South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

October 8, 2020
9:00 AM
via Communications Media Technology
www.SFWMD.gov

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board

2. Pledge of Allegiance

3. Employee Recognitions

   - October Employee of the Month: Suzanne Halverson, Lead Engineer
   - October Team of the Month: Regional Hydrologic Modeling Climate Update Team
   - 25-Year Service Award: Nancy Demonstranti, Lead Scientist
   - 25-Year Service Award: Seán Sculley, Section Administrator - Lake & River
   - 30-Year Service Award: Kathleen Massey, Real Estate Specialist
   - 30-Year Service Award: Stuart Van Horn, Bureau Chief - Water Quality
   - 40-Year Service Award: Anthony Cannon, STAT Diesel Engineer Operator/Mechanic-Lead

4. Agenda Revisions

5. Agenda Item Abstentions by Board Members

6. Consider Approval of the Minutes for the September 9th Workshop, September 10th Meeting and Public Hearing on the Tentative Millage Rates and Budget, and September 22nd Public Hearing on the Final Millage Rates and Budget

7. Consider Approval of the 2021 Governing Board and Committee Meeting Dates

8. General Public Comment

9. Board Comment

Consent Agenda

10. Move Consent Agenda Items to Discussion Agenda

11. Public Comment on Consent Agenda Items

12. Cypress Park Condominium Association, Request for Right of Way Occupancy Permit and Partial Canal Easement Release, Broward County (Staff contacts, Rich Virgil and Stephen M. Collins)

A. Right of Way Occupancy Permit Request

Agenda Item Background:
Cypress Park Condominium Association (Applicant) requests issuance of a Right of Way Occupancy Permit (ROW Permit) to authorize existing improvements previously installed for security purposes by the Applicant on the south right of way of the Old Pompano (G-16) Canal. The existing improvements include a chain-link cross fence, masonry wall, walkway, and four light posts. All the improvements, except for the walkway, require a waiver from the District's rule that above-ground improvements be located a minimum of 40 feet from the top of bank. A portion of an existing pool deck and its associated fence enclosure also encroaches into the right of way; however, Applicant will be required to remove these encroachments from the right of way as a condition of the ROW Permit. Approval of the ROW Permit and its associated waiver of the 40-foot rule will not adversely impact District operations, maintenance, access, or the ability to perform construction along the G-16 Canal or to the G-57 structure. Applicant will be solely responsible for maintaining all improvements that remain in the right of way under the permit and associated waiver.

Recommended Action:
Approve issuance of Standard Right of Way Occupancy Permit Number 15672 and approve the associated petition for waiver (Application No. 17-0130-2).

B. Partial Canal Easement Release, Old Pompano (G-16) Canal

Agenda Item Background:
This is a request for the partial release of a canal easement within the Old Pompano (G-16) Canal right of way in Broward County in order to cure a small encroachment into said right of way. The release will be subject to the District's satisfaction of the Applicant's completion of specific terms, conditions and requirements.

Recommended Action:
Resolution No. 2020 - 1001 Approve the partial release of a canal easement, the Old Pompano Canal (G-16) right of way containing 0.004 acre (184.26 square feet), more or less, Section 1, Township 49 South, Range 42 East, Broward County, subject to certain terms and conditions.

13. Land Acquisition, Pennsuco Project, Miami-Dade County (Staff contact, Stephen M. Collins)

Agenda Item Background:
The District is acquiring land from willing sellers in the Pennsuco Wetlands Project

(Pennsuco) in northwestern Miami-Dade County. Tract Nos. W9301-909, W9305-922 and W9306-974 owned collectively by Equity Trust Company, as custodian for the Benjamin J. Figgie Roth IRA, and Athion Holdings, LLC, collectively contain approximately 3.19 acres within Pennsuco and the cumulative purchase price is $25,520. Funding for the purchase, along with the cumulative amount of $1,267.20 for associated costs, will come from the Lake Belt Mitigation Fund. Acquisition and restoration of the Pennsuco wetlands is a key component of the legislatively approved Miami-Dade County Lake Belt Plan.

Recommended Action:
Resolution No. 2020 - 1002 Acquire land interests in three parcels containing 0.50 acres, 1.44 acres, and 1.25 acres, more or less, in the amounts of $4,000, $11,520 and $10,000, respectively, all located in the Pennsuco Wetlands Project in Miami-Dade County, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2020-2021.

14. STA-1 West Expansion No. 2, Exchange of Easement Interests with Florida Power & Light Company, Palm Beach County (Staff contact, Stephen M. Collins)

Agenda Item Background:
The District is in the process of preparing to implement the STA-1 West Expansion No. 2 Project ("Project"). The Project includes an approximately 100-acre connection channel ("Connection Channel") running north-south parallel and adjacent to the District's L-7 levee that will connect the District's existing STA-1 West complex to the Expansion 2 Project area that contains three new storm water treatment (STA) cells. With respect to certain real property owned by Florida Power & Light Company ("FPL") and where the Connection Channel commences, FPL will grant the District a channel easement containing 3.21 acres, more or less. FPL operates certain transmission facilities located within portions of the Project area and the existing STA 1 West complex ("FPL Facilities"). Because certain improvements included as part of the Expansion 2 Project adversely affect FPL's access to some of the FPL Facilities, the District will grant FPL an access easement containing 11.16 acres, more or less, that provides FPL with adequate alternative access to the FPL Facilities. For purposes of this exchange of easement interests, the values are deemed to be equal; therefore, there is no purchase price to fund.

Recommended Action:
Resolution No. 2020 - 1003 Approve declaring surplus for exchange and conveyance access easement interests encumbering 11.16 acres, more or less, in exchange for granting to the District a channel easement interest with respect to 3.21 acres, more or less, in connection with the District's STA-1 West Expansion No. 2 Project, all in Palm Beach County, plus associated costs for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021.

15. Picayune Strand Restoration Project, Fakahatchee Component (Staff contact, Stephen M. Collins)

Agenda Item Background:
The Picayune Strand Restoration Project ("Project") is designed to restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce

large and unnatural freshwater inflows, reestablish natural plant distribution and composition, and restore and enhance habitat for fish and wildlife, including threatened and endangered species. The District, as local sponsor of the Comprehensive Everglades Restoration Plan (CERP) project, is required to purchase the real estate rights necessary to construct and operate the Project. Staff is requesting Governing Board approval to purchase three tracts totaling approximately five acres in the amount of $140,250. The purchase price, which is above appraised value, includes attorney's fees and costs and will be funded by the Land Acquisition Trust Fund. Staff believes that it is in the District's best interest to purchase the properties from willing sellers to avoid the risks and added expense associated with a future condemnation action.

A. Tract SG100-004

Agenda Item Background:
Governing Board approval is requested to purchase one tract totaling approximately 1.25 acres in the amount of $39,500.

Recommended Action:
Resolution No. 2020 - 1004 Acquire land interests containing 1.25 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $39,500, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021.

B. Tract SG100-046

Agenda Item Background:
Governing Board approval is requested to purchase one tract totaling approximately 1.25 acres in the amount of $39,500.

Recommended Action:
Resolution No. 2020 - 1005 Acquire land interests containing 1.25 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $39,500, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021.

C. Tract SG100-057

Agenda Item Background:
Governing Board approval is requested to purchase one tract totaling approximately 2.5 acres in the amount of $61,250.

Recommended Action:
Resolution No. 2020 - 1006 Acquire land interests containing 2.5 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $61,250, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund

and Ad Valorem) are budgeted in Fiscal Year 2020-2021.

16. Release of C-10 Perpetual Canal Access Easement, Broward County (Staff contact, Stephen M. Collins)

Agenda Item Background:
This is a request for the release of a perpetual canal access easement along the C-10 canal right of way in Broward County. This portion of the C-10 Canal bank is maintained by the property owner. The City of Dania Beach rezoned this and other properties in the area in 2019 in support of the proposed developments and the property is being prepared for development with residential dwelling units, a leasing office, and a parking garage. The release will be subject to the District's satisfaction of the Applicant's completion of specific terms, conditions and requirements.

Recommended Action:
Resolution No. 2020 - 1007 Release canal access easement interests containing 0.094 acres, more or less, to the Applicant at appraised value; being a canal access easement to the C-10 canal right of way bisecting Tract A, SYMONS PLAT, Plat Book 82, page 49, located in Section 33, Township 50 South, Range 42 East, Broward County, subject to satisfaction of certain terms, conditions and requirements.

17. Release of Reservations (Staff contact, Stephen M. Collins)

Agenda Item Background:
The District has certain reserved rights to construct canal and road right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need. If it has been determined there is no present or future need, the reservations are released for payment of a value equal to one percent of the appraised value of the land on the property appraiser's website in the county where the property is located. For canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund (TIITF), the Florida Department of Environmental Protection (DEP) requires a recommendation from the District that there is no District need for TIITF held canal reservations prior to a release being issued by DEP. It has been determined that there is no present or future need for the reservations listed below.

Staff Recommendation:
Staff recommends approval of the following:

Broward County

- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for Bruce L. Foresman and Kathleen Foresman, as Trustees (File No. 18853) for 9.19 +/- acres; release value N/A (homesteaded property).
- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for Sukkat David Congregation, Inc. (File No. 18854) for 1.10 +/- acres; subject to payment of release value of $2,199.80.
- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for JHTB Holdings, LLC (File No. 18855) for 9.57 +/- acres; subject to payment of release value of $22,927.80.

Miami-Dade County

- Release District canal reservations for South Florida Growers Association, Inc. (File No. 18852) for 29.75 +/- acres; subject to payment of release value of $35,945.00.

Recommended Action:
Resolution No. 2020 - 1008 Release District canal and road reservations and inform Florida Department of Environmental Protection of recommendations to release canal reservations held by the Trustees of the Internal Improvement Trust Fund.

18. Amendment to Agreement with Florida Atlantic University for Scientific Support for the Water Quality Bureau in Fiscal Year 2020-2021 (Staff contact, Lawrence Glenn)

Agenda Item Background:
This amendment requests Governing Board approval to extend a current agreement with Florida Atlantic University (FAU) to provide contingent positions to meet District compliance reporting requirements. As environmental restoration projects (C-111 Spreader Canal, L-8 Flow Equalization Basin, STA1-W Expansion, Lakeside Ranch STA, C-44 STA, and other related projects) are constructed, the amount of required monitoring, analyses and compliance reporting increases. In June 2018, the Governing Board approved a three-year agreement with the FAU Center for Environmental Studies for technical support for annual permit compliance reporting, data analysis, quality assurance, and water quality monitoring to comply with permit requirements for environmental restoration projects in an amount not to exceed $294,923. The contract was amended in September 2019 to fund a contingent scientist position for $99,695. The current amendment requests Governing Board approval to extend the FAU agreement for three onsite contingent workers through Fiscal Year 2020-2021 for $212,939.

Recommended Action:
Resolution No. 2020 - 1009 Authorize an amendment to a three-year agreement with Florida Atlantic University (FAU) to conduct water quality monitoring and reporting activities, by extending the FAU agreement for three onsite contingent workers through Fiscal Year 2020-2021 in the amount of $212,939 for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021. (Contract Number 4600003812-A02)

19. Everglades Ridge, Slough and Tree Island Research Contract (Staff contact, Lawrence Glenn)

Agenda Item Background:
This item seeks Governing Board authorization to enter into a three-year agreement with Florida International University Board of Trustees for tree island, ridge, and slough studies within the Loxahatchee Impoundment Landscape Assessment (LILA) project. The CERP, the Everglades Forever Act, and the Central Everglades Planning Process (CEPP) depend on ecological and hydrological studies to support decision-making for water management and restoration. This research, a cost-sharing component of CERP, will help to define the hydrology that will sustain a healthy Everglades Ridge and Slough ecosystem and reduce uncertainty in predicting ecosystem responses to water management and climate patterns. This is a three-year project with the Florida International University.

Recommended Action:
Resolution No. 2020 - 1010 Enter into a three-year agreement with Florida International University to conduct field monitoring for Everglades Ridge, Slough and Tree Island Research in an amount not to exceed $231,000, for which $77,000 is budgeted in Fiscal Year 2020-2021 with dedicated Everglades License Tag funds and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004304)

20. 2020 Priority Water Body List and Schedule (Staff contact, Lawrence Glenn)

Agenda Item Background:
Each year, the water management districts are statutorily required to submit a list and schedule to the DEP prioritizing water bodies for developing minimum flows and levels (MFL) and water reservations. MFLs define the point at which further withdrawals cause significant harm to the water resources or the ecology of the area. Water reservations protect the water needed for fish and wildlife or public health and safety from being allocated to consumptive uses. The proposed 2020 Priority Water Body List and Schedule includes a water reservation for the Kissimmee River and Chain of Lakes and the Everglades Agricultural Area (EAA) Reservoir Project, initiation of the water control plan for the Caloosahatchee (C-43) Reservoir, and revising criteria for the two additional MFL waterbodies to address comments received from the Joint Administrative Procedures Committee.

The EAA Reservoir is consistent with Governor DeSantis' Executive Order 19-12, instructing the District to advance key Everglades restoration projects. The Kissimmee River and Chain of Lakes reservation will protect approximately 172,500 acres of river, floodplain and lake habitat. The Kissimmee River Restoration Project is expected to be completed in Spring 2021.

Recommended Action:
Resolution No. 2020 - 1011 Authorize submission of the proposed 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), Florida Statutes.

21. Draft Fiscal Year 2021 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes (Staff contact, Mark Elsner)

Agenda Item Background:
The Five-Year Water Resource Development Work Program (Work Program) is an update report that includes a draft evaluation of the Work Program's consistency with the District's regional water supply plans and the adequacy of the proposed expenditures pursuant to Section 373.536, Florida Statutes. The Fiscal Year 2021 Work Program includes the period from October 1, 2020 through September 30, 2025. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development. Within 30 days of budget adoption, the water management districts are required to submit the Work Program to several entities, including the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Florida Department of Environmental Protection.

This item also authorizes District staff to address and incorporate appropriate revisions as a result of agency and/or public comment to the Work Program prior to inclusion into the final Fiscal Year 2021 South Florida Environmental Report.

Recommended Action:
Resolution No. 2020 - 1012 Authorize the transmittal of the draft Fiscal Year 2021 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes.

22. Notice of Change in the Florida Administrative Register to the Proposed Amendment of Rules 40E-7.669, 40E-7.670, 40E-7.673, 40E-7675, 40E-7.676, 40E-7.677, Florida Administrative Code, Regarding the District's Procurement Process as it Relates to the Small Business Enterprise Rule (Staff contact, Candida Heater)

Agenda Item Background:
On June 11, 2020, staff brought before the Governing Board amendments to its Small Business Enterprise Rule, requested authorization to publish a Notice of Proposed Rule in the Florida Administrative Register, and to adopt the proposed rules, provided that no changes are made and no request for public hearing is timely received. The District received comments from the Joint Administrative Procedures Committee that require publication of a Notice of Change. As a result, the proposed rule language will include new additional terms and language to best simplify the Small Business Enterprise Contracting Program.

Staff requests the Governing Board approve publication of a Notice of Change and adopt amendments with changes to the Small Business Enterprise Rules.

Recommended Action:
Authorize publication of the Notice of Change in the Florida Administrative Register to address comments made by the Joint Administrative Procedures Committee to the proposed amendment of Rules 40E-7.669, 40E-7.670, 40E-7.673, 40E-7675, 40E-7.676, 40E-7.677, Florida Administrative Code, regarding the District's procurement process as it relates to the Small Business Enterprise Rule.

23. Ratification of Collective Bargaining Agreement between the International Union of Operating Engineers and the South Florida Water Management District (Staff contact, Jen Smith)

Agenda Item Background:
In March 2016, District employees consisting of certain skilled and craft employees of the District certified the International Union of Operating Engineers ("Union") as their exclusive representative for purposes of collective bargaining. In April 2018, the Governing Board ratified a Collective Bargaining Agreement ("CBA") between the District and the Union. This CBA expired September 30,2020.

As such, the District and the Union began renewed negotiations and have agreed to a new 3-year term CBA. It is anticipated the Bargaining Unit members will ratify the CBA on October 3, 2020. The Governing Board will also need to ratify the CBA for it to take effect.

Recommended Action:
Resolution No. 2020 - 1013 Ratify the Collective Bargaining Agreement of the International Union of Operating Engineers and the District.

24. Culvert Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County (Staff contact, Alan Shirkey)

Agenda Item Background:
As part of the Operations and Maintenance Capital Improvement Program, the Culvert Replacement - Okeechobee Field Station Area (PC13N-C41A) Project will provide an in-kind replacement of the existing Project Culvert. These culverts, originally installed by the U.S. Army Corps of Engineers (USACE) in the 1960s as part of the Central and Southern Florida Project for the purpose of flood control and agricultural irrigation, have deteriorated and now need to be replaced. The project includes culvert pipes, risers and flashboards with a walkway for access, guard railing, and forebay muck removal. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Recommended Action:
Resolution No. 2020 - 1014 Authorize entering into a 180-day contract with Loren Jock Trucking, Inc., the lowest responsive and responsible bidder, for the PC Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County, in the amount of $1,096,225 for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021. (Contract Number 4600004317)

25. Caloosahatchee C-43 West Basin Storage Reservoir Pump Station S-470 Substation, Hendry County (Staff contact, Alan Shirkey)

Agenda Item Background:
The Caloosahatchee River C-43 West Basin Storage Reservoir Project was authorized in the federal Water Resources and Reform Development Act 2014, facilitating the ability of the State to move forward with construction of the authorized project.

The District is in the process of construction to implement the Caloosahatchee C-43 West Basin Storage Reservoir Project. Pump Station S-470 will use large electric powered pumps which will lift water into the reservoir. FPL will provide the needed electricity but will require the construction of an electrical substation due to the substantial electrical load required. This agreement requires the District to pay $4.38M as its share of the full cost of the $8.45M substation. The substation has already been designed by FPL under a prior contract with the District. Construction of the substation will begin upon completion of the land transfer of a five-acre parcel and associated easements to FPL and is estimated to take up to 12 months. Timely completion of the substation will allow completion of the S-470 inflow pump station and to stay on schedule.

Recommended Action:
Resolution No. 2020 - 1015 Authorize entering into an agreement with Florida Power & Light Company for the construction of an electrical substation at the C-43 West Basin Storage Reservoir Pump Station S-470

Substation, in the amount of $4,080,646 for which dedicated funds (Save Our Everglades Trust Fund, Land Acquisition Trust Fund, and General Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021. (Contract Number 4600004306)

26. Board Vote on Consent Agenda

Technical Reports

27. Water Conditions Report - John P. Mitnik

28. Ecological Conditions Report - Lawrence Glenn

29. Public Comment on Technical Reports

Discussion Agenda

30. Acquisition of Land Interests for Biscayne Bay Coastal Wetlands and Bird Drive Recharge Area in Miami-Dade (Staff contact, Jennifer Reynolds and Stephen M. Collins)

Agenda Item Background:
As a part of the CERP, the District has the opportunity to acquire land interests in Miami-Dade County for the L-31E flow way project component of the Biscayne Bay Coastal Wetlands (BBCW) Project Phase I and in connection with the Bird Drive Recharge Area Project ("BDRA Project"). BBCW Phase I has three components, the Deering Estate which is complete and operational, the Cutler flow way currently in design by the District, and the L-31E flow way currently going to construction by the USACE. The BBCW project is rehydrating coastal wetlands by re-distributing freshwater flows benefiting Biscayne Bay and Biscayne National Park. There are two remaining parcels, approximately 83.8 acres, remaining in the L-31E flow way to complete land acquisition so the lands can be certified to USACE to start construction in the first quarter of fiscal year 2021.

Land interests are also identified for the Bird Drive Recharge Area which is also a CERP component that is not currently in an active Federal planning project. The District owned lands within the BDRA includes certain parcels containing approximately 60 acres, more or less ("District Owned Bird Drive Land"). The District can enter into an Agreement for Exchange of Real Property Interests ("Exchange Agreement") whereby the District will acquire fee title to approximately 10 acres, more or less, within the Bird Drive Project and as hereinafter referred to as the "District Bird Drive Acquired Land" (the District Owned Bird Drive Land and the District Bird Drive Acquired Land are collectively referred to as the "District Bird Drive Land") and will acquire fee title to the remaining approximately 83.8 acres within the BBCW L-31E flow way Project ("BBCW Acquired Lands"). The District Bird Drive Acquired Lands and the BBCW Acquired Lands are collectively referred to as the "District Acquired Lands".

In exchange for the acquisition of the District Acquired Lands, the District would convey to iHeartMedia & Entertainment, Inc. ("iHeart"), a Radio Antennae and Access Easement with respect to approximately 60 acres of the District Bird Drive Land hereinafter referred to as the "Easement Lands". The Radio Antennae and Access Easement shall be for the installation and operation of radio antennae, associated facilities, and an access road, all subject to permitting. All improvements are to be at adequate elevations to enable the District to flow water across the Easement Lands for environmental

restoration and conservation purposes. Exotics control by iHeart for the 60 acres will be required. The easement retains the rights of the District to construct CERP or District projects in the future.

Recommended Action:
Resolution No. 2020 - 1016 Approve acquisition of fee interest of 10 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County and acquisition of fee interest of 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project in Miami-Dade County, in exchange for granting iHeartMedia & Entertainment, Inc., a Radio Antennae and Access Easement encumbering 60 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County; approve declaring 60 acres, more or less, of easement interests as surplus for exchange within the Bird Drive Recharge Area Project in Miami-Dade County.

31. Publish a Notice of Proposed Rule and Adopt Amendments to Rules 40E-10.021, 40E-10.031, 40E10.061, and 40E-2.091, Florida Administrative Code, and the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" for the Everglades Agricultural Area Reservoir Water Reservation (provided no material changes are made and no request for public hearing is timely received) (Staff contact, Don Medellin)

Agenda Item Background:
The proposed water reservation rule for the Everglades Agricultural Area (EAA) Reservoir identifies and prospectively reserves water needed for the protection of fish and wildlife. Staff requests the Governing Board to authorize publication of a Notice of Proposed Rule in the Florida Administrative Register and Adopt Amendments, provided no material changes are made and no request for public hearing is received, to establish water reservation criteria for the EAA Reservoir. Any affected person may request a public hearing on the rule within 21 days of the date the notice is published. If no request for a public hearing is timely received and no material changes are made to the proposed rules, the District will proceed with filing the proposed rules for adoption with the Florida Department of State.

The CERP is the framework to restore the Greater Everglades Ecosystem. As part of CERP, the EAA Reservoir was authorized by Congress in 2018 as a multi-purpose reservoir. It will store regulatory releases from Lake Okeechobee and EAA basin runoff, thereby, substantially decreasing the frequency and intensity of harmful discharges to the St. Lucie and Caloosahatchee Estuaries. Based on model simulations, the EAA Reservoir Project will deliver an average annual flow of 370,000 acre-feet above the existing flows to the Central Everglades, benefiting fish and wildlife. It will also enhance regional water supplies for existing legal users, which will increase the water available to meet environmental needs.

Section 601 of WRDA 2000 requires the State to protect water made available for the natural system by CERP projects from allocation to consumptive uses. Legal protection of the water is required before the District and the USACE may execute a Project Partnership Agreement to cost-share the construction of CERP project features. The District intends to fulfil these requirements by adopting rules prospectively reserving the water released from the CERP EAA Reservoir Project to the Central Everglades.

Recommended Action:
Publish Notice of Proposed Rule and Adopt Amendments to Rules 40E-10.021, 40E-10.031, 40E10.061, and 40E-2.091, Florida Administrative Code, and the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" for the Everglades Agricultural Area Reservoir Water Reservation (provided no changes are made and no request for public hearing is timely received).

Staff Reports

32. Monthly Financial Report - Candida Heater

33. General Counsel's Report - Carolyn Ansay

34. Executive Director's Report - Drew Bartlett

35. General Public Comment

36. Board Comment

37. Adjourn

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2021 Proposed Meeting Dates

Governing Board and Audit & Finance Committee
WRAC and Recreational Forum
Big Cypress Basin Board

DATE TBD, January	Governing Board Business meeting
Thursday, February 11	Governing Board Business meeting
Wednesday, February 24	Big Cypress Basin Board meeting
Thursday, March 11	Governing Board Business meeting
Monday, March 15	Recreational Forum
Thursday, March 25	WRAC Public Forum
Wednesday, April 7	Governing Board Workshop
Thursday, April 8	Governing Board Business meeting
	Audit & Finance Committee meeting
Thursday, April 22	Big Cypress Basin Board meeting
Wednesday, April 28	Lunch & Learn
Thursday, May 13	Governing Board Business meeting
Thursday, June 10	Governing Board Business meeting
Monday, June 14	Recreational Forum
Thursday, June 24	WRAC Public Forum
Tuesday, July 6	Big Cypress Basin Board meeting
Wednesday, July 7	Governing Board Workshop
Thursday, July 8	Governing Board Business meeting
Wednesday, July 28	Lunch & Learn
Thursday, August 12	Governing Board Business meeting
	Audit & Finance Committee meeting
Thursday, August 26	Big Cypress Basin Board meeting
Thursday, September 9	Governing Board Business meeting
	Tentative Millage & Budget public hearing

Attachment: 07_Proposed_2021_Meeting_Dates (5314 : Consider Approval of the 2021 Governing Board and Committee Meeting Dates)

Monday, September 13	Recreational Forum
Tuesday, September 21	Final Millage & Budget public hearing
Thursday, September 30	WRAC Public Forum
Thursday, October 14	Governing Board Business meeting
Wednesday, October 20	Lunch & Learn
Thursday, October 28	Big Cypress Basin Board meeting
Wednesday, November 10	Governing Board Business meeting
Wednesday, December 8	Governing Board Workshop
Thursday, December 9	Governing Board Business meeting
	Audit & Finance Committee meeting
Monday, December 13	Recreational Forum

Attachment: 07_Proposed_2021_Meeting_Dates (5314 : Consider Approval of the 2021 Governing Board and Committee Meeting Dates)

M E M O R A N D U M

TO: Governing Board Members

FROM: Richard Virgil, Division Director of Field Operations

DATE: October 08, 2020

SUBJECT: A. Right of Way Occupancy Permit Request

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RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

October 8, 2020

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I	**RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:** Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.	2-4

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

Applicant	Cypress Park Condominium Association
Application Number	17-0130-2
Canal	Old Pompano (G-16)
Location	140 S. Cypress Boulevard, Pompano Beach Broward County
Existing Improvements to be Authorized by ROW Permit 15672	Chain-Link Cross-Fence, Masonry Wall, Walkway and Four (4) Light Posts
Required Waiver(s)	Waiver of the 40-Foot Setback Rule for the Chain-Link Cross-Fence, Masonry Wall and Four (4) Light Posts. No waivers required for the walkway
ROW Permit Number (proposed)	15672

SUMMARY

Cypress Park Condominium Association (Applicant) requests issuance of Right of Way Occupancy Permit No. 15672 (ROW Permit) to authorize existing improvements previously installed for security purposes by the Applicant on the south right of way of the Old Pompano (G-16) Canal. The existing improvements include a chain-link cross fence, masonry wall, walkway, and 4 light posts. All the improvements, except for the walkway, require a waiver from the District's rule that above-ground improvements be located a minimum of 40 feet from the top of bank. The Applicant will be required to remove a portion of an existing pool deck and its associated fence enclosure that encroaches into the right of way as a condition of the ROW Permit. There is also a small corner of a clubhouse building that encroaches into the right of way that is being resolved by a release of easement scheduled for consideration by the Governing Board along with the subject ROW Permit request. The south right of way of the canal adjacent to the condominium is 45 feet wide; however, it does not provide for continuous access along the south bank eastward of the condominium property. Applicant installed gates in the chain-link cross-fence to provide access to the south right of way for District maintenance and operation, if needed. In addition, the District accesses the G-57 coastal structure from the north right of way. Accordingly, approval of the ROW Permit and its associated waiver of the 40-foot rule will not adversely impact District operations and maintenance, access, or the ability to perform construction along the canal. Approval will also not impact the District's ability to access, operate, or maintain the G-57 structure. Applicant will be solely responsible for maintaining all improvements that remain in the right of way.

BACKGROUND

In 2016, a District tree and vegetation removal project occurred within the south right of way adjacent to the condominium property. Upon completion of the project, the District identified numerous encroachments that had likely existed in the right of way for decades. In addition to the improvements permitted to remain under the ROW Permit, the District identified a portion of a pool deck and fence, which the Permittee will be required to remove, and a corner of a small clubhouse building encroachment, which will be resolved through an easement release. There

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

was also an irrigation pump, additional site lighting, and signage, all of which have since been removed. Approval of the ROW Permit along with the companion release of easement will resolve the 4-year enforcement matter to the satisfaction of the District without any adverse impact to District interests or needs.

JUSTIFICATION FOR WAIVER(S)

Applicant's request for waiver from District rules is based on both substantial hardship and principals of fairness, the two tests for granting waivers set forth in the applicable Florida Statute. Applicant asserts the following as justification for the granting of waivers:

Substantial Hardship

a. The existing improvements were installed for the safety and security of its residents. Removal of the improvements would potentially render the condominium property less secure.
b. Applicant would incur a financial hardship if the improvements were required to be removed and replaced with alternative security measures to mitigate for the loss of existing improvements. The condominium is an older development whose residents have limited financial resources.
c. Applicant has already expended funds to install a 16-foot wide vehicular access gate within the chain-link cross-fence as a demonstration of good faith to resolve this outstanding enforcement matter.

Principles of Fairness

a. The District has granted many similar waivers within the District's right of way for similarly situated properties within urban areas to accommodate desired security for residential developments without compromising the District's interests or needs.

REQUIRED/PROPOSED ACTIONS TO RESOLVE ENCROACHMENTS

The following table summarizes how the existing improvements will be addressed to resolve this outstanding enforcement matter.

ENCROACHMENT	ACTION TYPE				
	Release of Easement	Waiver of 40-Foot Rule	Removal from Right of Way	Authorized by ROW Permit 15672	Not Authorized by ROW Permit; May be Removed by District at any time, if needed
Cross-Fence (Chain-Link)		X		X	
Masonry Wall		X		X	
Walkway				X	
Lighting (Walkway)		X		X	
Clubhouse Building (Corner)	X				
Pool Deck and Fence			X		
Trees and Vegetation					X

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

LEGAL NOTICE

The petition for waiver was reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), Florida Statutes, notice of the petitions was provided to the Department of State and published in Volume 46, Number 104 of the Florida Administrative Register on May 28, 2020. No public comments were received.

RECOMMENDATION

Staff recommends **approval** of request by the Cypress Park Condominium Association for issuance of Standard Right of Way Occupancy Permit Number 15672 and **approval** of the associated petition for waiver (Application No. 17-0130-2).

(Easement)

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Existing Fence, Wall, Walkway and Lighting Waiver of 40-Foot Setback Rule

Cypress Park Condominium Association, Applicant
Old Pompano Canal – Broward County

Right of Way Occupancy Permit No. 15672

John R. Hixenbaugh, J.D, AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
October 8, 2020

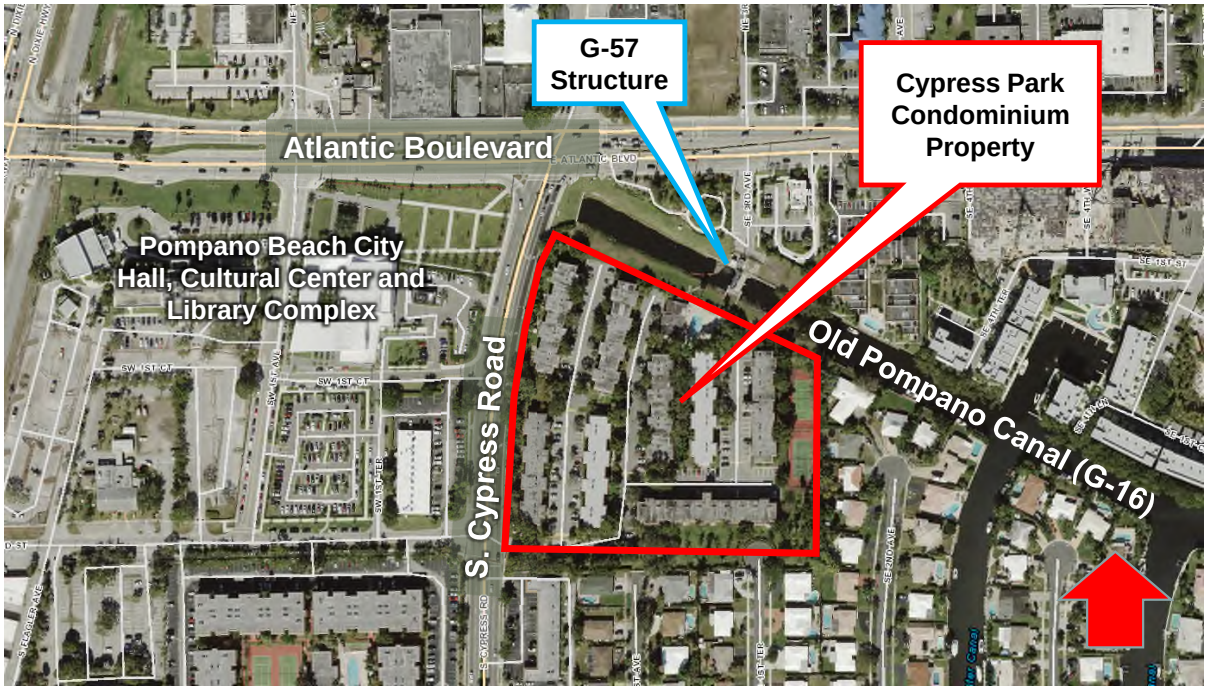
sfwmd.gov

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Application Information and Location Map

- **Applicant:** Cypress Park Condominium Association
- **Application Number:** 17-0130-2
- **Canal:** Old Pompano Canal (G-16)
- **Location:** 140 S. Cypress Road, Pompano Beach, Broward County,
- **Request:** Approval for issuance of a Right of Way Occupancy Standard Permit for an existing cross-fence, masonry wall and walkway with lighting. The application requires a waiver of the 40-foot setback rule for all improvements except for the walkway.



Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

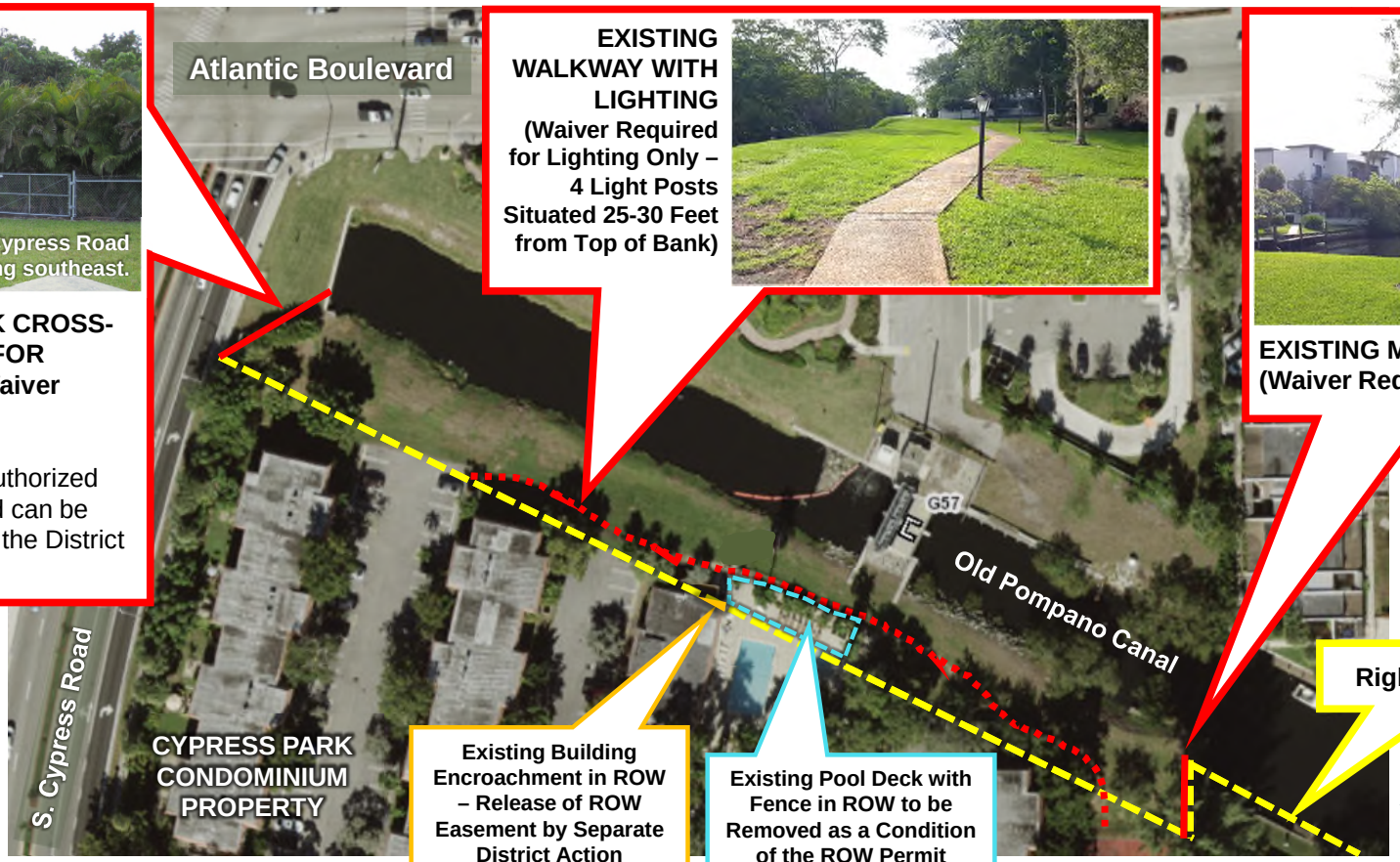
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Project Site and Details

Photo taken from S. Cypress Road looking southeast.

