



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING EXECUTIVE SUMMARY AGENDA

This meeting is open to the public

January 9, 2014

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

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

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

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake Guillory, Executive Director
 - January Employee of the Month - Brian Garrett, Scientist 3, Field Operations & Land Operations Division
 - January Team of the Month - Statewide Environmental Resource Permitting Team
 - Employee of the Year - Walter Wilcox, Section Leader, Water Resources Division
 - Team of the Year - Land Assessment Team

- 30-Year Service Recognition - Jenni Hiscock, Project Development Section Leader, Regulation Division
- 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
10. Approval of the Minutes of the Minutes for the December 12, 2013 Regular Business meeting held in West Palm Beach, Florida
11. Waivers for Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items
 - Consent Orders
 - **Town of Windermere; 618 W Second Avenue Drainage Improvements/903 Second Avenue Drainage Improvements (Orange County)** - Settlement of an enforcement action regarding unpermitted dewatering and non-compliance with permit conditions due to unauthorized offsite dewatering into outstanding Florida waters.
 - **Birchwood Acres Limited Partnership, LLLP; Harmony Community Development (Osceola County)** - Settlement of an enforcement action regarding unpermitted dewatering with offsite discharge.
 - Conservation Easements, Amendments and Releases
 - **Okeechobee County Board of County Commissioners, Agri-Civic Center (Okeechobee County)** - Staff recommends the approval of a request for the release of a 0.083 acre (3,632 square feet) portion of the conservation easement over a wetland mitigation area and upland buffer associated with the Okeechobee County Agri-Civic Center project in Okeechobee County (Environmental Resource Permit 47-00582-P, Application No. 020909-5). The Florida Department of Transportation District 1 has recently acquired a small parcel of land immediately adjacent to the south side of SR 70 which was previously part of the northeast quadrant of the Okeechobee Agri-Civic Center property. This small acquisition area is needed for improvements to the SR 70 roadway facility which permitted on November 18, 2013 (Permit No. 47-01151-P, Application 131212-9). The partial release of easement is being processed concurrently with an Individual Major Environmental

- Resource Permit modification of the State Road 70 Improvements permit.
- Seminole Tribe Work Plan
 - Staff recommends concurrence with the Fifth Amendment to the **Twenty Seventh Annual Work Plan for the Seminole Tribe of Florida**. Works in the Brighton Reservation include the construction of a recreation and maintenance facility including a gravel parking area.

13. Right of Way Regulatory Consent Items

- Right of Way Occupancy Permit Request with Waiver of District Criteria
 - Staff recommends approval of a request by **Craig Ehrnst on behalf of Peninsula Corporate Center** (Application Number 13-1030-1) for issuance of a Modification to Right of Way Occupancy Permit No. 10934M and waiver of criteria to allow an existing culvert connection to remain within the south right of way of C-15. Location: Palm Beach County, Section 31, Township 46 South, Range 43 East.
- Relaxation of Standards as allowed under District Rule 40E-6.011(9), F.A.C.
 - Staff recommends waiving the vertical clearance requirement for pile-supported and con-span bridges located within specific reaches of the Basin canals as follows: Golden Gate Main Canal (10th Street NE to 22nd Street NE, Oil Well Road to 72nd Avenue NE) and Faka Union Canal (Oil Well Road to 77nd Avenue NE) located in Collier County. The proposed relaxation will reduce the District's vertical clearance requirement for bridges within the specified reaches from 4' to 2' as measured from the design water surface to the lowest member of the bridge structure across the entire width of the canal. The factors considered, but not limited to, are canal freeboard, elevation of the residential driveway connections and surrounding topography.

14. **Resolution No. 2014 - 0101** Approving release of canal, road and mineral reservations. (OMC, Kathy Massey, ext. 6835)

Summary

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

- Release of District canal and road reservations for Lutheran Church of the Holy Cross West Palm Beach, Inc., (File No. 18564) for 6.12 acres in Palm Beach County.
- Release of Trustees canal reservations for Bridgewater Lake Osborne, LLC (File No. 10-13-3) for 9.86 acres in Palm Beach County.
- Release of Board of Education canal reservations for Avenir Holdings, LLC (File No. 10-13-2) for 480 acres in Palm Beach County
- Release of District mineral reservations for Charles Kenneth Deese (File No. 18569) for 1 acre in Palm Beach County.

