



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

August 9, 2012

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

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

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

1. **Call to Order** - Joe Collins, Chairman, Governing Board
2. **Pledge of Allegiance** - Joe Collins, Chairman, Governing Board
3. **Employee Recognitions** - Presented by Melissa Meeker, Executive Director
 - August 2012 Employee of the Month: Andre Melo, Senior Engineer, Infrastructure Management Bureau, Operations, Maintenance and Construction Division
 - August 2012 Team of the Month: Nutrient Criteria Rule TeamSee supporting document: [Employee recognitions\(1\).pdf](#)
4. **Approval of Minutes**

Approval of the Minutes for the July 12, 2012 Regular Business meeting held in West Palm Beach, Florida.
5. **Agenda Addendum** - Reagan Walker, Director, Office of Governing Board & Executive Services

6. **Abstentions by Board Members from items on the Agenda**
7. **Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair**

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.**

8. **Public Comment on Consent Agenda**
9. **Pull Items for Discussion from Consent Agenda**
10. **Board Comment on Consent Agenda**

Regulatory Matters

11. Consent Orders
Seminole Tribe Work Plans
See supporting document: [ca_reg_rm_100_sd.pdf](#)
12. Right of Way Occupancy New Permits
Right of Way Occupancy Permit Modifications
Right of Way Occupancy Permit Requests with Waiver of District Criteria
Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.
See supporting document: [ca_om_rm_101_sd.pdf](#)
13. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes.

Regulation

14. Enter into an order authorizing temporary withdrawal and use of surface water from the C-51 Canal by the City of West Palm Beach. (Sharon Trost, ext. 6814)
See supporting document: [ca_reg_109_sd.pdf](#)

15. Approve changes to proposed Rule 40E-3.036, F.A.C., to address comments from the Joint Administrative Procedures Committee; incorporating industry publications and guidelines incorporated by reference in Florida Department of Environmental Protection rules governing water well construction requirements and water well contractor educational requirements. (Jennifer Bokankowitz, ext. 2258)
See supporting document: [ca_reg_110_sd.pdf](#)

Executive Office

16. **2012-800** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against the Law Office of Joseph M. Madden, Jr., LLC, (escrow agent), and Joseph M. Madden, Esq., and any other appropriate or necessary parties, in Circuit Court or other appropriate forum, regarding monies payable under an escrow agreement for Wetland Impact Mitigation and Monitoring at property located in Section 29, Township 43 South, Range 23 East, Lee County, Florida. (Ruth Holmes, ext. 6753)
See supporting document: [ca_oc_101_sd.pdf](#)
See resolution document: [ca_oc_101_rd.pdf](#)

Administrative Services

17. **2012-801** A Resolution of the Governing Board of the South Florida Water Management District amending Chapter 155 of the District Policies Code, to reduce the dollar thresholds of actions requiring formal competitive solicitation, combine special procurements and exceptions to competitive requirements into one section, provide a new section titled Emergency Procurement, and reformat throughout for consistency; providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (Dorothy Bradshaw, ext. 2823)
See supporting document: [ca_as_302_sd.pdf](#)
See resolution document: [ca_as_302_rd.pdf](#)
18. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rules 40E-7.670 and 40E-7.672(5) F.A.C., regarding the District's procurement process as it relates to the Small Business Enterprise Rule. (Dorothy Bradshaw, ext. 2823)
See supporting document: [ca_as_301_sd.pdf](#)
19. **2012-802** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY2011-2012 Budget totaling \$137,018 that includes \$16,182 for the cost creditable demolition of the C-43 Basin Storage Reservoir building; \$92,826 for Lakeside Ranch STA sod installation for erosion protection and vegetation removal to comply with USACE permit requirements; \$28,010 for change orders associated with the final close out of Biscayne Bay Coastal Wetlands Deering Estates Flowway Project; providing an effective date. (Mike Smykowski, ext. 6295)
See supporting document: [ca_as_001_sd1.pdf](#)
See supporting document: [ca_as_001_sd.pdf](#)
See resolution document: [ca_as_001_rd.pdf](#)

Operations, Maintenance & Construction

- 20. 2012-803** A Resolution of the Governing Board of the South Florida Water Management District approving release of Board of Education canal reservations located in Highlands County; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_om_205_sd.pdf](#)
See resolution document: [ca_om_205_rd.pdf](#)
- 21. 2012-804** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and conveying land interests containing 0.06 acre, more or less, in fee title, located in Section 3, Township 41 South, Range 42 East, Palm Beach County, C-18 Project; to authorize the donation of said property to Palm Beach County for public access without reservation of rights, pursuant to Section 270.11, Florida Statutes; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_om_200_sd.pdf](#)
See resolution document: [ca_om_200_rd.pdf](#)
See supporting document: [ca_om_200_ExhA_map.pdf](#)
- 22. 2012-805** A Resolution of the Governing Board of the South Florida Water Management District authorizing the settlement of the District's recovery of possession of one occupied structure on District lands located in Osceola County necessary for implementation of the Kissimmee River Restoration and Headwaters Revitalization Project for which ad valorem funds (Capital Projects Okeechobee) are budgeted; approve declaring surplus any structures located on said lands; providing an effective date. (Bob Schaeffer, ext. 2985)
See supporting document: [ca_om_201_sd.pdf](#)
See resolution document: [ca_om_201_rd.pdf](#)
See supporting document: [ca_om_201_ExhA_Map.pdf](#)
- 23. 2012-806** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish District lands, consisting of approximately 1,800 acres located in Polk County, as part of the Kissimmee Chain of Lakes Managed Area for the 2012-13 fall hunting season; subject to terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)
See supporting document: [ca_om_203_sd.pdf](#)
See resolution document: [ca_om_203_rd.pdf](#)
See supporting document: [ca_om_203_ExhA_map.pdf](#)
- 24. 2012-807** A Resolution of the Governing Board of the South Florida Water Management District approving a lease agreement, approving an exception to the lease term and approving a waiver of competition for U.S. Department of Homeland Security, Bureau of Customs and Border Protection as more particularly described herein; providing an effective date. (4600002700) (Jayne Bergstrom, ext. 2672)
See supporting document: [ca_om_204_sd.pdf](#)
See resolution document: [ca_om_204_rd.pdf](#)

See supporting document: [ca_om_204_Waiver of Competition_US Customs.pdf](#)

- 25. 2012-808** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 4600001714 with Florida Power & Light to provide overhead electric distribution for the Compartment C Buildout Pump Station G-537 in an amount not to exceed \$268,694.23 for which Certificates of Participation (COPs) proceeds are budgeted; providing an effective date. (Contract Number 4600001714-A01) (Matthew Alexander, ext. 2580)

See supporting document: [ca_om_104_sd.pdf](#)

See resolution document: [ca_om_rd_19921_BFLD.pdf](#)

- 26. 2012-809** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year contract with two (2) one-year renewal options with Cintas Corporation, for Operations, Maintenance and Construction Uniform Services as a Special Procurement using U.S. Communities Government Purchasing Alliance Contract Number 12-JLH-011C, in an amount not-to-exceed \$605,000, of which ad valorem funds (Okeechobee Basin) in the amount of \$131,440 are proposed in the FY13 budget, with \$473,560 proposed for the FY14-FY17 budgets, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date. (Contract Number 4600002715) (Robbie Speers, ext. 7003)

See supporting document: [ca_om_108_sd.pdf](#)

See resolution document: [ca_om_rd_19939_BFLD.pdf](#)

- 27. Board Vote on Consent Agenda**

- 28. General Public Comment**

Discussion Agenda

29. **Everglades Restoration Strategies** - Melissa Meeker, Executive Director (ext. 6302)
30. **2012-810** A Resolution of the Governing Board of the South Florida Water Management District conceptually approving a proposed land exchange with Palm Beach County in which the South Florida Water Management District will acquire approximately 1,920 acres of land in Palm Beach County, formerly known as the Mecca Farms parcel, in exchange for the South Florida Water Management District conveying to Palm Beach County approximately 1,495 acres in Palm Beach County and paying cash in the amount of \$30,000,000; providing an effective date. (Ernie Barnett, ext. 2110)
See supporting document: [da_epc_100_sd.pdf](#)
See supporting document: [da_epc_100_sd2.pdf](#)
See supporting document: [da_epc_100_sd3.pdf](#)
See resolution document: [da_epc_100_rd.pdf](#)
31. **Governing Board**
Central Everglades Planning Project Update - Tom Teets, Federal Policy Chief, Office of Everglades Policy & Coordination (ext. 6993)
32. **Technical Reports**
A) Water Conditions Report - Tommy Strowd, Division Director, Operations, Maintenance & Construction Division (ext. 6998)
B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
33. **Water Supply Augmentation / Supplemental Environmental Flows Options** - Cal Neidrauer, Chief Engineer, Water Control Operations Bureau, and Susan Gray, Chief Environmental Scientist, Applied Science Bureau (ext. 6506 & 6919)
- Regulation**
34. **2012-811** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a multi-year funding agreement with the United States Department of Agriculture-Natural Resource Conservation Services (USDA-NRCS) for the Allapattah Conservation and Recreation Area Dispersed Water Management Wetland Reserve Project in the St. Lucie River Watershed, in which the USDA-NRCS will provide reimbursement funds in an amount not to exceed \$3,000,000 for the construction of the project components; District funds (prior year ad valorem fund balance) for advanced funding are subject to Governing Board approval of the FY13-FY15 budgets; providing an effective date. (Contract Number 4600002709) (Benita Whalen, ext. 2957)
See supporting document: [da_reg_106_sd_rev.pdf](#)
See resolution document: [da_reg_106_rd_rev.pdf](#)

35. **2012-812** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a multi-year funding agreement with the United States Department of Agriculture-Natural Resources Conservation Services (USDA-NRCS) for the Turnpike Dairy and Williamson Ranch Dispersed Water Management Wetland Reserve Project in the St. Lucie River Watershed, in which the USDA-NRCS will provide reimbursement funds in an amount not to exceed \$700,000 for the construction of the project components; District funds (prior year ad valorem fund balance) for advanced funding are subject to Governing Board approval of the FY13-FY14 budgets; providing an effective date. (Contract 4600002710) (Benita Whalen, ext. 2957)

See supporting document: [ca_reg_107_sd.pdf](#)

See resolution document: [ca_reg_107_rd.pdf](#)

Operations, Maintenance & Construction

36. **2012-813** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year price agreement with two (2) one-year renewal options with BV Oil Company Incorporated, the lowest responsive and responsible bidder for number 2 ultra low sulphur diesel fuel in an amount not to exceed \$225,000 in FY12 (September only), \$2,500,000 for FY13 and \$8,000,000 for all 3 years, for which \$225,000 is budgeted, using ad valorem funds (Okeechobee Basin) and dedicated funds (STA O&M Fund) and the remainder is subject to Governing Board approval of the FY13-FY15 budgets; providing an effective date. (Price Agreement 4600002712) (Butch Dias, ext. 6480)

See supporting document: [da_om_101_sd.pdf](#)

See resolution document: [da_om_rd_19833_BFLD.pdf](#)

37. **2012-814** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Amec Environment & Infrastructure, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13 -FY17 budgets; providing an effective date (Contract Number 4600002702) (Shawn Gao, ext. 2678)

See supporting document: [da_om_102_sd.pdf](#)

See resolution document: [da_om_rd_19880_BFLD.pdf](#)

38. **2012-815** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Dunkelberger Engineering & Testing, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13 -FY17 budgets; providing an effective date (Contract Number 4600002703) (Shawn Gao, ext. 2678)

See supporting document: [da_om_103_sd.pdf](#)

See resolution document: [da_om_rd_19882_BFLD.pdf](#)

- 39. 2012-816** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Gannett Flemming, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002704) (Shawn Gao, ext. 2678)
See supporting document: [da_om_104_sd.pdf](#)
See resolution document: [da_om_rd_19884_BFLD.pdf](#)
- 40. 2012-817** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Nutting Engineers of Florida, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002705) (Shawn Gao, ext. 2678)
See supporting document: [da_om_105_sd.pdf](#)
See resolution document: [da_om_rd_19889_BFLD.pdf](#)
- 41. 2012-818** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Tierra South Florida, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002706) (Shawn Gao, ext. 2678)
See supporting document: [da_om_106_sd.pdf](#)
See resolution document: [da_om_rd_19890_BFLD.pdf](#)
- 42. 2012-819** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Ardaman & Associates, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002707) (Shawn Gao, ext. 2678)
See supporting document: [da_om_107_sd.pdf](#)
See resolution document: [da_om_rd_19906_BFLD.pdf](#)
- 43. General Public Comment**

Public Hearing

Regulation

44. Open Public Hearing

Adopt amendments to Rules 40E-0.102, 40E-0.109, 40E-0.113, 40E-1.021, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-1.711, 40E-1.715, 40E-2.010, 40E-2.011, 40E-2.031, 40E-2.041, 40E-2.091, 40E-2.101, 40E-2.331, 40E-2.341, 40E-2.381, 40E-2.451, 40E-2.501, 40E-5.101, 40E-5.381, 40E-8.011, 40E-8.021, 40E-8.221, 40E-8.321, 40E-8.341, 40E-8.421, 40E-20.010, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.321, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District Basis of Review, to update and correct the District's rules to comply with statutory requirements, in accordance with Section 120.74(1), F.S. Specifically, the amendments: (1) conform rules to statutory amendments; (2) delete references to repealed rules; (3) delete language regarding basin expiration dates since all expiration dates have passed; and (4) correct minor deficiencies in its rules. (Jennifer Bokankowitz, ext. 2258)

Close Public Hearing

See supporting document: [ca_reg_108_sd.pdf](#)

See supporting document: [ca_reg_108_text.pdf](#)

Staff Reports

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

See supporting document: [Monthly Financial Statement Memo June FY12.pdf](#)

See supporting document: [Statement of Sources and Uses of Funds_June FY12.pdf](#)

See supporting document: [Summary Statement of Sources and Uses of Funds June FY12.pdf](#)

- 46. General Counsel's Report** - Carolyn Ansay

- 47. Executive Director's Report** - Melissa Meeker

Report on permits issued by authority delegated to the Executive Director from July 1-31, 2012.

See supporting document: [IP Issued by ED Aug 2012.pdf](#)

- 48. Board Comment**

Attorney Client Sessions

Executive Office

49. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) 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)

50. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in

Florida Wildlife Federation, Inc., et al. v. U.S. Army Corps of Engineers, et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in

Florida Wildlife Federation, Inc., et al. v. U.S. Army Corps of Engineers, et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS. (Carolyn S. Ansay, ext. 6976)

51. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades v. USEPA, 11th Circuit Court of Appeals, Case No. 08-13652.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin, J. Nutt. (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 (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades v. USEPA, 11th Circuit Court of Appeals Case No. 08-13652. (Carolyn S. Ansay, ext. 6976)

Adjournment

Adjourn

1. **Call to Order - Joe Collins, Chairman, Governing Board**

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

3. Employee Recognitions - Presented by Melissa Meeker, Executive Director

- August 2012 Employee of the Month: Andre Melo, Senior Engineer, Infrastructure Management Bureau, Operations, Maintenance and Construction Division

- August 2012 Team of the Month: Nutrient Criteria Rule Team

See supporting document: [Employee recognitions\(1\).pdf](#)

August 2012 Employee of the Month
Andre Melo, Senior Engineer
Infrastructure Management Bureau

Andre identified a significant cost-saving program within the Florida Department of Transportation called the National Bridge Inventory and Inspection Program, which completes inspections of bridges open to the public. This DOT program allows the transfer of 17 of the District's public access bridges, replacing the District's Bridge Inspection Program which will no longer require funding of \$450,000 in FY13.

Additionally, Andre proposed that field station staff, with proper training, could perform the District's Annual Fall Protection Hardware Inspection Program. If performed by consultants, the estimated cost for FY13 was \$100,000 to cover 90 structures, increasing to \$228,200 to inspect 326 structures in future years. Training cost for staff is estimated at approximately \$27,000 and inspections can be performed while field staff conducts periodic maintenance. Overall, Andre's efforts reduced the District's annual inspection program cost by \$651,200 -- funds that can be used for other Capital Program needs.

Andre proposed, investigated and followed through on these initiatives while performing his regular assigned duties. We recognize and appreciate these outstanding efforts. Congratulations, Andre!

August 2012 Team of the Month

The Nutrient Criteria Rule Team

Team Members:

- Susan Martin
- Christopher Madden
- Kevin Carter
- Joyce Rader
- Elizabeth Woods

This team represented the District in helping to defend the Department of Environmental Protection's nutrient criteria rules. DEP proposed new numeric criteria to more effectively regulate nutrients in certain waters and to respond to federal directives. Certain public interest groups challenged the validity of DEP's proposed rule, and also challenged the validity of existing narrative criterion which remains applicable to certain waters. After a full hearing, the Administrative Law Judge upheld the validity of the DEP rules on June 7, 2012.

Nutrients are an important factor in the District's regulatory program to protect water resources. Restoration and operational projects are also subject to these criteria; therefore, it's important that they be reasonable and practical. The District fully participated in the six-day final hearing in Tallahassee. As in any complex litigation, much effort is required for a well-prepared case and the team worked after hours and weekends. As the only water management district intervening in this case, our team's assistance was much appreciated by DEP. Congratulations to all of you!

4. Approval of Minutes

Approval of the Minutes for the July 12, 2012 Regular Business meeting held in West Palm Beach, Florida.

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

6. Abstentions by Board Members from items on the Agenda

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

8. Public Comment on Consent Agenda

9. Pull Items for Discussion from Consent Agenda

10. Board Comment on Consent Agenda

11. Consent Orders

Seminole Tribe Work Plans

See supporting document: [ca_reg_rm_100_sd.pdf](#)

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
August 9, 2012

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

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.

CONSENT ORDERS

1. RESPONDENT: FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT: SR 93 / I-75 ALLIGATOR ALLEY RECREATIONAL FACILITY

SEC 35 TWP 49S RGE 34E COLLIER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO COMPLY WITH BEST
MANAGEMENT PRACTICES RESULTING IN TURBIDITY IN THE OUTSTANDING FLORIDA WATERS

2. RESPONDENT: FLORIDA POWER AND LIGHT
PROJECT: FPL/PELTON

SEC 7,18 TWP 57S RGE 40E MIAMI-DADE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION TO AMEND WORK SCHEDULE OF PREVIOUSLY
APPROVED CONSENT ORDER

3. RESPONDENT: BR OSPREY ACQUISITION, LLC
PROJECT: OSPREY OAKS PUD

SEC 10 TWP 45S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING OFF-SITE DEWATERING IN VIOLATION
OF WATER USE PERMIT 50-09689-W

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE FOURTH AMENDMENT TO THE TWENTY FIFTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BRIGHTON RESERVATION INCLUDE A PROPOSED INSTALLATION OF TWENTY-TWO (22) 4-INCH DRINKING WATER WELLS FOR CATTLE (ESTIMATED DAILY WATER USE 750-1500 GALLONS PER DAY); WORKS IN THE BIG CYPRESS RESERVATION INCLUDE A PROPOSED CONSTRUCTION OF A RECREATIONAL GOLF DRIVING RANGE (APPROXIMATELY 9.7 ACRES THAT INCLUDES GRAVEL PARKING AREAS, ACCESS DRIVEWAY, SERVICE AND MAINTENANCE BUILDING, CONCRETE ACCESS SIDEWALKS AND HANDICAP PARKING AREA)
-

12. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Relaxation of Standards as Allowed Under District Rule 40E-6.011(9)
F.A.C.

See supporting document: [ca_om_rm_101_sd.pdf](#)

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RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL August 9, 2012

PAGES

- I RIGHT OF WAY OCCUPANCY NEW PERMITS:** 2 - 6
Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for approval.
- II RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS:** 7
Governing Board action is required for routine requests which involve a change, addition or deletion to a use of the right of way which was previously permitted. Items are placed on this Consent Agenda when the staff's recommendation is for approval.
- III RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:** 8
Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.
- IV RELAXATION OF STANDARDS AS ALLOWED UNDER DISTRICT RULE 40E-6.011(9) F.A.C.:** 9
Governing Board reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions in Zones 2, 3, 4 and 5 may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

RIGHT OF WAY OCCUPANCY NEW PERMITS

1. PATRICIA A. GARLAND
COUNTY: MIAMI-DADE

Permit Number: 14051
Appl No.: 12-0615-1
Fee

AUTHORIZING:

PROPOSED VEGETABLE GARDENS ENCROACHING 4' (40' FROM TOP OF CANAL BANK) WITH REMOVABLE FENCING AND AN EXISTING NATURAL NATIVE TREE LOCATED WITHIN THE NORTH RIGHT OF WAY OF THE C-100 CANAL AT THE REAR OF 16380 S.W. 84TH PLACE (LOT 14, BLOCK 3, MIRELDA ESTATES).

LAST DATE FOR BOARD ACTION: **September, 2012**

2. AVENUE F PROPERTIES, LLC
COUNTY: OKEECHOBEE

Permit Number: 14034
Appl No.: 12-0613-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5227 SE 64TH AVENUE (LOT 10, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

LAST DATE FOR BOARD ACTION: **August, 2012**

3. JOHN R. AND SANDRA J. JACOBSON
COUNTY: OKEECHOBEE

Permit Number: 14036
Appl No.: 12-0613-3
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5259 SE 64TH AVENUE (LOT 6, BLOCK 31, ANCIENT OAKS RESORT NO. V).

LAST DATE FOR BOARD ACTION: **August, 2012**

4. KENNETH H. CLARK AND KEVIN CLARK
COUNTY: OKEECHOBEE

Permit Number: 14044
Appl No.: 12-0618-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5211 SE 64TH AVENUE (LOT 12, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

LAST DATE FOR BOARD ACTION: **August, 2012**

5. DONALD C. AND ANITA M. ANDERSON
COUNTY: OKEECHOBEE

Permit Number: 14029
Appl No.: 12-0611-4
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5387 SE 64TH AVENUE (LOT 1, BLOCK 6, ANCIENT OAKS RV RESORT NO. 1).

LAST DATE FOR BOARD ACTION: **August, 2012**

RIGHT OF WAY OCCUPANCY NEW PERMITS

6. ROBERT W. AND CAROLYN S. GIBSON
COUNTY: OKEECHOBEE

Permit Number: 14046
Appl No.: 12-0626-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5301 SE 64TH AVENUE (LOT 15, BLOCK 32, ANCIENT OAKS RV RESORT NO IV) SECTION 35, T38, R36, OKEECHOBEE COUNTY.

LAST DATE FOR BOARD ACTION: **August, 2012**

7. CARLOS ROLDOS
COUNTY: BROWARD

Permit Number: 14052
Appl No.: 12-0612-2
Easement

AUTHORIZING:

REPAIR EXISTING SEAWALL AND INSTALLATION OF DOCK ATTACHED TO SEAWALL WITH RIP-RAP LOCATED WITHIN THE NORTH RIGHT OF WAY OF THE DANIA CUT-OFF CANAL AT THE REAR OF 903 NW 7TH STREET. (LOT 4, BLOCK 2, ANDERSONS SUBDIVISION).

LAST DATE FOR BOARD ACTION: **August, 2012**

8. JAMES W. CHRISTOFFERSEN
COUNTY: OKEECHOBEE

Permit Number: 14035
Appl No.: 12-0613-2
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5295 SE 64TH AVENUE (LOT 1, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

LAST DATE FOR BOARD ACTION: **August, 2012**

9. REINHART J. AND SALLY S. PETERSON
COUNTY: OKEECHOBEE

Permit Number: 14037
Appl No.: 12-0604-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5421 SE 64TH AVENUE (LOT 10, BLOCK 6, ANCIENT OAKS RV RESORT NO. 1).

LAST DATE FOR BOARD ACTION: **August, 2012**

10. RAYMOND A. AND SIMONNE A BEAULIEU
COUNTY: OKEECHOBEE

Permit Number: 14038
Appl No.: 12-0614-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5267 SE 64TH AVENUE (LOT 5, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

LAST DATE FOR BOARD ACTION: **August, 2012**

RIGHT OF WAY OCCUPANCY NEW PERMITS

11. MARIE E. DRYMON
COUNTY: OKEECHOBEE

Permit Number: 14039
Appl No.: 12-0605-1
Easement

AUTHORIZING:

EXISTING SCREENED ENCLOSURE, DECK WITH STAIRS, LANDSCAPING AND FENCING; ALSO REPLACE EXISTING BULKHEADS AND INSTALL 85 LINEAR FEET OF NEW BULKHEAD WITHIN THE NORTHEAST RIGHT OF WAY OF L-47 AT THE REAR OF 8090 SE 98TH TRAIL. (LOT 12, PLEASANT VILLAGE WEST FOR MOBILE HOMES DEVELOPMENT). (WITHIN PREVIOUSLY RELAXED AREA).

LAST DATE FOR BOARD ACTION: **August, 2012**

12. FRED AND ANGELA ROGERS
COUNTY: OKEECHOBEE

Permit Number: 14027
Appl No.: 12-0611-2
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5335 SE 64TH AVENUE (LOT 10, BLOCK 32, ANCIENT OAKS RV RESORT NO. IV).

LAST DATE FOR BOARD ACTION: **August, 2012**

13. FRED J. AND ANGELA ROGERS
COUNTY: OKEECHOBEE

Permit Number: 14028
Appl No.: 12-0611-3
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5347 SE 64TH AVENUE (LOT 8, BLOCK 32, ANCIENT OAKS RV RESORT NO. IV).

LAST DATE FOR BOARD ACTION: **August, 2012**

14. PERRY W. AND VICKI GREEN
COUNTY: OKEECHOBEE

Permit Number: 14023
Appl No.: 12-0606-1
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5321 SE 64TH AVENUE (LOT 12, BLOCK 32, ANCIENT OAKS RV RESORT NO. IV).

LAST DATE FOR BOARD ACTION: **August, 2012**

15. CLARISSA AND REDGY HALL
COUNTY: OKEECHOBEE

Permit Number: 14033
Appl No.: 12-0521-1
Fee

AUTHORIZING:

DOCK AND BOAT SLIP WITH EXISTING BOAT RAMP, EXISTING NATURAL NATIVE VEGETATION CONSISTING OF TWO SABLE PALM TREES AND TWO CABBAGE PALMS WITHIN THE NORTH RIGHT OF WAY OF C-38 AT THE REAR OF 14144 S.W. 144TH PARKWAY (LOTS 9 & 10, RIVER OAK ACRES).

LAST DATE FOR BOARD ACTION: **August, 2012**

RIGHT OF WAY OCCUPANCY NEW PERMITS

16. LYDIA S. WASSON
COUNTY: OKEECHOBEE

Permit Number: 14021
Appl No.: 12-0605-5
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5571 SE 64TH AVENUE (LOT 14, BLOCK 32, ANCIENT OAKS RV RESORT NO. IV).

LAST DATE FOR BOARD ACTION: **August, 2012**

17. CLETA G. HUNT
COUNTY: OKEECHOBEE

Permit Number: 14022
Appl No.: 12-0605-7
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5555 SE 64TH AVENUE (LOT 3, BLOCK 6, ANCIENT OAKS RV RESORT NO. 1).

LAST DATE FOR BOARD ACTION: **August, 2012**

18. CLETA G HUNT
COUNTY: OKEECHOBEE

Permit Number: 14020
Appl No.: 12-0605-6
Fee

AUTHORIZING:

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5571 SE 64TH AVENUE (LOT 2, BLOCK 6, ANCIENT OAKS RV RESORT NO. 1).

LAST DATE FOR BOARD ACTION: **August, 2012**

19. ROLANDO A. SILVA
COUNTY: BROWARD

Permit Number: 14074
Appl No.: 12-0614-2
Easement

AUTHORIZING:

EXISTING FENCE ENCLOSURE WITH PLANTS INSIDE FENCE ENCROACHING 40' (43' FROM TOP OF CANAL BANK) WITHIN THE EAST RIGHT OF WAY OF C-42 LOCATED AT THE REAR OF 3740 NW 113TH AVENUE (LOT 67 OF SUNRISE GOLF VILLAGE, SECTION 24).

LAST DATE FOR BOARD ACTION: **August, 2012**

20. CHARLOTTE BARTLEY
COUNTY: BROWARD

Permit Number: 14061
Appl No.: 11-0809-1
Easement

AUTHORIZING:

FENCE ENCLOSURE WITH LANDSCAPING AND SHED INSIDE THE FENCING ENCROACHING 18' (42' FROM THE TOP OF THE CANAL BANK) WITHIN THE NORTH RIGHT OF WAY OF THE HILLSBORO CANAL AT THE REAR OF 210 NW 7TH COURT. (LOT 10, COLLEGE PARK ESTATES).

LAST DATE FOR BOARD ACTION: **September, 2012**

RIGHT OF WAY OCCUPANCY NEW PERMITS

21. LEWIS AND DEBBIE PERRY
COUNTY: BROWARD

Permit Number: 14053
Appl No.: 12-0118-2
Fee

AUTHORIZING:

EXISTING DOCK WITH ELECTRICAL SERVICE ATTACHED TO SEAWALL AND REPAIR OF EXISTING SEAWALL LOCATED WITHIN THE NORTH RIGHT OF WAY OF C-14 AT THE REAR OF 1230 SE 3RD TERRACE. (LOT 14, BLOCK 9, CYPRESS HARBOR 1ST SECTION).

LAST DATE FOR BOARD ACTION: **August, 2011**

RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. DERWIN STODDARD
COUNTY BROWARD

Permit Number: 8579
Appl No.: 12-0618-2
Fee

AUTHORIZING:

EXISTING FENCE ENCLOSURE ENCROACHING 77 FEET (42 FEET FROM TOP OF CANAL BANK) LOCATED WITHIN THE NORTH RIGHT OF WAY OF C-13 AT THE REAR OF 3360 NW 39TH STREET. (LOT 11, BLOCK 29, ORIOLE ESTATES SECTION 7).

LAST DATE FOR BOARD ACTION: **September, 2012**

2. BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY BROWARD

Permit Number: 13793
Appl No.: 11-0721-1M
Easement

AUTHORIZING:

LANDSCAPING CONSISTING OF NATIVE TREES ALONG EXISTING, PREVIOUSLY-AUTHORIZED GREENWAY WITHIN THE NORTH RIGHT OF WAY OF THE NORTH NEW RIVER CANAL BEGINNING AT NW 136TH STREET AND RUNNING WESTERLY TO MARKHAM PARK (APPROXIMATELY 1 MILE).

LAST DATE FOR BOARD ACTION: **September, 2012**

3. JOSE SAAL
COUNTY MIAMI-DADE

Permit Number: 14045
Appl No.: 12-0618-3A
Easement

AUTHORIZING:

EXISTING SEAWALL WITHIN THE SOUTH RIGHT OF WAY OF C-9 AT THE REAR OF 3343 N.E. 171ST STREET (LOT 15, BLOCK 12, EASTERN SHORES FIRST ADDITION).

LAST DATE FOR BOARD ACTION: **September, 2012**

RIGHT OF WAY OCCUPANCY REQUESTS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by **Toras Chaim Development Corporation** on behalf of the **Toras Emes Academy of Miami, Inc.**, (Application Number 12-0628-3, Permit Number 14058) for issuance of a Right of Way Occupancy Permit to allow a concrete walkway and portion of a basketball court to remain and Waiver of the District's criteria to allow existing fencing at the top of canal bank and existing trees, concrete pad with dumpster, irrigation pump, asphalt paving with minimal, temporary parking and a wrought iron gate with bollards to remain within the north right of way of C-9 at 1025 NE Miami Gardens Drive, North Miami Beach. Location: Miami-Dade County, Sections 5 and 6, Township 52 South, Range 42 East.

The applicant's request for waiver of the District's criteria, which governs the placement of above-ground permanent and/or semi-permanent facilities within 40' of the top of canal bank within Works or Lands of the District, is based on "substantial hardship".