EXISTING CHAIN-LINK CROSS-FENCE WITH GATES FOR DISTRICT ACCESS (Waiver Required)

(Note: Palms are not authorized by this ROW Permit and can be removed at any time by the District if necessary).



EXISTING WALKWAY WITH LIGHTING (Waiver Required for Lighting Only – 4 Light Posts Situated 25-30 Feet from Top of Bank)

Photo taken from condominium property looking southeast

EXISTING MASONRY WALL (Waiver Required)

Existing Building Encroachment in ROW – Release of ROW Easement by Separate District Action

Existing Pool Deck with Fence in ROW to be Removed as a Condition of the ROW Permit

Right of Way Line

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Summary of Existing Encroachments and Required/Proposed Remedies

ENCROACHMENT	ACTION TYPE				
	Release of Easement	Waiver of 40-Foot Rule	Removal from Right of Way	Authorized by ROW Permit 15672	Not Authorized by ROW Permit; May be Removed by District at any time, if needed
Cross-Fence (Chain-Link)		X		X	
Masonry Wall		X		X	
Walkway				X	
Lighting (Walkway)		X		X	
Building (Corner)	X				
Pool Deck and Fence			X		
Trees and Vegetation					X

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Discussion

Attachment: ROW_Attachment (5301 : ROW Occupancy Permit Requests)

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: B. Partial Canal Easement Release, Old Pompano (G-16) Canal

Agenda Item Background:
Cypress Park Condominium Association (Applicant) has requested the release of a 0.004 acre, more or less (see Exhibits "A" and "B"), (184.26 square feet) portion of the District's Old Pompano (G-16) canal easement to cure an encroachment of the Applicant's existing clubhouse building. The District and the Applicant have come to an agreement that will cure all encroachments. Certain items are eligible for a waiver from the District's right of way rules, but a building is not eligible for a waiver. District Operations has determined that a release of easement for the small portion of the existing clubhouse building that is encroaching will not adversely impact District operations, maintenance, access, or the ability to perform construction along the G-16 canal or to the G-57 structure. In exchange for the release, the Applicant will install fencing and a gate at this location at their cost.

Core Mission and Strategic Priorities:
Pursuant to Section 373.096, Florida Statutes, the Governing Board may release any easement, reservation, or right of way interest for which it has no present or apparent future use under terms and conditions determined by the Board.

Funding Source:
The easement to be partially released was acquired in 1951 at no cost. The Applicant has paid a $1,000 application fee and will pay all fees and costs associated with this release.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1001

A Resolution of the Governing Board of the South Florida Water Management District approving the partial release of a canal easement, the Old Pompano Canal (G-16) right of way containing 0.004 acre (184.26 square feet), more or less, Section 1, Township 49 South, Range 42 East, Broward County, subject to certain terms and conditions; providing an effective date.

WHEREAS, pursuant to a request from the Cypress Park Condominium Association (Applicant) the District determined that it was in the public interest to release a portion of the Old Pompano Canal (G-16) right of way containing 0.004 acre (184.26 square feet), more or less, located in Section 1, Township 49 South, Range 42 East, Broward County, to cure an existing encroachment by a small portion of the Applicant's clubhouse building improvement; and

WHEREAS, the Applicant will install fencing and a gate at the location of the release to compensate the District for any value associated with the release; and

WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that said 0.004-acre portion (see Exhibits "A" and "B") of the canal easement is not required by the District for present or apparent future use; and

WHEREAS, the Applicant has paid a $1,000 application fee and will pay all other fees and costs associated with this release; and

WHEREAS, the Governing Board, pursuant to Section 373.096, Florida Statutes, may release any right of way interests conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Governing Board.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1: The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the subject portion of canal right of way easement and therefore hereby approves releasing and terminating approximately 0.004-acre (184.26 square feet), from the existing canal easement located in Section 1, Township 49 South, Range 42 East, Broward County, Old Pompano Canal (G-16), to the Applicant, provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion:

a. Applicant must provide a legal description and sketch for the release and termination instrument.
b. All costs associated with this release shall be paid for by the Applicant, including but not limited to all recording and other closing costs, and under no circumstances shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this transaction.

c. The underlying fee owner shall obtain from Broward County and any other applicable governmental entities, all required approvals of the proposed release of right of way, if applicable.

d. The Applicant shall improve said right-of-way by the installation of improvements of equivalent value, including fencing and a gate.

e. The underlying fee owner shall obtain all required permits and approvals from the District (including but not limited to right of way permits, regulatory permits, environmental resource permits, consumptive use permits, etc.), Broward County, and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits. The District's review process for any required permits will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

f. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (e.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2021.

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document. No release instrument shall be delivered to the Applicant, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such release has been recorded in the Public Records of Broward County.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

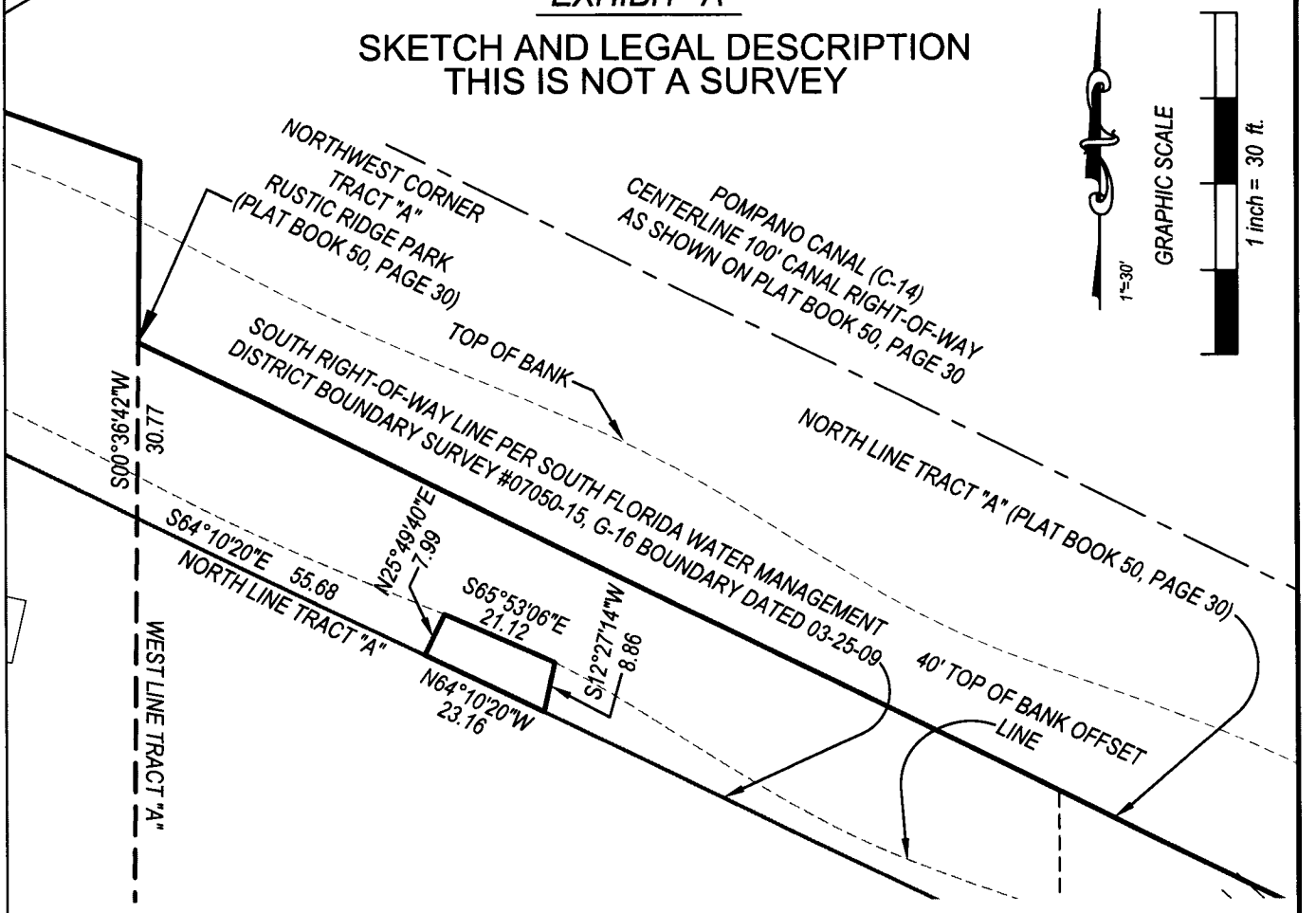
_____
Office of Counsel

Print name:

_____

EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY



DESCRIPTION :

COMMENCING AT THE NORTHWEST CORNER OF TRACT "A" RUSTIC RIDGE PARK, PLAT BOOK 50 AT PAGE 30; THENCE PROCEED S00°36'42"W ALONG THE WEST LINE OF SAID TRACT "A" A DISTANCE OF 30.77 FEET; THENCE PROCEED S64°10'20"E ALONG THE NORTH LINE OF SAID TRACT "A" A DISTANCE OF 55.68 FEET TO THE POINT OF BEGINNING; THENCE PROCEED N25°49'40"E A DISTANCE OF 7.99 FEET, THENCE S65°53'06"W A DISTANCE OF 21.12 FEET; THENCE PROCEED S12°2714"W A DISTANCE OF 8.86 FEET TO THE NORTH LINE OF SAID TRACT "A"; THENCE PROCEED N64°10'20"W A DISTANCE OF 23.16 FEET TO THE POINT OF BEGINNING. CONTAINING 184.26 SQUARE FEET (0.04 ACRES)

Calculation should have resulted in 184.26 sf = 0.004 acres

SURVEYORS' NOTES:

1.THIS SKETCH OF DESCRIPTION MEETS STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTES.

2. THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.

3. THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.

4. THIS SKETCH AND LEGAL HAVE BEEN PREPARED WITHOUT A REVIEW OF THE TITLE POLICY OR OWNERSHIP AND ENCUMBRANCE REPORT; AND IT IS POSSIBLE THAT THERE ARE EASEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, IN PARTICULAR OTHER EASEMENTS OF RECORD THAT MAY BE IN CONFLICT WITH GRANTING OF THIS EASEMENT.

DATE: 08-18-17

GINO FURLANO
CERTIFICATE
NO. 5044
STATE OF
FLORIDA
PROFESSIONAL SURVEYOR & MAPPER
GINO FURLANO
PROFESSIONAL LAND SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 5044

PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764
FAX 561-478-1094
Please visit us on the web @ www.pmsurveying.net

JOB # S16090887

Attachment: Martin_Exhibit_A_Legal_Description_Cypress_Park_Release (Resolution No. 2020 - 1001 : Cypress Park Condominium

Attachment: Martin_Exhibit_B_Aerial_Map_Cypress_Park_Release (Resolution No. 2020 - 1001 : Cypress Park Condominium Association

Aerial Map - Cypress Creek Condo

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

sfwmd.gov

N
W E
S

0 0.006 0.012 0.018 0.024 Miles
0 0.01 0.02 0.03 Kilometers

DISCLAIMER:
This map is a conceptual or planning tool only. The South Florida W Management District does not guarantee or make any representa regarding the information contained herein. It is not self-executing or bin and does not affect the interests of any persons or properties, including any present or future right or use of real property and is exempt from public records disclosure and confidential under Section 119.071(3)(a)(1), Florida Statute.

Map Produced on Date: 9/15/2020 1:52:30 PM

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: Land Acquisition, Pennsuco Project, Miami-Dade County

Agenda Item Background:
The District is acquiring land from willing sellers in the Pennsuco Wetlands Project (Pennsuco) in northwestern Miami-Dade County. Tract Nos. W9301-909, W9305-922 and W9306-974 owned collectively by Equity Trust Company, as custodian for the Benjamin J. Figgie Roth IRA, and Athion Holdings, LLC, collectively contain approximately 3.19 acres within Pennsuco and the cumulative purchase price is $25,520. Funding for the purchase, along with the cumulative amount of $1,267.20 for associated costs, will come from the Lake Belt Mitigation Fund. Acquisition and restoration of the Pennsuco wetlands is a key component of the legislatively approved Miami-Dade County Lake Belt Plan.

Core Mission and Strategic Priorities:
Pennsuco serves as a buffer between Lake Belt mining area and the developed areas of Miami-Dade County to the east, and the Everglades to the west. Increased surface water depth and duration in Pennsuco will provide seepage management for the overall benefit of the Everglades by reducing seepage losses from WCA 3B.

Funding Source:
The acquisition of these Tracts is from a willing seller. The cumulative purchase price of $25,520 is under the cumulative appraised value of $49,000. The closing costs will be paid by the Seller. All costs, including acquisition, associated costs, restoration, and long-term management costs were, or will be, funded from the Lake Belt Mitigation Fund.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1002

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests in three parcels containing 0.50 acres, 1.44 acres, and 1.25 acres, more or less, in the amounts of $4,000, $11,520 and $10,000, respectively, all located in the Pennsuco Wetlands Project in Miami-Dade County, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2020-2021; providing an effective date.

WHEREAS, the South Florida Water Management District is currently acquiring land from willing sellers in connection with the implementation of the Pennsuco Wetlands Project; and

WHEREAS, the South Florida Water Management District desires to purchase land interests as follows: Tract W9301-909 containing 0.50 acres, more or less; Tract W9305-922 containing 1.44 acres, more or less; and Tract W9306-974 containing 1.25 acres, more or less, for the Pennsuco Wetlands Project, in Miami-Dade County, and as shown on the location map Exhibit “A”, attached hereto and made a part hereof, in the amounts of $4,000, $11,520 and $10,000, respectively, and declare surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose for the original land acquisition; and

WHEREAS, all costs are to be funded from the Lake Belt Mitigation Fund for the acquisition and associated costs; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the purchase of land interests, containing 0.50 acres, 1.44 acres and 1.25 acres, more or less**,** in Miami-Dade County, Pennsuco Wetlands Project, in the amounts of $4,000, $11,520 and $10,000, respectively, together with associated costs, restoration, and long-term management costs for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2020-2021 as follows:

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Equity Trust Company, as custodian for the Benjamin J, Figgie Roth IRA and Athion Holdings, LLC	W9301-909	Fee	0.50	$8,000	$4,000
Equity Trust Company, as custodian for the Benjamin J. Figgie Roth IRA	W9305-922	Fee	1.44	$22,000	$11,520
Equity Trust Company, as custodian for the Benjamin J. Figgie Roth IRA and Athion Holdings, LLC	W9306-974	Fee	1.25	$19,000	$10,000

Amount	Fund	Fund Center	Functional Area	GL Account #	Account Description
$4,000.00	419000	3510144000	AA05	580020	Acquisition
$198.62	419000	3510144000	AA05	580014	Associated Costs
$453.77	211021	5415182100	AA05	530200	Restoration Costs
$361.00	701021	5415182100	AA05	530200	Land Management Costs
$11,520.00	419000	3510144000	AA05	580020	Acquisition
$572.03	419000	3510144000	AA05	580014	Associated Costs
$1,306.84	211021	5415182100	AA05	530200	Restoration Costs
$1,039.68	701021	5415182100	AA05	530200	Land Management Costs
$10,000.00	419000	3510144000	AA05	580020	Acquisition
$496.55	419000	3510144000	AA05	580014	Associated Costs
$1,134.41	211021	5415182100	AA05	530200	Restoration Costs
$902.5	701021	5415182100	AA05	530200	Land Management Costs

Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus, disposal of and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the Agreement for Sale and Purchase instrument. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to make any determinations in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

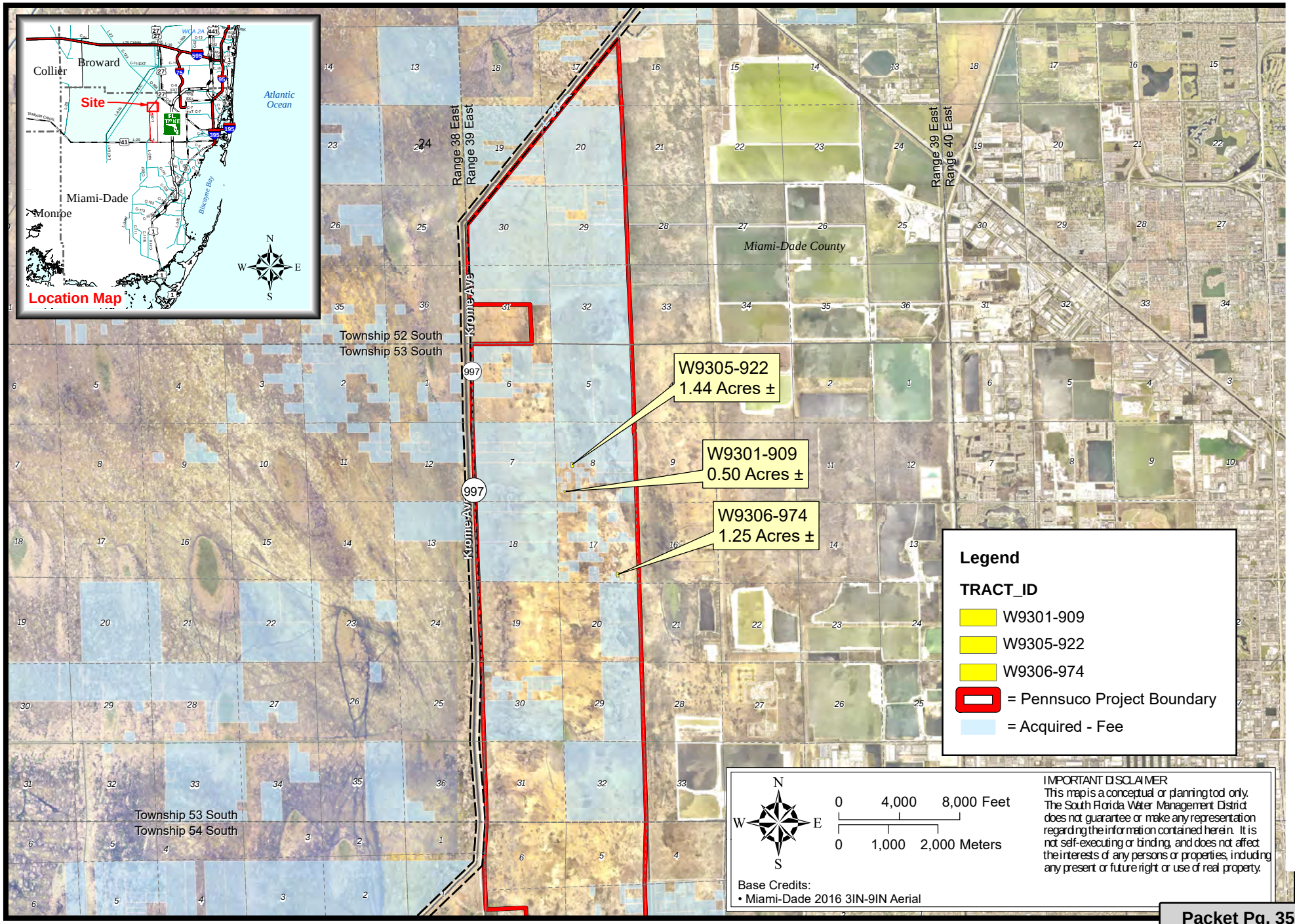
Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Exhibit "A"
W9301-909, W9305-922 & W9-306-974
Pennsuco Wetlands



Attachment: Hall_GB_Map_Pennsuco_Equity Trust_W9301-909_etal (Resolution No. 2020 - 1002 :

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: STA-1 West Expansion No. 2, Exchange of Easement Interests with Florida Power & Light Company, Palm Beach County

Agenda Item Background:
The District is in the process of construction to implement the STA-1 West Expansion No. 2 Project ("Project") in Palm Beach County. The Project includes an approximately 100-acre connection channel ("Connection Channel") running north-south parallel and adjacent to the District's L-7 levee that will connect the District's existing STA-1 West complex to the Expansion 2 Project area that contains three new storm water treatment (STA) cells. With respect to certain real property owned by Florida Power & Light Company ("FPL") and where the Connection Channel commences, FPL will grant the District a channel easement ("Channel Easement Interest") containing 3.21 acres, more or less, as shown on the attached Exhibit "A". FPL operates certain transmission facilities located within portions of the Project area and the existing STA-1 West complex ("FPL Facilities"). Because certain improvements included as part of the Expansion 2 Project adversely affect FPL's access to some of the FPL Facilities, the District will grant FPL an access easement ("Access Easement Interest") containing 11.16 acres, more or less, that provides FPL with adequate alternative access to the FPL Facilities, as shown on the attached Exhibit "A". No specific value is attributed to the Channel Easement Interest or the Access Easement Interest, but, for purposes of this exchange of easement interests, the values are deemed to be equal. Because certain improvements included as part of the Project also affect portions of the land areas within which some of the FPL Facilities are located, FPL and the District are entering into a Consent Agreement that provides agreement between FPL and the District that assures that FPL has the right to maintain its FPL Facilities and the District has the right to implement and operate the Expansion 2 Project consistent with the Expansion 2 Project plans approved by the District ("Consent Agreement"). The consummation of the exchange of the respective easement interests is conditioned upon the District and FPL entering into the Consent Agreement.

Core Mission and Strategic Priorities:
The STA-1 West Expansion No. 2 Project consists of approximately 2,071 acres and is connected to the existing STA-1 West complex by the Connection Channel. The District's Restoration Strategies program requires that STA-1 West discharges to STA 1 West Expansion No. 1 and STA-1 West Expansion No. 2 separately. The STA-1 West Expansion No. 2 Project supports the District's core mission of ecosystem restoration by increasing the District's ability to effectively treat stormwater prior to discharging it into Water Conservation Area No. 1.

Funding Source:
As this is an even exchange, there is no purchase price to fund. Any associated costs will be funded from ad valorem funds.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1003

A Resolution of the Governing Board of the South Florida Water Management District approving declaring surplus for exchange and conveyance access easement interests encumbering 11.16 acres, more or less, in exchange for granting to the District a channel easement interest with respect to 3.21 acres, more or less, in connection with the District's STA-1 West Expansion No. 2 Project, all in Palm Beach County, plus associated costs for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021; providing an effective date.

WHEREAS, the STA-1 West Expansion No. 2 Project ("Expansion 2 Project") is a component of the District's Restoration Strategies Regional Water Quality Plan in Palm Beach County; and

WHEREAS, the Expansion 2 Project includes an approximately 100-acre connection channel ("Connection Channel") running north-south parallel and adjacent to the District's L-7 levee that will connect the District's existing STA-1 West complex to the Expansion 2 Project area that contains three new storm water treatment (STA) cells; and

WHEREAS, with respect to certain real property owned by Florida Power and Light Company ("FPL") and where the Connection Channel commences, FPL will grant the District a channel easement ("Channel Easement Interest") containing 3.21 acres, more or less, as shown on the attached Exhibit "A"; and

WHEREAS, FPL operates certain transmission facilities located within portions of the Expansion 2 Project and the existing STA-1 West complex ("FPL Facilities"); and

WHEREAS, because certain improvements included as part of the Expansion 2 Project adversely affect FPL's access to some of the FPL Facilities, the District will grant FPL an access easement ("Access Easement Interest") containing 11.16 acres, more or less, that provides FPL with adequate alternative access to the FPL Facilities, as shown on the attached Exhibit "A"; and

WHEREAS, no specific value is attributed to the Channel Easement Interest or the Access Easement Interest, but, for purposes of this exchange, the values are deemed to be equal; and

WHEREAS, because certain improvements included as part of the Expansion 2 Project also affect portions of the land areas within which some of the FPL Facilities are located, FPL and the District are entering into a Consent Agreement that provides agreement between FPL and the District that assures that FPL has the right to maintain its FPL Facilities and the District has the right to implement and operate the Expansion 2 Project consistent with the Expansion 2 Project plans approved by the District ("Consent Agreement"); and

WHEREAS, the District is authorized to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, the Governing Board has determined that it is in the public interest to declare the Access Easement Interest surplus; and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, the Governing Board shall be required, by at least a two-thirds (2/3) majority, to make a determination that the grant of the Access Easement Interest is consistent with conservation purposes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves declaring surplus for exchange and conveyance access easement interests encumbering 11.16 acres, more or less, in exchange for granting to the District a channel easement interest with respect to 3.21 acres, more or less, in connection with the District's STA-1 West Expansion No. 2 Project, all in Palm Beach County, plus associated costs for funds (Ad Valorem)are budgeted in Fiscal Year 2020-2021, and conditioned upon the District and FPL entering into the Consent Agreement.

Owner	Tract Nos.	Interest	Acres	Agreed Value*
South Florida Water Management District	4910E-024 D710E-011 D710E-012	Access Easement	2.44 1.07 7.65	N/A
TOTAL			**11.16**	

Owner	Tract No.	Interest	Acres	Agreed Value*
Florida Power & Light Company	49102-260	Channel Easement	3.21	N/A

*No specific value is attributed the Channel Easement Interest or the Access Easement Interest, but for purposes of this exchange the values are deemed to be equal.

Section 2. Consistent with the requirements of Section 373.089(6), Florida Statutes, as the conveyance of the Access Easement Interest supports and is needed for the implementation of the STA-1 West Expansion No. 2 Project, the Governing Board hereby determines that the Access Easement Interest is no longer needed for conservation purposes, and this Resolution was approved by the Governing Board by at least a two-thirds (2/3) vote.

Section 3. The Governing Board hereby authorizes the Chairman or Vice Chairman to execute the Exchange Agreement and any instrument(s) of conveyance required to consummate the transaction contemplated therein. The Governing Board hereby authorizes the Executive Director or the Executive Director's designee to make any determination in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Gator Blvd

State Road 80

County Road 880

E Lake Rd

S US Highway 27

Atlantic Sugar Mill Rd

Gladeview Rd

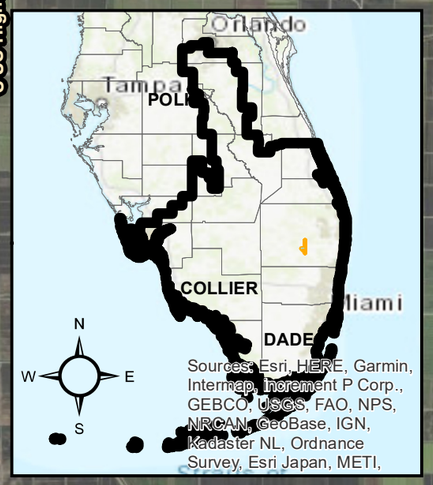
Browns Farm Rd

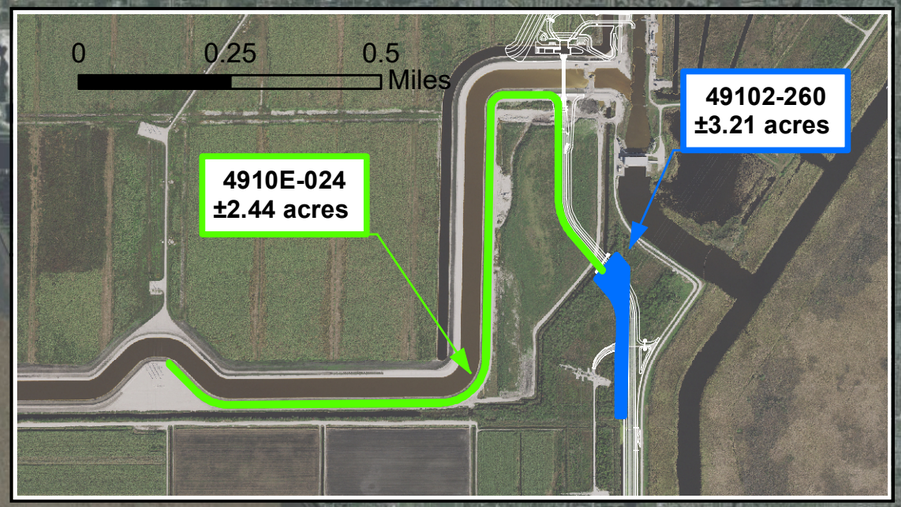
Dairy Rd

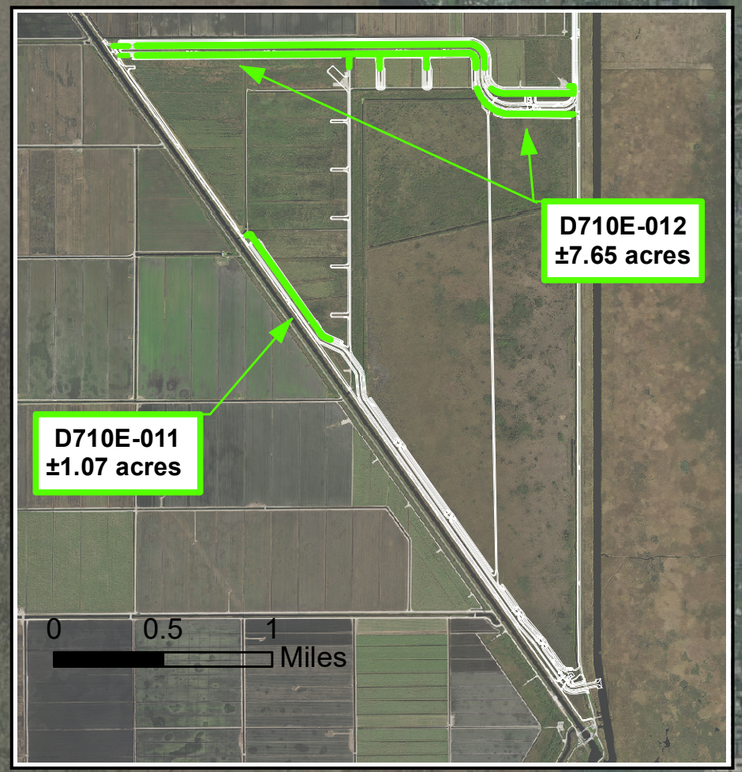
WCA-1

WCA-2A

Connection Channel







Legend

- Existing STA 1W
- Existing STA 1W Expansion #1
- Project Area (STA 1W Expansion #2)
- Channel Easement
- Access Easement

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

N W E S

0 1.5 3 6 Miles

STA 1W EXPANSION #2
PALM BEACH COUNTY
"EXHIBIT A"

IMPORTANT DISCLAIMER:
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persoons or properties, including any present or future right or use of real property.

sfwmd.gov

Attachment: Schaeffer_GB_Map_FPL_Exchange_STA_1W_Exp_2_rp-rev (Resolution No. 2020 - 1003 : STA- 1 West Expansion No. 2 -

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: A. Tract SG100-004

Agenda Item Background:
The District, as local sponsor for the United States Army Corps of Engineers ("Corps"), has agreed to acquire the lands needed to complete the Picayune Strand Restoration Project ("Project"), pursuant to the Project Partnership Agreement by and between the District and Corps, dated August 13, 2009 ("PPA"), as amended by the 2015 Limited Reevaluation Report ("LRR"). A map of the Project boundary and Tract to be acquired is attached hereto as Exhibit "A". Tract SG100-004, owned by Evelyne Llorente and Luc Havan, contains approximately 1.25 acres. The purchase price is $39,500 which is 71.7% over appraised value. Staff believes that it is in the District's best interest to purchase the property from a willing seller to avoid the risks and added expenses associated with a future condemnation action.

Core Mission and Strategic Priorities:
The Picayune Strand Restoration Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, and restore and enhance habitat for fish and wildlife, including threatened and endangered species. The Project is a Comprehensive Everglades Restoration Project ("CERP") and is included in the District's Five-Year Plan of Acquisition.

Funding Source:
All costs associated with the acquisition of the Tract herein described will be funded from the Land Acquisition Trust Fund and Ad Valorem. Acquisition of these land interests is required for the Project at a purchase price of $39,500.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1004

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 1.25 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $39,500, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021; providing an effective date.

WHEREAS, the Picayune Strand Restoration Project ("Project") was authorized by Section 1001(15) of the Water Resource Development Act of 2007, Public Law 110-114, and is a Comprehensive Everglades Restoration Plan Project; and

WHEREAS, the Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, reestablish natural plant distribution and composition, and restore and enhance habitat for fish and wildlife, including threatened and endangered species; and

WHEREAS, the District, as local sponsor pursuant to Section 373.1501, Florida Statutes, and the United States Army Corps of Engineers ("Corps") entered into a Project Partnership Agreement ("PPA") regarding the Project on August 13, 2009, as amended in 2015 by the Limited Reevaluation Report ("LRR"), wherein the District agreed to acquire all of the remaining land interest necessary to complete the Project; and

WHEREAS, the District desires to purchase land interests containing 1.25 acres, more or less, for the Project in Collier County, as shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of $39,500; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1: The Governing Board of the South Florida Water Management District hereby approves the purchase of land interests, containing 1.25 acres, more or less, identified in the attached Exhibit "A", in the Fakahatchee Strand State Preserve Component of the Picayune Strand Restoration Project, in the amount of $39,500, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021 as follows:

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Evelyne Llorente Luc Havan	SG100-004	Fee	1.25	$23,000	$39,500

Amount	Grant	Fund	Fund Center	Functional Area	GL	Account Description
$39,500	2017	425000	3510144000	P130	580020	Acquisition

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chair or Vice Chair to execute the Agreement for Sale and Purchase, and further authorizes the Executive Director or his designee to make any determinations in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

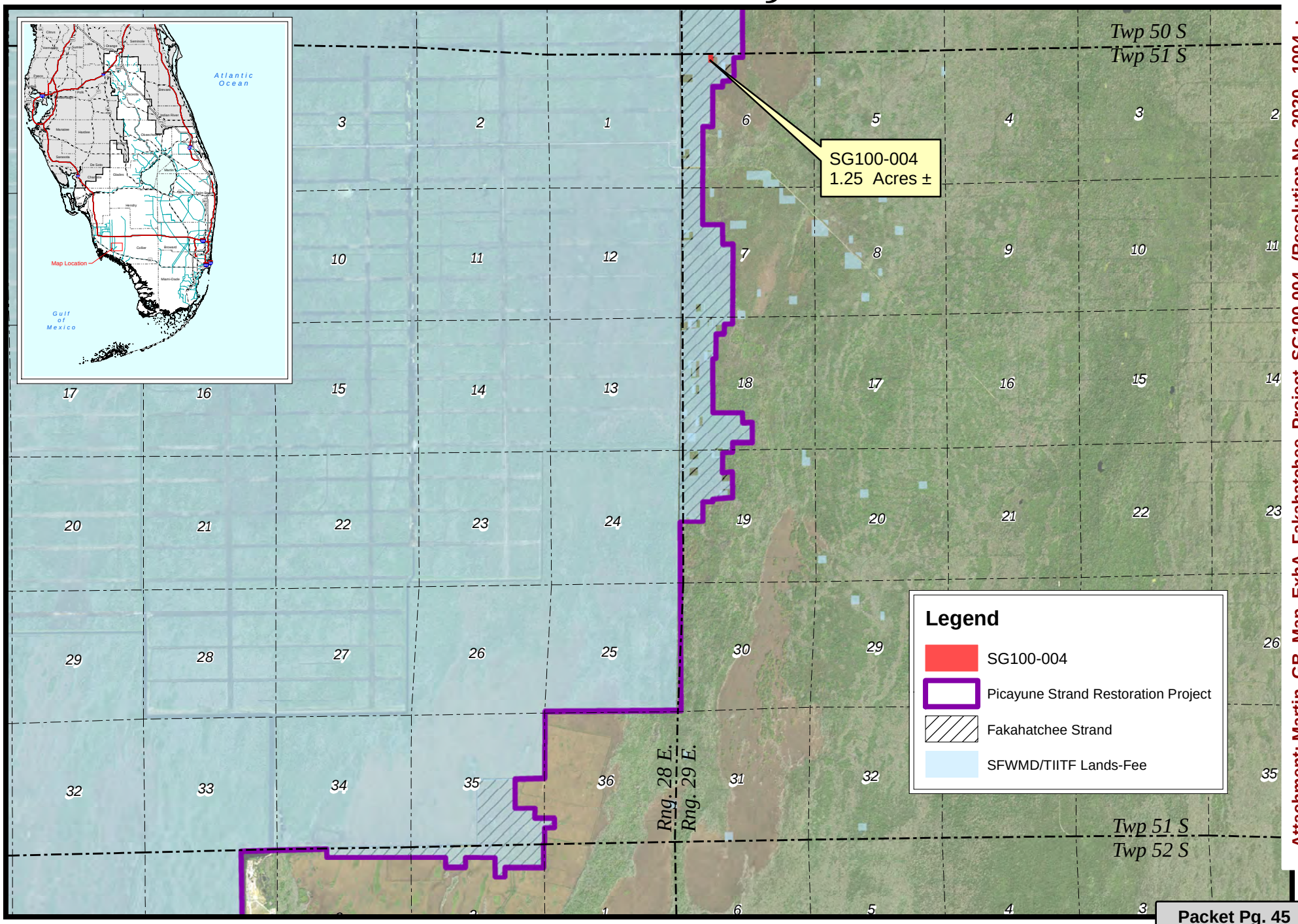
Print name:

_____

Picayune Strand - Fakahatchee Strand Restoration Project
Collier County

a

Exhibit "A"



Attachment: Martin_GB_Map_ExhA_Fakahatchee_Project_SG100-004 (Resolution No. 2020 - 1004 :

User Name: rschaff Remedy: 72984 Map Produced: 9/3/2020 8:46:53 AM Document Path: I:\maps\proj\Fakahatchee\arcGB_SG100-004.mxd

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: B. Tract SG100-046

Agenda Item Background:
The District, as local sponsor for the United States Army Corps of Engineers ("Corps"), has agreed to acquire the lands needed to complete the Picayune Strand Restoration Project ("Project"), pursuant to the Project Partnership Agreement by and between the District and Corps, dated August 13, 2009 ("PPA"), as amended by the 2015 Limited Reevaluation Report ("LRR"). A map of the Project boundary and Tract to be acquired is attached hereto as Exhibit "A". Tract SG100-046, owned by Robert W. Kelly and Carol J. Kelly, contains approximately 1.25 acres. The purchase price is $39,500 which is 71.7% over appraised value. Staff believes that it is in the District's best interest to purchase the property from a willing seller to avoid the risks and added expenses associated with a future condemnation action.

