GOVERNING BOARD MONTHLY MEETING
EXECUTIVE SUMMARY AGENDA

This meeting is open to the public
May 14, 2015
9:30 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 - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Blake Guillory, Executive Director
   - May Employee of the Month: Sue Ray, Principal Engineer, Operations, Engineering and Construction Division
   - May Team of the Month: Regulatory Paperless Initiative
   - 25-Year Service Award: Orlin Kellman, Engineering Associate 3, Infrastructure Management Bureau
   - Good Samaritan Award: James Sneckenberg and Kevin Meury, Homestead Field Station, Field Operations and Land Management Division
• Good Samaritan Award: Kenneth Mullen, Okeechobee Monitoring Development & Implementation, Water Quality Bureau
• Good Samaritan Award: Robert Stickler and Tom Gagliardi, Water Quality Monitoring Section, Water Quality Bureau

4. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services

5. Abstentions by Board Members from items on the Agenda


7. Big Cypress Basin Board Report - Rick Barber, 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

11. Approval of the Minutes for the April 9, 2015 Governing Board Regular Business meeting held in West Palm Beach, Florida.


13. Regulatory Consent Items
   • Denials
     o Triple E Ranch Parcel 4; Gazebos Unlimited Corp (ERP-Martin County) - Staff recommends denial due to applicant’s failure to complete the application.
• Consent Orders
  o 107 Ave Doral Properties, LLC; Grand Bay Commons (Miami-Dade County) - Settlement of an enforcement action regarding non-compliance with permit conditions due to unauthorized offsite dewatering.
  o Daniel Borislow, LLC; Borislow Property (Palm Beach County) - Settlement of an enforcement action regarding non-compliance with permit conditions due to failure to certify the surface water management system.
  o Juno Ocean Key Condominium Association, Inc; Ocean Key at Juno Beach (Palm Beach County) - Settlement of an enforcement action regarding non-compliance with permit conditions due to unauthorized discharge of water offsite.

• Seminole Tribe Work Plans
  o Staff recommends concurrence with the Sixth Amendment to the Twenty Eighth Annual Work Plan for the Seminole Tribe of Florida. Works in the Brighton Reservation include the proposal to construct a four (4) inch well (120 feet total depth) at the Stanlo Johns Compost Facility for the purpose of rinsing trucks (with an estimated use of 1000 G/D).

14. Right of Way Regulatory Consent

Petitions for Right of Way Occupancy Permit Modification and Waiver of District Criteria
  o Staff recommends approval of a request by Florida Power & Light Company (FPL) (Application Number 15-0218-1M) for modification of Right of Way Occupancy Permit Number 142 and waiver of the District’s criteria to allow for the relocation of an existing aerial powerline crossing the Dania Cut-Off Canal. Location: Broward County, Section 28, Township 50 South, Range 42 East.

  o Staff recommends approval of a request by Frederick and Tanya McLendon (Application Number 07-0927-1) for modification of Right of Way Occupancy Permit No. 8123 and waiver of the District’s criteria to allow existing improvements and landscaping to remain in the District’s right of way situated adjacent to the rear yard of applicants’ single family home located at 11440 Tara Drive, Plantation, Florida. The improvements and landscaping consist of a fence, eight (8) palm trees along the fence, both of which encroach five (5) feet into the required setback of 40 feet as measured from the top of bank and for which a waiver is required, together with, miscellaneous ornamental palm trees, shrubs, pavers, electrical service for landscape lighting and a portion of a small pond, which are situated beyond the 40 foot setback line. The property is situated on the north bank of the North New River, adjacent to the Broward County Greenway and Interstate 595/State Road 84, between Flamingo and Knob Hill Roads. Location: Broward County, Section 12, Township 50 South, Range 40 East.

15. Resolution No. 2015 - 0501 Approving release of canal and road reservations, and issuance of non-use commitments. (RE, Kathy Massey, ext. 6835)
Summary:
The District has jurisdiction over reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of said reservations are received from landowners, attorneys and title companies, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations. The details and location maps of the releases to be approved and issued are included in the attached Exhibit “A”.

