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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

April 8, 2021

9:00 AM

via Communications Media Technology

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FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions
  - April Employee of the Month: Jerry Krenz, Senior Project Manager
  - April Team of the Month: Kissimmee Water Reservation Team
  - 35-Year Service Award: Brian Turcotte, Enterprise Scientific Data Manager
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Consider Approval of the Minutes for the March 11<sup>th</sup> Meeting
7. General Public Comment
8. Board Comment

#### **Consent Agenda**

9. Move Consent Agenda Items to Discussion Agenda
10. Right of Way Occupancy Permit Requests (Staff contact, Rich Virgil)
  - A. Flying G Homeowners Association

**Agenda Item Background:**

Flying G Homeowners Association (Application Number 20-0501-2) requests a Standard Right of Way Occupancy Permit to construct a concrete boat ramp within the east right of way of the L-47 Canal. The proposed boat ramp will be for private use by the residents of the community and accessed from a private roadway/cul-de-sac within the subdivision. The application has been reviewed by District Field Operations and the U.S. Army Corps of Engineers (USACE), which has granted Section 408 authorization for the proposed boat ramp. The proposed boat ramp complies with all District requirements and no waivers of any rules are necessary. The District authorizes boat ramps by issuing a Standard Right of Way Occupancy Permit, which is a permit type that must be approved by the District's Governing Board. If approved, the boat ramp will not impact the District's ability to perform operations, maintenance, or construction within the right of way.

**Recommended Action:**

**Approve issuance of Standard Right of Way Occupancy Permit No. 15770 (Application No. 20-0501-2).**

B. Miccosukee Tribe of Indians of Florida

**Agenda Item Background:**

The Miccosukee Tribe of Indians of Florida is applying for a modification to Right of Way Occupancy Permit (ROW Permit) Number 14996 (Application Number 21-0210-1M) and related waivers from District rules. ROW Permit 14996 was approved by the District's Governing Board in April 2020 for an existing airboat concession consisting of an enclosed chickee hut and airboat dock located on the north side of U.S. 41/Tamiami Trail adjacent to the south bank of the L-29 Canal approximately 16 miles west of Krome Avenue and 1.6 miles east of Shark Valley Entrance Road in Miami-Dade County. The modifications to the airboat concession include a prefabricated building with a ramp and stairs, a canopy addition to the enclosed chickee hut, a canopy over the airboat dock, and a dumpster. Waivers are required to allow non-allowable structures (e.g., the prefabricated building and dumpster) and for facilities within 40 feet of top of bank (e.g., prefabricated building, chickee hut canopy addition and dumpster). The application has been reviewed by District Field Operations and the USACE, which has granted Section 408 authorization for the proposed work. Approval of the ROW Permit and its associated waivers will not adversely impact District operations, maintenance, access, or the ability to perform construction along the L-29 Canal.

**Recommended Action:**

**Approve the modification of Standard Right of Way Occupancy Permit Number 14996 and approval of the associated waivers for non-allowable use and to the 40-foot setback rule (Application No. 21-0210-1M).**

11. 8.5 Square Mile Area Mechanical Restoration, Miami-Dade County (Staff contact, Stephen Collins)

**Agenda Item Background:**

The District and the USACE entered into a Project Cooperation Agreement (PCA) in September 1994 that provided for the construction, operation and maintenance of features in the Central and Southern Florida Project, for Flood Control and Other Purposes.

The PCA was amended in July 2001 to reflect the re-evaluation of features in the 8.5 Square Mile Area (SMA) in a General Reevaluation Report, dated July 2000. The PCA

obligates the District to operate and manage all lands for the Project north and west of the perimeter levee adjacent to the 8.5 Square Mile residential area in accordance with a jointly developed management plan including removal of all exotics and improvements.

Land acquisition by the USACE in the 8.5 SMA for the purpose of flood control and Everglades restoration was authorized by Congress in 2003. Prior to acquisition, approximately 450 acres of the roughly 1,960 acres of natural lands (north and west of the L357W) had experienced “rock plowing” or aggressive soil manipulation for agriculture and housing. Portions of these disturbed lands were scraped by the USACE before they were transferred to the District. The remaining 256 acres of highly disturbed land have a much higher nutrient and soil profile than the surrounding undisturbed marl prairies. The elevated nutrient and soil levels facilitate invasion by non-native plant species which are resilient to standard herbicide control measures. Pilot projects conducted in 2017 and 2020 demonstrated that scraping the substrate down to the natural limestone caprock is an effective way to restore native plant communities and wildlife habitat in these disturbed parcels. Removal of the disturbance eliminates the conditions that promote invasion by non-native species and “resets” the land, allowing native plants in the surrounding marsh to establish.

