



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

November 13, 2014

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Recognition of former Governing Board member Glenn Waldman - Dan O'Keefe, Chairman, Governing Board
4. Employee Recognitions - Presented by Blake Guillory, Executive Director
 - November Employee of the Month: Kevin Rodberg, Section Leader, Water Resources Division
 - November Team of the Month: FEMA Reimbursement Team
 - 25-Year Service Award: John Leslie, Lead Environmental Analyst, Office of

- Everglades Policy and Coordination
- 30-Year Service Recognition: Rick Miessau, Section Leader, Operations, Engineering and Construction Division
5. Agenda Revisions - Jacki McGorty, District Clerk
 6. Abstentions by Board Members from items on the Agenda
 7. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

*Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.***

8. Public Comment on Consent Agenda
9. Pull Items for Discussion from Consent Agenda
10. Board Comment on Consent Agenda
11. Approval of the Minutes for the October 9, 2014, Governing Board Regular Business meeting held in West Palm Beach, Florida.
12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
13. Regulatory Consent Items
 - Denials
 - **Hendry Venture Mine No 1; Cocoplum Holdings, LLC (WU-Hendry County)** - Staff recommends denial due to applicant's failure to complete the application.
 - Consent Orders
 - **Sunset Trails, LLC; Nine Mile Grove (Highlands County)** - Settlement of an enforcement action regarding non-compliance with permit conditions.
 - **Hickory Tree, LLC; Altman Fishery (Osceola County)** - Settlement of an enforcement action regarding non-compliance with permit conditions due to unpermitted off-site discharge into Alligator Lake.
 - **Kenneth Hyatt; Hyatt Farms (Osceola County)** - Settlement of an enforcement action regarding unpermitted construction and operation of a surface water management system.
 - Conservation Easements, Amendments and Releases
 - **B R 24, LLC, B R 24 (Martin County)** - Staff recommends the approval of a request for the acceptance of a Deed of Conservation Easement with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers (USACE) over an area containing approximately 1.27 acres, which includes three isolated wetlands (0.2, 0.05 and 0.1 acres) along with a 50 foot upland buffer area and which the U.S. Army Corps of Engineers has requested the Applicant preserve through a Minor Permit Modification of ERP Permit No. 43-02569-P.
 - **Deerfield Land Corporation, Lot 8 Multi Family (Osceola County)** - Staff

recommends the approval of a request for the release of a 5.931 acre portion of a 65.536 acre existing Conservation Easement including 5.43 acres of upland conservation and 0.675 acres of upland buffer within a project known as Osceola Corporate Center - Lot 8 Multi-Family in Osceola County. The Applicant is requesting the release to allow for sufficient stormwater treatment facilities and grading to elevate the site for development. A permit Modification (Application No. 140806-6) has been submitted that includes proposed mitigation in the form of purchase of 0.68 freshwater forested UMAM credits from Hatchineha Ranch Mitigation Bank; replanting the 0.675 acres of disturbed upland buffers. Approximately 59.431 acres of the original Conservation Easement areas will remain with: 47.345 acres of wetlands; 2.895 acres of wetland buffer; 9.191 acres of uplands.

14. Right of Way Regulatory Consent Items

- Right of Way Occupancy New Permits
- Staff recommends approval for a Right of Way Occupancy permit for **MMM Northwest 37, LLC** (Application Number 14-0714-1) authorizing portions of an existing yacht storage facility consisting of aluminum hangers, marginal docks, finger piers, bulkhead and utility services within the north Right of Way of C-4 located immediately east of 37th Avenue in Miami-Dade County.

- Petition for Waiver of District Criteria
- Staff recommends approval of a request by **Barbara Smith and Frankie Hendrix** (Application Number 14-0714-2) for issuance of Right of Way Occupancy Permit and waiver of the District's criteria for an existing wood deck, storage shed and wood pagoda located within the west right of way of the Golden Gate Main Canal in Collier County.
- Staff recommends approval of a request by the **City of Port St. Lucie** (Application Number 14-0904-1M) for issuance of a Modification to Right of Way Occupancy Permit Number 13433 and waiver of the District's criteria to allow placement of an additional pavilion within the City's previously permitted park project located within the northerly right of way of the C-24 Canal immediately west of the Southbend Boulevard bridge in St. Lucie County.
- Staff recommends approval of a request by the **Florida Department of Transportation** (Application Number 14-0821-1M) for issuance of a Modification of Right of Way Occupancy Permit Number 9243 and waiver of the District's criteria for the proposed widening of the previously authorized I-75 pile supported bridges (north & south bound) crossing the Golden Gate Main Canal in Collier County.
- Staff recommends approval of a request by the **Clewiston Marina Inc.** (Application Number 14-0429-2) for issuance of a Right of Way Occupancy Permit and waiver of the District's criteria to allow seven (7) existing water/electric/cable pedestals to remain; temporary recreational vehicle (RV)/trailer parking and the installation a fence situated 20 feet from the top of bank, running parallel to the C-21 canal, for that portion of the RV park associated with Clewiston Marina located within the southerly right of way of the C-21 canal in Hendry County.

15. **Resolution No. 2014 - 1101** Approve release of canal, road and mineral reservations and issuance of a non-use commitment. (FOLM, Kathy Massey, ext. 6835)

Summary:

The District has jurisdiction over 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, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Staff recommends approval of the following:

- Release of Trustees canal reservations for 410 Lake Osborne Drive, LLC, a Florida limited liability company, (File No. 9-14-3) for 0.37 acres in Palm Beach County
- Release of District canal and road reservations for Avanti 10, LLC, a Florida limited liability company, (File No. 18602) for 2.27 acres in Miami-Dade County
- Release of District mineral reservations for Teresa Brosseit, a single woman, (File No. 18603) for 1.85 acres in Palm Beach County
- Release of District canal reservations for Boynton Beach Associates XXVI, LLLC, a Florida limited liability limited partnership , (File No. 18605) for 0.140 acres in Palm Beach County
- Release of District canal reservations for Standard Pacific of Florida GP, Inc., a Florida corporation, (File No. 18606) for 5.00 acres in Palm Beach County
- Release of District canal and road reservations, and issuance of a non-use commitment for IT 710, LLC, a Florida limited liability company, (File Nos. 18566 and NUC 1659) for 1.08 acres in Martin County

16. **Resolution No. 2014 - 1102** Approve declaring surplus up to 0.79 acres, more or less, of fee title, subject to a reserved perpetual canal right of way easement, in exchange for a perpetual access and boat launch easement to the C-10 Right of Way, located in Section 33, Township 50 South, Range 42 East, C-10 Project, Broward County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (FOLM, Kathy Massey, ext. 6835)

Summary:

The Applicants are requesting the District convey a fee owned portion of the C-10 right of way containing up to 0.79 acres, more or less, subject to a reserved perpetual canal right of way easement with respect to the canal portion of the subject parcel, in exchange for an access and boat launch easement to the C-10 right of way. Both parcels are located in Section 33, Township 50 South, Range 42 East, Broward County. The Applicants are constructing a training facility for the education and certification of crewmembers in life boat and rescue boat operation. The District does not currently have land based access to the overbank portion of the subject parcel to be conveyed to the Applicants.

The exchange will be subject to the following terms, conditions and requirements:

- a. The underlying fee owner shall convey to the District a perpetual access road and boat launch easement to the C-10 Right of Way in form, content and substance acceptable to the District, free and clear of all encumbrances, liens, and other objectionable matters.

- b. The Applicants shall provide to the District title assurance acceptable to the District confirming that the perpetual access road and boat launch easement to the C-10 is free and clear of all encumbrances, liens and other objectionable matters.
- c. The reserved perpetual canal right of way easement shall be in form, content, and substance acceptable to the District.
- d. Applicants shall comply with all applicable governmental (County and City) subdivision and platting ordinances in connection with the conveyance of the subject District parcel.
- e. The Applicant and/or Grantee of the subject District parcel to be conveyed, for itself and all subsequent owners, shall assume responsibility regarding the perpetual maintenance of the canal bank, in perpetuity.
- f. Applicants will provide a legal description and sketch for each instrument, subject to District review and approval.
- g. Applicants shall pay no less than appraised value for the surplus parcel. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District. Under no circumstances shall the District be obligated to pay any amount to the Applicants, even if the appraised value of the proposed exchange parcel exceeds the appraised value of the subject property to be surplus.
- h. The Applicant shall obtain all necessary permits from the District (including but not limited to Right of Way Occupancy Permits), Broward County, City of Dania Beach and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits. The District's review process for any required permits, including but not limited to Right of Way Occupancy Permits, will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.
- i. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (h.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than October 31, 2015.

The applicants have requested a right of entry/license agreement to be in place prior to the closing in order to commence implementation of the lifeboat training facility. The District shall grant to RJ Marina Holdings, LLC, a right of entry/license agreement to be in place prior to the closing in order to enable the applicants to commence implementation of a lifeboat training facility.

Staff Recommendation:

Approve the surplus of up to 0.79 +/- acres of fee title, subject to a retained perpetual canal right of way easement with respect to the canal portion of the subject parcel, located within the C-10 right of way in exchange for an access and boat launch easement, located in Section 33, Township 50 South, Range 42 East, Broward County, subject to satisfaction of certain terms, conditions and requirements.

17. **Resolution No. 2014 - 1103** Approve the acquisition of an Access Agreement, at no cost, over a portion of property owned by National Audubon Society at their Corkscrew Swamp Sanctuary to install and monitor a rain gauge, stage recorder and associated telemetry equipment in Collier County, Big Cypress Basin. (FOLM, Marcy Zehnder, ext. 6694)

Summary:

This Access Agreement will allow the District to install and monitor a rain gauge, stage recorder and associated telemetry equipment and to provide future routine and emergency maintenance of the equipment. The site is located on property owned by National Audubon Society at their Corkscrew Swamp Sanctuary in Collier County. This rain gauge, stage recorder, and associated telemetry equipment replaces similar equipment that had been on a seasonal trail that was often underwater and inaccessible. The location of this equipment is vital to monitor rainfall and water levels for the successful decision making and operation of the flood control system in the Big Cypress Basin. District and Corkscrew Swamp Sanctuary staff have reviewed and agreed upon the terms and location for this rain gauge, stage recorder and associated telemetry equipment. (See attached map) However, the District's rights under this proposed access agreement are subordinate and subject to National Audubon Society's right to terminate this proposed access agreement upon sixty (60) days written notice. While unlikely, the potential exists for the District to be required at a future date to remove and/or relocate this proposed rain gauge, stage recorder and associated telemetry equipment which would be at the District's expense.

Staff Recommendation:

Approve the acquisition of an Access Agreement, at no cost, over a portion of property owned by National Audubon Society at their Corkscrew Swamp Sanctuary to install and monitor a rain gauge, stage recorder and associated telemetry equipment in Collier County, Big Cypress Basin; providing an effective date.

18. **Resolution No. 2014 - 1104** Authorize a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 7,086.00 acres, more or less, of District lands in Polk County; providing an effective date. (FOLM, Ray Palmer, ext. 2246)

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District's current leasing policy under Section 140-10, § 6, District Policies Code, the District's Governing Board must approve a lessee's application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization: CAF, LLC for 7086

acres in Polk County with practices including livestock pipeline, water well, water facility, brush management and prescribed burning.

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

19. **Resolution No. 2014 - 1105** Authorize a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 288.39 acres, more or less, of District lands in St. Lucie County; providing an effective date. (FOLM, Ray Palmer, ext. 2246)

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District's current leasing policy under Section 140-10, § 6, District Policies Code, the District's Governing Board must approve a lessee's application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization: Jeana and Robert D. Driggers for 288.39 acres in St. Lucie County for practices including brush management, fence, heavy use area protection, herbaceous weed control, livestock pipeline, structure for water control, watering facility.

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

20. **Resolution No. 2014 - 1106** Authorize a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 1,321.83 acres, more or less, of District lands in St. Lucie County; providing an effective date. (FOLM, Ray Palmer, ext. 2246)

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These

contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District's current leasing policy under Section 140-10, § 6, District Policies Code, the District's Governing Board must approve a lessee's application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization: Diamond 3 Cattle Company, LLC for 1321.83 acres in St. Lucie County for practices including brush management, fence, livestock pipeline, water well, watering facility, and pumping plant.

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

21. **Resolution No. 2014 - 1107** Authorize entering into a 160 day contract with JMS Construction Services, Inc., the lowest responsive and responsible bidder, for the STA 1W Test Cell Refurbishment Soil Replacement project, for a total amount of \$643,821.00, for which ad valorem funds are budgeted in FY15. (OEC, John Mitnik, ext. 2679)

Summary:

The STA 1W Test Cell Refurbishment Soil Replacement ties into the Restoration Science Study - Evaluation of Impacts of Deep Water Inundation Pulses on Cattail Sustainability (Cattail Study) identified in the Restoration Strategies Regional Water Quality Plan in Palm Beach County, Florida. This refurbishment is necessary to provide proper soil for successfully implementing the Cattail Study, which will be conducted within a subset of the existing northern test cells. The Cattail Study is to investigate and increase the understanding of critical factors that may influence phosphorous treatment performance. It will work in conjunction with the existing Everglades Stormwater Treatment Areas (STAs) to meet the WQBEL parameters.

The project is located in the northeasterly corner of STA 1W and consists of removal of some of the existing soil to achieve evenly graded subsurface and the addition of well mixed fresh soil in all fifteen (15) of the northern test cells in STA 1W.

Staff Recommendation:

Staff recommends approval to enter into a 160 day contract in the amount of \$643,821.00 with JMS Construction Services, Inc., the lowest responsive and responsible bidder, for the construction of the STA 1W Test Cell Refurbishment Soil Replacement.

22. **Resolution No. 2014 - 1108** Approving amending Contract 4600002805 with Telvent USA LLC, a Schneider Electric Company, for continuing long term maintenance of the Water Management Supervisory Control and Data Acquisition (SCADA) System software such that the contract be extended through November 30, 2017 and the Contract not-to-exceed amount increased by \$602,706.00 for which \$142,580.00 in ad valorem funds which are budgeted in FY15 and the remainder subject to Governing Board approval of the FY16 through FY18 budgets. (OEC, Jeff Kivett, ext. 2680)

Summary

The SFWMD utilizes Telvent (a Schneider Company) OASyS software as the Supervisory Control and Data Acquisition (SCADA) software to remotely monitor and/or control the 16 county wide Water Management System including Storm Water Treatment Areas; the original Central and Southern Flood Control System; and other hydraulic, hydrological and meteorological data collection sites. Due to the proprietary nature of the software, the District has, since 2002, entered into contractual relationships with Telvent USA LLC for ongoing maintenance of the system. The current maintenance contract with Telvent USA LLC is active through June 16, 2015 with remaining not-to-exceed amount of \$10,121.31. The proposed Contract amendment extends the maintenance contract (4600002805) through November of 2017 and increases the not-to-exceed amount by \$602,706.00.

This action is critical in maintaining the SCADA Software until its successor is placed into service. The SCADA software replacement project that effectively replaces the existing SCADA Software through a competitive process is scheduled to coincide with the end dates of the Telvent USA LLC contracts as amended by this action.

Staff Recommendation

Staff recommends approval of the 2-1/2 year contract extension and the \$602,706.00 increase in the not-to-exceed amount.

23. **Resolution No. 2014 - 1109** Authorize entering into a five-year cooperative agreement with Florida Fish and Wildlife Conservation Commission, for oyster monitoring in the Northern Estuaries on the Southeast coast of Florida in the amount of \$680,000 of which \$136,000 of ad valorem funds are budgeted for FY15; and the remainder is subject to Governing Board approval of the FY16-FY19 budgets. (Contract No. 4600003152) (WR, Barbara Welch, ext. 2483)

Summary

This five-year contract with Florida Fish and Wildlife Conservation Commission is to continue and refine the long-term monitoring program for oysters (*Crassostrea virginica*) in the Northern Estuaries, Southeast Coast of Florida by collecting basic biological information, measuring the health, status and density of living oysters in the St. Lucie River and Estuary and Loxahatchee River. The biological information collected (size, growth, survival, reproduction), and measures of health status (disease) on living oysters are to be conducted at five locations within the St. Lucie Estuary and Loxahatchee River. This project is directly linked to the monitoring or research component identified in the Comprehensive Everglades Restoration Program (CERP) / REstoration COordination and VERification (RECOVER) Northern Estuaries module of the Monitoring and Assessment Program (MAP). Currently there is \$136,000 budgeted for FY15 with an additional \$544,000 to be allocated for FY16-19 per annual budget approval.

Staff Recommendation

Staff recommends approval of this contract.

24. **Resolution No. 2014 - 1110** Authorize entering into a three year agreement with Presidio Technology Capital LLC for the financing of Cisco Systems hardware and software maintenance, using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS, in the amount of \$612,460 for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets. (AS, Doug Bergstrom, ext. 6214)

Summary

In September 2014, the Governing Board approved a one year purchase order for Cisco Systems hardware and software maintenance. The Information Technology Bureau negotiated a revised quotation with Presidio Technology Capital LLC, an authorized Cisco Systems reseller, offering a substantial savings for a three year agreement. This request is to approve a three year agreement for the financing of Cisco Systems hardware and software maintenance with Presidio Technology Capital LLC, resulting in an estimated \$233,000 savings over the three year period. The three year total is \$612,460. The time period for support is December 1, 2014 through November 30, 2017 and will be procured from Presidio Technology Capital LLC using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS.

Staff Recommendation

Staff recommends approving a three year agreement with Presidio Technology Capital LLC for Cisco Systems network hardware and software maintenance, for the time period December 1, 2014 - November 30, 2017, using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS, in the amount of \$612,460 for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets.

25. **Resolution No. 2014 - 1111** Authorizing a settlement agreement in the amount of \$95,000.00, plus \$11,550.00 for statutory attorney's fees and \$9,750.00 for expert fees and costs, for which dedicated funds (Florida Forever Trust Fund) are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 005-012 – LW Mayhood Trust), within the designated boundaries of the Southern Corkscrew Regional Ecosystem Watershed ("Critical Crew") project, styled South Florida Water Management District v. LW Mayhood Trust, et al., filed in the 20th Judicial Circuit, Lee County, Florida, Case No. 11-CA-002070. (OC, Edward L. Artau, ext. 6431)

Summary

Since April of 2001, the South Florida Water Management District ("District") has been involved in numerous eminent domain (condemnation) actions to carry out the Critical CREW Project authorized by Section 373.1501, Florida Statutes. The District had previously determined that Tract No. 005-012 (5 acres), owned by LW Mayhood Trust, was needed for the Critical Crew Project, and therefore obtained an Order of Taking on October 5, 2011, and took ownership of the tract upon making its good faith deposit on October 7, 2011, as part of its quick take proceeding. A proposed settlement of this eminent domain action was reached that would complete condemnation of this tract for the Critical CREW Project in the amount of \$95,000

(39.71% over the District's appraised value of \$68,000.00), plus statutory attorney's fees of \$11,550.00 and expert fees and costs of \$9,750.00.

Staff Recommendation

Staff recommends approval. The proposed settlement would complete condemnation of 5 acres needed for the Critical CREW Project in Lee County in the amount of \$95,000.00 (39.71% over the District's appraised value of \$68,000.00), plus statutory attorney's fees of \$11,550.00 and expert fees and costs in the amount of \$9,750.00. The District previously deposited \$60,000 on October 7, 2011, as part of its quick take proceeding. The District would therefore need to make a net additional deposit of \$56,300.00 upon approval. This settlement resolves all claims for compensation from the District, avoiding the uncertainties associated with a jury trial, and the District's expenditure of funds to pay both the District's and the property owner's additional legal costs associated with a jury trial.

26. **Resolution No. 2014 - 1112** Authorize submittal of the proposed 2015 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(2), Florida Statutes. (WR, Don Medellin, ext. 6340)

Summary

Florida law (Section 373.042(2), Florida Statutes) requires the water management districts to submit a list and schedule annually to the Florida Department of Environmental Protection (FDEP) which prioritizes water bodies for developing minimum flows and levels (MFL) and water reservations.

The 2015 Priority Water Body List and Schedule includes the ongoing evaluation of the Caloosahatchee River MFL and the Kissimmee Basin water reservation. The District will continue to collect data and evaluate new information for the Caloosahatchee River to assess the need to revise the existing Caloosahatchee River MFL. Additional evaluations and model development will also be performed. The Kissimmee Basin reservations will provide protection for fish and wildlife in the Kissimmee Chain of Lakes, the Kissimmee River and its floodplain in the central Florida region.

Staff Recommendation

Staff recommends approval of this resolution authorizing the submission of the 2015 Priority Water Body List to the FDEP for review and approval.

27. Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and authorize review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapter 40E-3, F.A.C., to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references. (REG, Kellie Madison, ext. 6906)

Summary:

The District is proposing to update its water well rules to include a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt

updated rules of the Department of Environmental Protection, and update rule references.

Staff Recommendation:

Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and authorize review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapter 40E-3, F.A.C., to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references.

28. Authorize publication of a Notice of Rule Development in the Florida Administrative Register to amend Chapters 40E-1, 40E-4, 40E-41, and the “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District,” and request review from the Office of Fiscal Accountability and Regulatory Reform, to make minor changes through the Statewide Environmental Resource Permitting Phase II rulemaking process. (REG, Anita Bain, ext. 6866)

Summary

The Department of Environmental Protection (DEP) is currently in rulemaking to amend the Statewide Environmental Resource Permit rules found in Chapter 62-330, Florida Administrative Code (F.A.C.), and Environmental Resource Permit Applicant’s Handbook Volume I: General and Procedural. The District is proposing minor amendments to its environmental resource permitting rules found in Chapters 40E-1, 40E-4, 40E-41, and the “Environmental Resource Permit Applicant’s Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District.” These minor changes include renaming and uploading maps in Chapter 40E-41, F.A.C., correcting dates of listed forms, deleting a reference to Noticed General Permit, clarifying incorporation language, and adopting amended rules of DEP in Chapter 62-330, F.A.C..

Staff Recommendation

Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapters 40E-1, 40E-4, 40E-41, F.A.C. and the “Environmental Resource Permit Applicant’s Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District,” to make minor changes to rename and upload maps, correct dates of listed forms, delete a reference to Noticed General Permit, clarify incorporation language, and adopt amended rules of the Florida Department of Environmental Protection in Chapter 62-330, F.A.C.

29. Board Vote on Consent Agenda
30. General Public Comment
31. Board Comment

Discussion Agenda

32. Technical Reports
- A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)
- B) Moving Water South - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)
- C) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)

33. Operations Maintenance & Construction Update - Karen Estock, Division Director, Field Operations & Land Management Division (ext. 6282)

Summary:

This is a first in a series of OMC presentations that will be made over the next 3-4 months to the Governing Board.

This presentation (November) will cover our field infrastructure including: pump stations, water control structures, navigation locks, canals, levees, field stations and District Lands. In addition, it will show the increase of the District's Infrastructure from 1999 through 2014, and how the focus of infrastructure operations have changed, to include water quality, water supply and environmental restoration. The presentation will briefly highlight OMC's organizational structure and an overview of OMC's portion of the FY15 budget.

Staff Recommendation:

This item is for information only; no action is required.

34. Approval of Inspector General's Audit Report and Audit Plan - Tim Beirnes, Inspector General (ext. 6398)

Summary

- Approval of Inspector General's Audit Report - Audit of Dispersed Water Management Program
- Approval of Proposed Audit Plan for Fiscal Year 2015

Staff Recommendation

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports. Inspector General recommends approval of the Audit of Dispersed Water Management Program.

The Audit and Finance Committee Charter provides for the Board's review and approval of the Office of Inspector General's annual work plan. Inspector General recommends approval of the Proposed Audit Plan for FY 2015.

35. **Resolution No. 2014 - 1113** Authorizing an eighteen (18) month agreement with Collier County in an amount not to exceed \$1,250,000 for the construction of Lely Area Stormwater Improvement Project (LASIP) County Barn Road, for which dedicated Big Cypress Basin ad valorem funds are budgeted; providing an effective date. (BCB, Lisa Koehler, ext. 7603)

Summary

Since FY06, the District has provided financial assistance to local governments within the Big Cypress Basin for flood control, natural system restoration, water quality improvement, and alternative water supply projects that meet objectives of the Big Cypress Basin Strategic Plan. This item is being brought before the Governing Board for authorization by resolution to enter into an eighteen-month cost share agreement with Collier County, which has requested financial assistance for the County Barn Road portion of the Lely Area Stormwater Improvement Project (LASIP).

LASIP is a comprehensive stormwater system for an 11,135-acre area of East Naples. It contains two major outfall features, the Lely Main Canal and the Lely Manor Canal, which discharge to the Rookery Bay National Estuarine Research Reserve, a 110,000-acre mangrove estuary and Class II Outstanding Florida Waters. The County's overall project cost for LASIP is over \$60M, of which, the District has provided approximately \$6.7 million. The County Barn Road portion is integral to the rest of the project and the proposed stormwater conveyance system improvements will provide additional flood protection for the LASIP drainage area and improve the quality of stormwater entering Rookery Bay. The estimated total project cost for this phase of the LASIP County Barn Road is approximately \$5 million.

Staff Recommendation

Staff recommends execution of an eighteen-month Agreement (4600003145) that will provide up to \$1,250,000 or 25% of actual eligible project costs, whichever is less, to Collier County for LASIP County Barn Road.

36. **Resolution No. 2014 - 1114** Authorize declaring Surplus District Tract No. JE10E-083, containing 6.56 acres, more or less, located in Martin County, Florida; Entering into Cooperation Agreement with Florida Power & Light Company (FPL) to convey to FPL, for consideration of \$50,000, a substation utility easement over District Tract No. JE10E-083, with option to acquire fee title, and a drainage easement over District Tract JE10E-076, containing 0.88 acres, more or less, to enable FPL to power the C-44 Reservoir and Stormwater Treatment Area Project; Entering into a Transmission Line Right of Way Consent Agreement with FPL for the District's use of FPL's Transmission Line Right of Way for C-44 Project purposes, with a contingent liability in the amount of not to exceed \$5,000,000, of which \$1,000,000 of ad valorem funds are budgeted in FY15 and the remainder is subject to Governing Board approval in future fiscal year budgets. (Contract Nos. 4600003164 and 4600003165) (OEC, John Mitnik, ext. 2679)

Summary:

The District is implementing the C-44 Reservoir and Stormwater Treatment Area Project (C-44 Project) in Martin County on approximately 12,000 acres of land. Florida Power & Light Company (FPL) will be supplying permanent power to the Project. In order to facilitate the timely provision of power, FPL will need to acquire from the District (1) a substation utility easement over Tract No. JE10E-083,

containing 6.56 acres, more or less, as identified on attached Exhibit "A", with FPL's option to acquire fee title, and (2) a drainage easement over Tract No. JE10E-076, containing 0.88 acres, more or less, as identified on Exhibit "A". FPL will pay as consideration \$50,000 which is the appraised value. The Cooperation Agreement provides for the transfer of these land interests to FPL. FPL will then construct, at its expense, a power substation distribution facility on the land to service the Project and any other third party customers. Since FPL has the option to acquire the fee title to Tract No. JE10E-083, the Governing Board will need to declare this Tract as surplus.

Additionally, the District will need to install canals and other improvements within FPL's Transmission Line Right-of-Way within the C-44 Project area. FPL is an easement holder with express rights of consent prior to any alteration or excavation within the approximately 12 miles of FPL Right-of Way as depicted in the attached Exhibit "B". FPL's consent is required for District use of the FPL Right-of-Way and is a condition of the Cooperation Agreement. Under the Right-of-Way Consent Agreement, FPL approves the District's plans and specifications for improvements within the FPL Right-of-Way, and once the Project is operational, the District has a contingent liability to reimburse FPL for mitigation measures taken due to unacceptable increases in bird outages at the transmission lines within the vicinity of the C-44 Project area, with a maximum total exposure not to exceed \$5 Million. The District's will encumber \$1 Million in ad valorem funds for this contingency in the current Fiscal Year, and the \$4 Million balance is subject to the future fiscal year appropriation by the Governing Board.

Staff Recommendation:

Staff recommends (1) declaring surplus District Tract No. JE10E-083, containing 6.56 acres, more or less, as identified on attached Exhibit "A," and (2) entering into the Cooperation Agreement and Right-of-Way Consent Agreement with FPL for the benefit of the C-44 Project.

37. **Resolution No. 2014 - 1115** Authorize entering into a 490 day contract with ENCO LLC, the lowest responsive and responsible bidder, for the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project, in the amount of \$1,758,000, for which \$1,300,000 in ad valorem funds are budgeted in FY15, and the remainder is subject to Governing Board approval of the FY16 budget; providing an effective date. (Contract number 4600003169) (OEC, John Mitnik, ext. 2679)

Summary:

The C-4 Canal conveys storm water by gravity from west to east along its entire length and discharges through control structure S-25B to the C-6 Canal (Miami River), which flows into Biscayne Bay. The C-4 Canal drainage system, as originally constructed, was not designed to accommodate the runoff produced from the high level of development that has occurred to support the population currently residing in the low-lying C-4 Basin. In response to the widespread flooding in the C-4 Basin during Hurricane Irene in 1999 and an unnamed storm in 2000, water managers from the District and other local governmental agencies created the C-4 Canal Flood Protection Project. As a part of the C-4 Canal Flood Protection Project, the District will construct flood protection berm and wall in phases along the C-4 Canal through sections of City of Sweetwater and unincorporated Miami-Dade County.

The objective of the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project is to construct 5,196 linear feet of earthen berm along the north bank of

the C-4 Canal between SW 97th Avenue and SW 107th Avenue in conformance with the larger picture C-4 Flood Protection Project. The improved canal bank will provide flood protection up to elevation 8 feet NGVD29 along this segment of the C-4 Canal.

Staff Recommendation:

Board approval is requested at the November Governing Board meeting. Not implementing C-4 Canal Bank Improvements Sweetwater Project would result in non-fulfillment of the District's agreement to the C-4 Flood Protection Project and the C-4 Memorandum of Understanding (MOU) adopted at the March 2013 Governing Board. The successful implementation and operation of the MOU is contingent of the C-4 improvements including, but not limited to, the various canal bank improvement projects.

38. General Public Comment

Staff Reports

39. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
40. General Counsel's Report - Edward Artau
41. Executive Director's Report - Blake Guillory
Report of permits issued by authority delegated to the Executive Director from October 1-31, 2014.
42. Board Comment

Attorney Client Sessions

43. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, M. Peterson, J. Moran, D. O’Keefe, J. Portuondo, K. Powers; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky. (Edward L. Artau, ext. 6431)

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

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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. (Edward L. Artau, ext. 6431)

44. Attorney Client Session - FEMA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, M. Peterson, J. Moran, D. O’Keefe, J. Portuondo, K. Powers; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky. (Edward L. Artau, ext. 6431)

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

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Edward L. Artau, ext. 6431)

45. Adjourn

November Employee of the Month
Kevin Rodberg – Section Leader
Resource Evaluation Section
Water Resources Division

Kevin is recognized for his work in support of the Central Florida Water Initiative (CFWI), an interagency and multi-stakeholder group charged with planning for the water resource needs of Central Florida. Recognizing that established minimum flows and level water bodies are obvious water resource constraints when evaluating the effects of groundwater withdrawals, the CFWI also recognizes that wetlands are equally important water resources that require evaluation and protection.

An elaborate spreadsheet was developed to statistically analyze the results of groundwater modeling output with respect to wetlands. With the original author unavailable to assist for this phase of the program, Kevin developed an understanding of the rationale, formula, criteria and desired output format. He then created an innovative program that facilitated near-instantaneous analysis and output once each model run was completed, a task that formerly took 8 hours. This more efficient method also provided greater ability to evaluate the results and display the information in a form more convenient to the wetland scientists charged with data interpretation.

Kevin's high degree of technical expertise and his willingness to go above and beyond resulted in the delivery of a program that is invaluable to meet the water resource needs of the Central Florida region.

Congratulations, Kevin!

**November Team of the Month
FEMA Reimbursement Team
Representing Office of Counsel, Administrative Services and Operations,
Engineering and Construction Divisions**

Terri Bennett

Kirk Burns

Alyce Carelli

Abe Cooper

Lucine Dadrien

Chris Fleirl

Charron Follins

Jose Guardiario

Carlyn Kowalsky

Frank Mendez

Jim Nutt

Rufino Osorio

Rupa Pandit

Joyce Rader

Nancy Stetler

William Sutton

In September 2012, FEMA took back \$21.7 million in funds given to the District to repair canals damaged by the hurricanes of 2004 and 2005. Immediately, the Office of Counsel along with a team of professionals from the engineering and finance departments sprang into action to put together a case for appeal of FEMA's action. Staff painstakingly analyzed laws, regulations and processes governing FEMA grants. They sorted through massive amounts of documents including FEMA worksheets, payment systems, internal policies, audit procedures, engineering regulations and laws.

Uncovering entries by FEMA personnel stating that the projects had been reviewed in depth by FEMA headquarters and were eligible for FEMA assistance, the team assembled this information along with District construction records, maps, and history and filed two appeals required under administrative laws. This effort took place over a two-year period intertwined with responses to audits from the Department of Homeland Security's Office of Inspector General.

After exhausting the administrative appeals process, the litigation team took over and filed an action in Federal court. They undertook the task of organizing the nearly 5,000 page administrative record to be reviewed by the court. The lawyers scrutinized case law and congressional records and submitted briefs and memoranda of law along with key factual stipulations from FEMA.

In September, 2014, the Court ultimately ruled in the District's favor. This legal victory resulted in a \$3 million refund from FEMA and eliminates the need for the District to repay FEMA roughly \$15 million. Congratulations, Team!

25-Year Service Recognition
John Leslie – Lead Environmental Analyst
Permit Acquisition and Compliance Section
Office of Everglades Policy and Coordination

John began his career in November 1989 as a Project Administrator for the Construction Management Department. He coordinated and negotiated with engineering consultants and environmental regulatory agencies to obtain regulator approvals for the District's Capital Improvement Program.

Adept at obtaining environmental and building permits for the District's Capital Improvement Program, John was promoted to Project Manager. He was responsible for managing the District's fuel tank replacement program (\$2.5 million in construction), managed various small construction projects and was the Task Leader for the development of the District's canal inspection program.

John was also involved in the C-4 Flood Mitigation program and coordinated with state and federal agencies to secure funding through FEMA's Hazardous Mitigation program in completing the C-4 Impoundment in Sweetwater. In John's current position, he obtains environmental and building permits for Capital and Restoration Projects.

John is a certified Project Management Professional (PMP) and is a member of the Florida Association of Environment Professionals (FAEP). Congratulations, John, for 25 years of outstanding service!

30-Year Service Recognition
Rick Miessau – Section Leader
Hydrologic and Environmental Systems Modeling Section
Operations, Engineering and Construction Division

Rick was hired in the Water Resources Division in November 1984 with an A.S. degree in Oceanography. While working fulltime, he earned two more degrees, an A.S. in Engineering and a B.A. in Information Management, and obtained Project Management Professional Certification. Throughout his tenure, Rick has held various technology positions supporting modeling activities and data management

Known as an innovator, Rick was instrumental in developing the District's first website as well as computer animations and cloud computing. The agency's first webcam was called the RICKCAM. An icon for cooperation and teamwork, he enthusiastically provides assistance, shares knowledge and participates on new technology efforts that push the envelope. He is always looking for the newest technology and innovation to support the District's mission and has received numerous awards and recognition for these efforts. Today, Rick leads a team that helps optimize modeling efforts, develop processing utilities, analyze model output manage modeling data and administer the servers used to run the models.

Rick is also known for his boundless energy. He and his family are very active volunteers at home and abroad. They have led 12 groups to Honduras to work with orphans. He co-founded the non-profit, Water For Small Villages, Inc. and recently returned from Haiti where they retrofitted drinking wells. Congratulations, Rick!

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

| | | | | |
|--|--------------|----------------------|--|--|
| LAST NAME - FIRST NAME - MIDDLE INITIAL Gelber, Adam R. | | | OFFICE / POSITION HELD Member | 2:08 pm, Nov 04, 2014 |
| MAILING ADDRESS 2001 NW 107th Avenue | | | AGENCY OR ADVISORY BOARD SFWMD WRAC | SOUTH FLORIDA WATER MANAGEMENT DIST |
| CITY Doral | ZIP 33172 | COUNTY Miami-Dade | ADDRESS OF AGENCY 3301 Gun Club Road, West Palm Beach | |

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - Supplying the following realty, goods, and/or services: Contract 4600002317: OMRR&R
 - Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency:

Atkins North America, Inc
- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets of capital stock in such business entity; Employee; Contractual relationship with the business entity;
 - Other, please describe:

Attachment: Form4a_Gelber WRAC_4600003095 (2178 : Waivers for Water Resource Advisory Commission (WRAC) members pursuant to

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.
- The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

- The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY) (ADDRESS OF ENTITY)
- The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets or capital stock in such business entity; Employee; Contractual relationship with the business entity;
 - Other, please describe:

SIGNATURE

| SIGNATURE | DATE SIGNED | DATE FILED |
|---|------------------|------------------|
|  | November 4, 2014 | November 4, 2014 |

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Attachment: Form4a_Gelber WRAC_4600003095 (2178 : Waivers for Water Resource Advisory Commission (WRAC) members pursuant to

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
November 13, 2014

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| I DENIALS | |
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| II CONSENT ORDERS | 2 |
| III CONSERVATION EASEMENT AMENDMENTS AND RELEASES | 3 |

REGULATION AGENDA ITEMS

PERMIT DENIAL: Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

Environmental Resource (ERP): Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

Surface Water Management: Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

Water Use: Permits for the use of ground and/or surface water from wells, canals, or lakes.

Lake Okeechobee Works of the District: Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

EAA Works of the District: Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

Wetland Resource: Permits for dredge and fill activities within Waters of the State and their associated wetlands.

ADMINISTRATIVE HEARING: A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

FINAL ORDER: The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

CONSENT ORDER: A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

CONSERVATION EASEMENT: A perpetual interest to the District in real property that retains land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and retains such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S.

TECHNICAL DENIAL: This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

EMERGENCY ORDER and AUTHORIZATION: An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

MEMORANDUM OF AGREEMENT/UNDERSTANDING: A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

PETITION: An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

SEMINOLE TRIBE WORK PLAN: The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

SITE CERTIFICATIONS: Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA: The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.

HENDRY COUNTY

1. HENDRY VENTURE MINE NO 1
COCOPLUM HOLDINGS, LLC
SEC 11 TWP 43S RGE 31E

APPL. NO. 061113-7
PERMIT NO. N/A
ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE
WATER SOURCE: UNKNOWN
ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE
APPLICATION

LAST DATE FOR BOARD ACTION: NOVEMBER 13, 2014

Attachment: ca_reg_rm_100_sd (II) (2147 : Regulatory Consent Agenda)

1. RESPONDENT: SUNSET TRAILS, LLC
PROJECT: NINE MILE GROVE

SEC 3-5, 8,9 TWP 37S RGE 33E HIGHLANDS COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

2. RESPONDENT: HICKORY TREE, LLC
PROJECT: ALTMAN FISHERY

SEC 29 TWP 26S RGE 31E OSCEOLA COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT
CONDITIONS DUE TO UNPERMITTED OFF-SITE DISCHARGE INTO ALLIGATOR LAKE

3. RESPONDENT: KENNETH HYATT
PROJECT: HYATT FARMS

SEC 2 TWP 31S RGE 31E OSCEOLA COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED CONSTRUCTION AND
OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM

Attachment: ca_reg_rm_100_sd (II) (2147 : Regulatory Consent Agenda)

-
- 1. PERMITTEE: B R 24, LLC
 - PROJECT: B R 24

MARTIN COUNTY

APPROVE ACCEPTANCE OF A DEED OF CONSERVATION EASEMENT WITH THIRD PARTY BENEFICIARY RIGHTS TO THE U.S. ARMY CORPS OF ENGINEERS (USACE) OVER AN AREA CONTAINING APPROXIMATELY 1.27 ACRES, WHICH INCLUDES THREE ISOLATED WETLANDS (0.2, 0.05 AND 0.1 ACRES) ALONG WITH A 50 FOOT UPLAND BUFFER AREA AND WHICH THE U.S. ARMY CORPS OF ENGINEERS HAS REQUESTED THE APPLICANT PRESERVE THROUGH A MINOR PERMIT MODIFICATION OF ERP PERMIT NO. 43-02569-P.

-
- 2. PERMITTEE: DEERFIELD LAND CORPORATION
 - PROJECT: LOT 8 MULTI FAMILY

OSCEOLA COUNTY

APPROVE RELEASE OF A 5.931 ACRE PORTION OF A 65.536 ACRE EXISTING CONSERVATION EASEMENT INCLUDING 5.43 ACRES OF UPLAND CONSERVATION AND 0.675 ACRES OF UPLAND BUFFER WITHIN A PROJECT KNOWN AS OSCEOLA CORPORATE CENTER - LOT 8 MULTI-FAMILY IN OSCEOLA COUNTY. THE APPLICANT IS REQUESTING THE RELEASE TO ALLOW FOR SUFFICIENT STORMWATER TREATMENT FACILITIES AND GRADING TO ELEVATE TH SITE FOR DEVELOPMENT. A PERMIT MODIFICATION (APPLICATION NO. 140806-6) HAS BEEN SUBMITTED THAT INCLUDES PROPOSED MITIGATION IN THE FORM OF PURCHASE OF 0.68 FRESHWATER FORESTED UMAM CREDITS FROM HATCHINEHA RANCH MITIGATION BANK; REPLANTING TH 0.675 ACRES OF DISTURBED UPLAND BUFFERS. APPROXIMATELY 59.431 ACRES OF THE ORIGINAL CONSERVATION EASEMENT AREAS WILL REMAIN WITH: 47.345 ACRES OF WETLANDS; 2.895 ACRES OF WETLAND BUFFER; 9.191 ACRES OF UPLANDS.

Attachment: ca_reg_rm_100_sd (II) (2147 : Regulatory Consent Agenda)

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**RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL
November 13, 2014**

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| I RIGHT OF WAY OCCUPANCY NEW PERMITS: | |
| Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for approval. | 2 |
| II RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA: | |
| Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule. | 3-6 |

Attachment: 2014 November GB Agenda ROW (2) (2170 : Right of Way Regulatory Consent)

RIGHT OF WAY OCCUPANCY NEW PERMITS

1. MMM NORTHWEST 37, LLC
COUNTY: MIAMI-DADE

Permit Number: 14362
Appl No.: 14-0714-1
Easement

AUTHORIZING:
PORTIONS OF AN EXISTING YACHT STORAGE FACILITY CONSISTING OF ALUMINUM HANGERS, MARGINAL DOCKS, FINGER PIERS, BULKHEAD AND UTILITY SERVICES WITHIN THE NORTH RIGHT OF WAY OF C-4 LOCATED IMMEDIATELY EAST OF NW 37TH AVENUE.

Attachment: 2014 November GB Agenda ROW (2) (2170 : Right of Way Regulatory Consent)

PETITION FOR WAIVER OF DISTRICT CRITERIA

Consideration of a request by **Barbara Smith and Frankie Hendrix** (Application Number 14-0714-2, Permit Number 14335), for issuance of Right of Way Occupancy Permit and waiver of the District's criteria for an existing wood deck, storage shed and wood pagoda located within the west right of way of the Golden Gate Main Canal. Location: Collier County, Section 31, Township 49 South, Range 28 East.

The applicant requests a waiver of the District's criteria which govern the placement of permanent/semi-permanent above ground facilities within 40 feet of the top of the canal bank. The applicant asserts that imposition of the District's criteria would create a "substantial hardship" and violate "principle of fairness" due to a financial burden and the fact that there are similar encroachments within this reach of the Golden Gate Main Canal. The existing deck, shed and pagoda encroach approximately 6 feet into the District's overbank right of way, which is only 10-12 feet wide at the site. The existing width is inadequate for land based maintenance activities and this canal is maintained from the water. As such, the District's Operations, Maintenance and Big Cypress Basin has determined that the existing facilities will not significantly interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 40, Number 178* of the *Florida Administrative Register* on September 12, 2014.
(Agreement)

PETITION FOR WAIVER OF DISTRICT CRITERIA

Consideration of a request by the **City of Port St. Lucie** (Application Number 14-0904-1M) for issuance of a Modification to Right of Way Occupancy Permit Number 13433 and waiver of the District's criteria to allow placement of an additional pavilion within the City's previously permitted park project located within the northerly right of way of the C-24 Canal immediately west of the Southbend Boulevard bridge. Location: St. Lucie County, Section 16, Township 37, South, Range 40 East.

The applicant's request for waiver of the District's criteria which governs the requirement of an unencumbered 40 foot right of way as measured from top of bank landward within Works or Lands of the District is based on substantial hardship. The applicant asserts that it would be costly for the City to re-design its plans and the developable area is limited by available uplands for the pavilion. The proposed pavilion will encroach approximately 22 feet into the right of way and be 28 feet from the top of bank. Additionally, as part of the existing permit for the park, the applicant has assumed full responsibility for ongoing maintenance of the District's right of way and side slopes within the project limits. As such, the District's Operations, Maintenance and Construction staff has determined that the proposed structure will not interfere with the District's ability to perform necessary construction, alteration, operation and maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S. notice of the petition was provided to the Department of State and was published in *Volume 40, Number 175* of the *Florida Administrative Register* on *September 10, 2014*. No Public comments were received.

Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 13433 and **approval** of the petition for Waiver of the District's criteria which governs the requirement of an unencumbered 40 foot right of way as measured from top of bank landward within Works or Lands of the District.
(Easement)

PETITION FOR WAIVER OF DISTRICT CRITERIA

Consideration of a request by the **Florida Department of Transportation** (Application Number 14-0821-1M) for issuance of a Modification of Right of Way Occupancy Permit Number 9243 and waiver of the District's criteria for the proposed widening of the previously authorized I-75 pile supported bridges (north & south bound) crossing the Golden Gate Main Canal. Location: Collier County, Section 29, Township 49 South, Range 26 East.

The applicant's request for a waiver of the District's criteria, which govern low member elevation for bridge crossings located within Works or Lands of the District, is based on "substantial hardship." The scope of work involves the widening of I-75 from four to six lanes crossing the Golden Gate Main Canal. The existing crossing, consisting of two separate two-lane bridges, does not comply with the District's current criteria for low member elevation. The applicant seeks to add one lane to each existing span, using the same design as the original existing bridges. Consequently, the additions to the bridges will not comply with the required low member elevation.

The applicant asserts that compliance with the District's criteria is not physically or financially feasible, because it would require that the entire existing bridge spans be reconstructed at a higher elevation. In addition, the approaches to the bridges would also need to be raised. Neither of these substantial expenses is budgeted, and the additional costs and delays in redesign would result in undue economic hardship. Raising the bridges would also compromise vehicle safety by shortening the distance of roadway visible to motorists. Approval of the waiver will not affect canal conveyance and will only impact the clearance for the District's waterborne maintenance activities. In this case the District's Operations, Maintenance and Big Cypress Basin staff has reviewed the project and determined that the proposed widening of the I-75 pile supported bridges (north & south bound) will not significantly interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 40, Number 168* of the *Florida Administrative Register* on August 28, 2014.

(Agreement)

PETITION FOR WAIVER OF DISTRICT CRITERIA

Consideration of a request by the **Clewiston Marina Inc.** (Application Number 14-0429-2, Permit Number 14359) for issuance of a Right of Way Occupancy Permit and waiver of the District's criteria to allow seven (7) existing water/electric/cable pedestals to remain; temporary recreational vehicle (RV)/trailer parking and the installation a fence situated 20 feet from the top of bank, running parallel to the C-21 canal, for that portion of the RV park associated with Clewiston Marina located within the southerly right of way of the C-21 canal. Location: Hendry County, Section 10, Township 43 South, Range 34 East.

The applicant requests a waiver of the District's criteria which governs the placement of permanent/semi-permanent above ground facilities within 40 feet of the top of the canal bank and generally prohibits parking within such area. The applicant asserts that the strict application of the criteria would impose a "substantial hardship" because the seven (7) pedestal hook-ups and temporary RV/trailer parking existed within the right of way when the applicant acquired the RV Park from Hendry County. Relocation of the pedestal hook-ups and prohibition of temporary parking would have a negative economic impact because RV parking spaces would have to be removed or the RV Park would have to be substantially redesigned. In addition, relocation of the pedestal hook-ups would be costly.

Based upon industry standards, the dimensions needed for a RV parking space within a campground is approximately 30 feet wide by 80 feet long. At Clewiston Marina, the spaces abutting the right of way measure 20 to 25 feet in depth, which barely accommodates the size of a medium sized camper. The applicant seeks to use approximately 17 feet of right of way for temporary RV parking, which extends the depth to 37 to 42 feet. This additional length will afford the applicant the ability to continue to use these parking spaces for a greater variety of RV's and allow for this component of the marina to remain commercially viable. The applicant will be required to install a fence to delineate the District's remaining 20 feet of clear unobstructed right of way for its operational needs.

The District's Operations, Maintenance & Construction Division has reviewed the project and determined that the existing and proposed improvements will not significantly interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 40, Number 193* of the *Florida Administrative Register* on October 3, 2014. No public comments were received.

Therefore, staff recommends **approval** of the issuance of a Right of Way Occupancy Permit Number 14359 and **approval** of the petition for waiver of the District's criteria which govern the placement of permanent/semi-permanent above ground facilities and generally prohibit parking within Works or Lands of the District.

(Easement)

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Release of Reservations

Summary:

The District has jurisdiction over 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, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Staff recommends approval of the following:

- Release of Trustees canal reservations for 410 Lake Osborne Drive, LLC, a Florida limited liability company, (File No. 9-14-3) for 0.37 acres in Palm Beach County
- Release of District canal and road reservations for Avanti 10, LLC, a Florida limited liability company, (File No. 18602) for 2.27 acres in Miami-Dade County
- Release of District mineral reservations for Teresa Brosseit, a single woman, (File No. 18603) for 1.85 acres in Palm Beach County
- Release of District canal reservations for Boynton Beach Associates XXVI, LLLC, a Florida limited liability limited partnership , (File No. 18605) for 0.140 acres in Palm Beach County
- Release of District canal reservations for Standard Pacific of Florida GP, Inc., a Florida corporation, (File No. 18606) for 5.00 acres in Palm Beach County
- Release of District canal and road reservations, and issuance of a non-use commitment for IT 710, LLC, a Florida limited liability company, (File Nos. 18566 and NUC 1659) for 1.08 acres in Martin County

Additional Background:

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contain the details and locations of the releases and non-use commitment to be approved and issued.

Core Mission and Strategic Priorities:

Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

Funding Source:

None; the reservations were acquired at no cost to the District.

Staff Contact and/or Presenter:

Kathy Massey, kmassey@sfwmd.gov <mailto:kmassey@sfwmd.gov>, 561-682-6835

MEMORANDUM - EXHIBIT "A"

File No.: 9-14-3
 Applicant: 410 Lake Osborne Drive, LLC, a Florida limited liability company
 Reserving Deed: TIITF 18548 (DB 606-104, 4/10/1940)
 Fee Paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 0.37 acres, more or less
 Legal Description: Lots 8 and 9, Block 6, REVISED PLAT OF BLOCKS 3, 4, 5, 6 AND 7 IN BUFFALO HEIGHTS, PB 21-62, Section 28, Township 44 South, Range 43 East
 Location: 410 Lake Osborne, Lake Worth, Palm Beach County
 Reviewed By: Lake Worth Drainage District; no internal routing due to size and land use

File No.: 18602
 Applicant: Avanti 10, LLC, a Florida limited liability company
 Reserving Deed: E-1078 (DB 2404-295, 7/17/1944)
 Fee Paid: \$250.00
 Action: Approve release of District canal and road reservations
 Acres: 2.27 acres, more or less
 Legal Description: Portion of Tract 33, MIAMI EVERGLADES LAND CO. LTD., PB 2-3, Section 29, Township 54 South, Range 39 East
 Location: South of SW 64th Street and west of SW 157 Place, Miami-Dade County
 Reviewed By: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade County

File No.: 18603
 Applicant: Teresa Brosseit, a single woman
 Reserving Deed: E-6628 (DB 845-375, 4/20/1948)
 Fee Paid: \$250.00
 Action: Approve release of District mineral reservations
 Acres: 1.85 acres, more or less
 Legal Description: Portion of Tract 10, Block 13, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 3, Township 44 South, Range 42 East
 Location: 281 Hidden Lane, West Palm Beach, Palm Beach County
 Reviewed By: No external or internal routing required for mineral releases

File No.: 18605
 Applicant: Boynton Beach Associates XXVI, LLLC, a Florida limited liability limited partnership
 Reserving Deed: T-2889 (DB 327-155, 12/15/1926)
 Fee Paid: \$250.00
 Action: Approve release of District canal reservations
 Acres: 0.140 acres, more or less
 Legal Description: Tract "B", HYDER AGR-PUD-PLATE ONE, PB 118-60, Section 30, Township 46 South, Range 42 East
 Location: West of Lyons Road, East of State Road 7, Delray Beach, Palm Beach County

Reviewed By: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Lake Worth Drainage District

File No.: 18606
 Applicant: Standard Pacific of Florida GP, Inc., a Florida corporation
 Reserving Deed: E-6581 (DB 838-197, 4/4/1948)
 Fee Paid: \$250.00
 Action: Approve release of District canal reservations
 Acres: 5.00 acres, more or less
 Legal Description: Tract 15, Block 50, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 17, Township 45 South, Range 42 East
 Location: East of Lyons Road, north of Boynton Beach Blvd., and west of Florida's Turnpike, Boynton Beach, Palm Beach County
 Reviewed By: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Lake Worth Drainage District

File Nos.: 18566 and NUC 1659
 Applicant: IT 710, LLC, a Florida limited liability company
 Reserving Deed: E-3527 (DB 33-503, 7/23/1945)
 Fee Paid: \$500.00
 Action: Approve release of District canal and road reservations, and issuance of non-use commitment
 Acres: 1.08 acres, more or less
 Legal Description: Portion of SW ¼ of the SW ¼ of Section 5, Township 40 South, Range 39 East
 Location: 15438 SW Warfield Blvd. (SR 710), Indiantown, Martin County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Florida Department of Transportation and Martin County
 Exception: Retain road reservations within 200 feet of the centerline of SR 710 (requested by Florida Department of Transportation)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1101

A Resolution of the Governing Board of the South Florida Water Management District approving release of canal, road and mineral reservations and issuance of a non-use commitment; providing an effective date.

WHEREAS, certain underlying landowners have requested that the South Florida Water Management District (District) release certain canal, road and mineral reservations, and issue a non-use commitment as to mineral reservations; and

WHEREAS, the District is empowered to grant such releases and non-use commitments pursuant to Section 373.096, Florida Statutes.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the release of canal, road and mineral reservations, and the issuance of a non-use commitment, as described in Resolution Exhibit "A", attached hereto and made a part hereof.

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

PASSED and ADOPTED this 13th day of November, 2014.

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

_____ Chairman

Attest:

Legal form approved:

By:

_____ District Clerk/Secretary

_____ Office of Counsel

Print name:

Release of Reservation Palm Beach County



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

Attachment: ca_om_200_Massey_GB_Nov14_9-14-3_smf (Resolution No. 2014 - 1101 : Release of

For copies of this map, file: \data\maps\ReleaseOfReservations\GS_Nov14_9-14-3_smf.mxd, created by af, contact the Real Estate Section.

Release of Reservation Miami-Dade County



Attachment: ca_om_200_Massey_GB_Nov14_18602_smf (Resolution No. 2014 - 1101 : Release of

For copies of this map: \\arc_data\maps\ReleaseOfReservations\GS_Nov14_18602_smf.mxd, created by a/c, contact the Real Estate Section.

