South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING
EXECUTIVE SUMMARY AGENDA

This meeting is open to the public

February 12, 2015
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL REVISED 02/11/2015 4:54 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, Executive Director

   - January Employee of the Month: Derek Brown, Senior Attorney, Office of Counsel
   - January Team of the Month: Facilities Move-In Team for DEP
   - February Employee of the Month: Laura Corry, Principal Intergovernmental Representative, Office of Public Affairs
   - February Team of the Month: Lake Okeechobee Southern Release Planning and Oversight Team
   - Good Samaritan Award: Mike Motta, Jessie Browning, and Bill Mathis, Field

Operations and Land Management Division

- 25-Year Service Award: Althea Lee, Permit Technician III, Orlando Service Center
- 30-Year Service Awards: Terrie Bates, Division Director, Water Resources Division; Jeff Needle, Engineer Lead, Office of State Policy and Coordination

4. Agenda Revisions - Jacki McGorty, District Clerk

5. Abstentions by Board Members from items on the Agenda

6. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair

7. Big Cypress Basin Board Report - Rick Barber, Chair

8. Project & Lands Committee Report - Juan Portuondo, 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.***

9. Public Comment on Consent Agenda

10. Pull Items for Discussion from Consent Agenda

11. Board Comment on Consent Agenda

12. Approval of the Minutes for the January 15, 2015, Governing Board Regular Business meeting held in Key Largo, Florida.

13. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes.

14. Regulatory Consent Items

- Consent Orders
  - **Irma Jovita Gallegos; Yzaguirre Property (Hendry County)** - Settlement of an enforcement action regarding unauthorized dredging, filling and clearing of a wetland.
  - **Northstar Resort Enterprises Corporation; Northstar R V Resort (Monroe County)** - Settlement of an enforcement action regarding non-compliance with permit conditions due to unauthorized works resulting in seagrass habitat loss and water quality degradation.
  - **Williams Company; Osceola Crossing (Osceola County)** - Settlement of an enforcement action regarding unauthorized offsite discharge of turbid water into wetlands.

- Conservation Easements, Amendments and Releases
  - **North Springs Improvement District, Heron Bay North (Broward County)** - ERP Permit No. 06-00073-S-15 (Application 040206-13) approved preservation of 6.24-acres of mitigation to be preserved under a joint conservation easement to Broward County and the District which was recorded in the Broward County record under (O.R. Book No. 40654, pg. 1830) on October 5, 2005. The application was subsequently modified on December 19, 2011 through issuance of Application No. 100604-8 which modified the configuration of the previously recorded conservation easement areas without concurrently seeking a release of the previously recorded

boundaries. To correct the oversight staff recommends the approval of a request for the release of 2.378 acres (1.920 from Mitigation Area #1 and 0.458 acres from Mitigation Area #2) from the recorded conservation easement.

- **Shell Point Retirement Community, Shell Point Eagle Conservation Easement Release (Lee County)** - Staff recommends the approval of a request for the release of an entire 6.6 acre existing conservation easement established as an upland buffer to a bald eagle (Halieeatus leucocephalus) nest (LE-034) within a project known as Shell Point in Lee County. The Applicant is requesting this release pursuant to Special Condition No. 20 (Application No. 990907-8); a nest abandonment determination was made by both the United States Fish and Wildlife Service (FWS) and Lee County Eagle Technical Advisory Committee (ETAC). The Applicant is not proposing any construction at this time within the proposed release area. A 1.48 acre wetland preserve with an overlapping conservation easement is not part of this release and will remain.

15. Right of Way Regulatory Consent Items

- Petitions for Waiver of District Criteria
  - Staff recommends approval of a request by the **City of Tamarac** (Application Number 14-0915-1M) for a modification of Right of Way Occupancy Permit No. 6986 for construction of a staging dock with bulkhead and rip-rap serving a previously authorized boat ramp within Veterans Park and waiver of the District's criteria to allow for the installation of two (2) picnic shelters within the south right of way of C-14.
  - Staff recommends approval of a request by the **Florida Department of Transportation** (Application Number 15-0107-1, Permit No. 14407) for a Right of Way Occupancy Permit to install a chain-link fence within the District's right of way along the north bank of the North New River in the vicinity of the S.R. 7/U.S. 441 and Interstate 595 interchange and waiver of the District's criteria to allow for portions of the proposed fence to be installed within the required 40 foot setback as measured from the top of bank.

16. **Resolution No. 2015 - 0201** Approve release of canal and road reservations, and issuance of non-use commitment. (RE, Kathy Massey, ext. 6835)

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

Staff Recommendation
Staff recommends approval of the following:

- Release of Trustees canal reservations for WCI Communities, LLC, a Delaware limited liability company, (File No. 11-14-1) for 413.08 acres in Broward County

- Release of Trustees canal reservations and District canal and road reservations for HC-5959 NW 7th Street, LLC, a Delaware limited liability company (File Nos. 11-14-3 and 18609) for 5.75 acres in Miami-Dade County
- Release of Trustees canal reservations and District canal and road reservations for Wen-North Holdings, Inc., a Florida corporation, (File Nos. 12-14-1 and 18610) for 0.68 acres in Miami-Dade County
- Release of Trustees canal reservations for Animal Medical Clinic of Belle Glade, Inc., a Florida corporation, (File No. 12-14-2) for 0.14 acres in Palm Beach County
- Release of District canal reservations and issuance of non-use commitment for IDP Development, LLC, a Florida limited liability company, (File Nos. 18611 and NUC 1660) for 16.0 acres in Palm Beach County