15. **Resolution No. 2014 - 0102** Authorize entering into an Interagency Agreement between the South Florida Water Management District (SFWMD) and the St. Johns River Water Management District (SJRWMD) for designation of regulatory responsibility for permitting under Part II of Chapter 373, Florida Statutes, for the project known as Eagle Island Farm that crosses the jurisdictional boundaries of both Water Management Districts. (REG, Maria Clemente, ext. 2308)

Summary

The SFWMD is reviewing a water use permit application for an agricultural project in Okeechobee County, Florida known as Eagle Island Farm. However, the project crosses water management district boundaries. In order to issue a single permit for the entire project, an interagency agreement is necessary to delegate SJRWMD's Part II, Chapter 373, Fla. Stat., jurisdiction and responsibility to SFWMD.

Staff Recommendation

Approve an Interagency Agreement between the SJRWMD and the SFWMD authorizing the SFWMD to issue any Water Use Permits under Part II of Chapter 373, Fla. Stat., for the portion of Eagle Island Farm that lies within the jurisdictional boundaries of SJRWMD.

16. **Resolution No. 2014 - 0103** Approve the ten year update of the Dupuis and Kissimmee River General Management Plans (2014-2024). (OMC, Steve Coughlin, ext. 2603)

Summary

Section 373.591, Florida Statutes, and Section 140.25(6)(b), South Florida Water Management District Policies Code, direct the District to develop a General Management Plan that follows a designated format and provides recommended management actions for Land Stewardship Management Areas. The District updates these plans every ten (10) years concurrent with conducting a multi-party land management review of the subject property which is consistent with the timeframe and process followed by State agencies. The management plan describes the historical, physical, and ecological aspects of the property, existing public recreational opportunities, and the various land management functions necessary to properly manage the area. The purpose of the management plan is to provide guidance to District land managers for the implementation of appropriate and consistent land management practices, to identify goals and objectives for the management of the property, and to present the findings of the land management review team.

Staff Recommendation

Staff recommends approval of the updated Dupuis and Kissimmee River General Management Plans (2014-2024) in accordance with Section 373.591, Florida Statutes.

17. **Resolution No. 2014 - 0104** Authorize entering into a three-year contract with two (2) one-year renewal options with G4S Secure Solutions USA, Inc., for Security Guard Services in an amount not to exceed \$559,478.52 for which \$199,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15–FY18 budgets; providing an effective date. (Contract Number 4600002990) (AS, Bill Hancsak, ext. 6167)

Summary

This request is to enter into a three-year contract with two (2) optional one-year renewals with G4S Secure Solutions USA, Inc. (G4S) for Security Guard Services in an amount not to exceed \$559,478.52. The present security guard contract expires February 4, 2014. G4S will provide professional security guard services to maintain a safe and effective working environment for employees located at HQ. Services include 24-hour monitoring of security systems, daily visitor control, ID badge and access control assistance, crowd control, and site security. Security guard services have been traditionally outsourced by the District. Since it is not a core function staff recommends continuing to outsource the service.

Staff Recommendation

Staff recommends approval of the contract renewal with GRS for security services.

18. **Resolution No. 2014 - 0105** Authorizing the Executive Director or designee to submit reimbursement requests to the Florida Department of Environmental Protection for implementation of Comprehensive Everglades Restoration Plan Water Quality Studies using Save our Everglades Trust Funds. (AS, Doug Bergstrom, ext. 6214)