Release of Reservation Palm Beach County



0 25 50 100 Feet

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Release of Reservation Palm Beach County



Attachment: ca_om_200_Massey_GB_Nov14_18606_smf (Resolution No. 2014 - 1101 : Release of

RESOLUTION - EXHIBIT "A"**RELEASE OF TRUSTEES CANAL RESERVATIONS:**

File No.: 9-14-3
 Applicant: 410 Lake Osborne Drive, LLC, a Michigan limited liability company
 Reserving Deed: TIITF 18548 (DB 606-104, 4/10/1940)
 Acres: 0.37 acres, more or less
 Legal Description: Lots 8 and 9, Block 6, REVISED PLAT OF BLOCKS 3, 4, 5, 6 AND 7 IN BUFFALO HEIGHTS, PB 21-62, Section 28, Township 44 South, Range 43 East
 Location: 410 Lake Osborne Drive, Lake Worth, Palm Beach County

RELEASE OF DISTRICT CANAL RESERVATIONS:

File No.: 18605
 Applicant: Boynton Beach Associates XXVI, LLLC, a Florida limited liability limited partnership
 Reserving Deed: T-2889 (DB 327-155, 12/15/1926)
 Acres: 0.140 acres, more or less
 Legal Description: Tract "B", HYDER AGR-PUD-PLAT ONE, PB 118-60, Section 30, Township 46 South, Range 42 East
 Location: West of Lyons Road, East of State Road 7, Delray Beach, Palm Beach County

File No.: 18606
 Applicant: Standard Pacific of Florida GP, Inc., a Florida corporation
 Reserving Deed: E-6581 (DB 838-197, 4/4/1948)
 Acres: 5.00 acres, more or less
 Legal Description: Tract 15, Block 50, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 17, Township 45 South, Range 42 East
 Location: East of Lyons Road, north of Boynton Beach Blvd., and west of Florida's Turnpike, Boynton Beach, Palm Beach County

RELEASE OF DISTRICT MINERAL RESERVATIONS:

File No.: 18603
 Applicant: Teresa Brosseit, a single woman
 Reserving Deed: E-6628 (DB 845-375, 4/20/1948)
 Acres: 1.85 acres, more or less
 Legal Description: Portion of Tract 10, Block 13, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 3, Township 44 South, Range 42 East
 Location: 281 Hidden Lane, West Palm Beach, Palm Beach County

RELEASE OF DISTRICT CANAL AND ROAD RESERVATIONS:

File No.: 18602
 Applicant: Avanti 10, LLC, a Florida limited liability company
 Reserving Deed: E-1078 (DB 2404-295, 7/17/1944)
 Acres: 2.27 acres, more or less

Legal Description: Portion of Tract 33, MIAMI EVERGLADES LAND CO. LTD., PB 2-3,
Section 29, Township 54 South, Range 39 East
Location: South of SW 64th Street and west of SW 157th Place, Miami, Miami-Dade
County

File No.: 18566
Applicant: IT 710, LLC, a Florida limited liability company
Reserving Deed: E-3527 (DB 33-503, 7/23/1945)
Acres: 1.08 acres, more or less
Legal Description: Portion of SW ¼ of the SW ¼ of Section 5, Township 40 South, Range 39
East
Location: 15438 SW Warfield Boulevard (SR 710), Indiantown, Martin County
Exception: Retain road reservations within 200 feet of the centerline of SR 710
(requested by Florida Department of Transportation)

ISSUANCE OF NON-USE COMMITMENT:

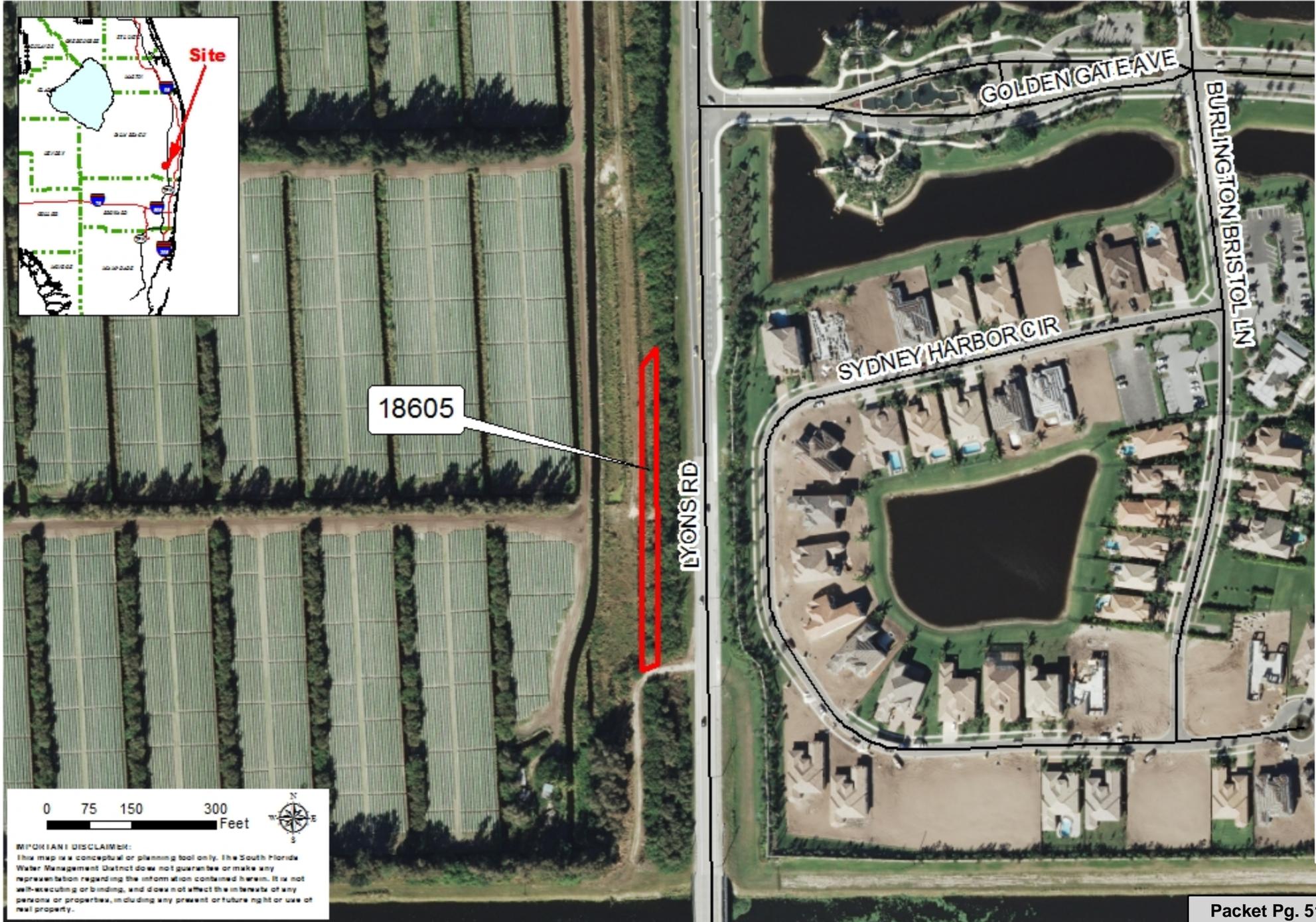
File No.: NUC 1659
Applicant: IT 710, LLC, a Florida limited liability company
Reserving Deed: E-3527 (DB 33-503, 7/23/1945)
Acres: 1.08 acres, more or less
Legal Description: Portion of SW ¼ of the SW ¼ of Section 5, Township 40 South, Range 39
East
Location: 15438 SW Warfield Boulevard (SR 710), Indiantown, Martin County

Release of Reservation Martin County



Attachment: ca_om_200_Massey_GB_Nov14_18566_NUC 1659_smf (Resolution No. 2014 - 1101 :

Release of Reservation Palm Beach County



18605

LYONS RD

GOLDEN GATE AVE

SYDNEY HARBOR CIR

BURLINGTON BRISTOL LN

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For copies of this map, file: \\arc_data\maps\ReleaseOfReservations\GS_Nov14_18605_smf.mxd, created by a/c, contact the Real Estate Section.

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Exchange of Interests, C-10 Project

Summary:

The Applicants are requesting the District convey a fee owned portion of the C-10 right of way containing up to 0.79 acres, more or less, subject to a reserved perpetual canal right of way easement with respect to the canal portion of the subject parcel, in exchange for an access and boat launch easement to the C-10 right of way. Both parcels are located in Section 33, Township 50 South, Range 42 East, Broward County. The Applicants are constructing a training facility for the education and certification of crewmembers in life boat and rescue boat operation. The District does not currently have land based access to the overbank portion of the subject parcel to be conveyed to the Applicants.

The exchange will be subject to the following terms, conditions and requirements:

- a. The underlying fee owner shall convey to the District a perpetual access road and boat launch easement to the C-10 Right of Way in form, content and substance acceptable to the District, free and clear of all encumbrances, liens, and other objectionable matters.
- b. The Applicants shall provide to the District title assurance acceptable to the District confirming that the perpetual access road and boat launch easement to the C-10 is free and clear of all encumbrances, liens and other objectionable matters.
- c. The reserved perpetual canal right of way easement shall be in form, content, and substance acceptable to the District.
- d. Applicants shall comply with all applicable governmental (County and City) subdivision and platting ordinances in connection with the conveyance of the subject District parcel.
- e. The Applicant and/or Grantee of the subject District parcel to be conveyed, for itself and all subsequent owners, shall assume responsibility regarding the perpetual maintenance of the canal bank, in perpetuity.
- f. Applicants will provide a legal description and sketch for each instrument, subject to District review and approval.
- g. Applicants shall pay no less than appraised value for the surplus parcel. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District. Under no circumstances shall the District be obligated to pay any amount to the Applicants, even if the appraised value of the proposed exchange parcel exceeds the appraised value of the subject property to be surplus.
- h. The Applicant shall obtain all necessary permits from the District (including but not limited to Right of Way Occupancy Permits), Broward County, City of Dania Beach and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits, including but not limited to Right of Way

Occupancy Permits. The District's review process for any required permits, including but not limited to Right of Way Occupancy Permits, will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

i. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (h.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than October 31, 2015.

The applicants have requested a right of entry/license agreement to be in place prior to the closing in order to commence implementation of the lifeboat training facility. The District shall grant to RJ Marina Holdings, LLC, a right of entry/license agreement to be in place prior to the closing in order to enable the applicants to commence implementation of a lifeboat training facility.

Staff Recommendation:

Approve the surplus of up to 0.79 +/- acres of fee title, subject to a retained perpetual canal right of way easement with respect to the canal portion of the subject parcel, located within the C-10 right of way in exchange for an access and boat launch easement, located in Section 33, Township 50 South, Range 42 East, Broward County, subject to satisfaction of certain terms, conditions and requirements.

Additional Background:

The applicants have paid a \$1,000.00 non-refundable application fee and will pay all costs associated with the transaction. Applicants shall pay appraised value for the surplus parcel. In no event shall the District be required to pay any compensation to the Applicants.

Core Mission and Strategic Priorities:

The Governing Board, pursuant to Section 373.089 of the Florida Statutes, may sell or exchange lands or interests in land under terms and conditions determined by the Governing Board.

Funding Source:

The District purchased the surplus parcel in 1958 at a cost of \$2,267.

Staff Contact and/or Presenter:

Kathy Massey, kmassey@sfwmd.gov <<mailto:kmassey@sfwmd.gov>>, (561) 682-6835

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1102

A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus up to 0.79 acres, more or less, of fee title, subject to a reserved perpetual canal right of way easement, in exchange for a perpetual access and boat launch easement to the C-10 Right of Way, located in Section 33, Township 50 South, Range 42 East, C-10 Project, Broward County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.

WHEREAS, the applicants, RJ Marina Holdings, LLC, and NV Marina Holding, LLC, have requested that the District convey up to a 0.79 +/- acre parcel of land, subject to a reserved perpetual canal right of way easement, in exchange for a perpetual access and boat launch easement to the C-10 Right of Way, located in Section 33, Township 50 South, Range 42 East, C-10 Project, Broward County; and

WHEREAS, the applicants want to implement a lifeboat training facility on the subject parcel they desire to acquire from the District, and the District does not have land based access to the overbank portion of the subject parcel to be conveyed to the applicants;

WHEREAS, the applicants will assume responsibility for the perpetual maintenance of the canal bank;

WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that the up to 0.79 +/- acre parcel of canal right of way is not required by the District for present or apparent future use; and

WHEREAS, the applicants have paid a \$1,000.00 non-refundable application fee, and shall pay all fees and costs associated with this transaction, including but not limited to the appraisal and the obtaining of all necessary permits, together with the appraised value for the fee parcel to be conveyed; and

WHEREAS, the applicants have requested a right of entry/license agreement to be in place prior to the closing in order to commence implementation of a lifeboat training facility; and

WHEREAS, the Governing Board, pursuant to Section 373.089 of the Florida Statutes, may exchange lands or interests or rights in land under terms and conditions determined by the Governing Board.

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

Section 1. The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the subject property and therefore hereby approves declaring surplus and conveying to RJ Marina Holdings, LLC, the up to 0.79+/- acre fee parcel, subject to a reserved perpetual canal right of way easement with respect to the canal portion of the subject parcel, in exchange for a perpetual access and boat launch easement to the C-10 Right of Way, located in Section 33, Township 50 South, Range 42 East, C-10 Project, Broward County, provided all of the following terms, conditions, and requirements are satisfied, by the applicants at their sole cost and expense, to the satisfaction of the District, in its sole and absolute discretion:

- a. The underlying fee owner shall convey to the District a perpetual access road and boat launch easement to the C-10 Right of Way in form, content and substance acceptable to the District, free and clear of all encumbrances, liens, and other objectionable matters.
- b. The applicants shall provide to the District title assurance acceptable to the District confirming that the perpetual access road and boat launch easement to the C-10 is free and clear of all encumbrances, liens and other objectionable matters.
- c. The reserved perpetual canal right of way easement shall be in form, content, and substance acceptable to the District.
- d. Applicants shall comply with all applicable governmental (County and City) subdivision and platting ordinances in connection with the conveyance of the subject District parcel.
- e. The grantee of the subject District parcel to be conveyed, for itself and all subsequent owners, shall assume responsibility regarding the perpetual maintenance of the canal bank.
- f. Applicants will provide a legal description and sketch for each instrument, subject to District review and approval.
- g. Applicants shall pay no less than appraised value for the surplus parcel. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District. Under no circumstances shall the District be obligated to pay any amount to the Applicants, even if the appraised value of the proposed exchange parcel exceeds the appraised value of the subject property to be surplus.
- h. The applicant shall obtain all necessary permits from the District (including but not limited to Right of Way Occupancy Permits), Broward County, City of Dania Beach and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits,. The District's review process for any required permits, including but not limited to Right of Way Occupancy Permits, will be done

separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

i. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (h.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than October 31, 2015.

Section 2. The District shall grant to RJ Marina Holdings, LLC, a right of entry/license agreement to be in place prior to the closing in order to enable the applicants to commence implementation of a lifeboat training facility, substantially in the form attached hereto and made a part hereof as Schedule 1. Dan Thayer, Bureau Chief - Land Resources, is hereby authorized to approve and execute the final form of the right of entry/license agreement.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the conveyance document. No conveyance document shall be delivered to the applicants, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction.

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

PASSED and ADOPTED this 13th day of November, 2014.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Schedule 1

REVOCABLE RIGHT OF ENTRY/LICENSE AGREEMENT

This **Revocable Right of Entry/License Agreement** (“Agreement”) is entered into as of the ___ date of _____, 2014, by and between the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a government entity existing under Chapter 373, Florida Statutes (hereinafter referred to as “SFWMD”) and RJ Marina Holdings, LLC, a Florida limited liability company (hereinafter referred to as “Licensee”).

WHEREAS, SFWMD and Licensee are in the process of exchanging certain land interests which includes the conveyance by SFWMD to Licensee of the real property described in Exhibit “A”, attached hereto and made a part hereof (hereinafter referred to as the “Premises”), upon the satisfaction by Licensee of certain conditions, which have not yet been satisfied;

WHEREAS, the Licensee desires to enter the Premises prior to the closing of said exchange of real property interests, in order to commence implementation of its Lifeboat Technical Training PSCRB Facility; and

WHEREAS, SFWMD is willing to grant to the Licensee a revocable right of entry/license in order to perform such limited activities upon the terms, conditions and provisions set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. SFWMD hereby grants to Licensee a revocable right of entry/license to enter the Premises for purposes of commencing implementation of a Lifeboat Technical Training PSCRB Facility as depicted in accordance with the site plan more particularly described in Exhibit “B” attached hereto and made a part hereof (hereinafter referred to as “Project Purposes”). Licensee shall not engage in any business or other activity on the Premises without the prior written authorization of SFWMD.
2. The term of this Agreement (hereinafter referred to as “Term”) shall commence on November 13, 2014 (hereinafter referred to as the “Commencement Date”), and, unless sooner terminated pursuant to the paragraph 3 below, or any other provision hereof, shall terminate upon the earlier occurrence of: either (a) the conveyance of the Premises by SFWMD to Licensee, or (b) on October 31, 2015. The effective date of termination for this Agreement is hereinafter referred to as the “Termination Date”.
3. Notwithstanding anything contained in this Agreement to the contrary, SFWMD and the Licensee shall each have the unilateral right, in its sole and absolute discretion to terminate this Agreement, for any reason, upon ninety (90) days written notice to the other party. The Licensee hereby acknowledges, confirms, and agrees that the Licensee bears all risk of loss, including but not limited to loss of monies, resources, equipment,

personal property, fixtures, improvements and other belongings and investments resulting from the exercise by SFWMD or the Licensee of their respective rights under this paragraph 3.

4. The Licensee agrees that in the event this Agreement terminates for any reason prior to conveyance of the Premises by SFWMD to Licensee, Licensee agrees, at Licensee's sole cost and expense, to remove all improvements made to the Premises by, or at the direction of Licensee, no later than sixty (60) days after the Termination Date, and restore the Premises to the condition it is in as of the Commencement Date. In order to insure Licensee's obligations under this paragraph 4, Licensee shall provide to SFWMD financial assurance in the amount of \$50,000 (hereinafter referred to as "Financial Assurance"). Prior to entry onto the Premises, Licensee shall provide to SFWMD the Financial Assurance acceptable, and in form content and substance satisfactory, to SFWMD in SFWMD's sole and absolute discretion. In the event Licensee fails to comply with Licensee's obligations under this Paragraph 4, then, in addition to all other rights and remedies available to SFWMD at law, and/or in equity, SFWMD has the right to utilize the Financial Assurance to remove all improvements made to the Premises by, or at the direction of Licensee, and restore the Premises to the condition it is in as of the Commencement Date. SFWMD agrees to return the Financial Assurance to Licensee at the closing of the conveyance of the Premises to Licensee. In the event SFWMD does not convey the Premises to Licensee, and Licensee complies with Licensee's obligations under this Paragraph 4, then SFWMD agrees to return the Financial Assurance to Licensee within ninety (90) days after the Termination Date.
5. All activities of the Licensee conducted with respect to the Premises shall be in accordance and compliance with all federal, state and local laws, statutes, regulations, permits, and ordinances, including but not limited to all building and environmental laws, statutes, regulations, permits and ordinances, as well as any permits issued by SFWMD. Prior to entering the Premises, the Licensee shall obtain all necessary federal, state, local, and other governmental approvals and permits, including but not limited to any and all applicable SFWMD permits. The Licensee shall maintain all of such permits and approvals throughout the Term of this Agreement. The Licensee acknowledges that there is no guarantee that the Licensee will receive any permits or approvals.
6. The Licensee shall procure and maintain, through the term of this Agreement, insurance coverage reflecting, at a minimum, the limits and coverage conditions identified on the SFWMD'S Insurance Requirements, attached as Exhibit "C" and made a part of this Agreement. Prior to the execution of this Agreement, the Licensee shall provide a Certificate of Insurance for such coverage to the SFWMD for approval, indicating the producer, insured, carrier's name, and BEST rating, policy numbers and effective and expiration dates of each type of coverage required. The Certificate of Insurance shall be signed by the insurance carrier's authorized representative and shall identify the SFWMD as added insured as required. Licensee must obtain an insurer that is qualified to lawfully conduct business in the State of Florida. Failure of the SFWMD to notify the Licensee that the certificate of insurance does not meet the Agreement's requirements shall not constitute a waiver of the Licensee's responsibility to meet the stated requirement. In

addition, receipt and acceptance of the certificate of insurance by the SFWMD shall not relieve the Licensee from responsibility for adhering to the insurance limits and conditions of insurance required within this Agreement. In the event Licensee misrepresents any material fact, whether intentional or not, regarding the Licensee's insurance coverage, policies or capabilities, the SFWMD may terminate this Agreement.

7. This Agreement may not be assigned or transferred without the prior written consent of SFWMD, which consent may be withheld by SFWMD in its sole and absolute discretion.
8. NOTICE: All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing (including telex and telegraphic communications) and shall be (as elected by the person giving such notice) hand delivered by messenger or courier service, telecommunicated, or mailed (airmail if international) by registered or certified mail (postage prepaid), return receipt requested, or sent by any form of overnight mail, addressed to:

TO SFWMD:

John Hixenbaugh, Section Administrator
 Right of Way
 South Florida Water Management District
 (MAILING ADDRESS:)
 P.O. Box 24680
 West Palm Beach, Florida 33416-4680

(OFFICE LOCATION:)
 3301 Gun Club Road
 West Palm Beach, Florida 33406

Fax: (561) 682-5096

TO Licensee:

Roger Moore
 Nautical Ventures Group
 50 South Bryan Road
 Dania Beach, Florida 33004

Fax : 954-926-5249

or to such other address as any party may designate by notice complying with the terms of this paragraph. Each such notice shall be deemed delivered (1) on the date delivered if by personal delivery; (2) on the date telecommunicated if by telegraph; (3) on the date of transmission with confirmed receipt if by telex, telefax or other telegraphic method; (4) on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be, if mailed; and (5) one day after mailing by any form of overnight mail service.

9. SFWMD makes no warranties or representations as to its interest in the Premises, or that the Premises are safe or suitable for the purposes for which the Licensee is permitted to

use the Premises. The Licensee acknowledges that it accepts the Premises in its “AS IS”, “WHERE IS” and “WITH ALL FAULTS” condition.

10. Any contractors and subcontractors utilized by the Licensee in connection with activities undertaken in connection with this Agreement shall: (1) indemnify SFWMD for all loss, damage, liability, causes of action, claims, and costs, including but not limited to reasonable attorney’s fees and costs, incurred by SFWMD as a result of the negligent, willful or intentional acts or omissions of the contractor and its subcontractors in connection with any activities undertaken on the Premises during the term of this Agreement, (2) shall procure and maintain, throughout the term of this AGREEMENT, insurance coverage reflecting, at a minimum, the limits and coverage conditions identified on the SFWMD'S Insurance Requirements, attached as Exhibit “C” and made a part of this AGREEMENT, and (3) list SFWMD as additional insured under such contractor’s liability insurance.
11. Licensee shall indemnify, defend, and save and hold harmless SFWMD, its Governing Board members, employees and agents from and against any and all claims for damages, loss, expense, liability, injury, or costs, including but not limited to reasonable attorney’s fees and costs (including both costs recoverable under the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions, other provisions of the Florida Statutes and Florida Administrative Code, as well as any and all costs associated with litigation that are not taxable costs under the cited authorities), caused by or arising directly, indirectly or proximately from: (i) the acts or omissions of Licensee, its agents, employees, contractors or subcontractors, (ii) the performance or non-performance of any term, condition, covenant or provision of this Agreement by Licensee, its agents, employees, contractors, or subcontractors; or (iii) activities conducted on the Premises by Licensee, its agents, employees, contractors, or subcontractors. In the event SFWMD brings suit, including appeals, to enforce any of the provisions of this Agreement, SFWMD shall be entitled to recover from the Licensee all reasonable attorney's fees, and costs, (including both costs recoverable under the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions, other provisions of the Florida Statutes and Florida Administrative Code, as well as any and all costs associated with litigation that are not taxable costs under the cited authorities) incurred by SFWMD.
12. Licensee shall keep the Premises free from any liens, including, but not limited to mechanic's liens, arising out of any work performed, materials furnished or obligations incurred by Licensee. Licensee shall not have any authority to incur liens for labor or material with respect to the Premises. In the event that Licensee shall not, within 10 days following the imposition of any such lien, cause the same to be released of record by payment or posting of a bond, SFWMD shall have, in addition to all other remedies provided herein and by law, the right, but not the obligation, to cause the same to be released by such means as it shall deem proper, including payment of the claim giving rise to such lien. All such sums paid by SFWMD, including, but not limited to reasonable attorney's fees and expenses incurred by it in connection therewith, together with interest at the maximum rate allowed by law, shall be payable to SFWMD by Licensee on demand.

- 13. All of Licensee's personal property, equipment and fixtures located upon the Premises shall be at the sole risk of Licensee and SFWMD shall not be liable under any circumstances for any damage thereto or theft thereof. In addition, SFWMD shall not be liable or responsible for any damage or loss to property or injury or death to persons occurring on or adjacent to the Premises resulting from any cause, including but not limited to, defect in or lack of repairs to the improvements located on the Premises.
- 14. Time is of the essence with respect to every term, condition, and provision of this Agreement.
- 15. This Agreement may only be modified or amended by written instrument executed by both the Licensee and SFWMD.
- 16. Failures or waivers to enforce any covenant, condition, term, or provision of this Agreement by the parties shall not operate as a discharge of or invalidate such covenant, condition, term, or provision, or impair the enforcement rights of the parties, nor shall it be construed as a waiver or relinquishment for the future enforcement of any such covenant, condition, term, provision, or right but the same shall remain in full force and effect.
- 17. This Agreement states the entire understanding between the parties and supercedes any written or oral representations, statements, negotiations, or Agreements to the contrary.
- 18. The provisions of paragraphs 4, 10, 11, and 12 shall survive the expiration or termination of this Agreement. In addition, any terms, conditions, covenants, or provisions set forth in this Agreement which by their terms bind Licensee or both SFWMD and Licensee after the expiration or termination of this Agreement, shall survive the expiration or termination of this Agreement.
- 19. The recitals set forth above are true and correct and are hereby incorporated herein by reference.

IN WITNESS WHEREOF, the parties have executed their hands and seals on the day and year first above written.

Witnesses: **SFWMD:** South Florida Water Management District

 By: _____
 Dan Thayer, Bureau Chief
 Land Resources

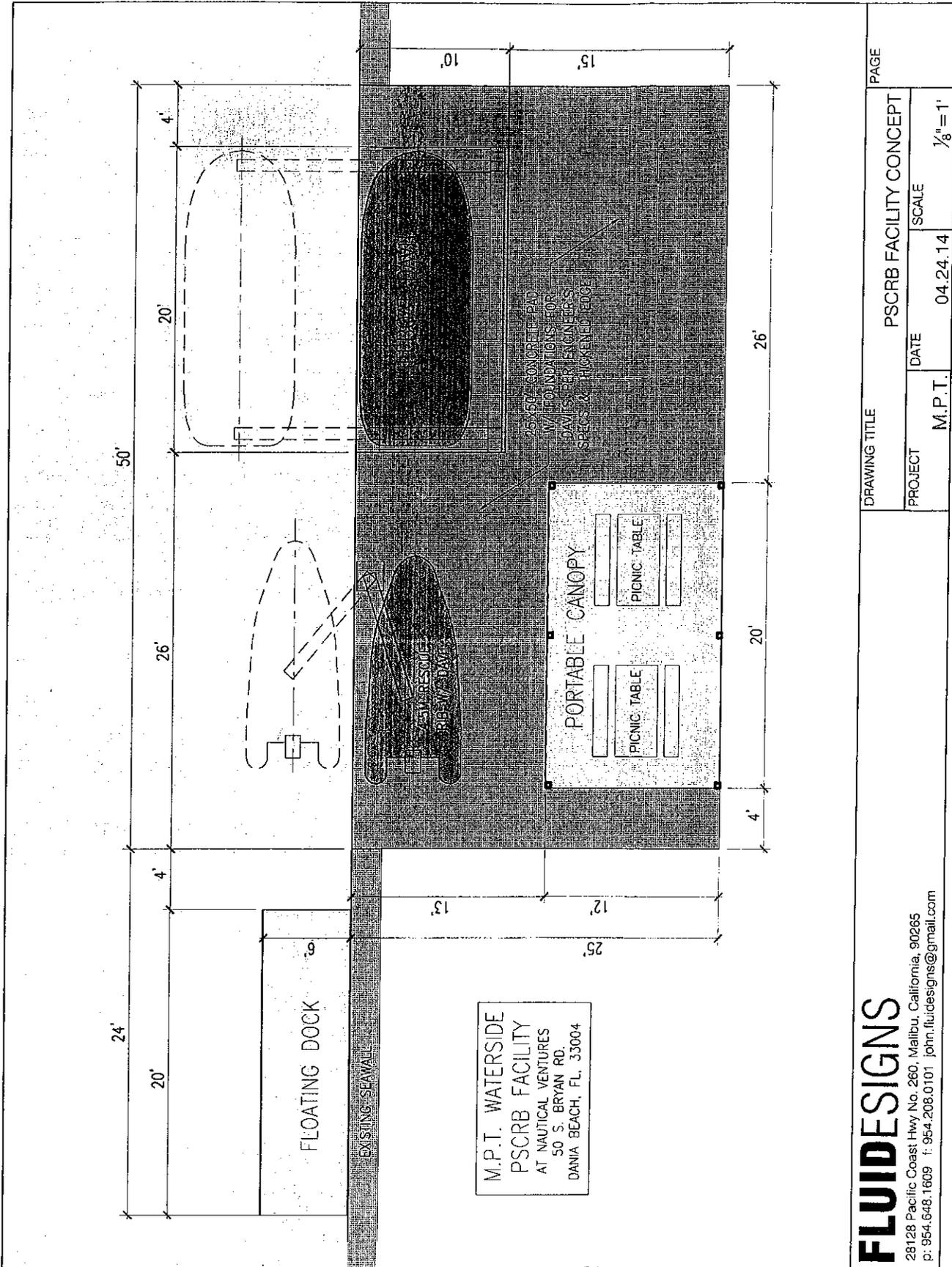
Witnesses: **Licensee:** RJ Marina Holdings, LLC, a Florida limited Liability company

 By: _____
 Roger Moore, Manager

Exhibit "A"
Legal Description

DRAFT

Exhibit "B"
Site Plan





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

EXHIBIT "C" INSURANCE REQUIREMENTS

In accordance with Article 6 of this LICENSE, the information listed in this Exhibit "C" defines the various types and limits of insurance the LICENSEE is required to maintain during performance of work identified under the applicable Statement of Work for the term of this LICENSE.

Unless otherwise specified, the DISTRICT shall be named and included as an additional insured under all required insurance policies, excluding workers' compensation and professional liability. The DISTRICT shall also be identified as the certificate holder on all certificates of insurance. The general liability, automobile liability and all other coverages, as appropriate, shall be no more restrictive than the latest editions of the Insurance Services Office (ISO).

Each line of coverage and specific endorsements are the types of insurance required. The minimum limit of insurance required is also identified. The limit is "per occurrence", combined single limit for personal injury, bodily injury and property damage. The DISTRICT may require a separate project aggregate depending on the type of work being performed. The applicable LICENSE Number and designated LICENSE Specialist identified on the cover page of this LICENSE shall also be specified on the Certificate.

South Florida Water Management District is to be named as Additional Insured for General Liability and Auto Liability Coverage. When the LICENSE requires aircraft and/or environmental Impairment Liability, the South Florida Water Management District is to be named as an Additional Insured for those items also.

| | | |
|--------------------------|-------------|--------------------------|
| GENERAL LIABILITY | \$1,000,000 | SFWMD Additional Insured |
| SFWMD Additional Insured | | |
| COMPREHENSIVE FORM | | |
| OCCURRENCE FORM | | |
| PREMISES / OPERATIONS | | |
| DELETE XCU EXCLUSION | | |
| PRODUCTS / COMPLETED | | |
| LICENSEUAL | | |
| INDEPENDENT LICENSEORS | | |
| BROAD FORM PROPERTY | | |
| PERSONAL INJURY | | |

| | | |
|----------------------|-----------|--------------------------|
| AUTOMOBILE LIABILITY | \$300,000 | SFWMD Additional Insured |
| ANY AUTO | | |
| OWNED | | |
| NON-OWNED | | |

WORKERS COMPENSATION AND EMPLOYER'S LIABILITY (Note: Workers Compensation Exemption not acceptable)

| | |
|-----------|---------------------------------|
| Coverage: | Statutory |
| Limit: | \$100,000 each accident |
| | \$100,000 disease-each employee |
| | \$500,000 disease policy limit |

The attached Certificate of Insurance Form is preferable to the District, however the Acord Form is acceptable.

Attachment: ca_om_206_Schedule 1_Massey_Nautical Ventures_C-10 (Resolution No. 2014 - 1102 : Exchange of Interests, C-10 Project)

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Approve acquisition of an Access Agreement over a portion of property owned by Nat. Audubon Society

Summary:

This Access Agreement will allow the District to install and monitor a rain gauge, stage recorder and associated telemetry equipment and to provide future routine and emergency maintenance of the equipment. The site is located on property owned by National Audubon Society at their Corkscrew Swamp Sanctuary in Collier County. This rain gauge, stage recorder, and associated telemetry equipment replaces similar equipment that had been on a seasonal trail that was often underwater and inaccessible. The location of this equipment is vital to monitor rainfall and water levels for the successful decision making and operation of the flood control system in the Big Cypress Basin. District and Corkscrew Swamp Sanctuary staff have reviewed and agreed upon the terms and location for this rain gauge, stage recorder and associated telemetry equipment. (See attached map) However, the District's rights under this proposed access agreement are subordinate and subject to National Audubon Society's right to terminate this proposed access agreement upon sixty (60) days written notice. While unlikely, the potential exists for the District to be required at a future date to remove and/or relocate this proposed rain gauge, stage recorder and associated telemetry equipment which would be at the District's expense.

Staff Recommendation:

Approve the acquisition of an Access Agreement, at no cost, over a portion of property owned by National Audubon Society at their Corkscrew Swamp Sanctuary to install and monitor a rain gauge, stage recorder and associated telemetry equipment in Collier County, Big Cypress Basin; providing an effective date.

Additional Background:

N/A

Core Mission and Strategic Priorities:

Replacement of this rain gauge will once again allow measurements at a key location in the headwaters of Naples Bay. This improved coverage of urban Collier County will enhance decision-making and operational capabilities of the Big Cypress Basin. SCADA and Big Cypress Basin staff will be responsible for implementing this project.

Funding Source:

This access agreement is being obtained from the National Audubon Society at no cost to the District. For installation and monitoring activities, the funding source is from SCADA's consumable budget.

Staff Contact and/or Presenter:

Marcy Zehnder, mzehnder@sfwmd.gov <mailto:mzehnder@sfwmd.gov>, ext. 6694

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1103

A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of an Access Agreement, at no cost, over a portion of property owned by National Audubon Society at their Corkscrew Swamp Sanctuary to install and monitor a rain gauge, stage recorder and associated telemetry equipment in Collier County, Big Cypress Basin; providing an effective date.

WHEREAS, the South Florida Water Management District desires to acquire an access agreement, at no cost, from National Audubon Society over a portion of the Corkscrew Swamp Sanctuary for the installation and monitoring of a rain gauge, stage recorder and associated telemetry equipment; and

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

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the acquisition of an access agreement, at no cost, over a portion of the Corkscrew Swamp Sanctuary for the installation and monitoring of a rain gauge, stage recorder and associated telemetry equipment in Collier County, Big Cypress Basin. National Audubon Society and South Florida Water Management District shall each have the unilateral right to terminate the access agreement upon sixty (60) days written notice.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the Access Agreement.

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

PASSED and ADOPTED this 13th day of November, 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Authorization for District lessee to apply for Fed.Cost Share Funding on 7,086.00acres in PolkCounty

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District’s current leasing policy under Section 140-10, § 6, District Policies Code, the District’s Governing Board must approve a lessee’s application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization:

| Lessee | Lease # | Acreage | County | Practices |
|----------|------------|---------|--------|---|
| CAF, LLC | 4600002770 | 7086.00 | Polk | Livestock Pipeline, Water Well, Watering Facility, Brush Management, Prescribed Burning |

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

Core Mission and Strategic Priorities:

The objective of this application authorization is to help the District lessee obtain financial assistance to implement best management and conservation practices consistent with land stewardship and leasing objectives.

Funding Source:

There are no District costs associated with this item other than District staff providing technical assistance and facilitation between NRCS and the lessee.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov <<mailto:rpalmer@sfwmd.gov>>, 561-682-2246

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1104

A Resolution of the Governing Board of the South Florida Water Management District authorizing a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 7,086.00 acres, more or less, of District lands in Polk County; providing an effective date.

WHEREAS, Section 373.4595, Florida Statute, states that implementation of Best Management Practices (BMPs) is an essential contributing component in the protection of the Northern Everglades; and

WHEREAS, Section 373.4595, Florida Statute, establishes an alliance among Florida Department of Agriculture and Consumer Services, Florida Department of Environmental Protection and South Florida Water Management District (District) to coordinate the implementation of BMPs within the Northern Everglades; and

WHEREAS, a program available in assisting land owners and lessees to meet the legislative goals is the United States Department of Agriculture Natural Resources Conservation Service Environmental Quality Incentive Program (EQIP) which provides cost-share funding to private landowners or lessees for implementation of Agricultural BMPs; and

WHEREAS, United States Department of Agriculture (USDA) allows lessees on government land to participate in EQIP; and

WHEREAS, the District has recently received a request from a lessee to allow the District's leased lands to be considered for participation in EQIP; and

WHEREAS, EQIP requires that any lessee participating in the program demonstrate they have control of the land through a lease agreement for the EQIP contract term. Although the District lease contains a provision allowing for termination of the lease with 6 months notice, USDA will accept District leases as qualifying for EQIP; and

WHEREAS, pursuant to Section 140-10, § 6 (a), District Policies Code, the District's Governing Board must approve a lessee's participation in the EQIP cost share; and

WHEREAS, the Governing Board, pursuant to Section 373.093 of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the District lessee listed herein to apply for and participate in Federal Cost Share Funding under the Environmental Quality Incentive Program (EQIP) for the purpose of implementing and conducting Best Management Practices on 7,086.00 acres, more or less, of District lands in Polk County;

| Lessee | Lease # | Acreage | County | Planned Practices |
|----------|------------|----------|--------|---|
| CAF, LLC | 4600002770 | 7,086.00 | Polk | Livestock Pipeline, Water Well, Watering Facility, Brush Management, Prescribed Burning |

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Land Resource Bureau Chief to execute materials associated with the lessee’s pursuit of EQIP funding that require the landowner’s consent, including the initial EQIP grant application.

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

PASSED and ADOPTED this 13th day of November, 2014

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

Chairman

Attest:

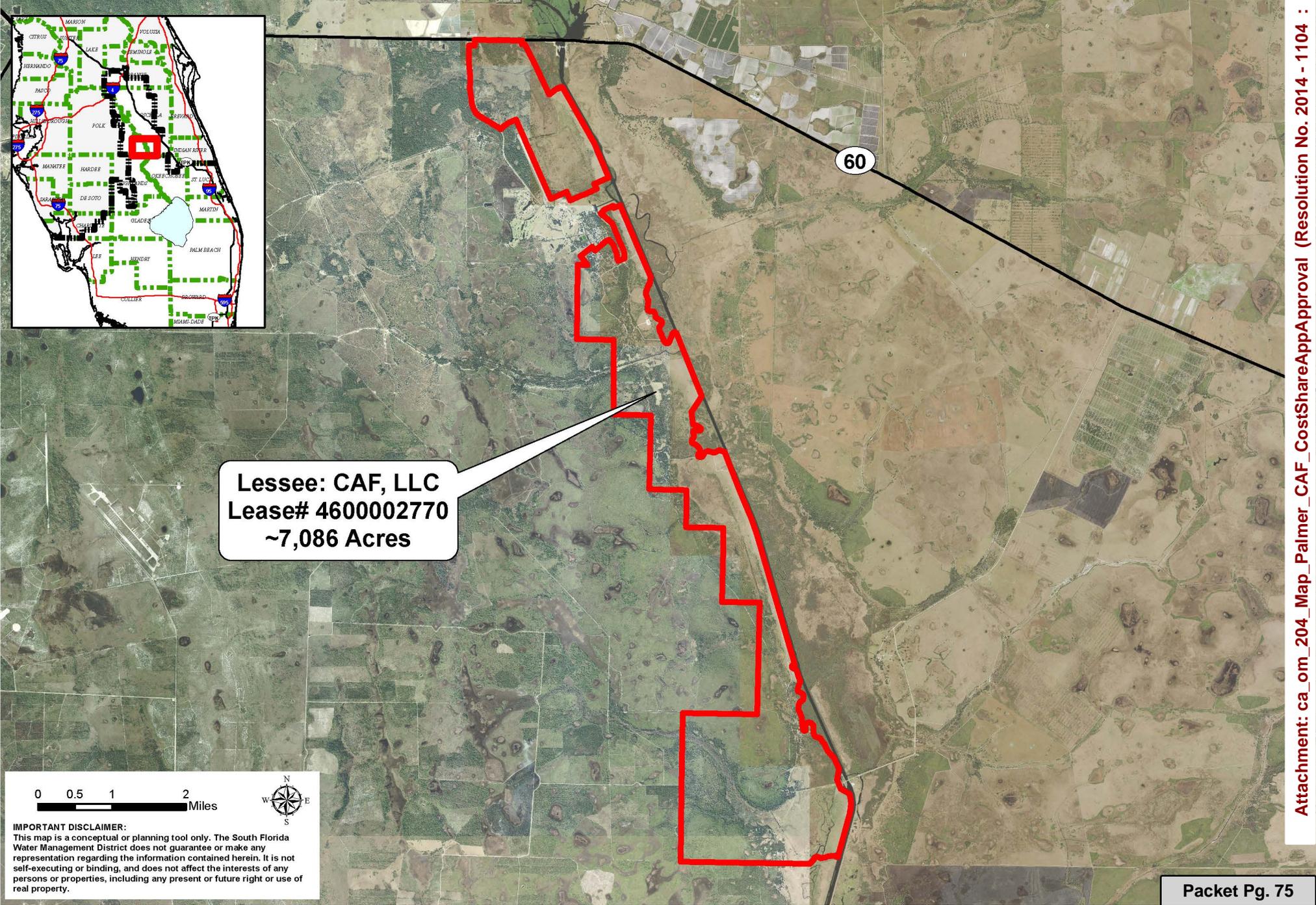
Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Leased Land Polk County



Attachment: ca_om_204_Map_Palmer_CAF_CostShareAppApproval (Resolution No. 2014 - 1104 :

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Authorization for District lessee to apply for Fed.CostShareFunding on 288.39acres in St.LucieCounty

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District’s current leasing policy under Section 140-10, § 6, District Policies Code, the District’s Governing Board must approve a lessee’s application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization:

| Lessee | Lease # | Acreage | County | Practices |
|------------------------------|------------|---------|-----------|---|
| Jeana and Robert D. Driggers | 4600003077 | 288.39 | St. Lucie | Brush Management, Fence, Heavy Use Area Protection, Herbaceous Weed Control, Livestock Pipeline, Structure for Water Control, Watering Facility |

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

Core Mission and Strategic Priorities:

The objective of this application authorization is to help the District lessee obtain financial assistance to implement best management and conservation practices consistent with land stewardship and leasing objectives.

Funding Source:

There are no District costs associated with this item other than District staff providing technical assistance and facilitation between NRCS and the lessee.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov <<mailto:rpalmer@sfwmd.gov>>, 561-682-2246

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1105

A Resolution of the Governing Board of the South Florida Water Management District authorizing a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 288.39 acres, more or less, of District lands in St. Lucie County; providing an effective date.

WHEREAS, Section 373.4595, Florida Statute, states that implementation of Best Management Practices (BMPs) is an essential contributing component in the protection of the Northern Everglades; and

WHEREAS, Section 373.4595, Florida Statute, establishes an alliance among Florida Department of Agriculture and Consumer Services, Florida Department of Environmental Protection and South Florida Water Management District (District) to coordinate the implementation of BMPs within the Northern Everglades; and

WHEREAS, a program available in assisting land owners and lessees to meet the legislative goals is the United States Department of Agriculture Natural Resources Conservation Service Environmental Quality Incentive Program (EQIP) which provides cost-share funding to private landowners or lessees for implementation of Agricultural BMPs; and

WHEREAS, United States Department of Agriculture (USDA) allows lessees on government land to participate in EQIP; and

WHEREAS, the District has recently received a request from a lessee to allow the District's leased lands to be considered for participation in EQIP; and

WHEREAS, EQIP requires that any lessee participating in the program demonstrate they have control of the land through a lease agreement for the EQIP contract term. Although the District lease contains a provision allowing for termination of the lease with 6 months notice, USDA will accept District leases as qualifying for EQIP; and

WHEREAS, pursuant to Section 140-10, § 6 (a), District Policies Code, the District's Governing Board must approve a lessee's participation in the EQIP cost share; and

WHEREAS, the Governing Board, pursuant to Section 373.093 of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the District lessee listed herein to apply for and participate in Federal Cost Share Funding under the Environmental Quality Incentive Program (EQIP) for the purpose of implementing and conducting Best Management Practices on 288.39 acres, more or less, of District lands in St. Lucie County;

| Lessee | Lease # | Acreage | County | Planned Practices |
|------------------------------|------------|---------|-----------|---|
| Jeana and Robert D. Driggers | 4600003077 | 288.39 | St. Lucie | Brush Management, Fence, Heavy Use Area Protection, Herbaceous Weed Control, Livestock Pipeline, Structure for Water Control, Watering Facility |

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Land Resource Bureau Chief to execute materials associated with the lessee’s pursuit of EQIP funding that require the landowner’s consent, including the initial EQIP grant application.

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

PASSED and **ADOPTED** this 13th day of November, 2014

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

_____ Chairman

Attest:

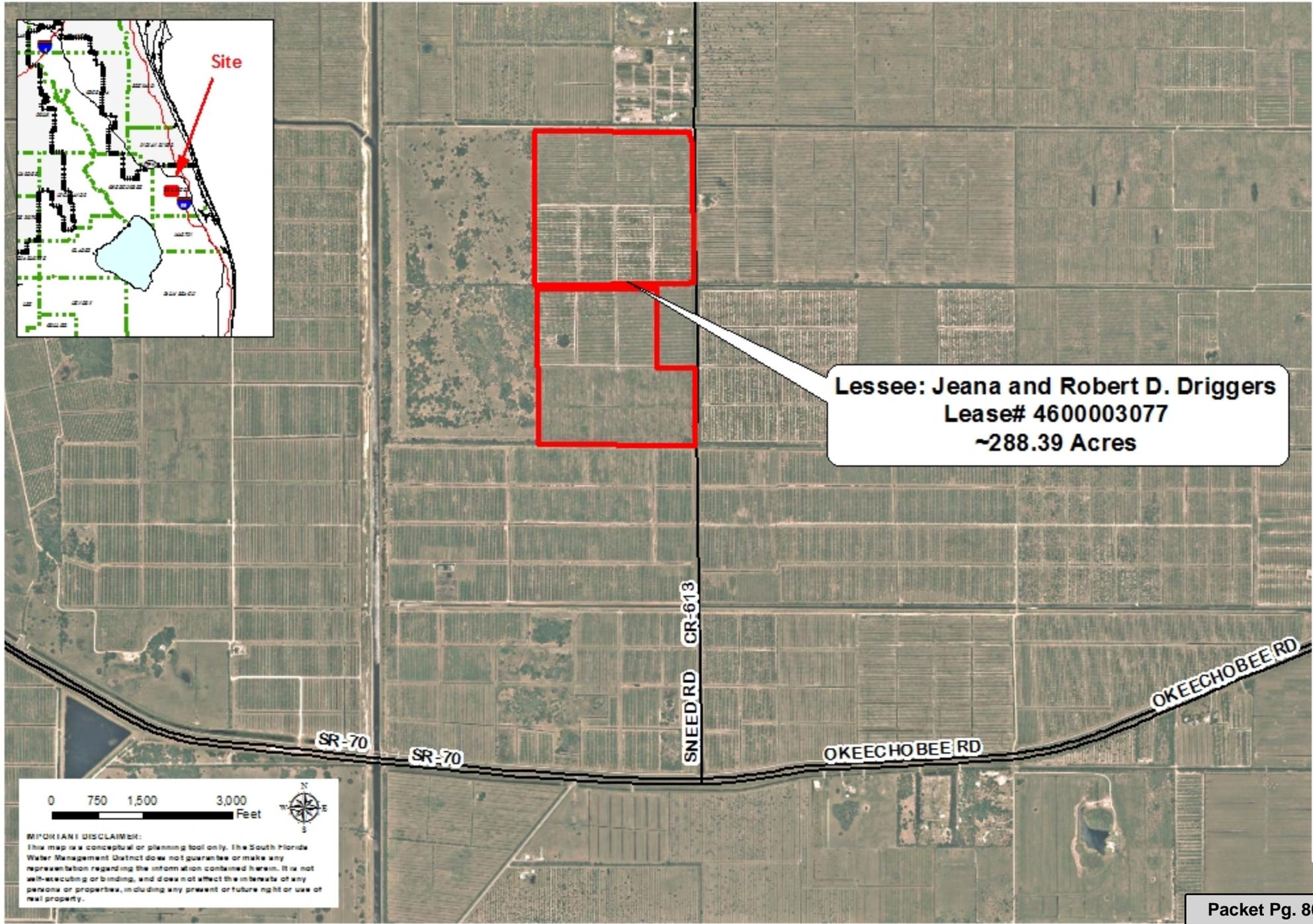
Legal form approved:
By:

_____ District Clerk/Secretary

_____ Office of Counsel

Print name:

Leased Land St. Lucie County



Lessee: Jeana and Robert D. Driggers
Lease# 4600003077
~288.39 Acres



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

For copies of this map (\\arc_data\maps\Leasing\m\GR_Nov14_Driggers.mxd), created by af, contact the Real Estate Section.

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: November 13, 2014

SUBJECT: Authorization for District lessee to apply for Fed. Cost Share Funding on 1,321.83 acres in St. Lucie County

Summary:

The Environmental Quality Incentives Program (EQIP) is a voluntary program with the United States Department of Agriculture - Natural Resource Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. Many of the best management practice (BMP) manuals are based on these conservation practices. In addition, a purpose of EQIP is to help producers meet Federal, State, and local environmental regulations.

The District will provide technical assistance and facilitation with NRCS to develop appropriate plans for implementation of agreed upon conservation practices during development of the application for this program. Plans may include, but are not limited to, grazing, nutrient, pest, and wildlife management.

Pursuant to the District's current leasing policy under Section 140-10, § 6, District Policies Code, the District's Governing Board must approve a lessee's application for and participation in these programs prior to application, and District staff must approve all practices chosen for implementation. Also, the District will assume no financial obligations related to the resulting EQIP contracts. The lease term must exceed the length of the EQIP contract at the time of execution between the NRCS and the lessee. The following lessee is seeking authorization:

| Lessee | Lease # | Acreage | County | Practices |
|-------------------------------|--------------------------|------------------|-----------|---|
| Diamond 3 Cattle Company, LLC | 4600003076 4600003079 | 670.31 651.52 | St. Lucie | Brush Management, Fence, Livestock Pipeline, Water Well, Watering Facility, Pumping Plant |

Staff Recommendation:

Staff recommends authorization for a lessee to apply for NRCS EQIP program.

Core Mission and Strategic Priorities:

The objective of this application authorization is to help the District lessee obtain financial assistance to implement best management and conservation practices consistent with land stewardship and leasing objectives.

Funding Source:

There are no District costs associated with this item other than District staff providing technical assistance and facilitation between NRCS and the lessee.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov <<mailto:rpalmer@sfwmd.gov>>, 561-682-2246

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1106

A Resolution of the Governing Board of the South Florida Water Management District authorizing a District lessee to apply for Federal Cost Share Funding under the Environmental Quality Incentive Program for the purpose of implementing and conducting of Best Management Practices on 1,321.83 acres, more or less, of District lands in St. Lucie County; providing an effective date.

WHEREAS, Section 373.4595, Florida Statute, states that implementation of Best Management Practices (BMPs) is an essential contributing component in the protection of the Northern Everglades; and

WHEREAS, Section 373.4595, Florida Statute, establishes an alliance among Florida Department of Agriculture and Consumer Services, Florida Department of Environmental Protection and South Florida Water Management District (District) to coordinate the implementation of BMPs within the Northern Everglades; and

WHEREAS, a program available in assisting land owners and lessees to meet the legislative goals is the United States Department of Agriculture Natural Resources Conservation Service Environmental Quality Incentive Program (EQIP) which provides cost-share funding to private landowners or lessees for implementation of Agricultural BMPs; and

WHEREAS, United States Department of Agriculture (USDA) allows lessees on government land to participate in EQIP; and

WHEREAS, the District has recently received a request from a lessee to allow the District's leased lands to be considered for participation in EQIP; and

WHEREAS, EQIP requires that any lessee participating in the program demonstrate they have control of the land through a lease agreement for the EQIP contract term. Although the District lease contains a provision allowing for termination of the lease with 6 months notice, USDA will accept District leases as qualifying for EQIP; and

WHEREAS, pursuant to Section 140-10, § 6 (a), District Policies Code, the District's Governing Board must approve a lessee's participation in the EQIP cost share; and

WHEREAS, the Governing Board, pursuant to Section 373.093 of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the District lessee listed herein to apply for and participate in Federal Cost Share Funding under the Environmental Quality Incentive Program (EQIP) for the purpose of implementing and conducting Best Management Practices on 1,321.83 acres, more or less, of District lands in St. Lucie County;

| Lessee | Lease # | Acreage | County | Planned Practices |
|---------------------|------------|---------|-----------|---|
| Diamond 3 | 4600003076 | 670.31 | St. Lucie | Brush Management, Fence, Livestock Pipeline, Water Well, Watering Facility, Pumping Plant |
| Cattle Company, LLC | 4600003079 | 651.52 | | |

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Land Resource Bureau Chief to execute materials associated with the lessee’s pursuit of EQIP funding that require the landowner’s consent, including the initial EQIP grant application.

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

PASSED and ADOPTED this 13th day of November, 2014

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

Chairman

Attest:

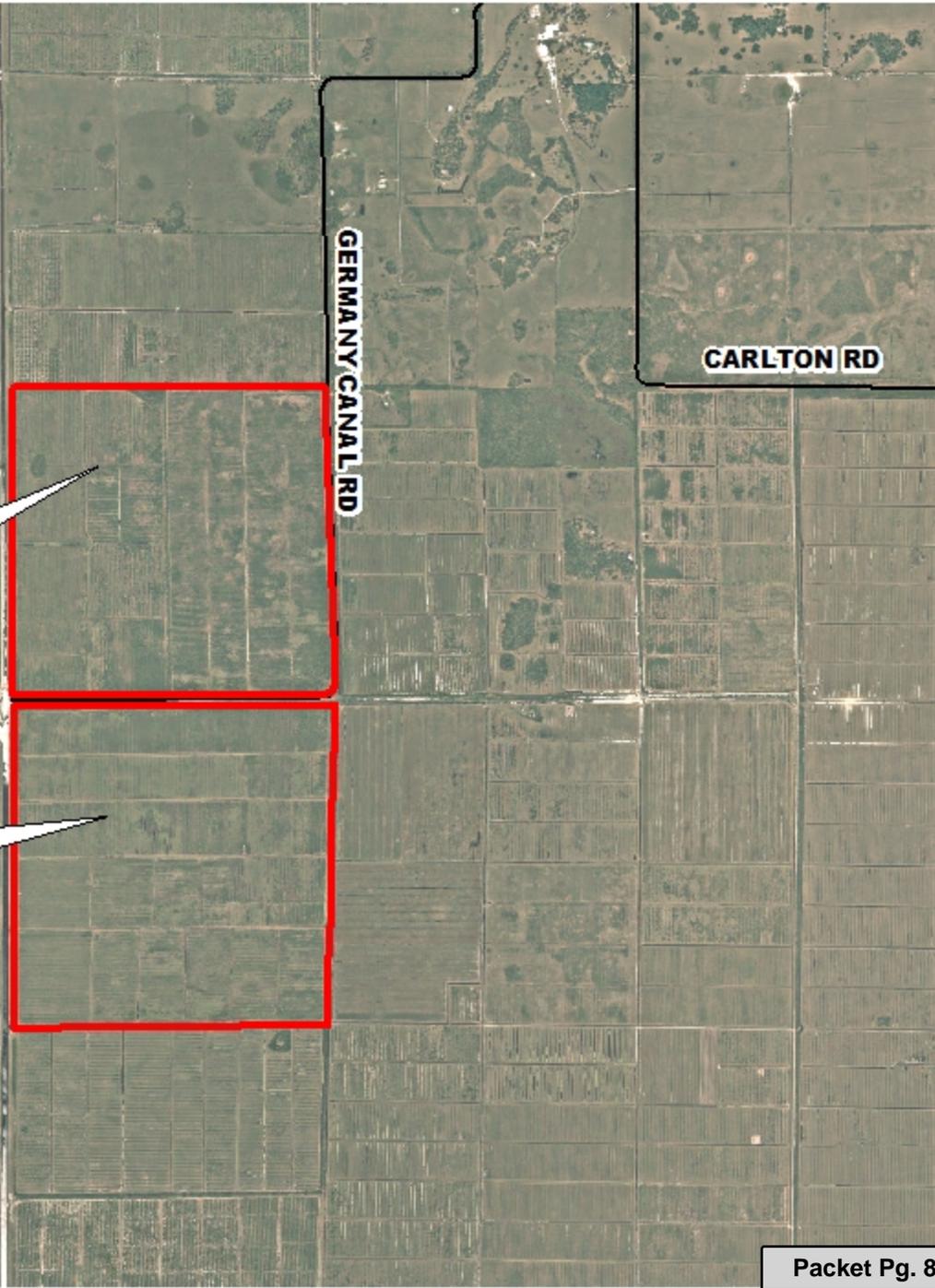
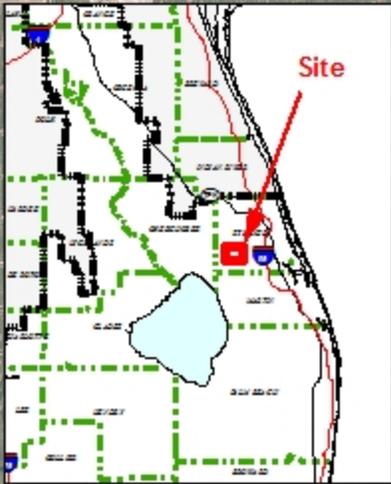
Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Leased Land St. Lucie County



Lessee: Diamond 3 Cattle Company, LLC
Lease# 4600003079
~651.52 Acres

Lessee: Diamond 3 Cattle Company, LLC
Lease# 4600003076
~670.31 Acres



IMPORTANT DISCLAIMER:
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MEMORANDUM

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: November 13, 2014

SUBJECT: STA 1W Test Cell Soil Replacement - Contract Number 4600003166

Summary:

The STA 1W Test Cell Refurbishment Soil Replacement ties into the Restoration Science Study - Evaluation of Impacts of Deep Water Inundation Pulses on Cattail Sustainability (Cattail Study) identified in the Restoration Strategies Regional Water Quality Plan in Palm Beach County, Florida. This refurbishment is necessary to provide proper soil for successfully implementing the Cattail Study, which will be conducted within a subset of the existing northern test cells. The Cattail Study is to investigate and increase the understanding of critical factors that may influence phosphorous treatment performance. It will work in conjunction with the existing Everglades Stormwater Treatment Areas (STAs) to meet the WQBEL parameters.

