SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010-__

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING THE JOINT AGREEMENT BETWEEN THE McDANIEL RESERVE REALTY HOLDINGS, LLC. AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE PURPOSE OF IMPLEMENTING A BEST MANAGEMENT PRACTICES PROGRAM TO REDUCE PHOSPHORUS IN STORMWATER DISCHARGES TO THE EVERGLADES PROTECTION AREA

WHEREAS, McDaniel Reserve Realty Holdings, LLC (hereinafter referred to as MRRH), is a Florida Corporation, whose address is 3333-24 Virginia Beach Blvd, Virginia Beach, Florida 23452; and

WHEREAS, MRRH owns the property identified in Exhibits A1 through A3 ("Property"); and

WHEREAS, the Property identified is located in the Feeder Canal Basin and discharges its stormwater runoff into the Feeder Canal Basin which ultimately discharges to the Everglades Protection Area; and

WHEREAS, 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 Everglades Protection Area and achieve water quality standards relating to phosphorus in the Everglades Protection Area; and

WHEREAS, 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; and

WHEREAS, the District will evaluate compliance with the FWM TP concentration of 50 ppb and the landowners' contribution to phosphorus load in discharges from the Feeder Canal Basin, based on monitoring results from the WWEIR and PC-17A structures (Exhibit A3); and

WHEREAS, the Property's stormwater discharges are directed to the PC-17A structure; and

WHEREAS, MRRH and the District have agreed to work in partnership to reduce TP in stormwater discharges from the Property; and

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 Joint Agreement with MRRH.

Section 2. A copy of the Joint Agreement is attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this __ day of _____, 2010

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairman

ATTEST:

_____

Assistant Secretary

Approved as to form:

BY: _____

Office of Counsel

Joint Agreement Between McDaniel Reserve Realty Holdings, LLC, and the South Florida Water Management District for Implementation of a Best Management Practices Program to Reduce Phosphorus in Stormwater Discharges to the Everglades Protection Area

This Joint Agreement is made between the South Florida Water Management District ("District") a public corporation of the State of Florida, whose address is 3301 Gun Club Road, West Palm Beach, Florida 33406, and McDaniel Reserve Realty Holdings, LLC ("MRRH"), a Florida Corporation, whose address is 3333-24 Virginia Beach Blvd, Virginia Beach, Florida 23452

WHEREAS, MRRH owns the property identified in Exhibits A1through A3 ("Property"); and

WHEREAS, the Property identified is located in the Feeder Canal Basin and discharges its stormwater runoff and otherwise drains into the Feeder Canal Basin which ultimately discharges to the Everglades Protection Area; and

WHEREAS, 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 Everglades Protection Area; and

WHEREAS, 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; and

WHEREAS, the District will evaluate compliance with the FWM TP concentration of 50 ppb and the landowners' contribution to phosphorus load in discharges from the Feeder Canal Basin, based on monitoring results from the WWEIR and PC-17A structures (Exhibit A3); and

WHEREAS, the Property's stormwater discharges are directed to the PC-17A structure; and

WHEREAS, MRRH and the District have agreed to work in partnership to reduce total phosphorus (TP) in stormwater discharges from the Property; and

In consideration of the foregoing recitals, the accuracy of which is hereby acknowledged, and other good and valuable consideration, the parties agree as follows:

I. MRRH agrees as follows:

1. To implement a BMP program on the Property by August 1, 2010. The program shall consist of implementation and maintenance of the BMP Plan attached as Exhibit B1 and B2, including appropriate training of staff, operators and contractors responsible for implementing the BMPs, and adequate documentation to verify BMP implementation.

2. To submit an annual BMP Implementation Certification form, attached as Exhibit C, to the District, by February 1 of each year certifying the BMPs implemented in the previous calendar year.

3. To make written requests to the District for prior approval of changes to the BMP Plan. The District will take final action on the requests by letter. Modifications to this Agreement will not be required for such action.

4. To ensure that records documenting training and implementation of the BMP Plan are maintained on site and readily available for District review. Examples of acceptable documentation for BMP verification are included in Exhibit C.

5. To allow District staff, or designated agents, reasonable access to the Property for the purpose of verifying BMP implementation through observations and record review. District staff shall notify MRRH, by telephone, at least 24 hours prior to a site visit for this purpose.

6. To notify the District in writing within 30 days of any change in acreage.

7. To notify the District in writing within 90 days of any transfer, sale or conveyance of land or works described in this agreement.

8. To request District approval in advance of conducting any changes in land practice; changes in water management, in particular, changes in the direction or runoff discharges and patterns that may affect off-site discharge locations or phosphorus loading, flow, and flow-weighted phosphorus concentration.

9. If the District-measured FWM TP concentration for discharges from structure PC-17A exceeds 50 ppb for water year (i.e., period May 1 and April 30), then the District shall determine based on District-approved monitoring plan of MRRH discharges whether MRRH discharge has contributed to the exceedance. If the District determines the MRRH discharges have contributed to the water year exceedance, the Property shall be declared, for that water year, out of compliance with the Long-Term Plan requirements and the terms of this agreement. MRRH shall have 90 days, from the date of the District's written notification of out-of-compliance, to submit to the District's Everglades Regulation Division an investigative report and remediation plan for review and approval. The document shall include: identification of probable cause and a plan of action, with a timeline not to exceed 9 months, for addressing the identified causes and to improve water quality. The plan of action may include consideration of additional treatment facilities and/or BMP Plan optimization. If MRRH does not agree with the determination or findings of the District, it may initiate a dispute resolution process in the form of formal mediation or a petition to the Division of Administrative Hearings for a formal administrative proceeding before an administrative law judge.

II. If the District is unable to fulfill its responsibility to improve and protect the water quality of the Everglades Protection Area, or to reduce the phosphorus concentration and/or loads from the Feeder Canal Basin from the implementation of BMPs sufficiently to meet the requirements of the Long-Term Plan as described in Section 373.4592(3), Florida Statutes, the District may require additional actions by MRRH or institute appropriate proceedings.

III. Nothing in this Agreement shall relieve MRRH from obtaining and/or complying with other appropriate permits, laws or regulations, including but not limited to, Environmental Resource Permits, Surface Water Management permits, Consumptive Use permits, and right of way requirements.