Core Mission and Strategic Priorities:
The Picayune Strand Restoration Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, and restore and enhance habitat for fish and wildlife, including threatened and endangered species. The Project is a Comprehensive Everglades Restoration Project ("CERP") and is included in the District's Five-Year Plan of Acquisition.

Funding Source:
All costs associated with the acquisition of the Tract herein described will be funded from the Land Acquisition Trust Fund and Ad Valorem. Acquisition of these land interests is required for the Project at a purchase price of $39,500.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1005

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 1.25 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $39,500, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021; providing an effective date.

WHEREAS, the Picayune Strand Restoration Project ("Project") was authorized by Section 1001(15) of the Water Resource Development Act of 2007, Public Law 110-114, and is a Comprehensive Everglades Restoration Plan Project; and

WHEREAS, the Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, reestablish natural plant distribution and composition, and restore and enhance habitat for fish and wildlife, including threatened and endangered species; and

WHEREAS, the District, as local sponsor pursuant to Section 373.1501, Florida Statutes, and the United States Army Corps of Engineers ("Corps") entered into a Project Partnership Agreement ("PPA") regarding the Project on August 13, 2009, as amended in 2015 by the Limited Reevaluation Report ("LRR"), wherein the District agreed to acquire all of the remaining land interest necessary to complete the Project; and

WHEREAS, the District desires to purchase land interests containing 1.25 acres, more or less, for the Project in Collier County, and as shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of $39,500; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1: The Governing Board of the South Florida Water Management District hereby approves the purchase of land interests, containing 1.25 acres, more or less, identified in the attached Exhibit "A", in the Fakahatchee Strand State Preserve Component of the Picayune Strand Restoration Project, in the amount of $39,500, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021 as follows:

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Robert W. Kelly Carol J. Kelly	SG100-046	Fee	1.25	$23,000	$39,500

Amount	Grant	Fund	Fund Center	Functional Area	GL	Account Description
$39,500	2017	425000	3510144000	P130	580020	Acquisition

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chair or Vice Chair to execute the Agreement for Sale and Purchase, and further authorizes the Executive Director or his designee to make any determinations in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

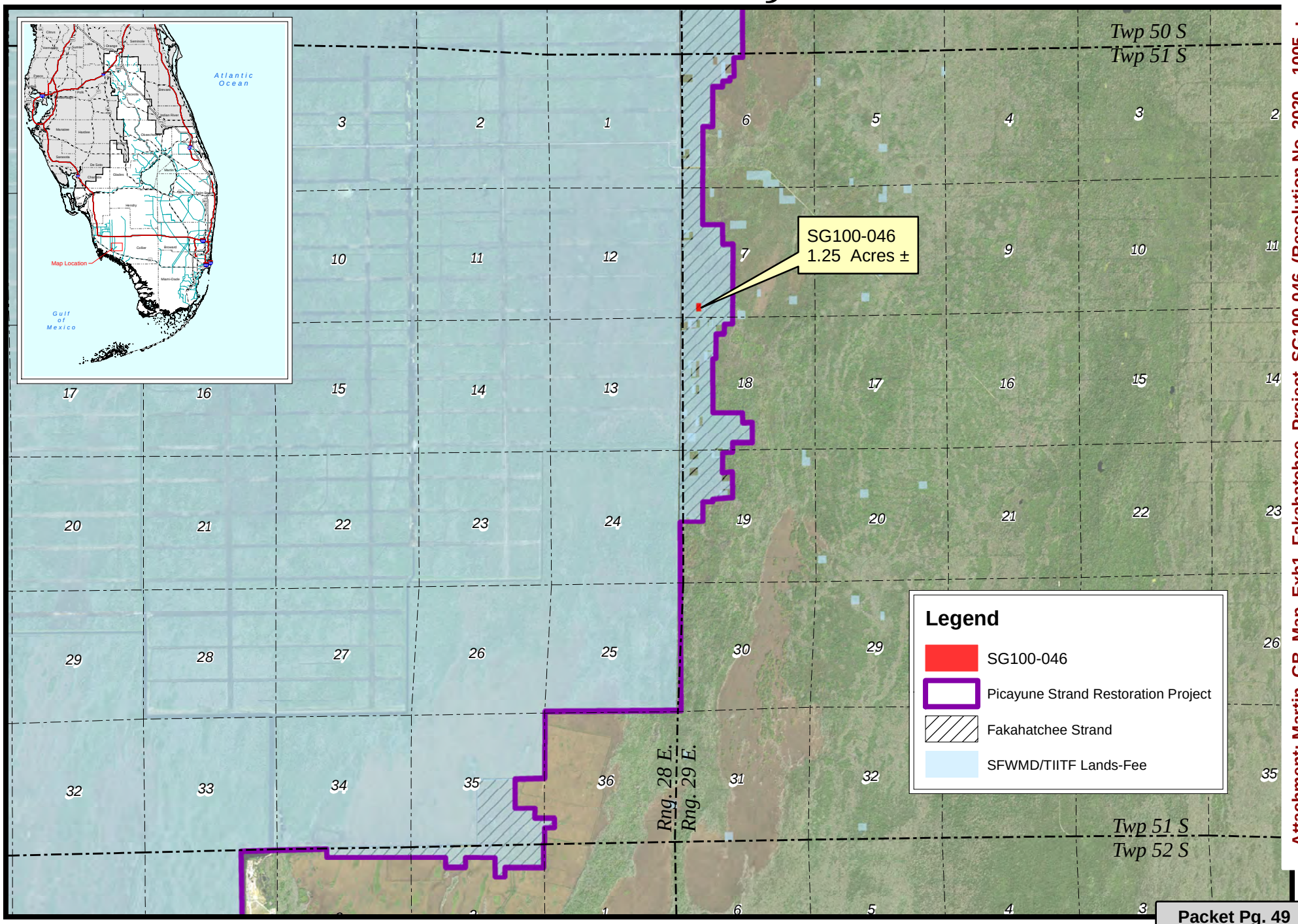
Print name:

_____

Picayune Strand - Fakahatchee Strand Restoration Project
Collier County

a

Exhibit "A"



Attachment: Martin_GB_Map_Exh1_Fakahatchee_Project_SG100-046 (Resolution No. 2020 - 1005 :

User Name: rschaff Remedy: 72984 Map Produced: 9/2/2020 1:21:49 PM Document Path: I:\maps\proj\Fakahatchee\arcGB_SG100-046.mxd

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: C. Tract SG100-057

Agenda Item Background:
The District, as local sponsor for the United States Army Corps of Engineers ("Corps"), has agreed to acquire the lands needed to complete the Picayune Strand Restoration Project ("Project"), pursuant to the Project Partnership Agreement by and between the District and Corps, dated August 13, 2009 ("PPA"), as amended by the 2015 Limited Reevaluation Report ("LRR"). A map of the Project boundary and Tract to be acquired is attached hereto as Exhibit "A". Tract SG100-057, owned by Russell Lindsay Hogan, Personal Representative of the Estate of Elwood L. Hogan, contains approximately 2.5 acres. The purchase price is $61,250 which is 63.3% over appraised value. Staff believes that it is in the District's best interest to purchase the property from a willing seller to avoid the risks and added expenses associated with a future condemnation action.

Core Mission and Strategic Priorities:
The Picayune Strand Restoration Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, and restore and enhance habitat for fish and wildlife, including threatened and endangered species. The Project is a Comprehensive Everglades Restoration Project ("CERP") and is included in the District's Five-Year Plan of Acquisition.

Funding Source:
All costs associated with the acquisition of the Tract herein described will be funded from the Land Acquisition Trust Fund and Ad Valorem funds. Acquisition of these land interests is required for the Project at a purchase price of $61,250.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1006

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 2.5 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of $61,250, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021; providing an effective date.

WHEREAS, the Picayune Strand Restoration Project ("Project") was authorized by Section 1001(15) of the Water Resource Development Act of 2007, Public Law 110-114, and is a Comprehensive Everglades Restoration Plan Project; and

WHEREAS, the Project will restore freshwater wetlands, improve estuarine water quality by increasing groundwater recharge, reduce large and unnatural freshwater inflows, reestablish natural plant distribution and composition, and restore and enhance habitat for fish and wildlife, including threatened and endangered species; and

WHEREAS, the District, as local sponsor pursuant to Section 373.1501, Florida Statutes, and the United States Army Corps of Engineers ("Corps") entered into a Project Partnership Agreement ("PPA") regarding the Project on August 13, 2009, as amended in 2015 by the Limited Reevaluation Report ("LRR"), wherein the District agreed to acquire all of the remaining land interest necessary to complete the Project; and

WHEREAS, the District desires to purchase land interests containing 2.5 acres, more or less, for the Project in Collier County, and as shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of $61,250; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1: The Governing Board of the South Florida Water Management District hereby approves the purchase of land interests, containing 2.5 acres, more or less, identified in the attached Exhibit "A", in the Fakahatchee Strand State Preserve Component of the Picayune Strand Restoration Project, in the amount of $61,250, for which dedicated funds (Land Acquisition Trust Fund and Ad Valorem) are budgeted in Fiscal Year 2020-2021 as follows:

Owner	Tract No.	Interest	Acres	Appraised	Purchase

				Value	Price
Russell Lindsay Hogan, Personal Representative of the Estate of Elwood L. Hogan	SG100-057	Fee	2.5	$37,500	$61,250

Amount	Grant	Fund	Fund Center	Functional Area	GL	Account Description
$61,250	2017	425000/ 401000	3510144000	P130	580020	Acquisition

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chair or Vice Chair to execute the Agreement for Sale and Purchase, and further authorizes the Executive Director or his designee to make any determinations in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 3: This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

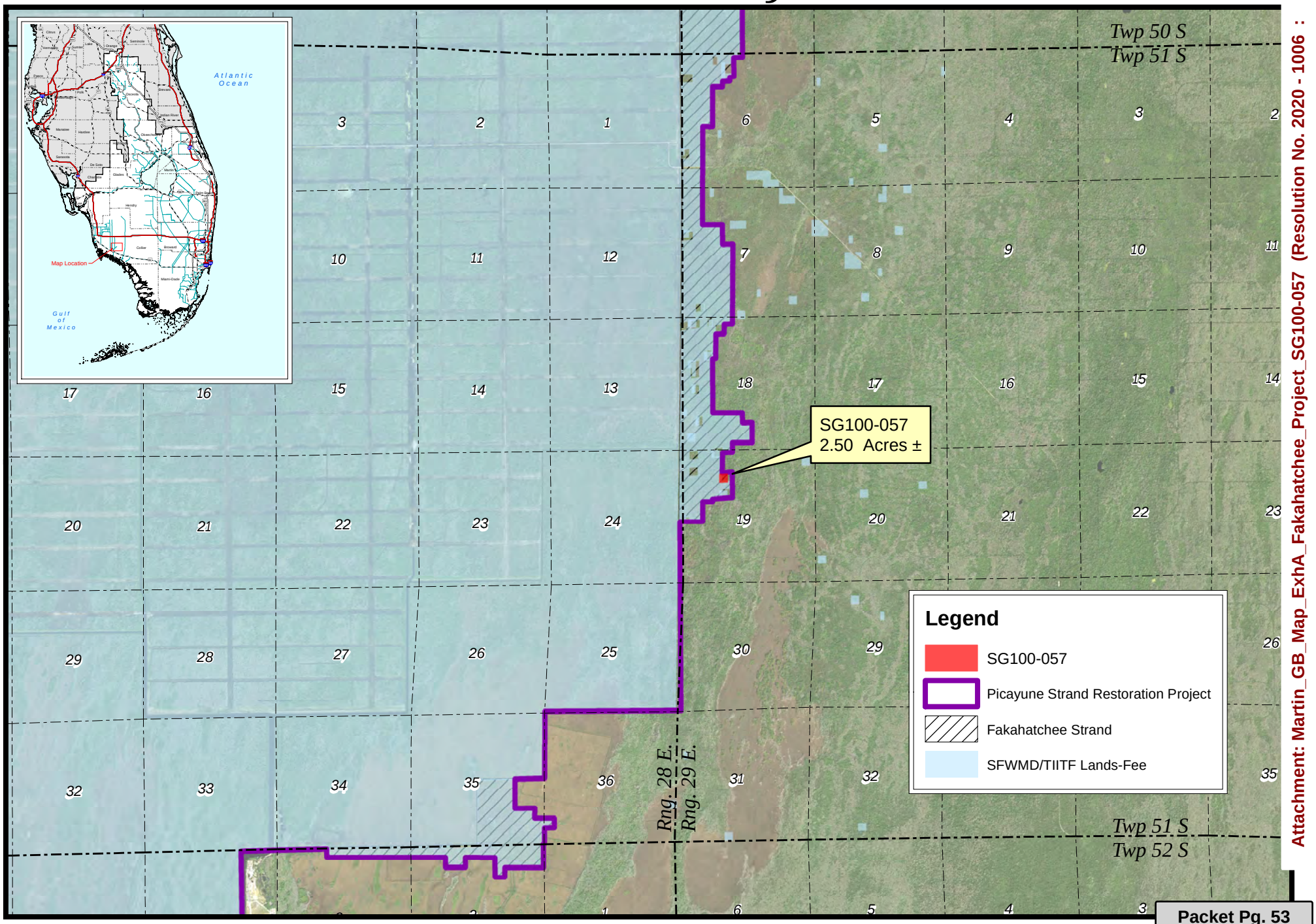
Print name:

_____

Picayune Strand - Fakahatchee Strand Restoration Project
Collier County

a

Exhibit "A"



Attachment: Martin_GB_Map_ExhA_Fakahatchee_Project_SG100-057 (Resolution No. 2020 - 1006 :

User Name: rschaff Remedy: 72984 Map Produced: 9/3/2020 7:28:23 AM Document Path: I:\maps\proj\Fakahatchee\arcGB_SG100-057.mxd

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: Release of C-10 Perpetual Canal Access Easement, Broward County

Agenda Item Background:
The Applicant, Project USA, LLC, has requested a release of 0.094 acres, more or less, of a perpetual canal access easement along the C-10 canal right of way bisecting Tract A, SYMONS PLAT, Plat Book 82, page 49, Broward County. See map attached hereto as Exhibit "A". The land covered by the access easement has not been improved and has therefore not been utilized as a viable access point to access the C-10 canal. Additionally, the adjacent canal easement rights include a requirement that the landowner maintain the canal bank.

The property is being prepared for development as an eight-story multifamily building with 272 residential dwelling units and thirty live-work units, a leasing office, as well as other amenities and a parking garage. In support of the developer's plans, the City of Dania Beach rezoned the property in December 2019 to Planned Small Lot Mixed Use Development (PMUD-SL) and rezoned three other properties located north of the Applicant's site to Planned Small Lot Mixed Use Development (PMUD-SL). Subsequently, the City approved Development Design Guidelines and Site Plan for this site. This development is consistent with the newly constructed Dania Pointe shopping center located to the west of this site. The three properties north of the Applicant's site are also planned for similar developments.

The release will be subject to the District's satisfaction of the Applicant's completion of the following terms, conditions and requirements:

1. Applicant must provide a legal description and sketch for transfer instrument, subject to District review and approval.

2. Applicant must provide assurance that the release does not violate applicable subdivision or platting laws, or, if required, Applicant must obtain a waiver of plat for SYMONS PLAT, recorded in Plat Book 82, page 49, recorded in the public records of Broward County.

3. All costs associated with this transaction shall be paid for by the Applicant, including but not limited to all recording costs, and under no circumstances shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this transaction.

4. The Applicant shall pay to the District no less than appraised value for the release of the subject portion of the canal access easement. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.

5. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (1.) through (4.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2020.

Additional Background:
The Applicant has paid a $1,000 non-refundable application fee and will pay appraised value for the release parcel, together with all costs associated with the transaction.

Core Mission and Strategic Priorities:
The Governing Board, pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any right of way interest for which it has no present or apparent use under terms and conditions determined by the Board. The subject canal right of way is not needed for conservation purposes.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov; 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1007

A Resolution of the Governing Board of the South Florida Water Management District releasing canal access easement interests containing 0.094 acres, more or less, to the Applicant at appraised value; being a canal access easement to the C-10 canal right of way bisecting Tract A, SYMONS PLAT, Plat Book 82, page 49, located in Section 33, Township 50 South, Range 42 East, Broward County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.

WHEREAS, pursuant to a request from the Applicant, Project USA, LLC, the District has determined that it is in the public interest to release a canal access easement containing 0.094 acres, more or less, which bisects Tract A, SYMONS PLAT, Plat Book 82, page 49, located in Section 33, Township 50 South, Range 42 East, Broward County; and

WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that canal access easement to the C-10 right of way is not required by the District for present or apparent future use; and

WHEREAS, the Applicant has paid a $1,000 application fee and will pay no less than appraised value for the release parcel; and

WHEREAS, pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any right of way interest for which it has no present or apparent future use under terms and conditions determined by the Board.

NOW THEREFORE, **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

Section 1: The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the subject portion of canal right of way and therefore hereby approves releasing the canal access easement to the C-10 right of way containing 0.094 acres, more or less, which bisects Tract A, SYMONS PLAT, Plat Book 82, page 49, in Section 33, Township 50 South, Range 42 East, Broward County, to the Applicant at appraised value, provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion, at the Applicant's sole cost and expense:

1. Applicant must provide a legal description and sketch for transfer instrument, subject to District review and approval.
2. Applicant must provide assurance that the release does not violate applicable subdivision or platting laws, or, if required, Applicant must obtain a waiver of plat for SYMONS PLAT, recorded in Plat Book 82, page 49, recorded in the public records of Broward County.

3. All costs associated with this transaction shall be paid for by the Applicant, including but not limited to all recording costs, and under no circumstances

shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this transaction.

4. The Applicant shall pay to the District no less than appraised value for the release of the subject portion of the canal right of way. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.

5. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (1.) through (4.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2020.

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document. No release instrument shall be delivered to the Applicant/underlying fee owner, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such release has been recorded in the Public Records of Broward County.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

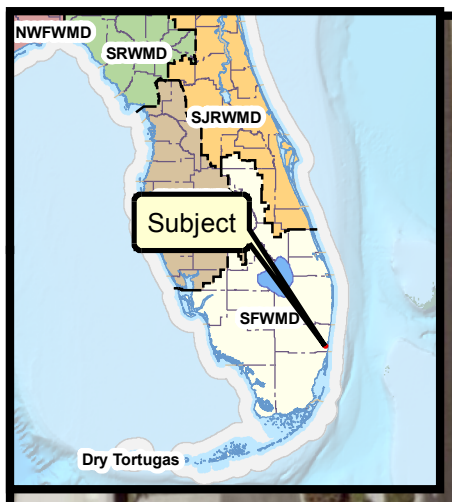
Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Exhibit "A"



S BRYAN RD

SW 12TH AVE

AO100-005
0.094 Acres

AO100-005

AO100-002

AO100-008

AO100-009

AO100-003

C-10 CANAL

50S-42E-33

51S-42E-4

ARROW PL

STIRLING RD

LEGEND

- Access Easement to be Released
- Acquired - Fee
- Acquired - Easement

C-10 Canal Access Easement Release

South Florida Water Management District
3301 Gun Club Rd., West Palm Beach, Florida 33406
(561) 686-8800; www.sfwmd.gov

sfwmd.gov

N W E S

0 0.005 0.01 0.015 0.02 0.025 Miles

IMPORTANT DISCLAIMER:
This map is a conceptual or planning tool only.The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

Map Produced on Date: 7/13/2020 2:22:06 PM

Attachment: Martin_Exhibit A_AO100-005_C-10_Release Access Easement (Resolution No. 2020 - 1007 : Release of C-10 Perpetual Canal Access Easement, Broward County)

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: October 08, 2020

SUBJECT: Release of Reservations

Agenda Item Background:
The District has certain reserved rights to construct canal and road right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need. If it has been determined there is no present or future need, the reservations are released for payment of a value equal to one percent of the appraised value of the land on the property appraiser's website in the county where the property is located. For canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund (TIITF), the Florida Department of Environmental Protection (DEP) requires a recommendation from the District that there is no District need for TIITF held canal reservations prior to a release being issued by DEP. It has been determined that there is no present or future need for the reservations listed below.

Staff Recommendation:
Staff recommends approval of the following:

Broward County
- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for Bruce L. Foresman and Kathleen Foresman, as Trustees (File No. 18853) for 9.19 +/- acres; release value N/A (homesteaded property).
- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for Sukkat David Congregation, Inc. (File No. 18854) for 1.10 +/- acres; subject to payment of release value of $2,199.80.
- Release District canal and road reservations and advise DEP of no District need for TIITF canal reservations for JHTB Holdings, LLC (File No. 18855) for 9.57 +/- acres; subject to payment of release value of $22,927.80.

Miami-Dade County
- Release District canal reservations for South Florida Growers Association, Inc. (File No. 18852) for 29.75 +/- acres; subject to payment of release value of $35,945.

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contain the details and location of the releases to be issued.

Core Mission and Strategic Priorities:
Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions

determined by the Board.

Staff Contact and/or Presenter:
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1008

A Resolution of the Governing Board of the South Florida Water Management District to release District canal and road reservations and inform Florida Department of Environmental Protection of recommendations to release canal reservations held by the Trustees of the Internal Improvement Trust Fund; providing an effective date.

WHEREAS, certain underlying landowners have requested that the South Florida Water Management District release certain District canal and road reservations, and inform the Florida Department of Environmental Protection (DEP) of no need for canal reservations held by the Trustees of the Internal Improvement Trust Fund (TIITF); and

WHEREAS, the District is empowered to grant such releases and recommendations pursuant to Section 373.096, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the release of District canal and road reservations and recommendations informing DEP that there is no need for TIITF held canal reservations, as described in Resolution Exhibit “A” attached hereto and made a part hereof.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18853

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N W E S

0 0.025 0.05 0.075 0.1 Miles

0 0.045 0.09 0.135 Kilometers

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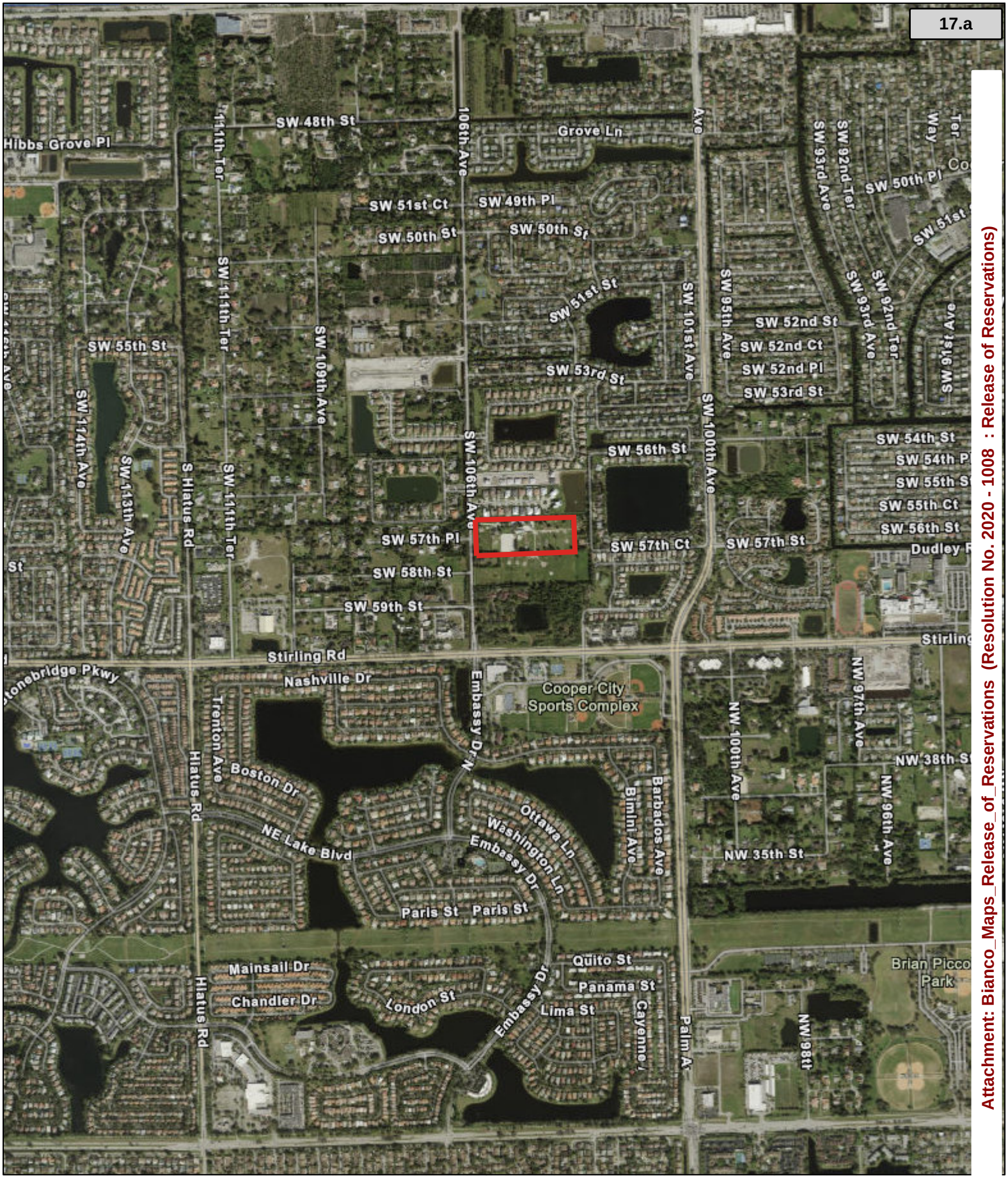

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18853

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N W E S

0 0.1 0.2 0.3 0.4 Miles

0 0.15 0.3 0.45 Kilometers

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Statute.

Map Produced on Date: 8/31/2020 8:48:47 AM

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18854

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N W E S

0 0.006 0.012 0.018 0.024 Miles

0 0.01 0.02 0.03 Kilometers

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Statute.

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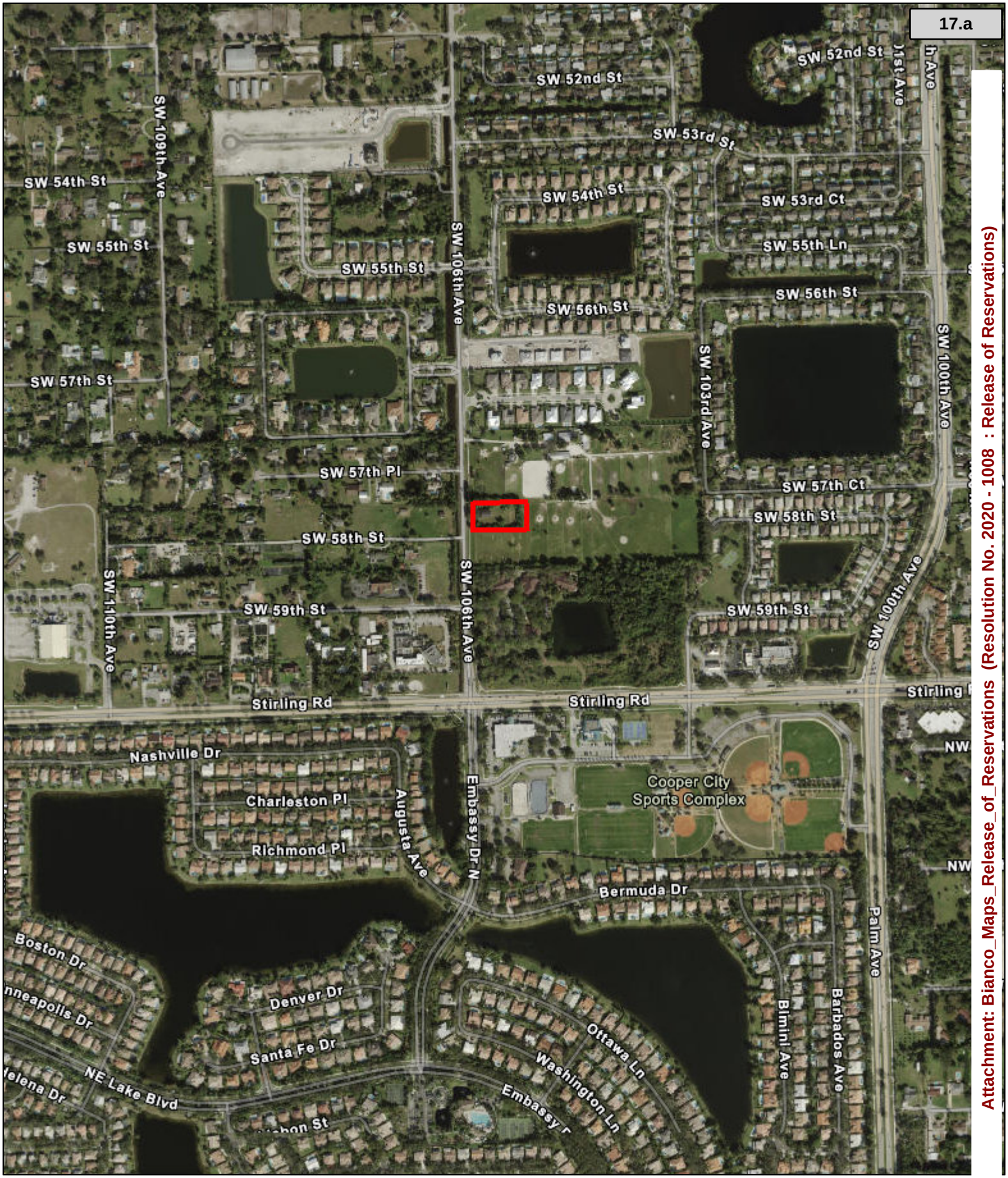

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18854

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N E S W

0 0.05 0.1 0.15 0.2 Miles

0 0.095 0.19 0.285 Kilometers

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Statute.

