



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

October 10, 2013

9:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL REVISED 10/09/2013 3:52 PM

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. Employee Recognitions - Presented by Blake Guillory
 - October Employee of the Month: Larry Gerry, Principal Scientist, Everglades Policy & Coordination
 - October Team of the Month: Aero Jet Silo Capping Project Team
 - 25 Year Service Recognition: Scott Korf, Regulatory Professional, Lower West Coast Service Center
 - 30 Year Service Recognition: Stanley Stringer, Structure Maintenance Technician, Fort Lauderdale Field Station

- Good Samaritan Award: Armando Sampedro, Engineering / Construction Manager, Engineering & Construction Bureau
- 4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
- 5. Abstentions by Board Members from items on the Agenda
- 6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, 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.**

7. Public Comment on Consent Agenda
 8. Pull Items for Discussion from Consent Agenda
 9. Board Comment on Consent Agenda
- Consent Items
10. Approval of Minutes for the September 12, 2013, Regular Business meeting, September 12, 2013, Public Hearing on the Tentative Millage Rates and Tentative Budget, and the September 24, 2013, Public Hearing on the Final Millage Rates and Final Budget
 11. Waivers for the Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes - **SUPPORTING DOCUMENTS ADDED**
 12. Regulatory Consent Items
 - Denials
 - Consent Orders
 - Conservation Easements, Amendments and Releases
 - Seminole Tribe Work Plans
 13. **Resolution No. 2013 - 1001** A Resolution of the Governing Board of the South Florida Water Management District approving release of District mineral reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835) - **SUPPORTING DOCUMENTS MODIFIED**
 14. **Resolution No. 2013 - 1002** A Resolution of the Governing Board of the South Florida Water Management District to approve granting to Palm Beach County a revocable partial assignment of an undivided interest in certain C-18 canal easement rights, containing 36.7 acres, more or less, in Palm Beach County; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

15. **Resolution No. 2013 - 1003** A Resolution of the Governing Board of the South Florida Water Management District authorizing staff to amend the descriptions of changes to rules set forth in the 2013-2014 Annual Regulatory Plan to: 1) update C-51 Basin Rules; and 2) amend Rule 40E-4.091, F.A.C., and the Incorporated Environmental Resource Permit Applicant's Handbook, Volume II: for Use Within the Geographic Limits of the South Florida Water Management District. In addition, staff is authorized to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes; providing an effective date. (OC, Doug MacLaughlin ext. 2153)
16. Authorize publication of a Notice of Proposed Rule in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rules 40E-1.021 and 40E-1.6058, F.A.C., to promote regulatory streamlining, cost savings and increase transparency by defining the term "posting" and providing for website posting of the receipt of certain applications, as opposed to newspaper publication. (REG, Sharon Trost, ext. 6814) - **SUPPORTING DOCUMENTS ADDED**
17. Authorize publication of Notice of Rule Development in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, 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 (Volume II), to incorporate by reference an updated "Impaired Waters Guidance Memorandum" into District rules. (REG, Dan Waters, 239-338-2929 ext. 7763) - **SUPPORTING DOCUMENTS ADDED**
18. **Resolution No. 2013 - 1004** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to the three-year agreement with Rafter T Realty, Inc. d/b/a Rafter T Ranch for a Florida Ranchlands Environmental Services Pilot Project for the purpose of providing water retention services and pilot project information on ranchlands in the Lake Okeechobee Watershed to extend the agreement three years in an amount not to exceed \$277,470, of which \$92,490 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY16 budgets; providing an effective date. (Contract No. 4600001019-A03) (EPC, Temperince Morgan, ext. 6987)
19. **Resolution No. 2013 - 1005** A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2014 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. (WR, Don Medellin, ext. 6340)

20. **Resolution No. 2013 - 1006** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Alternative Water Supply Funding recipients in an amount not to exceed \$345,700 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)
21. **Resolution No. 2013 - 1007** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Water Savings Incentive Program applicants in an amount not to exceed \$250,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)
22. **Resolution No. 2013 - 1008** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cost-share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas (STAs) optimization support, in the amount of \$780,000, of which the District's total contribution is \$300,000, for which dedicated Everglades Restoration trust funds are budgeted for FY14; providing an effective date. (Contract Number 4600002950) (WR, Kim O'Dell, ext. 2650)
23. **Resolution No. 2013 - 1009** A Resolution of the Governing Board of the South Florida Water Management District to authorize contract amendment 4600001999 Amendment 4 with the Florida Department of Environmental Protection in an amount not to exceed \$20,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute the amendment in support of the Conserve Florida Clearinghouse; providing an effective date. (WR, Mark Elsner, ext. 6156)
24. **Resolution No. 2013 - 1010** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the District's Water Management Lands Trust Fund Budget for FY14; authorizing the Executive Director or Designee to request reimbursement quarterly based on actual expenditures; providing an effective date (Mike Smykowski, ext. 6295).
25. **Resolution No. 2013 - 1011** A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement in the amount of \$450,000 with Black & Veatch Corporation, for the purpose of resolving a contract dispute styled Black & Veatch Corporation v. South Florida Water Management District, filed against the District in the Fifteenth Judicial Circuit for Palm Beach County, Florida, Case No. 2009-CA-31734; for which funds are unbudgeted and authorize budget transfers as necessary to cover the settlement agreement; providing an effective date. (OC, Kirk Burns, ext. 6546) - **ITEM REVISED**

26. **Resolution No. 2013 - 1012** A Resolution of the Governing Board of the South Florida Water Management District approving an agreement for the purpose of appointing a successor trustee under the Master Trust Agreement dated November 1, 2006, for the Certificates of Participation (COPs) issued by the South Florida Water Management District; providing an effective date. (OC, Derek Brown, ext. 6278)
27. Board Vote on Consent Agenda
28. General Public Comment

Discussion Agenda

29. Technical Reports
 - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
30. Central Everglades Planning Project Update - Tom Teets, Office Chief, Federal Policy and Coordination, Office of Everglades Policy and Coordination (ext. 6993)
31. **Resolution No. 2013 - 1013** A Resolution of the Governing Board of the South Florida Water Management District authorizing an eleven-year contract with Blue Head Ranch, LLC. for a Dispersed Water Management Program Northern Everglades Payment for Environmental Services Project for the purpose of providing water retention services on ranchlands in the Lake Okeechobee Watershed in an amount not to exceed \$3,805,750, of which \$193,750 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY24 budgets; providing an effective date. (Contract No. 4600002877) (EPC, Temperince Morgan, ext. 6987)
32. **Resolution No. 2013 - 1014** A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with Palm Beach County for the acquisition by the District of land interests containing 1,896.49 acres, more or less, for the Loxahatchee River Watershed Restoration Project, in Palm Beach County, in the amount of \$26,000,000 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
33. **Resolution No. 2013 - 1015** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1,896.49 acres, more or less, in the total amount of \$26,000,000 and associated costs; for the Loxahatchee River Watershed Restoration Project in Palm Beach, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

34. **Resolution No. 2013 - 1016** A Resolution of the Governing Board of the South Florida Water Management District, to approve a Memorandum of Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for the acquisition of land interests containing 150 acres, more or less, in Palm Beach County located within the Corbett Wildlife Management Area for the Loxahatchee River Watershed Restoration Project, and conveyance to FFWCC of land interests containing 150 acres, more or less, in Palm Beach County; approve associated costs for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance of land interests containing a total of 150 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
35. **Resolution No. 2013 - 1017** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the payment of associated costs not to exceed \$165,000, in connection with the acquisition of land interests containing 150 acres, more or less, for the Loxahatchee River Watershed Restoration Project in Palm Beach County, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)
36. **Resolution No. 2013 - 1018** A Resolution of the Governing Board of the South Florida Water Management District approving a non-binding letter of intent for exchange of lands under which the South Florida Water Management District will acquire approximately 4,535 acres of land in Palm Beach County and pay cash consideration in the amount of \$5,978,474 Florida Crystals Corporation will acquire approximately 8,713 acres of land in Palm Beach County from the District, and Gladeview Holdings, LC and its manager Knight Management, Inc. will acquire approximately 2,865 acres of land in Palm Beach County from Florida Crystals and receive the \$5,978,474 from the District, all subject to approval of a land exchange agreement by the Governing Board of the South Florida Water Management District; providing an effective date. (EPC, Ernie Barnett, ext. 2110)
37. **Resolution No. 2013 - 1019** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 545-day contract with Central Florida Equipment Rentals, Inc., the lowest responsive and responsible bidder, for the Everglades Agricultural Area A-1 Flow Equalization Basin, in the amount of \$59,921,483, for which \$42,656,845 of Save our Everglades Trust Fund, COPS and ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002952) (OMC, John Mitnik, ext. 2679)

38. **Resolution No. 2013 - 1020** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 425-day contract with Lucas Marine Acquisition Company, LLC, the lowest responsive and responsible bidder, for G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals, in the amount of \$4,250,000 for which ad valorem funds are budgeted in FY14; providing an effective date. (Contract Number 4600002959) (John Mitnik, ext. 2679)
39. **Resolution No. 2013 - 1021** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short listed firms and entering into a one-year contract for Phase I of the design build contract to design and construct the new Big Cypress Basin Field Station facility, subject to successful negotiations with DeAngelis Diamond Construction, Inc., for the 70% design and stipulated price proposal for the Big Cypress Basin Field Station Relocation in an amount not-to-exceed \$1,000,000.00 of which ad valorem funds are budgeted in FY14. Phase II of the contract, subject to Governing Board approval, will deliver 100% plans and specifications and the construction of completed Field Station facility. If negotiations are unsuccessful with DeAngelis Diamond Construction, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated providing an effective date. (Contract Number 4600002947) (OMC, John Mitnik, ext. 2679)
40. General Public Comment

Staff Reports

41. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services
42. General Counsel's Report
43. Executive Director's Report
Report on permits issued by authority delegated to the Executive Director from September 1-30, 2013.
44. Board Comment

Attorney Client Sessions

45. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), 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, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), 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. (Carolyn S. Ansay, ext. 6976)

46. Adjourn

October Employee of the Month
Larry Gerry – Principal Scientist
Office of Everglades Policy and Coordination

In his role as STA and Long-Term Plan Coordinator, Larry plays a critical role in the District's comprehensive efforts to improve Everglades water quality by effectively coordinating and communicating with District staff, DEP and external stakeholders.

Larry is responsible for communicating and coordinating issues related to eight STAs and the Long-Term Plan for Achieving Water Quality Goals for Everglades Protection Area Tributary Basins. The work is accomplished by hundreds of staff from every District division/office. Effective coordination and communication is extremely important due to the complexity and diversity of issues that include flood protection, endangered and threatened species, migratory birds, exotic species control, vegetation health and sustainability and water quality improvement.

Larry leads monthly STA coordination meetings and STA Leadership team meetings as well as quarterly Long-Term Plan Communications meetings. Tracking and resolving critical issues in a timely manner is essential to successful STA management and Larry excels at it.

A key to Larry's success is his likability, calm demeanor and overall ability to encourage those around him to think holistically when developing solutions. He challenges his colleagues to think critically and do things better, all while maintaining excellent relationships. Congratulations, Larry!

October Team of the Month
Aero Jet Silo Capping Project Team
Operations, Maintenance and Construction Division

Tony Owens

Gary Roberts

Sonny Griffin

Andrew Wolf

Abel Noyola

Michael Baker

Eric Genz

Jason Smith

Steve Coughlin

Armando Ramirez

Terry Fitch

Michael Worley

The former Aerojet Facilities in Miami-Dade County was purchased by the District in 1993 as part of the Preservation 2000 program. A former rocket testing facility located on the northwestern portion of the site is open to the public.

Here, engineers built and tested the alternative-lift design to the Saturn rockets used in the Apollo Missions. Enormous monolithic-hull rockets are the largest rocket engines ever fired. The remains of a massive 260-inch rocket chamber still lie in an underground silo on-site.

The area's history and abandoned structures make the site popular with history buffs, graffiti artists, metal scrappers, urban explorers, commercial media and vandals. Police, military and disaster response agencies also use the site for training opportunities.

With popularity, comes vandalism and curiosity. The Homestead Field Station staff continuously repair breaches of gates and the silo covering has kept staff busy to the point that it has become a regular maintenance function due to the intrusions.

Following a barrage of vandalism in 2012, a decision was made to remove the rapidly degrading silo structure and provide for a more permanent covering. As well as structural challenges, there were environmental, historical and regulation concerns. Ultimately, the District was allowed to initiate the placement of structural concrete beams to entomb the silo.

This team worked tirelessly to plan, engineer, procure and install the requisite concrete beams used to seal the silo cover in order to ensure the safety and well-being of the community. Each one weighed approximately 33 tons. A two-crane lift operation was required to place the heavy beams over the silo's deteriorating cover.

The project was a success due to the commitment and dedication of the team members. Congratulations for a job well done!

25-Year Service Recognition
Scott Korf – Regulatory Professional 3
Lower West Coast Service Center
Regulation Bureau

Scott Korf was hired in October 1988 as a Geophysical Technician in Fort Myers. He located abandoned artesian wells as part of his work in the well abandonment program. In 1992, the Water Use Compliance program was developed and Scott was one of the District pioneers working with water use permits in the west coast area.

Scott's work moved into surface water compliance during his tenure; however, due to his expertise, he was called back into the compliance program where he has worked for the last few years. Scott has a well contractor license and is the local expert in dewatering. Today, he divides his time between the field and the office and still enjoys interfacing with the people we serve.

Having lived in the Fort Myers area his entire life, Scott's knowledge of the area has been a tremendous asset for the District. He is known for his outstanding customer service skills. He is active in the community and serves on numerous boards including the Lee County Water Use Advisory Board which he chairs.

In his free time Scott enjoys golfing, fishing and hunting. Congratulations, Scott, for 25 years of outstanding service.

30-Year Service Recognition
Stanley Stringer – Structure Maintenance Technician
Fort Lauderdale Field Station
Operations, Maintenance and Construction

Stan joined the District in October 1983 as a Field Worker on the Canal Levee Maintenance Crew. A few months later he was promoted to Herbicide Applicator Trades Helper where he continued his career in the Vegetation Management Field for 22 years. Through the years, Stan took the initiative to cross-train and became a Structure Maintenance Technician in October 2005.

Stan is known as a “Jack of All Trades” with a broad knowledge of Vegetation Management and Structure Maintenance programs. In recent years, he cross trained with the South Field Operations Trades Support team which provides preventative maintenance and refurbishment services for the southern area pump stations. His newly acquired technical skills have proven to be an asset to this crew.

Known for his innovative ideas, Stan recently targeted potential water control gate issues while working on the S-37A Overhaul Project. It was because of Stan's insight that these issues were elevated and eventually remedied before the gate was placed back in service saving the District both time and money.

Stan's professionalism and dedication are exemplary. Thank you, Stan, for 30 years of public service.

Good Samaritan Award
Armando Sampedro
Engineering & Construction Bureau

On September 16, at approximately 3:50 PM while traveling north on Everglades Blvd. (north of Picayune Strand), Armando was flagged down by an individual on the west side of the road. After observing the individual's state, he stopped and asked him if there was a problem. The individual responded that there were two people who had drowned in the Miller Canal at the end of street.

Armando instructed him to stay where he was and wait for emergency vehicles while he contacted 911. As he talked to the dispatcher, Armando walked closer to the scene and noticed there was a female laying at the end of the road by the canal bank on the south side of the road and another individual laying on top of an overturned boat in the middle of canal yelling for help. He attempted to assist the woman but found no pulse.

He instructed the man on the boat to stay where he was until help arrived. Police, Fire and EMT units soon arrived and pronounced the female deceased. They rescued the man on the boat and retrieved another deceased man from the canal. Armando stayed on the scene and served as interpreter for the emergency services.

For his selflessness and willingness to assist, we award Armando Sampedro a Good Samaritan Award.

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DISTRICT CLERK'S OFFICE
OCT 4, 2013
OCT 4 2013 3:32 PM

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Gelber, Adam R.		OFFICE / POSITION HELD Member	
MAILING ADDRESS 2001 NW 107th Avenue		AGENCY OR ADVISORY BOARD SFWMD WRAC	
CITY Miami	ZIP 33172	COUNTY Miami-Dade	ADDRESS OF AGENCY 3301 Gun Club Road, West Palm Beach

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

8

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 4600000925; General Engineering & Prof Services
 - 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:

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:

1. 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 _____.

2. 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:

3. 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)

4. 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

Table with 3 columns: SIGNATURE, DATE SIGNED, DATE FILED. Contains handwritten signature 'A. R. Cella', date '10/4/13', and date '10/4/13'.

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: WRAC_GILBER_FORM 4A (1555 : WRAC Waivers)

RECEIVED
DISTRICT CLERK'S OFFICE
Oct 4, 2013
3:32 PM

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Gelber, Adam R.		OFFICE / POSITION HELD Member	
MAILING ADDRESS 2001 NW 107th Avenue		AGENCY OR ADVISORY BOARD SFWMD WRAC	
CITY Miami	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:

1. 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)]:
 - (X) The reporting person,
 - () The spouse of the reporting person, whose name is _____, or
 - () A child of the reporting person, whose name is _____
2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - (X) Supplying the following realty, goods, and/or services: Contract 4600002317; Spatial Database Development
 - () Regulation of the business entity by the governmental agency served by the advisory board member.
3. The following business entity is doing business with or regulated by the governmental agency:

ATKINS NORTH AMERICA, INC
4. 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; (X) Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

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:

1. 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 _____.

2. 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:

3. 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)

4. 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

Table with 3 columns: SIGNATURE, DATE SIGNED, DATE FILED. Contains handwritten signature 'Adrian Bell' and dates '10/4/13'.

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: WRAC_GILBER_FORM 4A (1555 : WRAC Waivers)

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
October 10, 2013

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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.

DENIALS

COLLIER COUNTY

1. CARTER DOCK AND PILING
ALLEN HAMILTON
SEC 18, 19 TWP 52S RGE 27E

APPL. NO. 081118-22
PERMIT NO. N/A
ACREAGE: 1.00
LAND USE: OTHER

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW EXEMPTION)
RECEIVING BODY: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE
APPLICATION
LAST DATE FOR BOARD ACTION: NOVEMBER 14, 2013

CONSENT ORDERS

1. RESPONDENT: P. NICHOLAS AND SONS, LLC
PROJECT: NORTH OAKS

SEC 29 TWP 43S RGE 23E LEE COUNTY
AMEND PREVIOUS CONSENT ORDER DUE TO NON-COMPLIANCE WITH PERMIT CONDITIONS TO
REFLECT NEW OWNERSHIP

2. RESPONDENT: JEFFERY AND CAREN HENDREN
PROJECT: HENDREN PROPERTY

SEC 21 TWP 34S RGE 40E ST LUCIE COUNTY
AMEND PREVIOUS CONSENT ORDER TO INCLUDE THE PURCHASE OF MITIGATION BANK CREDITS
FOR THE RESTORATION OF WETLANDS

Attachment: ca_reg_rm_100_sd (1510 : Regulatory Consent Agenda)

-
- 1. PERMITTEE: FLORIDA PROPERTIES III, LLC
 - PROJECT: COCONUT INLET CONSERVATION EASEMENT MODIFICATIONS

LEE COUNTY

AMENDMENT OF A RECORDED C.E. (APPROXIMATELY 0.75 ACRES) FROM A STANDARD C.E. TO A PASSIVE RECREATIONAL C.E. A PERPETUAL 6-FOOT WIDE ACCESS AREA WAS AUTHORIZED ACROSS THE EXISTING C.E. TO ALLOW FOR THE EVENTUAL CONSTRUCTION OF SINGLE FAMILY HOME DOCKS TO BE BUILT WITHIN THE ADJACENT TIDAL CANAL. THERE ARE NO PROPOSED WETLAND OR OSW IMPACTS ASSOCIATED WITH THE PROJECT.

-
- 2. PERMITTEE: NEAL COMMUNITIES
 - PROJECT: ESTERO PLACE

LEE COUNTY

AMENDMENT OF A RECORDED C.E. (APPROXIMATELY 5.72 ACRES) FROM A STANDARD C.E. TO A PASSIVE RECREATIONAL C.E. A BOARDWALK IS PROPOSED THROUGH THE UPLAND PORTIONS OF THE EXISTING C.E. THERE ARE NO PROPOSED WETLAND OR OSW IMPACTS ASSOCIATED WITH THE PROJECT.

-
- 3. PERMITTEE: MIDPORT INVESTORS INC
 - PROJECT: DOLLAR GENERAL AT MIDPORT COMMERCIAL

ST LUCIE COUNTY

APPROVE A REQUEST FOR THE PARTIAL RELEASE OF A CONSERVATION EASEMENT ON A PROPERTY KNOWN AS THE MIDPORT CROSSING IN ST. LUCIE COUNTY. THE APPLICANT IS PROPOSING TO CONSTRUCT AN OUTFALL PIPE IN AN AREA THAT HAS PREVIOUSLY BEEN DEDICATED AS CONSERVATION EASEMENT ACCORDING TO PERMIT NO. 56-01410-P-03. THE APPLICANT IS REQUESTING THE RELEASE OF 400 SQUARE FEET CURRENTLY ENCUMBERED BY THE CONSERVATION EASEMENT TO BE USED TO CONSTRUCT THE OUTFALL PIPE. THE CONSTRUCTION OF THE OUTFALL PIPE WILL BE OCCURRING IN UPLAND HABITAT AND THE APPLICANT WILL REPLANT THE DISTURBED AREAS WITH NATIVE SPECIES.

Attachment: ca_reg_rm_100_sd (1510 : Regulatory Consent Agenda)

-
1. CONCUR WITH THE SECOND AMENDMENT TO THE TWENTY SEVENTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BRIGHTON RESERVATION INCLUDE A PROPOSED CONSTRUCTION OF A 2000 LINEAR FEET SIX INCH WATER MAIN ALONG PANTHER LANE ROAD; WORKS IN THE BIG CYPRESS RESERVATION INCLUDE A PROPOSED CONSTRUCTION OF A STORMWATER MANAGEMENT SYSTEM LOCATED ON THE PROPOSED BALL FIELD OFF JOSSIE BILLIE HIGHWAY, A PROPOSED CONSTRUCTION OF THE YVONNE COURTNEY HOME SITE; WORKS IN THE HOLLYWOOD RESERVATION INCLUDE A PROPOSED 4-H FACILITY (THAT INCLUDES A HORSE BARN, A COW/HOG BARN, A HORSE RIDING AREA, AND A CHIKEE) TOGETHER WITH ITS STORMWATER MANAGEMENT SYSTEM, A PROPOSED ABANDONMENT OF 300 IRRIGATION WELLS LOCATED AT THE SEMINOLE ESTATES MOBILE HOME PARK.
-

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Approve Release of District Mineral Reservations

BACKGROUND INFORMATION: Canal reservations evolved from efforts to provide infrastructure, without cost to the taxpayers, to carry out drainage and reclamation projects, and provide roads. Many, but not all, conveyances of land by the State of Florida through the Trustees of the Internal Improvement Trust Fund ("TIITF") and the Everglades Drainage District (EDD), a predecessor to the South Florida Water Management District, reserved rights to construct future water control works, percentages of the mineral rights, together with the right of ingress, egress and exploration, and reservations for State and County road rights-of-way.

The District routinely receives applications for releases of these reservations from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects; applications are processed by the Real Estate Management Section. Applications are reviewed by appropriate District personnel and applicable local governmental agencies to determine that there is no present or future need for the canal reservation.

CONSIDERATIONS: See Exhibit "A" attached hereto and made a part hereof, which contains the details of releases to be approved and issued.

AUTHORIZATION: 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.

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

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving release of District mineral reservations; providing an effective date.

EXHIBIT "A"

File No.: 18561
Applicant: Charles Harold Chadwell and Charlotte Chadwell, husband and wife
Reserving Deed: QCD (DB 910-675, 5/27/1950)
Fee paid: \$250.00
Action: Approve release of District mineral reservations
Acres: .25 acres, more or less
Legal Description: Portions of Lot 73, Block 29, THE PALM BEACH FARMS CO. PLAT NO.
3, PB 2-45, Section 28, Township 44 South, Range 42 East
Location: 13 West Mango Road, Lake Worth, Palm Beach County
Reviewed by: No routing due to lot size

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1001

A Resolution of the Governing Board of the South Florida Water Management District approving release of District mineral reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)

WHEREAS, certain underlying landowners have requested that the South Florida Water Management District (“District”) release certain mineral reservations;

WHEREAS, the District is empowered to grant such releases 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 District mineral reservations, as described in Exhibit “A”, attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

18561 Palm Beach County



**Release of
Reservation**

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.

