South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING
AGENDA

This meeting is open to the public

March 14, 2013
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL REVISED 03/13/2013 4:56 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 - Joe Collins, Chairman, Governing Board

2. Pledge of Allegiance - Joe Collins, Chairman, Governing Board

3. Recognition of completion of C-111 Spreader Canal Western Project by the Everglades Foundation - Presented by Gary Lickle, Board of Directors, Everglades Foundation

4. Employee Recognitions - Presented by Melissa Meeker, Executive Director
   - February Employee of the Month: Jack Ismalon, Construction Cost Estimator Lead, Operations, Maintenance & Construction Division
   - February Team of the Month: Hillsboro Canal Bank Stabilization Outreach Team

- March Employee of the Month: Walter Wilcox, Section Leader, Water Resources Division
- March Team of the Month: Central Everglades Modeling Team
- 2012 Employee of the Year: Naiming Wang, Principal Hydrologic Modeler, Water Resources Division
- 2012 Team of the Year: Tropical Storm Isaac Response Team

5. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services

6. Abstentions by Board Members from items on the Agenda

7. Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair

8. Project & Lands Committee Report - Daniel O'Keefe, 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

Consent Items

12. Approval of the Minutes for the February 14, 2013, Regular Business meeting held in Orlando, Florida

13. Permit Denials ***- ITEM REVISED***

Consent Orders
Conservation Easement Amendments and Releases
Water Use Variances
Seminole Tribe Work Plans

Page 1 No 1 Carter Dock and Piling (Denial): Postponed

Page 1 No 3 J and J Wholesale Nursery 2 (Denial): Postponed

Page 3 No 2 Bowman Dock - Coral Isle Condominium (Denial): Postponed

Page 4 No 7 Palm View Waters (Denial): Postponed

Page 9 No 5 Daniel Ranch (Conservation Easement): Postponed

Page 11 No 1 Third Amendment to the Twenty Six Annual Work Plan: Postponed

14. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications
Right of Way Occupancy Permit Requests with Waiver of District Criteria

15. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes

16. **Resolution No. 2013 - 0301** A Resolution of the Governing Board of the South Florida Water Management District concurring with the decision to reject all proposals submitted in response to Request for Proposal 6000000534 and the decision to cancel the Outdoor Public Information Systems Project; providing an effective date. (OC, Frank Mendez, ext. 6260) ***- ITEM DELETED***

17. **Resolution No. 2013 - 0302** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2012-13 budget; providing an effective date. (AS, Doug Bergstrom, ext. 6214)

18. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-7.669; 40E-7.670; 40E-7.671; 40E-7.672; 40E-7.674; 40E-7.675 and 40E-7.677 F.A.C., regarding the District's procurement process as it relates to the Small Business Enterprise rule, and request review by the Office of Fiscal Accountability and Regulatory Reform. (AS, Dorothy Bradshaw, ext. 2823)

19. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend or repeal portions of Chapters 40E-0, 40E-1, 40E-4, 40E-41, and 40E-400 F.A.C., to repeal Chapter 40E-40 and to amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, in accordance with the Department of Environmental Protection's (DEP's) statewide effort to improve consistency among the water management districts' and the DEP's Environmental Resource Permitting programs, and request review by the Office of Fiscal Accountability and Regulatory Reform. (REG, Anita Bain, ext. 6866) ***- ITEM REVISED***

20. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., repeal Rules 40E-6.101, 40E-6.121, 40E-62.011, 40E-62.020, 40E-62.021, 40E-62.023, 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.051, 40E-62.101, 40E-62.301, 40E-62.321, 40E-62.331, 40E-62.341, 40E-62.351, 40E-62.381, and 40E-62.651, F.A.C., and to add new rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741 and 40E-6.751, F.A.C., and the materials incorporated by reference in Rule 40E-6.091, F.A.C., regarding the Right of Way Permitting Program for Works and Lands of the District, and request review by the Office of Fiscal Accountability and Regulatory Reform. (OMC, Jorge Patino, ext. 6175)

21. Authorize publication of Notice of Rule Development in the Florida Administrative Register to amend Public Use 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, 40E-7.5384, and 40E-7.539 in Chapter 40E-7, F.A.C., regarding public access and recreational use of District lands, and submit to the Office of Fiscal Accountability and Regulatory Reform for review. (OMC, Dan Cotter, ext. 2301)

22. **Resolution No. 2013 - 0303** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with Lee County for the Four Corners Area Hydrologic Restoration in the amount of $205,000, for which $175,964 in dedicated funds (Save Our Everglades Trust Fund and State Appropriation Funds) are budgeted for FY13 and the remaining $29,036 in dedicated funds (State Appropriations) is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002828) (EPC, Nestor Garrido, Ext. 6908)

23. **Resolution No. 2013 - 0304** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership in the amount of $175,000, for which $125,000 in State appropriations is budgeted and $50,000 is unbudgeted, and authorize a transfer of ad valorem funds in the amount of $25,000 from the Operations and Maintenance program in the Engineering & Construction Bureau to the Coastal Watersheds Program in the Office of Everglades Policy & Coordination and the remaining $25,000 in dedicated funds from St. Johns River Water Management District is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002831) (EPC, Kathy LaMartina, ext. 6594)

24. **Resolution No. 2013 - 0305** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/ Virginia Avenue Canal Stormwater Retrofit in the amount of $359,189, for which State appropriations are budgeted for FY13; providing an effective date. (Contract Number 4600002830) (EPC, Kathy LaMartina, ext. 6594)

25. **Resolution No. 2013 - 0306** A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of fee owned right of way interests containing 0.86 acres, more or less, to the City of Oakland Park at no cost; being a portion of the C-13 right of way, in Section 20, Township 49 South, Range 42 East, Broward County, and approve waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (OMC, Kathy Massey, ext. 6835)

26. **Resolution No. 2013 - 0307** A Resolution of the Governing Board of the South Florida Water Management District, approving a ten year parking lease agreement with Villas of Pinecrest Condominium Association, Inc. (Contract No. 4600002820) in the amount of $182,510 in Miami-Dade County; providing an effective date. (OMC, Dawn West, ext. 6947)

27. **Resolution No. 2013 - 0308** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding between the South Florida Water Management District, Miami-Dade County, and the cities of Miami, West Miami and Sweetwater, defining the operation of main pump station pumps discharging into the C-4 Canal; providing an effective date. (Contract Number 4600002824) (OMC, Tommy Strowd, ext. 6998)

28. **Resolution No. 2013 - 0309** 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 McIntyre Maintenance, Inc., the lowest responsive and responsible bidder for Flat Mowing Services in the Homestead Field Station area, in the amount of $480,000, of which $160,000 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, Chris Miranda, ext. 7014)

29. **Resolution No. 2013 - 0310** A Resolution of the Governing Board of the South Florida Water Management District to authorize issuing a Purchase Order with Governor Control Systems (GCS) for the purchase of Oil Filtration Units and authorize a Waiver of Competition as an exception to the general standards of competition for Pump Station Engines in the amount of $261,768, for which ad valorem funds are budgeted in FY13; providing an effective date. (Purchase Order Number 4500073536) (OMC, Brian Rhoades, ext. 6245)

30. **Resolution No. 2013 - 0311** A Resolution of the Governing Board of the South Florida Water Management District transmitting a supplemental agency report on matters within its jurisdiction to the Florida Department of Environmental Protection on alternate electric transmission line corridors for Florida Power and Light Company's Turkey Point Units 6 & 7 project, and authorizing staff to work with Florida Power and Light and the Department to reach final agreement on certification conditions for the Turkey Point Units 6 & 7 project; providing an effective date. (WR, Seán Sculley, ext. 6109) - ***ITEM REVISED***

31. Board Vote on Consent Agenda

32. General Public Comment

Workshop

33. Technical Reports

    A) Water Conditions Report - Tommy Strowd, Division Director, Operations, Maintenance & Construction Division (ext. 6998)

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

34. Central Everglades Planning Project Update - Ernie Barnett, Director, Office of Everglades Policy & Coordination (ext. 2110)

35. C-51 Conceptual Plan Update - Ernie Barnett, Director, Everglades Policy and Coordination (ext. 2110)

36. Overview of Alternative Treatment Technologies - Kim O'Dell, Environmental Scientist Supervisor, Water Resources Division (ext. 2650)

37. Tropical Storm Isaac After Action Assessment - Lucine P. Dadrian, Section Administrator, Project Development Section, Operations, Maintenance & Construction Division (ext. 2685)

Discussion Agenda

38. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register (FAR) to amend Rules 40E-2.091, 40E-10.021, 40E-10.031 40E-10.041, 40E-10.051, and new Rule 40E-10.061, F.A.C., to establish a water reservation and criteria for protection of fish and wildlife in Nearshore Central Biscayne Bay, and to request review by the Office of Fiscal Accountability and Regulatory Reform. (WR, Don Medellin, ext. 6340)

39. **Resolution No. 2013 - 0312** A Resolution of the Governing Board of the South Florida Water Management District approving an amendment to the U.S. Sugar Corporation (US Sugar) lease of the Southern Gardens parcel, to phase out the citrus lease by 2018, and to provide for US Sugar to pay rent to the District commencing November 1, 2013, in the amount of $25 per acre per year for the remaining approximate 9,148 farmable citrus acres located in Hendry County; providing an effective date. (Contract Number 4600002268-A01) (OMC, Ray Palmer, ext. 2246) ***- ITEM REVISED***

40. **Resolution No. 2013 - 0313** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002816) (EPC, Tom Teets, Ext. 6993)

41. **Resolution No. 2013 - 0314** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002815) (EPC, Tom Teets, Ext. 6993)

42. **Resolution No. 2013 - 0315** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002814) (EPC, Tom Teets, ext. 6993)

43. **Resolution No. 2013 - 0316** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002817) (EPC, Tom Teets, ext. 6993)

44. **Resolution No. 2013 - 0317** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002818) (EPC, Tom Teets, ext. 6993)

45. **Resolution No. 2013 - 0318** A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002819) (EPC, Tom Teets, ext. 6993)

46. General Public Comment

Staff Reports

47. Monthly Financial Statement - Doug Bergstrom, Division Director, Administrative Services Division

48. General Counsel's Report - Carolyn S. Ansay

49. Executive Director's Report - Melissa L. Meeker

    Report on permits issued by authority delegated to the Executive Director from February 1-28, 2013

50. Board Comment

Attorney Client Sessions

51. 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 S. Batchelor, J. Collins, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; 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)

52. 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 Lake Point Phase I, LLC, and Lake Point Phase II, LLC v. South Florida Water Management District, et al., 15th Judicial Circuit Court, Palm Beach County, Florida, Case No. 502013CA002122XXXXMBAD.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, J. Collier, A. Cooper, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

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53. Adjourn

February 2013 Employee of the Month

Jack Ismalon, Construction Cost-Estimate Lead

Operations, Maintenance and Construction Division

Jack's position at the District is unique -- he is our sole cost estimator. Cost estimating is a true art where knowledge of construction practices and techniques blend with experience, common sense and high tech databases. In the past six months, Jack has estimated over 30 new projects, project modifications and change orders.

He was instrumental in saving the District significant cost savings on the EAA A-1 Flow Equalization Basin project. The L8 Reservoir project also benefited from Jack's knowledge when he enabled a more logical sequencing to balance cash flow during the review of the schedule.

Overall, Jack's knowledge of construction practices, techniques and productivity -- combined with his willingness to share his expertise with the design professionals -- produce more cost effective and efficient project designs. Congratulations, Jack!

February 2013 Team of the Month

Hillsboro Canal Bank Stabilization Outreach Team

Team Members:

- Laura Corry
- Jose Luis Rodriguez
- Ashie Akpoji
- Jorge Patino
- Moses Balwah
- Dan Walsh
- Tim Hamilton
- Andrew Wolf
- Cheryl Sibilio
- Tia Barnett
- Susan Bennett
- Ellen Negley
- Jeremy Ashton

The Hillsboro Canal Bank Stabilization Project is a multi-year effort to ensure a 7.6-mile section of the canal, built more than 50 years ago, can effectively move water as designed for another five decades. The project is located between Palm Beach and Broward counties and spans many municipalities.

Outreach required a coordinated effort between the Offices of Intergovernmental Programs and Communications, Right of Way Section, Construction Bureau and Palm Beach and Fort Lauderdale Field Stations. A comprehensive public outreach plan was developed which now serves as a template for similar projects.

Due to the location of various structures, docks and other encroachments, the outreach was intensive and included over 120 door-to-door meetings with residents, community public information forums and site visits with elected representatives and staff at the federal, state and local levels. This team's attention to customer service exemplifies the caliber of public servants that serve in the District. Congratulations!

March 2013 Employee of the Month

Walter Wilcox - Section Leader

Hydrologic and Environmental Modeling Bureau

Walter conducted a multi-agency team comprised of modeling staff from the Corps of Engineers, Department of the Interior and the District. This team provided the modeling and analyses support for the Central Everglades Planning Project (CEPP). The result was the successful identification of a Tentatively Selected Plan in January of this year.

Walter led the development and implementation of the modeling strategy to ensure that the modeling was sound, high quality, defensible and met the project objectives. A key role was to represent the project and communicate the modeling and technical analyses work to agency leadership, partner agencies, other project teams and stakeholders.

The success of the entire CEPP modeling team is outstanding and worthy of recognition but would not have been possible without the leadership and tenacity exhibited by Walter.

Congratulations, Walter!

March Team of the Month
Central Everglades Modeling Team

Alaa Ali

Larry Brion

Sandeep Dabral

Pattie Fulton

Jun Han

Harold Hennessey-Correa

Veera Karri

Fahmida Khatun

Rick Miessau

Danielle Morancy

Sashi Nair

Raul Novoa

Randy Van Zee

Naiming Wang

Bob Wu

Walter Wilcox

March Team of the Month

Central Everglades Modeling Team

This team provided a range of hydrologic and water quality modeling products that helped to inform the development and selection of a Central Everglades Planning Project (CEPP) plan. The work began in November 2011 and was done in record time.

By changing the modeling paradigm, the CEPP modeling team was able to help the project team explore a wide range of possible projects and operations and to select those features with the highest performance potential to carry into detailed analysis. The team applied a range of models across the southern portion of the Florida ecosystem -- from Lake Okeechobee to Florida Bay -- and helped the CEPP team, stakeholders and the public to understand and provide feedback on the results.

This sound technical and record-paced effort represents the first time that a full water management district system-wide application of the Regional Simulation Model (RSM) was accomplished.

Congratulations and great work!

Attachment: Employee Recognition (1161 : Employee Recognitions)

March Team of the Month

Central Everglades Modeling Team

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By changing the modeling paradigm, the CEPP modeling team was able to help the project team explore a wide range of possible projects and operations and to select those features with the highest performance potential to carry into detailed analysis. The team applied a range of models across the southern portion of the Florida ecosystem -- from Lake Okeechobee to Florida Bay -- and helped the CEPP team, stakeholders and the public to understand and provide feedback on the results.

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Congratulations and great work!

Attachment: Employee Recognition (1161 : Employee Recognitions)

2012 Employee of the Year

Naiming Wang – Principal Hydrologic Modeler

Water Supply Bureau

Naiming's contributions to the Restoration Strategies project are key factors in meeting the many critical project timelines.

Naiming developed modeling protocols for reservoir operations and releases for flow equalization basins. These protocols are needed during water quality modeling for Restoration Strategies.

The objectives were to attenuate peak flows and loads, minimize the occurrence of STA dry-out and maximize simulated STA performance.

Naiming developed the necessary algorithms that comprise the specific operation and release protocols for each location – which have become a critical component to achieve state water quality standards.

His significant efforts are greatly appreciated and worthy of being selected as Employee of the Year. Congratulations, Naiming!

2012 Team of the Year
The Tropical Storm Isaac Response Team

Team Members:

Charles Walker

James Sconyers Jr.

Joseph Williams

Orelvis Ruiz

Randy Jarvis

Johnnie Brown

Steven Congleton

Norman Holligan

Bill Peek

Brandon Wells

Carlos Sierra

Chester Merrill

Chris Boudreau

Chris Holling

Dan Jones

David Chastain

Doug Updike

Hurdley Mitchell

Gilberto Deleon

James Binns

Jerry Bennett

John Burns

John Zaballa

Junior Jean-Pierre

Lee Blau

Michael Parrish

Miguel Rodriguez

Richard Smith

Robert Richardson

Robert Congleton

Sandy Lee

Steven Rucker

William Jones

Ricky Jordan

Jack Theriault

Luis Gonzalez

Ricky Lastra

Juan Victorero

Robbie Rimes

Kent Farmer

Scott Cowham

Jeff Lamb

Travis McElroy

Chad Burnsed

Greg Hoyle

Gerry Mixon

Robert Hancock

Robert Prescott

John Moody

Frank Morales

Phil Perez

Joe Zappia

Jose Guardiario

Jorge Jaramillo

Tom McKernan

Patrick Burton

Lesra Harris

Doug Lott

Doug Kessler

Justin Pace

Tom Butler

Jason Lester

Jim Dyar

Robert Binkley

Catalino Martinez-Sanchez

Michael Nicholson

Chris Williams

Richard Delgado

Charles David Jones

Scott Volpe

Management Honorable Mention:

Joel Arrieta

Jeff Kivett

Richard Champlin

Tom DeBold

Craig Clemons

Lucine Dadrian

Greg Cantelo

John Mitnik

Mike Gallagher

Andrew Wolfe

Ernie Feller

Following Tropical Storm Isaac in August 2012, the District organized local flooding relief efforts in the areas of western Palm Beach County most

heavily affected by the storm. Team members surveyed flooding issues, performed inspections and installed temporary pumps.

They constructed a 140-foot weir and flow-way channel redirecting water from the Corbett Area to the Mecca property and into the C-18 Canal. These efforts helped equalize water levels between the Corbett Area and The Acreage.

The team is commended for their rapid response, technical skills, professionalism and exceptional customer service. Their actions left a lasting impression to shine a positive light on the District.

Congratulations to our 2012 Team of the Year!

CONSENT AGENDA TABLE OF CONTENTS
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March 14, 2013

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Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

REGULATION AGENDA ITEMS

PERMIT/MODIFICATION: Those listed on the consent agenda are routine in nature, non-controversial and in compliance with current District policy. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

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

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

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

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

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

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

SURFACE WATER MANAGEMENT EXTENSION: An administrative action to give a permittee additional time to start construction of a project. A permittee has five years from date of permit issuance to start construction. For a variety of reasons, this is not always enough time.

WATER USE EXTENSION: An administration action to extend a permit to coincide with a basin expiration date, criteria development, or rule changes.

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

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

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

CONSERVATION EASEMENT: A perpetual fee ownership in real property that retains such land or water area in its predominantly natural, scenic, open, or wooded condition. Conservation easements generally limit the use of the conservation area to passive, recreational activities such as hiking and bicycling. The District will consider as mitigation for the adverse impacts to wetlands or other surface waters functions caused by a proposed project, the preservation, by conservation easement, of wetland ecosystems.

Attachment: ca_rm_reg_100_sd (Revlll) (1154 : Regulatory Consent Agenda)

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

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

ENFORCEMENT ACTION: The category can include a variety of actions that are taken by the District when work is started without a permit or not conducted in accordance with a permit. The District's Field Engineering Division and Office of Counsel coordinate the effort.

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

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

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

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

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

Attachment: ca_rm_reg_100_sd (Revlll) (1154 : Regulatory Consent Agenda)

DENIALS

COLLIER COUNTY

1. FIRST ASSEMBLY MINISTRIES / FOUNTAIN LAKES
   FIRST ASSEMBLY OF GOD NAPLES FL INC
   SEC 14 TWP 50S RGE 26E

   APPL. NO. 080207-25
   PERMIT NO. 11-01521-P
   ACREAGE: 68.80
   LAND USE: RESIDENTIAL

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

2. WARM SPRINGS
   NAPLES SYNDICATIONS LLC
   SEC 26 TWP 48S RGE 26E

   APPL. NO. 090515-4
   PERMIT NO. N/A
   ACREAGE: 114.60
   LAND USE: RESIDENTIAL

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

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

DENIALS

LEE COUNTY

1. BLUE CRAB LAKE ESTATES
WATERWAY LLC
SEC 22-34 TWP 44S RGE 22E

APPL. NO. 060106-15
PERMIT NO. N/A
ACREAGE: 213.52
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: MATLACHA PASS VIA PINE ISLAND CREEK VIA ON-SITE TIDAL WETLANDS
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: MARCH 14, 2013

2. ESTERO 41
RICHARD A COLLMAN
SEC 4 TWP 47S RGE 25E

APPL. NO. 080723-10
PERMIT NO. N/A
ACREAGE: 10.16
LAND USE: COMMERCIAL

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

3. HANCOCK MALL
SWFL PROPERTY MANAGEMENT LLC
SEC 12 TWP 44S RGE 23E

APPL. NO. 080509-10
PERMIT NO. 36-07372-P
ACREAGE: 4.08
LAND USE: COMMERCIAL

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

4. PARADISE POINTE 1-3 FINGER DOCK INSTALLATION
PARKSIDE DEVELOPMENT OF LEE COUNTY LLC
SEC 08 TWP 45S RGE 24E

APPL. NO. 071029-20
PERMIT NO. N/A
ACREAGE: 2.90
LAND USE: RECREATIONAL

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

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

DENIALS

LEE COUNTY

5. SILVER MOBILE HOME SALES CENTER
WONDERLAND STORAGE LLC
SEC 35 TWP 43S RGE 24E

APPL. NO. 081222-16
PERMIT NO. N/A
ACREAGE: 6.80
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW STANDARD PERMIT)

RECEIVING BODY: UNKNOWN

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

LAST DATE FOR BOARD ACTION: MARCH 14, 2013

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

DENIALS

MIAMI-DADE COUNTY

1. DORAL SECTION 8
   CENTURY HOME BUILDERS
   SEC 8 TWP 53S RGE 40E

   APPL. NO. 070402-27
   PERMIT NO. N/A
   ACREAGE: 78.10
   LAND USE: LANDSCAPE

   PERMIT TYPE: WATER USE

   WATER SOURCE: UNKNOWN
   ALLOCATION: UNKNOWN

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

   LAST DATE FOR BOARD ACTION: MARCH 14, 2013

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

CONSENT ORDERS

1. RESPONDENT: 1535 THREE VILLAGE RD, LLC
   PROJECT: VILLAGE DE FRANCE

   SEC 18 TWP 50S RGE 40E BROWARD COUNTY
   SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT CONDITIONS FOR FAILURE TO CERTIFY THE SURFACE WATER MANAGEMENT SYSTEM AND TRANSFER THE PERMIT FROM THE CONSTRUCTION PHASE TO THE OPERATION PHASE

2. RESPONDENT: KEY WEST HOBE SOUND II, LLC
   PROJECT: GOMEZ HILL SUBDIVISION (AKA CYPRESS VILLAGE)

   SEC GOMEZ GRANT TWP 39S RGE 42E MARTIN COUNTY
   SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT CONDITIONS FOR FAILURE TO CERTIFY THE SURFACE WATER MANAGEMENT SYSTEM AND TRANSFER THE PERMIT FROM THE CONSTRUCTION PHASE TO THE OPERATION PHASE

3. RESPONDENT: FELIX RODRIGUEZ
   PROJECT: FELIX RODRIGUEZ COMMERCIAL TRUCK PARKING ADDITION

   SEC 13 TWP 52S RGE 39E MIAMI-DADE COUNTY
   SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED FILL IN WETLANDS

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: LANTANA (FKA VITA TUSCANA, FKA PRESERVE ESTATES AT OLDE CYPRESS)
   PROJECT: VITA PIMA LLC

   COLLIER COUNTY

   AMENDMENT OF A RECORDED CONSERVATION EASEMENT OVER A 16.2-ACRE ONSITE WETLAND MITIGATION AREA WITHIN THE RESIDENTIAL DEVELOPMENT KNOWN AS LANTANA (FKA VITA TUSCANA, FKA PRESERVE ESTATES AT OLDE CYPRESS), FOR PERMIT NUMBER 11-02146-P, LOCATED IN NAPLES, COLLIER COUNTY FLORIDA. THE AMENDMENT CHANGES THE CONSERVATION EASEMENT FROM A STANDARD CONSERVATION EASEMENT TO A PASSIVE RECREATIONAL USE EASEMENT AND IS BEING PROCESSED CONCURRENTLY WITH A STANDARD GENERAL PERMIT MODIFICATION APPLICATION NO. 130122-8. THE CHANGE FROM STANDARD TO PASSIVE RECREATIONAL IS DUE TO A 15?FT WIDE EASEMENT ALONG THE SOUTHERN PORTION OF THE PRESERVE WHICH IS REQUIRED BY COLLIER COUNTY FOR A FUTURE PLANNED PEDESTRIAN PATH WHICH WILL CONNECT TO OFF-SITE PATHWAYS. A MODIFICATION TO THE PERMIT AND COMPENSATION FOR IMPACTS TO WETLANDS DUE TO ANY FUTURE RECREATIONAL USE WILL BE REQUIRED.

2. PERMITTEE: MIDTOWNE ESTERO LLC
   PROJECT: VILLA PALMERAS (FKA MIDTOWNE ESTERO)

   LEE COUNTY

   AMENDMENT OF A RECORDED CONSERVATION EASEMENT ENCOMPASSING APPROXIMATELY 12.84 ACRES FOR THE VILLA PALMERAS PROJECT. THE APPLICANT HAS PROPOSED AMENDING THE CONSERVATION EASEMENT FROM A STANDARD CONSERVATION EASEMENT TO A PASSIVE RECREATIONAL CONSERVATION EASEMENT AS PART OF APPLICATION NO. 121026-4. A BOARDWALK IS BEING PROPOSED AS PART OF THIS PERMIT MODIFICATION THAT WOULD EXTEND INTO THE UPLAND PORTIONS OF THE EXISTING CONSERVATION EASEMENT. THERE ARE NO PROPOSED WETLAND OR OTHER SURFACE WATER IMPACTS ASSOCIATED WITH THE PROJECT.

3. PERMITTEE: D R HORTON
   PROJECT: CREEKSIDE PRESERVE (FKA ROSARNO)

   LEE COUNTY

   AMENDMENT OF A RECORDED C.E. OVER TWO PRESERVES (NORTHERN AND SOUTHERN) TOTALING 9.03 ACRES FOR THE CREEKSIDE PRESERVE PROJECT IN LEE COUNTY. THE APPLICANT PROPOSES TO RELEASE 672.42 SQUARE FEET IN A SECTION OF THE NORTHERN PRESERVE AND RECORDING 3030.42 SQUARE FEET IN FOUR NEW AREAS OF THE NORTHERN PRESERVE.

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

4. PERMITTEE: PROGRESS ENERGY FLORIDA INC
PROJECT: ORANGE LAKE COUNTRY CLUB 18 HOLE GOLF COURSE

ORANGE COUNTY

APPROVE RELEASE OF 1.1 ACRES THAT IS PART OF A LARGER 153.84- ACRE CONSERVATION EASEMENT FOR ORANGE LAKE COUNTRY CLUB TO ACCOMMODATE CLEARING FOR INSTALLATION OF A TRANSMISSION LINE BY PROGRESS ENERGY. MITIGATION CREDITS (0.22) FOR IMPACTS RESULTING FROM TREE REMOVAL WILL BE PROVIDED AS PART OF A PERMIT APPLICATION 130215-18.

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

WATER USE VARIANCES

1. PERMITTEE: WALT DISNEY WORLD COMPANY
   PROJECT: WALT DISNEY WORLD COMPANY

ORANGE COUNTY

ENTER A FINAL ORDER GRANTING A PETITION FOR VARIANCE TO WALT DISNEY WORLD COMPANY AUTHORIZING A VARIANCE FROM THE DAY OF THE WEEK LANDSCAPE IRRIGATION MEASURES SPECIFIED IN CHAPTER 40E-24, F.A.C., TO PROVIDE FOR WATER CONSERVATION THROUGH IMPLEMENTATION OF AN ADVANCE IRRIGATION SYSTEM.

Attachment: ca_rm_reg_100_sd (RevIII) (1154 : Regulatory Consent Agenda)

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March 14, 2013

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II	**RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS:** Governing Board action is required for routine requests which involve a change, addition or deletion to a use of the right of way which was previously permitted. Items are placed on this Consent Agenda when the staff's recommendation is for approval.	3 - 4
III	**RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:** Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.	5 - 6

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY NEW PERMITS

1. ALVIN AND YOLANDA RODRIGUEZ
COUNTY: ST. LUCIE

Permit Number: 14128
Appl No.: 12-1203-1
Easement

AUTHORIZING:

EXISTING DOCK WITH WATER AND ELECTRICAL SERVICE AND EXISTING STAIRS ENCROACHING APPROXIMATELY 20' (40' FROM TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 163 SOUTHEAST OSPREY RIDGE. (LOT 18, OSPREY RIDGE).

LAST DATE FOR BOARD ACTION: **March, 2013**

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. THE HELM CONDOMINIUM ASSOCIATION, INC.
COUNTY: PALM BEACH

Permit Number: 12554
Appl No.: 12-1218-1M
Easement

AUTHORIZING:
EXISTING WATER AND ELECTRICAL SERVICE WITH LIGHTS, AND PROPOSED EXOTIC VEGETATION REMOVAL WITHIN THE SOUTH RIGHT OF WAY OF C-17 LOCATED AT THE REAR OF 753 HUMMINGBIRD WAY (LOT 8, BLOCK 30, VILLAGE OF NORTH PALM BEACH, PLAT NUMBER 3).

LAST DATE FOR BOARD ACTION: **April, 2013**

---

2. ANCIENT OAKS RV RESORT
COUNTY: OKEECHOBEE

Permit Number: 47-00072-R
Appl No.: 12-0809-1M
Fee

AUTHORIZING:
EXISTING SEAWALL APPROXIMATELY 111' LONG WITHIN THE EASTERLY RIGHT OF WAY OF C-59 AT THE REAR OF 5105, 5115 AND 5127 S.E. 64TH AVENUE (LOTS 23, 22 AND 21, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

LAST DATE FOR BOARD ACTION: **April, 2013**

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3. CITY OF NORTH MIAMI BEACH
COUNTY: MIAMI-DADE

Permit Number: 6933
Appl No.: 12-1129-2M
Fee and Easement

AUTHORIZING:
EXISTING ABOVE-GROUND ELECTRICAL CONTROL PANEL AND ANTENNA 132' FROM THE TOP OF CANAL BANK WITHIN THE SOUTH RIGHT OF WAY OF C-9 LOCATED APPROXIMATELY 450' EAST OF THE EAST FACE OF NORTHWEST 2ND AVENUE BRIDGE.

LAST DATE FOR BOARD ACTION: **April, 2013**

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4. JARED MICHAEL GREENBERG
COUNTY: ST. LUCIE

Permit Number: 13314
Appl No.: 12-1128-1M
Fee

AUTHORIZING:
EXISTING LANDSCAPING ENCROACHING APPROXIMATELY 31' (66' FROM THE TOP OF CANAL BANK) WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 702 S.W. ABODE AVENUE, (LOT 21, BLOCK 2326, PORT ST. LUCIE, SECTION 33).

LAST DATE FOR BOARD ACTION: **April, 2013**

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

5. KENNETH SMITH, JR.
COUNTY: BROWARD

Permit Number: 14083
Appl No.: 13-0104-1M
Easement

AUTHORIZING:
EXISTING 10' X 10' CHICKEE HUT AND PROPOSED LANDSCAPING WITHIN PREVIOUSLY APPROVED FENCED AREA WITHIN THE WEST RIGHT OF WAY OF C-42 AT THE REAR OF 4290 NW 113TH AVENUE (LOTS 127 AND 128, BLOCK 28, SUNRISE GOLF VILLAGE SECTION 24, PART FIVE).

LAST DATE FOR BOARD ACTION: **March, 2013**

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by the **Florida Department of Transportation** (Application Number 13-0117-1) for issuance of a Modification to Right of Way Occupancy Permit Number 4264 and waiver of the District's criteria for replacement of SW 107th Avenue bridge crossing Tamiami Canal (C-4). Location: Miami-Dade County, Section 5&6, Township 54 South, Range 40 East.

   The applicant's request for waiver of the District's criteria which governs the minimum low member elevation for pile-supported facilities located within Works or Lands of the District is based on substantial hardship. The applicant asserts a waiver of the low member requirement for the bridge is necessary due to the geographical nature of the area. Raising the low member elevation of the bridge to meet the District's criteria would necessitate raising the profile of the existing roadway (SW 8th Street) and bridge approaches. This would significantly impact the commercial and residential properties north and south of the C-4 Canal and make the project economically unfeasible. The reconstruction project is required to improve safety and relieve traffic congestion along the roadway corridor. The proposed low member elevation for the replacement of the SW 107th Avenue Bridge will be set at 9.01' NGVD which is approximately 1' lower than the 10.0' NGVD based on the District's recent water elevation modeling for the C-4 Basin. In addition, the new bridge will be higher than the existing structure which has a low member elevation of 8.64' NGVD.

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

   The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S. notice of the petition was provided to the Department of State and was published in *Volume 39, Number 20* of the *Florida Administrative Register* on *January 30th, 2013.* No Public comments were received.

   Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 4264 and **approval** of the petition for Waiver of the District's criteria which governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District. (Easement)

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by **Collier County Transportation Engineering Department** (Application Number 12-0813-2) for issuance of Right of Way Occupancy Permit No. 14099 for the removal and replacement of the existing White Boulevard bridge, relocation of a 30" water main, construction of 4-culvert outfalls and boat ramp; and waiver of the District's criteria for the bridge crossing within the Cypress Canal right of way. Location: Collier County, Sections 11, 12 & 13, Township 49 South, Range 26 East.

   The applicant's request for waiver of the District's criteria, which governs the minimum vertical clearance of free-span facilities within Works or Lands of the District is based on "substantial hardship." The applicant asserts that meeting the District's current criteria would raise the bridge deck approximately 10' above the existing road grade, result in more than 1000' of approach slope, require acquisition of additional right of way and fill for the approaches and add considerable cost to the project. Additionally, the applicant asserts that meeting the District's criteria would create a safety issue of sight distance for adjacent driveway connections due to the substantial change in vertical elevation. The proposed replacement bridge will have the same vertical clearance as the existing bridge, however, the design does not meet the District's criteria because the vertical clearance will be 2' above the design high water elevation, rather than 4' as required.

   The District' Operations, Maintenance and Construction Division (Big Cypress Basin) has stated that the existing White Boulevard Bridge will not interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved. Further the applicant will construct and maintain a boat ramp on the southeast quadrant of the bridge to facilitate the District's access to the canal.

   The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and published in *Volume 38, Number 89* of the Florida Administrative Register on *December 12, 2012.* No public comments were received.

   Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 14099 and **approval** of the petition for Waiver of the District's criteria which governs the minimum vertical clearance of free-span facilities within Works or Lands of the District.
   (Easement)

Attachment: ca_om_reg_101_sd (1155 : Right of Way Regulatory Consent Agenda)

M E M O R A N D U M

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: March 14, 2013

SUBJECT: Outdoor Public Information Systems

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0301

A Resolution of the Governing Board of the South Florida Water Management District concurring with the decision to reject all proposals submitted in response to Request for Proposal 6000000534 and the decision to cancel the Outdoor Public Information Systems Project; providing an effective date. (OC, Frank Mendez, ext. 6260)

WHEREAS, in 2012, the Florida Legislature enacted Section 373.618, Florida Statutes, which authorizes each of the Florida Water Management Districts to own, acquire, develop, construct, operate, and manage build and maintain outdoor public information systems ("OPIS") on District property;

WHEREAS, in order to develop the OPIS program, the District issued Request for Proposals 6000000534 ("RFP") on October 1, 2012. A copy of the RFP is attached hereto as Exhibit 1. The District received four timely submissions in response to the RFP on October 31, 2012, from The Lamar Company, LLC ("Lamar"), Florida Communication Advisors, LLC ("FCA"), CBS Outdoor, Inc., and Sign Pro of North Florida, Inc.;

WHEREAS, the District Governing Board authorized the official ranking of short listed firms and authorized entering into a 10-year agreement subject to successful negotiations with Lamar and FCA to develop and manage an outdoor public information system. A copy of the Governing Board Resolution is attached hereto as Exhibit 2;

WHEREAS, as a result of the response and input received from the District's local government partners, the District decided to cancel the OPIS project;

WHEREAS, on February 5, 2013, the District posted an Authorization to Reject All Proposals, a copy of which is attached hereto as Exhibit 3; **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 concurs with the decision to reject all proposals submitted in response to Request for Proposals 6000000534 and with staff's decision to cancel the outdoor public information project.

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

.

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
REQUEST FOR PROPOSALS (RFP)

Proposals Must Be Submitted To The Following Address: South Florida Water Management District Attn: Procurement Bureau B-1 Building, 2nd Floor West 3301 Gun Club Road West Palm Beach, FL 33406 **Note:** Hand delivered Proposal packages may be dropped off at the Procurement Kiosk located in the B-1 Building, 1st Floor	**Number: RFP 6000000534** **Issue Date: October 1, 2012** [redacted]

Title: OUTDOOR PUBLIC INFORMATION SYSTEM (OPIS)

Purpose: This purpose of this RFP is to solicit technical and cost proposals from qualified Respondents to develop, construct, operate, and manage public information systems in accordance with Section 373.618, Florida Statutes, which authorizes water management districts to build and maintain public information systems on their property.

A more complete description of the technical requirements can be found in Part 4 of this RFP.

Inquiry Period: October 1, 2012 to October 19, 2012 Inquiries may be made between the hours of 8:00 A.M. and 5:00 P.M. weekdays.	**Direct All Inquiries to:** **Procurement:** Linda Greer, Sr. Contract Specialist **Telephone No:** (561) 682-6396 **E-Mail:** lgreer@sfwmd.gov **Fax No:** (561) 682-5396

Note: All technical inquiries must be submitted in writing via Fax or E-Mail.

Deadline For RFP Submission:

OCTOBER 31, 2012 - 2:30 P.M.

1 Original and 5 Copies to be Submitted

ALL RESPONSES MUST BE SUBMITTED IN A SEALED ENVELOPE OR BOX

Confirmation of timely receipt may be made by calling (561) 682-6568.

Note: All information submitted in response to this Solicitation is subject to the public records law in Chapter 119, Florida Statutes. Any material that a firm believes is exempt from public records must be clearly identified, with explicit notation of the applicable statutory exemption.

[redacted]

This RFP is Comprised of a Response Checklist and 5 Parts: Part 1. General Guidelines and Information Part 2. Instructions for Preparing Responses Part 3. Evaluation Criteria and Standards Part 4. Statement of Work Map/List of Potential Sites	**Attachments:** 1. Sample Agreement 2. Insurance Requirements (Exhibit "C") 3. Sample Performance Bond

6/18/2012

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

REQUEST FOR PROPOSAL (STANDARD)
RESPONSE CHECKLIST

This Response Checklist is provided for the convenience of the Respondent and shall not be relied upon in lieu of the instructions or requirements of this Solicitation. To ensure that your Proposal package is complete and to maximize the number of points you may receive, please review the following items to confirm that they have been addressed and are enclosed. There is no requirement to return this checklist with your Proposal package.

		Have you met the Proposal submission deadline established in the Solicitation?
		Have you submitted the required number of complete copies of the Proposal and is one of them marked "Original"?
		Does the Original contain all required documentation to meet the responsiveness and responsibility requirements?
		Have you attached a completed and signed Compliance Disclosure Form?
		Are there minimum license requirements? If yes, has evidence been included in the Proposal?
		Have you provided evidence of the ability to obtain appropriate insurance coverage?
		Are you in good standing with the Florida Secretary of State (corporations and partnerships)?
		Have the Client Reference Forms been completed with current names and telephone numbers and attached to the Proposal?
		Have you provided evidence of the ability to obtain appropriate Performance Bond?
		Have you completed the technical section of the Proposal? Does it include the following?
		• Proposed implementation approach
		• Proposed project management strategy
		• Qualifications/Experience of your staff and firm
		• Environmental, Community, and Other Considerations
		• Copy of agreement for each teaming arrangement
		Have you attached the Revenue Proposal committing to at least 15% revenue and an annual escalator to the District?

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 1
GENERAL GUIDELINES AND INFORMATION

1.1 DEFINITIONS

"RFP." A Request for Proposals, which is a written Solicitation for sealed Proposals in which qualifications and technical ability are among the main selection criteria.

"Proposer" or "Respondent." All contractors, consultants, organizations, firms, or other entities submitting a Response to this RFP.

"Proposal" or "Response." The proposer's written Response to this RFP offering to provide the specified services and/or commodities. It shall be considered a formal offer.

"Solicitation." A written request to obtain services and/or commodities through a Request for Proposals, Request for Bids or Request for Quotes. The District may also solicit Responses separately via a Request for Qualifications or Request for Information.

"District." The South Florida Water Management District.

"Agreement." A binding written contract, including purchase orders, containing terms and obligations governing the relationship between the District and another party.

1.2 DISTRICT OVERVIEW AND MISSION

The District headquarters is located in West Palm Beach, Florida. The District's area of responsibility extends over 16 counties from Orlando to Key West.

The Mission of the District is to manage water and related resources for the benefit of the public and in keeping with the needs of the region. The key elements of the Mission are: environmental protection and enhancement, water supply, flood protection and water quality protection. The Mission is accomplished through the combined efforts of planning and research, operations and maintenance, community and government relations, land management, regulation and construction.

1.3 INVITATION

This invitation is extended to firms and organizations that can provide the requirement(s) specified herein. The requirements presented in this Solicitation represent the District's anticipated needs.

1.4 COMPLIANCE DISCLOSURE FORM

The *Compliance Disclosure Form,* attached to this Solicitation, includes documentation that shall be executed by an individual authorized to bind the Respondent. If the *Compliance Disclosure Form* is not submitted as part of the Respondent's Proposal package, is altered in any manner or is not fully completed, the Respondent shall be deemed non-responsive to the Solicitation requirements (refer to Part 2.1). The *Compliance Disclosure Form* is attached to Part 2, Tab A of this Solicitation.

1.5 PUBLIC ENTITY CRIMES/ DISCRIMINATORY VENDOR LIST

Any Respondent, or any of its suppliers, subcontractors, or consultants who shall perform work which is intended to benefit the District, shall not be a convicted vendor or included on the discriminatory vendor list. If the Respondent or any affiliate of the Respondent has been convicted of a public entity crime or has been placed on the discriminatory vendor list, a period longer than 36 months must have passed since that person was placed on the convicted vendor or discriminatory vendor list. The Respondent further understands and accepts that any agreement issued as a result of this Solicitation shall be either voidable or subject to immediate termination by the District, in the event there is any misrepresentation or lack of compliance with the mandates of Section 287.133 or Section 287.134, respectively, Florida Statutes. The District, in the event of such termination, shall not incur any liability to the Respondent for any work or materials furnished.

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1.6 SCRUTINIZED COMPANIES

Respondent certifies that it is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to section 215.473, Florida Statutes. The Respondent further understands and accepts that any agreement issued as a result of this Solicitation shall be subject to 287.135, Florida Statutes, and subject to immediate termination by the District in the event there is any misrepresentation or false certification on the part of the Respondent.

1.7 LOBBYING

All Respondents, their agents and proposed subconsultants or subcontractors, are hereby placed on notice that neither the District's Governing Board, any evaluation committee members, employees of the District or employees of any other project sponsoring agencies shall be lobbied either individually or collectively regarding this Solicitation. Respondents, their agents and proposed subconsultants or subcontractors are hereby placed on notice that they are prohibited from contacting any of these individuals for any purpose relating to this Solicitation (e.g., general information, meetings of introduction, meals, etc.).

Any Proposal submitted by a Respondent, its agents and potential subconsultants or subcontractors who violate these guidelines will not be considered for review. The Contract Specialist (identified on the cover page of this Solicitation) shall be the only point of contact for questions and/or clarifications concerning the Solicitation, the selection process and the negotiation and award procedures.

1.8 SUSPENSION OF CONTRACTORS FOR MATERIAL BREACH OF DISTRICT CONTRACTS

Pursuant to Rule 40E-7, Part II, F.A.C., the District's Governing Board, upon recommendation by the Procurement Bureau Chief, may temporarily or permanently suspend contractors from doing business with the District whenever a contractor materially breaches its agreement with the District. Any Proposal submitted by a Respondent, its proposed subcontractors or subconsultants who are included on the District's Suspension List shall not be considered for review.

In addition, the principals of any Respondent or its proposed subcontractors or subconsultants shall not attempt to do business with the District under a different name or form a new legal entity in order to do business with the District while the principals of the Respondent or its proposed subcontractors or subconsultants remain on the Suspension List. In the event there is any intentional misrepresentation, the Respondent further understands and accepts that any agreement issued as a result of this Solicitation shall be subject to immediate termination for default and suspension procedures by the District. The District, in the event of such termination, shall not incur any liability to the Respondent for any work or materials furnished.

1.9 SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION

The District recognizes fair and open competition as a basic tenet of public procurement. Respondents doing business with the District are prohibited from discriminating on the basis of race, color, creed, national origin, handicap, age or sex

1.10 POINTS OF CONTACT TIMETABLE FOR INQUIRIES

Respondents shall contact the Contract Specialist, identified on the cover page of this Solicitation, for all inquiries relating to this Solicitation. All Respondents' technical inquiries shall be confirmed in writing either through the mail, via facsimile transmission or electronic mail. Technical questions will not be entertained beyond the cut-off date indicated on the cover page so that answers to substantive questions, in the form of written addenda, can be posted on the District's web site (www.SFWMD.gov/Procurement, Current Solicitations/Contract Opportunities Calendar).

1.11 ORAL REPRESENTATIONS

No oral representations made by District staff shall be binding. The contents of this RFP and any subsequent addenda issued by the District shall govern all aspects of this Solicitation.

1.12 ADDENDA

If any Solicitation revisions become necessary (other than changes to the deadline for Response submission), the District will post written addenda on the District's web site (www.SFWMD.gov/Procurement, Current Solicitations/ Contract Opportunities Calendar) at least seven (7) calendar days before the date scheduled for opening the Responses. The District

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may revise the deadline for Response submission at any time prior to the date and time scheduled for opening the Responses. **It is the responsibility of all Respondents to ascertain whether any addenda have been issued before the Solicitation deadline by either calling or checking the District's web site** (www.SFWMD.gov/ Procurement,CurrentSolicitations/Contract Opportunities Calendar). All addenda placed on the District's web site can be downloaded.

1.13 CANCELLATION OF THE SOLICITATION

The District reserves the right to cancel this solicitation and/or re-advertise and re-solicit the requirement at any time if the District determines it is in its best interest.

1.14 SOLICITATION DOCUMENTS

If a potential Respondent protests any provisions of the Solicitation documents, a notice of intent to protest shall be filed with the District in writing within seventy-two (72) hours (excluding weekends and District observed holidays) after the posting of the Request for Proposals and/or posting of any written addenda on the District's web site (www.SFWMD.gov/Procurement, Current Solicitations/ Contract Opportunities Calendar).

The formal written protest shall be filed within ten (10) days after the date that the notice of intent to protest is filed. Any Respondent who files a formal written protest pursuant to Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes, shall post with the District at the time of filing the formal written protest, a bond pursuant to Section 287.042(2)(c), Florida Statutes. Failure to file a notice of intent protest or failure to file a formal written protest within the time prescribed in Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Notices of Intent to Protest and Formal Written Protests along with bond or other security shall be timely filed with the Clerk of the South Florida Water Management District at 3301 Gun Club Road, West Palm Beach, FL 33406. The District will not accept receipt of any Notices of Intent to Protest or Formal Written Protests filed at any location other than the District Clerk's Office. Notices of Intent to Protest and Formal Written Protests may be filed by hand delivery, U.S. Mail or electronic transmission (facsimile) with the Clerk's Office at (561) 682-6010. Filings by e-mail are not permitted. A Respondent who files a document by facsimile is responsible for any delay, disruption, or interruption of the electronic signals and accepts the risk that the document may not be properly filed with the District Clerk as a result. The filing date for Notices of Intent to Protest and Formal Written Protests transmitted by facsimile is the date the District Clerk receives the complete document. Filings will be accepted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday which are the normal hours of operation. Any document received after 5:00 p.m. will be deemed filed as of 8:00 a.m. the next business day.

1.15 SAMPLE AGREEMENT

The Respondent understands that this Solicitation or the Response shall not constitute an agreement with the District. No agreement is binding or official until Responses are reviewed and accepted by appointed District staff, approved by the appropriate level of authority within the District, and an official agreement is duly executed by the parties. A sample agreement is attached to this Solicitation. The final agreement will be negotiated with the selected respondent. Additionally, the District may review and accept Respondent's sample agreement as a starting point for negotiations, if attached to the response.

1.16 DEVELOPMENT COSTS

Neither the District nor its representatives shall be liable for any expenses incurred in connection with the preparation, submission or presentation of a Response to this Solicitation. All information in the Response shall be provided at no cost to the District.

1.17 TAX EXEMPT STATUS

The District is exempt from Florida Sales and Federal Excise taxes on direct purchase of tangible property.

1.18 RESPONSE SUBMISSION AND OPENING

All Responses shall be submitted in a sealed envelope by the deadline indicated on the cover page of this Solicitation. The Response shall identify the Solicitation number and title specified on the cover page of this Solicitation. This

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reference information shall also be marked on the outside of the sealed envelope, including the Respondent's return address. The District assumes no responsibility for Responses not properly marked.

The District cautions Respondents to assure actual delivery of Responses either hand delivered or mailed via U.S. mail or overnight courier, directly to the District's Procurement Bureau in the District's B-1 Building, 2nd Floor West prior to the deadline set for opening Responses.
The District will not accept Responses delivered after the established deadline. If the Response is delivered after the established deadline, a Respondent shall be deemed non-responsive to the Solicitation requirements (refer to Part 2, Tab A).

Receipt of a Response by any District office, receptionist or personnel other than the Procurement Bureau will not constitute "delivery" as required by this Solicitation. Telephone confirmation of timely receipt of the Response should be made by calling (561) 682-2715 before the opening time of the Responses. The District will not accept or consider Responses submitted via facsimile transmission. The public is welcome to attend the Solicitation opening.

1.19 ASSIGNMENT OF RESPONSE

A Respondent shall not transfer or assign its Response to a third party following submission of a Proposal to the District.

1.20 WITHDRAWAL OF RESPONSE

Respondents shall withdraw their submitted Response by notifying the District either in writing or in person through an authorized representative at any time prior to the submission deadline. Individuals making the withdrawal shall provide evidence of serving as an authorized representative of the Respondent. Responses, once received, become the property of the District, and will not be returned to Respondents even when they are withdrawn from consideration. Responses, once opened, shall not be withdrawn or modified except to the extent agreed to by the District during subsequent contract negotiation.

1.21 PUBLIC RECORDS AND EXEMPTIONS

Upon receipt, Responses become "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Respondents shall invoke the exemptions to disclosure provided by law, in the Response to the Solicitation, by providing the specific statutory authority for the claimed exemption, identifying the data or other materials to be protected (refer to *Compliance Disclosure Form*, Part 2, Tab A), and stating the reasons why such exclusion from public disclosure is necessary. Responses will be made available for public inspection at the time the District posts notice of its decision or intended decision concerning Agreement awards, or thirty (30) days after the Response opening, whichever is earlier. In the event the District rejects all Responses in accordance with section 1.21 and concurrently notices its intent to reissue the Solicitation, Responses will be made available after the District posts notice of its decision or intended decision concerning awards for the reissued Solicitation, or until the District withdraws the reissued Solicitation. Responses to a Solicitation cannot remain exempt for longer than twelve (12) months after the initial notice rejecting all responses.

In accordance with Chapter 286, Florida Statutes, meetings exempt from the "Sunshine" law include those conducted for oral presentations, those at which vendors answer questions, or those at which team members discuss negotiation strategies as part of the competitive process. The District shall record any portion of an exempt meeting. The recordings and any records from any portion of an exempt meeting shall remain exempt until the District provides notice of a decision or an intended decision or if the District rejects all Responses and concurrently provides notice of its intent to reissue a competitive Solicitation. In that event the recordings and any records presented at the exempt meetings remain exempt from public records, until such time as the District provides notice of a decision, an intended decision concerning the reissued Solicitation or until the District withdraws the reissued competitive Solicitation. Exempt records cannot remain exempt for longer than 12 months after the initial agency notice rejecting Responses.

1.22 REJECTION OF RESPONSES

Pursuant to Rule 40E-7.301, Florida Administrative Code, the District reserves the right to reject all Proposals. Further, the District may deem a Proposal non-responsive (**refer to Part 2, Tab A**) or non-responsible (**refer to Part 2, Tab B**). Minor irregularities contained in a Response may be waived by the District. A minor irregularity is a variation from the solicitation that does not affect

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the price of the agreement nor does it give a Respondent an advantage or benefit not enjoyed by other Respondents and does not adversely impact the District.

Other conditions which shall cause rejection of the Proposal, include, but are not limited to, an individual firm, partnership, corporation or combination thereof, under the same or different names submitting as the Prime Contractor or Prime Consultant more than one (1) Proposal (provided however that for RFP's contemplating more than one (1) award for multiple technical disciplines, Respondents shall be allowed to submit as Prime Contractor/Prime Consultant for multiple technical disciplines); evidence of collusion among Respondents; or evidence that the Prime Contractor/Prime Consultant has a financial interest in another firm seeking to perform the services described in Part 4.

Note: If a Proposal is deemed non-responsive or if a Respondent is deemed non-responsible by the District after initial review of the Response submissions, the opportunity for a Respondent to submit a notice of intent to protest will occur at the time of the official posting of the results, as set forth in Part 1.25.

1.23 WRITTEN PROPOSAL EVALUATION / ORAL PRESENTATIONS

The selection committee members will independently score the written Proposals on the basis of their qualifications and technical merit in accordance with the evaluation criteria included in Part 3 of this Solicitation. Following the submission and evaluation of the written Proposals, the District may request the highest ranked Respondents to provide oral presentations explaining and/or demonstrating each Proposal. All oral presentations will be scheduled by the District. Following the completion of oral presentations, the selection committee members will score each presentation. A maximum of 20 points will be available for each selection committee member based on responses to identical questions forwarded to each short-listed Respondent. Final ranking after oral presentations will be based on the summary of raw scores from the oral discussions for each Respondent.

1.24 GOVERNING BOARD REVIEW

The District will report the results via the *Authorization to Proceed with the Ranking of Selected Firm(s) and to Enter into Contract Negotiations*. The results will be forwarded to the Governing Board for final approval.

If the Governing Board identifies issues that are inconsistent with policy objectives, the District will post an official "Reject All Proposals" notice in lieu of recommended ranking. If the results are acceptable to the Governing Board, the District will post the official results on the Friday following Thursday's regular Governing Board monthly meeting. In the event that negotiations are unsuccessful with the top-ranked Respondent(s), the District will proceed with negotiations in ranked order until an agreement has been successfully negotiated.

1.25 FORMAL AUTHORIZATION TO PROCEED WITH THE RANKING OF SELECTED FIRM(S) AND TO ENTER INTO CONTRACT NEGOTIATIONS

Following Governing Board acceptance of the final results and in compliance with Chapter 120 of the Florida Statutes, the official *Authorization to Proceed with the Ranking of Selected Firm(s) and to Enter into Contract Negotiations* will be posted on the District's web site: (www.SFWMD.gov/Procurement,Official Awards). The District also will post the results at the Procurement Bureau in the District's B-1 Building, 2nd Floor West, 3301 Gun Club Road, West Palm Beach, Florida to communicate intended award decisions. This notice will remain posted for a period of seventy-two (72) hours (excluding weekends and District observed holidays).

If a Respondent intends to protest the District's official notice, the Respondent shall file Notice of Intent to Protest in writing within seventy-two (72) hours after posting of the *Authorization to Proceed with the Ranking of Selected Firm(s) and to Enter into Contract Negotiations* and shall file a formal written protest within ten (10) days after filing the notice of intent to protest. Any Respondent who files a Formal Written Protest pursuant to Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes shall post with the District at the time of filing the formal written protest, a bond pursuant to Section 287.042(2)(c), Florida Statutes. Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed in Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for

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filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Notices of Intent to Protest and Formal Written Protests along with bond or other security shall be timely filed with the Clerk of the South Florida Water Management District at 3301 Gun Club Road, West Palm Beach, FL 33406. The District will not accept receipt of any Notices of Intent to Protest or Formal Written Protests filed at any location other than the District Clerk's Office. Notices of Intent to Protest and Formal Written Protests may be filed by hand delivery, U.S. Mail or electronic transmission (facsimile) with the Clerk's Office at (561) 682-6010. Filings by e-mail are not permitted. A Respondent who files a document by facsimile is responsible for any delay, disruption, or interruption of the electronic signals and accepts the risk that the document may not be properly filed with the District Clerk as a result. The filing date for Notices of Intent to Protest and Formal Written Protests transmitted by facsimile is the date the District Clerk receives the complete document. Filings will be accepted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday which are the normal hours of operation. Any document received after 5:00 p.m. will be deemed filed as of 8:00 a.m. the next business day

1.26 AGREEMENT AWARD

The District anticipates the award of one (1) agreement, but reserves the right to award more than one (1) agreement, or not to make any award whatsoever, if determined to be in the interest of the District. The District will report the final results in accordance with official *Authorization to Proceed with the Ranking of Selected Firm(s) and to Enter into Contract Negotiations*. In the event that multiple awards are contemplated by the District, each short-listed Respondent, if successful following negotiations, will receive no more than one (1) award in accordance with the procedures outlined in the Solicitation.

Prior to agreement award, the Respondent(s) shall submit documentation reflecting any required insurance coverage. The agreement number shall be included on the insurance documentation submitted to the District at the time of award execution and for all subsequent updates to the insurance coverage throughout the agreement period. Additionally, the Respondent(s) shall submit a Performance Bond (or equivalent alternative as further described in PART 2, Tab B), prior to implementation of each site, in a format similar to that provided in the attached Sample Agreement. Failure to execute the agreement and/or to provide evidence of any required insurance coverage or satisfy the bonding requirements shall be just cause for the termination of the award.

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PART 2
INSTRUCTIONS FOR PREPARING RESPONSES

RESPONSE FORMAT AND CONTENTS

Responses should be prepared simply and economically, addressing the requirements according to the instructions provided and in a concise manner.

In order to facilitate District review, Responses should be organized in the following sequence and include tabbed sections as set forth below:

Tab A. Responsiveness Conditions
Tab B. Responsibility Documentation
Tab C. Technical Proposal
Tab D. Revenue Proposal

Each proposal shall be limited in size as to what can fit into a 1" binder.

A Response checklist is attached to this Solicitation to facilitate final review of Proposal format and content. The checklist is provided for the convenience of the Respondent and is not required to be returned with the Respondent's Proposal.

Note: Respondents must ensure that the Proposal submission marked "Original" contains all documentation necessary to meet the requirements of this Solicitation since the District will rely solely on the Proposal marked "Original" to determine whether or not the Respondent has met the responsiveness and responsibility conditions of this Solicitation described in Part 2 of this RFP. Failure to include any required documentation in the Proposal marked "Original" will result in the Proposal being deemed non-responsive and/or non-responsible, as applicable. In the absence of any Proposal document marked "Original", the District will randomly select one (1) of the copies submitted by the Respondent and use that as a basis on which to determine whether or not the Proposal is responsive and responsible.

Tab A. Responsiveness Conditions

Each Proposal shall be reviewed for responsiveness in accordance with the following conditions. If a Respondent fails to satisfy these conditions, the Proposal shall be deemed non-responsive by the District and not considered for further review:

(1) Timely submission of the Proposal (refer to Part 1.18 for more information)

(2) Compliance Disclosure Form (refer to Part 1.4 for more information)

Tab B. Responsibility Documentation

Each Proposal shall be reviewed for responsibility in accordance with the following conditions. If, at the time of Proposal submission, a Respondent fails to produce evidence to demonstrate compliance with each of the conditions noted below for items 1 and 2 (if applicable), the Respondent shall be required to produce evidence that such documentation was in effect at the time of Proposal submission within three (3) business days of notification by the District. If the District does not receive such evidence within this timeframe, the Respondent shall be deemed non-responsible by the District for this Solicitation and its Proposal will not be considered for further review.

(1) *Evidence of Insurance Coverage*

All Respondents shall provide evidence of the ability to obtain appropriate insurance coverage as an attachment to the Response. Respondents may fulfill this requirement by having their insurance agent either (1) complete and sign an insurance certificate which meets all of the Exhibit "C" requirements, or (2) issue a letter on the insurance agency's stationery stating that the Respondent qualifies for the required insurance coverage levels and that an insurance certificate meeting the District's requirements will be submitted before final execution or issuance of the agreement.

All insurers must be qualified to lawfully conduct business in the State of Florida. Failure of the District to notify the Respondent that the certificate of insurance provided does not meet the agreement requirements shall not constitute a waiver of the Respondent's obligation to meet the stated requirements. In addition, receipt and acceptance of the certificate of insurance by the District shall not constitute approval of the amounts or types of coverage listed on the certificate.

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If the Respondent is a self-insured entity, the Respondent may contact the District's Contract Specialist identified on the cover page, and request the District's self-insurance package. Misrepresentation of any material fact, whether intentional or not, regarding the Respondent's insurance coverage, policies or capabilities, shall be grounds for rejection of the Response and rescission of any ensuing agreement. If awarded a agreement as a result of this Solicitation, the Respondent(s) shall maintain insurance coverage reflecting, at a minimum, the amounts and conditions as specified in "C" Insurance Requirements, attached to this Solicitation.

(2) Bonding Requirements
X ***Applicable*** □ *Not Applicable*

A Performance Bond (or equivalent alternative as further described below) is required for each site in a format similar to that provided in the attached Sample Agreement. All Respondents shall provide evidence of the ability to obtain appropriate Performance Bond(s), or equivalent alternative as further described below, as an attachment to the Response. Respondents may fulfill this requirement by having their surety agent either (1) issue a letter on the surety agency's stationery stating that the Respondent qualifies for the required Performance Bond(s) and that a Performance Bond(s) meeting the District's requirements will be submitted for each site prior to site implementation or (2) an equivalent alternative acceptable to the District (i.e. letter of credit for each site).

The amount of the Surety Bond shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the Vendor, of the cost of the removal of all structures and equipment and restoration of the site to its original condition. Such estimates shall be reviewed and approved by District staff. The Surety Bond as specified may be, at the surety's convenience, written either as one, or more than one bond, so long as the coverage is as specified above. In lieu of the above mentioned Surety Bond, the Vendor shall have the option to deposit with the District on the signing of this Agreement either cash, cashier's check or letter of credit in the amount of the above described itemized estimate as a "Security Deposit" for the performance of Vendor's obligations under this Agreement. As with the Surety Bond, the Security Deposit shall guarantee that the Property shall be returned to the District at the expiration or termination of the Agreement in substantially the same or equal condition as prevailed on the Commencement Date of the Agreement. Towards that end, the District may apply any part of the Security Deposit to cure any default of Vendor, including without limitation the payment of any District quarterly revenue payment pursuant to the agreement and any and all taxes and assessments pursuant to the agreement.

Supplemental Responsibility Review

(3) Corporations and Partnerships
Good Standing with the Florida Secretary of State

The District will review (for all corporations or partnerships) the Respondent's corporate status and good standing with the Florida Secretary of State based on the information provided in the *Compliance Disclosure Form* (refer to Part 2, Tab A). If the Respondent is an out-of-state corporation, the Respondent must obtain authority to conduct business in the State of Florida. All corporations or partnerships that are not in good standing with the Florida Secretary of State at the time of Proposal submission shall be deemed non-responsible by the District.
If successful in obtaining an agreement award under this Solicitation, the corporation or partnership must remain in good standing throughout the contractual period of performance.

(4) ***References***

'Client Reference' forms are attached to Part 2, Tab B1 of this Solicitation for completion by the Respondent of three (3) references. Respondents will include in these forms two (2) clients of the Respondent and one (1) client of the subcontractor or subconsultant team member (with the highest percentage of proposed work). Respondents that have no proposed team members (subcontractors and/or subconsultants) to accomplish project objectives will submit references for three (3) clients.

If the 'Client Reference' forms attached to Part 2, Tab B1 are not utilized, the Respondent shall provide identical information requested by the District for evaluation purposes.

Respondents shall include separate and verifiable projects the same as the current solicited work. Past projects referenced in the Client Reference forms shall have been completed or nearing completion

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within the last three (3) years from the current Proposal submission date.

Respondents that have been in business for *less* than two (2) years shall provide at least two (2) references.

Note Regarding References:

- Respondents shall not list as references any subcontractors or subconsultants proposed for the Solicitation
- Respondents shall not list parent or subsidiary companies

Scoring Process for References. Before a technical and qualifications evaluation is conducted, the District will contact the Respondent's/team references in accordance with the 'Instructions' portion of the Reference Questionnaire (attached to Part 2, Tab B2 of the Solicitation). Upon completion of the calls, the District will total the points and average the scores for the references. Respondents with a final averaged score (based on the references provided) of '5' or less shall be deemed non-responsible by the District.

(5) ***Convicted Vendor List, Discriminatory Vendor List and District's Suspension List***

The District will review the following to determine whether the Respondent, or any of its suppliers, subcontractors or subconsultants, has been placed on:

- State of Florida's Convicted Vendor List in accordance with Section 287.133, Florida Statutes;
- State of Florida's Discriminatory Vendor List in accordance with Section 287.134, Florida Statutes;
- State of Florida's Scrutinized List of Prohibited Companies;
- District's Suspension List for material breach of a District contract in accordance with Rule 40E-7, Part II, F.A.C.

The District shall find non-responsible any Respondent, or any of their suppliers, subcontractors, or subconsultants who are currently debarred or suspended, or whose name appears in any of the lists above.

(6) ***Financial Statements or Federal Tax Returns***

Before a technical/qualifications evaluation is conducted, the District may request a Dun and Bradstreet (D&B) report to determine whether or not the Respondent is financially stable to meet the requirements of any ensuing agreement award. Financial statements are not required to be submitted with the Respondent's Proposal, but may be requested from the successful Respondent by the District prior to entering into negotiations for Agreement award.

(7) The District further reserves the right to make a determination of non-responsibility if the Respondent is found to have an unsatisfactory record of integrity. A Respondent may lack integrity if the District determines the Respondent demonstrates a lack of business ethics. The District may find a Respondent non-responsible based on the lack of integrity of any person having influence or control over the Respondent such as a key employee of the Respondent that has the authority to significantly influence the Respondent's performance of the agreement or a parent company, predecessor or successor person.

(8) Lessee shall be responsible for the payment of an annual fee to the District based on a percentage of gross revenues collected from private or other sponsors. In order to be deemed responsible, Respondent must propose at least 15% annual revenue to the District as well as an annual escalation clause. Firms proposing an annual revenue percentage less than 15% of total revenues, and no proposed escalation per year, shall be deemed non-responsible.

Tab C. Technical Proposal

This section of the Response explains the requested Statement of Work as understood by the Respondent. This section also includes any assistance, materials, equipment, reports, etc. which the District must provide to the Respondent to complete the "Statement of Work." Evaluation criteria and District standards for evaluating the technical criteria are set forth in Part 3 of this Solicitation. **The following details shall be included as part of this Response:**

(1) Implementation-Approach
Proposed approach and project management strategy, including:
a. how your firm will develop and manage the OPIS Program.

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b. how your firm will manage the coordination of Amber, Silver, and other emergency alerts (e.g. hurricane warnings), and no less than 5% of the digital advertising space available to the District, on an annual basis for other public service warnings, alerts, and announcements.

(2) Qualifications and Experience of Staff and Firm

Qualifications of the prime Respondent and proposed subcontractors or subconsultants, including a summary of each firm's history, experience and staffing resources, to include:

a. Related experience, expertise, and demonstrated performance developing and managing similar OPIS construction projects in urban and rural settings.

b. Familiarity with District goals and mission and ability to integrate OPIS into District infrastructure without interfering with District operations.

c. Staffing and team experience and expertise, and workload distribution, including ability to meet schedule.

d. Understanding of potential public concerns, experience with outreach programs to address public concerns, and ability to work with the public, notify adjacent landowners, field calls, etc.

e. Demonstrate ability to finance the development of OPIS sites.

(3) Environmental, Community, and Other Considerations:

a. Consideration will be given for OPIS that maintains an appropriate buffer from residential and natural areas, shows sensitivity with the number of signs in a region, provides adequate/appropriate spacing to reduce impact, distance from shoreline/waterway, etc.

b. Protocol for managing appropriateness of content.

c. Protocol for coordinating public service announcements.

d. Environmental sensitivity to minimize impacts to wildlife, existing vegetation, and provide erosion control, etc.

e. Energy efficiency and alternative fuel use.

f. Proposed public agency dedicated space.

(4) For all team arrangements (subcontractors and/or subconsultants or joint ventures), provide a copy of each agreement, including a list of such parties by contact name, address/telephone number and a summary of how the work will be apportioned. Refer to the *Compliance Disclosure Form* (Part 2, Tab A).

Note 1: Prior to any Agreement award, the District will require the successful Respondent to provide an estimate of the number of jobs that will be created as a result of the work to be performed in accordance with the negotiated Statement of Work.

Tab D. <u>Proposed Revenue to the District</u>

This section of the Response shall include the Respondent's proposed annual fee, including any annual adjustments, to the District based upon a percentage of gross annual revenues collected from private or other sponsors.

Evaluation of proposals will be based on the criteria contained in Part 3. Price negotiations will be conducted with the top ranked firm based upon the qualification and experience evaluation. In the event that negotiations are unsuccessful with the top-ranked Respondent(s), the District will proceed with negotiations in ranked order until a contract has been successfully negotiated.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 2 - TAB A
COMPLIANCE DISCLOSURE FORM (Page 1 of 4)
SOLICITATION NO.: RFP 6000000534

The statements completed below are material representations of fact upon which reliance will be placed when making an award. If it is later determined that the Respondent knowingly rendered an erroneous statement, certification or representation in this document, the Procurement Bureau Chief may terminate the Agreement resulting from this Solicitation for default and the District may suspend or debar the Respondent or pursue any other available remedies.

A. Statement of Business Organization

The Respondent, by completing the information requested below, represents that it operates as follows:

Legal Business Name (Prime Respondent):					
If applicable, different business name under which the Respondent is operating for this response:					
If applicable, previous business names under which the Respondent has operated within the past three (3) years from response submission:					
Mailing Address:					
Remittance Address:					
F.E.I.D.#:	Email Address:				
Telephone Number: ( )	Fax #: ( )				
Type of Organization:	Corporation	Partnership	Joint Venture	Sole Proprietorship	Not for Profit
Key Contact Name(s)/Telephone #(s):	Name(s):		Telephone #(s):		
			( )		
			( )		

B. Statements of Material Representation

The Respondent, by signing on page four (4) of this Compliance Disclosure Form, hereby certifies to the South Florida Water Management District (District) that neither the Respondent, nor its agents, principals and proposed subconsultants or subcontractors:

1. Is temporarily or permanently on the District's Suspension List
2. Is temporarily or permanently debarred from participating in public contract lettings in Florida or any other state.
3. Is now or in the past 36 months been on the State of Florida's Convicted Vendor List/Discriminatory Vendor List.
4. Is on the State of Florida's Scrutinized List of Prohibited Companies.
5. Has lobbied, either individually or collectively, the District's Governing Board members, District evaluation committee members, or other District employees for any purpose in connection with this Solicitation which may influence the outcome of the selection process.
6. Has employed or retained any person or company to solicit or obtain a contract resulting from this Solicitation and has not paid or agreed to pay any person or company employed or retained to solicit or obtain a contract resulting from this Solicitation any commission, percentage, brokerage or other fee contingent upon or resulting from contract award.
7. Bidder represents that no actual or potential conflict of interest exists, directly or indirectly, with respect to the services to be provided in connection with this Solicitation.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

COMPLIANCE DISCLOSURE FORM (Page 2 of 4)
SOLICITATION NO.: RFP 6000000534

C. Additional Representations

1. Respondent acknowledges that it is responsible for receipt of any and all addenda from the District's website (www.SFWMD.gov/Procurement, Current Solicitations/Contract Opportunities Calendar).

2. Respondent's proposed Project Manager and office location are as follows:

Prime Respondent:				
Name Of Project Manager:				
Street Address:				
	City	State	Zip Code	County
Telephone Number:	( )			

3. Respondent agrees to maintain pricing and furnish any or all items upon which prices are offered for a minimum period of sixty (60) calendar days from the date specified in the Solicitation for receipt of Proposals.

5. Respondent represents that proprietary information, if any, is identified on the following pages of the Proposal:

Page	Page	Page

6. Respondent represents that no actual or potential conflict of interest exists, directly or indirectly, with respect to the services to be provided in connection with this Solicitation, except as disclosed below:

7. Respondent identifies the following parent, subsidiary, or affiliate(s) to the organization:

8. Respondent identifies the following minor changes or deviations to the sample agreement that is attached to this solicitation. Attach additional pages as needed. Respondent may attach its own agreement for District review.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

COMPLIANCE DISCLOSURE FORM (Page 3 of 4)
SOLICITATION NO.: RFP 6000000534

D. Team Composition Plan

ORGANIZATION STATUS

Instructions:

- Identify below the parties that comprise the business association in this Response.
- Indicate the type and percentage of work to be performed by the prime contractor or subcontractor(s)
- List each party below or identify on a separate sheet and attach to this Team Composition Plan (Plan).

Business Association	Business Name	Business Address	Business Phone #	Description and Percentage (%) of Work to be Performed by the Prime and Subcontractors	
				Describe Type of Work to be Performed	% of Work
Prime Contractor					
Subcontractor					
Subcontractor					
Subcontractor					
Subcontractor					
Subcontractor					
Joint Venture					
Total Subcontractor Participation			$		
Total Agreement Amount			$		
Subcontractor Participation Percentage **(Total Subcontractor Participation Amount divided by Total Agreement Amount)**			%		

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

COMPLIANCE DISCLOSURE FORM (Page 4 of 4)
SOLICITATION NO.: RFP 6000000534

E. NON COLLUSION CERTIFICATION

The Respondent hereby represents and certifies that all statements of fact in the bid/Proposal are true and that its bid/Proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company association, organization nor corporation. Respondent further certifies that the bid/Proposal has been prepared independently without collusion, consultation, communication or written agreement with any undisclosed person, partnership, company, association, organization or corporation and has not colluded, conspired, connived or agreed, directly or indirectly, to commit a fraudulent, deceitful, unlawful or wrongful act, or any act which may result in an unfair competitive advantage for one or more bidders/proposers over other bidders/proposers. Respondent certifies that no more than one (1) proposal as Prime Contractor for the Project described in Part 4 of the RFP will be submitted from the Respondent under the same or a different name (provided however that for RFP's contemplating more than one award for multiple technical disciplines, Respondents shall be allowed to submit as Prime Contractor for multiple technical disciplines) and that Respondent has no financial interest in another Respondent for the same Project. The District will prosecute any violation of this representation to the fullest extent of the law. Conviction for the commission of any fraud or act of collusion in connection with any sale, bid quotation, proposal or other act incidental to doing business with the South Florida Water Management District may result in suspension or permanent debarment if the Respondent is placed on the State's Convicted Vendor List. In addition to any other rights or remedies it may have, the District reserves the right to terminate any existing contracts that a Respondent has with the District based on the commission of any of the above wrongful acts. These rights may be exercised at any time whenever the commission of any of the above wrongful acts comes to the District's attention even if this occurs after award of a contract to the Respondent.

Respondent acknowledges and understands that all four (4) pages of this Compliance Disclosure Form must be complete, attached to the Proposal and timely filed and signed by a representative with authority to bind the firm or the Respondent will be deemed non-responsive to the requirements of this Solicitation.

Signed by and on behalf of _____{insert firm name}

_____

Authorized Representative Signature Date

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

TAB B1
CLIENT REFERENCE FORMS
SOLICITATION NO.: RFP 6000000534

The Respondent must provide references for two (2) clients and one (1) client of the subcontractor or subconsultant team member for separate and verifiable projects the same as the current solicited work. Past projects must have been completed within the last three years from bid submission. **Respondents are expected to provide information on each project by including these forms in their response.** If these forms are not utilized, the Respondent must provide identical information to the District for evaluation purposes.

Respondents that have no proposed team members (i.e., subcontractors or subconsultants) to accomplish the proposed work shall submit references for three (3) clients. Respondents that have been in business for *less* than two years must provide at least two (2) references.

Note: ***Do not include as references proposed team members or parent/subsidiary companies in your response.***

A. Prime Respondent - Client #1

Name: _____

Address: _____

Contact Person: _____ **Phone Number (____)**_____

Project Performance Period: _____ **to** _____
Dates should be in mm/yy format

Location of Project: _____

Approximate Fee for Services: _____

Brief Description of the services performed for this project:

_____

_____

_____

_____

_____

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_____

_____

_____

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

B. Prime Respondent - Client #2

Name: _____

Address: _____

Contact Person: _____ **Phone Number (____)** _____

Project Performance Period: _____ **to** _____

Dates should be in mm/yy format

Location of Project: _____

Approximate Fee for Services: _____

Brief Description of the services performed for this project:

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Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

C. Client of Subcontractor or Subconsultant (with highest percentage of proposed work) or Prime if not subcontracting

Name: _____

Address: _____

Contact Person: _____ **Phone Number** (____)_____

Project Performance Period: _____ **to** _____

Dates should be in mm/yy format

Location of Project: _____

Approximate Fee for Services: _____

Brief Description of the services performed for this project:

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Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 2 - TAB B2
SAMPLE REFERENCE QUESTIONNAIRE
(FOR INFORMATIONAL PURPOSES ONLY)

Instructions:

1. For each Proposal, contact two (2) clients and one client of the subcontractor or subconsultant team.
2. Proposed team members (subcontractors/subconsultants) or parent/subsidiary companies may not be contacted.
3. Contact each reference by phone, up to three (3) times.
4. Ask each reference the same questions listed below and score appropriately.
5. If reference information cannot be obtained after the specified number of calls, insert a total score of '0'.
6. Do not obtain another reference as a replacement for a non-responding reference.
7. Upon completion, return all questionnaires to the designated Contract Specialist for this project.
8. If the referenced project is not the same as the solicited work, describe the work under Item #1, insert a total score of '0"

Respondent's Name	
Client's Name (Company, Firm or Agency for Whom Services were Provided)	
Contact Person: **Telephone Number:**	**Date of Contact:**
1. Briefly describe the scope and size of the project performed by the firm for your company.	
2. Was the firm in charge of managing the construction, operation, and maintenance of the project, and subsequent business development?	Yes = 1 points No = 0 points **Score** _____
3. Overall, did the firm complete construction and initiate operation in accordance with project schedule?	Yes = 2 points No = 0 points **Score** _____
4. Has the firm operated and maintained the project to your satisfaction?	Yes = 2 points No =0 point **Score**_____
5. Did the firm keep you adequately informed of the progress through periodic reports, phone calls, prompt responses to your inquiries or other methods?	Yes = 1 point No = 0 points **Score**_____
6. Did the firm maximize potential revenues and met or exceeded yo revenue expectations?	Yes = 1 points No = 0 points Score_____
7. Was the firm familiar with the technical issues necessary to meet the objectives of the project with minimal oversight?	Yes = 1 points No = 0 points **Score**_____
8. Did the firm allow and manage public service messages (i.e warning, alerts, announcements) in accordance with the agreement?	Yes = 2 points No = 0 points **Score**_____
9. Did the firm make repairs and upgrades to the Public Information system in a timely manner?	Yes = 1 points No = 0 points **Score**_____
10. Based on overall performance, would you hire his contractor again for the same type of work?	Yes = 2 points No = 0 points **Score**_____
11. How would you rate the overall project development, operation maintenance performed by the firm?	Good = 2 points; Fair = 1 point; Poor = 0 points **Score**_____

Questionnaire Completed by (signature): _____ Date: _____

The following will be inserted by the Chairperson (Procurement):

Maximum points available for all questions: **15 Points** Total score for this Respondent: _____

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 3
EVALUATION CRITERIA
STANDARD RFP – WRITTEN PROPOSALS

Maximum Points Available (Total 100)	EVALUATION CATEGORIES			
100	**Technical**	**Maximum Score Possible per Factor**	**Weight Assigned**	**Maximum Points Possible per Factor**
30	***Implementation - Approach*** **Proposed approach and methodology** • How the firm will develop and manage the OPIS Program **Proposed project management strategy** • How the firm will manage the coordination of Amber, Silver, and other emergency alerts, and no less than 5% of the digital advertising space available to the District on an annual basis for other public service warnings, alerts, and announcements	5 5	3 3	15 15
40	***Qualifications and Experience of Staff and Firm*** • Related experience, expertise and demonstrated performance developing, constructing and managing similar outdoor digital information systems in urban and rural settings • Familiarity with District goals and mission and ability to integrate OPIS into District infrastructure without interfering with District operations • Staffing and team experience and expertise, and workload distribution, including ability to meet schedule • Understanding of potential public concerns, experience with outreach programs to address public concerns and ability to work with the public, notify adjacent landowners, field calls • Demonstrate ability to finance the development of OPIS sites	5	8	40
30	***Environmental, Community, and Other Considerations for Approach*** • Consideraton for OPIS that maintains an appropriate buffer from residential and natural areas, shows sensitivity with the number of signs in a region, provides adequate/appropriate spacing to reduce impact, distance from shoreline/waterway • Protocol for managing appropriateness of content • Protocol for coordinating public service announcements • Environmental sensitivity to minimize impacts to wildlife, existing vegetation, and provide erosion control • Energy efficiency and alternative fuel use • Proposed public agency dedicated space	5	6	30

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 3
EVALUATION/SELECTION PROCEDURES
STANDARD RFP –WRITTEN PROPOSALS

Selection Committee

The District will appoint a committee consisting of at least three (3) members, which will include staff from multiple Departments and from outside agencies, as deemed necessary, with the expertise appropriate for the evaluation of all technical aspects of the project. Copies of Proposals submitted by the Respondent (as required on the cover page of this Solicitation) will be distributed to the evaluation committee members who will rely on the contents for scoring purposes. If the Respondent fails to ensure that each copy is identical, scoring may be negatively impacted.

Proposal Evaluation – Selection Committee

The District shall be the sole judge of its project requirements, as set forth in this Solicitation, of the evaluation of all Proposals submitted in response to this Solicitation and of the final Agreement award(s), as successfully negotiated. The District's decision(s) shall be final. All Proposals and prime Respondents will initially be screened for responsiveness and responsibility criteria, as described in Parts 1 and 2 of this Solicitation.

Proposals and Respondents who have met the responsiveness and responsibility conditions will be evaluated in accordance with the criteria detailed in Part 3, *Evaluation Criteria*. Committee members will independently score the written Proposals based on the merit of each Proposal, as determined by the committee members, to meet the requirements stated in the Solicitation. The total number of points scored by each committee member will be based on the maximum points available for each of the sub factors detailed under the technical category.

The following numerical ratings and descriptions will be used by each committee member to determine the numerical score (0 to 5) that will be placed before the weight (1, 2 or 3) that has been assigned for each evaluation factor. The numbers will be multiplied to reach the actual weighted score for each item evaluated. Evaluation standards are set forth as follows:

A. Technical Category

Numerical Score	Description	Definition
5	Excellent	Proposal demonstrates excellent understanding of requirements and outstanding approach that significantly exceeds minimum performance or capability standards for this project. Proposed staff and/or teaming arrangements have exceptional strengths that provide a high probability of satisfying District requirements.
4	Very Good	Proposal demonstrates very good understanding of requirements and strong approach that exceeds minimum performance or capability standards for this project. Proposed staff and/or teaming arrangements have significant strengths and strong probability of satisfying the District requirements.
3	Good	Proposal demonstrates good understanding of requirements and solid approach that exceeds minimum performance or capability standards for this project. Proposed staff and/or teaming arrangements have one or more strengths and good probability of satisfying the District requirements.
2	Satisfactory	Proposal demonstrates acceptable understanding of requirements and satisfactory approach that meet minimum performance or capability standards for this project. Proposed staff and/or teaming arrangements have acceptable qualifications/experience to meet District requirements.
1	Marginal	Proposal demonstrates shallow understanding of requirements with an approach and/or proposed staff/teaming arrangement that only marginally satisfies minimum performance or capability standards necessary to meet District needs.
0	Unsatisfactory	Proposal fails to meet minimum performance or capability standards. Requirements can only be met by major changes to the Proposal.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

PART 4
STATEMENT OF WORK

1.0 INTRODUCTION

The South Florida Water Management District (SFWMD/District) manages over 1,600 miles of canal and levee rights of way and owns over 750,000 thousand acres of lands throughout 16 counties. The 2012 Florida Legislature created Section 373.618, Florida Statutes, which authorizes water management districts to build and maintain outdoor public information systems on their property. "The Legislature believes that it is in the public interest that all water management districts created pursuant to s. 373.069 own, acquire, develop, construct, operate, and manage public information systems" pursuant to the following guidelines:

- Water Management District (WMD) funds may not be used to pay the cost to acquire, develop, construct, operate, or manage a public information system.
- Any necessary funds for a public information system shall be paid for and collected from private sponsors who may display commercial messages.
- The public information system may be on WMD property and is subject to terms and conditions approved by the WMD.
- The public information system must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, Amber alerts, and other essential information needed by the public.
- A public information system does not require local government review and approval and is exempt from Chapter 479 requirements; however, it is the intent of the District that the proposed program compliments that of relevant local governments and that the Vendor coordinate with the Florida Department of Transportation (FDOT) to ensure that selected sites subject to the Federal Highway Beautification Act are constructed in compliance with applicable Federal requirements prior to commencing construction of the Pilot Program.

The District is seeking to develop an Outdoor Public Information System (OPIS) pursuant to Sec. 373.618 Florida Statutes and the guidelines outlined in this Request for Proposals (RFP).

2.0 OBJECTIVE

The purpose of the Request for Proposals (RFP) is to identify and select an OPIS management company that will implement a pilot program consistent with Florida Statutes 373.618. It is anticipated that as a result of this RFP, the District will award one (1) agreement.

3.0 SCOPE OF WORK

The selected firm will enter into an agreement to develop up to ten (10) proposed OPIS sites throughout the SFWMD region (see Attachment 1). Proposed OPIS sites can be located throughout the District or within a specific region. The selected firm will be required to develop and manage OPIS sites capable of displaying public alerts on District lands in accordance with Sec. 373.069 Florida Statutes and the RFP guidelines. OPIS sites must be developed within 12 months from the effective date of the agreement. The District will have the sole option to grant additional time to the selected firm to develop up to 20 more OPIS sites for a total of 30 sites, if the pilot program is deemed successful by the District. The additional proposed OPIS sites must be approved in writing, by the District before initiating site development. The agreement will be for a period of ten (10) years with two (2) five-year extension options, at the discretion of the District. Outdoor Public Information System sites and all associated facilities and improvements shall be owned by the District. The District will not be responsible for providing capital for the development, construction and management of the OPIS.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

Management firms are defined in this RFP as businesses with the experience and expertise to develop and manage OPIS sites. For the purposes of the RFP, development of an OPIS shall mean financing and performing all activities associated with the identification, design, permitting, coordination with the public, construction, sponsor leasing, operation, and maintenance of OPIS sites. Management shall mean all activities associated with creating, evaluating, planning, constructing, and handling of OPIS sites. This shall include the display of District-sponsored informational messages and other public service announcements.

4.0 WORK BREAKDOWN STRUCTURE

The work includes, but is not limited to the following during the Agreement Term:

A. Program Milestones (time to complete from effective date of the agreement):

- ***Preliminary OPIS Site Selection (60 Days):*** Selected firm identifies and obtains approval from District of up to 20 potential OPIS sites.

- ***Agreement (60 Days):*** Selected firm and District execute agreement to develop ten of the 20 sites identified. Selected firm shall provide the estimated cost to develop each OPIS site. The OPIS development cost estimate shall include supporting documentation showing the work breakdown structure and associated costs. The District will use this estimate to determine the prorated amount to be paid to the selected firm in the event an OPIS site has to be discontinued by the District.

- ***Design and Permitting (90 Days):*** Selected firm secures necessary permitting approvals. Selected firm is responsible for coordinating with the Florida Department of Transportation (FDOT) to ensure that selected sites subject to the Federal Highway Beautification Act are constructed in compliance with the applicable requirements prior to commencing construction of the Pilot Program. The selected firm must provide certification by a licensed Professional Engineer that the structures and improvements were constructed in compliance with applicable building codes by contractors licensed in the State of Florida. The selected firm shall construct structures and associated equipment and make improvements in accordance with any site-specific requirements provided by the District to avoid conflict with current and future District construction, operation, and maintenance needs. Requirements may include, but not be limited to setback distances from the top of canal banks, levees, staging areas, water control structures, pump stations, and third party facilities permitted within the District's rights of way.

- ***Construction (12 Months):*** Selected firm develops OPIS sites.

- **Operation, Maintenance, Management:** Selected firm begins operation of OPIS sites in accordance with the terms of the agreement.

B. District Obligations

The District will timely review and provide preliminary approval of suitable potential OPIS sites.

5.0 LOCATION

The general location of District canal/levee rights of way within the SFWMD region is shown on Attachment 1. Also included in Attachment 1 is a non-comprehensive list of potential sites where District-owned rights of way **may intersect major highways.**

6.0 PAYMENT & DELIVERABLE SCHEDULE

A. Upon development of each OPIS site, selected firm shall notify the District in writing of the activation date and time of the OPIS site. Selected firm shall make annual fee payments on the 10th of every month following OPIS site activation for revenues collected during the previous month. Additionally, selected firm shall submit a monthly report to the District summarizing total revenues collected for each OPIS site, sales taxes and fees paid, and associated backup documentation.

B. Firm shall coordinate public service announcements with appropriate entity.

C. Firm shall submit to the District, prior to completion of construction, a Maintenance Plan that will detail the regularly scheduled onsite maintenance during the term of the Agreement.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

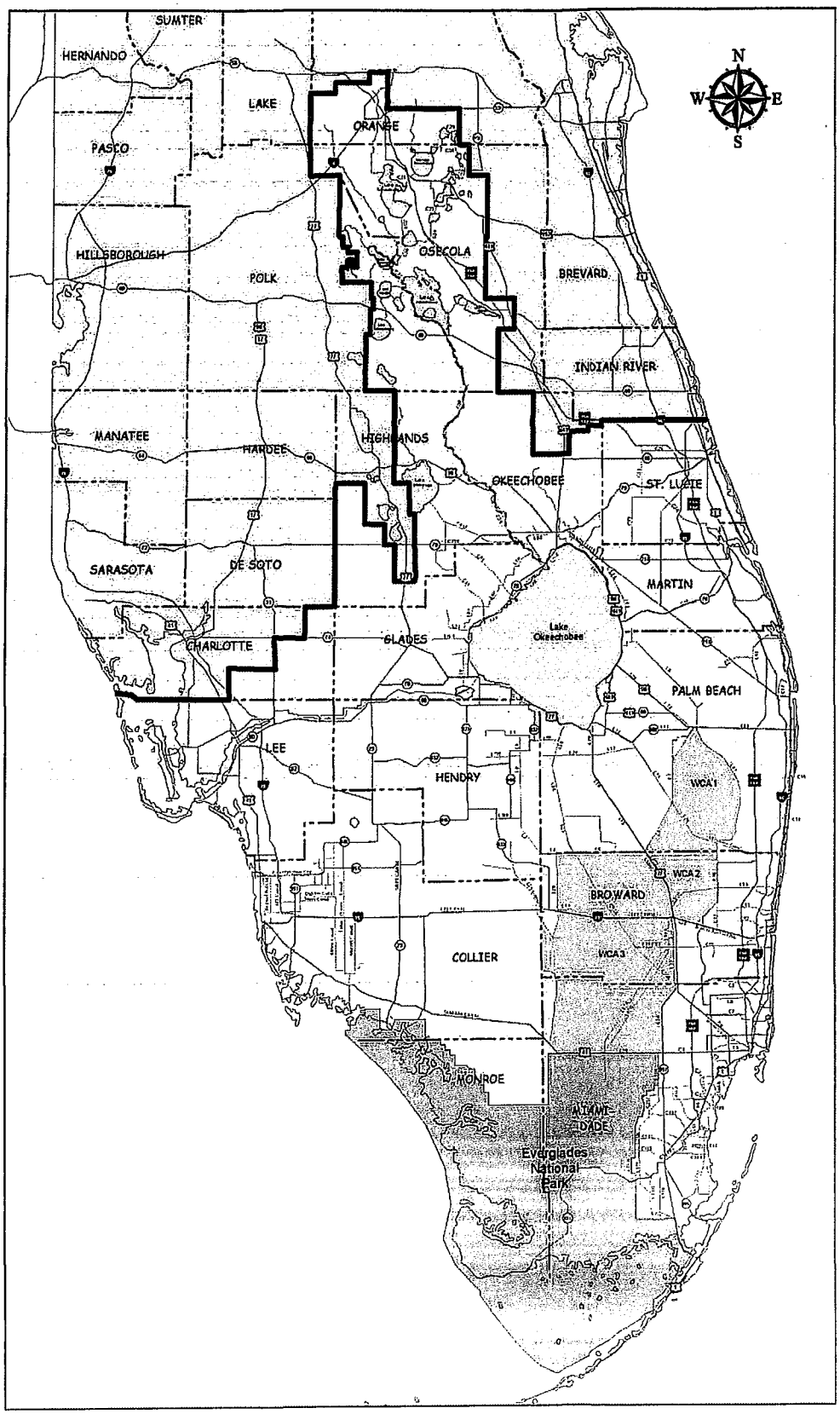
Attachment 1
List/Map
Limited List of Locations where District-Owned Rights of Way Appear to Intersect or Abut Major Highways and Roads

		I-95	C-7
			C-6
			C-8
			C-9
			C-10
			Dania Cutoff
			C-13
			C-14
			G-16 (Old Pompano Canal)
			Hillsboro
			C-15
			C-16
			C-23
			C-24
			C-25
		I-75	C-11
			C-9 Ext.
US-1	C-111		
	C-9		
	Arch Creek		
	C-8		
	C-7		
	C-17		
	C-51		
	C-16		
	C-15		
	Hillsboro		
	Dania Cutoff		

* Approximately 3.5 miles along east side of highway
** Approximately 2.4 miles along west side of highway
*** Approximately 8 miles along north side of highway

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

MAP OF LOCATIONS



Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

SAMPLE AGREEMENT

This Agreement ("Agreement") is entered into on _____, 2012 ("Effective Date") by and between the SOUTH FLORIDA WATER MANAGEMENT DISTRICT ("District"), and _____, a _____ corporation (Vendor"). In consideration of the obligations created in this Agreement, the parties do hereby agree as follows:

1. The Vendor shall have use of the real estate legally described as _____, as shown on attached Exhibit "A", made a part hereof (the "Property") for the purpose of erecting, maintaining, operating, repairing, improving, posting (whether physically, digitally or via other remotely changeable technology), illuminating, Outdoor Public Information System ("OPIS"), which includes, without limitation, fixture connections, electrical and broadband supply and connections, panels, signs (whether digital, static or similar technologies), and any other equipment and accessories as Vendor may place on the OPIS or within the Property (collectively, the "Structure"). Vendor may access the Property over such adjacent areas as identified and approved in advance by the District in writing.

2. Vendor shall develop, operate, operate and manage an Outdoor Public Information System capable of displaying public alerts on District lands in accordance with Sec. 373.069 Florida Statutes and the RFP guidelines including the Scope of Work, as set forth on the attached Exhibit "B". For the purposes of the Agreement, development of the OPIS shall mean financing and performing all activities associated with the identification, design, permitting, coordination with the public, construction, sponsor leasing, operation, and maintenance of OPIS sites. Management shall mean all activities associated with creating, evaluating, planning, constructing, and handling of OPIS sites. This shall include the display of District-sponsored informational messages and other public service announcements.

3. Vendor shall complete construction and commence operations of ten (10) OPIS Structures on the Property ("Pilot Program") in accordance with Florida Statutes 373.618 within one year of the Effective Date of this Agreement. The District, in its sole discretion, may grant additional time to develop the Pilot Program. After completion of the Pilot Program, the District, in its sole discretion may allow Vendor to develop up to 20 more OPIS Structures, for a total of 30 sites, on property owned by the District subject to rights of termination as set for in this Agreement, this Agreement shall be in effect for a term of ten (10) years, commencing on the Effective Date of this Agreement. If for any reason Vendor is unable complete construction of the Pilot Program within one year of the Effective Date of this Agreement, the District may terminate this Agreement immediately upon written notice to Vendor. The term may be extended by the written agreement of the parties. This agreement may be extended by two additional five-year periods at the option of the District.

4. This Agreement shall not be construed as a building, land use and/or public works permit. Vendor is responsible for coordinating with the Florida Department of Transportation (FDOT) to ensure that selected sites subject to the Federal Highway Beautification Act are constructed in compliance with the applicable Federal requirements prior to commencing construction of the Pilot Program. The Vendor must provide certification by a licensed Professional Engineer that the structures and improvements were constructed in compliance with applicable building codes by contractors licensed in the State of Florida. Vendor shall construct structures and associated equipment and make improvements in accordance with any site-specific requirements provided by the District to avoid conflict with current and future District construction, operation, and maintenance needs. Requirements may include but not be limited to setback distances from the top of canal banks, levees, staging areas, water control structures, pump stations, and third party facilities permitted within the District's rights of way.

5. Vendor shall pay the District ____% of the gross quarterly revenue received for each Structure. This payment shall increase by _____ (__%) on the _____ (#th) and _____ (#th) anniversaries of the Effective Date of this Agreement. Vendor shall make its quarterly revenue payments to the District in arrears no later than ten calendar days after the end of each quarter. The end of each quarter is September 30, December 31, March 31, and June 30. Vendor shall provide to the District along with each quarterly revenue payment an accounting of the revenues

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

received for each structure for the quarter in a form approved in writing by the District. Vendor shall also pay any and all applicable sales, property, and use taxes in connection with the Vendor's use of Property. The Vendor shall remit the applicable tax to the proper authority collecting the tax and in the manner provided for by the Legislature. The District shall have the option to request an independent, third party audit of the program, paid for by the Vendor, at the end of each year the program operates.

6. The Vendor understands and acknowledges that all improvements made to the Property by Vendor including each Structure is the property of and owned by the District and remains the property of the District upon termination or expiration of the Agreement. Vendor shall execute appropriate documentation required by the District to memorialize the District's ownership of such improvements and Structures. Upon termination or expiration of this Agreement, Vendor shall deliver the structures and all associated equipment to the District in an operational condition including all necessary hardware and software required to continue the commercial use of the structure.

7. Upon termination or expiration of this Agreement: (1) the District may require Vendor, at Vendor's expense, to remove any or all Structures and personal property of the Vendor and restore the Property to its original condition within a time frame as determined by the District but not less than sixty (60) calendar days, and (2) Vendor shall promptly vacate and surrender the Premises to the District within the specified timeframe.

8. If for any Structure the District's quarterly revenue is reduced by greater than 50% from the previous quarter, the District and Vendor shall first use best efforts to resolve the issue which has caused the revenue reduction. In the event that a mutually agreeable solution cannot be reached in 30 days, then the District may terminate this Agreement either in whole or in part after giving Vendor at least 90 days' written notice.

9. The Vendor acknowledges and understands that it is using the Property and any improvements located thereon in its "AS IS", "WHERE IS", and "WITH ALL FAULTS" condition. Vendor has examined the Property to its complete and total satisfaction and is familiar with the condition thereof, and accepts the same in its present condition. The District has made no representations or warranties to Vendor respecting the condition or suitability of the Property for Vendor's use under this Agreement, or the state of District's title to the Property. Vendor has had adequate opportunity to undertake due diligence of the Property and is satisfied that it can use the Property in the manner required by this Agreement.

10. a. Vendor shall pay all applicable real property taxes, sales, intangible property taxes and personal property taxes, as well as all assessments, including but not limited to pending, certified, confirmed and ratified special assessment liens, accrued or levied with respect to the Property or this Agreement during the Agreement Term. The amount of taxes or assessments will be determined by the county property appraiser. Vendor acknowledges that it shall be liable for such real property taxes, personal property taxes and intangible taxes, and assessments as are applicable for the Property and this Agreement, during the full Agreement Term.

b. Vendor shall pay such taxes and assessments promptly upon receipt of an assessment notice from the taxing authority but in no event later than February 1st, and shall furnish proof of such payment to the appropriate taxing authority within fifteen (15) days of such payment. Any penalties or late fees incurred for failure to pay said taxes and assessments timely as provided above (i.e. annually no later than February 1st) shall constitute a material default of this Agreement. Any such penalties or late fees shall be submitted to the taxing authority for collection.

c. Notwithstanding anything contained herein to the contrary, in the event Vendor elects to contest a tax assessment, Vendor shall do so in accordance with any and all applicable laws, statutes, ordinances, rules and regulations and shall deliver written notice thereof, including a copy of the petition filed by Vendor contesting such assessment, to the District within fifteen (15) days of filing a petition contesting the assessment. Within fifteen (15) days of the final resolution of any action by Vendor contesting a tax assessment, Vendor shall provide written proof to the District that all taxes and assessments, including any penalties or late fees, due and payable by the Vendor with respect to the Property and this Agreement have been paid in full.

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11. On or before the Vendor commences any construction , the Vendor shall deposit with the District an acceptable Surety Bond ("Surety Bond") prepared on a standard surety bond form in order to: (i) guarantee that the Property shall be returned to the District at the expiration or termination of the Agreement in substantially the same or equal condition as prevailed on the Commencement Date of the Agreement, and (ii) to insure faithful performance of the provisions of the Agreement, **including without limitation all of the quarterly revenue payments pursuant to Paragraph 4, and any and all taxes and assessments pursuant to Paragraph 4,** and the prompt payment to any and all persons, firms or corporations supplying services, labor, materials and supplies to the Vendor where such services, labor, materials and supplies are used and incorporated into buildings, structures, equipment and improvements located, erected or placed upon the Premises as well as the removal of all structures and equipment and restoration of the site to its original condition.

12. The Surety Bond shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the Vendor, of the cost of the removal of all structures and equipment and restoration of the site to its original condition. Such estimates shall be reviewed and approved by District staff. If in the District's sole discretion, it determines at any time that the amount of Surety Bond is inadequate, the District shall notify Vendor in writing of such deficiency, whereupon Vendor shall increase the amount of the Surety Bond to the full amount within ten (10) days of such notice. In the event of default or other termination by Vendor, the District shall have the option to use any amount of the bond to pay for the removal of structures and equipment and restore the site. The Surety Bond as specified may be, at the surety's convenience, written either as one, or more than one bond, so long as the coverage is as specified above. In lieu of the above mentioned Surety Bond, the Vendor shall have the option to deposit with the District on the signing of this Agreement either cash, cashier's check or letter of credit in the amount of the above described itemized estimate as a "Security Deposit" for the performance of Vendor's obligations under this Agreement. As with the Surety Bond, the Security Deposit shall guarantee that the Property shall be returned to the District at the expiration or termination of the Agreement in substantially the same or equal condition as prevailed on the Commencement Date of the Agreement. Towards that end, the District may apply any part of the Security Deposit to cure any default of Vendor, **including without limitation the payment of any District quarterly revenue payment pursuant to Paragraph 4, and any and all taxes and assessments pursuant to Paragraph 4**. If the Security Deposit is insufficient to pay the Vendor's prorated share of the taxes and assessments or Rent due for any year of the Agreement Term, the District shall notify Vendor in writing of such deficiency, whereupon Vendor shall increase the amount of the Security Deposit to the full amount within ten (10) days of such notice. The Surety Bond or Security Deposit, as applicable, shall be held in escrow by the District until receipt of the tax bill for the final year of the Agreement Term, whereupon such funds shall be used by the District to pay the taxes and assessments otherwise due and payable by Vendor for the last year of the Agreement, prorated based on the termination date and any other taxes for which the Vendor was responsible but failed to pay.

13. For value received, which is hereby acknowledged, the Vendor shall defend, indemnify and hold harmless the District and its agents (including, but not limited to, its officers, employees, board members, contractors, subcontractors, agents, representatives, invitees, and assigns) from claims, liabilities, suits, costs, loss for bodily injury, death, property damages and all other damage, direct or indirect, of whatsoever nature, including, but not limited to reasonable attorneys' fees, arising out of or in any way related to, or resulting from the Vendor or its agents (including but not limited to its officers, directors, employees, contractors, subcontractors, agents, representatives, invitees, and suppliers) (1) access over any property or property interest owned or controlled by the District, or (2) acts or omissions, or (3) activities or obligations undertaken in the performance of this Agreement. This provision is not intended to be an exclusive or exhaustive remedy and does not preclude the exercise of any other rights and remedies available to the indemnified parties which may now or subsequently exist under law or in equity.

14. a. The Vendor shall procure and maintain, through the term of this Agreement, insurance coverage reflecting, at a minimum, the limits and coverage conditions identified on the District's Insurance Requirements, attached as Exhibit "C" and made a part of this Agreement. All insurance policies shall name the District and its agents as additional insured and shall include a waiver of subrogation in favor of the District and its agents. Contractual and Commercial General Liability Insurance shall include claims arising out or in any way related to or resulting from Vendor and its agents contractual liability under this Agreement (including covering Vendor's indemnity obligations under this Paragraph 12.) All insurance shall be primary to any liability or property insurance or self insurance carried by the SFWMD or its agents and shall also provide that any loss otherwise payable shall be payable notwithstanding any act or omission of the District or its agents which might, absent such provision, result in a forfeiture of all or a part of such insurance payment.