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18855

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

sfwmd.gov

N W E S

0 0.025 0.05 0.075 0.1 Miles

0 0.045 0.09 0.135 Kilometers

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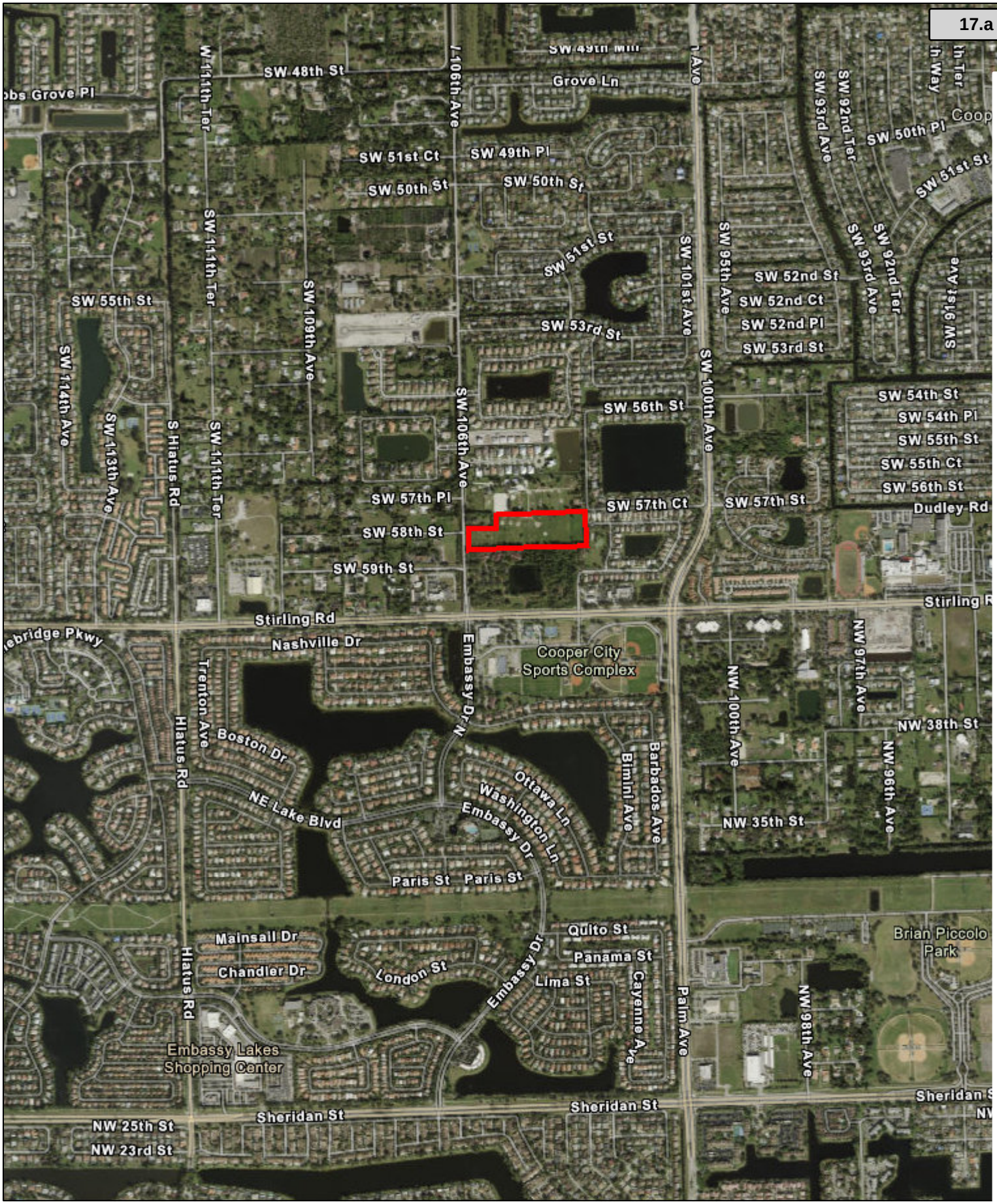

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18855

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov
sfwmd.gov

N W E S

0 0.1 0.2 0.3 0.4 Miles

0 0.15 0.3 0.45 Kilometers

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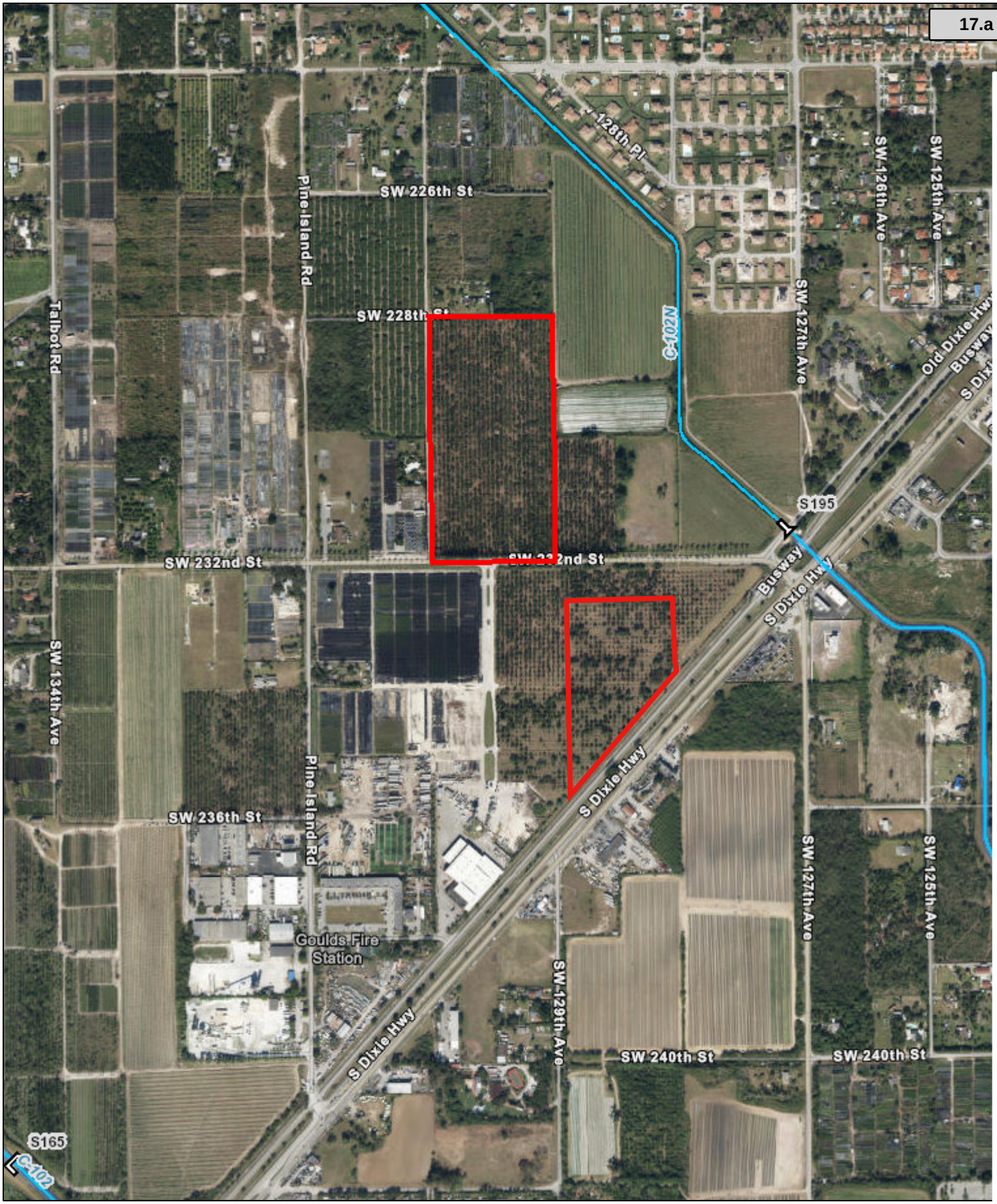

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18852

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N
W E
S

0 0.05 0.1 0.15 0.2 Miles

0 0.095 0.19 0.285 Kilometers

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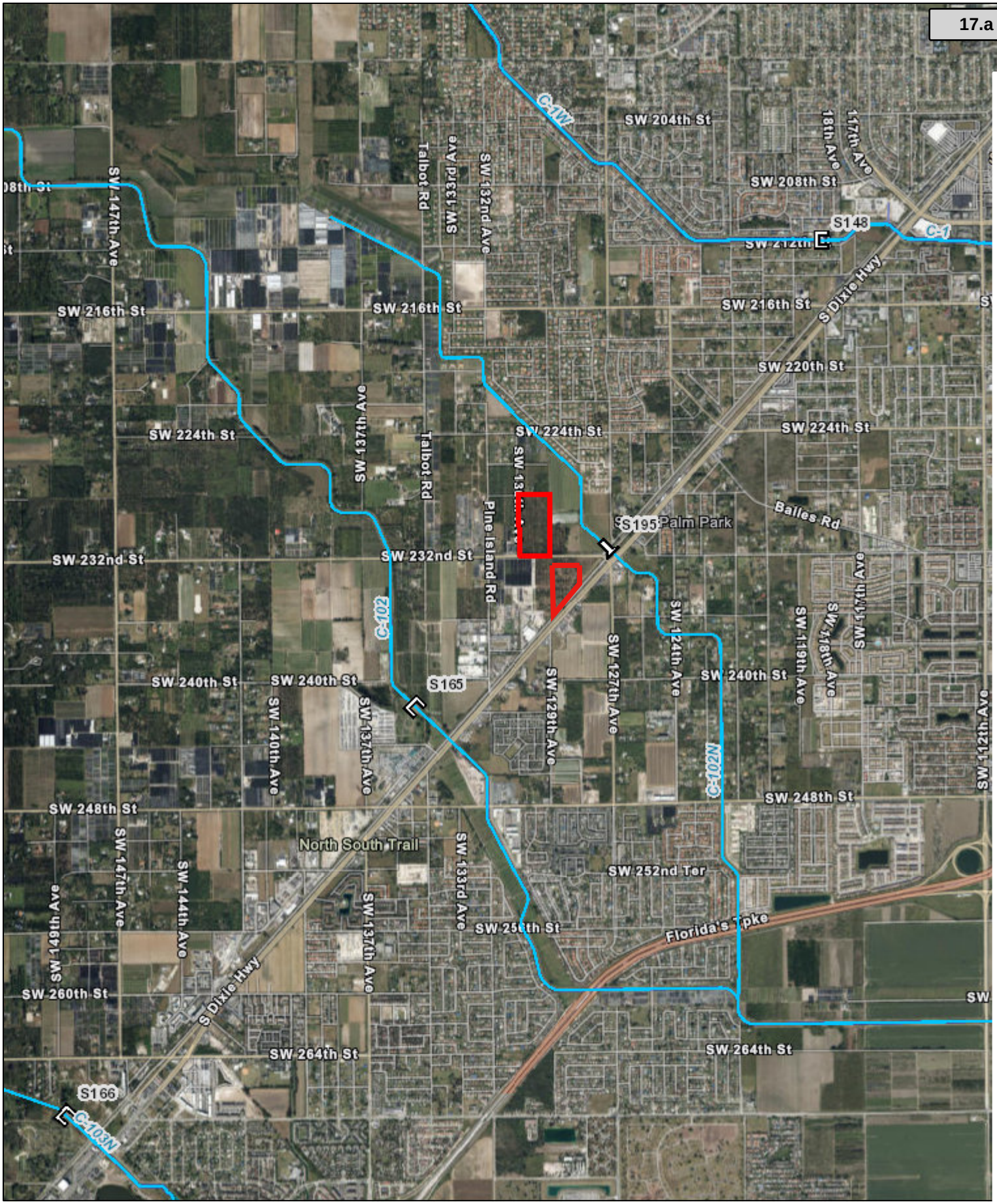

Attachment: Bianco_Maps_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

File No. 18852

South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov

N W E S

0 0.2 0.4 0.6 0.8 Miles

0 0.35 0.7 1.05 Kilometers

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Statute.

Map Produced on Date: 8/31/2020 3:18:48 PM

RESOLUTION - EXHIBIT "A"

Broward County

File No:	18853
Applicant:	Bruce L. Foresman and Kathleen Foresman, as Trustees of the Bruce L. Foresman and Kathleen Foresman Revocable Trust Agreement dated June 14, 2017
Reserving Deeds:	E-2228 (DB 470-322, 1/16/1945) and 16198 (DB 46-240(D), 12/24/1908)
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations; no release value (homesteaded property exemption)
Acres:	9.19 acres, more or less
Legal Description:	A portion of Tracts 60 and 61, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5650 SW 106th Avenue, Cooper City, Broward County
File No:	18854
Applicant:	Sukkat David Congregation, Inc., a Florida not for profit corporation
Reserving Deeds:	E-2228 (DB 470-322, 1/16/1945) and 16198 (DB 46-240, 12/24/1908)
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations, subject to payment of $2,199.80 for value of release of District real property interests
Acres:	1.10 acres, more or less
Legal Description:	A portion of Tract 59, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5700 SW 106th Avenue, Cooper City, Broward County
File No:	18855
Applicant:	JHTB Holdings, LLC, a Nevada limited liability company
Reserving Deeds:	E- 2228 (DB 470-322, 1/16/1945) and 16198 (DB 46-240(D), 12/24/1908)
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations, subject to payment of $22,927.80 for value of release of District real property interests
Acres:	9.57 acres, more or less
Legal Description:	A portion of Tract 59, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5800 SW 106th Avenue, Cooper City, Broward County

Attachment: Bianco_Reso_Exhibit_A_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

RESOLUTION - EXHIBIT "A" (cont'd)

Miami-Dade County

File No:	18852
Applicant:	South Florida Growers Association, Inc., a Florida corporation
Reserving Deeds:	T-5622 (DB 1391-371, 6/26/1930) and T-5826 (DB 1437-186, 1/27/1931)
Action:	Release District canal reservations, subject to payment of $35,945.00 for value of release of District real property interests
Acres:	29.75 acres, more or less
Legal Description:	A portion of the SE ¼ of Section 14, Township 56 South, Range 39 East and a portion of the NE ¼ of Section 23, Township 56 South, Range 39 East
Location:	Vacant land located Northwesterly of US Highway 1 (South Dixie Highway) and South of SW 224th Street, Miami, Miami-Dade County

Attachment: Bianco_Reso_Exhibit_A_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

MEMORANDUM – EXHIBIT "A"

Broward County

File No:	18853
Applicant:	Bruce L. Foresman and Kathleen Foresman, as Trustees of the Bruce L. Foresman and Kathleen Foresman Revocable Trust Agreement dated June 14, 2017
Reserving Deeds:	E-2228 (DB 470-322, 1/16/1945) and -16198 (DB 46-240(D), 12/24/1908)
Application Fee Paid:	$250.00
Release Value:	N/A; Homesteaded property exemption
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations
Acres:	9.19 acres, more or less
Legal Description:	A portion of Tracts 60 and 61, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5650 SW 106th Avenue, Cooper City, Broward County
Reviewed By:	Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Central Broward Drainage District and Broward County

File No:	18854
Applicant:	Sukkat David Congregation, Inc., a Florida not for profit corporation
Reserving Deeds:	E-2228 (DB 470-322, 1/16/1945) and 16198 (DB 46-240(D), 12/24/1908)
Application Fee Paid:	$250.00
Release Value:	$2,199.80 (unpaid)
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations, subject to payment of $2,199.80 for value of release of District real property interests
Acres:	1.10 acres, more or less
Legal Description:	A portion of Tract 59, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5700 SW 106th Avenue, Cooper City, Broward County
Reviewed By:	No routing due to size and land use

File No:	18855
Applicant:	JHTB Holdings, LLC, a Nevada limited liability company
Reserving Deeds:	E-2228 (DB 470-322, 1/16/1945) and 16198 (DB 46-240(D), 12/24/1908)
Application Fee Paid:	$250.00
Release Value:	$22,927.80 (unpaid)
Action:	Release District canal and road reservations and inform DEP of no District need for TIITF canal reservations, subject to payment of $22,927.80 for value of release of District real property interests
Acres:	9.57 acres, more or less

Attachment: Bianco_Memo_Exhibit_A_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

MEMORANDUM – EXHIBIT "A" (cont'd)

Legal Description:	A portion of Tract 59, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17(D), Section 31, Township 50 South, Range 41 East
Location:	5800 SW 106th Avenue, Cooper City, Broward County
Reviewed By:	Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Central Broward Drainage District and Broward County

Miami-Dade County

File No:	18852
Applicant:	South Florida Growers Association, Inc., a Florida corporation
Reserving Deeds:	T-5622 (DB 1391-371, 6/26/1930) and T-5826 (DB 1437-186, 1/27/1931)
Application Fee Paid:	$250.00
Release Value:	$35,945.00 (unpaid)
Action:	Release District canal reservations, subject to payment of $35,945.00 for value of release of District real property interests
Acres:	29.75 acres, more or less
Legal Description:	A portion of the SE ¼ of Section 14, Township 56 South, Range 39 East and a portion of the NE ¼ of Section 23, Township 56 South, Range 39 East
Location:	Vacant land located Northwesterly of US Highway 1 (South Dixie Highway) and South of SW 224th Street, Miami, Miami-Dade County
Reviewed By:	Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination and Miami-Dade County Department of Environmental Resource Management

Attachment: Bianco_Memo_Exhibit_A_Release_of_Reservations (Resolution No. 2020 - 1008 : Release of Reservations)

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: October 08, 2020

SUBJECT: Amendment to Agreement with Florida Atlantic University for Scientific Support for the Water Quality Bureau in Fiscal Year 2020-2021

Agenda Item Background:
This amendment requests Governing Board approval to extend a current agreement with Florida Atlantic University (FAU) to provide contingent positions to meet District compliance reporting requirements. As environmental restoration projects (C-111 Spreader Canal, L-8 Flow Equalization Basin, STA1-W Expansion, Lakeside Ranch STA, C-44 STA, and other related projects) are constructed, the amount of required monitoring, analyses and compliance reporting increases. In June 2018, the Governing Board approved a three-year agreement with the FAU Center for Environmental Studies for technical support for annual permit compliance reporting, data analysis, quality assurance, and water quality monitoring to comply with permit requirements for environmental restoration projects in an amount not to exceed $294,923. The contract was amended in September 2019 to fund a contingent scientist position for $99,695. The current amendment requests Governing Board approval to extend the FAU agreement for three onsite contingent workers through FY2021 for $212,939.

Additional Background:
FAU will provide two full-time Scientists and one part-time Field Technician to support Water Quality Bureau staff of the SFWMD as needed for various projects. All job descriptions for positions will be mutually determined to meet SFWMD's needs. One full-time Scientist position will be based primarily in the SFWMD Headquarters and will support permit reporting and the other full-time Scientist position will be based at the SFWMD's Field Operations Center (FOC) to provide quality assurance support for water quality projects. The Field Technician position will be based at the FOC and will support water quality sampling and other tasks as assigned through March 2021.

Core Mission and Strategic Priorities:
The core mission is water quality improvement including monitoring and reporting required for environmental restoration projects. This contract will provide data and technical expertise to support Water Quality Bureau staff resources in meeting FDEP permit monitoring and reporting requirements.

Staff Contact and/or Presenter:
Stuart Van Horn, svanhorn@sfwmd.gov, 561-682-6628
Pamela Lehr, plehr@sfwmd.gov, 561-682-2473

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1009

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to a three-year agreement with Florida Atlantic University (FAU) to conduct water quality monitoring and reporting activities, by extending the FAU agreement for three onsite contingent workers through Fiscal Year 2020-2021 in the amount of $212,939 for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021; providing an effective date. (Contract No. 4600003812-A02)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and **i**n the public interest to amend the three-year agreement with Florida Atlantic University in the amount of $212,939 for Fiscal Year 2020-2021 (total contract amount $607,557) to provide scientific support for water quality monitoring and reporting on various projects; and

WHEREAS, in June 2018, the Governing Board approved a three-year agreement with the FAU Center for Environmental Studies for technical support for annual permit compliance reporting, data analysis, quality assurance, and water quality monitoring to comply with permit requirements for environmental restoration projects in an amount not to exceed $294,923; and

WHEREAS, the contract was amended in September 2019 to fund a contingent scientist position for $99,695; and

WHEREAS, the current amendment requests Governing Board approval to extend the FAU agreement for three onsite contingent workers through Fiscal Year 2020-2021 for $212,939 for which Ad Valorem funds are budgeted. (Contract Number 4600003812-A02). The current amendment is needed to comply with permit requirements for environmental restoration projects (C-111 Spreader Canal, L-8 Flow Equalization Basin, STA1-W expansion, Lakeside Ranch STA, C-44 STA and other related projects).

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes an amendment with Florida Atlantic University to conduct this effort. (Contract No. 4600003812-A02)

Section 2. Required training will be implemented; designated sampling will take place as scheduled; permit reports and quarterly status reports will be written. Appropriate quality assurance, quality control, and data management will be implemented under the guidance of the South Florida Water Management District.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: October 08, 2020

SUBJECT: Everglades Ridge, Slough and Tree Island Research Contract

Agenda Item Background:
This item seeks Governing Board authorization to enter into a three-year agreement with Florida International University Board of Trustees for tree island, ridge, and slough studies within the Loxahatchee Impoundment Landscape Assessment (LILA) project. The Comprehensive Everglades Restoration Plan (CERP), the Everglades Forever Act, and the Central Everglades Planning Process (CEPP) depend on ecological and hydrological studies to support decision-making for water management and restoration. This research, a cost-sharing component of CERP, will help to define the hydrology that will sustain a healthy Everglades Ridge and Slough ecosystem and reduce uncertainty in predicting ecosystem responses to water management and climate patterns. This is a three-year project with the Florida International University in an amount not to exceed $231,000.00 for which $77,000.00 in dedicated funds (Everglades License Tag Fund) is budgeted for FY21, and the remainder is subject to Governing Board approval of the future years budgets.

Additional Background:
The Comprehensive Everglades Restoration Plan (CERP), the Everglades Forever Act, and the Central Everglades Planning Process (CEPP) depend on ecological and hydrological studies to support decision-making for water management and restoration. This research, a cost-sharing component of CERP, will help to define the hydrology that will sustain a healthy Everglades Ridge and Slough ecosystem and reduce uncertainty in predicting ecosystem responses to water management and climate patterns.

This contract provides for a series of experimental and monitoring studies within mesocosms at the District's 80-acre "living laboratory", the Loxahatchee Impoundment Landscape Assessment (LILA) facility. The work conducted in this study will investigate: (1) the role of water depth in maintaining the natural landscape; (2) the ability of tree islands to move and concentrate nutrients; (3) the flooding tolerance of tree island tree species, and (4) how ground water and surface water interact to support healthy vegetation. This investigation lends itself to the making of a series of maps illustrating how LILA vegetation patterns have changed in response to hydrology over time.

Core Mission and Strategic Priorities:
The research conducted at LILA supports the goals within the District Everglades Strategic Plan to develop operational criteria and recovery strategies for the ridge and slough ecosystem, to guide the CERP program, and to achieve sustainable targets for wading bird populations by providing a better understanding of the role of hydroperiod and depth for the restoration, growth, and reproduction ecology of tree islands, ridges and sloughs, which will significantly improve the District's ability to support the Everglades Forever Act, Minimum Flows and Levels (MFL), Regulatory Operations, Interim Operating Procedures, and CEPP.

Funding Source:
This is a three-year project with the Florida International University in an amount not to exceed $231,000.00 for which $77,000.00 in dedicated funds (Everglades License Tag Fund) is budgeted for FY21, and the remainder is subject to Governing Board approval of future years budgets.

Staff Contact and/or Presenter
Fred Sklar, fsklar@sfwmd.gov, 561-682-6504

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1010

A Resolution of the Governing Board of the South Florida Water Management District to enter into a three-year agreement with Florida International University to conduct field monitoring for Everglades Ridge, Slough and Tree Island Research in an amount not to exceed $231,000, for which $77,000 is budgeted in Fiscal Year 2020-2021 with dedicated Everglades License Tag funds and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600004304)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the execution of a three-year (Contract No. 4600004304), with Florida International University in the amount of $231,000, to measure tree island and ridge and slough restoration and development within the LILA project.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of a three-year agreement with Florida International University to measure tree island and ridge and slough restoration and development within the LILA project. (Contract No. 4600004304)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: October 08, 2020

SUBJECT: 2020 Priority Water Body List and Schedule

Agenda Item Background:
Each year, the water management districts are statutorily required to submit a list and schedule to the DEP prioritizing water bodies for developing minimum flows and levels (MFL) and water reservations. MFLs define the point at which further withdrawals cause significant harm to the water resources or the ecology of the area. Water reservations protect the water needed for fish and wildlife or public health and safety from being allocated to consumptive uses. The proposed 2020 Priority Water Body List and Schedule includes a water reservation for the Kissimmee River and Chain of Lakes and the Everglades Agricultural Area (EAA) Reservoir Project, initiation of the water control plan for the Caloosahatchee (C-43) Reservoir, and revising criteria for the two additional MFL waterbodies to address comments received from the Joint Administrative Procedures Committee.

The EAA Reservoir is consistent with Governor DeSantis' Executive Order 19-12, instructing the District to advance key Everglades restoration projects. The Kissimmee River and Chain of Lakes reservation will protect approximately 172,500 acres of river, floodplain and lake habitat. The Kissimmee River Restoration Project is expected to be completed in Spring 2021

Staff Recommendation:
Staff recommends approving the transmittal of the 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the FDEP.

Core Mission and Strategic Priorities:
The technical processes to establish a new water reservation for the Everglades Agricultural Area (EAA) Reservoir Project and the Kissimmee River and Chain of Lakes along with initiating the water control plan for the C-43 Reservoir are part of the District's core mission and strategic priorities to protect natural systems.

Funding Source:
Staff resources, funded with ad valorem sources, are used to complete the technical work associated with the establishment of water reservations and MFLs.

Staff Contacts:
Don Medellin, dmedelli@sfwmd.gov, 561-682-6340
Jessica Frost, jfrost@sfwmd.gov, 561-682-6626

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1011

A Resolution of the Governing Board of the South Florida Water Management District to authorize submission of the proposed 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), Florida Statutes; Providing an effective date.

WHEREAS, the South Florida Water Management District (District) is required by Section 373.042(3), Florida Statutes (F.S.), to submit an annual update of the Priority Water Body List for Minimum Flows and Levels and Water Reservations that reflects the District's water resource management priorities, the importance of the waters to the region, and the existence of, or potential for, significant harm to the water resources;

WHEREAS, the water management districts are required to forward the Priority Water Body List and Schedule to the Florida Department of Environmental Protection for its review and approval; and,

WHEREAS, the proposed 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations considers the differing resource issues addressed by minimum flows and levels and water reservations based on staffing and technical resources to ensure successful completion of rulemaking.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The District's Governing Board hereby approves transmittal of the 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), F.S.

Section 2. The 2020 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations is attached hereto and made a part hereof.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

South Florida Water Management District
2020 Priority Water Body List and Schedule
Minimum Flows and Levels and Reservations

2020 - Reservations:

2020-2021 – Water Reservation for the Everglades Agricultural Area (EAA) Reservoir

- Develop a water reservation for the EAA Reservoir for new water to the Central Everglades
- Peer review completed in 2020
- Completed draft technical document and draft reservation rules
- Adopt rule in late 2020

2020-2021 – Water Reservation for the Kissimmee River and Chain of Lakes

- Reservation water bodies include:

  Lakes Myrtle–Preston–Joel
  Lakes Hart–Mary Jane
  East Lake Tohopekaliga
  Lake Tohopekaliga
  Alligator Chain of Lakes (Alligator, Brick, Lizzie, Coon, Center and Trout)
  Lake Gentry
  Headwaters Revitalization Lakes (Lakes Kissimmee, Cypress and Hatchineha)
  Kissimmee River and Floodplain

- Peer reviews completed in 2009 and 2020
- Completed revised technical document and revised draft reservation rules
- Incorporate technical information into rulemaking process
- Adopt rule in late 2020

2021 – 2024 Water Control Plan for the C-43 Reservoir

- Initiate Project Operations Manual (a/k/a Water Control Plan for the C-43 Reservoir) in coordination with federal and state partners
- Rulemaking is not required

2020 Minimum Flows and Levels:

2021 – Revise Minimum Flows and Levels Criteria for the Northwest Fork of the Loxahatchee River and Florida Bay to address comments received from the Joint Administrative Procedures Committee to clarify the MFL as a flow rather than measure of salinity.

Attachment A

Attachment: 2020_Attachment A_Priority List 9-11-20_DRAFT_FINAL DRAFT (Resolution No. 2020 - 1011 : 2020 Priority Water Body List and

Include all MFLs adopted since the previous priority list submittal.

Waterbody Name or Compliance Point[1]	System[2]	Waterbody Type[3]	County(s)	Year Adopted	Rule Number	Most Recent Re-Evaluation[4]	MFL Status[5]	RPS Title[6]	Latitude[7]	Longitude[7]	Comments
Caloosahatchee River		Estuary	Lee	2019	40E-8.221(2)	2003	Recovery 3	C-43 Reservoir	26° 43' 20.58"	81° 41' 34.96"	Final Order Ruling in Favor of the District.

Include all Reservations adopted since the previous priority list submittal.

Waterbody Name	Waterbody Type[3]	County(s)	Year Adopted
None			

[1]A spring with one vent should be labeled as "Example Spring." A spring with multiple associated vents should be labeled as "Example Springs." Multiple springs grouped together in a system should be labeled as "Example Spring Group." (Please refer to Flor Spring Classification System and Spring Glossary, Special Publication No. 52, for more details.) Include on individual lines, with specific names, if it is known at this time that there will be multiple waterbodies or compliance points (such as springs or multiple ri gages) assiciated with the MFL.

[2]Include a system name if the waterbody (or compliance point) is a part of a larger system (i.e. river and spring waterbodies belong to one overall system, multiple priority springs represent individual MFLs but belong to one system). If not, then the Waterboc Name and System should be the same.

[3]Aquifer, Estuary, Lake, River, River-Estuary, Spring-1, Spring-2, Spring-3, Wetland

[4]Provide the most recent re-evaluation year. If there are older evaluations note in the comments "Prior re-evaluations in YYYY, YYYY..."

[5]See guidance on MFL Grades associated with the CAR. The options are: Meeting, Prevention, Recovery 1, Recovery 2, or Recovery 3.

[6]Include the name of the Recovery or Prevention Strategy, or indicate if there is none. The options are: "Under Development" if currently working on the strategy, "MFL Scheduled for Reevaluation" if MFL is on priority list for reevaluation and no strategy is being drafted at this time as a result, "N/A" if MFL was determined to be meeting at time of MFL adoption.

[7]For rivers, use the coordinates for the most upstream gage used to measure flow. For lakes, use the lake's center point. For springs, use the coordinates for the gage used to measure flow unless the gage is not located on the spring/spring run, in which case, use the spring's vent. For aquifers, wetlands, and estuaries, use the coordinates for the wells or gauge used to measure the water source's level. Please use Decimal Degrees (DD) formatting.

Attachment: Copy of 2020 MFL Priority List Chart (Resolution No. 2020 - 1011 : 2020 Priority Water Body

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: October 08, 2020

SUBJECT: Draft Fiscal Year 2021 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes

Agenda Item Background:
The Five-Year Water Resource Development Work Program (Work Program) is an update report that includes a draft evaluation of the Work Program's consistency with the District's regional water supply plans and the adequacy of the proposed expenditures pursuant to Section 373.536, F.S. The Fiscal Year 2021 Work Program includes the period from October 1, 2020 through September 30, 2025. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development. Within 30 days of budget adoption, the water management districts are required to submit the Work Program to several entities, including the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Florida Department of Environmental Protection. This item also authorizes District staff to address and incorporate appropriate revisions as a result of agency and/or public comment to the Work Program prior to inclusion into the final Fiscal Year 2021 South Florida Environmental Report.

Additional Background:
Meeting the water needs of the environment and current and future demands of water users is part of the District's core mission. Florida law identifies water resource development projects (primarily the District's responsibility) and water supply development projects (involving public and private facilities, which are the responsibility of local water users) as two types of projects to meet water needs. Following external review, the Work Program will be incorporated into the Fiscal Year 2021 South Florida Environmental Report, Volume II as Chapter 5A.

Funding Source:
Implementation of the water resource development projects identified in the District's regional water supply plans are funded through a combination of local, District, and state funds, as appropriate and available. The District has allocated $479.7 million in Ad Valorem funding and state funds in Fiscal Year 2021 for Water Resource Development Projects, $120.1 million of which is associated with operation of the Central and Southern Florida Flood Control Project to provide water supply to the region.

Staff Contact and/or Presenter:
Mark Elsner, melsner@sfwmd.gov, 561-682-6156

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1012

A Resolution of the Governing Board of the South Florida Water Management District authorizing the transmittal of the draft Fiscal Year 2021 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes (F.S.); providing an effective date.

WHEREAS, pursuant to Section 373.536(6)(a)4., F.S., South Florida Water Management District (District) staff prepared the draft Fiscal Year (FY) 2021 Five-Year Water Resource Development Work Program (Work Program);

WHEREAS, the Work Program includes an evaluation of the Work Program's consistency with the furtherance of the District's regional water supply plans and the adequacy of the proposed expenditures;

WHEREAS, the Work Program must be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Florida Department of Environmental Protection (Department), and others within 30 days of final budget adoption for review and comment;

WHEREAS, the Governing Board approved and adopted the District's final budget on September 22, 2020;

WHEREAS, within 45 days of receipt of the Department's evaluation of the Work Program, the Governing Board is required to state in writing to the Department which changes recommended in the evaluation will be incorporated into the Work Program, which is then submitted as part of the Consolidated Water Management District Annual Report required by Section 373.036(7), F.S., or specify the reasons for not incorporating the changes into the Work Program;

WHEREAS, the FY2021 Work Program will be contained in Volume II, Chapter 5A of the FY2021 Consolidated Water Management District Annual Report (referred to as the South Florida Environmental Report).

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The District Governing Board accepts the draft Five-Year Water Resource Development Work Program and approves it for transmittal to the parties outlined in Section 373.536(6)(a), F.S., for review.

Section 2. The Governing Board delegates the review of the Department's evaluation of the Work Program to District staff and authorizes District staff to incorporate suggested changes into the Work Program. Furthermore, District staff is authorized to inform the Department which changes to the Work Program have been accepted or specify the reasons for not incorporating the changes.

Section 3. A copy of the final 2021 Work Program shall be incorporated in Volume II, Chapter 5A of the Fiscal Year 2021 South Florida Environmental Report.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

DRAFT

Fiscal Year 2021 Five-Year Water Resource Development Work Program

September 2020

sfwmd.gov

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

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Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

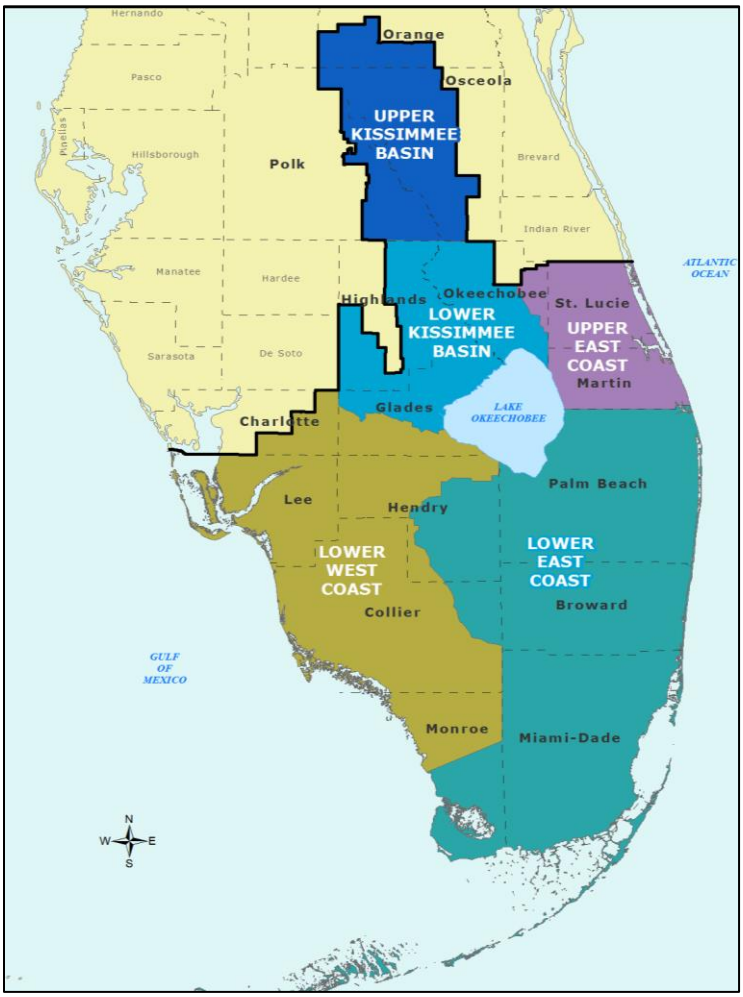
INTRODUCTION

Water management districts are required by Section 373.709, Florida Statutes (F.S.), to develop a regional water supply plan (RWSP) if they determine the existing sources of water (1) are inadequate to supply water for all existing and future reasonable-beneficial uses, and/or (2) may not sustain water resources and related natural systems for a 20-year planning period. RWSPs include analysis of current and future water demands, evaluation of available water sources, and identification of water resource and water supply development projects to meet demands.

The South Florida Water Management District (SFWMD or District) is required to prepare a Five-Year Water Resource Development Work Program (Work Program) as part of its annual budget reporting process, pursuant to Section 373.536(6)(a)4., F.S. The Work Program must describe the SFWMD's implementation strategy and include an annual funding plan for each of the 5 years included in the Work Program for the water resource and water supply development components, including alternative water supply (AWS) development, of each approved RWSP. Furthermore, the Work Program must do the following:

- Address all elements of the water resource development component of the approved RWSPs as well as the water supply development projects proposed for SFWMD funding and assistance.
- Identify anticipated available SFWMD funding and additional funding needs for years 2 through 5 of the funding plan.
- Identify projects that will provide water, including an estimate of the quantity produced.
- Explain how each water resource and water supply development project will produce additional water supply for consumptive uses.
- Assess the contribution of the RWSPs in supporting the implementation of Minimum Flows and Minimum Water Levels (MFLs) and Water Reservations.
- Ensure sufficient water is available to meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10 year drought event and to avoid adverse effects of competition for water supplies.

This Work Program covers the period from Fiscal Year (FY) 2020-2021 through FY2024-2025 and is consistent with the planning strategies of the District's RWSPs. The SFWMD has developed RWSPs for five distinct regional planning areas (**Figure 1**): Upper Kissimmee Basin, Lower Kissimmee Basin, Upper East Coast, Lower West Coast, and Lower East Coast. The Upper Kissimmee Basin is part of the Central Florida Water Initiative (CFWI), which covers Orange, Osceola, Polk, and Seminole counties as well as southern Lake County. The CFWI is a collaborative planning effort by three water management districts (SFWMD, Southwest Florida Water Management District, and St. Johns River Water Management District) as well as other agencies and stakeholders to identify sustainable water supply options and potential projects to meet future demands while protecting, conserving, and restoring water resources in Central Florida. The approval dates of the most recent RWSPs (SFWMD 2016, 2017, 2018, 2019; CFWI 2020 [in prep]) and the next updates for each planning area are identified in **Table 1**. Starting in 2021, RWSP updates will have a common planning horizon of 2045. For additional information about the District's RWSPs, please visit https://www.sfwmd.gov/our-work/water-supply.



- **Upper Kissimmee Basin:** Portions of Osceola, Orange, and Polk counties
- **Lower Kissimmee Basin:** Portions of Okeechobee, Highlands, and Glades counties
- **Upper East Coast:** Martin and St. Lucie counties and eastern Okeechobee County
- **Lower East Coast:** Palm Beach, Broward, and Miami-Dade counties, and portions of Monroe, Collier, and Hendry counties
- **Lower West Coast:** Lee County and portions of Collier, Glades, Hendry, Monroe, and Charlotte counties

Figure 1. Regional water supply planning areas in the SFWMD.

Table 1. Current water supply plan approval dates and 5-year updates schedule.

Planning Region	Current Water Supply Plan	Next Update
Upper East Coast	March 2016	November 2021
Lower West Coast	December 2017	December 2022
Lower East Coast	November 2018	November 2023
Lower Kissimmee Basin	December 2019	December 2024
Central Florida Water Initiative	November 2020[a]	November 2025

a. The *2020 Central Florida Water Initiative Regional Water Supply Plan* is scheduled for Governing Board approval in November 2020.

