



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

April 10, 2014

9:00 AM

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

FINAL REVISED 04/09/2014 12:20 PM

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

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

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake Guillory, Executive Director
 - April Employee of the Month - David Reinert, Chief Mechanic, Administrative Services
 - April Team of the Month - C111 South Dade Conveyance System Reimbursement Team
4. Agenda Revisions - Jacki McGorty, District Clerk
5. Abstentions by Board Members from items on the Agenda

6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair

Consent Agenda

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

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

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda
10. Approval of the Minutes for the March 13, 2014, Governing Board Regular Business meeting held in West Palm Beach, Florida.
11. Waivers for Water Resources Advisory Commission members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items - **ITEM REVISED**
 - Denials
 - **Acosta Farms; Acosta Farms Incorporated (WU-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - **Bonita Pointe 9-Acre Parcel; Bonita Pointe Associates, Ltd (ERP-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - **Sigma Bay; Sigma Bay Investments, LLC (WU-Miami-Dade County)** - Staff recommends denial due to applicant's failure to complete the application.
 - ~~**DL Pearce Ranch; D L Pearce (WU-Glades County)**~~— Staff recommends denial due to applicant's failure to complete the application.
 - Consent Orders
 - **Boynton Beach Associates XXIV, LLP (AKA GL Homes); Hyder AGR - PUD (Palm Beach County)** - Settlement of an enforcement action regarding unpermitted construction.
 - **F.I.R.E. Resources, Inc.; Tuscany Preserve Phase 3 and 4 (Polk County)** - Settlement of an enforcement action non-compliance with permit conditions for failure to record the conservation easement.

- Conservation Easements, Amendments and Releases
- ~~Wilton Land Company, LLC, Hammock Park Commerce Center (AKA Rattlesnake Crossing) (Collier County)~~ – Staff recommends the approval of a request for an increase in the conservation easement area from a 1.95-acre preserve area to a 5.98-acre preserve area (5.54 acres of wetlands and 0.44 acres of uplands) within a development known as Hammock Park Commerce Center located in Naples, Collier County, Florida. The original Application Number is 010418-13 and the Environmental Resource Permit Number is 11-02130-P. The conservation easement reflects the addition of 4.03 acres associated with the Army Corps of Engineers Permit (SAJ-1999-4926). The additional preserve area is adjacent to the original 1.95-acre preserve area required by the District. The larger preserve provides additional wildlife habitat and provides a more contiguous buffer to the adjacent offsite undeveloped land to the North.
- Minto Communities, LLC, Isles of Collier Preserve (FKA Sabal Bay) (Collier County) - Staff recommends the approval of a request for an amendment of conservation easement to modify the paragraph pertaining to passive recreational uses, Application Number 131212-11 in Collier County. The conservation easement will be amended to allow mangrove trimming/alteration of waterways when approved in advance by the District through a permit modification.
- **Taft-Vineland Properties, Inc., Regency Industrial Park (Section 13 Parcel A) (Orange County)** - Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of the Regency Industrial Park (Section 13 Parcel A), Application No. 991105-67 in Osceola County. The existing easement was erroneously recorded over an approved impact area. This partial release is for the purpose of releasing the easement over the impact area and recording a corrected easement. The mitigation has been provided in accordance with the permit.
- **Mattamy (Jacksonville) Partnership, Tapestry PUD Parcel 8-Phase 1 (Osceola County)** - Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of the Tapestry Parcel 8 Application Number 140203-14 in Osceola County. The existing easement was recorded in accordance with the Tapestry Permit No. 49-01654-P and the underlying property are owned by the applicant. Compensation for the removal of 0.79 acres of upland buffer will be provided by the adding upland buffer to result in no net decrease in upland buffer.
- ~~Deerfield Land Corporation, Osceola Corporate Center Development (Osceola County)~~ – Staff recommends the approval of a request for the partial release of a conservation easement to allow for the construction of a Sunrail Station located within the Osceola Corporate Center Application No. 140318-2 in Osceola County. The existing easement was recorded in accordance with the Osceola Corporate Center Permit No. 49-00477-S. Compensation for the removal of 6.476 acres from the conservation easement will be offset through the purchase of 2.52 credits from the Hatchineha Ranch Mitigation Bank.

- Seminole Tribe Work Plan
 - Staff recommends concurrence with the Seventh Amendment to the **Twenty Seventh Annual Work Plan for the Seminole Tribe of Florida**. Works in the Hollywood Reservation include the construction of a stormwater management system for the Phase II improvements of the Hollywood Recreational Facility.
13. Right of Way Regulatory Consent Items
- Right of Way Occupancy Permit Requests for Denial
 - William Cury (Application No. 07-0807-1) - Staff recommends denial because the applicant is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), F.A.C.
 - Gregory and Melita Calpakis (Application No. 07-0710-1) - Staff recommends denial because the owner is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), F.A.C.
14. **Resolution No. 2014 - 0401** Approving release of canal, road and mineral reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)

Summary

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

Staff Recommendation

Staff recommends approving release of the following reservations:

- Release of District canal, road and mineral reservations for Stirling Investors II, Inc., (File No. 18571) for 3.78 acres in Broward County.
- Release of District canal, road and mineral reservations for FS Land Parcels, LLC, (File No. 18577) for 142.90 acres in Miami-Dade County.
- Release of District canal, road and mineral reservations for Section 31 Holdings, LLC, (File 18578) for 95.53 acres in Miami-Dade County.
- Release of District canal, road and mineral reservations for Ernesto N. Zayas and Carolos A. Zayas (File No. 18581) for 2.50 acres in Miami-Dade County.
- Release of TIITF canal reservations for Stirling Investors II, Inc. (File No. 1-14-1) for 3.78 acres in Broward County.
- Release of TIIF canal reservations for Ernesto N. Zayas and Carolos A. Zayas (File No. 2-14-1) for 2.50 acres in Miami-Dade County.
- Release of TIITF canal reservations for FDG Flagler Station III, LLC (File No. 3-14-1) for 9.44 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Land Parcels, LLC (File No. 3-14-2) for 6.73 acres in Miami-Dade County.
- Release of TIITF canal reservations for FDG Flagler Station Land, LLC (File No. 3-14-4) for 24.63 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 34, LLC (File No. 3-14-5) for 13.00 acres in Miami-Dade County.
- Release of TIITF canal reservations for FS Building 35, LLC (File No. 3-14-6) for 5.64 acres in Miami-Dade County.

- Release of TIITF canal reservations for FS Land Parcels, LLC (3-14-7) for 142.90 acres in Miami-Dade County.
 - Release of TIITF canal reservations for Section 31 Holdings, LLC (File No. 3-14-8) for 95.53 in Miami-Dade County.
 - Release of TIITF canal reservations for FS Building 30, LLC (File No. 3-14-9) for 9.45 acres in Miami-Dade County.
 - Release of TIITF canal reservations for FS Building 31, LLC (File No. 3-14-10) for 9.45 acres in Miami-Dade County.
 - Release of TIITF canal reservations for FS Building 32, LLC (File No. 3-14-11) for 13.07 acres in Miami-Dade County.
 - Release of TIITF canal reservations for FS Building 36, LLC (File No. 3-14-12) for 7.94 acres in Miami-Dade County.
15. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards. (REG, Dan Waters, ext. 7763)

Summary

Staff is requesting authority to publish a Notice of Proposed Rule to adopt the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters (OFW) and Water Bodies that Do Not Meet State Water Quality Standards. This procedure will incorporate into rule the substance of the existing "impaired waters memo," which was initially issued in 2004 and revised in 2009 and 2013. Applicants are assisted by this procedure in providing reasonable assurances to demonstrate that discharges will not degrade an OFW or will not contribute additional causative pollutants to an impaired water body. This procedure will be included in a new Appendix E to ERP Applicant's Handbook Volume II. This rule will not create new standards or change the existing ERP application process.

Staff Recommendation

Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards.

16. Authorize publication of Notice of Rule Development to amend Chapters 40E-1, 40E-2, 40E-3, 40E-5, 40E-8, 40E-10, 40E-20, and 40E-24, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, in accordance with the Department of Environmental Protection's statewide effort to improve consistency between the water management districts' consumptive use permitting and water supply related programs, and request review by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)

Summary

The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUP consistency) to improve consistency in the consumptive use permitting and water supply related programs implemented by the water management districts (WMDs). The individual water management district consumptive use permitting rules, while all developed under the authority of Ch. 373, F.S., are inconsistent among the WMDs. Some differences are based on differing physical and natural characteristics; others result from development of separate rules and procedures over time. The District participated in and completed the CUP consistency effort. However, it has come to our attention that there have been some discrepancies between the versions of the rules that were noticed and acted on through the final stages of the rulemaking process as well as some inadvertent text inaccuracies. In order to cure the procedural deficiency and afford the public the necessary due process in our rulemaking efforts, the South Florida Water Management District must re-initiate the rulemaking process to adopt amendments to our rules associated with the CUPcon effort. No substantive changes, other than those previously presented through workshops, WRAC meetings, and Governing Board presentations as part of the CUPcon effort will be made. An expedited rule development process will be instituted, upon approval of this item, so that the CUP consistency rules become effective as soon as possible. Rule amendments that were expected to have an effective date in April 2014 are now anticipated to have an effective date in the July-August 2014 timeframe.

Staff Recommendation

Staff recommends the Governing Board authorize publication of a Notice of Rule Development to amend the above noted rules to accomplish the DEP's CUP consistency effort.

17. **Resolution No. 2014 - 0402** Declaring April as Water Conservation Month in Florida. (WR, Patrick Martin, ext. 2176)

Summary

For the past 16 years, the month of April has been proclaimed Water Conservation Month in Florida in order to increase awareness and promote efficient use of the state's diverse water resources. As April is normally the last month of Florida's dry season and water needs are most acute, attention is paid to the importance of conserving water.

Staff Recommendation

Staff recommends that the Governing Board enter into this resolution declaring April as Water Conservation Month. Joining the Florida Section of the American Water Works Association in declaring April as Water Conservation Month in Florida, the District is supporting the actions of other water management districts, local governments, and non-governmental organizations, which are adopting similar proclamations throughout Florida.

18. Enter an Order amending the 2011 Upper East Coast (UEC) Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)

Summary

The Upper East Coast (UEC) Water Supply Plan Update was approved in March 2011. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2011 Upper East Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Stuart on February 28, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2011 Upper East Coast Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area.

19. Enter an Order amending the 2012 Lower West Coast (LWC) Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area (WRCA). (WR, Mark Elsner, ext. 6156)

Summary

The Lower West Coast (LWC) Water Supply Plan Update was approved in November 2012. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2012 Lower West Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Ft. Myers and Naples on February 27, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2012 Lower West Coast Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area.

20. **Resolution No. 2014 - 0403** Approve the 2013 Lake Belt Mitigation Committee Annual Report. (WR, Terrie Bates, ext. 6952)

Summary

This is a routine annual report to the Governing Board. The interagency Lake Belt Mitigation Committee is required to annually prepare and submit to the Governing Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee in accordance with Florida Statute Section 373.41492(9)(a). This Annual Report summarizes the mitigation costs, revenues generated by the statutorily-established mitigation fee and

activities provided as mitigation for impacts associated with mining activities in the Miami-Dade Lake Belt area as administered by the interagency Lake Belt Mitigation Committee. Proceeds of the mitigation fee must be used to conduct mitigation activities that offset the loss of wetland functions and values resulting from mining activities. The mitigation activities approved by the Lake Belt Mitigation Committee in 2013 included approval of funding for the following projects: 1) \$8 million for the 14,302 acre C-139 Annex Restoration Project consistent with the December 2012 approval and, 2) \$863,000 for Dade-Broward levee seepage management including groundwater modeling, preliminary design, surveying, permitting and vegetative mulching.

Staff Recommendation

Staff recommends the Governing Board approval of the Lake Belt Mitigation Committee Annual Report for 2013.

21. **Resolution No. 2014 - 0404** Amendment to the Fiscal Year 2013-14 Budget; providing an effective date. (AS, Mike Smykowski, ext. 6295)

Summary

This is the first proposed budget amendment for FY2013-14 to recognize \$350,000 of unanticipated state revenues from the Florida Fish and Wildlife Conservation Commission. This amendment appropriates \$150,000 to treat 3,000 acres of invasive exotic plant species at Dupuis East and West by the end of June and \$200,000 for invasive plant treatment in the fourth quarter of FY2013-14.

Staff Recommendation

Staff recommends Governing Board approval of this budget amendment.

22. **Resolution No. 2014 - 0405** Authorizing Lease 4600003028 with the Florida Department of Environmental Protection for five (5) years in a revenue amount of approximately \$1.8 million. (Contract No. 4600003028) (AS, Michael Hiscock, ext. 2526)

Summary

This request is to authorize Contract 4600003028 (Attachment A) with the Florida Department of Environmental Protection (DEP) for five (5) years in a revenue amount of approximately \$1.8 million. The purpose of the contract is to lease office space located at the District's Headquarters in Palm Beach County to DEP's Southeast District Office. The proposed lease consists of 19,501 square feet of space located on the 3rd floor of B-2 Building with sufficient offices to accommodate up to a maximum 120 DEP employees.

Staff Recommendation

Staff recommends approval to authorize a five (5) year lease with the Florida Department of Environmental Protection for the proposed office space.

23. **Resolution No. 2014 - 0406** Authorize entering into a Purchase Order with Gartner, Inc. for Management Consulting Services to perform an Information Technology Bureau review, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which ad valorem funds are budgeted in FY14. (AS, Duane Piper, ext. 2638)

Summary

The Gartner, Inc. management consulting services will provide a review of the

Information Technology (IT) Bureau to determine whether IT services can be delivered more efficiently and at a lower cost. The cost for these management services is \$300,000 for an approximate three month engagement. The services will be procured from Gartner, Inc., using the State of Florida Contract #973-000-14-01.

Staff Recommendation

Authorize entering into a purchase order with Gartner, Inc. for management consulting services, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which FY14 ad valorem funds will be redirected within the Information Technology Bureau budget to support this effort.

24. **Resolution No. 2014 - 0407** Authorizing the official ranking of respondents and a 3-year Monitoring Services Contract supporting the Dispersed Water Management Program, subject to successful negotiations, in an amount not-to-exceed \$350,000. (EPC, Beth Lewis, ext. 6343)

Summary

The District's Dispersed Water Management Program has an existing contract with the World Wildlife Fund for technical assistance, coordination, and monitoring services for the purpose of developing and implementing the Program. The contract ends in June with the Program fully implemented. However, monitoring services are still needed. Therefore, a Request for Proposals was issued to solicit technical and cost proposals to provide monitoring services for the District's Dispersed Water Management Program. The contract will be for a three year period with two, one year options to renew.

Staff Recommendation

Staff recommends authorizing the official ranking of respondents to the Request for Proposals and to enter into contract negotiations with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, to provide monitoring services in support of the District's Dispersed Water Management Program.

25. Enter a Final Order Denying: 1. Petition for Declaratory Statement; 2. Motion to Correct Notice of Declaratory Statement; and 3. Motion to Strike the City of Sunny Isles Beach's Motion to Intervene and Incorporated Memorandum in Opposition to Petition for Declaratory Statement, all filed by J. Tucker, Trustee. (OC, Susan Martin, ext. 6251)

Summary

On January 16, 2014, the South Florida Water Management District (District) received a Petition for Declaratory Statement (Petition) from J. Tucker, Trustee (Petitioner). The Petition requests a Declaratory Statement pursuant to Section 120.565, Fla. Stat, and Rule 28-105.001, Florida Administrative Code. The Petition requests "that the District declare that the District has the authority to pursue penalties for the un-controverted perjury by the City of Sunny Isles Beach."

Staff Recommendation

Staff recommends that the Governing Board enter a final order denying: Petition for Declaratory Statement; Motion to Correct Notice for Declaratory Statement; and Motion to Strike Motion to Intervene.

26. **Resolution No. 2014 - 0408** Authorizing an amendment to the January 9, 2014 Land Exchange Agreement with Florida Crystals Corporation Subsidiaries and Gladeview Holdings, LC. (OMC, Richard Bassell, ext. 2510)

Summary

The District entered into the subject Exchange Agreement which includes the District's acquisition of approximately 4,604.22 acres for the STA-1W Expansion Project (the "STA-1W Lands") in Palm Beach County (see Exhibit "A"), and the conveyance from the District to Florida Crystals of approximately 8,700 acres (the "Exchange Lands") in Palm Beach County (see Exhibit "A"), currently subject to a lease to U.S. Sugar Corporation (the "U.S. Sugar Lease"). The Closing is anticipated to occur on April 16, 2014. The Exchange Agreement includes a leaseback of the STA-1W Lands to Florida Crystals (the "STA-1W Lease"). The STA-1W Lease provides for the phase out of Crystals' occupancy in 2016 and 2017, consistent with the anticipated Project construction schedule. Florida Crystals will transition off the STA-1W Lands and onto the Exchange Lands in 2017. The proposed Exchange Agreement amendment will modify the STA-1W Lease to provide as a prerequisite to lease termination that advance notices of termination be given to Florida Crystals consistent with termination notice provisions in the U.S. Sugar Lease. This will facilitate an orderly farming transition between the two parties. The amendment is consistent with the anticipated Project construction schedule.

Staff Recommendation

Staff recommends approval of the amendment to the Exchange Agreement.

27. **Resolution No. 2014 - 0409** Authorize entering into a 120-day contract with Dickerson Florida, Inc., the lowest responsive and responsible bidder, for the C-41A Canal Bank Repairs Project, in the amount of \$845,845 of which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service. (Contract Number 4600003034) (John Mitnik, ext. 2679)

Summary

In August 2012 Tropical Storm Isaac caused damage to C-41A Canal banks in the northern portion of the District west of the city of Okeechobee. The District actively pursued financial assistance through Federal programs such as the Natural Resource Conservation Services (NRCS). NRCS receives funding as part of their Emergency Watershed Protection Program (EWPP) to assist municipalities and governmental agencies in the recovery efforts from tropical storm damage. The District and NRCS agreed upon an Interagency Agreement to reimburse the District for costs associated with repairs of the C-41A Canal banks up to \$398,400.00. The C-41A Canal Banks Repair project involves regrading approximately 2,690 linear feet of canal banks, installing turf reinforcement mats, construction of new berm drains, placement of sod along the entire length of regraded bank, and placement of 720 feet of additional rock riprap adjacent to the S-84 water control structure. The lowest responsive and responsible bidder is Dickerson Florida, Inc. with a total amount of \$845,845.00 for the 120-day contract to perform the work.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing the C-41A Canal Bank Repairs project would result in continued degradation of the canal banks and could potentially impact flood control operations along the C-41A Canal and surrounding basins.

28. Board Vote on Consent Agenda
29. General Public Comment
30. Board Comment

Discussion Agenda

31. Technical Reports

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

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

32. Approval of Fiscal Year 2013 Comprehensive Annual Financial Report, Audit Management Letter, and Single Audit - Brett Friedman, Engagement Partner, McGladrey LLP

Summary

The District's external audit firm has completed their audit of the District's financial statements. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget (OMB) revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

Staff Recommendation

Inspector General recommends approval of the Comprehensive Annual Financial Report, Audit Management Letter, and the Single Audit.

33. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)

Summary

The following audit reports are completed:

- Audit of Land Lease Financial Provisions
- Audit of Fixed Assets Processes and Procedures

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports.

Staff Recommendation

Inspector General recommends approval of the two audit reports.

34. **Resolution No. 2014 - 0410** Authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Central Everglades Planning Project, and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Central Everglades Planning Project, Final Integrated Project Implementation Report and Environmental Impact Statement, dated April 2014 and for which funding is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and District budgets for CEPP by the State Legislature, Governor and District Governing Board; providing an effective date. (EPC, Tom Teets, ext. 6993) - **ITEM REVISED**

Summary

The U.S. Army Corps of Engineers (USACE), utilizing technical support from the South Florida Water Management District (SFWMD) and with input from other federal, state, local agencies and the public has completed the Central Everglades Planning Project (CEPP) Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated April 2014. CEPP is a project in the Comprehensive Everglades Restoration Plan (CERP). The purpose of the CEPP is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, central Everglades (Water Conservation Area 3 and Everglades National Park) and Florida Bay. The estimated cost of implementing the Recommended Plan is \$1.9 billion to be cost-shared 50-50 by the SFWMD and the USACE as a part of the programmatic cost share for CERP.

This action by the Governing Board expresses the Board's support for the CEPP PIR/EIS as set forth in the SFWMD Governing Board Resolution No. 2014-0410. The Letter of Support affirms SFWMD's support for the Recommended Plan and its financial capability to satisfy the obligations of the non-federal sponsor described in the CEPP PIR/EIS, as set forth in the SFWMD Governing Board Resolution No. 2014-0410.

Staff Recommendation

Staff recommends approving the CEPP Letter of Support and Self-Certification of Financial Capability as set forth in the SFWMD Governing Board Resolution No. 2014-0410, for the CEPP PIR/EIS.

35. **Resolution No. 2014 - 0411** Approve declaring surplus land interests containing 20.41 acres, more or less, in Osceola County without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (OMC, Ray Palmer, ext. 2246) - **ITEM REVISED**

Summary

Pursuant to Resolution 2013-612, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. A certain parcel of land containing 20.41 acres, more or less, located in the Osceola County identified as Tract AG100-008 (the "Tract"), as shown on the attached Exhibit "A", was included in the Resolution. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a March 28, 2014 public meeting regarding the surplus and sale of the Tract. An appraisal establishing a \$440,000 market value was also

obtained. The ecological assessment identified an active eagle's nest and the presence of the active eagle's nest was taken in account in appraisal's market value conclusion. Prior to offering the Tract for bid, an update of the appraisal will be completed. Staff recommends to the Governing Board that the Tract be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value as updated.

Staff Recommendation

Staff recommends approval of the surplus and public bid for sale of the Tract.

36. **Resolution No. 2014 - 0412** Authorize entering into a 311 day contract with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the Miller Canal Weir No. 3 Replacement project, in the amount of \$1,668,100, of which \$998,750 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003037) (OMC, John Mitnik, ext. 2679)

Summary

The existing Miller Canal Weir No. 3 (Miller-3) structure is a fixed-crest weir constructed in the mid-1960s by the Gulf American Land Corporation. It is located on the Miller Canal, approximately 450 feet north of the westerly terminus of 8th Avenue NE near the confluence of the Golden Gate Main Canal and Miller Canal in Northern Golden Gate Estates (NGGE) in Collier County, Florida. Miller-3 was originally built as a fixed-crest weir with V-notches to provide water level control for reduction of over-drainage from the Northern Miller Canal basin. In 1983, Collier County added a superstructure for stop log operation with a walkway assembly. After the Big Cypress Basin (BCB) took over the responsibility of the operation and maintenance of the canal system in the late 1980s, the BCB field station replaced the stop logs with steel gates to prevent vandalism to the logs. The structure has now run out of its useful life and is in need of replacement. Construction is scheduled to start in May of 2014 and continue 311 days through March of 2015. The project will include construction of a new structure 450 feet downstream of the existing structure and then removal of the existing structure.

Staff Recommendation

Staff recommends approval to enter into a 311 day contract in the amount of \$1,668,100.00 with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the construction of the Miller Canal Weir No. 3 Replacement.

37. **Resolution No. 2014 - 0413** Authorize entering into a 480-day contract with Arbor Tree & Land, Inc., the lowest responsive and responsible bidder, for Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00 of which ad valorem funds in the amount of \$2,000,000.00 are budgeted In FY14 and the remainder is subject to Governing Board approval of the FY15 budget. (Contract Number 4600003042) (OMC, John Mitnik, ext. 2679)

Summary

The District has determined through its Inspections Program the need to repair and protect the banks of the Hillsboro Canal due to bank failures that have occurred over extended sections of the canal. The purpose of the project is to repair and stabilize banks of the Hillsboro Canal along the Palm Beach - Broward County boundary from the G-56 Structure to S-39 Structure in Parkland. This Package 1, from the G-56 to US441/SR7, is the second of the three construction packages spread over three

fiscal years for the stabilization of the entire canal length of 10.4 miles. One phase is now in construction and the last phase is in design. Dredging will be done to remove sediment accumulation near the G-56 Structure, which presents a major risk to the operation of the structure and could compromise its flood protection functionality. Several encroachments including private trees, golf course tees, and boat docks will be impacted. These encroachments may need to be relocated, modified, or in some cases completely removed to allow construction work.

Staff Recommendation

Board approval is required at the April Governing Board meeting. By not implementing the proposed Hillsboro Canal Bank stabilization project, there will be significant impacts to the continued operation of the District's flood control system. Eroded banks, encroachments, and accumulated sediments that block canal flow and prevent safe operation of the District's structures, must be repaired, removed, relocated or modified.

38. **Resolution No. 2014 - 0414** Authorize entering into a 420 day contract with Interlaken Inc., the lowest responsive and responsible bidder, for the S-150 Structure Replacement and Automation Project, in the amount of \$2,587,125, of which \$1,589,527 are budgeted In FY14 and to authorize a budget transfer in the amount of \$997,598 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date. (Contract Number 4600003039) (OMC, John Mitnik, ext. 2679)

Summary

The S-150 Structure Replacement and Automation project, together with structure S-8, allows release of water from Lake Okeechobee and the agricultural area south of the lake into WCA 3A from Stormwater Treatment Area (STA) 3/4. It is located at the confluence of the L-5 and L-38W Canals in Palm Beach County. During the District's Structure Inspection Program, the S-150 Culvert Structure was identified has having major deficiencies, including corrosion of the CMP barrels (perforations observed, causing leakage) and automated gate guide steel channels (cross-section of structural components reduced). In addition, the gate stem lubrication system is experiencing operational issues. The culvert does not meet the current District Standards for this type of water control structure. In response, the District created the S-150 Structure Replacement and Automation Project. The existing culvert structure will be replaced with a new one at the same location and will consist of a cast-in-place reinforced concrete 3-box culvert with steel sheet pile wing-walls, automated stainless steel slide gates, and a new Control Building to house the relocated generator. The L-5 and L-38W Canal bottoms and embankments will be re-graded and armored with rip-rap.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing S-150 Structure Replacement and Automation Project would result in continued operation of a declining water control structure, potentially impacting flood control operations along the L-5 Canal and upstream agricultural area.

39. **Resolution No. 2014 - 0415** Authorize entering into a 395 day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the S-6 Communications Tower project, for a total amount of \$1,622,000, of which ad valorem funds of \$1,072,000 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program. (Contract Number 4600003041) (OMC, John Mitnik, ext. 2679)

Summary

The S-6 Pump Station was built in 1959 by the United States Army Corps of Engineers (USACE). The S-6 pump station was originally constructed as part of the Central and Southern Florida Flood Control System and in 2001 became part of Stormwater Treatment Areas (STA) as an inflow pump station under the Everglades Forever Act.

Currently, communications to and from the S-6 Pump Station are accomplished through a 60' high antenna structure mounted on the roof of the S-6 Pump Station building which does not meet the District's wind loading design criteria and is in no condition to bear any additional antenna loading. Additionally, the current designated area for electronics does not have sufficient space for growth, HVAC, DC power, and/or standby generator.

The S-6 communications is an antenna and microwave communications system which relays watershed telemetry data and enterprise information for the regional Everglades Agricultural Area (EAA) pump stations and adjacent STA project areas (STA 2, STA 3/4, and A-1 FEB). The S-6 communication system supports the pump station operation, local SCADA RTU's, and provides a primary communications link to the EAA regional water control and monitoring systems. The communications facilities have evolved into a vital communications site for the District's regional area. Due to age and current condition of the antenna structure, the District initiated the S-6 Communications Tower project with the following goals: remove the current roof antenna and construct a free standing tower replacement with a dedicated communications building and standby generator. Construction is scheduled to start in May of 2014 and continue 395 days into 2015. The project is phased for dry season cutover of existing communications equipment.

Staff Recommendation

The project should proceed in a timely manner with a construction notice-to-proceed to meet the requirements of dry season cutover. Staff recommends approval to enter into a 395 day contract in the amount of \$1,622,000.00 with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the construction of the S-6 Communications Tower.

40. **Resolution No. 2014 - 0416** Authorizing the official ranking and entering into a three-year contract, with two one-year extensions, with the University of Florida Board of Trustees-Water Institute, and Florida International University; subject to successful negotiations to provide university technical environmental services in support of the Restoration Strategies Science Plan, in an amount not to exceed \$7,000,000, for both contracts as well as the contracts with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc. of which \$2,000,000 in ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets. (Contract numbers 4600003031 and 4600003032) (WR, Linda Lindstrom, ext. 6820) - **ITEM REVISED**

Summary

A Request for Proposals (RFP) was advertised to solicit the services of Florida Universities capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs.

Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. The expertise of Florida Universities will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with the University of Florida Board of Trustees-Water Institute, and Florida International University, each for a three-year contract, with two one-year extensions, to provide Technical Environmental Services in Support of the Restoration Strategies Science Plan.

41. **Resolution No. 2014 - 0417** Authorizing the official ranking of firms and entering into a two-year contract, with three (3) one-year extensions, with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc.; subject to successful negotiations to provide technical environmental services in support of the Restoration Strategies Science Plan, in an amount not to exceed \$7,000,000, for both contracts as well as the contracts with University of Florida Board of Trustees-Water Institute, and Florida International University, of which \$2,000,000 in ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets. (Contract numbers 4600003029 and 4600003030)(WR, Linda Lindstrom, ext. 6820) - **ITEM REVISED**

Summary

A Request for Proposals (RFP) was advertised to solicit the services of multiple contractors capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that

collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs. Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. Contractor expertise will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc.

42. General Public Comment

Staff Reports

43. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
44. General Counsel's Report - Carolyn Ansay
45. Executive Director's Report - Blake Guillory
Report on permits issued by authority delegated to the Executive Director from March 1-31, 2014.
46. Board Comment

Attorney Client Sessions

47. Attorney Client Session - USA

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

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

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

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Carolyn S. Ansay, ext. 6976)

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Carolyn S. Ansay, ext. 6976)

49. Adjourn

April Employee of the Month
David Reinert
Chief Mechanic – Aviation Unit
Administrative Services

David is responsible for the maintenance of the District's two 407 Bell Helicopters and the Bell 206B float helicopter. In 2013, the two 407 helicopters were scheduled for a 5000-hour major overhaul.

Within the aviation industry, units with inhouse mechanics usually have this work performed by outside vendors. Due to David's extensive experience and knowledge of the aviation maintenance field, he performed the complete overhaul and the District realized a cost savings of approximately \$56,000 per aircraft, totalling \$112,000 .

David's strong mechanical ability has contributed to the top-notch condition of the aircraft which has resulted in minimal down time. This allows better efficiency as the District continues to meet its core missions.

Additionally, passenger safety is ensured by one of our own staff with extensive experience and know-how of the care and maintenance of District aircraft. Congratulations and thank you, David.

April Team of the Month
C111 South Dade Conveyance System Reimbursement
Representing Operations, Maintenance and Construction;
Administrative Services; Everglades Policy and Coordination

Ruth Frymerman
Raymond Garza
Rupa Pandit
Eric Polacek
Marilyn Praters-Rivers
Greg Rogers
Jeff Stokes
Paul Warner

This team conducted intensive research to create reimbursement requests from the Army Corps of Engineers for operating and maintaining pump stations in the C-111 South Dade Conveyance system from 2006 through 2009. They discovered the oversight during a 5-year planning meeting for operation and maintenance of federal projects. Corps staff confirmed authorization to provide retroactive reimbursements for these federal projects and funding was available

Much of the costs were incurred before SAP specialized reports were developed to automatically calculate operation and maintenance costs for these pump stations. Obtaining this information required manually researching fuel consumption and inventory logs, electricity bills, maintenance work orders and staff costs. These efforts – conducted in addition to the normal workload -- resulted in the reimbursement of \$2.6 million. Congratulations team!