Staff Recommendation:
Staff recommends approval of the following:

- Release District canal and mineral reservations for West Atlantic Boulevard Apartments Investors, LLC, a Delaware limited liability company (File Nos. 18619 and NUC 1663) for 25.50 acres in Broward County
- Release District canal and road reservations, and issuance of non-use commitment for ZF Development II, LLC, a Florida limited liability company (File Nos. 18620 and NUC 1664) for 0.61 acres in Broward County
- Release District canal and road reservations, and issuance of non-use commitment for ZF Development II, LLC, a Florida limited liability company (File Nos. 18621 and NUC 1665) for 29.75 acres in Broward County
- Release District canal and road reservations, and issuance of non-use commitment for Univision Radio Florida, LLC, a Delaware limited liability company, (File Nos. 18622, 18623 and NUC 1666) for 117.69 acres in Broward County
- Release District canal reservations and issuance of non-use commitment for Avicultural Enterprise of Florida, LLC, a Florida limited partnership, (File Nos. 18624 and NUC 1667) for 4.01 acres in Miami-Dade County
- Release District canal reservations and issuance of non-use commitment for Weldon Townhouses Limited Liability Limited Partnership, Ltd., a Maryland liability partnership (File Nos. 18630, 18631 and NUC 1669) for 40.00 acres in Palm Beach County

16. **Resolution No. 2015 - 0502** Authorize the Executive Director, or his designee to take appropriate action in the casting of South Florida Water Management District landowner votes in the June 2015 election for the Board of Supervisors of the Troup Indiantown Water Control District for the purpose of protecting the District's interests. (RE, Ben Ward, ext. 6314)

Summary:
The District is the sole owner of 8,977.18 acres of land within the Troup Indiantown Water Control District. Troup Indiantown will hold its annual landowners’ meeting in June 2015 in order to elect a member to its three member Board of Supervisors. Voting within the District is based upon number of owned acres. As a result of the C-44 acquisition, the South Florida Water Management District is the majority landholder. In order to protect the interests of the District, the staff is requesting authorization to cast the landowners’ votes.

Staff Recommendation:
Approve a Resolution authorizing the Executive Director or his designee to take appropriate action in the casting of landowner votes in the June 2015 election for the Board of Supervisors of the Troup Indiantown Water Control District.
17. **Resolution No. 2015 - 0503** Authorize the Executive Director, or his designee to take appropriate action in the casting of South Florida Water Management District landowners votes in the June 2015 election for the Board of Supervisors of the Pine Tree Water Control District for the purpose of protecting the District's interests. (RE, Ben Ward, ext. 6314)

**Summary:**
The District is the sole owner of 2,806 acres of land within the Pine Tree Water Control District. Pine Tree will hold its annual landowners’ meeting in June 2015 in order to elect a member to its three member Board of Supervisors. Voting within the District is based upon number of owned acres. In order to protect the interests of the District, the staff is requesting authorization to cast the landowners’ votes.

**Staff Recommendation:**
Approve a Resolution authorizing the Executive Director or his designee to take appropriate action in the casting of landowner votes in the June 2015 election for the Board of Supervisors of the Pine Tree Water Control District.

18. **Resolution No. 2015 - 0504** Authorize the Executive Director, or his designee to take appropriate action in the casting of District landowner votes in the June 2015 election for the Board of Supervisors of the Pal Mar Water Control District for the purpose of protecting the District's interests. (RE, Ben Ward, ext. 6314)

**Summary:**
The South Florida Water Management District (“SFWMD”) is the owner of approximately 10,722.19 acres of land within the Pal Mar Water Control District. Pal Mar will hold its annual landowners’ meeting in June 2015 in order to elect a member to its five member Board of Supervisors. Voting within the District is based upon number of owned acres. In order to protect the interests of the District, the staff is requesting authorization to cast the landowners’ votes.

**Staff Recommendation:**
Approve a Resolution authorizing the Executive Director or his designee to take appropriate action in the casting of landowner votes in the June 2015 election for the Board of Supervisors of the Pal Mar Water Control District.

19. **Resolution No. 2015 - 0505** Approving a ten year lease agreement for approximately 529.18 acres in St. Lucie County, with Garry Webb, the highest responsive and responsible bidder, with a bid amount of $34,749 annually, as more particularly described herein. (Contract Number 4600003254) (RE, Ray Palmer, ext. 2246)

**Summary:**
The District acquired tract KE100-034 in May 2005, as part of the Indian River lagoon - South Project for the purpose of water storage, rehydration and habitat restoration. The property is located within the C-24 sub-watershed, Cypress Creek/Trail Ridge Component. As an interim land management tool, the District desires to lease the 529.18 acre Property (See Exhibit “A”) for cattle grazing. The revenues generated from this lease will assist Land Management in managing this and other District-owned Interim and Restoration lands.

