

M E M O R A N D U M

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: February 21, 2007

SUBJECT: Authorize clarification to the language of an Interagency Agreement between the South Florida Water Management District ("SFWMD") and the St. Johns River Water Management District ("SJRWMD") in order to specify that both Districts will retain unto themselves all regulatory responsibilities under Part II of Chapter 373, F.S., for those activities by the Callaway Land and Cattle Company which are associated with the Saddle Creek Residential Development Project that occur within their respective jurisdictional boundaries and for the SJRWMD to designate to the SFWMD all regulatory responsibilities under Part IV of Chapter 373, F.S., for those activities which are associated with the Saddle Creek Project in Okeechobee County, Florida. (Resolution No. _____)

Background

An Interagency Agreement between SJRWMD and SFWMD concerning permitting for those activities by the Callaway Land and Cattle Company ("Callaway") associated with the Saddle Creek Residential Development Project ("Saddle Creek Project" or "Project") was approved at the SFWMD's September Governing Board Meeting. Clarification of the language in the Agreement was found to be necessary and was subsequently approved by the SJRWMD. This clarification specifies that both Districts desire to retain unto themselves all regulatory responsibilities under Part II of Chapter 373, F.S., for activities occurring within their respective jurisdictional boundaries that are associated with the Saddle Creek Project.

Water Use Permitting and all other regulatory responsibilities under Part II of Chapter 373, F.S., for the Saddle Creek Project that occurs within the jurisdictional boundaries of the SJRWMD will be conducted by SJRWMD and Water Use Permitting and all other regulatory responsibilities under Part II of Chapter 373, F.S., for the Project that occurs within the jurisdictional boundaries of the SFWMD, will be conducted by SFWMD. Both Districts feel that this clarification is necessary in order to specify which District has regulatory responsibilities under Part II of Chapter 373, F.S., for the Saddle Creek Project activities that fall within their respective jurisdictional boundaries.

The Saddle Creek Project is located in Sections 14 & 15, Township 34S, Range 34E, within the Fish Slough Basin in Okeechobee County, Florida. This Project crosses the jurisdictional boundaries of SJRWMD and SFWMD. By statute, affected water management districts are authorized to designate, by interagency agreement, regulatory responsibility to a single, affected water management district over a project which crosses the jurisdictional boundaries of both districts. For efficiency and effectiveness, the Applicant, SJRWMD and SFWMD desire to clarify the language of the Interagency Agreement in order to specify that both Districts will assume all regulatory responsibilities under Part II of Chapter 373, F.S., within their respective jurisdictional

boundaries, and SJRWMD designates to SFWMD all regulatory responsibilities under Part IV of Chapter 373, F.S., for those activities associated with the Saddle Creek Project that fall within the jurisdictional boundaries of both Districts.

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

The District has the proper personnel to process permits associated with the Saddle Creek Residential Development Project and the District has had previous experience dealing with water quality issues associated with the Fish Slough Basin. This Interagency Agreement allows the District to implement a program for issuance and regulation of permits for those activities by Callaway which are associated with the Saddle Creek Residential Development Project.

Funding Source

The permit applications will be handled by existing SFWMD staff. The funding is Ad Valorem Taxes.

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

This item impacts the Water Supply and Environmental Resource Regulation Departments and it affects activities in Okeechobee County.

What concerns could this Board item raise?

Based on the responsibilities delegated by SJRWMD to SFWMD, there should be no concerns other than the possibility that some additional staff time may be needed in order to issue and regulate the permits associated with the Saddle Creek Project.

Why should the Governing Board approve this item?

The Governing Board should approve this clarification because the language change makes the Interagency Agreement more specific and clears up any possible ambiguity. SFWMD has the knowledge and expertise to issue and regulate environmental resource permits for Callaway and it will be more efficient for one district to assume this regulatory responsibility for the Project and both Districts have the knowledge and expertise to issue water use permits within their respective jurisdictional boundaries for the Saddle Creek Project and this will further add to the efficiency.

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