Attachment: April 2014 recognitions (1852 : Employee Recognitions)

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
April 10, 2014

(REVISED 04/08/14)

	PAGE
I DENIALS	
MIAMI-DADE COUNTY	1
II CONSENT ORDERS	2
III CONSERVATION EASEMENT AMENDMENTS AND RELEASES	3
IV SEMINOLE TRIBE WORK PLANS	4

Attachment: ca_reg_rm_100_sd (Revised) (1842 : Regulatory Consent Agenda)

REGULATION AGENDA ITEMS

PERMIT DENIAL: Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

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

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

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

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

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

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

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

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

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

CONSERVATION EASEMENT: A perpetual interest to the District in real property that retains land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and retains such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S.

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

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

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

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

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

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

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

MIAMI-DADE COUNTY

1. ACOSTA FARMS APPL. NO. 070607-44
 ACOSTA FARMS INCORPORATED PERMIT NO. N/A
 SEC 7,9,12,13,15,28,29,34,35 TWP 55,56,57S RGE ACREAGE: 575.00
 35,38,39E LAND USE: AGRICULTURAL

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: APRIL 10, 2014

2. BONITA POINTE 9-ACRE PARCEL APPL. NO. 080131-13
 BONITA POINTE ASSOCIATES LTD PERMIT NO. 13-01502-P
 SEC 30 TWP 57S RGE 39E ACREAGE: 9.05
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)

RECEIVING BODY: UNKNOWN

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

LAST DATE FOR BOARD ACTION: APRIL 10, 2014

3. SIGMA BAY APPL. NO. 070607-45
 SIGMA BAY INVEST LLC PERMIT NO. N/A
 SEC 4,22,33,34 TWP 57,56S RGE 38,38E ACREAGE: 370.00
 LAND USE: AGRICULTURAL

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: MAY 15, 2014

CONSENT ORDERS

1. RESPONDENT: BOYNTON BEACH ASSOCIATES XXIV, LLP A.K.A. GL HOMES
PROJECT: HYDER AGR - PUD

SEC 30 TWP 46S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED CONSTRUCTION

2. RESPONDENT: F.I.R.E. RESOURCES, INC.
PROJECT: TUSCANY PRESERVE PHASE 3 AND 4

SEC 9 TWP 28S RGE 28E POLK COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS FOR FAILURE TO RECORD THE CONSERVATION EASEMENT

Attachment: ca_reg_rm_100_sd (Revised) (1842 : Regulatory Consent Agenda)

-
- 1. PERMITTEE: MINTO COMMUNITIES, LLC
 - PROJECT: ISLES OF COLLIER PRESERVE (FKA SABAL BAY)

COLLIER COUNTY

APPROVE AN AMENDMENT OF CONSERVATION EASEMENT TO MODIFY THE PARAGRAPH PERTAINING TO PASSIVE RECREATIONAL USES, APPLICATION NUMBER 131212-11 IN COLLIER COUNTY. THE CONSERVATION EASEMENT WILL BE AMENDED TO ALLOW MANGROVE TRIMMING/ALTERATION ON WATERWAYS WHEN APPROVED IN ADVANCE BY THE DISTRICT THROUGH A PERMIT MODIFICATION.

-
- 2. PERMITTEE: TAFT-VINELAND PROPERTIES, INC.
 - PROJECT: REGENCY INDUSTRIAL PARK (SECTION 13 PARCEL A)

ORANGE COUNTY

APPROVE A REQUEST FOR THE PARTIAL RELEASE OF A CONSERVATION EASEMENT TO ALLOW FOR THE CONSTRUCTION OF THE REGENCY INDUSTRIAL PARK (SECTION 13 PARCEL A), APPLICATION NO. 991105-67 IN OSCEOLA COUNTY. THE EXISTING EASEMENT WAS ERRONEOUSLY RECORDED OVER AN APPROVED IMPACT AREA. THIS PARTIAL RELEASE IS FOR THE PURPOSE OF RELEASING THE EASEMENT OVER THE IMPACT AREA AND RECORDING A CORRECTED EASEMENT. THE MITIGATION HAS BEEN PROVIDED IN ACCORDANCE WITH THE PERMIT.

-
- 3. PERMITTEE: MATTAMY (JACKSONVILLE) PARTNERSHIP
 - PROJECT: TAPESTRY PUD PARCEL 8 - PHASE 1

OSCEOLA COUNTY

APPROVE A REQUEST FOR PARTIAL RELEASE OF CONSERVATION EASEMENT TO ALLOW FOR THE CONSTRUCTION OF THE TAPESTRY PARCEL 8 APPLICATION NUMBER 140203-14 IN OSCEOLA COUNTY. THE EXISTING EASEMENT WAS RECORDED IN ACCORDANCE WITH THE TAPESTRY PERMIT NO. 49-01654-P AND THE UNDERLYING PROPERTY ARE OWNED BY THE APPLICANT. COMPENSATION FOR THE REMOVAL OF 0.79 ACRES OF UPLAND BUFFER WILL BE PROVIDED BY THE ADDING UPLAND BUFFER TO RESULT IN NO NET DECREASE IN UPLAND BUFFER.

Attachment: ca_reg_rm_100_sd (Revised) (1842 : Regulatory Consent Agenda)

-
1. CONCUR WITH THE SEVENTH AMENDMENT TO THE TWENTY SEVENTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE HOLLYWOOD RESERVATION INCLUDE THE CONSTRUCTION OF A STORMWATER MANAGEMENT SYSTEM FOR THE PHASE II IMPROVEMENTS OF THE HOLLYWOOD RECREATIONAL FACILITY.
-

TABLE OF CONTENTS

RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

April 10, 2014

	PAGES
I RIGHT OF WAY OCCUPANCY PERMIT REQUESTS FOR DENIAL:	
Governing Board action is required for routine requests for permits which do not conform to applicable rules and criteria of Works or Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for denial.	2-3

Attachment: ca_om_reg_101_sd (1843 : Right of Way Regulatory Consent Agenda)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS FOR DENIAL

1. Consideration of a request by **William Cury** (Application Number 07-0807-1), for issuance of a Right of Way Occupancy Permit to allow existing, unauthorized encroachments to remain within the north right of way of the Hillsboro Canal at the rear of 2198 Isabel Road Oeste, Boca Raton, FL. Location: Palm Beach County, Section 36, Township 47 South, Range 42 East.

Staff recommends **denial** of the request for issuance of the application due to the fact that the applicant is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), Florida Administrative Code, which states: "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."

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS FOR DENIAL

2. Consideration of a request by **Gregory and Melita Calpakis** (Application Number 07-0710-1), for issuance of a Right of Way Occupancy Permit to allow existing unauthorized landscaping and a proposed fence within the east right of way of C-100A at the rear of 14760 Southwest 75th Avenue, Village of Palmetto Bay, FL. Location: Miami-Dade County, Section 23, Township 55 South, Range 40 East.

Staff recommends **denial** of the request for issuance of the application due to the fact that the applicant is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), Florida Administrative Code, which states: "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."

MEMORANDUM

TO: Governing Board Members
FROM: Karen Estock, Division Director
DATE: April 10, 2014
SUBJECT: Release of Reservations

Summary

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

Staff Recommendation

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

Additional Background

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

Core Mission and Strategic Priorities

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

Funding Source

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

Staff Contact and/or Presenter

Kathy Massey, ext. 6835

MEMORANDUM - EXHIBIT "A"

File Nos.: 1-14-1 and 18571
 Applicant: Stirling Investors II, Inc., a Florida corporation
 Reserving Deeds: T-16160 (DB 34-420, 6/4/1908) and T-9432 (DB 49-219, 5/30/1924)
 Fee paid: \$500.00
 Action: Approve release of Trustees and District canal reservations
 Acres: 3.78 acres, more or less
 Legal Description: Portion of Parcel A, COOPER CITY COMMONS, PB 170-119, Section 5, Township 51 South, Range 41 East
 Location: Pine Island Road, North of Sheridan Street, Cooper City, Broward County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Cooper City and Central Broward Water Control District

File Nos.: 2-14-1 and 18581
 Applicant: Ernesto N. Zayas, a married man, and Carlos A. Zayas, a single man
 Reserving Deeds: T-16198 (DB 46-240, 12/24/1908) and E-2653 (DB 2499-335, 3/7/1945)
 Fee paid: \$500.00
 Action: Approve release of Trustees canal reservations, and District canal, road and mineral reservations
 Acres: 2.50 acres, more or less
 Legal Description: Portion of Tract 52, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 13, Township 52 South, Range 39 East
 Location: NW 117th Avenue, Miami, Miami-Dade County
 Reviewed by: Miami-Dade Water Control Section, Miami-Dade County and Florida Department of Transportation (no internal review needed due to size and land use)

File No.: 3-14-1
 Applicant: FDG Flagler Station III, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 9.44 acres, more or less
 Legal Description: Lot 3, Block 1, FLAGLER STATION, PB 168-1, Section 6, Township 53 South, Range 40 East
 Location: 9675 NW 117th Avenue, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-2
 Applicant: FS Land Parcels, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 6.73 acres, more or less

Legal Description: Portion of Tract 32, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 6, Township 53 South, Range 40 East
 Location: NW 105th Way, Medley, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-4
 Applicant: FDG Flagler Station Land, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 24.63 acres, more or less
 Legal Description: Portion of Lot 2, Block 8, BEACON STATION ADDITION THREE, PB 158-8, and Lots 1 and 2, Block 1, FLAGLER STATION, PB 168-1, Section 6, Township 53 South, Range 40 East
 Location: NW 91st Street, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-5
 Applicant: FS Building 34, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 13.00 acres, more or less
 Legal Description: Lot 1, Block 1, GENERAL TOBACCO, PB 165-42, Section 6, Township 53 South, Range 40 East
 Location: NW 91st Street, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-6
 Applicant: FS Building 35, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 5.64 acres, more or less
 Legal Description: Portion of Lot 1, Block 8 BEACON STATION ADDITION THREE, PB 158-8, Section 6, Township 53 South, Range 40 East
 Location: NW 90th Street and NW 112th Avenue, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File Nos.: 3-14-7 and 18577
 Applicant: FS Land Parcels, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910), T-16198 (DB 46-240, 12/24/1908) and E-670 (DB 236-281, 6/28/1920)

Fee paid: \$500.00
 Action: Approve release of Trustees and District canal reservations
 Acres: 142.90 acres, more or less
 Legal Description: All of Tract F and Lot 1, Block 10 and a portion of Lots 1, Block 8, and Lot 2, Block 10, BEACON STATION ADDITION FOUR, PB 159-92, and a portion of Lot 1, Block 13, GRAN PARK THIRD ADDITION, PB 149-9, all in Section 6, Township 53 South, Range 40 East
 Location: NW 106th Street and NW 112th Avenue, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File Nos.: 3-14-8 and 18578
 Applicant: Section 31 Holdings, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910), T-16198 (DB 46-240, 12/24/1908) and E-670 (DB 236-281, 6/28/1920)

Fee paid: \$500.00
 Action: Approve release of Trustees and District canal reservations
 Acres: 95.53 acres, more or less
 Legal Description: Portion of Tracts 33 through 47, 57 and 58, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 31, Township 52 South, Range 40 East
 Location: NW 106th Street, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-9
 Applicant: FS Building 30, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 9.45 acres, more or less
 Legal Description: Portion of Lots 1 and 4, Block 5, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10201 NW 112th Avenue, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-10
 Applicant: FS Building 31, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 9.45 acres, more or less
 Legal Description: Portions of Lots 1, 2 and 4, Block 5, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10200 NW 110th Avenue, Miami, Miami-Dade County

Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-11
 Applicant: FS Building 32, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 13.07 acres, more or less
 Legal Description: Portion of Lot 2, Block 4, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10801 NW 103rd Avenue, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

File No.: 3-14-12
 Applicant: FS Building 36, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Fee paid: \$250.00
 Action: Approve release of Trustees canal reservations
 Acres: 7.94 acres, more or less
 Legal Description: Portion of Lot 2, Block 8, BEACON STATION THIRD ADDITION, PB 158-8, Section 6, Township 53 South, Range 40 East
 Location: NW 112th Avenue and NW 91st Street, Miami, Miami-Dade County
 Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Miami-Dade Water Control Section

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0401

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

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

WHEREAS, the District is empowered to grant such releases pursuant to Section 373.096, Florida Statutes;

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

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

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

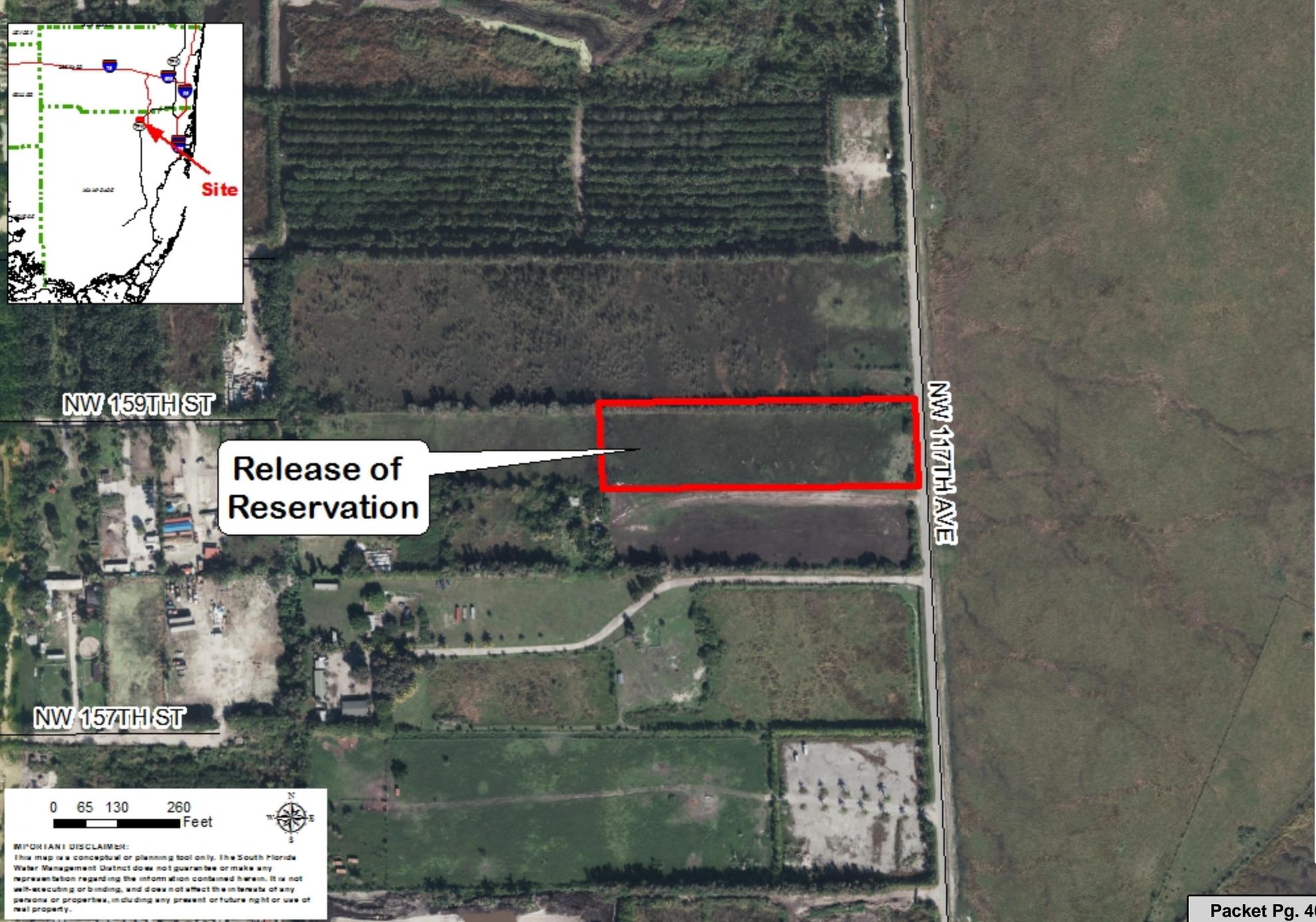
Legal form approved:
By:

District Clerk/Secretary

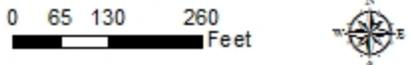
Office of Counsel

Print name:

2-14-1 and 18581 Miami-Dade County

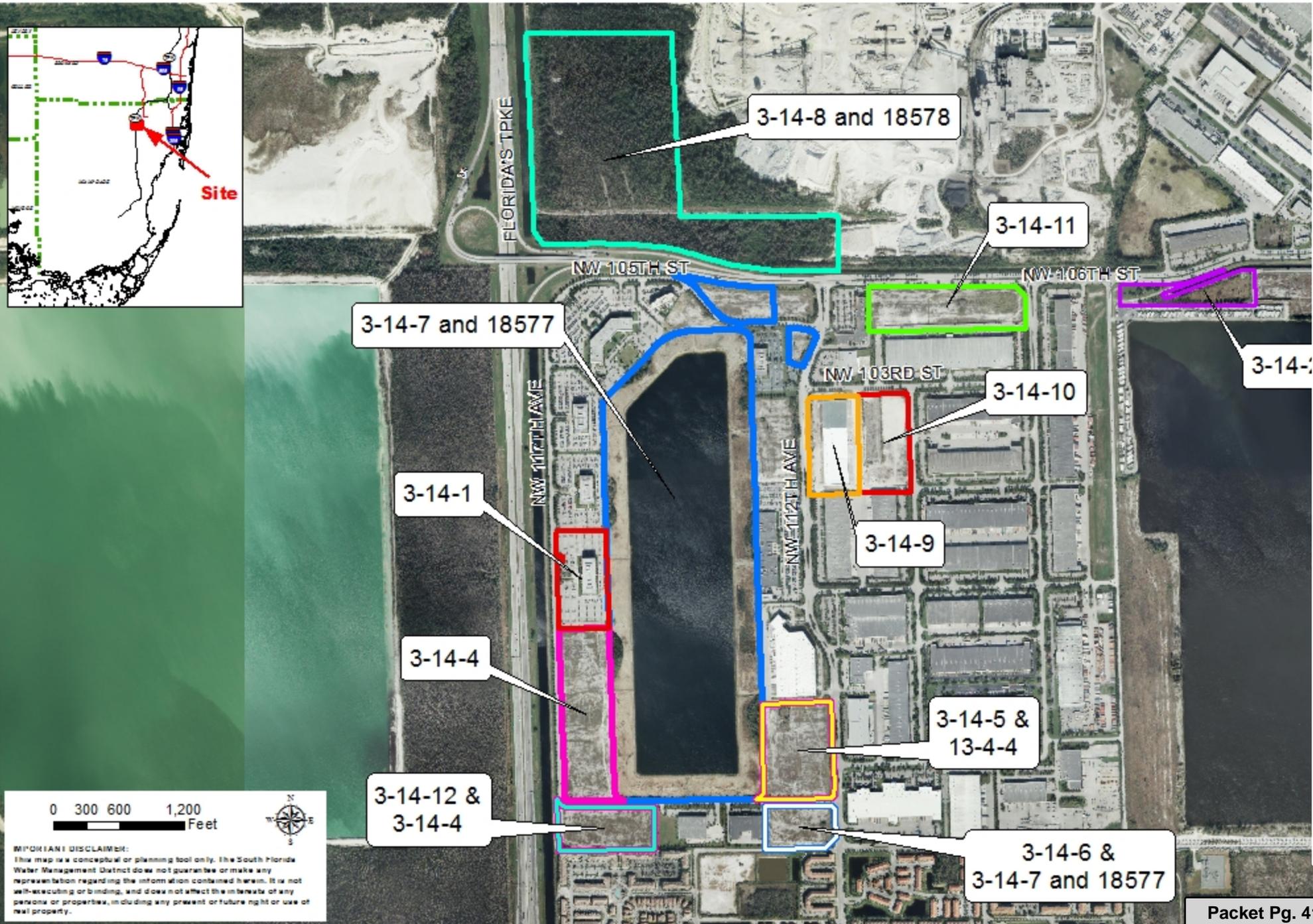


Release of
Reservation



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

Release of Reservations Miami-Dade 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.

0 300 600 1,200
Feet



18571 and 1-14-1 Broward County



Attachment: GB_2014-18571 and 1-14-1 (Resolution No. 2014 - 0401 : Release of Reservations)

For copies of this map (\\arc_data\maps\ReleaseOfReservations\GB_2014-18571 and 1-14-1.mxd), created on 2/5/2014 by ac. Contact the Real Estate Section.

RESOLUTION - EXHIBIT "A"**RELEASE OF DISTRICT CANAL, ROAD AND MINERAL RESERVATIONS:**

File No.: 18571
 Applicant: Stirling Investors II, Inc., a Florida corporation
 Reserving Deed: T-9432 (DB 49-219, 5/30/1924)
 Acres: 3.78 acres, more or less
 Legal Description: Portion of Parcel A, COOPER CITY COMMONS, PB 170-119, Section 5, Township 51 South, Range 41 East
 Location: Pine Island Road, North of Sheridan Street, Cooper City, Broward County

File No.: 18577
 Applicant: FS Land Parcels, LLC, a Delaware limited liability company
 Reserving Deed: E-670 (DB 236-281, 6/28/1920)
 Acres: 142.90 acres, more or less
 Legal Description: All of Tract F and Lot 1, Block 10, and portions of Lots 1, Block 8, and Lot 2, Block 10, BEACON STATION ADDITION FOUR, PB 159-92, and a portion of Lot 1, Block 13, GRAN PARK THIRD ADDITION, PB 149-9, Section 6, Township 53 South, Range 40 East
 Location: NW 106th Way and NW 112th Avenue, Miami, Miami-Dade County

File No.: 18578
 Applicant: Section 31 Holdings, LLC, a Delaware limited liability company
 Reserving Deed: E-670 (DB 236-281, 6/28/1920)
 Acres: 95.53 acres, more or less
 Legal Description: Portion of Tracts 33 through 47, 57 and 58, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 31, Township 52 South, Range 40 East
 Location: NW 106th Street, Miami, Miami-Dade County

File No.: 18581
 Applicant: Ernesto N. Zayas, a married man, and Carlos A. Zayas, a single man
 Reserving Deed: E-2653 (DB 2499-335, 3/7/1945)
 Acres: 2.50 acres, more or less
 Legal Description: Portion of Tract 52, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 13, Township 52 South, Range 39 East
 Location: NW 117th Street, Miami, Miami-Dade County

RELEASE OF TIITF CANAL RESERVATIONS:

File No.: 1-14-1
 Applicant: Stirling Investors II, Inc., a Florida corporation
 Reserving Deed: T-16160 (DB 34-420, 6/4/1908)
 Acres: 3.78 acres, more or less
 Legal Description: Portion of Parcel A, COOPER CITY COMMONS, PB 170-119, Section 5, Township 51 South, Range 41 East
 Location: Pine Island Road, North of Sheridan Street, Cooper City, Broward County

File No.: 2-14-1
 Applicant: Ernesto N. Zayas, a married man, and Carlos A. Zayas, a single man
 Reserving Deed: T-16198 (DB 46-240, 12/24/1908)
 Acres: 2.50 acres, more or less
 Legal Description: Portion of Tract 52, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 13, Township 52 South, Range 39 East
 Location: NW 117th Street, Miami, Miami-Dade County

File No.: 3-14-1
 Applicant: FDG Flagler Station III, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 9.44 acres, more or less
 Legal Description: Lot 3, Block 1, FLAGLER STATION, PB 168-1, Section 6, Township 53 South, Range 40 East
 Location: 9675 NW 117th Avenue, Miami, Miami-Dade County

File No.: 3-14-2
 Applicant: FS Land Parcels, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 6.73 acres, more or less
 Legal Description: Portion of Tract 32, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 6, Township 53 South, Range 40 East
 Location: NW 105th Way, Medley, Miami-Dade County

File No.: 3-14-4
 Applicant: FDG Flagler Station Land, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 24.63 acres, more or less
 Legal Description: Portion of Lot 2, Block 8, BEACON STATION ADDITION THREE, PB 158-8, Section 6, Township 53 South, Range 40 East
 Location: NW 91sr Street, Miami, Miami-Dade County

File No.: 3-14-5
 Applicant: FS Building 34, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 13.00 acres, more or less
 Legal Description: Lot 1, Block 1, GENERAL TOBACCO, PB 165-42, Section 6, Township 53 South, Range 40 East
 Location: NW 91st Street, Miami, Miami-Dade County

File No.: 3-14-6
 Applicant: FS Building 35, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 5.64 acres, more or less
 Legal Description: Portion of Lot 1, Block 8, BEACON STATION ADDITION THREE, PB 158-8, Section 6, Township 53 South, Range 40 East
 Location: NW 90th Street and NW 112th Avenue, Miami, Miami-Dade County

File No.: 3-14-7
 Applicant: FS Land Parcels, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)

Acres: 142.90 acres, more or less
 Legal Description: All of Tract F and Lot 1, Block 10, and a portion of Lot 1, Block 8, and Lot 2, Block 10, BEACON STATION ADDITION FOUR, PB 159-92, and a portion of Lot 1, Block 13, GRAN PARK THIRD ADDITION, PB 149-9, Section 6, Township 53 South, Range 40 East
 Location: NW 106th Street and NW 112th Avenue, Miami, Miami-Dade County

File No.: 3-14-8
 Applicant: Section 31 Holdings, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 95.53 acres, more or less
 Legal Description: Portion of Tracts 33 through 47, 57 and 58, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 31, Township 52 South, Range 40 East
 Location: NW 106th Street, Miami, Miami-Dade County

File No.: 3-14-9
 Applicant: FS Building 30, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 9.45 acres, more or less
 Legal Description: Portion of Lots 1 and 4, Block 5, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10201 NW 112th Avenue, Miami, Miami-Dade County

File No.: 3-14-10
 Applicant: FS Building 31, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 9.45 acres, more or less
 Legal Description: Portion of Lots 1, 2 and 4, Block 5, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10200 NW 110th Avenue, Miami, Miami-Dade County

File No.: 3-14-11
 Applicant: FS Building 32, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 13.07 acres, more or less
 Legal Description: Portion of Lot 2, Block 4, BEACON STATION FIRST ADDITION, PB 155-79, Section 6, Township 53 South, Range 40 East
 Location: 10801 NW 103rd Avenue, Miami, Miami-Dade County

File No.: 3-14-12
 Applicant: FS Building 36, LLC, a Delaware limited liability company
 Reserving Deeds: T-16284 (DB 50-405, 5/28/1910) and T-16198 (DB 46-240, 12/24/1908)
 Acres: 7.94 acres, more or less
 Legal Description: Portion of Lot 2, Block 8, BEACON STATION THIRD ADDITION, PB 158-8, Section 6, Township 53 South, Range 40 East
 Location: NW 112th Avenue and NW 91st Street, Miami, Miami-Dade County

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, PG, AICP, Director, Regulatory Division

DATE: April 10, 2014

SUBJECT: Notice of Proposed Rule - Impaired Waters

Summary

Staff is requesting authority to publish a Notice of Proposed Rule to adopt the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters (OFW) and Water Bodies that Do Not Meet State Water Quality Standards. This procedure will incorporate into rule the substance of the existing "impaired waters memo," which was initially issued in 2004 and revised in 2009 and 2013. Applicants are assisted by this procedure in providing reasonable assurances to demonstrate that discharges will not degrade an OFW or will not contribute additional causative pollutants to an impaired water body. This procedure will be included in a new Appendix E to ERP Applicant's Handbook Volume II. This rule will not create new standards or change the existing ERP application process.

Recommendation

Authorize publication of Notice of Proposed Rule in the Florida Administrative Register and request review from the Office of Fiscal Accountability and Regulatory Reform, to amend Rule 40E-4.091, F.A.C., and the incorporated Environmental Resource Permit Applicant's Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District, to incorporate by reference the Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards.

Additional Background

Existing provisions of Florida Statute and the statewide ERP rules require additional reasonable assurances for projects proposing to discharge to an OFW or water body that does not meet state water quality standards. The District issued an "impaired waters" memorandum in 2004 (revised in 2009 and 2013) to assist applicants and District staff in the application of these rules when the application includes a discharge to an impaired water body or an OFW. The memorandum is currently included as a Design Aid within ERP Applicant's Handbook Volume II (Volume II) and has been provided to applicants, as guidance, to describe the types of additional measures that may be considered, on a project by project basis, as necessary to provide reasonable assurance that the discharges will meet existing rule requirements.

This rulemaking will incorporate an updated version of the Memorandum by reference

into Volume II. This means that the Memorandum will be a rule of the District.

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

Workshops were held in November 2013 in Ft. Myers, Kissimmee and West Palm Beach, and this item was presented to the Water Resources Advisory Commission on March 6, 2014.

Core Mission and Strategic Priorities

This item supports the core mission by assisting applicants and District staff in providing the necessary reasonable assurances to demonstrate that a discharge will not degrade an OFW or will not contribute to the violation of an impaired water body.

Funding Source

There is no funding associated with this rule other than the publication cost.

Staff Contact:

Dan Waters, Regulation Service Center Administrator - Lower West Coast; email: dwaters@sfwmd.gov <<mailto:dwaters@sfwmd.gov>>, Phone (239) 338-2929 ext. 7763

Susan Martin, Sr. Specialist Attorney, Office of Counsel; email: smartin@sfwmd.gov <<mailto:smartin@sfwmd.gov>>, Phone (561) 682-6251

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

[40E-4.091](#): Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The District is proposing to adopt the "Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards." This procedure will be included in a new Appendix E to "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District" (Volume II).

SUMMARY: This procedure will incorporate into rule the substance of the existing "impaired waters memo", which was initially issued in 2004 and revised in 2009 and 2013. This rule will not create new standards or change the existing ERP application process.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

Since the proposed rule formally codifies current guidance and procedures for environmental resource permit applications, there is no incremental regulatory burden associated with the proposed rule's incorporation by reference. Consequently, there are no "de novo" transactional or regulatory costs or administrative burdens arising out of the proposed rule being incorporated by reference in the District's rules.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to 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 rule's implementation.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [373.044](#), [373.103\(8\)](#), [373.113](#), [373.171](#), [373.413](#), [373.4131](#), [373.441](#), [704.06](#), FS

LAW IMPLEMENTED: [373.413](#), [373.4131](#), [373.4135](#), [373.4137](#), [373.414](#), [373.4142](#), [373.416](#), [373.418](#), [373.421](#), [373.426](#), [373.441](#), [668.003](#), [668.004](#), [668.50](#), [695.26](#), [704.06](#), FS

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 12, 2014, beginning 9:00 a.m.

PLACE: Osceola County Commission Chambers

1 Courthouse Square, Suite 4100

Kissimmee, Florida 34741

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 hours before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800) 432-2045, ext. 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: Daniel Waters, P.E., Regulation Service Center Administrator, Lower West Coast Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (239) 338-2929, ext. 7763, email: dwaters@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference herein:

(a) “Environmental Resource Permit Applicant’s Handbook, Volume II For Use Within the Geographic Limits of the South Florida Water Management District, _____ ~~October 1, 2013,~~” ([hyperlink](#)), which incorporates the following forms or materials by reference:

1. through 5. No Change.

(b) through (e) No Change.

(2) No Change.

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.4131, 373.441, 704.06 FS. Law Implemented 373.413, 373.4131, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 695.26, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, 7-1-10, 7-4-10, 12-15-11, 5-20-12, 10-1-13, _____.

The proposed Volume II including Appendix E is available online at www.sfwmd.gov/rules, and selecting “Impaired Waters”. An excerpt of the proposed changes to Volume II, is as follows:

PART IV STORMWATER QUALITY

4.1 through 4.1.3 No Change

4.1.4 Projects Discharging to Impaired Waters or to Outstanding Florida Waters

Systems discharging to a waterbody that has been identified as impaired by the Department of Environmental Protection under Chapter 62-303, F.A.C., or to an Outstanding Florida Water, shall be designed in accordance with the procedures in Appendix E.

APPENDIX E

Procedure for Environmental Resource Permit Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards

This procedure shall be utilized in coordination with the “Environmental Resource Permit Applicant’s Handbook Volume I: General and Procedural” (Volume I) and “Environmental Resource Permit Applicant’s Handbook Volume II: For Use within the South Florida Water Management District” (District) (Volume II). This procedure pertains to the application of existing District rules in the evaluation of permit applications for projects which discharge to Outstanding Florida Waters (OFWs) and water bodies that do not meet State water quality standards identified on the State’s “Verified List” of impaired waters or water bodies that have a State adopted Total Maximum Daily Load (TMDL) (impaired water bodies).

