



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

November 18, 2022

1:00 PM

via Communications Media Technology

www.SFWMD.gov

Zoom Registration Link: <https://sfwmd.link/3glh6sS>

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions - Will occur on December 8, 2022
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Big Cypress Basin Board Report - Charlette Roman, Chair
7. Consider Approval of the Minutes for the October 13, 2022 Meeting
8. Executive Director's Report - Drew Bartlett
9. General Public Comment
10. Board Comment
11. Move Consent Agenda Items to Discussion Agenda
12. Public Comment on Consent Agenda Items

13. Board Vote on Consent Agenda

Consent Agenda

14. Conveyance of Right of Way to City of Homestead (Staff contact, Stephen M. Collins)

Agenda Item Background:

The City of Homestead has requested that the District convey a portion of the District's fee owned right of way to accommodate their road widening project. The area contains 0.10 acres and is located along the C-103S at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street). Real Estate Division consulted with Operations and Maintenance who concurred with the request.

Recommended Action:

Resolution No. 2022 - 1101 Approve declaring surplus land interests containing 0.10 acres, more or less, in fee simple to the City of Homestead at no cost; being a portion of the C-103S right of way in Section 18, Township 57 South, Range 39 East, Miami-Dade County, and approve the waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes.

[Resolution No. 2022-1101](#)

[Resolution Exhibit A](#)

15. Apiary Management Agreement with the Florida State Beekeepers Association (Staff contact, Stephen M. Collins)

Agenda Item Background:

An agreement between the District and the Florida State Beekeepers Association, a not-for-profit organization, for a five-year period, to provide for equitable-beekeeper site management services on District lands at no cost to the District. The proposed agreement requires the use of best management practices for all aspects of the beekeeper site management process and the approval of District's Land Manager for all sites used as locations for beehives. This process will encourage participation by multiple apiarists regardless of the number of beehives and the volume of their honey production.

Recommended Action:

Resolution No. 2022 - 1102 Authorize a five-year Apiary Agreement with Florida State Beekeepers Association to manage private beekeeper sites on District lands. (Contract No. 4600004673)

[Resolution No. 2022-1102](#)

16. Cattle Grazing Lease with CAF, LLC, Polk County (Staff contact, Stephen M. Collins)

Agenda Item Background:

The District currently leases 5,168.57 acres for cattle grazing located on native lands adjacent to the Kissimmee River Project. Due to the low availability of forage on the property, this lease requires very low-density grazing of one animal unit per twenty-five acres. This lease began June 26, 2002 and the current amendment is set to expire on

November 25, 2022. The District and the Lessee wish to extend the term of the lease by ten years. As part of this extension, the use of fertilizer is prohibited and the Lessee will be required to optimize water storage under the District's Water Management Practices. The lease has a provision for termination by the District for convenience of 180 days. The approximate annual revenue is \$17,000.

Recommended Action:

Resolution No. 2022 - 1103 Authorize a ten-year cattle grazing lease extension to CAF, LLC on 5,168.57 acres, more or less, in Polk County. (Contract No. 4600002770-A04)

[Resolution No. 2022-1103](#)

[Resolution Exhibit A](#)

17. Stipulation for Settlement and Final Judgment, South Florida Water Management District v. Rene Diaz as Trustee of the RD Land Trust 2, et al. (Staff contact, Stephen M. Collins)

Agenda Item Background:

In 2022, the District filed suit to obtain tract GR100-189 (two parcels) and GR100-190, totaling approximately 83.38 acres by Eminent Domain for the C-111 project, the owner of the tract, will be stipulating to the order of taking and has reached a final settlement with the District. Staff seeks approval of the Stipulated Order of Taking and Final Judgment for \$2,501,400 for land and \$415,260 for attorney and expert costs.

Recommended Action:

A. Resolution No. 2022 - 1104 Authorize a Settlement for the sum of \$2,916,660 inclusive of attorneys' fees and expert fees and costs, for which dedicated and Ad Valorem funds are budgeted in Fiscal Year 2022-2023, and approve the Stipulated Order of Taking and Stipulated Final Judgment in a condemnation action to acquire 83.38 acres, more or less, within the C-111 Project, styled South Florida Water Management District v. Rene Diaz as Trustee of the RD Land Trust 2, et al., filed in the 11th Judicial Circuit in and for Miami Dade County, Florida, Case No. 2022-002109-CA-01.

B. Resolution No. 2022 - 1105 Advise the Florida Department of Environmental Protection of the proposed acquisition of land interests containing 83.38 acres, more or less, for the C-111 South Dade Project in Miami-Dade County, and request the release of funds from the Save Our Everglades Trust Fund for acquisition of such land interests, together with associated costs.

[Resolution No. 2022-1104](#)

[Resolution Exhibit A](#)

[Resolution Attachment](#)

[Resolution No. 2022-1105](#)

18. Agreement with Florida International University (Staff contact, Lawrence Glenn)

Agenda Item Background:

The Florida Bay Improvement project involves modifying the water management system near Upper Taylor Slough to improve hydrologic conditions in Taylor Slough with downstream effects in Florida Bay by increasing the amount of water delivered to

and held within Upper Taylor Slough. An interagency adaptive management plan was developed between the District and Everglades National Park to assess the ecological impacts of the hydrologic changes. This plan will rely on data collected on multiple ecosystem components ranging from marsh surface water quality to plant community structure and biomass to ensure that efforts to improve conditions downstream in Florida Bay are also improving conditions within the marsh communities of Taylor Slough.

This request is to enter into a three-year agreement with Florida International University to conduct periphyton, sediment floc, and macrophyte vegetation monitoring, the key sentinel ecological components sensitive to hydrologic change, in the areas directly west and southwest of the detention areas associated with the S-332D and S-200 structures. This contract will provide the data needed to assess ecological changes associated with the hydrologic changes in Upper Taylor Slough and provide scientific information to the annual adaptive management meetings for the Florida Bay Improvement project.

Recommended Action:

Resolution No. 2022 - 1106 Authorize entering into a three-year agreement with Florida International University to conduct field monitoring for assessing ecological responses in and the adaptive management of Upper Taylor Slough as part of the Florida Bay Improvement Project in an amount not to exceed \$350,840 of which \$110,700 in Ad Valorem funds is budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004678)

[Resolution No. 2022-1106](#)

19. 2022 Priority Water Body List and Schedule (Staff contact, Lawrence Glenn)

Agenda Item Background:

Each year, the water management districts are statutorily required to submit a list and schedule to the Florida Department of Environmental Protection (DEP) prioritizing water bodies for developing minimum flows and minimum water levels (MFLs) and water reservations. MFLs define the point at which further withdrawals would cause significant harm to the water resources or the ecology of the area. Water reservations protect the water needed for fish and wildlife or public health and safety from being allocated to consumptive uses. The District also uses a third water resource protection tool: restricted allocation areas (RAAs), which are defined geographic areas where consumptive use allocations from specific water resources are limited. The proposed 2022 Priority Water Body List and Schedule includes water reservations and/or RAAs for the Comprehensive Everglades Restoration Plan (CERP) Indian River Lagoon-South natural lands project component and the CERP Lake Okeechobee Watershed Restoration Project as well as continued development of the C-43 Reservoir water control plan (Draft Project Operations Manual) in support of the reservoir's prospective water reservation.

Recommended Action:

Resolution No. 2022 - 1107 Authorize submission of the proposed 2022 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review

and approval pursuant to Section 373.042(3), Florida Statutes.

[Resolution No. 2022-1107](#)

[Resolution Attachment](#)

20. Fiscal Year 2023 Five-Year Water Resource Development Work Program (Staff contact, Lawrence Glenn)

Agenda Item Background:

The Five-Year Water Resource Development Work Program (Work Program) is an update report that includes a draft evaluation of the Work Program's consistency with the District's regional water supply plans and the adequacy of the proposed expenditures pursuant to Section 373.536, Florida Statutes. The Fiscal Year 2023 Work Program includes the period from October 1, 2022 through September 30, 2027. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development. Within 30 days of budget adoption, the water management districts are required to submit the Work Program to several entities, including the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Florida Department of Environmental Protection. This item also authorizes District staff to address and incorporate appropriate revisions as a result of agency and/or public comment to the Work Program prior to inclusion into the final Fiscal Year 2023 South Florida Environmental Report.

Recommended Action:

Resolution No. 2022 - 1108 Concur with the transmittal of the draft Fiscal Year 2023 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes.

[Resolution No. 2022-1108](#)

[Draft FY23 Five-Year Water Resource Development Work Program](#)

21. Amendment to Lease Agreement with Signature Flight Support LLC (Staff contact, Candida Heater)

Agenda Item Background:

Flight Operations supports District functions including mandatory regulatory compliance, water quality monitoring, operations and maintenance, research activities and post-storm flight assessments throughout the District's 16 county region. Flight operations is very critical to the District's mission and maintaining the existing lease will provide uninterrupted service with no impacts to ongoing operations. Signature is located at the Palm Beach International Airport and is a secure central location for efficient access for staff's required flights. Staff requests approval to amend the contract for an additional two years for an amount of \$281,416.80.

Recommended Action:

Resolution No. 2022 - 1109 Authorize an amendment to Contract No. 4600003139 for the purpose of increasing the contract period by two years with Signature Flight Support LLC, in the amount of \$281,416.80, for which \$138,288.36 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600003139-A06)

[Resolution No. 2022-1109](#)

22. Amendment to Contract with Image Janitorial Services, Inc. (Staff contact, Candida Heater)

Agenda Item Background:

General Services Section, under the Administrative Services Division, oversees all janitorial services, including staffing, management, equipment, and supplies required to provide a clean and healthy work environment at the District’s headquarters in West Palm Beach. The agreement covers 278,470 square feet of occupied space in the buildings at the headquarters site including offices, meeting spaces, restrooms, cafeteria, microwave tower support space, the Emergency Operations Center, and contract leased spaces in B2 building. Janitorial Services affects all areas of the District’s operations since all headquarters employees, visitors and contractors benefit from a clean and sanitary work environment. Staff requests the approval to amend the contract by an amount not-to-exceed \$205,828 for a revised contract amount of \$1,546,416.

Recommended Action:

Resolution No. 2022 - 1110 Authorize an amendment to the contract with Image Janitorial Services, Inc., for the purpose of extending the contract term for an additional 11 months, by exercising the time remaining under the third and final option to renew, for janitorial services at the District’s Headquarters in West Palm Beach, in the amount of \$205,828, for which Ad Valorem funds are budgeted in Fiscal Year 2022-2023. (Contract No. 4600003713-A04)

[Resolution No. 2022-1110](#)

23. Concurrence on Preparation for and Response to Storm Ian Emergency Orders (Staff contact, Jennifer Smith and Julia Lomonico)

Agenda Item Background:

To prepare for and respond to storm Ian, the District issued Emergency Orders 2022-046-DAO; 2022-047-DAO; 2022-048-DAO, 2022-049-DAO, 2022-050-DAO, 2022-051-DAO, 2022-052-DAO, 2022-053-DAO, 2022-054-DAO, 2022-056-DAO, 2022-057-DAO, 2022-060-DAO, and 2022-061-DAO. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. This item requests the Governing Board’s concurrence with issuance of the aforementioned Orders, in compliance with Section 373.119(2), Florida Statutes, and any subsequent termination orders.

Emergency Orders, Orders Amending Emergency Orders, and Termination Orders:

SFWMD 2022-046-DAO	Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Tropical Storm Ian
SFWMD 2022-047-DAO	Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Tropical Storm Ian
SFWMD 2022-048-DAO	Emergency Authorization for Procurement of Goods and Services Made Necessary by Tropical Storm Ian

SFWMD 2022-049-DAO	Emergency Authorization Temporarily Closing SFWMD Management Lands Made Necessary by Tropical Storm Ian
SFWMD 2022-050-DAO	Emergency Authorization Abrogating Time Requirements, Notice Requirements and Deadlines for Action on Permits and Other Approvals Made Necessary by Tropical Storm Ian
SFWMD 2022-051-DAO	Order Amending Emergency Final Order No. 2022-046-DAO
SFWMD 2022-052-DAO	Order Amending Emergency Final Order No. 2022-047-DAO
SFWMD 2022-053-DAO	Order Amending Emergency Final Order No. 2022-049-DAO
SFWMD 2022-054-DAO	Second Order Amending Emergency Final Order No. 2022-049-DAO
SFWMD 2022-056-DAO	Order Terminating Emergency Authorization Temporarily Closing SFWMD Management Lands
SFWMD 2022-057-DAO	Order Terminating Emergency Authorization Repairs, Replacements, Restoration
SFWMD 2022-060-DAO	Order Terminating Emergency Authorization Pumping and Other Measures
SFWMD 2022-061-DAO	Order Terminating Emergency Authorization Abrogating Time Requirements

Recommended Action:

Concur with Emergency Orders 2022-046-DAO, 2022-047-DAO, 2022-048-DAO, 2022-049-DAO, 2022-050-DAO, 2022-051-DAO, 2022-052-DAO, 2022-053-DAO, 2022-054-DAO, 2022-056-DAO, 2022-057-DAO, 2022-060-DAO, and 2022-061-DAO, and any subsequent termination orders.

[Emergency Order 2022-046-DAO](#)

[Emergency Order 2022-047-DAO](#)

[Emergency Order 2022-048-DAO](#)

[Emergency Order 2022-049-DAO](#)

[Emergency Order 2022-050-DAO](#)

[Order 2022-051-DAO](#)

[Order 2022-052-DAO](#)

[Order 2022-053-DAO](#)

[Order 2022-054-DAO](#)

[Order 2022-056-DAO](#)

[Order 2022-057-DAO](#)

[Order 2022-060-DAO](#)

[Order 2022-061-DAO](#)

[Office of the Governor Executive Order 22-218](#)

[Office of the Governor Executive Order 22-219](#)

24. Governing Board Representative, Biscayne Bay Commission (Staff contact, Sean Cooley)

Agenda Item Background:

Biscayne Bay is the only large, subtropical, protected bay within the continental U.S. and is the largest estuary in Florida. On June 3, 2021, Governor DeSantis signed into law CS/HB 1177 establishing the Biscayne Bay Commission (Commission) to support continued restoration and protection of this important ecosystem. The Commission is an advisory council within the DEP that serves as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay. The Commission also develops coordinated plans, priorities, programs, and projects to improve the Biscayne Bay area and act as the principal advocate to support bay restoration efforts.

The Commission is comprised of nine voting members from the following agencies who shall meet at least quarterly: one member will be appointed by the Governor, three members from the Miami-Dade Board of County Commissioners; one member from the Florida League of Cities; one Governing Board member from the District who resides in Miami-Dade County and is appointed by the Board; one representative of the DEP; one representative of the Fish and Wildlife Conservation Commission (FWC); and one member of the Florida Inland Navigation District (FIND). The members serve a four-year term, however, to provide for staggered terms, the District, DEP, FWC, and FIND shall initially serve for two years. The Commission is to complete a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report was published on January 14, 2022.

Recommended Action:

Resolution No. 2022 - 1111 Appoint Scott Wagner to serve as the District's representative on the Biscayne Bay Commission for the remainder of the District's initial two-year term and any subsequent terms.

[Resolution No. 2022-1111](#)

Technical Reports

- 25. Water Conditions and Storm Reports - John P. Mitnik
- 26. Ecological Conditions Report - Lawrence Glenn

Discussion Agenda

- 27. Fiscal Year 2023-2024 Alternative Water Supply Funding Program (Staff contact, Stacey Adams)

Agenda Item Background:

This item includes a presentation of the upcoming Fiscal Year 2023-2024 Alternative Water Supply Funding Program (Program) which includes an overview and a tentative schedule for implementation. The Program's purpose is to provide financial incentives through matching grants for local alternative water supply and water conservation projects.

This item also seeks Governing Board authorization to include the status of Water

Facilities Work Plans for local government applicants starting in the Fiscal Year 2023-2024 cost-share process and consider the same as an eligibility requirement in future years.

Recommended Action:

Resolution No. 2022 - 1112 Direct staff to include the status of Water Supply Facilities Work Plans for local government applicants starting in the Fiscal Year 2023-2024 cost-share process and consider the same as an eligibility requirement in future years.

[Resolution No. 2022-1112](#)

28. C-43 Canal Water Quality Treatment and Testing Project (Phase II), Glades County (Staff contact, Alan Shirkey)

Agenda Item Background:

As part of the Northern Everglades Estuary Protection Program (NEEPP), the C-43 Canal Water Quality Treatment and Testing Project (C-43 Canal WQTTP) has an overarching objective to demonstrate and implement cost-effective, wetland-based strategies for reducing nutrient discharges, particularly nitrogen, to the C-43 Canal, the Caloosahatchee River, and the Estuary. The planned project site for the facility, currently known as the BOMA Site, is situated South of the Caloosahatchee River, North of State Road 80, just upstream (East) of the S-78 Spillway and Lock Structure.

The C-43 Canal WQTTP Conceptual Plan was completed in 2012 which recommended a phased, multi-scale wetland demonstration testing facility to help better understand the nitrogen cycle and study the key factors associated with nitrogen reduction in treatment wetlands. The phased research demonstration, comprising wetland mesocosms and bioassays (Phase I), followed by test cells and field-scale cells (Phase II), was envisioned to help inform the basis for design of a future, full-scale constructed treatment facility. The primary study objectives of the Phase I demonstration focused on various treatments of hydraulic loading rates, vegetation, and soils to determine which specific variables may provide the best performance for nitrogen reduction. Further in line with the 2012 Conceptual Plan, all of the Phase I demonstration results will be used to help inform the scale-up of constructed treatment wetland research on this current phase (Phase II).

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2022 - 1113 Authorize entering into a 485-day contract with Phillips & Jordan, Inc., the lowest responsive and responsible bidder, for the C-43 Canal Water Quality Treatment and Testing Project, Glades County, in the amount of \$24,623,409.85, for which dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2022-2023. (Contract No. 4600004685)

[Resolution No. 2022-1113](#)

[Map](#)

[Backup Document](#)

29. First Construction Contract for CEPP North: S-620 Gated Culvert and L-6 Improvements Project, Palm Beach County (Staff contact, Jennifer Reynolds)

Agenda Item Background:

As part of the Central Everglades Planning Project, North Phase (CEPP-N), the S-620 Gated Culvert, and L-6 Improvement Project is the first of nine features associated with CEPP-N. The project includes building a new structure that will replace the existing earthen berm within the southern portion of the L-6 Canal. The S-620 structure will be a remotely operated, two-gated control structure with a design capacity of 500 cubic feet per second, that includes a control building, stilling wells, communication equipment and tower. The project also includes earthwork activities consisting of regrading the L-6 Canal for approximately 1,050 feet, constructing approximately 700 feet of tie-back levee, and removal of the existing earthen plug within the L-6 Canal.

These improvements, along with the other CEPP-N components, will provide a means of conveying water to re-hydrate wetlands in the northwest corner of WCA-3A, and provide a means of improving sheetflow through WCA-3A towards the south.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2022 - 1114 Authorize entering into a 510-day contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder, for the Central Everglades Planning Project-North (CEPP-N), S-620 Gated Culvert and L-6 Improvements for a total amount of \$13,603,585, of which \$8,000,000 in dedicated funds (Everglades Trust Fund and Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004686)

[Resolution No. 2022-1114](#)

[Map](#)

[Backup Document](#)

30. Amendment to Agreement, Nicodemus Slough Water Management Project, Glades County (Staff contact, Jennifer Reynolds)

Agenda Item Background:

As part of the NEEPP, the Nicodemus Slough Water Management Project supports both the Lake Okeechobee and Caloosahatchee Estuary Basin Management Action Plans. The approximately 16,000-acre project captures rainfall and retains regional runoff in four above-ground impoundments and is uniquely situated to reduce discharges to Lake Okeechobee and moderate flows to the Caloosahatchee Estuary. Approved by the Governing Board on April 14, 2011, the project has stored an average 24,600 acre-feet of water annually and removed approximately 2 metric tons of phosphorus and 37 metric tons of nitrogen per year.

Staff requests Governing Board approval to amend the existing Lease and Service Agreement with Lykes Bros. Inc. to enter into an Amended and Restated Agreement

No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, as a sole source as an exception to the standards of competition, for 10 years in an amount not-to-exceed \$35,500,000. The amended contract includes 10 full years of operation, establishes fixed annual cost including operations and maintenance responsibilities, shifts pump repair costs to service provider up to \$100,000 per year, increases the annual pumping capacity limits, and removes variability and uncertainty of Consumer Price Index cost increases.

Recommended Action:

Resolution No. 2022 - 1115 Authorize entering into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, as a sole source as an exception to the standards of competition, for 10 years in an amount not-to-exceed \$35,500,000 for a total revised agreement amount of \$64,514,150.59, of which \$3,600,000 in dedicated funds (Land Acquisition Trust Fund) was provided by the Florida Legislature and is budgeted in Fiscal Year 2022-2023, and the remainder is solely dependent on future legislative funding and Governing Board approval of future years budgets. (Agreement No. 4600002358-A06)

[Resolution No. 2022-1115](#)

[Map](#)

Staff Reports

31. Monthly Financial Report - Candida Heater

- Monthly Financial Memo
- Emergency Procurements and Usage of Emergency Reserves
- Auditor General Request: Fiscal Year 2020-2021 ACFR Management Letter Addendum

32. General Counsel's Report - Julia Lomonico, Interim General Counsel

33. Adjourn

Draft Presentations for Agenda items 25, 26, 27, 28, 29, and 30.

Public Comment Received for Agenda Items 9 and 30.

Agenda Item Background:

[08 ED Report Mitnik](#)

[25 Mitnik Water Conditions Report](#)

[26 Glenn Ecological Condition Report](#)

[27 Adams DEPAWS Funding](#)

[28 Dadrian C43 Water Quality Treatment and Testing Project](#)

[29 Reynolds CEPP-N Phase S620 Gated Culvert L6 Improvements](#)

[30 Reynolds Nicodemus Slough](#)

[Public Comment Item 09 Reynolds](#)

[Public Comment Item 30 Roth](#)

MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Real Estate & Land Management

DATE: November 18, 2022

SUBJECT: Conveyance of Right of Way to City of Homestead

Agenda Item Background:

The City of Homestead has requested that the District convey a portion of the District's fee owned right of way to accommodate their road widening project. The area contains 0.10 acres and is located along the C-103S at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street). Real Estate Division consulted with Operations and Maintenance who concurred with the request.

Core Mission and Strategic Priorities:

Additional Item Background:

The Applicant, City of Homestead, has requested that the District convey an approximately 0.10-acre portion of its fee-owned right of way to accommodate its road widening project. The area is located within the C-103S right of way at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street). The conveyance is not contrary to the best interest of the public and is for the benefit of the public. The District will not reserve any phosphate, mineral, metal, or petroleum rights in the property pursuant to Section 270.11, Florida Statutes.

This request has been reviewed and is supported by the Field Operations Division, Right of Way Section, and the Homestead Field Station. The remaining right of way is sufficient for future District maintenance and staging needs. The applicant shall complete the relocation of the drainage ditch and District Water Control Structure (PC36) northerly of its present location, including a stabilized clear, unobstructed maintenance berm and vehicular access route being a minimum of 40 feet in width as measured from the useable relocated top of the canal bank as depicted in the Permit drawings approved by the District (Project No. 20040558).

Core Mission and Strategic Priorities:

Pursuant to Section 373.056(4), Florida Statutes, the Governing Board has the authority to convey to any governmental entity land or rights in land owned by the District not required for its purposes under such terms and conditions approved by the Governing Board. Pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999, shall be considered to have been acquired for conservation purposes, and the Governing Board shall be required to make a determination that the lands are not needed for conservation purposes and approve the surplus of the lands by at least a two-thirds (2/3) majority.

Funding Source:

Subject portion of the C-103S right of way was acquired in 1966 at a cost of \$1,430. Since this road project is for the benefit of the public, the applicant requests that the District waive the \$1,000 application fee and convey the property at no cost. The applicant will pay all costs and

fees associated with the conveyance.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

ATTACHMENTS:

[Resolution No. 2022-1101](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 0.10 acres, more or less, in fee simple to the City of Homestead at no cost; being a portion of the C-103S right of way in Section 18, Township 57 South, Range 39 East, Miami-Dade County, and approve the waiver of the reservation of rights pursuant to Section 270.11, Florida Statutes; providing an effective date.

WHEREAS, pursuant to a request from the applicant, the City of Homestead, the District has determined that it is in the public interest to convey a portion of its fee owned right of way to accommodate a road widening project. The portion of right of way to be conveyed is 0.10 acres, more or less, and is located at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street); and

WHEREAS, the Governing Board has determined that the 0.10+/- acre parcel is not required by the District for present or apparent future use; and

WHEREAS, the applicant has requested that the District waive the \$1,000 application fee, convey its interest at no cost and waive its reservation of phosphate, mineral, metal and petroleum rights pursuant to Section 270.11, Florida Statutes: and

WHEREAS, pursuant to Section 373.056, Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, under terms and conditions approved by the Governing Board; and

WHEREAS, the lands being conveyed were acquired in 1966 and pursuant to Section 373.089(6), Florida Statutes, all lands acquired prior to July 1, 1999, shall be considered to have been acquired for conservation purposes, and the Governing Board shall be required to make a determination that the lands are not needed for conservation purposes and approve the surplus of any such lands by at least a two-thirds (2/3) majority.

NOW THEREFORE, 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 has determined that the District has no present or apparent future use for the subject portion of fee owned right of way and therefore hereby approves conveying 0.10 acres, more or less, located in Section 18, Township 57 South, Range 39 East, Miami-Dade County, C-103S project, to the applicant at no cost and without reserving any phosphate, mineral, metal or petroleum rights in the subject property pursuant to Section 270.11, Florida Statutes.