Staff is seeking Governing Board approval to enter into a three-year contract with Southwest Ag Service, Inc. to scrape down approximately 72 acres of highly disturbed land in the southern portion of the 8.5 SMA, in accordance with USACE Permit No. SAJ-2019-00858 (NW-AG).

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. 2021 - 0401 Authorize entering into a three-year contract with Southwest Ag Service, Inc., the lowest responsive and responsible bidder, for the 8.5 Square Mile Area Mechanical Restoration, in an amount not-to-exceed \$785,000, for which Ad Valorem funds in the amount of \$312,000 are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004396)**

12. Cattle Grazing Lease with 5 L Cattle, LLC, St. Lucie County (Staff contact, Stephen M. Collins)

**Agenda Item Background:**

The District acquired Tract KE100-035 (Eaves Parcel, St. Lucie County) on June 5, 2020 for the C-23/C-24 South Reservoir Project (“Project”). The District now wishes to lease 1,167.13 acres for low density cattle grazing as an effective tool for managing District lands by helping to control invasive vegetation and creating and maintaining enhanced wildlife habitat. Provisions of the Lease protect the land by prohibiting the application of fertilizer and requiring the Lessee to implement Florida Department of Agriculture and Consumer Services Best Management Practices (“Practices”). These Practices include adding water troughs to keep cattle out of streams and canals, developing a grazing plan, and adding fencing to exclude cattle from sensitive areas. Additionally, the provisions of the Lease account for the anticipated 2024 construction schedule for the Project by providing for ongoing survey and geotechnical investigations and possible Florida Power & Light (FPL) relocations during the Lease term. The Lease also allows the District to add additional water storage features when needed.

The Lease is awarded to the highest bidder, 5 L Cattle, LLC, for an initial term of five years with a 180-day notice termination provision. The annual rent, which is based on one animal unit per six acres (low density), may be adjusted based on the District's Cattle Grazing Formula which is designed to more closely correlate rental payments with market conditions. In addition to the value of land management services provided by cattle grazing, the first-year anticipated revenue will be approximately \$45,630.

**Recommended Action:**

**Resolution No. 2021 - 0402 Authorize a five-year cattle grazing lease on 1,167.13 acres, more or less, in St. Lucie County with 5 L Cattle, LLC. (Contract Number 4600004405)**

13. Stipulation for Settlement and Final Judgment, C-111 South Dade Project (Staff contact, Stephen M. Collins)

**Agenda Item Background:**

The C-111 South Dade Project ("Project") is a Foundation Project, which the Comprehensive Everglades Restoration Plan (CERP) builds upon to deliver essential restoration benefits to America's Everglades. The Project restores natural hydrologic conditions in Taylor Slough and the eastern panhandle of Everglades National Park while also preserving the level of flood protection for agricultural lands in South Dade County. The Project works in concert with the infrastructure constructed as part of the Modified Water Deliveries to Everglades National Park Project.

In 2020, the District filed suit to obtain Tracts GR100-099, GR100-105, GR100-106 and GR100-149, containing a total of approximately 7.06 acres by Eminent Domain for the Project. The owners of the tracts are represented by the same attorney and have reached a settlement with the District. Staff seeks authorization to enter into a Stipulated Order of Taking and Final Judgment for all four tracts for the amount of \$146,500 including interest, attorney's fees and expert fees and costs.