17. **Resolution No. 2015 - 0202** Approve the granting of land interests encumbering 2.54 acres, more or less, located in Township 38 South, Range 41 East, Martin County, for consideration of $401,500, to the Florida Department of Transportation. (RE, Ray Palmer, ext. 2246)

Summary
The Florida Department of Transportation (FDOT) is implementing its State Road 76 Project F.P. No.: 4226413, in Martin County, which includes constructing and maintaining storm water conveyance pipes, outfall pipes, drainage structures, storm water management pond, fencing, clearing and excavating, adjacent to its existing State Road 76 in Martin County. The District owns a 19.48 acre parcel originally acquired for a potential spoil site that abuts FDOT's State Road 76. FDOT has determined that it is necessary to obtain from South Florida Water Management District (SFWMD) a permanent easement containing 2.08 acres, more or less, with an appraised value of $372,600 and a temporary easement containing 0.46 acre, more or less, with an appraised value of $28,900, encumbering a total of 2.54 acres, more or less, of the District's 19.48 acre property that abuts FDOT's State Road 76. (see attached map). FDOT has filed eminent domain proceedings against the SFWMD to obtain such easement interests. SFWMD staff has reviewed FDOT's request and determined that granting these easements is in the public interest. SFWMD and FDOT staff have agreed to the location, terms and granting of these easements in accordance with purchase agreements. Upon closing FDOT agrees to file dismissal with prejudice of SFWMD from eminent domain proceedings filed in Martin County.

Staff Recommendation
Approve the granting of land interests encumbering 2.54 acres, more or less, located in Township 38 South, Range 41 East, Martin County, for consideration of $401,500, to the Florida Department of Transportation; providing an effective date.

18. **Resolution No. 2015 - 0203** Approve declaring surplus land interests containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, St. Lucie County, North Fork St. Lucie River Project, to the Trustees of the Internal Improvement Trust Fund at no cost and without reservation of interests under Section 270.11, Florida Statutes. (RE, Kathy Massey, ext. 6635) ***- ITEM REVISED***

Summary
The District and the Board of Trustees of the Internal Improvement Trust Fund jointly own a parcel of land containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, in the North Fork St. Lucie River Project, St.

Lucie County, Florida. The parcel is under a long-term lease with the Department of Environmental Protection's Division of Recreation and Parks and is managed by Savannas State Park. Improvements are to be constructed on the property including a paved entrance road, a canoe and kayak launch area, boardwalk, pavilion, restroom, and paved parking for 20 vehicles. The District is transferring its 50% interest in the parcel in order to accommodate the park service, enabling them to charge an entrance fee for the use of such facilities as per their customary practice. The deed from the District will contain a restriction stating that the property shall be used for conservation and resource based recreation purposes. Consistent with the requirements of Section 373.089(6), Florida Statutes, since the deed will contain said restriction, the Governing Board determines that the lands are no longer needed by the District for conservation purposes and must approve the surplus by at least a two-thirds (2/3) vote.

Staff Recommendation
Staff recommends approval of declaring surplus an undivided one-half interest in a parcel containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, North Fork St. Lucie River Project, St. Lucie County, to the Trustees of the Internal Improvement Trust Fund at no cost and without reservation of interests under Section 270.11, Florida Statutes; providing an effective date.

19. **Resolution No. 2015 - 0204** Approve release of a portion of a canal right of way easement containing 0.14 acres, more or less, in exchange for a canal right of way easement containing 0.31 acres, more or less, Hillsboro Canal Project, Lots 18A and 19A, Block 8, HILLSBORO PINES, SECTION "B", Plat Book 43, page 20, Section 31, Township 47 South, Range 42 East, Broward County. (RE, Kathy Massey, ext. 6835)

Summary
The Applicant has requested a release of 0.14 acres, more or less, of the canal right of way easement lying South of a line located 40 feet South of the top of bank of the Hillsboro Canal for residential purposes. In exchange, a new canal right of way easement containing 0.31acres, more or less, will be granted to the District clarifying the District's interests over that portion of Lots 18A and 19A, Block 8, HILLSBORO PINES, SECTION "B", Plat Book 43, page 20, Section 31, Township 47 South, Range 42 East, Broward County, located 40 feet South of the top of bank. This exchange is consistent with other exchanges that have occurred within this reach of the Hillsboro Canal in the past.

