



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

November 8, 2018

9:30 AM

Robert and Judi Prokop Newman Alumni Center
University of Miami
6200 San Amaro Drive
Coral Gables, FL 33146

FINAL DRAFT

1. Call to Order - Federico E. Fernandez, Chairman, Governing Board
2. Pledge of Allegiance - Federico E. Fernandez, Chairman, Governing Board
3. Agenda Revisions - Tia Barnett
4. Agenda Item Abstentions by Board Members
5. Big Cypress Basin Board Report - Frederick Barber, Chairman
6. Water Resources Analysis Coalition (WRAC) Report - Brandon Tucker, Facilitator
7. Governing Board Committee Reports
 - Audit & Finance Committee - Frederick Barber, Chairman
8. Consider Approval of the Minutes for the October 11th Governing Board Meeting

Consent Agenda

9. Public Comment on Consent Agenda Items
10. Board Comment on the Consent Agenda
11. Move Consent Agenda Items to Discussion Agenda

12. Regulatory Consent Agenda (Staff contact, Jill Creech, ext. 6814)

Agenda Item Background: Osceola County

AV Homes Inc. requests a partial release of approximately 9.5 acres of a 49.5-acre conservation easement for a project known as Solivita Phase 5 in Osceola County. The area to be released was recorded in error and no mitigation is required.

Recommended Action:

Approve a partial release of a recorded conservation easement for a project known as Solivita Phase 5. (Permit No. 49-00094-S, Application No.: 180822-8)

13. Release of Reservations (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District has certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, because the reservations represent clouds on title. Applications are reviewed by both District staff and local governmental agencies to determine that there is no present or future need for the reservations. The District also reviews and determines that there is no District or local government need for canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund (TIITF) prior to a release being issued by TIITF.

Staff Recommendation:

Staff recommends approval of the following:

Palm Beach County

- Approve release of TIITF canal reservations for ASAP Installations, LLC (File No. 10-18-2) for 6.93 acres
- Release District canal reservations and issue a non-use commitment for Henry's Holdings, Inc. (File Nos. 18804 and NUC 1761) for 2.0 acres; release value \$1,942.85 (paid)
- Release District canal reservations and issue a non-use commitment for James J. Henry and Elona I. Henry, as Co-Trustees (File Nos. 18806 and NUC 1762) for 5.29 acres; (no release value; homestead property)

Miami-Dade County

- Approve release of TIITF canal reservations for Countyline Building 4, LLC (File No. 9-18-1) for 10.77 acres
- Approve release of TIITF canal reservations for Countyline I, LLC (File No. 10-18-1) for 84.81 acres

Recommended Action:

Resolution No. 2018 - 1101 Release canal reservations, and issue non-use commitments.

14. Issue 10-Year Lease Extension, Martin County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

This is a proposed amendment to a cattle grazing lease to extend the term by 10 years on 1,831.52 acres, more or less, located in Martin County. The amendment provides additional financial assurance to ensure the removal of exotic animals while conforming the lease with District needs. The lease allows

the Lessee to continue to reside on the property, cattle grazing, and continue to remove exotic animals.

Recommended Action:

Resolution No. 2018 - 1102 Issue a 10-year cattle grazing lease extension to Frank J. and Marilyn H. Brady on 1,831.52 acres, more or less, in Martin County.

15. Exchange of Fee Interests of Tracts, Hendry County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District has acquired and desires to acquire additional land interests from willing sellers in connection with the C-43 Project in Hendry County. Pursuant to the subject Exchange Agreement, the District will acquire fee title to 5.2 acres, more or less, ("Canal Tract"), in exchange for the surplus and conveyance of fee title to 2.5 acres, more or less, ("Fee Surplus Tract") and of access easement interests containing 0.3 acres, more or less, ("Easement Surplus Tract").

Recommended Action:

Resolution No. 2018 - 1103 Approve declaring surplus for exchange and conveyance, without reservation of interests under Section 270.11 Florida Statutes, fee title land interests containing 2.5 acres, more or less, and access easement land interests containing 0.3 acres, more or less, all in Hendry County in exchange for the acquisition of fee title land interests containing 5.2 acres, more or less, in Hendry County for the C-43 Project.

16. Cattle Grazing Leases (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

These are proposed 2-year cattle grazing leases for existing grazing reservations expiring on December 31, 2018, on 3,065 acres located within the Kissimmee River Restoration Project, Upper Chain of Lakes, to remain consistent with the planned implementation of the Kissimmee River Restoration Headwaters water elevation regulation schedule. The leases will limit the cattle grazing to a low-density carrying capacity of 1 animal unit per 10 acres.

Recommended Action:

Resolution No. 2018 - 1104 Issue new 2-year cattle grazing leases for cattle grazing reservations expiring on December 31, 2018, on 3,065 acres, more or less, in Osceola and Polk counties.