The population within the District's boundaries is expected to increase by approximately 2.2 million people, to approximately 10.9 million people by 2040. The rate of population growth varies throughout the District, with some counties experiencing faster growth than others. Raw water demand for all water use categories is projected to increase by 571 million gallons per day (mgd), to approximately 4.1 billion gallons per day in 2040. Overall, demand projections in the most recent RWSP updates are lower than previous updates.

In response to rapid population increases between 2006 and 2010 and high population projections at that time, many utilities within the SFWMD's boundaries expanded water treatment facilities, developed AWS

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

sources, and secured increased permit allocations to meet anticipated water needs. However, following the 2008 to 2012 economic recession, the anticipated population growth did not occur, and growth projections were substantially reduced. In addition, per capita use rates declined due to the economy, water shortage restrictions, implementation of year-round irrigation restrictions, and an emerging water conservation ethic. These conditions left many utilities with reduced future demands and constructed treatment capacity that may not be fully utilized until well into the future. As a result, current RWSPs (except the CFWI RWSP) concluded few utilities need to construct additional water supply projects to meet their 2040 projected needs, and projects that may be needed are required at the end of the planning period, not within the next 5 years.

WORK PROGRAM SUMMARY

The Work Program presented herein is adequate to ensure water is available to meet the water supply needs of existing and future reasonable-beneficial uses during a 1-in-10 year drought event, to avoid the adverse effects of competition for water supplies, and to maintain the function of natural systems. This Work Program outlines the SFWMD's planned funding over the next 5 years, including implementation of projects associated with MFL prevention or recovery strategies and Water Reservations. Additionally, the **Appendix** to this Work Program includes the implementation costs and details of projects associated with basin management action plans.

SFWMD projects that supply water primarily for the environment, including projects associated with the Comprehensive Everglades Restoration Plan (CERP), Restoration Strategies, or other restoration projects are presented in the District's *South Florida Environmental Report (SFER) – Volume II* and SFER Consolidated Project Report Database, which are accessible at www.sfwmd.gov/sfer.

The FY2020-2021 through FY2024-2025 implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities are provided in this document and reflect the SFWMD's continued commitment to ensuring adequate resources are available to meet existing and future reasonable-beneficial needs. The estimated funding allocation identified for the next 5 years is approximately $1.98 billion. This Work Program is estimated to make available more than 1,683 mgd annually as a result of these ongoing programmatic efforts. Most of this anticipated water will be delivered from the Central and Southern Florida Flood Control Project (C&SF Project) regional system to the Lower East Coast Planning Area through structure releases to maintain canal levels and through regional seepage that helps maintain Lower East Coast groundwater levels for water supply purposes. This amount will increase with water made available upon completion of water supply development projects, including reuse and non-reuse water for urban and agricultural water supply that will be funded through the Cooperative Funding Program (CFP).

As part of their annual progress reports required by Section 373.709(8)(b), F.S., potable water supply utilities have tentatively identified 37 reuse and non-reuse water supply development projects they plan to construct with local funding between FY2020-2021 through FY2024-2025. The 37 projects will create an estimated 117 mgd of AWS capacity and 65 mgd of reclaimed water distribution capacity.

In addition to salary, benefits, and operating expenses for MFL criteria and rule development, approximately $1.32 billion over the next 5 years is planned for construction projects supporting MFL prevention and recovery strategies. However, new water will not be available for many projects associated with MFL water bodies until all project components are completed and operational. Funding for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir project is to be used solely for environmental purposes benefitting the Caloosahatchee River MFL. The water stored in the C-43 Reservoir is protected by a Water Reservation to prevent allocation to consumptive uses.

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

WATER RESOURCE AND WATER SUPPLY DEVELOPMENT

Water resource development components are those that involve the "formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, government-owned and privately owned water utilities, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.019" [Section 373.019(24), F.S.]. Most water resource development activities in the District support and enhance water supply development but do not directly yield specific quantities of water. Water resource development projects are regional in nature and primarily the responsibility of the SFWMD. Two examples are the C&SF Project and CERP projects. The C&SF Project canals move water from Lake Okeechobee and the Everglades water conservation areas to maintain coastal canal levels, augment water supplies during dry times, and prevent saltwater intrusion. The canals provide water to major ecosystems as well as agricultural and urban areas. They also are a crucial component of the region's flood control system. CERP, a partnership between the United States Army Corps of Engineers and the SFWMD, is a critical part of water supply planning, which includes capital projects needed to protect and restore natural systems and enhance water availability. CERP capital projects include the Everglades Agricultural Area (EAA) Reservoir and Stormwater Treatment Area (STA), Caloosahatchee River (C-43) West Basin Storage Reservoir, and C-44 Reservoir and STA. The Governor's *Executive Order 19-12: Achieving More Now for Florida's Environment* directed funding be secured for projects that provide water quality, quantity, and supply benefits. In response to that Order, $583 million in funding is budgeted or proposed in the next 5 years for the Lake Okeechobee Watershed Restoration Project and the EAA Storage Reservoir Conveyance Improvements and STAs, which also provide water supply benefits. Water resource development activities are listed in **Table 2**, and the implementation schedule and projected expenditures are listed in **Table 3**.

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

Table 2. SFWMD water resource development activities and descriptions.

Water Resource Development Activity	Activity Description
Water Supply Planning	Work associated with developing 5-year updates to the SFWMD's RWSPs, not including the CFWI RWSP.
CFWI Planning Project	Work associated with developing the 5-year update to and implementation of the 2020 CFWI RWSP, including well drilling, wetlands monitoring, data collection and analysis, East-Central Florida Transient Expanded groundwater modeling, participation in technical and management teams, and production of the 2025 CFWI RWSP.
Local Government Assistance	Review of local government comprehensive plans and plan amendments, including water supply facilities work plans (Chapter 163, F.S.). Technical assistance to local governments (Sections 189.4156 and 373.711, F.S.) to develop and revise local government comprehensive plan elements.
Water Supply Implementation	Implementation of RWSPs, including coordination, execution, and facilitation of water resource development activities, operational changes, implementation of AWS development projects, conservation programs, and rulemaking associated with the RWSPs. This is a multi-year process that involves working closely with other agencies, local governments, utilities, the agricultural industry, and environmental interests.
Cooperative Funding Program	Funding assistance provided to local water users for AWS and water conservation projects that are consistent with the SFWMD's core mission and RWSPs. This includes AWS funding by Big Cypress Basin when budgeted.
Comprehensive Water Conservation Program	Activities associated with implementation of the SFWMD's Comprehensive Water Conservation Program.
MFLs and Water Reservations Activities	Activities associated with development and re-evaluation of MFLs pursuant to Sections 373.042 and 373.0421, F.S., and Water Reservations. Further discussion and a list of projects associated with an MFL prevention or recovery strategy and Water Reservations for this report time period is provided in the following sections.
Hydrologic Investigations, Groundwater Monitoring, Data Collection, and Analysis	Costs associated with the SFWMD's maintenance of extensive groundwater monitoring networks and partnering with the United States Geological Survey to provide additional support and funding for ongoing monitoring. Documentation (including location, well construction, geophysical logging, aquifer testing, water level, and water quality, and saltwater intrusion data) is provided in various SFWMD technical publications (www.sfwmd.gov/techpubs) and its corporate environmental database, DBHYDRO (www.sfwmd.gov/dbhydro).
Groundwater Modeling	Work associated with groundwater modeling efforts in support of RWSP updates.
C&SF Project Operations and Maintenance	The estimated costs for operations and maintenance of the C&SF Project that are attributed to providing water supply. Approximately 50% of the operations and maintenance budget is allocated to providing water supply to the region.

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

Table 3. FY2020-2021 through FY2024-2025 implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities.

Regional Water Activity	Plan Implementation Cost ($ thousands)					
	FY2020-2021	FY2021-2022	FY2022-2023	FY2023-2024	FY2024-2025	Total
Water Supply Planning Estimated finish date: Ongoing	1,280	1,280	1,280	1,280	1,280	**6,400**
CFWI Water Supply Planning Project Estimated finish date: Ongoing	1,838	1,838	1,838	1,838	1,838	**9,190**
Comprehensive Plan, Documents Review, and Technical Assistance to Local Governments Estimated finish date: Ongoing	224	224	224	224	224	**1,120**
Water Supply Implementation Estimated finish date: Ongoing	243	243	243	243	243	**1,215**
MFL, Water Reservation, and Restricted Allocation Area Activities Estimated finish date: Ongoing	354	354	354	354	354	**1,770**
Comprehensive Water Conservation Program Estimated finish date: Ongoing	1,858 [a]	358 [b]	358 [b]	358 [b]	358 [b]	**3,290**
Cooperative Funding Program Estimated finish date: Ongoing	14,661	0 [b]	0 [b]	0 [b]	0 [b]	**14,661**
Groundwater Monitoring Estimated finish date: Ongoing	2,249	2,249	2,249	2,249	2,249	**11,245**
Groundwater Modeling Estimated finish date: Ongoing	1,033	1,033	1,033	1,033	1,033	**5,165**
Estimated Portion of C&SF Project Operation and Maintenance Budget Allocated to Water Supply [c] Estimated finish date: Ongoing	120,139	120,139	120,139	120,139	120,139	**600,695**
Subtotal	**143,879**	**127,718**	**127,718**	**127,718**	**127,718**	**654,751**
Regional Projects Benefiting Water Supply						
Lake Okeechobee Watershed Restoration [d]	98,000	50,000 [e]	50,000 [e]	50,000 [e]	50,000 [e]	**298,000**
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area [d,f]	77,532	70,468	61,229	29,811	46,095	**285,135**
Other Projects Associated with MFL Recovery/Prevention Strategies [g]	160,270	151,602	151,647	153,554	121,300	**738,373**
Subtotal	**335,802**	**272,070**	**262,876**	**233,365**	**217,395**	**1,321,508**
Total	**479,681**	**399,788**	**390,594**	**361,083**	**345,113**	**1,976,259**

a. FY2020-2021 includes $1.5 million of tentative, one-time funding for Cooperative Funding Program water conservation projects.
b. A determination of what funds, if any, will be allocated for cooperative funding projects will be made by the Governing Board during the fiscal year budget development process.
c. Approximated based on 50% of the FY2020-2021 operation and maintenance budget.
d. Project cost based on information contained in the draft FY2021-2025 SFWMD Five-Year Capital Improvement Plan.
e. Funding contingent upon future state appropriations.
f. Includes the C-44/C-23 Interconnect, Site Preparation, Inflow Canal Reservoir/Stormwater Treatment Area (STA), A-2 STA, North New River and Miami Canal Improvements, and Bridges.
g. Totals from **Table 8**, less the funding for the Lake Okeechobee Watershed Restoration and EAA Storage Reservoir Conveyance Improvements and STA.

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Cooperative Funding Program

Water supply development components involve "planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use" [Section 373.019(26), F.S.] and are primarily the responsibility of local water providers. To assist local water providers and users in implementation of the water supply development component, the SFWMD periodically provides funding assistance to public water suppliers, local governments, special districts, homeowners' associations, and other public and private water users for AWS and water conservation projects consistent with the SFWMD's core mission, through the CFP. The CFP provides partnership opportunities and financial incentives to implement local projects that complement regional water supply efforts. Water conservation and AWS projects and associated funding that was provided in FY2019-2020 through the Florida Department of Environmental Protection (FDEP) AWS Program will be carried forward into FY2020-2021 and are listed in **Tables 4** and **5**, respectively. Active projects funded by the Water Protection and Sustainability Program and the SFWMD in FY2019-2020 also will be carried forward into FY2020-2021 and are listed in **Tables 6** and **7**, respectively. The FY2020-2021 District budget tentatively includes $15.0 million for the FDEP AWS Funding Program and $1.08 million for CFP AWS and water conservation projects ($540,000 from the State's Water Protection and Sustainability Program and $540,000 from SFWMD ad valorem). A list of funded projects will be included at a future date.

Table 4. Summary of Water Conservation project funding carried forward from the FY2019-2020 FDEP AWS Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	FDEP AWS Approved Funding
Palm Beach	Palm Beach Soil & Water Conservation District	Nursery Overhead Efficiency Project 2	37.9	$60,250	$30,000
Miami-Dade	Miami-Dade Water and Sewer Department	HET Rebate Project FY2020-2021	27.4	$230,020	$100,000
Broward	BCEPCRD on behalf of Broward NatureScape Irrigation Service	NatureScape Residential Irrigation Rebate Program	27.1	$200,000	$100,000
Broward	BCEPCRD on behalf of Broward Water Partnership	Conservation Pays HET Rebate Program	16.8	$200,000	$100,000
Miami-Dade	Miami-Dade Water and Sewer Department	Landscape Irrigation Rebate Project FY2020-2021	29.5	$237,280	$100,000
Monroe	Florida Keys Aqueduct Authority	HET Rebate Program	4.6	$60,000	$30,000
Palm Beach	West Palm Beach, City of	Community Water Conservation Strategies – Phase VII – HETs	4.98	$125,000	$62,500
Palm Beach	Duda Farm Fresh Foods, Inc.	Belle Glade Celery Drip Agricultural Irrigation Retrofit (200 acres)	82.0	$179,734	$75,000
St. Lucie	Scott Groves, Inc.	Scott Grove #2 Citrus Agricultural Irrigation Retrofit (511 acres)	81.9	$218,126	$75,000
St. Lucie	Scott Groves, Inc.	Scott Grove #3 Citrus Agricultural Irrigation Retrofit (196 acres)	39.6	$108,379	$40,000
Okeechobee	Okeechobee Utility Authority	Water Conservation Software Technology for OUA Phase I	18.9	$720,081	$100,000
Orange	St. Johns River Water Management District	SJRWMD CFWI Water Conservation Projects	12.56	$121,475	$60,737
Osceola	Toho Water Authority	Irrigation Conversion and Retrofit Project	16.43	$150,010	$75,005
Polk	Southwest Florida Water Management District	SWFWMD CFWI Water Conservation Projects	18.08	$340,523	$151,758
		Total	**417.75**	**$2,950,878**	**$1,100,000**

BCEPCRD = Broward County Environmental Planning and Community Resilience Division; HET = high-efficiency toilet; CFWI = Central Florida Water Initiative; mgy = million gallons per year; OUA = Okeechobee Utility Authority; SJRWMD = St. Johns River Water Management District; SWFWMD = Southwest Florida Water Management District.

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Table 5. Summary of AWS project funding carried forward from the FY2019-2020 FDEP AWS Program.

County	Project Name	Entity Name	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
Broward	Broward-Palm Beach Reclaimed Water Main Interconnect	Broward County Board of County Commissioners	Reclaimed water (for potable offset)	16.00	16.00	$28,300,000	$3,000,000
Lee	Reclaimed Water Expansion: Cape Coral and Fort Myers Interconnect under the Caloosahatchee River	Cape Coral, City of	Reclaimed water (for potable offset)	2.00	12.00	$28,750,000	$3,000,000
Broward	Reclaimed Water Expansion: NE 16th Street to NE 24th Street and NE 23rd Avenue to Intracoastal Waterway	Pompano Beach, City of	Reclaimed water (for potable offset)	0.34 [a]	0.34 [a]	$1,200,000	$500,000
Palm Beach	Reclaimed Water Main Construction along SW 4th Street	Delray Beach, City of	Reclaimed water (for potable offset)	0.21 [a]	0.21 [a]	$1,195,634	$450,000
Broward	TY Park Reclaimed Water Main Expansion	Broward County Environmental Planning and Community Resilience Division & Broward County Parks and Recreation	Reclaimed water (for potable offset)	0.46 [a]	0.46 [a]	$2,285,000	$500,000
Broward	Springtree Reclaimed Water Main Conversion	Sunrise, City of	Reclaimed water (for potable offset)	4.00 [a]	4.00 [a]	$1,170,000	$450,000
St. Lucie	McCarty Ranch Reservoir and Water Treatment Plant (Areas 3, 4, and 6)	Port St. Lucie, City of	Surface water storage (e.g., reservoirs)	8.50	11.10	$5,725,169	$1,000,000
Osceola	Cypress Lakes Wellfield: Concentrate Disposal Well IW-2 and Monitoring Well	Tohopekaliga Water Authority	Brackish groundwater	15.00	15.00	5,262,099	$5,556,600
			Total	**41.50**	**54.10**	**$73,887,902**	**$14,456,600**

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

Table 6. Summary of Water Conservation project funding carried forward from the FY2019-2020 Water Protection and Sustainability Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	State and SFWMD Approved Funding
St. Lucie	Wescott Groves, LLC	Wescott Grove 1 Citrus Agricultural Irrigation Retrofit (986 acres)	100.8	$312,707	$100,000
Palm Beach	Duda Farms Fresh Foods, Inc.	Belle Glade Celery Linear Agricultural Irrigation Retrofit (285 acres)	95.4	$482,975	$100,000
Lee	Bonita Springs Utilities, Inc.	High-Efficiency Toilet Rebate Program	0.93	$20,000	$10,000
Hendry	Norris Road, LLC	Norris Citrus Microjet Agricultural Irrigation Retrofit (47 acres)	11.6	$263,554	$50,000
Palm Beach	Delray Beach, City of	Automatic Line Flushing Devices	3.8	$114,000	$40,000
		Total	**212.53**	**$1,193,236**	**$300,000**

mgy = million gallons per year.

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Table 7. Summary of AWS project funding carried forward from the FY2019-2020 Water Protection and Sustainability Program.

County	Project Name	Entity Name	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Construction Costs	State and SFWMD Approved Funding
Martin	Construct Floridan Aquifer System Production Well FA-1	Stuart, City of	Brackish groundwater	1.00	1.00	$2,000,000	$100,000
Martin	Tropical Farms: Floridan Aquifer System Wells 6 and 7	Martin County Utilities	Brackish groundwater	4.70 [a]	4.70 [a]	$3,614,000	$200,000
			Total	**1.00**	**1.00**	**$5,614,000**	**$300,000**

a. Phased project; water accounted for previously or in future year upon completion of the project.

MFL AND WATER RESERVATION ACTIVITIES

MFL implementation activities include conducting research to set scientifically based criteria for defining significant harm; conducting voluntary, independent scientific peer review of the associated science where needed; obtaining stakeholder input; and completing rulemaking. Prevention or recovery strategies are developed concurrently with MFLs to either maintain (prevention strategy) or achieve (recovery strategy) compliance with established MFLs. The SFWMD has adopted MFLs for 9 water bodies, which include 40 MFL compliance monitoring sites. Five MFL water bodies have prevention strategies, while the remaining four MFLs have recovery strategies. All four MFL water bodies that have recovery strategies have projects planned in the next 5 years to move toward meeting the minimum flow or level (**Table 8**). Three of the five MFL water bodies that have prevention strategies rely on existing regulatory components to meet the minimum flow or level and do not involve new projects. Of the two remaining MFL waterbodies that have prevention strategies (Florida Bay and St. Lucie Estuary), only the St. Lucie Estuary has CERP project components planned within this 5-year Work Program (**Table 8**). No new MFLs are proposed for future adoption within the 5-year period of this Work Program.

MFL prevention or recovery strategy projects with implementation costs planned for FY2020-2021 through FY2024-2025 are listed in **Table 8**. These projects are designed to provide new water for the MFL water body once all the project components are completed. This list does not include projects associated with improving water quality or providing additional storage within the watershed (e.g., dispersed water management projects).

Water Reservations set aside water for the protection of fish and wildlife or public health and safety. They also support restoration efforts and recovery or prevention strategies for established MFLs. The legal protection of water for the project is required before the SFWMD and the United States Army Corps of Engineers enter into a project partnership agreement. This protection also is required by the Water Resources Development Act of 2000 for construction of CERP project components such as reservoirs or STAs. The SFWMD has adopted five Water Reservations.

For the upcoming 5-year period, the Kissimmee River and Chain of Lakes Water Reservations (including the Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River and floodplain) currently are in the rule development process. The purpose of these Water Reservations is to ensure protection of the upstream watershed associated with the Kissimmee River Restoration Project and to protect the $800 million taxpayer investment for restoration. District staff are in the process of revising the draft rules and supporting technical document. Public workshops were held on April 17, June 9, and September 3, 2020. An effective date for the proposed Kissimmee River and Chain of Lakes Water Reservations rule is targeted for December 2020.

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A Water Reservation for the EAA Reservoir currently is under rule development as well. The EAA Reservoir is a component of the Central Everglades Planning Project (CEPP), which is designed to improve the quantity, quality, timing, and distribution of water flow from Lake Okeechobee to the Central Everglades, Everglades National Park, and Florida Bay, while maintaining flood control and water supply for existing legal users. The EAA Reservoir is the main storage feature in CEPP, which includes additional treatment and conveyance features. A public peer-review session occurred on May 29, 2020 to review the technical aspects of the proposed Water Reservation. A favorable peer-review report was received from the panel on June 15, 2020. Public rule development workshops were held on July 14 and August 6, 2020. Rule adoption for the EAA Reservoir Water Reservation is targeted for December 2020.

A priority water body list and schedule, including MFLs and Water Reservations, is approved by the SFWMD Governing Board annually and submitted to the FDEP for review and approval. A complete list of MFL and Water Reservation development activities can be found on the SFWMD website at https://www.sfwmd.gov/our-work/mfl and https://www.sfwmd.gov/our-work/water-reservations.

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Table 8. Projects associated with an MFL prevention or recovery strategy for FY2020-2021 through FY2024-2025. (Note: All costs are subject to change until the FY2020-2021 Five-Year Capital Improvements Plan is approved by the SFWMD's Governing Board by February 2021, including development of FY2024-2025 project implementation costs.)

Projects	Project Implementation Costs [a]					
	FY2020-2021	FY2021-2022	FY2022-2023	FY2023-2024	FY2024-2025	5-Year Work Plan Cost Estimates
St. Lucie Estuary						
C-23/24 North Reservoir	$548,010	$14,102,124	-	-	-	**$14,650,134**
C-23/24 South Reservoir	-	$5,500,000	-	-	-	**$5,500,000**
Everglades						
CEPP Predecessor New Water: C-44/C-23 Interconnect (EAA Reservoir) [b, c]	$3,000,000	$11,000,000	$11,000,000	-	-	**$25,000,000**
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area [a,d]	$77,532,000	$70,468,000	$61,229,000	$29,811,000	$46,095,000	**$285,135,000**
CEPP North [e]	$10,900,000	$20,000,000	$39,000,000	$112,800,000	$120,300,000	**$303,000,000**
Caloosahatchee River						
Caloosahatchee River (C-43) West Basin Storage Reservoir	$144,822,389	$100,000,000	$100,647,176	$39,754,346	-	**$385,223,911**
Lake Okeechobee						
Lake Okeechobee Watershed Project [f]	$98,000,000	$50,000,000 [g]	$50,000,000 [g]	$50,000,000 [g]	$50,000,000 [g]	**$298,000,000**
Lake Okeechobee, Loxahatchee River, and Western Everglades						
Restoration Project Planning [h]	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	**$5,000,000**
Total	**$335,802,399**	**$272,070,124**	**$262,876,176**	**$233,365,346**	**$217,395,000**	**$1,321,509,045**

a. Project costs based on information contained in the draft FY2021-2025 SFWMD Five-Year Capital Improvement Plan.
b. The C-44/C-23 Interconnect project is associated with CEPP. It is listed under the Everglades MFL recovery strategy because it is a precursor project that must be completed first in order to provide the downstream benefits for the Everglades MFL water body.
c. Project is a component of CEPP.
d. Includes the C-44/C-23 Interconnect, Site Preparation, Inflow Canal Reservoir/Stormwater Treatment Area (STA), A-2 STA, North New River and Miami Canal Improvements, and Bridges.
e. Includes the L-4 Levee Degrade/Pump Station, L-5 Canal Improvements, L-6 Diversion, S-8 Modifications, and Miami Canal Backfill.
f. Project is expected to provide new (recovered) water for the Lake Okeechobee MFL recovery strategy.
g. Funding contingent upon future state appropriations.
h. The costs for all three projects are combined due to a concurrent but independent planning process. Schedule and costs are subject to change based on the results of the ongoing planning process. All three projects are expected to be incorporated as part of the recovery strategies to provide new water for their respective MFL water bodies.

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APPENDIX: PROJECTS ASSOCIATED WITH A BASIN MANAGEMENT ACTION PLAN FOR FISCAL YEAR 2019-2020 THROUGH FISCAL YEAR 2023-2024

Basin management action plans (BMAPs) are the "blueprint" for restoring impaired waters by reducing pollutant loadings to meet allowable levels established by a total maximum daily load. In 2016, the Florida legislature amended Section 373.036(7)(b)8., F.S., to require the identification of projects in the Work Program that implement a BMAP or an MFL recovery or prevention strategy. The SFMWD's Work Program historically has identified water resource development projects that support MFL recovery and prevention strategies but has not included specific descriptions of projects primarily intended to implement BMAPs. Consistent with Section 373.036(7)(b)8., F.S., and in a manner coordinated with the FDEP and all five water management districts, a 5-year funding outlook for projects specifically identified in an adopted BMAP are included in this Work Program.

There are five adopted BMAPs within the District's boundaries: Caloosahatchee Estuary Basin (FDEP 2012a), Everglades West Coast (FDEP 2012a,b), Indian River Lagoon (FDEP 2013a), St. Lucie River and Estuary (FDEP 2013b), and Lake Okeechobee (FDEP 2014). **Table A-1** reflects BMAP projects planned costs for Fiscal Year 2020-2021 through Fiscal Year 2024-2025[1]. Of the 22 total projects listed in this table, 21 projects are aligned with the Lake Okeechobee BMAP and 1 project is aligned with the St. Lucie River and Estuary BMAP.

[1] BMAP projects that the SFWMD is implementing are aligned with the *Florida Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies* (FDEP 2018). Five-year (FY2020-2021 through FY2024-2025) cost estimates are shown as projections based on current BMAP-associated projects under contract by the SFWMD or based on prior year expenditure trends, and do not include salaries. FY2021-2022 through FY2024-2025 costs are contingent on future legislative funding and Governing Board approval of future fiscal year funding.

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Table A-1. BMAP projects costs in dollars, excluding salaries, for FY2020-2021 through FY2024-2025.
(Note: All costs are from the FY2019-2020 Approved Five-Year Capital Improvements Plan and are subject to change until the FY2020-2021 Five-Year Capital Improvements Plan is approved by the SFWMD's Governing Board by February 2021, including development of Fiscal Year 2024-2025 project implementation costs.)

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2020-2021	FY2021-2022	FY2022-2023	FY2023-2024	FY2024-2025	SFWMD Total	Comments
STLU	Troup-Indiantown WCD	SFWMD/ USACE	TI-05	C-44 STA	Land Use Change	$541,478	$626,088	$628,588	$628,588	TBD	$2,424,742	O&M costs only.
OKEE	Coordinating Agency	FDEP/ SFWMD	CA-01	Brighton Valley DWM	DWM	$3,125,000	$3,125,000	$3,125,000	$3,000,000	TBD	$12,375,000	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-14 & SFWMD-15	Dixie Ranch	DWM	$146,500	$146,500	TBD	TBD	TBD	$293,000	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-16	Lost Oak Ranch	DWM	$55,000	$55,000	$55,000	TBD	TBD	$165,000	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-17	Willaway Cattle and Sod	DWM	$1,879	$1,879	$1,879	TBD	TBD	$5,637	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-18	XL Ranch (Lightsey)	DWM	$137,000	$68,500	TBD	TBD	TBD	$205,500	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-19	Triple A Ranch	DWM	$30,000	$30,000	$30,000	$30,000	TBD	$120,000	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-20	La Hamaca (Blue Head Ranch)	DWM	$361,200	$361,200	$361,200	$361,200	TBD	$1,444,800	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-21	Nicodemus Slough	DWM	$2,855,197	$2,852,765	TBD	TBD	TBD	$5,707,962	--
OKEE	SFWMD	USACE	SFWMD-22	Kissimmee River Headwater Revitalization	Hydrologic Restoration	--	--	--	--	--	--	The Kissimmee River Restoration Project (SFWMD-05) includes the Lower Kissimmee Basin (Highlands, Glades, and Okeechobee counties) and the Upper Kissimmee Basin – Kissimmee River Headwaters Revitalization Project (Osceola and Polk counties) (SFWMD-22). Costs may be included in SFWMD-05.

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Table A-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2020-2021	FY2021-2022	FY2022-2023	FY2023-2024	FY2024-2025	SFWMD Total	Comments
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-12	Buck Island Ranch (NE-PES-1)	DWM	$173,600	$173,600	TBD	TBD	TBD	$347,200	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-11	Rafter T Ranch	DWM	$162,736	$162,736	$162,736	$162,736	TBD	$650,944	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-23	Buck Island Ranch WMA (NE PES-2)	DWM	$163,500	$163,500	$163,500	$163,500	TBD	$654,000	--
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-13	Dixie West	DWM	$51,500	$51,500	TBD	TBD	TBD	$103,000	--
OKEE	SFWMD	FDEP/ USACE	SFWMD-02	Nubbin Slough STA Project	STA	$135,930	$135,930	$135,930	$135,930	TBD	$543,720	Cost estimates based on average annual O&M costs for FY2014-2015 through FY2016-2017.
OKEE	SFWMD	FDEP/ USACE	SFWMD-01	Taylor Creek STA Project	STA	$201,319	$201,319	$201,319	$201,319	TBD	$805,276	Cost estimates based on average annual O&M costs for FY2014-2015 through FY2016-2017.
OKEE	SFWMD	FDEP/ USACE	SFWMD-03	Lakeside Ranch – Phase I	STA	$518,416	$399,128	$406,029	$399,128	TBD	$1,722,701	O&M costs only.
OKEE	SFWMD	USACE	SFWMD-05	Kissimmee River Restoration Project	Hydrologic Restoration	$2,037,048	$1,263,653	$1,539,903	$1,313,653	TBD	$6,154,257	O&M, monitoring, and evaluation costs.
OKEE	SFWMD	FDEP	SFWMD-06	Rolling Meadows Wetland Restoration – Phase I	Wetland Restoration	$119,905	$119,905	$119,905	$119,905	TBD	$479,620	Phase I O&M costs only. No future legislative funding for Phase II.
OKEE	SFWMD	FDEP/ SFWMD	SFWMD-10	Lykes West Waterhole	DWM	TBD	TBD	TBD	TBD	TBD	TBD	--
OKEE	Coordinating Agency	FDEP/ SFWMD	CA-05	El Maximo Ranch DWM (previously Latt Maxcy DWM)	DWM	$5,814,312	$5,814,312	$5,814,312	$5,814,312	TBD	$23,257,248	--
OKEE	Coordinating Agency	N/A	CA-04	Lakeside Ranch – Phase II	STA	$1,500,000	TBD	TBD	TBD	TBD	$1,500,000	Does not include O&M costs.
					Total	**$18,131,520**	**$15,752,515**	**$12,745,301**	**$12,330,271**	**TBD**	**$58,959,607**	--

BMAP = basin management action plan; FDEP = Florida Department of Environmental Protection; FY = Fiscal Year; DWM = dispersed water management; N/A = not applicable; NE-PES-1 = Northern Everglades – Payment for Environmental Services Solicitation 1; NE-PES-2 = Northern Everglades – Payment for Environmental Services Solicitation 2; O&M = operations and maintenance; OKEE = Okeechobee; SFWMD = South Florida Water Management District; STA = stormwater treatment area; STLU = St. Lucie; TBD = to be determined; USACE = United States Army Corps of Engineers; WMA = Wildlife Management Area.

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LITERATURE CITED[2]

Buskey, E.J., J. Pinckney, J.B. Pollack, W. Lung, and J. Shen. 2017. *Minimum Flow Criteria for the Caloosahatchee River Estuary Final Peer Review Report*. Prepared for the South Florida Water Management District, West Palm Beach, FL.

CFWI. 2015. *2015 Central Florida Water Initiative Regional Water Supply Plan*. Available at: https://www.cfwiwater.com.

FDEP. 2012a. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Dissolved Oxygen Adopted by the Florida Department of Environmental Protection in the Everglades West Coast Basin*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Everglades West Coast Basin Technical Stakeholders. December 2012.

FDEP. 2012b. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients Adopted by the Florida Department of Environmental Protection in the Caloosahatchee Estuary Basin*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Caloosahatchee Estuary Basin Technical Stakeholders. December 2012.

FDEP. 2013a. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients Adopted by the Florida Department of Environmental Protection in the Indian River Lagoon Basin, Central Indian River Lagoon*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Central Indian River Lagoon Stakeholders. May 2013.

FDEP. 2013b. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients and Dissolved Oxygen by the Florida Department of Environmental Protection in the St. Lucie River and Estuary Basin*. Prepared by the Florida Department of Environmental Protectin, Tallahassee, FL, with participation from the St. Lucie River and Estuary Basin Technical Stakeholders. May 2013.

FDEP. 2014. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Total Phosphorus by the Florida Department of Environmental Protection in Lake Okeechobee*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Lake Okeechobee Stakeholders. December 2014.

FDEP. 2018. *Florida Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies.* Prepared by the Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration and Office of Water Policy, Tallahassee, FL. June 2018.

SFWMD. 2016. *2016 Upper East Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. March 2016.

SFWMD. 2017. *2017 Lower West Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. December 2017.

SFWMD. 2018a. *2018 Lower East Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. November 2018.

[2]All the FDEP BMAPs and associated annual progress reports are available at www.dep.state.fl.us/water/watersheds/bmap.htm. The Final Statewide Annual Report (FDEP 2018) is available at www.floridadep.gov/star.

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

SFWMD. 2018b. *Technical Document to Support Reevaluation of the Minimum Flow Criteria for the Caloosahatchee River Estuary*. South Florida Water Management District, West Palm Beach, FL. January 30, 2018.

SFWMD. 2019. *2019 Lower Kissimmee Basin Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. December 2019.

Attachment: SFWMD_FY21_WorkProgramDraftReport (Resolution No. 2020 - 1012 : Fiscal Year 2021 Five-Year Water Resource Development

M E M O R A N D U M

TO: Governing Board Members

FROM: Candida Heater, Division Director, Administrative Services

DATE: October 08, 2020

SUBJECT: Notice of Change in the Florida Administrative Register to the Proposed Amendment of Rules 40E-7.669, 40E-7.670, 40E-7.673, 40E-7675, 40E-7.676, 40E-7.677, Florida Administrative Code, Regarding the District's Procurement Process as it Relates to the Small Business Enterprise Rule (Staff contact, Candida Heater)

Agenda Item Background:
On June 11, 2020, staff brought before the Governing Board amendments to its Small Business Enterprise Rule, requested authorization to publish a Notice of Proposed Rule in the Florida Administrative Register, and to adopt the proposed rules, provided that no changes are made and no request for public hearing is timely received. The District received comments from the Joint Administrative Procedures Committee that require publication of a Notice of Change. As a result, the proposed rule language will include new additional terms and language to best simplify the Small Business Enterprise Contracting Program.

Staff requests the Governing Board approve publication of a Notice of Change and adopt amendments with changes to the Small Business Enterprise Rules.

Core Mission and Strategic Priorities:
The Small Business Enterprise Contracting Program is designed to help small businesses, including those owned by women and minorities, to participate in District procurement and contract activities in support of the District's mission.

Funding Source:
Not Applicable
Staff is requesting Governing Board authorization to adopt amendments with changes to Rules 40E-7.668, 40E-7.669, 40E-7.670, 40E-7.672, 40E-7.673, 40E-7.674, 40E-7.675, 40E-7.676, 40E-7.677, 40E-7.678 F.A.C., to further clarify and define the District's Small Business Enterprise Contracting Program, which supports small businesses.

Staff Contact and/or Presenter:
Johanna Labrada; jlabrad@sfwmd.gov, 561-682-2520
Frank Mendez; fmendez@sfwmd.gov, 561-682-6260

Attachment: Rule 40E-7_SBE_Governing_Board_Memo_adoption_changesFM.JL (5300 : Authorize publication of the Notice of Change in the

M E M O R A N D U M

TO: Governing Board Members

FROM: Frank Mendez, Senior Specialist Attorney, Office of Counsel

DATE: October 8, 2020

SUBJECT: Adopt Amendments with Changes to Rules 40E-7.668, 40E-7.669, 40E-7.670, 40E-7.672, 40E-7.673, 40E-7.674, 40E-7.675, 40E-7.676, 40E-7.677, 40E-7.678 F.A.C., to further clarify and define the District's Small Business Enterprise Contracting Program, which supports small businesses.

Agenda Item Background:

On April 9, 2020, the Governing Board authorized publication of the Notice of Rule Development to amend Rules 40E-7.668 through 40E-7.678 Florida Administrative Code, for the District's Procurement Process regarding the Small Business Enterprise Contracting Program. This notice was published in the Florida Administrative Register (FAR) on April 30, 2020. There were no public comments or request for a workshop received during this time.