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

a. The underlying fee owner shall convey to the District a perpetual canal right of way easement, clarifying the District's interests with respect to the subject easement area containing 0.31 acres, more or less in form, content and substance acceptable to the District, free and clear of all encumbrances, liens, and other objectionable matters.

b. The applicants shall provide to the District title assurance acceptable to the District confirming that the new clarifying canal right of way easement for the Hillsboro Canal Right of Way is free and clear of all encumbrances, liens and other objectionable matters.

c. The Applicants shall provide a sketch and legal description for the 0.14 acre, more or less, release parcel and the 0.31 acre, more or less, new canal right of way easement parcel, subject to District review and approval.

d. All costs associated with this transactions shall be paid for by the Applicants, including but not limited to all recording costs, and under no circumstances shall the District be obligated to pay any amount to the Applicants or otherwise in connection with this transaction.

e. The Applicants shall obtain all necessary permits from the District, including but not limited to District Right of Way Occupancy Permits pursuant to Chapter 40E-6, Florida Administrative Code, from Broward County, and any other governmental agencies, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits. The District's review process for any required permits will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

f. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (e.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2016.

Staff Recommendation
Staff recommends approval of the release of a portion Hillsboro Canal right of way containing 0.14 acres, more or less, in exchange for a new canal easement containing 0.31 acres, more or less, over that portion of Lots 18A and 19A, Block 8, HILLSBORO PINES, SECTION "B", Plat Book 43, page 20, Broward County, located North of a line located 40 feet South of the top of bank of the Hillsboro Canal.

20. **Resolution No. 2015 - 0205** Authorizing District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against German Luengo, Caridad Luengo, and Ivette Luengo, and any other appropriate or necessary parties, in the 11th Judicial Circuit Court in and for Miami-Dade County, Florida or any other appropriate forum, regarding the right-of-way violations present upon District-owned property located on the C-4 or Tamiami Canal in Section 5, Township 54 South, Range 40 East, Miami-Dade County, Florida. (OC, Keith Williams, ext. 2791)

Summary
This is a request to file suit to resolve violations of District right-of-way rules and to remove an in-ground swimming pool structure erected in a District right-of-way without a permit. The in-ground swimming pool structure in question has been permanently erected on, over, and within the C-4 or Tamiami Canal and will cause a permanent impediment to canal improvement and maintenance projects at its location if it is not removed. In addition, there are several other right-of-way encroachments on the property, which include, but are not limited to, storage sheds, patios, awnings, enclosures, fences, and/or other improvements that encroach upon the District's right-of-way and which were never permitted. These actions are in violation of Florida Statutes §§373.085 and Chapter 40E-6, Fla. Admin. Code.

For over five years and continuing to date, District staff has observed the violations. On March 14, 2013, District staff met with the adjoining homeowner and informed him that the in-ground swimming pool, storage shed, patio, and fence were built in the District's right-of-way and that they must be removed. After notifying the homeowner of the outstanding violations, the District has continuously attempted to work to amicably resolve outstanding issues, to no avail.

Staff Recommendation
The Governing Board should approve this item to resolve the violations of the rules, and remove the unpermitted in-ground swimming pool, patio, fence, and other structures present upon works of the District, by taking appropriate action against all responsible parties.

21. **Resolution No. 2015 - 0206** Authorizing entering Into a First Amendment to the Project Cooperation Agreement with the Department of the Army for construction of modifications to the Central and Southern Florida Project Features for the Protection of Manatees, Phase II; providing an effective date. (Contract No. 4600003214-A01) (Tom Teets, Ext. 6993)

Summary
On January 13, 2005, the South Florida Water Management District (SFWMD) entered into a Project Cooperation Agreement with the Army Corps of Engineers (Army Corps) for construction of modifications to certain Central and Southern Florida Project features for the protection of manatees, Phase II ("PCA"). The PCA provides for modifications to six sector gate water control structures (S-77, S-78, S-79, S-193, S-308B, and S-310) to implement innovative and relatively low-cost pass-through gates for the protection of manatees. All the modifications for the protection of manatees have been completed for the water control structures except S-310, located at the south end of Lake Okeechobee.

The Army Corps also completed modifications to one additional gate water control structure (S-80) not identified in the PCA at no cost to the SFWMD. The Army Corps desires to memorialize the completion of the modification to S-80 by amending the PCA to incorporate this structure, again at no cost to SFWMD.

Staff Recommendation
Staff recommends approving this First Amendment to the PCA.

22. **Resolution No. 2015 - 0207** Authorizing a merit increase for the Inspector General.

Summary
The Inspector General position reports directly to the Governing Board. As such, as part of the annual performance cycle, Governing Board members completed evaluations of the Inspector General's performance.

Governing Board approval of a 1.8% increase for Mr. Beirnes salary, which is the average merit increase for all District staff, is requested.

23. **Resolution No. 2015 - 0208** Approving an amendment to the Fiscal Year 2014-15 budget. (AS, Candida Heater, ext. 6486)

Summary

This is the first proposed budget amendment for FY2014-15 to recognize $1,655,000 of unanticipated state revenues from the Florida Department of Environmental Protection. This amendment appropriates Save Our Everglades Trust Fund dollars for CERP water quality studies. If approved, this amendment will increase the District's FY2014-15 adopted budget from $720,392,791 to $722,047,791.

Staff Recommendation
Staff recommends Governing Board approval of this budget amendment.