The project is located in the northeasterly corner of STA 1W and consists of removal of some of the existing soil to achieve evenly graded subsurface and the addition of well mixed fresh soil in all fifteen (15) of the northern test cells in STA 1W.

Staff Recommendation:

Staff recommends approval to enter into a 160 day contract in the amount of \$643,821.00 with JMS Construction Services, Inc., the lowest responsive and responsible bidder, for the construction of the STA 1W Test Cell Refurbishment Soil Replacement.

Core Mission and Strategic Priorities:

This project will support the Restoration Strategies Regional Water Quality Plan, which was developed and approved in 2012. The District has access to the project lands/sites, completed the design, and received the permits for the STA 1W Test Cell Refurbishment Soil Replacement Project.

Funding Source:

The lowest responsive and responsible bidder is JMS Construction Services, Inc. in the amount of \$643,821.00, for which ad valorem funds are budgeted in FY15.

Staff Contact:

Jeff Kivett, Division Director, Operations, Engineering and Construction
561-682-2680 / jkivett@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1107

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 160 day contract with JMS Construction Services, Inc., the lowest responsive and responsible bidder, for the STA 1W Test Cell Refurbishment Soil Replacement project, in the total amount of \$643,821.00, for which ad valorem funds are budgeted in FY15; providing an effective date.

WHEREAS, the STA 1W Test Cell Refurbishment Soil Replacement ties into the Restoration Science Study - Evaluation of Impacts of Deep Water Inundation Pulses on Cattail Sustainability (Cattail Study) identified in the Restoration Strategies Regional Water Quality Plan in Palm Beach County, Florida;

WHEREAS, refurbishment of the STA 1W test cells is necessary to successfully implement the Cattail Study to provide guidance for STA operation to meet the WQBEL to achieve compliance with the State of Florida's numeric phosphorous criterion in the EPA; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a 160 day contract with JMS Construction Services, Inc., the lowest responsive and responsible bidder, for the STA 1W Test Cell Refurbishment Soil Replacement project, in the amount of \$643,821.00;

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 160 day contract with JMS Construction Services, Inc. For the construction of the STA 1W Test Cell Refurbishment Soil Replacement, in the amount of \$643,821.00.

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

PASSED and ADOPTED this 13th day of November, 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members
FROM: Jeff Kivett, Division Director
DATE: November 13, 2014
SUBJECT: Approving amending Contract with Telvent

Summary

The SFWMD utilizes Telvent (a Schneider Company) OASyS software as the Supervisory Control and Data Acquisition (SCADA) software to remotely monitor and/or control the 16 county wide Water Management System including Storm Water Treatment Areas; the original Central and Southern Flood Control System; and other hydraulic, hydrological and meteorological data collection sites. Due to the proprietary nature of the software, the District has, since 2002, entered into contractual relationships with Telvent USA LLC for ongoing maintenance of the system. The current maintenance contract with Telvent USA LLC is active through June 16, 2015 with remaining not-to-exceed amount of \$10,121.31. The proposed Contract amendment extends the maintenance contract (4600002805) through November of 2017 and increases the not-to-exceed amount by \$602,706.00.

This action is critical in maintaining the SCADA Software until its successor is placed into service. The SCADA software replacement project that effectively replaces the existing SCADA Software through a competitive process is scheduled to coincide with the end dates of the Telvent USA LLC contracts as amended by this action.

Staff Recommendation

Staff recommends approval of the 2-1/2 year contract extension and the \$602,706.00 increase in the not-to-exceed amount.

Core Mission and Strategic Priorities

Continued manufacturer support of the District's SCADA software is critical to the operations of the water Management System providing water supply, flood control, and environmental restoration.

Funding Source

The increase in the not-to-exceed amount for maintenance contract 4600002805 of \$602,706.00 is funded by ad valorem funds for which \$142,580.00 is budgeted in FY15 and the remainder subject to Governing Board approval of the FY16 through FY18 budgets.

Staff Contact

Gregory Cantelo, Bureau Chief, Infrastructure Management
561-682-2620 / gcantelo@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1108

A Resolution of the Governing Board of the South Florida Water Management District approving amending Contract 4600002805 with Telvent USA LLC, a Schneider Electric Company, for continuing long term maintenance of the Water Management Supervisory Control and Data Acquisition (SCADA) System software such that the contract be extended through November 30, 2017 and the Contract not-to-exceed amount increased by \$602,706.00 for which \$142,580.00 in ad valorem funds which are budgeted in FY15, and the remainder subject to Governing Board approval of the FY16 through FY18 budgets; providing an effective date.

WHEREAS, the District uses SCADA System software, Telvent OASyS, to remotely monitor and/or control the 16 county wide Water Management System including Storm Water Treatment Areas; the original Central and Southern Flood Control System; and other hydraulic, hydrological and meteorological data collection sites.

WHEREAS, Telvent USA LLC, a Schneider Electric Company, provides ongoing maintenance to the District for its SCADA system.

WHEREAS, Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to amend contract 4600002805 with Telvent USA LLC, a Schneider Electric Company, to increase the authorized spending amount and extend the term of the contract through November 30, 2017.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves amending Contract 4600002805 with Telvent USA LLC, a Schneider Electric Company, for continuing long term maintenance of the Water Management Supervisory Control and Data Acquisition (SCADA) System software such that the contract be extended through November 30, 2017 and the Contract not-to-exceed amount increased by \$602,706.00 for which \$142,580.00 in ad valorem funds are budgeted in FY15, and the remainder subject to Governing Board approval of the FY16 through FY18 budgets.

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

PASSED and ADOPTED this 13th day of November, 2014.

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

Chairman

Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: November 13, 2014

SUBJECT: RECOVER Contract – Oyster Monitoring in the Northern Estuaries on the Southeast Coast of Florida

Summary

This five-year contract with Florida Fish and Wildlife Conservation Commission is to continue and refine the long-term monitoring program for oysters (*Crassostrea virginica*) in the Northern Estuaries, Southeast Coast of Florida by collecting basic biological information, measuring the health, status and density of living oysters in the St. Lucie River and Estuary and Loxahatchee River. The biological information collected (size, growth, survival, reproduction), and measures of health status (disease) on living oysters are to be conducted at five locations within the St. Lucie Estuary and Loxahatchee River. This project is directly linked to the monitoring or research component identified in the Comprehensive Everglades Restoration Program (CERP) / REstoration COordination and VERification (RECOVER) Northern Estuaries module of the Monitoring and Assessment Program (MAP). Currently there is \$136,000 budgeted for FY15 with an additional \$544,000 to be allocated for FY16-19 per annual budget approval.

Staff Recommendation

Staff recommends approval of this contract.

Additional Background

(CERP) is implemented as a means of reinitiating, to the greatest degree possible, natural freshwater flow to coastal waters on both coasts of South Florida. The RECOVER (MAP) component of CERP is designed to provide a diverse approach to documenting and describing the impacts of changed freshwater flow to the flora and fauna inhabiting inland landscapes and coastal waters. Because of their wide distribution, historical context, and essential habitat value, the Eastern Oyster is included as a target species for monitoring. Changes in oyster distribution and abundance are monitored in the Northern Estuaries at a variety of sites on both the Atlantic and Gulf of Mexico coasts of South Florida, including the St. Lucie Estuary, the Loxahatchee River, and the Caloosahatchee River. The data collected under the RECOVER program is also used to support WMD OPS and the NEEPP. This contract is for continued oyster monitoring within the St. Lucie Estuary, the Loxahatchee River.

Core Mission and Strategic Priorities

This project supports CERP/RECOVER. Oysters are one of the target species that are being used to assess progress toward restoration goals. The C-44 reservoir as well as other related CERP components is designed to restore the quantity, quality and timing of flows to the estuary in order to restore the natural habitats and water quality that support a healthy estuarine system.

Funding Source

This five-year contract is for the amount of \$680,000, of which \$136,000 of CERP (P210) is budgeted for the current FY15 and \$136,000 in each FY16, FY17, FY18 and FY19 subject to Governing Board budget approvals each succeeding fiscal year.

Staff Contact

Peter Doering, x2772 pdoering@sfwmd.gov;

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1109

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year cooperative agreement with the Florida Fish and Wildlife Conservation Commission, for oyster monitoring in the Northern Estuaries on the Southeast coast of Florida in the amount of \$680,000, of which \$136,000 of ad valorem funds are budgeted for FY15; and the remainder is subject to Governing Board approval of the FY16-19 budgets; providing an effective date. (Contract No. 4600003152)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a five-year cooperative agreement with the Florida Fish and Wildlife Conservation Commission, for oyster monitoring in the Northern Estuaries on the Southeast coast of Florida in the amount of \$680,000, of which \$136,000 of ad valorem funds are budgeted for FY15; and the remainder is subject to Governing Board approval of the FY16-19 budgets; **now therefore**

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of agreement 4600003152 with the Florida Fish and Wildlife Conservation Commission.

Section 2. This resolution shall take effect immediately upon adoption

PASSED and ADOPTED this 13th day of November 2014.

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

Chairman

Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

EXHIBIT “ _ ”

PAYMENT AND DELIVERABLE SCHEDULE

| Task # | Task Description | Due Date | Payment |
|---------------------|--|---|------------------|
| 1 | Kick Off Meeting, | 10 Business days from Execution of Agreement | \$5,000 |
| | Draft and Final Work Plan | 15 Business days from Kick Off Meeting | |
| 2 | Field data Collection and quarterly status report (Quarter 1) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 2) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 3) | | \$29,500 |
| | Field data Collection (Quarter 4) | | \$22,500 |
| 2 | Monthly email update reporting for key selected sites. | Last day of each month. | N/A |
| 3 | Oyster Subteam meeting #1 | | \$5,000 |
| 4 | Annual Report | | \$15,000 |
| FY15 - Total | | | \$136,000 |
| 2 | Field data Collection and quarterly status report (Quarter 1) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 2) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 3) | | \$29,500 |
| | Field data Collection (Quarter 4) | | \$22,500 |
| 2 | Monthly email update reporting for key selected sites. | Last day of each month | N/A |
| 3 | Oyster Subteam meeting #1 | | \$5,000 |
| | Oyster Subteam meeting #2 | | \$5,000 |
| 4 | Annual Report | | \$15,000 |
| FY16 - Total | | | \$136,000 |
| 2 | Field data Collection and quarterly status report (Quarter 1) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 2) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 3) | | \$29,500 |
| | Field data Collection (Quarter 4) | | \$22,500 |
| 2 | Monthly email update reporting for key selected sites. | Last day of each month | N/A |

Attachment: 4600003152_PD Sched_EC_Oyster_Monit (Resolution No. 2014 - 1109 : RECOVER Contract – Oyster Monitoring in the Northern

| | | | |
|---------------------|---|------------------------------|------------------|
| 3 | Oyster Subteam meeting #1 | | \$5,000 |
| | Oyster Subteam meeting #2 | | \$5,000 |
| 4 | Annual Report | | \$15,000 |
| FY17 - Total | | | \$136,000 |
| 2 | Field data Collection and quarterly status report (Quarter 1) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 2) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 3) | | \$29,500 |
| | Field data Collection (Quarter 4) | | \$22,500 |
| 2 | Monthly email update reporting for key selected sites. | Last day of each month | N/A |
| 3 | Oyster Subteam meeting #1 | | \$5,000 |
| | Oyster Subteam meeting #2 | | \$5,000 |
| 4 | Annual Report | | \$15,000 |
| FY18 - Total | | | \$136,000 |
| 2 | Field data Collection and quarterly status report (Quarter 1) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 2) | | \$29,500 |
| | Field data Collection and quarterly status report (Quarter 3) | | \$29,500 |
| | Field data Collection (Quarter 4) | | \$22,500 |
| 2 | Monthly email update reporting for key selected sites. | Last day of each month. | N/A |
| 3 | Oyster Subteam meeting #1 | | \$5,000 |
| | Oyster Subteam meeting #2 | | \$5,000 |
| 5 | Final Report | 6 month from last monitoring | \$15,000 |
| FY19 - Total | | | \$136,000 |
| Total Amount | | | \$680,000 |

RECOVER, Monitoring and Assessment Plan (MAP) Northern Estuaries, Oyster Monitoring on the Southeast Coast of Florida

Contract # 4600003152

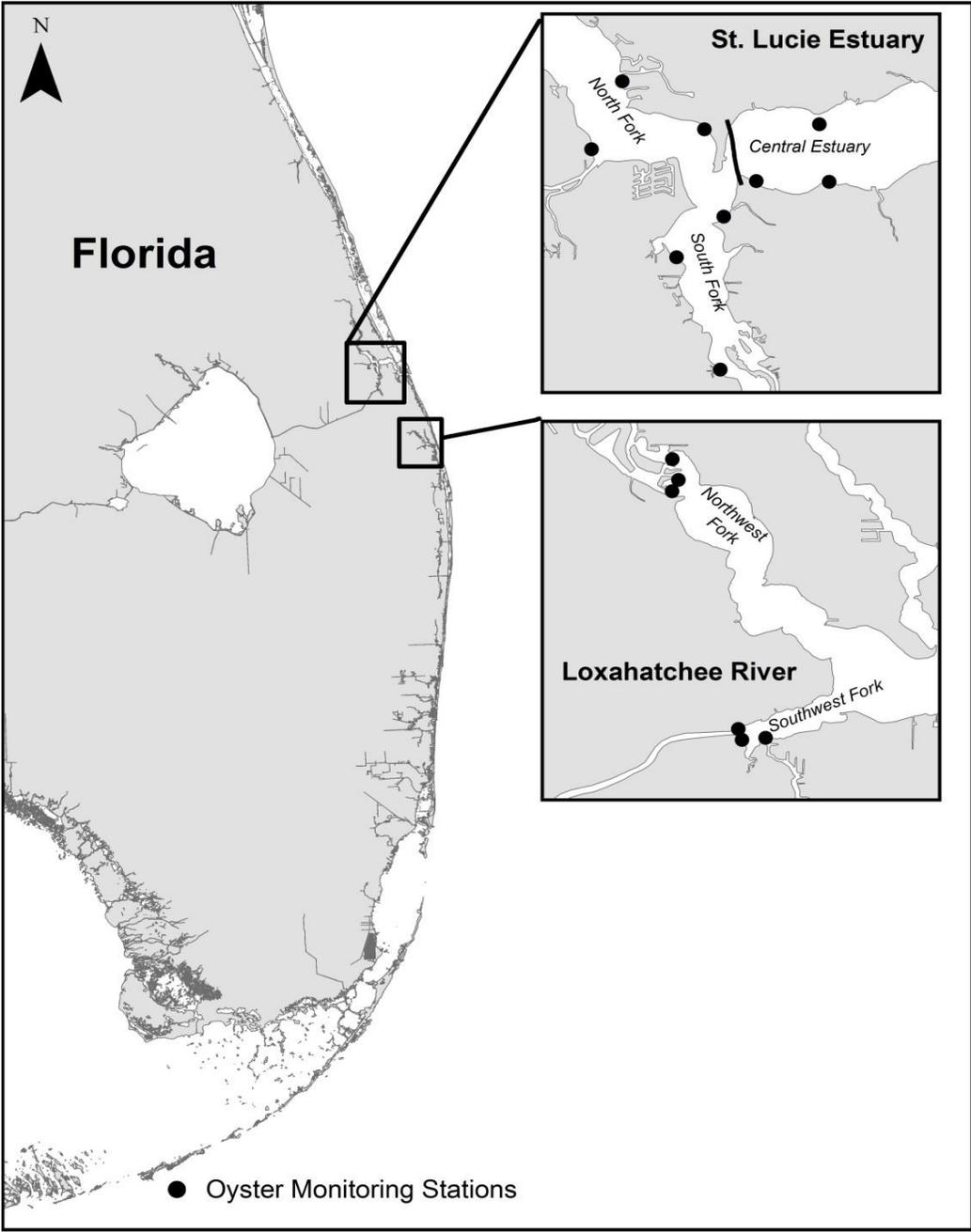


Figure 1. Location Map of St. Lucie Estuary and Loxahatchee River Oyster Monitoring

Attachment: 4600003152_Site Map_EC_Oyster Monit (Resolution No. 2014 - 1109 : RECOVER Contract - Oyster Monitoring in the Northern

MEMORANDUM

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: November 13, 2014

SUBJECT: Cisco Systems Hardware and Software Maintenance Three Year Agreement

Summary

In September 2014, the Governing Board approved a one year purchase order for Cisco Systems hardware and software maintenance. The Information Technology Bureau negotiated a revised quotation with Presidio Technology Capital LLC, an authorized Cisco Systems reseller, offering a substantial savings for a three year agreement. This request is to approve a three year agreement for the financing of Cisco Systems hardware and software maintenance with Presidio Technology Capital LLC, resulting in an estimated \$230,000 savings over the three year period. The three year total is \$612,460. The time period for support is December 1, 2014 through November 30, 2017 and will be procured from Presidio Technology Capital LLC using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS.

Staff Recommendation

Staff recommends approving a three year agreement with Presidio Technology Capital LLC for Cisco Systems network hardware and software maintenance, for the time period December 1, 2014 - November 30, 2017, using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS, in the amount of \$612,460 for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets.

Additional Background

The Cisco Systems hardware and software supports all District networks including the SCADA and internal networks, our ability to monitor and control water levels, internet connectivity, telephone system, and connection between all District offices and microwave network sites. The hardware maintenance includes phone support to trouble shoot network problems and replacement of malfunctioning equipment. The software support includes upgrades for the Cisco router operating system and technical support. This maintenance renewal also includes support for the video conferencing equipment.

Core Mission and Strategic Priorities

The hardware and software maintenance provide improved network reliability and network support for the entire District.

Funding Source

The total amount for the three year agreement is \$612,460, for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets.

Staff Contact and/or Presenter

Doug Bergstrom ext. 6214 or Duane Piper ext. 2638.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1110

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year agreement with Presidio Technology Capital LLC for the financing of Cisco Systems hardware and software maintenance, using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS, in the amount of \$612,460 for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a three year agreement with Presidio Technology Capital LLC for the financing of Cisco Systems hardware and software maintenance, using the Western States Contracting Alliance Contract (WSCA) #43220000-WSCA-14-ACS, in the amount of \$612,460 for which ad valorem funds in the amount of \$204,154 are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves entering into a three year agreement with Presidio Technology Capital LLC.

Section 2. This resolution shall take effect immediately upon adoption

PASSED and ADOPTED this 13TH day of November, 2014.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Edward L. Artau, Interim General Counsel

DATE: November 13, 2014

SUBJECT: Settlement of Eminent Domain (Condemnation) Action LW MAYHOOD TRUST - Tract No. 005-012

Background

- **Case Name:** *SFWMD v. LW Mayhood Trust, et al.*, Case No.: 11-CA-002070; Tract No. 005-012 (5 acres)
- **Type of Case:** Eminent Domain (Condemnation) Action; Lee County
- **District Project Name:** Southern Corkscrew Regional Ecosystem Watershed ("Critical CREW") Project

Core Mission and Strategic Priorities

Since April of 2001, the South Florida Water Management District ("District") has been involved in numerous eminent domain (condemnation) actions to carry out the Critical CREW Project authorized by Section 373.1501, Florida Statutes. The District had previously determined that Tract No. 005-012 (5 acres), owned by LW Mayhood Trust, was needed for the Critical Crew Project, and therefore obtained an Order of Taking on October 5, 2011, and took ownership of the tract upon making its good faith deposit on October 7, 2011, as part of its quick take proceeding. A proposed settlement of this eminent domain action was reached that would complete condemnation of this tract for the Critical CREW Project in the amount of \$95,000 (39.71% over the District's appraised value of \$68,000.00), plus statutory attorney's fees of \$11,550.00 and expert fees and costs of \$9,750.00.

Funding Source

Dedicated funds (Florida Forever Trust Fund) are budgeted and available to complete the Settlement of this condemnation action.

Staff Recommendation

Staff recommends approval. The proposed settlement would complete condemnation of 5 acres needed for the Critical CREW Project in Lee County in the amount of \$95,000.00 (39.71% over the District's appraised value of \$68,000.00), plus statutory attorney's fees of \$11,550.00 and expert fees and costs in the amount of \$9,750.00. The District previously deposited \$60,000 on October 7, 2011, as part of its quick take proceeding. The District would therefore need to make a net additional deposit of \$56,300.00 upon approval. This settlement resolves all claims for compensation from the District, avoiding the uncertainties associated with a jury trial, and the District's expenditure of funds to pay both the District's and the property owner's additional legal costs associated with a jury trial.

If you have any questions, please call Interim General Counsel, Edward L. Artau, at 6431.

ELA/jr

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1111

A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement in the amount of \$95,000.00, plus \$11,550.00 for statutory attorney's fees and \$9,750.00 for expert fees and costs, for which dedicated funds (Florida Forever Trust Fund) are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 005-012 - LW Mayhood Trust), within the designated boundaries of the Southern Corkscrew Regional Ecosystem Watershed ("Critical Crew") project, styled South Florida Water Management District v. LW Mayhood Trust, et al., filed in the 20th Judicial Circuit, Lee County, Florida, Case No. 11-CA-002070; providing an effective date.

WHEREAS, Sections 373.083(1), 373.129, 373.139, and 373.1501, Florida Statutes, authorize the South Florida Water Management District to bring, maintain, and settle existing condemnation lawsuits; and,

WHEREAS, the South Florida Water Management District had previously exercised its condemnation authority by bringing an eminent domain action and condemning 5 acres of land (Tract No. 005-012) needed for the Critical CREW Project; and,

WHEREAS, the Parties to this eminent domain action have reached a proposed final settlement as set forth in the Stipulation for Settlement of Tract No. 005-012, attached hereto as Exhibit "A";

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the settlement agreement in the amount of \$95,000.00, plus \$11,550.00 for statutory attorney's fees and \$9,750.00 for expert fees and costs, for a condemnation action involving approximately 5 Acres (Tract No. 005-012 - LW Mayhood Trust), within the designated boundaries of the Critical Crew Project, styled South Florida Water Management District v. LW Mayhood Trust, et al., filed in the 20th Judicial Circuit, Lee County, Florida, Case No. 11-CA-002070.

Section 2. The Settlement approved hereinabove shall be substantially in the form of the Stipulation for Settlement of Tract No. 005-012, attached hereto as Exhibit "A".

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

PASSED and **ADOPTED** this 13th day of November, 2014.

BUDGETED

| <u>Dollars</u> | <u>Fund</u> | <u>Funds Center</u> | <u>Funded Program</u> | <u>Commitment Item</u> |
|----------------|-------------|---------------------|-----------------------|------------------------|
| \$35,000 | 404000 | 3510144000 | PB04 | 580020 |
| \$11,550 | 404000 | 3510144000 | PB04 | 580022 |
| \$ 9,750 | 404000 | 3510144000 | PB04 | 580027 |

Budget Approval

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL
CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, a public
agency of the State of Florida,

CASE NO.: 11-CA-002070

Parcel/Tract No.: 005-012

Petitioner,

vs.

LW MAYHOOD TRUST, by and through its
unknown trustee, ASSET INTERVENTION,
INC. f/b/o William Robert Carter IV, WILLIAM
ROBERT CARTER IV, THE ESTATE OF
TRACY ANN LAW, a/k/a TRACY A. LAW, by
and through its unknown personal
representative, UNKNOWN HEIRS OF THE
ESTATE OF TRACY ANN LAW, a/k/a TRACY
A. LAW, THE ESTATE OF WILLIAM R.
CARTER III, by and through its unknown
personal representative, UNKNOWN HEIRS
OF THE ESTATE OF WILLIAM R. CARTER
III, WILLIAM R. CARTER, THE ESTATE OF
WILLIAM R. CARTER, if deceased, by and
through its unknown personal representative,
UNKNOWN HEIRS OF WILLIAM R. CARTER,
if deceased, LIZANNE QUINN, as Limited
Power of Attorney for William R. Carter IV
dated January 15, 2008, and LEE COUNTY
TAX COLLECTOR CATHY CURTIS,

Respondents.

**STIPULATION FOR SETTLEMENT OF TRACT NO. 005-012
AND ATTACHED STIPULATED FINAL JUDGMENT**

The Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT (hereinafter
“Petitioner” or “District”), by and through its undersigned attorney, and the Respondent,
Mayhood (hereinafter “Respondent”), by and through its undersigned attorney, hereby stipulate
and agree as follows, contingent and subject to the approval of the Florida Department of
Environmental Protection of the State of Florida and the Governing Board of the District:

1. On or about October 5, 2011, an Order of Taking was entered in the above referenced case pertaining to Tract No. 005-012.

2. On or about October 7, 2011, the District filed its Notice of Deposit and in fact deposited on said date the sum of SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) for Tract No. 005-012, whereby fee simple title to Respondent's property vested in the District. Respondent has already withdrawn from the Court Registry said \$60,000.00 sum; less liens/taxes owed the Tax Collector.

3. The District and Respondent hereby stipulate and agree that a valuation hearing with respect to Respondent's Tract 005-012 is no longer necessary so long as this Stipulation for Settlement is approved by the Department of Environmental Protection of the State of Florida and the Governing Board of the District, and if so, Respondent waives any and all rights to a valuation trial/hearing by way of the parties full, complete and final settlement of this matter as set forth herein below.

4. The District and Respondent agree to a total settlement amount of NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00) for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-012 and this case. Accordingly, the District shall pay the Respondent the additional sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) (after deducting the \$60,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$95,000.00).

5. Respondent and undersigned Counsel agree that the District shall pay Respondent's attorneys' fees in the amount of ELEVEN THOUSAND FIVE HUNDRED FIFTY

AND 00/100 DOLLARS (\$11,550.00) as full and final payment of any and all attorneys' fees, and NINE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$9,750.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter.

6. The District shall deposit the balance due in the total sum of FIFTY-SIX THOUSAND THREE HUNDRED AND 00/100 DOLLARS (\$56,300.00) which is inclusive of all of Respondent's claims for real estate interests, land, improvements, structures, property of any kind, prejudgment or other interest claims, damages and claims of any kind involving Tract No. 005-012, as well as any of Respondent's claims for attorneys' fees, experts' fees and costs, or any other claims, pursuant to paragraph four(4) and five (5) above, with the Court Registry within twenty (20) days of the entry of the attached Stipulated Final Judgment as and for full and final payment as set forth above.

7. The Respondent stipulates and represents that he has not assigned any rights concerning Tract No. 005-012, this case, and/or compensation for his property interest. The Respondent, and his undersigned counsel, waive any and all claims against the District as to Tract Nos. 005-012, (including the State of Florida, the U.S. Department of Interior, the U.S. Army Corps of Engineers, the Department of Environmental Protection of the State of Florida, and any of their and the District's employees, agents, contractors, representatives, attorneys, Governing Board Members, and their successor and assigns), including but not limited to claims for real estate interests, land, improvements, structures, property of any kind, prejudgment or other interest claims, claims and damages of any kind involving Tract No. 005-012, as well as any claims for attorneys' fees, experts' fees and costs, or any other claims and fully release the District and the above-referenced included entities and individuals from any and all such claims and damages. The parties agree to submit the attached Stipulated Final Judgment for entry by the

Court only if and upon approval of it by both the Department of Environmental Protection of the State of Florida and the District's Governing Board.

Agreed to, subject and contingent upon the approval of the Department of Environmental Protection of the State of Florida and the Governing Board of the District on this _____ day of _____, 2014.

 Edward Artau, Esquire
 Florida Bar No. 764353
 as Counsel for SOUTH FLORIDA WATER
 MANAGEMENT DISTRICT
 Office of Counsel
 3301 Gun Club Road MSC-1410
 West Palm Beach, Florida 33406
 (561) 682-6431
 (561) 682-6276 Facsimile
 edwartau@sfwmd.gov

 Jackson Bowman, Esquire
 Florida Bar No. 143715
 as Counsel for RESPONDENT
 Moore Bowman & Rix, P.A.
 300 West Platt Street, Suite 100
 Tampa, Florida 33606
 (813) 318-9000
 (877) 203-5748 Facsimile
 jbowman@mbrfirm.com

STIPULATED FINAL JUDGMENT

This matter having come before the Court upon the foregoing Stipulation for Final Judgment entered between the Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, (hereinafter "Petitioner" or "District"), and the Respondent, LW MAYHOOD TRUST (hereinafter "Respondent"), by and through their duly authorized attorneys, and this Court otherwise being fully advised of the premises therein, it is hereby:

1. CONSIDERED, ORDERED and ADJUDGED that the Stipulation for Final Judgment has been entered into freely and voluntarily by all necessary parties and is adopted and approved by this Court in its entirety and the parties shall comply with the terms herein.

2. The Respondent, shall recover from Petitioner the total sum of NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00), SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) of which has already been paid from Petitioner to Respondent, less any liens/taxes owed the tax collector, by way of the Petitioner's previous deposit in the Court Registry in this case, for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-012 and this case. Accordingly, the District shall pay the Respondent the additional sum of THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) (after deducting the \$60,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$95,000.00), payable as set forth below, in full and final compensation for Tract No.: 005-012, as legally described in Exhibit "A" incorporated herein as if fully set forth, and shall also recover, payable as set forth below, the amount of ELEVEN THOUSAND FIVE HUNDRED FIFTY AND 00/100 DOLLARS (\$11,550.00) as full and final payment of any and all attorneys' fees, and NINE

THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$9,750.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter.

3. ORDERED that Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT, as set forth above, shall pay to the Respondent, by depositing into the Registry of the Court, for payment to Respondent made payable in the name of the law firm representing Respondent in this case, Moore Bowman & Rix, P.A., c/o Jackson Bowman, 300 West Platt Street, Suite 100, Tampa, Florida 33606, for proper payment and disbursement, within twenty (20) days from entry of the Stipulated Final Judgment, the total sum of FIFTY-SIX THOUSAND THREE HUNDRED AND 00/100 DOLLARS (\$56,300.00), which is inclusive of the THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) (after deducting the \$60,000.00 previously paid into the Court Registry after the entry of the Order of Taking from the agreed total settlement amount of \$95,000.00), for all of the Respondent's real estate interests, land, structures, improvements, prejudgment or other interest claims, property of any kind, claims and damages of any kind involving Tract No. 005-012, as well as the ELEVEN THOUSAND FIVE HUNDRED FIFTY AND 00/100 DOLLARS (\$11,550.00) as full and final payment of any and all attorneys' fees, and NINE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$9,750.00) as full and final payment of any and all of Respondent's experts' fees and costs in this matter, without which let execution issue.

4. The Clerk of the Circuit Court/Registry is hereby directed to provide a check to the Respondent, payable to Moore Bowman & Rix, P.A., c/o Jackson Bowman, 300 West Platt Street, Suite 100, Tampa, Florida 33606, for the total sum ordered pursuant to paragraph 3 above, in the amount of FIFTY-SIX THOUSAND THREE HUNDRED AND 00/100

DOLLARS (\$56,300.00), less previously existing liens or taxes owed the tax collector, if any, without further motion or order of the Court.

5. It is further ORDERED and ADJUDGED that the District's fee simple title, including but not limited to all previous right, title and interest of the Respondent specified in the Petition in Eminent Domain of the property that is the subject matter of this action (Tract No. 005-012), described in the legal description of said property, attached and incorporated hereto as Exhibit "A," which vested in the Petitioner pursuant to the Order of Taking and deposit of money heretofore made, is approved, ratified and confirmed.

Done and Ordered in Chambers in Lee County, Fort Myers, Florida this _____ day of _____, 2014.

Circuit Court Judge

Copies furnished to:

Edward Artau, South Florida Water Management District, 3301 Gun, MSC-1410, West Palm Club Road Beach, Florida 33406

Jackson Bowman, Moore Bowman & Rix, P.A., 300 West Platt Street, Suite 100, Tampa, Florida 33606

Cathy Curtis, Tax Collector, Lee County, 2480 Thompson Street, Fort Myers, Florida 33901

Luis E. Rivera II, Henderson, Franklin et al, P.A., P.O. Box 280, Fort Myers, Florida 33902

Exhibit "A"
Tract No. 00-005-012

The East half of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 32, Township 47 South, Range 26 East, Lee County, Florida.

LESS the North 25.00 feet thereof, for county road Right-of-Way

Containing 5.00 acres, more or less, per Lee County tax rolls.

CREW\Mayhood Trust
Folio 4726320000002023A
ORB 2867, Pg 3074

R:\legals\crew\005-012.lgl
June 23, 1999
Revised: May 9, 2000

Legal Description

Exhibit "A"

Attachment: 000 2014-10-14 REVISED Stipulation for Settlement of Tract No. 005-012 and Attached Stipulated Final (Resolution No. 2014 - 1111

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: November 13, 2014

SUBJECT: 2015 Priority Water Body List and Schedule

Summary

Florida law (Section 373.042(2), Florida Statutes) requires the water management districts to submit a list and schedule annually to the Florida Department of Environmental Protection (FDEP) which prioritizes water bodies for developing minimum flows and levels (MFL) and water reservations.

The 2015 Priority Water Body List and Schedule includes the ongoing evaluation of the Caloosahatchee River MFL and the Kissimmee Basin water reservation. The District will continue to collect data and evaluate new information for the Caloosahatchee River to assess the need to revise the existing Caloosahatchee River MFL. Additional evaluations and model development will also be performed. The Kissimmee Basin reservations will provide protection for fish and wildlife in the Kissimmee Chain of Lakes, the Kissimmee River and its floodplain in the central Florida region.

Staff Recommendation

Staff recommends approval of this resolution authorizing the submission of the 2015 Priority Water Body List to the FDEP for review and approval.

Additional Background

MFLs provide a basis for defining the point at which additional withdrawals will result in significant harm to the water resources or the ecology of the area. MFL criteria have been adopted for nine regional water bodies within the South Florida Water Management District (District). Water reservations are adopted by rule to protect water for fish and wildlife or public health and safety from being allocated to consumptive uses. Water reservations have been adopted for five water bodies within the District.

Core Mission and Strategic Priorities

The technical and rulemaking processes to re-evaluate the Caloosahatchee River MFL criteria and to establish a water reservation for the Kissimmee Basin are being completed as part of the core mission and strategic priorities to protect natural systems.

Funding Source

No funding is associated with this item.

Staff Contact

Don Medelli, dmedelli@sfwmd.gov <<mailto:dmedelli@sfwmd.gov>>, (561) 682-6340

TB/dlm

Attachment A - 2015 Priority Water Body List and Schedule

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1112

A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2015 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(2), Florida Statutes; providing an effective date.

WHEREAS, the South Florida Water Management District (District) is required by Section 373.042(2), Florida Statutes (F.S.), to submit an annual update of the Priority Water Body List for Minimum Flows and Levels and Water Reservations that reflects the District's water resource management priorities, the importance of the waters to the region, and the existence of, or potential for, significant harm to the water resources; and

WHEREAS, the water management districts are required to forward it to the Florida Department of Environmental Protection for its review and approval; and

WHEREAS, the proposed 2015 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations considers the differing resource issues addressed by minimum flows and levels and water reservations based on staffing and technical resources to ensure successful completion of rulemaking; and

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves submission of the proposed 2015 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(2), F.S.

Section 2. The proposed 2015 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations is attached hereto and made a part hereof.

PASSED and **ADOPTED** this 13th day of November 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

South Florida Water Management District
2015 Priority Water Body List and Schedule
Minimum Flows and Levels and Reservations

Minimum Flows and Levels:

Caloosahatchee River – MFL Reevaluation

- Continue data collection and its analysis for the Tidal Basin, including its tributaries, develop a model and apply it to understand the sources and their contribution to the Caloosahatchee Estuary through 2014.
- Investigate effects of MFL flows on oysters, benthic macrofauna, zooplankton, and ichthyoplankton through 2015.
- Apply hydrodynamic/salinity/ecological models and hydrologic information to develop improved MFL criteria through 2015.
- Complete technical analysis and its documentation in 2016.
- Complete peer review in 2016.
- Incorporate new technical information into rule making process in 2017.
- Hold public workshops

Reservations:

Kissimmee Basin

- Water bodies include:
 - Kissimmee River and its floodplain
 - Lakes Kissimmee, Cypress and Hatchineha
 - Lake Tohopekaliga
 - East Lake Tohopekaliga, Fell's Cove, Lake Ajay
 - Lakes Hart and Mary Jane
 - Lakes Myrtle, Joel and Preston
 - Alligator Chain of Lakes (Alligator, Brick, Lizzie, Coon, Center and Trout)
 - Lake Gentry
- Peer review completed in 2009
- Complete revised draft technical document
- Hold public workshops
- Adopt rule in December 2015.

M E M O R A N D U M

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: November 13, 2014

SUBJECT: Rule Development to Update Water Well Rules

Summary:

The District is proposing to update its water well rules to include a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references.

Staff Recommendation:

Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and authorize review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapter 40E-3, F.A.C., to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references.

Additional Background

The District's Water Well Construction Permitting and Contractor Licensing Program includes well contractor licensing for all 16 counties and water well construction permitting. The District has delegated the permitting authority for well construction permitting to other governmental agencies in 14 counties and continues to issue well construction permits for all wells in Charlotte and Monroe Counties, for wells 12 inches or larger in Broward County, for county-owned wells in Collier and Lee Counties, and for City owned wells in the City of Cape Coral.

Core Mission and Strategic Priorities

This item supports the core mission by bringing the District's rules in line with those of the Department of Environmental Protection.

Funding Source

The cost for publication of the notice will be funded from the Office of Counsel's budget.

Staff Contact: Kellie R. Madison, Section Leader
Phone (561) 682-6906

Jennifer D. Brown, Senior Attorney, Office of Counsel
Phone (561) 682-2258

DRAFT 10-27-14 4:45 p.m.**40E-3.011 Policy and Purpose.**

(1) No Change.

(2) Additional District rules relating to water wells are found in Chapters 40E-5 (Artificial Recharge) and 40E-2, F.A.C. (Consumptive Use).

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History–New 1-1-85, Amended 12-19-89, 3-16-05, 7-14-14,_____.

40E-3.021 Definitions.

When used in this chapter:

(1) through (18) No Change.

(19) All definitions contained in Section 373.303, F.S. and Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in subsections ~~paragraphs~~ 40E-3.036 (1)(a) and (2) ~~(e)~~, F.A.C., respectively.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History–New 1-1-85, Amended 12-19-89, 3-16-05, 9-26-12, 7-14-14,_____.

40E-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents, which are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436, or (561) 682-6436:

(1) “Delegation Agreement between South Florida Water Management District and Lee County for Regulation of Water Wells,” [ADD HYPERLINK], dated September 13, 2005.

DRAFT 10-27-14 4:45 p.m.

(2) “Delegation Agreement between South Florida Water Management District and Miami-Dade County Health Department,” [\[ADD HYPERLINK\]](#), dated August 10, 2005.

(3) “Agreement between Collier County and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated February 5, 1985; “Amendment to Agreement between South Florida Water Management District and Collier County,” [\[ADD HYPERLINK\]](#), dated February 28, 1989; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Collier County,” [\[ADD HYPERLINK\]](#), dated May 11, 2005.

(4) “Agreement between the City of Cape Coral and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated October 10, 1986; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and the City of Cape Coral,” [\[ADD HYPERLINK\]](#), dated August 10, 2005.

(5) “Agreement between the Martin County Health Department and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated June 12, 1998; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department,” [\[ADD HYPERLINK\]](#), dated April 18, 2005; “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Martin County Health Department,” [\[ADD HYPERLINK\]](#), dated May 13, 2010.

(6) “Agreement between the Osceola County Health Department and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated February 11, 1999; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Osceola County Health Department,” [\[ADD HYPERLINK\]](#), dated

DRAFT 10-27-14 4:45 p.m.

April 18, 2005.

(7) “Agreement between the St. Lucie County Health Department and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated April 13, 2000; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department,” [\[ADD HYPERLINK\]](#), dated May 11, 2005; “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and St. Lucie County Health Department,” [\[ADD HYPERLINK\]](#), dated May 13, 2010.

(8) “Agreement between the Hendry County Health Department and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated September 14, 2000; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Hendry County Health Department,” [\[ADD HYPERLINK\]](#), dated April 18, 2005.

(9) “Agreement between the Okeechobee County Health Department and South Florida Water Management District,” [\[ADD HYPERLINK\]](#), dated April 11, 2002; “Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department,” [\[ADD HYPERLINK\]](#), dated April 18, 2005; “Second Amendment to the Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Okeechobee County Health Department,” [\[ADD HYPERLINK\]](#), dated May 13, 2010.

(10) “Water Well Construction Permit Program Delegation Agreement between South Florida Water Management District and Glades County Health Department,” [\[ADD HYPERLINK\]](#), dated May 11, 2005.

DRAFT 10-27-14 4:45 p.m.

(11) “Delegation Agreement between South Florida Water Management District and Orange County Health Department,” [ADD HYPERLINK], dated May 11, 2005.

(12) “Delegation Agreement between South Florida Water Management District and Osceola County and Polk County Health Departments,” [ADD HYPERLINK], dated May 11, 2005.

(13) “Delegation Agreement between South Florida Water Management District and Palm Beach County Health Department,” [ADD HYPERLINK], dated May 11, 2005.

(14) “Delegation Agreement between South Florida Water Management District and State of Florida Department of Health, Broward County Health Department,” [ADD HYPERLINK], dated June 8, 2005.

(15) “Delegation Agreement between South Florida Water Management District and Highlands County Health Department,” [ADD HYPERLINK], dated May 13, 2010.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 8-26-10,_____.

40E-3.036 Rules and Publications Incorporated by Reference.

The following Department rules, publications, standards and forms are incorporated by reference herein, regarding construction, repair, and abandonment of wells, and shall apply to the well contractor licensing program administered by the District.

(1) Chapter 62-531, F.A.C., Well Contractor Licensing Requirements ~~(6-24-14) (11-25-07)~~, [\[https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-531\]](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-531), ~~a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~ The following publications

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referenced in Chapter 62-531, F.A.C., are also incorporated by reference herein and may also be obtained by contacting the Department or the South Florida Water Management District:

(a) The Department's Water Well Contractor Disciplinary Guidelines and Citations Dictionary Procedures Manual (June 2014), (October 2002) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03955>]; incorporated by reference in subsection 62-531.450(5), F.A.C., a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436;

(b) The Department's Water Well Contractor Continuing Education Program Manual for Coursework and Continuing Education for Water Well Contractors, Department of Environmental Protection (June 2014) (November 2006), [<https://www.flrules.org/gateway/reference.asp?No=Ref-03954>]; incorporated by reference in subsection 62-531.300(2), F.A.C., a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, MS 3680, Tallahassee, FL 32399-2400; telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436;

(2) Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (10-07-10), [<http://www.flrules.org/Gateway/reference.asp?No=Ref-00574>], a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436. The following publications referenced in Chapter 62-532, F.A.C., are also incorporated by reference herein:

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(a) American Society for Testing and Materials (ASTM) A53/A53M-99b (1999); A135-01 (2001), A252-98 (1998), and A589-96 (1996), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of these copyrighted standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959;

(b) American Petroleum Institute (API) 5L-2000 (2000), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American Petroleum Institute, 1220 L Street N.W., Washington, DC 20005-4070;

(c) ANSI/ASME B36. 10M-2000, incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(d) Schedule 10S and Schedule 40 of the ANSI/ASME B36. 19M-1985, incorporated by reference in paragraph 62-532.500(1)(d), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(e) 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials; NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140;

(f) Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, Revised Edition 2008, published by the International Ground Source Heat Pump Association, Oklahoma

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State University; Closed-Loop/Ground-Source Heat Pump Systems Installation Guide, 1988, Oklahoma State University, incorporated by reference in subsection 62-532.500(2), F.A.C. Copies of these copyrighted materials may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018;

(g) Appendix C of American Water Works Association (AWWA) Standard A100-97 (1997), AWWA Standard for Water Wells, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235;

(h) Grouting for Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

(3) Rule 62-555.310, F.A.C., Source and Siting Requirements for Public Water Systems (8-28-03), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01538>, a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.

(4) Rule 62-555.312, F.A.C., Location of Public Water System Wells (8-28-03), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01539>, a copy of which may be obtained

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~~by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(5) Subsection 62-555.315(1), F.A.C., Public Water System Wells – Well Security (8-28-03), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01540>, a copy of which may be obtained ~~by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(6) Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas (6-27-00), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00572>, and the maps containing Delineated Areas for the following Counties: Broward, Glades, Highlands, Martin, Miami-Dade, Orange, Osceola, Polk, and St. Lucie, incorporated by reference in Rule 62-524.430, F.A.C. <http://www.flrules.org/Gateway/reference.asp?No=Ref-01529>. Copies may be obtained; upon receipt of reproduction and other appropriate costs, ~~from the Department of Environmental Protection, Bureau of Information Systems, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District Clerk's office, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561) 682-6436.~~

(7) ~~The Department's Florida Unified Citations Dictionary for Well Construction (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-03078>, a copy of which may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (561)682-6436.~~

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~~(7)~~ (8) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1), incorporated by reference in subsection 40E-3.101(1), F.A.C.

(b) State of Florida Well Completion Report, DEP Form 62-532.900(2), incorporated by reference in subsection 40E-3.411(1), F.A.C.

(c) Application for a State of Florida Water Well Contractor's License, Form 0186, incorporated by reference in subsection 40E-3.038(3), F.A.C.

(d) Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, Form 3, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04130>, incorporated by reference in Rule 62-531.300, F.A.C.

(e) Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, Form 4, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04131>, incorporated by reference in Rule 62-531.300, F.A.C.

(8) All rules and publications incorporated herein, other than the copyrighted materials identified in paragraphs (2)(a) through (h) herein, may be obtained by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850) 245-8648, or the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (800) 432-2045 ext. 6436 or (561) 686-8800.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308,

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373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended 9-8-13,_____.

40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.

(1) Applications for a water well contractor license shall be filed with the District on Form 0186, (09-2012), “Application for a State of Florida Water Well Contractor License₂”, incorporated by reference herein: <http://www.flrules.org/Gateway/reference.asp?No=Ref-01635>. Form 0186 is available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436 or (561) 682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C.

(2) No Change.

(3) Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, F.S., and Chapters 62-531 and 62-532, F.A.C.

(4) No Change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Amended 3-16-05, 9-26-12,_____.

40E-3.040 Scope of Part I.

The rules in this part relate to the permitting requirements applicable to the construction, repair, or abandonment of wells. Unless expressly exempt by statute or this rule, all wells must be permitted prior to construction, repair, or abandonment and must be constructed, repaired, or abandoned by a licensed water well contractor. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), or Chapter 40E-4 (Surface Water Management), ~~or Chapter 40E-40 (General Surface Water~~

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Management Permits), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History–New 1-1-85, 7-14-14,_____.

40E-3.041 Permits Required.

(1) Unless expressly exempted by statute or District rule, a permit must be obtained from the District or delegated agency prior to the construction, repair, or abandonment of any water well within the District's jurisdiction.

(2) and (3) No Change.

(4) Permits for construction, repair, modification, or abandonment of wells for which a water use permit is required under Chapter 40E-2, F.A.C., shall not be issued prior to issuance of the water use permit authorizing water use withdrawals.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History–New 1-1-85, Amended 3-16-05, 7-14-14,_____.

40E-3.042 Multiple Wells Under a Single Permit.

(1) The construction, repair, modification or abandonment of:

(a) Up to eight (8) sandpoint irrigation, monitor, recovery, dewatering, or gang wells 4 inches or less in diameter; or,

(b) A Class V air conditioning heat pump system consisting of one supply well and one return well; may be included under one permit provided the conditions of subsection (2) are met.

(2) A multiple well permit as described in subsection (1) will be issued provided:

(a) The wells are constructed in the same geologic material, completed in the same hydrogeologic unit, and drilled on a contiguous tract of land owned or controlled by the same individual or entity; and,

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(b) Each well is the same diameter and constructed of a similar material.

(3) The District will authorize multi-zone monitor wells consisting of multiple observation tubes monitoring different depths all located in a single larger diameter well casing under a single permit. Provisions listed in subsection (2) do not apply to this type of well.

(4) When a single well construction permit is issued for multiple wells as described above, a separate well completion report is required for each of the wells or tubes.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106(1), 373.309 FS. History—New _____

40E-3.051 Exemptions.

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) and (b) No Change.

(c) A test hole, as defined in subsection 40E-3.021(14) ~~(27)~~, F.A.C.

~~(d) A well intended for use as an injection well, which has received a permit under Chapter 62-528, F.A.C. Such wells are exempt from the construction standards in this chapter, provided the applicable standards of Chapter 62-528, F.A.C., are met.~~

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), or Chapter 40E-4 (Environmental Resource Permits), ~~or Chapter 40E-40 (Environmental Resource Standard General Permits)~~, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended 3-16-05, 7-14-14,

_____.

DRAFT 10-27-14 4:45 p.m.**40E-3.101 Content of Application.**

(1) No Change.

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40E-3.035, F.A.C., ~~shall be submitted with the permit application.~~

(3) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40E-3.035, F.A.C. The application for the construction, repair, or abandonment of water well(s) shall contain:

(a) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the well(s), except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: “Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well(s), will be submitted to the District”;

(b) The name, address, telephone number and signature of the property owner or his agent, if applicable, on whose property the well(s) is being drilled;

(c) Written authorization from the owner designating the authorized agent, if any;

(d) The location of the well(s) (to the nearest one-quarter-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates to the nearest one hundred feet), and property site map of each the well location, depicting land marks and providing a

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scale;

(e) The expected cased depth and total depth of the well;

(f) The proposed use of the well;

(g) The proposed grouting interval;

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair, or abandonment methods, specifications including casing types, casing diameters; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of each ~~the~~ well, or the method of plugging and abandoning of each ~~the~~ well;

(j) The anticipated starting date to begin drilling;

(k) The District water use permit number, the water use application number, and each ~~the~~ well number from the water use permit Table A, if applicable;

(l) A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to a water well;

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination within a 500 feet radius of the proposed well location, and,

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum, shall include:

1. and 2. No Change.

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3. A site map showing the location of the water test well(s) and any observation wells.

(4) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, 3-16-05, 9-26-12, _____.

40E-3.321 Duration of Permits.

(1) No Change.

(2) Construction, repair, or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) and (4) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05, _____.

40E-3.341 Suspension and Revocation.

The District or delegated agency may suspend or revoke a permit to construct, repair, or abandon a well by written notice to the permittee under any of the following circumstances:

(1) through (3) No Change.

(4) Unforeseen circumstances which may create a danger to the water resources or the public health, safety, or welfare, if the well is constructed as permitted; or,

(5) No Change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—New 1-1-85, Amended 3-16-05, _____.

DRAFT 10-27-14 4:45 p.m.**40E-3.411 Well Completion Reports.**

(1) The water well contractor shall complete and submit DEP Form 62-532.900(2), (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00578>, “State of Florida Well Completion Report,” incorporated by reference herein, to the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., for the construction, repair, or abandonment of all wells, regardless of whether a permit is required under Rules 40E-3.101 and 40E-3.600, F.A.C. Well completion reports shall be filed with the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., within 30 days of the completion of the work, using DEP Form 62-532.900(2). Copies of DEP Form 62-532.900(2) are available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436 or (561) 682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C. Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair, or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

(3) and (4) No Change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12,_____.

40E-3.451 Emergency Authorization.

(1) Emergency water well construction permits may be issued by the Executive Director or

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their designee when one of the following conditions exists which justifies the issuance:

(a) through (d) No Change.

(2) and(3) No Change.

Rulemaking Authority 373.044, 373.119, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended 7-2-98, 3-16-05, 7-14-14,_____.

40E-3.461 Inspection.

(1) The District or delegated agency is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done as necessary to insure conformity with applicable standards. Duly authorized representatives of the District or delegated agency, upon presenting proper identification and at reasonable times, may enter upon any premises for the purpose of such inspection. Such inspection may include, but need not be limited to, geophysical logging, water level measurements, or other methods.

(2) through (8) No Change.

Rulemaking Authority 373.044, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History–New 1-1-85, Amended 3-16-05,_____.

40E-3.500 Scope of Part II.

The rules in this part relate to the standards and criteria for the construction, repair, and abandonment of wells. All wells within the District unless specifically exempted under Rule 40E-3.051, F.A.C., must comply with these standards regardless of whether a permit is required under Part I.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313 FS. History–New 1-1-85,_____.

DRAFT 10-27-14 4:45 p.m.**40E-3.502 Construction Methods.**

(1) Water wells must be located, constructed, cased, grouted, plugged, capped, or sealed to prevent uncontrolled surface flow, uncontrolled movement of water from one aquifer or water bearing zone of differing water quality to another, contamination of groundwater or surface water resources, or other adverse impacts. The construction methods and standards in this chapter shall apply to all construction, repair, or abandonment of wells in the District except:

(a) In those areas exempted by the District with the concurrence of the Department; or,

(b) For public water supply wells or limited use public supply wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-555 or Chapter 64E-8, F.A.C., respectively; or,

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C., covering underground storage tank systems; or,

(d) For water wells permitted under Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired, or abandoned in accordance with Chapter ~~62-524~~ 62-534, F.A.C., or special criteria developed for specific designated areas; or,

(e) No Change.

(2) The District may designate special well construction standards areas by ~~e~~Emergency ~~r~~Rule to prevent transport of surface contaminants to groundwater or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants and will be in cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S., provisions for emergency rule making.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306,

DRAFT 10-27-14 4:45 p.m.

373.308, 373.309 FS. History–New 1-1-85, Amended 12-19-89, 3-16-05, _____.

40E-3.507 Casing and Liner Pipe Standards.

(1) No Change.

(2) Wells constructed using telescoping casings shall be considered as a continuous casing provided the following conditions are met:

(a) Any annular space including the overlapped section shall be grouted in accordance with paragraph 62-532.500(3)(i) ~~4, subsection (4)~~, F.A.C. incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) through (e) No Change.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History–New 1-1-85, Amended 3-16-05, 9-26-12, _____.

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) ~~40E-3.036(1)(c)~~, F.A.C., to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph 62-532.500(3)(i), F.A.C., incorporated by reference in subsection paragraph 40E-3.036(2) ~~40E-3.036(1)(c)~~, F.A.C.

(2) through (7) No Change.

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(8) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) and (b) No Change.

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; ~~and~~

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids;-

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flows to surface and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement;-

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well;- and

(g) No Change.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, 9-26-12,_____.

DRAFT 10-27-14 4:45 p.m.**40E-3.600 Scope of Part III ~~VI~~.**

(1) This part ~~“Part VI of Chapter 40E-3, F.A.C.,”~~ grants a general permit for certain specified well construction, repair, or abandonment activities which have been determined by the District to exist in unique geographic areas.

(2) The construction, repair, or abandonment of wells in accordance with Rule 40E- 3.601, F.A.C., ~~is~~ are authorized subject to the requirements of this part ~~Part VI~~ of this chapter.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented, 373.113, 373.118, 373.306, 373.308, 373.309, 373.342 FS. History—New 9-26-12,_____.

Notice of Development of Rulemaking

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

RULE NO.: RULE TITLE:

[40E-3.011](#): Policy and Purpose[40E-3.021](#): Definitions[40E-3.035](#): Agreements[40E-3.036](#): Rules and Publications Incorporated by Reference[40E-3.038](#): Violations of Contractor Licensing and Well Construction Requirements[40E-3.040](#): Scope of Part I[40E-3.041](#): Permits Required[40E-3.042](#): Multiple Wells Under a Single Permit[40E-3.051](#): Exemptions[40E-3.101](#): Content of Application[40E-3.321](#): Duration of Permits[40E-3.341](#): Suspension and Revocation[40E-3.411](#): Well Completion Reports[40E-3.451](#): Emergency Authorization[40E-3.461](#): Inspection[40E-3.500](#): Scope of Part II[40E-3.502](#): Construction Methods[40E-3.507](#): Casing and Liner Pipe Standards[40E-3.517](#): Grouting and Sealing

[40E-3.600](#): Scope of Part VI

PURPOSE AND EFFECT: The District is proposing to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local governments, update materials incorporated by reference, adopt amendments to DEP's rules, and update rule references.

SUBJECT AREA TO BE ADDRESSED: Water well construction and water well contractor rules will be amended regarding delegation agreements with local governments, rules and publications incorporated by reference, and a new rule for multiple wells under a single permit will be added. A copy of the preliminary draft rule text is available at www.sfwmd.gov/rules.

RULEMAKING AUTHORITY: [373.044](#), [373.113](#), [373.119](#), [373.171](#), [373.309](#), [373.333](#), [373.337 F.S.](#)

LAW IMPLEMENTED: [373.103](#), [373.106\(1\)](#), [373.113](#), [373.303](#), [373.306](#), [373.308](#), [373.309](#), [373.313](#), [373.316](#), [373.323](#), [373.324](#), [373.326](#), [373.329](#), [373.333](#), [373.336 F.S.](#)

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Kellie Madison, Section Leader, Technical Services, Water Use Bureau, South Florida, Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045, ext. 6906, or (561) 682-6906, email: kmadison@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: November 13, 2014

SUBJECT: Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C

Summary

The Department of Environmental Protection (DEP) is currently in rulemaking to amend the Statewide Environmental Resource Permit rules found in Chapter 62-330, Florida Administrative Code (F.A.C.), and Environmental Resource Permit Applicant's Handbook Volume I: General and Procedural. The District is proposing minor amendments to its environmental resource permitting rules found in Chapters 40E-1, 40E-4, 40E-41, and the "Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District." These minor changes include renaming and uploading maps in Chapter 40E-41, F.A.C., correcting dates of listed forms, deleting a reference to Noticed General Permit, clarifying incorporation language, and adopting amended rules of DEP in Chapter 62-330, F.A.C..