On June 11, 2020 staff brought before the Governing Board amendments to its Small Business Enterprise Rule, requested authorization to publish a Notice of Proposed Rule in the Florida Administrative Register, and to adopt the proposed rules, provided that no changes are made and no request for public hearing is timely received. The District received comments from the Joint Administrative Procedures Committee that require publication of a Notice of Change. As a result, the proposed rule language will include new additional terms and language to best simplify the Small Business Enterprise Contracting Program.

Today we are requesting the Governing Board approve publication of a Notice of Change and adopt amendments with changes to the Small Business Enterprise Rules.

Core Mission and Strategic Priorities:
The Small Business Enterprise Contracting Program is designed to help small businesses, including those owned by women and minorities, to participate in District procurement and contract activities in support of the District's mission.

Funding Source:
Not Applicable

Staff is requesting Governing Board authorization to adopt amendments with changes to Rules 40E-7.668, 40E-7.669, 40E-7.670, 40E-7.672, 40E-7.673, 40E-7.674, 40E-7.675, 40E-7.676, 40E-7.677, 40E-7.678 F.A.C., to further clarify and define the District's Small Business Enterprise Contracting Program, which supports small businesses.

Staff Contact and/or Presenter:
Johanna Labrada jlabrad@sfwmd.gov Ext. 2520
Frank Mendez fmendez@sfwmd.gov Ext. 6280

Attachment: SBE_40E-7_Notice_Change.JLS edits 2020-09-01.TO BE PUBLISHED (5300 : Authorize publication of the Notice of Change in the

Notice of Change/Withdrawal

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:
40E-7.669 Definitions
40E-7.670 Competitive Solicitation Preference
40E-7.673 Certification Eligibility - Small Business Enterprise
40E-7.675 Recertification Review Procedures
40E-7.676 Decertification
40E-7.677 Reciprocity

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 46 No. 125, June 26, 2020 issue of the Florida Administrative Register.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-7.669 Definitions.

(1) "Affiliate Business" means a business that is a Subsidiary of or owned in part by another business concern. Entities are affiliates of each other when one impacts the other by sharing resources, officers, or directors that have any ~~a~~ percentage of ownership, or controls or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.

(2) No Change.

(3) "Business" is any entity which complies with all statutes and regulations, specifically, any corporation, limited liability company, partnerships, general partnerships, limited partnerships, other for-profit entities, engaging in commerce, including but not limited to manufacturing or a service with a federal tax identification number.

(3) through (11) renumbered as (4) through (12) No Change.

(13) ~~(12)~~ "Reciprocal Certification ~~Reciprocity~~" means the SBE Certification by the District of an Applicant who is actively certified by another Florida government agency.

(13) through (17) renumbered as (14) through (18) No Change.

(19)~~(18)~~ "Subsidiary" is defined as a Business that another company has ownership interest in ~~company that is owned or controlled by another company.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-07, 8-29-13, Amended _____.

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for 2 Competitive Solicitation Preferences designed to assist small businesses. Sheltered Market and Subcontracting Requirements are outlined below. ~~The~~

~~District may waive or adjust SBE requirements in any solicitation.~~

(1) No Change.

(2) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids based on availability of vendors registered with the District, including SBE firms able to perform work within specific Commodity Codes. The SBE goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. The maximum SBE goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall provide work to one or more SBEs in order to meet the goal. At the time of submittal of its bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule" effective (August 29, 2013) (http://www.flrules.org/Gateway/reference.asp?No=Ref-03066). All bids submitted where SBE participation is required, shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor" effective (_____ ~~August 29, 2013~~),

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-07, 8-29-13, Amended _____.

40E-7.673 Certification Eligibility – Small Business Enterprise.

(1) No change.

(2) To establish SBE ~~small business~~ eligibility, the Applicant shall:

(a) through (c) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended _____.

40E-7.675 Recertification Review Procedures.

(1) No change.

(2) The District may notify SBEs no later than 60 days before the end of the Certification period that the SBE's Certification is about to expire. Regardless of notification, SBE is responsible to timely apply for Recertification. If the Recertification application document is no longer applicable because of changes to the Applicant's business, the SBE shall notify the District in writing of the changes to its company before the existing certificate expires. The District shall determine if the company still complies with the Certification criteria set forth in Rule 40E-7.673, F.A.C. Recertification requests must be filed with the District no later than the last effective date of the current Certification period.

(3) through (7) No Change

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-13, _____.

40E-7.676 Decertification.

(1) through (2) No Change

(3) If the SBE ~~Applicant~~ fails to file a request for a hearing within 21 days after receipt of the notice, the Decertification shall become final agency action.

(4) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended _____.

Attachment: SBE_40E-7_Notice_Change.JLS edits 2020-09-01.TO BE PUBLISHED (5300 : Authorize publication of the Notice of Change in the

40E-7.677 Reciprocity.

Reciprocal Certification shall be granted to an Applicant that is certified by another Florida government agency, provided that the agency has a small business program, including those owned by women and minorities. The Applicant shall provide the District with official documentation from the other governmental agencies stating the Certification and expiration dates. Once certified, Applicant shall remain certified with the District for a period of 3 years. The District reserves the right to request any additional documentation to verify or clarify the authentication of the information provided.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-13, Amended _____.

Attachment: SBE_40E-7_Notice_Change.JLS edits 2020-09-01.TO BE PUBLISHED (5300 : Authorize publication of the Notice of Change in the

Notice of Meeting/Workshop Hearing

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE
40E-7.669: Definitions
40E-7.670: Competitive Solicitation Preferences
40E-7.673: Certification Eligibility - Small Business Enterprise
40E-7.675: Recertification Review Procedures
40E-7.676: Decertification
40E-7.677: Reciprocity

The South Florida Water Management District announces a hearing to which all persons are invited.
DATE AND TIME: October 8, 2020, 9:00a.m.
PLACE: Location: This meeting will be conducted via Zoom, a media technology free for the public to use. A link will be provided on the District's website at www.SFWMD.gov/meetings.

GENERAL SUBJECT MATTER TO BE CONSIDERED: District staff responses to comments from the Joint Administrative Procedures Committee "JAPC".

This hearing will be held during the Governing Board meeting. The public and stakeholders will have an opportunity to view and comment by utilizing the link found on the District's website at www.SFWMD.gov/meetings, which will go live at approximately 9:00 a.m. on October 8, 2020.
All of this meeting will be conducted via media technology.

A copy of the agenda may be obtained by contacting: The agenda containing information on this meeting will be posted to the District's website at www.SFWMD.gov/meetings, seven days prior to the meeting. Or, you can email Rosie Byrd at rbyrd@sfwmd.gov.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Rosie Byrd, District Clerk, at rbyrd@sfwmd.gov If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Johanna Labrada, Procurement Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045 ext. 2520 or (561)682-2520, or by email at jlabrad@sfwmd.gov. For Procedural questions please contact Charron Follins Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045 ext. 6293 or (561)682-6293 or by email cfollins@sfwmd.gov.

Attachment: SBE_NOC_hearing for 100820_ (5300 : Authorize publication of the Notice of Change in the Florida Administrative Register (FAR))

BILL GALVANO
President

JOSE R.
Speaker

THE FLORIDA LEGISLATURE

JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

Senator Linda Stewart, Chair
Representative Erin Grall, Vice Chair
Senator Janet Cruz
Senator Ed Hooper
Senator Keith Perry
Senator Tom A. Wright
Representative Vance Arthur Aloupis, Jr.
Representative Tommy Gregory
Representative Cindy Polo
Representative Holly Raschein
Representative Jason Shoaf
Representative Clovis Watson, Jr.

KENNETH J. PLANTE
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Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

July 15, 2020

Mr. Frank Mendez
Senior Specialist Attorney
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

RE: South Florida Water Management District.
Proposed Rule Numbers 40E-7.668, 40E-7.669, 40E-7.670, 40E-7.672, 40E-7.673, 40E-7.674, 40E-7.675, 40E-7.676, 40E-7.677, 40E-7.678

Dear Mr. Mendez:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on June 26, 2020. I have the following comments.

40E-7669(1) Does the District mean any percentage of ownership? Is there a certain threshold for the percentage of ownership that must be met? *See* s. 120.52(8)(d), F.S.

40E-7.669(2) After the term "Applicant" is defined, the term "business" is also defined. It seems the definition of "business" should be defined in a separate paragraph.

40E-7.669(12) The term "Reciprocity" does not appear anywhere else in the rule text except for the title of Rule 40E-7.677. Perhaps the term "Reciprocal Certification" is the term that should be defined here.

40E-7.669(17) The rule states that Form 0956 is incorporated by reference in Rule 40E-7.760(2)(a), however, the form lists Rule 40E-7.760(3) as the rule where the form is incorporated. Please ensure the correct rule where the form is incorporated in listed in the rule text and on the form.

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

40E-7.669(18)	What does the district mean by "owned or controlled by another company?" Is there a certain threshold for ownership or control that must be met? *See* s. 120.52(8)(d), F.S.
40E-7.670	The rule states that the "District may waive or adjust SBE requirements in any solicitation." Use of the word "may" indicates the District either may or may not waive or adjust SBE requirements without any criteria. This appears to vest unbridled discretion with the agency. *See* s. 120.52(8)(d), F.S.
40E-670(2)(a)	The effective date of August 13, 2013 for Form 0957 is stricken from the rule text. The effective date listed on the form provided is 12/2019. Please ensure the form's correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.
Form 0957	The form provided lists Rules 40E-7.670(3) and 40E-7.672(4) as the rules where the form is incorporated by reference. However the form is incorporated by reference in Rule 40E-7.670(2)(a). Please ensure the correct rule where the form is incorporated is listed on the form.
40E-7.673(1)	The rule lists August 3, 2006 as the effective date for Form 1231, however the form provided lists 04/2020 as the effective date. Please ensure the form's correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.
40E-7.673(2)(a)	To ensure consistency throughout the rule, should the phrase be "small business enterprise eligibility"?
Form 1231	The form provided does not list the rule where the form is incorporated. Please ensure the form lists the rule where the form is incorporated. The form includes an "Acknowledgment" section that states that "Whoever makes such false statements or material misrepresentations may be found guilty of a misdemeanor or felony under Chapter 837, Florida Statutes." It appears the District may have intended the "Acknowledgment" to be equivalent to an oath. Please advise if that was the agency's intent, and if so, please provide statutory authority for the oath. *See* Art. I, § 18, Fla. Const.; § 120.54(1)(e), Fla. Stat.
40E-7.675(1)	The rule lists August 3, 2006 as the effective date for Form 1232, however the form provided lists 04/2020 as the effective date. Please ensure the form's correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.
40E-7.675(2)	The rule requires the SBE to notify the District in writing of changes to the company that make its recertification application no longer

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

applicable. The District does not provide a timeframe for when the SBE must notify the District of such changes. How will the District enforce this requirement without providing a timeframe for compliance? *See* s. 120.52(8)(d), F.S.

Form 1232

The form provided does not list the rule where the form is incorporated. Please ensure the form lists the rule where the form is incorporated.

Please explain why the form includes a reference to Rule 40-7.673 and Form 1231 below the Title box.

The form includes an "Acknowledgment" section that states that "Whoever makes such false statements or material misrepresentations may be found guilty of a misdemeanor or felony under Chapter 837, Florida Statutes." It appears the District may have intended the "Acknowledgment" to be equivalent to an oath. Please advise if that was the agency's intent, and if so, please provide statutory authority for the oath. *See* Art. I, § 18, Fla. Const.; § 120.54(1)(e), Fla. Stat.

40E-7.676(3)

Is "Applicant" the correct term? The rule lays out the process for decertification of the SBE. An "Applicant" is not certified as a SBE yet. Therefore, how can the "Applicant" be decertified? *See* s. 120.52(8)(d), F.S; s. 120.545(1)(i), F.S.

40E-7.677

What does the district mean by "official documentation"? *See* s. 120.52(8)(d), F.S.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

Jamie E. Royal
Senior Attorney

JER:yw #182187 - 182196

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Email (royal.jamie@leg.state.fl.us)

July 27, 2020

Jamie E. Royal, Esq.
Joint Administrative Procedures Committee
680 Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1400

Subject: Proposed Rule Numbers 40E-7.668, 40E-7.669, 40E-7.670, 40E-7.672, 40E-7.673, 40E-7.674, 40E-7.675, 40E-7.676, 40E-7.677, and 40E-7.678

Dear Ms. Royal:

This letter is in response to your July 15, 2020 letter with comments to the South Florida Water Management District (District) regarding the above-referenced proposed rules.

Proposed Rule	JAPC Comment	District Response
40E-7.669(1)	Does the District mean any percentage of ownership? Is there a certain threshold for the percentage of ownership that must be met? See s. 120.52(8)(d), F.S.	Yes, any percentage of ownership. See change in the rule attached: The word "any" has been added to the rule text. This is meant to be clarifying language and is not intended to change the meaning or construction of the rule as it was originally published. It has always been the intent of this rule that any percentage of ownership would make one an affiliate of the other.
40E-7.669(2)	After the term "Applicant" is defined, the term "business" is also defined. It seems the definition of "business" should be defined in a separate paragraph.	Agreed. See change in the rule attached: The word "Business" is now defined in the rule as requested. It is the new number 3.
40E-7.669(12)	The term "Reciprocity" does not appear anywhere else in the rule text except for the title of Rule 40E-7.677. to Perhaps the term "Reciprocal Certification" is the term that should be defined here.	Agreed. See change in the rule attached: The definition has been changed to

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

Proposed Rule	JAPC Comment	District Response
		reflect the JAPC's suggestion. It's now the new number 13.
40E-7.669(17)	The rule states that Form 0956 is incorporated by reference in Rule 40E-7.760(2)(a), however, the form lists Rule 40E-7.760(3) as the rule where the form is incorporated. Please ensure the correct rule where the form is incorporated in listed in the rule text and on the form.	Agreed. That was an oversight. See correction in the rule attached. These changes will be made upon receipt of forms from the Dept. of State.
40E-7.669(18)	What does the district mean by "owned or controlled by another company?" Is there a certain threshold for ownership or control that must be met? See s. 120.52(8)(d), F.S.	No there is not a threshold. Any per-centage of ownership will be sufficient to deem the related companies affiliates. This is meant to be clarifying language and is not intended to change the meaning or construction of the rule as it was originally published. Language added to clarify "owned or controlled by." The new number is (19).
40E-7.670	The rule states that the "District may waive or adjust SBE requirements in any solicitation." Use of the word "may" indicates the District either may or may not waive or adjust SBE requirements without any criteria. This appears to vest unbridled discretion with the agency. See s. 120.52(8)(d), F.S.	Agreed. See change in the rule attached. This language has been removed as suggested by JAPC's comments.
40E-7-670(2)(a)	The effective date of August 13, 2013 for Form 0957 is stricken from the rule text. The effective date listed on the form provided is 12/2019. Please ensure the form's correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.	Agreed. See cor-rection in the form attached. These changes will be made upon receipt of forms from the Dept. of State.
Form 0957	The form provided lists Rules 40E-7.670(3) and 40E-7.672(4) as the rules where the form is incorporated by reference. However, the form is incorporated by reference in Rule 40E-7.670(2)(a). Please ensure the correct rule where the form is incorporated is listed on the form.	Agreed. See in the form attached. These changes will be made upon receipt of forms from the Dept. of State.
40E-7.673(1)	The rule lists August 3, 2006 as the effective date for Form 1231, however the form provided lists 04/2020 as the effective date. Please ensure the form's correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.	Agreed. See correction in the form attached. These changes will be made upon receipt of forms from the Dept. of State.

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

Proposed Rule	JAPC Comment	District Response
40E-7.673(2)(a)	To ensure consistency throughout the rule, should the phrase be “small business enterprise eligibility”?	Agreed. See change in the rule attached: The phrase “SBE eligibility” has been added to 40E-7.673(2).
Form 1231	The form provided does not list the rule where the form is incorporated. Please ensure the form lists the rule where the form is incorporated.	Agreed. See correction in the form attached. These changes will be made upon receipt of forms from the Dept. of State.
Form 1231	The form includes an “Acknowledgment” section that states that “Whoever makes such false statements or material misrepresentations may be found guilty of a misdemeanor or felony under Chapter 837, Florida Statutes.” It appears the District may have intended the “Acknowledgment” to be equivalent to an oath. Please advise if that was the agency’s intent, and if so, please provide statutory authority for the oath. See Art. I, § 18, Fla. Const.; § 120.54(1)(e), Fla. Stat.	To address this comment, the language in the acknowledgment will revert to the prior language. These changes will be made upon receipt of forms from the Dept. of State.
40E-7.675(1)	The rule lists August 3, 2006 as the effective date for Form 1232, however the form provided lists 04/2020 as the effective date. Please ensure the form’s correct effective date is in the rule text and on the face of the form when the rule is filed for adoption.	Agreed. See correction in the form attached. These changes will be made upon receipt of forms from the Dept. of State.
40E-7.675(2)	The rule requires the SBE to notify the District in writing of changes to the company that make its recertification application no longer applicable. The District does not provide a timeframe for when the SBE must notify the District of such changes. How will the District enforce this requirement without providing a timeframe for compliance? See s. 120.52(8)(d), F.S.	The following language is added per JAPC’s comments: “All documentation must be received by the District within 60 days from the date of the request or the A~~a~~pplicant will be deemed ineligible for C~~c~~ertification.”
Form 1232	The form provided does not list the rule where the form is incorporated. Please ensure the form lists the rule where the form is incorporated.	Agreed. See correction in the form attached. These changes will be made upon receipt of forms from the Dept. of State.
Form 1232	Please explain why the form includes a reference to Rule 40-7.673 and Form 1231 below the Title box.	40E-7.673 contains the criteria for certification for both forms 1231 and 1232.These changes

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

Proposed Rule	JAPC Comment	District Response
		will be made upon receipt of forms from the Dept. of State.
Form 1232	The form includes an "Acknowledgment" section that states that "Whoever makes such false statements or material misrepresentations may be found guilty of a misdemeanor or felony under Chapter 837, Florida Statutes." It appears the District may have intended the "Acknowledgment" to be equivalent to an oath. Please advise if that was the agency's intent, and if so, please provide statutory authority for the oath. See Art. I, § 18, Fla. Const.; § 120.54(1)(e), Fla. Stat.	To address this comment, the language in the acknowledgment will revert to the prior language. These changes will be made upon receipt of forms from the Dept. of State.
40E-7.676(3)	Is "Applicant" the correct term? The rule lays out the process for decertification of the SBE. An "Applicant" is not certified as an SBE yet. Therefore, how can the "Applicant" be decertified? See s. 120.52(8)(d), F.S; s. 120.545(1)(i), F.S.	Agreed. See change in the rule attached. We are leaving SBE as the term. The word Applicant was removed and replaced with SBE from this rule.
40E-7.677	What does the district mean by "official documentation"? See s.120.52(8)(d), F.S.	See change in the rule attached: Official documentation is required from the Florida government agency upon which the District is relying for certification. Language was added to the rule text to clarify meaning.

Should you have any questions or require additional information, please contact me by telephone at (561) 682-6260, or by email at fmendez@sfwmd.gov.

Sincerely,

Frank Mendez
Senior Specialist Attorney

Enclosures

Attachment: Letters_JAPC_SFWMD_Rule 40E-7_SBE_Governing_Board (5300 : Authorize publication of the Notice of Change in the Florida

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Smith, Chief of Staff

DATE: October 08, 2020

SUBJECT: Ratification of Collective Bargaining Agreement between the International Union of Operating Engineers and the South Florida Water Management District

Agenda Item Background:
In March 2016, District employees consisting of certain skilled and craft employees of the District certified the International Union of Operating Engineers ("Union") as their exclusive representative for purposes of collective bargaining. In April 2018, the Governing Board ratified a Collective Bargaining Agreement ("CBA") between the District and the Union. This CBA expired September 30,2020.

As such, the District and the Union began renewed negotiations and have agreed to a new 3-year term CBA. It is anticipated the Bargaining Unit members will ratify the CBA on October 3, 2020. The Governing Board will also need to ratify the CBA for it to take effect.

Staff Contact and/or Presenter:
Jen Smith, jsmith@sfwmd.gov, 561-682-6285

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1013

A Resolution of the Governing Board of the South Florida Water Management District to ratify the Collective Bargaining Agreement of the International Union of Operating Engineers and the District; providing an effective date.

WHEREAS, In March 2016, Bargaining Unit employees of the South Florida Water Management District certified the International Union of Operating Engineers ("Union) as their exclusive representative for purposes of collective barraging.

WHEREAS, the District has in good faith negotiated a Collective Barraging Agreement with the Union.

WHEREAS the Bargaining Unit ratified the Collective Barraging Agreement on October 3, 2020 and District staff recommends ratification of the Collective Bargaining Agreement by the Governing Board.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby ratifies the negotiated Collective Barraging Agreement between the International Union of Operating Engineers and the South Florida Water Management District.

Section 2. A copy of the Collective Barraging Agreement is attached hereto and made a part hereof.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Reynolds, Director-Ecosystem Restoration & Capital Projects

DATE: October 08, 2020

SUBJECT: Culvert Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County

Agenda Item Background:
As part of the Operations and Maintenance Capital Improvement Program, the Culvert Replacement - Okeechobee FS Area (PC13N-C41A) Project will provide an in-kind replacement of the existing Project Culvert. These culverts, originally installed by the U.S. Army Corps of Engineers in the 1960s as part of the Central and Southern Florida Project for the purpose of flood control and agricultural irrigation, have deteriorated and now need to be replaced. The project includes culvert pipes, risers and flashboards with a walkway for access, guard railing, and forebay muck removal. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Core Mission and Strategic Priorities:
This contract will support flood control capabilities and provide water supply for adjacent agricultural lands.

Staff Contact and/or Presenter:
Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1014

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180-day contract with Loren Jock Trucking, Inc., the lowest responsive and responsible bidder, for the PC Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County, in the amount of $1,096,225 for which Ad Valorem funds are budgeted in Fiscal Year 2020-2021; providing an effective date. (Contract No. 4600004317)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a contract with Loren Jock Trucking, Inc., the lowest responsive and responsible bidder for the PC Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County, in the amount of $1,096,225.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a contract with Loren Jock Trucking, Inc., for the PC Replacement, Okeechobee Field Station Area (PC13N-C41A) Project, Highlands County, in the amount of $1,096,225. (Contract Number 4600004317)

Section 2. This Resolution shall take effect immediately upon adoption

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

Project Culvert Replacement – Okeechobee Field Station Area (PC13N-C41A)

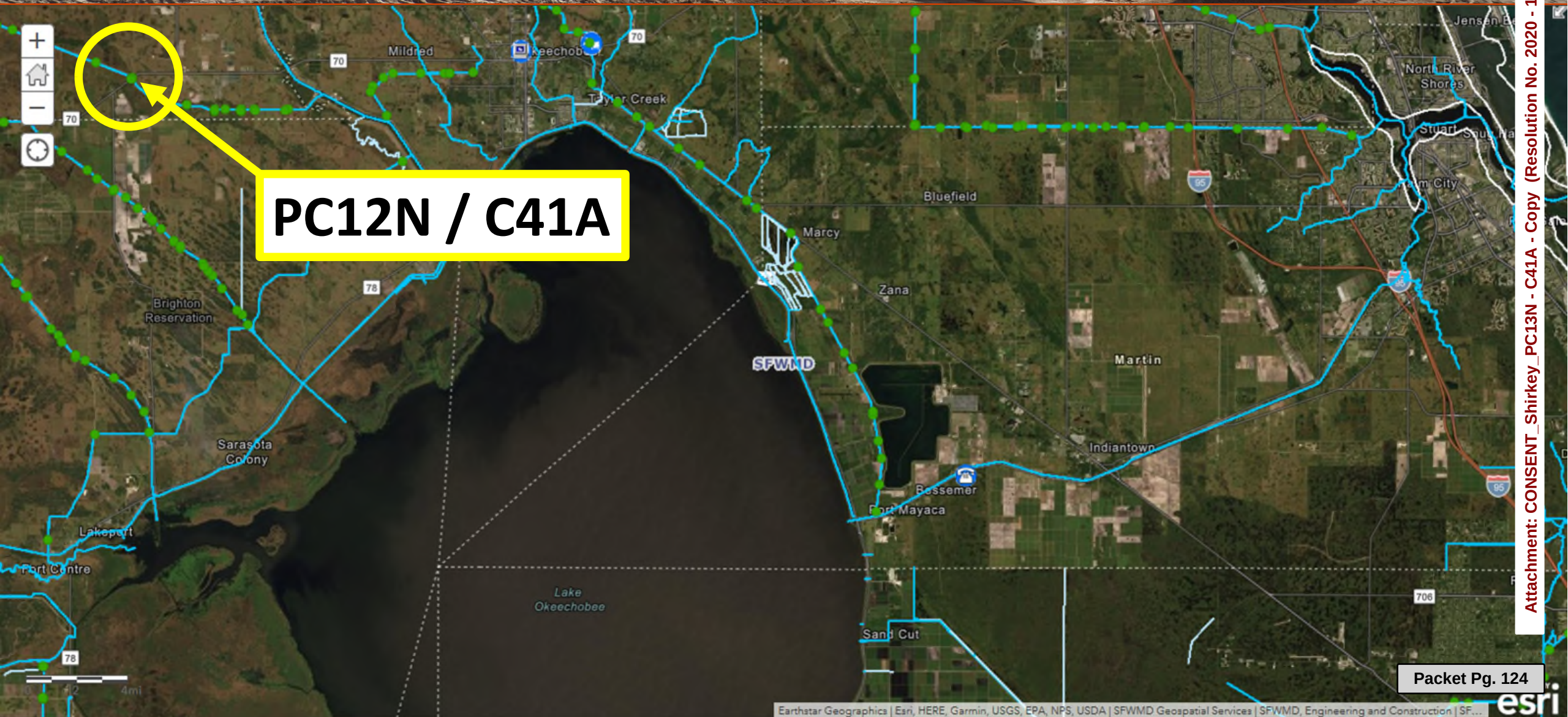
Alan Shirkey, P.E.
Bureau Chief, Engineering and Construction
South Florida Water Management District

Governing Board Meeting
October 8, 2020

sfwmd.gov

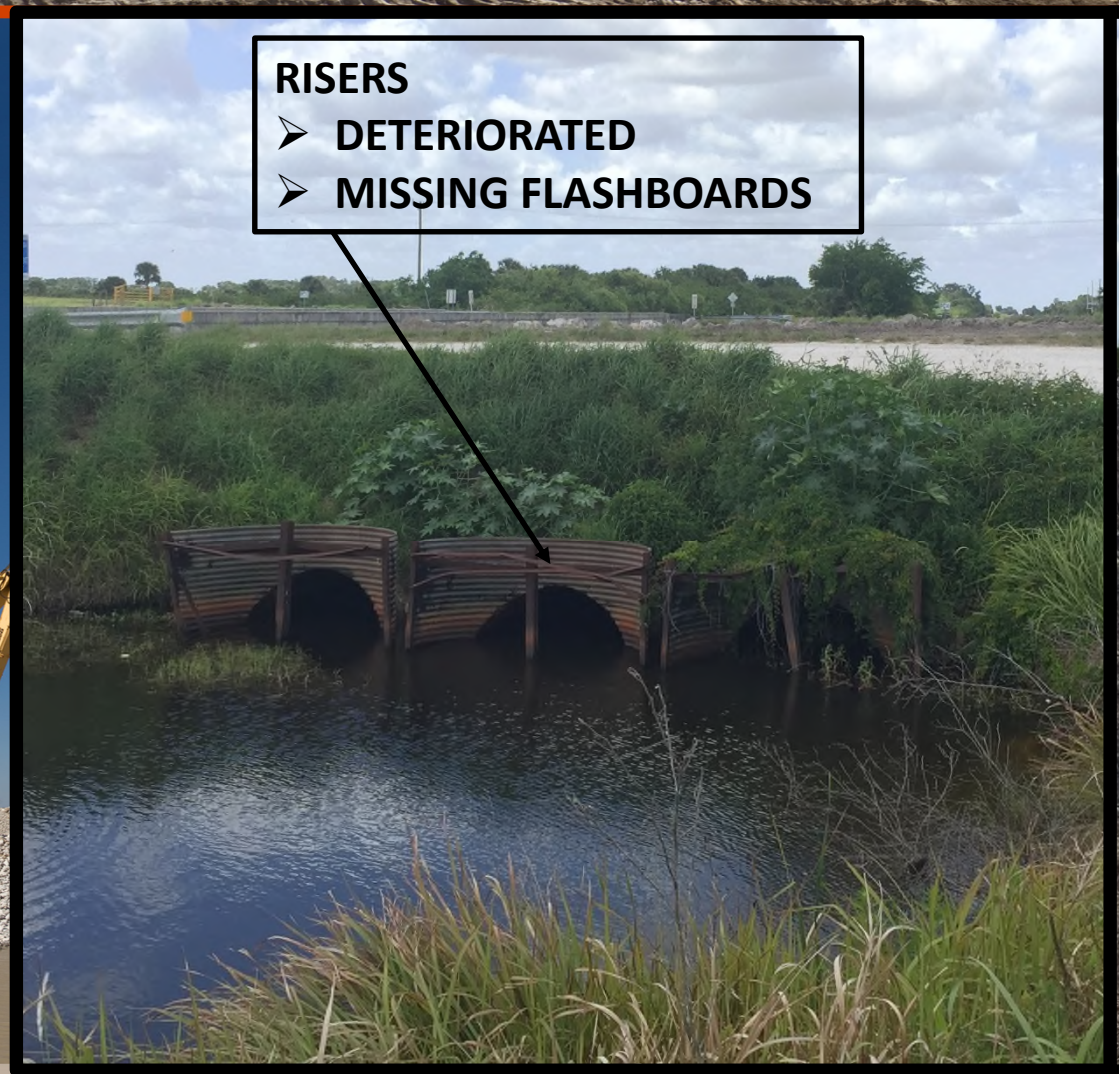
Attachment: CONSENT_Shirkey_PC13N - C41A - Copy (Resolution No. 2020 - 1014 :

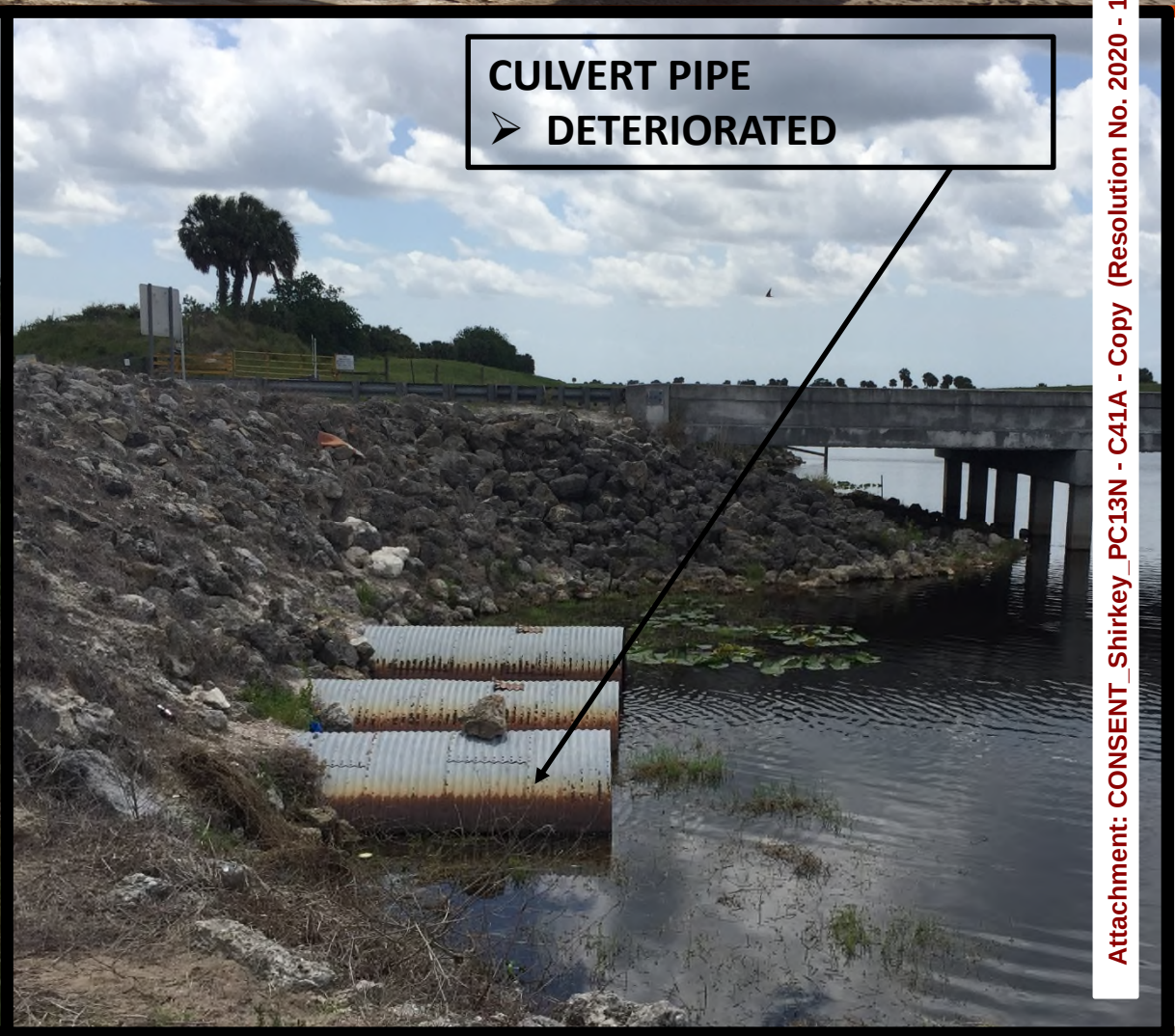
Location Map



Attachment: CONSENT_Shirkey_PC13N - C41A - Copy (Resolution No. 2020 - 1014 :

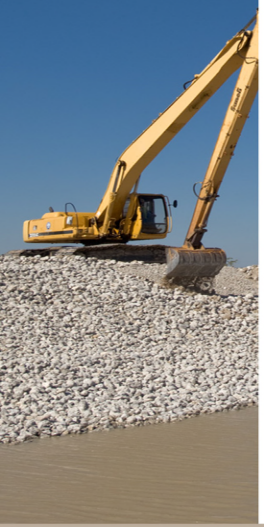
Background – PC13N C41A Existing Conditions





Attachment: CONSENT_Shirkey_PC13N - C41A - Copy (Resolution No. 2020 - 1014 :

Background – PC13N C41A



- Constructed in 1964 by the USACE as part of the C&SF Project
- Provides flood control and agricultural irrigation
- Existing steel culvert pipes and risers have reached end of service life
- Replace with aluminum culvert pipes, risers, and walkway and railing to access flashboards and provide guardrail at culvert crossing / boat ramp assess

Attachment: CONSENT_Shirkey_PC13N - C41A - Copy (Resolution No. 2020 - 1014 :

PENDING GB APPROVAL

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
NOTICE OF INTENT TO AWARD

RFB No.: 6000001099

Title: PC Replacement – Okeechobee FS Area (PC13N-C41A), Highlands County, FL

SBE Subcontracting Goal: 23%

Opening Date: 9/28/2020 @ 2:30 P.M.

Total Bids Received: 6

Advertised Date: 8/27/2020

Bids Received from SBEs: 4

Advertisement: Lakeland Ledger

Total Number of Planholders: 54

Total SBE Planholders: 10

Contract Specialist: Gina Jolly
Project Manager: Denys Purdy

BIDDERS	BID AMOUNT
Loren Jock Trucking, Inc.	**$1,096,225.00**
Westwind Contracting, Inc.	**$1,134,240.00**
South Florida Land Clearing, Inc.	**$1,243,347.37**
Rio-Bak Corporation	**$1,468,000.00**
Kiewit Infrastructure South Co.	**$1,508,508.00**
ENCO, LLC	**$1,657,735.00**

The bid amounts indicated above are as submitted at the bid opening and are subject to verification. Award of the contracts to the lowest bidder is subject to the District's determination that the bid is responsive and that the bidder is responsible as indicated by the signatures below.

Approvals required in numerical order. Signatures must be dated.

Project Manager - Attach detailed justification that recommended bidder is responsive and responsible.

Recommendation for award to low bidder?

☐ Yes ☐ No

If no, recommend award to:

_____

Basis of recommendation: _____

_____

_____

Governing Board approval of award or contract required?