“Impaired Water Bodies”

Chapter 62-303, Florida Administrative Code (F.A.C.), describes impaired water bodies. Water bodies that have been assessed and determined to be impaired by the Department of Environmental Protection (DEP) due to pollutant discharges are included on the “Verified List” adopted by DEP Secretarial Order. Water bodies on the “Verified List” can be determined from DEP’s web site at: <http://www.dep.state.fl.us/water/watersheds/assessment/a-lists.htm>.

Relationship Between “Impaired Waters” and District Water Quality Rules

Chapter 62-303, F.A.C., does not limit the applicability of existing environmental resource permit (ERP) rules and other criteria under other provisions of Florida law. Consequently, the District implements its existing rules to ensure non-degradation of OFWs and prevent further degradation of impaired water bodies.

This procedure highlights the requirements in the existing District ERP rules to meet water quality criteria. This procedure also provides additional measures which shall be considered, on a project by project basis, as necessary to provide reasonable assurance that new activities regulated pursuant to Part IV of Chapter 373, Florida Statutes (F.S.) will not degrade an OFW or will not contribute additional causative pollutants to an impaired water body.

Existing ERP Water Quality Requirements and Evaluation

The design requirements in Section 4, Stormwater Quality, of Volume II are applied in conjunction with the water quality requirements in Section 8, Criteria for Evaluation and Section 10, Environmental Criteria, Volume I.

State surface water quality standards are outlined in Chapter 62-302, F.A.C., and require that reasonable assurances be provided to ensure that proposed discharges do not cause or contribute to violations of State water quality standards. As a part of the review of ERP applications, the District evaluates whether discharges from a project will be directed to an OFW or a water body that has been identified as impaired pursuant Chapter 62-303, F.A.C. If a proposed project discharges to an OFW or an impaired water body, the District will require that additional protective measures be incorporated into the project’s design and operation to provide reasonable assurance that the proposed discharge will not cause or contribute to violations of State water quality standards. The additional protective measures shall include a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts

required pursuant to Section 4.2.1, Volume II. Best management practices (BMPs), source controls or protective measures shall be considered as discussed below.

Section 4.1, Volume II requires that “projects shall be designed and operated so that off-site discharges will meet State water quality standards.” Section 4.1.3, Volume II, states that “systems which have a direct discharge to an OFW, must provide an additional fifty percent of the required treatment.” Section 4.9.1, Volume II specifies a more detailed evaluation by the District staff for new developments which outfall to sensitive receiving waters. Such sensitive receiving waters include all OFWs as well as other water bodies specifically named in this rule. Section 10.2.4, Volume I states:

An applicant must provide reasonable assurance that the regulated activity will not violate water quality standards.

Reasonable assurance regarding water quality must be provided both for the short term and the long term The following requirements are in addition to the water quality requirements found in Sections 8.2.3 and 8.3 through 8.3.3.

In cases where a project will discharge to a water body that does not meet standards, Section 10.2.4.5, Volume I requires that:

The applicant must demonstrate that the proposed activity will not contribute to the existing violation.

Section 10.2.4.5, Volume I also states, “If the proposed activity will contribute to the existing violation, mitigation may be proposed as described in subsection 10.3.1.4 (Volume I).”

In addition, where the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, Section 373.414(1)(b)3, F.S., states that the Governing Board shall:

consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards.

Required Analysis

The applicant must submit the following for each project:

Construction Phase Pollution Prevention Plan

A Stormwater Pollution Prevention Plan for construction activities resulting in greater than 1 acre of land clearing, soil disturbance, excavation, or deposition of dredge

material. The plan shall be prepared in accordance with recognized engineering practices and shall identify the potential sources of pollution that shall reasonably be expected to affect the quality of stormwater discharge associated with the construction activity.

Operation Phase Pollution Prevention Plan

A Post-construction Pollution Prevention Plan to be submitted as part of the permit application, which provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source. A Post-construction Pollution Prevention Plan shall include plans for surface water management system operation and maintenance, nutrient and pesticide management, solid waste management, and/or animal/livestock waste storage and disposal, if applicable. Records of maintenance, operation and inspection shall be kept by the permittee and shall be available for inspection and copying by the District staff upon request.

Site-Specific Water Quality Evaluation

In order to demonstrate that the proposed activities will not contribute to an existing impairment of a water body, will not degrade an OFW, or will provide a “net improvement,” an applicant shall provide reasonable assurance based on site-specific information to demonstrate that discharges of the parameter or parameters which have caused the impairment do not have the potential to cause or contribute to water quality violations in the basin. This demonstration shall be accomplished through the use of a site-specific water quality evaluation.

Additional Source Controls, BMPs and Other Protective Measures

In addition to the extra 50% water quality treatment volume for discharges to OFWs or impaired water bodies, a site-specific water quality analysis is required. Before submitting an application, the applicant shall perform an initial site-specific water quality analysis. The initial analysis must demonstrate that the proposed project’s stormwater management system will not degrade an OFW or will provide a net improvement in an impaired water body for any parameters which are impaired. If the site-specific water quality analysis does not demonstrate that an OFW will not be degraded or a net improvement will occur in an impaired water body, then additional protective measures are required. These protective measures shall consist of source controls, BMPs or other protective measures. The applicant must then submit a site-specific water quality analysis to the

District that demonstrates that an OFW will not be degraded or that a net improvement will occur in an impaired water body of any parameter which is impaired.

Listed below are typical source and structural controls commonly incorporated into proposed project stormwater designs and site specific water quality analysis as a part of the evaluation of whether an applicant has provided reasonable assurance to demonstrate that a proposed activity will not degrade an OFW, or in the case of an impaired water body, will not contribute to a violation of the impaired parameter. Such evaluation must take into consideration the particular water quality parameter which is not being met in the water body and whether the proposed project will contribute to the continued violation. The listed additional protective measures are not considered exhaustive. The District will consider other protective measures proposed by the applicant which include the necessary detailed documentation to demonstrate reasonable assurance that water quality standards will not be violated during construction and during long term operation. A combination of protective measures must be based on the proposed project, receiving water body, and specific pollutant(s) causing or contributing to the impairment of the receiving water body. Examples of protective measures are:

Increased Hydraulic Residence Time

Increased average wet season hydraulic residence time of wet detention ponds to at least 21 days using a maximum depth of 12 feet from the control elevation to calculate the residence time.

Pollutant Source Controls

Source controls typically include reduced turf coverage; native landscape plantings; stormwater harvesting and recycling; rooftop runoff management and recycling; pervious pavement; and vegetated non-turf buffers around detention/retention ponds.

Conveyance and Pretreatment BMPs

Stormwater conveyance and pretreatment BMPs typically include filter strips; vegetated stormwater inlets; vegetated swales; sediment trap structures such as baffle boxes; and dry retention or detention pretreatment.

Water Quality Treatment Enhancement

Stormwater treatment system enhancements typically include the use of on-site created wetlands in a treatment train as a polishing cell after primary treatment; detention ponds with littoral berms, settling basins or phyto-zones within the detention areas; planted wetland filter marshes just upstream of project outfall structures; detention ponds with increased effective treatment time by use of internal levees and/or berms and/or location of inflow and outflow structures to increase the flow path distance.

Treatment Efficiency of BMPs in Series

If a stormwater treatment system is designed in series as part of a BMP treatment train to increase the pollutant removal efficiency of the overall system, the treatment efficiencies of BMPs in series must account for the reduced loading transferred to subsequent downstream treatment devices as well as irreducible concentrations of certain pollutants. After treatment occurs in the first system, a load reduction occurs, which is a function of the type of treatment provided. After migrating through the initial treatment system, the remaining load consists of pollutant mass which was not removed in the initial system. This mass is then acted upon by the second treatment system with an efficiency associated with the particular type of BMP used until the irreducible concentration level is met.

When treatment systems are used in series, and a continuous model of the treatment systems is not used, the efficiency of the overall treatment train shall be calculated using the following equation:

$$\textit{Treatment Train Efficiency} = \textit{Eff}_1 + [(1 - \textit{Eff}_1) \times \textit{Eff}_2]$$

Attention must be paid to the treatment efficiency used for each downstream BMP to account for the diminishing “treatability” of stormwater as concentrations are reduced.

Water Quality Mitigation

In cases where ambient water quality does not meet State water quality standards and it is determined that the proposed activity will contribute to the violation (e.g., the water body is impaired for nutrients and the proposed project will discharge an increased nutrient load), Section 373.414(1)(b)3, F.S., and the Section 10.3.1.4, Volume I include provisions for water quality mitigation that will cause a net improvement. Water quality mitigation can be accomplished in a variety of ways. The typical concept is to provide net improvement through implementation of a water quality treatment system or retrofit of an area that currently discharges untreated stormwater runoff to the same receiving body as the proposed project. The type of land use, runoff rates, removal efficiencies and the pollutants expected from the mitigation area all

must be compared to the proposed activity to assure the proposed mitigation is sufficient to cause a net improvement in the receiving water. Any areas used for off-site treatment must include a perpetual easement for this purpose, over the off-site treatment area, which cannot be amended, altered, released or revoked without the prior written consent of the District.

Water Quality Monitoring

Section 4.9.1(b), Volume II states that “new projects entailing a more intensified land use, such as industrial parks, and planning to discharge to a sensitive receiving water directly or indirectly, shall be required to institute a water quality monitoring program if the applicant is unable to provide adequate assurances (by such means as routing drainage of areas where polluting materials would be located away from the stormwater management system); developing restrictive covenants, or similar documents, which would have the effect of prohibiting polluting materials on the project site or proposing other methods of assurance that degradation of the receiving body water quality will not occur.” Based on the fact that permits are not typically issued without an applicant providing the reasonable assurances discussed in Section 4.9.1, Volume II and the District’s long-term experience with current water management system designs, the District has not routinely required permit-level water quality monitoring.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Bureau Chief,
Environmental Resource Permitting Division

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida
Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 23,
2013

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, PG, AICP, Director, Regulatory Division

DATE: April 10, 2014

SUBJECT: Notice of Rule Development for CUP Consistency

Summary

The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUP consistency) to improve consistency in the consumptive use permitting and water supply related programs implemented by the water management districts (WMDs). The individual water management district consumptive use permitting rules, while all developed under the authority of Ch. 373, F.S., are inconsistent among the WMDs. Some differences are based on differing physical and natural characteristics; others result from development of separate rules and procedures over time. The District participated in and completed the CUP consistency effort. However, it has come to our attention that there have been some discrepancies between the versions of the rules that were noticed and acted on through the final stages of the rulemaking process as well as some inadvertent text inaccuracies. In order to cure the procedural deficiency and afford the public the necessary due process in our rulemaking efforts, the South Florida Water Management District must re-initiate the rulemaking process to adopt amendments to our rules associated with the CUPcon effort. No substantive changes, other than those previously presented through workshops, WRAC meetings, and Governing Board presentations as part of the CUPcon effort will be made. An expedited rule development process will be instituted, upon approval of this item, so that the CUP consistency rules become effective as soon as possible. Rule amendments that were expected to have an effective date in April 2014 are now anticipated to have an effective date in the August-September 2014 timeframe.

Staff Recommendation

Staff recommends the Governing Board authorize publication of a Notice of Rule Development to amend the above noted rules to accomplish the DEP's CUP consistency effort.

Additional Background

The goals of the CUP consistency effort include: (1) making the consumptive use permitting program less confusing for applicants, particularly those who work in more than one WMD; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the process; and (5) providing incentives for behavior that protects water resources, including conservation. Draft rule language is available at this time, and is substantively the same as the language previously approved by the Governing Board. Staff will request the Governing Board for authority to publish Notice of Proposed Rule at the earliest possible date.

Core Mission and Strategic Priorities

This item supports the core mission by simplifying the consumptive use permitting process for its permittees while protecting the water resources of the District. The Water Use Permitting Bureau will implement the CUPcon amendments.

Funding Source

The publication of the Notice of Rule Development will be funded from the Office of Counsel's budget.

Staff Contacts

Jennifer Bokankowitz; jbokanko@sfwmd.gov <<mailto:jbokanko@sfwmd.gov>>; (561)682-2258
Maria C. Clemente, P.E.; mclemente@sfwmd.gov <<mailto:mclemente@sfwmd.gov>>; (561)682-2308

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Resolution Declaring April as Water Conservation Month in Florida

Summary

For the past 16 years, the month of April has been proclaimed Water Conservation Month in Florida in order to increase awareness and promote efficient use of the state's diverse water resources. As April is normally the last month of Florida's dry season and water needs are most acute, attention is paid to the importance of conserving water.

Staff Recommendation

Staff recommends that the Governing Board enter into this resolution declaring April as Water Conservation Month. Joining the Florida Section of the American Water Works Association in declaring April as Water Conservation Month in Florida, the District is supporting the actions of other water management districts, local governments, and non-governmental organizations, which are adopting similar proclamations throughout Florida.

Core Mission and Strategic Priorities

This item supports the District's core mission and five year-strategic goals by fostering a water conservation ethic and promoting the efficient use of water in order to expand water supplies to meet existing and future water needs. Conservation and efficient use of water is less expensive than developing alternative water supplies.

Funding Source

NA

Staff Contact and/or Presenter

Terrie Bates, tbates@sfwmd.gov <<mailto:tbates@sfwmd.gov>>, (561) 682-6952

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0402

A Resolution of the Governing Board of the South Florida Water Management District supporting the Florida section of the American Water Works Association in declaring April as Water Conservation Month in Florida; providing an effective date.

WHEREAS, the South Florida Water Management District continues in its commitment to promote the overall water conservation goal of the State of Florida by preventing and reducing wasteful, uneconomical, impractical and unreasonable use of water resources and by supporting programs that employ water saving technology and education programs that cultivate a strong water conservation ethic; and

WHEREAS, this effort is consistent with the efforts of the Water Use Efficiency Division of the Florida Section, American Water Works Association; and

WHEREAS, the South Florida Water Management District is implementing a Comprehensive Water Conservation Program to promote a lasting ethic throughout its 16 counties; and

WHEREAS, the South Florida Water Management District consistently promotes water conservation by establishing educational networks, developing water wise guidelines, providing grant funds, disseminating water conservation information, participating in statewide partnerships, and advocating water management practices which sustain reductions in per capita water use compatible with economic growth; and

WHEREAS, the South Florida Water Management District has identified an additional opportunity to raise conservation awareness and has designated April, typically the last month of Florida's dry season when water needs are most acute, as Water Conservation Month to educate consumers about the need for conservation and the ways in which they can help save the state's precious water resources; and

WHEREAS, for the past 16 years, the month of April has been proclaimed as Water Conservation Month in Florida to increase awareness of and promote efficient use of our state's diverse water resources, the South Florida Water Management District is continuing this tradition with a renewed spirit and enthusiasm; and

WHEREAS, recent droughts and water shortages serve as a reminder that Florida's water resources, no matter how diverse, are precious and finite; and

WHEREAS, all water users including commercial, industrial, agricultural, recreational, institutional, hospitality, private citizens and others can make positive

contributions to reduce water use and protect Florida’s vital water resources; 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 supports the Florida Section of the American Water Works Association in designating April 2014 as **WATER CONSERVATION MONTH** in the State of Florida and

Section 2. The Governing Board of the South Florida Water Management District urges every citizen and visitor to become more aware of the need to save our precious water supply and to take appropriate measures to conserve and protect this vital natural resource.

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Amendment to the 2011 Upper East Coast (UEC) Water Supply Plan Update

Summary

The Upper East Coast (UEC) Water Supply Plan Update was approved in March 2011. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2011 Upper East Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Stuart on February 28, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2011 Upper East Coast Water Supply Plan Update to designate the UEC planning area as a Water Resource Caution Area.

Additional Background

The specific amendment text will be: "The water supply planning region identified in this plan shall be considered a Water Resource Caution Area for the purposes of Section 403.064, F.S., and affected parties may challenge the designation pursuant to Section 120.569, F.S." The WRCA designation is used for implementing reuse feasibility requirements. Section 403.064 (2), F.S., pertaining to reuse of reclaimed water, specifies that: "All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource caution area shall prepare a reuse feasibility study as part of their application for the permit."

Core Mission and Strategic Priorities

Water Supply is one of the District's core missions.

Funding Source

NA

Staff Contact and/or Presenter

Terrie Bates tbates@sfwmd.gov <<mailto:tbates@sfwmd.gov>> (561) 682-6952

M E M O R A N D U M

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Amendment to the 2012 Lower West Coast (LWC) Water Supply Plan Update

Summary

The Lower West Coast (LWC) Water Supply Plan Update was approved in November 2012. The Florida Department of Environmental Protection (FDEP) provided guidance relating to Water Resource Caution Areas (WRCAs) in a memo dated November 8, 2013. WRCAs are areas that have existing water resource problems or resource problems are projected to develop during the next twenty years (Rule 62-40.210, F.A.C.). The FDEP guidance memo directs each water management district to designate WRCAs within its boundary through either a rule or its regional water supply plans. SFWMD is designating WRCAs through its five regional water supply plans. WRCA language has been included in SFWMD water supply plans approved since September 2013. As a result, the SFWMD is amending the 2012 Lower West Coast Water Supply Plan to include text to designate this planning area as a WRCA. A public workshop was conducted in Ft. Myers and Naples on February 27, 2014 to receive input.

Staff Recommendation

Approval of the Amendment to the 2012 Lower West Coast Water Supply Plan Update to designate the LWC planning area as a Water Resource Caution Area.

Additional Background

The specific amendment text will be: "The water supply planning region identified in this plan shall be considered a Water Resource Caution Area for the purposes of Section 403.064, F.S., and affected parties may challenge the designation pursuant to Section 120.569, F.S." The WRCA designation is used for implementing reuse feasibility requirements. Section 403.064 (2), F.S., pertaining to reuse of reclaimed water, specifies that: "All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource caution area shall prepare a reuse feasibility study as part of their application for the permit."

Core Mission and Strategic Priorities

Water Supply is one of the District's core missions.

Funding Source

NA

Staff Contact and/or Presenter

Terrie Bates tbates@sfwmd.gov <<mailto:tbates@sfwmd.gov>> (561) 682-6952

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Lake Belt Mitigation Committee Annual Report 2013

Summary

This is a routine annual report to the Governing Board. The interagency Lake Belt Mitigation Committee is required to annually prepare and submit to the Governing Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee in accordance with Florida Statute Section 373.41492(9)(a). This Annual Report summarizes the mitigation costs, revenues generated by the statutorily-established mitigation fee and activities provided as mitigation for impacts associated with mining activities in the Miami-Dade Lake Belt area as administered by the interagency Lake Belt Mitigation Committee. Proceeds of the mitigation fee must be used to conduct mitigation activities that offset the loss of wetland functions and values resulting from mining activities. The mitigation activities approved by the Lake Belt Mitigation Committee in 2013 included approval of funding for the following projects: 1) \$8 million for the 14,302 acre C-139 Annex Restoration Project consistent with the December 2012 approval and, 2) \$863,000 for Dade-Broward levee seepage management including groundwater modeling, preliminary design, surveying, permitting and vegetative mulching.

Staff Recommendation

Staff recommends the Governing Board approval of the Lake Belt Mitigation Committee Annual Report for 2013.

Additional Background

The mitigation fee is collected by the Department of Revenue from each ton of limerock and sand sold from properties within the Miami-Dade Lake Belt and deposited into a trust fund at the South Florida Water Management District. The interagency Lake Belt Mitigation Committee approves expenditures from the trust fund.

Core Mission and Strategic Priorities

The Florida Legislature recognized the many important features of the Lake Belt area and mandated that a comprehensive mitigation plan be prepared to address the environmental and water resource concerns critical to the State. The Water Resources and Regulation divisions participate as committee chair and alternate members of the interagency Lake Belt Mitigation committee, respectively. The Operations, Maintenance and Construction Division and Administrative Services Division participate as support staff in implementing the projects approved by the Committee.

Funding Source

The expected funding requirement associated with preparing the report and staffing the Lake Belt Mitigation Committee is limited to staff time. Activities undertaken by the District to implement mitigation projects approved by the Committee are funded through the Lake Belt

Mitigation Trust Fund.

Staff Contact and/or Presenter

Terrie Bates at 682-6952

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0403

A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Belt Mitigation Committee Annual Report for 2013 for the purpose of meeting the requirements of Florida Statute Section 373.41492(9)(a); providing an effective date.

WHEREAS, the area known as the Lake Belt is a 77.5 square mile area of Miami-Dade County; and

WHEREAS, the area offers one of the largest, if not the largest, deposits of accessible high quality lime rock material in the State of Florida; and

WHEREAS, the Lake Belt region is also one of the primary sources of potable water supply for the residents of north Miami-Dade County; and

WHEREAS, the Florida Legislature, recognizing these many important features of the area, mandated that a plan be prepared to address the concerns critical to the State, and;

WHEREAS, the Florida Legislature also established a mitigation fee on each ton of lime rock and sand sold from the Lake Belt area to provide for the mitigation of lost wetland resources; and

WHEREAS, the interagency Lake Belt Mitigation Committee established by Statute is required to “annually prepare and submit to the Governing Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee” in accordance with Section 373.41492(9)(a), Florida Statutes; **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA

WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby accepts the Lake Belt Mitigation Committee Annual Report for 2013.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

Legal form approved:

By:

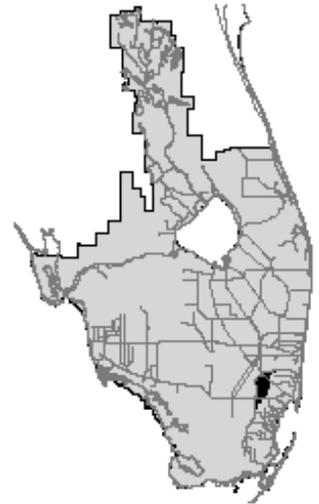
District Clerk/Secretary

Office of Counsel

Print name:

LAKE BELT MITIGATION COMMITTEE
ANNUAL REPORT FOR 2013

Submitted to the
GOVERNING BOARD
of the
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
In Accordance with Section 373.41492(9)(a), Florida Statutes



Lake Belt Mitigation Committee
2013 Annual Report

Table of Contents

	Page
I. Background	2
II. Legislative Guidance	2
III. Committee Representation	
Voting Members	3
Non-Voting Member	3
IV. Committee Administration	
Accounting	4
Mitigation Fee	5
Approved Expenditures	5
V. Committee Mitigation Activities	
Committee Activities	5
Mitigation Summary	6
VI. Appendices	
A - Florida Statutes	
B - Financial Statement	
C - Receipts / Approved Expenditures Summary	
D - Escrow Account Status Summary	

Attachment: 2013 LBMC Annual Report final 3-14 (Resolution No. 2014 - 0403 : Lake Belt Mitigation Committee Annual Report 2013)

I. Background

In 1999, the Florida Legislature established a mitigation fee on each ton of limerock and sand sold from the Miami-Dade County Lake Belt Area. The purpose of this fee is to provide for the mitigation of wetland resources lost to mining activities within this area.

The Legislature found that the impact of rock mining could best be offset by the implementation of a comprehensive mitigation plan, as recommended in the 1998 Progress Report to the Florida Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. Legislation was adopted in s. 373.4149(1), Florida Statutes (F.S.), authorizing the mitigation fee and governing its use.

The mitigation fee became effective on October 1, 1999 at the initial rate of 5.0 cents for each ton of limerock and sand sold. The fee applies to raw, processed, or manufactured limestone, cement, and concrete products. The mitigation fee is collected by the Florida Department of Revenue and deposited to a trust fund at the South Florida Water Management District (SFWMD). An interagency committee, referred to as the Lake Belt Mitigation Committee (Committee), must approve expenditures from the trust fund. The Lake Belt legislation provided for an annual fee adjustment. In addition, based on recommendations from the Committee, the Legislature revised the mitigation fee schedule in 2006 and 2011. The fee was 45 cents per ton in 2013.

Section 373.41492(9)(a), F.S., states: “the interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.”

Additional information on the Miami-Dade County Lake Belt Plan and the Mitigation Committee is available at the SFWMD web site <http://www.sfwmd.gov>. (The Miami-Dade County Lake Belt is one of the projects listed in the Locations / Miami-Dade section of the SFWMD website.)

II. Legislative Guidance

Pursuant to s. 373.41492(6)(a), F.S., mitigation fees may include the purchase, enhancement, restoration, and management of wetlands and uplands in the Everglades watershed, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area or the Everglades watershed. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, the Internal Improvement Trust Fund, SFWMD, and Miami-Dade County. Section 373.41492, F.S. (Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt) is attached in Appendix A.

III. Committee Representation

The Lake Belt Mitigation Committee is authorized under s. 373.4149, F.S. Meetings are held on an as needed basis at locations determined by the Committee. All meetings are open to the general public and are held under requirements of Chapter 286.011, F.S.

The Lake Belt Mitigation Committee consists of following members:

Voting Members:

Florida Department of Environmental Protection (DEP)

Danielle Irwin

Chris Klena, Alternate

South Florida Water Management District (SFWMD)

Terrie Bates (Committee Chair)

Anita Bain, Alternate

Miami-Dade County Department of Regulatory and Economic Resources (DRER)

Craig Grossenbacher (2014)

Florida Fish and Wildlife Conservation Commission (FWCC)

Jennifer Goff (2014)

Marissa Krueger, Alternate

U.S. Army Corps of Engineers (USCOE)

Krista Sabin (2014)

Samantha Rice, Alternate

U.S. Environmental Protection Agency (USEPA)

Eric Hughes

Ron Miedema, Alternate

U.S. Fish and Wildlife Service (USFWS)

Robert Progulske

Non-Voting Member:

Miami-Dade Limestone Products Association (MDLPA)

Jeff Rosenfeld

Bill Baker, Alternate

IV. Committee Administration

Accounting - The available balance in the Lake Belt Mitigation Trust Fund as of December 31, 2012 was \$9,205,578. During 2013, \$19,253,324 was transferred to the Trust Fund from the Florida Department of Revenue and investment income resulted in a loss of \$(6,568). During 2013, approved expenditures from the Trust Fund were \$8,866,634. Approved expenditures from the Trust Fund represent committed funds for projects approved by the Committee. On December 31, 2013, the available balance in the Trust Fund was \$19,585,700.

Table 1 summarizes the mitigation fee deposits and investment income earned by the Lake Belt Mitigation Trust Fund for the period between 2000 and 2013. Beginning July 1, 2012, the water treatment plant upgrade fee was deposited into the Lake Belt Mitigation Trust Fund subject to a maximum deposit of \$20 million and other criteria as specified in Section 373.41492(3)(b), F.S. The month-by-month financial statement for the Trust Fund is included in Appendix B. Appendix C shows the receipts/approved expenditures summary developed for the Committee. The Appendix includes expenditures / mitigation acres approved by the Committee during 2013, and summaries for the overall receipts / expenditures, the C-139 Annex restoration project, the water treatment plant fee deposits, and seepage project expenditures through the end of 2013.

Table 1. Summary - Lake Belt Mitigation Trust Fund Cash Receipts

Calendar Year	Mitigation Fee (\$/ton)	Rock Mining Mitigation Fee	Water Treatment Plant Upgrade Fee ¹	Investment Income	Total Fees & Income
2000	0.050	\$2,386,463		\$ 78,162	\$2,464,625
2001	0.053	\$2,227,895		\$167,611	\$2,395,506
2002	0.056	\$2,436,950		\$174,384	\$2,611,334
2003	0.058	\$2,761,957		\$205,836	\$2,967,793
2004	0.062	\$3,109,122		\$132,434	\$3,241,556
2005	0.066	\$3,344,232		\$200,189	\$3,544,421
2006	0.071	\$3,808,079		\$521,348	\$4,329,427
2007	0.120	\$4,989,649		\$934,092	\$5,923,741
2008	0.180	\$4,899,784		\$380,229	\$5,280,013
2009	0.240	\$4,349,570		\$234,641	\$4,584,211
2010	0.240	\$4,481,029		\$ 83,335	\$4,564,364
2011	0.252	\$4,740,963		\$122,561	\$4,863,524
2012	0.450	\$10,288,460	\$2,115,408	\$ 85,431	\$12,489,299
2013	0.450	\$14,439,993	\$4,813,331	\$(6,568)	\$19,246,756
TOTAL		\$68,264,146	\$6,928,739	\$3,313,685	\$78,506,570

¹The water treatment plant upgrade fee is 15 cents per ton.

Mitigation Fee – The initial mitigation fee calculation was based on many factors (values and functions of wetlands in the Pennsuco and mining areas, mitigation ratios, estimated mining rates, and acquisition, restoration, and long-term management costs of land in the Pennsuco). During 1999, an interagency team of economists calculated the rate of the fee and determined the most appropriate method for annually adjusting the fee. This approach was codified in statute. Based on recommendations from the Committee, the Legislature revised the mitigation fee schedule in 2006 and 2011. The fee increased to 45 cents per ton starting January 1, 2012. The updated statute is included in Appendix A.

Approved Expenditures – Total expenditures approved in 2013 from the Lake Belt Mitigation Trust Fund were \$8,866,634. The different projects are discussed below and more detailed information on the expenditures and associated mitigation acres are included in Appendix C. The 2013 expenditures include \$3,634 in administrative costs associated with the operation of the Lake Belt Mitigation Committee.

V. Committee Mitigation Activities

Committee Activities – In 2013, Committee activities included:

1. Consistent with the Committee’s December 2012 approval of the use of the C-139 Annex Restoration Project as a mitigation project for wetland impacts associated with the limestone mining activities in Lake Belt Region and the associated 25-year cash flow analysis, the Committee approved the planned payment of \$8 million of funding for the C-139 Annex Restoration project. At an estimated cost of \$15,248 per WRAP credit, this expenditure authorized the award of 524.7 WRAP credits (2,098.8 Pennsuco-equivalent mitigation acres) for 2013, subject to the final credit determination for the project.
2. The Committee approved funding for the initial work on the Dade-Broward Levee seepage management program. Estimated expenditures for Phase 1 (\$414,000 – groundwater modeling and preliminary engineering design, surveying, and permitting) and mulching activities (\$449,000 – vegetation removal, permitting, and tree mitigation) were approved by the Committee.
3. The Committee continued to monitor the performance of Phase 1 of the L-31N Seepage Management project, which was completed in 2012. Two miles of a 36-foot deep seepage barrier were constructed on the berm between the SFWMD L-31N Canal and the adjacent levee, which borders Everglades National Park. Monitoring well and flowmeter data indicate that the barrier is influencing water levels and seepage from the Park into the L-31N Canal.
4. An escrow account has been established to facilitate payment of contractors on Miami-Dade Limestone Products Association - sponsored projects. During 2013, the \$637 of accrued interest earned in the escrow account was deposited in the Trust Fund. The memo for the accrued interest is included in Appendix D.

Mitigation Summary – A summary of annual expenditures / mitigation acres approved by the Committee are included in Appendix C. The Committee has approved a total of 8,914.6 mitigation acres, which will result in the: 1) public acquisition, enhancement, and long-term management of 1,243.3 acres in Pennsuco; 2) enhancement and long-term management of an additional 5,083.4 acres in Pennsuco; 3) enhancement and long-term management of 1,549 acres adjacent to the Dade-Broward Levee; 5) acquisition, enhancement, and long-term management of 100 acres in the Southern Glades project area; 6) construction of a 2-mile seepage barrier to enhance the hydrology in Everglades National Park and 7) acquisition, enhancement, and long-term management of 1,060 acres in the C-139 Annex Restoration project.

Table 2. Lake Belt Mitigation Activities

Calendar Year	Pennsuco Acquisition, Enhancement, & Long-Term Management (Acres)	Pennsuco Enhancement, & Long-Term Management (Acres) ¹	Other Projects (Pennsuco-equivalent Mitigation Acres)	Committee Approved Mitigation Acres
2002	455.6	1,240.6		1,075.9
2003	0	2,134.8		1,067.4
2004 ²	160.0		-0.5	159.5
2005	320.9			320.9
2006	142.4			142.4
2007	124.4			124.4
2008 ³	10.0			10.0
2009 ³		1,708.0	100.0	954.0
2010 ⁴	10.0		1,544.3	1,554.3
2011 ⁵	20.0		600.0	620.0
2012 ⁶			787.0	787.0
2013 ⁶			2,098.8	2,098.8
TOTAL	1,243.3	5,083.4	5,129.6	8,914.6

¹ The number of mitigation acres credited for Pennsuco enhancement / long-term management is equal to one-half the number credited for land acquisition, enhancement, and long-term management (per Committee decision).

