of the generated pollutants.

Alternate methodologies for water quality treatment shall be considered.

4.1.1 Factors Influencing Water Quality

Water quality degradation can be attributed to the following activities:

- (a) Placing impervious surfaces that no longer allow surface water to percolate and filter through permeable soils;
- (b) Eliminating natural water quality enhancement systems such as wetlands;
- (c) Increasing erosion potential and thereby sedimentation, from either vegetation removal and/or increased flow velocity; and
- (d) Creating point-source pollutant generators such as vehicles, service stations, and industrial processes

4.2 Dewatering

This District does not have a dewatering permit. If dewatering is required, it shall be address in the review and issuance of the ERP. Dewatering plans may be designed by a registered professional to be the minimum required to provide and meet water quality standards. During the pre-construction conference, or during the dewatering process, if the contactor, find that the plans in not sufficient to provide the required treatment, the contractor is required to upgrade the plan.

4.3 State water quality Standards -

All Surfacewater management systems must be designed to provide minimum state water quality treatment requirements. Stormwater can be treated by percolation, evapotranspiration, detention with filtration, or other means to conform with the post-development runoff volumes listed below, whichever is less:

1. If any part of the project area is in a stream-to-sink watershed and the stormwater can be reasonably expected to be free of hazardous or toxic substances, the minimum stormwater treatment volume shall be the runoff from the first 2.0 inches of rainfall from the design storm;
2. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.5 inches of rainfall from the design storm; or

3. If the project area falls within a stream, coastal, or open-lake watershed and the discharge is to any class of surface water other than an Outstanding Florida Water, the minimum stormwater treatment volume shall be the runoff from the first 1.0 inch of rainfall from the design storm.

Only the minimum criteria apply within a zone of discharge. A zone of discharge is defined as a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is afforded. Generally, stormwater systems have a zone of discharge 100 feet from the system boundary or to the project's property boundary, whichever is less.

Stormwater retention and detention systems are classified as moderate sanitary hazards with respect to public and private drinking water wells. Stormwater treatment facilities shall not be constructed within 100 feet of a public drinking water well, and shall not be constructed within 75 feet of a private drinking water well

4.4 Recovery

Detention and retention systems must be designed to provide treatment volumes specified above within 72 hours following the end of the design storm event. For retention systems, only percolation and evapotranspiration may be used to reduce storage and treatment volumes in the system. If detention with filtration is proposed, the design must accommodate a safety factor of two which can be accomplished by increasing storage volumes, providing specified treatment volumes within 36 hours, or other means.

It is recommended that the treatment volume is simulated as a slug load the computer model

4.5 Erosion Control and Stabilization

The potential for soil erosion is greatly increased when development occurs. This is attributed to stripping of vegetation, land clearing activities, increased runoff volumes and rates, and concentration of surface runoff. The District requires that measures be taken to minimize soil erosion and sediment transport. BMPs from the FSE&SCIM should be designed, constructed, and maintained consistent the FSE&SCIM such that at all times, erosion and sedimentation from the system, including the areas served by the system, do not cause violations of applicable state water quality standards in receiving waters. Further, because sedimentation of offsite lands can lead to public safety concerns, erosion and sediment controls shall be designed and implemented to retain sediment on-site. In particular, the erosion and sediment control requirements described in the **Applicant's Handbook Volume I** shall be followed during construction of the system.

4.5.1 Side Slopes

Side slopes shall be designed with a horizontal to vertical ratio no steeper than 4:1 to a depth at least two feet below the control elevation and must be stabilized with vegetation to prevent erosion and provide pollutant removal.

Side slopes may be designed with steeper than 4:1 side slopes provided the slopes have adequate temporary and permanent erosion and sediment control BMPs. Systems may be fenced if the slopes must be steeper than 4:1 due to space limitations or other constraints.

4.6 pollutant control

4.6.1 Pre Treatment

“Pre-treatment” is considered the treatment of a portion of the runoff prior to its entering the stormwater pond. Pre-treatment increases the pollutant removal efficiency of the overall stormwater system by reducing the pollutant loading to the stormwater pond. Pre-treatment may be used to enhance the appearance of the stormwater pond or meet the additional treatment criteria for discharges to receiving water which are classified as OFWs.

For developments where the appearance of the lake is important, pre-treatment can reduce the chances of algal blooms and slow the eutrophication process. Some types of pre-treatment practices include utilizing vegetative swales for conveyance instead of curb and gutter, perimeter swales or berms around the lake, oil and grease skimmers on inlet structures, retention storage in swales with raised inlets, or shallow landscaped retention areas (when soils and water table conditions will allow for adequate percolation). The district shall accept any form of BMP if the design professional can demonstrate that the device or system will reduce oils and greases by 80%.

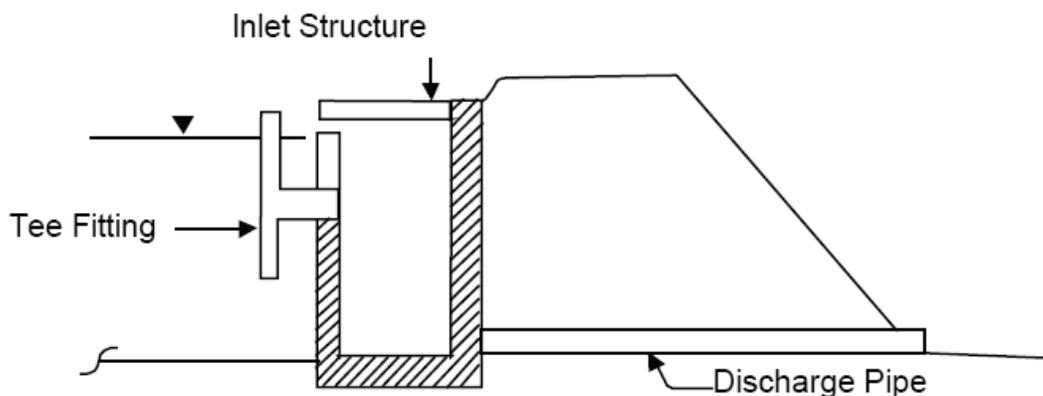
4.6.2 Oil and Grease Control

Oils, greases, and other floatables may exit through control structures when the retention volume is exceeded. Therefore, the District requires that design systems include preventative measures under the following circumstances:

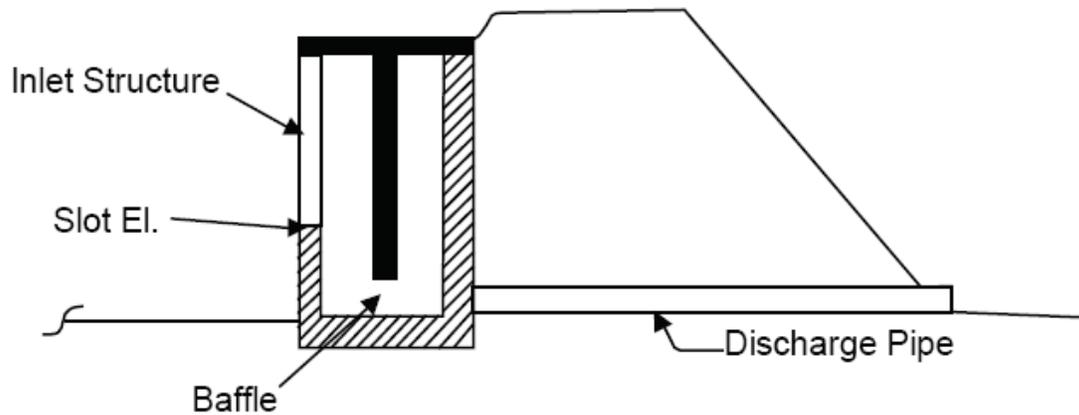
- (a) More than 50 percent of the project area is impervious surfaces;
- (b) More than two acres of the project area are impervious surfaces;
- (c) Runoff is discharged directly from paved areas; or if
- (d) The installation requires a baffle/skimmer/trap due to the nature of and frequency of oil or grease products used on the site, regardless of its size.

To prevent oil and grease from exiting the basin, skimmers or baffles shall be used. Other methods may be used if they can be proven to remove the oils and greases. Examples of a skimmer and baffle are below.

Skimmer



Baffle



4.7 Runoff coefficients and curve numbers for stormwater systems.

Stormwater management ponds, including dry retention ponds, detention ponds with filtration, dry detention ponds with underdrains, and wet detention ponds, shall be considered as 100% impervious. The area, calculated from the top of the pond, shall be directly connected impervious areas in calculating composite runoff coefficients (C), and composite curve numbers. Pervious pavement, pavers and other such surfaces shall use the runoff coefficient as the below ground. Compacted limerock or clay and millings shall be considered semi impervious.

5.2.1 Description

Since water discharged from the system must be treated, detention ponds cannot be designed to simply have a bleed down pipe at the pond bottom. The system must provide water quality treatment through underdrains, sidedrains, Vertical Volume Recovery Systems or other type systems. For the purposes of the section, water quality treatment system (WQTS) shall refer to underdrains, sidedrains, Vertical volume Recovery Systems and other such systems.

Detention ponds are an option for the applicant where high water table conditions dictate that recovery of the stormwater treatment volume cannot be achieved by natural percolation and suitable outfall conditions exist to convey flows from the detention pond to receiving waters. These systems are intended to provide for the drawdown of the treatment volume. WQTS are utilized to treat the stormwater through sand or other adequate media in order to meet state water quality standards. The sand or other adequate media shall provide removal of stormwater pollutants, suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus through the vegetation and media

5.2.2 Criteria

Dry Detention ponds shall comply with all applicable requirements of Part II, III, and IV of this volume. The bottom of detention ponds are not required to be flat. The detention pond shall have a freeboard of 1 foot above the maximum stage for storms greater than the design storm. Dry detention ponds shall be equipped with an emergency discharge system designed to pass runoff resulting from storm events larger than the design storm. Overflow structures shall be designed such that the top of the structure is below the top of the pond. Overflow structures shall be designed such that the top of the structure is above the maximum stage. Dry Detention ponds with berms greater than 5 feet from the top of the berm to the lowest natural ground elevation shall comply with Section 5.8 of this volume. Storage volumes in detention ponds shall be calculated so as not to include any volumes below the SHGWT. The system cannot cause adverse secondary impacts to adjacent wetlands or other surface waters. 48 hours prior to the construction of the WQTS, the district shall be notified and District staff shall be present during the installation. The flow path of water from the inlets to the outlet should be maximized ensure treatment. If short flow paths are unavoidable, the effective flow path can be increased by adding diversion barriers such as islands, peninsulas, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.

WQTS in a detention pond shall consist of a perforated drainage pipe which collects and conveys water following percolation from the basin through suitable soil media. The pipe system configuration (e.g., pipe size, depth, pipe spacing, and pipe inflow capacity) of the system must be designed to achieve the recovery time requirement. The WQTS shall utilize filter fabric or other means to prevent the soil from moving into the gravel envelope, if proposed. The WQTS shall provide capped and sealed inspection and cleanout ports which extend to the surface of the ground. The inspection and cleanout ports shall be located at the inlet and terminus of the system, and at a minimum, every 400 feet and every bend of 45 or more degrees. The perforated pipe shall be designed with a 12 inch minimum inside pipe diameter and a 3 foot minimum trench width. The perforated pipe shall be located within the trench section to minimize the accumulation of sediment in the aggregate void storage and maximize the preservation of this storage for stormwater treatment. It is recommended that the perforated pipe be located at or within 6 inches of the trench bottom.

5.3 Exfiltration Trench Systems Design Criteria and Guidelines

5.3.1 Description

An exfiltration trench is a subsurface system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff. Stormwater passes through the perforated pipe and infiltrates through the trench walls and bottom into the ground. These types of system are commonly referred to as Underground vaults or underground storage units. Operation and maintenance is of great concern as sediment accumulation and clogging by fines can reduce the life of the system.

5.3.2 Criteria

Exfiltration Trench Systems shall comply with all applicable requirements of Part II, III, and IV of this volume. The bottom of pond is not required to be flat; however, the exfiltration trench does have to be flat. The pond shall have a freeboard of 1 foot above the maximum stage for storms greater than the design storm. The ponds shall be equipped with an emergency discharge system designed to pass runoff resulting from storm events larger than the design storm. Overflow structures shall be designed such that the top of the structure is below the top of the pond. Overflow structures shall be designed such that the top of the structure is above the maximum stage. Ponds with berms greater than 5 feet from the top of the berm to the lowest natural ground elevation shall comply with Section 5.8 of this volume. The system cannot cause adverse secondary impacts to adjacent wetlands or other surface waters. The inspection and cleanout ports shall be located at the inlet and terminus of the system, and at a minimum, every 400 feet and every bend of 45 or more degrees. Standard precast concrete inlets and manholes may be used for inspection and cleanout access. Inlet structures shall include sediment sumps. 48 hours prior to the construction of the WQTS, the district shall be notified and District staff shall be present during the installation.

Exfiltration trench systems shall be designed so that aggregate in the trench is enclosed in filter fabric. Filter fabric may also be utilized directly surrounding the perforated pipe. The exfiltration trench system shall be designed so that the invert elevation of the trench is at or above the seasonal high ground water table elevation.

5.4 Wet Detention Design Criteria and Guidelines

5.4.1 Description

Wet detention systems are permanently wet ponds which are designed to slowly release collected stormwater runoff through an outlet structure. Wet detention systems are the recommended BMP for sites with moderate to high water table conditions. Wet detention treatment systems provide significant removal of both dissolved and suspended pollutants by taking advantage of physical, chemical, and biological processes within the pond. Wet detention ponds are less complex than other BMPs, such as exfiltration systems. Wet detention systems offer an effective alternative for the long term control of water levels in the pond, provide a predictable recovery of storage volumes within the pond, and are easily maintained by the maintenance entity. In addition to providing good removal of pollutants from runoff, wet detention systems also provide other benefits such as flood detention, passive recreation activities adjacent to ponds, storage of runoff for irrigation, and pleasing aesthetics. As stormwater treatment systems, these ponds should not be designed to promote in-water recreation (i.e., swimming, fishing, and boating).

5.4.2 Criteria

Wet detention ponds shall comply with all applicable requirements of Part II, III, and IV of this volume. The control elevation shall be set at or above the SHGWT and at or above the design tailwater elevation. The bottom of wet detention ponds are not required to be flat. The detention pond shall have a freeboard of 1 foot above the maximum stage for storms greater than the design storm. Wet detention ponds shall be equipped with an emergency discharge system designed to pass runoff resulting from storm events larger than the design storm. Overflow structures shall be designed such that the top of the structure is below the top of the pond. Overflow structures shall be designed such that the top of the structure is above the maximum stage. Wet detention ponds with berms greater than 5 feet from the top of the berm to the lowest natural ground elevation shall comply with Section 5.8 of this volume. Storage volumes in detention ponds shall be calculated so as not to include any volumes below the SHGWT. The system cannot cause adverse secondary impacts to adjacent wetlands or other surface waters. The pond must be designed so that the pond side slopes are no steeper than 4H:1V (horizontal:vertical). Drawdown devices with a width smaller than 3 inches shall include a device to eliminate clogging. The flow path of water from the inlets to the outlet should be maximized to ensure treatment. If short flow paths are unavoidable, the effective flow path can be increased by adding diversion barriers such as islands, peninsulas, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond. A dewatering plan, if required, shall be the minimum plan required to provide reasonable assurance that water discharged for the site will meet state water quality standards. If the contractor discovers the plan is ineffective, he shall design and implement a plan that is effective.

5.4.3 Permanent Pool

The permanent pool shall be sized to provide at least a 14-day residence time based upon average wet season rainfall (rainfall occurring over the wettest four months of an average year).. Additional permanent pool volume is required for wet detention systems which directly discharge to OFWs. The maximum depth of the permanent pool shall be 12 feet. The minimum depth of the permanent pool shall be 2 feet. An aerobic environment should be maintained throughout the water column in wet detention ponds.

5.5 Design Criteria for Swale Systems

5.5.1 Description

Swales are a man-made or natural system shaped or graded to required dimensions and designed for the conveyance and rapid infiltration of stormwater runoff. Swales are designed to infiltrate a defined quantity of runoff through the permeable soils of the swale floor and side slopes into the shallow ground water aquifer. Turf is established to promote infiltration and stabilize the side slopes. The swale holds water only during and immediately after a storm event, thus the system is normally "dry." Swales provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile. Besides pollution control, swale systems can be utilized to promote the recharge of groundwater to prevent saltwater intrusion in coastal areas, and to maintain ground water levels in aquifer recharge areas. Swales can be incorporated into the design of a stormwater management system to help meet the runoff volume criteria. Swales can also be utilized to provide pre-treatment of runoff prior to its release to another treatment BMPs.

5.5.2 Criteria

Swale systems shall comply with all applicable requirements of Part II, III, and IV of this volume.

Swales, must be designed to treat, through percolation or evapotranspiration, the required water quality volumes as found in Part IV of the volume or a volume of stormwater equal to at least 80 percent of the runoff resulting from a design storm with a three-year, one-hour rainfall depth and SCS type II distribution falling on average antecedent moisture conditions. Swale shall have side slopes no steeper than or equal to 3:1 (horizontal to vertical). Construction of swale systems must be in conformance with procedures that avoid degradation of swale infiltration capacity due to compaction and construction sedimentation. Swales shall be stabilized with vegetative cover suitable for soil stabilization, stormwater treatment, and nutrient uptake. The swale shall be designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentrations.

5.6 Design Criteria for Vegetated Natural Buffers

5.6.1 Description

Vegetated natural buffers (VNB) are defined as naturally vegetated areas that are set aside between developed areas and a receiving water or wetland for stormwater treatment purposes. Under certain conditions, VNBs are an effective best management practice for the control of nonpoint source pollutants in overland flow by providing opportunities for filtration, deposition, infiltration, absorption, adsorption, decomposition, and volatilization. VNBs are most commonly used as an alternative to swales or berms installed between back-lots and the receiving water. Buffers are intended for use to avoid the difficulties associated with the construction and maintenance of backyard swales controlled by individual homeowners. Potential impacts to adjacent wetlands and upland natural areas are reduced because fill is not required to establish grades that direct stormwater flow from the back of the lot towards the front for collection in the primary stormwater management system. In addition, impacts are potentially reduced since buffer strips can serve as wildlife corridors, reduce noise, and reduce the potential for siltation into receiving waters. Vegetative natural buffers are not intended to be the primary stormwater management system for residential developments. They are most commonly used only to treat those rear-lot portions of the development that cannot be feasibly routed to the system serving the roads and fronts of lots.

5.6.2 Criteria

Vegetated natural buffers shall comply with all applicable requirements of Part II, III, and IV of this volume. The use of a VNB for other types of development shall only be allowed if the applicant demonstrates that there are no practical alternatives for those portions of the project. The existing vegetation must not be disturbed during the development of the project. In all cases, a minimum buffer width of 25 feet is required to ensure the integrity of the treatment system. To promote overland flow, the maximum width (dimension parallel to the flow direction) of the contributing area is 300 feet. The contributing area must be stabilized with permanent vegetative cover that is consistent with the Florida Yards and Neighborhood program. No fertilizer shall be applied to the contributing area. Erosion control measures must be utilized during development of the contributing area so as to prevent siltation of the buffer area.