**Recommended Action:**

**Resolution No. 2021 - 0403 Authorize a Settlement for the sum of \$146,500, inclusive of interest, attorneys' fees and expert fees and costs, for which dedicated funds (Save Our Everglades Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021, and authorize the Executive Director to execute a Stipulated Order of Taking and Final Judgment in a condemnation action to acquire 7.06 acres, more or less, (Tracts GR100-099 Roger Donaldson, GR100-105 FDC Foundation, GR100-106 South Florida Housing and Urban Development, LLC and GR100-149 heirs of Ernesto Lopez) within the C-111 South Dade Project, styled South Florida Water Management District v. Catechin Holding, Inc., et al., filed in the 11th Judicial Circuit in and for Miami Dade County, Florida, Case No. 2020-025125-CA-01.**

14. Contract Extension for Vegetation Mapping of the Water Conservation Areas, Palm Beach, Broward, and Miami-Dade Counties (Staff contact, Lawrence Glenn)

**Agenda Item Background**

The Central Everglades (Water Conservation Areas 2 and 3), representing a large part

of the Ridge, Slough, and Tree Island ecosystem, are essential habitats of Everglades restoration. Vegetation maps are critical to understanding how operations and restoration projects have affected and will affect this Ridge, Slough, and Tree Island landscape. The last vegetation maps for these regions, produced in 2003-2004 by the District, were RECOVER products. Several large projects have been initiated since the last map was completed, including ModWaters, the bridging of Tamiami Trail, Combined Operational Plan (COP), and Central Everglades Planning Project (CEPP). The current mapping contract, with RECOVER-funded coordination and quality control from the USACE, is important for evaluating operational impacts, assessing Comprehensive Everglades Restoration Plan (CERP) success, and providing guidance for adaptive management. The current effort covering Water Conservation Area 3A North will be completed and evaluated by the end of April 2021. The proposed contract extension, in an amount not to exceed a three-year total of \$424,800 subject to Governing Board approval of the Fiscal Years 2022-2023 budgets, will complete the mapping for Water Conservation-3A South, 3-B, and Water Conservation Area-2. Boodjamap, LLC was the only response to the 2019 competitive solicitation, likely due to the specialized skills required.

**Recommended Action:**

**Resolution No. 2021 - 0404 Authorize entering into a two-year contract extension with Boodjamap, LLC for vegetation mapping of the Water Conservation Areas for a total amount not-to-exceed \$424,800 for which dedicated funds (Wetland Mitigation Fund) in the amount of \$150,000 are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004194-A02)**

15. Collier County Office Lease Extension at Big Cypress Basin Service Center (Staff contact, Candida Heater)

**Agenda Item Background:**

In 2009 the District purchased a facility at 2660 Horseshoe Dr. N., Suite 101, Naples, FL 34104 to set up office space for the Big Cypress Basin Service Center (BCBSC). This consisted of two buildings connected by a breezeway totaling approximately 9,640 square feet and is part of a four-building office complex. It was determined in 2014 that the BCBSC staff could adequately operate utilizing just one of the buildings for their operations and the other building could be leased to generate revenue. In June 2014, the other building was leased to Collier County for 5 years with three 1-year optional extensions. The lease to Collier County expired on May 31, 2019 and Collier County extended their lease on June 1, 2019 by utilizing one of the three 1-year extensions which ended on May 31, 2020. Collier County utilized the second 1-year renewal option on June 1, 2020, extending the lease to May 31, 2021. In December 2020, Collier County expressed an interest in leasing the building again for another year utilizing the third and final, 1-year renewal option. Governing Board approval is required since the final renewal option will cause the revenue amount to exceed the District's threshold.

**Recommended Action:**

**Resolution No. 2021 - 0405 Authorize an amendment to Contract Number 4600003056 with Collier County to extend the Lease by exercising the third and final one-year renewal option in a total revenue amount of \$560,247.11. (Contract Number 4600003056-A03)**

16. FPL Utility Relocations for the Broward County Water Preserve Areas Project, C-11 Impoundment (Staff contact, Jennifer Leeds)

**Agenda Item Background:**

The Broward County Water Preserve Areas Project (Project) is a CERP project that received Congressional Authorization in 2014. The Project is located in western Broward County and consists of three features: C-11 Impoundment, Seepage Management Areas, and the C-9 Impoundment. The project provides numerous benefits to the Central Everglades and Broward County including reduced seepage, support water quality improvements, promote groundwater recharge, and provide local recreational opportunities.

The first feature to be constructed is the C-11 Impoundment, which is approximately 1,700 acres in size, located in the City of Weston. The C- 11 Impoundment and its associated wetland mitigation areas will be inundated requiring existing FPL utilities to either be relocated or abandoned. The relocation includes above-ground and underground relocation efforts to maintain the existing level of service as the responsibility of the non-federal sponsor. Upon execution, the relocation efforts are estimated to take 6-9 months to complete.