17. Orange County Land Acquisition, Shingle Creek, Tract No. 26103-055 (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

This is a proposed acquisition of 1.23 acres from James K. Downey, a willing seller within the Shingle Creek Project Area in the amount of \$34,440, which is below the appraised value of \$49,000. The proposed acquisition will be funded by the Wetland Mitigation Fund and the seller is responsible for all closing costs.

Recommended Action:
Resolution No. 2018 - 1105 Acquire land interests containing 1.23 acres, more or less, in the amount of \$34,440, located in the Shingle Creek Project Area in Orange County.

18. Acquisition of 2.50 Acres within the Picayune Strand Restoration Project, Fakahatchee Strand State Park Component, Tract SG100-050, Collier County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

This is a proposed acquisition of Tract SG100-050, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, totaling approximately 2.50 acres in the amount of \$25,000, which represents the appraised value.

Recommended Action:
Resolution No. 2018 - 1106 Acquire land interests containing 2.50 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of \$25,000, for which dedicated funds (Save Our Everglades Trust Fund) are budgeted.

19. S-12B Structure Downstream Maintenance Agreement with the Miccosukee Tribe of Indians (Staff contact, Armando Ramirez, ext. 6684)

Agenda Item Background:

The S-12B structure, located in Miami-Dade County, was placed into service along the L-29 Canal to allow sheet flow from Water Conservation Area (WCA) 3A south into the western portions of Shark River Slough. Sediments and vegetation have accumulated near and downstream of the S-12B structure in the discharge channel impeding the flow of water from the outfall structure. District staff is seeking approval to enter into a no cost Memorandum of Understanding (MOU) with the Miccosukee Tribe of Indians of Florida for the one-time removal of vegetation and sediment south of the S-12B structure to enhance hydrologic conveyance and connectivity between WCA-3A, the Miccosukee Reserve Area and Everglades National Park.

Recommended Action:
Resolution No. 2018 - 1107 Authorize a Memorandum of Understanding with the Miccosukee Tribe of Indians of Florida regarding the removal of vegetation and sediments south of the S-12B structure within a portion of the Miccosukee Reserve Area.

20. Biscayne Bay Restoration Initiative (Staff contact, Eva Vélez, ext. 6672)

Agenda Item Background:

Today, nearly all aspects of South Florida's natural environment have been affected by development, altered hydrology, nutrient input and spread of non-native species. The distribution, life cycles, community structures and population densities of flora and fauna of Biscayne Bay are intricately linked to local and regional hydrology. The current status of fish and wildlife has been strongly influenced by the cumulative effects of drainage activities and the

ensuing agricultural and urban development made possible by those activities. Fish, shellfish and plant community abundance continue to be adversely affected in Biscayne Bay.

Various stakeholders from Miami-Dade County want to take action to curb this decline and enhance the environmental quality of Biscayne Bay by creating the Biscayne Bay Restoration Initiative (BBRI). At its November 9, 2017 meeting, the Governing Board voiced support for the creation of the BBRI. The geographic range of the BBRI is Biscayne Bay in Miami-Dade County. Specifically, the BBRI will establish a structure and process for environmental restoration efforts in northern Biscayne Bay where there is currently no coordinated restoration and enhancement strategy; central Biscayne Bay where there is documented seagrass die-off and massive bottom algae blooms; and southern Biscayne Bay where there is seagrass die-off, floating blue green algae blooms and point source discharge of freshwater.

The BBRI is a comprehensive interagency team that will coordinate efforts to identify, fund and implement environmental restoration projects within Biscayne Bay.

**Recommended Action:
Resolution No. 2018 - 1108 Support the creation of the
Biscayne Bay Restoration Initiative to be managed by
the Miami-Dade County Department of Environmental
Resources Management.**

21. Okeechobee Utility Authority (Staff contact, Eva Vélez, ext. 6672)

Agenda Item Background:

The District seeks to gather more information on the use of Estuary Protection Wells as a strategy to further reduce damaging discharges to Northern coastal estuaries. The Estuary Protection Wells will be used in the interim while Everglades restoration projects are completed. Additionally, the wells will be able to continue to reduce damaging discharges even after the restoration projects are complete by taking flows the projects are unable to capture. Estuary Protection Wells show promise in providing an immediate and beneficial option for relieving our northern coastal estuaries during high water events.

The Okeechobee Utility Authority (OUA) wastewater treatment plant has a Deep Injection Well (DIW) that may be suitable for disposing of excess surface water. However, the OUA DIW has never been tested at a rate of 15 million gallons per day (MGD), which is the target flow rate sought by the District for the purposes of estuary protection. District Staff seeks Governing Board approval to enter into a contract with OUA to perform an injection test on the OUA DIW to determine the well's capability to handle the target flow.