The applicant states that all of the encroachments, except for the latest existing fence configuration, have existed prior to 1980 and were previously-authorized to the prior property owner. The applicant asserts that a Homeland Security Grant was obtained for the existing fencing and the Grant stipulates where the fence must be placed; without the fencing, neither the students nor the school grounds would be protected. All of the other existing facilities have existed for years, are needed for on-going school operation and do not interfere with the District's operations and maintenance activities. The applicant has been in communication with the District's Miami Field Station and has removed those existing encroachments which would interfere with the District's access. In addition, the applicant will be responsible for the maintenance of the District's right of way adjacent to the Academy; has provided liability coverage and if ever necessary will allow the District vehicular access to the C-9.

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

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 38, Number 29* of the *Florida Administrative Weekly* on *July 20, 2012*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 14058 and **approval** of the Petition for Waiver of the District's criteria which governs temporary parking and the placement of above-ground permanent and/or semi-permanent facilities within 40' of the top of canal bank within Works or Lands of the District.

(Fee & Easement)

8.

RELAXATION OF STANDARDS ALLOWED UNDER DISTRICT RULE 40E-6.011(9), F.A.C.

1. It is the recommendation of the staff of the Operations, Maintenance and Construction Division that the Governing Board relax, for future Right of Way Permit Applications, the District's criteria governing the minimum low member elevation for pile-supported docking facilities located within the north and south rights of way of C-24, located downstream of the District's S-49 Water Control Structure located in St. Lucie County.

Staff's recommendation to relax the low member elevation requirement is based on the following:

This reach of the C-24 is downstream of the coastal Water Control Structure S-49;

The Field Station performs no maintenance downstream of District Water Control Structure S-49;

All pile-supported docking facilities must have a minimum low member elevation of 1.5' MSL/NGVD.

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

14. Enter into an order authorizing temporary withdrawal and use of surface water from the C-51 Canal by the City of West Palm Beach. (Sharon Trost, ext. 6814)
See supporting document: [ca_reg_109_sd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Regulation Division Director

DATE: July 25, 2012

SUBJECT: Enter into an order authorizing the temporary withdrawal and use of surface water from the C-51 Canal by the City of West Palm Beach

Background

The City of West Palm Beach ("West Palm Beach") owns and operates a public water supply utility, located in Palm Beach County. West Palm Beach is authorized, under Water Use Permit No. 50-00615-W ("Permit"), to withdraw water from the Surficial and Floridan aquifers and Clear Lake.

On June 16, 2010, the South Florida Water Management District (District) issued an order authorizing West Palm Beach for one year to intercept and store water from the C-51 Canal when S-155 is releasing water to tide. The intercepted water is treated and then discharged to Clear Lake. On July 14, 2011, the District issued an order renewing the authorization in order to supplement and extend West Palm Beach's remaining supplies in Clear Lake. The authorization to withdraw C-51 Canal water expired on July 14, 2012, with a provision to grant an extension.

On March 23, 2012, West Palm Beach submitted the application to modify its permit. The application included a request to authorize long-term withdrawals from the C-51 Canal. Additional analysis is necessary to determine the amount of water available from the C-51 Canal and whether such withdrawal meets the conditions for issuance enumerated in Rule 40E-2.301, Florida Administrative Code.

On July 12, 2012, West Palm Beach transmitted correspondence to the District requesting a 1-year extension of the authorization to withdraw and use C-51 Canal water. To date, the District has not received complaints related to West Palm Beach's operations from existing legal users of the C-51 Canal or offsite land uses surrounding the C-51 Canal. District staff believes the issuance of an order extending the authorization to withdraw water from the C-51 Canal is warranted to analyze the availability of this source to meet West Palm Beach's long term water needs, bolster West Palm Beach's supply during the dry season, and prevent the discharge of excess water to tide.

How this helps meet the District's 10-year Strategic Plan: The District is authorized to allow for the interception and storage of water that is otherwise discharged to tide consistent with achieving District missions, including natural systems protection and restoration, and will assist the District in meeting its objective to provide water storage.

Funding Source: There are no funding needs associated with the proposed order.

Governing Board Members
July 25, 2012
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This Board item impacts what areas of the District, both resource areas and geography:
This project is located within the C-51/Water Conservation Area No. 1 Water Use Basin. The item affects the surface water within the Basin.

What concerns could this Board item raise?
None

Why should the Governing Board approve this item?
West Palm Beach will withdraw water from the C-51 Canal when S-155 is discharging or about to discharge. West Palm Beach will help reduce the amount of water discharged to tide while bolstering its water supplies in Clear Lake. In the event the District experiences a drier than normal wet season, West Palm Beach should be better positioned to avoid the more restrictive water use limitations necessitated during previous water shortages.

If you have any questions, please do not hesitate to call me at extension 6814.

ST/jdb

15. Approve changes to proposed Rule 40E-3.036, F.A.C., to address comments from the Joint Administrative Procedures Committee; incorporating industry publications and guidelines incorporated by reference in Florida Department of Environmental Protection rules governing water well construction requirements and water well contractor educational requirements. (Jennifer Bokankowitz, ext. 2258)

See supporting document: [ca_reg_110_sd.pdf](#)

M E M O R A N D U M

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: August 1, 2012

SUBJECT: Approve changes to proposed Rule 40E-3.036, F.A.C., to address comments from the Joint Administrative Procedures Committee received after the public hearing, incorporating industry publications and guidelines incorporated by reference in Florida Department of Environmental Protection's rules governing water well construction requirements and water well contractor educational requirements.

Recommendation

Staff recommends approval of changes to Rule 40E-3.036, F.A.C., based on comments from JAPC that were received after the public hearing to incorporate the Florida Department of Environmental Protection's (FDEP) Manual for Coursework and Continuing Education for Water Well Contractors as well as various other industry technical publications and guidelines that are incorporated by reference in FDEP rules.

Background

The South Florida Water Management District (District) has been delegated responsibility for implementing the water well permitting and water well contractor licensing programs set forth in Part III, Chapter 373, F.S. However, the Florida Department of Environmental Protection (FDEP) prescribes the application process and qualifications for water well contractor licensure. Pursuant to Section 373.337, F.S., the District must adopt these licensure requirements.

In October 2010, the FDEP amended several rules, changing various construction standards and forms. The amendments adopted various industry standards and incorporated technical publications describing those standards. The Manual for Coursework and Continuing Education for Water Well Contractors was not one of the revised forms, criteria, or documents. FDEP, the water well contractor industry, and the water management districts continue the process of updating various rules and guidelines, including the Manual for Coursework. Additionally, the technical publications describing the industry standards are not available on the identified entity's website and must be individually purchased.

The District received comments back from the Joint Administrative Procedure Committee (JAPC) stating that the Manual for Coursework needed to be incorporated by reference in Rule 40E-3.036, F.A.C., and that the Manual appeared to modify the water well contractor licensing requirements set forth in the statutes. The District responded that the FDEP was responsible for setting the criteria and the District was obligated to adopt it. The District

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also informed the JAPC that it would recommend to the FDEP that the issue be addressed during the Consumptive Use Permitting consistency (CUPcon) rulemaking effort. JAPC verbally stated that such a response would be sufficient to satisfy its comment. However, the JAPC subsequently informed the District that waiting for CUPcon rulemaking to address the issue would not be sufficient and that the manual and industry standards should be incorporated during this rulemaking effort.

This rulemaking effort was included in the Annual Regulatory Plan submitted to OFARR. The adoption and incorporation of the rules and forms will ensure consistency between the FDEP, the District, and the local agencies to which the District has delegated implementation of the water well permitting program.

Staff Contact: Jennifer Bokankowitz, Esq., Office of Counsel; Phone (561) 682-2258

- 16. 2012-800** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against the Law Office of Joseph M. Madden, Jr., LLC, (escrow agent), and Joseph M. Madden, Esq., and any other appropriate or necessary parties, in Circuit Court or other appropriate forum, regarding monies payable under an escrow agreement for Wetland Impact Mitigation and Monitoring at property located in Section 29, Township 43 South, Range 23 East, Lee County, Florida. (Ruth Holmes, ext. 6753)

See supporting document: [ca_oc_101_sd.pdf](#)

See resolution document: [ca_oc_101_rd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: July 25, 2012

SUBJECT: Action Required
Authorization to file suit against
The Law Office of Joseph M. Madden, Jr., LLC, as Escrow Agent, Joseph M. Madden, Esq., all other appropriate parties –
Collect on monies due and payable under Escrow Agreement for permittee's default on wetland impact mitigation on property located at Section 29, Township 43 South, Range 23 East, Lee County, Florida ("Property").

Background

This memorandum concerns a request to enforce the terms and collect monies due and payable under an Escrow Agreement provided as financial assurances for North Oaks V, LLC's ("Permittee") wetland impact mitigation requirements for Environmental Resource Permit 36-04189-P ("Permit").

The Permit was originally issued to Deep South Mining, Inc. on May 9, 2002. It was then transferred to North Oaks V, LLC on October 15, 2004 and modified on August 9, 2006. Under the Permit, the Permittee was required to complete wetland impact mitigation and monitoring and to provide financial assurance that the mitigation and monitoring would occur and meet the success criteria should the Permittee failed to comply with the mitigation requirements. The financial assurance was provided through an Escrow Agreement, dated September 9, 2009, in the amount of \$105,000.00. The District is the sole beneficiary of the monies payable under the Escrow Agreement. The Law Office of Joseph M. Madden, Jr, LLC, is the escrow agent and by law has a fiduciary duty to the beneficiary. Joseph M. Madden is the sole member of the Madden Law Firm, LLC, f/k/a the Law Office of Joseph M. Madden, Jr., LLC.

On November 24, 2010, the District issued a Notice of Violation to the Permittee for failure to perform wetland impact mitigation and associated monitoring. Permittee did not comply with the Notice. The District followed that Notice with a Request for Response, dated February 22, 2011. On June 15, 2011, the mortgagor, Iberia Bank, foreclosed on the property subject to the Permit. On April 13, 2011, the District issued its Notice of Default and request to draw upon the monies payable under the Escrow Agreement. District staff made additional attempts to amicably draw upon the escrowed monies. The Escrow Agent disregarded the requests. On July 23, 2012, the District

issued its demand letter for the entirety of the amount held in escrow. By letter dated July 24, 2012, the Escrow Agent asked that the amount payable be lowered with no legal basis warranting that request.

How this helps meet the District's 10 year Strategic Plan

This effort directly supports the District's water supply mission.

Funding Source

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

This Board item impacts what areas of the District, both resource areas and geography?

The subject property is located in Lee County and the Permittee's actions have adversely impacted wetlands on the property and the Escrow Agent has not complied with the terms of the Escrow Agreement.

What concerns could this Board item raise?

If this matter is not resolved, the Permit non-compliance and unauthorized wetland impacts could continue.

Why should the Governing Board approve this item?

The Governing Board should approve this item to remedy the Permittee's Permit non-compliance and unauthorized impacts to wetlands, and to take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

CSA/RAH

1 **WHEREAS**, numerous unsuccessful attempts have been made by District staff to
2 resolve the Permittee's non-compliance with the Permit;

3 **WHEREAS**, District staff then attempted to draw upon the monies in Escrow held by
4 the Escrow Agent in order to ensure that the wetland impact mitigation and monitoring
5 could be performed; and

6 **WHEREAS**, the Escrow Agent rejected the District's requests, **now therefore**

7

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

10 **Section 1** The Governing Board of the South Florida Water Management District
11 hereby authorizes District staff to file suit, pursue any appropriate damages or remedies,
12 and take all appropriate action, including the authority to settle the matter, subject to the
13 approval of the Executive Director, against The Law Office of Joseph M. Madden, Jr., LLC,
14 and Joseph M. Madden, Esq., and any other appropriate or necessary parties, in the Lee
15 County Circuit Court or other appropriate forum, regarding monies payable under an
16 Escrow Agreement for mitigation and monitoring on property located in Section 29,
17 Township 43 South, Range 23 East, Lee County Florida.

18

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

20

21 **PASSED** and **ADOPTED** this ___ day of _____, 2012.

22

23 Approved as to form:

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

24

25

26 BY: _____
27 Office of Counsel

Chairperson

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ATTEST:

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District Clerk

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17. **2012-801** A Resolution of the Governing Board of the South Florida Water Management District amending Chapter 155 of the District Policies Code, to reduce the dollar thresholds of actions requiring formal competitive solicitation, combine special procurements and exceptions to competitive requirements into one section, provide a new section titled Emergency Procurement, and reformat throughout for consistency; providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (Dorothy Bradshaw, ext. 2823)

See supporting document: [ca_as_302_sd.pdf](#)

See resolution document: [ca_as_302_rd.pdf](#)

MEMORANDUM

TO: Governing Board Members
FROM: Douglas Bergstrom, Director, Administrative Services Division
DATE: August 9, 2012
SUBJECT: Procurement Policy Revisions

Background:

As part of consistency efforts, staff has reviewed and compared competition thresholds across water management districts. As a result, staff is proposing to lower some of the competition thresholds. In addition, a number of changes have been identified to eliminate redundancy, and refine or clarify language for exceptions to competitive solicitation.

Overview of Policy Changes:

The formatting of the policy is inconsistent with some sections using alphabetical identifiers and others using numbers to identify each item. All sections will be identically numbered in the revised Policy. Two items will be moved from Section 5 to other sections of the policy where they more appropriately belong. Two methods of procurement will be added to the list: Requests for Information and Requests for Qualifications, both the first step in a two step solicitation process.

Sections 6 and 7 will be merged to provide a single, comprehensive list of exceptions to competitive solicitation. Two items are proposed to be added: renewal of maintenance and licensing for proprietary computer software; and services from universities for research, study or training unless more than one institution can provide comparable services.

The competitive dollar thresholds for commodities and contractual services procurements will be revised to establish more consistency among the larger water management districts. The dollar thresholds will be: \$0 to \$10,000 No competition required; > \$10,000 to \$50,000 Verbal Quotes required; > \$50,000 to \$100,000 written quotes required; and for actions more than \$100,000 formal competition required, a reduction from the previous \$150,000 threshold.

The title of Section 7 will be changed to create a separate Emergency Procurement section.

How this helps meet the District's 10-year Strategic Plan:

The change in thresholds is consistent with current procurement practice in that sourcing is occurring well below current thresholds.

Funding Source: Not applicable. There is no cost for these policy changes.

This Board item impacts what areas of the District, both resource areas and geography:

These policy changes will impact all sections of the District.

What concerns could this Board item raise?

If not approved, the District's thresholds will remain higher than other water management districts. Other changes are minor in nature.

Why should the Governing Board approve this item?

The changes add efficiencies, consistency and clarification.

If you have any questions, please do not hesitate to call me at extension 6214.
DLB/dml

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2
3 **RESOLUTION NO. 2012-**

4
5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
6 **MANAGEMENT DISTRICT AMENDING CHAPTER 155 OF THE DISTRICT POLICIES**
7 **CODE, TO REDUCE THE DOLLAR THRESHOLDS OF ACTIONS REQUIRING**
8 **FORMAL COMPETITIVE SOLICITATION, COMBINE SPECIAL PROCUREMENTS**
9 **AND EXCEPTIONS TO COMPETITIVE REQUIREMENTS INTO ONE SECTION,**
10 **PROVIDE A NEW SECTION TITLED EMERGENCY PROCUREMENT, AND**
11 **REFORMAT THROUGHOUT FOR CONSISTENCY; PROVIDING FOR INCLUSION IN**
12 **THE DISTRICT POLICIES CODE; PROVIDING FOR SEVERABILITY; PROVIDING**
13 **AN EFFECTIVE DATE. (DOROTHY BRADSHAW, EXT. 2823)**

14
15 **WHEREAS** the Governing Board of the South Florida Water Management
16 District has determined that it is necessary, appropriate and in the public interest to
17 make certain revisions to the District’s procurement policies to reduce the dollar
18 thresholds of actions requiring formal competitive solicitation, combine special
19 procurements and exceptions to competitive requirements into one section, provide a
20 new section titled emergency procurement, revise the transactions identified as
21 requiring governing board approval, and reformat for consistency; now therefore

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

24 **Section 1.** The Governing Board adopts the following amendments to Section 155 of
25 the District Policies Code:

26 **CHAPTER 155 PROCUREMENT AND CONTRACTING**

27 Chapter 155 PROCUREMENT AND CONTRACTING*

- 28
29 Sec. 155-1. Scope.
30 Sec. 155-2. Purpose.
31 Sec. 155-3. Effective Date.
32 Sec. 155-4. Statements of Policy.
33 Sec. 155-5. Competitive Procurements Methods.
34 Sec. 155-6. Exceptions to Competitive ~~Procurements~~ Solicitations.
35 Sec. 155-7. ~~Special~~ Emergency Procurements.
36 Sec. 155-8. Transactions Requiring Governing Board Approval.

38 Sec. 155-1. Scope.

39 The scope of this policy and the supporting documents listed in this section shall apply to all
40 District purchasing and contracting activities authorized by the Governing Board. Purchasing and
41 contracting activities not covered by this policy are listed below:

42 (1) Transactions involving real estate interests governed by Sections 373.089 and 373.139,
43 Florida Statutes, and/or by Chapters 40E-7 and 40E-9, Florida Administrative Code.

44 (2) Reimbursement for purchases of selected small items, which are covered under the Petty
45 Cash Policy and Disbursement Policy, Chapter 210, *Finance*, District Policies and Procedures
46 Code.

47 (3) Regulated item purchases, which are covered under the Disbursement Policy, Chapter 210,
48 *Finance*, District Policies and Procedures Code.

49 (4) Disposal of surplus property, which is governed by Chapter 274, Florida Statutes and the
50 Fixed Assets Policy, Chapter 210, *Finance*, District Policies and Procedures Code.

51 (5) Transactions involving Procurement Card purchases, which are covered under Chapter 255,
52 Procurement and Contracting, District Policies and Procedures Code.

53 (6) Travel Services, which are covered under Chapter 101, District Policies and Procedures
54 Code.

55 (7) Leases of District land shall be administered ~~as in accordance with the procedures~~ set forth
56 under Chapter 140, District Policies and Procedures Code.

57 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

58
59 Sec. 155-2. Purpose.

60 (a1) The purpose of this policy is to provide an efficient, effective, economical and equitable
61 means of procuring needed commodities, equipment and services.

62 (b2) This policy incorporates the provisions of Chapter 40E-7, Florida Administrative Code,
63 and the provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation
64 Act (CCNA).

65 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

66
67 Sec. 155-3. Effective Date.

68 (a) ~~This policy, as revised, is effective on October 15, 2004.~~

69 (b1) All transactions not initiated as of the effective date shall be subject to the provisions of
70 this revised policy for the entire process of competition (as applicable), transaction authority and
71 execution authority.

72 ~~(c) Transactions already in process as of the effective date shall be subject to the provisions of~~
73 ~~this revised policy only for those transaction phases (competition, transaction authority and~~
74 ~~execution authority) which have not yet commenced. Phases, which have already commenced as~~
75 ~~of the effective date of this policy, shall be subject to the provisions of the policy in effect at the~~
76 ~~time of phase commencement.~~

77 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-
78 2006)

79
80 Sec. 155-4. Statements of Policy.

81 The following policy statements govern the procurement of all commodities, equipment and
82 services by the District:

83 (1) The District embraces diversity and is committed to ensuring that the District's vendors
84 reflect the full diversity of the communities we serve.

85 (2) The District shall follow generally accepted public procurement practices, and to the extent
86 practicable and applicable, implement the legislative intent of Section 287.001, Florida Statutes.

87 (3) The District shall conduct contract negotiations in a manner that ensures that the District

88 receives fair value for its money, and that vendors and contractors receive fair compensation for
89 their commodities, equipment and services.

90 (4) The District shall actively encourage the participation of certified Small Business
91 Enterprises in the procurement process in accordance with Chapter 40E-7, Part VI, Florida
92 Administrative Code, the "Small Business Enterprise Contracting Rule." The purpose of the
93 program is to spur economic development and support small businesses, including women-
94 owned and minority-owned businesses to successfully encourage expansion in the marketplace.

95 (5) District employees shall refrain from making representations or entering into any oral
96 agreements unless they have delegated procurement authority.

97 (6) District employees shall neither solicit nor accept privileges, benefits, gifts or exemptions
98 for themselves or for others and shall adhere to the Code of Ethics for Public Officers and
99 Employees Part III, Chapter 112, Florida Statutes.

100 (7) District solicitations are valid as the basis of a contract for a period of one year from the
101 date of solicitation opening. ~~After this period, new solicitations for the same commodities,~~
102 ~~equipment or services must be issued.~~

103 (8) The dollar amount required for the procurement of particular commodities, equipment or
104 services from one source shall not be intentionally divided among two or more procurements as a
105 means of avoiding competition requirements.

106 (9) Pursuant to Rule 40E-7, Part II, Florida Administrative Code., the District's Governing
107 Board may temporarily or permanently suspend contractors from doing business with the District
108 whenever a contractor materially breaches its contract with the District.

109 (10) The District may utilize the Design-Build method of procurement for construction. The
110 process for selecting the design-build firm shall, at a minimum, include the components listed in
111 Section 287.055, F.S.

112 (11) Professional services are subject to the requirements of the Consultants' Competitive
113 Negotiation Act (CCNA), Section 287.055, Florida Statutes. These requirements involve the
114 services of architects, professional engineers, landscape architects and registered land surveyors
115 and mappers. Threshold amounts are set under Section 287.017, Florida Statutes, and are subject
116 to revision. The District will adhere to any revised threshold amounts.

117 Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006;
118 Res. No. 2007-327, § 1, 3-15-2007)

119

120 Sec. 155-5. Competitive Procurement-Methods.

121 ~~(a)~~ The following competition ~~methods and thresholds standards~~ govern District procurements
122 and shall be ~~implemented made~~ according to procedures outlined in the Procurement Procedure
123 Manual. Note that all dollar thresholds refer to the "total procurement amount," which is defined
124 as the full amount of the individual transaction regardless of the cost of each item procured.

125

126

Competition Methods

127

128 (1) Verbal or Written Requests for Quote

129 (2) Requests for Bids

130 (3) Requests for Proposals

131 (a) Design-Build

132 (4) Request for Information or Request for Qualifications

133

134

Competition Thresholds

135

Commodities and Contractual Services

136

<i>No Competition Required</i>	<i>Verbal Quotes</i>	<i>Written Quotes (RFQ) Min. of 3 Required</i>	<i>Formal Competition</i>
< or = \$50,000.00 <u>\$10,000</u>	> <u>\$10,000 to \$50,000</u>	> \$50,000.00 to \$150,000.00 > <u>\$50,000 to \$100,000</u>	> \$150,000.00 > <u>\$100,000</u>

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Construction Procurements

<i>No Competition Required</i>	<i>Written Quotes (RFQ) Min. of 3 Required</i>	<i>Formal Competition</i>
< or = \$50,000.00 Verbal Quotes Highly Desirable	> \$50,000.00 to \$200,000.00	> \$200,000.00

140 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006;
141 Res. No. 2007-327, § 1, 3-15-2007)

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Sec. 155-6. Exceptions to Competitive Procurements-Solicitation.

Circumstances that permit noncompetitive procurement may include but are not limited to:

The following services or commodities are not subject to competitive solicitation as set forth in Chapter 287.057, Florida Statutes, and District policy: (1) Contractual Services or commodities needed for:

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- a. (1) Artistic services;
- b. (2) Lectures by individuals;
- e. (3) Auditing services;
- e. (4) Legal services, including attorney, paralegal, expert witness, appraisal, court reporting, mediator, arbitrator, or dispute resolution services;
- (5) Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration;
- (6) Services or commodities provided between government agencies;
- (7) Commodities or contractual services available only from a single source (*must follow District Procurement Procedures for sole source procurements and waivers of competition*);
- (8) Commodities and contractual services from purchasing agreements/contracts established by other government agencies, if that contract was based on a competitive proposals, bid or quote and form state term contracts procured by the Department of Management Services, pursuant to Section 187.057, Florida Statutes;. This method of procurement is not subject to protest under 120.57(3), Florida Statutes;
- (9) If less than two responsive bids, proposals, or replies for commodity or contractual services purchasing are received, the District may negotiate on the best terms and conditions. The District shall document the reasons that such action is in the best interest of the District in lieu of re-soliciting competitive sealed bids, proposals or replies;
- (10) Office space leases less than 5,000 square feet in privately owned buildings for District purposes;
- (11) Away-from-base or unscheduled or emergency aircraft services/repairs in order to keep the aircraft airworthy and operational (*pilot to use most practicable local procurement*);
- (12) Licensing, warranty, compatibility requirements that limit the selection to the manufacturer, including purchases of parts, repairs, or maintenance services for field equipment from the original equipment manufacturer, seller, or authorized repair facility (e.g. pumps generators, and specialized field equipment);

- 175 (13) Insurance in abnormal market conditions (*determined by Executive Director*);
176 (14) Services or commodities required from entities which are prohibited from competing by
177 law (e.g., utilities);
178 (15) Services or commodities where the state or federal law prescribes with whom the agency
179 must contract or if the rate of payment is established funding in the appropriations process;
180 (16) Renewals for maintenance and licensing of proprietary computer software;
181 (17) Services from Universities and colleges, including community colleges, for research,
182 studies or training, unless more than one institution can provide comparable products or services.
183

184 Sec. 155-7 Emergency Procurement

185 Under *emergency* circumstances, an agreement may be executed without competitive selection
186 as follows:

187 a. (1) if the Executive Director or the Executive Director's delegate determines that the
188 procurement of services without competition is necessitated in order to respond to an immediate
189 danger to the public health, safety, welfare or other substantial loss to the public, the Executive
190 Director or the Executive Director's delegate may proceed with such procurement accordingly.
191 However, such procurement shall not exceed the amount of \$500,000.00. The need for such
192 procurement without competition shall be evidenced in writing. In order to make procurement of
193 services in an amount greater than \$500,000.00, the Governing Board must make a determination
194 that emergency conditions exist. All procurements made pursuant to this paragraph shall be
195 reported to the Governing Board within 30 days.

196 b. (2) Whenever the President of the United States, or the Governor of the State of Florida, or
197 the head of the Department of Environmental Protection shall formally declare that a major
198 disaster area exists anywhere within the boundaries of the District, or issues an emergency order
199 temporarily suspending the application of any specified laws otherwise applicable to the
200 operations of the District, then the Executive Director of the District shall have the authority to
201 undertake all such actions, without competition, regarding the procurement of commodities,
202 equipment and services so required to deal with the emergency conditions up to the next meeting
203 of the Governing Board notwithstanding that such authority resides in the Governing Board. At
204 the next Governing Board meeting, the Board shall determine if the further emergency
205 procurement of commodities, equipment and services is still required. However, all emergency
206 procurements shall be made with such competition as is practicable under the circumstances. The
207 Executive Director shall report to the Governing Board all actions taken pursuant to this
208 exception within 30 days.

209 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)
210

211 ~~Sec. 155-7. Special Procurements.~~

212 ~~Alternative competitive procurements authorized by the District include:~~

213 ~~(1) The District may purchase commodities and contractual services from purchasing~~
214 ~~agreements established and state term contract procured by the Department of Management~~
215 ~~Services, pursuant to Section 287.057, Florida Statutes.~~

216 ~~(2) The District may use a request for quote to obtain written pricing or services information~~
217 ~~from a state term contract vendor for commodities or contractual services available on state term~~
218 ~~contract from the vendor. The purpose of a request for quote is to determine whether a price,~~
219 ~~term, or condition more favorable to the agency or eligible user than that provide in the state~~
220 ~~term contract is available. Use of a request for quote does not constitute a decision or intended~~
221 ~~decision that is subject to protest under 120.57(3), Florida Statutes.~~

222 ~~(3) If less than two responsive bids, proposals, or replies for commodity or contractual services~~
223 ~~purchases are received, the District may negotiate on the best terms and conditions. The District~~
224 ~~shall document the reasons that such action is in the best interest of the District in lieu of~~

225 ~~resoliciting competitive sealed bids, proposals or replies.~~
 226 ~~(4) The District may purchase from a contract awarded by another government agency, if that~~
 227 ~~contract was based on either a competitive bid, a competitive proposal or a competitive sealed~~
 228 ~~reply.~~
 229 ~~(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)~~
 230

231 Sec. 155-8. Transactions Requiring Governing Board Approval.

232 The following commodities and services require Governing Board approval:

233 (a1) Commodities in excess of the Division/Program approved annual District budget ~~by~~
 234 ~~appropriation unit.~~

235 (b2) Single award to a single vendor for one or more of the same commodity or one or more
 236 pieces of equipment with a total combined value exceeding \$1,000,000.00 even if such
 237 commodities or equipment have been approved as part of the annual District budget.

238 (c3) Unbudgeted services, commodities or equipment funded from capital outlay savings in
 239 excess of the amounts specified in the table below.

240 (d4) Transactions consisting of both commodities (or equipment) and services require
 241 Governing Board approval if the services dollar amount exceeds the thresholds noted in the table
 242 below, ~~and/or thresholds relating to (a) or (b) above (commodities and/or equipment) are~~
 243 ~~exceeded.~~

244 (e) ~~Agricultural Land Leases refer to Chapter 140, District Policies, for administration.~~

245
 246 Dollar Thresholds by category for a total award shall apply as follows:
 247

248 Table of Governing Board Thresholds

> \$150,000.00	> \$500,000.00	> \$500,000.00	> \$1,000,000.00
Commodities & Contractual Services Including: <ul style="list-style-type: none"> • Waivers of Competition • Exceptions to Competition 	Construction Procurements (Services and Materials)	Emergency Procurements (Services, Commodities and/or Equipment)	Single vendor/single award of one or more of the same commodity or equipment
<ul style="list-style-type: none"> • CCNA Procurements 	Construction Change Orders (threshold applies to aggregate amount) (Services and Materials)		
	<u>Emergency Procurements</u>		
<ul style="list-style-type: none"> • Special Procurements 			
<ul style="list-style-type: none"> • Lease Agreements 			

250 (Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006;
 251 Res. No. 2007-327, § 1, 3-15-2007)

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Section 2. Inclusion of Section 1 of this resolution in the District Policies Code is authorized and directed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 4. This resolution shall take effect immediately on adoption.

PASSED and **ADOPTED** this ____ day of _____, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

ATTEST

District Clerk

Approved as to form:

BY: _____

Office of Counsel

18. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rules 40E-7.670 and 40E-7.672(5) F.A.C., regarding the District's procurement process as it relates to the Small Business Enterprise Rule. (Dorothy Bradshaw, ext. 2823)
See supporting document: [ca_as_301_sd.pdf](#)

MEMORANDUM

TO: Governing Board Members
FROM: Doug Bergstrom, Director, Administrative Services
DATE: August 9, 2012
SUBJECT: Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend the Small Business Enterprise Rule.

Background:

On July 15, 2005, the District was granted legislative authority to implement a small business program. The purpose of this program is help small businesses including those owned by women and minorities, to participate in SFWMD's procurement and contract activities.

The District's Procurement Bureau developed and implemented a race and gender neutral contracting program that focuses on small businesses. This was codified in 40E.7, Part VI, F.A.C..

As part of the continuing evaluation of the program required by the rule and in order to determine what, if any, specific provisions require modification, Procurement has identified two areas of the existing rule that need to be revisited. The proposed amendments are in the following sections:

- 40E.7.670 (Competitive Solicitation Preferences) - changes are needed in section 1, subsection (3)(b) regarding subcontracting for proposals
- 40E.7.672 (Compliance) – changes are needed in this section for monitoring and evaluation of prime contractor performance

How does this help meet the District's Mission: The proposed rule amendments will help streamline and make the SBE program more effective.

Funding Source: No additional District funds are needed to implement these changes.

This Board item impacts what areas of the District? Both resources areas and geography: The impacts of this item will be recognized throughout all District areas, especially in Procurement, Finance and Project Management. Geographically the Small Business Enterprise and Emerging Business Enterprise Program will impact all areas of the District.

