

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGULATORY COMMITTEE MEETING
AGENDA**

**District Headquarters
81 Water Management Drive
Havana, FL 32333**

**Thursday
April 11, 2013
12:00 p.m., ET**

- 1.** Call to Order
- 2.** Review of Consumptive Use Draft Language for Second Round of Workshops – Informational Purposes Only
- 3.** Consideration of Proposed Language for Changes to District Rules in Bureau of Surface Water
- 4.** Adjourn

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Regulations Committee

FROM: Michael Edgar, Director of Division of Resource Regulation

DATE: April 1, 2013

SUBJECT: Review of Consumptive Use Draft Language for Second Round of Workshops

Program: Consumptive Uses of Water, Chapter 40A-2, Florida Administrative Code
Note may also affect: General and Procedural, Chapter 40A-1, Florida Administrative Code and Water Shortage Plan, Chapter 40A-21, Florida Administrative Code

Issue: The Resource Regulation Division is engaged in several rulemaking activities that have been ongoing for approximately a year. This is concurrent with similar efforts among all of the Water Management Districts to streamline and bring consistency to the permitting process. It encompasses virtually all regulatory areas active at the NFWWMD. The effort specifically relating to the Consumptive Use program is locally known as CUPCon and is expected to proceed through the rulemaking process in the coming months, culminating in final rules in the Fall of 2013. At this time, staff is preparing draft rules for a second set of rulemaking workshops to be held in May.

Discussion:

The Department and Districts have completed development of guidelines and language for consistency and streamlining regarding topics in CUPCon Tier 1b and Tier 2. The Department's rule adoption for changes to the Water Resource Implementation Rule are moving forward and additional stakeholder meetings have been held. Presently, all Districts are integrating the CUPCon materials into their individual rules and the NFWWMD. A second set of rule workshops is being held independently by each District in May and the NFWWMD draft rule language will be available before the workshops for the public to review. Three workshops are scheduled in NFWWMD for public participation, as listed below.

Workshop Date	Location	Time
May 14	NFWWMD Headquarters, Governing Board Room 81 Water Management Drive Havana, FL 32333 Located off Highway 90 West in Midway, Gadsden County	1:00 pm Eastern
May 15	Escambia County Board of County Commission Chambers Board Chambers, Room 100 221 Palafox Place Pensacola, FL 32502	1:30 pm Central
May 16	Jackson County Agriculture Conference Center 2741 Pennsylvania Avenue Marianna, FL 32448	5:30 pm Central

Once public comments are received and addressed or incorporated, it is then anticipated that the districts will develop final rule language and NFWFMD will bring this language to the Board for approval in July. With Board approval at that time, staff will notify the Office of Fiscal Accountability and Regulatory Reform (OFARR), publish the notice of proposed rule (NPR), provide the NPR to the Joint Administrative Procedures Committee (JAPC) for review and schedule a public hearing for rule adoption by the Board with a view toward the rule having an effective date in October. The Department continues to coordinate all activities by the Districts and the anticipated schedule of hearings and filings is below. Information regarding all CUPCon activities is available from the FDEP web page (<http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm>) for which there is a link provided on the District's web page.

The proposed rule changes will reduce regulation in other parts of the state and, with one exception, it does not markedly affect the way NFWFMD implements its consumptive use permitting (CUP) program. A summary of the changes in the draft rule is provided. The one significant change is a simplification of permitting thresholds. Immediately, 153 current permits will fall below the revised thresholds in the District and will no longer need an Individual Water Use Permit. These are predominantly small permits whose total average allocation is 2.1 million gallons of water per day. A portion of these will be regulated under a newly created permit category "Registered General" and the remainder of the uses will be authorized under a General Water Use Permit. There are approximately 112 separate users of eight-inch diameter wells (71 agricultural users) who will now need to obtain an Individual Water Use Permit. The 112 users represent an estimated total of 10 million gallons of water per day average. These changes in thresholds, collectively, will refocus permitting efforts on larger users.

The District has developed a plan to ease the application process to the fullest extent for the agriculture permittees that will be in transition and has coordinated with the Department of Agriculture and Consumer Services (DACS) through the entire CUPCon process. In one proactive step, NFWFMD is increasing partnership with DACS and the Natural Resource Conservation Service to expand mobile irrigation lab (MIL) services in the District. MILs provide free irrigation efficiency analysis and consultation for farmers to help conserve water, energy and money. Other ways of easing the process for all permittees in transition include:

- District personnel contact with well owners to explain rules and permitting process,
- Limiting the information the applicant will have to provide,
- District staff assistance in preparing applications for well owners,
- Waiving permit application fee, and
- Phasing-in the process by concentrating on different areas of the District over a span of weeks.

Schedule for Remaining Rule Development Process:

The rule development and adoption process is being coordinated by the Department and will be comprised of the following steps. If the rule is challenged, additional actions will be required.

April 12	All Districts submit notices of workshop to the Florida Administrative Review (FAR)
May 14-16	Second round of public workshops (with draft language)
July 11	Present final rule language for Governing Board approval
July 26	Provide notification to OFARR that NFWFMD is preparing to file the NPR
August 2	Submittal of the NPR for publication in the FAR concurrent with submittal for JAPC review
September 12	Presentation of the final rule to the Governing Board for adoption
September 13	Filing with Department of State / Bureau of Administrative Code
November 1	Effective date of new rule

Chapter 40A-2, F.A.C.-Summary of Revisions

Rule Number	Rule Title	Description of Current Rule	Change	Effect
40A-1.2025	Fees	Administrative procedures regarding fees	Adding method and form for fee reduction certification	ease applicant burden
40A-1.203	Permit Application Procedure	Procedures for administrative handling of applications	Minor language clarification	None
40A-1.205	Suspension, Revocation and Modification of District Permits.	Procedures to revoke or change permits	add language allowing permittees to surrender a permit and form	ease permittee burden
40A-2.011	Policy and Purpose	Summary statement of purpose of the Chapter and the program areas addressed	Replaced with statement of purpose more consistent with other Districts	None
40A-2.021	Definitions	Provides definitions of terms necessary to understand and apply rules of this Chapter	Added and revised a number of definitions to facilitate the Applicant Handbook and other rule changes	None
40A-2.041	Permits Required	Enumerates circumstances in which a permit is required	Implemented the CUPcon changes to the Permit Thresholds	Reduce regulation for 153 current, small permittees and require permitting for 112 new, larger individual permits.
40A-2.051	Exemptions	Identifies water uses exempted from Individual Water Use Permitting	Implement the CUPcon changes-moving general permits to section 40A-2.061	None
40A-2.061 [Formerly 40A-2.302]	General Permits by Rule	Identifies criteria for granting a General Water Use Permit, including limitations and conditions	Implement CUPcon changes-Contains general permit criteria and adds general permits for specific uses.	None
40A-2.101	Content of Application	Identifies application forms and required information to be submitted with each	CUPCon Application Forms; adds Statutory reuse provisions; conservation plan requirement for utilities to reflect CUPCon changes	Updated forms will make application easier and more convenient
40A-2.201	Permit Processing Fee	Identifies processing fees for consumptive use permits	Add fee for Letter Modification and fee reduction form per Section 218.075 F.S.	None
40A-2.223	Reservation of Water	Identifies areas reserved from use by permit where consumptive withdrawals of surface water are not in the public interest	Delete 2016 expiration	Extend Reservation
40A-2.301	Conditions for Issuance of Permits	Sets forth requirements for application review and permit issuance; currently no Applicant Handbook	Completely replaced with CUPcon language	None
40A-2.321	Duration of Permits	Specifies duration of water use permits	Expanded to provide for Statutory durations	Reduce regulation for qualifying applicants by providing 20-year permit durations
40A-2.331	Modification of Permits	Specifies terms to modify unexpired permit	Expanded to provide for Letter Modifications	Reduce regulation by allowing requests for minor changes to permit without full permit application and fee

Rule Number	Rule Title	Description of Current Rule	Change	Effect
40A-2.351	Transfer of Permits	Specifies terms for the transfer of Individual and General Water Use permits and references where to obtain form	Adding owner ability to transfer to self without permittee authorization.	Simplify process for owners to control Water Use Permit for their property
40A-2.361	Renewal of Permits	Specifies terms to renew an unexpired permit	Remove limitation on renewal timeframe	Reduce regulation by allowing permit duration to be extended at the time of any modification
40A-2.381	Limiting Conditions	Sets forth conditions imposed during application review and permit issuance	Update with Tier I Standard Conditions & Compliance forms from CUPCon	More simple pumping report form, more frequent submittal, additional forms clarify reporting format. Limiting condition by use
40A-2.441	Temporary Permits	Specifies criteria for issuing a temporary water use permit	Repeal	None [changes internal processes only]
40A-2.501	Permit Classification	Identifies permit classifications	Reduce number of use types to be more consistent with other districts.	Simplify selection of use type for applicants.
40A-2.511	Declaration of Water Shortage	References Rule 40A-21, FAC, Water Shortage Plan	None	None
40A-2.801	Declaration of Water Resource Caution Areas	Sets forth criteria used to determine that an area in the District is a Water Caution Area	None	None
40A-2.802	Water Resource Caution Areas	Designates Water Resource Caution Areas and criteria for issuance of permit in each area.	Minor technical changes	None
40A-2.901	Forms	Lists forms used with this Chapter	New Permit Application Forms & Compliance Submittal Forms	Clarify & simplify submittals for permittees and for staff
40A-2.902	Areal Boundary Maps for Water Use Permitting	Establishes general areal boundaries for Areas A, B and C	Revised to reflect new permit threshold areas	Reduction in regulation for permittees in four coastal counties
40A-2.904	Areal Boundary Maps for Water Resource Caution Areas	Describes areal boundaries for Water Resource Caution Areas	Technical Edits	Correct map extent of Telogia Water Resource Caution Area

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Regulations Committee

FROM: Michael Edgar, Director of Division of Resource Regulation

DATE: March 25, 2013

SUBJECT: Proposed Language for Changes to District Rules in Bureau of Surface Water

In February, Division staff briefed the Governing Board on different rulemaking efforts being conducted. The purpose of this memo is to inform the Governing Board of the Bureau of Surface Water Regulation's progress and request authorization to proceed to the next step.

Programs: Management and Storage of Surface Waters, Chapter 40A-4, F.A.C.; Regulation of Agricultural and Forestry Surface Water Management Projects, Chapter 40A-44, F.A.C.; Works of the District, Chapter 40A-6, F.A.C.; General and Procedural, Chapter 40A-1, F.A.C.

Issue: The Bureau of Surface Water Regulation is requesting Governing Board approval of the submitted rule language so that staff can advertise the Notice of Proposed Rule (NPR) in the Florida Administrative Register (FAR).

Discussion: The Bureau has prepared what is expected to be final language in the rule amendments for the four rule chapters referenced above (three to be amended, one to be repealed). These rule changes include:

- Incorporating forms and reference materials used in the rule by adopting by reference;
- Correcting, simplifying and reducing the rules where possible, increasing their "user friendliness";
- Addressing the Joint Administrative Procedures Committee (JAPC) comments on the rule by changing "may" to "shall";
- Reflecting recent changes in statute by changing processing times and delegations to staff;
- Correcting transfers of Operation and Maintenance permit procedures.

If the Governing Board approves the draft language, staff will notify the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) that we intend to advertise the NPR. The NPR will then be simultaneously advertised in the FAR and submitted to the JAPC. Once the NPR is published, the District must finalize the rule within 90 days. The Governing Board will vote whether to finalize the rule at a public hearing for adoption, after which, the rule(s) can be filed for adoption with the Bureau of Administrative Code, (BAC). Twenty days after the Adoption Package for each rule has been filed with the BAC, the rule becomes effective.

Staff anticipates the adoption hearing will be scheduled for July and the amended rule effective August 1, 2013, unless the JAPC requires substantive changes to the proposed language.

Recommendation:

Staff requests authorization to proceed with the notification of the Governor's Office of Fiscal Accountability and Regulatory Reform; submittal of the proposed amendments to the Joint Administrative Procedures Committee for review and comment; the advertisement of the Notice of Proposed Rule in the Florida Administrative Register; and the scheduling of a public hearing before the Governing Board for rule adoption.

Attachments

Attachment 1,

Proposed Changes to Chapter 40A-1, FAC General and Procedural

**CHAPTER 40A-1
GENERAL AND PROCEDURAL RULES (Formerly 16G-1)**

40A-1.004	Agreements
<u>40A-1.0045</u>	<u>District Funds</u>
40A-1.021	Definitions
40A-1.1002	Variances from Water Shortage Plan
40A-1.1003	Variance and Emergency Variance or Authorization Procedures
40A-1.1010	Point of Entry Into Proceedings
40A-1.1020	General Procedures for Permit Applications (Repealed)
40A-1.1030	Contract Bidding – Resolution of Protest (Repealed)
40A-1.1040	General Permits (Repealed)
40A-1.180	Procedures for Contracting for Professional Services (Repealed)
40A-1.181	Contract Bidding – Reservation of Rights (Repealed)
40A-1.182	Contract Bidding – Resolution of Protest (Repealed)
40A-1.2025	Fees
40A-1.203	Permit Application Procedure
40A-1.205	Suspension, Revocation and Modification of District Permits
40A-1.206	Temporary Permits
40A-1.207	Complaints
40A-1.208	Administrative Enforcement Action
40A-1.209	Emergency Action
40A-1.510	District Investigations and Probable Cause Determination

40A-1.004 Agreements.

The following agreements have been entered into by the District and are hereby incorporated by reference.

- (1) With the Department concerning Mitigation Banking in the Northwest District, dated 1994;
- (2) With the Department concerning permitting of potable wells in areas of contaminated ground water in Jackson County, dated 1990;
- (3) With the Department and the Department of Health and Rehabilitative Services concerning permitting new potable wells in areas of contaminated groundwater, dated 1992;
- (4) With the Office of Trade, Tourism and Economic Development, dated 1997;
- (5) With the Department of Environmental Protection concerning procedures for handling permit applications, dated 1981.

Rulemaking Authority 373.044 FS. Law Implemented 373.046, 373.083 FS. History—New 3-2-00.

40A-1.0045 District Funds

- (1) District funds may be disbursed with the Board’s approval by check bearing the signatures or facsimile signatures of the secretary-treasurer or assistant secretary-treasurer, and the chairman or vice chairman. All general and interfund checks issued shall be reported to the Board at its next regular meeting.
- (2) The Executive Director shall serve as the assistant secretary-treasurer.
- (3) District funds may be disbursed, by wire or electronic transfer. The Executive Director, or his designee, shall authorize and supervise all wire or electronic transfers of District funds, and shall report all wire or electronic transfer transactions to the Board at its regular meeting following such transaction.
- (4) The Executive Director shall provide written instructions to each financial entity that will be transferring District funds by wire or electronic transfer indicating which District staff shall have the authority to request wire or electronic transfers of District funds.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.553 FS. History—New 10-1-84, New

40A-1.203 Permit Application Procedure.

(1) through (2) no change.

(2) A permit application shall be:

(a) through (b) no change.