**Recommended Action:
Resolution No. 2018 - 1109 Authorize entering into a
contract with Okeechobee Utility Authority for the
Okeechobee Utility Authority Injection Test at a total
cost not to exceed \$180,000, of which will come from
non-recurring reserves in the Fiscal Year 2018-2019
budget. (Contract Number 4600003926)**

22. Board Vote on Consent Agenda

23. Board Comment

Discussion Agenda

24. Technical Reports

A. Water Conditions Report - John P. Mitnik

- How Water Moves in the Southern Everglades - Akin Owosina

B. Ecological Conditions Report - Terrie Bates

- Hurricane Recovery - Terrie Bates

25. Constructing the Senate Bill 10 Reservoirs: Opportunities and Challenges in 2019 (Staff contact, Brian J. Accardo, ext. 6232)

Agenda Item Background:

In May 2017, Florida Governor Rick Scott signed legislation to increase water storage south of Lake Okeechobee as part of an effort to reduce harmful lake discharges to the Caloosahatchee and St. Lucie estuaries. Senate Bill 10, codified in part at sections 373.4598 and 375.041 of Florida Statutes, directs the District to expedite design and construction of a water storage reservoir in the Everglades Agricultural Area, authorizes the District to evaluate acquisition of Phase II of the C-51 reservoir project in Palm Beach County, and provides annual appropriations for these activities. Section 373.4598 and Chapter 2018-10, Laws of Florida, further direct how the District is to handle land acquisition and lease agreements associated with the reservoirs. Staff will review opportunities and challenges facing the District in 2019 as the agency fulfills its legislative mandates.

26. Water Year 2018 - Southern Everglades Water Quality Overview (Staff contact, Stuart Van Horn, ext. 6628)

Agenda Item Background:

Staff will present an overview of the total phosphorus requirements and trends for the Southern Everglades with updated data through Water Year 2018, along with a contrast of current and historic conditions. The information contained in this presentation is published in a consolidated annual report which summarizes progress with restoration efforts and water quality conditions throughout the South Florida Ecosystem in keeping with statutory reporting requirements. The current annual report (South Florida Environmental Report 2019) is available to the public in draft form and provides an update on such progress.

27. Curtain Wall as Part of Flood Protection Strategy in South Miami-Dade County (Staff contact, Akin Owosina, ext. 2924)

Agenda Item Background:

This presentation is a report of the findings of an investigation by staff of the potential use of curtain wall technology as part of a comprehensive flood protection strategy in South Miami-Dade County. The effort was initiated to inform decision making on opportunities, consistent restoration efforts, to address flood control needs of residents and farmers in the South Miami-Dade County area.

28. Sea Level Rise Update (Staff contact, Akin Owosina, ext. 2924)

Agenda Item Background:

This presentation is the second in a series of presentations requested by the Governing Board to provide quarterly update on District efforts related to sea level rise and its potential impact on the District's missions.

- 29. Final Order Approving the 2018 Lower East Coast Water Supply Plan Update (Staff contact, Mark Elsner, ext. 6156)

Agenda Item Background

Regional water supply plans, updated at least every five years, identify sustainable water supply for all water uses while protecting water resources and related natural systems. The proposed 2018 Lower East Coast (LEC) Plan, covering all of Palm Beach, Broward, and Miami-Dade counties, most of Monroe County and portions of Hendry and Collier counties, provides demand projections through 2040, and identifies sources and strategies to meet these demands. The plan incorporates a summary of water supply project options for this region. The 2018 LEC Plan Update concludes that with appropriate management, conservation and implementation of projects identified in the LEC Plan, there are sufficient sources to meet the projected water needs of this region. The 2018 LEC Plan Update was developed in an open public forum. Approval of the Plan Update will trigger actions by local governments, in coordination with utilities, to consider these recommendations for incorporation into their required 10-Year Facilities Work Plan.

Recommended Action:

Approve the 2018 Lower East Coast Water Supply Plan Update.

- 30. General Public Comment
- 31. Board Comment

Staff Reports

- 32. Monthly Financial Report - Dorothy Bradshaw
- 33. General Counsel's Report - Brian Accardo
- 34. Executive Director's Report - Ernie Marks

Attorney Client Session

- 35. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2018), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Brian J. Accardo, ext. 6232)

ATTENDEES: Governing Board Members S. Accursio, F. Barber, F. Fernandez, C. Diaz, J. Moran, D. O'Keefe, M. Peterson, B. Tucker, J. Weisinger; Executive Director E. Marks; District attorneys B. Accardo, C. Kowalsky, J. Levine, J. Lomonico

Action Items, (if any), Stemming from Attorney/Client Session

36. Adjourn

Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chairman or designee to speak. Governing Board policy limits comments from the public to 3 minutes unless otherwise determined by the Governing Board Chairman. Unless otherwise determined by the Chairman, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.