What concerns could this Board item raise? Constituents may be concerned that the SBE Contracting Rule is changing.

Why should the Governing Board approve this item? The proposed rule amendments will help streamline and make the SBE program more effective.

19. **2012-802** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY2011-2012 Budget totaling \$137,018 that includes \$16,182 for the cost creditable demolition of the C-43 Basin Storage Reservoir building; \$92,826 for Lakeside Ranch STA sod installation for erosion protection and vegetation removal to comply with USACE permit requirements; \$28,010 for change orders associated with the final close out of Biscayne Bay Coastal Wetlands Deering Estates Flowway Project; providing an effective date. (Mike Smykowski, ext. 6295)

See supporting document: [ca_as_001_sd1.pdf](#)

See supporting document: [ca_as_001_sd.pdf](#)

See resolution document: [ca_as_001_rd.pdf](#)

FY2012 BUDGET TRANSFERS - GOVERNING BOARD MATRIX

AUGUST 2012

TRANSFER FROM				TRANSFER TO			
FUND	DIVISION	PROGRAM / ELEMENT	AMOUNT	FUND	DIVISION	PROGRAM / ELEMENT	AMOUNT
PROPOSED TRANSFER #1							
213000	<u>Operations, Maintenance & Construction Division</u>			411000	<u>Operations, Maintenance & Construction Division</u>		
	Land Stewardship				CERP		
	Land Stewardship		\$ 16,182		CERP Projects		\$ 16,182
SUBTOTAL PROPOSED TRANSFER #1			\$ 16,182				\$ 16,182
PROPOSED TRANSFER #2							
221000	<u>Water Resources Division</u>			221000	<u>Operations, Maintenance & Construction Division</u>		
	CERP				Lake Okeechobee (Restoration)		
	Critical Restoration Projects		\$ 34,000		LOWPP Construction Projects		\$ 34,000
402000	<u>Water Resources Division</u>			402000	<u>Operations, Maintenance & Construction Division</u>		
	Lake Okeechobee (Restoration)				Lake Okeechobee (Restoration)		
	LOWPP Construction Projects		\$ 29,459		LOWPP Construction Projects		\$ 29,459
421000	<u>Administrative Services & Executive Offices (Office of Everglades Policy and Coordination)</u>			421000	<u>Operations, Maintenance & Construction Division</u>		
	Lake Okeechobee (Restoration)				Lake Okeechobee (Restoration)		
	LOWPP Construction Projects		\$ 2,529		LOWPP Construction Projects		\$ 2,529
	<u>Water Resources Division</u>				<u>Operations, Maintenance & Construction Division</u>		
	Lake Okeechobee (Restoration)				Lake Okeechobee (Restoration)		
	LOWPP Construction Projects		\$ 26,838		LOWPP Construction Projects		\$ 26,838
			<u>\$ 29,367</u>				<u>\$ 29,367</u>
SUBTOTAL PROPOSED TRANSFER #2			\$ 92,826				\$ 92,826
PROPOSED TRANSFER #3							
101410	<u>Water Resources Division</u>			410000	<u>Operations, Maintenance & Construction Division</u>		
	Restoration				CERP		
	Critical Restoration Projects		\$ 6,100		CERP Projects		\$ 6,100
410000	<u>Reserves</u>			410000	<u>Operations, Maintenance & Construction Division</u>		
	Restoration				CERP		
	CERP Program Elements		\$ 19,775		CERP Projects		\$ 21,910
	Critical Restoration Projects		\$ 2,135				
			<u>\$ 21,910</u>				
SUBTOTAL PROPOSED TRANSFER #3			\$ 28,010				\$ 28,010
BUDGET TRANSFER TOTAL			<u>\$ 137,018</u>				<u>\$ 137,018</u>

MEMORANDUM

TO: Governing Board Members
FROM: Doug Bergstrom, Director, Administrative Services Division
DATE: August 9, 2012
SUBJECT: August Governing Board – FY12 Budget Transfers

Background: Budget transfer totaling \$137,018 is proposed to support the following:

- (1) **\$16,182** – Transferring funds from the Land Stewardship Program to the CERP Program and between the Federal Land Operating and Capital Funds for the cost creditable demolition of a C-43 Basin Storage Reservoir building.
- (2) **\$92,826** – Transferring funds from the Water Resources Division to the Operations, Maintenance & Construction Division within the Okeechobee Capital Fund, Lake Okeechobee Operating and Capital Project Funds for Lakeside Ranch STA sod installation for erosion protection and vegetation removal to comply with USACE permit requirements. These activities must be completed prior to final acceptance of the project.
- (3) **\$28,010** – Transferring funds from the Water Resources Division, the Administrative Services and Executive Offices (Office of Everglades Policy and Coordination), and Reserves to the Operations, Maintenance & Construction Division. The funds will be transferred within and between the CERP Capital Fund and the CERP Operating Fund for change orders associated with the final close out of Biscayne Bay Coastal Wetlands Deering Estates Flowway Project.

How this helps meet the District's 10 Year Strategic Plan? Budget transfers will redirect budget authority to support the completion of projects that are linked to the 10 Year Strategic Plan.

Funding Source Impacted: The funding sources impacted are the Federal Land Capital Fund, the Federal Land Operating Fund, the Okeechobee Capital Fund, the Lake Okeechobee Capital Project Fund, the Lake Okeechobee Operating Fund, the CERP Capital Fund, and the CERP Operating Fund.

This Board item impacts the following areas of the District, both divisions and geography: The division impacted by this transfer are the Operations, Maintenance & Construction Division, the Water Resources Division, the Office of Everglades Policy and Coordination, and Reserves.

What concerns could this Board item raise? Transactions will not alter the overall budget amount.

Why should the Governing Board approve this item? In accordance with the District's budgetary and financial control policy, any transfer of budget authority between resource areas and/or between programs and between departments or program elements that exceed the non-capital threshold of \$150,000 and the capital threshold of \$500,000 requires Governing Board approval. Additionally, budget transfers of personnel costs if the budgeted personnel appropriation within a given budget fund is exceeded requires Governing Board approval.

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

DB/MS/mq/ds
Attachment – Resolution

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012-

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE DISTRICT'S FY2011-2012 BUDGET TOTALING \$137,018 THAT INCLUDES \$16,182 FOR THE COST CREDITABLE DEMOLITION OF A C-43 BASIN STORAGE RESERVOIR BUILDING; \$92,826 FOR LAKESIDE RANCH STA SOD INSTALLATION FOR EROSION PROTECTION AND VEGETATION REMOVAL TO COMPLY WITH USACE PERMIT REQUIREMENTS; \$28,010 FOR CHANGE ORDERS ASSOCIATED WITH THE FINAL CLOSE OUT OF BISCAYNE BAY COASTAL WETLANDS DEERING ESTATES FLOWWAY PROJECT; PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 373.536 (4)(a), Florida Statutes, provides that transfers of funds may be made within the budget by action of the Governing Board at a public meeting of the Governing Board; and

WHEREAS, a request is being brought to the Governing Board for the transfer of funds and a copy of the proposed transfer is attached to this resolution; and

WHEREAS the Executive Director recommends that this transfer be approved in order to facilitate the operations of the District; 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 FY2011-2012 budget transfer in the amount of \$137,018 as reflected in the attached spreadsheet.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

ATTEST:

District Clerk/Secretary

Approved as to form:

By:

Office of Counsel

Print name:

- 20. 2012-803** A Resolution of the Governing Board of the South Florida Water Management District approving release of Board of Education canal reservations located in Highlands County; providing an effective date. (Kathy Massey, ext. 6835)

See supporting document: [ca_om_205_sd.pdf](#)

See resolution document: [ca_om_205_rd.pdf](#)

RELEASE OF RESERVATIONS EXECUTIVE SUMMARY

BACKGROUND INFORMATION: Canal reservations evolved from efforts to provide infrastructure, without cost to the taxpayers, to carry out drainage and reclamation projects, and provide roads. Many, but not all, conveyances of land by the State of Florida through the Trustees of the Internal Improvement Trust Fund (TIITF) and the Board of Education (BOE), and the Everglades Drainage District (EDD), a predecessor to the South Florida Water Management District, reserved rights to construct future water control works, percentages of the mineral rights, together with the right of ingress, egress and exploration, and reservations for State and County road rights-of-way.

The District routinely receives applications for releases of these reservations from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects; applications are processed by the Land Management Section. Applications are reviewed by appropriate District personnel and applicable local governmental agencies to determine that there is no present or future need for the canal reservation. Also, TIITF and BOE require the District to review and issue a written approval to the Department of Environmental Protection (DEP) prior to releasing TIITF or BOE canal reservations.

CONSIDERATIONS: See Exhibit "A" attached hereto and made a part hereof, which contains the details of an approval to be approved and issued.

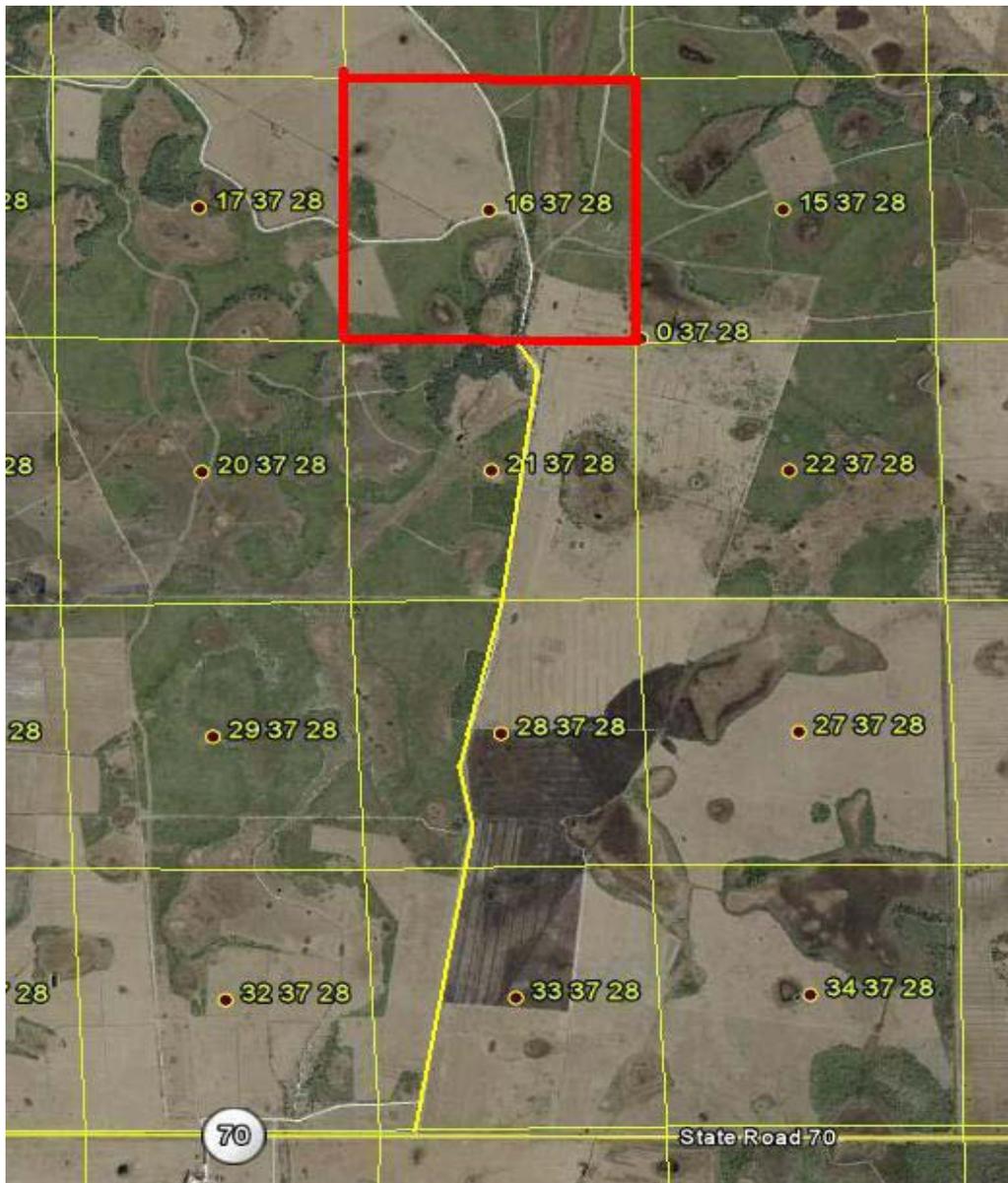
AUTHORIZATION: Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

FISCAL IMPACT: None; reservations were acquired at no cost to the District

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving release of Board of Education canal reservations located in Highlands County; providing an effective date.

Exhibit "A"

File No.: 7-12-2
Applicant: Blue Head Ranch, LLC, a Florida limited liability company
Reserving Deed: BOE 4338 (DB 117-74, 9/9/1949) Fee paid: \$250.00
Action: Approval of release of BOE canal reservations
Acres: 640 acres, more or less
Legal Description: Section 16, Township 37 South, Range 28 East
Address: Footman Trail, North of State Road 70, Lake Placid, Highlands County
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination



1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012-_____

4
5
6 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
7 MANAGEMENT DISTRICT APPROVING RELEASE OF BOARD OF EDUCATION CANAL
8 RESERVATIONS LOCATED IN HIGHLANDS COUNTY; PROVIDING AN EFFECTIVE DATE.
9

10 WHEREAS, an underlying landowner has requested that the South Florida Water
11 Management District ("District") approve release of certain Board of Education ("BOE") canal
12 reservations;

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

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

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

20 Section 2. This Resolution shall take effect immediately upon adoption.
21

22 PASSED and ADOPTED this 9th day of August, 2012.
23
24

25 SOUTH FLORIDA WATER MANAGEMENT
26 DISTRICT, BY ITS GOVERNING BOARD

27
28 (Corporate Seal)

29 By: _____
30 Chair

31
32 ATTEST:

33
34 By: _____
35 District Clerk/Secretary

36 Legal form approved:

37 By: _____
38 Andrew Ross, Office of Counsel

EXHIBIT "A"

RELEASE OF BOARD OF EDUCATION CANAL RESERVATIONS:

File No.: 7-12-2
Applicant: Blue Head Ranch, LLC, a Florida limited liability company
Reserving Deed: BOE 4338 (DB 117-74, 9/9/1949)
Acres: 640 acres, more or less
Legal Description: All of Section 16, Township 37 South, Range 28 East
Location: Footman Trail, North of State Road 70, Lake Placid, Highlands County

- 21. 2012-804** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and conveying land interests containing 0.06 acre, more or less, in fee title, located in Section 3, Township 41 South, Range 42 East, Palm Beach County, C-18 Project; to authorize the donation of said property to Palm Beach County for public access without reservation of rights, pursuant to Section 270.11, Florida Statutes; providing an effective date. (Kathy Massey, ext. 6835)

See supporting document: [ca_om_200_sd.pdf](#)

See resolution document: [ca_om_200_rd.pdf](#)

See supporting document: [ca_om_200_ExhA_map.pdf](#)

EXECUTIVE SUMMARY

PROJECT: C-18
COUNTY: Palm Beach
SIZE: 0.06 acre, more or less
PURPOSE: Construction of a parking area adjacent to a county park
APPLICANT: Palm Beach County, Department of Environmental Resources Management

HIGHLIGHTS: Staff recommends conveyance of a 0.06 acre, more or less, fee title parcel located in the C-18 project in Section 3, Township 41 South, Range 42 East, to Palm Beach County for construction of a seven (7) space parking area adjacent to a District permitted linear park managed by the Palm Beach County, Department of Environmental Resources Management, and adjacent to land owned by Palm Beach County.

CONSIDERATIONS: This parcel will allow the county to provide additional parking, thereby enhancing the public's access to the linear park.

FISCAL IMPACT: The District acquired this parcel on October 17, 1957 at a cost of \$50.67. Staff recommends that the application fee be waived, and the parcel be conveyed to the county at no cost, and without reserving the District's right to mine and develop phosphate, minerals, metals and petroleum pursuant to Chapter 270.11, Florida Statutes.

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

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and conveying land interests containing 0.06 acre, more or less, in fee title, located in Section 3, Township 41 South, Range 42 East, Palm Beach County, C-18 Project; to authorize the donation of said property to Palm Beach County for public access without reservation of rights, pursuant to Section 270.11, Florida Statutes; providing an effective date.

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012- _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS AND CONVEYING LAND
7 INTERESTS CONTAINING 0.06 ACRE, MORE OR LESS, IN FEE TITLE, LOCATED IN
8 SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, C-18
9 PROJECT; TO AUTHORIZE THE DONATION OF SAID PROPERTY TO PALM BEACH
10 COUNTY FOR PUBLIC ACCESS WITHOUT RESERVATION OF RIGHTS, PURSUANT TO
11 SECTION 270.11, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, the District has determined that it is in the public interest to surplus and
14 donate 0.06 acre, more or less, of fee title in Section 3, Township 41 South, Range 42 East, Palm
15 Beach County, in the C-18 Project, without reserving the District's interest in and privilege to mine
16 and develop all phosphate, minerals, metals and petroleum in, on or under said property pursuant
17 to Section 270.11, Florida Statutes, to the applicant, Palm Beach County, to be used for the
18 construction of a parking area adjacent to a county park managed by and permitted to Palm
19 Beach County; and

20 WHEREAS, the Governing Board has determined that the 0.06 acre, more or less, parcel
21 is not required by the District for present or future use; and

22 WHEREAS, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has
23 the authority to convey to any governmental entity land, or rights in land, owned by the District not
24 required for its purposes upon terms and conditions determined by the Governing Board; and

25 WHEREAS, the District acquired the subject property in 1957 and pursuant to Section
26 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999 shall be
27 considered to have been acquired for conservation purposes, and the Governing Board shall be
28 required to approve the surplus of any such lands by at least a two-thirds (2/3) majority; and

29 WHEREAS, the applicant has requested that the District waive both the application fee
30 and the reservation of rights to mine and develop all phosphate, minerals, metals and petroleum
31 in, on, or under said property pursuant to Section 270.11, Florida Statutes.

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

34 **Section 1.** The Governing Board of the South Florida Water Management District hereby
35 approves declaring surplus land interests containing 0.06 acre, more or less, in fee, located in
36 Section 3, Township 41 South, Range 42 East, Palm Beach County, C-18 Project, without
37 reserving the District's interest in and privilege to mine and develop all phosphate, minerals,
38 metals and petroleum in, on or under said property pursuant to Section 270.11, Florida Statutes,
39 authorizes the donation and conveyance of said property to Palm Beach County for public
40 access, and approves a waiver of the application fee.

41 **Section 2.** The Governing Board of the South Florida Water Management District hereby
42 determines that the subject land is not needed for conservation purposes and approves this
43 Resolution by at least a two-thirds (2/3) majority.

44 **Section 3.** Prior to delivery of the proposed instrument of conveyance to applicant, Palm
45 Beach County must provide confirmation satisfactory to the District that the proposed conveyance
46 does not violate applicable Town of Jupiter subdivision and platting ordinances.

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

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

50

51 **PASSED** and **ADOPTED** this 9th day of August, 2012.

52

53

**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD**

54

ATTEST:

55

56

By: _____

57

Chair

58

District Clerk

59

60

61

Legal form approved:

62

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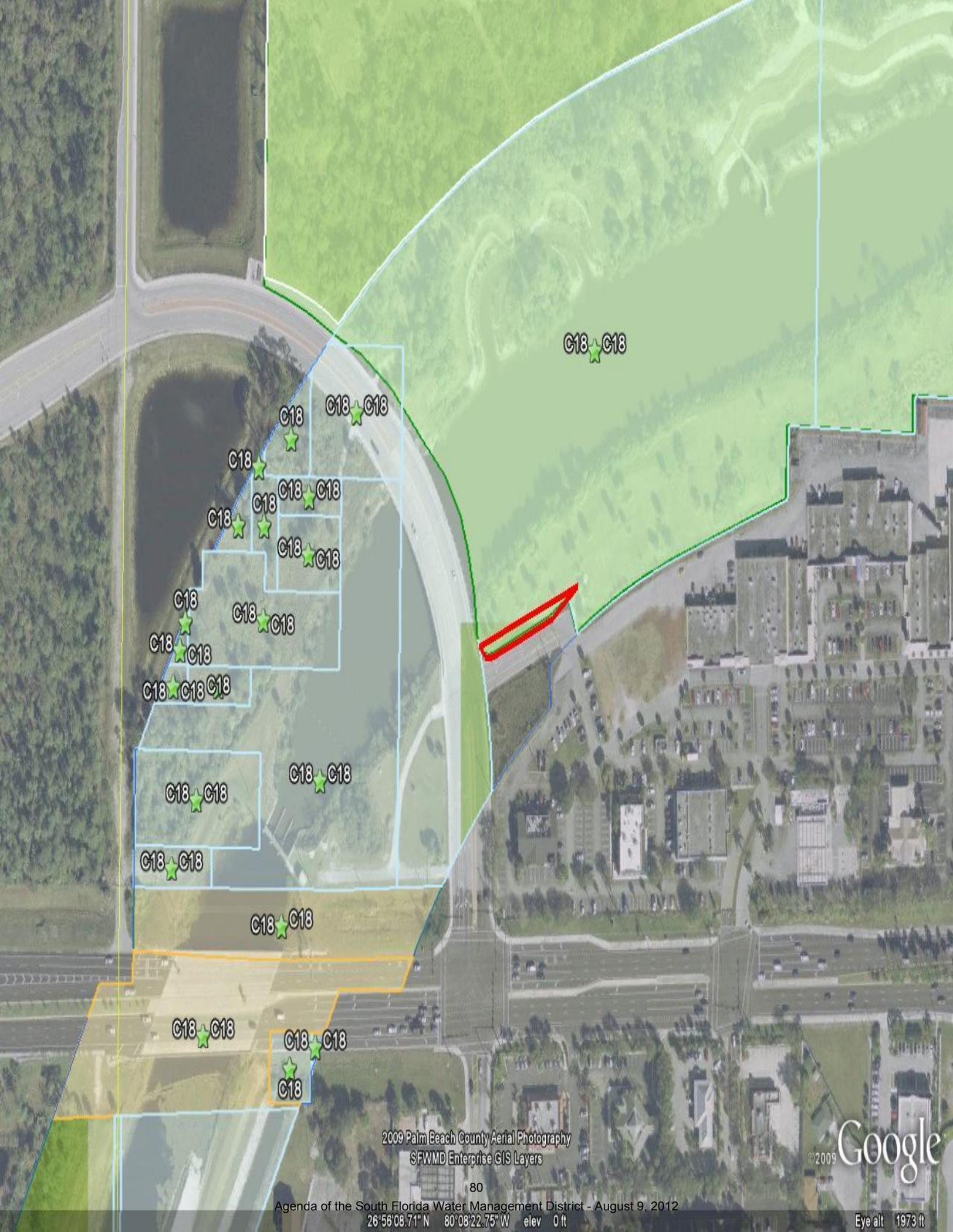
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By: _____

65

Andrew Ross, Office of Counsel

66



C18 ★ C18

C18 ★ C18

C18 ★

2009 Palm Beach County Aerial Photography
SFWMD Enterprise GIS Layers

©2009 Google

- 22. 2012-805** A Resolution of the Governing Board of the South Florida Water Management District authorizing the settlement of the District's recovery of possession of one occupied structure on District lands located in Osceola County necessary for implementation of the Kissimmee River Restoration and Headwaters Revitalization Project for which ad valorem funds (Capital Projects Okeechobee) are budgeted; approve declaring surplus any structures located on said lands; providing an effective date. (Bob Schaeffer, ext. 2985)

See supporting document: [ca_om_201_sd.pdf](#)

See resolution document: [ca_om_201_rd.pdf](#)

See supporting document: [ca_om_201_ExhA_Map.pdf](#)

EXECUTIVE SUMMARY

PROJECT: Kissimmee River Restoration and Headwaters Revitalization Project
COUNTY: Osceola
STRUCTURE: 1820E-026 – Richard Haskins, Belynda Haskins, Barbara Jones
PURPOSE: Authorize a settlement regarding the District’s recovery of possession of one occupied structure and declare structure surplus to District needs.

BACKGROUND/CONSIDERATIONS: On July 8, 1994, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter “Project”) in Osceola County. At the time of the acquisition of the lands, District staff determined that certain fish camp structures occupied by individuals on a weekend basis were located outside of the boundary of the acquired lands. Consequently, the District did not pursue actions to secure possession and remove the structures at such time.

In June of 2010, the District was notified by the Code Enforcement Department of Osceola County that there were numerous code violations associated with these structures and that the District as owner of the property was responsible for ensuring code compliance.

To ascertain whether the structures are located on District lands, the District obtained an Ordinary High Water Line survey relating to Lake Cypress and the land area where the structures were located. The results of the survey, which were reviewed and approved by the Florida Department of Environmental Protection, revealed that substantially all six of the structures are located above the Ordinary High Water Line and therefore on the District-owned lands. A portion of the structures located below the Ordinary High Water line are on State lands which are leased to the District for Project purposes. The occupants maintain that they or their predecessors constructed the cabins under oral agreement with the prior landowner and have had use of the cabins for at least 30+ years.

In November/December 2011, the District sought to negotiate voluntary settlements with the occupants but were not successful.

In January, 2012, the District’s Governing Board approved authorization to initiate the appropriate legal proceedings to recover possession. The District has since sent notices to the cabin occupants to vacate the premises.

At the March 15, 2012 meeting, the District’s Governing Board approved settlements with the occupants of three of the six structures pursuant to Resolution No. 2012-303. At the April 12, 2012 meeting, the District’s Governing Board approved settlements with the occupants of an additional one of the six structures pursuant to Resolution No. 2012-409. Subsequently, the District has closed on all four of those approved settlements.

Subsequently, discussions with the attorney representing the cabin occupants has led to the proposed settlement providing compensation for one (1) additional structure plus attorney’s fees and a right of occupants at their own costs to remove the structure and contents prior to closing.

<u>Structure No.</u>	<u>Structure Owner</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Atty. Fees</u>
1820E-026	Barbara Jones, Richard & Belynda Haskins	\$60,000.00	\$81,600.00 (+36%)	\$2,500.00

The occupants of the remaining one structure have not yet reached a settlement of the matter.

FISCAL IMPACT: All costs associated with the settlement are to be funded through ad valorem funds (Capital Projects Okeechobee).

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorizes settlement regarding the District's recovery of possession of this occupied structure within the Kissimmee River Restoration Project, Osceola County and declare the structure surplus to District needs.

Persons and Entities for conflict check:

Barbara Jones
Richard Haskins
Belynda Haskins
David Holloway, Esq.
Simon & Holloway, P.A.

1
2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**
3

4 **RESOLUTION NO. 2012- _____**
5

6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
7 **MANAGEMENT DISTRICT AUTHORIZING THE SETTLEMENT OF THE DISTRICT'S**
8 **RECOVERY OF POSSESSION OF ONE OCCUPIED STRUCTURE ON DISTRICT**
9 **LANDS LOCATED IN OSCEOLA COUNTY NECESSARY FOR IMPLEMENTATION**
10 **OF THE KISSIMMEE RIVER RESTORATION AND HEADWATERS REVITALIZATION**
11 **PROJECT FOR WHICH AD VALOREM FUNDS (CAPITAL PROJECTS**
12 **OKEECHOBEE) ARE BUDGETED; APPROVE DECLARING SURPLUS ANY**
13 **STRUCTURES LOCATED ON SAID LANDS; PROVIDING AN EFFECTIVE DATE.**
14

15 **WHEREAS**, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee
16 River Restoration and Headwaters Revitalization Project ("Project"); and,

17 **WHEREAS**, certain private individuals are occupying certain structures located either in whole
18 or in part on said lands as generally shown within the area depicted on Exhibit "A", attached hereto and
19 made a part hereof; and,

20 **WHEREAS**, the structures will be impacted by Project implementation and need to be removed;
21 and,

22 **WHEREAS**, in January, 2012, the District Governing Board authorized litigation regarding the
23 recovery of possession of the structures on District lands; and,

24 **WHEREAS**, the individuals occupying one of the structures propose to enter into settlement
25 releasing any claims regarding said structure on the following proposed terms:
26

<u>Structure No.</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
1820E-026	\$60,000.00	\$81,600.00 (+36%)	\$2,500.00

29
30 **WHEREAS**, the proposed settlement would reduce the remaining potential litigants to one
31 thereby reducing the litigation costs;

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

34 **Section 1.** The Governing Board of the South Florida Water Management District hereby
35 authorizes the following settlement of recovery of possession of the one occupied structure on District
36 lands in Osceola County necessary for implementation of the Kissimmee River Restoration and
37 Headwaters Revitalization Project, including the right to remove the structure and contents at their own
38 costs:
39

	<u>Tract No.</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
	1820E-026	\$81,600.00	\$2,500.00

43

44 **Section 2.** The Governing Board of the South Florida Water Management District hereby
 45 authorizes declaring surplus any structures located on the lands.

46 **Section 3.** The Governing Board authorizes the use of ad valorem funds (Capital Projects
 47 Okeechobee) for the settlement.

48 **Section 4.** This Resolution shall take effect immediately upon adoption.

49

50 **PASSED** and **ADOPTED** this _____ day of _____, 2012.