**Recommended Action:**

**Resolution No. 2021 - 0406 Authorize entering into a lump sum agreement with FPL for above-ground and underground utility relocation efforts required for the construction of the C-11 Impoundment, as part of the Comprehensive Everglades Restoration Plan, in the amount of \$1,288,806.16, for which dedicated funds (Land Acquisition Trust Fund) are budgeted. (Contract Number 4600004402)**

17. Significant Construction Projects (Staff contact, Alan Shirkey)
- A. Everglades Agricultural Area Project Stormwater Treatment Area Inflow/Outflow Canal, Palm Beach County

**Agenda Item Background:**

As part of CEPP, the Everglades Agricultural Area (EAA) Stormwater Treatment Area (STA) Inflow/Outflow Canal Project will build approximately 4.5 miles of the Inflow/Outflow Canal, an adjacent Seepage Canal and the north containment levee of the STA. This project is the first component of the EAA STA, advanced to expedite construction of the overall EAA Reservoir and STA. The Project will help to dramatically reduce the volume of damaging discharges from Lake Okeechobee to the coastal estuaries for flood protection purposes. It will also provide storage, treatment and conveyance for an average of 370,000 acre-feet of additional water to the Southern Everglades each year. Governor DeSantis' Executive Order 19-12 (Achieving More Now For Florida's Environment) called for the District to immediately expedite the next phase of this project.

Contract Number 4600004208 was approved by the Governing Board at its March 2020 meeting in the amount of \$12,930,000 with Ryan Incorporated Southern. Change Order No. 1 includes muck removal located in pockets under the levee footprint for \$454,000. Change Order No. 2 includes replacing approximately 4.5 miles of grassed berm for a rock roadway in the maintenance corridor, extending the project extent 500 feet and building an 8-mile corridor for electrical distribution lines not to exceed \$10,000,000. Extension of the inflow/outflow canal has been initiated in response to USACE comments during their 408 review of the project. The work associated with Change Order No. 2 is similar in nature, means/methods and unit

pricing to the work already awarded under the original contract.

**Recommended Action:**

**Resolution No. 2021 - 0407 Authorize issuing Change Order No. 2 to Contract Number 4600004208 with Ryan Incorporated Southern, for the EAA STA Inflow/Outflow Canal Project, for an amount not to exceed \$10,000,000 for which dedicated funds (Everglades Trust Fund) are budgeted in Fiscal Year 2020-2021. (Contract Number 4600004208-A02)**

- B. S-331 Command & Control Communication System Upgrade Project, Miami Dade County

**Agenda Item Background:**

As part of the Operations and Maintenance Capital Improvement Program, the current SCADA and associated communication systems at the S-331 Command and Control Center (C&CC) area of service pump stations (S-331, S-332B, S-332C, S-332D, S-356, S-357, S-199 and S-200) are obsolete, are not supported by the equipment manufacturers, and parts are unavailable. Currently, the communication systems at the S332B, C and D rely on a single microwave path. The proposed upgrades will bring the pump stations to current District communication standards and create a redundant microwave path, as required by District Operations, for increased functionality and more reliable control. Proposed upgrades will enable advanced control capability from B-1 to operate Pump Stations in S-331 C&CC area of service. It will provide additional assurances for maintaining uninterrupted operations of these facilities, which are located within the Homestead Field Station's areas of responsibility.

Phase 1 of the project for design was awarded to Revere Control Systems, Inc. through a Progressive Design Build Request for Proposals Process and approved by the Governing Board in September 2017. The current resolution is for Phase 2 which completes the design phase and moves the project into construction.

**Recommended Action:**

**Resolution No. 2021 - 0408 Authorize an amendment to the design/build contract with Revere Control System Inc., for the construction of the S-331 C&CC Communication System Upgrade Project, for 730 days in an amount not-to-exceed \$9,263,195 for which \$1,500,000 in Ad Valorem funds are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600003696-A04)**

18. Public Comment on Consent Agenda Items

19. Board Vote on Consent Agenda

**Technical Reports**

20. Water Conditions Report - John P. Mitnik

21. Ecological Conditions Report - Lawrence Glenn

## **Discussion Agenda**

22. Resolution Proclaiming April 2021 as Water Conservation Month (Staff contact, Jim Harmon)

### **Agenda Item Background**

April is normally the last month of South Florida's dry season and water needs are most acute, highlighting the importance of conserving water. Since 1998, the month of April has been proclaimed Water Conservation Month in Florida to increase awareness and promote efficient use of the state's diverse water resources. With this resolution, the District will join the Florida Section of the American Water Works Association, water management districts, local governments, and other organizations in supporting water conservation through the adoption of similar resolutions throughout Florida.