(3) No later than 30 days after receipt of an application for a ~~surface water management permit pursuant to subsection 40A-44.041(2), F.A.C.~~, an agricultural or forestry surface water management permit pursuant to paragraph 40A-44.041(2)(b) or (c), F.A.C., or an Individual water use permit pursuant to Rule 40A-2.031, F.A.C., the District shall publish a notice thereof in a newspaper having general circulation as defined in Chapter 50, F.S. or by any other manner allowed by Statute. In addition, the District shall provide a copy of the notice to any person who has filed a written request for notification of any pending applications affecting the particular designated area. Interested persons may object to or comment upon the proposed permit in writing by the date specified in the notice. The District may request persons submitting objections or comments to furnish additional information. The District may consider objections or comments received after the designated time period if proposed agency action has not been taken on the application. The District will provide the applicant with a copy of all objections and comments received.

(4) through (5). No change.

(6) If additional information submitted to the District incorporates or results in material changes in the proposed activity for which the applicant seeks a permit, the application will be considered to have been amended and the proposal contained in the original application will be deemed withdrawn. The District shall have 60 ~~90~~ days from the date of receipt of the additional information in which to approve or deny the amended application and such application shall be subject to review for completeness under subsection (5) above.

(7) The District shall notify the applicant of the date on which the application is declared complete. Within a reasonable time thereafter, the District shall prepare a staff report, which shall contain its recommendations regarding the subject application. A Notice of Proposed Agency Action and the staff report shall be furnished to the applicant and to those persons who have filed written requests pursuant to subsection (4). The Notice shall state the District's intention to recommend that the Board or its designee approve, approve with conditions, or deny the permit application and shall specify a date for filing a petition for administrative hearing which shall be not less than 21 days after the date of mailing of the Notice of Proposed Agency Action. Substantially affected persons shall have the right to request an administrative hearing under Section 120.569, F.S., and Part V of these rules by filing a petition for administrative hearing with the Agency Clerk by the date specified in the Notice of Proposed Agency Action.

(8) through (12) no change

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60 FS. History--New 10-1-84, Amended 1-5-86, 7-1-98, 3-2-00.

40A-1.205 Suspension, Revocation and Modification of District Permits.

(1) The District shall ~~may~~ suspend or revoke a permit, in whole or in part, or employ any of the remedial measures authorized by Section 373.439, F.S., when it determines that the permittee or his agent has:

(a) Submitted false or inaccurate information on an application, operational report, or completion report;

(b) Violated Chapter 373, F.S., and the rules promulgated thereunder, or any other provision of Florida law related to the operations of the District;

(c) Failed to comply with an administrative order issued pursuant to Section 373.119, F.S.;

(d) Violated a condition of the permit; or

(e) Failed to allow inspection of the subject property.

(2) through (4) no change.

(5) ~~A petition for a formal hearing pursuant to Section 120.57(1), F.S., must comply with Rule 40A-1.521, F.A.C.~~ When a formal hearing is requested, the permittee or other affected persons shall admit or deny each finding of fact contained in the Notice of Proposed Agency Action Intention, or state that the permittee is without knowledge as to the same, which shall be deemed to be a denial. The District may decline to hold a formal hearing when there are no disputed issues of material fact.

(6) through (9) no change

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.243, 373.246, 373.429 FS. History--New 10-1-84.

~~40A-1.206 Temporary Permits.~~

~~The Board or the Executive Director is authorized by statute to may issue temporary permits for consumptive water use while an application is pending pursuant to Section 373.244, F.S. A temporary permit request must be made in writing by the applicant. Prior to the issuance of a temporary permit, the applicant may be requested to waive any right under Section 120.60, F.S., to have his application approved or denied within 90 days after receipt of the application or additional information requested by the District.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.244 FS. History—New 10-1-84.

Attachment 2.

Proposed changes to 40A-6, FAC, Works of the District

**CHAPTER 40A-6
WORKS OF THE DISTRICT**

40A-6.011	Policy and Purpose
40A-6.021	Definitions
40A-6.041	Permit Required
40A-6.091	Works of the District
40A-6.101	Content of Application
40A-6.201	Permit Processing Fee
40A-6.301	Conditions for Issuance of Permits
40A-6.321	Duration of Permits
40A-6.331	Revocation and Modification of Permits
40A-6.351	Transfer of Permits
40A-6.381	Limiting Conditions
40A-6.411	Completion Reports
40A-6.451	Emergency Authorization
40A-6.461	Inspections (Repealed)
40A-6.481	Remedial and Emergency Measures
40A-6.491	Unlawful Use (Repealed)
40A-6.901	Forms and Instructions

40A-6.011 Policy and Purpose.

(1) The rules of this chapter are published to provide protection for the works of the District by establishing procedures to be followed by those who find it necessary to connect to, withdraw water from, discharge water into, place construction within or across, or to otherwise make use of the works of the District. State law prohibits such work unless approved by the Governing Board of the District.

(2) “The Works of the District” shall be specifically named in this chapter as these works are established by the Governing Board.

~~(3) This chapter should be read in conjunction with Chapter 373, Florida Statutes.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.087, 373.103, 373.139 FS. History—New 4-14-80, Formerly 16G-6.01, Amended 10-29-80, 3-2-00.

40A-6.101 Content of Application.

(1) All permit applications under this chapter shall be filed with the Governing Board on NFWFMD Form No. 67 “Northwest Florida Water Management District Works of the District Permit Application”, ~~appropriate forms provided by the District, which is hereby incorporated by reference.~~ Copies of the form may be obtained from the District’s website www.nwfwmd.state.fl.us. All applications shall be signed by the owner, lessee, or their authorized agent, of the land included in or adjacent to that portion of the works of the District involved in the proposal or by the owner, lessee, or their authorized agent, of the land served if the proposal is a drainage or withdrawal.

(2) Each permit application shall include:

(a) no change

(3) A request for additional information will be submitted to the applicant as soon as possible, but in no case later than 30 days following receipt of the application. The request will contain a list of all information required to complete action on the permit. Final action on the application will be taken within 60 days following receipt of all required information or a request from the applicant to consider the application complete and to begin processing.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.084, 373.085(1), 373.413, 373.416, 373.426 FS. History—New 4-14-80, Amended 2-1-82.

~~**40A-6.321 Duration of Permits.**~~

~~The permit becomes effective upon the date of delivery to the permittee and is valid for the period stated on the permit unless~~

cancelled by the District pursuant to subsection 40A-6.331(1), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.084, 373.085(1), 373.413, 373.416, 373.426 FS. History—New 4-14-80.

40A-6.331 Revocation and Modification of Permits.

(1) The Board ~~shall~~may revoke or modify a permit pursuant to Sections 373.429 and 373.439, F.S., at any time if it determines that the permitted work or works has become a danger to the public health or safety, or violates the conditions of the permit, or upon request of the holder of the permit.

(2) through (3) no change

(4) If the Executive Director determines that the continued exercise of the permit ~~might~~ endangers lives or property, he shall ~~may~~, with the concurrence of the Governing Board, order a temporary suspension of the construction, alteration, repair, or operation of the work or works until the hearing is concluded, or ~~may~~ take such action as authorized under Rule 40A-6.481, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.085(1), 373.119, 373.413, 373.416, 373.426, 373.429, 373.439 FS. History—New 4-14-80, Formerly 16G-6.33.

40A-6.351 Transfer of Permits.

(1) Upon notice that the ownership of the land adjacent to that portion of the project works involved in the permit, or the land served if the permit is a drainage or withdrawal connection, has changed, the permit shall be transferred to the new owner. Until properly transferred, the original owner shall remain responsible for the proper operation and maintenance of the facility.

(2) If not properly transferred within 30 days of the sale of the facility or lands on which the facility is located, the permittee shall inform the transferee of the use limitations associated with the permitted facility. The transferee shall execute an affidavit acknowledging his awareness of the conditions and restrictions associated with the permit issued by the District.

~~Upon request, a valid permit may be transferred by the Governing Board from the permittee to a new owner or lessee. The request of District authorization for transfer shall be made in letter form by the new owner, lessee, or authorized agent, wherein it is agreed that all terms and conditions attending the issuance of the original permit are understood and agreed to. Acceptable proof shall be provided to the District of ownership of the land adjacent to that portion of the project works involved in the permit, or the land served if the permit is a drainage or withdrawal connection.~~

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.084, 373.085(1), 373.413, 373.416(2), 373.426 FS. History—New 4-14-80, Formerly 16G-6.35.

40A-6.481 Remedial and Emergency Measures.

(1) Upon completion of any inspection provided for by Section 373.423, F.S. Rule 40A-6.461, F.A.C., the Executive Director shall determine if any alterations or repairs are necessary in order to comply with the provisions of Chapter 373, Florida Statutes, or any regulations, permit, or order issued thereunder, and order that such alterations or repairs shall be made within a time certain, which shall be a reasonable time. The owner of such work or works shall be served with the order to make such alterations or repairs. The owner of such work or works may file a written petition within fourteen (14) days after such order is served for a hearing in accordance with Chapter 120, Florida Statutes. If, after such order becomes final, the owner of such work or works shall fail to make the specified alterations or repairs, the Board ~~shall~~may, at its discretion, cause such alterations or repairs to be made or employ other means as necessary to protect public safety as authorized by Section 373.439, F.S.

(2) through (3) no change

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.119, 373.436, 373.439 FS. History—New 4-14-80, Formerly 16G-6.48.

40A-6.901 Forms and Instructions.

Application for a permit under provisions of this chapter shall be submitted on ~~form~~ NFWFMD Form No. 67, which may be obtained from the Northwest Florida Water Management District, 152 Water Management Drive, Havana, FL 32333-9700, (850) 539-5999, which is hereby incorporated by reference. Copies can also be obtained at the District's website.

www.nfwmd.state.fl.us.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History–New 4-14-80, Amended 2-1-82.

Attachment 3.

Proposed changes to Chapter 40A-44, FAC.

Regulation of Agricultural and Forestry Surface Water Management Projects

CHAPTER 40A-44
REGULATION OF AGRICULTURAL AND FORESTRY SURFACE WATER MANAGEMENT PROJECTS

40A-44.011	Policy and Purpose
40A-44.021	Definitions
40A-44.041	Permits Required
40A-44.051	Exemptions
40A-44.052	Authorization for Certain Forestry Projects
40A-44.091	Processing of Permits
40A-44.101	Content of Application
40A-44.142	Headgates, Valves, and Measuring Devices
40A-44.143	Abandonment (Repealed)
40A-44.201	Permit Processing Fee
40A-44.301	Conditions for Issuance of Permits
40A-44.321	Duration of Permit
40A-44.331	Modification of Permits
40A-44.341	Revocation of Permits
40A-44.351	Transfer of Permits
40A-44.381	Limiting Conditions
40A-44.411	Completion Report
40A-44.451	Emergency Authorization
40A-44.901	Forms

40A-44.021 Definitions.

(1) “Best management practices for agriculture” means those conservation, management and operational practices identified for agriculture as best for reducing pollution and identified in the Florida Department of Agriculture and Consumer Services Best Management Practices adopted under Title 5M of the Florida Administrative Code;

~~“Best Management Practices for Agriculture” means conservation practices established by the U.S. Department of Agriculture’s Natural Resources Conservation Service for the purpose of reducing pollution from agricultural activities as applied to local conditions as set forth in “A Manual of Reference Management Practices for Agricultural Activities,” Florida Department of Environmental Regulation, November 1978.~~

(2) “Best management practices for forestry” means those conservation, management and operational practices identified for silviculture as best for reducing pollution and identified in the Florida Department of Agriculture and Consumer Services Best Management Practices adopted under Title 5I-6 of the Florida Administrative Code. “Best Management Practices for Forestry” means conservation practices established for the purpose of reducing pollution from silvicultural activities as applied to local conditions as set forth in “Silviculture Best Management Practices Manual,” Florida Department of Agriculture and Consumer Services, Division of Forestry, Revised 1993.

(3) “Class I Waters” means those surface waters listed pursuant to Rule 62-302.4600, F.A.C.

(4) “Endangered Species” means those plants, fish and wildlife listed pursuant to Rules 5B-40.0055(a) and 68A39-27.003, F.A.C., Section 581.185(2)(b)(5)(a), Florida Statutes, ~~and~~ 50 CFR 17.11, and 50 CFR 17.12.

(5) through 10 no change

(11) “Species Of Special Concern” means those fish and wildlife listed pursuant to Rule 68A39-27.005, F.A.C.

(12) “Steephead Ravines” means those highly distinctive stream valleys as described in “A Ecological Characterization of the Florida Panhandle”, U.S. Fish and Wildlife Service Biological Report 88(12), U.S. Fish and Wildlife Service, 1988. Which is hereby incorporated by reference. A copy of which can be obtained from the District’s website www.nwfwmd.state.fl.us.

(13) “Threatened Species” means those plants, fish and wildlife listed pursuant to Rules 5B-40.0055(b) and 68A39-27.004, F.A.C., 50 CFR 17.11, and 50 CFR 17.12.

(14) no change.

Rulemaking Authority 373.113, 373.418 FS. Law Implemented 373.413, 373.416, 373.418, 373.426 FS. History—New 10-1-84, Amended 7-1-92, 3-30-94.

40A-44.041 Permits Required.

(1) no change

(2) The District issues four types of agricultural and forestry surface water management permits: general surface water management permits, letters of conceptual approval, individual surface water construction permits, and individual operation and maintenance permits.

(a) General Surface Water Management Permits. This permit provides for the construction, maintenance, and operation of a facility. A general permit is applicable for projects:

1. no change

2. which could impound water by a dam which is less than ten feet in height from the natural bed of the water course at the downstream toe of the barrier, as determined by the District, or which has an impounding capacity of less than fifty (50) acre-feet.

and

3. has either singly or cumulatively, a minimal adverse impact on the water resources of the District.

(b) through (d) no change

Rulemaking Authority 373.044, 373.113, 33.418, 380.06(9)(b) FS. Law Implemented 373.118, 373.406, 373.413, 373.416, 373.418, 373.426, 380.06(9) FS. History—New 10-1-84, Amended 8-1-89, 7-1-92, 7-1-98.

40A-44.052 Authorization for Certain Forestry Projects.

(1) no change

(2) Prior to the construction, replacement, or maintenance of a minor forestry work authorized under this section, notice shall be given to the District as follows:

(a) A completed Forestry Authorization Notification Form, No. A44-F, effective 7-1-92, which is hereby incorporated by reference, and copies of which can be obtained from the District office identified below, or by electronic submittal at the District's website www.nwfwmd.state.fl.us, shall be submitted to the District no less than two (2) working days prior to the commencement of work. For notification forms mailed to the District, the postmark date shall be the date of submittal.

(b) no change.

(c) All forestry authorization notifications shall be made to the ~~appropriate~~ District office identified below:

~~1. Escambia, Holmes, Okaloosa, Santa Rosa, Walton and Washington Counties:~~

~~NWFWMD Pensacola Field Office~~

~~2261 W. Nine Mile Road~~

~~Pensacola, FL 32534-9416~~

~~(850) 484-5125~~

~~2. Bay, Calhoun, Gulf and Jackson Counties:~~

~~NWFWMD Marianna Field Office~~

~~4765 Pelt Street~~

~~Marianna, FL 32446-0900~~

~~(850) 482-9522~~

~~3. Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Counties:~~

~~Northwest Florida Water Management District Headquarters~~

~~152 Water Management Drive~~

~~Havana, FL 32333-9700~~

~~(850) 539-5999~~

(d) no change.

(3) through (5) no change

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.118, 373.406(5), 373.413, 373.416, 373.426 FS. History—New 10-1-84, Amended 9-15-86, 8-1-89, 7-1-92.