IV. This Agreement shall last until a regulatory phosphorus source control program is in effect for the Feeder Canal Basin and MRRH obtains a permit under said program.

V. Execution of this Agreement shall be deemed to have occurred upon signature by all parties hereto and approval by the South Florida Water Management District Governing Board.

VI. If any provision(s) within this Agreement shall be found invalid or otherwise unenforceable, the remainder of the Agreement shall remain in full force and effect and binding on the undersigned parties as if the invalid provision was not a part hereto.

VII. Unless otherwise provided above, any notices or communications required to be given hereunder shall be made in writing, delivered by certified mail, return receipt requested to the following or to any such replacement addressee as may be later designated in writing by the party receiving such notices or communications.

As to MRRH:

Ms. Andrea M. Kilmer
McDaniel Reserve Realty Holdings, LLC
3333-24 Virginia Beach Blvd
Virginia Beach, Florida 23452

As to District:

Mr. Robert M. Brown, Director
Environmental Resource Regulation Department
P.O. Box 24680
West Palm Beach, FL 33341

Dated this _____ day of ___ 2010.

Witnesses:

_____

_____

MRRH
Representative's Name, Title

_____

Witnesses:

_____

_____

South Florida Water Management District
Representative's Name, Title

_____

Exhibit A1 - Parcel Information and Location

PARCEL INFORMATION AND LOCATION

Participating owners/lessees

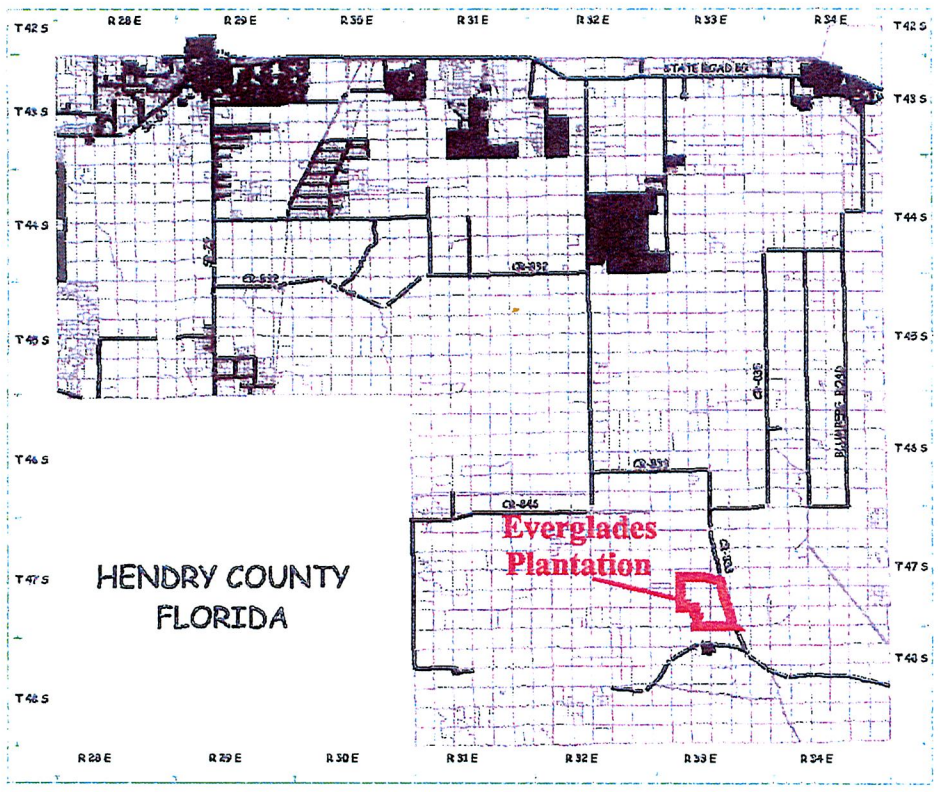
Name of Parcel/Farm **Everglades Plantation**	Parcel/Farm Acreage **+/- 3,100**
City, town, or village (if applicable) **NA**	County(ies) **Hendry**
SFWMD Basin **Feeder Canal**	Receiving District Work(s) **L-28**
Owner of parcel/farm Name **McDaniel Reserve Realty Holdings, LLC**	**Lessee of parcel/farm (if applicable)** Name
Address **3333-24 Virginia Beach Blvd**	Address
City, state, zip **Virginia Beach, Florida 23452**	
Telephone ( )	Telephone ( )

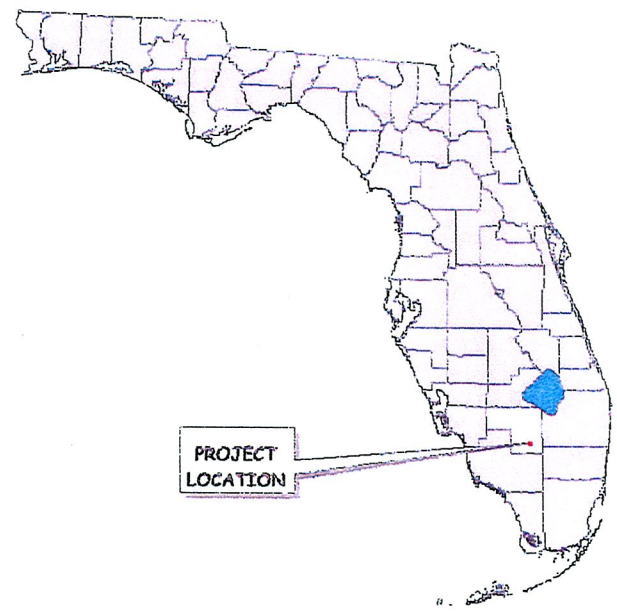
Exhibit A1 - Parcel Information and Location

Section(s) or Government Lot(s)	*Tax Assessor's property control number	Acres	Township		Range		County
20	1 33 47 20-A00-0002.0000	85.12	47	S	33	E	Hendry
21	1 33 47 21-A00-0002.0000	348.34	47	S	33	E	Hendry
22	1 33 47 22-A00-0002.0000	143.72	47	S	33	E	Hendry
27	1 33 47 27-A00-0002.0000	444.90	47	S	33	E	Hendry
28	1 33 47 28-A00-0001.0000	9.97	47	S	33	E	Hendry
28	1 33 47 28-A00-0002.0000	630.03	47	S	33	E	Hendry
29	1 33 47 29-A00-0002.0000	301.58	47	S	33	E	Hendry
33	1 33 47 33-A00-0001.0000	25.74	47	S	33	E	Hendry
33	1 33 47 33-A00-0003.0000	426.99	47	S	33	E	Hendry
34	1 33 47 34-A00-0002.0000	631.24	47	S	33	E	Hendry
35	1 33 47 35-020-0000-002.0	46.92	47	S	33	E	Hendry
33	1 33 47 20-A00-0002-0000	138.49	47	S	33	E	Hendry

LOCATION MAP(S)

See attached map showing the location and boundary of the property, as well as the area(s) where the BMP Plan will be implemented.