24. **Resolution No. 2015 - 0209** Adopting the FY2015 Five-Year Capital Improvements Plan. (AS, Doug Bergstrom, ext. 6214)

Summary
Section 373.536(6)(a)3, Florida Statutes, requires the District to develop a five-year Capital Improvements Plan (CIP). Pursuant to Section 373.036(7), the FY2015 Five-Year Capital Improvements Plan will be published in the 2015 South Florida Environmental Report, Volume II, Chapter 4. The FY2015 Five-Year CIP identifies the following: the capital projects contained in the FY2015 adopted budget, an FY15 adjusted projection based on updated cash flow projections, and planned future capital projects for the period of FY2016 through FY2019.

Staff Recommendation
Staff recommends approval of the District's FY2015 Five-Year Capital Improvements Plan, which will be included in the 2015 South Florida Environmental Report and reported to, among others, the Governor, the President of the Senate and the Speaker of the House of Representatives.

25. **Resolution No. 2015 - 0210** Authorize entering into multiple purchase orders with Aviat US, Inc., for Microwave Equipment and Installation for S-6 Tower; using the Western States Contracting Alliance (WSCA) Contract Number 02701 "Public Safety Communication Equipment and Services", in an amount not to exceed $557,800; of which $557,800 in ad valorem funds are budgeted in FY15. (OEC, John P. Mitnik, P.E., ext. 2679)

Summary
For 35 years, the District has continuously used Aviat licensed microwave equipment in the District's microwave radio installations because of its reliable performance, maintenance continuity, required compatibility with the District's existing equipment, and in-house expertise in the day to day operation and trouble-shooting work by qualified District staff. By not purchasing Aviat equipment and installation for S-6 Tower, the District is exposed to the risk of microwave system failure by introducing equipment not compatible with the existing Aviat based microwave system.

The equipment and services required for the project are available by using the Western States Contracting Alliance (WSCA) contract number 02701 "Public Safety Communication Equipment and Services". WSCA Contracts are available for use by all State Agencies, and Political Subdivisions. Pursuant to District Procurement Policy, this is an approved method for the purchase of equipment and services. WSCA competitively solicits bids for equipment and services, creates multi-state contracts in order to achieve cost-effective and efficient acquisition. WSCA contracts maximize cost avoidance, reduce individual state administrative costs, and encourage market competition and product availability through standard specifications and consolidated requirements.

Staff Recommendation
Board approval is requested at the February Governing Board meeting to approve multiple purchase orders with Aviat US, Inc. for microwave equipment and installation at the S-6 Tower using Western States Contracting Alliance (WSCA) Contract Number 02701 "Public Safety Communication Equipment and Services." Not implementing the microwave equipment and installation at S-6 Tower will prevent the site from functioning efficiently with the District's current microwave equipment and will expose the risk of microwave system failure by introducing radios and equipment not compatible with the existing Aviat based microwave system. Maintaining a reliable microwave communications link is critical to controlling the District's canal system water levels and their water conveyance.

26. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, authorize review from the Office of Fiscal Accountability and Regulatory Reform, and adopt proposed rules, provided no changes are made and no request for public hearing is received, to amend Rules 40E-3.011, 40E-3.021, 40E-3.035, 40E-3.036, 40E-3.038, 40E-3.040, 40E-3.041, 40E-3.042, 40E-3.051, 40E-3.101, 40E-3.321, 40E-3.341, 40E-3.411, 40E-3.451, 40E-3.461, 40E-3.500, 40E-3.502, 40E-3.507, 40E-3.517, 40E-3.600, Florida Administrative Code, to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references. (REG, Kellie Madison, ext. 6906)

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

Staff Recommendation
Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, authorize review from the Office of Fiscal Accountability and Regulatory Reform, and adopt proposed rules, provided no changes are made and no request for public hearing is received, to amend Rules 40E-3.011, 40E-3.021, 40E-3.035, 40E-3.036, 40E-3.038, 40E-3.040, 40E-3.041, 40E-3.042, 40E-3.051, 40E-3.101, 40E-3.321, 40E-3.341, 40E-3.411, 40E-3.451, 40E-3.461, 40E-3.500, 40E-3.502, 40E-3.507, 40E-3.517, 40E-3.600, Florida Administrative Code, to create a new rule for multiple wells under a single permit, include hyperlinks to delegation agreements with local government agencies, update materials incorporated by reference, adopt updated rules of the Department of Environmental Protection, and update rule references.

27. 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 Rules 40E-1.659, 40E-2.061, 40E-2.071, 40E-2.091, 40E-5.011, 40E-5.021, 40E-5.041, 40E-5.101, 40E-8.011, 40E-8.021, 40E-8.421, 40E-8.431, 40E-10.011, and the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District, to update and correct criteria following the recent adoption of broad rule amendments for the statewide Consumptive Use Permitting Consistency effort, to update rule references, correct statutory references, update references to obsolete forms, and make other minor corrections. (REG, Maria Clemente, ext. 2308)

Summary
The District is proposing amendment of various consumptive use permitting rules as well as criteria contained in the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District in accordance with the biennial review contemplated by Section 120.74(1), Fla. Stat., and to update and correct criteria following the recent adoption of broad rule amendments for the statewide Consumptive Use Permitting Consistency effort.

Staff Recommendation
Authorize publication of a Notice of Rule Development in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rules 40E-1.659, 40E-2.061, 40E-2.071, 40E-2.091, 40E-5.011, 40E-5.021, 40E-5.041, 40E-5.101, 40E-8.011, 40E-8.021, 40E-8.421, 40E-8.431, 40E-10.011, and the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District, to update and correct criteria following the recent adoption of broad rule amendments for the statewide Consumptive Use Permitting Consistency effort, to update rule references, correct statutory references, update references to obsolete forms, and make other minor corrections.