40A-44.091 Processing of Permits.

(1) Letters of conceptual approval, individual surface water construction permits, and general surface water management

permits for impoundments constructed in waters in the State shall be processed according to the provisions of Chapter 40A-1, F.A.C., and require approval by the Executive Director or his designee ~~Governing Board~~.

(2) - However, upon a determination that the District and its resources would be better served, the Executive Director may require any application for ~~general permit~~ to be referred to the Governing Board for approval.

(3) no change.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.116, 373.118, 373.406, 373.413, 373.4141, 373.416, 373.426, 380.06(9) FS. History--New 10-1-84, Amended 7-1-92, 7-1-98.

40A-44.101 Content of Application.

(1) Applications for permits required by this Chapter shall include:

(a) Form No. A44-A, Surface Water Management Permit Application amended 7-1-98, which is hereby incorporated by reference. A copy of which can be obtained by contacting the District or online at the Districts website www.nfwmd.state.fl.us;

(b) no change

(c) Drawings, calculations, and engineering details sufficient to define the nature, scope, intent and functioning of the proposed project. This information shall include the following:

1. through 2. no change,

3. Flow characteristics;

(d) Information supporting the agricultural status of the property which shall include:

1. A Soil and Water Conservation District approved conservation plan, or a notice of intent to participate in the appropriate Best Management Practices program offered by the Florida Department of Agriculture and Consumer Services;

2. through 3. no change.

4. An Affidavit of Agricultural Status, Form A44-E, effective 7-1-92, which is hereby incorporated by reference, copies of which can be obtained by contacting the District or online at the District's website www.nfwmd.state.fl.us, may be substituted for the ASCS farm number and verification of agricultural classification. In areas of changing land uses, from agricultural to other uses, an affidavit is required;

(e) through (f) no change

(g) An inventory of endangered or threatened species, and species of special concern known to occur on the site, as listed pursuant to Rules 5B-40.0055 and 68A39-27.003-005, F.A.C.; Section 581.185(2)(b) & (h)(5)(a), Florida Statutes; and 50 CFR 17.11-12; and

(h) Other site specific information as necessary to support the reasonable assurances determination pursuant to subsection 40A-44.301(2), F.A.C.

(2) no change.

(3) The District ~~shall~~ may require the applicant to submit other pertinent information deemed necessary for evaluating the application.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.116, 373.118, 373.406(5), 373.413, 373.416, 373.426 FS. History--New 10-1-84, Amended 7-1-92.

40A-44.142 Headgates, Valves, and Measuring Devices.

(1) through (3) no change

(4) For the purpose of safety and maintenance, any new dams, impoundments, or appurtenant works meeting the requirements of Rule 40A-44.041, F.A.C., ~~shall~~ may be required to have installed and maintained a substantial and serviceable headgate or valve at the point where the water is diverted or discharged.

Rulemaking Authority 373.044, 373.113, 373.418, 373.436 FS. Law Implemented 373.409, 373.436 FS. History--New 10-1-84.

40A-44.321 Duration of Permit.

(1) Unless revoked or otherwise modified, the duration of a permit pursuant to this chapter is:

- (a) no change;
 - (b) Five years ~~Three~~ years, for a construction permit;
 - (c) Perpetual, for an operation and maintenance permit, except when ;
 - (d) Any operation and maintenance permit on an existing facility shall automatically expire when a new operation and maintenance permit or abandonment permit is issued for that same facility.
- (2) no change

Rulemaking Authority 373.044, 373.113, 373.418, 380.06(9) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.416, 373.426, 380.06(9) FS. History—New 10-1-84.

40A-44.341 Revocation of Permits.

(1) Certain v~~Violations~~ of this Chapter shall~~may~~ result in the revocation of the permit authorization in whole or in part. A permit may also be revoked under any of the following circumstances:

- (a) through b, no change
- (2) through 3 no change

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.423, 373.429 403.927(3) FS. History—New 10-1-84, Amended 8-1-89, 7-1-92, 7-1-98.

40A-44.351 Transfer of Permits.

(1) Upon timely notice that a permitted project or lands on which the facility is located has been sold or otherwise transferred to a new owner, the permit shall be transferred to a new owner .Until properly transferred the original permittee shall remain responsible for the proper operation and maintenance of the facility. A permittee must request from the District a permit transfer within 30 days after the sale or conveyance of a surface water management project or the land on which the project is located. The District will then transfer the operation and maintenance permit provided the use associated with the permitted facility remains the same. A surface water management permit to construct or alter a system will not be transferred if the permit is over three years old and the permitted project discharge structure or equivalent has not been constructed.

(2) If not properly transferred within 30 days of the sale of the facility or lands on which the facility is located, t~~The~~ permittee shall inform the transferee of the use limitations associated with the permitted facility. The transferee shall execute an affidavit acknowledging his awareness of the conditions and restrictions associated with the permit issued by the District.

- (3) no change

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.413, 373.416(2), 373.418, 373.426 FS. History—New 10-1-84, Amended 8-1-89, 7-1-92.

40A-44.411 Completion Report.

Within 30 days after the completion of construction or alteration of any project for which a permit was granted under this chapter, the permittee shall file with the District a completion report prepared and certified in accordance with the certification requirements of subsection 40A-44.301(7), F.A.C.

(1) The “As-Built Certification and Completion Report” Form Nos. A44-B or A44-C amended 7-1-92, which are hereby incorporated by reference, shall identify the permit number and shall certify that the project was completed according to the specifications and standards identified in the application and all conditions stipulated by the District. Copies can be obtained by contacting the District, or online at the District’s website www.nwdwmd.state.fl.us. Any minor deviations not subject to the requirements of Rule 40A-44.331, F.A.C., for the permitted facility shall be identified in the report and shall be accompanied by supporting engineering documentation.

(2) The project shall not be determined fully complete and shall not be used to impound or convey water until the required “As-Built Certification and Completion Report”, Form Nos. A44-B and A44-C, is submitted to ~~and verified by a final inspection by~~ the District.

Rulemaking Authority 373.044, 373.113, 373.418, 403.0877 FS. Law Implemented 373.117, 373.419, 373.423, 403.0877(4) FS. History—New 10-1-84, Amended 8-1-89, 7-1-92.

40A-44.451 Emergency Authorization.

(1) The Executive Director ~~shall~~^{may} grant emergency authorization in accordance with Sections 373.439 and 120.542, F.S. ~~at his discretion~~. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

(2) no change.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.439 FS. History—New 10-1-84.

40A-44.901 Forms.

~~(1) The following forms are used in the implementation of this Chapter and are hereby incorporated by reference:~~

~~(a) Agricultural Water Management System Permit Application, NFWFMD Form No. A44 A; Amended 7-1-92.~~

~~(b) As Built Certification And Completion Report for projects designed and inspected by certified engineers, NFWFMD Form No. A44 B; Effective 7-1-92.~~

~~(c) As Built Certification And Completion Report for projects designed and inspected by the USDA Soil Conservation Service, NFWFMD Form No. A44 C; Effective 7-1-92.~~

~~(d) Requests For Transfer Of Permit, NFWFMD Form No. A44 D; Effective 7-1-92.~~

~~(e) Affidavit Of Agricultural Status, NFWFMD Form No. A44 E; Effective 7-1-92.~~

~~(f) Forestry Authorization Notification Form, NFWFMD Form No. A44 F; Effective 7-1-92.~~

~~(12) All District These~~ forms are available at the following District offices:

(a) NFWFMD Headquarters, 152 Water Management Drive, Havana, FL 32333-9700, (850) 539-5999;

(b) Marianna Field Office, 4765 Pelt Street, Marianna, FL 32446-0900, (850) 482-9522;

(c) Crestview Field Office, 180 East Redstone Avenue ~~800 Hospital Drive~~, Crestview, FL 329, (850) 683-5048.

Rulemaking Authority 373.044, 373.113, 373.118, 373.418, 373.4136 FS. Law Implemented 373.116, 373.413, 373.416, 373.426, 373.418 FS. History—New 10-1-84, Amended 7-1-92.

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
GOVERNING BOARD MEETING MINUTES**

**District Headquarters
81 Water Management Drive
Havana, FL 32333**

**Thursday
March 14, 2013**

Governing Board Members Present

George Roberts, Chair
John Alter
Angus Andrews
Gary Clark
Nick Patronis
Bo Spring

Governing Board Members Absent

Jerry Pate, Vice Chair
Stephanie Bloyd
Jon Costello

1. Call to Order and Roll Call

Chair Roberts called the meeting to order at 1:01p.m., ET. Mr. Steverson called the roll and a quorum was declared present.

2. Invocation

Chair Roberts offered the invocation.

3. Pledge of Allegiance to the Flag

Chair Roberts led the meeting in the Pledge of Allegiance to the Flag.

4. Additions, Deletions or Changes to the Agenda

Ms. Savannah White stated that item 4. A. Introduction of New Governing Board Member and Oath of Office was added to the agenda.

4. A. Introduction of New Governing Board Member and Oath of Office

Chair Roberts introduced Mr. Gary Clark as our newest Governing Board Member. Mr. Kevin Crowley administered the Oath of Office.

5. Approval of Minutes for February 14, 2013

MOTIONED BY MR. ALTER, SECONDED BY MR. PATRONIS, THAT THE GOVERNING BOARD APPROVE THE FEBRUARY 14, 2013, GOVERNING BOARD MEETING MINUTES. MOTION CARRIED.

6. A. Consent Business Agenda

Ms. Jean Whitten presented the Financial Report and Schedule of Disbursements for the month of January 2013.

MOTIONED BY MR. SPRING, SECONDED BY MR. ANDREWS, THAT THE GOVERNING BOARD APPROVE THE FINANCIAL REPORT AND SCHEDULE OF DISBURSEMENTS FOR THE MONTH OF JANUARY 2013. MOTION CARRIED.

6. B. Consideration of the District's Anti-Fraud Policy

Ms. Whitten noted that the proposed anti-fraud policy was a result of the findings identified in the State Auditor General's operational audit. She stated that the District had not implemented and the Governing Board had not approved policies for mitigation, detection, and reporting of fraud. She gave a detailed overview of the anti-fraud policy.

Ms. Whitten voiced staff recommendation that the Governing Board approve the Anti-Fraud Policy, as presented.

MOTIONED BY MR. CLARK, SECONDED BY MR. ANDREWS, THAT THE GOVERNING BOARD APPROVE THE ANTI-FRAUD POLICY. MOTION CARRIED.

6. C. Consideration of the District's Internal Audit Activity Charter

Ms. Whitten noted that the internal audit activity charter was a result of the findings identified in the State Auditor General's operational audit. She stated that the District, in contracting with an accounting firm to perform inspector general services, did not ensure that the inspector general services provided were consistent with the standards and duties required by law. She further stated that the District had not used a competitive selection process to acquire inspector general services since November 2005. She gave a detailed overview of the internal audit activity charter.

Ms. Whitten voiced staff recommendation that the Governing Board approve the Internal Audit Activity Charter, as presented.

MOTIONED BY MR. CLARK, SECONDED BY MR. ALTER, THAT THE GOVERNING BOARD APPROVE THE INTERNAL AUDIT ACTIVITY CHARTER. MOTION CARRIED.

6. D. Consideration of Inspector General's Report for Fiscal Year 2011-2012 and Audit Work Plan for Fiscal Year 2012-2013

Mr. Richard Law gave a brief overview of the Inspector General's Report for Fiscal Year 2011-2012 and the Audit Work Plan for Fiscal Year 2012-2013.

Mr. Law voiced the Inspector General's Office recommendation that the Governing Board approve the Internal Audit Report for Fiscal Year 2011-2012 and the Audit Work Plan for Fiscal Year 2012-2013, as presented.

MOTIONED BY MR. SPRING, SECONDED BY MR. PATRONIS, THAT THE GOVERNING BOARD APPROVE THE INTERNAL AUDIT REPORTS FOR FISCAL YEAR 2011-2012 AND THE AUDIT WORK PLAN FOR FISCAL YEAR 2012-2013. MOTION CARRIED.

6. E. Consideration of ITB 13B-004; Phipps Park 2013 Timber Sale

Mr. Tyler Macmillan stated that the timber sale will result in the harvest of an estimated 2,220 tons of pine timber products from 132 acres comprised of three stands in Leon County. He reported that on March 12,

2013, at 2:00 p.m. ET, the District opened two sealed bids for the Phipps Park 2013 timber sale.

Mr. Macmillan voiced staff recommendation that the Governing Board approve the bids submitted in response to Invitation to Bid 13B-004, and authorize the Executive Director to enter into an agreement for this timber sale with the high bidder, Canal Wood, LLC, utilizing the timber product per-ton bid prices specified in Exhibit A.

MOTIONED BY MR. ANDREWS, SECONDED BY MR. ALTER, THAT THE GOVERNING BOARD APPROVE THE BIDS SUBMITTED IN RESPONSE TO INVITATION TO BID 13B-004, AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR THIS TIMBER SALE WITH THE HIGH BIDDER, CANAL WOOD, LLC, UTILIZING THE TIMBER PRODUCT PER-TON BID PRICES SPECIFIED IN EXHIBIT A. MOTION CARRIED.

7. A. Informational Item- Apalachicola River and Bay Retrofit and Restoration Project Development

Mr. Guy Gowens gave a brief overview of the Apalachicola River and Bay Retrofit and Restoration Project development and informed the board that the material was provided for informational purposes only.

8. Legal Counsel Report

Mr. Kevin Crowley stated that there were no legal matters to report.

Meeting was adjourned at 1:37 p.m., ET.

Chair

April 11, 2013

Date

Executive Director

Agency Clerk

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
81 Water Management Drive, Havana, Florida 32333

PUBLIC HEARING FOR REGULATORY MATTERS

A G E N D A

District Headquarters
10 Miles West of Tallahassee
U.S. Highway 90 West

Thursday
April 11, 2013
1:05 p.m., ET

Note: Appeal from any NFWFMD Final Agency Action requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact the District at least 72 hours in advance of these meetings to make appropriate arrangements.

PART I — CONSENT AGENDA

• WATER USE PERMITS

A. Permit Modification & Renewals

A-1 Applicant: McCall Sod Farm
App. No.: I07344
Location: Permit Area B, Bay County
Use: Agriculture Irrigation
Capacity: 3,740 Gallons per Minute
Purpose: Applicant has applied for renewal of Individual Water Use Permit No. 19860209.
Facilities: Same as Current Permit.