Staff Recommendation

Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapters 40E-1, 40E-4, 40E-41, F.A.C. and the "Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District," to make minor changes to rename and upload maps, correct dates of listed forms, delete a reference to Noticed General Permit, clarify incorporation language, and adopt amended rules of the Florida Department of Environmental Protection in Chapter 62-330, F.A.C.

Staff Contact and/or Presenter

Anita Bain, Bureau Chief, Environmental Resource Permitting, email: abain@sfwmd.gov <<mailto:abain@sfwmd.gov>>, phone: (561) 682-6866

Susan Roeder Martin, Sr. Practice Expert, Office of Counsel; email: smartin@sfwmd.gov <<mailto:smartin@sfwmd.gov>>, Phone (561) 682-6251

Notice of Development of Rulemaking

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:

[40E-1.607](#): Permit Application Processing Fees

[40E-1.659](#): Forms and Instructions

PURPOSE AND EFFECT: The District is proposing to correct its environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Corrections to dates of forms listed in 40E-1.659, F.A.C., and deleting a reference to Noticed General Permit in Rule 40E-1.607, F.A.C.

RULEMAKING AUTHORITY: [373.044](#), [373.109](#), [373.113](#), [373.171](#), [373.4136](#), [373.421\(2\)](#), [373.421\(6\)\(b\)](#), [695.03](#), F.S.

LAW IMPLEMENTED: [218.075](#), [373.109](#), [373.4131](#), [373.4135](#), [373.4136](#), [373.416](#), [373.421\(2\)](#), [373.421\(6\)\(b\)](#), [403.201](#), [704.06](#), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: The proposed rule text is available on the District's website www.sfwmd.gov/rules; click on Statewide Environmental Resource Permitting (SWERP) Phase II rulemaking. For questions regarding the proposed rules, contact Melinda Parrott, Lead Environmental Analyst, Environmental Resource Permitting Bureau, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045 ext. 6324 or (561) 682-6324, email: mparrott@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045 ext. 6299 or (561) 682-6299, email: jsluth@sfwmd.gov.

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Notice of Development of Rulemaking

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:

[40E-4.091](#): Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The District is proposing to correct its environmental resource permitting rules and adopt updated rules of the Department of Environmental Protection (DEP).

SUBJECT AREA TO BE ADDRESSED: Clarify incorporation language in the rule and in the incorporated Applicant's Handbook, and adopt updated rules of DEP regarding state water quality standards.

RULEMAKING AUTHORITY: [373.044](#), [373.103](#), [373.113](#), [373.418](#), [373.4131](#), [373.441](#), F.S.

LAW IMPLEMENTED: [373.046](#), [373.413](#), [373.4131](#), [373.414](#), [373.4142](#), [373.416](#), [373.426](#), [373.441](#), F.S.

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Notice of Development of Rulemaking

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.: RULE TITLE:

[40E-41.321](#): Definitions

[40E-41.323](#): Water Preserve Area & Water Preserve Area Basin Boundaries

[40E-41.363](#): Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

PURPOSE AND EFFECT: The District is proposing to correct its environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Rename Figures 1 through 6 to Figures 41-10 through 41-15.

RULEMAKING AUTHORITY: [373.044](#), [373.113](#), [373.4131](#), F.S.

LAW IMPLEMENTED: [373.085](#), [373.413](#), [373.4131](#), [373.416](#), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

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DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)
 PERMIT APPLICATION PROCESSING FEES FOR
 WATER USE PERMIT APPLICATIONS
 REVIEWED PURSUANT TO CHAPTER 40E-2, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

| Category | Amount |
|--|----------|
| Individual Permit, except Mining/Dewatering (applies to all durations) | |
| Maximum monthly allocation: | |
| Up to 3 million gallons per month (mgm) | \$350 |
| Greater than 3 mgm through 15 mgm | \$1,000 |
| Individual Public Water Supply with a duration less than 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$2,700 |
| Greater than 30 mgm through 300 mgm | \$5,500 |
| Greater than 300 mgm | \$7,000 |
| Individual Public Water Supply with a duration of at least 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$4,200 |
| Greater than 30 mgm through 300 mgm | \$8,500 |
| Greater than 300 mgm | \$11,500 |
| Individual Irrigation with a duration less than 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm | \$1,000 |
| Individual Irrigation with a duration of at least 20 years | |
| Maximum Monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$1,600 |
| Greater than 30 mgm through 300 mgm | \$3,400 |
| Greater than 300 mgm | \$5,600 |
| Individual Mining/Dewatering | |
| Standard Individual Permit for up to one year | \$500 |
| Standard Individual Permit greater than one year | \$1,800 |

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

| | |
|---|---------|
| Master Individual Permit | \$4,000 |
| Individual Commercial/Industrial with a duration less than 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$1,400 |
| Greater than 30 mgm through 300 mgm | \$2,750 |
| Greater than 300 mgm | \$3,500 |
| Individual Commercial/Industrial with a duration of at least 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$2,000 |
| Greater than 30 mgm through 300 mgm | \$3,650 |
| Greater than 300 mgm | \$5,600 |
| Individual Diversion and Impoundment with a duration less than 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$1,400 |
| Greater than 30 mgm through 300 mgm | \$2,750 |
| Greater than 300 mgm | \$3,500 |
| Individual Diversion and Impoundment with a duration of at least 20 years | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$2,000 |
| Greater than 30 mgm through 300 mgm | \$3,950 |
| Greater than 300 mgm | \$6,200 |
| Independent Secondary User of a Diversion and Impoundment (applies to all durations) | |
| Maximum monthly allocation: | |
| Greater than 15 mgm through 30 mgm | \$1,000 |
| Greater than 30 mgm through 300 mgm | \$2,000 |
| Greater than 300 mgm | \$3,200 |
| Noticed General Water Use Permit | |
| Applications filed electronically at www.sfwmd.gov/ePermitting | \$100 |
| Application filed by other means | \$350 |
| Aquifer Storage and Recovery: cost added to the applicable use type listed above | \$1,000 |
| Permit Transfer to Another Entity Pursuant to Rules 40E-0.107 and 40E-2.351, F.A.C. | \$300 |
| Letter Modification | no fee |
| General Permit by Rule | no fee |

(2) Water Well Construction Permit Application processing fees are in the following table:

TABLE 40E-1.607(2)
PERMIT APPLICATION PROCESSING FEES FOR
WATER WELL CONSTRUCTION PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTER 40E-3, F.A.C.

| Category | Amount |
|-------------------------|--------|
| Water Well Construction | \$100 |
| Water Well Abandonment | no fee |

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)
PERMIT APPLICATION PROCESSING FEES FOR
ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTER 62-330, F.A.C.

For the purposes of determining the applicable processing fee, “project area” means the total area wherein works occur as part of an activity requiring a permit under Part IV of Chapter 373, F.S., including all portions of the stormwater management system serving the project area.

| | |
|---|----------|
| 1. Use of the reviewing agency’s electronic self-certification system | \$0 |
| 2. Verification of exemption under Section 373.406 or 403.813(1), F.S., or under Rules 62-330.050 through 62-33.051, F.A.C. | \$100 |
| 3. Verification of qualification to use a Noticed General Permit | \$250 |
| 4. Individual or Conceptual Approval Permits, excluding Permits for a Mitigation Bank | |
| a. New applications – the processing fee for a new permit application shall be as determined from the categories below: | |
| (I) Total project area of less than 10 acres and no activities in, on or over wetlands or other surface waters, except where exempt under paragraphs 62-330.051(9)(a) through (c), F.A.C. | \$2,000 |
| (II) Project exceeds any of the thresholds in sub-sub-subparagraphs (3)(a)4.a.(I), above involves a total project area of less than 10 acres, less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters, AND less than 10 new boat slips | \$3,500 |
| (III) Project exceeds any of the thresholds in sub-sub-subparagraph (3)(a)4.a.(II), above, but involves a total project area of less and 40 acres, less than 3 acres of works in, on or over wetlands and other surface waters, AND less than 30 new boat slips | \$5,500 |
| (IV) Project exceeds any of the thresholds in sub-sub-subparagraph (3)(a)4.a.(III), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on or over wetlands and other surface waters, AND less than 50 new boats ships | \$7,500 |
| (V) Project exceeds any of the thresholds in sub-sub-subparagraph (3)(a)4.a.(IV), above, but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters | \$13,120 |
| (VI) Project exceeds any of the thresholds sub-sub-subparagraph (3)(a)4.a.(V), above | \$25,000 |
| (VII) Projects that are exclusively for agriculture or silviculture, and that involve a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging, filling, construction, or alternatiion) in, on or over wetlands and other surface waters | \$850 |
| (VIII) Projects that are exclusively for agriculture or silviculture, and that exceed any of the thresholds in sub-sub-subparagraph (3)(a)4.a.(VII), above, but involves a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters | \$2,440 |
| (IX) Projects that are exclusively for agriculture or silviculture, and that exceed any of the thresholds in sub-sub-subparagraph (3)(a)4.a.(VIII), above, but involve a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters | \$4,020 |
| (X) Projects that are exclusively for agriculture or silviculture, and that exceed any of the thresholds in sub-sub- | \$5,280 |

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

| | |
|---|---|
| subparagraph (3)(a)4.a.(IX), above, but involve a total project area of less than 640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters | |
| (XI) Projects that are exclusively for agriculture or silviculture, and that exceed any of the thresholds in sub-subparagraph (3)(a)4.a.(X), above | \$6,600 |
| (XII) Individual or Conceptual Permits solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term “environmental restoration or enhancement” means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to the more healthy, functional, and sustaining condition for fish, wildlife, and listed species | \$250 |
| (XIII) Individual or Conceptual Permit solely to retrofit an existing stormwater management system or systems to add treatment to and reduce stormwater pollutant loadings from the system or systems | \$250 |
| b. Major Modifications that exceed any of the thresholds in subsection 62-330.315(3), F.A.C. | |
| (I) An individual Permit or modification for a phase of construction that is consistent with an existing Conceptual Approval Permit | \$1,500 |
| (II) Major Modification to an Individual or Conceptual Approval Permit that increase the project area | 60% of fee for new permit for the same activity |
| (III) All other Major Modification | 60% of fee for new permit for the same activity |
| c. Minor Modifications that do not exceed any of the thresholds in subsection 62-330.315(2), F.A.C. | |
| (I) Time Extensions of Permits, where not exempt from fees under Florida Statutes | \$500 |
| (II) Minor Modifications to correct minor errors that do not involve technical review, to transfer ownership of a permit, or to transfer a permit from the construction to the operation phase | \$0 |
| (III) All other Minor Modifications | \$250 |
| 5. Individual or Conceptual Permits for a Mitigation Bank | |
| a. New applications | |
| (I) For a Mitigation Bank with a permit area less than 100 acres | \$7,500 |
| (II) For a Mitigation Bank with a permit area greater than 100 acres but less than 640 acres | \$13,125 |
| (III) For a Mitigation Bank with a permit area of 640 acres or more | |
| b. Major Modifications involving changes to one or more of the following components: service area; credit assessment; success or release criteria; hydrologic structures or alterations; constructions or mitigation design that does not increase the project area; elimination of lands; or monitoring or management plans: | \$25,000 |
| (I) Affecting one of the above components | 20% of the fee under 5.a |
| (II) Affecting two of the above components | 40% of the fee under 5.a |
| (III) Affecting three of the above components | 60% of the fee under 5.a |
| (IV) Major modifications affecting four or more of the above components of the increase the project area | 100% of the fee |

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

| | |
|---|--------------------------------------|
| | under 5.a |
| c. Major Modification that do not involve changes to the components listed in sub-sub-subparagraph (3)(a)5.b. above, but that exceed any of the thresholds in subsection 62-330.315(2), F.A.C. | 100% of the fee under 5.a |
| d. Minor Modifications that do not exceed any of the thresholds in subsection 62-330.315(2), F.A.C. | |
| (I) Time Extensions of Permits, where not exempt from fees under Florida Statutes | \$500 |
| (II) To correct minor errors that do not involve technical review, to transfer ownership of a permit, or to transfer a permit from the construction to the operation phase | \$0 |
| (III) All other Minor Modifications | \$250 |
| e. Mitigation Bank Credit Release | \$0 |
| f. Mitigation Bank Credit Withdrawal | \$0 |
| 6. Informal Wetland Determination | |
| a. Where total area included is less than 1 acre | \$250 |
| b. Where total area included is greater than 1 acre | \$500 |
| 7. Variance or Waiver: | |
| a. Under Section 120.532, F.S. | \$0 |
| b. Under Section 373.414(17), F.S. | \$1,125 |
| 8. Fee reductions | |
| a. Applications by an entity qualifying under Section 218.075, F.S., when the fee exceeds \$100.00 | \$100.00 |
| b. Applications submitted by the U.S. Department of Defense | \$0 |
| c. For resubmittal, within 365 days, of an application for the same project that was previously withdrawn, under subsection 62-330.071(3), F.A.C., any fee paid as part of the previous application will be applied toward the fee required for the application under this rule | Previously paid fee shall be applied |

9. When used in Table paragraph 40E-1.607(3)(a), F.A.C., “Agriculture” shall be defined as set forth in Section 570.02, F.S.

10. For permit applications which involve a combination of fee categories, the highest fee that applies shall be charged.

11. Any individual permit application submitted concurrently with a conceptual approval application – where the individual permit application represents a phase of the conceptual approval application – is exempt from the above environmental resource permit fees.

12. For projects grandfathered pursuant to Section 373.414, F.S., the letter modification, conceptual approval, individual or general surface water management permit application fee shall be the same as listed in Table paragraph 40E-1.607(3)(a), F.A.C.

13. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the “CPI-U, U.S. City Average. All Items” established for the previous five years by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi), computed as provided in the BLS publication Bureau of Labor Statistics Handbook of Methods, Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S., wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)
 PERMIT APPLICATION PROCESSING FEES FOR
 PROJECTS GRANDFATHERED PURSUANT TO SECTION 373.414, F.S.
 WETLAND RESOURCE (DREDGE AND FILL) PERMIT APPLICATIONS
 REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

| Category | Amount |
|--|---------|
| Construction projects up to and including 5 years | |
| Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to | \$7,500 |

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

| | |
|--|------|
| subsection 62-312.070(2), F.A.C. (1993) | |
| Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to subsection area, pursuant to subsection area, pursuant to subsection | \$75 |
| Variance associated with a wetland resource permit application | |
| From the prohibition of subsection 62-312.080(7), F.A.C. | \$13 |
| From other permitting standards, permit conditions, or water quality standards | \$66 |
| General Permits | \$13 |
| Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with subsections 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit: | \$6 |
| Transfer of permits or time extensions | |
| Minor technical changes | |
| Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S. | \$6 |
| Existing permit fee is equal to or more than 300 | \$33 |

1. For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

2. For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

3. A single additional fee of \$500 shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(4) Application for proprietary authorization under Chapters 253 and 258, F.S., except consent of use authorizations, processing fees are in the following table:

TABLE 40E-1.607(4)
 PERMIT APPLICATION PROCESSING FEES FOR
 PROPRIETARY AUTHORIZATIONS UNDER
 CHAPTERS 253 AND 258, F.S.,
 EXCEPT CONSENT OF USE AUTHORIZATIONS

See Chapter 18-21, F.A.C. for application fees for proprietary authorizations, specifically as follows:

| | |
|-------------------|--|
| 18-21.008(1)(a)8. | Applications for Lease (eff. 8-10-05) |
| 18-21.0081(1)(k) | Grandfather Structure Applications (eff. 8-10-05) |
| 18-21.009(1)(g) | Applications for Public Easement (eff. 8-10-05) |
| 18-21.010(1)(i) | Applications for Private Easement (eff. 8-10-05) |
| 18-21.013(1)(l) | Applications to Purchase Lands Riparian to Uplands (eff. 3-27-82) |
| 18-21.019(7) | Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost due to Artificial Erosion or Artificial Erosion and Avulsion (eff. 4-13-98) |

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)
DETERMINATION PETITION PROCESSING FEES FOR
FORMAL DETERMINATION OF WETLANDS AND
OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed in Table subsection 40E-1.607(5), F.A.C.

| Category | Amount |
|--|---------|
| Property less than or equal to 10 acres | \$500 |
| Property greater than 10 acres but less than or equal to 40 acres | \$1,000 |
| Property greater than 40 acres but less than or equal to 100 acres | \$1,500 |
| Additional fee per 100 acres (or portion thereof) beyond the first 100 acres | \$350 |
| Reissuance of a Formal Determination | \$350 |

(6) Permit Processing Fee Waiver for Certain Local Governments.

Notwithstanding the provisions set forth above in this rule, the District shall waive permit processing fees for permit applications submitted by the governing body of a county with a population of less than 50,000, a municipality with a population of less than 25,000, a county or municipality not included within a metropolitan statistical area, or a third party under contract with such a county or municipality, provided:

- (a) The project for which the fee waiver is sought serves a public purpose; and
- (b) The governing body submits Form No. 889 certifying that the fee reduction is necessary due to an environmental need for a particular project or activity; or
- (c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 0889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:
 1. Per capita taxable value is less than the statewide average for the current fiscal year;
 2. Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
 3. Any condition specified in Section 218.503, F.S., that determines a state of financial emergency;
 4. Ad valorem operating millage rate for the current year is greater than 8 mills; or
 5. A financial condition is documented in annual statements at the end of the current fiscal year which indicates an inability to pay the permit processing fee during that fiscal year.

Form 0889, December 2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00061>, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(7) PERMIT APPLICATION PROCESSING FEES FOR MODIFICATION OR TRANSFER OF ENVIRONMENTAL RESOURCE, SURFACE WATER MANAGEMENT OR WORKS OF THE DISTRICT PERMITS FOR PROPERTIES ACQUIRED BY THE DISTRICT PURSUANT TO THE FLORIDA FOREVER WORK PLAN OR SAVE OUR RIVERS LAND ACQUISITION AND MANAGEMENT PLAN:

| | |
|--|-----|
| (a) Modification of existing permits to reflect property ownership changes where no new works or modifications to an existing stormwater management system is requested. | \$0 |
| (b) Permit transfer pursuant to Rules 40E-1.6107 and 62-330.340, F.A.C. | \$0 |

Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, 7-31-14, .

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 373.4131, (800)432-2045, ext. 6436, or (561)682-6436:

| Form No. | Date | Title |
|----------|---------------------------|--|
| 0186 | 09-12 | State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C. |
| 0483 | 10-13 10-01 | Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C. |
| 0779 | 01-01 | Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C. |
| 0889 | 12-11 | Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C. |
| 1045 | 11-10 | Application for a C-139 Basin Works of the District Permit, incorporated by reference in subsection 40E- 63.430(2), F.A.C. |
| 1376 | 7-14 | Report of Planting and Harvest of Seasonal Crops Form, incorporated by reference in paragraph 40E-2.091(2)(a), F.A.C. |
| 1377 | 7-14 | Water Quality Report Form, incorporated by reference in paragraph 40E-2.091(2)(b), F.A.C. |
| 1378 | 7-14 | Water Use Pumpage Report Form, incorporated by reference in paragraph 40E-2.091(2)(c), F.A.C. |
| 1379 | 7-14 | Water Use Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C. |
| 1380 | 7-14 | Water Use Permit Application Supplemental Form A – Agricultural Use, incorporated by reference in paragraph 40E-2.101(3)(a), F.A.C. |
| 1381 | 7-14 | Water Use Permit Application Supplemental Form B – Commercial/Industrial Use, incorporated by reference in paragraph 40E-2.101(3)(b), F.A.C. |
| 1382 | 7-14 | Water Use Permit Application Supplemental Form C – Landscape/Recreation Use, incorporated by reference in paragraph 40E-2.101(3)(c), F.A.C. |
| 1383 | 7-14 | Water Use Permit Application Supplemental Form D – Dewatering Use, incorporated by reference in paragraph 40E-2.101(3)(d), F.A.C. |
| 1384 | 7-14 | Water Use Permit Application Supplemental Form E – Public Supply Use, incorporated by reference in paragraph 40E-2.101(3)(e), F.A.C. |
| 1386 | 7-14 | Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, incorporated by reference in paragraph 40E-2.101(3)(f), F.A.C. |
| 1387 | 7-14 | Flow Meter Accuracy Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(d), F.A.C. |
| 1388 | 7-14 | Alternative Method Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(e), F.A.C. |
| 1389 | 7-14 | Crop (Freeze) Protection Form, incorporated by reference in paragraph 40E-2.091(2)(f), F.A.C. |
| 1391 | 7-14 | Notice of Intent to Use a Water Use Noticed General Permit, incorporated by reference in subsection 40E-2.101(4), F.A.C. |

| | | |
|---------------|-------|--|
| 62-532.900(1) | 10-10 | State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C. |
| 62-532.900(2) | 10-10 | State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C. |

Rulemaking Authority ~~218.075~~, 373.044, 373.113, 373.171, 373.4136, ~~373.416~~, 695.03, ~~704.06~~ FS. Law Implemented 218.075, ~~373.113~~, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, 7-14-14, .

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference herein:

(a) “Environmental Resource Permit Applicant’s Handbook, Volume II For Use Within the Geographic Limits of the South Florida Water Management District, August 10, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04449>, and which incorporates the following forms or materials are by referenced:

1. U.S. Department of Agriculture, Soil Conservation Service, “Rainfall Frequency Atlas of Alabama, Florida, Georgia and South Carolina for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 years” (1978), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02975>, referenced in Subsection 5.7.2(c);

2. Florida Department of Transportation “Drainage Manual, Appendix B: IDF-Curves, Precipitation Data, Rainfall Distributions” (August 2001), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02981>, referenced in Section 5.7.2(d);

3. U.S. Department of Agriculture, Natural Resources Conservation Service, “National Engineering Handbook, Part 630, Chapter 10” (2004), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02983>, referenced in Subsection 5.7.6(b);

4. Chapter 27, Article XIII, Wellfield Protection Ordinance, Broward County Code of Ordinances, last amended September 28, 1999, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00052>, reference in Section 4.2.2(b)6.b;

5. Dade County Wellfield Protection Ordinance contour showing maximum limits (Section 24-43 Protection of Public Potable Water Supply Wells; Chapter 24 Environmental Protection; Code of Metropolitan Dade County, Florida; Codified through Ordinance No. 11-01, enacted January 20, 2011 (Supp. No. 68)), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00053>, referenced in Section 4.2.2(b)6.c.

~~6.(b)~~ Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection, July 1, 2007, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00055>.

~~7.(e)~~ State water quality standards set forth in Chapters 62-4 ~~(10/1/13)~~ ~~(5/9/2013)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02976>, 62-302 ~~(8/1/13)~~ ~~(7/17/2013)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02982>, 62-520 (7/12/2009), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02977>, and 62-550, F.A.C., ~~(6/24/14)~~ ~~(2/16/2012)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02978>. ~~The state water quality standards are also defined and incorporated in Section 2.1.19 of the Applicant’s Handbook, Volume II.~~

~~(b)(d)~~ Chapter 62-312, Part IV, F.A.C., “Additional Criteria for Dredging and Filling Within Outstanding Florida Waters in Monroe County,” (2/16/2012), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02974>.

~~(c)(e)~~ Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, (dated May 22, 2001), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00054>.

(2) The documents listed in subsection (1) can also be obtained at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436, or (561) 682-6436.

Rulemaking Authority 373.044, 373.103, 373.113, ~~373.413~~, 373.418, 373.4131, 373.441 FS. Law Implemented 373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, ~~373.418~~, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09,

7-1-10, 7-4-10, 12-15-11, 5-20-12, 10-1-13, 8-10-14, .

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

40E-41.321 Definitions.

- (1) “Water Preserve Area” or “WPA” means: those component areas identified in Figures 41-10, 41-11, 41-12, 41-13, 41-14, 41-15 1, 2, 3, 4, 5 and 6.
- (2) “Water Preserve Area Basin” or “WPAB” means: the WPA and all or a portion of those drainage basins located adjacent to, or planned to discharge into, the WPA as identified in Figures 41-10, 41-11, 41-12, 41-13, 41-14, 41-15 1, 2, 3, 4, 5 and 6.
- (3) “Protective Levees” means: for the purposes of this rule, those portions of levees L-33, L-35, L-35A, L-36, L-37, L-38 and L-40 adjacent to Water Conservation Areas 1, 2A, 2B, 3A and 3B as identified in Figure 41-12 3.
- (4) “Overburden” means: for the purposes of this rule, the layer of existing natural soil material as shown in Figures 1, 2, 4, 5 and 6.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—New 10-21-01, _____.

40E-41.323 Water Preserve Area & Water Preserve Area Basin Boundaries.

- (1) The WPA boundaries are shown in Figures 41-10, 41-11, 41-12, 41-13, 41-14, 41-15 1, 2, 3, 4, 5 and 6.
- (2) The WPAB includes all or a portion of the following drainage basins as shown in Figures 41-10, 41-11, 41-12, 41-13, 41-14, 41-15 1, 2, 3, 4, 5 and 6.
- (a) Palm Beach County:
- Acme Basin B
 - C-51 East (west of SR 7)
 - C-16 (west of the Florida Turnpike)
 - C-15 (west of the Florida Turnpike)
 - Hillsboro Canal (west of the Florida Turnpike)
- (b) Broward County:
- C-11 West
 - C-9 West
 - Hillsboro Canal (west of the Florida Turnpike)

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 10-21-01, _____.

40E-41.363 Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

- (1) In order to obtain a permit under this part, an applicant must provide reasonable assurance that the proposed activities will meet the requirements of this section; not be harmful to the water resources; and be consistent with the purposes and objectives set forth in Rule 40E-41.320, F.A.C.
- (2) Projects located within one mile of existing or proposed WPA components, or the Protective Levees, shall leave sufficient overburden in place to prevent seepage increases eastward into surface water bodies, such as surface water management lakes, canals, ditches or ponds, in accordance with the following design criteria:
- (a) Proposed excavations located within one-quarter mile of the existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least three-quarters of the existing overburden.
- (b) Proposed excavations located from one-quarter mile to one-half mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least half of the existing overburden.
- (c) Proposed excavations located from one-half mile to one mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least one-quarter of the existing overburden.
- (d) Figures 41-10, 41-11, 41-13, 41-14, 41-15 1, 2, 4, 5 and 6 show the thickness of existing overburden within the WPA, WPAB and adjacent to the Protective Levees.
- (3) Notwithstanding paragraphs (2)(a)-(d) above, applicants can:
- (a) Provide site-specific technical information documenting the presence of sufficient overburden above the production zone of the surficial aquifer system to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas; or
- (b) Propose an alternative engineering design, such as installation of a synthetic liner, muck back-filled trench or other seepage barrier, with site-specific technical information to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas.
- (4) Proposed projects within the WPA, WPAB or adjacent to the Protective Levees shall not lower existing water table

elevations.

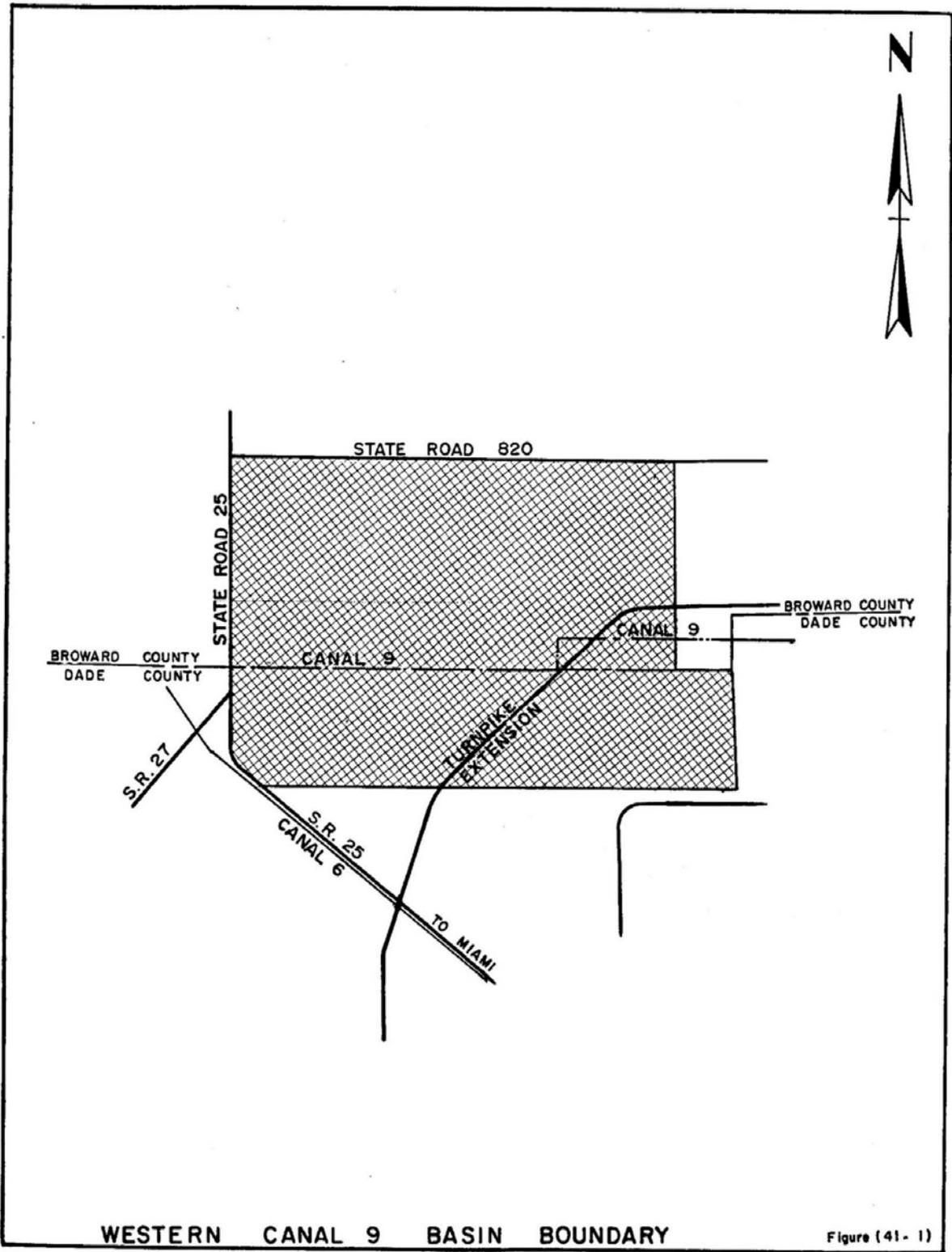
(5) In addition to the water quality treatment volumes required in section 4.2.1. of the Applicant's Handbok Volume II, projects within the WPA or WPAB shall provide an additional fifty (50) percent retention/detention water quality treatment.

(6) No dredging or filling of wetlands shall be permitted in the WPA, except where necessary to provide access to upland sites; allow an economically viable use of private property; facilitate relocation or installation of essential public services such as electricity, transportation, telecommunications and water supply in locations compatible with the WPA objectives when it has been demonstrated that such services cannot be located outside the WPA; or to facilitate the objectives of the WPA or Comprehensive Everglades Restoration Plan.

(7) Mitigation for proposed impacts incurred in the WPA or WPAB must be provided within the WPAB, or at a mitigation bank or Regional Offsite Mitigation Area with an approved mitigation service area that includes the impact site, provided all other applicable criteria are met.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History—New 10-21-01, Amended 12-1-11, 10-1-13, [REDACTED].

(NOTE: THE FOLLOWING FIGURES SHOULD APPEAR AT THE END OF THE RULE CHAPTER)



Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

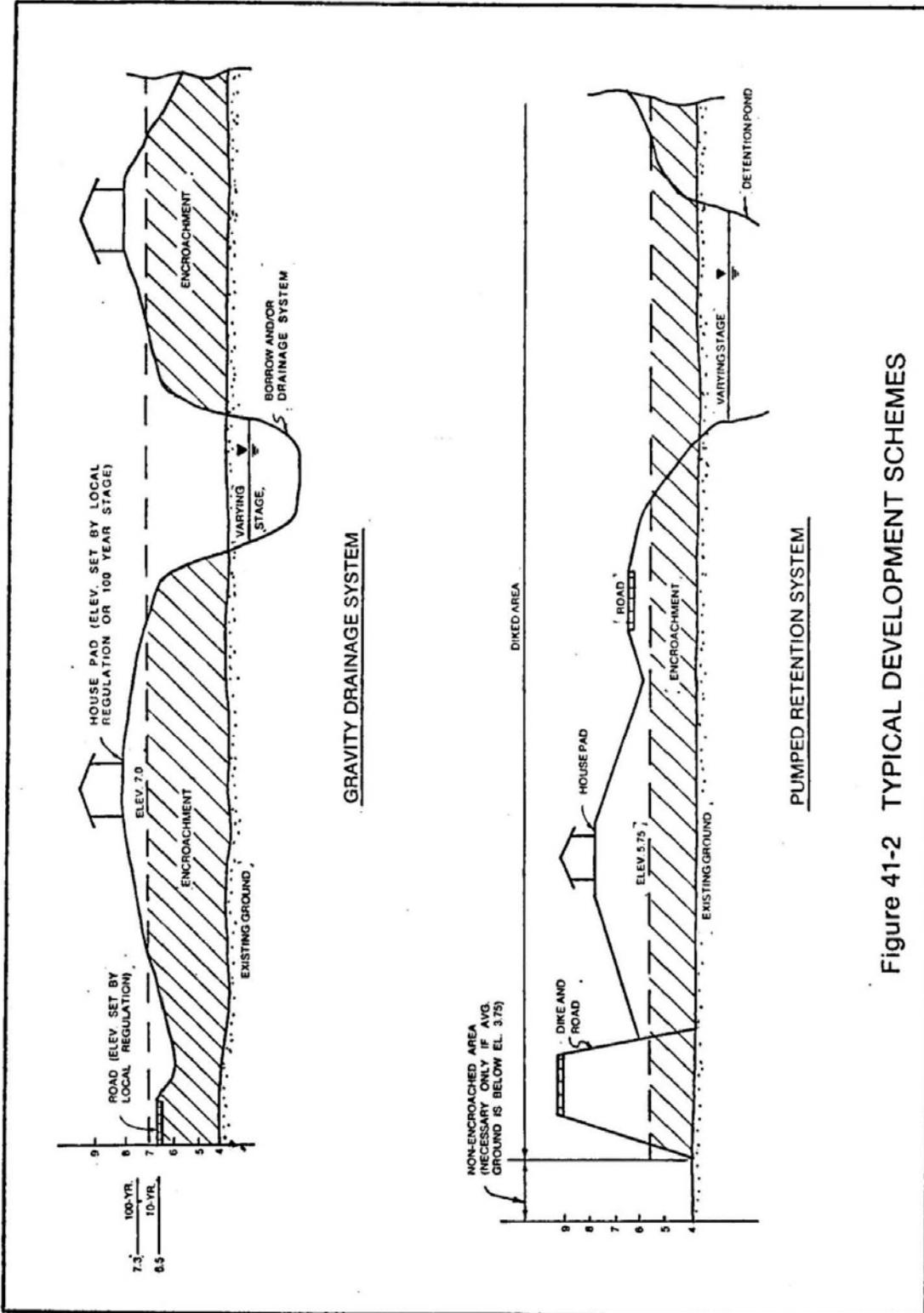


Figure 41-2 TYPICAL DEVELOPMENT SCHEMES

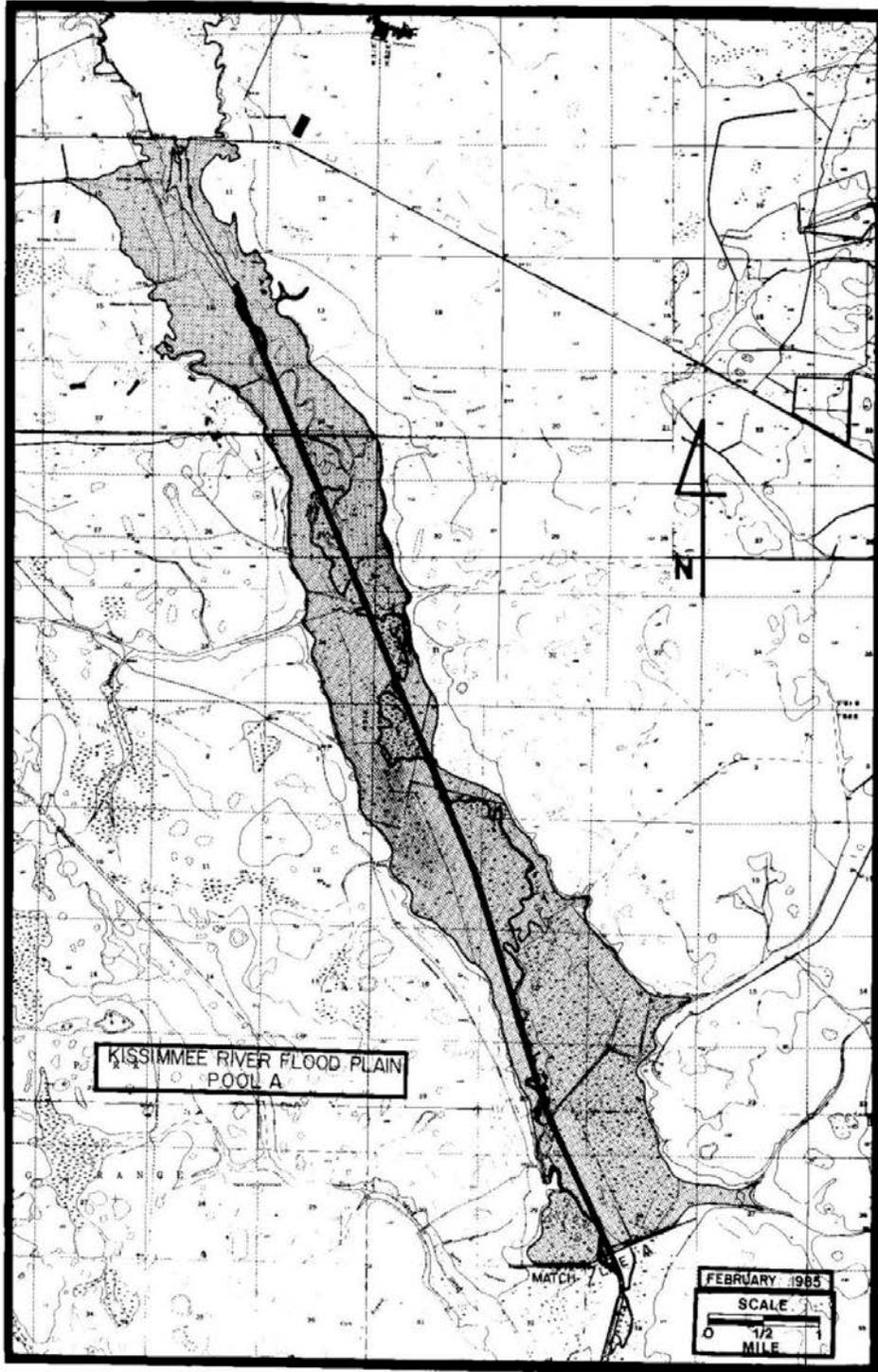


Figure 41-3, Plate 1 of 5

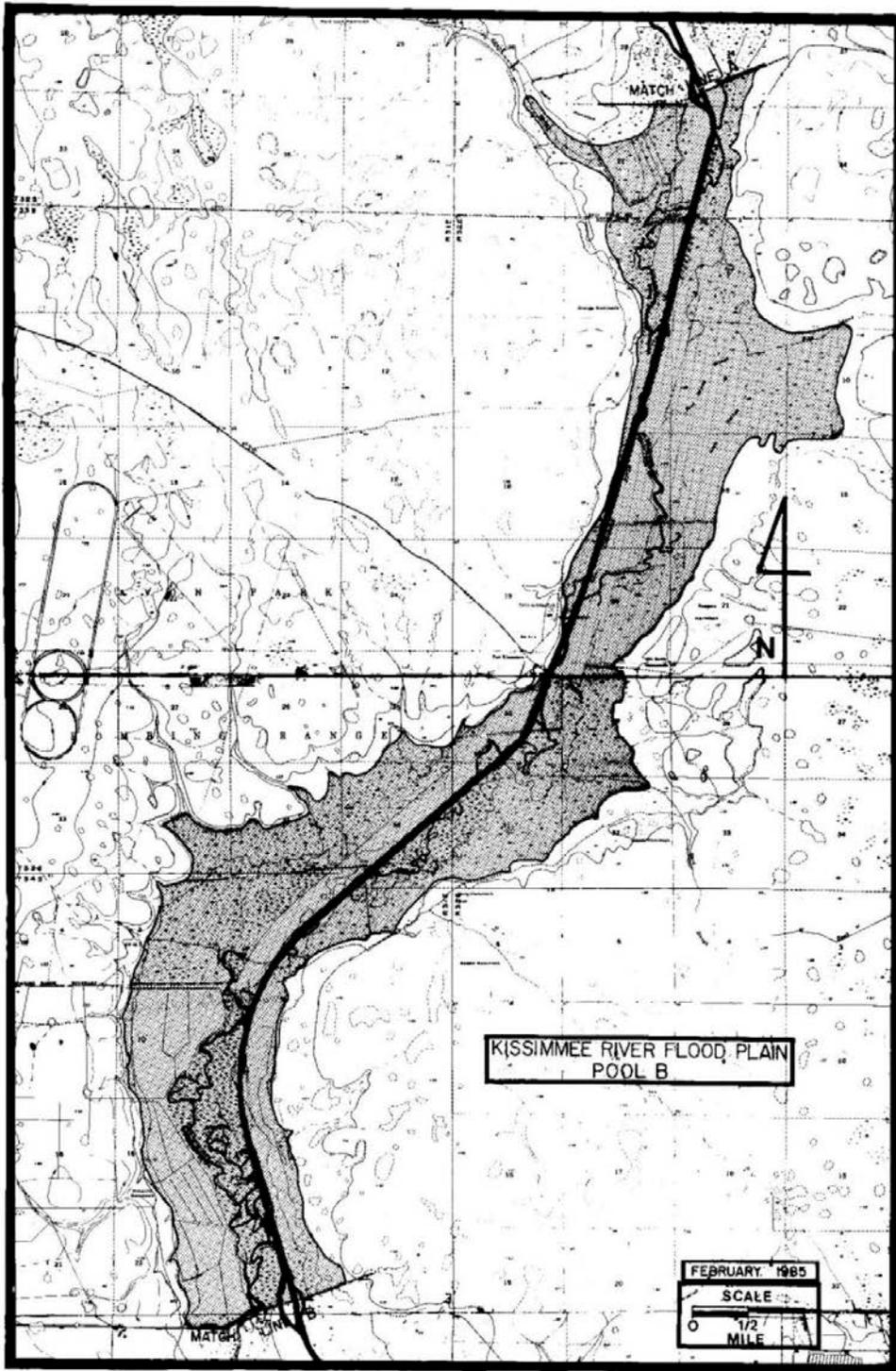


Figure 41-3, Plate 2 of 5

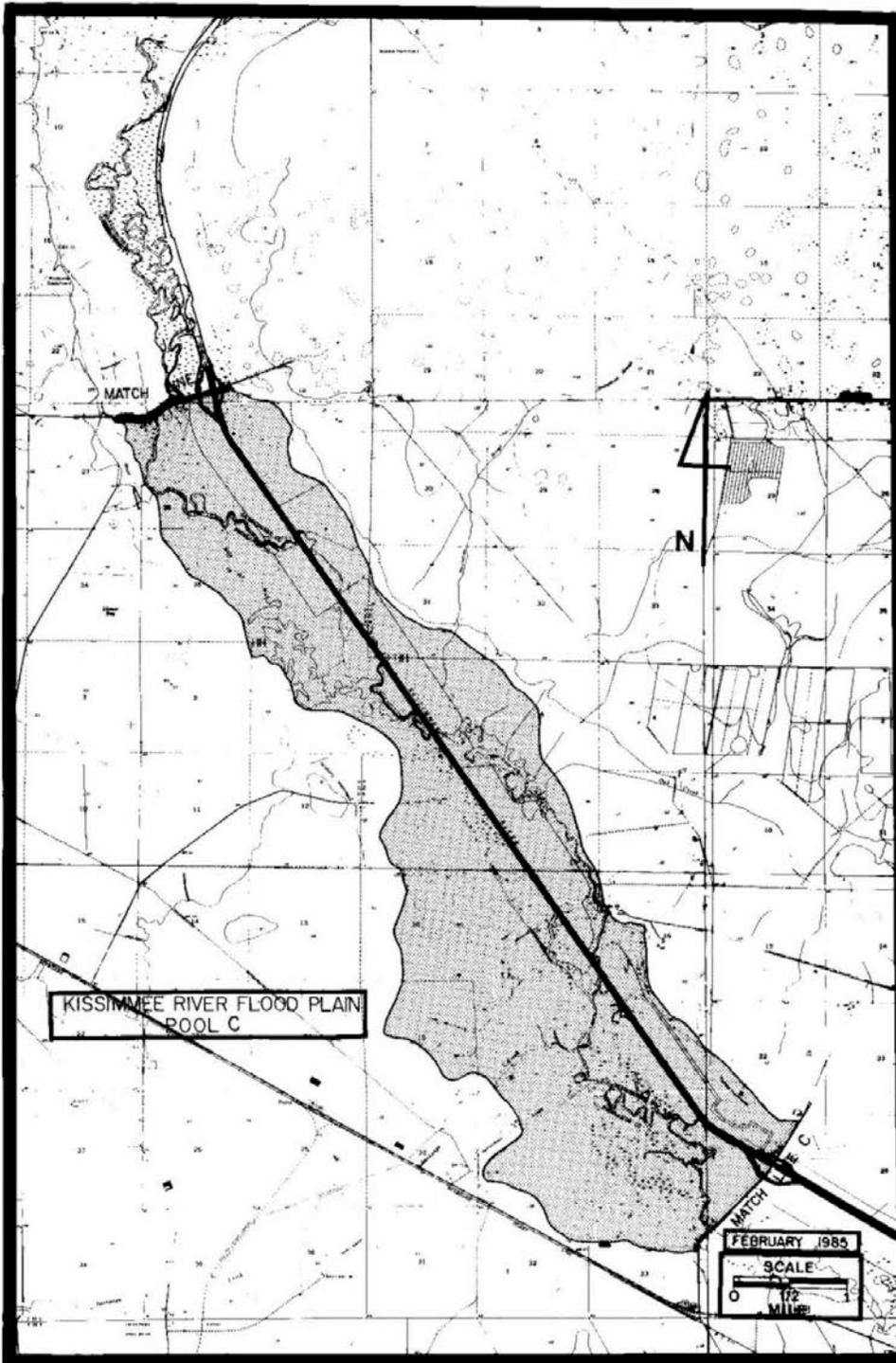


Figure 41-3, Plate 3 of 5

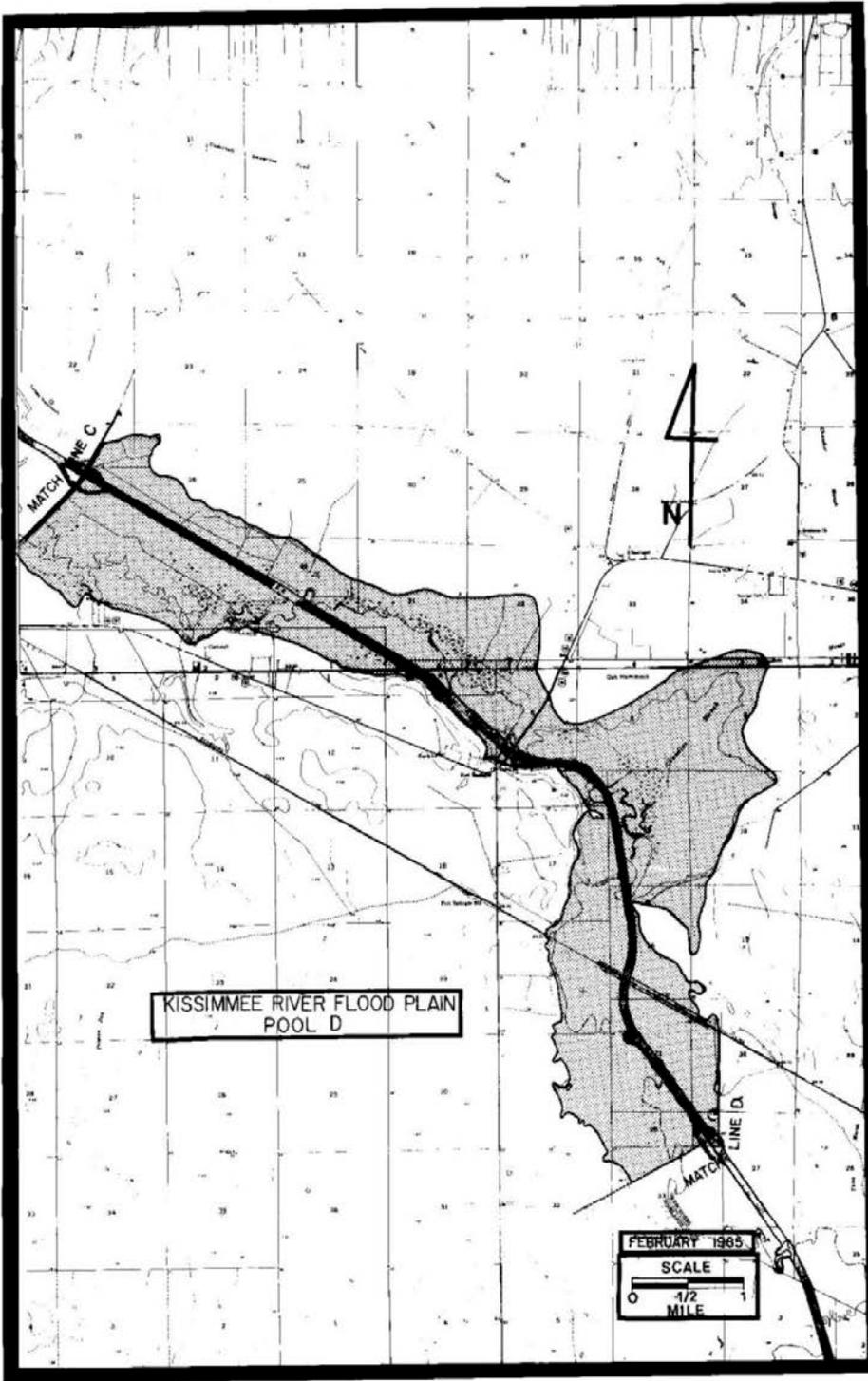


Figure 41-3, Plate 4 of 5

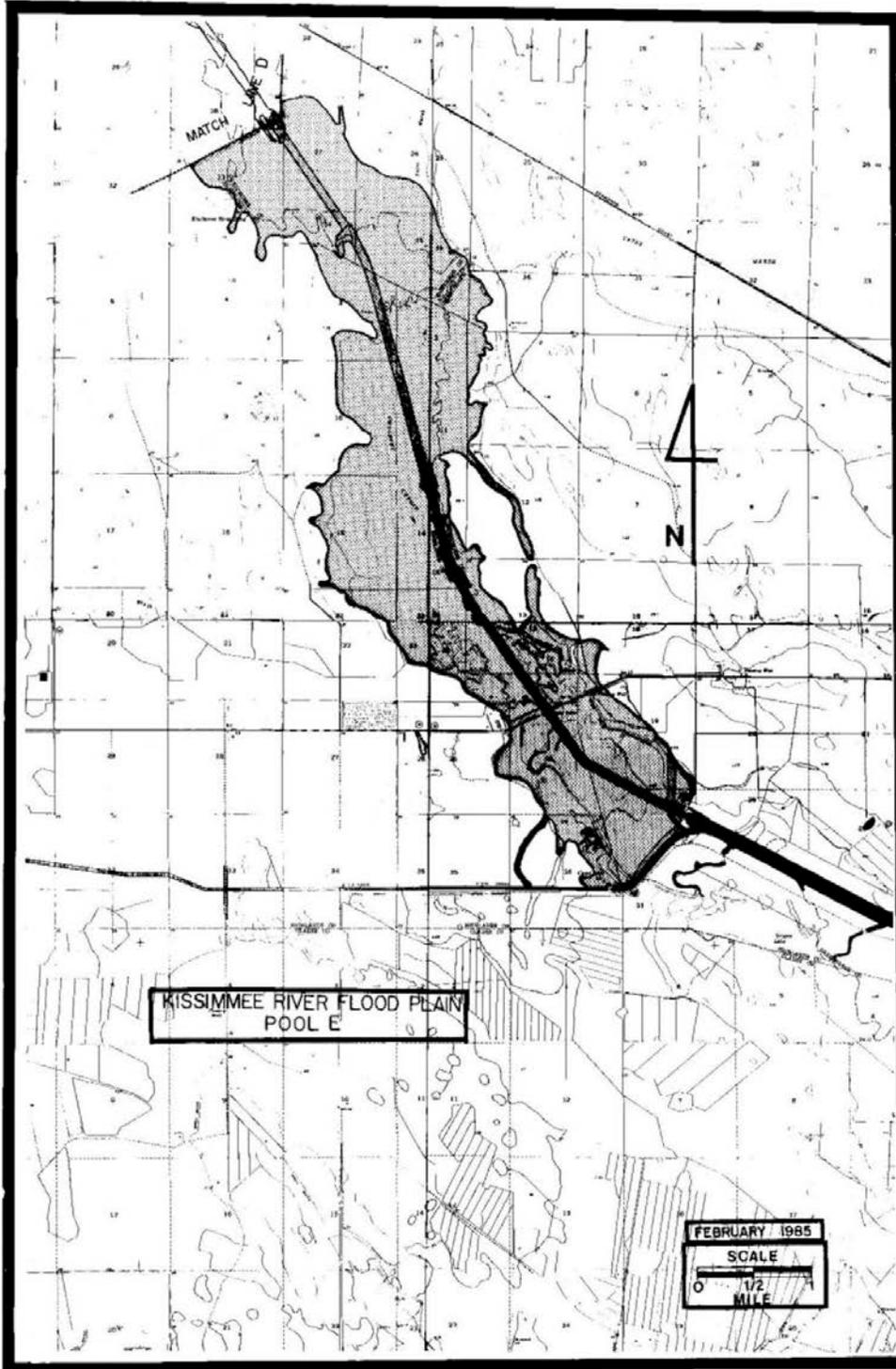
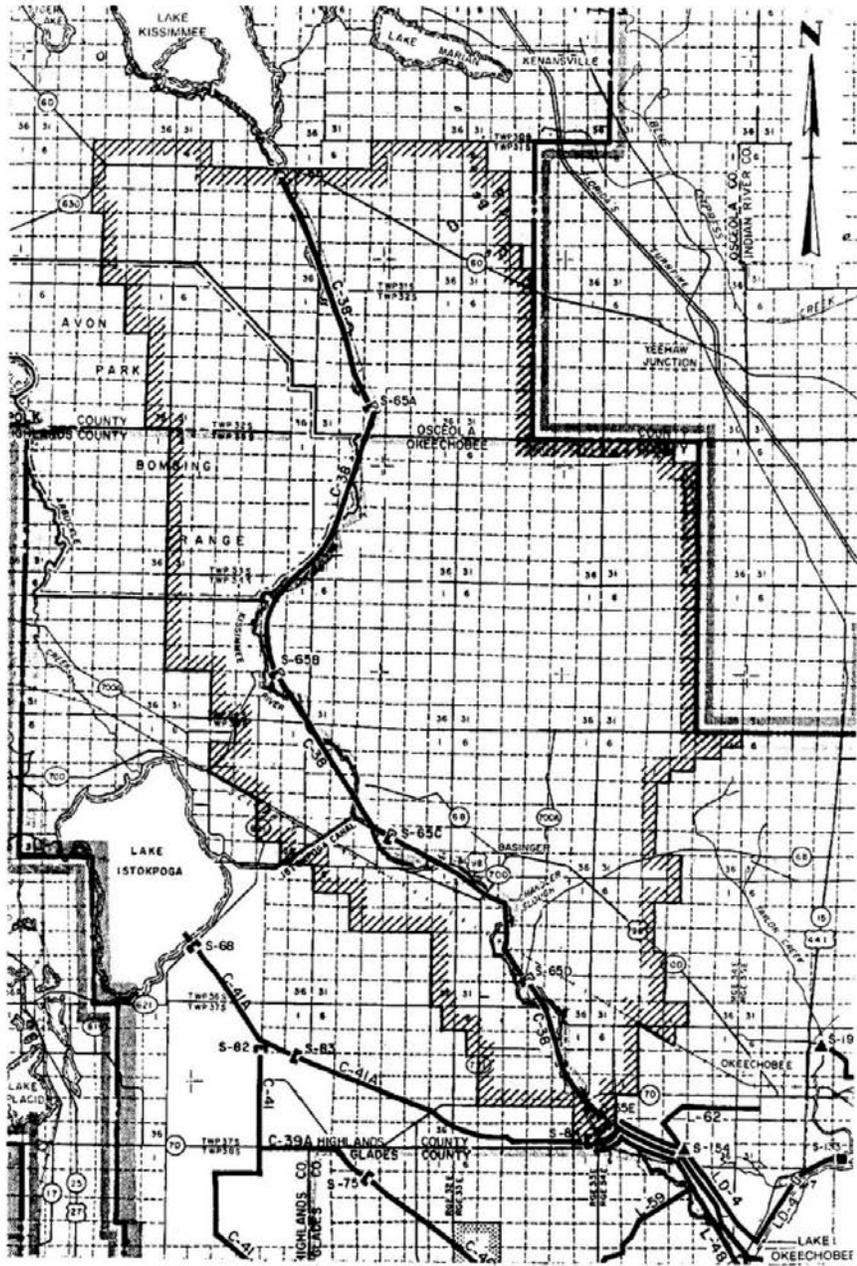