51

52 **ATTEST:**

53

54

55

56 By: _____
 57 District Clerk/Secretary

58

59

60 (Corporate Seal)

61

62

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64

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
 BY ITS GOVERNING BOARD**

By: _____
 Chair

65 **Approved as to form:**

66

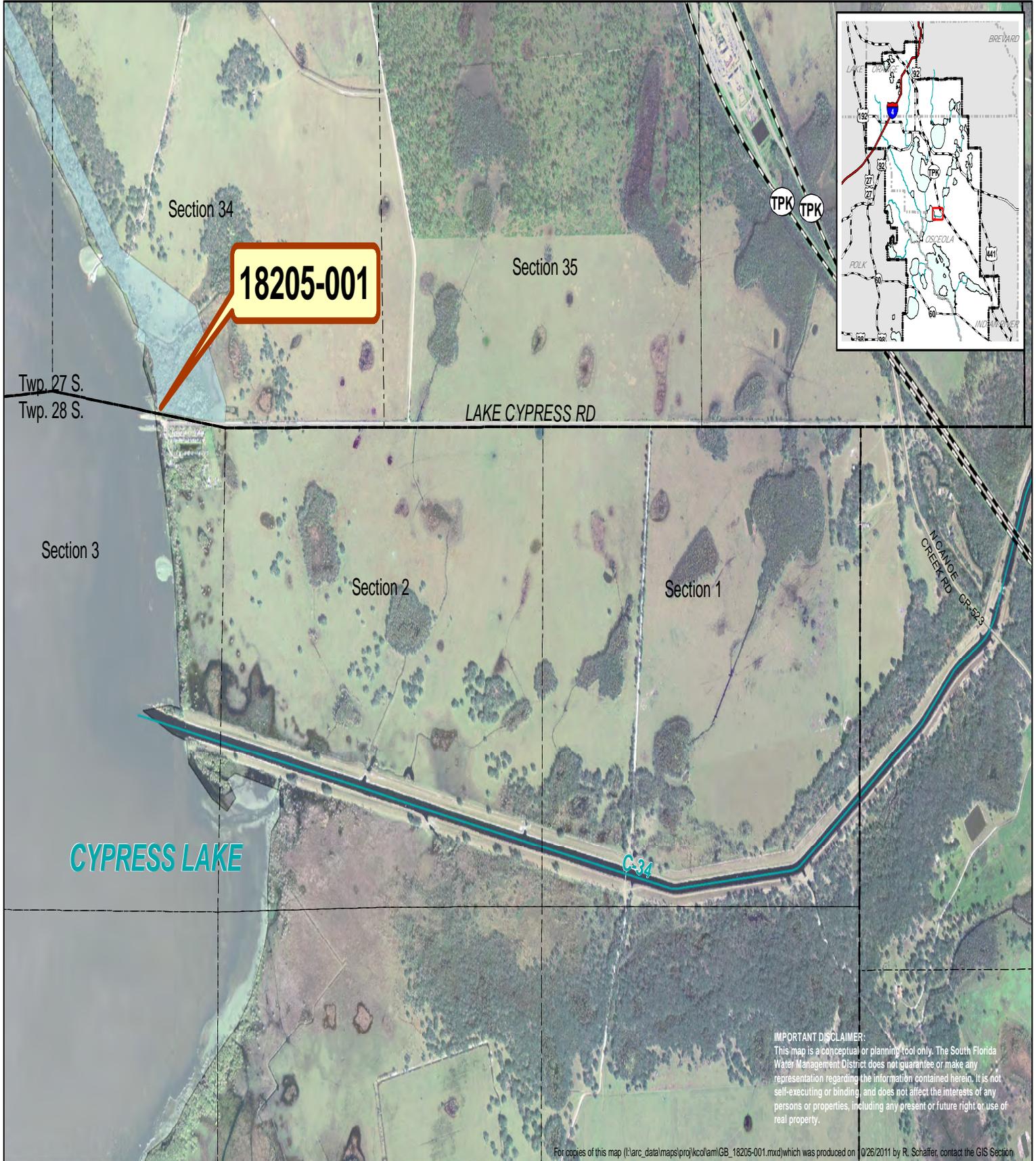
67

68

69

70 By: _____
 71 Office of Counsel

KISSIMMEE - Lake Cypress



- 23. 2012-806** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish District lands, consisting of approximately 1,800 acres located in Polk County, as part of the Kissimmee Chain of Lakes Managed Area for the 2012-13 fall hunting season; subject to terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)

See supporting document: [ca_om_203_sd.pdf](#)

See resolution document: [ca_om_203_rd.pdf](#)

See supporting document: [ca_om_203_ExhA_map.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, Director
Operations, Maintenance and Construction Division

DATE: August 9, 2012

SUBJECT: Authorization for the Florida Fish and Wildlife Conservation Commission to establish approximately 1800 acres of the Rolling Meadows land tract as part of the Kissimmee Chain of Lakes Managed Area for the 2012-13 fall hunting season

Background:

The agenda item proposes authorizing the Florida Fish and Wildlife Conservation Commission to incorporate approximately 1800 acres of the Rolling Meadows land tract into the existing Kissimmee Chain of Lakes Managed Area. The Kissimmee Chain of Lakes Managed Area is managed in partnership with the Florida Fish and Wildlife Conservation Commission and is composed of various properties purchased to accommodate increased stage levels in the Kissimmee Chain of Lakes in support of the Kissimmee River restoration project.

The Rolling Meadows property is located in Polk County on the south shore of Lake Hatchineha. The property will be restored in accordance with an agreement among water utilities in Central Florida and the District to fulfill wetland mitigation requirements. Construction activities to implement the restoration plan are scheduled to begin in the latter part of 2013. In order to accommodate public use prior to the on-set of construction, staff recommends incorporating this area into the existing Kissimmee Chain of Lakes Managed Area to provide hunting and other recreational uses during the 2012-13 fall hunting season. Site specific rules for the interim use of this area would allow hunting and other uses to occur on weekends only during the 2012-13 fall hunting season and would prohibit the use of motorized vessels and vehicles, center-fire and rim-fire rifles, and the use of dogs for hog hunting. The Florida Fish and Wildlife Conservation Commission would remove the property from the Kissimmee Chain of Lakes Managed Area following the close of the 2012-13 hunting season in response to planned construction activities. Future recreation opportunities and area specific regulations would be evaluated upon completion of the restoration project.

How this helps meet the District's 10-year Strategic Plan:

Approval of this item is consistent with the District's Public Recreational Access and Use Policy and demonstrates a commitment to develop and manage appropriate resource based recreation in support of the District's 10-Year Strategic Plan. Opening this land to public use will provide resource based recreational opportunities compatible with the long term management of the property.

Funding Source:

This item does not require the expenditure of District funds.

Governing Board Members
August 9, 2012
Page Two

This Board item impacts what areas of the District, both resource areas and geography:

This activity will take place in Polk County and will be managed by the Land Management Section of the Land Resources Bureau within the Operations, Maintenance and Construction Division in cooperation with the Florida Fish and Wildlife Conservation Commission.

What concerns could this Board item raise?

Concerns of a general nature could be raised regarding opening this area to hunting. However, this site is in a remote area and hunting is an existing authorized activity administered by the Florida Fish and Wildlife Conservation Commission on the adjacent Kissimmee Chain of Lakes Managed Area.

Why should the Governing Board approve this item?

This proposal would increase public use and recreation opportunities on District lands and expand allowable recreational activities consistent with District policy and legislative directives.

1
2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

3
4 **RESOLUTION NO. 2012- _____**

5
6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
7 **MANAGEMENT DISTRICT AUTHORIZING THE FLORIDA FISH AND WILDLIFE**
8 **CONSERVATION COMMISSION TO ESTABLISH DISTRICT LANDS CONSISTING**
9 **OF APPROXIMATELY 1800 ACRES LOCATED IN POLK COUNTY, AS PART OF**
10 **THE KISSIMMEE CHAIN OF LAKES MANAGED AREA FOR THE 2012-13 FALL**
11 **HUNTING SEASON; SUBJECT TO TERMS AND CONDITIONS; PROVIDING AN**
12 **EFFECTIVE DATE.**
13

14 **WHEREAS**, pursuant to Section 140-73 of the South Florida Water Management
15 District Policies Code, "District lands shall be open to public recreational access and
16 use activities as is practicable and in a manner consistent with legislative directives,
17 intended uses, legal considerations, and resources"; and;

18 **WHEREAS**, the District owns the Rolling Meadows property in Polk County
19 comprising of approximately 1800 acres, more or less, which lands are located in the
20 Kissimmee Chain of Lakes Management Region, as identified on Exhibit "A" attached
21 hereto and incorporated herein by reference (collectively, the "Properties"); and

22 **WHEREAS**, pursuant to Rule 40E-7.527, Florida Administrative Code, public
23 hunting on District lands may only be established with the approval of the Governing
24 Board, and such hunting shall be regulated, administered and enforced by the Florida
25 Fish and Wildlife Conservation Commission (the "Commission"); and

26 **WHEREAS**, the Governing Board of the South Florida Water Management
27 District deems it necessary, appropriate, and in the public interest to authorize the
28 Commission to establish the Properties as part of the Kissimmee Chain of Lakes
29 Managed Area and allow hunting on the area in accordance with Rule 40E-7.527,
30 Florida Administrative Code; and

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

33 **Section 1.** The Governing Board of the South Florida Water Management District
34 hereby authorizes the Florida Fish and Wildlife Conservation Commission to establish
35 the Properties as part of the Kissimmee Chain Of Lakes Managed Area on a temporary

36 basis during the 2012-13 fall hunting season only on weekends and prohibit the use of
37 motorized vessels and vehicles, center-fire and rim-fire rifles, and dogs for hunting hogs
38 consistent with Rule 40E-7.527, Florida Administrative Code. At the conclusion of the
39 2012-13 fall hunting season, the Properties will be closed for public use until further
40 notice.

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

42

43 **PASSED** and **ADOPTED** this _____ day of _____, 2012.

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**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD**

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By: _____
Chairman

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55 **ATTEST:**

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58 By: _____
59 District Clerk/Secretary

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Approved as to form:

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By: _____
Office of Counsel

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Print Name: _____

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Exhibit "A"

Lake Hatchineha

Rolling Meadows

- 24. 2012-807** A Resolution of the Governing Board of the South Florida Water Management District approving a lease agreement, approving an exception to the lease term and approving a waiver of competition for U.S. Department of Homeland Security, Bureau of Customs and Border Protection as more particularly described herein; providing an effective date. (4600002700) (Jayne Bergstrom, ext. 2672)

See supporting document: [ca_om_204_sd.pdf](#)

See resolution document: [ca_om_204_rd.pdf](#)

See supporting document: [ca_om_204_Waiver of Competition_US Customs.pdf](#)

LEASING EXECUTIVE SUMMARY

PROJECT: S39 Hillsboro Canal Right-of-Way Tower Lease
COUNTY: Palm Beach County
TRACT NO.: Encumbers Tract 27T5114
ACRES: 1.00 acre
DATE: August 9, 2012
PURPOSE: Approval of Leasing Policy Term and Waiver of Competition

BACKGROUND/CONSIDERATIONS:

The District entered into a Lease Agreement No. 4600001891 commencing on October 1, 2009, with U.S. Department of Homeland Security, Bureau of Customs and Border Protection (CBP), to lease an existing radio tower owned by the LESSOR. The tower is situated on a 1-acre parcel located on District Right-of-Way along the S39 Hillsboro Canal in Palm Beach County. The Lessee leases the property for the purpose of operating and managing the Premises as a Government radio tower location.

According to the contract specialist representing the lessee, the lessee is requesting a new lease with a three-year lease term in order to keep the total cost of the lease under \$100,000; which is the maximum allowable for their contract signatory authority. The current lease requires an annual rent payment of \$31,827 which brings the three-year total rent paid to the District to \$95,487 which is just under the \$100,000 contract threshold.

The South Florida Water Management District Policies Code, Section 140-10 (1d) allows for a five year renewal of expiring leases for up to a cumulative total of a ten-year period without Governing Board approval. The initial lease term was for a three year period which started in October 1, 2009, with an expiration date of September 30, 2012. While extending the current lease is allowable per District policy; should the District extend the current lease for five years, the total amount of rent collected on that lease contract term would exceed the \$100,000 contract limit. Therefore, the lessee is requesting a new 3-year lease contract.

The new lease contract, if approved, would be #4600002700.

According to the District's Policies Code, Section 140-10 (3), all non-agricultural leases shall be issued for a term of five years. The U.S. Department of Homeland Security can only sign a three year lease contract. However, according to District's Policies Code, Section 140-10 (7), the Governing Board may approve an exception to the five year term policy.

Pursuant to the District's Policies Code, Section 140-10 (1a) that states that for all new leases: "The District shall conduct a competitive bid process when it determines that it will lease District land and upon termination of an existing lease term unless the Governing Board approves a waiver of competition. The minimum bid shall be the appraised market rent as approved by a District appraiser."

The Bureau of Customs and Border Protection is requesting a new lease and according the new policy all new leases are put out from competitive bidding. Therefore, a Governing Board approval of a Waiver of Competition is required.

Staff recommends that the Governing Board approves an exception to the leasing policy regarding lease terms based on the following reason:

1. Any lease term over three years would exceed \$100,000 in rent paid to the District; which is the maximum allowable for their contract signatory authority.

Staff recommends that the Governing Board approves a waiver of competition based on the following reasons:

1. The Bureau of Customs and Border Protection, is a federal law enforcement agency of the United States Department of Homeland Security with whom the District would like to work with cooperatively;
2. The Bureau of Customs and Border Protection depends on this particular radio tower location to effectively continue their mission of protective efforts and to perform their job to the best of their ability; and
3. The new rent will be based upon a current appraisal of market rent.

The District and the Bureau of Customs and Border Protection would like to enter into a new lease agreement to continue their mission and protective efforts. The continued revenue from the lease is advantageous to the District. Therefore; staff recommends an approval of the waiver of the competitive bid process for this lease.

FISCAL IMPACT: The payment to the District under the Lease for the period of October 1, 2012 through October 1, 2015, will be equal to current market value.

AUTHORIZATION: The Governing Board, pursuant to Section 373.093 of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District to approve an exception to the leasing policy and a waiver of competition.

Attachments: Resolution, map
Waiver of competition

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012-_____

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5
6 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
7 MANAGEMENT DISTRICT APPROVING A LEASE AGREEMENT, APPROVING AN
8 EXCEPTION TO THE LEASE TERM AND APPROVING A WAIVER OF COMPETITION FOR
9 U.S. DEPARTMENT OF HOMELAND SECURITY, BUREAU OF CUSTOMS AND BORDER
10 PROTECTION AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN
11 EFFECTIVE DATE. (4600002700)
12

13 WHEREAS, the Governing Board, pursuant to Section 373.093 of the Florida Statutes,
14 may lease lands or interests in land under terms and conditions determined by the Governing
15 Board;

16 WHEREAS, the U.S. Department of Homeland Security, Bureau of Customs and Border
17 Protection ("Customs"), currently leases approximately 1.00 acre (the "Premises") along the S39
18 Hillsboro Canal Right-of-Way, as depicted in Exhibit "A" attached hereto and made a part
19 hereof; and

20 WHEREAS, the Lease and Customs' use of the Premises are for the purpose of
21 Homeland Security by operating and managing an existing radio tower owned by the District;
22 and it is anticipated that no other entities would respond should a Request for Bids be
23 advertised and that Governing Board approval of a waiver of competition is required; and

24 WHEREAS, the District and the Bureau of Customs and Border Protection, desire to
25 enter into another Lease Agreement whereby the Lease term will be from October 1, 2012,
26 through October 1, 2015; and

27 WHEREAS, the District's staff recommends that the Governing Board approve the
28 exception to the lease term and a waiver of the competitive process.

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

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32 **Section 1:** The Governing Board of the South Florida Water Management District approves an
33 exception to the lease term and a waiver of competition with respect to Lease Agreement No.
34 4600001891 with the Bureau of Customs and Border Protection.

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36 **Section 2:** The Governing Board of the South Florida Water Management District hereby
37 authorizes the Bureau Chief of the District's Procurement Bureau to execute the lease
38 agreement.

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

PASSED and **ADOPTED** this _____ day of _____, 2012.

**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD**

By: _____
Chairman

ATTEST:

District Clerk/Secretary

Legal Form Approved:

By: _____
Office of Counsel

Print Name: _____

Waiver of Competition Justification
Contract Number 4600002700
Project Title: U.S. Department of Homeland Security
Bureau of Customs and Border Protection

A. Introduction/Background

The South Florida Water Management District acquired tract 27T5114, which consisted of 1.40 acres in Palm Beach County, along the S39 Hillsboro Canal. The District entered into a Lease Agreement No. 4600001891 commencing on October 1, 2009, with the U.S. Department of Homeland Security, Bureau of Customs and Border Protection to lease 1.00 acre along the S39 Hillsboro Canal Right-of-Way for the purpose of operating and managing the Premises as a Government radio tower location owned by the LESSOR. The initial lease term was for the period October 1, 2009, to September 30, 2012.

According to the contract specialist representing the lessee, the lessee is requesting a new lease with a three-year lease term in order to keep the total cost of the lease under \$100,000; which is the maximum allowable for their contract signatory authority. The current lease requires an annual rent payment of \$31,827 which brings the three-year total rent paid to the District to \$95,487 which is just under the \$100,000 contract threshold.

The South Florida Water Management District Policies Code, Section 140-10 (1d) allows for a five year renewal of expiring leases for up to a cumulative total of a ten-year period without Governing Board approval. The initial lease term was for a three year period which started in October 1, 2009, with an expiration date of September 30, 2012. While extending the current lease is allowable per District policy; should the District extend the current lease for five years, the total amount of rent collected on that lease contract term would exceed the \$100,000 contract limit. Therefore, the lessee is requesting a new 3-year lease contract.

The new lease contract number is 4600002700.

B. Need for Exception to the Standards for Competition

Pursuant to the District's Policies Code, Section 140-10 (1a) that states that for all new leases: "The District shall conduct a competitive bid process when it determines that it will lease District land and upon termination of an existing lease term unless the Governing Board approves a waiver of competition. The minimum bid shall be the appraised market rent as approved by a District appraiser."

The Bureau of Customs and Border Protection is requesting a new lease and according to the new policy all new leases are put out from competitive bidding. Therefore, a Governing Board approval of a Waiver of Competition is required.

Staff recommends that the Governing Board approves a waiver of competition based on the following reasons:

1. The Bureau of Customs and Border Protection, is a federal law enforcement agency of the United States Department of Homeland Security with whom the District would like to work with cooperatively;
2. The Bureau of Customs and Border Protection depends on this particular radio tower location to effectively continue their mission of protective efforts and to perform their job to the best of their ability;
3. The new rent will be based upon a current appraisal of market rent; and
4. It is unlikely that any individual or entity would participate in a competitive bid process.

The District and the Bureau of Customs and Border Protection would like to enter into a new lease agreement to continue their mission and protective efforts. The continued revenue from the lease is advantageous to the District. Therefore; staff recommends an approval of the waiver of the competitive bid process for this lease.

C. Preserving Fairness in the Method of Selection

Though the District's normal selection method is not being exercised, the circumstances described in Section B. above do provide fairness. The Lease represents a unique circumstance due to the responsibility of this Government agency. The Lease has only been in place for three years. There does not appear to be any evidence that the District has been or will be unfair to any third parties.

D. Preserving Competitive Pricing in the Method of Selection

To establish the lease rate for the subject amendment to the Lease, an appraisal of the current market value lease rate is in process. Based on the acres owned by the District, the District's pro rata share of the annual lease payment for the extension period of October 1, 2012 through October 1, 2015, will be equal to the current market value.

E. Conclusion/Summary

The parties desire to extend the Lease for three years from October 1, 2012, through October 1, 2015. The lease provides generous revenue for the District. Staff recommends approval of the Waiver of Competition.

- 25. 2012-808** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 4600001714 with Florida Power & Light to provide overhead electric distribution for the Compartment C Buildout Pump Station G-537 in an amount not to exceed \$268,694.23 for which Certificates of Participation (COPs) proceeds are budgeted; providing an effective date. (Contract Number 4600001714-A01) (Matthew Alexander, ext. 2580)

See supporting document: [ca_om_104_sd.pdf](#)

See resolution document: [ca_om_rd_19921_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Division Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: B509B Compartment C Buildout:
Amendment to Florida Power and Light (FPL) Distribution Agreement for Compartment C
Buildout – Contract Number 46000001714

Background:

The purpose of this contract amendment is for FPL to construct overhead electric distribution to seepage pump station G-537 from the G-343J water control structure in STA 5-3.

The G-537 pump station is one of the three Permanent Protective Measures that consists of berms and sump pumps around environmentally sensitive areas to protect against the impacts from the expansions of the Stormwater Treatment Areas (STA) 5 and 6 within Compartment C.

How this helps meet the District's 10-Year Strategic Plan:

The G-537 pump station in one of the Permanent Protective Measures that is necessary in order to meet the mandated dates of the Memorandum of Agreement among the US Army Corps of Engineers, Advisory Council on Historic Preservation, Seminole Tribe of Florida, South Florida Water Management District and Florida State Historic preservation officer.

Fulfillment of the Memorandum of Agreement will allow full utilization of Compartment C which is a component of the Everglades Protection Area Tributary Basins Long-Term Plan for Achieving Water Quality Goals, Revised Part 2 (LTP). Compartment C is included in the 10-Year Strategic Plan and the Annual Work Plan. Compartment C will enable the District to achieve Everglades water quality standards to ensure that all waters discharging into the Everglades Protection Area are in compliance with state water quality standards.

Funding Source:

Funding for this amendment will be through Dedicated Funds (Certificates of Participation (COPS) Everglades Forever Act) of the FY12 budget to an amount not to exceed \$268,694.23.

This Board item impacts what areas of the District, both resource areas and geography:

The Compartment C Build-out Project location is in the southeast corner of Hendry County at the intersection of Palm Beach, Broward, and Hendry County lines. It is bounded on the north by the Everglades Agricultural Area (EAA), on the east by the Rotenberger Wildlife Management Area, and on the south by the Big Cypress Seminole Indian Reservation.

What concerns could this Board item raise?

No concerns should be raised by this item.

Why should the Governing Board approve this item?

Approval to amend contract 46000001714 will allow the District to have electric power to the pump station G-537 which is one of three Permanent Protective Measures for Environmentally Sensitive Areas. Electric power for the G-537 pump station will allow the District to meet the mandated dates of the Memorandum of

Agreement among the US Army Corps of Engineers, Advisory Council on Historic Preservation, Seminole Tribe of Florida, South Florida Water Management District and Florida State Historic preservation officer.

Fulfillment of the obligations of the Memorandum of Agreement will allow the District to fully utilize Compartment C and help achieve the goals of the Long-Term Plan.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE AN AMENDMENT TO CONTRACT 4600001714 WITH FLORIDA POWER & LIGHT TO PROVIDE OVERHEAD ELECTRIC DISTRIBUTION FOR THE COMPARTMENT C BUILDOUT PUMP STATION G-537 IN AN AMOUNT NOT TO EXCEED \$268,694.23 FOR WHICH CERTIFICATES OF PARTICIPATION (COPS) PROCEEDS ARE BUDGETED; 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 an amendment to Contract 4600001714 with Florida Power & Light to provide overhead electric distribution for the Compartment C Buildout Pump Station G-537 in an amount not to exceed \$268,694.23 for which Certificates of Participation (COPS) proceeds are budgeted; providing an effective date. (Contract Number 4600001714-A01) (Matthew Alexander, ext. 2580) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600001714-A01 with Florida Power & Light.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 26. 2012-809** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year contract with two (2) one-year renewal options with Cintas Corporation, for Operations, Maintenance and Construction Uniform Services as a Special Procurement using U.S. Communities Government Purchasing Alliance Contract Number 12-JLH-011C, in an amount not-to-exceed \$605,000, of which ad valorem funds (Okeechobee Basin) in the amount of \$131,440 are proposed in the FY13 budget, with \$473,560 proposed for the FY14-FY17 budgets, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date. (Contract Number 4600002715) (Robbie Speers, ext. 7003)

See supporting document: [ca_om_108_sd.pdf](#)

See resolution document: [ca_om_rd_19939_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: Uniform Services for Operations, Maintenance and Construction Personnel – Cintas Corporation (Contract Number 4600002715)

Background:

This is a request for the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two (2) one-year renewal options with Cintas Corporation, for Operations, Maintenance and Construction Uniform Services as a Special Procurement using U.S. Communities Government Purchasing Alliance Contract Number 12-JLH-011C, in an amount not-to-exceed \$605,000, of which ad valorem funds in the amount of \$131,440 are in the proposed FY13 budget, \$473,560 for the remaining in FY14-FY17 budgets, all subject to Governing Board approval.

The objective of the Uniform Services is to provide a consistent structured uniform look for District employees throughout the 16 counties the District covers. This also allows for citizens to quickly identify and recognize District employees throughout the 16 counties the District provides water management control services.

Funding Source:

Ad valorem funds from the Operations, Maintenance & Construction Uniform Services of \$131,440 are in the proposed FY13 budget and \$473,560 for the remaining FY14-FY17 budgets, all subject to Governing Board approval.

This Board item impacts what areas of the District, both resource areas and geography:

This item impacts the Operations, Maintenance & Construction Division of the District in all counties of the District.

What concerns could this Board item raise?

This contract followed the Special Procurement process by piggy-backing onto an existing contract by US Communities Government Purchasing Alliance Contract.

Why should the Governing Board approve this item?

Uniform Services provides a consistent structured look for the employees throughout the 16 counties the District covers.

If you have any questions, please do not hesitate to call me at ext. 6998.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012-

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A THREE (3) YEAR CONTRACT WITH TWO (2) ONE-YEAR RENEWAL OPTIONS WITH CINTAS CORPORATION, FOR OPERATIONS, MAINTENANCE AND CONSTRUCTION UNIFORM SERVICES AS A SPECIAL PROCUREMENT USING U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE CONTRACT NUMBER 12-JLH-011C, IN AN AMOUNT NOT-TO-EXCEED \$605,000, OF WHICH AD VALOREM FUNDS (OKEECHOBEE BASIN) IN THE AMOUNT OF \$131,440 ARE PROPOSED IN THE FY13 BUDGET, WITH \$473,560 PROPOSED FOR THE FY14-FY17 BUDGETS, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY17 BUDGETS; 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 three (3) year contract with two (2) one-year renewal options with Cintas Corporation, for Operations, Maintenance and Construction Uniform Services as a Special Procurement using U.S. Communities Government Purchasing Alliance Contract Number 12-JLH-011C, in an amount not-to-exceed \$605,000, of which ad valorem funds (Okeechobee Basin) in the amount of \$131,440 are proposed in the FY13 budget, with \$473,560 proposed for the FY14-FY17 budgets, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date. (Contract Number 4600002715) (Robbie Speers, ext. 7003) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002715 with Cintas Corporation.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

27. Board Vote on Consent Agenda

28. General Public Comment

**29. Everglades Restoration Strategies - Melissa Meeker, Executive Director
(ext. 6302)**

- 30. 2012-810** A Resolution of the Governing Board of the South Florida Water Management District conceptually approving a proposed land exchange with Palm Beach County in which the South Florida Water Management District will acquire approximately 1,920 acres of land in Palm Beach County, formerly known as the Mecca Farms parcel, in exchange for the South Florida Water Management District conveying to Palm Beach County approximately 1,495 acres in Palm Beach County and paying cash in the amount of \$30,000,000; providing an effective date. (Ernie Barnett, ext. 2110)

See supporting document: [da_epc_100_sd.pdf](#)

See supporting document: [da_epc_100_sd2.pdf](#)

See supporting document: [da_epc_100_sd3.pdf](#)

See resolution document: [da_epc_100_rd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Ernie Barnett
Director, Everglades Policy and Coordination

DATE: August 9, 2012

SUBJECT: Conceptual Approval of Proposed Land Exchange with Palm Beach County For the Mecca Farms Parcel

Background:

In June 2012, the FDEP and District, in consultation with USEPA, developed an alternative technical plan to meet water quality standards in the Everglades Protection Area. The State's proposal also set forth a suite of water quality projects designed to achieve water quality standards. The State's proposed projects are spread out over three flow paths: Eastern, Central, and Western. The identified projects include STA expansion, like USEPA proposes, but on a much smaller scale (6,500 acres versus 42,000 acres). Instead, the State's plan incorporates Flow Equalization Basins (FEBs) in order to lower phosphorus concentrations in STA discharges. These large water impoundments attenuate peak stormwater flows prior to delivery to STAs (thereby significantly improving STA performance), and provide dry season benefits by reducing dryouts of the STAs plant communities. A key component of the plan involves the use of the L-8 Reservoir for the FEB in the Eastern Flow Path. In order to use the L-8 Reservoir for this purpose, the district needs to acquire and construct replacement storage to capture excess flows from C-18 western basin and then discharge those flows to the Loxahatchee River at required volumes and times. An appropriate site currently owned by Palm Beach County was identified as an excellent location to construct the reservoir.

Staff entered into a non-binding Letter of Intent with Palm Beach County, dated May 23, 2012, proposing a land exchange between the parties.

Under the current proposal, the South Florida Water Management District will acquire from Palm Beach County approximately 1,920 acres of land in Palm Beach County, formerly known as the Mecca Farms Parcel, as identified in attached Exhibit A. In exchange, the South Florida Water Management District will convey to Palm Beach County five properties totaling approximately 1,495 acres of land in Palm Beach County, as identified in attached Exhibit B. Additionally, the South Florida Water Management District will supplement the land exchange with a cash payment in the amount of \$30,000,000 to roughly equalize the estimated values of the exchange parcels. The District will obtain an appraisal of all the exchange parcels to support the proposed transaction.

It is desirable that both the Governing Board of the South Florida Water Management District and the Board of County Commissioners of Palm Beach County conceptually approve the proposed transaction before the parties proceed with the negotiation of a Land Exchange Agreement to be brought back to this Governing Board and the Palm Beach County Commission for review and approval.

How this helps meet the District's 10-year Strategic Plan:

The Mecca Farms parcel will play a pivotal link in Loxahatchee River Watershed Restoration by providing fresh water flows to the Loxahatchee River while satisfying other water-related needs. The plan to achieve the minimum flows and levels for the Loxahatchee River is the CERP project. Incorporating an in-basin reservoir provides an effective and efficient solution to achieving minimum flows and levels while improving the deliveries of water needed for restoration of the freshwater portions of the Loxahatchee River.

Funding Source: Prior year Save Our Everglades Trust Fund dollars will be used for the cash payment.

This Board item impacts what areas of the District, both resource areas and geography:

This item benefits the Loxahatchee River Watershed, the Comprehensive Everglades Restoration Plan and the Northern Palm Beach County area.

What concerns could this Board item raise?

This acquisition will require \$30 million from an existing State appropriation from the Save Our Everglades Trust Fund. However, the amount of cash has been substantially reduced by using approximately 1,495 acres of District lands to be surplus in exchange for the Mecca Farms parcel.

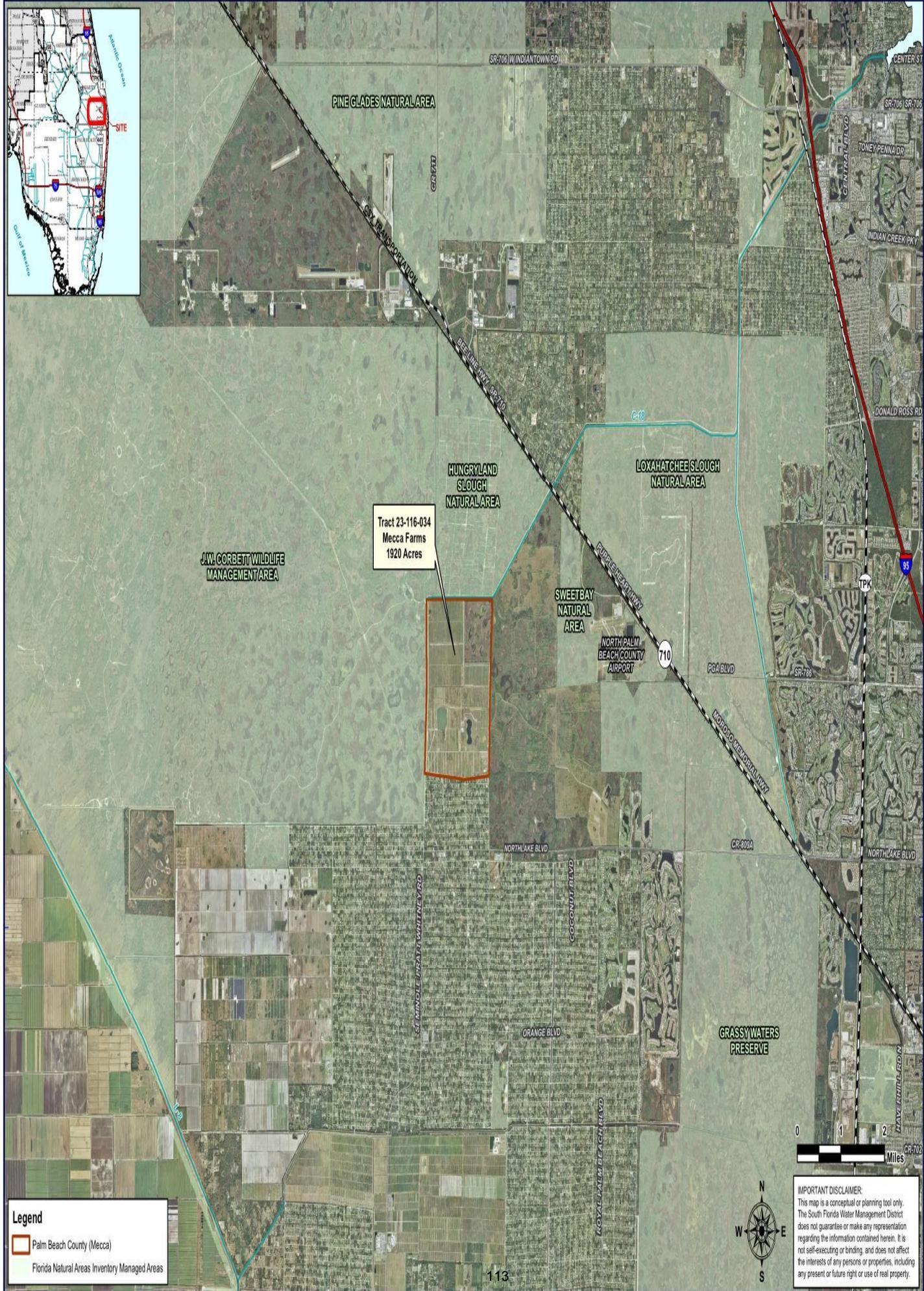
Why should the Governing Board approve this item?