NATURAL
(typical)

PASTURE
(typical)

PROPERTY BOUNDARY

PROPERTY BOUNDARY

1500 0 1500 3000 Feet

N
W E
S

DATE: August 3, 2009

PROJECT #: P148.01A

Everglades Plantation

MacVicar, Federico & Lamb, Inc.
Water Resource & Environmental Consulting
4524 Gun Club Road Suite 201
West Palm Beach, Fl 33415
561-689-1708 561-689-1026 (fax)

Exhibit A2 - Everglades Plantation

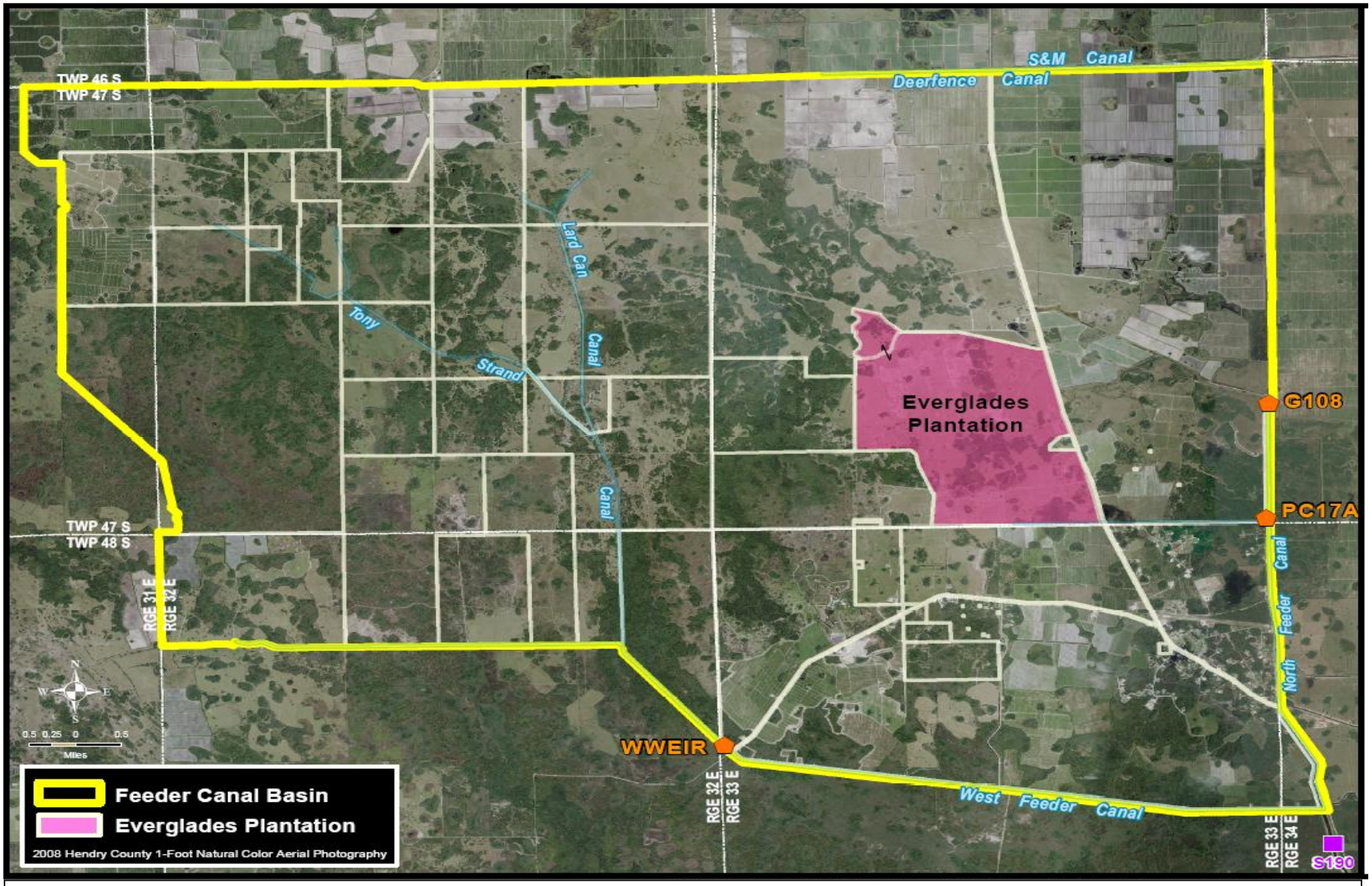


Exhibit A3 - Feeder Canal Basin map showing location of Everglades Plantation property and other District structures.

Exhibit B1
FEEDER CANAL BASIN BMP CALCULATOR

Farm Name: Everglades Plantation | **Owner/Lessee:** McDaniel Reserve Realty Holdings, LLC