² Mitigation for wetland impacts from monitoring well access construction required under the Lake Belt permits.

³ Per Committee decision in 2012, previously approved mitigation acres for the 8.5 Square Mile Area project in 2008 (221.1 acres) and 2009 (256.7 acres) were removed from Table 2, until the future direction of the project is determined. The Southern Glades restoration project was approved in 2009.

⁴ Dade-Broward Levee restoration project (1,549 acres) less 4.7 acres for APAC Section 23/24 DERM time-lag mitigation

⁵ L-31N Seepage Management project – Phase 1

⁶ C-139 Annex Restoration project (see Appendix C)

The Mining Industry submits an Annual Lake Belt Report to the U.S. Army Corps of Engineers, Florida Department of Environmental Protection, and Miami-Dade County Department of Regulatory and Economic Resources. This report documents the changes in mining and wetland acreages, and summarizes the ecological balance between the wetland impacts and wetland mitigation funded through the Lake Belt Mitigation Committee. This information is summarized below in Table 3.

Table 3. Lake Belt Mitigation/Mining Summary

Calendar Year	Committee Approved Mitigation Acres	Lake Belt Wetland Impacts In New Permit Areas (Acres)	Mitigation Needed to Offset Wetland Impacts (Acres) ¹	Annual Balance (Acres)	Cumulative Balance (Acres)
2002	1,075.9	34	85.0	990.9	990.9
2003	1,067.4	135	337.5	729.9	1,720.8
2004	159.5	87	217.5	-58.0	1,662.8
2005	320.9	87	217.5	103.4	1,766.2
2006	142.4	567	1,417.5	-1,275.1	491.1
2007	124.4	9	22.5	101.9	593.0
2008	10.0	5	12.5	-2.5	590.5
2009	954.0	1	2.5	951.5	1,542.0
2010	1,554.3	108	270.0	1,284.3	2,826.3
2011	620.0	134	335.0	285.0	3,111.3
2012	787.0	30	75.0	712.0	3,823.3
2013	2,098.8	Not yet available ²		2,098.8	5,922.1
TOTAL	8,914.6	1,197	2,992.5	5,922.1	

¹ Assumes 2.5 ratio utilized in calculation of Lake Belt mitigation fee

² Pursuant to the permit conditions, impacts are reported in the following year's Lake Belt Annual Report due to the timing and availability of aerial photographs.

Pursuant to s. 373.41492(7), F.S., the mitigation fee established by the Legislature “satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1).” The mitigation fee calculation was based on many factors (values and functions of wetlands in the mining area and Pennsuco, estimated mining rates, land acquisition, restoration, and long-term management costs), and included the assumption that an estimated ratio of 2.5 mitigation acres: impact acres was needed to offset the loss of the values and functions of wetlands impacted in mining areas that were not permitted prior to the issuance of the Lake Belt permits in 2002. The wetland impact and offsetting mitigation information for the State and County permits are summarized in Table 3 and show a large positive mitigation acreage balance (5,922 acres) due to the expedited mitigation being implemented by the Mitigation Committee. Through expedited mitigation, the Committee has been attempting to

spend the mitigation fee on mitigation projects in the same year that the fee is collected, rather than at the slower rate anticipated in the original permit tables. As documented in the 2013 Lake Belt Annual Report, comparisons of the 2002 permit tables with the actual mitigation fee collections and mitigation funded during the first eleven years of the permits indicate that the amount of actual mitigation fees and approved mitigation are greater than were anticipated when the permits were issued in 2002.

The U.S. Army Corps of Engineers Lake Belt permits issued in 2010 included a different methodology for calculating mitigation requirements. The balance between the wetland mitigation and wetland impacts is calculated using the ecological value of the mitigation projects and the impacted wetland land use categories. The cumulative mitigation balance at the end of the 2013 Lake Belt Annual Report reporting period (through December 2012) was a positive 860.0 wetland units. In addition, the Mitigation Committee authorized an additional 2,098.8 acres of Pennsuco-equivalent mitigation (524.7 wetland units) in 2013. Therefore, the cumulative mitigation balance currently exceeds the positive 100 unit balance identified in Special Condition #7 of the Corps permits.

VI. Appendices

APPENDIX A – Florida Statutes

373.41492. Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.

(1) The Legislature finds that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Belt Plan adopted by s. 373.4149(1) can best be offset by the implementation of a comprehensive mitigation plan. The Lake Belt Mitigation Plan consists of those provisions contained in subsections (2)-(9). The per-ton mitigation fee assessed on limestone sold from the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East, shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. It is the intent of the Legislature that the per-ton mitigation fee not be a revenue source for purposes other than enumerated in this section. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and the east one-half of sections 24 and 25 and all of sections 35 and 36, Township 53 South, Range 39 East. The mitigation fee is imposed for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. The mitigation fee imposed by this subsection for each ton of limerock and sand sold shall be 45 cents per ton. To pay for seepage mitigation projects, including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee, and to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County, a water treatment plant upgrade fee is imposed within the same Lake Belt Area subject to the mitigation fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The water treatment plant upgrade fee imposed by this subsection for each ton of limerock and sand sold shall be 15 cents per ton, and the collection of this fee shall cease once the total amount of proceeds collected for this fee reaches the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fees. The amount of the mitigation fee and the water treatment plant upgrade fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock or sand

product from the limerock or sand miner, or its subsidiary or affiliate, for which the fee or fees apply. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and the water treatment plant upgrade fee and forward the proceeds of the fees to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs. The proceeds of a fee imposed by this section include all funds collected and received by the Department of Revenue relating to the fee, including interest and penalties on a delinquent fee. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the fee.

(3) The mitigation fee and the water treatment plant upgrade fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation and the water treatment plant upgrade fees must be accompanied by a form prescribed by the Department of Revenue.

(a) The proceeds of the mitigation fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund.

(b) Beginning July 1, 2012, the proceeds of the water treatment plant upgrade fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund until:

1. A total of \$20 million from the proceeds of the water treatment plant upgrade fee, less administrative costs, is deposited into the Lake Belt Mitigation Trust Fund; or
2. The quarterly pathogen sampling conducted as a condition of the permits issued by the department for rock mining activities in the Miami-Dade County Lake Belt Area demonstrates that the water in any quarry lake in the vicinity of the Northwest Wellfield would be classified as being in Bin 2 or higher as defined in the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule.

(c) Upon the earliest occurrence of the criterion under subparagraph (b)1. or subparagraph (b)2., the proceeds of the water treatment plant upgrade fee, less administrative costs, must be transferred by the Department of Revenue to a trust fund established by Miami-Dade County, for the sole purpose authorized by paragraph (6)(a).

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation and treatment plant upgrade fees authorized under this section in accordance with the procedures used to administer, collect, and enforce the general sales tax imposed under chapter 212. The provisions of chapter 212 with respect to the authority of the Department of Revenue to audit and make assessments, the keeping of books and records, and the interest and penalties imposed on delinquent fees apply to this section. The fees may not be included in computing estimated taxes under s. 212.11, and the dealer's credit for collecting taxes or fees provided for in s. 212.12 does not apply to the fees imposed by this section.

(b) In administering this section, the Department of Revenue may employ persons and incur expenses for which funds are appropriated by the Legislature. The Department of Revenue shall

adopt rules and prescribe and publish forms necessary to administer this section. The Department of Revenue shall establish audit procedures and may assess delinquent fees.

(5) Each January 1, beginning January 1, 2010, through December 31, 2011, the per-ton mitigation fee shall be increased by 2.1 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and be approved by the Miami-Dade County Lake Belt Mitigation Committee. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands in the Everglades watershed, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area or the Everglades watershed. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, the Internal Improvement Trust Fund, the South Florida Water Management District, and Miami-Dade County, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rock mining. The proceeds of the water treatment plant upgrade fee deposited into the Lake Belt Mitigation Trust Fund shall be used solely to pay for seepage mitigation projects, including groundwater or surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee. The proceeds of the water treatment plant upgrade fee which are transmitted to a trust fund established by Miami-Dade County shall be used to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. As used in this section, the terms “upgrade a water treatment plant” or “treatment plant upgrade” mean those works necessary to treat or filter a surface water source or supply or both.

(b) Expenditures of the mitigation fee must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Fish and Wildlife Conservation Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the mitigation fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Miami-Dade County Lake Belt Plan, this section, and ss. 373.4149, 373.4415, and 378.4115 is not issued on or before September 30, 2000, the fee imposed by this section is suspended until revived by the Legislature.

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 2 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee, including the annual escalator provided for in subsection (5), to ensure that the revenue generated reflects the actual costs of the mitigation.

History.—s. 2, ch. 99-298; s. 23, ch. 2000-197; s. 2, ch. 2006-13; s. 32, ch. 2010-205; s. 36, ch. 2010-225; s. 1, ch. 2012-107.

APPENDIX B - Financial Statement

(See Attachment)

APPENDIX C – Receipts / Approved Expenditures Summary

(See Attachment)

APPENDIX D – LBMC Escrow Account Accrued Interest Memo

(See Attachment)

APPENDIX B

Lake Belt Mitigation Trust Fund
Financial Statement
Year Ending December 31, 2013

	Lake Belt Mining Fee	Water Treatment Plant Upgrade Fee	Investment Income	Total Fees Plus Income	Approved Payments	Available Balance
Year 2000						
January	\$ 276,674		\$ 181	\$ 276,855		\$ 276,855
February	247,990		1,474	249,464		526,319
March	167,699		3,037	170,736		697,055
April	159,867		3,813	163,680		860,735
May	195,853		4,898	200,751		1,061,486
June	168,562		5,929	174,491		1,235,977
July	263,244		7,373	270,617		1,506,594
August	*		8,598	8,598		1,515,192
September	302,087		9,359	311,446		1,826,638
October	257,732		9,484	267,216		2,093,854
November	173,573		10,297	183,870		2,277,724
December	173,182		13,719	186,901		2,464,625
	2,386,463		78,162	2,464,625		
Year 2001						
January	108,739		12,855	121,594		2,586,219
February	92,523		11,240	103,763		2,689,982
March	214,087		13,438	227,525		2,917,507
April	212,656		12,335	224,991		3,142,498
May	170,744		13,272	184,016		3,326,514
June	224,087		9,705	233,792		3,560,306
July	*		12,920	12,920		3,573,226
August (A)	389,503		42,457	431,960		4,005,186
September	205,108		11,438	216,546		4,221,732
October	220,698		9,935	230,633		4,452,365
November	168,616		8,946	177,562		4,629,927
December	221,134		9,070	230,204		4,860,131
	2,227,895		167,611	2,395,506		
Year 2002						
January	181,259		10,337	191,596		5,051,727
February	182,742		8,154	190,896		5,242,623
March	219,362		9,560	228,922		5,471,545
April	144,300		9,603	153,903		5,625,448
May	230,099		10,586	240,685		5,866,133
June	271,439		10,659	282,098		6,148,231
July	253,744		11,018	264,762		6,412,993
August	194,939		16,488	211,427		6,624,420
September (B)	200,472		34,012	234,484		6,858,904
October	212,938		18,444	231,382		7,090,286
November	210,808		17,529	228,337		7,318,623
December	134,848		17,994	152,842		7,471,465
	2,436,950		174,384	2,611,334		

APPENDIX B

Lake Belt Mitigation Trust Fund
Financial Statement
Year Ending December 31, 2013

	Lake Belt Mining Fee	Water Treatment Plant Upgrade Fee	Investment Income	Total Fees Plus Income	Approved Payments	Available Balance
Year 2003						
January	208,027		15,230	223,257		7,694,722
February	197,666		19,394	217,060		7,911,782
March	215,031		19,672	234,703		8,146,485
April	228,112		21,209	249,321		8,395,806
May	300,353		22,857	323,210		8,719,016
June	226,880		26,658	253,538	(129,464)	8,843,090
July	163,946		16,893	180,839		9,023,929
August	321,454		24,782	346,236		9,370,165
September (C)	184,487		(10,863)	173,624		9,543,789
October	296,066		24,144	320,210		9,863,999
November	182,957		16,452	199,409	(6,478,513)	3,584,895
December	236,978		9,408	246,386		3,831,281
	2,761,957		205,836	2,967,793	(6,607,977)	
Year 2004						
January	292,639		10,508	303,147		4,134,428
February	78,564		9,696	88,260		4,222,687
March	265,877		11,437	277,314		4,500,001
April	306,964		11,853	318,817		4,818,818
May	382,166		13,252	395,418	(807)	5,213,428
June	266,424		13,512	279,936		5,493,364
July	246,484		14,625	261,109		5,754,473
August	271,917		15,355	287,272		6,041,745
September	262,439		15,545	277,984		6,319,729
Adjustment (D)	-		(53,146)	(53,146)		6,266,583
October	277,685		29,552	307,237	(864,000)	5,709,820
November	200,441		17,291	217,732	(1,317)	5,926,235
December	257,522		22,956	280,478		6,206,713
	3,109,122		132,434	3,241,556	(866,124)	
Year 2005						
January	259,847		18,250	278,097		6,484,810
February	263,054		17,196	280,250	(3,995)	6,761,065
March	273,444		25,625	299,069		7,060,134
April	291,662		15,572	307,234		7,367,368
May	289,723		27,072	316,795		7,684,163
June	337,017		25,231	362,248		8,046,411
Adjustment (D)			(67,661)	(67,661)		7,978,750
July	287,218		24,592	311,810		8,290,560
August	284,984		27,975	312,959		8,603,519
September	279,133		32,050	311,183	(893)	8,913,809
Adjustment (D)			(52,881)	(52,881)		8,860,928
October	291,581		31,045	322,626		9,183,554
November	258,339		32,936	291,275	(1,296)	9,473,533
December	228,230		43,187	271,417		9,744,950
	3,344,232		200,189	3,544,421	(6,184)	

APPENDIX B

Lake Belt Mitigation Trust Fund
Financial Statement
Year Ending December 31, 2013

	Lake Belt Mining Fee	Water Treatment Plant Upgrade Fee	Investment Income	Total Fees Plus Income	Approved Payments	Available Balance
Year 2006						
Adjustment (D)			(44,413)	(44,413)		9,700,537
January	253,031		60,768	313,799		10,014,336
February	297,359		15,098	312,457		10,326,793
March	314,301		35,521	349,822		10,676,615
Adjustment (D)			(34,333)	(34,333)		10,642,282
April	310,279		41,802	352,081	(1,105)	10,993,258
May	344,944			344,944		11,338,202
June	341,412		110,696	452,108	(3,785,199)	8,005,111
Adjustment (D)			(25,449)	(25,449)		7,979,662
July	342,536		43,130	385,666		8,365,328
August	336,125		42,040	378,165		8,743,493
September	290,928		54,157	345,085		9,088,578
Adjustment (D)			40,976	40,976		9,129,554
October	333,653		58,000	391,653	(978)	9,520,230
November	311,616		63,032	374,648		9,894,878
December	331,895		60,322	392,217	(2,363,982)	7,923,113
	3,808,079		521,348	4,329,427	(6,151,264)	
Year 2007						
Adjustment (D)			66,080	66,080		7,989,194
January	281,203		(565)	280,638	(978)	8,268,853
February			62,215	62,215		8,331,069
March	362,224		71,510	433,733		8,764,802
Adjustment (D)	478,805		1,795	480,600		9,245,402
April			68,127	68,127		9,313,529
May	404,802		112,389	517,191	(27,620)	9,803,100
June	435,942		74,016	509,958	(8,496,899)	1,816,159
Adjustment (D)	430,485		(50,524)	379,961	(1,211)	2,194,909
July			78,255	78,255	(19,452)	2,253,712
August	489,031		81,943	570,974	(237,036)	2,587,650
September	442,271		89,764	532,035		3,119,685
Adjustment (D)	444,092		72,014	516,106		3,635,791
October			67,596	67,596		3,703,387
November	473,511		54,356	527,867		4,231,254
December	359,414		59,750	419,164	(1,275)	4,649,143
Adjustment (D)	387,870		25,370	413,240		5,062,383
	4,989,649		934,092	5,923,741	(8,784,471)	
Year 2008						
January	383,715		54,702	438,416		5,500,800
February	331,462		47,753	379,215	(1,743)	5,878,273
March	454,863		49,368	504,231		6,382,504
Adjustment (D)			22,587	22,587		6,405,091
April	467,788		46,783	514,571	(1,211)	6,918,451
May	443,635		69,437	513,072	(105,270)	7,326,253
June	431,890		28,062	459,952	(15,000)	7,771,204
Adjustment (D)			(38,341)	(38,341)		7,732,863
July	417,579		26,245	443,825	(1,065)	8,175,622
August	411,110		29,025	440,135		8,615,757
September	399,271		10,847	410,118	(17,345)	9,008,530
Adjustment (D)			(44,832)	(44,832)		8,963,698
October	345,680		32,587	378,268		9,341,966
November	420,913		36,485	457,398		9,799,364
December	391,877		26,802	418,679	(3,584,412)	6,633,631
Adjustment (D)			(17,280)	(17,280)	(1,401)	6,614,949
	4,899,784		380,229	5,280,013	(3,727,447)	

APPENDIX B

Lake Belt Mitigation Trust Fund
Financial Statement
Year Ending December 31, 2013

	Lake Belt Mining Fee	Water Treatment Plant Upgrade Fee	Investment Income	Total Fees Plus Income	Approved Payments	Available Balance
Year 2009						
January	317,141		22,359	339,500	(1,425)	6,953,024
February	298,385		15,770	314,155	(2,023,300)	5,243,879
March	387,449		22,560	410,009		5,653,889
Adjustment (D)			(10,540)	(10,540)		5,643,348
April	373,967		14,399	388,366	(200,000)	5,831,714
May	514,178		7,676	521,854	(1,211)	6,352,358
June	291,423		7,829	299,252		6,651,610
Adjustment (D)			3,151	3,151		6,654,761
July	375,170		14,058	389,228		7,043,989
August	410,553		15,175	425,728		7,469,717
September	343,028		70,241	413,269	(56,000)	7,826,986
October	361,952		31,352	393,304	(784)	8,219,506
November	358,216		18,764	376,980		8,596,486
December	318,110		12,718	330,828	(7,576,193)	1,351,121
Adjustment (D)			(10,874)	(10,874)		1,340,247
	4,349,570		234,641	4,584,211	(9,858,913)	
Year 2010						
January	337,976		10,634	348,609		1,688,857
February	319,785		8,935	328,720		2,017,577
March	332,366		5,556	337,923	(1,639)	2,353,861
Adjustment (D)			6,717	6,717		2,360,578
April	307,022		12,380	319,402		2,679,980
May	437,123		1,945	439,068		3,119,048
June	385,173		3,639	388,812		3,507,860
Adjustment (D)			11,228	11,228		3,519,088
July	376,073		3,460	379,533	(240,367)	3,658,254
August	385,990		3,360	389,350	(1,853)	4,045,752
September	399,365		15,001	414,366	(523)	4,459,596
Adjustment (D)			(5,759)	(5,759)		4,453,837
October	377,570		15,879	393,449		4,847,286
November	393,090		5,510	398,599	(2,666,070)	2,579,816
December	429,496		4,348	433,844	(100,270)	2,913,389
Adjustment (D)			(19,499)	(19,499)		2,893,890
	4,481,029		83,335	4,564,364	(3,010,721)	
Year 2011						
January	383,368		(7,021)	376,347		3,270,237
February	320,453		2,591	323,044	(713)	3,592,568
March	340,098		2,699	342,798		3,935,366
Adjustment (D)			69	69		3,935,435
April	357,546		3,881	361,427	(760)	4,296,102
May	443,707		5,395	449,102		4,745,204
June	397,558		7,372	404,930		5,150,133
Adjustment (D)			32,622	32,622		5,182,755
July	441,404		6,819	448,223		5,630,979
August	395,006		4,743	399,749	(641)	6,030,086
September	399,882		2,664	402,546		6,432,633
Adjustment (D)			45,862	45,862		6,478,495
October	454,116		12,791	466,906	(475)	6,944,926
November	439,158		9,242	448,400	(7,838,000)	(444,674)
December	367,447		3,824	371,271	(200,540)	(273,943)
Adjustment (D)			(11,134)	(11,134)		(285,077)
Escrow Account						
Reconciliations (E)	1,220		142	1,362	2,132	(281,583)
	4,740,963		122,561	4,863,524	(8,038,997)	

APPENDIX B

Lake Belt Mitigation Trust Fund
Financial Statement
Year Ending December 31, 2013

	Lake Belt Mining Fee	Water Treatment Plant Upgrade Fee	Investment Income	Total Fees Plus Income	Approved Payments	Available Balance
Year 2012						
January	412,446		3,104	415,550		133,968
February	391,515		3,391	394,906		528,873
March	817,841		4,018	821,860	(1,045)	1,349,688
Adjustment (D)			6,126	6,126		1,355,814
April	705,909		2,679	708,589		2,064,403
May	834,441		2,034	836,474		2,900,877
June	780,085		2,883	782,967		3,683,845
Adjustment (D)			4,898	4,898		3,688,742
July	932,791	310,930	3,368	1,247,089		4,935,831
August	817,158	272,386	4,444	1,093,988		6,029,820
September	955,062	318,354	2,236	1,275,652		7,305,472
Adjustment (D)			14,237	14,237		7,319,709
October	1,164,569	388,190	11,706	1,564,464	(1,093)	8,883,081
November	1,165,352	388,451	10,102	1,563,904		10,446,985
December	1,311,292	437,097	6,872	1,755,261	(3,000,000)	9,202,246
Adjustment (D)			583	583		9,202,829
Escrow Account Reconciliations (E)			2,750	2,750		9,205,578
	10,288,460	2,115,408	85,431	12,489,299	(3,002,138)	
Year 2013						
January	1,232,089	410,696	7,685	1,650,470	(974)	10,855,075
February	1,198,103	399,368	6,852	1,604,323	(414,000)	12,045,397
March	1,375,724	458,575	8,926	1,843,225	(1,235)	13,887,387
Adjustment (D)			(4,240)	(4,240)		13,883,147
April	1,215,549	405,183	8,904	1,629,635		15,512,783
May	1,271,804	423,935	8,607	1,704,346		17,217,128
June	1,291,000	430,333	11,632	1,732,966		18,950,094
Adjustment (D)			(162,435)	(162,435)		18,787,659
July	1,086,400	362,133	17,061	1,465,594	(784)	20,252,469
August	1,009,156	336,385	20,268	1,365,809	(449,000)	21,169,278
September	1,055,556	351,852	18,299	1,425,706		22,594,985
Adjustment (D)			40,156	40,156		22,635,141
October	1,174,797	391,599	32,518	1,598,913		24,234,054
November	1,066,682	355,561	32,523	1,454,765	(8,000,000)	17,688,819
December	1,463,134	487,711	26,944	1,977,788	(641)	19,665,966
Adjustment (D)			(80,902)	(80,902)		19,585,064
Escrow Account Reconciliations (E)			637	637		19,585,700
	14,439,993	4,813,331	(6,568)	19,246,756	(8,866,634)	
	\$ 68,264,146	\$ 6,928,739	\$ 3,313,685	\$ 78,506,570	\$ (58,920,870)	

* Payment for two months received in the next month.

(A) Includes monthly interest allocation of \$12,421 plus fair value adjustment (gain) of \$30,036

(B) Includes monthly interest allocation of \$13,463 plus fair value adjustment (gain) of \$20,549

(C) Includes monthly interest allocation of \$22,218 less fair value adjustment (loss) of \$33,081

(D) Represents Market Value Adjustments (unrealized gain (loss)).

(E) See Annual Report Appendices C and D for more detail

APPENDIX C

Receipts / Approved Expenditures Summary

Receipts / Approved Expenditures Through 2013

Year	Permit Table Estimated Mitigation Fee Collections	Estimated Mitigation Fee Running Total	Department of Revenue Mitigation Fee Deposits	Actual Mitigation Fee Running Total	Investment Income	Cash Receipts Running Total	Approved Expenditures	End of Year Balance	Payment Summary	Mitigation Acres
1999	487,813	487,813	*	0	*	0	0	0		
2000	1,950,000	2,437,813	2,386,463	2,386,463	78,162	2,464,625	0	2,464,625		
2001	2,181,684	4,619,497	2,227,895	4,614,358	167,611	4,860,131	0	4,860,131		
2002	2,297,314	6,916,811	2,436,950	7,051,308	174,384	7,471,465	6,607,977	863,488		1,075.9
2003	2,419,071	9,335,882	2,761,957	9,813,265	205,836	10,439,258	0	3,831,281	6,555,971	1,067.4
2004	2,547,282	11,883,164	3,109,122	12,922,387	132,434	13,680,814	866,124	6,206,713	491,360	159.5
2005	2,682,288	14,565,452	3,344,232	16,266,619	200,189	17,225,235	6,184	9,744,950	3,732,067	320.9
2006	2,824,449	17,389,901	3,808,079	20,074,698	521,348	21,554,662	6,151,264	7,923,113	-3,785,199	142.4
2007	2,974,145	20,364,046	4,989,649	25,064,347	934,092	27,478,403	8,784,471	5,062,383	-6,994,199	124.4
2008	3,131,775	23,495,821	4,899,784	29,964,131	380,229	32,758,416	3,727,447	6,614,949		10.0
2009	3,297,759	26,793,580	4,349,570	34,313,701	234,641	37,342,627	9,858,913	1,340,247		954.0
2010	3,472,540	30,266,120	4,481,029	38,794,730	83,335	41,906,991	3,010,721	2,893,890		1,554.3
2011	3,656,585	33,922,705	4,740,963	43,535,693	122,561	46,770,515	8,038,997	(281,583)		620.0
2012	3,838,769	37,761,474	12,403,868	55,939,561	85,431	59,259,814	3,002,138	9,205,578		787.0
2013	4,042,223	41,803,697	19,253,324	75,192,885	(6,568)	78,506,570	8,866,634	19,585,700		2,098.8
TOTAL			\$75,192,885		\$3,313,685		\$58,920,870		\$0	8,914.6

* 1999 & 2000 combined

C-139 Annex Project Mitigation Credits

December 2012 Motion

14,302 acres
\$10,377 cost/acre

9,733 WRAP units
\$15,248 cost/WRAP unit

LBMC Meeting	Contribution	C-139 acres	WRAP units	Pennsuo-equivalent acres
12/2012	\$ 3,000,000	289.1	196.7	787.0
11/2013	\$ 8,000,000	770.9	524.7	2,098.8
Total	\$ 11,000,000	1,060.0	721.4	2,885.8

Estimated WRAP units/acre subject to the permitted credit determination for the project.

Estimated cost/acre subject to change to meet full cost accounting requirements.

Summary of 2013 Expenditures / Mitigation Acres Approved by Committee

	<u>Acres</u>	<u>Amount</u>
1. SFWMD - C-139 Annex land acquisition, restoration and long-term management		\$ 8,000,000
Mitigation Committee - November 2013		
Cost/WRAP Unit	\$15,248	
WRAP units	524.7 units	
Pennsuco WRAP score	0.25 units/acre	
	Pennsuco equivalent mitigation acres = $524.7 / 0.25 =$	
	2098.8	
2. MDLPA - Dade-Broward Levee seepage management project - Phase 1		\$ 414,000
Mitigation Committee - February 2013		
3. MDLPA - Dade-Broward Levee mulching project		\$ 449,000
Mitigation Committee - August 2013		
4. Mitigation Committee Administrative Expenses		\$ 3,634
Total Pennsuco equivalent mitigation acres / Expenditures	2098.8	\$ 8,866,634

Escrow account reconciliation deposits (see Appendix D)

1. Escrow account accrued interest through 9/30/2013	\$	637
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Attachment: 2013 LBMC Annual Report final 3-14 (Resolution No. 2014 - 0403 : Lake Belt Mitigation Committee Annual Report 2013)

To: Marjorie Moore
From: Jeff Rosenfeld
on behalf of the Miami-Dade Limestone Products Association
Date: November 8, 2013
Subject: Lake Belt Mitigation Trust Fund – Accrued Interest

Per the SFWMD-MDLPA agreement, accrued interest in the Greenberg Traurig escrow account is to be returned to SFWMD for deposit into the Lake Belt Mitigation Trust Fund. Greenberg Traurig reports that a total of \$636.87 of interest was earned in the escrow account during the period from October 1, 2012 through September 30, 2013. We plan on submitting an accrued interest check to SFWMD annually.

Attached for deposit to the Lake Belt Mitigation Trust Fund is a check for the 2013 accrued interest earned in the Greenberg Traurig escrow account.

MEMORANDUM

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: April 10, 2014

SUBJECT: Amendment to FY2013-14 Adopted Budget

Summary

This is the first proposed budget amendment for FY2013-14 to recognize \$350,000 of unanticipated state revenues from the Florida Fish and Wildlife Conservation Commission. This amendment appropriates \$150,000 to treat 3,000 acres of invasive exotic plant species at Dupuis East and West by the end of June and \$200,000 for invasive plant treatment in the fourth quarter of FY2013-14.

Staff Recommendation

Staff recommends Governing Board approval of this budget amendment.

Additional Background

These funds will support additional work to be performed by the District on behalf of the Florida Fish and Wildlife Conservation Commission. \$150,000 of the funds must be used by June, the end of the state's fiscal year, and will not be available next year. Request for review and approval has been submitted to the Florida Department of Environmental Protection and the Executive Office of the Governor pursuant to the requirements of s. 373.536(4) (c), F.S. If approved, this amendment will increase the District's FY2013-14 adopted budget from \$622,215,173 to \$622,565,173, an increase of \$350,000.

Core Mission and Strategic Priorities

This item supports the Operations, Maintenance & Construction Division with managing invasive exotic and nuisance vegetation on District lands.

Funding Source

State Revenues are being provided by the Florida Fish and Wildlife Conservation Commission.