Summary

Section 373.472, F.S. created the Save Our Everglades Trust Fund within the Florida Department of Environmental Protection. Funds in the Trust Fund shall be expended to implement the comprehensive plan as defined in s. 373.470(2)(b) F.S. The Governing Board of the South Florida Water Management District approved Resolution Number 2012-302 authorizing the execution of an agreement with the Department for Implementation of CERP Water Quality Studies. The agreement contains Exhibit "A" which prescribes the Disbursement Procedure for CERP Water Quality Studies and requires a formal resolution adopted by the Governing Board of the District. The Governing Board approved Resolution Number 2012-1204 on December 13, 2012 authorizing the District to seek reimbursement for expenditures supporting the CERP Water Quality Studies Annual Work Plan for Fiscal Years 2012 and 2013. This resolution authorizes the District to seek reimbursement for expenditures supporting the CERP Water Quality Studies Annual Work Plan for Fiscal Year 2014 as presented and adopted by the Governing Board on January 9, 2014.

Staff Recommendation

Staff recommends approving the authorization of the Executive Director or designee to seek reimbursement for CERP water quality studies from Save Our Everglades Trust Funds.

19. **Resolution No. 2014 - 0106** Authorize entering into a three-year agreement with Florida International University for Ecological Monitoring of Water and Habitat Quality associated with the C-111 Spreader Canal Project in an amount of \$356,323 for which \$86,323 in Florida Bay Special Revenue Funds are budgeted and the remainder is subject to Governing Board approval of the FY15-FY16 budgets. (Contract No. 4600002987) (WR, Christopher J. Madden, ext. 4647)

Summary

This contract is designed to monitor the redistribution of freshwater flow by the C-111 Spreader Canal Western Features (C-111 SC WF) Project and assess the resulting salinity and nutrient changes on habitat condition. It will track improvements in hydrology, salinity encroachment and vegetation as well as detect potential changes

in water quality in affected coastal wetlands and in waters of Florida Bay. The project location is in the C-111 Basin in the Everglades Panhandle near US Hwy 1, and lower Taylor Slough. This contract documents the ecological benefits of the C-111 SC WF Project and provides data for permit compliance. The three-year project cost is \$356,323 of which \$86,323 in Florida Bay special revenue funds are budgeted in FY14.

Staff Recommendation

Staff recommends approval of this agreement, which will allow the District to collect data and analyze information about the performance of the C-111 Spreader Canal, Western Features Project, monitor water quality changes, provide guidance for the next phase of the C-111 project, and determine its effects on critical habitat areas in southern Taylor Slough, the C-111 Basin, the Model Lands and Florida Bay.

- 20. **Resolution No. 2014 - 0107** Accept the FY2014 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(A)4, Florida Statutes. (WR, Mark Elsner, ext. 6156)

Summary

The water management districts are required to submit a Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection (FDEP) following final budget adoption. The work program describes the District's implementation strategy and funding plan for the water resource, water supply and alternative water supply (AWS) development components of each approved regional water supply plan. The work program identifies which projects in the water resource components will provide water, explains how each water resource, water supply and AWS development project will produce additional water available for consumptive uses; estimates the quantity of water to be produced by each project; and provides an assessment of the contribution of the district's regional water supply plans in providing sufficient water needed to timely meet the water supply requirements of existing and future reasonable-beneficial uses for a 1-in-10 year drought event. The Five-Year Water Resource Development Work Program will be published in the FY2014 South Florida Environmental Report, Volume II as Chapter 5A.

Staff Recommendation

Staff recommends that the Governing Board enter into this resolution accepting the Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4 F.S. The FDEP has evaluated the work program document and provided comments. FDEP is required to submit a copy of a final evaluation report to the Governor, the President of the Senate and the Speaker of the House of Representatives.

- 21. Board Vote on Consent Agenda
- 22. General Public Comment
- 23. Board Comment

Discussion Agenda

24. 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)
25. Everglades Restoration Project Prioritization, Part 2: State Restoration Projects - Temperince Morgan, Division Director, Office of Everglades Policy & Coordination (ext. 6987)

Summary

The Governing Board has requested a review of the various restoration projects that are being implemented or considered for implementation to provide recommendations regarding obligations and priorities. Multiple presentations will be given over the course of the next several months to provide background information relevant to this discussion. This is Part 2 of the presentation and will focus on state funded restoration projects.

Staff Recommendation

This item is for information only. No action is required.