Request for bid 6000000697 for a new agricultural grazing lease with a ten year term for the subject lands was issued March 23, 2015. Responsive bids were due April
21, 2015. The highest bid received was in the annual amount of $31,590. However, the current lessee elected to exercise his right of first refusal to offer a bid of ten percent over the highest bidder. Therefore, the resulting winning bid was submitted by Garry Webb in the annual amount of $34,749. Garry Webb is the proposed Lessee for the new ten year term grazing lease with Contract Number 4600003254 (the “New Lease”).

There is one Special Provision in the New Lease. The Lessee must clear the perimeter fence line of any vegetation comprising the integrity of the fence within the first year of the lease. The net revenue to the District during the New Lease will be approximately $34,749, subject to a market rent adjustment.

**Staff Recommendation:**
Staff recommends approval of ten year cattle grazing lease.

20. **Resolution No. 2015 - 0506** Approving the continuing lease agreement for 626.23 acres in St. Lucie County, with James Boree, the current Lessee, with a new market rent appraisal of $26,910.00 annually, as more particularly described herein. (Contract Number LS050803) (RE, Ray Palmer, ext. 2246)

**Summary:**
The South Florida Water Management District (District) acquired tract KE100-034 in May 2005, as part of the Indian River Lagoon - South Project for the purpose of water storage, rehydration and habitat restoration. The property is located within the C-24 sub-watershed, Cypress Creek/Trail Ridge Component. As an interim land management tool, the District leases 626.23 acres (See Exhibit “A”) for cattle grazing. The revenues generated from this Lease will assist Land Management in managing this and other District-owned Interim and Restoration lands.

The District assumed a cattle grazing lease with Mr. James E. Boree, as the Lessee, as part of the land acquisition from Open Range Ranchettes, LLC, on May 13, 2005. The purpose of this amended and restated lease is to adjust the rent based on the new market rent requirement.

A new market rent was established at $230.00 per AU at 117 AUs or $26,910.00 annual rent. The net increase from the previous annual rent is $18,704.80. This Lease has ten years remaining with an estimated $269,100.00 in revenue to the District or $187,048.00 net increase which exceeds the $150,000.00 threshold requiring Governing Board approval.

**Staff Recommendation:**
Staff recommends approval of the amended and restated Lease for the new market rent requirement.

21. **Resolution No. 2015 - 0507** Authorize the Florida Fish and Wildlife Conservation Commission to establish SFWMD tracts consisting of approximately 853 acres in St. Lucie County as a Public Small Game Hunting Area for the 2015-16 hunting season and manage waterfowl, small game, and hog hunting on such lands subject to terms and conditions. (FOLM, Steve Coughlin, ext. 2603)

**Summary:**
The agenda item proposes authorizing the Florida Fish and Wildlife Conservation Commission to re-establish the C23/24 Public Small Game Hunting Area, consisting
of approximately 853 acres in St. Lucie County, for the purpose of hunting waterfowl, small game, and hogs for the 2015-16 hunting season.

The Florida Fish and Wildlife Conservation Commission has agreed and is supportive of re-establishing the C23/24 sites as a Public Small Game Hunting Area and administering waterfowl, small game, and hog hunting opportunities on the property during the 2015-16 hunting season in accordance with State and Federal regulations and with approval from the District. Information reported by the Florida Fish and Wildlife Conservation Commission and comments received by District staff from recreational groups indicate past hunting activities provided on this area have been popular and well received by the public.

Staff Recommendation:
Staff recommends authorizing the Florida Fish and Wildlife Conservation Commission to re-establish the C23/C24 Public Small Game Hunting Area located in St. Lucie County for the purpose of hunting waterfowl, small game, and hogs for the 2015-16 hunting season.

22. Resolution No. 2015 - 0508  Authorize the Florida Fish and Wildlife Conservation Commission to establish SFWMD tracts consisting of approximately 5,143 acres in Miami-Dade County, as a Public Small Game Hunting Area for the 2015-16 and subsequent hunting seasons and manage waterfowl, small game, non-native reptile and hog hunting on such lands subject to terms and conditions.  (FOLM, Steve Coughlin, ext. 2603)

Summary:
The agenda item proposes authorizing the Florida Fish and Wildlife Conservation Commission to re-establish the Rocky Glades Public Small Game Hunting Area, consisting of approximately 5,143 acres in Miami-Dade County, for the purpose of hunting waterfowl, small game, non-native reptiles and hogs for the 2015-16 hunting season and in subsequent years in coordination with District staff.