28. Authorize publication of a Notice of Rule Development in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Chapters 40E-1, 40E-2, and 40E-10, F.A.C., including the Applicant's Handbook for Water Use Permit Applications and any necessary forms, regarding allocation of water available for use recognizing the water reserved is needed to protect fish and wildlife in conjunction with the on-going rule development for the Kissimmee River, its floodplain, and the Upper Chain of Lakes and associated implementation rules. (WR, Terrie Bates, ext. 6952)

Summary
The Kissimmee River Restoration Project is a joint partnership between the District and U.S. Army Corps of Engineers. The project will restore over 40 square miles of river/floodplain ecosystem including 43 miles of meandering river channel and 27,000 acres of wetlands. An integral component of the restoration is the protection from allocation water needed for fish and wildlife. The water identified for the natural system will be protected through a water reservation as authorized by Florida law; this rule development is on-going. In conjunction with the water reservation rule development, staff requests authorization to initiate rule development concerning allocation of water available for use recognizing the water reserved is needed to protect fish and wildlife.

Staff Recommendation
Authorize publication of an additional Notice of Rule Development in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to expand the scope of the previously authorized Notice of Rule Development to amend Chapters 40E-1, 40E-2, and 40E-10, F.A.C., including the Applicant's Handbook for Water Use Permit Applications, to include allocation of water available for consumptive uses while recognizing the water reserved to protect fish and wildlife pursuant to the on-going Kissimmee Basin Reservation rule development.

29. Authorize publication of Notice of Rule Development in the Florida Administrative Register, and request for review by the Office of Fiscal Accountability and Regulatory Reform, to implement Section 112.3261, F.S., regarding the lobbyist registration process for Water Management Districts, in an effort to provide a uniform system of lobbyist registrations. (OC, Derek Brown ext. 6278)

Summary
Section 112.3261, F.S., which became effective July 1, 2014, requires all Water Management Districts to implement a Lobbyist registration process. District staff is requesting authority to re-initiate rule development to implement this requirement. The District's website and online database is available to the public and will allow individuals to register with the District as lobbyists. The District's rules will be consistent with other Water Management District rules and relate to the Executive Branch's requirements on lobbyist registration in an effort to provide a uniform system of lobbyist registrations. The District will not implement any costs to individuals to register as a lobbyist.

Staff Recommendation
Authorize publication of Notice of Rule Development in the Florida Administrative Register, and request for review by the Office of Fiscal Accountability and Regulatory Reform, to implement Section 112.3261, F.S., and create a rule regarding the lobbyist registration process.

30. Board Vote on Consent Agenda

31. General Public Comment

32. Board Comment

Discussion Agenda

33. Technical Reports

A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)

34. Operations, Maintenance and Construction Update (part 4) - Karen Estock, Division Director, Field Operations & Land Management (ext. 6282)

35. FY16 Cooperative Funding Program Update - Tom Teets, Division Director, Everglades Policy and Coordination (ext. 6993)

Summary
The purpose of this presentation is to provide an update on the FY16 Cooperative Funding Program. Part I applications for the FY16 Cooperative Funding Program were submitted in November 2014 and represent three program areas: stormwater management, alternative water supply and water conservation.

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

36. Integrated Delivery Schedule Update - Tom Teets, Division Director, Everglades Policy and Coordination (ext. 6993)

Summary
The Integrated Delivery Schedule (IDS) is the basis for agency guidance to decision-makers for scheduling and budgeting South Florida Ecosystem Restoration (SFER) Program projects. The 2015 revision to the IDS is a public process and will focus on developing a realistic schedule and sequencing plan for achieving restoration benefits as soon as possible consistent with state and federal authorizations and funding. This presentation will provide an update to the Governing Board on the Comprehensive Everglades Restoration Plan (CERP) Foundation Projects and the current IDS process.

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

37. Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs) Update - Susan Gray, Bureau Chief, Applied Sciences (ext. 6919)

Summary
The 2012 Consent Order between FDEP and the District associated with the National Pollutant Discharge Elimination System (NPDES) and Everglades Forever Act (EFA) permits for the Everglades STAs mandates implementation of a science plan in order to identify the factors that collectively influence phosphorous reduction and treatment performance in order to meet the established Water Quality Based Effluent Limits. Key areas specifically identified in the Consent Order for study include phosphorous speciation at inflows and outflows; effects of microbial activity

and enzymes on phosphorous uptake; phosphorus concentrations and forms in soil and floc; soil flux management measures; hydraulic loading rates including inflow water volumes, timing, pulsing, peak flows and water depth; emergent and submerged vegetation speciation and other vegetation management issues; and extreme weather conditions. The Science Plan was completed in June 2013 with contributions from 45 SFWMD scientists, modelers, and engineers, and as required by the Consent Order, contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. All nine studies are in progress and are being led by District scientists, with support from internal staff, and contractual support from two universities and two private consulting firms.

Staff Recommendation
This item is being provided as an informational update only.