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b. It is the express intent of the parties that any insurance provided by Vendor naming the District and its agents as an additional insured shall respond first and defend and indemnify the District and its agents with respect to any and all claims or suits arising out Vendor and its agents (1) access over any property or property interest owned or controlled by the District or (2) acts or omissions, or (3) activities and obligations undertaken in the performance of this Agreement. If and only if such insurance does not apply or is otherwise not available with respect to a particular matter, the indemnity provisions in the first paragraph of this Paragraph 12 will apply.

c. It shall be the responsibility of the Vendor to ensure that the coverage required shall extend to all agents of the Vendor. Prior to the execution of this Agreement, the Vendor shall provide a Certificate of Insurance for such coverage to the District for approval, indicating the producer, insured, carrier's name, and BEST rating, policy numbers and effective and expiration dates of each type of coverage required. The Vendor is solely responsible for ensuring its compliance and the compliance of its agents with the terms of this Agreement. The Certificate of Insurance shall be signed by the insurance carrier's authorized.

d. Paragraph 13 and 14 shall survive the expiration or termination of this Agreement.

e. The Vendor assumes all risk of personal injury and property damage attributable to negligence or intentional torts of the Vendor and its employees, agents, invitees, licensees, permitees, contractors, subcontractors, and representatives.

15. a. Vendor shall keep the Property free from any liens, including, but not limited to mechanic's liens, arising out of any work performed, materials furnished or obligations incurred by Vendor. The Vendor herein shall not have any authority to incur liens for labor or material on the District's interest in the Property and all persons contracting with the Vendor for the destruction or removal of any building or for the erection, installation, alteration or repair of any building or other improvements on the Property and all material men, contractors, mechanics and laborers, are hereby charged with notice that they must look to the Vendor and to the Vendor's interest only in the Property to secure the payment of any bill for work done or material furnished during the term of this Agreement.

b. In the event that Vendor shall not, within 10 days following the imposition of any such lien, cause the same to be released of record by payment or posting of a property bond, District shall have, in addition to all other remedies provided herein and by law, the right, but not the obligation, to cause the same to be released by such means as it shall deem proper, including payment of the claim giving rise to such lien. All such sums paid by District, including but not limited to reasonable attorney's fees and expenses incurred by it in connection therewith, together with interest at the maximum rate allowed by law, shall be considered Additional Rent and shall be payable to the District by Vendor on demand.

c. District shall have the right at all times to record in the public records or post and keep posted on the Property any notice permitted or required by law, or which the District may deem proper, for the protection of the District, the Property, the improvements located here on and any other party having an interest therein, from mechanic's and material men's liens.

d. Pursuant to Sections 713.01(21) and 713.10, Florida Statutes, the interest of the District in the Property and the improvements located thereon shall not be subject to liens for improvements made by Vendor and such liability is expressly prohibited.

e. Vendor expressly understands and agrees that Vendor, its officers, agents, and employees, are not entitled to any unemployment compensation, workers' compensation or any other employment benefits from the Agreement. Vendor expressly and voluntarily waives and agrees not to make any claim for such benefits or benefit plans should Vendor or any of its officers, agents, or employees be adjudicated for any reason to be an employee of the Agreement. In the event Vendor is self employed, Vendor expressly represents that Vendor is an independent party and independent contractor and hereby waives any entitlement to overtime or

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other benefits that Vendor may be entitled to receive should Vendor be adjudicated for any reason to be an employee of the Agreement.

16. a. It is the policy of the District to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the Agreement. In accordance with District Rule 40E-7, Part II, F.A.C., "material breach" is defined as any substantial, unexcused non-performance by failing to perform an act that is an important part of the transaction or performing an act inconsistent with the terms and conditions of the Agreement. If the Vendor materially fails to fulfill its obligations under this Agreement, the District will provide written notice of the deficiency by forwarding a Cure Notice citing the specific nature of the material breach. The Vendor shall have thirty (30) days to cure the breach. If the Vendor fails to cure the breach within the thirty (30) day period, the District shall issue a Termination for Default Notice. Once the District has notified the Vendor that it has materially breached its Agreement with the District, by sending a Termination for Default Notice, the District's Governing Board shall determine whether the Vendor should be suspended from doing future work with the District, and if so, for what period of time. The District's Governing Board will consider the factors detailed in Rule 40E-7, Part II, F.A.C. in making a determination as to whether a Vendor should be suspended, and if so, for what period of time. Should the District terminate for default in accordance with this provision, the District shall be entitled to recover re-procurement costs in addition to all other remedies under law and/or equity.

b. This Agreement is subject to immediate termination by the District for any of the following reasons: (i) any fraud or misrepresentation by the Vendor regarding the Agreement; (ii) any unauthorized use of or entry on to District owned lands by the Vendor; (iii) the Vendor commits a crime on District property; or (iv) the Vendor performs in a manner that is contrary to the District's best interest, including but not limited to violations of any applicable laws, ordinances, regulations, permits, or approvals.

c. The District may terminate this Agreement with or without cause at any time for convenience by providing a six (6) month prior written notice, to Vendor of the District's intention to terminate this Agreement. The performance of work under this Agreement may be terminated by the District in accordance with this clause in whole, or from time to time in part, whenever the District shall determine that such termination is in the best interest of the District. Any such termination shall be effected by delivery to the Vendor of a Notice of Termination specifying the extent to which performance of work under the Agreement is terminated, and the date upon which such termination becomes effective.

In the event of termination for convenience, the District shall compensate the Vendor a prorated amount of the construction cost of the structure being terminated amortized over the initial term of this Agreement paid by the Vendor, based on the ratio of the number of days remaining (as of the expiration of the aforementioned six (6) month time period) in the term of this Agreement. This termination fee will only be paid by the District during the initial term of this Agreement. The District shall be relieved of any and all future obligations hereunder, including but not limited to lost profits and consequential damages, under this Agreement. The District may withhold all payments to the Vendor for such work until such time as the District determines the exact amount due to the Vendor.

17. In the event a dispute arises which the project managers cannot resolve between themselves, the parties shall have the option to submit to nonbinding mediation. The mediator or mediators shall be impartial, shall be selected by the parties, and the cost of the mediation shall be borne equally by the parties. The mediation process shall be confidential to the extent permitted by law.

18. Failure by the Vendor to perform or abide by any term, provision, covenant, Agreement, undertaking or condition of this Agreement shall constitute a material default of this Agreement for which the District may exercise all such rights and remedies granted under the laws of the State of Florida, including, but not limited to, termination of the Agreement by the District.

19. Vendor shall not record this Agreement or any portion or any reference thereto without the prior written consent of the District, which consent may be withheld by the District in District's sole and absolute discretion. In the event Vendor violates any of the foregoing, this Agreement shall terminate at the District's option or the District may declare a default hereunder and pursue any and all of its remedies allowed by law and this Agreement.

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20. The Vendor shall not assign, delegate, encumber, mortgage, pledge or otherwise transfer or hypothecate all or any part of its rights and obligations as set forth in this Agreement collectively ("Assignment") or sub-Agreement all or any portion of the Premises ("Sub-Agreement") without the prior written consent of the District in each instance, which consent shall not be unreasonably withheld. Any Assignment or Sub-Agreement made by Vendor without the prior written consent of the District shall be void and of no force or effect. In the event the District does permit an Assignment or Sub-Agreement by Vendor, then the assignee or Vendor, as the case may be, shall automatically be deemed to have assumed all duties, responsibilities and obligations of Vendor under this Agreement and the Vendor shall not be released of any of its duties, responsibilities or obligations provided under this Agreement, but shall remain liable therefore. Any sale or other transfer of at least a fifty percent (50%) majority interest of the voting stock of Vendor if Vendor is a corporation (including by way of merger or consolidation), or any sale or other transfer of at least fifty percent (50%) of the general partnership interest in the event Vendor is a general partnership or limited partnership, shall constitute an Assignment for purposes of this Agreement.

21. The appointment of a receiver to take possession of all or substantially all of the assets of Vendor, or an assignment of Vendor for the benefit of creditors, or any action taken or suffered by Vendor under any insolvency, bankruptcy, reorganization or other debtor relief proceedings, whether now existing or hereafter amended or enacted, shall at the District's option constitute a breach of this Agreement by Vendor. Upon the occurrence of any such event or at any time thereafter, this Agreement shall terminate five (5) days after written notice of termination from the District to Vendor. In no event shall this Agreement be assigned or assignable by operation of law or by voluntary or involuntary bankruptcy proceedings or otherwise and in no event shall this Agreement or any rights or privileges hereunder be an asset of Vendor under any bankruptcy, insolvency, reorganization or other debtor relief proceedings.

22. The District shall have audit and inspection rights as follows:

Examination of Costs: The Vendor shall maintain records of all accounts, invoices for reimbursable expenses, books, accounting procedures and practices and supporting documentation for any research or reports, for a period of five (5) years from completing performance of this Agreement. Such records shall be sufficient to permit a proper pre and post audit in accordance with generally accepted governmental auditing standards and to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in accordance with generally accepted accounting principles for performance under this Agreement. Such examination shall include inspection at all reasonable times of the Vendor's facilities, or such parts thereof, as may be engaged in the performance of this Agreement.

Reports: If the Vendor is requested to furnish cost information, reports or contract fund status reports as a result of its performance under this Agreement, the District shall have the right to examine books, records, documents and supporting materials for the purpose of evaluating i) the effectiveness of the Vendor's policies and procedures to produce data compatible with the objectives of the reports and ii) the data reported.

Availability: The materials described in subparagraphs 8.1.1 and 8.1.2 above shall be made available to the District or its designated agent for inspection and photocopying at the location where they are kept upon reasonable prior notice, until the expiration of five (5) years from the date of final payment under this Agreement.

(a) If this Agreement is completely or partially terminated, the records relating to the work terminated shall be made available for inspection by the District or its designated agent for a period of five years from the date of any resulting settlement.

(b) Records which relate to any litigation, appeals or settlements of claims arising from performance under this Agreement shall be made available until such litigation, appeals or claims have been disposed of.

23. The Vendor shall keep records with regard to its performance under this Agreement. The District shall have the right to inspect and audit such records. The Vendor shall allow public access to all project documents and materials in accordance with the provisions of Chapter 119, Florida Statutes. The Parties acknowledge that all documents provided to the District under this Agreement are subject to the provisions of Chapter 119, Florida Statutes, which pertains to public records disclosure. Should the Vendor assert any exemptions to the requirements of

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Chapter 119 and related statutes, the burden of establishing such exemption shall be upon the Vendor through appropriate relief as provided by law.

24. Pursuant to Chapter 119, Florida Statutes any plans and specs created or received by the District pursuant to this Agreement which include building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats, which depict the internal layout and structural elements of a building, water treatment facility, or other structure are exempt from the Public Records law and must be maintained in a confidential manner by the Vendor.

The Vendor shall complete, comply with and furnish to the District a signed copy of a Plan and Specification Request Form, attached hereto as Exhibit "D". In addition, the Vendor acknowledges that it is solely responsible for ensuring its compliance and the compliance of its staff, and subcontractors with the terms of Exhibit "D" and Chapter 119, Florida Statutes. This paragraph shall survive the expiration or termination of this Agreement. Exhibit "D" will remain on file with the District during the term of the Agreement.

25. The Vendor shall strictly comply with, and be the responsible entity for remedying all violations of, all applicable federal, state, local and the District's laws, ordinances, rules and regulations, and private restrictions, applicable to the Premises and Vendor's operations conducted thereon and occupancy thereof, as well as Vendor's performance of this Agreement.

26. The Vendor shall ensure that no person shall, on the grounds of race, color, creed, national origin, handicap, or sex, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any activity under this Agreement. The Vendor shall take all measures necessary to effectuate these assurances.

27. The parties hereto agree that all actions or proceedings arising in connection with this agreement shall be tried and litigated exclusively in the state and federal courts of competent jurisdiction located in the State of Florida, Palm Beach County. The aforementioned choice of venue is intended by the parties to be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the parties with respect to or arising out of this agreement in any jurisdiction other than that specified in this paragraph. Vendor agrees to waive any objections to venue or jurisdiction in Palm Beach County, Florida, for the purpose of litigating any dispute, controversy, or proceeding arising out of or related to this agreement. Each party, to the extent permitted by law, knowingly, voluntarily, and intentionally waives its right to a trial by jury in any action or other legal proceeding arising out of or relating to this agreement and the transactions it contemplates. This waiver applies to any action or legal proceeding, whether sounding in contract, tort or otherwise.

28. The Vendor, by its execution of this Agreement, acknowledges and attests that neither it, or any of its suppliers, subcontractors, nor consultants who shall perform work which is intended to benefit the District is a convicted vendor or has been placed on the discriminatory vendor list. If the Vendor or any affiliate of the Vendor has been convicted of a public entity crime or has been placed on the discriminatory vendor list, a period longer than 36 months must have passed since that person was placed on the convicted vendor or discriminatory vendor list. The Vendor further understands and accepts that this Agreement shall be either void by the District or subject to immediate termination by the District, in the event there is any misrepresentation or lack of compliance with the mandates of Section 287.133 or Section 287.134, respectively, Florida Statutes. The District, in the event of such termination, shall not incur any liability to the Vendor for any work or materials furnished.

29. The Vendor, by its execution of this Agreement, acknowledges and attests that neither it, nor any of its suppliers, subcontractors, or consultants who shall perform work which is intended to benefit the District is listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to section 215.473, Florida Statutes. The Vendor further understands and accepts that this Agreement shall be either void by the District or subject to immediate termination by the District in the event there is any misrepresentation or false certification on the part of the Vendor. The District, in the event of such termination, shall not incur any liability to the Vendor for any work or materials furnished.

30. The Vendor, by its execution of this Agreement, acknowledges and attests that neither it, nor any of its suppliers, subcontractors, or consultants who shall perform work which is intended to benefit the District is included on the list of Specially Designated Nationals and Blocked Persons (SDN List) which is administered by the U.S.

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Department of Treasury, Office of Foreign Assets Control. The Vendor further understands and accepts that this Agreement shall be either void by the District or subject to immediate termination by the District, in the event there is any misrepresentation. The District, in the event of such termination, shall not incur any liability to the Vendor for any work or materials furnished.

31. The District is a governmental entity responsible for performing a public service and therefore has a legitimate interest in promoting the goals and objectives of the agency. The work under this Agreement involves a project consistent with these goals and objectives. Consequently, the District is desirous of satisfactorily completing and successfully promoting this project with the cooperation of its Vendor. Therefore, the Vendor assures the District that the Vendor, its employees, subcontractors and assigns will refrain from acting adverse to the District's legitimate interest in promoting the goals and objectives of this project. The Vendor agrees to take all reasonable measures necessary to effectuate these assurances. In the event the Vendor determines it is unable to meet or promote the goals and objectives of the project, it shall have the duty to immediately notify the District. Upon such notification the District, in its discretion, may terminate this Agreement.

32. The Vendor shall be responsible for verifying employee authorization to work in the U.S. and certifying that a good faith effort has been made to properly identify employees by timely reviewing and completing appropriate documentation, including but not limited to the Department of Homeland Security, U.S. Citizenship and Immigration Services Form I-9. Written verification shall be kept by the Vendor and made available for inspection on demand by the District.

33. The hourly rate of pay for each employee shall comply with State law and industry standards for similar work performed under the Agreement. The Vendor shall comply with the Fair Labor Standards Act, 29 USCS §201, et seq. The Act is the minimum wage law. Its requirement that the Vendor pay "not less" than the rates so determined presupposes the possibility that the Vendor may have to pay higher rates The Vendor shall maintain records verifying the rate of pay for each employee working on this Agreement and make such records available for inspection on demand by the District.

34. Nothing contained in this Agreement shall be construed to create the relationship of principal and agent, partnership, joint venture or any other relationship between the parties hereto other than the relationship of the District and Vendor.

35. It is the intent and understanding of the Parties that this Agreement is solely for the benefit of the Parties. No person or entity other than the Parties shall have the power to enforce the terms of this Agreement and no person or entity other than the Parties shall have any rights or privileges under this Agreement in any capacity whatsoever, either as a third-party beneficiary or otherwise.

36. Pursuant to Section 373.099, Florida Statutes, District does not warrant or represent that it has title to the Premises. Vendor's use of the Premises shall be subject to the rights of others, including but not limited to easements, restrictions, reservations, all matters of public record and all other encumbrances affecting the Premises.

37. Notwithstanding anything contained in this Agreement to the contrary, in the event of a sale or conveyance by the District of the Premises or any portion thereof or in the event of an assignment of this Agreement by the District, any such assignment, sale or conveyance shall automatically operate to release the District from any future liability upon any of the terms, provisions, covenants or conditions, express or implied, herein contained in favor of Vendor, and in such event Vendor agrees to look solely to the successor in interest of the District in and to this Agreement. This Agreement shall not be affected by any such sale, and Vendor agrees to attorn to the purchaser or assignee.

38. Should any term or provision of this Agreement be held, to any extent, invalid or unenforceable, as against any person, entity or circumstance during the term hereof, by force of any statute, law, or ruling of any forum of competent jurisdiction, such invalidity shall not affect any other term or provision of this Agreement, to the extent that the Agreement shall remain operable, enforceable and in full force and effect to the extent permitted by law. Except as otherwise specifically provided in this Agreement, in the event any provisions of this Agreement shall conflict or appear to conflict, the Agreement, including all exhibits, attachments and all documents specifically incorporated by reference, shall be interpreted as a whole to resolve any inconsistency.

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39. This Agreement may be amended only with the prior written approval of the District and Vendor.

40. Failures or waivers to enforce any covenant, condition, or provision of this Agreement by the parties, their successors and assigns shall not operate as a discharge of or invalidate such covenant, condition, or provision, or impair the enforcement rights of the parties, their successors and assigns not shall it be construed as a waiver or relinquishment for the future enforcement of any such covenant, condition of right but the same shall remain in full force and effect. Furthermore, the acceptance of any payment, any additional payment or a partial payment by the District shall not constitute a waiver of any preceding breach by Vendor of any provision of this Agreement nor a waiver of the right to receive full payment of Rent or Additional Rent.

41. For purposes of this Agreement, "Pollutant" shall mean any hazardous or toxic substance, material, or waste of any kind or contaminant, pollutant, petroleum, petroleum product, or petroleum by-product as defined or regulated by environmental laws. "Disposal" shall mean the Vendor's storage, use, handling, discharge or disposal of such Pollutants. "Environmental Laws" shall mean any applicable federal, state or local laws, statutes, ordinances, rules, regulations or other governmental restriction. The Vendor shall not cause or permit the Disposal of any Pollutants upon the Property or upon any adjacent lands. The Vendor shall operate and occupy the Property in compliance with all Environmental Laws. Any Disposal of such materials, whether caused by Vendor or any other third party, shall be reported to the District immediately upon the knowledge thereof by the Vendor. The Vendor shall be solely responsible for the entire cost of cleanup of any Pollutants which are disposed of or are otherwise discovered on the Property or emanate from the Premises to adjacent lands as a result of the use of the Property or surrounding lands by the Vendor. The Vendor shall indemnify and hold harmless the District, from and against any and all claims, loss, damage, cost or liability incurred by District, including, but not limited to, reasonable attorney's fees and costs, which arises directly, indirectly or proximately as a result of the Disposal of any Pollutants which affects the Property or emanates from the Property to adjacent lands during the Agreement Term. This responsibility shall continue to be in full force and effect for any such Pollutants as are discovered after the date of termination or expiration of this Agreement. While this paragraph establishes contractual liability for the Vendor regarding pollution of the Premises as provided herein, it does not alter or diminish any statutory or common law liability of the Vendor for such pollution. This paragraph shall survive the termination or expiration of this Agreement.

42. Vendor shall not make any alterations, additions or improvements, whether capital, internal or external, (collectively, "Alterations") in, on or to the Premises or any part thereof without the prior written consent of the District, which consent may be withheld in the District's sole and absolute discretion. Do we need this? Much of the rest is probably unnecessary

43. Any Alterations to the Premises, made with the prior approval of the District, except for Vendor's movable furniture and equipment, shall immediately become the District's property and, at the end of the Agreement Term, shall remain on the Premises without compensation to Vendor; provided, however, that any such movable furniture and equipment, otherwise belonging to Vendor, but remaining on the Premises at the expiration or other termination of this Agreement shall also become the property of the District.

44. In the event the District consents to the making of any Alterations by Vendor, the same shall be made by Vendor, at Vendor's sole cost and expense, in accordance with the plans and specifications previously approved in writing by the District. Vendor shall comply with all applicable laws, including but not limited to Construction Lien Law of the State of Florida, ordinances, regulations, building codes, and obtain all required permits, inspections, and certificates as may be required by all governmental agencies having jurisdiction thereof.

45. The right is reserved to the District, its officers, agents, and assigns to enter upon and travel through and across the Premises at any time for inspection, construction, maintenance, or for any purposes necessary to convenient in connection with the District's works, and the Vendor shall have no claim for damages of any character on account thereof against the District or any officer, agent, or assign thereof.

46. The Vendor is responsible for examining the Premises and satisfying itself as to the general and local conditions, particularly water level conditions that are likely to impact Vendor's operation and those conditions bearing upon the availability of water, electric power, communication and road and access facilities. Failure on the part of the Vendor to acquaint itself with all available information pertaining to the Premises will not relieve Vendor

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

from the responsibility of furnishing the required facilities and services and for compliance with the terms and conditions of this Agreement. The District assumes no responsibility or obligation to provide any roads, parking facilities, launching ramps, or other facilities of whatever nature or for any understanding or representation made by any of its officers or agents during or prior to the execution of this Agreement unless these provisions expressly provide for the furnishing of such facilities and such understanding or representation is specifically stated in this Agreement.

47. The Vendor hereby waives any and all claims on the part of the Vendor, which may arise or be incident to regulation of water levels associated with the Premises by the District and/or the U.S. Army Corps of Engineers.

48. The Vendor shall not install or permit to be installed pit or vault latrines.

49. The Vendor shall not discharge nor permit others to discharge sewage effluent into the water areas of and surrounding the Premises.

50. The Vendor shall not engage in any business activity on the Premises not expressly authorized in this Agreement unless otherwise authorized in writing by the District.

51. The Vendor shall not permit or suffer any offensive use of the Premises or the commission waste thereon; shall not conduct mining operations or drill for oil or gas upon the Premises; shall not remove sand, gravel, or kindred substance from the ground or shall not, in any manner, substantially change the contour or condition of the Premises unless prior approval is granted in writing by the District.

52. The Vendor and his employees will, at all times, be courteous and considerate of the public.

53. The Vendor will use the Premises and all rights and privileges herein granted to the extent needed in carrying out the true intent and purpose of the Agreement.

54. The Vendor shall assist to the extent necessary in the preservation of life and property in and around the Premises.

55. The Vendor shall cooperate with the District, its employees, agents, and assigns in carrying out the intent and purposes of this Agreement.

56. Vendor covenants and agrees that Vendor shall have a general duty of repair. Vendor shall, at Vendor's expense, maintain and preserve the Premises in good condition and repair, to the satisfaction of the District, and make all necessary repairs to the Premises and all improvements, fixtures and equipment located thereon, including but not limited to repairs to the Structures and any other improvements on the Property. The District shall have the right to determine, in the District's sole discretion, if and when any such repairs are necessary. Vendor shall be responsible for all such repairs and maintenance whether caused by acts of Vendor, its agents, servants, employees, customers, guests, licensees or by acts of third parties, governmental regulations, acts of God, casualties, or any other reason.

57. The Vendor shall not employ or continue to employ any person who performs an act detrimental to the purpose of this Agreement or damages the Premises in any way.

58. The Vendor shall require appropriate personal protective equipment in all operations where there is exposure to hazardous conditions.

59. The Vendor shall instruct employees required to handle or use toxic materials or other harmful substances regarding their safe handling and use, including instruction on the potential hazards, personal hygiene and required personal protective measures. A Material Safety Data Sheet (MSDS) shall be provided by the Vendor to the District on each chemical product prior to its use.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

60. The Vendor shall, during construction, comply with all applicable building codes with the standards and regulations set forth by the Occupational Safety and Health Administration (OSHA), the Florida Department of Labor and Employment Security and all other appropriate federal, state, local or District safety and health standards.

61. It is the Vendor's sole duty to provide safe and healthful working conditions to its employees, subcontractors and employees of the District on and about the site of the Vendor's performance.

62. The Vendor shall initiate and maintain an accident prevention program which shall include, but shall not be limited to, establishing and supervising programs for the education and training of employees in the recognition, avoidance, and prevention of unsafe conditions and acts.

63. The Vendor shall erect and maintain, as required by existing conditions and performance of this Agreement, reasonable safeguards for safety and protection, including posting of danger signs and other warnings, against hazards.

64. The Vendor shall take reasonable precautions for safety of, and shall provide reasonable protection to prevent damage, injury, or loss to:

a. Employees on the work and other persons who may be affected thereby; including pedestrians, visitors, or traveling public;

b. The work, materials, and equipment to be incorporated therein; whether in storage on or off the site, under care, custody or control of the Vendor, Vendor's subcontractors or subcontractors; and

c. Other properties at the site or adjacent thereto; such as trees, shrubs, lawns, walks, utilities, pavement, roadways, structures, building, vehicles, and equipment not designated for removal, relocation or replacement in the course of work.

65. The Vendor shall provide first aid services and medical care to its employees.

66. The Vendor shall develop and maintain an effective fire protection and prevention procedures and good housekeeping practices on the work site throughout this Agreement.

Emergencies: In emergency affecting safety of persons or property on or about the site or as a result of the work; the Vendor shall act, timely and with due diligence, to prevent threatened damage, injury, or loss.

Environmental: When the Vendor, Vendor's subcontractors, or subcontractors, use petroleum products, hazardous chemicals, or any other chemicals used on or about the site, the Vendor shall be responsible for handling these chemical constituents in accordance with federal, state and local regulations during the terms of this Agreement. For accidental discharges or releases onto the floor, air, ground, surface waters, ground waters, it shall be the Vendor's sole responsibility to respond immediately to clean the site, at his expense, to the complete satisfaction of federal, state, local regulatory agencies and to the District's requirements.

67. The District may order the Vendor to halt operations under the Agreement, at the Vendor's expense, if a condition of immediate danger to the public and/or the District's employees, equipment, or property exists. This provision shall not shift the responsibility or risk of loss for injuries or damage sustained from the Vendor to the District; and the Vendor shall remain solely responsible for compliance with all federal, state and local safety requirements, provisions of this section, and safety of all persons and property on or about the site.

68. All of Vendor's personal property, equipment and fixtures located upon the Premises shall be at the sole risk of Vendor and the District shall not be liable under any circumstances for any damage thereto or theft thereof. In addition, the District shall not be liable or responsible for any damage or loss to property or injury or death to persons occurring on or adjacent to the Premises resulting from any cause, including but not limited to, defect in or lack of repairs to the improvements located on the Premises.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

69. Entire Understanding. This Agreement states the entire understanding and Agreement Between the Parties and supersedes any and all written or oral representations, statements, negotiations, or agreements previously existing between the Parties with respect to the subject matter of this Agreement. The Parties recognizes that any representations, statements or negotiations made by another party do not suffice to legally bind the other parties in a contractual relationship unless they have been reduced to writing and signed by an authorized representative of the Parties. This Agreement shall inure to the benefit of and shall be binding upon the Parties, their respective assigns, and successors in interest.

70. Notice. Any notice, request, demand, instruction, or other communication to be given to the Parties hereunder at the address stated below shall be in writing and shall be deemed to be delivered upon the earlier to occur of (1) actual receipt if delivered by hand or by commercial courier (2) one day after mailing by any form of overnight mail service, (2) the date upon which return receipt is signed or delivery is refused or the notice is designated by postal authorities as not deliverable, as the case may be when mailed by registered or certified mail, return receipt requested, or (3) on the date of transmission by telefax or facsimile with confirmed receipt:

District

The South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
Attention:

_____
Telephone (561)_____
Fax:
E-mail:

Vendor

71. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile copy of this Agreement and any signatory hereon shall be considered for all purposes as original.

72. Interpretation. This Agreement shall be interpreted without regard to any presumption or other rule requiring interpretation against the party causing this Agreement or any part hereof to be drafted or otherwise requiring interpretation against one party or the other.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Agreement on the date first written above, which is the Effective Date of this Agreement.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

BY:_____
Dorothy A. Bradshaw

Title: Procurement Bureau Chief

Date:_____

VENDOR

By:_____

Title:_____

Date: _____

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

EXHIBIT "A"

LEGAL DESCRIPTION

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

EXHIBIT "B"

STATEMENT OF WORK

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

EXHIBIT "C"

INSURANCE REQUIREMENTS

In accordance with Article 13 of this **AGREEMENT**, the information listed in this "C" defines the various types and limits of insurance the **CONTRACTING PARTY** is required to maintain during performance of work identified under the applicable Statement of Work for the term of this **AGREEMENT**.

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

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

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

GENERAL LIABILITY		$1,000,000
COMPREHENSIVE FORM		
OCCURRENCE FORM		
PREMISES / OPERATIONS		
DELETE XCU EXCLUSION		
PRODUCTS / COMPLETED		
CONTRACTUAL		
INDEPENDENT CONTRACTORS		
BROAD FORM PROPERTY		
PERSONAL INJURY		
BLASTING		
DEMOLITION		
WATERCRAFT		
POLLUTION		
AUTOMOBILE LIABILITY		
ANY AUTO		$500,000
OWNED		
NON-OWNED		
WORKERS COMPENSATION AND EMPLOYER'S LIABILITY		
	Coverage:	Statutory
	Limit:	$100,000 each accident $100,000 disease-each employee $500,000 disease policy limit
PROFESSIONAL LIABILITY		$1,000,000
BUILDER'S RISK / INSTALLATION FLOATER		**@100% OF VALUE**

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

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

CERTIFICATION OF INSURANCE

Agent/Broker	Insured
Name: Address: Telephone: EMAIL: FAX:	Name: Address: Telephone: EMAIL: FAX:

Agent/Broker Certification:

Should any of the coverage listed herein be terminated or otherwise modified, the Agent/Broker shall notify the certificate holder identified below by certified mail at least 30 days prior to the effective date of termination or modification, or as soon as possible thereafter.

I herein certify that I am duly licensed agent authorized to broker insurance in the State of Florida.

_____ Agent/Broker Signature _____ Date

Carrier Letter I.D.	Type of Coverage	Policy Limits	Carrier information
A	**General Liability** (Place check to the left of the coverage provided) ☐ Comprehensive Form ☐ Occurrence form ☐ Premises Operations ☐ Delete XCU Exclusion ☐ Products Completed ☐ Contractual ☐ Independent Contractors ☐ Broad Form Property ☐ Personal Injury ☐ Blasting ☐ Demolition ☐ Watercraft ☐ Pollution	**Bodily Injury & Property Damage** $_____ **Combined Limit**	**Company A** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___
B	**Automobile Liability** ☐ Any Auto ☐ Owned ☐ Non - Owned	**Bodily Injury & Property Damage** $_____ **Combined Limit**	**Company B** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___
C	☐ **Workers' Compensation and Employer's Liability**	***Statutory Limits*** **$100,000/Accident** **$100,000/$500,000 Disease**	**Company C** Name _____ Policy No. _____ Effective Date ___/___/___ Termination date ___/___/___
D	☐ **Professional liability**	$_____	**Company D** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___
E	☐ **Builder's Risk/Installation Floater**	**@100% of Value**	**Company E** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___
F	☐ **Aircraft Liability**	**Bodily injures & Property Damage** $_____ **Combined Limit**	**Company F** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___
G	☐ **Environmental Impairment Liability**	**Bodily injures & Property Damage** $ _____ **Combined Limit**	**Company G** Name _____ Policy No _____ Effective Date ___/___/___ Termination date ___/___/___

Certificate Holder:	Additional Insured:	For District Use Only:
South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406	The South Florida Water Management District is named additional insured under the General and Auto liability policies identified herein.	Compliance with Contractual Insurance Requirements reviewed by: _____ Initials _____ Date

2005 SFWMD Insurance Certification.doc

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

EXHIBIT "D"
PLAN SPECIFICATION FORM
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PLAN AND SPECIFICATION REQUEST
For Architects, Engineers and Contractors or Governmental Agencies

Building Plans Custodian Obligations

Building Plans Custodian

1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, **which depict the internal layout and structural elements of a building or water structure owned or operated by the South Florida Water Management District** (District) are exempt from the Public Records law.

2. Anyone possessing such exempt records is a **PLANS CUSTODIAN**

Obtaining Building Plans

Those records defined in the Statute as exempt may be obtained from the District only by licensed Architects, Engineers or Contractors, as well as Governmental Agencies who are performing work on or related to a building or structure owned or operated by the District.

Reproduction and Redistribution

The entities or persons who receive exempt documents from the district shall maintain the exempt status of the information.

Plans Custodians

The Plans Custodian shall provide safeguards to protect the content of the records from unauthorized use or alteration and to maintain the exempt status of those records.

Penalty and Fine Related to Violating Public Records Law

Willfully and knowingly violating Public Records law is a **first degree misdemeanor**, punishable by penalties of up to one year in prison, a fine of up to **$1,000, or both.**

Documents Requested

Building/Structure: _____

Location: _____
(City)

Solicitation Number: _____

□ View Only □ Copies will Be Made

Documents: □ (*See Attached for additional documents*)

_____

_____

_____

Requester Information

Name: _____

Title: _____

Name of Project documents needed for: _____

Company Name: _____

Address: _____

License Held: _____

License Number: _____

Phone: _____

E-mail: _____

Signature: _____

Date: _____

As the authorized licensed Architect, Engineer or Contractor or Government Agency representative, I acknowledge the acceptance of the SFWMD Records listed herein. As the plans custodian of these Records, I agree to the conditions and limitations outlined above. I understand that any unauthorized access or reproduction may be subject to criminal sanctions.

South Florida Water Management District
Procurement Department
3301 Gun Club Road
West Palm Beach, Florida 33406

Fax: (561) 681-6275

This Section is not required by Governmental Agencies; Copy of Professional License must be provided by Architects, Engineers and Contractors to fax number (561) 681-6275.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

COMMON LAW PERFORMANCE BOND

BY THIS BOND, know that_____ as Principal, herewith called CONTRACTOR, Business Address _____, Business Phone _____, and _____, as _____, hereinafter called SURETY, Surety Address _____, Surety Phone Number _____, are bound to South Florida Water Management District, as Obligee, herein called DISTRICT, in the amount of the estimated cost to develop each OPIS site for payment of which CONTRACTOR and SURETY bind themselves, their heirs, personal representatives, executors, administrators, successors and assigns, jointly and severally, with reference to a written CONTRACT entered into by CONTRACTOR and DISTRICT, for the following:

Contract Number:	460000XXXX
Contract Title:	Outdoor Public Information Systems
General Description of Project:	Develop, construct, operate, and manage public information system, District wide, in accordance with Section 373.618 Florida Statutes.

THE CONDITION OF THIS BOND is that if the CONTRACTOR:

1. Performs said contract including returning the District at the expiration or termination of the Agreement to the same or equal condition as prevailed on the Commencement Date of the Agreement and the payment of any District quarterly revenue payment pursuant to Paragraph 4, and any and all taxes and assessments due in accordance with its terms and conditions; and
2. Pays DISTRICT all losses, damages (direct and consequential including delay and liquidated damages), expenses, costs, and attorney's fees, including appellate proceedings, that DISTRICT sustains because of a default by CONTRACTOR under the CONTRACT; and
3. Pays DISTRICT and all other amounts due DISTRICT by CONTRACTOR because of a default by CONTRACTOR under the CONTRACT; and
4. Performs the guarantee of all work under the CONTRACT including returning the District at the expiration or termination of the Agreement to the same or equal condition as prevailed on the Commencement Date of the Agreement and the payment of any District quarterly revenue payment pursuant to Paragraph 4, and any and all taxes and assessments due.

THEN THIS BOND IS VOID, OTHERWISE, IT REMAINS IN FULL FORCE.

Any changes in or under the Contract Documents and compliance or noncompliance with formalities, connected with the Contract or with the changes, do not affect the Surety's obligation under this bond. Surety hereby waives notice of any alteration or extension of time made by the Owner. Any suit under this bond must be initiated before the expiration of the limitation period applicable to common law bonds under Florida Statutes.

IN WITNESS WHEREOF, this instrument is executed this ____day of _____, 20____.

Legal Form Approved:

_____

WHEN THE PRINCIPAL IS AN **INDIVIDUAL**:
Signed, sealed and delivered in the presence of:

By: _____ (Witness)

By: _____ Individual Principal

WHEN THE PRINCIPAL OPERATES UNDER A **TRADE NAME**:
Signed, sealed and delivered in the presence of:

By: _____ (Witness)

By: _____ Signature of Individual

By: _____ (Witness)

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

WHEN A **PARTNERSHIP**:
Signed, sealed and delivered in the presence of:

By: _____ (Witness)

By: _____ Partner

By: _____ (Witness)

WHEN THE PRINCIPAL IS A **CORPORATION**:
ATTEST:
(Corporate Seal)

_____ (Type Corporate Principal Name)

By: _____ President

By: _____ (Secretary)

SURETY:
ATTEST:
(Surety Seal)

_____ (Type Corporate Surety Name)

By: _____ SURETY

By: _____ (Secretary)

_____ (Type Florida Resident's Name)

By: _____ Florida Resident Agent

ATTORNEY-IN-FACT

By: _____ (Type)

Name _____

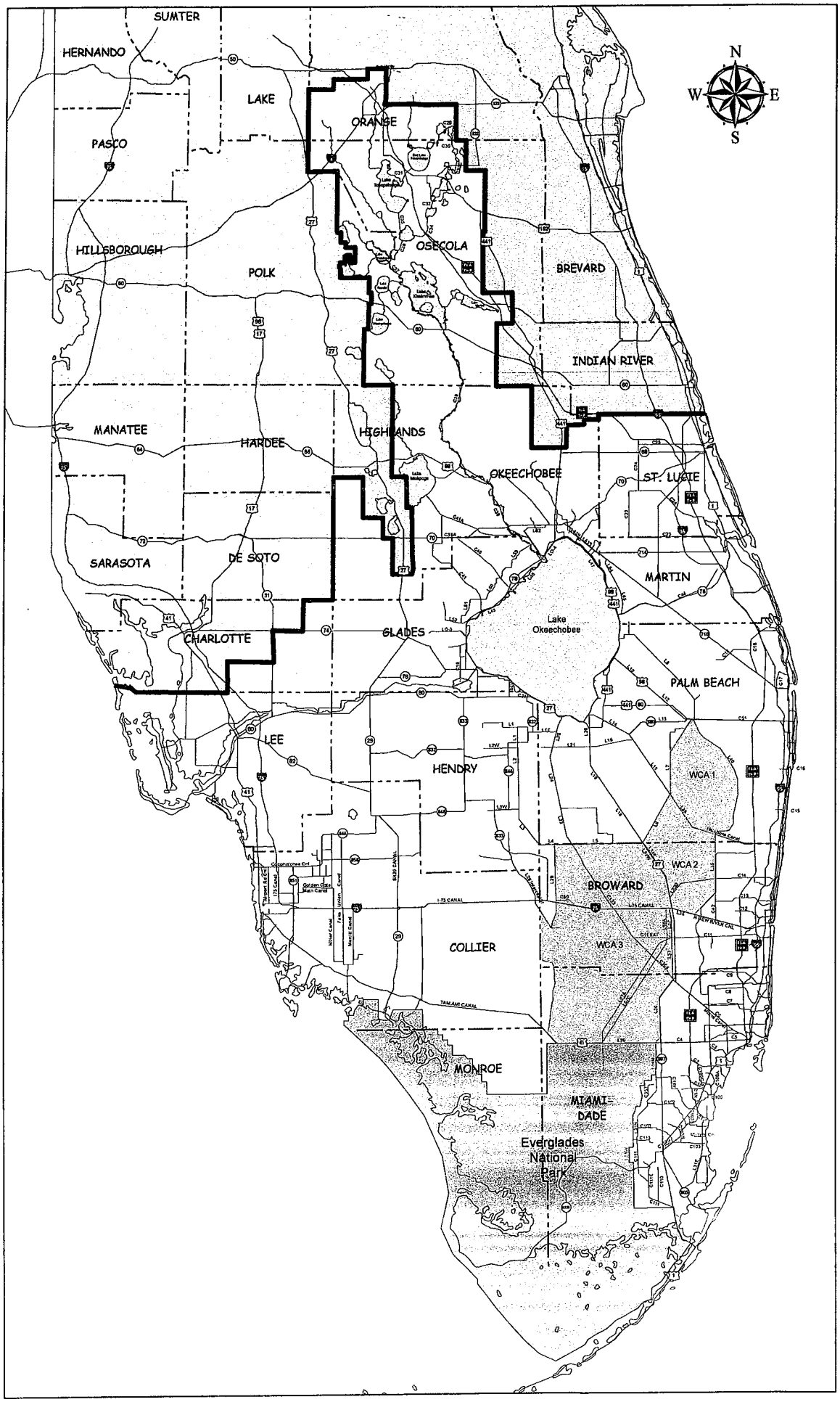
NOTE 1: Surety shall provide evidence of signature authority, i.e., a certified copy of Power of Attorney.
NOTE 2: If both the Principal and Surety are Corporations, the respective Corporate Seals shall be affixed and attached.
NOTE 3: Surety shall include evidence that Agent is licensed in Florida.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Florida.

ATTACH a certified copy of Power-of-Attorney appointing individual Attorney-in-Fact for execution of Performance Bond on behalf of Surety.

The Common Law Performance Bond and the Payment Bond and the covered amounts of each are separate and distinct from each other.

Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)



Attachment: ca_exo_001_Exhibit_1 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012- 1210

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 10-YEAR AGREEMENT WITH TWO (2) FIVE-YEAR EXTENSION OPTIONS AT THE DISTRICT'S DISCRETION, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH THE LAMAR COMPANY, L.L.C., ONE OF TWO FIRMS SELECTED TO DEVELOP AND MANAGE AN OUTDOOR PUBLIC INFORMATION SYSTEM ON DISTRICT-OWNED RIGHTS OF WAY/LANDS IN ACCORDANCE WITH SECTION 373.618, FLORIDA STATUTES.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a 10 -year agreement with two (2) five-year extension options at the District's discretion, subject to successful negotiations with The Lamar Company, L.L.C., one of two firms selected to develop and manage an Outdoor Public Information System on District-owned rights of way/lands in accordance with Section 373.618, Florida Statutes. (Contract Number 4600002786) (Jorge Patino, ext. 6175) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002786 with The Lamar Company, L.L.C.

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

PASSED and **ADOPTED** this 13th day of December, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: Joe Collins

Chair

BOARD OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT • STATE OF FLORIDA • SEAL • Established 1949

ATTEST:

By: Jackie McGarty

District Clerk/Secretary

Approved as to form:

By:

EXHIBIT 2

Attachment: ca_exo_001_Exhibit_2 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT OFFICIAL NOTICE

AUTHORIZATION TO REJECT ALL PROPOSALS

Request for Proposal (RFP) Number: 6000000534

o CCNA (F.S. 287.055)
x Non-CCNA

Project Description: Outdoor Public Information Systems

Recommended Action: Rejection of all proposals received by the South Florida Water Management District (District) in response to the referenced solicitation. Justification for this action is provided in the attached documentation.

Approvals:

1. a. Project Manager verifies that the competitive process has been completed. b. Bureau Chief reviews all documentation supporting the solicitation results/written justification (attached memorandum). c. Division Director reviews documentation and authorizes the official posting of this notice following review by the Administrative Services Division Director, if required.	Project Manager	Date 2-5-13
	Bureau Chief	Date 2.5.13
	Division Director	Date 2.5.13
2. a. Procurement verifies the competitive solicitation process and the accuracy of the attached memorandum. b. Procurement ensures compliance with District Procurement Policy. c. Procurement concurs with the official posting of this notice following review by the Administrative Services Division Director, if required.	Contract Specialist	Date 2.5.13
	Contract Manager	Date 2.5.13
3. Office of Counsel reviews all documentation and concurs with the official posting of this notice following review by the Administrative Services Division Director, if required.	Office of Counsel	Date 2/5/13
4. Procurement Bureau Chief reviews all documentation and verifies compliance with District Procurement Policy.	Procurement Bureau Chief	Date 2/5/13

Note: This form shall serve as the District's Notice of a decision or intended decision as defined in Section 120.57(3)(a) F.S., and Chapter 28-110, Florida Administrative Code (F.A.C.). Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes. Any protest or bond or other security must be filed with the District Clerk.

Posting Date: FEB 05 2013
Posting Time: 2:40 pm

REV. 11/01/12

EXHIBIT 3

Attachment: ca_exo_001_Exhibit_3 (Resolution No. 2013 - 0301 : Outdoor Public Information Systems)

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: March 14, 2013

SUBJECT: March Governing Board - FY2013 Budget Amendment

Background:
The District amends its budget during the fiscal year for a variety of reasons. These reasons range from the reflection of more accurate information since budget adoption; modified operating requirements (e.g. additional revenues received or expected revenues not received); and/or year-end accounting adjustments. Budget amendments increase or decrease - by fund type - the adopted or previously amended budget. This amendment includes adjustments to align budget authority with updated revenue and expenditure projections.

Legislative updates in 2012 to s. 373.536, F.S. revised the procedure for amending the budget of water management districts. Approval by the Executive Office of the Governor of a budget amendment for unanticipated funds received after adoption of the final budget is now required. Budget amendment requests which move forward without prior approval by the Executive Office of the Governor due to operational/business demands and time constraints are presented for approval by the Governing Board contingent upon subsequent approval by the Executive Office of the Governor and will not be processed until such approval is received.

How this helps meet the District's 10-year Strategic Plan:
Amending the current budget by recognizing additional revenue will allow the District to implement exotic plant control activities identified by the Florida Fish and Wildlife Conservation Commission, provide additional Law Enforcement activities requested by Miami-Dade County, perform a feasibility study and provide hydrologic restoration.

Funding Sources: Recognize undesignated fund balance and intergovernmental revenues from the Florida Fish and Wildlife Conservation Commission, Miami-Dade County and St. Johns River Water Management District.

This Board item impacts what areas of the District, both division and geography:
This item will modify the budget of Operations, Maintenance and Construction Division and the Budget Bureau will process the transactions. This amendment impacts Miami-Dade, Palm Beach, Martin and Indian River Counties.

What concerns could this Board item raise?

Pursuant to Florida Statutes, the District is required to notice and receive Governing Board approval to increase or decrease its overall budget after approval by the Executive Office of the Governor. This is the first proposed budget amendment for FY2013. This proposed amendment is comprised of five items revising multiple funds, programs and divisions. If approved, this amendment will increase the District's FY2013 adopted budget from $567,278,838 to an amended budget of $567,447,874. This is an increase of $169,036.

Why should the Governing Board approve this item?
By approving this item, the Governing Board will enable staff to update the FY2013 budget with the most current expenditure obligations and revenue sources.

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

DB/MS/mq
Attachment

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0302

A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2012-13 budget; providing an effective date. (AS, Doug Bergstrom, ext. 6214)

See attachment

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

South Florida Water Management District

Resolution No. 2013 -

A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2012 - 13 Budget; providing an effective date

WHEREAS, the Governing Board of the South Florida Water Management District on September 25, 2012 adopted Resolution No. 2012-933B "Adoption of Budget for Fiscal Year 2012-13", and

WHEREAS, pursuant to Section 373.536(4) F.S., If the district receives unanticipated funds after the adoption of the final budget, the final budget may be amended, following review and approval by the Executive Office of the Governor, and

WHEREAS, pursuant to Section 373.536(4) F.S., the notice of intention to amend was provided to the Legislative Budget Commission and published in the notice of the Governing Board meeting at which the Budget Amendment will be considered, and

WHEREAS, implementation of this budget amendment is contingent upon approval by the Executive Office of the Governor, and

NOW, THEREFORE, be it resolved by the Governing Board of the South Florida Water Management District that the Fiscal Year 2012-13 Budget be amended as follows:

	GENERAL FUND	TOTAL SPECIAL REVENUE FUNDS	TOTAL CAPITAL PROJECTS FUNDS	INTERNAL SERVICE FUNDS	TRUST & AGENCY FUND	TOTAL FINAL BUDGET
FY13 ADOPTED REVENUES, TRANSFERS AND BALANCES						
Estimated Fund Balance and Net Assets						
Fund Balance, beginning of year (Net of Encumbrances)	$66,286,208	$144,394,169	$211,743,378	$0	$14,026,192	$436,449,947
Undesignated Fund Balance - State Appropriation (205000)		$29,036				$29,036
Designated Fund Balance						$0
Net Assets, beginning of year	0	0	0	19,345,522	0	19,345,522
Sub-Total Estimated Fund Balance and Net Assets	**66,286,208**	**144,423,205**	**211,743,378**	**19,345,522**	**14,026,192**	**455,824,505**
Encumbrances Funded By Fund Balance	9,044,327	25,455,564	34,479,180	135,634		69,114,705
Total Estimated Fund Balance and Net Assets, beginning of year	**75,330,535**	**169,878,769**	**246,222,558**	**19,481,156**	**14,026,192**	**524,939,210**
FY13 Adopted Revenue	**116,274,595**	**189,777,727**	**62,734,695**	**25,712,821**	**103,000**	**394,602,838**
Intergovernmental		**140,000**				140,000
Miscellaneous (Lease Revenue)		**-288,882**				-288,882
Total Amended Revenues	**116,274,595**	**189,628,845**	**62,734,695**	**25,712,821**	**103,000**	**394,453,956**
FY13 Adopted Operating Transfers (Net)	**-29,202,575**	**-34,533,156**	**63,838,731**		**-103,000**	**0**
Operating Transfer from 411000 to 213000		**288,882**	**-288,882**			**0**
Total Amended Operating Transfers (Net)	**-29,202,575**	**-34,244,274**	**63,549,849**	**0**	**-103,000**	**0**
TOTAL ESTIMATED REVENUES, TRANSFERS AND FY2013 DESIG. BALANCES	**$162,402,555**	**$325,263,340**	**$372,507,102**	**$45,193,977**	**$14,026,192**	**$919,393,166**
TOTAL AMENDED ESTIMATED REVENUES, TRANSFERS AND FUTURE DESIG. BALANCES	**$162,402,555**	**$325,263,340**	**$372,507,102**	**$45,193,977**	**$14,026,192**	**$919,393,166**
FY13 ADOPTED EXPENDITURES AND ENCUMBRANCES						
FY13 ADOPTED EXPENDITURES	**128,922,219**	**243,496,685**	**161,397,113**	**33,462,821**	**0**	**567,278,838**
Administrative Services & Executive Offices						
Restoration		**54,036**				54,036
Operations, Maintenance & Construction Division						
Land Stewardship		**115,000**				115,000
Total Budgeted Expenditures	**128,922,219**	**243,665,721**	**161,397,113**	**33,462,821**	**0**	**567,447,874**
Encumbrances (Estimate)	9,044,327	25,455,564	34,479,180	135,634	0	69,114,705
TOTAL AMENDED EXPENDITURES AND ENCUMBRANCES	**137,966,546**	**269,121,285**	**195,876,293**	**33,598,455**	**0**	**636,562,579**
NET ASSETS, RESTRICTIONS, COMMITMENTS AND UNASSIGNED						
Net Assets (Worker's Compensation Fund Actuarial Need)				11,595,522		11,595,522
Nonspendable	63,421	6,193,500	0	0	14,026,192	20,283,113
Restricted	0	49,948,555	154,399,561	0	0	204,348,116
Federal Land Acquisition Fund (411000)			**-288,882**			-288,882
Committed	20,532,474	0	22,520,130	0	0	43,052,604
Amended Net Assets, Restrictions and Commitments	**20,595,895**	**56,142,055**	**176,630,809**	**11,595,522**	**14,026,192**	**278,990,473**
Unassigned	3,840,114	0	0	0	0	3,840,114
TOTAL AMENDED EXPENDITURES, ENCUMBRANCES, NET ASSETS, RESTRICTIONS, COMMITMENTS AND UNASSIGNED	**$162,402,555**	**$325,263,340**	**$372,507,102**	**$45,193,977**	**$14,026,192**	**$919,393,166**

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14th day of March, 2013

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY
ITS GOVERNING BOARD

BY _____
Chair

ATTEST:

BY _____
Assistant Secretary

APPROVED:

BY _____
Office Of Counsel
Print Name:

Attachment: Resolution BA#1 (MAR) (Resolution No. 2013 - 0302 : March Governing Board - FY2013 Budget Amendment)

Budget Amendment Item – Governing Board Memo Attachment
March 14, 2013

1. Law Enforcement Activities: $ 15,000

Additional security requested by Miami-Dade County for the Model Lands area. The existing law enforcement contract with the Florida Fish and Wildlife Conservation Commission will be utilized to satisfy the additional patrol, funds will be reimbursed by Miami-Dade County.

2. Exotic Plant Control: $ 100,000

This amendment recognizes revenues from the Florida Fish and Wildlife Conservation Commission to perform exotic plant control in the Dupuis management area. An additional task element was received from FWC to be completed by June 1, 2013.

3. Accounting Adjustment of Accumulated Fund Balance/Revenue: $0 Net Impact

This amendment shifts existing fund balance of $288,882 from a capital projects fund to a special revenue (operating) fund in compliance with the implementation of GASB 54 and adjusts the adopted revenue source. Prior to the creation of the companion fund categories, (operating and capital projects), lease revenue was collected in the Federal Land Acquisition Capital Projects Fund which was categorized as a capital projects fund because the traditional use was land acquisition. Land management activities are eligible expenditures for funding with lease revenue and in accordance with accounting guidelines should be spent from an operating (non-capital) fund. This amendment shifts fund balance from the capital projects fund to the operating fund utilizing an Operating Transfer between funds which is supported by accumulated fund balance. Going forward, lease revenue will be posted to the operating fund.

4. Groveland Agreement for : $ 25,000

This amendment recognizes revenues from the St. Johns River Water Management District (SJRWMD) for a financial feasibility study of the Groveland Reservoir and stormwater treatment area. The proposed project of the public private partnership between SFWMD, SJRWMD and Grove Land Utility, LLC would reduce stormwater discharge to the Indian River Lagoon from the C-25 Basin.

5. State Appropriation Four Corners Project: $ 29,036

This amendment recognizes fund balance from 2006-2007 state appropriations for Estero Bay to fund an agreement with Lee County for Four Corners Area Hydrologic Restoration which is concurrently being presented to the March Governing Board for approval.

Part VI Small Business Enterprise Contracting Program

40E-7.668 Policy.

(1) The rules under this Small Business Enterprise Contracting Program establish policies and procedures designed to help small businesses, including those owned by women and minorities, to participate in the South Florida Water Management District's ("District") procurement and contract activities.

(2) It is the purpose of the Program to spur economic development and support small businesses, including woman-owned and minority-owned businesses, to successfully expand in the marketplace.

(3) The District shall annually evaluate the progress of this Program and determine whether the specific provisions require any modification, expansion, and curtailment.

Specific Authority 373.044, 373.113 FS Law Implemented 373.1135 FS. History-New 8-3-06.

40E-7.669 Definitions.

(1) "Affiliate Business"' means a business that is a subsidiary of or owned in part by another business concern. Entities are affiliates of each other when one impacts the other by sharing resources or controls or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.

(2) "Applicant" an entity that is seeking District Certification or recertification.

(3) "Certification"' means the process by which the District determines that a business meets the District's criteria as a Small Business Enterprise (SBE).

(4) "Government Agency" means any Florida state, county, city or local municipality.

(~~4~~5) "Gross Receipts" means the total sales for the Applicant as specified in its Federal tax return or if a new company which has not filed a Federal tax returns, in its audited financial statement before deductions for returned items, allowances, and discounts.

(~~5~~6) "Industry Categories" means construction, commodities and services.

(~~6~~7) "Non SBE Prime" means a business not currently certified by the District as a small business enterprise which submits a bid or proposal for the purpose of being awarded a legally binding agreement as a Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

(~~7~~8) "Prime Contractor" means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions.

(~~8~~9) "Responsible" means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

(~~9~~10) "Responsive" means a business's bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

(~~10~~11) "District Small Business Enterprise (SBE)" means a business certified by the District, whose three (3) year average gross receipts, including affiliates, shall not exceed $13 million if the business provides construction, $5 million if the business provides commodities, and $6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license.

(~~11~~12) "SBE Prime" means a business certified by the District as a small business that submits a bid or proposal for the purpose of being awarded a legally binding agreement as a SBE Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and

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conditions with the District.
Specific Authority 373.044. 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06. Amended 8-29-07.

40E-7.670 Competitive Solicitation Preferences.
The Small Business Enterprise Contracting Rule in this part provides for three types of Competitive Solicitation Preferences designed to assist small businesses. The Bid Equalization, Sheltered Market and Subcontracting Requirements are outlined below.

(1) Bid Equalization. This process enables the District to award a contract to a SBE Prime even though the SBE Prime was not the low bidder as long as the SBE Prime's bid was within a predetermined percentage of the lowest Non-SBE Prime's responsive, and responsible bid. Bid Equalization preferences are used only in construction solicitations.

Prior to solicitation, the District must determine whether to use the Bid Equalization preference. Should the District choose to use this preference, the District must first obtain the District engineer's estimate for the construction work being contemplated in the solicitation. Based on the estimate, the District will establish the percentage preference to apply in the solicitation. The percentages will be applied as follows:

(a) For contracts with an estimated value of $2,000,000 or more, the District shall implement a maximum bid adjustment of one percent (1%).

(b) For contracts with an estimated value of more than $500,001 but less than $2,000,000, the District shall implement a maximum bid adjustment of five percent (5%).

(c) For contracts valued at $500,000 or less, the District shall implement a maximum bid adjustment of ten percent (10%).

(d) The solicitation language shall clearly state that based on the District's estimate, a certain percentage preference will be applied to an SBE Prime, if the SBE Prime meets all of the requirements for the preference. For example, if the District engineer's estimate for a construction project is $100,000, the District shall establish a 10% preference for a SBE Prime. If a Non-SBE Prime is the lowest responsive and responsible bidder at $100,000 and the next lowest responsive and responsible bid is by an SBE Prime at $103,000, the SBE would be provided the ten percent preference and be awarded the contract at $103,000. The SBE Prime's bid was only $3,000 greater than the Non-SBE Prime. Therefore the SBE Prime was 3% over and well within 10% of the lowest Non-SBE Prime's responsive and responsible bid and able to take advantage of the preference to obtain the contract award.

(e) The Bid Equalization does not apply to bids let under the Sheltered Market Program or when all bids received are from SBE Primes.

(2) Sheltered Market Program. The District shall provide for sheltered markets for only SBE's to bid on designated solicitations. ~~The District shall be guided in designating a sheltered market by selecting industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses.~~ In order to designate a sheltered market the District must identify at least 3 SBEs available to perform work within the industry identified in the solicitation.

(3) Subcontracting Requirements.

(a) Bids - The District shall set subcontracting goals for all bids based on availability. <u>The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms.</u> Availability refers to vendors registered with the District, including SBE firms able to perform work within specific commodity codes. ~~The formula for setting a goal is expressed as the total number of SBE firms within specific commodity codes in a scope of work divided by the total number of vendors registered with the District's Procurement Department within the same commodity codes at the time of the preparation of the solicitation. Numerically, this is expressed as: Total Number of SBE's/Total Number of District Registered Vendors = Subcontracting Goal Percentage~~

The maximum goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall provide work to one or more SBEs in order to meet the goal. At the time of submittal of its

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bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule" effective (~~August 3, 2006~~March , 2013), which is hereby incorporated by reference and which can be obtained from the District upon request. All bids submitted where SBE participation is required, shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor" effective (~~August 3, 2006~~March , 2013), which is hereby incorporated by reference and can be obtained from the District upon request. This form shall be signed by ~~both~~ the SBE subcontractor~~. and the bidder and the~~ ~~f~~Form No. 0956 and Form No. 0957, together called the SBE Subcontractor Utilization Plan, shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Failure to submit any of the information as required herein shall lead to the bid being deemed non-responsive.

Any bidder failing to meet the established goal shall be deemed non-responsive. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its bid or be deemed non-responsive. If the SBE Prime intends to perform 100% of the work, the SBE Prime does not have to submit the aforementioned forms.

(b) Standard Proposals - For contracts awarded based on an evaluation criteria, the District shall determine subcontracting goals for each solicitation based on availability of SBE firms as stated above in Section 3(a) ~~award points as reflected in Table 7.6-2. The maximum points will be awarded to the proposer if 25% or more of the total project work is performed by SBE firms~~. The maximum goal that will be applied to any solicitation will be 25%. The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. ~~Percentages reflect the amount of the total contract value proposed to be assigned to SBE firms.~~

~~**TABLE 7.6-2**~~
~~**EVALUATION POINT TABLE**~~

~~10 POINTS FOR SBE PARTICIPATION~~	
~~≥ 25% =~~	~~10 Points~~
~~≥ 23% =~~	~~9 Points~~
~~≥ 21% =~~	~~8 Points~~
~~≥ 19% =~~	~~7 Points~~
~~≥ 17% =~~	~~6 Points~~
~~≥ 15% =~~	~~5 Points~~
~~≥ 13% =~~	~~4 Points~~
~~≥ 11% =~~	~~3 Points~~
~~≥ 9% =~~	~~2 Points~~
~~≥ 7% =~~	~~1 Point~~

~~(c)~~ At the time the proposal is submitted the proposer shall identify all SBE firms (if any) which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule" effective (~~August 3, 2006~~ March , 2013), which is hereby incorporated by reference and which can be obtained from the District upon request. All proposals with SBE subcontractor participation shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor" effective (~~August 3, 2006~~March , 2013), which is hereby incorporated by reference and can be obtained from the District upon request. This form shall be signed by the SBE subcontractor ~~and the proposer and the form shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform~~. Form No. 0956 and Form No. 0957 together called the SBE Subcontractor Utilization Plan shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its proposal. ~~Non SBE Primes will not receive points if they choose not to use SBE~~

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~~subcontractors. The District will not provide SBE points to a proposer if the District cannot establish the proposer's intent.~~ Any non SBE Primes failing to meet the established goal shall be deemed non-responsive.

(c) Work Order Proposals – Solicitations awarded based on evaluation criteria, where the scope of a specific project is not clearly defined resulting in work order contracts, will not contain a goal, but shall require proposers to commit to goals assigned to individual work orders issued throughout the term of the contract. The goal for individual work orders shall be based on availability of SBE firms as stated above in Section 3(a). The maximum goal that will be applied to any work order will be 25%. At the time the proposal is submitted the proposer shall identify all proposed SBE firms which will be utilized as subcontractors.

At the time a work order with an SBE goal is assigned, the Prime Contractor shall submit a cost proposal, identify all SBE subcontractors and the percentage of work that the SBE subcontractor(s) will perform by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule" effective March , 2013, which is hereby incorporated by reference and which can be obtained from the District upon request. All cost proposals shall also include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor". This form shall be signed by the SBE subcontractor. A work order will not be executed with a Prime Contractor whose cost proposal does not meet the established goal for that work order. In addition, failure to meet the goal set by the District for an executed work order will result in a breach of contract by the Prime Contractor.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended 8-29-07.

40E.-7.671 District Implementation.

The District shall ensure all small businesses have the maximum opportunity to participate in the District's contracting and procurement processes. The following are examples of efforts to be taken by the District:

(1) Establish a Small Business Enterprise ~~office~~ program to implement the rules established under this Part.

(2) Identify all competitive contracting opportunities within the District budget for SBE participation.

(3) Analyze SBE availability to provide the products or services identified for contracting at either the prime contract or subcontract levels.

(4) Maintain a database of all SBEs.

(5) Monitor and maintain records of steps taken and results achieved to maximize SBE participation.

(6) ~~Evaluate~~ Monitor the District's efforts to achieve SBE objectives.

(7) Provide training to District staff on the District's SBE Rule.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New8-3-06.

40E-7.672 Compliance.

The District shall monitor and evaluate Program performance and compliance as follows:

(1) Each District contract shall contain a provision requiring the contractor, during the term of the contract, to comply with, as to tasks and proportionate dollar amounts throughout the term of the contract, all commitments made in their bids or proposals for use of SBEs.

(2) Each District contract shall contain a provision requiring maintenance of records, and information necessary to document compliance with the rules under this Part and shall include the right of the District to inspect such records.

(3) Each District contract shall contain a provision prohibiting any agreements between a contractor and a SBE in which the SBE promises not to provide subcontracting quotations to other respondents or potential respondents.

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(4) ~~The Prime Contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to SBE subcontractors.~~

~~(5)~~ Prime ~~c~~Contractors must notify the District when the need to add or replace an SBE subcontractor arises~~. When a SBE substitution is requested, the Contract Specialist will request a letter from the contractor explaining why substitution is needed. The prime contractor~~ and shall provide ~~attach~~ a completed Form No. 1373, "Small Business Enterprise Subcontractor Revised P~~p~~articipation Schedule", effective March , 2013, which is hereby incorporated by reference and which can be obtained from the District upon request, which contains an explanation of the need for the substitution. In addition, a completed Form No. 0957, "Statement of Intent to Perform as an Small Business Enterprise Subcontractor", must be submitted if applicable~~plan to the letter~~.

(~~a~~6) Failure of the Prime Contractor to honor the SBE requirements of an awarded contract shall be a material breach of the contract which may result in the Prime Contractor being deemed non-responsive in subsequent bids or proposals and /or suspension or debarment of the firms pursuant to Chapter 40E-7, Part II F.A.C.

(~~6~~7) Each District contract awarded with SBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with the requirements of the bid or proposal submitted to the District by a contractor shall be considered a material breach of contract which may result in suspension or debarment of the firms or individuals involved pursuant to Chapter 40E-7~~, Part II F.A.C~~.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06.

40E-7.673 Certification Eligibility- Small Business Enterprise.

District staff shall have the authority to accept, review, approve, certify, decertify and deny applications for SBE certification. An applicant business must be registered with the District as a vendor prior to submitting an application for certification.

(1) Applicant businesses shall submit applications for SBE certification using Form No. 1231, "SBE Certification Application", effective August 3, 2006, which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite number, if any, city and correct zip code. A post office box will not be acceptable absent a street address.

(2) To establish that it is a small business, the applicant shall:

(a) Provide documentation to demonstrate that the three (3) year average gross receipts of the business concern, together with its affiliates, does not exceed $13 million for Construction, $5 million for Commodities, and $6 million for Services. In determining the gross receipts of the business and its affiliates, the District shall consider the three (3) federal tax returns filed by the Applicant for the three (3) years immediately preceding their application. If the Applicant has not filed three (3) federal income tax returns for the three (3) years immediately preceding their application, then the Applicant must submit a financial statement, for any of the three (3)years immediately preceding the application in which the Applicant did not file a federal income tax return(s). The financial statement must be prepared by a Certified Public Accountant as defined by Section 473.301, F.S., not employed by the Applicant but retained for the purpose of preparing financial statements for the Applicant. Applicants in business less than one (1) year are to submit an opening balance sheet and income statement for the months in which they were in business.

(b) The applicant must demonstrate that it is licensed to do business in the State of Florida if the business requires a license.

(c) The Applicant may only have one (1) business certified with the South Florida Water Management District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06.

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40E-7.674 Certification Review Procedures.

(1) Upon receipt by the District, all applications for SBE certification shall be screened to ensure appropriate signature and completeness. The application must be signed by the individual with the authority to bind the applicant.

~~(2)~~ Within ~~thirty~~ sixty (~~3~~60) days following receipt of the application, the District will request that the applicant business to furnish omitted items or additional information, if any. All requested information must be received by the District within ~~thirty~~ sixty (~~3~~60) days from the date of the request~~,~~ or the applicant ~~District~~ will be deemed ineligible for certification. Applicants may re-apply. ~~return the unprocessed application to the applicant business.~~

(3) Applicants determined eligible shall receive certification as an SBE from District staff. Once certified, an applicant shall remain certified for a period of three (3) years unless the applicant fails to follow this rule and is sanctioned pursuant to the rule. The District retains the right to re-evaluate the certification of any business at any time.

(4) Applicants determined ineligible shall receive a notification from the District. Applicants receiving this notification of ineligibility shall not be eligible to submit new applications until 180 days after the date of the notice denying certification.

Specific Authority 373.044. 373.113 FS. Law Implemented 373.1135 F.S. History-New 8-3-06, Amended 8-29-07.

40E-7.675 Recertification Review Procedures.

(1) Applications for recertification shall be submitted using Form No., 1232 "SBE Application for Recertification", effective August 3, 2006, which is hereby incorporated by reference and available from the District upon request.

(2) The District will notify SBEs no later than sixty (60) days before the end of the certification period that the SBE's certification is about to expire. If the SBE is unable to use the recertification document because of changes to the applicant's business, the SBE shall notify the District in writing of the changes to its company. The District shall determine if the company still complies with the certification criteria set forth in Rule 40E-7.673, F.A.C. Recertification requests must be filed with the District no later than the last effective date of the current certification period.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within ~~thirty~~ sixty (~~3~~60) days following initial receipt of the applicant's recertification request, the District will request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within ~~thirty~~ sixty (~~3~~60) days from the date of the request, the District will deny the application for recertification.

(4) Recertification shall be granted when the applicant has complied with this rule and substantiates continued eligibility for SBE status.

(5) Applicants deemed eligible shall receive a recertification letter stating the length of time for which the business has been recertified and the specialty areas of the business. Once recertified, an applicant shall remain certified for a period of three (3) years unless the District determines that the applicant no longer meets the eligibility requirement of this Rule. The District retains the right to reevaluate the certification of any business at any time.

(6) Applicants determined ineligible for recertification shall receive a letter citing the specific criteria of subsection 40E-7.673(2), F.A.C, that they failed to meet and advising that they shall not be eligible to submit new applications until 180 days after the date of the notice or the District's final agency order denying recertification.

(7) If an application for recertification is timely submitted, an SBE shall remain certified until the District has made a determination concerning eligibility.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06.

Attachment: ca_as_301_sd1 (1181 : Notice of Proposed Rule - SBE)

40E-7.676 Decertification.
Decertification is the process by which the District shall take steps to retract a business's certification as an SBE. The decertification of an SBE shall occur when the District determines that an SBE no longer complies with the District's certification criteria. The District will also decertify an SBE if the District learns that the SBE submitted false information in order to obtain SBE certification.

(1) District staff shall inform the SBE in writing by certified mail, return receipt requested, of the facts or conduct which formed the basis for decertification.

(2) The decertification notice issued by the District shall contain:

(a) The statutory provisions(s) or rules(s) of the Florida Administrative Code which the District alleges that the SBE violated; and

(b) The specific facts or conduct relied upon to justify the decertification; and

(c) A statement that the firm has the right to file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., within 21 days of receipt of the decertification notice; and

(d) A statement that the decertification shall become conclusive and final agency action if no request for a hearing is filed with the District Clerk's office within 21 days from receipt of the decertification notice.

(3) If the firm fails to file a request for a hearing within 21 days after receipt of the notice, the decertification shall become conclusive and final agency action.

(4) If the SBE files a request for an administrative hearing, the firm shall remain certified unless and until a Final Order is issued by the District decertifying the firm after an administrative hearing.
Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06.

40E-7.677 Reciprocity.
Reciprocal ~~application~~ certification shall be granted to applicant businesses which have been certified by other ~~jurisdictions that meet the District certification standards as outlined in this rule.~~Florida Government Agencies providing that the agency has a small business program and that the applicant business is certified as an SBE by that agency. Applicant shall provide the District with documentation that provides the date of certification and expiration date. The District reserves the right to request any additional documentation deemed necessary to certify with the District.
Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06.

40E-7.678 Administrative Hearings.
If an applicant business believes it has been wrongly denied certification, or recertification or that it has been inappropriately decertified as an SBE, it may file a request for hearing pursuant to Sections 120.569 and 120.57, F.S., by submitting a petition in accordance with Chapter 28-106, F.A.C, within 21 days of receipt of Notice of Denial of certification or recertification or Notice of Decertification as a District *SBE.*
Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06.

Attachment: ca_as_301_sd1 (1181 : Notice of Proposed Rule - SBE)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement of Intent to Perform as a Small Business Enterprise Subcontractor

Solicitation No. or Contract No. _____

A signed "Statement of Intent to Perform as a SBE Subcontractor" must be completed by the owner or authorized principal of each SBE firm listed in the "SBE Subcontractor Participation Schedule" Form No. 0956.

_____ agrees to perform work on the above contract as (check one):
(Name of SBE Subcontractor)

☐ a partnership; ☐ a corporation; ☐ an individual; ☐ a joint venture

SBE Subcontractor

The SBE Subcontractor will enter into a formal agreement, conditioned upon the Bidder/Proposer executing a contract with the District for the work with _____ .
(Name of Bidder/Proposer)

Item No.	Type of Work	Agreed Price (For CCNA, Agreed Percentage)	% of Work
1		$	%
2		$	%
3		$	%
	Total Value of Work	**$**	**%**

_____ SBE Subcontractor Signature

_____ Title

_____ Date

Attachment: ca_as_301_sd2 (1181 : Notice of Proposed Rule - SBE)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SMALL BUSINESS ENTERPRISE SUBCONTRACTOR PARTICIPATION SCHEDULE

Contract/ Solicitation No.			Date Submitted		
Project Name & Location			Project Start Date		
Bidder/Proposer					
Address					
Contact Person		Email Address		Telephone No.	

ORGANIZATION STATUS

Business Association	Business Name	Business Address	Business Phone #	Work to be Performed: Describe Type of Work to be Performed	Work to be Performed: % of Work	Work to be Performed: Dollar Amount
Prime Bidder/Proposer						
Non SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
				Total Participation	100%	**$0.00**
				Total Contract		**$0.00**

The listing of a Small Business Enterprise (SBE) shall constitute a representation by the bidder/proposer to the District that the bidder/proposer believes such SBE to be technically and financially qualified and available to perform the work described. Bidders/Proposers are advised that the information contained herein may be verified.

Bidder/Proposer Signature | Title | Date

Attachment: ca_as_301_sd (1181 : Notice of Proposed Rule - SBE)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SMALL BUSINESS ENTERPRISE SUBCONTRACTOR REVISED PARTICIPATION SCHEDULE

Contract No.		Date Submitted	
Project Name & Location		Project Start Date	
Bidder/Proposer			
Address			
Contact Person		Email Address	Telephone No.

ORGANIZATION STATUS

Business Association	Business Name	Business Address	Business Phone #	Work to be Performed: Describe Type of Work to be Performed	% of Work	Dollar Amount
Prime Bidder/Proposer						
Non SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
SBE Subcontractor						
				Total Participation	100%	**$0.00**
				Total Contract		**$0.00**

The prime contractor must notify the District when the need to substitute a Small Business Enterprise (SBE) Subcontractor. Please provide a Revised SBE Subcontractor Utilization Plan and a brief explanation of the need for the substitution. Please enter the explanation in the space provided below.

The listing of a SBE shall constitute a representation by the bidder/proposer to the District that the bidder/proposer believes such SBE to be technically and financially qualified and available to perform the work described. Bidders/Proposers are advised that the information contained herein may be verified.

Bidder/Proposer Signature _____ Title _____ Date _____

Attachment: ca_as_301_sd3 (1181 : Notice of Proposed Rule - SBE)

NOTICE OF PROPOSED RULE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NOS.:	RULE TITLES:
40E-6.011	Policy and Purpose
40E-6.021	Definitions
40E-6.031	Implementation
40E-6.041	Consent Required
40E-6.051	Exemptions
40E-6.091	Publications Incorporated by Reference
40E-6.101	Content of Application
40E-6.121	Conditions for Issuance of Notice General Permit
40E-6.201	Content of Application
40E-6.221	Conditions for Issuance of Standard Permits
40E-6.321	Duration of Permits
40E-6.331	Modification of Permits
40E-6.341	Revocation of Permits
40E-6.351	Transfer of Permits
40E-6.361	Financial Assurances and Insurance
40E-6.381	Limiting Conditions
40E-6.451	Emergency Authorization
40E-6.481	Emergency Measures
40E-6.501	Unlawful Use and Civil Penalties
40E-6.521	Self Help
40E-6.601	Permit Application Processing Fees
40E-6.701	C-18 Policy and Purpose
40E-6.711	C-18 Canal Right of Way Boundary
40E-6.721	C-18 Permits Required
40E-6.731	C-18 Exemptions
40E-6.741	C-18 Limiting Conditions
40E-6.751	C-18 Use Zones

PURPOSE AND EFFECT: To amend Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., to repeal Rules 40E-6.101 and 40E-6.121, F.A.C. and to create new Rules. The rule amendments and repeals are being done in order to update right of way permitting rules in need of correction, modification and/or clarification in an effort to streamline and clarify the permitting process and correct inaccuracies. New Rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741, and 40E-6.751, F.A.C, will merge relevant portion of Chapter 40E-62, F.A.C. use of the District's C-18 Canal Right of Way into chapter 40E-6, F.A.C. and repeal the remainder of Chapter 40E-62, F.A.C.

SUMMARY: The Right of Way Permitting Program provides an evaluation process for requests to connect with and/or make use of Works and Land of the District in accordance with Sections 373.085 and 373.086, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of these rules. A SERC has been prepared by the agency. Permitting fees have not been increased and regulations have been reduced. The rule revisions streamline and clarify the permitting process. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. Since regulatory costs will be reduced, legislative ratification pursuant to Section 120.541(3), F.S., is not required.

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113, 373.129, F.S.

LAW IMPLEMENTED: 373.016, 373.083, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.119, 373.129, 373.1395, 373.439, 373.603, 373.609, 373.613, 120.60(5), 380.06(9)(b), 403.0877, 471.003, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 9, 2013 beginning at 9:00 a.m.
PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk at 1(800)432-2945, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800) 955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jorge Patino, Section Administrator - Right Of Way, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext. 6175 or (561) 682-6175 or by email to jpatino@sfwmd.gov. For procedural questions, please contact Juli Russell, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6268 or (561)682-6268 or by email to or jurussel@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-6.011. Policy and Purpose.

(1) This chapter governs the use of or connection to works or lands of the District. Conditions and criteria are established to ensure that uses are compatible with the construction, operation, and maintenance of such works or lands.

(2) Due to the critical importance of works and lands of the District in providing flood protection and other benefits, it is considered essential that the District retain complete dominion and control over the use of such works or lands, including those subject to right of way occupancy permits. The District acts in a proprietary capacity in acquiring lands or interests therein for utilization as works of the District. These rules are based upon proprietary concepts of property law. A "permit" to utilize works or lands of the District is a contract between the District and the "permittee," whereby the permittee obtains a license which is revocable at will, except as otherwise provided herein. All risk of loss regarding expenditures in furtherance of the permitted use is borne by the permittee. The District retains complete discretion as to the manner, if any, in which works or lands of the District shall be utilized, and nothing in these rules is intended to limit that discretion.

(3) An exception to subsection (2), above, is made for governmental entities and utilities, which may have their consent to utilize District works or lands revoked only for cause, pursuant to the criteria set forth in this chapter.

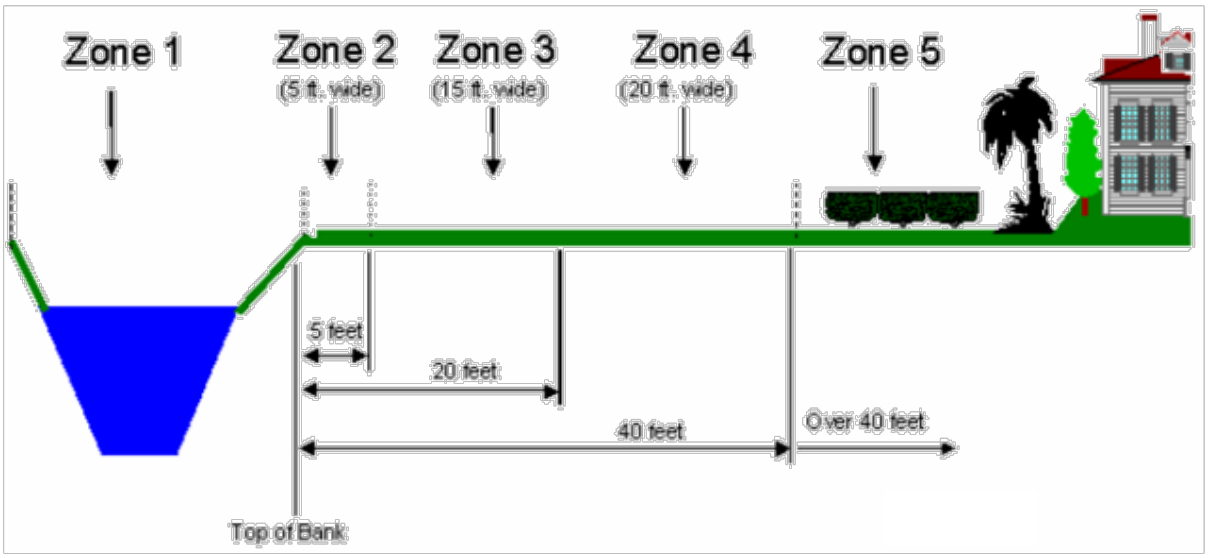
(4) The District has determined that an unencumbered 40 foot wide strip of right of way, measured from the top of bank landward, is required in order for the District to perform the required routine and emergency operations and maintenance activities necessary to insure flood protection to the entire community. In this 40 foot right of way, subject only to limited exceptions provided in this rule, the District shall not authorize any above-ground facilities or other encroachments.

(5) The requirement for the unencumbered 40 foot right of way shall be applicable regardless of the District's quality of title to the right of way and regardless of the width of the overbank right of way.

(6) In the past, the District has authorized certain above-ground facilities and uses on its rights of way within a 40 foot wide area adjacent to the top of bank, as set forth in subsection (4), above. However, over time and with experience gained in disaster preparation, operation and recovery, the District has determined that these previously authorized above-ground facilities and uses are now inconsistent with the current and future operation and maintenance needs of the District. These facilities and uses have also been determined by the District to increase the

operation and maintenance costs (for both routine and emergency operation and maintenance activities) and pose a significant additional physical burden on District staff. Subject to those uses specifically allowed in the C~~c~~riteria Manual for Use or Occupancy of the Works or Lands of the District (Criteria Manual) ~~(Basis of Review)~~, no future authorizations by the District shall allow above-ground facilities or uses within that 40 foot wide area adjacent to the top of bank within the right of way, and all previous authorizations for facilities and uses shall be expressly limited to minimize their adverse impact on District operations and maintenance. Specifically, such authorizations shall not be modified or transferred, and shall be subject to the revocation provisions set forth herein as determined necessary by the District in order to meet its current and future operation and maintenance responsibilities to provide adequate flood protection to the community.

(7) In order to effectively and efficiently evaluate proposed installations of above-ground facilities and uses, the District has segmented the canal and rights of way into five (5) operational zones shown on the diagram below:



The District's rights of way vary in width, and may be either less than forty feet or more than forty feet in width. Accordingly, in those cases when the right of way is less than forty feet, only those zones depicted above would be applicable to the actual width of the right of way.

The specific above-ground facilities and uses which are consistent with the District's operation and maintenance needs, and which will generally be authorized are set forth in Rule~~s 40E-6.121 and~~ 40E-6.221, F.A.C. Those facilities and uses not specifically identified as being consistent with the District's operation and maintenance needs for the respective zones have been determined by the District to be inconsistent with District operation and maintenance needs and no District authorization shall be granted.

(8) Due to the varying widths and physical limitations of the rights of way obtained by the District for the canals of the Big Cypress Basin, maintenance of the Basin canals is currently performed with different equipment than is utilized throughout the remainder of the District. Based on the differing maintenance needs of the Big Cypress Basin, application of the five operational zones, as set forth in subsection (7), above, will be reviewed on a case by case basis taking into account the width of overbank right of way, the accessibility of the right of way to land-based maintenance equipment and any site specific conditions that would impact the Basin's ability to operate and maintain the canal which is the subject of a particular application.

(9) The District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions in zones 2, 3, 4, and 5 may be allowed, such determination shall be at the sole discretion of the

District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

(10) The District has further determined that certain facilities and uses meeting specific minimum criteria for various right of way zones shall more efficiently be granted authorization with a limited review by District staff, since these specific facilities and uses do not adversely impact the District's ability to operate and maintain the District's right of way and works of the District. Such authorizations shall be administered by the provisions of Rules 40E-6.201~~101~~ and 40E-6.221~~121~~, F.A.C., as a notice general permit. The District will incur less expense in the review of notice general permit applications, and, therefore the application processing fee associated with such facilities and uses shall reflect accordingly, as set forth herein. If multiple uses are being requested and any of those uses require a standard permit, all authorizations shall be requested under the standard permit application and a notice general permit will not be required.

(11) In managing its canal and levee system the District must, from time to time, change its criteria and permit requirements based on regional and site specific conditions. Applicants are cautioned that the information provided by District staff is based on the best available information at the time the information is conveyed, but is subject to change. This is particularly true when applicants delay months or years in submitting an application for permit. Therefore the rules, criteria and requirements in effect at the time a formal application is received for review will be applied to the permit application.

Rulemaking~~Specific~~ Authority 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.118, 373.129, 373.1395 FS. History--New 9-3-81, Formerly 16K-5.01(1), Amended 12-29-86, 9-15-99, 7-12-06, _____.

40E-6.021. Definitions.

(1) The term "above-ground facilities" when used in these rules is intended to mean any and all physical improvements or uses, whether man-made or natural (e.g., vegetation), that are extended above the existing surface of the ground.

(2) The term "change of ownership" when used in these rules is intended to mean the sale, purchase, or transfer of beneficial ownership of property adjacent to the District's right of way relative to a right of way occupancy permit; or in the case of utilities, bridges, or other such public facilities, the sale, purchase, or transfer of responsibility.

(3) The term "easement" when used in these rules is intended to mean the District's legal interest in the land for a specific limited use, such as access, construction, operation and maintenance of a canal or levee, access, stock piling of spoil material, or flowage of the land of another.

(4) The term "fee" ownership when used in these rules is intended to mean absolute and unconditional ownership by the District.

(5) The term "financial assurances" when used in these rules is intended to mean a cash bond to be held by the District in a non-interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District.

(6) The term "marina" when used in these rules is intended to mean a docking facility for four (4) or more watercraft.

(7) The term "modification" when used in these rules is intended to mean the addition or deletion of any facilities or uses not specifically authorized by the original permit.

(8) The term "notice general permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District for specific types of ~~proposed~~ uses, with limited review by District staff, as set forth herein, and not requiring Governing Board approval.

(9) The term "owner" when used in these rules is intended to mean the individual or entity legally responsible for the ownership and control of the ~~proposed~~ facility or authorized use.

(10) The term "permit transfer" when used in these rules is intended to mean the changing of responsibility for the permit authorization from one person or entity to another.

(11) The term "public works project" when used in these rules is intended to mean projects such as bridges, roads, utilities, and parks.

(12~~11~~) The term "right of way" when used in these rules is intended to mean those lands acquired by the District in fee, easement, or other type of grant, for the purpose of construction, operation~~s~~ and maintenance of works of the District~~'s~~ including, but not limited to, canals, ~~and~~ levees~~ system~~, water control structures, spoil areas, Stormwater Treatment Areas (STAs), and access roads~~ and other easements~~.

(13~~12~~) The term "right of way occupancy permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District, either by a notice general permit or a standard permit.

(14) The term "safety features" when used in these rules is intended to mean those appurtenances/facilities associated with public work projects such as signage, guardrails, bollards, signalization, handrails and lighting/security poles.

(15~~13~~) The term "STA" when used in these rules is intended to mean the District's Everglades Nutrient Removal Project ("ENR"), as well as those areas currently, or in the future, designated by the District as Stormwater Treatment Areas.

(16) The term "staging area" when used in these rules is intended to mean that portion of land, 100' in length, for the entire width of the District's right of way, located on the upstream and downstream sides of all bridge and pile-supported utility crossings.

(17~~14~~) The term "standard permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District for all uses not covered by a notice general permit, with a full review by District staff, as set forth herein, and requiring Governing Board approval.

(18~~15~~) The term "top of bank" when used in these rules is intended to mean the point at which the flat or nearly level ground surface transitions down to the channel along the side slope of the canal bank.

(19~~16~~) The term "tree" when used in these rules is intended to mean not only the trunk of the tree, but the farthest part of the canopy of the tree at maturity as well.

(20~~17~~) The term "utility" when used herein means ~~companies~~ entities ~~actually~~ providing ~~essential~~ water, electric, telephone, fiber optic/cable, sewer, or natural gas services. ~~All other services shall be considered non-essential.~~

(21~~18~~) The term "violator" when used in these rules is intended to mean any persons or entities acting contrary to the provisions of Chapter 373, F.S., these rules, as well as the provisions of any permit issued pursuant to these rules.

(22~~19~~) The term "w~~W~~orks of the District" when used in these rules is intended to mean the canals, levees, structures, lands, water bodies, and other associated facilities which have been adopted as such by the District's Governing Board.

(23~~20~~) The term "Zone 1" when used in these rules is intended to mean the canal channel from the top of bank to the opposite top of bank, as depicted in ~~Figure 1~~Rule 40E-6.011(7), F.A.C.

(24~~21~~) The term "Zone 2" when used in these rules is intended to mean the point on the right of way from the top of bank to a point five (5) feet landward, as depicted in Rule 40E-6.011(7), F.A.C~~Figure 1~~.

(25~~22~~) The term "Zone 3" when used in these rules is intended to mean the point on the right of way from a point five (5)feet landward from top of bank to a point twenty (20) feet landward, as depicted in Rule 40E-6.011(7), F.A.C~~Figure 1~~.

(26~~23~~) The term "Zone 4" when used in these rules is intended to mean the point on the right of way from a point twenty (20) feet landward from top of bank to a point forty (40) feet landward, as depicted in Rule 40E-6.011(7), F.A.C~~Figure 1~~.

(27~~24~~) The term "Zone 5" when used in these rules is intended to mean any right of way located farther than forty (40) feet from the top of bank, as depicted in Rule 40E-6.011(7), F.A.C~~Figure 1~~.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-15-99, Amended 7-12-06,_____.

40E-6.031. Implementation.

(1) The effective date for the program established in this chapter is ~~September15, 1999~~_____.

(2) All permits issued prior to the effective date of these rules shall remain in effect, except as provided herein.

(3) All applications, and permit application processing fees, for permits received by the District prior to the effective date of these rules shall be processed using the criteria set forth in ~~Volume V,~~ Criteria Manual for Use or Occupancy of the Works or Lands of the District -- Permit Information Manual, adopted ~~December 24, 1991~~ _____.

(4) All applications, and permit application processing fees, received by the District on or after the effective date of these rules shall be subject to the provisions of these rules and the criteria adopted pursuant to these rules as set forth in Rule 40E-6.091, F.A.C.

Rulemaking ~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-3-81, Amended 12-29-86, 9-15-99, _____.

40E-6.041. Consent Required.

(1) Unless expressly exempt by law or District rule, a right of way occupancy permit, either a notice general permit or a standard permit, must be obtained prior to connecting with, placing structures in or across, discharging into or making use of the works of the District and any additional lands or real property interest owned by the District used in conjunction with such works, including the Stormwater Treatment Areas (STA's)~~Works or lands of the District subject to this requirement appear in the document listed in Rule 40E-6.091, F.A.C~~.

(2) All other use and occupancy of District works or lands must be consistent with the purposes and objectives of Ch. 373, F.S., and Title 40E, F.A.C.

(3) These rules do not apply to:

(i) those portions of "Management Areas" described ~~property managed by the District~~ pursuant to Chapter 40E-7, Part V, F.A.C., not contained within works of the District, or

(ii) property managed by the District pursuant to the District's r~~R~~eal e~~E~~state or leasing p~~P~~olic~~y~~ies, except as otherwise limited by Rule 40E-6.221(8), F.A.C.

(4) These rules do not apply to the Seminole Tribe of Florida at such time as there exists a District approved agreement specifically addressing the use and management of District rights of way between the District and the Seminole Tribe of Florida.

(5) Except when works or lands of the District have been affirmatively opened to public vehicular use, a right of way occupancy permit must be obtained prior to traveling on or across such works or lands.

(6) A conceptual approval for the use of works of the District may be obtained by processing a right of way occupancy permit application in conjunction with the request for a letter of conceptual approval only if the letter of conceptual approval is requested pursuant to section 380.06(9)(b), F.S.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 380.06(9)(b), 373.118 FS. History--New 9-3-81, Formerly 16K-5.01(1), 16K-5.10, Amended 7-1-86, 12-29-86, 12-24-91, 9-15-99, ____.

40E-6.051. Exemptions.

(1) The following uses are exempt from permitting under this chapter where such facilities and uses comply with the criteria contained in the document listed in subsection 40E-6.091(1), F.A.C.:

(a) The planting or maintenance of native or drought and insect resistant turf grasses;

(b) Drain lines (pool, roof, air-conditioning);

(c) Low lying groundcover in certain zones;

(d) Irrigation lines, flush or pop-up sprinklers, draft lines; and

(e) Not-for-profit, organized boat races, regattas and similar activities.

(2) An exemption from these rules shall not relieve any person or entity from compliance with other District permit requirements and any applicable permit requirements of federal, state and local government.

(3) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

(4) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 12-24-91, Amended 9-15-99, 7-12-06, _____.

40E-6.091. Publications Incorporated by Reference.

(1) The "Criteria Manual ~~Basis of Review~~ for Use or Occupancy of the Works or Lands of the District ~~Permit Applications within the South Florida Water Management District~~ -- ~~September 15, 1999~~ _____" ("Criteria Manual")(NEED TO INCLUDE HYPERLINK TO DOS), which includes separate and distinct minimum criteria developed to address the unique characteristics and operational needs of the respective areas of the District ~~for the Okeechobee Basin, the Big Cypress Basin, and the STA's, is hereby published by reference and incorporated into this Chapter~~.

(2) The works and lands of the District ~~lands and works~~ subject to this Chapter are adopted by the Governing Board by Resolution in accordance with the provisions of section 373.086, F.S., ~~The District's lands and works are listed in the document referenced in subsection (1) and are hereby published by reference and incorporated into this Chapter~~A current list of the adopted Works of the District is available upon request and can also be located on the District's website (www.sfwmd.gov).

(3) The document listed in subsection (1) is published by the District and available upon request, as well as located on the District's website.

Attachment: 2013-03-01 Notice of Proposed Rule 40E-6 (1173 : Notice of Proposed Rule for ROW Permitting)

RulemakingSpecific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 403.0877 FS. History--New 9-3-81, Formerly 16K-5.01(3), Amended 12-29-86, 12-24-91, 9-15-99, _____.

40E-6.101. Content of Application. (REPEALED)

(1) Applications for permits required by this Subpart shall be filed with the District. The applications shall contain the following information:

(a) Form NGP-1 "Application to the South Florida Water Management District for Right of Way Notice General Permit" effective date September 15, 1999, which is hereby incorporated by reference and which may be obtained at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406;

(b) The applicant's name and address including zip code and phone number;

(c) All owner's names, as appearing on the tax rolls, and complete address and phone numbers if applicant or user is other than the owner(s);

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) Whether the proposed use is a modification, an existing use, or is a new use;

(f) A description of the proposed use of or encroachment on works or lands of the District;

(g) A description of the proposed use of or encroachment on works or lands of the District and in which zone, as depicted in Figure 1, the proposed use will be located;

(h) Six copies of a scaled or fully dimensioned 8 1/2 " x 11" drawing, reflecting the proposed use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings or aerial photographs shall be required, if necessary to adequately show the location and nature of the proposed use. A property survey, indicating the location of the District right-of-way boundary line shall also be provided.

1. All drawings shall utilize English units of measure or a combination of both English and metric units of measure. Vertical datum shall be National Geodetic Vertical Datum (1929), North American Vertical Datum(1988), or Mean Sea Level and the datum utilized shall be specified on the drawing(s).

2. All drawings for seawalls or bulkheads and subaqueous or pile supported crossings shall be supported with cross sections of the existing channel. Unless waived or modified by the District pursuant to prior written request by the applicant, soundings for the cross sections shall be taken at 10 foot intervals from top of bank to top of bank and shall be tied to both canal/levee right of way lines. For subaqueous or pile supported crossings a minimum of 3 cross sections shall be supplied by the applicant; one at the point where the proposed crossing crosses the centerline of the canal; and one each upstream and downstream of the crossing at points determined by the District. For seawall or bulkhead projects the District shall determine the number of cross sections required but said cross sections will be no more frequent than one cross section per every 25 feet of proposed bulkheading. Cross sections shall be plotted to the same horizontal and vertical scale using standard 10 x 10 cross section paper or similar CAD format. The cross sections shall have superimposed upon them the design section for the canal at the location and existing cross sectional area below the design water surface shall be accurately calculated by the applicant and printed on or adjacent to each cross section.

3. Except where exempt pursuant to section 471.003, F.S., drawings for bridge crossings, bulkheads, seawall, retaining walls, hard shoreline stabilization and revetment installations shall be signed and sealed by a Florida registered professional engineer.

(i) Information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by both the owner(s) and authorized agent, if applicable.

(3) Applications shall not be considered complete until such time as all required information as set forth in subsections (1) and (2), above, and insurance and financial assurances in accordance with Rule 40E-6.361, F.A.C., have been received by the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.117, 373.118, 471.003 FS. History–New 9-3-81, Formerly 16K-5.04(1), Amended 12-1-82, 12-29-86, 12-24-91, 9-15-99Repealed _____.

40E-6.121. Conditions for Issuance of Notice General Permits. (REPEALED)

(1) The District has determined that certain uses shall be authorized under a notice general permit when the proposed location is in an authorized operational zone and the criteria established in the Basis of Review, incorporated by reference in 40E-6.091, F.A.C., have been met. These uses are set forth in the Permit Index Chart included in the Basis of Review. Any facilities currently existing cannot be authorized by a notice general permit and must receive authorization through the standard permit application process or be promptly removed from the District's right of way.

(2) Due to the nature of the projects, the following facilities and uses cannot be authorized by a Notice General Permit:

(a) Roadway and highway projects;

(b) Marinas and public boat launching facilities;

(c) Linear Parks;

(d) Permanent buildings and other above-ground structures;

(e) Crude oil and petroleum product pipelines;

(f) Other such facilities or uses.

(3) The District has determined that the proposed activity fully complies with all of the criteria set forth in Rule 40E-6.091, F.A.C.

(4) Except for utilities, both essential and non-essential, an applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District involved.

(5) In addition to the requirements and restrictions set forth in subsections (1) to (4), the District, due to its proprietary interest in its lands and works, possesses and exercises all the rights and remedies available to owners of real property through statutory and common law.

(6) Any and all above groundabove-ground facilities located within the clear 40 foot wide right of way, as set forth in Rule 40E-6.011(4), F.A.C., or within the right of way at locations where the right of way is less than 40 feet wide, as measured from the top of the canal bank, are prohibited.

(7) The notice general permit provisions of this rule are not intended to apply to the notice general permit provisions in District Chapter 40E-62, F.A.C.

~~(8) The limiting conditions set forth in Rule 40E-6.361, F.A.C., shall be incorporated into every Notice General Permit issued.~~

~~Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.118 FS. History--New 9-15-99~~Repealed _____.

40E-6.201. Content of Application.

(1) Applications for permits ~~required by this Subpart~~ shall be filed with the District. The ~~standard~~ permit application shall contain the following information:

(a) A completed Form 0122~~SP-1~~ "Application to the South Florida Water Management District for Issuance of a Right of Way Occupancy Permit" effective date ~~September 15, 1999~~_____, which is hereby incorporated by reference and which may be obtained at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406;

(b) The applicant's name and address, if other than owner, including zip code and phone number;

(c) All owner's names, as appearing on the tax rolls, and complete address if applicant or user is other than the owner;

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) A description of the portion of the works or lands of the District to be used;

(f) Whether the ~~proposed~~ use is a proposed, existing, or a modification of an existing use~~, or is a new use~~;

(g) A description of the ~~proposed~~ use ~~of~~ or encroachment on works or lands of the District and in which zone, as depicted in Rule 40E-6.011(7), F.A.C~~Figure 1~~, the ~~proposed~~ use will be located;

(h) At a minimum, ~~Six~~ Four (4) copies of ~~a~~ the following scaled or fully dimensioned 8 1/2 " x 11" drawings:, ~~reflecting~~ the ~~proposed~~ use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings or aerial photographs shall be required, if necessary to adequately show the location and nature of the proposed use. A property survey, indicating the location of the District right of way boundary line, shall also be provided.

1. All drawings shall utilize English units of measure or a combination of both English and metric units of measure. Vertical datum shall be National Geodetic Vertical Datum (1929), North American Vertical Datum (1988), or Mean Sea Level and the datum utilized shall be specified on the drawing(s).

2. All drawings ~~for seawalls or bulkheads and subaqueous or pile-supported crossings~~ shall be in accordance with the specified requirements set forth in the Criteria Manual~~supported with cross sections of the existing channel. Unless waived or modified by the District pursuant to prior written request by the applicant, soundings for the cross sections shall be taken at 10 foot intervals from top of bank to top of bank and shall be tied to both canal/levee right of way lines. For subaqueous or pile supported crossings a minimum of 3 cross sections shall be supplied by the applicant; one at the point where the proposed crossing crosses the centerline of the canal; and one each upstream and downstream of the crossing at points determined by the District. For seawall or bulkhead projects the District shall determine the number of cross sections required but said cross sections will be no more frequent than one cross section per every 25 feet of proposed bulkheading. Cross sections shall be plotted to the same horizontal and vertical scale using standard 10 x 10 cross section paper or similar CAD format. The cross sections shall have superimposed upon them the design section for the canal at the location and existing cross sectional area below the design water surface shall be accurately calculated by the applicant and printed on or adjacent to each cross section~~.

~~3. Except where exempt pursuant to section 471.003, F.S., drawings for bridge crossings, bulkheads, seawall, retaining walls, hard shoreline stabilization and revetment installations shall be signed and sealed by a Florida registered professional engineer.~~

(i) Information sufficient to demonstrate that the ~~proposed~~ use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by both the owner(s) and/or authorized agent, if applicable.

(3) Applications shall not be considered complete until such time ~~as all required information~~ as the following have been received and accepted by the District:

(a) all requirements set forth in subsections (1) and (2), above;

(b) ~~, and~~ insurance and financial assurances in accordance with Rule 40E-6.361, F.A.C.; and

(c) ~~,~~ all land interests required for access and/or maintenance easements in connection with applications for permits that impede ~~have been received by the~~ District access.

(4) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. The applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085(1), 373.086, 373.117, 471.003 FS. History--New 9-15-99, Amended _____.

40E-6.221. Conditions for Issuance of ~~Standard~~ Permits.

(1) The District has determined that certain uses shall be authorized under a notice general permit when located in an authorized operational zone and the activity fully complies with all of the criteria set forth in the Criteria Manual, incorporated by reference in Rule 40E-6.091, F.A.C. These uses are set forth in the Permit Index Chart included in the Criteria Manual.

(~~1~~2) The District has determined that certain uses, not eligible for a notice general permit, shall be authorized under a standard permit when located in an authorized zone and when they comply with the criteria established in the ~~Basis of Review~~ Criteria Manual, incorporated by reference in Rule 40E-6.091, F.A.C. These uses are set forth in the Permit Index Chart included in the ~~Basis of Review~~ Criteria Manual.

(~~2~~3) In determining whether ~~standard~~ a permit should be issued, the District shall consider whether the ~~proposed~~ activity unduly burdens the District's interests. In making this decision, the District shall weigh the following critical factors:

(a) interferes with the present or future construction, alteration, operation or maintenance of the works or lands of the District;

(b) is consistent with the policy and objectives of Chapter 373, F.S., including the legislative declaration of policy contained in section 373.016, F.S.

(c) has an actual or potential negative impact upon environmentally sensitive areas, which include: wetlands; endangered or threatened species habitat; aquatic preserves; Outstanding Florida Waters; Class I or Class II waters; federal, state and privately owned parks and wildlife management areas; designated areas of critical state concern; lands purchased by federal, state and local governments for the purpose of environmental protection, water resource protection and aesthetics; and lands which contain native terrestrial plant species in significant amounts. Environmentally sensitive areas include areas on and off-site that are affected by activities which occur on, or are initiated from, the works of the District;

(d) degrades water quality within the receiving water body or fails to meet the provisions of Ch. 373, F.S., the state water policy, and Title 40E, F.A.C.;

(e) involves a discharge of wastewater from a new wastewater source or an increased discharge from an existing wastewater source;

(f) will discharge debris or aquatic weeds into works of the District or cause erosion or shoaling within the works of the District;

(g) is supported by financial assurances, which will ensure that the proposed activity will be conducted in accordance with Chapter 373, F.S., and Chapter 40E-6, F.A.C.;

(h) interferes with scientific activities;

(i) presents an increased liability risk to the District;

(j) meets the general and specific criteria in the ~~Basis of Review~~Criteria Manual which is incorporated by reference in Rule 40E-6.091, F.A.C.;

(k) interferes with actual or potential public use of the District's works or lands, including public recreational or other facilities not within the District's works;

(l) meets applicable criteria in Chapter~~s~~ 40E-61~~ and 40E-62;~~, F.A.C.

(m) The natures of the District's property interest.