The Florida Fish and Wildlife Conservation Commission has agreed and is supportive of re-establishing the Rocky Glades site as a Public Small Game Hunting Area and administering waterfowl, small game, non-native reptiles and hog hunting opportunities on the property during the 2015-16 season and in subsequent years in accordance with State and Federal regulations and with approval from the District. Information reported by the Florida Fish and Wildlife Conservation Commission and comments received by District staff from recreational groups indicate past hunting activities provided on this area have been popular and well received by the public.

Staff Recommendation:
Staff recommends authorizing the Florida Fish and Wildlife Conservation Commission to re-establish the Rocky Glades Public Small Game Hunting Area located in Miami-Dade County for the purpose of hunting waterfowl, small game, non-native reptiles and hogs for the 2015-16 and subsequent hunting seasons.

23. Resolution No. 2015 - 0509  Accept the Lake Belt Mitigation Committee Annual Report for 2014 for the purpose of meeting the requirements of Florida Statute Section 373.41492(9)(a);.  (WR, Terrie Bates, ext. 6952)

Summary
This is a routine annual report to the Governing Board. The interagency Lake Belt Mitigation Committee is required to annually prepare and submit to the Governing
Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee in accordance with Florida Statute Section 373.41492(9)(a). This Annual Report summarizes the mitigation costs, revenues generated by the statutorily-established mitigation fee and activities provided as mitigation for impacts associated with mining activities in the Miami-Dade Lake Belt area as administered by the interagency Lake Belt Mitigation Committee. Proceeds of the mitigation fee must be used to conduct mitigation activities that offset the loss of wetland functions and values resulting from mining activities. The mitigation activities approved by the Lake Belt Mitigation Committee in 2014 included approval of funding for the following projects: 1) $8 million for the 14,302 acre C-139 Annex Restoration Project consistent with the December 2012 approval and, 2) the acquisition, restoration and long-term management 30-acres in the Pennsuco wetlands (SFWMD Governing board approval August 2014).

Staff Recommendation
Staff recommends the Governing Board approval of the Lake Belt Mitigation Committee Annual Report for 2014.

24. Resolution No. 2015-0510  Authorize an amendment to a contract with Florida International University for field monitoring for molecular organic analysis of sediment samples as part of an extended Decomp Physical Model (DPM) pilot study, to provide additional sampling and sediment analysis associated with longer duration flows and an additional third flow event and to extend the contract by 547 days in an amount not to exceed $215,000, from Alligator Alley toll road special revenue (228000) funds, of which $65,000 is budgeted in FY2015 and the remainder is subject to Governing Board approval of the FY2016 budget. (Contract number 4600002783) (WR, Fred Sklar, ext. 6504)

Summary
The Decomp Physical Model (DPM) is a CERP project designed to identify optimal canal backfilling options and sheetflow targets needed for restoration of the Everglades ridge and slough landscape. Restoring sheetflow-induced sediment redistribution is necessary to rebuild historic microtopography and the deep-water sloughs that once served as critical habitat for aquatic fauna and wading birds. The U.S. Army Corps of Engineers (ACOE), the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP) modified the permit of the Decomp Physical Model project (located in WCA-3B) to allow longer duration flows through the S-152 in FY15 and a third flow event in FY16. Data from the first flow event in FY14 indicated these changes were needed to address natural variability and management uncertainties regarding optimal canal-backfilling and culvert discharges required for achieving sheetflow restoration. The amended contract provides additional sampling and sediment analysis associated with longer duration flows and the additional third flow event.

The contract will provide information to help determine (1) the most cost-effective canal backfilling required to reduce capture of natural sediments transported across the Everglades landscape and reduce phosphorus (P) - loading downstream, and (2) to what extent sheetflow will redistribute sediments from sloughs to ridges to rebuild historic microtopography and proper functioning of Everglades wetlands.
The amendment increases the contract amount by $215,000 ($65,000 in FY15 and $150,000 in FY16, for a total of $600,000), using dedicated funds (Alligator Alley Toll Fund 228), subject to Governing Board approval of the FY16 budget.

Staff Recommendation
Staff recommends approval of the contract amendment. Initial data analyses from the first DPM flow event indicated additional sampling was needed in order to address project objectives. By increasing the sampling size and statistical power, this amended contract will provide important evidence to address DPM central questions about restoration sheetflow targets and construction recommendations related to canal backfilling.