Figure 41-3, Plate 5 of 5



LEGEND

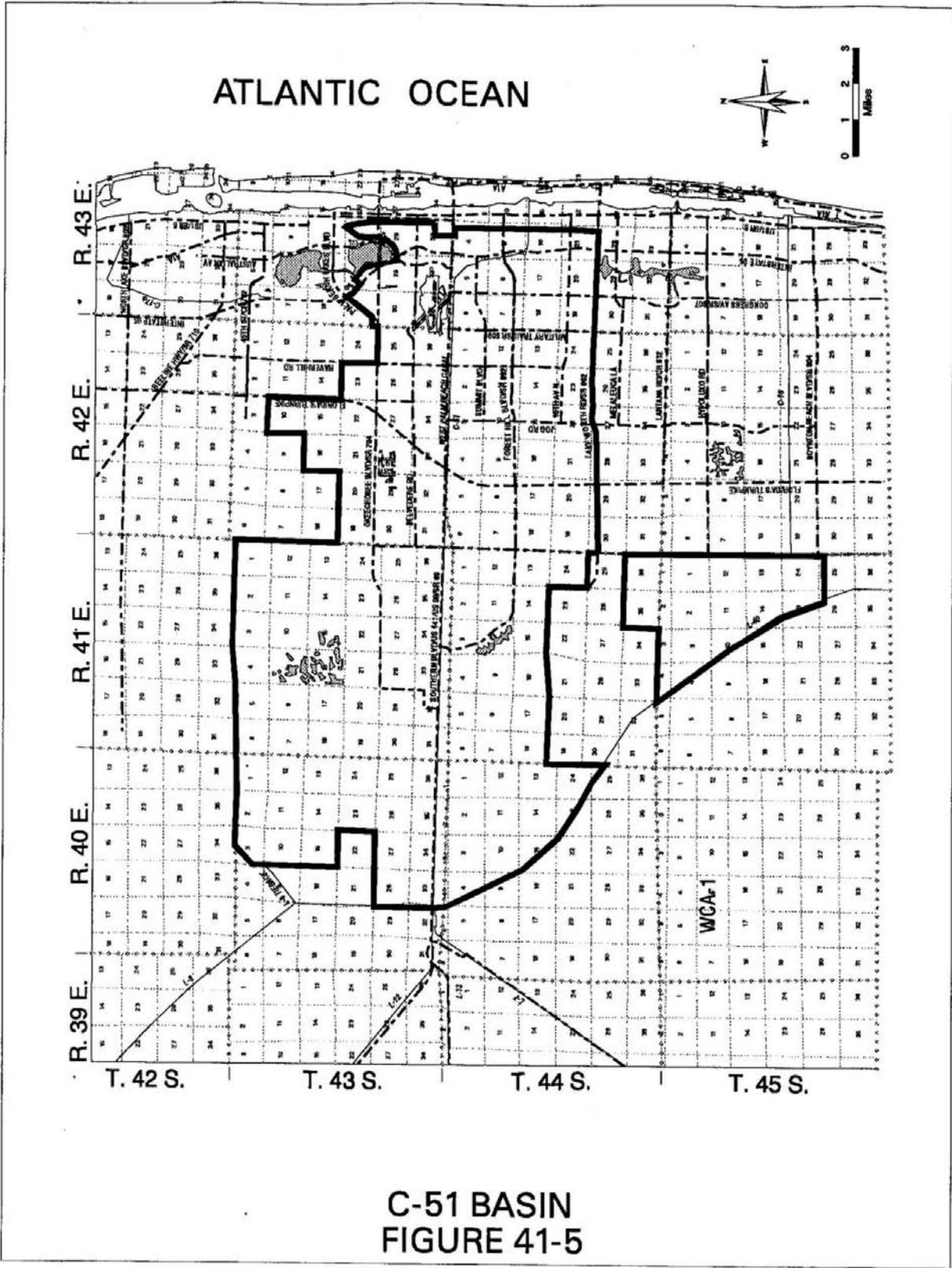
 BOUNDARY OF KISSIMMEE RIVER BASIN

BASE MAP TAKEN FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT DRAWING NUMBER, FO-32

| | |
|---|-------------------|
| SOUTH FLORIDA WATER MANAGEMENT DISTRICT WEST PALM BEACH, FLORIDA | |
| BOUNDARY OF KISSIMMEE RIVER BASIN | |
| DRN H.J.E. | CKD C.Z. |
| DATE APRIL 9, 1984 | SCALE 1" = 2 MILE |
| DRAWING NO. C-38-SK-99 | SHEET 10F 1 |

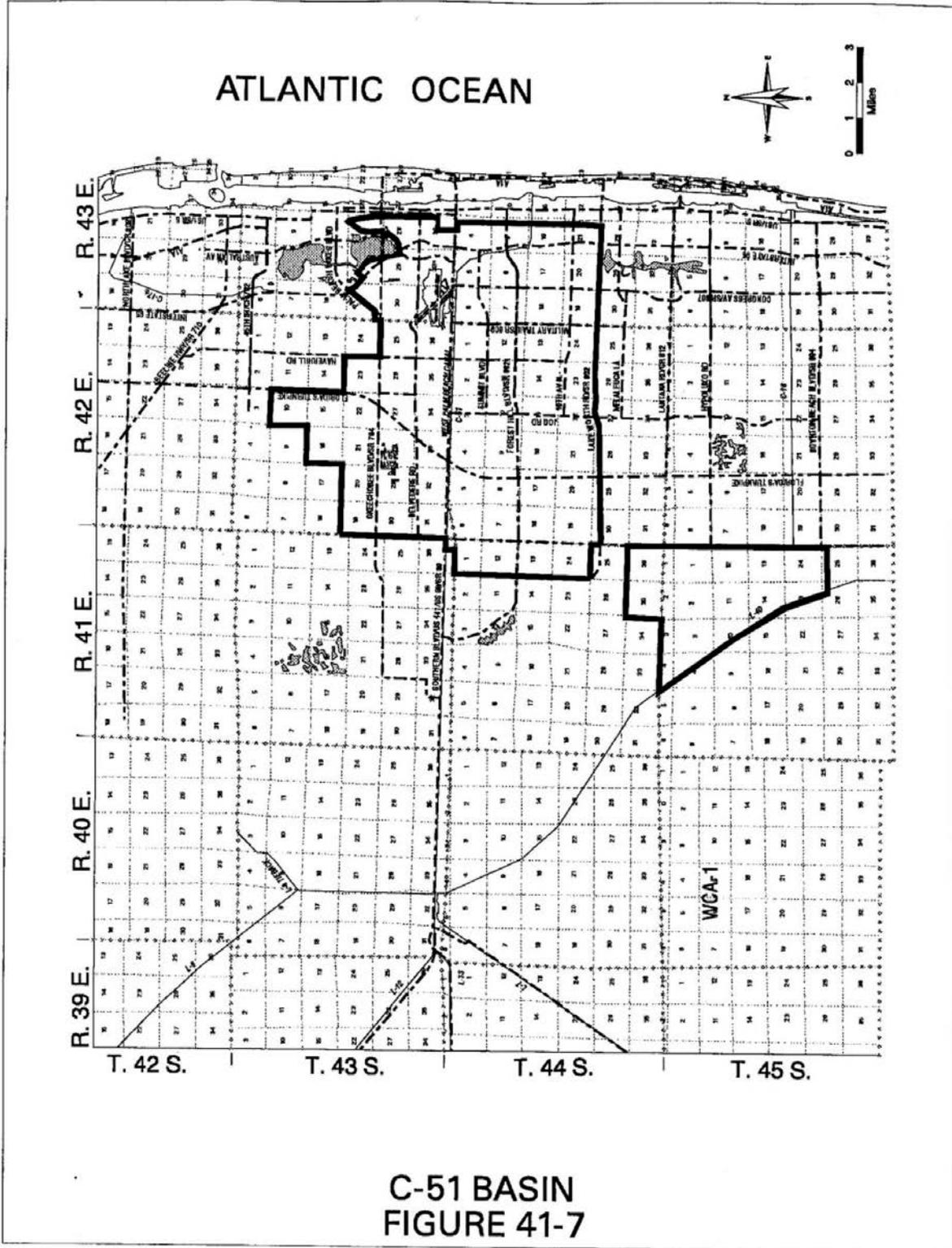
Figure 41-4

Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

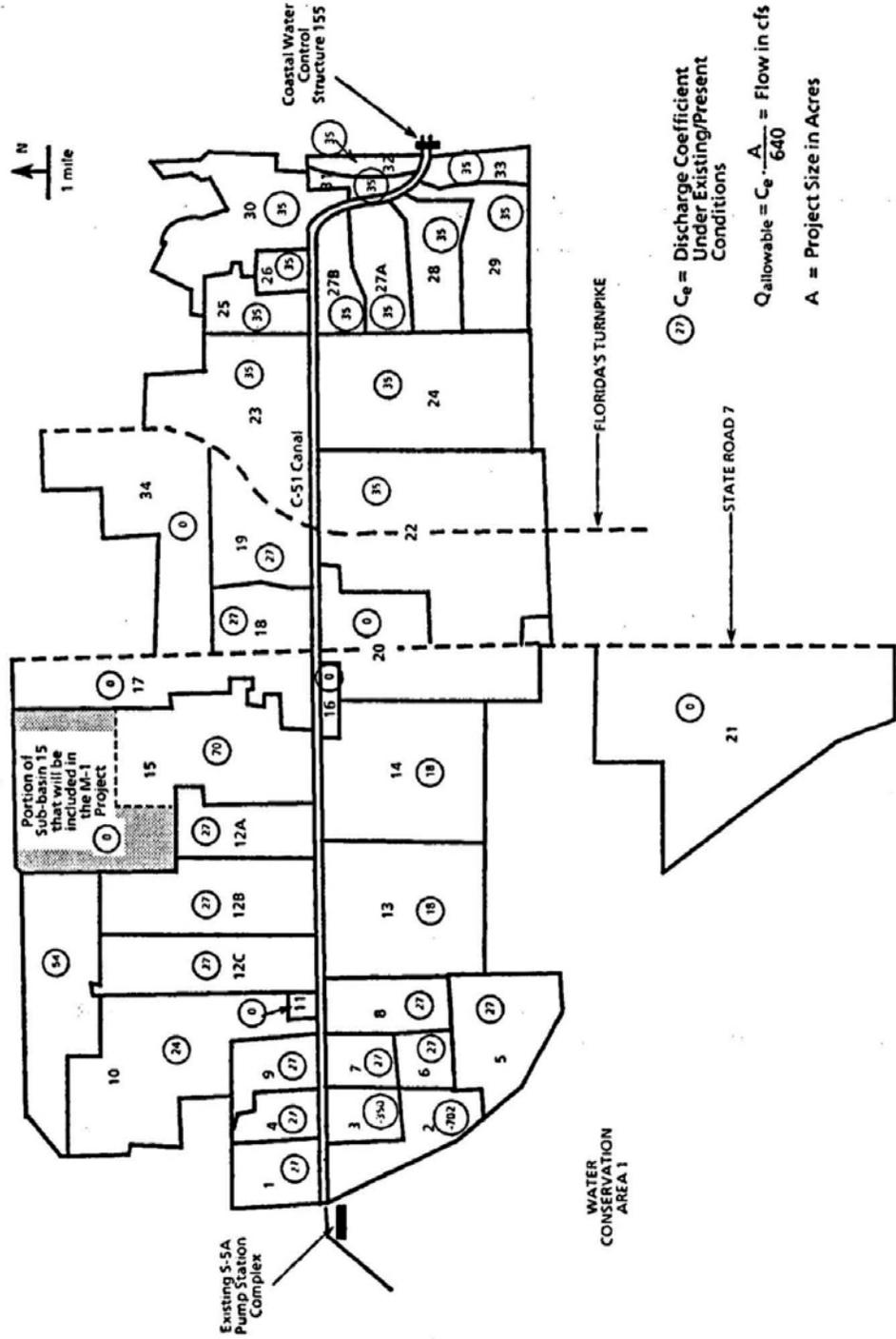


C-51 BASIN
FIGURE 41-5

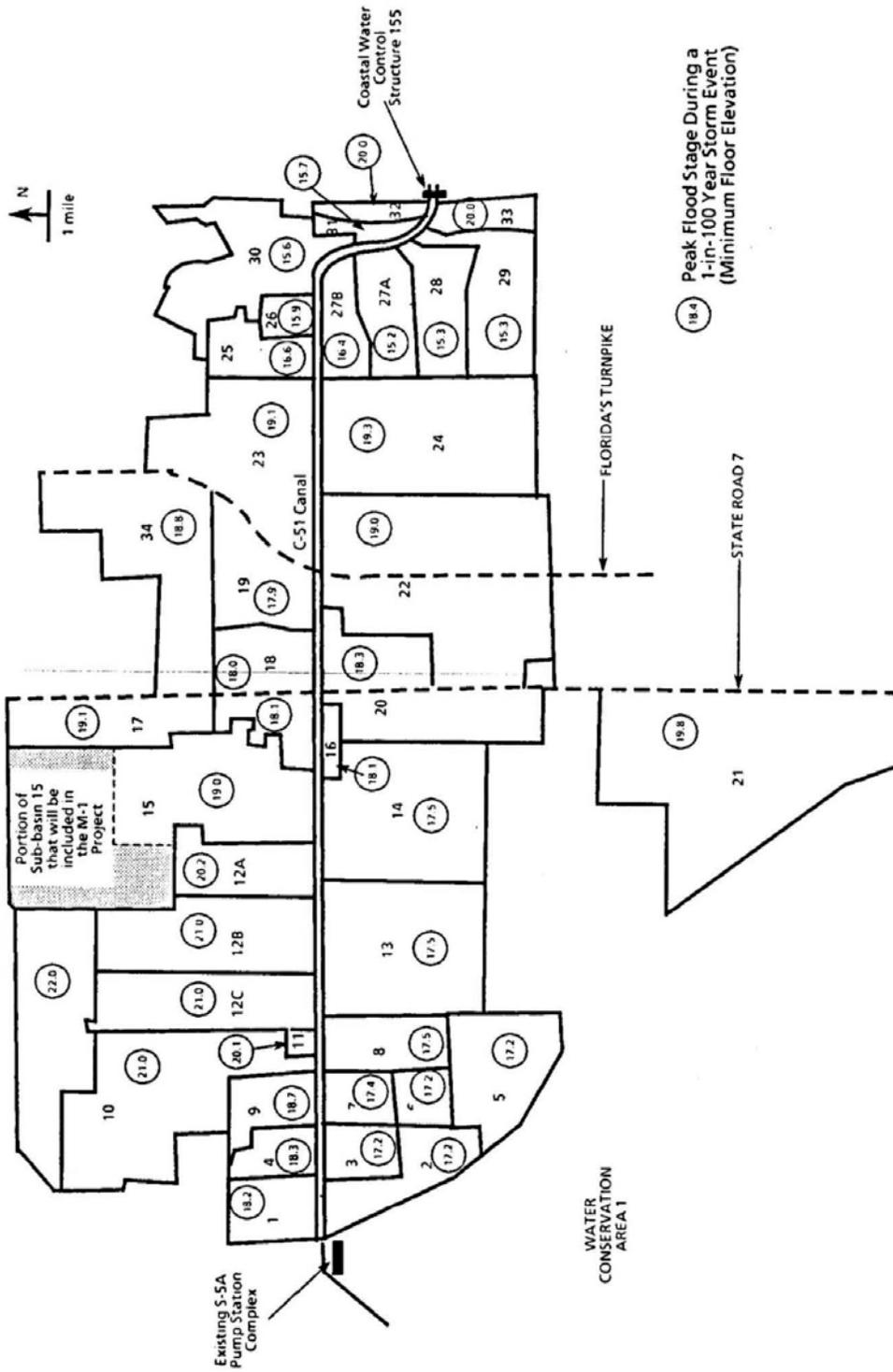
Attachment: SWERP Phase II Rule Text (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)



C-51 BASIN
FIGURE 41-7



Discharge Coefficients for the Sub-basins of the C-51 Basin in Palm Beach County, Florida. Figure 41-8



Peak Flood Stage (Ft. NGVD) During a 1-in-100 Year Storm Event and Minimum Floor Elevation, Prior to Completion of S-319.

Figure 41-9

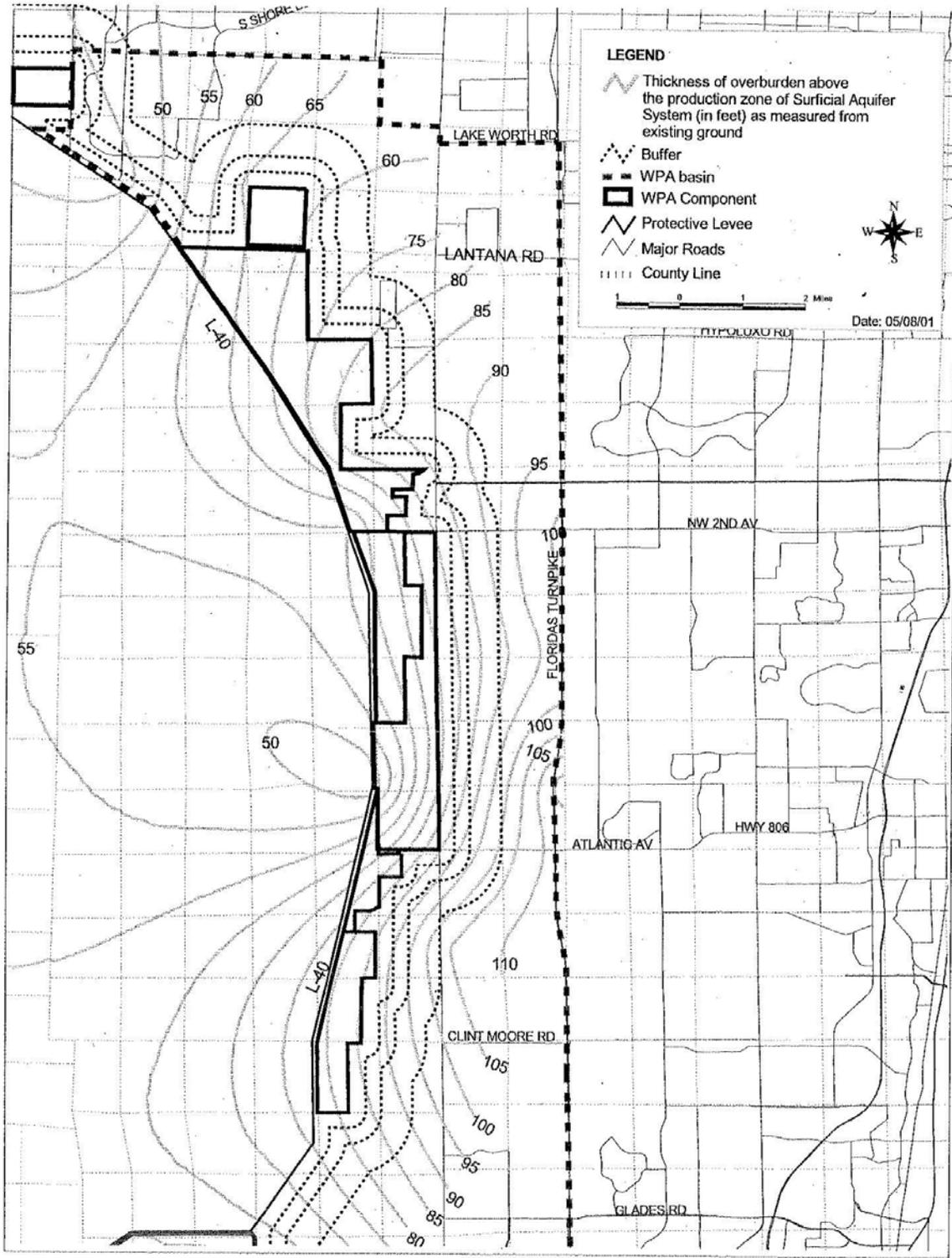


Figure 41-10

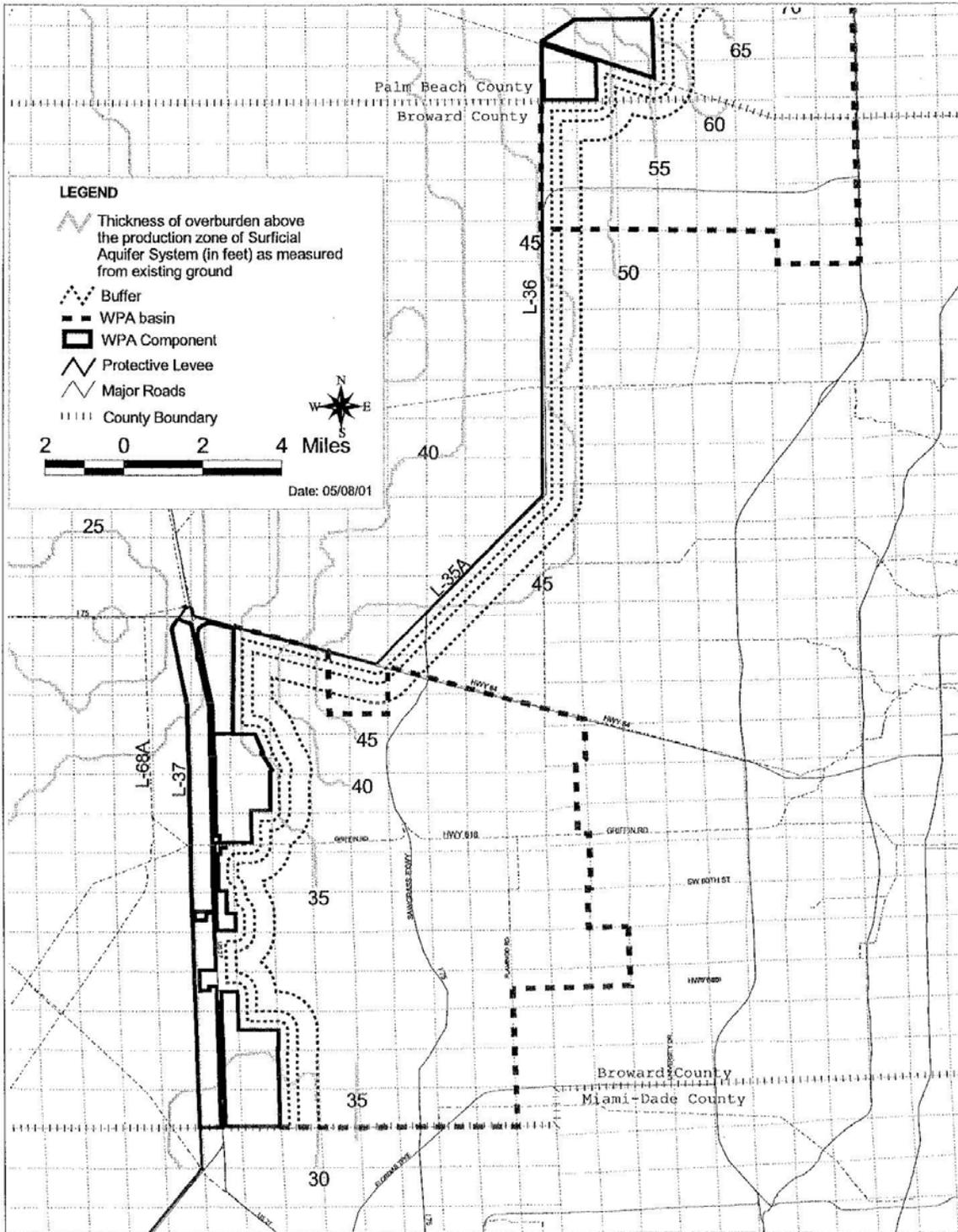


Figure 41-11

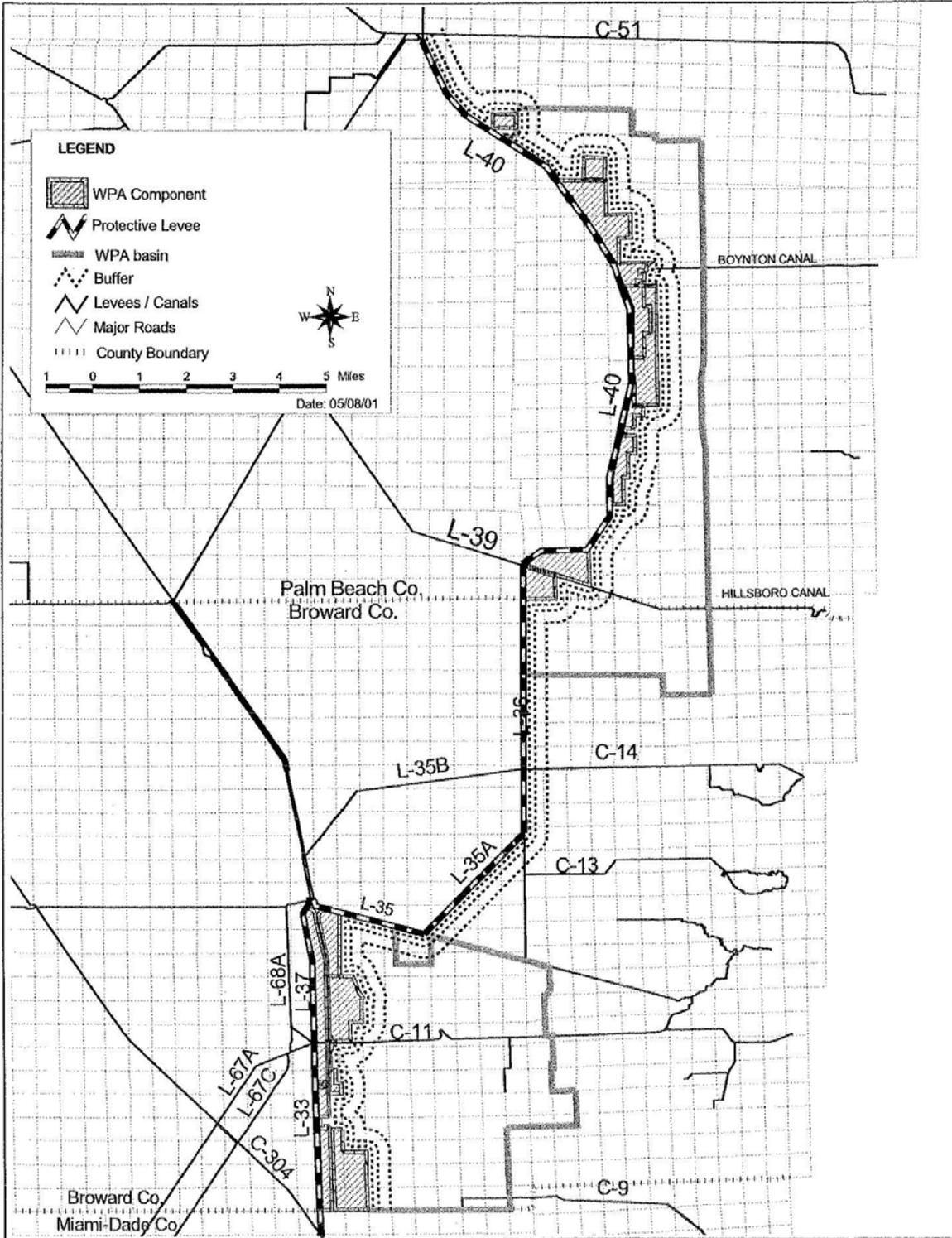


Figure 41-12

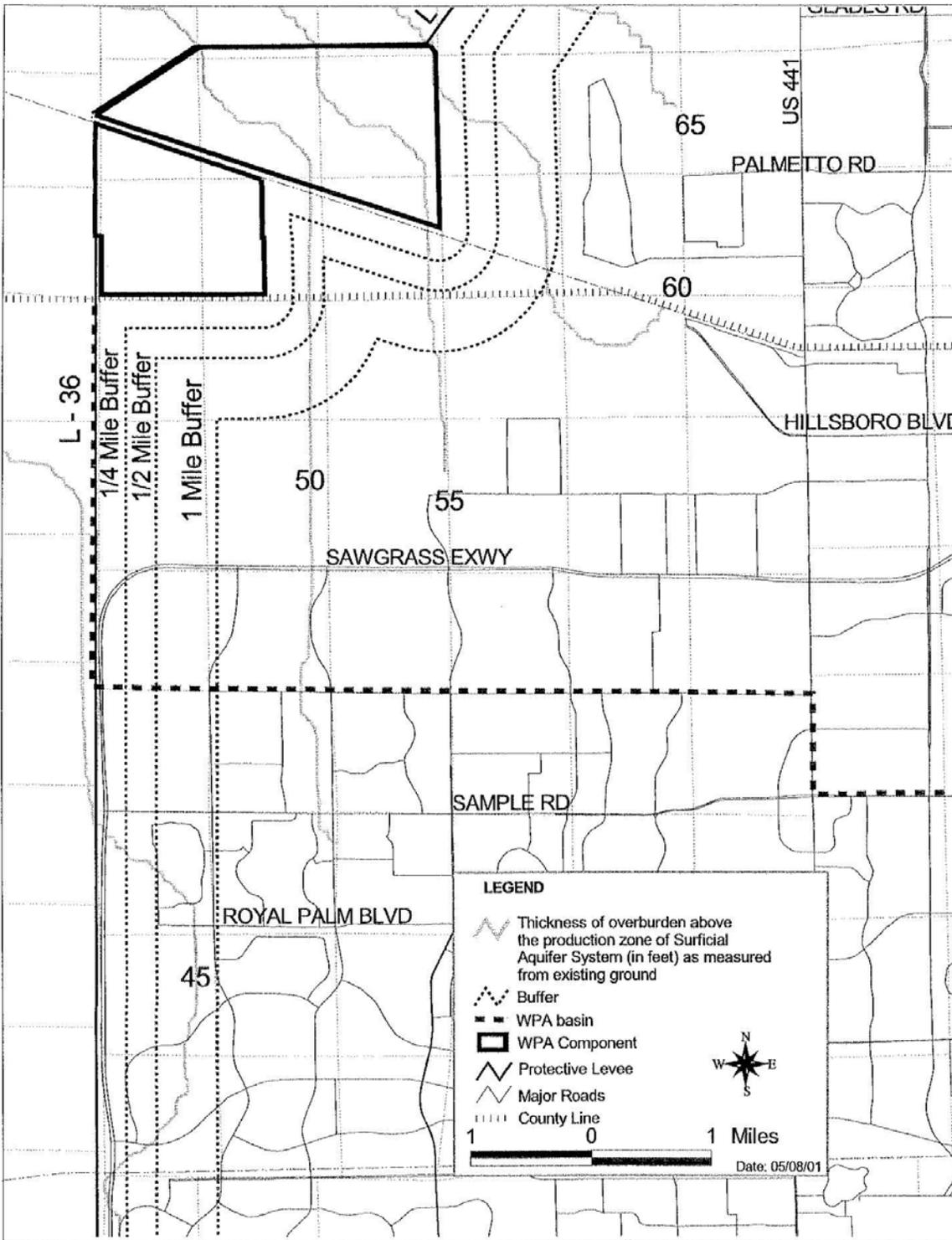


Figure 41-13

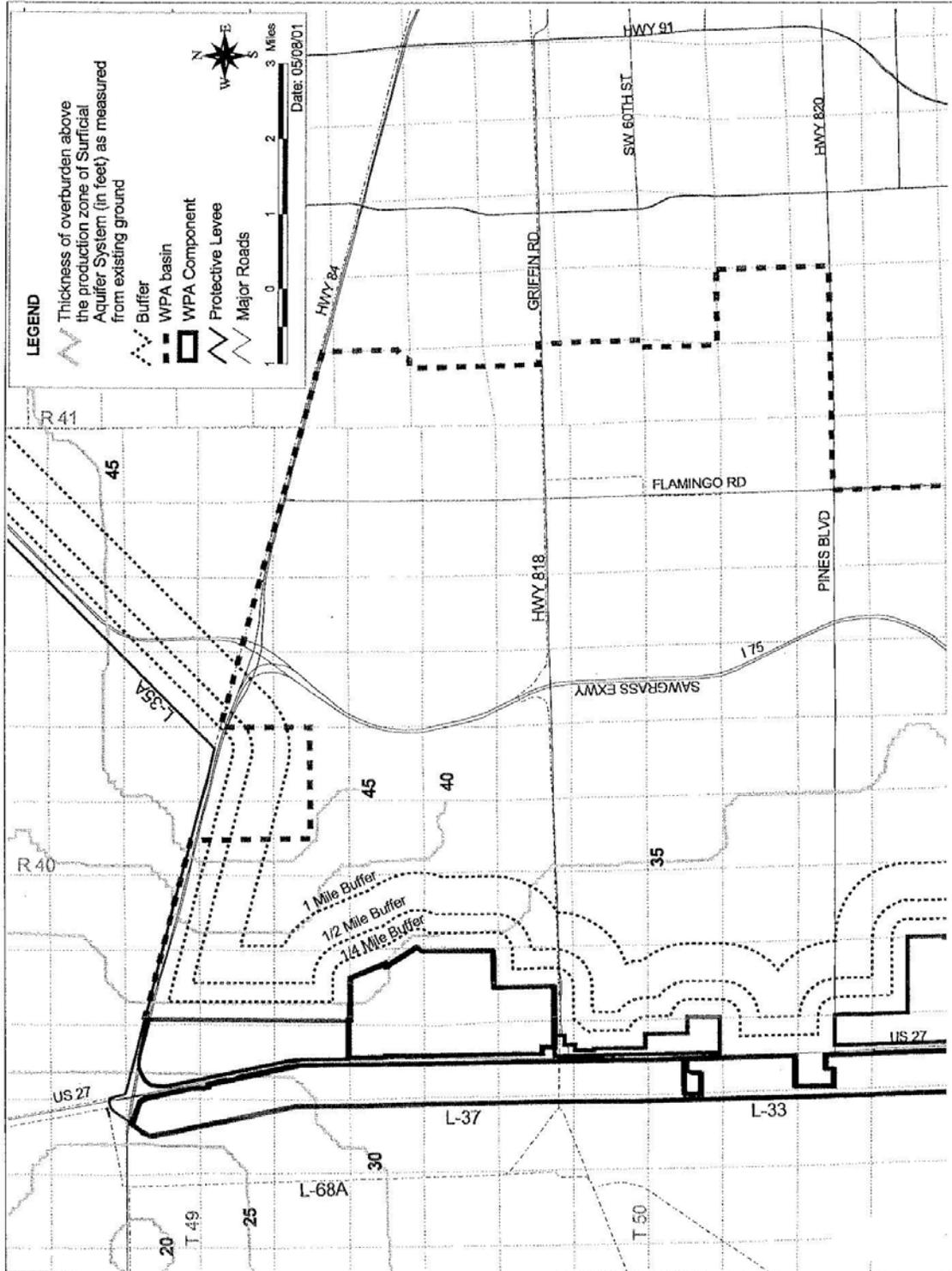


Figure 41-14

ENVIRONMENTAL RESOURCE PERMIT APPLICANT'S HANDBOOK VOLUME II

FOR USE WITHIN THE GEOGRAPHIC LIMITS OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

EFFECTIVE _____ **AUGUST 10, 2014**

Volume II (including Appendices A, B, C, D and E)
is incorporated by reference in
Rule 40E-4.091(1)(a) and Rule 62-330.010, F.A.C.



sfwmd.gov

ENVIRONMENTAL RESOURCE PERMIT APPLICANT’S HANDBOOK VOLUME II
Effective: AUGUST 10, 2014

ENVIRONMENTAL RESOURCE PERMIT APPLICANT’S HANDBOOK VOLUME II
FOR USE WITHIN THE GEOGRAPHIC LIMITS OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AUGUST 10, 2014

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PART I 1 – INTRODUCTION, ORGANIZATION, APPLICABILITY

1.0 Introduction INTRODUCTION

This **Applicant's Handbook Volume II** accompanies Chapter 62-330, **Florida Administrative Code Fla. Admin. Code** (F.A.C.), and the "**Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)**" (**Applicant's Handbook Volume I**).— **Applicant's Handbook Volume I** is applicable to all environmental resource permit applications, and provides background information on the environmental resource permit (ERP) program, including:

- Points of contact;
- A summary of the statutes and rules that are used to authorize and implement the ERP program;
- A summary of the types of permits, permit thresholds, and exemptions;
- Procedures used to review exemptions and permits;
- Conditions for issuance of an ERP, including the environmental criteria used for activities located in wetlands and other surface waters;
- Erosion and sediment control practices to prevent water quality violations; and
- Operation and maintenance requirements.

This Volume is designed to be applicable only to those ERP applications that involve the design of a stormwater management system that requires a permit as provided in Chapter 62-330, F.A.C., or Section 403.814(12), **Florida Statutes (F.S.)**. This volume also contains South Florida Water Management District (District) specific appendices for regionally-specific criteria such as basin maps for cumulative impact assessments (see Applicant's Handbook Volume I, Section 10.2.8), mitigation bank service area determination (refer to Chapter 62-342, F.A.C), and above ground impoundments.

Projects that qualify for a general permit in Section 403.814(12), F.S., are not regulated under Chapter 62-330, F.A.C. However, **Applicant's Handbook Volume II** contains design and performance standards that are relevant to the design of projects that qualify for that general permit.

This Volume provides specific, detailed water quality and quantity design and performance criteria for stormwater management systems regulated by the District through the ERP program authorized under Part IV of Chapter 373, F.S. This Volume explains, and provides more detail on, the rule criteria for stormwater quality and quantity contained in Chapter 62-330, F.A.C. In cases where conflicting or ambiguous interpretations of the information in this Volume results in uncertainty, the final determination of appropriate procedures to be followed will be made using Chapters 120 and 373, F.S., applicable F.A.C. rule chapters, and best professional judgment of Agency staff.

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Both Applicant's Handbook Volumes I and II are adopted by reference in Chapter 62-330, F.A.C. Applicant's Handbook Volume II is also incorporated in Rule 40E-4.091, F.A.C. Both Applicant's Handbook Volumes I and II are rules of the Department and the District. ~~The term "Agency," where used in this Volume, shall apply to the Department, the District, or a delegated local government, as applicable, in accordance with the division of responsibilities specified in the Operating Agreements incorporated by reference in subsection 62-330.010(5) and Rule 40E-4.091, F.A.C., except where a specific Agency is otherwise identified.~~ Volume II applies whether an ERP application is processed and acted on by the Department, a District, or a delegated local government. The Handbooks are written to provide more detail and clarity to the public in understanding the statutory and rule provisions that implement the ERP program.

1.1 Criteria Objectives

The criteria contained herein were established with the primary goal of meeting water resource objectives as set forth in Part IV of Chapter 373, F.S. Performance criteria are used where possible. Other methods of meeting overall objectives of the District and which meet the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C., will be considered. Compliance with the criteria herein constitutes a presumption that the project proposal is in conformance with the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C. Pursuant to Section 373.4131, F.S., if a stormwater management system is designed in accordance with the criteria in this Handbook or if a system is constructed, operated, and maintained for stormwater treatment in accordance with a valid Environmental Resource Permit or exemption under Part IV of Chapter 373, the discharges from the system are presumed not to violate applicable state water quality standards.

An applicant may propose alternative designs to those provided in this Volume for consideration by the Agency. However, reasonable assurance in the form of plans, test results, or other information must be provided by the applicant to demonstrate that the alternative design meets the conditions for issuance (Rules 62-330.301 and 62-330.302, F.A.C.).

1.2 District-Specific Thresholds

Within Miami-Dade County, an ERP is not required for the construction, alteration or operation of a stormwater water management system in uplands provided that system meets all of the conditions below:

1. The project area is less than 40 acres with positive stormwater outfall or the project area is less than 320 acres with less than 160 acres of impervious area, and no positive stormwater outfall;
2. The design plans and calculations are signed and sealed by a registered professional;
3. The system meets the criteria specified in Rules 62-330.301 and 62-330.302, F.A.C.; and
4. The system is not located in natural water bodies, wetlands, waters of the state, or

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an Outstanding Florida Water as listed in Rule 62-302.700, F.A.C.

1.3 District-Specific Exemptions

There are no exemptions specific to the South Florida Water Management District geographical area. All applicable exemptions can be found in Rules 62-330.051-.0511, F.A.C.

PART II – GENERAL CRITERIA

2.0 General Criteria for all Stormwater Management Systems

This Volume applies to the design of stormwater management systems that require a permit under Chapter 62-330, F.A.C., or a general permit as provided under Section 403.814(12), F.S. Additional special basin criteria within SFWMD can be found in Chapter 40E-41, F.A.C (for Western C-9 Basin, Kissimmee River Basin, C-51 Basin, and the Water Preserve Area Basins of Palm Beach and Broward Counties), Chapter 40E-61 F.A.C (for the Lake Okeechobee Basin), and Chapter 40E-63, F.A.C (for the Everglades Agricultural Area).

2.1 Definitions

The definitions set forth in Applicant's Handbook Volume I, Section 2.0(a) are applicable to Volume II.

2.1.1 "Agency" - The Department of Environmental Protection or South Florida Water Management District or a delegated local government, as applicable, in accordance with division of responsibilities specified in the Operating Agreements incorporated by reference in subsection 62-330.010(5), and Rule 40E-4.091, F.A.C.

2.1.2 "Control device" - Element of a discharge structure which allows the gradual release of water under controlled conditions. It is sometimes referred to as the bleed-down mechanism, or "bleeder".

2.1.3 "Control elevation" - The lowest elevation at which water can be released through the control device.

2.1.4 "Department" - The Department of Environmental Protection.

2.1.5 "Detention" - The delay of stormwater runoff prior to discharge into receiving waters.

2.1.6 "Detention volume" - The volume of open surface storage behind the discharge structure between the overflow elevation and control elevation.

2.1.7 "District" - The South Florida Water Management District.

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2.1.8 "Elevation" - Height in feet above mean sea level according to National Geodetic Vertical Datum (NGVD) or North American Vertical Datum 88 (NAVD).

2.1.9 "Exfiltration trench" - A subsurface retention system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff.

2.1.10 "Historic discharge" - The peak rate at which runoff leaves a parcel of land by gravity in an undisturbed/natural state, or the legally allowable discharge in effect at the time of permit application.

2.1.11 "Impervious" - Land surfaces which do not allow, or minimally allow, the penetration of water. Examples include building roofs, normal concrete and asphalt pavements, and some fine grained soils such as clays.

2.1.12 "Mean annual higher high tide" - The arithmetic mean of the higher high water elevations observed at a location or tidal station over the National Tidal Datum Epoch. Only the higher high water of each pair of high waters of the tidal day is included in the mean.

2.1.13 "Overflow elevation" - Design elevation of a discharge structure at which, or below which, water is contained behind the structure, except for that which leaks out, or bleeds out, through a control device down to the control elevation.

2.1.14 "Regulated activity" - The construction, alteration, operation, maintenance, abandonment or removal of a surface water management system, including dredging and filling, regulated pursuant to Part IV, Chapter 373, F.S.

2.1.15 "Retention" - The prevention of stormwater runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evapotranspiration processes.

2.1.16 "Retention/detention area (dry)" - Water storage area with bottom elevation at least one foot above the control elevation of the area. Sumps, mosquito control swales and other minor features may be at a lower elevation.

2.1.17 "Retention/detention area (wet)" - A water storage area with bottom elevation lower than one foot above the control elevation of the area.

2.1.18 "Staff Report" - A written report prepared by Agency staff setting forth staff's conclusions and recommendations based on review of an application. The description of the project in the Staff Report shall take precedence over application data contained in Agency permit files, since numerous project changes are often made by applicants during application processing, the results of which may only be reflected in the Staff Report. Staff Reports serve as notice of proposed agency action.

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2.1.19 "State water quality standards" – Water quality standards adopted pursuant to Chapter 403, F.S. [Section 373.403(11), F.S.], including standards composed of designated most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water use or classification, the Florida anti-degradation policy (Rules 62-4.242, 62-302.300, F.A.C.), and the moderating provisions contained in Chapters 62-4 (5/9/2013) <http://www.flrules.org/Gateway/reference.asp?No=Ref-02976>, 62-302 (7/17/2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02982>, 62-520 (7/12/2009) <http://www.flrules.org/Gateway/reference.asp?No=Ref-02977>, and 62-550, F.A.C. (2/16/2012) <http://www.flrules.org/Gateway/reference.asp?No=Ref-02978>, incorporated by reference herein and in Rule 40E-4.091, F.A.C. Copies of Chapters 62-4, 62-302, 62-520 and 62-550, F.A.C., are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406 (800) 432-2045, ext. 2087, or (561) 682-2087.

2.1.20 "Surface Water Management System" or "System" - A stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling as defined by Section 373.403(13) and (14), F.S., respectively.

2.1.21 "Tailwater" - The receiving water elevation (or pressure) at the final discharge point of the stormwater management system.

2.1.22 "Water management areas" - Areas to be utilized for the conveyance, treatment or storage of stormwater.

2.1.23 "Wet detention systems" - Permanently wet ponds which are designed to slowly release collected stormwater runoff through an outlet structure.

2.2 Professional Certification

All construction plans and supporting calculations submitted to the Agency for surface water management systems that require the services of a registered professional must be signed, sealed, and dated by a registered professional.

2.3 Water and Wastewater Service and Concurrent Processing

- (a) Potable water, irrigation and wastewater facilities must be identified. An applicant for an environmental resource permit must provide documentation on how these services are to be provided. If wastewater disposal is accomplished on-site, additional information shall be requested regarding separation of waste and stormwater management systems.
- (b) For environmental resource permits, if on-site consumptive water use withdrawals are also proposed for which a District water use permit is required, the environmental resource and water use permits must be

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processed simultaneously. These requirements are dependent upon site specific water resource limitations. It is recommended that the applicant contact Agency staff prior to filing an application to determine whether the proposed project necessitates simultaneous environmental resource and water use permitting.

2.4 Retrofits of Existing Stormwater Management Systems

- (a) A stormwater retrofit project is typically proposed by a county, municipality, state agency, or water management district to provide new or additional treatment or attenuation capacity, or improved flood control to an existing stormwater management system or systems. Stormwater retrofit projects shall not be proposed or implemented for the purpose of providing the water quality treatment or flood control needed to serve new development or redevelopment.

Example components of stormwater retrofit projects are:

1. Construction or alteration that will add additional treatment or attenuation capacity and capability to an existing stormwater management system;
2. Modification, reconstruction, or relocation of an existing stormwater management system or stormwater discharge facility;
3. Stabilization of eroding banks through measures such as adding attenuation capacity to reduce flow velocities, planting of sod or other vegetation, and installation of rip rap boulders;
4. Excavation or dredging of sediments or other pollutants that have accumulated as a result of stormwater runoff and stormwater discharges.

- (b) Stormwater Quality Retrofits

1. The applicant for a stormwater quality retrofit project must provide reasonable assurance that the retrofit project itself will, at a minimum provide additional water quality treatment such that there is a net reduction of the stormwater pollutant loading into receiving waters. Examples are:
 - a. Addition of treatment capacity to an existing stormwater management system such that it reduces loadings of stormwater pollutants of concern to receiving waters;
 - b. Adding treatment or attenuation capability to an existing developed area when either the existing stormwater management system or the developed area has substandard stormwater treatment and attenuation capabilities, compared

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- to what would be required for a new system requiring a permit under Part IV of Chapter 373, F.S.; or
- c. Removing pollutants generated by, or resulting from, previous stormwater discharges.

2. If the applicant has conducted, and the Agency has approved, an analysis that provides reasonable assurance that the proposed stormwater quality retrofit will provide the intended pollutant load reduction from the existing system or systems, the project will be presumed to comply with the requirements in Part IV of this Volume.
3. The pollutants of concern will be determined on a case-by-case basis during the permit application review based upon factors such as the type and intensity of land use, existing water quality data within the area subject to the retrofit, and the degree of impairment or water quality violations in the receiving waters.

(c) Stormwater Quantity (Flood Control) Retrofits

The applicant for a stormwater quantity retrofit project must provide reasonable assurance that the retrofit project will reduce existing flooding problems in such a way that it does not cause any of the following:

1. A net reduction in water quality treatment provided by the existing stormwater management system or systems;
2. Increased discharges of untreated stormwater entering adjacent or receiving waters;

If the applicant has conducted, and the Agency has approved, an analysis that provides reasonable assurance that the stormwater quantity retrofit project will comply with the above, the project will be presumed to comply with the requirements in Part III of this Volume.

(d) The applicant for any stormwater retrofit project must design, construct, operate, and maintain the project so that it:

1. Will not cause or contribute to a water quality violation;
2. Does not reduce stormwater treatment capacity or increase discharges of untreated stormwater. Where existing ambient water quality does not meet water quality standards the applicant must demonstrate that the proposed activities will not cause or contribute to a water quality violation. If the proposed activities will contribute to the existing violation, measures shall be proposed that will provide a net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

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3. Does not cause any adverse water quality impacts in receiving waters; or
4. Will not cause or contribute to increased flooding of adjacent lands or cause new adverse water quantity impacts to receiving waters.

2.5 Flexibility for State Transportation Projects and Facilities

With regard to state linear transportation projects and facilities the Agencies shall be governed by subsection 373.413(6), F.S. (2012).

PART III – STORMWATER QUANTITY/FLOOD CONTROL

3.1 General

This document refers to flood and drought frequency impacts interchangeably with rainfall frequency. Additional calculations may be required to identify other combinations of site conditions and rainfall frequencies which might result in impacts of the specified frequency. Examples include designs affected by spring tides, fluctuating tides and fluctuating receiving water stages.

3.2 Discharge Rate

Off-site discharge rate is limited to rates not causing adverse impacts to existing off-site properties, and:

- (a) Historic discharge rates; or
- (b) Rates determined in previous Agency permit actions; or
- (c) Rates specified in District criteria (see Appendix A to this Volume).

3.3 Design Storm

Unless otherwise specified by previous Agency permits or criteria, a storm event of 3 day duration and 25 year return frequency shall be used in computing off-site discharge rates. Applicants are advised that local drainage districts or local governments may require more stringent design storm criteria. An applicant who demonstrates its project is subject to unusual site specific conditions may, as a part of the permit application process, request an alternate discharge rate.

3.3.1 Methodologies

An acceptable peak discharge analysis typically consists of generating pre-development and post-development runoff hydrographs, routing the post-development hydrograph through a detention basin, and sizing an overflow structure to control post-development discharges at or below pre-development rates. Acceptable design techniques also

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include the use of grassed waterways, and any other storage capability that the particular system may have.

Peak discharge computations shall consider the duration, frequency, and intensity of rainfall, the antecedent moisture conditions, upper soil zone and surface storage, time of concentration, tailwater conditions, changes in land use or land cover, and any other changes in topographic and hydrologic characteristics. Large systems shall be divided into sub-basins according to artificial or natural drainage divides to allow for more accurate hydrologic simulations.

Peak discharge calculations must make proper use of the SCS Peak Rate Factor or K' Factor. The Peak Rate Factor reflects the effect of watershed storage on the hydrograph shape and directly and significantly impacts the peak discharge value. As such, K' must be based on the true watershed storage of runoff, and not on the slope of the landscape which is more accurately accounted for in the time of concentration. However, the average slope of natural watersheds is highly interrelated with the surface storage potential. Land development will generally result in a reduction of natural storage. As a result, the K' value should either increase or remain constant, but never decrease. In most cases, post-development conditions will include detention storage areas; this storage should be accounted for by routing the hydrograph based on a defined stage-storage-discharge relationship and should therefore not be considered in determining K'. However, in some cases where surface storage is maintained, K' may be reduced to same value used in the pre-development condition.

3.3.2 Aggregate Discharge

Where multiple off-site discharges are designed to occur, if the combined discharges meet all other requirements of Chapter 62-330, F.A.C., and discharge to the same receiving waterbody, the Agency will allow the total post-development peak discharge not to exceed the pre-development peak discharge for the combined discharges rather than for each individual discharge.

3.3.3 Upper Soil Zone Storage and Surface Storage

In most instances, the upper soil zone storage and surface storage capacities will have an effect on the pre-development and post-development peak discharges and shall be considered in these computations. Any generally accepted and well-documented method may be used to develop the upper soil zone storage and surface storage values.

- (a) The soil zone storage at the beginning of a storm shall be estimated by using reasonable and appropriate parameters consistent with generally accepted engineering and scientific principles to reflect drainage practices, average wet season water table elevation, the antecedent moisture condition (generally AMC II) and any underlying soil characteristics that would limit or prevent percolation of storm water into the entire soil column.

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The soil storage used in the computation shall not exceed the difference between the maximum soil water capacity and the field capacity (for example, gravitational water) for the soil columns above any impervious layer or seasonal groundwater table. Refer to Section 5.7.4.2 for additional soil storage criteria.

- (b) Surface storage, including that available in wetlands and low-lying areas, shall be considered as depression storage. Depression storage shall be analyzed for its effect on peak discharge and the time of concentration. Depression storage can also be considered in post-development storage routing which requires development of stage-storage relationships. If depression storage is considered, then both pre-development and post-development storage routing must be considered.

3.4 Flood Protection of Building Floors

Building floors shall be at or above the 100 year flood elevations, as determined from the most appropriate information, including Federal Flood Insurance Rate Maps. Both tidal flooding and the 100 year, 3 day storm event shall be considered in determining elevations.

Lower floor elevations will be considered for agricultural buildings which are non-residential and are not routinely accessed by the public. For example, agricultural structures such as barns or equipment sheds normally qualify for a lower finished floor elevation. Applicants are cautioned that potential water quality impacts caused by flooding of contents housed in a structure will be considered in allowing a reduced finished floor elevation.

3.5 Flood Protection of Roads and Parking Lots

Many local governments have criteria for the protection of roads and parking lots from flooding.

- (a) In cases where criteria are not specified by the local government with jurisdiction, the following design criteria for drainage and flood protection shall be used:
- frequency - 5 years
 - duration - 1 day (road centerlines)
 - 1 hour (parking lots served by exfiltration systems)
- (b) If the local government with jurisdiction has set flood protection criteria for roads and parking lots within commercial projects, the Agency will not require the applicant to meet Agency road and parking lot flood protection criteria. This shall only be allowed for commercial projects which are to remain single owner projects. Such criteria may provide lesser degrees of flood protection than required under Agency criteria. Projects which are not permitted pursuant to Agency criteria will be special conditioned, as notice to the permittee and local government, that a substandard design

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has been permitted. The applicant shall, however, meet Agency criteria for water quality, off-site discharge and building floor elevations.

- (c) In each basin, the minimum roadway crown elevation shall be at least 2 feet higher than the control elevation, in order to protect the road subgrade.

3.6 Flood Plain Encroachment

No net encroachment into the floodplain, between the average wet season water table and that encompassed by the 100 year event, which will adversely affect the existing rights of others, will be allowed.

3.7 Historic Basin Storage

Provision must be made to replace or otherwise mitigate the loss of historic basin storage provided by the project site.

3.8 Offsite Lands

Onsite works such as swales and dikes shall be used to allow the passage of drainage from offsite areas to downstream areas. Diking of project development areas or other equivalent methods shall be used to contain water at or above stages identified in the project discharge computations.

3.9 Minimum Drainage

- (a) Residential projects shall have systems with the calculated ability to discharge by surface flow or subsurface percolation at least 3/8 inch per day during or subsequent to the storm of the allowable discharge frequency and duration, so that lowering of the water surface elevations within the water management system to the maximum depth compatible with the environmental protection or other constraints as described in 3.10, will occur in 12 days or less.
- (b) 1. Commercial and industrial projects to be subdivided for sale, where the initial permittee will not build the entire system, are required to have installed by the initial permittee, as a minimum,
- a. The required water quality system for one inch of runoff detention or one half inch of runoff retention in the master system for the total developed site. The individual sites must provide the remainder (2.5" x % impervious - one inch) which may be in exfiltration trench. The master system must be in a legally defined common area. The master system cannot utilize exfiltration trench.
 - b. A stormwater collection and conveyance system to interconnect the retention/detention system with the outfall,

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- with access points to the system available to each individual lot or tract. The system shall be sized to limit discharge under design conditions to the allowable discharge.
2. Projects permitted in such manner will require deed restrictions which identify to lot or tract purchasers:
 - a. The amount of additional on-site storm water management system necessary to provide flood protection for specific design events,
 - b. Any additional retention/detention required for water quality purposes, and
 - c. The assumed percent impervious, or impervious area used in design calculations.

3.10 Overdrainage and Water Conservation

Systems shall be designed to:

- (a) maintain existing water table elevations in existing wellfield cones of depression;
- (b) preserve site environmental values (see Section 10.0 of Applicant's Handbook Volume I);
- (c) not waste freshwater;
- (d) not lower water tables which would adversely affect the existing rights of others; and
- (e) preserve site ground water recharge characteristics.

3.11 Detention and Control Elevations

Detention and control elevations shall be set to accomplish 3.10 and are subject to the following criteria:

- (a) Wetland protection elevations;
- (b) Consistency with surrounding land and project control elevations and water tables;
- (c) Possible restrictions by other agencies to include tree protection and landscape ordinances;
- (d) Consistency with water use permits; and
- (e) A maximum depth of six feet below natural ground.