(n) Any and all above-ground facilities located within the clear 40 foot wide right of way, as set forth in Rule 40E-6.011(4), F.A.C., or within the right of way at locations where the right of way is less than 40 feet wide, as measured from the top of the canal bank landward, are prohibited, except for:

1. safety features associated with public works projects; and
2. installations, including but not limited to utilities, necessary to support District works.

(~~3~~4) The District shall consider a permit applicant's past and present violation of any District rules or permit conditions, including enforcement action, when determining whether the applicant has provided reasonable assurances that District standards will be met.

(~~4~~5) Activities which can be carried out through the District's real property acquisition and disposal policy will not be eligible for a permit under this chapter.

(~~5~~6) The District shall also consider the cumulative impact of allowing the proposed use. Based upon the cumulative impact of allowing similar uses in the affected area, the District shall deny uses which appear insignificant with regard to the above criteria if the cumulative impact is significant.

(~~6~~7) The structural integrity of bridges across District works or lands shall be certified by a professional engineer registered in the State of Florida, except as provided in ~~s~~Section 471.003, F.S.

(~~7~~8) In those instances where the District does not own the underlying fee simple title, applicants may be required to show the necessary legal interest from the owner of the underlying fee. The District does not, however, assume any duty to protect the legal rights of the underlying fee owner.

(~~8~~9) Except for utilities, ~~N~~no commercial uses on the District's fee owned rights of way will be authorized by a Right of Way Occupancy Permit ~~allowed on District rights of way~~, but may be authorized by a lease and/or agreement with the District. ~~There shall, however, be no presumption against allowing C~~commercial use of the District's ~~right of way by utilities.~~non fee-owned rights of way by the underlying fee-owner may be allowed, provided such authorizations take into consideration those determining factors set forth in Rule 40E-6.221(2), F.A.C.

(~~9~~10) Except for utilities and governmental entities, ~~both essential and non-essential,~~ an applicant must own or lease the land underlying or adjacent to or served by the portion of the works or lands of the District involved.

(~~10~~11) In addition to the requirements and restrictions set forth in Subsections (1) through (9), the District, due to its proprietary interest in its lands and works, possesses and exercises all the rights and remedies available to owners of real property through statutory and common law.

(12) The Limiting Conditions set forth in Rule 40E-6.361, F.A.C., shall be incorporated into every Permit issued.

(13) Special Conditions that are site specific shall be incorporated into every Permit as may be necessary in the best interest of the District.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.117, 471.003 FS. History--New 9-15-99~~.~~, Amended _____.

40E-6.321. Duration of Permits.

(1) Permits issued prior to the effective date of ~~September 15, 1999~~??new date??, and which do not comply with the ~~Basis of Review~~Criteria Manual incorporated by reference in Rule 40E-6.091, F.A.C., shall expire upon the change of ownership of the property unless transferred pursuant to Rule 40E-6.351, F.A.C., below. However, ~~T~~these authorizations ~~shall~~ may ~~not~~ be transferred to a new property owner if the activity complies with Rule 40E-6.221(3)(a) – (i), (m). Otherwise it~~and~~ must be immediately removed from the District's right of way. ~~unless a new permit application has been submitted and approved by the District.~~

(2) Unless revoked or otherwise modified the duration of a right of way occupancy permit is:

(a) as set forth in the permit, including the special conditions to the permit; or

(b) after construction is complete, perpetual, unless revoked.

(3) ~~Permits authorizing construction expire automatically on~~ Once issued, a permit is valid to the date indicated on the face of the permit~~,~~ unless construction of the authorized facilities has begun. Otherwise, a written request for extension must be~~is~~ received by the District on or before the expiration date. If an extension has not been requested prior to the expiration of the permit, a new application, including the application processing fee, must be submitted. ~~Upon the expiration of a permit, all construction activities must cease until the new permit has been issued. Extensions of the construction period may be granted administratively, or in cases involving litigation, environmental, water resource, or other impact, shall be referred to the Governing Board for final action.~~ The District ~~shall~~ has the right to decline ~~to~~ the exten~~d~~sion of a permit authorizing construction if the proposed use is no longer consistent with the objectives of the District or other provisions of these rules.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-3-81, Formerly 16K-5.07, Amended 12-29-86, 9-15- 99, _____.

40E-6.331. Modification of Permits.

(1) Applications for permit modifications required by this Chapter shall be filed by formal application, including the permit modification application fee, with the District.

(2) Applications for modification to permitted uses shall be reviewed using the same criteria as new applications, pursuant to Rules 40E-6.091~~, 40E-6.121,~~ and 40E-6.221, F.A.C.

(3) Letter modifications may be issued by District staff, provided the requested modification:

(a) does not substantially alter the permit authorization;

(b) does not interfere with construction, operation and maintenance of District lands or works; and

(c) is otherwise consistent with the purposes and policies of Chapter 373, F.S., and Chapter40E-6, F.A.C.

(4) Under sections 373.083 and 373.085, F.S., the District is authorized to modify a permit when it determines that the currently permitted use has become inconsistent with the factors and conditions enumerated in Rule~~s 40E-6.121 and~~ 40E-6.221, F.A.C.

(5) Permit modifications may be initiated by the District in accordance with the provisions of Chapter 40E-1, F.A.C.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086 FS. History--New 9-3-81, Formerly 16K-5.11(1), Amended 12-29-86, 12-24-91, 9-15-99, _____.

40E-6.341. Revocation of Permits.

(1) Under sections 373.083 and 373.085, F.S., the District is authorized to revoke a right of way occupancy permit under any of the following circumstances:

(a) the permittee or his agent has committed any of the acts enumerated in Rule 40E-1.609, F.A.C.;

(b) the permitted use interferes or will interfere with the construction, alteration, operation, or maintenance of present or proposed works or lands of the District;

(c) the permittee has failed to immediately comply with an emergency or other order issued pursuant to Rule~~s40E-1.611 and~~ 28-106.501~~28-107.005~~, F.A.C.;

(d) the permitted use is no longer consistent with the factors and conditions enumerated in Rule~~s40E-6.121 and~~ 40E-6.221, F.A.C., the provisions of Chapter 373, F.S., Title 40E, F.A.C., and the state water policy, Chapter 62-40, F.A.C.;

(e) the permitted use is inconsistent with any provision of this rule, or any subsequent revisions to this rule, including any provision of the ~~Basis of Review~~Critieria Manual, incorporated by reference in Rule 40E-6.091, F.A.C.; or

(f) the permitted use is no longer consistent with District policy, based upon a change in District policy.

(2) Right of Way Occupancy P~~p~~ermits are subject to immediate revocation by the District's Executive Director with the concurrence of the Governing Board if an emergency condition exists and the continued exercise of the permit might endanger lives, human safety or property.

(3) Revocations for reasons specified in subsection (1) shall be conducted in accordance with the procedures specified in Rules 40E-1.609 and 28-107.004, F.A.C. Emergency revocations under subsection (2) shall be conducted in accordance with the procedures specified in Rule 28-107.005, F.A.C.

(4) The provisions herein shall take precedence over the general revocation provisions set forth in Rule 40E-1.609(1)(a) through (e), F.A.C., as the permit program governing use of works and lands of the District is a proprietary based program. To the extent there is any conflict between the general provisions of Chapter 40E-1, F.A.C., the specific provisions of Chapter 40E-6, F.A.C., shall prevail.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.085, 373.086, 373.129 FS. History--New 9-3-81, Formerly 16K- 5.07(3), (4), Amended 12-29-86, 12-24-91, 9-15-99, _____.

40E-6.351. Transfer of Permits.

(1) As the District has no control over the sale or transfer of real or personal property, it is the sole obligation of a

permittee or their agent to disclose the existence of a Right of Way Occupancy Permit, its terms and conditions, to prospective purchasers.

(2) Right of Way Occupancy Permits shall be transferred when:

(a) The request is otherwise consistent with the provisions of these rules and Chapter 373, F.S.

(b) The applicant demonstrates that the permitted use still qualifies for a permit under Rules~~40E-6.121 or~~ 40E-6.221, F.A.C.

(c) The applicant agrees to abide by the provisions of Chapter 373, F.S., this chapter, and the terms and conditions of the permit, including these rules, including the standard limiting conditions, and criteria which are applicable at the time of the request for transfer.

(d) The adjoining land use has not changed.

(e) The request for transfer is accompanied~~, when required,~~ with the correct fee as set forth in Rule 40E-6.601(3)(j), F.A.C.

(f) The applicant authorizes the District~~agrees~~ to record a Notice of Permit in the official records of the county clerk's office ~~as specified by the District~~where the project is located.

(g) In cases where unauthorized facilities or uses have been added that are not included in the permit authorization, a permit transfer request must also be accompanied by a request for modification pursuant to Rule 40E-6.331,F.A.C.

~~(3) Right of Way Occupancy Permits will be transferred without a fee when the request for transfer is received within twelve (12) months from the change of ownership, as evidenced by the date of transfer of ownership appearing in the deed or other instrument of conveyance.~~

(~~4) Requests for transfer of Right of Way Occupancy Permits shall be assessed a fifty ($50.00) dollar processing fee when the request is received by the District more than twelve (12) months from the date of change of ownership but prior to eighteen (18) months from the change of ownership, as evidenced by the date of transfer of ownership appearing in the deed or other instrument of conveyance.~~

~~(5) Transfers requested more than 18 months from the date of change of ownership shall be denied and require the submission of an application and the appropriate application processing fee.~~

(~~6~~3) All transfers require a field inspection and shall not become effective until such inspection is conducted and confirms all existing facilities and uses are permitted and ~~all uses~~ comply with the criteria in Rule 40E-6.091, F.A.C., and the conditions of issuance in Rule~~s~~ ~~40E-6.121~~ ~~or~~ 40E-6.221, F.A.C. If additional facilities are present, no transfer will be allowed unless the unauthorized facility or use is removed immediately and the right of way restored; or~~.~~ Applicants must submit a new ~~standard~~ permit application, along with the appropriate application processing fee, for all additional facilities not removed and not currently authorized by a Right of Way Occupancy Permit.

(~~7~~4) The District staff shall not issue transfers until all financial assurance and insurance requirements, if any, have been provided and accepted by the District staff.

Rulemaking~~Specific~~ Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.085, 373.086, 373.109 FS. History--New 9-3-81, Formerly 16K-5.10, 16K-5.11(2), 16K-5.12, Amended 12-29-86, 9-15-99, _____.

40E-6.361. Financial Assurances and Insurance.

(1) The District shall require the applicant requesting a right of way occupancy permit to provide and maintain financial assurances to the District and its successors, in the form of a cash bond to be held by the District in a non-

interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District to ensure full compliance with terms of the permit, including the proper construction, operation, and maintenance of the facility. The amount and type of financial assurance shall be determined by the District.

(a) In instances where the District authorizes use of its rights of way as a temporary haul or access road, which does not include crossing over District structures or associated facilities, the amount of the financial assurance shall be Five Thousand ($5,000.00) Dollars per half mile or multiple thereof, with a minimum amount of Five Thousand ($5,000.00) Dollars.

(b) In instances where the District authorizes the construction of a private bridge on or across the District's right of way, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the bridge, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff.

(c) In instances where the District authorizes the installation of a water or sewer force main installation on or across the District's right of way other than those constructed by governmental entities, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the water or sewer force mains, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff. Upon acceptance by the governmental entity of the facility and the issuance of a permit transfer by District staff, such financial assurances shall be released.

(d) Any other uses of the District's right of way authorized by the District are subject to adequate financial assurances as determined necessary and reasonable by District staff based upon a complete review of the unique circumstances and the potential liability, both personal injury and property damage, and environmental risks involved with the specific authorized use.

(2) In addition to the provision for financial assurances as provided in subsection (1), above, the District shall require liability insurance, naming the District as an additional insured, in such amount and type as the District staff determines necessary. All insurance must be written by a company duly authorized to do business in the State of Florida or provided pursuant to a self insurance program consistent with the requirements of Florida law.

(3) Any applicable financial assurance or insurance requirement set forth above shall be maintained as a condition of the continued validity of the right of way occupancy permit.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.103 FS. History--New 9-15-99.

40E-6.381. Limiting Conditions.

The District's authorization to utilize lands and other works constitutes a revocable license (including both notice general permits and standard permits). In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter:

(1) All structures on District works for lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

(2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be

limited to, permittee's consideration of the District's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that the District's review and issuance of this permit, including, but not limited to, any field inspections performed by the District, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any District staff or representative during the permit review and issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as the District's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.

(3) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C., including all subsequent rule and criteria revisions. Permittee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

(4) This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right of way to the District's satisfaction. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

(5) This permit does not convey any property rights nor any rights or privileges other than those specified herein and this permit shall not, in any way, be construed as an abandonment or any other such impairment or disposition of the District's property rights. The District approves the permitted use only to the extent of its interest in the works of the District. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The District, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the District owns less than fee.

(6) Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and/or future employees, agents, representatives, officers and/or Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's in-house attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the District's right of way which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the ~~District~~Permittee or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims.

(7) The District does not waive sovereign immunity in any respect.

(8) The P~~p~~ermittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

(a) discharge of debris or aquatic weeds into the works of the District;

(b) causing erosion or shoaling within the works of the District;

(c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit. Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in (a), (b), and (c), above.

(d) leaving construction or other debris on the District's right of way or waterway;

(e) damaging District berms and levees;

(f) the removal of District owned spoil material;

(g) removal of or damage to District locks, gates, and fencing;

(h) opening of District rights of way to unauthorized vehicular access; or

(i) running or allowing livestock on the District's right of way.

(9) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

(10) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(11) Permittee shall allow, without charge or any interference, the District, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting the District's, routine and emergency, canal operation, maintenance, and construction activities. To the extent there is any conflicting use, the District's use shall have priority over the permittee's use.

(12) This permit is a non-exclusive revocable license. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the District.

(13) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, or the U.S. Army Corps of Engineers for the works of the District.

(14) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before or concurrently with any activities which may be conducted pursuant to the right of way occupancy permit.

(15) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the P~~p~~ermittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll. Failure to pay all taxes in a timely manner shall result in permit revocation. Such permit revocation shall not alleviate the responsibility of the P~~p~~ermittee to pay all taxes due and payable.

(16) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions.

(17) Permittee ~~shall~~ authorizes the District to record a Notice of Permit through filing the appropriate notice ~~agreed to by the District~~ in the public records of the county or counties where the project is located~~ and by providing the District with proof of filing or through an equivalent procedure. All costs associated with this requirement shall be the responsibility of the permittee~~. Governmental entities and utilities are not subject to this provision.

~~(18) This permit is contingent upon compliance with the recording of the Notice of Permit. Failure to provide proof of the recording of the Notice of Permit will result in the permit becoming invalid on its own terms, the removal of any existing facilities within the right of way, restoration of the right of way to the District's satisfaction, at the permittee's expense, and the possible assessment of civil penalties.~~

(~~19~~18) Permittee shall be responsible for the repair or replacement of any existing facilities located within the District's right of way which are damaged as a result of the installation or maintenance of the authorized facility.

(~~20~~19) All obligations under the terms of this permit authorization and any subsequent modifications hereto shall be joint and several as to all owners.

(~~21~~20) It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.

(~~22~~21) It is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction. In resolving such conflicts the District's determination will be final.

(22) Special Conditions that are site specific shall be incorporated into every Permit as may be necessary in the best interest of the District.

(23) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085(1), 373.086, 373.103, 373.109, 373.129, 373.1395, 373.603, 373.609, 373.613 FS. History--New 9-3-81, Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05, Amended 5-30-82, 12-29-86, 12-24- 91, 9-15-99, _____.

40E-6.451. Emergency Authorization.

(1) Permission to begin use of works or lands of the District prior to the issuance of a permit shall be granted pursuant to Rule ~~40E-1.6115 and~~ 40E-0.108, F.A.C.

(2) All requests for emergency authorizations must be submitted with both the emergency application processing fee set forth in Rule 40E-6.601(2)(h), F.A.C., in addition to the applicable standard permit application processing fee set forth in Rules 40E-6.601(2)(d) through (g), F.A.C.

(3) In order to be eligible for an emergency permit authorization the applicant must have already filed a standard permit application with the District or simultaneously file a standard permit application with the District.

(4) In addition to the required standard permit application contents, the applicant must also file a written statement with the District which fully explains the basis and circumstances which support and justify the request for emergency authorization.

(5) Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

(6) The Executive Director may grant an emergency authorization pursuant to section 373.119(2), F.S.

Rulemaking~~Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.119, 373.439 FS. History--New 9-3-81, Formerly 16K-5.09, Amended 12-29-86, 7-2-98, 9-15-99, _____.

40E-6.481. Emergency Measures.

(1) In addition to the provisions of Rule 40E-6.521, F.A.C., permitted uses are also subject to immediate alteration, repair or removal if an emergency condition exists and the continued exercise of the permitted use might endanger lives or property.

(2) In such event the Permittee shall immediately comply with any written or oral instructions from the District regarding alteration, repair or removal of the permitted use.

(3) If the Permittee fails to remove, alter or repair a permitted use when so ordered by the District, the District may repair, alter or remove it at the permittee's expense.

(4) Permittee may request an administrative hearing regarding the emergency order in accordance with the procedures set forth in Rule 28-107.004, F.A.C.

(5) In addition to the provision of Rule 40E-6.521, F.A.C., unpermitted uses are also subject to the provisions of this section.

(6) In no circumstances shall the District be responsible for any claims or damages caused in whole or in part, from any necessary emergency removal, alteration, or repair of any permitted or unpermitted use.

(7) All permitted and unpermitted uses are subject to the specific terms of an Emergency Order(s) which may be issued by the District.

RulemakingSpecific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.119, 373.439 FS. History--New 9-3-81, Formerly 16K-5.08, Amended 12-29-86, 7-2-98, 9-15-99,_____.

40E-6.501. Unlawful Use and Civil Penalties.

(1) It shall be unlawful to connect with, place structures in or across, or otherwise make use of works or lands of the District without a Right of Way Occupancy Permit. The District may use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule.

(2) It shall be unlawful for any permittee to violate the provisions of Chapter 373, F.S., Chapter 40E-6, F.A.C., or the terms and conditions of a Right of Way Occupancy Permit. The District shall use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule. The District shall, in furtherance of the purposes of Chapter 373, F.S., allow the permitted use to be brought into compliance with the permit by means of a permit modification if the unlawful use complies with the criteria set forth in Rule 40E-6.091, F.A.C.

(3) Damage to works or lands of the District resulting from the violations specified in subsections (1) and (2), above, shall, within the timeframes and in a manner consistent with the District's requirements, be repaired by the violator to the satisfaction of the District, however, the District reserves the right to make any and all necessary repairs, the full cost of which shall be the responsibility of the violator.

(4) Violators shall be responsible for payment of civil penalties up to $10,000.00 per day, per violation, pursuant to section 373.129, F.S., investigative costs and the District's attorney's fees (including appeals).

(5) Factors considered in the assessment of civil penalties shall be:

(a) habitual violator;

(b) threat to health, safety, and welfare (flooding);

(c) immediacy of threat;

(d) severity of impact (size of drainage basin);

(e) potential for damage to surrounding property;

(f) threat to District staff if self-help used;

(g) exposure of District to other liabilities;

(h) environmental impact;

(i) water quality; and

(j) unusual circumstances.

(6) Vessels which are being occupied or used as a temporary or permanent residence or business, or other vessels which have an adverse impact on the District's ability to construct, operate, and maintain its canals and structures, will not be permitted within District works or lands. However, this limitation shall not be construed to prohibit vessels which are actively navigating from place to place.

(7) The planting of any ~~non-native~~ vegetation not included on the District's designated plant list or specifically authorized by District permit within District works or lands will not be permitted.

(8) The abandonment of personal property within District works or lands will not be permitted.

(9) Use of the works or lands of the District as a temporary or permanent place of residence or shelter will not be permitted.

(10) It shall be unlawful for any person or entity to remove any spoil, without authorization from the District, and the District specifically reserves any and all rights to pursue such violations in both criminal and civil proceedings, in addition to the provisions contained herein.

Rulemaking~~Specific~~ Authority 373.044, 373.113, 373.129 FS. Law Implemented 373.085, 373.086, 373.603, 373.609, 373.613 FS. History--New 9- 15-99, Amended _____.

40E-6.521. Self Help.

(1) Unlawful uses or facilities placed within the works or lands of the District are subject to removal and restoration at the District's discretion with no guarantee of salvageability. In no circumstances shall the District be responsible for any claims or damages caused, in whole or in part, from any self help removal and restoration of any unlawful uses or facilities.

(2) When employing self help, the District is not required to provide any notice of its intended action.

(3) The District may seek to recover removal and restoration costs, investigative costs, and attorneys fees and costs (including appeals) incurred in carrying out self help done to resolve the unlawful use of District works and lands.

Rulemaking~~Specific~~ Authority 373.044, 373.113, 373.129 FS. Law Implemented 373.085, 373.086, 373.603, 373.609, 373.613 FS. History--New 9- 15-99.

40E-6.601. Permit Application Processing Fees.

(1) A permit application processing fee is required and shall be paid to the District when applications are filed pursuant to District rules to connect with and make use of the works ~~and~~ or lands of the District. An application is not deemed complete and shall not be processed until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, and mailing required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect.

(2) Based upon years of experience in reviewing applications for District right of way occupancy permits, the District has determined that applications for existing facilities or uses require additional staff time and resources (as compared to proposed facilities) in order to thoroughly review and inspect, and this differential shall be reflected in

the application processing fees for all right of way occupancy permit authorizations as set forth herein.
(3) The fee for permit applications reviewed pursuant to Chapter 40E-6, F.A.C., are as follows:

(a) Notice General Permit Application, Notice General Permit Modification Application relating to a single family residential use (Category NGP-1) No Fee

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-1 shall pay the Category SP-1 fee, below.

(b) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by homeowners associations and condominium associations relating to more than one individual lot or dwelling unit (Category NGP-2) $150.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-2 shall pay the Category SP-2 fee, below.

(c) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by developers, builders, corporate entities, utilities, county, state, or local entities (Category NGP-3) $300.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-3 shall pay the Category SP-3 fee, below.

(d) Notice General Permit Application, Notice General Permit Modification Application relating to bridges, excluding culvert bridges (Category NGP-4) $900.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-4 shall pay the Category SP-4 fee, below.

(e) Standard Permit Application, Standard Permit Modification Application relating to a single family residential use which does not meet Notice General Permit Criteria (Category SP-1) $75.00

(f) Standard Permit Application, Standard Permit Modification Application relating to uses by homeowners associations and condominium associations and do not meet Notice General Permit Criteria (Category SP-2) $300.00

(g) Standard Permit Application, Standard Permit Modification Application relating to uses by developers, builders, corporate entities, utilities, county, state, or local entities, as well as all other uses not covered in Categories SP-1, SP-2 and SP-4 (Category SP-3) $625.00

(h) Standard Permit Application, Standard Permit Modification Application relating to uses involving bridges, linear parks, greenways, similar park and recreation projects, marinas and associated facilities (Category SP-4) $1750.00

(i) Application for emergency authorization pursuant to Rule 40E-6.401, F.A.C. $275.00

(j) Requests for ~~Transfer~~ transfer of Right of Way Occupancy Permits, pursuant to ~~Fees are set forth in~~ Rule 40E-6.351, F.A.C.~~, above.~~ (Transfer) $50.00

(4) Notwithstanding the provisions set forth in this rule, upon request, the District shall waive any and all right of way occupancy permit application processing fees for right of way occupancy permit applications submitted by the governing body of a governmental entity only if provided with a resolution or other documentation as to the reciprocity commitment of the respective governmental entity applying for the right of way occupancy permit and clearly establishing that governmental entity's reciprocal waiver of any and all fees required for the District to carry out canal operation, maintenance, and construction activities for the District.

(5) Notwithstanding the provisions set forth in this rule, no permit application processing fee will be required from utilities or other necessary service providers, where the permitted facility or use of the works or lands of the District is required to supply utility or other necessary service to an existing or proposed District facility.

(6) The above permit application processing fees shall not apply to either the Seminole Tribe of Florida or the

Miccosukee Tribe of Indians of Florida for facilities and uses located exclusively within the boundaries of their respective reservations or included in leases with the District.

RulemakingSpecific Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.109, 373.085, 373.086 FS. History--New 9-15-99, Amended _____.

40E-6.701 C-18 Policy and Purpose.

(1) In addition to the policies and purposes enumerated in Rule 40E-6.011, F.A.C., the C-18 canal right of way, downstream of the District's S-46 structure, was established as a revegation area in order to implement a policy for revegetation of the C-18 canal right of way through the use of a small scale land use plan. The intent of the revegetation plan ("C-18 Plan") is to restore the natural river values of the northwest fork of the Loxahatchee River and Limestone Creek for the benefit of all canal right of way users. The purposes of the revegetation plan include maintenance of flood control protection, increasing diversity and desirability of wildlife habitat, providing filtering and water quality benefits, and considering the goals of adjacent landowners.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.021, New _____.*

40E-6.711 C-18 Canal Right of Way Boundary.

The boundary of the C-18 canal right of way which is the subject of this rule lies east of District Structure S-46 to the easterly limit of the Canal right of way. The boundary is generally depicted on the map in Figure 62-1. The map is for illustrative purposes only and should not be relied upon for conveyances of title to real property.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.023, New _____.*

40E-6.721 C-18 Permits Required.

In addition to the requirements of Section 40E-6.041(1), F.A.C.,:

(1) an occupancy permit must be obtained prior to removing, maintaining, or pruning vegetation, mooring boats, and placing other items on, across, under, or upon District lands and works along the C-18 canal right of way.

(2) General Permits shall be issued for ocupancy or uses of the C-18 right of way that are consistent with the use zones provided for in Rule 40E-6.751, F.A.C.

(3) The District shall require a standard right of way occupancy permit pursuant to Rule 40E-6.221, F.A.C., for any occupancy or use of the C-18 right of way which does not comply with the C-18 revegetation plan set forth herein.

(4) Occupancy or uses of the C-18 right of way which are inconsistent with the use zones provided for in Rule 40E-6.751, F.A.C., will not be eligible for a general permit under these rules.

(5) All projects located within the C-18 canal right of way which require permits pursuant to Rules 40E-6.041 and 40E-6.721, F.A.C., shall be constructed, altered, operated, and maintained in accordance with the standards and criteria specified in Rules 40E-6.091, 40E-6.201, and 40E-6.751, F.A.C. The most restrictive criteria will apply unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the policy and purpose of C-18 revegetation plan will be fulfilled using alternative criteria.

(6) An occupancy permit issued pursuant to this Part may be revoked if the permitted use or maintenance practices are no longer consistent with the use zones specified in Rule 40E-6.751, F.A.C.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.341, New _____.*

40E-6.731 C-18 Exemptions.

(1) No permit is required under this Part for the improved boat docks in existence as of September 3, 1981, which include, but may not be limited to the boat dock located on lot 25.2, Figure 62-1, on the south side of the C-18 canal approximately 1900 feet west of Loxahatchee River Road (the Moore dock).

(2) The exemption provided in section (1) above shall be in effect for as long as the proprety owner on the established date for the C-18 revegtation plan (1-23-1990), owns and occupies the premises. A change in ownership or occupancy of the designated lot shall subject the boat dock to the requirements of the C-18 plan.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.051, New _____.*

40E-6.741 C-18 Limiting Conditions.

All projects which have been permitted pursuant to the C-18 Plan shall be subject to the following limiting conditions, in addition to all limiting conditions set forth in Rule 40E-6.381, F.A.C.:

(1) Maintenance practices or other activities not authorized by an occupancy permit which result in clearing or destruction of plant materials or modification of ground slopes or elevations shall be corrected by the permittee. Should the correction not be performed in a timely manner, the District may pursue corrective action against the permittee. In the event the permittee does not pursue the necessary corrective action, District forces may perform the work. In the event District forces perform the restorative work, the permittee shall be liable for the restoration costs.

(2) The District may install access control fences on District property on the C-18 right of way at locations to be determined by the District. Access control fences may obstruct or eliminate the view corridor overlay zones associated with said fence.

(3) The District may modify the vegetation on District property on the C-18 right of way at locations to be determined by the District.

(4) The permittee shall not engage in any activity in the area associated with the permit which interferes with the District's construction, alteration, maintenance or operation of the C-18 canal right of way, and shall be responsible for any costs incurred by the District resulting from any such interference including, but not limited to:

(a) Discharging debris or aquatic weeds into the C-18 canal, including the renovated portions of Limestone Creek;

(b) Causing erosion or shoaling within the C-18 canal right of way;

(c) Mooring watercraft or other floating objects;

(d) Planting plants which are not included in the District's authorized plant list or which are not authorized by the permit;

(e) Placing plants in undesirable locations or locations not authorized by the permit.

(5) The permittee shall not engage in any activity which interferes with the environmental preservation and enhancement of the C-18 canal right of way, including, but not limited to:

(a) Trimming or removing existing natural mangroves unless in strict accordance with current permits;

(b) Trimming or removing vegetation along the C-18 canal right of way.

(6) The limiting conditions provided by Rule 40E-6.381, F.A.C.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.083, 373.085, 373.086, 373.103, 373.129 F.S. History–Formerly 40E-62.381, New _____?.*

40E-6.751 C-18 Use Zones.

(1) The following sections identify and describe the eight use zones that have been established within the C-18 canal right of way. Three of the use zones are identified as overlay zones. The overlay zones occupy lands in common with the other use zones and further define the use regulations in the underlying zone area. The eight use zones are:

(a) Canal Flood Zone;

(b) General Wildlife Area Zone;

(c) Limestone Creek Shallow Zone;

(d) Limestone Creek Zone;

(e) Fire Control Zone;

(f) Intertidal Wet Area Overlay Zone;

(g) Canal Flood Overlay Zone; and

(h) View Corridor Overlay Zone. The use zones are generally depicted in Figure 1. The overlay zones are generally depicted in Figure 1. The following provisions identify uses which are consistent and inconsistent with each use zone.

(2) The District has identified water skiing, jet skiing, and any other boating activity that produces boat wakes as inconsistent with the Canal Flood Zone, the Limestone Creek Shallow Zone, and the Limestone Creek Zone. Although the District does not have jurisdiction to regulate such activities, the District encourages users of the C-18 canal to observe no wake speeds. The District will also cooperate with the appropriate regulatory authorities to establish and maintain no wake zones in the above specified zones.

(3) There may be locations in the Limestone Creek Shallow Zone and the Limestone Creek Zone where boat docks and access platforms are proposed for installation on private property. The District views such boat docks and access platforms as inconsistent with the initial phases of the revegetation plan and discourages, but cannot and does not prohibit, construction of such boat docks and access platforms until the revegetation plan succeeds and until no wake speeds are established.

(4) Canal Flood Zone

(a) Description: This zone consists of the primary canal cross section designed for flood control. Said zone is defined as the area consisting of the canal, including 105' bottom width, 1 on 2 side slopes from elevation -6.0 to -3.0, 1 on 5 side slopes from elevation – 3.0 to 3.0, or the channel as it currently exists. This zone shall be free of floating or submerged obstructions.

(b) Consistent uses include the following:

1. Fishing;
2. Public watercraft sightseeing and cruising;
3. Environmental study and appreciation;
4. Swimming;
5. Maintenance activities conducted by the District and the permittee; and
6. Navigation signs.

(c) Inconsistent uses include the following:

1. Mooring boats or other floating items;
2. Docks of any kind; and
3. Any activity which blocks, impedes or creates turbulence in the flow of water from flood control discharges.

(5) General Wildlife Area Zone

(a) Description: This zone consists of lands from above elevation 3.0 to the edge of the C-18 canal right of way. The area within this zone is intended for the primary use of wildlife and therefore is designed to provide food, cover and resting places for wildlife.

(b) Consistent uses include the following:

1. Typical and normal activities of wildlife residing in or visiting the area;
2. Environmental study and appreciation;
3. Public passage from upland, off-site areas to the C-18 canal right of way, including Limestone Creek;
4. Maintenance activities conducted by the District and the permittee;
5. Paths which meet the requirements of subsection 40E-62.651(5)(e), F.A.C.;
6. Permitted utility uses; and
7. Small group picnicking.

(c) Inconsistent uses include the following:

1. Clearing or substantial thinning of vegetation;
2. Capturing, trapping, hunting or otherwise taking, harassing or destroying wildlife, not including fishing and shellfishing activities or removing dangerous wildlife, such as poisonous snakes and rats;
3. Camping; and
4. Large group picnicking.

(d) Public passage areas shall not interfere with areas designed for food, cover, resting and passageways for wildlife. Users of the C-18 canal right of way are advised to dress properly for passage through native vegetation

and are further advised that wildlife may be encountered.

(e) A general permit is in effect pursuant to this Part for paths which are designed and maintained for access by residents adjacent to the C-18 canal right of way subject to the following requirements:

1. Paths shall meet District design standards, generally following an irregular alignment in order to minimize interruption to wildlife areas, to minimize opening direct viewing corridors from the C-18 canal, and to discourage passage of the general public from the right of way onto private property;

2. Paths shall be a maximum of six feet in width;

3. Path design shall include a landscape plan, a maintenance plan and details necessary to illustrate proposed construction. Sod and regular intervals of mowing will not be considered an acceptable path;

4. Paths located within the C-18 right of way shall be open to the public; the District will consider alternative designs for paths which would allow access to the handicapped; and

5. The District recognizes that adjacent property owners may erect signs or other barriers on their own property in order to limit public access to private property from the C-18 right of way.

(6) Limestone Creek Shallow Zone

(a) Description: This zone consists of the portions of Limestone Creek that are specified and designed to be one to two feet deep. This zone includes the portions of Limestone Creek depicted in Figure 1 and further described as follows:

1. Adjacent to River Oaks: Lots 17-21.

2. Adjacent to Jupiter Landings: 10' east of the westerly line of the boat storage area extending 56' east of the Central Blvd. bridge.

3. Adjacent to Riverwalk: 75' east of the Central Blvd. bridge extending to 500' east of the Central Blvd. bridge.

4. Adjacent to the remaining single family uses along the South of the Canal: 3000' east of the Central Blvd. bridge to 1100' west of the Loxahatchee River Road bridge.

(b) Consistent uses include the following:

1. Fishing;

2. Boating by low speed, low noise watercraft;

3. Environmental appreciation; and

4. Permitted maintenance activities.

(c) Inconsistent uses include the following:

1. Recreational or other activities that damage or remove plant or bank material.

(7) Limestone Creek Zone

(a) Description: This zone consists of the portions of Limestone Creek that are designed to be greater than two feet in depth and are not a part of the Limestone Creek Shallow Zone.

(b) Consistent uses include the following:

1. Fishing;

2. Environmental appreciation;

3. Sightseeing by water; and

4. Limited subdivision access, subject to zone requirements.

(c) Zone requirements for the Limestone Creek Zone include the following:

1. The adjacent residents have indicated interest in access to the water by subdivision. During the period that revegetation is proceeding, the District will allow limited subdivision access consisting of one access area per subdivision for the purpose of canoe access and pedestrian access. Conditions will be specified per subdivision and will include, but not be limited to:

a. The revegetation is proceeding without delay and with success;

b. Subdivisions shall agree to design, construct and maintain access areas according to the provisions of Section 40E-62.651(7)(c)2., F.A.C.

2. Limited subdivision access areas shall meet the following requirements:

a. Design of all facilities which connect with the C-18 canal right of way or Limestone Creek shall be approved by the District through the permit process established by this Part;

b. The C-18 canal right of way shall remain open to the public;

c. Water access facilities placed upon the C-18 right of way shall be open to the general public and shall contain a permanent sign so stating; the sign shall be visible and legible from the center of the adjacent water area;

d. Access areas shall be available to the District for inspection, maintenance and other activities associated with District functions;

e. Access areas shall be kept in good repair, free of litter and provide minimum interruption to the view from the C-18 canal right of way; access areas will be landscaped to maximize the use of plant materials to blend the access area into the river character; uses related to the access point, such as parking, picnic, fish cleaning and similar uses will be screened from view; the design of access areas shall include a swale or other suitable system extending the entire length of the lot, including the access ramp, intended to divert overland water flows from paved areas into vegetated areas; such systems and vegetated areas are to provide detention of runoff to encourage percolation of water through earth and vegetation; and

f. Electrical and water facilities may be included on subdivision access facilities; facilities shall be designed to meet applicable county and city safety and building requirements; lighting fixtures shall be shielded downward and/or designed so as to minimize light pollution and glare to the surrounding areas; water facilities shall be designed and maintained to function with no erosion or discharge of waste into the C-18 canal or Limestone Creek; said facilities shall not be for the purpose of providing service to live aboard boats or boat repair facilities.

(8) Fire Control Zone

(a) Description: This zone is intended to provide a buffer safety area to help prevent the spread of wildfire from the C-18 canal right of way onto private property. This zone shall consist of a fifteen foot wide area containing low native ground covers or grasses and mature native trees.

(b) Shrubs and trees that invade this zone may be removed to maintain the low character and protection; provided however, that mature trees must not be removed without a permit from the District.

(9) Intertidal Wet Area Overlay Zone

(a) Description: This zone includes lands that are inundated during periods of high tide, during parts or all of the year, and generally exposed during periods of low tide.

(b) Consistent uses include the following:

1. Maintenance and monitoring activities; and

2. Permitted utility uses, provided disturbed vegetation is replaced.

(c) Zone requirements for the Intertidal Wet Area Overlay Zone include the following:

1. Plants in this zone, especially mangroves, are not to be removed or pruned unless there is a current permit approved by Palm Beach County; a District permit issued pursuant to this Part, and any other permits required by law; pruning must be performed in strict accordance with the terms of all applicable permits.

(10) Canal Flood Overlay Zone

(a) Description: This zone consists of an overlay of the Canal Flood Zone including both sides of the canal from elevation - 1.5, as measured from the edge of the water at low tide, to the top of the canal bank, as measured from the edge of the canal.

(b) Consistent uses include the following:

1. Fishing;

2. Environmental study and appreciation;

3. Temporary, not to exceed approximately four hours, stopping and anchoring of watercraft for permitted public recreational purposes;

4. Permitted maintenance activities; and

5. Swimming.

(c) Inconsistent uses include the following:

1. Recreational or other activities which damage or remove plant material or soil;

2. Camping; and

3. Mooring watercraft to mangroves.

(11) View Corridor Overlay Zone

(a) Description: This zone is intended to provide for a view of the canal from adjacent residential buildings. The District's intent is to allow vegetation on these areas with ground cover plant materials that remain low enough to allow view over the top, and trees that, when mature, allow view under the canopy.

(b) Consistent uses include the following:

1. Uses allowed in the underlying zones; and

2. Scenic viewing of the canal from residences.

(c) Inconsistent uses include the following:

1. Uses that substantially obstruct the intended view, unless the obstruction is caused by immature vegetation; and

2. Uses that are not consistent with underlying zones.

(d) Zone regulations for the View Corridor Overlay Zone:

1. Maintenance will be limited to minimal care of plant materials;

2. Ground covers will be left at their natural height with no mowing or clearing;

3. Pathways shall conform to regulations in the General Wildlife Zone;

4. Tree pruning shall require a current District permit issued pursuant to this Part, prior written notification, and District approval each time a permittee proposes to prune. Said notification shall include photographs of the trees(s) to be pruned;

5. Permit applications shall include photographs of the tree prior to work being accomplished.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History – Formerly 40E-62.651, New _____.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Jorge Patino

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 03/14/2013

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 06/29/2012

NOTICE OF PROPOSED RULE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NOS.:	RULE TITLES:
40E-62.011	Policy and Purpose
40E-62.020	Scope of Part I
40E-62.021	Policy and Purpose
40E-62.023	C-18 Canal Right of Way Boundary
40E-62.041	Permits Required
40E-62.042	General Permit for Occupancy or Use of the C-18 Right of Way
40E-62.043	Application of Part
40E-62.051	Exemptions
40E-62.101	Content of Application
40E-62.301	Conditions for Issuance of Permits
40E-62.321	Duration of Permits
40E-62.331	Modification of Permits
40E-62.341	Revocation of Permits
40E-62.351	Transfer of Permits
40E-62.381	Limiting Conditions
40E-62.651	C-18 Use Zones

PURPOSE AND EFFECT: To repeal Chapter 40E-62 and merge relevant portions of Chapter 40E-62, F.A.C., into Chapter 40E-6, F.A.C. to address use of the District's C-18 Canal Right of Way in an effort to streamline and clarify the permitting process and correct inaccuracies and have all rules regarding the Right of Way Permitting Program contained within Chapter 40E-6, F.A.C.

SUMMARY: The Right of Way Permitting Program provides an evaluation process for requests to connect with and/or make use of Works and Land of the District in accordance with Sections 373.085 and 373.086, F.S. Chapter 40E-62, F.A.C., specifically addresses use of the District's C-18 Right of Way, which will now be included in Chapter 40E-6, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of these rules. A SERC has been prepared by the agency. Portions of this chapter are being repealed and the remainder are being merged into chapter 40E-6, F.A.C. Any relevant permitting fees have not been increased and regulations have been reduced. The rule revisions streamline and clarify the permitting process. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. Since regulatory costs will be reduced, legislative ratification pursuant to Section 120.541(3), F.S., is not required.

RULEMAKING AUTHORITY: 373.044, 373.113, F.S.

LAW IMPLEMENTED: 373.085, 373.086, 373.103, 373.129, F.S

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 9, 2013 beginning at 9:00 a.m.
PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk at 1(800)432-2945, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800) 955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jorge Patino, Section Administrator - Right Of Way, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext. 6175 or (561) 682-6175 or by email to jpatino@sfwmd.gov. For procedural questions, please contact Juli Russell, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6268 or (561)682-6268 or by email to or jurussel@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-62.011 Policy and Purpose. (REPEALED)

~~The rules in this chapter establish additional conditions and criteria to ensure that uses of District lands and works are consistent with District management policies which have been developed on a site-specific basis for designated lands and works of the District. The conditions and criteria delineated in this chapter are in addition to those specified in Chapter 40E-6, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.020 Scope of Part I. (REPEALED)

~~The rules in this Part shall apply to the occupancy and use of District lands and works located on the C-18 canal right-of-way downstream of the District's S-46 structure.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.021 Policy and Purpose. (REPEALED)

~~(1) In addition to the policies and purposes enumerated in Rule 40E-6.011, F.A.C., the rules in Part I implement a policy of revegetation for the C-18 canal right of way through the use of a small scale land use plan. The revegetation plan is intended to restore the natural river values of the northwest fork of the Loxahatchee River and Limestone Creek for the benefit of all canal right-of-way users. The purposes of the revegetation plan include maintenance of flood control protection, increasing diversity and desirability of wildlife habitat, providing filtering and water quality benefits, and considering the goals of adjacent landowners.~~

~~(2) The rules in Part I identify those uses of the C-18 right-of-way which are consistent and inconsistent with the revegetation plan. Part I sets forth the requirements for qualifying for a right-of-way occupancy permit for the C-18 canal right-of-way and the conditions under which it may be exercised.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.023 C-18 Canal Right of Way Boundary. (REPEALED)

~~The boundary of the C-18 canal right-of-way which is the subject of this rule lies east of District Structure S-46 to the easterly limit of the Canal right-of-way. The boundary is generally depicted on the map in Figure 62-1. The map is for illustrative purposes only and should not be relied upon for conveyances of title to real property. The C-18 boundary which is the subject of this rule is more specifically described to include the area within the boundaries in Palm Beach County, Florida, as follows:~~

~~A parcel of land situate in Section 3, Township 41 South, Range 42 East, and Sections 34 and 35, Townshop 40 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:~~

~~Commence at the Southwest corner of the Northwest quarter (NW1/4) of said Section 3; thence, South 89° 24' 55" East, along the South line of said Northwest quarter (NW1/4), a distance of 25.00 feet to the POINT OF BEGINNING; thence, North 00° 36' 20" East, a distance of 291.64 feet; thence, North 32° 06' 07" East, a distance of 101.20 feet to the beginning of a curve from which the radius point bears South 57° 53' 53" East, a distance of 1893.47 feet; thence, Northeasterly, along the arc of said curve, a distance of 1372.64 feet through a central angle of 41° 32' 08"; thence, North 73° 38' 15" East, a distance of 451.14 feet; thence, South 89° 20' 07" East, along the South line of the North half (N1/2) of the Northwest quarter (NW1/4) of said Section 3, a distance of 409.75 feet; thence, North 01° 36' 14" East, a distance of 81.38 feet; thence, North 61° 32' 34" East, a distance of 1621.45 feet to the beginning of a curve from which the radius point bears North 28° 27' 26" West, a distance of 440.50 feet; thence,~~

~~Northeasterly along the arc of said curve, a distance of 318.53 feet through a central angle of 41° 25' 50"; thence, North 20° 06' 44" East, a distance of 58.36 feet to the beginning of a curve from which the radius point bears South 69° 53' 16" East, a distance of 1425.00 feet; thence, Northeasterly, along the arc of said curve, a distance of 1517.13 feet, through a central angle of 61° 00' 00"; thence, North 81° 06' 44" East, a distance of 567.41 feet to the East line of said Section 34; thence, South 00° 01' 39" East, along said East line of Section 34, a distance of 25.30 feet; thence, North 84° 06' 33" East, a distance of 1355.34 feet to a point on the East right of way line of Loxahatchee River Road; thence, North 85° 44' 25" East, a distance of 991.00 feet; thence, South 06° 53' 27" East, a distance of 503.49 feet; thence, South 83° 08' 23" West, a distance of 1086.65 feet to a point on the center line of Loxahatchee River Road; thence, South 84° 06' 33" West, a distance of 1324.72 feet to the East line of said Section 34; thence, South 00° 01' 39" East, along said East line of Section 34, a distance of 29.05 feet; thence, South 81° 06' 44" West, a distance of 473.87 feet to the beginning of a curve from which the radius point bears South 08° 53' 16" East, a distance of 825.00 feet; thence, Southwesterly along the arc of said curve, a distance of 878.34 feet through a central angle of 61° 00' 00"; thence, South 20° 06' 44" West, a distance of 58.36 feet to the beginning of a curve from which the radius point bears North 69° 53' 16" West, a distance of 1040.50 feet; thence, Southwesterly, along the arc of said curve, a distance of 752.39 feet through a central angle of 41° 25' 50"; thence, South 61° 32' 34" West, a distance of 1201.30 feet to a point on the East line of said Northwest quarter (NW1/4) of Section 3 and the West right of way line of Central Boulevard Extension; thence, South 01° 54' 07" West a distance of 57.94 feet along said West right of way line and said East line of the Northwest quarter (NW1/4) of said Section 3; thence, South 61° 32' 34" West, a distance of 495.21 feet; thence, South 73° 38' 15" West, a distance of 15.11 feet; thence, North 88° 15' 37" West, a distance of 307.41 feet; thence, South 01° 44' 23" West, a distance of 50.00 feet; thence, North 88° 15' 37" West, a distance of 300.00 feet; thence, South 01° 44' 23" West, a distance of 95.95 feet; thence, South 73° 38' 15" West, a distance of 264.78 feet to the beginning of a curve from which the radius point bears South 16° 21' 45" East, a distance of 1243.47 feet; thence, Southwesterly, along the arc of said curve, a distance of 345.17 feet through a central angle of 15° 54' 16"; thence, South 01° 37' 49" East, non-tangent to the preceding curve, a distance of 58.69 feet to a point on a non-tangent curve from which the radius point bears South 33° 43' 14" East, a distance of 1193.47 feet; thence, Southwesterly, along the arc of said curve, a distance of 503.62 feet through a central angle of 24° 10' 39"; thence, South 32° 06' 07" West, a distance of 14.05 feet to the South line of the Northwest quarter (NW1/4) of said Section 3; thence, North 89° 24' 55" West, a distance of 642.39 feet along said South line of the Northwest quarter (NW1/4) of said Section 3 to the POINT OF BEGINNING. The above described parcel of land contains 117.84 acres, more or less. The bearings recited herein are based on the Florida State Plane Coordinate System, East Zone.~~

~~Together with:~~

~~That part of the following described lands lying South of the South right of way for Canal 18; Commencing at the Northeast corner of the West half of the Southwest quarter of Section 35, Township 40 South, Range 42 East, and proceed Southerly along the Eastern boundary of said West half of the Southwest quarter of said Section a distance of 1006 feet to a point on said line, said point beginning the POINT OF BEGINNING; thence, proceed at right angles to said Eastern boundary line in a Westerly direction a distance of 817 feet to a point; thence at right angles in a Southerly direction and parallel to said Eastern boundary line a distance of 234 feet to a point; thence at right angles to said Eastern boundary line in a Westerly direction a distance of 492 feet to a point on the Western boundary line of said West half of the Southwest quarter of said Section; thence in a Southerly direction along said West line of Section 35, a distance of 972.00 feet more or less to a point on said line where the center line of Limestone Creek intersects said line; thence following the meandering center line of said Limestone Creek in an Easterly direction to a point on the Eastern boundary line of said West half of the Southwest quarter of Section 35 where the center line of said Creek intersects; thence in a Northerly direction along said Eastern boundary of said West half of the Southwest quarter of Section 35 to the POINT OF BEGINNING; LESS the right of way of the C-18 Canal, as described in Official Record Book 152, page 569, Public Records of Palm Beach County, Florida, and LESS the right of way of the Loxahatchee River Road. Area = 2.62 acres ±~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed

.

40E-62.041 Permits Required. (REPEALED)

~~(1) In addition to the requirements of Section 40E-6.041(1), F.A.C., an occupancy permit must be obtained prior to constructing, planting, maintaining, pruning, mooring boats, and placing other items on, across, under, or upon District lands and works along the C-18 canal right of way.~~

~~(2) The provisions of Rule 40E-6.041, F.A.C., are incorporated by reference into this Part.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.042 General Permit for Occupancy or Use of the C-18 Right of Way. (REPEALED)

~~(1) The rules in this Part grant general permits for occupancy or uses of the C-18 right of way which are consistent with the use zones provided for in Rule 40E-62.651, F.A.C.~~

~~(a) General permits authorized by this Part shall be processed in accordance with the time frames, application forms, and application fees established pursuant to Chapters 40E-1 and 40E-6, F.A.C.~~

~~(b) The District shall require an individual permit pursuant to Chapter 40E-6, F.A.C., for any occupancy or use of the C-18 right of way which does not comply with this Part, is harmful to the water and related land resources of the District, is inconsistent with the C-18 use zones contained in Rule 40E-62.651, F.A.C., is inconsistent with the overall objectives of the District, or is otherwise contrary to the public interest.~~

~~(2) Occupancy or uses of the C-18 right of way which are inconsistent with the use zones provided for in Rule 40E-62.651, F.A.C., will not be eligible for a general permit under this Part.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.043 Application of Part. (REPEALED)

~~All projects located within the C-18 canal right of way which require permits pursuant to Rules 40E-6.041 and 40E-62.041, F.A.C., shall be constructed, altered, operated, and maintained in accordance with the standards and criteria specified in Rules 40E-6.091, 40E-6.301, and 40E-62.651, F.A.C. The most restrictive criteria will apply unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the policy and purpose of this Part will be fulfilled using alternate criteria.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.051 Exemptions. (REPEALED)

~~(1) No permit is required under this Part for the improved boat docks in existence as of September 3, 1981, which include, but may not be limited to the following existing uses of the C-18 right of way:~~

~~(a) The existing boat dock located on lot 25.4, Figure 62-1, on the south side of the C-18 canal approximately 1800 feet west of Loxahatchee River Road (the Olsen dock).~~

~~(b) The existing boat dock located on lot 25.2, Figure 62-1, on the south side of the C-18 canal approximately 1900 feet west of Loxahatchee River Road (the Moore dock).~~

~~(2) The exemptions provided in section (1) above shall be in effect for as long as the property owner on the effective date of this rule owns and occupies the premises. A change in ownership or occupancy of the designated lots shall subject the boat docks to the requirements of this Part.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.101 Content of Application. (REPEALED)

~~Applications for permits under this Part shall be filed with the District in accordance with the provisions of Rule 40E-6.101, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.301 Conditions for Issuance of Permits. (REPEALED)

~~In determining whether an occupancy permit should be issued the District shall consider whether the proposed activity:~~

~~(1) Is consistent with the use zones established pursuant to Rule 40E-62.651, F.A.C.~~

~~(2) Meets the conditions of Rule 40E-6.301, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.321 Duration of Permits. (REPEALED)
~~The duration of occupancy permits issued in accordance with this Part shall be as specified in Rule 40E-6.321, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.331 Modification of Permits. (REPEALED)
~~Applications for modification to permitted uses shall be made in the same manner and reviewed using the same criteria and standards as new uses pursuant to Rules 40E-62.101, 40E-62.301, and 40E-62.321, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.341 Revocation of Permits. (REPEALED)
~~(1) An occupancy permit issued pursuant to this Part may be revoked if the permitted use or maintenance practices are no longer consistent with the use zones specified in Rule 40E-62.651, F.A.C.~~
~~(2) Permits issued pursuant to this Part may be revoked pursuant to Rule 40E-6.341, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.351 Transfer of Permits. (REPEALED)
~~Permits issued pursuant to this Part may be transferred in accordance with the provisions of Rule 40E-6.351, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

40E-62.381 Limiting Conditions. (REPEALED)
~~All projects which have been permitted pursuant to this Part shall be subject to the following limiting conditions:~~
~~(1) Maintenance practices or other activities not authorized by an occupancy permit which result in clearing or destruction of plant materials or modification of ground slopes or elevations shall be corrected by the permittee. Should the correction not be performed in a timely manner, the District may pursue corrective action against the permittee. In the event the permittee does not pursue the necessary corrective action, District forces may perform the work. In the event District forces perform the restorative work, the permittee shall be liable for the restoration costs.~~
~~(2) The District may install access control fences on District property on the C-18 right of way at locations to be determined by the District. Access control fences may obstruct or eliminate the view corridor overlay zones associated with said fence.~~
~~(3) The District may modify the vegetation on District property on the C-18 right of way at locations to be determined by the District.~~
~~(4) The permittee shall not engage in any activity in the area associated with the permit which interferes with the District's construction, alteration, maintenance or operation of the C-18 canal right of way, and shall be responsible for any costs incurred by the District resulting from any such interference including, but not limited to:~~
~~(a) Discharging debris or aquatic weeds into the C-18 canal, including the renovated portions of Limestone Creek;~~
~~(b) Causing erosion or shoaling within the C-18 canal right of way;~~
~~(c) Mooring watercraft or other floating objects;~~
~~(d) Planting plants which are not included in the District's authorized plant list, Figure 62-4, or which are not authorized by the permit;~~
~~(e) Placing plants in undesirable locations or locations not authorized by the permit.~~
~~(5) The permittee shall not engage in any activity which interferes with the environmental preservation and enhancement of the C-18 canal right of way, including, but not limited to:~~
~~(a) Trimming or removing existing natural mangroves unless in strict accordance with current permits;~~
~~(b) Trimming or removing vegetation along the C-18 canal right of way.~~
~~(6) The limiting conditions provided by Rule 40E-6.381, F.A.C.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.085, 373.086, 373.103, 373.129 FS. History–New 1-23-90, Repealed.

40E-62.651 C-18 Use Zones. (REPEALED)

~~(1) The following sections identify and describe the eight use zones that have been established within the C-18 canal right of way. Three of the use zones are identified as overlay zones. The overlay zones occupy lands in common with the other use zones and further define the use regulations in the underlying zone area. The eight use zones are:~~

~~(a) Canal Flood Zone;~~

~~(b) General Wildlife Area Zone;~~

~~(c) Limestone Creek Shallow Zone;~~

~~(d) Limestone Creek Zone;~~

~~(e) Fire Control Zone;~~

~~(f) Intertidal Wet Area Overlay Zone;~~

~~(g) Canal Flood Overlay Zone; and~~

~~(h) View Corridor Overlay Zone. The use zones are generally depicted in Figure 62-2. The overlay zones are generally depicted in Figure 62-3. The following provisions identify uses which are consistent and inconsistent with each use zone.~~

~~(2) The District has identified water skiing, jet skiing, and any other boating activity that produces boat wakes as inconsistent with the Canal Flood Zone, the Limestone Creek Shallow Zone, and the Limestone Creek Zone. Although the District does not have jurisdiction to regulate such activities, the District encourages users of the C-18 canal to observe no-wake speeds. The district will also cooperate with the appropriate regulatory authorities to establish and maintain no-wake zones in the above specified zones.~~

~~(3) There may be locations in the Limestone Creek Shallow Zone and the Limestone Creek Zone where boat docks and access platforms are proposed for installation on private property. The District views such boat docks and access platforms as inconsistent with the initial phases of the revegetation plan and discourages, but cannot and does not prohibit, construction of such boat docks and access platforms until the revegetation plan succeeds and until no wake speeds are established.~~

~~(4) Canal Flood Zone~~

~~(a) Description: This zone consists of the primary canal cross section designed for flood control. Said zone is defined as the area consisting of the canal, including 105' bottom width, 1 on 2 side slopes from elevation -6.0 to -3.0, 1 on 5 side slopes from elevation -3.0 to 3.0, or the channel as it currently exists. This zone shall be free of floating or submerged obstructions.~~

~~(b) Consistent uses include the following:~~

~~1. Fishing;~~

~~2. Public watercraft sightseeing and cruising;~~

~~3. Environmental study and appreciation;~~

~~4. Swimming;~~

~~5. Maintenance activities conducted by the District and the permittee; and~~

~~6. Navigation signs.~~

~~(c) Inconsistent uses include the following:~~

~~1. Mooring boats or other floating items;~~

~~2. Docks of any kind; and~~

~~3. Any activity which blocks, impedes or creates turbulence in the flow of water from flood control discharges.~~

~~(5) General Wildlife Area Zone~~

~~(a) Description: This zone consists of lands from above elevation 3.0 to the edge of the C-18 canal right of way. The area within this zone is intended for the primary use of wildlife and therefore is designed to provide food, cover and resting places for wildlife.~~

~~(b) Consistent uses include the following:~~

~~1. Typical and normal activities of wildlife residing in or visiting the area;~~

~~2. Environmental study and appreciation;~~

~~3. Public passage from upland, off-site areas to the C-18 canal right of way, including Limestone Creek;~~

~~4. Maintenance activities conducted by the District and the permittee;~~

~~5. Paths which meet the requirements of subsection 40E-62.651(5)(e), F.A.C.;~~

~~6. Permitted utility uses; and~~

~~7. Small group picnicking.~~

~~(c) Inconsistent uses include the following:~~

~~1. Clearing or substantial thinning of vegetation;~~

~~2. Capturing, trapping, hunting or otherwise taking, harassing or destroying wildlife, not including fishing and~~

~~shellfishing activities or removing dangerous wildlife, such as poisonous snakes and rats;~~

~~3. Camping; and~~

~~4. Large group picnicking.~~

~~(d) Public passage areas shall not interfere with areas designed for food, cover, resting and passageways for wildlife. Users of the C-18 canal right of way are advised to dress properly for passage through native vegetation and are further advised that wildlife may be encountered.~~

~~(e) A general permit is in effect pursuant to this Part for paths which are designed and maintained for access by residents adjacent to the C-18 canal right of way subject to the following requirements:~~

~~1. Paths shall meet District design standards, generally following an irregular alignment in order to minimize interruption to wildlife areas, to minimize opening direct viewing corridors from the C-18 canal, and to discourage passage of the general public from the right of way onto private property;~~

~~2. Paths shall be a maximum of six feet in width;~~

~~3. Path design shall include a landscape plan, a maintenance plan and details necessary to illustrate proposed construction. Sod and regular intervals of mowing will not be considered an acceptable path;~~

~~4. Paths located within the C-18 right of way shall be open to the public; the District will consider alternative designs for paths which would allow access to the handicapped; and~~

~~5. The District recognizes that adjacent property owners may erect signs or other barriers on their own property in order to limit public access to private property from the C-18 right of way.~~

~~(6) Limestone Creek Shallow Zone~~

~~(a) Description: This zone consists of the portions of Limestone Creek that are specified and designed to be one to two feet deep. This zone includes the portions of Limestone Creek depicted in Figure 62-1 and further described as follows:~~

~~1. Adjacent to River Oaks: Lots 17-21.~~

~~2. Adjacent to Jupiter Landings: 10' east of the westerly line of the boat storage area extending 56' east of the Central Blvd. bridge.~~

~~3. Adjacent to Riverwalk: 75' east of the Central Blvd. bridge extending to 500' east of the Central Blvd. bridge.~~

~~4. Adjacent to the remaining single family uses along the South of the Canal: 3000' east of the Central Blvd. bridge to 1100' west of the Loxahatchee River Road bridge.~~

~~(b) Consistent uses include the following:~~

~~1. Fishing;~~

~~2. Boating by low speed, low noise watercraft;~~

~~3. Environmental appreciation; and~~

~~4. Permitted maintenance activities.~~

~~(c) Inconsistent uses include the following:~~

~~1. Recreational or other activities that damage or remove plant or bank material.~~

~~(7) Limestone Creek Zone~~

~~(a) Description: This zone consists of the portions of Limestone Creek that are designed to be greater than two feet in depth and are not a part of the Limestone Creek Shallow Zone.~~

~~(b) Consistent uses include the following:~~

~~1. Fishing;~~

~~2. Environmental appreciation;~~

~~3. Sightseeing by water; and~~

~~4. Limited subdivision access, subject to zone requirements.~~

~~(c) Zone requirements for the Limestone Creek Zone include the following:~~

~~1. The adjacent residents have indicated interest in access to the water by subdivision. During the period that revegetation is proceeding, the District will allow limited subdivision access consisting of one access area per subdivision for the purpose of canoe access and pedestrian access. Conditions will be specified per subdivision and will include, but not be limited to:~~

~~a. The revegetation is proceeding without delay and with success;~~

~~b. Subdivisions shall agree to design, construct and maintain access areas according to the provisions of Section 40E-62.651(7)(c)2., F.A.C.~~

~~2. Limited subdivision access areas shall meet the following requirements:~~

~~a. Design of all facilities which connect with the C-18 canal right of way or Limestone Creek shall be approved by the District through the permit process established by this Part;~~

~~b. The C-18 canal right of way shall remain open to the public;~~

~~c. Water access facilities placed upon the C-18 right of way shall be open to the general public and shall contain~~

~~a permanent sign so stating; the sign shall be visible and legible from the center of the adjacent water area;~~

~~d. Access areas shall be available to the District for inspection, maintenance and other activities associated with District functions;~~

~~e. Access areas shall be kept in good repair, free of litter and provide minimum interruption to the view from the C-18 canal right of way; access areas will be landscaped to maximize the use of plant materials to blend the access area into the river character; uses related to the access point, such as parking, picnic, fish cleaning and similar uses will be screened from view; the design of access areas shall include a swale or other suitable system extending the entire length of the lot, including the access ramp, intended to divert overland water flows from paved areas into vegetated areas; such systems and vegetated areas are to provide detention of runoff to encourage percolation of water through earth and vegetation; and~~

~~f. Electrical and water facilities may be included on subdivision access facilities; facilities shall be designed to meet applicable county and city safety and building requirements; lighting equipment should be designed so as to minimize glare on the surface of or across the C-18 canal; water facilities shall be designed and maintained to function with no erosion or discharge of waste into the C-18 canal or Limestone Creek; said facilities shall not be for the purpose of providing service to live aboard boats or boat repair facilities.~~

~~(8) Fire Control Zone~~

~~(a) Description: This zone is intended to provide a buffer safety area to help prevent the spread of wildfire from the C-18 canal right of way onto private property. This zone shall consist of a fifteen foot wide area containing low native ground covers or grasses and mature native trees.~~

~~(b) Shrubs and trees that invade this zone may be removed to maintain the low character and protection; provided however, that mature trees must not be removed without a permit from the District.~~

~~(9) Intertidal Wet Area Overlay Zone~~

~~(a) Description: This zone includes lands that are inundated during periods of high tide, during parts or all of the year, and generally exposed during periods of low tide.~~

~~(b) Consistent uses include the following:~~

~~1. Maintenance and monitoring activities; and~~

~~2. Permitted utility uses, provided disturbed vegetation is replaced.~~

~~(c) Zone requirements for the Intertidal Wet Area Overlay Zone include the following:~~

~~1. Plants in this zone, especially mangroves, are not to be removed or pruned unless there is a current permit approved by Palm Beach County; a District permit issued pursuant to this Part, and any other permits required by law; pruning must be performed in strict accordance with the terms of all applicable permits.~~

~~(10) Canal Flood Overlay Zone~~

~~(a) Description: This zone consists of an overlay of the Canal Flood Zone including both sides of the canal from elevation -1.5, as measured from the edge of the water at low tide, to the top of the canal bank, as measured from the edge of the canal.~~

~~(b) Consistent uses include the following:~~

~~1. Fishing;~~

~~2. Environmental study and appreciation;~~

~~3. Temporary, not to exceed approximately four hours, stopping and anchoring of watercraft for permitted public recreational purposes;~~

~~4. Permitted maintenance activities; and~~

~~5. Swimming.~~

~~(c) Inconsistent uses include the following:~~

~~1. Recreational or other activities which damage or remove plant material or soil;~~

~~2. Camping; and~~

~~3. Mooring watercraft to mangroves.~~

~~(11) View Corridor Overlay Zone~~

~~(a) Description: This zone is intended to provide for a view of the canal from adjacent residential buildings. The District's intent is to allow vegetation on these areas with ground cover plant materials that remain low enough to allow view over the top, and trees that, when mature, allow view under the canopy.~~

~~(b) Consistent uses include the following:~~

~~1. Uses allowed in the underlying zones; and~~

~~2. Scenic viewing of the canal from residences.~~

~~(c) Inconsistent uses include the following:~~

~~1. Uses that substantially obstruct the intended view, unless the obstruction is caused by immature vegetation; and~~

~~2. Uses that are not consistent with underlying zones.~~
~~(d) Zone regulations for the View Corridor Overlay Zone:~~
~~1. Maintenance will be limited to minimal care of plant materials;~~
~~2. Ground covers will be left at their natural height with no mowing or clearing;~~
~~3. Pathways shall conform to regulations in the General Wildlife Zone;~~
~~4. Tree pruning shall require a current District permit issued pursuant to this Part, prior written notification, and District approval each time a permittee proposes to prune. Said notification shall include photographs of the trees(s) to be pruned;~~
~~5. Permit applications shall include photographs of the tree prior to work being accomplished.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 1-23-90, Repealed
.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jorge Patino

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 03/14/2013

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

SFWMD

Right of Way
Permit Information Manual

sfwmd.gov

Criteria Manual for
Use of Works of the Distric
March, 2013

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Criteria Manual
for
Use of Works of the District

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I. INTRODUCTION

1. Policy Statement

It is the policy of the South Florida Water Management District to allow adjacent owners, governmental entities and utilities to utilize Works and Lands of the District provided that the use does not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions. In order that the District can determine that a use of the right of way will not interfere with the District's objectives, unless specifically exempt under the District's Rules, the District requires that an individual or entity desiring to utilize the District's rights of way first obtain approval **before any activity begins** within the District's rights of way. (Please refer to the "Exemptions" section of this manual for information on exempt uses of the right of way and related criteria – Refer to page ___).

It is the District's position that construction on, or use of, the District's rights of way without obtaining prior approval is an act of bad faith which will be taken into consideration in the review of any request the user may subsequently make or in such compliance action as the District may elect to initiate.

2. Objective

The purpose of this manual is to provide information which describes the Rules and Criteria which relate to the utilization of Works and Lands of the District.

This manual is used as a guideline by the District staff in reviewing proposals for the issuance of permits. The Rules and criteria contained herein are not intended to restrict the District's use of its rights of way and are subject to change by the Governing Board of the District.

The criteria in this manual has been developed and refined over a period of 50 years. This criteria has been established to allow the most liberal use of the right of way possible by members of the public without interfering with the District's missions. The criteria represents the minimum allowable conditions acceptable to the District. Please do not consider it as the starting point or a basis for negotiations in an effort to have an unacceptable use or facility approved.

The reader will note that the criteria is based on the District's need to access, operate and maintain its canal and levee system. In order to do this, the District has made conscious decisions on the width of the right of way necessary to perform various functions and has acquired land or obtained sufficient property rights to perform its duties. Please keep in mind that the South Florida Water Management District and its predecessors (the Central and Southern Florida Flood Control District and the Everglades Drainage District) have, since 1915, gained an expertise in the amount of right of way which is necessary to efficiently perform a variety of tasks.

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While the amount or width of right of way varies somewhat depending on field conditions and the types of equipment employed, it has been determined that an unencumbered strip of land 40 feet in width is necessary in order to perform the majority of the maintenance operations in the most expeditious and cost effective manner.

Many individuals have commented that they have never seen District maintenance equipment working on the right of way behind their home. This may be true. In some areas, the District has determined that routine maintenance, such as mowing, is not needed on certain stretches of right of way. In these cases the only type of routine maintenance which may be required is control of aquatic weeds and spraying of emergent vegetation by means of boats. However, the District must maintain the operational flexibility of being able to access and travel the right of way to perform certain emergency activities such as removing sunken boats, trees or other storm debris which have blown into the canal during a hurricane or other severe storm. Activities such as these cannot be performed from boats, particularly during storms when canal levels can fluctuate greatly and the canal is flowing rapidly.

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CHAPTER 40E-6
UTILIZATION OF WORKS OR LANDS OF THE DISTRICT

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40E-6.011. Policy and Purpose.

(1) This chapter governs the use of or connection to works or lands of the District. Conditions and criteria are established to ensure that uses are compatible with the construction, operation, and maintenance of such works or lands.

(2) Due to the critical importance of works and lands of the District in providing flood protection and other benefits, it is considered essential that the District retain complete dominion and control over the use of such works or lands, including those subject to right of way occupancy permits. The District acts in a proprietary capacity in acquiring lands or interests therein for utilization as works of the District. These rules are based upon proprietary concepts of property law. A "permit" to utilize works or lands of the District is a contract between the District and the "permittee," whereby the permittee obtains a license which is revocable at will, except as otherwise provided herein. All risk of loss regarding expenditures in furtherance of the permitted use is borne by the permittee. The District retains complete discretion as to the manner, if any, in which works or lands of the District shall be utilized, and nothing in these rules is intended to limit that discretion.

(3) An exception to subsection (2), above, is made for governmental entities and utilities, which may have their consent to utilize District works or lands revoked only for cause, pursuant to the criteria set forth in this chapter.

(4) The District has determined that an unencumbered 40 foot wide strip of right of way, measured from the top of bank landward, is required in order for the District to perform the required routine and emergency operations and maintenance activities necessary to insure flood protection to the entire community. In this 40 foot right of way, subject only to limited exceptions provided in this rule, the District shall not authorize any above-ground facilities or other encroachments.

(5) The requirement for the unencumbered 40 foot right of way shall be applicable regardless of the District's quality of title to the right of way and regardless of the width of the overbank right of way.

(6) In the past, the District has authorized certain above-ground facilities and uses on its rights of way within a 40 foot wide area adjacent to the top of bank, as set forth in subsection (4), above. However, over time and with experience gained in disaster preparation, operation and recovery, the District has determined that these previously authorized above-ground facilities and uses are now inconsistent with the current and future operation and maintenance needs of the District. These facilities and uses have also been determined by the District to increase the operation and maintenance costs (for both routine and emergency operation and maintenance activities) and pose a significant additional physical burden on District staff. Subject to those uses specifically allowed in the Criteria Manual for Use or Occupancy of the Works or Lands of the District (Criteria Manual), no future authorizations by the District shall allow above-ground facilities or uses within that 40 foot wide area adjacent to the top of bank within the right of way, and all previous authorizations for facilities and uses shall be expressly limited to minimize their adverse impact on District operations and maintenance. Specifically, such authorizations shall not be modified or transferred, and shall be subject to the revocation provisions set forth herein as determined necessary by the District in order to meet its current and future operation and maintenance responsibilities to provide adequate flood protection to the community.

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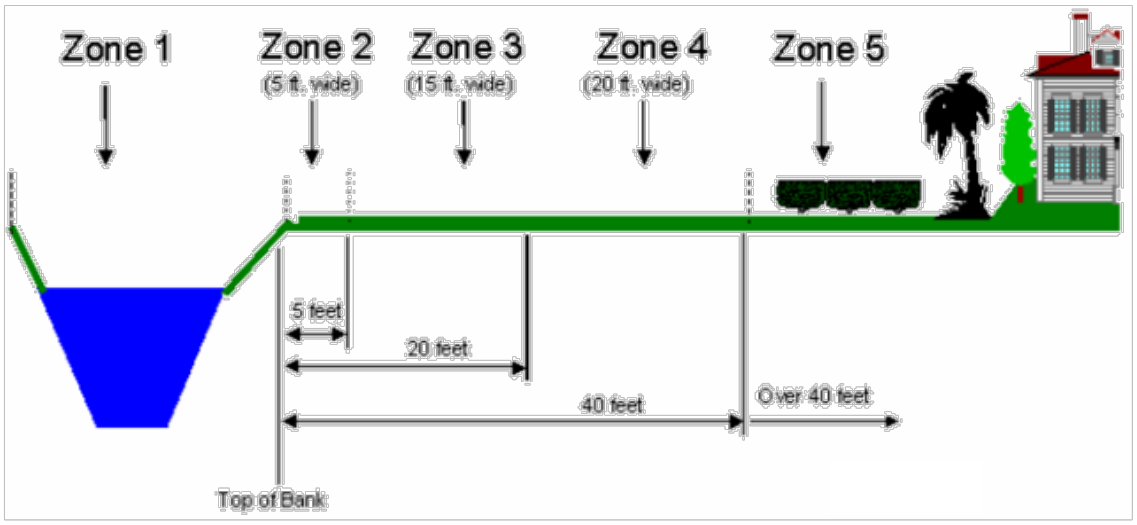
(7) In order to effectively and efficiently evaluate proposed installations of above-ground facilities and uses, the District has segmented the canal and rights of way into five (5) operational zones shown on the diagram below:



The District's rights of way vary in width, and may be either less than forty feet or more than forty feet in width. Accordingly, in those cases when the right of way is less than forty feet, only those zones depicted above would be applicable to the actual width of the right of way.

The specific above-ground facilities and uses which are consistent with the District's operation and maintenance needs, and which will generally be authorized are set forth in Rule 40E-6.221, F.A.C. Those facilities and uses not specifically identified as being consistent with the District's operation and maintenance needs for the respective zones have been determined by the District to be inconsistent with District operation and maintenance needs and no District authorization shall be granted.

(8) Due to the varying widths and physical limitations of the rights of way obtained by the District for the canals of the Big Cypress Basin, maintenance of the Basin canals is currently performed with different equipment than is utilized throughout the remainder of the District. Based on the differing maintenance needs of the Big Cypress Basin, application of the five operational zones, as set forth in subsection (7), above, will be reviewed on a case by case basis taking into account the width of overbank right of way, the accessibility of the right of way to land-based maintenance equipment and any site specific conditions that would impact the Basin's ability to operate and maintain the canal which is the subject of a particular application.

(9) The District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions in zones 2, 3, 4, and 5 may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal

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of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

(10) The District has further determined that certain facilities and uses meeting specific minimum criteria for various right of way zones shall more efficiently be granted authorization with a limited review by District staff, since these specific facilities and uses do not adversely impact the District's ability to operate and maintain the District's right of way and works of the District. Such authorizations shall be administered by the provisions of Rules 40E-6.201 and 40E-6.221, F.A.C., as a notice general permit. The District will incur less expense in the review of notice general permit applications, and, therefore the application processing fee associated with such facilities and uses shall reflect accordingly, as set forth herein. If multiple uses are being requested and any of those uses require a standard permit, all authorizations shall be requested under the standard permit application and a notice general permit will not be required.

(11) In managing its canal and levee system the District must, from time to time, change its criteria and permit requirements based on regional and site specific conditions. Applicants are cautioned that the information provided by District staff is based on the best available information at the time the information is conveyed, but is subject to change. This is particularly true when applicants delay months or years in submitting an application for permit. Therefore the rules, criteria and requirements in effect at the time a formal application is received for review will be applied to the permit application.

Rulemaking Authority 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.118, 373.129, 373.1395 FS. History--New 9-3-81, Formerly 16K-5.01(1), Amended 12-29-86, 9-15-99, 7-12-06, _____.

40E-6.021. Definitions.

(1) The term "above-ground facilities" when used in these rules is intended to mean any and all physical improvements or uses, whether man-made or natural (e.g., vegetation), that are extended above the existing surface of the ground.

(2) The term "change of ownership" when used in these rules is intended to mean the sale, purchase, or transfer of beneficial ownership of property adjacent to the District's right of way relative to a right of way occupancy permit; or in the case of utilities, bridges, or other such public facilities, the sale, purchase, or transfer of responsibility.

(3) The term "easement" when used in these rules is intended to mean the District's legal interest in the land for a specific limited use, such as access, construction, operation and maintenance of a canal or levee, access, stock piling of spoil material, or flowage of the land of another.

(4) The term "fee" ownership when used in these rules is intended to mean absolute and unconditional ownership by the District.

(5) The term "financial assurances" when used in these rules is intended to mean a cash bond to be held by the District in a non-interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District.

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(6) The term "marina" when used in these rules is intended to mean a docking facility for four (4) or more watercraft.

(7) The term "modification" when used in these rules is intended to mean the addition or deletion of any facilities or uses not specifically authorized by the original permit.

(8) The term "notice general permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District for specific types of uses, with limited review by District staff, as set forth herein, and not requiring Governing Board approval.

(9) The term "owner" when used in these rules is intended to mean the individual or entity legally responsible for the ownership and control of the facility or authorized use.

(10) The term "permit transfer" when used in these rules is intended to mean the changing of responsibility for the permit authorization from one person or entity to another.

(11) The term “public works project” when used in these rules is intended to mean projects such as bridges, roads, utilities, and parks.

(12) The term "right of way" when used in these rules is intended to mean those lands acquired by the District in fee, easement, or other type of grant, for the purpose of construction, operation and maintenance of works of the District including, but not limited to, canals, levees, water control structures, spoil areas, Stormwater Treatment Areas (STAs), and access roads.

(13) The term "right of way occupancy permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District, either by a notice general permit or a standard permit.

(14) The term “safety features” when used in these rules is intended to mean those appurtenances/facilities associated with public work projects such as signage, guardrails, bollards, signalization, handrails and lighting/security poles.

(15) The term "STA" when used in these rules is intended to mean the District's Everglades Nutrient Removal Project ("ENR"), as well as those areas currently, or in the future, designated by the District as Stormwater Treatment Areas.

(16) The term “staging area” when used in these rules is intended to mean that portion of land, 100’ in length, for the entire width of the District’s right of way, located on the upstream and downstream sides of all bridge and pile-supported utility crossings.

(17) The term "standard permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District for all uses not covered by a notice general permit, with a full review by District staff, as set forth herein, and requiring Governing Board approval.

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(18) The term "top of bank" when used in these rules is intended to mean the point at which the flat or nearly level ground surface transitions down to the channel along the side slope of the canal bank.

(19) The term "tree" when used in these rules is intended to mean not only the trunk of the tree, but the farthest part of the canopy of the tree at maturity as well.

(20) The term "utility" when used herein means entities providing water, electric, telephone, fiber optic/cable, sewer, or natural gas services.

(21) The term "violator" when used in these rules is intended to mean any persons or entities acting contrary to the provisions of Chapter 373, F.S., these rules, as well as the provisions of any permit issued pursuant to these rules.

(22) The term "works of the District" when used in these rules is intended to mean the canals, levees, structures, lands, water bodies, and other associated facilities which have been adopted as such by the District's Governing Board.

(23) The term "Zone 1" when used in these rules is intended to mean the canal channel from the top of bank to the opposite top of bank, as depicted in Rule 40E-6.011(7), F.A.C.

(24) The term "Zone 2" when used in these rules is intended to mean the point on the right of way from the top of bank to a point five (5) feet landward, as depicted in Rule 40E-6.011(7), F.A.C.

(25) The term "Zone 3" when used in these rules is intended to mean the point on the right of way from a point five (5)feet landward from top of bank to a point twenty (20) feet landward, as depicted in Rule 40E-6.011(7), F.A.C.

(26) The term "Zone 4" when used in these rules is intended to mean the point on the right of way from a point twenty (20) feet landward from top of bank to a point forty (40) feet landward, as depicted in Rule 40E-6.011(7), F.A.C.

(27) The term "Zone 5" when used in these rules is intended to mean any right of way located farther than forty (40) feet from the top of bank, as depicted in Rule 40E-6.011(7), F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-15-99, Amended 7-12-06, _____.

40E-6.031. Implementation.

(1) The effective date for the program established in this chapter is .

(2) All permits issued prior to the effective date of these rules shall remain in effect, except as provided herein.

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(3) All applications, and permit application processing fees, for permits received by the District prior to the effective date of these rules shall be processed using the criteria set forth in Criteria Manual for Use or Occupancy of the Works or Lands of the District -- Permit Information Manual, adopted .

(4) All applications, and permit application processing fees, received by the District on or after the effective date of these rules shall be subject to the provisions of these rules and the criteria adopted pursuant to these rules as set forth in Rule 40E-6.091, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-3-81, Amended 12-29-86, 9-15-99, _____.

40E-6.041. Consent Required.

(1) Unless expressly exempt by law or District rule, a right of way occupancy permit, either a notice general permit or a standard permit, must be obtained prior to connecting with, placing structures in or across, discharging into or making use of the works of the District and any additional lands or real property interest owned by the District used in conjunction with such works, including the Stormwater Treatment Areas (STA's).

(2) All other use and occupancy of District works or lands must be consistent with the purposes and objectives of Ch. 373, F.S., and Title 40E, F.A.C.

(3) These rules do not apply to:

(i) those portions of "Management Areas" described pursuant to Chapter 40E-7, Part V, F.A.C., not contained within Works of the District, or

(ii) Property managed by the District pursuant to the District's real estate or leasing policies, except as otherwise limited by Rule 40E-6.221(8), F.A.C.

(4) These rules do not apply to the Seminole Tribe of Florida at such time as there exists a District approved agreement specifically addressing the use and management of District rights of way between the District and the Seminole Tribe of Florida.

(5) Except when works or lands of the District have been affirmatively opened to public vehicular use, a right of way occupancy permit must be obtained prior to traveling on or across such works or lands.

(6) A conceptual approval for the use of works of the District may be obtained by processing a right of way occupancy permit application in conjunction with the request for a letter of conceptual approval only if the letter of conceptual approval is requested pursuant to section 380.06(9)(b), F.S.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 380.06(9)(b), 373.118 FS. History--New 9-3-81, Formerly 16K-5.01(1), 16K-5.10, Amended 7-1-86, 12-29-86, 12-24-91, 9-15-99, _____ .

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40E-6.051. Exemptions.

(1) The following uses are exempt from permitting under this chapter where such facilities and uses comply with the criteria contained in the document listed in subsection 40E-6.091(1), F.A.C.:

(a) The planting or maintenance of native or drought and insect resistant turf grasses;

(b) Drain lines (pool, roof, air-conditioning);

(c) Low lying groundcover in certain zones;

(d) Irrigation lines, flush or pop-up sprinklers, draft lines; and

(e) Not-for-profit, organized boat races, regattas and similar activities.

(2) An exemption from these rules shall not relieve any person or entity from compliance with other District permit requirements and any applicable permit requirements of federal, state and local government.

(3) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

(4) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 12-24-91, Amended 9-15-99, 7-12-06.

40E-6.091. Publications Incorporated by Reference.

(1) The "Criteria Manual for Use or Occupancy of the Works or Lands of the District --_____" ("Criteria Manual")(NEED TO INCLUDE HYPERLINK TO DOCS), which includes separate and distinct minimum criteria developed to address the unique characteristics and operational needs of the respective areas of the District.

(2) The works and lands of the District subject to this Chapter are adopted by the Governing Board by Resolution in accordance with the provisions of section 373.086, F.S., A current list of the adopted Works of the District is available upon request and can also be located on the District's website (www.sfwmd.gov).

(3) The document listed in subsection (1) is published by the District and available upon request, as well as located on the District's website.

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Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 403.0877 FS. History--New 9-3-81, Formerly 16K-5.01(3), Amended 12-29-86, 12-24-91, 9-15-99, _____.

40E-6.101. Content of Application. (REPEALED)

Repealed _____.

40E-6.121. Conditions for Issuance of Notice General Permits. (REPEALED)

Repealed _____.

40E-6.201. Content of Application.

(1) Applications for permits shall be filed with the District. The permit application shall contain the following information:

(a) A completed Form ?? "Application to the South Florida Water Management District for Right of Way Occupancy Permit" effective date _____, which is hereby incorporated by reference and which may be obtained at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406;

(b) The applicant's name and address, if other than owner, including zip code and phone number;

(c) All owner's names, as appearing on the tax rolls, and complete address if applicant or user is other than the owner;

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) A description of the portion of the works or lands of the District to be used;

(f) Whether the use is a proposed, existing, or a modification of an existing use;

(g) A description of the use or encroachment on works or lands of the District and in which zone, as depicted in Rule 40E-6.011(7), F.A.C, the use will be located;

(h) At a minimum, Four (4) copies of the following scaled or fully dimensioned 8 1/2 " x 11" drawings:, the use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings or aerial photographs shall be required, if necessary to adequately show the location and nature of the proposed use. A property survey, indicating the location of the District right of way boundary line, shall also be provided.

1. All drawings shall utilize English units of measure or a combination of both English and metric units of measure. Vertical datum shall be National Geodetic Vertical Datum (1929),

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North American Vertical Datum (1988), or Mean Sea Level and the datum utilized shall be specified on the drawing(s).

2. All drawings shall be in accordance with the specified requirements set forth in the Criteria Manual.

(i) Information sufficient to demonstrate that the use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by both the owner(s) and/or authorized agent, if applicable.

(3) Applications shall not be considered complete until such time as the following have been received and accepted by the District:

(a) all requirements set forth in subsections (1) and (2), above;

(b) insurance and financial assurances in accordance with Rule 40E-6.361, F.A.C.; and

(c) all land interests required for access and/or maintenance easements in connection with applications for permits that impede District access.

(4) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. The applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085(1), 373.086, 373.117, 471.003 FS. History--New 9-15-99, Amended _____ .

40E-6.221. Conditions for Issuance of Permits.

(1) The District has determined that certain uses shall be authorized under a notice general permit when located in an authorized operational zone and the activity fully complies with all of the criteria set forth in the Criteria Manual, incorporated by reference in Rule 40E-6.091, F.A.C. These uses are set forth in the Permit Index Chart included in the Criteria Manual.

(2) The District has determined that certain uses, not eligible for a notice general permit, shall be authorized under a standard permit when located in an authorized zone and when they comply with the criteria established in the Criteria Manual, incorporated by reference in Rule 40E-6.091, F.A.C. These uses are set forth in the Permit Index Chart included in the Criteria Manual.

(3) In determining whether a permit should be issued, the District shall consider whether the activity unduly burdens the District's interests. In making this decision, the District shall weigh the following critical factors:

(a) interferes with the present or future construction, alteration, operation or maintenance of the works or lands of the District;

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(b) is consistent with the policy and objectives of Chapter 373, F.S., including the legislative declaration of policy contained in section 373.016, F.S.

(c) has an actual or potential negative impact upon environmentally sensitive areas, which include: wetlands; endangered or threatened species habitat; aquatic preserves; Outstanding Florida Waters; Class I or Class II waters; federal, state and privately owned parks and wildlife management areas; designated areas of critical state concern; lands purchased by federal, state and local governments for the purpose of environmental protection, water resource protection and aesthetics; and lands which contain native terrestrial plant species in significant amounts. Environmentally sensitive areas include areas on and off-site that are affected by activities which occur on, or are initiated from, the works of the District;

(d) degrades water quality within the receiving water body or fails to meet the provisions of Ch. 373, F.S., the state water policy, and Title 40E, F.A.C.;

(e) involves a discharge of wastewater from a new wastewater source or an increased discharge from an existing wastewater source;

(f) will discharge debris or aquatic weeds into works of the District or cause erosion or shoaling within the works of the District;

(g) is supported by financial assurances, which will ensure that the proposed activity will be conducted in accordance with Chapter 373, F.S., and Chapter 40E-6, F.A.C.;

(h) interferes with scientific activities;

(i) presents an increased liability risk to the District;

(j) meets the general and specific criteria in the Criteria Manual which is incorporated by reference in Rule 40E-6.091, F.A.C.;

(k) interferes with actual or potential public use of the District's works or lands, including public recreational or other facilities not within the District's works;

(l) meets applicable criteria in Chapter 40E-61, F.A.C.

(m) The natures of the District's property interest.

(n) Any and all above-ground facilities located within the clear 40 foot wide right of way, as set forth in Rule 40E-6.011(4), F.A.C., or within the right of way at locations where the right of way is less than 40 feet wide, as measured from the top of the canal bank landward, are prohibited, except for:

1. safety features associated with public works projects; and
2. installations necessary to support District works, including but not limited to utilities.

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(4) The District shall consider a permit applicant's past and present violation of any District rules or permit conditions, including enforcement action, when determining whether the applicant has provided reasonable assurances that District standards will be met.

(5) Activities which can be carried out through the District's real property acquisition and disposal policy will not be eligible for a permit under this chapter.

(6) The District shall also consider the cumulative impact of allowing the proposed use. Based upon the cumulative impact of allowing similar uses in the affected area, the District shall deny uses which appear insignificant with regard to the above criteria if the cumulative impact is significant.

(7) The structural integrity of bridges across District works or lands shall be certified by a professional engineer registered in the State of Florida, except as provided in Section 471.003, F.S.

(8) In those instances where the District does not own the underlying fee simple title, applicants may be required to show the necessary legal interest from the owner of the underlying fee. The District does not, however, assume any duty to protect the legal rights of the underlying fee owner.

(9) Except for utilities, no commercial uses on the District's fee owned rights of way will be authorized by a Right of Way Occupancy Permit, but may be authorized by a lease and/or agreement with the District. Commercial use of the District's non fee-owned rights of way by the underlying fee-owner may be allowed, provided such authorizations take into consideration those determining factors set forth in Rule 40E-6.221(2), F.A.C.

(10) Except for utilities and governmental entities, an applicant must own or lease the land underlying or adjacent to or served by the portion of the works or lands of the District involved.

(11) In addition to the requirements and restrictions set forth in Subsections (1) through (9), the District, due to its proprietary interest in its lands and works, possesses and exercises all the rights and remedies available to owners of real property through statutory and common law.

(12) The Limiting Conditions set forth in Rule 40E-6.361, F.A.C., shall be incorporated into every Permit issued.

(13) Special Conditions that are site specific shall be incorporated into every Permit as may be necessary in the best interest of the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.117, 471.003 FS. History--New 9-15-99, Amended _____.

40E-6.321. Duration of Permits.

(1) Permits issued prior to the effective date of ??new date??, and which do not comply with the Criteria

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Manual incorporated by reference in Rule 40E-6.091, F.A.C., shall expire upon the change of ownership of the property unless transferred pursuant to Rule 40E-6.351, F.A.C., below. However, these authorizations may be transferred to a new property owner if the activity complies with Rule 40E-6.221(3)(a) – (i), (m). Otherwise it must be immediately removed from the District's right of way. (2) Unless revoked or otherwise modified the duration of a right of way occupancy permit is:

(a) as set forth in the permit, including the special conditions to the permit; or

(b) after construction is complete, perpetual, unless revoked.

(3) Once issued, a permit is valid to the date indicated on the face of the permit unless construction of the authorized facilities has begun. Otherwise, a written request for extension must be received by the District on or before the expiration date. If an extension has not been requested prior to the expiration of the permit, a new application, including the application processing fee, must be submitted. The District has the right to decline the extension of a permit authorizing construction if the proposed use is no longer consistent with the objectives of the District or other provisions of these rules.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-3-81, Formerly 16K-5.07, Amended 12-29-86, 9-15- 99, _____.

40E-6.331. Modification of Permits.

(1) Applications for permit modifications required by this Chapter shall be filed by formal application, including the permit modification application fee, with the District.

(2) Applications for modification to permitted uses shall be reviewed using the same criteria as new applications, pursuant to Rules 40E-6.091 and 40E-6.221, F.A.C.

(3) Letter modifications may be issued by District staff, provided the requested modification:

(a) does not substantially alter the permit authorization;

(b) does not interfere with construction, operation and maintenance of District lands or works; and

(c) is otherwise consistent with the purposes and policies of Chapter 373, F.S., and Chapter40E-6, F.A.C.

(4) Under sections 373.083 and 373.085, F.S., the District is authorized to modify a permit when it determines that the currently permitted use has become inconsistent with the factors and conditions enumerated in Rule 40E-6.221, F.A.C.

(5) Permit modifications may be initiated by the District in accordance with the provisions of Chapter 40E-1, F.A.C.

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Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086 FS. History--New 9-3-81, Formerly 16K-5.11(1), Amended 12-29-86, 12-24-91, 9-15-99, _____.

40E-6.341. Revocation of Permits.

(1) Under sections 373.083 and 373.085, F.S., the District is authorized to revoke a right of way occupancy permit under any of the following circumstances:

(a) the permittee or his agent has committed any of the acts enumerated in Rule 40E-1.609, F.A.C.;

(b) the permitted use interferes or will interfere with the construction, alteration, operation, or maintenance of present or proposed works or lands of the District;

(c) the permittee has failed to immediately comply with an emergency or other order issued pursuant to Rule 28-106.501, F.A.C.;

(d) the permitted use is no longer consistent with the factors and conditions enumerated in Rule 40E-6.221, F.A.C., the provisions of Chapter 373, F.S., Title 40E, F.A.C., and the state water policy, Chapter 62-40, F.A.C.;

(e) the permitted use is inconsistent with any provision of this rule, or any subsequent revisions to this rule, including any provision of the Critieria Manual, incorporated by reference in Rule 40E-6.091, F.A.C.; or

(f) the permitted use is no longer consistent with District policy, based upon a change in District policy.

(2) Right of Way Occupancy Permits are subject to immediate revocation by the District's Executive Director with the concurrence of the Governing Board if an emergency condition exists and the continued exercise of the permit might endanger lives, human safety or property.

(3) Revocations for reasons specified in subsection (1) shall be conducted in accordance with the procedures specified in Rules 40E-1.609 and 28-107.004, F.A.C. Emergency revocations under subsection (2) shall be conducted in accordance with the procedures specified in Rule 28-107.005, F.A.C.

(4) The provisions herein shall take precedence over the general revocation provisions set forth in Rule 40E-1.609(1)(a) through (e), F.A.C., as the permit program governing use of works and lands of the District is a proprietary based program. To the extent there is any conflict between the general provisions of Chapter 40E-1, F.A.C., the specific provisions of Chapter 40E-6, F.A.C., shall prevail.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.085, 373.086, 373.129 FS. History--New 9-3-81, Formerly 16K- 5.07(3), (4), Amended 12-29-86, 12-24-91, 9-15-99, _____.

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40E-6.351. Transfer of Permits.

(1) As the District has no control over the sale or transfer of real or personal property, it is the sole obligation of a permittee or their agent to disclose the existence of a Right of Way Occupancy Permit, its terms and conditions, to prospective purchasers.

(2) Right of Way Occupancy Permits shall be transferred when:

(a) The request is otherwise consistent with the provisions of these rules and Chapter 373, F.S.

(b) The applicant demonstrates that the permitted use still qualifies for a permit under Rule 40E-6.221, F.A.C.

(c) The applicant agrees to abide by the provisions of Chapter 373, F.S., this chapter, and the terms and conditions of the permit, including these rules, including the standard limiting conditions, and criteria which are applicable at the time of the request for transfer.

(d) The adjoining land use has not changed.

(e) The request for transfer is accompanied with the correct fee as set forth in Rule 40E-6.601(3)(j), F.A.C.

(f) The applicant authorizes the District to record a Notice of Permit in the official records of the county clerk's office where the project is located.

(g) In cases where unauthorized facilities or uses have been added that are not included in the permit authorization, a permit transfer request must also be accompanied by a request for modification pursuant to Rule 40E-6.331,F.A.C.

(3) All transfers require a field inspection and shall not become effective until such inspection is conducted and confirms all existing facilities and uses are permitted and comply with the criteria in Rule 40E-6.091, F.A.C., and the conditions of issuance in Rule 40E-6.221, F.A.C. If additional facilities are present, no transfer will be allowed unless the unauthorized facility or use is removed immediately and the right of way restored; or Applicants must submit a new permit application, along with the appropriate application processing fee, for all additional facilities not removed and not currently authorized by a Right of Way Occupancy Permit.

(4) The District staff shall not issue transfers until all financial assurance and insurance requirements, if any, have been provided and accepted by the District staff.

Rulemaking Authority 373.044, 373.109, 373.113, FS. Law Implemented 373.085, 373.086, 373.109, FS. History--New 9-3-81, Formerly 16K-5.10, 16K-5.11(2), 16K-5.12, Amended 12-29-86, 9-15-99, _____.

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40E-6.361. Financial Assurances and Insurance.

(1) The District shall require the applicant requesting a right of way occupancy permit to provide and maintain financial assurances to the District and its successors, in the form of a cash bond to be held by the District in a non-interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District to ensure full compliance with terms of the permit, including the proper construction, operation, and maintenance of the facility. The amount and type of financial assurance shall be determined by the District.

(a) In instances where the District authorizes use of its rights of way as a temporary haul or access road, which does not include crossing over District structures or associated facilities, the amount of the financial assurance shall be Five Thousand ($5,000.00) Dollars per half mile or multiple thereof, with a minimum amount of Five Thousand ($5,000.00) Dollars.

(b) In instances where the District authorizes the construction of a private bridge on or across the District's right of way, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the bridge, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff.

(c) In instances where the District authorizes the installation of a water or sewer force main installation on or across the District's right of way other than those constructed by governmental entities, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the water or sewer force mains, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff. Upon acceptance by the governmental entity of the facility and the issuance of a permit transfer by District staff, such financial assurances shall be released.

(d) Any other uses of the District's right of way authorized by the District are subject to adequate financial assurances as determined necessary and reasonable by District staff based upon a complete review of the unique circumstances and the potential liability, both personal injury and property damage, and environmental risks involved with the specific authorized use.

(2) In addition to the provision for financial assurances as provided in subsection (1), above, the District shall require liability insurance, naming the District as an additional insured, in such amount and type as the District staff determines necessary. All insurance must be written by a company duly authorized to do business in the State of Florida or provided pursuant to a self insurance program consistent with the requirements of Florida law.

(3) Any applicable financial assurance or insurance requirement set forth above shall be maintained as a condition of the continued validity of the right of way occupancy permit.

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Rulemaking Authority 373.044, 373.113, FS. Law Implemented 373.085, 373.086, 373.103, FS. History—New _____ 9-15-99.

40E-6.381. Limiting Conditions.

The District's authorization to utilize lands and other works constitutes a revocable license (including both notice general permits and standard permits). In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter:

(1) All structures on District works for lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

(2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be limited to, permittee's consideration of the District's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that the District's review and issuance of this permit, including, but not limited to, any field inspections performed by the District, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any District staff or representative during the permit review and issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as the District's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.

(3) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C., including all subsequent rule and criteria revisions. Permittee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

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(4) This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right of way to the District's satisfaction. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

(5) This permit does not convey any property rights nor any rights or privileges other than those specified herein and this permit shall not, in any way, be construed as an abandonment or any other such impairment or disposition of the District's property rights. The District approves the permitted use only to the extent of its interest in the works of the District. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The District, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the District owns less than fee.

(6) Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and/or future employees, agents, representatives, officers and/or Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's in-house attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the District's right of way which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the Permittee or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims.

(7) The District does not waive sovereign immunity in any respect.

(8) The Permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

(a) discharge of debris or aquatic weeds into the works of the District;

(b) causing erosion or shoaling within the works of the District;

(c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit. Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in (a), (b), and (c), above.

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(d) leaving construction or other debris on the District's right of way or waterway;

(e) damaging District berms and levees;

(f) the removal of District owned spoil material;

(g) removal of or damage to District locks, gates, and fencing;

(h) opening of District rights of way to unauthorized vehicular access; or

(i) running or allowing livestock on the District's right of way.

(9) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

(10) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(11) Permittee shall allow, without charge or any interference, the District, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting the District's, routine and emergency, canal operation, maintenance, and construction activities. To the extent there is any conflicting use, the District's use shall have priority over the permittee's use.

(12) This permit is a non-exclusive revocable license. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the District.

(13) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, or the U.S. Army Corps of Engineers for the works of the District.

(14) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before or concurrently with any activities which may be conducted pursuant to the right of way occupancy permit.

(15) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the Permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll. Failure to pay all taxes in a timely manner shall result in permit revocation. Such permit revocation shall not alleviate the responsibility of the Permittee to pay all taxes due and payable.

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(16) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions.

(17) Permittee authorizes the District to record a Notice of Permit through filing the appropriate notice in the public records of the county or counties where the project is located. Governmental entities and utilities are not subject to this provision.

(18) Permittee shall be responsible for the repair or replacement of any existing facilities located within the District's right of way which are damaged as a result of the installation or maintenance of the authorized facility.

(19) All obligations under the terms of this permit authorization and any subsequent modifications hereto shall be joint and several as to all owners.

(20) It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.

(21) It is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction. In resolving such conflicts the District's determination will be final.

(22) Special Conditions that are site specific shall be incorporated into every Permit as may be necessary in the best interest of the District.

(23) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085(1), 373.086, 373.103, 373.109, 373.129, 373.1395, 373.603, 373.609, 373.613 FS. History--New 9-3-81, Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05, Amended 5-30-82, 12-29-86, 12-24- 91, 9-15-99, _____.

40E-6.451. Emergency Authorization.

(1) Permission to begin use of works or lands of the District prior to the issuance of a permit shall be granted pursuant to Rule 40E-0.108, F.A.C.

(2) All requests for emergency authorizations must be submitted with both the emergency application processing fee set forth in Rule 40E-6.601(2)(h), F.A.C., in addition to the applicable standard permit application processing fee set forth in Rules 40E-6.601(2)(d) through (g), F.A.C.

(3) In order to be eligible for an emergency permit authorization the applicant must have already filed a

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standard permit application with the District or simultaneously file a standard permit application with the District.

(4) In addition to the required standard permit application contents, the applicant must also file a written statement with the District which fully explains the basis and circumstances which support and justify the request for emergency authorization.

(5) Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

(6) The Executive Director may grant an emergency authorization pursuant to section 373.119(2), F.S.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.119, 373.439 FS. History--New 9-3-81, Formerly 16K-5.09, Amended 12-29-86, 7-2-98, 9-15-99.

40E-6.481. Emergency Measures.

(1) In addition to the provisions of Rule 40E-6.521, F.A.C., permitted uses are also subject to immediate alteration, repair or removal if an emergency condition exists and the continued exercise of the permitted use might endanger lives or property.

(2) In such event the Permittee shall immediately comply with any written or oral instructions from the District regarding alteration, repair or removal of the permitted use.

(3) If the Permittee fails to remove, alter or repair a permitted use when so ordered by the District, the District may repair, alter or remove it at the permittee's expense.

(4) Permittee may request an administrative hearing regarding the emergency order in accordance with the procedures set forth in Rule 28-107.004, F.A.C.

(5) In addition to the provision of Rule 40E-6.521, F.A.C., unpermitted uses are also subject to the provisions of this section.

(6) In no circumstances shall the District be responsible for any claims or damages caused in whole or in part, from any necessary emergency removal, alteration, or repair of any permitted or unpermitted use.

(7) All permitted and unpermitted uses are subject to the specific terms of an Emergency Order(s) which may be issued by the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.119, 373.439 FS. History--New 9-3-81, Formerly 16K-5.08, Amended 12-29-86, 7-2-98, 9-15-99, _____.

40E-6.501. Unlawful Use and Civil Penalties.

(1) It shall be unlawful to connect with, place structures in or across, or otherwise make use of works or

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lands of the District without a Right of Way Occupancy Permit. The District may use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule.

(2) It shall be unlawful for any permittee to violate the provisions of Chapter 373, F.S., Chapter 40E-6, F.A.C., or the terms and conditions of a Right of Way Occupancy Permit. The District shall use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule. The District shall, in furtherance of the purposes of Chapter 373, F.S., allow the permitted use to be brought into compliance with the permit by means of a permit modification if the unlawful use complies with the criteria set forth in Rule 40E-6.091, F.A.C.

(3) Damage to works or lands of the District resulting from the violations specified in subsections (1) and (2), above, shall, within the timeframes and in a manner consistent with the District's requirements, be repaired by the violator to the satisfaction of the District, however, the District reserves the right to make any and all necessary repairs, the full cost of which shall be the responsibility of the violator.

(4) Violators shall be responsible for payment of civil penalties up to $10,000.00 per day, per violation, pursuant to section 373.129, F.S., investigative costs and the District's attorney's fees (including appeals).

(5) Factors considered in the assessment of civil penalties shall be:

(a) habitual violator;

(b) threat to health, safety, and welfare (flooding);

(c) immediacy of threat;

(d) severity of impact (size of drainage basin);

(e) potential for damage to surrounding property;

(f) threat to District staff if self-help used;

(g) exposure of District to other liabilities;

(h) environmental impact;

(i) water quality; and

(j) unusual circumstances.

(6) Vessels which are being occupied or used as a temporary or permanent residence or business, or other vessels which have an adverse impact on the District's ability to construct, operate, and maintain its canals

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and structures, will not be permitted within District works or lands. However, this limitation shall not be construed to prohibit vessels which are actively navigating from place to place.

(7) The planting of any vegetation not included on the District's designated plant list or specifically authorized by District permit within District works or lands will not be permitted.