This acquisition will provide substantial environmental benefits to the Loxahatchee River Watershed and enable permanent use of the L-8 Reservoir for the Everglades Restoration Strategies Project.

If you have any questions, please do not hesitate to contact me at ext. 2110.

EB

Attachments: Resolution, Mecca Farms Map (Exhibit A), District Exchange Map (Exhibit B)



Tract 23-116-034
Mecca Farms
1920 Acres

Legend

- Palm Beach County (Mecca)
- Florida Natural Areas Inventory Managed Areas



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



UPDATED
23-JUL-2012

MECCA Farms
Palm Beach County
Township 41 & 42 South
Range 41 East

seward.gov
South Florida Water Management District
Information Department
GIS SECTION
3301 Gurn Club Road, West Palm Beach, Florida 33406
Phone: 561.833.3333
FAX: 561.833.3333
MAILING ADDRESS: P.O. Box 2-4680 - West Palm Beach, FL 33416-4680



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012- _____**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CONCEPTUALLY APPROVING A PROPOSED LAND EXCHANGE WITH PALM BEACH COUNTY IN WHICH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WILL ACQUIRE APPROXIMATELY 1,920 ACRES OF LAND IN PALM BEACH COUNTY, FORMERLY KNOWN AS THE MECCA FARMS PARCEL, IN EXCHANGE FOR THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CONVEYING TO PALM BEACH COUNTY APPROXIMATELY 1,495 ACRES IN PALM BEACH COUNTY AND PAYING CASH IN THE AMOUNT OF \$30,000,000; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the staff of the South Florida Water Management District entered into the non-binding Letter of Intent with Palm Beach County, dated May 23, 2012; and

WHEREAS, the Letter of Intent lays out in general terms a proposed land exchange; and

WHEREAS, under the current proposed land exchange, the South Florida Water Management District will acquire from Palm Beach County approximately 1,920 acres of land in Palm Beach County, formerly known as the Mecca Farms Parcel, as identified in attached Exhibit A; and

WHEREAS, in exchange the South Florida Water Management District will convey to Palm Beach County five properties totaling approximately 1,495 acres of land in Palm Beach County, as identified in attached Exhibit B; and

WHEREAS, under the current proposal, the South Florida Water Management District will supplement the land exchange with a cash payment of \$30,000,000 to roughly equalize the estimated values of the exchange parcels; and

WHEREAS, staff will obtain an appraisal of the all the exchange parcels to support the transaction; and

WHEREAS, it is desirable that both the Governing Board of the South Florida Water Management District and the Board of County Commissioners of Palm Beach County conceptually approve the proposed transaction before the parties proceed with the negotiation of a Land Exchange Agreement to be brought back to this Governing Board and the Palm Beach County Commission for review and approval; and

WHEREAS, this proposed land exchange will provide significant benefits to Loxahatchee River Watershed restoration and enable use of the L-8 Reservoir for the Everglades Restoration Project.

NOW THEREFORE,

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

Section 1. The Governing Board of the South Florida Water Management District hereby conceptually approves staff proceeding with negotiating a proposed Land Exchange Agreement.

Section 2. After negotiations have been completed, staff will bring the Land Exchange Agreement back to the Governing Board for review and consideration for approval.

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

PASSED and **ADOPTED** this _____ day of _____, 2012.

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

Chair

ATTEST:

Secretary

Approved as to form:
By:

Office of Counsel

31. Governing Board

Central Everglades Planning Project Update - Tom Teets, Federal Policy Chief, Office of Everglades Policy & Coordination (ext. 6993)

32. Technical Reports

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

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

- 33. Water Supply Augmentation / Supplemental Environmental Flows Options**
- Cal Neidrauer, Chief Engineer, Water Control Operations Bureau, and
Susan Gray, Chief Environmental Scientist, Applied Science Bureau (ext.
6506 & 6919)

- 34. 2012-811** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a multi-year funding agreement with the United States Department of Agriculture-Natural Resource Conservation Services (USDA-NRCS) for the Allapattah Conservation and Recreation Area Dispersed Water Management Wetland Reserve Project in the St. Lucie River Watershed, in which the USDA-NRCS will provide reimbursement funds in an amount not to exceed \$3,000,000 for the construction of the project components; District funds (prior year ad valorem fund balance) for advanced funding are subject to Governing Board approval of the FY13-FY15 budgets; providing an effective date. (Contract Number 4600002709) (Benita Whalen, ext. 2957)

See supporting document: [da_reg_106_sd_rev.pdf](#)

See resolution document: [da_reg_106_rd_rev.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: July 18, 2012

SUBJECT: Allapattah Conservation & Recreation Area (ACRA) Dispersed Water Management Wetland Reserve Project Agreement; Contract No. 4600002709

Background: The Florida Legislature's intent for the Northern Everglades and Estuaries Protection Program (F.S. 373.4595) is to encourage and support the development of creative partnerships to facilitate the further restoration and protection of the St. Lucie River and Estuary. The objective of the ACRA project is to implement a Dispersed Water Management Wetland Reserve Project in partnership with the United States Department of Agriculture (USDA) - Natural Resource Conservation Service (NRCS). The project will lead to improved habitat and increased water and nutrient retention from natural area hydrologic restoration on approximately 16,000 acres and in turn reduce regulatory releases to the St. Lucie River Estuary from the C-23 Canal.

Under this agreement, the NRCS will provide the District with an amount not to exceed three million dollars (\$3,000,000) over the term of the agreement to complete the construction phase for natural area hydrologic restoration on the ACRA. The NRCS will provide 100% reimbursement for construction of the ACRA plan components. The District will be responsible for procuring the construction contractor and Martin County is willing to observe construction progress and provide information to the District.

Why is this action necessary? The project will provide improvements to habitat and water and nutrient retention in the Northern Everglades to assist with meeting the water quality improvement goals of the St. Lucie River Estuary Protection Plan. The agreement will provide multi-year funding for construction of the Wetland Reserve Project to be completed by 2015.

How this helps meet the District's 10-year Strategic Plan: This project is a component of the Dispersed Water Management Program that is outlined in the District's Ten Year Strategic Plan. One component of the program is to re-direct or capture excess stormwater from the St. Lucie River Watershed and retain it on private and public lands in order to reduce discharge volumes to the estuary. The benefits of the project are habitat restoration, flow attenuation and water quality nutrient load reductions in the St. Lucie River Watershed.

Funding Source: USDA – NRCS reimbursement

This Board item impacts what areas of the District, both resource areas and geography: This project is located within the Northern Everglades – St. Lucie River Estuary Watershed and impacts the Resource Areas of Everglades Restoration, Operations, and Regulation.

What concerns could this Board item raise: Under this Landowner Agreement, NRCS will make payments to the District on a reimbursement basis.

Why should the Governing Board approve this item: The approval of the referenced agreement provides 100% reimbursement funding to the District for construction of a critical project providing habitat restoration, water retention and water quality improvements in the Northern Everglades - St. Lucie River Estuary Watershed.

If you should have any questions, please do not hesitate to call me at ext. 6814.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A MULTI-YEAR FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE- NATURAL RESOURCES CONSERVATION SERVICE (USDA-NRCS) FOR THE ALLAPATTAH CONSERVATION AND RECREATION AREA DISPERSED WATER MANAGEMENT WETLAND RESERVE PROJECT IN THE ST. LUCIE RIVER WATERSHED, IN WHICH THE USDA-NRCS WILL PROVIDE REIMBURSEMENT FUNDS IN AN AMOUNT NOT TO EXCEED \$3,000,000 FOR THE CONSTRUCTION OF THE PROJECT COMPONENTS; DISTRICT FUNDS (PRIOR YEAR AD VALOREM FUND BALANCE) FOR ADVANCED FUNDING ARE SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY15 BUDGETS; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600002709)

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 multi-year funding agreement with **UNITED STATES DEPARTMENT OF AGRICULTURE-NATURAL RESOURCES CONSERVATION SERVICE** for a dispersed water management project on the Allapattah Conservation & Recreation Area lands in the St. Lucie River Watershed in an amount not to exceed \$3,000,000; and

WHEREAS, under the agreement, the District will manage the procurement of contractors to construct and implement the project which will include activities such as ditch plugs, water control structures and exotic vegetation control; and

WHEREAS, Martin County as co-landowner is willing to observe construction progress and provide information to the District.

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 No. 4600002709.

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

PASSED and **ADOPTED** this ____ day of _____, 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

ATTEST:

District Clerk/Secretary

Approved as to form:

By:

Office of Counsel

Print name:

- 35. 2012-812** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a multi-year funding agreement with the United States Department of Agriculture-Natural Resources Conservation Services (USDA-NRCS) for the Turnpike Dairy and Williamson Ranch Dispersed Water Management Wetland Reserve Project in the St. Lucie River Watershed, in which the USDA-NRCS will provide reimbursement funds in an amount not to exceed \$700,000 for the construction of the project components; District funds (prior year ad valorem fund balance) for advanced funding are subject to Governing Board approval of the FY13-FY14 budgets; providing an effective date. (Contract 4600002710) (Benita Whalen, ext. 2957)

See supporting document: [ca_reg_107_sd.pdf](#)

See resolution document: [ca_reg_107_rd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: July 20, 2012

SUBJECT: Turnpike Dairy and Williamson Ranch Dispersed Water Management Wetland Reserve Project Agreement; Contract No. 4600002710

Background: The Florida Legislature's intent for the Northern Everglades and Estuaries Protection Program (F.S. 373.4595) is to encourage and support the development of creative partnerships to facilitate the further restoration and protection of the St. Lucie River and Estuary. The objective of the Turnpike Dairy and Williamson Ranch project is to implement a Dispersed Water Management Wetland Reserve Project in partnership with the United States Department of Agriculture (USDA) - Natural Resource Conservation Service (NRCS). The project will lead to improved habitat and increased water and nutrient retention from natural area hydrologic restoration on approximately 640 acres and in turn reduce regulatory releases to the St. Lucie River Estuary from the C-23 Canal.

Under this agreement, the NRCS will provide the District with an amount not to exceed \$700,000 over the term of the agreement to complete the construction phase for natural area hydrologic restoration on the Turnpike Dairy and Williamson Ranch. The NRCS will provide 100% reimbursement for construction of the subject plan components. The District will be responsible for procuring the construction contractor and Martin County is willing to observe construction progress and provide information to the District.

Why is this action necessary? The project will provide improvements to habitat and water and nutrient retention in the Northern Everglades to assist with meeting the water quality improvement goals of the St. Lucie River Estuary Protection Plan. The agreement will provide multi-year funding for construction of the Wetland Reserve Project to be completed by 2014.

How this helps meet the District's 10-year Strategic Plan: This project is a component of the Dispersed Water Management Program that is outlined in the District's Ten Year Strategic Plan. One component of the program is to re-direct or capture excess stormwater from the St. Lucie River Watershed and retain it on private and public lands in order to reduce discharge volumes to the estuary. The benefits of the project are habitat restoration, flow attenuation and water quality nutrient load reductions in the St. Lucie River Watershed.

Funding Source: USDA – NRCS reimbursement

This Board item impacts what areas of the District, both resource areas and geography: This project is located within the Northern Everglades – St. Lucie River Estuary Watershed and impacts the Resource Areas of Everglades Restoration, Operations, and Regulation.

What concerns could this Board item raise: Under this Landowner Agreement, NRCS will make payments to the District on a reimbursement basis.

Why should the Governing Board approve this item: The approval of the referenced agreement provides 100% reimbursement funding to the District for construction of a critical project providing habitat restoration, water retention and water quality improvements in the Northern Everglades - St. Lucie River Estuary Watershed.

If you should have any questions, please do not hesitate to call me at ext. 6814.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A MULTI YEAR FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE (USDA-NRCS) FOR THE TURNPIKE DAIRY AND WILLIAMSON RANCH DISPERSED WATER MANAGEMENT WETLAND RESERVE PROJECT IN THE ST. LUCIE RIVER WATERSHED IN WHICH THE USDA-NRCS WILL PROVIDE REIMBURSEMENT FUNDS IN AN AMOUNT NOT TO EXCEED \$700,000 FOR THE CONSTRUCTION OF THE PROJECT COMPONENTS; DISTRICT FUNDS (PRIOR YEAR AD VALOREM FUND BALANCE) FOR ADVANCED FUNDING ARE SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY14 BUDGETS; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600002710)

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 multi-year funding agreement with **UNITED STATES DEPARTMENT OF AGRICULTURE-NATURAL RESOURCES CONSERVATION SERVICE** for a dispersed water management project on the Turnpike Dairy and Williamson Ranch in the St. Lucie River Watershed in an amount not to exceed \$700,000; and

WHEREAS, under the agreement, the District will manage the procurement of contractors to construct and implement the project which will include activities such as ditch plugs, water control structures and exotic vegetation control; and

WHEREAS, Martin County as co-landowner is willing to observe construction progress and provide information to the District.

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 No. 4600002710.

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

PASSED and ADOPTED this [REDACTED] day of [REDACTED], 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: _____
Chair

ATTEST:

District Clerk /Secretary

Approved as to form:

BY: _____
Office of Counsel

- 36. 2012-813** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year price agreement with two (2) one-year renewal options with BV Oil Company Incorporated, the lowest responsive and responsible bidder for number 2 ultra low sulphur diesel fuel in an amount not to exceed \$225,000 in FY12 (September only), \$2,500,000 for FY13 and \$8,000,000 for all 3 years, for which \$225,000 is budgeted, using ad valorem funds (Okeechobee Basin) and dedicated funds (STA O&M Fund) and the remainder is subject to Governing Board approval of the FY13-FY15 budgets; providing an effective date. (Price Agreement 4600002712) (Butch Dias, ext. 6480)

See supporting document: [da_om_101_sd.pdf](#)

See resolution document: [da_om_rd_19833_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Division Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: 4600002712- Yearly Fuel Price Agreement – O&M Pump Stations

Background:

To establish a price agreement for number 2 ultra low sulphur diesel fuel, based on the gross average Oil Price Information Service (OPIS), plus the fixed price increment, which remains firm for the price agreement period of one year with 2 one-year renewal options. This agreement includes diesel fuel delivery service to the pump stations noted within the price agreement.

How this helps meet the District's 10-year Strategic Plan:

Diesel fuel is required for all pump stations to run pumps for the movement of water and for use in off-road equipment to perform District core functions throughout the 16 county region.

Funding Source:

The lowest responsive and responsible bidder is BV Oil Company, Incorporated with a not-to-exceed amount of \$225,000 in FY12 (September only), \$2,500,000 for FY13 and \$8,000,000 for all 3 years. For which \$225,000 is budgeted using ad valorem funds (Okeechobee Basin Funds) and dedicated funds (STA O&M Fund) within various Field Stations budgets and the remainder is subject to Governing Board approval of the FY13-FY15 budgets.

This Board item impacts what areas of the District, both resource areas and geography:

This Item impacts the Operations, Maintenance and Construction Division within the 16 county region for movement of water throughout the District.

What concerns could this Board item raise?

This Request for Bids (RFB) followed standard procurement procedures. The lowest responsive and responsible bidder was selected for this price agreement.

Why should the Governing Board approve this item?

Diesel fuel is required to perform daily core mission activities along with required maintenance throughout the 16 county region by the Operations & Maintenance Organization.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012-

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A ONE YEAR PRICE AGREEMENT WITH 2 ONE YEAR RENEWAL OPTIONS WITH BV OIL COMPANY INCORPORATED, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR NUMBER 2 ULTRA LOW SULPHUR DIESEL FUEL IN AN AMOUNT NOT TO EXCEED \$225,000 IN FY12 (SEPTEMBER ONLY), \$2,500,000 FOR FY13 AND \$8,000,000 FOR ALL 3 YEARS FOR WHICH \$225,000 IS BUDGETED, USING AD VALOREM FUNDS (OKEECHOBEE BASIN) AND DEDICATED FUNDS (STA O&M FUND) AND THE REMAINDER IS SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13 - FY15 BUDGETS; 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 one year price agreement with 2 one year renewal options with BV Oil Company Incorporated, the lowest responsive and responsible bidder for number 2 ultra low sulphur diesel fuel in an amount not to exceed \$225,000 in FY12 (September only), \$2,500,000 for FY13 and \$8,000,000 for all 3 years for which \$225,000 is budgeted, using ad valorem funds (Okeechobee Basin) and dedicated funds (STA O&M Fund) and the remainder is subject to Governing Board approval of the FY13 - FY15 budgets; providing an effective date. (Price Agreement 4600002712) (Butch Dias, ext. 6480) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Price Agreement 4600002712 with BV Oil Company Incorporated.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 37. 2012-814** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Amec Environment & Infrastructure, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13 -FY17 budgets; providing an effective date (Contract Number 4600002702) (Shawn Gao, ext. 2678)

See supporting document: [da_om_102_sd.pdf](#)

See resolution document: [da_om_rd_19880_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services -
Amec Environment & Infrastructure, Inc. (Contract Number 4600002702)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH AMEC ENVIRONMENT & INFRASTRUCTURE, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 6000000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Amec Environment & Infrastructure, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002702) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002702 with Amec Environment & Infrastructure, Inc.

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

PASSED and ADOPTED this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 38. 2012-815** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Dunkelberger Engineering & Testing, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13 -FY17 budgets; providing an effective date (Contract Number 4600002703) (Shawn Gao, ext. 2678)

See supporting document: [da_om_103_sd.pdf](#)

See resolution document: [da_om_rd_19882_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services -
Dunkelberger Engineering & Testing, Inc. (Contract Number 4600002703)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH DUNKELBERGER ENGINEERING & TESTING, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 6000000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Dunkelberger Engineering & Testing, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002703) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002703 with Dunkelberger Engineering & Testing, Inc.

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

PASSED and ADOPTED this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 39. 2012-816** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Gannett Flemming, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002704) (Shawn Gao, ext. 2678)

See supporting document: [da_om_104_sd.pdf](#)

See resolution document: [da_om_rd_19884_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services - Gannett Flemming, Inc. (Contract Number 4600002704)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH GANNETT FLEMMING, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 6000000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13 -FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Gannett Flemming, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002704) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002704 with Gannett Flemming, Inc.

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

PASSED and ADOPTED this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 40. 2012-817** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Nutting Engineers of Florida, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002705) (Shawn Gao, ext. 2678)

See supporting document: [da_om_105_sd.pdf](#)

See resolution document: [da_om_rd_19889_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services -
Nutting Engineers of Florida, Inc. (Contract Number 4600002705)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH NUTTING ENGINEERS OF FLORIDA, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 600000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13-FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Nutting Engineers of Florida, Inc., one of six firms selected under request for proposal 600000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002705) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002705 with Nutting Engineers of Florida, Inc.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 41. 2012-818** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Tierra South Florida, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002706) (Shawn Gao, ext. 2678)

See supporting document: [da_om_106_sd.pdf](#)

See resolution document: [da_om_rd_19890_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services -
Tierra South Florida, Inc. (Contract Number 4600002706)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH TIERRA SOUTH FLORIDA, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 6000000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13 -FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Tierra South Florida, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002706) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002706 with Tierra South Florida, Inc.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

- 42. 2012-819** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2) one-year renewal options, subject to successful negotiations with Ardaman & Associates, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002707) (Shawn Gao, ext. 2678)

See supporting document: [da_om_107_sd.pdf](#)

See resolution document: [da_om_rd_19906_BFLD.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, P.E., Director, Operations, Maintenance & Construction Division

DATE: August 9, 2012

SUBJECT: **Geotechnical Engineering and Testing Services -
Ardaman & Associates, Inc. (Contract Number 4600002707)**

Background:

Based on the District Operations, Maintenance and Construction 50-year Capital Improvement Plan, the District currently owns and operates approximately 250 gated control structures, 60 pump stations, over 1000 culverts, approximately 2000 miles of canals and levees, and several water conservation areas and stormwater treatment areas. Such an inventory requires continuous inspection and maintenance, sometimes replacement and/or enhancement or additional facilities. The geotechnical engineering and testing services will assist District staff in completing a variety of projects due to legal mandates, restoration programs and the need to maintain existing facilities.

How this helps meet the District's 10-year Strategic Plan:

The geotechnical engineering and testing services are required for the District staff from the Engineering and Construction Bureau to successfully manage the engineering and design activities associated with the Operations, Maintenance and Construction 50-year Capital Improvement Plan as well as other restoration and/or water quality projects.

Funding Source:

It is a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with six firms selected under request for proposal 6000000523, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to governing board approval of the FY13-FY17 budgets; providing an effective date.

This Board item impacts what areas of the District, both resource areas and geography:

This item applies to numerous projects throughout the District. Thus, the item impacts the Operations, Maintenance & Construction Division projects in all 16 counties.

What concerns could this Board item raise?

Potential protest(s) by firms not selected.

Why should the Governing Board approve this item?

The District needs a pool of geotechnical firms to support the design efforts associated with execution of the District's annual work plan.

If you have any questions, please do not hesitate to call me at ext. 6998.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2012-**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE THE OFFICIAL RANKING OF SHORT-LISTED FIRMS AND ENTERING INTO A THREE (3) YEAR WORK ORDER CONTRACT WITH TWO (2), ONE-YEAR RENEWAL OPTIONS, SUBJECT TO SUCCESSFUL NEGOTIATIONS WITH ARDAMAN & ASSOCIATES, INC., ONE OF SIX FIRMS SELECTED UNDER REQUEST FOR PROPOSAL 6000000523 TO PERFORM GEOTECHNICAL ENGINEERING AND TESTING SERVICES, FOR WHICH THE TOTAL NOT-TO-EXCEED AMOUNT FOR ALL SIX CONTRACTS IS \$2,000,000, SUBJECT TO GOVERNING BOARD APPROVAL OF THE FY13 -FY17 BUDGETS; 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 the official ranking of short-listed firms and entering into a three (3) year work order contract with two (2), one-year renewal options, subject to successful negotiations with Ardaman & Associates, Inc., one of six firms selected under request for proposal 6000000523 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all six contracts is \$2,000,000, subject to Governing Board approval of the FY13-FY17 budgets; providing an effective date (Contract Number 4600002707) (Shawn Gao, ext. 2678) and;

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract Number 4600002707 with Ardaman & Associates, Inc.

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

PASSED and **ADOPTED** this 9th day of August, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

Approved as to form:

By:

By:

District Clerk/Secretary

43. General Public Comment

44. Open Public Hearing

Adopt amendments to Rules 40E-0.102, 40E-0.109, 40E-0.113, 40E-1.021, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-1.711, 40E-1.715, 40E-2.010, 40E-2.011, 40E-2.031, 40E-2.041, 40E-2.091, 40E-2.101, 40E-2.331, 40E-2.341, 40E-2.381, 40E-2.451, 40E-2.501, 40E-5.101, 40E-5.381, 40E-8.011, 40E-8.021, 40E-8.221, 40E-8.321, 40E-8.341, 40E-8.421, 40E-20.010, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.321, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District Basis of Review, to update and correct the District's rules to comply with statutory requirements, in accordance with Section 120.74(1), F.S. Specifically, the amendments: (1) conform rules to statutory amendments; (2) delete references to repealed rules; (3) delete language regarding basin expiration dates since all expiration dates have passed; and (4) correct minor deficiencies in its rules. (Jennifer Bokankowitz, ext. 2258)

Close Public Hearing

See supporting document: [ca_reg_108_sd.pdf](#)

See supporting document: [ca_reg_108_text.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: August 9, 2012

SUBJECT: Adopt amendments to Rules 40E-0.102, 40E-0.109, 40E-0.113, 40E-1.021, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-1.711, 40E-1.715, 40E-2.010, 40E-2.011, 40E-2.031, 40E-2.041, 40E-2.091, 40E-2.101, 40E-2.331, 40E-2.341, 40E-2.381, 40E-2.451, 40E-2.501, 40E-5.101, 40E-5.381, 40E-8.011, 40E-8.021, 40E-8.221, 40E-8.321, 40E-8.341, 40E-8.421, 40E-20.010, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.321, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District (BOR), to update and correct the District's rules to comply with statutory requirements, in accordance with Section 120.74(1), F.S. Specifically, the amendments: (1) conform rules to statutory amendments; (2) delete references to repealed rules; (3) delete language regarding basin expiration dates since all expiration dates have passed; and (4) correct minor deficiencies in its rules.

Background:

Section 120.74(1), F.S., requires agencies to review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements. As a result, District staff, in coordination with Office of Counsel, identified a number of water supply related and water use permitting rules in need of correction, modification, or updating. No substantive amendments are proposed. No workshops were requested or conducted. The amendments are as follows:

- Update delegation pursuant to ss. 373.079(4) and 373.083(5), F.S.;
- Delete or update references to repealed rules;
- Update incorporation language pursuant to ss. 120.55(1)(a)4. and 5., F.S.;
- Correct typographical errors;
- Delete language regarding basin expiration dates since all expiration dates have passed;
- Update rules in accordance with s. 373.236(3), F.S., to reflect that compliance reports should be submitted every ten years rather than five; and,
- Change definition of "Xeriscape" to "Florida-Friendly Landscaping" pursuant to s. 373.185, F.S.

Recommendation:

Staff recommends adoption of these minor rule amendments in compliance with Section 120.74(1), F.S.

Staff Contact:

Jennifer Bokankowitz, Attorney, ext. 2258

Paulette Glebocki, Hydrogeologist – Lead, ext. 6941

FINAL RULE TEXT WITH CHANGES

40E-0.102 Time for Consideration of Emergency Petition for Variance or Waiver.

Notwithstanding Rule 28-104.005, F.A.C., when a petition for an emergency variance or waiver requires action by the District Governing Board, the District Board shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt or at the next regularly scheduled meeting for which notice may be properly given.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 373.079, 373.083 FS. History–New 7-2-98, Amended _____.

40E-0.109 Point of Entry Into Proceedings and Mediation.

Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

(1)(a) “Receipt of written notice of agency decision” as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to this chapter, publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) If the District Board takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., unless otherwise provided by law. The District Board action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.

(3) Notwithstanding Rule 28-106.111, F.A.C., intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, F.S., shall provide a 14 day point of entry to file petitions for administrative hearing under Rule 28-106.111, F.A.C.

Rulemaking Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.079, 373.083, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History–New 7-2-98, Amended 6-12-00, 3-22-09, _____.

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

(1) The District Governing Board is authorized to grant a variance from the provisions of Section 373.414, F.S., paragraph 40E-4.301(1)(e) or Rule 40E-4.302, F.A.C., pursuant to Section 403.201, F.S. The variance under this rule is provided in addition to the variance and waiver procedures set forth in Chapter 28-104, F.A.C., which implements Section 120.542, F.S.

(2) No change.

(3)(a) through (e) No change.

(f) The steps or measures the petition is taking to meet the requirement from which the variance is sought. ~~If the request is pursuant to subsection 40E-4.311(1), F.A.C., above, the petitioner shall include a schedule when compliance will be achieved.~~

(g) through (h) No change.

(4) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 373.079, 373.083, 403.201 FS. History–New 9-2-98, Amended 6-12-00, 6-26-02,_____.

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-2, 40E-4, 40E-20, 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) “e-Permitting website” means the District’s website address for e-Permitting at <http://www.sfwmd.gov/ePermitting>.

(2) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 668.003, 668.004, 668.50 FS. History– New 10-1-06, Amended_____.

40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent Conceptual Approval, Individual and Standard Permits.

(1) through (1)(a) No change.

(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. For individual environmental resource permits, ~~and~~ standard environmental resource permits, individual water use permits, and standard general water use permits, the applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

(c) through (e) No change.

(2) No change.

(3)(a) Agency action on individual permits and conceptual approvals for environmental resource permits shall occur within 90 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(b) An authorization to proceed for standard general water use permits in Chapter 40E-20, F.A.C., shall occur within 60 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(c) Agency action on a standard environmental resource permit application in Chapter 40E-40, F.A.C., shall occur within 60 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

~~(d) An authorization to proceed for general permits in Chapter 40E-30, F.A.C., shall be issued within 30 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.~~

~~(d)(e)~~ Noticed general environmental resource permits under Chapter 40E-400, F.A.C., may be utilized by the applicant 30 days after the District receives the notice of intent, unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District within 30 days, in accordance with Rule 40E-400.211, F.A.C. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule. Rulemaking Authority 120.53(1), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, Amended 12-1-11, _____.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) After the application for a permit is declared by staff to be complete, ~~if a governing board hearing on the permit application is required,~~ the District shall prepare a Staff Review Summary, which shall contain its recommendations regarding the subject application and which shall constitute intended agency decision. A notice of intended agency decision together with the Staff Review Summary shall be furnished to the applicant and any persons requesting the same pursuant to Rule 40E-1.6058, F.A.C., as applicable. The notice shall state the District Staff's recommendation that the District Governing Board approve, deny, or approve with conditions the permit application and the reasons therefore.

(2) The District Governing Board shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or individual water use permit application at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) No change.

(4) Because the District Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the District Governing Board. If the District Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail by regular United States mail or electronic mail a notice of the final agency action to all persons who were notified of the intended agency decision.

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 120.60, 373.079, 373.083, 373.107, 373.109, 373.116, 668.003, 668.004, 668.50 FS. History—New 7-2-98, Amended 6-12-00, 10-1-06, _____.

40E-1.607 Permit Application Processing Fees.

Introductory paragraph – No change.

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)

**PERMIT APPLICATION PROCESSING FEES FOR
WATER USE PERMIT APPLICATIONS**

REVIEWED PURSUANT TO CHAPTERS 40E-2 AND 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Category	Amount
Individual Public Water Supply with a duration less than 20 years	
Maximum monthly allocation through Aquifer Storage and Recovery No Change	
Permit Transfer to Another Entity Pursuant to Rules <u>40E-0.107</u> 40E-1.611 and 40E-2.351, F.A.C.	\$300
Letter Modification to Individual Permit through	
Letter Modification to General Permit	No change.

(2) No change.

(3) through (7) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b) FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, _____.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, ~~or~~ Water Use, or Wetland Resource Permit.

(1) To transfer an environmental resource, surface water management, or water use permit, the permittee, in addition to satisfying the applicable provisions in Rules 40E-2.351, ~~and~~ 40E-4.351, 40E-20.351, and 40E-40.351, F.A.C., must submit Form No. 0483, _____ (date), (hyperlink) _____, Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference herein. Form 0483 is also available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436.

(2) In addition, the permittee must provide information required in Rule 40E-1.6105, F.A.C., and file a statement from the proposed transferee in writing or at the District’s e-Permitting website that it has reviewed the District permit and project design and will be bound by all terms

and conditions of the permit, including all compliance requirements, for the duration of the permit.

(2) through (4) renumbered (3) through (5) No change.

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History–New 5-11-93, Amended 10-3-95, 10-1-06,_____.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) through (2) No change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 or 40E-20 (Consumptive Use) and 40E-4 or 40E-40, (Environmental Resource), F.A.C.:

(a) The Coordinated Review Application shall consist of the application information required by Rules 40E-1.603 (Application Procedures for Processing Permit Applications or Notices of Intent), 40E-2.101 (Content of Application) or 40E-4.101 (Content of Application), F.A.C.

(b) No change.

(c) The District's Coordinated Review process follows the permit review procedures set forth in Rule 40E-1.603, F.A.C. (Application Procedures for Processing Permit Applications or Notices of Intent ~~Conceptual Approval, Individual and Standard Permits~~).

(d) No change.