EXHIBIT "A"**RELEASE OF DISTRICT CANAL RESERVATIONS:**

File No.: 18561
Applicant: Charles Harold Chadwell and Charlotte Chadwell, husband and wife
Reserving Deed: QCD (DB 910-675, 5/27/1950)
Acres: .25 acres, more or less
Legal Description: Portions of Lot 73, Block 29, THE PALM BEACH FARMS CO. PLAT NO. 3, PB 2-45, Section 28, Township 44 South, Range 42 East
Location: 13 West Mango Road, Lake Worth, Palm Beach County

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Approve granting to PBC a revocable partial assignment in certain C-18 Canal easement rights

Background:

A 36.7 acre, more or less, portion of the District's C-18 Canal Right-Of-Way, depicted on Exhibit "A" attached hereto and made a part hereof, is located in Palm Beach County adjacent to and east of Seminole Pratt Whitney Road and west of the Beeline Highway (hereinafter referred to as the "C-18 Easement Area"). The District's rights in and to the C-18 Easement Area were established by an Easement granted to the District in 1954. Within the C-18 Easement Area, Palm Beach County (the "County") operates and maintains certain surface water management system components that are associated with nearby public water storage and/or conservation projects (hereinafter referred to as the "Components"). The County has requested a revocable partial assignment of the District's aforementioned easement rights to allow the County to access the C-18 Easement Area to operate and maintain the Components. The County is currently in the process of obtaining all required right-of-way occupancy permits from the District in connection with the Components.

How this helps meet the District's 10-year Strategic Plan:

The operation and maintenance of surface water management systems serving public projects is consistent with the District's 10-year Strategic Plan.

Funding Source:

There are no District costs associated with this item.

This Board item impacts what areas of the District, both resource areas and geography:

The item causes no impacts to any areas of the District.

What concerns could this Board item raise?

There are no concerns regarding this Board item.

Why should the Governing Board approve this item?

The item has no financial or other impact to District finances or land interests, and aids in the operation and maintenance of existing surface water management systems.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1002

A Resolution of the Governing Board of the South Florida Water Management District to approve granting to Palm Beach County a revocable partial assignment of an undivided interest in certain C-18 canal easement rights, containing 36.7 acres, more or less, in Palm Beach County; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

WHEREAS, a 36.7 acre, more or less, portion of the District's C-18 Canal Right-Of-Way, depicted on Exhibit "A" attached hereto and made a part hereof, is located in Palm Beach County adjacent to and east of Seminole Pratt Whitney Road and west of the Beeline Highway (hereinafter referred to as the "C-18 Easement Area"); and

WHEREAS, the District's rights in and to the C-18 Easement Area were established by an Easement granted to the District in 1954; and

WHEREAS, within the C-18 Easement Area, Palm Beach County (the "County") operates and maintains certain surface water management system components that are associated with nearby public water storage and/or conservation projects (hereinafter referred to as the "Components"); and

WHEREAS, the County has requested a revocable partial assignment of the District's aforementioned easement rights to allow the County to access the C-18 Easement Area to operate and maintain the Components; and

WHEREAS, the County is currently in the process of obtaining all required right-of-way occupancy permits from the District in connection with the Components; and

WHEREAS, the Governing Board, pursuant to Section 373.056, Florida Statutes, has the authority to convey to any governmental entity, land or rights in land owned by the District not required for its purposes, 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 approves granting to Palm Beach County a revocable partial assignment of an undivided interest in certain C-18 Canal easement rights, containing 36.7 acres, more or less, in Palm Beach County, for the purpose of allowing the County access to operate and maintain certain surface water management system components that are associated with nearby public water storage and/or conservation projects.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the assignment document.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

Legal form approved:

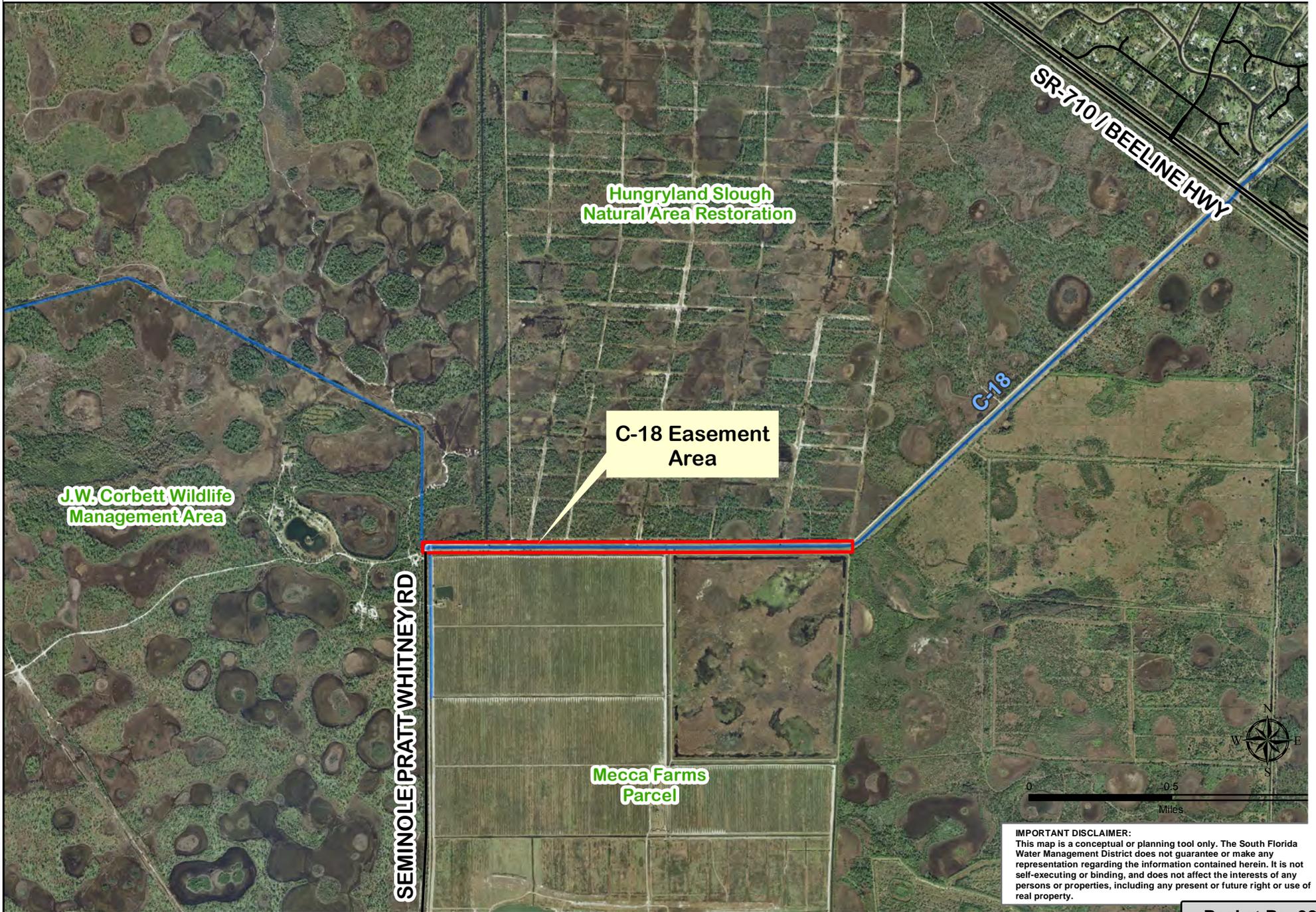
By:

District Clerk/Secretary

Office of Counsel

Print name:

C-18 Revocable Partial Assignment to Palm Beach County



Attachment: ca_om_202_ExhA_map (Resolution No. 2013 - 1002 : Approve granting to PBC a revocable

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 (I:\arc_data\maps\proj\palmbeach\am\2013-09-12_GB_smf_CN10E001.mxd) produced on

MEMORANDUM

TO: Governing Board Members
FROM: Carolyn S. Ansay, General Counsel
DATE: October 10, 2013
SUBJECT: 2013-2014 Amended Regulatory Plan

Agenda Item Description

A Resolution of the Governing Board of the South Florida Water Management District authorizing staff to amend the descriptions of changes to rules set forth in the 2013-2014 Annual Regulatory Plan to: 1) update C-51 Basin rules; and 2) amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook, Volume II For Use Within the Geographic Limits of the South Florida Water Management District (Vol. II). In addition, staff is authorized to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate, and Joint Administrative Procedures Committee, in accordance with Section 120.74,(3), F.S., effective immediately.

Background

The Governor's Executive Order 11-211 requires each agency serving under the pleasure of the Governor to submit to the Office of Fiscal Accountability and Regulatory Reform (OFARR) by July 1 of each year, an annual regulatory plan that identifies and describes each rule the agency expects to begin promulgating during the next twelve-month period. OFARR has provided all agencies with a detailed form that, when completed, constitutes the agency's regulatory plan. Section 120.74(3), Florida Statutes, requires each agency to file their regulatory plan with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee on or before July 1 of each year, beginning in 2012.

District staff seeks to clarify the description of changes to be made to a few of the rules in the 2013-2014 Annual Regulatory Plan. Rule 40E-4.091, F.A.C., which incorporates Volume II, will be amended to address water quality evaluations for discharges to Outstanding Florida Waters. Currently, the plan inadvertently only lists evaluations of discharges to impaired water bodies. The C-51 Basin rules will also be amended to address changes in the District's operation of the C-51 Canal including the use of an additional structure as well as increased availability of the STA1 East. An updated model will incorporate these structures and more recent topographic information within the basin to determine whether any changes to stormwater discharge amounts should be considered. Currently, these rules are also set forth in the plan to make any necessary corrections as a result of the Statewide Environmental Resource Permitting rules that went into effect on October 1, 2013.

Core Mission and Strategic Priorities

The Amended 2013-2014 Annual Regulatory Plan helps the District's 10-Year Strategic Plan by providing a detailed list of topics and anticipated effect of rule development efforts. Additionally, the Amended 2013-2014 Annual Regulatory Plan complies with statutory and Executive Order requirements.

Funding Source

Staff time will be used to implement the Amended 2013-2014 Annual Regulatory Plan. Ad valorem funds may be used to prepare the economic impact analysis that may be required for certain rules.

Staff Recommendation

Authorize staff to amend the descriptions of changes to rules set forth in the 2013-2014 Annual Regulatory Plan to: 1) update the C-51 Basin rules; and 2) amend Rule 40E-4.091, F.A.C., and Vol. II. In addition, authorize staff to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate, and Joint Administrative Procedures Committee, in accordance with Section 120.74,(3), F.S., effective immediately.

If you have any questions, please call Doug MacLaughlin, Practice Leader, Office of Counsel at ext. 2153.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1003

A Resolution of the Governing Board of the South Florida Water Management District authorizing staff to amend the descriptions of changes to rules set forth in the 2013-2014 Annual Regulatory Plan to: 1) update C-51 Basin Rules; and 2) amend Rule 40E-4.091, F.A.C., and the Incorporated Environmental Resource Permit Applicant's Handbook, Volume II: for Use Within the Geographic Limits of the South Florida Water Management District. In addition, staff is authorized to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes; providing an effective date. (OC, Doug MacLaughlin ext. 2153)

WHEREAS, Section 120.74(3), Florida Statutes, requires each agency, beginning in 2012, and no later than July 1 of each year, to file with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposes to adopt for the 12-month period beginning on the July 1 reporting date and ending on the subsequent June 30, excluding emergency rules;

WHEREAS, the Governor's Executive Order 11-211 requires each agency serving under the pleasure of the Governor to submit to the Office of Fiscal Accountability and Regulatory Reform (OFARR) by July 1, 2012, and each successive year, an annual regulatory plan that identifies and describes each rule the agency expects to begin promulgating during the next twelve-month period;

WHEREAS, the District submitted an Annual Regulatory Plan on July 1, 2013. Since that time, issues have come up that will require rulemaking to resolve.

WHEREAS, OFARR has requested the District amend its regulatory plan prior to initiating rule development for rules not included in the current regulatory plan.

WHEREAS, District staff seeks to clarify the description of changes to be made to a few of the rules set forth in the 2013-2014 Annual Regulatory Plan. Rule 40E-4.091, F.A.C., which incorporates Volume II, will be amended to address water quality evaluations for discharges to Outstanding Florida Waters. Currently, the plan inadvertently only lists evaluations of discharges to impaired water bodies. The C-51 Basin rules will also be amended to address changes in the District's operation of the C-51 Canal including the use of an additional structure as well as increased availability of the STA1 East. An updated model will incorporate these structures and more recent topographic information within the basin to determine whether any changes to stormwater discharge amounts should be considered. Currently, these rules are also

set forth in the plan to make any necessary corrections as a result of the Statewide Environmental Resource Permitting rules that went into effect on October 1, 2013; **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 staff to amend the 2013-2014 Annual Regulatory Plan to: 1) update the C-51 Basin rules; and 2) amend Rule 40E-4.091, F.A.C., and the incorporated Vol II to address water quality evaluations for discharges to Outstanding Florida Waters.

Section 2. The Governing Board of the South Florida Water Management District authorizes District staff to submit the Amended 2013-2014 Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform, the Speaker of the House, the President of the Senate, and the Joint Administrative Procedures Committee.

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

PASSED and ADOPTED this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-2, 40E-4, 40E-20, ~~40E-40~~, 40E-41, and 40E-61, and 40E-400, F.A.C.:

(1) “through (5) No Change.

(6) “Posting” means placing notice on the District’s website.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 668.003, 668.004, 668.50 FS. History–New 10-1-06, Amended 10-23-12, _____.

40E-1.6058 Posting, Publication and Requests for Notification of Permit Applications or Notices of Intent.

(1) No Change.

(a) Within 45 days of receipt of a ~~an individual~~ permit application, the District shall post notice thereof on the District’s website. Within 45 days of receipt of an application for an individual water use permit; permit for construction or alteration of dams, impoundments, reservoirs, and appurtenant works under part IV of Chapter 373, F.S.; and permit under Section 403.812, F.S., the District shall publish notice thereof in a newspaper having general circulation as defined in Chapter 50, F.S., in the county in which the activity will occur. Permit applications submitted under Chapter 40E-6, F.A.C., shall not be subject to the requirements of this paragraph.

(b) and (c) No Change.

(3) through (5) No Change.

Rulemaking Authority 373.113, 373.116, 373.118, 373.413, 373.414, 668.003, 668.004, 668.50, FS. Law Implemented 120.53(1), 120.60(3), 668.003, 668.004, 668.50, FS. History–New 10-3-95, Amended 7-2-98, 6-12-00, 10-1-06, 12-15-11, _____.

MEMORANDUM

TO: Governing Board Members

FROM: Sharon Trost

DATE: October 10, 2013

SUBJECT: Proposed Rule on Noticing Requirements

Background

In September, the Governing Board authorized staff to publish a Notice of Rule Development to amend Rules 40E-1.021 and 40E-1.6058, F.A.C., to promote regulatory streamlining, cost savings and increase transparency by defining the term “posting” and providing for website posting”, and to reduce the types of permit applications for which the District will publish a notice of the receipt of certain applications, as opposed to newspaper publication.

The District currently publishes in newspapers “notices of receipt of permit application” for consumptive use, environmental resource, and everglades agricultural area permits. Pursuant to Florida Statutes, only “notices of receipt of permit application” for individual water use permits and permits for construction or alteration of dams, impoundments, reservoirs, and appurtenant works must be published. Subsection 373.118(3), Florida Statutes, allows the Governing Board to establish alternative notice requirements for general permits. Staff proposes to amend Rule 40E-1.6058, F.A.C., to state that “notices of receipt of permit application” for individual water use permits and permits for construction or alteration of dams, impoundments, reservoirs, and appurtenant works shall be published, but “notices of receipt of permit application” for all other applications shall be posted on the District’s website. This will also be consistent with the new Statewide Environmental Resource Permit rules.

This recommendation will result in a cost saving to the District in terms of both dollars and employee time. In reviewing the historical averages, the average yearly savings from this rule change for all three regulatory programs would be approximately \$41,486.00.

Recommendation

Authorize publication of a Notice of Proposed Rule in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rules 40E-1.021 and 40E-1.6058, F.A.C.

Staff Contacts: Sharon Trost - Phone (561) 682-6814

Susan Martin, Sr. Specialist Attorney, Office of Counsel
Phone (561) 682-6251

MEMORANDUM

TO: Governing Board Members
FROM: Dan Waters
DATE: October 10, 2013
SUBJECT: Rule Development to Incorporate Impaired Waters

Background

Rule 62-330.301(e), Florida Administrative Code (F.A.C.) provides that in order to obtain a permit, reasonable assurance must be provided that the project will not adversely affect the quality of receiving waters such that state water quality standards will be violated. In order to assist applicants in meeting the requirements of this rule and Sections 10 and 11 of Environmental Resource Permit Applicant's Handbook Volume I (Volume I), a Memorandum was developed in 2004, and later amended in 2009 which pertains to Environmental Resource Permit (ERP) Water Quality Evaluations for Discharges to Water Bodies that Do Not Meet State Water Quality Standards (Memorandum). It also applies to Outstanding Florida Waters.

The Memorandum is currently included as a Design Aid within the Permit Information Manual and has been provided as guidance to applicants to describe the types of additional measures that may be considered, on a project by project basis, as necessary to provide reasonable assurance that a project's proposed discharge will satisfy the requirements of Rule 62-330.301(e), F.A.C. Applicants currently have the option of using the measures set forth in this Memorandum, or utilizing alternative measures which the applicant demonstrates to the District will meet District water quality rules. This rulemaking process will incorporate by reference an updated version of the Memorandum, thereby becoming a District rule.

Pursuant to Section 373.413, Fla. Stat., if a system is designed in accordance with the adopted rule criteria set forth in the Memorandum, the discharges from the system will be presumed not to cause or contribute to violations of applicable state water quality standards.

While the incorporation of this Memorandum into Volume II will mean that it will be a rule, criteria flexibility will be maintained. Rule 1.1 of Volume II provides that: "an applicant may propose alternative designs to those provided in this Volume for consideration by the Agency." If this is done, additional reasonable assurances will be required to demonstrate that the alternative design meets the conditions for issuance of an ERP.

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 Volume to incorporate by reference an updated “Impaired Waters Guidance Memorandum”.

Staff Contact: Dan Waters, Regulation Service Center Administrator -
Lower West Coast; Phone (239) 338-2929 ext. 7763

Susan Martin, Sr. Specialist Attorney, Office of Counsel;
Phone (561) 682-6251

MEMORANDUM

TO: Governing Board Members
FROM: Temperince Morgan,
DATE: October 10, 2013
SUBJECT: DWM - FRESP

Agenda Item Description

This item is a request for a three year extension and to add funds in an amount not to exceed \$277,470 to an existing agreement with Rafter T Realty, Inc. for a Florida Ranchlands Environmental Services Pilot (FRESP) Project. The project provides water retention services and pilot project information on ranchlands in the Lake Okeechobee Watershed.

Background

The project consists of 5,172 acres of ranchlands in Highlands County along Arbuckle Creek. Riser control structures, a pump and berms retain approximately 1,145 acre-feet per year of runoff from the ranch. The initial agreement was issued on September 13, 2007 to construct the pilot project and operate it for three years, it was amended on August 3, 2009 to increase funding for construction activities and it was amended on September 28, 2012 to increase funding for additional protection of project components which also extended the due dates of the deliverables. The existing total agreement amount is \$708,993.82. The project has been operated for three years, has been successful in meeting its storage objectives, is cost effective, and assists with meeting the goals of the Lake Okeechobee and estuary watersheds. This request is to extend the agreement for three years and add funds using the existing contract operating payment schedule and amounts in order to be consistent with the deliverable schedule as set forth in Amendment 2.

Core Mission and Strategic Priorities

Managed under the Dispersed Water Management (DWM) Unit of the Everglades Policy and Coordination Division, this project is consistent with the Lake Okeechobee Protection Plan storage and water quality goals as well as the strategic priority of protecting and restoring the northern and southern Everglades by expanding and improving water storage.

Funding Source

Ad Valorem Funds from the Dispersed Water Management Spend Down Plan Reserves. The additional \$277,470 for the agreement extension, of which \$92,490 is budgeted and approved in FY14, will be expended equally each year (\$92,490 per year) over the three year term. Funding is subject to Governing Board approval of the FY15-FY16 budgets.

Staff Recommendation

Staff recommends approval of this resolution. The SFWMD has already invested in the infrastructure and the environmental benefits provided by the Rafter T Ranch project. The cost effectiveness of the project is much better than the average cost effectiveness of comparable initiatives. This investment has only provided benefits for three years and staff recommends that the project be extended to continue these benefits.

If you have any questions, please call me at ext. 6987.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1004

A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to the three-year agreement with Rafter T Realty, Inc. d/b/a Rafter T Ranch for a Florida Ranchlands Environmental Services Pilot Project for the purpose of providing water retention services and pilot project information on ranchlands in the Lake Okeechobee Watershed to extend the agreement three years in an amount not to exceed \$277,470, of which \$92,490 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY16 budgets; providing an effective date. (Contract No. 4600001019-A03) (EPC, Temperince Morgan, ext. 6987)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize extending a contract with Rafter T Realty, Inc. d/b/a Rafter T Ranch for a Florida Ranchlands Environmental Services Pilot Project in an amount not to exceed \$277,470.

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 extension of Contract No. 4600001019-A03.

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

PASSED and ADOPTED this 10th day of October, 2013.

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: Terrie Bates, Director, Water Resources Division

DATE: October 10, 2013

SUBJECT: 2014 Priority Water Body List and Schedule

Agenda Item Description

A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2014 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.

Background

Florida law requires an annual update by the water management districts to the Florida Department of Environmental Protection (FDEP) to prioritize water bodies for developing Minimum Flows and Levels (MFL) rules and Water Reservations. 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. Water Reservations protect water for fish and wildlife or public health and safety from being allocated for consumptive use. The District is focused on reserving natural system water for Comprehensive Everglades Restoration Plan (CERP) projects in order to obtain Federal funding to construct CERP projects.

For 2014, the District will continue to evaluate new information for the Caloosahatchee River and Estuary and Florida Bay to assess the existing MFLs for these two water bodies. For the Caloosahatchee, data collection will continue and additional studies and model development will be performed. For Florida Bay, the technical document will integrate the ecological and hydrological components to assess the existing Florida Bay MFL criteria.

Reservation water bodies include the Caloosahatchee River C-43 West Basin Storage Reservoir CERP project and the Kissimmee Basin. The Kissimmee Basin reservation is a new recommendation for the priority list this year to provide protection for fish and wildlife in the Upper Chain of Lakes and the Kissimmee River in the central Florida region.

Core Mission and Strategic Priorities

The District is required to determine whether to establish MFLs to protect natural systems from significant harm. The District uses the reservation authority to protect

water for natural systems, which is one of the strategic priorities for restoring the Northern and Southern Everglades.

Funding Source

No funding is associated with this item other than staff resources.

Staff Recommendation

Staff recommends approval of this resolution for submittal of the 2014 Priority Water Body List to the Florida Department of Environmental Protection for review and approval.

If you have any questions, please call me at x6852 or Linda Lindstrom at x6820.

TB/dlm

Attachments - Attachment A: 2014 Priority Water Body List and Schedule

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1005

A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2014 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. (WR, Don Medellin, ext. 6340)

WHEREAS, the South Florida Water Management District is required by Section 373.042(2), Florida Statutes, to conduct an annual update of the Priority Water Body List for Minimum Flows and Levels and Water Reservations to reflect changing water resource management priorities, such as the importance of the waters to the region and existence of or potential for significant harm to the water resources; and

WHEREAS, prior to finalizing their updated Minimum Flows and Levels and Water Reservations Priority Water Body List and Schedule annually, 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 2014 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 2014 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.

Section 2. A copy of the proposed 2014 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations is attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Attachment A
South Florida Water Management District
2014 Priority Water Body List and Schedule
Minimum Flows and Levels and Reservations

Minimum Flows and Levels:

Caloosahatchee River Estuary – 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 a return frequency to improve the existing MFL criteria for the Caloosahatchee River and Estuary through 2015.
- Complete technical analysis and its documentation in 2016.
- Complete peer review in 2017.
- Incorporate new technical information into a proposed rule revision in 2017.

Florida Bay - MFL Reevaluation

- Finalize updated technical analysis and report, and submit technical report to FDEP in December 2013. Technical report will include an integrated review of the hydrologic and ecological changes since the rule adoption in 2006.
- Based on the updated technical analysis, a determination will be made in 2014 on the need for any revisions to the existing MFL criteria.