Tax ID: See Exhibit A | **Date: 02/16/10**

BMP CATEGORIES AND PRACTICES	PTS	SAND CANE	PASTURE	VEG	SOD	CITRUS	OTHER
NUTRIENT CONTROL PRACTICES							
Nutrient Application Control	2 ½						
Nutrient Spill Prevention	2 ½						
Manage Successive Vegetable Planting	2 ½						
Plant Tissue Analysis	2 ½						
Plant Tissue Analysis for Citrus	5						
Soil Testing	5						
Split Nutrient Application	5						
Slow Release P Fertilizer	5						
Reduce P Fertilization	5						
No Nutrients Imported via Direct Land Application	20		20				
No Nutrients Imported Indirectly Through Cattle Feed	15		15				
Nutrient Management Plan	5-25						
PARTICULATE MATTER AND SEDIMENT CONTROLS							
Any 2 (*Sustainable forage crop, Canal cleaning and Ditch bank vegetation)*	2 ½		2½				
Any 4	5						
Any 6	10						
Any 8	15						
WATER MANAGEMENT PRACTICES							
Water Detention: ½ inch	5						
Water Detention: 1 inch	10						
Improvements to Water Management System Infrastructure to Further Increase Water Quality Treatment by Delayed or Minimized Discharge	5						
Low Volume Irrigation	5						
Approved and Operational Surface Water Reservoir (Fully Certified)	10-35						
Temporary Holding Pond	15						
Overland Sheet Flow Over Entire Property	15						
No Point Discharge of Surface Water	15						
Tailwater Recovery System	10						
Precision Irrigation Scheduling	10						
Water Resources Management for Pastures	5						
PASTURE MANAGEMENT							
Restricted Placement of Stored Feed, Feeders, minerals, and molasses stations to reduce concentrated areas near drainage ditches	2 ½		2½				
Restricted Placement of Cowpens to Reduce concentrated areas near drainage ditches	2 ½						
Restricted Placement of Water to Reduce "Hot Spots" Near Drainage Ditches	2 ½		2½				
Provide Shade Structures to Prevent Cattle in Waterways	2 ½						
Low Cattle Density (1 head / 2 Acres, non-irrigated pasture)	5		5				
Restrict Cattle Through Fencing of Canals	10						
TOTALS			47.5				

- A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use area.
- Each BMP Plan shall include a minimum of 35 equivalent points. Of the 35 BMP equivalent points, a minimum of 20 BMP equivalent points shall meet the following criteria: (a) A minimum of 10 BMP equivalent points in Nutrient Control Practices; (b) A minimum of 5 BMP equivalent points in Water Management Practices, unless the lands are native or do not have drainage improvements. If lands are native or do not have drainage improvements, BMPs other than Water Management Practices can provide equivalent points towards meeting this criterion; (c) A minimum of 5 BMP equivalent points in Particulate Matter and Sediment Control Practices. Pasture management BMPs can provide equivalent points towards this category, if applicable.
- BMPs showing a point range will be evaluated by the District to assign a point value.
- Shaded cells indicate prior District approval is required.
- Other BMPs may be considered upon request.

Each BMP practice requires documentation to verify implementation, maintenance and that appropriate BMP training has been provided. Examples of training documentation include: who is responsible for training plan, who provides training, who is to be trained (appropriate staff, operators, lessees or contractors), date of training, training courses content, and documentation of training activities.

Comments: *Current land use is very low density cattle (+/- 1 cattle/15 acres). Water Management BMPs will be deferred until the future plans for the site are finalized.*

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
NUTRIENT CONTROL PRACTICES		MINIMIZES THE MOVEMENT OF NUTRIENTS OFF-SITE BY ENSURING RECOMMENDED APPLICATION RATES AND CONTROLLED PLACEMENT OF APPLICATION	
Nutrient Application Control	2 ½	Uniform and controlled boundary application of nutrients with a minimum 4' setback from canals with no overlapping application for each application method (e.g. banding at the root zone or side-dressing, pneumatic controlled-edge application such as AIRMAX); fertilization through low volume irrigation system applied at root zone (fertigation); controlled placement by fertilization under plastic near root.	• Records that identify fertilized areas and crop types where controlled application of nutrients was practiced (an explanation shall be provided for areas where controlled application of nutrients was not practiced).
Nutrient Spill Prevention	2 ½	Formal spill prevention protocols (storage, handling, transfer, and education/instruction). Pasture – Also includes restricted placement of stored feed and housekeeping to prevent spillage near storage and transfer areas (feed and molasses).	• Summary of routine practices implemented by the applicator, the number of spills and clean-up actions taken, the date and circumstances of each spill, and future actions to be taken to prevent spill recurrences.
Manage Successive Vegetable Planting to Minimize P	2 ½	Avoid successive planting of vegetables or other crops having high P needs to avoid P build up in soils. Includes successive planting with no successive P application.	• Identification of areas and crops where Successive planting of high phosphorus (P)/low P demand crops occurred, an explanation for areas where Successive planting of high phosphorus (P)/low P demand crops was anticipated to occur but did not.
Recommended Nutrient Application based on Plant Tissue Analysis	2 ½	Avoid excess application of P by determining plant nutrient requirements for adjustments during next growing season (crop specific).	• Records of leaf test results to be used as a guideline for fertilizer application recommendations for all acreages in production. Records of areas tested, test results, recommendations, and actual phosphorus application rates shall also be kept (where actual fertilizer formula or quantity varies from leaf test recommendations, notes to explain logic for all variations shall be kept).
	2 ½	Pastures with Bahia grass – Plant tissue analysis along with soil test is required to make nutrient application recommendation.	
	5	Citrus– Results are applied to the current season P requirements.	
Recommended Nutrient Application based on Soil Testing	5	Avoid excess nutrient application by determining P requirements of soil and follow standard recommendations for application rates (crop specific), or recommendations based on the analysis of optimum economic crop response to added P specific to the soil and crop. The disposal or application of waste water residuals, animal manure, or other materials containing phosphorus shall not exceed the P requirements of the crop.	• Records of soil test results, prior to nutrient application, to be used as a guideline for phosphorus application for all crops requiring nutrients. • Records of areas tested, crops grown, test results, nutrient application recommendations, and nutrient application rates shall be kept on-site (where actual nutrient application rate or quantity varies from soil test recommendations, notes explaining the logic for all variations shall be kept).