38. Portable Forward Pumps - Lennart Lindahl, Assistant Executive Director (ext. 6283)

Summary
The presentation will provide an overview of the portable forward pump operation, their important role in conveying water supply from Lake Okeechobee, and the status of the District's application for renewal of the associated USACE Rivers and Harbors permit.

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

39. Caloosahatchee Consensus Building Process - Dan DeLisi, Chief of Staff (ext. 6232)

Summary
In 2013 the District launched a public initiative with Caloosahatchee watershed stakeholders intended to develop a unified voice to support improved health of the Caloosahatchee River and Estuary. The purpose was to better understand the diverse issues, concerns and shared interests of area stakeholders and to identify priority projects across the watershed that could be supported by the community. Through a series of facilitated meetings and public forums, the community has identified and prioritized a list of near and medium term regional projects that will benefit the watershed. The presentation will discuss the findings and recommendations of the consensus building initiative and identify efforts to maintain and propel stakeholder collaboration within the watershed.

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

40. Legislative Update - Dan DeLisi, Chief of Staff (ext. 6232)

Summary
The Florida Legislature will convene this year's legislative session on March 3, 2015. In addition to the passage of Amendment 1, the Water and Land Conservation Constitutional Amendment, by Florida voters, Florida legislators have proclaimed this year as the "year of water." Governor Rick Scott, in his Keep Florida Working budget,

has also committed to protecting and restoring Florida's water resources through his plans to permanently fund Everglades Restoration initiatives. This presentation will outline voter, state, and the Governor's initiatives to restore the Everglades and control, protect and sustain Florida's natural systems and the South Florida Water Management District's role throughout the legislative session.

Staff Recommendation
This item is for information only: no action is required.

41. **Resolution No. 2015 - 0211** Authorize entering into a 460 day contract with Herve Cody, a Sole Proprietorship, the lowest responsive and responsible bidder, for the Corbett Levee, Phase 1 Project, in the amount of $3,490,000, for which $3,490,000 in dedicated funds (Water Management Lands Trust Fund) are budgeted; providing an effective date. (Contract No. 4600003212) (OEC, John P. Mitnik, P.E., ext. 2679) ***- ITEM REVISED***

Summary
In 2012, Tropical Storm (TS) Isaac brought unprecedented rainfall to areas of Central Palm Beach County, including communities served by the Indian Trail Improvement District (ITID). As part of the State of Florida's response to TS Isaac, the South Florida Water Management District (SFWMD) took immediate action to respond to incidences of flooding in support of local relief efforts. One of the areas identified during the field inspections was of critical concern, the ITID's M-O Canal Berm. This berm is the boundary between ITID and J.W. Corbett Wildlife Management Area (Corbett) and is located on the north side of ITID's M-O Canal, west of Seminole Pratt Whitney Road. Boils were observed at the base of the ITID side of the berm near the water line. Significant seepage and bank sloughing was also observed. The SFWMD immediately began round-the-clock monitoring of the berm and installed remedial measures to strengthen the berm. In September 2012, SFWMD was directed by the Governor's Office to immediately convene a multiagency working group to determine a timely plan for strengthening the integrity of the berm.

The objective of this project is to improve the protection system in this area by building a new levee just north of the existing berm that separates Corbett from the residential communities within ITID to the south. This new levee is necessary to restore flood protection and safety to the residents of ITID that was compromised due to deficiencies (slope failures and boils) of the existing ITID berm as a result of the damage caused during TS Isaac. The project will be constructed following the latest engineering and construction technologies.

Staff Recommendation
Governing Board approval to construct the Corbett Levee, Phase 1 Project is requested at the February 2015 Governing Board meeting. Not implementing the Corbett Levee, Phase 1 Project would result in non-fulfillment of the Governor's direction to strengthen the protection system on the north side of ITID's M-O Canal.

42. **Resolution No. 2015 - 0212** Authorize entering into a contract with Aviat US, Inc., for Microwave Equipment and Installation for North Shore Pump Station Automation; using the Western States Contracting Alliance (WSCA) Contract Number 02701 “Public Safety Communication Equipment and Services”, in an amount not to exceed $3,345,157; of which $2,426,774 in ad valorem funds are budgeted in FY15 and the remainder is subject to Governing Board approval of the FY16 and FY17 budgets; providing an effective date. (Contract No. 4600003211) (OEC, John P. Mitnik, P.E., ext. 2679)

Summary
The District has continuously used Aviat licensed microwave equipment in the District’s microwave radio installations because of its reliable performance, maintenance continuity, required compatibility with the District’s existing equipment, and in-house expertise in the day to day operation and trouble-shooting work by qualified District staff.

The purchase of the equipment and services from Aviat for the North Shore Automation Project, will provide for a network of remotely monitored and remotely operated Pump Stations (S-131, S-129, S-127, S-133, & S-135) from the S-127 Command & Control Center, eliminating exposing the District to the risk of microwave system failure by introducing equipment not compatible with the District’s existing Aviat based microwave equipment.

