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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

November 14, 2013

9:00 AM

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

FINAL REVISED 11/13/2013 4:02 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
  - November Employee of the Month: Ray Palmer, Section Leader, Operations, Maintenance & Construction
  - November Team of the Month: Land Assessment Team
  - US Fish & Wildlife Service, Regional Director's Honor Award for Conservation Partners: Bob Kukleski and Bob Taylor, Operations, Maintenance & Construction

4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair

## **Consent Agenda**

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

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

7. Public Comment on Consent Agenda
  8. Pull Items for Discussion from Consent Agenda
  9. Board Comment on Consent Agenda
- Consent Items
10. Approval of Minutes for the October 10, 2013 Regular Business meeting held in West Palm Beach, Florida
  11. Waivers for the Water Resources Advisory Commission Waiver (WRAC) member pursuant to Section 112.313, Florida Statutes
  12. Regulatory Consent Items
    - Conservation Easement Amendments and Releases
    - Seminole Tribe Work Plans
  13. **Resolution No. 2013 - 1101** A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and mineral reservations, and issuance of non-use commitment; providing an effective date. (OMC, Kathy Massey, ext. 6835) - **SUPPORTING DOCUMENTS MODIFIED**
  14. **Resolution No. 2013 - 1102** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the South Florida Water Management District and Southwest Florida Water Management District for designation of regulatory responsibility for permitting under Part IV of Chapter 373, Florida Statutes, for the project known as Tub Hill Ranch that crosses jurisdictional boundaries of both Water Management Districts; providing an effective date. (REG, Maria Clemente, ext. 2308)

15. Authorize publication of Notice of Proposed Rule to amend the District's Water Use Permitting rules in accordance with the Department of Environmental Protection's statewide effort to improve consistency between the water management districts' consumptive use permitting programs. (REG, Maria Clemente, ext. 2308)
16. **Resolution No. 2013 - 1103** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options with AMEC Environment and Infrastructure, Inc., subject to successful negotiations for water quality monitoring services in the amount of \$450,000 of which \$112,500 is budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY17 budgets; providing that, if negotiations are unsuccessful with AMEC Environment and Infrastructure, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract No. 4600002969) (WR, Lori Wenkert-Lane, ext. 4562)
17. **Resolution No. 2013 - 1104** A Resolution of the Governing Board of the South Florida Water Management District authorizing a two-year contract with the University of Massachusetts, Dartmouth for the Measurement of Nutrient Loads from Sediments in the Caloosahatchee River and Estuary and the St. Lucie River and Estuary: Wet Season 2014 in the amount of \$260,000, of which \$140,000 in ad valorem funds (101000) are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract Number 4600002957) (WR, Teresa Coley, ext. 2636)
18. **Resolution No. 2013 - 1105** A Resolution of the Governing Board of the South Florida Water Management District approving a three-year agreement with Audubon of Florida's Tavernier Science Center, for hydrology, aquatic vegetation, and prey-base fauna monitoring in the Southern Everglades mangrove communities and approving a sole source as an exception to the general standards of competition in an amount not to exceed \$390,000, of which \$130,000 is budgeted, and the remainder is subject to Governing Board approval of the FY15 and FY16 budgets; providing an effective date. (Contract #4600002916) (WR, Joseph Stachelek, ext. 4543)
19. **Resolution No. 2013 - 1106** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with Cardno Entrix, the lowest responsive and responsible bidder, for Datalogger Maintenance Services at Ground Water and Surface Water Monitoring sites in the southwest region of the District in an amount not to exceed \$681,080 for which \$136,216 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract Number 4600002972) (OMC, Garnett Ritchie, ext.4616)