25. Resolution No. 2015 - 0511  Authorize Amendment No. 03 to Contract 4600002546 with Thomas Edison & Henry Ford Winter Estates for additional lease space and a five-year extension in the amount of $598,713.93 as revenue to the District. (Contract No. 4600002546-A03) (AS, Michael Hiscock, ext. 2526)

Summary
This request is to authorize Amendment No. 03 to Contract 4600002546 (Attachment "A") with the Thomas Edison & Henry Ford Winter Estates. The purpose of the contract amendment is to lease additional office space located at the District’s Lower West Coast Service Center in Fort Myers. The proposed amendment will increase the leased space from 3,000 square feet to 6,447 square feet and extend the lease for an additional five (5) years for an additional revenue amount of $598,713.93 over the term of the lease.

Staff Recommendation
Staff recommends approval to authorize the additional lease space and the five-year contract extension with the Thomas Edison & Henry Ford Winter Estates for the proposed lease amendment.

26. Resolution No. 2015 - 0512  A Resolution Of The Governing Board Of The South Florida Water Management District Authorizing The Recording Of The Disposition Of Fixed Assets, During Fiscal Year 2014

Summary
In fiscal year 2014, a total of 494 fixed assets were removed from the District’s fixed asset records. These assets include irrigation equipment, obsolete computer items and peripherals, vehicles, water monitoring equipment, and other equipment. A detailed listing of these fixed assets is available in the District’s Clerk’s Office. In accordance with Florida Statutes, the Governing Board has the authority and responsibility over the acquisition, management, and disposal of all District fixed assets. A “fixed asset” is defined as any item of property that is tangible in nature, costs $1,000 or more, and has a useful life of more than one year. The Governing Board has delegated control over District fixed assets to the Executive Director who has delegated disposal authority to the Administrative Services Division Director. Throughout the year, authorization to dispose of fixed assets declared as surplus is given after review and evaluation is performed by the District’s asset management staff under the supervision of the Finance Bureau Chief.

Staff Recommendation
Staff recommends approval to authorize the disposal of District fixed assets in accordance of Chapter 274.07, Florida Statutes and the District fixed asset policy (Article V, Section 110-66) require the disposition of all fixed assets to be recorded in the minutes of the Governing Board on an annual basis.

27. **Resolution No. 2015 - 0513** A Resolution of the Governing Board of the South Florida Water Management District authorizing the First Amendment to the Interagency Agreement between South Florida Water Management District and St. Johns River Water Management District for the issuance and enforcement of certain permits issued to Orlando Utilities Commission. (OC, Elizabeth D. Ross ext. 6257 and WU, Maria Clemente ext. 2308)

**Summary**

In 2004, the South Florida Water Management District (“SFWMD”) and the St. Johns River Water Management District (“SJRWMD”) entered into an Interagency Agreement in which SFWMD delegated to SJRWMD certain of SFWMD’s authority under Parts II, III, and IV, Florida Statutes, and Sections 373.175 and 373.246, Florida Statutes, relating to Consumptive Use Permit No. 3159 (“System-Wide CUP”) issued to Orlando Utilities Commission (OUC); this Agreement also delegated authority relating to specific permit modifications.

Pursuant to OUC’s request, SFWMD and SJRWMD propose an amendment to the Agreement particularly to update the scope of consumptive use permit modifications delegated to SJRWMD by the Agreement to reflect topics now included in the SJRWMD letter modification process and largely due to the CUP consistency rule development effort. Specifically, the changes proposed in the amended Agreement’s Exhibit 2 add to the scope of CUP modifications that SJRWMD has delegated authority to act upon. If approved, SJRWMD would be delegated authority to, by letter modification, extend OUC’s CUP permit duration due to water conservation incentives, to convert the OUC allocation from an annualized incremental allocation to an end of permit annual allocation, and allow for the addition of a new well to address the ability to meet peak demands. Conforming changes are also proposed to Agreement terms related to termination of the Agreement and OUC’s remaining permit duration.