For systems that discharge to receiving water bodies other than OFWs, the VNB must be designed to provide at least 200 seconds of travel time by overland flow through the buffer for the 2-year, 24-hour storm event. Systems which directly discharge to OFWs must be designed to provide at least 300 seconds of travel time by overland flow through the buffer for the 2-year, 24-hour storm event. The maximum slope of VNB must not be greater than 15%. The length of the buffer (measured perpendicular to the runoff flow direction) must be at least as long as the length of the contributing runoff area. Runoff from the adjacent contributing area must be evenly distributed across the buffer strip to promote overland flow.

A legal reservation, in the form of an easement or other limitation of use, must be recorded which provides preservation of the existing undeveloped area in its natural state. The reservation must also include access for maintenance of the VNB unless the operation and maintenance entity wholly owns or retains ownership of the property. The legal reservation must include at least the entire area of the VNB. A minimum 25 foot buffer width must be specified.

5.7 Borrow Pits & Ponds

5.7.1 Description

Borrow pits are defined in Part II of Volume I. Borrow pits typically do not hold water for extended periods of time. Ponds may be defined as a body of standing water either natural or man-made, which is usually smaller than a lake. Some ponds are created specifically for habitat restoration or water treatment. Others are designed for aesthetic ornamentation as landscape or architectural features. Ponds hold water for four months of the year or more.

5.7.2 Criteria

Borrow Pits and ponds shall comply with all applicable requirements of Part II, III, and IV of this volume. The materials to be excavated from borrow pits must be homogenous and that grading or sorting will not occur. Materials removed from borrow pits or ponds may be used on site or may be removed from the site. Borrow pits may be filled in after completion of construction with clean material which do not include oils, greases, construction debris, household trash, or hazardous materials or waste. Ponds may have natural liners such as compacted clay or limerock or man made material such as impermeable plaster liners. The bottom of borrow pits and ponds shall be above the static water elevation. Borrow pits and ponds with berms greater than 5 feet from the top of the berm to the lowest natural ground elevation shall comply with Section 5.9 of this volume.

The overflow structure of the pond shall be below the top of the pond. An overflow system shall be designed such that it can pass a storm greater than the design storm without damage. The pond shall have calculated normal water and flood elevation of the pond.

Borrow pits shall have at least one boring per two acres spatially arranged throughout the area of the proposed borrow pit. The underlying geology of the site and a subsurface cross section of the project site shall be determined and mapped. Documents shall provide reasonable assurance that the underlying aquifer will not be disturbed. Restoration plans should include detailed descriptions of all vegetative restoration efforts, stem densities of trees to be planted, species of grass to be sown, monitoring efforts and bank stabilization techniques. A survey shall be provided that determines the number and location of active gopher tortoise burrows or historical artifacts. The applicant shall provide an erosion and sediment control plan that provides reasonable assurance the borrow pit will not erode and encroach on adjacent landowners. Waters diverted around the pit shall be discharge in the same general direction and pre-construction rate. A dewatering plan, if required, shall be the minimum plan required to provide reasonable assurance that water discharged for the site will meet state water quality standards. If the contractor discovers the plan is ineffective, he shall design and implement a plan that is effective.

5.8 Dams and Impoundments

5.8.1 Description

Dams and Impoundments are both defined in Part II of Volume I. Dams and impoundments are classified as follows

- **Low Hazard Potential**

Dams assigned the low hazard potential classification are those where failure or mis-operation results in no probable loss of human life and low economic and/or environmental losses. Losses are principally limited to the owner's property.

- **Significant Hazard Potential**

Dams assigned the significant hazard potential classification are those dams where failure or mis-operation results in no probable loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in areas with population and significant infrastructure.

- **High Hazard Potential**

Dams assigned the high hazard potential classification are those where failure or mis-operation will probably cause loss of human life.

5.8.2 Criteria

Dams and impoundments shall comply with all applicable requirements of Part II, III, and IV of this volume. The discharge capacity and/or storage capacity must be capable of safely handling the following spillway design floods. Low hazard dams, less than 25 feet in height, shall safely handle the 100-year critical duration rainfall event. All other dams shall safely handle the Probable Maximum Precipitation (PMP). The PMP for the District area is 31 inches for a period over a 200-square mile drainage area. This precipitation must be increased by a multiplier of 1.23 for 10-square mile drainage basins and 1.05 for 100-square mile drainage basins. The PMP in design serves to eliminate the possibility of the addition of sudden structural failure to already serious flood conditions. The design height of an earth embankment must be sufficient to contain or control the most restrictive of the following situations, acting singularly or in combination:

- (a) Peak water elevation in the reservoir or pond area;
- (b) Wave run-up above the peak water elevation;
- (c) Hydraulic head to achieve minimum, emergency spillway discharge;
- (d) Anticipated soil consolidation and settlement in the embankment soil mass and foundation zone; plus
- (e) An additional amount as a factor of safety based upon the accuracy and precision of the data and calculations used to determine any of these conditions.

The elevation difference between the maximum height of the earth embankment and the normal water level in the reservoir or pond is called freeboard. Freeboard shall be called out on the construction plans.

5.8.3 Embankment Slope Stability

The applicant shall analyze the stability of embankment slopes using generally accepted methods based on sound engineering principles and document all analyses or considerations in appropriate design reports and files. The design professional must design and provide documentation that the embankment has adequate factors of safety and will not fail due to the below general failure modes:

- **Overtopping**, where the quantity of floodwater entering the system is greater than its capacity, and water pours over the top of the embankment. Embankment failure results from erosion on the backside of the levee caused by water cascading over the crown

and gradually washing soil away until the full cross section is breached. Embankments constructed of clay soil can withstand significantly more overtopping than levees constructed of silty or sandy soil.

- **Seepage and Piping**, where floodwater seeps through or under an embankment and carries the embankment or foundation material with it. Some seepage through an earthen embankment is relatively common, but when the seepage finds or creates a drainage path, or "pipe," through erodible material, such as a sand strata, material is gradually washed out through a "boil" on the landside of the embankment. If unchecked, sufficient material can exit the embankment through the boil to create a large void inside the embankment, resulting in a depression or "slump" in the crown of the levee. If the crown slumps below the water surface elevation, overtopping will occur through the depression and lead to failure.
- **Erosion**, where high water velocity or wave action removes material from the embankment or the streambank adjacent to the embankment, leading to slope instability and increased seepage.
- **Sliding (Rotational Slip)**, where seepage through the embankment, or even thorough saturation caused by extensive duration of high water, weakens the embankment and/or foundation material to the point where the weight of soil exceeds its internal strength. The embankment slope then slides. This type of sliding is a characteristic problem for embankments built of clay soil.
- **Sloughing**, where seepage through the embankment causes the outermost soil on the levee slope to slide down. Progressive sloughing shortens the seepage path through the embankment, causing increasingly heavy seepage until the embankment gives way. Sloughing is a characteristic problem of silty and sandy levees.

5.8.4 Construction Standards

Design

1. Site Investigation – The general area for use as a settling area shall be carefully inspected by the design engineer prior to selection of the exact location for a dam. Areas of uneven natural subsidence, sink-hole, pockets of organic matter, or other unstable soils shall be avoided, unless special provisions are made for their correction.
2. Soil Testing – A program of soil sampling and testing adequate to determine the characteristics of the foundation material which will support the proposed dam shall be performed. Sampling shall include borings and/or in-place samples from the exposed excavation face. All borings shall be logged using a recognized engineering soil classification system (such as Unified System) with location and depths of samples recorded on the log. Tests including but not limited to, the determination of in-placed densities, shear-strength, and permeabilities of the foundation and embankment soils shall be performed on either undisturbed samples or on the in-place soil. Tests on embankment soils shall be performed on samples remolded to the densities to be used in construction. All soil test data used for design shall be derived from tests performed in compliance with the American Society of Testing Materials, American Association of State Highway Officials, or U. S. Army Corps of Engineers soil testing specifications and procedures.
3. Cross-Section Design – The design height of an earth embankment should be sufficient to prevent overtopping during passage of the design storm event plus the freeboard required for wave action. The design height must also meet the requirements for minimum emergency spillway depth. The design shall provide positive seepage control features, such as, but not limited to:
 - a. Cut-off trench in natural soil foundations;

- b. Clay core;
 - c. Blanket drain; and
 - d. Chimney drain and toe drain.
4. Stability Analysis – The embankment and foundation are to be analyzed for stability against failure from sliding, sloughing, or rotation along potential failure surfaces. The appraisal of stability is to be based on the comparative performance of similar embankments and a slope stability analysis using engineering judgment. Settlement, seepage, and cracking are to be considered and adequate measures included to control or safely compensate for their effects. Analyses are to be made for the conditions or periods during the design life which are the most critical or severe. These conditions will be for various moisture and loading conditions of the embankment and foundation. These are to include the following conditions:
- a. Immediately after construction;
 - b. During full reservoir steady seepage; and
 - c. During partial or complete sudden drawdown.

In each case, the analysis shall be made using engineering property values determined by laboratory tests simulating the assume condition. Soil mechanics data used may be from specific testing for the site or by documented reference to data which can be correlated. The method of slope stability analysis used shall be appropriate for the loading condition and location and shape of potential failure surface.

The embankment and foundation conditions shall be determined to a degree consistent with the complexity of the site and the potential for failure. The adequacy of the geologic and soil investigation, along with the significance of minor variations, shall be evaluated in the stability, seepage, and settlement analyses.

Seepage control shall be added to all penetrations of the earth embankment as may be required to ensure containment and control of the impounded waters or stability of the soil mass.

5. Design Safety Factors – The designing engineer shall use generally accepted minimum safety factors

Site Preparation – Ground which will become the foundation of earth dams shall be stripped of all vegetation and organic detritus or residue, including muck, mud, slimes, or other material which would flow or undergo excessive consolidation under heavy loading. All earth foundation surfaces on which fill is to be placed shall be scarified or moistened and compacted prior to spreading of first course fill material, and the dam base shall be well drained during construction, except when placing hydraulic fill.

Material to be Used – Material used for earthen dams shall be free of stumps, vegetation, trees, palmettos, muck, and other extraneous matter which could affect the compactability, density, permeability, or shear strength of the finished dam. Tailings may be used for dam fill. Please contact District staff to discuss this during a pre-application meeting.

Water Level Control – Sufficient water level control structures shall be installed in the impoundment area behind an earthen dam to maintain the minimum required freeboard and to accommodate the release of storm water resulting from heavy rainfall.

Methods of Construction

1. Each new dam shall be constructed to meet or exceed the minimum safety requirements of the specifications and design for that dam. Draglines, drag scrapers, tractor, or other appropriate earth moving equipment shall be used to place materials in dam construction. Materials used in rolled dams shall be blended prior to compaction. The soil shall be compacted and density tests shall be performed to ensure that the designed densities are obtained. A qualified representative of the design engineer shall be present on the site each working

day during construction of a rolled dam to ensure that materials and construction methods meet all specifications of the design. The District engineer shall be advised of the date on which construction or shaping of a new dam will begin so that he can inspect the site.

2. Areas around any water level control structure pipe, any other conduit, or any surface of discontinuity between materials within the mass of the dam shall be carefully installed to avoid potential concentration of seepages. All conduits through dams shall have two or more seepage collars spaced in accordance with good engineering practices pertinent to the material used for the fill. Two collars will be installed within the core when there is core within a dam. All pipes and joints in pipes extending through a dam shall be made leak-proof and shall be constructed of material suitable for the fluids carried and load imposed. In order to avoid leaks associated with differential settlement, conduits through dams shall not be rigidly supported by piles or piers. Backfill around conduits shall be of a density that is equal to or greater than those of the surrounding embankment. Particular attention shall be devoted to the lower third of the conduit.

Documentation

1. The owner of an earthen dam should maintain in a permanent file the following construction records pertaining to said dam:
 - Aerial photo of construction site.
 - Design drawings and calculations.
 - Design specifications.
 - Results of all soil tests on foundations and fill materials.
 - Logs of borings and engineering geology reports.
 - Certified copies of construction progress inspections pertinent to core trench, toe drain, internal drains, and other significant phases of the structure. Photographs of various structural items may be included in the file.
 - Description of and justification for all deviations or variances from the design plans or specifications.

Inspections – Personnel or agents of the District may accompany inspectors on any routine inspection required by the District, or inspect settling areas at any other time which is reasonable under the circumstances involved. They may also examine any routine inspection reports and be furnished copies thereof upon request.

5.8.5 Principal Spillways

The structural design and detailing of principal spillways are to conform to the recommendations of National Engineering Handbook, Section 6, “Structural Design” and NRCS standard drawings. All component parts such as gates and trash racks are to be equally durable.

Capacity of Principal Spillway

The required capacity of the principal spillway depends on:

- (a) The purpose of the dam;
- (b) The amount of storage provided by the retarding pool;
- (c) The kind of emergency spillway;
- (d) Stream channel capacity and stability downstream;
- (e) Potential damage from prolonged storage in the retarding pool;
- (f) Potential damage downstream from prolonged high outflow rates;
- (g) The possibility of substantial runoff from two or more storms in the time required to empty the retarding pool;
- (h) Limitations imposed by water rights or other legal requirements;

- (i) Environmental concerns;
- (j) Planned or potential alterations of the channel downstream; and
- (k) The necessity to pass base and flood flows during construction.

A controlled spillway must be provided which will essentially drain the impoundment unless express approval is secured from the District.

5.8.6 Emergency Spillways

Emergency spillways are provided to convey excess water through, over, or around a dam. They are usually open channels excavated in natural earth, earth fill, rock, or constructed of reinforced concrete. Emergency spillways are to be proportioned so they will pass the emergency spillway hydrograph at the safe velocity determined for the site. They are to have sufficient capacity to pass the freeboard hydrograph with the water surface in the reservoir at or below the elevation of the design top of the dam.

5.8.7 Reservoir Regulation

A reservoir regulation plan should be developed so that regulating the reservoir and discharges under normal and emergency conditions are designed to assure that they do not constitute a danger to the safety of the dam or the human life or property downstream.

In the case of High (Class C) hazard dams, the reservoir regulation plan must also include an analysis of the probable consequences of a sudden or catastrophic failure of the dam and associated structures containment of the maximum contained water volume in the reservoir or pond. The analysis, sometimes called a “dam breach” analysis, shall include the development of a downstream evacuation map.

5.9 Special Basin Criteria: Sensitive Karst Areas

5.9.1 Background of the Sensitive Karst Area Design Criteria

Paragraph 62-346.301(1)(i), F.A.C., provides that a condition for issuance of a permit includes compliance with any applicable special basin or geographic area criteria rules. The only area within the geographical extent of the Suwannee River Water Management District for which additional geographic criteria have been developed is a Sensitive Karst Area (SKA).

The Floridan Aquifer System is the drinking water source for most of the population in the geographical extent of the District. In parts of the district, limestone (or dolostone) that makes up or comprise this aquifer system occurs at or near the land surface. Sediments overlying the limestone can be highly permeable. The limestone, due to its chemical composition, is susceptible to dissolution when it interacts with slightly acidic water. “Karst” is a geologic term used to describe areas where landscapes have been affected by the dissolution of limestone or dolostone, including areas where the formation of sinkholes is relatively common. Sensitive Karst Areas reflect areas with hydrogeologic and geologic characteristics relatively more conducive to potential contamination of the Floridan Aquifer System from surface pollutant sources. The formation of karst-related features, such as sinkholes is also more likely to occur in SKAs.

5.9.2 Hydrogeology of the Sensitive Karst Areas

Throughout the majority of the geographical extent of the district the highly porous limestone that comprises the Floridan Aquifer System is generally overlain by tens to hundreds of feet of sands, clays, and other material. Where present, this material may act to protect, to varying

degrees, the Floridan Aquifer System from surface pollutants. Surface water seeps through this material slowly, which allows for some degree of filtration, adsorption, and biological transformation or degradation of contaminants. In SKAs, however, the limestone that comprises the Floridan Aquifer System may occur at or near the land surface and sand overburden, confining clays, or other confining cover material is absent or discontinuous. As a result, there can be rapid movement of surface water and possibly entrained contaminants into the aquifer. The SKAs are areas of relatively high recharge to the Floridan Aquifer System. Floridan Aquifer System ground water levels vary from land surface to approximately 290 feet below land surface in the SKAs.

One factor that makes the SKAs particularly prone to stormwater contamination is the formation of solution pipe sinkholes within retention basins. Solution pipe sinkholes are common in these areas and form due to the collapse of surficial material into vertical cavities that have been dissolved in the upper part of the limestone. They are also formed by the movement of surface material into the underlying porous limestone. In most cases, the solution pipes are capped by a natural plug of sands and clays. If the cap is washed out (as may happen if a large volume of water is stored over the solution pipes), the resulting solution pipe sinkhole can act as a direct pathway for the movement of surface water into the Floridan Aquifer System. Solution pipe sinkholes and other types of sinkholes may open in the bottom of stormwater retention basins. The capping plug or sediment fill may be reduced by excavation of the basin. Stormwater in the basin may increase the hydraulic head on the remaining material in the pipe throat. Both of these factors can wash material down the solution pipe. Solution pipes act as natural drainage wells and can drain stormwater basins. The irregular weathering of the limestone surface in the SKAs contributes to uncertainty and errors in predicting the depth from land surface to limestone.

5.9.3 Additional Design Criteria for Sensitive Karst Areas

In addition to the design criteria for projects outside of the SKAs, projects located within the SKAs also must meet the additional design criteria

Stormwater management systems shall be designed and constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Such stormwater management systems also shall be designed and constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The system shall also be designed to prevent the formation of solution pipes or other types of karst features in the SKAs. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters.

A minimum of three feet of unconsolidated sediment or soil material between the surface of the limestone bedrock and the complete extent of the bottom and sides of the stormwater basin at final completion of the project. Excavation and backfill of unconsolidated sediment or soil material shall be conducted, if necessary to meet these criteria. As an alternative, an impermeable liner can be used to ensure that stormwater is isolated from communication with groundwater (e.g., for wet detention). This provision is presumed to provide reasonable assurance of adequate treatment of stormwater before it enters the Floridan Aquifer System;

To reduce the potential for solution pipe sinkhole formation caused by newly created additional hydraulic head conditions, stormwater storage areas are limited to a maximum of 10 feet of vertical staging (shallower depths are encouraged), as measured for dry ponds from the bottom of the pond to the design high water level; and for wet ponds 10 feet of vertical staging as

measured from the seasonal high ground water table to the design high water level, and shall have a horizontal bottom (no deep spots); and

If during construction or operation of the stormwater management system, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridan Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the Department for review and approval that provides reasonable assurance that the breach will be permanently corrected.