Reservations:

Reservation for Caloosahatchee River (C-43) West Basin Storage Reservoir CERP Project

- Finalize technical document for public review by December 2013.
- Finalize rule development process and public workshop(s) March 2014.
- Present draft rule to Governing Board to consider for adoption in June 2014.
- Adopt rule in September 2014.

Reservation for 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
- Adopt rule in December 2015

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: October 10, 2013

SUBJECT: Alternative Water Supply (AWS) Funding

Agenda Item Description

Approval of a resolution to authorize entering into one-year agreements for three Alternative Water Supply projects in an amount not to exceed \$345,700 in FY14 funding.

Background

The District began providing funding for alternative water development projects in FY1997. In 2005, to address the challenge of ensuring the state's current and future water supply, the Florida Legislature enacted the Water Protection and Sustainability Program. This precedent-setting law encourages cooperation between municipalities, counties and the state's five water management districts to protect and develop water supplies in a sustainable manner. Water management districts are promoting and supporting alternative water supply projects that support smart growth and reduce the use of fresh ground and surface water supplies, such as aquifers and lakes for a sustainable future.

This program, in cooperation with the State, has invested \$190.9M since 1997 into 482 alternative water supply projects. These projects have created 436 million gallons a day of water supply capacity, reducing the reliance on fresh water sources while diversifying water supplies. The \$345,700 in FY2014 funding will continue the District's support of three local AWS projects consistent with water supply plans. Priority for allocating available funding this year are support for multi-year projects in a REDI Community (City of LaBelle - \$100,000), expanded reuse consistent with the 2008 Ocean Outfall Act (City of Delray Beach \$100,000), and a project located in the Central Florida Water Initiative region (St. Cloud - \$145,700).

Core Mission and Strategic Priorities

Water Supply is one of the District's core missions. Supporting alternative water supply development is a strategic priority.

Funding Source

FY2014 budgeted ad valorem taxes.

Staff Recommendation

Staff recommends approval of this resolution authorizing entering into one-year agreements with FY2014 Alternative Water Supply funding recipients. These projects will assist local communities in meeting their future demands through development of alternative water supply sources.

If you have any questions, please call Terrie Bates at ext. 6952 or Dean Powell at ext.6787.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1006

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Alternative Water Supply Funding recipients in an amount not to exceed \$345,700 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)

WHEREAS, the Governing Board has budgeted \$345,700 District ad valorem funds from the FY2014 budget for Alternative Water Supply funding assistance; and

WHEREAS, the District's strategic plan supports providing funding and other incentives to encourage development of alternative water supplies; **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 determines that it is necessary, appropriate and in the public interest to approve the list of alternative water supply projects and the amount of funding for each project as reflected in the attached Exhibit A. The Governing Board reserves the right to eliminate some or all of these projects and/or reallocate the amount of funding for these projects.

Section 2. The Governing Board approves staff to reallocate funds to eligible project(s) as authorized by the Executive Director or his designee per established guidelines.

Section 3. The Executive Director or his designee is authorized to execute the FY2014 Alternative Water Supply Funding Agreements with the parties listed in the Exhibit A attached to this resolution in the amounts reflected therein.

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

PASSED and **ADOPTED** this 10th day of October 2013.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

FY2014 ALTERNATIVE WATER SUPPLY FUNDING PROGRAM
South Florida Water Management District
EXHIBIT A

RECOMMENDED PROJECT LIST

Proposal Number	Project Name	Entity Name	County	AWS Source	Phase water made available (MGD)	Total water made available (MGD)	Current FY Construction Cost	Recommended Funding
KB-26	Hickory Tree 24-inch Reclaimed Water Main Extension	St. Cloud	Osceola	Reclaimed	0.80 [a]	0.80 [a]	\$1,000,000	\$145,700
Total for projects in Osceola County					0.00	0.00	\$1,000,000	\$145,700
Kissimmee Basin Total					0.00	0.00	\$1,000,000	\$145,700
LEC-123	Reclaimed Water System Area 12A Phase II	Delray Beach	Palm Beach	Reclaimed	0.08 [a]	5.71 [a]	\$736,275	\$100,000
Total for projects in Palm Beach County					0.00	0.00	\$736,275	\$100,000
Lower East Coast Total					0.00	0.00	\$736,275	\$100,000
LWC-81	1.5 MGD Reverse Osmosis Water Treatment Plant, Phase 2	LaBelle	Hendry	Brackish	1.50 [b]	1.50 [b]	\$1,098,696	\$100,000
Total for projects in Hendry County					0.00	0.00	\$1,098,696	\$100,000
Lower West Coast Total					0.00	0.00	\$1,098,696	\$100,000
GRAND TOTAL					0.00	0.00	\$2,834,971	\$345,700

[a] Distribution type project; water counted in plant capacity

[b] Support facility/phased project; water counted previously or in future years

Attachment: ca_wr_101_ExhA_list (Resolution No. 2013 - 1006 : Alternative Water Supply (AWS))

MEMORANDUM

TO: Governing Board Members
FROM: Terrie Bates, Director, Water Resources Division
DATE: October 10, 2013
SUBJECT: Water Savings Incentive Program

Agenda Item Description

Approval of a resolution to authorize entering into one-year agreements with eleven FY2014 Water Savings Incentive Program applicants in an amount not to exceed a total of \$250,000.

Background

This initiative is a continuation of the District's long-standing Water Savings Incentive Program (WaterSIP). WaterSIP was created in FY2003 to foster water conservation efforts of public and private water providers or users within the SFWMD boundaries, defined in Subsection 373.069(2)(e), Florida Statutes (F.S.). Projects that use hardware and/or technology to implement water conservation are under consideration for funding through this program. Award recipients are reimbursed for up to 50 percent or up to \$50,000, whichever is less, of the actual total project cost. Agreements commence on October 1, 2013 and will terminate on September 30, 2014.

The WaterSIP program is a key component of the District's Comprehensive Water Conservation Program approved by the Governing Board in 2008. This program has allocated \$4.6M since FY2003 toward 161 projects producing an estimated water savings of 2.6 billion gallons of water per year. Eighteen proposals for funding assistance were received.

Applicants are selected based on conservation efficiency, cost-effectiveness, environmental and/or community benefits, innovation, quality and detail of project planning, and past performance. Projects must be hardware and/or technology-based, be completed within the applicable fiscal year, and save a minimum of 0.5 million gallons per year. Applicants must be able to fully fund the entire project cost without financial assistance from the District, with the exception of REDI Community applicants. All eligible projects may not be recommended for funding because they were deemed to be deficient under the proposal criteria, or the proposed FY2014 budget may not be sufficient to allocate funding to all recommended projects.

Core Mission and Strategic Priorities

Water Supply is one of the District's core missions. Supporting water conservation measures is a strategic priority.

Funding Source

FY2014 budgeted ad valorem taxes.

Staff Recommendation

Staff recommends approval of this resolution authorizing entering into one-year agreements with FY2014 Water Savings Incentive Program applicants in the attached Exhibit A in an amount not to exceed \$250,000. If any recommended project withdraws, rejects, cancels, or if

other funding becomes available the funding should be reallocated to the next project in the attached Exhibit A. These projects will assist local communities in meeting their future demands through water conservation/demand reduction.

If you have any questions, please call Terrie Bates at ext. 6952 or Dean Powell at ext.6787.

TB/mee

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1007

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into one-year agreements with Water Savings Incentive Program applicants in an amount not to exceed \$250,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (WR, Mark Elsner, ext. 6156)

WHEREAS, in 2002, the Governing Board established the Water Savings Incentive Program (WaterSIP) to promote projects that save water using conservation hardware and/or technology; provide funding for water demand conservation projects; and

WHEREAS, the Governing Board has budgeted \$250,000 in District ad valorem funds in the FY2014 budget for water conservation funding assistance; and

WHEREAS, the District's strategic plan supports providing funding and other incentives to encourage local water conservation projects; and

WHEREAS, the Governing Board has determined the District has otherwise met all applicable requirements in order to grant the awards for the projects in the attached list ("Exhibit A") and has determined that the projects, listed in the recommended funding order therein, best meet the criteria for funding set forth in the WaterSIP selection criteria; and

WHEREAS, the staff requests approval that should any recommended project withdraw, reject, cancel, or if other funding becomes available the funding be reallocated to the next project on the recommending funding list ("Exhibit A"); **now therefore**

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

Section 1. Pursuant to Governing Board Policy, the Governing Board of the South Florida Water Management District hereby determines that it is necessary, appropriate and in the public interest to approve the list of WaterSIP projects and the amount of funding for each project selected, as reflected in the attached Exhibit A.

Section 2. The Governing Board approves staff to reallocate funds to the next project on the recommended project list should other funding become available or if any applicant withdraws, rejects, or cancels their project.

Section 3. The Executive Director or his designee is authorized to execute the 2013-2014 WaterSIP Funding Agreements with the selected parties listed in the Exhibit A attached to this resolution in the amounts reflected therein.

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

PASSED and **ADOPTED** this or 10th day of October, 2013.

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
FY2014 Water Savings Incentive Program (WaterSIP)
Recommended Projects List**

Final Ranking	Applicant	County	Project	Estimated Water Savings	Total Project Cost	Recommended Funding
1	Broward County Natural Resources Planning & Management Division (Broward Water Partnership)	Broward	High Efficiency Toilet Rebate Program	15.73	\$100,000	\$50,000
2	Toho Water Authority	Osceola	Toilet Rebate Program 2013-2014	2.50	\$30,000	\$15,000
3	Miami-Dade Water and Sewer Department	Miami-Dade	Residential High Efficiency Toilet Rebate Project 2013-2014	10.59	\$70,587	\$25,000
4	Florida Keys Aqueduct Authority	Monroe	High Efficiency Toilet Retrofit Rebate Program	3.00	\$30,000	\$11,250
5	Broward County Water & Wastewater Services	Broward	USEPA WaterSense High Efficiency Toilet Replacement/ Credit Program	5.35	\$30,000	\$11,250
6	West Palm Beach, City of	Palm Beach	Community Water Conservation Strategies Phase IV - HET rebates	5.70	\$50,000	\$18,750
7	Coral Springs, City of	Broward	Automatic Line Flushing Devices	5.50	\$81,320	\$20,325
8	Palm Beach County Utilities	Palm Beach	Automatic Line Flushing Devices	6.24	\$93,500	\$23,375
9	Delray Beach, City of	Palm Beach	Automatic Line Flushing Devices	4.59	\$100,200	\$25,050
10	Ramblewood East Condominium Association	Broward	Ramblewood East Residential HET Retrofit	1.47	\$89,460	\$22,365
11	PGA Village Property Owner's Association, Inc.	St. Lucie	Reserve Blvd Irrigation Upgrade Project	24.05	\$152,651	\$27,745
TOTAL RECOMMENDED FOR \$250,000 CUT-OFF				84.72	\$827,718	\$250,000
<i>If an Applicant above withdraws, cancels, rejects, or other funding becomes available, the next project on the list will be offered the funding</i>						
12	Margate, City of	Broward	Fixture Replacement and Irrigation Project	0.70	\$20,075	\$4,315
13	Aris Horticulture, Inc.	Lee	LOF Wet-pad Replacement	16.80	\$66,612	\$24,900
14	The Groves Residents Assn, Inc.	Collier	Irrigation Conversion Project	9.80	\$22,000	\$8,250
GRAND TOTAL				112.02	\$936,405	\$287,500

Attachment: ca_wr_102_ExhA_list (Resolution No. 2013 - 1007 : Water Savings Incentive Program)

*PGA is recommended for \$37,500; however, only \$27,745 remains from the original \$250,000 budget.

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: October 10, 2013

SUBJECT: Everglades Agricultural Area Environmental Protection District Agreement

Agenda Item Description

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cost-share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas (STAs) Optimization Support, in the amount of \$780,000, of which the District's total contribution is \$300,000, for which dedicated funds (Restoration Strategies Science Plan) are budgeted.

Background

Due to their size and complexities, managing the STAs requires different environmental variables, including phosphorus removal performance, continuous monitoring, and applied scientific studies be conducted to understand the mechanisms involved in phosphorus removal. This cooperative agreement will fund continued joint efforts with the EAA EPD in conducting scientific studies within the STAs. The information generated from these studies are important in evaluating STA condition and performance as required under the STA permits, and in finding ways to maximize phosphorus removal in these complicated systems. This agreement provides for a research technical team to be formed by the parties, and for joint funding of research priorities to further the common interests and collaborative efforts of the District and the EAA EPD.

Core Mission and Strategic Priorities

This work conducted under this cooperative agreement will help the District achieve the goals and objectives of the Everglades Restoration Strategies by working cooperatively with another government agency to assess how to best optimize STA performance.

Funding Source

This item is funded by dedicated funds from the Restoration Strategies Sciences Plan, in the amount of \$300,000. The EAA EPD will contribute \$480,000 as a cost-share partner.

Staff Recommendation

Staff recommends entering into this cost-share agreement with EAA EPD not only to continue a successful collaborative relationship, but as a cost effective means of carrying out essential applied science activities in the STAs that will be key to determining factors involved in reducing the phosphorus discharged to the Everglades Protection Area. It will be most beneficial for the District to continue a productive partnership that has generated high caliber scientific results and greatly enhanced our understanding of the STAs. In addition, the agreement supplements our in-house capabilities and staff resources for the STAs.

If you have any questions, please call me at ext. 6952 or Linda Lindstrom at ext. 6820.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1008

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year cost-share agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas (STAs) optimization support, in the amount of \$780,000, of which the District's total contribution is \$300,000, for which dedicated Everglades Restoration trust funds are budgeted for FY14; providing an effective date. (Contract Number 4600002950) (WR, Kim O'Dell, ext. 2650)

WHEREAS, managing the Stormwater Treatment Areas (STAs) requires knowledge and understanding of the different environmental variables, and studies to find ways to further improve the performance of the STAs must continue in accordance with the Everglades Restoration Strategies;

WHEREAS, the Everglades Agricultural Area Environmental Protection District (EAA-EPD) has an established STA science program and previous agreements have generated high caliber scientific findings that enhanced our understanding and abilities to manage the STAs; **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 agreement with the Everglades Agricultural Area Environmental Protection District

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

PASSED and ADOPTED this 10th day of October, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

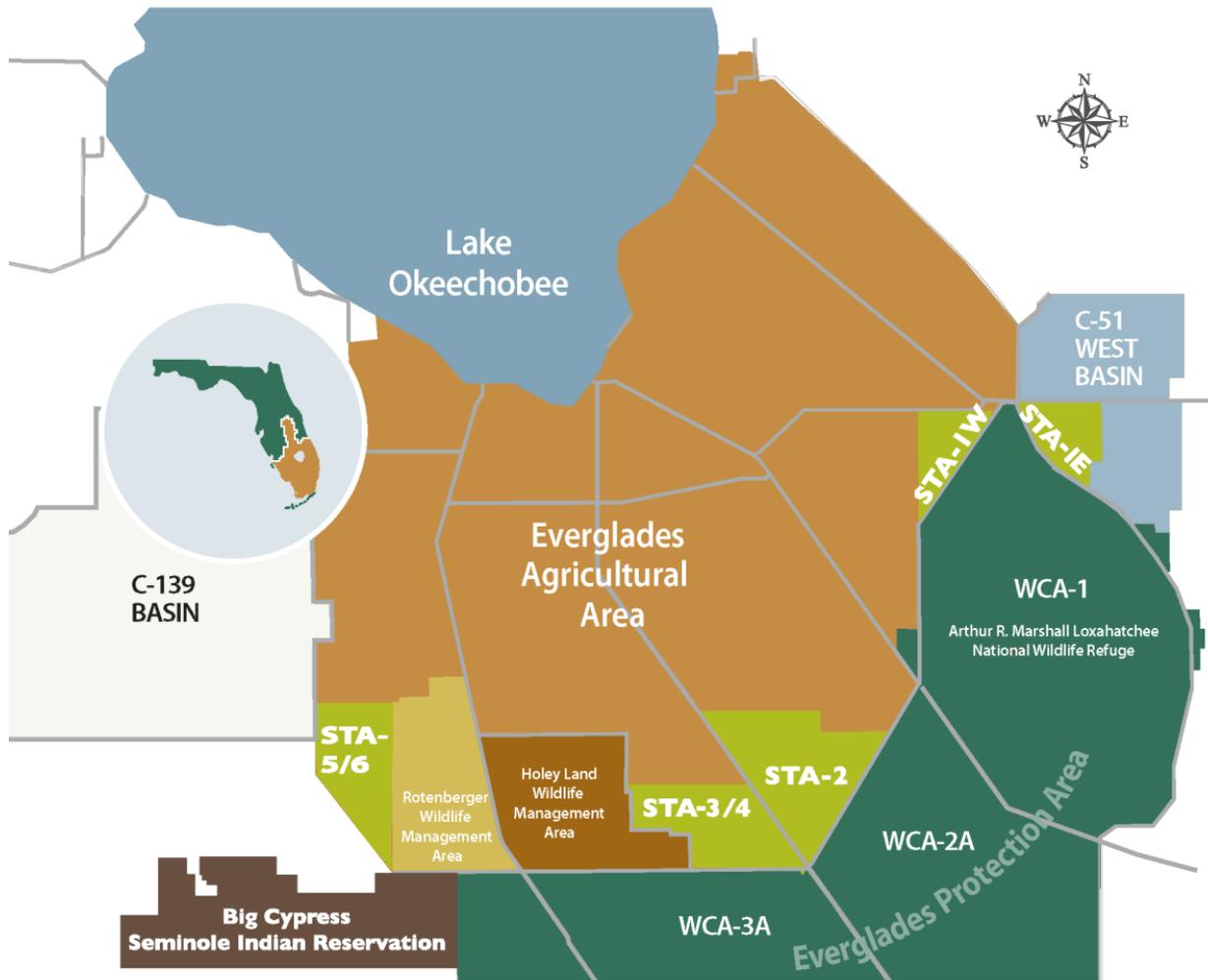
District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:



Area map showing location of STAs 1E, 1W, 2, 3/4, and 5/6, where the respective EAA-EPD studies and surveys will be conducted.

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: October 10, 2013

SUBJECT: FDEP - Conserve Florida Water Clearinghouse Contract Extension #4

Agenda Item Description

Approval of a resolution authorizing amending an existing contract to provide additional funding in support of the Conserve Florida Water Clearinghouse for FY2014.

Background

The statewide comprehensive water conservation program for public water supply provides information and tools to improve water conservation through the development of utility-specific, water conservation initiatives. This effort includes the Conserve Florida Water Clearinghouse (Clearinghouse) with a mission to develop collaborative relationships with related programs, and to collect, analyze, and make available reliable information and technical assistance to public water supply utilities and water managers for use in developing effective and efficient water conservation programs. Section 373.227, Florida Statutes (F.S.), enacted in 2004, directed the establishment of the Clearinghouse as a key component of the statewide comprehensive water conservation program for Public Water Supply. Reliable demand management and conservation planning requires technical resources and analysis which are provided by the Clearinghouse. Utilities and municipalities within the District will directly benefit from the clearinghouse information.

This contract is part of a multi-agency, cooperative funding project supporting the ongoing operations of the Clearinghouse by the University of Florida in conjunction with the Florida Department of Environmental Protection (FDEP), water management districts and other organizations. The District has previously funded \$150,000 in District ad valorem funds to support this contract for FY2010-FY2013. This request for additional funding is pursuant to the District's commitment to FDEP to contribute funding for the final phase of the project.

Core Mission and Strategic Priorities

Water Supply is one of the District's core missions. Supporting water conservation measures is a strategic priority. Conservation has been identified in the District's Regional Water Supply Plans as a water source option because it can reduce, defer, or eliminate the need for expansion of the water supply infrastructure. The Clearinghouse supports the District's Water Supply strategy by assisting utilities and municipalities develop effective and efficient demand management plans.

Funding Source

FY2014 budgeted ad valorem taxes.

Staff Recommendation

Staff recommends approval of this resolution authorizing additional funding to support the Conserve Florida Water Clearinghouse for FY2014. This contract is necessary to implement

Section 373.227, F.S. which directs the establishment of the Clearinghouse as a key component of the statewide comprehensive water conservation program for Public Water Supply.

If you have any questions, please call Terrie Bates at ext. 6952 or Dean Powell at ext.6787.

TB/mee

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1009

A Resolution of the Governing Board of the South Florida Water Management District to authorize contract amendment 4600001999 Amendment 4 with the Florida Department of Environmental Protection in an amount not to exceed \$20,000 for which ad valorem funds are budgeted; delegating authority to the Executive Director to execute the amendment in support of the Conserve Florida Clearinghouse; providing an effective date. (WR, Mark Elsner, ext. 6156)

WHEREAS, Section 373.227, Florida Statutes, enacted in 2004, which directed the establishment of the Conserve Florida Water Clearinghouse as a key component of the Statewide Comprehensive Water Conservation Program for Public Water Supply; and

WHEREAS, the Governing Board has budgeted \$20,000 in District ad valorem funds in the FY2014 budget to support of the operations and maintenance of the Conserve Florida Water Clearinghouse; and

WHEREAS, the Governing Board has previously funded \$150,000 in District ad valorem funds to support contract 4600001999 for FY2010-FY2013; and

WHEREAS, the District's strategic plan supports the provision of funding and technical resources to encourage demand management and conservation planning; **now therefore**

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

Section 1. Pursuant to Governing Board Policy, the Governing Board of the South Florida Water Management District hereby determines that it is necessary, appropriate and in the public interest to approve support of the Conserve Florida Water Clearinghouse.

Section 2. The Executive Director or his designee is authorized to execute the contract amendment 4 with the Florida Department of Environmental Protection in support of the Conserve Florida Water Clearinghouse.

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

PASSED and **ADOPTED** this or 10th day of October, 2013.

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: October 10, 2013

SUBJECT: Water Management Lands Trust Fund (WMLTF) Budget for Fiscal Year 2014

Background: Pursuant to Ch. 373.59, F.S., the District is required to submit a resolution from the Governing Board to the Department of Environmental Protection which specifies the designated managing agency, specific management activities, public use, and estimated annual operating costs for lands acquired using funds from the state's Water Management Lands Trust Fund (WMLTF) as a prerequisite to seeking reimbursement from the fund. Per Ch. 373.59, also included as reimbursable from the WMLTF are costs incurred for purposes consistent with the provisions of Sections 373.709 (Regional water supply planning), 373.705 (water resource development, water supply development), 373.453 (surface water improvement and management plans and programs), 373.4592 (Everglades improvement and management), 373.4593 (Florida Bay restoration), and 373.4595 (Northern Everglades and Estuaries Protection Program), Florida Statutes, and legislatively authorized land acquisition and water restoration activities.

How this helps meet the District's Mission? This action will secure funds for the District that will support management, maintenance, and capital improvements on lands titled to the District; land acquisition and water restoration activities; and activities consistent with the laws and regulations governing the use of the Water Management Lands Trust Fund, as described above.

Funding Source: The funding source is the state's Water Management Lands Trust Fund.

This Board item impacts what areas of the District, both resource areas and geography: Funds received from the state's Water Management Lands Trust Fund will support debt service payments for prior land acquisition, levee improvements, operational activities for movement of water south and emergency storage on public lands.

What concerns could this Board item raise? This item is required by Ch. 373.59, F.S. in order to seek reimbursement for FY2014 budgeted activities from the WMLTF. However, prioritization and use of this funding source in subsequent years is subject to future Governing Board policy.

Why should the Governing Board approve this item? Approval of this item will allow the Board to utilize funds from the WMLTF to support District budgeted activities as outlined above.

If you have any questions, please do not hesitate to call me at ext. 6214.

DB/mq
Attachment - Resolution

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1010

A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the District's Water Management Lands Trust Fund Budget for FY14; authorizing the Executive Director or Designee to request reimbursement quarterly based on actual expenditures; providing an effective date (Mike Smykowski, ext. 6295).

WHEREAS, South Florida Water Management District has an active program underway to acquire land interests and manage land under Section 373.59, Florida Statutes; and

WHEREAS, Section 373.59(5), Florida Statutes, requires submission of a resolution of the Governing Board of the District to the Department of Environmental Protection specifying the designated managing agency, specific management activities, public use, and estimated annual operating costs for management, maintenance and capital improvements using funds from the Water Management Lands Trust Fund; and

WHEREAS, Section 373.59(11), Florida Statutes, allows the Governing Board of a water management district to request moneys from the Water Management Lands Trust Fund for purposes consistent with the provisions of s. 373.709, s. 373.705, s. 373.139, or ss. 373.451-373.4595, and for legislatively authorized land acquisition and water restoration initiatives.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District that:

(1) It does hereby advise the Secretary of Environmental Protection of its intent to utilize up to \$6,888,598 for debt service, \$4,000,000 for Corbett Levee Improvements, \$2,434,400 for operating activities moving water south and \$335,125 for emergency storage on public lands, consistent with the provisions of Sections 373.709 (Regional water supply planning), 373.705 (water resource development, water supply development), 373.453 (surface water improvement and management plans and programs), 373.4592 (Everglades improvement and management), 373.4593 (Florida Bay restoration), or 373.4595 (Northern Everglades and Estuaries Protection Program), Florida Statutes; and for legislatively authorized land acquisition and water restoration initiatives. The expenditures are as described in Exhibit "A", which is attached hereto and made a part hereof.

