



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

October 8, 2020

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
 - 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-7.675, 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-7.675, 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