PART VI – OPERATION AND MAINTENANCE

6.1 General

Applications to construct, alter, and maintain a stormwater management system also constitutes an application to operate and maintain the system. An applicant must submit the information described above to specify the entity that will operate and maintain the system with the construction, alteration or maintenance permit application. A permit to operate a system is granted concurrently with the permit to construct, maintain or alter the system. The operation phase of all ERP permits lasts for the life of the system.

6.1.1 Subsequent Transfers

The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

6.1.2 Recording of Easements, Deed Restrictions, and other Operation and Maintenance Documents

For those systems which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents must be submitted to the District for approval. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

6.1.3 Property Conveyance to Third Party

When the applicant intends to convey the property to multiple third parties, the applicant will be an approved operation and maintenance entity from the time construction begins until the system is dedicated to and accepted by an established legal entity.

In cases when the system is proposed to be transferred to entities that were not listed on the permit, or the entity listed on the permit does not accept the entire system, all involved entities

shall modify the permit such that all involved entities are established as legal entities and all entities agree and are permitted to maintain the system or portions thereof.

6.1.4 Phased Projects

If an operation and maintenance entity is proposed for a project which will be constructed in phases, and subsequent phases will use the same stormwater management system as the initial phase or phases, the entity must have the ability to accept responsibility for the operation and routine custodial maintenance of the stormwater management system for future phases of the project.

If the development scheme contemplates independent operation and maintenance entities for different phases, and the system is integrated throughout the project, the entities, either separately or collectively, must have the responsibility and authority to operate and perform routine custodial maintenance of the system for the entire project area. That authority must include easements for surface water management and the ability to enter and maintain the various works, should any entity fail to maintain a portion of the system within the project area.

6.2 Entity Requirements

Responsibility for operation and maintenance of a surfacewater management system permitted under this chapter shall be a perpetual obligation of a single entity which wholly owns or controls the lands on which any component of the permitted system is located and which has the fiscal, legal, and logistical capability to perform operation and maintenance in accordance with district rules and permit conditions.

The following units of government are considered acceptable operation and maintenance entities provided the entity owns or has a valid perpetual easement, or other perpetual legal access to the property on which the system is located.

- (a) Units of local government including counties, municipalities, municipal service taxing units, or special service districts;
- (b) Active Chapter 298, F.S., drainage districts, drainage or water control districts created by an act of the Florida legislature, Chapter 190, F.S., Community Development Districts, or Chapter 170, F.S., Special Assessment Districts;
- (c) Legally constituted public utilities; or
- (d) Regional, state, or federal agencies.

Non-profit corporations including home owners associations, property owners associations, condominium owners associations, or master associations may be considered acceptable operation and maintenance entities provided:

- (a) The corporation or association must comply with the applicable provisions of Chapters 617, 618, 718, 719, F.S., or other applicable statutes;
- (b) The Articles of Incorporation, Declaration of Protective Covenants, Deed Restrictions, Declaration of Condominium, or By-Laws (as appropriate) must clearly demonstrate:
 - 1. The corporation has the authority to own and convey property;
 - 2. The corporation has the authority to operate and maintain common property (specifically the system permitted by the Suwannee River Water Management District);
 - 3. The corporation has the authority to establish rules and regulations governing membership or take any other actions necessary for the purposes for which the corporation or association was organized;
 - 4. The corporation has the authority to assess members and enforce said assessments;
 - 5. The corporation has the authority to sue and be sued;

6. The corporation has the authority to contract for services to provide for operation and maintenance of the system;
 7. The corporation has the authority to require all owners of real property or units to be members of the corporation or association;
 8. The corporation must exist in perpetuity, and in the event of the dissolution or failure to perform required operation and maintenance by the corporation or association, there must be reasonable assurance that a unit of local, regional, state, or the federal government will accept operation and maintenance responsibility through the permit modification process in district rules; and
 9. The land on which the surfacewater management system is located is owned or otherwise controlled by the corporation or association to the extent necessary to operate and maintain the system or convey operation and maintenance to another entity.
- (c) The corporation or association is limited to single owners of single units, lots, or residences and is not an association of multiple, interval, or time-share owners.

A property owner or developer may be considered an acceptable operation and maintenance entity as follows:

- (a) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity (i.e., farm, corporate office, commercial, or industrial facility).
- (b) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership in perpetuity, but the premises are to be leased or rented to third parties (i.e., shopping centers, office parks, industrial parks, or mobile home parks).
- (c) The property on which the system is located is wholly owned or otherwise controlled by the permittee and is intended to be maintained in the permittee's ownership until such time as the property and operation and maintenance of the system is transferred to another entity approved by the district.
- (d) Upon issuance of a permit to operate and maintain a surfacewater management system, or upon transfer of a construction, alteration or abandonment permit to the operation and maintenance phase, the district shall record with the Clerk of the Circuit Court of the county in which the property is located a notice which states words to the effect:
 1. The property includes a surfacewater management system permitted by the Suwannee River Water Management District;
 2. The permit requires the perpetual operation and maintenance of the surfacewater management system in accordance with the terms and conditions of the permit and rules of the Suwannee River Water Management District;
 3. In accordance with Section 373.416(2), F.S., rules of the Suwannee River Water Management District, and conditions of the permit, the perpetual operation and maintenance of the surfacewater management system is the responsibility of the owner or future owner(s) of the property; and
 4. Within 30 days of any change of ownership, the Suwannee River Water Management District must be notified by the owner in whose name the permit was granted. Upon proper notification the permit for operation and maintenance of the system will transfer to the new owner.

Unincorporated associations of owners who share a surfacewater management system or who have portions or individual components of a larger surfacewater management system on their property are generally not acceptable operation and maintenance entities. However, for surfacewater management systems composed entirely of swales which are permitted to serve a private road or drive providing access to no more than five parcels of land, each larger than one acre, the district will accept such unincorporated associations. The district shall place limiting

conditions on such permits to insure owners or future owners of such lands understand that operation and maintenance of the surfacewater management system is the undivided responsibility of the owners.

6.3 Operation Phase and Release of Bond

The operation phase of noticed general permits automatically commences upon completion of construction performed in compliance with all terms and conditions of the applicable noticed general permit. Some operation and maintenance may occur during the construction phase prior to transfer to operation phase. At such times, the system must be temporarily operated and maintained without conversion to operation phase, provided such temporary activities do not violate the conditions for issuance of the permit.

The operation phase of an individual permit does not become effective until the District receives an as-built certification package and determines the system or independent portion of a system has been constructed in compliance with the permit, and an approved entity has accepted responsibility for operation and maintenance of the system or independent portion of a system. Upon receipt of an as built certification package and transfer to operation and maintenance the performance bond or surety will be released.

6.4 Operation and Maintenance Responsibilities

Responsibility for operation and maintenance of a surface water management system permit issued under Part IV of Chapter 373, FS, shall be a perpetual obligation for the life of the system for a single entity that wholly owns or controls the lands on which any component of the permitted system is located and which has the fiscal, legal, and logistical capability to perform operation and maintenance in accordance with District rules and permit conditions.

6.5 Minimum Standards

Surfacewater management systems shall be operated and maintained in accordance with the designs, plans, calculations, and other specifications that are submitted with an application, approved, and incorporated by reference into any permit issued.

Surfacewater management systems shall be kept free of debris, trash, garbage, oils and greases, and other refuse through regular inspection and maintenance by the permittee.

Oil and grease separators, skimmers, or collection devices shall be inspected and maintained on a regular basis by the permittee to insure that they are working properly and do not allow the discharge of oils or greases. Oils and greases or other materials removed from such a device during routine maintenance shall be disposed of by lawful means.

The system shall be regularly inspected and maintained by the permittee to insure that all erosion is controlled and soil is stabilized to prevent sediment discharge to waters in the state.

All structures within the system shall be regularly inspected and maintained by the permittee to insure that they remain in an operable condition, free of obstruction and sediment, and, where appropriate, secure from vandalism or unauthorized operation.

Swales, ditches, canals, and other similar works shall be inspected and maintained on a regular basis by the permittee to insure that they do not become clogged or choked with vegetative or aquatic growth to such an extent as to render them inoperable.

Vegetative Natural Buffers must be inspected to determine if there has been any encroachment or violation of the terms and condition of the VNB. Buffers must be examined for damage by foot or vehicular traffic, encroachment, gully erosion, density of vegetation, and evidence of concentrated flow through or around the buffer. Repairs to the buffer must be made as soon as practical in order to prevent additional damage to the buffer. Repaired areas must be re-established with native vegetation. Invasive plant species such as cattail and primrose willow must be prevented from becoming the dominant species.

For Dams and impoundments, the following are examples of items which must be corrected by the owner on a routine basis:

- (a) Remove trees, bushes, and other vegetation that may be harmful to the structural integrity of the dam;
- (b) Fill any animal burrows;
- (c) Check and correct settlement of the embankment and downstream toe areas;
- (d) Check and correct uncontrolled or excessive seepage;
- (e) Check drainage system to assure that the systems can freely discharge and that the discharge water is not carrying any foundation material;
- (f) Check emergency spillways for any condition that may cause operational constraints on the functioning of the spillway;
- (g) Check that principal spillways are clear of debris or any other constraint that reduces the spillway's ability to function;
- (h) Protect slopes from erosion-formed gullies and wave-formed notches that reduce the embankment cross-section; and
- (i) Examine unlined spillways for erosion and any hazard that may interfere with the safety of the dam.
- (j) If serious seepage or problems with operational controls are found during routine maintenance, the owner must take positive steps to reduce the probability of a sudden or catastrophic failure such as using a controlled release of water to reduce the water pressure on the dam.

6.6 Inspections

Inspections shall be in accordance with Section 373.423, F.S. and Chapter 62-330, F.A.C. The permittee and/or operation and Maintenance entity, after receiving prior or reasonable notice, shall give permission and allow district personnel with proper identification, access to the project. District personnel shall inspect, sample, test and review the project to ensure compliance with the specifications of the application and permit.

6.7 Compliance

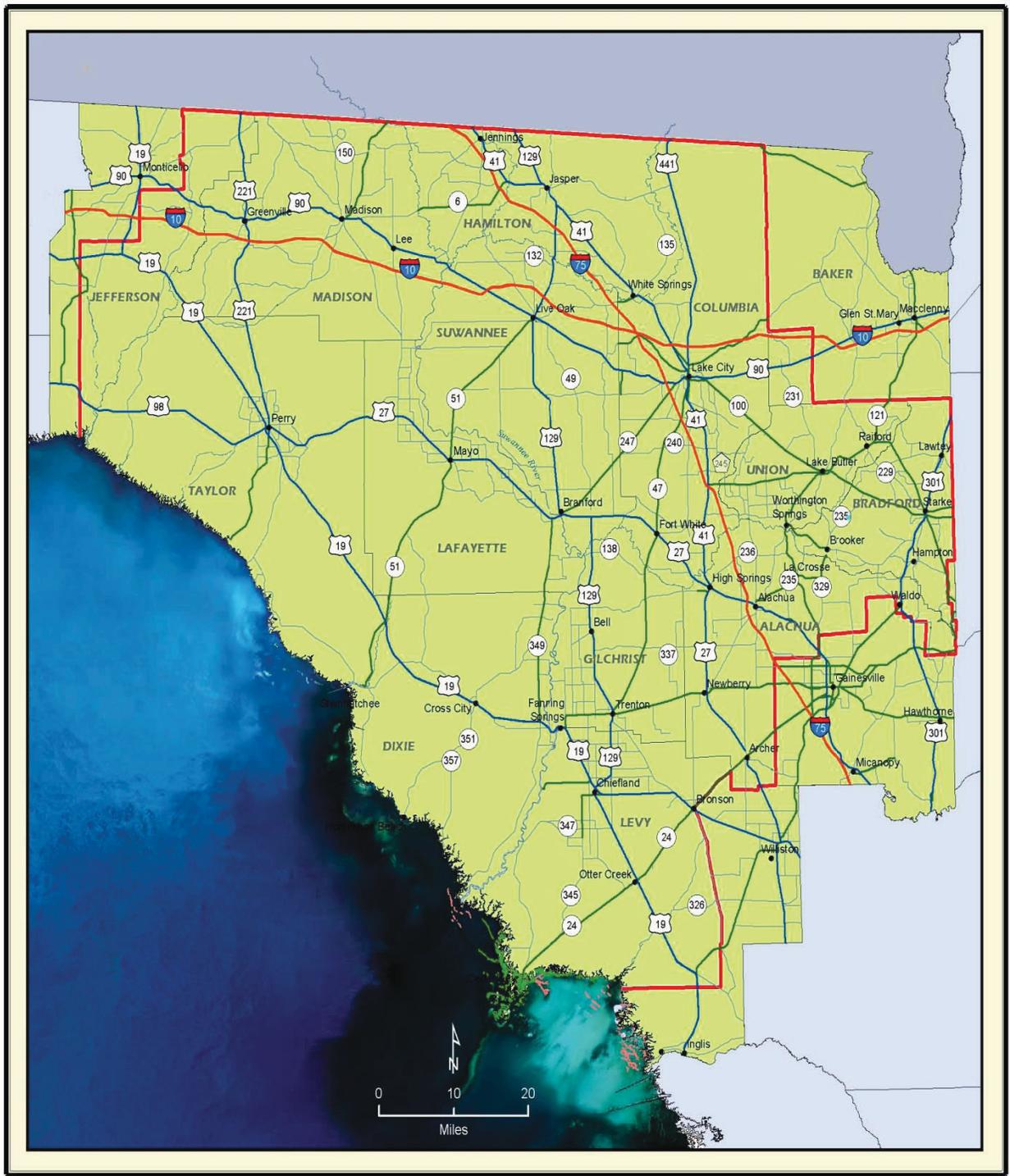
Complaints shall be submitted in compliance with the criteria in Chapter 40B-1.705, F.A.C. and shall proceed as per the criteria in 40B-1.510, F.A.C and the governing Board Policy on compliance and enforcement..

6.8 Enforcement

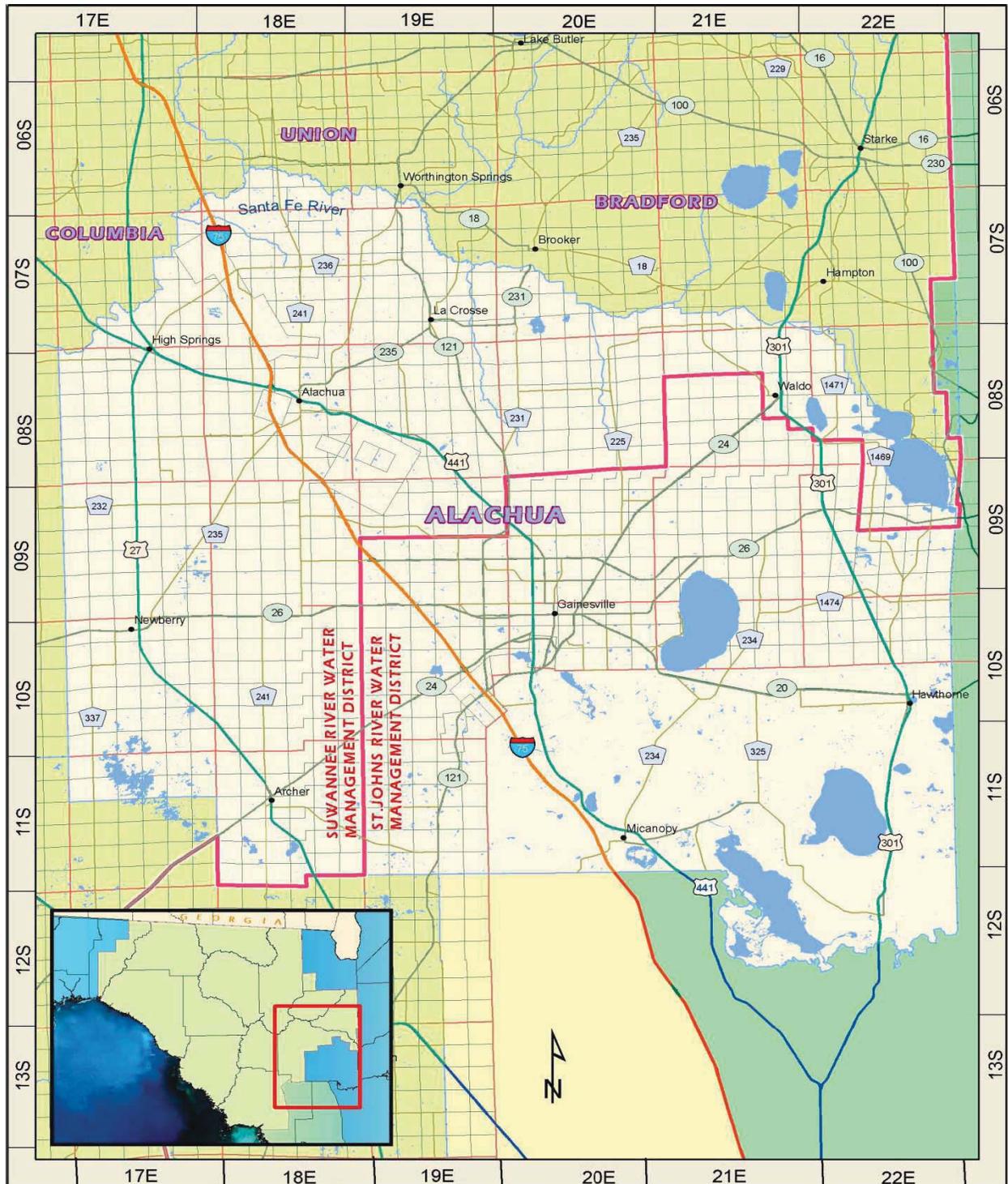
Parts I and IV of Chapter 373, FS, provide for the enforcement of District rules by administrative and civil complaint. The District also has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see Sections 373.603 and 373.609, FS). Any person, who violates any provisions of Chapter 373 or 403, FS, the rules adopted thereunder, or orders of the District, is subject to civil fines or criminal penalties as provided in Section 373.430, FS.