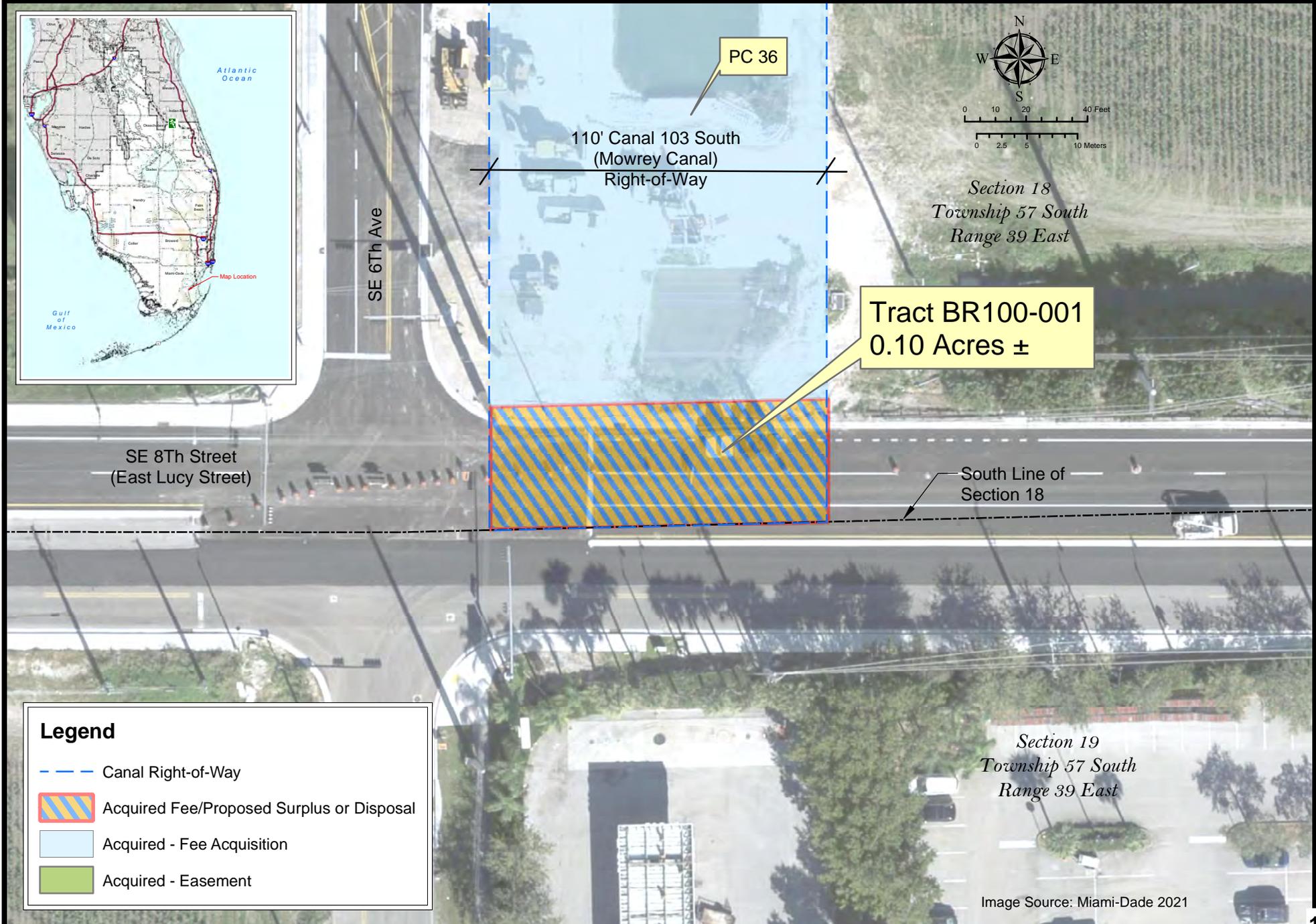
Section 2. Consistent with the requirements of Section 373.089(6), Florida Statutes, the Governing Board hereby determines that the subject lands are not needed for conservation purposes, and that this Resolution was approved by at least a two-thirds (2/3) vote.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the conveyance document.

Section 4. This Resolution shall take effect immediately upon adoption.

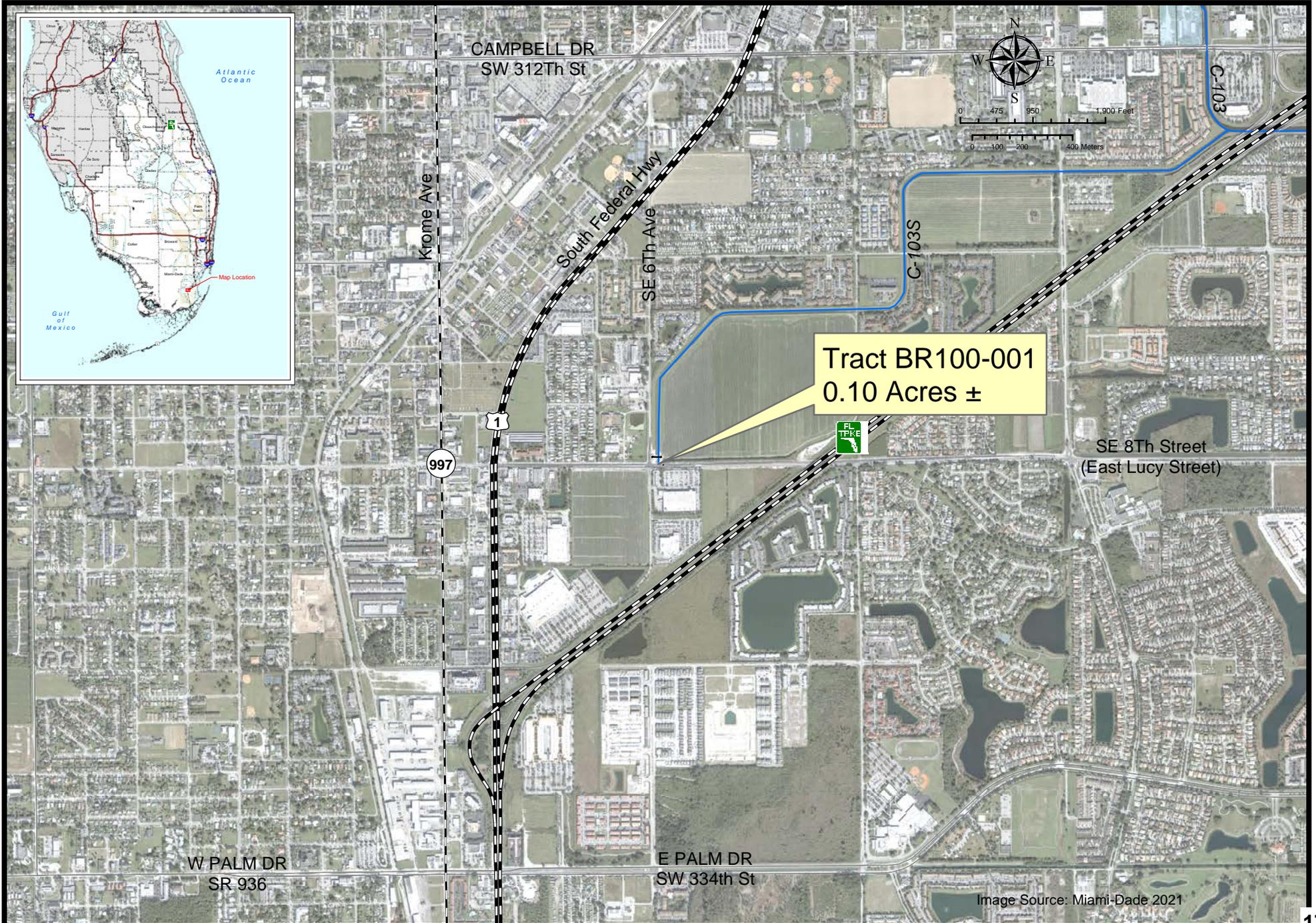
PASSED and **ADOPTED** this 18th day of November, 2022.

Canal 103 South Project Culvert 36 City of Homestead



Canal 103 South Project Culvert 36 City of Homestead

Exhibit "A"



MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Real Estate & Land Management

DATE: November 18, 2022

SUBJECT: Apiary Management Agreement with the Florida State Beekeepers Association

Agenda Item Background:

An agreement between the District and the Florida State Beekeepers Association, a not-for-profit organization, for a five-year period, to provide for equitable-beekeeper site management services on District lands at no cost to the District. The proposed agreement requires the use of best management practices for all aspects of the beekeeper site management process and the approval of District's Land Manager for all sites used as locations for beehives. This process will encourage participation by multiple apiarists regardless of the number of beehives and the volume of their honey production.

Core Mission and Strategic Priorities:

Additional Item Background:

The placement of pollinators like honeybee colonies within targeted areas is essential to the natural propagation of plant species throughout the District's lands. A flexible process has been identified which will ensure disbursement of beehives throughout the District's lands, at no cost to the District. This process is memorialized in the proposed Apiary Agreement between the District and the Florida State Beekeepers Association ("FSBA") which is a 501(c)(3) charitable organization. Under this agreement, the FSBA will provide management services to manage the identification, placement, and documentation of multiple small beekeeper sites. The proposed agreement requires, among other things, the use of best management practices for all aspects of the beekeeper site management process and the approval of District's Land Manager for all sites to be used as locations for beehives. This process will encourage participation by multiple apiarists regardless of the number of beehives and the volume of their honey production.

Core Mission and Strategic Priorities:

The objective of this agreement is to outsource apiary site management to a professional non-profit apiary association. The savings and efficiencies associated with the process memorialized by the Apiary Agreement provides an efficient use of District lands for public benefit.

Funding Source:

There are no District costs associated with this item.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

ATTACHMENTS:

Resolution No. 2022-1102

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing a five-year Apiary Agreement with Florida State Beekeepers Association to manage private beekeeper sites on District lands; providing an effective date. (Contract No. 4600004673)

WHEREAS, the Governing Board, pursuant to Section 373.083, Florida Statutes, may contract with public agencies, private corporations, or other persons; and

WHEREAS, Presidential Memorandum dated June 20, 2014 entitled “Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators” was issued by President Barack Obama which established the Pollinator Health Task Force (the “Task Force”) co-chaired by the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, among other department heads, whose mission was to develop a National Pollinator Health Strategy (the “Strategy”) to include an Action Plan (the “Action Plan”) to focus Federal efforts on understanding, preventing and recovering from pollinator losses; and

WHEREAS, the Strategy is to include the development of public-private partnerships to include state, tribal, and local governments, farmers, corporations, and nongovernment organizations to build on Federal efforts to encourage the protection of pollinators and increase the quality and amount of habitat and forage for pollinators; and

WHEREAS, on May 19, 2015 the Task Force published the Strategy signed by Hon. Tom Vilsack, Secretary of Agriculture and Hon. Gina McCarthy, Administrator, U.S. Environmental Protection Agency and in furtherance of the Strategy, the District seeks private parties to serve as qualified beekeepers to manage appropriate apiaries on its land, and the Florida State Beekeepers Association, a 501(c)(3) charitable organization (“FSBA”) is requesting approval to use District land for a beehive apiary operations; and

WHEREAS, the District owns lands located throughout 16 counties in Florida which FSBA would like the right to use for placement and management of small apiary sites by reputable beekeepers through an equitable process; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to enter into a five-year Apiary Agreement with FSBA to manage reputable beekeepers and their hives on select sites within District lands, approved by District staff.

NOW THEREFORE, 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 authorizes the Apiary Agreement with the Florida State Beekeepers Association for a five-year period, to provide for beekeeper site management services on District lands at no cost to the District.

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to execute all other documents necessary to consummate this transaction.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Real Estate & Land Management

DATE: November 18, 2022

SUBJECT: Cattle Grazing Lease with CAF, LLC, Polk County

Agenda Item Background:

The District currently leases 5,168.57 acres for cattle grazing located on native lands adjacent to the Kissimmee River Project. Due to the low availability of forage on the property, this lease requires very low-density grazing of one animal unit per twenty-five acres. This lease began June 26, 2002 and the current amendment is set to expire on November 25, 2022. The District and the Lessee wish to extend the term of the lease by ten years. As part of this extension, the use of fertilizer is prohibited and the Lessee will be required to optimize water storage under the District's Water Management Practices. The lease has a provision for termination by the District for convenience of 180 days. The approximate annual revenue is \$17,000.

Core Mission and Strategic Priorities:

Additional Item Background:

The District initially acquired this property on January 8, 1985. The property is located adjacent to the Kissimmee River Project area in Polk County. The District currently leases 5,168.57 acres to CAF, LLC, for cattle grazing. This lease began June 26, 2002 and the current amendment is set to expire on November 25, 2022. The District and the Lessee wish to extend the term of the lease by ten years as is typical for grazing leases located on conservation lands. This lease requires very low-density grazing of one animal unit per twenty-five acres due to the low forage available on these native lands. As part of this extension, the use of fertilizer is prohibited, and the Lessee will be required to optimize water storage under the District's Water Management Practices. The lessee is required to adhere to stringent Best Management Practices for cattle grazing and comply with the District's land management requirements. All leased lands are inspected on a semi-annual basis. The lease has a provision for termination by the District for convenience of 180 days. The annual rent is based on the Cattle Grazing Formula provided for in the District's Real Estate Leasing Policy. The approximate annual revenue is \$17,000.

Core Mission and Strategic Priorities:

The objective of this Lease is to obtain assistance in the stewardship and maintenance of this land by utilizing beef cattle grazing as a tool in the maintenance of pastures and native range and provide revenue for the maintenance and management of District lands. The revenues generated from these leases will assist Land Management in managing these and other District-owned lands.

Funding Source:

There are no District costs associated with this item other than the cost of administering the lease. The Lease is estimated to bring in anticipated revenue of approximately \$170,000 over

the ten-year term.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

ATTACHMENTS:

[Resolution No. 2022-1103](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing ten-year cattle grazing lease extension to CAF, LLC on 5,168.57 acres, more or less, in Polk County, as more particularly described herein; providing an effective date. (Contract No. 4600002770-A04)

WHEREAS, the Governing Board, pursuant to Section 373.093, Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board; and

WHEREAS, the District and the Lessee desire to extend the Lease Contract No. 4600002770, Lease Encumbrance ID 1910E-020, for ten years; and

WHEREAS, the Lessee's main use of the premises is cattle grazing, which will assist in the stewardship of pastures and native range; and

WHEREAS, the Lessee's current lease to CAF, LLC, began June 26, 2002 and the current amendment expires November 25, 2022. The proposed amendment will be for a lease extension for ten years, with an expiration date of November 25, 2032; and

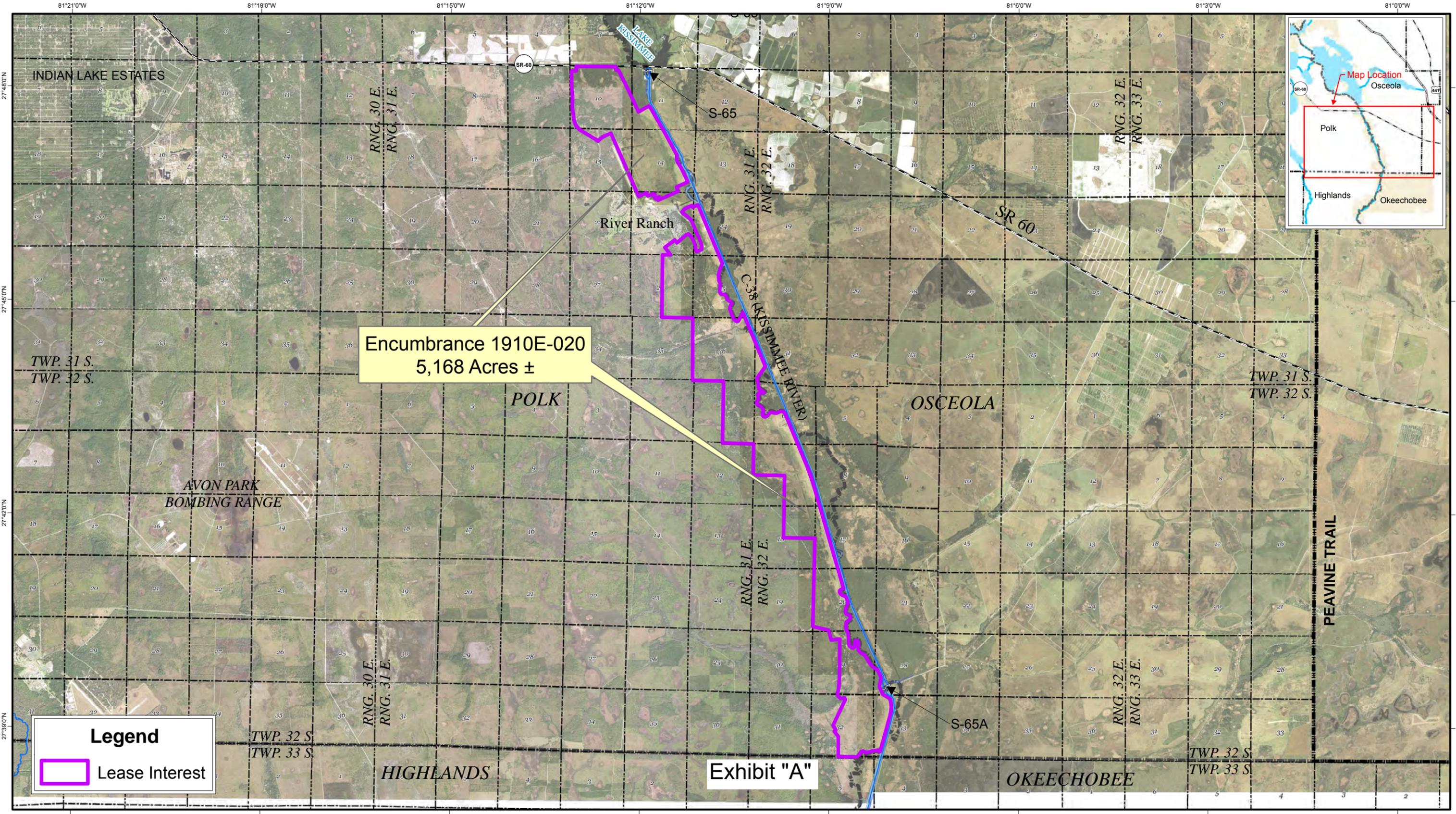
WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the ten-year extension for cattle grazing on 5,168.57 acres, more or less, in Polk County, see Exhibit "A", with ten-year anticipated revenue in the amount of approximately \$170,000.

NOW THEREFORE, 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 authorizes a ten-year extension for a cattle grazing lease with CAF, LLC on 5,168.57 acres, more or less, in Polk County. (Contract No. 4600002770-A04)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.



Encumbrance 1910E-020
5,168 Acres ±

Legend

 Lease Interest

Exhibit "A"

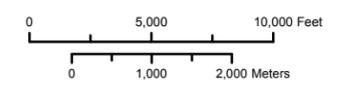


South Florida Water Management District
 3301 Gun Club Rd, West Palm Beach, Florida 33406
 (561) 686-8800; www.sfwmd.gov



Encumbrance 1910E-020

Polk County, Florida



IMPORTANT DISCLAIMER:
 This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.



MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Real Estate & Land Management

DATE: November 18, 2022

SUBJECT: Stipulation for Settlement and Final Judgment, South Florida Water Management District v. Rene Diaz as Trustee of the RD Land Trust 2, et al.

Agenda Item Background:

In 2022, the District filed suit to obtain tract GR100-189 (two parcels) and GR100-190, totaling approximately 83.38 acres by Eminent Domain for the C-111 project, the owner of the tract, will be stipulating to the order of taking and has reached a final settlement with the District. Staff seeks approval of the Stipulated Order of Taking and Final Judgment for \$2,501,400 for land and \$415,260 for attorney and expert costs.

Core Mission and Strategic Priorities:

Additional Item Background:

The C-111 South Dade Project ("Project") is a part of the Central and Southern Florida Project authorized by Section 203 of the Flood Control Act of 1948, Public Law 80-858, as modified by Section 203 of the Flood Control Act of 1968, Public Law 90-483; and the District, as local sponsor, and the U. S. Army Corps of Engineers ("USACE") entered into a Project Cooperation Agreement ("PCA") regarding the Project on January 13, 1995, as amended on August 14, 2014, wherein the District agreed to acquire all the remaining land interests necessary to complete the Project. The primary objectives of the Project are to restore and preserve land critical to balancing the need for flood protection and ecosystem restoration; restore natural water conditions in Taylor Slough; and allow more water to flow into Everglades National Park, including Florida Bay, to restore natural salinity levels.

Funding Source:

The Stipulated Order of Taking and Final Judgment for \$2,916,660 includes all costs. The acquisition and associated costs will be funded from dedicated and Ad Valorem funds. The \$2,916,660 consists of \$2,501,400 for land, plus \$415,260 for statutory attorney fees and all expert costs.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959
MaryAnn Braun, mabraun@sfwmd.gov, 561-682-6253

ATTACHMENTS:

[Resolution No. 2022-1104](#)

[Resolution Exhibit A](#)

Resolution Attachment

Resolution No. 2022-1105

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing a Settlement for the sum of \$2,916,660 inclusive of attorneys' fees and expert fees and costs, for which dedicated and Ad Valorem funds are budgeted in Fiscal Year 2022-2023, and approving the Stipulated Order of Taking and Stipulated Final Judgment in a condemnation action to acquire 83.38 acres, more or less, within the C-111 Project, styled *South Florida Water Management District v. Rene Diaz as Trustee of the RD Land Trust 2, et al.*, filed in the 11th Judicial Circuit in and for Miami Dade County, Florida, Case No. 2022-002109-CA-01; providing an effective date.

WHEREAS, the C-111 South Dade Project ("Project") is a part of the Central and Southern Florida Project authorized by Section 203 of the Flood Control Act of 1948, Public Law 80-858, as modified by Section 203 of the Flood Control Act of 1968, Public Law 90-483; and

WHEREAS, the primary objectives of the Project are to restore and preserve land critical to balancing the need for flood protection and ecosystem restoration; restore natural water conditions in Taylor Slough; and allow more water to flow into Everglades National Park, including Florida Bay, to restore natural salinity levels; and

WHEREAS, the District, as local sponsor, and the U. S. Army Corps of Engineers ("USACE") entered into a Project Cooperation Agreement ("PCA") regarding the Project on January 13, 1995, as amended on August 14, 2014, wherein the District agreed to acquire all the remaining land interests necessary to complete the Project; and

WHEREAS, Sections 373.083(1), 373.129, and 373.139, Florida Statutes, authorize the South Florida Water Management District to settle existing lawsuits; and

WHEREAS, the owner of Tracts GR100-189 (two parcels) and GR100-190 within the C-111 project is the RD Land Trust 2.

WHEREAS, the Owners and the South Florida Water Management District (collectively, "the Parties") engaged in numerous settlement discussions to resolve all claims that have been raised or could have been raised against each other; and

WHEREAS, the Parties have been successful in the settlement discussion process and have reached a compromised settlement; and

WHEREAS, all costs are to be funded from dedicated and Ad Valorem funds for the acquisition and associated costs; and

WHEREAS, the terms of the proposed settlement are set forth on the attached document.

NOW THEREFORE, 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 authorizes a Settlement for the sum of \$2,916,660 inclusive of interest, attorney’s fees and expert fees and costs, and approving the stipulated order of taking and final judgment in a condemnation action.

Section 2. The Governing Board of the South Florida Water Management District hereby approves the settlement of Tracts GR100-189 (two parcels) and GR100-190 in *South Florida Water Management District v. Rene Diaz as Trustee of the RD Land Trust 2, et al.*, filed in the 11thth Judicial Circuit Court in and for Miami Dade County, Florida, Case No. 2022-02109-CA-01, for the sum of \$2,916,660 consists of \$2,501,400 for land, plus \$415,260 for statutory attorney’s fees, of which dedicated and Ad Valorem funds have been budgeted, and approving the Stipulated Order of Taking and Final Judgment in a condemnation action to acquire 83.38 acres, more or less.

Tract No.	Owner	Interest	Acres	Settlement	Previous Deposit
GR100-189	RD Land Trust 2	Fee	57.47	\$1,724,100	\$0
GR100-190	RD Land Trust 2	Fee	25.91	\$777,300	\$0

Amount	Fund	Fund Center	Functional Area	GL Account #	Grant #	Account Description
\$2,916,660	412000 401000 402000 404000 408000 414000	3510144000	PK03	580020	112	Acquisition and Associated Costs

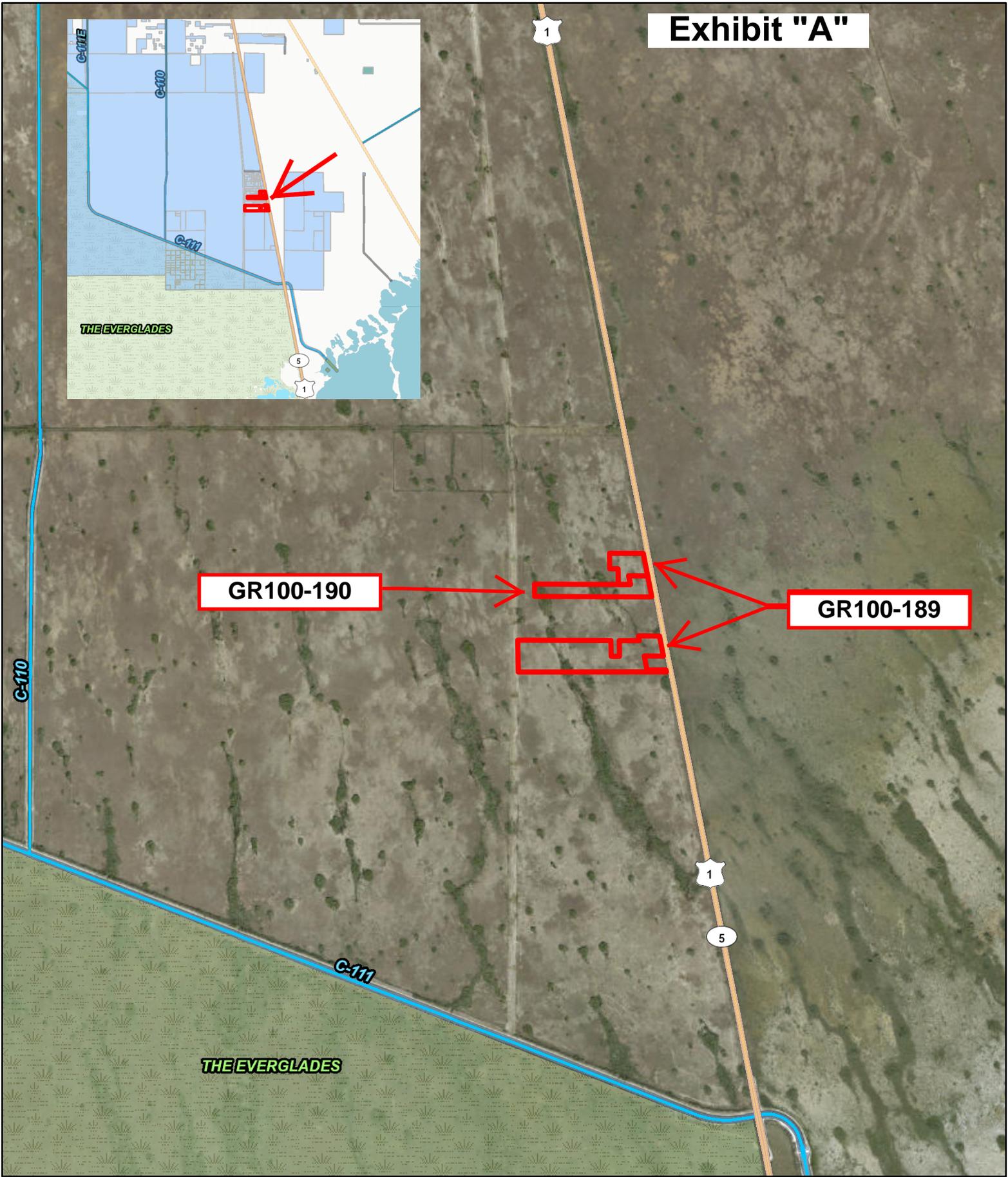
Section 3. A copy of the Agreed Order Granting Stipulated Order of Taking and Stipulated Final Judgment is attached hereto and made a part hereof.

Section 4. The Governing Board hereby authorizes the Executive Director or the Executive Director’s designee to make any determination in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 18th day of November, 2022.

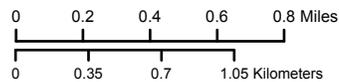
Exhibit "A"



C-111 Project: Tracts GR100-189 and GR100-190



South Florida Water Management District
3301 Gun Club Road, West Palm Beach, Florida 33406
561-686-8800; www.sfwmd.gov



DISCLAIMER:

This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property and is exempt from public records disclosure and confidential under Section 119.071(3)(a)(1), Florida Statute.

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2022-002109 CA 01

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, a public corporation of the State

of Florida,

Petitioner,

TRACT NOS.: GR100-189 Parcel I
GR100-189 Parcel II
GR100-190

vs.

RENE DIAZ as Trustee of the RD Land Trust 2, et al.

Respondents.