(2) The Executive Director of the South Florida Water Management District, or designee, is hereby authorized to request reimbursement of the funds on a quarterly basis. The quarterly request to the Department of Environmental Protection will be in invoice format for the actual expenditures incurred by the South Florida Water Management District for that preceding quarter.

(3) The management of these lands is consistent with the District's Florida Forever Work Plan adopted January 10, 2013.

(4) The funds requested shall be used only to provide management, maintenance and capital improvements for the lands titled to the District, or for purposes consistent with the provisions of s. 373.709, s. 373.705, s. 373.139, or ss. 373.451-373.4595, Florida Statutes, or for legislatively authorized land acquisition and water restoration initiatives.

(5) The proposed use of the requested moneys is consistent with Section 373.59, Florida Statutes.

(6) It hereby certifies that these moneys are needed to reimburse the District for expenditures during the District's Fiscal Year 2014 (October 1, 2013 - September 30, 2014) and that these moneys have been or will be used:

- (a) to manage and maintain the lands in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition;
- (b) to develop management plans, which include an evaluation of the resource value, environmental sensitivity and recreational suitability of these lands;
- (c) to make available to the public those lands suitable for general public recreational purposes, unless such use is demonstrated to be incompatible with the purposes for which the lands were acquired;
- (d) for purposes consistent with the provisions of s. 373.709, s. 373.705, s. 373.139, or ss. 373.451 - 373.4595, and for legislatively authorized land acquisition and water restoration initiatives.

(7) The designated management agencies for these activities are:

- (a) South Florida Water Management District
- (b) Florida Fish and Wildlife Conservation Commission
- (c) Department of Environmental Protection
- (d) United States Fish and Wildlife Services

PASSED and **ADOPTED** this 10th day of October, 2013.

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"
Water Management Lands Trust Fund
South Florida Water Management District
FY2014 Budget

Activity / Description	Expense Category	1st Quarter Ending 12/31/13	2nd Quarter Ending 3/31/14	3rd Quarter Ending 6/30/14	4th Quarter Ending 9/30/14	Total
Operation and Maintenance of Lands and Works						
Principal and Interest	Debt Service	6,574,935		313,663		6,888,59
Corbett Levee Improvement	Contract Services	50,000		500,000	3,450,000	4,000,00
Movement of Water South	Operating	2,434,400				2,434,40
Acquisition, Restoration and Public Works						
Emergency Storage on Public Lands	Contract Services	335,125				335,12
Total Funds Required from the WMLTF - FY 2014						13,658,12

Attachment: WMLTF-FY14-Exhibit A-Working Original (Resolution No. 2013 - 1010 : Water Management Lands Trust Fund (WMLTF) Budget for

MEMORANDUM

TO: Governing Board Members
FROM: Carolyn S. Ansay, General Counsel
DATE: October 10, 2013
SUBJECT: Settlement Agreement with Black & Veatch Corp.

Agenda Item Description

A resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement in the amount of \$450,000.00 with Black & Veatch Corporation, for the purpose of resolving a contract dispute styled *Black & Veatch Corporation v. South Florida Water Management District*, filed against the District in the Fifteenth Judicial Circuit for Palm Beach County, Florida, Case No. 2009-CA-31734; providing an effective date.

Background

In September 2009, Black & Veatch (B&V) sued the District in Palm Beach County Circuit Court, claiming it breached their fixed price contract pursuant to which B&V would draft the plans and specifications for the design of the Everglades Agricultural Area A-1 Storage Reservoir (EAASR). According to B&V, it spent approximately 29,000 hours performing a contract estimated to take 13,730 hours to complete. B&V claimed it was entitled to approximately \$2.4 million to compensate it for all the extra time it incurred. In February 2010, the District made an offer of judgment in the amount of \$293,712.45. Shortly thereafter, B&V made an offer of judgment in the amount of \$1.2 million.

The case is set for jury trial for the January-February 2014 trial period. By order dated September 3, 2013, Judge Brown granted the District's motion for summary judgment declaring that the "total cost method" for measuring damages did not apply and, as a result, B&V must prove the actual damages it incurred due to the District's alleged breach. Shortly thereafter, the parties reached a tentative agreement, settling the case for \$450,000.00.

Core Mission and Strategic Priorities

The contract between the District and B&V relates to the construction of the EAASR, which at that time was a component of the Acceler8 program.

Funding Source

Presently unbudgeted. Authorized by future budget transfer as necessary to implement the settlement.

Staff Recommendation

Staff recommends approval. The proposed settlement is approximately \$150,000.00 greater than the District's offer of judgment and \$1.950 million less than B&V's claim for damages (excluding prejudgment interest).

If you have any questions, please call Carolyn S. Ansay at ext. 6976.

KLB/ro

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1011

A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement in the amount of \$450,000 with Black & Veatch Corporation, for the purpose of resolving a contract dispute styled Black & Veatch Corporation v. South Florida Water Management District, filed against the District in the Fifteenth Judicial Circuit for Palm Beach County, Florida, Case No. 2009-CA-31734; for which funds are unbudgeted and authorize budget transfers as necessary to cover the settlement agreement; providing an effective date. (OC, Kirk Burns, ext. 6546)

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

WHEREAS, the Parties have been engaged in negotiations in an attempt to resolve a lawsuit styled *Black & Veatch Corporation v. South Florida Water Management District*, Case No. 2009-CA-31734, alleging that the District breached the Parties' contract pursuant to which B&V would draft the plans and specifications for the design of the Everglades Agricultural Area A-1 Reservoir; and

WHEREAS, the Parties have been successful in reaching a tentative agreement settling the case for \$450,000.00; **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 authorizes a settlement agreement in the amount of \$450,000.00 with Black & Veatch Corporation, for the purpose of resolving a contract dispute styled *Black & Veatch Corporation v. South Florida Water Management District*, filed against the District in the Fifteenth Judicial Circuit for Palm Beach County, Florida, Case No. 2009-CA-31734.

Section 2. A copy of the Settlement Agreement is attached hereto and made a part hereof.

Section 3. The Governing Board authorizes District staff to implement necessary budget transfers to pay the settlement.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement"), effective the ____ day of October, 2013, is entered into between: (i) South Florida Water Management District ("District"), a political sub-division of the State of Florida; and (ii) Black & Veatch Corporation ("B&V"), a corporation organized under the laws of the State of Delaware (collectively the "Parties").

WHEREAS, the District and B&V are parties to District Contract No. CN040932 dated July 9, 2004 ("Contract"); and

WHEREAS, a dispute arose between the District and B&V regarding Contract No. CN040932, resulting in a lawsuit being filed, styled *Black & Veatch Corporation vs. South Florida Water Management District*, Case No. 2009-CA-31734 (15th Judicial Circuit, Palm Beach County, Florida) (the "Litigation"); and the District, in a letter dated August 15, 2013, making certain allegations related to a potential "Florida False Claims Act" claim against B&V based on claims that were also asserted in the litigation (collectively with the Litigation, the "Disputed Matters"); and

WHEREAS, the District and B&V wish to fully and completely resolve their differences and disputes as they relate to the aforementioned contract, Litigation and False Claims Act allegation; and

WHEREAS, by entering into this agreement, no party is admitting any fault, liability or responsibility or admitting any of the allegations contained in the pleadings.

NOW, THEREFORE, in consideration of the mutual covenants, promises and consideration set forth in this Agreement, the District and B&V agree as follows:

1. The above recitations are true and correct.
2. This Agreement fully settles any and all claims between the District and B&V related to the Disputed Matters.
3. Within thirty (30) days of the execution of this Agreement, the District shall make a lump sum payment to B&V in the amount of Four Hundred and Fifty Thousand Dollars (\$450,000.00) by wire transfer. B&V shall provide the District with wiring instructions within fifteen (15) days from the effective date of this Agreement.
4. Within two (2) days of the wire transfer of the funds described above, the Parties shall file a stipulation and proposed order dismissing the Litigation with prejudice, with each party to bear their own respective fees and costs, and providing that the Court shall retain jurisdiction for the sole purpose of enforcing this Agreement.
5. Except as provided in this Agreement, the Parties (on behalf of their respective officers, directors, employees, agents, affiliates, successors, and assigns) hereby release and discharge the other (and their respective officers, directors, employees, agents, affiliates, successors, and assigns) from any and all claims and causes of action, whether known or unknown, related to the Disputed Matters or arising from the Contract.
6. This Agreement embodies the entire understanding and agreement concerning any dispute arising from the performance of the Parties under the Contract.
7. This Agreement shall be governed by the laws of the State of Florida.
8. The Parties agree to bear their own costs and attorney's fees in connection with any litigation and negotiation of this Agreement.

9. This Agreement shall be binding and inure to the benefit of the Parties and their respective successors and assigns.

10. This Agreement may only be amended in writing through an amendment duly executed by both Parties.

11. The Parties agree to execute and deliver any additional papers, documents and other assurances, and take all acts necessary to carry out the intent of this Agreement.

12. Nothing in this Agreement shall confer any rights upon any person or entity who is not a party to this Agreement, nor shall anything in this Agreement be construed as creating an obligation to any non-party to this Agreement.

13. This Agreement was drafted by both of the Parties and, thus, shall not be construed against any Party because that Party initially drafted any particular provision.

14. This Agreement constitutes the settlement of disputed claims. It does not and shall not constitute an admission of liability by either of the Parties and shall not be used by either Party or any other person or entity in litigation or proceeding for that purpose. The Parties further agree that the Disputed Matters subject to this Agreement shall not be considered in any context except as may be required by an audit, or for purposes of enforcing this Settlement Agreement.

WHEREFORE, the Parties have executed this Agreement as of the dates recorded below.

South Florida Water Management District

Black & Veatch Corporation

By: _____
Print Name:
Title:

By: 
Print Name: Brent Reuss, P.E.
Title: Sr. Vice President, Water Division

Date: _____

Date: 10/3/13

Approved as to Form and Attorney's Lien Released:

By: Mike Piscitelli

Date: _____

Attachment: ca_oc_101_Agreement (Resolution No. 2013 - 1011 : Settlement Agreement with Black & Veatch Corp.)

MEMORANDUM

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: October 10, 2013

SUBJECT: Agreement - Appointing a Successor Trustee under the Master Trust Agreement dated November 1, 2006

Agenda Item Description

This is an agenda item to allow Deutsche Bank National Trust Company to resign as trustee under the Master Trust Agreement, dated November 1, 2006, for the Certificates of Participation (COPs) issued by the South Florida Water Management District, and allow U.S. Bank National Association to be appointed as successor trustee and assume all of the duties, obligations, and responsibilities of the trustee under the Master Trust Agreement.

Background

Deutsche Bank National Trust Company, original trustee under the Master Trust Agreement dated November 1, 2006, sold its Municipal Bond Trustee Business to U.S. Bank National Association in March 2013. Deutsche Bank National Trust Company requests that the SFWMD Governing Board appoint U.S. Bank National Association as successor trustee pursuant to all terms and conditions of the Master Trust Agreement.

The SFWMD Governing Board may appoint a successor trustee under the Master Trust Agreement (Section 607a) as long as the Governing Board is not in default under the Master Lease Purchase Agreement, dated November 1, 2006, and the Master Lease is in full force and effect.

Core Mission and Strategic Priorities

The District is obligated to use a trustee for the Master Trust Agreement, dated November 1, 2006, and this agreement will allow for an uninterrupted chain of trustees pursuant to the Master Trust Agreement.

Funding Source

There is no funding associated with this Governing Board action item.

Staff Recommendation

Staff recommends approval of the Agreement of Resignation, Appointment, and Acceptance related to the Master Trust Agreement, dated November 1, 2006.

If you have any questions, please call Carolyn S. Ansay at ext. 6976 or Derek Brown at ext. 6278.

CSA/DCB

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1012

A Resolution of the Governing Board of the South Florida Water Management District approving an agreement for the purpose of appointing a successor trustee under the Master Trust Agreement dated November 1, 2006, for the Certificates of Participation (COPs) issued by the South Florida Water Management District; providing an effective date. (OC, Derek Brown, ext. 6278)

WHEREAS, Deutsche Bank National Trust Company, original trustee under the Master Trust Agreement dated November 1, 2006, for the Certificates of Participation (COPs) issued by the South Florida Water Management District, sold its Municipal Bond Trustee Business to U.S. Bank National Association.

WHEREAS, In connection with the sale, Deutsche Bank National Trust Company requests to resign as trustee under the Master Trust Agreement and U.S. Bank National Association requests to be appointed as successor trustee and assume all of the duties, obligations, and responsibilities of the trustee under the Master Trust Agreement;

WHEREAS, The South Florida Water Management District Governing Board may appoint a successor trustee under the Master Trust Agreement (Section 607a) as long as the Governing Board is not in default under the Master Lease Purchase Agreement, dated November 1, 2006, and the Master Lease, thereunder, is in full force and effect.; **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 Agreement of Resignation, Appointment, and Acceptance by and among Deutsche Bank National Trust Company, U.S. Bank National Association, and the South Florida Water Management District.

Section 2. A copy of the Agreement of Resignation, Appointment, and Acceptance is attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

AGREEMENT OF RESIGNATION, APPOINTMENT AND ACCEPTANCE

THIS AGREEMENT OF RESIGNATION, APPOINTMENT AND ACCEPTANCE (this "Agreement") dated as of July 31, 2013 by and among Deutsche Bank National Trust Company, a national banking association organized and existing under the laws of the United States of America (the "Resigning Trustee"), South Florida Water Management District (the "Governing Board") and U.S. Bank National Association, a national banking association organized and existing under the laws of the United States of America (the "Successor").

WHEREAS, the Resigning Trustee, or its predecessor in interest, and the Issuer entered into the Master Trust Agreement dated as of November 1, 2006, as supplemented as well as any and all ancillary agreements (together to be known as the "Governing Instruments") pursuant to which the issuer's bonds, as set forth on the attached Schedule 1 (the "Bonds"), were issued; and the Resigning Trustee has been acting in the capacities assigned to it by the Governing Instruments (all such applicable roles being hereinafter included in the term the "Trustee");

WHEREAS, the purchase agreement, dated as of March 14, 2013 as the same may be amended from time to time by and among Deutsche Bank Trust Company Americas, Deutsche Bank National Trust Company, Deutsche Bank AG and U.S. Bank National Association provides for the sale of the Resigning Trustee's portfolio (the "Portfolio") of specified securities including the Governing Instruments to the Successor, subject to receipt of all required consents.

WHEREAS, pursuant to the Governing Instruments, the Resigning Trustee desires to resign as the Trustee, the Governing Board desires to appoint the Successor as Trustee and the Successor desires to accept appointment as Trustee.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows:

ARTICLE I SUCCESSION

Section 1.1 Resignation of Resigning Trustee. The Resigning Trustee resigns as the Trustee as of the close of business August 23, 2013 (the "Effective Date"). The Governing Board accepts such resignation and waives any required notice thereof.

Section 1.2 Appointment of Successor. The Governing Board appoints the Successor to serve as Trustee, with all the authority, rights, powers and immunities vested in, and all duties and obligations binding on, the Trustee, on the Effective Date. All rights, powers, duties, immunities and obligations of the Trustee shall be vested in and undertaken by the Successor on and from the Effective Date.

Section 1.3 Acceptance of Appointment; Notice to Bondholders. The Successor accepts its appointment as Trustee by the Governing Board with all the authority, rights, powers and immunities vested in the Trustee and agrees to serve as Trustee and to perform the duties and obligations of the Trustee, on and from the Effective Date. The Successor agrees to notify the registered holders of the Bonds of the resignation of the Resigning Trustee and its appointment as Trustee to the extent, if any, and in the manner, if any, required by the relevant Governing Instruments. The Successor also agrees to notify the Governing Board in the event of a change in the Effective Date.

Section 1.4 Assignment of Powers and Property; Delivery of Documents. The Resigning Trustee, hereby confirms and assigns to the Successor, in trust under the Governing Instruments, all property, rights, powers, duties, trusts, immunities and obligations of the Resigning Trustee as Trustee. The Resigning Trustee confirms that it has transferred to the Successor (a) all moneys, securities and other assets held under the relevant Governing Instruments, (b) all documents relating to the trust created by the relevant Governing Instruments.

Section 1.5 Further Assurances. The Resigning Trustee agrees, upon reasonable request of the Successor, to execute, acknowledge and deliver such further instruments of transfer and further assurances and to do such other things as may reasonably be required for more fully and certainly vesting and confirming in Successor all the property, rights, powers, duties, trusts, immunities and obligations of the Resigning Trustee as Trustee.

ARTICLE II REPRESENTATIONS AND WARRANTIES

Section 2.1 Representations and Warranties of the Company. The Governing Board hereby represents and warrants to the Successor as follows:

- (a) the form of the relevant Governing Instruments and the Bonds were validly and lawfully approved by the Governing Board and constitute obligations of the Governing Board enforceable as provided therein by the Successor, subject to laws affecting creditors' rights and equitable principles;
- (b) the Governing Board has performed or fulfilled each covenant, agreement and condition on its part to be performed or fulfilled under the Governing Instruments on or prior to the date hereof; and
- (c) no event of default under the Governing Instruments has occurred and is continuing.

Section 2.2 Representations and Warranties of Resigning Trustee. Resigning Trustee hereby represents and warrants to Successor as follows:

- (a) resigning Trustee is a national banking association, and is duly organized and existing under the laws of the United States of America;
- (b) from March 14, 2013 until the date hereof, the Governing Instruments have not been amended or supplemented;
- (c) from March 14, 2013 until the date hereof, Resigning Trustee has received no written notice of any event of default under the terms of the Governing Instruments; and
- (d) to the knowledge of the officer of the Resigning Trustee who is responsible for the administration of the Governing Instruments, there is no suit, action, claim or proceeding pending or threatened against the Resigning Trustee related to the Bonds, the relevant Governing Instruments, or Resigning Trustee's administration of the trusts created under the Governing Instruments.

Section 2.3 Representations of Successor. The Successor hereby represents and warrants to Resigning Trustee and the Issuer as follows:

- (a) The Successor is a national banking association, and is duly organized and existing under the laws of the United States of America; and
- (b) The Successor is qualified and eligible to serve as Trustee under the Governing Instruments.

ARTICLE III MISCELLANEOUS

Section 3.1 Applicable Law. This Agreement shall be governed by the laws of the State of Florida without regard to its conflict of laws provisions; provided, however, that as between the Resigning Trustee and the Successor, this Agreement shall be governed by the laws of the State of New York, without regard to its conflict of laws provisions, PROVIDED, FURTHER, THAT IN NO EVENT SHALL ANY CONTROVERSY, CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THIS AGREEMENT TO WHICH THE ISSUER IS MADE A PARTY BE ADJUDICATED OUTSIDE OF THE STATE OF FLORIDA, AND FOR THE PURPOSES OF SUCH CONTROVERSY, CLAIM OR DISPUTE TO WHICH THE ISSUER IS A PARTY, THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF FLORIDA.

Section 3.2 Counterparts. This Agreement may be executed in a number of counterparts, each of which shall constitute an original, but such counterparts shall together constitute but one and the same instrument.

Section 3.3 Preservation of Rights. Except as expressly provided herein, nothing contained in this Agreement shall in any way affect the obligations or rights of the Issuer, the Resigning Trustee, the Successor or any holder of the Bonds under the Governing Instruments. As between the Resigning Trustee and the Successor, nothing in this Agreement, express or implied, is intended or shall be construed to modify, expand or limit in any way the rights or obligations of the parties under, and the terms of, the Purchase Agreement.

Section 3.4 Severability. In the event any provisions of this Agreement shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 3.5 Survival of Obligations. Notwithstanding the resignation of the Resigning Trustee under the Governing Instruments, the Governing Board shall remain obligated under the Governing Instruments to compensate, reimburse and indemnify the Resigning Trustee as provided in the Governing Instruments, and nothing contained in this Agreement shall in any way abrogate the obligations of the Governing Board to the Resigning Trustee under the Governing Instruments or any lien created in favor of the Resigning Trustee thereunder.

Section 3.6 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Resigning Trustee, the Successor, Governing Board and the Issuer and their respective successors and assigns.

Section 3.7 Amendments. This Agreement shall be amended only in a writing signed by the parties hereto.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto have executed this Agreement by their duly authorized corporate officers as of the date first above written.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
as Governing Board

By _____

(print name and title above)

DEUTSCHE BANK NATIONAL TRUST COMPANY
as Resigning Trustee

By *Dennis D. Gillespie*
Dennis D. Gillespie
Its Director

U.S. BANK NATIONAL ASSOCIATION
as Successor

By *Terry McRoberts*
Terry McRoberts
Its Executive Vice President

DEUTSCHE BANK NATIONAL TRUST COMPANY
as Resigning Trustee

By *John Robertson*
John Robertson
Its Vice President

Attachment: ca_oc_100_Attachment (Resolution No. 2013 - 1012 : Agreement - Appointing a Successor Trustee under the Master Trust

M E M O R A N D U M

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: October 10, 2013

SUBJECT: DWM - Blue Head Ranch

Agenda Item Description

This item is a request to enter into a contract with Blue Head Ranch, LLC. for a Dispersed Water Management (DWM) Program Northern Everglades Payment for Environmental Services (NE-PES) Project in an amount not to exceed \$3,805,750. The project provides water retention services on ranchlands in the Lake Okeechobee Watershed.

Background

In July 2013, the Governing Board authorized staff to begin negotiations in ranked order with respondents to the 2nd Northern Everglades Payment for Environmental Services (NE-PES) Solicitation (# 6000000518). District Staff and the first ranked respondent have negotiated the proposed agreement to provide water retention in the Lake Okeechobee Watershed to assist with meeting the storage and water quality improvement goals for the watershed. The contract term is 11 years, allowing up to one year for implementation (design, permitting, construction, and construction completion certification), and ten years of operation.

The project consists of 5,020 acres of ranchlands in Highlands County in the Fisheating Creek basin. Riser control structures and berms will retain approximately 3,462 acre-feet per year of runoff from the ranch. Over the ten year operational period of the project it is estimated that the cost per volume of storage is \$131 per acre-foot per year. The eight original FRESP projects had an average cost per volume of storage of \$192 per acre-foot per year with a range of \$37 to \$517 per acre-foot per year. In addition, the eight projects selected under the first NE-PES Solicitation have an average cost per volume of \$163 per acre-foot per year with a range of \$110 to \$177 per acre-foot per year. For the 19 respondents to the 2nd NE-PES Solicitation, including the Blue Head Ranch project, the average cost per volume is \$177 per acre-foot per year and the range is \$120 to \$493 per acre-foot per year. Therefore, the Blue Head Ranch cost effectiveness is better than the average cost effectiveness for other comparable payment for environmental services initiatives.

Core Mission and Strategic Priorities

Managed under the Dispersed Water Management (DWM) Unit of the Everglades Policy and Coordination Division, this project is consistent with the Lake Okeechobee Protection Plan storage and water quality goals as well as the strategic priority of protecting and restoring the northern and southern Everglades by expanding and improving water storage.

Funding Source

Ad Valorem Funds from the Dispersed Water Management Spend Down Plan Reserves. Funding in the amount of \$193,750 is budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY18 budgets. FY19-24 funding will require the identification of additional sources of revenue in the future.

Staff Recommendation

Staff recommends approval of this resolution. The Blue Head Ranch NE-PES Project will provide needed surface water runoff retention in the Fisheating Creek Basin of the Lake Okeechobee Watershed. The project has been through a thorough solicitation process and is cost effective compared to other payment for environmental services initiatives.

If you have any questions, please call me at ext. 6987.

TM/dm

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1013

A Resolution of the Governing Board of the South Florida Water Management District authorizing an eleven-year contract with Blue Head Ranch, LLC. for a Dispersed Water Management Program Northern Everglades Payment for Environmental Services Project for the purpose of providing water retention services on ranchlands in the Lake Okeechobee Watershed in an amount not to exceed \$3,805,750, of which \$193,750 is budgeted in FY14 and the remaining is subject to Governing Board approval of the FY15-FY24 budgets; providing an effective date. (Contract No. 4600002877) (EPC, Temperince Morgan, ext. 6987)

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 contract with Blue Head Ranch, LLC. for a Dispersed Water Management Program Northern Everglades Payment for Environmental Services Project in an amount not to exceed \$3,805,750.00.