**Staff Recommendation**

Staff recommends that the First Amendment to the Interagency Agreement be authorized for execution by the District and the SJRWMD.
28. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review from the Office of Fiscal Accountability and Regulatory Reform, and adopt amendments provided no request for public hearing is received and no changes are made to proposed Rules 40E-1.607, 40E-1.659, 40E-2.061, 40E-2.071, 40E-2.091, 40E-5.041, 40E-5.101, 40E-8.021, 40E-8.421, 40E-8.431, F.A.C., and the Applicant’s Handbook for Water Use Permit Applications, to update and correct criteria following the adoption of broad rule amendments for the Statewide Consumptive Use Permitting Consistency effort, clarify fees for individual mining/dewatering (no fee increase), update the list of forms incorporated by reference in the District’s rules, incorporate specific sections of the Environmental Resource Permit Applicant’s Handbook Volume I, incorporate subsection 62-40.416(9), F.A.C., make permitting criteria for public water supply conservation plan consistent with associated permit conditions, provide clarity for dewatering uses and associated permit conditions, update statutory and rule references, and make other minor corrections. (REG, Maria Clemente, ext. 2308)

Summary
The District is proposing to amend its consumptive use permitting rules and criteria contained in the Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District in accordance with the biennial review contemplated by Section 120.74(1), Fla. Stat., and to update and correct criteria following the recent adoption of broad rule amendments for the statewide Consumptive Use Permitting Consistency effort.

Staff Recommendation
Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, request review from the Office of Fiscal Accountability and Regulatory Reform, and adopt amendments provided no request for public hearing is received and no changes are made to proposed Rules 40E-1.607, 40E-1.659, 40E-2.061, 40E-2.071, 40E-2.091, 40E-5.041, 40E-5.101, 40E-8.021, 40E-8.421, 40E-8.431, F.A.C., and the Applicant’s Handbook for Water Use Permit Applications, to update and correct criteria following the adoption of broad rule amendments for the Statewide Consumptive Use Permitting Consistency effort, clarify fees for individual mining/dewatering (no fee increase), update the list of forms incorporated by reference in the District’s rules, incorporate specific sections of the Environmental Resource Permit Applicant’s Handbook Volume I, incorporate subsection 62-40.416(9), F.A.C., make permitting criteria for public water supply conservation plan consistent with associated permit conditions, provide clarity for dewatering uses and associated permit conditions, update statutory and rule references, and make other minor corrections.

29. Board Vote on Consent Agenda
30. General Public Comment
31. Board Comment
**Discussion Agenda**

32. Discussion of the U.S. Sugar Option - Tom Teets, Division Director, Everglades Policy and Coordination (ext. 6993)
   
   This item will discuss the October 11, 2015 U.S. Sugar Corporation Non-exclusive Initial Option and how to proceed forward.

33. Technical Reports
   
   A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)
   
   B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)


**Summary**

The District’s external audit firm completed their audit of the District’s financial statements for the fiscal year ending September 30, 2014. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District’s financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget (OMB) revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations

**Staff Recommendation**


35. Approval of Inspector General's Audit Report - Tim Beirnes, Inspector General (ext. 6398)

**Summary**

The following audit report is completed:

- Audit of the Everglades Agricultural Area Tax Assessment Process

  The Audit and Finance Committee Charter provides for the Board’s review and approval of audit reports.

**Staff Recommendation**

Inspector General recommends approval of the audit report.
36. **Resolution No. 2015 - 0514** Approving an agreement with the United States Department of the Interior, U.S. Fish and Wildlife Service (DOI) for the acquisition of land interests containing 1,327.47 acres, more or less, in Palm Beach County for the STA-1W Expansion Project, in exchange for the conveyance to DOI of land interests containing 2,586 acres, more or less, in Palm Beach County; approve associated costs for which ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance land interests containing a total of 2,586 acres, more or less, in Palm Beach County, without reservation of interests under Section 270.11, Florida Statutes. (RE, Ben Ward, ext. 6314)

**Summary:**
For the purpose of providing the District with lands necessary for the STA-1W Expansion Project, the District will enter into an Agreement for the Exchange of Lands ("Agreement") with the DOI whereby the District will acquire fee title to a total of 1,327.47 acres, more or less, as shown on the attached Exhibit "A" and identified as Tract D7100-157, in exchange for the District conveying to DOI fee title to 2,586 acres, more or less. As shown on attached Exhibit "B" and identified as Tract 50100-010. Tract D7100-157 will be combined with the adjacent approximately 800 acres Tract D7100-030 already owned by the District. That combined approximately 2,127 acres is part of the total approximately 6,700 acres expansion of the STA-1W facility (See attached Exhibit "C") required to meet the Water Quality Based Effluent Limit as outlined in the Florida Department of Environmental Protection Everglades Forever Act Consent Order 12-1149 to meet State water quality standards in the Everglades Protection Area.