**AGREED ORDER GRANTING STIPULATED ORDER OF TAKING
AND STIPULATED FINAL JUDGMENT FOR TRACT NOS. GR100-189 PARCEL I,
GR100-189 PARCEL II, AND GR100-190**

THIS CAUSE coming before the Court by joint motion of the parties for the entry of an Agreed Order Granting Stipulated Order of Taking against Respondent, RENE DIAZ as Trustee of the RD Land Trust 2 ("Respondent") (Tract Nos. GR100-189 Parcel I, GR100-189 Parcel II, and GR100-190), made by the Petitioner, SOUTH FLORIDA WATER MANAGEMENT DISTRICT (the "District"), and Respondent, along with a Stipulated Final Judgment resolving full and final compensation and the Court being fully advised in the premises, the Court finds as follows:

1. That proper notice was first given to the Respondent, and to all persons having or claiming any equity, lien, title, or other interest in or to the real property, Tract Nos. GR100-189 Parcel I, GR100-189 Parcel II, and GR100-190, described in the Petition.

2. That the parties were authorized to enter into such joint motion.

It is therefore **ORDERED AND ADJUDGED:**

1. That the Court has jurisdiction of the subject matter of and the parties to this cause.
2. That the pleadings in this cause are sufficient and the District is properly exercising its delegated authority and the taking is reasonably necessary for a public purpose.

3. Petitioner takes title to Tract Nos. GR100-189 Parcel I, GR100-189 Parcel II, and GR100-190 subject to the following:

a) the oil, gas and mineral reservations covering all of Section 5, Township 59 South, Range 39 East in favor of the State of Florida as recorded in Deed Book 2677, page 356, public records of Miami-Dade County, Florida;

b) the Dedication of Rights of Way covering various strips of land located in Section 5, Township 59 South, Range 39 East granting an easement and right of way for the use of all owners and subsequent purchasers of land located in Section 5, as recorded in Official Records Book 5679, page 300 and Official Records Book 5692, page 715, public records of Miami-Dade County, Florida; and

c) the Declaration of Easements for rights of way, road purposes, drainage and public utilities in favor of the general public, covering various strips of land located in a portion of Section 5, Township 59 South, Range 39 East as recorded in Official Records Book 7133, page 659, public records of Miami-Dade County, Florida, Florida.

d) Assignment of Right of Way agreement between Florida Keys Electric Cooperation Association, Inc. and Florida Power and Light Company as recorded in official records Book 5600, page 299, public records of Miami Dade County Florida.

4. The District and Respondent hereby stipulate and agree that an Order of Taking Hearing and a valuation trial are no longer necessary, and Respondent waives any and all rights to an Order of Taking Hearing and a valuation trial/hearing by way of the parties' full, complete and final settlement of this matter as set forth below.

5. The Respondent shall recover from Petitioner the total sum of TWO MILLION FIVE HUNDRED ONE THOUSAND FOUR HUNDRED AND 00/100ths DOLLARS (\$2,501,400.00), as full and final compensation for Tract Nos. GR100-189 Parcel I, GR100-189 Parcel II, and GR100-190, as legally described in Exhibit A incorporated herein, plus FOUR HUNDRED FIFTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS (\$415,260.00) as full and final payment of any and all attorneys' fees, experts' fees and costs in this matter.

6. That upon the payment of the deposit hereinafter specified into the Registry of the Court, fee simple title for Tract Nos. GR100-189 Parcel I, GR100-189 Parcel II, and GR100-190, specified in the Petition and attached hereto as Exhibit A, shall transfer to the District.

7. The terms of this Stipulated Order of Taking and Stipulated Final Judgment are subject to the District's Governing Board's approval at the scheduled November 2022 Governing board meeting. Staff and the undersigned shall recommend the terms of this Stipulated Final Judgment to the District's Governing Board.

8. Should the District's Governing Board reject the terms of this Stipulated Final Judgment, this order and judgment upon motion shall be vacated and its terms will have no force or effect.

9. The parties have agreed to waive mediation confidentiality as to terms of their agreement reflected in this Stipulated Final Judgment. See attachment B Confidentiality Waiver.

10. The District, as set forth above, shall pay to Respondent, by depositing into the Registry of the Court for proper payment and disbursement, subject to apportionment, within twenty (20) days of the District's Governing Board issuance of a Resolution approving this Stipulated Final Judgment, TWO MILLION FIVE HUNDRED ONE THOUSAND FOUR HUNDRED AND 00/100ths DOLLARS (\$2,501,400.00) for which let execution issue.

11. That the District, as set forth above, shall pay the attorneys' fees and costs to Respondent, by mailing a check payable to, Francisco J. Pines, P.A. Trust Account, 3301 Ponce de Leon Boulevard, Suite 220, Coral Gables, Florida 33134 within thirty (30) days of the District's Governing Board issuance of a Resolution approving this Stipulated Final Judgment, in the amount of FOUR HUNDRED FIFTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS (\$415,260.00).

12. The payments required herein constitute full, final, and complete compensation to Respondent for the taking of the subject tracts and any and all claims arising therefrom.

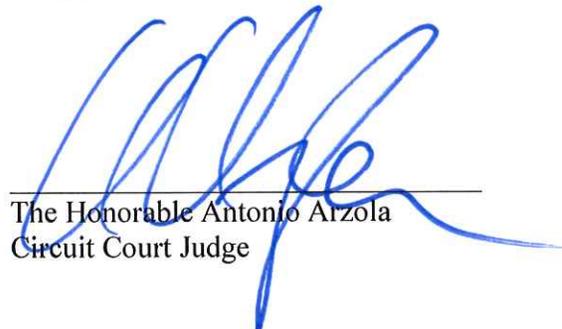
13. The Clerk of the Circuit Court is hereby directed to record this entire order including its attached legal descriptions.

14. The Clerk of the Circuit Court is hereby directed to provide a check payable to Francisco J. Pines, P.A. Trust Account, 3301 Ponce de Leon Boulevard, Suite 220, Coral Gables, Florida 33134 for the total sum of TWO MILLION FIVE HUNDRED ONE THOUSAND FOUR HUNDRED AND 00/100ths DOLLARS (\$2,501,400.00). Respondent shall pay therefrom all taxes prorated to the date of taking that might be due within ten (10) days of its receipt of notice from the Miami-Dade County Tax Collector.

15. Any personal property left on the property at the time of deposit is abandoned and the District may dispose of it.

16. The Court retains jurisdiction to enforce the terms and conditions of this Order and Final Judgment.

DONE and ORDERED this 10th day of October 2022, in the State of Florida, County of Miami-Dade.



The Honorable Antonio Arzola
Circuit Court Judge

Copies furnished to:

Maryann Braun, SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406; mabraun@sfwmd.gov, litigation@sfwmd.gov, rosorio@sfwmd.gov

Francisco J. Pines, Esq., Francisco J. Pines, P.A., Suite 220, 3301 Ponce de Leon Boulevard, Coral Gables, Florida 33134; fpines@pinespartners.com; Thalia@pinespartners.com

John C. Lukacs, Sr., Esq., John C. Lukacs, P.A., 2655 S. Le Jeune Rd., Suite 1011, Coral Gables, FL 33134; jcl@jclpalaw.com; nb@jclpalaw.com; pleadings@jclpalaw.com

Debra Herman, Esq., Assistant County Attorney, Miami-Dade County, Stephen P. Clark Center, 111 N.W. 1st Street, Suite 2810, Miami, FL 33128; dherman@miamidade.gov; lissdiaz@miamidade.gov

Exhibit A

Tract GR100-189 PARCEL I

PARCEL I

A PORTION OF LAND IN SECTION 5, TOWNSHIP 59 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF THE SW ¼ OF SAID SECTION 5, THENCE RUN S89°58'41"E ALONG THE NORTH LINE OF SAID SW 1/4 OF SECTION 5 FOR A DISTANCE OF 2061.25 FEET TO THE POINT OF BEGINNING OF PARCEL I; THENCE CONTINUE S89°58'41"E ALONG SAID NORTH LINE OF SAID SW ¼ OF SECTION 5 FOR A DISTANCE OF 743.67 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1; THENCE RUN S11°20'03"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1 FOR A DISTANCE OF 503.86 FEET TO A POINT; THENCE RUN N89°58'41"W FOR A DISTANCE OF 421.22 FEET TO A POINT; THENCE RUN S11°20'03"E FOR A DISTANCE OF 195.66 FEET TO A POINT; THENCE RUN N89°58'41"W FOR A DISTANCE OF 261.54 FEET TO A POINT; THENCE RUN N01°10'53"W FOR A DISTANCE OF 296.40 FEET TO A POINT; THENCE RUN N89°58'41"W FOR A DISTANCE OF 184.25 FEET TO A POINT; THENCE RUN N01°10'53"W FOR A DISTANCE OF *389.58 FEET TO THE POINT OF BEGINNING, SAID LAND SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 9.36 ACRES MORE OR LESS.

NOTE: THE DESCRIPTION DISTANCE OF *286.56 (BACK TO THE POINT OF BEGINNING) APPEARS TO BE IN ERROR AND SHOULD BE CORRECTED. THE DESCRIPTION CALLS FOR OF 286.56; HOWEVER THE CALCULATED DISTANCE (SHOWN ABOVE) IS 389.58 FEET TO THE POINT OF BEGINNING.

The above description was taken from **Official Record Book 28100 Page 1673**, Miami-Dade County Records and was not surveyed or laid out by the signing surveyor listed below.

This legal description is not valid unless accompanied by a description sketch.

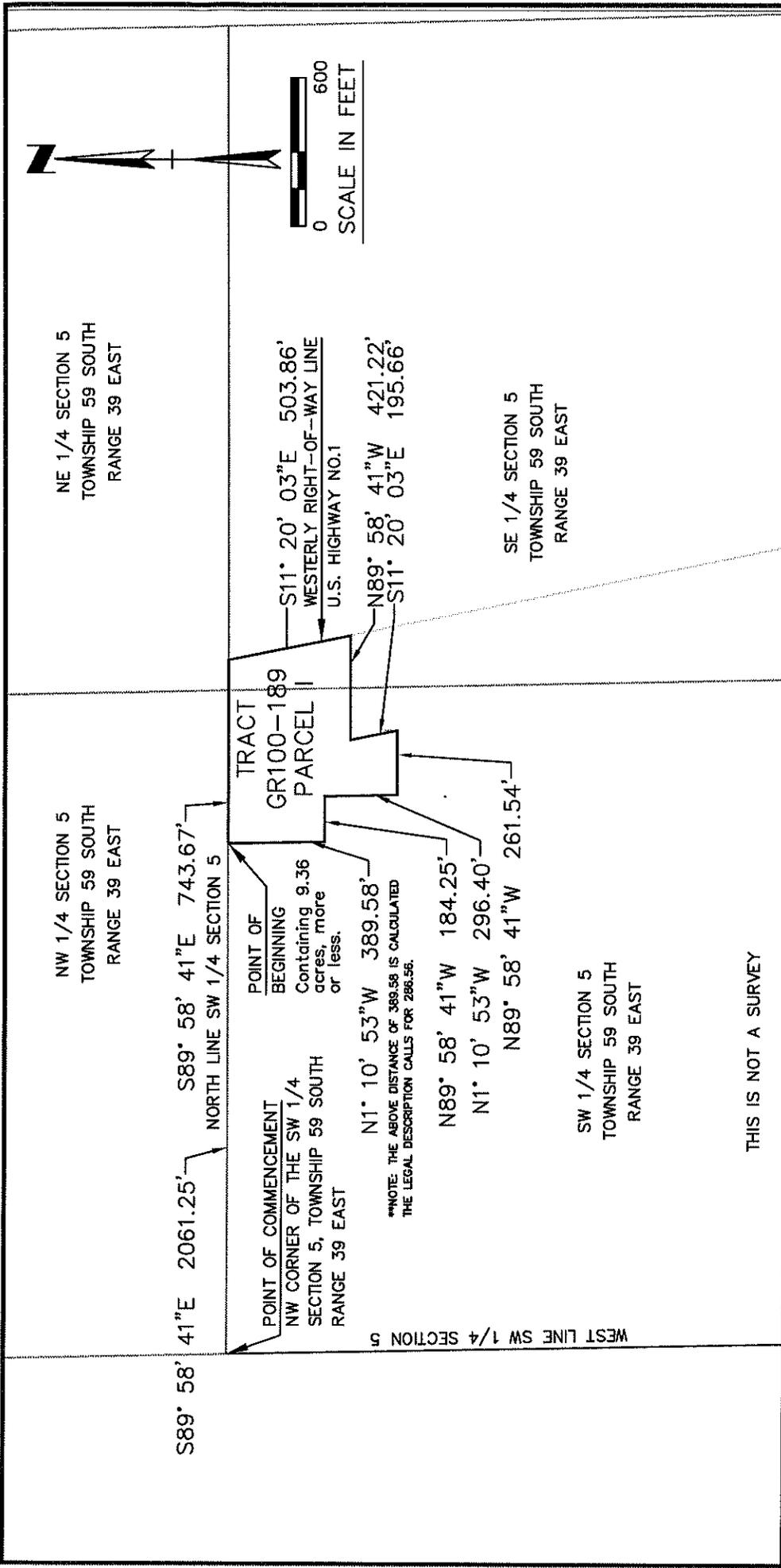
SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
INFRASTRUCTURE MANAGEMENT BUREAU – SURVEY & MAPPING SECTION
P.O. BOX 24680
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES
TRACT GR100-189 PARCEL 1

MKH	8/19/21	CORRECT BEARING AND UPDATE CERTIFICATION
MKH	4/05/16	ADDED ACRES SHOWN IN LEGAL TO THE SKETCH
BY	DATE	REVISIONS

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
MKH		07MAY15	AS SHOWN	GR100-189 PARCEL 1	1 OF 2



THIS IS NOT A SURVEY

CERTIFICATION

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE APPLICABLE STANDARDS OF PRACTICE FOR DESCRIPTION/SKETCH AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER SJ-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES.

Digitally signed by
Michael K Horan Sr
 Date: 2021.08.19
 16:49:42 -0400

Michael K Horan Sr
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5494

SECTION 5
 TOWNSHIP 59 SOUTH
 RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 INFRASTRUCTURE MANAGEMENT BUREAU - SURVEY & MAPPING SECTION
 P.O. BOX 24680
 3301 GUN CLUB ROAD
 WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES

TRACT GR100-189 PARCEL I

DRAWN MKH	CHECKED	DATE 06MAY15	SCALE AS SHOWN	DRAWING NUMBER GR100-189 PARCEL 1	SHEET 2 OF 2
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Exhibit A
Tract GR100-189 PARCEL II

PARCEL II

A PORTION OF LAND IN SECTION 5, TOWNSHIP 59 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF THE SW 1/4 OF SAID SECTION 5; THENCE RUN S01°10'53" E ALONG THE WEST LINE OF SAID SW 1/4 SECTION 5 FOR A DISTANCE OF 1921.99 FEET TO THE POINT OF BEGINNING OF PARCEL II; THENCE RUN S89°58'41"E FOR A DISTANCE OF 2021.54 FEET TO A POINT; THENCE RUN S01°10'53"E FOR A DISTANCE OF 347.01 FEET TO A POINT; THENCE RUN S89°58'41"E FOR A DISTANCE OF 183.79 FEET TO A POINT; THENCE RUN N01°10'53"W FOR A DISTANCE OF 347.01 FEET TO A POINT; THENCE RUN S89°58'41"E FOR A DISTANCE OF 483.51 FEET TO A POINT; THENCE RUN N11°19'23"W FOR A DISTANCE OF 106.03 FEET TO A POINT; THENCE RUN S89°58'41"E FOR A DISTANCE OF 421.25 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1; THENCE RUN S11°19'23"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1 FOR A DISTANCE OF 450.03 FEET TO A POINT; THENCE RUN N89°58'41"W FOR A DISTANCE OF 421.25 FEET TO A POINT; THENCE RUN S11°19'23"E FOR A DISTANCE OF 310.94 FEET TO A POINT; THENCE RUN S89°43'44"E FOR A DISTANCE OF 420.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1; THENCE RUN S11°19'23"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY No.1 FOR A DISTANCE OF 56.04 FEET TO A POINT ON THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 5; THENCE RUN S89°43'44"W ALONG SAID SOUTH LINE OF THE SW 1/4 OF SAID SECTION 5 FOR A DISTANCE OF *3234.53 FEET TO A POINT ON THE WEST LINE OF THE SW 1/4 OF SAID SECTION 5; THENCE RUN N01°10'53"W ALONG SAID WEST LINE OF THE SW 1/4 OF SAID SECTION 5 FOR A DISTANCE OF *715.62 FEET TO THE POINT OF BEGINNING. SAID LAND SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING *48.11 ACRES MORE OR LESS.

NOTE: THE DESCRIPTION DISTANCE ALONG THE SOUTH LINE OF THE SW 1/4 OF SECTION 5 TO A POINT ON THE WEST LINE OF THE SW 1/4 OF SAID SECTION 5 APPEARS TO BE IN ERROR AND SHOULD BE CORRECTED. THE DESCRIPTION CALLS FOR 3274.78; HOWEVER, THE CALCULATED DISTANCE (SHOWN ABOVE) IS 3234.53.

THE DESCRIPTION DISTANCE ALONG THE WEST LINE OF THE SW 1/4 OF SECTION 5 TO THE POINT OF BEGINNING APPEARS TO BE IN ERROR AND SHOULD BE CORRECTED. THE DESCRIPTION CALLS FOR 711.85; HOWEVER, THE CALCULATED DISTANCE (SHOWN ABOVE) IS 715.62.

THE DESCRIPTION ACREAGE APPEARS TO BE IN ERROR AND SHOULD BE CORRECTED. THE DESCRIPTION CALLS FOR 48.49 ACRES MORE OR LESS; HOWEVER, THE CALCULATED ACREAGE (SHOWN ABOVE) IS 48.11 ACRES MORE OR LESS.

The above description was taken from **Official Record Book 28100 Page 1673**, Miami-Dade County Records and was not surveyed or laid out by the signing surveyor listed below.

This legal description is not valid unless accompanied by a description sketch.

SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
INFRASTRUCTURE MANAGEMENT BUREAU – SURVEY & MAPPING SECTION
P.O. BOX 24680
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES

TRACT GR100-189 PARCEL II

MKH	9/10/21	REVISIONS PER VAL CHIASSON						
MKH	8/20/21	REVISIONS AS NOTED ABOVE						
MKH	4/05/16	ADDED ACRES SHOWN IN LEGAL TO THE SKETCH	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
BY	DATE	REVISIONS	MKH		07MAY15	AS SHOWN	GR100-189 PARCEL II	1 OF 2

NE 1/4 SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST

NW 1/4 SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST

POINT OF COMMENCEMENT
NW CORNER OF THE SW 1/4
SECTION 5, TOWNSHIP 59 SOUTH
RANGE 39 EAST

THIS IS NOT A SURVEY

SW 1/4 SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST

SE 1/4 SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST

WEST LINE SW 1/4 SECTION 5

S1° 10' 53"E 1921.99'

POINT OF
BEGINNING
PARCEL II

N1° 10' 53"W 715.62'

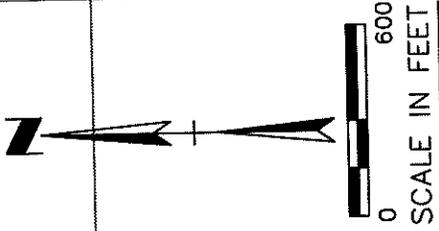
WEST LINE SW 1/4
SECTION 5

S89° 58' 41"E 421.25'
N11° 19' 23"W 106.03'
S89° 58' 41"E 483.51'
N1° 10' 53"W 347.01'
S89° 58' 41"E 2021.54'

S1° 10' 53"E 347.01'
TRACT GR100-189 PARCEL II
Containing 48.11 acres, more or less.
S89° 58' 41"E 183.79'
S89° 43' 44"W 3234.53'

SOUTH LINE SW 1/4 SECTION 5

WESTERLY RIGHT-OF-WAY LINE
U.S. HIGHWAY NO.1
S11° 19' 23"E 450.03'
N89° 58' 41"W 421.25'
S11° 19' 23"E 310.94'
S89° 43' 44"E 420.82'
S11° 19' 23"E 56.04'



CERTIFICATION

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE APPLICABLE STANDARDS OF PRACTICE FOR DESCRIPTION/SKETCH AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES.

Digitally signed by
Michael K Horan Sr
Date: 2021.09.10 11:40:39
-04'00'

MICHAEL K. HORAN SR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5494

SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
INFRASTRUCTURE MANAGEMENT BUREAU - SURVEY & MAPPING SECTION
P.O. BOX 24680

3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES

TRACT GR100-189 PARCEL II

DRAWN MKH	CHECKED	DATE 06MAY15	SCALE AS SHOWN	DRAWING NUMBER GR100-189 PARCEL II	SHEET 2 OF 2
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Exhibit A

Tract GR100-190

A portion of land in Section 5, Township 59 South, Range 39 East, in Miami-Dade County, Florida, more particularly described as follows:

Commence at the NW corner of the SW 1/4 of said Section 5; thence run S 89°58'41" E along the North line of said SW 1/4 of Section 5 for a distance of 2,804.92 feet to the Northwesterly Right of Way Line of the US Highway No. 1; thence run S 11°20'03" E along the Northwesterly Right of Way Line of US Highway No. 1 for a distance of 503.86 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue S 11°20'03" E along the Northwesterly Right of Way Line of said US Highway No 1 for a distance of 320.08 feet to a point; thence run S 11°19'23" E along the Northwesterly Right of Way Line of said US Highway No 1 for a distance of 291.31 feet to a point on the North line of the lands described in Official Record Book 29473 page 457 of the public records of Dade County, Florida; thence N89°58'41"W along said North line of Official Record Book 29473 page 457 a distance of 2609.02 feet to a point on the East line of the West 392.39 of the SW ¼ of said Section 5; thence N01°10'53"W along said East line a distance of 407.52 feet to a point on the North line of the South 617.78 feet of the North 1303.78 feet of the SW ¼ of said Section 5; thence S89°58'41"E along said North line a distance of 2114.59 feet ; thence N11°20'03 W a distance of 195.83 feet; thence S89°58'41"E a distance of 421.22 feet to a point of the said Northwesterly Right of Way Line of the US Highway No. 1 and the Point of Beginning.

Containing 25.91 Acres more or less.

The above description was not surveyed or laid out by the signing surveyor listed below.

This legal description is not valid unless accompanied by a description sketch.

SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
INFRASTRUCTURE MANAGEMENT BUREAU - SURVEY & MAPPING SECTION
P.O. BOX 24680
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES
TRACT GR100-190

MKH	MKH	8/19/21	CORRECT SOUTH LINE BEARING	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
DRAWN	CHECKED	DATE	REVISIONS	MKH		30APR15	AS SHOWN	GR100-190	1 OF 2

POINT OF COMMENCING

NW CORNER OF THE SW 1/4 SECTION 5, TOWNSHIP 59 SOUTH, RANGE 39 EAST

NW 1/4 of SECTION 5

S89°58'41"E 2,804.92'

NORTH LINE SW 1/4 SECTION 5

NORTH LINE OF THE SOUTH 617.78'

OF THE NORTH 1303.78

SW 1/4 SEC 5/59/39

S89°58'41"E 2,114.59'

N01°10'53"W 407.52'

EAST LINE OF THE WEST

392.39 FEET OF THE

SW 1/4 OF SEC 5/59/39

TRACT GR100-190 25.91 ACRES

N89°58'41"W 2,609.02'

NORTH LINE OF OFFICIAL RECORD BOOK 29473 PAGE 457
DADE COUNTY, FLORIDA PUBLIC RECORDS

SW 1/4 of SECTION 5

THIS IS NOT A SURVEY

SE 1/4 of SECTION 5

NE 1/4 of SECTION 5

NWLY RIGHT-OF-WAY
LINE US HIGHWAY No.1

S11°20'03"E 503.86'

POINT OF
BEGINNING

S89°58'41"E
421.22'

N11°20'03"W
195.83'

S11°20'03"E
320.08'

S11°19'23"E
291.31'



SCALE IN FEET

CERTIFICATION

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS DESCRIPTION AND SKETCH MEETS THE APPLICABLE STANDARDS OF PRACTICE FOR DESCRIPTION/SKETCH AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES.

Michael K Horan Sr
Professional Surveyor and Mapper
Florida Certificate No. 5494

Digitally signed by Michael K Horan Sr
Date: 2021.09.10 10:10:02
+04'00'

SECTION 5
TOWNSHIP 59 SOUTH
RANGE 39 EAST
MIAMI-DADE COUNTY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
INFRASTRUCTURE MANAGEMENT BUREAU - SURVEY & MAPPING SECTION
P.O. BOX 24680
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33416-4680

SOUTHERN GLADES

TRACT GR100-190

DRAWN MKH	CHECKED	DATE 06MAY15	SCALE AS SHOWN	DRAWING NUMBER GR100-190	SHEET 2 OF 2
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Exhibit B

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT,

Case No.: 2022-002109-CA-01

Petitioner,

v.

RENE DIAZ, AS TRUSTEE OF
THE RD LAND TRUST 2, *et al*,

Respondent.

LIMITED WAIVER OF MEDIATION CONFIDENTIALITY

This Limited Waiver of Mediation Confidentiality (“Waiver”) is entered on October 7, 2022, by and between Petitioner, South Florida Water Management District (“District”), and Respondent, Rene Diaz, as Trustee of the RD Land Trust 2 (“Diaz”) (collectively the “Parties”). The Parties, being in agreement to waive portions of mediation confidentiality amongst them as set forth herein, do agree as follows:

WHEREAS, from August 4, 2022 through October 6, 2022, the Parties entered into settlement discussions and attended mediation in the above captioned case; and

WHEREAS, the Parties tentatively reached a settlement at the mediation pending approval by the District’s Governing Board at public meeting; and

WHEREAS, the terms and conditions of the settlement were memorialized by the Parties pursuant to a Stipulated Order of Taking and Stipulated Final Judgment (“Final Judgment”); and

WHEREAS, all mediation proceedings are confidential and privileged in all respects pursuant to Section 44.405, Florida Statutes; and

WHEREAS, the Final Judgment is contingent on District's Governing Board's approval, and there is not an executed written settlement agreement that can be disclosed as provided by Section 44.405(4)(a), Florida Statutes; and

WHEREAS, the Final Judgment, and the terms and conditions set forth therein, therefore, remain confidential mediation communications which cannot be disclosed to anyone other than the mediation participants without further waiver by the Parties; and

NOW THEREFORE, in consideration of the promises and the benefits flowing from each to the other, the Parties agree as follows:

1. The recitals set forth above are true and correct and are incorporated herein.
2. The Parties hereby agree to waive the mediation confidentiality and privilege solely as to the Final Judgment regarding the specifics of the terms and conditions delineated therein, and for the limited purpose of presenting the Final Judgment, or referencing those specific terms, to the District's Governing Board for approval at a public meeting, Order of Taking hearing and including the filing of the Final Judgment.
3. This Waiver does not waive the confidentiality and privilege of any other mediation communications, or aspect thereof, other than the Final Judgment and its terms and conditions.
4. If the Defendant's Governing Board does not approve the Final Judgment, then this Agreement shall be null and void; the Parties shall be prohibited from any further disclosure of mediation communications, and the Final Judgment and its terms shall be inadmissible in any further proceedings in this litigation, or in the future.

IN WITNESS WHEREOF, the Parties have executed and delivered this Waiver and intend it to be effective as of the date set forth above.

/s/ Francisco Pines
Francisco Pines Esq., attorney for
Rene Diaz as Trustee of RD Land Trust 2, et al

/s/MaryAnn Braun
MaryAnn Braun, Esq., attorney for
The South Florida Water Management District

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District advising the Florida Department of Environmental Protection of the proposed acquisition of land interests containing 83.38 acres, more or less, for the C-111 South Dade Project in Miami-Dade County, and requesting the release of funds from the Save Our Everglades Trust Fund for acquisition of such land interests, together with associated costs; providing an effective date.