Staff Contact and/or Presenter

Francois Laroche - flaroche@sfwmd.gov <<mailto:flaroche@sfwmd.gov>> (561) 682-6193
Doug Bergstrom - dbergstr@sfwmd.gov <<mailto:dbergstr@sfwmd.gov>> (561) 682-6214

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0404

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

South Florida Water Management District

Resolution No. 2014 -

A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2013 - 14 Budget; providing an effective date

WHEREAS, the Governing Board of the South Florida Water Management District on September 24, 2013 adopted Resolution No. 2013-931 "Adoption of Budget for Fiscal Year 2013-14", 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 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 2013-14 Budget be amended as follows:

	GENERAL FUND	TOTAL SPECIAL REVENUE FUNDS	TOTAL CAPITAL PROJECTS FUNDS	INTERNAL SERVICE FUNDS	TRUST & AGENCY FUND	TOTAL FINAL BUDGET
FY14 ADOPTED REVENUES, TRANSFERS AND BALANCES						
Estimated Fund Balance and Net Assets						
Fund Balance, beginning of year (Net of Encumbrances)	\$59,857,750	\$141,534,498	\$206,960,111	\$0	\$14,037,630	\$422,389,989
Net Assets, beginning of year				17,284,889		17,284,889
Sub-Total Estimated Fund Balance and Net Assets	59,857,750	141,534,498	206,960,111	17,284,889	14,037,630	439,674,878
Encumbrances Funded By Fund Balance/Future Revenue	6,178,734	21,626,534	67,567,014	9,069	0	95,381,351
Total Estimated Fund Balance and Net Assets, beginning of year	66,036,484	163,161,032	274,527,125	17,293,958	14,037,630	535,056,229
FY14 Adopted Revenue	115,493,967	206,927,780	67,132,581	28,799,913	0	418,354,241
Intergovernmental		350,000				350,000
Total Amended Revenues	115,493,967	207,277,780	67,132,581	28,799,913	0	418,704,241
FY14 Adopted Operating Transfers (Net)	-14,893,226	-55,619,399	69,692,276	0	820,349	0
Total Amended Operating Transfers (Net)	-14,893,226	-55,619,399	69,692,276	0	820,349	0
TOTAL AMENDED ESTIMATED REVENUES, TRANSFERS AND FUTURE DESIG. BALANCES	\$166,637,225	\$314,819,413	\$411,351,982	\$46,093,871	\$14,857,979	\$953,760,470
FY14 ADOPTED EXPENDITURES AND ENCUMBRANCES						
FY14 Adopted Expenditures	127,339,688	236,105,855	227,379,559	30,569,722	820,349	622,215,173
Operations, Maintenance & Construction Division						
Land Stewardship	0	350,000	0	0	0	350,000
Total Amended Expenditures	127,339,688	236,455,855	227,379,559	30,569,722	820,349	622,565,173
Encumbrances (Estimate)	6,178,734	21,626,534	67,567,014	9,069	0	95,381,351
TOTAL AMENDED EXPENDITURES AND ENCUMBRANCES	133,518,422	258,082,389	294,946,573	30,578,791	820,349	717,946,524
NET ASSETS, RESTRICTIONS, COMMITMENTS AND UNASSIGNED						
Net Assets (Worker's Compensation Fund Actuarial Need)	0	0	0	15,515,080	0	15,515,080
Nonspendable	201,145	6,080,612	0	0	14,037,630	20,319,387
Restricted	0	50,656,412	116,347,799	0	0	167,004,211
Committed	27,514,703	57,610	57,610	0	0	27,572,313
Amended Net Assets, Restrictions and Commitments	27,715,848	56,737,024	116,405,409	15,515,080	14,037,630	230,410,991
Unassigned	5,402,955	0	0	0	0	5,402,955
TOTAL AMENDED EXPENDITURES, ENCUMBRANCES, NET ASSETS, RESTRICTIONS, COMMITMENTS AND UNASSIGNED	\$166,637,225	\$314,819,413	\$411,351,982	\$46,093,871	\$14,857,979	\$953,760,470

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 10th day of April, 2014

Approved as to form:

By: _____
Office of Counsel

Print Name: _____

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By: _____
Chairman

ATTEST:

District Clerk/Secretary

Attachment: FY2014 Resolution FINAL-Amend 1 (Resolution No. 2014 - 0404 : Amendment to FY2013-14 Adopted Budget)

MEMORANDUM

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: April 10, 2014

SUBJECT: B-2 Lease Agreement with DEP

Summary

This request is to authorize Contract 4600003028 (Attachment A) with the Florida Department of Environmental Protection (DEP) for five (5) years in a revenue amount of approximately \$1.8 million. The purpose of the contract is to lease office space located at the District's Headquarters in Palm Beach County to DEP's Southeast District Office. The proposed lease consists of 19,501 square feet of space located on the 3rd floor of B-2 Building with sufficient offices to accommodate up to a maximum 120 DEP employees.

Staff Recommendation

Staff recommends approval to authorize a five (5) year lease with the Florida Department of Environmental Protection for the proposed office space.

Additional Background

DEP's Southeast District Office currently leases space from a private landlord in suburban West Palm Beach. Their current space is too large given their current mission and they have expressed a desire to co-locate with the SFWMD at our HQ facility. Underutilized space in the B-2 Building was determined to be adequate for DEP requirements. The proposed lease area will consist of 19,501 square feet of space located on the 3rd floor of B-2 with sufficient offices to accommodate up to a maximum 120 DEP employees. Also, DEP has requested additional temporary space of up to 1,000 square feet for the purpose of scanning and/or archiving their existing files (this space would only be required for several months). The anticipated revenue for the 5-year lease term would be approximately \$1.8 million not including the temporary lease space. Benefits of this proposed lease include reduced costs for DEP, revenue for the SFWMD, full utilization of HQ office facilities and potentially a closer working relationship between the SFWMD and DEP.

Core Mission and Strategic Priorities

This proposed lease supports the District's goal of balancing our annual budget by fully utilizing underused facilities and generating revenue. The General Services Section of the Administrative Services Division will be responsible for implementing this contract.

Funding Source

Revenue Contract

Staff Contact and/or Presenter

Staff Contact: Michael Hiscock, mhiscoc@sfwmd.gov <<mailto:mhiscoc@sfwmd.gov>>, ext. 2526

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0405

A Resolution of the Governing Board of the South Florida Water Management District to authorize a Lease (Attachment A) with the Florida Department of Environmental Protection for lease of office space for five (5) years in a revenue amount of approximately \$1.8 million; providing an effective date. (Contract No. 4600003028)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize a five (5) year lease with the Florida Department of Environmental Protection to occupy a portion of Building B-2 located at SFWMD’s Headquarters site, in an amount of approximately \$1.8 million as revenue to the District, providing an effective date.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the execution of Contract No. 4600003028 with Florida Department of Environmental Protection to lease office space at District headquarters as provided in Attachment A.

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

PASSED and ADOPTED this 10th day of April, 2014.

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

Chairman

Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:



STATE OF FLORIDA Standard Lease Agreement

Department of Management Services Form 4054

Lease Number: _____

Lease Commencement: _____

Preamble

THIS LEASE AGREEMENT is entered into this _____ day of _____, 20____ by and between those Parties listed below.

Parties

Lessee: _____
Agency Name

Address: _____
Street City State Zip Code

Lessor: _____
Lessor Name

Address: _____
Street City State Zip Code

FEID: _____ **OR** **Social Security Number:** _____

1. Description

A. In consideration for the covenants and agreements made here, Lessor agrees to lease to Lessee those Premises (hereinafter the "Premises") described as:

Description:

Building: _____ **County:** _____
Building Name

Address: _____
Street City State Zip Code

consisting of an aggregate area of _____ square feet of net rentable space measured in accordance with the Department of Management Services' Standard Method of Space Measurement. This space comprises approximately _____% of the _____ net square feet in the building.

B. Lessor shall also provide _____ exclusive parking spaces and _____ nonexclusive parking spaces as part of this Lease Agreement.

2. Term & Renewals

A. The Lease shall begin on: _____
Month Day Year

and end at the close of business on _____
Month Day Year

for a term of ____ months.

B. Lessee, however, is hereby granted the option to renew this Lease for an additional _____ upon the same terms and conditions as specified in Article 4. B. of this Lease. If Lessee desires to renew this Lease under the provisions of this Article, it shall give Lessor written notice thereof not more than six months nor less than three months prior to the expiration of the term provided in this Article or any applicable renewal period.

Lessor Initial: _____ Page 1 of 9

Form 4054

Lessee Initial: _____ Rev _____

8. Applicable Laws

Due to the size and/or configuration of the space leased, the following laws apply:

- A. Section 255.25(3) (e), Florida Statutes relating to tenant improvement costs for which Lessor may be eligible for reimbursement. As applicable, Lessor and Lessee agree that the sum of _____ has been spent by the Lessor for improvements to the Premises and the Lessor does or does not intend to seek reimbursement for these improvements.
- B. Section 252.385(4) (b), Florida Statutes relating to the use of the Premises as a public hurricane evacuation shelter. As applicable, the facility in which the Premises exist may be required to serve as a public hurricane evacuation shelter at the request of local emergency management agencies. It is hereby agreed and understood that in the event the Premises is selected for use as an emergency shelter Lessor, upon receiving notice from the Emergency Management Center, shall make the building available as a public hurricane evacuation shelter.

9. Heating and Air Conditioning

Lessor agrees to furnish to Lessee heating and air conditioning equipment and maintain same in satisfactory operating condition at all times for the Premises during the term of the Lease at the expense of Lessor. Lessor agrees that thermostats in the Premises will be set to maintain an average zone temperature of 75 degrees Fahrenheit during the heating and cooling seasons.

10. Compliance with Fire Safety Standards

- A. Lessor shall provide for fire protection during the term of this Lease in accordance with the fire safety standards of the State Fire Marshal. Lessor shall be responsible for maintenance and repair of all fire protection equipment necessary to conform to the requirements of the State Fire Marshal. Lessor agrees that the Premises shall be available for inspection by the State Fire Marshal, prior to occupancy by Lessee, and at any reasonable time thereafter.
- B. To assure Lessee of facility compliance with Florida’s Fire Safety Standards, Lessor agrees to provide Lessee with written Fire Safety Inspection prior to the approval of this Lease. Fire Safety Inspection is to be conducted by State Fire Marshal or local fire officials.
- C. In the event that the entirety or majority of the Premises is destroyed by fire, lightning, storm or other casualty, Lessor may repair the damage to Premises at its own cost and expense. Rental payments shall cease until the completion of repairs. Lessor will immediately refund the pro rata part of any rentals paid in advance by Lessee prior to the destruction. Should the Premises be only partly destroyed, leaving the major part in usable condition, then the rental shall abate on the damaged portion until the Premises is restored by Lessor. Upon the completion of such repairs, the full rental shall commence and the Lease shall then continue the balance of the term.
- D. Lessor certifies that no asbestos was used in the construction of the demised Premises or that if asbestos was used, actions have been completed to correct the hazards caused by the use of asbestos.
- E. Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over a period of time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department. ☎ 404.056(), Florida Statutes. Lessor certifies that if any radon is present, it is at a measurement level less than 4 pCi/L.

11. Injury or Damage to Property

All property of any kind that may be on the Premises during the term of this Lease shall be at the sole risk of Lessee, and except for any negligence of Lessor, Lessor shall not be liable to Lessee for loss or damage to the property.

Lessor Initial: _____

Page 5 of 9

Lessee Initial: _____

Form 4054

Rev _____

Attachment: Private_Standard_Lease_Agreement_FM4054_R12-12b (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

22. Public Entity Crime Statement

Section 287.133, Florida Statutes places the following restrictions on the ability of persons convicted of public entity crimes to transact business with public entities, including the department:

A person, or affiliate, who has been placed on the convicted vendor list, following a conviction for a public entity crime, may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

23. Discrimination

Section 287.134 Florida Statutes places the following restrictions on the ability of persons on the discriminatory vendor list to transact business with public entities, including the department:

An entity who has been placed on the discriminatory vendor list may not submit a bid or proposal to provide goods or services to a public entity, may not submit a bid or proposal with a public entity for the construction or repair of a public building or public work, may not submit bids or proposals on leases of real property to a public entity, may not perform work as a contractor, supplier subcontractor or consultant under contract with any public entity and may not transact business with any public entity.

24. Use of Premises

Lessee will not make or suffer any unlawful, improper, or offensive use of the Premises or any use or occupancy thereof contrary to the laws of the State of Florida or to such ordinances of the city or county in which the Premises are located, now or hereinafter made, as may be applicable to Lessee.

25. Failure to Comply

- A. In the event that Lessor fails to comply with any term or provision of this Lease after written notice, Lessee reserves the option to:
 - i. setoff and deduct from the rental amount due Lessor under this Lease such sums as Lessee determines are required to remedy the default of Lessor; and/or
 - ii. fulfill Lessor’s obligations under the terms of this Lease; whereby Lessor shall reimburse Lessee on demand for any reasonable expenses which Lessee may incur in thus effecting compliance with Lessor’s obligation under this Lease. Should Lessee elect this option, Lessee shall use its best efforts to mitigate damages caused thereby; and/or
 - iii. terminate this Lease and vacate the Premises, but without prejudice to any remedy which might otherwise be used by Lessee for any breach of Lessor's covenants contained herein; and/or
 - iv. bring suit for damages against Lessor for any expense (including reasonable attorney's fees) Lessee may incur by Lessor’s failure to comply with any term or provision of the Lease. However, Lessee shall not bring suit for damages incurred due to a delay in the Commencement Date of this Lease if any such delay is caused solely by any delay, default or omission of Lessee.
- B. Lessee is required to give Lessor written notice setting forth in reasonable detail the nature and extent of such failure and Lessor will be given thirty (30) days to cure such failure. If such failure cannot reasonably be completely cured within that thirty (30) day period, the length of such period shall be extended for the period reasonably required thereof, only if Lessor commences curing such failure within such thirty (30) day period and continues the curing thereof with reasonable diligence and continuity.
- C. Reason for setoff of amounts due under this Lease shall include, but are not limited to, remedying heating and air conditioning equipment and roofing deficiencies.
- D. Each occasion of setoff of rental amounts due under this Lease shall be contingent upon the prior approval of Lessee's legal counsel.

Attachment: Private_Standard_Lease_Agreement_FM4054_R12-12b (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

Lessor Initial: _____

Page 7 of 9

Lessee Initial: _____

Form 4054

Rev

26. Definition of Terms

- A. The terms "Lease," "Lease Agreement," or "Agreement" shall be inclusive of each other and shall also include any renewals, extensions or modifications of this Lease.
- B. The terms "Lessor" and "Lessee" shall include the successors and assigns for the parties hereto.
- C. The singular shall include the plural and the plural shall include the singular whenever the context so requires or permits.

27. Additional Terms

- D. No additional covenants or conditions form a part of this Lease
- E. All additional covenants or conditions appear on attached Addendum(s):

_____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____, _____

Attachment: Private_Standard_Lease_Agreement_FM4054_R12-12b (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

Lessor Initial: _____

Page 8 of 9

Lessee Initial: _____

Form 4054

Rev _____

IN WITNESS WHEREOF, the Parties hereto have hereunto executed this instrument for the purpose herein expressed, this _____

ANY MODIFICATION OF A LEASE AGREEMENT SHALL NOT BECOME LEGALLY EFFECTIVE UNTIL APPROVED/ACCEPTED BY THE DEPARTMENT OF MANAGEMENT SERVICES.

ORIGINAL SIGNATURES REQUESTED ON ALL COPIES

As to Lessor – Lessor, or authorized representative and two witnesses, must sign, print name and enter date.

X			/ /
	Lessor or Authorized Representative	Printed Name/Title	Date
X			/ /
	Witness #1	Printed Name	Date
X			/ /
	Witness #2	Printed Name	Date

As to Lessee Agency – Agency Head (or authorized designee) and representative of Agency’s Office of General Counsel, must sign, print name and enter date.

X			/ /
	Agency Head or Authorized Delegate	Printed Name/Title	Date
X			/ /
	Agency Office of General Counsel	Printed Name	Date

As to the Department of Management Services – Chief Real Property Administrator (or authorized designee) and Secretary (or authorized delegate) must sign, print name and enter date. When applicable, DMS Office of General Counsel, shall sign, print name and enter date.

X			/ /
	Chief Real Property Administrator	Printed Name	Date
X			/ /
	Secretary or Authorized Delegate	Printed Name/Title	Date
X			/ /
	Office of General Counsel	Printed Name	Date

Attachment: Private_Standard_Lease_Agreement_FM4054_R12-12b (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

**Memorandum of Understanding
for
DEP Lease Number: 370-0232
SFWMD Contract Number: 4600003028**

THIS MEMORANDUM OF UNDERSTANDING pertains to that certain Standard Lease Agreement (Department of Management Services Form 4054) between the Florida Department of Environmental Protection (hereinafter referred to as the "Lessee" or "DEP") and the South Florida Water Management District (hereinafter referred to as the "Lessor" or "District") dated the ____ day of _____, 2014 (hereinafter referred to as the "Lease"), and shall govern the parties rights and responsibilities under the Lease, but only to the extent that the terms and provisions set forth below are not deemed to be in conflict with, or otherwise control over, any terms or provisions set forth in the Lease.

SUPPLEMENTAL PROVISIONS

The following provision is hereby added as paragraph C. to Section 4 of the Lease:

C. Adjusted Rent. The Rent amount shown is based on 18,801 per square foot ("SF"). The leased Premises at B-2 is 19,501 square feet, however, the annual Rent is based on the actual square footage reduced by 700 square feet to offset the District's occupancy at DEP's facility located at the Benton Building in Ft. Pierce, FL (19,501 – 700 = 18,801 SF). If the District's occupancy at the Benton Building changes at any time during the term of this lease, the yearly lease costs to DEP for the leased Premises will be adjusted accordingly.

The following provisions are hereby added after paragraph 27 of the Lease:

28. Addition or Reduction of Leased Premises. The District may lease additional space to DEP for other office purposes, such as file storage or archiving upon the same terms as described in this lease if space is available. The District will consider DEP's request for a reduction in the space in increments no less than 500 SF and will accommodate such request if the District in its sole discretion determines that it is feasible. DEP will pay all costs incurred for moving of walls or other facilities necessitated by any change in size of the leased Premises.

29. Services and other items provided under the Lease. In consideration of the Rent paid by DEP, the District will provide the following items:

a. **Furniture.** The District will provide the use of existing office furniture generally consisting of modular wall systems, work surfaces, mounted shelving, and file cabinets (the "Furniture") for up to 120 offices. DEP shall supply its own office chairs. The District will set up the Furniture in accordance with DEP's desired layout. DEP may request subsequent reconfigurations of the Furniture, which the District will provide at DEP's expense. DEP is not permitted to construct or modify any of the Furniture.

b. **Lighting and HVAC.** The District will provide lighting and heating, ventilation and air conditioning ("HVAC") during normal business hours on regular business days as provided for the rest of the building used by the District.

c. **Janitorial Service.** The District will provide janitorial services for the Premises at the same level as it provides for the rest of the building used by the District.

d. **Keys and Keyless Entry Badges.** The District will provide building entry keys to designated DEP employees and keyless entry badges for all DEP employees providing access to the Premises at all times and access to District B-1 during normal business hours. DEP staff must comply with District policies and procedures regarding use of District keys, keyless entry badge issuance and use,

and must undergo the District's fingerprint verification system prior to issuance of entry badges. DEP shall return all keyless entry badges and building keys at the end of the lease.

e. **Shared Spaces.** DEP may use break rooms, restrooms and conference rooms throughout Building 2. DEP's use of conference rooms is subject to availability and DEP must request and schedule the use of them through the District's scheduling system. Use of personal appliances outside kitchen and common break room space is prohibited. Examples of such equipment are: space heaters, refrigerators, hot plates, coffee makers, and any other non-work related appliances.

f. **Bulk Mail Service.** The District will provide bulk delivery and pickup of mail to and from DEP's main office. DEP must pay its own postage costs. DEP may not store any mail, packages, coolers, samples, or supplies in any other location on District property other than the leased premises.

g. **Parking.** The District will provide parking for both personal and state-owned vehicles at DEP's own risk. Except for two (2) designated parking spaces for trailered boats as approved by the District, DEP may not store any boats or outdoor equipment or materials on District property. DEP employees must comply with District policies and procedures governing parking and site safety. The District assumes no responsibility for the safety or security of any vehicles or DEP staff or visitors.

h. **Visitor Access.** DEP shall follow and ensure that its visitors follow District procedures for check-in and admittance to the building. Visitors must check in at the B-1 lobby to obtain a Visitor Badge. A DEP representative must escort all visitors while on District property.

30. Items not included under the Lease. The District will not provide the following items and they are DEP's sole responsibility.

a. **Chairs.** DEP shall provide its own office chairs.

b. **IT and Telephone Services.** DEP shall provide all of its own Information Technology (IT) needs, telephone service, office equipment and supplies. The District will not provide any support services such as receptionist, copiers, telephones, computers or supplies.

31. Maintenance. DEP acknowledges that the leased premises are in good condition at the beginning of this lease and agrees to maintain the leased premises in good condition. The DEP shall not permit the leased premises to be overloaded, damaged, stripped, or defaced, nor suffer any waste. DEP may not paint or modify any of the fixed partition walls. The District will maintain the interior space at the same level it maintains the rest of the building used by the District. DEP shall keep the Premises and furnishings in good repair and will be responsible for unreasonable wear and tear. DEP shall promptly notify the District of any damage to the Premises or Furniture, or maintenance needed. The District will make minor repairs at no cost to DEP but DEP is responsible for cost of more significant repairs or modifications as determined by the District. DEP shall maintain the Premises in a clean and orderly fashion and shall keep aisles and office access clear of obstructions at all times. DEP shall address any maintenance questions to:

SFWMD

Attention: Michael Hiscock, General Services Section Administrator

3301 Gun Club Rd

West Palm Beach FL 33406

or

E-mail: mhiscoc@sfwmd.gov

32. Signage. The District will provide up to 3 signs identifying DEP's location consistent with the District's existing signage. DEP may add additional signage at DEP's expense subject to District approval of the signage and its location.

33. District's Access. The District or agents of the District may enter the leased premises at any time and may make repairs and alterations as District elects and may show the leased premises to others.

This Memorandum of Understanding shall govern the parties rights and responsibilities under the Lease, but only to the extent that the terms and provisions set forth herein are not deemed to be in conflict with, or otherwise control over, any terms or provisions set forth in the Lease.

Lessee:
State of Florida Department of Environmental Protection

Lessor:
South Florida Water Management District

By: _____
Herschel T. Vinyard Jr.
Secretary

By: _____
Daniel O'Keefe
Chairman

ATTEST:

District Clerk/Secretary

Approved:

By: _____
Office of Counsel

Print name:

Attachment: MOU to DMS Lease 4054 (DEP and SWFWMD) 03 27 14 (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)



STATE OF FLORIDA
Disclosure Statement
Department of Management Services Form 4114

Lease Number: 3 7 0 : 0 2 3 2

Purpose

This form is used to collect the information required pursuant to subsections 255.249(4)(h), 255.249(4)(i) and 255.01, Florida Statutes.

1. Ownership - Indicate the type of ownership of the facility in which this lease exists.

- a. [X] Publicly Owned Facility
b. [] Privately Owned Facility [] Individually held [] Entity held (e.g., corporate, LLC, partnership, etc.)

c. Name of titleholder: _____
Titleholder FEIN or SSN: _____
Name of facility: _____
Facility street address: _____
Facility city, state, zip code: _____

2. Disclosure Requirements

- a. Does a corporation registered with the Securities and Exchange Commission and/or registered pursuant to chapter 517, Florida Statutes, own the facility listed above? Yes [] No [X]
If "Yes," please proceed to section 4.
b. Does any party have a 4% or greater ownership interest in the facility or the entity holding title to the facility? Yes [] No [X]
If "Yes," please proceed to 2.c.
c. Does any public official, agent, or employee hold any ownership interest in the facility or the entity holding title to the facility? Yes [] No [X]
If "Yes," please proceed to 2.d.
d. Is the facility listed above financed with any type of local government obligations? Yes [] No [X]
If "Yes," please stop and immediately contact your state leasing representative.

3. Ownership Disclosure List - (additional pages may be attached)

Table with 3 columns: a. Name, Government Agency (if applicable), Extent of Interest (Percent). Rows show 0.00% interest for each entry.

b. The equity of all others holding interest in the above named facility totals: _____

Attachment: Disclosure Statement (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

4. Signatures

By signing this form, the undersigned acknowledges that the information provided is true and complete, to the best of their knowledge.

a. Publicly Owned Facilities

Signature: _____
Name: _____
Government Entity: _____
Date: _____

b. Private Individually-held Facilities

Signature: _____
Name: _____
Date: _____

Signature: _____
Name: _____
Date: _____

c. Entity-held Facilities

This is to certify, that the undersigned is authorized to conduct business as a representative of the entity listed in section 1.c. of this Disclosure Statement.

Signature: _____
Name: _____
Date: _____

Attachment: Disclosure Statement (Resolution No. 2014 - 0405 : B-2 Lease Agreement with DEP)

MEMORANDUM

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: April 10, 2014

SUBJECT: Gartner, Inc. Information Technology Bureau Review

Summary*

The Gartner, Inc. management consulting services will provide a review of the Information Technology (IT) Bureau to determine whether IT services can be delivered more efficiently and at a lower cost. The cost for these management services is \$300,000 for an approximate three month engagement. The services will be procured from Gartner, Inc., using the State of Florida Contract #973-000-14-01.

Staff Recommendation*

Authorize entering into a purchase order with Gartner, Inc. for management consulting services, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which FY14 ad valorem funds will be redirected within the Information Technology Bureau budget to support this effort.

Additional Background

The Information Technology Bureau is responsible for building and maintaining the District's underlying technology infrastructure. The Bureau's overall objective is to provide cost effective technological solutions to the District's business, scientific, and engineering needs. The IT initiatives either maintain the stability or further the evolution of the various information systems used to accomplish the District's mission and provide information services to the public. The Gartner, Inc. review will provide a prioritized list of recommendations and a high level plan for improving information technology services. The review will also include a health check of the SAP environment to better understand the business value provided by SAP and identify any potential alternatives.

Core Mission and Strategic Priorities

The Information Technology Bureau provides the technology and resources to assist District staff in the administration and protection of the District's core mission and strategic priorities.

Funding Source

The total cost for the Information Technology Review is \$300,000 for which ad valorem funds will be redirected within the Information Technology Bureau budget to support this effort.

Staff Contact and/or Presenter

Duane Piper, dpiper@sfwmd.gov <<mailto:dpiper@sfwmd.gov>>, (561) 682-2638.
Doug Bergstrom, dbergstr@sfwmd.gov <<mailto:dbergstr@sfwmd.gov>>, (561) 682-6214

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0406

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Purchase Order with Gartner, Inc. for Management Consulting Services to perform an Information Technology Bureau review, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which ad valorem funds are budgeted in FY14; providing an effective date.

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 Purchase Order with Gartner, Inc. for Management Consulting Services to perform an Information Technology Bureau review, using State of Florida Contract #973-000-14-01, in the amount of \$300,000 for which ad valorem funds are budgeted in FY14.

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 issuing a purchase order to Gartner, Inc.

Section 2. This resolution shall take effect immediately upon adoption

PASSED and ADOPTED this 10TH day of April, 2014.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: April 10, 2014

SUBJECT: Authorizing a Monitoring Services for Contract for the Dispersed Water Management Program

Summary

The District's Dispersed Water Management Program has an existing contract with the World Wildlife Fund for technical assistance, coordination, and monitoring services for the purpose of developing and implementing the Program. The contract ends in June with the Program fully implemented. However, monitoring services are still needed. Therefore, a Request for Proposals was issued to solicit technical and cost proposals to provide monitoring services for the District's Dispersed Water Management Program. The contract will be for a three year period with two, one year options to renew.

Staff Recommendation

Staff recommends authorizing the official ranking of respondents to the Request for Proposals and to enter into contract negotiations with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, to provide monitoring services in support of the District's Dispersed Water Management Program.

Core Mission and Strategic Priorities

Additional storage and nutrient reduction is a primary goal of the Northern Everglades and Estuaries planning initiatives. The Dispersed Water Management Program is a unique method of providing additional storage and nutrient reduction in the Northern Everglades watersheds and has been included in the Lake Okeechobee, St. Lucie River Estuary, and Caloosahatchee River Estuary Protection Plans.

Funding Source

Funding for the proposed contract is subject to successful negotiations in an amount not-to-exceed \$350,000, of which \$100,000 (Ad Valorem Funds) are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY16 budgets.

Staff Contact

Beth Lewis, Office Chief, Office of State Policy & Coordination
561-682-6343 / belewis@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0407

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of respondents and entering into a 3-year contract, with 2 one year extensions, with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, subject to successful negotiations to provide monitoring services in support of the District's Dispersed Water Management Program, in an amount not-to-exceed \$350,000; of which \$100,000 are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY16 budgets; providing an effective date. (Contract No. 4600003035)

WHEREAS, in an effort to pursue the District's ongoing commitment to obtain accurate data and ensure program and contract compliance, the District issued a solicitation for and received qualifications and technical proposals to provide monitoring services for the Dispersed Water Management Program; and

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 respondents and entering into a 3-year contract, with 2 one year extensions, with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, subject to successful negotiations to provide monitoring services in support of the District's Dispersed Water Management Program, in an amount not-to-exceed \$350,000; of which \$100,000 are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY16 budgets;

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 official ranking of respondents and entering into a 3-year contract, with 2 one year extensions, with MacArthur Agro-Ecology Research Center, a Division of Archbold Expeditions, the first ranked respondent, subject to successful negotiations to provide monitoring services in support of the District's Dispersed Water Management Program, in an amount not-to-exceed \$350,000; of which \$100,000 are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY16 budgets; (Contract Number 4600003035);

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

PASSED and ADOPTED this 10th day of April, 2014.

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: Carolyn S. Ansay, General Counsel

DATE: April 10, 2014

SUBJECT: Entry of Final Order - J. Tucker, Trustee

Summary

On January 16, 2014, the South Florida Water Management District (District) received a Petition for Declaratory Statement (Petition) from J. Tucker, Trustee (Petitioner). The Petition requests a Declaratory Statement pursuant to Section 120.565, Fla. Stat., and Rule 28-105.001, Florida Administrative Code.

The Petition requests “that the District declare that the District has the authority to pursue penalties for the un-controverted perjury by the City of Sunny Isles Beach.”

Staff Recommendation

Staff recommends that the Governing Board enter a final order denying:

1. Petition for Declaratory Statement;
2. Motion to Correct Notice for Declaratory Statement; and
3. Motion to Strike Motion to Intervene.

Additional Background

The District issued a Standard Environmental Resource Permit to the City of Sunny Isles Beach on September 24, 2013, revised on November 8, 2013, pertaining to a two-lane emergency vehicle/pedestrian bridge (“the Permit”). The Petitioner, J. Tucker, Trustee, filed two petitions for administrative hearing, challenging the issuance of the Permit, claiming that the subject property, which the City of Sunny Isles Beach obtained in a circuit court order of condemnation, was obtained through fraud, misrepresentation, and deceit. Both of the petitions were dismissed with leave to amend. The Petitioner then filed a request for extension of time to file a third petition and was granted an extension. The Petitioner did not file a third petition, but instead untimely filed a second request for extension of time, which was denied. The Order denying the request for extension of time has been appealed to the 4th District Court of Appeal. While these actions concerning Tucker’s challenge to the Sunny Isles Beach ERP were occurring, Tucker filed the Petition for Declaratory Statement.

Core Mission and Strategic Priorities

Pursuant to Section 120.565(3), Fla. Stat., the District is required to either issue a declaratory statement or deny the petition for declaratory statement within 90 days after the filing of the petition.

Funding Source

There is no funding source associated with this item.

Staff Contact and/or Presenter

Susan Roeder Martin, Senior Specialist Attorney, Office of Counsel, 561-682-6251.

M E M O R A N D U M

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: April 10, 2014

SUBJECT: Amendment to the Jan. 9, 2014 Land Exchange Agreement with Florida Crystals and Gladeview Holdings

Summary

The District entered into the subject Exchange Agreement which includes the District's acquisition of approximately 4,604.22 acres for the STA-1W Expansion Project (the "STA-1W Lands") in Palm Beach County (see Exhibit "A"), and the conveyance from the District to Florida Crystals of approximately 8,700 acres (the "Exchange Lands") in Palm Beach County (see Exhibit "A"), currently subject to a lease to U.S. Sugar Corporation (the "U.S. Sugar Lease"). The Closing is anticipated to occur on April 16, 2014.

The Exchange Agreement includes a leaseback of the STA-1W Lands to Florida Crystals (the "STA-1W Lease"). The STA-1W Lease provides for the phase out of Crystals' occupancy in 2016 and 2017, consistent with the anticipated Project construction schedule. Florida Crystals will transition off the STA-1W Lands and onto the Exchange Lands in 2017. The proposed Exchange Agreement amendment will modify the STA-1W Lease to provide as a prerequisite to lease termination that advance notices of termination be given to Florida Crystals consistent with termination notice provisions in the U.S. Sugar Lease. This will facilitate an orderly farming transition between the two parties. The amendment is consistent with the anticipated Project construction schedule.

Staff Recommendation

Staff recommends approval of the amendment to the Exchange Agreement.

Core Mission and Strategic Priorities

The STA-1W Expansion Project is of critical importance to comply with the Restoration Strategies Regional Water Quality Plan Consent Orders for the purpose of meeting State Water Quality Standards in the Everglades Protection Area. The acquisition of the STA-1W Lands under the Exchange Agreement provides the land necessary to allow the District to stay on schedule and meet upcoming consent order milestones.

Funding Source

Funding is not affected by this item.

Staff Contact and/or Presenter

Richard Bassell, rbassell@sfwmd.gov <<mailto:rbassell@sfwmd.gov>>, 561-682-2510

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0408

A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to the January 9, 2014 Land Exchange Agreement (the "Exchange Agreement") with Florida Crystals Corporation Subsidiaries and Gladeview Holdings, LC; providing an effective date.