The equipment and services required for the project are available by using the Western States Contracting Alliance (WSCA) contract number 02701 "Public Safety Communication Equipment and Services”. WSCA Contracts are available for use by all State Agencies, and Political Subdivisions. Pursuant to District Procurement Policy, “piggybacking” is an approved method for the purchase of equipment and services. WSCA competitively solicits bids for equipment and services, creates multi-state contracts in order to achieve cost-effective and efficient acquisition. WSCA contracts maximize cost avoidance, reduce individual state administrative costs, and encourage market competition and product availability through standard specifications and consolidated requirements.

Staff Recommendation
Board approval is requested at the February Governing Board meeting to approve entering into a contact with Aviat US, Inc. for microwave equipment and installation for the North Shore Pump Station Automation project, and using the Western States Contracting Alliance (WSCA) Agreement.

Not implementing the microwave equipment and installation at the pump stations will prevent the sites from functioning efficiently with the District’s current microwave equipment and will expose the risk of microwave system failure by introducing radios and equipment not compatible with the existing Aviat based microwave system. Maintaining a reliable microwave communications link is critical to controlling the District’s canal system water levels and their water conveyance.

43. General Public Comment

Staff Reports

44. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division

45. General Counsel's Report - Kirk Burns

46. Executive Director's Report - Blake Guillory

    - Report on permits issued by authority delegated to the Executive Director from January 1-31, 2015.

47. Board Comment

Attorney Client Sessions

48. Attorney Client Session - USA ***- ITEM DELETED***

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, M. Peterson, J. Moran, D. O'Keefe, J. Portuondo, K. Powers; Executive Director B. Guillory; District attorneys K. Burns, J. Collier, C. Kowalsky. (Kirk L. Burns, ext. 6546)

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. (Kirk L. Burns, ext. 6546)

49. Adjourn

M E M O R A N D U M

TO: Governing Board Members

FROM: Ben Ward, Director, Real Estate Division

DATE: February 12, 2015

SUBJECT: District Conveyance of One-Half Interest to TIITF

Summary:
The District and the Board of Trustees of the Internal Improvement Trust Fund jointly own a parcel of land containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, in the North Fork St. Lucie River Project, St. Lucie County, Florida. The parcel is under a long-term lease with the Department of Environmental Protection's Division of Recreation and Parks and is managed by Savannas State Park. Improvements are to be constructed on the property including a paved entrance road, a canoe and kayak launch area, boardwalk, pavilion, restroom, and paved parking for 20 vehicles. The District is transferring its 50% interest in the parcel in order to accommodate the park service, enabling them to charge an entrance fee for the use of such facilities as per their customary practice. The deed from the District will contain a restriction stating that the property shall be used for conservation and resource based recreation purposes. Consistent with the requirements of Section 373.089(6), Florida Statutes, since the deed will contain said restriction, the Governing Board determines that the lands are no longer needed by the District for conservation purposes and must approve the surplus by at least a two-thirds (2/3) vote.

Staff Recommendation:
Staff recommends approval of declaring surplus an undivided one-half interest in a parcel containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, North Fork St. Lucie River Project, St. Lucie County, to the Trustees of the Internal Improvement Trust Fund at no cost and without reservation of interests under Section 270.11, Florida Statutes; providing an effective date.

Core Mission and Strategic Priorities:
Pursuant to Section 373.056(4), Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, subject to terms and conditions approved by the Governing Board.

Funding Source:
The parcel was jointly acquired by the District and TIITF in August, 1996 at a total purchase price of $472,980. Preservation 2000 funding was used for the District's portion of the purchase price.

Staff Contact and/or Presenter:
Kathy Massey, ext. 6835

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2015 - 0203

To A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 36.11 acres, more or less, located in Section 35, Township 36 South, Range 40 East, St. Lucie County, North Fork St. Lucie River Project, to the Trustees of the Internal Improvement Trust Fund at no cost and without reservation of interests under Section 270.11, Florida Statutes; providing an effective date.

WHEREAS, the District has determined that it is in the public interest to convey the District's undivided one-half interest in a parcel containing 36.11 acres, more or less, to the Trustees of the Internal Improvement Trust Fund. The parcel is located in Section 35, Township 36 South, Range 40 East, and is known as Tract FG100-005 in the North Fork St. Lucie River Project, St. Lucie County; and

WHEREAS, the parcel is currently managed by the Department of Environmental Protection (DEP), Division of Recreation and Parks as a part of Savannas State Park. New facilities are to be constructed on the parcel, including a paved entrance road, a canoe and kayak launch area, boardwalk, pavilion, restroom, and paved parking for 20 vehicles. The District is transferring its 50% interest in the parcel in order to accommodate the park service, enabling them to charge an entrance fee for the use of such facilities as per their customary practice, which is contrary to the District's public use rules.

WHEREAS, the Governing Board has determined that the undivided one-half interest in the 36.11+/- acre parcel is not required by the District for its purposes;

WHEREAS, DEP will pay all fees and costs associated with the conveyance of the District's interest in the property; and

WHEREAS, the District shall not reserve any interest in the phosphate, minerals, metals and petroleum, pursuant to Section 270.11, Florida Statutes; and

WHEREAS, the Governing Board, pursuant to Section 373.056(4), 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 approved by the Governing Board; and

WHEREAS, the deed from the District shall contain a restriction stating that the property shall be used for conservation and resource based recreation purposes, and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999 shall be considered to have been acquired for conservation purposes, and the Governing Board shall be required to make a

determination that the lands are no longer needed for conservation purposes and may dispose of such lands by at least a two-thirds (2/3) majority vote.