(e) The Certification of the Coordinated Review Application required by Section 380.051(2)(a), F.S., and subsections 9J-19.002(3) (Purpose) and 9J-19.009(1) and (2) (Completion of Substantive Review), F.A.C., shall occur within 60 days after the District begins substantive review, and shall consist of the notice of proposed agency action together with the staff report on the individual permit pursuant to subsection 40E-1.603(6) (Application Procedures for Processing Permit Applications or Notices of Intent ~~Conceptual Approval, Individual and Standard Permits~~), F.A.C., which may recommend denial to the Governing Board, or approval, or approval with conditions to its designee.

(f) No change.

Rulemaking Authority 373.044, 373.113, 380.051, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 380.051, 668.003, 668.004, 668.50 FS. History–New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11,_____.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0186	_____	<u>State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.</u>
0188-QMQ	_____	<u>Quarterly Report of Withdrawals, incorporated by reference in subsection 40E-2.091(1), F.A.C.</u>
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	_____	<u>Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in subsection 40E-2.091(2), F.A.C.</u>
0188-QMON	_____	<u>Quarterly Report of Monitoring Requirements, incorporated by reference in subsection 40E-2.091(5), F.A.C.</u>
0188-QMQF	_____	<u>Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in subsection 40E-2.091(3), F.A.C.</u>
0188-QCROP	_____	<u>Report of Planting and Harvest of Seasonal Crops, incorporated by reference in subsection 40E-2.091(6), F.A.C.</u>
0188-QBWDR	_____	<u>Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in subsection 40E-2.091(4), F.A.C.</u>
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0444	12-11	No change.
0445	_____	<u>Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in subsection 40E-2.101(3), F.A.C.</u>
0483	_____	<u>Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C.</u>
0645-W-01	_____	<u>Water Use Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G60	_____	<u>Table A Descriptions of Wells, incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C.</u>
0645-G61-1	_____	<u>Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(c), F.A.C.</u>
0645-G61-2	_____	<u>Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C.</u>
0645-G65	_____	<u>Table D Crop Information, incorporated by reference in paragraph 40E-</u>

	8-03	<u>2.101(1)(e), F.A.C.</u>
0645-G74	_____	Table E Water Received From or Distributed to Other Entities, <u>incorporated</u>
	8-03	<u>by reference in paragraph 40E-2.101(1)(f), F.A.C.</u>
0645-G69	_____	Table F Past Water Use & Table G Projected Water Use, <u>incorporated by</u>
	8-03	<u>reference in paragraph 40E-2.101(1)(g), F.A.C.</u>
0645-G70	_____	Table H Projected Water Use (For Per Capita Greater than 200 GPD),
	8-03	<u>incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C.</u>
0645-G71	_____	Table I Water Treatment Method and Losses, <u>incorporated by reference in</u>
	8-03	<u>paragraph 40E-2.101(1)(i), F.A.C.</u>
0645-G72	_____	Table J Aquifer Storage and Recovery, <u>incorporated by reference in</u>
	8-03	<u>paragraph 40E-2.101(1)(j), F.A.C.</u>
0645-G73	_____	Table K Water Supply System Interconnections, <u>incorporated by reference</u>
	8-03	<u>in paragraph 40E-2.101(1)(k), F.A.C.</u>
0779	<u>01-01</u>	Guidance for Preparing an Application for a “Works of the District” Permit
	<u>5-5-92</u>	in the Everglades/Application for a Works of the District Permit,
		<u>incorporated by reference in subsection 40E-63.091(9), F.A.C.</u>
0830	4-94	Special Use Application and License,
0881A through		
1024		No change.
<u>1045</u>	<u>11-10</u>	<u>Application for a C-139 Works of the District Permit, incorporated by</u>
		<u>reference in subsection 40E-63.430(2), F.A.C.</u>
		No change.
		Water Use General Permit
1105 thru 1109 <u>1106</u>		
	8-03	
1189 thru	1318	No change.
<u>62-532.900(1)</u>	<u>10-07-10</u>	<u>State of Florida Permit Application to Construct, Repair, Modify or</u>
		<u>Abandon a Well, incorporated by reference in subsection 40E-3.101(1),</u>
		<u>F.A.C.</u>
<u>62-532.900(2)</u>	<u>10-07-10</u>	<u>State of Florida Well Completion Report, incorporated by reference in</u>
		<u>subsection 40E-3.411(1), F.A.C.</u>

Rulemaking Authority 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, _____.

40E-1.711 Orders of Corrective Action and Consent Order Agreements.

- (1) No change.
- (2) Consent Order Agreement.

(a) A consent ~~order agreement~~ is final agency action wherein all parties and the District, by negotiation, have arrived at a resolution of alleged violations of law for the purpose of achieving full and expeditious compliance with Chapters 373 and 403, F.S., and District rules promulgated thereunder. A consent ~~order agreement~~, executed by all parties to an enforcement action, shall have the same force and effect as a final order entered by the District after a formal Section 120.57, F.S., administrative hearing, and shall be enforced in like manner.

(b) The resolution of an enforcement action which requires only the payment of civil penalties and costs but no corrective action shall be memorialized by use of a letter agreement. Any other remedial action required, such as mitigation, restoration, or procurement of permits shall be implemented by use of a consent ~~order agreement~~.

(c) Upon execution by the Chair of the Governing Board, or a duly authorized designee, and filing by the District Clerk, a consent ~~order agreement~~ shall constitute agency action subject to the provisions of Rule ~~40E-0.109 40E-1.511~~, F.A.C.

(3) No change.

Rulemaking Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.430, 373.603 FS. History–New 5-11-93, Formerly 40E-1.614, Amended 10-3-95,_____.

40E-1.715 Civil Penalty Calculation.

(1) Consistency and equitable treatment are essential elements of the District's enforcement guidelines. Therefore, the District has developed ~~two a~~ civil penalty ~~matrices matrix~~ (CPMs) for use in calculating appropriate civil penalties in enforcement actions. The Consumptive Use CPM, (date), (hyperlink) _____, is incorporated by reference herein and utilized for violations of into this chapter and Chapters 40E-2, 40E-3, ~~40E-4~~, 40E-5, ~~40E-20~~, and ~~40E-21~~ ~~40E-40~~, ~~40E-41~~, ~~40E-61~~, ~~40E-63~~ and ~~40E-400~~, F.A.C. The Environmental Resource CPM, (date) , (hyperlink) _____, is incorporated by reference herein and utilized for violations of Chapters 40E-4, 40E-40, 40E-41, 40E-61, 40E-63, and 40E-400, F.A.C. Copies of the CPMs are also available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33405, 1(800)432-2045, ext. 6436, or (561)682-6436.

(2) The CPM is the initial basis for determining the appropriate amount for a particular penalty. The CPM reflects the District's statutory authority under Section 373.129, F.S., to seek civil penalties of up to \$10,000 per day, per violation. The CPM is comprised of two principle components:

(a) The actual or potential harm to the public and the environment that may occur as a result of the violation; and

(b) The extent of deviation from statutory or regulatory requirements.

(3) Because an economic advantage can be derived through avoidance of expenditures necessary to achieve compliance with District permitting rules and regulations, the District shall consider in its assessment of civil penalties any economic benefit which the violator may have gained through noncompliance.

(4) Multiple penalties shall be calculated for every violation which constitutes an independent and substantially distinguishable violation, or when the same person has violated the same requirement in substantially different locations.

(5) Multi-day penalties shall be calculated where daily advantage is being gained by the violator for an ongoing violation, computed by multiplying the original assessment amount by the number of days of noncompliance.

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 373.333(1) FS. Law Implemented 120.69, 373.129, 373.209(3), 373.430, 373.603 FS. History–New 10-3-95, Amended_____.

40E-2.010 Review of Consumptive Use Permit Applications.

Consumptive use permit applications are processed pursuant to Section 120.60, Florida Statutes, ~~Part VI of and~~ Chapters 40E-1 and ~~28-106 28-107~~, F.A.C.

Rulemaking Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History–New 7-2-98, Amended_____.

40E-2.011 Policy and Purpose.

(1) through (2) No change.

(3) Additional rules relating to water use are found in Chapter 40E-5, F.A.C., (Artificial Recharge), Chapter 40E-8, F.A.C., (Minimum Flows and Levels (MFLs)), Chapter 40E-10, F.A.C., (Water Reservations), Chapters 40E-20, F.A.C., (General Water Use Permits), 40E-21, F.A.C., (The Water Shortage Plan), 40E-22, F.A.C., (Regional Water Shortage Plans) and 40E-24 (Mandatory Year-Round Landscape Irrigation Conservation Measures) ~~40E-23, F.A.C., Water Resource Caution Areas~~.

(4) Standards for the construction, repair and abandonment of water wells are found in Chapters 40E-3, F.A.C. (Water Wells) and ~~40E-30 (General Permits for Water Wells), F.A.C.~~ Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216, 373.249 FS. History– New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03, 7-2-09,_____.

40E-2.031 Implementation.

(1) The effective dates for the water use permitting program established in this chapter are:

(a) If the use or withdrawal of water exceeds 100,000 gallons per day, the effective dates are:

1. January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management District,

2. March 2, 1974, for the remainder of the District;

(b) If the use or withdrawal of water does not exceed 100,000 gallons per day, the effective date is January 14, 1979.

(2) The effective dates specified in subsection (1) are used to determine the two year period provided in Section 373.236, F.S. ~~373.266, Florida Statutes~~, for existing water users to file initial applications.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.216, 373.226 FS. History–New 9-3-81, Formerly 16K-2.011, Amended_____.

40E-2.041 Permits Required.

(1) through (2) No change.

(3) Under certain circumstances the District Board or the Executive Director may issue a temporary water use permit pursuant to Rule 40E-2.441, F.A.C., and Section 373.244, Florida Statutes.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.103(1), 373.219, 373.244 FS. History–New 9-3-81, Formerly 16K-2.03(1), (2), Amended_____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – March 18, 2010,” (hyperlink), is incorporated by reference herein, and requires the use of the following forms, which are also incorporated by reference herein: is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

(1) Form 0188-QMQ, Quarterly Report of Withdrawals, (date) _____, (hyperlink) _____ (referenced in Section 4.1);

(2) Form 0188-QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, (date) _____, (hyperlink) _____ (referenced in Section 4.1);

(3) Form 0188-QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, (date) _____, (hyperlink) _____ (referenced in Section 4.1);

(4) Form 0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, (date) _____, (hyperlink) _____ (referenced in Section 4.1);

(5) Form 0188-QMON, Quarterly Report of Monitoring Requirements, (date) _____, (hyperlink) _____ (referenced in Section 4.2);

(6) Form 0188-QCROP, Report of Planting and Harvest of Seasonal Crops, (date) _____, (hyperlink) _____ (referenced in Section 5.2.3);

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” and forms incorporated therein are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10,_____.

The following is an excerpt of the changes in the Basis of Review:

1.1 Objectives

Chapter 373, Florida Statutes (F.S.), enables and directs the District to regulate the use of water within its jurisdictional boundaries. The purpose of the water use regulatory program is to ensure that those water uses permitted by the District are reasonable-beneficial, will not interfere with any presently existing legal uses of water, and are consistent with the public interest pursuant to Section 373.223, F.S. The District has adopted rules for regulating the consumptive use of water, which are set forth in Chapters 40E-2 and 40E-20, Florida Administrative Code. The Basis of Review is incorporated by reference into Chapter 40E-2. The Basis of Review must be read in conjunction with Chapters 40E-2 and 40E-20, as applicable. The objective of the Basis of Review is to further specify the general procedures and information used by District staff for review of water use permit applications. All criteria in the Basis of Review applies to processing individual permit applications, and specified criteria applies to processing of general permit notices of intent. The criteria contained herein are flexible, with the primary goal being to meet District water resource objectives.

In addition, procedures for processing water use permit applications are set forth in Chapters 40E-0 and 40E-1, F.A.C. Rules ~~40E-1.603 and 40E-1.606~~. Rule 40E-1.610 provides procedures for permit renewals and Rule 40E-1.6107 sets forth procedures for permit transfers.

1.3.1 Third Party Interests

Frequently, other governmental entities, organizations, or affected citizens have an interest in the outcome of a permit action. Third party interests that would be substantially affected by issuance of a requested permit will have the opportunity to request an administrative hearing, pursuant to Sections 120.569 and 120.57(1), F.S. Rule ~~40E-1.524~~, prior to issuance of the permit. In order to obviate any delays in permit issuance, discussions with such entities regarding their water resource concerns prior to or during permit application review is encouraged. Issuance of a water use permit by the District does not relieve the Applicant of the responsibility to obtain all necessary federal, state, local, or other District permits or authorizations.

1.3.2.1 Competition within the Central Florida Coordination Area (CFCA)

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the Legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the District ~~Governing Board~~ or of any other person under Section 373.233, F.S., Competing Applications. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 1.8, to minimize competition and thereby provide greater certainty of outcome than competition.

1.6 Professional Certification of Supporting Documents

All final plans, calculations, analyses, or other geologic/engineering documents, submitted as part of a permit application are required to be signed and sealed by an appropriate registered professional pursuant to Section 373.117, 373.1175, or Chapter 492, F.S., as appropriate.

1.7 Application Review Process

The District has established two ~~categories~~ ~~procedures~~ for issuing permits based on the quantity of water permitted: individual and standard general. ~~These two procedures include permit issuance by (1) the Governing Board for individual permits and (2) District staff for general permits~~ General permits include: (1) (minor standard general permits for uses of 3 million gallons per month or less; (2) major standard general permits for uses greater than 3 million gallons per month up to 15 million gallons per month; and (3) dewatering general permits). ~~Individual permits must be obtained for water use activities that are not exempt pursuant to Rule 40E-2.051, F.A.C., and do not fall within the thresholds for general permits established in Rule 40E-20.302, F.A.C.~~

The permit application will be processed pursuant to Chapters 40E-0 and 40E-1 ~~Rule 40E-1.603~~, F.A.C., for individual and general permits. These rules set forth procedures for filing applications, requests for additional information, permit application modification, public noticing of permit applications, and requests for administrative hearings.

(Remainder of section remains unchanged)

1.7.2.2 Special Duration Factors

A. 1. through 3. No change.

~~4. For irrigation uses permit applications filed before the applicable Basin Application Date in Section 1.7.3, the permit duration will be limited to the Basin Expiration Date;~~

5. through 8. renumbered 4 through 7. No change.

B.1. No change.

2. Lower East Coast Regional Water Supply Planning Area: Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the Saint Lucie River/Canal.

3. through 4. No change.

C. through E. No change.

1.7.2.3 Compliance Reports

A. Where necessary to maintain reasonable assurance that the conditions for issuance of a permit can continue to be met over the duration of a 20 year permit, the District shall require the permittee to submit a compliance report pursuant to subsection 373.236(4)(~~3~~), F.S., no more than once every ~~ten~~ five years. The permit shall be conditioned to assure compliance with the initial conditions for issuance, including implementation of schedules for Water Need and Demand Methodologies under Section 2.0, maintaining

updated water conservation and efficiency requirements, and updated allocation methodologies, pursuant to District rules.

The compliance report shall contain sufficient information to maintain reasonable assurance that the permittee's use of water will continue to meet Chapters 40E-2 and 40E-20, F.A.C., as applicable, for the remaining duration of the permit. The compliance report shall, at a minimum, include all of the information specifically required by the permit limiting conditions.

B. No change.

C. No change.

1.7.3 Basin Expiration Dates

1.7.3.1 Definitions

- A. ~~Irrigation Permit Expiration Basin—Geographic area where Individual and major Standard General Water Use Permits for the irrigation use class have a specified Irrigation Basin Expiration Date.~~
- B. ~~Basin Application Date—The date, specified below in Section 1.7.3.3, after which complete applications for Individual and major Standard General Water Use Permits for the irrigation use class shall be reviewed under newly adopted rules.~~
- C. ~~Basin Expiration Date—The date of expiration, specified below in Section 1.7.3.3, of Individual and major Standard General Water Use Permits for the irrigation use class located in the specified Irrigation Permit Expiration Basin.~~

1.7.3.2 Policy and Purpose

~~This Section addresses application and expiration procedures associated with Individual and major Standard General Water Use Permits for the irrigation use class during the transition from the use of Basin Expiration Dates to use of permit durations based on the date of permit application. These criteria establish Irrigation Permit Expiration Basins, Basin Expiration Dates, Basin Application Dates, and application procedures for Individual and major Standard General Water Use Permits for the irrigation use class.~~

~~The Irrigation Permit Expiration Basins are defined considering a number of factors including commonality of supply source, resource concerns, and work load management. By establishing the Irrigation Permit Expiration Basins, the District specifically does not intend to establish any priority or preference between individual users or basins. The District recognizes individual user concerns regarding availability of shared resources across basin lines may warrant flexibility in the timing of permit application and review. Thus, procedures to address such concerns are detailed below.~~

1.7.3.3 Basin Expiration and Application Dates

- A. ~~An Individual and major Standard General Water Use Permit for the Irrigation Use Class shall expire on the Basin Expiration Date for the Irrigation Permit Expiration Basin in which the permitted project is located.~~

- B. Individual and major Standard General Water Use Permits for the Irrigation Use Class issued pursuant to applications that are completed before the Basin Application Date shall have a permit expiration date commensurate with the Basin Expiration Date.
- C. The District shall provide notice to Individual and major Standard General Water Use Permit holders for the Irrigation Use Class of the expiration date of their permits 30 days prior to the Basin Application Date applicable to their project. Notice shall be made by mail or by publication in a newspaper of general circulation in the affected area.
- D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable Basin Application Dates and Basin Expiration Dates.

Irrigation Permit Expiration Basin	Basin Application Date	Basin Expiration Date
Upper East Coast Basin A	October 30, 2003	February 28, 2004
Upper East Coast Basin B	February 28, 2004	June 30, 2004
Upper East Coast Basin C	June 30, 2004	October 30, 2004
Lower West Coast Basin A	October 30, 2004	February 28, 2005
Lower West Coast Basin B (excluding projects located within the Lake Okeechobee Basin)	February 28, 2005	June 30, 2005
Lower West Coast Basin C	June 30, 2005	October 30, 2005
Lower West Coast Basin D	October 30, 2005	February 28, 2006
Lower West Coast Basin E (excluding projects located within the Lake Okeechobee Basin)	February 28, 2006	June 30, 2006
Broward County Basin	June 30, 2006	October 30, 2006
Dade / Monroe Basin	October 30, 2006	February 28, 2007
Palm Beach County Basin	February 28, 2007	June 30, 2007
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
Lake Okeechobee Basin	October 30, 2008	February 28, 2009

1.7.3.4 Lake Okeechobee Basin

Permittees located within the Lake Okeechobee Basin using water, in whole or in part, from sources other than Lake Okeechobee, the Caloosahatchee River, the St. Lucie River/Canal, or integrated conveyance systems that are hydraulically connected to either Lake Okeechobee, the Caloosahatchee River or the St. Lucie River/Canal, may elect to have their permit applications reviewed concurrently with other water use applications located within the same Irrigation Permit Expiration Basin.

1.7.3.5 Irrigation Permit Expiration Basin Descriptions

- (1) Lower West Coast Basin A is described in Figure 2.

- (2) ~~Lower West Coast Basin B is described in Figure 3.~~
- (3) ~~Lower West Coast Basin C is described in Figure 4.~~
- (4) ~~Lower West Coast Basin D is described in Figure 5.~~
- (5) ~~Lower West Coast Basin E is described in Figure 6.~~
- (7) ~~Upper East Coast Basins A, B, and C are described in Figure 7.~~
- (8) ~~Palm Beach County Basin is described in Figure 8.~~
- (9) ~~Broward County Basin is described in Figure 9.~~
- (10) ~~Kissimmee Basins A, B, and C are described in Figure 10.~~
- (11) ~~Dade/Monroe Basin is described in Figure 11.~~
- (12) ~~Lake Okeechobee Basin is described in Figure 12.~~

(Figure 1 is proposed to be deleted)

~~Figure 1~~

(Figure 2 is proposed to be deleted)

~~Figure 2~~

(Figure 3 is proposed to be deleted)

~~Figure 3~~

(Figure 4 is proposed to be deleted)

~~Figure 4~~

(Figure 5 is proposed to be deleted)

~~Figure 5~~

(Figure 6 is proposed to be deleted)

~~Figure 6~~

(Figure 7 is proposed to be deleted)

~~Figure 7~~

(Figure 8 is proposed to be deleted)

~~Figure 8~~

(Figure 9 is proposed to be deleted)

~~Figure 9~~

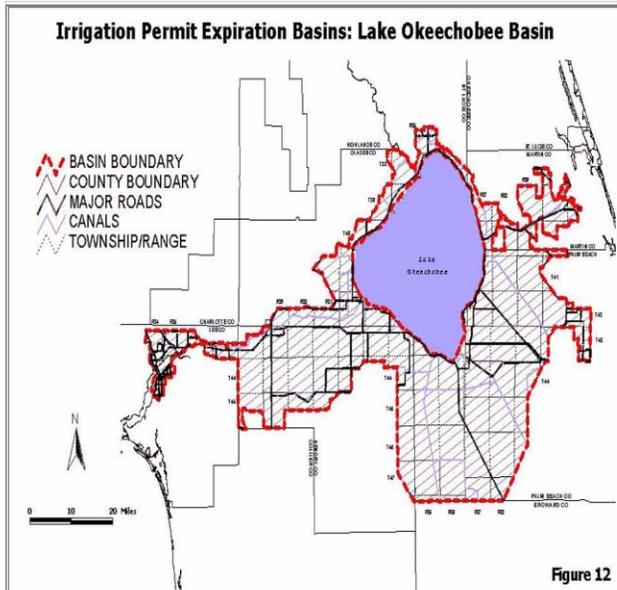
(Figure 10 is proposed to be deleted)

~~Figure 10~~

(Figure 11 is proposed to be deleted)

~~Figure 11~~

(Move to Section 3.2.1(G), remove Irrigation Permit Expiration Basins: from title and renumber as Figure 3-5)



1.7.3.6 Basin Boundary Overlap

For projects that cross Irrigation Permit Expiration Basin boundaries, the District shall assign a Basin Expiration Date and Basin Application Date that best addresses resource issues. A permit shall be assigned the Basin Expiration Date and Basin Application Date of the Irrigation Permit Expiration Basin in which:

- i. adverse resource impacts are likely to occur;
- ii. resource competition is a concern;
- iii. the majority of the withdrawal facilities are located, or;
- iv. the majority of the project's irrigated acreage is located if the withdrawal facilities are split equally between the basins.

1.7.3.7 User Rights

- A. The District does not intend, by adoption of these rules, to create a priority or preference between water users within different basins, however, it is possible that projects located in an adjacent basin having an earlier Basin Expiration Date and Basin Application Date may affect user rights by providing the ability to apply, and get a permit, before another affected user outside the designated basin is otherwise authorized to apply for a permit. Thus, if due to basin boundary lines water user rights are affected, a water user may elect to have its permit application reviewed concurrently with other water use applications within an adjacent basin. The manner in which user rights may be affected include contribution to cumulative drawdown impacts which may trigger water resource protection rules such that there may be insufficient water available for allocation to all permit applicants.
- B. Water users shall have the burden of identifying those projects which may affect their water use rights.

1.7.4 Permit Renewals

Applications for permit renewal shall be made pursuant to Rule 40E-1.610, F.A.C., any time within six months prior to permit expiration. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date, ~~except as provided in Section 1.7.3.~~ Permits for which renewal applications have been submitted shall remain in effect past the expiration date until final agency action on the application is taken.

1.8 Definitions

Allocation Coefficient through Existing Legal Use of Water – No change.

Florida-Friendly Landscaping – A landscaping method that details nine landscape principles that conserve water, protect the environment, and promote planting native flora adaptable to local conditions. The principles are described in Section 373.185, F.S.

The definitions set forth in Chapter 40E-8, F.A.C., shall be incorporated into the Basis of Review.

Flow Meter through Wind Stress Damage – No change

~~*Xeriscape* – A landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The definitions set forth in Chapter 40E-8, F.A.C., shall be incorporated into the Basis of Review.~~

2.1 Demonstration of Need

To receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water, as required by Section 373.223, F.S. In order to demonstrate that a water use is reasonable-beneficial, the Applicant must show "need" for the water in the requested amount. This chapter describes the factors involved in determining whether there is need and for determining the appropriate permit allocation, or "demand," for a particular water use.

For twenty year duration permits, the permittee shall ensure that, on a continual basis, the conditions for permit issuance are met for the duration of the permit, including requirements for attaining the maximum reasonable-beneficial use of water, preventing inefficient uses of water, and ensuring that uses continue to be consistent with the public interest. Every ~~ten~~ five years the permittee shall be required to evaluate and update the water use based on current District rules regarding efficiency of use and reasonable demands.

Demonstration of "need" requires consideration of several factors, including: 1) legal control over the project site, facilities, and for public water supplies, the proposed service area, and 2) compatibility of the proposed water use with the land use at the project site or area to be supplied water. Demonstration of "demand" is dependent on the specific water use classification requirements set forth in Sections 2.2 through 2.8.

2.3.1 Water Conservation Plans

All individual permit applicants for landscape and golf course irrigation projects shall develop a conservation program incorporating the following mandatory elements. This conservation program must be submitted at the time of permit application.

- A. The use of Florida-Friendly Xeriscape landscaping principles for proposed projects and modifications to existing projects where it is determined that Florida-Friendly landscaping Xeriscape is of significant benefit as a water conservation measure relative to the cost of Florida-Friendly landscaping Xeriscape implementation and meets the requirements of Section 373.185(2)(a)-(f), F.S.
- B. No change.
- C. The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

2.5.3 Long-Term Dewatering Individual Permits

Long-term dewatering individual permits apply to projects that exceed the thresholds and criteria described in Basis of Review, Sections 2.5.1 and 2.5.2 above. ~~These permits must be approved by the District Governing Board.~~ Two types of individual dewatering permits are available from the District. For projects where all the dewatering activities are defined at the time of the permit application, the applicant may apply for a “standard” Individual Permit. For long-term, multi-phased projects, with undefined activities or no contractor at the time of the permit application, the applicant may apply for a “master” Individual Permit.

Applicants for all individual dewatering permits must satisfy the conditions of issuance for Individual Permits (Rule 40E-2.301, F.A.C.), ~~and may not commence dewatering prior to approval of the permit by the Governing Board.~~ In order to provide reasonable assurances that water reserved in Rule 40E-10.041, F.A.C., will not be withdrawn, all water from the dewatering activity shall be retained on site. If the applicant demonstrates that retaining the water on site is not feasible, the project shall be modified to demonstrate pursuant to Section 3.11 that reserved water will not be withdrawn. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, that meet the No-Notice criteria specified in Section 2.5.1 of this Basis of Review, once an application for an Individual dewatering permit has been submitted to the District.

The applicant must provide the information required for the Dewatering General Permit, as specified in Section 2.5.2. In addition, the applicant shall provide estimates of the maximum monthly and annual dewatering withdrawals for the project and will be required to submit records of monthly withdrawals for each dewatering pump to the District. Staff shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions ~~presented to the Governing Board.~~

A. “Standard” Individual Permits

The applicant shall specify all proposed dewatering activities for the project in terms of depth, duration, and areal extent of dewatering and proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm. The applicant may proceed with all dewatering activities once the permit has been approved ~~by the Governing Board.~~

B. “Master” Individual Permits

Due to project uncertainties, the applicant may not be able to specify all aspects of the proposed dewatering activities at the time of the permit application. In order to receive a “master” dewatering permit, the applicant must meet all conditions of issuance and specify the depth, duration, and areal extent of dewatering, the proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm for “typical” dewatering activities for the project. In addition, the applicant shall provide an estimated project schedule showing dewatering activities and calculated estimated maximum monthly and annual dewatering withdrawals. After approval of the permit ~~by the Governing Board~~, the applicant shall be required by limiting condition to supply site-specific dewatering plans for each proposed dewatering activity to the District for review and approval at least two weeks prior to dewatering. The applicant may not initiate dewatering prior to receiving written notification from District Staff, that the proposed dewatering activity is consistent with the “master” permit approved ~~by the Governing Board~~.

(No change to Table 2-3 Dewatering Permits)

2.6.1 Water Conservation Plans

Introductory paragraph – No change.

- A. No change.
- B. Where the local government operating the public water supply utility, pursuant to Section 125.568 or 166.048, F.S., determines that Florida-Friendly Landscaping Xeriscape would be of significant benefit as a water conservation measure relative to the cost of Florida-Friendly Landscaping Xeriscape implementation, the local government operating the public water supply utility is required to adopt a Florida-Friendly Landscaping Xeriscape landscape ordinance meeting the requirements of Section 373.185(2)(a)-(f), F.S. In the event such a Florida-Friendly Landscaping Xeriscape ordinance is proposed for adoption, the permit Applicant shall submit the draft ordinance to the District for determination of compliance with Section 373.185(2)(a)-(f), F.S. If the ordinance which the local government has or proposes to adopt includes an alternative set of requirements which do not encompass those contained in Section 373.185(2)(a)-(f), F.S., eligibility for the incentive program will not be achieved. The District, in compliance with Section 373.185, F.S., offers the following incentive program, to those local governments who are eligible, consisting generally of information and cost-benefit analysis assistance. Specifically, the information provided interested parties will consist of an explanation of the costs and benefits of Florida-Friendly Xeriscape landscapes; the types of plants suitable for Florida-Friendly Xeriscape landscapes within the local government’s jurisdiction; the types of irrigation methods suitable for Florida-Friendly Xeriscape landscaping and the use of solid waste compost. Further, if requested, the District will assist local governments in determining whether the benefits of requiring Florida-Friendly Xeriscape landscaping outweigh the costs within that local government’s jurisdiction; this assistance may consist of economic considerations, technical information or referral to other agencies that can provide information the local government may need to perform its cost benefit determination. The Governing Board

finds that the implementation and use of Florida-Friendly Xeriscape landscaping, as defined in Section 373.185, F.S., contributes to the conservation of water. The Governing Board further supports adoption of local government ordinances as a significant means of achieving water conservation through Florida-Friendly Xeriscape landscaping.

C. through I. No change.

3.2.1 Restricted Allocation Areas

A. through D. No change.

E. In addition to all other applicable consumptive use statutory and rule provisions, the following restrictions shall apply when allocating water by permit for water use withdrawals within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2 or 3.

This section is a component of recovery strategies for MFLs ~~minimum flows and levels~~ for the Everglades and the Northwest Fork of the Loxahatchee River, as set forth in Chapter 40E-8, F.A.C., and assists in implementing the objective of the District to ensure that water necessary for Everglades restoration and restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification under this rule.

(1) through (6) No change.

(7) Permit applicants must meet the requirements of any established MFL ~~minimum flow and level~~ and water reservation, if applicable.

F. No change.

G. The following restrictions shall apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin as ~~delineated in Figure 3-5 defined in Section 1.7.3~~. This rule is a component of the recovery strategy for MFLs ~~minimum flows and levels~~ for Lake Okeechobee, as set forth in Chapter 40E-8, F.A.C., to address lower lake management levels and storage under the U. S. Army Corps of Engineers' interim Lake Okeechobee Regulation Schedule (LORS), adopted to protect the public health and safety (April 28, 2008). Compliance with this rule along with the other criteria contained in the Basis of Review implements the objectives of the District to protect the public health and safety, to prevent interference among legal users of Lake water, to be consistent with the MFL recovery strategy as defined in Rule 40E-8.421, F.A.C., and to ensure that water necessary for Everglades restoration is not allocated for consumptive use.