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
NUTRIENT CONTROL PRACTICES		MINIMIZES THE MOVEMENT OF NUTRIENTS OFF-SITE BY ENSURING RECOMMENDED APPLICATION RATES AND CONTROLLED PLACEMENT OF APPLICATION	
Split Nutrient Application	5	More efficient plant uptake of P by applying small portions of total recommended P at various times during the growing season. Not to exceed total recommendation based on soil test.	• Identification of areas and crops where split application of fertilizer occurred, an explanation for areas where split application of fertilizer was anticipated to occur but was not utilized, a summary of training or instruction provided to applicators, a description of the rational for the timing and proportioning of the application, and a summary of recommended application rates compared to the total actually applied with an explanation for any exceedances of the recommendation.
Slow Release P Fertilizer	5	Avoid flushing excess P from soil by using specially treated fertilizer that releases P to the plant over time.	• Records of areas and crops where slow release fertilizer was applied, an explanation of any areas where slow release fertilizer was anticipated to be applied but was not utilized, recommendations for phosphorus application rates based on soil test results, a comparison of actual application rates to the recommendations, an explanation for variances from recommendations, and specifications and/or receipts on the type of slow release phosphorus utilized.
Reduce P Fertilization	5	Reduce the P application rate by at least 30% below standard recommendations based on soil tests and development of site –specific (reduced) recommendations or application methods. Provide basis for reduction credit.	• Soil test results, prior to nutrient application, to be used as a guideline for phosphorus application for all crops requiring nutrients shall be kept. • Records of areas tested, crops grown, test results, nutrient application recommendations, and nutrient application rates shall be keep on site (where actual nutrient application rate or quantity varies from soil test recommendations, an explanation for variances from recommendations, and specifications on the nutrient application rate type of shall be keep).
No Nutrients Imported Via Direct Land Application	20	No Application of P, in any form, to the soil for amendments or plant nutrients. (Native and Semi-improved Range can claim this BMP and still apply fertilizer if done at maintenance or less than optimum production levels no more frequently than once every 6 years.)	• Record of all activities related to land application of nutrients.

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
NUTRIENT CONTROL PRACTICES		MINIMIZES THE MOVEMENT OF NUTRIENTS OFF-SITE BY ENSURING RECOMMENDED APPLICATION RATES AND CONTROLLED PLACEMENT OF APPLICATION	
No Nutrients Imported Indirectly Through Cattle Feed	15	No P import to the basin through cattle feed (Native range can claim this BMP if the only feed additives are mineral supplements or molasses.)	• Documentation of implementation.
Nutrient Management Plan	5-25	A plan to manage the amount, source, placement, form, and timing of nutrient application to optimize yields and minimize the movement of phosphorus nutrients to surface and ground waters that ultimately discharge off-site. A site management plan and budget for tracking phosphorus shall be developed. The plan shall consider all nutrient sources (including but not limited to soil residual, crop residual, animal residual, organic and chemical fertilizer, soil amendments and supplements, irrigation water quantity and timing, animal nutrient supplements) versus the required amounts of nutrients. The plan shall utilize testing, analysis, and agricultural industry standards to determine nutrient needs. At a minimum, the plan shall address the timing, placement and method of nutrient application; optimization of nutrient uptake; prevention of nutrient movement off-site; site descriptions such as aerial photographs, crop maps, and soil maps; implementation plans and schedules; sediment control BMPs; pasture management BMPs; and water quality monitoring for input into the mass balance prepared for the phosphorus budget. These actions shall be developed in accordance with Section IV, Code 590 of the United States Department of Agriculture Natural Resources Conservation Service FOTG, FL, September 2007, hereby incorporated by reference. The Plan must be approved by NRCS or a qualified technical service provider. A Nutrient Management Plan can be a component of a Conservation Plan which includes the objective of reducing phosphorus discharges on lands with cattle operations. The District will assign BMP points to each Nutrient Management Plan based on the relative level of treatment proposed, as evidenced by the applicant through plans, test results or other information submitted with the application.	• Documentation of implementation (Because a Nutrient Management Plan will have components equivalent to BMP practices described in this table, the documentation required for those BMP practices will be the same as required for those practices).

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
WATER MANAGEMENT PRACTICES		MINIMIZES THE QUANTITY OF OFF-SITE DISCHARGES WHICH CARRY NUTRIENTS DOWNSTREAM	
½ Inch Detained 1 Inch Detained	5 10	Delayed discharge (based on measuring daily rain events using a rain gage).	• Rainfall and pumping or discharge structure operation records. • Other technical information
Improvements to Water Management System Infrastructure to Further Increase Water Quality Treatment by Delayed or Minimized Discharge	5	Recirculation of water inside farm boundaries to improve WQ prior to off-site discharge, includes: fallow field flood water with no direct discharge (instead allow to "drain" via evapotranspiration, seepage, use as irrigation water); or increasing water detention using properly constructed canal berms.	• Description and status of the infrastructure in-place or to be implemented. • Map locating the infrastructure. • Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness.
Low Volume Irrigation	5	Use of low volume irrigation methods, e.g. drip irrigation, microjet irrigation.	• Descriptions and schedules for the specific practices and maintenance.
Approved and Operational Surface Water Reservoir (Certified)[1]		C139 text (Verify if this apply to feeder): Properly permitted, constructed and maintained storage system meeting specified Environmental Resource Permit (ERP) Basis of Review criteria (version in effect at the time of permitting or in effect at the time of permit modification for modified systems):	• Maintenance records and/or operation field logs as required by permit. • Permit certification of construction completion and conversion to operation.
	10	System meets Section 5.2.1 Water Quality Criteria-Volumetric Requirements	
	10	System meets Section 6.2 Water Quantity Criteria-Discharge Rate	
	15	System meets Section 6.3 Water Quantity Criteria-Design Storm (Must have a valid SFWMD construction and operation permit for the surface water system.)	
Temporary Holding Pond	15	Temporary agricultural activities (as described in Chapter 40E-400, FAC.) with a properly constructed and permitted temporary holding pond.	• Maintenance records and/or operation field logs as required by permit.
Overland Sheet Flow Over Entire Property	15	No drainage improvements made to a land area so that it drains through overland sheet flow, or drainage improvements such as ditches have been removed to restore overland sheet flow drainage to the land area.	• Aerial maps and photographs documenting topography and overland sheet flow conditions.

[1]Surface water reservoir certification refers to a construction completion certification by a Florida licensed Professional Engineer as required in Chapter 40E-4, F.A.C., using Form 0881A for projects permitted after October 3, 1995, and Form 0881B for projects permitted prior to October 3, 1995, or the current certification requirements of Chapter 40E-4, F.A.C.