(8) The abandonment of personal property within District works or lands will not be permitted.

(9) Use of the works or lands of the District as a temporary or permanent place of residence or shelter will not be permitted.

(10) It shall be unlawful for any person or entity to remove any spoil, without authorization from the District, and the District specifically reserves any and all rights to pursue such violations in both criminal and civil proceedings, in addition to the provisions contained herein.

Rulemaking Authority 373.044, 373.113, 373.129 FS. Law Implemented 373.085, 373.086, 373.603, 373.609, 373.613 FS. History--New 9- 15-99, Amended _____.

40E-6.521. Self Help.

(1) Unlawful uses or facilities placed within the works or lands of the District are subject to removal and restoration at the District's discretion with no guarantee of salvageability. In no circumstances shall the District be responsible for any claims or damages caused, in whole or in part, from any self help removal and restoration of any unlawful uses or facilities.

(2) When employing self help, the District is not required to provide any notice of its intended action.

(3) The District may seek to recover removal and restoration costs, investigative costs, and attorneys fees and costs (including appeals) incurred in carrying out self help done to resolve the unlawful use of District works and lands.

Rulemaking Authority 373.044, 373.113, 373.129 FS. Law Implemented 373.085, 373.086, 373.603, 373.609, 373.613 FS. History--New 9- 15-99.

40E-6.601. Permit Application Processing Fees.

(1) A permit application processing fee is required and shall be paid to the District when applications are filed pursuant to District rules to connect with and make use of the works or lands of the District. An application is not deemed complete and shall not be processed until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, and mailing required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect.

(2) Based upon years of experience in reviewing applications for District right of way occupancy permits,

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the District has determined that applications for existing facilities or uses require additional staff time and resources (as compared to proposed facilities) in order to thoroughly review and inspect, and this differential shall be reflected in the application processing fees for all right of way occupancy permit authorizations as set forth herein.

(3) The fee for permit applications reviewed pursuant to Chapter 40E-6, F.A.C., are as follows:

(a) Notice General Permit Application, Notice General Permit Modification Application relating to a single family residential use (Category NGP-1) No Fee

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-1 shall pay the Category SP-1 fee, below.

(b) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by homeowners associations and condominium associations relating to more than one individual lot or dwelling unit (Category NGP-2) $150.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-2 shall pay the Category SP-2 fee, below.

(c) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by developers, builders, corporate entities, utilities, county, state, or local entities (Category NGP-3) $300.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-3 shall pay the Category SP-3 fee, below.

(d) Notice General Permit Application, Notice General Permit Modification Application relating to bridges, excluding culvert bridges (Category NGP-4) $900.00

a. Existing, unpermitted facilities which would otherwise be eligible for a NGP-4 shall pay the Category SP-4 fee, below.

(e) Standard Permit Application, Standard Permit Modification Application relating to a single family residential use which does not meet Notice General Permit Criteria (Category SP-1) $75.00

(f) Standard Permit Application, Standard Permit Modification Application relating to uses by homeowners associations and condominium associations and do not meet Notice General Permit Criteria (Category SP-2) $300.00

(g) Standard Permit Application, Standard Permit Modification Application relating to uses by developers, builders, corporate entities, utilities, county, state, or local entities, as well as all other uses not covered in Categories SP-1, SP-2 and SP-4 (Category SP-3) $625.00

(h) Standard Permit Application, Standard Permit Modification Application relating to uses involving bridges, linear parks, greenways, similar park and recreation projects, marinas and associated facilities (Category SP-4) $1750.00

(i) Application for emergency authorization pursuant to Rule 40E-6.401, F.A.C. $275.00

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(j) Requests for transfer of Right of Way Occupancy Permits, pursuant to Rule 40E-6.351, F.A.C. (Transfer) $50.00

(4) Notwithstanding the provisions set forth in this rule, upon request, the District shall waive any and all right of way occupancy permit application processing fees for right of way occupancy permit applications submitted by the governing body of a governmental entity only if provided with a resolution or other documentation as to the reciprocity commitment of the respective governmental entity applying for the right of way occupancy permit and clearly establishing that governmental entity's reciprocal waiver of any and all fees required for the District to carry out canal operation, maintenance, and construction activities for the District.

(5) Notwithstanding the provisions set forth in this rule, no permit application processing fee will be required from utilities or other necessary service providers, where the permitted facility or use of the works or lands of the District is required to supply utility or other necessary service to an existing or proposed District facility.

(6) The above permit application processing fees shall not apply to either the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida for facilities and uses located exclusively within the boundaries of their respective reservations or included in leases with the District.

Rulemaking Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.109, 373.085, 373.086 FS. History--New 9-15-99, Amended _____.

40E-6.701 C-18 Policy and Purpose.

(1) In addition to the policies and purposes enumerated in Rule 40E-6.011, F.A.C., the C-18 canal right of way, downstream of the District's S-46 structure, was established as a revegation area in order to implement a policy for revegetation of the C-18 canal right of way through the use of a small scale land use plan. The intent of the revegetation plan ("C-18 Plan") is to restore the natural river values of the northwest fork of the Loxahatchee River and Limestone Creek for the benefit of all canal right of way users. The purposes of the revegetation plan include maintenance of flood control protection, increasing diversity and desirability of wildlife habitat, providing filtering and water quality benefits, and considering the goals of adjacent landowners.

Rulemaking *Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.021, New* _____.

40E-6.711 C-18 Canal Right of Way Boundary.

The boundary of the C-18 canal right of way which is the subject of this rule lies east of District Structure S-46 to the easterly limit of the Canal right of way. The boundary is generally depicted on the map in Figure 62-1. The map is for illustrative purposes only and should not be relied upon for conveyances of title to real property.

Rulemaking Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.023, New _____.

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40E-6.721 C-18 Permits Required.

In addition to the requirements of Section 40E-6.041(1), F.A.C.,:

(1) an occupancy permit must be obtained prior to removing, maintaining, or pruning vegetation, mooring boats, and placing other items on, across, under, or upon District lands and works along the C-18 canal right of way.

(2) General Permits shall be issued for ocupancy or uses of the C-18 right of way that are consistent with the use zones provided for in Rule 40E-6.751, F.A.C.

(3) The District shall require a standard right of way occupancy permit pursuant to Rule 40E-6.221, F.A.C., for any occupancy or use of the C-18 right of way which does not comply with the C-18 revegetation plan set forth herein.

(4) Occupancy or uses of the C-18 right of way which are inconsistent with the use zones provided for in Rule 40E-6.751, F.A.C., will not be eligible for a general permit under these rules.

(5) All projects located within the C-18 canal right of way which require permits pursuant to Rules 40E-6.041 and 40E-6.721, F.A.C., shall be constructed, altered, operated, and maintained in accordance with the standards and criteria specified in Rules 40E-6.091, 40E-6.201, and 40E-6.751, F.A.C. The most restrictive criteria will apply unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the policy and purpose of C-18 revegetation plan will be fulfilled using alternative criteria.

(6) An occupancy permit issued pursuant to this Part may be revoked if the permitted use or maintenance practices are no longer consistent with the use zones specified in Rule 40E-6.751, F.A.C.

Rulemaking Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.341, New _____.

40E-6.731 C-18 Exemptions.

(1) No permit is required under this Part for the improved boat docks in existence as of September 3, 1981, which include, but may not be limited to the boat dock located on lot 25.2, Figure 62-1, on the south side of the C-18 canal approximately 1900 feet west of Loxahatchee River Road (the Moore dock).

(2) The exemption provided in section (1) above shall be in effect for as long as the proprety owner on the established date for the C-18 revegtation plan (1-23-1990), owns and occupies the premises. A change in ownership or occupancy of the designated lot shall subject the boat dock to the requirements of the C-18 plan.

Rulemaking Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History–Formerly 40E-62.051, New _____.

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40E-6.741 C-18 Limiting Conditions.

All projects which have been permitted pursuant to the C-18 Plan shall be subject to the following limiting conditions, in addition to all limiting conditions set forth in Rule 40E-6.381, F.A.C.:

(1) Maintenance practices or other activities not authorized by an occupancy permit which result in clearing or destruction of plant materials or modification of ground slopes or elevations shall be corrected by the permittee. Should the correction not be performed in a timely manner, the District may pursue corrective action against the permittee. In the event the permittee does not pursue the necessary corrective action, District forces may perform the work. In the event District forces perform the restorative work, the permittee shall be liable for the restoration costs.

(2) The District may install access control fences on District property on the C-18 right of way at locations to be determined by the District. Access control fences may obstruct or eliminate the view corridor overlay zones associated with said fence.

(3) The District may modify the vegetation on District property on the C-18 right of way at locations to be determined by the District.

(4) The permittee shall not engage in any activity in the area associated with the permit which interferes with the District's construction, alteration, maintenance or operation of the C-18 canal right of way, and shall be responsible for any costs incurred by the District resulting from any such interference including, but not limited to:

(a) Discharging debris or aquatic weeds into the C-18 canal, including the renovated portions of Limestone Creek;

(b) Causing erosion or shoaling within the C-18 canal right of way;

(c) Mooring watercraft or other floating objects;

(d) Planting plants which are not included in the District's authorized plant list or which are not authorized by the permit;

(e) Placing plants in undesirable locations or locations not authorized by the permit.

(5) The permittee shall not engage in any activity which interferes with the environmental preservation and enhancement of the C-18 canal right of way, including, but not limited to:

(a) Trimming or removing existing natural mangroves unless in strict accordance with current permits;

(b) Trimming or removing vegetation along the C-18 canal right of way.

(6) The limiting conditions provided by Rule 40E-6.381, F.A.C.

Rulemaking Authority 373.044, 373.113 F.S. Law Implemented 373.083, 373.085, 373.086, 373.103, 373.129 F.S. History–Formerly 40E-62.381, New _____?.

40E-6.751 C-18 Use Zones.

(1) The following sections identify and describe the eight use zones that have been established within the C-18 canal right of way. Three of the use zones are identified as overlay zones. The overlay zones

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occupy lands in common with the other use zones and further define the use regulations in the underlying zone area. The eight use zones are:

(a) Canal Flood Zone;

(b) General Wildlife Area Zone;

(c) Limestone Creek Shallow Zone;

(d) Limestone Creek Zone;

(e) Fire Control Zone;

(f) Intertidal Wet Area Overlay Zone;

(g) Canal Flood Overlay Zone; and

(h) View Corridor Overlay Zone. The use zones are generally depicted in Figure 1. The overlay zones are generally depicted in Figure 1. The following provisions identify uses which are consistent and inconsistent with each use zone.

(2) The District has identified water skiing, jet skiing, and any other boating activity that produces boat wakes as inconsistent with the Canal Flood Zone, the Limestone Creek Shallow Zone, and the Limestone Creek Zone. Although the District does not have jurisdiction to regulate such activities, the District encourages users of the C-18 canal to observe no wake speeds. The District will also cooperate with the appropriate regulatory authorities to establish and maintain no wake zones in the above specified zones.

(3) There may be locations in the Limestone Creek Shallow Zone and the Limestone Creek Zone where boat docks and access platforms are proposed for installation on private property. The District views such boat docks and access platforms as inconsistent with the initial phases of the revegetation plan and discourages, but cannot and does not prohibit, construction of such boat docks and access platforms until the revegetation plan succeeds and until no wake speeds are established.

(4) Canal Flood Zone

(a) Description: This zone consists of the primary canal cross section designed for flood control. Said zone is defined as the area consisting of the canal, including 105' bottom width, 1 on 2 side slopes from elevation -6.0 to -3.0, 1 on 5 side slopes from elevation – 3.0 to 3.0, or the channel as it currently exists. This zone shall be free of floating or submerged obstructions.

(b) Consistent uses include the following:

1. Fishing;

2. Public watercraft sightseeing and cruising;

3. Environmental study and appreciation;

4. Swimming;

5. Maintenance activities conducted by the District and the permittee; and

6. Navigation signs.

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(c) Inconsistent uses include the following:

1. Mooring boats or other floating items;

2. Docks of any kind; and

3. Any activity which blocks, impedes or creates turbulence in the flow of water from flood control discharges.

(5) General Wildlife Area Zone

(a) Description: This zone consists of lands from above elevation 3.0 to the edge of the C-18 canal right of way. The area within this zone is intended for the primary use of wildlife and therefore is designed to provide food, cover and resting places for wildlife.

(b) Consistent uses include the following:

1. Typical and normal activities of wildlife residing in or visiting the area;

2. Environmental study and appreciation;

3. Public passage from upland, off-site areas to the C-18 canal right of way, including Limestone Creek;

4. Maintenance activities conducted by the District and the permittee;

5. Paths which meet the requirements of subsection 40E-62.651(5)(e), F.A.C.;

6. Permitted utility uses; and

7. Small group picnicking.

(c) Inconsistent uses include the following:

1. Clearing or substantial thinning of vegetation;

2. Capturing, trapping, hunting or otherwise taking, harassing or destroying wildlife, not including fishing and shellfishing activities or removing dangerous wildlife, such as poisonous snakes and rats;

3. Camping; and

4. Large group picnicking.

(d) Public passage areas shall not interfere with areas designed for food, cover, resting and passageways for wildlife. Users of the C-18 canal right of way are advised to dress properly for passage through native vegetation and are further advised that wildlife may be encountered.

(e) A general permit is in effect pursuant to this Part for paths which are designed and maintained for access by residents adjacent to the C-18 canal right of way subject to the following requirements:

1. Paths shall meet District design standards, generally following an irregular alignment in order to minimize interruption to wildlife areas, to minimize opening direct viewing corridors from the C-18 canal, and to discourage passage of the general public from the right of way onto private property;

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2. Paths shall be a maximum of six feet in width;

3. Path design shall include a landscape plan, a maintenance plan and details necessary to illustrate proposed construction. Sod and regular intervals of mowing will not be considered an acceptable path;

4. Paths located within the C-18 right of way shall be open to the public; the District will consider alternative designs for paths which would allow access to the handicapped; and

5. The District recognizes that adjacent property owners may erect signs or other barriers on their own property in order to limit public access to private property from the C-18 right of way.

(6) Limestone Creek Shallow Zone

(a) Description: This zone consists of the portions of Limestone Creek that are specified and designed to be one to two feet deep. This zone includes the portions of Limestone Creek depicted in Figure 1 and further described as follows:

1. Adjacent to River Oaks: Lots 17-21.

2. Adjacent to Jupiter Landings: 10' east of the westerly line of the boat storage area extending 56' east of the Central Blvd. bridge.

3. Adjacent to Riverwalk: 75' east of the Central Blvd. bridge extending to 500' east of the Central Blvd. bridge.

4. Adjacent to the remaining single family uses along the South of the Canal: 3000' east of the Central Blvd. bridge to 1100' west of the Loxahatchee River Road bridge.

(b) Consistent uses include the following:

1. Fishing;

2. Boating by low speed, low noise watercraft;

3. Environmental appreciation; and

4. Permitted maintenance activities.

(c) Inconsistent uses include the following:

1. Recreational or other activities that damage or remove plant or bank material.

(7) Limestone Creek Zone

(a) Description: This zone consists of the portions of Limestone Creek that are designed to be greater than two feet in depth and are not a part of the Limestone Creek Shallow Zone.

(b) Consistent uses include the following:

1. Fishing;

2. Environmental appreciation;

3. Sightseeing by water; and

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4. Limited subdivision access, subject to zone requirements.

(c) Zone requirements for the Limestone Creek Zone include the following:

1. The adjacent residents have indicated interest in access to the water by subdivision. During the period that revegetation is proceeding, the District will allow limited subdivision access consisting of one access area per subdivision for the purpose of canoe access and pedestrian access. Conditions will be specified per subdivision and will include, but not be limited to:

a. The revegetation is proceeding without delay and with success;

b. Subdivisions shall agree to design, construct and maintain access areas according to the provisions of Section 40E-62.651(7)(c)2., F.A.C.

2. Limited subdivision access areas shall meet the following requirements:

a. Design of all facilities which connect with the C-18 canal right of way or Limestone Creek shall be approved by the District through the permit process established by this Part;

b. The C-18 canal right of way shall remain open to the public;

c. Water access facilities placed upon the C-18 right of way shall be open to the general public and shall contain a permanent sign so stating; the sign shall be visible and legible from the center of the adjacent water area;

d. Access areas shall be available to the District for inspection, maintenance and other activities associated with District functions;

e. Access areas shall be kept in good repair, free of litter and provide minimum interruption to the view from the C-18 canal right of way; access areas will be landscaped to maximize the use of plant materials to blend the access area into the river character; uses related to the access point, such as parking, picnic, fish cleaning and similar uses will be screened from view; the design of access areas shall include a swale or other suitable system extending the entire length of the lot, including the access ramp, intended to divert overland water flows from paved areas into vegetated areas; such systems and vegetated areas are to provide detention of runoff to encourage percolation of water through earth and vegetation; and

f. Electrical and water facilities may be included on subdivision access facilities; facilities shall be designed to meet applicable county and city safety and building requirements; lighting fixtures shall be shielded downward and/or designed so as to minimize light pollution and glare to the surrounding areas; water facilities shall be designed and maintained to function with no erosion or discharge of waste into the C-18 canal or Limestone Creek; said facilities shall not be for the purpose of providing service to live aboard boats or boat repair facilities.

(8) Fire Control Zone

(a) Description: This zone is intended to provide a buffer safety area to help prevent the spread of wildfire from the C-18 canal right of way onto private property. This zone shall consist of a fifteen foot wide area containing low native ground covers or grasses and mature native trees.

(b) Shrubs and trees that invade this zone may be removed to maintain the low character and protection; provided however, that mature trees must not be removed without a permit from the District.

(9) Intertidal Wet Area Overlay Zone

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(a) Description: This zone includes lands that are inundated during periods of high tide, during parts or all of the year, and generally exposed during periods of low tide.

(b) Consistent uses include the following:

1. Maintenance and monitoring activities; and

2. Permitted utility uses, provided disturbed vegetation is replaced.

(c) Zone requirements for the Intertidal Wet Area Overlay Zone include the following:

1. Plants in this zone, especially mangroves, are not to be removed or pruned unless there is a current permit approved by Palm Beach County; a District permit issued pursuant to this Part, and any other permits required by law; pruning must be performed in strict accordance with the terms of all applicable permits.

(10) Canal Flood Overlay Zone

(a) Description: This zone consists of an overlay of the Canal Flood Zone including both sides of the canal from elevation - 1.5, as measured from the edge of the water at low tide, to the top of the canal bank, as measured from the edge of the canal.

(b) Consistent uses include the following:

1. Fishing;

2. Environmental study and appreciation;

3. Temporary, not to exceed approximately four hours, stopping and anchoring of watercraft for permitted public recreational purposes;

4. Permitted maintenance activities; and

5. Swimming.

(c) Inconsistent uses include the following:

1. Recreational or other activities which damage or remove plant material or soil;

2. Camping; and

3. Mooring watercraft to mangroves.

(11) View Corridor Overlay Zone

(a) Description: This zone is intended to provide for a view of the canal from adjacent residential buildings. The District's intent is to allow vegetation on these areas with ground cover plant materials that remain low enough to allow view over the top, and trees that, when mature, allow view under the canopy.

(b) Consistent uses include the following:

1. Uses allowed in the underlying zones; and

2. Scenic viewing of the canal from residences.

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(c) Inconsistent uses include the following:

1. Uses that substantially obstruct the intended view, unless the obstruction is caused by immature vegetation; and

2. Uses that are not consistent with underlying zones.

(d) Zone regulations for the View Corridor Overlay Zone:

1. Maintenance will be limited to minimal care of plant materials;

2. Ground covers will be left at their natural height with no mowing or clearing;

3. Pathways shall conform to regulations in the General Wildlife Zone;

4. Tree pruning shall require a current District permit issued pursuant to this Part, prior written notification, and District approval each time a permittee proposes to prune. Said notification shall include photographs of the trees(s) to be pruned;

5. Permit applications shall include photographs of the tree prior to work being accomplished.

Rulemaking Authority 373.044, 373.113 F.S. Law Implemented 373.085, 373.086 F.S. History – Formerly 40E-62.651, New _____.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

OPERATIONAL ZONES

In order to effectively and efficiently evaluate proposed installations of above-ground facilities and uses, the District has segmented the canal and rights of way into five (5) operational zones:*

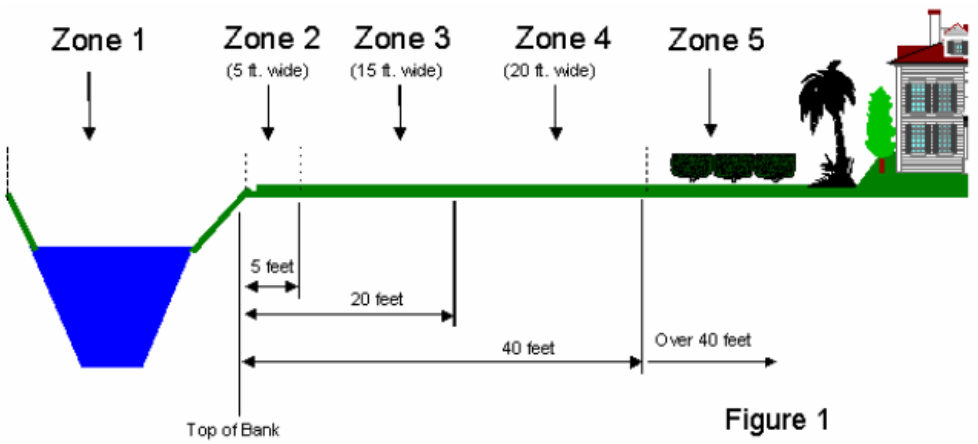

Figure 1

ZONE 1	is the canal channel from the top of bank to the opposite top of bank.
ZONE 2	is the point on the right of way from a point five (5) feet landward.
ZONE 3	is the point on the right of way from a point five (5) feet landward from top of bank to a point twenty (20) feet landward.
ZONE 4	is the point on the right of way from a point twenty (20) feet landward from top of bank to a point forty (40) feet landward.
ZONE 5	is any right of way located further than forty (40) feet landward.

* The District's rights of way vary in width, and may be either less than forty feet or more than forty feet in width. Accordingly, in those cases when the right of way is less than forty feet, only those zones depicted above would be applicable to the actual width of the right of way.

STAGING AREAS

In order to provide adequate areas to set up and operate equipment, particularly for the purpose of removing and temporarily stockpiling storm debris that accumulate on pilings, the District will set aside and preserve staging areas at bridge and pile-supported utility crossings. These staging areas will be 100' in length, for the entire width of the District's right of way, and will be located on the upstream and downstream sides of all bridge and utility crossings. No docks or above-ground structures will be allowed within these staging areas. However, this exclusion does not apply to requests for safety features associated with public works projects or installations necessary to support District works, including but not limited to utilities, that do not interfere with the District's operations and maintenance activities.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PERMIT INDEX CHART

Abbreviations: **E = exempt** **NGP = notice general permit**
RD = recommend denial **SP = standard permit** **NA = non-applicable**

FACILITY	ZONE 1 (Channel)	ZONE 2 (5' wide)	ZONE 3 (20' wide)	ZONE 4 (40' wide)	ZONE 5 (Beyond 40')
Access:					
Permanent	NA	RD	RD	RD	RD
Temporary	NA	RD	NGP	NGP	NGP
Agriculture Use:					
Farming	NA	RD	RD	RD	RD
Grazing	NA	RD	RD	RD	RD
Aircraft Landing	RD	RD	RD	RD	RD
Attachments to District Water Control Structures, Bulkhead/Seawall & Misc. Facilities	RD	RD	RD	RD	RD
Bank/Berm Reshaping	SP	SP	SP	SP	SP
Bee Hives	NA	RD	RD	RD	RD
Bridges:					
Culvert	SP	SP	NA	NA	NA
Free Span	NGP	NGP	NA	NA	NA
Golf Cart	NGP	NGP	NA	NA	NA
Pedestrian	NGP	NGP	NA	NA	NA
Pile-Supported	NGP	NGP	NA	NA	NA
Private	NGP	NGP	NA	NA	NA
Building/Garages	RD	RD	RD	RD	RD
Bulkhead/Seawall	NGP	NA	NA	NA	NA
Culvert Connections	NGP	NGP	NA	NA	NA
Dock & Docking Facilities:					
Attached to privately-owned Seawall/Bulkhead	NGP	NA	NA	NA	NA
Boat Lift/Davit attached to privately-owned	NGP	NA	NA	NA	NA
Cleats/Whips attached to privately-owned facility	NGP	NA	NA	NA	NA
Security or Decorative Lights	NGP	NA	NA	NA	NGP
Floating Docks in Tidal Water	NGP	NA	NA	NA	NA
Pile-supported Docks	NGP	NA	NA	NA	NA
Storage Boxes on Docks	NGP	NA	NA	NA	NA
Utility Services to Docks	NGP	NGP	NGP	NGP	NGP
Drain Lines (Pool, Roof, Air Conditioning)	E	E	E	E	E
Dredging	SP	NA	NA	NA	NA
Fencing:					
Enclosures	NA	RD	RD	RD	NGP
Cross-Fence	NA	RD	RD	RD	RD
Filming/Motion Picture Production/Photo Shoot	NGP	NGP	NGP	NGP	NGP
Fire Hydrants	NA	RD	RD	RD	NGP
Gazebos/Chickee Huts	RD	RD	RD	RD	NGP
Grass/Sod	E	E	E	E	E
Hunting and Camping	NA	RD	RD	RD	RD

Zone 1 is the canal channel from the top of bank to the opposite top of bank.
Zone 2 is the area on the right of way between top of bank and a point 5' landward of top of bank.
Zone 3 is the area on the right of way from a point 5' landward of top of bank to a point 20' landward of top of bank.
Zone 4 is the area on the right of way from a point 20' landward of top of bank to a point 40' landward of top of bank.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Zone 5 is the area on the right of way located further than 40' landward of top of bank.

PERMIT INDEX CHART - Continued

Abbreviations: **E = exempt** **NGP = notice general permit**
RD = recommend denial **SP = standard permit** **NA = non-applicable**

FACILITY	ZONE 1 (Channel)	ZONE 2 (5' wide)	ZONE 3 (20' wide)	ZONE 4 (40' wide)	ZONE 5 (Beyond 40')
Landscaping	RD	RD	RD	RD	NGP
Linear Park/Greenway	NA	SP	SP	SP	SP
Park Amenities (benches/trash receptacles, etc.)	NA	RD	RD	RD	SP
Low-Lying Groundcover	NA	E	E	E	E
Marina & Associated Facilities	SP	SP	NA	NA	NA
Mitigation and Environmental Enhancement	SP	SP	SP	SP	SP
Monitoring Wells	NA	NGP	NGP	NGP	NGP
Non-Profit, Organized Recreational Events	E	E	E	E	E
Nursery Operations	RD	RD	RD	RD	RD
Open Channel Connection	RD	RD	RD	RD	RD
Parking:					
Permanent	NA	RD	RD	RD	RD
Patio Stones, Walkway and other similar At-Grade Installations	NA	NGP	NGP	NGP	NGP
Petroleum, Petroleum Products & Pipeline Crossings	SP	SP	SP	SP	SP
Public Roadway/Highway, Guardrailing, Sidewalks, Handicap Ramps, etc.	NA	RD	RD	RD	RD
Ramps:					
Public Boat Launching	SP	SP	NA	NA	NA
Private/Residential Boat Launching	SP	SP	NA	NA	NA
Retention/Detention/Impoundments	RD	RD	RD	RD	RD
Satellite Dishes/Communication Towers	NA	RD	RD	RD	RD
Signs:					
Airspace Encroachment	RD	RD	RD	RD	NGP
Commercial	RD	RD	RD	RD	RD
Informational/Regulatory	NGP	NGP	RD	RD	NGP
Stabilization/Erosion Control	NGP	NGP	NA	NA	NA
Staging Area Encroachment	RD	RD	RD	RD	RD
Storage:					
Temporary Sheds	NA	RD	RD	RD	NGP
Permanent Sheds	NA	RD	RD	RD	RD
Temporary Construction Office/Trailer	NA	RD	RD	NGP	NGP
Temporary Construction Material	NA	RD	RD	NGP	NGP
Temporary Construction Equipment	NA	RD	RD	NGP	NGP
Hazardous Material	NA	RD	RD	RD	RD
Swimming Pools:					
In-ground	NA	RD	RD	RD	RD
Above-ground	NA	RD	RD	RD	NGP
Transmission Lines:					
Crossings	NGP	NGP	NGP	NGP	NGP
Parallel runs	NA	RD	RD	RD	RD

Zone 1 is the canal channel from the top of bank to the opposite top of bank.
Zone 2 is the area on the right of way between top of bank and a point 5' landward of top of bank.
Zone 3 is the area on the right of way from a point 5' landward of top of bank to a point 20' landward of top of bank.
Zone 4 is the area on the right of way from a point 20' landward of top of bank to a point 40' landward of top of bank.
Zone 5 is the area on the right of way located further than 40' landward of top of bank.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PERMIT INDEX CHART - Continued

Abbreviations: **E = exempt** **NGP = notice general permit**
RD = recommend denial **SP = standard permit** **NA = non-applicable**

FACILITY	ZONE 1 (Channel)	ZONE 2 (5' wide)	ZONE 3 (20' wide)	ZONE 4 (40' wide)	ZONE 5 (Beyond 40')
Trash Piles/Burn Pits	RD	RD	RD	RD	RD
Use of, or Connect to, Project Culverts	SP	SP	SP	SP	SP
Utility CATV, Communication Crossing Installations:					
Aerial Crossing	NGP	NGP	NGP	NGP	NGP
Bridge Attachment	NGP	NA	NA	NA	NA
Buried in Road Embankment	NGP	NA	NA	NA	NA
Pile Supported & Arched Crossing	NGP	NA	NA	NA	NA
Subaqueous Crossing (Buried Beneath Canal Section)	NGP	NGP	NGP	NGP	NGP
Utility Parallel Run Installations:					
Buried/Underground	RD	RD	RD	NGP	NGP
Pole Supported/Aerial	RD	RD	RD	NGP	NGP
Vegetation Clearing/Removal	NGP	NGP	NGP	NGP	NGP
Waste Water Treatment	RD	RD	RD	RD	RD

FACILITY	ZONES DO NOT APPLY				
Stormwater Treatment Areas	SP	SP	SP	SP	SP
Use of Water Conservation Area Lands	RD	RD	RD	RD	RD

Zone 1 is the canal channel from the top of bank to the opposite top of bank.
Zone 2 is the area on the right of way between top of bank and a point 5' landward of top of bank.
Zone 3 is the area on the right of way from a point 5' landward of top of bank to a point 20' landward of top of bank.
Zone 4 is the area on the right of way from a point 20' landward of top of bank to a point 40' landward of top of bank.
Zone 5 is the area on the right of way located further than 40' landward of top of bank.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

South Florida Water Management District

NOTICE TO APPLICANTS

At its April 2013 Meeting, the Governing Board of the South Florida Water Management District adopted amendments to Rule 40E-6, F.A.C., governing fees associated with the processing of certain applications for permits. This Rule requires that affected applications for permits to utilize the District's rights of way and Lands be accompanied by an application fee to defray the costs associated with the processing of an Application. This rule is contained in Chapter 40E-6.601 of the Florida Administrative Code.

PLEASE NOTE:

- ► Fees are non-refundable unless it is determined that the use is exempt from District Rules.
- ► Permit applications will not be processed without the simultaneous submittal of the correct fee. [Overpayment of a fee will not delay application processing and the amount of over-payment will be refunded].
- ► In cases where applications for Right of Way Occupancy Permits cover uses within more than one category, the higher fee will be charged.
- ► Future applications submitted to modify existing permits will require the submittal of another fee. Therefore, it is in the applicant's best interest to submit a completed application covering all anticipated uses of the right of way in the initial submittal.
- ► Applications for a SFWMD Water Use or Surface Water Management Permit also require a fee. Please refer to Chapter 40E-1.607, F.A.C. for fee information or contact the District's Regulation Department at (561) 686-8800 or 1-800-432-2045.
- ► In cases where more than one type of permit is required, a fee will be assessed for each permit application.
- ► Checks are preferred and should be made payable to the South Florida Water Management District. Do not send cash through the mail.
- ► Should you elect to deliver the application in person and intend to pay your fee in cash, please bring the exact amount.
- ► Questions on fees for Right of Way Occupancy Permits may be directed to the District's Right of Way Section at (561) 686-8800 or 1-800-432-2045.

EXEMPT FROM PAYMENT OF APPLICATION PROCESSING FEES

The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida for facilities and uses located exclusively within the boundaries of their respective reservations or included in leases with the District.

Governmental applicants requesting a Waiver or reduction of the Application Processing Fee pursuant to Section 218.075, Florida Statutes in accordance with the submittal of Certification of Waiver of Permit Application Processing Fee (District Form Number 889).

Utilities or other necessary service providers, where the permitted facility or use of the Works or Lands of the District is required to supply utility or other necessary service to an existing or proposed District facility.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NOTICE GENERAL PERMIT FEE SCHEDULE

Notice General Permit Application or Modification (40E-6)

Category "NGP-1" – NO FEE

This Category covers the following types of uses of the right of way which are proposed by individual lot owners in conjunction with adjacent domestic, single family residential land use:

1. Bulkheads/Seawalls
2. Fences
3. Gazebos/Chickee Huts
4. Landscaping
5. Non-Public Docks, Mooring Facilities and Associated Appurtenances
6. Sheds (Temporary Only)
7. Utility Services to Docks
8. Vegetation Clearing/Removal
9. Walkways, Patio Stones and Similar At-Grade Installations

Existing, unpermitted facilities which would otherwise be eligible for a NGP-1 shall pay the Category SP-1 fee.

Notice General Permit Application or Modification (40E-6)

Category "NGP-2" - $150.00

This Category covers the following types of uses of the right of way which are proposed by homeowner associations and condominium associations which are adjacent to more than one individual lot or dwelling unit:

1. Bulkheads/Seawalls
2. Fences
3. Gazebos/Chickee Huts
4. Landscaping
5. Non-Public Docks, Mooring Facilities and Associated Appurtenances
6. Sheds (Temporary Only)
7. Utility Services to Docks
8. Vegetation Clearing/ Removal
9. Walkways, Patio Stones and Similar At-Grade Installations

Existing, unpermitted facilities which would otherwise be eligible for a NGP-2 shall pay the Category SP-2 fee.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Notice General Permit Application or Modification (40E-6)

Category "NGP-3" - $300.00

This Category covers the following types of proposed facilities and uses of the right of way which are proposed by developers, builders, corporate entities, utilities, county, state or local entities, as well as other uses not covered in Categories NGP-1, NGP-2 and NGP-4:

1. Access - Temporary Use of the Right of Way
2. Bulkheads/Seawalls
3. Docks, Mooring Facilities and Associated Appurtenances
4. Fences
5. Filming/Motion Picture Production/Photo Shoot
6. Gazebos/Chickee Huts
7. Landscaping
8. Monitoring Wells
9. Pipe and Culvert Connections for Irrigation and/or Drainage
10. Sheds (Temporary Only)
11. Signs (Informational/Regulatory)
12. Storage – Temporary Office/Trailer, Construction Material and/or Equipment
13. Utility/Communication Installations (Aerial, Subaqueous, Pile-Supported, Parallel Runs, Underground Feeds, Poles, Anchors, Down Guys, Attachment to Bridges).
14. Utility Services to Docks
15. Vegetation Clearing/Removal
16. Walkways, Patio Stones and Similar At-Grade Installations
17. All other uses not covered in Categories NGP-1, NGP-2 and NGP-4

Existing, unpermitted facilities which would otherwise be eligible for a NGP-3 shall pay the Category SP-3 fee.

Notice General Permit Application or Modification (40E-6)

Category "NGP-4" - $900.00

This Category covers the following types of uses of the right of way, which are proposed:

1. Bridges – vehicular (Private and Public), Golf Cart, Pedestrian (Pile-Supported and Free-Span Only). Excludes Culvert Bridges

Existing, unpermitted facilities which would otherwise be eligible for a NGP-4 shall pay the Category SP-4 fee.

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STANDARD PERMIT FEE SCHEDULE

NOTE: ISSUANCE OF A RIGHT OF WAY OCCUPANCY PERMIT IS CONTINGENT UPON SITE SPECIFIC CONDITIONS AND THEIR IMPACT ON THE DISTRICT'S ABILITY TO OPERATE AND MAINTAIN THE CANAL SYSTEM. LACK OF SUFFICIENT WIDTH OF RIGHT OF WAY TO PROVIDE FOR ALL FIVE (5) ZONES AS INDICATED IN THE DISTRICT'S CRITERIA IS TAKEN INTO CONSIDERATION DURING THE APPLICATION REVIEW PROCESS.

Standard Permit Application or Modification (40E-6)

Category "SP-1" – $75.00

This Category covers the following types of uses of the right of way by individual lot owners in conjunction with adjacent domestic, single family residential land use which do not meet Notice General Permit Criteria:

1. Bulkheads/ Seawalls
2. Docks, Boat Ramps/Launching Ramps, Mooring Facilities and Associated Appurtenances
3. Fences
4. Gazebos/Chickee Huts
5. Landscaping
6. Sheds (Temporary Only)
7. Stabilization - Bank/Berm
8. Utility Services to Docks
9. Vegetation Clearing/Removal
10. Walkways, Patio Stones and Similar At-Grade Installations

Standard Permit Application or Modification (40E-6)

Category "SP-2" - $300.00

This Category covers the following types of uses of the right of way by homeowner associations and condominium associations that are adjacent to more than one individual lot or dwelling unit and do not meet Notice General Permit Criteria:

1. Bulkheads/ Seawalls
2. Docks, Boat Ramps/Launching Ramps, Mooring Facilities and Associated Appurtenances
3. Fences
4. Gazebos/Chickee Huts
5. Landscaping
6. Sheds (Temporary Only)
7. Stabilization - Bank/Berm
8. Utility Services to Docks
9. Vegetation Clearing/Removal
10. Walkways, Patio Stones and Similar At-Grade Installations

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Standard Permit Application or Modification (40E-6)

Category "SP-3" - $625.00

This Category covers the following types of uses of the right of way by developers, builders, corporate entities, utilities, county, state or local entities, as well as other uses not covered in Categories SP-1, SP-2 and SP-4 and do not meet Notice General Permit Criteria:

1. Access - Temporary Use of the Right of Way
2. Bulkheads/ Seawalls
3. Culvert Connections
4. Docks, Boat Ramps/Launching Ramps, Mooring Facilities and Associated Appurtenances
5. Dredging
6. Fences
7. Filming/Motion Picture Production/Photo Shoot
8. Gazebos/Chickee Huts
9. Landscaping
10. Mitigation and Environmental Enhancement
11. Monitoring Wells
12. Petroleum, Petroleum Product and Pipeline Crossings
13. Project Culverts - Use of or Connection to
14. Sheds (Temporary Only)
15. Signs (Informational/Regulatory)
16. Stabilization - Bank/Berm
17. Storage – Temporary Office/Trailer, Construction Material and/or Equipment
18. Utility/Communication Installations (Aerial, Subaqueous, Pile-Supported, Parallel Runs, Underground Feeds, Poles, Anchors, Down Guys, Attachment to Bridges)
19. Utility Services to Docks
20. Vegetation Clearing/Removal
21. Walkways, Patio Stones and Similar At-Grade Installations
22. All other uses not covered in Categories SP-1, SP-2 and SP-4

Standard Permit Application or Modification (40E-6)

Category "SP-4" - $1750.00

This Category covers the following types of uses of the right of way which do not meet Notice General Permit Criteria:

1. Bridges – vehicular (Private and Public), Golf Cart, Pedestrian (Pile-Supported, Free- Span or Culvert).
2. Linear Parks, Greenways and Similar Public Parks and Recreation Projects.
3. Marinas and Associated Facilities.

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Emergency Authorization Application (40E-6) - $275.00

This category is for those uses of the right of way which are listed in Categories “SP-1”, “SP-2”, “SP-3” or “SP-4”, but where the applicant is requesting issuance of an Emergency Authorization prior to Governing Board consideration for issuance of a routine Right of Way Occupancy Permit. This fee is in addition to the required processing fee, as described in Categories “SP-1”, “SP-2”, “SP-3” or “SP-4” of this schedule.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

EXEMPTIONS

Utilization of the District's rights of way for certain uses and facilities, in conformance with the District's criteria, are considered "exempt" from the issuance of a Notice General Permit or Standard Right of Way Occupancy Permit from this District. However, sole responsibility for ensuring that the use of or installation placed on the District's rights of way meet District criteria is borne by the user. Should you desire, please contact the District's Right of Way Section who will provide you a Letter of Exemption.

UNDERSTANDING EXEMPTIONS UNDER THE DISTRICT'S RIGHT OF WAY PERMITTING RULES (40E-6, F.A.C.)

Owners of facilities and users of the District's rights of way seeking to qualify exemption under District Rule acknowledge that:

A. The owner of the proposed encroachment or use of the right of way/user must be the owner or lessee of the property (except those covered in Item E), lying adjacent to the District's Works, where improvement/use is proposed.

B. An exemption, pursuant to District Rules, does not relieve the owner/user from compliance with other District permitting requirements and any applicable permit/zoning requirements of federal, state and local governmental entities.

C. In those areas where the right of way is not solely owned by the District, be advised that the owner of the land (underlying fee owner) has the right to prohibit or limit use of that land for recreational activities.

D. The District is not responsible for repair of any improvements which may incur damage resulting from the District's utilization of its rights of way/or use by third parties. Improvements placed within the right of way are at the sole risk of the owner.

E. Uses/facilities placed within the District's rights of way not meeting the District's criteria are subject to **removal, modification or alteration** at the District's discretion at the sole expense of the owner/user without notice and with no guarantee of salvageability.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

EXEMPT FACILITIES AND USES

A. DRAIN LINES (Pool, Roof, Air-Condition):

The installation and maintenance of pool or roof drain lines, AC heat exchanger, withdrawal and water return lines are exempt from permitting under this chapter when:

1. The drain line does not adversely impact any bank stabilization, erosion control, levee or District facility. (Please contact the Right of Way Permitting staff to confirm that your facilities meet this exemption requirement.)
2. That portion of the line crossing the right of way is buried to provide a minimum of 18 inches of cover as measured from the existing ground elevation.
3. That portion of the line located within the sideslope of the canal bank is buried in the sideslope a minimum of 12 inches and stabilized with grass/sod.
4. The line projecting into the channel is a minimum of 36 inches below the normal water surface of the canal.
5. The line does not extend more than 24 inches into the channel.
6. The drain line is not for discharge of chemically contaminated or bio-hazardous substances. (The discharge of chlorinated swimming pool water is acceptable).
7. The proposed use does not adversely affect previously-authorized use(s) of the right of way.
8. The proposed use is not located within an environmentally sensitive area.*
9. The proposed use will not encroach within a Water Control Structure site or compound.

B. GRASS/SOD:

The planting and maintenance of grass/sod is exempt from permitting under this chapter when:

1. The grass/sod does not involve the re-shaping or alteration of levees, banks, berms or other ground surfaces lying within the District's Lands.
2. Grass species are limited to bahia or other drought-tolerant species only.
3. The proposed use does not adversely affect previously-authorized use(s) of the right of way.
4. The proposal is not located within an environmentally sensitive area.*
5. The proposed use will not encroach within a Water Control Structure site or compound.

C. LOW-LYING GROUNDCOVER: (Refer to page ____)

The planting/maintenance of low-lying groundcovers is exempt from permitting under this chapter when:

1. The proposal does not involve the re-shaping or alteration of banks, berms or other ground surfaces lying within the District's Lands.
2. The proposed landscape plan of low-lying groundcover is comprised of native species that is 2' or lower in height or maintained to a maximum height of 2'.
3. The proposed use does not adversely affect previously-authorized use(s) of the right of way.
4. The proposal is not located within an environmentally sensitive area.
5. The proposed use will not encroach within a Water Control Structure site or compound.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

EXEMPT FACILITIES AND USES (Cont'd.)

D. IRRIGATION LINES, SPRINKLERS, FIRE FIGHTING DRAFT LINES: (Residential and Non-Residential)

The installation and maintenance of irrigation lines and associated sprinkler systems are exempt from permitting under this chapter when:

1. The irrigation system does not adversely impact any bank stabilization, erosion control, levee or District facility. (Please contact the Right of Way Permitting staff to confirm that your facilities meet this exemption requirement.)
2. That portion of the line crossing the right of way is buried to allow a minimum of 18 inches as measured from the existing ground elevation.
3. That portion of the line located within the sideslope of the canal bank is buried in the sideslope a minimum of 12 inches and stabilized with grass/sod.
4. The line projecting into the channel is a minimum of 36 inches below the normal water surface of the canal.
5. The line does not extend more than 24 inches into the channel.
6. No portion of a pump or a pumphouse is located within the District's rights of way.
7. If used, sprinkler heads must be set flush with ground or be of the pop-up variety.
8. Concrete doughnuts, edging or similar materials are not placed around the sprinklers.
9. Sprinklers are not placed at or near the top of the canal bank (to prevent wash-outs or erosion of the bank and sideslope of the canal).
10. A rain sensor, soil moisture sensor, soil moisture controller, tensionometer or similar switch device is installed, which will override the irrigation cycle of the sprinkler system when an adequate rainfall has occurred.
11. The system is operated in compliance with water use restrictions during water emergencies or declared water shortages. The line does not leak or otherwise waste water.
12. The irrigation system is properly designed, operated and maintained to prevent leaks or ponding that could lead to erosion.
13. Proposed use does not adversely affect previously-authorized use(s) of the right of way.
14. Proposed use is not located within an environmentally sensitive area.
15. If not exempt from the District's Water Use Permit Permitting Rules, a Water Use Permit has been obtained. (Certain types of water withdrawals require permits under the provisions of Rule 40E-20, F.A.C. For this reason, it is recommended that you contact the Water Use Division of the District's Regulation Department).
16. The proposed use will not encroach within a Water Control Structure site or compound.

(Refer to page ___)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

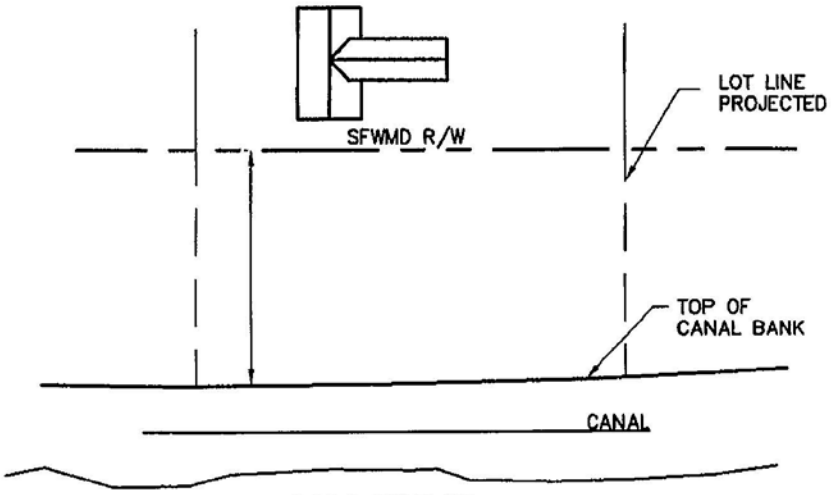
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
IRRIGATION INSTALLATION
SAMPLE INSTALLATION

NAME _____

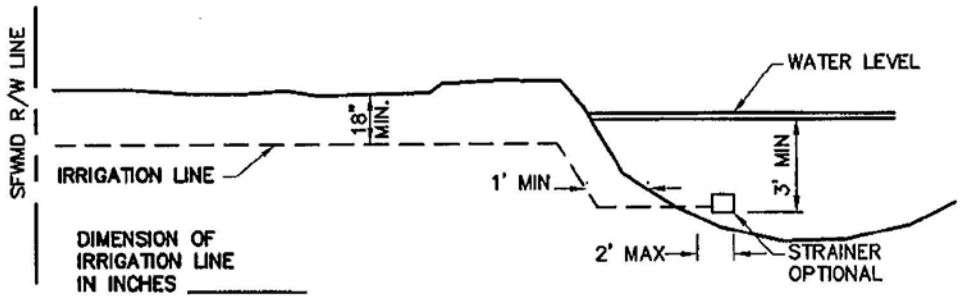
ADDRESS _____

SUBDIVISION _____ BLOCK _____ LOT _____

COUNTY _____ SEC. _____ TWP. _____ RGE. _____



LOCATION PLAN
N.T.S.



PROFILE VIEW
N.T.S.

(INSTRUCTIONS FOR COMPLETING DRAWING AND NOTES ON BACK)

DRAWING TO ACCOMPANY APPLICATION FOR IRRIGATION LINE

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

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E. NON-PROFIT, ORGANIZED RECREATIONAL EVENTS:

Boat races, regattas, sponsored walks or runs and other similar recreational activities are exempt from permitting under this chapter when:

1. The proposed use is a non-profit activity, or is a benefit for a charity.
2. The proposed use does not include the placement of permanent or semi-permanent above-ground structures within the District's right of way.
3. The proposed use does not interfere with District operations and maintenance activities.
4. The proposed activity does not impede or interfere with canal flows.
5. The proposed activity does not block the public's access to the District's rights of way.
6. The proposed use does not adversely affect previously-authorized use(s) of the right of way.
7. The proposed use is not located within an environmentally sensitive area.
8. The proposed use does not involve access to a Water Control Structure site or compound.

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ACCEPTABLE NATIVE SPECIES OF GROUNDCOVER FOR EXEMPTION

Introduction:

The following list of native groundcovers is considered acceptable for use on District rights of way. Properly sited, these native groundcovers provide soil stabilization, environmental, and aesthetic benefits, without interfering with the District's operation and maintenance activities. Rather than planting just one species of groundcover, a mixture of species is suggested because it is difficult to predict how well a groundcover may grow in a particular area. In addition to improving the chance of success, mixed plantings also provide diversity for greater environmental benefits. It should be noted that wildflowers may bloom only at certain periods of the year and re-seed themselves – another reason for diversification of your plantings. The list is divided into the following categories.

Categories:

Wildflowers
Grasses
Ferns
Vines
Herbaceous
Woody

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DEFINITIONS AND KEY TO ABBREVIATIONS

EXAMPLE:

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
GROUNDCOVERS								
Beach Sunflower Helianthus debilis	U	6 – 12”	H	H, M	S, WD	F	FL, A	S, SC

Planting Zone — Relative elevation where optimum growth is expected. Closely related to moisture preference.

- **U** = Upland — Elevated and generally drier soils; soil not water saturated. Typical of most residential lots. Upper canal bank slope and canal overbank.
- **T** = Transitional — Lower elevations where soil tends to be wetter; sometimes saturated. Lower portions of canal bank slope.
- **W** = Wetland — Littoral shelf or intertidal areas where soil is periodically inundated. Saturated soil conditions. Lowest portion of canal slope and waterward.

Average Height — Height of average specimen expressed in inches or feet.

Salt Tolerance — Ability of plant to withstand exposure to salt.

- **H** = High — High or exceptional tolerance to salt. Seaside/shoreline conditions.
- **M** = Moderate — Moderate tolerance to salt exposure. Some seaward protection required.
- **L** = Low — Low tolerance to salt exposure.

Light Requirement — Light conditions conducive to optimum growth.

- **H** = High — Full sun.
- **M** = Moderate — Partial Sun. Shaded during part of the day.
- **L** = Low — Low light levels. Shade to deep shade during most of the day.

Soil Requirement — General soil characteristics conducive to optimum growth.

- **A** = Acidic
- **S** = Sandy
- **W** = Wide range of soil types
- **M** = Moist
- **WD** = Well-drained
- **MF** = Moderately Fertile
- **FD** = Flooded/Saturated

Growth Rate — Relative growth rate under average or generally favorable conditions of soil, light, moisture, etc.

- **F** = Fast
- **M** = Moderate
- **S** = Slow

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DEFINITIONS AND KEY TO ABBREVIATIONS (continued)

Features & Uses Features of notable interest of uses in landscaping.

FL = Flowers **A** = Accent **FO** = Foliage **SP** = Specimen

BK = Bark **SH** = Shade Tree **FR** = Fruits **SCR** = Screen

WV = Wildlife Value **HG** = Hedge

Climate Zone Region of state where climate will support long-term survival and growth of plant; often corresponds to a natural rang eof plant. Closely related to resistance to cold temperatures.

All = All portions of the District - from Orlando area south through the Florida Keys.

S = Southern portions of the state – from Lake Okeechobee area southward.

SC = Southern coastal areas – same approximate latitude as Lake Okeechobee southward.

C = Coastal areas.

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NATIVE GROUNDCOVERS

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
WILDFLOWERS								
Asters Aster spp.	U, T	Varies	L, M	H, M	W	M, F	FL, WV	ALL
Beach Verbena Verbena maritima	U	6 – 12”	H	H, M	S, WD	F	FL	S, SC
Beach Sunflower Helianthus debilis	U	6 – 12”	H	H, M	S, WD	F	FL, A	S, SC
Black-Eyed Susan Rudbeckia hirta	U	2’	L	H, M	W	F	FL	ALL
Blanket Flower Gaillardia pulchella	U	6 – 12”	M, H	H	S	F	FL	ALL
Blue-Eyed Grass Sisyrinchium atlanticum	U, T	1’	L	H, M	M, MF	M	FL	ALL
Blue Mistflower Conoclinium coelestinum	U, T	1 -2’	L	H, M	M, MF	F	FL, WV	ALL
Blue Porterweed Stachytarpheta jamaicensis	U	6 – 12”	M	H, M	W	M	FL, WV	S, SC
Blue Spiderwort Tradescantia ohiensis	U	1 -2’	L	H, M	MF, S	M, F	FO, FL	ALL
Horsemint Monarda punctata	U	2 -2’	M	H, M	WD	F	FL, WV	ALL
Partridge Pea Chamaecrista fasciculate	U	2’	M, H	H, M	S, WD	F	FL	ALL
Pencil Flower Stylosanthes hamata	U	1 – 6’	H	H, M	WD, W	F	FL, FL	ALL
Pineland Heliotrope Heliotropium polyphyllum	U	1 -2’	M	H, M	W	M	FL	S, SC
Sage (Blue, Tropical, Lyre-Leaf) Salvia spp.	U	1 -3’	M, H	H, M	WD	M, F	FL, WV	ALL
Scorpion Tail Heliotropium angiospermum	U	2 – 3’	M	H, M	W	M, F	FL, WV	ALL
Tickseed Coreopsis leavenworthii	U, T	1 -2’	L	H, M	M, MF	M, F	FL	ALL
GRASSES								
Bluestem Schizachyrium spp.	U	1 -2’	M	H, M	S, W	M	FO	ALL
Broom Sedge Andropogon spp.	T, U	2 -4’	L, M	H, M	W, M	M, F	A, FO	ALL
Cordgrass (Smooth) Spartina alterniflora	W, S	2 -4’	H	H	FD	F	FO, WV	ALL
Cordgrass (Sand) Spartina bakeri	T, U	2 -3’	L, M	H	S	M	A, FO, WV	ALL
Eastern Gamagrass Tripsacum dactyloides	T, U	2 -4’	L, M	H, M	M, MF	M	FO, WV, A	ALL
Florida Gamagrass Tripsacum floridanum	U	1 – 2’	L, M	H, M	W	M	FO, WV, A	S, SC
Murphy Grass Muhlenbergia capillaris	U, T	2’	M	H	S	M	A, FO, FL	ALL
Purple Lovegrass Eragrostis spectablilis	U	1 -2’	M	H, M	S	M	FL	ALL
Saltmeadow Cordgrass Spartina patens	T	2’	H	H, M	S, M	M	FO, WV	ALL

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COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
Seashore Dropseed Sporobolus virginicus	T	1'	H	H, M	S, M	M	FO	ALL
Seashore Paspalum Paspalum vaginatum	T	6 – 12"	H	H, M	S, M	M	FO	ALL
Wiregrass Aristida beyrichiana	U	1'	L	H, M	W	M	FO	ALL
FERNS								
Fern, Leather Achrostichum spp.	W, T	2 -5'	M, H	W	M, MF, FD	F	A	S, SC
Fern, Shield Thelypteris spp.	T, U	1 -2'	L	M, L	M, MF	S, M	A, FO	ALL
Fern, Swamp Blechnum serrulatum	T, U	1 -3'	L	M, L	M, MF	M, F	A, FO	ALL
VINES								
Coral Huneysuckle Lonicera sempervirens	U	Vine	M	H, M	MF	M	FL, WV	ALL
Corky-Stemmed Passionflower Passiflora suberosa	U	Vine	M, H	W	W	M, F	WV	S, SC
Mimosa Vine Mimosa strigillosa	U, T	1 -6'	M	H, M	W	M, F	FL	ALL
Railroad Vine Ipomea pes-capre	U	1'	H	H	S, WD	F	FL, FO	SC, S
HERBACEOUS								
Matchwood Phyla nodiflora	U, T	1 -6'	M, H	H, M	W	M, S	FO	ALL
Peperomia Peperomia spp.	U	6"	M	M. L	WD, MF	S, M	FL	ALL
Alligator Lily Hymenocallis palmeri	W, T	2'	M	W	FD, M, MF	M	A, FO	ALL
Spider Lily Hymenocallis latifolia	U	2'	M, H	H, M	WD, S	M, F	A, FO	ALL
String, Swamp Lily Crinum americanum	W, T	2'	M	W	M, F, FD	M	FO, FL	ALL
Wild Petunia Ruellia caroliniensis	U	6 "	M	W	W	M	FL	ALL
WOODY								
Golden Creeper Ernodea littoralis	U	1'	H	H	S, WD	M	FO	SC, S
Gopher Apple Licania michauxii	U	6 – 12"	M, H	H, M	S, WD	M	FR, WV	ALL
Snowberry, Pineland Chiococca pinetorum	U	2'	M	H, M	MF, S, WD	M	FR	SC, S
St. John's Wort Hypericum spp.	T, U	2'	L	H, M	M, S, A	M	FL	ALL
Quail Berry Crossopetalum ilicifolium	U	1 – 6'	M	H, M	MF	S	FO, WV	S, SC
Sea Oxeye Daisy Borrichia frutescens	T, U	2'	H	H, M	W	M, F	FL, FO	C
Yaupon Holly, Dwarf Ilex vomitoria cv. "Schellings"	U	1 – 2'	M, H	H, M	W	S, M	FO, A	ALL

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DISTRICT REQUIREMENTS
FOR DRAWINGS ACCOMPANYING APPLICATIONS

APPLICATION DRAWINGS:

Drawings to Accompany Applications for Permits:

Four (4) sets of drawings no larger than 8 ½" x 11" are required to be submitted with the permit application package and will ultimately be included in the District's permit files. The use of colors is discouraged, unless the applicant is willing to submit multiple copies. Reduced large drawings rarely result in legible 8½" x 11" drawings. Such illegible drawings are unacceptable and will be returned.

Application drawings must:

1. Utilize English units of measurement or a combination of English/Metric.
2. Be drawn to scale or fully-dimensioned.
3. Provide both plan and profile (section) views.
4. Include a north arrow showing the orientation of the plan view of the drawing.
5. Must be accompanied by a recent property or boundary survey depicting the lot or boundary lines of the adjacent owner/applicant; the lot, block and subdivision (if applicable) must appear on the survey or the survey must be accompanied by a metes and bounds description.
6. Depict the location of the top of canal bank, edge of water and District canal right of way lines.
7. Identify all existing encroachments and uses.
8. Identify all proposed facilities and uses.
9. Be certified by a Professional Engineer, registered in the State of Florida, when a vehicular bridge is proposed.
10. If applicable, vertical datum (NGVD – National Geodetic Vertical Datum) must be indicated on profile views.

CROSS-SECTIONS:

Cross-sections of canals and District rights of way are required for certain types of application review. Applicants are encouraged to discuss the District's cross-section requirements, (number of sections, locations, etc.), for a particular project before planning any field survey work.

Where cross-sections are required by the District, the applicant will provide cross-sections which meet the following requirements:

1. Elevations (soundings) taken and plotted at 10 foot intervals from District right of way line to right of way line, with the District's right of way lines shown on the each section.
2. Sections shall be plotted to the same horizontal and vertical scale (preferably 1" = 10') with the canal design section overlaid on the existing cross-section. (CAD drawings having similar characteristics are acceptable).
3. Show datum, utilizing NGVD.
4. Show north arrow showing orientation.
5. The number and locations of cross-sections needed to evaluate a proposal is based on a number of site specific characteristics. Please contact the District's Right of Way Permitting staff to discuss cross-section requirements and obtain canal design section information.

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NOTICE:

For the purpose of this manual, environmentally sensitive areas are defined as wetlands, areas dominated by native vegetation, mitigation areas, environmental restoration or enhancement areas, gopher tortoise preserves, areas utilized by protected or listed species, and the reach of Canal 18 downstream of Water Control Structure 46.

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ACCESS-TEMPORARY **(Allowable Zone 3, 4, 5)**

In order for temporary access purposes to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Where access to the right of way is controlled by District-owned locked gates, the applicant must also obtain a Key Permit and pay any applicable fees or deposits as specified by the District.
3. Applicants are advised that the review of applications for this type of use of the District's rights of way are complex and time consuming. Due to the need to obtain necessary information and assurances. Applicants should anticipate delays in obtaining a permit for this type of use and submit the request as early as possible. Further, the applicant should also clearly understand that failure to maintain the right of way on a daily basis in accordance with the terms and conditions of the permit is grounds for immediate permit revocation. In this regard, permittees are responsible for the repair, replacement and restoration of any damage to the District's rights of way, which may result from the permitted use. Such restoration shall be to original or better condition and to the satisfaction of the District.

Criteria To Be Met:

1. The use must not be in any way adverse to the District's operation and maintenance programs, policies and goals.
2. The proposal does not involve crossing a District Water Control Structure service bridge.
3. The proposal does not adversely affect previously-authorized use(s) of the right of way.
4. Assurance that no vehicular maintenance/repair activities, substances or parts associated with the repair or maintenance of vehicles/equipment will take place, be used, stored or discarded within the right of way.
5. The proposed use will not interfere with the District’s continuous, uninterrupted vehicular access along either canal bank.
6. The proposed use is not intended to provide permanent and/or temporary access to owners of private land that is otherwise "land-locked".
7. The proposed use must not be located within a staging area or other area where the District has designated as being prohibited.
8. The project associated with the request has obtained all necessary permits, licenses or other forms of approval.
9. The applicant demonstrates financial assurance to ensure compliance with permit conditions.
10. The applicant provides insurance coverage to the amounts and limits specified by the District.

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ACCESS - TEMPORARY (CONT'D.)

11. Where applicable, the applicant provides necessary deposits associated with Key Permits which may be required.
12. The use is otherwise consistent with the provisions of Chapter 373, F.S., and Chapter 40E-6, F.A.C.
13. The proposed use is not located within an environmentally sensitive area.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The precise locations of ingress and egress.
3. Narrative addressing:
   a. The length of time use of the right of way is being requested.
   b. An outline of other alternate routes which are available and why they cannot be used.
   c. The type and size of vehicles to utilize the right of way and frequency (in round trips per day) that each type of vehicle would be using the right of way.
4. The measures to be taken by applicant which will preclude the vehicular use of the right of way by the general public.
5. The posting of financial assurance in the form of a bond or other surety in an amount satisfactory to the District (See Financial Assurance and Insurance, page ___).
6. A Certificate of Insurance to the limits and amounts specified by the District. (Please contact Right of Way Permitting Staff for current requirements)

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"AIR SPACE" ENCROACHMENTS

Signs, roofs and other installations which overhang the District's rights of way are considered encroachments and are subject to District right of way permitting rules. As many of these installations are permanent structures (particularly roof eaves or overhangs), District staff will recommend denial of applications for encroachments of this type, due to the prohibition against placement of permanent facilities within the District's rights of way.

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BRIDGES - HIGHWAY, PEDESTRIAN, BICYCLE AND GOLF CART, ETC.

(Allowable Zone 1)

In order for a bridge crossing to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. For bridges located in Big Cypress Basin - Collier County, please refer to the Big Cypress Basin – Quick Reference Table For Bridge and Utility Crossing Criteria, beginning on Page ___ .
3. Please refer to the Quick Reference Table for Pile-Supported Crossings on Page ___ .
4. Applicants are cautioned that pile-supported bridge crossings have the potential to adversely impact canal flow characteristics and limit District maintenance access capabilities. Therefore, the designer shall take these factors into consideration in the design stage and develop a proposal that will minimize these impacts.
5. The criteria contained in this manual for bridge and pile-supported crossings is established based on the District's ability to move floating maintenance equipment and the ability of the canal to convey water. The criteria is not established for recreational navigation.
6. The owner of the bridge is responsible for meeting any applicable safety standards for structures of this type, either existing or as required in the future.
7. In managing its canal and levee system, the District must, from time to time, change permit requirements based on regional and site specific conditions. Applicants are cautioned that the information provided is based on the best available information at the time. This is particularly true when applicants delay months and years in submitting an application for permit. Therefore, the rules, criteria and requirements in effect at the time a formal application is received for review will be applied to the permit application.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. Low member elevation.
   d. District access openings and staging areas at the bridge quadrants.
   e. Certified canal cross-sections (Refer to page ___).
   f. Hydraulic Report.

Criteria To Be Met:

1. The structure must be designed and certified by a professional engineer registered in the State of Florida.

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BRIDGES (CONT'D.)

2. The design must not exceed the maximum allowable headloss through the structure, 0.1', (one-tenth foot) in most places. As such, applicant must provide a Bridge Hydraulic Report (one hard copy and one CD).
3. The structure meets or exceeds the applicable minimum clear horizontal center span and minimum clear approach spans criteria as measured from the face of the piles. The minimum clear center and horizontal spans vary depending on the location of the bridge. Refer to Horizontal and Vertical Criteria, page ___.
4. The structure meets or exceeds the minimum low member elevation. Low member elevations are site specific. Refer to Horizontal and Vertical Criteria, page ___.
5. The design incorporates continuous erosion control and bank stabilization. Limits of bank stabilization shall extend a minimum of 25' up and downstream of the proposed project.
6. The piles of proposed structure must align with pile bents of adjacent structures, if applicable.
7. The installation is designed in such a way that it can be constructed without the use of dams, fills or other constrictions or impediments to canal flows.
8. The facility is designed and constructed to provide for continuous, uninterrupted access for District maintenance equipment and vehicles along both canal banks located inside the District's rights of way.
9. The plans provide required access features, such as but not limited to, drop curbs, reinforced sidewalk sections, ramps, guardrail gaps and median gaps, and equipment staging areas, as directed by the District.
10. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
11. The facility is not located within an environmentally sensitive area.
12. The project does not adversely affect previously authorized use(s) of the right of way.
13. Verification that provisions have been made for all utility and other relocations.
14. At no time will the District's continuous vehicular access, along either canal berm be blocked, restricted or impeded during all phases of construction and maintenance.
15. Maintenance or recreational access will not be blocked during construction.
16. Private bridge crossings must provide a detailed cost analysis of the removal and disposal of the bridge and post financial assurance in favor of the District (Refer to Private Bridges, page ____).

Construction Elements:

1. **Excavation Required in Conjunction with Bridge Construction**:

Where the District determines that excavation of the canal to the design section is required, the Permittee will perform such excavation to the limits specified by the District.

Improper and incomplete excavation to the required cross-section after piles are in place is a recurring problem. Therefore, the permittee must submit and receive written approval that the certified canal cross-sections which prove that the excavation to the district's pre-determined canal design section has been accomplished prior to the driving of piles (with the exception of two (2) test piles) and if applicable, the removal of any existing piles has

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BRIDGES (CONT'D.)

been completed. The District is not responsible for the permittee(s) neglecting to inform the contractor of this requirement when writing bid documents, order of work or similar construction specifications.

In cases where the applicant proposes to widen an existing bridge, especially where traffic flow is to be maintained during construction, the applicant must provide at least one proposal containing an order of work that addresses how the excavation will be performed to the required section without impacting canal flows. Deferring this requirement to the contractor is not an acceptable option.

In cases where a bridge crossing is proposed over a canal which, as determined by the District, has not been dug to its ultimate section, the District will require excavation of the canal beneath the bridge, extending upstream and downstream normally a minimum of 25 feet from the proposed bridge faces, plus adequate transitions. In the alternative, applicants must design the proposed bridge to accommodate future enlargement of the canal to the ultimate section. In the latter case, the applicant must perform geologic studies to determine what type of rock or other non-dredgeable strata exists.

Excavated material from the canal shall not be stockpiled in the canal. Permittee shall remove all excess material from the District's right of way.

2. **Cross-Sections:**

In order for the District to determine if clean-out or excavation of the channel is necessary at the point of a proposed crossing, the applicant must provide cross sections of the canal. For bridge crossings, the applicant will provide a minimum of five cross-sections: one at the centerline of the crossing, one each at the proposed upstream and downstream faces of the bridge and one each at a point 25 feet upstream and downstream of the proposed faces of the bridge. (For installations proposing to cross at a skew angle, please contact the District to determine a suitable cross-section layout plan). The cross-sections shall be taken perpendicular to the centerline of the channel. Soundings for cross-sections are to be taken at a maximum of 10 foot intervals, from top of bank to top of bank and tied into the canal rights of way lines. The cross-sections must be plotted on standard 10 x 10 cross-section paper or a similar CAD drawings, including the District's right of way lines, north arrow and have the design canal section superimposed on each section. Mean Sea Level (MSL) or National Geodetic Vertical Datum (NGVD 1929) shall be used as datum and English units of measure employed. The design, existing and proposed canal design cross sectional area below the Design Water Surface elevation shall be accurately calculated by the applicant and printed on or adjacent to each cross-section.

NOTE: The number and locations of cross-sections needed to evaluate a proposal is based on a number of site specific characteristics. Please contact the District's Right of Way Permitting Staff to discuss cross-section requirements and obtain canal design section information.

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BRIDGES (CONT'D.)

3. **Load Ratings:**
The District only specifies load or capacity rating for those bridge crossings over open channel connections located within its rights of way. (Please refer to the section of this manual entitled "Crossings Over Open Channel Connections" – Refer to page ____).

4. **Headloss Through Bridges:**
The maximum allowable headloss through a bridge structure will be one-tenth foot (0.1'). However, for canals located in the Big Cypress Basin – Refer to page ___).

5. **Bridges Must Have A Center Span:**
Bridges crossing over District canals must utilize a design having an odd number of spans. Designs using a center pier or pile bent will not be authorized. Refer to Horizontal and Vertical Criteria, page ___.

6. **Piles Must Align With Canal Flows:**
Piles in bridge pile bents shall be parallel with the centerline of the channel in order to minimize impacts on canal flows and minimize the accumulation of floating debris and aquatic weeds.

7. **Canal Side Slope Stabilization:**
Bridge designers must incorporate bank stabilization methods into the design of the structure that are appropriate to the on-site soil conditions.

8. **Future Bridge Alteration/Relocation:**
All costs related to any future bridge alteration or relocation which is necessary to accomplish the missions of the District will be borne by the owner of the bridge.

9. **Establishing Low Member Elevation and Future Bridge Widening Considerations:**
To determine the proper low member elevation of a bridge, the applicant must consider the possibility of future bridge widening to accommodate the addition of extra lanes. Due to the crown in most bridges, the low member elevation will be reduced if additional lanes are added to the structure. Should a bridge be designed to just meet the District's minimum vertical clearance requirements, future widening of the structure would possibly necessitate raising of the entire structure or designing a more complicated and expensive span in order to continue to meet District criteria. Engineers designing highway bridges are encouraged to take into consideration the maximum number of lanes the highway will ultimately require, and based on that information plan for a structure which exceeds the District's minimum vertical clearance requirements.

10. **Access Requirements:**
With few exceptions, all bridges crossing District canals must provide for continuous, uninterrupted access for District maintenance equipment and vehicles along both canal banks located inside the District's rights of way. Normally, this will be accomplished by the

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BRIDGES (CONT'D.)

Access Requirements – cont'd.

applicant providing drop curbs, reinforced sidewalk sections, ramps, guardrail gaps and median gaps (if applicable), where road crossings are at or near berm grade. Therefore, bridge designs must be submitted so that guardrailing, raised medians or lane dividers do not interfere with the District's access requirements.

Bridge approaches shall be designed and constructed in such a manner as to not interfere with the passage of the District's maintenance equipment along the right of way. In designing roadway approaches to bridges, engineers should consider the following guidelines:

In cases where the District determines access is undesirable for employee safety or due to site specific conditions, such as differences in berm and roadway grades, available road and canal rights of way width or configuration (such as in the case of expressways or other high level or high speed crossings), the applicant must satisfy the intent of these access requirements by securing alternate access easements in the District's favor, or design bridge configurations which allow for District access beneath the bridge.

When the District has determined that access beneath the bridge upon the berm is preferable, the applicant must design an installation which provides a minimum vertical clearance of 15 feet, as measured from the highest elevation of the stabilized required berm elevation to the lowest horizontal member of the bridge where it crosses the berm. Depressing the berm elevation below District/U.S. Army Corps of Engineers' requirements is not an acceptable alternative to achieving the required 15 foot clearance requirement.

In cases where road beds or embankments are allowed to encroach within the District's rights of way in order to reduce the length of bridge structures, a minimum berm width of no less than 15 feet as measured from the useable ultimate top of bank will be constructed and maintained by the permittee. The berm and road embankment end slope must be stabilized or paved. The berm must be backsloped landward and acceptable berm drainage system provided to prevent overbank stormwater flows.

Unless specifically accepted for operations and maintenance by the District, all facilities provided by the permittee for the purpose of providing the District with alternate access or access beneath bridges shall be the permittee's responsibility for operation and maintenance for the life of the permit (existence of the bridge structure).

11. **Berm Ramps:**

Where there is a difference between the proposed road grade and the District's berm, the applicant must provide berm ramps, which incorporate the following criteria:

a. Ramps must be constructed of suitable, compacted material or paved.
b. A minimum top width of 15 feet and stable side slopes.
c. A slope not steeper than 10 horizontal to 1 vertical.
d. Any curves must have a minimum radius of 50 feet, as measured at the centerline of the ramp.
e. Berm ramps (including side slopes) must be constructed fully within the District's rights of way.

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BRIDGES (CONT'D.)

12. **Curbs and Sidewalks:**
Where curbs and sidewalks will be part of the roadway design, drop curbs and reinforced sidewalk sections must be provided at the berm access point. Length of drop curb section shall be determined by the District based on site specific conditions, but shall not be less than 15 feet.

13. **Guardrailing of Bridge Approaches:**
Where bridges and their roadway approaches cross District rights of way, particularly where the rights of way have a canal maintenance berm, bridge and roadway designs must make accommodations for uninterrupted, continuous District access along the berm. Therefore, designs which propose guardrailing, raised medians or lane dividers must be adapted to meet the District's access requirements. (Please refer to the section of the manual entitled "Access Requirements"– Page ___).

Guardrailing must not block or interfere with District access. Although, guardrailing designs tend to be site specific, applicants should consider the following in their proposals:

a. Continuous guardrailing that blocks access to berms will not be allowed.
b. The District may, at its discretion, require that the applicant design, install and maintain a gate having a minimum clear horizontal opening of 16 feet; Gate shall be designed to be secured with a District lock.
c. The gate must be designed so that it can be opened without the use of tools or equipment. Designs which necessitate the removal of posts or unbolting of panels are not acceptable.
d. Gates and guardrails must be constructed so as to enable vehicles and equipment to pull out of traffic to stop to open the gate. This will frequently require the guardrail alignment to be moved away from the roadway.
e. A minimum of one (1) foot wide paved mowing strip must be provided beneath all guardrail sections.
f. Design of all guardrailing installations to meet both the District requirements and highway standards is the responsibility of the applicant.

14. **Medians:**
Where divided highways are proposed, gaps in medians shall be provided to allow for continuous access by District equipment and vehicles from one side of the roadway to the other.

15. **Land Acquisition/Additional Right of Way:**
It is incumbent upon the applicant to accommodate District access requirements into plans when determining right of way requirements for road and highway projects. Any additional land acquisition which may be necessary to provide for District access is the applicant's sole responsibility. Thus, this requirement should be carefully considered particularly prior to the land acquisition phase of any roadway widening project.

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BRIDGES (CONT'D.)

16. **Relocations and Relocation Notification:**
The District assumes no responsibility for any relocations of existing facilities which may have to be modified to accommodate proposed construction activities. The various entities involved in construction/relocation projects shall determine responsibility for any expenses associated with the project, including costs which may be related to the improvement of an existing canal section which impacts existing installations. Under no circumstances shall the District assume responsibility for relocation of facilities within District Project Works.

17. **Staging Areas:**
In order to provide adequate areas to set up and operate equipment, particularly for the purposes of removing and temporarily stockpiling storm debris that accumulate on pilings, the District will set aside and preserve staging areas at bridge and pile-supported utility crossings. These staging areas will be 100' in length, for the entire width of the District's right of way, and will be located on the upstream and downstream sides of all bridge and utility crossings. No docks or above-ground structures will be allowed within these staging areas. However, this exclusion does not apply to requests for safety features associated with public works project that do not interfere with the District's operations and maintenance activities.

BRIDGES CROSSING OVER PROJECT LEVEES:
These bridges must meet the minimum requirements for bridges crossing Project Canals, but the vertical clearance may be governed by the elevation of the crown of the levee. The deck elevation must be sufficient height to maintain the integrity of the levee.

That portion of the right of way used as approaches to the bridges must be surfaced or properly stabilized to provide for proper protection to the levee crown and be properly graded and drained to prevent erosion of the levee section.

Bridge approaches shall be designed and constructed in such a manner as to not interfere with the passage of the District's maintenance equipment along the canal right of way, which shall include draglines, tractor trailers and similar types of large maintenance equipment.

PRIVATE BRIDGES:
Due to the abandonment of bridges by insolvent entities, the District will not approve requests for private bridges unless the applicant meets the Bridge Criteria Requirements and is willing to post and maintain financial assurance. Said financial assurance must be equal to the amount of the cost of removal of the bridge, disposal of the bridge materials and restoration of the channel and right of way to original or better condition. Applicant must provide a detailed cost analysis of the cost to remove and dispose of the bridge and restore the District's right of way. In addition, it will be the responsibility of the owner of a private bridge crossing to post and maintain insurance coverage, naming the South Florida Water Management District as an additional insured to the limits and amounts deemed acceptable by the District.

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BRIDGES (CONT'D.)

Both financial assurance and insurance shall be maintained by the permittee and shall not be released until such time as all facilities have been removed and the right of way restored to the satisfaction of the District.

Developers are encouraged to make arrangements with the various county road and bridge departments to accept bridge installations and serve as applicant for such requests, thereby negating the need for the developer to maintain insurance coverage and financial assurance for the life of the facility.

CROSSINGS OVER OPEN CHANNEL CONNECTIONS:

Bridges constructed on District rights of way for the primary use of providing access for District vehicles and equipment over open channel connections to District Projects and facilities must meet the following requirements:

1) Provide a minimum roadway width of 14 feet.
2) Designed for the standard H-20 loading or better.

Should other than concrete construction be considered, applicant must provide the District with acceptable financial assurance guaranteeing maintenance of the bridge.

HORIZONTAL AND VERTICAL CLEARANCE REQUIREMENTS:

(For horizontal and vertical clearance requirements located in Big Cypress Basin, please refer to the Big Cypress Basin - Quick Reference Table for Bridge Crossing Criteria - Page ___).

Coastal Canals:

A coastal section of a canal is defined as the reach of the waterway which is located in saline water and is downstream of a salinity control structure.

The minimum horizontal and vertical clearances will be determined by the District on an individual application basis for all bridges over coastal canals. Applicants are advised that the U.S. Coast Guard and U.S. Army Corps of Engineers may set more stringent requirements.

Miami-Dade County Canals:

Canals having only one (1) Water Control Structure: Bridges crossing over canals having only one (1) water control structure shall meet the following minimum and vertical clearance requirements:

Horizontal:
1) Center Span – 25 feet clear bent spacing, measured perpendicular to the channel.
2) Approach bents – 20 feet between faces of bents.

Vertical: 6 feet above the seasonal high optimum water control elevation, or 2 feet above the design water surface, whichever produces the higher low member elevation.

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BRIDGES (CONT'D.)

Canals having two (2) or more Water Control Structures: Bridges crossing over canals having two (2) or more water control structures shall conform to the same minimum horizontal and vertical clearance requirements:

Horizontal:
1) Center Span – 25 feet clear bent spacing, measured perpendicular to the channel.
2) Approach bents – 20 feet between faces of bents.

Vertical: In the reach between the salinity control structure (eastern-most structure) and the second water control structure, the requirements are the same as those specified for canals having only one (1) water control structure - except the east side of U.S. Highway Number 1 shall be the upstream limits of the 6 feet vertical clearance requirement where the Highway lies east of the second water control structure - on those canals lying south of the Snapper Creek Canal, C-2.

In the reach upstream of the second water control structure or the east side of U.S. Highway Number 1, whichever applies, the minimum vertical clearance shall provide 4.5 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface, whichever produces the higher low member elevation.

The 6 feet, 4.5 feet vertical clearances are based on District maintenance navigational access needs. In areas where existing structures already limit the vertical clearance, or it is not feasible for economic reasons to obtain these clearances, the District may give consideration to a reduction. However, in no case will an elevation less than 2 feet above the design water surface elevation be allowed.

Miami Canal (C-6):
This canal is a special exception to the above stated criteria. Minimum horizontal and vertical clearances on this canal will be determined on individual application basis.

Tamiami Canal (C-4):
A portion of the Tamiami Canal, C-4, requires a special exception to the previously specified vertical clearances, as follows:

1) From the F.E.C. Rail Road easterly to the east side of Red Road, a minimum low member elevation of 9 feet MSL is required.
2) From the east side of Red Road easterly to LeJeune Road, a minimum low member elevation of 13 feet MSL is required.

Removable center spans are not required for bridges over Miami-Dade County Area canals.

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BRIDGES - CONT'D.

Everglades Agricultural Area (EAA):
The canals located within this area are as follows:

- West Palm Beach Canal (L-10 and L-12) from Lake Okeechobee to Pump Station S-5A.
- Hillsboro Canal (L-14 and L-15) from Lake Okeechobee to Pump Station S-6.
- North New River Canal (L-18, L-19 and L-20) from Lake Okeechobee to Pump Station S-7.
- Miami Canal (L-23, L-24 and L-25) from Lake Okeechobee to Pump Station S-8.
- Cross Canal (L-13).
- Bolles Canal (L-16 and L-21).

Bridges crossing over these canals shall meet the following minimum horizontal and vertical clearance requirements:

Horizontal: 1) Center Span - 29 feet clear bent spacing, measured perpendicular to channel.
2) Approach Spans - 20 feet between faces of bents.

Vertical: 4.5 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface elevation, whichever produces the higher low member elevation.

A removable center span is no longer required for bridges crossing over Project Canals in the Everglades Agricultural Area.

Kissimmee River Basin:
The following canals are subject to the current navigation requirements of the U.S. Coast Guard regarding all horizontal and vertical clearances and thereby require a Department of Transportation (Federal) Permit in addition to a District permit.

C-29 - (Hart-Mary Jane Canal)
C-29A - (Ajay-Hart Canal)
C-29B - (Ajay-East Tohopekaliga Canal)
C-30 - (Myrtle-Mary Jane Canal)
C-31 - (St. Cloud Canal)
C-32B - (Joel-Myrtle Canal)
C-32C - (Trout-Joel Canal)
C-32D - (Lost-Trout Canal)
C-32F - (Lizzie-Lost Canal)
C-32G - (Alligator-Lizzie Canal)
C-33 - (Alligator-Gentry Canal)
C-34 - (Canoe Creek)
C-35 - (South Port Canal)*

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BRIDGES - CONT'D.

C-36 - (Cypress-Hatchineha Canal)*
C-37 - (Hatchineha-Kissimmee Canal)*
C-38 - (Kissimmee River)*

*Bridge crossings over these canals shall satisfy the following minimum District horizontal and vertical clearance requirements:

Horizontal: 1) Center Span - 40 feet clear bent spacing, measured perpendicular to channel.
2) Approach Spans - 20 feet between faces of bents.

Vertical: 12 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface elevation, whichever produces the higher low member elevation.

All other bridges crossing Project Canals in the Kissimmee River Basin will satisfy the following minimum horizontal and vertical clearance requirements.

Horizontal: 1) Center Span - 25 feet clear bent spacing, measured perpendicular to channel.
2) Approach Spans - 20 feet between faces of bents.

Vertical: 6 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface elevation, whichever produces the higher low member elevation.

A removable center span is no longer required for bridges crossing over Project Canals in the Kissimmee River Basin.

West Palm Beach Canal (C-51):
Bridges crossing over this canal shall meet the following minimum horizontal and vertical clearance requirements:

Horizontal: 1) Center Span - 29 feet clear bent spacing, measured perpendicular to channel.
2) Approach Spans - 20 feet between faces of bents.

Vertical: 6 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface elevation, whichever produces the higher low member elevation.

A removable center span is no longer required for bridges crossing over C-51.

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BRIDGES - CONT'D.

Other Canals:
All bridges crossing Project waterways not previously covered shall meet the following minimum horizontal and vertical clearance requirements:

Horizontal: 1) Center Span - 25 feet clear bent spacing, measured perpendicular to channel.
2) Approach Spans - 20 feet between faces of bents.

Vertical: 6 feet above the seasonal high optimum water control elevation or 2 feet above the design water surface elevation, whichever produces the higher low member elevation.

A removable center span is not required for bridges crossing these canals.

TRESTLE TYPE BRIDGES:
Spacing of bents for all trestle type crossings must be consistent with hydraulic and maintenance requirements of the District. Bents and piers are required to be so located that they will not catch debris or interfere with the normal flow of water. Placement of the center bent in the center of the channel will not be approved.

All piles must be placed parallel to the centerline of the channel.

Bridge approaches shall be properly graded, shaped or otherwise treated to prevent erosion of the District's levees, mounds, berms and canal banks.

The District recognizes that in present day design practice, more economical crossings can be constructed, in many instances, by using uniform spacing which provide horizontal clearances of less than 25 feet. It is not the intention of these requirements to be inflexible to the degree that more economical bridge designs can not be utilized, which will still be consistent with the District's hydraulic and maintenance requirements.

CULVERTS INSTALLED IN LIEU OF BRIDGES:
Note: The following criteria does not apply to the canals located in the Big Cypress Basin, please refer to the Big Cypress Basin - Quick Reference Table for Bridge Crossing Criteria (page ___).

Due to problems associated with the installation of culvert bridges, adverse impacts on canal conveyance and District operations and maintenance activities, culvert bridges are discouraged. However, the District will consider culvert bridges in lieu of pile-supported bridges, where:

1. The maximum headloss through the proposed culvert bridge is one-tenth foot (0.1') or less.
2. The installation can be accomplished without interfering with canal flows during or after construction. Under no circumstances will the District allow construction

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BRIDGES - CONT'D.

or installation techniques (such as earthen fill plugs or sheet pile dams), that block or interfere with canal flows. Note: Should a culvert bridge be authorized, it is the responsibility of the permittee to inform prospective contractors of all construction restrictions and requirements.

3. In order to pass floating debris (drift clearance) the crown elevation of round, elliptical or structural plate arch culvert bridges will be no less than the low member elevation specified in this criteria manual for conventional pile-supported bridges at the location of the proposed crossing. Similarly, concrete box culvert installations must conform with the low member requirements for conventional pile-supported bridges.
4. In order to allow the District's floating maintenance equipment to pass, culvert bridges must be set in such a manner so as to allow for the passage of a boat having an 8 foot wide deck, with the deck being 2 feet above the seasonal high optimum water surface elevation of the canal, with a minimum of 2 feet of clearance from the boat to the culvert walls on either side. Further, the invert of the culvert must provide for a minimum water depth of 5 feet as measured from the seasonal low water elevation.
5. The bottom of the culvert must be a minimum of one-half foot above the design canal bottom to minimize loss of culvert capacity due to the accumulation of silt in the bottom of the culvert.
6. Where culvert bridges are acceptable, the permittee must clean out the canal to the design section for a minimum distance of 50 feet upstream and downstream of the ends of the culvert plus provide suitable transition sections.
7. Culvert bridge installations must not interfere with the District's maintenance access from the roadway to the canal maintenance berm.

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QUICK REFERENCE TABLE FOR PILE-SUPPORTED FACILITIES CROSSING DISTRICT WORKS

NOTE: For pile-supported facilities crossing canals in the Big Cypress Basin (Collier County) refer to Page _____)

	DADE COUNTY AREA (except C-4 and C-6) See Footnote			C-4	C-6 & SALINE (tidal) REACHES OF CANALS	EVERGLADES AGRICULTURAL AREA See Footnote D	KISSIMMEE RIVER BASIN See Footnote		C-51	ALL OTHER CANALS
	A	B	C				E	F		
Minimum Center Span (Clear Opening)	25'	25'	25'	25'	Determined on a case by case basis	29'	40'	25'	29'	25'
Minimum Approach Bents (Measured on Centers)	20'	20'	20'	20'	Determined on a case by case basis	20'	20'	20'	20'	20'
Minimum Low Member Elevation	See Footnote 1	See Footnote 1	See Footnote 2	See Footnote 4	Determined on a case by case basis	See Footnote 2	See Foot-Note 3	See Foot-note 1	See Footnote 1	See Footnote 1

FOOTNOTES:

A applies to those canals with only one Water Control Structure.
B applies to those canals with two Water Control Structures – upstream of first Structure or east of U.S. #1.
C applies to those canals with two Water Control Structures – upstream of second Structure or west of U.S. #1.
D applies to the Borrow Canals for L-10, L-12, L-13, L-14, L-15, L-16, L-18, L-19, L-20, L-21, L-23, L-24 and L-25.
E applies to Canals C-35, C-36, C-37 and C-38.
F applies to Canals C-29, C-29A, C-29B, C-30, C-31, C-32B, C-32C, C-32D, C-32F, C-32G, C-33 and C-34.

1 2' above design water surface elevation or 6' above seasonal high optimum water control elevation, whichever produces the higher low member elevation.
2 2' above design water surface elevation or 4.5' above seasonal high optimum water control elevation, whichever produces the higher low member elevation.
3 2' above design water surface elevation or 12' above seasonal high optimum water control elevation, whichever produces the higher low member elevation.
4 9' MSL /NGVD is required from the F.E.C. Railroad easterly to the east side of Red Road.
13' MSL/NGVD is required east side of Red Road east to LeJeune Road.

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BIG CYPRESS BASIN

QUICK REFERENCE TABLE FOR BRIDGE AND UTILITY CROSSING CRITERIA

CANAL NAME	TYPE OF BRIDGE STRUCTURE ALLOWED	MINIMUN VERTICAL CLEARANCE (DHW TO LOW MEMBER)	MINIMUM VERTICAL CLEARANCE FOR UTILITY CROSSINGS, PEDESTRIAN AND BICYCLE BRIDGES (DHW TO LOW MEMBER)	MINIMUM HORIZONTAL CENTER SPAN CLEARANCE	MAXIMUM HEAD LOSS ALLOWED
AIRPORT ROAD	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	4 Feet	20 Feet	0.05 Feet
COCOHATCHEE	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	4 Feet	20 Feet	0.05 Feet
CORKSCREW	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
CR - 951	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	4 Feet	20 Feet	0.05 Feet
CURRY	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
CYPRESS	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	8 Feet	20 Feet	0.05 Feet
FAKA UNION	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
GOLDEN GATE MAIN	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
GREEN	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	8 Feet	20 Feet	0.05 Feet

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BIG CYPRESS BASIN

QUICK REFERENCE TABLE FOR BRIDGE AND UTILITY CROSSING CRITERIA

CANAL NAME	TYPE OF BRIDGE STRUCTURE ALLOWED	MINIMUN VERTICAL CLEARANCE (DHW TO LOW MEMBER)	MINIMUM VERTICAL CLEARANCE FOR UTILITY CROSSINGS, PEDESTRIAN AND BICYCLE BRIDGES (DHW TO LOW MEMBER)	MINIMUM HORIZONTAL CENTER SPAN CLEARANCE	MAXIMUM HEAD LOSS ALLOWED
HENDERSON CREEK NORTH of VERONA WALK	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	4 Feet	20 Feet	0.05 Feet
HENDERSON CREEK SOUTH of VERONA WALK	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
I - 75	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
MERRITT	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
MILLER	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	4 Feet	8 Feet	20 Feet	0.05 Feet
ORANGETREE	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	8 Feet	20 Feet	0.05 Feet
SR – 29 (First 6 miles South of I–75 only)	PILE-SUPPORTED, SINGLE SPAN, or ARCHED/ CON-SPAN BRIDGE	2 Feet	4 Feet	20 Feet	0.05 Feet

1. PEDESTRIAN OR BICYCLE BRIDGES AND ABOVE GROUND UTILITY CROSSING OVER THE CANALS MUST BE BY MEANS OF PILE-SUPPORTS. SINGLE SPAN BRIDGES AND SUBAQUEOUS UTILITY INSTALLATIONS ARE ENCOURAGED ACROSS CANALS.
2. DHW = DESIGN HIGH WATER
3. IN THE EXTENUATING CIRCUMSTANCE, WHERE VARIANCE FROM THE CRITERIA IS SOUGHT, THE APPLICANT MAY BE REQUIRED TO PROVIDE MAINTENANCE BOAT RAMPS ON EITHER SIDE OF THE BRIDGE CROSSING. IT WILL BE THE APPLICANTS RESPONSIBILITY TO PROVIDE THE DISTRICT WITH SUCH ADDITIONAL RIGHT OF WAY AS MAY BE REQUIRED TO ACCESS THE MAINTENANCE RAMPS. SPECIFICATIONS FOR SUCH RAMPS WILL BE DETERMINED ON A CASE BY CASE BASIS.

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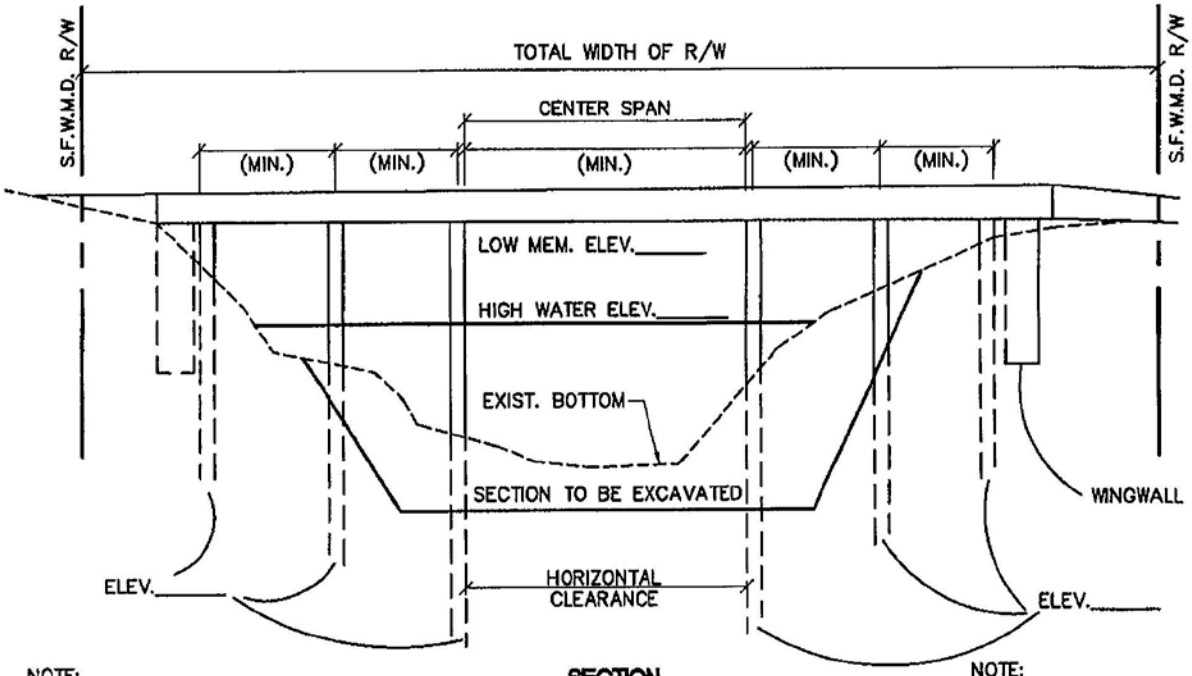
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PILE-SUPPORTED UTILITY OR ROADWAY BRIDGE CROSSING OVER A CANAL

SHOW NORTH

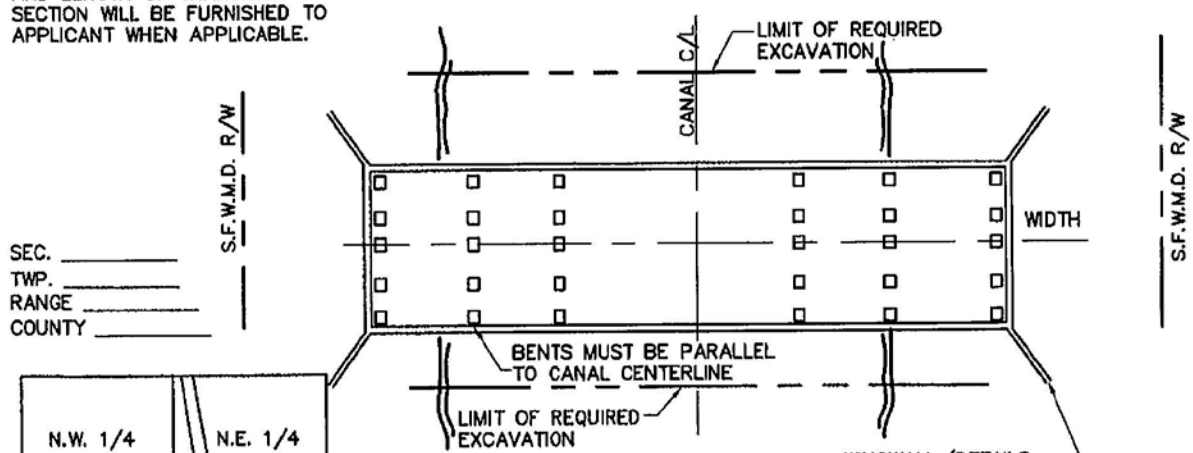
SAMPLE ILLUSTRATION



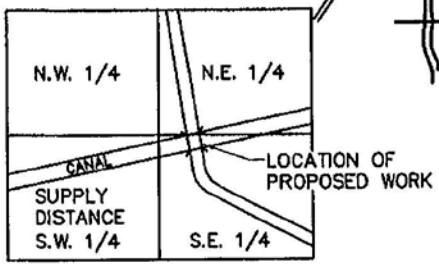
NOTE:
CANAL SECTION. LIMITS OF EXCAVATION AND LENGTH OF TRANSITION TO EXISTING SECTION WILL BE FURNISHED TO APPLICANT WHEN APPLICABLE.

SECTION
N.T.S.

NOTE:
ALL ELEVATIONS REFER TO MEAN SEA LEVEL



PLAN
N.T.S.



VACINITY PLAN

DRAWING TO ACCOMPANY APPLICATION FOR CONSTRUCTION OF
A FT. BRIDGE OVER CANAL

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

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NOTE:

1. DRAWING MUST SHOW THE EXISTING CANAL SECTION AS ESTABLISHED FROM A RECENTLY TAKEN CROSS SECTION OF THE CANAL.

2. SECTION TO BE EXCAVATED MUST BE SHOWN ON SECTION VIEW AND LIMITS OF EXCAVATION MUST BE SHOWN ON PLAN VIEW.

3. SHOW LOCATION OF PILE BENTS AND SIZE OF PILES, (ALL PILE BENTS MUST BE PARALLEL TO THE CENTERLINE OF THE CANAL). INDICATE PROPOSED PILE TIP ELEVATION.

4. INDICATE THE PILE SPACING (SEE CRITERIA MANUAL FOR MINIMUM CRITERIA) AND BRIDGE LOW MEMBER ELEVATION AT THE LOWEST POINT OF EACH SPAN (IF DIFFERENT).

5. WHERE BRIDGE CROSSINGS SEVER DISTRICT MAINTENANCE ACCESS ON CANAL MAINTENANCE BERMS, RAMPS ARE REQUIRED. RAMPS MUST BE A MINIMUM OF 15 FEET WIDE AND HAVE A MAXIMUM SLOPE OF 1 VERTICAL TO 10 HORIZONTAL.

6. SHOW ANY PROPOSED ATTACHMENTS TO THE BRIDGE (SUCH AS UTILITY LINES).

INSTRUCTIONS FOR COMPLETING DRAWING:

1. 8 ½" X 11" SKETCH(S) ARE REQUIRED.

2. PLAN AND PROFILE VIEWS ARE REQUIRED AND MUST DEPICT THE ITEMS IN THE NOTES SECTION (ABOVE).

3. PROVIDE A LOCATION SKETCH WHICH TIES IN THE PROPOSE BRIDGE TO A SECTION LINE OR KNOW LANDMARK.

4. INSERT THE INDICATED INFORMATION IN THE BLOCK AT THE LOWER RIGHT CORNER OF THE DRAWING.

5. VEHICULAR BRIDGES MUST BE SIGNED AND SEALED BY A PROFESSIONAL ENG. REGISTERED IN THE STATE OF FLORIDA.

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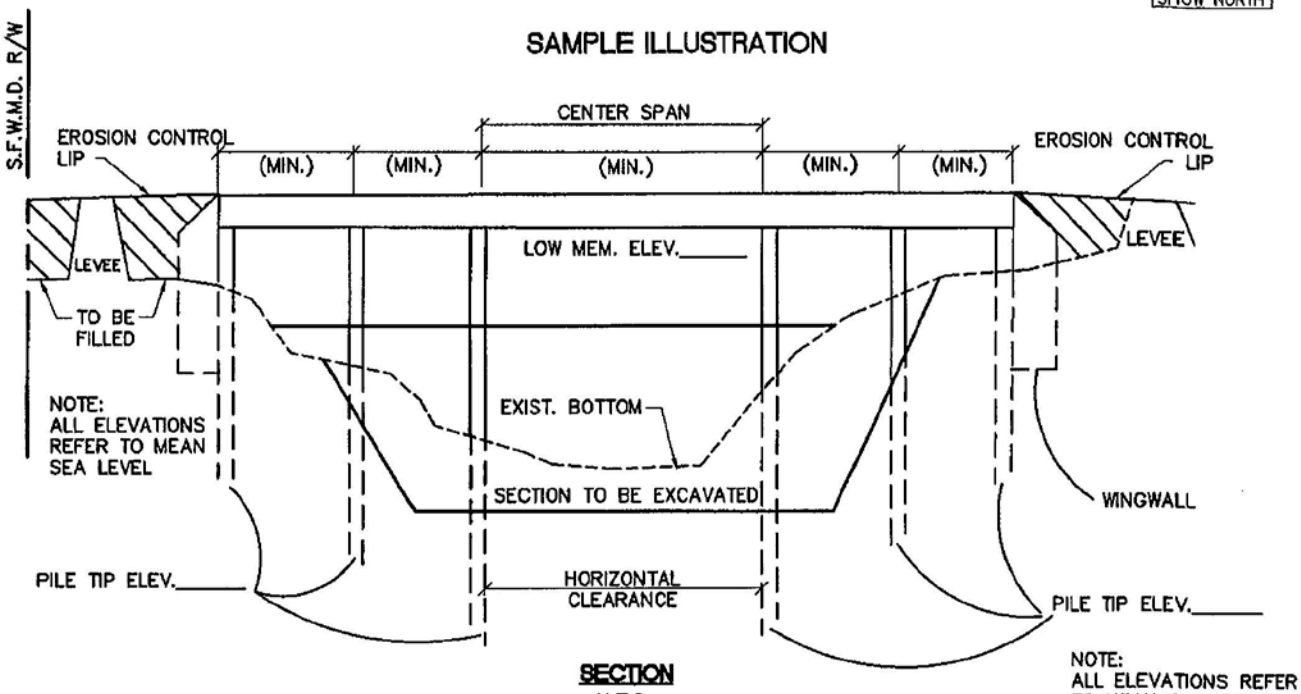
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PILE-SUPPORTED UTILITY OR ROADWAY BRIDGE CROSSING OVER A LEVEE

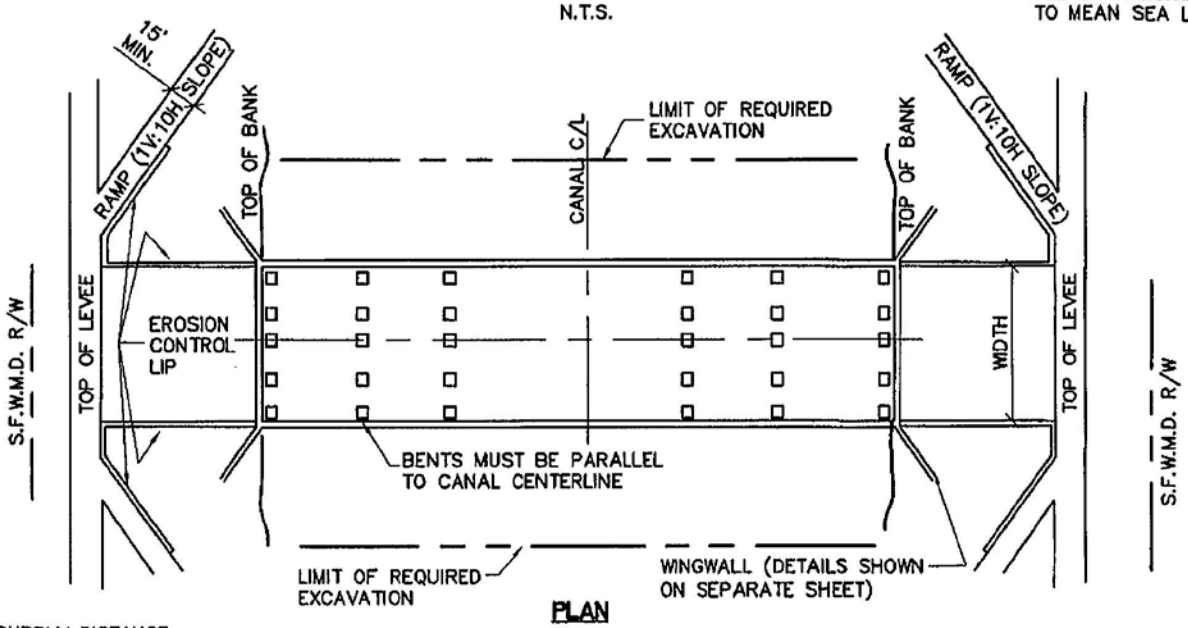
SHOW NORTH

SAMPLE ILLUSTRATION

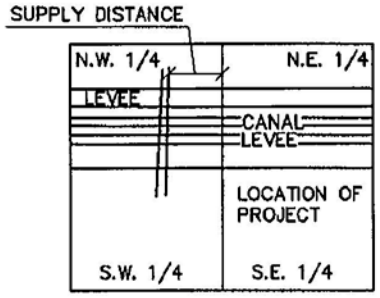


SECTION
N.T.S.

