



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

July 15, 2021

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL - REVISED

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions
 - July Employee of the Month: Robin Clemons, Section Administrator
 - July Team of the Month: SAP S4 HANA Implementation Team
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. District Response to Algae Conditions - Drew Bartlett, Executive Director
7. Big Cypress Basin Board Report - Charlette Roman, Chair
8. Consider Approval of the Minutes for the June 10th Meeting and the June 29th Workshop
9. General Public Comment
10. Board Comment

Consent Agenda

11. Move Consent Agenda Items to Discussion Agenda
12. Public Comment on Consent Agenda Items

13. Land Acquisition, Shingle Creek Project, Orange County (Staff contact, Stephen M. Collins)

Agenda Item Background:

Shingle Creek is located in southern Orange County and is generally considered to be the headwaters for the Everglades. The District has been acquiring land on a willing seller basis to preserve and protect this resource. Staff is seeking Governing Board approval to acquire a 2.51-acre property from a willing seller in the Shingle Creek Project area for a purchase price of \$40,000, which is below the appraised value of \$90,000. This proposed acquisition will be funded from the Wetland Mitigation Fund and the seller will be responsible for all closing costs.

Recommended Action:

Resolution No. 2021 - 0701 Acquire land interests containing 2.51 acres, more or less, located in the Shingle Creek Project Area in Orange County, in the amount of \$40,000, for which dedicated funds (Wetland Mitigation Fund) are budgeted in Fiscal Year 2020-2021.

14. Exchange Agreement with Florida Power and Light Company, Palm Beach County (Staff contact, Stephen M. Collins)

Agenda Item Background:

In 2013, the District acquired approximately 1,896.49 acres known as the “Mecca Farms” property to provide vital freshwater flows to the federally designated “Wild and Scenic” Loxahatchee River in Palm Beach County. As part of this acquisition, the District also acquired canal easement rights over lands owned by Florida Fish and Wildlife Conservation Commission (FWCC) within the J.W. Corbett Wildlife Management Area (Corbett) for the purpose of constructing future water management improvements to provide a supplemental source of water to supply the future Mecca Farms (C-18 West) reservoir.

A portion of the District canal easement rights are encumbered by an existing Florida Power and Light Company (FPL) utility easement granted to FPL by FWCC in 1956. Staff is seeking Governing Board approval to enter into an Exchange Agreement with FPL whereby the District will consent to utility easements being granted to FPL by FWCC that encumber property in Palm Beach County over which the District holds preexisting canal easements. In exchange, FPL will consent to the District’s excavation and construction of canal improvements in the existing utility easement that conflict with the District’s canal easement. Additionally, FPL will recognize \$349,101 as a credit against future pole relocation expenses for the estimated increased costs associated with the canal construction after the installation of the new power line.

Recommended Action:

Resolution No. 2021 - 0702 Authorize an agreement between the District and Florida Power and Light Company (FPL) whereby the District will consent to utility easements being granted to FPL by Florida Fish and Wildlife Conservation Commission that encumber real property in Palm Beach County with respect to which the District holds canal easement interests, in exchange for (i) FPL consenting to the District’s excavation and construction of canal improvements that conflict with FPL’s existing power corridor

easement and (ii) FPL crediting the District \$349,101 for increased construction costs associated with the canal easement interests against the future costs the District will pay FPL for relocation of FPL's existing facilities located within the existing FPL power corridor.

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

Agenda Item Background:

The District has certain reserved rights to construct canal 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, staff recommend that 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. 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:

Palm Beach County

Release District canal reservations for Palm Tree Farms, LLC (File No. 18872) for 9.34 +/- acres; release value of \$15,041.28 was paid on May 25, 2021.

Recommended Action:

Resolution No. 2021 - 0703 Release District canal reservations.

16. C-6 (Miami Canal), Partial Release of Easement to the Florida Department of Transportation, Miami-Dade County (Staff contact, Stephen M. Collins)

Agenda Item Background:

Staff seeks Governing Board approval to release approximately 25.9 acres of the C-6 (Miami Canal) canal easement to Florida Department of Transportation (FDOT), between Northwest 92nd Avenue southeasterly to West 16th Avenue, within the City of Hialeah Gardens, the City of Hialeah, and the Town of Medley, Miami-Dade County. The release is requested due to modifications to U.S. 27/State Road 25 (Okeechobee Road), including realignment and widening, building flyover ramps and bridges, intersection improvements, access modifications (acceleration and deceleration lanes), run-off retention areas, construction of sidewalks, and widening of existing bridges. Construction of the aforementioned improvements will include hardening approximately 80% of the canal banks in the release area, together with tree removal, regrading and reseeding the remaining 20%. These improvements to the canal banks will lead to reduced future maintenance cost to the District in the release area. FDOT is required to obtain a District Right of Way Occupancy Permit prior to construction of the roadway improvements and all activities will be monitored through the permitting process. Additionally, FDOT will donate 6.26 +/- acres of land to the District in the Broward County Water Preserve Area, C-11 Impoundment project.