Enforcement shall be in accordance with Chapter 373, F.S. Enforcement shall proceed following the Governing Board Policy on compliance and enforcement

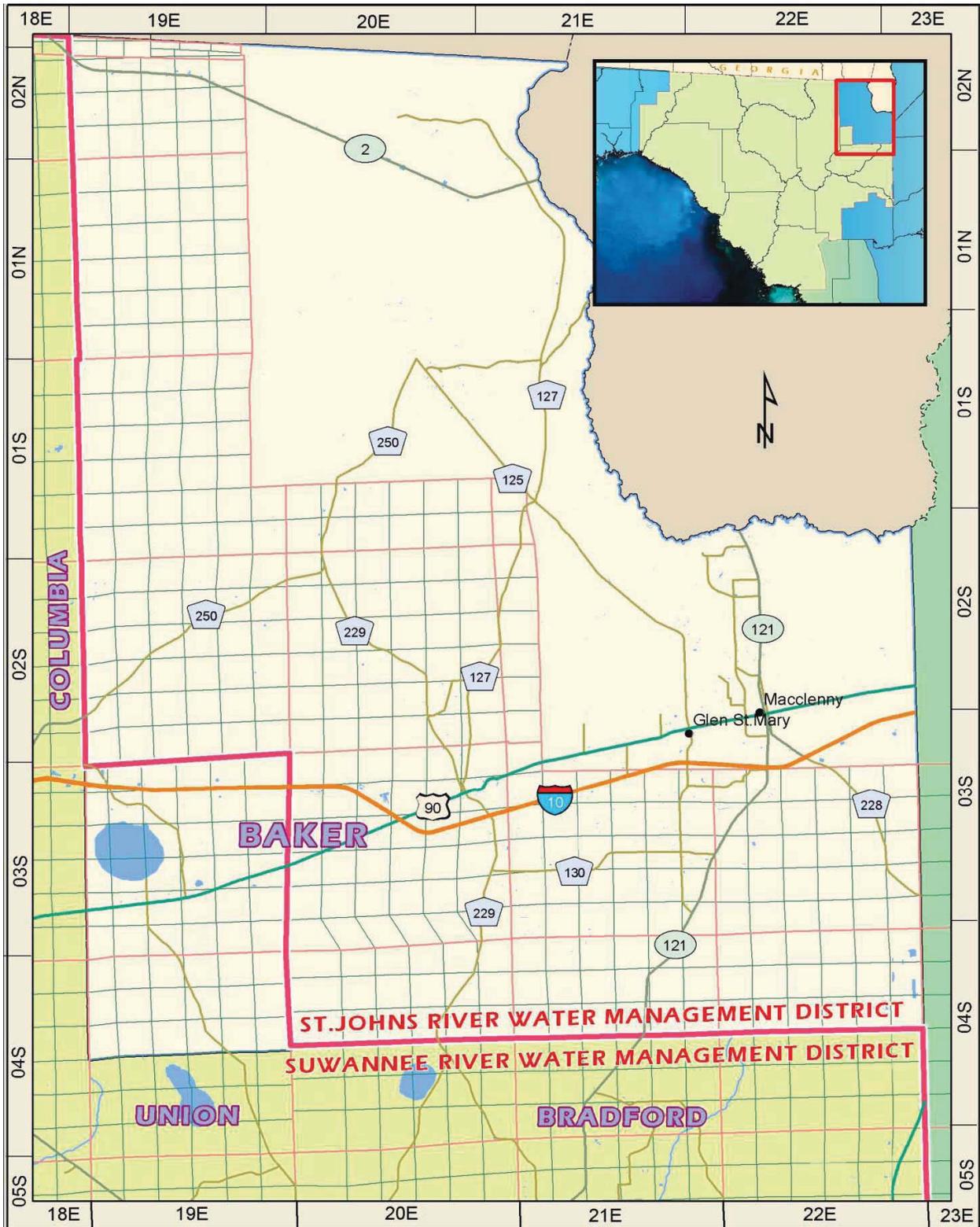
District Boundary



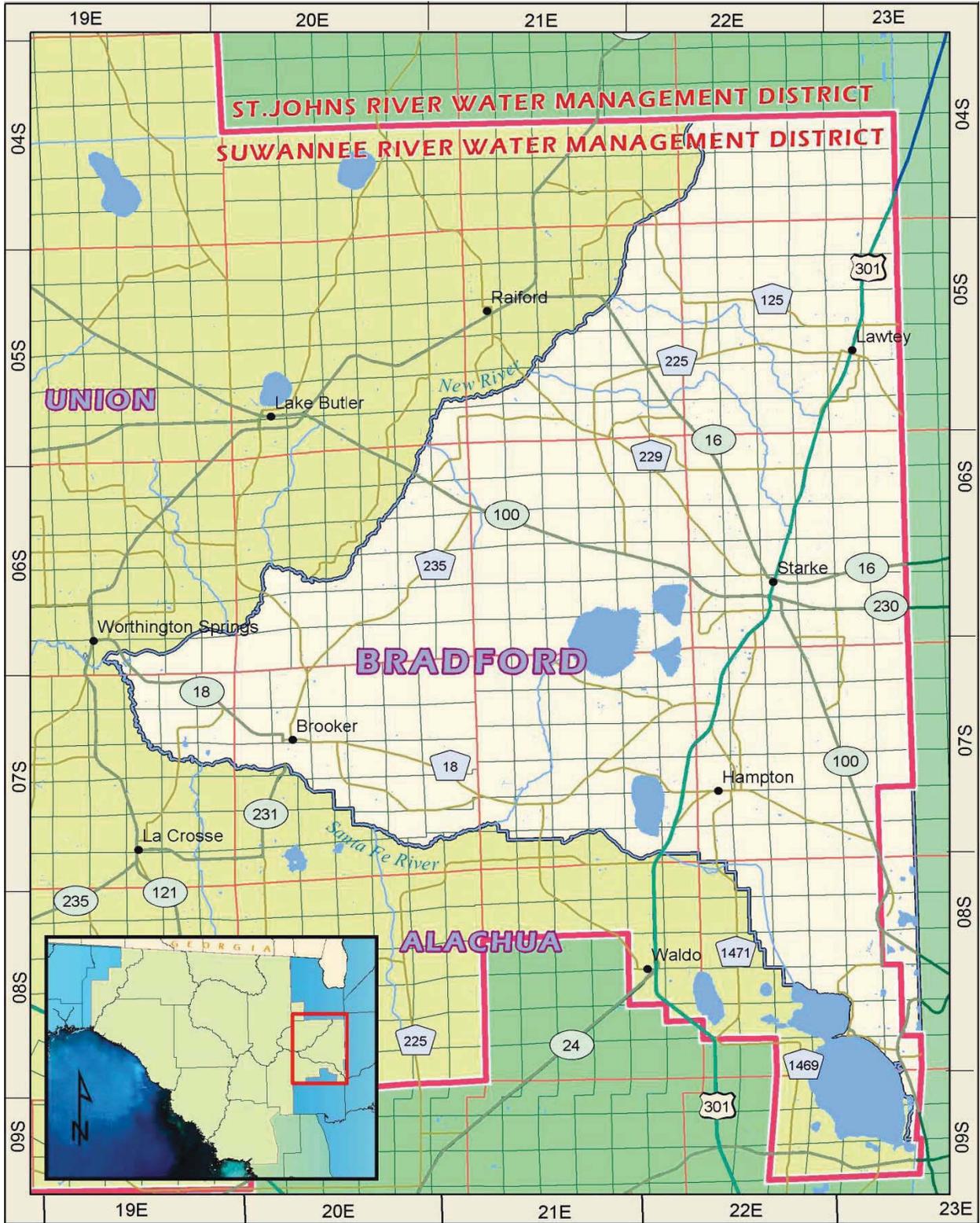
Alachua County Boundary



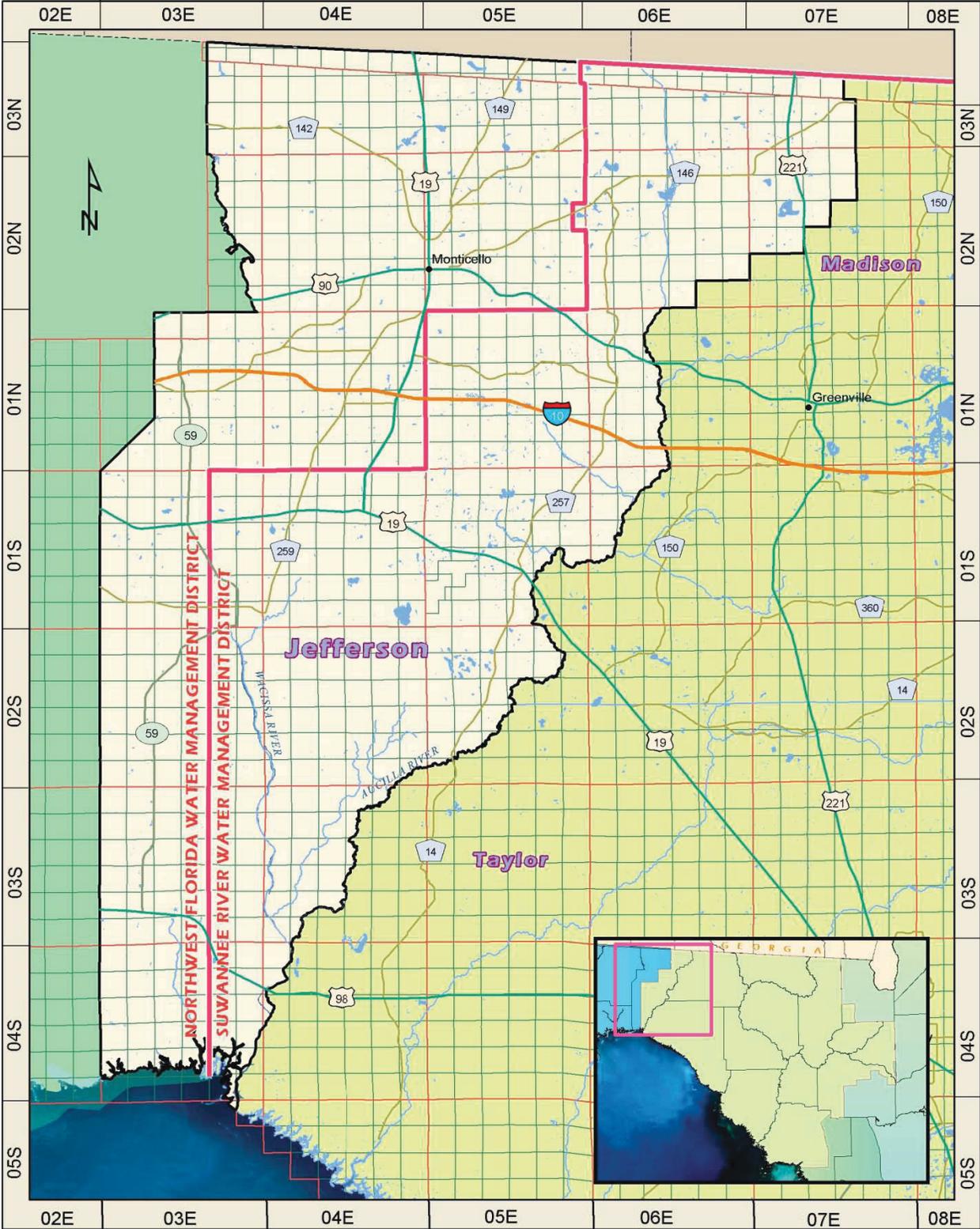
Baker County Boundary



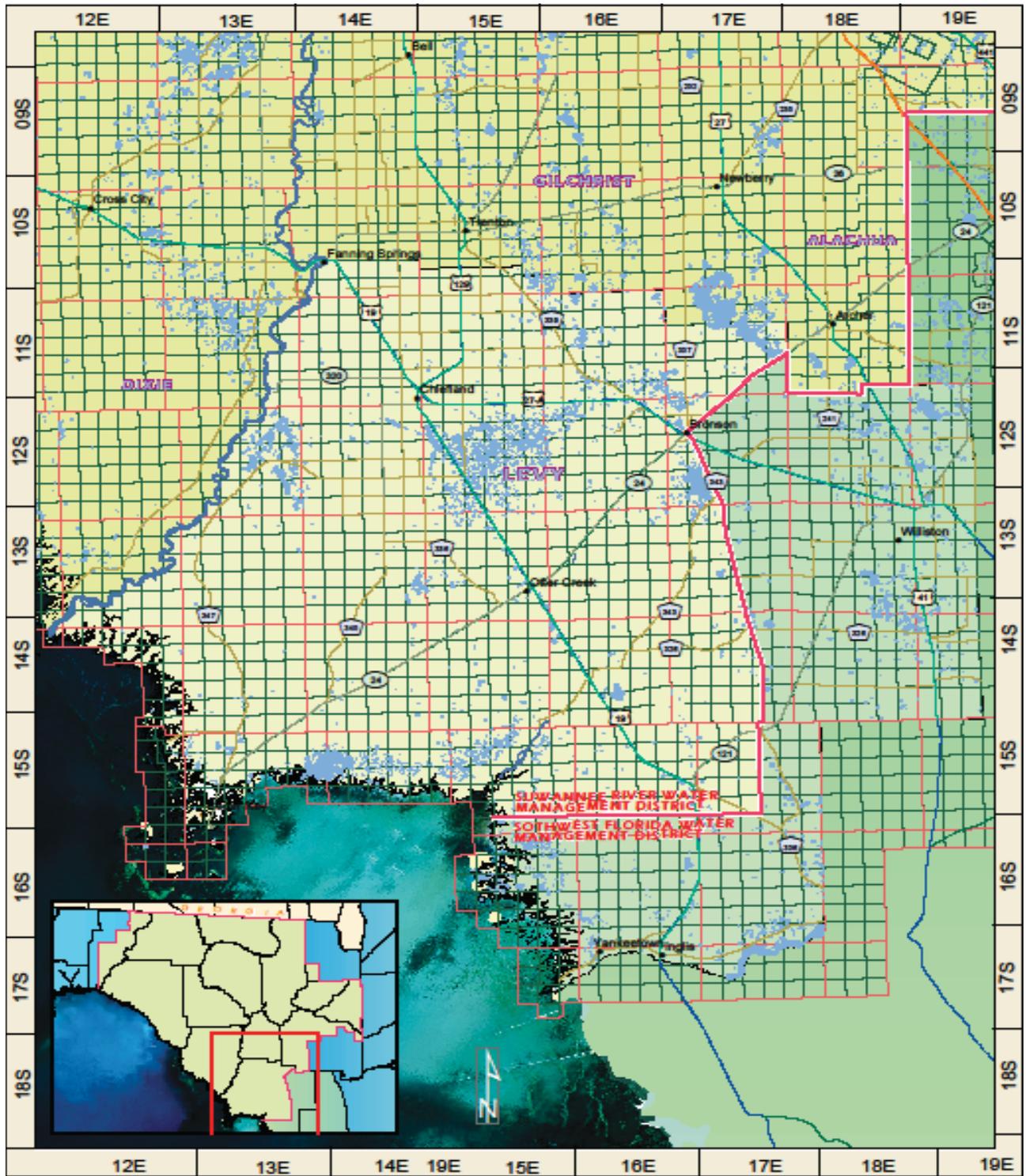
Bradford County Boundary



Jefferson County Boundary



Levy County Boundary



District Rainfall Distribution Data

Values for P_{total} (inches)¹

For the counties of Madison, Hamilton, Suwannee, Columbia, Baker and Union.

Frequency (years)	Duration (hours)							
	1	2	4	8	24	72	168	240
3	2.50	2.64	3.08	3.52	4.56	5.80	7.30	8.00
10	3.05	3.70	4.40	5.12	6.72	8.30	10.10	11.80
25	3.45	4.30	5.12	6.00	7.92	10.00	12.30	14.00
100	4.20	5.10	6.08	7.36	9.84	12.40	14.00	16.10

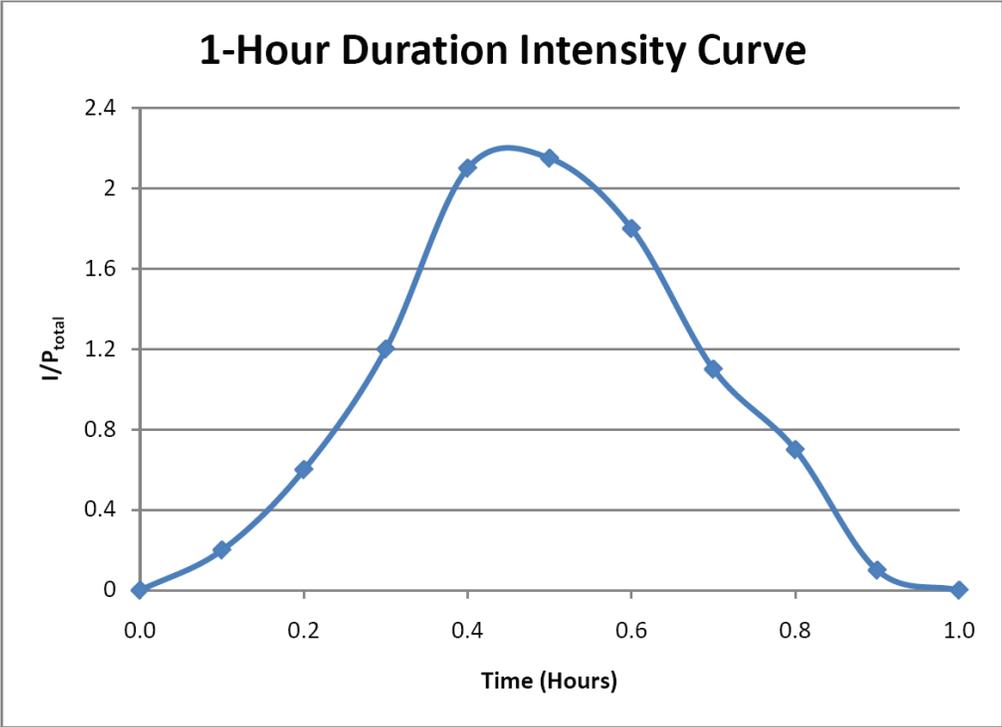
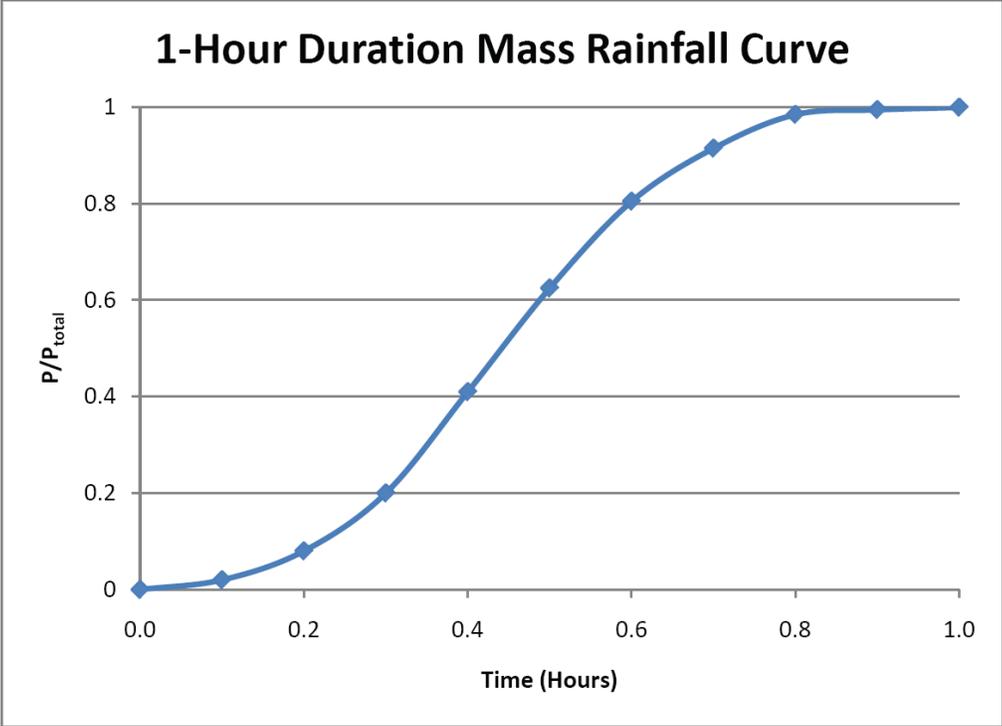
For the counties of Taylor, Lafayette, Dixie, Gilchrist, Levy, Alachua and Bradford.