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

WATER MANAGEMENT PRACTICES		MINIMIZES THE QUANTITY OF OFF-SITE DISCHARGES WHICH CARRY NUTRIENTS DOWNSTREAM	
No Point Discharge of Surface Water	15	Voluntarily disabling of offsite discharge structures or other permanent means to prevent point discharge from a land area.	• Aerial maps and photographs documenting no direct discharge conditions.
Tailwater Recovery System	10	A planned irrigation system in which facilities have been installed and the system is operated to collect, store, and transport irrigation tailwater and/or rainfall runoff that would have been discharged offsite without the system.	• Descriptions and schedules for the specific practices and maintenance.
Precision Irrigation Scheduling	10	Combination of soil-moisture measuring equipment, specialized irrigation decision tools (e.g. computer software), and/or remote sensing tools to ascertain real-time crop needs to maximize irrigation system performance and to develop precise irrigation scheduling (time, location and amount).	• Descriptions and schedules for the specific practices and maintenance.
Water Resources Management for Pastures	5	Use water sparingly based on the requirements of the primary forage grasses and supplemental cattle watering, and strategically manage surface water resources to hold water onsite, as much as possible. It may include installation of control structures to rehydrate historically drained wetlands to hold water onsite, such as fixed weir levels to maintain normal pool water levels within a wetland, or to maximize retention in canals, ditches and soils. Infrastructure modifications may require technical assistance or regulatory approval.	

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
PARTICULATE MATTER AND SEDIMENT CONTROLS		MINIMIZES THE MOVEMENT OF P, IN PARTICULATE MATTER AND SEDIMENTS, OFF-SITE BY CONTROLLING THE AMOUNT OF ERODED SOIL AND PLANT MATTER IN DISCHARGE	
Any 2 Any 4 Any 6 Any 8	2 ½ 5 10 15	• erosion control by leveling fields • reduce soil erosion using grassed swales and field ditch connections to laterals • minimize sediment transport with slow velocity in main canal near discharge structure • minimize sediment transport into canals by constructing ditch bank berms • minimize sediment build-up through a canal cleaning program • reduce sediments transported offsite by using field ditch drainage sumps • minimize sediment transport with slow field ditch drainage near pumps/structure • reduce sediments transported offsite by maintaining a sediment sump/trap upstream of drainage structure • reduce sediment transport through the use of grassed waterways • reduce sediment transport through the use of filter strips or riparian conservation buffers adjacent to waterways. No P is applied to these areas. • reduce sediments transported offsite by raising culvert bottoms above all ditch bottoms to minimize sediment transport • reduce sediments transported offsite by stabilizing soil through infrastructure improvements at canal/ditch intersections (e.g. flexible plastic pipe, polymer treatment) • maintain sustainable forage growth on pasture to reduce soil erosion/range seedings • reduce soil erosion with constructed ditch bank stabilization • reduce soil erosion with cover crops (not fertilized) • maintain vegetative cover in upland areas to reduce soil erosion • reduce soil erosion with vegetation on ditch banks • minimize P from plants by aquatic weed control (P source) at main discharge locations • reduce debris and aquatic plants (P source) leaving the site by using barriers at discharge locations	• Records (map, pictures, etc) that identify areas where practices were implemented. • Maintenance records and/or field logs. • Map locating the infrastructure. • Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness. • Description and status of the infrastructure in-place or to be implemented.

Exhibit B2
Feeder Canal Basin BMP Description and Equivalent Points Reference Table

BMP	PTS	DESCRIPTION	EXAMPLES OF BMP DOCUMENTATION
PASTURE MANAGEMENT ([2])		MINIMIZES NUTRIENTS IN DISCHARGES THROUGH ON SITE OPERATION AND MANAGEMENT PRACTICES	
	2 ½	High intensity area management: • Includes restricted placement of stored feed, feeders, mineral, and molasses stations to reduce concentrated areas near drainage ditches, when applicable.	• Records (map, pictures, etc) that identify areas where practices were implemented. • Maintenance records and/or field logs. • Map locating the infrastructure. • Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness. • Description and status of the infrastructure in-place or to be implemented.
	2 ½	• Provide restricted placement of cowpens to reduce concentrated areas near drainage ditches	
	2 ½	• Provide shade structures to prevent cattle in waterways.	
	2 ½	• Alternative cattle water sources: restricted placement of water to reduce concentrated areas near drainage ditches.	
	5	• Low cattle density (1 head/2 acres, non-irrigated pasture) by providing comprehensive prescribed grazing.	
	10	• Restrict cattle from waterways through fencing of canals in a manner that protects water quality	

[2]These Pasture Management BMPs can provide equivalent points towards the Particulate Matter and Sediment Control Practices category.

- A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use area.
- Each BMP Plan shall include a minimum of 35 equivalent points. Of the 35 BMP equivalent points, a minimum of 20 BMP equivalent points shall meet the following criteria: (a) A minimum of 10 BMP equivalent points in Nutrient Control Practices; (b) A minimum of 5 BMP equivalent points in Water Management Practices, unless the lands are native or do not have drainage improvements. If lands are native or do not have drainage improvements, BMPs other than Water Management Practices can provide equivalent points towards meeting this criterion; (c) A minimum of 5 BMP equivalent points in Particulate Matter and Sediment Control Practices. Pasture management BMPs can provide equivalent points towards this category, if applicable.
- BMPs showing a point range will be evaluated by the District to assign a point value.
- Other BMPs may be considered upon request.

Each BMP practice requires documentation to verify implementation, maintenance and that appropriate BMP training has been provided. Examples of training documentation include: who is responsible for training plan, who provides training, who is to be trained (appropriate staff, operators, lessees or contractors), date of training, training courses content, and documentation of training activities.

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NUTRIENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S)				
Points	**"√"**	**Nutrient Control Practice**	**Nutrient Control Practice Description**	**BMP Implementation Documentation**
2 ½		Nutrient Application Control	Uniform and controlled boundary application of nutrients with a minimum 4' setback from canals with no overlapping application for each application method (e.g. banding at the root zone or side-dressing, pneumatic controlled-edge application such as AIRMAX); fertilization through low volume irrigation system applied at root zone (fertigation); controlled placement by fertilization under plastic near root.	● Records that identify fertilized areas and crop types where controlled application of nutrients was practiced (an explanation shall be provided for areas where controlled application of nutrients was not practiced).
2 ½		Nutrient Spill Prevention	Formal spill prevention protocols (storage, handling, transfer, and education/instruction). Pasture – Also includes restricted placement of stored feed and housekeeping to prevent spillage near storage and transfer areas (feed and molasses).	● Summary of routine practices implemented by the applicator, the number of spills and clean-up actions taken, the date and circumstances of each spill, and future actions to be taken to prevent spill recurrences.
2 ½		Manage Successive Vegetable Planting to Minimize P	Avoid successive planting of vegetables or other crops having high P needs to avoid P build up in soils. Includes successive planting with no successive P application.	● Identification of areas and crops where Successive planting of high phosphorus (P)/low P demand crops occurred, an explanation for areas where Successive planting of high phosphorus (P)/low P demand crops was anticipated to occur but did not.