NOTE:
ALL ELEVATIONS REFER TO MEAN SEA LEVEL



PLAN
N.T.S.



NOTE:
INSTRUCTIONS FOR COMPLETING DRAWING AND NOTES ON BACK.

DRAWING TO ACCOMPANY APPLICATION NO. _____
FOR CONSTRUCTION OF A _____ FT. BRIDGE OVER _____ LEVEE
CROSSING: _____

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NOTE:

1. DRAWING MUST SHOW THE EXISTING CANAL SECTION AS ESTABLISHED FROM A RECENTLY TAKEN CROSS SECTION OF THE CANAL.

2. SECTION TO BE EXCAVATED MUST BE SHOWN ON SECTION VIEW AND LIMITS OF EXCAVATION MUST BE SHOWN ON PLAN VIEW.

3. SHOW LOCATION OF PILE BENTS AND SIZE OF PILES, (ALL PILE BENTS MUST BE PARALLEL TO THE CENTERLINE OF THE CANAL). INDICATE PROPOSED PILE TIP ELEVATION.

4. INDICATE THE PILE SPACING (SEE CRITERIA MANUAL FOR MINIMUM CRITERIA) AND BRIDGE LOW MEMBER ELEVATION AT THE LOWEST POINT OF EACH SPAN (IF DIFFERENT).

5. WHERE BRIDGE CROSSINGS SEVER DISTRICT MAINTENANCE ACCESS ON CANAL MAINTENANCE BERMS, RAMPS ARE REQUIRED. RAMPS MUST BE A MINIMUM OF 15 FEET WIDE AND HAVE A MAXIMUM SLOPE OF 1 VERTICAL TO 10 HORIZONTAL.

6. SHOW ANY PROPOSED ATTACHMENTS TO THE BRIDGE (SUCH AS UTILITY LINES).

INSTRUCTIONS FOR COMPLETING DRAWING:

1. 8 ½" X 11" SKETCH(S) ARE REQUIRED.

2. PLAN AND PROFILE VIEWS ARE REQUIRED AND MUST DEPICT THE ITEMS IN THE NOTES SECTION (ABOVE).

3. PROVIDE A LOCATION SKETCH WHICH TIES IN THE PROPOSE BRIDGE TO A SECTION LINE OR KNOW LANDMARK.

4. INSERT THE INDICATED INFORMATION IN THE BLOCK AT THE LOWER RIGHT CORNER OF THE DRAWING.

5. VEHICULAR BRIDGES MUST BE SIGNED AND SEALED BY A PROFESSIONAL ENG. REGISTERED IN THE STATE OF FLORIDA.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BULKHEADS AND SEAWALLS **(Allowable Zone 1)**

In order for a bulkhead or seawall to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria, you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Due, in part, to the forces acting on bulkheads and seawalls, the District will only consider those requests for bulkheads or seawalls (including those which are constructed to satisfy revertible easement requirements or are subject to surcharges imposed by buildings placed on or adjacent to the seawall), which are:
   a. Designed by a professional engineer, registered in the State of Florida.
   b. To be constructed within an existing man-made canal and the shoreline of said canal is currently occupied in whole or in part by vertical seawalls.
   c. The District assumes no responsibility for the failure of bulkheads or seawalls or any damage or loss related thereto.

Criteria to be met:

In designing a bulkhead or seawall, the applicant should bear in mind that the proposed structure must:

1. Align with adjacent seawalls;
2. Attach securely to adjacent seawalls;
3. Incorporate adequate return ends;
4. Be capable of withstanding forces acting on it through a wide range of water elevations;
5. The toe of the seawall shall be faced with natural limerock rip-rap on filter fabric along tidal (saline) reaches of Project Canals.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. Certified canal cross-sections of the existing channel.
      - Soundings for the cross-sections shall be taken at 10 foot intervals from top of bank to top of bank and shall be tied to both canal/levee rights of way lines.
      - Normally, cross-sections will be no more frequent than one cross-section per every 25 feet of proposed bulkhead. Cross-sections shall be plotted to the same horizontal and vertical scale, using standard 10 x 10 cross-sectional paper or similar CAD format. The cross-sections shall have superimposed upon them the design section for the canal at the location. The design, existing and proposed canal design cross sectional area below the Design Water Surface elevation

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BULHEADS AND SEAWALLS (CONT'D)

shall be accurately calculated by the applicant and printed on or adjacent to each cross-section.

- Mean Sea Level (MSL) or National Geodetic Vertical Datum (NGVD 1929) will be used as datum and English units of measure employed.

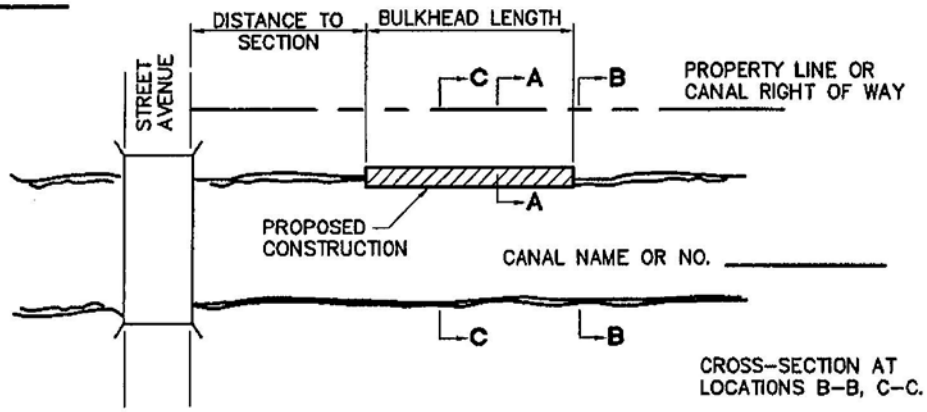
Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BULKHEAD INSTALLATION
SAMPLE INSTALLATION

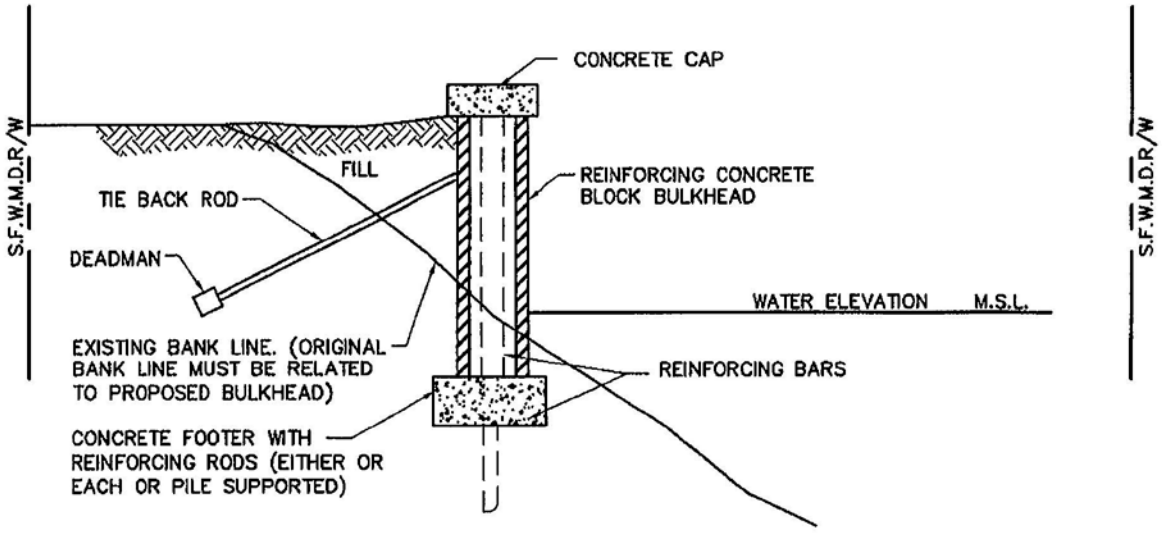
SEC. _____

TWP. _____

RGE. _____



LOCATION PLAN
N.T.S.



SECTION A-A
N.T.S.

DRAWING TO ACCOMPANY APPLICATION FOR BULKHEADS/SEAWALLS

CANAL/LEVEE: _____

APPLICANT'S NAME: _____

DATE: _____ SIGNATURE: _____

NOTE:

SEE REVERSE SIDE OF THIS SHEET FOR A LIST OF MATERIALS AND CONSTRUCTION DETAILS TO BE SUBMITTED WITH YOUR APPLICATION FOR

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PILE CAP

DIMENSIONS: _____ INCHES WIDE, _____ INCHES THICK _____

REINFORCING RODS: SIZE _____ NUMBER USED _____ SPACING _____

BLOCK

SIZE OF BLOCKS: _____

NUMBER OF COURSES: _____ (HOW MANY BLOCKS HIGH?)

SIZE AND LOCATION OF REINFORCING RODS: _____

FOOTER

DIMENSIONS: _____ INCHES WIDE, _____ INCHES THICK _____
(EXAMPLE 3/8" ROUND) (EXAMPLE 4" CENTERS)

PILING

SIZE OR DIAMETER: _____ INCHES, LENGTH _____FEET, NUMBER BEING USED _____

TIE BACK ROD

SIZE OF ROD: _____INCH

LENGTH: _____ FEET

SPACING: _____ FEET BETWEEN EACH ROD.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

CULVERT CONNECTIONS **(Allowable Zone 1, 2)**

In order for a culvert connection to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. In order to prevent the discharge of aquatic weeds into the District's canal system, all culverts 36 inches in diameter or larger that serve to connect an open ditch or canal system to the Works of the District will be equipped with a skimmer or baffle which effectively prevents the discharge of aquatic weeds into the District's canal system. The skimmer or baffle will be designed to be effective through a range of water surface conditions from:
   Lower Limit: One (1) foot below either the District's canal design water surface elevation or seasonal low optimum water control elevation (whichever produces the lower elevation) to:
   Upper Limit: Two (2) feet above either the District's canal design water surface elevation or seasonal high optimum water surface elevation whichever produces the higher elevation. In cases where a riser is attached to the culvert, the top of the skimmer or baffle will be equal to the top of the riser.

Maintenance of the skimmer or baffle is the responsibility of the permittee.

This requirement will not be applied where the applicant utilizes a pumped discharge system that employs a functional trash rack (or other effective means of blocking the discharge of aquatic weeds) on the intake side of the pump station.

The discharge of aquatic weeds into District Works is grounds for permit revocation and removal of the culvert facilities.

Criteria To Be Met:

1. The invert elevation is acceptable to the District and produces a crown elevation ½ foot below the design water surface or optimum water control elevation, whichever produces the lower installation. (Information for establishing invert elevations is site specific and can be obtained by contacting the District's Right of Way Permitting staff).
2. The proposal incorporates a right of way erosion control and bank stabilization method that is acceptable to the District.
3. The length of the pipe is sufficient to provide a minimum 15' top width maintenance roadway across pipe connection.
4. Where required, the top of rip-rap or headwall shall match existing grade.
5. Where used, end/headwalls include adequate returns to prevent erosion.
6. The design utilizes an effective skimmer to prevent the discharge of aquatic weeds.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

CULVERT CONNECTIONS (CONT'D.)

7. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
8. A flap gate or similar device is placed on the discharge end of the proposed facility (applies to those installations located downstream of a District Salinity Control Structure [brackish/saltwater]).
9. The facility is not located within an environmentally sensitive area.
10. The facility does not adversely affect previously authorized use(s) of the right of way.
11. The facility does not interfere with the District's maintenance and operations activities.
12. Drainage culvert connections must be sized to conform with the inflow limitation criteria of the District.
13. That portion of any line crossing District rights of way must have sufficient cover in order to prevent damage from District maintenance equipment and vehicles.
14. Permittee will be required to adequately identify culverts with a permanent type marker which is to be placed in a position so as not to prohibit vehicular access along the canal. This does not apply where visible headwalls are used.
15. Connections for withdrawal of water for irrigation or other purposes shall be sized and invert elevations established in conformity with the criteria of the Project for water withdrawals. Where the District has established Basin Rules, setting minimum water withdrawal elevations, pipe inverts which due to their invert elevation, would enable the withdrawal of water from District canals below the canal's established minimum elevation, will not be allowed. This restriction applies to culverts utilized for gravity irrigation, as well as pump tubes for pumped irrigation systems or other similar systems.
16. A gate of approved type and design or stop-log structure shall be a part of the installation of all culverts if required for compliance with Project Specifications.

<u>Applicant Must Provide:</u>

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The pipe size, material of pipe, invert elevation, controls, risers, burial depth at crown of pipe, width of cover and if applicable, forebay.
   d. The distance pipe extends into canal.
3. A recent property/boundary survey.
4. Evidence that applicant has applied for and obtained a Water Use or Surface Water Management Permit from the District's Regulation Department.

Connections to Borrow Canals Through Project Levees:

- The general conditions stated prior apply to this type of connection with the exception of the roadway requirements.
- Culverts through levees such as tie-back levees which are designed to define pumped drainage basins will not be authorized.
- Culverts through L-31E (Levee 31 East) will not be authorized.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

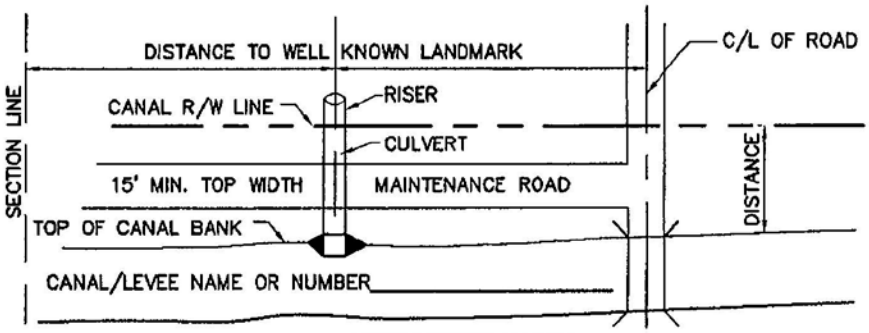
CULVERT CONNECTIONS (CONT'D.)

- The width of the levee crown at the point of connection will be no less than fifteen (15) feet or equal to that required by Project specifications.
- Sloping and grassing, if normally required, will also be equal to or better than the Project minimum.
- The construction of erosion control features is a required part of such a connection.
- Where culverts do not extend to the bank line, access ramps from the berms up to and over the culvert must be provided. Generally, ramps of well-stabilized materials not less than fifteen (15) feet wide and constructed on a 1 vertical to a 10 horizontal (1:10) slope will be accepted. Adequate erosion control provisions for the ramps are also required. The District may require barricades on either side of the channel leading from the end of the culvert to the bank line. On-going repair and maintenance of these facilities is the responsibility of the permittee.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

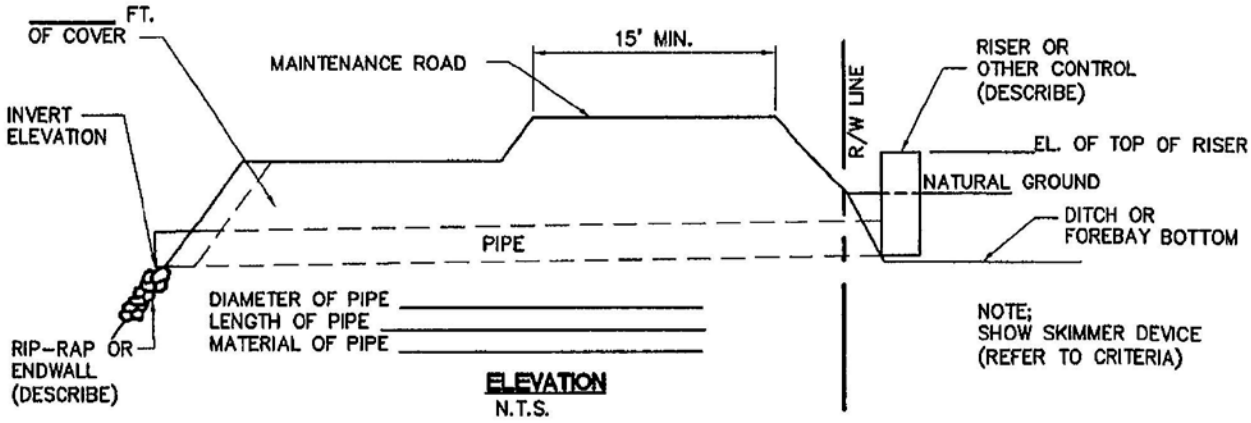
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SAMPLE CULVERT INSTALLATION ILLUSTRATION



MAINTENANCE ROAD
N.T.S.

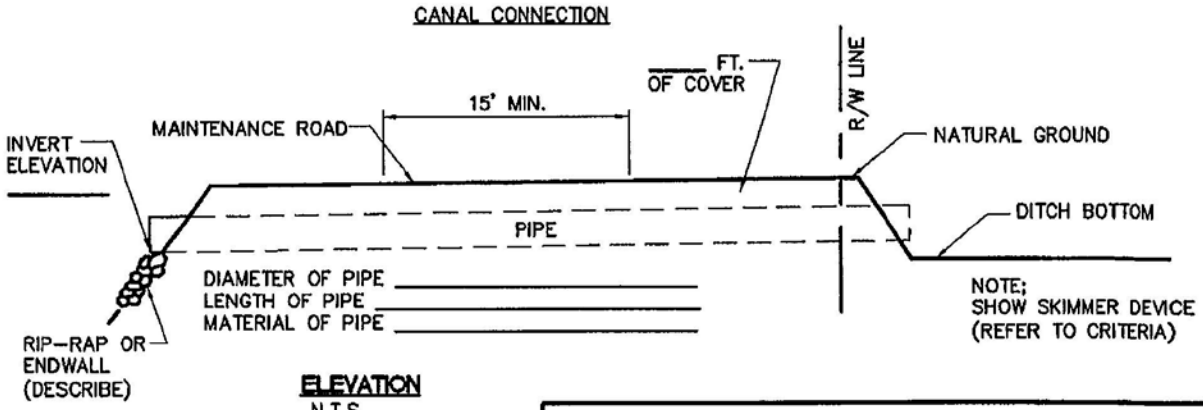
SECTION _____ TOWNSHIP _____ RANGE _____

LEVEE CONNECTION



ELEVATION
N.T.S.

CANAL CONNECTION



ELEVATION
N.T.S.

DRAWING TO ACCOMPANY APPLICATION FOR CULVERT INSTALLATION

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DOCKS **(Allowable Zone 1)**

In order for a pile-supported docking facility to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide complete information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Applicants for boat docks are advised that permits may be required from the Department of Environmental Protection (DEP), whose criteria may be more stringent than the Water Management District's. Additionally, approvals or permits are normally required from the local building and zoning departments of the community. For this reason, it is suggested that proposals for boat docks be first discussed with the DEP and other entities to determine the permittability potential of the project, prior to filing an application with the District.
3. Proximity of District Water Control Structures:
   The construction of boat docks within an area from 250 feet upstream as measured from the water control structure centerline to a point 250 feet downstream of the discharge end of the water control structure is prohibited. Additionally, in cases where the District has installed cables or booms across canals, no docking facilities may be constructed within these areas.
4. Live Aboards: The mooring of any vessel in a District waterway, being used either permanently or temporarily as a "live aboard" or residence, is prohibited.
5. Construction of Boat Docks on Speculation: Construction of docks on speculation by builders or developers is not permitted. Should an applicant wish to request a waiver of this prohibition, the applicant must: (1) Agree, in writing, to inform buyers of the existence of a permit and the need to request a transfer of the permit; (2) agree, in writing, to remove the dock(s) and restore the District's right of way in the event the buyer fails or refuses to transfer the permit; and (3) Demonstrate the financial ability to remove the dock(s) in their entirety and restore the District's right of way, if the permit is not transferred.
6. Boat Docks May Be Prohibited in Certain Areas:
   Construction of docks in areas, where in the District's opinion, wakes attributable to boat operation in District canals, combined with geologic and other conditions contribute to bank slope erosion, resulting in diminished canal maintenance berm widths and shoaling in canals, will be prohibited. In areas where unacceptable rates of bank erosion are occurring, the District reserves the right to deny or revoke permits for boat access facilities such as boat ramps, boat docks and open channel connections.
7. Boat Dock Permits May Be Revoked for Certain Unauthorized Activities:
   These unauthorized activities include, but are not limited to:
   a. The dock or any portion of it is being used either permanently or temporarily as a place of residence.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DOCKS AND ASSOCIATED FACILITIES - PILE-SUPPORTED CONT'D.

b. The dock is being used for the mooring of houseboats; or, other vessels are being used either permanently or temporarily as a place of residence.
c. The permittee is renting or leasing "dock space".

8. Construction of boat docks which do not involve environmentally sensitive areas, or areas designated as restricted by the District, may be authorized under District permit. Each application will be judged on its merits and shall meet the Project requirements of the specific location.
9. Applicants in areas downstream of water control structures should realize that in a few areas extremely high tides combined with structure discharges may cause docks to be inundated. The applicant may want to consider building the dock to a higher elevation in such cases.
10. As-Built Certifications on Boat Dock Low Member Elevations:
In the absence of existing elevation benchmark, or if the applicant disagrees with the existing elevation benchmark established by the District, the District shall require the applicant to certify the as-built low member elevation of the dock installation. The certification will consist of the permittee engaging the services of a professional engineer or land surveyor, who is registered in the State of Florida. The professional engineer or land surveyor shall determine the low member elevation for the dock and certify, in writing, as to the dock's low member elevation. The certification should be in the form of a copy of the approved permit drawing with the dock's low member elevation (using NGVD as datum) clearly shown. Said drawing must be signed and sealed by the professional engineer or land surveyor performing the work.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. A recent boundary/property survey.
3. The type/size and location of associated facilities such as boat lifts, davits, whips, mooring piles, etc.
4. The low member elevation of the proposed dock.
5. If applicable, the location of the utility lines within the District's right of way.

Criteria To Be Met:

1. The dock is located adjacent to the landowner's lot within the extension of the lot lines, as extended perpendicular from the centerline of the canal.
2. The docking facilities, including associated mooring facilities and vessels moored thereto must not extend more than 25% of the entire width of the canal. (As measured at the average mean high water line or bulkhead line, whichever applies).
3. The minimum low member elevation requirement is met. (Low member elevations are site specific, please contact the District's Right of Way Permitting staff for information). Docks located downstream of coastal structures shall have no required low member elevation but are recommended to be above mean high tide.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DOCKS AND ASSOCIATED FACILITIES - PILE-SUPPORTED (CONT'D)

4. The dock is not within an area 250' upstream of the centerline of a District Water Control Structure or 250' downstream of the discharge end of a District Water Control Structure.
5. The dock is not proposed within 100' of a bridge or pile-supported utility crossing.
6. The facility must not be located within a staging area or other area where the District has designated as an area where docks are prohibited.
7. The dock is not proposed inside an area where the District has installed cables or booms across the canal.
8. The facility is not located within an environmentally sensitive area.
9. The docking spaces accommodate no more than 3 watercraft.
10. The dock space will not be rented or leased.
11. The dock or any portion will not be used as either a temporary or permanent place of residence or for the mooring of houseboats or other vessels being used for either a temporary or permanent place of residence.
12. The dock is not attached to a District/U.S. Army Corps owned bulkhead.
13. The dock does not incorporate walls or other similar enclosures, whether solid, partly solid, screened or transparent, regardless of the type of material to be used.
14. The facility does not interfere with District access, operations or maintenance activities.
15. The use does not adversely affect a previously-authorized use(s) of the right of way.

Maximum Projection of Docks Into District Waterways:

No dock or mooring facility (including pilings, moored vessels) shall extend into the waterway more than 25% of the distance of the width of the waterway. This distance is measured at the average mean high water or bulkhead line, whichever applies, in saltwater reaches of canals and at optimum water elevation in fresh water reaches of canals.

Minimum Low Member Elevation of Docks Shall Be:

The minimum low member elevation is the elevation of the lowest member of the dock or connecting walkway, including cross bracing, that is perpendicular to the flow of water.

If Located Upstream of a Water Control Structure:
Two (2) feet above design high water or two (2) feet above seasonal high optimum water elevation (whichever is higher).

If Located Downstream of a non-Coastal Water Control Structure:
Two (2) feet above mean high tide or design water surface (whichever produces the higher elevation).

If Located Downstream of a Coastal Water Control Structure:
Docks located downstream of coastal structures shall have no required low member elevation but are recommended to be above mean high tide.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DOCKS AND ASSOCIATED FACILITIES - PILE-SUPPORTED (CONT'D)

In the Big Cypress Basin – Two (2) feet above the design water surface or two (2) feet above seasonal high optimum water surface elevation, whichever is higher. In cases where the design water surface elevation is higher than the berm elevation (the canal overtops the canal bank), the District will consider waiving the 2 foot clearance requirement, on a case by case basis and based upon field conditions at the site of the proposed installation.

Boat Houses and Boat Docks With Roofs:

The District will not authorize the construction of docks or boat houses that incorporate walls or other similar enclosures, whether solid, partly solid, screened or transparent, regardless of the type of materials used in construction.

Utility Services To Boat Docks:

Utility services such as electricity and water are allowable provided they are not installed to service vessels being used either temporarily or permanently as "live aboards".

The District's approval of utility services to docks shall be limited to those which are supported by a Florida professional engineer or architect, or supported by a Florida licensed electrical contractor's certification that the utilities proposed design conforms to the Standard Building Code. The inability or failure of the applicant to provide this information shall result in the denial of the application. Applicant/Permittees must also provide as-built certifications from a Florida professional engineer or architect, or supported by a Florida licensed electrical contractor's certification that the project was constructed in accordance with the design permitted by the District. In lieu of the referenced certifications, the District will accept written verification from authorized local government representatives, that the construction meets the Standard Building Code or another more stringent local government building code.

1. The proposed utility service is of sufficient burial depth (18" or greater for water service, 24" or greater for electrical service) to withstand the weight of the District's heavy maintenance equipment and vehicles.
2. The plans of the proposed utility service do not incorporate above-ground facilities.
3. Water supply lines must not leak or otherwise waste water. Leaking water supply lines, valves and appurtenances; or otherwise failing to maintain permitted facilities, are grounds for permit revocation.

Decorative Or Security Lights:

Decorative or security lights shall be shielded, cut off design that minimizes light pollution to surrounding areas.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DOCKS AND ASSOCIATED FACILITIES - PILE-SUPPORTED (CONT'D)

Boat Dock Storage-Lockers/Boxes:

Docks may be equipped with lockers or storage boxes; however, storage shall be limited to fishing or boat-related equipment such as floatation devices, rope and line, first aid articles and fire extinguishers. Boat dock storage-lockers/boxes shall not be used for the storage of pesticides, fuel oils, or other petroleum products, including solvents, paints and thinners. If found to be on-site during inspections, the presence of such items will be grounds for permit revocation.

Construction Of Boat Docks On Speculation:

Consideration of requests for Waiver of criteria will be limited to:

1. Detached single family residences or single lots.
2. Construction of a maximum of (1) one dock for each home immediately adjacent to the canal.
3. The proposed project otherwise meets the requirements of the Basis of Review, Chapter 373, F.S, and Chapter 40E-6., F.A.C.
4. Documentation is provided which demonstrates that meeting the District's criteria would: 1) Create a "substantial hardship" or, 2) Violate "principles of fairness".

The District has no objection to builders or developers filing applications on behalf of prospective buyers, as long as the property is under contract. However, the District must be supplied with a copy of the contract when the application is submitted.

Floating Docks:

Issuance of permits for floating docks upstream of all salinity control structures will not be authorized. Due to the danger of floating docks breaking loose during hurricanes and other severe weather conditions and becoming caught in District Water Control Structures, floating docks are acceptable only in tidal reaches of the District's canals. However, in designing and installing floating docks, applicants should bear in mind that high water velocities and great differences in water stages can be experienced in storm surges; should a floating dock break loose and damage other docks or boats, the permittee is liable for all damages which may result.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BOAT RAMPS / LAUNCHING RAMPS **(Allowable Zone: 1, 2)**

Construction of boat launching ramps, which do not involve environmentally sensitive areas, or areas designated as restricted by the District may be authorized under District permit. Each application will be judged on its merits and shall meet the Project requirements of the specific location.

Entities proposing public boat launching ramps need to be aware of the long term maintenance obligations associated with such facilities, including, but not limited to, litter removal, parking area maintenance, maintenance of the ramp itself and repairs to launching piers (if applicable).

Ramps are prohibited in areas where such a facility:

1. Is adverse to the District's operation and maintenance of the Project Works, especially where increased boat usage has the potential to accelerate slope erosion damage.
2. Is located where adverse environmental impacts may occur due to boating activity.
3. Would interfere with or sever the District's access.
4. Present an unusual liability risk to the District.

Private boat ramps permitted to individuals, homeowner associations, condominium associations and similar entities must be gated, chained or otherwise barricaded when not in use to prohibit users other than the permittee from using the ramps. The Permittee is responsible for placement of signage, conspicuously displayed at the ramp notifying "Ramp Not Open For Use By General Public".

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PILE-SUPPORTED DOCK INSTALLATION

SAMPLE ILLUSTRATION

SHOW NORTH

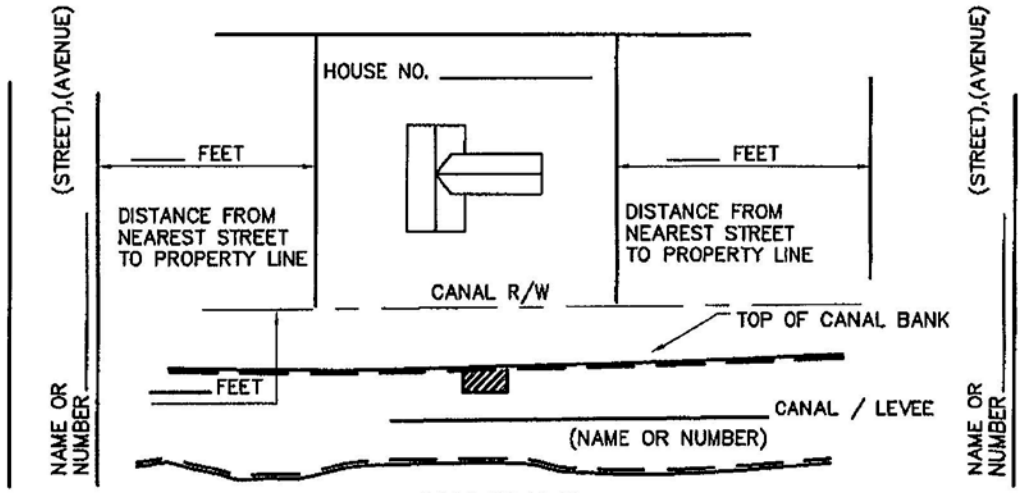
NAME _____

ADDRESS _____

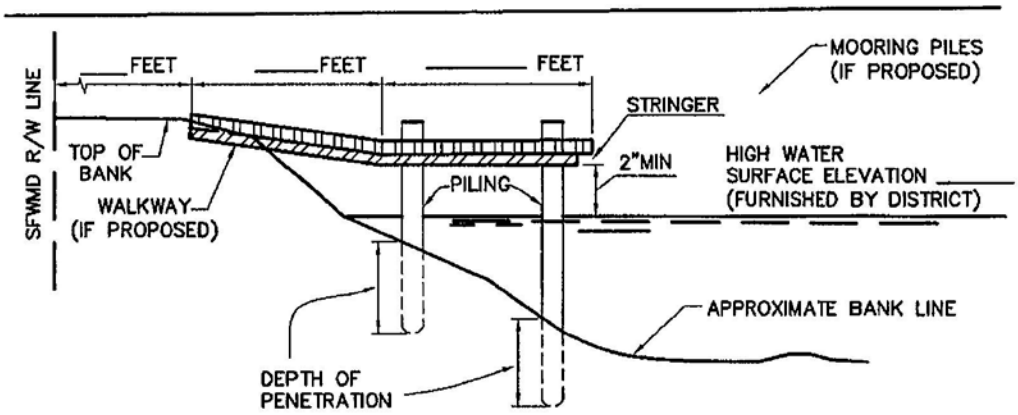
CITY, STATE _____ ZIP _____

SUBDIVISION _____ BLOCK NO. _____ LOT NO. _____

COUNTY _____ SEC. _____ TWP. _____ RGE. _____



LOCATION PLAN
NOT TO SCALE



SECTION
NOT TO SCALE

SEE REVERSE SIDE OF THIS SHEET FOR LIST OF MATERIALS AND CONSTRUCTION DETAIL TO BE SUBMITTED WITH YOUR APPLICATION FOR PERMIT.

DRAWING TO ACCOMPANY APPLICATION FOR PILE SUPPORTED DOCK

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PLEASE COMPLETE THE FOLLOWING:

WALKWAY: (IF REQUIRED)

_____FEET LONG X _____ FEET WIDE

DOCK:

FINAL DIMENSION WILL BE ____FEET PARALLEL WITH CANAL AND EXTENDED _____ FEET INTO CANAL.

PILING: CHECK TYPE TO BE USED

☐ WOOD ☐ STEEL ☐ CONCRETE ☐ PVC

HOW MANY WILL BE USED IN YOUR CONSTRUCTION? _____
WHAT SIZE WILL BE USED?
DIAMETER _____INCHES
LENGTH _____FEET
THE DEPTH OF PENETRATION OF THE FRONT PILING WILL BE _____FEET.
THE DEPTH OF PENETRATION OF THE REAR PILING WILL BE _____FEET.

DECK: CHECK TYPE TO BE USED

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(2" x 6" PINE) (4' X 4' SLAB) (OTHER)

THE DISTANCE OF CLEARANCE BETWEEN DOCK LOW MEMBER AND HIGH WATER ELEVATION WILL BE 2 FEET MINIMUM. (DISTRICT WILL FURNISH HIGH WATER SURFACE ELEVATION)

STRINGER: CHECK TYPE TO BE USED:

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(4" X 4" PINE) (4' X 4' SLAB) (4" H-BEAM)

ANCHOR POINT

IF DOCK IS TO BE BUILT AGAINST A BULKHEAD OR SEA WALL. DESCRIBE MANNER OF ANCHORING DOCK TO THE WALL OR BULKHEAD.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
DOCK CONSTRUCTION ATTACHED TO SEAWALL

SAMPLE ILLUSTRATION

SHOW NORTH

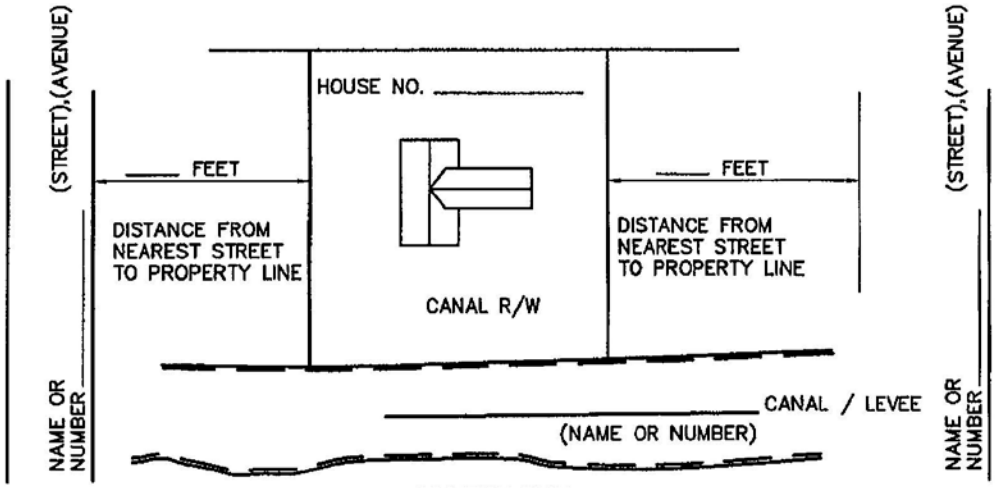
NAME _____

ADDRESS _____

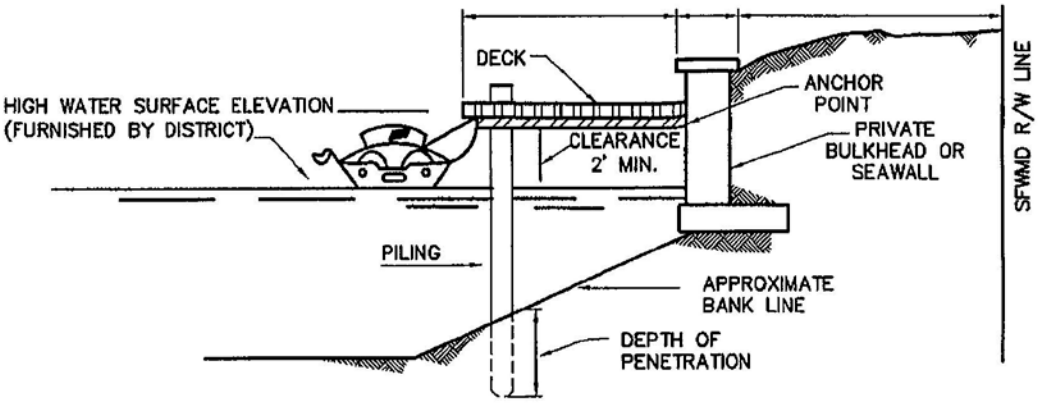
CITY, STATE _____ ZIP _____

SUBDIVISION _____ BLOCK NO. _____ LOT NO. _____

COUNTY _____ SEC. _____ TWP. _____ RGE. _____



LOCATION PLAN
NOT TO SCALE



SECTION
NOT TO SCALE

SEE REVERSE SIDE OF THIS SHEET FOR LIST OF MATERIALS AND CONSTRUCTION DETAIL TO BE SUBMITTED WITH YOUR APPLICATION FOR PERMIT.

DRAWING TO ACCOMPANY APPLICATION FOR DOCK ATTACHED TO SEAWALL

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NOTE:
DOCK ATTACHMENTS TO DISTRICT SEAWALLS WILL NOT BE AUTHORIZED

PLEASE COMPLETE THE FOLLOWING:

1. BE SURE TO GIVE THE NUMBER OR NAME OF STREETS OR AVENUES. IF AVENUE IS CORRECT STRIKE OUT THE WORD STREET. (EXAMPLE NW 29TH AVENUE OR ~~STREET~~).

2. GIVE YOUR LOT AND BLOCK NUMBER, AS INDICATED ON YOUR DEED.

3. **IMPORTANT:** FILL IN THE BLANKS BELOW.

DOCK
FINAL DIMENSIONS WILL BE _____FEET LONG X _____ FEET WIDE

PILING: CHECK TYPE TO BE USED

☐ WOOD ☐ STEEL ☐ CONCRETE ☐ PVC

HOW MANY WILL BE USED IN YOUR CONSTRUCTION? _____
WHAT SIZE WILL BE USED?
DIAMETER _____INCHES
LENGTH _____FEET
THE DEPTH OF PENETRATION OF THE FRONT PILING WILL BE _____FEET.
THE DEPTH OF PENETRATION OF THE REAR PILING WILL BE _____FEET.
MOORING PILES (IF PROPOSED) DEPTH OF PENETRATION WILL BE _____ FEET.
MOORING PILES (IF PROPOSED) WILL BE _____ FEET FROM FACE OF SEAWALL.

DECK: CHECK TYPE TO BE USED

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(2" x 6" PINE) (4' X 4' SLAB) (OTHER)

THE APPROXIMATE DISTANCE OF CLEARANCE BETWEEN LOW MEMBER AND KNOWN HIGH WATER ELEVATION WILL BE _____ FEET.

STRINGER: CHECK TYPE TO BE USED:

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(4" X 4" PINE) (4' X 4' SLAB) (4" H-BEAM)

ANCHOR POINT

IF DECK IS TO BE BUILT AGAINST A BULKHEAD OR SEA WALL. DESCRIBE MANNER OF ANCHORING DOCK TO THE WALL OR BULKHEAD.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FREE-STANDING DOCK ADJACENT TO SEAWALL
(MOORING PILES OPTIONAL)

SAMPLE ILLUSTRATION

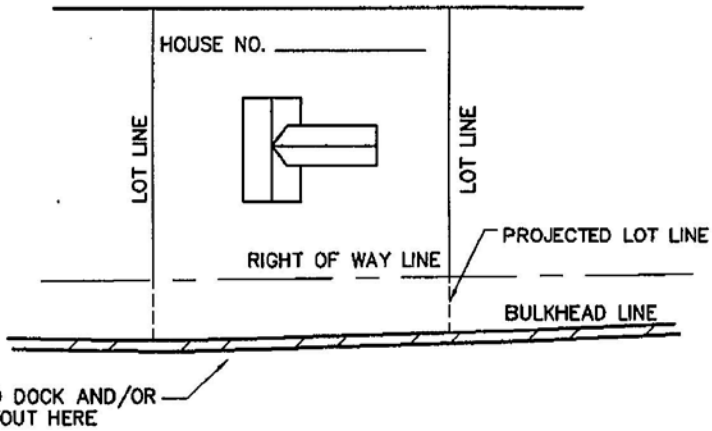
NAME _____

ADDRESS _____

CITY, STATE _____ ZIP _____

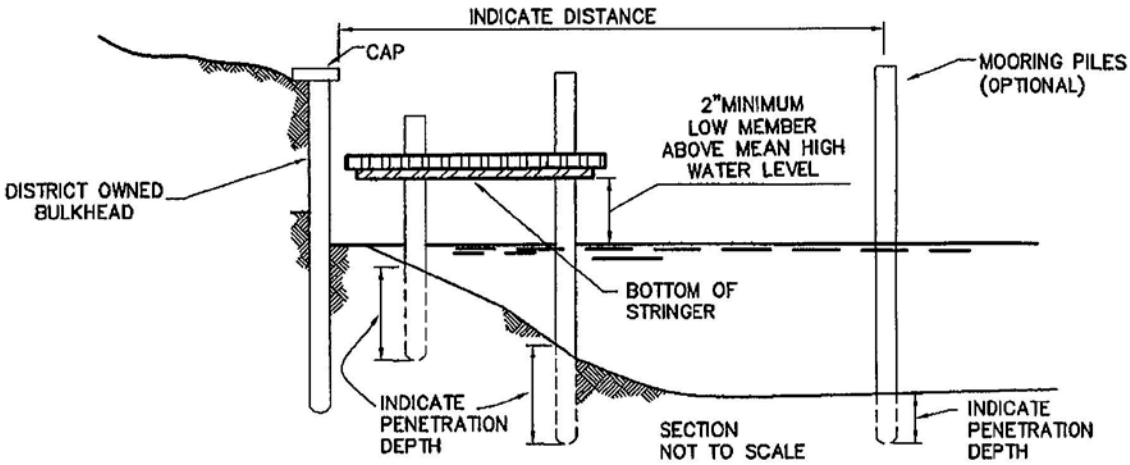
SUBDIVISION _____ BLOCK NO. _____ LOT NO. _____

COUNTY _____ SEC. _____ TWP. _____ RGE. _____



CANAL NAME OR NUMBER _____

LOCATION PLAN
NOT TO SCALE



SEE REVERSE SIDE OF THIS SHEET FOR LIST OF MATERIALS AND CONSTRUCTION DETAIL TO BE SUBMITTED WITH YOUR APPLICATION FOR PERMIT.

DRAWING TO ACCOMPANY APPLICATION FOR FREE STANDING DOCK

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NOTE:
DOCK ATTACHMENTS TO DISTRICT SEAWALLS WILL NOT BE AUTHORIZED

PLEASE COMPLETE THE FOLLOWING:

WALKWAY: (IF REQUIRED)

_____FEET LONG X _____ FEET WIDE

DOCK:

FINAL DIMENSION WILL BE ____FEET PARALLEL WITH CANAL AND EXTENDED _____ FEET INTO CANAL.

PILING: CHECK TYPE TO BE USED

☐ WOOD ☐ STEEL ☐ CONCRETE ☐ PVC

HOW MANY WILL BE USED IN YOUR CONSTRUCTION? _____
WHAT SIZE WILL BE USED?
DIAMETER _____INCHES
LENGTH _____FEET
THE DEPTH OF PENETRATION OF THE FRONT PILING WILL BE _____FEET.
THE DEPTH OF PENETRATION OF THE REAR PILING WILL BE _____FEET.
MOORING PILES (IF PROPOSED) DEPTH OF PENETRATION WILL BE _____ FEET.
MOORING PILES (IF PROPOSED) WILL BE _____ FEET FROM FACE OF SEAWALL.

DECK: CHECK TYPE TO BE USED

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(2" x 6" PINE) (4' X 4' SLAB) (OTHER)

THE DISTANCE OF CLEARANCE BETWEEN DOCK LOW MEMBER AND HIGH WATER ELEVATION WILL BE 2 FEET MINIMUM. (DISTRICT WILL FURNISH HIGH WATER SURFACE ELEVATION)

STRINGER: CHECK TYPE TO BE USED:

☐ WOOD ☐ CONCRETE ☐ OTHER

STATE SIZE OR DIMENSION:
EXAMPLE: _____ _____ _____
(4" X 4" PINE) (4' X 4' SLAB) (4" H-BEAM)

ANCHOR POINT

IF DOCK IS TO BE BUILT AGAINST A BULKHEAD OR SEA WALL. DESCRIBE MANNER OF ANCHORING DOCK TO THE WALL OR BULKHEAD.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

FENCES **(Allowable Zone: 5)**

In order for fencing to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide complete information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The District's rights of way were acquired at taxpayers' expense, and because it is the policy of the District to encourage passive recreational use of the various waterways and adjacent District right of way, the erection of fencing which would prevent public access along the bank will not normally be authorized. However, in those cases where the applicant can demonstrate that he/she is the underlying fee simple owner to a District easement and does not interfere with the District's operations and maintenance activities, the District will consider fence installations that block public access.
3. Fence encroachment:
   In certain areas, the District will allow fences to encroach within, but not block the right of way. The District's pre-determined set-back requirements must be met and the applicant must agree to be responsible for the maintenance of the right of way within the fenced area and for the area 5 to 15 feet in width immediately outside of the fence. Applicants should realize that obtaining District authorization (permit) for fencing does not obviate the need for obtaining District approval for any facilities to be placed within the fenced area.
4. Gate Requirements:
   a. Unless otherwise specified, gates required in fences, walls, hedges and similar installations shall be equipped with a gate or gates having a minimum clear horizontal opening of 16 feet and situated within the District's right of way. The applicant is encouraged to discuss the District's gate requirements with the appropriate Field Station prior to submitting the application and drawings. Gate locations must be clearly shown on all application drawings.
   b. Gates adjacent to roadways must be set back sufficiently from the edge of pavement of the roadway in order that District vehicles may safely pull out of traffic in order to stop to unlock and open the gates. Where gates are provided in the form of hinged guardrail sections, the gate design must be capable of being opened readily without the need for unbolting panels, removing posts and without the use of tools. Designs that do not meet this requirement are not acceptable and are grounds for denial of the application.
   c. Maintenance of, and repairs to, gate installations are the responsibility of the permittee.
5. District Locks Required on Gates:
   a. Authorized fencing with gates installed for the passage of District vehicles and equipment will be locked with a District padlock, purchased from the District.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

FENCES (CONT'D)

Charges for padlocks will be based on the District's cost for the padlock at the time the permit is issued.

b. The District will not accept keys for padlocks supplied by the permittee. It should be obvious that if the District were to use the permittee's padlock and key, it would take several dozen keys to travel certain portions of the right of way. In addition, several District employees need to have the ability to access the rights of way, necessitating duplicate keys for each lock, resulting in the District trying to keep track of hundreds of keys. Partially in an effort to eliminate this problem, the District utilizes special keyed-alike padlocks for various geographical areas of the District. With this system each District employee is able to gain access to a certain area.

6. When requesting a permit for such a structure, the applicant should keep in mind that under emergency circumstances it may be necessary to have the fence removed on short notice under adverse weather conditions. While the District will attempt to notify owners of such structures that immediate removal of their fence is necessary, conditions may require immediate removal by District forces without prior notice. Under such circumstances, the District cannot guarantee salvageability of the fence. The District assumes no responsibility for damage to these facilities.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The size (height), type of material and location and width of gates, etc.
3. A recent boundary/property survey.
4. A narrative documenting why fencing cannot be placed at right of way/common property line or within applicant's lot.

Criteria To Be Met:

1. The fencing is located adjacent to the landowner's lot within the extension of the lot lines, as extended perpendicularly from the centerline of the canal.
2. The fencing is constructed of acceptable material commonly used for fence construction.
3. No permanent above-ground facilities are proposed to be placed inside the fenced area.
4. If the fencing is parallel to the canal, this portion of the fence must align with existing, adjacent fences.
5. The fence will not be placed within 100' of a bridge or pile-supported utility crossing.
6. The fence must not be located within a staging area or other area where the District has designated as being prohibited.
7. The fencing will not be located within an environmentally sensitive area.
8. The fencing will not interfere with District access, operations or maintenance activities.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

South Florida Water Management District
Application Drawing for Fence Enclosure

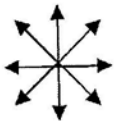
Name _____

Address _____

Canal _____

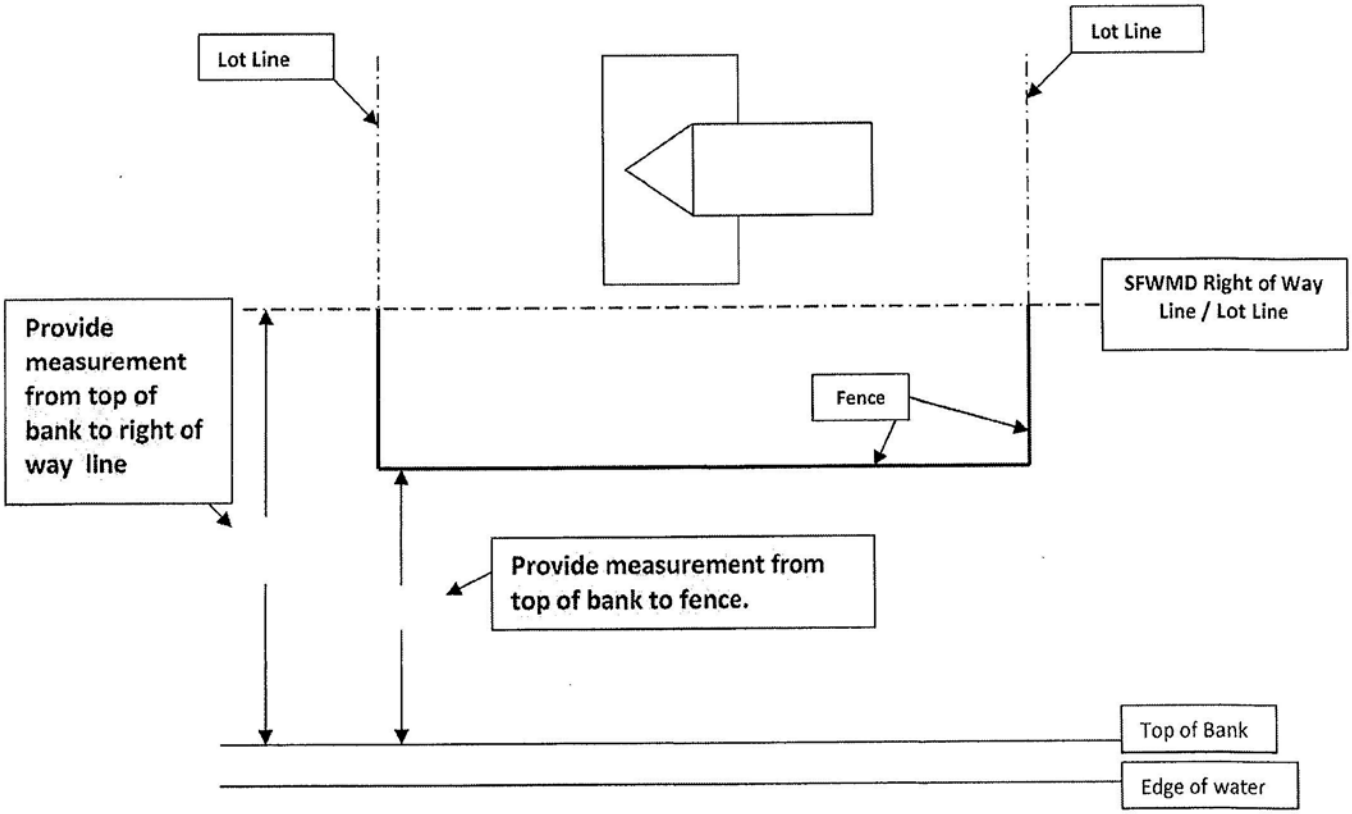
Date _____

Signature _____



Show North

Fence Location Subject to those Operational Zones (Locations) identified in the Criteria Manual



Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

FILMING/MOTION PICTURE PRODUCTION/PHOTO SHOOT

(Allowable Zone: 1, 2, 3, 4, 5)

In order for filming, motion picture production and photo shoot activities to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide complete information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. There is no prohibition against taking photographs, filming or video taping for private use where the Works or Lands of the District are open to the public for recreational use.
3. Motion picture production companies desiring to utilize the Works and Land of the District are advised that permits are required prior to filming. In this regard, production companies desiring to use District property must allow for the time needed to apply for and obtain a permit in setting their schedules.
4. Due to the vast number of variables involving in filming motion pictures on the Works and Lands of the District, applications will be evaluated on a case by case basis.
5. Film producers are cautioned that changes in schedules, locations, etc. will cause delays in permit processing.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A complete and detailed description of the action to be filmed including specific information on any stunts which may be proposed.
4. An accurate schedule of the filming date(s) including any rain delay dates.
5. A comprehensive listing of the number of people and vehicles that will be on-site and the reason for them being there.
6. A detailed security plan covering what persons will be authorized to participate in the filming and how spectators will be kept out of the area.
7. A detailed emergency services plan including which entity will respond to requests for fire, paramedic and police services.
8. Where access to the right of way is controlled by District-owned locked gates, the applicant must also obtain a Key Permit and pay any applicable fees or deposits as specified by the District.
9. The applicant provides insurance coverage to the amounts and limits specified by the District.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

FILMING/MOTION PICTURE PRODUCTION/PHOTO SHOOT (CONT'D.)

Criteria To Be Met:

1. The filming must be proposed.
2. The applicant agrees to immediately restore any facilities damaged by the filming activities.
3. The applicant agrees to abide by any special provisions established by the District based on the type of use/activities proposed.
4. The proposed use does not involve the use of explosives or pyrotechnics.
5. The applicant agrees to pay for any costs incurred by District personnel assigned to monitor the filming activities, including but not limited to, time, and mileage and further agrees to abide by any directives issued by District personnel.
6. The applicant agrees to provide a certificate of insurance to the limits and amounts specified, naming the South Florida Water Management District as an additional insured, based on the type of use activities proposed, as may be set by the District's Risk Management Division. (Please contact Right of Way Permitting Staff for current requirements.)
7. The applicant agrees to post financial assurances with the District in the amount which will be specified by the District, based on the type of use activities proposed. Said financial assurance will not be released until such time as all terms and conditions of the permit are met to the satisfaction of the District.
8. The proposed use is not located within an environmentally sensitive area.
9. The proposed use does not interfere with the District's access, operations and maintenance activities.
10. The proposed use does not adversely affect a previously-authorized use(s) of the right of way.
11. The applicant agrees to take all necessary measures to preclude the vehicular use of the right of way by the general public.
12. The proposal will not expose the District to any unnecessary risk or hazard.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

FIRE HYDRANTS **(Allowable Zone 5)**

In order for placement of a fire hydrant to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met.

NOTES:

1. If the applicant is a developer, requiring the transfer of the project over to a government or municipal entity, the applicant must provide a letter from that entity stating their intentions with regard to the facility to be located within the District's rights of way.
2. District Access: The fire hydrant must be located so as not to interfere with the District's access or canal maintenance, operations, District ingress/egress routes.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District's rights of way lines.
   b. Location tied to the nearest crossroad or bridge.

Criteria To Be Met:

1. The location of the fire hydrant does not interfere with District ingress/egress routes.
2. The buried portion of the proposed water line is of sufficient burial depth (18" or greater) to withstand the weight of the District's heavy maintenance equipment and vehicles.
3. The facility is not located within 100' of a bridge or pile-supported utility crossing.
4. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
5. The facility is not located within an environmentally sensitive area.
6. The facility does not adversely affect a previously-authorized use(s) of the right of way.
7. If not exempt from the District's Water Use Permitting Rules, the applicant may be required to obtain a District Water Use Permit. It is recommended that you contact the Water Use Division of the District's Regulation Department.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

GAZEBOS/CHICKEE HUTS **(Allowable Zone 5)**

In order for non-permanent gazebos or chickee huts to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Where water or electric service is proposed, the District's applicable criteria must also be met. (Refer to page ___)
3. When requesting a permit for such a structure, the applicant should keep in mind that under emergency circumstances it may be necessary to have the gazebos/chickee huts removed on short notice under adverse weather conditions. While the District will attempt to notify owners of such structures that immediate removal of their gazebos/chickee huts and any contents is necessary, conditions may require immediate removal by District forces without prior notice. Under such circumstances, the District cannot guarantee salvageability of the gazebos/chickee huts and any contents. The District assumes no responsibility for damage to these facilities.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A recent boundary/property survey.

Criteria To Be Met:

1. The facility must be temporary in nature, readily and easily dismantled by manpower and hand tools.
2. The slab/foundation, if applicable, must be flush with existing grade.
3. The facility is not located within 100' of a bridge or pile-supported utility crossing.
4. The facility is not located within a staging area or other area which the District has designated as an area where temporary structures, such as chickee huts or gazebos are prohibited.
5. The facility is not located within an environmentally sensitive area.
6. The use does not adversely affect a previously authorized use(s) of the right of way.
7. The use does not interfere with the District's maintenance and operations activities.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

LANDSCAPING **(Allowable Zone: 5)**

Certain requests for landscaping within District lands and rights of way are eligible for issuance of a Notice General Permit. Individuals wishing to pursue beautification proposals that are inconsistent with the 40 foot set-back requirements or are otherwise inconsistent with District policy and rules are not eligible for Notice General Permits.

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The District encourages the creation of well designed and maintainable planting schemes utilizing species native to Florida and Xeriscape principles within its various rights of way where the plantings will not interfere with the District's ability to operate and maintain its canal system or become a liability to the District.
3. The planting of grass or low lying groundcover, (height not to exceed 2 feet at maturity), which are on the District's approved planting list, has been determined to have minimal impact on the District's ability to operate and maintain its system. It is permissible to plant approved low lying groundcover species without the benefit of a permit on that portion of the right of way lying adjacent to the individual owners' property provided the planting conforms with the applicable exemption criteria. (Please refer to the Exemptions section of this manual, page __.) However, individuals proposing to plant grass or groundcover are advised that such plantings may be damaged by District equipment traversing the right of way. The District assumes no responsibility for damage to any improvements placed within its rights of way.
4. The permittee is responsible for the maintenance of all authorized trees and plantings within the District's right of way and the growth of said trees, including pruning of tree canopies. The permittee shall maintain the trees in such a manner so no portion of the authorized plantings either over-hang or encroach onto the areas specified by the District to remain clear for canal maintenance purposes. Upon the request by the District, the permittee shall immediately trim or prune any trees or plantings identified by the District to the District's satisfaction and at the permittee's sole expense. Large trees must be maintained at a maximum height of twenty-five (25) feet.
5. Should an individual permit be obtained for landscaping, the applicant must be aware that such improvements are made at the risk of the permittee and are subject to prompt removal upon notification by the District, at the permittees sole expense. Failure of the permittee to respond to the District's request for removal of such improvements will result in the District removing same without liability or responsibility and with no guarantee of salvageability.
6. The permittee shall also be aware that in the event the District must remove plantings that are protected by local ordinances, any mitigation requirements shall be the responsibility of the permittee and that the District may not allow the mitigation to take place within the District's right of way.
7. The District may require the applicant to remove and/or treat existing invasive, exotic vegetation within the District's right of way.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

LANDSCAPING (CONT'D.)

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A recent boundary/property survey.
4. Detailed landscaping plans.

Criteria To Be Met:

1. The work shall not interfere with the District's operations and maintenance activities.
2. Applicant shall utilize the District's planting list contained in this manual (Refer to pg _).
3. The use does not adversely affect a previously authorized use(s) of the right of way.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

LINEAR PARKS AND GREENWAYS (Allowable Zone: 5)

Due to the complexity and site specific nature of linear park and greenway proposals, they will not be eligible for Notice General Permits.

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. It is the policy of the District to allow the public to utilize publicly-owned rights of ways for passive recreational purposes.
3. Due to the on-going expense of maintaining plants, only financially responsible entities such as local governmental entities and homeowner condo/associations may make application for linear park or greenway related beautification proposals.
4. The permittee is responsible for the maintenance of all authorized trees and plantings within the District's right of way and the growth of said trees, including pruning of tree canopies. The permittee shall maintain the trees in such a manner so no portion of the authorized plantings either over-hang or encroach onto the areas specified by the District to remain clear for canal maintenance purposes. Upon the request by the District, the permittee shall immediately trim or prune any trees or plantings identified by the District to the District's satisfaction and at the permittee's sole expense. Large trees must be maintained at a maximum height of twenty-five (25) feet.
5. Prior to making an application for trees and other plantings within the right of way the applicant should consider the long term financial impact that accompanies the routine maintenance and possible emergency removal associated with a planting proposal.
6. Entities proposing linear parks and greenways should bear in mind that their designs must accommodate the District's on-going need to traverse the right of way and access the canal for maintenance operations.
7. Governmental entities proposing linear parks are encouraged to work closely with area residents to obtain the residents' support for the linear park project. In designing linear parks, governmental entities are encouraged to develop designs that are economical to maintain and to be prepared to adequately fund maintenance of the improvements in perpetuity.
8. Nothing in this section shall be construed to mean that the District accepts any responsibility for damages which may be caused by trees planted by a permittee. As the permittee is responsible for the improvements, the permittee assumes all liability associated with the tree(s) and plantings, including encroachments in air space pursuant to applicable sections of this rule and criteria.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A recent boundary/property survey.

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LINEAR PARKS AND GREENWAYS CONT'D.

4. Provide detailed linear park/greenway plans.

Criteria To Be Met:

1. The proposed work shall not interfere with the District's operations and maintenance activities.
2. Applicant shall utilize the District's planting list contained in this manual (Refer to page __).
3. The proposed use does not adversely affect previously authorized use of the right of way.
4. Governmental entity requests must be supported with a resolution acknowledging responsibility associated with a linear park or greenway, including:
   a. By filing an application for a linear park or greenway, particularly where trees are proposed, the applicant is making a commitment that it is willing and financially capable of maintaining the landscaping to the District's satisfaction for the life of the permit.
   b. Understands the implications that fallen trees/debris represent with regard to the District's ability to perform its flood control mission and the financial responsibility of the permittee should a loss occur.
   c. Will remove and trim any landscaping in a timely manner when requested to do so by the District.
5. Will assume the responsibility for complying with any applicable tree ordinances and not attempt to use such ordinances as a means to keep trees which the District determines must be removed.
6. Clear access is preserved for District maintenance equipment and vehicles.
7. Suitable set-up and operation areas are provided along the canal bank to enable District equipment to perform emergency debris removal operations.
8. Plantings within the right of way are spaced intermittently along the right of way in such a manner so as to provide areas to temporarily stockpile debris.
9. At least 98% of all plantings used are on the District's approved plant list and no noxious or undesirable species are used.
10. Taller plants and trees are set back from the top of bank in order that they do not fall into the canal if they topple during a hurricane or windstorm.
11. District staging areas are not impacted.
12. No encroachment of permanent structures (including but not limited to shelters, benches, trash receptacles, bicycle racks, fish cleaning tables, bollards, pedestrian signage and signalization) are proposed within forty (40) feet of top of bank.
13. If fencing is proposed, it does not interfere with the District's access or prohibit the public's passive recreational access along the canal.

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MARINAS **(Allowable Zone: 1, 2)**

For purposes of this criteria, the District considers marinas to be a public or private boat docking facility with spaces for (4) four or more watercraft. Marinas, public or private, are not eligible for the issuance of a Notice General Permit.

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The construction of commercial marinas offering services to the general public will not be authorized by the District unless the applicant can demonstrate that the facilities:
    a. Do not adversely affect the District's interests;
    b. Serve the public interest; and
    c. Meet the requirements of the Criteria Manual, Chapter 373, F.S., and Chapter 40E-6, F.A.C.
3. Applicants for private marinas for use by adjacent property owner(s) or unit owners in a condominium or homeowners association will not represent any vested right in the permitted marina. This policy is intended to protect the buyer from misrepresentation and the developer and the District from claims of reliance in the event the District denies the applicant's request for a permit or later revokes, suspends or modifies a permit.
4. All developers, builders and homeowners are cautioned that in performing its function as a regional water manager, the District may need to fill-in or relocate waterways, construct or relocate water control structures or other works and these activities may necessitate the removal of permitted facilities or, may render them unusable. The District may also determine that for policy reasons certain activities once authorized must be terminated and not reinstated. Applicants should carefully consider these facts before applying for permits. Developers in particular, should be careful to make no representations to prospective buyers that by living in a particular development, they will have any particular rights with regard to the District's waterways.
5. In evaluating applications for marinas, the District will take into account ownership and quality of title to the right of way upon which the waterway is situated. Where the District is the fee simple owner, the District, in exercising its proprietary rights, dictates to what extent the right of way can be used, including the number of boat slips or mooring spaces which may be built. A lease agreement will be required and an annual lease fee paid to the District by commercial marinas meeting District criteria, for the privilege of running a commercial operation on the District's Lands.
6. In cases where the applicant can prove underlying fee ownership of a District easement, the District will be governed by its proprietary interests established in the deed by which the District took title to the right of way, and the provisions of Chapter 40E-6., F.A.C. and Chapter 373, F.S. The District may require mitigation as part of any approvals.
7. Where marinas are considered acceptable, density will be limited to not more than (4) four slips or mooring spaces per (100) one hundred feet of frontage on the District's waterways.
8. Where marinas are proposed, it will be the applicant's responsibility to show that no adverse impacts will result from the construction or operation of a marina facility.

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MARINAS (CONT'D.)

9. For boat docks located in Collier County and specific criteria regarding required low member elevations, please refer to the Big Cypress Basin – Quick Reference Table, beginning on page ___.
10. Applicants for boat docks are advised that permits may be required from the Department of Environmental Protection (DEP), whose criteria may be more stringent than the District's. Additionally, approvals or permits are normally required from the local building and zoning departments of the community. For this reason, it is suggested that proposals for boat docks be first discussed with the DEP and other entities to determine the potential permittability of the project, before filing an application with the District.
11. Proximity of District Water Control Structures:
    The construction of boat docks within an area from 250 feet upstream as measured from the water control structure centerline to a point 250 feet downstream of the discharge end of the water control structure is prohibited. Additionally, in cases where the District has installed cables or booms across canals, no docking facilities may be constructed within these areas.
12. Live Aboards: The mooring of any vessel in a District waterway, being used either permanently or temporarily as a "live aboard" or residence, is prohibited.
13. Boat Docks May Be Prohibited in Certain Areas:
    Construction of docks in areas, where in the District's opinion, wakes attributable to boat operation in District canals, combined with geologic and other conditions contribute to bank slope erosion, resulting in diminished canal maintenance berm widths and shoaling in canals, will be prohibited. In areas where unacceptable rates of bank erosion are occurring, the District reserves the right to deny or revoke permits for boat access facilities such as boat ramps, boat docks and open channel connections.
14. Boat Dock Permits May Be Revoked for Certain Unauthorized Activities. These unauthorized activities include, but are not limited to:
    a. The dock or any portion of it is being used either permanently or temporarily as a place of residence.
    b. The dock is being used for the mooring of houseboats; or, other vessels are being used either permanently or temporarily as a place of residence.
15. Construction of boat docks which do not involve environmentally sensitive areas, or areas designated as restricted by the District, may be authorized under District permit. Each application will be judged on its merits and shall meet the Project requirements on the specific location.
16. Applicants in areas downstream of water control structures should realize, that in a few areas, extremely high tides combined with structure discharges may cause docks to be inundated. The applicant may want to consider building the dock to a higher elevation in such cases.

<u>Applicant Must Provide:</u>

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   .

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MARINAS (CONT'D.)

3. A recent boundary/property survey.
4. The type/size and location of associated facilities such as boat lifts, davits, whips, mooring piles, etc.
5. The low member elevation of the proposed dock(s).

Criteria To Be Met:

1. The docking facilities are located adjacent to the applicant's ownership within the extension of the property lines, as extended perpendicular from the centerline of the canal.
2. The docking facilities, including associated mooring facilities and vessels moored thereto must not extend more than 25% of the entire width of the canal, as measured at the average mean high water line or bulkhead line, whichever applies.
3. The minimum low member elevation requirement is met. (Low member elevations are site specific, please contact the District's Right of Way Permitting staff for information).
4. The facilities are not proposed within 100' of a bridge or pile-supported utility crossing.
5. The facilities must not be located within a staging area or other area where the District has designated as being prohibited.
6. The facilities are not proposed inside an area where the District has installed cables or booms across the canal.
7. The facilities are not located within an environmentally sensitive area.
8. The docking spaces accommodate no more than four (4) slips or mooring spaces per 100' of frontage on the District's waterways.
9. The facilities do not incorporate walls or other similar enclosures, whether solid, partly solid, screened or transparent, regardless of the type of material to be used.
10. The facilities do not interfere with District access, operations or maintenance activities.
11. The use does not adversely affect previously-authorized use(s) of the right of way.

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MITIGATION AND ENVIRONMENTAL ENHANCEMENT **(Allowable Zone: 1, 2, 3, 4, 5)**

Mitigation or environmental enhancement projects may be authorized when such projects do not interfere with the District's operations and maintenance needs.

The District may also require mitigation based on a project's actual or potential adverse impact on existing wetland or upland habitat; and the projects actual or potential impact for shoaling or erosion.

In locations where mitigation or environmental enhancement is appropriate, it may consist of the following activities:

1. Erosion control and improving water quality;
2. Enhancing or providing wildlife habitat;
3. Placement of limerock rip-rap on filter fabric;
4. Removal and treatment of invasive, exotic vegetation; and
5. Planting of native wetland, transitional or upland vegetation.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The location of all existing and proposed conditions, elevations, plant materials (species, size and number to be planted)
3. A recent boundary/property survey.
4. A listing of all erosion control materials (specifications), etc.

Criteria To Be Met:

1. The work shall not interfere with the District's operations and maintenance activities.
2. Applicant shall utilize the District's planting list contained in this manual (Refer to Page __).
3. The use does not adversely affect previously authorized uses of the right of way.

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MONITORING WELLS (Allowable Zone 2, 3, 4, 5)

In order for a monitoring well(s) to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. A narrative explaining why the well is necessary, why it must be placed on a District right of way, what data will be gathered from the well and where the data will be maintained and made available.

Criteria To Be Met:

1. The monitoring well must be flush with surrounding ground, or if above ground, is placed in locations determined to be acceptable by the District.
2. The location of the proposed installation does not interfere with District ingress/egress routes.
3. If below grade, the installation must be constructed so as to withstand the weight of the District's heavy maintenance equipment and vehicles.
4. The facility is appropriately staked or otherwise marked, as directed by the District.
5. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
6. The facility is not located within an environmentally sensitive area.
7. The facility does not adversely affect previously authorized use(s) of the right of way.
8. The application is supported by a "Well Abandonment Plan" that is acceptable to the District.

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PATIO STONES, WALKWAYS AND OTHER SIMILAR AT-GRADE INSTALLATIONS

(Allowable Zone 2, 3, 4, 5)

In order for installation of a patio, slab, walkway or similar installations to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A recent property/boundary survey.

Criteria To Be Met:

1. The installation is at existing ground/grade level.
2. The installation is constructed so as to withstand the weight of the District's heavy maintenance equipment and vehicles.
3. The location of the installation does not interfere with District access and ability to perform routine and emergency maintenance operations.
4. The facility is not located within an environmentally sensitive area.
5. The installation does not adversely affect previously authorized use(s) of the right of way.

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PROJECT CULVERTS

USE OF OR CONNECTION TO PROJECT CULVERTS (INLET STRUCTURES)

Under the Central & Southern Florida Flood Control Project, inlet structures (Project Culverts) are provided during the course of existing channel or levee improvements or new channel or levee construction. These inlet structures are provided at the cost of that Project. They are generally installed at points of existing artificial and natural inflow into the Project improved or constructed facility. In certain instances, they are installed at points where no inflow exists, but where future inflow is planned to enter.

At those locations where a pre-existing on-the-land facility providing drainage discharge connections to a District facility by means of a Project inlet structure, this connection shall be placed under District Right of Way Occupancy Permit. This permit would be for the connection to and use of the Project inlet structure only and will not obligate the permittee for maintenance of the inlet structure itself.

At those locations where an inlet structure has been installed by the Project at a point of no pre-existing inflow, the subsequent connection of an on-the-land drainage facility to that inlet structure will require the connection to be placed under District Right of Way Occupancy Permit. This permit would be for the connection of the upland ditch or channel to and use of the Project inlet only and will not obligate the permittee for maintenance of the inlet structure itself.

At those locations where a pre-existing on-the-land facility providing positive drainage discharge connects to a District facility by means of an open channel; this connection shall be placed under District Right of Way Occupancy Permit.

Regardless of the status of previous connection(s) prior to Project construction, the landowner is obligated and required by law to apply for a Right of Way Occupancy Permit for any connection, whether culverted or open channel, made in conjunction with or subsequent to Project improvement of the canal or levee.

Method of Allocation of Benefits Derived from Project-Provided Inlet Structures
Inlet structures so installed are designed to serve specific area tributaries. These areas may, and often do, contain several ownerships. Therefore, each ownership, if more than one, accrues a use benefit in direct proportion to the individual ownership of the entire area to be served.

When one ownership, which would normally share in the benefits from the Project installed inlet structure, wishes to connect to the Project by other means or at other locations, the landowner, in a written statement, must first relinquish all rights to the Project inlet structure before permission can be granted to connect otherwise.

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PROJECT CULVERTS (INLET STRUCTURES) CONT'D.

In cases where Project Culvert installations exist and serve a single piece of property, attachments to District Project Culverts such as the addition or attachment of weir plates, gates or other control shall be authorized, if requested by the property owner, under the following circumstances which the property owner agrees to:

a. The applicant must obtain U.S. Army Corps of Engineers approval.
b. Assume full responsibility and full expenses for the replacement of the entire culvert when the culvert, in the opinion of the District, reaches a state of disrepair and must be replaced.
c. Pay the District the depreciated value of the culvert (if any), since the applicant will assume control and derive the sole benefit of the culvert. (Depreciated value can be obtained from the District); and,
d. Ensure the use is otherwise consistent with the provisions of Chapter 373, F.S., and Chapter 40E-6, F.A.C.

In cases where the Project Culvert installations serve a single piece of property and are no longer needed for irrigation or drainage of the property, the owner may request permission to remove the non-functional culvert. Such removal shall be authorized under the following circumstances:

a. The applicant must obtain U.S. Army Corps of Engineers approval.
b. The applicant agrees to remove the culvert in good and useable condition and deliver the culvert to the District.
c. The applicant agrees that in the event the culvert cannot be removed in a good and useable condition, the applicant will pay the District the depreciated value of the culvert (if any), and dispose of the debris. (The depreciated value can be obtained from the District).
d. The applicant agrees to restore the berms, banks, levees and rights of way to original or better condition to the satisfaction of the District; and,
e. The use is other consistent with the provisions of Chapter 373, F.S., and Chapter 40E-6, F.A.C.

The applicant/permittee is advised to obtain all other necessary permits and approvals, such as a Water Use or Surface Water Management Permit, etc. from the District's Regulation Department.

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SHEDS **(Allowable Zone: 5)**

In order for a non-permanent shed to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Small temporary storage sheds may be permitted under certain circumstances. In order to be considered for approval by the District, sheds must be:
   a. Small, temporary, of kit-type or similar simplified construction, which may readily be dismantled with manpower and hand tools, but without the use or erection of machinery or equipment.
   b. A maximum size of 100 square feet of floor space.
2. When requesting a permit for such a structure, the applicant should keep in mind that under emergency circumstances it may be necessary to have the shed removed on short notice under adverse weather conditions. While the District will attempt to notify owners of such structures that immediate removal of their shed and its contents is necessary, conditions may require immediate removal by District forces without prior notice. Under such circumstances, the District cannot guarantee salvageability of the shed or its contents. The District assumes no responsibility for damage to these facilities.
3. If water or electric service is proposed, the District's applicable criteria must also be met. (Refer to page ___).
4. The shed will not be used for the storage of pesticides, fuel oils, or other petroleum products, including solvents, paints and thinners.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee, if applicable.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   3. A recent property/boundary survey.

Criteria To Be Met:

1. The slab/foundation, if applicable, must be flush with existing ground/grade level.
2. The facility is not located within 100' of a bridge or pile-supported utility crossing.
3. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
4. The facility is not located within an environmentally sensitive area.
5. The use does not adversely affect previously authorized use(s) of the right of way.
6. The use does not interfere with the District's maintenance and operations activities.

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PUMP CONNECTIONS

Such a connection to Project Works usually involves a permanent or semi-permanent installation. Since no permanent pumping stations are allowed on Project rights of way, a culvert connection is the usual means by which a pump connection is made. The standards applicable to culvert connections found previously in this manual shall be the criteria used in such installations. (Refer to Culverts on Page ___)

The settling basin or forebay shall be located clear of Project rights of way. Under certain conditions, where Project levees are involved, the forebay may be constructed on the land side of the levee within Project rights of way. Such conditions include the amount of available right of way not needed for District operations and maintenance, future canal enlargement or levee expansion and the applicant's property interests.

Levees surrounding forebays shall be constructed with a crown elevation one-half (½) foot or lower, below the required elevation of the adjacent District levee.

Each applicant shall be required to take all feasible measures, acceptable to the District, to prevent discharge of debris or aquatic weeds into any Project Works by the permitted use.

The discharge of aquatic weeds into the Works of the District is grounds for permit revocation.

Every installation must incorporate adequate erosion and anti-shoaling measures in the design and construction.

When pumps are connected directly to the culverts, thereby eliminating the usual forebay, flanged type connections will be required rather than bands.

All other specifications governing connection of culverts, both directly and through levees, apply.

Pump capacities must comply with limitations in keeping with District criteria. Please contact the District’s Regulation Department by calling the District's Main Office.

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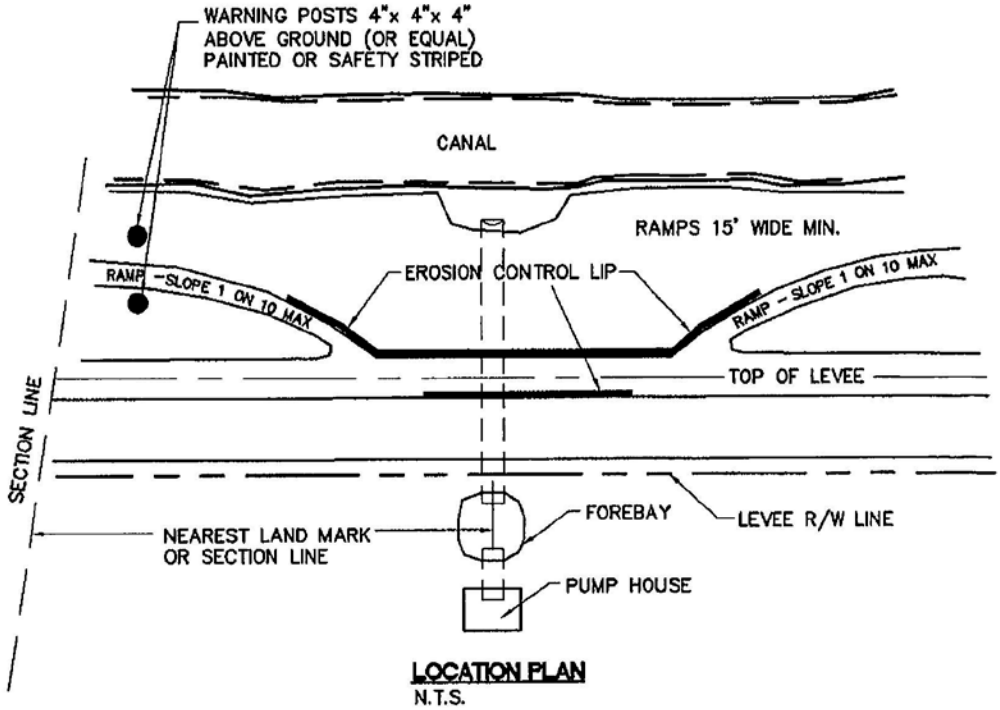
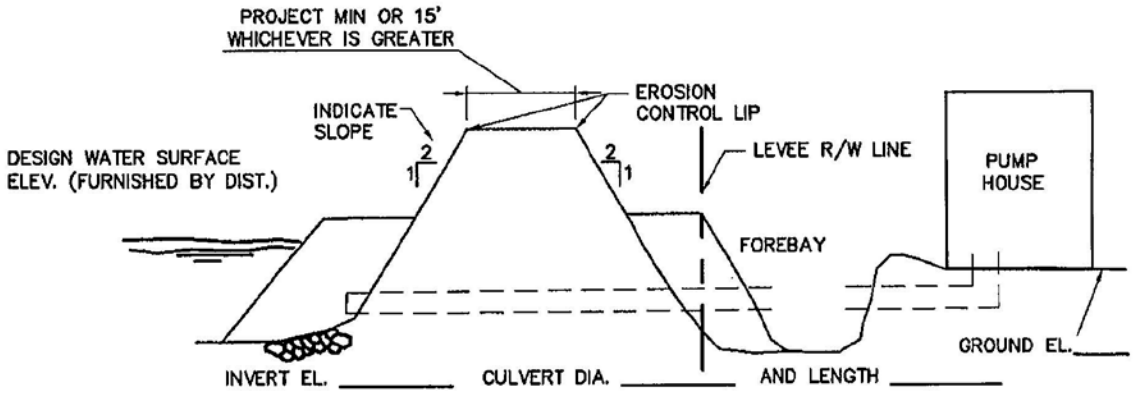
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PUMP STATION CULVERT
SAMPLE INSTALLATION ILLUSTRATION

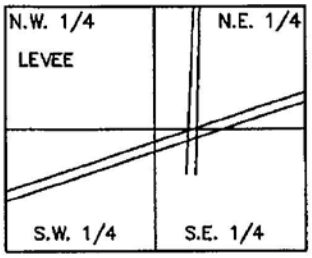


LOCATION PLAN
N.T.S.



PLAN
N.T.S.

SEC. _____ TWP. _____ RGE. _____



NOTE:
1. ALL ELEVATIONS REFER TO MEAN SEA LEVEL.
2. ALL AREAS DISTURBED DURING PIPE INSTALLATION SHALL BE GRASSED IN KIND.

DRAWING TO ACCOMPANY APPLICATION NO. _____
FOR PUMP STATION CULVERT CONNECTION TO:

_____

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

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SIGNS **(Allowable Zone 5)**

In order for the placement of signage within the right of way to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The applicant must be a governmental or municipal entity.
3. The sign is of a regulatory informational or directional nature (no advertising or commercial signs).
4. Such use is not adverse to the District's operations and maintenance programs, including encroachment into air space above the District's rights of way.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.

Criteria To Be Met:

1. The location of the sign, or any portion of a sign that overhangs the District's right of way, does not interfere with the District's ingress/egress routes or its ability to perform canal operation and maintenance activities.
2. The sign is not located within 100' of a bridge or pile-supported utility crossing.
3. The facility is not located within a staging area or other area which the District has designated as an area where regulatory/informational signs are prohibited.
4. The facility is not located within an environmentally sensitive area.
5. The facility does not adversely affect previously authorized use(s) of the right of way.

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SPOIL MATERIAL

The disposition and sale of District-owned spoil is not handled through the issuance of a Right of Way Occupancy Permit.

All inquiries concerning the disposition and sale of District-owned spoil material should be directed to the District's General Asset Manager.

The public is warned that the unauthorized removal of District-owned spoil is considered as theft of State-owned property. The theft of spoil will be punished to the fullest extent of the law.

Where removal of spoil material results in damage to the required levee section of a Project Work of the District, the individual or entity may also be liable for prosecution under Federal Statutes.

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STABILIZATION/EROSION CONTROL (Allowable Zone: 1, 2)

The District encourages the construction of well designed bank stabilization/erosion control projects. In order for such proposals to be considered for issuance of a Notice General Permit, each of the following items must be met in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit.

NOTE:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The District is not under any circumstances responsible for the repair or replacement of stabilization projects damaged as a result of water level fluctuations, flows or operations of its water control structures.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. Existing conditions and proposed work.
3. A recent boundary/property survey.
4. A list of all erosion control material (specifications), methods, etc.

Criteria To Be Met:

3. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
4. The work shall not interfere with the District's operations and maintenance activities.
5. The project does not reduce the cross-sectional area of the canal.
6. The project does not interfere with previously authorized uses of the right of way.
7. The project incorporates smooth transitions into the adjacent bank and does not result in eddies or erosion to adjacent property.
8. Stabilization/erosion control materials shall consist of clean environmentally friendly materials that do not release pollutants or measurably degrade water quality or soils.
9. The project does not impact mangroves or other environmentally sensitive areas.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

STORAGE - TEMPORARY OFFICE TRAILER/CONSTRUCTION EQUIPMENT/ MATERIALS

(Allowable Zone 4, 5)

In order for storage - temporary office trailer/construction equipment/materials to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. Approved use of the District's rights of way for the temporary placement of office trailers, equipment or material storage is not an approval of electric, telephone or other utility service to the trailer. Utility service providers must also obtain a permit for their use of the right of way and must meet all applicable criteria.
3. Evidence that restroom/sanitary facilities have been authorized and conform to local codes/ordinances.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
3. A narrative explaining why the District's right of way must be utilized, rather than privately owned land located off of the District's rights of way.
4. The time-frame for use of the District's right of way.
5. If applicable, the location of any fencing.
6. The type of materials to be stored.
7. The posting of financial assurance in an amount satisfactory to the District (See Financial Assurance and Insurance, page ___).
8. A Certificate of Insurance to the limits and amounts specified by the District (Please contact Right of Way Permitting Staff for current requirements).

Criteria To Be Met:

1. If the proposal is for an office trailer or for the storage of construction equipment or materials the request must be in conjunction with an authorized construction project within the District's right of way.
2. The use is for a term of 2 years or less.
3. The location of trailer does not interfere with District ingress/egress routes therefore, allowing District maintenance vehicles to perform routine and emergency field maintenance operations.
4. The facility is not located within 100' of a bridge or pile-supported utility crossing.
5. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
6. The facility does not involve an environmentally sensitive area.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

STORAGE- TEMPORARY OFFICE TRAILER/CONSTRUCTION EQUIPMENT/MATERIALS (CONT'D.)

7. The facility does not adversely affect previously authorized use(s) of the right of way.
8. The facility does not interfere with the District's access, operation or maintenance activities.
9. After use of the District's right of way, it shall be restored (graded, re-sodded with Bahia grass and stabilized) to the satisfaction of the District.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

UTILITY INSTALLATIONS

For crossings in the Big Cypress Basin, please refer to the Big Cypress Basin – Quick Reference Table, beginning on page ___, otherwise:

Requests for construction of utility crossings must be submitted by an established utility company, governmental or other similar entity. Requests for construction of utility facilities submitted by private or individual developers or other entities will be denied, unless:

1. The applicant demonstrates financial assurance to ensure compliance with permit conditions (Please contact Right of Way Permitting Staff for current requirements).
2. The applicant provides insurance coverage to the amounts and limits specified by the District;
3. The applicant provides signed verification from the utility company or governmental entity who will be accepting the facility, once constructed and accepted, for ultimate operation and maintenance; and,
4. The use is otherwise consistent with the provisions of Chapter 373, F.S., and Chapter 40E-6, F.A.C.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

AERIAL CROSSINGS (Allowable Zone: 5)

In order for aerial/pole supported utility crossings to be considered for issuance of Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTE:
The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The minimum vertical clearance above the highest elevation of the berm or levee as measured from the point of maximum sag.

Criteria To Be Met:

1. The facilities may not be located directly overhead of a District water control structure or project culvert.
2. All poles, down guys, anchors, etc. are located either outside or within one (1) foot of the rights of way lines (or in other locations acceptable to the District).
3. The facility is not located within 100' of a bridge or pile-supported utility crossing.
4. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
5. The facility does not involve an environmentally sensitive area.
6. The facility does not adversely affect previously authorized use(s) of the right of way.
7. The facility does not interfere with the District's access, operation or maintenance activities.
8. The vertical clearance of aerial lines must be calculated from the elevation of the point of maximum sag to the highest ground elevation in the vicinity of the crossing.
9. Meets the minimum vertical clearance criteria as depicted below.

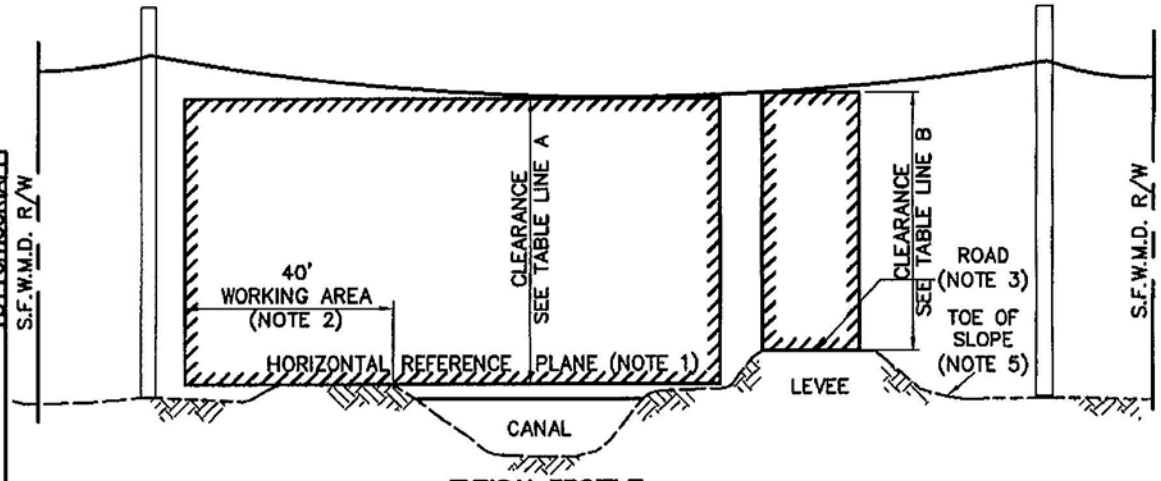
Telephone & Other Low-Voltage Carrying Lines & Span Guys or Other Non-Voltage Carrying Lines

40' or higher above the highest berm elevation as measured at the point of maximum sag; or, 20' above levee crown or higher as measured from the point of maximum sag.

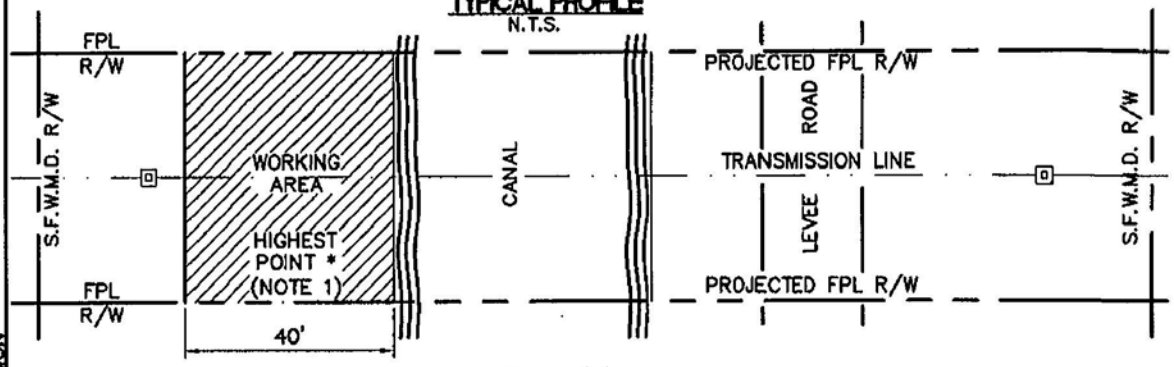
Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT FACILITES CANALS AND LEVEES OTHER THAN STA CANALS AND LEVEES SAMPLE INSTALLATION



TYPICAL PROFILE
N.T.S.



TYPICAL PLAN
N.T.S.

CROSSING OVER	VOLTAGE OF CROSSING CHART					
	PHASE TO PHASE	GUYS (GROUNDED)	69kv	115kv	138kv	230kv	500kv
	PHASE TO GROUND		50kv & UNDER	67kv	80kv	138kv	269kv
A. HORIZONTAL REFERENCE PLANE		40'-0"	45'-0"	45'-8"	46'-2"	48'-0"	54'-0"
B. TOP OF PROJECT LEVEE (OR ROAD)		20'-0"	20'-0"	25'-0"	25'-0"	25'-0"	35'-0"

NOTES:

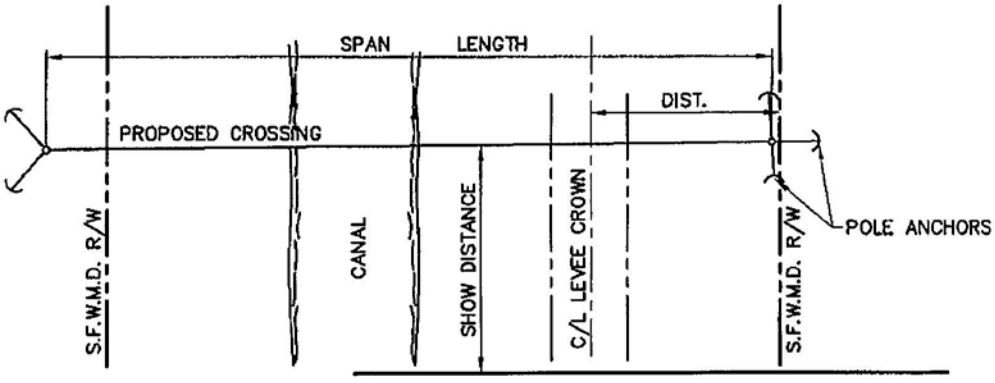
1. THE HORIZONTAL REFERENCE PLAN IS DRAWN THROUGH THE HIGHEST POINT OF LAND BOUNDED BY 40' WORKING AREA AND FPL'S RIGHT-OF-WAY PROJECTED. (HIGHEST POINT NOT NECESSARILY UNDER TRANSMISSION LINE.)
2. NO FPL FACILITY MAY BE LOCATED WITHIN THE 40' WORKING AREA.
3. IF ROAD IS USED BY THE PUBLIC, REQUIRED CLEARANCE SHALL BE THE GREATER OF THAT SHOWN ON THE LINE "B" ABOVE OR THAT SPECIFIED ON A-88348.
4. CLEARANCES SHOWN SHALL BE WITH CONDUCTOR AT MAXIMUM DESIGN TEMPERATURE AND FINAL SAG.
5. POLE AND/OR ANCHORS MAY BE SET AS CLOSE AS TOE OF SLOPE ON LANDWARD SIDE OF LEVEE.

REVISION	BY	CHK	COR	APP	DATE

POWER DELIVERY	TRANSMISSION STRUCTURE STANDARDS			
	DATE:	APPROVED:	SECTION 4.0	SHEET 1 OF 3 A-88349-1

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AERIAL/POLE SUPPORTED UTILITY CROSSING
SAMPLE ILLUSTRATION



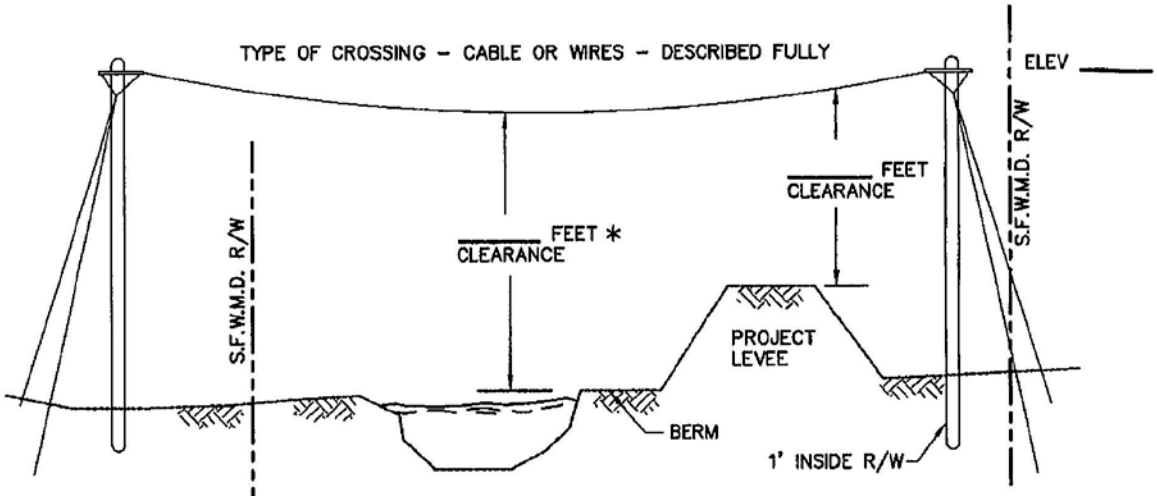
SEC. _____

TWP. _____

RGE. _____

COUNTY: _____

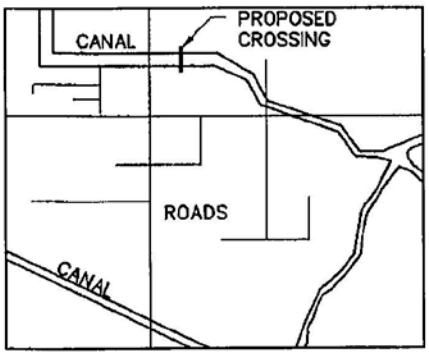
PLAN
N.T.S.



ELEVATION
N.T.S.

NOTE: USE VERTICAL CLEARANCE MINIMUM THAT FURNISHES GREATER CLEARANCE

* CLEARANCE MUST BE CALCULATED FROM POINT OF MAX. SAG TO THE HIGHEST BERM ELEVATION UNDER THE CROSSING.



DRAWING TO ACCOMPANY APPLICATION FOR PROPOSED OVERHEAD

CROSSING OVER CANAL OR LEVEE _____

WITH _____ K.V. LINE OR _____ CABLE.

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

AERIAL PARALLEL RUN INSTALLATIONS **(Allowable Zone: 5)**
Includes CATV and conventional utility lines

In order for an aerial parallel utility installation to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The use of the District's works and land for the construction, operation, and maintenance of transmission lines has the potential to interfere with the District's operations, maintenance and allied purposes. Applicants should acquire their own right of way and should not look to the District to utilize District-controlled works or land, which were acquired for water management and other allied purposes.
3. This policy should not be construed as a prohibition against the construction of distribution or transmission line crossings, nor is it a prohibition against use of short segments of the District's right of way for the construction of local distribution facilities when such facilities will not interfere with operations and maintenance and are otherwise acceptable to the District.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The minimum vertical clearance above the highest elevation of the berm or levee as measured from the point of maximum sag.

Criteria To Be Met:

1. The installation is a distribution line and not a transmission line.
2. Installation is located within a strip no wider than 10' parallel and adjacent to the District's right of way line and a minimum of 40' from the top of the canal bank.
3. Installation must provide a sufficient vertical clearance to allow District maintenance vehicles to ingress/egress and traverse the right of way to perform routine and emergency field maintenance operations.
4. The minimum vertical clearance above the District's canal berm is evaluated and based on a number of site specific characteristics. Please contact the District's Right of Way Permitting staff to discuss the required vertical clearance requirements for parallel run installations.
5. Facility must not be located within a staging area or other area where the District has designated as being prohibited.
6. Facility is not located within an environmentally sensitive area.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

AERIAL PARALLEL RUN INSTALLATIONS (CONT'D.)

7. Facility does not interfere with the District's access, operations or maintenance activities.
8. The facility does not adversely affect previously authorized use(s) of the right of way.
9. Restoration/re-sodding with Bahia grass of all disturbed areas within the right of way to the District's satisfaction.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BRIDGE ATTACHMENT **(Allowable Zone: 1)**
Includes CATV and communications, etc.

In order for a bridge attached utility installation to be eligible for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The designer is responsible for meeting any applicable safety standards for structures of this type, either existing or as may be developed in the future.
2. The designer should be cognizant during the design stage of this type of installation that future road and bridge widening/replacement/improvement may affect the subject installation. In this regard designers should provide adequate accommodations to avoid future relocation costs.
3. The applicant is responsible for obtaining the approval of the owner of the bridge or crossing prior to performing the installation.
4. Any petroleum product pipeline installations must comply with current, applicable, industry and federal Department of Transportation guidelines.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The low member elevation of the utility attachment and low member elevation of existing bridge structure.
   d. The locations where facilities enter and exit the District's right of way.

Criteria To Be Met:

1. The low member elevation of the installation is higher than, or at a minimum equal to, the low member of the bridge to which it is attached.
2. The buried portion of the installation located within the District's rights of way, if applicable, must provide a minimum of two (2) feet of cover below the existing ground elevation.
3. Bank stabilization measures acceptable to the District are employed to limit slope erosion.
4. The facility does not interfere with the District's access, operation or maintenance activities.
5. The facility does not involve an environmentally sensitive area.
6. The facility does not adversely affect previously authorized use(s) of the right of way.
7. Where roadway bridges incorporate cable raceways or duct banks into the design of the bridge structures, these facilities shall meet or exceed the bridge low member elevation requirements.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BRIDGE ATTACHMENT
SAMPLE ILLUSTRATION

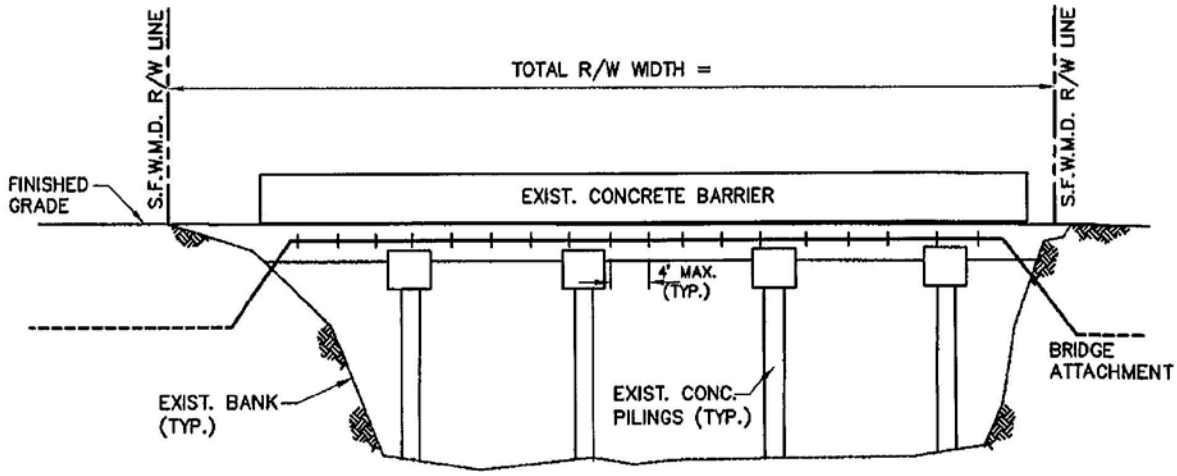
SEC. _____

TWP. _____

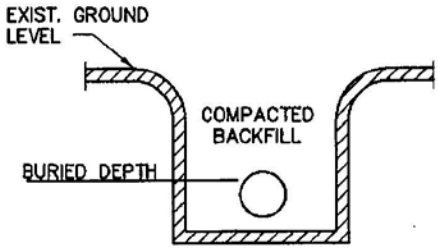
RGE. _____

COUNTY: _____

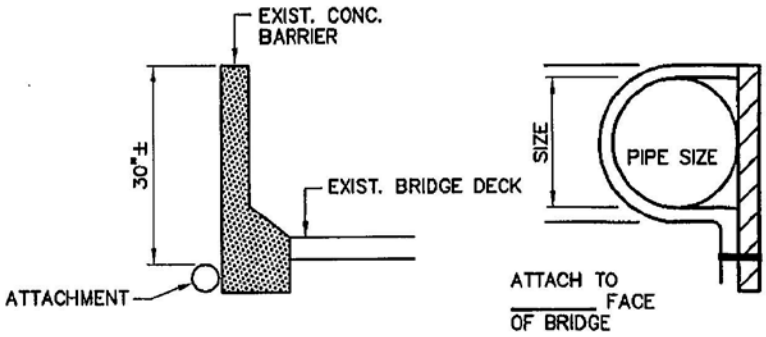
LOCATION: _____



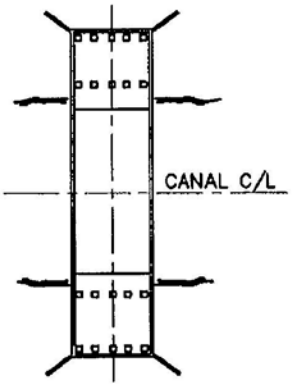
PROFILE VIEW
N.T.S.