WHEREAS, the South Florida Water Management District is acquiring land for the C-111 South Dade Project ("Project"), which Project is authorized by Section 203 of the Flood Control Act of 1948, Public Law 80-858, as modified by Section 203 of the Flood Control Act of 1968, Public Law 90-483; and

WHEREAS, the District as local sponsor, and the U. S. Army Corps of Engineers ("USACE") entered into a Project Cooperation Agreement ("PCA") regarding the Project on January 13, 1995, as amended on August 14, 2014, wherein the District agreed to acquire all the remaining land interests necessary to complete the Project; and

WHEREAS, the District desires to purchase land interests for the Project in Miami-Dade County, containing 83.38 acres, more or less, identified as Tract Nos. GR100-189 and GR100-190; and

WHEREAS, pursuant to Section 373.139(3)(c) Florida Statutes, the District is required to submit a resolution to the Florida Department of Environmental Protection when requesting funds from a trust fund, including the Save Our Everglades Trust Fund; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. It does hereby advise the Secretary of the Florida Department of Environmental Protection of its intent to acquire fee title to Tract Nos. GR100-189 and GR100-190 (collectively, the "Tract") containing 83.38 acres, more or less, in Miami-Dade County, Florida, for the C-111 South Dade Project.

Section 2. The funds that are requested pursuant to this resolution will not exceed the appraised value of the Tract based on the certified appraisal used to determine the value of the land interests to be purchased, taking into account the value of improvements, non-cash considerations, defects in title or outstanding interests.

Section 3. The lands being acquired have been reviewed for the presence of State Sovereign submerged lands and the District has taken reasonable measures to avoid paying for sovereign lands.

Section 4. This request for funds is consistent with the District's Five-Year Plan of acquisition for the South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A, Volume II of the South Florida Environmental Report, which has been filed with the Legislature and the Florida Department of Environmental Protection, and is consistent with Sections 373.139 and 373.470, Florida Statutes, as applicable.

Section 5. Acquisition of this land furthers the following Florida Forever goals set forth in Section 259.105(4), Florida Statutes:

259.105(4)(a) Enhance the coordination and completion of land acquisition projects as measured by:

3. The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources including local governments and the federal government.

259.105(4)(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

2. The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible.

259.105(4)(e) Increase natural resource-based public recreational and educational opportunities, as measured by:

1. The number of acres acquired that are available for natural resource-based public recreation or education;
2. The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail; and
3. The number of new resource-based recreation facilities, by type, made available on public land.

Section 6. The funds requested shall be used only for the acquisition costs and associated costs incurred during the process of acquiring the described land interests.

Section 7. The land interests being acquired shall be maintained in an environmentally acceptable manner.

Section 8. Should the District dispose of any or all of the interests acquired hereunder, all revenues derived therefrom will be used to acquire other lands for water management, water supply and the conservation and protection of water resources, within the boundaries of a Federal Everglades Restoration project.

Section 9. A Phase 1 environmental assessment of the property was conducted, and no environmental concerns were discovered. Any environmental concerns discovered shall be remediated, as necessary, and any risks will be borne by the District.

Section 10. The lands shall be managed for multiple-use purposes, including recreational uses, where compatible with the resource values of and management objectives for such lands as set forth in Section 259.105(4), Florida Statutes.

Section 11. The Executive Director, or designee, is hereby authorized to request the release of funds for all acquisition costs, associated costs and expenses for the land interests identified in this Resolution.

Section 12. The Resolution to approve the acquisition of these land interests was approved by the Governing Board of the District on November 10, 2022.

Section 13. The District will utilize funds from the Save Our Everglades Trust Fund.

Section 14. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Lawrence Glenn, Water Resources Division

DATE: November 18, 2022

SUBJECT: Agreement with Florida International University

Agenda Item Background:

The Florida Bay Improvement project involves modifying the water management system near Upper Taylor Slough to improve hydrologic conditions in Taylor Slough with downstream effects in Florida Bay by increasing the amount of water delivered to and held within Upper Taylor Slough. An interagency adaptive management plan was developed between the District and Everglades National Park to assess the ecological impacts of the hydrologic changes. This plan will rely on data collected on multiple ecosystem components ranging from marsh surface water quality to plant community structure and biomass to ensure that efforts to improve conditions downstream in Florida Bay are also improving conditions within the marsh communities of Taylor Slough.

This request is to enter into a three-year agreement with Florida International University to conduct periphyton, sediment floc, and macrophyte vegetation monitoring, the key sentinel ecological components sensitive to hydrologic change, in the areas directly west and southwest of the detention areas associated with the S-332D and S-200 structures. This contract will provide the data needed to assess ecological changes associated with the hydrologic changes in Upper Taylor Slough and provide scientific information to the annual adaptive management meetings for the Florida Bay Improvement project.

Core Mission and Strategic Priorities:

Additional Item Background:

Restoration of flows to Florida Bay is an objective of the Comprehensive Everglades Restoration Program (CERP) and the Florida Bay Improvement project endeavors to increase water levels within Taylor Slough as a modification to the original C-111 Spreader Canal project. By increasing the ability to move water westward in the southern detention areas associated with the S-332D and S-200 structures, increased flow to and within Upper Taylor Slough is expected. Uncertainty about ecological impacts of increasing flows to Taylor Slough prompted development of an adaptive management plan including annual interagency meetings to track impacts and potentially modify management activities within the area.

Periphyton, sediment floc, and macrophyte vegetation changes were determined to be sensitive indicators within the Upper Taylor Slough area and have some background reference data available as part of the Florida Coastal Everglades Long-Term Ecological Research (LTER) program. This contract with FIU is intended to have the same LTER research team expand the footprint of their study to provide necessary data for the short-term (within three years) assessments of the anticipated hydrologic changes. Annual adaptive management meetings will bring together a multi-agency and multi-institution collaboration team.

Core Mission and Strategic Priorities:

The core mission is ecological assessment of the hydrologic restoration of the Everglades and restoration of flows to Florida Bay which are objectives of the CERP to be accelerated through the Florida Bay Improvement project. This contract will provide data and expertise to assess ecological impacts of the modified water management system near Upper Taylor Slough for the adaptive management of this area.

Funding Source:

This contract is part of the C-111 project for CERP and is eligible for cost-share credit with the United States Army Corp of Engineers. Ad Valorem funds will be used for this contract.

Staff Contact and/or Presenter:

Fred Sklar, fsklar@sfwmd.gov, 561-682-6504

ATTACHMENTS:

[Resolution No. 2022-1106](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a three-year agreement with Florida International University to conduct field monitoring for assessing ecological responses in and the adaptive management of Upper Taylor Slough as part of the Florida Bay Improvement project in an amount not to exceed \$350,840 of which \$110,700 in Ad Valorem funds is budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600004678)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the execution of a three-year contract with Florida International University in the amount of \$350,840 subject to Governing Board approval of the Fiscal Year 2023-2025 budgets, to measure ecological responses to water deliveries to Upper Taylor Slough with the Florida Bay Improvement project.

NOW THEREFORE, 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 authorizes entering into a three-year agreement with Florida International University to conduct field monitoring for assessing ecological responses in and the adaptive management of Upper Taylor Slough as part of the Florida Bay Improvement project in an amount not to exceed \$350,840 of which \$110,700 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004678)

Section 2. A work plan will be provided, the necessary permits will be obtained from Everglades National Park, required training will be implemented, designated sampling will take place on a monthly basis and annual reports both written and oral will be provided. Appropriate quality assurance, quality control and data management will be implemented under the guidance of the South Florida Water Management District.

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

PASSED and ADOPTED this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Lawrence Glenn, Water Resources Division

DATE: November 18, 2022

SUBJECT: 2022 Priority Water Body List and Schedule

Agenda Item Background:

Each year, the water management districts are statutorily required to submit a list and schedule to the Florida Department of Environmental Protection (DEP) prioritizing water bodies for developing minimum flows and minimum water levels (MFLs) and water reservations. MFLs define the point at which further withdrawals would cause significant harm to the water resources or the ecology of the area. Water reservations protect the water needed for fish and wildlife or public health and safety from being allocated to consumptive uses. The District also uses a third water resource protection tool: restricted allocation areas (RAAs), which are defined geographic areas where consumptive use allocations from specific water resources are limited. The proposed 2022 Priority Water Body List and Schedule includes water reservations and/or RAAs for the Comprehensive Everglades Restoration Plan (CERP) Indian River Lagoon-South natural lands project component and the CERP Lake Okeechobee Watershed Restoration Project as well as continued development of the C-43 Reservoir water control plan (Draft Project Operations Manual) in support of the reservoir's prospective water reservation.

Core Mission and Strategic Priorities:

The technical processes to establish legal protection of water for the IRL-S natural lands project component and LOWRP along with developing the water control plan for the C-43 Reservoir are part of the District's core mission and strategic priorities to protect natural systems.

Funding Source:

Staff resources, funded with ad valorem sources, are used to complete the technical work associated with the establishment of MFLs, water reservations, and RAAs.

Staff Contact and/or Presenter:

Natalie Kraft, nkraft@sfwmd.gov, 561-682-2196
Sean Sculley, ssculley@sfwmd.gov, 561-682-6109

ATTACHMENTS:

[Resolution No. 2022-1107](#)

[Resolution Attachment](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize submission of the proposed 2022 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), Florida Statutes; providing an effective date.

WHEREAS, the South Florida Water Management District (District) is required by Section 373.042(3), Florida Statutes (F.S.), to submit an annual update of the Priority Water Body List for Minimum Flows and Levels and Water Reservations that reflects the District's water resource management priorities, the importance of the waters to the region, and the existence of, or potential for, significant harm to the water resources; and

WHEREAS, the water management districts are required to forward the Priority Water Body List and Schedule to the Florida Department of Environmental Protection for its review and approval; and

WHEREAS, the proposed 2022 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations considers the differing resource issues addressed by minimum flows and levels and water reservations based on staffing and technical resources to ensure successful completion of rulemaking.

NOW THEREFORE, 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 transmittal of the 2022 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), F.S.

Section 2. The 2022 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations is attached hereto and made a part hereof.

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

PASSED and ADOPTED this 18th day of November, 2022.

South Florida Water Management District 2022 Priority Water Body List and Schedule Minimum Flows and Levels and Reservations

Minimum Flows and Levels:

- None at this time

Reservations:

2022 - 2024 – Water Control Plan for the C-43 Reservoir (CERP)

- Continue development of the Preliminary Project Operations Manual (a.k.a. Water Control Plan) for the C-43 Reservoir in coordination with federal and state partners
- Rulemaking is not required at this time

2022 - 2025 – Water Reservation or Restricted Allocation Area Rule for the CERP Indian River Lagoon – South Project

- Develop a water reservation or restricted allocation area rule for the Indian River Lagoon – South Project natural lands

2023 - 2025 – Water Reservation or Restricted Allocation Area Rule for the CERP Lake Okeechobee Watershed Restoration Project

- Develop a water reservation or restricted allocation area rule for the Lake Okeechobee Watershed Restoration Project

MEMORANDUM

TO: Governing Board Members

FROM: Lawrence Glenn, Water Resources Division

DATE: November 18, 2022

SUBJECT: Fiscal Year 2023 Five-Year Water Resource Development Work Program

Agenda Item Background:

The Five-Year Water Resource Development Work Program (Work Program) is an update report that includes a draft evaluation of the Work Program's consistency with the District's regional water supply plans and the adequacy of the proposed expenditures pursuant to Section 373.536, Florida Statutes. The Fiscal Year 2023 Work Program includes the period from October 1, 2022 through September 30, 2027. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development. Within 30 days of budget adoption, the water management districts are required to submit the Work Program to several entities, including the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Florida Department of Environmental Protection. This item also authorizes District staff to address and incorporate appropriate revisions as a result of agency and/or public comment to the Work Program prior to inclusion into the final Fiscal Year 2023 South Florida Environmental Report.

Core Mission and Strategic Priorities:

Additional Item Background:

Meeting the water needs of the environment and current and future demands of water users is part of the District's core mission. Florida law identifies water resource development projects (primarily the District's responsibility) and water supply development projects (involving public and private facilities, which are the responsibility of local water users) as two types of projects to meet water needs. Following external review, the Work Program will be incorporated into the Fiscal Year 2023 South Florida Environmental Report, Volume II as Chapter 5A.

Funding Source:

Implementation of the water resource development projects identified in the District's regional water supply plans are funded through a combination of local, District, and state funds, as appropriate and available. The District has allocated over \$606.3 million in ad valorem funding and state funds in Fiscal Year 2023 for Water Resource Development Projects, \$178.5 million of which is associated with operation of the Central and Southern Florida Flood Control Project to provide water supply to the region.

Staff Contact and/or Presenter:

Mark Elsner, melsner@sfwmd.gov, 561-682-6156

ATTACHMENTS:

[Resolution No. 2022-1108](#)

Draft FY23 Five-Year Water Resource Development Work Program

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District concurring with the transmittal of the draft Fiscal Year 2023 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes (F.S.); providing an effective date.

WHEREAS, pursuant to Section 373.536(6)(a)4., F.S., South Florida Water Management District (District) staff prepared the draft Fiscal Year (FY) 2023 Five-Year Water Resource Development Work Program (Work Program); and

WHEREAS, the Work Program includes an evaluation of the Work Program's consistency with the furtherance of the District's regional water supply plans and the adequacy of the proposed expenditures; and

WHEREAS, the Work Program must be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Florida Department of Environmental Protection (Department), and others within 30 days of final budget adoption for review and comment; and

WHEREAS, the Governing Board approved and adopted the District's final budget on September 20, 2022; and

WHEREAS, within 45 days of receipt of the Department's evaluation of the Work Program, the Governing Board is required to state in writing to the Department which changes recommended in the evaluation will be incorporated into the Work Program, which is then submitted as part of the Consolidated Water Management District Annual Report required by Section 373.036(7), F.S., or specify the reasons for not incorporating the changes into the Work Program; and

WHEREAS, the FY2023 Work Program will be contained in Volume II, Chapter 5A of the FY2023 Consolidated Water Management District Annual Report (referred to as the South Florida Environmental Report).

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The District Governing Board accepts the draft FY2023 Five-Year Water Resource Development Work Program and concurring with the transmittal to the parties outlined in Section 373.536(6)(a), F.S., for review.

Section 2. The Governing Board delegates the review of the Department's evaluation of the Work Program to District staff and authorizes District staff to incorporate suggested changes into the Work Program. Furthermore, District staff is authorized to inform the Department which changes to the Work Program have been accepted or specify the reasons for not incorporating the changes.

Section 3. A copy of the final 2023 Work Program shall be incorporated in Volume II, Chapter 5A of the FY2023 South Florida Environmental Report.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 18th day of November, 2022.

DRAFT

Fiscal Year 2023 Five-Year Water Resource Development Work Program

October 2022



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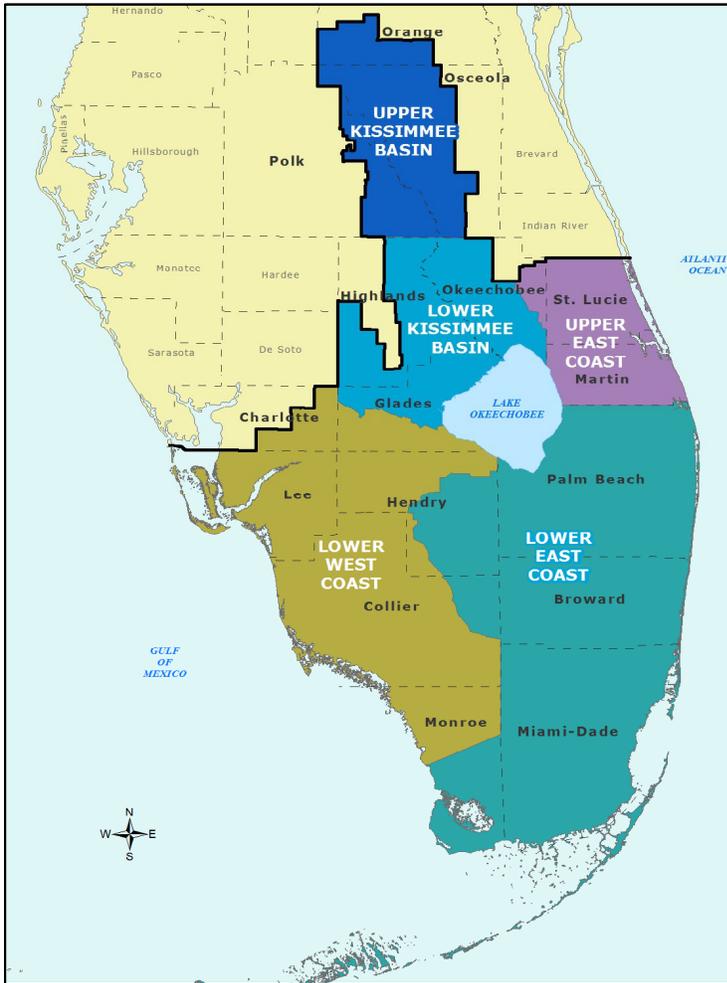
INTRODUCTION

Water management districts are required by Section 373.709, Florida Statutes (F.S.), to develop a regional water supply plan (RWSP) if they determine the existing sources of water (1) are inadequate to supply water for all existing and future reasonable-beneficial uses, and/or (2) may not sustain water resources and related natural systems for a 20-year planning period. RWSPs include analysis of current and future water demands, evaluation of available water sources, and identification of water resource and water supply development projects to meet demands.

The South Florida Water Management District (SFWMD or District) is required to prepare a Five-Year Water Resource Development Work Program (Work Program) as part of its annual budget reporting process, pursuant to Section 373.536(6)(a)4., F.S. The Work Program must describe SFWMD's implementation strategy and include an annual funding plan for each of the 5 years included in the Work Program for the water resource and water supply development components, including alternative water supply (AWS) development, of each approved RWSP. Furthermore, the Work Program must do the following:

- Address all elements of the water resource development component of the approved RWSPs as well as the water supply development projects proposed for SFWMD funding and assistance.
- Identify anticipated available SFWMD funding and additional funding needs for years 2 through 5 of the funding plan.
- Identify projects that will provide water, including an estimate of the quantity produced.
- Explain how each water resource and water supply development project will produce additional water supply for consumptive uses.
- Assess the contribution of the RWSPs in supporting the implementation of minimum flows and minimum water levels (MFLs) and water reservations.
- Ensure sufficient water is available to meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid adverse effects of competition for water supplies.

This Work Program covers the period from Fiscal Year (FY) 2022-2023 through FY2026-2027 and is consistent with the planning strategies of the District's RWSPs. The SFWMD has developed RWSPs for five distinct regional planning areas (**Figure 1**): Upper Kissimmee Basin, Lower Kissimmee Basin, Upper East Coast, Lower West Coast, and Lower East Coast. The Upper Kissimmee Basin is part of the Central Florida Water Initiative (CFWI), which covers Orange, Osceola, Polk, and Seminole counties as well as southern Lake County. The CFWI is a collaborative planning effort by three water management districts (SFWMD, Southwest Florida Water Management District, and St. Johns River Water Management District) as well as other agencies and stakeholders to identify sustainable water supply options and potential projects to meet future demands while protecting, conserving, and restoring water resources in Central Florida. The approval dates of the most recent RWSPs (SFWMD 2018, 2019, 2021, 2022 [in prep]; CFWI 2020) and the next updates for each planning area are identified in **Table 1**. RWSP updates will have a common planning horizon of 2045. For additional information about the District's RWSPs, please visit <https://www.sfwmd.gov/our-work/water-supply>.



- **Upper Kissimmee Basin:** Portions of Osceola, Orange, and Polk counties
- **Lower Kissimmee Basin:** Portions of Okeechobee, Highlands, and Glades counties
- **Upper East Coast:** Martin and St. Lucie counties and eastern Okeechobee County
- **Lower East Coast:** Palm Beach, Broward, and Miami-Dade counties, and portions of Monroe, Collier, and Hendry counties
- **Lower West Coast:** Lee County and portions of Collier, Glades, Hendry, Monroe, and Charlotte counties

Figure 1. Regional water supply planning areas in the SFWMD.

Table 1. Current water supply plan approval dates and 5-year updates schedule.

Planning Region	Current Water Supply Plan	Next Update
Lower West Coast	November 2022 ^a	November 2027
Lower East Coast	November 2018	November 2023
Lower Kissimmee Basin	December 2019	November 2024
Central Florida Water Initiative	November 2020	November 2025
Upper East Coast	November 2021	November 2026

a. The 2022 Lower West Coast Water Supply Plan Update is scheduled for Governing Board approval in November 2022.

The population within the District’s boundaries is expected to increase by approximately 2.2 million people, to approximately 11 million people by 2045. The rate of population growth varies throughout the District, with some counties experiencing faster growth than others. Raw water demand for all water use categories is projected to increase by 452 million gallons per day (mgd), to approximately 4.0 billion gallons per day in 2045. Overall, demand projections in the most recent RWSP updates are lower than previous updates.

In response to rapid population increases between 2006 and 2010 and high population projections at that time, many utilities within the SFWMD’s boundaries expanded water treatment facilities, developed AWS

sources, and secured increased permit allocations to meet anticipated water needs. However, following the 2008 to 2012 economic recession, the anticipated population growth did not occur, and growth projections were substantially reduced. In addition, per capita use rates declined due to the economy, water shortage restrictions, implementation of year-round irrigation restrictions, and an emerging water conservation ethic. These conditions left many utilities with reduced future demands and constructed treatment capacity that may not be fully utilized until well into the future. As a result, current RWSPs (except the CFWI RWSP) concluded few utilities need to construct additional water supply projects to meet their 2040 projected needs, and projects that may be needed are required at the end of the planning period, not within the next 5 years.

WORK PROGRAM SUMMARY

The Work Program presented herein is adequate to ensure water is available to meet the water supply needs of existing and future reasonable-beneficial uses during a 1-in-10 year drought event, to avoid the adverse effects of competition for water supplies, and to maintain the function of natural systems. This Work Program outlines the SFWMD's planned funding over the next 5 years, including implementation of projects associated with MFL prevention or recovery strategies and Water Reservations. Additionally, the **Appendix** to this Work Program includes the implementation costs and details of projects associated with basin management action plans (BMAPs).

SFWMD projects that supply water primarily for the environment, including projects associated with the Comprehensive Everglades Restoration Plan (CERP), Restoration Strategies, or other restoration projects are presented in the District's *South Florida Environmental Report (SFER) – Volume II* and SFER Consolidated Project Report Database, which are accessible at www.sfwmd.gov/sfer.

The FY2022-2023 through FY2026-2027 implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities are provided in this document and reflect the SFWMD's continued commitment to ensuring adequate resources are available to meet existing and future reasonable-beneficial needs. The estimated funding allocation identified for the next 5 years is approximately \$2.33 billion. This Work Program is estimated to make available more than 1,683 mgd annually as a result of these ongoing programmatic efforts. Most of this anticipated water will be delivered from the Central and Southern Florida Flood Control Project (C&SF Project) regional system to the Lower East Coast Planning Area through structure releases to maintain canal levels and through regional seepage that helps maintain Lower East Coast groundwater levels for water supply purposes. This amount will increase with water made available upon completion of water supply development projects, including reuse and non-reuse water for urban and agricultural water supply that will be funded through the Cooperative Funding Program (CFP).

As part of their annual progress reports required by Section 373.709(8)(b), F.S., potable water supply utilities have tentatively identified 36 reuse and non-reuse water supply development projects they plan to construct with local funding between FY2022-2023 through FY2026-2027. The 36 projects will create an estimated 87.81 mgd of AWS capacity and 30.91 mgd of reclaimed water distribution capacity.

In addition to salary, benefits, and operating expenses for MFL criteria and rule development, approximately \$1.26 billion over the next 5 years is planned for construction projects supporting MFL prevention and recovery strategies. However, new water will not be available for many projects associated with MFL water bodies until all project components are completed and operational. Funding for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir project is to be used solely for environmental purposes benefitting the Caloosahatchee River MFL. The water stored in the C-43 Reservoir is protected by a Water Reservation to prevent allocation to consumptive uses.

WATER RESOURCE AND WATER SUPPLY DEVELOPMENT

Water resource development components are those that involve the “formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, government-owned and privately owned water utilities, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.019” [Section 373.019(24), F.S.]. Most water resource development activities in the District support and enhance water supply development but do not directly yield specific quantities of water. Water resource development projects are regional in nature and primarily the responsibility of SFWMD. Two examples are the C&SF Project and CERP projects. The C&SF Project canals move water from Lake Okeechobee and the Everglades water conservation areas to maintain coastal canal levels, augment water supplies during dry times, and prevent saltwater intrusion. The canals provide water to major ecosystems as well as agricultural and urban areas. They also are a crucial component of the region’s flood control system. CERP, a partnership between the United States Army Corps of Engineers (USACE) and SFWMD, is a critical part of water supply planning, which includes capital projects needed to protect and restore natural systems and enhance water availability. CERP capital projects include the Everglades Agricultural Area (EAA) Reservoir and Stormwater Treatment Area (STA), C-43 Reservoir, and C-44 Reservoir and STA. The Governor’s Executive Order 19-12: Achieving More Now for Florida’s Environment directed funding be secured for projects that provide water quality, quantity, and supply benefits. In response to that Order, \$508 million in funding is budgeted or proposed in the next 5 years for the Lake Okeechobee Watershed Restoration Project and the EAA Storage Reservoir Conveyance Improvements and STAs, which also provide water supply benefits. Water resource development activities are listed in **Table 2**, and the implementation schedule and projected expenditures are listed in **Table 3**.

Table 2. SFWMD water resource development activities and descriptions.

Water Resource Development Activity	Activity Description
Water Supply Planning	Work associated with developing 5-year updates to the SFWMD's RWSPs, not including the CFWI RWSP.
CFWI Planning Project	Work associated with developing the 5-year update to and implementation of the 2020 CFWI RWSP, including well drilling, wetlands monitoring, data collection and analysis, East-Central Florida Transient Expanded groundwater modeling, participation in technical and management teams, and production of the 2025 CFWI RWSP.
Local Government Assistance	Review of local government comprehensive plans and plan amendments, including water supply facilities work plans (Chapter 163, F.S.). Technical assistance to local governments (Sections 189.4156 and 373.711, F.S.) to develop and revise local government comprehensive plan elements.
Water Supply Implementation	Implementation of RWSPs, including coordination, execution, and facilitation of water resource development activities, operational changes, implementation of AWS development projects, conservation programs, and rulemaking associated with the RWSPs. This is a multi-year process that involves working closely with other agencies, local governments, utilities, the agricultural industry, and environmental interests.
Cooperative Funding Program	Funding assistance provided to local water users for AWS and water conservation projects that are consistent with the SFWMD's core mission and RWSPs. This includes AWS funding by Big Cypress Basin when budgeted.
Comprehensive Water Conservation Program	Activities associated with implementation of the SFWMD's Comprehensive Water Conservation Program.
MFLs and Water Reservations Activities	Activities associated with development and re-evaluation of MFLs pursuant to Sections 373.042 and 373.0421, F.S., and Water Reservations. Further discussion and a list of projects associated with an MFL prevention or recovery strategy and Water Reservations for this report time period is provided in the following sections.
Hydrologic Investigations, Groundwater Monitoring, Data Collection, and Analysis	Costs associated with the SFWMD's maintenance of extensive groundwater monitoring networks and partnering with the United States Geological Survey to provide additional support and funding for ongoing monitoring. Documentation (including location, well construction, geophysical logging, aquifer testing, water level, and water quality, and saltwater intrusion data) is provided in various SFWMD technical publications (www.sfwmd.gov/techpubs) and its corporate environmental database, DBHYDRO (www.sfwmd.gov/dbhydro).
Groundwater Modeling	Work associated with groundwater modeling efforts in support of RWSP updates.
C&SF Project Operations and Maintenance	The estimated costs for operations and maintenance of the C&SF Project that are attributed to providing water supply. Approximately 50% of the operations and maintenance budget is allocated to providing water supply to the region.

