

MEMORANDUM

TO: Governing Board Members

THROUGH: Deena Reppen, Deputy Executive Director, Regulatory and Public Affairs

DATE: April 24, 2010

SUBJECT: **Authorization to enter into a Joint Agreement with McDaniel Reserve Realty Holdings, LLC, (MRRH) for implementation of a Best Management Practices Program to reduce phosphorus in stormwater discharges to the Everglades Protection Area**

RECOMMENDATION

Staff recommends approval to enter into a Joint Agreement with McDaniel Reserve Realty Holdings, LLC, for implementation and maintenance of a Best Management Practices Program to reduce phosphorus in stormwater discharges to the Everglades Protection Area (EPA).

BACKGROUND

MRRH, (also known as Everglades Plantation) is located in the Feeder Canal Basin of Southern Hendry County and discharges its runoff into the Feeder Canal which ultimately discharges to the EPA (Exhibit A3). The Everglades Forever Act, Section 373.4592, Florida Statutes, contemplates the District implementing, either directly or via third parties, the water quality projects set forth in the *Everglades Protection Area Tributary Basins Long-Term Plan for Achieving Water Quality Goals* (Long-Term Plan) in order to achieve water quality standards relating to phosphorus in the EPA. The Long-Term Plan requires implementation of Best Management Practices (BMPs) with the objective to meet a 50 parts per billion (ppb) flow-weighted mean (FWM) total phosphorus (TP) concentration in discharges from the Feeder Canal Basin.

MRRH property was formerly part of McDaniel Ranch. In 1996, a Landowner Agreement (LOA) between the McDaniel Ranch and the Seminole Tribe of Florida ("Tribe") was executed. The LOA established a TP "Compliance Target" of 50 ppb at the point of discharge of McDaniel Ranch into the North Feeder Canal. The LOA also established an extensive water quality improvement and monitoring program, including treatment areas located in what is now MRRH property. MRRH property's stormwater discharges are directed to the PC-17A structure which is one of the Compliance Points established by the LOA (Exhibit A3). The FWM TP concentration at the Compliance Points continues to exceed the Compliance Target (50 ppb). Implementation of the BMPs at MRRH property will assist in reducing phosphorus in stormwater discharges to the EPA. Because there is not a permit requirement under an existing regulatory source control program rule in the Feeder Canal Basin, the BMPs are being implemented through this joint agreement.

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