Withdrawal Amounts Gallons:	Permitted	Recommended
Annual Average Daily	1,660,000	1,660,000
Maximum Daily	5,390,000	5,390,000
Maximum Monthly	149,600,000	149,600,000

Duration Recommended: 5 Years
Staff Recommendation: Approval
Public Comment Received: No

B. Temporary Permits

Temporary Permits Granted By Executive Director Awaiting Final Agency Action on Consumptive Use Permit Application

B-1 Applicant: Michael W. Shelley
App. No.: I07377
Location: Permit Area C, Jackson County
Use: Agricultural Irrigation
Facilities: Modification of Current Facility
Source: Floridan Aquifer

Withdrawal Amounts Gallons:	Authorized
Annual Average Daily	180,000
Maximum Daily	1,440,000
Maximum Monthly	24,000,000

PART II — INFORMATIONAL ITEM(S)

• ERP INFORMATION ITEM

NFWFMD Environmental Resource Permit Program Activity Status for DECEMBER 2012		
Activity	Current Month	Fiscal Year to Date Total
Applications Received	18	79
Permits Issued	20	78
Exemption Certifications Issued	24	55
10/2 GP Authorizations	16	64

TAP/tp

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

STAFF REPORT

TO: Governing Board
 FROM: Regulatory Division
 DATE: March 11, 2013
 SUBJECT: Request for Renewal of Individual Water Use Permit No. 19860209
 Individual Water Use Permit Application No. I07344

Applicant: McCall Sod Farm
 Location: North of Southport, Bay County, Permit Area B
 Sections 5, 22 and 23; Township 2 South; Range 14 West
 Use: Agriculture Irrigation
 Water Sources: Floridan Aquifer

Facilities:

Well Number	Florida Unique ID	Diameter (inches)	Total Depth (feet)	Cased Depth (feet)	Pump Capacity (gpm)	Status
MSF #1	AAA0491	12	600	262	800	Existing
MSF #2	AAA0490	12	614	280	540	Existing
MSF #3	AAE0114	12	600	280	800	Existing
MSF #4	----	12	600	280	800	Proposed
MSF #5	-----	12	600	280	800	Proposed
DOW #1	To be assigned	4	480	280	---	Existing Monitor
DOW #2	To be assigned	4	480	280	---	Existing Monitor
DOW #3	----	4	TBD	TBD	---	Proposed Monitor
SOW #1	To be assigned	4	160	94	---	Existing Monitor

TBD – to be determined

Capacity: Existing: 2,140 Gallons per Minute; 3,081,600 Gallons per Day
 Proposed: 3,740 Gallons per Minute; 5,385,600 Gallons per Day

Withdrawal Information:

Water Use Totals	Permitted	Use*	Requested	Recommended
Average Day (GPD)	1,660,000	427,474	1,660,000	1,660,000
Maximum Day (GPD)	5,390,000	2,867,400	5,390,000	5,390,000
Maximum Month (GAL)	149,600,000	38,825,970	149,600,000	149,600,000

*2011 Reported Water Use

Staff Evaluation:

McCall Sod Farm (McCall Sod) is requesting renewal of Individual Water Use Permit No. 19860209 for irrigation of 1,282 acres of sod. The Permittee has complied with the terms and conditions of the permit.

McCall Sod Farm is located in southern Bay County two miles west of Deer Point Lake and immediately north of Southport. The previous permit authorized an increase in the authorized withdrawal amounts and two additional production wells to accommodate a planned expansion from 880 to 1,312 acres. Due to economic conditions, McCall Sod has not fully expanded their farm or installed the two proposed production wells. The Permittee wishes to maintain the permitted amounts and proposed wells for future expansion.

The impacts associated with the requested amounts were analyzed in support of the previous permit application with a numerical ground-water flow model (MODFLOW). Seasonal pumping for eight consecutive months was modeled using the current total well capacity of 3.08 million gallons. The simulated drawdown in the Floridan Aquifer was approximately 10 to 14 feet on the McCall farm. Water level data collected by the Permittee during 2009 – 2011 indicates that seasonal drawdowns have ranged from 6 to 8 feet in the Floridan Aquifer. The pumpage during this period represents approximately 20 to 25% of the proposed future withdrawals. A comparison of modeled and observed drawdowns suggests that the model may underestimate potential impacts. Part of this discrepancy may be due to the proximity of the existing monitor well to the pumping wells. The proposed conditions require the construction of the southern monitor well, DOW #3, within the next six months. The installation and subsequent water level monitoring by the Applicant will provide additional data regarding pumping impacts. This data will be used to recalibrate the model and re-assess potential impacts prior to the construction of proposed wells MSF #4 or MSF #5, or prior to the next permit renewal or modification, whichever occurs first. The model results and observed data collected to date indicate that the more than 100 Floridan Aquifer wells within a mile of the farm may experience seasonal water level declines of approximately 5 to 15 feet or more.

Users of the surficial and intermediate aquifers may be impacted as drawdown in the Floridan Aquifer will induce drawdown in the overlying aquifers. Although drawdowns in the surficial and intermediate aquifers will be less, there are at least 200 wells in these aquifers located within the modeled area of influence. Water level data collected by Permittee show a seasonal water level decline of 2 to 3 feet in the intermediate aquifer on the McCall farm.

There is concern that the proposed withdrawal will increase the possibility of saltwater intrusion. Saline water is known to be present in the Floridan Aquifer in the area north of West Bay and North Bay. The applicant's proposed pumping is predicted to potentially cause a total drawdown of approximately five feet near the shoreline of North Bay, the closest salt water body. The drawdown at the interface with salt water has the potential to cause movement of this boundary further inshore. There are a number of Floridan wells in the area of concern along the shore near Southport.

McCall Sod has not yet expanded to the previously anticipated growth and associated authorized amounts. The conditions of the permit document will be configured such that the conditions of issuance continue to be met throughout the permit duration and potential impacts will be minimized. The Permittee will be responsible for hydrologic monitoring to include monthly static water level measurements and annual water quality sampling to ensure that conditions of issuance are met during the permit duration. The Permittee will also be responsible for mitigating any impacts determined to be attributable to their pumping.

Conclusions and Staff Recommendations:

It is the determination of the staff that the water use amounts recommended, as conditioned below, are reasonable-beneficial, consistent with the public's interest, and will not harm the water resources of the area or interfere with existing legal users. This determination has been made according to provisions of Chapter 373, Florida Statutes, and Chapter 40A-2, Florida Administrative Code.

The staff recommends that the applicant be granted an Individual Water Use Permit for an annual average daily withdrawal of 1,660,000 gallons, a maximum daily withdrawal of 5,390,000 gallons, and a maximum monthly withdrawal of 149,600,000 gallons. Staff also recommends that the permit's expiration date be May 1, 2018 and that the permit be conditioned as per the terms and Standard Conditions of the permit document (NFWFMD Form No. A2-E) and the following Specific Conditions:

1. The Permittee shall include the Individual Water Use Permit number and the well's Florida Unique Identification Number when submitting reports or otherwise corresponding with the District.
2. The Permittee, upon construction, shall install on-line, totalizing flow meters on proposed wells MSF #4 and MSF #5. The Permittee, within 30 days of well completion, shall provide documentation to the District that the flow meter has been installed and report the initial meter reading.
3. The Permittee shall maintain, in working order, on-line-totalizing flow meters on each production well. The meters shall be maintained per the manufacture's recommendations and any meter determined defective must be replaced within 30 days of its discovery. The Permittee, by July 31, 2014 and at the time of requesting permit modification or renewal, shall identify manufacture's recommended meter calibration frequency and provide the District a copy of the most recent meter calibration documentation for all permitted withdrawal points.
4. The Permittee, by July 31 and January 31 of each year, shall submit a water use report for the preceding six months even if no water is used. The Permittee shall record the data required on Annual Water Use Reporting Form NFWFMD A2-I and include, from each well with a flow meter, a meter reading taken at the end of each month. The Permittee, if preferred, may submit the report electronically by downloading the correct form from the District website, filling it out properly, and e-mailing it to compliance@nfwfmd.state.fl.us. The report for the year 2013 is due by January 31, 2014.
5. The Permittee, by June 1, 2013, shall have a licensed water well contractor construct a Floridan Aquifer monitor well DOW #3 along the southern property boundary. The Permittee, prior to construction, shall submit the proposed site and specifications for monitor well DOW #3 for District approval.
6. The Permittee, during the first two weeks of each month, shall measure the static water level of wells SOW #1, DOW #1, DOW #2, and DOW #3 and, by the last day of that same month, shall submit the results of the measurements to the District. The Permittee shall report depth-to-water relative to a pre-defined measure point. If the measuring point elevation is different from land surface, the Permittee shall provide the difference between these two elevations. The Permittee shall report date of measurement and depth-to-water below measuring point to 0.01-ft. precision.
7. The Permittee, within the first two weeks of June of each year, shall have a water quality test conducted on the southernmost production well (currently MSF #2). Prior to sampling, the Permittee shall purge a minimum of three well volumes and shall report with each set of test results, the

duration of purging, purge volume, and purge rates used. All water quality analysis shall be conducted by a laboratory with a FDEP approved Comprehensive Quality Assurance Plan (CompQAP). The water quality analysis shall test for the following chemical concentrations: chloride, sodium and total dissolved solids. The Permittee shall submit results from tests by July 31 of each year.

8. The Permittee, prior to the construction of proposed well MSF #4 or proposed MSF #5 or any increase in capacity or prior to the next request for renewal or modification of the Permit, whichever occurs first, shall prepare and submit to the District a validation of the previous ground water flow modeling and modeled impacts associated with the requested amounts, as summarized in "Ground Water Modeling Report for McCall Sod Farm, May 2007" prepared by Brown, Burdine & Associates, LLC. The report shall include:
 - a. validation of the 2007 ground water model, or if updated, its most current version, using the most up-to-date data;
 - b. any necessary recalibration of the 2007 ground water model or if updated, its most recent version;
 - c. results of predictive simulations of the authorized amounts based on actual and anticipated future seasonal pumping schedule(s) using the validated/recalibrated model; and
 - d. revised impact analysis to examine potential impacts to nearby existing, legal users.
9. The Permittee shall continue the use of drop pipes on those center pivot irrigation systems configured for their use. These systems shall be maintained in such a manner as to provide for an irrigation efficiency of 90% or greater. The Permittee shall maintain the proposed Wheel Line irrigation systems with the efficiency rating of 85% or greater. The Permittee, by October 31, 2014 and at the time of requesting permit modification or renewal, shall provide the District with documentation of the efficiency of the irrigation systems.
10. The Permittee shall actively pursue the acquisition of reclaimed water. The Permittee shall contact the City of Lynn Haven annually to determine the availability of reclaimed water, beginning in 2015, and shall submit by July 31 of each year, documentation to the District of their contact with the City of Lynn Haven and the City's response. The Permittee, at the time it becomes available, shall maximize the use of reclaimed water to meet irrigation demands and reduce use of the Floridan Aquifer by an equivalent amount. Water provided through reuse is not to be utilized for expansion of the sod operation until Floridan Aquifer use is reduced below an annual Average Daily Rate of 801,000 gallons, a Maximum Daily Rate of 3,082,000 gallons and a Maximum Monthly Rate of 92,460,000 gallons.
11. The Permittee, by March 31, 2017, shall submit either a letter stating that reclaimed water has been fully implemented at the facility or a report detailing the feasibility of obtaining reclaimed water for its irrigation needs. The Permittee shall base the feasibility report on the Florida Department of Environmental Protection document, *Guidelines for the preparation of Reuse Feasibility Studies*.
12. The Permittee shall periodically evaluate the efficiency of the irrigation system and undertake necessary maintenance, repairs, and upgrades to provide for the efficient use of water. The Permittee shall operate the irrigation system to prevent wasteful irrigation runoff from the property.

13. The Permittee shall equip the irrigation system with anti-siphoning devices if chemicals are applied during irrigation.
14. The Permittee shall mitigate impacts that interfere with users of ground water in the area. Mitigation may include modification of the Permittee's pumping schedule (i.e., duration, withdrawal rates, time of day, etc.), the lowering of the affected pump(s) or the replacement of the well(s). The Permittee, upon receipt of an allegation of interference, shall retain the services of a licensed water well contractor or professional geologist to investigate the alleged interference. The Permittee shall ensure their chosen contractor initiates the investigation of any alleged interference within 48 hours of the allegation being made. If it is determined that the use of a well has been impaired as a result of the Permittee's operation, the Permittee shall undertake the required mitigation. The Permittee shall be responsible for the payment of services rendered by the licensed water well contractor and/or professional geologist. The Permittee, within 30 days of any allegation of interference, shall submit a report to the District including the date of the allegation, the name and contact information of the party making the allegation, the result of the investigation made and any mitigation action undertaken.



Northwest Florida Water Management

152 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Jonathan P. Steverson
Executive Director

(850) 539-5999 • (Fax) 539-2693

TEMPORARY WATER USE PERMIT


1. Pursuant to Section 40A-2.441, Florida Administrative Code, this Temporary Water Use Permit is granted to facilitate water usage while an application for an Individual Water Use Permit is pending.
2. This Temporary Water Use Permit is for thirty (30) days and may be extended by the Executive Director at that time.
3. The issuance of this Temporary Water Use Permit shall not in any way be construed as a commitment to issue a water use permit.
4. The issuance of this Temporary Water Use Permit does not disclaim or discharge any rights or responsibilities of the Northwest Florida Water Management District as they relate to the completeness review of the application, requests for additional information, the review of the consumptive use application and the approval, conditional approval, or denial of the proposed water use(s) identified in the application as authorized by sections 40A-2.041, 40A-2.301, or any other provision of Chapter 40A-2, Florida Administrative Code.

Applicant: Michael W. Shelley
561 S. Rocky Creek Road
Ashford, AL 36312

Water Use Category(ies) Agricultural Irrigation
Water Use Location..... Floridan Aquifer
Permit Area C
Average Daily Withdrawal..... 180,000 Gallons per Day
Maximum Daily Withdrawal..... 1,440,000 Gallons per Day
Maximum Monthly Withdrawal 24,000,000 Gallons per Month

Temporary Permit No.: **1502** CUP Application No.: **I07377** Pending WUP No.: **20130005**

Application Well ID	Casing Diameter	Total Well Depth	Cased Depth
MS #1	14-Inch	200 Feet	90 Feet - Existing
MS #2	4-Inch	130 Feet	85 Feet - Proposed



Jonathan P. Steverson, 03/19/2013
Executive Director Date

Specific Conditions: See Attachment

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN ALTER
Malone

GUS ANDREWS
DeFuniak Springs

STEPHANIE BLOYD
Panama City Beach

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port Saint Joe

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 Financial Report
 Summary Statement of Receipts, Disbursements & Cash Balances
 For Period Ending February 28, 2013

Balance Forward - Operating Funds	\$71,742,512.12	
Operating Funds Received in current month:		
Revenue Receipts, Current	\$247,696.82	
Contracts Receivable	1,762,230.00	
Other Deposits/Refunds/Adjustments	9,950.86	
Transfers from Lands Accounts	0.00	
Total Deposits during month	2,019,877.68	
Total Deposits and Balance Forward		\$ 73,762,389.80
Disbursements:		
Employee Salaries	396,260.32	
Employee Benefits	158,378.10	
Employee Flexible Spending Account	0.00	
Contractual Services (Professional)	186,054.69	
Operating Expenses - Services	56,475.36	
Operating Expenses - Commodities	42,683.66	
Operating Capital Outlay	0.00	
Grants and Aids	0.00	
Total Operating Expenses during month	839,852.13	
Payables, Prior Year	0.00	
Other Disbursements or (Credits)	24,099.46	
Total Funds Disbursed by check during month	863,951.59	
Bank Debits (Fees, Deposit Slips, etc.)	101.00	
Transfer to Land Acquisition Account	0.00	
Total Funds Disbursed		864,052.59
Cash Balance Operating Funds at month end		\$ 72,898,337.21
Operating Depositories:		
Petty Cash Fund	250.25	
Bank of America:		
General Fund Checking @ 0.20%	324,024.15	
Payroll Account	6,165.45	
Pensacola Account	0.00	
Wells Fargo @ 0.15%	40,330.61	
Investment Accounts:		
Fla. Board of Administration @ 0.23%		
General Fund	35,647,498.94	
Lands Fee Fund	8,843,413.74	
SWIM Fund	5,979,472.22	
ETDM	1,334.36	
Water Prot. & Sust. TF	5,437,697.14	
Mitigation Fund	15,717,366.91	
Fund B Deposits Frozen by SBA	900,783.44	
Total Operating Depositories at month end		\$ 72,898,337.21