Table 3. FY2022-2023 through FY2026-2027 implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities.

Regional Water Activity	Plan Implementation Cost (\$ thousands)					Total
	FY2022-2023	FY2023-2024	FY2024-2025	FY2025-2026	FY2026-2027	
Water Supply Planning Estimated finish date: Ongoing	948	948	948	948	948	4,739
CFWI Water Supply Planning Project Estimated finish date: Ongoing	585	585	585	585	585	2,924
Comprehensive Plan, Documents Review, and Technical Assistance to Local Governments Estimated finish date: Ongoing	211	211	211	211	211	1,055
Water Supply Implementation Estimated finish date: Ongoing	234	234	234	234	234	1,169
MFL, Water Reservation, and Restricted Allocation Area Activities Estimated finish date: Ongoing	210	210	210	210	210	1,050
Comprehensive Water Conservation Program Estimated finish date: Ongoing	381	381	381	381	381	1,904
Cooperative Funding Program Estimated finish date: Ongoing	22,116	0 ^a	0 ^a	0 ^a	0 ^a	22,116
Groundwater Monitoring Estimated finish date: Ongoing	1,559	1,559	1,559	1,559	1,559	7,796
Groundwater Modeling Estimated finish date: Ongoing	995	995	995	995	995	4,974
Estimated Portion of C&SF Project Operation and Maintenance Budget Allocated to Water Supply ^b Estimated finish date: Ongoing	178,470	178,470	178,470	178,470	178,470	892,350
Subtotal	205,709	183,593	183,593	183,593	183,593	940,081
Regional Projects Benefiting Water Supply						
Lake Okeechobee Watershed Restoration ^c	100,000 ^d	50,000 ^d	50,000 ^d	50,000 ^d	50,000 ^d	300,000
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area ^{c,e}	97,076	34,835	34,000	42,188	0	208,099
Other Projects Associated with MFL Recovery/Prevention Strategies ^f	186,264	188,135	129,000	140,188	104,700	748,287
C-25 Reservoir and Stormwater Treatment Area	17,247	10,000	24,000	85,000	100	136,247
Subtotal	400,587	282,970	237,000	317,376	154,800	1,392,733
Total	606,296	466,563	420,593	500,969	338,393	2,332,814

a. A determination of what funds, if any, will be allocated for cooperative funding projects will be made by the Governing Board during the fiscal year budget development process.

b. Approximated based on 50% of the FY2022-2023 operation and maintenance budget, including resiliency funding.

c. Project cost based on information contained in the draft FY2023-2027 SFWMD Five-Year Capital Improvement Plan.

d. Funding contingent upon future state appropriations.

e. Includes Site Preparation, Inflow Canal Reservoir/Stormwater Treatment Area (STA), A-2 STA, North New River and Miami Canal Improvements, and Bridges.

f. Totals from **Table 15**, less the funding for the Lake Okeechobee Watershed Restoration and EAA Storage Reservoir Conveyance Improvements and STA.

Cooperative Funding Program

Water supply development components involve “planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use” [Section 373.019(26), F.S.] and are primarily the responsibility of local water providers. To assist local water providers and users in implementation of the water supply development component, the SFWMD periodically provides funding assistance to public water suppliers, local governments, special districts, homeowners’ associations, and other public and private water users for AWS and water conservation projects consistent with the SFWMD’s core mission, through the CFP. The CFP provides partnership opportunities and financial incentives to implement local projects that complement regional water supply efforts. Water conservation and AWS projects and associated funding that was provided in FY2019-2020 through the Florida Department of Environmental Protection (FDEP) AWS Program will be carried forward into FY2022-2023 and are listed in **Tables 4** and **5**, respectively. The FY2021-2022 water conservation projects were funded with unused FY2019-2020 FDEP AWS Program and included in **Table 4**. Active AWS projects and associated funding from FY2020-2021 will be carried forward into FY2022-2023 and are listed in **Table 6**. Active AWS and Water Conservation projects and associated funding funded by the WPSP and the SFWMD in FY2020-2021 will be carried forward into FY2022-2023 and are listed in **Tables 7** and **8**. Active AWS projects and associated funding from FY2021-2022 will be carried forward into FY2022-2023 and are listed in **Table 9**. The FY2022-2023 District budget includes \$22 million for the FDEP AWS Funding Program. Water conservation and AWS projects and associated funding from the FY2022-2023 session will be funded using FY2019-2020, FY2020-2021, FY2021-2022, and FY2022-2023 and are listed in **Tables 10, 11, 12, 13 and 14**.

Table 4. Summary of Water Conservation project funding carried forward from the FY2019-2020 FDEP AWS Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	FDEP AWS Approved Funding
Miami-Dade	Miami-Dade Water and Sewer Department	HET Rebate Project FY2020-2021	27.4	\$230,020	\$100,000
Orange	St. Johns River Water Management District	SJRWMD CFWI Water Conservation Projects	12.56	\$121,475	\$60,737
Monroe	Florida Keys Aqueduct Authority	HET Rebate Program	4.6	\$60,000	\$30,000
Okeechobee	Okeechobee Utility Authority	Water Conservation Software Technology for OUA Phase I	18.9	\$720,081	\$100,000
Total			63.46	\$1,131,576	\$290,737

HET = high-efficiency toilet; CFWI = Central Florida Water Initiative; mgy = million gallons per year; OUA = Okeechobee Utility Authority; SJRWMD = St. Johns River Water Management District; SWFWMD = Southwest Florida Water Management District.

Table 5. Summary of AWS project funding carried forward from the FY2019-2020 FDEP AWS Program.

County	Project Name	Entity Name	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
Lee	Reclaimed Water Expansion: Cape Coral and Fort Myers Interconnect Phase I and SW Pine Island Two 5 MG Storage Tanks and Booster Pump Station	Cape Coral, City of	Reclaimed water (for potable offset)	2.00	12.00	\$16,314,938	\$3,000,000
Broward	Reclaimed Water Expansion: NE 16 th Street to NE 24 th Street and NE 23 rd Avenue to Intracoastal Waterway	Pompano Beach, City of	Reclaimed water (for potable offset)	0.34 ^a	0.34 ^a	\$1,200,000	\$500,000
Palm Beach	Reclaimed Water Main Construction along SW 4 th Street	Delray Beach, City of	Reclaimed water (for potable offset)	0.21 ^a	0.21 ^a	\$1,195,634	\$450,000
Broward	TY Park Reclaimed Water Main Expansion	Broward County Environmental Planning and Community Resilience Division & Broward County Parks and Recreation	Reclaimed water (for potable offset)	0.46 ^a	0.46 ^a	\$2,285,000	\$500,000
St. Lucie	McCarty Ranch Reservoir and Water Treatment Plant (Areas 3, 4, and 6)	Port St. Lucie, City of	Surface water storage (e.g., reservoirs)	8.50	11.10	\$5,725,169	\$1,000,000
Osceola	Cypress Lakes Wellfield: Concentrate Disposal Well IW-2 and Monitoring Well	Toho Water Authority	Brackish groundwater	15.00	15.00	5,262,099	\$5,556,600
Total				25.50	38.10	\$31,982,840	\$11,006,600

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

Table 6. Summary of AWS project funding carried forward from the FY2020-2021 FDEP AWS Program.

County	Entity	Project	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
Osceola	Orlando Utilities Commission	Southeast Water Treatment Plant Lower Floridan Aquifer Wellfield Phase 1	Brackish groundwater	0.00	10.00	\$95,061,000	\$1,700,000
Broward	Davie, Town of	Reclaimed Water Main Extension – Bamford Sports Complex and along University Dr between SW 36 th Street and SW 30 th Street	Reclaimed water	0.20 ^a	0.20 ^a	\$1,615,000	\$610,000
Palm Beach	Delray Beach, City of	Reclaimed Water Main Extension – Area 10 Phase	Reclaimed water	0.12 ^a	0.12 ^a	\$1,850,470	\$660,000
Lee	Lee County Utilities	Fiesta Village Reclaimed Water Main Extension	Reclaimed water	16.00 ^a	16.00 ^a	\$6,986,000	\$2,300,000
Total				0.00	10.00	\$105,512,470	\$5,270,000

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

Table 7. Summary of water conservation project funding carried forward from the FY2020-2021 Water Protection and Sustainability Program.

County	Entity	Project	Estimated Water Savings (mgd) ^a	Total Project Cost	State and SFWMD Approved Funding
Palm Beach	Palm Beach Soil and Water Conservation District	Nursery Overhead Efficiency Project 3	53.60	\$60,210	\$24,000
Palm Beach	School District of Palm Beach	Irrigation Controller Retrofit at 32 Facilities	49.40	\$338,281	\$100,000
Miami-Dade	Miami-Dade Water & Sewer Department	Residential High Efficiency Toilet Rebate Project FY2021-2022	5.50	\$76,712	\$30,000
Orange	Orange County Utilities	Waterwise Neighbor Program – Indoor and Outdoor Retrofits	10.27	\$84,850	\$33,000
Broward	Broward County Water and Wastewater Services	High Efficiency Toilet Replacement Program	3.90	\$60,000	\$24,000
Miami-Dade	Miami-Dade Water & Sewer Department	Residential High Efficiency Showerhead and Faucet Rebate Project FY2021-2022	7.00	\$91,480	\$36,000
Miami-Dade	Miami-Dade Water & Sewer Department	Landscape Irrigation Rebate Project FY2021-2022	6.21	\$68,630	\$27,000
Osceola	Mack Farms Inc.	Mack Farms Hydrocyclone Recycled Water System	16.76	\$460,000	\$184,000
Total			152.64	\$1,240,163	\$458,000

a. mgd = million gallons per year.

Table 8. Summary of AWS project funding carried forward from the FY2020-2021 Water Protection and Sustainability Program.

County	Entity	Project	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Construction Costs	State and SFWMD Approved Funding
St. Lucie	Port St. Lucie, City of	Tradition and Western Grove Communities Reclaimed Water Main Extension ^a	Reclaimed water	10.15 ^b	10.15 ^b	\$3,658,000	\$593,536
Total				0.00	0.00	\$3,658,000	\$593,536

a. Project includes FY2019-2020 canceled project funds as well a FY2020-2021 canceled project.

b. Phased project; water accounted for previously or in future year upon completion of the project.

Table 9. Summary of AWS project funding carried forward from the FY2021-2022 FDEP AWS Program.

County	Entity	Project	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
Broward	Davie, Town of	Reclaimed Water System Extension along SW 92 nd Ave from SW 36 th Ave to Griffin Rd	Reclaimed	1.00 [a]	2.00 [a]	\$2,000,000	\$800,000
Broward	Davie, Town of	Reclaimed Water System extension along SW 30 th St from 75 th Ave to College Ave	Reclaimed	0.30 [a]	0.50 [a]	\$640,000	\$256,000
Lee	Cape Coral, City of	Reclaimed Water Expansion: Cape Coral and Fort Myers Interconnect Phase II: Subaqueous Crossing	Reclaimed	12.00 [a]	12.00 [a]	\$11,608,030	\$2,260,000
Total				0.00	0.00	\$14,248,030	\$3,316,000

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

Table 10. Summary of FY2022-2023 Water Conservation project funding using unspent FY2019-2020 FDEP AWS Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	FDEP AWS Approved Funding
Miami-Dade	Miami-Dade Water & Sewer Department	Landscape Irrigation Rebate Project FY22/23	11.65	\$51,000	\$25,500
Lee	Sanibel, City of	Landscape Irrigation Conservation	18.00	\$103,380	\$51,690
Miami-Dade	Miami-Dade Water & Sewer Department	Residential High Efficiency Toilet and Fixture Rebate Projects FY22/23	5.20	\$55,000	\$25,900
Palm Beach	West Palm Beach, City of	Urban Irrigation Efficiency Improvement Program	8.70	\$78,350	\$39,175
Palm Beach	West Palm Beach, City of	Community Water Conservation Strategies Phase VII – HET	3.53	\$62,500	\$31,250
Lee	Bonita Springs Utilities Inc.	High Efficiency Toilet (HET) Residential & Commercial Rebate Programs	3.25	\$50,000	\$20,000
Broward	Davie, Town of	Water Conservation Software Technology	23.40	\$75,000	\$37,500
Collier	Vanderbilt Country Club	Irrigation Control System Upgrade	20.00	\$486,665	\$100,000
St. Lucie	Graves Brothers Company	Ag Citrus Irrigation Retrofit – Pump Station 14 (123.2 acres)	6.69	\$188,250	\$94,125
Broward	Broward County Water and Wastewater Services	High Efficiency Toilet Replacement Credit Program	4.70	\$60,000	\$25,500
Palm Beach	West Palm Beach, City of	Community Water Conservation Strategies Phase IX – HET	3.10	\$62,500	\$31,250
Lee	Reflection Isles Master Association, Inc.	Reflection Isles Irrigation Retrofit	15.80	\$364,420	\$100,000
Total			124.02	\$1,637,065	\$581,890

HET = high efficiency toilet

Table 11. Summary of FY2022-2023 Water Conservation project funding using unspent FY2020-2021 FDEP AWS Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	FDEP AWS Approved Funding
Monroe	RLJ Lodging Trust	Cooling Tower Optimization – Double Tree Hotel Key West	1.30	\$33,500	\$16,750
Miami-Dade	RLJ Lodging Trust	Cooling Tower Optimization – Embassy Suites Miami Airport	1.20	\$33,500	\$16,750
Broward	Broward County Resilient Environment Department, Natural Resources Division	High Efficiency Toilet Retrofit Project – Low/moderate income	0.70	\$20,000	\$10,000
Total			3.20	\$87,000	\$43,500

Table 12. Summary of FY2022-2023 AWS project funding using unspent FY2021-2022 FDEP AWS Program.

County	Entity	Project	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
St. Lucie	St. Lucie County BOCC	North County Reverse Osmosis Water Treatment Plant - Floridan Aquifer System Wells PW-2 and PW-3	Brackish	2.00	2.00	\$5,000,000	\$2,500,000
Palm Beach	Palm Beach County Water Utilities Department	Green Cay Wetlands 2 mgd Indirect Potable Reuse Project - water purification treatment plant, 2.3 miles reclaimed water main, and 4 surficial aquifer wells	Reclaimed	2.00	2.00	\$40,000,000	\$5,000,000
Lee	Bonita Springs, Inc.	Reverse Osmosis Water Treatment Plant 4 mgd (Phase 3) Expansion - RO Membranes, Floridan Aquifer Wells 43, 44, 49, 50, 52 and 53, and Raw Water Mains	Brackish	4.00	4.00	\$17,300,000	\$1,488,990
Total				8.00	8.00	\$62,300,000	\$8,988,990

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

Table 13. Summary of AWS project funding from the FY2022-2023 FDEP AWS Program.

County	Entity	Project	AWS Source	Phase Water Made Available (mgd)	Total Water Made Available (mgd)	Total Capital Cost	FDEP AWS Approved Funding
Palm Beach	Palm Beach County Water Utilities	Palm Beach-Broward Interconnect Phase IA: South Reclaimed Water Transmission and System Extension (~3.6 miles) in southern Palm Beach County	Reclaimed	2.00 ^a	10.51 ^a	\$52,000,000	\$3,500,000
Lee	Cape Coral, City of	North 1 Reclaimed Water Main Extension (~7.5 miles), Phase 1A	Reclaimed	0.44 ^a	0.44 ^a	\$8,157,747	\$1,382,200
Lee	Bonita Springs Utilities, Inc.	Reverse Osmosis Water Treatment Plant 4 mgd (Phase 3) Expansion - RO Membranes, Floridan Aquifer Wells 43, 44, 49, 50, 52 and 53, and Raw Water Mains	Brackish	4.00 ^b	4.00 ^b	\$17,300,000 ^b	\$5,680,000
Total				0.00	0.00	\$60,157,747	\$10,562,200

a. Distribution/use type project; water made available accounted for in treatment plant capacity.

b. Totals are included in Table 12 to avoid double counting

Table 14. Summary of Water Conservation project funding from the FY2022-2023 FDEP AWS Program.

County	Entity	Project	Estimated Water Savings (mgy)	Total Project Cost	FDEP AWS Approved Funding
Broward	Broward County Resilient Environment Department, Natural Resources Division	Conservation Pays High Efficiency Toilet Rebate on behalf of Broward Water Partnership	8.30	\$100,000	\$50,000
Lee	Bonita Springs Utilities, Inc.	Irrigation Residential Rebate Program	13.80	\$20,000	\$8,000
Lee	Bonita Springs Utilities, Inc.	High-Efficiency Toilet Rebate Program	2.20	\$50,000	\$20,000
Total			24.30	\$170,000	\$78,000

MFL AND WATER RESERVATION ACTIVITIES

MFL implementation activities include conducting research to set scientifically based criteria for defining significant harm; conducting voluntary, independent peer review of the associated science as needed; obtaining stakeholder input; and completing rulemaking. Prevention or recovery strategies are developed concurrently with MFLs to either maintain (prevention strategy) or achieve (recovery strategy) compliance with established MFLs. The SFWMD has adopted MFLs for 9 water bodies, which include 40 MFL compliance monitoring sites. Five MFL water bodies have prevention strategies, while the remaining four MFLs have recovery strategies. All four MFL water bodies with recovery strategies have projects planned in the next 5 years to move toward meeting the minimum flow or minimum water level (**Table 15**). Four of the five water bodies that have prevention strategies rely on existing regulatory components to meet the minimum flow or minimum water level and do not involve new projects. The St. Lucie Estuary is the only MFL water body that has a prevention strategy with CERP projects planned within this Work Program (**Table 15**). No new MFLs are proposed for future adoption within the 5-year period of this Work Program.

MFL prevention or recovery strategy projects with implementation costs planned for FY2022-2023 through FY2026-2027 are listed in **Table 15**. These projects are designed to provide new water for the MFL water

body once all the project components are completed. This list does not include projects associated with improving water quality or providing additional storage within the watershed (e.g., dispersed water management projects).

Water reservations set aside water for the protection of fish and wildlife or public health and safety. Water reservations also support restoration efforts and recovery or prevention strategies for established MFLs. Before the SFWMD and USACE enter into a project partnership agreement, the legal protection of water resulting from the project is required. Either restricted allocation area (RAA) rules or water reservations provide this protection of project water and also meet the requirements of the Water Resources Development Act of 2000 for construction of CERP project components such as reservoirs or STAs. The SFWMD has adopted seven water reservations and seven RAA rules.

Most recently, rulemaking was completed to protect project water made available for the environment from the CERP Loxahatchee River Watershed Restoration Project (LRWRP). The LRWRP aims to improve freshwater flows to the Northwest Fork of the Loxahatchee River, which is a nationally designated Wild and Scenic River. The project is also part of the MFL recovery strategy for the Northwest Fork. The existing Lower East Coast Regional Water Availability Rule (Section 3.2.1.E of the *Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District*; SFWMD 2022) was amended in June 2022 to expand the RAA boundaries to fully encompass the LRWRP footprint. Additionally, a new RAA (Section 3.2.1.G of the Applicant's Handbook; SFWMD 2022) was adopted in June 2022 to protect water associated with the LRWRP's four proposed aquifer storage and recovery (ASR) wells at the C-18W Reservoir site.

For the 5-year period through FY2026-2027, the Water Control Plan for the Caloosahatchee River (C-43) West Basin Storage Reservoir project will be developed. This plan will be coordinated with federal and state partners as the project construction continues and does not require additional rulemaking at this time. There will also be rulemaking to support two CERP restoration projects: (1) Indian River Lagoon – South Project and (2) Lake Okeechobee Watershed Restoration Project. Both projects restore the natural systems by modifying the overall quantity, quality, timing, and distribution of fresh water. To support these restoration projects, water reservations, RAA rules, or both, will be developed or modified to protect the water resources.

A priority water body list and schedule, including MFLs and water reservations, is approved by the SFWMD Governing Board annually and submitted to the FDEP for review and approval by November 15. A complete list of MFL, water reservation, and RAA development activities can be found on the SFWMD's website at www.sfwmd.gov/our-work/mfl, www.sfwmd.gov/our-work/water-reservations, and www.sfwmd.gov/our-work/restricted-allocation-areas.

Table 15. Projects associated with an MFL prevention or recovery strategy for FY2022-2023 through FY2026-2027. (Note: All costs are subject to change until the FY2022-2023 Five-Year Capital Improvements Plan is approved by the SFWMD’s Governing Board by February 2023, including development of FY2026-2027 project implementation costs.)

Projects	Project Implementation Costs ^a					5-Year Work Plan Cost Estimates
	FY2022-2023	FY2023-2024	FY2024-2025	FY2025-2026	FY2026-2027	
St. Lucie Estuary						
C-23/24 North Reservoir	\$25,000,000	-	-	-	-	\$25,000,000
C-23/24 South Reservoir	-	-	-	-	-	-
Everglades						
CEPP Predecessor New Water: C-44/C-23 Interconnect (EAA Reservoir) ^{b, c}	\$11,000,000	\$10,000,000	\$8,000,000	-	-	\$29,000,000
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area ^d	\$97,076,106	\$34,834,833	\$34,000,000	\$42,188,201	-	\$208,099,140
CEPP North ^e	\$108,076,106	\$44,834,833	\$42,000,000	\$42,188,201	-	\$237,099,140
Caloosahatchee River						
Caloosahatchee River (C-43) West Basin Storage Reservoir	\$27,188,141	\$86,300,000	-	-	-	\$113,488,141
Lake Okeechobee						
Lake Okeechobee Watershed Restoration Project ^f	\$100,000,000	\$50,000,000 ^g	\$50,000,000 ^g	\$50,000,000 ^g	\$50,000,000 ^g	\$300,000,000
Loxahatchee River						
Loxahatchee River Watershed Restoration Project	\$10,000,000	\$42,000,000	\$74,000,000	\$93,000,000	\$99,700,000	\$318,700,000
Lake Okeechobee and Western Everglades						
CERP Restoration Project Planning ^h	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$25,000,000
Total	\$383,340,353	\$272,969,666	\$213,000,000	\$232,376,402	\$154,700,000	\$1,256,386,421

a. Project costs based on information contained in the draft FY2022-2027 SFWMD Five-Year Capital Improvement Plan.
 b. The C-44/C-23 Interconnect project is associated with CEPP. It is listed under the Everglades MFL recovery strategy because it is a precursor project that must be completed first in order to provide the downstream benefits for the Everglades MFL water body.
 c. Project is a component of CEPP.
 d. Includes Site Preparation, Inflow Canal Reservoir/Stormwater Treatment Area (STA), A-2 STA, North New River and Miami Canal Improvements, and Bridges.
 e. Includes the L-4 Levee Degrade/Pump Station, L-5 Canal Improvements, L-6 Diversion, S-8 Modifications, and Miami Canal Backfill.
 f. Project is expected to provide new (recovered) water for the Lake Okeechobee MFL recovery strategy.
 g. Funding contingent upon future state appropriations.
 h. The costs for both projects are combined due to a concurrent but independent planning process. Schedule and costs are subject to change based on the results of the ongoing planning process. Both projects are expected to be incorporated as part of the recovery strategies to provide new water for their respective MFL water bodies.

APPENDIX: PROJECTS ASSOCIATED WITH A BASIN MANAGEMENT ACTION PLAN FOR FISCAL YEAR 2022-2023 THROUGH FISCAL YEAR 2026-2027

Basin management action plans (BMAPs) are the “blueprint” for restoring impaired waters by reducing pollutant loadings to meet allowable levels established by a total maximum daily load. In 2016, the Florida legislature amended Section 373.036(7)(b)8., F.S., to require the identification of projects in the Work Program that implement a BMAP or an MFL recovery or prevention strategy. The SFWMD’s Work Program historically has identified water resource development projects that support MFL recovery and prevention strategies but has not included specific descriptions of projects primarily intended to implement BMAPs. Consistent with Section 373.036(7)(b)8., F.S., and in a manner coordinated with the FDEP and all five water management districts, a 5-year funding outlook for projects specifically identified in an adopted BMAP are included in this Work Program.

There are five regional adopted BMAPs within the District’s boundaries: Caloosahatchee Estuary (FDEP 2012b), Everglades West Coast (FDEP 2012a), Indian River Lagoon (FDEP 2013a), St. Lucie River and Estuary (FDEP 2013b), and Lake Okeechobee (FDEP 2014). Updated BMAPs for the St. Lucie River and Estuary, Caloosahatchee River and Estuary, and Lake Okeechobee were adopted in February 2020 (FDEP 2020a,b,c, respectively). **Table A-1** reflects BMAP projects planned costs for Fiscal Year 2022-2023 through Fiscal Year 2026-2027¹. Of the 43 total projects listed in this table, 12 projects are aligned with the St. Lucie River and Estuary BMAP, 7 projects are aligned with the Caloosahatchee River and Estuary BMAP, and 24 projects are aligned with the Lake Okeechobee BMAP; none are aligned with the Everglades West Coast or Indian River Lagoon BMAPs.

¹ BMAP projects that the SFWMD is implementing are aligned with the FDEP’s BMAP 2020 Updates for St. Lucie River and Estuary, Caloosahatchee River and Estuary, and Lake Okeechobee (FDEP, 2020a,b,c, respectively), and final *Florida Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies* (FDEP 2018). Five-year (FY2022-2023 through FY2026-2027) cost estimates are shown as projections based on current BMAP-associated projects under contract by the SFWMD or based on prior year expenditure trends, and do not include salaries. FY2023-2024 through FY2026-2027 costs are contingent on future legislative funding and Governing Board approval of future fiscal year funding.

Table A-1. BMAP projects costs in dollars, excluding salaries, for FY2022-2023 through FY2026-2027.

(Note: All costs are from the FY2021-2022 Approved Five-Year Capital Improvements Plan and are subject to change until the District’s FY2022-2023 Five-Year Capital Improvements Plan is approved by February 2023, including development of FY2026-2027 project implementation costs.)

