

MEMORANDUM

TO: Governing Board Members

FROM: Tommy Strowd, Deputy Executive Director,
Operations and Maintenance Resource Area

DATE: August 02, 2010

SUBJECT: **Declare and adopt the Deer Fence Canal (G-3W), located in
Hendry County, as a Work of the South Florida Water
Management District**

Background:

In the interest of public health and safety, and to provide increased flood protection to the citizens of Hendry County, staff recommends declaring and adopting the Deer Fence Canal right of way, in Hendry County, as a Work of the District.

In 1959, certain landowners executed an Agreement creating a Trust with the goal of building a canal to drain their adjacent lands and provide a source of irrigation; all owners of lands benefitted by the canal agreed to provide the needed land and funds for construction and on-going maintenance; the Agreement was amended in 1960. The District is acquiring the existing canal right of way and assuming all maintenance and management responsibilities.

Staff is also recommending that the Governing Board Waive Rule 40E-6.601, F.A.C. and authorize the Waiver of payment of Application Processing Fees; and Waive Rule 40E-6.221(2)(j), F.A.C. and authorize the Waiver for those pre-existing facilities which may not meet the District's Right of Way Occupancy Permitting rules and criteria.

Staff's recommendation to waive the application processing fee and right of way criteria is based on principles of fairness as the property owners' facilities existed prior to the adoption of the Deer Fence Canal (G-3W) as a Work of the District. The District's Operation Maintenance Resource staff has determined that the existing facilities will not interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities on this newly adopted Work of the District so the purpose of the underlying statute will be achieved.

District staff is currently working with those landowners in applying to the District for issuance of Right of Way Occupancy Permits; the Waiver of District Rule and criteria will only apply to the pre-existing facilities and will not apply to the installation of proposed facilities or modifications to the existing facilities in the future.

How this helps meet the District's Mission:

Because of the strategic location of this project, it fits all the criteria for the District's Mission of Flood Protection. The G-3W canal is surrounded by farms and pasture land which rely on timely water discharge. G-3W canal falls within the C-139 Basin, which historically has been challenged with phosphorus water quality concerns. Control of G-3W canal will help the District address this concern. At this time the G-3W canal is maintained to keep adequate ground water levels upstream.

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

The G-3W canal lies in southeast Hendry County. The canal starts at L-3 and heads westerly for eleven (11) miles, ending at CR 846. There are six (6) adjacent landowners along the canal reach. With the direct connection to L-3, the G-3W canal will impact STA-5 and STA-6.

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

Adding an eleven (11) mile existing canal to the District's system at minimal cost, will help flood protection, water quality and water supply.

What concerns could this Board item raise?

Future cost of maintenance and improvements, responsibility of taking on a private canal and meeting demands of landowners.

Why should the Governing Board approve this item?

This canal system would be an ideal addition to the network of canals the District presently operates. The G-3W canal was dug with private funding and has all the potential to be a great asset to the water control system of the District.

TS/mm