26. Modified Water Deliveries to Everglades National Park and C-111 South Dade Projects Update - Tom Teets, Federal Policy Chief, ext. 6993

Summary

The Modified Water Deliveries to Everglades National Park (Modified Water Deliveries) and C-111 South Dade projects are federal projects designed and constructed to restore more natural hydropatterns to Everglades National Park. Both projects are nearing completion of the construction phase; both efforts are pre-requisites to implementing several key components of the Comprehensive Everglades Restoration Plan (CERP), including current Central Everglades Planning Project (CEPP). An overview will be provided for each project, including Congressional authorization, the terms of the Project Cooperation Agreements with the United States Army Corps of Engineers, as well as a description of the project purposes, features and the status of construction and operations associated with these projects.

Staff Recommendation

This item is for information only. No action is required.

27. Capital Projects Plan Update - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)

Summary

The Governing Board has requested an update on the status of the Operations & Maintenance Capital Plan. A presentation will be provided on the history of the current capital plan, current inspection program for assessing assets, and the current and future projects and associated funding. The presentation will also provide for discussion suggested future steps to enhance the current program in developing risk

profiles and a long term refurbishment and rehabilitation program.

Staff Recommendation

This item is for information only. No action is required.

28. **Resolution No. 2014 - 0108** Approving an agreement with Florida Department of Environmental Protection to provide the District with 319(h) Grant funding in the amount of \$1,506,401 in support of the Water Farming Pilot Projects where the District is required to provide \$1,581,000 of matching funds. (EPC, Beth Lewis, ext 6343)

Summary

On August 22, 2013, the South Florida Water Management District's Section 319(h) Grant Proposal entitled "Evaluation of Water Farming as a Means for Providing Water Storage/Retention and Improving Water Quality in the Indian River Lagoon/St. Lucie Watershed" was accepted for funding by the Florida Department of Environmental Protection. The award includes grant funding in the amount of \$1,506,401 with a requirement for \$1,581,000 in matching funds for the implementation of three Water Farming Pilot Projects to test and determine the cost effective feasibility of utilizing fallow citrus lands to retain, store and treat surface water to reduce total regional run-off and nutrient loading to natural systems. The Grant Funding Agreement provides the framework for grant reimbursables and cost match deliverables during the implementation, operations, maintenance and reporting phases of all three Water Farming Pilot Projects in the St. Lucie River Watershed.

Staff Recommendation

Staff recommends that the Governing Board of the South Florida Water Management District authorize staff to enter into an agreement with the Florida Department of Environmental Protection for a Section 319(h) Grant entitled "Evaluation of Water Farming as a Means for Providing Water Storage/ Retention and Improving Water Quality in the Indian River Lagoon/ St. Lucie Watershed" in the amount of \$1,506,401 with \$1,581,000 required in matching funds for the implementation of a Water Farming Pilot Program.

29. **Resolution No. 2014 - 0109** Authorize a three-year contract with the University of Florida Board of Trustees for Dispersed Water Management Program Water Farming Watershed Coordination Assistance for the purpose of providing outreach, options assessment and opportunities identification, and recommendations. (EPC, Beth Lewis, ext 6343) (Contract No. 4600002986)

Summary

This contract is the result of a 319(h) Grant application and resulting award to the SFWMD for implementing a pilot program, known as the Water Farming Pilot Projects, to test and determine the cost effective feasibility of utilizing fallow citrus lands to retain and store surface water to reduce total regional run-off and nutrient loading to natural systems within the St. Lucie Watershed. The University of Florida Board of Trustees Center for Landscape Conservation Planning (University) will provide watershed coordination assistance associated with the Water Farming Pilot Projects 319(h) Grant. The University will be reimbursed \$156,400 for outreach, options assessment and opportunities identification, and focused follow-up, results and recommendations. The objective of the watershed coordination assistance is to identify opportunities for innovative funding and additional cost-effective strategies

for nutrient load reduction. The term of the contract is three years and the total contract cost is \$156,400.

Staff Recommendation

Staff recommends approval for a contract with the University of Florida Board of Trustees in the total amount of \$156,400.