20. **Resolution No. 2013 - 1107** A Resolution of the Governing Board of the South Florida Water Management District advising the Florida Department of Environmental Protection of the FY14 adopted and estimated carry forward grant balances available utilizing funds from the Save Our Everglades Trust Fund (SOETF); authorizing the Executive Director or designee to request reimbursement based on actual expenditures through September 30, 2014; providing an effective date. (AS, Mike Smykowski, ext. 6295)
21. Board Vote on Consent Agenda
22. General Public Comment

## Discussion Agenda

23. 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)
24. Picayune Strand Restoration Project Update - Tom Teets, Office Chief, Federal Policy & Coordination Office, Everglades Policy & Coordination Division (ext. 6993)
25. Everglades Restoration Project Prioritization, Part 1 - Temperince Morgan, Division Director, Everglades Policy & Coordination Division (ext. 6987)
26. Central Everglades Planning Project Financial Capability, Part 1 - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources (ext. 2110)
27. **Resolution No. 2013 - 1108** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract No. 4600001716; an agreement with the Istokpoga Marsh Watershed Improvement District and the Florida Department of Agriculture and Consumer Services for the purpose of updating the project schedule and to provide additional funding in an amount not to exceed \$2,000,000, of which \$1,110,169 is budgeted in FY14 and \$889,831 is subject to Governing Board approval of the FY15 budget; providing an effective date. (Contract No. 4600001716-A05) (EPC, Temperince Morgan, ext. 6987)

28. **Resolution No. 2013 - 1109** A Resolution of the Governing Board of the South Florida Water Management District, to approve an agreement with A. Duda & Sons, Inc. for: (1) the acquisition by the District of fee title land interests containing 637.57 acres, more or less, in the amount of \$1,898,683 and associated costs, plus an additional \$165,000 cash consideration, for which dedicated funds (Save Our Everglades Trust Fund) and/or ad valorem funds are budgeted, (2) the acquisition by the District of access easement land interests containing 29.95 acres, more or less, for no additional consideration, and (3) the option for the District to acquire fee title land interests containing 2,488.76 acres, more or less, in the amount of \$16,923,568 and associated costs (subject to acreage and price adjustment, availability of funds, and approval of exercise of the option by the Governing Board of the South Florida Water Management District), all for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County; approve entering into a lease agreement with A. Duda & Sons, Inc. with respect to lands containing 637.57 acres, more or less, in Glades County; approve declaring surplus for exchange and conveyance of drainage easement land interests containing a maximum total of 0.10 acres, more or less, in Glades County; providing an effective date. (OMC, Richard Bassell, ext. 2510)
29. **Resolution No. 2013 - 1110** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds in the amount of \$1,267,820.00 from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 637.57 acres, more or less, for the total purchase price amount of \$1,898,683; for the Caloosahatchee River Basin Water Quality Treatment and Testing Project in Glades County, Florida; providing an effective date. (OMC, Richard Bassell, ext. 2510)
30. FY13 Year End & Key Metrics Results - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)
31. FY15 Budget Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)
32. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)
33. Approval of Proposed FY14 Audit Plan - Tim Beirnes, Inspector General (ext. 6398)
34. General Public Comment

## **Public Hearing**

35. Adopt amendments to Rules 40E-7.511, 40E-7.520, 40E-7.521, 40E-7.523, 40E-7.525, 40E-7.526, 40E-7.527, 40E-7.528, 40E-7.529, 40E-7.530, 40E-7.532, 40E-7.534, 40E-7.535, 40E-7.537, 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383, and 40E-7.5384, F.A.C., regarding public access and recreation on District lands; authorize publication of a Notice of Change in the Florida Administrative Register; and, authorize staff to forward the adopted rule to the Florida Legislature for consideration pursuant to Section 373.1391(6), F.S. (OMC, Dan Cotter, ext. 2301)

## **Staff Reports**

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

## **Attorney Client Sessions**

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

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

### **Action Items (if any) Stemming from Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

41. Adjourn

## MEMORANDUM

**TO:** Governing Board Members  
**FROM:** Karen Estock, Division Director  
**DATE:** November 14, 2013  
**SUBJECT:** Release of Reservations

### **Summary**

The District has jurisdiction over certain reserved rights to construct canal 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 canal reservations.