☐ Yes ☐ No

***Signature only required when recommendation of award is to other than low bid (when low bidder has been deemed non-responsive and/or non-responsible). CS or PM must provide backup as appropriate in all cases. (Insert N/A if not applicable.)*

1. _____ *Project Manager* *Date*
2. _____ *Section Administrator* *Date*
3. _____ *Bureau Chief* *Date*
4. _____ *Division Director* *Date*
5. _____ *Contract Specialist* *Date*
6. _____ *Contract Manager* *Date*
7. _____ *Office of Counsel ** *Date*
8. _____ *Procurement Bureau Chief* *Date*

NOTE: This form shall serve as the District's Notice of a decision or intended decision as defined in Section 120.57(3)(a) F.S., and Chapter 28-110, Florida Administrative Code (F.A.C.). Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes. Any protest or bond or other security must be filed with the District Clerk.

Posting Date: _____
Posting Time: _____
Initials:_____

Rev 11/1/2019

Attachment: PC Replacement - Okeechobee FS Area (PC 13N-C41A) Highlands County FL Notice of Intent to Award (Resolution No. 2020 - 1014

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Reynolds, Director-Ecosystem Restoration & Capital Projects

DATE: October 08, 2020

SUBJECT: Caloosahatchee C-43 West Basin Storage Reservoir Pump Station S-470 Substation, Hendry County

Agenda Item Background:
The Caloosahatchee River C-43 West Basin Storage Reservoir Project was authorized in the federal Water Resources and Reform Development Act 2014, facilitating the ability of the State to move forward with construction of the authorized project.

The District is in the process of construction to implement the Caloosahatchee C-43 West Basin Storage Reservoir Project. Pump Station S-470 will use large electric powered pumps which will lift water into the reservoir. FPL will provide the needed electricity but will require the construction of an electrical substation due to the substantial electrical load required. This agreement requires the District to pay $4.38M as its share of the full cost of the $8.45M substation. The substation has already been designed by FPL under a prior contract with the District. Construction of the substation will begin upon completion of the land transfer of a five-acre parcel and associated easements to FPL and is estimated to take up to 12 months. Timely completion of the substation will allow completion of the S-470 inflow pump station and to stay on schedule

Core Mission and Strategic Priorities:
The C-43 West Basin Storage Reservoir Project supports the District's core mission of Ecosystem Restoration and Protection by capturing excessive flows to the Caloosahatchee Estuary and supporting minimum flows and levels during the dry season.

Funding Source:
The project will be funded through Save Our Everglades and Land Acquisition Trust Funds.

Staff Contact and/or Presenter:
Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2679

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1015

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an agreement with Florida Power & Light Company for the construction of an electrical substation at the C-43 West Basin Storage Reservoir Pump Station S-470 Substation, in the amount of $4,080,646 for which dedicated funds (Save Our Everglades Trust Fund, Land Acquisition Trust Fund, and General Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021; providing an effective date. (Contract No. 4600004306)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to enter into a contract with Florida Power and Light Company (FPL) for the construction of the C-43 West Basin Storage Reservoir Pump Station S-470 Substation, in the amount of $4,080,646.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves a contract with FPL for the construction of the C-43 West Basin Storage Reservoir Pump Station S-470 Substation, in the amount of $4,080,646. (Contract No. 4600004306)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

C43 West Basin Storage Reservoir

FPL Substation Construction Agreement

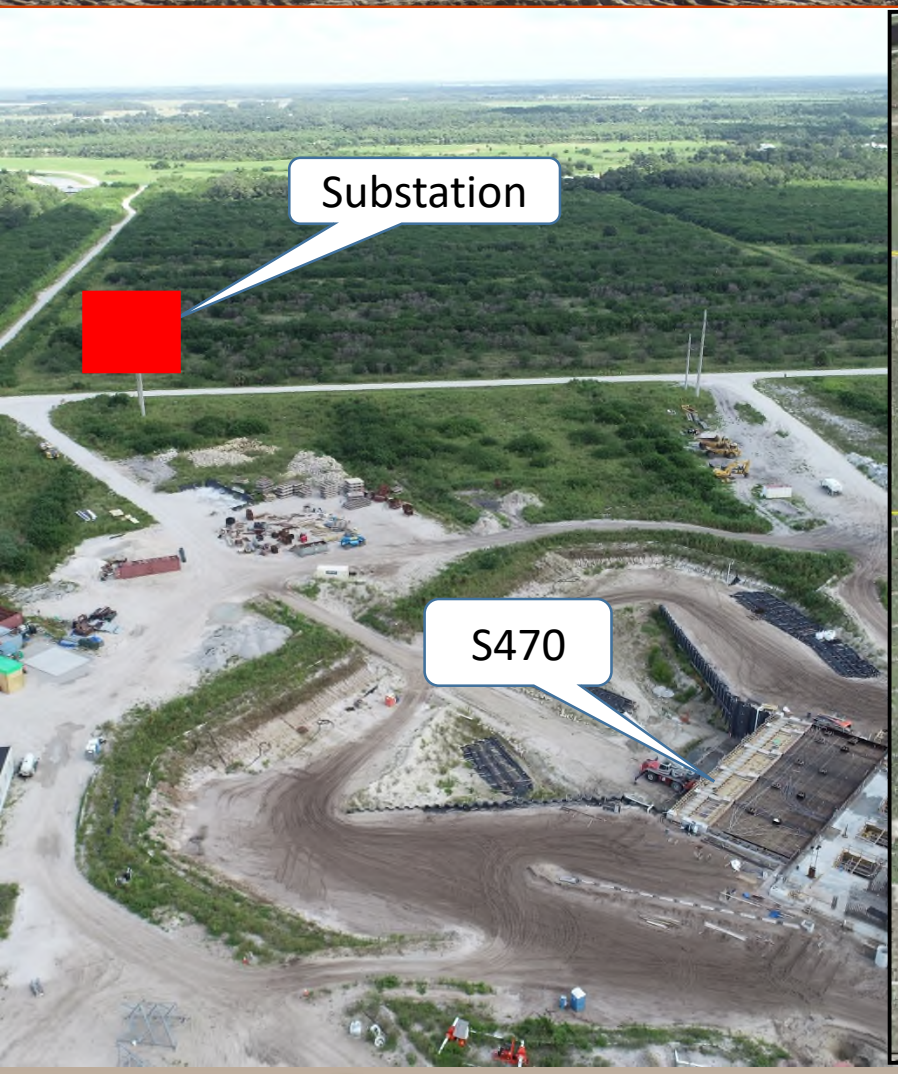
Alan Shirkey, P.E.
Operations, Engineering and Construction
South Florida Water Management District

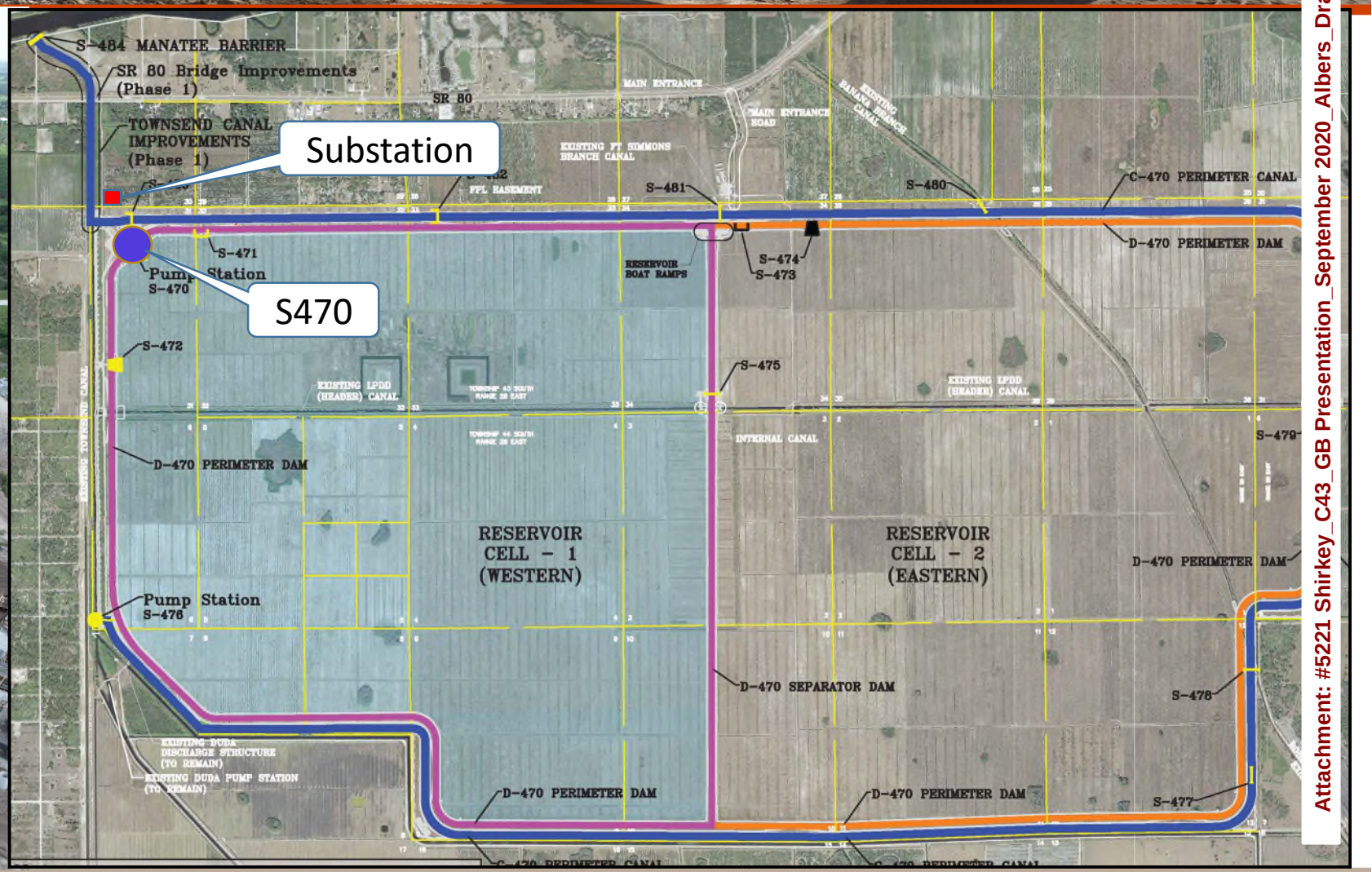
Governing Board Meeting
September 10, 2020

sfwmd.gov

Attachment: #5221 Shirkey_C43_GB Presentation_September 2020_Albers_Draft (1)

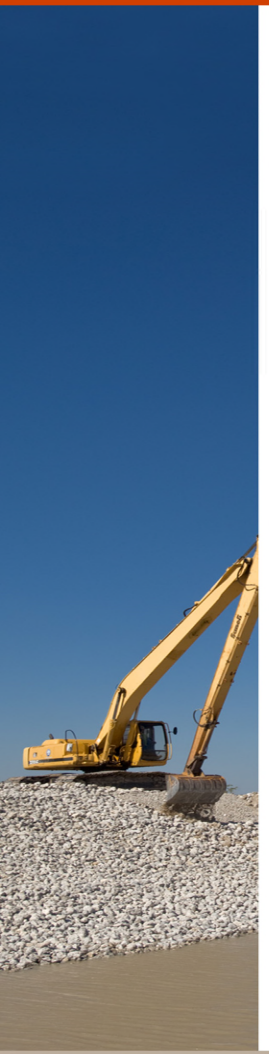
Location





Attachment: #5221 Shirkey_C43_GB Presentation_September 2020_Albers_Draft (1)

Background



- Pump Station S470 will use large electric powered pumps
- The existing nearest FPL substation does not have sufficient capacity to power the pump station.
- An on-site FPL substation is the most cost-effective option to provide the electrical power needed.
- The substation has already been designed by FPL under a prior contract.
- This agreement requires the District to pay $4.38M as our share of the full cost of the $9M substation.
- Construction of the substation will begin upon completion of the land transfer of a 5-acre parcel and associated easements to FPL and is estimated to take up to 12 months.

Attachment: #5221 Shirkey_C43_GB Presentation_September 2020_Albers_Draft (1)

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Reynolds, Director-Ecosystem Restoration & Capital Projects

DATE: October 08, 2020

SUBJECT: Acquisition of Land Interests for Biscayne Bay Coastal Wetlands and Bird Drive Recharge Area in Miami-Dade

Agenda Item Background:

As a part of the CERP, the District has the opportunity to acquire land interests in Miami-Dade County for the L-31E flow way project component of the Biscayne Bay Coastal Wetlands (BBCW) Project Phase I and in connection with the Bird Drive Recharge Area Project ("BDRA Project"). BBCW Phase I has three components, the Deering Estate which is complete and operational, the Cutler flow way currently in design by the District, and the L-31E flow way currently going to construction by the USACE. The BBCW project is rehydrating coastal wetlands by re-distributing freshwater flows benefiting Biscayne Bay and Biscayne National Park. There are two remaining parcels, approximately 83.8 acres, remaining in the L-31E flow way to complete land acquisition so the lands can be certified to USACE to start construction in the first quarter of fiscal year 2021.

Land interests are also identified for the Bird Drive Recharge Area which is also a CERP component that is not currently in an active Federal planning project. The District owned lands within the BDRA includes certain parcels containing approximately 60 acres, more or less ("District Owned Bird Drive Land"). The District can enter into an Agreement for Exchange of Real Property Interests ("Exchange Agreement") whereby the District will acquire fee title to approximately 10 acres, more or less, within the Bird Drive Project and as hereinafter referred to as the "District Bird Drive Acquired Land" (the District Owned Bird Drive Land and the District Bird Drive Acquired Land are collectively referred to as the "District Bird Drive Land") and will acquire fee title to the remaining approximately 83.8 acres within the BBCW L-31E flow way Project ("BBCW Acquired Lands"). The District Bird Drive Acquired Lands and the BBCW Acquired Lands are collectively referred to as the "District Acquired Lands".

In exchange for the acquisition of the District Acquired Lands, the District would convey to iHeartMedia & Entertainment, Inc. ("iHeart"), a Radio Antennae and Access Easement with respect to approximately 60 acres of the District Bird Drive Land hereinafter referred to as the "Easement Lands". The Radio Antennae and Access Easement shall be for the installation and operation of radio antennae, associated facilities, and an access road, all subject to permitting. All improvements are to be at adequate elevations to enable the District to flow water across the Easement Lands for environmental restoration and conservation purposes. Exotics control by iHeart for the 60 acres will be required. The easement retains the rights of the District to construct CERP or District projects in the future.

Core Mission and Strategic Priorities:

As part of this exchange, the District will be conveyed fee ownership of approximately

83.8 acres of privately owned land within Biscayne Bay Coastal Wetlands, thus reducing the remaining amount of acreage that needs to be acquired for Project requirements.

Funding Source:
As this is an even exchange, there is no purchase price to fund. All transfer taxes, title insurance, and closing costs will be paid by iHeart. Any associated costs will be funded from Ad Valorem funds.

Staff Contact and/or Presenter:
Jennifer Reynolds, jreynolds@sfwmd.gov, 561-682-6072
Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 1016

A Resolution of the Governing Board of the South Florida Water Management District approving acquisition of fee interest of 10 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County and acquisition of fee interest of 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project in Miami-Dade County, in exchange for granting iHeartMedia & Entertainment, Inc., a Radio Antennae and Access Easement encumbering 60 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County; approve declaring 60 acres, more or less, of easement interests as surplus for exchange within the Bird Drive Recharge Area Project in Miami-Dade County; providing an effective date.

WHEREAS, the South Florida Water Management District ("District") is currently acquiring land interests in Miami-Dade County in connection with the Bird Drive Recharge Area Project ("Bird Drive Project") and in connection with the Biscayne Bay Coastal Wetlands Project ("BBCW Project"); and

WHEREAS, the District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes and to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, the District owns 60 acres, more or less, in Miami-Dade County within the Bird Drive Project ("District Owned Bird Drive Land"); and

WHEREAS, the District desires to enter into an Agreement for Exchange of Real Property Interests ("Exchange Agreement") whereby the District will acquire fee title to 10 acres, more or less, within the Bird Drive Project as shown on Exhibit "A" and as hereinafter referred to as the "District Bird Drive Acquired Land" (the District Owned Bird Drive Lands and the District Bird Drive Acquired Land are collectively referred to as the "District Bird Drive Land") and will acquire fee title to 83.8 acres, more or less, within the BBCW Project as shown on Exhibit "B" ("BBCW Acquired Lands"), the District Bird Drive Acquired Lands and the BBCW Acquired Lands being hereinafter collectively referred to as the "District Acquired Lands", all in exchange for the surplus and conveyance of a Radio Antennae and Access Easement with respect to 60 acres, more or less, of the District Bird Drive Land, as shown on Exhibit "A" and as hereinafter referred to as the "Easement Lands"; and

WHEREAS, the Exchange Agreement provides that for purposes of the exchange, the value of the District Acquired Lands is equal to the value of the Radio Antennae and Access Easement encumbering the Easement Lands, both being valued at $906,500 in the Exchange Agreement; and

WHEREAS, the Governing Board has determined that it is in the public interest to declare the Radio Antennae and Access Easement encumbering the Easement Lands surplus; and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, the Governing Board shall be required to make a determination that the easement interests represented by Radio Antennae and Access Easement are consistent with conservation purposes by at least a two-thirds (2/3) majority.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER

MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves declaring surplus for exchange and conveyance easement interests containing 60 acres, more or less, in Miami-Dade County within the Bird Drive Recharge Area Project, in exchange for the acquisition of fee title land interests in Miami-Dade County containing 10 acres, more or less, within the Bird Drive Recharge Area Project and 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project, plus associated costs for which funds are budgeted.

Owner	Tract Nos.	Interest	Acres	Appraised Value*
iHeartMedia & Entertainment, Inc.	45800-005 45800-010	Fee	83.8	$606,500*
iHeartMedia & Entertainment, Inc.	W9308-375	Fee	10	$300,000

*Calculated based on the average of two separate appraisals

Owner	Tract Nos.	Interest	Acres	Appraised Value
South Florida Water Management District	W930R-004 W930E-005	Easement	60	$906,500

Section 2. Consistent with the requirements of Section 373.089(6), Florida Statutes, as the grant of the easement encumbering the Easement Lands contains terms and covenants whereby the District retains the rights to raise water levels on and flood and inundate the Easement Lands and to carry out the purposes and requirements of the Comprehensive Everglades Restoration Plan (CERP), so that the conservation values of the Easement Lands are preserved and protected, the Governing Board hereby determines that the unencumbered fee interest in the Easement Lands is not needed for conservation purposes, and this resolution was approved by the Governing Board by at least a two-thirds (2/3) vote.

Section 3. The Governing Board hereby authorizes the Chairman or Vice Chairman to execute the Exchange Agreement and any instrument(s) of conveyance required to consummate the transaction contemplated therein. The Governing Board hereby authorizes the Executive Director or the Executive Director's designee to make any determination in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 8th day of October, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

_____
Chauncey P. Goss, II
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: October 08, 2020

SUBJECT: Publish a Notice of Proposed Rule and Adopt Amendments to Rules 40E-10.021, 40E-10.031, 40E10.061, and 40E-2.091, Florida Administrative Code, and the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" for the Everglades Agricultural Area Reservoir Water Reservation (provided no material changes are made and no request for public hearing is timely received) (Staff contact, Don Medellin)

Agenda Item Background:
The proposed water reservation rule for the Everglades Agricultural Area (EAA) Reservoir identifies and prospectively reserves water needed for the protection of fish and wildlife. Staff requests the Governing Board to authorize publication of a Notice of Proposed Rule in the Florida Administrative Register and Adopt Amendments, provided no material changes are made and no request for public hearing is received, to establish water reservation criteria for the EAA Reservoir. Any affected person may request a public hearing on the rule within 21 days of the date the notice is published. If no request for a public hearing is timely received and no material changes are made to the proposed rules, the District will proceed with filing the proposed rules for adoption with the Florida Department of State.

The CERP is the framework to restore the Greater Everglades Ecosystem. As part of CERP, the EAA Reservoir was authorized by Congress in 2018 as a multi-purpose reservoir. It will store regulatory releases from Lake Okeechobee and EAA basin runoff, thereby, substantially decreasing the frequency and intensity of harmful discharges to the St. Lucie and Caloosahatchee Estuaries. Based on model simulations, the EAA Reservoir Project will deliver an average annual flow of 370,000 acre-feet above the existing flows to the Central Everglades, benefiting fish and wildlife. It will also enhance regional water supplies for existing legal users, which will increase the water available to meet environmental needs.

Section 601 of WRDA 2000 requires the State to protect water made available for the natural system by CERP projects from allocation to consumptive uses. Legal protection of the water is required before the District and the USACE may execute a Project Partnership Agreement to cost-share the construction of CERP project features. The District intends to fulfil these requirements by adopting rules prospectively reserving the water released from the CERP EAA Reservoir Project to the Central Everglades.

Additional Background:
The Governing Board authorized rule development in April 2020. The draft technical document was released in May and a public peer review session was held on May 29, 2020. Two rule development workshops were held on July 14 and August 6, 2020. The public has been provided with various opportunities to comment on the Technical Document and draft rule.

District staff has met with various stakeholders to discuss those comments and made changes to the draft rule to address those comments where appropriate.

Core Mission and Strategic Priorities:
The EAA Reservoir is consistent with Governor DeSantis' Executive Order 19-12, instructing the District to advance key Everglades Restoration projects. The District included this rulemaking effort in its 2019 Priority Water Body List and Schedule that the Governing Board and Florida Department of Environmental Protection approved.

Funding Source:
Most of the rulemaking activities will be completed using in-house staff resources. Approximately $7,320 was spent in FY20 for an independent scientific peer review of the water reservation technical document. Staff time and publication costs for this rulemaking is divided between Office of Counsel and Water Resources.

Staff Contact and/or Presenter:
Don Medellin, dmedelli@sfwmd.gov, 561-682-6340
Jessica Frost, jfrost@sfwmd.gov, 561-682-6626

NOTICE OF PROPOSED RULE

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:

40E-10.021: Definitions

40E-10.031: Water Reservations Implementation

40E-10.061: Water Reservation Areas: Lower East Coast Planning Area

PURPOSE AND EFFECT: The Everglades Agricultural Area (EAA) Reservoir is a critical component of Central Everglades Planning Project (CEPP) in the Comprehensive Everglades Restoration Plan (CERP). The project helps avoid harmful lake discharges to the St. Lucie and Caloosahatchee estuaries and sends more water south to the Central Everglades.

Section 601 of WRDA 2000 and Section 373.470, F.S., require the State to protect water made available for the natural system by CERP projects from allocation to consumptive uses. Legal protection of the water is required before the South Florida Water Management District (District) and the U.S. Army Corps of Engineers (USACE) may execute a Project Partnership Agreement (PPA) to cost-share the construction of CERP project features. The District is fulfilling these requirements by adopting rules reserving the water released from the EAA Reservoir Project to the central Everglades.

SUMMARY: The proposed water reservation rule protects all surface water released from the EAA Reservoir directed to the Lower East Coast Everglades waterbodies through the S-624, S-625, and S-626 structures (Figure 3-6 and 3-7). Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) to the EAA Reservoir Project's STA, STA-2, STA-3/4, or A-1 FEB, then discharge to the Lower East Coast Everglades waterbodies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this will not have an adverse impact on small business and is not likely to increase, directly or indirectly, regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A Statement of Estimated Regulatory Costs (SERC) has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: The District completed the Governor's Office of Fiscal Accountability and Regulatory Reform's (OFARR) form "Is a SERC Required?" and prepared a summary of the proposed rule amendments, both of which are available upon request. Based on the completed "Is a SERC Required?" form and the District's summary and analysis performed to prepare and complete said documents, the proposed rule amendment does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY (formerly "Specific Authority"): 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

DRAFT

Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

contacting: District Clerk @ 1(800)432-2045, ext. 6805 or (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Medellin, Principal Scientist, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6340 or (561)682-6340, dmedelli@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-10.021 Definitions.

(1) through (6) No Change.

(7) Everglades Agricultural Area (EAA) Reservoir – A reservoir located in Palm Beach County, Florida, south of the City of South Bay between the Miami and North New River Canals as described in Appendix 3 and depicted in Figure 3-5.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14, _____.

40E-10.031 Water Reservations Implementation.

(1) through (5) No Change

(6) Water reserved for the protection of fish and wildlife released via operation from the EAA Reservoir is defined in subsection 40E-10.061(3)(a), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, 7-21-13, 7-14-14, 7-16-14, _____.

40E-10.061 Water Reservation Areas: Lower East Coast Planning Area.

(1) through (2) No change.

(3) EAA Reservoir:

(a) All surface water released, via operation, from the EAA Reservoir that is directed to the Lower East Coast Everglades Waterbodies through Structures S-624, S-625, and S-626 (see Figure 3-6) is reserved from allocation.

(b) The water prospectively reserved under this subsection is not available for fish and wildlife until the Governing Board makes a formal determination, pursuant to state and federal law, that the EAA Reservoir is operational.

(c) Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) (see Figure 3-7), thereby increasing existing flows on average annually to the Central Everglades by 370,000 acre-feet over the period of simulation (1965-2005). The reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and the criteria contained in Section 3.11.6 of the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" (Applicant's Handbook), incorporated by reference in Rule 40E-2.091, F.A.C., will be revised in light of changed conditions or new information. The reservation and criteria in Section 3.11.6 of the Applicant's Handbook, incorporated by reference in Rule 40E-2.091, F.A.C., will be revised before the EAA Reservoir is deemed operational, including an approved system or project operating manual, and any difference between the quantity of water actually made available and the quantity simulated will be reconciled.

(d) Water released from the EAA Reservoir through structure S-628 is not reserved. Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 82,000 acre-feet of surface water during an average annual water year through structure S-628 (see Figure 3-8).

DRAFT

Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–7-21-13, Amended 3-15-17,_____.

APPENDIX 1 AND APPENDIX 2 – No Change.

APPENDIX 3: LOWER EAST COAST PLANNING AREA ~~40~~

Figures 3-1 through 3-4 B. – No Change.

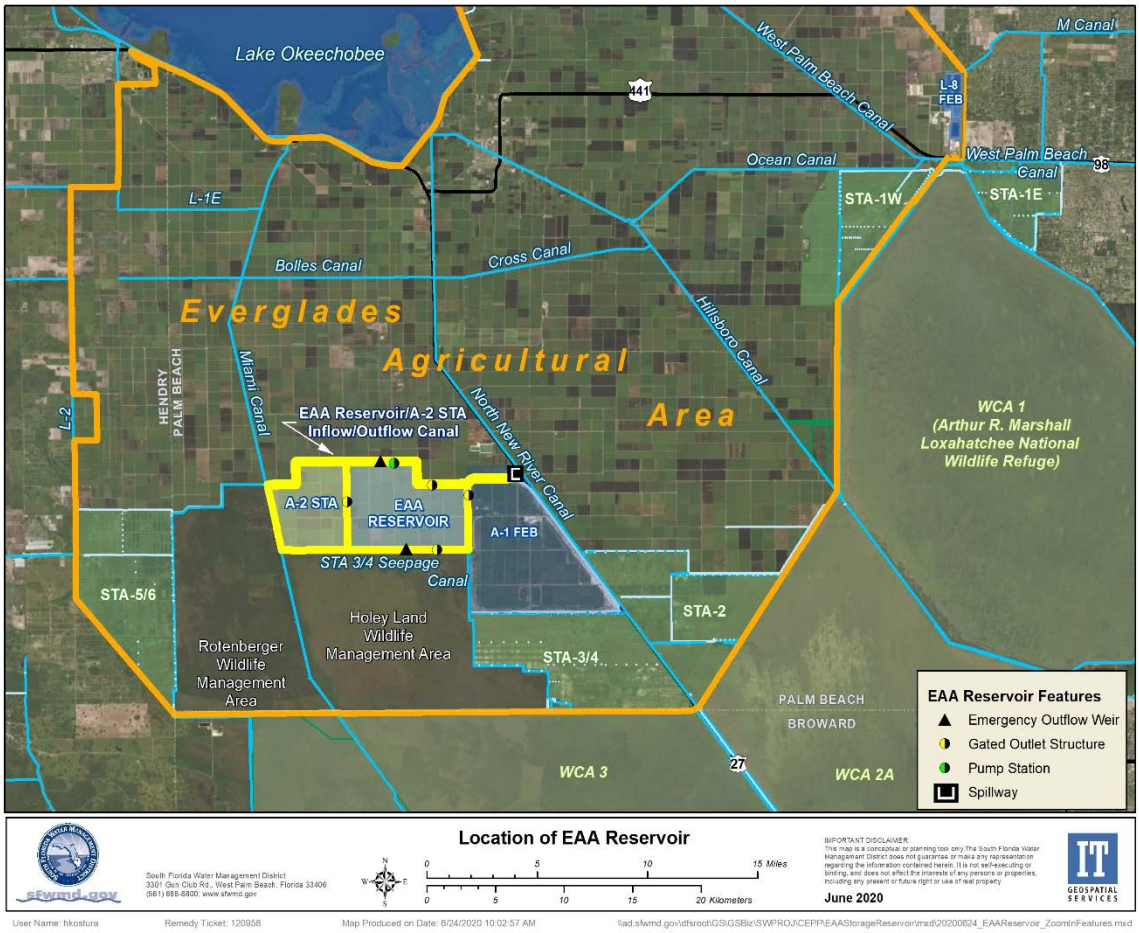


Figure 3-5. Location of the EAA Reservoir.

Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

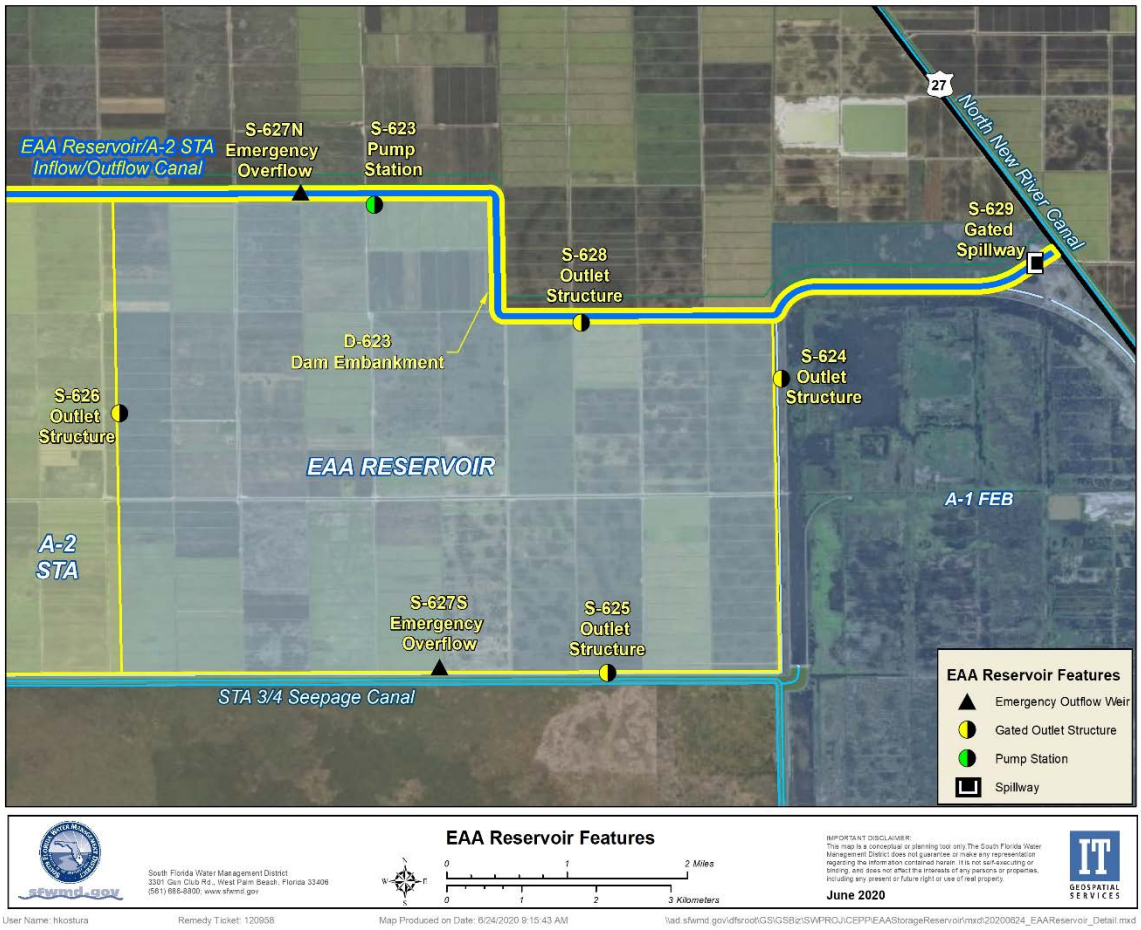


Figure 3-6. Key Features of the EAA Reservoir.

Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

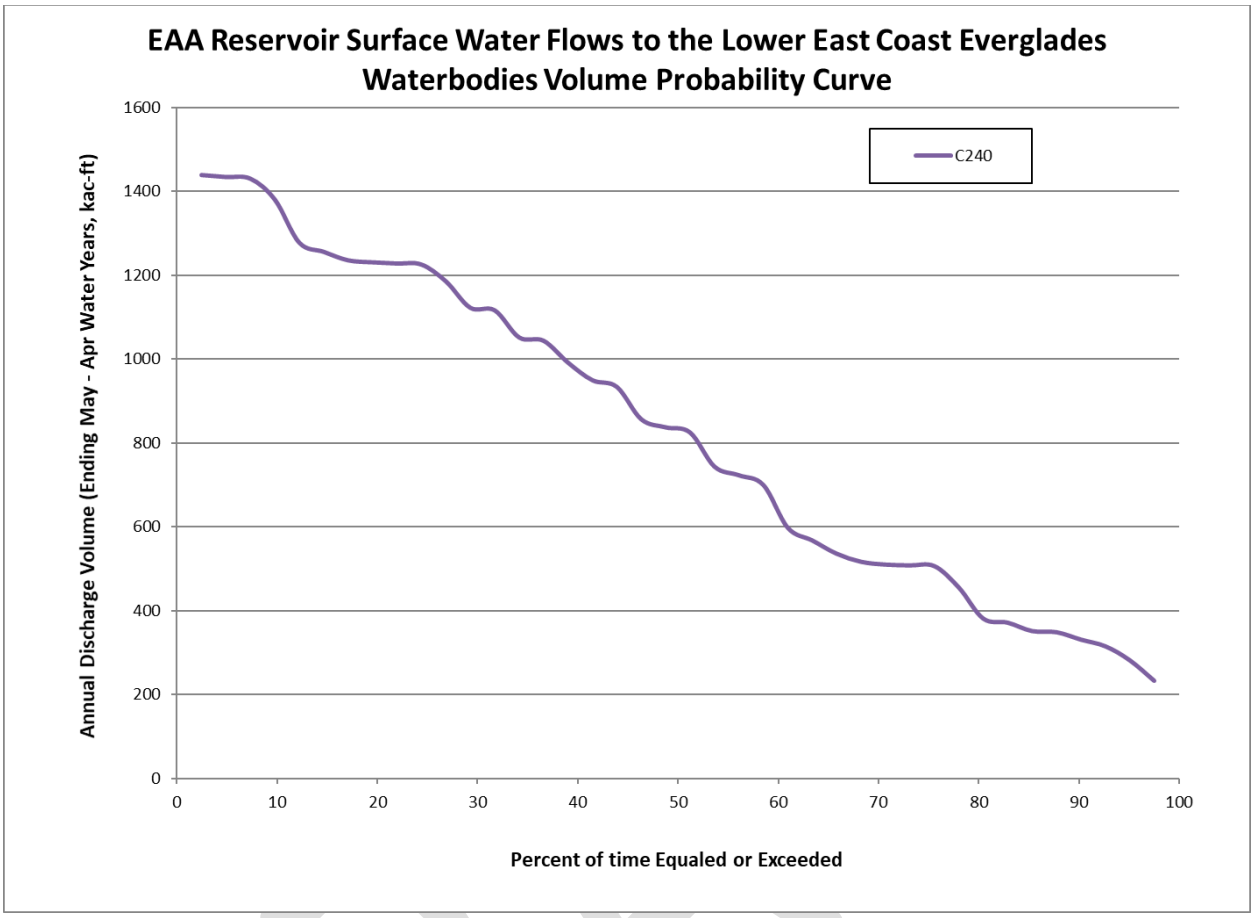


Figure 3-7. EAA Reservoir annual surface water discharges through structures S-624, S-625, and S-626 volume probability curve (May-April water year) from the Alternative C240 model simulation.