TRENCH DETAIL
N.T.S.



END VIEW
N.T.S.



PLAN VIEW
N.T.S.

DRAWING TO ACCOMPANY APPLICATION FOR BRIDGE ATTACHMENT

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BURIED PARALLEL RUN INSTALLATIONS **(Allowable Zone: 2, 3, 4, 5)**

In order for a buried utility installation crossing within a road/culvert/bridge embankment to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The use of the District's works or land for the construction, operation, and maintenance of transmission lines has the potential to interfere with the District's operation, maintenance and allied purposes. Applicants should acquire their own right of way and should not look to the District to utilize District-controlled works or land, which were acquired for water management and other allied purposes.
3. This policy should not be construed as a prohibition against the construction of distribution or transmission line crossings, nor is it a prohibition against use of short segments of the District's right of way for the construction of local distribution facilities when such facilities will not interfere with operations and maintenance and are otherwise acceptable to the District.
4. Buried water, gas, sewage, petroleum products line or cable installed on District rights of way in a manner generally paralleling the right of way or the canal must be installed in such a manner that will not limit the District's use of its rights of way.
5. When designing utility lines which run parallel to District rights of way, utility companies should strive to make use of platted utility easements or adjacent landowners' properties. The District should not be approached for authorization to place a utility run within its canal/levee right of way simply because an adjacent utility easement already has other existing installations; or, because adjacent landowners' have encumbered the utility easements with encroachments. Dealing with these types of problems is the responsibility of the utility desiring to provide service and not the District's.
6. Utility companies designing buried parallel runs should bear in mind the time it takes to process their permit application and govern themselves accordingly when setting work schedules or promising service to customers. This is especially true in dealing with non-essential services such as cable TV installations.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The burial depth of installation within the District's right of way.
   d. The locations where facilities enter and exit the District's right of way.
   e. Documentation why it is not feasibly possible for the installation to be located within a platted utility easement or adjacent landowners' property.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

BURIED PARALLEL RUN INSTALLATIONS (CONT'D.)

Criteria To Be Met:

1. The burial depth of the installation should provide for a minimum of two (2) feet of cover below existing ground within the District's right of way.
2. No above-ground facilities are proposed within forty (40) feet of the top of canal bank.
3. Installation is located within a strip no wider than 10' parallel to and adjacent to the right of way line.
4. The facility does not involve an environmentally sensitive area.
5. The facility does not interfere with the District's access, operation or maintenance activities.
6. The facility does not adversely affect previously authorized use(s) of the right of way.
7. Bank stabilization measures necessary to restore (grade, re-sod with Bahia grass, stabilized) to the District's satisfaction.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PILE-SUPPORTED OR ARCHED **(Allowable Zone: 1)**
Includes CATV and communications, etc.

In order for a pile-supported utility crossing to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. When the existence of a pile-supported crossing will conflict with the provisions of Chapter 373, F.S., and Chapter 40E-6, F.A.C., subaqueous crossings will be required in areas where existing pile-supported crossings have a potential adverse impact in canal flow characteristics or where right of way constraints or other elements, in the opinion of the District, have limited District maintenance access capabilities to a few maintenance platforms or sites.
3. When construction of utility lines is supported on pilings for free-span, the required clearance (both horizontal and vertical) for bridge crossings are in effect. Should installations be made adjacent to an existing bridge, pilings of the proposed installation must align with bridge pilings, so that a minimum of obstruction to the flow of water by accumulation of debris is assured.
4. A certified cross-section of the canal as it exists, taken at the location of the proposed crossing, super imposed over the ultimate design section. (Refer to page ___).
5. Documentation of reason installation is pile-supported in lieu of subaqueous or bridge attachment design.
6. Certificate of Insurance or evidence of self-insurance indemnification to the amounts and limits specified by the District (Please contact Right of Way Permitting Staff for current requirements).
7. For private entities, the District will not approve requests unless the applicant posts and maintains financial assurance. Said financial assurance must be equal to the amount of the cost of removal and disposal of the facilities and restoration of the right of way to original or better condition. Applicant must provide a detailed cost analysis of the cost to remove and dispose of the bridge an restore the District's right of way.
8. Developers are encouraged to make arrangements with the various county road and bridge departments to accept bridge installations and serve as applicant for such requests, thereby negating the need for the developer to maintain insurance coverage and financial assurances for the life of the facility.
9. Any petroleum product pipeline installations must comply with current, applicable, industry and federal Department of Transportation guidelines.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PILE-SUPPORTED OR ARCHED CONT'D.

b. Location tied to the nearest crossroad or bridge.
c. The low member elevation.
d. Documentation why it is not feasibly possible for the installation to be subaqueous or bridge attachment design.
e. The locations where facilities enter and exit the District's right of way.

Criteria To Be Met:

1. The structure meets or exceeds the applicable minimum clear horizontal center span and minimum clear approach spans criteria. The minimum clear center and horizontal spans vary depending on the location of the bridge. Refer to Horizontal and Vertical Criteria, page ___.
2. The facility meets or exceeds the applicable minimum low member elevation. Low member elevations are site specific. (Please contact the District's Right of Way Permitting staff for requirements).
3. The design includes measures for right of way erosion control and bank stabilization acceptable to the District.
4. The piles of the facility must align with the pile bents of adjacent structures (if applicable).
5. The structure does not exceed the maximum allowable headloss through the structure of 0.1' (one-tenth foot). However, for crossings located in Big Cypress Basin – Collier County, please refer to the Big Cypress Basin – Quick Reference Table, beginning on page___.
6. The placement of additional piles in the canal do not have an adverse impact on the canal's ability to flow water or on the movement of District's floating maintenance equipment.
7. The installation is designed in such a way that it can be constructed without the use of dams, fills or other constrictions or impediments to canal flows.
8. The facility must not be located within a staging area or other area where the District has designated as being prohibited.
9. The facility is not located within an environmentally sensitive area.
10. The facility does not interfere with the District's access, operation or maintenance activities.
11. The facility does not adversely affect previously authorized use(s) of the right of way.
12. The buried portion of the proposed facility within the right of way, if applicable, shall have a minimum of 2 feet of cover below existing ground elevation.

Construction Criteria To Be Met:

1. At no time will the canal be blocked or flows otherwise restricted or impeded; no dams or fills will be placed in the canal during any phase of construction or maintenance.
2. Where the District determines that excavation of the canal to the design section is required, the applicant will perform such excavation to the limits specified by the District.
3. Excavated material from the canal shall not be stockpiled it the canal. The applicant will remove all excess material from the right of way.
4. Turbidity screens shall be used during excavation operations.
5. Above the water surface, the trench shall be backfilled in six (6) inch compacted lifts.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

PILE-SUPPORTED OR ARCHED CONT'D.

6. No piles shall be driven until the District has been provided with certified cross-sections, prepared by a professional land surveyor or professional engineer, registered in the State of Florida, showing the canal section has been excavated to the ultimate section as prescribed by the District.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

ROAD/CULVERT/BRIDGE EMBANKMENT – BURIED **(Allowable Zone: 1)**
Includes CATV and conventional utility lines

In order for a buried utility installation crossing within a road/culvert/bridge embankment to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.
2. The designer is responsible for meeting any applicable safety standards for structures of this type, wither existing or as may be developed in the future.
3. The designer should be cognizant during the design stage of this type of installation that future road and bridge widening/replacement/improvement may affect the subject installation. In this regard, designers should provide adequate accommodations to avoid future relocation costs.
4. Any petroleum product pipeline installations must comply with current, applicable, industry and federal Department of Transportation guidelines.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The burial depth of installation within the District's right of way.
   d. The locations where facilities enter and exit the District's right of way.

Criteria To Be Met:

1. The burial depth of the installation should provide for a minimum of two (2) feet of cover below existing ground within the District's right of way.
2. No above-ground facilities are proposed within forty (40) feet of the top of canal bank.
3. The facility is designed in such a manner as to allow for the future replacement or improvement of the bridge and roadway without disrupting service.
4. The facility does not involve an environmentally sensitive area.
5. The facility does not interfere with the District's access, operation or maintenance activities.
6. The facility does not adversely affect previously authorized use(s) of the right of way.
7. Bank stabilization measures necessary to restore (grade, re-sod with Bahia grass, stabilized) to the District's satisfaction.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SUBAQUEOUS (BURIED BENEATH CANAL SECTION) **(Allowable Zone: 1)**
Includes CATV and communications, etc.

In order for a subaqueous utility installation to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTES:

1. It should be noted that during construction of a subaqueous crossing, no sheet piling, earthen dams or fills (except backfilling of the trench dug to install the crossing) or other installations that would restrict canal flows shall be allowed to be placed in the wetted canal section. The applicant should bear this requirement in mind when planning or designing such an installation. The applicant is responsible for advising potential bidders or contractors on the project of the requirement in order that costly delays do not result.
2. A certified cross-section of the canal as it exists, taken at the location of the crossing, super imposed over the ultimate design section. (For cross-section requirements, refer to page ___).
3. Any petroleum product pipeline installations must comply with current, applicable, industry and federal Department of Transportation guidelines.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. Provide a certified canal cross-section with the design canal section superimposed.

Criteria To Be Met:

1. The subaqueous installation is laid a minimum of two (2) feet below the canal design section, ultimate design section or existing section, whichever produces the lowest installation. (Please contact the District's Right of Way Permitting staff for information).
2. The portion of the crossing that is buried within the right of way and sideslope must be buried a minimum of 24" below existing ground.
3. The design must employ rip-rap or alternative erosion control measures on canal side-slope acceptable to the District.
4. The facility must not be located within an area where the District has designated as being prohibited.
5. The facility is not located within an environmentally sensitive area.
6. The facility does not interfere with the District's access, operation or maintenance activities.
7. The facility does not adversely affect previously authorized use(s) of the right of way.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SUBAQUEOUS (BURIED BENEATH CANAL SECTION) CONT'D.

Construction Criteria To Be Met:

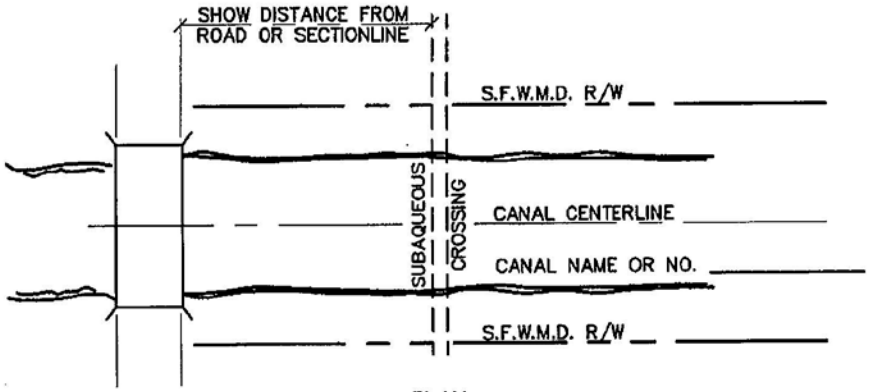
1. At no time will the canal be blocked or flows otherwise restricted or impeded; no dams or fills will be placed in the canal during any phase of construction or maintenance.
2. Excavated material from the canal shall not be stockpiled it the canal. The applicant will remove all excess material from the District's right of way.
3. Turbidity screens shall be used during construction activity in conformance with applicable regulations.
4. Above the water surface, the trench shall be backfilled in six (6) inch compacted lifts.
5. Restoration/sodding with bahia grass of all disturbed areas located within the District's right of way.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

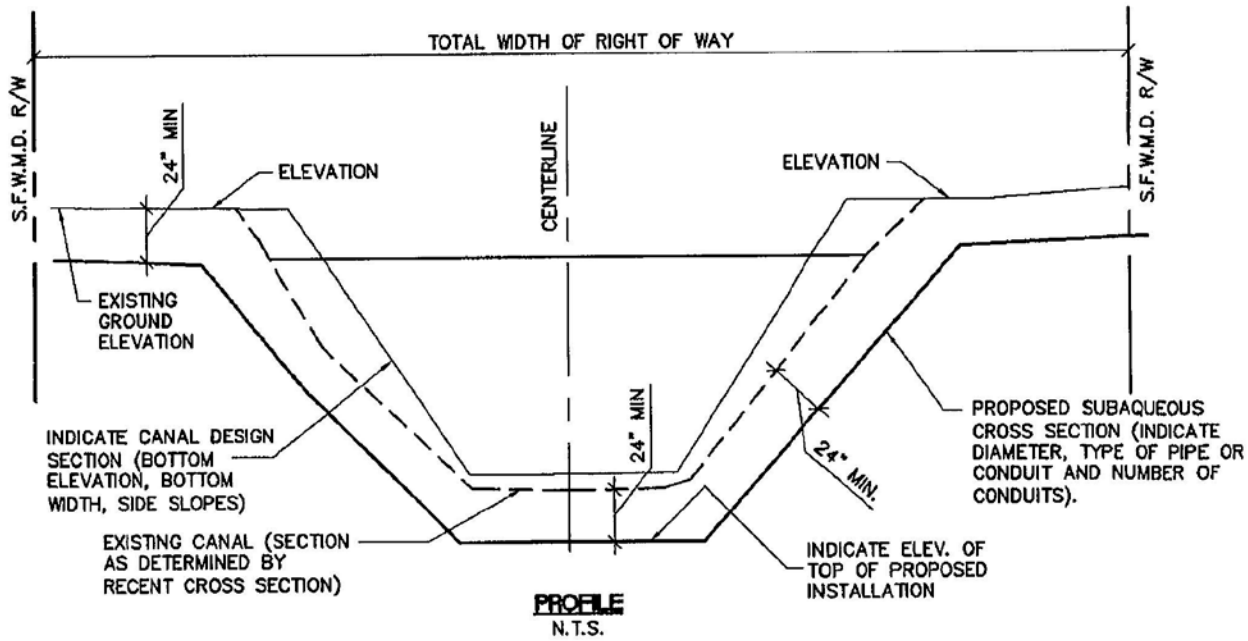
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SUBAQUEOUS CROSSING
SAMPLE ILLUSTRATION

SEC. _____
TWP. _____
RANGE _____
COUNTY _____

SHOW NORTH



PLAN
N.T.S.



PROFILE
N.T.S.

NOTES:
1. DRAWING MUST SHOW THE EXISTING CANAL SECTION AS ESTABLISHED FROM A RECENTLY TAKEN CROSS SECTION OF THE CANAL.

2. SUBAQUEOUS CROSSING MUST HAVE A MIN. OF 2 FT. OF COVER AS MEASURED FROM THE DESIGN SECTION OR EXISTING SECTION, WHICHEVER PRODUCES THE LOWER INSTALLATION.

3. DRAWING SHOULD BE TO SCALE OR FULLY DIMENSIONED.

DRAWING TO ACCOMPANY APPLICATION
FOR SUBAQUEOUS CROSSING

CANAL: _____

LEVEE: _____

APPLICANTS NAME: _____

DATE: _____ SIGNED: _____

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

VEGETATION CLEARING/REMOVAL **(Allowable Zone: 1, 2, 3, 4, 5)**

In order for removal/clearing of vegetation to be considered for issuance of a Notice General Permit, each of the following items listed below must be met or exceeded, in their entirety. If your proposal does not meet the following criteria you must apply for a Standard Permit. Responsibility is borne by the applicant to provide information sufficient to the District which insures the following criteria will be met:

NOTE:
The applicant is cautioned that the District's approval of such a request will be limited to its interest in the right of way. Where the District owns less than a fee simple interest in the right of way, it is the individual applicant's responsibility to obtain any additional approvals that may be required.

Applicant Must Provide:

1. A completed application for permit, including signature(s) and processing fee.
2. Legible 8 ½" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting
   a. District rights of way lines.
   b. Location tied to the nearest crossroad or bridge.
   c. The existing elevation and proposed elevation of the District's right of way shown in profile view (cross-sectional).

Criteria To Be Met:

1. The clearing/removal is limited to exotic species; the removal of native or protected species must not be part of the proposal.
2. The applicant agrees that all stumps will be cut at or below existing grade.
3. The applicant agrees that all debris generated by the activity will be properly disposed of off-site.
4. The applicant agrees that any sections of the rights of way disturbed during clearing must be seeded/re-sodded with bahia, argentine or other species acceptable to the District and recognized for being drought tolerant.
5. The site must not be located within an area where the District has designated as being prohibited.
6. The clearing/removal does not involve an environmentally sensitive area.
7. The clearing/removal does not adversely affect previously authorized use(s) of the right of way.
8. The clearing/removal does not interfere with the District's access, operation or maintenance activities.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Criteria Applicable to Stormwater Treatment Areas

Criteria in this section shall apply to each of the District's Stormwater Treatment Areas (STAs) and the Everglades Nutrient Removal Project impoundments. These facilities include, but are not limited to, STA-1East, STA-1West, STA-2, STA-3, STA-4, STA-5, STA-6 and the Everglades Nutrient Removal Project and such other similar facilities as the District may construct or designate from time to time. The criteria contained in these rules shall be deemed in effect at the time the Governing Board of the South Florida Water Management District adopts such facilities as Works of the District pursuant to Chapter 373.085, F.S.

1. Aerial Electrical Power Transmission Line Crossings

Overhead electrical power transmission lines crossing Stormwater Treatment Areas shall have a minimum vertical clearance as shown in the table below. While these clearances are calculated from the top of the levee, they are intended to:

1. Provide sufficient clearance for District equipment to travel along the top of the levee, and
2. To provide sufficient clearance for floating District maintenance equipment to operate beneath them when working within the impoundment bounded by the STAs levee system.

Clearance shall be calculated from the elevation of the top of the STA levee confining the water body in questions to the point of maximum sag of the lowest line of the transmission line. In determining the levee elevation to be used for vertical clearance calculations, the District shall use the design levee elevation or as-built levee elevation, whichever produces the greater clearance.

Voltage of Crossing Circuit						
Guys (Grounded)	69kV	115kV	138kV	240kV	500kV	PHASE TO PHASE PHASE TO PHASE CLEARANCE ABOVE LEVEE
	50kV and under	67kV	80kV	138kV	289kV	
20'	20'	25'	25'	25'	35'	

2. Culvert Connections to Stormwater Treatment Areas and Appurtenant Works

Connections to STAs or their seepage, intake or discharge canals by culverts or other means is strictly prohibited and will not be authorized.

3. Use of Stormwater Treatment Areas for Access

Except where access provisions have been negotiated during the acquisition of the lands needed for the STA projects, the use of the perimeter levees, intake and discharge canals rights of way for vehicular or other access to adjacent properties will not be authorized.

Access rights secured, or otherwise specifically reserved, during the land acquisition will obviate the need to secure a right of way use permit pursuant to Chapter 373.085, F.S.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

4. Public Utilization

As the STAs have been established to improve water quality and to provide scientific data which is necessary to conform with the provisions of Everglades Forever Act, public access to, or any use of, the interiors of the impoundments (e.g., internal canals, internal levees and retention areas) can not be allowed during the construction, vegetation and initial testing phases of the project. Until such time as the STAs are operational and studies are available to show that specific types of public utilization are not adverse to the efficient functioning of the STAs, public utilization of STAs shall be specifically limited to the following suitable activities:

1. Hiking along the external levees;
2. Bicycling along the external levees;
3. Equestrian use of external levees;
4. Canoeing, kayaking and use of non-motorized vessels in the external canals and in internal borrow canals immediately adjacent to the external levee;
5. Fishing from external levee in external and internal canals;
6. Birdwatching and nature appreciation from external levees and,
7. Picnicking on external levees.

All other activities are specifically prohibited, including, but not limited to:

1. Sailboats/sailboating;
2. Hang gliding;
3. Motorized vehicles such as but not limited to: Motor boats, airboats, jet skis, off-road vehicles, motorcycles, motor bikes, etc.
4. Hunting;
5. Access to internal works of the project of any kind.

5. Boat Ramps

The installation or use of any boat ramps which provide boat access to the STAs is specifically prohibited. Any boat ramps installed or used by the District for purposes of construction, operation or maintenance of the STAs shall not be open for public use or access.

6. Other Uses of Stormwater Treatment Areas

Due to the nature of the STAs and the purposes for which they were acquired, no other uses of these areas are anticipated at this time.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NON-ALLOWABLE USES OF THE DISTRICT'S RIGHTS OF WAY

The District will not issue permits for uses which, in its judgment, will impose hardships on or otherwise interfere with its present or future ability to operate and maintain the Project Work. Therefore, staff will not recommend approval of the following types of encroachments (entirely or partially) within its rights of way:

1. Buildings of any type (commercial or residential)
2. Garages, storage or other permanent out-buildings (commercial or residential)
3. In-ground swimming pools or associated screened enclosures
4. Transmission or receiving towers, etc.
5. The storage of, or repair of, equipment, automobiles or materials
6. Rubbish, trash piles or burn pits
7. Nursery operations
8. Farming
9. Aircraft/Landing Sites

1. "AIR-SPACE" ENCROACHMENTS

Signs, roofs and other installations which overhang the District's rights of way are considered permanent structures and will not be authorized.

2. ATTACHMENTS TO DISTRICT STRUCTURES, PROJECT CULVERTS AND FACILITIES

Water Control Structures

Due to the potential to interfere with District Water Control Structure operations and maintenance, attachments to these structures will not be authorized.

Aerial powerline or other utility crossings over District Structures or Project Culverts will not be authorized. There shall be no prohibition, however, on utility drops or service to structures when such is requested by the District.

Bulkheads (Seawalls)

Attachments to District and/or U.S. Army Corps of Engineers bulkheads will not be authorized due to the potential for damage to the bulkhead. In particular, mooring cleats, whips, ladders, lifting davits, hoists and docks will not be allowed to attach to bulkheads due to the loading which may be placed on the bulkhead and the damage which may result therefrom.

3. BEE HIVES

This District is required by Florida Statute 44.056 to adopt and use methods and processes reasonably adequate to render any place of employment safe; and, to protect the well-being of its employees.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NON-ALLOWABLE USES OF THE DISTRICT'S RIGHTS OF WAY (CONT'D.)

4. COMMERCIAL OR ADVERTISING SIGNS

No commercial or advertising signs will be authorized by a Right of Way Occupancy Permit within the District's rights of way.

5. CROSS-FENCES

Due to the potential interference with District operations and maintenance activities and in some cases restricting the public's use along its right of way, the installation of cross-fences will not be authorized.

6. GRAZING

Due to the potential of damage to the District's canal banks, berms, levees and impacts on water quality, the use of the District's rights of way for grazing, herding or running of cattle or livestock will not be authorized by permit.

7. HUNTING AND CAMPING

Camping or any other form of temporary extended residence on Project Works and Lands of the District is not allowed except in those areas designated as "Wildlife Management Areas". Camping is only allowed then when rules promulgated by the Florida Wildlife Commission makes provisions for camping.

Due to the fact that many of the camps have no means of identifying the owner or owners of the facility, any camps found on the rights of way outside of "Wildlife Management Areas" are subject to summary removal without notice. Within "Wildlife Management Areas" any camps remaining on the right of way seven (7) days after the close of hunting season will be considered abandoned property and may be removed to such locations as the District deems appropriate or taken to a landfill or salvage yard.

In the event the District can identify the owner of an abandoned camp, the District may pursue enforcement to cause the removal of the camp or payment to the District of expenses associated with the cost of the removal activities.

Proposals for camps within Water Conservation Areas 2 and 3 will be processed consistent with the provisions of Section 253.037(7)(d), Florida Statutes.

8. OPEN CHANNEL CONNECTIONS

Open channel connections disrupt continuous access along the canal by District maintenance equipment and vehicles and will not be permitted.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NON-ALLOWABLE USES OF THE DISTRICT'S RIGHTS OF WAY (CONT'D.)

9. PARKING

Since the use of motorized vehicles within the District's rights of way is contrary to the District's Rules and criteria, and parking within the District's rights of way implies the use of motor vehicles and could expose the District to unnecessary liability, use of the District's rights of way for parking purposes will not be considered for approval. This is especially true where the request for parking is being made to provide parking to comply with zoning and building department requirements.

10. PERMANENT ACCESS TO PRIVATE PROPERTY

The District's canal and levee rights of way were neither intended or designed for use as roadways and such use would expose the District to unnecessary maintenance and liability problems, the use of District rights of way for permanent access will not be permitted.

Similarly, the District's water control structures or their service bridges were not designed for use by the public. The uses of these structures for temporary local access will not be considered for issuance of a permit, unless:

1. The bridge was designed specifically to be used as a public roadway; and,
2. The District and other governmental entities enter into an agreement, which addresses, among other concerns, the on-going maintenance of the bridge structure and indemnification of the District.

11. PUBLIC ROADWAYS

The use of the District's rights of way for the construction of roads and highways within and parallel to the right of way alignment will not be authorized.

In cases where roads or highways already encroach within the right of way, and where proposals are made to widen or otherwise modify the roadway from its current configuration, the District will dictate whether such modification will be allowed or if removal of the roadway facility from the right of way is required.

Highway designers must bear the foregoing in mind when initiating road improvement projects, as failure to secure needed road right of way for a proposed road project is not sufficient cause for the District to waive this Rule and allow for either road construction or improvement within its rights of way.

Nothing in this rule shall, however, be construed to be a prohibition of bridge and roadways crossing the various rights of way, provided the crossings meet applicable District requirements and criteria.

12. RETENTION/DETENTION/IMPOUNDMENT AREAS

Within District Rights of Way and Lands

The use of the District's rights of way to provide impoundment areas, retention/detention facilities or borrow pits by adjacent property owners, developers or in association with road and highway projects will not be authorized.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NON-ALLOWABLE USES OF THE DISTRICT'S RIGHTS OF WAY (CONT'D.)

The District has acquired its various rights of way for purposes which include, but are not limited to, operation and maintenance of its canal and levee system and future canal widening/improvement purposes.

Designers of impoundment areas, reservoirs, retention/detention facilities and borrow pits are responsible for designing their project in such a manner so as to contain all facilities (including sideslopes) within the boundaries of their own property. In the event the District needed to utilize all of its right of way for some future project improvement or if the right of way were encumbered by a drainage system, the filling or other alterations to that drainage system which would be required would alter the operational characteristics of that system, possibly to the point where it could no longer perform as authorized by the covering Surface Water Management Permit.

It should be clearly noted that this prohibition only deals with impoundment areas, reservoirs, retention/detention ponds, borrow pits and similar facilities. It is not intended to apply to outfall facilities such as forebays, channels, culverts and similar facilities used to connect surface water management systems to District canals.

Adjacent to District Rights of Way

The District requires that designers of ponds or borrow pits, which are proposed adjacent to the District's canals and levees, demonstrate that their excavations will have no impact on the stability of the land within the right of way.

Designers of such facilities must take into account the lateral stability and need for lateral support of the mounds, berms, bands and levees located along the various canals and impoundment areas of the District, where the possibility of extreme head differentials exist.

13. STAGING AREA ENCROACHMENTS

In order to provide adequate areas to set-up and operate equipment, particularly for the purposes of removing and temporarily stockpiling storm debris that accumulate on pilings, the District will set aside and preserve staging areas at bridge and pile-supported utility crossings. These staging areas will be 100 feet in length and will be located on the upstream and downstream sides of all bridge and utility crossings. No docks or above-ground structures that will have the potential to interfere with the District's maintenance activities will be allowed within these staging areas.

14. STORAGE OF HAZARDOUS MATERIALS / VEHICLE SERVICING, REPAIRS AND MAINTENANCE

Due to the hazard of ground and surface water degradation, the District will not authorize uses which may have a potentially adverse impact on the resource. Therefore, the following types of uses are prohibited:

a. Storage of gasoline or other liquid fuel oils, paints, thinners, solvents or other petroleum distillates;

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NON-ALLOWABLE USES OF THE DISTRICT'S RIGHTS OF WAY (CONT'D.)

b. Underground or above-ground fuel storage tanks (either permanent or temporary);
c. Storage of lead, batteries, or other articles containing heavy metals;
d. Vehicle, truck or engine maintenance activities;
e. Pesticides;
f. Explosives.

15. WASTEWATER TREATMENT

It is the intention of the District to urge the removal of existing treatment plant effluent discharge from surface waters under its jurisdiction. Consideration should be given to this goal when alterations to existing wastewater treatment plants are proposed. Owners and operators of sewage facilities are encouraged to investigate, plan and develop wastewater re-use systems in the communities which they serve.

In this regard, no permit shall be granted for the discharge of wastewater from a new wastewater source into any waterway under the jurisdiction of the South Florida Water Management District.

Permits will not be issued to existing wastewater sources which now discharge into waterways under the jurisdiction of the South Florida Water Management District, and which desire to increase the volume of wastewater discharged. Such would be considered only under conditions that the total BOD and suspended solids load contributed to the receiving waterway, as a minimum requirement, not be increased. Existing BOD and suspended solids load shall be based on the present minimum requirement of the State of Florida, Department of Environmental Protection of 90% BOD and suspended solids removal.

Applications for District permits for an existing wastewater treatment plant will not be considered unless the plant has a valid Permit to Operate or Temporary Permit to Operate as issued by the State of Florida, Department of Environmental Protection. However, possession of such a permit does not ensure the issuance of a permit by this District.

The permit issued by the District for a wastewater treatment plant discharge shall be for the physical works and not for the action of discharging effluent into the waterway. All criteria for construction standards found elsewhere in this manual shall be applicable.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT RIGHT OF WAY PLANTING CHOICES

Due to the South Florida Water Management District's interest in eliminating invasive exotic or otherwise objectionable plant species from its rights of way, and in an effort to expand the use of native species in beautification or landscaping projects on the various rights of way when such projects can be accommodated without conflicting with District operations and maintenance programs or other efforts, the District has compiled the attached listing of desirable native species. This list was created, and will be used, as a guide in determining what types of vegetation may be used within the various rights of way of the District when making Application for a Right of Way Occupancy Permit. It should not be considered all inclusive, but rather as a guide in selecting species for beautification proposals. The District staff will consider requests to use native species not included on this list on a case by case basis, particularly those native species which are drought tolerant or are part of a planting scheme employing sound *Xeriscape* principles. (For more information on *Xeriscape*, you are encouraged to contact the District's Office of Communications.)

It should be understood that not all the plant species that appear o the attached list should be considered native to all areas throughout the District. Therefore, ***the District reserves the right to specify which species may be used in a particular area***. The Applicant should also be aware that while the list contains a section on trees, the planting of trees on the District's rights of way by private individuals will not be permitted.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DEFINITIONS AND KEY TO ABBREVIATIONS

EXAMPLE:

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
GROUNDCOVERS								
Beach Sunflower Helianthus debilis	U	6 – 12”	H	H, M	S, WD	F	FL, A	S, SC

Planting Zone — Relative elevation where optimum growth is expected. Closely related to moisture preference.

- **U** = Upland — Elevated and generally drier soils; soil not water saturated. Typical of most residential lots. Upper canal bank slope and canal overbank.
- **T** = Transitional — Lower elevations where soil tends to be wetter; sometimes saturated. Lower portions of canal bank slope.
- **W** = Wetland — Littoral shelf or intertidal areas where soil is periodically inundated. Saturated soil conditions. Lowest portion of canal slope and waterward.

Average Height — Height of average specimen expressed in inches or feet.

Salt Tolerance — Ability of plant to withstand exposure to salt.

- **H** = High — High or exceptional tolerance to salt. Seaside/shoreline conditions.
- **M** = Moderate — Moderate tolerance to salt exposure. Some seaward protection required.
- **L** = Low — Low tolerance to salt exposure.

Light Requirement — Light conditions conducive to optimum growth.

- **H** = High — Full sun.
- **M** = Moderate — Partial Sun. Shaded during part of the day.
- **L** = Low — Low light levels. Shade to deep shade during most of the day.

Soil Requirement — General soil characteristics conducive to optimum growth.

- **A** = Acidic
- **S** = Sandy
- **W** = Wide range of soil types
- **M** = Moist
- **WD** = Well-drained
- **MF** = Moderately Fertile
- **FD** = Flooded/Saturated

Growth Rate — Relative growth rate under average or generally favorable conditions of soil, light, moisture, etc.

- **F** = Fast
- **M** = Moderate
- **S** = Slow

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

DEFINITIONS AND KEY TO ABBREVIATIONS (continued)

Features & Uses Features of notable interest of uses in landscaping.

FL = Flowers **A** = Accent **FO** = Foliage **SP** = Specimen

BK = Bark **SH** = Shade Tree **FR** = Fruits **SCR** = Screen

WV = Wildlife Value **HG** = Hedge

Climate Zone Region of state where climate will support long-term survival and growth of plant; often corresponds to a natural rang eof plant. Closely related to resistance to cold temperatures.

All = All portions of the District - from Orlando area south through the Florida Keys.

S = Southern portions of the state – from Lake Okeechobee area southward.

SC = Southern coastal areas – same approximate latitude as Lake Okeechobee southward.

C = Coastal areas.

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

NATIVE GROUNDCOVERS

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
WILDFLOWERS								
Asters Aster spp.	U, T	Varies	L, M	H, M	W	M, F	FL, WV	ALL
Beach Verbena Verbena maritima	U	6 – 12”	H	H, M	S, WD	F	FL	S, SC
Beach Sunflower Helianthus debilis	U	6 – 12”	H	H, M	S, WD	F	FL, A	S, SC
Black-Eyed Susan Rudbeckia hirta	U	2’	L	H, M	W	F	FL	ALL
Blanket Flower Gaillardia pulchella	U	6 – 12”	M, H	H	S	F	FL	ALL
Blazing Star Liatris spp.	U	2-3’	L	H	S, WD	M	FL	ALL
Blue-Eyed Grass Sisyrinchium atlanticum	U, T	1’	L	H, M	M, MF	M	FL	ALL
Blue Mistflower Conoclinium coelestinum	U, T	1 -2’	L	H, M	M, MF	F	FL, WV	ALL
Blue Porterweed Stachytarpheta jamaicensis	U	6 – 12”	M	H, M	W	M	FL, WV	S, SC
Blue Spiderwort Tradescantia ohiensis	U	1 -2’	L	H, M	MF, S	M, F	FO, FL	ALL
Goldenrods Solidago spp.	U	2 - 4’	M	H, M	W	F	FL, WV	ALL
Horsemint Monarda punctata	U	2 -3’	M	H, M	WD	F	FL, WV	ALL
Lantana, Pineland Lantana depressa	U	1’	M	H, M	W	F	FL, WV	ALL
Partridge Pea Chamaecrista fasciculate	U	2’	M, H	H, M	S, WD	F	FL	ALL
Pencil Flower Stylosanthes hamata	U	1 – 6’	H	H, M	WD, W	F	FL, FL	ALL
Pineland Heliotrope Heliotropium polyphyllum	U	1 -2’	M	H, M	W	M	FL	S, SC
Pluchea Pluchea spp.	U, T	1 -2’	M, H	H, M	W	M	FL	ALL
Sage (Blue, Tropical, Lyre-Leaf) Salvia spp.	U	1 -3’	M, H	H, M	WD	M, F	FL, WV	ALL
Scorpion Tail Heliotropium angiospermum	U	2 – 3’	M	H, M	W	M, F	FL, WV	ALL
Tickseed Coreopsis leavenworthii	U, T	1 -2’	L	H, M	M, MF	M, F	FL	ALL
Twinflower Dyschoriste oblongifolia	U	1’	L	H, M	W, WD	F	FL	ALL
Yellowtop Flaveria linearis	U, T	1’	M, H	H	W	M	FL	ALL (C)
GRASSES								
Bluestem Schizachyrium spp.	U	1 -2’	M	H, M	S, W	M	FO	ALL
Broom Sedge Andropogon spp.	T, U	2 -4’	L, M	H, M	W, M	M, F	A, FO	ALL
Cordgrass (Smooth) Spartina alterniflora	W, S	2 -4’	H	H	FD	F	FO, WV	ALL
Cordgrass (Sand) Spartina bakeri	T, U	2 -3’	L, M	H	S	M	A, FO, WV	ALL

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COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
GRASSES (continued)								
Eastern Gamagrass Tripsacum dactyloides	T, U	2 -4’	L, M	H, M	M, MF	M	FO, WV, A	ALL
Florida Gamagrass Tripsacum floridanum	U	1 – 2’	L, M	H, M	W	M	FO, WV, A	S, SC
Muhly Grass Muhlenbergia capillaris	U, T	2’	M	H	S	M	A, FO, FL	ALL
Purple Lovegrass Eragrostis spectablilis	U	1 -2’	M	H, M	S	M	FL	ALL
Saltmeadow Cordgrass Spartina patens	T	2’	H	H, M	S, M	M	FO, WV	ALL
Seashore Dropseed Sporobolus virginicus	T	1’	H	H, M	S, M	M	FO	ALL
Seashore Paspalum Paspalum vaginatum	T	6 – 12”	H	H, M	S, M	M	FO	ALL
Wiregrass Aristida beyrichiana	U	1’	L	H, M	W	M	FO	ALL
FERNS								
Fern, Leather Achrostichum spp.	W, T	2 -5’	M, H	W	M, MF, FD	F	A	S, SC
Fern, Shield Thelypteris spp.	T, U	1 -2’	L	M, L	M, MF	S, M	A, FO	ALL
Fern, Swamp Blechnum serrulatum	T, U	1 -3’	L	M, L	M, MF	M, F	A, FO	ALL
VINES								
Coral Huneysuckle Lonicera sempervirens	U	Vine	M	H, M	MF	M	FL, WV	ALL
Corky-Stemmed Passionflower Passiflora suberosa	U	Vine	M, H	W	W	M, F	WV	S, SC
Mimosa Vine Mimosa strigillosa	U, T	1 -6’	M	H, M	W	M, F	FL	ALL
Railroad Vine Ipomea pes-capre	U	1’	H	H	S, WD	F	FL, FO	SC, S
HERBACEOUS								
Matchwood Phyla nodiflora	U, T	1 -6’	M, H	H, M	W	M, S	FO	ALL
Peperomia Peperomia spp.	U	6”	M	M. L	WD, MF	S, M	FL	ALL
Alligator Lily Hymenocallis palmeri	W, T	2’	M	W	FD, M, MF	M	A, FO	ALL
Spider Lily Hymenocallis latifolia	U	2’	M, H	H, M	WD, S	M, F	A, FO	ALL
String, Swamp Lily Crinum americanum	W, T	2’	M	W	M, F, FD	M	FO, FL	ALL
Wild Petunia Ruellia caroliniensis	U	6 ”	M	W	W	M	FL	ALL
WOODY								
Golden Creeper Ernodea littoralis	U	1’	H	H	S, WD	M	FO	SC, S
Gopher Apple Licania michauxii	U	6 – 12”	M, H	H, M	S, WD	M	FR, WV	ALL
Snowberry, Pineland Chiococca pinetorum	U	2’	M	H, M	MF, S, WD	M	FR	SC, S
Quail Berry Crossopetalum ilicifolium	U	1 – 6’	M	H, M	MF	S	FO, WV	S, SC
Sea Oxeye Daisy Borrichia frutescens	T, U	2’	H	H, M	W	M, F	FL, FO	C

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WOODY (continued)								
St. John's Wort Hypericum spp.	T, U	2'	L	H, M	M, S, A	M	FL	ALL
Yaupon Holly, Dwarf Ilex vomitoria cv. "Schellings"	U	1 – 2'	M, H	H, M	W	S, M	FO, A	ALL

NATIVE SHRUBS

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
Beauty Berry Callicarpa americana	U	4 – 6'	M	W	W	F	FR, WV	ALL
Buttonbush Cephalanthus occidentalis	T, W	4 – 6'	L	H, M	M, MF, FD	F	FL, WV	ALL
Cocoplum Chrysobalanus icaco	T, U	5 – 8'	M, H	H, M	W	M	FO, WV, HG, SCR	S, SC
Cocoplum (horizontal) Chrysobalanus icaco var. icaco cv. "horizontal"	U, T	1 – 3'	M	H, M	W	S, M	FO, WV, FR	SC, S
Firebush Hamelia patens	U	4 – 8'	M	W	MF	F	FO, FL, WV, SP	S, SC
Florida Boxwood Schaefferia frutescens	U	4 - 8'	M	H, M	MF, WD	M, S	FO	S, SC
Florida Privet Forestiera segregata	U	5 – 8'	M	H, M	W	M	FR, WV, SCR, HG	ALL
Holly, Yaupon Ilex vomitoria	U	5 - 8'	M	H, M	W	M	FR, WV, HG	ALL
Jamaican Caper Capparis cynophallophora	U	6 – 10'	M	H, M	WD, MF	M	FO, FL, SP	S, SC
Lantana, Native White Lantana involucrata	U	3 - 5'	M	H, M	W	F	FL, FR *WV*	S, SC
Maidenbush Savia bahamensis	U	4 - 6'	M	H, M	MF	M, S	FO	S, SC
Marlberry Ardisia escallonioides	U	5 - 8'	M	W	MF	M	FL, FR, WV	S, SC
Myrsine, Rapanea Myrsine guianensis	U	6 – 10'	M, H	W	W	H	FO, HG	S, SC
Randia, White Indigo Berry Randia aculeata	U	3 – 5'	M, H	W	W	M, S	FO, HG	ALL
Saw Palmetto Serenoa repens	U	2 - 5'	M, H	H, M	W	S	FO, A, WV	ALL
Silver Buttonwood Conocarpus erectus var. sericeus	U, T	6 – 12'	M, H	H, M	M	M	FO, A HG	S, SC
Saltbush, Sea Myrtle Baccharis halimifolia	U, T	4 – 8'	M, H,	H, M	W	F	FO	ALL
Spicewood Calyptranthes pallens	U	4 – 6'	L	H, M	M, MF, WD	M	FO, WV	S, SC
Stopper, Red Eugenia rhombea	U	4 – 6'	M	H, M	MF	M	FO, WV	S, SC
Stopper, Simpson Myrcianthes fragrans	U	5 – 10	M	W	W	M	FR, B, WV, SCR, HG	S, SC
Stopper, Spanish Eugenia foetida	U	5 – 10'	M	H, M	MF	M	WV	S, SC
Stopper, White Eugenia axillaris	U, T	4 – 6'	M	W	M, MF	M	WV	S, SC

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SHRUBS (continued)								
Torchwood Amyris elemifera	U	5 – 8’	M	H, M	MF, WD	M, S	FO	S, SC
Varnish Leaf Dodonea viscosa	U	4 – 6’	M	H, M	WD	M, F	FR, FO	S, SC

NATIVE TREES

COMMON NAME Scientific Name	PLANTING ZONE	AVERAGE HEIGHT	SALT TOLERANCE	LIGHT REQUIREMENT	SOIL REQUIREMENT	GROWTH RATE	FEATURES AND USES	CLIMATE ZONE
Bahama Strongback Bourreria ovate	U	15 – 25’	M	M, H	MF, WD	M, F	FL, FR, WD	SC
Black Ironwood Krugiodendron ferreum	U	12 – 25’	M	M, H	MF, WD	S, M	A, FO, WV	S, SC
Blolly Guapira discolor	U	15 – 20’	M, H	M, H	MF, WD	M	FO, FR, WV	S, SC
Buttonwood, Green Conocarpus erectus	U, T	25 – 25’	M, H	M, H	M, W	M, F	FR, SCR	S, SC
Cabbage Palm Sabal palmetto	U, T	30 – 40’+	M, H	H, M	W	M	A, FO, WV	ALL
Cinnamon Bark Canella winterana	U	15 – 20’	M	M, H	MF, WD	M	A, FO, FR	S, SC
Crabwood Ateramnus lucidus	U	15 – 20’	M	H, M	MF	M	A, FO	S, SC
Cypress, (Bald, Pond) Taxodium spp.	W, T	35 – 60’+	L	H	FD, M, MF	M	FO	ALL
Dahoon Holly Ilex cassine	T, U	12 – 20’	L	H, M	M	M	FR, WV	ALL
Fiddlewood Citharexylum fruticosum	U	15 – 20’	M	H, M	WD	M, F	FO, FR, FL, WV	ALL
Geiger Tree Cordia sebestena	U	15 – 20’	M, H	H, M	MF, WD	M, F	FL, FL	SC
Gumbo Limbo Bursera simaruba	U	25 – 40’	M	H, M	WD	F	SH, BK, SP	S, SC
Inkwood Exothea paniculata	U	20 – 20’	M	H, M	MF, WD	M	FL	S, SC
Krug’s Holly Ilex Krugiana	U	15 – 25’	M	W	W	M	FO, BK, WV	S, SC
Lancewood Nextandra coriacea	U	20 – 30’	M	H, M	MF, WD	M	FR, WV	S, SC
Laurel Oak Quercus laurfolia	T, U	30 – 50’+	L	H, M	M	M, F	SH, WV	ALL
Live Oak Quercus virginiana	U	30 – 50’+	M, H	H, M	W	M	SH, BK, WV	ALL
Loblolly Bay Gordonia lasianthus	T, U	25 – 40’	L	H, M	M, MF	M	SP, FL	ALL
Magnolia, Southern Magnolia grandiflora	U	35 – 50’+	M	H, M	MF, A	M	FL, FO	ALL
Mahogany Swietenia mahogani	U	25 – 35’	M	H	MF	M	SH	S, SC
Mangrove, Red Rhizophora mangle	W	15 – 25’	H	H, M	FD	M	FO, WV	ALL (C)
Mangrove, Black Avicennia germinans	W	15 – 30’	H	H, M	FD	M	FO, WV, AC	ALL (C)
Mangrove, White Laguncularia racemosa	W	20 – 30’	H	H, M	M, FD	F	WV	SC
Mastic Tree Mastichodendron foetidissimum	U	30 – 45’	M	H, M	MF, WD	M	FR, WV, SH	S, SC

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TREES (continued)								
Paradise Tree Simarouba glauca	U	25 – 35’	M	H, M	MF, WD	M	SH, FO, FR, WV	S, SC
Paurotis Palm Acoelorrhaphe wrightii	U, T	15 – 20’	M	H, M	M, MF, FD	M, S	AC, FO	ALL (C)
Persimmon Diospyros virginiana	U	20 – 30’	L	H, M	W	M	FR, WV	ALL
Pigeon Plum Coccoloba diversifolia	U	25 – 30’	M	W	MF	M	FO, SP, WV	S, SC
Pitch Apple Clusia rosea	U	20 – 30’	M, H	H	W	M	FL, FO	S, SC
Pond Apple Annona glabra	W, T	12 – 20’	M	H, M	M, MF, FD	M, F	FO, FR, WV	S, SC
Pop Ash Fraxinus caroliniana	T, U	15 – 25’	L	W	M, MF, FD	M	FO. WV	ALL
Red Bay Persea borbonia	U, T	20 – 35’	M	H, M	W	M	WV	ALL
Red Maple Acer rubrum	T, U	35 – 45’	L	H	M, MF, FD	F	FO, SH, WV	ALL
Red Mulberry Morus rubra	U	25 – 35’	M	H, M	MF	F	FO, SH, WV	ALL
Redberry Stopper Eugenia confusa	U	15 – 25’	M	H, M	MF, WD	M	FO, WV	S, SC
Royal Palm Roystonea elata	U	50 – 60’+	M	H, M	M, MF	M	SP, FO	S, SC
Satinleaf Chrysophyllum oliviforme	U	20 – 30’	M	H, M	M, MF	M	FO, AC, WV	S, SC
Seagrape Coccoloba uvifera	U	20 – 30’	H	H, M	W	M	FO, BK, WV	S, SC
Slash Pine Pinus elliotii, var. densa	U	40 – 50’	M	H	W	M	FO, AC, WV	ALL
Southern Red Cedar Jumiperus silicicola	U	25 – 30’	M, H	H	W	M	FL, SCR, WV	ALL
Sugarberry Celtis laevigata	U, T	25 – 35’+	L, M	H, M	M, MF	M	SH, WV	ALL
Sweetbay Magnolia Magnolia virginiana	T, U	25 – 35’	M	H, M	M, MF	M	SH, FL, FR, WV	ALL
Thatch Palm Thrinax radiata, T. morrisii	U	12 – 20’	M	H, M	MF, WD	M	FL, AC, FR, WV	S, SC
West Indian Cherry Prunus myrtifolia	U	20 – 35’	M	W	MF, WD	M	FO, SH, FR, WV	S, SC
Wild Tamarind Lysiloma latisiliquum	U	30 – 40’+	M	M, H	MF, WD	F	FO, FL, SH	S, SC
Willow Bustic Dipholis salicifolia	U	20 – 30’	M	H, M	W	M	FO, FR, WV	S, SC
Winged Elm Ulmus alata	U	20 – 35’	M	H, M	W	F	FO, SH, WV	ALL

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Application to the South Florida Water Management District for Issuance of a Right of Way Occupancy Permit

Post Office Box 24680, West Palm Beach, FL 33416-4680
Telephone (561) 686-8800 FL WATS Line 1-800-432-2045
Attention: Right of Way Permitting

Application No. _____

Permittee/Owner(s) Full Name (include all Permittee/Owner(s) if applicable)				
Email Address				
Street Address	City	State	ZIP	Telephone No.
Agents' Name (if applicable)				
Email Address				
Street Address	City	State	ZIP	Telephone No.

REQUESTED USE

☐ New Permit ☐ Modification of Existing Permit (Permit Number) _____
☐ Proposed ☐ Existing ☐ Both

LOCATION OF PROJECT
(Note: Copy of recent property/boundary survey and aerial map of property tied to a well-known landmark must be provided)

Work or Land (canal or levee) Involved	County	Section	Township South	Range East
Lot No.	Block No.	Subdivision Name		

DESCRIPTION OF PROJECT
(Note: Check all uses/facilities that apply)

☐ Bridge ☐ Bulkhead/Seawall ☐ Culvert ☐ Dock
☐ Fencing ☐ Landscaping ☐ Temporary Use (access/storage) ☐ Utility Installation
☐ Other (include description below)

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40E-6.381 LIMITING CONDITIONS

The District's authorization to utilize lands and other works constitutes a revocable license (including both notice general permits and standard permits). In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter:

1) All structures on District works or lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be limited to, permittee's consideration of the District's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that the District's review and issuance of this permit, including, but not limited to, any field inspections performed by the District, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any District staff or representative during the permit review and issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as the District's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.

3) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C., including all subsequent rule and criteria revisions. Permittee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

4) This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right of way to the District's satisfaction. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

5) This permit does not convey any property rights nor any rights or privileges other than those specified herein and this permit shall not, in any way, be construed as an abandonment or any other such impairment or disposition of the District's property rights. The District approves the permitted use only to the extent of its interest in the works of the District. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The District, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the District owns less than fee.

6) Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and/or future employees, agents, representatives, officers and/or Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's in-house attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the District's right of way which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the Permittee or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims.

7) The District does not waive sovereign immunity in any respect.

8) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

a) discharge of debris or aquatic weeds into the works of the District;
b) causing erosion or shoaling within the works of the District;
c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit. Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in (a), (b), and (c), above.

Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in a), b), and c), above;

d) leaving construction or other debris on the District's right of way or waterway;
e) damaging District berms and levees;

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f) the removal of District owned spoil material;
g) removal of or damage to District locks, gates, and fencing;
h) opening of District rights of way to unauthorized vehicular access; or
i) running or allowing livestock on the District's right of way.

9) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

10) Permittee shall allow the District to inspect the permitted use at any reasonable time.

11) Permittee shall allow, without charge or any interference, the District, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting the District's, routine and emergency, canal operation, maintenance, and construction activities. To the extent there is any conflicting use, the District's use shall have priority over the permittee's use.

12) This permit is a non-exclusive revocable license. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the District.

13) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, or the U. S. Army Corps of Engineers for the works of the District.

14) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before or concurrently with any activities which may be conducted pursuant to the right of way occupancy permit.

15) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll. Failure to pay all taxes in a timely manner shall result in permit revocation. Such permit revocation shall not alleviate the responsibility of the permittee to pay all taxes due and payable.

16) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions.

17) Permittee authorizes the District to record a Notice of Permit through filing the appropriate notice in the public records of the county or counties where the project is located. Governmental entities and utilities are not subject to this provision.

18) Permittee shall be responsible for the repair or replacement of any existing facilities located within the District's right of way which are damaged as a result of the installation or maintenance of the authorized facility.

19) All obligations under the terms of this permit authorization and any subsequent modifications hereto shall be joint and several as to all owners.

20) It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.

21) It is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction. In resolving such conflicts the District's determination will be final.

22) Special Conditions that are site specific shall be incorporated into every permit as may be necessary in the best interest of the District.

23) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085(1), 373.086, 373.103, 373.109, 373.129, 373.1395, 373.603, 373.609, 373.613 FS. History—New 9-3-81, Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05, Amended 5-30-82, 12-29-86, 12-24-91, 9-15-99

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In compliance with provisions of Chapter 373, Florida Statutes and Chapter 40E-6, Florida Administrative Code, application is hereby made for a Right of Way Occupancy Permit in accordance with support drawings, data and incidental information filed with this application and made a part of this application. I hereby certify that all information contained in or made a part hereof is true and correct to the best of my knowledge, that any permit issued shall require that the permitted use be constructed and operated in accordance with such information.

I further certify that I have read the Standard Limiting Conditions appearing on this application and understand that said conditions will be incorporated within any permit issued pursuant to the application, unless expressly waived by the Governing Board. I further acknowledge that the SFWMD may incorporate additional special conditions as may be necessary in the best interest of the District.

In signing this application, I acknowledge that failure to comply with all conditions of this permit may result in permit revocation, financial assurance or bond forfeiture, and remedial action against me by the SFWMD. I assume full responsibility for the actions of all my employees, agents and persons, whether under direct contractual obligation to me or indirectly, with respect to compliance with the conditions and limitations contained within this application or within a permit issued as a result of this application.

NOTE: Either Permittee/Owner – or – Agent can sign

Permittee/Owner's Name (print or type)	Permittee/Owner's Name (sign)	Date
Agent Name (print or type)	Agent Name (sign)	Date

Please be sure the following accompany the submittal of your application:

Application Processing Fee (if applicable)

8 ½" x 11" Drawings describing the use or facilities

All other information as outlined in the Criteria Manual

Submit the original application package and 3 duplicates

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Right of Way Occupancy Permit Transfer Request

To: South Florida Water Management District
P.O. Box 24680, W. Palm Beach, FL 33416-4680
Attention: Right of Way Section

The undersigned requests that the name of the permittee for SFWMD Right of Way Occupancy Permit Number _____ be transferred:

FROM:	TO:
Name	Name
Company Name (if applicable)	Company Name (if applicable)
Address	Address
City, State, ZIP Code	City, State, ZIP Code
Telephone No.	Telephone No.

Rule 40E-6.351 Transfer of Permits.

1) As the District has no control over the sale or transfer of real or personal property, it is the sole obligation of a permittee to disclose the existence of a Right of Way Occupancy Permit, its terms and conditions to prospective purchasers.

2) Right of Way Occupancy Permit shall be transferred when:
   a) The request is otherwise consistent with the provisions of these rules and Chapter 373, F.S.
   b) The applicant demonstrates that the permitted use still qualifies for a permit under Rules 40E-6.121 or 40E-6.221, F.A.C.
   c) The applicant agrees to abide by the provisions of chapter 373, F.S., this chapter and the terms and conditions of the permit; including these rules, including the standard limiting conditions, and criteria which are applicable at the time of the request for transfer.
   d) The adjoining land use has not changed.
   e) The request for transfer is accompanied with the correct fee.
   f) The applicant authorizes the District to record a Notice of Permit in the official records of the county clerk's office where the project is located.
   g) In cases where unauthorized facilities or uses have been added that are not included in the permit authorization, a permit transfer request must also be accompanied by a request for modification pursuant to Rule 40E-6.331, F.A.C.

3) All transfers require a field inspection and shall not become effective until such inspection is conducted and confirms all existing facilities are permitted and all uses comply with the criteria in Rule 40E-6.091, F.A.C., and the conditions of issuance in Rules 40E-6.121 or 40E-6.221, F.A.C. If additional facilities are present, no transfer will be allowed unless the unauthorized facility or use is removed immediately and the right of way restored. Applicants must submit a new Permit Application, along with the appropriate application processing fee, for all additional facilities not removed and not currently authorized by a Right of Way Occupancy Permit.

4) The District staff shall not issue transfers until all financial assurance and insurance requirements, if any, have been provided and accepted by the District staff.

Attached is a copy of the instrument transferring ownership of the property.

Applicant's Name (Print)	Applicant's (Signature)	Date

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

Attachment: 2013-02-19 DRAFT Criteria Manual.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL

Proposed Rule: Is a SERC Required

Division: Operations, Maintenance & Construction
Rule: Chapters 40E-6 (Utilization of Works and Lands of the District) and 40E-62(C-18), F.A.C.

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

I. Adverse Impact Determination

a. Economic? (Check all that apply.)

- ☐ Increased fees to be paid by licensee, applicant, registrant, etc.
- ☐ Increased costs of doing business (equipment, software, etc.)
- ☐ Increased personnel costs (additional employees, insurance, overtime, training, etc.)
- ☐ Decreased opportunity for profit (limits on fees, scope of business/practice, ability to partner with others, etc.)

b. Non-economic? (Check all that apply.)

- ☐ Increased time and effort to comply (forms, tests, etc.)
- ☐ Increased need for specialized knowledge (legal, technical, etc.)

If any of the above boxes are checked, answer "Yes," then continue to the next section. If no boxes are checked, answer "No," and skip to Section III below. ☐ Yes ☒ No

II. Small Business Determination

a. Are any of the affected entities a "small business?" (Check all that apply.)

- ☐ 200 or less **permanent full-time** employees;
- ☐ Net worth less than $5 million (including value of affiliates);
- ☐ Independently owned and operated (NOT a subsidiary of another entity); **AND,**
- ☐ Engaged in a commercial enterprise?

If **ALL** of the preceding boxes are checked, answer "Yes," and skip to Section III below.
If you did not check **ALL** of the above boxes, check "No," then continue to the next qualification.
☐ Yes ☐ No

b. Small Business Certification

- ☐ Does any affected entity have Small Business Administration 8(a) certification?
  ☐ Yes (see, www.ccr.gov) ☐ No

If the answers to I and II are "Yes," the agency must prepare a SERC.

III. Regulatory Cost Increase Determination

Direct:
a. Increased Regulatory Cost: None
b. Number of Entities Impacted: Approx. 14,000 permits
c. Multiply a. times b.:
d. Is c. greater than $200,000? ☐ Yes ☒ No

Indirect:
e. Any ascertainable indirect costs? ☐ Yes ☒ No
f. Amount of Indirect Cost: None
g. Number of Entities Impacted: Approx. 14,000 permits
h. Multiply g. times f.:
i. Is h. greater than $200,000? ☐ Yes ☒ No
j. Is h. plus c. greater than $200,000? ☐ Yes ☒ No

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

If the answer to d., i., or j. is "Yes," the agency must prepare a SERC.

Prepared By: Jorge Patino: Jorge R. Patino Date: February 19, 2013

To be certified by the agency head, if the agency is within the purview of the Governor; otherwise, certified by the agency's legal counsel or other appropriate person.

Is a SERC required? ☐ Yes ☒ No, but one has been prepared and is included.

Name: Carolyn S. Ansay (Print Name) (Signature)

Title: General Counsel Date: 2/20/13

Phone: (561) 682-6976

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

Division: Right of Way Section, Operations, Maintenance, and Construction (OMC)
Board:
Rule Number: Chapters 40E-6 and 40E-62, Florida Administrative Code (F.A.C.)
Rule Description: Use of Works or Lands of the District
Contact Person: Ian Miller, Lead Economist-561-682-2057, imiller@sfwmd.gov / Jorge Patino, Section Administrator-Right of Way, 561-682-6175, jpatino@sfwmd.gov

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

Introduction

The District's 2011 Regulatory Plan identified Chapters 40E-6 and 40E-62, F.A.C., for rulemaking as part of the District's s. 120.74 biennial review. These chapters prescribe the manner in which entities may use or connect to works or lands of the District. In the course of reviewing these chapters, it became apparent that changes were required to streamline and clarify the permitting process, correct inaccuracies, and merge relevant portions of Chapter 40E-62, F.A.C., in to Chapter 40E-6, F.A.C.

A. Is the rule likely to, directly or indirectly, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule?

NO. See Introduction (above). The rule changes will reduce regulation and streamline the permitting process.

1. Is the rule likely to reduce personal income?	☐ Yes	☒ No
2. Is the rule likely to reduce total non-farm employment?	☐ Yes	☒ No
3. Is the rule likely to reduce private housing starts?	☐ Yes	☒ No
4. Is the rule likely to reduce visitors to Florida?	☐ Yes	☒ No
5. Is the rule likely to reduce wages or salaries?	☐ Yes	☒ No
6. Is the rule likely to reduce property income?	☐ Yes	☒ No

Explanation:

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of $1 million, and the rule must be submitted to the legislature for ratification.

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

B. Is the rule likely to, directly or indirectly, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within 5 years after the implementation of the rule?

NO. Permitting fees have not been increased and regulations have been reduced. The rule revisions streamline and clarify the permitting process.

1. Is the rule likely to raise the price of goods or services provided by Florida business?
   ☐ Yes ☒ No

2. Is the rule likely to add regulation that is not present in other states or markets?
   ☐ Yes ☒ No

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?
   ☐ Yes ☒ No

4. Is the rule likely to cause Florida businesses to reduce workforces?
   ☐ Yes ☒ No

5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?
   ☐ Yes ☒ No

6. Is the rule likely to make illegal any product or service that is currently legal?
   ☐ Yes ☒ No

Explanation:

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of $1 million, and the rule must be submitted to the legislature for ratification.

C. Is the rule likely, directly or indirectly, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of $1 million in the aggregate within 5 years after the implementation of this rule?

NO. Regulatory costs will be reduced. See Table H appended, for a calculation summarizing cost savings to the District and to the regulated community. Table H

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

shows the calculations used to estimate regulatory/transactional cost savings to the regulated community and is used in place of the template immediately below this response.

1. Current one-time costs
2. New one-time costs
3. Subtract 1 from 2
4. Current recurring costs
5. New recurring costs
6. Subtract 4 from 5
7. Number of times costs will recur in 5 years
8. Multiply 6 times 7
9. Add 3 to 8

If 9. is greater than $1 million, there is likely an increase of regulatory costs in excess of $1 million, and the rule must be submitted to the legislature for ratification.

D. Good faith estimates (numbers/types):

1. **The number of individuals and entities likely to be required to comply with the rule.** *(Please provide a reasonable explanation for the estimate used for the number of individuals and methodology used for deriving the estimate).*

There are approximately 400 permitting transactions each year.

2. **A general description of the types of individuals likely to be affected by the rule.**

Any entity (adjacent property owners, utilities, local governments, etc.) wishing to utilize, connect to, or make use of works and lands of the District.

E. Good faith estimates (costs):

1. **Cost to the department of implementing the proposed rule:**

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

☒ None. The department intends to implement the proposed rule within its current workload, with existing staff. The proposed revisions will result in cost savings (See Table H appended below).

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

2. **Cost to any other state and local government entities of implementing the proposed rule:**

☒ None. This proposed rule will only affect the department.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

3. **Cost to the department of enforcing the proposed rule:**

☒ None. The department intends to enforce the proposed rule within its current workload with existing staff.

It is noted that the rule modifications will result in fewer man hours for District paralegals and right of way technicians in processing. These savings are quantified under Table H appended.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

4. **Cost to any other state and local government of enforcing the proposed rule:**

☒ None. This proposed rule will only affect the department.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

F. **Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule.** *(Includes filing fees, cost of obtaining a license, cost of*

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

equipment required to be installed or used, cost of implementing processes and procedures, cost of modifying existing processes and procedures, additional operating costs incurred, cost of monitoring, and cost of reporting, or any other costs necessary to comply with the rule).

☒ None. The proposed rule revisions will result in cost savings to the District and to the regulated community. (See details in Attachment for Section H below.)

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S.

The proposed rule revisions will reduce regulation by allowing certain public works safety features (i.e., guardrails, lights, signage and other safety features associated with roadways and bridges) that currently would require a waiver of criteria. Also, deadlines for permit transfers will be eliminated, reducing the number of new permits to be processed.

(Includes:

- *Why the regulation is needed [e.g., How will the regulation make the regulatory process more efficient? Required to meet changes in federal law? Required to meet changes in state law?];*
- *The type of small businesses that would be subject to the rule;*
- *The probable impact on affected small businesses [e.g., increased reporting requirements; increased staffing; increased legal or accounting fees?];*
- *The likely per-firm regulatory cost increase, if any).*

A small business is defined in Section 288.703, F.S., as "...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than $5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the $5 million net worth requirement shall include both personal and business investments."

A small county is defined in Section 120.52(19), F.S., as "any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census." And, a small city is defined in Section 120.52(18), F.S., as "any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census."

The estimated number of small businesses that would be subject to the rule:

☐ 1-99 ☐ 100-499 ☐ 500-999

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

☐ 1,000-4,999 ☐ More than 5,000
☒ Unknown, please explain: No change. See Introductory Statement.

☐ Analysis of the impact on small business:

☐ There is no small county or small city that will be impacted by this proposed rule.

☐ A small county or small city will be impacted. Analysis:

☐ Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

H. Any additional information that the agency determines may be useful.

The District has quantified the cost savings (benefits) from the proposed rule revisions. These savings are documented within Table H – Cost Savings that shows the reduced number of fees (per the estimated impacted number of transactions) to the regulated community for transfers and waivers, and the reduction in District man hours (for paralegal and right of way technician time) for processing. The aggregate annual savings to both the regulated community (avoided transactional or regulatory costs) plus avoided public agency costs totals $9,147 per year. (See Table H-Cost Savings appended).

☐ None.

☒ Additional. See attached (Table H. – Cost Savings).

I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

☒ No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

☐ See attachment "A".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

☐ See attachment "B".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment "C".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment "D".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment "E".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

# # #

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Statement Of Estimated Regulatory Costs (SERC)

Table H - Cost Savings

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Statement Of Estimated Regulatory Costs (SERC)

Rule Revision	Description	Cost Savings to Regulated Community*			Cost Savings to District**						Yearly Savings (1+2+3)
					Paralegal			Right of Way Technician 2			
		Number of Transactions	Cost per Transaction	Cost Savings (1)	Hours	Cost per Hour	Cost Savings (2)	Hours	Cost per Hour	Cost Savings (3)	
Waivers 40E-6.221(1)	Safety features for public bridges & roads no longer require a waiver if constructed within 40' of top of bank & staging areas	5	$ 625.00	$ 3,125.00	2.00	$ 33.44	$ 334.40	4	$ 20.68	$ 413.60	$ 3,873.00
Transfers 40E-6.351(5)	Transfers requested after 18 months of change in ownership will be accepted - submittal of a new application and standard permit processsing fee will no longer be required	24	$ 75.00	$ 1,800.00	0.00	$ -	$ -	7	$ 20.68	$ 3,474.24	$ 5,274.24
											$ 9,147.24***

* Based on 2011
** Based on staff time saved
*** Cumulative Savings for 1 year

Attachment: 2013-02-21 SERC Checklist with SERC.pdf (1173 : Notice of Proposed Rule for ROW Permitting)

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Cost-Share Agreement for the Four Corners Area Hydrologic Restoration

Background:

Four Corners is a region in southwest Florida where Charlotte, Glades, Hendry, and Lee Counties come together at one place. Seasonal rains have historically resulted in localized drainage problems in the area, and numerous studies have resulted in alternatives to address the area's drainage. The objective of this project is to restore the hydrology of the Bob Janes Preserve and the Daniels Preserve at Four Corners. The work to be performed represents a portion of the overall project currently in progress to restore the hydrology of the Four Corners area.

The two Preserves consist of disturbed areas and natural communities, which have been impacted through hydrologic alterations and the growth of exotic invasive plants. These areas contain wet Flatwoods, cypress, agricultural land and other distressed natural communities. The existing wetlands are impacted from reduced hydro-periods.

The project will increase onsite surface water storage, which will provide downstream flood protection, water quality treatment, enhanced wetland systems and increased groundwater recharge.

Core Mission and Strategic Priorities

This item is consistent with District's core mission of flood control and environmental restoration.

Funding Source

This item is funded with Save Our Everglades Trust Fund and State Appropriation Funds in the amount of $205,000.

Staff Recommendation

Staff recommends entering into this agreement with Lee County for the Four Corners Area Hydrologic Restoration.

If you have any questions, please call me at extension 2110 or Tom Teets, Federal Policy Chief, at extension 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0303

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with Lee County for the Four Corners Area Hydrologic Restoration in the amount of $205,000, for which $175,964 in dedicated funds (Save Our Everglades Trust Fund and State Appropriation Funds) are budgeted for FY13 and the remaining $29,036 in dedicated funds (State Appropriations) is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002828) (EPC, Nestor Garrido, Ext. 6908)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a one year cost-share agreement with Lee County for the Four Corners Area Hydrologic Restoration Project in the amount of $205,000, for which $175,964 in dedicated funds (Save Our Everglades Trust Fund and State Appropriation Funds) are budgeted for FY13 and the remaining $29,036 in dedicated funds (State Appropriations) is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of Governor; **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 execution of a one year cost-share agreement with Lee County for the Four Corners Area Hydrologic Restoration Project in the amount of $205,000, for which $175,964 in dedicated funds (Save Our Everglades Trust Fund and State Appropriation Funds) are budgeted for FY13 and the remaining $29,036 in dedicated funds (State Appropriations) is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Grove Land Utility, LLC. Cost Share Agreement for the Grove Land Reservoir/STA Public/Private Partne

Agenda Item Description

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost-share agreement with Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership in the amount of $175,000, for which $125,000 in State appropriations is budgeted and $50,000 is unbudgeted, and authorize a transfer of ad valorem funds in the amount of $25,000 from Operations and Maintenance Program in the Engineering & Construction Bureau to the Coastal Watersheds Program in the Office of Everglades Policy & Coordination, and $25,000 in dedicated funds from St. John's River Water Management District.

Background

The Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership Project is funded through the St. Lucie River Issues Team Initiative; a 50-50% cost share program matching budgeted State appropriations with local government funds. The Issues Team consists of local stakeholders that prioritize and recommend turn-dirt water resource improvement projects to the State for funding. To date, the Issues Team's recommended projects have received over $63.7 million from the Florida Legislature and $2 million from the Federal Government. Over 114 individual projects totaling over $131,400,000 have been funded in Martin and St. Lucie counties.

Grove Land Utility, LLC, proposes to evaluate the feasibility of the Grove Land Reservoir and STA by assessing and comparing costs of the proposed reservoir with other available options; assessing water demand and price; and identifying other potential benefits and funding sources.

Core Mission and Strategic Priorities

This project supports the District's 10-Year Strategic Plan's Coastal Watersheds Program goal to restore coastal watersheds and estuaries through local initiatives and partnerships.

Funding Source

The total cost of this project is $250,000. This item is funded with dedicated State appropriations in the amount of $125,000, dedicated ad valorem funds in the amount of $25,000 and dedicated St. John's River Water Management District funds in the amount

of $25,000. The Grove Land Utility, LLC, is contributing $75,000 as a cost share partner.

Staff Recommendation
This item was reviewed and recommended by the St. Lucie River Issues Team. Staff recommends entering into this cost share agreement with Grove Land Utility, LLC, not only to continue a successful collaborative relationship, but as a cost effective means of carrying out essential habitat restoration and research projects within the Indian River Lagoon watershed.

If you have any questions, please Ernie Barnett at ext. 2110 or Temperince Morgan, at ext. 6987.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0304

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership in the amount of $175,000, for which $125,000 in State appropriations is budgeted and $50,000 is unbudgeted, and authorize a transfer of ad valorem funds in the amount of $25,000 from the Operations and Maintenance program in the Engineering & Construction Bureau to the Coastal Watersheds Program in the Office of Everglades Policy & Coordination and the remaining $25,000 in dedicated funds from St. Johns River Water Management District is subject to Governing Board approval of an amendment of the FY13 budget and approval by the Executive Office of the Governor; providing an effective date. (Contract Number 4600002831) (EPC, Kathy LaMartina, ext. 6594)

WHEREAS, the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership Project is funded through the St. Lucie River Issues Team Initiative; a 50-50% cost share program matching budgeted State appropriations with local government funds; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into an agreement with Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership Project in the amount of $175,000, for which $125,000 in State appropriations, $25,000 in District ad valorem are budgeted and $25,000 in St. John's River Water Management District funds are dedicated in FY13; **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 execution of a one year agreement with the Grove Land Utility, LLC, for the Grove Land Reservoir/Stormwater Treatment Area Public/Private Partnership Project in the amount of $175,000, for which $125,000 in State appropriations is budgeted and $50,000 is unbudgeted, and authorize a transfer of ad valorem funds in the amount of $25,000 from the Operations & Maintenance Program in the Engineering & Construction Bureau to the Coastal Watersheds Program in the Office of Everglades Policy & Coordination, and $25,000 in dedicated funds from , St. John's River Water Management District is subject to Governing Board approval of a budget amendment and approval by the Executive Office of Governor.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: 4600002830 Cost Share Agreement for the Heathcote Park/Virginia Avenue Canal Stormwater Retrofit

Agenda Item Description
A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost share agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/Virginia Avenue Canal Stormwater Retrofit for one year in the amount of $359,189, for which State appropriations are budgeted.

Background
The Heathcote Park/Virginia Avenue Canal Stormwater Retrofit Project is funded through the St. Lucie River Issues Team Initiative; a 50-50% cost share program matching budgeted State appropriations with local government funds; with no cost to the District. The Issues Team consists of local stakeholders that prioritize and recommend turn-dirt water resource improvement projects to the State for funding. To date, the Issues Team's recommended projects have received over $63.7 million from the Florida Legislature and $2 million from the Federal Government. Over 114 individual projects totaling over $131,400,000 have been funded in Martin and St. Lucie counties.

The Treasure Coast Resource Conservation & Development Council proposes to construct a treatment train of six different stormwater Best Management Practices (BMPs) on sixty acres of land jointly owned by St. Lucie County and the City of Fort Pierce to provide water quality benefits for 1,242 acres of highly developed urban area.

Core Mission and Strategic Priorities
This project supports the District's 10-Year Strategic Plan's Coastal Watersheds Program goal to restore coastal watersheds and estuaries through local initiatives and partnerships.

Funding Source
This item is funded with dedicated State appropriations in the amount of $359,189. The Treasure Coast Resource Conservation & Development Council will contribute $1,601,403 as a cost share partner.

Staff Recommendation
This item was reviewed and recommended by the St. Lucie River Issues Team. Staff recommends entering into this cost share agreement with the Treasure Coast Resource Conservation & Development Council not only to continue a successful collaborative relationship, but as a cost effective means of carrying out essential habitat restoration and research projects within the Indian River Lagoon watershed.

If you have any questions, please call Ernie Barnett at ext. 2110 or Temperince Morgan at extension 6987.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0305

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cost share agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/ Virginia Avenue Canal Stormwater Retrofit in the amount of $359,189, for which State appropriations are budgeted for FY13; providing an effective date. (Contract Number 4600002830) (EPC, Kathy LaMartina, ext. 6594)

WHEREAS, the Heathcote Park/Virginia Avenue Canal Stormwater Retrofit Project is funded through the St. Lucie River Issues Team Initiative; a 50-50% cost share program matching budgeted State appropriations with local government funds; with no cost to the District; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into an agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/Virginia Avenue Canal Stormwater Retrofit in the amount of $359,189, for which State appropriations are budgeted in FY13; **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 execution of a one year agreement with the Treasure Coast Resource Conservation & Development Council for the Heathcote Park/Virginia Avenue Canal Stormwater Retrofit in the amount of $359,189, for which State appropriations are budgeted in FY13.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: Approve the conveyance of a portion of District fee owned C-13 right of way

HIGHLIGHTS: The applicant, The City of Oakland Park, has requested that the District convey that portion of the C-13 right of way in Section 20, Township 49 South, Range 42 East, Broward County, being encroached by the existing pavement for N.W. 39th Street and containing 0.86 acres, more or less. The City of Oakland Park intends to make a clear separation between the N.W. 39th Street right of way and the remainder of the District's subject canal right of way.

CONSIDERATIONS: The conveyance of this fee owned canal right of way is in the best interest of the District and the public. The conveyance of the right of way interests will allow the County to complete necessary maintenance. Key staff members of the District reviewed the application and have no objections to the conveyance.

The conveyance will be subject to the following terms, conditions and requirements which must be satisfied to the satisfaction of the District:

a. Applicant must provide a legal description and sketch for transfer instrument, subject to District review and approval.
b. All costs associated with this transaction shall be paid for by the Applicant, including but not limited to all recording costs, and under no circumstances shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this transaction.
c. The Applicant shall obtain all necessary permits from the District, Broward County, and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, 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.
d. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (c.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2013.

FISCAL IMPACT: Said parcel was acquired by the Central and Southern Florida Flood Control District in 1953 at a cost of $279. An application fee of $1,000 has been paid by the applicant. Because this project is for the benefit of the public, the applicant is requesting that the District convey its interests at no cost, without reserving the District's right to mine and develop phosphate, minerals, metals and petroleum pursuant to Chapter 270.11, Florida Statutes.

AUTHORIZATION: Pursuant to Section 373.056, Florida Statutes, any water management district within this chapter shall have authority to convey or lease to any governmental entity, land or rights in land owned by such district not required for its purposes under such terms and conditions as the governing board of such district may determine.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of fee owned right of way interests containing 0.86 acres, more or less, to The City of Oakland Park at no cost; being a portion of the C-13 right of way, in Section 20, Township 49 South, Range 42 East, Broward County, and approve waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0306

A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of fee owned right of way interests containing 0.86 acres, more or less, to the City of Oakland Park at no cost; being a portion of the C-13 right of way, in Section 20, Township 49 South, Range 42 East, Broward County, and approve waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (OMC, Kathy Massey, ext. 6835)

WHEREAS, pursuant to a request from the applicant, The City of Oakland Park, the District has determined that it is in the interest of the District and the public to release a portion of its current fee owned right of way to make a clear separation between N.W. 39th Street right of way and the remainder of the District's subject canal right of way. The area to be conveyed contains 0.86 acres, more or less, within the C-13 right of way in Section 20, Township 49 South, Range 42 East, Broward County; and

WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that said 0.86 +/- acre parcel is not required by the District for present or apparent future use; and

WHEREAS, the applicant has requested that the District convey its interest at no cost and waive its reservation of phosphate, mineral, metal and petroleum rights pursuant to Section 270.11, Florida Statutes; and

WHEREAS, pursuant to Section 373.056, Florida Statutes, any water management district within this chapter shall have authority to convey or lease to any governmental entity, land or rights in land owned by such district not required for its purposes under such terms and conditions as the governing board of such district may determine.

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

Section 1: The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the subject portion of right of way and therefore hereby approves conveying 0.86 acres, more or less, located in Section 20, Township 49 South, Range 42 East, Broward County, C-13 project, to the applicant at no cost and without reserving any phosphate, mineral, metal or petroleum rights in the subject property pursuant to Section 270.11, Florida Statutes, provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion:

a. Applicant must provide a legal description and sketch for transfer instrument, subject to District review and approval.

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

c. The Applicant shall obtain all necessary permits from the District, Broward County, and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, 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.

d. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (c.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2013.

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the conveyance document. No conveyance document shall be delivered to the applicant, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such document must be recorded in the Public Records of Broward County.

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

PASSED and **ADOPTED** this 15th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

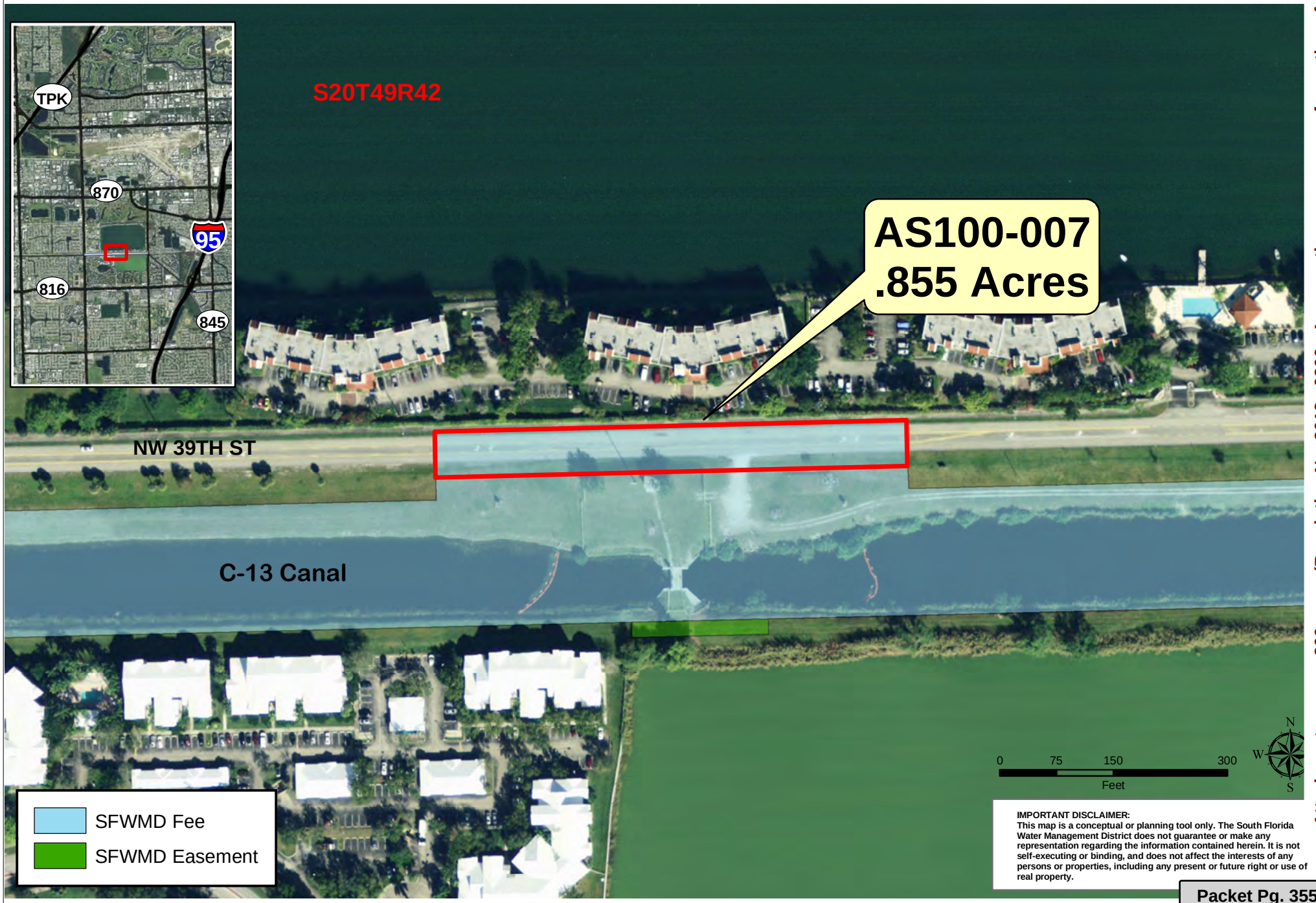
_____
Office of Counsel

Print name:

_____

AS100-007

City of Oakland Park - Broward County



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

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M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: Approving a Lease Agreement with Villas of Pinecrest Condominium Association Inc.

Background:
The District owns approximately 0.56 acres in Miami-Dade County, as depicted in Exhibit "A" attached hereto and made a part hereof (the "Lease Area"). The Lease Area is located along a portion of the C-2 right-of-way known as the Snapper Creek Canal. The Lease Area is immediately adjacent to the Villas of Pinecrest Condominium.

With respect to 0.20 acres of the Lease Area, the District initially entered into a July 28, 1992 Lease Agreement C-4141("Original Lease") with Villas of Pinecrest Condominium Association, Inc. (the "Association"), formerly known as Las Villas of Dadeland, Limited. The Original Lease was for use by the Villas of Pinecrest Condominium for tenant and guest parking and for the storage of garbage dumpsters. In connection with those uses, the Association constructed parking lot improvements. The initial lease term was for the period of July 28, 1992, through July 27, 2002, with the lease agreement providing for an additional ten year extension with a negotiated payment schedule through July 27, 2012. Lease Amendment No. 1, effective July 28, 2002, extended the Original Lease through July 27, 2007. Lease Amendment No. 2, effective July 28, 2007, extended the Original Lease through July 27, 2012. Subsequent to that, updated survey work revealed that the Association had mistakenly constructed the parking lot improvements over a total of 0.56 acres of the District's land. Therefore, when Lease Amendment No. 3 was done to extend the Original Lease for another six months through January 27, 2013, an additional 0.36 acres was added so that the leased area totaled 0.56 acres.

The District's current policy on administration of leases (SFWMD District Policies Code, Section 140-10(3)) does not allow leases for non-agricultural purposes to exceed ten years. The District's lease agreement with the Association has now cumulatively totaled twenty years, thus exceeding the maximum allowable cumulative total and requiring that a new lease be solicited and awarded.

Pursuant to lease procurement process, the District solicited bids for the parking lease for the Lease Area and the Association was the sole party to submit a bid.

How this helps meet the District's 10-year Strategic Plan:
The continued revenue from a lease is advantageous to the District. Over the ten year lease, the District will receive $182,510 in revenue.

Funding Source:
There are no District costs associated with this item.

This Board item impacts what areas of the District, both resource areas and geography:
The item will fall under the Land Resources Bureau in the Land Stewardship South Section in Miami-Dade County.

What concerns could this Board item raise?
There are no concerns regarding this Board item.

Why should the Governing Board approve this item?
The item will bring $182,510 in revenue to the District over the ten year period. These lands will need to be monitored by the Land Manager, not maintained by the District.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0307

A Resolution of the Governing Board of the South Florida Water Management District, approving a ten year parking lease agreement with Villas of Pinecrest Condominium Association, Inc. (Contract No. 4600002820) in the amount of $182,510 in Miami-Dade County; providing an effective date. (OMC, Dawn West, ext. 6947)

WHEREAS, the District owns approximately 0.56 acres, in Miami-Dade County, as depicted in Exhibit "A" attached hereto and made a part hereof (the "Lease Area"). The Lease Area is located along a portion of the C-2 right-of-way known as the Snapper Creek Canal. The Lease Area is immediately adjacent to the Villas of Pinecrest Condominium and has been leased by the Villas of Pinecrest Condominium Association, Inc. (the "Association") for parking by residents and guests of the Association; and

WHEREAS, the District and the Association desire to enter into a ten year parking lease; and

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

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

Section 1: The Governing Board of the South Florida Water Management District approves a ten year parking Lease Agreement with the Villas of Pinecrest Condominium Association, Inc. in the amount of $182,510.

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

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

PASSED and **ADOPTED** this _____ day of _____, 2013.

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

_____
Chairman

Attest:

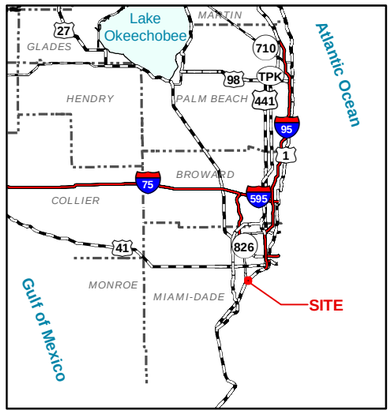
_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____



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March 14, 2013

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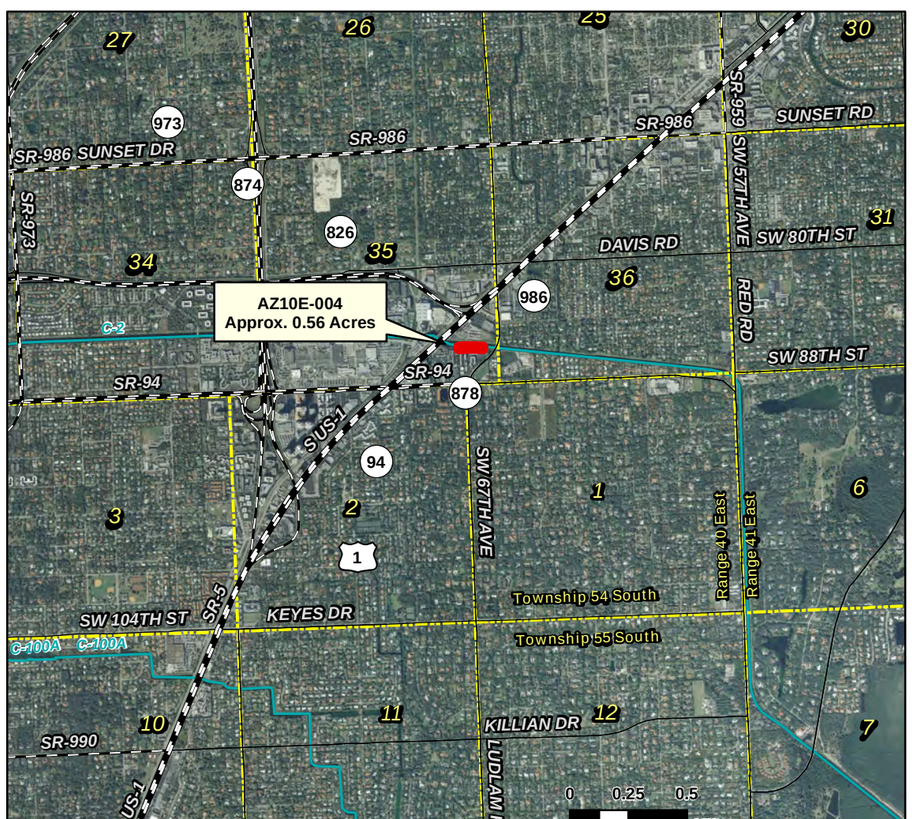
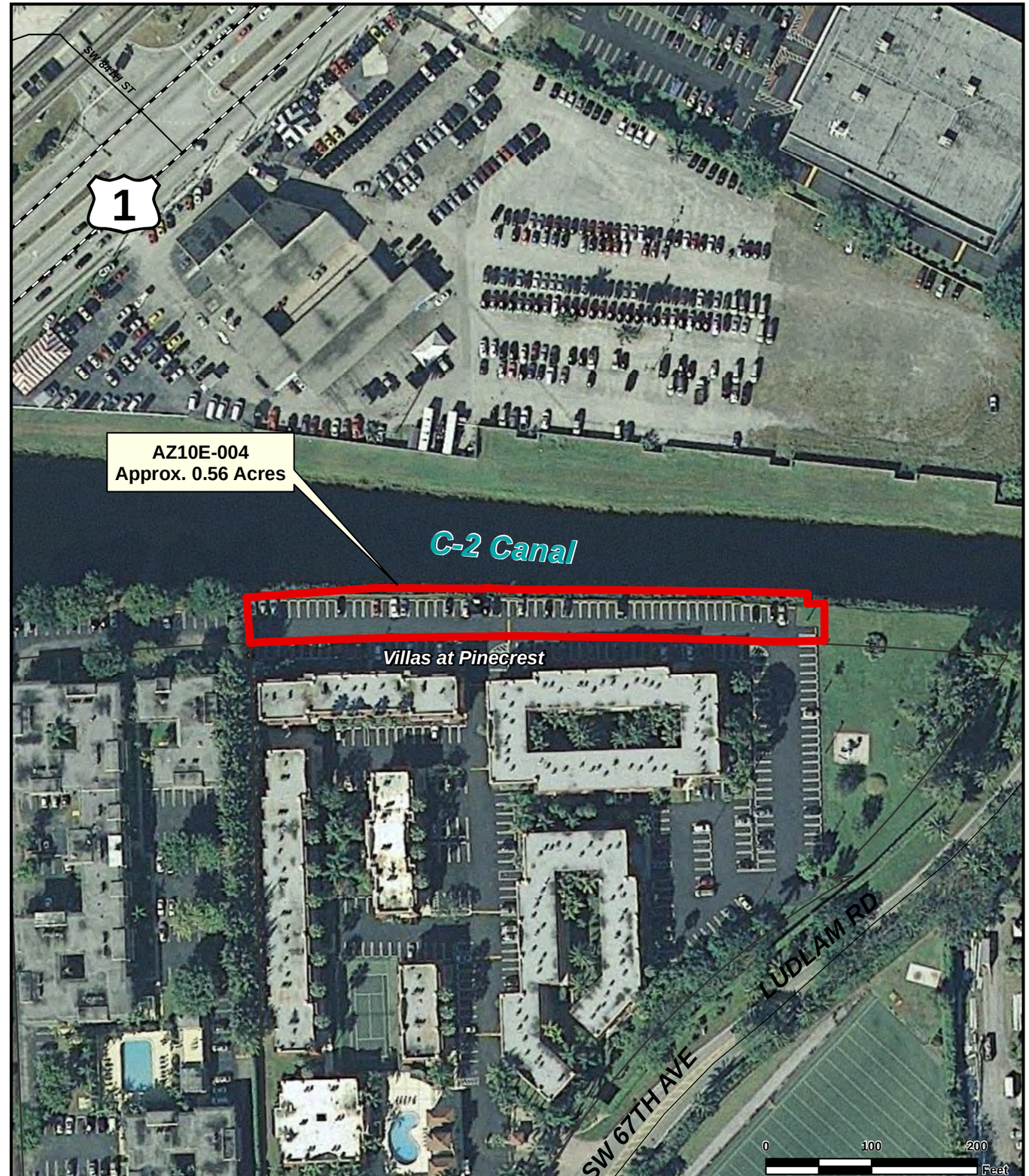
IMPORTANT DISCLAIMER:
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties,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





UPDATED
14-DEC-2012

Parking Lease - AZ10E-004
Miami-Dade County
Section 35
Township 54 South
Range 40 East

sfwmd.gov
South Florida Water Management District
Land Management Section - Real Estate
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800 - FL WATS 1-800-432-2045 - www.sfwmd.gov
MAILING ADDRESS: P.O. Box 24680 - West Palm Beach, FL 33416-4680

Attachment: ID 1158_ca_om_204_2012-12-14_map_smf_AZ10E-004 (Resolution No. 2013 - 0307 : Approving a Lease Agreement with Villas of

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: MOU - C4 Contract Number 4600002824

Background:
With the implementation of flood mitigation projects well under way, it is necessary to periodically update the C-4 Basin Operating Plan (the Plan) to provide guidelines for the District and affected municipalities so as to assist in achieving the benefits afforded by the improving system. This plan is an interim plan recognizing that not all project components have been completed at this time (e.g. floodwall, municipality pumps, etc.).

The purpose of this MOU is to define responsibilities among the South Florida Water Management District, Miami-Dade County, and the Cities of Miami, West Miami and Sweetwater, in order to reduce potential flooding and adverse water quantity impacts within the geographic area of all parties, C-4 Basin, and downstream areas. It is designed to be applied in the time period preceding, during, and immediately following storm events where excessive rain is expected. Included in the MOU is the acknowledgement that operation of the stormwater pumps may result in adverse flood impacts to property owners within the basin. The conveyance capacity of the C-4 Canal is limited and may not be able to accept the full combined flow of the stormwater pumps during heavy rainfall/flooding conditions. Therefore, by executing the MOU, all parties agree to coordinate the operation of each pump station so as to comply with the C-4 Basin Operating Plan to the extent possible.

In the event that the SFWMD determines that an emergency exists within its geographic jurisdiction, its Executive Director shall issue an emergency order which describes the conditions that are causing the emergency, and the corrective action necessary to minimize or abate the emergency condition, including requiring Local Governments to shut off the stormwater pump stations provided within this MOU. Actions pursuant to the SFWMD's emergency authority will supersede this MOU.

This agreement shall be effective for a period of ten (10) years beginning on the last date of execution of this agreement by all parties. The parties shall have an option to renew for another ten (10) year period effective upon mutual written consent of all parties.

Funding Source:
The execution of this MOU will not have any fiscal impact to the District.

This Board item impacts what areas of the District, both resource areas and geography:
This item is part of the Operations, Maintenance and Construction Division. It will impact areas in Miami-Dade County.

Why should the Governing Board approve this item?
It is recommended that the Governing Board approve the resolution authorizing the execution of a Memorandum of Understanding (MOU) between the South Florida Water Management District (SFWMD) and Miami-Dade County, the City of Miami, the City of West Miami, and the City of Sweetwater (collectively referred to as Local Governments) defining the operation of main pump stations discharging into the C-4 Canal.

If you have any questions, please contact me at ext. 6998.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0308

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding between the South Florida Water Management District, Miami-Dade County, and the cities of Miami, West Miami and Sweetwater, defining the operation of main pump station pumps discharging into the C-4 Canal; providing an effective date. (Contract Number 4600002824) (OMC, Tommy Strowd, ext. 6998)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a Memorandum of Understanding between the South Florida Water Management District, Miami-Dade County, and the Cities of Miami, West Miami and Sweetwater, defining the operation of main pump station pumps discharging into the C-4 Canal; providing an effective date. (Contract Number 4600002824) (Tommy B. Strowd, P.E., ext.6998) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 4600002824 between South Florida Water Management District, Miami-Dade County, and the Cities of Miami, West Miami and Sweetwater, defining the operation of main pump station pumps discharging into the C-4 Canal.

Section 2. This resolution shall take effect for a period of ten (10) years beginning on the last day of execution of this agreement by all parties.

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, MIAMI-DADE COUNTY, AND THE CITIES OF MIAMI, WEST MIAMI AND SWEETWATER, DEFINING THE OPERATION OF MAIN PUMP STATION PUMPS DISCHARGING INTO THE C-4 CANAL

Pursuant to Chapter 373, Fla. Stat., and the rules promulgated thereunder, this Memorandum of Understanding (MOU) defining the process for cooperation in the operation of the City of Miami (Miami), City of West Miami (West Miami), City of Sweetwater (Sweetwater) and Miami-Dade County (Miami-Dade) stormwater pump stations discharging to C-4 Canal (hereinafter called Stormwater Pumps) is entered into between the South Florida Water Management District (SFWMD) and Miami, West Miami, Sweetwater and Miami-Dade (collectively referred to as Local Governments), by mutual consent, and without this MOU constituting a waiver of any authority of the Local Governments and the SFWMD under Chapter 373, Fla. Stat.

PURPOSE

1. This MOU is designed to be applied in the time period preceding, during and immediately following storm events where excessive rain is expected in the geographic area of the Local Governments (hereinafter referred to as "major storm").

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

2. The purpose of this MOU is to define responsibilities for the cooperation among the parties to this agreement in order to reduce potential flooding and adverse water quantity impacts within the geographic areas of the Local Government, C-4 Basin and downstream areas.

FINDINGS OF FACTS

3. Miami is a local municipality subject to the provisions of [insert statutes and ordinances, etc.] Miami is the Applicant of ERP Permit Application No. 030311-10, which requests authorization for Miami to construct and operate a surface water management system including pump discharge to the C-4 Canal.

4. West Miami is a local municipality subject to the provisions of [insert statues and ordinances, etc.] West Miami is the Applicant of ERP Permit Application No. 030401-4, which requests authorization for West Miami to construct and operate a surface water management system including pump discharge to the C-4 and C-3 Canals.

5. Sweetwater is a local municipality subject to the provisions of [insert statues and ordinances, etc.] Sweetwater is the Permittee of ERP Permit Nos. 13-01660-P and 13-02009-P, which granted authorization for Sweetwater to construct and operate a surface water management system including pump discharge to the C-4 Canal.

6. Miami-Dade is a political subdivision of the State of Florida. Miami-Dade is the Applicant of ERP Permit Application No. 060525-24, which requests authorization for Miami-Dade to construct and operate a surface water management system including pump discharge to the C-4 Canal.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

7. The SFWMD is a public corporation of the State of Florida existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code, as a multipurpose water management district with its principal office at 3301 Gun Club Road, West Palm Beach, Florida, 33406. The SFWMD is authorized to enter into agreements pursuant to section 373.083, Fla. Stat.

8. The SFWMD has adopted the C-4 Basin Operating Plan (Operating Plan) for discharges into the C-4 Canal, a copy of which is attached as Exhibit "1", as may be amended by the SFWMD from time to time. The SFWMD believes that operation consistent with the Operating Plan will provide the best framework to reduce potential flooding and adverse water quantity impacts in the geographic area of the Local Governments, C-4 basin and downstream areas.

9. Local Governments acknowledge that the Operating Plan identifies the conditions in the C-4 basin under which Stormwater Pump operations could result in an increased risk of flooding in the C-4 Basin. Local Governments understand that under certain conditions, the operation of the Stormwater Pumps may result in adverse flood impacts to property owners within the basin.

10. Local Governments, as the operators of the Stormwater Pumps, acknowledge that the conveyance capacity of the C-4 Canal is limited and may not be able to accept the full combined flow of the Stormwater Pumps during heavy rainfall/flooding conditions.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

11. After notification by the SFWMD of the potential of a major storm event, Local Governments agree to coordinate with each other on the operation of each pump so as to comply to the extent possible with the Operating Plan.

12. The parties to this MOU fully understand that the available capacity of the C-4 Canal is limited and therefore requires cooperation between the parties regarding the operation of Stormwater Pumps during a major storm event. The parties additionally understand that the operation of the associated Stormwater Pump will not provide Local Governments with ideal drainage. Operation of the Stormwater Pumps by the Local Governments pursuant to the Operating Plan are intended to improve upon the drainage currently experienced by Local Governments but due to capacity constraints in the C-4 Canal, will not provide full drainage to their communities.

13. The parties acknowledge that pursuant to Rule 40E-4.451, Fla. Admin. Code: "Upon the (SFWMD's) determination that an emergency exists within its geographic jurisdiction or any part thereof, as defined in subsection (1)(b)(1-2), the Executive Director shall issue an emergency order which shall describe the conditions which are causing the emergency and the type of corrective action necessary to minimize or abate the emergency condition." Actions pursuant to the SFWMD's emergency authority will supersede this MOU.

Based on the foregoing Findings of Fact, the parties to this MOU have reached the following agreements,

NOW THEREFORE IT IS AGREED:

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

LOCAL GOVERNMENT RESPONSIBILITIES

14. Local Governments shall coordinate with each other in the operation of the Stormwater Pumps upon notification by the SFWMD of the expectation of a major storm event, the contacts listed herein, or their designees, shall meet as soon as reasonably practicable to discuss cooperative operation of the Local Governments' pumps in order to reduce flooding and adverse water quantity impacts within the geographic area of the Local Governments, C-4 Basin and downstream areas. These discussions shall include a consideration of the Operating Plan.

15. Local Governments shall provide and maintain locks on the control mechanism for their respective Stormwater Pumps to prevent their unauthorized operation.

16. Local Governments shall prohibit and otherwise prevent unauthorized operation of the Stormwater Pumps. Local Governments shall maintain a record or log of the operation of the Stormwater Pumps. The record or log may be kept manually or electronically and shall provide an accurate record of times, dates and periods that the Stormwater Pumps are in operation.

17. Local Governments acknowledge that as a result of the operation of the Stormwater Pumps adverse impacts prohibited by the applicable Permit(s), Chapter 373, Fla. Stat., or the SFWMD rule, may occur to either the water resources or other C-4, C-3, C-2 Canal or downstream system users. Each Local Government operating the pumps shall be responsible for any liability or claims of liability resulting from the operation of the pumps by such Local Government, except when performed under the

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

direction of the Executive Director of the SFWMD via an emergency order pursuant to rule 40E-4.451, Fla. Admin. Code.

18. Local Governments shall be the sole contact with the SFWMD for the operation of the Stormwater Pumps. It shall be the obligation of the Local Governments to inform the residents of their respective communities of the provisions of this MOU.

19. Local Governments shall require their respective staff to review and become familiar with the terms and conditions of the Permit(s), this MOU and the Operating Plan.

20. If any other regulatory agency requires changes to the construction or operation of the Stormwater Pumps, the Local Government shall notify the SFWMD in writing of the changes prior to implementation so that a determination can be made as to whether or not a modification to the Permit(s) or this MOU or both is required. Changes requiring a modification to the Permit(s) or this MOU or both shall not be implemented until the modification is approved by the SFWMD.