The appraisals that were conducted provided appraised values of $1,350,000 for Tract D7100-157 and $2,620,000 for Tract 50100-010. To equalize the values exchanged, the Agreement provides that the District shall be credited with an extra $1,270,000 of value to be available to release DOI restrictions on other District owned lands that were acquired with certain DOI grant funding to be determined at a future date at the District’s option. Also, upon the Governing Board’s approval of the Agreement, the DOI will have six (6) months within which to accept and enter into the Agreement.

**Staff Recommendation:**
Staff recommends approval of the exchange as detailed herein.

37. **Resolution No. 2015 - 0515** Approving declaring surplus land interests in Glades County, containing 260.00 acres, more or less, together with an access easement containing 0.92 acres more or less, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value. (RE, Ray Palmer, ext. 2246)

**Summary:**
Pursuant to Resolution 2013-817, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. Tract KC100-022 containing 260.00 acres, more or less, located in Glades County (the "Tract"), as shown on the attached Exhibit "A", was included in the Resolution. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a public meeting on
February 26, 2015 regarding the surplus and sale of the Tract. The ecological assessment did not identify any matters of concern. The staff’s analysis included the fact that the Tract was part of an original acquisition comprising approximately 1770.55 acres, more or less, for the Caloosahatchee River Water Quality Facility, pursuant to a Memorandum of Agreement dated November 15th, 2007 with Lee County as a funding partner. This agreement requires that at least 1335 acres of the original transaction remain in public ownership for project purposes. An appraisal establishing an appraised value of $1,430,000 for the Tract was also obtained. The appraisal and the appraised value included a 0.92 acres access easement within that value. Prior to offering the Tract for bid, an update of the appraisal will be completed. In the event the updated appraisal reduces the appraised value of the Tract below the $1,430,000 appraised value, then the Tract will not be offered for bid and will be brought back to the Governing Board for further direction. Staff recommends to the Governing Board that the Tract be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised values as updated.

**Staff Recommendation:**
Staff recommends approval of the surplus and public bid for sale of the Tract.

38. **Resolution No. 2015 - 0516** Approve declaring surplus land interests in Martin County, containing 38.75 acres, more or less, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve offering said property to the public for bid to be sold for the highest price obtainable but not less than the appraised value.  (RE, Ray Palmer, ext. 2246)

**Summary:**
Pursuant to Resolution 2011-1211, the Governing Board directed staff to further analyze the options for disposal of certain lands and to thereafter propose recommendations to the Governing Board for further approval. Tract FF100-008 containing 38.75 acres, more or less, located in Martin County (the “Tract”), as shown on the attached Exhibit “A”, was included in the Resolution. Staff further analyzed the options for disposal of the Tract, obtained an ecological assessment, and conducted a public meeting on May 5, 2015 regarding the surplus and sale of the Tract. The ecological assessment did not identify any matters of concern. An appraisal establishing an appraised value of $1,325,000 for the Tract was also obtained. Prior to offering the Tract for bid, an update of the appraisal will be completed. In the event the updated appraisal reduces the appraised value of the Tract below the $1,325,000 appraised value, then the Tract will not be offered for bid and will be brought back to the Governing Board for further direction. Staff recommends to the Governing Board that the Tract be declared surplus and be offered to the public for bid to be sold for the highest price obtainable, but in no event less than appraised values as updated.

**Staff Recommendation:**
Staff recommends approval of the surplus and public bid for sale of the Tract.

39. **Resolution No. 2015 - 0517** Authorize amending construction contract 4600002952 with Central Florida Equipment Rental, Inc., for the EAA A1 Flow Equalization Basin Project; by change order in the amount of $915,853.90, and addition of 7 days for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Contract No.4600002952-CO03) (John P. Mitnik, P.E., ext. 2679)
Summary
Approval is requested to execute Change Order No. 3 to the District’s ongoing EAA A1 Flow Equalization Basin Project. The request proposes an increase to the current construction contract, by change order, in the amount $915,853.90, and addition of 7 days for which dedicated funds (Save Our Everglades Trust Fund) are budgeted.

The EAA A1 Flow Equalization Basin project is located in Western Palm Beach County. The purpose of the project is to capture peak flows from the North New River and Miami Canals for attenuation and provide subsequent improved optimized delivery rates downstream to improve the performance of STA 3/4 and STA 2/Compartment B. The perimeter levees of the project will create a 15,000 acre basin, designed to attenuate 60,000 acre feet of storm water runoff for subsequent release to the STAs prior to discharging to the Everglades Protection Area.