WHEREAS, the District entered into a January 9, 2014 Land Exchange Agreement (the "Exchange Agreement") which includes the acquisition from Florida Crystals Corporation subsidiaries ("Florida Crystals") and from Gladeview Holdings, LC, of 4,604.22 acres, more or less, for the STA-1W Expansion Project in Palm Beach County (the "STA-1W Lands"), as shown on the location map attached as Exhibit "A", and the conveyance from the District to Florida Crystals of 8,700 acres, more or less, in Palm Beach County (the "Exchange Lands, as shown on the location map attached as Exhibit "A"; and

WHEREAS, the Exchange Agreement includes a leaseback of the STA-1W Lands to Florida Crystals (the "STA-1W Lease"); and

WHEREAS, under the STA-1W Lease, the STA-1W Lands will be leased to Florida Crystals on an interim basis with the phase out of Crystal's occupancy in 2016 and 2017; and

WHEREAS, Florida Crystals will then transition onto the Exchange Lands, currently subject to a lease to U.S. Sugar Corporation (the "U.S. Sugar Lease"); and

WHEREAS, in order to facilitate the orderly transition of farming between Florida Crystals and U.S. Sugar Corporation, an amendment to the STA-1W Lease is required to provide as a prerequisite to lease termination that advance notices of termination be given to Florida Crystals consistent with the termination notice provisions in the U.S. Sugar Lease.

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 Exchange Agreement whereby the STA-1W Lease will be modified to provide for advance notices of termination to both U.S. Sugar Corporation and Florida Crystals consistent with the notice provisions in the U.S. Sugar Lease.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director’s designee to execute the amendment to the Exchange Agreement.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

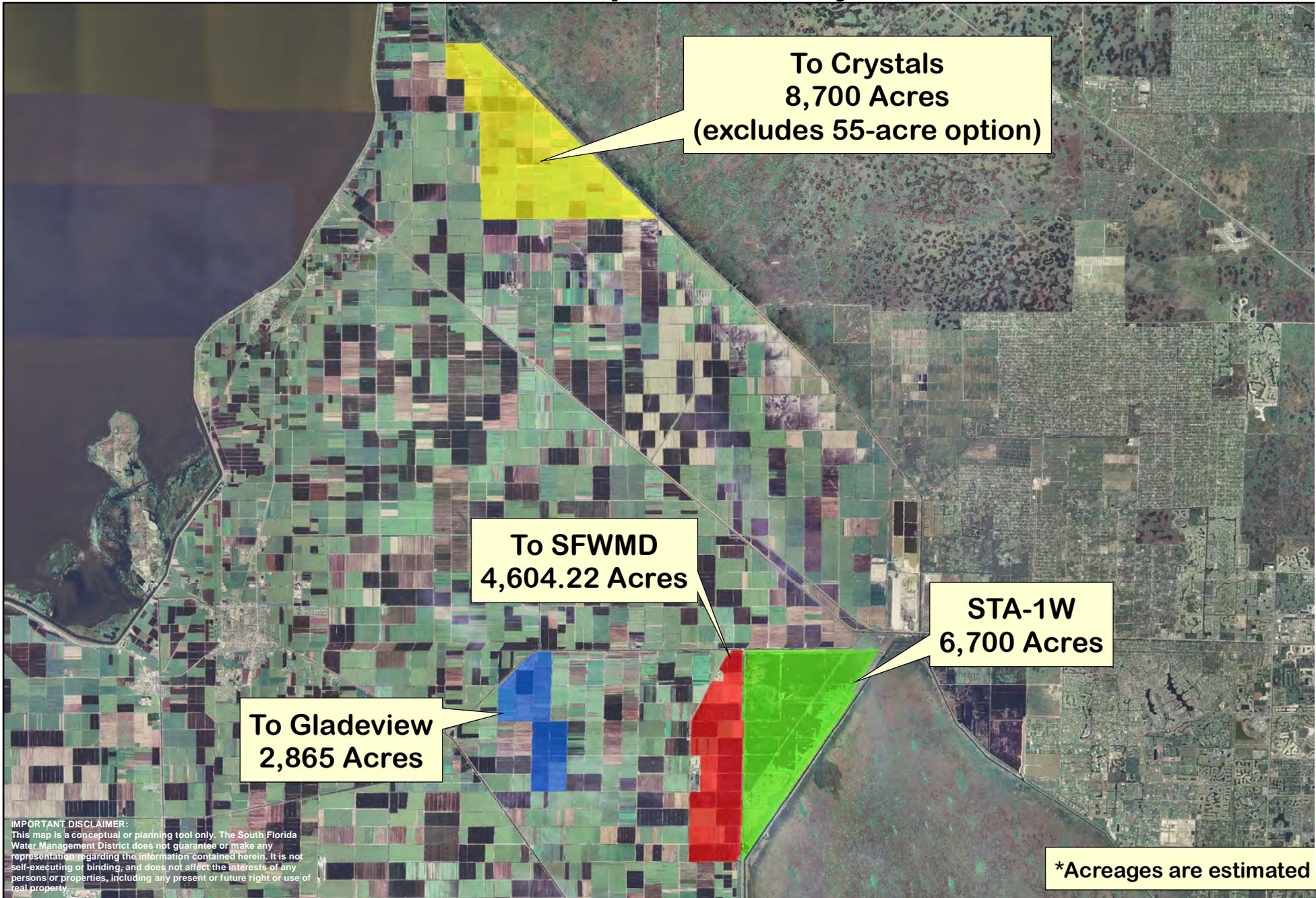
Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

Land Exchange STA-1W Expansion Project



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.

*Acreages are estimated

Attachment: ca_om_202_map_exhibit_A (Resolution No. 2014 - 0408 : Amendment to the Jan. 9, 2014

MEMORANDUM

TO: Governing Board Members
FROM: Jeff Kivett, Division Director
DATE: April 10, 2014
SUBJECT: C-41A Canal Bank Repair – Contract Number 4600003034

Summary

In August 2012 Tropical Storm Isaac caused damage to C-41A Canal banks in the northern portion of the District west of the city of Okeechobee. The District actively pursued financial assistance through Federal programs such as the Natural Resource Conservation Services (NRCS). NRCS receives funding as part of their Emergency Watershed Protection Program (EWPP) to assist municipalities and governmental agencies in the recovery efforts from tropical storm damage. The District and NRCS agreed upon an Interagency Agreement to reimburse the District for costs associated with repairs of the C-41A Canal banks up to \$398,400.

The C-41A Canal Banks Repair project involves regrading approximately 2,690 linear feet of canal banks, installing turf reinforcement mats, construction of new berm drains, placement of sod along the entire length of regraded bank, and placement of 720 feet of additional rock riprap adjacent to the S-84 water control structure. The lowest responsive and responsible bidder is Dickerson Florida, Inc. with a total amount of \$845,845.00 for the 120-day contract to perform the work.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing the C-41A Canal Bank Repairs project would result in continued degradation of the canal banks and could potentially impact flood control operations along the C-41A Canal and surrounding basins.

Additional Background

Not applicable.

Core Mission and Strategic Priorities

The C-41A Canal Banks Repair project supports the District core mission of flood control. Successful construction of the project would provide flood protection to the surrounding drainage basins by a dependable levee system and water control structure.

Funding Source

The lowest responsive and responsible bidder is Dickerson Florida, Inc. with a total amount of \$845,845.00 for the C-41A Canal Bank Repairs Project, for which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service.

Staff Contact and/or Presenter

John Mitnik, Bureau Chief, Engineering and Construction
561-682-2679

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0409

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 120-day contract with Dickerson Florida, Inc., the lowest responsive and responsible Bidder, for the C-41A Canal Bank Repairs Project, in the amount of \$845,845 of which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service.

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 120-day contract with Dickerson Florida, Inc., the lowest responsive and responsible Bidder, for the C-41A Canal Bank Repairs Project, in the amount of \$845,845 of which ad valorem funds of \$447,445 and external grant funds of \$323,400 are budgeted in FY14, and to authorize a budget transfer in the amount of \$75,000 in external grant funds from Administrative Services and Executive Offices and Restoration Program to Operations, Maintenance and Construction Division and Operations and Maintenance Program, of which the \$398,400 in external grant funds will be reimbursed by grant through the Emergency Watershed Protection Program of the U.S. Department of Agriculture National Resources Conservation Service.

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 120 day contract with Dickerson Florida, Inc. for the C-41A Canal Bank Repair Project, in the amount of \$845,845.00.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Tim Beirnes,

DATE: April 10, 2014

SUBJECT: FY13 Annual Financial Report, Audit Letter and Single Audit

Summary

The District's external audit firm has completed their audit of the District's financial statements. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget (OMB) revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

Staff Recommendation

Inspector General recommends approval of the Comprehensive Annual Financial Report, Audit Management Letter, and the Single Audit.

MEMORANDUM

TO: Governing Board Members
FROM: Tim Beirnes,
DATE: April 10, 2014
SUBJECT: IG's Audit Reports

Summary

The following audit reports are completed:

- Audit of Land Lease Financial Provisions
- Audit of Fixed Assets Processes and Procedures

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports.

Staff Recommendation

Inspector General recommends approval of the two audit reports.

MEMORANDUM

TO: Governing Board Members

FROM: Temperince Morgan,

DATE: April 10, 2014

SUBJECT: Authorizing the Letter of Support and Financial Capability Statement for the CEPP

Summary

The U.S. Army Corps of Engineers (USACE), utilizing technical support from the South Florida Water Management District (SFWMD) and with input from other federal, state, local agencies and the public has completed the Central Everglades Planning Project (CEPP) Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated April 2014. CEPP is a project in the Comprehensive Everglades Restoration Plan (CERP). The purpose of the CEPP is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, central Everglades (Water Conservation Area 3 and Everglades National Park) and Florida Bay. The estimated cost of implementing the Recommended Plan is \$1.9 billion to be cost-shared 50-50 by the SFWMD and the USACE as a part of the programmatic cost share for CERP.

This action by the Governing Board expresses the Board's support for the CEPP PIR/EIS as set forth in the SFWMD Governing Board Resolution No. 2014-0410. The Letter of Support affirms SFWMD's support for the Recommended Plan and its financial capability to satisfy the obligations of the non-federal sponsor described in the CEPP PIR/EIS, as set forth in the SFWMD Governing Board Resolution No. 2014-0410.

Staff Recommendation

Staff recommends approving the CEPP Letter of Support and Self-Certification of Financial Capability as set forth in the SFWMD Governing Board Resolution No. 2014-0410, for the CEPP PIR/EIS.

Additional Background

The CEPP will beneficially affect more than 1.5 million acres in the St. Lucie and Caloosahatchee Estuaries, WCA 3A, WCA 3B, Everglades National Park, and Florida Bay. In addition to redistributing existing treated water in a more natural sheetflow pattern, the recommended plan provides an average of approximately 210,000 acre-feet per year of additional clean freshwater flowing into the central portion of the Everglades. This increase in freshwater flow to the Everglades is approximately two-thirds of the additional flow estimated to be provided by the CERP. The recommended plan also reduces the number and severity of undesirable, high-volume discharges from Lake Okeechobee, improving salinity in the St. Lucie and Caloosahatchee Estuaries. The additional water flowing into northern WCA 3A and Everglades National Park will help to restore pre-drainage vegetative communities and habitat for fish and wildlife while providing incremental restoration of natural processes critical for the development of peat soils and tree islands, which are essential features of the Everglades ridge and slough landscape. Increased flows to Florida Bay will improve salinities, resulting in greater abundance and diversity of sea grasses and other estuarine plant and animal species.

Core Mission and Strategic Priorities

This project supports the District's core missions of protecting and restoring ecosystems, flood protection, and safeguarding water supply as set forth in the priorities for the 10-Year Strategic Plan. The Office of Everglades Policy and Coordination is responsible for implementing the Central Everglades Planning Project as a project under the Comprehensive Everglades Restoration Program.

Funding Source

The Central Everglades Planning Project is a 50-50 cost share project under the Comprehensive Everglades Restoration Program. Future financial commitments are subject to approval of future fiscal year state budgets by the State Legislature and Governor and District budgets for CEPP by the State Legislature, Governor, and Governing Board, as well as other factors contained in the SFWMD Governing Board Resolution No. 2014-0410.

Staff Contact and/or Presenter

Tom Teets, tteets@sfwmd.gov <<mailto:tteets@sfwmd.gov>>, ext. 6993

Matthew Morrison, mjmorris@sfwmd.gov <<mailto:mjmorris@sfwmd.gov>>, ext. 6844

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0410

See attachment for Resolution 2014-0410

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2014-0410

A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the Central Everglades Planning Project, and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Central Everglades Planning Project, Final Integrated Project Implementation Report and Environmental Impact Statement, dated April 2014 and for which funding is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and District budgets for CEPP by the State Legislature, Governor and District Governing Board; providing an effective date.

WHEREAS, Congress, in Section 601 of the Water Resources Development Act of 2000, approved with modifications the Comprehensive Everglades Restoration Plan (CERP) contained in the Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, dated April 1, 1999, as a framework for making modifications and changes to the Central and Southern Florida Project; and

WHEREAS, the Central Everglades Planning Project (CEPP) is composed of increments of major CERP components that will provide significant environmental benefits to the central Everglades ecosystem, the St. Lucie Estuary and the Caloosahatchee Estuary, and will help meet the other water-related needs of the region; and

WHEREAS, the CEPP Recommended Plan (Recommended Plan) as contained within the CEPP Integrated Project Implementation Report and Environmental Impact Statement (CEPP PIR/EIS), dated April 2014, (CEPP PIR/EIS) will improve the quantity, quality, timing, and distribution of water into Water Conservation Areas 3A and 3B, Everglades National Park, and Florida Bay by adding an average of approximately 210,000 acre-feet per year of additional freshwater flow in the central Everglades; and

WHEREAS, this additional water will help restore pre-drainage vegetative communities and habitat for fish and wildlife while providing incremental restoration of natural processes critical for the development of peat soils and tree islands, which are essential features of the Everglades ridge-and-slough landscape; and

WHEREAS, the Recommended Plan will reduce the number and severity of high-volume discharges from Lake Okeechobee into the St. Lucie and Caloosahatchee Estuaries and will improve salinity in these estuaries; and

WHEREAS, the Recommended Plan will improve the salinity in Florida Bay resulting in greater abundance and diversity of sea grasses and other estuarine plant and animal species; and

WHEREAS, the Recommended Plan will increase public water supply in Broward and Miami-Dade Counties by approximately 12 and 5 million gallons per day, respectively; and

WHEREAS, the Recommended Plan will also maintain water supply for agricultural users in the Lake Okeechobee Service Area and will also maintain current levels of service for flood protection in the CEPP study area; and

WHEREAS, the expedited planning process for the development of the CEPP Integrated Project Implementation Report and Environmental Impact Statement involved extensive coordination and input by the public and federal, state, and local resource management and regulatory agencies; and

WHEREAS, the Recommended Plan will utilize existing South Florida Water Management District owned lands; and

WHEREAS, the Recommended Plan implementation is dependent upon project interdependencies and phasing with other CERP and non-CERP Projects, and the need for multiple Project Partnership Agreements, and

WHEREAS, Stakeholders have expressed concern that the current version of the Draft Final PIR will not be available for public review prior to the adoption of this Resolution and request the Corps to revise its planning process in the future to allow the public to review the most current version of the Draft Final PIR prior to the local sponsor's letter of support;

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

Section 1. The Governing Board acknowledges that water quality issues need to be resolved prior to implementing CEPP projects. Issues include the need to revise the compliance methodology of the Consent Decree (Appendix A) and also to reach agreement on joint measures which may be needed in the event of an exceedance of Appendix A resulting from a change in operation of a federal project. Failure to develop a mutually agreed upon revised compliance methodology of the Consent Decree (Appendix A) or mutually agreed upon joint measures which may be needed in the event of an exceedance of Appendix A resulting from change in operation of a federal project will preclude the SFWMD from implementing, approving, or operating CEPP Projects.

The Governing Board acknowledges that the following negotiated language in the District Engineer's Recommendation Section (Section 8) of the PIR/EIS with respect to concepts regarding water quality that were jointly developed by the United States Army and the State of Florida be used to govern the implementation and operation of CEPP project features:

"Restoration of the Everglades requires projects that address hydrologic restoration as well as water quality improvement. This has been recognized by the National Academy of Sciences in its most recent biennial report where it noted that near-term progress to address both water quality and water quantity improvements in the central Everglades is needed to prevent further declines of the ecosystem. The significant amount of water resulting from CEPP is contemplated to significantly improve restoration of the Everglades. Both the Federal and State parties recognize that water quantity and quality restoration should be pursued concurrently and have collaborated to develop and concur on a suite of restoration strategies being implemented by the State to improve water quality ("State Restoration Strategies"), as well as other State and Federal restoration projects, both underway and planned, to best achieve Everglades hydrologic objectives. Specific examples of Federally authorized projects include the Everglades Restoration Transition Plan, Modified Water Deliveries to Everglades National Park Project, and the Tamiami Trail Next Steps Project.¹ One of the goals of these projects and their associated operating plans, as well as certain components of the CERP awaiting authorization or that are being planned as part of the CEPP is to improve water quantity and quality in the Everglades through more natural water flow within the remnant Everglades which includes the water conservation areas and ENP. Variations in flows of the C&SF system may result from a variety of reasons. These reasons include natural phenomena (e.g. weather) and updates to the operating manuals to achieve the purposes of the C&SF Project such as flood control and water supply.

One goal of the Consent Decree² is to restore and maintain water quality within ENP. The Consent Decree established, among other things, long-term water quality limits for water entering ENP to achieve this goal. The existing limits for ENP are flow dependent and, generally, increased volume of water results in a lower allowable concentration of phosphorus to maintain the overall load of phosphorus entering the ENP. There will be redistribution of flows and increased water volume above existing flows associated with system restoration efforts beyond the current State Restoration Strategies projects. The USACE and its Federal and State partners recognize that to achieve long-term hydrologic improvement, water quality may be impacted, particularly as measured by the current Consent Decree Appendix A compliance methodology. The USACE and the State partners agree that the monitoring locations/stations for inflows to ENP

¹ The next phase of bridging for Tamiami Trail roadway as authorized by Congress.

² *United States v. South Florida Water Management District, et al.*, Case No. 88-1886-CIV-Moreno (U.S.D.C., S.D. Fla.).

will require revision. An evaluation of this and other aspects of the compliance methodology are currently being conducted by the Technical Oversight Committee (TOC).

In an effort to address these potential impacts and determine updates to Appendix A to reflect increased inflows and new discharges into ENP since the Consent Decree was entered, the parties to the Consent Decree have established a process and scope for evaluating and identifying necessary revisions to the Appendix A compliance methodology utilizing the scientific expertise of the TOC. The TOC may consider all relevant data, including the 20 years of data collected since Appendix A was implemented. Ultimately, such evaluations and changes to the Appendix A compliance methodology would be recommended by the Consent Decree's TOC for potential agreement by all parties. Failure to develop a mutually agreed upon and scientifically supportable revised compliance methodology will impact the State's ability to implement or approve these projects.

The aforementioned State Restoration Strategies will be implemented under a Clean Water Act discharge permit that incorporates and requires implementation of corrective actions required under a State law Consent Order, as well as a Framework Agreement between the U.S. Environmental Protection Agency and the State discharge permitting agency, the Florida Department of Environmental Protection, to ensure compliance with Clean Water Act and State water quality requirements for existing flows into the Everglades. The Clean Water Act permit for the State facilities, the associated Consent Order (including a detailed schedule for the planning, design, construction, and operation of the new project features), and technical support documents were reviewed by, and addressed all of, the U.S. Environmental Protection Agency's previous objections related to the draft National Pollutant Discharge Elimination System ("NPDES") permits, prior to issuance.

All parties are committed to implementing the State Restoration Strategies, joint restoration projects, and associated operational plans, in an adaptive manner that is consistent with the objectives of the underlying C&SF Project. The USACE and the State will use all available relevant data and supporting information to inform operational planning and decision making, document decisions made, and evaluate the resulting information from those decisions to avoid adverse impacts to water quality where practicable and consistent with the purposes of the C&SF Project. Based upon current and best available technical information, the Federal parties believe at this time that the State Restoration Strategies, implemented in accordance with the State issued Consent Order and other joint restoration projects, are sufficient and anticipated to achieve water quality requirements for existing flows to the Everglades. If there is an exceedance of the Appendix A compliance limits, which results from a change in operation of a Federal project, and it has been determined that an exceedance cannot be remedied without additional water quality measures, the Federal and

State partners agree to meet to determine the most appropriate course of action, including what joint measures should be undertaken as a matter of shared responsibility. These discussions will include whether it is appropriate to exercise any applicable cost share authority. If additional measures are required and mutually agreed upon, then they shall be implemented in accordance with an approved process, such as a general reevaluation report or limited reevaluation report, and if necessary, supported through individual project partnership agreements. Failure to develop mutually agreed upon measures and cost share for these measures may impact the State's ability to operate the Federal project features."

Section 2. The Governing Board acknowledges that U.S. Army Corps of Engineers assurances in Section 2, Section 6 and the District Engineer's Recommendation Section (Section 8) of the PIR/EIS with respect to project interdependency and phasing with other CERP and non-CERP Projects, use of existing SFWMD owned lands, and project benefits and cost share, enables the Governing Board to endorse the Letter of Support. Such assurances include the following:

- a. The CEPP PIR/EIS recognizes that all features of the state's Restoration Strategies must be completed and meet state water quality standards prior to initiating construction of most CEPP project features.
- b. The CEPP PIR/EIS acknowledges that the operation of State facilities is required for achievement of CEPP project benefits. The CEPP PIR/EIS further recognizes that these state facilities are subject to legal requirements and will not be operated in such a manner that will cause exceedances of the State's water quality requirements and, as such, may limit the anticipated CEPP project benefits.
- c. The CEPP Recommended Plan features in the PIR/EIS utilize existing SFWMD owned lands.
- d. The CEPP PIR/EIS includes certain project dependencies and requirements including: completion and operations of Modified Water Deliveries prior to implementation of CEPP project features that provide additional water to Everglades National Park and modification of the 2008 Lake Okeechobee Regulation Schedule to achieve all CEPP project benefits and comply with Savings Clause.
- e. The CEPP PIR/EIS includes the Corps' need to request Congressional authorization for specific statutory language allowing the Corps to cost share 9.5% of the yearly OMRR&R costs of State facilities and certain C&SF Project features used by CEPP from appropriations made available for CERP OMRR&R activities.

f. The CEPP PIR/EIS is composed of implementation phases with logical groupings of recommended plan features that maximize benefits to the extent practicable consistent with project dependencies and acknowledges the need to execute individual Project Partnership Agreements, or amendments to existing Project Partnership Agreements prior to initiating construction of each implementation phase.

Section 3. The Governing Board acknowledges that the Recommended Plan in the Draft PIR is subject to a Programmatic Biological Opinion and Select Concurrence on Effects to Threatened or Endangered Species and Critical Habitat **dated April 2014** from the U.S. Fish and Wildlife Service (“Service”). The Programmatic Biological Opinion requires future consultation with the Service to occur before CEPP project features are constructed. Any subsequent consultation document(s) must be finalized and satisfactory to the Governing Board before SFWMD will execute Project Partnership Agreement(s) for CEPP project features.

Section 4. The Governing Board authorizes the Director of Administrative Services Division to sign the Central Everglades Planning Project Non-Federal Sponsor’s Self-Certification of Financial Capability, on behalf of the SFWMD, expressing financial capability to satisfy the Non-Federal Sponsor’s obligations set forth in the CEPP PIR/EIS. The South Florida Water Management District’s financial capability is subject to the following conditions:

- a. Approval of future fiscal year state budgets by the State Legislature and Governor, and District budgets for CEPP by the State Legislature, Governor and District Governing Board.
- b. The USACE and SFWMD have approximately equal programmatic expenditures on an average annual basis for implementation of CERP.
- c. CEPP is implemented in accordance with a SFWMD and USACE jointly agreed upon CERP project prioritization and the Integrated Delivery Schedule.

Section 5. The Governing Board acknowledges that the CEPP PIR/EIS is subject to further review by the public, State and Federal agencies as well as Army Corps of Engineers headquarters and Department of Army. Any substantive or material changes to the CEPP PIR/EIS including the Record of Decision, will require further review and approval of the Governing Board.

Section 6. Based on the assurances and conditions documented in Section 1 through Section 6 of this resolution, the Governing Board of the South Florida Water Management District (SFWMD) hereby authorizes the Executive Director to sign a letter to the U.S. Army Corps of Engineers, on behalf of the SFWMD, expressing support for the Central Everglades Planning Project Final Integrated Project Implementation Report and Environmental Impact Statement, dated April 2014.

Section 7. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 10th day of April, 2014.

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

District Clerk / Secretary

By: _____
Chairman

Approved as to form:

By: _____
Office of Counsel

Print Name

Attachment: CEPP GB Resolution April 10 2014final (Resolution No. 2014 - 0410 : Authorizing the Letter of Support and Financial Capability

CENTRAL EVERGLADES PLANNING PROJECT NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR DECISION DOCUMENTS

I, Douglas Bergstrom, do hereby certify that I am the Director for the Administrative Services Division of the South Florida Water Management District (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Central Everglades Planning Project if Project Partnership Agreements are approved by the Non-Federal Sponsor's Governing Board and signed by the Chair; and I certify that the Non-Federal Sponsor will have the financial capability to satisfy the non-Federal Sponsor's obligations, as set forth in the Central Everglades Planning Project, Final Project Implementation Report dated April 2014 subject to approval of future fiscal year state budgets by the State Legislature and Governor and District budgets for CEPP by the State Legislature, Governor, and Governing Board as set forth in the Local Sponsors Letter of Support and Governing Board Resolution No. 2014-0410. I understand that the Government's acceptance of this self-certification shall not be construed as obligating either the Government or Non-Federal Sponsor to implement a project or appropriate funds.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, 2014.

BY: _____

TITLE: Director, Administrative Services Division

DATE: _____

Attachment: CEPP Financial Capability Letter April 10 2014-final (Resolution No. 2014 - 0410 : Authorizing the Letter of Support and Financial

April 11, 2014

Colonel Alan M. Dodd
District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Subject: Letter of Support for the Central Everglades Planning Project Final Integrated Project Implementation Report and Environmental Impact Statement

Dear Colonel Dodd:

The purpose of this letter is to express the South Florida Water Management District's (SFWMD) support for the Central Everglades Planning Project Final Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated April 2014. The SFWMD is authorized to act as local sponsor for Comprehensive Everglades Restoration Plan (CERP) projects and has played an integral role in the CEPP PIR/EIS development by providing technical support. The SFWMD commends the U.S. Army Corps of Engineers for extensive outreach and coordination which resulted in a Recommended Plan that has broad stakeholder support.

The CEPP will beneficially affect more than 1.5 million acres in the St. Lucie and Caloosahatchee Estuaries, WCA 3A, WCA 3B, Everglades National Park, and Florida Bay. In addition to redistributing existing treated water in a more natural sheetflow pattern, the recommended plan provides an average of approximately 210,000 acre-feet per year of additional clean freshwater flowing into the central portion of the Everglades. This increase in freshwater flow to the Everglades is approximately two-thirds of the additional flow estimated to be provided by the CERP. The recommended plan also reduces the number and severity of undesirable, high-volume discharges from Lake Okeechobee, improving salinity in the St. Lucie and Caloosahatchee Estuaries. The additional water flowing into northern WCA 3A and ENP will help to restore pre-drainage vegetative communities and habitat for fish and wildlife while providing incremental restoration of natural processes critical for the development of peat soils and tree islands, which are essential features of the Everglades ridge and slough landscape. Increased flows to Florida Bay will improve salinities, resulting in greater abundance and diversity of sea grasses and other estuarine plant and animal species.

The federal authority for preparing the CEPP PIR/EIS is contained in Section 601(d) of the Water Resource Development Act of 2000. We look forward to Congressional

authorization and appropriation of funds for this important CERP project so that the CEPP can move forward into the design and construction phase.

While not legally binding on the SFWMD, this letter voices the SFWMD's support, as set forth in and subject to the terms of Governing Board Resolution No. 2014-0410, for the CEPP PIR/EIS. This resolution is composed of six substantive sections covering the following issues: 1) water quality (Appendix A); 2) assurances contained in Sections 2, 6, and 8 of the Draft Final PIR; 3) completion and review of future Endangered Species Act consultation documents; 4) CEPP Self Certification of Financial Capability; 5) further review of the Draft Final CEPP PIR; and 6) Executive Director's authorization to sign a Letter of Support for the CEPP. Also enclosed is the Central Everglades Planning Project Non-Federal Sponsor's Self-Certification of Financial Capability.

On behalf of the State of Florida, the SFWMD is proud to serve as the local sponsor with the U.S. Army Corps of Engineers on this first CERP project to restore the heart of the Everglades. This project embodies the success of the ongoing partnership between the State and Federal governments to Everglades restoration.

Sincerely,

Blake C. Guillory, P.E.
Executive Director
South Florida Water Management District

MEMORANDUM

TO: Governing Board Members

FROM: Karen Estock, Division Director

DATE: April 10, 2014

SUBJECT: Approve declaring surplus land interests containing 20.41 acres, more or less, in Osceola County

Summary

Pursuant to Resolution 2013-612, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. A certain parcel of land containing 20.41 acres, more or less, located in the Osceola County identified as Tract AG100-008 (the "Tract"), as shown on the attached Exhibit "A", was included in the Resolution. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a March 28, 2014 public meeting regarding the surplus and sale of the Tract. An appraisal establishing a \$440,000 market value was also obtained. The ecological assessment identified an active eagle's nest and the presence of the active eagle's nest was taken in account in appraisal's market value conclusion. Prior to offering the Tract for bid, an update of the appraisal will be completed. Staff recommends to the Governing Board that the Tract be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value as updated.

Staff Recommendation

Staff recommends approval of the surplus and public bid for sale of the Tract.

Core Mission and Strategic Priorities

By approving this item, the Governing Board determines that the fee ownership of the Tract is not required by the District for present or future use, and based on the ecological assessment is not needed for conservation purposes.

Funding Source

Ad valorem funds will be used for the costs of advertising. All closing costs will be paid by the successful bidder.

Staff Contact and/or Presenter

Ray Palmer, rpalmer@sfwmd.gov <<mailto:rpalmer@sfwmd.gov>>, 561-682-2246

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0411

A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 20.41 acres, more or less, in Osceola County without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value; providing for an effective date.

WHEREAS, pursuant to Resolution 2013-612, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval; and

WHEREAS, that certain parcel of land containing 20.41 acres, more or less, located in the Osceola County identified as Tract AG100-008 (the "Tract") was included within Resolution 2013-612; and

WHEREAS, staff has further analyzed the options for disposal of the Tract, has obtained an ecological assessment ("Ecological Assessment"), and recommends to the Governing Board that the Tract be declared surplus and be offered for bid; and

WHEREAS, the Governing Board has determined that the fee ownership of the Tract is not required by the District for present or future use; and

WHEREAS, the Governing Board has determined that it is in the public interest to declare the Tract surplus; and

WHEREAS, the District shall offer the Tract to the public for bid to be sold for the highest price obtainable, but in no event less than appraised value; and

WHEREAS, the District has obtained an appraisal establishing a \$440,000 market value and, prior to offering the Tract for bid, an update of the appraisal will be completed; and

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

WHEREAS, the District, pursuant to Section 373.089, Florida Statutes, has the authority to sell lands, or interests, or rights in land owned by the District not required for its purposes, for the highest price obtainable, but not less than the appraised value; and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999 shall be considered to have been acquired for conservation purposes, and the Governing Board shall be required to approve the surplus of any such lands by at least a two-thirds (2/3) majority.

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 (i)

determines that fee ownership of that certain parcel of land containing 20.41 acres, more or less, located in the Osceola County identified as Tract AG100-008, depicted in Exhibit "A" attached hereto, is not required by the District for present or future use,(ii) approves declaring surplus the land interests containing 20.41 acres, more or less, in Osceola County, together with any structures and improvements and personal property appurtenant thereto, and (iii) approves offering the land interests containing 20.41 acres, more or less, in Osceola County, to the public for bid and sold for the highest price obtainable, but in no event less than the appraised value, in accordance with the provisions of Section 373.089, Florida Statutes. Any disposal shall be subject to funding source requirements.