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 Financial Report
 Summary Statement of Receipts, Disbursements & Cash Balances
 For Period Ending February 28, 2013

Land Acquisition Funds:

Fla. Board of Administration @ 0.23%	\$	608,557.36	
Fund B Deposits Frozen by SBA		<u>51,525.45</u>	
Total Land Acquisition Funds			660,082.81

Restricted Management Funds:

Fla. Board of Administration Phipps Land Management Account @ 0.23%		291,078.88	
Fund B Deposits Frozen by SBA		<u>6,450.08</u>	
Total Land Acquisition Funds			297,528.96

Total Land Acquisition, and Restricted Management Funds			<u>957,611.77</u>
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TOTAL OPERATING, LAND ACQUISITION, & RESTRICTED FUNDS AT MONTH END			<u><u>\$ 73,855,948.98</u></u>
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Approved: _____
 Chairman or Executive Director

Date: _____ April 11, 2013 _____

Northwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Month ending February 28, 2013
(Unaudited)

	Current Budget	Actuals Through 2/28/2013	Variance (under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 3,287,425	\$ 2,639,980	\$ (647,445)	80%
Intergovernmental Revenues	16,115,540	441,486	(15,674,054)	3%
Interest on Invested Funds	166,147	60,186	(105,961)	36%
License and Permit Fees	358,500	104,600	(253,900)	29%
Other	2,200,957	1,367,650	(833,307)	62%
Fund Balance	64,846,222		(64,846,222)	0%
Total Sources	\$ 86,974,791	\$ 4,613,902	\$ (82,360,889)	5%

	Current Budget	Expenditures	Encumbrances ¹	Available Budget	%Expended	%Obligated ²
Uses						
Water Resources Planning and Monitoring	\$ 4,718,328	\$ 717,957	\$ 2,987	\$ 3,997,384	15%	15%
Acquisition, Restoration and Public Works	14,360,871	717,944	123,017	13,519,911	5%	6%
Operation and Maintenance of Lands and Works	4,020,869	911,550	140,334	2,968,985	23%	26%
Regulation	3,285,410	1,203,504	58,878	2,023,028	37%	38%
Outreach	172,085	56,285	55	115,745	33%	33%
Management and Administration	2,593,315	796,256	22,990	1,774,069	31%	32%
Total Uses	\$ 29,150,878	\$ 4,403,496	\$ 348,262	\$ 24,399,121	15%	16%
Reserves	57,823,913			57,823,913	0%	0%
Total Uses and Reserves	\$ 86,974,791	\$ 4,403,496	\$ 348,262	\$ 82,223,034	5%	5%

¹ Encumbrances represent unexpended balances of open purchase orders.

² Represents the sum of expenditures and encumbrances as a percentage of the available budget.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

GENERAL FUND

FEBRUARY 2013

CHECKS	2/07/2013	73,289.46
AP EFT CHECKS	2/08/2013	2,259.52
CHECKS	2/14/2013	27,162.95
AP EFT CHECKS	2/18/2013	425.09
CHECKS	2/20/2013	143,980.26
CHECKS	2/26/2013	165,518.50
AP EFT CHECKS	3/01/2013	884.00
VOIDED CHECK	2/07/2013	-337.50
RETIREMENT EFT		33,091.30
		\$ <u><u>446,273.58</u></u>

Chairman or Executive Director

April 11, 2013

Date

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
4812 ALL AMERICAN RENTALS, INC.	280.00	02/07/2013	PORTABLE TOILETS
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	3,161.10	02/07/2013	ATTACK ONE FIRE MGT-PRESCRIBED
4927 BEN WITHERS, INC.	13,464.00	02/07/2013	HYDROLOGIC RESTORATION PROJECT
4445 JUSTIN G. MCLEAN	4,422.10	02/07/2013	CLEAN UP AND MAINTENANCE SERVI
3671 CABELA'S MKTG & BRAND MGT INC.	154.94	02/07/2013	CHEST WADERS
4978 CAMPUS BLOCK FSU LLC	210.00	02/07/2013	REFUND FOR OVERPAYMENT OF ERP
3182 CARQUEST AUTO PARTS	49.52	02/07/2013	COMPONENTS FOR LOW BOY TRAILER
4754 CUMMINS POWER SOUTH	691.74	02/07/2013	GENERATOR ANNUAL MAINTENANCE
3461 DANIELS JANITORIAL SERVICE	1,300.00	02/07/2013	MONTH TO MONTH JANITORIAL SVS.
1709 DIVISION OF ADMINISTRATIVE HEARINGS	211.50	02/07/2013	PREPARATION OF ORDERS / REVIEW
4607 MAIL FINANCE INC	205.00	02/07/2013	POSTAGE METER LEASE AGREEMENT-
3003 HAVANA FORD, INC.	71.93	02/07/2013	OPEN PURCHASE ORDER FOR REG IN
3003 HAVANA FORD, INC.	35.65	02/07/2013	OPEN PURCHASE ORDER FOR LANDS
3003 HAVANA FORD, INC.	31.65	02/07/2013	OPEN PURCHASE ORDER FOR POOL V
247 HOLMES COUNTY TAX COLLECTOR	1.12	02/07/2013	REFUND OF TAXES
3498 INTERNATIONAL FOREST COMPANY	7,018.00	02/07/2013	WIREGRASS TUBELINGS
4959 RICE ENTERPRISES, INC.	92.45	02/07/2013	BATTERY FOR WMD0029
3033 JOHN M DIAMOND, JR	400.00	02/07/2013	TRANSPORT OF HEAVY EQUIPMENT J
4921 JACKSON COUNTY UTILITIES	29.00	02/07/2013	MFO H2O
3135 JOHN JONES A/C, HEATING & REFR, INC	481.00	02/07/2013	TROUBLESHOOT AND REPAIR A/C UN
2299 LIBERTY COUNTY SOLID WASTE	84.00	02/07/2013	GARBAGE SERVICE FL RIVER
3266 LOWE'S COMPANIES INC.	646.81	02/07/2013	GENERAL SUPPLIES
3266 LOWE'S COMPANIES INC.	79.38	02/07/2013	DATALOGGER AND METER BATTERIES
3266 LOWE'S COMPANIES INC.	58.56	02/07/2013	FIELD SUPPLIES
2708 N. FLORIDA VAULT & SEPTIC TANK MFG.	600.00	02/07/2013	PUMP OUT SEPTIC TANKS
1205 OFFICE DEPOT, INC.	77.35	02/07/2013	OFFICE SUPPLIES
1205 OFFICE DEPOT, INC.	487.26	02/07/2013	OFFICE SUPPLIES
3966 PATRONIS BROTHERS ENTERPRISES LIMITED PARTNERSHIP	5,800.00	02/07/2013	LOGGING IMPACT REIMBURSEMENT
3813 PENNINGTON, MOORE, WILKINSON, BELL	8,015.00	02/07/2013	ATTORNEY FEES
71 PETTY CASH	101.62	02/07/2013	PETTY CASH
4081 TSWWS, INC.	1,435.00	02/07/2013	PORTABLE TOILETS
4345 PRIDE ENTERPRISES FORESTRY	599.20	02/07/2013	HEAVY DUTY PIPE GATES & WOOD F
4136 RICOH AMERICAS CORPORATION	93.25	02/07/2013	MAINTENANCE AGREEMENTS
4136 RICOH AMERICAS CORPORATION	81.95	02/07/2013	MAINTENANCE AGREEMENTS
4136 RICOH AMERICAS CORPORATION	362.61	02/07/2013	MAINTENANCE AGREEMENTS
4136 RICOH AMERICAS CORPORATION	24.71	02/07/2013	MAINTENANCE AGREEMENTS

COMPUTER PAID/EFT CHECK REGISTER

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

4136	RICOH AMERICAS CORPORATION	445.25	02/07/2013	MAINTENANCE AGREEMENTS
4136	RICOH AMERICAS CORPORATION	63.41	02/07/2013	MAINTENANCE AGREEMENTS
4136	RICOH AMERICAS CORPORATION	148.30	02/07/2013	MAINTENANCE AGREEMENTS
4136	RICOH AMERICAS CORPORATION	269.10	02/07/2013	MAINTENANCE AGREEMENTS
4136	RICOH AMERICAS CORPORATION	343.10	02/07/2013	RICOH COPIER
3482	SANTA ROSA COUNTY LANDFILL	32.64	02/07/2013	SOLID WASTE
3768	SMITH TRACTOR CO, INC	337.50	02/07/2013	DIAGNOSIS OF JOHN DEERE GATOR
3104	SOUTHERN WATER SERVICES	250.00	02/07/2013	WATER TESTING FOR ECONFINA
4799	STAPLES CONTRACT & COMMERCIAL, INC.	77.58	02/07/2013	OFFICE SUPPLIES
4799	STAPLES CONTRACT & COMMERCIAL, INC.	18.48	02/07/2013	OFFICE SUPPLIES
110	TALQUIN ELECTRIC COOPERATIVE, INC.	3,487.63	02/07/2013	HQ UTILITIES
4955	TERRY'S HOME & LAWN MAINTENANCE, INC.	3,850.00	02/07/2013	PUBLIC RECREATION SITE CLEAN U
4557	VERIZON WIRELESS	292.94	02/07/2013	CELL PHONES
2631	WASHINGTON COUNTY SHERIFF'S OFFICE	12,636.20	02/07/2013	LAW ENFORCEMENT/SECURITY ON DI
1305	WASTE MANAGEMENT - LEON COUNTY, INC	31.14	02/07/2013	SOLID WASTE MFO
4626	WASTE PRO OF FLORIDA, INC	148.79	02/07/2013	SOLID WASTE HQ

TOTAL CHECKS

73,289.46

4961	PETER FOLLAND	140.00	02/08/2013	EMPLOYEE TRAVEL
273	W. G. GOWENS	644.84	02/08/2013	EMPLOYEE TRAVEL
3823	KENNETH ANDREW ROACH	140.00	02/08/2013	EMPLOYEE TRAVEL
2434	JERRICK SAQUIBAL	689.84	02/08/2013	EMPLOYEE TRAVEL
1042	NICHOLAS D. R. WOOTEN	644.84	02/08/2013	EMPLOYEE TRAVEL

TOTAL ACH TRANSFER

2,259.52

TOTAL AP

75,548.98

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP COMPUTER PAID/EFT CHECK REGISTER

VENDOR	NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
3586	ATTACK-ONE FIRE MANAGEMENT SVCS	308.40	02/14/2013	ATTACK ONE FIRE MGT-PRESCRIBED
3586	ATTACK-ONE FIRE MANAGEMENT SVCS	411.20	02/14/2013	ATTACK ONE FIRE MGT-PRESCRIBED
3586	ATTACK-ONE FIRE MANAGEMENT SVCS	2,107.40	02/14/2013	ATTACK ONE FIRE MGT-PRESCRIBED
4845	CALHOUN COUNTY SHERIFF'S OFFICE	605.96	02/14/2013	CALHOUN CO SHERIFF-LAW ENFCMT/
2507	CALHOUN LIBERTY JOURNAL	28.75	02/14/2013	ANNUAL GOV BD MEETING NOTICES
4654	CERIDIAN BENEFITS SERVICES, INC	140.00	02/14/2013	ADMIN FEES FOR FSA
771	CITY OF MARIANNA	43.45	02/14/2013	WATER/SEWER MFO
97	THE DEFUNIAK HERALD	27.00	02/14/2013	LEGAL AD
45	DMS	69.60	02/14/2013	MILTON PHONE SERVICE
45	DMS	0.22	02/14/2013	CONFERENCE CALL CFO
3424	DURRA-QUICK-PRINT INC.	25.00	02/14/2013	BUSINESS CARDS L HATCHETT
4748	EAST MILTON WATER SYSTEM	9.90	02/14/2013	MILTON H2O
4855	ENVIRON SERVICES INCORPORATED	275.00	02/14/2013	JANITORIAL SERVICES FOR MARIAN
4855	ENVIRON SERVICES INCORPORATED	1,552.00	02/14/2013	ENVIRON SERVICES-HQ JANITORIAL
4273	ROBERT T. MIXON	144.95	02/14/2013	FIRE BOOTS
4709	GROUND LEVEL INC.	11,401.70	02/14/2013	REFORESTATION 13-015
916	GULF POWER COMPANY	794.89	02/14/2013	CFO UTILITIES
916	GULF POWER COMPANY	436.87	02/14/2013	MILTON UTILITIES
4607	MAIL FINANCE INC	126.00	02/14/2013	POSTAGE METER LEASE AGREEMENT-
3942	A & W VENTURES, L.C.	151.34	02/14/2013	PORTABLE TOILET
2268	INNOVATIVE OFFICE SOLUTIONS, INC	814.00	02/14/2013	MAINTENANCE
3921	KOUNTRY RENTAL, INC.	4,163.00	02/14/2013	RENTAL AND SERVICE OF PORTABLE
3266	LOWE'S COMPANIES INC.	79.88	02/14/2013	AMDRO ANT POISON FOR PHIPPS PA
56	MAC PAPERS INC. - TALLAHASSEE	758.00	02/14/2013	RESTOCK PAPER SUPPLY
64	PANAMA CITY NEWS HERALD	164.00	02/14/2013	ANNUAL GOV BD MEETING NOTICES
3783	SUTRON CORPORATION	795.00	02/14/2013	ILEX DCS TOOLKIT LICENSE
110	TALQUIN ELECTRIC COOPERATIVE, INC.	72.00	02/14/2013	SECURITY LIGHTS HQ
110	TALQUIN ELECTRIC COOPERATIVE, INC.	111.31	02/14/2013	H2O HQ
4557	VERIZON WIRELESS	991.82	02/14/2013	BB AND AIR CARDS
4774	JOHN T WILLIAMSON	165.00	02/14/2013	JANITORIAL SERVICE FOR MILTON
4774	JOHN T WILLIAMSON	389.31	02/14/2013	GENERAL LABOR SERVICES

TOTAL CHECKS

27,162.95

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP COMPUTER PAID/EFT CHECK REGISTER

2030	ANGELA CHELETTE	196.68	02/18/2013	EMPLOYEE TRAVEL
4125	KATHLEEN COATES	196.68	02/18/2013	EMPLOYEE TRAVEL
3305	MARIA JORDAN	31.73	02/18/2013	GAS REIMBURSEMENT
TOTAL ACH TRANSFER		425.09		
TOTAL AP		27,588.04		