Frequency (years)	Duration (hours)							
	1	2	4	8	24	72	168	240
3	2.60	3.20	3.80	4.48	6.00	7.60	9.50	10.80
10	3.20	4.00	4.80	5.84	7.92	8.90	11.00	12.50
25	3.60	4.40	5.28	6.56	8.64	11.00	13.00	15.00
100	4.40	5.40	6.72	8.00	11.04	13.80	16.00	18.00

1-HOUR DURATION

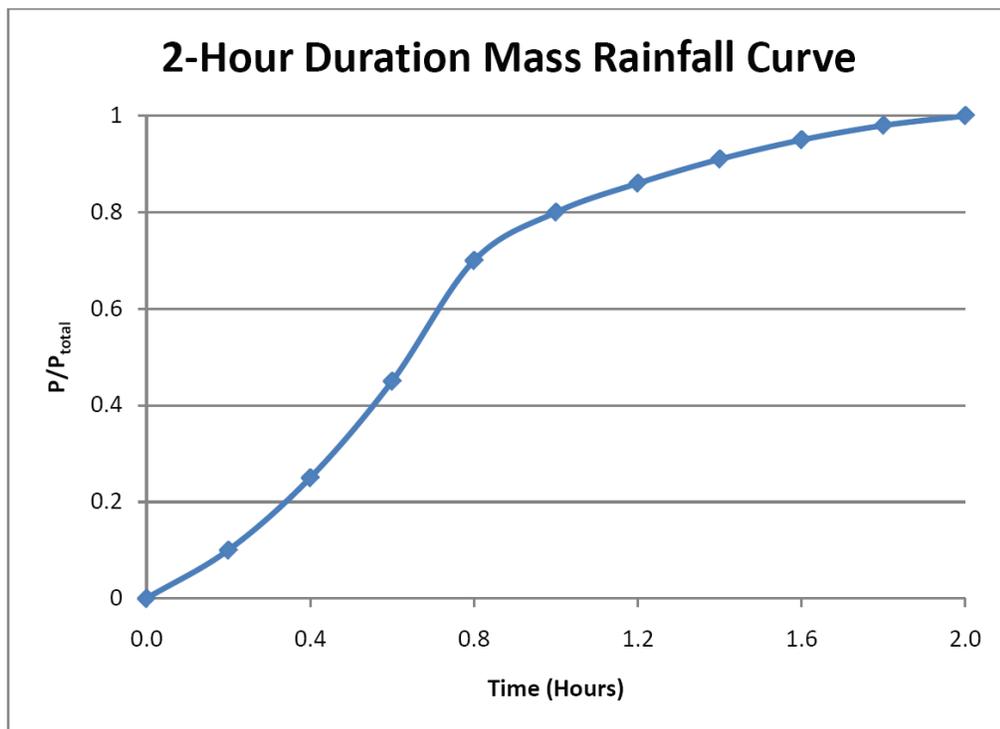
T(hrs)	P/ P_{total}	I/ P_{total}
0	0	0
.1	.020	.200
.2	.080	.600
.3	.200	1.200
.4	.410	2.100
.5	.625	2.150
.6	.805	1.800
.7	.915	1.100
.8	.985	0.700
.9	.995	0.100
1.0	1.000	0

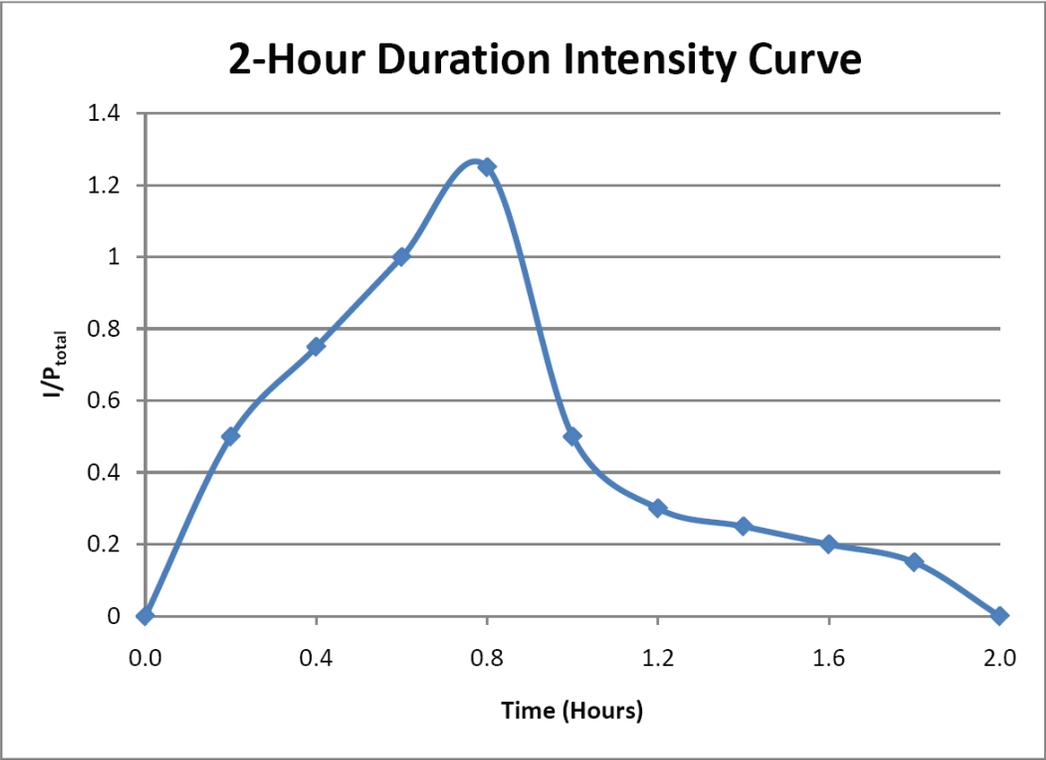
¹ Values for durations through 24 hours were taken from Florida Department of Transportation intensity curves. Values for durations greater than 24 hours were taken from National Weather Service Technical Paper No. 49, 1964.



2-HOUR DURATION

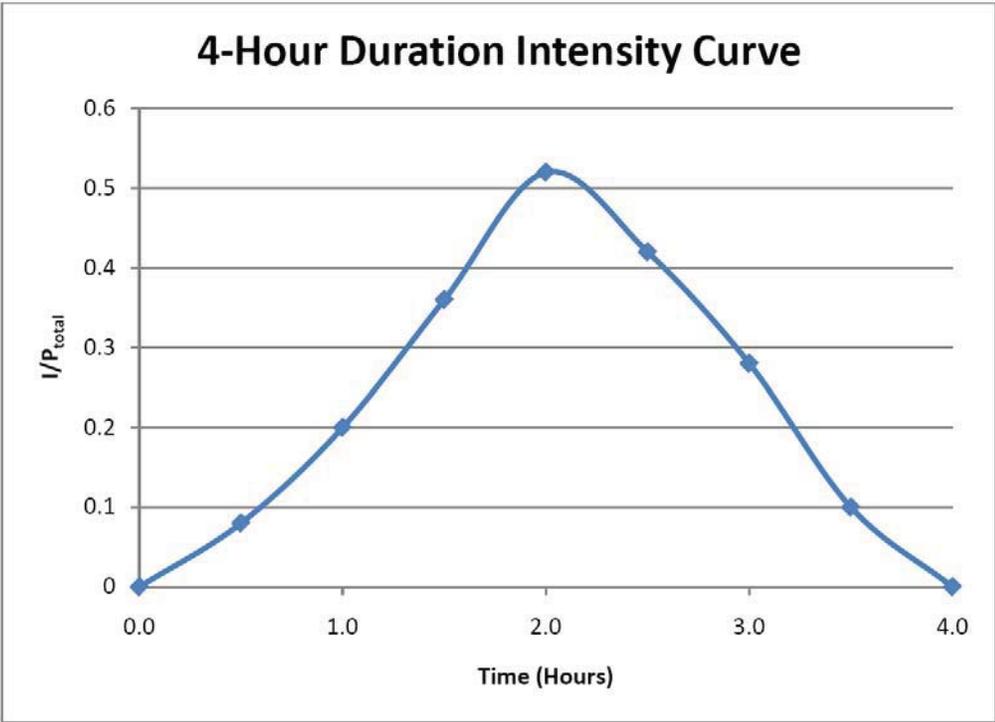
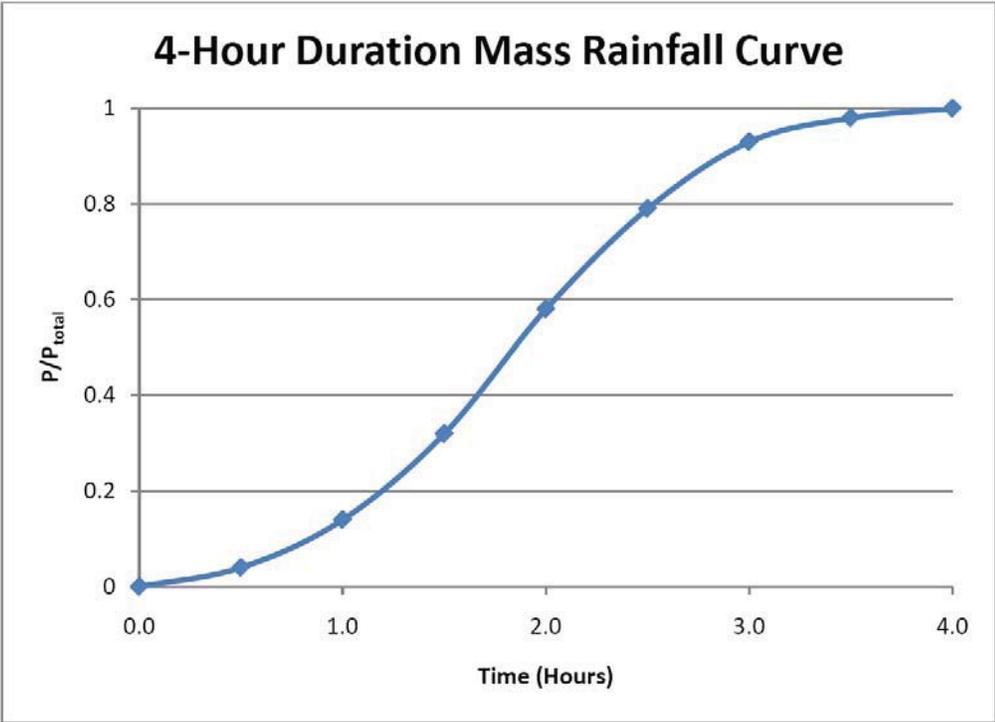
T(hrs)	P/P _{total}	I/P _{total}
0	0	0
.2	.100	.500
.4	.250	.750
.6	.450	1.000
.8	.700	1.250
1.0	.800	.500
1.2	.860	.300
1.4	.910	.250
1.6	.950	.200
1.8	.980	.150
2.0	1.000	0





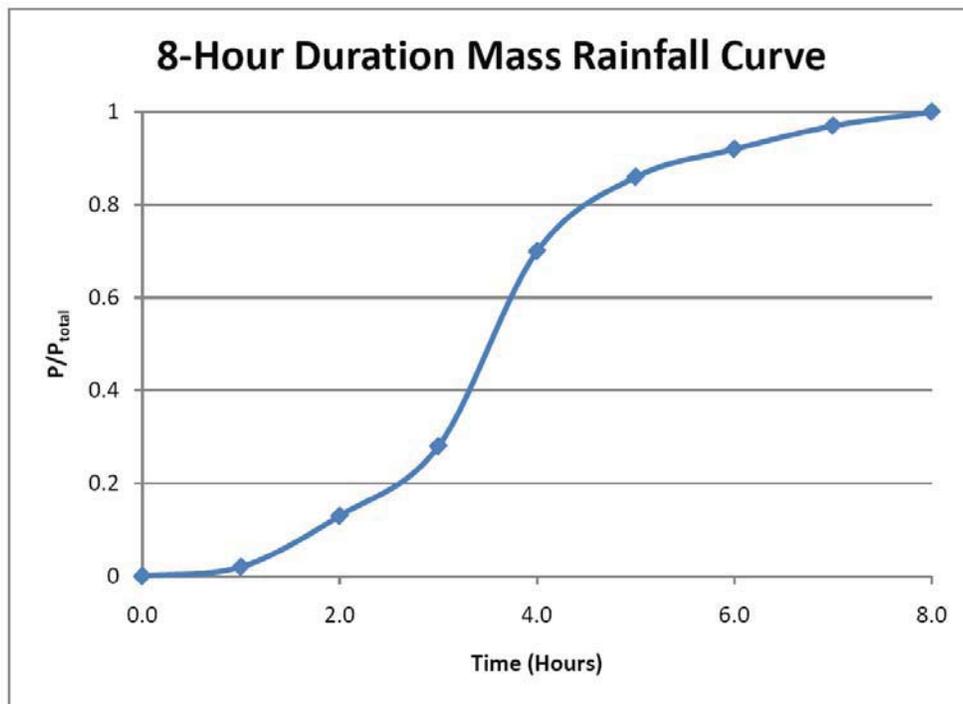
4-HOUR DURATION

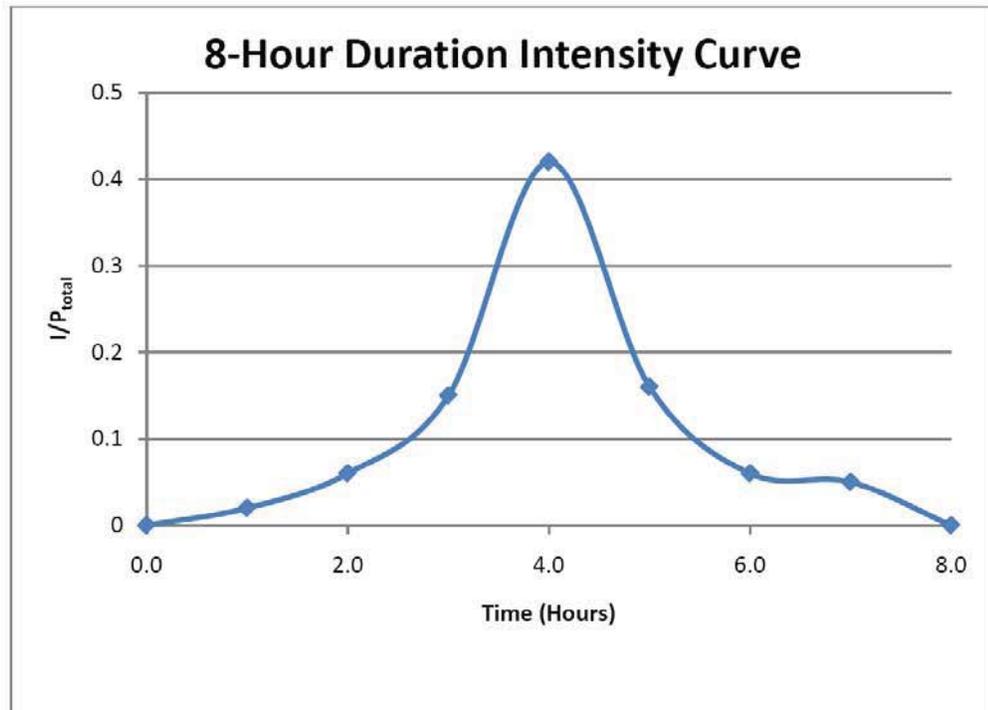
T(hrs)	P/P _{total}	I/P _{total}
0	0	0
0.5	0.040	0.080
1.0	0.140	0.200
1.5	0.320	0.360
2.0	0.580	0.520
2.5	0.790	0.420
3.0	0.930	0.280
3.5	0.980	0.100
4.0	1.000	0



8-HOUR DURATION

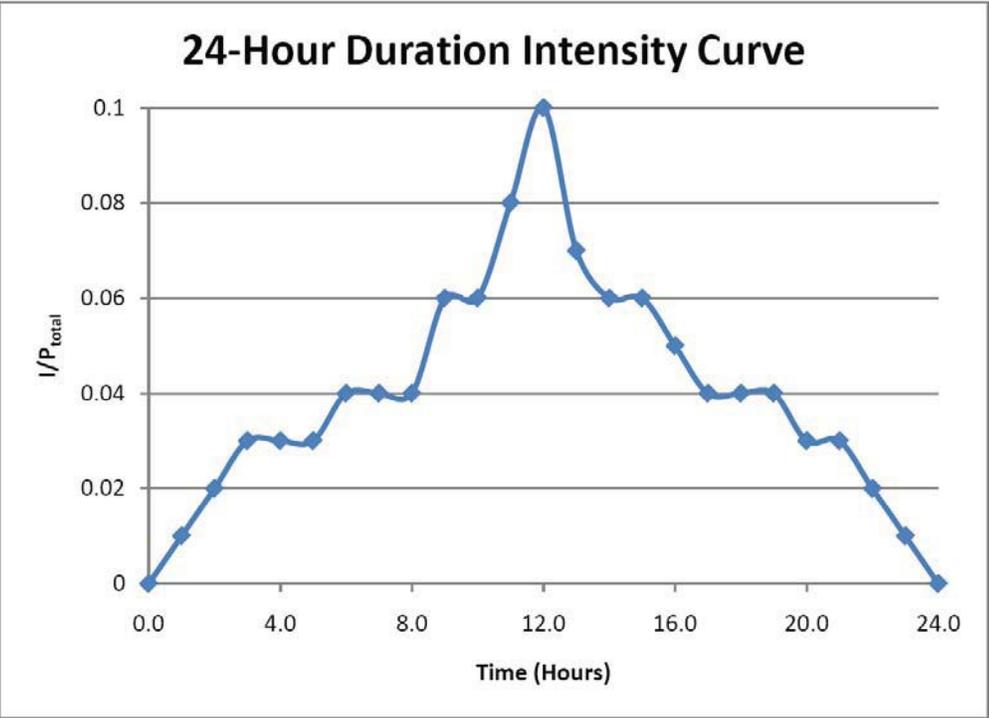
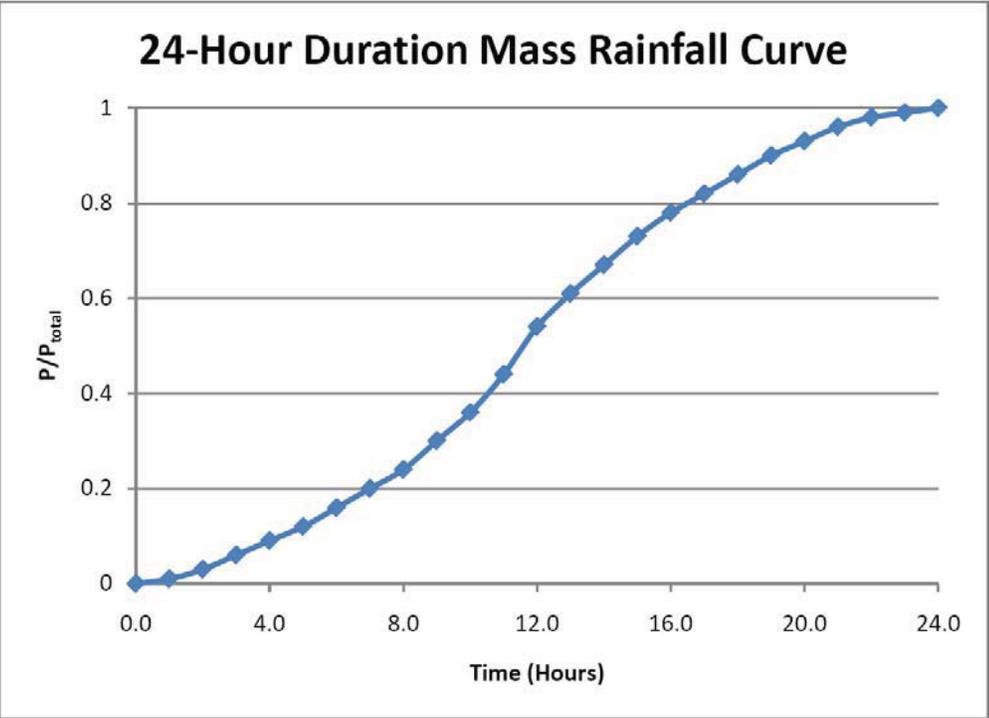
T(hrs)	P/P _{total}	I/P _{total}
1	.020	.020
2	.130	.060
3	.280	.150
4	.700	.420
5	.860	.160
6	.920	.060
7	.970	.050
8	1.000	0