3.12 Lake-Wetland Separation

Lakes which potentially may adversely affect wetland areas shall be separated from the wetland preservation, creation, or restoration areas by a minimum distance as determined by the following criteria:

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- (a) A separation distance (shortest distance between the wetland jurisdictional line and the edge of water in the proposed waterbody at the proposed control elevation) producing a gradient less than or equal to 0.005 using the difference in the elevation of the jurisdictional boundary of the wetland and the basin control elevation to calculate the driving head. Staff will consider elevations differing from the jurisdictional boundary of the wetland to calculate the driving head. The applicant will be required to submit monitoring data or other relevant hydrologic data from the site to substantiate the reason for using a different starting elevation. Existing conditions alone will not be considered sufficient reason to use a different elevation if there is evidence that activities on or adjacent to the project site may be responsible for lowering water tables which may be currently having an adverse impact on the subject wetlands. In these cases, preservation of the wetlands cannot be assured by simply maintaining the existing conditions.
- (b) If the gradient resulting from any separation distance and the driving head as defined above is between 0.005 and 0.015, then calculations will be required which demonstrate that the drawdown in the adjacent wetland(s) will be of a magnitude which will not result in adverse impacts on the wetland. A drawdown of more than 12 vertical inches in a 90-day period with no recharge shall be presumed to be an adverse impact.
- (c) If the gradient is equal to or greater than 0.015, then construction of an impermeable barrier or other equivalent action must be taken to mitigate for the impact of the proposed excavation between the wetland and the excavation.
- (d) The Agency will review modeling results which demonstrate that a gradient equal to or greater than 0.015 will not have an adverse impact on the adjacent wetland. Model input data shall be derived from a detailed soil profile constructed from a minimum of three separate sampling locations with permeability testing results on selected samples. Two-dimensional modeling may be necessary to represent the site geometry.

3.13 Water Supply Sources

An evaluation of the impact of the proposed surface water management system on sources of water supply must be submitted with the surface water management application. Cumulative impacts which may result from the construction and operation of the proposed surface water management system must be evaluated in conjunction with the cumulative withdrawals of existing legal uses of water.

PART IV – STORMWATER QUALITY

4.1 State Standards

Projects shall be designed and operated so that off-site discharges will meet State water quality standards.

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4.1.1 How Standards are Applied

The quality of stormwater discharged to receiving waters is presumed to meet the surface water standards in Chapters 62-4 and 62-302, F.A.C., and the groundwater standards in Chapters 62-520 and 62-550 F.A.C., if the system is permitted, constructed, operated and maintained in accordance with Chapter 62-330, F.A.C., and Part III, Part IV, and Part V of this Volume. However, this presumption is rebuttable. The volume of runoff to be treated from a site shall be determined by the type of treatment system. If off-site runoff is not prevented from combining with on-site runoff prior to treatment, then treatment must be provided for the combined off-site and project runoff.

4.1.2 Erosion and Sediment Control Criteria for Stormwater Management Systems

Land clearing activities, including the construction of stormwater management systems, shall be designed, constructed, and maintained at all times so that erosion and sedimentation from the system, including the areas served by the system, do not cause violations of applicable state water quality standards in receiving waters. Further, because sedimentation of offsite lands can lead to public safety concerns, erosion and sediment controls shall be designed and implemented to retain sediment on-site as required by subsection 62-40.432(2), F.A.C. In particular, the erosion and sediment control requirements described in Part IV of Applicant's Handbook Volume I shall be followed during construction of the system.

4.1.3 Direct Discharges to Outstanding Florida Waters

Systems which have a direct discharge to an OFW, must provide an additional **50%** ~~percent~~ **fifty percent** of the required treatment.

4.1.4 Projects Discharging to Impaired Waters or to Outstanding Florida Waters

Systems discharging to a waterbody that has been identified as impaired by the Department of Environmental Protection pursuant to 403.067, F.S., or to an Outstanding Florida Water, shall be designed in accordance with the procedures in Appendix E.

4.2 Retention / Detention Criteria

4.2.1 Volumetric Requirements

- (a) Retention, detention, or both retention and detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
 1. Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.

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2. Dry detention volume shall be provided equal to 75 percent of the above amounts computed for wet detention.
 3. Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention. Retention volume included in flood protection calculations requires a guarantee of long term operation and maintenance of system bleed-down ability. Examples of such guarantee include evidence of excellent soil percolation rates, such as coastal ridge sands, or an operations entity which specifically reserves funds for operation, maintenance and replacement (example: Orange County MSTU). (NOTE: Orange County subdivision regulation criteria for retention - published by Orange County in Orange County Subdivision Regulations - may be utilized for Orange County MSTU projects in lieu of Agency retention criteria where retention volumes exceed one half inch.
- (b) Systems with inlets in grassed areas will be credited with up to 0.2 inches of the required wet detention amount for the contributing areas. Full credit will be based on a ratio of 10:1 impervious area (paved or building area) to pervious area (i.e. the grassed area) with proportionately less credit granted for greater ratios.

4.2.2 Land Use and Coverage Criteria

- (a) Commercial or industrial zoned projects shall provide at least one-half inch of dry detention or retention pretreatment as part of the required retention / detention, unless reasonable assurances can be offered that hazardous materials will not enter the project's surface water management system. Such assurances include, for example, deed restrictions on property planned for re-sale, type of occupancy, recorded lease agreements, local government restrictive codes, ordinances, licenses, and separate containment systems designed to prevent discharge.
- (b) Projects having greater than 40% impervious area and which discharge directly to the following receiving waters shall provide at least one half inch of dry detention or retention pretreatment as part of the required retention/detention. Receiving waters being addressed are:
1. Lake Okeechobee and the Kissimmee River.
 2. Waterbodies designated as Class I or Class II waters by the Florida Department of Environmental Protection;
 3. Canals back-pumped to Lake Okeechobee or to the Conservation areas, or proposed for back-pumping;
 4. Other areas, such as the Savannas in St. Lucie and Martin Counties; the Six Mile Cypress Strand; the Big Cypress area of Collier County; and lands acquired by the District pursuant to Section 373.59, F.S. Water Management Lands Trust Fund (Save Our Rivers); and mitigation bank lands;

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5. Outstanding Florida Waters as defined in Chapter 62-302, F.A.C.; and Aquatic Preserves as created and provided for in Chapter 258, F.S.; and
 6. Waterbodies within a District permitted public water supply wellfield cone-of-depression which are not separated from the aquifer by strata at least ten feet thick and having an average saturated hydraulic conductivity of less than 0.1 foot per day; where the cone-of-depression is defined by one of the following:
 - a. in those areas of the District where no local wellfield protection ordinance has been adopted by the local governing body, the one foot drawdown line as expressed in the water table aquifer under conditions of no rainfall and 100 days of pumpage at the permitted average daily pumpage rate (where significant canal recharge is indicated, canal recharge representative of a 1 in 100 year drought will be considered);
 - b. Chapter 27, Article XIII, Wellfield Protection Ordinance, Broward County Code of Ordinances, last amended September 28, 1999, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00052>, This information is incorporated by reference herein and in Rule 40E-4.091, F.A.C. Copies are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406 (800) 432-2045, ext. 2087, or (561) 682-2087.
 - c. Dade County Wellfield Protection Ordinance contour showing maximum limits (Section 24-43 Protection of Public Potable Water Supply Wells; Chapter 24 Environmental Protection; Code of Metropolitan Dade County, Florida; Codified through Ordinance No. 11-01, enacted January 20, 2011 (Supp. No. 68)) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00053>, This information is incorporated by reference herein and in Rule 40E-4.091, F.A.C. Copies are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406 (800) 432-2045, ext. 2087, or (561) 682-2087.
- (c) Water surface and roofed areas can be deducted from site areas only for water quality pervious/impervious calculations. The water surface area meeting dimensional criteria may also be subtracted from the total site area when making final water quality treatment volume calculations.
- (d) In cases of widening existing urban public highway projects, the District shall reduce the water quality requirements, if the applicant provides

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documentation which demonstrates that all reasonable design alternatives have been considered, and which provides evidence that the alternatives are all cost-prohibitive.

- (e) Pursuant to subsection 62-555.312(3), F.A.C., stormwater retention and detention systems are classified as moderate sanitary hazards with respect to public and private drinking water wells. Stormwater treatment facilities shall not be constructed within 100 feet of a public drinking water well, and shall not be constructed within 75 feet of a private drinking water well.

4.3 Incorporation of Natural Areas and Existing Waterbodies

Natural areas and existing waterbodies may be used for retention/detention purposes when not in conflict with environmental (see subsection 10.2.2.4 of Applicant's Handbook Volume I), water quality, (see Sections 10.2.4 through 10.2.4.5 of Applicant's Handbook Volume I) or public use considerations. Candidate areas for such purposes include:

- (a) Previously degraded areas;
- (b) Man-made areas such as borrow pits;
- (c) Extensive areas which have the ability to absorb impacts easily; and
- (d) Areas incorporated into a system with mitigation features.

4.4 Underground Exfiltration Systems

- (a) Systems shall be designed for the retention volumes specified in Section 4.2.1 for retention systems, exfiltrated over one hour for retention purposes, prior to overflow, and based on test data for the site. (Note: such systems will not be acceptable on projects to be operated by entities other than single owners or entities with full-time maintenance staff.)
- (b) A safety factor of two or more shall be applied to the design to allow for geological uncertainties.
- (c) A dry system is one with the pipe invert at or above the average wet season water table.

4.5 Sewage Treatment Percolation Ponds

Above-ground percolation pond dikes shall not be within 200 feet of water management lakes or 100 feet of dry retention/detention areas, or the applicant must provide reasonable assurance that effluent will not migrate into the water management lakes or detention areas. Reasonable assurance may be provided by:

- (a) Documentation of volume and rate of application of effluent to the percolation ponds, and
- (b) Submittal of net flow analyses.

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4.6 Criteria for Creation of Waterbodies

The creation of waterbodies shall meet both of the following criteria:

- (a) Entrapped salt water, resulting from inland migration of salt water or penetration of the freshwater/salt water interface, will not adversely impact existing legal water users.
- (b) Excavation of the water body shall not penetrate a water-bearing formation exhibiting poorer water quality for example, in terms of chloride concentrations.

4.7 Impervious Areas

Runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices, or subjected to some other type of Best Management Practice (BMP) prior to discharge from the project site. For projects which include substantial paved areas, such as shopping centers, large highway intersections with frequent stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges.

4.8 Stagnant Water Conditions

Configurations which create stagnant water conditions such as hydraulically dead end canals are to be avoided, regardless of the type of development.

4.9 Water Quality Monitoring

All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards.

4.9.1

- (a) There are areas within the District where water quality considerations are extremely important, because of the sensitivity of the area. These areas include:
 1. Lake Okeechobee and the Kissimmee River.
 2. Waterbodies designated as Class I or Class II waters by the Florida Department of Environmental Protection.
 3. Canals back-pumped to Lake Okeechobee or to the Conservation areas, or proposed for back-pumping.
 4. Sensitive areas, such as the Savannas in St. Lucie and Martin Counties, the Six Mile Cypress Strand and Estero Bay Aquatic Preserve in Lee County and the Big Cypress area of Collier County.
 5. Outstanding Florida Waters as defined in Chapter 62-302, F.A.C.

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- (b) New developments which plan to utilize sensitive areas for disposal of stormwater will be given more detailed evaluation by the Agency Staff. In addition, new projects entailing a more intensified land use, such as industrial parks, and planning to discharge to a sensitive receiving water, directly or indirectly, shall be required to institute a water quality monitoring program if the applicant is unable to provide adequate assurances (by such means as routing drainage of areas where polluting materials would be located away from the stormwater management system; developing restrictive covenants, or similar documents, which would have the effect of prohibiting polluting materials on the project site; or proposing other methods of assurance) that degradation of the receiving body water quality will not occur. The following listing of land use intensity is in ascending order.
1. Wetlands (including transition zones adjacent thereto)
 2. Forested lands
 3. Rangeland
 4. Agricultural
 5. Urban and built-up land

4.9.2 Monitoring is required for sites with high pollutant generating potential, such as industrial sites, and Class I and II solid waste disposal sites.

4.9.3 There are two reasons for requiring water quality monitoring by permittees, as follows:

- (a) Such data can be used to determine if the pollution abatement practices incorporated into the design for the drainage system are functioning properly.
- (b) In some cases there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the apparent pollutant removal efficiency of the drainage system.

4.9.4 The reason for the monitoring requirement will be stated in the Staff Report for each permit. Also included in the permit will be the monitoring and reporting schedules and the parameters of interest. Each monitoring program will be designed specifically for the land use or individual project in question and will include applicable surface and ground water sampling. Staff shall specify applicable project specific parameters such as those listed in Chapter 62-302, F.A.C. The applicant shall use a Florida Department of Health certified laboratory for all water quality analysis. It is recommended that the applicant submit final results from the laboratory. Examples of records to be supplied are as follows: sample date, sample location with D for discharge or N for no discharge, water discharge rates (cfs) and concentration values of indicated elements or compounds, date and time of analysis.

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4.9.5 As a general rule, monitoring required of permittees will be confined to points within their boundaries. If additional sampling is needed in order to assess off-site impacts of the projects, the responsible party will be named in the permit. The determination of the responsible party will be based upon the accessibility of the monitoring site to the permittee.

4.9.6 Applicants are advised that Staff Reports written and Permits issued for projects not requiring monitoring at this time will normally include a statement to the effect that water quality monitoring may be required in the future. This should not be construed as an indication that the Agency is contemplating the implementation of a program of intensive water quality monitoring by all permittees. If water quality problems develop in specific areas, however, permittees will be put on notice in this manner that they may have to determine the quality of the water which they are discharging.

4.10 Solid Waste Facilities

- (a) Stormwater management systems for Class I and II solid waste facilities, as defined by Chapter 62-701, F.A.C., shall be so designed, constructed, and operated as to maintain the integrity of the landfill at all times (during construction, operation, closure and post closure). Applicant must provide assurances that:
 - 1. All flows will be conveyed at non-erosive velocities;
 - 2. The project is designed to minimize erosion.
- (b) Design features in support of this requirement include features such as:
 - 1. Slopes adequate to promote runoff but not affect slope stability;
 - 2. Intermediate benches or swales which reduce runoff velocities and limit erosion;
 - 3. Vegetation of closed portion of landfill.
- (c) Class I and II landfill projects shall provide adequate assurance that leachate will not enter the stormwater management system. This assurance may be provided through affirmative demonstration that the requirement of Chapter 62-701, F.A.C. for design and emplacement of liners, leachate collection systems, and treatment and disposal of leachate will be met.
- (d) Borrow pits shall not be included in the stormwater management system unless the applicant can affirmatively demonstrate that leachate will not enter the borrow pit, and that the water quality standards in Chapters 62-4 and 62-302, F.A.C.), will be met.
- (e) Dewatering operations at active, unlined landfills will not be permitted.
- (f) For Class I and II landfills the Agency shall require additional Best Management Practices, such as:
 - 1. Detention in excess of the quantities stated in Section 4.2;
 - 2. Dry detention areas;
 - 3. Dry conveyance swales with adequate dimensions to permit maintenance;

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4. Filter mechanisms for additional water quality enhancement prior to discharge;
 5. Skimmers in front of discharge structures to restrict discharge of floatable materials;
 6. Screw gates on water control structures capable of restricting discharge of poor quality surface water; or
 7. Vegetation of appropriate portions of the water management system, such as conveyance swales.
- (g) To provide information for assessing the need for Best Management Practices at a specific site, Agency staff will require a hydrogeologic investigation that shall, at a minimum, provide information on:
1. The hydrogeologic properties of the formations underlying the landfill, including aquifer and characteristics, groundwater elevations and direction and rate of groundwater flow;
 2. Location of existing wells within one-half mile of the site perimeter;
 3. Locations and specifications of existing or proposed monitor wells;
 4. The location and chemical composition of any known leachate plumes.
- (h) Applicants should consult with Agency staff prior to or at pre-application meetings to determine the specific requirements which will apply for a particular project.

PART V – WATER MANAGEMENT SYSTEM DESIGN AND CONSTRUCTION
CRITERIA

5.1 Discharge Structures

- (a) All design discharges shall be made through structural discharge facilities. Earth berms shall be used only to disperse or collect sheet flows from or to ditches, swales or other flow conveyance mechanisms served by discharge structures.
- (b) Discharge structures shall be fixed so that discharge cannot be made below the control elevation, except that emergency devices may be installed with secure locking devices. Use of emergency devices must be coordinated with Agency personnel prior to opening or as soon as possible thereafter. The Agency's Executive Director or secretary is authorized to specify the use of emergency devices pursuant to Rule 40E-1.611, F.A.C.
- (c) Discharge structures must be non-operable unless approved otherwise.
- (d) It is recommended that discharge structures include gratings for safety and maintenance purposes. The use of trash collection screens is desirable.
- (e) Discharge structures shall include a baffle system to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than 50 percent impervious

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area or from systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging to or from retention/detention areas. Designs must assure sufficient clearance between the skimmer and concrete structure or pond bottom to ensure that the hydraulic capacity of the structure is not affected.

- (f) Direct discharges, such as through culverts, stormdrain, and weir structures, will be allowed to receiving waters which by virtue of their large capacity, or configuration are easily able to absorb concentrated discharges. Such receiving waters include existing storm sewer systems and man-made ditches, canals and lakes.
- (g) Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem might be degraded by a direct discharge. The discharge structure would therefore discharge, for example, into the overflow or spreader swale, which in turn would release the water to the actual receiving water. Such receiving waters include, for example, natural streams, lakes, wetlands and land naturally receiving overland sheetflow. Spreader swales shall be of a length sufficient to reduce discharge velocities to the receiving waters to historic rates or rates less than two feet per second.
- (h) Pumped systems will only be allowed for single owner or governmental agency operation entities, unless perpetual operation ability can be assured.

5.2 Control Devices/Bleed-down Mechanisms for Detention Systems

- (a) Agency criteria require that gravity control devices shall be sized based upon a maximum design discharge of one half inch of the detention volume in 24 hours. The devices shall incorporate dimensions no smaller than 6 square inches of cross sectional area, two inches minimum dimension, and 20 degrees for "V" notches. Systems which are limited by a discharge structure with an orifice no larger than the minimum dimensions described herein shall be presumed to meet the discharge quantity criteria except for projects which are required to have zero discharge. Applicants are advised that local drainage districts or local governments may have more stringent gravity control device criteria.
- (b) Gravity control devices shall be of a "V" or circular shaped configuration whenever possible, to increase detention time during minor events.
- (c) Pumped control devices, if pump discharge is permitted, shall be sized based on a design discharge of 20 percent of the detention volume in one day.

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5.3 Retention Ssystems

5.3.1 Description

Stormwater retention works best using a variety of retention systems throughout the project site. Examples of retention systems include:

- Man-made or natural depressional areas where the basin bottom is graded flat and turf is established to promote infiltration and stabilize the basin slopes;
- Shallow landscaped areas designed to store stormwater; and
- Vegetated swales with swale blocks or raised inlets.

Soil permeability and water table conditions must be such that the retention system can percolate the desired runoff volume within a specified time following a storm event. After drawdown has been completed, the basin shall not hold any water, thus the system is normally "dry." Unlike detention basins, the treatment volume for retention systems is not discharged to surface waters.

Besides pollution control, retention systems can be utilized to promote the recharge of ground water to prevent saltwater intrusion in coastal areas or to maintain groundwater levels in aquifer recharge areas.

5.3.2 Retention Basin Construction

Since stormwater management systems are often exposed to poor quality surface runoff during construction and fine particles of clay, silt, and organics at the bottom of a retention basin create a poor infiltrating surface, retention basin construction methods and the overall sequence of site construction must retain the effectiveness of retention basins and assure that the basin is not rendered inoperable prior to completion of site development.

5.3.3 Dry Retention/Detention Areas (Not Applicable to Natural or Mitigation Wetland Areas)

- (a) Dry retention/detention areas shall have mechanisms for returning the groundwater level in the area to the control elevation. The bleed-down rate for these systems is the same as in section 5.2.(a), herein.
- (b) Mosquito control ditches or other appropriate features for such purpose, shall be incorporated into the design of dry retention/detention areas.
- (c) The design of dry retention/detention areas shall incorporate considerations for regular maintenance and vegetation harvesting procedures.

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5.4 Wet Detention Design and Performance Criteria

5.4.1 Pond Configuration

The flow path of water from the inlets to the outlet of the pond must be maximized to promote good mixing with no dead spots, minimize short circuiting, and maximize pollutant removal efficiency and mixing.

If short flow paths are unavoidable, the effective flow path can be increased by adding diversion barriers such as islands, peninsulas, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.

5.4.2 Wet Retention/Detention Area Dimensional Criteria (As Measured at or from the Control Elevation)

- (a) Area - 0.5 acre minimum
- (b) Width - 100 feet minimum for linear areas in excess of 200 feet length. Irregular shaped areas may have narrower reaches but shall average at least 100 feet.
- (c) Depth - Shallow, littoral areas are desirable for water quality enhancement purposes. Such areas are defined for purposes of this criteria as the portion of wet retention/detention bodies shallower than 6 feet as measured from below the control elevation. The minimum shallow, littoral area shall be the lesser of 20 percent of the wet retention/detention area or 2.5 percent of the total of the retention/detention area (including side slopes) plus the basin contributing area.
- (d) Side slopes for wet retention/detention and attenuation areas - for purposes of public safety, water quality enhancement and maintenance, all wet retention /detention areas shall be designed with side slopes no steeper than 4:1 (horizontal:vertical) from top of bank out to a minimum depth of two feet below the control elevation, or an equivalent substitute. Constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation during the consideration of operation permit issuance. Side slopes shall be topsoiled, and stabilized through seeding or planting from 2 feet below to 1 foot above the control elevation to promote vegetative growth. Side slope vegetation growth survival shall be a consideration of operation permit issuance. Side slope dimensional criteria for above ground impoundments are set forth in Appendix B.
- (e) Alternative Side Slope Criteria for Golf Course Wet Retention/Detention Areas Adjacent to Tee Areas, Bunkers, and Greens - The design and final constructed side slopes adjacent to tee areas, bunkers, and greens contiguous to golf course wet retention/detention areas shall be no steeper than 2:1 (horizontal:vertical) for the area above the permitted control elevation. For purposes of this rule, the tee area is limited to an

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area specifically constructed and designated as the location from which a golfer makes his/her first shot toward a designated hole. The green is the area of shortest grass around the hole. Bunkers (sand traps) consist of a prepared area of ground, often a hollow, from which turf or soil has been removed and replaced with sand-like material.

For those portions of the wet retention/detention areas adjacent to tee areas, bunkers, and greens with final constructed side slopes steeper than 3.5:1 (horizontal:vertical), the final constructed side slopes below the control elevation shall not be steeper than 8:1 (horizontal:vertical) to a depth of two feet below the control elevation or equivalent substitute. Side slopes shall be topsoiled and stabilized through seeding or planting from 2 feet below to 1 foot above the control elevation. Side slope vegetation growth survival shall be a consideration of operation permit issuance.

- (f) Bulkheads - Bulkheads shall be allowed for no more than 40 percent of the shoreline length, but compensating littoral zone must be provided based on appropriate maximum allowable side slope including local government requirements.

5.5 Maintenance Access and Easements

Minimum perimeter maintenance and operation easements of 20 feet width at slopes no steeper than 4:1 (horizontal:vertical) shall be provided beyond the control elevation water line. These easements shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, or other equivalent documents, so that subsequent owners or others may not remove such areas from their intended use. Water management areas, including 20 foot wide maintenance easements at a minimum, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available.

5.6 Exfiltration Systems

5.6.1 Description

In an exfiltration system, stormwater shall pass through a perforated pipe and infiltrate through the trench walls and bottom into the shallow groundwater aquifer thereby increasing the storage available in the trench and promoting infiltration by making delivery of the runoff more effective and evenly distributed over the length of the system.

When an exfiltration trench is utilized, soil permeability and water table conditions must be such that the trench system can percolate the required stormwater runoff treatment volume within a specified time following a storm event. The trench system shall be returned to a normally "dry" condition when drawdown of the treatment volume is completed. Like retention basins, the treatment volume in exfiltration trench systems shall not be discharged to surface waters.

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Besides pollution control, exfiltration trench systems can be utilized to promote the recharge of ground water and to prevent saltwater intrusion in coastal areas, or to maintain groundwater levels in aquifer recharge areas.

5.6.2 Construction

During construction, measures must be taken to limit the parent soil and debris entering the trench. The use of an aggregate with minimal fines is recommended.

Exfiltration systems must conform with the following requirements:

- (a) Pipe diameter - 12" minimum;
- (b) Trench width - 3' minimum;
- (c) Rock in trench must be enclosed in filter material, at least on the top and sides; and
- (d) Maintenance sumps in inlets.

5.7 Required Design Information and Assumptions

5.7.1 Antecedent Conditions

Antecedent conditions shall be average wet season elevations for water table or other water surfaces.

5.7.2 Rainfall

Distributions and intensities should be consistent with one or more of these Reference Sources:

- (a) Appendix C of this Handbook, Isohyetal Maps from SFWMD Technical Memorandum, *Frequency Analysis of One and Three Day Rainfall Maxima for central and southern Florida*, Paul Trimble, October 1990, and the following distribution table:

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| Time (hours) | Cumulative Percentage of Peak One Day Rainfall |
|--------------|--|
| 0 | 0 |
| 24 | 14.6 |
| 48 | 35.9 |
| 58 | 57.2 |
| 59 | 62.8 |
| 59.5 | 67.8 |
| 59.75 | 82.8 |
| 60 | 101.5 |
| 60.5 | 108.8 |
| 61 | 112.6 |
| 62 | 117.7 |
| 72 | 135.9 |

100% One Day Rainfall

- (b) Actual gage data analyzed by accepted statistical methods;
- (c) U.S. Department of Agriculture, Soil Conservation Service, "Rainfall Frequency Atlas of Alabama, Florida, Georgia and South Carolina for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 years" (1978), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02975>, incorporated by reference herein and in Rule 40E-4.091, F.A.C.
- (d) Florida Department of Transportation "Drainage Manual, Appendix B: IDF Curves, Precipitation Data, Rainfall Distributions" (August 2001) <http://www.flrules.org/Gateway/reference.asp?No=Ref-02981>, incorporated by reference herein and in Rule 40E-4.091, F.A.C.

Copies of the materials incorporated by reference in (c) and (d) above are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2087, or (561) 682-2087.

5.7.3 Evapotranspiration

Amounts can be estimated as follows:

- (a) Groundwater depth 0 to 1' - 0.3" ET/day
- (b) Groundwater depth 1' to 2.5' - 0.2" ET/day
- (c) Groundwater depth 2.5' to 4' - 0.1" ET/day
- (d) Groundwater depth below 4' - 0" ET/day

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5.7.4 Storage

5.7.4.1 Open Surface

If open surface storage is to be considered in the review, the Applicant shall submit stage-storage computations. If open surface storage plus discharge is to be considered, the stage- discharge computations shall also be submitted. Actual rather than allowable discharges shall be used in routing. For the more extreme events, such as 100 year frequency, discharge should be ignored because the high tail water stage in the receiving water effectively prevents any but a negligible discharge. In such cases a mass accounting of on-site water will suffice, if the applicant can demonstrate that no adverse impacts will occur to adjacent areas.

5.7.4.2 Ground

The Soil Conservation Service has made the following estimate of soil storage capability for the normal sandy soils found within the District in their average natural state:

| Depth to Water Table | Cumulative Water Storage |
|----------------------|--------------------------|
| 1' | 0.6" |
| 2' | 2.5" |
| 3' | 6.6" |
| 4' | 10.9" |

- (a) For the same sandy soils which have been compacted intentionally or incidental to earthwork operations, the cumulative storage shall be reduced 25 percent. An applicant may submit site-specific soil storage capability data.
- (b) Groundwater storage beneath impervious surfaces generally appears impractical to any great degree because of the trapped air which water cannot displace. It further appears impractical below four feet depths, except in high sandy coastal ridge areas, because of the relationship between infiltration rates and runoff rates in most parts of south Florida.

5.7.5 Infiltration and Percolation

5.7.5.2 Subsurface

Subsurface exfiltration will be reviewed only on the basis of representative or actual test data submitted by the Applicant. Test parameters such as elevation, location, and soils, shall be consistent with those of the designed system. The Dade County Department of Environmental Resource Management and Florida Department of Transportation are suggested as reference sources to Applicants for test procedures and design and maintenance performance of subsurface exfiltration systems.

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5.7.6 Runoff

The usual methods of computation are as follows:

- (a) Rainfall minus losses and storage.
- (b) U.S. Department of Agriculture, Natural Resources Conservation Service, "National Engineering Handbook, Section 4, Part 630, Chapter 10 – 2004 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02983>, incorporated by reference in Rule 40E-4.091, F.A.C. Peak factors used for natural systems shall not exceed "257" unless project specific site conditions warrant use of a larger peak factor.
- (c) Rational method, for water quality retention/detention purposes.

Copies of the material referenced in (b) above is available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2087, or (561) 682-2087.

5.7.7 Receiving Water Stage

- (a) Tailwater for Water Quantity Design
Stormwater management systems must consider tailwater conditions. Receiving water stage can affect the amount of flow that will discharge from the project to the receiving water. This stage may be such that tailwater exists in portions of the project system, reducing the effective flow or storage area.

The stage in the receiving water shall be considered to be the maximum stage which would exist in the receiving water from a storm equal to the project design storm. Lower stages may be used if the applicant can show that the flow from his project will reach the receiving water prior to the time of maximum stage in the receiving water.
- (b) Regulated Systems
Applicants are advised that design and maintained stage elevations are available either from the respective local jurisdiction or the Agency. Stages for the Agency's system for frequencies other than the design will be estimated by the Agency upon request from the Applicant.
- (c) Non-regulated Systems
It is recommended that the Applicant compute receiving water stages for such systems from the best available data and submit the results to the Agency for review and concurrence before utilizing such results in further computations.
- (d) Any System
Variable tailwater stages shall be considered if they have a significant influence on the design.

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5.7.8 Runoff Coefficient and Curve Number for Stormwater Management Ponds

Stormwater management ponds, including dry retention ponds, detention ponds with filtration, dry detention ponds with underdrains, and wet detention ponds, shall be considered as impervious area for calculating composite runoff coefficients (C), and composite curve numbers.

5.8 Inspection and Maintenance

Inspection and maintenance standards are described in **section 12.4 of Volume I** and Rule 62-330.311, F.A.C. See **Appendix B** for inspection and reporting requirements for above-ground impoundments.

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APPENDICES

- Appendix A SFWMD - Allowable Discharge Formulas
- Appendix B Above Ground Impoundments
- Appendix C Isohyetal Maps from SFWMD Technical Memorandum,
*Frequency Analysis of One and Three Day Rainfall Maxima
for central and southern Florida*, Paul Trimble, October 1990.
- Appendix D SFWMD Basins for Cumulative Impact Assessments &
Mitigation Bank Service Areas
- Appendix E Procedure for Environmental Resource Permit Water Quality
Evaluations for Applications Involving Discharges to
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Appendix A: SFWMD - ALLOWABLE DISCHARGE FORMULAS

| <u>Canal</u> | <u>Allowable Runoff</u> | <u>Design Frequency</u> |
|--------------------------------|---|-------------------------|
| C-1 | $Q = \frac{(112 + 31) A}{\sqrt{A}}$ | 10 year |
| C-2 | Essentially unlimited inflow by gravity connections southeast of Sunset Drive: 54 CSM northwest of Sunset Drive | 200 year + |
| C-4 | Essentially unlimited inflow by gravity connections east of S.W. 87 th Avenue | 200 year + |
| C-6 | Essentially unlimited inflow by gravity connections east of FEC Railroad | 200 year + |
| C-7 | Essentially unlimited inflow by gravity connection | 100 year + |
| C-8 | Essentially unlimited inflow by gravity connection | 200 year + |
| C-9 | Essentially unlimited inflow by gravity connection east of Red Road; 20 CSM pumped, unlimited gravity with development limitations west of Red Road or Flamingo Blvd. | 100 year + |
| C-10 | ----- | 200 year + |
| C-11 | 20 CSM west of 13A; 40 CSM east of 13A | ----- |
| C-12 | 90.6 CSM | 25 year |
| C-13 | 75.9 CSM | 25 year |
| C-14 | 69.2 CSM | 25 year |
| C-15 | 70.0 CSM | 25 year |
| C-16 | 62.6 CSM | 25 year |
| C-17 | 62.7 CSM | 25 year |
| C-18 | 41.6 CSM | 25 year |
| C-19 | 57.8 CSM | ----- |
| C-23 | 31.5 CSM | 10 year |
| C-24 | 30.25 CSM | 10 year |
| C-25 | $Q = \frac{(47 + 28) A}{\sqrt{A}}$ (Under Review) | 10 year |
| C-38 | 31.1 CSM (subject to restrictions of Basin Rule) | 10 year |
| C-40, 41, 41A | 35.4 CSM | 10 year |
| Hillsboro Canal (east of S-39) | 35 CSM | 25 year |
| North New River (east of S-34) | 70.8 CSM | 25 year |
| Everglades Ag. Area | 20 CSM | 5 year |

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| | | |
|-----------------------------------|--|---------|
| (all canals) | | |
| L-28 | 11.8 CSM | ----- |
| C-51 | 35 CSM east of Turnpike; 27 CSM west of Turnpike (subject to restrictions of Basin Rule) | 10 year |
| C-100, 100A, 100B, 100C, 100D: | $Q = \frac{(104}{\sqrt{A}} + 43) A$ | 10 year |
| C-102 | $Q = \frac{(119}{\sqrt{A}} + 25) A$ | 10 year |
| C-103N, C103-S | $Q = \frac{(107}{\sqrt{A}} + 39) A$ | 10 year |
| C-110 | $Q = \frac{(137}{\sqrt{A}} + 9) A$ | 10 year |
| C-111 | $Q = \frac{(117}{\sqrt{A}} + 29) A$ | 10 year |
| C-113 | $Q = \frac{(104}{\sqrt{A}} + 3) A$ | 10 year |

Definitions:

Q = Allowable runoff in cfs (cubic feet per second) CSM = cfs per square mile
A = Drainage area in square miles

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APPENDIX B: ABOVE GROUND IMPOUNDMENTS

1.0 INTRODUCTION

1.1 Purpose

This Appendix to the Applicant's Handbook Volume II for use within the geographic limits of the South Florida Water Management District has been prepared to elaborate on the criteria and standards applicable to above ground impoundments in accordance with the definition and requirements for "dams" in Part IV of Chapter 373, F.S. The content herein is not intended to be all inclusive of all possible situations, but is intended to provide guidelines and basic performance criteria wherever possible on design criteria for the situations commonly encountered for most typical south Florida situations. Because dam performance is a function of construction, operation and maintenance as well as design, information on those subjects is included. The basic responsibility for dam performance remains vested in the owner or permittee through appropriate representation by his registered professional in accordance with State laws.

1.2 Classification

Upon request or application receipt District staff will classify impoundments or dams as "Major" or "Minor" for application review purposes in accordance with the following provisions:

1.2.1 Major - Impoundments located where failure would cause significant damage to the property of other than the permittee, could involve loss of human life, would create a public health hazard, or would cause irreversible environmental or water quality damage; maximum water depths above surrounding ground levels would generally exceed four feet.

1.2.2 Minor - Impoundments generally located in rural areas where failure would generally limit significant damage to the property of the permittee, would not involve loss of human life, would not create a public health hazard, and would not cause irreversible environmental or water quality damage; maximum water depths above surrounding ground levels would generally be limited to four feet, except where dam break analysis influence lines (six inch depth and two feet per second velocity) are limited to the land of the permittee and others, including the public, are not involved. It may be necessary that the permittee's land be legally restricted by such means as a unity of title to insure perpetual single ownership.

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1.3 Certification responsibility

1.3.1 Major impoundments are considered to be individually engineered structures involving the disciplines of geotechnical, soils, foundation, and/or structural engineering and are therefore required to be certified in accordance with State law by registered professionals.

1.3.2 Minor impoundments are considered to be general site improvements and may therefore be certified in accordance with State law as part of the overall surface water management system by registered professionals.

1.4 Information submittals

1.4.1 Major impoundments require the submittal of all design, construction, operation and maintenance information necessary for complete review of the impoundment. Information to be submitted in addition to design calculations includes:

- a. Proposed construction schedule
- b. Safe filling and draining schedules
- c. Design of seepage and water level monitoring programs
- d. Operation and maintenance manual
- e. Influence lines for dam break analysis (6 inch depth and 2 feet per second velocity)
- f. Emergency response and evacuation plan (if appropriate)

Review by the District will be done for purposes of confirming that reasonable assurances are offered that the intent of District policies and general engineering principles will be met. The review is not intended to supplant the registered professional's initiative, judgment, expertise, experience and/or responsibility. When necessary the District may retain outside expertise to participate in the review.

1.4.2 Minor impoundments require only the submittal of the usual surface water management permit information. It is understood that the registered professional may perform calculations, tests, etc. for his/her own purposes or to meet State law and which may not be submitted.

2.0 DESIGN GUIDELINES

2.1 Major impoundments

2.1.1 Structural stability - All elements and appurtenant works for impoundments shall be designed for all possible conditions up to and including maximum water depths and in accordance with generally accepted engineering principles for such works, which include consideration of site preparation, construction materials, geological conditions, storm conditions, settlement, erosion, operation and maintenance and vandalism. More specific guidelines are as follows:

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2.1.1.1 Dikes - shall be designed based on field test data of subsurface conditions and actual procedures and materials to be used in construction. Seepage and piping shall be considered and cutoff walls and toe drains included where necessary. Dimensions shall be such as to allow maintenance by normal equipment. Recommended side slopes for vegetated earth should be no steeper than 2 1/2:1 (horizontal to vertical) for external slopes and 3:1 (horizontal to vertical) for internal slopes. Top widths should be of sufficient width to allow safe vehicular access and no less than twelve feet. Dike toes should be continually accessible by vehicle by relatively level to berms of at least ten feet width. Dikes and toe berms should be widened at strategic points for vehicular turnaround or where necessary to load stockpiled material to be used for dike repair.

2.1.1.2 Structures - Discharge and other structures should be located to be accessible from the top of the dike during storm conditions for emergency operation and maintenance if necessary. They should be of permanent low maintenance materials, preferably reinforced concrete. The location and design should be such that dike integrity is maintained. Trash racks, seepage rings and vandalism protection should be included. A preferable design would consist of an inlet box which does not interfere with normal dike sideslopes and a conduit under the dike to an outfall endwall. Erosion protection, energy dissipators, etc. would be necessary at strategic points including the outfall.

2.1.2 Hydraulics - Unless more stringent criteria should apply because of other jurisdictional standards or unusual risks, the minimum District standards are as follows:

2.1.2.1 Maximum water depth as determined by routing a three day precipitation (distributed according to the Applicant's Handbook Volume II, Section 5.7.2) through the inflow and outflow structures with rainfall on the reservoir. Three day precipitation amounts may vary between thirty six and fifty six inches depending on site specific conditions and risk management considerations. District staff will advise on request.

2.1.2.2 Design water depth - As determined by routing the project allowable discharge design event through the inflow and outflow structures with rainfall on the reservoir. The three day 25 year event should typically be used as a minimum.

2.1.2.3 Minimum freeboard above maximum water depth - Three feet minimum or that required to prevent overtopping or failure due to hurricane force winds as derived from the South Florida Building Code.

2.1.2.4 Discharge structure – Applicant's Handbook Volume II allowable discharge for reservoir at maximum water depth with 100 year tailwater flood elevation, or Applicant's Handbook allowable discharge for reservoir at design water depth and non-limiting tailwater, unless more accurate site specific tailwater elevations are applicable and substantiated by the applicant.

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2.1.2.5 Return overflow - Impoundments must contain an outflow discharge structure which returns water to the area from which inflow occurs. Therefore a separate structure will be necessary for pump filled impoundments to allow return flow under the conditions of maximum or design water depths in the reservoir with pumps continuing to operate. For gravity filled impoundments this structure will actually be the inflow structure since reservoir and project stages will be the same.

2.1.2.6 Emergency discharge gates - Discharge structures should include emergency gates which can only be opened with District permission. Return overflow structures must include emergency gates to be operated at the discretion of the permittee or at the direction of the District.

2.1.2.7 Pumps-The pumps used to fill impoundment serving multiple owners, when allowed, should be multiple pumps of the same sizes to allow interchange of parts. Electric pumps should have standby fuel operated power systems.

2.1.2.8 Seepage collection systems - A safety factor of three shall be utilized for hydraulic conveyance design purposes.

2.1.3 Floodplain encroachment and setbacks - Impoundments shall not be located within floodplains or shall otherwise provide compensation and setbacks as provided in Section 3.6 in the Applicant's Handbook Volume II. Impoundments located in flat areas of diffused flow shall have the toe of dikes set back at least fifty feet from property lines to allow historic sheet flow to move around the impoundments. Greater dimensions or swale construction may be required if steep slopes, very large contributing areas, etc. would cause that dimension to be inadequate. Smaller dimensions may be allowed if the applicant can demonstrate smaller dimensions will suffice.

2.1.4 Environmental and water quality - The provisions of the Applicant's Handbook Volume I and Volume II apply. Since many impoundments are utilized for wetland management and/or mitigation, it may be necessary to set control elevations and emergency gate bottoms above natural ground levels in order to prevent wetland overdrainage.

2.1.5 Emergency repair material - Appropriate amounts of type, quantity and location of emergency repair materials shall be included in design plans.

2.2 Minor impoundments

2.2.1 Structural stability - The same general comments apply as for Major impoundments with specific guidelines as follows:

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2.2.1.1 Dikes - Designs shall be in accordance with commonly accepted engineering principles and State laws. Dikes external to the permittee's property shall meet the dimensional and access criteria for Major impoundments to the degree necessary to meet the intent of Section 1.2.1. Internal dikes may be of lesser standards, but sideslopes should be no steeper than 2:1 (horizontal to vertical) and top widths no less than five feet.

2.2.1.2 Structures - Discharge and other structures should be as for Major impoundments.

2.2.2 Hydraulics - The same general comments apply as for Major impoundments with specific standards as follows:

2.2.2.1 Maximum water depth - The maximum water depth equals the design water depth as described for Major impoundments.

2.2.2.2 Minimum freeboard above maximum water depth - Equal to the maximum water depth dimensions but not less than two feet, no more than three feet.

2.2.2.3 Discharge structure – Applicant's Handbook Volume II allowable discharge for reservoirs at design water depth and non-limiting tailwater, unless more accurate site specific tailwater elevations are applicable and substantiated by the applicant.

2.2.2.4 Return overflow - Same as for Major impoundments.

2.2.2.5 Emergency discharge gates - Same as for Major impoundments except installation is optional.

2.2.2.6 Pumps - Same as for Major impoundments.

2.2.2.7 Seepage collection systems - Optional.

2.2.3 Floodplain encroachment and setbacks - Same as for Major impoundments.

2.2.4 Environmental and water quality - Same as for Major impoundments.

2.2.5 Emergency repair material - Optional.

3.0 CONSTRUCTION

Construction certification is a requirement of all permits for both Major and Minor impoundments, and it is therefore the responsibility of the registered professional to satisfy himself/herself and the State laws as to construction compliance with design. Changes to permitted design would require the need for As-Built plans to satisfy certification. Major changes, including changes to permit authorization or special or

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limiting conditions would require a permit modification prior to implementation. The District expects continual construction observation to be the minimum requirement necessary to evidence ability to perform certification on Major impoundments. Certification must indicate that construction has been satisfactorily completed so that routine operation and maintenance may commence.

4.0 OPERATION AND MAINTENANCE

4.1 Reporting

Inspection of impoundment conditions, repairs, etc. will be a continuing process required by permit special condition. Inspection reports are to be retained by the permittee and copies made available to the District upon request. It is the basic responsibility of the permittee to initiate interim reporting and/or more detailed reporting to the District as conditions change, emergencies or problems arise, etc. It is expected that Major impoundments will be reported in accordance with the operation and maintenance manual and emergency response and evacuation plan adopted at the time of permit issuance, with updates as necessary.

4.2 Primary subjects of interest

4.2.1 Major impoundments

4.2.1.1 Dikes and seepage collection system

- a. Vegetation conditions
- b. Erosion
- c. Evidence of boils, piping, unusual seepage
- d. Slope stability, surface cracking
- e. Settlement
- f. Travelway conditions
- g. High and low water marks
- h. Presence of aquatic vegetation in supposed dry areas
- i. Monitoring system condition and monitoring data
- j. Adequacy and condition of emergency repair material
- k. Short and long term repair and modification recommendations

4.2.1.2 Structures and pumps

- a. Materials conditions
- b. Operational conditions
- c. Evidence of vandalism
- d. Settlement and erosion
- e. Freedom from trash problems
- f. Short and long term repair and modification recommendations

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4.2.1.3 Impoundment area

- a. Vegetation changes
- b. Evidence of encroachment and misuse of land

4.2.1.4 Emergency response plan

- a. Land use changes in area of influence
- b. Topographic changes causing change in area of influence
- c. Changes in participants, addresses, phone numbers, etc. involved in emergency response plan
- d. Evidence of contact update with involved emergency management officials

4.2.2 Minor impoundments

4.2.2.1 Dikes

- a. Vegetation conditions
- b. Erosion, settlement, cracking, stability
- c. Short term repair and modification recommendations

4.2.2.2 Structures and pumps

- a. Structural conditions
- b. Operational conditions
- c. Short term repair and modification recommendations

4.2.2.3 Impoundment area

- a. Vegetation changes
- b. Evidence of encroachment and misuse of land

4.3 Typical special condition

4.3.1 Upon completion of construction, and on an annual basis (in March of each year), the permittee shall have an inspection performed to assess the structural adequacy of all above-ground dikes, control structures, levees and berms behind which water is to be contained and where failure could impact off-site areas. A registered professional shall perform each inspection and prepare each report. These reports shall be signed and sealed by the registered professional performing the inspection, kept on file by the permittee and made available to the South Florida Water Management District (SFWMD) personnel upon request. If deficiencies are found that will affect the performance of the impoundment, a report which is signed and sealed by the registered **professional** performing the inspection shall be submitted to the District

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which includes, but is not limited to, the proposed technique and schedule for repair of any deficiencies noted.

5.0 REFERENCES

Agencies with impoundment experience and publications:

- a. U.S. Army Corps of Engineers
- b. U.S. Department of Interior, Bureau of Reclamation
- c. U S Department of Agriculture, Soil Conservation Service

Appendix C: Isohyetal Maps
from SFWMD Technical Memorandum, *Frequency Analysis of One and Three Day
Rainfall Maxima for central and southern Florida, Paul Trimble, October 1990.*

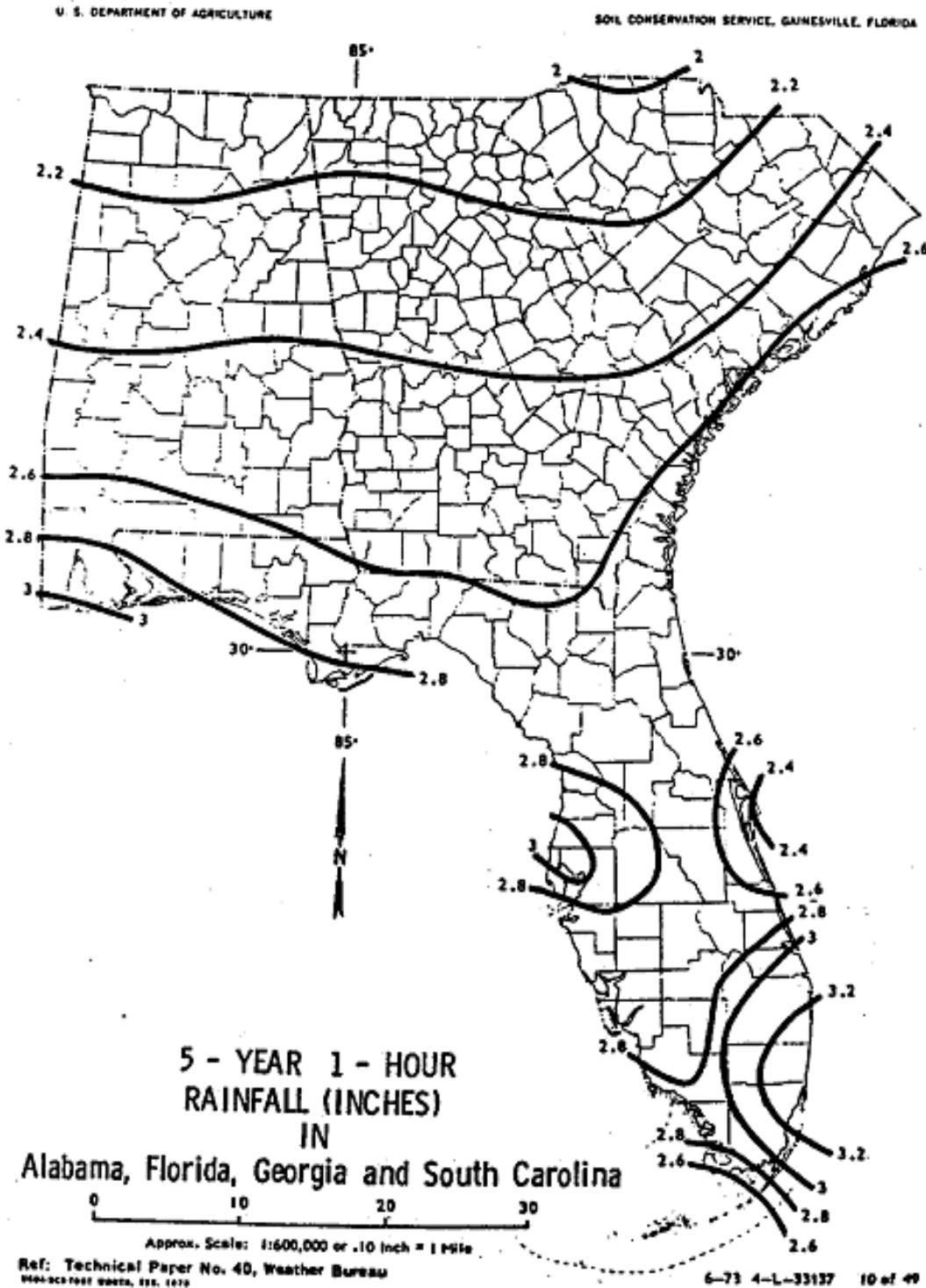


Figure C-1

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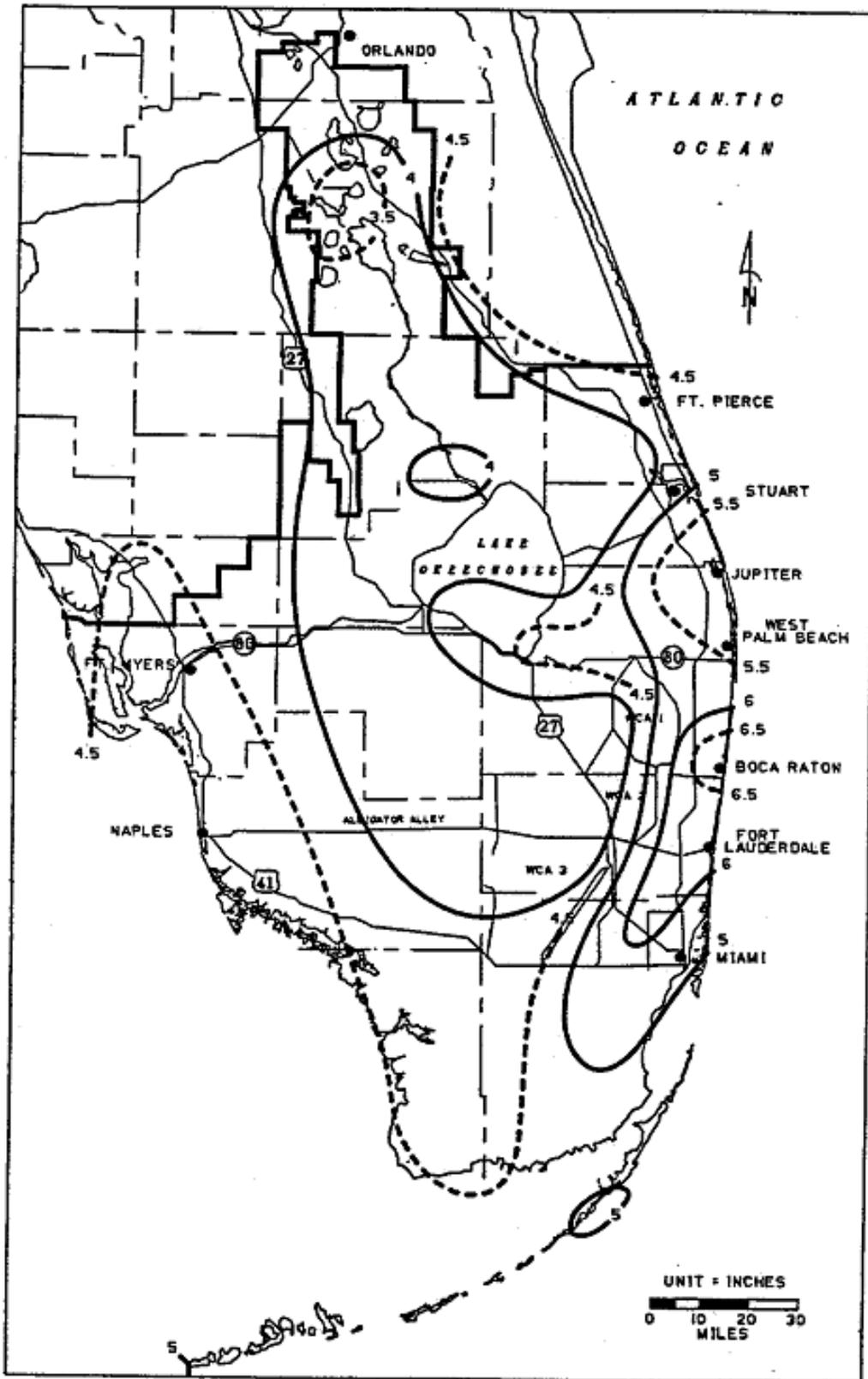


FIGURE C-2. 1-DAY RAINFALL: 3-YEAR RETURN PERIOD

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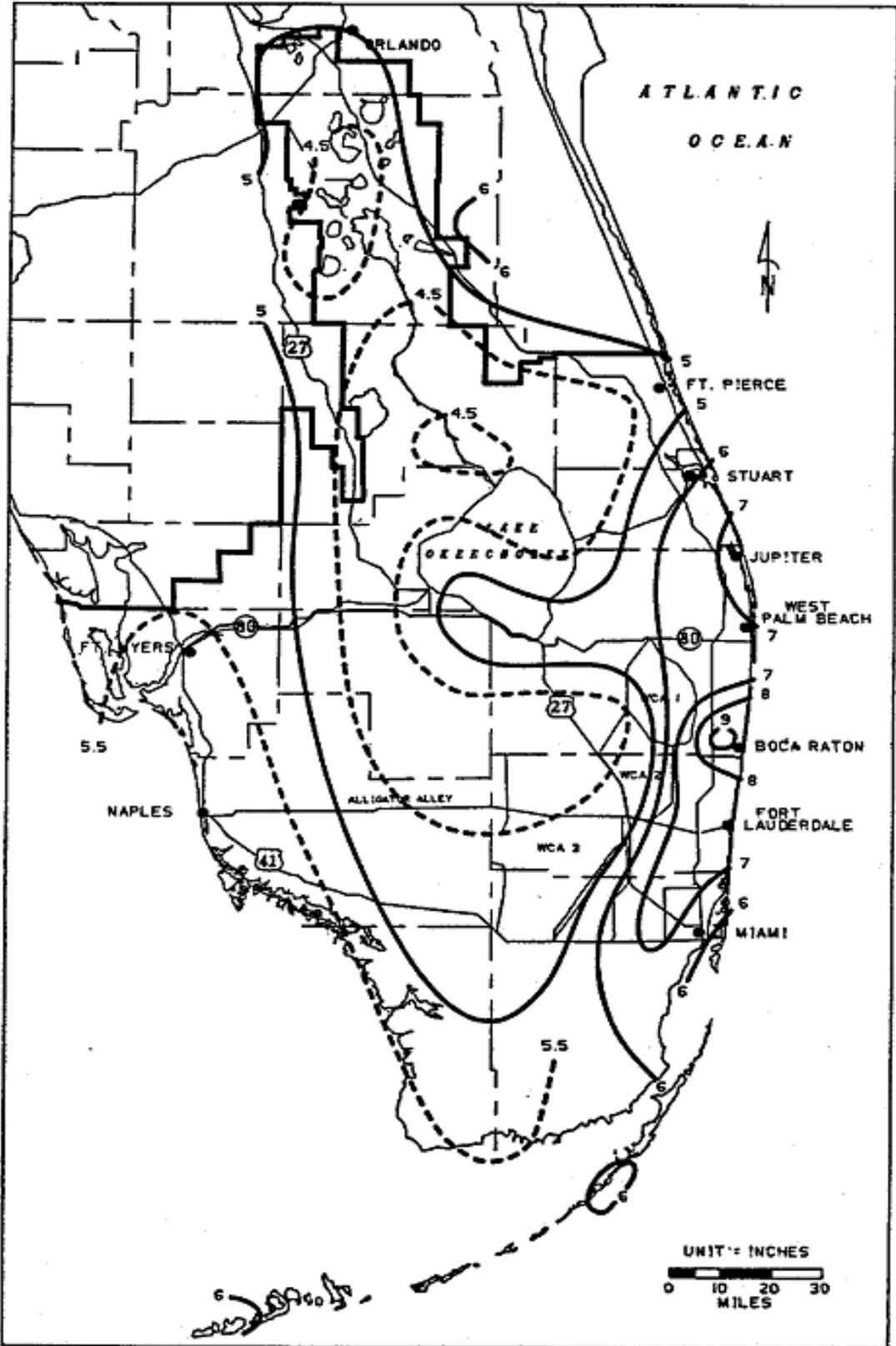