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR	NAME	INVOICE NET	CHECK DATE	INVOICE DESCRIPTION
4923	JOHN ALTER	61.41	02/20/2013	BOARD TRAVEL
3293	ANGUS ANDREWS	96.12	02/20/2013	BOARD TRAVEL
3586	ATTACK-ONE FIRE MANAGEMENT SVCS	1,105.10	02/20/2013	ATTACK ONE FIRE MGT-PRESCRIBED
2967	BANK OF AMERICA	1,750.00	02/20/2013	EMPLOYEE TRAINING
4927	BEN WITHERS, INC.	15,188.72	02/20/2013	HYDROLOGIC RESTORATION PROJECT
3637	BLANTONS LONGLEAF CONTAINER NURSERY	21,171.85	02/20/2013	2010-2013 LONGLEAF PINE TUBELI
3164	STEPHANIE BLOYD	77.43	02/20/2013	BOARD TRAVEL
4676	CITY OF MILTON FLORIDA	35.50	02/20/2013	DUMPSTER SERVICE
4676	CITY OF MILTON FLORIDA	13.36	02/20/2013	H2O - MILTON
3289	CITY OF TALLAHASSEE	31.73	02/20/2013	LAKESHORE & I-10
1859	FL DEPT. OF ENVIRONMENTAL PROTECTION	1,299.45	02/20/2013	LABORATORY ANALYSIS
1859	FL DEPT. OF ENVIRONMENTAL PROTECTION	235.60	02/20/2013	LABORATORY SERVICES
1709	DIVISION OF ADMINISTRATIVE HEARINGS	1,025.47	02/20/2013	HELEN J. CRENSHAW VS. VISTA OF
45	DMS	1,053.13	02/20/2013	HQ PHONE
45	DMS	112.60	02/20/2013	MFO PHONE
45	DMS	2.64	02/20/2013	CONFERENCE CALLS
2787	JOYCE S. ESTES	77.43	02/20/2013	BOARD TRAVEL
4807	WRIGHT EXPRESS FINANCIAL SERVICES CORPORATION	13,649.41	02/20/2013	JANUARY FUEL
2702	FISH AND WILDLIFE	3,071.30	02/20/2013	LAW ENFORCEMENT/SECURITY SERVI
65	GADSDEN COUNTY TIMES	35.96	02/20/2013	LEGAL AD
3492	GEOTECH ENVIRONMENTAL EQUIP, INC.	123.73	02/20/2013	FIELD SUPPLIES
3762	GFI SOFTWARE USA, INC	1,468.25	02/20/2013	GFI MAILESENTIALS - ANTI-SPAM
3282	W.W. GRAINGER, INC.	438.85	02/20/2013	FIELD SUPPLIES
4709	GROUND LEVEL INC.	19,281.25	02/20/2013	REFORESTATION 13B-001
4709	GROUND LEVEL INC.	1,534.03	02/20/2013	RETURN OF BOND 13B-001
2291	GULF COAST ELECTRIC COOPERATIVE, INC	423.85	02/20/2013	EFO UTILITIES
61	JACKSON COUNTY FLORIDAN	175.00	02/20/2013	ANNUAL GOV BD MEETING NOTICES
61	JACKSON COUNTY FLORIDAN	83.05	02/20/2013	LEGAL AD
4946	ULYSSES D. JENKINS	75.00	02/20/2013	SECURITY FOR GOVERNING BOARD M
4952	LAW, REDD, CRONA & MUNROE, P.A.	7,532.00	02/20/2013	INTERNAL AUDIT
3266	LOWE'S COMPANIES INC.	376.88	02/20/2013	PITT SPRING MULCH AND STRAW
3266	LOWE'S COMPANIES INC.	480.60	02/20/2013	LOWES REQUISITION FOR OPERATIN
1205	OFFICE DEPOT, INC.	165.72	02/20/2013	FIELD SUPPLIES
1205	OFFICE DEPOT, INC.	98.81	02/20/2013	FIELD SUPPLIES
64	PANAMA CITY NEWS HERALD	615.00	02/20/2013	LEGAL AD - WELL ENFORCEMENT
3023	PANAMERICAN CONSULTANTS, INC.	9,212.00	02/20/2013	PHASE 1 ARCHAEOLOGICAL SURVEY
3630	VEOLIA ES SOLID WASTE SOUTHEAST, INC.	124.00	02/20/2013	DUMPSTERS FOR ECONFINA & CANOE

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

4090	JERRY PATE	162.87	02/20/2013	BOARD TRAVEL
2381	PORT SUPPLY	251.90	02/20/2013	FIELD SUPPLIES
4368	PROFESSIONAL HEALTH EXAMINERS	45.00	02/20/2013	PRE HIRE AND POST ACCIDENT 10-
4136	RICOH AMERICAS CORPORATION	34.05	02/20/2013	MAINTENANCE AGREEMENTS
4136	RICOH AMERICAS CORPORATION	108.62	02/20/2013	MAINTENANCE AGREEMENTS
3960	GEORGE ROBERTS	81.88	02/20/2013	BOARD TRAVEL
4091	THE SHOE BOX	250.00	02/20/2013	SAFETY BOOTS-LANCE LAIRD & STE
4967	SAMUEL SPRING	85.44	02/20/2013	BOARD MEETING
4799	STAPLES CONTRACT & COMMERCIAL, INC.	18.26	02/20/2013	ADMIN SUPPLIES
2718	T & TRS, INC.	1,356.42	02/20/2013	REFRIGERATED TRAILER RENTAL
105	TALLAHASSEE DEMOCRAT	1,277.40	02/20/2013	LEGAL AD - PERSONNEL
105	TALLAHASSEE DEMOCRAT	68.90	02/20/2013	ANNUAL GOV BD MEETING NOTICES
105	TALLAHASSEE DEMOCRAT	232.05	02/20/2013	LEGAL AD FOR ITB 13B-003 2014-
4819	DANIEL S. MILLER	1,680.00	02/20/2013	MOUNTAIN LAUREL AND FLORIDA AZ
2855	UNIVERSITY OF FLORIDA - INSTITUTE OF	23,000.00	02/20/2013	DEVELOPMENT OF WAVE MODELING SYSTEM
2631	WASHINGTON COUNTY SHERIFF'S OFFICE	12,019.80	02/20/2013	LAW ENFORCEMENT/SECURITY ON DI
4774	JOHN T WILLIAMSON	778.62	02/20/2013	GENERAL LABOR SERVICES
4038	WINDSTREAM COMMUNICATIONS	55.20	02/20/2013	EFO PHONE AND 800#S
4958	WORLD MEDIA ENTERPRISES, INC.	171.62	02/20/2013	LEGAL AD

TOTAL AP

143,980.26

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

VENDOR NAME	INVOICE NET CHECK DATE	INVOICE DESCRIPTION
4832 ASSURANT EMPLOYEE BENEFITS	5,916.11 02/26/2013	EMPLOYEE DENTAL
4834 ASSURANT EMPLOYEE BENEFITS	1,362.14 02/26/2013	EMPLOYEE AD&D INSURANCE
4833 ASSURANT EMPLOYEE BENEFITS	2,098.16 02/26/2013	EMPLOYEE LTD INSURANCE
95 AT&T	287.94 02/26/2013	EFO PHONE
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	6,270.80 02/26/2013	ATTACK ONE FIRE MGT-PRESCRIBED
3586 ATTACK-ONE FIRE MANAGEMENT SVCS	2,595.70 02/26/2013	ATTACK ONE FIRE MGT-PRESCRIBED
4280 B & B SMALL ENGINE REPAIRS & SALES, INC.	456.31 02/26/2013	REPAIR DIAGNOSIS OF BOBCAT WEL
2992 BANK OF AMERICA	486.90 02/26/2013	PAYMENT PORTAL FOR WELL PERMIT
2992 BANK OF AMERICA	125.38 02/26/2013	ONLINE ACCESS TO BANK ACCOUNT
2992 BANK OF AMERICA	1,040.96 02/26/2013	ACCOUNT ANALYSIS
2417 BEARD EQUIPMENT COMPANY, INC.	3,490.00 02/26/2013	RENTAL OF CRAWLER TRACTOR/DOZE
1616 BLUE CROSS/BLUE SHIELD OF FLORIDA	390.78 02/26/2013	RETIREE MEDICARE
1616 BLUE CROSS/BLUE SHIELD OF FLORIDA	35,127.40 02/26/2013	EMPLOYEE HEALTH INSURANCE
4981 DAVID A BOGGS	50.00 02/26/2013	WELL PERMITTING FEE REFUND
1617 CAPITAL HEALTH PLAN	70,179.75 02/26/2013	EMPLOYEE HEALTH INSURANCE
97 THE DEFUNIAK HERALD	16.88 02/26/2013	2013 ANNUAL GB MEETING NOTICE
1859 FL DEPT. OF ENVIRONMENTAL PROTECTION	1,289.95 02/26/2013	INTEREST NWF61
1859 FL DEPT. OF ENVIRONMENTAL PROTECTION	3,931.58 02/26/2013	INTEREST - NWF71
1859 FL DEPT. OF ENVIRONMENTAL PROTECTION	233.80 02/26/2013	INTEREST - NWPS91
1859 FL DEPT. OF ENVIRONMENTAL PROTECTION	4,502.79 02/26/2013	INTEREST - NWPS93
45 DMS	15.63 02/26/2013	MILTON/MFO LD
45 DMS	44.40 02/26/2013	USAGE BASED DATA
45 DMS	144.00 02/26/2013	WEB SERVER
45 DMS	6,844.00 02/26/2013	DATA LINES
45 DMS	721.45 02/26/2013	CRESTVIEW PHONE
45 DMS	69.48 02/26/2013	MILTON DEDICATED CHARGES
45 DMS	1,430.32 02/26/2013	HQ PHONE
45 DMS	1,413.66 02/26/2013	CARR BLDG PHONE
45 DMS	2,809.08 02/26/2013	IMPROVEMENTS OF CARR BUILDING STE 220
3272 ELITE FIRE & SAFETY	140.00 02/26/2013	REQ. FOR PRESCRIBED/WILDFIRE W
24 FLORIDA PUBLIC UTILITIES COMPANY	570.70 02/26/2013	MFO UTILITIES
26 FL. SECRETARY OF STATE DIV OF ADMIN SERV	52.44 02/26/2013	FAR AD FOR FEBRUARY BOARD MEET
61 JACKSON COUNTY FLORIDAN	87.20 02/26/2013	LEGAL AD
1695 JAMES MOORE & COMPANY	10,000.00 02/26/2013	AUDIT SERVICES
1205 OFFICE DEPOT, INC.	94.33 02/26/2013	OFFICE SUPPLIES
1205 OFFICE DEPOT, INC.	9.48 02/26/2013	OFFICE SUPPLIES

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECK REGISTER

1205	OFFICE DEPOT, INC.	21.76	02/26/2013	ADMIN SUPPLIES
1205	OFFICE DEPOT, INC.	26.84	02/26/2013	ADMIN SUPPLIES
4136	RICOH AMERICAS CORPORATION	275.21	02/26/2013	RICOH COPIER
4983	MARIO RIVIECCIO	100.00	02/26/2013	REFUND FOR ERP PERMITTING FEE
4799	STAPLES CONTRACT & COMMERCIAL, INC.	12.64	02/26/2013	OFFICE SUPPLIES
4799	STAPLES CONTRACT & COMMERCIAL, INC.	3.93	02/26/2013	ADMIN SUPPLIES
4774	JOHN T WILLIAMSON	389.31	02/26/2013	GENERAL LABOR SERVICES
4774	JOHN T WILLIAMSON	389.31	02/26/2013	GENERAL LABOR SERVICES

TOTAL CHECKS

165,518.50

2030	ANGELA CHELETTE	224.52	03/01/2013	EMPLOYEE TRAVEL
4966	DAVID REED CHERRY	197.34	03/01/2013	EMPLOYEE TRAVEL
4360	LAUREN CONNELL	116.84	03/01/2013	EMPLOYEE TRAVEL
3080	STEVEN COSTA	195.30	03/01/2013	EMPLOYEE TRAVEL
4642	COAKLEY TAYLOR	150.00	03/01/2013	REIMBURSEMENT FOR SAFETY BOOTS

TOTAL ACH TRANSFER

884.00

TOTAL AP

166,402.50

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

PAYROLL

FEBRUARY 2013

DIRECT DEPOSIT	02/08/2013	198,189.00
CHECKS	02/08/2013	8,085.06
FLEX SPENDING EFT	TF059	1,887.42
DIRECT DEPOSIT	02/22/2013	198,843.04
CHECKS	02/22/2013	8,786.07
FLEX SPENDING EFT	TF061	1,887.42

\$ 417,678.01

APPROVED:

Chairman or Executive Director

April 11, 2013

Date

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Jon Steverson, Executive Director

FROM: Jean Whitten, Director
Division of Administration

DATE: April 2, 2013

SUBJECT: Consideration of Resolution 773 to Amend the Fiscal Year 2012-2013 Budget – Amendment #4

Discussion

The Northwest Florida Water Management District's Division of Resource Management, through a revenue contract (#07-022) with Leon County and the City of Tallahassee, provides continuous water level monitoring including the installation, operation and maintenance of monitoring stations at various designated locations. Under this contract, the City and County have the option to request supplementary monitoring services during the course of the contract year.

The City of Tallahassee has identified additional monitoring needs that were not anticipated when the District's Fiscal Year 2012-2013 budget was submitted and approved. The City has requested a change order to the contract, including three additional monitoring sites in Killearn Estates. This will increase the current year contract amount from \$69,438.32 to \$86,515.87.

To provide the additional monitoring, the District will need to realign salary and benefits in the amount of \$8,688 and increase the budget by \$8,390. This includes \$1,200 in the expenditure category and \$7,190 in the operating capital outlay category. The funds will provide for the purchase, installation, maintenance and monitoring of three new water level monitoring stations on lakes Kinsale, Killearny and Kanturk in the Killearn subdivision.

Summary

The net effect of the change is the increase in revenue of \$17,078, increase the expenditure budget by \$8,390 and increase General Fund reserves by \$8,688.

Recommendation

Staff recommends that the Governing Board approve Resolution 773 amending the Fiscal Year 2012-2013 Budget.



Jonathan P. Steverson
Executive Director

Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

RESOLUTION NO. 773

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AMENDING THE FISCAL YEAR 2012-2013 BUDGET

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

WHEREAS, by Resolution No. 761, after a public hearing on September 27, 2012, the Governing Board of the District adopted a final budget for the District covering its proposed operations and other requirements for the ensuing fiscal year, beginning October 1, 2012 through September 30, 2013; and

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

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

WHEREAS, the District may amend the Budget if unanticipated revenue becomes available after the budget is adopted; and

WHEREAS, the District anticipates receipt of \$17,077.55 in unbudgeted revenues, as further provided in the memorandum dated April 2, 2013, and attached hereto; and

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

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN ALTER
Malone

GUS ANDREWS
DeFuniak Springs

STEPHANIE BLOYD
Panama City Beach

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port Saint Joe

NOW THEREFORE, be it resolved by the Governing Board of the District, that:

1. The Budget is hereby amended as summarized in the memorandum dated April 2, 2013, attached, such amendment to take effect immediately upon adoption.
2. This Budget is increased by \$8,390 from unanticipated local revenues not previously appropriated to the District.

Passed and adopted the ____ day of _____, A.D., by the Governing Board of the Northwest Florida Water Management District.

NORTHWEST FLORIDA WATER MANAGEMENT
DISTRICT

George Roberts, Chair

ATTEST:

Secretary/Treasurer

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Jonathan P. Steverson, Executive Director
Brett Cyphers, Assistant Executive Director
William O. Cleckley, Director, Division of Land Management and Acquisition

FROM: Tyler L. Macmillan, Chief, Bureau of Land Management Operations

DATE: March 27, 2013

SUBJECT: Consideration of ITB 13B-005 for 2013 Site Preparation Project

On March 6, 2013, the District posted Invitation to Bid No. 13B-005 for the “2013 Site Preparation Project” on the State’s Vendor Bid System and the District’s web site. The sale was advertised in the *Panama City News Herald* and notices were sent to a number of companies that have previously expressed an interest in District site preparation projects.