21. This MOU does not obviate the necessity to obtain any required federal, state, local and special district authorizations prior to the commencement of any activity authorized by the Permit(s) or this MOU. This MOU neither creates nor otherwise conveys to Local Governments any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by Local Governments, nor does it convey any rights or privileges other than those specified in the MOU, the Permit(s), and Chapter 40E-4 or Chapter 40E-40, Fla. Admin. Code.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

22. Each Local Government hereby agrees to indemnify and hold harmless the SFWMD to the extent and within the limitations of Section 768.28, Fla. Stat., from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of the operation of the Stormwater Pumps by such Local Government, except for any such actions performed under the direction of the Executive Director of the SFWMD via an emergency order pursuant to Rule 40E-4.451, Fla. Admin. Code.

SFWMD RESPONSIBILITIES

23. The SFWMD agrees to install telemetry that will provide operating information on the stormwater pumps referenced herein to the SFWMD's West Palm Beach Control Room. Telemetry shall be installed based on available funding. The SFWMD shall make this telemetry information available electronically on the SFWMD's website.

24. The SFWMD agrees to provide email and telephone notification to the contacts listed herein of the Local Governments of the expectation of a major storm event.

JOINT RESPONSIBILITIES

25. Not later than thirty (30) days after the effective date of this MOU, Local Governments shall each designate, in writing, a principle contact person to coordinate operation of the Stormwater Pumps. Each Local Government shall provide the SFWMD contact person with a list of contacts and contact information in writing prior to the 1st day of May of each year for the term of this MOU.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

26. The parties shall meet at least annually to assess whether the operation of the Stormwater Pumps has resulted in any adverse impacts to the C-4 Basin and downstream areas.

27. This MOU may be amended only by mutual written agreement of all of the parties to this agreement.

MISCELLANEOUS PROVISIONS

28. This agreement shall be effective for a period of ten (10) years, beginning on the last date of execution of this agreement. The parties shall have an option to renew this agreement for another ten (10) year period effective upon mutual written consent of all of the parties. At no point should this agreement be extended beyond the expected and/or actual life of the system and/or its critical components.

29. Any party may terminate this Agreement without cause by providing written notice of termination to the other parties not less than sixty (60) days prior to the intended date of termination.

30. This MOU, together with the Operating Plan, incorporates, embodies and expresses all agreements and understandings regarding the Stormwater Pumps between the SFWMD and Local Governments and may not be altered except as authorized herein.

31. This MOU shall not constitute a waiver of the SFWMD's regulatory jurisdiction, nor be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this MOU, the Permit(s) and the Operating Plan.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

32. Nothing in this MOU, whether expressed or implied, is intended to confer upon any person other than the Parties hereto any rights or remedies under or by reason of this MOU.

33. There shall be no waiver of any right contained in this MOU unless in writing signed by the party waiving such right. No delay or failure to exercise a right under this MOU shall impair such right or be construed to be a waiver thereof. Any waiver shall be limited to the particular rights so waived and shall not be deemed a continuing waiver of the same right or of any other right under this MOU.

34. The invalidity of one or more of the terms or conditions contained in this MOU shall not affect the validity of the remaining portion of the MOU provided that the material purposes of this MOU can be determined and effectuated. In the event of a conflict between the provisions of this MOU and the Permit(s), the provisions of the Permit(s) shall prevail.

35. A notice of rights is attached hereto and made a part hereof as Exhibit "2."

[This space intentionally left blank. Signature block and certifications to follow.]

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed in counterpart originals by their duly authorized representative(s) on the last day and year noted below.

Passed and approved by the City Commissioners of the City of Miami, Florida, this _____ day of _____, 2011.

ATTEST:

BY: _____
Name
Title

CITY OF MIAMI

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Passed and approved by the City Commissioners of the City of West Miami, Florida, this _____ day of _____, 2011.

ATTEST:

BY: _____
Name
Title

CITY OF WEST MIAMI

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Passed and approved by the City Commissioners of the City of Sweetwater, Florida, this _____ day of _____, 2011.

ATTEST:

BY: _____
Name
Title

CITY OF SWEETWATER

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Passed and approved by the Board of County Commissioners of Miami-Dade County, Florida, this 13th day of February, 2013.

ATTEST:

BY: _____
Name
Title

MIAMI-DADE COUNTY

BY: _____
Name Alina T. Hudak
Title Deputy Mayor

LEGAL FORM APPROVED

BY: _____
Name
Title

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Executed by the South Florida Water Management District this _____ day of _____, 2011.

ATTEST:

BY: _____
District Secretary

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT BY
ITS GOVERNING BOARD

BY: _____
Melissa Meeker, Executive Director

LEGAL FORM APPROVED

BY: _____
Name
Title

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

MIAMI DADE COUNTY FLOOD MITIGATION PROGRAM
C-4 BASIN

C-4 BASIN OPERATING PLAN

Prepared by:

South Florida Water Management District
August 5, 2011

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

EXHIBIT 1

1.0 BACKGROUND

With the implementation of flood mitigation projects well under way, it is necessary to periodically update the C-4 Basin Operating Plan (the Plan) to provide guidelines for the District and affected municipalities so as to assist in achieving the benefits afforded by the improving system. This plan is an interim plan recognizing that not all project components have been completed at this time (e.g. floodwall, municipality pumps, etc.). The Plan will need to be updated to take into account all project components upon completion of all construction.

2.0 OBJECTIVES

It is necessary to make clear that projects already implemented and those under implementation will not provide the full level of flood protection that would be ideal for the local communities, namely the ability to handle a 100 year storm frequency without flooding finished floors. Nevertheless, the proposed projects will have the potential to increase the current level of flood protection in the affected communities.

The objective of the Plan is to develop guidelines which will assist in achieving the benefits afforded by the improved system. In order to do this, the system must be operated in a way that is most effective for all communities served by the C-4. It is important that emergency components, such as the Emergency Detention Basin, not be operated more often than necessary since early filling of the Detention Basin could make it unavailable for receiving additional water if the storm event is prolonged. Additionally, the systems must be operated so as not to adversely impact other communities along the C-4 Canal and the Miami River. Therefore these structures will be operated based on canals stages, information that is available on near real time basis. Stages will be monitored at several locations as identified in the table below.

STAGE MONITORING SITES

Project Component	Stage Monitoring Station	Description
C-4 Canal	T5	Near the Turnpike.
	C4 Coral	Near Palmetto Expressway.
	S-25B	Structure S-25B.
Emergency Detention Basin	G-420	Inflow pump station.
	G-422	Inflow pump station.
Miami River	MRMS1	South of intersection of C-4 Canal and Miami River.

All of these stage monitoring stations are shown on Figure 1. In the future, pumping from the municipalities will be automatically reported to the District's West Palm Beach Control Room via telemetry systems installed at all municipal pumps discharging to SFWMD canals.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

3.0 SYSTEM COMPONENTS

The C-4 Basin consists of a main canal: the C-4 Canal; associated lateral discharge canals that have an open connection to the C-4 Canal: C-2 Canal (Snapper Creek), C-3 Canal (Coral Gables) and the C-5 (Comfort Canal); and a series of original structures with flood protection and water supply functions: S-380, S-25, S-25A, S-25B, G-93 (C-3 Canal) and S-22 (C-2 Canal) all of which are shown on attached Figure 1.

The new structures in the system, added as part of this program, include the S-25B Forward Pump Station, G-420 Pump Station, G-421 Outlet Spillway, G-422 Inflow Pump Station, and G-423 Interbasin Transfer Structure.

Historically, the system discharges to the east through the C-4 Canal, which in turn discharges into the Miami River and Biscayne Bay. Discharges from the C-4 into the Miami River are mostly through the S-25B gated spillway structure. Discharges into the Miami River are also made through S-25A gated culverts and S-25 gated culverts both located in the C-5 Canal (Comfort Canal). When conveyance capacity is available, additional discharges from the C-4 Canal can be routed to the ocean through the C-2 Canal (Snapper Creek) and structure G-93, and through the C-3 Canal (Coral Gables) and structure S-22. (Reference Figure 1 for locations).

The additional components of the system are also shown in Figure 1 and include the following:

- S-25B Forward Pump Station
- S-26 Forward Pump Station
- C-4 Emergency Detention Basin Phase I which includes the G-420 Inflow Structure and G-421 Outlet Spillway
- C-4 Emergency Detention Basin Phase II including G-422 Inflow Pump Station and G-423 Interbasin Transfer Structure

4.0 OPERATING PLAN FOR C-4 BASIN

The operating plan for the existing structures (S-25, S-25A, S-25B, G-93, and S-22) is incorporated into this report as part of Appendix 1.

In the event of a storm the system will be operated as follows:

1) Discharges in C-4 shall continue to flow in the historic manner, that is, be routed towards the east to S-25, S-25A, and S-25B.

2) Consistent with past practices, discharges are also routed south and east through the C-2 (Snapper Creek) and C-3 (Coral Gables Canal) if conveyance capacity in these systems is available. These systems will continue to be used so long as conveyance capacity exists without impacting the respective basin discharges.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

3) Both S-25B and S-26 forward pumps will be operated when the water level in Canal C-4, as measured at T5, rises above 4.0 feet and discharges through S-25B gates are limited to less than 600 cfs by high tide.

4) Both S-25B and S-26 forward pumping will stop once gravity discharges through the structures exceed 600 cfs or when the stage in the Miami River as measured at MRMS1 monitoring station equals or exceeds elevation 4.75' NGVD.

5) Once the stage at T5 stage monitoring station reaches a minimum elevation of 4.80' NGVD, all 3 pumps at G-420 (total 669 cfs) should be turned on, and pumping into the Emergency Detention Basin shall begin. G-423 will be opened fully at this time as well. Pumping into the Emergency Detention Basin will increase to 936 cfs (3 pumps on at G-420 and 3 pumps on at G-422) when stage at T5 increases to elevation 5.00' NGVD and to a maximum of 1,292 cfs (G-420 with 3 pumps = 669 cfs plus G-422 with 7 pumps = 623 cfs) if stage at T5 remains above elevation 5.20' NGVD.

6) When the stage at the T5 stage monitoring station reaches a minimum elevation of 4.80' NGVD, S-380 will be partially closed to limit discharges through only one culvert barrel. Therefore, 4 of the 5 culvert gates will be closed completely. Should the stage at T5 increase to 6.5' NGVD all gates at S-380 will be closed until the stage at T5 recedes to 6.0' NGVD.

7) Flood pumping into the Emergency Detention Basin shall continue until at least one of the following conditions occurs:

   a. Stages in the Emergency Detention Basin have reached elevation 8.0' NGVD and stages at T5 begin to recede below elevation 5.90' NGVD (also see note below) or;
   b. The stage immediately upstream of the G-420 pump station is at or below elevation 4.20' NGVD or;
   c. Stages at T5 show a receding trend evidencing that the rest of the system can handle and convey the inflows from the C-4 to tide or;
   d. The stage in the Emergency Detention Basin has reached a maximum elevation 10.00' NGVD;

   NOTE: When stages in the Emergency Detention Basin are at 8.00' NGVD (half full), the District will temporarily terminate pumping allowing the C-4 Canal stages at T5 to increase up to elevation 6.50' NGVD. If the stage at T5 rises to 6.5' NGVD, then pumping into the Detention Basin will resume until T5 stages recede or the Emergency Detention Basin is full (elevation 10.0' NGVD).

8) Once a stage between 9.5 to 9.8 feet-NGVD has been reached in the Emergency Detention Basin, Miami-Dade County and the Cities of Miami, Sweetwater, and West Miami will be notified to terminate pumping until advised by the District that conditions in the primary system have improved and they may resume pumping. The

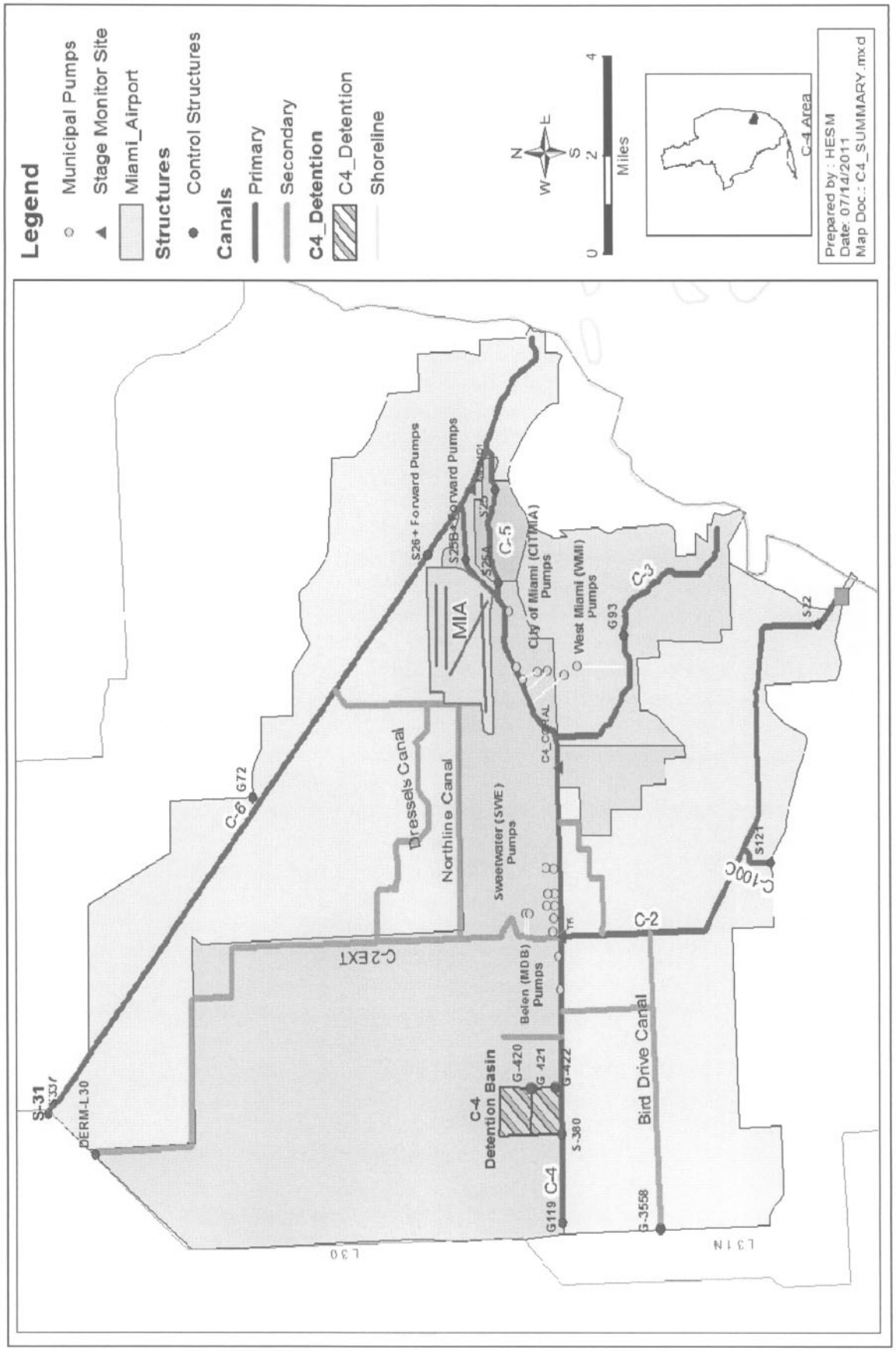
Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

stage for notification within the 9.5 to 9.8 feet range will be based on potential for rainfall and rate of rise of the Emergency Detention Basin. Resumption of pumping may be limited to a partial capacity until conditions in the C-4 Canal improve to allow incrementally greater or full capacity.

9) The District will consider commencing discharges out of the Emergency Detention Basin through structure G-421 once the storm event has passed and the stage at T5 recedes to elevation 5.50' NGVD. The discharges will be regulated so as to not overtax the C-4 Canal. Gate operations will be performed while monitoring stages at T-5 and C4 Coral stage monitoring stations and maintaining a maximum stage of 5.5' at T5. If the stages in the C-4 Canal allow it (T5 stage is at elevation 5.50' NGVD and trend is receding), the gate opening may be increased, until the system is discharged completely. Once the Emergency Detention Basin has been emptied, the S-380 structure may be fully opened to drain the area west of S-380 down to a stage of 4.0'NGVD.

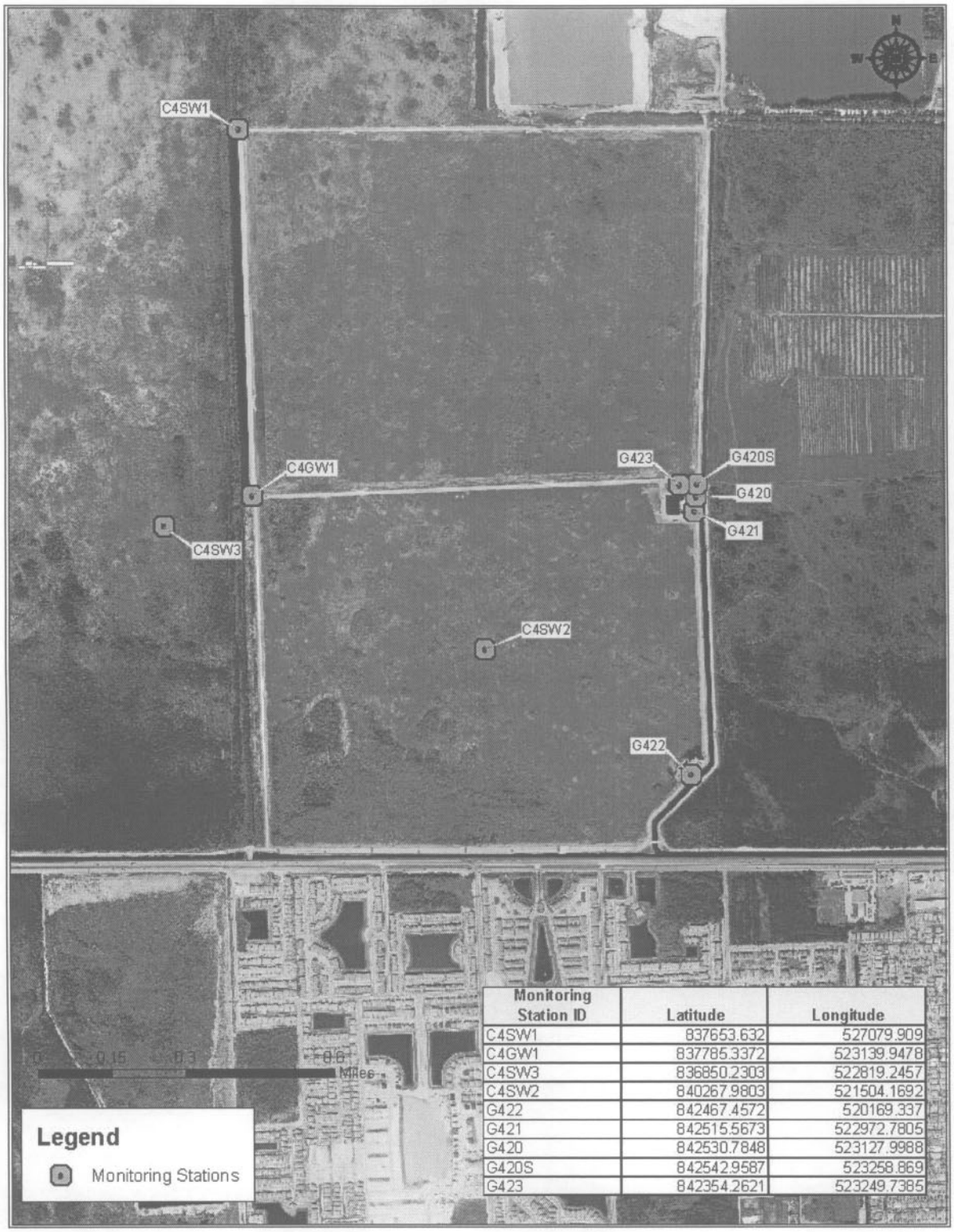
Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

FIGURE 1: C-4 BASIN COMPONENTS



Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

FIGURE 2: C-4 EMERGENCY DETENTION BASIN MONITORING STATIONS



Monitoring Station ID	Latitude	Longitude
C4SW1	837653.632	527079.909
C4GW1	837785.3372	523139.9478
C4SW3	836850.2303	522819.2457
C4SW2	840267.9803	521504.1692
G422	842467.4572	520169.337
G421	842515.5673	522972.7805
G420	842530.7848	523127.9988
G420S	842542.9587	523258.869
G423	842354.2621	523249.7385

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APPENDIX 1

EXISTING STRUCTURES OPERATING PLAN

STRUCTURE 25B

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates. Operation of the gates is automatically controlled. The structure is located in the City of Miami immediately downstream of the Le Jeune Road crossing of the Tamiami Canal, C-4.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 4 (Tamiami Canal); it passes the design flood (the Standard Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be automatically operated to maintain, as close as possible, the optimum headwater elevation of 2.8 feet. The gates will operate to maintain the optimum upstream water surface elevation as follows:

When the headwater elevation rises to 3.0 feet, the gates will open at six inches per minute;

When the headwater elevation rises or falls to 2.8 feet, the gates will become stationary;

When the headwater elevation falls to 2.0 feet, the gates will close at six inches per minute.

During periods of high flow, in order to prevent flooding to the west, a low automatic setting is used. The low setting functions as follows:

When the headwater elevation rises to 2.0 feet, the gates will open at six inches per minute;

When the headwater elevation rises or falls to 1.5 feet, the gates will become stationary;

When the headwater elevation falls to 1.0 feet, the gates will close at six inches per minute.

Excess gate "yo-yo" action at the low setting has been experienced.

A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation where the upstream float sensor indicates that the gate should open.

One gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate level, as it often does, this gate will close. Whenever the headwater stage rises to the gate open level, the other gate will open in a similar manner.

Revised 1/21/03

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level, in the event of a high flood tide, whenever the differential between the head and the tailwater pool elevation reaches 0.3 feet.

FLOOD DISCHARGE CHARACTERISTICS

	Design (Standard Project Flood)
Discharge Rate	2,000 c.f.s.
	100 %SPF
Headwater Elevation	4.4 feet
Tailwater Elevation	4.1 feet
Type Discharge	uncontrolled
	submerged

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gated spillway

Weir Crest

Net Length 44.0 feet

Elevation -7.9 feet

Service bridge elevation 8.7 feet

Water level which will by-pass structure 5.7 feet

Gates

Number 2

Size 11.9 feet high by 22.8 feet wide

Type Vertical lift gates

Bottom elevation of gates, full open 5.7 feet

Top elevation of gates, full closed 4.0 feet

Revised 1/21/03

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Control Automatic, on-site upstream control with override differential water surface control sensed by bubble system and remote computer control

Lifting Mechanism

Normal power source commercial electricity

Emergency power source LP gas driven generator

Type hoist hydraulic cylinder activated by electric motor driven pump with emergency hand pump; connected to gate by steel cables.

ACCESS: to the structure is gained by a short access road (about 600 feet) from N.W. 21st Street just east of Le Jeune Road in the City of Miami.

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water level: Remote digital headwater and tailwater recorders

Gate Position Recorder: Remote digital recorder on both gates

Revised 1/21/03

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

DEWATERING FACILITIES

Storage Needles at Miami Field Station; beams at West Palm Beach Field Station

Type Needle beams and vertical aluminum needles

Size and number (per bay)

Upstream and Downstream

Number 2 beams

Size beam needles 20 feet long

Revised 1/21/03

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-25B

Date Revised	
07-02	Field Station Revisions: • No review
1/21/03	Operations Revisions: • Review completed. Change as follows: • Under "Operation" delete: ~~Four manually operated auxiliary gates on overflow slots in each main gate were provided to control small discharges before the optimum upstream stage is exceeded. These gates are seldom used, however, because of saline intrusion through the open gates at high tide~~. The ~~main~~ gates will operate to maintain the optimum upstream water surface elevation as follows: • ~~This setting is needed whenever the stage at the junction of C-4 and C-2 (T-5) exceeds 4.00.~~ • Under "Gates" delete: Type ~~Vertical lift gates with four manually operated auxiliary gates on each main gate, each having a clear opening of 1 foot 6 inches high by 4 feet 6 inches wide, and a sill elevation of 1.5 feet.~~ • Under "Water level" change: ~~On-site, analog and~~ remote digital headwater and tailwater recorders • Under "Gate Position Recorder": ~~On-site, analog recorder on Gate #2;~~ remote digital recorder on both gates

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

STRUCTURE 26

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates driven by overhead horizontal hydraulic cylinders. Operation of the gates is automatically controlled. The structure is located in the City of Miami at the NW 36th Street crossing of the Miami Canal, C-6.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 6 (Miami Canal); it passes the design flood (the Standard Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be automatically operated to maintain, as close as possible, the optimum headwater elevation of 2.5 feet. The gates will operate to maintain the optimum upstream water surface elevations as follows:

When the headwater elevation rises to 2.8 feet, the gates will open at six inches per minute.

When the headwater elevation rises or falls to 2.5 feet, the gates will become stationary.

When the headwater elevation falls to 2.3 feet, the gates will close at six inches per minute.

During extreme flood events, the structure is placed on a low range operation as follows:

When the headwater elevation rises to 1.7 feet, the gates will open at six inches per minute.

When the headwater elevation rises or falls to 1.6 feet, the gates will become stationary.

When the headwater elevation falls to 1.2 feet, the gates will close at six inches per minute.

A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation. During this operation, when the upstream float sensor indicates that the gates should open, one gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate close level, as it often does, this gate will close. Whenever the headwater stage again rises to the gate open level, the other gate will open in a similar manner.

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level in the event of a high flood tide, whenever the differential between the

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

head and the tailwater pool elevation reaches 0.3 feet.

FLOOD DISCHARGE CHARACTERISTICS

	Design (Standard Project Flood)
Discharge Rate	3470 cfs
	100% SPF
Headwater Elevation	4.4 feet
Tailwater Elevation	3.9 feet
Type Discharge	uncontrolled submerged

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gates spillway

Weir Crest

Net length 52.0 feet

Elevation -10.1 feet

Service Bridge Elevation 8.4 feet

Water level which will by-pass structure 5.5 feet

Gates

Number 2

Six 14.1 feet high by 26.0 feet wide

Type Vertical lift gates

Control Automatic, on-site upstream control with override differential water surface control sensed by bubbler system and remote computer control.

Bottom elevation of gates, full open 5.4 feet

Top elevation of gates, full closed 4.0 feet

Lifting mechanism

Revised 1/21/2003

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Normal power source Commercial electricity

Emergency power source LP gas driven generator with automatic transfer switch

Type hoist Hydraulic cylinder actuated by electric motor driven pump, with emergency hand pump; connected to gate by steel cables.

ACCESS: The structure is located about 150 feet northeast of NW South River Drive just downstream from NW 36th Street, City of Miami.

HYDRAULIC & HYDROLOGIC MEASUREMENTS

Water Level Remote digital upstream and downstream recorders.

Gate Position Recorder Remote digital recorder on both gates.

Rain Gauge Remote digital recorder

DEWATERING FACILITIES

Storage Needles at Miami Field Station; beams at West Palm Beach Field Station

Type Needle beams and vertical aluminum needles

Size and Number (per bay)

Upstream and Downstream

Number 2 beams

Size Beam 27WF84 with ends cut down to 18", length 27' - 11" needles 20' long

Revised 1/21/2003

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-26

Date Revised	
07-02	Field Station Revisions: • No Changes
1/21/03	Operations Revisions: • Review completed. Under "Water Level" change: • ~~On-site analog, on-site digital (U.S.G.S.), and~~ remote digital upstream and downstream recorders.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

STRUCTURE 22

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates. Operation of the gates is automatically controlled so that the gate system opens or closes the gates in accordance with the seasonal operational criteria. The structure is located near the mouth of Canal 2 about 7000 feet from the shore of Biscayne Bay.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 2; it passes the design flood (100 percent of the Standard Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be operated to maintain an optimum headwater elevation of 2.9 feet, when sufficient water is available to maintain this level. The automatic controls function as follows:

When the headwater elevation rises to 3.5 feet, the gates will open at six inches per minute;

When the headwater elevation rises or falls to 2.9 feet, the gates will become stationary;

When the headwater elevation falls to 2.5 feet, the gates will close at six inches per minute.

Salinity Regulation

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level in the rare event of a high flood tide, whenever the differential between the head and tailwater pool elevations reaches 0.3 feet. A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation. During this operation, where the

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

upstream float sensor indicates that the gate should open, one gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate close level, as it often does, this gate will close. Whenever the headwater stage again rises to the gate open level, the other gate will open in a similar manner.

In response to heavy rainfall, headwater elevation may be lowered until the storm has passed.

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge Rate	1915 cfs
	100% SPF
Headwater Elevation	3.5 feet
Tailwater Elevation	2.7 feet
Type Discharge	uncontrolled submerged

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gated spillway

Weir Crest

Net Length 34.0 feet

Elevation -11.0 feet

Service Bridge Elevation 8.5 feet

Water level elevation which will by-pass structure 7.5 feet

Gates

Number 2

Size 15.0 feet high X 17.7 feet wide

Type vertical lift

Bottom elevation of gates full open 4.0 feet

Top elevation of gates full closed 4.0 feet

Revised 11/14/1997

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Control Automatic, on-site upstream control with override differential water surface control sensed by bubbler system and remote computer controlled.

Lifting mechanism

Normal power source commercial electricity

Emergency power source LP gas powered electric generator

Type hoist direct drive electric motor, gear connected to cable drum

Date of Transfer: June 25, 1956

ACCESS: The structure is located adjacent to Red Road (57th Avenue) across the street from Parrot Jungle.

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water Level Remote digital upstream and downstream recorders.

Gate Position Recorder Digital remote recorder on both gates.

DEWATERING FACILITIES

Storage needles at Miami Field Station, beams at West Palm Beach Field Station

Type needle beams and vertical aluminum needles

Size and number (per bay)

Upstream and Downstream

Number 1 beam; needles, 5 @ 4', 1 @ 3', 1 @ 2' wide

Size Beam 14WF78, length 18' -10"

Needles 20' long

Revised 11/14/1997

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-22

Date Revised	
07-02	Field Station Revisions: • No Changes
1/16/03	Operations Revisions: Review completed. Change as follows: • Water Level: ~~On-site analog, on-site digital (U.S.G.S.), and~~ remote digital upstream and downstream recorders. • Gate Position Recorder: ~~On-site analog recorder on #1 gate and~~ digital remote recorder on both gates.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

G-93
CORAL GABLES CONTROL STRUCTURE

This structure is a reinforced concrete, gated spillway on the Coral Gables Canal (C-3) at Red Road in the City of Miami. The discharge is controlled by two vertical lift gates. Operation of the gates is manually controlled. An automatic device has not been installed due to the possibility of injury to manatees. The structure replacement was completed in January 1990.

PURPOSE

This structure maintains optimum upstream water control stages; it passes the design flood flows, resulting from a 10-year storm (about 40% of the Standard Project Flood), plus a small discharge from the C-4 basin, without exceeding the upstream flood design stage and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure together with S-25B on the Tamiami Canal (C-4) is operated to maintain the optimum headwater elevation of 2.8 feet. Since this structure is manually operated, required releases are normally made by S-25B. During storm events, the gates will be opened.

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge Rate	640 cfs
	40% SPF
Headwater Elevation	4.5
Tailwater Elevation	3.0
Type Discharge	Submerged Controlled

DESCRIPTION OF STRUCTURE

Type: Fixed crest reinforced concrete gated spillway

Weir Crest

Net Length:	20.0 feet
Elevation:	-1.8 feet
Service Bridge Elevation:	7.58 feet

Revised 11/18/1997

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Water Level Which Will Bypass Structure: 6.0 feet

Gates:

Number: 2

Size: 5 feet high by 10 feet wide

Type: Vertical Lift Roller Gate

Control: Manual

Bottom elevation of gate full open 6.7 feet

Top elevation of gate full closed 3.2 feet

Lift Mechanism

Normal Power Source: Commercial Electricity

Emergency Power Source: LP Gas power generator

DEWATERING FACILITIES

Storage Miami Field Station

Type Galvanized beams

Size Two W8 X 24 beams, each 10' 10" long

HYDRAULIC AND HYDROLOGY MEASUREMENTS

Water Level Remote digital headwater and tailwater recorders

Gate Position Remote digital recorder on all gates

Revised 11/18/1997

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
G-93

Date Revised	
07-02	Field Station Revisions: • No Changes
12-26-02	Operations Revisions: • Review Completed - no changes as of 11/18/97

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

TRAIL GLADES CULVERT
G-119

This structure is a double-barreled, corrugated metal pipe culvert located on the Tamiami Canal about 1/4 mile east of the Krome Avenue crossing of the Tamiami Canal 19 miles west of Miami. Control is effected by manually operated sluice gates mounted on a frame erected on the upstream or west end of the structure.

PURPOSE

This structure permits supplemental deliveries from Conservation Area 3 to supply water needs in eastern Dade County via the L-30 or L-29 canals. It also can be used to discharge limited quantities of excess water from Conservation Area 3A or from the L-31N, L-29 and L-30 drainage basins east and south of Conservation Area 3B when capacity is available in the Tamiami Canal.

OPERATION

This structure is operated to make supplemental deliveries to East Dade County. Such releases are initiated when the headwater stage at either S-25B or S-22 falls below the optimum stage of 2.0 during dry periods.

The structure may also be used to make flood releases when downstream conditions will not be aggravated (when the stage at T-5 the junction of C-4 and C-2 is less than 3.0).

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge	200 cfs
	* % SPF
Headwater Elevation	4.2 feet
Tailwater Elevation	3.7 feet
Type Discharge	Controlled Submerged

*Design not related to Standard Project Flood

Revised 1/22/2003

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

DESCRIPTION

Type Corrugated metal pipe culverts with upstream control

Number of barrels 2

Size of barrels 72 inches

Length of barrels 64 feet

Flow line elevation -3.5 feet

Road crossing elevation 10.0 feet

Gates

Number 2

Type Slide gates

Size 72 inch diameter

Control Manual

Lifting Mechanism -

Type Hoist Pedestal mounted, Type U, manually operated

ACCESS: Structure located adjacent to U.S. Highway 41 (Tamiami Trail)

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water Level Upstream and downstream staff gauges only

Gate Position Recorder None

Revised 1/22/2003

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
G-119

Date Revised	
07-02	Field Station Revisions: • No Changes
1/22/03	Operations Revisions: • Review Completed. Under "Operation", change as follows: • Such releases are initiated when the headwater stage at either S-25B or S-22 falls below the optimum stage of ~~2.8~~ **2.0** during dry periods. The structure may also be used to make flood releases when downstream conditions will not be aggravated (when the stage at T-5 the junction of C-4 and C-2 is less than ~~4.0~~ **3.0**).

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Water Control Plan for Water Control Structure, S-380

Location
S-380 is located in the C-4 Tamiami Canal at the intersection of the Dade-Broward Levee and borrow canal with the C-4 canal (approximately 2 miles east of Krome Avenue).

Description
S-380 consists of five 72-inch diameter corrugated metal pipe culverts with remotely operated slide gates. Each culvert has an electrically operated limit torque type hoist systems remotely operable via telemetry. For telemetry, gates will have backup generator power, gate position indication system, and telemetry interfacing with the gate controls.

Purpose
The purpose of S-380 is to maintain stages to create and preserve wetlands as well as enhance water supply by providing aquifer recharge. S-380 will be operated to enhance approximately 4,000 acres of wetlands in the southern end of the adjacent Pennsuco Wetlands and enhance habitat for plants and animals by increasing surface and subsurface storage of water. This will be accomplished by reducing seepage and drainage out of Water Conservation Area 3B. In addition, the structure will permit supplemental deliveries from Water Conservation Area 3 to supply water needs in eastern Dade County via the L-30 or L-29 canals.

General Operations
The goal of re-hydration is to enhance habitat for plants and animals by increasing surface and subsurface storage of water. The structure will be operated at an elevation that will maximize environmental benefits while avoiding the potential for adverse impacts to areas upstream or downstream of the structure.

Upon completion of construction, the local sponsor, the South Florida Water Management District (SFWMD) will assume operation and maintenance responsibilities. Future water surface elevations will be determined based on land acquisition and integration with future projects such as the Lake Belt, Buffer Cell concepts and Water Preserve Area portions of the Comprehensive Everglades Restoration Project (CERP). Future operations of this structure will also be integrated with projects implemented by the Miami-Dade County Flooding Management Task Force.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

Operating Plan

Note: All elevations reference National Geodetic Vertical Datum (NGVD), 1929.

Dry Season Criteria

Dry season operating criteria will generally be used during December through May. S-380 will be operated to maintain an optimum headwater stage of 4.0 ft-NGVD. When the headwater stage reaches 4.2 ft-NGVD, the gate opens continuously to pass the design discharge of 400 cfs, or as much of that amount which reaches S-380. When the headwater stage drops to 4.0 ft-NGVD, the gates remain stationary until the headwater stage again reaches 4.2 ft-NGVD or drops to 3.8 ft-NGVD at which time the gate would begin to close. The gate continues to close until fully closed or until the headwater stage again reaches 4.0 ft-NGVD when the gate once more remains stationary until reactivated by rising or falling headwater.

Operation	HW Elevation (ft. above NGVD)
Gates will open	4.2
Gates will become stationary	4.0
Gates will close	3.8

When supplemental water supply deliveries from Water Conservation Area 3 are made to supply water needs in eastern Dade County via the L-30 or L-29 canals, S-380 will be opened in conjunction with G-119, and water levels may vary from the optimum.

Wet Season Criteria

Wet season criteria will generally be used during June through November. S-380 should remain open during the wet season effectively maintaining the control of this reach of canal at G-119. Should water levels be low in the system, this structure may be operated for water supply even during these wet season months.

Flood Control Criteria

Prior to forecasted heavy rainfall, S-380 may be opened to allow for pre-storm operations to lower the C-4 canal from G-119 to the coast. This operation will only be necessary during the dry season because the gates maybe closed due to the normal dry season operating criteria stated above.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does <u>not</u> constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office**. An employee of the SFWMD's Clerk's office will receive and file the petition.

EXHIBIT 2

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

Attachment: MOU - C4 Canal Miami Dade County (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

City of Miami

Legislation

Resolution

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

File Number: 11-01191 **Final Action Date:**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING , IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND MIAMI-DADE COUNTY ("COUNTY"), THE CITY OF MIAMI ("CITY"), THE CITY OF WEST MIAMI ("WEST MIAMI"), AND THE CITY OF SWEETWATER ("SWEETWATER", WITH THE COUNTY, THE CITY , WEST MIAMI, AND SWEETWATER BEING COLLECTIVELY REFERRED TO AS THE "LOCAL GOVERNMENTS"), DEFINING THE PROCESSES FOR COOPERATION IN THE OPERATION OF MAIN PUMP STATION PUMPS DISCHARGING INTO THE C-4 CANAL, IN ORDER TO REDUCE POTENTIAL FLOODING AND ADVERSE WATER QUANTITY IMPACTS WITHIN THE GEOGRAPHIC AREAS OF THE LOCAL GOVERNMENTS, THE C-4 BASIN, AND DOWNSTREAM AREAS, FOR A TEN (10) YEAR INITIAL PERIOD WITH ONE (1) OPTION TO RENEW FOR AN ADDITIONAL TEN (10) YEAR PERIOD UPON MUTUAL WRITTEN CONSENT OF ALL PARTIES.

WHEREAS, the City of Miami ("City") is the Applicant of Environmental Resource Permit ("ERP") Permit Application No. 030311-10, which requests authorization to construct and operate a surface water management system including pump discharge to the C-4 Canal; and

WHEREAS, the City of West Miami ("West Miami"), City of Sweetwater ("Sweetwater"), and Miami-Dade County ("County") also are respective applicants of particular environmental resource permit applications and have also requested authorization to construct and operate a respective surface water management systems including discharges to the C-4 Canal; and

WHEREAS, pursuant to Chapter 373, Florida Statutes, the South Florida Water Management District ("SFWMD") has adopted the C-4 Basin Operating Plan for discharges into the C-4 Canal and, pursuant to Section 163.01, Florida Statutes, desires to enter into a Memorandum of Understanding ("MOU") as an interlocal agreement with the City, the County, West Miami, and Sweetwater (collectively referred to as the "Local Governments"); and

WHEREAS, the MOU is designed to be applied in the time period preceding, during and immediately following storm events where excessive rain is expected in the geographic area of the Local Governments; and

WHEREAS, the MOU defines the responsibilities for the cooperation among the parties as an interlocal agreement in order to reduce potential flooding and adverse water quantity impacts within the geographic areas of the Local Governments; and

WHEREAS, the MOU shall be effective for a period of ten (10) years with the option to renew for an additional ten (10) year period effective upon mutual written consent of all of the parties;

Attachment: MOU - C4 Canal City of Miami (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. The City Manager is authorized{1} to execute an MOU, in substantially the attached form, between the SFWMD and the Local Governments, defining the processes for cooperation in the operation of main pump station pumps discharging into the C-4 Canal, in order to reduce potential flooding and adverse water quantity impacts within the geographic areas of the Local Governments, the C-4 Basin, and the downstream areas, for a ten (10) year initial period with one (1) option to renew for an additional ten (10) year period upon mutual written consent of all parties.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS

JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

Attachment: MOU - C4 Canal City of Miami (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RESOLUTION # 2012-50

RESOLUTION OR THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 BETWEEN THE CITY OF WEST MIAMI AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD); PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of West Miami, Florida desire to accomplish the purpose outlined in the accompanying Memorandum of Understanding; and

WHEREAS, the Memorandum of Understanding is to define responsibilities for the cooperation among the parties to the Agreement in order to reduce potential flooding and adverse water quantity impacts within the geographic areas of the Local Government, C-4 Basin and downstream areas.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

SECTION 1. The City Commission hereby authorizes the City Manager to execute the Amendment No. 1 between the City of West Miami and South Florida Water Management.

SECTION 2. This Resolution shall take effect immediately upon passage by the City Commission and signature of the Mayor.

Attachment: MOU - C4 Canal City of West Miami (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

PASSED AND ADOPTED this 17th day of October 2012.

APPROVED:

EDUARDO H. MUHIÑA, MAYOR

ATTEST:

ANNERY GONZALEZ, CITY CLERK

APPROVED AS TO FORM AND SUFFICCIENCY:

JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

MAYOR EDUARDO H. MUHIÑA	**Y**
VICE-MAYOR LUCIANO L. SUAREZ	**Y**
COMMISSIONER CANDIDA BLANCA	**Y**
COMMISSIONER JUAN M. BLANES	**Y**
COMMISSIONER ELSA J. VAZQUEZ	**Y**

Attachment: MOU - C4 Canal City of West Miami (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RESOLUTION NO. 3596

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH FLORIDA MANAGEMENT DISTRICT AND THE CITY OF SWEETWATER; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, The City of Sweetwater has received a Memorandum of Understanding from the South Florida Water Management District regarding the operation of the City's stormwater pumps and requiring the City cooperate with the City of Miami, City of West Miami and Miami-Dade County on discharge of water into the C-4 canal in times of storm events where excessive rain is expected; and,

WHEREAS, The Mayor and City Engineer recommend the City enter into this agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

SECTION 1. That the Mayor and City Clerk be authorized to enter into the aforesaid Memorandum of Understanding, a copy of which is attached and made part of this resolution.

SECTION 2. That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED AND ADOPTED this 7th day of November, 2011.

MANUEL MAROÑO, MAYOR

Attachment: MOU - C4 Canal Sweetwater (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

RESOLUTION NO. 3596 **PAGE 2**

JOSE M. DIAZ, COMMISSION VICE PRESIDENT

ATTEST:

MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

ARIEL J. ABELAIRAS , COMMISSION PRESIDENT	Absent
JOSE M. DIAZ, COMMISSION VICE PRESIDENT	yes
PRISCA BARRETO, COMMISSIONER	yes
JOSE BERGOUIGNAN, JR., COMMISSIONER	yes
MANUEL DUASSO, COMMISSIONER	yes
JOSE M. GUERRA, COMMISSIONER	yes
ORLANDO LOPEZ, COMMISSIONER	yes

Attachment: MOU - C4 Canal Sweetwater (Resolution No. 2013 - 0308 : MOU - C4 Contract Number 4600002824)

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: Contract 4600002827 - Homestead Flat Mowing

Agenda Item Description
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 McIntyre Maintenance, Inc., the lowest responsive and responsible bidder for Flat Mowing Services in the Homestead Field Station area, in the amount of $480,000.00, for three years, of which $160,000.00 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date.

Background
Maintenance of the Right of Ways is required to ensure that vegetation is controlled at a manageable height and will uphold the operational integrity of the District's flood control system. This project for the Homestead Field Station area, will contract approximately 10,701.10 acres to be mowed on an annual basis. The lowest responsive and responsible bidder is McIntyre Maintenance, Inc., at $15.00 per acre. Since this is a work order contract, the amount of acres to be mowed will fluctuate, based on the weather, budget, and construction projects in these areas.

Core Mission and Strategic Priorities
Mowing the District's Right of Ways will reduce and control vegetative growth along canal banks which can impede operations, inspections and access to the District's water control facility.

Funding Source:
This is a three-year contract with two (2) one-year renewal options, in the amount of $480,000.00 for three years, of which $160,000.00 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets.

Staff Recommendation
Staff recommends authorizing the approval of Contract Number 4600002827, as this item supports continual operations and maintenance of the District canal system. If not mowed and maintained, these areas would become a potential hazard to the public as well as District employees.

If you have any questions, please call Tommy B. Strowd, P.E., at ext. 6998 or Michael Gallagher at ext. 2124.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0309

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 McIntyre Maintenance, Inc., the lowest responsive and responsible bidder for Flat Mowing Services in the Homestead Field Station area, in the amount of $480,000, of which $160,000 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (OMC, Chris Miranda, ext. 7014)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a three-year contract with two (2) one-year renewal options with McIntyre Maintenance, Inc., the lowest responsive and responsible bidder, for Flat Mowing Services in the Homestead Field Station area, in the amount of $480,000, of which $160,000 in ad valorem funds are budgeted in FY13 and the remainder is subject to Governing Board approval of the FY14 and FY15 budgets; providing an effective date. (Contract Number 4600002827) (Chris Miranda, ext.7014)

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002827 with McIntyre Maintenance, Inc.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: Waiver of Competition - Oil Filtration Units (PO Number 4500073536)

Background

In order to meet recent revisions to EPA's clean air act requirements, the District is installing emissions after-treatment equipment on many pump station main engines. The after-treatment equipment consists of Diesel Oxidation Catalyst (DOC) units. The District has 48 Fairbanks-Morse pump engines. Due to the Fairbanks-Morse engine's design and inability to operate high loads, lube oil is able to enter the combustion chamber and enter the engine's exhaust gases. The current lube oil in these engines poisons the DOC elements. The Fairbanks-Morse engines are therefore required to change to a different type of lube oil. In order to maintain the quality of the new lube oil and reduce the amount of impurities, Spinner bypass oil filtration units need to be installed. The filtration units not only improve maintaining the lube oil quality, it greatly reduces carbon build up within the engine airbox and exhaust system. Routine maintenance of the airbox is required to remove carbon buildup.

The District researched lube oil filtration units and their associated pumps. Lube oil filtration units were installed several years ago on the main engines at Pump Stations S-7 and S-8. The units have been effective in improving the lube oil integrity and greatly reducing the oil change frequency. The capital expense will be recovered in a few years of operation due to the reduction in labor for engine carbon removal and cost associated with lube oil changes. The District requires the purchase of 16 units for Non-STA pump stations and 21 for STA pump stations.

As part of the capital project, the pump stations shall order the required units and District personnel will perform the installation.

Core Mission and Strategic Priorities

Installing the Spinner oil filtration units will preserve the diesel oxidation catalysts elements associated with recently installed emission treatment units, provide cost savings on the maintenance and extended lifecycle of the elements, as well as extending the oil-change interval on the engines.

Funding Source

This Waiver of Competition is $261,768.00, for which ad valorem funds are budgeted in FY13.

Staff Recommendation
Staff recommends authorizing the approval of purchasing 37 Spinner oil filtration units, as this will extend the lifecycle of diesel oxidation catalyst elements in meeting the new EPA emissions standards. If the oil filtration units are not installed, diesel oxidation catalyst element fouling could lead to non-compliance of federal air permits/regulations and potential penalties, as well as added expenses for the refurbishment or replacement of the elements.

If you have any questions, please call Tommy B. Strowd, P.E., at ext. 6998 or Karen Estock at ext. 6282.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0310

A Resolution of the Governing Board of the South Florida Water Management District to authorize issuing a Purchase Order with Governor Control Systems (GCS) for the purchase of Oil Filtration Units and authorize a Waiver of Competition as an exception to the general standards of competition for Pump Station Engines in the amount of $261,768, for which ad valorem funds are budgeted in FY13; providing an effective date. (Purchase Order Number 4500073536) (OMC, Brian Rhoades, ext. 6245)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the approval of a Waiver of Competition to purchase Oil Filtration Units for Pump Station Engines with Governor Control Systems (GCS), in the amount of $261,768.00, for which ad valorem funds are budgeted in FY13; providing an effective date. (Purchase Order Number 4500073536) (Brian Rhoades, ext. 6245)

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Purchase Order Number 4500073536, a Waiver of Competition with Governor Control Systems (GCS).

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: March 14, 2013

SUBJECT: FPL Supplemental Agency Report to FDEP

Background: The Florida Power and Light Company (FPL) submitted a Site Certification Application to the Florida Department of Environmental Protection (DEP) in June 2009 to expand its Turkey Point Power Plant in Miami-Dade County to include two additional nuclear units (Units 6 & 7). The Site Certification Application contains proposed electric transmission line corridors to deliver the generated power to existing FPL infrastructure in Miami-Dade County. The Siting Act (Section 403.5271 (1)(f), Florida Statutes) allows Third Parties to propose alternate corridors to ones proposed by FPL. SFWMD is required to submit an impact analysis report on the alternate corridors that supplements the December 2011 report on FPL's proposed electric transmission line corridors.

How this helps meet the District's 10 Year Strategic Plan: The District is required to evaluate the impacts of the proposed transmission lines and must prepare a supplemental report as to the impact on water resources and other matters within its jurisdiction as required by Chapter 403.5271 (1) (f), Florida Statutes.

Funding Source: Ad valorem funds are used to cover the agency staff time associated with review of the proposed alternate corridors.

This Board item impacts what areas of the District, both resource areas and geography: The alternate corridors were reviewed by District staff in Water Resources, Right-of-Way permitting and Operations and Maintenance functions. The alternate electric transmission line corridors lie entirely within Miami-Dade County.

What concerns could this Board item raise? The alternate corridors shown in Figure 1, attached, were proposed by the Miami-Dade Limestone Products Association and the National Parks Conservation Association. The alternatives propose to move the transmission line eastward and out of Everglades National Park. Portions of the alternative corridors are in, or adjacent to, District-owned lands in the Bird Drive basin and north of Tamiami Trail in the Pennsuco wetlands and C-4 Emergency Detention Basin. There may be members of the public and stakeholder groups that oppose the recommended approvals of the alternate electric transmission line corridors and / or the associated recommended conditions of certification.

Why should the Governing Board approve this item? This document contains recommendations to the DEP Siting Office to certify each of the proposed alternate electric transmission line corridors with additional proposed conditions of certification. The Division of Administrative Hearings (DOAH) has set a deadline of March 29, 2013 for the District to transmit its supplemental agency report to DEP.

Staff Contact - Seán Sculley, P.E., Principal Engineer, Water Quality Bureau; 682.6109.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0311

A Resolution of the Governing Board of the South Florida Water Management District transmitting a supplemental agency report on matters within its jurisdiction to the Florida Department of Environmental Protection on alternate electric transmission line corridors for Florida Power and Light Company's Turkey Point Units 6 & 7 project, and authorizing staff to work with Florida Power and Light and the Department to reach final agreement on certification conditions for the Turkey Point Units 6 & 7 project; providing an effective date. (WR, Seán Sculley, ext. 6109)

WHEREAS, Florida Power and Light Company (FPL) submitted a Site Certification Application to the Florida Department of Environmental Protection (DEP) in June 2009 to expand its Turkey Point Power Plant in Miami-Dade County to include two (2) additional nuclear units (Units 6 & 7) and associated electric transmission corridors to deliver the new generated power to existing FPL infrastructure in Miami-Dade County;

WHEREAS, alternate electric transmission line corridor routes may be proposed by any party under the Siting Act, Section 403.5271(1), Florida Statutes;

WHEREAS, three alternate transmission line corridors have been proposed by other parties;

WHEREAS, the South Florida Water Management District is required to prepare a supplemental agency report that addresses potential impacts of transmission lines that would occur within the alternate corridors on water resources and other matters within its jurisdiction propose conditions of certification; and recommend approval or denial of each alternate corridor pursuant to Sections 403.5271(1)(f) and (g), Florida Statutes;

WHEREAS, the Division of Administrative Hearings has set a deadline of March 29, 2013 for South Florida Water Management District to submit its supplemental agency report to DEP;

WHEREAS, the Governing Board has determined that the supplemental agency report prepared by District staff is appropriate and authorizes staff to submit the agency report to DEP; and

WHEREAS, the Governing Board recognizes that District staff may continue to work with FPL and DEP to reach agreement on a final set of certification conditions for the proposed additional nuclear units, the FPL proposed transmission line corridors, and the proposed alternate corridors for this project.

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 transmittal of the supplemental agency report to DEP.

Section 2. A copy of the supplemental agency report is attached hereto and made a part hereof (Attachment A).

Section 3. District staff is authorized and directed to transmit the supplemental agency report to DEP, and is authorized to continue to work with FPL and DEP to reach agreement on a final set of certification conditions for the nuclear units and transmission line corridors for this project.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

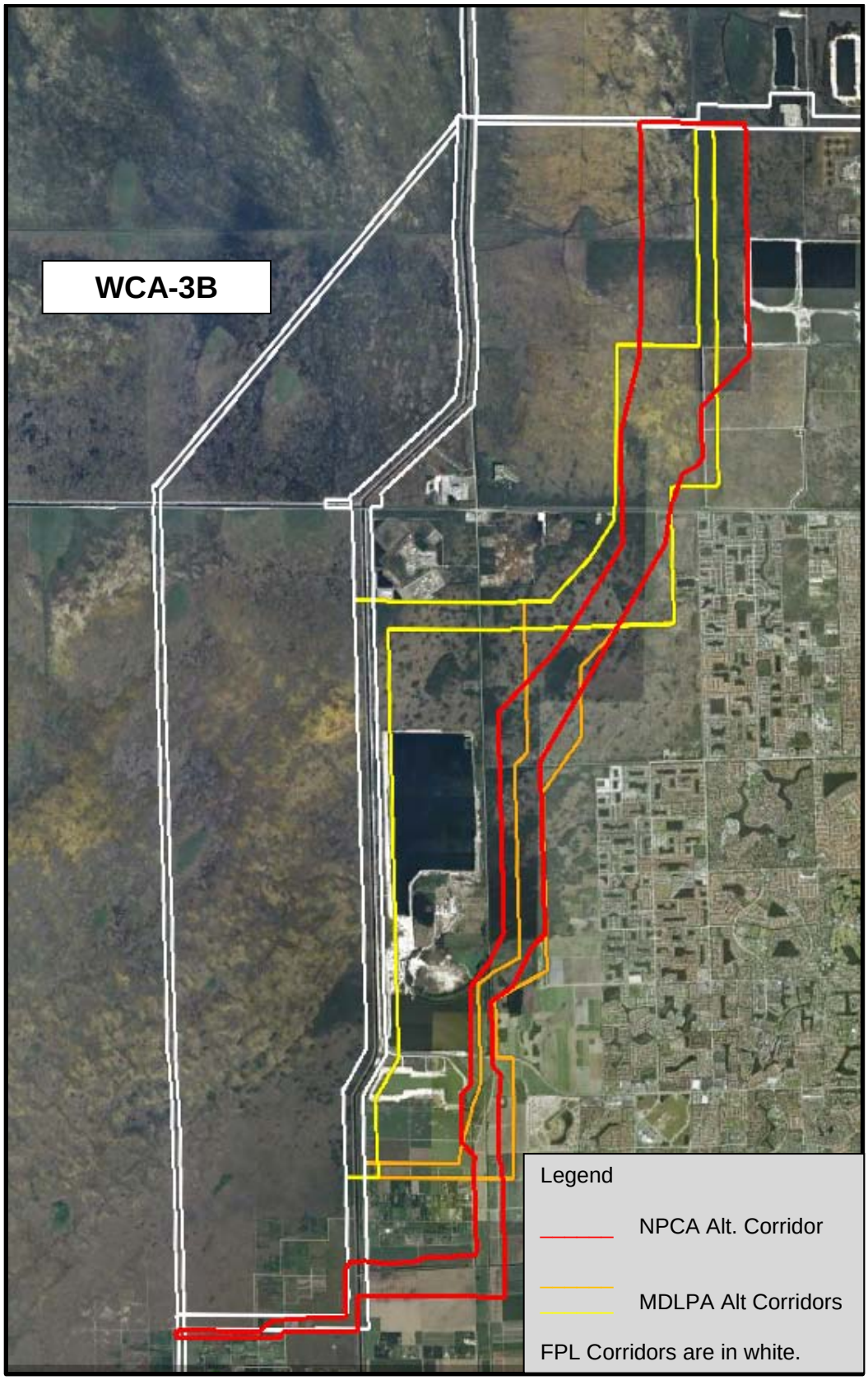

Figure 1. FPL Western Corridors and Third Party Alternate Corridors

Attachment: ca_wr_100_Map (Resolution No. 2013 - 0311 : FPL Supplemental Agency Report to FDEP)

40E-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~October 23, 2012~~," http://www.flrules.org/Gateway/reference.asp?No=Ref-01630, is incorporated by reference herein, and requires the use of the following forms, which are also incorporated by reference herein:

(1) through (6) No Change.

The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" and forms incorporated therein are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561) 682-6436.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, _____.

Excerpt from the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 23, 2012":

3.11.1 Picayune Strand and Fakahatchee Estuary

No Change to Figure 3-6

A. No Change.

B. Model Impact Evaluation. If required by Section A, the applicant shall demonstrate water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn by conducting the following Model Impact Evaluation. A pre-application meeting between the Applicant and District staff is strongly recommended to be conducted prior to initiating model development.

1. Defining Scope of Model Evaluation

(a) For groundwater withdrawals, identify the cone of influence of the proposed withdrawal per Section 1.7.5.2.A. Based on this analysis, the Applicant shall identify which reservation inflow locations (set forth in Figures 1-2 and 1-3 ~~2~~ in Chapter ~~Rule~~ 40E-10~~.021~~, F.A.C.) and conveyance system(s) identified on Figure 3-6 are potentially influenced by the proposed withdrawal.

(b) For surface water withdrawals, identify the reservation inflow locations, reservation water body (set forth in Figures 1-2 and 1-3 ~~2~~ in Chapter ~~Rule~~ 40E-10~~.021~~, F.A.C.), and conveyance system(s)

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

identified on Figure 3-6 that are potentially influenced by the proposed withdrawal.

2. through 5. No Change.

3.11.4 Nearshore Central Biscayne Bay

A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under subsection 40E-10.061(1), F.A.C. Compliance with the following criteria constitutes reasonable assurances that water reserved in Rule 40E-10.061, F.A.C., will not be withdrawn. Water not reserved under Rule 40E-10.061, F.A.C., shall be allocated pursuant to Subsection A.

For this section, the following definitions apply:

Direct withdrawal: Withdrawal of surface water from facility intakes physically located within the surface water column of Nearshore Central Biscayne Bay as depicted on Figure 3-1 in Chapter 40E-10, F.A.C. No direct withdrawals shall be authorized pursuant to this rule.

Indirect withdrawal: Withdrawal of surface water from facility intakes physically located within the surface water column of any canal reach identified in Figure 3-1 in Chapter 40E-10, F.A.C.

A. The following uses do not withdraw reserved water:

1. Withdrawals of groundwater.
2. Withdrawals authorized by Rules 40E- 2.061 (No Notice General Permit by Rule) and 40E-20.302(2) and (3), F.A.C. (Dewatering General Water Use Permit and No- Notice Short Term Dewatering General Water Use Permit)
3. Renewals of indirect withdrawals authorized by a permit existing on [RULE ADOPTION DATE].
4. A permit modification involving an indirect withdrawal authorized by a permit existing on [RULE ADOPTION DATE] that does not change the source, increase the allocation or change withdrawal locations, such as replacement of existing surface water pumps or intakes, crop changes that do not change the allocation or timing of use, or decrease in allocation.
5. A new indirect withdrawal with no greater allocation and impact, including changes in timing, than a terminated or reduced permit that was existing on [RULE ADOPTION DATE] and occurs upstream of the same coastal structure.
6. Indirect withdrawals which do not withdraw reserved water as defined in Rule 40E-10.061 F.A.C.

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

40E-10.021 Definitions.

(1) *Fakahatchee Estuary* – The area within the Ten Thousand Islands region including the following river/bay systems, from west to east: Blackwater River/Blackwater Bay, Whitney River/Buttonwood Bay, Pumpkin River/Pumpkin Bay, Wood River, Little Wood River and Faka Union Canal/Faka Union Bay, and Fakahatchee Bay as depicted in Figure 1-3 ~~2~~ Fakahatchee Estuary.

(2) *Picayune Strand* – The area located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands NWR, east of the South Belle Meade State Conservation and Recreation Lands (CARL) Project, west of the Fakahatchee Strand Preserve State Park, and northeast of Collier-Seminole State Park as depicted in Figure 1-2 Picayune Strand. The legal description of the Picayune Strand is contained in Appendix 1-1.

(3) *North Fork of the St. Lucie River* – The area that extends from the Gordy Road structure (state plane coordinates, x851212.831, y1116105.7470), to the confluence of the North Fork of the St. Lucie River and the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41) as depicted in Appendix 2 ~~3~~, Figure 2~~3~~-1.

(4) *Nearshore Central Biscayne Bay* – The area within Biscayne Bay up to 1640 feet (500 meters) from the shoreline beginning south of Shoal Point extending southward to north of Turkey Point as depicted in Figure 3-1.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, _____.

40E-10.031 Water Reservations Implementation.

(1) Applicants for consumptive use permits shall meet the requirements of this rule by providing reasonable assurances that Rules 40E-2.301 and 40E-20.301, F.A.C., and Section 3.11 of the "Basis of Review for Water Use Permit Applications within the South Florida Management District", incorporated by reference in Rule~~s~~ 40E-2.091 ~~and 40E-20.091~~, F.A.C., are met.

(2) and (3) No Change.

(4) Water reserved for the protection of fish and wildlife contained within Nearshore Central Biscayne Bay is defined in subsections 40E-10.061(1)-(2), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, _____.

40E-10.041 Water Reservation Areas: Lower West Coast Planning Area.

(1) Picayune Strand as defined in subsection 40E-10.021(2), F.A.C.:

(a) Surface waters:

1. All surface water contained within the Picayune Strand is reserved from allocation (see Figure 1-2).

2. All surface water flowing into the Picayune Strand identified below is reserved from allocation:

i. The surface water flows depicted on Figures 1-4.A, B, and C ~~3. A, B, and C~~, simulated at weir 'Miller2' within the Miller Canal (see Figure 1-2);

ii. The surface water flows depicted on Figures 1-5,A, B, and C ~~4. A, B, and C~~, simulated at weir 'FU3' within the Faka Union Canal (see Figure 1-2); and

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iii. The surface water flows depicted on Figures 1-6.A, B, and C ~~5. A, B and C~~ simulated at spillway 'Lucky LA' within the Merritt Canal (see Figure 1-2).

(b) No Change.

(2) Fakahatchee Estuary as defined in subsection 40E-10.021(1), F.A.C.:

(a) Surface waters:

The surface water flows into the Fakahatchee Estuary identified below are reserved from allocation:

1. The surface water flows depicted on Figures 1-7.A, B, and C ~~6. A, B and C~~ simulated at Faka Union Canal at structure FU1 (See Figure 1-3 ~~2~~);

2. The surface water flows depicted on Figures 1-8.A, B, and C ~~7. A, B and C~~ simulated at 'Miller@41' transect (beginning at coordinate 471365.13N, 599423.29 E Southeast to 479226.67N, 595105.77E (delivering surface water to Blackwater Bay and Buttonwood Bay) see Figure 1-3 ~~2~~);

3. The surface water flows depicted on Figures 1-9.A, B, and C ~~8. A, B and C~~ simulated at 'FU@41' transect (beginning at coordinate 480427.89N, 595005.67E Southeast to 487735.34N, 592478.09E (delivering surface water to Pumpkin Bay) see Figure 1-3 ~~2~~);

4. The surface water flows depicted on Figures 1-10.A, B, and C ~~9. A, B and C~~ simulated at 'Merritt@41' transect (beginning at coordinate 490942.49N, 593218.49E flowing Southeast to 499050.54N, 590515.81E (delivering surface water to Faka Union Bay) see Figure 1-3 ~~2~~); and

5. The surface water flows depicted on Figures 1-11.A, B, and C ~~10. A, B and C~~ simulated at 'Fakahatchee@41' transect (beginning at coordinate 498623.81N, 587955.37E Southeast to 533587.95N, 575807.53E (delivering surface water to Fakahatchee Bay) see Figure 1-3 ~~2~~).

(b) Groundwater: All groundwater in the water table and unconfined portions of Lower Tamiami aquifer underlying the Fakahatchee Estuary is reserved from allocation.

Notwithstanding the above, presently existing legal uses for the duration of the permit existing on July 2, 2009 are determined to be not contrary to the public interest, pursuant to Section 373.223(4), F.S.

~~(3)~~Reservations contained in Sections 1 and 2 above shall be reviewed in light of changed conditions or new information by December 31, 2014.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended 3-18-10, _____.

40E-10.051 Water Reservation Areas: Upper East Coast Planning Area.

North Fork of the St. Lucie River, as defined in subsection 40E-10.021(3), F.A.C.:

~~(1)~~ Surface waters up to and including the mean monthly flow of 130 cubic feet per second flowing over the Gordy Road Structure from November 1st through May 31st; see Appendix 2 ~~3,~~ Figure 2-2 ~~3-2~~; are reserved from allocation. The water reserved under this Rule will be available for fish and wildlife upon formal determination of the Governing Board, pursuant to state and federal law, that any one or all of the Comprehensive Everglades Restoration Plan's C-23/C-24 North and South Reservoirs and STA Project are operational.

~~(2)~~ Reservations contained in this Rule and the criteria contained in section 3.11.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information and concurrent with the approval specified in subsection (1), above.

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Notwithstanding the above, presently existing legal uses for the duration of a permit existing on March 18, 2010 are determined to be not contrary to the public interest pursuant to Section 373.223(4), F.S.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New-3-18-10, _____.

40E-10.061 Water Reservation Areas: Lower East Coast Planning Area

(1) Nearshore Central Biscayne Bay as defined in subsection 40E-10.021(6), F.A.C.: All surface water contained within Nearshore Central Biscayne Bay is reserved from allocation (see Figure 3-1).

(2) Surface water flowing into Nearshore Central Biscayne Bay as identified below is reserved from allocation:

(a) Surface water flows depicted on Figures 3-2.A and 3-2.B through S-123 derived from the following contributing canal reaches:

1. The C-100A canal upstream of S-123 to S-120 including all integrated conveyance canals.
2. The C-100C canal upstream of S-123 to S-119 including all integrated conveyance canals.
3. The C-100B canal upstream of S-123 to S-122 including all integrated conveyance canals.
4. The C-100 canal upstream of S-123 to S-118 including all integrated conveyance canals.

(b) Surface water flows depicted on Figures 3-3.A and 3-3.B through S-21 derived from the following contributing canal reaches:

1. The L-31E borrow canal upstream of S-21 to the canal terminus.
2. The C-1 canal upstream of S-21 to S-122 and S-149 including all integrated conveyance canals.
3. The C-1 canal upstream of S-21 to the C-1W canal and S-338 including all integrated conveyance canals.

(c) Surface water flows depicted on Figures 3-4.A and 3-4.B which is the combined flow through S-21A, S-20G, and S-20F as derived from the following contributing canal reaches:

1. The C-102 canal connecting to the C-102 N canal upstream of S-21A to S-195.
2. The C-102 canal upstream of S-21A to S-165
3. The L-31E borrow canal upstream of S-21A to its terminus near S-21 including the Gould's Canal.
4. The L-31E borrow canal upstream of S-21A south to S-20G.
5. The Military canal upstream of S-20G.
6. The C-103 canal upstream of S-20F to S-179.
7. The L-31E borrow canal upstream of S-20F to S-20G including all integrated conveyance canals.
8. The L-31E borrow canal from S-20F south to the North Canal.
9. The North Canal.
10. The L-31E borrow canal from S-20F south to the Florida City Canal.
11. The Florida City Canal from Southwest 107th Avenue to its confluence with the L-31E borrow canal.

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Notwithstanding the above, presently existing legal uses for the duration of a permit existing on _____ are determined to be not contrary to the public interest pursuant to Section 373.223(4), F.S.
Reservations contained in the section shall be reviewed in light of changed conditions or new information.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

APPENDIX 1 LOWER WEST COAST PLANNING AREA
~~TO CHAPTER 40E-10~~

1-1 LEGAL DESCRIPTION OF PICAYUNE STRAND AS DEFINED IN SUBSECTION 40E-10.021(1):

A tract of land in Townships 50, 51 and 52 South, Ranges 27 and 28 East, Collier County, Florida, more particularly described as follows:
Beginning at the Southeast Corner of Section 25, Township 51 South, Range 28 East, Collier County, Florida, run S 89°10'50" W, 2659.84 feet to the South Quarter Corner of said Section 25; thence S 89°09'41" W, 2659.37 feet to the Southwest Corner of said Section 25; thence S 00°19'11" W, 2611.61 feet to the East Quarter Corner of Section 35 of said Township 51 South, Range 28 East;
thence S 88°56'33" W, 2652.73 feet to the Northeast Corner of the Southwest Quarter of said Section 35; thence S 00°18'15" W, 2614.86 feet to the South Quarter Corner of said Section 35; thence S 88°54'23" W, 2650.59 feet to the Southwest Corner of Section 35; thence S 88°50'39" W, 2639.94 feet to the South Quarter Corner of Section 34 of said Township 51 South, Range 28 East;
thence S 89°00'23" W, 2652.66 feet to the Southwest Corner of said Section 34;
thence S 88°44'21" W along the north line of the Northeast Quarter of Section 4, Township 52 South, Range 28 East, 1450.32 feet to the Northeast Corner of those lands described in Official Record Book 2624, Page 2509, Public Records of Collier County, Florida; thence S 00°27'37" E along the east line of said lands, 6308.01 feet; thence continuing along said east line, S 89°34'56" W, 16.37 feet;
thence continuing along said east line, S 00°25'04" E, 360.00 feet to the north right-of-way line of U.S. Highway 41; thence westerly along the north right-of-way line of U.S. Highway 41, S 84°52'54" W, 327.99 feet; thence N 05°07'06" W, 39.00 feet to a point on a non-tangent curve; thence westerly 900.69 feet along the arc of said curve, concave to the northeast, having a radius of 1835.08 feet, a central angle of 28°07'18" and a chord of 891.68 feet, bearing N 81°03'27" W;
thence S 23°00'12" W, 39.00 feet; thence N 66°59'48" W, 5570.19 feet to a point of curvature; thence northwesterly 800.00 feet along the arc of a curve, concave to the southwest, having a radius of 17224.80 feet, a central angle of 02°39'40" and a chord of 799.93 feet, bearing N 68°19'38" W to a point of tangency;
thence N 69°39'28" W, 6844.52 feet; thence N 20°20'32" E, 39.00 feet to a point on a non-tangent curve; thence northwesterly 671.08 feet along the arc of said curve, concave to the northeast, having a radius of 1835.08 feet, a central angle of 20°57'10" and a chord of 667.35 feet, bearing N 59°10'53" W; thence S 41°17'43" W, 39.00 feet; thence N 48°42'17" W, 6815.31 feet to a point of curvature; thence northwesterly 442.16 feet along the arc of a curve, concave to

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the southwest, having a radius of 725.20 feet, a central angle of 34°56'02" and a chord of 435.35 feet, bearing N 66°10'19" W to a point of tangency; thence N 83°38'20" W, 300.77 feet to the intersection of the north right-of-way line of U.S. Highway 41 with the west line of Section 36, Township 51 South, Range 27 East;
thence N 00°03'59" E along the west line of said Section 36, 1586.32 feet to the Northwest Corner of Section 36; thence N 01°15'40" W, 2658.40 feet, to the West Quarter Corner of Section 25 of said Township 51 South, Range 27 East;
thence N 01°17'06" W, 2656.42 feet to the Northwest Corner of said Section 25;
thence N 01°16'05" W, 2655.83 feet to the West Quarter Corner of Section 24 of said Township 51 South, Range 27 East; thence N 01°16'15" W, 2656.76 feet to the Northwest Corner of said Section 24; thence N 00°19'01" E, 2764.38 feet to the West Quarter Corner of Section 13 of said Township 51 South, Range 27 East; thence N 00°19'04" E, 2764.32 feet to the Northwest Corner of said Section 13; thence N 01°15'53" E, 2764.69 feet to the West Quarter Corner of Section 12 of said Township 51 South, Range 27 East; thence N 01°16'08" E, 2764.72 feet to the Northwest Corner of said Section 12; thence N 00°37'07" E, 2763.78 feet to the West Quarter Corner of Section 1 of said Township 51 South, Range 27 East; thence N 00°35'09" E, 2732.08 feet to the Northwest Corner of said Section 1; thence N 01°09'58" E, 2697.35 feet to the West Quarter Corner of Section 36 of Township 50 South, Range 27 East; thence N 01°14’25" E, 2554.73 feet to the Northwest Corner of said Section 36; thence N 00°49'11" E, 2618.76 feet to the West Quarter Corner of Section 25 of said Township 50 South, Range 27 East;
thence N 01°30'13" E, 2623.02 feet to the Northwest Corner of said Section 25;
thence N 01°14'51" E, 2643.78 feet to the West Quarter Corner of Section 24 of said Township 50 South, Range 27 East; thence N 00°55’45" E, 2647.27 feet to the Northwest Corner of said Section 24; thence N 89°04’28" W, 2655.08 feet to the South Quarter Corner of Section 14 of said Township 50 South, Range 27 East; thence N 89°06’09" W, 2673.56 feet to the Southwest Corner of said Section 14; thence N 01°20’52" E, 2642.45 feet to the West Quarter Corner of said Section 14; thence N 01°02'27" E, 2638.34 feet to the Northwest Corner of said Section 14; thence S 88°57’18” E, 2650.45 feet to the North Quarter Corner of said Section 14; thence S 89°16’05” E, 2679.46 feet to the Northeast Corner of said Section 14; thence N 00°32'07" E, 2629.53 feet to the West Quarter Corner of Section 12 of said Township 50 South, Range 27 East; thence N 00°05'55" E, 2655.64 feet to the Northwest Corner of said Section 12; thence N 00°35'20" E, 2638.33 feet to the West Quarter Corner of Section 1 of said Township 50 South, Range 27 East; thence N 09°11'51" W along the west line of the Northwest Quarter of said Section 1 a distance of 2352.20 feet to the intersection with the south line of the south drainage right-of-way of Interstate 75; thence easterly along said line, N 89°40’16” E, 2640.00 feet; thence S 88°14'35" E, 2676.02 feet;
thence S 89°13'04" E, 2656.26 feet; thence N 89°51'50" E, 2650.84 feet;
thence N 89°28’53" E, 2647.15 feet; thence S 89°53’38" E, 2654.08 feet;
thence S 89°59'57" E, 2650.10 feet; thence N 89°51'03" E, 2650.97 feet;
thence S 89°32'18" E, 2648.17 feet; thence N 89°47'26" E, 2686.92 feet;
thence N 00°23'28" W, 124.56 feet; thence S 89°54'09" E, 2649.59 feet;
thence S 89°56'18" E, 2651.63 feet; thence N 89°41'16" E, 2652.50 feet;
thence S 89°49'15" E, 2651.54 feet to the intersection of the south line of said south drainage right-of-way with the east line of Section 1, Township 50 South, Range 28 East; thence S 00°18'22" E along the east line of the Northeast Quarter of said Section 1 a distance of 2460.78 feet to the East Quarter Corner of said Section 1; thence S 00°18'26" E, 2663.16 feet to the

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Southeast Corner of said Section 1; thence S 00°19'17" E, 2661.71 feet to the East Quarter Corner of Section 12 of said Township 50 South, Range 28 East; thence S 00°18'47" E, 2661.88 feet to the Southeast Corner of said Section 12; thence S 00°18'10" E, 2662.06 feet to the East Quarter Corner of Section 13 of said Township 50 South, Range 28 East; thence S 00°18'16" E, 2662.13 feet to the Southeast Corner of said Section 13; thence S 00°18'16" E, 2662.14 feet to the East Quarter Corner of Section 24 of said Township 50 South, Range 28 East; thence S 00°17'28" E, 2661.81 feet to the Southeast Corner of said Section 24; thence S 00°17'38" E, 2674.16 feet to the East Quarter Corner of Section 25 of said Township 50 South, Range 28 East; thence S 00°10'00" E, 2674.56 feet to the Southeast Corner of said Section 25; thence S 00°13'47" E, 2674.47 feet to the East Quarter Corner of Section 36 of said Township 50 South, Range 28 East; thence S 00°13'47" E, 2674.49 feet to the Southeast Corner of said Section 36; thence S 00°51'18" E, 2682.32 feet to the East Quarter Corner of Section 1 of Township 51 South, Range 28 East; thence S 00°51'18" E, 2682.32 feet to the Southeast Corner of said Section 1; thence S 00°28'26” W, 2596.09 feet to the East Quarter Corner of Section 12 of said Township 51 South, Range 28 East; thence S 00°41'47" W, 2598.68 feet to the Southeast Corner of said Section 12; thence southerly along the east line of Section 13, Township 51 South, Range 28 East, S 00°35'55" W, 5191.01 feet to the Southeast Corner of said Section 13; thence S 00°36'41" W, 2596.95 feet to the East Quarter Corner of Section 24 of said Township 51 South, Range 28 East; thence S 00°34'08" W, 2597.43 feet to the Southeast Corner of said Section 24; thence S 00°33'57" W, 2596.90 feet to the East Quarter Corner of Section 25 of said Township 51 South, Range 28 East; thence S 00°34'27" W, 2597.76 feet to the Southeast Corner of said Section 25 and the Point of Beginning.

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 1)

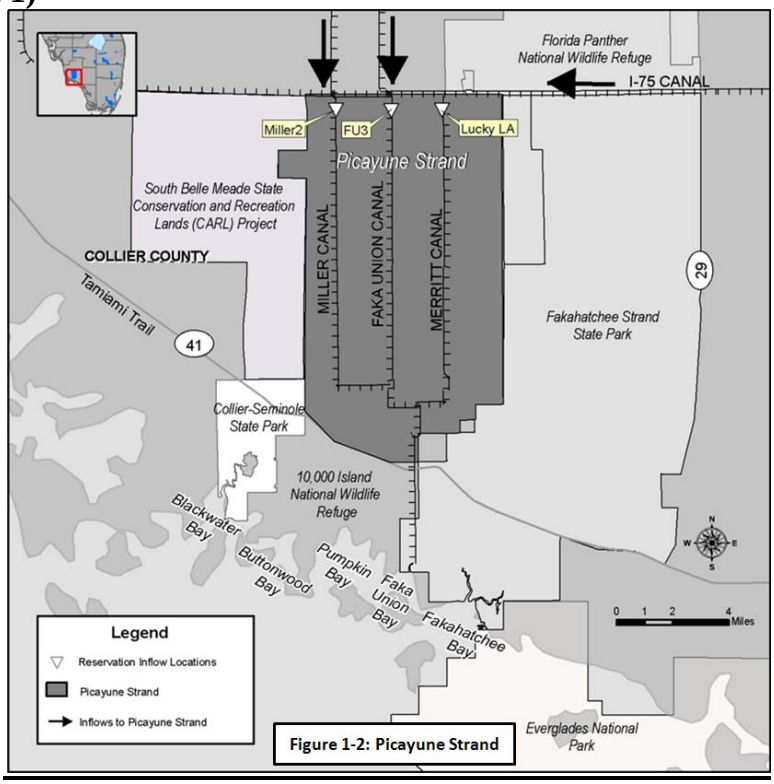


Figure 1-2: Picayune Strand

(Formerly Figure 2)

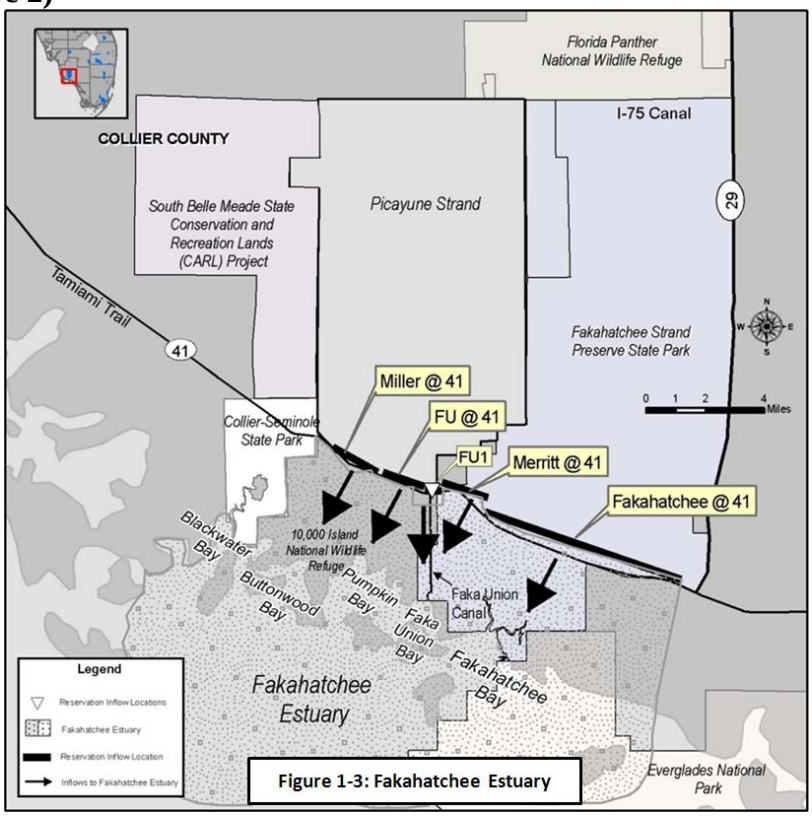
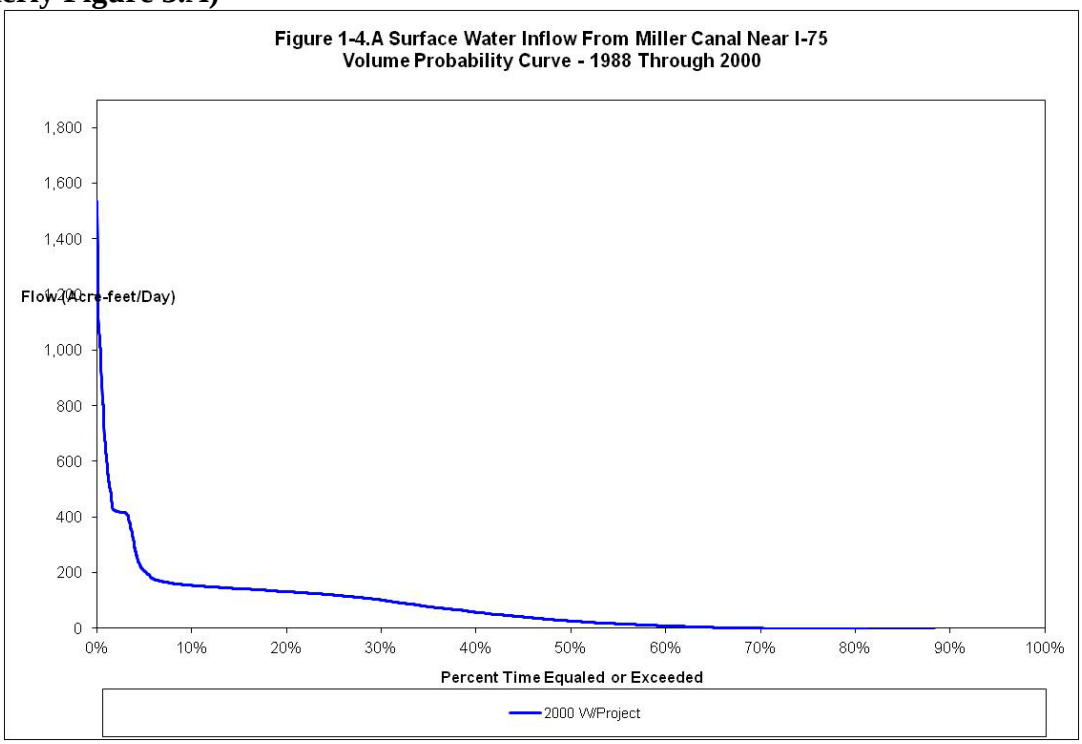


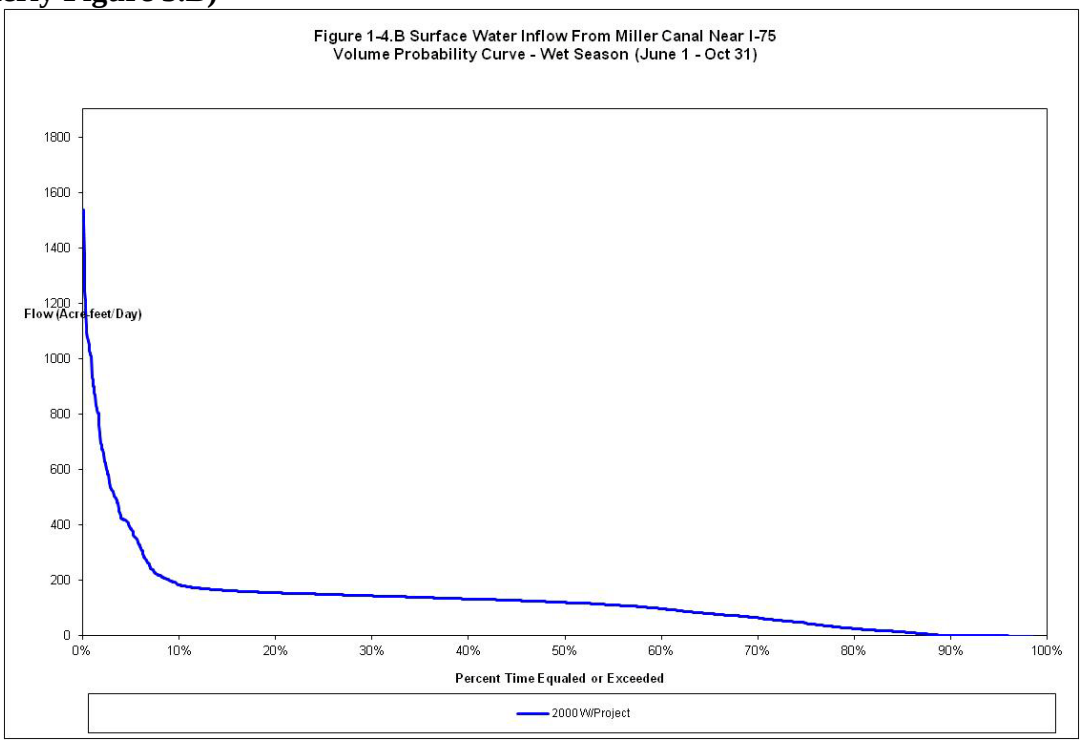
Figure 1-3: Fakahatchee Estuary

Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 3.A)

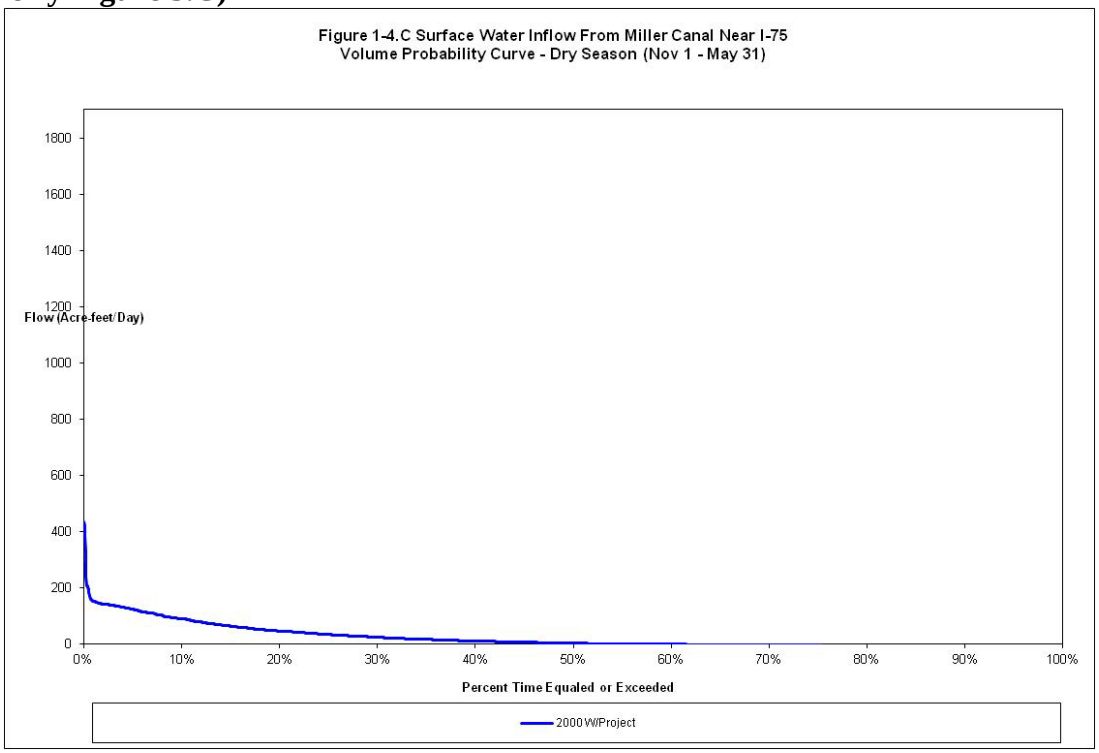


(Formerly Figure 3.B)

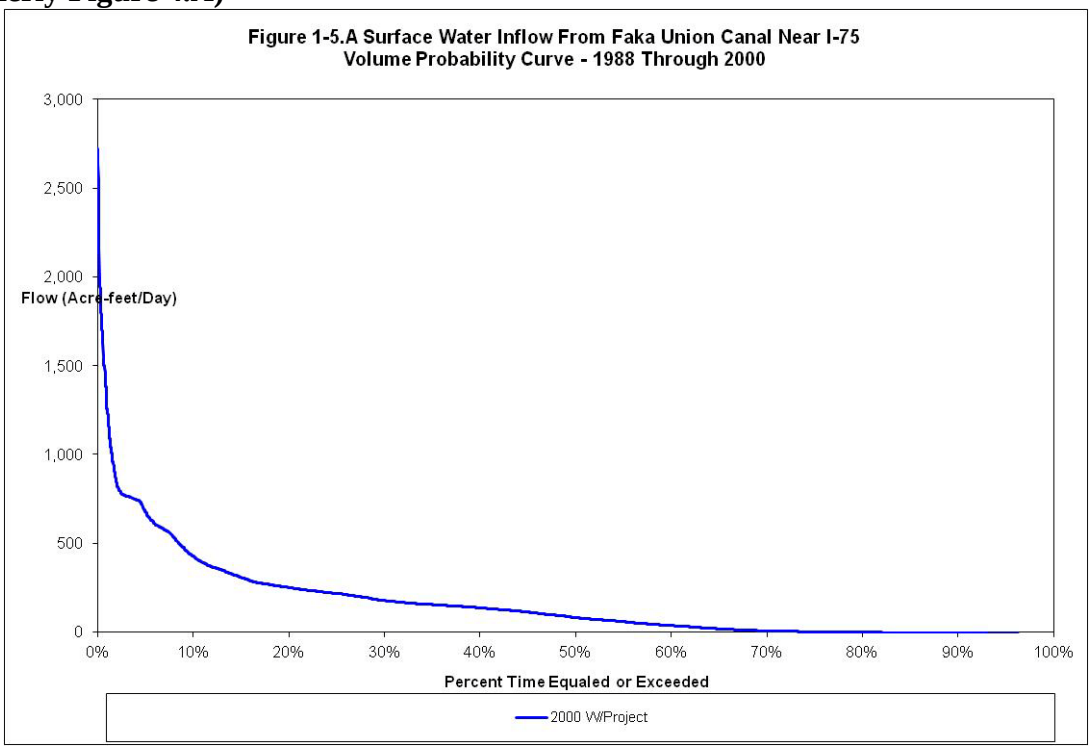


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 3.C)

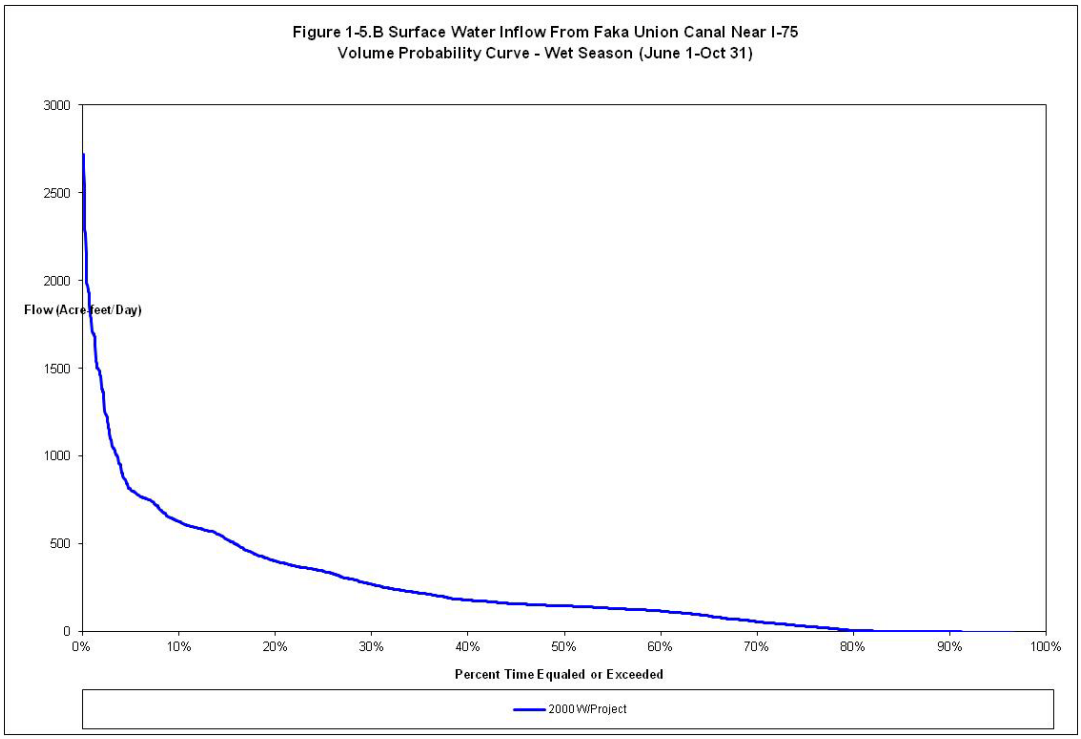


(Formerly Figure 4.A)

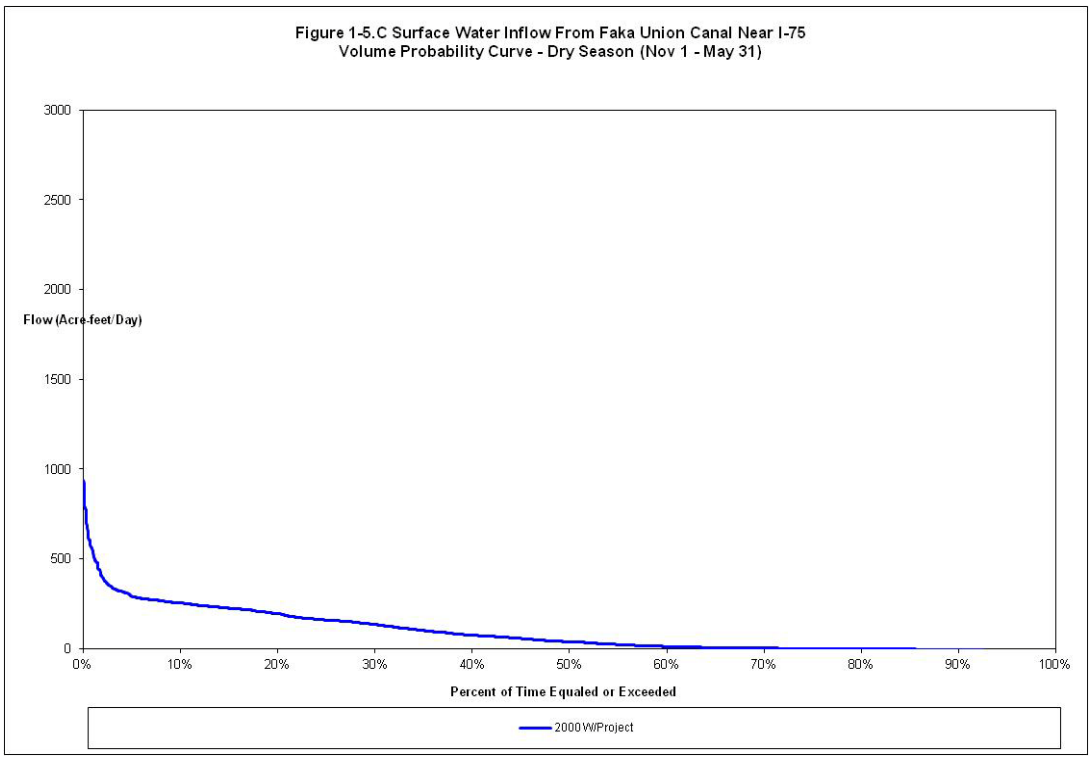


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 4.B)

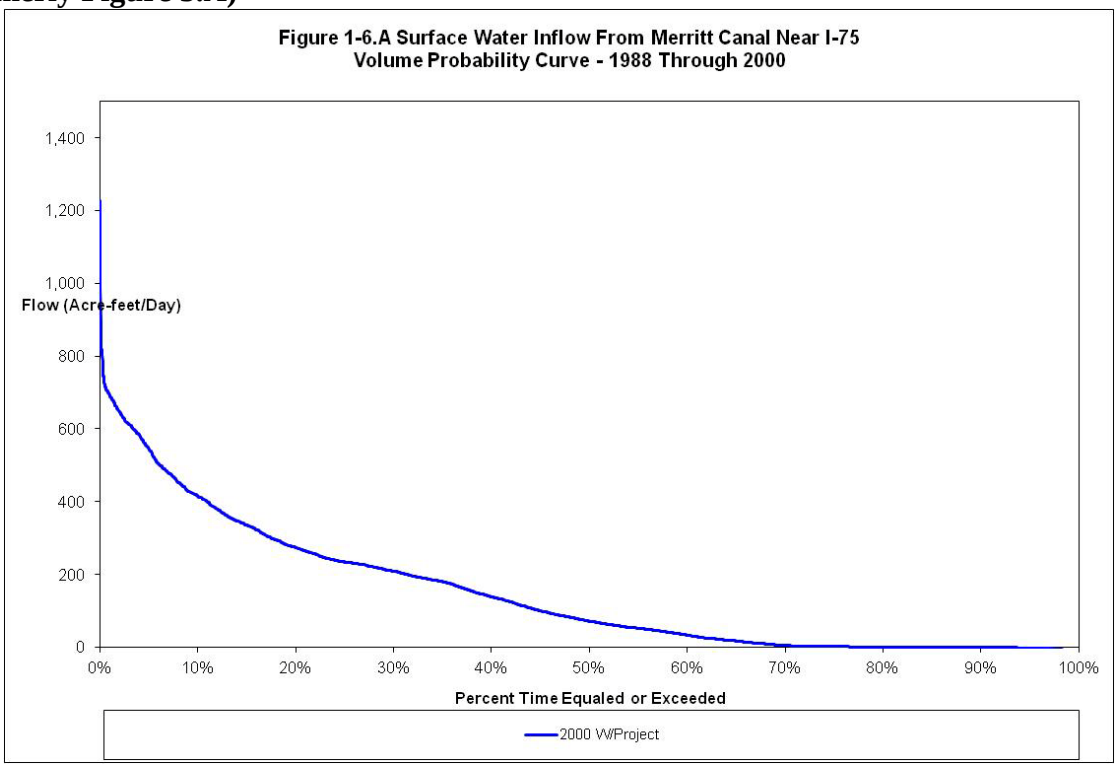


(Formerly Figure 4.C)

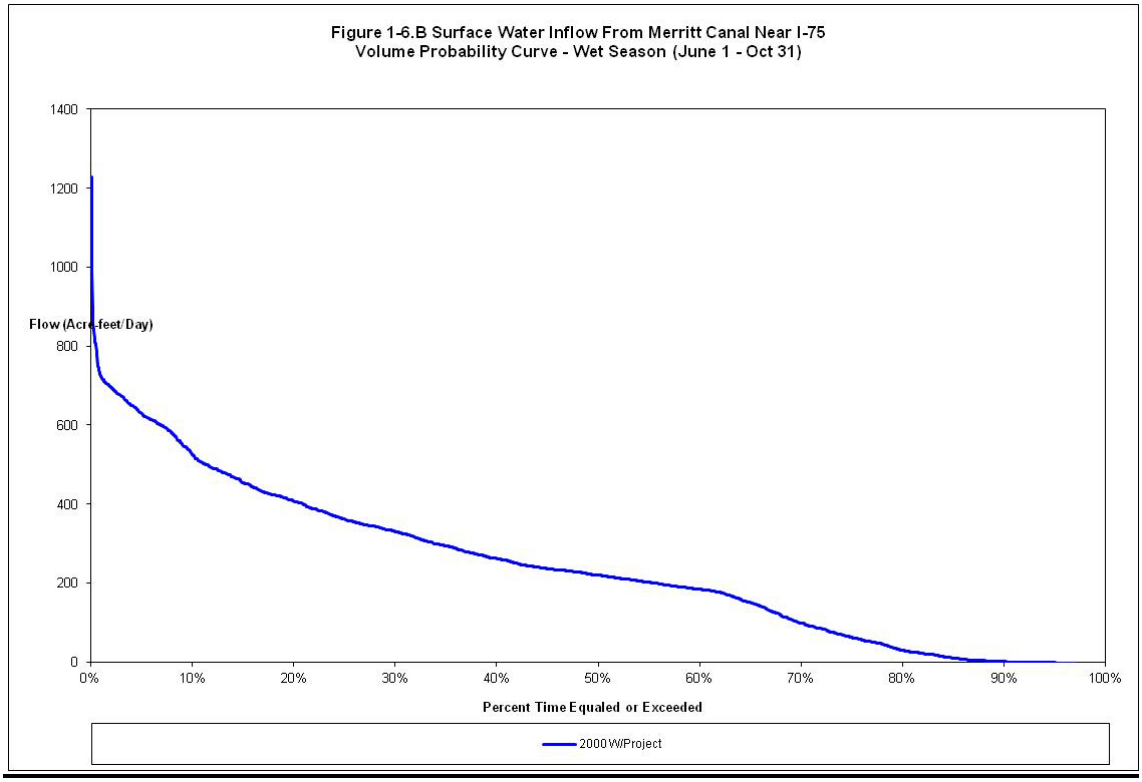


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 5.A)

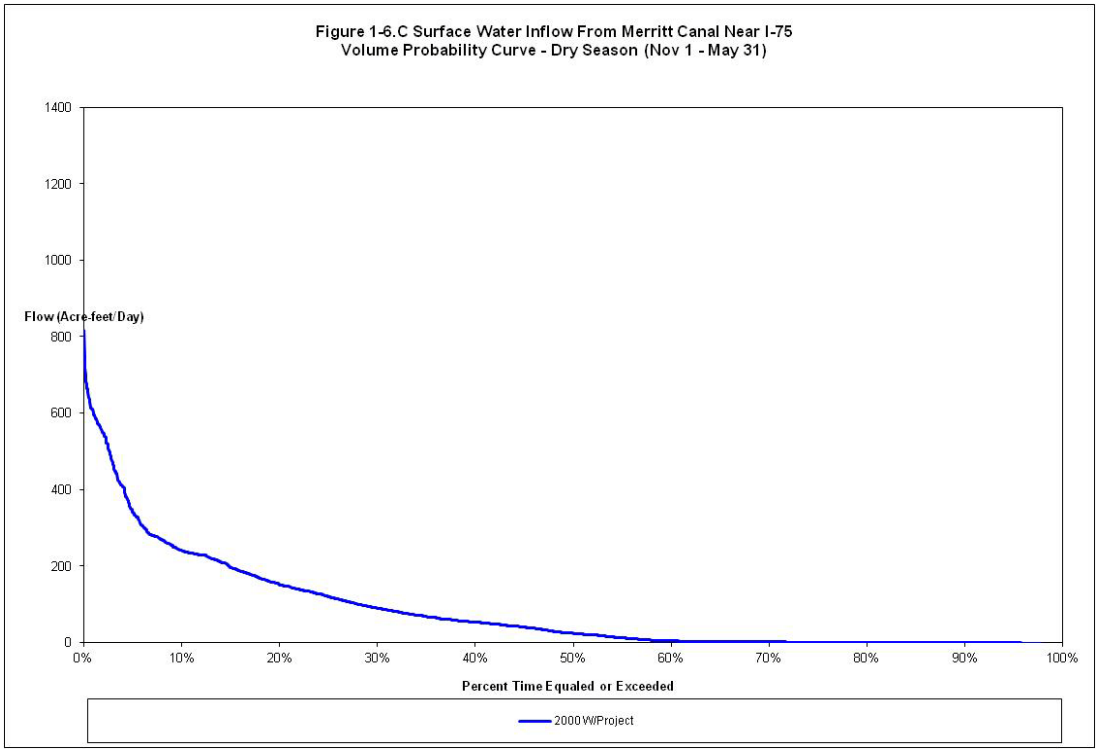


(Formerly Figure 5.B)