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

Section 3: Consistent with the requirements of Section 373.089(6), Florida Statutes and based on the Ecological Assessment, the Governing Board hereby determines that the subject lands are no longer needed for conservation purposes, and that this Resolution was approved by the Governing Board by at least a two-thirds (2/3) vote.

Section 4: The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the conveyance document. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to execute all other documents necessary to consummate this transaction.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

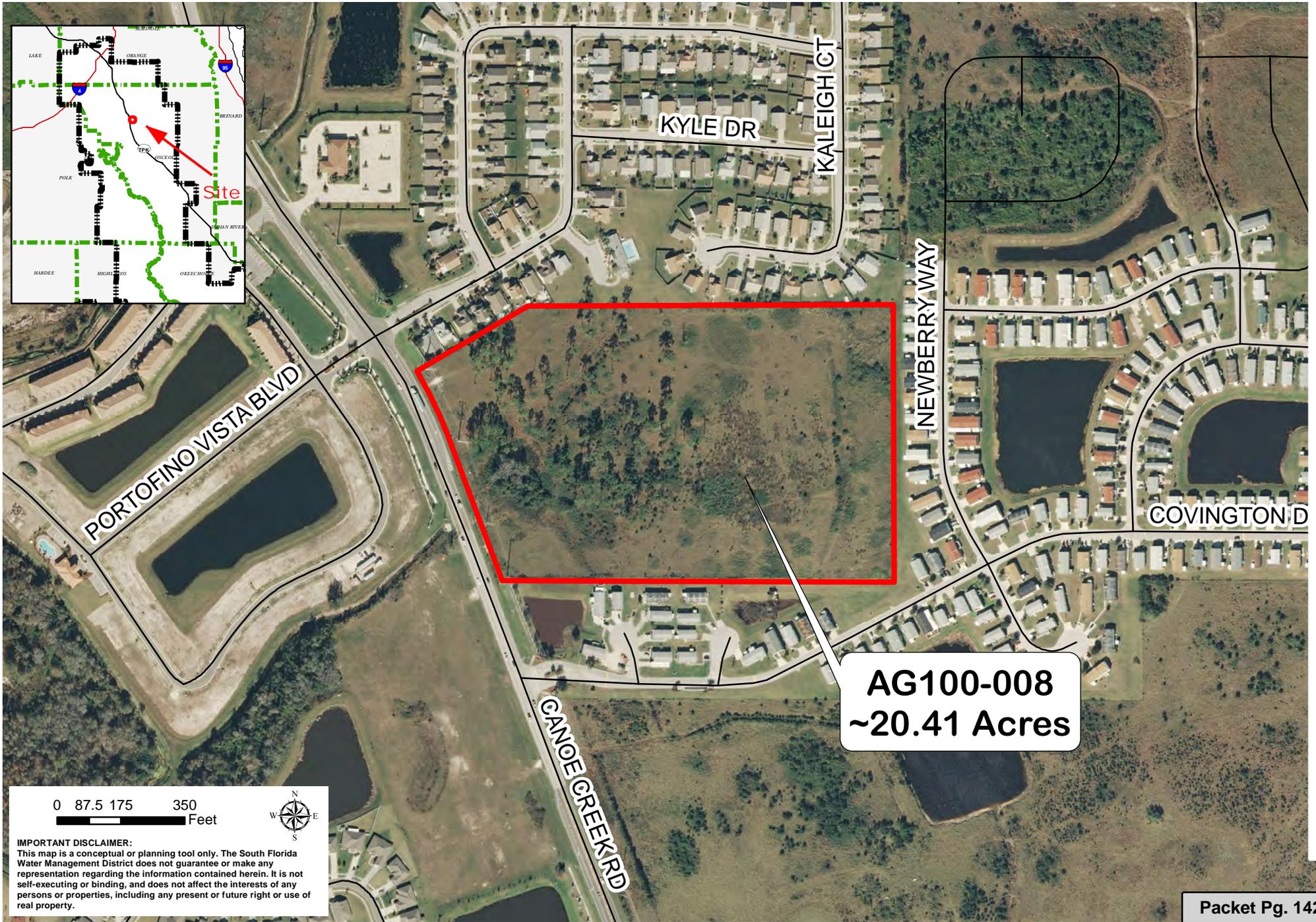
Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

AG100-008 Osceola County



AG100-008
~20.41 Acres

0 87.5 175 350 Feet

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.

Attachment: 2014_3_7_GB_AG100008_smf_map (Resolution No. 2014 - 0411 : Approve declaring surplus

M E M O R A N D U M

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: April 10, 2014

SUBJECT: Miller Canal Weir #3 Replacement Construction - Contract Number 4600003037

Summary

The existing Miller Weir No. 3 (Miller-3) structure is a fixed-crest weir constructed in the mid-1960s by the Gulf American Land Corporation. It is located on the Miller Canal, approximately 450 feet north of the westerly terminus of 8th Avenue NE near the confluence of the Golden Gate Main Canal and Miller Canal in Northern Golden Gate Estates (NGGE) in Collier County, Florida.

Miller-3 was originally built as a fixed-crest weir with V-notches to provide water level control for reduction of over-drainage from the Northern Miller Canal basin. In 1983, Collier County added a superstructure for stop log operation with a walkway assembly. After the Big Cypress Basin (BCB) took over the responsibility of the operation and maintenance of the canal system in the late 1980s, the BCB field station replaced the stop logs with steel gates to prevent vandalism to the logs. The structure has now run out of its useful life and is in need of replacement.

Construction is scheduled to start in May of 2014 and continue 311 days through March of 2015. The project will include construction of a new structure 450 feet downstream of the existing structure and then removal of the existing structure.

Staff Recommendation

Staff recommends approval to enter into a 311 day contract in the amount of \$1,668,100.00 with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the construction of the Miller Canal Weir No. 3 Replacement.

Core Mission and Strategic Priorities

One of the District's most critical missions is flood control. The Miller Canal Weir No. 3 Replacement will allow more efficient control of flows in the Golden Gate Canal system, with more flows being diverted down the Miller Canal as opposed to discharging excess freshwater flows to Naples Bay in accordance with Operations and Maintenance's Strategic Plan. The project includes the automation of the structure to the newest District standards and installation of weir gates to allow more efficient operation of the structure.

Funding Source

The lowest responsive and responsible bidder is Thomas Marine Construction, Inc. with a total amount of \$1,668,100.00, for which \$998,750.00 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget.

Staff Contact

John Mitnik, Bureau Chief, Engineering and Construction
561-682-2679 / jmitnik@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0412

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 311 day contract with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the Miller Canal Weir No. 3 Replacement project, in the amount of \$1,668,100.00, of which \$998,750.00 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a contract with Thomas Marine Construction, Inc., the lowest responsive and responsible bidder, for the Miller Canal Weir No. 3 Replacement project, in the amount of \$1,668,100.00, of which \$998,750.00 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date; **now therefore**

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

Section 1. The Governing Board of the South Florida Water Management District approves entering into a 311 day contract with Thomas Marine Construction, Inc in the amount of \$1,668,100.00.

Section 2. This project supports the District's Mission of flood control in Collier County.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: April 10, 2014

SUBJECT: Hillsboro Canal Pkg 1 Bank Stabilization - Contract Number 4600003042

Summary

The District has determined through its Inspections Program the need to repair and protect the banks of the Hillsboro Canal due to bank failures that have occurred over extended sections of the canal. The purpose of the project is to repair and stabilize banks of the Hillsboro Canal along the Palm Beach - Broward County boundary from the G-56 Structure to S-39 Structure in Parkland. This Package 1, from the G-56 to US441/SR7, is the second of the three construction packages spread over three fiscal years for the stabilization of the entire canal length of 10.4 miles. One phase is now in construction and the last phase is in design. Dredging will be done to remove sediment accumulation near the G-56 Structure, which presents a major risk to the operation of the structure and could compromise its flood protection functionality. Several encroachments including private trees, golf course tees, and boat docks will be impacted. These encroachments may need to be relocated, modified, or in some cases completely removed to allow construction work.

Staff Recommendation

Board approval is required at the April Governing Board meeting. By not implementing the proposed Hillsboro Canal Bank stabilization project, there will be significant impacts to the continued operation of the District's flood control system. Eroded banks, encroachments, and accumulated sediments that block canal flow and prevent safe operation of the District's structures, must be repaired, removed, relocated or modified.

Additional Background

There are several concerned homeowners and developments that are impacted by this project phase.

Core Mission and Strategic Priorities

The Hillsboro Canal Bank Stabilization project supports the District's core mission of flood control and water supply delivery. Successful completion of the project would provide flood protection to both Broward and Palm Beach counties. The canal supports operations of Central and Southern Florida Flood Control Project.

Funding Source

The lowest responsive and responsible bidder is **Arbor Tree & Land, Inc.**, with a total amount of \$7,914,500 for which ad valorem funds of \$2,000,000 are budgeted in the FY14 Engineering & Construction Bureau's capital improvement program and the remainder is subject to Governing Board approval of the FY15 budget.

Staff Contact and/or Presenter

John Mitnik, Engineering and Construction Bureau Chief

561-682-2679

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0413

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 480-day contract with Arbor Tree & Land, Inc., the lowest responsive and responsible bidder, for Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00 of which ad valorem funds in the amount of \$2,000,000.00 are budgeted in FY14; and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date.

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 480-day contract with Arbor Tree & Land, Inc., the lowest responsive and responsible bidder, for the Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00 of which ad valorem funds in the amount of \$2,000,000.00 are budgeted in FY14; and the remainder is subject to Governing Board approval of the FY15 budget; providing an effective date; **now therefore**

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 480-day contract with Arbor Tree & Land, Inc., for the construction of Hillsboro Canal Dredging & Bank Stabilization Project, Package 1, in the amount of \$7,914,500.00.

Section 2. This project supports the District's Mission of addressing flood control and water supply.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

Attest:

District Clerk/Secretary

Legal form approved:

By:

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Jeff Kivett, Division Director

DATE: April 10, 2014

SUBJECT: S-150 Replacement/Automation Construction - Contract Number 4600003039

Summary

The S-150 Structure Replacement and Automation project, together with structure S-8, allows release of water from Lake Okeechobee and the agricultural area south of the lake into WCA 3A from Stormwater Treatment Area (STA) 3/4. It is located at the confluence of the L-5 and L-38W Canals in Palm Beach County. During the District's Structure Inspection Program, the S-150 Culvert Structure was identified as having major deficiencies, including corrosion of the CMP barrels (perforations observed, causing leakage) and automated gate guide steel channels (cross-section of structural components reduced). In addition, the gate stem lubrication system is experiencing operational issues. The culvert does not meet the current District Standards for this type of water control structure. In response, the District created the S-150 Culvert Replacement and Automation Project. The existing culvert structure will be replaced with a new one at the same location and will consist of a cast-in-place reinforced concrete 3-box culvert with steel sheet pile wing-walls, automated stainless steel slide gates, and a new Control Building to house the relocated generator. The L-5 and L-38W Canal bottoms and embankments will be re-graded and armored with rip-rap.

Staff Recommendation

Board approval is requested at the April Governing Board meeting. Not implementing S-150 Structure Replacement and Automation Project would result in continued operation of a declining water control structure, potentially impacting flood control operations along the L-5 Canal and upstream agricultural area.

Additional Background

Not applicable.

Core Mission and Strategic Priorities

The S-150 Structure Replacement and Automation project supports the District core mission of flood control. Successful construction of the project would provide flood protection to the surrounding drainage basins by a dependable water control structure.

Funding Source

The lowest responsive and responsible bidder is Interlaken, Inc., with a total amount of \$2,587,125.00, for which ad valorem funds of \$1,589,527.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$997,598.00 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program.

Staff Contact and/or Presenter

John Mitnik, Bureau Chief, Engineering and Construction

561-682-2679 / jmitnik@sfwmd.gov <mailto:jmitnik@sfwmd.gov>

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0414

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 420 day contract with Interlaken, Inc., the lowest responsive and responsible bidder, for the S-150 Structure Replacement and Automation Project, in the amount of \$2,587,125.00, of which ad valorem funds of \$1,589,527.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$997,598 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date.

WHEREAS, this project supports the District's Mission of addressing flood control.

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 420-day contract with Interlaken, Inc., the lowest responsive and responsible bidder, for the S-150 Structure Replacement and Automation Project, in an amount of \$2,587,125.00, of which ad valorem funds of \$1,589,527.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$997,598.00 in ad valorem funds from the Water Management System element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 420 day contract with Interlaken, Inc., for the construction of the S-150 Structure Replacement and Automation Project, in the amount of \$2,587,125.00.

Section 2. This project supports the District's Mission of addressing flood control and irrigation.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members
FROM: Jeff Kivett, Division Director
DATE: April 10, 2014
SUBJECT: S-6 Tower Construction - Contract Number 4600003041

Summary

The S-6 Pump Station was built in 1959 by the United States Army Corps of Engineers (USACE). The S-6 pump station was originally constructed as part of the Central and Southern Florida Flood Control System and in 2001 became part of Stormwater Treatment Areas (STA) as an inflow pump station under the Everglades Forever Act.

Currently, communications to and from the S-6 Pump Station are accomplished through a 60' high antenna structure mounted on the roof of the S-6 Pump Station building which does not meet the District's wind loading design criteria and is in no condition to bear any additional antenna loading. Additionally, the current designated area for electronics does not have sufficient space for growth, HVAC, DC power, and/or standby generator.

The S-6 communications is an antenna and microwave communications system which relays watershed telemetry data and enterprise information for the regional Everglades Agricultural Area (EAA) pump stations and adjacent STA project areas (STA 2, STA 3/4, and A-1 FEB).

The S-6 communication system supports the pump station operation, local SCADA RTU's, and provides a primary communications link to the EAA regional water control and monitoring systems. The communications facilities have evolved into a vital communications site for the District's regional area.

Due to age and current condition of the antenna structure, the District initiated the S-6 Communications Tower project with the following goals: remove the current roof antenna and construct a free standing tower replacement with a dedicated communications building and standby generator.

Construction is scheduled to start in May of 2014 and continue 395 days into 2015. The project is phased for dry season cutover of existing communications equipment.

Staff Recommendation

The project should proceed in a timely manner with a construction notice-to-proceed to meet the requirements of dry season cutover. Staff recommends approval to enter into a 395 day contract in the amount of \$1,622,000.00 with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the construction of the S-6

Communications Tower.

Core Mission and Strategic Priorities

One of the District's most critical missions is flood control. The S-6 Communications Tower project will replace and upgrade the pump station communication equipment and provide improved reliability to support the flood control mission.

Funding Source

The lowest responsive and responsible bidder is Expert Construction Managers, Inc. with a total amount of \$1,622,000.00 for which ad valorem funds of \$1,072,000.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program and the Engineering & Construction Bureau's capital improvement program budget.

Staff Contact

John Mitnik, Bureau Chief, Engineering and Construction
561-682-2679 / jmitnik@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0415

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 395 day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the S-6 Communications Tower project, for a total amount of \$1,622,000.00, of which ad valorem funds of \$1,072,000.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000.00 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date.

WHEREAS, the S-6 Communications Tower provides communications support for S-6 pump station, Everglades Agricultural Area (EAA) pump station and the STA-2 project area in Palm Beach County.

WHEREAS, construction of a communication tower at the S-6 pump station supports the District's flood control mission,

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 395 day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the S-6 Communications Tower project, for a total amount of \$1,622,000.00, of which ad valorem funds of \$1,072,000.00 are budgeted in FY14 and to authorize a budget transfer in the amount of \$550,000.00 in ad valorem funds from the Electronics/Communications & Control element to the Capital Projects element within the Operations and Maintenance Program; providing an effective date.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves the 395 day contract with Expert Construction Managers,

Inc. for the construction of the S-6 Communications Tower, in the amount of \$1,622,000.

Section 2. This project supports the District’s Mission of flood control in Palm Beach County.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Univ Technical Environmental Services for Restoration Strategies Science Plan

Summary

A Request for Proposals (RFP) was advertised to solicit the services of Florida Universities capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs.

Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. The expertise of Florida Universities will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with the University of Florida Board of Trustees-Water Institute, and Florida International University, each for a three-year contract, with two one-year extensions, to provide Technical Environmental Services in Support of the Restoration Strategies Science Plan. The funding request is for an amount not to exceed \$7,000,000 for both the two contracts for Technical Environmental Services awarded under RFP 6000000609 for commercial firms and the two University Technical Environmental Services contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets.

Additional Background

The Science Plan is also intended to fulfill the requirements of the Consent Orders between the FDEP and the South Florida Water Management District (SFWMD) (dated August 15, 2012) associated with the National Pollutant Discharge Elimination System (NPDES) Watershed Permits and the Everglades Forever Act (EFA) Watershed Permits for the Everglades STAs (OGC Nos. 12-1148 and 12-1149, respectively), issued on September 10, 2012. Pursuant to the Consent Orders, the Science Plan has been developed in consultation with representatives designated by the FDEP and USEPA, on behalf of the state and federal agencies, respectively. It is expected that the results from the Science Plan will be used to enhance the design and operations of projects under the Restoration Strategies Program, which will ultimately improve capabilities of the STAs to achieve compliance with the state's water quality criteria for TP.

The Science Plan has been developed to enhance the understanding of mechanisms and factors that affect phosphorus treatment performance in STAs, particularly those that are key drivers to performance at low TP concentrations (<20 micrograms per liter). Therefore, the ability to fully implement research studies to identify mechanisms, factors, and key drivers that affect phosphorus treatment performance at these low TP concentrations in STAs is paramount. Information gathered from these studies will also be incorporated into the development and refinement of the SFWMD's tools and models.

The expertise of the contractors to assist in the implementation of these studies is expected to vary depending on specific work order requirements. Resulting contracts shall be work order contracts with no minimum amount of work guaranteed. The contractors must demonstrate their expertise and experience with STAs and other large scale wetland systems, particularly in South Florida, including, but not limited to the following areas of investigation:

- wetland treatment system design
- wetland treatment system performance
- wetland biogeochemistry and phosphorus cycling
- wetland experimental design in the laboratory and at field scale
- construction, planting, operation, maintenance and sampling of experimental field facilities
- wetland monitoring, including implementation of large scale field sampling activities
- wetland flora, fauna and soil sampling
- wetland hydrology and hydraulics, and evaluation of floc and nutrient transport, and
- wetland ecological, water quality, and hydrologic modeling, including water balance models and nutrient mass balance models

Core Mission and Strategic Priorities

The Restoration Strategies Science Plan is aligned with the SFWMD mission element to protect water resources by improving water quality and natural systems, and with several SFWMD priorities as identified in the 2012-2017 Strategic Plan (SFWMD 2012). This work is being performed in accordance with the Everglades Water Quality Restoration Framework Agreement between the SFWMD, USEPA (Region IV), and FDEP dated June 12, 2012, and the SFWMD's Restoration Strategies Regional Water Quality Plan.

Funding Source

The funding request is for an amount not to exceed \$7,000,000 for both the two contracts for Technical Environmental Services awarded under RFP 6000000609 for commercial firms and the two University Technical Environmental Services contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets.

Staff Contact and/or Presenter

Linda Lindstrom, Chief, Applied Sciences Bureau
561-682-6820 / llindst@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0416

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking and entering into a three-year contract, with two one-year extensions, with the University of Florida Board of Trustees-Water Institute, and Florida International University; subject to successful negotiations to provide university technical environmental services in support of the Restoration Strategies Science Plan, in an amount not to exceed \$7,000,000, for both contracts as well as the contracts with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc. of which \$2,000,000 in ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract numbers 4600003031 and 4600003032)

WHEREAS, in an effort to pursue the District's ongoing commitment to protect water resources by improving water quality and natural systems, the District issued a solicitation for and received qualifications and technical proposals to provide University Technical Environmental Services in Support of the Restoration Strategies Science Plan; and

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 and enter into three-year agreements, with the University of Florida-Water Institute (Contract # 4600003031), and Florida International University (Contract # 4600003032) subject to successful negotiations. The funding is in the not-to-exceed amount of \$7,000,000 for both the two contracts awarded under RFP 6000000609 for commercial firms and the two contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets, for the purpose of implementing a Science Plan to enhance the understanding of mechanisms and factors that affect phosphorus treatment performance, particularly those that are key drivers to performance at low total phosphorus (TP) concentrations (<20 µg/L). It is expected that the results from the Science Plan will be used to enhance the design and operations of projects under the Restoration Strategies Program, which will ultimately improve capabilities of the STAs to achieve compliance with the state's water quality criteria for TP.

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 #4600003031 with University of Florida-Water Institute (Contract), and contract #4600003032 with

Florida International University.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Terrie Bates, Director, Water Resources Division

DATE: April 10, 2014

SUBJECT: Technical Environmental Services for Restoration Strategies Science Plan

Summary

A Request for Proposals (RFP) was advertised to solicit the services of multiple contractors capable of providing Technical Environmental Services in Support of the Restoration Strategies Science Plan for the Everglades Stormwater Treatment Areas (STAs). The Science Plan was established to investigate the critical factors that collectively influence the total phosphorus (TP) reduction and treatment performance in the STAs. Development of the Science Plan was initiated in August 2012 with contributions from 45 SFWMD scientists, modelers and engineers (the Science Plan Team), and contributing agency Technical Representatives and their consultants. The Science Plan Team formulated six overarching key questions and detailed sub-questions to address information gaps and guide research needs, prioritized the sub-questions based on four criteria (testability, feasibility, timeliness and importance), and identified an initial suite of nine studies to be implemented in the first five-year work plan. SFWMD staff will lead implementation of the nine studies. Contractor expertise will be used to assist in the implementation of these studies.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc., each for a two-year contract, with three one-year extensions, to provide Technical Environmental Services in Support of the Restoration Strategies Science Plan. The funding request is for an amount not to exceed \$7,000,000 for both the two contracts for Technical Environmental Services awarded under RFP 6000000609 for commercial firms and the two University Technical Environmental Services contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets.

Additional Background

The Science Plan is also intended to fulfill the requirements of the Consent Orders between the FDEP and the South Florida Water Management District (SFWMD) (dated August 15, 2012) associated with the National Pollutant Discharge Elimination System (NPDES) Watershed Permits and the Everglades Forever Act (EFA) Watershed Permits for the Everglades STAs (OGC Nos. 12-1148 and 12-1149, respectively), issued on September 10, 2012. Pursuant to the Consent Orders, the Science Plan has been developed in consultation with representatives designated by the FDEP and USEPA, on behalf of the state and federal agencies, respectively. It is expected that the results from the Science Plan will be used to enhance the design and operations of projects under the Restoration Strategies Program, which will ultimately improve capabilities of the STAs to achieve compliance with the state's water quality criteria for TP.

The Science Plan has been developed to enhance the understanding of mechanisms and

factors that affect phosphorus treatment performance in STAs, particularly those that are key drivers to performance at low TP concentrations (<20 micrograms per liter). Therefore, the ability to fully implement research studies to identify mechanisms, factors, and key drivers that affect phosphorus treatment performance at these low TP concentrations in STAs is paramount. Information gathered from these studies will also be incorporated into the development and refinement of the SFWMD's tools and models.

The expertise of the contractors to assist in the implementation of these studies is expected to vary depending on specific work order requirements. Resulting contracts shall be work order contracts with no minimum amount of work guaranteed. The contractors must demonstrate their expertise and experience with STAs and other large scale wetland systems, particularly in South Florida, including, but not limited to the following areas of investigation:

- wetland treatment system design
- wetland treatment system performance
- wetland biogeochemistry and phosphorus cycling
- wetland experimental design in the laboratory and at field scale
- construction, planting, operation, maintenance and sampling of experimental field facilities
- wetland monitoring, including implementation of large scale field sampling activities
- wetland flora, fauna and soil sampling
- wetland hydrology and hydraulics, and evaluation of floc and nutrient transport, and
- wetland ecological, water quality, and hydrologic modeling, including water balance models and nutrient mass balance models

Core Mission and Strategic Priorities

The Restoration Strategies Science Plan is aligned with the SFWMD mission element to protect water resources by improving water quality and natural systems, and with several SFWMD priorities as identified in the 2012-2017 Strategic Plan (SFWMD 2012). This work is being performed in accordance with the Everglades Water Quality Restoration Framework Agreement between the SFWMD, USEPA (Region IV), and FDEP dated June 12, 2012, and the SFWMD's Restoration Strategies Regional Water Quality Plan.

Funding Source

The funding request is for an amount not to exceed \$7,000,000 for both the two contracts for Technical Environmental Services awarded under RFP 6000000609 for commercial firms and the two University Technical Environmental Services contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets.

Staff Contact and/or Presenter

Linda Lindstrom, Chief, Applied Sciences Bureau
561-682-6820 / llindst@sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2014 - 0417

A Resolution of the Governing Board of the South Florida Water Management District authorizing the official ranking of firms and entering into a two-year contract, with three one-year extensions, with DB Environmental Laboratories, Inc., and Ecology & Environment, Inc.; subject to successful negotiations to provide technical environmental services in support of the Restoration Strategies Science Plan, in an amount not to exceed \$7,000,000, for both contracts as well as the contracts with University of Florida Board of Trustees-Water Institute, and Florida International University, of which \$2,000,000 in ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets; providing an effective date. (Contract numbers 4600003029 and 4600003030)

WHEREAS, in an effort to pursue the District's ongoing commitment to protect water resources by improving water quality and natural systems, the District issued a solicitation for and received qualifications and technical proposals to provide Technical Environmental Services in Support of the Restoration Strategies Science Plan; and

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 firms and enter into two-year agreements, with DB Environmental Laboratories, Inc. (Contract # 4600003029), and Ecology & Environment, Inc. (Contract # 4600003030) subject to successful negotiations. The funding is in the not-to-exceed amount of \$7,000,000 for both the two contracts awarded under RFP 6000000609 for commercial firms and the two contracts awarded under RFP 6000000614 for universities, of which \$2,000,000 of ad valorem funds are budgeted in FY14 and the balance is subject to Governing Board approval of the FY15-FY18 budgets, for the purpose of implementing a Science Plan to enhance the understanding of mechanisms and factors that affect phosphorus treatment performance, particularly those that are key drivers to performance at low total phosphorous (TP) concentrations (<20 µg/L). It is expected that the results from the Science Plan will be used to enhance the design and operations of projects under the Restoration Strategies Program, which will ultimately improve capabilities of the STAs to achieve compliance with the state's water quality criteria for TP.

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 #4600003029 with DB Environmental Laboratories, Inc., and contract #4600003030 with Ecology & Environment, Inc.

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

PASSED and **ADOPTED** this 10th day of April, 2014.

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

Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: April 10, 2014

SUBJECT: Monthly Financial Statement – February 2014

The attached financial status report is provided for your review. This report provides a high level snapshot of District financial activity and includes revenue collections by source and expenditures by program. Also attached is a summary in the State Program format in compliance with Chapter 373.536(4)(e) F.S., requiring each District to provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website. This unaudited financial statement is provided as of February 28, 2014, with 42% of the fiscal year completed.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances/expenditures made against the District's FY14 \$717.6 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- With the fiscal year 42% complete, 74.2% of the District's budgeted operating revenue (excludes fund balance) has been collected. The primary source of operating revenue received to date is taxes. Ad Valorem taxes comprise 64.0% 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 FY14 sources collected were 85% of budget or \$609.7 million.
- 89.1% of budgeted Ad Valorem tax revenue and 98.6% of Agricultural Privilege tax revenue have been collected to date. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4.0% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95.0% 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 February average a collection rate of 83.5%.
- There is \$9.1 million in budgeted intergovernmental revenue in ad valorem funds, which includes \$4.4 million in Alligator Alley toll revenue, \$2.8 million in WMLTF for moving water south, \$1.6 million in USACE reimbursements, and \$304K in

DEP reimbursements for aquatic plant control activities. Actual revenues earned as of the end of February amount to \$3.8 million.

- There is \$92.0 million in budgeted intergovernmental revenue in dedicated funds, comprised of \$74.8 million in SOETF reimbursements, \$5.0 million in reimbursements from the Florida Fish and Wildlife Conservation Commission (FWC) for aquatic/invasive plant control and \$15K for Model Lands, \$6.9 million in WMLTF reimbursements for debt service expenses related to bonds and \$4.0 million for the Corbett Levee, reimbursement of federal revenues of \$538K for St. Lucie Watershed Water Farming and \$375K for Tropical Storm Isaac repairs, \$240K from Indian River Lagoon and Everglades License Tag proceeds, and \$175K reimbursement from FDEP for water quality studies. FY14 actual revenue to date amounts to \$30.7 million. Reimbursement requests are submitted to the state based on actual expenses incurred and are typically received later in the fiscal year.
- The District budgeted \$2.9 million in investment earnings in ad valorem funds for FY14. Total revenue to date is \$2.6 million or 90.2% of budgeted Investment Earnings; \$2 million or 69.3% of investment earnings in ad valorem funds and \$600K in dedicated funds.
- 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 received \$2.4 million which represents 77.9% of the current year budgeted lease revenue of \$3.0 million. The use of lease revenue collected for lands purchased with State or Federal funds is restricted based on the guidelines in the acquisition or grant.
- There is \$3.9 million in budgeted permit fee revenue, which includes water use permits (\$549K), right of way permits (\$68K), Environmental Resource Permit (ERP) application fees (\$1.5 million), and wetland mitigation fees for C-139 Annex Restoration (\$1.8 million). FY14 revenue amounts received include \$390K from water use permits, \$1.2 million from ERP Application Fees, \$7.9 million in unbudgeted revenues from Lake Belt Mitigation fees, and \$29K from other applications and fees.
- Budgeted revenue in the Other category includes \$210K in civil penalties and enforcement fees and \$251K 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 \$1.5 million at the end of the fifth month of the fiscal year, representing 315.4% of the budgeted \$461K. \$1.1 million of the amount received was a refund of prior year expenditure from Florida League of Cities.

- Sale of District Property represents the sale of real property and land. This is budgeted conservatively at \$250K due to the uncertainty involved. FY14 revenues received total \$262K.
- 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 \$11.1 million received through February equate to 38.4% of the \$28.8 million budget.

Expenditure and Encumbrance Status:

As of February 28, 2014, with 42% of the year complete, the District has expended **\$186.9 million or 28.4%** and has encumbered **\$190.3 million or 28.9%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **\$377.3 million or 57.4%** of its non-reserve budget.

Summary of Expenditures and Encumbrances by Program – This financial statement illustrates the effort to date for each of the District's program areas. Provided below is a discussion of the primary uses of funds by program.

- The **Comprehensive Everglades Restoration Plan Program** has obligated 56.8% and expended 23.9% of their \$159.3 million budget. Principal expenditures include personnel services (\$2.1 million), contractual services (\$5.3 million), operating (\$127K), and capital outlay (\$30.6 million). Capital outlay encumbrances (\$43.8 million) and contractual services encumbrances (\$8.5 million) include the following projects: Southern CREW, Biscayne Bay Coastal Wetlands, C-111 Spreader Canal, L-8 Flow Equalization Basin, C-44 Reservoir/STA Project, Loxahatchee Impoundment Landscape Assessment, Picayune Strand, WCA3 Decompartmentalization and Sheetflow Equalization, CERP Monitoring and Assessment, Modified Water Deliveries & South Dade C-111 Project, and CERP Data Management.
- The **Coastal Watersheds Program** has obligated 59.4% and expended 17.4% of their total \$21.7 million budget. Principal expenditures include personnel services (\$1.3 million), contractual services (\$2.3 million), and capital outlay (\$85K). Contractual services encumbrances primarily consist of regional projects (\$5.2 million) including: St. Lucie River and Indian River Lagoon Initiatives, NEEP Rio St. Lucie Stormwater Quality Retrofit, Loxahatchee River Preservation Initiative, Lakes Park Restoration, Spanish Creek/Four Corners Initiative, Mirror Lakes/Halfway Pond Rehydration, and Big Cypress Basin Stormwater Projects; remaining contractual encumbrances (\$1.3 million) include: St. Lucie River Watershed WaSh Model Upgrade; St. Lucie and Caloosahatchee River Watersheds nutrient study; water quality monitoring in St. Lucie River, Indian

River Lagoon, and Loxahatchee River; water quality monitoring, modeling, nutrient and hydrological studies for the Florida Bay and Coastal Wetlands Project; Biscayne Bay water quality and submerged aquatic monitoring; Lake Trafford limnological and biological assessment and lake management coordination; public process to develop a restoration vision of the Caloosahatchee River and Estuary; hydro model for Naples and Rookery Bay, Naples Bay salinity data collection, Big Cypress Basin real-time hydrologic monitoring and modeling system, and Collier County water quality monitoring. Capital outlay encumbrances (\$2.6 million) are for the Lake Hicpochee Hydrologic Enhancement project.