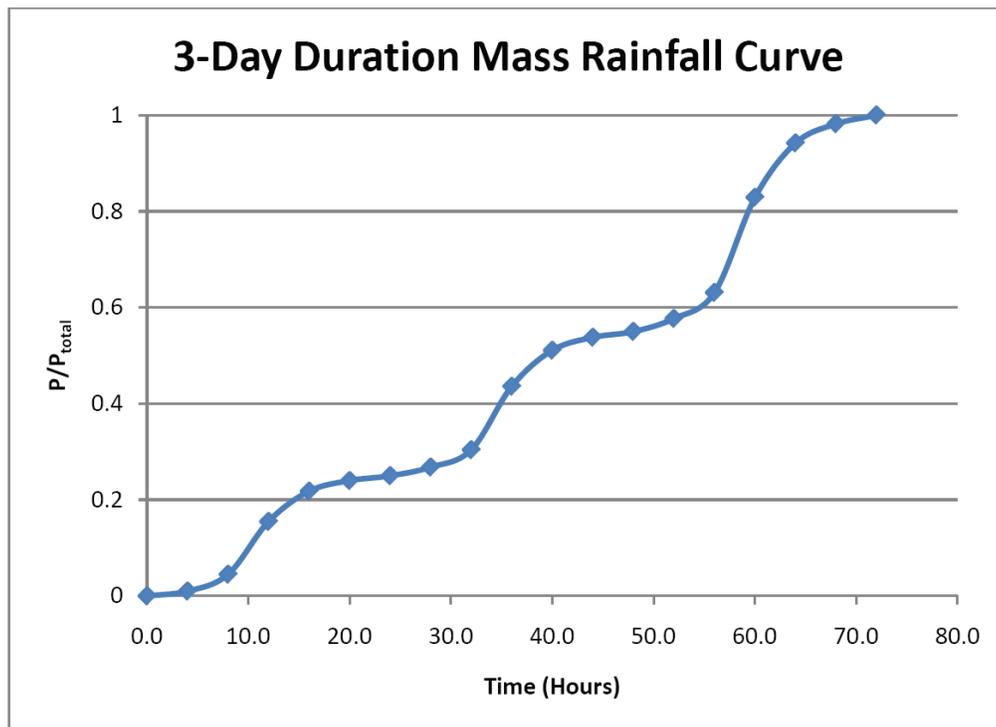
24-HOUR DURATION

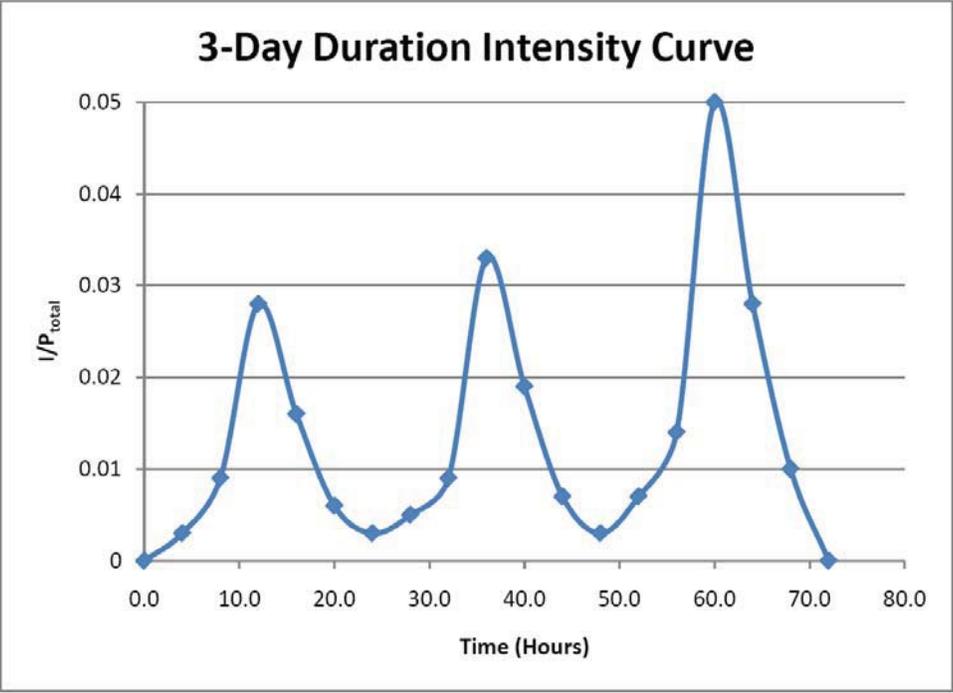
T(hrs)	P/P _{total}	I/P _{total}
0	0	0
1	.010	.010
2	.030	.020
3	.060	.030
4	.090	.030
5	.120	.030
6	.160	.040
7	.200	.040
8	.240	.040
9	.300	.060
10	.360	.060
11	.440	.080
12	.540	.100
13	.610	.070
14	.670	.060
15	.730	.060
16	.780	.050
17	.820	.040
18	.860	.040
19	.900	.040
20	.930	.030
21	.960	.030
22	.980	.020
23	.990	.010
24	1.000	0



3-DAY DURATION

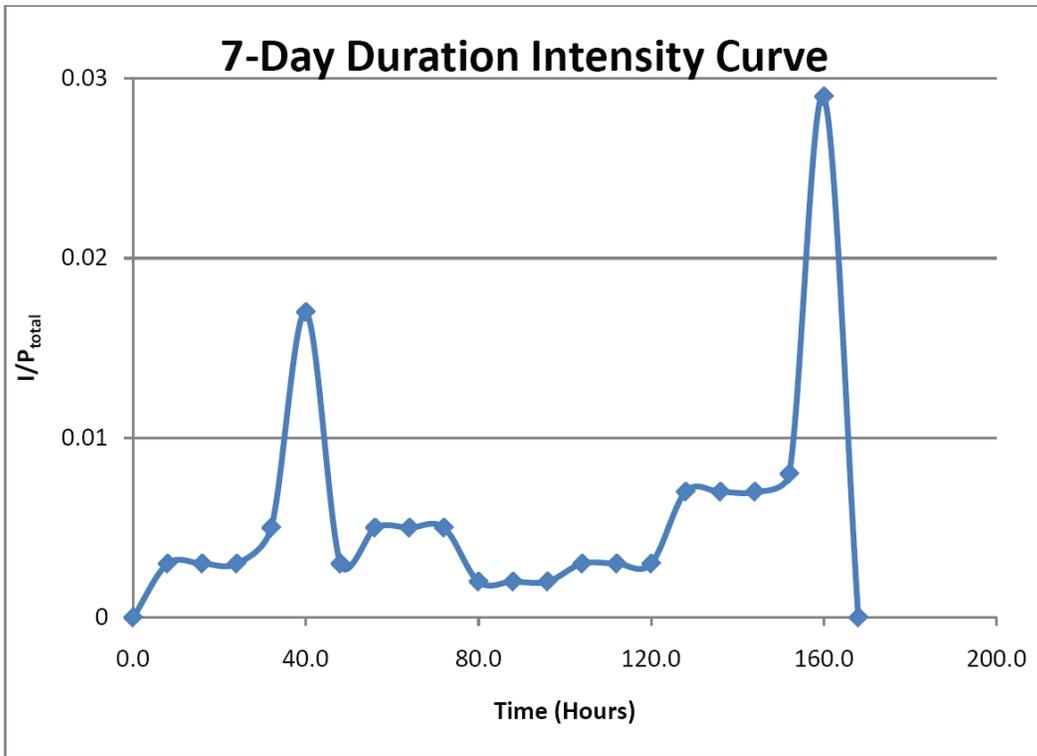
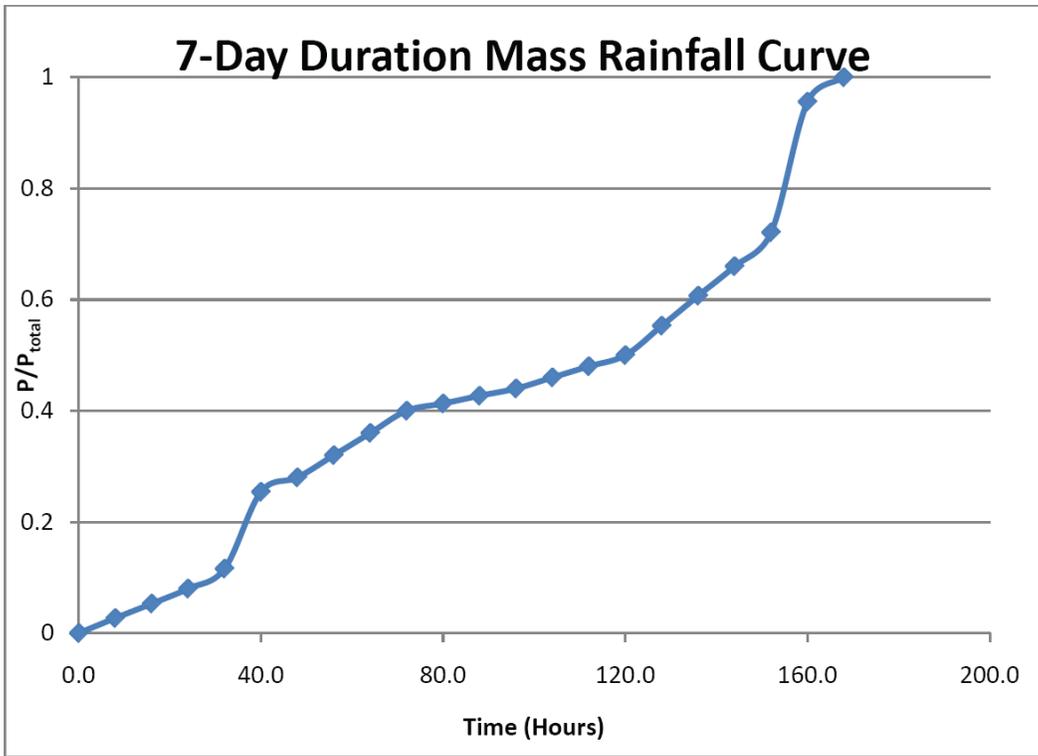
T(hrs)	P/P _{total}	I/P _{total}
0	0	0
4	.010	.003
8	.045	.009
12	.155	.028
16	.218	.016
20	.240	.006
24	.250	.003
28	.268	.005
32	.304	.009
36	.436	.033
40	.511	.019
44	.538	.007
48	.550	.003
52	.577	.007
56	.631	.014
60	.829	.050
64	.942	.028
68	.982	.010
72	1.000	0





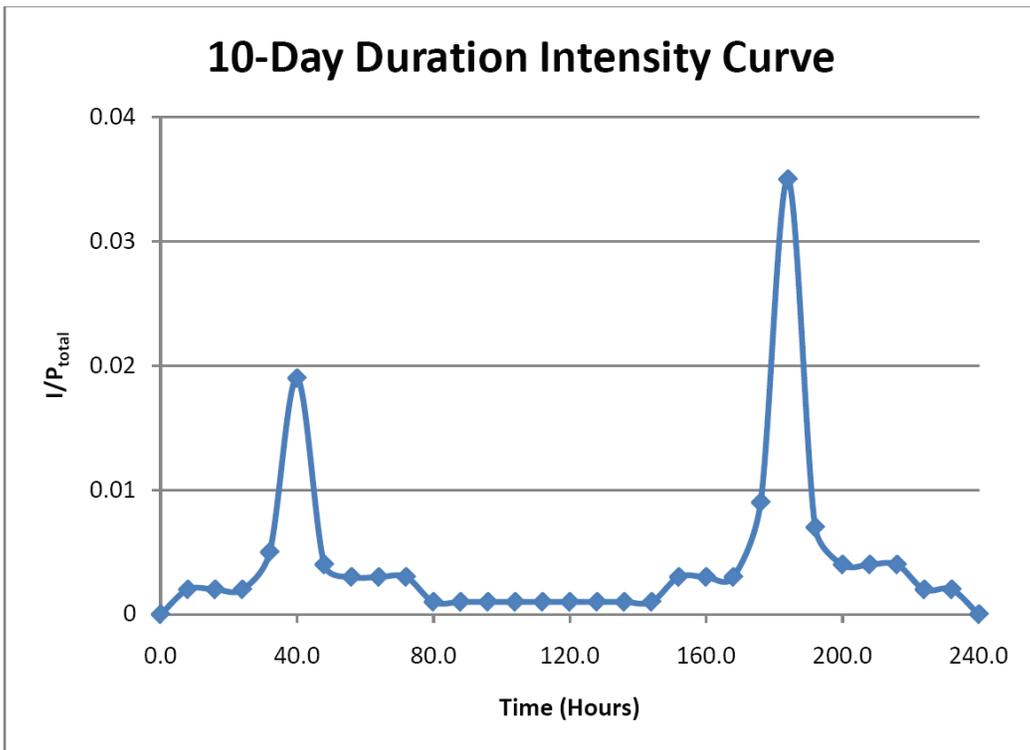
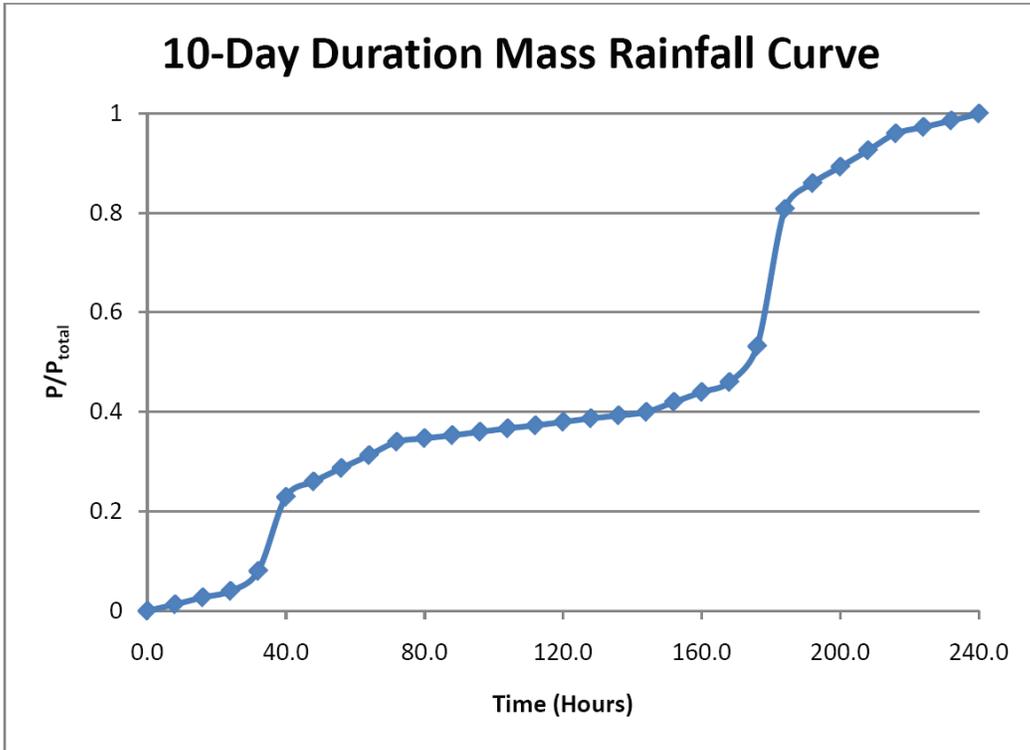
7-DAY DURATION

T(hrs)	P/P _{total}	I/P _{total}
0	0	0
8	.027	.003
16	.053	.003
24	.080	.003
32	.116	.005
40	.254	.017
48	.280	.003
56	.320	.005
64	.360	.005
72	.400	.005
80	.413	.002
88	.427	.002
96	.440	.002
104	.460	.003
112	.480	.003
120	.500	.003
128	.553	.007
136	.607	.007
144	.660	.007
152	.721	.008
160	.956	.029
168	1.000	0



10-DAY DURATION

T(hrs)	P/P _{total}	I/P _{total}
0	0	0
8	.013	.002
16	.027	.002
24	.040	.002
32	.080	.005
40	.229	.019
48	.260	.004
56	.287	.003
64	.313	.003
72	.340	.003
80	.347	.001
88	.353	.001
96	.360	.001
104	.367	.001
112	.373	.001
120	.380	.001
128	.387	.001
136	.393	.001
144	.400	.001
152	.420	.003
160	.440	.003
168	.460	.003
176	.532	.009
184	.808	.035
192	.860	.007
200	.893	.004
208	.926	.004
216	.960	.004
224	.973	.002
232	.986	.002
240	1.000	0



NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Sagul, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: November 15, 2012.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

MEMORANDUM

TO: Governing Board
 FROM: Tim Sagul, P.E., Division Director, Resource Management
 DATE: October 25, 2012
 RE: Permitting Summary Report

Environmental Resource Permitting (ERP) Activities

Permit Review

The following table summarizes the environmental resource permitting activities during the month of September.