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 authorizes the execution of Contract No. 4600002877.

Section 2. This resolution shall take effect immediately upon adoption, or if applicable, after review by the Office of Fiscal Accountability and Regulatory Reform.

PASSED and ADOPTED this 10th day of October, 2013.

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: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Approve an agreement with PBC for the acquisition of the approximately 1,896.49 acres, Mecca Farms

Background:

The Mecca Farms parcel is located in Western Palm Beach County as is shown on the map attached as Exhibit "A". At the Governing Board's May 9, 2013 workshop meeting, SFWMD staff had made a presentation of certain options for the Project for the purpose of receiving direction from the Governing Board. The presentation incorporated specifics on the Mecca Farms parcel and included the facts that the market value from the SFWMD's approved appraisal was \$21,000,000 and from the County's approved appraisal was \$26,000,000. Although the staff did not make a recommendation, the Governing Board passed a motion approving a price-only offer of \$26,000,000 to purchase the Mecca Farms parcel from Palm Beach County. The price-only offer was communicated to Palm Beach County and the County, at its May 21, 2013 Commissioners' meeting conceptually approved the sale of Mecca Farms for the sum of \$26,000,000. Staff of the SFWMD and Palm Beach County have since worked out all other terms in a Sale and Purchase Agreement which is to be presented for approval at the October 22, 2013 Palm Beach County Commission meeting.

The significant terms of the Sale and Purchase Agreement and the acquisition include:

- The purchase price is \$26,000,000.
- Certain access, canal, and utility easements located adjacent to Mecca Farms as shown on the attached Exhibit A will also be conveyed to SFWMD, some of which require the consent of the Florida Fish and Wildlife Conservation Commission.
- The County is responsible for realigning Seminole-Pratt & Whitney Road extension so that it does not run through the Mecca Farms Parcel.
- The County has an option to repurchase an approximately 260 feet wide strip of land, totaling 98.56 acres, along the entire lengths of the southern and eastern boundaries of Mecca Farms for a new extension alignment of Seminole-Pratt & Whitney Road. This option runs for the period ending the earlier of October 1, 2018, or one hundred and eighty days after the date that the County receives written notice from SFWMD that SFWMD is commencing the design of its project. This realignment will not affect use of Mecca Farms for SFWMD Project purposes. The repurchase price is \$1,379,840 and has been calculated based on a proration of the \$26,000,000 purchase price at approximately \$14,000 per acre.
- SFWMD will allow the County access along designated roads within the Mecca Farms parcel to access the County water plant facility and to operate and maintain at County expense the water management system that provides drainage of the County facility. Such access will need to be eliminated when the SFWMD project is implemented. SFWMD may relocate the County access to another road that provides permanent legal access at the SFWMD's cost. It is anticipated that the project construction design will likely incorporate a new road at the southern end of the Mecca

Farms parcel as a project feature. If the County exercises the Repurchase Option, SFWMD has no obligation to provide a replacement road.

- SFWMD will be required as part of the SFWMD project design to provide drainage inflow for the County water plant facility. Prior to operation of the project, the County will be allowed to temporarily operate the existing drainage system to provide drainage to the water plant facility.
- Closing is contingent upon SFWMD being satisfied with the results of all of its due diligence investigations, assessments, and reviews.
- The SFWMD has already conducted an environmental audit, the results of which identify cumulative corrective action costs of approximately \$283,500 to render the subject property suitable for use as a water retention reservoir. Of that cumulative cost, approximately \$234,000 is solely attributable to the corrective actions required for the SFWMD's water related uses. The corrective action costs will be the responsibility of the SFWMD.
- Until the County Public Improvement Bonds associated with Mecca Farms are retired, (the latest to retire November 1, 2027), any sale of the property other than to a public entity or any private use of the property other than for farming on an interim, will require the consent of the County to avoid possible violation of the County bond restrictions.
- SFWMD's and the County's approved appraisal market values of the Mecca Farms parcel were, \$21,000,000 and \$26,000,000, respectively. Additionally, the County obtained a second, unapproved appraisal which valued the property at \$14,800,000 under existing land use and zoning and at \$22,500,000 assuming a hypothetical change in land use and zoning (the "Additional Appraisal"). As part of its written presentation at the May 21, 2013 County Commissioners meeting, the County staff stated that it considered the Additional Appraisal to be an outlier, similar to the County Property Appraiser's assessed value of \$49,000,000, and stated further that, as such, the Additional Appraisal was not accepted by the County staff and not used by the County or the SFWMD staff in negotiations. Therefore, the County staff's ultimate conclusion in its written presentation, was to recommend conceptual approval of the sale of the Mecca Farms parcel to the SFWMD for \$26,000,000.
- To provide a public recreational benefit, the SFWMD will convey an approximately 150 acre portion of the Mecca Farms parcel to the Florida Fish and Wildlife Conservation Commission (FFWCC) for a state owned shooting range in exchange for the conveyance to SFWMD of an approximately 150 acre water management easement area located within the J.W. Corbett Wildlife Management Area. A separate Governing Board item on this matter is being presented for Governing Board approval at the October 10, 2013 Governing Board meeting.

How this helps meet the District's 10-year Strategic Plan:

The Loxahatchee River Watershed Restoration Project includes the creation of water storage areas for the purpose of restoring fresh water flows to the Loxahatchee River. The subject parcel will provide a pivotal link for the Project by providing fresh water flows to the Loxahatchee River and aiding in achieving the minimum flows and levels for the Loxahatchee River under the Project. The subject parcel represents a site that the District has evaluated with respect to such Loxahatchee River replacement water storage and concluded: a) has the highest degree of certainty of performance and b) is the only site directly connected to the Loxahatchee River through the District's C-18 West Canal and therefore aids in capturing excess flows from the C-18 western basin and then discharging those flows to the Loxahatchee River at required volumes and times. Additionally, acquisition of the subject parcel frees up use of the District's L-8 Reservoir as a Flow Equalization Basin ("FEB") for the District's Everglades Restoration Strategies program. In order to use the L-8 Reservoir as an FEB, the subject parcel will be used as the replacement storage for the L-8 Reservoir.

Funding Source:

This acquisition will require \$26,000,000 from the Save Our Everglades Trust Fund.

This Board item impacts what areas of the District, both resource areas and geography:

The District's Operations, Maintenance and Construction Division and Everglades and Water Resources Division will be responsible for the management, design and construction matters.

What concerns could this Board item raise?

There are no concerns regarding this Board item.

Why should the Governing Board approve this item?

As detailed in this Memorandum, the acquisition of the land interests associated with this item furthers the District's strategic plan and mission.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1014

A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with Palm Beach County for the acquisition by the District of land interests containing 1,896.49 acres, more or less, for the Loxahatchee River Watershed Restoration Project, in Palm Beach County, in the amount of \$26,000,000 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

WHEREAS, the South Florida Water Management District is currently acquiring land in connection with implementation of the Loxahatchee River Watershed Restoration Project in Palm Beach County; 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; and

WHEREAS, the Governing Board of the South Florida Water Management District at its May 9, 2013 workshop meeting, presented with the facts that the market value from the SFWMD's approved appraisal was \$21,000,000 and from the County's approved appraisal was \$26,000,000, passed a motion approving a price-only offer of \$26,000,000 to purchase from Palm Beach County approximately 1,896.49 acres of land in Palm Beach County, known as "Mecca Farms", as shown on the map attached hereto as Exhibit "A"; and

WHEREAS, the price-only offer was communicated to Palm Beach County and the County, at its May 21, 2013 Commissioners' meeting, conceptually approved the sale of Mecca Farms for the sum of \$26,000,000; and

WHEREAS, staff of the South Florida Water Management District and Palm Beach County have since worked out all other terms in a Sale and Purchase Agreement which is to be presented for approval at the October 22, 2013 Palm Beach County Commission meeting; and

WHEREAS, the South Florida Water Management District's acquisition of Mecca Farms will provide significant benefits to Loxahatchee River Watershed restoration and enable use of the L-8 Reservoir for the District's Everglades Restoration Strategies program.

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 an agreement with Palm Beach County for the acquisition by the District of land interests containing 1,896.49 acres, more or less, for the Loxahatchee River Watershed Restoration Project in Palm Beach County, in the amount of \$26,000,000 and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted.

Owner	Tract No.	Interest	Acres	SFWMD Appraised Value	County Appraised Value	Purchase Price
Palm Beach County	23116-034	Fee	1,896.49	\$21,000,000	\$26,000,000	\$26,000,000

BUDGET

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Acct #
\$26,000,000	412000	3510144000	P117	580020

Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the Agreement for Sale and Purchase. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or Executive Director's designee to execute all other documents necessary to consummate this transaction.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

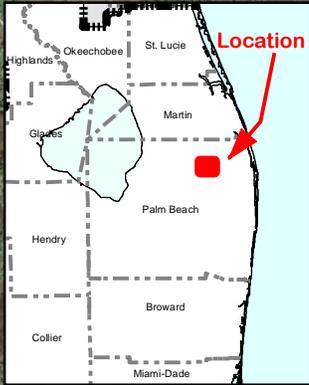
Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Mecca Farms Parcel



Hungryland Slough
Natural Area Restoration

C-18

J.W. Corbett Wildlife
Management Area

Mecca Farms
1,896.49 Acres

Access, Canal,
and Utility Easements

SEMINOLE PRATT WHITNEY RD



0 0.5
Miles

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.

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Release of Funds from Save Our Everglades Trust Fund by DEP for acquisition of 1,896.49 acres Mecca

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1015

A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1,896.49 acres, more or less, in the total amount of \$26,000,000 and associated costs; for the Loxahatchee River Watershed Restoration Project in Palm Beach, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

WHEREAS, the South Florida Water Management District (hereinafter, the "District") has an active program underway to acquire land interests for the Loxahatchee River Watershed Restoration Project; and

WHEREAS, that certain Cooperative Agreement between the District and the Florida Department of Environmental Protection (hereinafter, the "Department"), dated November 1, 2001, requires submission of a resolution of the Governing Board of the District to the Department advising about a proposed acquisition in the event the District requests release of funds from the Save Our Everglades Trust Fund for acquisition of such lands.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

(1) It does hereby advise the Secretary of the Department of Environmental Protection of its intent to acquire fee title to 1,896.49 acres, more or less of land in Palm Beach County, Florida, for the Loxahatchee River Watershed Restoration Project (the "Project"). The District has a contract to acquire the following parcel described below.

Owner	Tract No.	Interest	Acres	SFWMD Appraised Value	County Appraised Value	Purchase Price
Palm Beach County	23116-034	Fee	1,896.49	\$21,000,000	\$26,000,000	\$26,000,000

The legal interest to be acquired is the fee simple estate. The lands are shown on the Exhibit "A" location map attached hereto and made a part hereof.

(2) The purchase price of \$26,000,000 exceeds the \$21,000,000 appraised value based on the certified appraisal used to determine the value of the land interests to be purchased, taking into account the value of non-cash considerations, defects in title or outstanding interests. It is noted that Palm Beach County obtained its own certified appraisal in the amount of \$26,000,000 which the District is also providing to DEP.

The District staff has determined that acquiring this important parcel at a purchase price of \$26,000,000 or 23.8% over the approved appraised value, is in the District's best interest.

The Project includes the creation of water storage areas for the purpose of restoring fresh water flows to the Loxahatchee River. The Loxahatchee River Watershed Restoration Project includes the creation of water storage areas for the purpose of restoring fresh water flows to the Loxahatchee River. The subject parcel will provide a pivotal link for the Project by providing fresh water flows to the Loxahatchee River and aiding in achieving the minimum flows and levels for the Loxahatchee River under the Project. The subject parcel represents a site that the District has evaluated with respect to such Loxahatchee River replacement water storage and concluded: a) has the highest degree of certainty of performance; and b) is the only site directly connected to the Loxahatchee River through the District's C-18 West Canal and therefore aids in capturing excess flows from the C-18 western basin and then discharging those flows to the Loxahatchee River at required volumes and times. Additionally, acquisition of the subject parcel frees up use of the District's L-8 Reservoir as a Flow Equalization Basin ("FEB") for the District's Everglades Restoration Strategies program. In order to use the L-8 Reservoir as an FEB, the subject parcel will be used as the replacement storage for the L-8 Reservoir.

(3) The original source of the funds to be released from Save Our Everglades Trust Fund shall be General Revenue Funds.

(4) The lands being acquired have been reviewed for the presence of State Sovereignty submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

(5) This request for funds deposited into Save Our Everglades Trust Fund is consistent with the District's Five Year Plan of acquisition of the South Florida Water Management District Florida Forever Work Plan as contained in Chapter 6A, Volume II of the South Florida Environmental Report, last updated during a public hearing on January 10, 2013, as applicable, and filed with the Legislature and the Department of Environmental Protection, and is consistent with Sections 373.139, 373.470 and 373.59, Florida Statutes, as applicable.

(6) The funds requested shall be used only for the acquisition costs and pre-acquisition/ associated costs and expenses of the described lands.

(7) The lands being acquired shall be maintained in an environmentally acceptable manner.

(8) Should the District dispose of any or all of the interests acquired hereunder, all revenues derived therefrom will be used to acquire other lands for water management, water supply and the conservation and protection of water resources, within the boundaries of a CERP component.

(9) A Phase I and Phase II environmental assessment has been completed and, other than certain matters that will be addressed and remedied by the District, there are no clean up concerns.

(10) The Executive Director or the designee of the Executive Director is hereby authorized to request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for all lands identified in this Resolution.

(11) This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 10th day of October, 2013.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

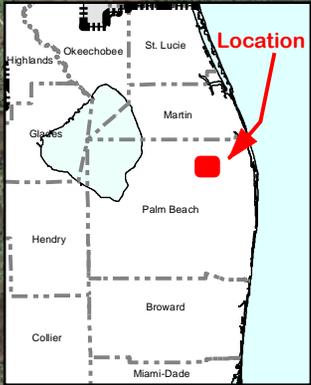
Legal form approved:

By:

Office of Counsel

Print name:

Mecca Farms Parcel



Hungryland Slough
Natural Area Restoration

C-18

J.W. Corbett Wildlife
Management Area

Mecca Farms
1,896.49 Acres

Access, Canal,
and Utility Easements

SEMINOLE PRATT WHITNEY RD



0 0.5
Miles

IMPORTANT DISCLAIMER:
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MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Approve an agreement for exchange of real property interests-Corbett Wildlife Management Area

Background:

Mecca Farms is located in Western Palm Beach County as shown on map attached as Exhibit "A". This conveyance of real property interests cannot proceed without Governing Board approval of SFWMD entering into a Sale and Purchase Agreement with Palm Beach County for SFWMD's purchase of the approximately 1,896.49 acre Mecca Farms parcel located in Palm Beach County. The SFWMD's purchase of the Mecca Farms parcel is a separate Governing Board item being presented for Governing Board approval at the October 10, 2013 Governing Board meeting.

The 150 acres to be conveyed to the Florida Fish and Wildlife Conservation Commission ("FFWCC") are identified on the map as the "150 Acre Shooting Park." The 150 acre water management easement area to be conveyed to SFWMD is identified on the map as the "150 acre Corbett Easement Area", the latter being located within the J.W. Corbett Wildlife Management Area.

FFWCC plans to use the 150 acre parcel to develop an Olympic-quality public shooting range to address public recreational needs and to provide a venue for shooting sport-related events. The Park will also be used to expand hunter safety and safe gun handling educational programs. The project will be developed with Federal grant funds provided by the U.S. Department of Interior.

SFWMD plans to use the 150 acre Corbett Easement Area to develop an approximately 9.5 mile water conveyance feature between the Corbett Wildlife Management Area and Mecca Farms parcel and to make other water management improvements. The current source of water for the Mecca Farms parcel is the C-18 basin. SFWMD acquisition of the approximately 9.5 mile Corbett Easement area will enable SFWMD to construct in the future an approximately 135 foot wide canal and other water management improvements to provide a supplemental source of water to supply the future Mecca Farms reservoir.

Staffs of the SFWMD and the FFWCC have worked out the basic terms of a Memorandum of Agreement (MOA) for conveyance of land interests which is to be presented to the Florida Fish and Wildlife Conservation Commission for approval at its Commission meeting in November 2013. The MOA will thereafter be amended to provide more detail for closing of the transaction.

The basic terms of the MOA include:

- Closing is contingent upon each party being satisfied with all due diligence investigations, assessments, and reviews with respect to interests to be acquired by the party.
- SFWMD will provide FFWCC with all the due diligence information SFWMD has generated with respect to the Mecca Farms parcel and will obtain a survey of the 150 Acre Shooting Park.
- SFWMD will obtain a title insurance policy insuring FFWCC's proposed fee interest in the Shooting Park Parcel.

- To the extent that the portions of the Corbett Easement Area are located within lands owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, Board of Trustees approval will be required.

How this helps meet the District's 10-year Strategic Plan:

SFWMD plans to use the 150 acre Corbett Easement Area to develop an approximately 9.5 mile hydrologic connection between the Corbett Wildlife Management Area and the Mecca Farms parcel and for other water management improvements. The current source of water for the Mecca Farms parcel is the C-18 basin. SFWMD acquisition of the approximately 9.5 mile Corbett Easement area will enable SFWMD to construct in the future an approximately 135 foot wide conveyance feature and other water management improvements. This connection will provide significant benefits to Loxahatchee River Watershed restoration to replace the L-8 Reservoir being used for the Everglades Restoration Strategies program.

This acquisition supports the District's core mission and five-year strategic goals for implementing the Loxahatchee River Watershed Restoration Project.

The SFWMD acquisition of the Corbett Easement Area will enhance the performance of the future Mecca Farms reservoir by providing a supplemental source of water.

Funding Source:

This funding source for any associated costs of acquisition will require funds from the Save Our Everglades Trust Fund and/or ad valorem funds.

This Board item impacts what areas of the District, both resource areas and geography:

The District's Operations, Maintenance and Construction Division and Everglades and Water Resources Division will be responsible for the management, design and construction matters.

What concerns could this Board item raise?

There are no concerns regarding this Board item.

Why should the Governing Board approve this item?

As detailed in this Memorandum, the acquisition of the land interests associated with this item furthers the District's strategic plan and mission.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1016

A Resolution of the Governing Board of the South Florida Water Management District, to approve a Memorandum of Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for the acquisition of land interests containing 150 acres, more or less, in Palm Beach County located within the Corbett Wildlife Management Area for the Loxahatchee River Watershed Restoration Project, and conveyance to FFWCC of land interests containing 150 acres, more or less, in Palm Beach County; approve associated costs for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance of land interests containing a total of 150 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

WHEREAS, the South Florida Water Management District is currently acquiring land in connection with implementation of the Loxahatchee River Watershed Restoration Project in Palm Beach County; 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 and to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, it is anticipated that the South Florida Water Management District will acquire from Palm Beach County lands containing 1,896.49 acres, more or less, identified on the map attached Exhibit "A" as the Mecca Farms parcel; and

WHEREAS, staff of the South Florida Water Management District and the Florida Fish and Wildlife Conservation Commission ("FFWCC") have worked out the basic terms of a Memorandum of Agreement (MOA) regarding the conveyance of real property interests; and

WHEREAS, under the proposed MOA, the South Florida Water Management District will convey to FFWCC an approximately 150 acre portion of the Mecca Farms parcel, identified on the map attached as Exhibit "A," as the "150 Acre Shooting Park"; and

WHEREAS, under the proposed MOA, FFWCC will convey to the South Florida Water Management District a water management easement over an approximately 150 acre portion of land within the Corbett Wildlife Management Area, identified on the attached Exhibit "A" as the "Corbett Easement Area" ; and

WHEREAS, FFWCC's acquisition of the 150 Acre Shooting Park will provide substantial public recreational benefits for South Florida; and

WHEREAS, the South Florida Water Management District's acquisition of Corbett Easement Area will provide a hydrologic connection between the Corbett Wildlife Management Area and the Mecca

Farms parcel and will enable the South Florida Water Management District to construct in the future approximately a 9.5 mile water conveyance feature and other water management improvements that will benefit the future South Florida Water Management District reservoir project on the Mecca Farms parcel; and

WHEREAS, such easement and improvements will provide significant benefits to Loxahatchee River Watershed restoration and enable use of the L-8 Reservoir for the South Florida Water Management District’s Everglades Restoration Strategies program.

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 an Memorandum of Agreement with the Florida Fish and Wildlife Conservation Commission (“FFWCC”) for the acquisition by the South Florida Water Management District of land interests containing 150 acres, more or less, in Palm Beach County located within the Corbett Wildlife Management Area for the Loxahatchee River Watershed Restoration Project, and conveyance to FFWCC of land interests containing 150 acres, more or less, in Palm Beach County, and approves costs associated with the exchange of the land interests for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted.

BUDGET

Fund	Fund Center	Functional Area	Commitment Item GL Acct #
412000/ad-valorem	3510144000	P117	580020

Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus for conveyance of land interests containing a total of 150 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes. The Governing Board hereby determines that the subject lands are no longer needed for conservation purposes and this resolution has been approved by at least a two-thirds (2/3) vote of the Governing Board.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the Memorandum of Agreement and the instrument of conveyance required to consummate the transaction contemplated therein. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or Executive Director’s designee to

execute any amendment to the Memorandum of Agreement to provide details for the closing of the transaction and to execute all other documents necessary to close this transaction.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

Legal form approved:

By:

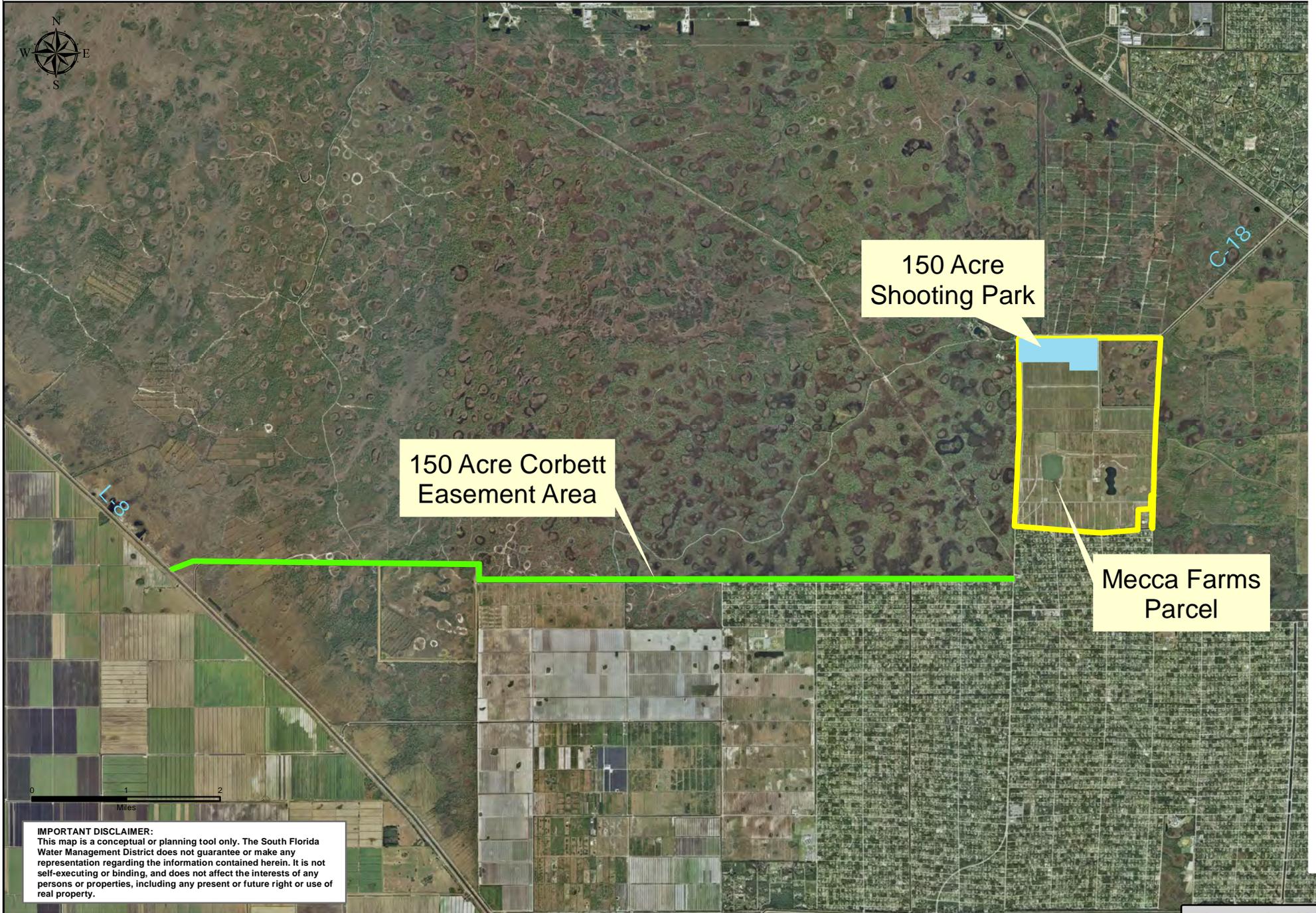
District Clerk/Secretary

Office of Counsel

Print name:

Exchange Agreement Florida Fish & Wildlife Conservation Commission

Exhibit A



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.