30. **Resolution No. 2014 - 0110** Approving a three-year Water Farming Pilot Project agreement with Evans Properties, Inc. to implement, monitor and evaluate the costs and benefits of "Water Farming." The total District cost is \$1,392,117 for design, permitting, construction, operation & maintenance, and participation payments (970 acres in St. Lucie County). (EPC, Beth Lewis, ext. 6343)

Summary

This contract is the result of a solicitation request from the SFWMD for implementing a pilot program to test and determine the cost effective feasibility of utilizing fallow citrus lands to retain and store surface water to reduce total regional run-off and nutrient loading to natural systems. Evans Properties, Inc. will provide for the design, permitting, construction, operation and maintenance of the Water Farming Pilot Project located in the St. Lucie River Watershed in St. Lucie County. The contract term is three years, allowing up to one year for design, permitting and construction, and two years of operation and maintenance. The estimated average annual retention is 3,635 acre-feet per year. Evans Properties, Inc. will be reimbursed up to \$317,780 for facility design, permitting and construction. The contract further provides for a fixed payment of \$537,168.50 on an annual basis for a two-year term for operations and maintenance costs. The total not to exceed contract cost is \$1,392,117.

Staff Recommendation

Staff recommends approval for a contract with Evans Properties, Inc. in a total not to exceed amount of \$1,392,117.

31. **Resolution No. 2014 - 0111** Approving a three-year agreement with Spur Land and Cattle, LLC and Bull Hammock Ranch, Ltd. to conduct a pilot project to implement, monitor and evaluate the costs and benefits of "Water Farming." The total District cost is \$245,440 for design, permitting, construction, operation & maintenance, and participation payments (210 acres in Martin County). (EPC, Beth Lewis, ext. 6343)

Summary

This contract is the result of a solicitation request from the SFWMD for implementing a pilot program to test and determine the cost effective feasibility of utilizing fallow citrus lands to retain and store surface water to reduce total regional run-off and nutrient loading to natural systems. Spur Land and Cattle, LLC and Bull Hammock Ranch, Ltd. will provide for the design, permitting, construction, operation and maintenance of the Water Farming Pilot Project located in the St. Lucie River Watershed in Martin County. The contract term is three years, allowing up to one year for design, permitting and construction, and two years of operation and maintenance. The estimated average annual retention is 870 acre-feet per year. Spur Land and Cattle, LLC and Bull Hammock Ranch, Ltd. will be reimbursed up to \$136,000 for design, permitting and construction. The contract further provides for an annual fixed payment of \$54,720 for operations and maintenance costs for a two-year term. The total not to exceed contract cost is \$245,440.

Staff Recommendation

Staff recommends approval for a contract with Spur Land and Cattle, LLC and Bull Hammock Ranch, Ltd. in a total not to exceed amount of \$245,440.

32. **Resolution No. 2014 - 0112** Approving the acquisition of fee title land interests containing 4,604.22 acres, more or less, for the STA-1W Expansion Project, in Palm Beach County, along with the receipt of \$450,000, in exchange for the conveyance of fee title land interests in Palm Beach County containing 8,700 acres, more or less, and the option to require the District to convey fee title land interests containing 55 acres, more or less, for no additional consideration, and the payment of cash consideration in the amount of \$5,978,474 and associated costs for which ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance of fee title land interests in Palm Beach County containing 8,755 acres, more or less, all without reservation of interests under Section 270.11, Florida Statutes; approve entering into a lease agreement with respect to the lands containing 4,604.22 acres, more or less, in Palm Beach County; approve lease extensions. (OMC, Richard Bassell, ext. 2510)

Summary

STA-1W is located in Western Palm Beach County. The acquisition of approximately 4,604.22 acres of lands adjacent to STA-1W 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. Shortly after the EFA and NPDES permits and consent orders became final in September 2012, the South Florida Water Management District began discussions with the landowners within the STA-1W Expansion Area, namely, Florida Crystals subsidiaries (Crystals) and Gladeview Holdings, LC (Gladeview). Such discussions were tabled for approximately seven months pending resolution of third party legal challenges to extensions of Crystals' 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. At its October 10, 2013 meeting, the District's Governing Board approved a non-binding letter of intent that provided the general terms of the proposed acquisition and exchange transaction. The Governing Board presentation and memorandum summarized the cost components of the transaction for all the parties. Crystals, Gladeview, and District staff have since worked out all other terms in a Land Exchange Agreement. The significant terms of the Land Exchange Agreement include:

- The District will acquire a total of approximately 4,604.22 acres of land. The breakdown of the acreage is that the subsidiaries of Crystals will convey approximately 2,003.38 acres (Crystals Parcel) to the District and Gladeview will convey approximately 2,600.84 acres (Gladeview Parcel) to the District.
- The District will convey to Crystals approximately 8,700 acres of land (District Parcel), and Crystals has the option to acquire a remaining additional 55 acres of land (the Option Lands).
- Gladeview will acquire approximately 2,865 acres from Crystals (2,865 Acre Parcel).
- The District will provide cash consideration to Gladeview in the amount of \$5,978,474.
- The District will receive \$450,000 from Crystals as detailed in the "Environmental Analysis."

- The Option Lands consist of four (4) separate parcels that are currently being evaluated by Crystals for point source contamination.
- The District will lease back the 4,604.22 acres to Crystals on an interim basis consistent with the STA-1W Expansion Project, as detailed in the "Leases."
- The District will extend two existing leases with Crystals containing approximately 1,691 acres, as detailed in the "Leases."
- Crystals will acquire the District Parcel from the District subject to the existing U.S. Sugar Corporation lease.
- The Closing of the land exchange is targeted for April or May of 2014.
- Each party will pay for the closing costs (documentary stamp tax and title insurance) in connection with the lands they are acquiring. The District is exempt from paying documentary stamp tax in connection with its acquisition of the Crystals and Gladeview Parcels.
- Each party will be responsible for any environmental remediation disclosed in the parties environmental audit for the lands they are acquiring.

Staff Recommendation

Staff recommends approval of the acquisitions, exchanges and other considerations as detailed herein.

33. **Resolution No. 2014 - 0113** Authorize entering into a 790-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the S-13 Repowering and Automation project, for a total amount of \$6,841,000 for which ad valorem funds of \$1,800,000 are budgeted and the remainder is subject to Governing Board approval of the FY15-FY16 budgets. (Contract Number 4600002993) (OMC, John Mitnik, ext. 2679)

Summary

The S-13 Pump Station was built in 1954 by the United States Army Corps of Engineers (USACE). The pump station is a coastal structure located on the C-11 canal in Broward County near the Town of Davie. This station provides area flood protection and acts as a barrier to the inland movement of salt water. Due to age and current condition of the facility, the District initiated the S-13 Pump Station Repowering and Automation Project in February 2011 with the following goals: provide new electronically-controlled low-emissions engines, refurbish right-angle gear reducer and pump, provide new gen-sets, provide new ventilation fans for station, provide new trash rake and conveyor and provide complete station electrical upgrades. Construction is scheduled to start in February of 2014 and continue 790 days through April of 2016. The project is phased for dry season construction. The District contracted in June 2013 for the purchase of three engines to meet the December 31, 2013 engine production deadline and December 31, 2015 installation date to meet Tier 4i engine emission requirements.

Staff Recommendation

The project should proceed in a timely manner with a construction notice-to-proceed to meet the requirements of dry season / wet season construction and the Tier 4i statutory requirements. Staff recommends approval to enter into a 790 day contract in the amount of \$6,841,000.00 with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the construction of the S-13 Repowering and Automation.