Recommended Action:

Resolution No. 2021 - 0704 Release a portion of a canal easement containing 25.9 acres, more or less, located in Section 33, Township 52 South, Range 40 East, and Sections 3, 4, 10, and 11, Township 53

**South, Range 40 East, in Miami-Dade County, C-6
(Miami Canal) project, to the Florida Department of
Transportation at no cost.**

17. Contracts with the Florida Department of Corrections (Staff contacts, Stephen M. Collins and Rich Virgil)

A. Inmate Labor for Land Management Services, Okeechobee County

Agenda Item Background:

This agenda item authorizes a contract with the Florida Department of Corrections (DOC), effective August 15, 2021, to provide inmate labor for the purpose of performing land management services on approximately 20,000 acres of District managed lands in Okeechobee County. The contract provides for the staffing of one Correctional Work Squad Officer and up to five inmates at an annual cost of \$57,497. Services provided under this contract include: fence construction and repair, vegetation clearing, mowing and trimming of grass and vegetation on public use areas, maintenance of public campgrounds, and repair and maintenance of informational kiosks and day use facilities. The contracting of land management services through the DOC has proven to be a cost-effective method of maintaining District lands and public use facilities and has minimized the need for additional maintenance staff and more costly land management service contracts with private vendors.

Recommended Action:

Resolution No. 2021 - 0705 Authorize entering into a three-year contract with a three-year renewal option, effective August 15, 2021, with the Florida Department of Corrections to provide inmate labor and perform land management services on District lands in an amount not to exceed \$344,982 for which \$7,490 in Ad Valorem funds is budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004437)

B. Inmate Labor in Work Programs, Okeechobee Field Station Area of Responsibility

Agenda Item Background:

The Okeechobee Field Station currently utilizes two DOC work squads, each consisting of one Correction Officer and a five-member inmate work squad, to assist District crews with maintenance activities. These work squads assist with ongoing District projects as well as working independently at tasks such as: picking up debris, painting, conducting gate repair, laying sod, seeding disturbed areas, constructing and installing weed barriers, mowing the grounds at pump stations and water control structures, and other assigned duties within the Okeechobee Field Station area of responsibility. This request is to enter into a new contract with the DOC effective August 15, 2021, for the services of two work squads. The contracting of maintenance services through the DOC has proven to be a cost-effective method and has minimized the need for additional maintenance staff and more costly maintenance contracts with private vendors.

Recommended Action:

Resolution No. 2021 - 0706 Authorize entering into a 3-year contract with one 3-year renewal option with the

Florida Department of Corrections for two inmate labor in work programs to be utilized within the Okeechobee Field Station area of responsibility, in an amount not to exceed \$689,964 for which \$14,375 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 4600004433)

18. Right of Way Occupancy Permit Request, Miami-Dade County (Staff contact, Rich Virgil)

Agenda Item Background:

Jesus Reyes, Applicant, requests issuance of Standard Right of Way Occupancy Permit No. 15675 (ROW Permit) to authorize an existing bulkhead, 13 trees, cross-fences and below-grade patio with stairs, and a proposed fence on top of the bulkhead within the right of way of the C-8 Extension Canal. The property is located at 7560 Loch Ness Drive, Miami Lakes. All of the existing and proposed improvements require a waiver of the 40-foot setback rule, except for the existing bulkhead.

This application arose from an enforcement action resulting from the construction of improvements in the right of way without a Right of Way Occupancy Permit. Some of this work was completed by the Applicant and some of it was completed by previous property owner(s). As a result of the enforcement action, Applicant removed all improvements that the District could not authorize and submitted an application to legitimize the remaining existing improvements and to allow a 4-foot high chain-link fence along the top of the bulkhead.

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 work. Approval of the ROW Permit and its associated waivers will not adversely impact District operations, maintenance, or the ability to perform construction along the C-8 Extension Canal. The District does not require travel over this right of way to perform canal maintenance.

Recommended Action:

Approve issuance of Standard Right of Way Occupancy Permit Number 15675 and approval of the associated waivers to the 40-foot setback rule (Application No. 21-0210-1M).