The additional work to be added by Change Order No. 3 is a result of owner directed items, errors and omissions and design changes required to complete the construction of the EAA A1 Flow Equalization Project.

Staff Recommendation
Staff recommendation is for the approval of this change order to proceed with Central Florida Equipment Rental, Inc. to add items to the existing construction contract.

40. Resolution No. 2015 - 0518 Authorizing entering into a five year Cooperative Agreement (Contract No. 4600003252) with the U.S. Department of the Interior - National Park Service for reimbursement of costs incurred by the South Florida Water Management District in performing monitoring, assessments and modeling in support of the first two increments of the G-3273 Constraint Relaxation / S-356 Field Test in Miami-Dade County in the amount not to exceed $2,110,600. (EPC, Tom Teets, ext. 6993)

Summary
Under this proposed Cooperative Agreement, the National Park Service - Everglades National Park (ENP) will reimburse SFWMD for required hydrologic, water quality and ecological monitoring during the US Army Corps of Engineers’ (USACE) first two increments of the G-3273 Constraint Relaxation / S-356 Field Test in Miami-Dade County. ENP will also reimburse SFWMD for hydrologic modeling provided in support of developing the final operating criteria for the Modified Water Deliveries (MWD) to ENP and C-111 South-Dade projects and ultimately for updating the USACE Water Conservation Areas-ENP-South Dade Conveyance System (SDCS) Water Control Plan. The Cooperative Agreement is for five years and includes reimbursement payments to SFWMD for monitoring and modeling services in an amount not to exceed $2,110,600.

Staff Recommendation
41. Resolution No. 2015 - 0519 Support the designation of May 17 - 23, 2015 as Water Reuse Week in Florida. (WR, Rick Nevulis, ext.6242 )

Summary
The third week in May (May 17-23, 2015) has been designated as Water Reuse Week in the State of Florida. Given that May is normally the end of the dry season and water needs are most acute, increased attention is paid to the importance of reusing our precious water resources.

Staff Recommendation
Staff recommends that the Governing Board enter into this resolution supporting the designation of May 17-23, 2015 as Water Reuse Week. Approval of this resolution will not only demonstrate the District’s continued support of the use of reclaimed water, but may encourage utilities and other users to consider use of reclaimed water. It also supports the actions of other water management districts, local governments, and non-governmental organizations, which are adopting similar proclamations throughout Florida.

42. Central Florida Water Initiative Planning Update (EO, Len Lindahl, ext. 6283)

Summary
The South Florida Water Management District, the St. Johns River Water Management District, and the Southwest Florida Water Management District (Districts), have participated and continue to participate in the Central Florida Water Initiative (CFWI), a voluntary, collaborative planning process among the districts, the Department of Environmental Protection (FDEP), the Department of Agriculture and Consumer Services (FDACS), utilities and other stakeholders. The CFWI Regional Water Supply Plan (RWSP) goal is to identify programs and projects to ensure that adequate and sustainable water supplies are available to meet future water supply needs while protecting the environment and water resources. In May 2014, the governing boards of the three Districts acknowledged delivery of the 2014 Final Draft CFWI RWSP and delayed final agency action on the CFWI RWSP until the completion of the Solutions Planning Phase and any resulting changes or refinements to the CFWI RWSP.

In the Solutions Planning Phase, work supporting the CFWI RWSP continued through the Solutions Planning Team to achieve the Goals and Guiding Principles endorsed by the CFWI Steering Committee. The Draft CFWI 2035 Water Resources Protection and Water Supply Strategies Plan (Solutions Plan) addresses future steps toward meeting the water supply needs of the CFWI Planning Area. This Solutions Plan, in combination with the updated CFWI RWSP and associated Appendices, make up the 2015 CFWI Document Series which will be released in May for public review.

Staff Recommendation
This item is for information only; no action is required.

43. Legislative Update - Dan DeLisi, Chief of Staff (ext. 6232)

Summary
The Florida Legislature adjourned sine die this year’s legislative session the last week of April. This presentation will provide an overview of the South Florida Water Management District’s role throughout the legislative session,
highlight legislation that was proposed, and share the progress of the State’s 2015 legislative budget.

**Staff Recommendation**
This item is for information only: no action is required.

44. General Public Comment

**Staff Reports**

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

46. General Counsel's Report - Kirk Burns

47. Executive Director's Report - Blake Guillory
   - Report on permits issued by authority delegated to the Executive Director from April 1-30, 2015.

48. Adjourn