### **Staff Recommendation**

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

### **Additional Background**

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

### **Core Mission and Strategic Priorities**

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

### **Funding Source**

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

### **Staff Contact and/or Presenter**

Kathy Massey, ext. 6835

## EXHIBIT "A"

File No.: 10-13-1  
Applicant: Devil's Garden Golden Ox, LLC, a Florida limited liability company, and Nesting Boar, LLC, a Florida limited liability company  
Reserving Deed: T-19107 (DB 24-289, 7/17/1948)  
Fee paid: \$250.00  
Action: Approve release of Trustees canal reservations  
Acres: 320.00 acres, more or less  
Legal Description: West ½ of Section 11, Township 46 South, Range 32 East  
Location: County Road 833, Clewiston, Hendry County  
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Devil's Garden Water Control District

File No.: 18563  
Applicant: Hippocrates Health Institute of Florida, Inc., a Florida corporation  
Reserving Deed: QCD (DB 919-433, 9/12/1950)  
Fee paid: \$150.00  
Action: Approve release of mineral reservations  
Acres: 0.05 acre, more or less  
Legal Description: East 7' of West 15' of South 1/4 of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East  
Location: 6915 Imperial Drive, West Palm Beach, Palm Beach County  
Reviewed by: No routing for mineral reservations

File No.: NUC 1634  
Applicant: Hippocrates Health Institute of Florida, Inc., a Florida corporation  
Reserving Deed: QCD (DB 919-433, 9/12/1950)  
Fee paid: \$150.00  
Action: Approve issuance of non-use commitment  
Acres: 2.86 acres, more or less  
Legal Description: Portion of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East  
Location: 6915 Imperial Drive, West Palm Beach, Palm Beach County  
Reviewed by: No routing for mineral reservations

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## Resolution No. 2013 - 1101

**A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and mineral reservations, and issuance of non-use commitment; providing an effective date. (OMC, Kathy Massey, ext. 6835)**

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

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

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

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

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

**PASSED** and **ADOPTED** this 14<sup>th</sup> day of November, 2013.

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

\_\_\_\_\_  
Chairman

Attest:

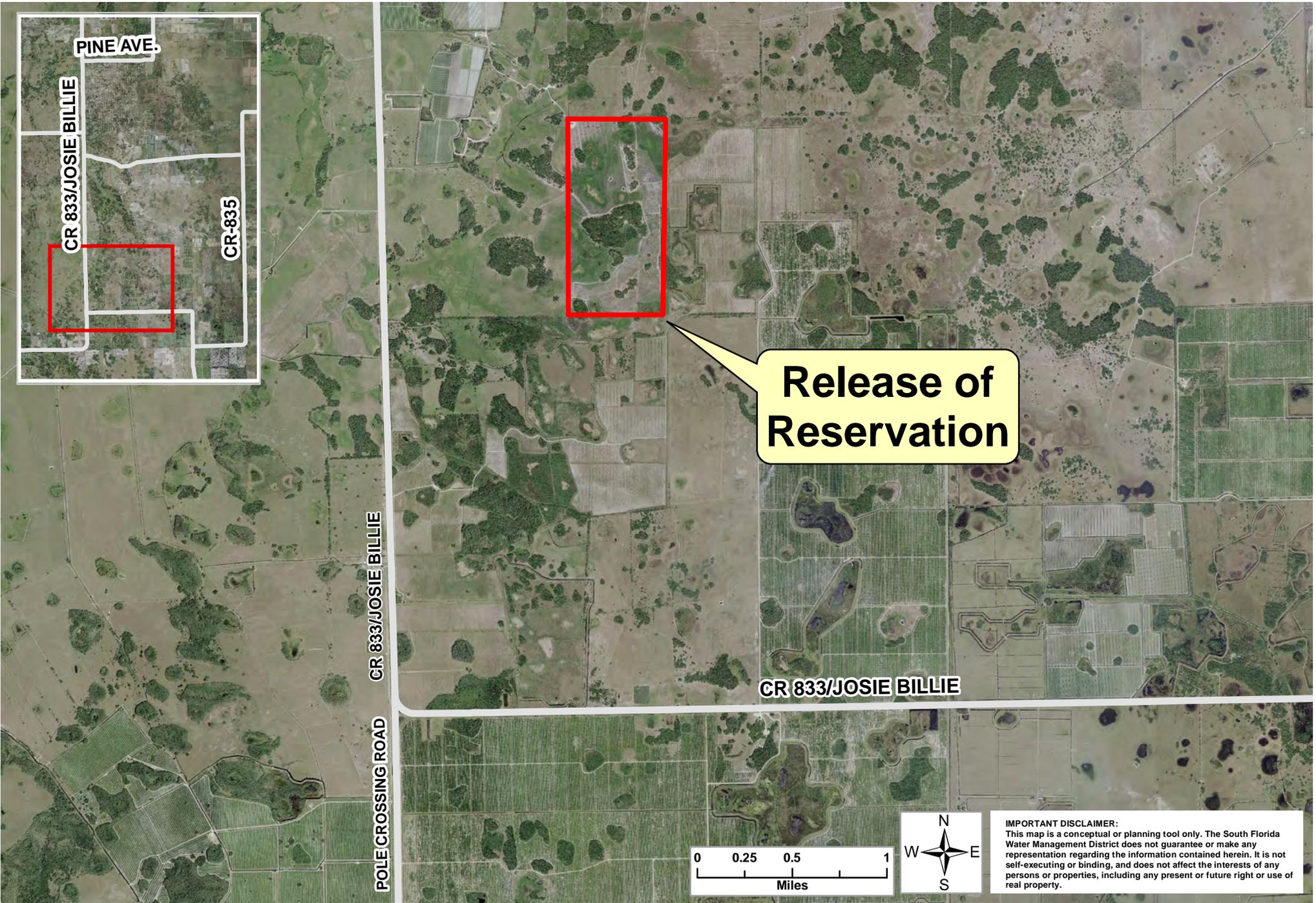
Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_

# 10-13-1 Hendry County



**Release of  
Reservation**

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

# NUC 1634 and 18563 Palm Beach County



**Release of  
Reservation**

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**EXHIBIT "A"**

**RELEASE OF TIITF CANAL RESERVATIONS:**

File No.: 10-13-1  
Applicant: Devil's Garden Golden Ox, LLC, a Florida limited liability company, and Nesting Boar, LLC, a Florida limited liability company  
Reserving Deed: T-19107 (DB 24-289, 7/17/1948)  
Acres: 320.00 acres, more or less  
Legal Description: West ½ of Section 11, Township 46 South, Range 32 East  
Location: County Road 833, Clewiston, Hendry County

**RELEASE OF DISTRICT MINERAL RESERVATIONS:**

File No.: 18563  
Applicant: Hippocrates Health Institute of Florida, Inc., a Florida corporation  
Reserving Deed: QCD (DB 919-433, 9/12/1950)  
Acres: .05 acres, more or less  
Legal Description: East 7' of West 15' of the South ¼ of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East  
Location: 6915 Imperial Drive, West Palm Beach, Palm Beach County

**ISSUANCE OF NON-USE COMMITMENT:**

File No.: NUC 1634  
Applicant: Hippocrates Health Institute of Florida, Inc., a Florida corporation  
Reserving Deed: QCD (DB 919-433, 9/12/1950)  
Acres: 2.86 acres, more or less  
Legal Description: Portion of Tract 3, Block 4, PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 27, Township 43 South, Range 42 East  
Location: 6915 Imperial Drive, West Palm Beach, Palm Beach County