19. Cooperative Cost-Share Agreement for Water Quality Monitoring Services in Everglades National Park, Florida Bay, Gulf Coast Basins of Everglades National Park, C-111 Basin, and Joe Bay (Staff contact, Lawrence Glenn)

Agenda Item Background:

Staff is requesting approval to enter into a five-year cooperative cost-share agreement with the United States National Park Service (NPS) to provide support for the collection of water quality data within Everglades National Park (ENP) and the adjacent coastal region. Water quality monitoring is carried out at 17 surface water interior marsh stations and 2 atmospheric deposition stations within ENP. Continuous physiochemical and meteorological monitoring data are collected from 37 Marine Monitoring Network (MMN) stations. The data from surface water samples are used by the District to track long-term total phosphorus levels in the ENP marsh to detect trends and determine progress with attaining state water quality standards. Stage and physiochemical data collected in the coastal regions are used to measure attainment of Florida Bay Minimum Flows and Levels and to measure the success of the C-111 Spreader Canal Restoration

Project. By partnering with the NPS, the District fulfills monitoring requirements in an efficient and cost-effective manner. The initial cooperative cost-share agreement originated on October 1, 2001 and has continued on since in 5-year increments. This agreement replaces the existing agreement with NPS that ends September 2021.

Recommended Action:

Resolution No. 2021 - 0707 Authorize entering into a five-year cost-share cooperative agreement with the United States National Park Service for the collection of surface water and rain from interior marsh sampling sites within Everglades National Park and physiochemical and meteorological data from sites in the national park coastal areas, in the total amount of \$1,007,850, which is subject to Governing Board approval of the Fiscal Year 2022-2026 budgets. (Contract Number 4600004419)

20. Picayune Strand Restoration Project Forestry Agreement (Staff contact, Jennifer Reynolds)

Agenda Item Background:

Staff is seeking approval to enter into an agreement between the District, Florida Forest Service (FFS) and Collier County for the Picayune Strand Restoration Project (PSRP), a Comprehensive Everglades Restoration Plan (CERP) project. The FFS currently manages the Picayune Strand Forest as leased lands for the state. This lease includes lands within the PSRP footprint. The District, FFS and Collier County desire to cooperate in the implementation of the Project. The FFS has major responsibilities under the Lease for management and protection of leased lands. The County's objective is to address public access within the PSRP. The FFS's objective is to provide for continued effective ongoing management in cooperation with the District. The District, as local sponsor for PSRP, has committed to implement the Project with the U.S. Army Corps of Engineers. It is therefore appropriate and desirable that FFS, Collier County and the District cooperate under this Agreement to fulfill mutually beneficial objectives associated with implementation of PSRP. This agreement covers management, and operations and maintenance of the leased lands.

Recommended Action:

Resolution No. 2021 - 0708 Authorize entering into a Cooperation Agreement for the purpose of implementation of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan. (Contract Number 4600004443)

21. Significant Construction Contracts (Staff contact, Alan Shirkey)
- A. Big Cypress Basin Electrification of Cork 2 and FU5 Generator Addition Project, Collier County

Agenda Item Background:

As part of the Big Cypress Basin's (BCB) Operations and Maintenance Capital Improvement Program and efforts to improve the resiliency of District structures, the BCB Electrification of Cork 2 and FU-5 Generator Addition Project includes installing electric motor actuators, gate indicators, gate position housing and instrumentation, and furnishing and installing remote operations capabilities at the Cork 2 water

control structure, and the addition of a generator building and removal and installation of new fencing at Faka Union 5 (FU-5) water control structure. The project converts Cork 2 from a manual structure to remote operations of the two structure gates resulting in more efficient operability and staff utilization for stage control and event preparation for the furthest structure from the field station and provides emergency power for gate operations during outages at FU-5.

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. The bid opening for this project was on June 15, 2021.

Recommended Action:

Resolution No. 2021 - 0709 Authorize entering into a 271-day contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder, for the BCB Electrification of Cork 2 and FU-5 Generator Addition Project, in the amount of \$2,116,200, for which Big Cypress Basin Ad Valorem funds in the amount of \$300,000 are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004446)

B. Re-Bid of S-135 Bypass Culvert and Dike Repairs, Martin County

Agenda Item Background:

As part of the Operations and Maintenance Capital program, the Re-Bid S-135 Bypass Culvert and Dike Repairs project consists of lining two existing, deteriorating culvert pipes through the Herbert Hoover Dike using the Cured In Place Piping process and injecting chemical grout to mitigate any potential voids on the culvert exterior.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process. The bid opening for this project was on June 21, 2021.

Recommended Action:

Resolution No. 2021 - 0710 Authorize entering into a 190-day contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder, for the Re-Bid S-135 Bypass Culvert and Dike Repairs Project, in the amount of \$1,925,999, for which \$100,000 is budgeted in Fiscal Year 2020-2021, and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004453)

22. Governing Board Concurrence on Emergency Orders 2021-024-DAO; 2021-025-DAO; 2021-026-DAO; Amended Emergency Order 2021-027-DAO, and Termination of Emergency Order 2021-028-DAO (Staff contacts, Jennifer Smith and Carolyn Ansay)

Agenda Item Background:

To prepare for and respond to Tropical Storm Elsa, the District issued Emergency Orders 2021-024-DAO; 2021-025-DAO; and 2021-026-DAO on July 3, 2021; Amended

Emergency Order 2021-027-DAO on July 5, 2021; and Order Terminating Emergency Authorizations 2021-028-DAO on July 12, 2021. These Orders enabled the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community before, during and after a significant storm event impacting the District. This item requests the Governing Board's concurrence with issuance of Emergency Orders 2021-024-DAO; 2021-025-DAO; and 2021-026-DAO, and Amended Emergency Order 2021-027-DAO, in compliance with Section 373.119(2) of the Florida Statutes, and concurrence with the subsequent termination of such orders.