September 2012	Received				
ERP's	NG	General	Individual	Exemption Requests	Extension Requests
	4	6	1	3	0
	Issued				
	NG	General	Individual	Exemptions Granted	Extensions Granted
	2	6	0	5	0

Inspections and as-built certification

The following chart shows staff activity on projects that have been permitted from January 1, 2009 to September 30, 2012.

	Issued	Under Construction	Operation & Maintenance*	Construction Inspections	As-built Inspections
Permit Type				Sept. 2012	Sept. 2012
Exempt	54	28	26	0	0
Noticed General	532	381	151	0	0
General	281	194	87	0	0
Works of the District	152	62	90	0	0
Individual	56	41	15	0	0
Conceptual	4	3	1	0	0
TOTAL	1079	709	370	0	0
PERCENT		66%	34%		

*O& M includes permits that have expired and were not constructed.

Water Use Permitting and Water Well Construction

The following table summarizes water use permitting activities during the month of September.

September 2012	Received		Issued
Water Use Permits	13		3
Water well permits issued and received according to well use:			
Abandoned/destroyed	3	Livestock	0
Agricultural Irrigation	10	Monitor	6
Aquaculture	0	Nursery	0
Climate Control	0	Other	0
Fire Protection	0	Public Supply	1
Garden (Non Commercial)	0	Self-supplied Residential	70
Landscape Irrigation	4	Drainage or injection	0
Commercial or Industrial	0	Test	0

**Rulemaking Schedule
November 2012**

40B-2.301

Conditions of Issuance of Permits

Send to OFARR	6/29/11
Approved by OFARR	7/5/11
GB Rule Dev. Auth.	8/9/11
Notice of Rule Dev.	8/26/11
GB Proposed Rule Auth.	4/10/12
Notice of Proposed Rule	6/22/12
Notice of Technical Change	8/14/12
Send to JAPC	9/11/12
Mail to DOS (tentative)	10/12
Effective Date (tentative)	10/12

40B-2.301

Water Use Monitoring

GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	9/11/12
Notice of Proposed Rule	9/21/12
Public Workshop	10/11/12
Send to JAPC	10/12
Mail to DOS (tentative)	11/12
Effective Date (tentative)	12/12

40B-2.331

Water Use Monitoring

GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	9/11/12
Notice of Proposed Rule	9/21/12
Public Workshop	10/11/12
Send to JAPC	10/12
Mail to DOS (tentative)	11/12
Effective Date (tentative)	12/12

40B-1, 40B-4, 40B-400

Statewide Environmental Resource Permitting (SWERP)

GB Rule Dev. Auth.	9/11/12
Notice of Rule Dev.	9/28/12
GB Proposed Rule Auth.	11/15/12
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

40B-1, 40B-2, 40B-8, 40B-21

CUPcon

GB Rule Dev. Auth.	5/29/12
Notice of Rule Dev.	7/20/12
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

MEMORANDUM

TO: Governing Board

FROM: Steven Minnis, Director of Governmental Affairs and Communications

DATE: October 25, 2012

RE: Approval of Governing Board Directive Number 12-0006, Fraud Policy

RECOMMENDATION

Staff recommends approval of Governing Board Directive 12-0006 to implement a revised Fraud Policy.

BACKGROUND

District staff is presently reviewing directives and procedures to ensure proper guidelines and controls are established for conducting District business. At the Governing Board's April 2012 meeting the Board adopted a Fraud Prevention Directive.

The revised Fraud Policy reflects the Governing Board and Executive Office commitment to ensure the highest standards of morals and ethics throughout all employee levels. Breaches of these standards, especially through acts involving fraudulent, unethical and other dishonest behavior, are not only costly, but they tend to erode the public's trust and confidence in the integrity of the institution.

The revised Fraud Policy clarifies the purpose and intent; makes adjustments to definitions and cites laws and statutes; reflects recent organizational changes; establishes reporting procedures; ties the Whistle-blower Act to the policy; identifies investigation responsibilities; provides an overview of an investigation; establishes the consequences for fraudulent behavior; identifies responsibility for training; and cites authority for policy.

/sm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

GOVERNING BOARD DIRECTIVE

Policy Number: **GBD12-0006**

Date Approved: _____

Subject: **Fraud Policy**

Approval:

Don Quincey, Chairman

Ray Curtis, Secretary/Treasurer

1.0 Reference to Prior Policy

GBD12-0002

2.0 Purpose and Intent

The fraud policy is to establish guidelines and facilitate the development of controls that will assist in the detection and prevention of fraud against the District. It is the intent of the fraud policy to communicate a zero tolerance for fraudulent, unethical and other dishonest activities; to institute preventive measures designed to deter these activities or make them easier to detect and stop; to provide for the reporting and investigation of such, including providing protection to persons who report violations; and to apply to any situation of fraud or suspected fraud involving District employees, vendors, contractors, consultants, outside agencies, and/or any other parties with a business relationship with District or its personnel.

3.0 Definitions

Fraud generally involves a willful or deliberate act or omission with the intention of obtaining an unauthorized benefit, service, property or something of value by deception, misrepresentation or other unethical or unlawful means. Fraud can be committed through many methods, including mail, wire, telephone and the Internet. Fraudulent actions to include, but not be limited to:

- The unauthorized use of District property and resources for personal activities.
- Forgery or unauthorized alteration of documents or computer records.
- Misappropriation of funds, securities, supplies or other assets.
- Falsification or misrepresentation of reports to management and external agencies, including time sheets, official travel claims for reimbursement or other expense reimbursement reports.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential and proprietary information to unauthorized parties.
- Providing inappropriate authorizations or forged authorizations.
- Misrepresenting unfinished work as being completed.
- Altering documentation, providing untruthful statements or withholding information during the investigation of a case or irregularity.

- Seeking or accepting anything of material value from contractors, vendors or providers of services or materials to the District.
- Destruction, removal, inappropriate, or unauthorized use of District records, or other District assets.
- Taking information and using it or providing the information that would lead to identity theft.

Any illegal activity including, but not limited to those found in Federal Law and the following Florida Statutes:

- Chapter 812; Theft, Robbery and Related Crimes
- Chapter 815, Computer Related Crimes
- Chapter 817, Fraudulent Practices
- Part I - False Pretenses and Frauds
- Part II - Credit Card Crimes
- Chapter 831, Forgery and Counterfeiting
- Chapter 838, Bribery; Misuse of Public Office

4.0 Roles and Responsibilities

Employees at all levels shall set the appropriate tone by displaying the proper attitude toward complying with laws, rules and regulations. Employees are also responsible for establishing and maintaining proper internal controls that will provide for the security and accountability of the resources entrusted to them. Such controls include, but are not limited to, ensuring that

- Incompatible duties are properly separated,
- Financial transactions are properly authorized and approved,
- Reports of financial activity are periodically reviewed for completeness and accuracy,
- Official personnel actions (ex: appointments, terminations, promotions) and employee time and leave is properly authorized and approved,
- Assets are physically secured,
- Computer passwords are protected and not shared,
- Confidential and sensitive information is protected from unauthorized access, and
- Employees are effectively supervised.

In addition, Employees at all levels shall be cognizant of the risks and exposures inherent in their area of responsibility, take appropriate steps to help mitigate those risks and be aware of the related symptoms of fraudulent, unethical and other dishonest actions.

5.0 Reporting Procedures

All employees shall be alert to possibilities of fraud and for any indication that unethical or dishonest activity is taking place. Any District employee who has knowledge of such activity shall immediately notify the District's Inspector General.

- In all cases, the employee shall not confront the accused individual(s), investigate the suspected activity, or discuss the matter with anyone other than the person or office to whom the activity was reported.
- Employees who knowingly make false allegations may be subject to disciplinary action up to and including dismissal.
- Allegations that are investigated and deemed unsubstantiated are not necessarily indicative of false allegations.

Single incidents of theft or robbery or other related property loss or misuse of property shall be reported to the Risk Manager. The Risk Manager shall send a monthly status report relating to these activities to the District Inspector General.

6.0 Whistler-blower's Act

An employee who, in good faith, reports wrongful activity meeting the provisions of this Policy and/or Section 112.3187, Florida Statutes (Whistle-blower's Act), is protected against retaliation for making such a report. The law also provides for the individual's identity to remain confidential. Regardless as to whether or not the provisions of the Whistle-blower's Act are met, it is a violation of this policy for anyone to retaliate against another for reporting, in good faith, allegations of wrongdoing or participating in the investigation of such.

7.0 Responsibility for Investigation

The District's Inspector General is responsible for receiving and investigating disclosures of suspect fraud and whistle-blower information.

In the event the suspect fraud or whistle-blower information concerns the District's Inspector General, then information shall be submitted to the District's Board General Counsel.

8.0 Investigation

Upon reviewing allegations of fraudulent, unethical or dishonest acts, if the District's Inspector General or Board General Counsel determines an investigation is warranted, it shall investigate the reported activity as deemed appropriate.

During the investigation, the Constitutional rights of all persons are to be observed. The accused will be afforded the opportunity to respond to the allegations or matters being investigated. The rights of the accused will be safeguarded throughout the investigation.

All employees are to cooperate fully with those performing an investigation pursuant to this policy. An employee who does not fully cooperate with an authorized investigation may be disciplined, up to and including termination of employment. An employee may be required to answer any question that are within the scope of the employee's employment, whether such questions are asked in an investigation conducted by the District's Inspector General or Board General Counsel.

The investigation shall be completed expeditiously and in accordance with established procedures. The results of the investigation shall be communicated to the appropriate levels of management within the organization or to external authorities as deemed necessary.

9.0 Consequences for Fraudulent Behavior

Employee determined to have participated in fraudulent, unethical or dishonest acts will be subject to disciplinary action in accordance with any District personnel policies and rules. Such determination must be made with the consultation of Human Resources Administrator.

Criminal, civil and/or other administrative actions may also be taken against employees who are found to have participated in unlawful acts. Criminal action falls within the sole purview of local, state or federal law enforcement, prosecuting and judicial authorities.

Everyone, regardless of classification, who fails to report fraudulent activity, as required by this policy, is subject to disciplinary action.

10.0 Policy Dissemination and Employee Training

The Human Resources Administrator shall be responsible for establishing and implementing procedures for ensuring all District employees are informed and trained on this policy.

11.0 Authority

- Section 20.055, Florida Statutes
- Section 112.3187, Florida Statutes
- Section 112.3188, Florida Statutes
- Section 112.3189, Florida Statutes
- Section 112.3195, Florida Statutes
- Section 373.079, Florida Statutes

MEMORANDUM

TO: Governing Board

FROM: Steven Minnis, Director of Governmental Affairs and Communications

DATE: October 25, 2012

RE: Approval of Governing Board Directive Number 12-0007, Whistle-blower's Act

RECOMMENDATION

Staff recommends approval of Governing Board Directive 12-0007 to implement the Whistler-blower's Act.

BACKGROUND

District staff is presently reviewing directives and procedures to ensure proper guidelines and controls are established for conducting District business.

The Whistler-blower's Act policy provides a mechanism for District employees, contractors and contractor employees to report violations of the law, and establishes protections from adverse employment actions resulting from disclosing Whistle-blower information. The policy requires that the identity of the individual disclosing the information remains confidential.

The Whistler-blower's Act policy is important for District accountability and to afford protection for employees from retaliation for disclosing in good faith whistle-blower information such as violations or suspected violations of law on the part of District employees, agents or contractors which create or present substantial and specific danger to the public's health, safety or welfare; or to disclose acts or suspected acts of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by a District employee, agent or contractor of the District.

The Whistler-blower's Act Policy provides for a purpose and intent; establishes definitions; provides for a process to facilitate disclosure of whistle-blower information; establishes an investigation process of the information; provides for confidentiality of whistler-blower information; stipulates that adverse actions are prohibited for disclosing whistler-blower information; identifies a process for filing a complaint and requesting a hearing for employees who believe that adverse actions have been taken for disclosing whistler-blower information; and cites authority for this policy.

/sm

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

GOVERNING BOARD DIRECTIVE

Policy Number: GBD12-0007

Date Approved: _____

Subject: Whistle-Blower's Act

Approval:

Don Quincey, Chairman

Ray Curtis, Secretary/Treasurer

1.0 Reference to Prior Policy

None

2.0 Purpose and Intent

The Whistle-blower's Act policy is to implement sections 112.3187 and 112.3188, Florida Statutes (F.S.), by providing a mechanism for District employees, contractors and contractor employees to report violations of the law, and protecting District employees from adverse employment actions resulting from disclosing Whistle-blower information.

An employee who, in good faith, reports wrongful activity meeting the provisions of this Policy and/or Section 112.3187, F.S. (Whistle-blower's Act), is protected against retaliation for making such a report. The law also provides for the individual's identity to remain confidential. Regardless as to whether or not the provisions of the Whistle-blower's Act are met, it is a violation of this policy for anyone to retaliate against another for reporting, in good faith, allegations of wrongdoing or participating in the investigation of such.

In accordance with Subsection 112.3187(8)(b), F.S., this Directive establishes the following:

1. Disclosure of Whistle-blower Information: A process by which District employees, contractors and contractor employees may disclose, in good faith, violations or suspected violations of law on the part of District employees, agents or contractors which create or present substantial and specific danger to the public's health, safety or welfare; or to disclose acts or suspected acts of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by a District employee, agent or contractor of the District;
2. Investigation of Whistle-blower Information: A process by which such disclosures will be evaluated, investigated and resolved, as appropriate;
3. Maintenance of Confidentiality of Whistle-blower Information: A process providing for the confidentiality of the name and identity of any individual who discloses any information

protected in paragraph 1, above, and all information received, produced or derived from any investigation associated with such disclosure, until the conclusion of the investigation; and

Prohibition of Adverse Actions: A process prohibiting adverse employment action against District employees in retaliation for disclosures made in good faith and for a proper purpose, and establishing a process by which a District employee may file a complaint of retaliation and the complaint may be heard and resolved.

3.0 Definitions

As used in this Directive, unless otherwise specified, the following words or terms shall have the meanings indicated:

1. Employee - means a person who performs services for, and under the control and direction of, or contracts with, the District or an independent contractor for wages or other remuneration.
2. Adverse personnel action - means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against a District employee within the terms and conditions of employment by the District.
3. Independent contractor - means a person engaged in any business and who enters into a contract with the District.
4. Gross mismanagement - means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

4.0 Disclosure of Whistle-blower Information

The following process is established in order to facilitate disclosure of whistle-blower information.

1. Nature of Information Disclosed

This Directive applies to disclosure of information concerning the following:

- a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of the District or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
- b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the District or an independent contractor.

2. How to Disclose Information

District employees, contractors or contractor employees wishing to disclose whistle-blower information must submit the information in a written, signed document to the District's Inspector General. In the event that the whistle-blower information concerns the District's Inspector General, then the information shall be submitted to the District's Governing Board General Counsel.

5.0 Investigation of Whistle-blower Information

1. When whistle-blower information is submitted to the District's Inspector General or the Board General Counsel if the whistle-blower information concerns the Inspector General, in which case the Board General Counsel shall follow the process noted below, the District's Inspector General shall determine **within 20 business days after receiving the information**:
 - a) Whether the information disclosed demonstrates reasonable cause to suspect that an employee or agent of the District, or independent contractor:
 - i. has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or
 - ii. has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.
 - b) Whether the source of information is an employee or former employee of the District.
2. If **within 20 business days after receipt of the information** the District's Inspector General determines that the information disclosed is not the type of whistle-blower information described above, or does not demonstrate reasonable cause to suspect that an employee, agent or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, then the District's Inspector General shall notify the person submitting the information of such fact and copy and return, upon request, any documents and other materials that were provided by the person disclosing the information.
3. If **within 20 business days after receipt of the information** the District's Inspector General determines that the information disclosed is the type of information described above, and that the information demonstrates reasonable cause to suspect that an employee or agent of the District or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed any act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, then the Inspector General shall conduct an investigation, unless the District's Inspector General determines, **within 30 business days after receiving the allegations**, that such investigation is unnecessary.

The District's Inspector General shall consider, but is not limited to, the following factors when deciding whether the investigation is unnecessary:

- a) The gravity of the disclosed information compared to the time and expense of an investigation;
- b) The potential for an investigation to yield recommendations that will make the District more efficient and effective;
- c) The benefit to the District to have a final report on the disclosed information;
- d) Whether the alleged whistle-blower information primarily concerns personnel or employment practices, or violations of any employment-related law, rule or regulation, or District Personnel Guideline;
- e) Whether another agency or contractor may be conducting an investigation and whether any investigation under this section could be duplicative;

- f) The time that has elapsed between the alleged event and the disclosure of the information; and
 - g) Whether the allegations have been made in bad faith or for an improper purpose, or whether allegations were made by a District employee after the initiation of a disciplinary- or performance-related action against a District employee.
4. If the District's Inspector General determines that an investigation is not necessary, the Inspector General shall:
 - a) Copy and return, upon request, any documents and other materials provided by the individual who made the disclosure; or
 - b) Inform the Governing Board in writing that an investigation is not necessary, and inform the individual who made the disclosure of the specific reasons why an investigation is not necessary and why the disclosure will not be further acted on under this section.
 5. If the District's Inspector General determines that an investigation is necessary, the Inspector General shall **within 60 business days after that determination**:
 - a) Conduct an investigation with respect to the information and any related matters;
 - b) Submit a final written report to the person disclosing the information setting forth the findings, conclusions, and recommendations of the District's Inspector General, except that if an investigation produces evidence of a criminal violation, the report shall not be transmitted to the complainant, and the District's Inspector General shall notify the appropriate legal authority and the Governing Board, subject to appropriate confidentiality requirements; and
 - c) Notify the person submitting the information that he or she may submit comments on the final report to the District's Inspector General within 20 business days of the date of the report and those comments will be attached to the final report.
 6. Final reports must be signed by the District's Inspector General or designee and must include:
 - a) A summary of the information with respect to which the investigation was initiated;
 - b) A description of the conduct of the investigation;
 - c) A summary of any evidence obtained from the investigation;
 - d) A listing of any violation or apparent violation of any law, rule, or regulation; and
 - e) A description of any action that will be recommended as a result of the investigation, such as:
 - i) A change in a District rule, regulation, or procedure;
 - ii) The restoration of an aggrieved employee;
 - iii) A disciplinary action against an employee; or
 - iv) The referral to the Department of Law Enforcement or other legal authority of any evidence of a criminal violation.
 7. The final written report shall be transmitted to the Governing Board.
 8. Any time period set forth in subsections 1 through 6 may be extended in writing by the Governing Board for good cause shown.