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: October 10, 2013

SUBJECT: Release of Funds from Save Our Everglades Trust Fund by DEP for associated costs between FFWCC

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1017

A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the payment of associated costs not to exceed \$165,000, in connection with the acquisition of land interests containing 150 acres, more or less, for the Loxahatchee River Watershed Restoration Project in Palm Beach County, Florida; providing an effective date. (OMC, Bob Schaeffer, ext. 2985)

WHEREAS, the South Florida Water Management District (hereinafter, the "District") has an active program underway to acquire land interests for the Loxahatchee River Watershed Restoration Project; and

WHEREAS, that certain Cooperative Agreement between the District and the Florida Department of Environmental Protection, dated November 1, 2001, requires submission of a resolution of the Governing Board of the District to the Department advising about a proposed acquisition in the event the District requests release of funds from the Save Our Everglades Trust Fund for acquisition of such lands.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

(1) It does hereby advise the Secretary of the Department of Environmental Protection of its intent to acquire a perpetual water management easement with respect to 150 acres, more or less, of land in Palm Beach County, Florida, for the Loxahatchee River Watershed Restoration Project (the "Project"). The District has a contract to acquire the following parcel described below.

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Florida Fish and Wildlife Conservation Commission	23116-035	Easement	150	N/A	N/A

The legal interest to be acquired is an easement. The lands are shown on the Exhibit "A" location map attached hereto and made a part hereof.

(2) The subject 150 acre land interest shall be acquired as part of an even exchange with the Florida Fish and Wildlife Conservation Commission ("FFWCC") with respect to which neither the District or the FFWCC will pay any purchase price. Therefore, the only costs associated with the acquisition of the subject 150 acre land interest will be associated costs, estimated to be a maximum of \$165,000.

(3) The original source of the funds to be released from Save Our Everglades Trust Fund shall be General Revenue Funds.

(4) The lands being acquired have been reviewed for the presence of State Sovereignty submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

(5) This request for funds deposited into Save Our Everglades Trust Fund is consistent with

the District's Five Year Plan of acquisition of the South Florida Water Management District Florida Forever Work Plan as contained in Chapter 6A, Volume II of the South Florida Environmental Report, last updated during a public hearing on January 10, 2013, as applicable, and filed with the Legislature and the Department of Environmental Protection, and is consistent with Sections 373.139, 373.470 and 373.59, Florida Statutes, as applicable.

(6) The funds requested shall be used only for the pre-acquisition/associated costs and expenses of the described lands.

(7) The lands being acquired shall be maintained in an environmentally acceptable manner.

(8) Should the District dispose of any or all of the interests acquired hereunder, all revenues derived therefrom will be used to acquire other lands for water management, water supply and the conservation and protection of water resources, within the boundaries of a CERP component.

(9) A Phase I and Phase II environmental assessment will be completed to determine if there are any clean up concerns and, if any, how such concerns will be addressed by the District.

(10) The Executive Director or the designee of the Executive Director is hereby authorized to request the release of funds for all pre-acquisition/associated costs and expenses for all lands identified in this Resolution.

(11) This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:
By:

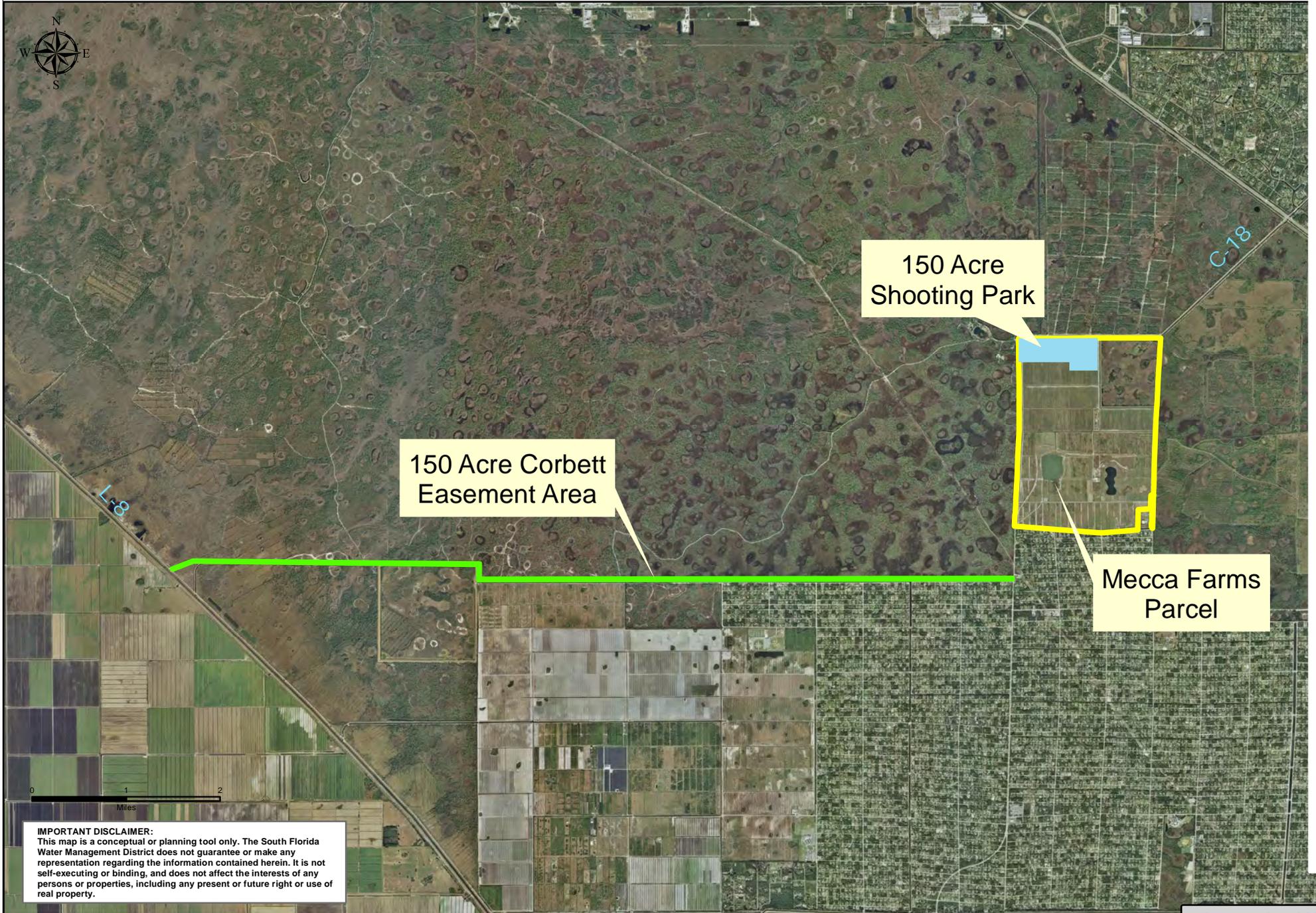
District Clerk/Secretary

Office of Counsel

Print name:

Exchange Agreement Florida Fish & Wildlife Conservation Commission

Exhibit A



150 Acre Corbett Easement Area

150 Acre Shooting Park

Mecca Farms Parcel

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M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: October 10, 2013

SUBJECT: STA-1W Expansion

Agenda Item Description:

Seeking approval to execute a non-binding Letter of Intent to exchange lands for the STA-1W Expansion Area Project under Restoration Strategies.

Background:

STA-1W is located in Western Palm Beach County as shown on the attached map as Exhibit "A". The acquisition of approximately 4,535 acres of lands adjacent to STA-1W as shown on the attached map ("STA-1W Expansion Area") is critical to the expansion of STA-1W to meet the Water Quality Based Effluent Limit ("WQBEL") as prescribed in the Everglades Forever Act ("EFA") and National Pollution Discharge Elimination System ("NPDES") consent orders and permits. This acquisition represents an opportunity cost savings of \$32.7 million dollars. The other alternative in lieu of such land acquisition would be to increase the conveyance capacity of existing STA-1W canals and to purchase additional easement/real estate interests for canal widening.

Shortly after the EFA and NPDES permits and consent orders became final in September 2012, the South Florida Water Management District ("District") began discussions with the landowners within the STA-1W Expansion Area, namely, Florida Crystals subsidiaries ("Crystals") and Gladeview Holding, LC ("Gladeview"). Such discussions were tabled for approximately seven months pending resolution of third party legal challenges to extensions of Crystal leases of Trustees of the Internal Improvement Trust Fund lands within the Everglades Agricultural Area.

Discussions resumed in July 2013 after the litigation had been resolved. The parties have now agreed in principle to the basic terms of a land exchange to be set forth in the Letter of Intent. The Letter of Intent is non-binding but sets forth basic terms to be subsequently developed into a binding Land Exchange Agreement to be approved by all parties, including the Governing Board of the District.

Letter of Intent:

The terms of the Letter of Intent for the Land Exchange include:

- The District will acquire a total of approximately 4,535 acres of land as shown on the map attached as Exhibit "A." The breakdown of the acreage is that the subsidiaries of the Florida Crystals Corporation ("Crystals") will convey approximately 1,955

acres (“Crystals Parcel”) to the District and Gladeview Holdings, LC, (“Gladeview”) will convey approximately 2,580 acres (“Gladeview Parcel”) to the District.

- The District will convey to Crystals approximately 8,713 acres of land as shown on the attached map (“District Parcel”).
- Gladeview will acquire approximately 2,865 acres from Crystals (“2,865 Acre Parcel”) as shown on the attached map.
- The District will provide cash consideration to Gladeview in the amount of \$5,978,474.
- The District will lease back the 4,535 acres to Crystals on an interim basis consistent with the STA-1W Expansion Project, which includes in January 2016 the District beginning Project construction on agreed-to portions of the Gladeview Parcels. Crystals will acquire the District Parcel from the District subject to the existing U.S. Sugar Corporation lease.
- The parties will endeavor to complete a binding written Exchange Agreement to be taken to the November 14, 2013 meeting of the Governing Board of the District.
- The Closing of the land exchange would occur by the end of January 2014.

The Closing will be subject to due diligence review and inspections to be conducted by the parties prior to the Closing

Transaction Evaluation:

Appraisal Information

The District obtained two appraisals for the District, Crystals, and Gladeview Parcels. Crystals also obtained an appraisal for the District Parcel and the combined Crystals and Gladeview Parcels. The appraisal information is set forth in the table below.

Appraisals	District Parcel	Crystals Parcel	Gladeview Parcel	<i>Combined Crystals and Gladeview Parcels</i>
	SFWMD (Shaw)	\$ 63,000,000	\$ 18,400,000	
SFWMD (Banting)	\$ 68,000,000	\$ 18,760,000	\$ 24,600,000	\$ 43,360,000
Average	\$	\$	\$	\$ 42,830,000

	65,500,000	18,580,000	24,250,000	
Crystals	\$ 56,800,000			\$ 42,000,000

Cost to Cure Analysis

The following is an analysis of additional engineering costs to be incurred by Gladeview in reconfiguring the 2,865 Acre Parcel for farming use and to be incurred by Crystals in reconfiguring the District Parcel for farming use.

Gladeview Cost to Cure

As a consequence of relocating its existing farming operations from the Gladeview Parcel to the 2,865 Acre Parcel, Gladeview calculates its cost to cure in the amount of \$2,478,474. These costs include \$691,800 to relocate its shop site, \$352,650 for three pumps, and \$1,443,024 for canal rehabilitation and widening. The increased pumps and canal conveyance is required to allow for the same level of farming operations at its existing Gladeview site. District staff estimates that the cost to cure would range between \$2,000,000 and \$2,478,474.

Crystals Cost to Cure

As a consequence of relocating its existing farming operations from the Crystals Parcel to the District Parcel, Crystals calculates its cost to cure in the amount of \$20,452,456. These costs include \$13,277,500 for irrigation and drainage modifications, \$2,981,592 for operational improvements, \$1,419,600 for harvest and hauling operations improvements, \$1,200,000 for soil nutrition, and \$1,573,764 for professional services. District staff estimates the cost to cure would range between \$18,000,000 and \$20,452,456.

Eminent Domain Avoidance Analysis

In addition to a \$2,478,474 payment by the District as a cost to cure for infrastructure relocation and improvements to the drainage system, an additional \$3.5 million cash payment to Gladeview is required a voluntary exchange . Such additional compensation avoids the risks and uncertainties inherent in the District exercising its eminent domain power.

Condemnation, like litigation in general, is inherently risky. In two recent condemnation cases, sizable jury verdicts have been returned against Florida public agencies. In a 2008 case involving the Jacksonville Port Authority, the jury returned a verdict of \$67.4 million or 335% over the agency's appraisal of \$20 million. A September 2010 jury verdict in the amount of \$1.7 million, or 231 % over the agency's \$735,000 appraisal, was entered against Southwest Florida Water Management District. The District's own

experience bears this out. In five condemnation cases, the range of verdicts was between 10% and 117% over appraised value for a weighted average of 42% above appraised value. In addition to the uncertainties regarding jury verdicts, the costs of condemnation litigation include the District's responsibility for the landowner's litigation fees and costs and liability for landowner's attorney's fee based on the amount of the condemnation award. Consequently, staff believes the cash consideration is in the District's best interest.

Farming Profit Analysis

An analysis of the average pre-tax farming profit indicates that the Crystals and Gladeview Parcels are more profitable than the District Parcel. This is quite significant given that the District Parcel is 4,178 acres larger.

Soil types on the Crystals and Gladeview Parcel produce higher sugar yields at less cost. The difference in muck versus sandy based soils results in the Crystals and Gladeview Parcels being on a yearly average \$532,230 more profitable than the District Parcel. The District Parcel costs \$2,952,182 more to operate and yet generates only \$2,419,952 more in revenue.

Core Mission and Strategic Priorities:

The STA-1W Expansion Project is of critical importance to comply with the Restoration Strategies Regional Water Quality Plan Consent Orders for the purpose of meeting State Water Quality Standards in the Everglades Protection Area. The subject land exchange provides the optimal acreage necessary to allow the District to stay on schedule and meet upcoming consent order milestones. The ability to utilize lands adjacent to the existing STA-1W for the expansion project is a cost savings of approximately \$32 million negating the need to build additional conveyance and multiple pump stations needed to move water if the District used the current U.S. Sugar L-8 lands. Building the expansion on lands adjacent to the existing STA-1W conveys a higher level of certainty the STA-1W expansion project and will assist in achieving the WQBEL as required by the EFA and NPDES permits and consent orders issued for the Everglades STA's on September 12, 2012.

Funding Source:

The cash payment for which funds are budgeted will use Save Our Everglades Trust Fund and General Ad Valorem.

Staff Recommendation:

Staff is recommending approval to move forward with executing the letter of intent for land exchange for the STA-1W expansion project under Restoration Strategies in order to comply with the EFA and NPDES consent orders to achieve the WQBEL and meet State water quality standards.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1018

A Resolution of the Governing Board of the South Florida Water Management District approving a non-binding letter of intent for exchange of lands under which the South Florida Water Management District will acquire approximately 4,535 acres of land in Palm Beach County and pay cash consideration in the amount of \$5,978,474 Florida Crystals Corporation will acquire approximately 8,713 acres of land in Palm Beach County from the District, and Gladeview Holdings, LC and its manager Knight Management, Inc. will acquire approximately 2,865 acres of land in Palm Beach County from Florida Crystals and receive the \$5,978,474 from the District, all subject to approval of a land exchange agreement by the Governing Board of the South Florida Water Management District; providing an effective date. (EPC, Ernie Barnett, ext. 2110)

WHEREAS, the South Florida Water Management District (District) operates Stormwater Treatment Area 1West ("STA-1W") located in Western Palm Beach County as shown on the map attached as Exhibit "A"; and

WHEREAS, the STA-1W Expansion Project is a critical component of the District's Restoration Strategies Regional Water Quality Plan to meet State Water Quality Standards in the Everglades Protection Area; and

WHEREAS, the subject land exchange will provide the District with the necessary lands for the STA-1W Expansion Project; and

WHEREAS, the parties propose to enter into a Letter of Intent that provides the general terms of the proposed land exchange; and

WHEREAS, the Letter of Intent includes the follow terms:

1. The District will acquire a total of approximately 4,535 acres of land as shown on the map attached as Exhibit "A," from subsidiaries of the Florida Crystals Corporation ("Crystals") and from Gladeview Holdings, LC, ("Gladeview").
2. The District will convey to Crystals approximately 8,713 acres of lands as shown on the attached map.
3. Gladeview will acquire approximately 2,865 acres from Crystals as shown on the attached map.
4. The District will provide cash consideration to Gladeview in the amount of \$5,978,474.
5. The District will lease back the 4,535 acres to Crystals on an interim basis consistent with the STA-1W Expansion Project, which includes in January 2016 the District

beginning Project construction on agreed-to portions of the Gladeview Parcels. Crystals will acquire the 8,713 acres from the District subject to the existing U.S. Sugar Corporation lease.

- 6. The parties will endeavor to complete a binding written Exchange Agreement to be taken to the November 14, 2013 meeting of the Governing Board of the District.
- 7. The Closing of the land exchange would occur by the end of January 2014.
- 8. The Closing will be subject to due diligence review and inspections to be conducted by the parties prior to the Closing.

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 non-binding Letter of Intent and authorizes the Executive Director or the Executive Director’s designee to execute the Letter of Intent.

Section 2. The Governing Board also authorizes staff to proceed with completing a Land Exchange Agreement in accordance with the terms of the Letter of Intent.

Section 3. Staff is directed to bring the Agreement back to the Governing Board for review and consideration for approval.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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

Chairman

Attest:

Legal form approved:

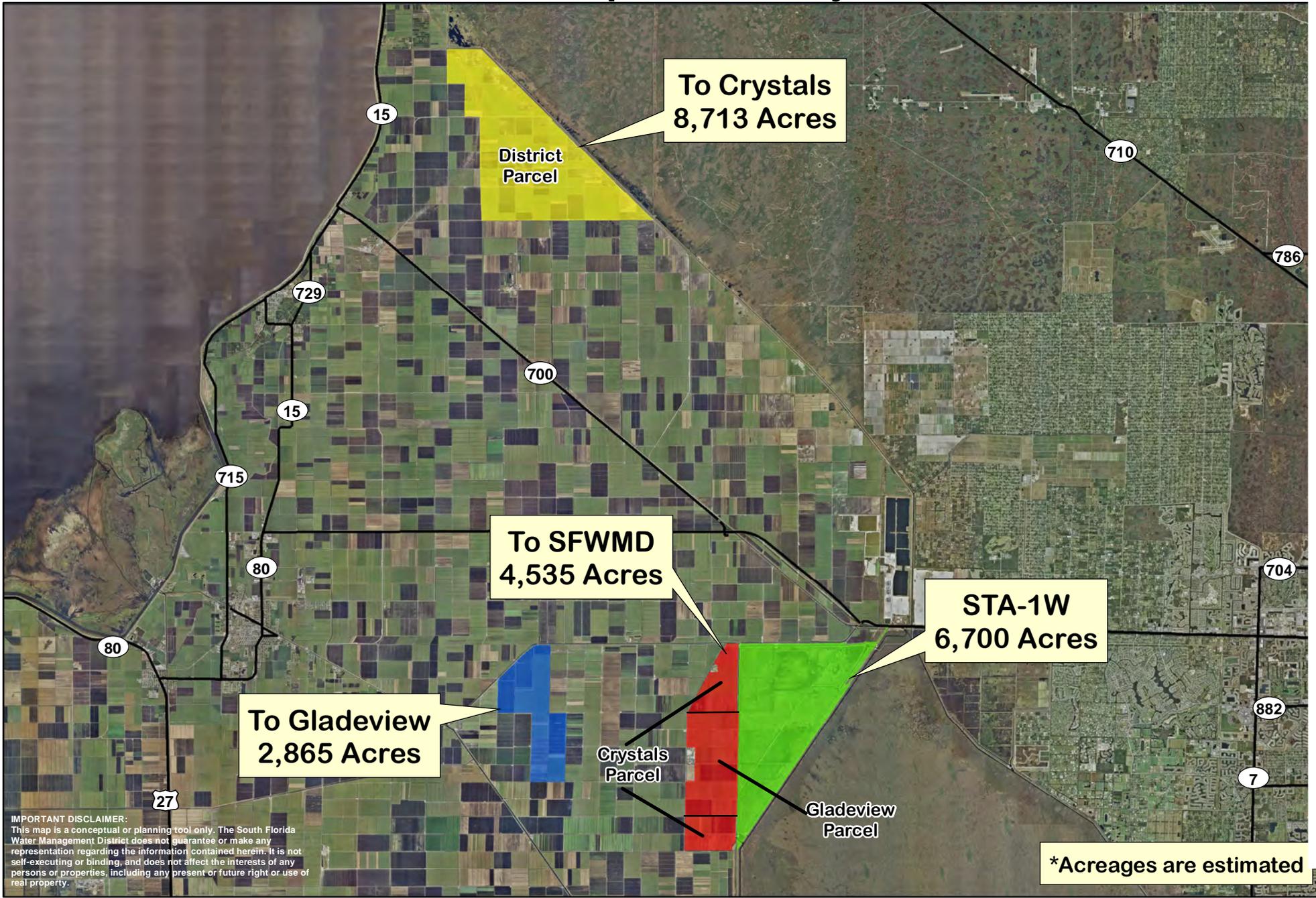
By:

District Clerk/Secretary

Office of Counsel

Print name:

Land Exchange STA-1W Expansion Project



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*Acreages are estimated

Attachment: GB_Memo Land Exchange Map (Resolution No. 2013 - 1018 : STA-1W Expansion)

MEMORANDUM

TO: Governing Board Members
FROM: Jeff Kivett, Division Director
DATE: October 10, 2013
SUBJECT: A1 FEB - Contract Number 4600002952

Agenda Item Description

Authorization is requested to enter into a 545 day contract in the amount of \$59,921,483 with Central Florida Equipment Rentals, the lowest responsive and responsible bidder, for the construction of the Everglades Agricultural Area (EAA) A-1 Flow Equalization Basin (FEB).

Background

The EAA A1 FEB is located in western Palm Beach County, Florida on land also known as the Talisman site. The project will be west of U.S. HWY 27, north of and adjacent to STA-3/4 and east of the Holey Land Wildlife Management Area.

This Project includes the construction of approximately 21 miles of earthen levees, fifteen (15) water control structures, and an outflow collection and conveyance canal that will route water to the North New River Canal upstream of existing pump station G-370.

Core Mission and Strategic Priorities

One of the District's most critical missions is addressing water quality entering the Everglades. In an effort to pursue the District's ongoing commitment to water quality, the A1 FEB project was identified by executive management to help achieve that mission.

Improved water quality discharging from the STA-2/Compartment B and STA-3/4 is anticipated because the STAs will not be required to perform as flood control storage areas during times of high flow, reducing the total loading and improving timing of Phosphorus (P) entering the STA's.

The phosphorus reduction is mandated by the Everglades Forever Act (373.4592 F.S.), State Everglades Phosphorus Criteria, 2003 (62-302.540 F.A.C.) and FDEP Consent Order #'s 12-1148 and 12-1149.

Funding Source

The lowest responsive and responsible bidder is Central Florida Equipment Rentals with a total amount of \$59,921,483, for which \$42,656,845 in Save our Everglades Trust Fund, COPS and ad valorem funds are budgeted in FY14, and the remainder is subject to Governing Board approval of the FY15 budget under the Restoration Strategies Program.

Staff Recommendation

Staff recommends approval of this project. The project must be pursued expeditiously in order to meet water quality improvement objectives and the FDEP Consent Order milestone date for construction of the A1 FEB.

If you have any questions, please call John P. Mitnik, P.E., Bureau Chief, at ext. 2679.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1019

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 545-day contract with Central Florida Equipment Rentals, Inc., the lowest responsive and responsible bidder, for the Everglades Agricultural Area A-1 Flow Equalization Basin, in the amount of \$59,921,483, for which \$42,656,845 of Save our Everglades Trust Fund, COPS and ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002952) (OMC, John Mitnik, ext. 2679)

WHEREAS, this project supports the District's Mission of addressing water quality entering the Everglades.