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2023	FY2024	FY2025	FY2026	FY2027	Project Total	Comments
STLU	Troup-Indiantown WCD	SFWMD/USACE	TI-04	C-44 Reservoir Area	Hydrologic Restoration	\$1,913,561	\$1,796,255	\$1,781,195	\$1,802,455	TBD	\$7,293,466	O&M costs only
STLU	Troup-Indiantown WCD	SFWMD/USACE	TI-05	C-44 Stormwater Treatment Area	Stormwater Treatment Area	\$2,012,030	\$1,960,194	\$1,960,194	\$1,957,194	TBD	\$7,889,612	O&M costs only
STLU	Coordinating Agency	N/A	CA-01	Ten Mile Creek Water Preserve Area	Hydrologic Restoration	\$180,275	\$176,125	\$180,275	\$175,525	TBD	\$712,200	O&M costs only
STLU	Coordinating Agency	N/A	CA-02	Indian River Lagoon-South	Regional Stormwater Treatment	\$65,296,983	\$20,050,000	\$32,333,500	\$89,700,000	TBD	\$207,380,483	-
STLU	Coordinating Agency	N/A	CA-03	Adams-Russakis Ranch Water Management Alternative	Dispersed Water Management	\$57,500	\$57,500	\$57,500	\$57,500	TBD	\$230,000	-
STLU	Coordinating Agency	N/A	CA-04	C-23/24 Interim Storage Section C Water Farm	Dispersed Water Management	\$41,250	\$41,250	\$41,250	\$41,250	TBD	\$165,000	O&M costs only
STLU	Coordinating Agency	N/A	CA-05	Bluefield Grove Water Farm	Dispersed Water Management	\$4,463,389	\$4,463,389	\$4,463,389	\$4,463,389	TBD	\$17,853,556	-
STLU	Coordinating Agency	N/A	CA-06	Bull Hammock Ranch Water Management Alternative	Dispersed Water Management	\$28,500	\$28,500	\$28,500	TBD	TBD	\$85,500	-
STLU	Coordinating Agency	N/A	CA-07	Spur Land and Cattle	Dispersed Water Management	\$150,000	\$150,000	\$150,000	\$150,000	TBD	\$600,000	-
STLU	Coordinating Agency	N/A	CA-08	Caulkins Water Farm	Dispersed Water Management	\$5,500,000	\$5,500,000	\$5,500,000	\$5,500,000	TBD	\$22,000,000	-
STLU	Coordinating Agency	N/A	CA-09	Alderman-Deloney Ranch	Dispersed Water Management	\$21,000	\$21,000	\$21,000	\$21,000	TBD	\$84,000	-
STLU	Coordinating Agency	N/A	CA-10	C-23/24 Interim Storage Parcel B	Dispersed Water Management	\$6,640,000	\$11,450,000	\$25,250	\$48,500	TBD	\$18,163,750	-
CALO	Coordinating Agency	N/A	CA-01	C-43 West Basin Storage Reservoir	Hydrologic Restoration	\$140,555,295	\$89,278,728	\$1,663,395	\$3,066,400	TBD	\$234,563,818	-
CALO	Coordinating Agency	N/A	CA-02	Lake Hicpochee Storage and Shallow Hydrologic Enhancement, Phase 1	Hydrologic Restoration	\$129,200	\$130,000	\$130,000	\$130,000	TBD	\$519,200	O&M costs only
CALO	Coordinating Agency	N/A	CA-03	Lake Hicpochee Storage and Shallow Hydrologic Enhancement Expansion	Hydrologic Restoration	\$22,500,000	\$40,164,000	\$40,059,350	\$578,820	TBD	\$103,302,170	-

Table A-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2023	FY2024	FY2025	FY2026	FY2027	Project Total	Comments
CALO	Coordinating Agency	N/A	CA-04	BOMA Flow Equalization Basin	Hydrologic Restoration	\$16,808,197	\$21,664,000	\$20,068,000	\$11,599,350	TBD	\$70,139,547	-
CALO	Coordinating Agency	N/A	CA-05	C-43 Water Quality Treatment and Testing Facility, Phase II - Test Cells	Study	\$9,504,528	\$1,000,000	\$1,000,000	\$1,000,000	TBD	\$12,504,528	-
CALO	Coordinating Agency	N/A	CA-06	C-43 West Basin Storage Reservoir Water Quality Component	Constructed Wetland Treatment	\$7,000,000	\$178,600	\$178,600	\$178,600	TBD	\$7,535,800	-
CALO	Coordinating Agency	N/A	CA-07	Mudge Ranch	Dispersed Water Management	\$47,500	\$47,500	TBD	TBD	TBD	\$95,000	-
OKEE	Coordinating Agency	FDEP/SFWMD	CA-01	Brighton Valley Dispersed Water Management	Dispersed Water Management	\$3,125,000	\$3,000,000	\$3,000,000	\$3,000,000	TBD	\$12,125,000	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-14	Dixie Ranch	Dispersed Water Management	\$198,000	\$198,000	\$198,000	\$198,000	TBD	\$792,000	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-15	Dixie Ranch	Dispersed Water Management	see SFWMD-14	see SFWMD-14	see SFWMD-14	see SFWMD-14	TBD	-	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-16	Lost Oak Ranch	Dispersed Water Management	\$60,000	\$60,000	\$60,000	\$60,000	TBD	\$240,000	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-17	Willaway Cattle and Sod	Dispersed Water Management	\$1,879	TBD	TBD	TBD	TBD	\$1,879	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-18	XL Ranch (Lightsey)	Dispersed Water Management	\$157,550	\$157,550	\$157,550	\$157,550	TBD	\$630,200	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-19	Triple A Ranch	Dispersed Water Management	\$30,000	\$30,000	\$15,000	TBD	TBD	\$75,000	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-20	La Hamaca (Blue Head Ranch)	Dispersed Water Management	\$313,278	\$361,200	\$361,200	\$361,200	TBD	\$1,396,878	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-21	Nicodemus Slough	Dispersed Water Management	\$1,407,613	TBD	TBD	TBD	TBD	\$1,407,613	-
OKEE	SFWMD	USACE	SFWMD-22	Kissimmee River Headwaters Revitalization ^b	Hydrologic Restoration	---	---	---	TBD	TBD	-	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-12	Buck Island Ranch (NE-PES-1)	Dispersed Water Management	see SFWMD-23	-	-				
OKEE	SFWMD	FDEP/SFWMD	SFWMD-11	Rafter T Ranch	Dispersed Water Management	\$162,736	\$162,736	\$162,736	TBD	TBD	\$488,208	-

Table A-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2023	FY2024	FY2025	FY2026	FY2027	Project Total	Comments
OKEE	SFWMD	FDEP/SFWMD	SFWMD-23	Buck Island Ranch Wildlife Management Area (NE-PES-2)	Dispersed Water Management	\$554,455	\$554,455	\$554,455	\$554,455	TBD	\$2,217,820	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-13	Dixie West	Dispersed Water Management	see SFWMD-14	-	-				
OKEE	SFWMD	FDEP/USACE	SFWMD-02	Nubbin Slough Stormwater Treatment Area Project	Stormwater Treatment Area	\$93,804	\$93,804	\$93,804	\$93,804	TBD	\$375,216	Cost estimates based on average annual O&M costs for FY2014-2015 through FY2016-2017.
OKEE	SFWMD	FDEP/USACE	SFWMD-01	Taylor Creek Stormwater Treatment Area Project	Stormwater Treatment Area	\$168,056	\$168,056	\$168,056	\$168,056	TBD	\$672,224	Cost estimates based on average annual O&M costs for FY2017-18 through FY2019-20.
OKEE	SFWMD	FDEP/USACE	SFWMD-03	Lakeside Ranch – Phase I	Stormwater Treatment Area	\$476,196	\$440,095	\$466,996	\$439,345	TBD	\$1,822,632	O&M costs only
OKEE	SFWMD	USACE	SFWMD-05	Kissimmee River Restoration Project ^b	Hydrologic Restoration	\$2,895,389	\$2,917,389	\$2,917,389	\$3,047,339	TBD	\$11,777,506	O&M, monitoring, and evaluation costs
OKEE	SFWMD	FDEP	SFWMD-06	Rolling Meadows Wetland Restoration – Phase I	Wetland Restoration	\$100,835	\$100,835	\$100,835	\$100,835	TBD	\$403,342	Phase I O&M costs only. No future legislative funding for Phase II.
OKEE	SFWMD	FDEP/SFWMD	SFWMD-10	Lykes West Waterhole	Dispersed Water Management	\$638,935	\$661,155	\$683,375	\$705,595	TBD	\$2,689,060	-
OKEE	Coordinating Agency	FDEP/SFWMD	CA-05	El Maximo Ranch Dispersed Water Management (previously Latt Maxcy)	Dispersed Water Management	\$3,863,204	\$3,863,204	\$3,863,204	\$3,863,204	TBD	\$15,452,816	-
OKEE	Coordinating Agency	N/A	CA-04	Lakeside Ranch – Phase II	Stormwater Treatment Area	\$447,340	\$477,440	\$476,880	\$464,980	TBD	\$1,866,640	O&M costs only

Table A-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY2023	FY2024	FY2025	FY2026	FY2027	Project Total	Comments
OKEE	Coordinating Agency	N/A	CA-21	Brady Ranch Flow Equalization Basin and Aquifer Storage and Recovery	Hydrologic Restoration	\$5,915,499	\$4,330,000	\$6,068,500	\$6,068,500	TBD	\$22,382,499	-
OKEE	Coordinating Agency	N/A	CA-22	Grassy Island Flow Equalization Basin and Aquifer Storage and Recovery	Hydrologic Restoration	\$2,802,000	\$9,632,000	\$9,072,000	TBD	TBD	\$21,506,000	-
Totals						\$306,260,977	\$225,364,960	\$138,061,378	\$139,752,846	TBD	\$809,440,162	

- a. Key to Abbreviations: CA – Coordinating Agencies – South Florida Water Management District, Florida Department of Environmental Protection, and Florida Department of Environmental Protection; FDEP – Florida Department of Environmental Protection; N/A – not applicable; NE-PES-1 – Northern Everglades Payment for Environmental Services Solicitation 1; NE-PES-2 – Northern Everglades Payment for Environmental Services Solicitation 2; OKEE – Lake Okeechobee; SFWMD – South Florida Water Management District; SLU – St. Lucie River and Estuary; TBD – to be determined; USACE – United States Army Corps of Engineers; and WCD – Water Control District.
- b. The Kissimmee River Restoration Project (SFWMD-05) includes the Lower Kissimmee Basin (Highlands, Glades, and Okeechobee counties) and the Upper Kissimmee Basin – Kissimmee River Headwaters Revitalization Project (Osceola and Polk counties) (SFWMD-22); SFWMD-22 project costs are included in SFWMD-05.

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- FDEP. 2013b. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients and Dissolved Oxygen by the Florida Department of Environmental Protection in the St. Lucie River and Estuary Basin*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the St. Lucie River and Estuary Basin Technical Stakeholders. May 2013.
- FDEP. 2014. *Final Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Total Phosphorus by the Florida Department of Environmental Protection in Lake Okeechobee*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Lake Okeechobee Stakeholders. December 2014.
- FDEP. 2018. *Florida Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies*. Prepared by the Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration and Office of Water Policy, Tallahassee, FL. June 2018.
- SFWMD. 2017. *2017 Lower West Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. December 2017.
- SFWMD. 2018a. *2018 Lower East Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. November 2018.
- SFWMD. 2018b. *Technical Document to Support Reevaluation of the Minimum Flow Criteria for the Caloosahatchee River Estuary*. South Florida Water Management District, West Palm Beach, FL. January 30, 2018.
- SFWMD. 2019. *2019 Lower Kissimmee Basin Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. December 2019.

²All the FDEP BMAPs and associated annual progress reports are available at www.dep.state.fl.us/water/watersheds/bmap.htm. The Final Statewide Annual Report (FDEP 2020) is available at www.floridadep.gov/star.

SFWMD. 2021. *2021 Upper East Coast Water Supply Plan Update*. South Florida Water Management District, West Palm Beach, FL. November 2021.

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Administrative Services, Facilities Bureau

DATE: November 18, 2022

SUBJECT: Amendment to Lease Agreement with Signature Flight Support LLC

Agenda Item Background:

Flight Operations supports District functions including mandatory regulatory compliance, water quality monitoring, operations and maintenance, research activities and post-storm flight assessments throughout the District's 16 county region. Flight operations is very critical to the District's mission and maintaining the existing lease will provide uninterrupted service with no impacts to ongoing operations. Signature is located at the Palm Beach International Airport and is a secure central location for efficient access for staff's required flights. Staff requests approval to amend the contract for an additional two years for an amount of \$281,416.80.

Core Mission and Strategic Priorities:

This lease was executed January 1, 2015. Amendment No. 6 would increase the contract period by two years for a total lease period of ten years with a revised expiration date of December 31, 2024, and increase the funding in the amount of \$281,416.80 for a revised contract value of \$893,311.01.

Staff Contact and/or Presenter:

Candida Heater, cheater@sfwmd.gov, 561-682-6486

ATTACHMENTS:

[Resolution No. 2022-1109](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 20XX - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract No. 4600003139 for the purpose of increasing the contract period by two years with Signature Flight Support LLC, in the amount of \$281,416.80, for which \$138,288.36 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600003139-A06)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize leasing space from Signature Flight Support LLC located at Palm Beach International Airport in West Palm Beach, Florida, in an amount of \$281,416.80, and a time extension of up to two years to the Contract.

NOW THEREFORE, 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 authorizes an amendment to Contract No. 4600003139 with Signature Flight Support LLC in the amount of \$281,416.80 to extend the lease space located at Palm Beach International Airport for up to two years in West Palm Beach, Florida. (Contract No. 4600003139-A06)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Administrative Services, Facilities Bureau

DATE: November 18, 2022

SUBJECT: Amendment to Contract with Image Janitorial Services, Inc.

Agenda Item Background:

General Services Section, under the Administrative Services Division, oversees all janitorial services, including staffing, management, equipment, and supplies required to provide a clean and healthy work environment at the District's headquarters in West Palm Beach. The agreement covers 278,470 square feet of occupied space in the buildings at the headquarters site including offices, meeting spaces, restrooms, cafeteria, microwave tower support space, the Emergency Operations Center, and contract leased spaces in B2 building. Janitorial Services affects all areas of the District's operations since all headquarters employees, visitors and contractors benefit from a clean and sanitary work environment. Staff requests the approval to amend the contract by an amount not-to-exceed \$205,828 for a revised contract amount of \$1,546,416.

Core Mission and Strategic Priorities:

This agreement was executed on January 21, 2017. Amendment No. 4 would extend the expiration date 11 months to October 31, 2023, by exercising the time remaining under the third and final option to renew, and increase the funding by an amount not-to-exceed \$205,828 for a revised contract value of \$1,546,416 and update the Price Page of the contract.

Staff Contact and/or Presenter:

Candida Heater, cheater@sfwmd.gov, 561-682-6846

ATTACHMENTS:

[Resolution No. 2022-1110](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 20XX - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to the contract with Image Janitorial Services, Inc., for the purpose of extending the contract term for an additional 11 months, by exercising the time remaining under the third and final option to renew, for janitorial services at the District's Headquarters in West Palm Beach, in the amount of \$205,828, for which Ad Valorem funds are budgeted in Fiscal Year 2022-2023; providing an effective date. (Contract No. 4600003713-A04)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize an amendment to Contract No. 460003713 with Image Janitorial Services, Inc., for the purpose of extending the contract period for an additional 11 months, by exercising the time remaining under the third and final option to renew, for janitorial services at the District's Headquarters in West Palm Beach in the amount of \$205,828 for which ad valorem funds are budgeted in Fiscal Year 2022-2023.

NOW THEREFORE, 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 authorizes an amendment to Contract No. 4600003713 with Image Janitorial Services, Inc., for the purpose of extending the contract period for an additional 11 months, by exercising the time remaining under the third and final option to renew, for janitorial services at the District's Headquarters in West Palm Beach, in the amount of \$205,828. (Contract 4600003713-A04)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Smith and Julia Lomonico, Executive Office

DATE: November 18, 2022

SUBJECT: Concurrence on Preparation for and Response to Storm Ian Emergency Orders

Agenda Item Background:

To prepare for and respond to storm Ian, the District issued Emergency Orders 2022-046-DAO; 2022-047-DAO; 2022-048-DAO, 2022-049-DAO, 2022-050-DAO, 2022-051-DAO, 2022-052-DAO, 2022-053-DAO, 2022-054-DAO, 2022-056-DAO, 2022-057-DAO, 2022-060-DAO, and 2022-061-DAO. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. This item requests the Governing Board’s concurrence with issuance of the aforementioned Orders, in compliance with Section 373.119(2), Florida Statutes, and any subsequent termination orders.

Emergency Orders, Orders Amending Emergency Orders, and Termination Orders:

SFWMD 2022-046-DAO	Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Tropical Storm Ian
SFWMD 2022-047-DAO	Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Tropical Storm Ian
SFWMD 2022-048-DAO	Emergency Authorization for Procurement of Goods and Services Made Necessary by Tropical Storm Ian
SFWMD 2022-049-DAO	Emergency Authorization Temporarily Closing SFWMD Management Lands Made Necessary by Tropical Storm Ian
SFWMD 2022-050-DAO	Emergency Authorization Abrogating Time Requirements, Notice Requirements and Deadlines for Action on Permits and Other Approvals Made Necessary by Tropical Storm Ian
SFWMD 2022-051-DAO	Order Amending Emergency Final Order No. 2022-046-DAO
SFWMD 2022-052-DAO	Order Amending Emergency Final Order No. 2022-047-DAO
SFWMD 2022-053-DAO	Order Amending Emergency Final Order No. 2022-049-DAO
SFWMD 2022-054-DAO	Second Order Amending Emergency Final Order No. 2022-049-DAO
SFWMD 2022-056-DAO	Order Terminating Emergency Authorization Temporarily Closing SFWMD Management Lands
SFWMD 2022-057-DAO	Order Terminating Emergency Authorization Repairs, Replacements, Restoration
SFWMD 2022-060-DAO	Order Terminating Emergency Authorization Pumping and Other Measures

SFWMD 2022-061-DAO	Order Terminating Emergency Authorization Abrogating Time Requirements
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Staff Contact and/or Presenter:

Jennifer Smith, jsmith@sfwmd.gov, 561-682-6285

Julia Lomonico, jlomonic@sfwmd.gov, 561-682-6210

ATTACHMENTS:

[Emergency Order 2022-046-DAO](#)

[Emergency Order 2022-047-DAO](#)

[Emergency Order 2022-048-DAO](#)

[Emergency Order 2022-049-DAO](#)

[Emergency Order 2022-050-DAO](#)

[Order 2022-051-DAO](#)

[Order 2022-052-DAO](#)

[Order 2022-053-DAO](#)

[Order 2022-054-DAO](#)

[Order 2022-056-DAO](#)

[Order 2022-057-DAO](#)

[Order 2022-060-DAO](#)

[Order 2022-061-DAO](#)

[Office of the Governor Executive Order 22-218](#)

[Office of the Governor Executive Order 22-219](#)

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-046-DAO

**EMERGENCY AUTHORIZATION FOR
PUMPING AND OTHER MEASURES
TO ADDRESS FLOODING CAUSED
BY STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

5:37 pm Sep 24, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219, attached as Exhibit A ("the Executive Orders"), and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing pumping and other emergency measures to address impacts associated with Tropical Storm Ian ("the Storm").

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm is expected to be a major hurricane with the potential to cause widespread damage and poses an immediate danger to the lives and property of persons within the SFWMD's jurisdiction. All of the SFWMD jurisdiction is covered by this Order and shall be referred to as the "Emergency Areas."

3. Executive Order 22-218 found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. Moreover, the Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would, in any way, prevent, hinder, or delay necessary action in coping with the Storm and its effects.

4. The SFWMD finds that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. The SFWMD issues this Order to carry out the directives in the Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that the suspension of statutes and rules described herein is required in order not to prevent, hinder, or delay necessary action in coping with the Storm and its effects.

ORDER

THEREFORE, IT IS ORDERED that the following activities may be undertaken to address emergency flooding situations resulting from the Storm that require immediate action, subject to the limitations in this Order:

1. On-Site Discharges – No Notice Required

Internal movement of water from flooded areas within a project site to other areas within the same project site shall be allowed in the Emergency Areas during the course of this Order. No notice to the SFWMD is required. Examples of activities authorized by this paragraph include moving water from internal roadways, parking lots, swales, or other on-site areas to on-site surface water management ponds or lakes, or other areas on-site that would not directly discharge off-site. This Order does not authorize pumping or discharging of flood waters to off-site property, canals, or water bodies not completely on-site other than through permitted facilities, subject to permit requirement.

2. Off-Site Discharges – Field Authorization Required

Moving water from flooded project areas to areas off-site may be temporarily allowed only if approved by the SFWMD after a field inspection. Field authorizations shall be granted only if:

a. The off-site discharge is necessary to relieve flooding resulting from the Storm that poses an immediate threat to public health, safety, or welfare. Minor inconvenience flooding, such as standing water in roads, swales or yards, is not considered an immediate threat.

b. Field authorizations may be requested by providing a notice to the local office of the SFWMD containing a description of the discharge requested, the facilities and the water stages, the rate of discharge and the discharge location of the flooded areas and receiving body, the location of the discharge, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the discharge. SFWMD staff may also issue field authorizations without prior notice. SFWMD staff shall create and maintain written records of all field authorizations.

3. Operational Changes by Local Governments or 298 Districts – Notice Required

Water Control Districts authorized under Chapter 298, Florida Statutes, and local governments may, during the course of this Order, discharge water on-site or off-site in excess of SFWMD-permitted operational schedules to prepare for the impacts of the Storm and to mitigate flooding impacts resulting from the Storm if:

a. Notice is provided to the SFWMD's Emergency Operations Center. The notice shall:

(1) identify a responsive and responsible representative of the water control district or local government, including title and emergency contact information; and

(2) describe the facilities and the water stages, rate of discharge, and the discharge location of the flooded areas and receiving body.

b. Authorization for the excess discharges is granted, either orally or in writing, by SFWMD staff assigned by the SFWMD Emergency Operations Center to this function.

Local governments or 298 Districts operating under the emergency provisions of this Order shall immediately cease the excess discharge upon notification by the SFWMD to do so.

4. General Conditions

All activities authorized under paragraphs 1, 2, and 3 shall be conducted in accordance with the following conditions and requirements:

a. All activities shall be performed in a manner which minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this Order.

c. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

d. This Order serves as relief for the duration of the Order from the specified regulatory requirements of the SFWMD only, and does not provide relief from the requirements of other federal, state, water management districts, or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those permits.

5. *General Limitations*

The SFWMD issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this Order.

6. *Suspension of Statutes and Rules*

The following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in Chapters 120, 161, 253, 258, 373, 376 and 403, Florida Statutes, and Rules adopted thereunder;

b. All notice requirements, including, but not limited to, provisions in Chapters 120, 161, 253, and 373, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40E-0, 40E-1, 40E-6, and 62-330, Florida Administrative Code; and

7. *Expiration Date*

This Order shall take effect immediately upon execution by the Executive Director of the SFWMD, and shall expire on November 22, 2022, unless otherwise extended or terminated by the Executive Director or Governing Board.

8. *Violation of Conditions of Emergency Final Order*

Failure to comply with any condition set forth in this Order shall constitute a violation under Chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 24th day of September, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 

Drew Bartlett
Executive Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-047-DAO

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN OTHER
MEASURES MADE NECESSARY
BY TROPICAL STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

5:35 pm Sep 24, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219 (“the Executive Orders”), attached as Exhibit A, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District (“SFWMD”), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Tropical Storm Ian (“the Storm”).

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm is expected to be a major hurricane with the potential to cause widespread damage and poses an immediate danger to the lives and property of persons within the SFWMD’s jurisdiction. All of the SFWMD jurisdiction is covered by this Order and shall be referred to as the “Emergency Areas.”

3. Executive Order 22-218 found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. Moreover, the Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

4. The Florida Department of Environmental Protection (“DEP”) may issue an Emergency Final Order regarding the Storm. DEP and SFWMD share regulatory authority over some of the activities addressed in DEP’s Order. Should a conflict exist between this Order and DEP’s Order, then DEP’s Order shall control.

5. As a result of the Storm, immediate action by Florida's citizens and government is necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and operations damaged by the Storm.

6. The SFWMD finds that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

7. The District issues this Order to carry out the directives in the Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that the suspension of statutes and rules described herein is required in order not to prevent, hinder, or delay necessary action in coping with the emergency.

ORDER

THEREFORE IT IS ORDERED that within the Emergency Areas, the following authorizations apply:

1. *Definitions*

a. For the purposes of this Order, the term "structures" includes the following when such structures are within the SFWMD's jurisdiction: utility infrastructure, including wastewater treatment plants, substations, lift stations, solid and hazardous waste facilities, utility lines (including transmission and distribution), poles, towers, support structures, cables, conduits, outfalls, intake structures, and pipelines; roads, bridges, culverts, driveways, sidewalks, bike paths, and other similar public and private infrastructure; public, private, and commercial habitable and non-habitable buildings, and structures ancillary to these buildings, such as garages, cabanas, storage sheds, bath houses, pools, and decks; piers (including docks, boardwalks, observation platforms, boat houses, and gazebos), and pilings; shore-stabilization structures, such as seawalls, bulkheads, revetments, breakwaters, and groins; and fences, signs and billboards; and buoys, navigational aids, and other channel markers.

b. For the purposes of this Order, the term "works" includes ditches, canals, drainage systems, ponds, swales, and other surface water conveyances; wet or

dry detention or retention areas, dams, weirs, dikes, and levees; and underdrains, outfalls, and associated water control structures.

2. *Environmental Resource, Dredge and Fill, SFWMD Right of Way Occupancy, and Other Surface Water Management Activities, and Coastal Construction Activities*

The following activities may be undertaken to repair, restore, or replace structures, land, works, and submerged contours to the configurations and conditions authorized or otherwise legally existing immediately prior to the Storm, subject to the limitations in this Order. This Order does not authorize the construction of structures that did not exist prior to the Storm, unless specifically authorized below.

Any damage to authorized structures or works may be repaired to the design that was originally authorized by the SFWMD. Minor deviations to upgrade structures or drainage systems to current standards also are authorized.

a. *No Notice Required*

The following activities may be conducted without notification to the SFWMD and must be commenced before the expiration of this Order or any of its Amendments:

(1) Temporary and permanent repair or restoration of structures and works to the conditions, dimensions, and configurations that were authorized by the SFWMD or otherwise legally existing immediately prior to the Storm. The repair and restoration activities shall not result in any expansion, addition, or relocation of the existing works, structures or systems. However, the use of different construction materials or minor deviations to allow upgrades to current structural and design standards are not precluded. Nothing in this paragraph shall be construed as an exemption for any

party performing such repair or restoration to obtain after-the-fact permits or to modify the repair or restoration that was performed, as may be required by any federal agency.

(2) The restoration (regrading, dredging, or filling) by local, regional, and state governments of upland, wetland, works, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Storm, and subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is not authorized by this Order;

(b) In the case of dredging, all excavated material shall be deposited on a self-contained upland spoil site that is diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, except where such dredged material is used to restore bottom contours and shorelines, excluding sandy beaches fronting the Gulf of Mexico or the Atlantic Ocean, to the conditions existing immediately prior to the Storm. In addition, excavated material shall not be deposited in any location that would obstruct SFWMD operations and/or maintenance;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (i.e., free from debris and pollutants) from the previous uplands may be used in the restoration, and no change (from pre-existing conditions) in the slope of the land or the type, nature, or configuration of any pre-existing shoreline stabilization materials is authorized. For example, sloping

revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks;

(d) Best management practices and devices such as hay bales, mulch, and floating turbidity screens shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (Florida Department of Environmental Protection and Florida Department of Transportation, Sixth Impression, July 2018) <http://www.floridadep.gov/dear/florida-stormwater-erosion>, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (HydroDynamics Incorporated in cooperation with Stormwater Management Academy, July 2013) <https://www.fdot.gov/programmanagement/implemented/urlinspecs/flerosionsedimentmanual.shtm>). Best management practices shall also be used to prevent erosion and retain sediment of all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of the slope of the shoreline that legally existed immediately prior to the Storm. If the pre-Storm shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches (if, within an aquatic preserve, then one foot) waterward of the location where the seawall or riprap legally existed immediately prior to the Storm, as measured from the face of the existing seawall

slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Storm if such removal will not result in filling of wetlands or other surface waters or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with other provisions of this Order.

b. Field Authorization Required for *Environmental Resource, Dredge and Fill, SFWMD Right of Way Occupancy, and Other Surface Water Management Activities, and Coastal Construction Activities*

(1) SFWMD personnel may issue field authorizations for:

(a) the replacement of works or structures that are no longer intact;

(b) regrading, dredging, or filling of the contours of uplands, wetlands, works, and submerged bottoms, by parties other than local, regional, or state governments;

(c) removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Storm, and the removal of which requires filling of wetlands or other surface waters, or requires dredging that creates or expands wetlands or other surface waters. Any wetlands or other surface waters that are dredged or filled to affect such

removal must be restored to the contours and conditions that existed immediately prior to the Storm; and

(d) other activities SFWMD personnel determines, in writing or verbally, to have the potential to result in only minimal adverse individual or cumulative impact on water resources, water quality, and SFWMD's property interests, including rights of way.