A. Emergency Order and Concurrence

SFWMD 2021-024-DAO	EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY TROPICAL STORM ELSA
SFWMD 2021-025-DAO	EMERGENCY AUTHORIZATION FOR PUMPING AND OTHER MEASURES TO ADDRESS FLOODING CAUSED BY TROPICAL STORM ELSA
SFWMD 2021-026-DAO	EMERGENCY AUTHORIZATION FOR PROCUREMENT OF GOODS AND SERVICES MADE NECESSARY BY TROPICAL STORM ELSA
SFWMD 2021-027-DAO	AMENDED EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY TROPICAL STORM ELSA
SFWMD 2021-028-DAO	ORDER TERMINATING EMERGENCY AUTHORIZATIONS MADE PURSUANT TO SFWMD ORDER NOS. 2021-024-DAO, 2021-025-DAO, 2021-026-DAO, AND 2021-027-DAO MADE NECESSARY BY TROPICAL STORM ELSA

**Recommended Action:
Concur with Emergency Orders 2021-024-DAO; 2021-025-DAO; 2021-026-DAO; Amended Emergency Order 2021-027-DAO; and Order 2021-028-DAO Terminating Emergency Authorizations.**

23. Board Vote on Consent Agenda

Technical Reports

24. Water Conditions Report - John P. Mitnik
25. Ecological Conditions Report - Lawrence Glenn

Discussion Agenda

26. Lake Okeechobee System Operating Manual (LOSOM) Recommendation to the U.S. Army Corps of Engineers, Jacksonville District (Staff contact, Jennifer Reynolds)

Agenda Item Background:

The USACE is currently updating the Lake Okeechobee Regulation Schedule 2008

(LORS2008). The updated Lake Okeechobee System Operating Manual (LOSOM) has been under development since February 2019 and the USACE is looking to identify their preliminary preferred lake schedule alternative for stakeholders to consider as of July 19, 2021, and the final preferred lake schedule alternative on August 4, 2021. Once identified, the final preferred lake schedule alternative will be further optimized with additional modeling through October 14, 2021. In this agenda item, District staff will review the implementation of the Board's direction as part of the agency's recommendation to the U.S. Army Corps and receive Board feedback. The Board's previously established policy statement is below:

The South Florida Water Management District (District) works to safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders. LOSOM allows us to capitalize on recent infrastructure improvements including rehabilitation of the Herbert Hoover Dike and CERP features. The District views balancing the differing interests across the system, including flexibility to adapt to current situations to achieve that balance, as integral to the success of the LOSOM process. Those interests include: equitably delivering water supply to society and the environment for beneficial uses during the dry season; increasing the tolerance for temporary/short term higher lake stages during the wet season in order to avoid harmful estuary discharges; and maintaining the other congressionally authorized purposes of flood control, navigation, and recreation.

On May 17, 2021 in a letter to Mr. Pinkham, the Acting Assistant Secretary of the Army for Civil Works, Governor DeSantis conveyed the following policy statement regarding LOSOM:

LOSOM must promote environmentally-beneficial releases that support lower lake levels during the dry season, and enhanced operational flexibility for managers to hold water in the lake during the wet season to prevent harmful discharges into the estuaries and send more water south to benefit the environment and our communities.

27. Fiscal Year 2021-2022 Proposed Tentative Budget and Submission of Proposed Millage Rates (Staff contact, Candida Heater)

Agenda Item Background:

Pursuant to Section 373.536, Florida Statutes, the District shall, on or before July 15 of each year, submit for consideration by the Governing Board a tentative budget.

Pursuant to Section 200.065, Florida Statutes, the District shall, on or before August 4 of each year, advise each county property appraiser within the boundaries of the District of its proposed millage rates for inclusion in the notice of proposed property taxes.

Recommended Action:

Resolution No. 2021 - 0711 Consider the Fiscal Year 2021-2022 proposed tentative budget update and approve submittal of the Fiscal Year 2021-2022 proposed millage rates to county property appraisers for inclusion in the notice of proposed property taxes.

Staff Reports

28. Monthly Financial Report - Candida Heater
29. General Counsel's Report - Carolyn Ansay
30. Executive Director's Report - Drew Bartlett
31. General Public Comment
32. Board Comment
33. Adjourn