I certify that the indicated BMPs have been implemented in accordance with the permit requirements and that the appropriate staff has been instructed on the BMPs and the conditions of the permit. Farm records showing specific details of the implementation of each BMP as described herein will be provided during the on-site inspection.

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NUTRIENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S)				
Points	**"√"**	**Nutrient Control Practice**	**Nutrient Control Practice Description**	**BMP Implementation Documentation**
2 ½		Recommended Nutrient Application based on Plant Tissue Analysis	Avoid excess application of P by determining plant nutrient requirements for adjustments during next growing season (crop specific).	● Records of leaf test results to be used as a guideline for fertilizer application recommendations for all acreages in production. Records of areas tested, test results, recommendations, and actual phosphorus application rates shall also be kept (where actual fertilizer formula or quantity varies from leaf test recommendations, notes to explain logic for all variations shall be kept).
2 ½			Pastures with Bahia grass – Plant tissue analysis along with soil test is required to make nutrient application recommendation.	
5			Citrus– Results are applied to the current season P requirements.	
5		Recommended Nutrient Application Based on Soil Testing	Avoid excess nutrient application by determining P requirements of soil and follow standard recommendations for application rates (crop specific), or recommendations based on the analysis of optimum economic crop response to added P specific to the soil and crop. The disposal or application of waste water residuals, animal manure, or other materials containing phosphorus shall not exceed the P requirements of the crop.	● Records of soil test results, prior to nutrient application, to be used as a guideline for phosphorus application for all crops requiring nutrients. ● Records of areas tested, crops grown, test results, nutrient application recommendations, and nutrient application rates shall be kept on-site (where actual nutrient application rate or quantity varies from soil test recommendations, notes explaining the logic for all variations shall be kept).
5		Split Nutrient Application	More efficient plant uptake of P by applying small portions of total recommended P at various times during the growing season. Not to exceed total recommendation based on soil test.	● Identification of areas and crops where split application of fertilizer occurred, an explanation for areas where split application of fertilizer was anticipated to occur but was not utilized, a summary of training or instruction provided to applicators, and a summary of recommended application rates compared to the total actually applied with an explanation for any exceedances of the recommendation.

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NUTRIENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S)				
Points	**"√"**	**Nutrient Control Practice**	**Nutrient Control Practice Description**	**BMP Implementation Documentation**
5		Reduce P fertilization	Reduce the P application rate by at least 30% below standard recommendations based on soil tests and development of site –specific (reduced) recommendations or application methods. Provide basis for reduction credit.	● Soil test results, prior to nutrient application, to be used as a guideline for phosphorus application for all crops requiring nutrients shall be kept. ● Records of areas tested, crops grown, test results, nutrient application recommendations, and nutrient application rates shall be keep on site (where actual nutrient application rate or quantity varies from soil test recommendations, an explanation for variances from recommendations, and specifications on the nutrient application rate type of shall be keep).
20		No Nutrients Imported Via Direct Land Application	No Application of P, in any form, to the soil for amendments or plant nutrients. (Native and Semi-improved Range can claim this BMP and still apply fertilizer if done at maintenance or less than optimum production levels no more frequently than once every 6 years.)	● Record of all activities related to land application of nutrients.
15		No Nutrients Imported Directly Through Cattle Feed	No P import to the basin through cattle feed (Native range can claim this BMP if the only feed additives are mineral supplements or molasses.)	● Documentation of implementation.

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Points	**"√"**	**Nutrient Control Practice**	**Nutrient Control Practice Description**	**BMP Implementation Documentation**
5-25		Nutrient Management Plan	A plan to manage the amount, source, placement, form, and timing of nutrient application to optimize yields and minimize the movement of phosphorus nutrients to surface and ground waters that ultimately discharge off-site. A site management plan and budget for tracking phosphorus shall be developed. The plan shall consider all nutrient sources (including but not limited to soil residual, crop residual, animal residual, organic and chemical fertilizer, soil amendments and supplements, irrigation water quantity and timing, animal nutrient supplements) versus the required amounts of nutrients. The plan shall utilize testing, analysis, and agricultural industry standards to determine nutrient needs. At a minimum, the plan shall address the timing, placement and method of nutrient application; optimization of nutrient uptake; prevention of nutrient movement off-site; site descriptions such as aerial photographs, crop maps, and soil maps; implementation plans and schedules; sediment control BMPs; pasture management BMPs; and water quality monitoring for input into the mass balance prepared for the phosphorus budget. These actions shall be developed in accordance with Section IV, Code 590 of the United States Department of Agriculture Natural Resources Conservation Service FOTG, FL, September 2007, hereby incorporated by reference. The Plan must be approved by NRCS or a qualified technical service provider. A Nutrient Management Plan can be a component of a Conservation Plan which includes the objective of reducing phosphorus discharges on lands with cattle operations. The District will assign BMP points to each Nutrient Management Plan based on the relative level of treatment proposed, as evidenced by the applicant through plans, test results or other information submitted with the application.results or other information submitted with the application.	● Documentation of implementation. (Because a Nutrient Management Plan will have components equivalent to BMP practices described in this table, the documentation required for those BMP practices will be the same as required for those practices).