6.0 Confidentiality of Whistle-blower Information

1. The name or identity of any individual who discloses information to the District's Inspector General that alleges that an employee or agent of the District, or an independent contractor:
 - a) Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or

- b) Has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

The name or identity shall not be disclosed to anyone other than the District's Inspector General without the written consent of the individual unless the Inspector General determines that:

- a) The disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare, or to prevent the imminent commission of a crime. Information disclosed under this subsection shall only be disclosed to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information; or
 - b) The disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.
2. All information received by the District's Inspector General or information produced or derived from fact finding is confidential and exempt from s.119.07(1) provided the investigation is active. An investigation is active under this section of the Whistle-blower's Act provided that:
- a) It is an ongoing investigation or inquiry or collection of information and evidence and is continuing with a reasonable, good faith anticipation of resolution in the foreseeable future; or
 - b) All or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information as defined in s. 119.011.

An investigation ceases to be active when:

- a) The final written report is sent to the Governing Board; or
 - b) It is determined that an investigation is not necessary.
3. Information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under Chapter 119, F.S., retain their confidentiality or exemption notwithstanding their disclosure under Sections 1(a) and (b), above.

7.0 Adverse Actions Prohibited

- 1. The District shall not dismiss, discipline, or take any other adverse personnel action against any District employee because an employee disclosed information under the provisions of this Directive or the Whistle-blower's Act.
- 2. The District shall not take any adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of whistle-blower information under this Directive or the Whistle-blower's Act.
- 3. The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.
- 4. It is an affirmative defense to any action brought under this Directive or the Whistle-blower's Act that the adverse action was predicated upon grounds other than, and would have been taken absent the employee's or person's disclosure of whistle-blower information.

8.0 Filing a Complaint and Request for Hearing and Referral to Division of Administrative Hearings (DOAH)

1. Any District employee who believes he or she has been discharged, disciplined or otherwise suffered an adverse employment action because he or she has disclosed whistle-blower information in violation of this Directive and Section 112.3187, F.S., may, **within 60 days** of the alleged adverse employment action, file a Complaint and Request for Hearing, in writing, to the District's Human Resources Administrator:

PLEASE NOTE: If an employee fails to file a Complaint and Request for Hearing within the 60-day time frame allotted in this Directive and in Section 112.3187(8)(b), F.S., the right to a hearing before a DOAH Administrative Law Judge AND the right to proceed in a law suit before a court of law may be forever barred.

2. Pursuant to Sections 120.569 and 120.57(1), F.S., the Complaint and Request for Hearing must contain the information required in Rule 28-106.201, Florida Administrative Code (Initiation of Proceedings).
3. **Within 15 days** from receipt of the Complaint and Request for Hearing, the District shall determine if it contains substantially all of the information required in Rule 28-106.201, Florida Administrative Code (F.A.C.). If the Petition or Request for Hearing contains all of the required information, the District will, **within the same 15 days**, refer the Complaint and Request for Hearing to the DOAH for assignment to an Administrative Law Judge (ALJ). Once the matter is referred to DOAH, the District shall take no further action on the Petition or Request for Hearing, except as a party, so long as DOAH has jurisdiction in the matter.

If the Petition or Request for Hearing is not in substantial compliance with the requirements of Rule 28-106.201, F.A.C., **within the same 15 days**, the District will dismiss the Complaint and Request for Hearing. Dismissal of a Complaint shall, at least once, be without prejudice to the Employee's filing of a timely, amended Complaint and Request for Hearing.

4. All proceedings conducted before DOAH shall be governed by Sections 120.56 (Decisions which affect substantial interests) and Subsection 120.57(1) (Additional procedures for particular cases), F.S., and Chapter 28-106, F.A.C. (Decisions Determining Substantial Interests). Pursuant to Chapter 28-106, F.A.C., at the conclusion of any hearing, the ALJ shall enter a Recommended Order, including Findings of Fact and Conclusions of Law. **Within 90 days** of entry of the Recommended Order, the District's Executive Director shall enter a Final Order in the matter, accepting, rejecting or modifying the Recommended Order, and including Findings of Fact and Conclusions of Law.

Available remedies are outlined in Section 112.3187(9), F.S., and may include reinstatement and lost wages.

5. In accordance with Section 112.3187(8)(b), F.S., if an employee is not satisfied with the Final Order, he or she may, **within 180 days after entry of the District's Final Order**, bring a civil action in a court of competent jurisdiction. **Please note that failure to file a Complaint in a court of competent jurisdiction within the allotted 180 days may result in the claim being forever time-barred.**
6. Any other person protected by Sections 112.3187 and 112.3188, F.S., may, after exhausting all administrative or contractual remedies, bring a civil action in any court of competent jurisdiction **within 180 days** after the adverse action complained of.

9.0 Authority

Sections 112.3187 and 112.3188, Florida Statutes
Subsection 119.07(1) and Section 119.011, Florida Statutes
Section 120.569 and Subsection 120.57(1), Florida Statutes
Chapter 28-106, Florida Administrative Code

MEMORANDUM

TO: Governing Board
FROM: Ann B. Shortelle, Ph.D., Executive Director
DATE: October 25, 2012
RE: District's Weekly Reports

Attached are the weekly District activity reports for the month of October.

ABS/rl
Attachments



Weekly Activity Report to Governing Board October 5, 2012

Executive/Management

- Ann Shortelle, with Steve Minnis present, gave the State of Resource and PILT Presentation to the Bradford County Board of County Commissioners.
- Don Quincey, Ann Shortelle, Jon Dinges, and Charlie Houder met with DEP staff, the WMD Board Chairs, and the WMD Executive Directors at the SJRWMD service center in Maitland.
- Ann Shortelle and Tim Sagul attended a CUPcon Core Team meeting at the SJRWMD service center in Maitland.
- Ann Shortelle, Steve Minnis, and Vanessa Fultz participated in a teleconference with DEP concerning communications strategies for CUPCon.
- Steve Minnis gave the PILT Presentation to the Hamilton County Board of County Commissioners.

Water Supply

- Carlos Herd participated in teleconferences for the CUPcon Conservation Public Water Supply Rule, and CUPcon Demands, CUPcon Harm, and CUPcon Compliance Monitoring/Submittals Workgroups.

Water Resources

- Megan Wetherington participated in a teleconference concerning data sharing between SJRWMD/SRWMD/SWFWMD.
- Hydrologic data specialists installed telemetry equipment at six monitor sites.

Resource Management

- Tim Sagul, Glenn Horvath, and David Jenness participated in a teleconference with SJRWMD staff to discuss the District using SJRWMD's ERP E-Permitting and E-Regulatory systems.
- Tim Sagul and Leroy Marshall met with DEP to discuss SWERP issues.

Land Acquisition/Management

- Charlie Houder attended the R.O. Ranch Board of Director's Monthly Meeting with Ray Curtis presiding.
- Richard Rocco conducted the annual review of the Loncala conservation easement in Gilchrist County.

Administrative Services

- Joe Flanagan, Vern Roberts, and Leah LaMontagne prepared the FY 2012-2013 Budget in the format prescribed by DEP.

- Joe Flanagan and Steve Minnis submitted the Final Adopted FY 2012-2013 Budget to the Governor, Legislative Committees with substantive jurisdiction, and the DEP.

Ag Team/Suwannee River Partnership

- Hugh Thomas attended the Bradford County SWCD.
- Hugh Thomas and Kevin Wright organized a teleconference with all ag teams statewide to discuss ag conservation as it applies to CUPcon efforts.
- Kevin Wright gave an overview of the District and discussed the field of ag engineering to the American Society of Agricultural and Biological Engineers at the University of Florida.
- Hugh Thomas and Kevin Wright attended the Manure Meeting in Alachua to present Ag Team, cost-share, and monitoring programs.

Communications

- Vanessa Fultz distributed news releases on [year-round water conservation rules](#) and the District's acceptance of the [Patriot Award](#) for employer support of the Army Guard and Reserve. She also completed and distributed the October edition of [Riverfronts](#).

Announcements for Week of October 8st

- October 9th Governing Board Meeting and Workshop
- October 11th Proposed Monitoring Rule Public Workshop



Weekly Activity Report to Governing Board October 12, 2012

Executive/Management

- Ann Shortelle and Jon Dinges attended the FLOW meeting.
- Ann Shortelle, Jon Dinges, and Joe Flanagan visited Jon Steverson, Brett Cyphers, and accounting staff at NFWFMD to discuss the District's upcoming audit, budget, and related administrative items.
- Al Alexander, Ann Shortelle, Jon Dinges, Erich Marzolf, and John Good attended a tour of Buckeye in Perry, which also included a tour of a portion of San Pedro Bay and the lower Fenholloway River.
- Ann Shortelle, Jon Dinges, Tim Sagul, Erich Marzolf, Megan Wetherington, Hugh Thomas, Joel Love, and Kevin Wright attended the Water Use Monitoring Rule Workshop.
- Jon Dinges attended the DEP/SJRWMD/SRWMD Monthly Coordination Meeting in Palatka.
- Ann Shortelle, Hugh Thomas, and Kevin Wright participated in a Lafayette County Farm Tour and observed drainage issues within the County.
- Erich Marzolf participated in a SRWMD/SJRWMD MFL Methodologies teleconference.

Water Supply

- Dale Jenkins and Clay Coarsey met with the USGS and SJRWMD in Palatka on October 9 to discuss the District's water use for the years 1995, 2000, and 2006-2010. The water use data are a key component for the SRWMD/SJRWMD joint regional water supply plan, which is underway.
- John Good participated in the SRWMD/SJRWMD MFL Methodologies teleconference.

Water Resources

- Megan Wetherington gave a Hydrologic conditions presentation to the Sparkleberry Chapter in Branford.

Resource Management

- Tim Sagul, Leroy Marshall, James Link, Jerry Bowden, and Patrick Webster participated in a two day FEMA training class held at the District.

Land Resources

- Charlie Houser and Bob Heeke attended the Florida Society of American Foresters Annual Meeting.
- Beau Willsey conducted non-native weed control on District lands.
- Charlie Houser, Bob Heeke, and Steve Minnis meet with Gilchrist County Commissioner Tommy Langford, County Administrator Bobby Crosby, and Road Superintendent Billy Cannon regarding revising County Park Road 47 access onto District lands.

Ag Team/Suwannee River Partnership

- Joel Love attended the Jefferson SWCD meeting.
- Hugh Thomas attended the Dixie SWCD meeting.
- Hugh Thomas attended an NRCS luncheon.
- Kevin Wright participated in teleconference on the CUPcon Conservation Ag Rule and Public Water Supply Rule per capita analysis results.

Communications

- Vanessa Fultz distributed news releases on the agricultural and RIVER cost-share programs and on the District's new division director for water resources.

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- Deborah Parker created web pages for the new agricultural and RIVER cost-share programs.

Announcements for Week of October 15

- October 15 - Leadership Team Strategic Plan Workshop at Otter Springs
- October 16 - Levy County Board of County Commission Meeting State of the Resource and PILT presentation by Ann Shortelle
- October 16 - Taylor County Board of County Commission Meeting State of the Resource and PILT presentation by Ann Shortelle
- October 17 - Gainesville Sun and Ocala Star Banner Editorial Board Meeting with Ann Shortelle
- October 17 - Presentation at the UF Wetlands and Watershed Seminar Series entitled MFLs: A Wild Ride Down the River by Ann Shortelle
- October 18 - Nature Coast Regional Water Authority Meeting in Fanning Springs



Weekly Activity Report to Governing Board October 19, 2012

Executive/Management

- Ann Shortelle, Jon Dinges, Steve Minnis, Joe Flanagan, Charlie Houder, Carlos Herd, Tim Sagul, Erich Marzolf, and Megan Wetherington met in Otter Springs to discuss strategic planning for the next fiscal year. Mr. Quincey also participated for a portion of the meeting.
- Ann Shortelle, with Steve Minnis attending, gave the State of the Resource and PILT Check Presentations to Levy and Taylor County BOCCs.
- Ann Shortelle and John Good gave an MFLs presentation at UF's Wetlands and Watersheds Seminar series.
- Ann Shortelle participated in a DEP/WMD Executive Director teleconference.
- Steve Minnis participated in a Nature Coast Regional Water Authority meeting in Fanning Springs.
- Steve Minnis participated in the monthly Rural Economic Development Initiative (REDI) Meeting conference call.
- Steve Minnis and Dave Dickens met with Gilchrist County Administrator Bobby Crosby to discuss the Otter Springs Agreement.

Water Supply

- Jack "Trey" Grubbs joined the SRWMD in the Division of Water Supply.
- Carlos Herd and Trey Grubbs participated in the CUPCon Compliance Monitoring/Submittals Workgroup with SJRWMD staff.
- Carlos Herd, Dale Jenkins, and Trey Grubbs participated in the North Florida Southeast Georgia Groundwater Model Development Joint Steering and Technical Team meeting with SJRWMD staff.
- Carlos Herd met with SJRWMD staff to discuss NFRWSP Stakeholder Advisory Committee agenda and other coordination items.

Resource Management

- Staff, including Ann Shortelle, Steve Minnis, Tim Sagul and Jerry Bowden, have continued to work with Rev. Baker regarding his flooding issue. The efforts consisted of a site visit, multiple phone calls and a meeting at the District office.
- Brian Kauffman attended the Florida Forestry Environmental Committee Meeting.
- Jerry Bowden and Louis Mantini attended the North Central Florida Rural Economic Development Catalyst Project Catalyst Site/Plum Creek Site stakeholder meeting.
- Tim Sagul attended the North Central Florida Water Well Association in Ocala.
- Leroy Marshall attended the Association of State Dam Safety Officials dam safety training provided by FDEP in Orlando.

- Jerry Bowden and Ann Shortelle met with other agencies and the City of Live Oak to discuss stormwater management strategies for the City.

Ag Team/Suwannee River Partnership

- Kevin Wright attended the Florida Dairy Farmers Scientific Advisory Panel and presented about Ag related issues at the District.
- Joel Love attended the Suwannee County Conservation District meeting
- Hugh Thomas gave a presentation to the UF Agricultural Communication Department about water quality and quantity issues and the SRP.
- Hugh Thomas attended the Santa Fe and Gilchrist Soil and Water Conservation District meetings.
- Hugh Thomas, Joel Love and Kevin Wright attended the Ag Expo in Moultrie, Ga.
- Kevin Wright held a pre-application meeting with consultants for Oak Tree Landings development.
- Kevin Wright met with Suwannee Farms regarding permitting and Cost-Share programs.
- Staff has received over 20 inquires about the District Cost-Share programs.
- Kevin Wright prepared several drafts of the Agricultural Conservation rule language for CUPCon.
- SRP technicians continued to work with NRCS to update poultry conservation plans.
- SRP staff and Ag Team along with Ann Shortelle toured farming operations and District Lands in Lafayette with Rod Land to discuss local issues and concerns.

Administrative Services

- Joe Flanagan held numerous meetings with senior staff to discuss the upcoming budget.
- Joe Flanagan participated in a Land Use and Water Supply Coordination Meeting conference call with DEP.

Water Resources

- Vince Robinson attended the DEP Standard Operating Procedures class for water sampling training.

Land Resources

- Ann Shortelle, Bob Heeke, and Erich Marzolf toured several areas of District lands to discuss potential for water supply and water resource potential projects on our properties.

Communications

- Vanessa Fultz issued news releases on NFRWSP's next stakeholder committee meeting, the District's new employee Trey Grubbs, and the District's 40th Anniversary celebration.
- Ann Shortelle and Steve Minnis met with the Gainesville Sun Editorial Board to discuss CUPCon efforts.

Announcements for Week of October 22

- Oct. 24, Ann Shortelle will appear on WJTK's morning show to discuss District and water-related topics.



Weekly Activity Report to Governing Board October 26, 2012

Executive/Management

- Ann Shortelle spoke at the Paddle Florida meeting at Madison Blue Springs State Park.

Water Supply

- Ann Shortelle, Erich Marzolf, Carlos Herd, Edwin McCook, John Good and Trey Grubbs with representatives from NFWFMD participated in the Wacissa River MFL Recon Trip. The District is assisting NFWFMD with their first MFL.
- Carlos Herd attended the Ichetucknee Trace tour sponsored by the Lake City Chamber of Commerce.
- Carlos Herd participated in a teleconference with SJRWMD and DEP on Regional Water Supply.
- Carlos Herd participated in a teleconference on the Clay-Putnam MFL Prevention/Recovery Implementation Work Group.
- Dale Jenkins along with USGS and Karst Environmental Services conducted sight visits at White Sulphur and Suwannee Springs as part of the District's ongoing joint project with the USGS to evaluate the water quality and potential aquifer source for those water bodies. This project is in support of the ongoing upper Suwannee River MFL development.

Resource Management

- Tim Sagul participated in the Permit Criteria/Conditions for Issuance teleconference with other WMD and DEP staff.
- Tim Sagul with representatives from SJRWMD attended a GRU Pre-application Kickoff with GRU staff.

Ag Team/Suwannee River Partnership

- Hugh Thomas, Joel Love, and Ann Shortelle attended the SRP Breakfast.
- Hugh Thomas attended the Union SWCD.
- Kevin Wright attended the state Farm Bureau Meeting in Ponte Vedra.
- In a presentation to Columbia and Ft. White FFA students, Carlos Herd spoke about water supply, Daniel Simpson spoke about MFLs, Hugh Thomas spoke about the SRP, Kevin Wright spoke about water use permitting and the ag team, Megan Wetherington spoke about the monitoring network, and Bob Heeke spoke about land management.
- To date, staff has received a total of 10 applications for the ag cost-share program.

Administrative Services

- Joe Flanagan presented the Payment in Lieu of Taxes Check to Suwannee County School Board.
- Joe Flanagan participated in a teleconference with DEP on WMD BUDGETS - preliminary budget submission follow-up, Performance Metrics and Tentative budget formatting.
- Dave Dickens has provided recycling receptacles to all staff members to encourage further participation in the newly initiated Recycling Program.

Water Resources

- Megan Wetherington participated in a Hydstra Ratings Workshop.

Land Resources

- Charlie Houder and Bob Heeke met with FWC in Tallahassee to discuss the tortoise relocation plan for the Ellaville Tract.
- Bill McKinstry conducted monitoring of timber sales at Goose Pasture and Steinhatchee Springs tracts.

Communications

- Vanessa Fultz and Ivey Perkins sent out press releases on a Stormwater, Erosion and Sedimentation Control training that will be hosted by the District and the expansion of hunting opportunities on District lands.
- Bob Heeke participated in a radio interview with WUFT in Gainesville concerning the expansion of hunting opportunities on District lands.

Announcements for Week of October 29

- North Florida Regional Water Supply Partnership stakeholder committee will meet Oct. 29 at Florida Gateway College at 1 p.m.
- The District will host a stormwater, erosion and sedimentation control inspector's training Oct. 31-Nov. 1.
- DEP will present the Suwannee River BMAP at the District on Nov. 1 at 6 p.m.
- The Regional Initiative Valuing Environmental Resources (RIVER) Local Government Cost-Share Program Workshop will be held at the District on Nov. 2 at 10 a.m.