This item will provide an update on the District's year-round water conservation efforts. Landscape irrigation is one of the top water uses for residents during dry conditions, and this presentation includes tips for improving irrigation practices and other ways the public can conserve water.

### **Recommended Action:**

**Resolution No. 2021 - 0409 Proclaim April 2021 as Water Conservation Month.**

23. Central Everglades Planning Project, Everglades Agricultural Area Phase Project Partnership Agreement (Staff contact, Jennifer Reynolds)

### **Agenda Item Background:**

As part of CERP, the CEPP was authorized by Congress by the Water Resources Development Act (WRDA) of 2016 and modified by WRDA 2018 and WRDA 2020. The CEPP is comprised of four implementation phases, North, South, EAA, and New Water.

The District entered into a Project Partnership Agreement (PPA) with the U.S. Department of the Army for the CEPP South Phase on July 27, 2020. The District now seeks to enter into a PPA with the U.S. Department of the Army for the CEPP Everglades Agricultural Area (EAA) Phase, which includes the critical EAA Reservoir and Stormwater Treatment Area components. The PPA, coupled with the CERP Master Agreement, specifies the terms and conditions for implementing this project, including construction, operations, maintenance, repair, replacement, and rehabilitation responsibilities (OMRR&R) and cost-share. The CEPP EAA Phase is subject to the Final Environmental Impact Statement and the report prepared by the Secretary of the Army as required by Section 1308(b)(1) of WRDA 2018. The total estimated Federal project cost is \$3,402,742,000. The District, as the non-Federal sponsor for CERP, is responsible for \$1,701,371,000 of the construction costs, \$96,746,000 in lands, easements, rights of way, and relocations, \$10,329,000 in annual OMRR&R costs, and \$68,000 in annual OMRR&R costs for recreation features. The USACE is responsible for the remainder of the total as this project is a 50-50 cost share project.

The District is meeting with officials from the USACE on April 2, 2021, to discuss the terms of a PPA for this important project. A draft PPA will be prepared for this agenda item and posted on April 5, 2021. This item will provide a briefing on the agreement in preparation for a discussion and possible direction to Staff regarding approval and signature.

24. Lake Okeechobee System Operating Manual Update (Staff contact, Leslye Waugh and Walter Wilcox)

**Agenda Item Background:**

The purpose of the Lake Okeechobee System Operating Manual (LOSOM) effort is to reevaluate and define operations for the Lake Okeechobee Regulation Schedule that consider additional infrastructure that will soon be operational. The additional infrastructure that will be taken into consideration includes the Herbert Hoover Dike rehabilitation, Kissimmee River Restoration Project, as well as the CERP C-43 West Basin Storage Reservoir and C-44 Reservoir and Stormwater Treatment Area. The LOSOM effort is led by the USACE. The goal of LOSOM is to maximize flexibility in Lake Okeechobee operations while balancing congressionally authorized project purposes: flood control, water supply, navigation, recreation, and preservation of fish and wildlife.

Through public meetings and workshops with the Project Delivery Team (PDT) and public, conceptual lake schedules were developed and evaluated to maximize the performance of individual objectives. Approximately 120,000 model runs of conceptual lake schedules were evaluated to determine a representative array of schedules that prioritize performance for the LOSOM goals and objectives. For Iteration 1, 13 single-objective representative lake schedules were modeled to provide a larger suite of performance metrics used to evaluate each plan's benefits.

The 13 plans modeled for Iteration 1 can be recombined or modified to build multiple alternatives that balance project goals and objectives. The PDT and public will provide input on the Iteration 1 modeling results and evaluation and an array of alternatives that are balanced will be modeled in Iteration 2.

During this briefing item, staff will discuss how the agency approaches balancing objectives in planning for LOSOM.

**Staff Reports**

25. Monthly Financial Report - Candida Heater
  - Lake Belt Mitigation Committee Annual Report
26. General Counsel's Report - Carolyn Ansay
27. Executive Director's Report - Drew Bartlett
28. General Public Comment
29. Board Comment
30. Adjourn