WHEREAS, phosphorus reduction is mandated by the Everglades Forever Act (373.4592 F.S.), State Everglades Phosphorus Criteria, 2003 (62-302.540 F.A.C.), and FDEP Consent Order #'s 12-1148 and 12-1149; **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 545 day contract with Central Florida Equipment Rentals for the construction of the Everglades Agricultural Area (EAA) A-1 Flow Equalization Basin (FEB), in the amount of \$59,921,483.

Section 2. This project supports the District's Mission of addressing water quality entering the Everglades.

Section 3. A copy of the ranked respondents is attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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: October 10, 2013

SUBJECT: G94A, G94C, G94D, Refurbishment and G94B Removal - Contract Number 4600002959

Agenda Item Description

The purpose of the G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals Project is to repair water control structures and reconstruct the L-40 Levee in Palm Beach County on the eastern boundary of Water Conservation Area 1. The project site locations are west of US441/SR7, with G94D at the north end and G94A at south end.

Background

The G94A, G94B, G94C, G94D and United States Fish and Wildlife Service P1 Pump Station (FWS P1 Pump) are located on the East Coast Protective Levee 40 (L-40) which is a federally authorized and non-federally maintained levee system. This levee borders the east boundary of Water Conservation Area 1, as well as several developed areas in western Palm Beach County. The objectives of the work on these structures are to bring the L-40 levee in compliance with United States Corps of Engineers (USACE) standards. The structure repairs from this project will be evaluated by the Federal Emergency Management Agency (FEMA) for levee certification for the Palm Beach County portion of the East Coast Protective Levee. The scope of work includes: 1) refurbishment of the G94A, G94C and G94D structures including replacing endwalls, headwalls, wingwalls, gates and the G94D culvert pipes and; 2) removal of the G94B and FWS P1 Pump and reconstruction of the levee to USACE standards.

Core Mission and Strategic Priorities

The District's goal is to bring the L-40 levee in compliance with current USACE standards to facilitate FEMA certification of this levee. FEMA is currently updating their flood maps in this area and the District would like to complete construction in FY15 for the benefit of improving flood zone designations for the surrounding communities.

Funding Source

The lowest responsive and responsible bidder is Lucas Marine Acquisition Company, LLC, with a total amount of \$4,250,000.00 for which ad valorem funds are budgeted in the FY14 Engineering & Construction Bureau's capital improvement program.

Staff Recommendation

Board approval is requested at the October Governing Board meeting. Not implementing the proposed G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals Project would result in significant impacts to the continued operation of District flood control facilities, and negatively impact the FEMA flood zone designation of areas they serve.

If you have any questions, please call John Mitnik, Bureau Chief at ext. 2679.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1020

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 425-day contract with Lucas Marine Acquisition Company, LLC, the lowest responsive and responsible bidder, for G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals, in the amount of \$4,250,000 for which ad valorem funds are budgeted in FY14; providing an effective date. (Contract Number 4600002959) (John Mitnik, ext. 2679)

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 425-day contract with Lucas Marine Acquisition Company, LLC, the lowest responsive and responsible bidder, for the G94A, G94C and G94D Refurbishment and G94B and United States Fish and Wildlife Service P1 Pump Removals, in an amount of \$4,250,000.00 for which ad valorem funds are budgeted in FY14; providing an effective date.

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 Contract Number 4600002959 with Lucas Marine Acquisition Company, LLC.

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

PASSED and ADOPTED this 10th day of October, 2013

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: October 10, 2013
SUBJECT: BCB FS Relocation - Contract Number 4600002947

Agenda Item Description

This project is for the relocation of the Big Cypress Basin Field Station and analysis of options for co-locating the Service Center. The contract specifically provides for Phase I of the project which is to complete the design to the 70% level and development of the stipulated price for Phase II negotiations to enter into a contract to complete the design to the 100% level and perform construction.

Background

The District's existing Big Cypress Basin (BCB) Field Station and maintenance facility is antiquated, consisting of a 30-year-old pre-engineered steel building. "Drive-thru" capabilities do not exist and there is limited access to the Field Station due to its location on the existing property. In addition, the existing facility is located in a flood prone area and the buildings are not "hardened" to withstand the associated impacts from a major storm/hurricane event. Thus, emergency response capabilities are severely limited. Furthermore, the existing BCB Field Station is located west of the intended service area, a measureable distance from the canals and structures that the District operates and maintains, resulting in long travel times to work sites.

The proposed location of the new Field Station is the City Gate Commerce Center PUD, Collier County, FL, which has already been acquired. Relocating the Field Station to this site offers the following advantages: a) this site is centrally located in the service area, which will reduce travel time to work sites (increasing work time) and will reduce vehicular fuel consumption; b) the site is conveniently located for access and close to services and suppliers for the Field Station; c) the close proximity to Interstate 75 and Collier Boulevard (County Road 951) is strategic for emergency response actions; d) increased operational effectiveness can be expected from improved on-site circulation, faster emergency response time, and consolidation of operations.

A site analysis will be performed to determine feasibility of co-locating the Service Center within the Field Station. The results of the analysis will be presented to the Big Cypress Basin Governing Board for ruling on the co-location option.

The relocation project will be executed as a design/build contract. Phase I of the contract will be for architectural/engineering services to design the facility to the 70% level and negotiation of a stipulated price proposal. Phase II of the project, which will be brought to the Governing Board for approval, will be to amend the contract to complete the design to the 100% level and perform construction, testing, commissioning and training.

A Request For Qualifications selection process has developed the following ranked list of respondents subject to Governing Board approval and authorizes entering a 1-year contract,

subject to successful negotiations, with DeAngelis Diamond Construction, Inc. If negotiations are unsuccessful with DeAngelis Diamond Construction, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated.

1. DeAngelis Diamond Construction
2. Wright Construction, Inc.
3. Manhattan Construction (Florida), Inc.
4. OAK/Florida, Inc. dba Owen-Ames-Kimbell Co.

Phase I of the project will deliver a Technical Memorandum analyzing options for co-locating the Service Center with the Field Station to be presented to the Big Cypress Basin Governing Board for approval of the recommendations. Phase I will then complete the design through the 70% level. Phase II of the project will deliver 100% plans and specifications and delivery of the completed Field Station facility.

Core Mission and Strategic Priorities

This project supports the Flood Control mission of the District and is identified in the Big Cypress Basin Strategic Plan under the 10-year Capital Plan.

Funding Source

This 1-year work order contract will have a not-to-exceed limit of \$1,000,000 of ad valorem funds are budgeted in FY14.

Staff Recommendation

Staff recommends approval of this project. The present Field Station is antiquated and is subject to frequent flooding. Delay of this project could impact the District's ability to provide Emergency Response.

If you have any questions, please call **John P. Mitnik, P.E.**, Bureau Chief, at ext. 2679.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 1021

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short listed firms and entering into a one-year contract for Phase I of the design build contract to design and construct the new Big Cypress Basin Field Station facility, subject to successful negotiations with DeAngelis Diamond Construction, Inc., for the 70% design and stipulated price proposal for the Big Cypress Basin Field Station Relocation in an amount not-to-exceed \$1,000,000.00 of which ad valorem funds are budgeted in FY14. Phase II of the contract, subject to Governing Board approval, will deliver 100% plans and specifications and the construction of completed Field Station facility. If negotiations are unsuccessful with DeAngelis Diamond Construction, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated providing an effective date. (Contract Number 4600002947) (OMC, John Mitnik, ext. 2679)

WHEREAS, This project supports the District's Mission of Flood Control with the relocation of the Big Cypress Basin Field Station to a new facility capable of providing emergency response.

WHEREAS, The District desires to evaluate the potential efficiencies of co-locating the Big Cypress Basin Service Center with the Field Station.

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 official ranking of short listed firms and entering into a 1-year contract for Phase I of the design build contract to design and construct the new Big Cypress Basin Field Station facility, subject to successful negotiations with DeAngelis Diamond Construction, Inc. for 70% design and stipulated price proposal of the Big Cypress Basin Field Station Relocation, in an amount not-to-exceed \$1,000,000 of ad valorem funds are budgeted in FY14. Phase II of the contract, subject to Governing Board approval, will deliver 100% plans and specifications and the construction of completed Field Station facility. If negotiations are unsuccessful with DeAngelis Diamond Construction, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated.

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

PASSED and **ADOPTED** this 10th day of October, 2013.

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: October 10, 2013

SUBJECT: Monthly Financial Statement – August 2013

The attached financial status report is provided for your review. This report provides a high level snapshot 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 August 30, 2013, with 92% of the fiscal year completed.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances / expenditures made against the District's FY2013 \$622.2 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- As of August 30, 2013, with the fiscal year 92% complete, 90.2% 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 68% 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 FY2013 sources collected were 93.8% of budget or \$583.3 million.
- As of August 30, 2013, 99.4% of budgeted Ad Valorem tax revenue and 102.1% of budgeted Agricultural Privilege tax revenue have been collected. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95% 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 August support an average collection rate of 98.8%.
- As of August 30, 2013, 33.1% of budgeted intergovernmental revenues have been collected. In addition to reimbursement agreements, intergovernmental revenues include proceeds from the sale of Indian River Lagoon and Everglades license plates. Revenue received through August for the sale of license plates totals \$315K. The bulk of intergovernmental revenue is from reimbursements from the Save Our Everglades Trust Fund, Water Management Lands Trust Fund, and the Florida Fish and Wildlife Conservation Commission. Reimbursement requests are submitted to the state based

on actual expenses incurred. Unspent state appropriations which were not encumbered are included in the FY14 budget.

- As of August 30, 2013, \$4.1 million or 82.1% of budgeted Investment Earnings have been realized. The District budgeted \$4.95 million in investment earnings for FY2013 distributed as follows: \$4.59 million in ad valorem funds and \$362K in non-ad valorem funds. Year to date interest earnings in ad valorem funds amount to \$3.4 million or 73.4% of the budgeted amount, while interest earnings in non-ad valorem funds amount to \$697K or 192.3% of the budgeted level. Projected interest earnings in FY2013 in ad valorem funds amount to \$3.6 million which is a shortfall of \$1.0 million. This will be offset by greater than budgeted revenues from USACE reimbursements, surplus sale proceeds, and permit fees. Investment earnings reflect a downward trend over the past years and are representative of lower cash balances, reduced ad valorem tax levies and lower interest rate yields.
- 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 currently collected \$3.5 million which represents 145.8% of the current year budgeted lease revenue of \$2.4 million. 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.
- Budgeted licenses, permits and fees revenue is from water use permits, environmental resource permits and right of way permits. FY2013 income received totals \$21 million and is primarily due to unbudgeted receipts of \$18.1 million from dedicated Lake Belt and Wetland mitigation fees from restoration projects and fees for mining tonnage removed. The balance of receipts includes permit fees \$892K (109.8% of budgeted revenue) and licenses/miscellaneous fees of \$2 million (133.5% of budgeted revenue). Based on current trend data, there is a projected surplus in environmental resource permit revenue of \$683K, and there is a projected surplus in water use permits of approximately \$157K. The projected surpluses are a result of delays in implementing rules relative to consistency criteria for permits issued.
- Budgeted revenue in the Other category includes \$275K in civil penalties and enforcement fees and \$250K 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 \$700K representing 133.4% of the budgeted \$525K.
- Sale of District Property represents the sale of real property and land. This is budgeted conservatively at \$250,000 due to the uncertainty involved. FY2013 revenues received total \$514K.
- 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 \$22.0 million received through August equate to 84.6% of the \$25.7 million budget and reflect monthly premiums.

Expenditure and Encumbrance Status:

As of August 30, 2013, with 92% of the year complete, the District has expended **\$346.4 million or 62.1%** and has encumbered **\$87.9 million or 15.8%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **\$434.3 million or 77.9%** 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 50.5% and expended 23.7% of their \$124.4 million budget. Principal expenditures include personnel services (\$5.2 million), contractual services (\$3.9 million), operating (\$919K), and capital outlay (\$19.4 million). Contractual services and operating encumbrances (\$6.6 million) and capital outlay encumbrances (\$26.7 million) include the following projects: L-8 Flow Equalization Basin (FEB), Loxahatchee River Watershed Restoration Replacement Project - Mecca, C-44 Reservoir/STA Project, CERP Monitoring and Assessment, CERP Water Quality Studies, C-111 Spreader Canal, Southern CREW, Loxahatchee Impoundment Landscape Assessment, Picayune Strand Restoration, South Miami Dade Seasonal Operations Study, Biscayne Bay Coastal Wetlands, Central Everglades Planning Project, WCA3 Decentralization and Sheetflow Equalization, CERP Data Management updates, Nubbin Slough STA/Pump Station Repairs, and Modified Water Deliveries & South Dade C-111 Project. Of the \$61.6 million in available balance, \$26.1 million is intended for the Mecca land acquisition, \$4.8 million for indirect costs which typically get posted at year end, and \$20.5 million has been re-budgeted to FY14 for L-8 FEB Pump Station, C-111 South Contract #8, C-44 Reservoir/STA Project, Cost Share with City of WPB on the Loxahatchee Watershed Restoration Project, Southern CREW (Ronto Settlement), CERP Water Quality Studies, C-111 Soil Moisture Study, and Risk Management; \$8 million is deferred to future multi-year spend down plan projects.
- The **Coastal Watersheds Program** has obligated 81.9% and expended 45.9% of their total \$17.6 million budget. Principal expenditures include personnel services (\$2.8 million), contractual services (\$4.7 million), operating (\$92K), and capital outlay (\$500K). Contractual services encumbrances primarily consist of interagency agreements (\$5.4 million) including: St. Lucie River and Indian River Lagoon Initiatives Projects; Indian River License Tag Projects in Martin Counties; Loxahatchee River Preservation Initiative Projects; Big Cypress Basin Stormwater Projects; Spanish Creek/Four Corners; Miami Gardens NW 178th Dr. Stormwater Retrofit; Miami River Ecosystem Restoration; El Portal Stormwater Improvements; Mirror Lakes/Halfway Pond Rehydration; and Lakes Park Restoration. Remaining contractual encumbrances (\$805K) include: St. Lucie River and Caloosahatchee River Regulatory Source Controls; Loxahatchee River and St. Lucie River Watershed Research and Water Quality Monitoring; Florida Bay and Coastal Wetlands Project; Lake Trafford Biological Monitoring; Big Cypress Basin Saltwater Network Plan; Big Cypress Basin Real-time Hydrologic Monitoring and Modeling System; public process to development a restoration vision of the Caloosahatchee River and Estuary; refinement of hydrological model for Naples Bay; and Collier County Water Quality Monitoring. Capital outlay encumbrances (\$142K) include environmental assessment and survey and mapping of Duda property and preliminary survey and geo-

tech services and preliminary design for the Lake Hicpochee Hydrologic Enhancement project. Of the \$3.2 million in available balance, \$66,586 is for Indian River Lagoon License Tag projects; \$8,839 is state appropriations for Florida Keys/Florida Bay which will be returned to the State; and \$2.6 million has been re-budgeted to FY14 for Lake Hicpochee Hydrologic Enhancement project, C-43 Water Quality Testing Facility (BOMA), 28th Street Culvert Replacement (BCB), Indian River Lagoon Issues Team projects, Mirror Lakes/Halfway Pond Restoration, and modeling efforts in the St. Lucie River and Caloosahatchee River watersheds.

- The **District Everglades Program** has obligated 68.6% and expended 64.0% of their total \$53.4 million budget. Principal expenditures include personnel services (\$14.9 million), contractual services (\$5.6 million), operating (\$7.5 million), and capital outlay (\$6.2 million). Contractual services encumbrances (\$966K) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA's), Diesel Oxidation Catalyst Installation, STA 1E Exterior Levee Certification, and Everglades Regulation Source Control. Operating encumbrances (\$144K) are in support of the overall operations and maintenance of vegetation and exotic plant control of the STA's. Capital outlay encumbrances (\$1.3 million) include work on STA1W Expansion, completing Compartment C, G-250S and G-337 Pump Bearing replacement. Of the \$16.8 million in available balance, \$26K is for a cash payment to USACE for S-319, \$1.2 million is for property appraiser and tax collector fees along with STA operations such as fuel, electricity, and chemicals, \$13.7 million is allocated for Restoration Strategies and spend down plan projects of which \$11.7 million is re-budgeted in FY14 for projects such as the A1 Flow Equalization Basin, STA1W Expansion, and the Science Plan.
- The **Kissimmee Watershed Program** has obligated 60.5% and expended 10.2% of their total \$31.2 million budget. Principal expenditures include personnel services (\$1.5 million), contractual services (\$1.0 million), operating (\$28K), and capital outlay (\$587K). Contractual services and operating encumbrances (\$767K) primarily consist of the Kissimmee River Restoration Evaluation (\$111K), Kissimmee Basin Modeling and Operating System (\$459K), the Oak Creek project (\$84K), Rolling Meadows (\$6K), hydrologic monitoring (\$59K), and land acquisition costs and environmental risk assessments (\$48K). Capital outlay encumbrances (\$15.0 million) are primarily for the Kissimmee River Restoration land acquisition cases. Of the \$12.3 million in available balance, \$548K in earmarked mitigation funds for the Rolling Meadows and Kissimmee Basin Hydrologic Monitoring projects, \$3.0 million of authority is being re-directed in the current year for a payment to Department of Emergency Management for FEMA's de-obligation of funds for prior year hurricane expenses. \$5.6 million of the balance has been re-budgeted to FY14: \$3.2 million for external risk management and \$2.4 million in mitigation funds for Rolling Meadows; \$26K for Kissimmee River Restoration Evaluation Program and Kissimmee Basin Modeling and Operations Study; and \$2.8 million is planned for a future year spend down plan obligation in FY15.
- The **Lake Okeechobee Program** has obligated 71.9% and expended 33.2% of their total \$21.2 million budget. Principal expenditures include personnel services (\$3.5 million), contractual services (\$3.0 million), operating (\$398K), and capital outlay (\$178K). Contractual services and operating encumbrances (\$8.2 million) primarily consist of the Dispersed Water Management (DWM) and Florida Ranchland Environmental Services Projects (\$7.8 million), Information Technology Support (\$120K), Northshore Navigation Canal project (\$95K), Lake Okeechobee Watershed Pre-Drainage Characterization study (\$76K), Phosphorous Source Control project

(\$14K), Phosphorus Reduction projects (\$37K), Water Quality Assessments and reporting (\$26K), and Lakeside Ranch STA (\$33K). Capital outlay encumbrances (\$13K) are primarily for the Lakeside Ranch STA. Of the \$6.0 million in available balance, \$176K is planned for current year DWM projects; \$5.1 million is allocated for spend down plan projects of which \$3.8 million of the balance has been re-budgeted to FY14: \$3.0 million for DWM, \$739K for Lemkin Creek, and \$66K for LO Watershed Pre-drainage Characterization project; and \$1.3 million is planned for DWM in future years of the spend down plan.

- The **Land Stewardship Program** has obligated 68.7% and expended 55.4% of their total \$18.3 million budget. Principal expenditures include personnel services (\$3.5 million), contractual services (\$5.3 million), operating (\$941K), and capital outlay (\$385K). Contractual and operating encumbrances (\$2.2 million) include the maintenance of vegetation and exotic plant control, provision of law enforcement services, and management of District owned lands and facilities. Capital outlay encumbrances (\$209K) are primarily for work on the C-139 Annex Mitigation project. Of the \$5.7 million in available balance, \$1.3 million in mitigation funds is for the 8.5 Square Mile Area Mitigation project of which \$100K has been re-budgeted for environmental remediation work and the balance deferred to a future year, and \$954K in mitigation and lease revenue funds is for the C-139 Annex, mitigation projects and land management activities.
- The **Mission Support Program** has obligated 91.2% and expended 85.1% of their total \$48.2 million budget. Principal expenditures include personnel services (\$20.3 million), contractual services (\$5.8 million), operating (\$13.6 million), and capital outlay (\$1.1 million). Contractual services encumbrances (\$2.0 million) include Information Technology consulting services, hardware, software, and systems maintenance for the fiscal year; facilities maintenance and repair services, and audit and legal professional services. Operating encumbrances (\$903K) include utilities, computer parts and supplies, printing and advertising. Capital outlay encumbrances (\$48K) include computer hardware components; and engineering during construction for the upgrade to the Emergency Operations Center chiller system. Of the \$4.2 million in available budget, \$780K is available for healthcare and insurance claims; \$300K has been re-budgeted to FY14 to upgrade the chiller system to provide redundant cooling capacity for the IT data center, located within the Emergency Operations Center, and \$225K for retiree healthcare benefits. An additional \$1.9 million is reserved for future retiree healthcare benefits. The balance of the remaining budget is available for facility and information technology maintenance and repairs.
- The **Modeling and Science Support Program** has obligated 89.7% and expended 82.0% of their total \$12.7 million budget. Principal expenditures include personnel services (\$8.0 million), contractual services (\$1.7 million), operating (\$558K), and capital outlay (\$126K). Contractual services and operating encumbrances (\$966K) include technical and peer reviews, computer hardware and software, organic analysis, sediment/water quality sampling, utilities, and equipment rental. Of the \$1.3 million in available balance, \$391K is planned for current year technical review, laboratory parts, supplies, maintenance, and repairs, and \$200K is re-budgeted to FY14 for spend down plan modeling support.
- The **Operations and Maintenance Program** has obligated 94.5% and expended 86.5% of their total \$144.8 million budget. Principal expenditures include personnel services

(\$47.4 million), contractual services (\$38.6 million), operating (\$28.3 million), and capital outlay (\$10.9 million). Encumbrances for contractual services and capital outlay (\$10.8 million) primarily relate to the O&M capital program for maintenance and repair of existing water management system canals and water control structures including C-41A Canal Bank Stabilization, North Shore Trash Rake Project, Miami B-47 Building Replacement, Hillsboro Canal Bank Stabilization Design, S-193 Navigation Lock Refurbishment, Diesel Oxidation Catalyst Installation, S-5A Hardening and Service Bridge Refurbishment, S-13 Repower and Automation, S-21 Cathodic Protection, Information Technology Shelters, BCB Field Station Design/Build, Central and Southern and Central Flood Control Structure Inspections, L-40 Exterior Levee Certification, East Coast Protective Levee, Central Bridges Repairs/Replacements, project culvert replacements, the SCADA Systems Study, Operations Decision Support System and Vertical Datum-NAVD88. Operating encumbrances (\$804K) are primarily associated with field station daily operations and maintenance including vegetation and exotic plant control for the Central and Southern Flood Control system. Of the \$8.0 million in available balance, \$4.0 million includes funds for health insurance for medical claims, chemicals and spraying services for exotic and aquatic plant control, and expenses related to fuel and electric.

- The **Regulation Program** has obligated 90.0% and expended 88.0% of their total \$25.9 million budget. Principal expenditures include personnel services (\$15.0 million), contractual services (\$1.5 million), operating (\$5.9 million), and capital outlay (\$243K). Contractual services and operating encumbrances (\$356K) include application development, permit scanning and support contractors, computer hardware and software, equipment rental, and fuel. Capital outlay encumbrances (\$157K) consist primarily of the ePermitting enhancement project which saves time and expenses with online filing/searching of permits. Of the \$2.6 million in available balance, \$867K is planned for current year health insurance, \$209K for items including North Oak Mitigation Project, and other operating expenses.
- The **Water Supply Program** has obligated 89.3% and expended 70.2% of their total \$18.0 million budget. Principal expenditures include personnel services (\$5.0 million), contractual services (\$2.1 million), operating (\$5.4 million), and capital outlay (\$235K). Contractual services and operating encumbrances (\$3.4 million) include the Caloosahatchee Rule Making (\$58K), Central Florida Water Initiative (CFWI) (\$412K), WaterSIP grants (\$130K), Lower Floridan Aquifer (LFA) (\$72K), interagency agreements for Alternative Water Supply projects (\$1.5 million), Big Cypress Basin (\$1.1 million), hydrologic data gathering (\$169K), and peer review (\$10K). Of the \$1.9 million in available balance, \$874K is planned for current year health insurance, \$22K for LFA Project, \$270K for Hydro-geologic Data, and \$405K is a re-budget to FY14 for the CFWI Model, peer reviews, 3D Hydro Model, and Water Conservation
- **Reserves** of \$64.3 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 programmatic balances of \$49K for CERP and \$17K for Lake Okeechobee. FY13 funds intended for FY14 re-budget were moved to reserves. Programmatic balances for these re-budget reserves include \$1.3 million for the C-139 Annex Mitigation Restoration Project, \$88K for land and vegetation management, \$1.4 million for Lake Okeechobee Dispersed Water Management

Governing Board Members
October 10, 2013
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Projects, \$66K for the Lake Okeechobee Watershed pre-drainage Characterization Project, \$705K for the CERP C-111 Project, \$122K for Indian River Lagoon Issues Team Projects, \$50K for Mirror Lakes, \$60K for a St. Lucie Watershed model upgrade, \$95K for Kissimmee River Littoral Zone Topographic Mapping, \$35K for Kissimmee vegetation mapping, \$50K for the Everglades EFA Source Control Program, \$183K to upgrade the chiller system to provide redundant cooling capacity for the IT data center, located within the Emergency Operations Center, \$15K for educational outreach (Great Water Odyssey), and \$26K for a Florida Bay MFL Peer Review. Managerial reserves of \$329K from District Programs were transferred to emergency reserves to respond to District fuel and electric demands in support of pumping operations. All but \$855 was transferred from emergency reserves to areas in need of funds for pumping operations support.