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 its one-half interest in that certain parcel of land containing 36.11 acres, more or less, located in St. Lucie County, identified as Tract FG100-005, is not required by the District for its purposes, and hereby approves declaring said tract surplus and approves the conveyance of the District's undivided one-half interest to the Trustees of the Internal Improvement Trust Fund at no cost.

Section 2. The District shall not reserve an interest in the phosphate, metals, minerals and petroleum, pursuant to Section 270.11, Florida Statutes.

Section 3. The deed from the District will contain a restriction stating that the property shall be used for conservation and resource based recreation purposes. Consistent with the requirements of Section 373.089(6), Florida Statutes, since the aforementioned deed shall contain a restriction that the property shall be used for conservation and resource based recreation purposes, the Governing Board hereby makes a determination that the lands are no longer needed by the District for conservation purposes and hereby approves the surplus by at least a two-thirds (2/3) vote.

Section 4. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the conveyance document.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 12th day of February, 2015.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: February 12, 2015

SUBJECT: Corbett Levee Construction, Phase 1

Summary

In 2012, Tropical Storm (TS) Isaac brought unprecedented rainfall to areas of Central Palm Beach County, including communities served by the Indian Trail Improvement District (ITID). As part of the State of Florida's response to TS Isaac, the South Florida Water Management District (SFWMD) took immediate action to respond to incidences of flooding in support of local relief efforts. One of the areas identified during the field inspections was of critical concern, the ITID's M-O Canal Berm. This berm is the boundary between ITID and J.W. Corbett Wildlife Management Area (Corbett) and is located on the north side of ITID's M-O Canal, west of Seminole Pratt Whitney Road. Boils were observed at the base of the ITID side of the berm near the water line. Significant seepage and bank sloughing was also observed. The SFWMD immediately began round-the-clock monitoring of the berm and installed remedial measures to strengthen the berm. In September 2012, SFWMD was directed by the Governor's Office to immediately convene a multiagency working group to determine a timely plan for strengthening the integrity of the berm.

The objective of this project is to improve the protection system in this area by building a new levee just north of the existing berm that separates Corbett from the residential communities within ITID to the south. This new levee is necessary to restore flood protection and safety to the residents of ITID that was compromised due to deficiencies (slope failures and boils) of the existing ITID berm as a result of the damage caused during TS Isaac. The project will be constructed following the latest engineering and construction technologies.

Staff Recommendation

Governing Board approval to construct the Corbett Levee, Phase 1 Project is requested at the February 2015 Governing Board meeting. Not implementing the Corbett Levee, Phase 1 Project would result in non-fulfillment of the Governor's direction to strengthen the protection system on the north side of ITID's M-O Canal.

Additional Background

SFWMD and ITID have been monitoring water levels in the Corbett area as a result of the high water levels experienced after TS Isaac in August 2012. In addition to monitoring water levels in Corbett, the SFWMD, along with ITID, have been continuously monitoring the structural integrity of the ITID levee that separates Corbett from the 5,000 residential homes to the south, for signs of potential levee breech.

The following actions were taken as a result of TS Isaac:

- Water levels were drawn down in the Corbett area as rapidly as possible.

- Temporary pumps were installed to discharge water from Corbett into the ITID M-O canal.
- Temporary pumps were installed to discharge water from Corbett into the L-8 canal.
- Levee construction materials were positioned for immediate use in the event of a levee failure.
- Continuous monitoring (every 4 hours) of the ITID levee for signs of breech was initiated.
- Slope failures at four locations along the levee were repaired with riprap material.
- A 140-ft long emergency overflow weir was constructed to divert water from the east end of Corbett into the Mecca Property canal system and subsequently into the C-18 canal.
- Completed the design of a new levee system.

Core Mission and Strategic Priorities
The Corbett Levee, Phase 1 Project supports the District's core mission of flood control. The successful construction of the project will provide flood protection to the residents of ITID.

Funding Source
The lowest responsive and responsible bidder is Herve Cody with a total amount of $ 3,490,000 for which dedicated funds (Water Management Lands Trust Fund) are budgeted in the FY15.

Staff Contact and/or Presenter
John P. Mitnik, P.E., Bureau Chief, Engineering and Construction Bureau
561-682-2679 / jmitnik@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2015 - 0211

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 460 day contract with Herve Cody, a sole proprietorship, the lowest responsive and responsible bidder, for the Corbett Levee, Phase 1 Project, in the amount of $3,490,000, for which $3,490,000 in dedicated funds (Water Management Lands Trust Fund) are budgeted; providing an effective date. (Contract No. 6000000634)

WHEREAS, it is in the public interest to authorize entering into a 460 day contract with Herve Cody, a sole proprietorship, the lowest responsive and responsible bidder for the construction of the Corbett Levee, Phase 1 Project, in the amount of $3,490,000.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 460 day contract with Herve Cody, a sole proprietorship, for the construction of the Corbett Levee, Phase 1 Project, in the amount of $3,490,000.

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

PASSED and **ADOPTED** this 12th day of February, 2015.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____