FIGURE C-3. 1-DAY RAINFALL: 5-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

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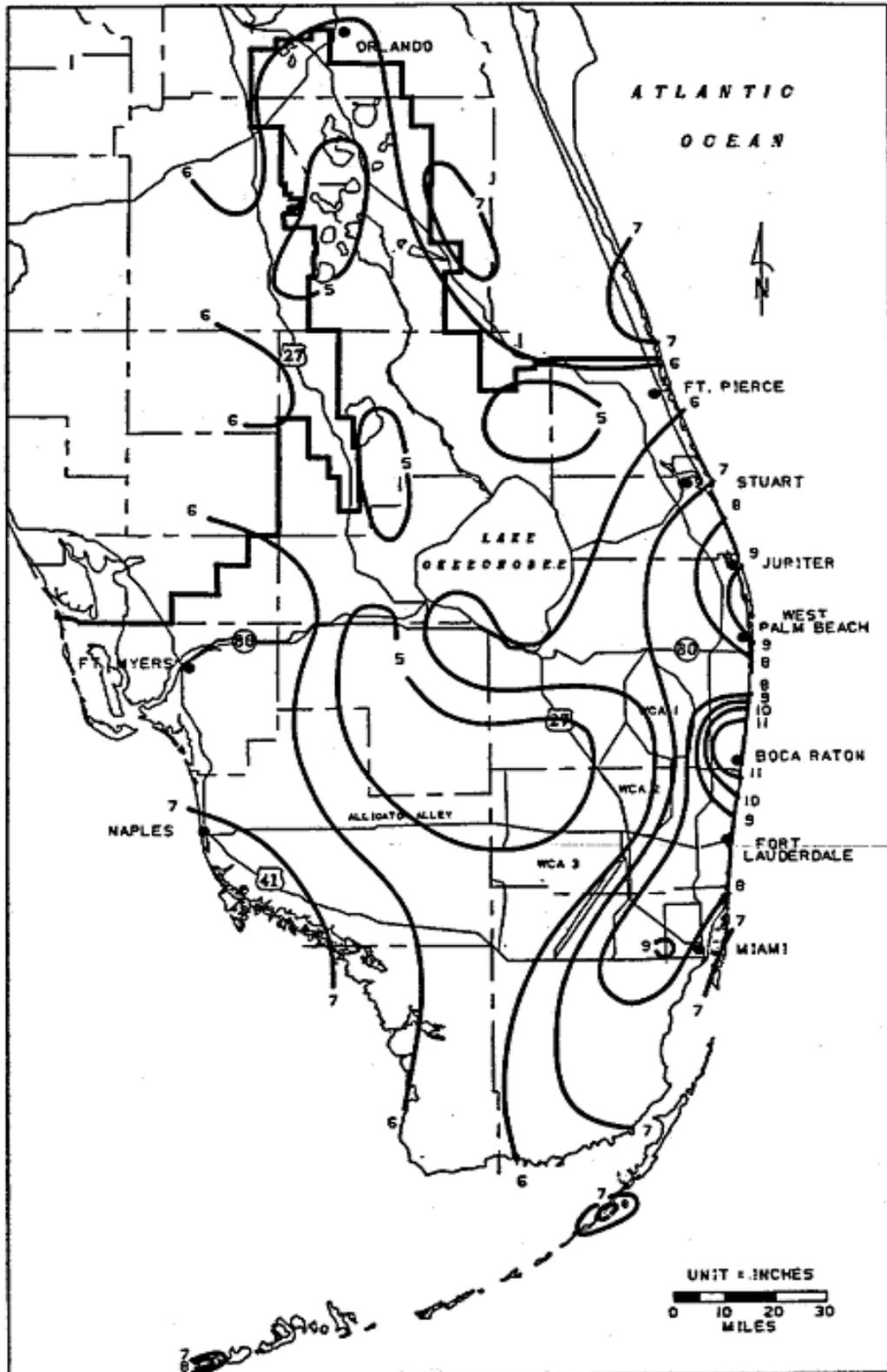


FIGURE C-4. 1-DAY RAINFALL: 10-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

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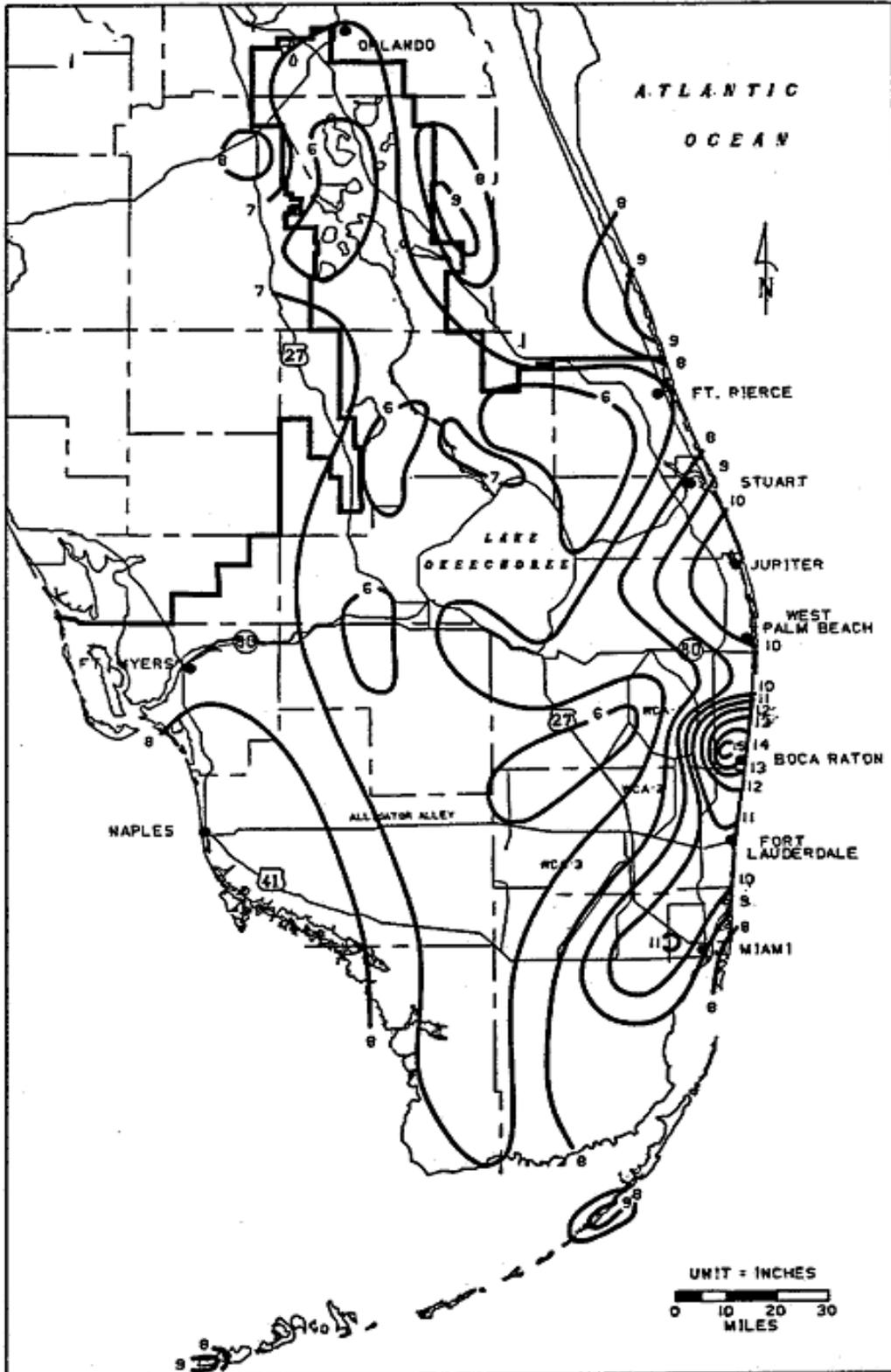


FIGURE C-5. 1-DAY RAINFALL: 25-YEAR RETURN PERIOD

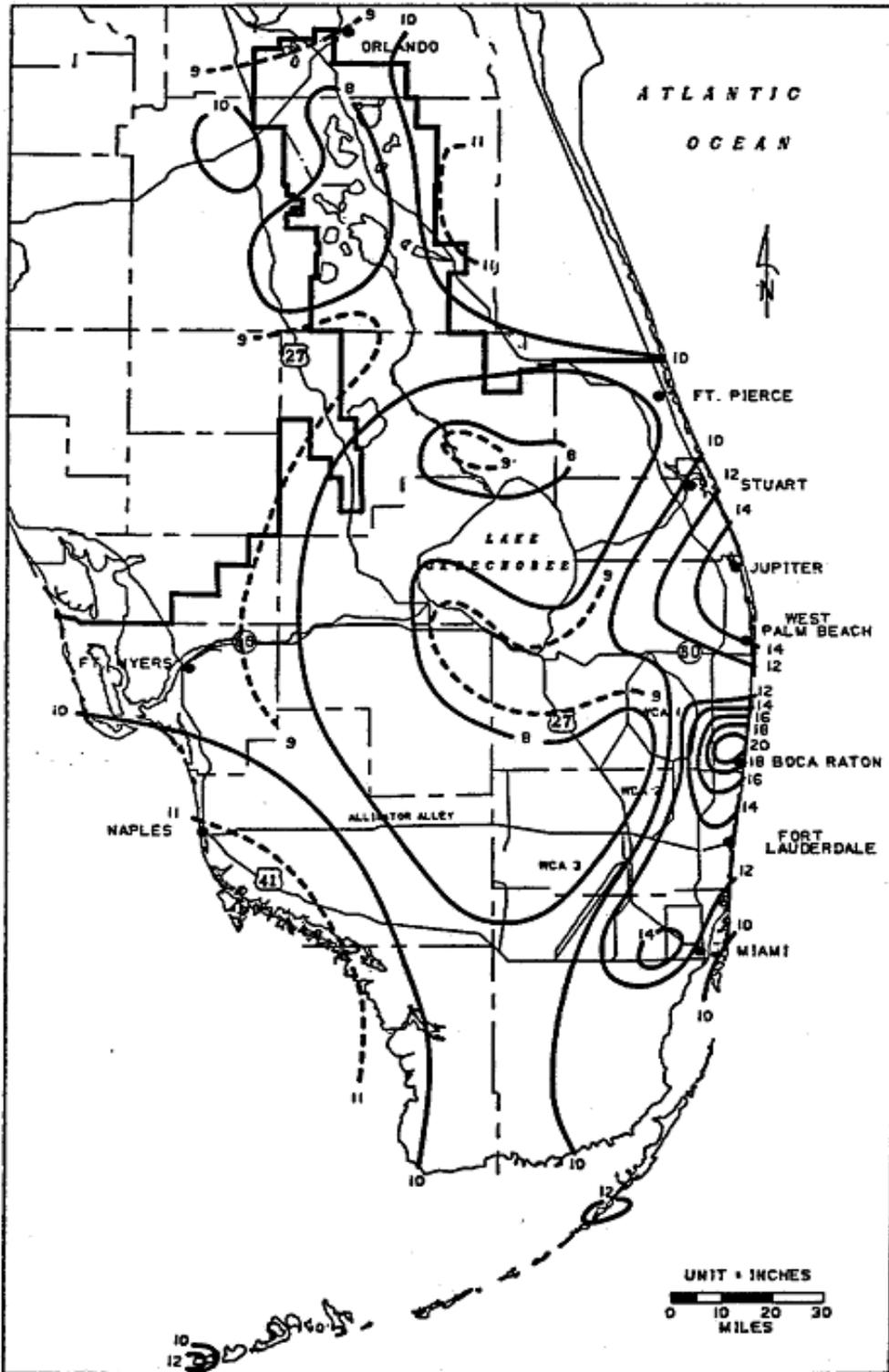


FIGURE C-6. 1-DAY RAINFALL: 100-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

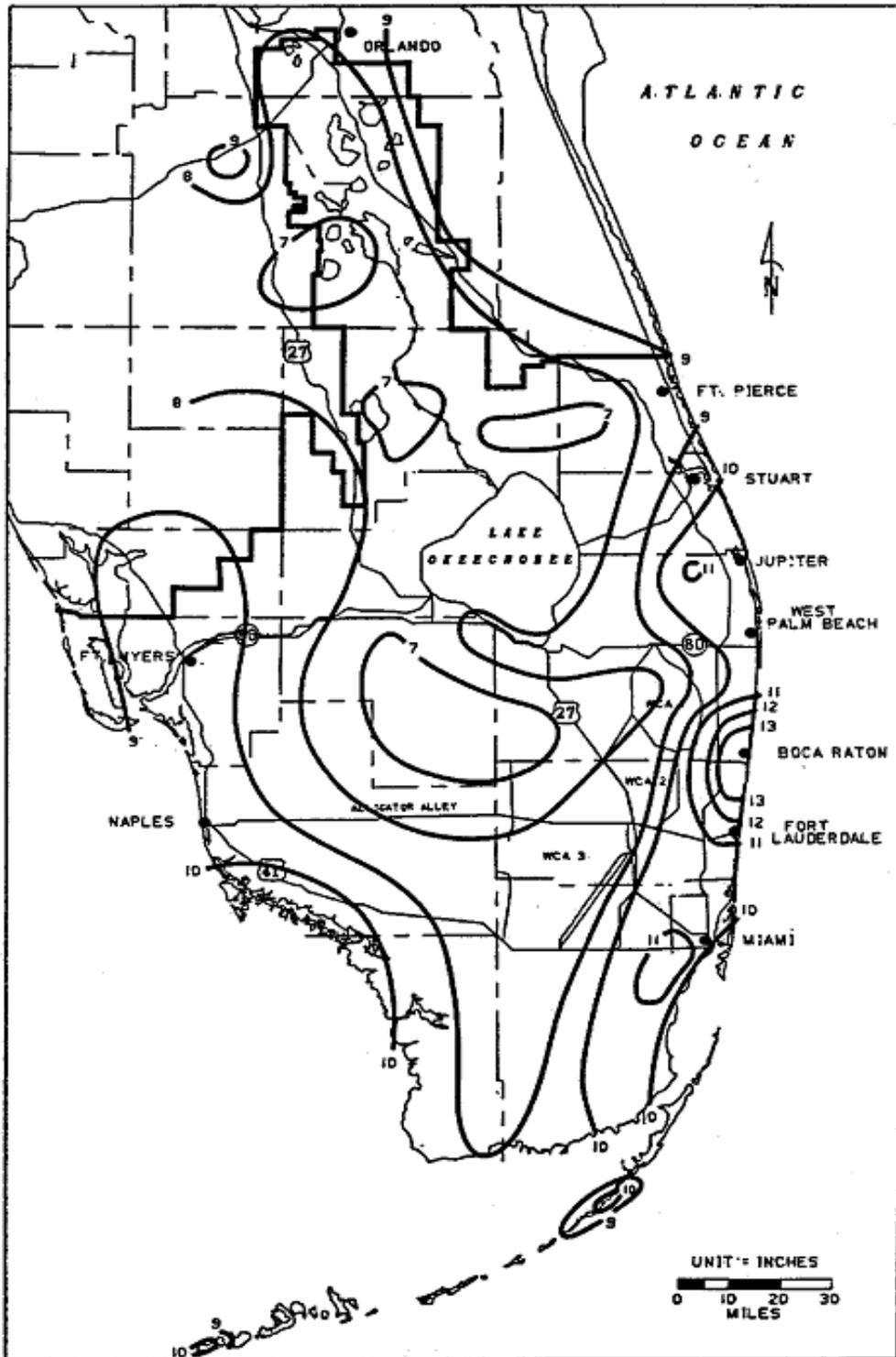


FIGURE C-7. 3-DAY RAINFALL: 10-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

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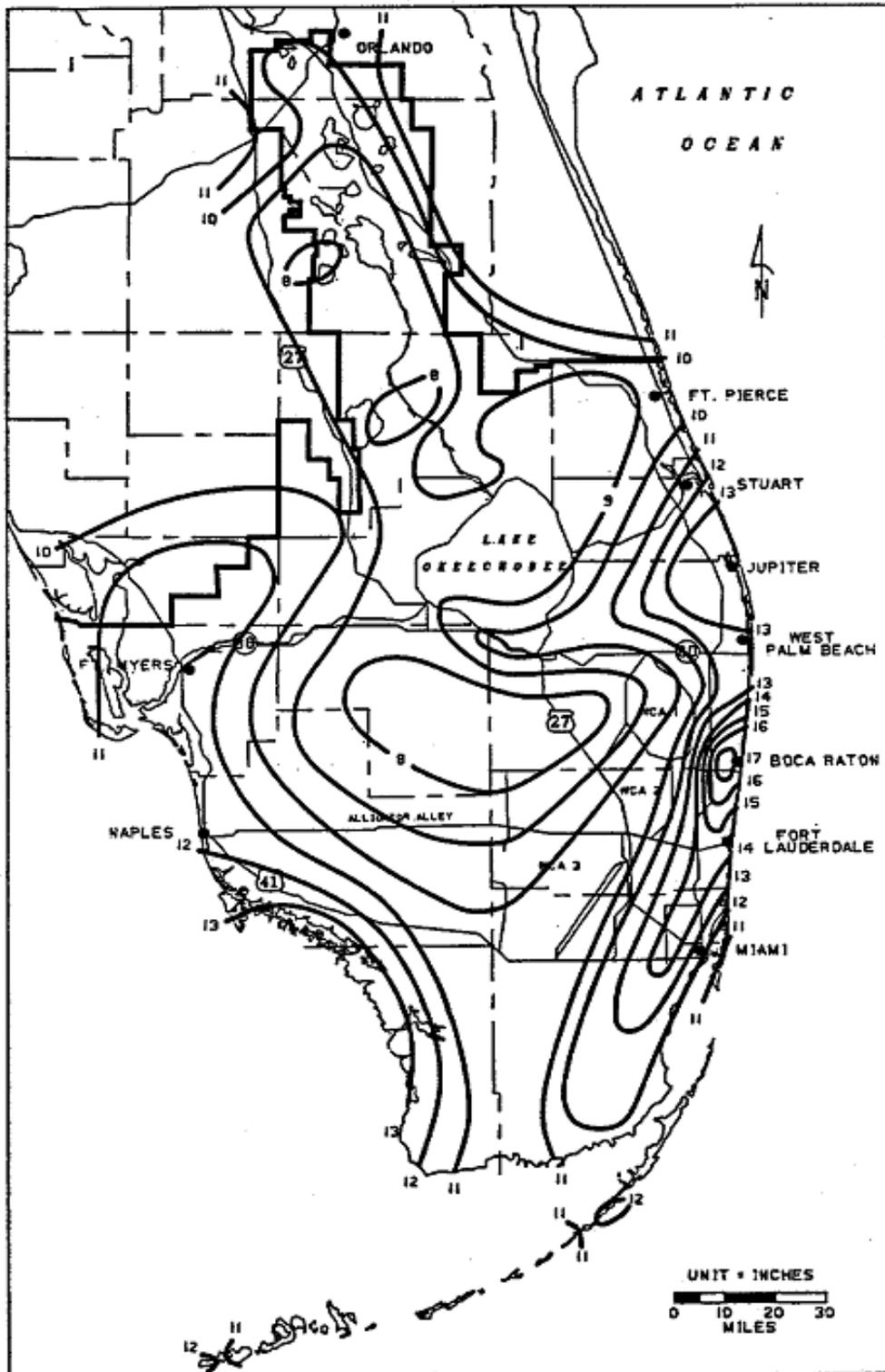


FIGURE C-8. 3-DAY RAINFALL: 25-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

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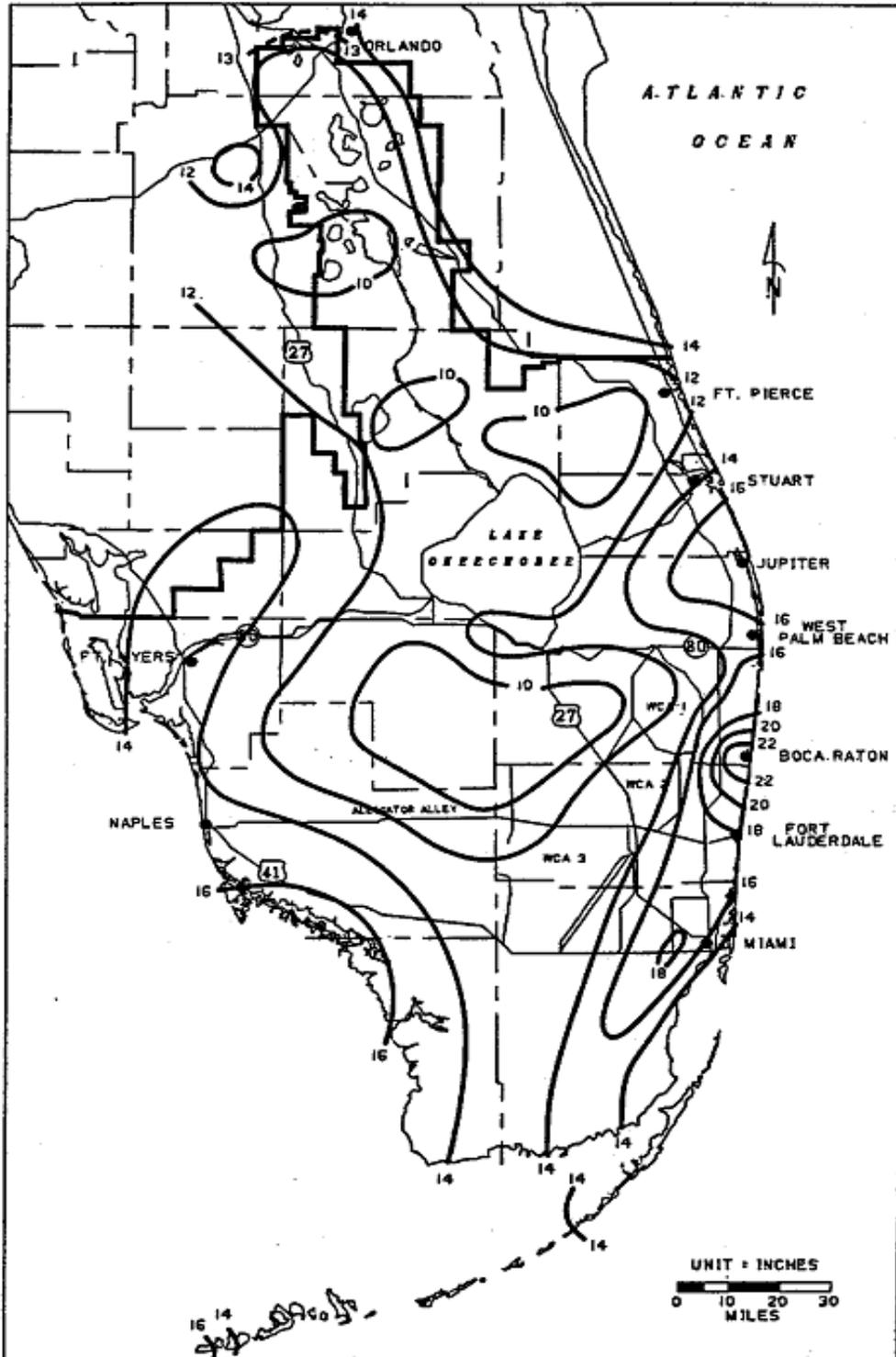
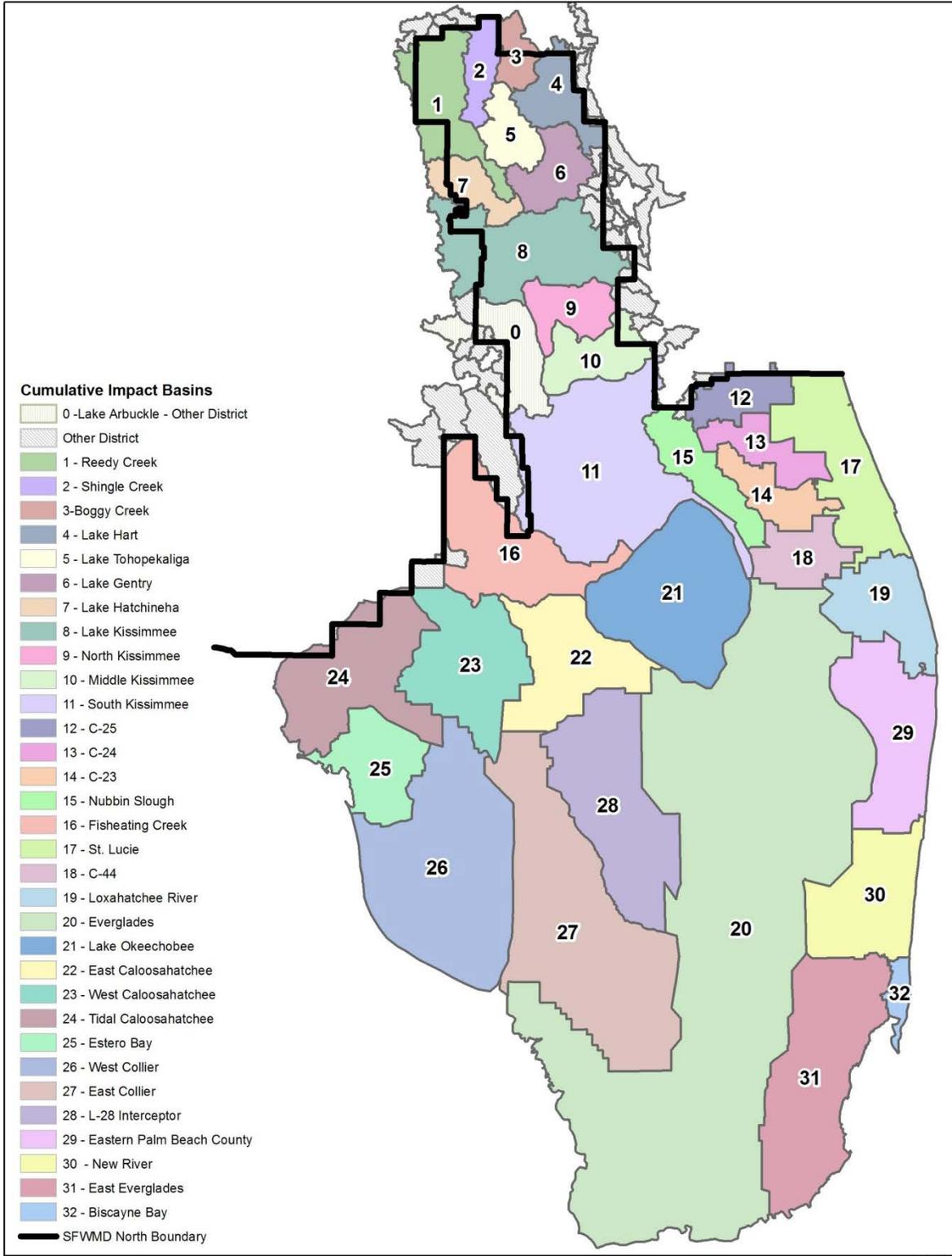


FIGURE C-9. 3-DAY RAINFALL: 100-YEAR RETURN PERIOD

Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

**APPENDIX D: SFWMD Basins
for Cumulative Impact Assessments & Mitigation Bank Service Areas**



Attachment: ERP Volume II - SWERP II (2149 : Rule Development to Make Minor Changes to Chapters 40E-1, 40E-4, 40E-41, F.A.C)

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APPENDIX E

Procedure for Environmental Resource Permit Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards

This procedure shall be utilized in coordination with the “Environmental Resource Permit Applicant’s Handbook Volume I: General and Procedural” (Volume I), incorporated by reference in Rule 62-330.010, F.A.C., and “Environmental Resource Permit Applicant’s Handbook Volume II: For Use within the South Florida Water Management District” (District) (Volume II), incorporated by reference in Rule 40E-4.091, F.A.C. This procedure pertains to the application of existing District rules in the evaluation of permit applications for projects which discharge to Outstanding Florida Waters (OFWs) and water bodies that do not meet State water quality standards identified on the State’s “Verified List” of impaired waters or water bodies that have a State adopted Total Maximum Daily Load (TMDL) (impaired water bodies).

“Impaired Water Bodies”

Chapter 62-303, Florida Administrative Code (F.A.C.), describes impaired water bodies. Water bodies that have been assessed and determined to be impaired by the Department of Environmental Protection (DEP) due to pollutant discharges are included on the “Verified List” adopted by DEP Secretarial Order. Water bodies on the “Verified List” can be determined from DEP’s web site at: <http://www.dep.state.fl.us/water/watersheds/assessment/a-lists.htm>.

Relationship Between “Impaired Waters” and District Water Quality Rules

Chapter 62-303, F.A.C., does not limit the applicability of existing environmental resource permit (ERP) rules and other criteria under other provisions of Florida law. Consequently, the District implements its existing rules to ensure non-degradation of OFWs and prevent further degradation of impaired water bodies.

This procedure highlights the requirements in the existing District ERP rules to meet water quality criteria. This procedure also provides additional measures which shall be considered, on a project by project basis, as necessary to provide reasonable assurance that new activities regulated pursuant to Part IV of Chapter 373, Florida Statutes (F.S.) will not degrade an OFW or will not contribute additional causative pollutants to an impaired water body.

Existing ERP Water Quality Requirements and Evaluation

The design requirements in Section 4, Stormwater Quality, of Volume II are applied in conjunction with the water quality requirements in Section 8, Criteria for Evaluation and Section 10, Environmental Criteria, Volume I.

State surface water quality standards are outlined in Chapter 62-302, F.A.C., and require that reasonable assurances be provided to ensure that proposed discharges do not cause or contribute to violations of State water quality standards. As a part of the review of ERP applications, the District evaluates whether discharges from a project will

ENVIRONMENTAL RESOURCE PERMIT APPLICANT'S HANDBOOK VOLUME II

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be directed to an OFW or a water body that has been identified as impaired pursuant Chapter 62-303, F.A.C. If a proposed project discharges to an OFW or an impaired water body, the District will require that additional protective measures be incorporated into the project's design and operation to provide reasonable assurance that the proposed discharge will not cause or contribute to violations of State water quality standards. The additional protective measures shall include a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts required pursuant to Section 4.2.1, Volume II. Best management practices (BMPs), source controls or protective measures shall be considered as discussed below.

Section 4.1, Volume II requires that "projects shall be designed and operated so that off-site discharges will meet State water quality standards." Section 4.1.3, Volume II, states that "systems which have a direct discharge to an OFW, must provide an additional fifty percent of the required treatment." Section 4.9.1, Volume II specifies a more detailed evaluation by the District staff for new developments which outfall to sensitive receiving waters. Such sensitive receiving waters include all OFWs as well as other water bodies specifically named in this rule.

Section 10.2.4, Volume I states:

An applicant must provide reasonable assurance that the regulated activity will not violate water quality standards.

Reasonable assurance regarding water quality must be provided both for the short term and the long term The following requirements are in addition to the water quality requirements found in Sections 8.2.3 and 8.3 through 8.3.3.

In cases where a project will discharge to a water body that does not meet standards, Section 10.2.4.5, Volume I requires that:

The applicant must demonstrate that the proposed activity will not contribute to the existing violation.

Section 10.2.4.5, Volume I also states, "If the proposed activity will contribute to the existing violation, mitigation may be proposed as described in subsection 10.3.1.4 (Volume I)."

In addition, where the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, Section 373.414(1)(b)3, F.S., states that the Governing Board shall:

consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards.

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Effective: **AUGUST 10, 2014**

Required Analysis

The applicant must submit the following for each project:

Construction Phase Pollution Prevention Plan

A Stormwater Pollution Prevention Plan for construction activities resulting in greater than 1 acre of land clearing, soil disturbance, excavation, or deposition of dredge material. The plan shall be prepared in accordance with recognized design practices and shall identify the potential sources of pollution that shall reasonably be expected to affect the quality of stormwater discharge associated with the construction activity.

Operation Phase Pollution Prevention Plan

A Post-construction Pollution Prevention Plan to be submitted as part of the permit application, which provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source. A Post-construction Pollution Prevention Plan shall include plans for surface water management system operation and maintenance, nutrient and pesticide management, solid waste management, and/or animal/livestock waste storage and disposal, if applicable. Records of maintenance, operation and inspection shall be kept by the permittee and shall be available for inspection and copying by the District staff upon request.

Site-Specific Water Quality Evaluation

In order to demonstrate that the proposed activities will not contribute to an existing impairment of a water body, will not degrade an OFW, or will provide a "net improvement," an applicant shall provide reasonable assurance based on site-specific information to demonstrate that discharges of the parameter or parameters which have caused the impairment do not have the potential to cause or contribute to water quality violations in the basin. This demonstration shall be accomplished through the use of a site-specific water quality evaluation.

Additional Source Controls, BMPs and Other Protective Measures

In addition to the extra 50% water quality treatment volume for discharges to OFWs or impaired water bodies, a site-specific water quality analysis is required. Before submitting an application, the applicant shall perform an initial site-specific water quality analysis. The initial analysis must demonstrate that the proposed project's stormwater management system will not degrade an OFW or will provide a net improvement in an impaired water body for any parameters which are impaired. If the site-specific water quality analysis does not demonstrate that an OFW will not be degraded or a net improvement will occur in an impaired water body, then additional protective measures are required. These protective measures shall consist of source controls, BMPs or other protective measures. The applicant must then submit a site-specific water quality analysis to the District that demonstrates that an OFW will not be degraded or that a net improvement will occur in an impaired water body of any parameter which is impaired.

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Listed below are typical source and structural controls commonly incorporated into proposed project stormwater designs and site specific water quality analysis as a part of the evaluation of whether an applicant has provided reasonable assurance to demonstrate that a proposed activity will not degrade an OFW, or in the case of an impaired water body, will not contribute to a violation of the impaired parameter. Such evaluation must take into consideration the particular water quality parameter which is not being met in the water body and whether the proposed project will contribute to the continued violation. The listed additional protective measures are not considered exhaustive. The District will consider other protective measures proposed by the applicant which include the necessary detailed documentation to demonstrate reasonable assurance that water quality standards will not be violated during construction and during long term operation. A combination of protective measures must be based on the proposed project, receiving water body, and specific pollutant(s) causing or contributing to the impairment of the receiving water body. Examples of protective measures are:

Increased Hydraulic Residence Time

Increased average wet season hydraulic residence time of wet detention ponds to at least 21 days using a maximum depth of 12 feet from the control elevation to calculate the residence time.

Pollutant Source Controls

Source controls typically include reduced turf coverage; native landscape plantings; stormwater harvesting and recycling; rooftop runoff management and recycling; pervious pavement; and vegetated non-turf buffers around detention/retention ponds.

Conveyance and Pretreatment BMPs

Stormwater conveyance and pretreatment BMPs typically include filter strips; vegetated stormwater inlets; vegetated swales; sediment trap structures such as baffle boxes; and dry retention or detention pretreatment.

Water Quality Treatment Enhancement

Stormwater treatment system enhancements typically include the use of on-site created wetlands in a treatment train as a polishing cell after primary treatment; detention ponds with littoral berms, settling basins or phyto-zones within the detention areas; planted wetland filter marshes just upstream of project outfall structures; detention ponds with increased effective treatment time by use of internal levees and/or berms and/or location of inflow and outflow structures to increase the flow path distance.

Treatment Efficiency of BMPs in Series

If a stormwater treatment system is designed in series as part of a BMP treatment train to increase the pollutant removal efficiency of the overall system, the treatment efficiencies of BMPs in series must account for the reduced loading transferred to subsequent downstream treatment devices as well as irreducible concentrations of certain pollutants.

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After treatment occurs in the first system, a load reduction occurs, which is a function of the type of treatment provided. After migrating through the initial treatment system, the remaining load consists of pollutant mass which was not removed in the initial system. This mass is then acted upon by the second treatment system with an efficiency associated with the particular type of BMP used until the irreducible concentration level is met.

Attention must be paid to the treatment efficiency used for each downstream BMP to account for the diminishing "treatability" of stormwater as concentrations are reduced.

Water Quality Mitigation

In cases where ambient water quality does not meet State water quality standards and it is determined that the proposed activity will contribute to the violation (e.g., the water body is impaired for nutrients and the proposed project will discharge an increased nutrient load), Section 373.414(1)(b)3, F.S., and the Section 10.3.1.4. Volume I include provisions for water quality mitigation that will cause a net improvement. Water quality mitigation can be accomplished in a variety of ways. The typical concept is to provide net improvement through implementation of a water quality treatment system or retrofit of an area that currently discharges untreated stormwater runoff to the same receiving body as the proposed project. The type of land use, runoff rates, removal efficiencies and the pollutants expected from the mitigation area all must be compared to the proposed activity to assure the proposed mitigation is sufficient to cause a net improvement in the receiving water. Any areas used for off-site treatment must include a perpetual easement for this purpose, over the off-site treatment area, which cannot be amended, altered, released or revoked without the prior written consent of the District.

Water Quality Monitoring

Section 4.9.1(b), Volume II of the Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C., contains the rule on water quality monitoring.

M E M O R A N D U M

TO: Governing Board Members
FROM: Karen Estock, Division Director
DATE: November 13, 2014
SUBJECT: Operations Maintenance & Construction Update

This is a first in a series of OMC presentations that will be made over the next 3-4 months to the Governing Board.

This presentation (November) will cover our field infrastructure including: pump stations, water control structures, navigation locks, canals, levees, field stations and District Lands. In addition, it will show the increase of the District's Infrastructure from 1999 through 2014, and how the focus of infrastructure operations have changed, to include water quality, water supply and environmental restoration. The presentation will briefly highlight OMC's organizational structure and an overview of OMC's portion of the FY15 budget.

MEMORANDUM

TO: Governing Board Members
FROM: Tim Beirnes, Inspector General
DATE: November 13, 2014
SUBJECT: IG Audit Report

Summary

- Approval of Inspector General's Audit Report - Audit of Dispersed Water Management Program
- Approval of Proposed Audit Plan for Fiscal Year 2015

Staff Recommendation

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports. Inspector General recommends approval of the Audit of the of Dispersed Water Management Program.

The Audit and Finance Committee Charter provides for the Board's review and approval of the Office of Inspector General's annual work plan. Inspector General recommends approval of the Proposed Audit Plan for FY 2015.



Proposed Audit Plan For Fiscal Year 2015

Prepared by
Office of Inspector General

J. Timothy Beirnes, CPA, Inspector General



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

To: Governing Board Members

From: J. Timothy Beirnes, CPA, Inspector General,
Office of Inspector General

Date: November 13, 2014

Subject: Proposed Audit Plan for Fiscal Year 2015

I am pleased to present our Proposed Audit Plan for Fiscal Year 2015. The development of the plan was shaped using a systematic approach to help us decide what audits need to be done. The planning process helps us to develop the theme for our audits and identify an appropriate mix of various types of audits. The audit plan helps us to determine how we can best allocate our resources and capitalize on our individual strengths.

Effective audit planning is crucial to the success of the Inspector General's Office. Our planning process involved understanding our responsibility, recapping where we have been, and identifying the auditable universe and the risks associated with various programs and activities. The Internal Audit Charter requires the Governing Board to approve the final annual audit plan. The proposed plan will be presented to the Governing Board for approval on November 13, 2014.

Our Guidance

The first step in our current planning process was to ask ourselves what is the Inspector General Office's mandate. Our mandate to perform audits is clearly specified in Section 20.055 F.S., *Agency Inspectors General*. It states that in carrying out our audit mandate we should:

1. Review and evaluate the internal controls that ensure fiscal accountability.
2. Review post audit sampling of payments and accounts, where appropriate.
3. Advise in the development of performance measures for evaluating District programs.
4. Conduct financial, compliance, electronic data processing and performance audits of the District.

Proposed Audit Plan FY 2015
November 13, 2014
Page 2 of 3

While the scope and assignment of audits is entirely left to the discretion of the Inspector General, the statute provides that the agency head may, at any time, direct the Inspector General to perform an audit of a program function or organizational unit. In the past, we received a number of requests from both the Governing Board and District staff to perform necessary Inspector General projects. Therefore, executing our work plan necessitates flexibility to accommodate special requests and investigations.

Our Planning Approach

Each year the District prepares an annual work plan to guide management and staff in fulfilling the District's mission. The annual work plan is the product of the yearly planning cycle, which is the approach to establishing priorities, allocating resources, implementing projects, and providing accountability. The budget process then allocates resources to accomplish the planned activities.

Our audit planning process began with reviewing the FY 2015 Budget to identify those programs, activities and functions that we consider present potential risk to the District. In addition to specific programs, we also focused on identifying processes that are critical to the planning cycle that affect all programs.

The audit plan reflects a consideration of risk and its relationship to the District's mission and objectives. The most ubiquitous risks to the District's mission revolve around spending, operations, data integrity and reliability, disaster recovery/contingency planning, regulatory compliance, and public perception. Some District programs, such as our many restoration projects, depend on land acquisition and construction processes, which represent high risks due to the mere magnitude of the financial resources to be consumed. Others, such as regulation, have inherent risks that are not necessarily related to program expenditures or dollar magnitude but rather represent high risk due to the nature of the function where consistency, objectivity, integrity, and strict adherence to rules and regulations are essential.

Our audit plan is designed to provide sufficient coverage over time to reach all significant program areas. During FY 2015, we will continue to use our best judgment in prioritizing audit activities so as to be responsive to the most immediate needs of the District's Governing Board and executive management. Our proposed work plan for FY 2015 provides audit projects for specific District programs, as well as, audits of processes that affect all District programs.

Proposed Audit Plan FY 2015
November 13, 2014
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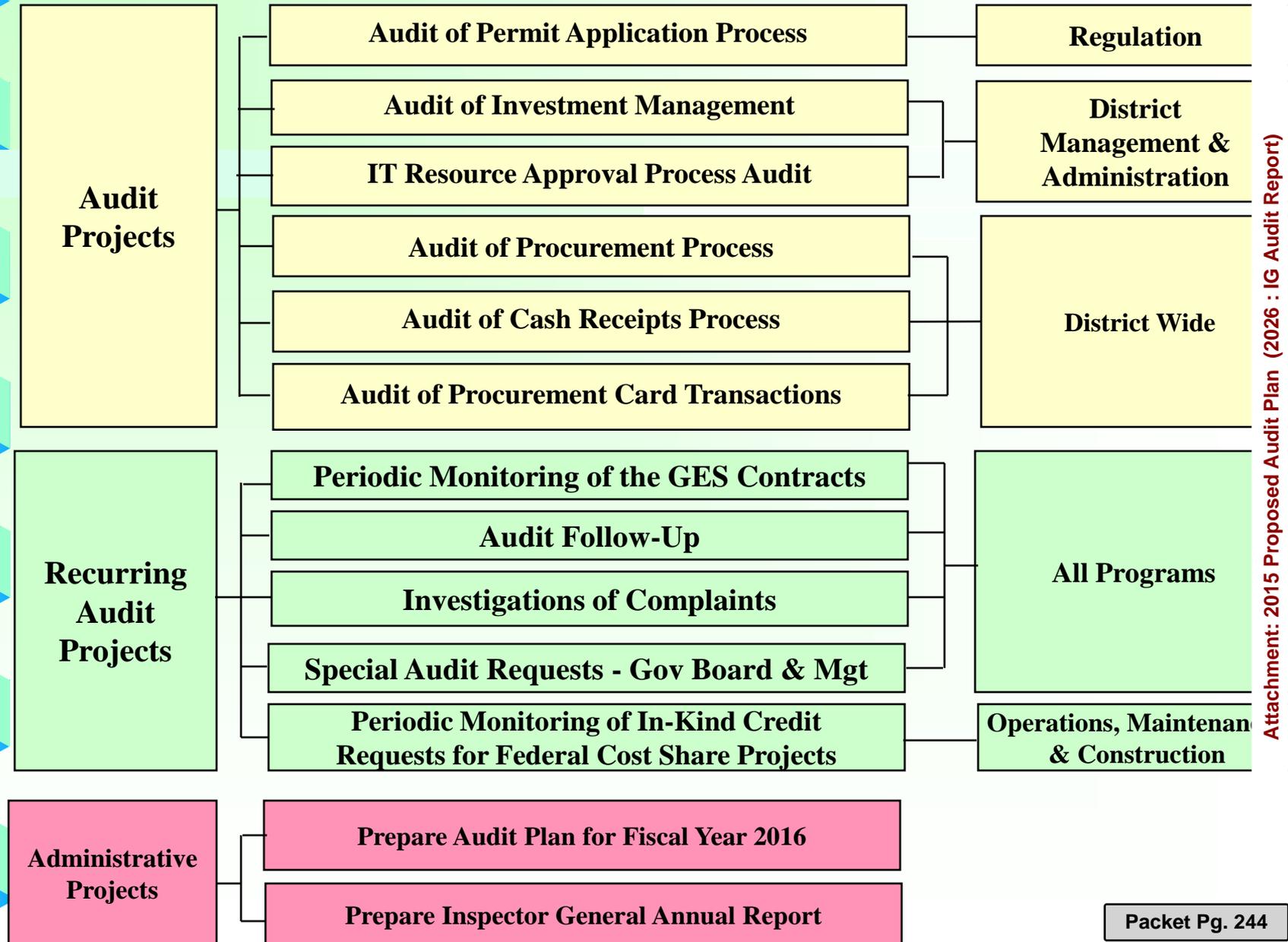
Provision is also made for following up on the status of implementing prior audit recommendations as required by *Government Auditing Standards* and the District's *Internal Audit Charter*. Additionally, the audit plan provides flexibility to investigate Whistle-blower complaints and for special audit requests from the Governing Board and senior District management.

The attached schedule details our proposed Audit Plan for Fiscal Year 2015.

cc: Blake Guillory
Edward Artau
Terrie Bates
Doug Bergstrom
Dan DeLisi
Karen Estock
Jeff Kivett
Len Lindahl
Thomas Teets
Sharon Trost

Proposed Audit Projects 2015

Programs



Attachment: 2015 Proposed Audit Plan (2026 : IG Audit Report)

| South Florida Water Management District Office of Inspector General Proposed Audit Plan for Fiscal Year 2015 | | | | | | |
|--|-----------------------------|------------------------|--|--|---|---|
| Program | Division | Bureau/ Section | Project Title | Background | Objectives | Rational for Audit |
| | Audit Projects | | | | | |
| Regulation | Regulation | Regulation | Audit of Permit Application Process | The District issues Water Use and Environmental Resource permits pursuant to the District's regulatory mission. Various staff members are involved in the permitting process at various locations throughout the District. | Examine consistency of the application review and approval process among District staff. Also determine that applications fees are assessed in accordance with established statutes, regulations, and guidelines. Also, determine that assessed fees are collected, deposited, and properly recorded in the SAP financial system. | The last audit regarding any permitting functions was performed in 2007. |
| Regulation & Management & Administration | Administration & Regulation | Finance | Audit of Investment Management | A significant portion of the District's revenues comes from seasonally collected Ad valorem taxes. As a result, cash inflows generally exceed outflows from November through February. The excess cash inflow is invested until needed to cover the negative cash flows that occur during the remainder of the year. Also, significant cash balances were previously accumulated, which are being used for major capital projects. | 1) Assess compliance with the District's investment policy and state statutes; 2) verify that investment transactions were properly recorded; and 3) review the process for projecting cash flow and maintaining liquidity. | Cash management is essential to good fiscal management. The last audit of this program was in FY 2000. |
| District Management & Administration | Administrative Services | Information Technology | Information Technology Resource Approval Process Audit | Prior to District divisions/bureaus purchasing information technology products (i.e., equipment software, etc.) they are required to obtain resource approval from the Information Technology Bureau. This requirement is to ensure that the IT Bureau's staff can support the proposed product subsequent to its purchase. | Review the process for information technology resource approval and determine how well District departments are complying with this requirement. Some of the procedures for this audit will be performed in conjunction with the Audit of Procurement Card Transactions. | Information Technology is a support to all other programs. The information technology resource approval process was established to ensure that the Information Technology Bureau possesses the expertise to support technology products subsequent to their purchase. |

Attachment: 2015 Proposed Audit Plan (2026 : IG Audit Report)

| South Florida Water Management District Office of Inspector General Proposed Audit Plan for Fiscal Year 2015 | | | | | | |
|--|-------------------------|--------------------|--|--|---|---|
| Program | Division | Bureau/ Section | Project Title | Background | Objectives | Rational for Audit |
| All Programs | District Wide | Multiple | Audit of Procurement Process | The District's Procurement Bureau is responsible for acquiring goods and services, and establishing other contractual relationships in support of District programs, projects and operations within the parameters of applicable laws, rules, policies and procedures. | Assess compliance with the District's procurement policies, procedures and state statutes | Cash management is essential to good fiscal management. The last audit of this program was in FY 2005. |
| District Management & Administration | Administrative Services | Finance | Audit of Cash Receipts Process | The District's primary source of revenue is received from county tax collectors. The District also receives cash from individuals, business, and governments for items such as permits, lease revenues, grants, state appropriations, etc. | Examine the cash receipt process to determine that adequate internal controls are in place and that such controls are functioning properly. | Cash receipts was a recurring theme with the Auditor General's audit finding. |
| All Programs | District Wide | Multiple | Audit of Procurement Card Transactions | The District issues procurement cards to certain District employees to provide an efficient payment method for small purchases. The Procurement Department manages the program. | Examine procurement card transactions to ensure that they are: 1) Appropriate District expenditures. 2) Contain adequate supporting documentation. 3) Properly recorded in the accounting records. | Although procurement cards are used to pay for small purchases, they represent a significant number of transactions annually. |

Attachment: 2015 Proposed Audit Plan (2026 : IG Audit Report)

| South Florida Water Management District Office of Inspector General Proposed Audit Plan for Fiscal Year 2015 | | | | | | |
|--|--|----------------------------|--|---|---|--|
| Program | Division | Bureau/ Section | Project Title | Background | Objectives | Rational for Audit |
| Recurring Audit Projects | | | | | | |
| District Management & Administration | Administrative Services | Procurement | Periodic Monitoring of Professional Services Contract (GEPS, STS, & ITS) | General Engineering & Professional Services, (GEPS), Science & Technology Services (STS), and Information Technology Services (ITS), entail a District procurement strategy to expedite the process for acquiring engineering and other professional services while also maintaining competitiveness. | Examine the General Engineering & Professional Services (GEPS), Science & Technology Services (STS), and Information Technology Services (ITS), contracts to determine that: (1) Negotiated prices appear fair and reasonable (2) The negotiation process is adequately documented. | The professional services contracts approach provide a methodology to expedite procurement of services; however, it increases the risk for circumventing the District procurement philosophy and policies. |
| All Programs | All Divisions | All Bureaus | Audit Follow-Up | Generally Accepted Government Audit Standards require follow-up regarding the implementation status of previous audit findings and recommendations. | Verify that recommendations in prior audit reports have been appropriately implemented in a timely manner and provide a written report to the Executive Management team and the Governing Board. | Follow-up on previous audit recommendations is required by Government Auditing Standards and the District's Internal Audit Charter. |
| All Programs | All Divisions | All Bureaus | Investigate Whistle-Blower and Other Complaints | The Office of Inspector General periodically receives Whistle-Blower complaints. Our office has a statutory responsibility to investigate these complaints and issue a report of our findings and conclusions. | Review each complaint to assess its validity. Whistle-blower complaints are received intermittently during the year. | The IG is responsible for performing investigations per Section 20.055, F. S., and the District's <i>Internal Audit Charter</i> . |
| All Programs | All Divisions | All Bureaus | Audit Requests from Governing Board and Senior District Staff | The Inspector General's Office will entertain requests for audit and investigations from Governing Board and Senior District Staff on an as needed basis. | As specified in the Inspector General Act & District Policy (Internal Audit Charter) | Provides flexibility in the audit plan to accommodate special requests for audits and investigations from the Governing Board and senior management that arise throughout the year. |
| Operation and Maintenance of Lands & Works | Operations, Maintenance & Construction | Engineering & Construction | Periodic Monitoring of In-Kind Credit Requests for Federal Cost Share Projects | The District has several major cost share programs with the U.S. Army Corps of Engineers, including: The Kissimmee River Restoration, Critical Restoration Projects, and the Comprehensive Everglades Restoration Project (CERP). | Periodically examine In-Kind credit requests for the various cost-share projects to ensure that the established process is effectively capturing all eligible costs. | Restoration is among the District's largest program expenditures. Ensuring that staff is claiming credit for all eligible expenditures towards the District's 50% cost share will help minimize any future cash contributions. |

Attachment: 2015 Proposed Audit Plan (2026 : IG Audit Report)

| South Florida Water Management District Office of Inspector General Proposed Audit Plan for Fiscal Year 2015 | | | | | | |
|--|--------------------------------|--------------------|---|--|---|--------------------|
| Program | Division | Bureau/ Section | Project Title | Background | Objectives | Rational for Audit |
| | Administrative Projects | | | | | |
| N/A | N/A | N/A | Audit Plan for Fiscal Year 2016 | The Audit and Finance Committee Charter requires the Inspector General to submit an annual work plan to the committee for approval | Prepare an annual work plan and submit it to the Audit and Finance Committee for approval in accordance with the Audit and Finance Committee Charter. | N/A |
| N/A | N/A | N/A | Office of Inspector General Annual Report | State Statutes, Section 20.055(7) requires the Inspector General to submit an annual report to the agency head. | Prepare an annual report summarizing each audit and investigation completed during the year. | N/A |

Attachment: 2015 Proposed Audit Plan (2026 : IG Audit Report)

M E M O R A N D U M

TO: Governing Board Members

FROM: Tom Teets,

DATE: November 13, 2014

SUBJECT: Collier County LASIP County Barn Road Agreement

Summary

Since FY06, the District has provided financial assistance to local governments within the Big Cypress Basin for flood control, natural system restoration, water quality improvement, and alternative water supply projects that meet objectives of the Big Cypress Basin Strategic Plan. This item is being brought before the Governing Board for authorization by resolution to enter into an eighteen-month cost share agreement with Collier County, which has requested financial assistance for the County Barn Road portion of the Lely Area Stormwater Improvement Project (LASIP).

LASIP is a comprehensive stormwater system for an 11,135-acre area of East Naples. It contains two major outfall features, the Lely Main Canal and the Lely Manor Canal, which discharge to the Rookery Bay National Estuarine Research Reserve, a 110,000-acre mangrove estuary and Class II Outstanding Florida Waters. The County's overall project cost for LASIP is over \$60M, of which, the District has provided approximately \$6.7 million. The County Barn Road portion is integral to the rest of the project and the proposed stormwater conveyance system improvements will provide additional flood protection for the LASIP drainage area and improve the quality of stormwater entering Rookery Bay. The estimated total project cost for this phase of the LASIP County Barn Road is approximately \$5 million.

Staff Recommendation

Staff recommends execution of an eighteen-month Agreement (4600003145) that will provide up to \$1,250,000 or 25% of actual eligible project costs, whichever is less, to Collier County for LASIP County Barn Road.

Additional Background

The LASIP County Barn Road project will include installation of 7,000 linear feet of natural swales, 2,300 linear feet of eight by four (8x4) box culverts, 450 linear feet of single and dual 36-inch reinforced concrete pipe; and construction of a fixed-crest weir.

Core Mission and Strategic Priorities

The LASIP County Barn Road project compliments the District's core mission of flood control and improvement of water quality as set forth in the priorities of the Big Cypress Basin 5-Year Strategic Plan. Once complete, the project will provide additional flood protection to Collier County and reductions in nutrient loading to Rookery Bay. The Office of Everglades Policy and Coordination will support the Big Cypress Basin through execution and management of Agreement 4600003145.

Funding Source

The District's contribution is not to exceed \$1,250,000 or 25% of actual eligible project costs in

dedicated Big Cypress Basin ad valorem funds that have been budgeted for FY15.

Staff Contact and/or Presenter

Lisa Koehler, (239) 263-7615 x7603, lkoehler@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1113

A Resolution of the Governing Board of the South Florida Water Management District authorizing an eighteen (18) month agreement with Collier County in an amount not to exceed \$1,250,000 for the construction of Lely Area Stormwater Improvement Project (LASIP) County Barn Road, for which dedicated Big Cypress Basin ad valorem funds are budgeted; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water management District deems it necessary, appropriate and in the public interest to authorize entering into an eighteen-month agreement with Collier County for the construction of Lely Area Stormwater Improvement Project (LASIP) County Barn Road, in amount not to exceed \$1,250,000, for which dedicated Big Cypress ad valorem funds are budgeted; providing an effective date. (Agreement Number 4600003145)

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Agreement Number 4600003145 with Collier County.

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

PASSED and **ADOPTED** this 13th day of November, 2014.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: November 13, 2014

SUBJECT: C44 FPL Coop Agreement and ROW Consent Agr

Summary:

The District is implementing the C-44 Reservoir and Stormwater Treatment Area Project (C-44 Project) in Martin County on approximately 12,000 acres of land. Florida Power & Light Company (FPL) will be supplying permanent power to the Project. In order to facilitate the timely provision of power, FPL will need to acquire from the District (1) a substation utility easement over Tract No. JE10E-083, containing 6.56 acres, more or less, as identified on attached Exhibit "A", with FPL's option to acquire fee title, and (2) a drainage easement over Tract No. JE10E-076, containing 0.88 acres, more or less, as identified on Exhibit "A". FPL will pay as consideration \$50,000 which is the appraised value. The Cooperation Agreement provides for the transfer of these land interests to FPL. FPL will then construct, at its expense, a power substation distribution facility on the land to service the Project and any other third party customers. Since FPL has the option to acquire the fee title to Tract No. JE10E-083, the Governing Board will need to declare this Tract as surplus.