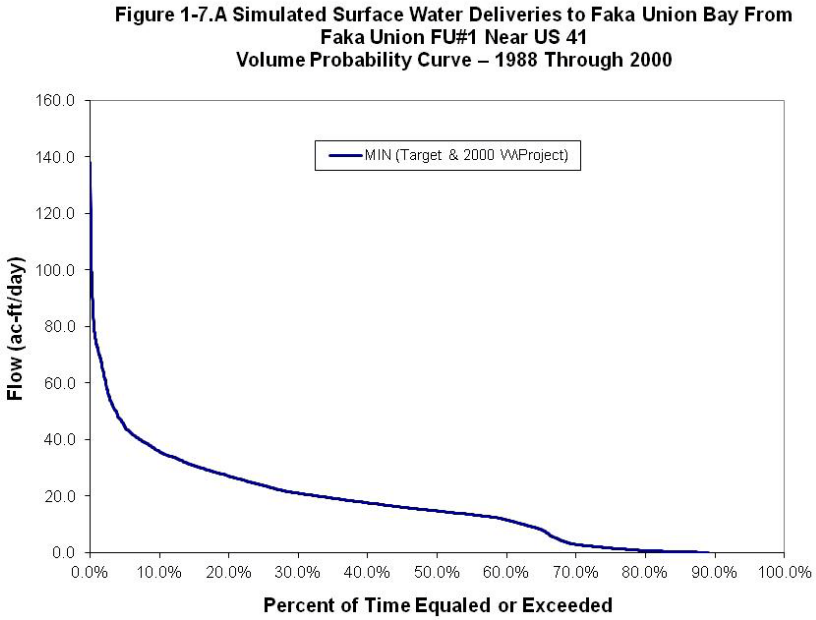


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 5.C)



(Formerly Figure 6.A)



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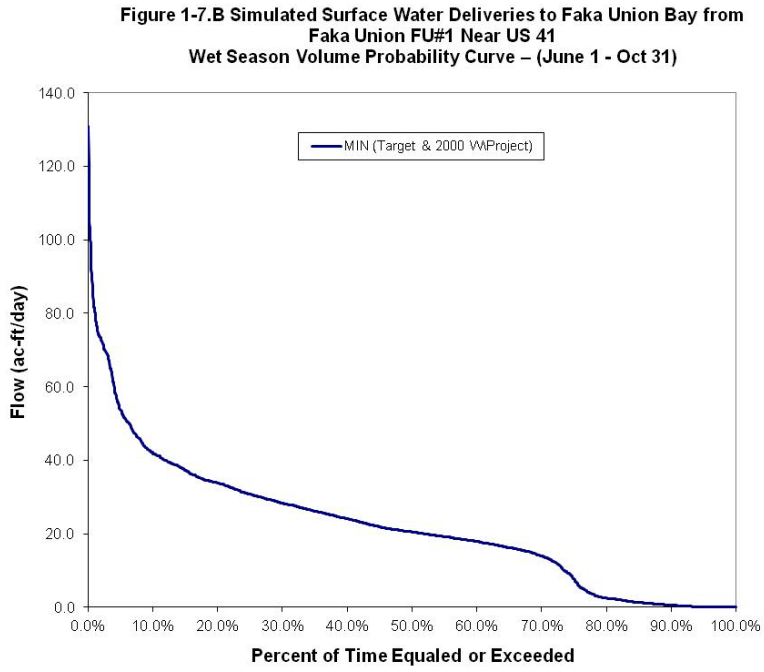
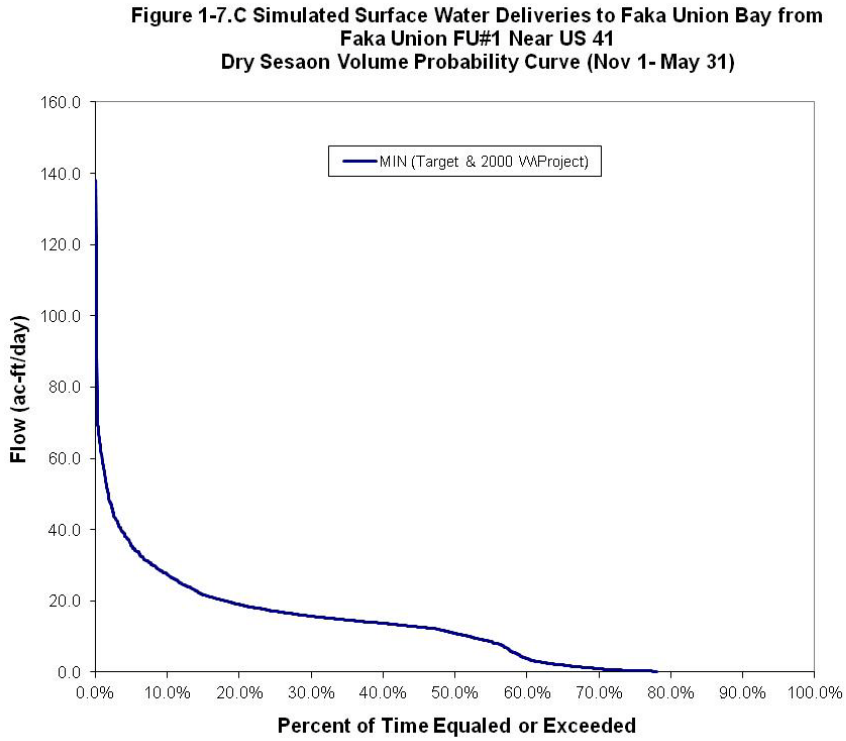
(Formerly Figure 6.B)

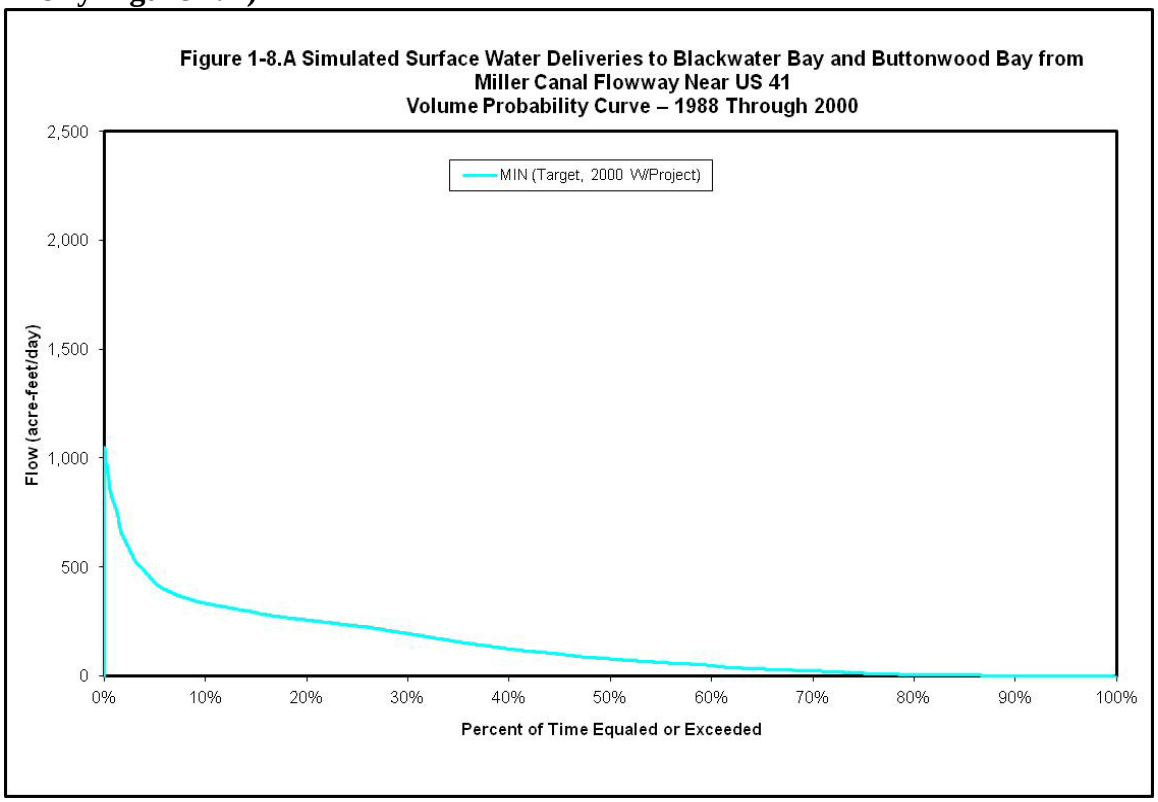


(Formerly Figure 6.C)

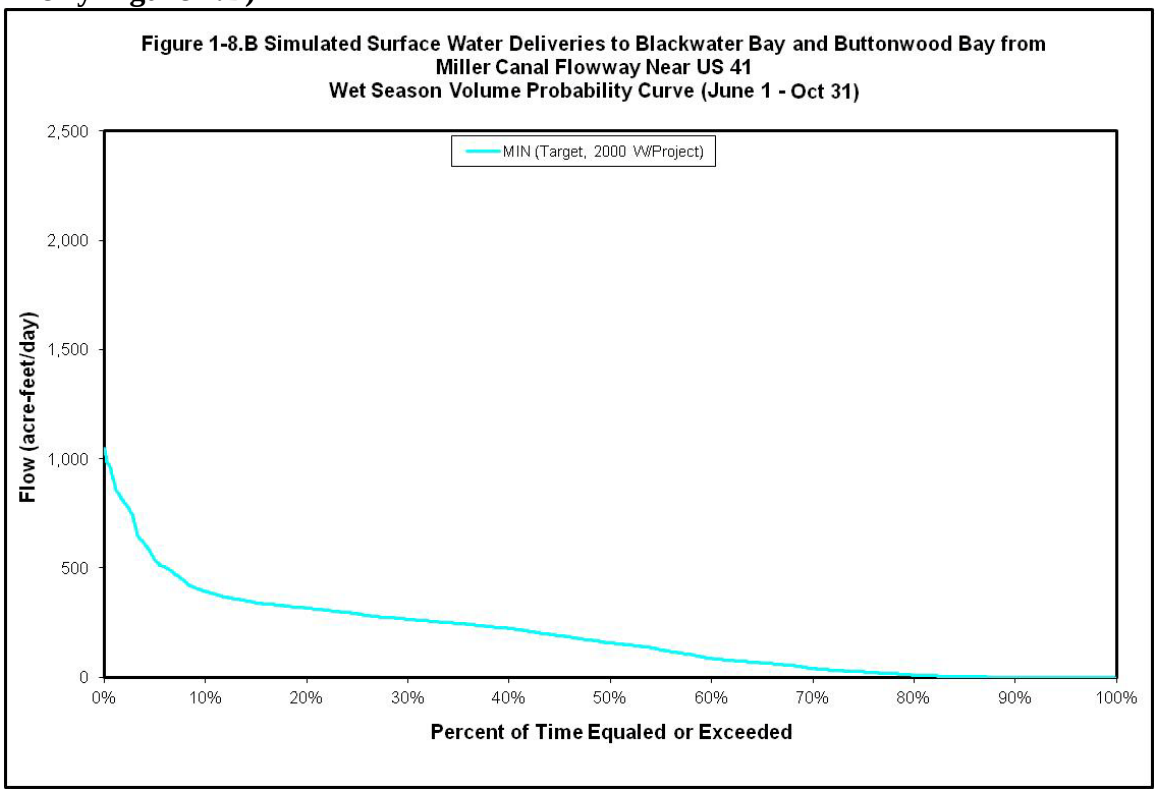


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 7.A)

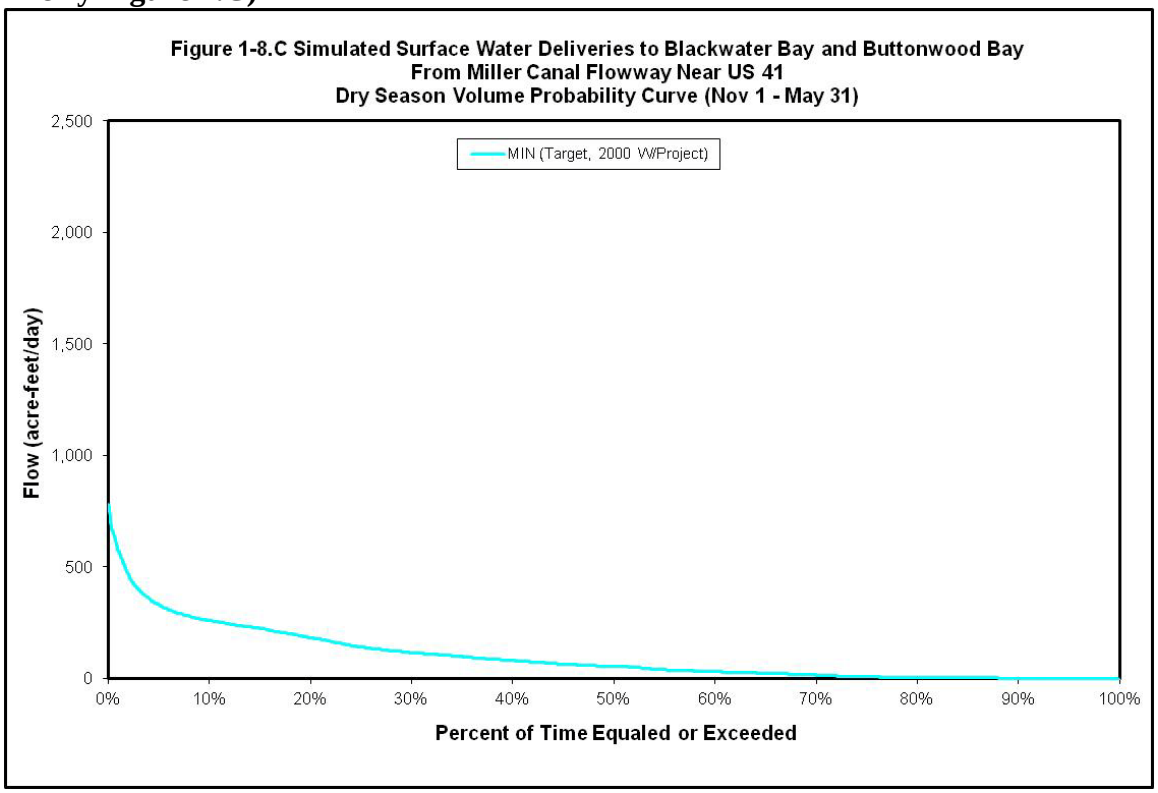


(Formerly Figure 7.B)

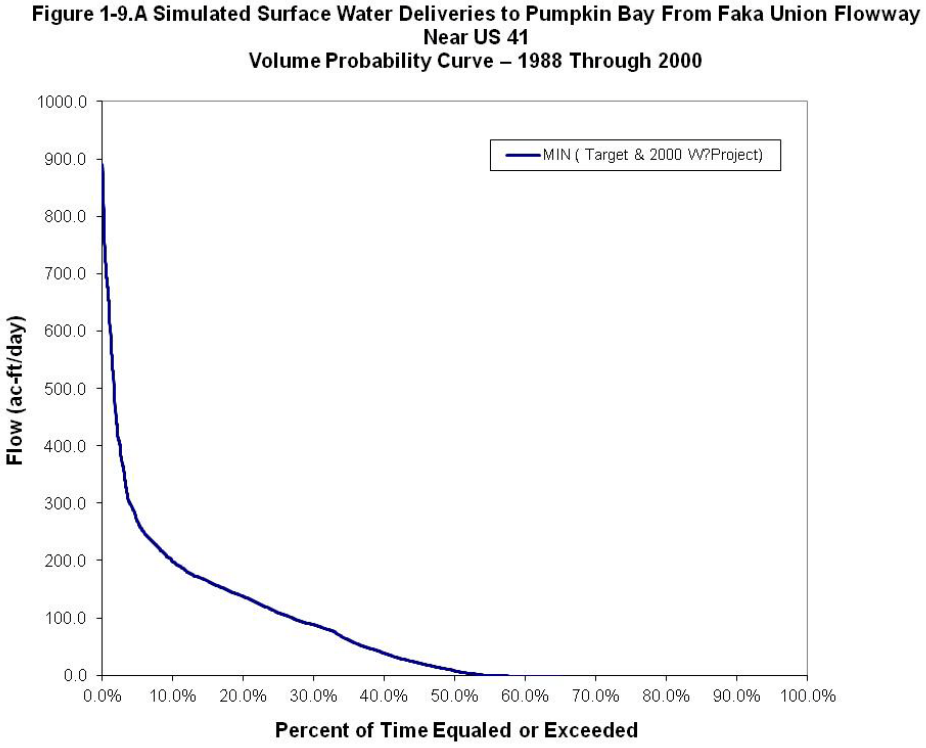


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 7.C)



(Formerly Figure 8.A)



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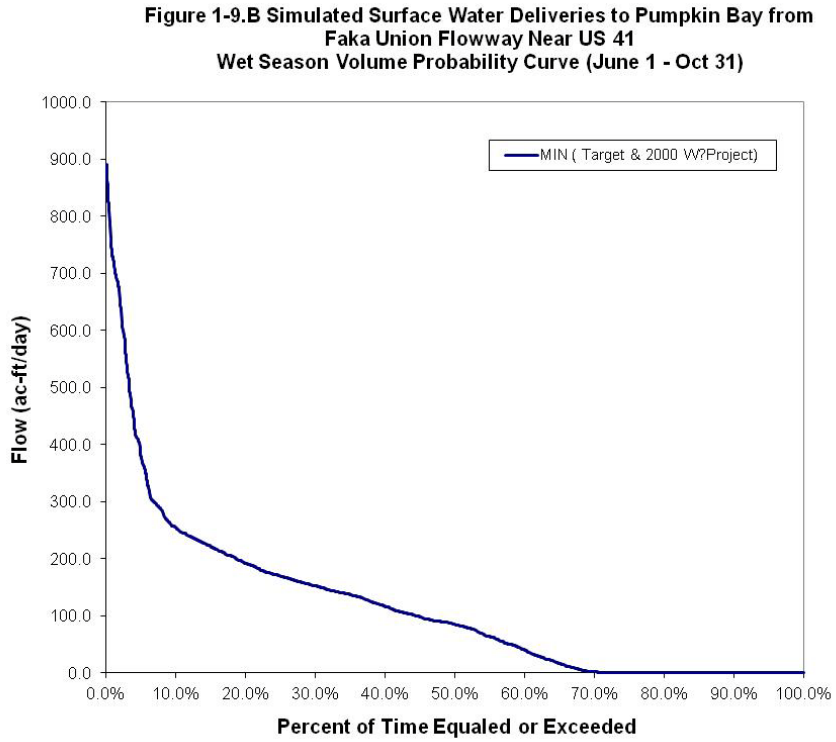
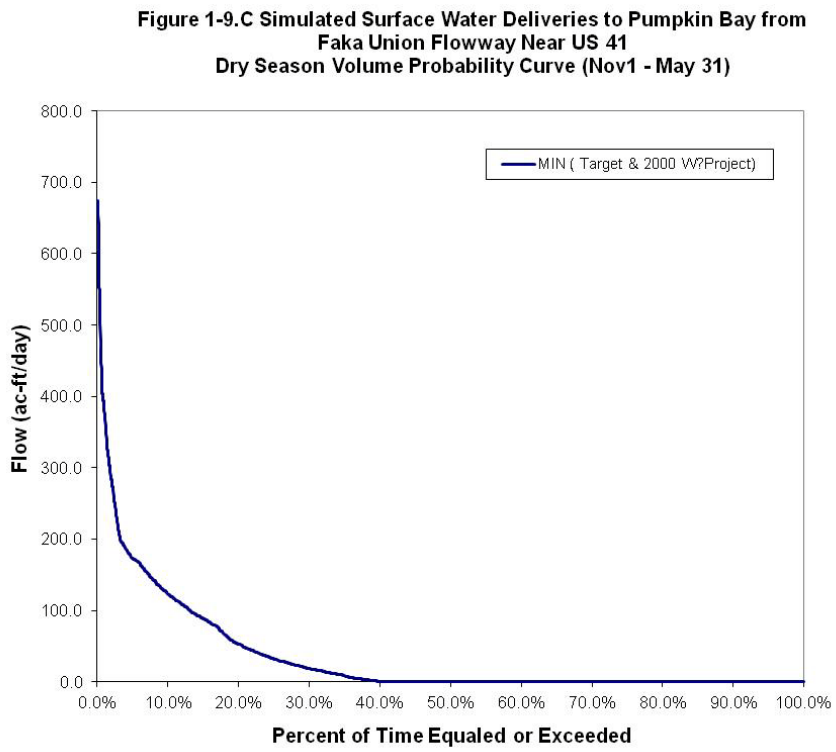
(Formerly Figure 8.B)



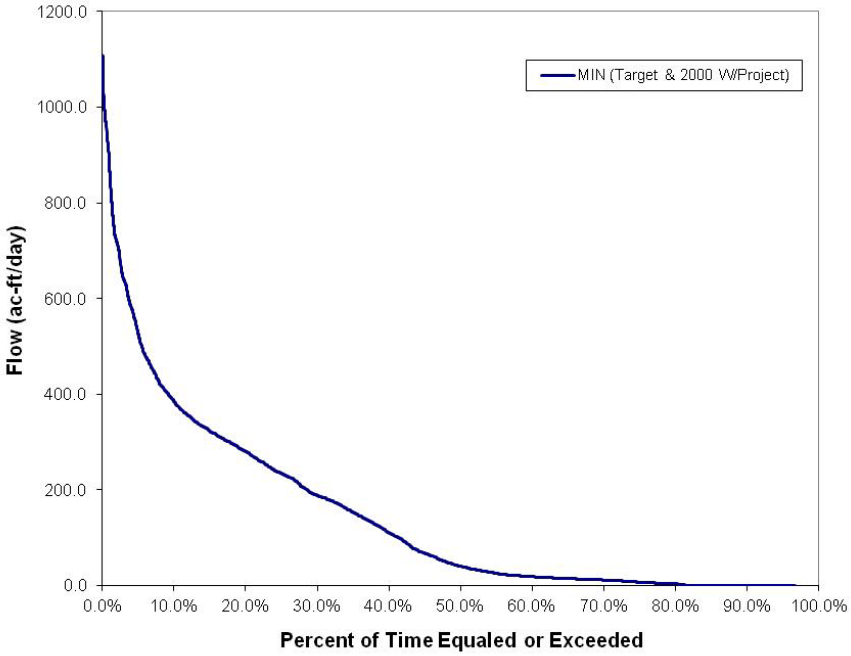
(Formerly Figure 8.C)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

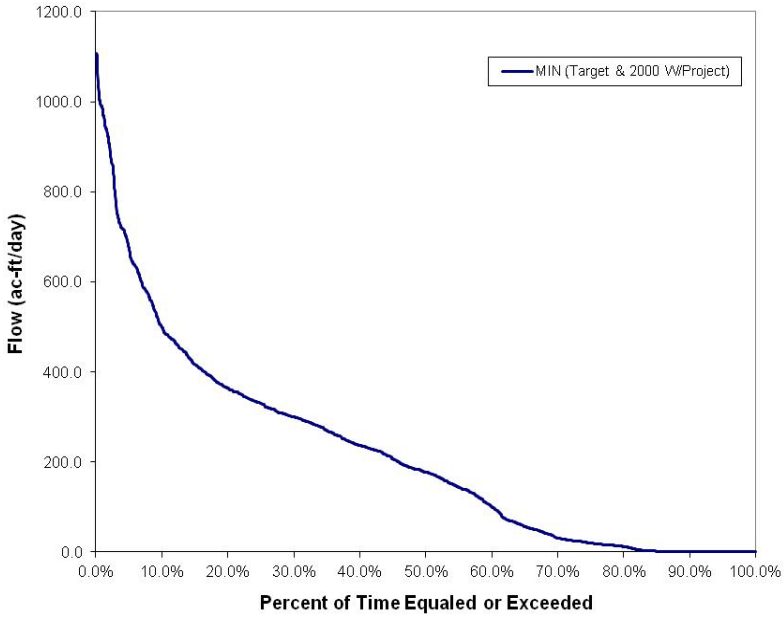
(Formerly Figure 9.A)

Figure 1-10.A Simulated Surface Water Deliveries to Faka Union Bay From Merritt Canal Flowway Near US41 Volume Probability Curve – 1988 Through 2000



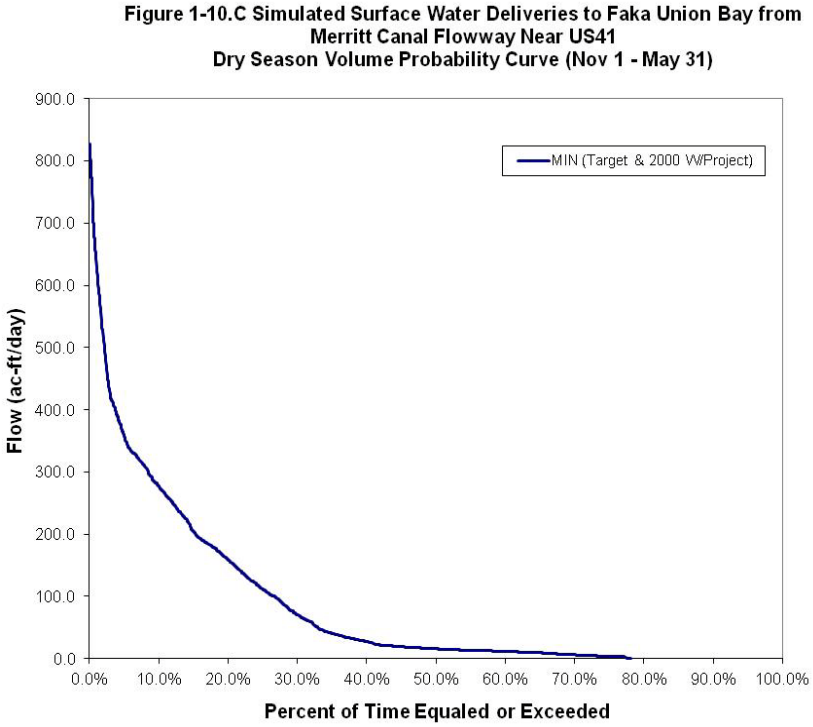
(Formerly Figure 9.B)

Figure 1-10.B Simulated Surface Water Deliveries to Faka Union Bay from Merritt Canal Flowway Near US41 Wet Sesaon Volume Probability Curve (June 1- Oct 31)

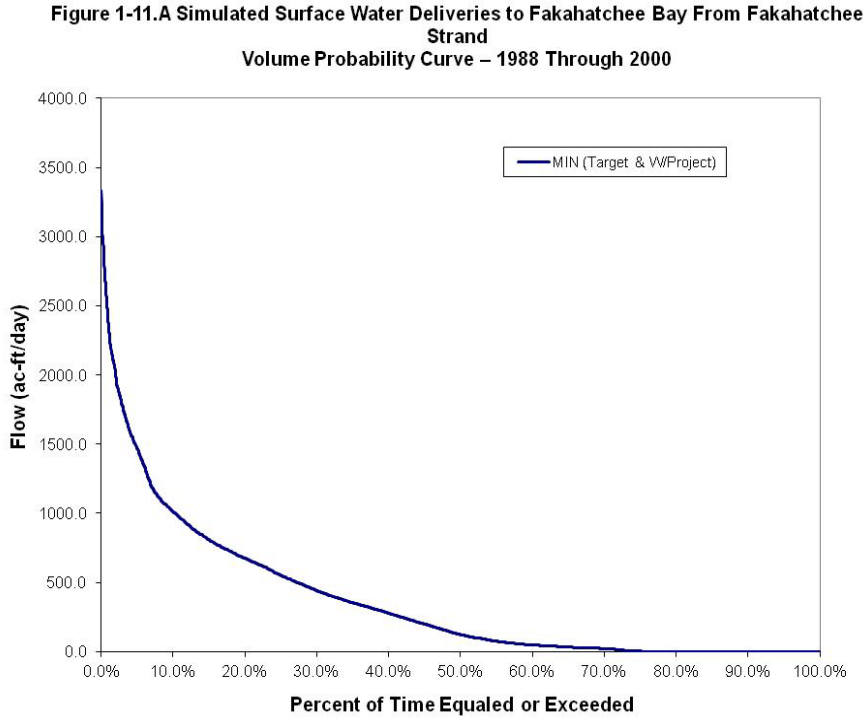


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 9.C)

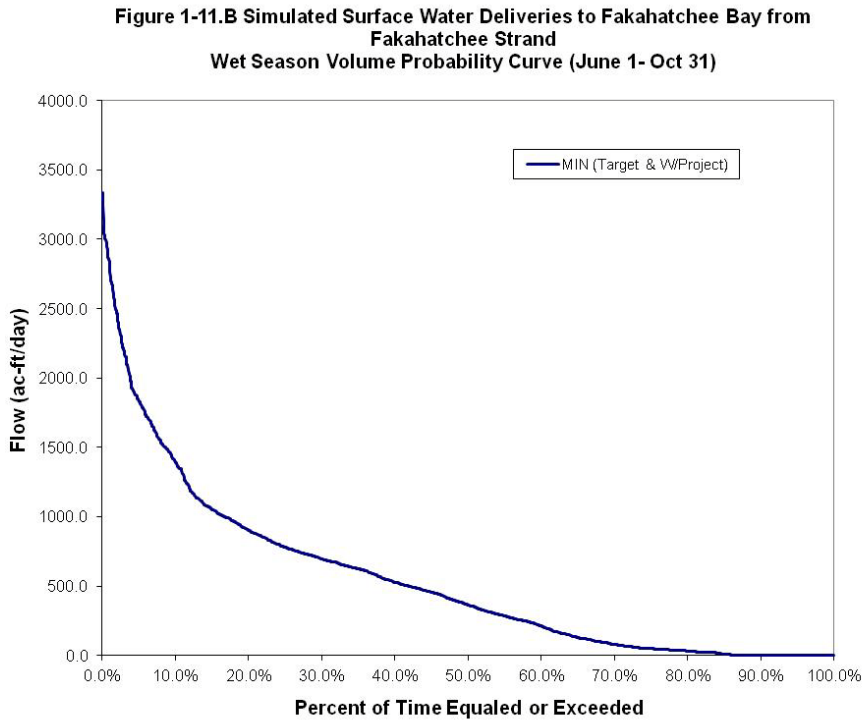


(Formerly Figure 10.A)

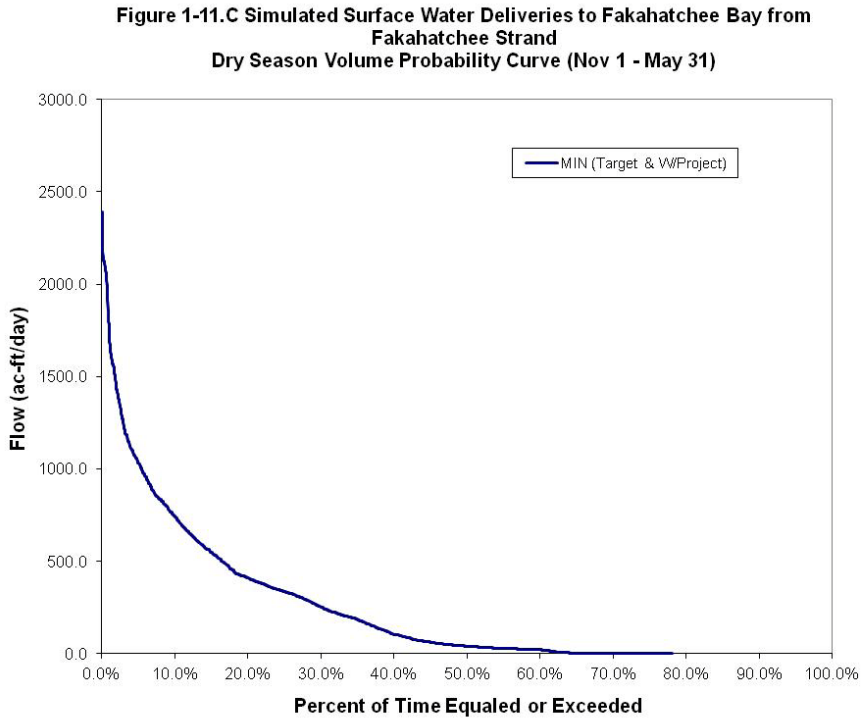


Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

(Formerly Figure 10.B)



(Formerly Figure 10.C)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

APPENDIX 2 UPPER EAST COAST PLANNING AREA ~~TO CHAPTER 40E-10~~

2-1 ~~Appendix 3:~~ Upper East Coast Reservation Water Bodies

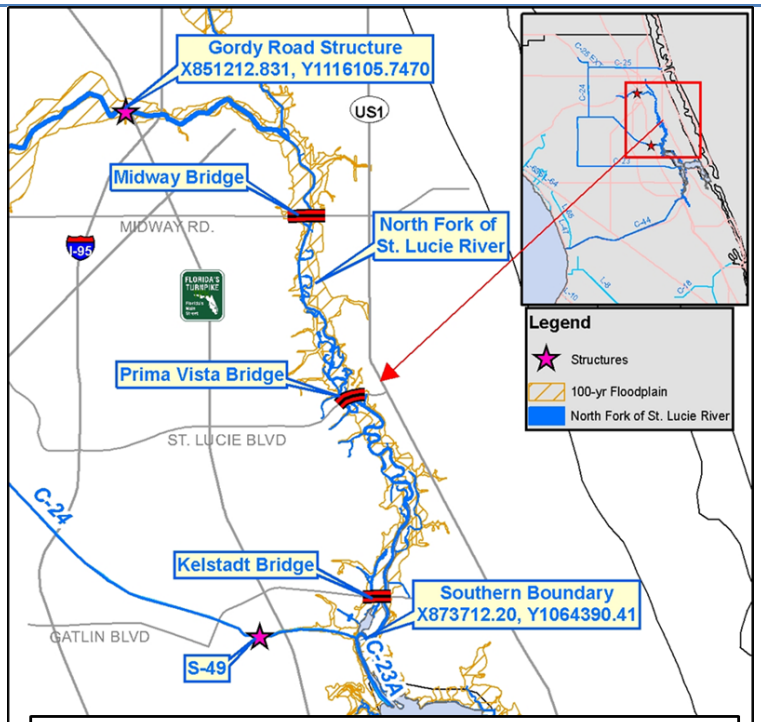
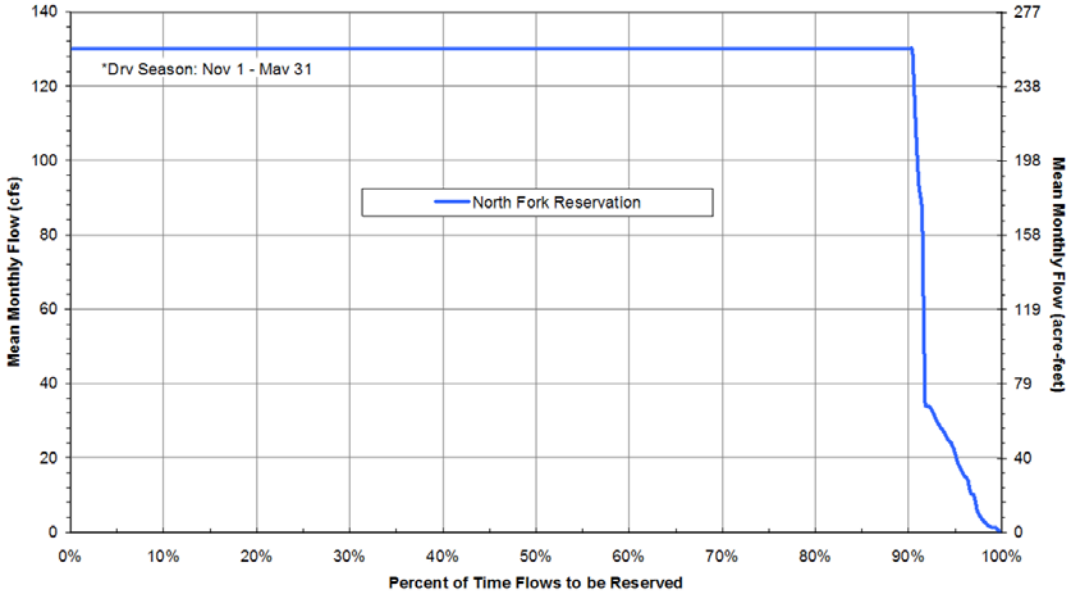


Figure 2-1: North Fork of the St. Lucie River Reservation Waterbody

Figure 2-2: Water Reserved for the North Fork of the St Lucie River

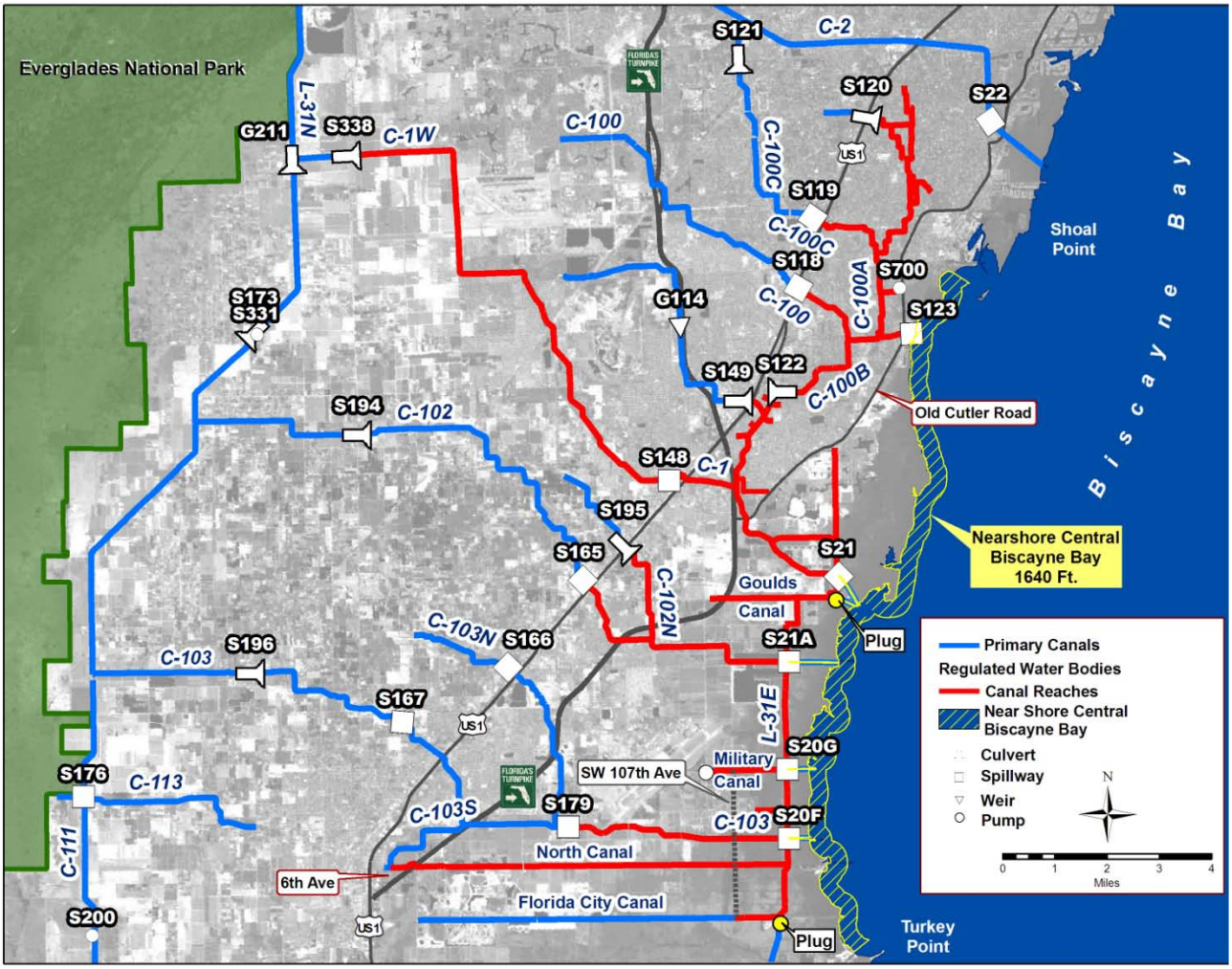
(Formerly Figure 3-2)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Appendix 3: Lower East Coast Planning Area

Figure 3-1 Nearshore Central Biscayne Bay Reservation Water Body and Protected Canal Reaches



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Figure 3-2.A Surface Water Flow from the C-100 canal through S-123 into Biscayne Bay during the Wet Season (June-October) (1986-2011)

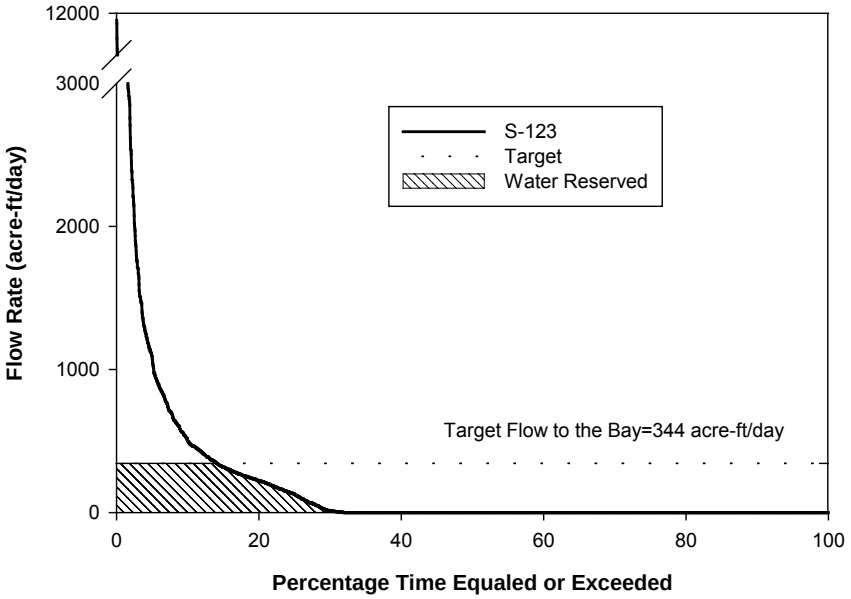
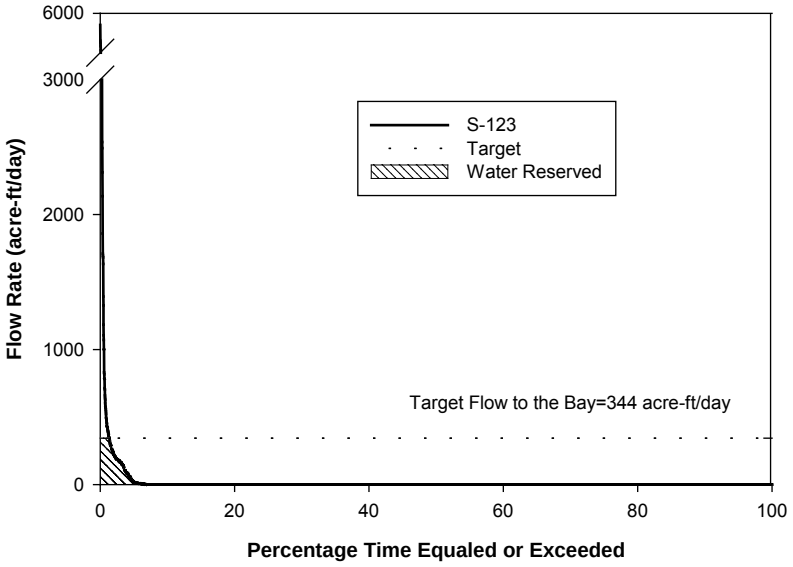


Figure 3-2.B Surface Water Flow from the C-100 canal through S-123 into Biscayne Bay during the Dry Season (November-May) (1986-2011)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Figure 3-3.A Surface Water Flow from the C-1 canal through S-21 into Biscayne Bay during the Wet Season (June-October) (1986-2011)

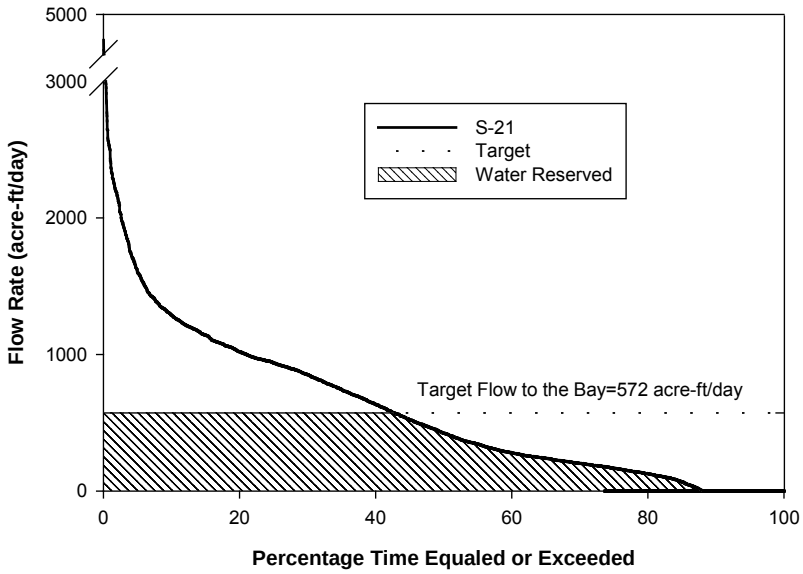
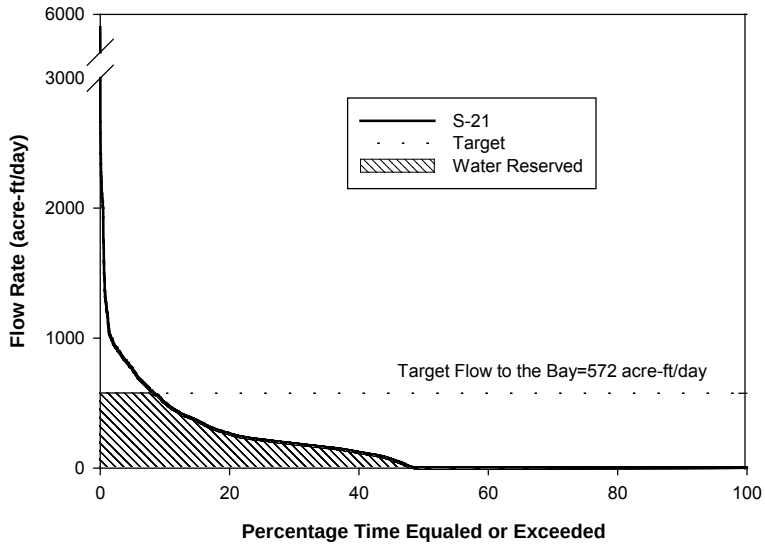


Figure 3-3.B Surface Water Flow from the C-1 canal through S-21 into Biscayne Bay during the Dry Season (November-May) (1986-2011)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

Figure 3-4.A Surface Water Flow from the C-102+Military+C-103 Canal through S-21A+S-20G+S-20F into Biscayne Bay during the Wet Season (June-October) (1986-2011)

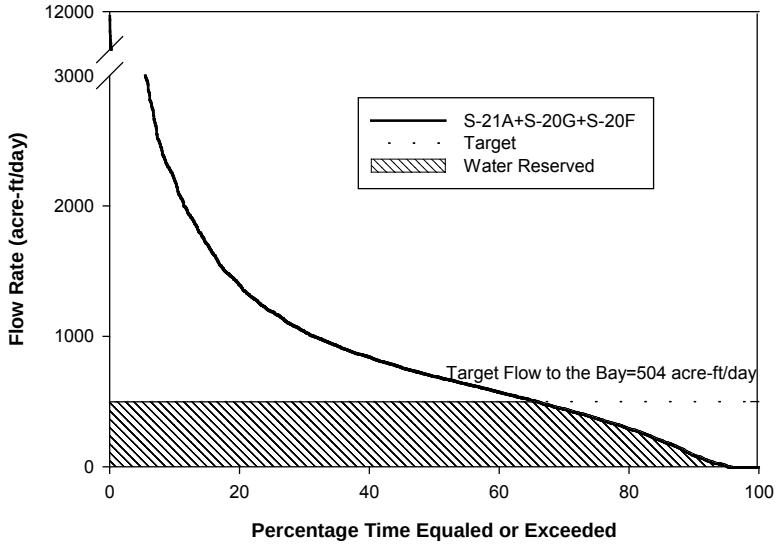
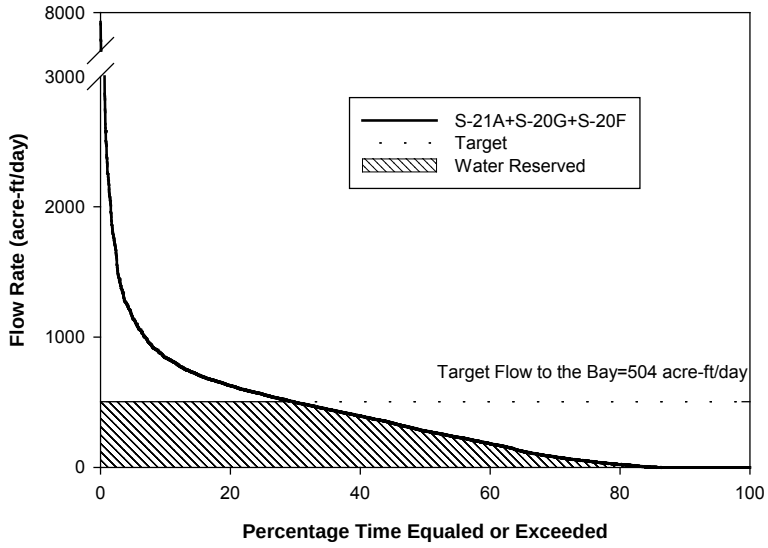


Figure 3-4.B Surface Water Flow from the C-102+Military+C-103 Canal through S-21A+S-20G+S-20F into Biscayne Bay during the Dry Season (November-May) (1986-2011)



Attachment: da_wr_101_RuleText_Proposed (1183 : Notice of Proposed Rule - Nearshore Central Biscayne Bay)

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy Strowd, Director, Operations, Maintenance & Construction

DATE: March 14, 2013

SUBJECT: Amendment to the U.S. Sugar Co. Lease of the Southern Gardens Parcel

Agenda Item Description

This agenda item seeks Governing Board approval of an amendment to the U.S. Sugar Company lease of the Southern Gardens Citrus Parcel in Hendry County, Florida. The amendment will facilitate the District's implementation of (1) a major wetland mitigation project on the property, and (2) a separate flow equalization basin on another portion of the property for the Restoration Strategies program.

Background

By Lease Agreement, dated October 8, 2010, the South Florida Water Management District leases to the U.S. Sugar Corporation the Southern Gardens Parcel, comprising approximately 17,918 Acres, located in Hendry County, Florida, as identified in Exhibit "A". The Lease of these citrus lands runs for a term of up to 20 years, subject to the District's right to terminate the Lease by providing two years advance written notice. U.S. Sugar is also responsible for paying all taxes and costs associated with its use of the Parcel but U.S. Sugar pays no rent.

The District plans to undertake a project on the Southern Gardens Parcel to restore the natural hydrology and historic wetland habitat and ecologic functions. The restoration project will be funded by mitigation fees paid by rock miners in the Lake Belt Area to offset impacts to wetlands caused by the mining activity.

Additionally approximately 2,875 acres at the north end of the Parcel will be used for a Flow Equalization Basin ("FEB") as part of the Restoration Strategies Program as shown on Exhibit A.

Restoration of the Southern Gardens Parcel has the potential to yield long-term sustainable, regional ecological benefits and contribute to the goals of Everglades Restoration and to meet other water-related needs.

The District will implement the restoration project in two phases as identified in Exhibit "B", with the Phase 1 area to be implemented commencing July 1, 2014, and the Phase 2 area to be implemented commencing July 1, 2018.

In order to implement the Project in two phases, the District will phase out the U.S. Sugar Lease by terminating the Phase 1 leased lands effective July 1, 2014, and

terminating Phase 2 lands leased lands effective July 1, 2018, subject to two years advance written notice by the District.

Additionally, at the time of execution of the Amendment to Lease, approximately 1,995 acres within the FEB will be terminated from the Lease.

It is also desirable that U.S. Sugar pay rent in the amount of $25 per acre per year with respect to farmable lands of approximately 9,148 acres. Rent payments shall commence November 1, 2013 and are subject to yearly adjustment.

Approval of the Governing Board is requested to amend the U.S. Sugar Lease to phase out the Lease and to also require U.S. Sugar to pay rent as provided above.

Core Mission and Strategic Priorities
The restoration of the Southern Gardens Parcel will play a pivotal role in restoration of Everglades Watershed and C-139 Annex drainage basin. The original purpose for acquisition was water storage/water quality treatment to benefit the Everglades ecosystem. However this project provides substantial environmental benefits at a fraction of the cost while also providing an FEB component for the Restoration Strategies Program. This acquisition will provide substantial environmental benefits to the restoration of the Everglades Watershed and C-139 Annex drainage basin

Funding Source
Lake Belt mitigation funds will be used to reimburse the District for a portion of acquisitions costs for the Southern Gardens Parcels and to pay for the environmental restoration of the Parcel. The FEB component will be funded out of the Restoration Strategies Program funding plan currently with such sources as future state appropriations and ad-valorem new construction.

Staff Recommendation
Governing Board approval of the proposed amendment to the U.S. Sugar Lease.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0312

A Resolution of the Governing Board of the South Florida Water Management District approving an amendment to the U.S. Sugar Corporation (US Sugar) lease of the Southern Gardens parcel, to phase out the citrus lease by 2018, and to provide for US Sugar to pay rent to the District commencing November 1, 2013, in the amount of $25 per acre per year for the remaining approximate 9,148 farmable citrus acres located in Hendry County; providing an effective date. (Contract Number 4600002268-A01) (OMC, Ray Palmer, ext. 2246)

WHEREAS, by Lease Agreement, dated October 8, 2010, (the "Lease") the South Florida Water Management District leases to U.S. Sugar Corporation ("U.S. Sugar") the lands known as the Southern Gardens Parcel, comprising approximately 17,918 acres, located in Hendry County, Florida, as identified in Exhibit "A" (the "Southern Gardens Parcel"); and

WHEREAS, the Lease for the use of the Southern Gardens Parcel for citrus production runs for a term of up to 20 years, subject to the District's right to terminate the Lease by providing two years advance written notice; and

WHEREAS, under the Lease, U.S. Sugar is responsible for paying all taxes and costs associated with its use of the Parcel but U.S. Sugar pays no rent; and

WHEREAS, the District plans to undertake a project on approximately 14,100 acres of the Southern Gardens Parcel (the "Project') to restore the historic wetland habitat and ecologic functions to the greatest extent possible; and

WHEREAS, the restoration project will be funded by mitigation fees paid by mining activity in the Lake Belt Area to offset wetland impacts; and

WHEREAS, the Southern Gardens Parcel has the potential to yield long-term sustainable, regional ecological benefits that contribute to the goals of Everglades Restoration and meet other water-related needs; and

WHEREAS, the District will implement the Project in two phases as identified in Exhibit "B", with Phase 1 area to be implemented commencing July 1, 2014, and the Phase 2 area to be implemented July 1, 2018; and

WHEREAS, in order to implement the Project in two phases, the District will be required to phase out the Lease by terminating the lease of the Phase 1 lands effective July 1, 2014, and terminating the lease of the Phase 2 lands effective July 1, 2018, subject to two years advance written notice by the District; and

WHEREAS, approximately 2,875 acres at the north end of the Parcel as identified on Exhibit "A," will be used for a future Flow Equalization Basin project as part of the District's Restoration Strategies Program and funding plan, and at the time of execution of the Amendment to Lease, 1,995 acres within the FEB will be excluded from the Lease.

WHEREAS, it is also desirable that U.S. Sugar pay rent commencing November 1, 2013, in the amount of $25 per acre per year for the remaining approximate 9,148 farmable acres, subject to annual adjustment during the period it continues to occupy the Southern Gardens Parcel; and

WHEREAS, the parties desire to amend the Lease to provide for termination and for U.S. Sugar paying rent as provided above.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves an amendment to the Lease in accordance with the terms as set forth in the above Recitals.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

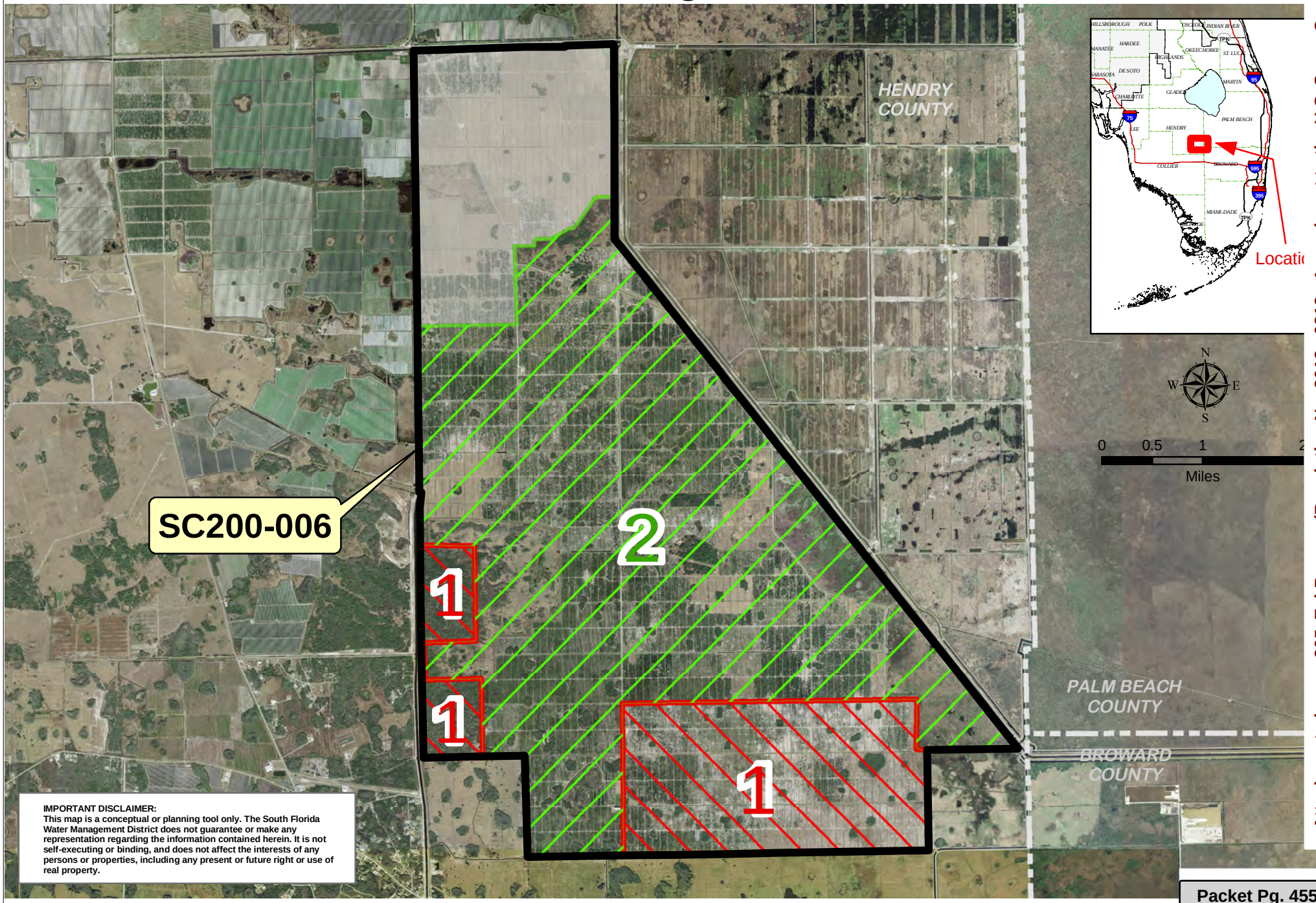
_____
Office of Counsel

Print name:

_____

U.S. Sugar Citrus Lease Amendment Phasing Plan

Exhibit B



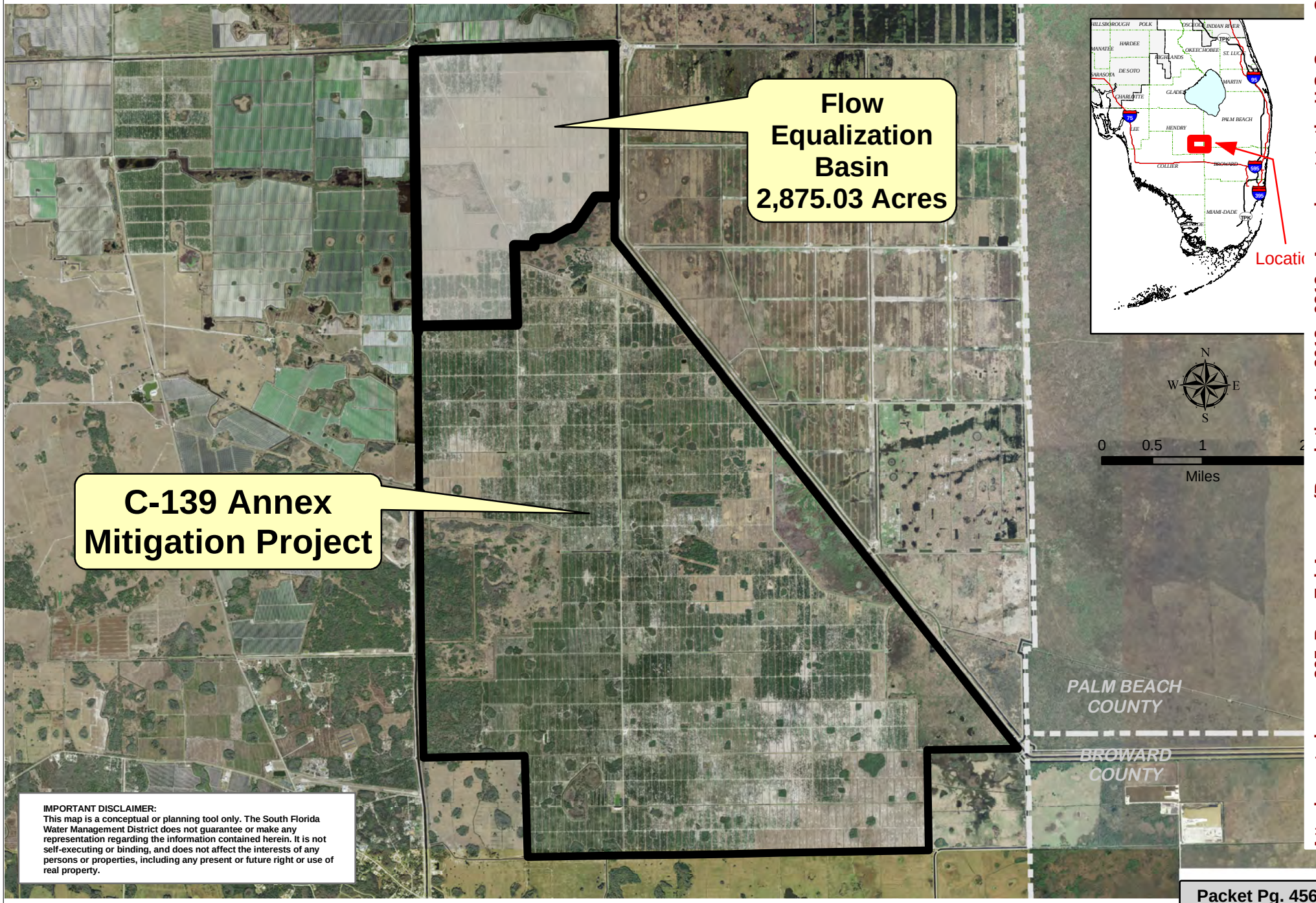
IMPORTANT DISCLAIMER:
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties,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

For copies of this map (\\Ad.sfwmd.gov\dfsroot\data\aa_gis\arc_data\maps\proj\RiverOfGrass\am\GB\GB_2013-1-22_SC200-006_phases.mxd), Created on 1/22/13 b

Attachment: da_om_205_ExhB_map (Resolution No. 2013 - 0312 : Amendment to the U.S. Sugar Co.

U.S. Sugar Citrus Lease Amendment
Southern Gardens Parcel

Exhibit A



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

For copies of this map (\\Ad.sfwmd.gov\dfsroot\data\aa_gis\arc_data\maps\proj\RiverOfGrass\am\GB\GB_2013-1-22_SC200-006_phases.mxd), Created on 1/22/13 b

Attachment: da_om_205_Rev_ExhA_map (Resolution No. 2013 - 0312 : Amendment to the U.S. Sugar Co.

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Comprehensive Archaeological/Historical Surveys and Services, Contract 4600002816

Agenda Item Description
This contract with Archaeological Consultants, Inc. will provide Comprehensive Archaeological/Historical Surveys and Services described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include advanced subsurface testing, determination of site integrity, and development and coordination of research designs, Cultural Resources Assessment Survey, Phase I, Phase II, and Phase III reports for the State Historic Preservation Office (SHPO) and the United States Army Corps of Engineers to resolve issues and obtain concurrence from both agencies.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/ Historical Surveys and Services contracts is $5,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0313

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002816) (EPC, Tom Teets, Ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under request for proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002816 with Archaeological Consultants, Inc.,

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Comprehensive Archaeological/Historical Surveys and Services, Contract 4600002815

Agenda Item Description
This contract with Southeastern Archaeological Research, Inc. will provide Comprehensive Archaeological/Historical Surveys and Services described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include advanced subsurface testing, determination of site integrity, and development and coordination of research designs, Cultural Resources Assessment Survey, Phase I, Phase II, and Phase III reports for the State Historic Preservation Office (SHPO) and the United States Army Corps of Engineers to resolve issues and obtain concurrence from both agencies.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/ Historical Surveys and Services contracts is $5,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0314

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002815) (EPC, Tom Teets, Ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under request for proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002815 with Southeastern Archaeological Research, Inc.,

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Comprehensive Archaeological/Historical Surveys and Services, Contract 4600002814

Agenda Item Description
This contract with Janus Research, Inc. will provide Comprehensive Archaeological/Historical Surveys and Services described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include advanced subsurface testing, determination of site integrity, and development and coordination of research designs, Cultural Resources Assessment Survey, Phase I, Phase II, and Phase III reports for the State Historic Preservation Office (SHPO) and the United States Army Corps of Engineers to resolve issues and obtain concurrence from both agencies.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/ Historical Surveys and Services contracts is $5,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0315

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002814) (EPC, Tom Teets, ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes advanced subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under request for proposal 6000000557, for which the total not-to-exceed amount for the three contracts to be awarded is $5,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002814 with Janus Research, Inc.,

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Cultural Resources Reconnaissance Surveys, Contract 4600002817

Agenda Item Description
This contract with Janus Research, Inc. will provide the District with Cultural Resources Reconnaissance Surveys described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include performing archaeological and historical reconnaissance surveys, construction monitoring, construction staff training and coordination with the State Historic Preservation Office (SHPO), Bureau of Archaeological Research, the United States Army Corps of Engineers, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida and other agencies to resolve issues and address questions.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/Historical Surveys and Services contracts is $2,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0316

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002817) (EPC, Tom Teets, ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and enter into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys. The contract will include performing archaeological and historical reconnaissance surveys as well as coordinating with the State Historic Preservation Office, the United States Army Corps of Engineers, the Tribes and other agencies to resolve issues and address questions. The total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and**;**

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002817 with Janus Research, Inc.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Cultural Resources Reconnaissance Surveys, Contract 4600002818

Agenda Item Description
This contract with Southeastern Archaeological Research, Inc. will provide the District with Cultural Resources Reconnaissance Surveys described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include performing archaeological and historical reconnaissance surveys, construction monitoring, construction staff training and coordination with the State Historic Preservation Office (SHPO), Bureau of Archaeological Research, the United States Army Corps of Engineers, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida and other agencies to resolve issues and address questions.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/Historical Surveys and Services contracts is $2,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0317

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002818) (EPC, Tom Teets, ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and enter into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys. The contract will include performing archaeological and historical reconnaissance surveys as well as coordinating with the State Historic Preservation Office, the United States Army Corps of Engineers, the Tribes and other agencies to resolve issues and address questions. The total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and**;**

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002818 with Southeastern Archaeological Research, Inc.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Ernie Barnett, Director, Everglades Policy & Coordination

DATE: March 14, 2013

SUBJECT: Cultural Resources Reconnaissance Surveys, Contract 4600002819

Agenda Item Description
This contract with Archaeological Consultants, Inc. will provide the District with Cultural Resources Reconnaissance Surveys described under the historic preservation requirements of Federal and State laws for South Florida Water Management District projects for the next three years.

Background
In order to fulfill Section 106 of the National Historic Preservation Act and other requests that may fall under the USACE's federal trust responsibilities, tasks will include performing archaeological and historical reconnaissance surveys, construction monitoring, construction staff training and coordination with the State Historic Preservation Office (SHPO), Bureau of Archaeological Research, the United States Army Corps of Engineers, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida and other agencies to resolve issues and address questions.

Core Mission and Strategic Priorities
This item supports the District's core mission and five-year strategic goals of the State and Federal Policy and Coordination office by generating information needed to fulfill permit requirements for the construction of projects District-wide together with assisting with land acquisition decisions.

Funding Source
The funding source will be provided by the individual District Programs or Offices that require the services described in the solicitation and may include dedicated funds from the Save Our Everglades Trust. The combined not-to-exceed total of all Comprehensive Archaeological/Historical Surveys and Services contracts is $2,000,000 over the next three years.

Staff Recommendation
Staff recommendation for approval ensures that cultural resource issues do not impact the Office of Everglades Policy and Coordination or any other District Program project schedules. If contracts are not approved, the District does not have the internal level of expertise to fulfill State and Federal legal requirements, permit requirements or gain valuable information prior to acquiring land.

If you have any questions, please call Ernie Barnett at ext. 2110 or Tom Teets at ext. 6993.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2013 - 0318

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of short-listed firms and entering into a three-year work order contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys, which includes monitoring and training services, under Request for Proposal 6000000558, for which the total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets; providing an effective date. (Contract Number 4600002819) (EPC, Tom Teets, ext. 6993)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and enter into a three-year contract with two (2) one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of three firms selected for Cultural Resources Reconnaissance Surveys. The contract will include performing archaeological and historical reconnaissance surveys as well as coordinating with the State Historic Preservation Office, the United States Army Corps of Engineers, the Tribes and other agencies to resolve issues and address questions. The total not-to-exceed amount for the three contracts to be awarded is $2,000,000 for which funds are budgeted in individual projects and subject to Governing Board approval of FY14-FY16 budgets and**;**

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of 460002819 with Archaeological Consultants, Inc.

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

PASSED and **ADOPTED** this 14th day of March, 2013.

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

_____
Chairman

Attest:

_____
District Clerk/Secretary

Legal form approved:
By:

_____
Office of Counsel

Print name:

_____

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: March 14, 2013

SUBJECT: Monthly Financial Statement – January 2013

The attached financial status report is provided for your review. This report provides a high level snapshot of District financial activity and includes revenue collections by source and expenditures by program. Also attached is a summary in the State Program format in compliance with 2012 SB 1986 revising 373.536(4)(e) F.S., requiring each District to provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website. This unaudited financial statement is provided as of January 31, 2013, with 33% of the fiscal year completed.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances / expenditures made against the District's FY2013 $622.0 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- As of January 31, 2013, with the fiscal year 33% complete, 57.8% of the District's budgeted operating revenue has been collected. The primary source of operating revenue received to date is taxes. Ad Valorem taxes comprise 68% of the budgeted operating revenues and drive collections based on the annual cycle of the property tax bill. The remaining revenue source is fund balance which represents the amount of prior year residual revenue that is budgeted in the current year and has already been received. Total FY2013 sources collected were 73.2% of budget or $455.6 million.

- As of January 31, 2013, 72.4% of budgeted Ad Valorem tax revenue and 94.5% of budgeted Agricultural Privilege tax revenue have been collected. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95% to allow for the discounts property owners may take advantage of through early payment options. Historical ad valorem trends for the past five years, through January, support an average collection rate of 77%.

- As of January 31, 2013, 7.2% of budgeted intergovernmental revenues have been collected. In addition to reimbursement agreements, intergovernmental revenues include proceeds from the sale of Indian River Lagoon and Everglades license plates. Revenue received through January for the sale of license plates totals $168K. The bulk of intergovernmental revenue is from reimbursements from the Save Our Everglades Trust Fund, Water Management Lands Trust Fund, and the Florida Fish and Wildlife Conservation Commission. Reimbursement requests are submitted to the state based on actual expenses incurred and are typically received later in the fiscal year.

Attachment: Monthly Financial Statement Memo January FY13 (1153 : Monthly Financial Statement ? January 2013)

- As of January 31, 2013, $1.76 million or 35.5% of budgeted Investment Earnings have been realized. The District budgeted a conservative $4.95 million in investment earnings for FY2013 distributed as follows: $4.59 million in ad valorem funds and $362K in non ad valorem funds. Year to date interest earnings in ad valorem funds amount to $1.4 million or 30.5% of the budgeted amount, while interest earnings in non ad valorem funds amount to $357K or 98.4% of the budgeted level. Investment earnings reflect a downward trend over the past years and are representative of lower cash balances, reduced ad valorem tax levies and lower interest rate yields.

- Lease revenue represents amounts collected from leases of real property owned by the District. The timing of revenue received is based on the fee schedules within the agreements – monthly, semi-annual or annual payments – and these varying timing issues impact the collection rate. The District has currently collected $1.2 million which represents 45.4% of the current year budgeted lease revenue of $2.7 million. The lease revenue collected for lands within restricted categories such as Farm Bill and State Lands require these funds be used within strict guidelines as defined by acquisition agreements.

- Budgeted licenses, permits and fees revenue is from water use permits, environmental resource permits and right of way permits. FY2013 income received totals $7.6 million and is primarily due to unbudgeted receipts of $6.8 million from dedicated Lake Belt and Wetland mitigation fees from restoration projects and fees for mining tonnage removed. The balance of receipts includes permit fees $273K (33.6% of budgeted revenue) and licenses/miscellaneous fees of $566K (38.1% of budgeted revenue).

- Budgeted revenue in the Other category includes $275K in civil penalties and enforcement fees and $250K in miscellaneous revenues such as cash discounts, insurance reimbursements, refunds for prior year expenditures, and sale of recycled oil and scrap metal. Fiscal year collections amount to $128K representing 24.4% of the budgeted $525K.

- Sale of District Property represents the sale of real property and land. This is budgeted conservatively due to the uncertainty involved. FY2013 revenues received total $131K.

- Self insurance premiums represent the District's contribution and the contribution from active and retired District employees to the self funded health benefits program. Also included is the District's contribution to the workers compensation, auto and general liability self insurance program. Contributions of $6.7 million received through January equate to 26% of the $25.7 million budget and reflect monthly premiums.

Expenditure and Encumbrance Status:

As of January 31, 2013, with 33% of the year complete, the District has expended **$133.2 million or 23.7%** and has encumbered **$130.0 million or 23.1%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **$263.2 million** or **46.8%** of its non-reserve budget.

Attachment: Monthly Financial Statement Memo January FY13 (1153 : Monthly Financial Statement ? January 2013)

Summary of Expenditures and Encumbrances by Program – This financial statement illustrates the effort to date for each of the District's program areas. Provided below is a discussion of the primary uses of funds by program.

- The **Comprehensive Everglades Restoration Plan Program** has obligated 38.6% and expended 4.4% of their $125.5 million budget. Principal expenditures include personnel services ($1.8 million), contractual services ($814K), operating ($488K), and capital outlay ($2.4 million). Contractual services encumbrances ($9.2 million) and capital outlay encumbrances ($33.6 million) include the following projects: L-8 Flow Equalization Basin, C-44 Reservoir/STA Project, CERP Monitoring and Assessment, C-111 Spreader Canal, Southern Crew, Loxahatchee Impoundment Landscape Initiative, Picayune Strand, South Miami Dade Seasonal Operations Study, Biscayne Bay, WCA3 Decompartmentalization, Central Everglades Planning Study, and Lake Okeechobee Critical Restoration STA Repairs.

- The **Coastal Watersheds Program** has obligated 53.3% and expended 21.4% of their total $18.0 million budget. Principal expenditures include personnel services ($1 million), contractual services ($2.7 million), operating ($32K), and capital outlay ($59K). Contractual services encumbrances primarily consist of interagency agreements ($4.4 million) including: St. Lucie River and Indian River Lagoon Initiatives, St. Lucie River License Tag Projects, Loxahatchee River Preservation Initiative, Big Cypress Basin Stormwater Projects, Spanish Creek/Four Corners, Miami Gardens NW 178th Dr Stormwater Retrofit, Mirror Lakes/Halfway Pond Rehydration; remaining contractual encumbrances ($1.1 million) include: St. Lucie River and Caloosahatchee River Regulatory Source Controls; Loxahatchee River, St. Lucie River and Caloosahatchee Watershed Research and Water Quality Monitoring; C-43 Water Quality Treatment Facility Project - Dual-Nutrient Remediation Study; Hydro Model for Naples and Rookery Bay; Florida Bay and Coastal Wetlands Project; Biscayne Bay Water Quality and Submerged Aquatic Monitoring; Lake Trafford Biological Monitoring; Big Cypress Real-time Monitoring and Modeling; Big Cypress Basin Saltwater Network Plan; and Collier County Water Quality Monitoring. Capital outlay encumbrances ($240K) are for Preliminary Survey and Geotech services for the Lake Hicpochee Hydrologic Enhancement project.

- The **District Everglades Program** has obligated 37.5% and expended 20.7% of their total $52.5 million budget. Principal expenditures include personnel services ($5.6 million), contractual services ($1.7 million), operating ($2.1 million), and capital outlay ($1.5 million). Contractual services encumbrances ($3.6 million) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA's), Diesel Oxidation Catalyst Installation, Loxahatchee Impoundment Landscape Initiative, STA 1E Exterior Levee Certification, STA Structure Inspection Program, Sulfur Action Plan, and the Everglades Regulation Source Control. Operating encumbrances ($386K) are in support of the overall operations and the maintenance of vegetation and exotic plant control of the STA's. Capital outlay encumbrances ($4.8 million) include work on Everglades Agricultural Area A1 Flow Equalization Basin and L-8 Divide Structure, completing Compartments B & C, G-250S and G-337 Pump Bearing replacement, and construction on the G-251 Trash Rake Replacement.

- The **Kissimmee Watershed Program** has obligated 55.8% and expended 4.1% of their total $31.7 million budget. Principal expenditures include personnel services ($510K), contractual services ($303K), operating ($14K), and capital outlay ($476K). Contractual

Attachment: Monthly Financial Statement Memo January FY13 (1153 : Monthly Financial Statement ? January 2013)

services and operating encumbrances ($1.3 million) primarily consist of the Kissimmee River Restoration Evaluation ($293K), Kissimmee Basin Modeling and Operating System ($664K), the Oak Creek project ($128K), Rolling Meadows ($75K), hydrologic monitoring ($131K), and land acquisition costs and environmental risk assessments ($40K). Capital outlay encumbrances ($15.1 million) are primarily for the Kissimmee River Restoration land acquisition cases and the Kissimmee River Restoration project.

- The **Lake Okeechobee Program** has obligated 45.4% and expended 10.5% of their total $23.1 million budget. Principal expenditures include personnel services ($1.2 million), contractual services ($1.0 million), operating ($121K), and capital outlay ($60K). Contractual services and operating encumbrances ($8.0 million) are primarily for the following: Dispersed Water Management and Florida Ranchland Environmental Services Projects ($6.9 million), Information Technology Support ($572K), Northshore Navigation Canal project ($95K), Lake Okeechobee Watershed Pre-Drainage Characterization study ($68K), Phosphorous Source Control project ($61K), Lemkin Creek ($71K), Phosphorus Reduction projects ($93K), Water Quality Assessments and reporting ($45K) and Lakeside Ranch STA ($53K).

- The **Land Stewardship Program** has obligated 30.8% and expended 12.8% of their total $19.4 million budget. Principal expenditures include personnel services ($1.2 million), contractual services ($878K), operating ($395K), and capital outlay ($12K). Contractual and operating encumbrances ($3.5 million) include the maintenance of vegetation and exotic plant control, provision of law enforcement services, and management of District owned lands and facilities.

- The **Mission Support Program** has obligated 36.9% and expended 27.3% of their total $52.5 million budget. Principal expenditures include personnel services ($7.5 million), contractual services ($2.5 million), operating ($4.0 million), and capital outlay ($293K). Contractual services encumbrances ($2.9 million) include IT consulting services, hardware, software, and systems maintenance for the fiscal year; facilities maintenance and repair services, and audit and legal professional services. Operating encumbrances ($1.8 million) include utilities, equipment rental and space rental. Capital outlay encumbrances ($155K) include computer hardware and design work for the Emergency Operations Center air conditioner system and data center upgrades.

- The **Modeling and Science Support Program** has obligated 42.3% and expended 29.2% of their total $13.0 million budget. Principal expenditures include personnel services ($2.9 million), contractual services ($707K), operating ($195K), and capital outlay ($50K). Contractual services and operating encumbrances ($1.7 million) include technical and peer reviews, computer hardware and software, organic analysis, sediment/water quality sampling, computer hardware and software, fuel, utilities, and equipment rental.

- The **Operations and Maintenance Program** has obligated 56.9% and expended 33.2% of their total $141.1 million budget. Principal expenditures include personnel services ($17.3 million), contractual services ($15.1 million), operating ($11.7 million), and capital outlay ($2.8 million). Encumbrances for contractual services and capital outlay ($31.9 million) primarily relate to the O&M capital program for maintenance and repair of existing water management system canals and water control structures including C-41A Canal Bank Stabilization, Miami B-47 Building Replacement, Hillsboro Canal Bank Stabilization Design, S-193 Navigation Lock Refurbishment, S-197 Replacement, Diesel

Attachment: Monthly Financial Statement Memo January FY13 (1153 : Monthly Financial Statement ? January 2013)

Oxidation Catalyst Installation, S-5A Hardening and Service Bridge Refurbishment, S-331 Repower and Gearbox Replacement, S-140 Pump Station Refurbishment, S-21 Cathodic Protection, S-2, S-3, S-4 Roof Replacements, IT Shelters, Central and Southern Flood Control Structure Inspections, L-40 Exterior Levee Certification, East Coast Protective Levee, Central Bridges Repairs/Replacements, project culvert replacements, the SCADA Systems Study, Vertical Datum-NAVD88, and Operations Decision Support System software. Operating encumbrances ($1.4 million) are primarily associated with field station daily operations and maintenance including vegetation and exotic plant control for the Central and Southern Flood Control system.

- The **Regulation Program** has obligated 36.2% and expended 31.4% of their total $25.4 million budget. Principal expenditures include personnel services ($5.5 million), contractual services ($628K), operating ($1.8 million), and capital outlay ($45K). Contractual services encumbrances ($839K) include application development, permit scanning contractors/support, and computer hardware and software. Operating encumbrances ($334K) primarily include hardware, software, fuel, and equipment. Capital outlay encumbrances ($59K) consist primarily of the ePermitting enhancement project which saves time and expenses with online filing/searching of permits.

- The **Water Supply Program** has obligated 42.9% and expended 23.9% of their total $17.6 million budget. Principal expenditures include personnel services ($1.8 million), contractual services ($404K), operating ($1.8 million), and capital outlay ($199K). Contractual services and operating encumbrances ($3.3 million) include the Caloosahatchee Rule Making ($142K), Central Florida Water Initiative ($148K), WaterSIP grants ($265K), Florida Automated Weather Network ($45K), Lower Floridan Aquifer ($90K), interagency agreements for Alternative Water Supply projects ($1.7 million), Big Cypress Basin ($400K), hydrologic data gathering ($459K), and education/outreach ($15K). Capital outlay encumbrances ($36K) consist primarily of the Lower Floridan Aquifer project.

- **Reserves** of $60.0 million are designated as economic stabilization reserves, including $10.0 million for O&M capital projects.

- **Debt Service** expenses amount to 70.0% ($29.5 million) of the total $42.1 million budget. Debt service principal and interest payments include Land Acquisition Bonds issued through the Water Management Lands Trust Fund and Certificates of Participation. Scheduled debt service payments are structured into a single principal payment and partial payment of interest in October and the balance of interest in April.

We hope these reports and the associated narrative will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to call Chris Flierl at (561) 682-6078 or Mike Smykowski at (561) 682-6295.

DB/CF/MS
Attachment

Attachment: Monthly Financial Statement Memo January FY13 (1153 : Monthly Financial Statement ? January 2013)

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

For the month ended: January 31, 2013. Percent of fiscal year completed: 33%

SOURCES	ANNUAL BUDGET	ACTUALS THROUGH 1/31/2013	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Ad Valorem Property Taxes	$ 268,114,920	$ 194,200,535	$ (73,914,385)	72.4%
Agricultural Privilege Taxes	11,352,040	10,724,174	(627,865.58)	94.5%
Intergovernmental	78,596,829	5,670,510	(72,926,318.64)	7.2%
	-	-		
Investment Earnings - Ad Valorem	4,592,000	1,402,337	(3,189,662.95)	30.5%
Investment Earnings - Non Ad Valorem	362,300	356,564	(5,736.49)	98.4%
Investment Earnings Total	***4,954,300***	***1,758,901***	***(3,195,399)***	***35.5%***
	-	-		
Leases	2,692,618	1,223,113	(1,469,505.34)	45.4%
	-	-		
Permit Fees	812,160	272,900	(539,260.00)	33.6%
Licenses and Misc. Fees	1,487,150	566,415	(920,735.00)	38.1%
Mitigation Fees - Lake Belt & Wetlands	105,000	6,808,175	6,703,175.03	6484.0%
Licenses, Permits and Fees Total	***2,404,310***	***7,647,490***	***5,243,180***	***318.1%***
	-	-		
Other	525,000	128,210	(396,790)	24.4%
Sale of District Property	250,000	131,268	(118,732)	52.5%
Self Insurance Premiums	25,712,821	6,682,991	(19,029,830)	26.0%
SUB-TOTAL OPERATING REVENUES	***394,602,838***	***228,167,192***	***(166,435,646)***	***57.8%***
Fund Balance	227,392,622	227,392,622	-	100.0%
TOTAL SOURCES	**$ 621,995,460**	**$ 455,559,814**	**$ (166,435,646)**	**73.2%**

USES	ANNUAL BUDGET	EXPENDITURES	ENCUMBRANCES[1]	REPORTED AVAILABLE BUDGET	% EXPENDED	% ENCUMBERED	% OBLIGATED[2]
CERP	$ 125,483,749	$ 5,579,394	$ 42,800,084	$ 77,104,272	4.4%	34.1%	38.6%
Coastal Watersheds	17,955,806	3,842,599	5,729,067	8,384,140	21.4%	31.9%	53.3%
District Everglades	52,470,184	10,850,301	8,824,708	32,795,175	20.7%	16.8%	37.5%
Kissimmee Watershed	31,746,738	1,306,525	16,411,775	14,028,438	4.1%	51.7%	55.8%
Lake Okeechobee	23,130,522	2,437,052	8,057,056	12,636,415	10.5%	34.8%	45.4%
Land Stewardship	19,371,581	2,487,305	3,475,496	13,408,780	12.8%	17.9%	30.8%
Mission Support	52,522,469	14,324,105	5,073,002	33,125,362	27.3%	9.7%	36.9%
Modeling & Sci Supp	13,039,716	3,809,248	1,700,955	7,529,513	29.2%	13.0%	42.3%
Ops & Maintenance	141,052,323	46,887,518	33,356,555	60,808,250	33.2%	23.6%	56.9%
Regulation	25,424,382	7,982,654	1,233,364	16,208,364	31.4%	4.9%	36.2%
Water Supply	17,628,008	4,218,422	3,349,409	10,060,177	23.9%	19.0%	42.9%
Debt Service	42,136,957	29,482,154	-	12,654,803	69.97%	0.00%	69.97%
SUB-TOTAL NON-RESERVES USES	*561,962,435*	*133,207,276*	*130,011,470*	*298,743,689*	*23.7%*	*23.1%*	*46.8%*
Reserves	60,033,025			60,033,025	0.00%	0.00%	0.00%
TOTAL USES	**$ 621,995,460**	**$ 133,207,276**	**$ 130,011,470**	**$ 358,776,713**	**21.4%**	**20.9%**	**42.3%**

[1] Represents unexpended balances of open purchase orders

[2] Represents the sum of expenditures and encumbrances as a percentage of the annual budget

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

	Current Budget	Actuals Through 1/31/2013	Variance (under)/Over Budget	Actuals as a % of Budget
Sources				
Taxes[1]	$ 279,466,960	$ 204,924,709	$ (74,542,251)	73.3%
Intergovernmental Revenues	78,596,829	5,670,510	(72,926,319)	7.2%
Interest on Invested Funds	4,954,300	1,758,901	(3,195,399)	35.5%
License and Permit Fees	2,404,310	7,647,490	5,243,180	318.1%
Other[2]	29,180,439	8,165,582	(21,014,857)	28.0%
Fund Balance	227,392,622	227,392,622	-	100.0%
Total Sources	**$ 621,995,460**	**$ 455,559,814**	**$ (166,435,646)**	**73.2%**

[1] Includes Ad Valorem and Agricultural Privilege Taxes

[2] Includes Leases, Sale of District Property, and Self Insurance Premiums

	Current Budget	Expenditures	Encumbrances [3]	Available Budget	%Expended	%Obligated [4]
Uses						
Water Resources Planning and Monitoring	$ 54,706,292	$ 14,896,715	$ 10,746,074	$ 29,063,503	27.2%	46.9%
Acquisition, Restoration and Public Works	241,346,701	33,726,192	73,141,144	134,479,365	14.0%	44.3%
Operation and Maintenance of Lands and Works	250,956,273	62,831,110	41,576,879	146,548,283	25.0%	41.6%
Regulation	29,294,899	9,030,848	1,763,907	18,500,144	30.8%	36.8%
Outreach	2,909,565	913,533	47,268	1,948,764	31.4%	33.0%
Management and Administration	42,781,731	11,808,878	2,736,199	28,236,653	27.6%	34.0%
Total Uses	**$ 621,995,460**	**$ 133,207,276**	**$ 130,011,470**	**$ 358,776,713**	**21.4%**	**42.3%**

[3] Encumbrances represent unexpended balances of open purchase orders and contracts.

[4] Represents the sum of expenditures and encumbrances as a percentage of the available budget.

This unaudited financial statement is prepared as of January 31, 2013, and covers the interim period since the most recent audited financial statements.

Attachment: Statement of Sources and Uses of Funds_January FY13_WithInterestDistribution_State

South Florida Water Management District

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

As of: January 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
CERP							
Personnel Services	$ 6,603,039	$ 1,834,688		$ 4,768,351	27.8%	0.0%	27.8%
Contractual Services	18,141,493	814,110	9,163,745	8,163,638	4.5%	50.5%	55.0%
Operating	1,263,399	487,949	28,800	746,650	38.6%	2.3%	40.9%
CERP Indirect	4,750,000			4,750,000	0.0%	0.0%	0.0%
Travel	28,918	3,709	331	24,878	12.8%	1.1%	14.0%
Capital Outlay	94,696,900	2,438,938	33,607,208	58,650,755	2.6%	35.5%	38.1%
Total CERP	**125,483,749**	**5,579,394**	**42,800,084**	**77,104,272**	**4.4%**	**34.1%**	**38.6%**
Coastal Watersheds							
Personnel Services	3,400,114	1,000,660		2,399,454	29.4%	0.0%	29.4%
Contractual Services	12,782,420	2,749,393	5,488,545	4,544,482	21.5%	42.9%	64.4%
Operating	99,331	32,176	169	66,986	32.4%	0.2%	32.6%
Travel	29,815	1,347	387	28,082	4.5%	1.3%	5.8%
Capital Outlay	1,644,126	59,023	239,967	1,345,136	3.6%	14.6%	18.2%
Total Coastal Watersheds	**17,955,806**	**3,842,599**	**5,729,067**	**8,384,140**	**21.4%**	**31.9%**	**53.3%**
District Everglades							
Personnel Services	16,776,782	5,552,793		11,223,989	33.1%	0.0%	33.1%
Contractual Services	12,040,338	1,671,859	3,607,843	6,760,636	13.9%	30.0%	43.9%
Operating	7,106,866	2,133,765	386,440	4,586,662	30.0%	5.4%	35.5%
Travel	31,830	2,578	93	29,159	8.1%	0.3%	8.4%
Capital Outlay	16,514,367	1,489,306	4,830,333	10,194,729	9.0%	29.2%	38.3%
Total District Everglades	**52,470,184**	**10,850,301**	**8,824,708**	**32,795,175**	**20.7%**	**16.8%**	**37.5%**
Kissimmee Watershed							
Personnel Services	2,252,262	510,019		1,742,243	22.6%	0.0%	22.6%
Contractual Services	11,450,902	302,857	1,308,670	9,839,375	2.6%	11.4%	14.1%
Operating	71,031	14,385	26,713	29,933	20.3%	37.6%	57.9%
Travel	22,465	3,475	280	18,710	15.5%	1.2%	16.7%
Capital Outlay	17,950,078	475,790	15,076,111	2,398,177	2.7%	84.0%	86.6%
Total Kissimmee Watershed	**31,746,738**	**1,306,525**	**16,411,775**	**14,028,438**	**4.1%**	**51.7%**	**55.8%**

Attachment: Summary Statement of Sources and Uses of Funds Jan FY13_WithInterestDistribution (1153

South Florida Water Management District

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

As of: January 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Lake Okeechobee							
Personnel Services	$ 4,328,026	$ 1,239,778		$ 3,088,248	28.6%	0.0%	28.6%
Contractual Services	18,291,873	1,016,372	7,916,903	9,358,598	5.6%	43.3%	48.8%
Operating	339,308	120,527	140,153	78,629	35.5%	41.3%	76.8%
Travel	6,356	210	-	6,146	3.3%	0.0%	3.3%
Capital Outlay	164,959	60,165	-	104,794	36.5%	0.0%	36.5%
Total Lake Okeechobee	**23,130,522**	**2,437,052**	**8,057,056**	**12,636,415**	**10.5%**	**34.8%**	**45.4%**
Land Stewardship							
Personnel Services	3,520,035	1,202,288		2,317,747	34.2%	0.0%	34.2%
Contractual Services	13,246,363	877,593	3,267,889	9,100,881	6.6%	24.7%	31.3%
Operating	1,243,943	395,141	207,608	641,194	31.8%	16.7%	48.5%
Travel	16,165	208	-	15,957	1.3%	0.0%	1.3%
Capital Outlay	1,345,074	12,074	-	1,333,000	0.9%	0.0%	0.9%
Total Land Stewardship	**19,371,581**	**2,487,305**	**3,475,496**	**13,408,780**	**12.8%**	**17.9%**	**30.8%**
Mission Support							
Personnel Services	22,702,989	7,457,952	200,000	15,045,037	32.9%	0.9%	33.7%
Contractual Services	8,899,025	2,479,471	2,887,818	3,531,736	27.9%	32.5%	60.3%
Operating	23,307,729	3,968,225	1,801,767	17,537,737	17.0%	7.7%	24.8%
CERP Indirect	(4,750,000)			(4,750,000)	0.0%	0.0%	0.0%
Travel	337,358	125,015	28,123	184,221	37.1%	8.3%	45.4%
Capital Outlay	2,025,369	293,443	155,294	1,576,631	14.5%	7.7%	22.2%
Total Mission Support	**52,522,469**	**14,324,105**	**5,073,002**	**33,125,362**	**27.3%**	**9.7%**	**36.9%**
Modeling & Science Support							
Personnel Services	9,217,683	2,852,145		6,365,537	30.9%	0.0%	30.9%
Contractual Services	2,975,121	707,100	1,455,939	812,082	23.8%	48.9%	72.7%
Operating	675,731	194,597	228,160	252,974	28.8%	33.8%	62.6%
Travel	43,485	5,439	141	37,905	12.5%	0.3%	12.8%
Capital Outlay	127,697	49,967	16,714	61,015	39.1%	13.1%	52.2%
Total Modeling & Science Support	**13,039,716**	**3,809,248**	**1,700,955**	**7,529,513**	**29.2%**	**13.0%**	**42.3%**

Attachment: Summary Statement of Sources and Uses of Funds Jan FY13_WithInterestDistribution (1153

South Florida Water Management District

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

As of: January 31, 2013

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Operations & Maintenance							
Personnel Services	$ 50,108,717	$ 17,275,131		$ 32,833,586	34.5%	0.0%	34.5%
Contractual Services	45,470,998	15,084,469	23,092,328	7,294,201	33.2%	50.8%	84.0%
Operating	28,119,675	11,653,225	1,428,408	15,038,042	41.4%	5.1%	46.5%
Travel	116,890	30,066	26,940	59,884	25.7%	23.0%	48.8%
Capital Outlay	17,236,043	2,844,626	8,808,879	5,582,538	16.5%	51.1%	67.6%
Total Operations & Maintenance	**141,052,323**	**46,887,518**	**33,356,555**	**60,808,250**	**33.2%**	**23.6%**	**56.9%**
Regulation							
Personnel Services	16,532,216	5,472,790		11,059,426	33.1%	0.0%	33.1%
Contractual Services	2,026,895	627,790	839,171	559,934	31.0%	41.4%	72.4%
Operating	6,373,165	1,829,982	334,118	4,209,065	28.7%	5.2%	34.0%
Travel	26,217	6,706	973	18,537	25.6%	3.7%	29.3%
Capital Outlay	465,888	45,384	59,101	361,403	9.7%	12.7%	22.4%
Total Regulation	**25,424,382**	**7,982,654**	**1,233,364**	**16,208,364**	**31.4%**	**4.9%**	**36.2%**
Water Supply							
Personnel Services	5,691,470	1,811,520		3,879,950	31.8%	0.0%	31.8%
Contractual Services	6,121,184	403,804	3,312,693	2,404,687	6.6%	54.1%	60.7%
Operating	5,556,423	1,801,365	675	3,754,383	32.4%	0.0%	32.4%
Travel	9,926	2,280	41	7,605	23.0%	0.4%	23.4%
Capital Outlay	249,005	199,454	36,000	13,551	80.1%	14.5%	94.6%
Total Water Supply	**17,628,008**	**4,218,422**	**3,349,409**	**10,060,177**	**23.9%**	**19.0%**	**42.9%**
Reserves							
Reserves	60,033,025			60,033,025	0.00%	0.00%	0.00%
Total Reserves	**60,033,025**			**60,033,025**	**0.00%**	**0.00%**	**0.00%**
Debt Service							
Debt Service	42,136,957	29,482,154		12,654,803	69.97%	0.00%	69.97%
Total Debt Service	**42,136,957**	**29,482,154**	**-**	**12,654,803**	**69.97%**	**0.00%**	**69.97%**
Grand Total	**$ 621,995,460**	**$ 133,207,276**	**$ 130,011,470**	**$ 358,776,713**	**21.4%**	**20.9%**	**42.3%**

Attachment: Summary Statement of Sources and Uses of Funds Jan FY13_WithInterestDistribution (1153

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM February 1, 2013 TO February 28, 2013

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Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

BROWARD COUNTY

1. PLANTATION PRESERVE GOLF COURSE AND CLUB
CITY OF PLANTATION
SEC 10 TWP 50S RGE 41E

APPL. NO. 060929-23
PERMIT NO. 06-04101-W

ACREAGE: 143.00
LAND USE: GOLF COURSE

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: BISCAYNE AQUIFER AND ON-SITE LAKES
ALLOCATION: 26.9 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: FEBRUARY 4, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

CHARLOTTE COUNTY

1. BABCOCK RANCH COMMUNITY MASTER DEWATERING
   BABCOCK PROPERTY HOLDINGS LLC
   SEC 1-10,15-17,19-36 TWP 41-43S RGE 26E

APPL. NO. 120927-19
PERMIT NO. 08-00147-W
ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: FEBRUARY 27, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

COLLIER COUNTY

1. FIDDLER'S CREEK
   FCC MARSH LLC FKA 951 HOLDINGS LTD
   SEC 11,13-15,18,19,22-24,29 TWP 51S RGE 26,27E

   APPL. NO. 120822-3
   PERMIT NO. 11-01808-W
   ACREAGE: 783.23
   LAND USE: LANDSCAPE

   PERMIT TYPE: WATER USE RENEWAL
   WATER SOURCE: ON-SITE LAKES
   ALLOCATION: 134.9 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: FEBRUARY 26, 2013

2. SABAL BAY
   CDC LAND INVESTMENTS INC
   SEC 19,23-26,36 TWP 50S RGE 25,26E

   APPL. NO. 121113-13
   PERMIT NO. 11-02535-W
   ACREAGE: 2416.00
   LAND USE: LANDSCAPE

   PERMIT TYPE: WATER USE RENEWAL
   WATER SOURCE: SURFICIAL AQUIFER
   ALLOCATION: 44.78 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: MARCH 11, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

LEE COUNTY

1. THE PENINSULA PHASE 3 AT MIROMAR LAKES
MIROMAR DEVELOPMENT CORPORATION

SEC 13 TWP 46S RGE 25E

APPL. NO. 121115-1
PERMIT NO. 36-03568-P

ACREAGE: 65.27
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: MASTER SURFACE WATER MANAGEMENT SYSTEM
LAST DATE FOR AGENCY ACTION: MARCH 11, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

MARTIN COUNTY

1. FLORIDIAN NATURAL GAS STORAGE
   FLORIDIAN NATURAL GAS STORAGE COMPANY LLC
   SEC 35 TWP 39S RGE 38E

APPL. NO. 121206-2
PERMIT NO. 43-02186-W

ACREAGE: 1.00
LAND USE: INDUSTRIAL

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: SFWMD CANAL C-44
ALLOCATION: 32.25 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: MARCH 6, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

1. ACO INVESTMENTS
ACO INVESTMENTS LLC
SEC 19 TWP 52S RGE 40E

APPL. NO. 120412-16
PERMIT NO. 13-05126-P
ACREAGE: 29.96
LAND USE: INDUSTRIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: MARCH 21, 2013

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2. FLAGLER STATION BUSINESS
SECTION 6 PROPERTY OWNERS ASSOCIATION INC
SEC 6,32 TWP 53,52S RGE 40,40E

APPL. NO. 121022-12
PERMIT NO. 13-04007-W
ACREAGE: 123.40
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: BISCAYNE AQUIFER AND ON-SITE LAKES
ALLOCATION: 22.34 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: APRIL 17, 2013

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3. MUNISPORT LANDFILL
CITY OF NORTH MIAMI
SEC 21 TWP 52S RGE 42E

APPL. NO. 110120-8
PERMIT NO. 13-05240-W
ACREAGE: 204.09
LAND USE: INDUSTRIAL

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: BISCAYNE AQUIFER
ALLOCATION: 81.83 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: MARCH 17, 2013

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4. PREFERRED FREEZER
WMN LLC
SEC 19 TWP 52S RGE 40E

APPL. NO. 120827-1
PERMIT NO. 13-05194-P
ACREAGE: 9.30
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: FEBRUARY 25, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)

PALM BEACH COUNTY

1. CITY OF WPB PUBLIC UTILITIES
   CITY OF WEST PALM BEACH PUBLIC UTILITIES
   SEC 1-11,14-23,26-29,32-35 TWP 43,44S RGE 41,43E

   APPL. NO. 120323-4
   PERMIT NO. 50-00615-W
   ACREAGE: N/A
   LAND USE: PUBLIC WATER SUPPLY

   PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
   WATER SOURCE: SURFICIAL AQUIFER, SFWMD CANAL L-8 TIEBACK AND CLEAR LAKE
   ALLOCATION: 5233.19 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: FEBRUARY 17, 2013

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2. VALIENTE POLO
   J-5 WELLINGTON PRESERVE LLC
   SEC 34 TWP 44S RGE 41E

   APPL. NO. 120904-8
   PERMIT NO. 50-10063-W
   ACREAGE: 119.60
   LAND USE: LANDSCAPE

   PERMIT TYPE: WATER USE MODIFICATION
   WATER SOURCE: ON-SITE CANALS
   ALLOCATION: 18.95 MILLION GALLONS PER MONTH
   LAST DATE FOR AGENCY ACTION: FEBRUARY 24, 2013

Attachment: IP Approved by ED_March BD (1162 : Executive Director's Report)