The project will involve aerial (helicopter) pine site preparation activities on eight timber stands, totaling 1,016 acres on the Choctawhatchee River and Econfina Creek Water Management Areas (WMAs). The site preparation activity involves aerial application of a chemical herbicide on recent harvest (clearcut) sites to reduce upland oak and scrub vegetation competition in advance of longleaf pine planting activities.

The number of site preparation acres per Water Management Area and a brief description of the proposed site preparation activity is presented below for your information.

Pine Release/Site Preparation Activities

As part of the District’s continuing efforts to restore District-owned uplands back to their natural state and condition, i.e. longleaf pine/wiregrass habitat, staff proposes to conduct chemical herbicide site preparation activities on approximately 1,016 acres of property on the following WMAs:

Water Management Area	Activity	Acres
Choctawhatchee River	Site Preparation	13
Econfina Creek	Site Preparation	1,003
Total		1,016

The proposed site preparation stands contain varying densities of competing upland oak trees and scrub vegetation, e.g. turkey, bluejack, laurel and water oaks, and yaupon holly that can significantly impact longleaf pine restoration efforts. In order to prepare the sites for tree planting, staff proposes to aerially apply chemical herbicide to these stands. Based on site evaluations, staff recommends that Velpar® L (liquid) herbicide be applied to reduce this competition.

Staff's rationale for preparing these sites using aerially applied herbicide is listed below:

- Chemical site preparation of these stands will be significantly more cost effective and will result in less adverse impacts to the treatment sites than would occur under a mechanical treatment/burning scenario. In addition, soil disturbance will not occur and associated adverse impacts to groundcover will be minimal.
- Reduction of upland oak/scrub competition will increase first-year longleaf pine tubeling survival and lessen potential replanting costs on these xeric sites. Past studies on the Econfina Creek WMA resulted in a 20 – 25 percent increase in one-year survival for longleaf pine.
- Impacts to groundcover vegetation, especially wiregrass, should be minimal. As such, future groundcover restoration costs will be reduced significantly and in some cases may not be required.
- Most of these stands previously contained offsite sand or slash pine that were harvested by the District. These stands often lack the fine fuels necessary to conduct a “hot” site preparation burn needed to reduce vegetative competition for habitat restoration activities.
- Last, staff desires to conduct the most aesthetically pleasing, environmentally sound, cost-effective site preparation operations possible using public funds.

The herbicide being recommended for site preparation activities is Velpar® L. Velpar® L has a narrow application window of approximately 60 days to be effective for this purpose. As such, the application “window” for the proposed purchase order will be from May 1, 2013, through June 30, 2013.

The herbicide application rates for the proposed site preparation activity continue to be at significantly reduced rates as compared to what herbicide representatives call their “guaranteed” rate. The table below indicates the recommended application rates for site preparation activities on these stands.

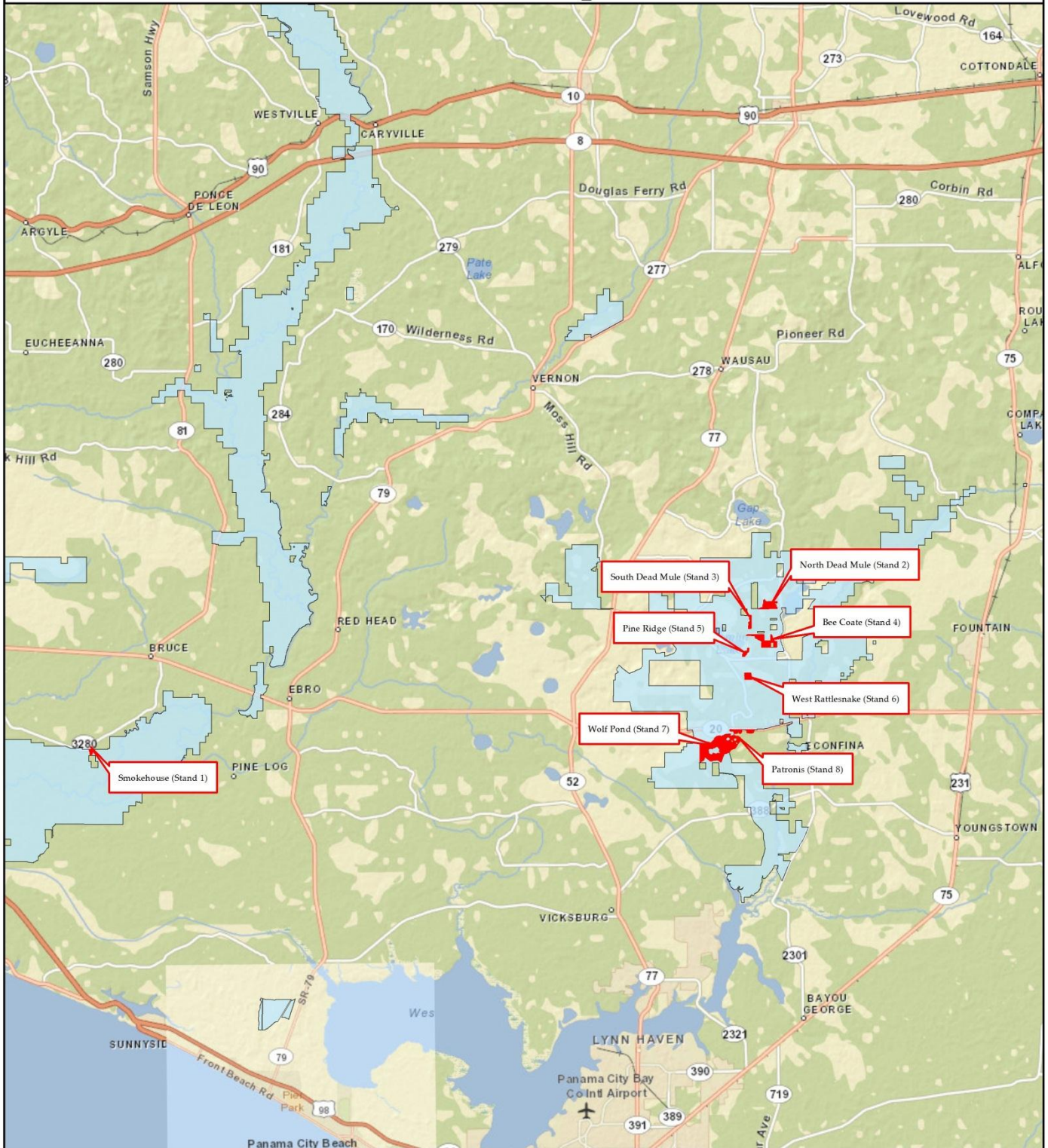
Velpar® L
Site Preparation Rate
3.00 quarts per acre (eight stands)

According to research by other state and federal agencies and our direct experience, the reduced application rate of 3.00 quarts/acre will produce the District's desired effect upon the competing upland oak/scrub vegetation at a lower cost with fewer detrimental impacts to most groundcover species. This recommendation by staff is based on past experience along with many hours of product examination, consultation with other agencies, chemical experts, and input from the Florida Forest Service and The Nature Conservancy.

The chemicals selected for this work do not trans-locate; their active ingredients become inert within several days and will not adversely impact surface/ground water resources when properly applied. All chemical herbicides selected are EPA approved for site preparation activities, and according to chemical representatives, 85 percent of the existing wiregrass and broomsedge groundcover per stand will not be adversely impacted. In addition, adverse impacts to herbaceous and forb species should be minimized using these reduced application rates.

On April 9, 2013, at 2:30 p.m. EDT, the District will conduct the bid opening for the 2013 Site Preparation Project. The results of the bid opening will be provided in a supplement for the Governing Board at the April 11, 2013 meeting.

Exhibit Map A



General Location Map
 Econfina Creek and Choctawhatchee River WMA Stands
 2013 Aerial Site Preparation Project

- Econfina Creek and Choctawhatchee River WMA Stands
- District Ownership



NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Jonathan P. Steverson, Executive Director
Brett Cyphers, Assistant Executive Director
William O. Cleckley, Director, Division of Land Management and
Acquisition

FROM: Tyler L. Macmillan, Chief, Bureau of Land Management Operations

DATE: March 27, 2013

SUBJECT: Consideration of Florida Fish and Wildlife Conservation Commission Annual
Work Plan and Budget for the Sand Hill Lakes Mitigation Bank Cooperative
Management Agreement

Recommendation:

Staff recommends that the Governing Board approve the FWC Fiscal Year 2013-2014 Work Plan and Budget, subject to approval of the District's Fiscal Year 2013-2014 budget on September 26, 2013.

Background

Since 2005 the District has contracted with the Florida Fish and Wildlife Conservation Commission (FWC) to assist with the protection and management of the Sand Hill Lakes Mitigation Bank (Fitzhugh Carter) property, consistent with conditions of the state and federal mitigation bank permits. Under this agreement, the FWC provides comprehensive assessments of the property's fish and wildlife resources as they relate to managing the property's allowable public recreation opportunities and fulfilling the permit requirements. This includes, but is not limited to: operation of the fish/wildlife check station; regulation of public access and use; enhanced law enforcement for natural resource and general property protection; and ongoing fish and wildlife studies and assessments, with particular emphasis on rare, threatened, and endangered species and species of special concern.

The agreement provides for an annual assessment of FWC's activities and development of a Work Plan and Budget for the upcoming fiscal year. Coordinating with District staff, FWC project personnel developed the attached Work Plan and Budget for the FWC 2013-2014 fiscal year, which begins on July 1, 2013. District staff routinely assesses FWC's progress. The FWC has implemented all activities specified in the Work Plan. The property has been open to limited public hunting since 2005 and was opened to limited public fishing in 2007. The recreational activities on this property are highly regulated, as the mitigation permit requires management of the property through a check station system.

The proposed budget for the upcoming agreement period is \$111,499, which is slightly more (\$103.00) than the budget for the previous year. This increase is the result of check station operator needs that fluctuate slightly each year due to the number of public use hunting and fishing dates on the schedule.

Attachment: Work Plan/Budget

**WORK PLAN AND BUDGET
2013 – 2014
(Hunting and Fishing)**

<u>Service/Product</u>	<u>Description</u>	<u>District Costs/Expenditures</u>
FTE Fish and Wildlife Biologist (Biological Scientist III)	Develop and implement comprehensive fisheries and wildlife management program for the SHLMB. Duties include, but are not limited to, the collection of wildlife and fisheries data, preparation of annual reports, supervision of OPS Fish & Wildlife Technician and OPS Check Station Operators, coordination of volunteer program, and coordinate and conduct fish and wildlife surveys. Fish surveys include fyke nets, electroshocking, and Wegener rings. Wildlife surveys include deer, quail, gopher tortoise, amphibians & reptiles, small mammals, breeding & migratory birds, wading birds & waterfowl.	Base Salary.....\$ 37,369 <u>Benefits (30.3%).....\$ 11,323</u>
		<u>\$ 48,692</u>
OPS Fish and Wildlife Technician	Assist FTE Fish and Wildlife Biologist with multiple aspects of area management including, but not limited to, conducting fish and wildlife population surveys, maintenance of boats and boat ramps, coordination with visiting educational groups, and relieving check station operator(s) as needed.	2,080 hrs @ \$13.95/hr
		<u>\$ 29,016</u>
OPS Check Station Operators	Man Check Station during scouting, hunting, and fishing days. Duties include providing education and assistance to hunters and anglers checking into and out of check station (customer service/area public relations), collection of biological data from harvested game and fish, monitoring hunter/fisherman pressure (creel surveys and quota hunt use), issuance of angler provisions (boats, oars, PFD's, creel kits), and adherence to fisherman quotas & pond allocation limits.	3,050 hrs @ \$8.62/hr
		<u>\$ 26,291</u>
Estimated Operational Expenses	Boat operation costs during fish surveys, work and safety apparel, continuing education and training, fish & wildlife scientific survey materials, and equipment & supplies.	<u>\$ 7,500</u>
Total		\$ 111,499

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Resource Management Division
Paul Thorpe, Resource Planning Section Director

DATE: March 28, 2013

SUBJECT: 2013 Water Supply Assessment Update (Informational Item)

Summary

Florida Statutes require the water management districts to evaluate needs for detailed regional water supply planning every five years. To support this evaluation, the Northwest Florida Water Management District is preparing an update to the District-wide Water Supply Assessment (WSA), which entails working with utilities, local governments and the public to update water demand projections through 2035 and to assess the availability of water resources to meet anticipated future needs. The results of the WSA, which will include recommendations for regional water supply planning, will be presented to the Governing Board for consideration in late 2013. During the April Governing Board meeting, staff will provide a broad overview of the WSA objectives and planning context and a schedule for the update.

Preface

Based on the five-year schedule, the District-wide Water Supply Assessment (WSA) is due to be updated in 2013. The purpose of the WSA is to evaluate whether existing and anticipated water sources across northwest Florida are sufficient to meet future demands while sustaining water resources and associated natural systems. This evaluation includes current estimates and future projections of water demand, along with an assessment of the status of surface and ground water resources.

Previous iterations of the WSA were developed in 1998, 2003 and 2008. A significant amount of work toward a new update has been accomplished over the past several months. This includes data collection, coordination with the U.S. Geological Survey (USGS) regarding water use estimates, initial data requests and communication with public supply utilities to obtain information in support of water demand projections, and development and refinement of analytical methods.

The analyses and results developed through the WSA provide the basis for determining whether regional water supply plans (RWSPs) are required for specific regions across the District. If the water needs of a particular region are causing or are likely to cause water resource problems over a 20-year planning horizon, the District is required to develop a RWSP for that region. The District uses RWSP's to plan for development of water supply alternatives to meet the anticipated future water needs.

Additionally, the estimates and projections of District-wide water demand that are developed through the WSA provide an important component of water supply metrics reported quarterly to the Department of Environmental Protection.

Background

The Northwest Florida Water Management District established seven planning regions in 1996 for the purpose of long-term water supply planning. These regions are illustrated in the figure below (Figure 1). The District completed its first WSA in 1998. Based on this document and subsequent action by the Governing Board, it was initially determined that only Region II (Santa Rosa, Okaloosa and Walton counties) required a RWSP. The primary resource concern in Region II is a pronounced drawdown in the coastal Floridan Aquifer, caused by long-term pumping of coastal wells and the associated threat of salt water intrusion and impairment of public water supply wells.