34. General Public Comment

Public Hearing

35. **Resolution No. 2014 - 0114** Adopting the SFWMD Florida Forever Work Plan, 2014 Annual Update, contained in Chapter 6A, Volume II of the 2014 South Florida Environmental Report. (OMC, Ray Palmer, ext. 2246)

Summary

Work Plan updates include:

- Added the Lake Hicpochee Hydrologic Enhancement and Rio St. Lucie Stormwater Quality - Sediment Nutrients, NEEPP projects.
- Removed the Hybrid Wetland Treatment Technology, NEEPP project that has been transferred to FDACS as the lead agency.
- Removed the inactive Strazzulla Wetlands, CERP project. The land acquired for this project will be exchanged for U.S. Department of Interior land, located on the western side of Loxahatchee National Wildlife Refuge, which will become part of the Restoration Strategies Program.
- The Picayune Strand Restoration, CERP project land acquisition boundary has been revised to identify for acquisition the Fakahatchee Strand and Belle Meade land to be hydrologically impacted by the project, as determined by a revised 2013 Takings Analysis completed by the US Army Corps of Engineers.
- The conceptual land acquisition boundary for the Loxahatchee River Watershed Restoration Project (LRWRP), CERP has been updated, refining the acquisition area for the LRWRP Flow-way 2 Storage feature.

Staff Recommendation

Adopt the SFWMD Florida Forever Work Plan, 2014 Annual Update, contained in Chapter 6A, Volume II of the 2014 South Florida Environmental Report, providing an effective date.

36. Adopt Proposed Rules 40E-40E-1.021, 40E-1.602, 40E-1.603, 40E-1.6065, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-2.011, 40E-2.041, 40E-2.061, 40E-2.071, 40E-2.091, 40E-2.101, 40E-2.301, 40E-2.331 40E-2.381, 40E-3.011, 40E-3.021, 40E-3.040, 40E-3.051, 40E-3.301, 40E-3.451, 40E-5.011, 40E-5.041, 40E-5.301, 40E-8.011, 40E-8.421, 40E-8.431, 40E-10.011, 40E-10.031, 40E-10.051, 40E-20.010, 40E-20.011, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.351, 40E-20.381, 40E-24.011, 40E-24.101, 40E-24.201, F.A.C., and reorganize and rename the Basis of Review For Water Use Permit Applications Within the South Florida Water Management District to improve consistency among the WMDs' consumptive use permitting programs. (REG, Maria Clemente, ext. 2308)

Summary

The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPcon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPcon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protects water resources. The key changes to the rules include:

- Incorporation of updates to Chapter 62-40, F.A.C.;

- Revision of permit types to include: 1) General Permits by Rule for landscape irrigation, short-term dewatering and closed-loop systems; 2) Noticed General Permits; and 3) Individual Permits for those that do not qualify for a general permit;
- Revision of standard public water supply conservation plan and inclusion of goal based plans;
- Consistent standard permit conditions with the other WMDs and updating existing permit conditions;
- Reorganization of Applicant's Handbook (formerly Basis of Review);
- Inclusion of semi-annual pumpage reporting instead of quarterly reporting; and
- Incorporation of standardized application and compliance forms

Staff Recommendation

Adopt Proposed Rules 40E-40E-1.021, 40E-1.602, 40E-1.603, 40E-1.6065, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-2.011, 40E-2.041, 40E-2.061, 40E-2.071, 40E-2.091, 40E-2.101, 40E-2.301, 40E-2.331 40E-2.381, 40E-3.011, 40E-3.021, 40E-3.040, 40E-3.051, 40E-3.301, 40E-3.451, 40E-5.011, 40E-5.041, 40E-5.301, 40E-8.011, 40E-8.421, 40E-8.431, 40E-10.011, 40E-10.031, 40E-10.051, 40E-20.010, 40E-20.011, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.351, 40E-20.381, 40E-24.011, 40E-24.101, 40E-24.201, F.A.C., and reorganize and rename the Basis of Review For Water Use Permit Applications Within the South Florida Water Management District to improve consistency among the WMDs' consumptive use permitting programs. The proposed rules are included in the Governing Board materials for this agenda item.

Staff Reports

- 37. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
- 38. General Counsel's Report - Carolyn Ansay
- 39. Executive Director's Report - Blake Guillory
Report on permits issued by authority delegated to the Executive Director from December 1-31, 2013.
- 40. Board Comment

Attorney Client Sessions

41. 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.

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 (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

42. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon and the Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

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 Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

43. Adjourn