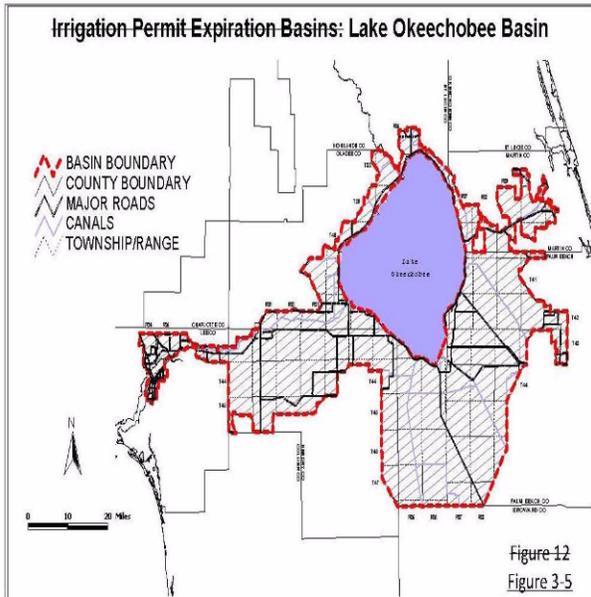
(1) The rule applies to applications for new projects, existing unpermitted projects, modifications to existing projects, and permit renewals for existing projects located within the Lake Okeechobee Basin as ~~delineated in Figure 3-5 described in Section 1.7.3~~, that propose to use surface water from the "Lake Okeechobee Waterbody," defined as:

(a) through (b) No change.

(2) through (4) No change.

(5) Requests for temporary increases over the project's base condition water use from the Lake Okeechobee Waterbody shall be granted to accommodate increased demands during a reasonable time period while alternative sources are constructed provided all other

consumptive use permit criteria are satisfied. The duration of the temporary increase shall be determined based on a construction schedule for the alternative source to be implemented with due diligence and defined in permit conditions. Additionally, the permit shall include requirements to reduce the allocation to the base condition water use in accordance with this construction schedule.



3.4 Saline Water Intrusion

A water use permit application will be denied if the application requests freshwater withdrawals that would cause harm to the water resources as a result of saline water intrusion. Harmful saline water intrusion occurs when:

- A. No change.
- B. Withdrawals result in the sustained upward movement of saline water. Sustained upward movement is the level of movement that persists when the withdrawals have ceased.

When the saline interface occurs beneath the point of withdrawal, the maximum ~~maximum~~ amount of pumpage from any well shall be constrained as follows:

(Remainder of section remains unchanged)

3.11.1 Picayune Strand and Fakahatchee Estuary

A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under Rules 40E-10.041(1) and (2), F.A.C., except that water uses less than 100,000 gallons per day associated with land management or public access/recreation shall be permissible. Compliance with the following criteria constitutes reasonable assurances that water reserved in Rules 40E-10.041(1) and (2), F.A.C., will not be withdrawn. Water not reserved under Rules 40E-10.041(1) and (2), F.A.C., shall be allocated pursuant to Subsections A and B. For this section, the following definitions apply:

Direct Withdrawals from Groundwater: water pumped from a well(s) constructed within the boundaries of the Picayune Strand or Fakahatchee Estuary into the water table or unconfined portions of the Lower Tamiami aquifer.

Indirect Withdrawals from Groundwater: a) a groundwater withdrawal from a well(s) constructed outside the boundaries of Picayune Strand and Fakahatchee Estuary into the water table or Lower Tamiami aquifer that results in a 0.1 foot or greater drawdown in the water table aquifer at any location underlying the Picayune Strand or the Fakahatchee Estuary as determined by an evaluation conducted pursuant to Section 1.7.5.2.A. or b) a groundwater withdrawal that causes a water table drawdown of 0.1 foot or greater underlying any canal identified in Figure ~~3-6~~ ~~3-5~~, as determined by an evaluation conducted pursuant to Section 1.7.5.2.A.

Direct Withdrawals from Surface Water: Withdrawal of surface water from facilities physically located within the Picayune Strand or Fakahatchee Estuary boundaries.

Indirect Withdrawal from Surface Water: Withdrawal of surface water from any canal identified in Figure ~~3-6~~ ~~3-5~~.

A.1. through 8. No change.

B. Model Impact Evaluation. If required by Section A, the applicant shall demonstrate water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn by conducting the following model impact evaluation. A pre-application meeting between the applicant and District staff is strongly recommended to be conducted prior to initiating model development.

1. Defining Scope of Model Evaluation

- (a) For groundwater withdrawals, identify the cone of influence of the proposed withdrawal per Section 1.7.5.2.A. Based on this analysis, the Applicant shall identify which reservation inflow locations (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.) and conveyance system(s) identified on Figure ~~3-6~~ ~~3-5~~ are potentially influenced by the proposed withdrawal.
- (b) For surface water withdrawals, identify the reservation inflow locations, reservation water body (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.), and conveyance system(s) identified on Figure ~~3-6~~ ~~3-5~~ that are potentially influenced by the proposed withdrawal.

2. (a) through (f) No change.

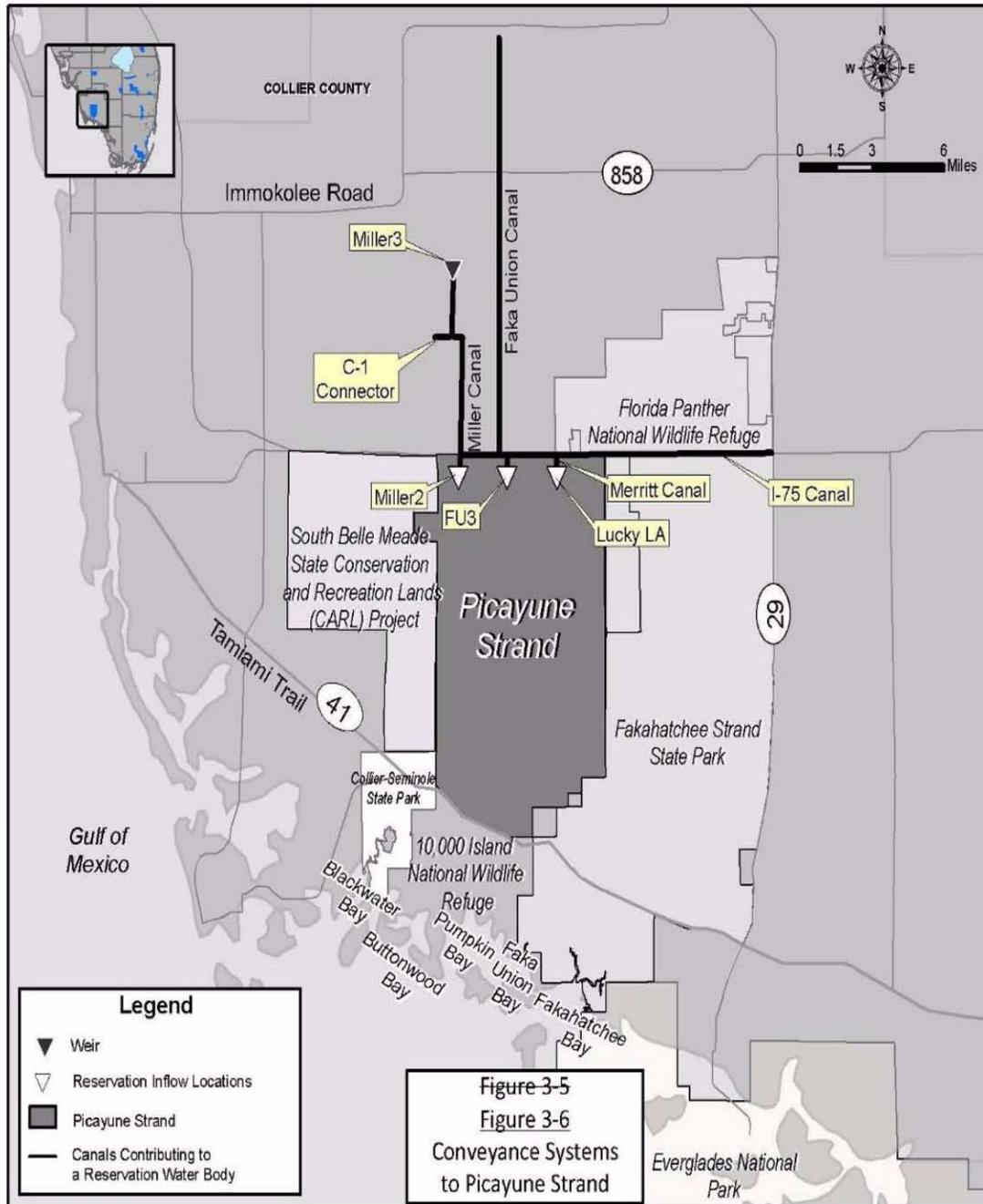
3. Impact Evaluation. Once the model is calibrated, applicants shall demonstrate that water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn, based on the following:

- (a) “Without scenario”: All existing legal uses at the effective date of the rule shall be represented using the allocation in the permit. For the purposes of this evaluation and paragraph (b) the annual allocation shall be distributed on a monthly basis based on the use type. For a public water supply use type, the monthly distribution shall be calculated based on the measured monthly pumpage divided by the annual total pumpage using the average of the three most recent representative years. Representative years shall not include years with water shortage restrictions, years with plant failures or other years that

are not representative of normal pumpage. For an irrigation use type, the monthly distribution shall be determined using the Blaney-Criddle distribution calculated for each project pursuant to “Part B Water Use Management System Design and Evaluation Aids” of the Volume III, Permit Information Manual for Water Use Permit Applications referenced in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, which is incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., the annual allocation and the associated monthly distribution shall be simulated using the calibrated model developed in accordance with the criteria identified in Subsection 3.11.1.B.2 in order to generate a daily flow data for each represented inflow location identified in Subsection 3.11.1. These data shall be presented as daily hydrographs as well as seasonal and period of record flow probability curves.

(b) through (c) No change.

4. through 5. No change.



4.1 Withdrawal Quantity

Proper accounting for water use is essential to establish that the use is a reasonable-beneficial use of the resource and in the public interest. In addition, proper accounting of the various water uses enables the District to better estimate water use and to implement water shortage plans. All Permittees with a maximum monthly allocation of greater than 3.0 million gallons, or irrigation water users located within the South Dade County Water Use Basin (as designated in Figure 21-11, Chapter 40E-21, F.A.C.), with a maximum monthly allocation of greater than 15.0

million gallons, are required to monitor and report withdrawal quantities from each withdrawal facility or point of diversion.

Permittees shall submit the following forms, if applicable, electronically or at the address provided below:

0188-QMQ, Quarterly Report of Withdrawals, incorporated by reference in subsection 40E-2.091(1), F.A.C.;

0188-QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in subsection 40E-2.091(2), F.A.C.;

0188-QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in subsection 40E-2.091(3), F.A.C.;

0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in subsection 40E-2.091(4), F.A.C.;

(Remainder of section remains unchanged)

4.2 Saline Water Monitoring

The purpose of saline water monitoring is to ensure that harmful saline water intrusion, whether lateral from a surface or groundwater saline source, vertical from an aquifer containing lower quality water, or a combination of both, does not occur. Saline water monitoring is accomplished by routine sampling of the discharge water from production wells or from separate monitor wells. However, in areas of known saline water movement, separate monitor wells are required to be designed and constructed expressly for the purpose of saline water intrusion monitoring. The dissolved chloride concentration and the water level elevation, referenced to National Geodetic Vertical Datum, shall be measured. Frequency of measurements may be weekly, monthly, or quarterly, and will be identified in the permit limiting conditions. The data shall be reported using Form No. 0188-QMON, Quarterly Report of Monitoring Requirements, incorporated by reference in subsection 40E-2.091(5), F.A.C.

A. through G. No change.

H. Staff evaluation indicates saline water may come in contact with a fresh water source (~~per Section 3.4.1 of this Basis of Review~~) as a result of the proposed use.

(Remainder of section remains unchanged)

5.1 Standard Permit Conditions

A. through N. No change.

O. Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted activities are located. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C. (Remainder of section remains unchanged)

5.2 Special Permit Conditions

Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S-F-W-M-D: at www.sfwmd.gov/ePermitting, or the Regulatory Support

~~Bureau, MSC 9611, Supervising Hydrogeologist—Water Use Compliance, Water Use Division (4320), P. O. Box 24680, West Palm Beach, FL 33416-4680 or by e-mail to wucomp@sfwmd.gov.~~

5.2.1 Public Water Supply

A. through G. No change.

H. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every ~~ten~~ five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, MSC 9611, P. O. Box 24680, West Palm Beach, FL 33416-4680, which addresses the following:

1. and 2. No change.

5.2.3 Irrigation

A. No change.

B. ~~Landscape and G~~olf course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

(a) through (e) No change.

C. No change.

D. The permittee shall complete Form No. 0188-QCROP, a "Report of Planting and Harvest of Seasonal Crops", incorporated by reference in subsection 40E-2.091(6), F.A.C., ~~form~~ and submit it with the appropriate "Quarterly Report of Withdrawals From Wells and Surface Water Pumps" (Form No. 0188-QMQF), incorporated by reference in subsection 40E-2.091(3) ~~form~~.

E. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every ~~ten~~ five years from the date of permit issuance the permittee shall submit a water use compliance report for review and approval by District Staff to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, MSC 9611, P. O. Box 24680, West Palm Beach, FL 33416-4680, which addresses the following:

1. and 2. No change.

F. No change.

G. Landscape irrigation shall be restricted to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

5.2.8 Well Construction

A. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters ~~40E-3 and 40E-30~~, F.A.C.

B. through D. No change.

E. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapters ~~40E-3 or 40E-30~~, F.A.C.: (individual wells identified based on project specifications).

F. through H. No change.

40E-2.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at www.sfwmd.gov, "Locations." ~~with the District.~~

(a) The application, Form No. 0645-W01, Water Use Permit Application, _____ (date) _____, (hyperlink) _____ shall include the following forms, if applicable contain: ~~The following parts of Form 0645 Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.;~~

~~1. Part RC-1A Administrative Information for Water Use Permit Applications;~~

~~2. Part RC-1W Application for a Water Use Permit;~~

(b) Form No. 0645-G60, Table A Description of Wells, _____ (date) _____, (hyperlink) _____, for permits with wells;

(c) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, _____ (date) _____, (hyperlink) _____, for permits with pumps;

(d) Form No. 0645-G61-2, Table C Description of Culverts, _____ (date) _____, (hyperlink) _____, for permits with irrigation culverts;

(e) Form No. 0645-G65, Table D Crop Information, _____ (date) _____, (hyperlink) _____, for agricultural permits;

(f) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, _____ (date) _____, (hyperlink) _____, (2) For public water supply permits;

(g) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, _____ (date) _____, (hyperlink) _____, for public water supply permits;

(h) Form No. 0645-G70, Table H Projected Water Use, _____ (date) _____, (hyperlink) _____, for public water supply permits;

(i) Form No. 0645-G71, Table I Water Treatment Method and Losses, _____ (date) _____, (hyperlink) _____, for public water supply permits;

(j) Form No. 0645-G72, Table J Aquifer Storage and Recovery, _____ (date) _____, (hyperlink) _____, for public water supply permits; and

(k) Form No. 0645-G73, Table K Water Supply System Interconnections, _____ (date) _____, (hyperlink) _____, for public water supply permits.

(b) through (d) renumbered (l) through (n) No change.

(2) No change.

(3) Applicants for a Dewatering Water Use permit shall electronically file or file with the District Form 0445, _____ (date) _____, (hyperlink) _____, Mining/Dewatering Permit Application.

(4) The forms identified in subsections (1) and (3) above are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's

Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History– New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02,_____.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. through 4. No change.

5. Does not result in a modification of the permit ~~which must be approved by the Governing Board~~ pursuant to Section 373.239(2), F.S.

6. No change.

(b) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented ~~373.079, 373.083, 373.223, 373.229, 373.239~~ FS. History–New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08, 7-2-09, 3-15-10,_____.

40E-2.341 Revocation of Permits.

Violations of this chapter may result in the revocation or suspension of the authorization in whole or in part in accordance with the provisions of Chapter 373, including Sections 373.119 and 373.243, Florida Statutes, Chapter 120, Florida Statutes, and Rules 40E-1.609 and 28-106.2015 ~~28-107.004~~, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.103(4), 373.219, 373.229 FS. History– New 4-20-94, Amended 7-2-98,_____.

40E-2.381 Limiting Conditions.

The District Board shall impose on any permit granted under this chapter such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, ~~373.079, 373.083, 373.219(1)~~ FS. History–New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, 2-13-08, _____.

40E-2.451 Emergency Authorization.

(1) Permission to begin use, withdrawal, or diversion of water prior to the issuance of a permit may be applied for in writing, when emergency conditions exist which would justify such permission. However, no such permission shall be granted unless the use, withdrawal, or diversion is already being considered for a permit under Rule 40E-2.041, F.A.C. A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) Emergency authorizations shall be administered pursuant to Rule ~~40E-0.108~~ ~~40E-1.6115~~, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.219 FS. History–New 9-3-81, Formerly 16K-2.11, Amended 4-20-94, 7-2-98, _____.

40E-2.501 Permit Classification.

Each water use permit shall be classified according to source, use and method of withdrawal. The source use and method of withdrawal classes are listed in Rules ~~40E-21.631~~ ~~40E-21.611~~ through 40E-21.691, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History–New 9-3-81, Formerly 16K-2.12(2), Amended 7-4-82, _____.

40E-5.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers. The addresses and phone numbers of the District’s Service Centers are available online at www.sfwmd.gov, “Locations.” ~~with the District. Water Use Permit Application, Form No. 0645-W-01, which is incorporated by reference in subsection 40E-2.101(1), F.A.C.,~~ ~~The application shall contain:~~

~~(a) The following parts of Form 0645 Surface Water Management Permit Applications and/or Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.;~~

~~1. Part RC 1A Administrative Information for Surface Water Management Permit Applications and/or Water Use Permit Applications;~~

~~2. Part RC 1W Application for a Water Use Permit;~~

(b) through (d) renumbered (a) through (c) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.229 FS. Law Implemented 373.106(1) FS. History–New 9-3-81, Formerly 16K-2.02(2), Amended 5-30-82, 8-14-03, _____.

40E-5.381 Limiting Conditions.

The ~~District Governing Board~~ shall impose on any permit granted under this chapter such reasonable standards and special permit conditions necessary to assure that the permitted activity is consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.106(1), 373.219 FS. History– New 8-14-03, Amended _____.

40E-8.011 Purpose and General Provisions.

(1) through (3) No change.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., Section 3.9 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District –~~September 10, 2001,~~”, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, and Part III of Chapter 40E-22, F.A.C., ~~September 10, 2001,~~ are inseparable components of the MFLs minimum flows and levels established in Rules 40E-8.321 and 40E-8.331, F.A.C., ~~September 10, 2001.~~ The District would not have adopted the MFLs minimum flows and levels set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5)(a) through (d) No change.

(e) Establish MFLs Minimum Flows and Levels for other tributaries to the Northwest Fork of the Loxahatchee River including Loxahatchee Slough, Cypress Creek, Kitching Creek and Hobe Grove Ditch as committed to in the District’s Priority Water Body List, as updated.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 9-10-01, Amended 4-1-03, 1-19-06, _____.

40E-8.021 Definitions.

(1) through (15) No change.

~~(16)(17)~~ MFL Minimum Flow and Level Exceedance – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

~~(17)(18)~~ MFL Minimum Flow and Level Violation – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining an MFL violation, a “year” means 365 days from the last day of the previous MFL exceedance.

~~(18)(20)~~ MFL Water Body – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

~~(19)(46)~~ Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

~~(20)(49)~~ Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

(21) Northwest Fork of the Loxahatchee River: Means those areas defined below:

(a) Northwest Fork of the Loxahatchee River that has been federally designated as Wild, Scenic and Recreational uses (as defined in the Loxahatchee River Wild and Scenic River Management Plan 2000) (see Map 1, incorporated herein), including the river channel that extends from river mile 6.0 (latitude 26.9856, longitude 80.1426) located near the eastern edge of Jonathan Dickinson State Park and continues upstream to the G-92 structure (latitude 26.91014, longitude 80.17578), including the South Indian River Water Control District Canal C-14 Canal. The river channel includes the physical water flow courses and adjacent floodplain up to the limits of the floodplain swamp and wetlands within Riverbend Park, as determined by state wetland delineation criteria;

(b) through (d) No change.

(22) through (31) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06,_____.

40E-8.221 Minimum Flows and Levels (MFLs): Surface Waters.

(1) through (5) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 4-1-03, 12-12-06.

40E-8.321 Minimum Flows and Levels (MFLs): Surface Waters.

No change.

Rulemaking Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01.

40E-8.341 Minimum Flows and Levels (MFLs): Surface Waters for Upper East Coast Regional Planning Area.

No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 11-11-02.

40E-8.421 Prevention and Recovery Strategies.

(1)(a) through (b) No change.

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, 40E-20, 40E-21, 40E-22, F.A.C., and the “Basis of Review for Consumptive Use Permits Within the South Florida Water Management District —~~April 23, 2007~~”, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District’s missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) through (f) No change.

(2) through (5) No change.

(6) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are

identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2, 40E-20, 40E-21, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —April 23, 2007”, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., including Section 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) through (f) No change.

(g) As reservations are adopted to restore the Loxahatchee River beyond that to be achieved by the MFL, the District shall revise the MFL minimum flow and level and associated prevention and recovery strategy, as appropriate, under Sections 373.042 and 373.0421, F.S., to be consistent with the reservation.

(7) through (8) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07, 10-14-08,_____.

40E-20.010 Review of General Water Use Permit Applications.

General Water Use permit applications are processed pursuant to the provisions of Section 120.60, F.S., ~~Part VI of and~~ Chapters 40E-1, F.A.C., and ~~28-106 Chapter 28-107~~, F.A.C. Rulemaking Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended 8-14-02,_____.

40E-20.061 Delegation of Authority Pertaining to General Water Use Permits.

The Governing Board delegates to the Executive Director the authority to issue general water use permits under this chapter pursuant to Section 373.118, F.S. The Executive Director hereby executes such delegated authority through the Chief Director and supervisors of the Bureau Division that reviews water use permit applications.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History—New 8-14-02, Amended_____.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~March 18, 2010~~,” and associated forms incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C., are applicable and referenced throughout this chapter is

hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.171, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10,_____.

40E-20.101 Content of General Water Use Permit Applications.

(1) Except in those circumstances detailed in subsection (4) below, an application for a General Water Use permit shall be filed ~~with~~ electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at www.sfwmd.gov, "Locations." Water Use Permit Application, Form No. 0645-W-01, which is incorporated by reference in subsection 40E-2.101(1), F.A.C., shall be filed with the District prior to commencement of any use of water authorized in this chapter. The application for all General Water Use Permits shall contain: ~~with the District.~~

(a) through (d) No change.

(2) Applicants for a Standard General Water Use Permit under subsection 40E-20.302(1), F.A.C., shall submit Form No. 0645-W01, Water Use Permit Application, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C., and shall include the following forms, if applicable: file the following parts of Form 0645—Water Use Permit Applications, as incorporated by reference in Rule 40E 1.659, F.A.C.

(a) Form No. 0645-G60, Table A Description of Wells, incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C. for permits with wells; ~~Part RC 1A Administrative Information for Water Use Permit Applications, and~~

(b) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(c), F.A.C., for permits with pumps; ~~Part RC 1W Application for a Water Use permit (all Standard General Water Use Permits) or Part RC 1G Application for a General Water Use Permit (Standard General Water Use Permits with recommended maximum allocations < 3 million gallons per month).~~

(c) Form No. 0645-G61-2, Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C., for permits with irrigation culverts;

(d) Form No. 0645-G65, Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C., for agricultural permits;

(e) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(f), F.A.C., for public water supply permits;

(f) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(g), F.A.C., for public water supply permits;

(g) Form No. 0645-G70, Table H Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C., for public water supply permits;

(h) Form No. 0645-G71, Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(i), F.A.C., for public water supply permits;

(i) Form No. 0645-G72, Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(j), F.A.C., for public water supply permits; and

(j) Form No. 0645-G73, Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(k), F.A.C.), for public water supply permits.

(3) Applicants for a Dewatering Water Use General Permit under subsection 40E-20.302(2), F.A.C. shall electronically file or file with the District Form 0445, Mining/Dewatering Permit Application (RC 1A, RC 1W, RC 1G), incorporated by reference in subsection 40E-2.101(3), F.A.C. herein in Rule 40E-1.659, F.A.C.

(4) Applicants are not required to file an application to qualify for a No-Notice Short-Term Dewatering Permit, if the conditions of Rule 40E-20.301 and subsection 40E-20.302(3), F.A.C., are satisfied.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History– New 8-14-02, Amended 8-31-03(2), 8-31-03(3),_____.

40E-20.301 Conditions for Issuance of General Water Use Permits.

(1)(a) through (h) No change.

(i) Is in accordance with the established minimum flows and levels (MFL) and implementation provisions in Chapter 373, F.S., Chapters 40E-2 and 40E-8, F.A.C.; and

(j) through (k) No change.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09,_____.

40E-20.321 Duration of General Water Use Permits.

(1) No change.

(2) The duration of the general water use permit authorized in subsection 40E-20.302(1), F.A.C., shall not exceed the following time periods:

(a) No change.

(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), authorized by a Major Standard General Water Use Permit, ~~the period shall not exceed the basin expiration date as specified in the document described in Rule 40E-20.091, F.A.C., as applicable to the location of the project; or, for Major Standard General Water Use Permits issued, renewed or modified after the applicable basin expiration date,~~ the period shall be based on the provisions in Rule 40E-2.321, F.A.C., and the applicable provisions in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule ~~40E-2.091~~ 40E-20.091, F.A.C.

(3) through (6) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History–New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, 4-23-07, 2-13-08, _____.

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

See supporting document: [Monthly Financial Statement Memo June FY12.pdf](#)

See supporting document: [Statement of Sources and Uses of Funds_June FY12.pdf](#)

See supporting document: [Summary Statement of Sources and Uses of Funds June FY12.pdf](#)

M E M O R A N D U M

TO: Governing Board Members

FROM: Doug Bergstrom, Director, Administrative Services Division

DATE: August 9, 2012

SUBJECT: Monthly Financial Statement – June 2012

The attached financial status report is provided for your review. This report provides a high level summarized snapshot of District financial activity of revenue by sources and expenditure summaries (uses) by program. This unaudited financial statement is provided as of June 30, 2012, with 75% of the fiscal year completed.

Schedule of Sources and Uses – This financial statement compares revenues received and encumbrances / expenditures made against the District's FY2012 \$651.6 million consumable budget. Encumbrances represent orders for goods and services which have not yet been received.

- As of June 30, 2012, with 75% of the fiscal year complete, 90.7% of the District's budgeted operating revenue has been collected. The primary source of operating revenue received to date is taxes. Ad Valorem taxes comprise 71% 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. When included, this category brings the total sources collected through June 2012 to 94.6% or \$616.4 million.
- As of June 30, 2012, 97.6% of budgeted Ad Valorem tax revenue and 101.7% of Agricultural Privilege tax revenue have been collected. Ad Valorem and Agricultural Privilege taxes peak November through January driven by the mailing of property tax bills in October and the 4% maximum discount available when paid in full by November 30. The majority of the taxes are budgeted at a discounted rate of 95% to allow for the discounts property owners may take advantage of through early payment options. Historical ad valorem trends for the past five years, through June, support an average collection rate of 95.0%.
- As of June 30, 2012, 53.4% of budgeted intergovernmental revenues have been collected. In addition to reimbursement agreements, intergovernmental revenues include proceeds from the sale of Indian River Lagoon and Everglades license plates. Revenue received through June for the sale of license plates totals \$264K. The bulk of intergovernmental revenue is from reimbursements from the Save Our Everglades Trust Fund, Water Management Lands Trust Fund, Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. Reimbursements requests are submitted to the state based on actual expenses incurred and are typically received later in the fiscal year. Through June, reimbursements total \$30.3 million and total intergovernmental revenues amount to \$30.6 million.

- As of June 30, 2012, \$5.6 million or 106.4% of budgeted Investment Earnings have been realized. The District estimated a conservative investment earnings budget of \$5.3 million for FY2012. Investment earnings reflect a downward trend over the past 3 years and are representative of lower cash balances, reduced ad valorem tax levies and lower interest rate yields.
- Lease revenue represents amounts collected from leases of real property owned by the District. The timing of revenue received is based on the fee schedules within the agreements; monthly, semi-annual or annual payments and these varying timing issues impact the collection rate of this revenue source. The District has currently collected \$3.4 million which exceeds the current year budgeted lease revenue. The lease revenue collected for lands within restricted categories such as Farm Bill and State Lands require these funds be used within strict guidelines as defined by acquisition agreements. The use of these collections are planned for and budgeted in subsequent years to comply with geographic and spending category restrictions.
- Budgeted licenses, permits and fees revenue is from water use permits, environmental resource permits and right of way permits. Income received to date totals \$7.5 million and is primarily due to unbudgeted receipts of \$241K from Wetlands mitigation fees and \$5.2 million in Lake Belt mitigation fees from restoration projects and fees for mining tonnage removed. The balance of receipts includes permit fees \$1.9 million, fees \$193K and licenses \$2K.
- Budgeted revenue in the other category is from civil penalties and enforcement fees. Actual revenues received to date include cash discounts, insurance reimbursements, refunds for prior year expenditures, and miscellaneous income such as sale of recycled oil and scrap metal. Fiscal year collections amount to \$824K.
- Sale of District Property represents the sale of real property and land. This is budgeted conservatively due to the uncertainty involved. Revenues received through June total \$715K.
- 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 \$20.0 million received through June equate to 69.7% of the \$28.8 million budget and are reflective of monthly premiums through June for actual participants as compared to budgeted positions.

Expenditure and Encumbrance Status:

As of June 30, 2012, with 75% of the year complete, the District has expended **\$307.6 million or 53.1%** and has encumbered **\$106.2 million or 18.3%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **\$413.8 million or 71.5%** 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 27.8% and expended 15.8% of their total \$80.0 million budget. Principal expenditures include personal services (\$3.9 million), contractual services (\$2.8 million), operating (\$1.0 million), and capital outlay (\$5.0 million). Encumbrances consist primarily of contractual services (\$2.8 million) and capital outlay (\$6.8 million) including the following projects: Southern Crew, Biscayne Bay, C-111 Spreader Canal, C-44 Reservoir, Picayune Strand, Loxahatchee River Watershed Restoration, Melaleuca Eradication, L-30 Seepage Management Pilot Project, Lake Okeechobee Critical Restoration STA Repairs, South Miami Dade Seasonal Operations Study, Modwaters and South Dade C-111, CERP Monitoring and Assessment, C-43 West Storage Reservoir, Central Everglades planning efforts, and CERP Water Quality Studies. Of the \$57.8 million in available balance, \$39.7 million has been rebudgeted to FY13 for L-8 Pump Station, Loxahatchee River Watershed Restoration, and external risk management.
- The **Coastal Watersheds Program** has obligated 86.0% and expended 35.7% of their total \$22.1 million budget. Principal expenditures include personal services (\$2.5 million), contractual services (\$5.3 million), and capital outlay (\$74K). Contractual services encumbrances primarily consist of interagency agreements (\$11.1 million) including: St. Lucie and Indian River Lagoon projects, Loxahatchee River Preserve Initiative, Lakes Park Restoration, Big Cypress Basin stormwater projects, Collier County Surface and Groundwater Monitoring, Northern Everglades/Caloosahatchee Watershed Research and Water Quality Monitoring Plan, C-43 Water Quality Testing Facility, Miami Gardens projects, Miami River Commission, Mirror Lakes/Halfway Pond Rehydration, Powell Creek Preservation Filter Marsh, Florida Bay, Everglades City Water Supply System Improvements, and Spanish Creek/Four Corners. Of the \$3.1 million in available balance, \$545K has been rebudgeted to FY13 for Lake Hicpochee and Spanish Creek/4 Corners.
- The **District Everglades Program** has obligated 62.8% and expended 49.0% of their total \$79.9 million budget. Principal expenditures include personal services (\$11.5 million), contractual services (\$3.9 million), operating (\$5.4 million), and capital outlay (\$18.3 million). Contractual services encumbrances (\$2.9 million) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA's). Operating encumbrances (\$350K) are in support of the overall operations and the maintenance of vegetation and exotic plant control of the STA's. Capital outlay encumbrances (\$7.8 million) include work on Everglades Agricultural Area A1 Flow Equalization Basin, completing Compartments B & C, and construction on the G-251 Trash Rake Replacement. Of the \$29.7 million available balance, \$20.8 million has been rebudgeted to FY13 for Restoration Strategies A1 Flow Equalization Basin, Compartment B, and Compartment C.
- The **Kissimmee Watershed Program** has obligated 54.8% and expended 12.0% of their total \$39.6 million budget. Principal expenditures include personal services (\$1.3 million), contractual services (\$2.1 million), and capital outlay (\$1.3 million). Contractual services encumbrances (\$1.6 million) primarily consist of Three Lakes Wildlife Hydrologic Restoration (\$585K), Kissimmee River Restoration Evaluation (\$197K), Kissimmee Chain of Lakes and Upper basin monitoring and assessment (\$84K), Kissimmee Basin Modeling and Operating System (\$372K), the Oak Creek project (\$147K), hydrologic monitoring (\$142K), and land acquisition costs and environmental risk assessments (\$96K). Capital outlay encumbrances (\$15.3 million) are primarily for the Kissimmee River Restoration land acquisition cases. Of the \$17.9 million in

available balance, \$9.0 million has been rebudgeted to FY13 for external risk management.