Additionally, the District will need to install canals and other improvements within FPL's Transmission Line Right-of-Way within the C-44 Project area. FPL is an easement holder with express rights of consent prior to any alteration or excavation within the approximately 12 miles of FPL Right-of-Way as depicted in the attached Exhibit "B". FPL's consent is required for District use of the FPL Right-of-Way and is a condition of the Cooperation Agreement. Under the Right-of-Way Consent Agreement, FPL approves the District's plans and specifications for improvements within the FPL Right-of-Way, and once the Project is operational, the District has a contingent liability to reimburse FPL for mitigation measures taken due to unacceptable increases in bird outages at the transmission lines within the vicinity of the C-44 Project area, with a maximum total exposure not to exceed \$5 Million. The District's will encumber \$1 Million in ad valorem funds for this contingency in the current Fiscal Year, and the \$4 Million balance is subject to the future fiscal year appropriation by the Governing Board.

Staff Recommendation:

Staff recommends (1) declaring surplus District Tract No. JE10E-083, containing 6.56 acres, more or less, as identified on attached Exhibit "A," and (2) entering into the Cooperation Agreement and Right-of-Way Consent Agreement with FPL for the benefit of the C-44 Project.

Additional Background:

The declaration of surplus will include the District releasing its phosphate, mineral, metals, and petroleum rights in, on, or under said property. The substation distribution facility to be installed by FPL for the benefit of the C-44 Project will also be used in the future to provide power for community needs.

The amount of the District's contingent liability in the Transmission Line Right-of Way Consent Agreement is based on a mitigation cost of \$12,000 per transmission structure to install bird discouragers. There are approximately 416 transmission structures within the C-44 Project. A formula negotiated by the District provides for the District reimbursing FPL to install bird discourages within the limited area of up to 12 structures per line in the vicinity of the outage when there is a doubling in the increase in outages within any two successive years compared to the pre-Project baseline. The worst case single payment could be at the location of 4 lines within the FPL Right-of-Way in the amount of \$576,000 (= 4 lines x 12 structures x \$12,000/structure). The District's contingent liability ends 5 years after the Project becomes operational.

Core Mission and Strategic Priorities:

This is a critical path item for the construction and completion of the C-44 Project.

Funding Source:

There is \$1,000,000.00 in ad valorem funds budgeted in FY15, and the remainder is subject to Governing Board approval of future years' budgets. This effort is considered a Relocation effort and is cost-shareable with the U.S. Army Corps of Engineers under the Comprehensive Everglades Restoration Plan (CERP).

Staff Contact and/or Presenter:

John Mitnik, x2679

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1114

A Resolution of the Governing Board of the South Florida Water Management District Authorizing: Declaring Surplus District Tract No. JE10E-083, containing 6.56 acres, more or less, located in Martin County, Florida; Entering into Cooperation Agreement with Florida Power & Light Company (FPL) to convey to FPL, for consideration of \$50,000, a substation utility easement over District Tract No. JE10E-083, with option to acquire fee title, and a drainage easement over District Tract JE10E-076, containing 0.88 acres, more or less, to enable FPL to power the C-44 Reservoir and Stormwater Treatment Area Project; Entering into a Transmission Line Right-of-Way Consent Agreement with FPL for the District's use of FPL's Transmission Line Right of Way for C-44 Project purposes, with a contingent liability in the amount of not to exceed \$5,000,000, of which \$1,000,000 of ad valorem funds are budgeted in FY15 and the remainder is subject to Governing Board approval in future fiscal year budgets; providing an effective date. (Contract Nos. 4600003164 and 4600003165)

WHEREAS, the South Florida Water Management District (District) is implementing the C-44 Reservoir/Stormwater Treatment Area Project in Martin County (C-44 Project); and

WHEREAS, Florida Power and Light Company (FPL) is responsible for supplying electrical power to the C-44 Project; and

WHEREAS, the District owns a 7.44 acre parcel of land adjacent to the C-44 Project as identified in attached Exhibit "A", (District Parcel) that is suitable for a power substation and ancillary FPL facilities to power the C-44 Project; and

WHEREAS, it is in the District's interest to enter into a Cooperation Agreement with FPL for consideration of \$50,000, which is the appraised value, to convey to FPL (1) a substation utility easement over that portion of the District Parcel identified in Exhibit "A" as Tract No. JE10E-083, containing 6.56 acres, more or less, with FPL's option to acquire fee title to Tract No. JE10E-083, and (2) a drainage easement over that portion of the District Parcel identified in Exhibit "A" as Tract No. JE10E-076, containing 0.88 acres, more or less; and

WHEREAS, FPL owns Transmission Line Right-of Way easements within the C-44 Project area and FPL's consent is required for the District to install C-44 Project improvements, including canals, within the Transmission Line Right-of-Way area; and

WHEREAS, one condition of the Cooperation Agreement is that the parties enter into a Transmission Line Right-of-Way Consent Agreement; and

WHEREAS, the Transmission Line Right-of-Way Consent Agreement provides for a District contingent liability in the not to exceed amount of \$5 Million to reimburse FPL for mitigation measures taken, if any, within five years after the C-44 Project is operational to reduce any unacceptable levels of bird outages at transmission line facilities within the vicinity of the C-44 Project; and

WHEREAS, under the Transmission Line Right of Way Consent Agreement, \$1,000,000 is budgeted in the current fiscal year for this contingent liability and the balance of \$4,000,000 is subject to Governing Board approval in future fiscal year budgets; and

WHEREAS, pursuant Section 373.089, Florida Statutes, the District has the authority to convey the land interests in the District Parcel in exchange for cash and FPL's consent to the District's right to use FPL's Transmission Line Right-of-Way for C-44 Project purposes; and

WHEREAS, pursuant to Section 270.11, Florida Statutes, the District may choose not to reserve its interest in certain mineral rights in conveying the land interests in the District Parcel; and

WHEREAS, pursuant to Section 373.089((6), Florida Statutes, lands acquired for conservation purposes require approval of surplus by at least a two-thirds (2/3) vote of the Governing Board.

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

Section 1. The Governing Board of the South Florida Water Management District hereby declares as surplus and no longer needed for District purposes, including conservation purposes: District Tract No. JE10E-083, containing 6.56 acres, more or less, as identified on Exhibit "A", together with the District's interest in and privilege to mine and develop all phosphate, minerals, metals, and petroleum in, on, or under District Tract No. JE10E-083.

Section 2. The Governing Board of the South Florida Water Management District in exchange for providing the District's use of the FPL Transmission Line Right-of-Way identified in Section 3 below, authorizes entering into a Cooperation Agreement with FPL for the payment to the District of the appraised value of \$50,000 for the conveyance of (1) a substation utility easement over District Tract No. JE10E-083, with FPL's option to acquire fee title to District Tract No. JE10E-083, and (2) a drainage easement over District Tract No. JE10E-076, containing 0.88 acres, more or less, all as identified in attached Exhibit "A". The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the utility and the drainage

easement instruments and the instrument of conveyance if FPL exercises the option to acquire fee title to District Tract No. JE10E-083.

Section 3. The Governing Board of the South Florida Water Management District authorizes entering into a Transmission Line Right-of-Way Consent Agreement with FPL for the District's use of FPL's Transmission Line Right-of-Way within the C-44 Project Area for Project purposes, and accepting a contingent liability in the not to exceed amount of \$5,000,000 for FPL's mitigation of unacceptable levels of bird outages at transmission line facilities within the vicinity of the C-44 Project, for which \$1,000,000 is budgeted in ad valorem funds in FY15 and the balance of \$4,000,000 is subject to Governing Board approval in future fiscal year budgets.

BUDGET

| Dollars | Fund | Fund Center | Functional Area | Commitment Item GL Acct # |
|-------------|--------|-------------|-----------------|---------------------------|
| \$1,000,000 | 101000 | 5613222000 | P107 | 543700 |

Section 4. The Governing Board of the South Florida Water Management District further authorizes the Executive Director or the Executive Director's designee to execute the agreements which are the subject of this Resolution and to execute all other documents necessary to consummate the transaction.

Section 5. The Governing Board of the South Florida Water Management District approved this resolution by at least a two-thirds (2/3) vote.

Section 6. This Resolution shall take effect immediately upon adoption

PASSED and ADOPTED this 13th day of November, 2014.

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

Chairman

Attest:

Legal form approved:
By:

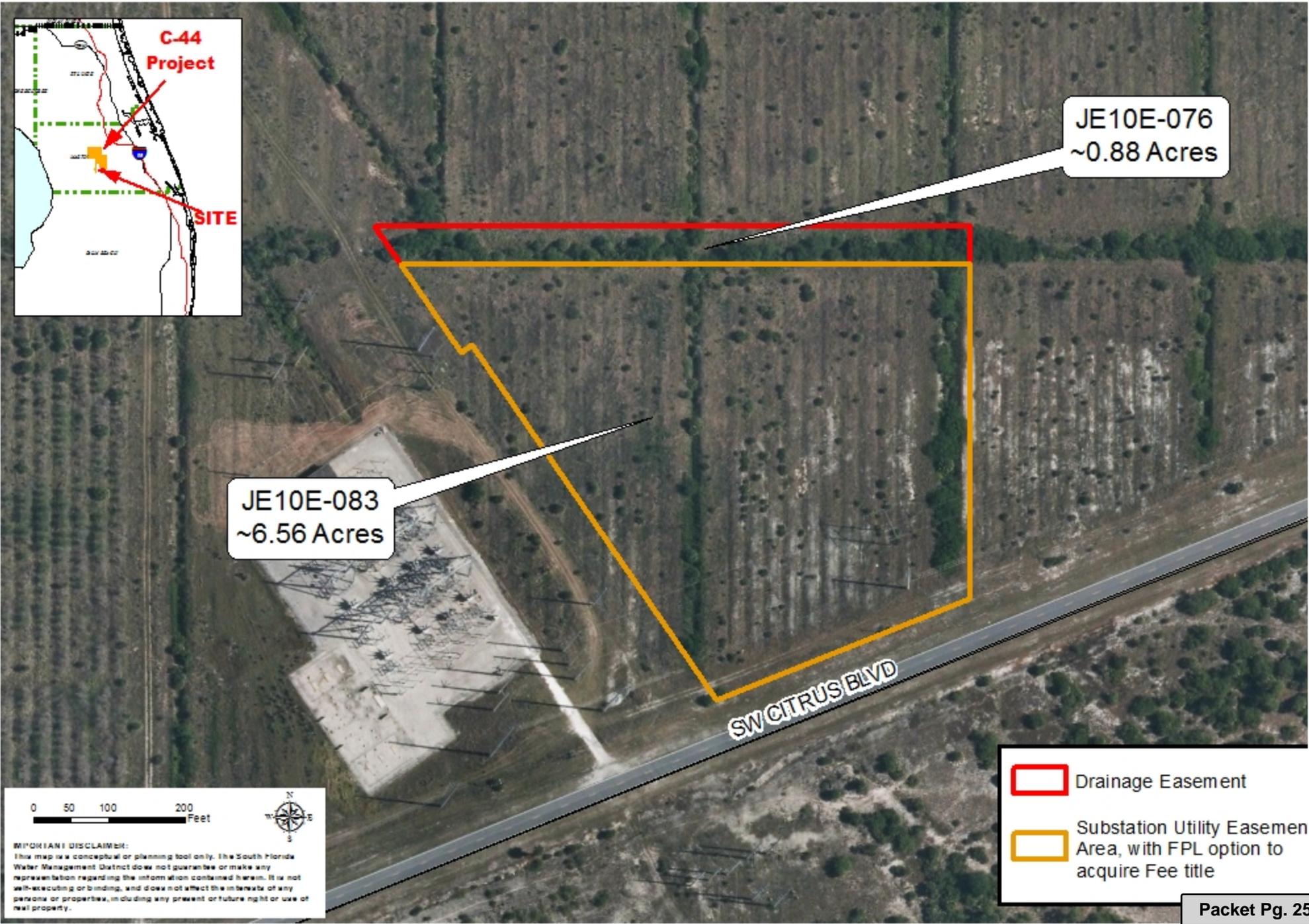
District Clerk/Secretary

Office of Counsel

Print name:

Exhibit "A"

C-44



JE10E-076
~0.88 Acres

JE10E-083
~6.56 Acres

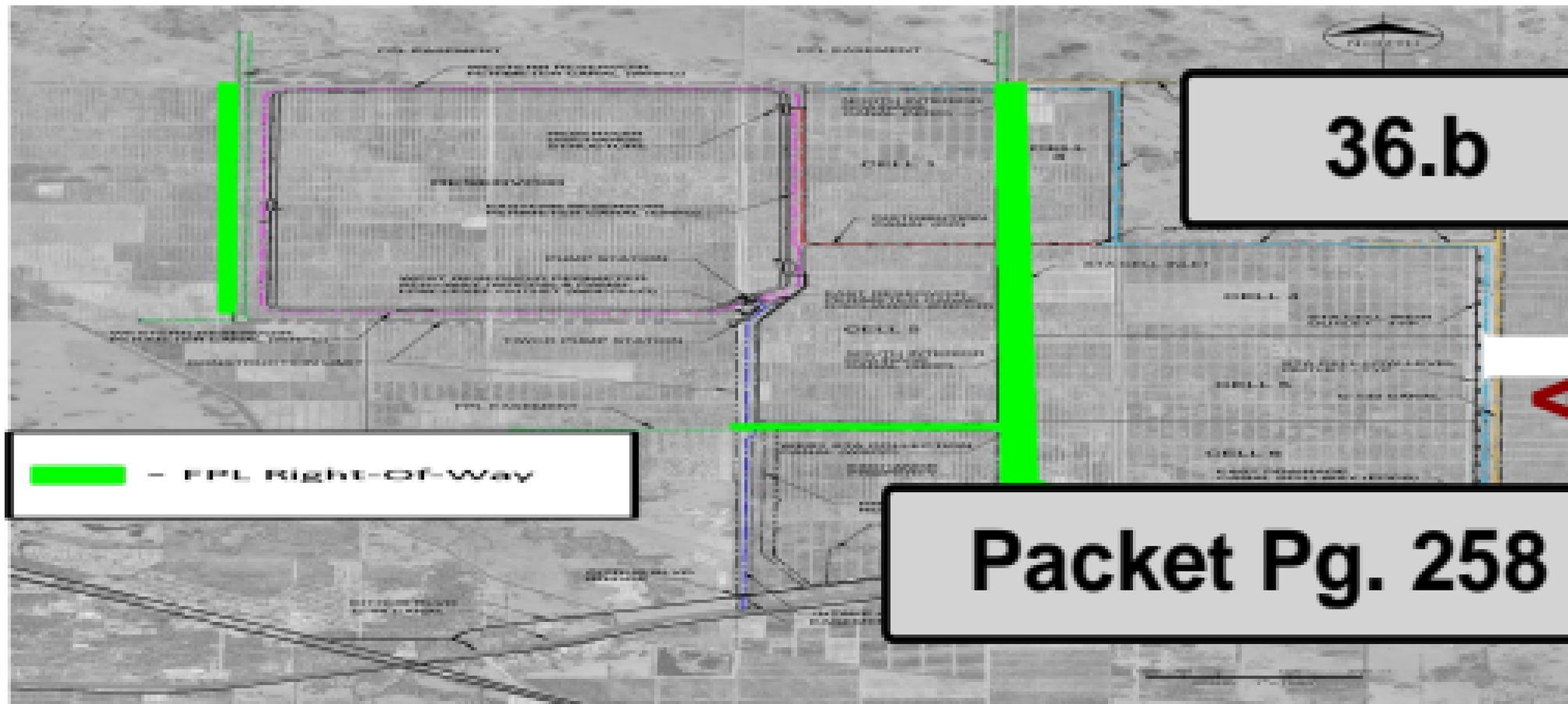
SW CITRUS BLVD

- Drainage Easement
- Substation Utility Easement Area, with FPL option to acquire Fee title

0 50 100 200 Feet

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

Exhibit "B"



36.b

 - FPL Right-of-Way

Packet Pg. 258

A

MEMORANDUM

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: November 13, 2014

SUBJECT: C-4 Canal Bank Improvements Sweetwater Flood Protection Berm

Summary:

The C-4 Canal conveys storm water by gravity from west to east along its entire length and discharges through control structure S-25B to the C-6 Canal (Miami River), which flows into Biscayne Bay. The C-4 Canal drainage system, as originally constructed, was not designed to accommodate the runoff produced from the high level of development that has occurred to support the population currently residing in the low-lying C-4 Basin. In response to the widespread flooding in the C-4 Basin during Hurricane Irene in 1999 and an unnamed storm in 2000, water managers from the District and other local governmental agencies created the C-4 Canal Flood Protection Project. As a part of the C-4 Canal Flood Protection Project, the District will construct flood protection berm and wall in phases along the C-4 Canal through sections of City of Sweetwater and unincorporated Miami-Dade County.

The objective of the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project is to construct 5,196 linear feet of earthen berm along the north bank of the C-4 Canal between SW 97th Avenue and SW 107th Avenue in conformance with the larger picture C-4 Flood Protection Project. The improved canal bank will provide flood protection up to elevation 8 feet NGVD29 along this segment of the C-4 Canal.

Staff Recommendation:

Board approval is requested at the November Governing Board meeting. Not implementing C-4 Canal Bank Improvements Sweetwater Project would result in non-fulfillment of the District's agreement to the C-4 Flood Protection Project and the C-4 Memorandum of Understanding (MOU) adopted at the March 2013 Governing Board. The successful implementation and operation of the MOU is contingent of the C-4 improvements including, but not limited to, the various canal bank improvement projects.

Additional Background:

The adopted C-4 MOU defines responsibilities among the South Florida Water Management District, Miami-Dade County, and the Cities of Miami, West Miami and Sweetwater, in order to reduce potential flooding and adverse water quantity impacts within the geographic area of all parties, C-4 Basin, and downstream areas. It is designed to be applied in the time period preceding, during, and immediately following storm events where excessive rain is expected. Included in the MOU is the acknowledgement that operation of stormwater pumps may result in adverse flood impacts to property owners within the basin. The conveyance capacity of the C-4 Canal is limited and may not be able to accept the full combined flow of the stormwater pumps during heavy rainfall/flooding conditions. Within the executed MOU, all parties agree to coordinate the operation of pump stations as to comply with the C-4 Basin Operating Plan and to implement the construction of additional flow to the extent possible.

Core Mission and Strategic Priorities:

The C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project supports the District core mission of flood control. The successful construction of the project will provide enhanced flood protection to the C-4 Basin area between SW 97th Avenue and SW 107th Avenue.

Funding Source:

The lowest responsive and responsible bidder is ENCO LLC with a total amount of \$1,758,000 for which \$1,300,000 in ad valorem funds are budgeted in the FY15 Engineering & Construction Bureau's capital improvement program and the remainder is subject to the Governing Board approval of the FY16 budget; providing an effective date.

Staff Contact and/or Presenter:

John Mitnik, Bureau Chief, Engineering and Construction
561-682-2679 / jmitnik@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 1115

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 490 day contract with ENCO LLC, the lowest responsive and responsible bidder, for the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project, in the amount of \$1,758,000, for which \$1,300,000 in ad valorem funds are budgeted in FY15, and the remainder is subject to Governing Board approval of the FY16 budget; providing an effective date. (Contract number 4600003169)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a 490 day contract with ENCO LLC the lowest responsive and responsible bidder for the construction of the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project, in the amount of \$1,758,000;

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 490 day contract with ENCO LLC. for the construction of the C-4 Canal Bank Improvements Sweetwater Flood Protection Berm Project, in the amount of \$1,758,000.

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

PASSED and ADOPTED this 13th day of November, 2014.

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

_____ Chairman

Attest:

Legal form approved:
By:

_____ District Clerk/Secretary

_____ Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: November 13, 2014

SUBJECT: Monthly Financial Statement – September 2014

The attached financial status report is provided for your review. This report provides an overview of District financial activity and includes revenue collections by source and expenditures by program. Also attached is a summary in the State Program format in compliance with Chapter 373.536(4)(e) F.S., requiring each District to provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website. This unaudited financial statement is provided as of September 30, 2014, the end of the fiscal year.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances/expenditures made against the District's FY14 \$721.1 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- With the fiscal year 100% complete, 99.6% of the District's budgeted operating revenue (excludes fund balance) has been collected. The primary source of operating revenue received to date is taxes. Ad Valorem taxes comprise 64.0% of the budgeted operating revenues and drive collections based on the annual cycle of the property tax bill. The remaining revenue source is fund balance which represents the amount of prior year residual revenue that is budgeted in the current year and has already been received. Total FY14 sources collected were 99.8% of budget or \$719.5 million.
- 100.5% of budgeted Ad Valorem tax revenue and 101.2% of Agricultural Privilege tax revenue have been collected to date. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4.0% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95.0% to allow for the discounts property owners may take advantage of through early payment options. Historical ad valorem trends for the past five years through September average a collection rate of 99.2%.
- There is \$9.1 million in budgeted intergovernmental revenue in ad valorem funds, which includes \$4.4 million in Alligator Alley toll revenue, \$2.8 million in WMLTF for moving water south, \$1.6 million in USACE reimbursements, and \$304K in DEP reimbursements for aquatic plant control activities. Actual revenues earned as of the end of September amount to \$10.6 million.
- There is \$93.0 million in budgeted intergovernmental revenue in dedicated funds, comprised of \$74.8 million in SOETF reimbursements, \$5.0 million in reimbursements

from the Florida Fish and Wildlife Conservation Commission (FWC) for aquatic/invasive plant control and \$15K for Model Lands, \$6.9 million in WMLTF reimbursements for debt service expenses related to bonds and \$4.0 million for the Corbett Levee, reimbursement of federal revenues of \$538K for St. Lucie Watershed Water Farming and \$375K for Tropical Storm Isaac repairs, \$240K from Indian River Lagoon and Everglades License Tag proceeds, and \$175K reimbursement from FDEP for water quality studies. FY14 actual revenue to date amounts to \$61.2 million. Reimbursement requests are submitted to the state based on actual expenses incurred. The remaining amounts are encumbered or included in the FY15 budget and are expected to be reimbursed when spent.

- The District budgeted \$2.9 million in investment earnings in ad valorem funds for FY14. Total revenue to date is \$5.9 million or 206.7% of budgeted Investment Earnings; \$4.5 million or 155.8% of investment earnings in ad valorem funds and \$1.4 million in dedicated funds.
- Lease revenue represents amounts collected from leases of real property owned by the District. The timing of revenue received is based on the fee schedules within the agreements – monthly, semi-annual, or annual payments – and these varying timing issues impact the collection rate. The District has received \$4.6 million which represents 152.5% of the \$3 million budgeted lease revenue. The use of lease revenue collected for lands purchased with State or Federal funds is restricted based on the guidelines in the acquisition or grant.
- There is \$3.9 million in budgeted permit fee revenue, which includes water use permits (\$549K), right of way permits (\$68K), Environmental Resource Permit (ERP) application fees (\$1.5 million), and wetland mitigation fees for C-139 Annex Restoration (\$1.8 million). FY14 revenue of \$25.6 million received includes \$900K from water use permits, \$2.8 million from ERP Application Fees, \$19.5 million in unbudgeted revenues from Lake Belt Mitigation fees, \$2.3 million from Loxahatchee Wetland Mitigation and \$100K from other applications and fees.
- Budgeted revenue in the Other category includes \$210K in civil penalties and enforcement fees and \$251K in miscellaneous revenues such as cash discounts, insurance reimbursements, refunds for prior year expenditures, and sale of recycled oil and scrap metal. Fiscal year collections amount to \$1.9 million at the end of September, representing 404.5% of the budgeted \$461K. \$1.1 million of the amount received was a refund of prior year expenditures from Florida League of Cities.
- Sale of District Property represents the sale of real property and land. This is budgeted conservatively at \$250K due to the uncertainty involved. FY14 revenues received total \$436K.
- Self-insurance premiums represent the District's contribution and the contribution from active and retired District employees to the self-funded health benefits program. Also included is the District's contribution to the workers compensation, auto and general liability self-insurance program. Contributions of \$29.8 million received through September equate to 97.9% of the \$30.4 million budget.

Expenditure and Encumbrance Status:

As of September 30, 2014, with 100% of the year complete, the District has expended **\$461.0 million or 81.1%** and has encumbered **\$94.0 million or 16.5%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **\$555.1 million or 97.6%** of its non-reserve budget.

Summary of Expenditures and Encumbrances by Program – This financial statement illustrates the effort to date for each of the District's program areas. Provided below is a discussion of the primary uses of funds by program.

- The **Comprehensive Everglades Restoration Plan Program** has obligated 95.0% and expended 60.3% of their \$104.6 million budget. Principal expenditures include personnel services (\$5.3 million), contractual services (\$11.6 million), operating (\$589K), and capital outlay (\$45.6 million). Capital outlay encumbrances (\$32.3 million) and contractual services encumbrances (\$3.9 million) include the following projects: C-43 Basin Storage Reservoir, Southern CREW, Biscayne Bay Coastal Wetlands, C-111 Spreader Canal, L-8 Flow Equalization Basin, C-44 Reservoir/STA Project, Loxahatchee Impoundment Landscape Assessment, Picayune Strand, WCA3 Decentralization and Sheetflow Equalization, Lake Okeechobee Water Retention – Nubbin Slough, CERP Monitoring and Assessment, Modified Water Deliveries & South Dade C-111 Project, CERP Water Quality Study, and CERP Data Management.
- The **Coastal Watersheds Program** has obligated 98.9% and expended 72.9% of their total \$16.0 million budget. Principal expenditures include personnel services (\$3.3 million), contractual services (\$5.8 million), and capital outlay (\$2.4 million). Contractual services encumbrances primarily consist of regional projects (\$3.0 million) including: St. Lucie River and Indian River Lagoon Initiatives, Indian River Lagoon License Tag projects, Lakes Park Restoration, Spanish Creek/Four Corners Initiative, and Big Cypress Basin Stormwater Projects; remaining contractual encumbrances (\$534K) include: St. Lucie synoptic monitoring; water quality monitoring in St. Lucie River and Caloosahatchee River; water quality monitoring, modeling, nutrient, ecological, and hydrological studies for the Florida Bay and Coastal Wetlands Project; Biscayne Bay water quality and submerged aquatic monitoring; Lake Trafford monitoring; public process to develop a restoration vision of the Caloosahatchee River and Estuary; hydro model for Naples and Rookery Bay, and Collier County water quality monitoring. Capital outlay encumbrances (\$593K) are for the Lake Hicpochee Hydrologic Enhancement project.
- The **District Everglades Program** has obligated 98.0% and expended 79.3% of their total \$96.3 million budget. Principal expenditures include personnel services (\$18.1 million), contractual services (\$5.5 million), operating (\$7.3 million), and capital outlay (\$45.5 million). Contractual services encumbrances (\$2.1 million) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA), Lainhart & Masten Dam project, NAVD88/Vertical Datum work for the STA's, Restoration Strategies Science Plan projects, STA 1W Expansion and the Everglades Regulation Source Control. Operating encumbrances (\$441K) are in support of the overall operations and the maintenance of the STA's. Capital outlay encumbrances (\$15.5 million) include work on Everglades Agricultural Area A1 Flow Equalization Basin, STA 1W Expansion,

G-716 Structure Expansion, L-8 Divide, S-5AS Divide, and Restoration Strategies Science Plan projects.

- The **Kissimmee Watershed Program** has obligated 98.5% and expended 18.4% of their total \$17.1 million budget. Principal expenditures include personnel services (\$1.8 million), contractual services (\$898K), and operating (\$454K). Contractual services and operating encumbrances (\$390K) primarily consist of Kissimmee River Restoration Evaluation (\$3K), Kissimmee Basin Modeling and Operating System (\$21K), the Oak Creek project (\$41K), the Rolling Meadows project (\$4K), hydrologic monitoring (\$18K), Orange County Area Stormwater Improvements (\$281K), land acquisition related costs, environmental risk assessments, equipment maintenance/repair, engineering services, and electrical services (\$24K). Capital outlay encumbrances (\$13.3 million) are primarily for the Kissimmee River Restoration land acquisition and associated costs.
- The **Lake Okeechobee Program** has obligated 97.0% and expended 73.5% of their total \$19.4 million budget. Principal expenditures include personnel services (\$3.7 million), contractual services (\$9.4 million), operating (\$253K), and capital outlay (\$953K). Contractual services and operating encumbrances (\$4.3 million) primarily consist of Dispersed Water Management (DWM) and Florida Ranchland Environmental Services Projects (\$2.0 million), Northshore Navigation Canal project (\$1.1 million), Lake Okeechobee Watershed Pre-Drainage Characterization study (\$141K), Lake Istokpoga Marsh project (\$1.1 million), water quality assessments and reporting (\$58K), and computer hardware/software maintenance and support (\$17K). Capital outlay encumbrances for DWM projects (\$246K) are primarily for pump stations for DWM temporary storage opportunities.
- The **Land Stewardship Program** has obligated 91.1% and expended 79.9% of their total \$18.4 million budget. Principal expenditures include personnel services (\$4.2 million), contractual services (\$7.8 million), operating (\$1.7 million), and capital outlay (\$888K). Contractual services and operating encumbrances (\$1.6 million) include the maintenance of vegetation and exotic plant control, work on the C-139 Annex Mitigation project, provision of law enforcement services, and management of District owned lands and facilities. Capital outlay encumbrances (\$496K) include work on the C-139 Annex Mitigation project and Rough Island.
- The **Mission Support Program** has obligated 103.0% and expended 99.7% of their total \$45.2 million budget, pending year-end closing accounting transactions. Principal expenditures include personnel services (\$21.3 million), contractual services (\$6.5 million), operating (\$15.6 million), and capital (\$1.6 million). Contractual services encumbrances (\$1.0 million) include audit services, legal and technical support services, IT consulting services, and facilities maintenance and repair services. Operating encumbrances (\$353K) include utilities and advertising. Capital outlay encumbrances (\$86K) include computer hardware components, vehicles, and equipment.
- The **Modeling and Science Support Program** has obligated 98.7% and expended 95.8% of their total \$13.5 million budget. Principal expenditures include personnel services (\$10.2 million), contractual services (\$2.0 million), operating (\$600K), and capital outlay (\$140K). Contractual services and operating encumbrances (\$377K) include water

quality sampling, field equipment maintenance, technical assistance and peer reviews, computer hardware/software maintenance and consulting, and utilities.

- The **Operations and Maintenance Program** has obligated 97.5% and expended 91.1% of their total \$152.0 million budget. Principal expenditures include personnel services (\$53.0 million), contractual services (\$27.0 million), operating (\$29.6 million), and capital outlay (\$28.6 million). Encumbrances for contractual services and capital outlay (\$9.3 million) primarily relate to the O&M capital program for maintenance and repair of existing water management system canals and water control structures including, Miami B-47 Building Replacement, Diesel Oxidation Catalyst Installation, C-4 Canal Bank Improvements, S-5A Hardening and Service Bridge Refurbishment, BCB Field Station Design/Build, Miller Weir #3, Hillsboro Canal Bank Repairs, S-9 Access Bridge Replacement, S-6 Tower Replacement, North Shore Trash Rake Project, S-13 Repower and Automation, G-94 A-D Refurbishment and Repairs, S-150 Replacement and Automation, G-151 Structure Replacement, and SCADA System Study. Operating encumbrances (\$378K) are primarily associated with field station daily operations and maintenance including vegetation and exotic plant control for the Central and Southern Flood Control system.
- The **Regulation Program** has obligated 98.1% and expended 96.60% of their total \$22.6 million budget. Principal expenditures include personnel services (\$16.5 million), contractual services (\$1.3 million), operating (\$3.7 million), and capital outlay (\$329K). Contractual services and operating encumbrances (\$285K) include application development, permit scanning contractors/support, computer hardware/software, and advertising services. Capital outlay encumbrances (\$50K) consist primarily of the ePermitting enhancement project which saves time and expenses with online filing/searching of permits.
- The **Water Supply Program** has obligated 97.8% and expended 82.3% of their total \$21.2 million budget. Principal expenditures include personnel services (\$5.7 million), contractual services (\$2.4 million), operating (\$9.3 million), and capital outlay (\$38K). Contractual services and operating encumbrances (\$3.3 million) include the MFL Water Reservation Rules Status (\$45K), Central Florida Water Initiative (\$143K), interagency agreements for Alternative Water Supply projects (\$156K), Big Cypress Basin (\$2.8 million), hydrologic data gathering and analysis (\$61K), Water Supply Plan implementation (\$25K), and Outreach and Education (\$5K).
- **Debt Service** expenses amount to the total \$42.1 million budget. Debt service principal and interest payments include Land Acquisition Bonds issued through the Water Management Lands Trust Fund and Certificates of Participation. Scheduled debt service payments are structured into a single principal payment and partial payment of interest in October and the balance of interest in April.
- **Reserves** of \$152.6 million are held for future transfer to program areas as project needs and requirements are identified by staff and presented to the Governing Board for review. Sixty million dollars (\$60.0 million) of these reserves are designated as economic stabilization reserves, including \$10.0 million for O&M capital projects. Remaining managerial reserves include \$1.8 million in cost savings, \$90.7 million in FY14 funds intended for FY15 re-budget, and \$82K from District programs transferred to emergency

Governing Board Members
November 13, 2014
Page 6

reserves to respond to District fuel and electric demands in support of pumping operations.

We hope these reports and the associated narrative will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to contact Candida Heater at (561) 682-6486.

DB/CJH
Attachment

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: September 30, 2014. Percent of fiscal year completed: 100.0%

| SOURCES | ANNUAL BUDGET | ACTUALS | | ACTUALS AS A |
|--|-----------------------|-----------------------|--------------------------------|---------------|
| | | THROUGH 09/30/2014 | VARIANCE (UNDER) / OVER BUDGET | |
| Ad Valorem Property Taxes | \$ 267,142,178 | \$ 268,585,715 | \$ 1,443,537 | 100.5% |
| Agricultural Privilege Taxes | 11,300,000 | 11,439,721 | 139,721 | 101.2% |
| Intergovernmental - Ad Valorem Funds | 9,136,087 | 10,556,214 | 1,420,127 | 115.5% |
| Intergovernmental - Non Ad Valorem Funds | 93,026,091 | 61,198,327 | (31,827,764) | 65.8% |
| Intergovernmental Total | 102,162,178 | 71,754,541 | (30,407,637) | 70.2% |
| Investment Earnings - Ad Valorem Funds | 2,870,000 | 4,472,174 | 1,602,174 | 155.8% |
| Investment Earnings - Non Ad Valorem Funds | - | 1,458,749 | 1,458,749 | - |
| Investment Earnings Total | 2,870,000 | 5,930,923 | 3,060,923 | 206.7% |
| Leases | 3,041,656 | 4,638,116 | 1,596,460 | 152.5% |
| Permit Fees/Miscellaneous Fees | 2,110,999 | 6,087,338 | 3,976,339 | 288.4% |
| Mitigation Fees - Lake Belt & Wetlands | 1,801,117 | 19,504,675 | 17,703,558 | 1082.9% |
| Licenses, Permits and Fees Total | 3,912,116 | 25,592,013 | 21,679,897 | 654.2% |
| Other | 461,200 | 1,865,515 | 1,404,315 | 404.5% |
| Sale of District Property | 250,000 | 436,140 | 186,140 | 174.5% |
| Self Insurance Premiums | 30,384,913 | 29,752,139 | (632,774) | 97.9% |
| SUB-TOTAL OPERATING REVENUES | 421,524,241 | 419,994,823 | (1,529,418) | 99.6% |
| Fund Balance | 299,542,283 | 299,542,283 | - | 100.0% |
| TOTAL SOURCES | \$ 721,066,524 | \$ 719,537,106 | \$ (1,529,418) | 99.8% |

| USES | ANNUAL BUDGET | EXPENDITURES | ENCUMBRANCES ¹ | REPORTED | % EXPENDED | % ENCUMBERED | % OBLIGATED ² |
|------------------------------------|-----------------------|-----------------------|---------------------------|-----------------------|--------------|--------------|--------------------------|
| | | | | AVAILABLE BUDGET | | | |
| CERP | \$ 104,641,088 | \$ 63,070,011 | \$ 36,342,207 | \$ 5,228,870 | 60.3% | 34.7% | 95.0% |
| Coastal Watersheds | 15,980,049 | 11,656,435 | 4,152,498 | 171,116 | 72.9% | 26.0% | 98.9% |
| District Everglades | 96,319,237 | 76,343,922 | 18,026,718 | 1,948,598 | 79.3% | 18.7% | 98.0% |
| Kissimmee Watershed | 17,077,288 | 3,136,027 | 13,679,242 | 262,019 | 18.4% | 80.1% | 98.5% |
| Lake Okeechobee | 19,424,051 | 14,280,643 | 4,564,749 | 578,660 | 73.5% | 23.5% | 97.0% |
| Land Stewardship | 18,362,429 | 14,671,381 | 2,058,460 | 1,632,588 | 79.9% | 11.2% | 91.1% |
| Mission Support | 45,236,780 | 45,120,335 | 1,488,332 | (1,371,888) | 99.7% | 3.3% | 103.0% |
| Modeling & Sci Supp | 13,500,748 | 12,937,326 | 382,093 | 181,329 | 95.8% | 2.8% | 98.7% |
| Ops & Maintenance | 151,988,159 | 138,422,328 | 9,732,036 | 3,833,795 | 91.1% | 6.4% | 97.5% |
| Regulation | 22,647,550 | 21,877,995 | 337,920 | 431,635 | 96.6% | 1.5% | 98.1% |
| Water Supply | 21,184,949 | 17,432,574 | 3,278,312 | 474,063 | 82.3% | 15.5% | 97.8% |
| Debt Service | 42,074,439 | 42,074,438 | - | 1 | 100.0% | 0.0% | 100.0% |
| SUB-TOTAL NON-RESERVES USES | 568,436,766 | 461,023,414 | 94,042,565 | 13,370,787 | 81.1% | 16.5% | 97.6% |
| Reserves | \$ 152,629,758 | \$ - | \$ - | 152,629,758 | 0.0% | 0.0% | 0.0% |
| TOTAL USES | \$ 721,066,524 | \$ 461,023,414 | \$ 94,042,565 | \$ 166,000,545 | 63.9% | 13.0% | 77.0% |

¹ Represents unexpended balances of open purchase orders

² Represents the sum of expenditures and encumbrances as a percentage of the annual budget

Attachment: Statement of Sources and Uses of Funds_Template_Sep14_programmatic (2162) : Monthly

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
For the month ended: September 30, 2014. Percent of fiscal year completed: 100.0%

| | CURRENT BUDGET | ACTUALS THROUGH 09/30/2014 | VARIANCE (UNDER) / OVER BUDGET | ACTUALS AS A % OF BUDGET |
|----------------------------|-----------------------|----------------------------------|-----------------------------------|--------------------------------|
| Sources | | | | |
| Taxes ¹ | \$ 278,442,178 | \$ 280,025,436 | \$ 1,583,258 | 100.57% |
| Intergovernmental Revenues | 102,162,178 | 71,754,541 | (30,407,637) | 70.24% |
| Interest on Invested Funds | 2,870,000 | 5,930,923 | 3,060,923 | 206.7% |
| License and Permit Fees | 3,912,116 | 25,592,013 | 21,679,897 | 654.2% |
| Other ² | 34,137,769 | 36,691,910 | 2,554,141 | 107.5% |
| Fund Balance | 299,542,283 | 299,542,283 | - | 100.0% |
| Total Sources | \$ 721,066,524 | \$ 719,537,106 | \$ (1,529,418) | 99.8% |

¹ Includes Ad Valorem and Agricultural Privilege Taxes

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

| | CURRENT BUDGET | EXPENDITURES | ENCUMBRANCES ³ | AVAILABLE BUDGET | % EXPENDED | % OBLIGATED ⁴ |
|--|-----------------------|-----------------------|---------------------------|-----------------------|---------------|--------------------------|
| Uses | | | | | | |
| Water Resources Planning and Monitoring | \$ 55,047,298 | \$ 48,643,512 | \$ 4,691,764 | \$ 1,712,023 | 88.4% | 96.9% |
| Acquisition, Restoration and Public Works | 330,167,038 | 167,600,959 | 74,460,391 | 88,105,688 | 50.8% | 73.3% |
| Operation and Maintenance of Lands and Works | 271,278,926 | 181,123,470 | 13,635,547 | 76,519,909 | 66.8% | 71.8% |
| Regulation | 26,129,478 | 24,869,463 | 477,625 | 782,390 | 95.2% | 97.0% |
| Outreach | 2,470,637 | 2,400,456 | 7,772 | 62,409 | 97.2% | 97.5% |
| Management and Administration | 35,973,147 | 36,385,554 | 769,467 | (1,181,874) | 101.1% | 103.3% |
| Total Uses | \$ 721,066,524 | \$ 461,023,414 | \$ 94,042,565 | \$ 166,000,545 | 63.9% | 77.0% |

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

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

This unaudited financial statement is prepared as of September 30, 2014, and covers the interim period since the most recent audited financial statements.

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: September 30, 2014. Percent of fiscal year completed: 100.0%

| | Annual Budget | Expenditures | Encumbrances | Reported Available Budget | % Expended | % Encumbered | % Obligated |
|----------------------------------|----------------------|---------------------|----------------------|---------------------------|--------------|--------------|--------------|
| CERP | | | | | | | |
| Personnel Services | \$ 5,574,272 | \$ 5,302,465 | \$ - | \$ 271,807 | 95.1% | 0.0% | 95.1% |
| Contractual Services | 15,873,340 | 11,572,181 | 3,941,092 | 360,067 | 72.9% | 24.8% | 97.7% |
| Operating | 637,039 | 589,477 | 55,293 | (7,731) | 92.5% | 8.7% | 101.2% |
| Travel | 16,582 | 13,257 | 261 | 3,064 | 80.0% | 1.6% | 81.5% |
| Capital Outlay | 79,206,887 | 45,592,631 | 32,345,561 | 1,268,695 | 57.6% | 40.8% | 98.4% |
| CERP Indirect | 3,332,968 | - | - | 3,332,968 | 0.0% | 0.0% | 0.0% |
| Total CERP | 104,641,088 | 63,070,011 | 36,342,207 | 5,228,870 | 60.3% | 34.7% | 95.0% |
| Coastal Watersheds | | | | | | | |
| Personnel Services | 3,441,693 | 3,298,525 | - | 143,168 | 95.8% | 0.0% | 95.8% |
| Contractual Services | 9,364,288 | 5,793,755 | 3,556,146 | 14,387 | 61.9% | 38.0% | 99.8% |
| Operating | 123,627 | 113,835 | 2,800 | 6,992 | 92.1% | 2.3% | 94.3% |
| Travel | 24,387 | 17,730 | 218 | 6,439 | 72.7% | 0.9% | 73.6% |
| Capital Outlay | 3,026,055 | 2,432,591 | 593,334 | 130 | 80.4% | 19.6% | 100.0% |
| Total Coastal Watersheds | 15,980,049 | 11,656,435 | 4,152,498 | 171,116 | 72.9% | 26.0% | 98.9% |
| District Everglades | | | | | | | |
| Personnel Services | 18,406,128 | 18,071,401 | - | 334,727 | 98.2% | 0.0% | 98.2% |
| Contractual Services | 7,639,962 | 5,514,939 | 2,118,171 | 6,853 | 72.2% | 27.7% | 99.9% |
| Operating | 9,288,669 | 7,276,593 | 440,560 | 1,571,516 | 78.3% | 4.7% | 83.1% |
| Travel | 45,689 | 17,621 | 1,184 | 26,884 | 38.6% | 2.6% | 41.2% |
| Capital Outlay | 60,938,789 | 45,463,368 | 15,466,803 | 8,619 | 74.6% | 25.4% | 100.0% |
| Total District Everglades | 96,319,237 | 76,343,922 | 18,026,718 | 1,948,598 | 79.3% | 18.7% | 98.0% |
| Kissimmee Watershed | | | | | | | |
| Personnel Services | 1,931,226 | 1,770,842 | - | 160,384 | 91.7% | 0.0% | 91.7% |
| Contractual Services | 1,373,262 | 898,210 | 384,102 | 90,950 | 65.4% | 28.0% | 93.4% |
| Operating | 443,545 | 453,762 | 6,251 | (16,468) | 102.3% | 1.4% | 103.7% |
| Travel | 14,765 | 12,356 | 260 | 2,149 | 83.7% | 1.8% | 85.4% |
| Capital Outlay | 13,314,489 | 857 | 13,288,628 | 25,004 | 0.0% | 99.8% | 99.8% |
| Total Kissimmee Watershed | \$ 17,077,288 | \$ 3,136,027 | \$ 13,679,242 | \$ 262,019 | 18.4% | 80.1% | 98.5% |

Attachment: Summary of Uses of Funds_Template_Sep14 (2162 : Monthly Financial Statement -

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: September 30, 2014. Percent of fiscal year completed: 100.0%

| | Annual Budget | Expenditures | Encumbrances | Reported Available Budget | % Expended | % Encumbered | % Obligated |
|---|----------------------|----------------------|-------------------|---------------------------|--------------|--------------|---------------|
| Lake Okeechobee | | | | | | | |
| Personnel Services | \$ 3,900,318 | \$ 3,667,314 | \$ - | \$ 233,004 | 94.0% | 0.0% | 94.0% |
| Contractual Services | 14,079,252 | 9,403,050 | 4,319,104 | 357,099 | 66.8% | 30.7% | 97.5% |
| Operating | 239,754 | 252,824 | - | (13,069) | 105.5% | 0.0% | 105.5% |
| Travel | 6,508 | 4,815 | 67 | 1,626 | 74.0% | 1.0% | 75.0% |
| Capital Outlay | 1,198,219 | 952,641 | 245,578 | 0 | 79.5% | 20.5% | 100.0% |
| Total Lake Okeechobee | 19,424,051 | 14,280,643 | 4,564,749 | 578,660 | 73.5% | 23.5% | 97.0% |
| Land Stewardship | | | | | | | |
| Personnel Services | 4,386,964 | 4,214,269 | - | 172,695 | 96.1% | 0.0% | 96.1% |
| Contractual Services | 9,907,723 | 7,838,642 | 1,535,995 | 533,086 | 79.1% | 15.5% | 94.6% |
| Operating | 2,570,669 | 1,723,391 | 26,590 | 820,689 | 67.0% | 1.0% | 68.1% |
| Travel | 11,544 | 7,153 | 128 | 4,264 | 62.0% | 1.1% | 63.1% |
| Capital Outlay | 1,485,528 | 887,926 | 495,747 | 101,854 | 59.8% | 33.4% | 93.1% |
| Total Land Stewardship | 18,362,429 | 14,671,381 | 2,058,460 | 1,632,588 | 79.9% | 11.2% | 91.1% |
| Mission Support | | | | | | | |
| Personnel Services | 21,699,921 | 21,252,843 | - | 447,078 | 97.9% | 0.0% | 97.9% |
| Contractual Services | 7,670,825 | 6,457,922 | 1,027,346 | 185,557 | 84.2% | 13.4% | 97.6% |
| Operating | 17,240,379 | 15,589,984 | 352,955 | 1,297,440 | 90.4% | 2.0% | 92.5% |
| Travel | 314,526 | 263,273 | 21,736 | 29,517 | 83.7% | 6.9% | 90.6% |
| Capital Outlay | 1,644,097 | 1,556,313 | 86,295 | 1,489 | 94.7% | 5.2% | 99.9% |
| CERP Indirect | (3,332,968) | - | - | (3,332,968) | 0.0% | 0.0% | 0.0% |
| Total Mission Support | 45,236,780 | 45,120,335 | 1,488,332 | (1,371,888) | 99.7% | 3.3% | 103.0% |
| Modeling & Science Support | | | | | | | |
| Personnel Services | 10,313,100 | 10,223,411 | - | 89,689 | 99.1% | 0.0% | 99.1% |
| Contractual Services | 2,414,771 | 1,954,488 | 363,142 | 97,141 | 80.9% | 15.0% | 96.0% |
| Operating | 592,304 | 599,953 | 14,051 | (21,700) | 101.3% | 2.4% | 103.7% |
| Travel | 39,318 | 19,245 | 3,873 | 16,200 | 48.9% | 9.9% | 58.8% |
| Capital Outlay | 141,255 | 140,229 | 1,027 | (0) | 99.3% | 0.7% | 100.0% |
| Total Modeling & Science Support | \$ 13,500,748 | \$ 12,937,326 | \$ 382,093 | \$ 181,329 | 95.8% | 2.8% | 98.7% |

Attachment: Summary of Uses of Funds_Template_Sep14 (2162 : Monthly Financial Statement -

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: September 30, 2014. Percent of fiscal year completed: 100.0%

| | Annual Budget | Expenditures | Encumbrances | Reported Available Budget | % Expended | % Encumbered | % Obligated |
|---|-----------------------|-----------------------|----------------------|---------------------------|---------------|--------------|---------------|
| Operations & Maintenance | | | | | | | |
| Personnel Services | \$ 53,649,435 | \$ 52,972,656 | \$ - | \$ 676,779 | 98.7% | 0.0% | 98.7% |
| Contractual Services | 32,017,914 | 27,037,265 | 4,294,546 | 686,103 | 84.4% | 13.4% | 97.9% |
| Operating | 32,463,058 | 29,642,827 | 378,274 | 2,441,957 | 91.3% | 1.2% | 92.5% |
| Travel | 163,568 | 120,480 | 15,932 | 27,156 | 73.7% | 9.7% | 83.4% |
| Capital Outlay | 33,694,185 | 28,649,099 | 5,043,284 | 1,802 | 85.0% | 15.0% | 100.0% |
| Total Operations & Maintenance | 151,988,159 | 138,422,328 | 9,732,036 | 3,833,795 | 91.1% | 6.4% | 97.5% |
| Regulation | | | | | | | |
| Personnel Services | 16,626,043 | 16,487,031 | - | 139,012 | 99.2% | 0.0% | 99.2% |
| Contractual Services | 1,630,952 | 1,324,429 | 269,305 | 37,218 | 81.2% | 16.5% | 97.7% |
| Operating | 3,983,877 | 3,715,057 | 15,587 | 253,233 | 93.3% | 0.4% | 93.6% |
| Travel | 27,679 | 22,479 | 3,027 | 2,173 | 81.2% | 10.9% | 92.2% |
| Capital Outlay | 378,999 | 328,999 | 50,000 | - | 86.8% | 13.2% | 100.0% |
| Total Regulation | 22,647,550 | 21,877,995 | 337,920 | 431,635 | 96.6% | 1.5% | 98.1% |
| Water Supply | | | | | | | |
| Personnel Services | 5,804,579 | 5,706,568 | - | 98,011 | 98.3% | 0.0% | 98.3% |
| Contractual Services | 5,696,599 | 2,409,045 | 3,271,641 | 15,914 | 42.3% | 57.4% | 99.7% |
| Operating | 9,635,827 | 9,274,024 | 6,450 | 355,353 | 96.2% | 0.1% | 96.3% |
| Travel | 10,089 | 5,081 | 221 | 4,787 | 50.4% | 2.2% | 52.6% |
| Capital Outlay | 37,855 | 37,855 | - | - | 100.0% | 0.0% | 100.0% |
| Total Water Supply | 21,184,949 | 17,432,574 | 3,278,312 | 474,063 | 82.3% | 15.5% | 97.8% |
| Reserves | | | | | | | |
| Reserves | 152,629,758 | - | - | 152,629,758 | 0.0% | 0.0% | 0.0% |
| Total Reserves | 152,629,758 | - | - | 152,629,758 | 0.0% | 0.0% | 0.0% |
| Debt Service | | | | | | | |
| Debt Service | 42,074,439 | 42,074,438 | - | 1 | 100.0% | 0.0% | 100.0% |
| Total Debt Service | 42,074,439 | 42,074,438 | - | 1 | 100.0% | 0.0% | 100.0% |
| Grand Total | \$ 721,066,524 | \$ 461,023,414 | \$ 94,042,565 | \$ 166,000,545 | 63.9% | 13.0% | 77.0% |

Attachment: Summary of Uses of Funds_Template_Sep14 (2162 : Monthly Financial Statement -

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM October 1, 2014 TO October 31, 2014

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| COLLIER COUNTY | 2 |
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| PALM BEACH COUNTY | 5 |
| POLK COUNTY | 6 |

1. INTERSTATE 75 (SR93) LEE COUNTY LINE TO S OF TUCKE APPL. NO. 140905-7
FLORIDA DEPARTMENT OF TRANSPORTATION PERMIT NO. 08-00155-P
SEC 7, 17, 18,34, 35,1, 12 TWP 42,42,42S RGE ACREAGE: 459.46
24,24,23E LAND USE: HIGHWAY

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY:
LAST DATE FOR AGENCY ACTION: NOVEMBER 4, 2014

Attachment: IP Issued by ED October 2014 (2163 : Executive Director's Report)

1. DEL WEBB 201-203 APPL. NO. 140306-12
 BARRON COLLIER PARTNERSHIP LTD PERMIT NO. 11-02336-P-03
 SEC 8 TWP 48S RGE 29E ACREAGE: 177.90
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND NEW
 CONSTRUCTION/OPERATION)
 RECEIVING BODY: MASTER STORMWATER MANAGEMENT SYSTEM
 LAST DATE FOR AGENCY ACTION: NOVEMBER 10, 2014

2. I-75 WIDENING FROM S R 951 TO GOLDEN GATE PKWY APPL. NO. 140428-10
 FLORIDA DEPARTMENT OF TRANSPORTATION PERMIT NO. 11-00396-S
 SEC 29, 30, 32, 33, 34 TWP 49S RGE 26E ACREAGE: 134.15
 LAND USE: ROADWAY

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: EXISTING STORM WATER MANAGEMENT FACILITIES
 LAST DATE FOR AGENCY ACTION: NOVEMBER 11, 2014

3. SILVER STRAND V I APPL. NO. 130107-15
 BARRON COLLIER PARTNERSHIP PERMIT NO. 11-00111-W
 SEC 22-27, 34-36 TWP 48S RGE 29E ACREAGE: 2874.00
 LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: WATER TABLE AQUIFER, LOWER TAMIAMI AQUIFER
 ALLOCATION: 524.36 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: NOVEMBER 16, 2014

4. UF/IFAS SW FLORIDA RESEARCH AND EDUCATION CENTER APPL. NO. 140409-7
 UNIVERSITY OF FLORIDA PERMIT NO. 11-00024-W
 SEC 17, 20, 21 TWP 46S RGE 29E ACREAGE: 320.00
 LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: LOWER TAMIAMI AQUIFER
 ALLOCATION: 39 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 23, 2014

1. 2 X 6 SUGAR CANE
ALICO INC
SEC 1-3,4-9,10,12 TWP 44S RGE 31,32E

APPL. NO. 140903-14
PERMIT NO. 26-01184-W
ACREAGE: 4804.00
LAND USE: DIV & IMP
SECONDARY USER
AGRICULTURAL

PERMIT TYPE: WATER USE EXISTING/PREVIOUSLY PERMITTED
WATER SOURCE: HENDRY HILLIARD CANAL
ALLOCATION: 984.39 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: DECEMBER 2, 2014

Attachment: IP Issued by ED October 2014 (2163 : Executive Director's Report)

1. SOMERSET GOLF COURSE
CENTEX HOMES
SEC 13,14, 23 TWP 45S RGE 25E

APPL. NO. 140709-11
PERMIT NO. 36-07137-W
ACREAGE: 154.40
LAND USE: GOLF COURSE

PERMIT TYPE: WATER USE RENEWAL

WATER SOURCE: SANDSTONE AQUIFER, OFF-SITE LAKES, LOWER HAWTHORN AQUIFER

ALLOCATION: 26.65 MILLION GALLONS PER MONTH

LAST DATE FOR AGENCY ACTION: NOVEMBER 23, 2014

1. LAKEWOOD
JUPITER 19 PARK L L C
SEC 5,32 TWP 40,41S RGE 42E

APPL. NO. 130301-15
PERMIT NO. 50-02993-S-08
ACREAGE: 284.09
LAND USE: RESIDENTIAL
ROADWAY WITHIN
RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
RECEIVING BODY: LOXAHATCHEE RIVER FLOODPLAIN
LAST DATE FOR AGENCY ACTION: NOVEMBER 28, 2014

2. PALM MEADOWS ESTATES
STANDARD PACIFIC OF FLORIDA
SEC 17 TWP 45S RGE 42E

APPL. NO. 140715-12
PERMIT NO. 50-05107-P-02
ACREAGE: 175.71
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: LWDD C. STANLEY WEAVER CANAL
LAST DATE FOR AGENCY ACTION: OCTOBER 25, 2014

Attachment: IP Issued by ED October 2014 (2163 : Executive Director's Report)

1. SOLIVITA
A V HOMES INCORPORATED
SEC 12-16,21-24,25-27,35 TWP 27S RGE 28E

APPL. NO. 140716-14
PERMIT NO. 53-00020-W
ACREAGE: 803.00
LAND USE: GOLF COURSE
LANDSCAPE

PERMIT TYPE: WATER USE EXPIRED/PREVIOUSLY PERMITTED
WATER SOURCE: UPPER FLORIDAN AQUIFER, ON-SITE LAKES/PONDS, TOHOPEKALIGA WATER
AUTHORITY
ALLOCATION: 133.49 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 14, 2014

Attachment: IP Issued by ED October 2014 (2163 : Executive Director's Report)