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WATER MANAGEMENT PRACTICES BEST MANAGEMENT PRACTICES (BMP'S)				
Points	**"√"**	**Water Management Practice**	**Water Management Practice Description**	**BMP Implementation Documentation**
5 10		½ Inch Detained 1 Inch Detained	Delayed discharge (based on measuring daily rain events using a rain gage).	● Rainfall and pumping or discharge structure operation records ● Other technical information
5		Improvements to Water Management System Infrastructure to Further Increase Water Quality Treatment by Delayed or Minimized Discharge	Recirculation of water inside farm boundaries to improve WQ prior to off-site discharge (Particularly applicable to discharge from rice and vegetables), includes: fallow field flood water with no direct discharge (instead allow to "drain" via evapotranspiration, seepage, use as irrigation water); or increasing water detention using properly constructed canal berms.	● Description and status of the infrastructure in-place or to be implemented. ● Map locating the infrastructure. ● Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness.
5		Low Volume Irrigation	Use of low volume irrigation methods, e.g. drip irrigation, microjet irrigation.	● Descriptions and schedules for the specific practices.
		Approved and Operational Surface Water Reservoir (Certified)[1]	Properly permitted, constructed and maintained storage system meeting specified Environmental Resource Permit (ERP) Basis of Review criteria (version in effect at the time of permitting or in effect at the time of permit modification for modified systems):	● Maintenance records and/or operation field logs as required by permit ● Permit certification of construction completion and conversion to operation.
10			System meets Section 5.2.1 Water Quality Criteria-Volumetric Requirements	
10			System meets Section 6.2 Water Quantity Criteria-Discharge Rate	
15			System meets Section 6.3 Water Quantity Criteria-Design Storm (Must have a valid SFWMD construction and operation permit for the surface water system.)	
15		Temporary Holding Pond	Temporary agricultural activities (as described in Chapter 40E-400, F.A.C.) with a properly constructed and permitted temporary holding pond.	● Maintenance records and/or operation field logs as required by permit

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WATER MANAGEMENT PRACTICES BEST MANAGEMENT PRACTICES (BMP'S)				
Points	**"√"**	**Water Management Practice**	**Water Management Practice Description**	**BMP Implementation Documentation**
15		Overland Sheet Flow Over Entire Property	No drainage improvements made to a land area so that it drains through overland sheet flow, or drainage improvements such as ditches have been removed to restore overland sheet flow drainage to the land area.	• Aerial maps and photographs documenting topography and overland sheet flow conditions.
15		No Point Discharge of Surface Water	Voluntarily disabling of offsite discharge structures or other permanent means to prevent point discharge from a land area.	• Aerial maps and photographs documenting no direct discharge conditions.
10		Tailwater Recovery System	A planned irrigation system in which facilities have been installed and the system is operated to collect, store, and transport irrigation tailwater and/or rainfall runoff that would have been discharged offsite without the system.	• Descriptions and schedules for the specific practices and maintenance.
10		Precision Irrigation Scheduling	Combination of soil-moisture measuring equipment, specialized irrigation decision tools (e.g. computer software), and/or remote sensing tools to ascertain real-time crop needs to maximize irrigation system performance and to develop precise irrigation scheduling (time, location and amount).	• Descriptions and schedules for the specific practices and maintenance.
5		Water Resources Management for Pastures	Use water sparingly based on the requirements of the primary forage grasses and supplemental cattle watering, and strategically manage surface water resources to hold water onsite, as much as possible. It may include installation of control structures to rehydrate historically drained wetlands to hold water onsite, such as fixed weir levels to maintain normal pool water levels within a wetland, or to maximize retention in canals, ditches and soils. Infrastructure modifications may require technical assistance or regulatory approval.	

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PARTICULATE MATTER and SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S)			
Points	**"√"**	**Check at least the Minimum Number of Required Particulate Matter and Sediment Controls**	**BMP Implementation Documentation**
2 ½ points for any 2		• erosion control by leveling fields • reduce soil erosion using grassed swales and field ditch connections to laterals	• Records (map, pictures, etc) that identify areas where practices were implemented. • Maintenance records and/or field logs. • Map locating the infrastructure. • Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness. • Description and status of the infrastructure in-place or to be implemented.
		• minimize sediment transport with slow velocity in main canal near discharge structure	
		• minimize sediment transport into canals by constructing ditch bank berms	
		• minimize sediment build-up through a canal cleaning program	
5 points for any 4		• reduce sediments transported offsite by using field ditch drainage sumps	
		• minimize sediment transport with slow field ditch drainage near pumps/structure	
		• reduce sediments transported offsite by maintaining a sediment sump/trap upstream of drainage structure	
10 points for any 6		• reduce sediment transport through the use of grassed waterways	
		• reduce sediment transport through the use of filter strips or riparian conservation buffers adjacent to waterways. No P is applied to these areas.	
		• reduce sediments transported offsite by raising culvert bottoms above all ditch bottoms to minimize sediment transport	
15 points for any 8		• reduce sediments transported offsite by stabilizing soil through infrastructure improvements at canal/ditch intersections (e.g. flexible plastic pipe, polymer treatment)	
		• maintain sustainable forage growth on pasture to reduce soil erosion/range seedings	
		• reduce soil erosion with constructed ditch bank stabilization	

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PARTICULATE MATTER and SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S)			
Points	**"√"**	**Check at least the Minimum Number of Required Particulate Matter and Sediment Controls**	**BMP Implementation Documentation**
		• reduce soil erosion with cover crops (not fertilized)	
		• maintain vegetative cover in upland areas to reduce soil erosion	
		• reduce soil erosion with vegetation on ditch banks	
		• minimize P from plants by aquatic weed control (P source) at main discharge locations	
		• reduce debris and aquatic plants (P source) leaving the site by using barriers at discharge locations	

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PASTURE MANAGEMENT BEST MANAGEMENT PRACTICES (BMP'S)			
Points	**"√"**	**Description**	**BMP Implementation Documentation**
2 ½		High intensity area management: • Includes restricted placement of stored feed, feeders, mineral, and molasses stations to reduce concentrated areas near drainage ditches, when applicable.	• Records (map, pictures, etc) that identify areas where practices were implemented. • Maintenance records and/or field logs. • Map locating the infrastructure. • Description of the management, that is, all operation and maintenance conducted to sustain the BMP's effectiveness. • Description and status of the infrastructure in-place or to be implemented.
2 ½		• Provide restricted placement of cowpens to reduce concentrated areas near drainage ditches	
2 ½		• Provide shade structures to prevent cattle in waterways.	
2 ½		• Alternative cattle water sources: restricted placement of water to reduce concentrated areas near drainage ditches.	
5		• Low Cattle Density to Reduce "Hot Spots" and Erosion (1 head/2 Acres, Non-irrigated Pasture) by providing comprehensive prescribed grazing.	
10		• Restrict Cattle from Waterways through Fencing of Canals in a Manner that Protects the Water Quality in Waterways	

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