- The **District Everglades Program** has obligated 67.0% and expended 14.4% of their total \$104.6 million budget. Principal expenditures include personnel services (\$7.1 million), contractual services (\$1.5 million), operating (\$3.1 million), and capital outlay (\$3.4 million). Contractual services encumbrances (\$3.1 million) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA), L-40 and STA 1E Exterior Levee Certification, STA Structure Inspection Program, Restoration Strategies Science Plan projects and the Everglades Regulation Source Control. Operating encumbrances (\$573K) are in support of the overall operations and the maintenance of vegetation and exotic plant control of the STA's. Capital outlay encumbrances (\$51.4 million) include work on Everglades Agricultural Area A1 Flow Equalization Basin, STA 1W Expansion, Restoration Strategies Science Plan projects and completion of the Compartment B Cell 8 repairs.
- The **Kissimmee Watershed Program** has obligated 56.2% and expended 4.8% of their total \$27.3 million budget. Principal expenditures include personnel services (\$690K), contractual services (\$218K), and operating (\$405K). Contractual services and operating encumbrances (\$569K) primarily consist of Kissimmee River Restoration Evaluation (\$211K), Kissimmee Basin Modeling and Operating System (\$86K), the Oak Creek project (\$58K), Rolling Meadows project (\$6K), hydrologic monitoring (\$168K), and land acquisition related costs and environmental risk assessments (\$40K). Capital outlay encumbrances (\$13.4 million) are primarily for the Kissimmee River Restoration land acquisition cases.
- The **Lake Okeechobee Program** has obligated 55.9% and expended 17.0% of their total \$23.6 million budget. Principal expenditures include personnel services (\$1.5 million), contractual services (\$2.4 million), and operating (\$86K). Contractual services and operating encumbrances (\$9.2 million) primarily consist of Dispersed Water Management and Florida Ranchland Environmental Services Projects (\$8.6 million), computer hardware/software maintenance and support (\$297K), Northshore Navigation Canal project (\$95K), Lake Okeechobee Watershed Pre-Drainage Characterization study (\$76K), Lakeside Ranch project (\$6K), utilities (\$88K), and water quality assessments and reporting (\$31K).

- The **Land Stewardship Program** has obligated 44.7% and expended 21.3% of their total \$20.5 million budget. Principal expenditures include personnel services (\$1.7 million), contractual services (\$1.5 million), operating (\$1.0 million), and capital outlay (\$106K). Contractual services and operating encumbrances (\$4.5 million) include the maintenance of vegetation and exotic plant control, provision of law enforcement services, and management of District owned lands and facilities. Capital outlay encumbrances (\$228K) are for work on the C-139 Annex Mitigation project.
- The **Mission Support Program** has obligated 56.5% and expended 45.7% of their total \$46.3 million budget. Principal expenditures include personnel services (\$8.9 million), contractual services (\$2.6 million), operating (\$9.2 million), and capital (\$231K). Contractual services encumbrances (\$2.5 million) include annual audit, legal and technical support services, IT consulting services, hardware/software, systems maintenance for the fiscal year, and facilities maintenance and repair services. Operating encumbrances (\$1.5 million) include utilities and space rental. Capital outlay encumbrances (\$951K) include design, construction, and inspection work to upgrade the chiller system to provide redundant cooling capacity for the IT data center, located within the Emergency Operations Center and computer hardware components.
- The **Modeling and Science Support Program** has obligated 52.1% and expended 43.7% of their total \$13.0 million budget. Principal expenditures include personnel services (\$4.2 million), contractual services (\$1.1 million), operating (\$316K), and capital outlay (\$115K). Contractual services and operating encumbrances (\$1.1 million) include technical assistance and peer reviews, model maintenance and enhancements, computer hardware/software maintenance and consulting, organic analysis, and sediment/water quality sampling. Capital outlay encumbrances (\$18K) are for field equipment.
- The **Operations and Maintenance Program** has obligated 52.7% and expended 30.8% of their total \$155.2 million budget. Principal expenditures include personnel services (\$21.6 million), contractual services (\$7.4 million), operating (\$11.8 million), and capital outlay (\$7.0 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, Miami B-47 Building Replacement, Diesel Oxidation Catalyst Installation, S-21 Cathodic Protection, C-4 Canal Bank Improvements, S-5A Hardening and Service Bridge Refurbishment, S-235 Automation, C-100A Canal Bank Repairs, BCB Field Station Design/Build, Hillsboro Canal Bank Repairs, North Shore Trash Rake Project, S-13 Repower and Automation, G-94 A-D Refurbishment and Repairs, S-150 Replacement and Automation, G-151 Structure Replacement, Central and Southern Flood Control Structure Inspections, NAVD88 Vertical Datum Upgrades and Operations

Decision Support System software. Operating encumbrances (\$2.0 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 44.4% and expended 40.1% of their total \$23.1 million budget. Principal expenditures include personnel services (\$6.8 million), contractual services (\$784K), operating (\$1.4 million), and capital outlay (\$217K). Contractual services and operating encumbrances (\$892K) include application development, permit scanning contractors/support, computer hardware/software, and advertising services. Capital outlay encumbrances (\$120K) consist primarily of the ePermitting enhancement project which saves time and expenses with online filing/searching of permits.
- The **Water Supply Program** has obligated 54.4% and expended 31.3% of their total \$21.0 million budget. Principal expenditures include personnel services (\$2.2 million), contractual services (\$721K), operating (\$3.6 million), and capital outlay (\$38K). Contractual services and operating encumbrances (\$4.8 million) include the Caloosahatchee Rule Making (\$33K), Central Florida Water Initiative (\$126K), WaterSIP grants (\$250K), Lower Floridan Aquifer (\$48K), interagency agreements for Alternative Water Supply projects (\$811K), Big Cypress Basin (\$3.1 million), Mobile Irrigation Lab (\$41K), hydrologic data gathering and analysis (\$412K), Water Supply Plan implementation (\$25K), and Outreach and Education (\$15K).
- **Debt Service** expenses amount to 70.9% (\$29.8 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.
- **Reserves** of \$60.0 million are designated as economic stabilization reserves, including \$10.0 million for O&M capital projects.

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 Mike Smykowski at (561) 682-6295.

DB/MS
 Attachment

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

For the month ended: February 28, 2014. Percent of fiscal year completed: 42%

SOURCES	ANNUAL BUDGET	ACTUALS		ACTUALS AS A % OF BUDGET
		THROUGH 02/28/2014	VARIANCE (UNDER) / OVER BUDGET	
Ad Valorem Property Taxes	\$ 266,557,178	\$ 237,604,896	\$ (28,952,282)	89.1%
Agricultural Privilege Taxes	11,300,000	11,141,255	(158,745)	98.6%
Intergovernmental - Ad Valorem Funds	9,136,087	3,773,268	(5,362,819)	41.3%
Intergovernmental - Non Ad Valorem Funds	92,026,091	30,701,395	(61,324,696)	33.4%
Intergovernmental Total	101,162,178	34,474,663	(66,687,515)	34.1%
Investment Earnings - Ad Valorem Funds	2,870,000	1,990,073	(879,927)	69.3%
Investment Earnings - Non Ad Valorem Funds	-	599,099	599,099	-
Investment Earnings Total	2,870,000	2,589,173	(280,827)	90.2%
Leases	3,041,656	2,368,606	(673,050)	77.9%
Permit Fees/Miscellaneous Fees	2,110,999	1,578,010	(532,989)	74.8%
Mitigation Fees - Lake Belt & Wetlands	1,801,117	7,879,964	6,078,847	437.5%
Licenses, Permits and Fees Total	3,912,116	9,457,974	5,545,858	241.8%
Other	461,200	1,454,802	993,602	315.4%
Sale of District Property	250,000	262,201	12,201	104.9%
Self Insurance Premiums	28,799,913	11,067,341	(17,732,572)	38.4%
SUB-TOTAL OPERATING REVENUES	418,354,241	310,420,912	(107,933,329)	74.2%
Fund Balance	299,242,283	299,242,283	-	100.0%
TOTAL SOURCES	\$ 717,596,524	\$ 609,663,195	\$ (107,933,329)	85.0%

USES	ANNUAL BUDGET	EXPENDITURES	ENCUMBRANCES ¹	REPORTED	% EXPENDED	% ENCUMBERED	% OBLIGATED ²
				AVAILABLE BUDGET			
CERP	\$ 159,288,068	\$ 38,138,385	\$ 52,318,386	\$ 68,831,297	23.9%	32.8%	56.8%
Coastal Watersheds	21,709,754	3,768,065	9,133,103	8,808,586	17.4%	42.1%	59.4%
District Everglades	104,641,923	15,049,553	55,033,305	34,559,066	14.4%	52.6%	67.0%
Kissimmee Watershed	27,260,316	1,317,101	14,007,140	11,936,075	4.8%	51.4%	56.2%
Lake Okeechobee	23,630,600	4,028,993	9,189,976	10,411,632	17.0%	38.9%	55.9%
Land Stewardship	20,462,970	4,368,438	4,773,697	11,320,836	21.3%	23.3%	44.7%
Mission Support	46,252,450	21,117,672	5,010,000	20,124,778	45.7%	10.8%	56.5%
Modeling & Sci Supp	12,970,475	5,674,441	1,086,500	6,209,534	43.7%	8.4%	52.1%
Ops & Maintenance	155,187,819	47,835,707	33,921,852	73,430,259	30.8%	21.9%	52.7%
Regulation	23,096,971	9,253,883	1,011,798	12,831,291	40.1%	4.4%	44.4%
Water Supply	20,977,261	6,567,913	4,847,598	9,561,749	31.3%	23.1%	54.4%
Debt Service	42,074,439	29,834,800	-	12,239,639	70.9%	0.0%	70.9%
SUB-TOTAL NON-RESERVES USES	657,553,047	186,954,949	190,333,355	280,264,742	28.4%	28.9%	57.4%
Reserves	60,043,477	-	-	60,043,477	0.0%	0.0%	0.0%
TOTAL USES	\$ 717,596,524	\$ 186,954,949	\$ 190,333,355	\$ 340,308,220	26.1%	26.5%	52.6%

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 ended: February 28, 2014. Percent of fiscal year completed: 42%
 (Unaudited)

	CURRENT BUDGET	ACTUALS THROUGH 02/28/2014	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes ¹	\$ 277,857,178	\$ 248,746,151	\$ (29,111,027)	89.52%
Intergovernmental Revenues	101,162,178	34,474,663	(66,687,515)	34.08%
Interest on Invested Funds	2,870,000	2,589,173	(280,827)	90.2%
License and Permit Fees	3,912,116	9,457,974	5,545,858	241.8%
Other ²	32,552,769	15,152,951	(17,399,818)	46.5%
Fund Balance	299,242,283	299,242,283	-	100.0%
Total Sources	\$ 717,596,524	\$ 609,663,195	\$ (107,933,329)	85.0%

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	\$ 52,748,295	\$ 20,016,811	\$ 10,373,777	\$ 22,357,707	37.9%	57.6%
Acquisition, Restoration and Public Works	332,150,968	71,251,198	134,511,454	126,388,316	21.5%	61.9%
Operation and Maintenance of Lands and Works	267,510,166	66,252,275	42,256,817	159,001,074	24.8%	40.6%
Regulation	26,495,292	10,443,613	1,257,872	14,793,807	39.4%	44.2%
Outreach	2,630,816	1,027,095	19,594	1,584,127	39.0%	39.8%
Management and Administration	36,060,988	17,963,957	1,913,841	16,183,189	49.8%	55.1%
Total Uses	\$ 717,596,524	\$ 186,954,949	\$ 190,333,355	\$ 340,308,220	26.1%	52.6%

³ Encumbrances represent unexpended balances of open purchase orders and contracts.

⁴ Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of February 28, 2014, and covers the interim period since the most recent audited financial statements.

South Florida Water Management District

Summary of Uses - Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: February 28, 2014. Percent of fiscal year completed: 42%

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
CERP							
Personnel Services	\$ 6,501,208	\$ 2,098,022		\$ 4,403,186	32.3%	0.0%	32.3%
Contractual Services	19,830,512	5,328,942	8,505,804	5,995,766	26.9%	42.9%	69.8%
Operating	1,336,968	127,123	10,754	1,199,092	9.5%	0.8%	10.3%
Travel	30,380	4,120	772	25,488	13.6%	2.5%	16.1%
Capital Outlay	128,256,031	30,580,178	43,801,056	53,874,798	23.8%	34.2%	58.0%
CERP Indirect	3,332,968	0	0	3,332,968	0.0%	0.0%	0.0%
Total CERP	159,288,068	38,138,385	52,318,386	68,831,297	23.9%	32.8%	56.8%
Coastal Watersheds							
Personnel Services	3,623,674	1,307,639		2,316,035	36.1%	0.0%	36.1%
Contractual Services	10,297,025	2,341,901	6,545,237	1,409,888	22.7%	63.6%	86.3%
Operating	140,305	29,301	1,572	109,432	20.9%	1.1%	22.0%
Travel	26,936	4,063	0	22,873	15.1%	0.0%	15.1%
Capital Outlay	7,621,814	85,161	2,586,295	4,950,358	1.1%	33.9%	35.1%
Total Coastal Watersheds	21,709,754	3,768,065	9,133,103	8,808,586	17.4%	42.1%	59.4%
District Everglades							
Personnel Services	18,274,671	7,060,294		11,214,377	38.6%	0.0%	38.6%
Contractual Services	10,013,269	1,469,822	3,069,421	5,474,026	14.7%	30.7%	45.3%
Operating	9,444,448	3,111,268	572,964	5,760,216	32.9%	6.1%	39.0%
Travel	32,063	4,069	5	27,989	12.7%	0.0%	12.7%
Capital Outlay	66,877,473	3,404,100	51,390,915	12,082,458	5.1%	76.8%	81.9%
Total District Everglades	104,641,923	15,049,553	55,033,305	34,559,066	14.4%	52.6%	67.0%
Kissimmee Watershed							
Personnel Services	2,110,900	689,686		1,421,214	32.7%	0.0%	32.7%
Contractual Services	7,835,667	217,681	558,661	7,059,325	2.8%	7.1%	9.9%
Operating	455,681	404,713	9,850	41,118	88.8%	2.2%	91.0%
Travel	22,405	4,164	0	18,241	18.6%	0.0%	18.6%
Capital Outlay	16,835,662	857	13,438,628	3,396,177	0.0%	79.8%	79.8%
Total Kissimmee Watershed	\$ 27,260,316	\$ 1,317,101	\$ 14,007,140	\$ 11,936,075	4.8%	51.4%	56.2%

Attachment: Summary of Uses of Funds_Feb14 (1849 : Monthly Financial Statement - February 2014)

South Florida Water Management District

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

For the month ended: February 28, 2014. Percent of fiscal year completed: 42%

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Lake Okeechobee							
Personnel Services	\$ 3,955,792	\$ 1,540,550		\$ 2,415,242	38.9%	0.0%	38.9%
Contractual Services	18,370,444	2,401,989	9,093,630	6,874,825	13.1%	49.5%	62.6%
Operating	796,509	86,375	96,346	613,788	10.8%	12.1%	22.9%
Travel	7,856	79	0	7,777	1.0%	0.0%	1.0%
Capital Outlay	500,000	0	0	500,000	0.0%	0.0%	0.0%
Total Lake Okeechobee	23,630,600	4,028,993	9,189,976	10,411,632	17.0%	38.9%	55.9%
Land Stewardship							
Personnel Services	4,121,760	1,682,791		2,438,969	40.8%	0.0%	40.8%
Contractual Services	12,150,627	1,545,629	4,333,754	6,271,244	12.7%	35.7%	48.4%
Operating	2,489,951	1,029,135	211,923	1,248,894	41.3%	8.5%	49.8%
Travel	15,610	4,812	140	10,659	30.8%	0.9%	31.7%
Capital Outlay	1,685,022	106,071	227,880	1,351,071	6.3%	13.5%	19.8%
Total Land Stewardship	20,462,970	4,368,438	4,773,697	11,320,836	21.3%	23.3%	44.7%
Mission Support							
Personnel Services	22,079,771	8,918,771		13,160,999	40.4%	0.0%	40.4%
Contractual Services	8,120,398	2,604,423	2,528,223	2,987,752	32.1%	31.1%	63.2%
Operating	16,859,631	9,229,410	1,512,099	6,118,122	54.7%	9.0%	63.7%
Travel	292,807	133,730	18,363	140,714	45.7%	6.3%	51.9%
Capital Outlay	2,232,811	231,339	951,314	1,050,158	10.4%	42.6%	53.0%
CERP Indirect	(3,332,968)	0	0	(3,332,968)	0.0%	0.0%	0.0%
Total Mission Support	46,252,450	21,117,672	5,010,000	20,124,778	45.7%	10.8%	56.5%
Modeling & Science Support							
Personnel Services	9,464,654	4,152,593		5,312,061	43.9%	0.0%	43.9%
Contractual Services	2,680,531	1,083,732	878,011	718,789	40.4%	32.8%	73.2%
Operating	641,217	316,278	189,572	135,367	49.3%	29.6%	78.9%
Travel	42,818	7,171	631	35,016	16.7%	1.5%	18.2%
Capital Outlay	141,255	114,667	18,286	8,302	81.2%	12.9%	94.1%
Total Modeling & Science Support	\$ 12,970,475	\$ 5,674,441	\$ 1,086,500	\$ 6,209,534	43.7%	8.4%	52.1%

Attachment: Summary of Uses of Funds_Feb14 (1849 : Monthly Financial Statement - February 2014)

South Florida Water Management District

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

For the month ended: February 28, 2014. Percent of fiscal year completed: 42%

	Annual Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
Operations & Maintenance							
Personnel Services	\$ 52,267,676	\$ 21,561,389		\$ 30,706,287	41.3%	0.0%	41.3%
Contractual Services	37,987,301	7,409,249	19,180,118	11,397,935	19.5%	50.5%	70.0%
Operating	31,308,504	11,770,215	2,002,264	17,536,024	37.6%	6.4%	44.0%
Travel	167,173	67,078	19,741	80,354	40.1%	11.8%	51.9%
Capital Outlay	33,457,164	7,027,777	12,719,729	13,709,659	21.0%	38.0%	59.0%
Total Operations & Maintenance	155,187,819	47,835,707	33,921,852	73,430,259	30.8%	21.9%	52.7%
Regulation							
Personnel Services	17,146,052	6,802,997		10,343,055	39.7%	0.0%	39.7%
Contractual Services	1,716,469	783,624	657,440	275,405	45.7%	38.3%	84.0%
Operating	3,869,888	1,443,595	234,210	2,192,083	37.3%	6.1%	43.4%
Travel	27,587	6,646	647	20,294	24.1%	2.3%	26.4%
Capital Outlay	336,975	217,020	119,501	454	64.4%	35.5%	99.9%
Total Regulation	23,096,971	9,253,883	1,011,798	12,831,291	40.1%	4.4%	44.4%
Water Supply							
Personnel Services	5,602,520	2,240,453		3,362,067	40.0%	0.0%	40.0%
Contractual Services	6,216,870	720,777	4,828,079	668,014	11.6%	77.7%	89.3%
Operating	9,111,777	3,567,401	19,519	5,524,857	39.2%	0.2%	39.4%
Travel	8,239	1,428	0	6,811	17.3%	0.0%	17.3%
Capital Outlay	37,855	37,855	0	-	100.0%	0.0%	100.0%
Total Water Supply	20,977,261	6,567,913	4,847,598	9,561,749	31.3%	23.1%	54.4%
Reserves							
Reserves	\$ 60,043,477	-	-	60,043,477	0.00%	0.00%	0.00%
Total Reserves	60,043,477	-	-	60,043,477	0.00%	0.00%	0.00%
Debt Service							
Debt Service	\$ 42,074,439	\$ 29,834,800	-	12,239,639	70.9%	0.0%	70.9%
Total Debt Service	42,074,439	29,834,800	-	12,239,639	70.9%	0.0%	70.9%
Grand Total	\$ 717,596,524	\$ 186,954,949	\$ 190,333,355	\$ 340,308,220	26.1%	26.5%	52.6%

Attachment: Summary of Uses of Funds_Feb14 (1849 : Monthly Financial Statement - February 2014)

TABLE OF CONTENTS
INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM March 1, 2014 TO March 31, 2014

I PERMIT APPLICATIONS	PAGE
BROWARD COUNTY	1
CHARLOTTE COUNTY	2
COLLIER COUNTY	3
GLADES COUNTY	4
HENDRY COUNTY	5
LEE COUNTY	6
MARTIN COUNTY	7
MIAMI-DADE COUNTY	8
MONROE COUNTY	9
ORANGE COUNTY	10
OSCEOLA COUNTY	11
PALM BEACH COUNTY	12

1. DEBUYS PROPERTY
 LENNAR HOMES L L C
 SEC 28 TWP 47S RGE 41E

APPL. NO. 140121-3
 PERMIT NO. 06-06528-W
 ACREAGE: 383.50
 LAND USE: DEWATERING

PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: APRIL 21, 2014

2. FGT MASTER DEWATERING IN BROWARD
 FLORIDA GAS TRANSMISSION L L C
 SEC TWP 51S RGE 42E

APPL. NO. 131028-1
 PERMIT NO. 06-06625-W
 ACREAGE: 10.86
 LAND USE: DEWATERING

PERMIT TYPE: WATER USE MODIFICATION
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: APRIL 30, 2014

3. WESTON ESTATES
 TAVOR HOLDINGS L L C
 SEC 6 TWP 50S RGE 40E

APPL. NO. 121219-1
 PERMIT NO. 06-00067-S-07
 ACREAGE: 116.89
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: MASTER SYSTEM
 LAST DATE FOR AGENCY ACTION: APRIL 8, 2014

1. RAINEY SLOUGH SHELL PIT
VCH CITRUS, LLC
SEC 9,10 TWP 40S RGE 27E

APPL. NO. 120801-10
PERMIT NO. 08-00145-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: APRIL 13, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. PELICAN BAY/MULE PEN WELLFIELDS APPL. NO. 121221-18
 COLLIER COUNTY PUBLIC UTILITIES DIVISION PERMIT NO. 11-00052-W
 SEC 6,19,20,24-25,24-26,30 TWP 48,50S RGE 25,26E ACREAGE: N/A
 LAND USE: PUBLIC WATER SUPPLY

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: WATER TABLE AQUIFER, LOWER TAMIAMI AQUIFER
 ALLOCATION: 277 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: MARCH 19, 2014

2. TALIS PARK APPL. NO. 121009-1
 K E TALIS PARK PROPERTIES L L C PERMIT NO. 11-00151-W
 SEC 7,12 TWP 48S RGE 25,26E ACREAGE: 222.62
 LAND USE: GOLF COURSE

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: WATER TABLE AQUIFER, ON-SITE LAKES, LOWER TAMIAMI AQUIFER
 ALLOCATION: 36.4 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: MARCH 20, 2014

3. TREVISO BAY BASIN B APPL. NO. 140117-10
 LENNAR HOMES L L C PERMIT NO. 11-02324-P
 SEC 30,31 TWP 50S RGE 26E ACREAGE: 122.23
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: TREVISO BAY WEST CANAL AND ONSITE WETLANDS
 LAST DATE FOR AGENCY ACTION: MARCH 18, 2014

4. WINDING CYPRESS APPL. NO. 130904-11
 DIVOSTA HOMES, LP PERMIT NO. 11-02265-W
 SEC 35,2 TWP 50,51S RGE 26,26E ACREAGE: 946.00
 LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: ON-SITE LAKES, CITY OF MARCO ISLAND UTILITIES, LOWER TAMIAMI AQUIFER
 ALLOCATION: 17.95 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: APRIL 14, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. LANGETREE BORROW PIT LANGETREE PROPERTIES, L.L.C. SEC 32 TWP 42S RGE 30E	APPL. NO. 130904-8 PERMIT NO. 22-00344-W ACREAGE: 38.80 LAND USE: DEWATERING
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PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: APRIL 21, 2014

2. WARR FARM WARR FARM L L C SEC 15,22 TWP 42S RGE 32E	APPL. NO. 140103-3 PERMIT NO. 22-00248-W ACREAGE: 244.00 LAND USE: AGRICULTURAL
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PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: SFWMD CANAL (C-43)
 ALLOCATION: 45.21 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: APRIL 3, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. F G C U INNOVATION HUB
JOHN D BACKE
SEC 06 TWP 46S RGE 26E

APPL. NO. 130530-22
PERMIT NO. 36-05188-P
ACREAGE: 29.38
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND
CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: WETLAND PRESERVE
LAST DATE FOR AGENCY ACTION: APRIL 19, 2014

1. HIGHLAND TRAILS
VIRGINIA QAMAR
SEC 14 TWP 39S RGE 38E

APPL. NO. 140204-5
PERMIT NO. 43-01887-P
ACREAGE: 432.25
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
RECEIVING BODY: FOX BROWN ROAD SYSTEM, ALLAPATTAH FLATS
LAST DATE FOR AGENCY ACTION: APRIL 5, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. FLAGLER STATION SECTION 31 & GRAN PARK SECTION 6 APPL. NO. 100607-17
 FLAGLER DEVELOPMENT GROUP PERMIT NO. 13-00244-S
 SEC 6,31 TWP 52,53S RGE 40E ACREAGE: 98.39
 LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: TOTAL ON-SITE RETENTION
 LAST DATE FOR AGENCY ACTION: APRIL 8, 2014

2. GRAND BAY LENNAR APPL. NO. 130312-15
 GRAND BAY AT DORAL CDD PERMIT NO. 13-03178-P-03
 SEC 8 TWP 53S RGE 40E ACREAGE: 163.37
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY:
 LAST DATE FOR AGENCY ACTION: APRIL 11, 2014

3. JESUS SUBDIVISION APPL. NO. 130826-3
 ADRIAN HOMES @ JESUS SUBDIVISION L L C PERMIT NO. 13-05546-P
 SEC 10 TWP 54S RGE 39E ACREAGE: 2.35
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
 RECEIVING BODY: ON-SITE RETENTION
 LAST DATE FOR AGENCY ACTION: APRIL 15, 2014

4. MORE PANAS APPL. NO. 140212-2
 MORE PANAS L L C PERMIT NO. 13-04481-P
 SEC 20 TWP 54S RGE 39E ACREAGE: 10.00
 LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
 RECEIVING BODY: ONSITE RETENTION
 LAST DATE FOR AGENCY ACTION: APRIL 13, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. CUDJOE REGIONAL WASTEWATER COLLECTION SYSTEM WASTE APPL. NO. 131126-2
FLORIDA KEYS AQUADUCT AUTHORITY PERMIT NO. 44-00532-W
SEC 3 TWP 67S RGE 27E ACREAGE: 50.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: MAY 4, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

<p>1. BURGESS SITE MASS GRADING FLAGLER DEVELOPMENT GROUP SEC 4 TWP 24S RGE 29E</p>	<p>APPL. NO. 140217-7 PERMIT NO. 48-00161-S-04 ACREAGE: 21.10 LAND USE: COMMERCIAL</p>
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
 RECEIVING BODY: SHINGLE CREEK
 LAST DATE FOR AGENCY ACTION: APRIL 18, 2014

<p>2. LAKE NONA CENTRAL PARCEL 14 PHASE 1 LAKE NONA LAND COMPANY L L C SEC 24 TWP 24S RGE 30E</p>	<p>APPL. NO. 140217-5 PERMIT NO. 48-00195-S ACREAGE: 29.29 LAND USE: RESIDENTIAL</p>
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
 RECEIVING BODY: BOGGY CREEK
 LAST DATE FOR AGENCY ACTION: APRIL 18, 2014

<p>3. WATER CONSERV II DISTRIBUTION FACILITY CITY OF ORLANDO SEC 5-8,9,16-20,28-33 TWP 23,24S RGE 27E</p>	<p>APPL. NO. 140110-8 PERMIT NO. 48-00261-W ACREAGE: N/A LAND USE: PUBLIC WATER SUPPLY</p>
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PERMIT TYPE: WATER USE RENEWAL
 WATER SOURCE: UPPER FLORIDAN AQUIFER
 ALLOCATION: 192 MILLION GALLONS PER MONTH
 LAST DATE FOR AGENCY ACTION: APRIL 10, 2014

Attachment: IP Issued by ED March 2014 (1858 : Executive Director's Report)

1. BELLALAGO PHASE 8B APPL. NO. 140205-7
 A V HOMES INCORPORATED PERMIT NO. 49-01120-P
 SEC 28,29,32,33 TWP 26S RGE 29E ACREAGE: 74.78
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
 RECEIVING BODY: LAKE TOHOPEKALIGA VIA BELLALAGO MASTER SURFACE WATER MANAGEMENT
 SYSTEM INTERNAL LAKE
 LAST DATE FOR AGENCY ACTION: APRIL 6, 2014

2. HICKORY CREEK APPL. NO. 140217-6
 LAKE LIZZIE HOLDING COMPANY INCORPORATED PERMIT NO. 49-01757-P
 SEC 7 TWP 26S RGE 31E ACREAGE: 13.70
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (PERMIT EXTENSION)
 RECEIVING BODY: ALLIGATOR LAKE
 LAST DATE FOR AGENCY ACTION: APRIL 18, 2014

3. WHALEY'S CREEK APPL. NO. 131113-3
 JEN FLORIDA I V L L C PERMIT NO. 49-02358-P
 SEC 26,35 TWP 26S RGE 30E ACREAGE: 235.95
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION), INCLUDES
 CONSERVATION EASEMENT TO THE DISTRICT)
 RECEIVING BODY: CANOE CREEK ROAD, DEER RUN ROAD & INTERNAL WETLAND TRACTS
 LAST DATE FOR AGENCY ACTION: MARCH 30, 2014

1. ATLANTIC CROSSING APPL. NO. 130920-3
 C D S DELRAY REDEVELOPMENT L L C PERMIT NO. 50-10465-W
 SEC 16 TWP 46S RGE 43E ACREAGE: 1.00
 LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED
 WATER SOURCE: WATER TABLE AQUIFER
 ALLOCATION: NOT REQUIRED
 LAST DATE FOR AGENCY ACTION: APRIL 17, 2014

2. HYDER AGR- P U D APPL. NO. 140107-2
 BOYNTON BEACH ASSOCIATES X X I V L L L P PERMIT NO. 50-07465-P
 SEC 30 TWP 46S RGE 42E ACREAGE: 427.68
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND
 CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: LWDD CANALS
 LAST DATE FOR AGENCY ACTION: APRIL 13, 2014

3. JUNO BAY COLONY MARINA APPL. NO. 131007-12
 JUNO BAY COLONY, LLC PERMIT NO. 50-01406-S-03
 SEC 28,29 TWP 41S RGE 43E ACREAGE: .97
 LAND USE: RESIDENTIAL
 RECREATIONAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION)
 RECEIVING BODY: TIDAL WATERS
 LAST DATE FOR AGENCY ACTION: MARCH 24, 2014

4. THE PRESIDENT COUNTRY CLUB RESORT APPL. NO. 131008-2
 PALM TREE GOLF MANAGEMENT L L C PERMIT NO. 50-07830-P
 SEC 17,18 TWP 43S RGE 43E ACREAGE: 119.20
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL AND
 CONSTRUCTION/OPERATION MODIFICATION)
 RECEIVING BODY: CONGRESS AVENUE CANAL (WPB)
 LAST DATE FOR AGENCY ACTION: MARCH 15, 2014

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