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Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

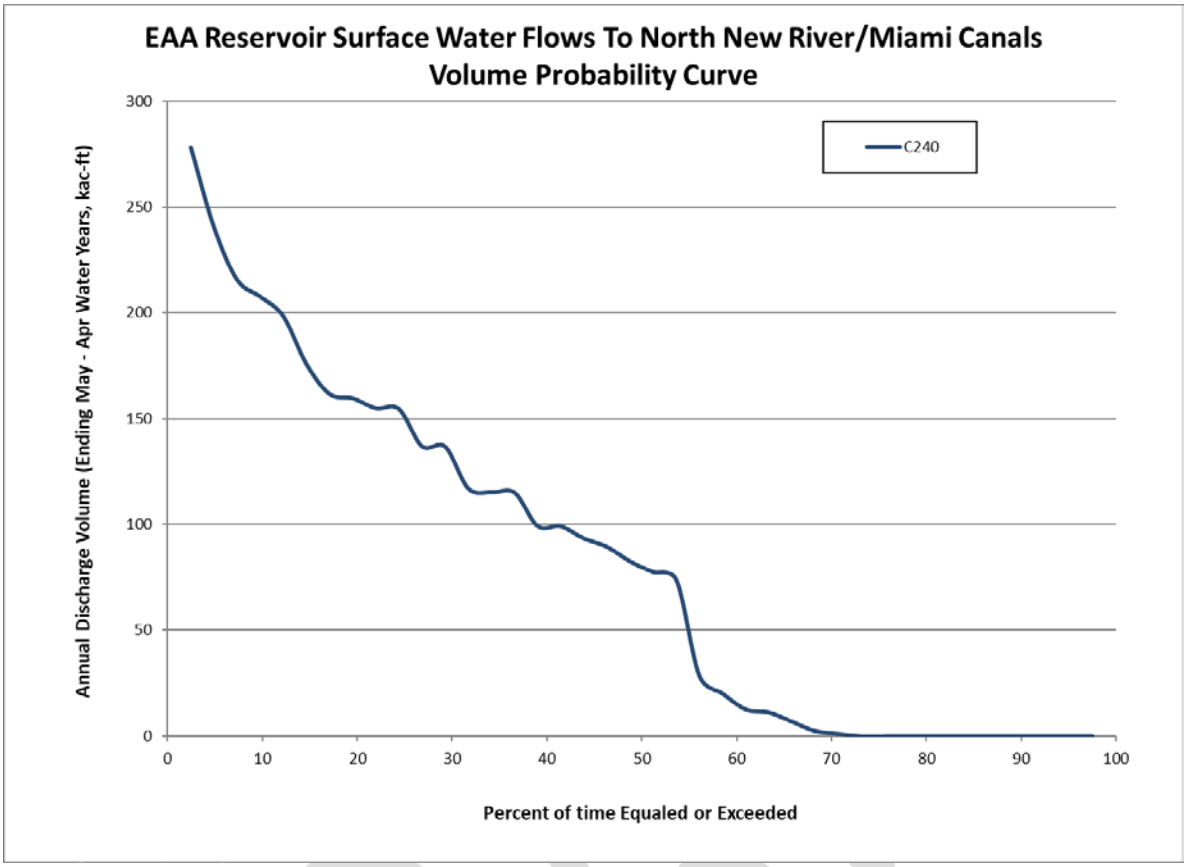

Figure 3-8. EAA Reservoir annual surface water discharges through structure S-628 volume probability curve (May-April water year) from the Alternative C240 model simulation.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lawrence Glenn, Division Director, Water Resources
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2020

DRAFT

Attachment: 40E-10_Notice_Proposed_Rule_FINAL_2020_10_01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

NOTICE OF PROPOSED RULE

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:

40E-2.091: Publications Incorporated by Reference

PURPOSE AND EFFECT: The Everglades Agricultural Area (EAA) Reservoir is a critical component of Central Everglades Planning Project (CEPP) in the Comprehensive Everglades Restoration Plan (CERP). The project helps avoid harmful lake discharges to the St. Lucie and Caloosahatchee estuaries and sends more water south to the central Everglades.

Section 601 of WRDA 2000 and Section 373.470, F.S., require the State to protect water made available for the natural system by CERP projects from allocation to consumptive uses. Legal protection of the water is required before the South Florida Water Management District (District) and the U.S. Army Corps of Engineers (USACE) may execute a Project Partnership Agreement (PPA) to cost-share the construction of CERP project features. The District is fulfilling these requirements by adopting rules reserving the water released from the EAA Reservoir Project to the central Everglades.

SUMMARY: The proposed water reservation rule protects all surface water released from the EAA Reservoir directed to the Lower East Coast Everglades waterbodies through the S-624, S-625, and S-626 structures (Figure 3-6 and 3-7). Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) to the EAA Reservoir Project's STA, STA-2, STA-3/4, or A-1 FEB, then discharged to the Lower East Coast Everglades waterbodies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A Statement of Estimated Regulatory Costs has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: The District completed the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) form "Is a SERC Required?" and prepared a summary of the proposed rule amendments, both of which are available upon request. Based on the completed "Is a SERC Required?" form and the District's summary and analysis performed to prepare and complete said documents, the proposed rule amendment does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY (formerly "Specific Authority"): 373.044, 373.113, 373.171, 373.216 FS

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk @ 1(800)432-2045, ext. 6805 or (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DRAFT

Attachment: 40E-2_Notice_of_Proposed_Rule_FINAL 2020-10-01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Medellin, Principal Scientist, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6340 or (561)682-6340, dmedelli@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.091 Publications Incorporated by Reference.

(1) The "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____, 2020 ~~September 7, 2015~~" (http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX ~~http://www.flrules.org/Gateway/reference.asp?No=Ref05791~~) is incorporated by reference herein.

(2) The following forms and materials are referenced in the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,2020 ~~September 7, 2015~~" (http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX) and are incorporated herein:

(a) through (f) No Change.

(g) Subsections referenced in Section 3.3.6 of the "Environmental Resource Permit Applicant's Handbook, Volume I (General and Environmental)", (June 1, 2018 ~~October 1, 2013~~) (http://www.flrules.org/Gateway/reference.asp?No=Ref-09390 ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-05372~~) incorporated by reference in paragraph 62-330.010(4)(a), F.A.C., ~~referenced in Section 3.3.6,~~ as follows:

1. through 9. No Change.

(3) No Change.

(4) The publications ~~"Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" and forms~~ incorporated herein are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1 (800) 432-2045, ext. 6805 ~~6436~~ or (561) 682-6805 ~~6436~~.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9-7-15,_____.

The excerpt of proposed amendments to the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,2020" is:

3.11.6 Everglades Agricultural Area (EAA) Reservoir

The Everglades Agricultural Area Reservoir Water Reservation, as stated in paragraph 40E-10.061(3)(a), F.A.C., protects the Central Everglades Planning Project water needed for fish and wildlife within the Lower East Coast Everglades Waterbodies. Applications deemed complete before the conditions identified in paragraph 40E-10.061(3)(b), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2, F.A.C., as applicable, do not use water reserved under paragraph 40E-10.061(3)(a), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lawrence Glenn, Division Director, Water Resources

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2020

DRAFT

Attachment: 40E-2_Notice_of_Proposed_Rule_FINAL 2020-10-01 (5231 : Notice of Proposed Rules for Water Use Permit Applications for EAA

M E M O R A N D U M

TO: Governing Board Members

FROM: Candida Heater, Division Director, Administrative Services

DATE: October 08, 2020

SUBJECT: Monthly Financial Report

M E M O R A N D U M

TO: Governing Board Members

FROM: Candida Heater, Director, Administrative Services Division

DATE: October 8, 2020

SUBJECT: Monthly Financial Statement – August 31, 2020

This report provides an overview of the District's unaudited financial activity for Fiscal Year 2019-2020, including revenue collections, expenditures and encumbrances made against the $1.4 billion current budget, including a $386.7 million encumbrance carryforward from Fiscal Year 2018-2019. The carryforward is predominantly planning, design and construction of large restoration projects. Encumbrances represent orders for goods and services which have not yet been received. Attached is a summary in the State Program format in compliance with Section 373.536(4)(e), Florida Statutes, which states that each District shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website.

Summary of Revenue Sources - New operating revenue collected (excluding prior year reserves) totals $601.7 million. Including reserves, the total Fiscal Year 2019-2020 revenue sources collected were 66.4% of budget or $913.7 million.

- Taxes collected in the amount of $295 million or 99.9% were distributed to the District through the Tax Collectors within the District's 16 counties. Compared to the five-year average of 100.9%, as of the end of August, tax collections are 1% lower in this fiscal year. The total amount of Ad Valorem the District levied was $296.1 million and was discounted to $284.3 million for budgeting purposes.
- Intergovernmental revenues of $257.5 million were recognized as of the end of August. Intergovernmental revenues are comprised of local, state and federal sources with the majority being allocated by the Florida Legislature. Specific funding sources include Save Our Everglades Trust Fund, Land Acquisition Trust Fund, Florida Fish and Wildlife Conservation Commission, Natural Resources Conservation Service and U.S. Army Corps of Engineers federal cost share of transferred projects. The majority of these revenues are received through reimbursement requests submitted monthly or quarterly based on actual expenses incurred.
- Interest on Invested Funds of $8 million was recognized as of the end of August. Last year, at this time, $11.3 million was recognized.
- License and Permit Fees of $5.5 million have been received, including $1.7 million from Lake Belt mitigation fees, $190,269 from Corkscrew Mitigation Bank, $2.8 million from environmental resource permits, and $533,700 from water use permits.

Attachment: August FY2019-20 Monthly Financial Statement Memo (5285 : Monthly Financial Report - Candida Heater)

- Other budgeted revenues of $35.7 million received include leases, sale of District property and revenue supporting District self-insured programs:
    - $1.8 million in rock mining royalties have been collected and $3.8 million in lease revenues, for a total of $5.6 million. The timing of revenues received is based on the fee schedules within the agreements.
    - $893,071 has been collected from cash discounts refunded from prior year expenditures, civil penalties, enforcement fees, and sale of recycled oil and scrap metal.
    - $3.3 million from the sale of District property has been received. This amount includes $2,975,460 as the third and final installment payment for 581.24 acres in Palm Beach County.
    - $25.9 million in revenues recognized through the end of August for the District's self-insured programs. This includes District funding as well as premiums paid by employees, retirees, and COBRA participants.

Summary of Expenditure and Encumbrance - the District has spent **$536.1 million** and has encumbered **$432 million** of its budget. The District has obligated (encumbrances plus expenditures) **$968.1 million** of its budget.

- **Water Resources Planning and Monitoring Program** includes water supply and other water resources planning, development of minimum flows and levels and technical assistance (including local and regional plan and program review). District regional water supply plans for each planning area address the unique resources and needs of specific regions – Lower West Coast, Upper and Lower East Coast, Upper and Lower Kissimmee Basin. District work includes research, data collection, modeling, environmental monitoring and assessment activities that support various regulatory-driven mandates/agreements and comply with federal and state-issued permits for all restoration projects. Of the $58.9 million budgeted for this program, the District has obligated $50.7 million: $41.6 million expended and $9.1 million encumbered.
- **Land Acquisition, Restoration and Public Works Program** includes the acquisition, planning, design, engineering and construction of all restoration projects unique to the District including: Kissimmee River Restoration Project, Northern Everglades and Estuaries Protection Program (NEEPP), Everglades Forever Act (EFA), Critical Restoration, Comprehensive Everglades Restoration Plan (CERP) and Restoration Strategies (RS). This category also includes water resource development and water supply assistance projects, water control projects and cooperative projects. Of the $905.5 million budgeted for this program, the District has obligated $625 million: $257.6 million expended and $367.4 million encumbered.
- **Operation and Maintenance of Lands and Works Program** includes all operation and maintenance of facilities, flood control and water supply structures, lands, and other works authorized by Chapter 373, Florida Statutes. The District operates and maintains a multi-purpose water management system comprised of approximately 2,179 miles of canals and 2,131 miles of levees/berms, 87 pump stations, 781 water control structures and weirs, and 621 project culverts, throughout the Central and Southern Florida (C&SF) Project, Big Cypress Basin system, Storm Water Treatment Areas (STA's), CERP and RS completed projects. Of the $348.9 million budgeted for this program, the District has obligated $235.3 million: $182.4 million expended and $52.9 million encumbered.

Attachment: August FY2019-20 Monthly Financial Statement Memo (5285 : Monthly Financial Report - Candida Heater)

- **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration and enforcement, and any delegated regulatory program. Additional regulatory enforcement activities include the Southern and Northern Everglades Nutrient Source Control Program, and the Everglades Long-Term Plan, which mandates the implementation of Best Management Practices (BMP) programs in the Everglades Construction Project (ECP) and non-ECP Basins for the Southern Everglades. Of the $21.8 million budgeted for this program, the District has obligated $17.7 million: $17.2 million expended and $445,592 encumbered.
- **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resource education; public information activities; activities relating to local, regional, state, and federal governmental affairs; and all public relations activities, including public service announcements and advertising in any media. Of the $1.2 million budgeted for this program, the District has obligated $1.1 million: $1.1 million is expended and $3,116 is encumbered.
- **District Management and Administration** includes all Governing and Basin Board support, executive support; management information systems, unrestricted reserves; and general counsel, ombudsman, human resources, budget, finance, audit, risk management, and administrative services. Additionally, this program includes property appraiser, tax collector & self-insurance fees in support of district and basin activities. Of the $40.2 million budgeted for this program, the District has obligated $38.3 million: $36.1 million expended and $2.2 million encumbered.

We hope this report will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to contact me at (561) 682-6486.

CJH/MD
Attachment

Attachment: August FY2019-20 Monthly Financial Statement Memo (5285 : Monthly Financial Report - Candida Heater)

South Florida Water Management District

Statement of Sources and Uses of Funds (Unaudited)

For the month ended: August 31, 2020. Percent of fiscal year completed: 91.7%

	CURRENT BUDGET	ACTUALS THROUGH August 2020	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes[1]	$ 295,312,890	$ 294,959,738	$ (353,152)	99.9%
Intergovernmental Revenues	716,230,929	257,478,601	(458,752,328)	35.9%
Interest on Invested Funds	7,860,000	8,035,209	175,209	102.2%
License and Permit Fees	3,311,000	5,511,905	2,200,905	166.5%
Other[2]	41,843,307	35,683,252	(6,160,055)	85.3%
SUB-TOTAL OPERATING REVENUES	1,064,558,126	601,668,705	(462,889,421)	56.5%
Reserves	311,982,898	311,982,898	-	100.0%
Total Sources	**$ 1,376,541,024**	**$ 913,651,603**	**$ (462,889,421)**	**66.4%**

[1] Includes Ad Valorem and Agricultural Privilege Taxes

[2] Includes Leases, Sale of District Property, and Self Insurance Premiums

	CURRENT BUDGET	EXPENDITURES	ENCUMBRANCES [3]	AVAILABLE BUDGET	% EXPENDED	% OBLIGATED [4]
Uses						
Water Resources Planning and Monitoring	$ 58,896,151	$ 41,575,890	$ 9,098,626	$ 8,221,635	70.6%	86.0%
Land Acquisition, Restoration and Public Works	905,483,498	257,561,847	367,437,518	280,484,133	28.4%	69.0%
Operation and Maintenance of Lands and Works	348,955,705	182,464,851	52,876,166	113,614,687	52.3%	67.4%
Regulation	21,769,933	17,235,749	445,592	4,088,592	79.2%	81.2%
Outreach	1,200,599	1,051,451	3,116	146,033	87.6%	87.8%
District Management and Administration	40,235,137	36,153,360	2,155,960	1,925,817	89.9%	95.2%
Total Uses	**$ 1,376,541,024**	**$ 536,043,149**	**$ 432,016,978**	**$ 408,480,897**	**38.9%**	**70.3%**

-

[3] Encumbrances represent unexpended balances of open purchase orders and contracts.

[4] Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of August 31, 2020, and covers the interim period since the most recent audited financial statements.

Attachment: August FY2019-20 Monthly Financial Statement Memo (5285 : Monthly Financial Report -

TOTAL NUMBER OF AUTHORIZATIONS APPROVED BY THE EXECUTIVE DIRECTOR From: September 1, 2020 to September 30, 2020

Environmental Resource Permits	Total
a. Conceptual Approvals	1
b. Conceptual Modifications	0
c. New Construction and Operation (C&O)	1
d. Modifications to Previously approved C&O	0
e. Mitigation Banks / Offsite Mitigation Areas	0
f. Wetland Restoration Projects	0
	2

Water Use Permits	
a. Renewals	4
b. Modifications	0
c. New Water Use	1
d. Master Dewatering	0
	5

ERP and Water Use Total = 7

TABLE OF CONTENTS INDIVIDUAL PERMITS ISSUED BY AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR FROM September 1, 2020 TO September 30, 2020

I PERMIT APPLICATIONS	PAGE NUMBER
BROWARD COUNTY	2
COLLIER COUNTY	5
GLADES COUNTY	7
HENDRY COUNTY	9
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BROWARD COUNTY

1. BROWARD COUNTY DISTRICT 1
BROWARD COUNTY WATER AND WASTEWATER SERVICES
SEC 3, 4, 7, 9-11, 13,14, 15, 18-20, 24, 29-31,
TWP 49,50S RGE 41,42E

APPL. NO. 200706-5
PERMIT NO. 06-00146-W
ACREAGE: N/A
LAND USE: PUBLIC WATER SUPPLY

PERMIT TYPE: WATER USE RENEWAL/MODIFICATION
WATER SOURCE: UPPER FLORIDAN AQUIFER,BISCAYNE AQUIFER
ALLOCATION: 362.38 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 4, 2020

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2. CITY OF MARGATE PUBLIC WATER SUPPLY SYSTEM
CITY OF MARGATE
SEC 1,5,6,19,20,23,24,25,26,29,30,31,32,35,36
TWP 48,49S RGE 41,42E

APPL. NO. 200617-6
PERMIT NO. 06-00121-W
ACREAGE: N/A
LAND USE: PUBLIC WATER SUPPLY

PERMIT TYPE: WATER USE RENEWAL/MODIFICATION
WATER SOURCE: BISCAYNE AQUIFER
ALLOCATION: 337.34 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: SEPTEMBER 15, 2020

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Project Summary:
Broward County Water and Wastewater Services is requesting renewal and modification to their water use permit for a project known as Broward County District 1 in Broward County. The use is for public water supply to meet the service area demands through 2065. The modification includes increasing the withdrawals from the Biscayne aquifer along with a decreased allocation from the upper Floridan aquifer. In order to meet the requirements of the District's Regional Water Availability Rule, Biscayne aquifer withdrawals above the City's base condition water use will be offset with water deliveries from the C-51 Reservoir, Phase 1 Project, an alternative water supply.

Water Source:
Biscayne aquifer and upper Floridan aquifer.

Annual Allocation:
The annual allocation for the project is 3,989.45 million gallons.

Project Description:
Broward County District 1 is an existing public water supply utility located in east central Broward County. The project provides public water supply to Broward County Municipal Services District (formerly unincorporated Broward County), and a portion of the public water supply demands for several adjacent municipalities.

Impact Assessment:
Based on the impact assessment submitted with the application, the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:
Twenty years for the base condition Biscayne aquifer and the allocation from the upper Floridan aquifer use and a duration until December 27, 2065 for the offset water from the C-51 Reservoir, Phase 1 (the expiration date of the Florida Department of Environmental Protection [FDEP] permit).

Additional Information:
This permit modification includes the addition of 1.0 MGD of water from the C-51 Reservoir, Phase 1 as an offset to allow withdrawals from the Biscayne aquifer over the base condition water use. As a result, the source limit for the Biscayne aquifer is increased from 3,664 million gallons annually (MGY) (10.04 MGD) to 3,989.45 MGY (10.93 MGD) and from 333 million gallons maximum month (MGM) to 362.38 MGM. The source limit for the UFA is decreased from 3.86 MGD to 2.86 MGD. The total permit allocation is decreased from 5,076 MGY to 3,989.45 MGY and from 461 MGM to 362.38 MGM based on projected water use demands.

The C-51 Reservoir, Phase 1 is a diversion and impoundment permitted by the FDEP (Permit No. EI 50-301070-003 0). The C-51 Reservoir, Phase 1 will capture and store excess water from the District's C-51 Canal that will be discharged back into regional conveyance systems to provide offsets for potential impacts to Lower East Coast Waterbodies by C-51 Reservoir, Phase 1 participants, consistent with the District's Lower East Coast RWA Rule. On May 2, 2017, Broward County Water and Wastewater Services entered into an "Agreement for Capacity Allocation in Phase 1 of the C-51 Reservoir" with Palm Beach Aggregates, LLC (The C-51 Reservoir, Phase 1 Permittee) to purchase a Capacity Allocation in Phase 1 of the C-51 Reservoir for 6 million gallons per day (3.0 MGD for Broward County South Regional Wellfield [Water Use Permit 06-01474-W], 2.0 MGD for Broward County 2A/North Regional [Water Use Permit 06-01634-W], and 1.0 MGD for Broward County District 1 [Water Use Permit 06-00146-W]).

The C-51 Reservoir, Phase 1 is scheduled to be fully operational in September 2022. For the purpose of this consumptive use permit, the District defines fully operational as the reservoir is fully constructed, all pumps are in place and operational, a District approved flow route to provide offsets to the Project is determined, all agreements with 298 districts are finalized, and water deliveries can be made to the Project and properly accounted for as offset water.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 200617-6, Project Name: CITY OF MARGATE PUBLIC WATER SUPPLY SYSTEM
Default Date: 09/15/2020

Project Summary:
The City of Margate is requesting renewal and modification to their water use permit for a project known as City of Margate Public Water Supply System in Broward County. The use is for public water supply to meet the service area demands through 2065. The modification includes increasing the withdrawals from the Biscayne aquifer. In order to meet the requirements of the District's Regional Water Availability Rule, Biscayne aquifer withdrawals above the City's base condition water use will be offset with water deliveries from the C-51 Reservoir, Phase 1 Project, an alternative water supply.

Water Source:
Biscayne aquifer.

Annual Allocation:
The annual allocation for the project is 3,686.72 million gallons.

Project Description:
The City of Margate Public Water Supply System is an existing public water supply utility located in northeastern Broward County. The City's service area is within its city limits and the southern portion of the City of Coconut Creek, located south of Coconut Creek Parkway.

Impact Assessment:
Based on the impact assessment submitted with the application, the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:
Twenty years for the base condition Biscayne aquifer use and a duration until December 27, 2065 for the offset water from the C-51 Reservoir, Phase 1 (the expiration date of the Florida Department of Environmental Protection [FDEP] permit).

Additional Information:
In this application, the City of Margate is requesting the full utilization of their Biscayne aquifer base condition water use of 3,112.8 million gallons per year (MGY) and an increase of 573.92 MGY for a total allocation of 3,686.72 MGY to meet 2065 demands. The City is requesting the use of water from the C-51 Reservoir, Phase 1 as an offset to allow withdrawals from the Biscayne aquifer over the base condition water use, consistent with District rules.

The C-51 Reservoir, Phase 1 is a diversion and impoundment permitted by the FDEP (Permit No. EI 50-301070-003 0). The C-51 Reservoir, Phase 1 will capture and store excess water from the District's C-51 Canal that will be discharged back into regional conveyance systems to provide offsets for potential impacts to Lower East Coast Waterbodies by C-51 Reservoir, Phase 1 participants, consistent with the District's Lower East Coast RWA Rule. On November 19, 2019, City of Margate entered into an "Agreement for Capacity Allocation in Phase 1 of the C-51 Reservoir" with Palm Beach Aggregates, LLC (The C-51 Reservoir, Phase 1 Permittee) to purchase a Capacity Allocation in Phase 1 of the C-51 Reservoir for 2 million gallons per day.

The C-51 Reservoir, Phase 1 is scheduled to be fully operational in September 2022. For the purpose of this consumptive use permit, the District defines fully operational as the reservoir is fully constructed, all pumps are in place and operational, a District approved flow route to provide offsets to the Project is determined, all agreements with 298 districts are finalized, and water deliveries can be made to the Project and properly accounted for as offset water.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

1. VENTANA POINTE
RJH II, LLC

APPL. NO. 200203-2706
PERMIT NO. 11-103858-P

ACREAGE: 37.62
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
LAST DATE FOR AGENCY ACTION: OCTOBER 4, 2020

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Project Summary

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management (SWM) system serving 25.85 acres of a 37.62-acre project site for a residential development known as Ventana Pointe located in Collier County. The permit also includes 25 acres of off-site mitigation, for a total permit area of 62.62 acres.

- **Water Quality**
  The SWM system consists of inlets, culverts, and a lake, which discharge treated storm water runoff into the Richards Street ROW. In addition to the required water quality treatment volume per Section 4.2 of Vol. II, an additional 50% treatment volume above the required volume is provided as reasonable assurance that the project will not have an adverse impact on the downstream waterbody, pursuant to Appendix E of Vol. II. The applicant provided site specific pollutant loading calculations demonstrating that the SWM system reduces the post development loading of pollutants, specifically nutrients, to levels less than the loadings generated under the pre-development condition.
  Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

- **Water Quantity**
  The project discharge is within the allowable discharge limit for the Cypress Canal basin according to the Collier County Ordinance No. 2017-19.

- **Wetlands and Other Surface Waters**
  This construction permit authorizes direct impacts to 21.08 acres of on-site wetlands and secondary impacts to 1.06 acres of on-site wetlands.

- **Mitigation Plan**
  To mitigate for wetland impacts associated with the development, the permittee will preserve and enhance 9.61 acres of wetlands and 0.02 acres of uplands on-site, and will preserve and enhance 20 acres of uplands and 5 acres of wetlands off-site. The amount of mitigation was determined by using the UMAM analysis found in Chapter 62-345, F.A.C. There is no net loss of wetland or other surface water functional value associated with the proposed project (Section 10.3.3.1, Vol. I).

- **Fish, Wildlife, and Listed Species**
  Pursuant to Section 10.2.2 of the Applicant's Handbook, Volume 1, through review and coordination with FWC, there is reasonable assurance that the proposed project will not impact the values of wetland and other surface water functions so as to cause adverse impacts to the abundance, diversity, or habitat of fish, wildlife and listed species.
  The overall project site contains habitats that may be utilized by listed species including wood storks, Florida panther and Florida bonneted bat. The proposed on-site and off-site mitigation areas will offset potential impacts to wetland dependent and listed species and will provide improved habitat for these species. (Section 10.2.2, AH. Vol. I)

- **Additional Information:**
  Site Description
  The site is located south of Immokalee Road, on the northwest corner of Richard's Road and Sundance Street in Naples, Collier County. The overall site is undeveloped and contains heavily vegetated areas.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

GLADES COUNTY

1. STEWART MATERIALS BOAR HAMMOCK SAND MINE
STEWART MATERIALS LLC
SEC 21 TWP 41S RGE 31E

APPL. NO. 191204-5
PERMIT NO. 22-00608-W

ACREAGE: 846.07
LAND USE: INDUSTRIAL

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER,ON-SITE MINING LAKE
ALLOCATION: 26.03 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: DECEMBER 2, 2020

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 191204-5, Project Name: STEWART MATERIALS BOAR HAMMOCK SAND MINE
Default Date: 12/2/2020

Project Summary:
Lykes Brothers Inc. is requesting a new water use permit for a project known as Stewart Materials Boar Hammock Sand Mine in Glades County. The allocation is for industrial use from the on-site mining lake associated with suction-dredging mining and the use of groundwater from the water table aquifer for an industrial use associated with processing materials.

Water Source:
On-site mining lakes and the water table aquifer.

Annual Allocation:
The annual allocation for the project is 170.88 million gallons.

Project Description:
Stewart Materials Boar Hammock Sand Mine (Project) is a 369.1-acre proposed mining operation located 3.5 miles northwest of the intersection at County Road 78 and County Road 27 in Glades County. An industrial water use permit is requested for suction-dredge mining silica sand and for processing/separating the extracted materials.

Impact Assessment:
Based on the impact assessment submitted with the application, the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:
The expiration date of the water use permit shall coincide with the expiration date of FDEP ERP 376422-001, which is February 14, 2040.

Additional Information:
A surface water dredge pump is used to remove sand in the wet and the slurry is pumped to a processing area located in the northern section of the Project where it is washed, screened, and graded using surface water from the processing pumps. Return flow from the processing area will be routed to the on-site mining lake via a swale. The on-site mining lake shall be surrounded by a two-foot high earthen berm. The mining operation will begin with a starter pit using one of two scenarios, either a 33-acre pit to the west of the plant site or a 24-acre pit east of the plant site. Since initially there will not be sufficient water available from the proposed on-site mining lake to operate a hydraulic dredge or process the slurry, a drag line will be used for excavation and two wells using groundwater from the WTA will provide water for the final processing of materials. Material will be stockpiled until the mining lake is large enough to provide processing water. After the on-site mining lake is approximately 1/2 to 3/4 excavated (185 acres to 275 acres), the final processing water shall be fully provided by surface water from the on-site mining lake and groundwater withdrawals shall cease. Thereafter, the wells shall be properly abandoned. The processed sand is temporarily stockpiled at the plant area prior to off-site transportation.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

1. CALOOSA PLANT FARMS NORTH
CALOOSA PLANT FARMS LLC
SEC 11, 14, 23 TWP 43S RGE 31E

APPL. NO. 191007-2
PERMIT NO. 26-00293-W
ACREAGE: 290.00
LAND USE: DIV & IMP
SECONDARY USER
NURSERY

PERMIT TYPE: WATER USE RENEWAL/MODIFICATION
WATER SOURCE: MYRTLE SLOUGH CANAL,LOWER TAMIAMI AQUIFER
ALLOCATION: 129.43 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 19, 2020

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2. CALOOSA PLANT FARMS SOUTH
CALOOSA PLANT FARMS LLC
SEC 22,23 TWP 43S RGE 31E

APPL. NO. 191007-5
PERMIT NO. 26-00310-W
ACREAGE: 110.00
LAND USE: DIV & IMP
SECONDARY USER
NURSERY

PERMIT TYPE: WATER USE RENEWAL/MODIFICATION
WATER SOURCE: MYRTLE SLOUGH CANAL,LOWER TAMIAMI AQUIFER
ALLOCATION: 50.48 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: NOVEMBER 19, 2020

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 191007-2, Project Name: CALOOSA PLANT FARMS NORTH
Default Date: 11/19/2020

Project Summary:
Caloosa Plant Farm LLC is requesting a modification to their irrigation water use permit for a project known as Caloosa Plant Farms North in Hendry County. The use is for agricultural irrigation and industrial and equipment washing. Modifications include transferring the Project to a new owner, merging it with Water Use Permit 26-01119-W, adding LTA wells, removing the on-site ditches as a source of water, changing the crop type from small vegetables to nursery plants, and adding water for industrial uses The modification increases the annual allocation from 251.86 to 710.14 million gallons (MG) and the maximum month allocation from 41.28 to 129.42 MG.

Water Source:
Myrtle Slough Canal and Lower Tamiami Aquifer

Annual Allocation:
The annual allocation for the project is 710.14 MG.

Project Description:
Caloosa Plant Farms North is an existing farm consisting of 290 acres of ornamental nursery plants using a low-volume/canal seepage loss irrigation system and includes industrial water use and equipment washing.

Impact Assessment:
Based on the impact assessment submitted with the application, the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:
November 4, 2033 to match the expiration date of the Myrtle Slough Diversion and Impoundment water use permit (26-00999-W).

Additional Information:
The Project has one pump on the Myrtle Slough Canal and one existing and six proposed LTA wells. Surface water will be used first until the permitted allocation from Myrtle Slough Canal has been reached (213.29 MG per year, 33.88 MG per month). The LTA will be used to meet the rest of the irrigation demands (496.85 MG per year, 95.54 MG per month). All of the water withdrawn will be routed, via on-site ditches, to be used for irrigation and to fill up tanks for equipment washing. The Project uses six internal pumps to move water in the on-site ditches.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 191007-5, Project Name: CALOOSA PLANT FARMS SOUTH
Default Date: 11/19/2020

Project Summary:
Caloosa Plant Farm LLC is requesting a modification to their irrigation water use permit for a project known as Caloosa Plant Farms South in Hendry County. The use is for agricultural irrigation and for industrial and equipment washing. Modifications include transferring the Project to a new owner, adding LTA wells, removing the surficial aquifer system wells, changing the crop type from citrus to nursery, and adding water for industrial uses The modification increases the annual allocation from 95.20 to 274.81 million gallons (MG) and the maximum month allocation from 18.20 to 50.48 MG.

Water Source:
Myrtle Slough Canal and Lower Tamiami Aquifer

Annual Allocation:
The annual allocation for the project is 274.81 MG.

Project Description:
Caloosa Plant Farms South is an existing farm consisting of 110 acres of ornamental nursery plants using a low-volume/canal seepage loss irrigation system and includes industrial water use, and equipment washing.

Impact Assessment:
Based on the impact assessment submitted with the application, the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:
November 4, 2033 to match the expiration date of the Myrtle Slough Diversion and Impoundment water use permit (26-00999-W).

Additional Information:
The Project has one pump on the Myrtle Slough Canal and one existing and six proposed LTA wells. Surface water will be used first until the permitted allocation from Myrtle Slough Canal has been reached (95.20 MG per year, 18.20 MG per month). The LTA will be used to meet the rest of the irrigation demands (179.61 MG per year, 32.28 MG per month). All of the water withdrawn will be routed, via on-site ditches, to be used for irrigation and to fill up tanks for equipment washing. The Project uses six internal pumps to move water in the on-site ditches.

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

1. SOUTH FLORIDA NATIONAL CEMETERY
US DEPARTMENT OF VETERANS AFFAIRS

APPL. NO. 200626-3767
PERMIT NO. 50-103761-P

ACREAGE: 208.56
LAND USE: GOVERNMENT OR INSTITUTIONAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
LAST DATE FOR AGENCY ACTION: OCTOBER 4, 2020

Attachment: IP issued by ED report for September (5292 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 200626-3767, Project Name: South Florida National Cemetery – Default date: 10/4/2020

Project Summary
This Environmental Resource Permit authorizes Conceptual Approval of a stormwater management (SWM) system serving 208.56 acres of a 313.19 acre project site for institutional development known as South Florida National Cemetery located in Palm Beach County.

Background

The South Florida National Cemetery project was granted Conceptual Approval on July 13, 2005 which included authorization of the Construction and Operation of Phase 1, extending over approximately 104.57 acres of the overall project site. Phase 1 construction has been completed; however, the Conceptual authorization for the total project site has expired. This Conceptual Approval is for the remaining 208.56 acres of the site.

- **Water Quality**
  The SWM system consists of inlets, culverts, and interconnected lakes, which discharge treated storm water runoff into the Lake Worth Drainage District S-8 Canal. In addition to the required water quality treatment volume per Section 4.2 of Vol. II, pursuant to Appendix E of Vol. II, an additional 50% treatment volume above the required volume is provided as reasonable assurance that the project will not have an adverse impact on the downstream waterbody. The applicant provided site specific pollutant loading calculations demonstrating that the SWM system reduces the post development loading of pollutants, specifically nutrients, to levels less than the loadings generated under the pre-development condition.

  Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

- **Water Quantity**
  The project discharge is within the allowable discharge limit for the C-51 west basin according to the Applicant's Handbook Volume 2 Appendix A.

- **Wetlands and Other Surface Waters**
  This conceptual permit authorizes impacts to 56.47 acres of on-site wetlands as part of Phase 2 and future phases of the overall South Florida National Cemetery site plan.

- **Mitigation Plan**
  To mitigate for wetland impacts associated with Phase 2 and future phases of the overall South Florida National cemetery development, the permittee will preserve 17.14 acres of onsite wetlands and will enhance 32.39 acres of onsite wetlands. Additionally, the permittee will utilize 19.51 freshwater herbaceous credits purchased from the Loxahatchee Mitigation Bank. The proposed mitigation ensures no net loss of wetland functions as a result of the project. (Section 10.3, AH Vol. I)

- **Fish, Wildlife, and Listed Species**
  The overall project site contains a small herbaceous wetland (2.44 acres) that may be utilized by listed wading birds including wood storks. However, the majority of the project site contains melaleuca-dominated wetlands that do not provide significant habitat for wetland-dependent endangered or threatened wildlife species, or species of special concern and no signs of the presence of these species were observed during staff's site visit. The proposed onsite wetland preservation and enhancement will provide improved habitat for wetland-dependent listed species. (Section 10.2.2, AH. Vol. I)

- **Additional Information:**
  Site Description
  The site is located on the west side of State Road 7/US 441 between Heritage Road to the south and Lantana Road to the north in the City of Lake Worth, Palm Beach County. The overall site consists of 104.57 acres of existing South Florida National Cemetery facilities and undeveloped, heavily vegetated areas.

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