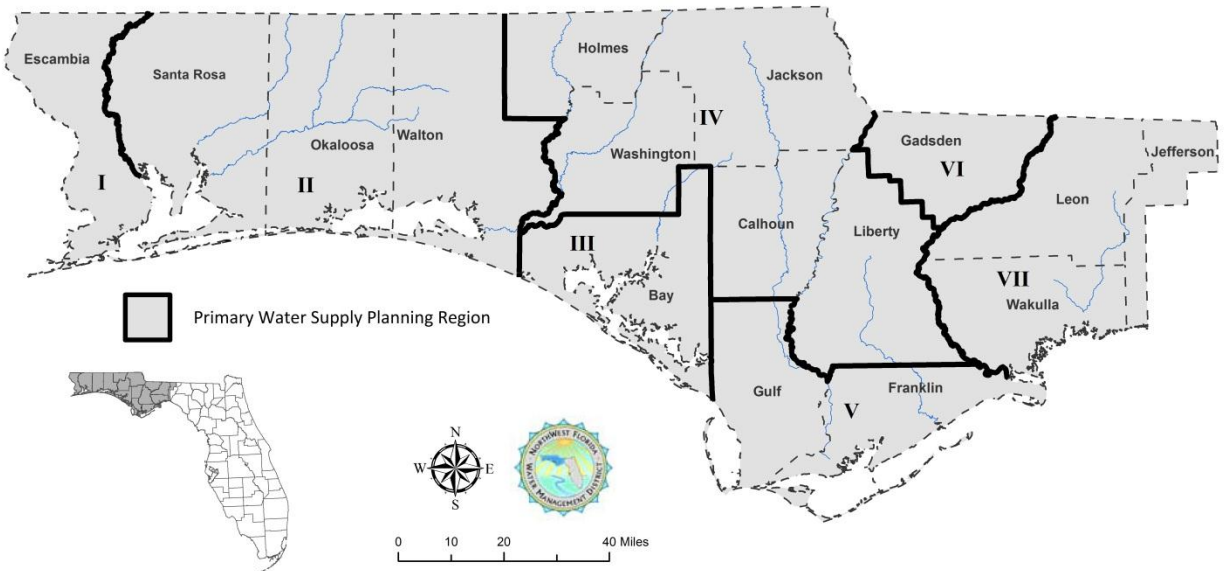


Figure 1. Northwest Florida Water Supply Planning Regions

In 2006, the Governing Board determined that issues affecting the adequacy and sustainability of traditional water supplies in coastal Franklin County, as well as the need for alternative surface water development in Gulf County, warranted development of a RWSP for Region V. In 2008, the Governing Board authorized development of a RWSP for Region III (Bay County). These two RWSPs were completed during 2007 and 2008, respectively. The most recent WSA update, with water demand projections extended to 2030, was completed in 2008.

Statutory Basis and Requirements

Section 373.036, Florida Statutes (F.S.), requires a District Water Management Plan (DWMP) to be updated every five years and that it include a District-wide WSA. As of 2010, the District has deferred updates to the DWMP in favor of developing a strategic plan as authorized under section 373.036(2)(e), F.S. This section makes the strategic plan option available to the Governing Board provided that nothing "...affects any other provision or requirement of law concerning the completion of the regional water supply plan."

Section 373.709, F.S., requires that water supply planning be conducted for any water supply planning region where existing sources of water are not adequate to supply water for "all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period." The section requires at least a 20-year planning horizon for the RWSP.

Section 373.709(1), F.S., requires that the Governing Board revisit at least once every five years a determination that initiation of a RWSP is not needed for any region. The Governing Board most recently approved a determination of regions requiring a RWSP on May 28, 2009. The Governing Board’s direction at that time was to continue implementation of RWSPs for regions II, III, and V, and that regional water supply planning was not required for other regions of the District.

2008 Water Supply Assessment

For the 2008 WSA, water use was estimated for 2005 and future water needs were projected at the county level through 2030 for the following categories of water use: public supply; domestic self-supply and small public water systems; agricultural self-supply; recreational self-supply; industrial, commercial, and institutional self-supply; and thermoelectric power generation.

The 2008 WSA estimated 2005 water use within the Northwest Florida Water Management District at approximately 347 million gallons per day (mgd) (Table 1). The largest use category was public supply, which accounted for 164 mgd or 47 percent of all water use. The second largest use category was the combined category of industrial/commercial/institutional water use, which accounted for approximately 19 percent of total water use. Agricultural irrigation was third largest at about 14 percent of the total water use. The counties with the greatest water use were Escambia County (92 mgd), followed by Bay County (66 mgd), Leon County (44 mgd), and Jackson County (39 mgd). The 2005 district-wide average uniform gross per capita water use for public supply was estimated at 145 gallons per capita per day. The projections indicated an overall increase in water use from 2005 to 2030 at about 43 percent.

Table 1 Estimated and Projected Change in Total Water Use by Category, 2005-2030*

Water Use Category	2005 Water Use (mgd)	% of Total	Water Use 2030 (mgd)	% of Total	Increase 2005-2030	% Increase 2005-2030
Public Supply	163.50	47%	258.40	52%	94.91	58%
Domestic Self-Supply	22.39	6%	30.78	6%	8.38	37%
Commercial-Industrial-Institutional	66.16	19%	91.14	18%	24.99	38%
Recreational Irrigation	17.34	5%	21.92	4%	4.59	26%
Agricultural Irrigation	48.63	14%	54.69	11%	6.06	12%
Power Generation	28.53	8%	39.50	8%	10.97	38%
Total	346.55	100%	496.44	100%	149.89	43%

* Projections as of 2008

The 2008 WSA concluded that existing and reasonably-anticipated future water supply sources were generally sufficient to meet projected future water needs while sustaining water resources and associated natural systems throughout northwest Florida. To ensure this, RWSPs would continue to be implemented for Regions II, III, and V. No new RWSPs were recommended.

2013 Water Supply Assessment

The 2013 update to the WSA is already underway. These five-year updates provide an opportunity to reassess current and future water needs, as well as conditions of existing water supply sources and related natural systems. Current trends in water demands will be identified so that adjustments can be made, as

Water Supply Assessment Update

necessary, in planning and water resource development to ensure that sufficient water is identified from sustainable sources.

Anticipated Schedule

The current assessment will extend water demand projections to 2035. Data collection and analysis are continuing as of March 2013. It is anticipated that initial water demand projections and resource assessments will be complete by early summer. Data will subsequently be made available for review by utilities, local governments, and the public. It is anticipated that the WSA will be provided for Governing Board consideration in October-November 2013.

To: Northwest Florida Water Management District Governing Board

From: Kevin X. Crowley, General Counsel

Date: March 27, 2013

Re: Legal Counsel Report

1) Helen J. Crenshaw v. Vista of Fort Walton Beach and Northwest Florida Water Management District, DOAH Case No. 12-3280. This is an administrative action in which Mrs. Crenshaw filed an amended petition for an administrative hearing challenging the issuance of a surface water management permit to Vista of Fort Walton Beach/James Busby for a construction project in DeFuniak Springs. Administrative Law Judge D.R. Alexander has been assigned to the case. The final hearing took place on January 22, 2013. The parties' proposed recommended orders were due on March 6, 2013. The Administrative Law Judge issued his Recommended Order on March 11, 2013.

2) Crenshaw, et. al. v. City of DeFuniak Springs, et al., United States District Court for the Northern District of Florida, Case No. 3:13cv50-MCR/EMT. This is a pro se civil rights complaint directed to officials and employees of the City of DeFuniak Springs.

The Northwest Florida Water Management District is a named defendant although the complaint contains no allegations against the District.

**STATE OF FLORIDA
NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

HELEN J. CRENSHAW,

Petitioner,

vs.

NFWMD Permit No. 04-2012-0013G
DOAH Case No. 12-3280

VISTA OF FORT WALTON BEACH, LLC,
AND NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Respondents.

_____ /

FINAL ORDER

Pursuant to notice, the Division of Administrative Hearings, by its designated Administrative Law Judge (“ALJ”), D. R. Alexander, held a formal administrative hearing in this matter on January 22, 2013, in DeFuniak Springs, Florida. On March 11, 2013, the ALJ submitted a Recommended Order (“RO”) to the Northwest Florida Water Management District (“District”). Petitioner Helen J. Crenshaw (“Petitioner”) timely filed exceptions to the Recommended Order. This matter came before the Governing Board of the District on April 11, 2013 for final agency action and entry of a Final Order herein.

1. STATEMENT OF THE ISSUE

The general issue before the District is whether to adopt the Recommended Order as the District’s Final Order, or to reject or modify the Recommended Order in whole or in part, in accordance with Section 120.57(1)(l), Florida Statutes. The specific issue is whether Surface Water Management Permit No. 04-2012-0013G (“Permit”), authorizing the construction of an

earthen embankment dam and impoundment to impound stormwater runoff from a proposed commercial development in the City of DeFuniak Springs, Walton County, Florida, should be issued by the District to Vista of Fort Walton Beach, LLC (“Vista”). The ALJ recommended that the District enter a final order approving the issuance of the Permit to Vista.

2. STANDARD OF REVIEW

The rules regarding an agency’s consideration of and action on exceptions to a recommended order are well established in Florida law. Section 120.57(1)(l), Florida Statutes, establishes specific standards for agency review of findings of fact as well as for agency review of conclusions of law.

Review of Findings of Fact

A reviewing agency may not reject or modify findings of fact, unless the agency first determines, from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence or that the proceedings below did not comply with essential requirements of law. See §120.57(1)(l), Fla. Stat. The term “competent substantial evidence” means evidence sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. See *Perdue v. TJ Palm Associates, Ltd.*, 755 So. 2d 660, 665-666 (Fla. 4th DCA 1999), quoting from and following *Degroot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). The term “competent substantial evidence” refers to the existence of some quantity of evidence for each essential element of a finding and to the legality and admissibility of that evidence. See *Scholastic Book Fairs, Inc. v. Unemployment Appeals Comm’n.*, 671 So 2d 287, 289 n.3 (Fla. 5th DCA 1996).

An agency may not disturb a finding of fact supported by any competent substantial evidence from which the finding could be reasonably inferred. See *Freeze v. Dep’t of*

Transportation, 556 So. 2d 1204, 1205 (Fla. 5th DCA 1990); and *Berry v. Dep't of Env'tl. Reg.*, 530 So. 2d 1019, 1022 (Fla. 4th DCA 1988). The Governing Board may not reweigh evidence admitted in the proceeding below, may not resolve conflicts in the evidence and may not judge the credibility of witnesses or otherwise interpret evidence anew. See *Save Anna Maria, Inc. v. Dep't of Transportation*, 700 So. 2d 113, 118 (Fla. 2d DCA 1997); and *Brown v. Criminal Justice Standards & Training Comm'n*, 667 So. 2d 977, 979 (Fla. 4th DCA 1996). The standard is not whether the record contains evidence contrary to the findings of fact in the recommended order, but whether any competent substantial evidence supports each finding in issue. See *Florida Sugar Cane League v. State Siting Bd.*, 580 So. 2d 846, 851 (Fla. 1st DCA 1991).

Review of Conclusions of Law

The Governing Board may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretations of administrative rules over which it has substantive jurisdiction, provided the reasons for such rejection or modification are stated with particularity and the Governing Board finds that such rejection or modification is as or more reasonable than the ALJ's conclusion or interpretation. See §120.57(1)(l), Fla. Stat.

The Governing Board lacks subject matter jurisdiction to overturn an ALJ's rulings on procedural and evidentiary issues. See *Barfield v. Dep't of Health*, 805 So. 2d 1008, 1012 (Fla. 1st DCA 2001) (the agency lacked jurisdiction to overturn an ALJ's evidentiary ruling); and *Lane v. Dep't of Env'tl. Protection*, 29 F.A.L.R. 4063 (DEP 2007) (the agency has no substantive jurisdiction over procedural issues, such as whether an issue was properly raised, and over an ALJ's evidentiary rulings); and *Lardas v. Dep't of Env'tl. Protection*, 28 F.A.L.R. 3844, 3846 (evidentiary rulings of the ALJ concerning the admissibility and competency of evidence are not matters within the agency's substantive jurisdiction).

In issuing its Final Order, the Governing Board is not required to rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record. See §120.57(1)(k), Fla. Stat.

3. RULINGS ON EXCEPTIONS

Petitioner's Exception No. 1

Petitioner's first exception reargues Petitioner's conclusory statements made at hearing that water levels of the wetlands area near or on Petitioner's property have been affected by Vista's improvement of its property. This exception does not clearly identify the disputed portion of the recommended order by page number or paragraph, does not identify the legal basis for the exception, and does not include appropriate and specific citations to the record. Therefore, pursuant to Section 120.57(1)(k), Florida Statutes, the Governing Board need not rule on this exception. Moreover, the fact that there may be testimony contrary to the finding of fact made by the ALJ does not render the finding invalid. The standard is not whether the record contains evidence contrary to the findings of fact in the RO, but whether *any* competent substantial evidence supports the finding(s) in issue. See *Florida Sugar Cane League v. State Siting Bd.*, 580 So. 2d 846, 851 (Fla. 1st DCA 1991). The Governing Board may not reweigh evidence admitted in the hearing, may not resolve conflicts in evidence and may not judge the credibility of witnesses or otherwise interpret evidence anew. See *Save Anna Maria, Inc. v. Dep't of Transportation*, 700 So. 2d 113, 118 (Fla. 2d DCA 1997). Consequently, Petitioner's Exception No. 1 is denied.

Petitioner's Exception No. 2

Petitioner's second exception appears to take issue with the last sentence of Paragraph 6 of the RO, a finding of fact, which states, "In a broader sense, she [Petitioner] appears to be opposed to any commercial development on Vista's property." See RO, page 5. As previously set forth, in reviewing a finding of fact the Governing Board may not reweigh evidence admitted in the hearing, may not resolve conflicts in evidence and may not judge the credibility of witnesses or otherwise interpret evidence anew. See *Save Anna Maria, Inc. v. Dep't of Transportation*, 700 So. 2d 113, 118 (Fla. 2d DCA 1997). Consequently, Petitioner's Exception No. 2 is denied.

Petitioner's Exception No. 3

Petitioner's third exception again reargues Petitioner's factual position at hearing that the wetlands area near or on Petitioner's property has been impacted by Vista's improvement of its property. This exception fails to comply with the requirements of Section 120.57(1)(k), Florida Statutes, and further reargues a finding of fact made by the ALJ. For the reasons set forth in the denials of Petitioner's first two exceptions, Petitioner's Exception No. 3 is denied.

Petitioner's Exception No. 4

Petitioner's fourth exception takes issue with the weight given by the ALJ to the testimony of certain witnesses. This exception fails to comply with the requirements of Section 120.57(1)(k), Florida Statutes, and further reargues a finding of fact made by the ALJ. For the reasons set forth in the denials of Petitioner's first two exceptions, Petitioner's Exception No. 4 is denied.

Petitioner's Exception No. 5

Petitioner's fifth exception attempts to make an *adverse possession* argument pursuant to Section 95.16, Florida Statutes. This exception fails to comply with the requirements of Section 120.57(1)(k), Florida Statutes. Moreover, as noted in the preliminary discussion of this agency's authority regarding review of the ALJ's conclusions of law, Section 120.57(1)(l), Florida Statutes, provides that Governing Board may only modify or reject those conclusions of law *over which it has substantive jurisdiction*. As correctly noted by the ALJ in the RO at Paragraph 12, page 8, the Governing Board does not have jurisdiction over the type of dispute argued by Petitioner in her fifth exception because such can only be resolved in circuit court, and not in an administrative forum. See §26.012(2)(g), Fla. Stat. Consequently, Petitioner's Exception No. 5 is denied.

FINAL ORDER

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Recommended Order dated March 11, 2013, a copy of which is attached hereto as Exhibit "A," is adopted in its entirety.

2. The Northwest Florida Water Management District approves the issuance of Surface Water Management System Permit No. 04-2012-0013G to Vista of Fort Walton Beach, LLC.

DONE AND ORDERED this 11th day of April, 2013, in Havana, Florida.

NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

George Roberts
Governing Board Chair

RENDERED this _____ day of _____, 2013

District Clerk