(2) Field authorizations may be issued only to restore works, structures and property to authorized or otherwise legally existing conditions that existed immediately prior to the Storm, or to a more environmentally compatible design than existed immediately prior to the Storm, as determined by SFWMD in writing or verbally.

(3) Field authorizations may be requested by providing a notice to the local office of the SFWMD containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. SFWMD staff may also issue field authorizations without prior notice. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Failure to comply with the conditions of the field authorization may result in enforcement actions by SFWMD. SFWMD staff shall create and maintain written records of all field authorizations.

(4) Other activities not described above shall be regulated in accordance with Part IV of Chapter 373, Florida Statutes, and the rules adopted thereunder.

3. *Right of Way (ROW)*

The following activities may be conducted without prior notice to the SFWMD:

a. All encroachments on SFWMD ROWs authorized pursuant to Chapter 40E-6, Florida Administrative Code, may be replaced or repaired as necessary if the replacement and restoration activities do not result in any expansion, addition, or relocation of the authorized encroachments and comply with the provisions set forth in Section 2 of this Order.

b. Local, federal, and state governments in emergency vehicles may use the SFWMD ROWs for emergency access. Utility companies and local, state, and federal governments may access the ROWs to repair structures and to restore utilities during the term of this Order without any requirement for notice to the SFWMD.

c. Use of works upon the SFWMD right of way which are not authorized by the issuance of a Right of Way Occupancy Permit prior to the effective date of this Order shall be prohibited unless otherwise determined to be necessary as an emergency repair or restoration for the benefit of public health, safety and welfare by the Executive Director or his/her designee. In such case, the party proposing to perform the emergency repair or restoration (Applicant) shall contact the District and request issuance of a field authorization so that the appropriate emergency actions can be performed. The Applicant shall be responsible for complying with all terms of the field authorization, including, but not limited to, securing an after-the-fact Right of Way Occupancy Permit, obtaining Section 408 authorization from the U.S. Army Corps of Engineers, modifying the emergency actions if required to do so by SFWMD, federal or other agency permits, and documenting the emergency actions performed.

d. This Order does not authorize placing trash or debris, including vegetation, on any SFWMD ROW.

e. In the event any such repair or restoration occurs on the SFWMD right of way pursuant to paragraph 2.a., above, documentation shall be provided upon completion to the SFWMD which includes the party that performed the work, the dates work was performed, the scope of work performed and the materials and methods employed.

4. Authorization to Use Submerged Lands Owned by the State

Pursuant to Chapters 253, 258, Fla. Stat., and 62-330.075, Fla. Admin. Code, the SFWMD issues proprietary authorizations to use state-owned submerged lands when the ERP activity permitted by SFWMD occurs on land for which an environmental resource permit is issued by the SFWMD (“SLERP authorization”).

a. Except as otherwise provided in this Order, authorization to use sovereign submerged lands is hereby granted for the repair, replacement, or restoration of the activities and structures located on submerged lands owned by the State when such activities have a previously issued SLERP authorization. This authorization is subject to the provisions and limitations of paragraph 2. above, and is only granted for activities for which a SLERP authorization was obtained prior to the Storm. The structures and activities authorized under this Order shall be repaired, restored, or replaced in the same location and configuration as was authorized in the SLERP authorization.

b. This Order does not authorize the reconstruction or repair of unauthorized structures that failed to qualify for the grandfathering provisions of Chapter 18-21, Florida Administrative Code.

5. General Conditions

a. All activities conducted under this Order shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling, to control turbidity, to prevent violations of state water quality standards, and to protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in this Order shall not apply to structures and associated activities in the Emergency Areas that were not properly authorized by all applicable agencies before the passage of the Storm.

c. All activities shall be accomplished so as not to disturb marked marine turtle nests or known nest locations, or damage existing native salt-tolerant or submerged vegetation.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order serves as relief for the duration of the Order from the regulatory and proprietary requirements of the SFWMD only, and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order does not negate the need to obtain any other required permits or authorizations.

f. All structures that are rebuilt shall be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Act (FEMA).

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order, and should provide such documentation if requested to do so.

h. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

6. *General Limitations*

The SFWMD issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

7. *Suspension of Statutes and Rules*

Pursuant to the authorities in the Executive Order, the following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in Chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and Rules adopted thereunder;

b. All notice requirements, including, but not limited to, notice provisions in Chapters 120, 161, 253, and 373, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40E-0, 40E-1, 40E-6, and 62-330, Florida Administrative Code;

c. All application fee, lease fee, and easement fee requirements, including, but not limited to, provisions in Chapters 161 and 373, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40E-1, 40E-2, 40E-6, and 62-330, Florida Administrative Code, provided, however, that such lease and easement fees shall be suspended only in proportion to the percentage loss of functionality of the total area under lease or easement, and only for the duration of this Order unless otherwise provided in a field authorization issued under paragraph 2 above. The duration of the suspension of lease and easement fees under a field authorization may be extended on a showing that contractors or supplies are not available to commence the necessary repairs or replacement, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers; and

8. *Completion of Authorized Activities*

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in a field authorization or permit. The deadline for commencement under any field authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers. Any Environmental Resource Permit, Surface Water Management Permit, Dredge and Fill Permit, and /or Right of Way Occupancy Permit activities that require a field authorization must be completed by the expiration date of the field authorization; activities not completed by that expiration date are subject to the regulatory and proprietary authorizations required prior to the execution of this Order.

9. *Expiration Date*

This Order shall take effect immediately upon execution by the Executive Director of the SFWMD, and shall expire on November 22, 2022, unless otherwise extended or terminated by the Executive Director or Governing Board.

10. *Violation of Conditions of Emergency Final Order*

Failure to comply with any condition set forth in this Order shall constitute a violation of Chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 24th day of September 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-048-DAO

**EMERGENCY AUTHORIZATION
FOR PROCUREMENT OF GOODS
AND SERVICES MADE NECESSARY
BY TROPICAL STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

5:40 pm Sep 24, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY ORDER

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219 ("the Executive Orders"), attached as Exhibit A, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing the emergency procurement of goods and services and the suspension of rules and policies requiring advertisement or competition due to the impacts and time constraints caused by Tropical Storm Ian ("the Storm").

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm is expected to be a major hurricane with the potential to cause widespread damage and poses an immediate danger to the lives and property of persons within the SFWMD's jurisdiction.

3. Executive Order 22-218 found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, Executive Order 22-218 gives each political subdivision of the State authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a. Performing public work and taking necessary action to ensure the health, safety, and welfare of the community;
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employing permanent and temporary workers;
- e. Utilizing volunteer workers;
- f. Renting equipment;
- g. Acquiring and distributing, with or without compensation, supplies, materials, and facilities; and,
- h. Appropriating and expending public funds.

4. The Executive Director has determined that an immediate danger to the public health and safety or other substantial loss to the public exists because the Storm poses a serious and imminent threat to District canals, works, lands, equipment and facilities within the SFWMD such that operational capability of the Big Cypress Basin, Central and Southern Florida Flood Control System, and other District functions may be jeopardized.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. The District issues this Order to carry out the directives in the Executive Orders. The SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. Executive Order 22-218 permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business or the orders or rules of the agency if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. Executive Order 22-218 gives agencies the authority to take formal action by emergency rule or order to cope with the emergency.

7. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate to waive any statute, including, but not limited to, Chapters 255 and 287, Florida Statutes, and any SFWMD rule, policy, or order pertaining to the procurement of equipment, services, and commodities necessitated by this emergency.

ORDER

THEREFORE IT IS ORDERED that:

1. All requirements for advertisement and competition for the procurement of equipment, services, and commodities set forth in any statute, including, but not limited to, Chapters 255 and 287, Florida Statutes, and any SFWMD rule, policy, or order are hereby waived for the duration of this Order.

2. SFWMD staff may procure equipment, services, and commodities necessitated by this emergency without advertisement or competition as described below:

a. The procurement of all goods and services necessary to prepare, maintain, and restore SFWMD canals, works, lands, equipment, and facilities to full operational condition.

b. All such procurements shall be reported to the Governing Board prior to or at the next regularly scheduled Governing Board meeting.

c. This authorization shall expire on November 22, 2022, unless otherwise extended or terminated by the Executive Director or Governing Board.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 24th day of September, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

In Re:

ORDER NO. 2022-049-DAO

EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING SFWMD
MANAGEMENT LANDS MADE NECESSARY
BY TROPICAL STORM IAN

**RECEIVED
DISTRICT CLERK'S OFFICE**

5:42 pm Sep 24, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219, attached as Exhibit A, and Sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes ("F.S."), and Rule 40E-7.523, Florida Administrative Code ("F.A.C."), the South Florida Water Management District ("SFWMD") enters this Order temporarily closing SFWMD Managed Lands due to the impacts of Tropical Storm Ian ("the Storm").

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm is expected to be a major hurricane with the potential to cause widespread damage and poses an immediate danger to the lives and property of persons within the SFWMD's jurisdiction.

3. "SFWMD Managed Lands" means all lands owned by or leased to SFWMD including lands managed in partnership with Florida Fish and Wildlife Conservation

Commission, but not including lands that SFWMD leases to other entities for management purposes. In preparation for the imminent weather conditions posed by the Storm, it is necessary to close SFWMD Managed Lands to protect the public health, safety, and welfare.

4. The SFWMD finds that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

1. SFWMD issues this Order to carry out the directives in the Executive Orders. Additionally, SFWMD has authority to issue this Order under Rule 40E-7.523(3)(a), F.A.C., Section 373.119(2) F.S., and Section 120.569(2)(n), F.S. SFWMD may temporarily close SFWMD Managed Lands under certain circumstances, including, "[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire dangers for public safety and the protection of natural resources," Rule 40E-7.523(3)(a), F.A.C. Such closures are subject to the approval of SFWMD's Executive Director.

2. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close all SFWMD Managed Lands beginning Monday, September 26, 2022, at 5:00 PM.

THEREFORE, IT IS ORDERED that:

3. Effective Monday, September 26, 2022 at 5:00 PM, all SFWMD Managed Lands are hereby closed for public access until further ordered by SFWMD.

4. Failure to comply with the terms of this Order shall constitute a violation of a SFWMD Final Order under Chapter 373, F.S., and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under Section 120.68, F.S., by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 24th day of September, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-050-DAO

**EMERGENCY AUTHORIZATION
ABROGATING TIME REQUIREMENTS,
NOTICE REQUIREMENTS AND
DEADLINES FOR ACTION ON
PERMITS AND OTHER APPROVALS
MADE NECESSARY BY TROPICAL STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

5:43 pm Sep 24, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**

KB

EMERGENCY ORDER

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219 (“the Executive Orders”), attached as Exhibit A, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District (“SFWMD”), enters this Order to address the abrogation of time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Tropical Storm Ian (“the Storm”).

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. The Storm is expected to be a major hurricane with the potential to cause widespread damage and poses an immediate danger to the lives and property of persons

within the SFWMD's jurisdiction. All of the SFWMD jurisdiction is covered by this Order and shall be referred to as the "Emergency Areas."

3. Executive Order 22-218 found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, Executive Order 22-218 gave all agencies of the state, including the SFWMD, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits and other approvals under any statute or rules which deem such applications approved unless disapproved in writing by specified deadlines.

4. SFWMD staff will spend extensive time addressing permitting and regulatory matters resulting from the Storm. Activities will include staffing emergency operations, performing field authorizations, and approving work necessary to address Storm impacts. Consequently, SFWMD staff will not be able to effectively address all Storm-related impacts and at the same time adequately address all existing and new permit and variance application review timelines for projects not related to the Storm in the timeframes required by Chapter 120, Florida Statutes, and the SFWMD's own rules.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. The District issues this Order to carry out the directives in the Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. Executive Order 22-218 permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for

conducting state business or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. Executive Order 22-218 gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

7. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that the suspension and tolling of time requirements, notice requirements, and deadlines for action on applications for permits and other approvals should extend to November 22, 2022. Tolling deadlines to this date will give SFWMD staff time to address emergency Storm impacts with as little delay as possible for pending applications.

ORDER

THEREFORE IT IS ORDERED that:

1. The time requirements, notice requirements, and deadlines for action on applications for permits and other approvals are suspended and tolled in the Emergency Areas.

2. Any deadlines specified in statutes, rules, agreements, or SFWMD orders, under which SFWMD is required by law to take action within a specified time period, and under which failure by SFWMD to timely take such action could result in any type of default binding on SFWMD, including the time to request additional information on permit applications, are hereby suspended and tolled until November 22, 2022, provided such deadline has not expired as of the effective date of this Order.

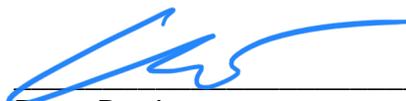
NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 24th day of September, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

4:47 pm Oct 01, 2022

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

SFWMD ORDER NO. 2022-051-DAO

EMERGENCY AUTHORIZATION FOR
PUMPING AND OTHER MEASURES
TO ADDRESS FLOODING CAUSED
BY STORM IAN

ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-046-DAO

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order amending SFWMD Order No. 2022-046-DAO to narrow and redefine the Emergency Area authorized to pump and take other emergency measures to address the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by Tropical Depression Nine. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. On September 23, 2022, the National Hurricane Center upgraded Tropical Depression Nine to Tropical Storm Ian.

3. On September 24, 2022, the SFWMD issued Order No. 2022-046-DAO, an Emergency Final Order authorizing pumping and other emergency measure to address the impacts of Tropical Storm Ian within the entire SFWMD jurisdictional boundary.

4. On September 26, 2022, the National Hurricane Center upgraded Tropical Storm Ian to Hurricane Ian.

5. Hurricane Ian made landfall on the southern west coast of Florida on September 28, 2022, moving northeast across the state causing widespread damage to the southwest and northeast coasts, and central Florida. The impacts of Hurricane Ian include widespread flooding, power outages, and sever wind damage to homes, roads, businesses, and infrastructure, causing an immediate danger to the lives and property of persons within the following counties within SFWMD's jurisdiction: Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The SFWMD issues this Order to carry out the directives in the Governor's Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

7. Based on the above findings of fact, and to continue protecting the public's immediate health, safety, and welfare, it is both reasonable and appropriate that Order No. 2022-046-DAO is amended to be narrowly tailored and procedurally fair under the circumstances to address the immediate need for action.

ORDER

THEREFORE, IT IS ORDERED that SFWMD Order No. 2022-046-DAO is hereby amended to narrow and redefine the Emergency Area covered by the Order to only include Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier counties. The remainder of the counties within SFWMD's jurisdiction are no longer included in the Emergency Area covered by SFWMD Order No. 2022-046-DAO, which is ratified and affirmed in all other respects.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 1st day of October, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



IN THE MATTER OF:

SFWMD ORDER NO. 2022-052-DAO

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN OTHER
MEASURES MADE NECESSARY
BY TROPICAL STORM IAN**

_____ /

ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-047-DAO

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order amending SFWMD Order No. 2022-047-DAO to narrow and redefine the Emergency Area authorized to make repairs, replace, restore, and take other emergency measures to address the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by Tropical Depression Nine. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. On September 23, 2022, the National Hurricane Center upgraded Tropical Depression Nine to Tropical Storm Ian.

3. On September 24, 2022, the SFWMD issued Order No. 2022-047-DAO, an Emergency Final Order authorizing repairs, replacement, restoration, and other emergency measure to address the impacts of Tropical Storm Ian within the entire SFWMD jurisdictional boundary.

4. On September 26, 2022, the National Hurricane Center upgraded Tropical Storm Ian to Hurricane Ian.

5. Hurricane Ian made landfall on the southern west coast of Florida on September 28, 2022, moving northeast across the state causing widespread damage to the southwest and northeast coasts, and central Florida. The impacts of Hurricane Ian include widespread flooding, power outages, and sever wind damage to homes, roads, businesses, and infrastructure, causing an immediate danger to the lives and property of persons within the following counties within SFWMD's jurisdiction: Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The SFWMD issues this Order to carry out the directives in the Governor's Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

7. Based on the above findings of fact, and to continue protecting the public's immediate health, safety, and welfare, it is both reasonable and appropriate that Order No. 2022-047-DAO is amended to be narrowly tailored and procedurally fair under the circumstances to address the immediate need for action.

ORDER

THEREFORE, IT IS ORDERED that SFWMD Order No. 2022-047-DAO is hereby amended to narrow and redefine the Emergency Area covered by the Order to only include Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier counties. The remainder of the counties within SFWMD's jurisdiction are no longer included in the Emergency Area covered by SFWMD Order No. 2022-047-DAO, which is ratified and affirmed in all other respects.

DONE AND ORDERED on this 1st day of October, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____


Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

2:22 pm Oct 02, 2022

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT



In Re:

ORDER NO. 2022-053-DAO

EMERGENCY AUTHORIZATION TEMPORARILY
CLOSING SFWMD MANAGEMENT
LANDS MADE NECESSARY
BY TROPICAL STORM IAN

ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-049-DAO

Under Sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523, Florida Administrative Code ("Fla. Admin. Code"), the South Florida Water Management District ("SFWMD") enters this Order Amending SFWMD Order No. 2022-049-DAO regarding the temporary closure of SFWMD Managed Lands due to the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by Tropical Depression Nine. On September 24, 2022, the Governor issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.
2. On September 23, 2022, the National Hurricane Center upgraded Tropical Depression Nine to Tropical Storm Ian.
3. On September 24, 2022, SFWMD issued SFWMD Order No. 2022-049-DAO, which ordered the temporary closure to public access of all SFWMD Managed

Lands¹ due to the serious threat to public health, safety, and welfare from Tropical Storm Ian.

4. On September 26, 2022, the National Hurricane Center upgraded Tropical Storm Ian to Hurricane Ian (“the Hurricane”).

5. Hurricane Ian made landfall on the southern west coast of Florida on September 28, 2022, moving northeast across the state causing widespread damage to the southwest and northeast coasts, and central Florida. The impacts of the Hurricane include widespread flooding, power outages, and sever wind damage to homes, roads, businesses, and infrastructure, causing an immediate danger to the lives and property of persons within the following counties within SFWMD’s jurisdiction: Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier.

6. Upon review of the conditions of all SFWMD Managed Lands, the SFWMD finds that the SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties are safe for public access.

7. SFWMD continues to monitor and evaluate the conditions and safety of the remaining SFWMD Managed Lands.

CONCLUSIONS OF LAW

8. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the SFWMD governing board be “managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition.”

¹ SFWMD Managed Lands means “District Lands” as defined in Rule 40E-7.521(6), Florida Administrative Code.

9. Section 373.1391(6), Florida Statutes, authorizes the SFWMD to adopt rules specifying management of its lands. The SFWMD adopted rules for this purpose under Chapter 40E-7 of the Fla. Admin. Code.

10. Rule 40E-7.523(3)(a), Fla. Admin. Code, provides for SFWMD Managed Lands to be closed to public use “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.” The District Managed Lands discussed in Paragraph 6 of this Order no longer require temporary closure under the Rule.

ORDER

THEREFORE, IT IS ORDERED that:

11. SFWMD Order No. 2022-049-DAO is hereby amended to remove SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties from the Order, **effective Monday, October 3, 2022, at 5:00 P.M.** SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties shall reopen at that time.

12. SFWMD Order No. 2022-049-DAO is ratified and reaffirmed in all other respects.

DONE AND ORDERED on this 2nd day of October, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under Section 120.68, F.S., by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the SFWMD.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

6:48 pm Oct 11, 2022

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

In Re:

ORDER NO. 2022-054-DAO



EMERGENCY AUTHORIZATION TEMPORARILY
CLOSING SFWMD MANAGEMENT
LANDS MADE NECESSARY
BY HURRICANE IAN

SECOND ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-049-DAO

Under Sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523, Florida Administrative Code, the South Florida Water Management District ("SFWMD") enters this Second Order Amending SFWMD Order No. 2022-049-DAO regarding the temporary closure of SFWMD Managed Lands due to the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by Tropical Depression Nine. On September 24, 2022, the Governor issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.
2. On September 23, 2022, the National Hurricane Center upgraded Tropical Depression Nine to Tropical Storm Ian.
3. On September 24, 2022, SFWMD issued SFWMD Order No. 2022-049-DAO, which ordered the temporary closure to public access of all SFWMD Managed

Lands¹ due to the serious threat to public health, safety, and welfare from Tropical Storm Ian.

4. On September 26, 2022, the National Hurricane Center upgraded Tropical Storm Ian to Hurricane Ian (“the Hurricane”).

5. Hurricane Ian made landfall on the southern west coast of Florida on September 28, 2022, moving northeast across the state causing widespread damage to the southwest and northeast coasts, and central Florida. The impacts of Hurricane Ian include widespread flooding, power outages, and sever wind damage to homes, roads, businesses, and infrastructure, causing an immediate danger to the lives and property of persons within the following counties within SFWMD’s jurisdiction: Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier.

6. On October 2, 2022, SFWMD issued Order No. 2022-053-DAO, amending SFWMD Order No. 2022-049-DAO to remove SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties from the Order, effective Monday, October 3, 2022, at 5:00 P.M.

7. Upon continued review of the conditions of all SFWMD Managed Lands, the SFWMD finds that the SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties are now safe for public access.

8. SFWMD continues to monitor and evaluate the conditions and safety of the remaining SFWMD Managed Lands.

¹ SFWMD Managed Lands means “District Lands” as defined in Rule 40E-7.521(6), Florida Administrative Code.

CONCLUSIONS OF LAW

9. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the SFWMD governing board be “managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition.”

10. Section 373.1391(6), Florida Statutes, authorizes the SFWMD to adopt rules specifying management of its lands. The SFWMD adopted rules for this purpose under Chapter 40E-7 of the Florida Administrative Code.

11. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, SFWMD may temporarily close SFWMD Managed Lands to public use under certain circumstances, including, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.” The District Managed Lands discussed in Paragraph 7 of this Order no longer require temporary closure under the Rule.

ORDER

THEREFORE IT IS ORDERED that:

12. SFWMD Order No. 2022-049-DAO is hereby amended to remove SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties from the Order, effective Thursday, October 13, 2022, at 5:00 P.M. SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties shall reopen at that time.

13. SFWMD Order No. 2022-049-DAO is ratified and reaffirmed in all other respects.

DONE AND ORDERED on this 11 day of October, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under Section 120.68, F.S., by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the SFWMD.

10:57 am Oct 25, 2022

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

In Re:

ORDER NO. 2022-056-DAO

EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING SFWMD MANAGEMENT
LANDS MADE NECESSARY
BY HURRICANE IAN

ORDER TERMINATING EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING SFWMD MANAGEMENT
LANDS MADE NECESSARY BY HURRICANE IAN

The South Florida Water Management District enters this Order terminating Emergency Order No. 2022-049-DAO, which authorized temporarily closing SFWMD Management Lands due to the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 24, 2022, SFWMD issued SFWMD Order No. 2022-049-DAO, which ordered the temporary closure to public access of all SFWMD Managed Lands¹ due to the serious threat to public health, safety, and welfare from Hurricane Ian.
2. On October 2, 2022, SFWMD issued Order No. 2022-053-DAO, amending SFWMD Order No. 2022-049-DAO to remove SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties from the Order, effective Monday, October 3, 2022, at 5:00 P.M.
3. On October 11, 2022, SFWMD issued Order No. 2022-054-DAO, additionally amending SFWMD Order No. 2022-049-DAO to remove SFWMD Managed

¹ SFWMD Managed Lands means "District Lands" as defined in Rule 40E-7.521(6), Florida Administrative Code.

Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties from the Order, effective Monday, October 13, 2022, at 5:00 P.M.

4. Upon continued review of the conditions of all SFWMD Managed Lands, the SFWMD finds that all SFWMD Managed Lands are now safe for public access, including those in Lee and Collier counties.

5. The Executive Director has determined that an immediate danger to the public health and safety or other substantial loss to the public no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. Section 373.119(2), Florida Statutes, authorizes the Executive Director to issue emergency authorizations whenever the Executive Director finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare.

7. Based upon the findings above, the Executive Director concludes that because the serious threat to the public health, safety, and welfare from the immediate danger from Hurricane Ian no longer exists, the Emergency Order temporarily closing SFWMD Management Lands should be terminated as of Wednesday, October 26, 2022 at 5:00pm.

ORDER

THEREFORE IT IS ORDERED that:

That Emergency Order No. 2022-049-DAO is terminated as of 5:00pm, Wednesday, October 26, 2022. SFWMD Managed Lands in Lee and Collier counties shall reopen at that time.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under Section 120.68, F.S., by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 25th day of October, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-057 -DAO

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN OTHER
MEASURES MADE NECESSARY
BY TROPICAL STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

8:47 am Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



**ORDER TERMINATING EMERGENCY AUTHORIZATION FOR REPAIRS,
REPLACEMENTS, RESTORATION, AND OTHER EMERGENCY MEASURES**

The South Florida Water Management District ("SFWMD") enters this Order terminating Emergency Order Nos. 2022-047-DAO and 2022-052-DAO, which authorized repairs, replacement, restoration, and other emergency measures to address the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Orders 22-218, declaring that a state of emergency existed in 24 counties in the State of Florida, based upon the serious threat to the public health, safety and welfare posed by then-Tropical Storm Ian. On September 24, 2022, the Governor of Florida issued Executive Order 22-219, expanding the state of emergency to the entire State of Florida.

2. On September 24, 2022, the Executive Director issued Emergency Final Order No. 2022-047-DAO ("Order"), an Emergency Final Order authorizing repairs, replacement, restoration, and other emergency measures to address the impacts of Tropical Storm Ian across the entire jurisdiction within the SFWMD. The Order expires on November 22, 2022, unless terminated earlier.

3. On October 1, 2022, the Executive Director issued SFWMD Order No. 2022-052-DAO, which amended Emergency Final Order No. 2022-047-DAO to narrow the geographic scope of the Order to include only Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier counties.

4. The Executive Director has determined that Emergency Order Nos. 2022-047-DAO and 2022-052-DAO are no longer required because an immediate danger to the public health and safety or other substantial loss due to Hurricane Ian no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. Section 373.119(2), Florida Statutes, authorizes the Executive Director to issue emergency authorizations whenever the Executive Director finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare.

6. Based upon the findings above, the Executive Director concludes that the Emergency Orders authorizing repairs, replacement, restoration, and other emergency measures may be terminated immediately.

ORDER

THEREFORE, IT IS ORDERED:

That Emergency Order Nos. 2022-047-DAO and 2022-052-DAO are terminated as of 12:00 p.m., Tuesday, November 8, 2022.

DONE AND ORDERED on this 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review of it under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

8:44 am Nov 8, 2022

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT



IN THE MATTER OF:

SFWMD ORDER NO. 2022-060-DAO

EMERGENCY AUTHORIZATION FOR
PUMPING AND OTHER MEASURES
TO ADDRESS FLOODING CAUSED
BY STORM IAN

**ORDER TERMINATING EMERGENCY AUTHORIZATION FOR PUMPING AND
OTHER MEASURES TO ADDRESS FLOODING CAUSED BY HURRICANE IAN**

The South Florida Water Management District ("SFWMD") enters this Order terminating Emergency Order Nos. 2022-046-DAO and 2022-051-DAO, which authorized pumping and other emergency measures to address the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218, declaring that a state of emergency existed in 24 counties in the State of Florida, based upon the serious threat to the public health, safety and welfare posed by then-Tropical Storm Ian. On September 24, 2022, the Governor of Florida issued Executive Order 22-219, expanding the state of emergency to the entire State of Florida.