- The **Lake Okeechobee Program** has obligated 64.7% and expended 32.1% of their total \$27.0 million budget. Principal expenditures include personal services (\$2.1 million), contractual services (\$1.5 million), operating (\$208K), and capital outlay (\$4.9 million). Contractual encumbrances (\$8.4 million) are primarily for the following: Dispersed Water Management and Florida Ranchland Environmental Services Projects (\$7.5 million), Fisheating Creek project (\$173K), Northshore Navigation Canal project (\$200K), Lake Okeechobee Watershed Pre-Drainage Characterization study (\$109K), Phosphorous Source Control project (\$119K), Watershed Phosphorus Reduction (permeable barriers) project (\$60K), computer hardware and software (\$78K), and taxonomy support services and sampling (\$153K). Operating encumbrances (\$21K) include utilities and equipment rental. Capital outlay encumbrances (\$423K) are for the Lakeside Ranch STA project. Of the \$9.5 million in available balance, \$6.8 million has been rebudgeted to FY13 for Dispersed Water Management (\$6.0 million) and Lemkin Creek (\$800K).
- The **Land Stewardship Program** has obligated 89.6% and expended 40.3% of their total \$18.9 million budget. Principal expenditures include personal services (\$2.4 million), contractual services (\$4.3 million), operating (\$544K), and capital outlay (\$364K). Contractual, operating, and capital outlay encumbrances (\$9.3 million) include the maintenance of vegetation and exotic plant control, provision of law enforcement services, management of District owned lands and facilities.
- The **Mission Support Program** has obligated 82.2% and expended 73.7% of their total \$59.9 million budget. Principal expenditures include personal services (\$21.7 million), contractual services (\$10.1 million), operating (\$11.2 million), and capital outlay (\$981K). Contractual encumbrances (\$3.6 million) include IT consulting services, software, and systems maintenance for the fiscal year; facilities maintenance and repair services, including air conditioner maintenance and fire alarm inspections; workmen's compensation insurance, and flight operations maintenance and repair. Operating encumbrances (\$1.1 million) consist primarily of utilities and office leases for the fiscal year, property insurance premiums, and TRIM advertisements. Capital outlay encumbrances (\$319K) are associated with computer hardware, the migration of District software to a new Oracle operating system, and design work for the Emergency Operations Center air conditioner system. Of the \$10.6 million in available balance, \$540,000 has been rebudgeted to FY13 for the Emergency Operations Center air conditioner chiller project.
- The **Modeling and Science Support Program** has obligated 81.6% and expended 75.2% of their total \$11.9 million budget. Principal expenditures include personal services (\$6.6 million), contractual services (\$1.1 million), operating (\$384K), and capital outlay (\$829K). Contractual encumbrances (\$679K) include technical and peer reviews, organic analysis, and sediment/water quality sampling. Operating encumbrances (\$64K) primarily include hardware and software, equipment rental, fuel and utilities. Capital outlay encumbrances (\$16K) consist primarily of the Environmental Services Laboratory Relocation project. Of the \$2.2 million in available balance, \$127K has been rebudgeted to FY13 to outsource modeling support.

- The **Operations and Maintenance Program** has obligated 86.2% and expended 68.4% of their total \$151.3 million budget. Principal expenditures include personal services (\$34.9 million), contractual services (\$26.5 million), operating (\$24.0 million), and capital outlay (\$18.0 million). Encumbrances for contractual services and capital outlay (\$25.5 million) primarily relate to the O&M capital program for maintenance and repair of existing water management system canals and water control structures including C-41A Canal Bank Stabilization, Miami B-47 Building Replacement, Hillsboro Canal Bank Stabilization Design, S-193 Navigation Lock Refurbishment, S-197 Replacement, Diesel Oxidation Catalyst Installation, S-331 Repower and Gearbox Replacement, S-140 Pump Station Refurbishment, S-44/G-57 Gate Operator Replacement, East Coast Protective Levee (ECPL), project culvert replacements, and Operations Decision Support System software. Operating encumbrances (\$1.4 million) are primarily associated with field station daily operations and maintenance including vegetation and exotic plant control for the Central and Southern Flood Control system.
- The **Regulation Program** has obligated 72.8% and expended 70.1% of their total \$24.1 million budget. Principal expenditures include personal services (\$11.5 million), contractual services (\$812K), operating (\$4.3 million), and capital outlay (\$216K). Contractual services encumbrances (\$398K) include application development, permit scanning contractors/support, and computer hardware and software. Operating encumbrances (\$175K) primarily include hardware and software, equipment rental, fuel, and utilities. Capital outlay encumbrances (\$73K) include computer hardware and the E-permitting enhancement project which saves time and expense with online filing/searching of permits.
- The **Water Supply Program** has obligated 77.5% and expended 48.6% of their total \$20.6 million budget. Principal expenditures include personal services (\$3.6 million), contractual services (\$717K), operating (\$4.2 million), and capital outlay (\$1.5 million). Contractual services encumbrances (\$5.4 million) include the Central Florida Water Initiative (\$172K), WaterSIP grants (\$213K), Florida Automated Weather Network (\$39K), Lower Floridan Aquifer (\$65K), interagency agreements for Alternative Water Supply projects (\$900K), City of Hialeah (\$1.4 million), Big Cypress Basin (\$2.2 million), hydrologic data gathering (\$402K), BCB Mobile Irrigation Lab (\$28K), the Great Water Odyssey (\$15K), and BCB education/outreach (\$14K). Capital outlay encumbrances (\$487K) consist primarily of the Lower Floridan Aquifer project. Of the \$4.6 million in available balance, \$1.4 million has been rebudgeted to FY13 for Central Florida Water Initiative, Lower Floridan Aquifer, and outsourcing modeling support.
- **Debt Service** expenses amount to 99.9% (\$43.3 million) of the total \$43.4 million budget. Debt service principal and interest payments include Land Acquisition Bonds issued through the Water Management Lands Trust Fund, Certificates of Participation and a Bank Loan. 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. Planned FY2012 debt service payments are complete and interest savings was realized due to the early payoff of a bank loan.
- **Reserves** of \$72.8 million are held for future transfer to program areas as project needs and requirements are identified by staff and presented to the Governing Board for review. Sixty million dollars (\$60M) of these reserves are designated as economic stabilization reserves, including \$10 million for O&M capital projects. Remaining managerial reserves include programmatic balances of \$4.9 million for Land

Governing Board Members

August 9, 2012

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Stewardship, \$3.4 million for Coastal Watersheds, \$1.5 million for Lake Okeechobee, \$1.5 million for Everglades, \$1.1 million for CERP, \$109K for Mission Support, \$99K for regulatory permitting, \$35K for Kissimmee River restoration, \$31K for scientific support, \$22K for O&M, and \$18K for Water Supply.

We hope these reports and the associated narrative will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to call Chris Flierl at (561) 682-6078 or Mike Smykowski at (561) 682-6295.

DB/CF/MS

Attachment

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

For the month ended: June 30, 2012. Percent of fiscal year completed: 75%

SOURCES	ANNUAL BUDGET	ACTUALS THROUGH		VARIANCE (UNDER) /		ACTUALS AS A %	
		6/30/2012	OVER BUDGET	OF BUDGET	OF BUDGET		
Ad Valorem Property Taxes	\$ 270,685,220	\$ 264,102,264	\$ (6,582,956)	97.6%			
Agricultural Privilege Taxes	\$ 11,300,000	\$ 11,490,420	\$ 190,420	101.7%			
Intergovernmental	\$ 57,272,457	\$ 30,569,105	\$ (26,703,352)	53.4%			
Investment Earnings	\$ 5,274,170	\$ 5,610,689	\$ 336,519	106.4%			
Leases	\$ 1,767,550	\$ 3,405,098	\$ 1,637,548	192.6%			
Licenses, Permits and Fees	\$ 3,852,386	\$ 7,526,300	\$ 3,673,914	195.4%			
Other	\$ 300,000	\$ 824,012	\$ 524,012	274.7%			
Sale of District Property	\$ 250,000	\$ 714,733	\$ 464,733	285.9%			
Self Insurance Premiums	\$ 28,754,717	\$ 20,044,710	\$ (8,710,007)	69.7%			
SUB-TOTAL OPERATING REVENUES	\$ 379,456,500	\$ 344,287,329	\$ (35,169,171)	90.7%			
Fund Balance	\$ 272,123,766	\$ 272,123,766	\$ -	100.0%			
TOTAL SOURCES	\$ 651,580,266	\$ 616,411,095	\$ (35,169,171)	94.6%			

USES	ANNUAL BUDGET	EXPENDITURES	ENCUMBRANCES ¹	REPORTED		% EXPENDED	% ENCUMBERED	% OBLIGATED ²
				AVAILABLE BUDGET				
CERP	\$ 80,032,360	\$ 12,650,298	\$ 9,581,061	\$ 57,801,001	15.8%	12.0%	27.8%	
Coastal Watersheds	\$ 22,143,119	\$ 7,905,246	\$ 11,133,822	3,104,051	35.7%	50.3%	86.0%	
District Everglades	\$ 79,943,461	\$ 39,203,421	\$ 11,021,804	29,718,236	49.0%	13.8%	62.8%	
Kissimmee Watershed	\$ 39,642,149	\$ 4,749,215	\$ 16,965,271	17,927,663	12.0%	42.8%	54.8%	
Lake Okeechobee	\$ 26,962,679	\$ 8,661,867	\$ 8,795,878	9,504,935	32.1%	32.6%	64.7%	
Land Stewardship	\$ 18,934,506	\$ 7,635,721	\$ 9,326,013	1,972,772	40.3%	49.3%	89.6%	
Mission Support	\$ 59,916,883	\$ 44,181,663	\$ 5,092,603	10,642,617	73.7%	8.5%	82.2%	
Modeling & Sci Supp	\$ 11,935,137	\$ 8,980,548	\$ 760,684	2,193,906	75.2%	6.4%	81.6%	
Ops & Maintenance	\$ 151,256,245	\$ 103,412,827	\$ 26,903,938	20,939,481	68.4%	17.8%	86.2%	
Regulation	\$ 24,109,197	\$ 16,898,576	\$ 649,354	6,561,268	70.1%	2.7%	72.8%	
Water Supply	\$ 20,565,867	\$ 9,999,665	\$ 5,935,123	4,631,080	48.6%	28.9%	77.5%	
Debt Service	\$ 43,358,647	\$ 43,306,509	\$ -	52,138	99.9%	0.0%	99.9%	
SUB-TOTAL NON-RESERVES USES	\$ 578,800,252	\$ 307,585,555	\$ 106,165,550	165,049,147	53.1%	18.3%	71.5%	
Reserves	\$ 72,780,014	\$ -	\$ -	72,780,014	0.0%	0.0%	0.0%	
TOTAL USES	\$ 651,580,266	\$ 307,585,555	\$ 106,165,550	\$ 237,829,161	47.2%	16.3%	63.5%	

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

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

As of: June 30, 2012

	Annual Budget	Expenditures	Encumbrances	Reported	%	%	%
				Available Budget	Expended	Encumbered	Obligated
CERP							
Personnel Services	\$ 7,234,516	\$ 3,875,017	\$ -	\$ 3,359,499	53.6%	0.0%	53.6%
Contractual Services	17,712,239	2,801,819	2,784,135	12,126,286	15.8%	15.7%	31.5%
Operating	5,765,613	956,404	1,514	4,807,696	16.6%	0.0%	16.6%
Travel	48,909	22,780	439	25,690	46.6%	0.9%	47.5%
Capital Outlay	49,271,083	4,994,279	6,794,973	37,481,830	10.1%	13.8%	23.9%
Total CERP	80,032,360	12,650,298	9,581,061	57,801,001	15.8%	12.0%	27.8%
Coastal Watersheds							
Personnel Services	3,793,586	2,463,367	-	1,330,219	64.9%	0.0%	64.9%
Contractual Services	16,952,276	5,313,326	11,132,385	506,565	31.3%	65.7%	97.0%
Operating	52,750	36,087	816	15,847	68.4%	1.5%	70.0%
Travel	76,060	18,044	-	58,016	23.7%	0.0%	23.7%
Capital Outlay	1,268,447	74,423	620	1,193,403	5.9%	0.0%	5.9%
Total Coastal Watersheds	22,143,119	7,905,246	11,133,822	3,104,051	35.7%	50.3%	86.0%
District Everglades							
Personnel Services	17,480,315	11,528,339	-	5,951,976	66.0%	0.0%	66.0%
Contractual Services	7,388,875	3,894,379	2,867,181	627,315	52.7%	38.8%	91.5%
Operating	8,081,137	5,439,289	349,992	2,291,857	67.3%	4.3%	71.6%
Travel	30,092	12,042	136	17,914	40.0%	0.5%	40.5%
Capital Outlay	46,963,042	18,329,372	7,804,495	20,829,175	39.0%	16.6%	55.6%
Total District Everglades	79,943,461	39,203,421	11,021,804	29,718,236	49.0%	13.8%	62.8%
Kissimmee Watershed							
Personnel Services	2,461,887	1,289,201	-	1,172,685	52.4%	0.0%	52.4%
Contractual Services	19,699,885	2,119,837	1,624,367	15,955,680	10.8%	8.2%	19.0%
Operating	49,997	37,032	-	12,965	74.1%	0.0%	74.1%
Travel	18,019	9,193	80	8,746	51.0%	0.4%	51.5%
Capital Outlay	17,412,362	1,293,951	15,340,824	777,586	7.4%	88.1%	95.5%
Total Kissimmee Watershed	39,642,149	4,749,215	16,965,271	17,927,663	12.0%	42.8%	54.8%

South Florida Water Management District

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

As of: June 30, 2012

	Annual Budget	Expenditures	Encumbrances	Reported	%	%	%
				Available Budget	Expended	Encumbered	Obligated
Lake Okeechobee							
Personnel Services	\$ 3,809,839	\$ 2,106,277	\$ -	\$ 1,703,563	55.3%	0.0%	55.3%
Contractual Services	17,513,148	1,484,277	8,351,893	7,676,979	8.5%	47.7%	56.2%
Operating	257,983	208,077	21,251	28,655	80.7%	8.2%	88.9%
Travel	7,206	1,560	-	5,646	21.6%	0.0%	21.6%
Capital Outlay	5,374,502	4,861,677	422,734	90,091	90.5%	7.9%	98.3%
Total Lake Okeechobee	26,962,679	8,661,867	8,795,878	9,504,935	32.1%	32.6%	64.7%
Land Stewardship							
Personnel Services	3,362,361	2,389,174	-	973,187	71.1%	0.0%	71.1%
Contractual Services	14,212,398	4,336,578	9,273,991	601,829	30.5%	65.3%	95.8%
Operating	784,337	543,933	52,023	188,382	69.3%	6.6%	76.0%
Travel	15,423	1,573	-	13,850	10.2%	0.0%	10.2%
Capital Outlay	559,987	364,463	-	195,524	65.1%	0.0%	65.1%
Total Land Stewardship	18,934,506	7,635,721	9,326,013	1,972,772	40.3%	49.3%	89.6%
Mission Support							
Personnel Services	31,449,381	21,661,083	-	9,788,298	68.9%	0.0%	68.9%
Contractual Services	15,130,784	10,091,525	3,597,637	1,441,622	66.7%	23.8%	90.5%
Operating	10,704,134	11,233,292	1,149,242	(1,678,400)	104.9%	10.7%	115.7%
Travel	361,530	215,263	26,966	119,300	59.5%	7.5%	67.0%
Capital Outlay	2,271,055	980,500	318,758	971,796	43.2%	14.0%	57.2%
Total Mission Support	59,916,883	44,181,663	5,092,603	10,642,617	73.7%	8.5%	82.2%
Modeling & Science Support							
Personnel Services	8,507,368	6,602,539	-	1,904,829	77.6%	0.0%	77.6%
Contractual Services	2,019,500	1,139,170	679,066	201,264	56.4%	33.6%	90.0%
Operating	521,733	384,420	64,409	72,905	73.7%	12.3%	86.0%
Travel	40,575	25,607	833	14,135	63.1%	2.1%	65.2%
Capital Outlay	845,960	828,811	16,376	773	98.0%	1.9%	99.9%
Total Modeling & Science Support	11,935,137	8,980,548	760,684	2,193,906	75.2%	6.4%	81.6%

South Florida Water Management District

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

As of: June 30, 2012

	Annual Budget	Expenditures	Encumbrances	Reported	%	%	%
				Available Budget	Expended	Encumbered	Obligated
Operations & Maintenance							
Personnel Services	\$ 46,446,790	\$ 34,859,292	\$ -	\$ 11,587,498	75.1%	0.0%	75.1%
Contractual Services	41,988,155	26,538,802	14,009,164	1,440,188	63.2%	33.4%	96.6%
Operating	32,919,443	23,985,953	1,409,937	7,523,554	72.9%	4.3%	77.1%
Travel	114,907	65,994	8,502	40,411	57.4%	7.4%	64.8%
Capital Outlay	29,786,950	17,962,786	11,476,335	347,829	60.3%	38.5%	98.8%
Total Operations & Maintenance	151,256,245	103,412,827	26,903,938	20,939,481	68.4%	17.8%	86.2%
Regulation							
Personnel Services	16,126,515	11,508,136	-	4,618,379	71.4%	0.0%	71.4%
Contractual Services	1,281,318	812,189	398,079	71,050	63.4%	31.1%	94.5%
Operating	6,377,758	4,346,708	174,620	1,856,430	68.2%	2.7%	70.9%
Travel	35,042	15,722	3,910	15,410	44.9%	11.2%	56.0%
Capital Outlay	288,565	215,820	72,745	-	74.8%	25.2%	100.0%
Total Regulation	24,109,197	16,898,576	649,354	6,561,268	70.1%	2.7%	72.8%
Water Supply							
Personnel Services	4,824,198	3,594,812	-	1,229,386	74.5%	0.0%	74.5%
Contractual Services	6,752,703	717,373	5,448,512	586,818	10.6%	80.7%	91.3%
Operating	5,984,261	4,169,120	-	1,815,141	69.7%	0.0%	69.7%
Travel	9,870	8,487	-	1,383	86.0%	0.0%	86.0%
Capital Outlay	2,994,835	1,509,873	486,611	998,352	50.4%	16.2%	66.7%
Total Water Supply	20,565,867	9,999,665	5,935,123	4,631,080	48.6%	28.9%	77.5%
Reserves							
Reserves	72,780,014	-	-	72,780,014	0.0%	0.0%	0.0%
Total Reserves	72,780,014	-	-	72,780,014	0.0%	0.0%	0.0%
Debt Service							
Debt Service	43,358,647	43,306,509	-	52,138	99.9%	0.0%	99.9%
Total Debt Service	43,358,647	43,306,509	-	52,138	99.9%	0.0%	99.9%
Grand Total	\$ 651,580,266	\$ 307,585,555	\$ 106,165,550	\$ 237,829,161	47.2%	16.3%	63.5%

46. General Counsel's Report - Carolyn Ansay

47. Executive Director's Report - Melissa Meeker

Report on permits issued by authority delegated to the Executive Director from July 1-31, 2012.

See supporting document: [IP Issued by ED Aug 2012.pdf](#)

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM July 1, 2012 TO July 31, 2012

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PALM BEACH COUNTY	10

BROWARD COUNTY

1. BRUSCHI PROPERTY APPL. NO. 120131-10
STANDARD PACIFIC OF FLORIDA PERMIT NO. 06-00073-S-21
SEC 20,29 TWP 47S RGE 41E ACREAGE: 297.37
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: NORTH SPRING IMPROVEMENT DISTRICT MASTER SYSTEM
LAST DATE FOR AGENCY ACTION: AUGUST 30, 2012

2. COOPER CITY SOCCER PARK APPL. NO. 080417-22
CITY OF COOPER CITY PERMIT NO. 06-05795-P
SEC 2 TWP 51S RGE 40E ACREAGE: 25.15
LAND USE: RECREATIONAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL AND NEW
CONSTRUCTION/OPERATION, INCLUDES CONSERVATION EASEMENT TO THE
DISTRICT)
RECEIVING BODY: CENTRAL BROWARD WATER CONTROL DISTRICT S-29A CANAL
LAST DATE FOR AGENCY ACTION: SEPTEMBER 9, 2012

3. DEBUYS PARCEL - PHASE 1 APPL. NO. 120508-5
LENNAR HOMNES LLC PERMIT NO. 06-00073-S-20
SEC 28 TWP 47S RGE 41E ACREAGE: 330.95
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: NORTH SPRING IMPROVEMENT DISTRICT MASTER SYSTEM VIA TRIPLE H
RANCH SWM SYSTEM
LAST DATE FOR AGENCY ACTION: SEPTEMBER 13, 2012

4. FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT APPL. NO. 120522-16
EXPANSION PERMIT NO. 06-06268-W
BROWARD COUNTY ACREAGE: 1.00
SEC 26-28 TWP 50S RGE 42E LAND USE: DEWATERING

PERMIT TYPE: WATER USE MODIFICATION
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 20, 2012

BROWARD COUNTY

5. FT LAUDERDALE HOLLYWOOD INTERNATIONAL AIRPORT PIPE APPL. NO. 120530-2
EVERGLADES PIPE LINE COMPANY LP PERMIT NO. 06-06338-W
SEC 23,26,27,34 TWP 50S RGE 42E ACREAGE: .10
LAND USE: DEWATERING

PERMIT TYPE: WATER USE EXISTING/PREVIOUSLY PERMITTED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 28, 2012

6. INVERRARY COUNTRY CLUB APPL. NO. 061030-2
INVERRARY COUNTRY CLUB PERMIT NO. 06-00344-W
SEC 14,15,22,23 TWP 49S RGE 41E ACREAGE: 190.00
LAND USE: GOLF COURSE

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: SFWMD CANAL C-13
ALLOCATION: 51.17 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: AUGUST 12, 2012

7. JACARANDA GOLF CLUB APPL. NO. 120307-7
SCRATCH GOLF LLC PERMIT NO. 06-00149-W
SEC 8 TWP 50S RGE 41E ACREAGE: 240.00
LAND USE: GOLF COURSE

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: BISCAYNE AQUIFER AND ON-SITE LAKES
ALLOCATION: 45.15 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: AUGUST 30, 2012

COLLIER COUNTY

1.	THE CLUB AT MEDITERRA INC	APPL. NO.	110310-14
	THE NEW CLUB AT MEDITERRA INC	PERMIT NO.	11-03361-W
	SEC 11,12 TWP 48S RGE 25E	ACREAGE:	306.00
		LAND USE:	LANDSCAPE

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: WATER TABLE AND SANDSTONE AQUIFERS, OFF-SITE LAKES

ALLOCATION: 50.04 MILLION GALLONS PER MONTH

LAST DATE FOR AGENCY ACTION: JULY 23, 2012

HENDRY COUNTY

1. BARFIELD GROVE APPL. NO. 120109-7
NOBLES FARMS INC PERMIT NO. 26-00278-W
SEC 24 TWP 44S RGE 29E ACREAGE: 354.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: SANDSTONE AQUIFER
ALLOCATION: 59.54 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: JULY 25, 2012

2. GUM SWAMP FARM APPL. NO. 120508-2
COLLIER ENTERPRISES MANAGEMENT INC PERMIT NO. 26-00440-S
SEC 19-21,27-30 TWP 47S RGE 31E ACREAGE: 2807.50
LAND USE: AGRICULTURAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: OKALOACHOCHEE SLOUGH VIA ONSITE RESERVOIR A-1-3
LAST DATE FOR AGENCY ACTION: AUGUST 6, 2012

3. PRIDE CITRUS DEVELOPMENT APPL. NO. 120106-11
BOARD OF TRUSTEES PERMIT NO. 26-00126-W
SEC 16-21 TWP 48S RGE 31E ACREAGE: 906.80
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: SURFICIAL AQUIFER
ALLOCATION: 150.49 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: JULY 9, 2012

HIGHLANDS COUNTY

1. PHILLIPS POWER STATION
TAMPA ELECTRIC COMPANY
SEC 7 TWP 35S RGE 30E

APPL. NO. 120130-4
PERMIT NO. 28-00144-W
ACREAGE: .10
LAND USE: INDUSTRIAL

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: UPPER FLORIDAN AQUIFER
ALLOCATION: 30 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: AUGUST 8, 2012

2. SANDHILL SPRINGS
CHARLES JR, ANNE, TERRY AND KELLY REYNOLDS
SEC 2,11 TWP 38S RGE 30E

APPL. NO. 120228-16
PERMIT NO. 28-00425-W
ACREAGE: 15.00
LAND USE: INDUSTRIAL
AGRICULTURAL

PERMIT TYPE: WATER USE RENEWAL
WATER SOURCE: SURFICIAL AQUIFER AND ON-SITE CANALS
ALLOCATION: 15.2 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: AUGUST 15, 2012

LEE COUNTY

1. ALVA GROVE
CKR LAND DEVELOPMENT LLC
SEC 25, 26 TWP 43S RGE 27E

APPL. NO. 060928-13
PERMIT NO. 36-00650-W
ACREAGE: 215.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE EXPIRED/PREVIOUSLY PERMITTED
WATER SOURCE: SANDSTONE AQUIFER
ALLOCATION: 36.16 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: JULY 30, 2012

2. BONITA BEACH ROAD GOLF CLUB RPD
RP BONITA BEACH RD LLC
SEC 1,2 TWP 48S RGE 26E

APPL. NO. 111014-17
PERMIT NO. 36-06414-W
ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 16, 2012

3. ESTERO CROSSING
JTAD ESTERO LLC
SEC 35 TWP 46S RGE 25E

APPL. NO. 060724-11
PERMIT NO. 36-07807-P
ACREAGE: 42.97
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION, INCLUDES
CONSERVATION EASEMENT TO THE DISTRICT)
RECEIVING BODY: ESTERO RIVER VIA EXISTING CONVEYANCE SYSTEMS
LAST DATE FOR AGENCY ACTION: JULY 31, 2012

4. I-75 SOUTH OF LUCKETT TO NORTH SR 80
FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT 1
SEC 3,10,15 TWP 44S RGE 25E

APPL. NO. 120529-7
PERMIT NO. 36-07590-W
ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 27, 2012

LEE COUNTY

5. RESERVE OF SILVERSTONE (FKA BONITA BEACH ROAD
ESTATES)
ACF 10-A BONITA LLC
SEC 1,2 TWP 48S RGE 26E

APPL. NO. 110712-8
PERMIT NO. 36-04254-W

ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 6, 2012

MIAMI-DADE COUNTY

1. MIAMI-DADE CONSOLIDATED PWS APPL. NO. 110511-6
MIAMI-DADE WATER AND SEWER DEPARTMENT PERMIT NO. 13-00017-W
SEC N/A TWP 53,54S RGE 39-42E ACREAGE: N/A
LAND USE: PUBLIC WATER
SUPPLY
PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: UPPER FLORIDAN AND BISCAYNE AQUIFERS
ALLOCATION: 13117 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: JULY 17, 2012

2. SR 948/NW 36ST BRIDGE WIDENING AND REPLACEMENT OVER APPL. NO. 120321-10
C-6 PERMIT NO. 13-05152-P
FLORIDA DEPARTMENT OF TRANSPORTATION
SEC 29 TWP 53S RGE 41E ACREAGE: 1.98
LAND USE: ROADWAY
PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: ON-SITE RETENTION
LAST DATE FOR AGENCY ACTION: AUGUST 15, 2012

PALM BEACH COUNTY

4. PALM BEACH COUNTY SHERIFFS OFFICE TRAINING FACILIT APPL. NO. 120426-2
PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS PERMIT NO. 50-00073-E
ACREAGE: 67.12
LAND USE: INSTITUTIONAL

PERMIT TYPE: EVERGLADES WORKS OF THE DISTRICT RENEWAL
RECEIVING WOD: WEST PALM BEACH CANAL
NUMBER OF MONITORING POINTS: 1
LAST DATE FOR AGENCY ACTION: JULY 25, 2012

5. PARCEL B, PODS E AND F - WELLINGTON COUNTRYPLACE PUD APPL. NO. 060414-25
FAR NIENSTE STABLES VII LLC PERMIT NO. 50-00548-S-20
SEC 21 TWP 44S RGE 41E ACREAGE: 238.39
LAND USE:

RESIDENTIAL
COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL AND
CONSTRUCTION/OPERATION MODIFICATION, INCLUDES CONSERVATION EASEMENT
TO THE DISTRICT)
RECEIVING BODY: AID MASTER SYSTEM
LAST DATE FOR AGENCY ACTION: NOVEMBER 9, 2011

6. SOUTH BAY RV PARK APPL. NO. 120502-1
PALM BEACH COUNTY PARKS AND RECREATION PERMIT NO. 50-00046-E
ACREAGE: 35.00
LAND USE: URBAN AND
BUILT-UP

PERMIT TYPE: EVERGLADES WORKS OF THE DISTRICT RENEWAL
RECEIVING WOD: NORTH NEW RIVER CANAL
NUMBER OF MONITORING POINTS: 1
LAST DATE FOR AGENCY ACTION: SEPTEMBER 10, 2012

7. WELLINGTON COUNTRYPLACE PUD PARCEL B, POD E AND F APPL. NO. 100323-16
WELLINGTON EQUESTRIAN PARTNERS LLC PERMIT NO. 50-09386-W
SEC 20,21 TWP 44S RGE 41E ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: NOT REQUIRED
LAST DATE FOR AGENCY ACTION: AUGUST 31, 2012

8. WOERNER SOUTH INC
NLDS ACQUISITION CORPORATION

APPL. NO. 120404-5
PERMIT NO. 50-00009-E
ACREAGE: 2843.45
LAND USE: SOD FARMS

PERMIT TYPE: EVERGLADES WORKS OF THE DISTRICT RENEWAL
RECEIVING WOD: OCEAN CANAL
NORTH NEW RIVER CANAL
NUMBER OF MONITORING POINTS: 4
LAST DATE FOR AGENCY ACTION: JULY 3, 2012

48. Board Comment

49. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) 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)

50. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in

Florida Wildlife Federation, Inc., et al. v. U.S. Army Corps of Engineers, et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

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

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in

Florida Wildlife Federation, Inc., et al. v. U.S. Army Corps of Engineers, et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS. (Carolyn S. Ansay, ext. 6976)

51. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades v. USEPA, 11th Circuit Court of Appeals, Case No. 08-13652.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin, J. Nutt. (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 (2011) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades v. USEPA, 11th Circuit Court of Appeals Case No. 08-13652. (Carolyn S. Ansay, ext. 6976)

Adjourn