- **Debt Service** expenses amount to 100% of 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 due was paid in April.

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 call Chris Flierl at (561) 682-6078 or Mike Smykowski at (561) 682-6295.

DB/CF/MS
Attachment

**South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)**

For the month ended: August 31, 2013. Percent of fiscal year completed: 92%

SOURCES	ANNUAL BUDGET	ACTUALS		ACTUALS AS A % OF BUDGET
		THROUGH 8/31/2013	VARIANCE (UNDER) / OVER BUDGET	
Ad Valorem Property Taxes	\$ 268,114,920	\$ 266,470,429	\$ (1,644,491)	99.4%
Agricultural Privilege Taxes	11,352,040	11,593,566	241,526	102.1%
Intergovernmental - Ad Valorem Funds	5,423,928	9,840,165	4,416,237	181.4%
Intergovernmental - Non Ad Valorem Funds	73,312,901	16,249,536	(57,063,365)	22.2%
Intergovernmental Total	78,736,829	26,089,702	(52,647,127)	33.1%
Investment Earnings - Ad Valorem Funds	4,592,000	3,371,683	(1,220,317)	73.4%
Investment Earnings - Non Ad Valorem Funds	362,300	696,647	334,347	192.3%
Investment Earnings Total	4,954,300	4,068,330	(885,970)	82.1%
Leases	2,403,736	3,504,083	1,100,347	145.8%
Permit Fees	812,160	891,965	79,805	109.8%
Licenses and Miscellaneous Fees	1,487,150	1,984,705	497,555	133.5%
Mitigation Fees - Lake Belt & Wetlands	105,000	18,075,134	17,970,134	17214.4%
Licenses, Permits and Fees Total	2,404,310	20,951,804	18,547,494	871.4%
Other	525,000	700,403	175,403	133.4%
Sale of District Property	250,000	514,416	264,416	205.8%
Self Insurance Premiums	25,712,821	21,743,788	(3,969,033)	84.6%
SUB-TOTAL OPERATING REVENUES	394,453,956	355,636,520	(38,817,436)	90.2%
Fund Balance	227,710,540	227,710,540	-	100.0%
TOTAL SOURCES	\$ 622,164,496	\$ 583,347,060	\$ (38,817,436)	93.8%

USES	ANNUAL BUDGET	EXPENDITURES	ENCUMBRANCES ¹	REPORTED	% EXPENDED	% ENCUMBERED	% OBLIGATED ²
				AVAILABLE BUDGET			
CERP	\$ 124,352,307	\$ 29,474,002	\$ 33,299,239	\$ 61,579,067	23.7%	26.8%	50.5%
Coastal Watersheds	17,612,107	8,090,822	6,325,554	3,195,731	45.9%	35.9%	81.9%
District Everglades	53,407,942	34,187,799	2,454,714	16,765,429	64.0%	4.6%	68.6%
Kissimmee Watershed	31,208,866	3,170,076	15,717,916	12,320,875	10.2%	50.4%	60.5%
Lake Okeechobee	21,218,335	7,037,510	8,213,960	5,966,864	33.2%	38.7%	71.9%
Land Stewardship	18,322,149	10,155,883	2,433,017	5,733,249	55.4%	13.3%	68.7%
Mission Support	48,223,314	41,043,358	2,958,772	4,221,185	85.1%	6.1%	91.2%
Modeling & Sci Supp	12,684,464	10,407,007	966,460	1,310,997	82.0%	7.6%	89.7%
Ops & Maintenance	144,818,848	125,257,850	11,599,088	7,961,910	86.5%	8.0%	94.5%
Regulation	25,904,910	22,801,103	513,757	2,590,049	88.0%	2.0%	90.0%
Water Supply	18,001,199	12,643,925	3,435,583	1,921,691	70.2%	19.1%	89.3%
Debt Service	42,136,957	42,136,954	-	3	100.0%	0.0%	100.0%
SUB-TOTAL NON-RESERVES USES	557,891,399	346,406,290	87,918,060	123,567,050	62.1%	15.8%	77.9%
Reserves	64,273,097	-	-	64,273,097	0.0%	0.0%	0.0%
TOTAL USES	\$ 622,164,496	\$ 346,406,290	\$ 87,918,060	\$ 187,840,146	55.7%	14.1%	69.8%

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_Aug_FY13_programmatic (1551 : Monthly

**South Florida Water Management District
Statement of Sources and Uses of Funds
For the Month ending August 31, 2013
(Unaudited)**

	CURRENT BUDGET	ACTUALS THROUGH 8/31/2013	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes ¹	\$ 279,466,960	\$ 278,063,994	\$ (1,402,966)	99.5%
Intergovernmental Revenues	78,736,829	26,089,702	(52,647,127)	33.1%
Interest on Invested Funds	4,954,300	4,068,330	(885,970)	82.1%
License and Permit Fees	2,404,310	20,951,804	18,547,494	871.4%
Other ²	28,891,557	26,462,690	(2,428,867)	91.6%
Fund Balance	227,710,540	227,710,540	-	100.0%
Total Sources	\$ 622,164,496	\$ 583,347,060	\$ (38,817,436)	93.8%

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	\$ 54,869,758	\$ 38,920,174	\$ 9,111,649	\$ 6,837,935	70.9%	87.5%
Acquisition, Restoration and Public Works	239,917,982	81,293,100	60,854,506	97,770,376	33.9%	59.2%
Operation and Maintenance of Lands and Works	256,303,268	164,024,423	15,548,102	76,730,743	64.0%	70.1%
Regulation	29,478,878	25,813,132	749,483	2,916,263	87.6%	90.1%
Outreach	2,676,584	2,357,413	34,281	284,890	88.1%	89.4%
Management and Administration	38,918,025	33,998,047	1,620,038	3,299,940	87.4%	91.5%
Total Uses	\$ 622,164,496	\$ 346,406,290	\$ 87,918,060	\$ 187,840,146	55.7%	69.8%

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 August 31, 2013, and covers the interim period since the most recent audited financial statements.

South Florida Water Management District
 Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)
 As of: August 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
CERP							
Personnel Services	\$ 6,443,841	\$ 5,190,053	\$ -	\$ 1,253,788	80.5%	0.0%	80.5%
Contractual Services	18,241,133	3,891,108	6,626,040	7,723,986	21.3%	36.3%	57.7%
Operating	1,164,234	919,848	20,999	223,386	79.0%	1.8%	80.8%
Travel	58,890	32,361	2,028	24,501	55.0%	3.4%	58.4%
Capital Outlay	93,694,209	19,440,632	26,650,172	47,603,405	20.7%	28.4%	49.2%
CERP Indirect	4,750,000			4,750,000	0.0%	0.0%	0.0%
Total CERP	124,352,307	29,474,002	33,299,239	61,579,067	23.7%	26.8%	50.5%
Coastal Watersheds							
Personnel Services	3,431,107	2,827,049	-	604,058	82.4%	0.0%	82.4%
Contractual Services	12,413,683	4,659,059	6,182,970	1,571,654	37.5%	49.8%	87.3%
Operating	98,650	92,395	342	5,913	93.7%	0.3%	94.0%
Travel	19,121	12,171	360	6,590	63.7%	1.9%	65.5%
Capital Outlay	1,649,547	500,148	141,882	1,007,516	30.3%	8.6%	38.9%
Total Coastal Watersheds	17,612,107	8,090,822	6,325,554	3,195,731	45.9%	35.9%	81.9%
District Everglades							
Personnel Services	16,798,283	14,854,396	-	1,943,887	88.4%	0.0%	88.4%
Contractual Services	10,968,871	5,624,170	966,089	4,378,613	51.3%	8.8%	60.1%
Operating	8,651,495	7,463,277	144,033	1,044,185	86.3%	1.7%	87.9%
Travel	31,959	17,403	-	14,556	54.5%	0.0%	54.5%
Capital Outlay	16,957,333	6,228,554	1,344,592	9,384,187	36.7%	7.9%	44.7%
Total District Everglades	53,407,942	34,187,799	2,454,714	16,765,429	64.0%	4.6%	68.6%
Kissimmee Watershed							
Personnel Services	1,839,590	1,516,993	-	322,597	82.5%	0.0%	82.5%
Contractual Services	11,331,906	1,025,380	743,907	9,562,619	9.0%	6.6%	15.6%
Operating	66,163	28,169	23,500	14,495	42.6%	35.5%	78.1%
Travel	19,629	13,025	357	6,246	66.4%	1.8%	68.2%
Capital Outlay	17,951,578	586,510	14,950,151	2,414,917	3.3%	83.3%	86.5%
Total Kissimmee Watershed	\$ 31,208,866	\$ 3,170,076	\$ 15,717,916	\$ 12,320,875	10.2%	50.4%	60.5%

Attachment: Summary Statement of Sources and Uses of Funds_Aug_FY13_09252013 (1551 : Monthly

South Florida Water Management District
 Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)
 As of: August 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Lake Okeechobee							
Personnel Services	\$ 4,175,866	\$ 3,494,844	\$ -	\$ 681,022	83.7%	0.0%	83.7%
Contractual Services	16,337,215	2,967,010	8,154,337	5,215,868	18.2%	49.9%	68.1%
Operating	503,550	397,576	46,211	59,763	79.0%	9.2%	88.1%
Travel	6,356	456	-	5,900	7.2%	0.0%	7.2%
Capital Outlay	195,348	177,624	13,412	4,312	90.9%	6.9%	97.8%
Total Lake Okeechobee	21,218,335	7,037,510	8,213,960	5,966,864	33.2%	38.7%	71.9%
Land Stewardship							
Personnel Services	3,780,887	3,539,297	-	241,590	93.6%	0.0%	93.6%
Contractual Services	11,132,337	5,279,767	2,164,599	3,687,972	47.4%	19.4%	66.9%
Operating	1,195,838	940,741	59,045	196,053	78.7%	4.9%	83.6%
Travel	23,250	10,782	102	12,366	46.4%	0.4%	46.8%
Capital Outlay	2,189,837	385,297	209,272	1,595,268	17.6%	9.6%	27.2%
Total Land Stewardship	18,322,149	10,155,883	2,433,017	5,733,249	55.4%	13.3%	68.7%
Mission Support							
Personnel Services	22,776,132	20,254,859	-	2,521,273	88.9%	0.0%	88.9%
Contractual Services	7,949,176	5,780,924	1,986,026	182,226	72.7%	25.0%	97.7%
Operating	20,259,134	13,605,001	902,610	5,751,522	67.2%	4.5%	71.6%
Travel	395,533	287,029	21,965	86,538	72.6%	5.6%	78.1%
Capital Outlay	1,593,340	1,115,544	48,170	429,625	70.0%	3.0%	73.0%
CERP Indirect	(4,750,000)			(4,750,000)	0.0%	0.0%	0.0%
Total Mission Support	48,223,314	41,043,358	2,958,772	4,221,185	85.1%	6.1%	91.2%
Modeling & Science Support							
Personnel Services	8,930,390	8,029,251	-	901,139	89.9%	0.0%	89.9%
Contractual Services	2,868,992	1,672,845	884,044	312,102	58.3%	30.8%	89.1%
Operating	719,951	558,113	82,180	79,658	77.5%	11.4%	88.9%
Travel	37,435	20,732	236	16,468	55.4%	0.6%	56.0%
Capital Outlay	127,697	126,067	-	1,630	98.7%	0.0%	98.7%
Total Modeling & Science Support	\$ 12,684,464	\$ 10,407,007	\$ 966,460	\$ 1,310,997	82.0%	7.6%	89.7%

Attachment: Summary Statement of Sources and Uses of Funds_Aug_FY13_09252013 (1551 : Monthly

South Florida Water Management District

Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)

As of: August 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Operations & Maintenance							
Personnel Services	\$ 50,936,902	\$ 47,410,730	\$ -	\$ 3,526,171	93.1%	0.0%	93.1%
Contractual Services	44,167,878	38,556,534	4,001,102	1,610,243	87.3%	9.1%	96.4%
Operating	31,627,853	28,267,580	803,957	2,556,316	89.4%	2.5%	91.9%
Travel	160,927	128,609	11,700	20,618	79.9%	7.3%	87.2%
Capital Outlay	17,925,288	10,894,397	6,782,329	248,562	60.8%	37.8%	98.6%
Total Operations & Maintenance	144,818,848	125,257,850	11,599,088	7,961,910	86.5%	8.0%	94.5%
Regulation							
Personnel Services	16,548,365	15,041,811	-	1,506,555	90.9%	0.0%	90.9%
Contractual Services	1,981,425	1,543,966	270,768	166,691	77.9%	13.7%	91.6%
Operating	6,943,536	5,946,754	84,873	911,909	85.6%	1.2%	86.9%
Travel	31,351	25,603	853	4,895	81.7%	2.7%	84.4%
Capital Outlay	400,233	242,970	157,263	-	60.7%	39.3%	100.0%
Total Regulation	25,904,910	22,801,103	513,757	2,590,049	88.0%	2.0%	90.0%
Water Supply							
Personnel Services	5,471,971	4,953,662	-	518,309	90.5%	0.0%	90.5%
Contractual Services	5,928,645	2,072,396	3,383,426	472,823	35.0%	57.1%	92.0%
Operating	6,315,507	5,379,355	36,796	899,356	85.2%	0.6%	85.8%
Travel	9,926	3,749	36	6,141	37.8%	0.4%	38.1%
Capital Outlay	275,151	234,764	15,325	25,062	85.3%	5.6%	90.9%
Total Water Supply	18,001,199	12,643,925	3,435,583	1,921,691	70.2%	19.1%	89.3%
Reserves							
Reserves	64,273,097	-	-	64,273,097	0.00%	0.00%	0.00%
Total Reserves	64,273,097	-	-	64,273,097	0.00%	0.00%	0.00%
Debt Service							
Debt Service	42,136,957	42,136,954	-	3	100.0%	0.0%	100.0%
Total Debt Service	42,136,957	42,136,954	-	3	100.0%	0.0%	100.0%
Grand Total	\$ 622,164,496	\$ 346,406,290	\$ 87,918,060	\$ 187,840,146	55.7%	14.1%	69.8%

Attachment: Summary Statement of Sources and Uses of Funds_Aug_FY13_09252013 (1551 : Monthly

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM September 1, 2013 TO September 30, 2013

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1. THE CLUB AT MEDITERRA INC
THE NEW CLUB AT MEDITERRA, INC
SEC 11,12 TWP 48S RGE 25E

APPL. NO. 130708-15
PERMIT NO. 11-03361-W
ACREAGE: 306.20
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE MODIFICATION

WATER SOURCE: WATER TABLE AQUIFER, SANDSTONE AQUIFER, LOWER TAMiami AQUIFER, OFF-SITE LAKES

ALLOCATION: 50.04 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 6, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1. RIVER GROVES I I I
MILLER COUSE
SEC 27, 34 TWP 42S RGE 31E

APPL. NO. 090701-7
PERMIT NO. 22-00208-S
ACREAGE: 248.92
LAND USE: AGRICULTURAL

PERMIT TYPE: SURFACE WATER MANAGEMENT (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: MYRTLE SLOUGH CANAL
LAST DATE FOR AGENCY ACTION: OCTOBER 27, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1. EAGLE FARM
EAGLE FARM CORPORATION
SEC 26,35,36 TWP 43S RGE 31E

APPL. NO. 060630-40
PERMIT NO. 26-00568-W
ACREAGE: 800.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: ON-SITE RESERVOIR
ALLOCATION: 79.79 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 9, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1.	CORAL OAKS GOLF COURSE CITY OF CAPE CORAL SEC 5,32 TWP 43,44S RGE 23E	APPL. NO. 130108-5 PERMIT NO. 36-00708-W ACREAGE: 124.00 LAND USE: GOLF COURSE
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PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: ON-SITE CANALS
ALLOCATION: 21.4 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 10, 2013

2.	CORKSCREW SHORES CORKSCREW LAKES, LLC SEC 21,28 TWP 46S RGE 26E	APPL. NO. 130606-3 PERMIT NO. 36-08006-W ACREAGE: 722.09 LAND USE: DEWATERING
----	---	--

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: OCTOBER 6, 2013

3.	CORKSCREW SHORES (F K A CORKSCREW WOODS) CORKSCREW LAKES LLC SEC 28 TWP 46S RGE 26E	APPL. NO. 080827-7 PERMIT NO. 36-03254-P ACREAGE: 722.09 LAND USE: RESIDENTIAL
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION), INCLUDES
CONSERVATION EASEMENT TO THE DISTRICT)
RECEIVING BODY:
LAST DATE FOR AGENCY ACTION: OCTOBER 17, 2013

4.	FOUNTAIN LAKES IRRIGATION SYSTEM FOUNTAIN LAKES COMMUNITY ASSOCIATION SEC 4,5 TWP 47S RGE 25E	APPL. NO. 130409-10 PERMIT NO. 36-03130-W ACREAGE: 94.03 LAND USE: LANDSCAPE
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PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: ON-SITE LAKES/PONDS, MID-HAWTHORN AQUIFER
ALLOCATION: 16.23 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: SEPTEMBER 17, 2013

-
5. I-75 (S R 93) FROM S R 82 TO LUCKETT ROAD (ULTIMATE)
 FLORIDA DEPARTMENT OF TRANSPORTATION
 SEC 15,22 TWP 44S RGE 25E
- APPL. NO. 110131-8
 PERMIT NO. 36-03802-P
- ACREAGE: 59.24
 LAND USE: HIGHWAY
- PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: SIX MILE CYPRESS SLOUGH VIA CONVEYANCE SYSTEMS
 LAST DATE FOR AGENCY ACTION: NOVEMBER 11, 2013
-
6. JAMERSON FARMS
 JAMERSON FARMS ENTERPRISES LLC
 SEC 13,14,23 TWP 45S RGE 26E
- APPL. NO. 050628-24
 PERMIT NO. 36-03768-W
- ACREAGE: 476.00
 LAND USE: AGRICULTURAL
- PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: SANDSTONE AQUIFER
 ALLOCATION: 107.91 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 27, 2013
-
7. PALMIRA GOLF AND COUNTRY CLUB MASTER HOMEOWNERS AS
 PALMIRA GOLF AND COUNTRY CLUB MASTER HOA, INC
 SEC 4 TWP 48S RGE 26E
- APPL. NO. 130524-5
 PERMIT NO. 36-04235-W
- ACREAGE: 134.30
 LAND USE: LANDSCAPE
- PERMIT TYPE: WATER USE MODIFICATION
 WATER SOURCE: ON-SITE LAKES
 ALLOCATION: 22.45 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 14, 2013
-
8. R L F CORKSCREW POTATO (FKA HARVEY BROTHERS FARM)
 R L F CORKSCREW HOLDINGS L L C
 SEC 30 TWP 46S RGE 27E
- APPL. NO. 100902-23
 PERMIT NO. 36-00883-W
- ACREAGE: 520.00
 LAND USE: AGRICULTURAL
- PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: SURFICIAL AQUIFER SYSTEM
 ALLOCATION: 300.33 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 24, 2013
-

1. CAULKINS WATER FARM	APPL. NO.	130805-9
CAULKINS CITRUS COMPANY LIMITED	PERMIT NO.	43-00360-S
SEC 29,30 TWP 39S RGE 40E	ACREAGE:	450.00
	LAND USE:	AGRICULTURAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: ON SITE RETENTION
LAST DATE FOR AGENCY ACTION: OCTOBER 4, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1.	FLOWER LAND GROUP L L C	APPL. NO.	070228-58
	FLOWER LAND GROUP L L C	PERMIT NO.	13-04269-W
	SEC 8 TWP 56S RGE 39E	ACREAGE:	120.00
		LAND USE:	NURSERY

PERMIT TYPE: WATER USE EXISTING/UNPERMITTED
 WATER SOURCE: BISCAYNE AQUIFER
 ALLOCATION: 22.23 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: NOVEMBER 5, 2013

2.	WEST WIND HOMES	APPL. NO.	130430-5
	ISABIANCA INVESTMENTS, LLC	PERMIT NO.	13-05386-P
	SEC 10 TWP 54S RGE 39E	ACREAGE:	2.39
		LAND USE:	RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
 RECEIVING BODY: ON-SITE RETENTION
 LAST DATE FOR AGENCY ACTION: SEPTEMBER 24, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1. DANIEL SHELL PIT PHASE VI OKEECHOBEE MINING, LLC SEC 36 TWP 37S RGE 34E	APPL. NO. 070119-8 PERMIT NO. 47-00537-W ACREAGE: 1.00 LAND USE: DEWATERING
--	--

PERMIT TYPE: WATER USE MODIFICATION
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: OCTOBER 21, 2013

2. KISSIMMEE OAKS KISSIMMEE OAKS L L C SEC 7,11,12,13,18,19 TWP 37S RGE 33,34E	APPL. NO. 130710-9 PERMIT NO. 47-00545-W ACREAGE: 400.00 LAND USE: AGRICULTURAL
--	--

PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: FLORIDAN AQUIFER SYSTEM
 ALLOCATION: 73.89 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 8, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1. MERITAGE HOMES - COMPASS ROSE PHASE 1 A AND 1 B MERITAGE HOMES OF FLORIDA INCORPORATED SEC 4 TWP 24S RGE 27E	APPL. NO. 130617-15 PERMIT NO. 48-02274-P ACREAGE: 72.60 LAND USE: RESIDENTIAL
---	---

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION), INCLUDES
 CONSERVATION EASEMENT TO THE DISTRICT)
 RECEIVING BODY: HUCKLEBERRY LAKE, LAKE LARTIGUE & PANTHER LAKE
 LAST DATE FOR AGENCY ACTION: OCTOBER 8, 2013

2. WATERLEIGH P D PARCELS 3, 4A, 4B, 5A, 5B, 6 & 7 D R HORTON INC SEC 5,31 TWP 24,23S RGE 27,27E	APPL. NO. 130520-1 PERMIT NO. 48-02264-P ACREAGE: 153.71 LAND USE: RESIDENTIAL
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION), INCLUDES
 CONSERVATION EASEMENT TO THE DISTRICT)
 RECEIVING BODY: HICKORY NUT LAKE
 LAST DATE FOR AGENCY ACTION: SEPTEMBER 24, 2013

Attachment: IP Issued by ED September 2013 (1554 : Executive Director's Report)

1.	TERRA VISTA EQUITY TERRA VISTA L L C SEC 6 TWP 26S RGE 31E	APPL. NO. 130619-6 PERMIT NO. 49-02321-P ACREAGE: 22.74 LAND USE: RESIDENTIAL
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ADJACENT DITCH TO LAKE RUNNYMEDE
LAST DATE FOR AGENCY ACTION: SEPTEMBER 24, 2013

2.	WESTGATE TOWN CENTER WESTGATE VACATION VILLAS LLC SEC 10 TWP 25S RGE 27E	APPL. NO. 080915-7 PERMIT NO. 49-00341-W ACREAGE: 88.92 LAND USE: LANDSCAPE
----	--	--

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: UPPER FLORIDAN AQUIFER
ALLOCATION: 15.5 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: OCTOBER 16, 2013

1.	HORIZONS & HELSETH GROVE HORIZONS ACQUISITION 6 LLC SEC 17,18 TWP 37S RGE 38E	APPL. NO. 040628-10 PERMIT NO. 56-00077-W ACREAGE: 1100.00 LAND USE: AGRICULTURAL
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PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: ALLAPATTAH CANAL, SFWMD CANAL (C-23)
 ALLOCATION: 153.67 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: OCTOBER 13, 2013

2.	VERANO VERANO DEVELOPMENT L L C SEC 28,29,33,34 TWP 36S RGE 39E	APPL. NO. 130625-2 PERMIT NO. 56-03301-W ACREAGE: 223.00 LAND USE: DEWATERING
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PERMIT TYPE: WATER USE PROPOSED
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: OCTOBER 16, 2013