2. On September 24, 2022, the SFWMD Executive Director issued Emergency Final Order No. 2022-046-DAO ("Order"), an Emergency Final Order authorizing pumping and other emergency measures to address the impacts of Tropical Storm Ian across the entire jurisdiction within the SFWMD. The Order expires on November 22, 2022, unless terminated earlier.

3. On October 1, 2022, the Executive Director issued SFWMD Order No. 2022-051-DAO, which amended Emergency Final Order No. 2022-046-DAO to narrow the geographic scope of the Order to include only Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier counties.

4. The Executive Director has determined that Order Nos. 2022-046-DAO and 2022-051-DAO are no longer required because an immediate danger to the public health and safety or other substantial loss due to Hurricane Ian no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. Section 373.119(2), Florida Statutes, authorizes the Executive Director to issue emergency authorizations whenever the Executive Director finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare.

6. Based upon the findings above, the Executive Director concludes that the Orders authorizing pumping and other emergency actions made necessary by Hurricane Ian should be terminated immediately.

ORDER

THEREFORE, IT IS ORDERED:

That Emergency Order Nos. 2022-046-DAO and 2022-051-DAO are terminated as of 12:00 p.m., Tuesday, November 8, 2022.

DONE AND ORDERED on this 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review of it under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida**

IN THE MATTER OF:

SFWMD ORDER NO. 2022-061-DAO

**EMERGENCY AUTHORIZATION
ABROGATING TIME REQUIREMENTS,
NOTICE REQUIREMENTS AND
DEADLINES FOR ACTION ON
PERMITS AND OTHER APPROVALS
MADE NECESSARY BY TROPICAL STORM IAN**

**RECEIVED
DISTRICT CLERK'S OFFICE**

8:49 am Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



**ORDER TERMINATING EMERGENCY AUTHORIZATION FOR
ABROGATING TIME REQUIREMENTS MADE NECESSARY BY HURRICANE IAN**

The South Florida Water Management District ("SFWMD") enters this Order terminating Emergency Order No. 2022-050-DAO, which abrogated time requirements and deadlines for actions on permit applications and other approvals.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Orders 22-218, declaring that a state of emergency existed in 24 counties in the State of Florida, based upon the serious threat to the public health, safety and welfare posed by then-Tropical Storm Ian. On September 24, 2022, the Governor of Florida issued Executive Order 22-219, expanding the state of emergency to the entire State of Florida.

2. On September 24, 2022, the Executive Director issued Emergency Final Order No. 2022-050-DAO ("Order"). The Order was based upon a finding that a serious threat to the public health, safety, and welfare existed due to the potential impacts of Tropical Storm Ian. The Order will expire on November 22, 2022, unless terminated earlier.

3. The Executive Director has determined that Emergency Order No. 2022-050-DAO is no longer required because an immediate danger to the public health and safety or other substantial loss to the public due to Hurricane Ian no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

4. Section 373.119(2), Florida Statutes, authorizes the Executive Director to issue emergency authorizations whenever the Executive Director finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare.

5. Based upon the findings above, the Executive Director concludes that since immediate danger to the public health and safety or other substantial loss to the public no longer exists, the Order abrogating the time requirements and deadlines for actions on permit applications due to the impacts and time constraints made necessary by Hurricane Ian should be terminated immediately.

ORDER

THEREFORE, IT IS ORDERED:

That Emergency Order No. 2022-050-DAO is terminated as of 12:00 p.m., Tuesday, November 8, 2022.

DONE AND ORDERED on this 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review of it under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-218 (Emergency Management – Tropical Depression Nine)

WHEREAS, as of 5:00 AM EDT on September 23, 2022, the National Hurricane Center reported that Invest 98L had strengthened into Tropical Depression Nine; and

WHEREAS, as of 11:00 AM EDT on September 23, 2022, Tropical Depression Nine was located 1,045 miles southeast of Key West, Florida; and

WHEREAS, the National Hurricane Center reported Tropical Depression Nine has maximum sustained winds of 35 miles per hour and is expected to intensify significantly over the weekend; and

WHEREAS, the National Hurricane Center predicts Tropical Depression Nine will approach Florida's Peninsula at or near major hurricane strength and could affect South Florida and portions of the Florida Keys as early as Monday; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Keys and much of Florida's Peninsula; and

WHEREAS, the threat posed by Tropical Depression Nine requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(6)-(12), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some state, regional, and local agencies and other governmental bodies in responding to this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

B. Each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or (2) ordered by the State Coordinating Officer or designee. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

C. In accordance with section 252.38(3), Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Following local procurement and contracting policies;

3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);

4) Incurring obligations;

5) Employment of permanent and temporary workers;

6) Utilization of volunteer workers;

7) Rental of equipment;

8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Manage the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties

that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to section 316.545(4), Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and

5) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer.

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to

provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours-of-service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state or local agency but who do not reside in an area or county covered by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered under this Executive Order may prescribe and dispense a supply of a medicinal drug lasting up to 72 hours.

H. All state agencies responsible for the use of state buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each state agency to report the closure of any state building or facility to the WebEOC system utilized by the Division of Emergency Management. Under the authority contained in section 252.36, Florida Statutes, I direct each county to report the closure of any building or facility operated or maintained by the county or any political subdivision on a daily basis to the WebEOC system. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and
- 2) Provide that list daily to the State Coordinating Officer.

I. All state agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such applications are deemed to be approved unless disapproved in writing by specified deadlines. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All state agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(a)-(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This waiver of section 215.422(3)(a)-(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and
- B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

In accordance with section 252.37(2)(a), Florida Statutes, state agencies responding to this emergency must first spend funds specifically appropriated for disaster relief or response. If no specifically appropriated funds exist, or if funds specifically appropriated are exhausted, state agencies are authorized to spend funds from the Emergency Preparedness and Response Fund through the procedures outlined in Memorandum No. 22-046, Emergency Preparedness and Response.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer

contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five days of issuance.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(6)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;

B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;

C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and

D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Executive Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this Executive Order. The authority of the Florida Housing Finance Corporation to distribute funds in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and shall expire sixty (60) days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of September 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FL
2022 SEP 23 PM 3:18

FILED

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-219

(Amending Executive Order 22-218, Emergency Management – Tropical Depression Nine)

WHEREAS, on September 23, 2022, I issued Executive Order 22-218 and declared a state of emergency exists for several counties in Florida’s Peninsula and the Florida Keys due to Tropical Depression Nine; and

WHEREAS, as of 11:00 PM EDT on September 23, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian, with maximum sustained winds of 40 miles per hour; and

WHEREAS, as of 8:00 AM EDT on September 24, 2022, Tropical Storm Ian was approximately 855 miles southwest of Key West, Florida; and

WHEREAS, Tropical Storm Ian is forecasted to become a major hurricane before making landfall along Florida’s West Coast; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida’s Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida; and

WHEREAS, the threat posed by Tropical Storm Ian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 22-218 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare a state of emergency exists in the State of Florida.

Section 2. Except as amended herein, Executive Order 22-218 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 22-218.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of September, 2022.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

2022 SEP 24 PM 12:38
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-219

(Amending Executive Order 22-218, Emergency Management – Tropical Depression Nine)

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WHEREAS, Tropical Storm Ian is forecasted to become a major hurricane before making landfall along Florida’s West Coast; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida’s Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida; and

WHEREAS, the threat posed by Tropical Storm Ian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 22-218 is amended to read as follows:

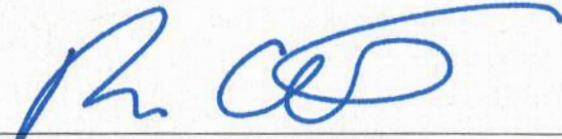
Because of the foregoing conditions, which are projected to constitute a major disaster, I declare a state of emergency exists in the State of Florida.

Section 2. Except as amended herein, Executive Order 22-218 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 22-218.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of September, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FL

2022 SEP 24 PM 12:38

FILED

MEMORANDUM

TO: Governing Board Members

FROM: Sean Cooley, Office of Communications & Public Engagement

DATE: November 18, 2022

SUBJECT: Governing Board Representative, Biscayne Bay Commission

Agenda Item Background:

Biscayne Bay is the only large, subtropical, protected bay within the continental U.S. and is the largest estuary in Florida. On June 3, 2021, Governor DeSantis signed into law CS/HB 1177 establishing the Biscayne Bay Commission (Commission) to support continued restoration and protection of this important ecosystem. The Commission is an advisory council within the DEP that serves as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay. The Commission also develops coordinated plans, priorities, programs, and projects to improve the Biscayne Bay area and act as the principal advocate to support bay restoration efforts.

The Commission is comprised of nine voting members from the following agencies who shall meet at least quarterly: one member will be appointed by the Governor, three members from the Miami-Dade Board of County Commissioners; one member from the Florida League of Cities; one Governing Board member from the District who resides in Miami-Dade County and is appointed by the Board; one representative of the DEP; one representative of the Fish and Wildlife Conservation Commission (FWC); and one member of the Florida Inland Navigation District (FIND). The members serve a four-year term, however, to provide for staggered terms, the District, DEP, FWC, and FIND shall initially serve for two years. The Commission is to complete a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report was published on January 14, 2022.

Staff Contact and/or Presenter:

Sean Cooley, scooley@sfwmd.gov, 561-682-2019

ATTACHMENTS:

[Resolution No. 2022-1111](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to appoint Scott Wagner to serve as the South Florida Water Management District's (District) representative on the Biscayne Bay Commission for the remainder of the District's initial two-year term and any subsequent terms thereafter; providing an effective date.

WHEREAS, Biscayne Bay is the only large, subtropical, protected bay within the continental U.S. and is the largest estuary in Florida; and

WHEREAS, on June 3, 2021, Governor DeSantis signed into law CS/HB 1177 establishing the Biscayne Bay Commission to support continued restoration and protection of this important ecosystem; and

WHEREAS, the Biscayne Bay Commission is a nine-member advisory council within the Florida Department of Environmental Protection that will serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay, and will develop coordinated plans, priorities, programs, and projects to improve the Biscayne Bay area and act as the principal advocate to support bay restoration efforts; and

WHEREAS, pursuant to CS/HB 1177, Section 163.11, Florida Statutes, the Governing Board of the South Florida Water Management District shall appoint a Governing Board member who resides in Miami-Dade County to serve on the commission for an initial two-year term; and

WHEREAS, Scott Wagner shall serve on the Biscayne Bay Commission for the remainder of the District's initial two-year term and any subsequent terms thereafter.

NOW THEREFORE, 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 appoints Scott Wagner to serve on the Biscayne Bay Commission for the remainder of the initial two-year term and any subsequent terms thereafter.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Stacey Adams, Water Resources Division

DATE: November 18, 2022

SUBJECT: Fiscal Year 2023-2024 Alternative Water Supply Funding Program

Agenda Item Background:

This item includes a presentation of the upcoming Fiscal Year 2023-2024 Alternative Water Supply Funding Program (Program) which includes an overview and a tentative schedule for implementation. The Program's purpose is to provide financial incentives through matching grants for local alternative water supply and water conservation projects.

This item also seeks Governing Board authorization to include the status of Water Facilities Work Plans for local government applicants starting in the Fiscal Year 2023-2024 cost-share process and consider the same as an eligibility requirement in future years.

Core Mission and Strategic Priorities:

Additional Item Background:

Water resource and water supply development projects help to protect our water resources and ensure that the needs of existing and future users are met. In recognition of this, the State's past four fiscal year budgets have included a total of \$170 million in statewide cost-share funding to support development of alternative water supply projects. The DEP administers this funding and relies on a priority list of projects submitted by each of the State's water management districts for funding allocations. The DEP issued an Alternative Water Supply Funding Guidance document in June 2020 that requests the water management districts provide a list of projects to them for funding consideration each May, in anticipation of Alternative Water Supply funding being approved in the State's next fiscal year's budget.

Core Mission and Strategic Priorities:

This program supports the District's water supply core mission, and alternative water supply and water conservation strategic priorities.

Funding Source:

Anticipated recurring state appropriations as outlined in Executive Order 19-12 (Achieving More Now for Florida's Environment) for alternate water supply and water conservation projects in the State's Fiscal Year 2023-2024 budget. If there are no state appropriations for alternative water supply funding approved, there will be no cost to the District. If funding is allocated through the Water Protection and Sustainability Program, the District is required to provide 100% match funding.

Staff Contact and/or Presenter:

Stacey Adams, sadams@sfwmd.gov, 561-682-2577

ATTACHMENTS:

Resolution No. 2022-1112

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District directing staff to include the status of Water Supply Facilities Work Plans for local government applicants starting in the FY2023-2024 cost-share process and consider the same as an eligibility requirement in future years; providing an effective date.

WHEREAS, the District is required to complete a regional water supply plan every five years per Ch. 373.709 F.S.; and

WHEREAS, per Ch. 163.3177(6)(c)3., F.S. requires that within 18 months of the District adopting or updating a Regional Water Supply Plan, each local government within that region must prepare and adopt a Water Supply Facilities Work Plan that will become part of its comprehensive plan. The Work Plan identifies and plans for the water supply sources and facilities needed to serve existing and new development within a county's or municipality's jurisdiction; and

WHEREAS, including the status of Water Supply Facilities Work Plans for local government applicants as part of the cost-share process beginning in FY2023-2024 links District approved regional water supply plans and identified projects to meet projected water needs for the local government.

NOW THEREFORE, 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 directs staff to include the status of Water Supply Facilities Work plans for local government applicants starting in the FY2023-2024 cost-share process and consider the same as an eligibility requirement in future years.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.

MEMORANDUM

TO: Governing Board Members

FROM: Alan Shirkey, Ecosystem Restoration & Capital Projects

DATE: November 18, 2022

SUBJECT: C-43 Canal Water Quality Treatment and Testing Project (Phase II), Glades County

Agenda Item Background:

As part of the Northern Everglades Estuary Protection Program (NEEPP), the C-43 Canal Water Quality Treatment and Testing Project (C-43 Canal WQTTP) has an overarching objective to demonstrate and implement cost-effective, wetland-based strategies for reducing nutrient discharges, particularly nitrogen, to the C-43 Canal, the Caloosahatchee River, and the Estuary. The planned project site for the facility, currently known as the BOMA Site, is situated South of the Caloosahatchee River, North of State Road 80, just upstream (East) of the S-78 Spillway and Lock Structure.

The C-43 Canal WQTTP Conceptual Plan was completed in 2012 which recommended a phased, multi-scale wetland demonstration testing facility to help better understand the nitrogen cycle and study the key factors associated with nitrogen reduction in treatment wetlands. The phased research demonstration, comprising wetland mesocosms and bioassays (Phase I), followed by test cells and field-scale cells (Phase II), was envisioned to help inform the basis for design of a future, full-scale constructed treatment facility. The primary study objectives of the Phase I demonstration focused on various treatments of hydraulic loading rates, vegetation, and soils to determine which specific variables may provide the best performance for nitrogen reduction. Further in line with the 2012 Conceptual Plan, all of the Phase I demonstration results will be used to help inform the scale-up of constructed treatment wetland research on this current phase (Phase II).

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Core Mission and Strategic Priorities:

C-43 Canal WQTTP supports the District's core mission of Ecosystem Restoration.

Funding Source:

The construction of the C-43 Canal WQTTP will be funded through dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds.

Staff Contact and/or Presenter:

Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

ATTACHMENTS:

Resolution No. 2022-1113

Map

Backup Document

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 485-day contract with Phillips & Jordan, Inc., the lowest responsive and responsible bidder, for the C-43 Canal Water Quality Treatment and Testing Project, Glades County, in the amount of \$24,623,409.85 for which dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2022-2023; providing an effective date. (Contract No. 4600004685)

WHEREAS, it is in the public interest to authorize entering into a 485-day contract with Phillips & Jordan, Inc., the lowest responsive and responsible bidder for C-43 Canal Water Quality Treatment and Testing Project, Glades County, in the amount of \$24,623,409.85.

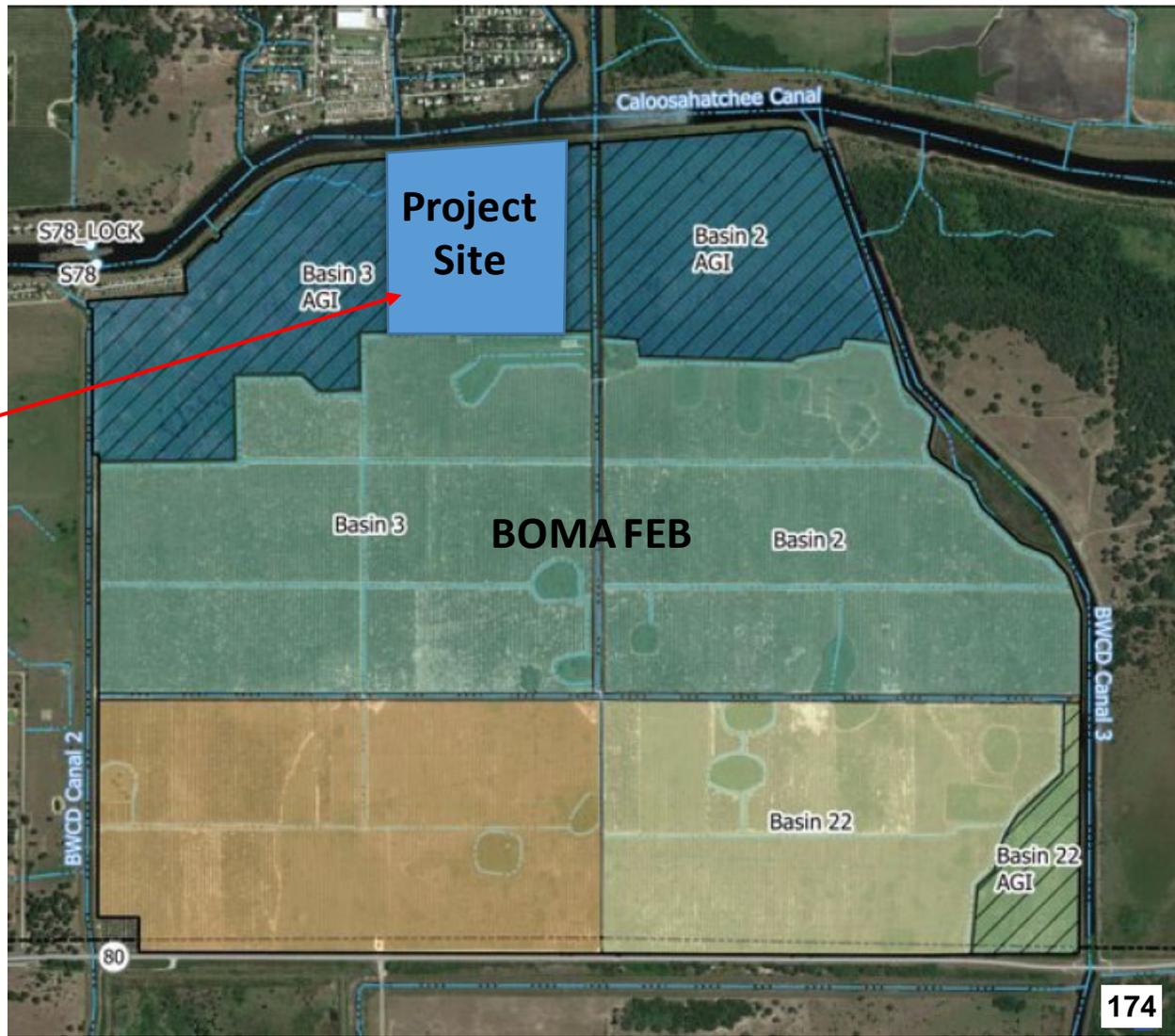
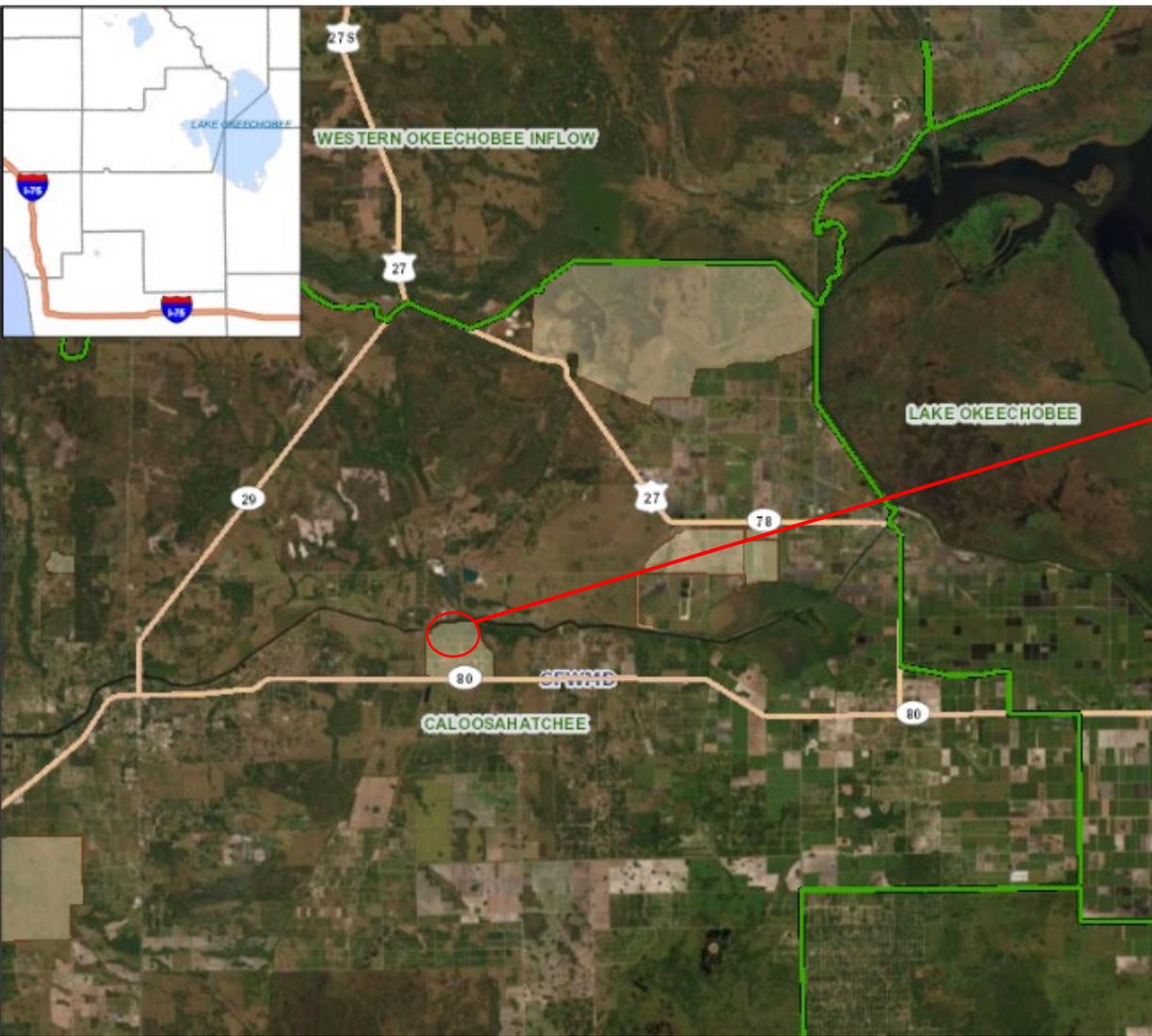
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a 485-day contract with Phillips & Jordan, Inc. for the C-43 Canal Water Quality Treatment and Testing Project, Glades County, in the amount of \$24,623,409.85 for which dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2022-2023. (Contract No. 4600004685)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 18th day of November, 2022.

Location





SOUTH FLORIDA WATER MANAGEMENT DISTRICT NOTICE OF INTENT TO AWARD

RFB No.: 6000001377	Title: C-43 WATER QUALITY TREATMENT AND TESTING PROJECT, GLADES COUNTY
SBE Subcontracting Goal: 25%	Opening Date: 10/24/2022
Total Bids Received: 3	Advertised Date: 9/14/2022
Bids Received from SBEs: 0	Advertisement: Okeechobee News, Palm Beach Post
Total Number of Planholders: 28	
Total SBE Planholders: 14	
Contract Specialist: Ken Beaty	
Project Manager: Vijay Mishra	

<u>BIDDERS</u>	<u>BID AMOUNT</u>
PHILLIPS & JORDAN, INC.	\$24,623,409.85
THALLE CONSTRUCTION COMPANY, INC	\$36,260,826.00
KIEWITT INFRASTRUCTURE SOUTH CO.	\$55,419,440.00

The bid amounts indicated above are as submitted at the bid opening and are subject to verification. Award of the contracts to the lowest bidder is subject to the District's determination that the bid is responsive and that the bidder is responsible as indicated by the signatures below.

Approvals required in numerical order. Signatures must be dated.

<p>Project Manager - Attach detailed justification that recommended bidder is responsive and responsible.</p> <p>Recommendation for award to low bidder? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, recommend award to: _____</p> <p>Basis of recommendation: _____ _____ _____</p> <p>Governing Board approval of award or contract required? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p>	<p>_____ Date</p> <p style="text-align: center; font-size: small;">Project Manager</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Section Administrator</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Bureau Chief</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Division Director</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Contract Specialist</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Contract Manager</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Office of Counsel</p> <p>_____ Date</p> <p style="text-align: center; font-size: small;">Procurement Bureau Chief</p>
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NOTE: This form shall serve as the District's Notice of a decision or intended decision as defined in Section 120.57(3)(a) Florida Statutes and Chapter 28-110, Florida Administrative Code. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes. Any protest or bond or other security must be filed with the District Clerk.

Posting Date: _____
Posting Time: _____
Initials: _____

MEMORANDUM

TO: Governing Board Members

FROM: Jennifer Reynolds, Ecosystem Restoration & Capital Projects

DATE: November 18, 2022

SUBJECT: First Construction Contract for CEPP North: S-620 Gated Culvert and L-6 Improvements Project, Palm Beach County

Agenda Item Background:

As part of the Central Everglades Planning Project, North Phase (CEPP-N), the S-620 Gated Culvert, and L-6 Improvement Project is the first of nine features associated with CEPP-N.

The project includes building a new structure that will replace the existing earthen berm within the southern portion of the L-6 Canal. The S-620 structure will be a remotely operated, two-gated control structure with a design capacity of 500 cubic feet per second, that includes a control building, stilling wells, communication equipment and tower. The project also includes earthwork activities consisting of regrading the L-6 Canal for approximately 1,050 feet, constructing approximately 700 feet of tie-back levee, and removal of the existing earthen plug within the L-6 Canal.

These improvements, along with the other CEPP-N components, will provide a means of conveying water to re-hydrate wetlands in the northwest corner of WCA-3A, and provide a means of improving sheetflow through WCA-3A towards the south.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Core Mission and Strategic Priorities:

The CEPP North, S-620 Gated Culvert & L-6 Improvement Project supports the District's core mission of ecosystem restoration.

Funding Source:

The CEPP North, S-620 Gated Culvert & L-6 Improvement Project will be funded through dedicated funds (Everglades Trust Fund).

Staff Contact and/or Presenter:

Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

ATTACHMENTS:

[Resolution No. 2022-1114](#)

[Map](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 510-day contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder, for the Central Everglades Planning Project-North (CEPP-N), S-620 Gated Culvert and L-6 Improvements for a total amount of \$13,603,585, of which \$8,000,000 in dedicated funds (Everglades Trust Fund and Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets, providing an effective date. (Contract No. 4600004686)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder for the Central Everglades Planning Project-North (CEPP-N), S-620 Gated Culvert & L-6 Improvements Project, for a total amount of \$13,603,585.

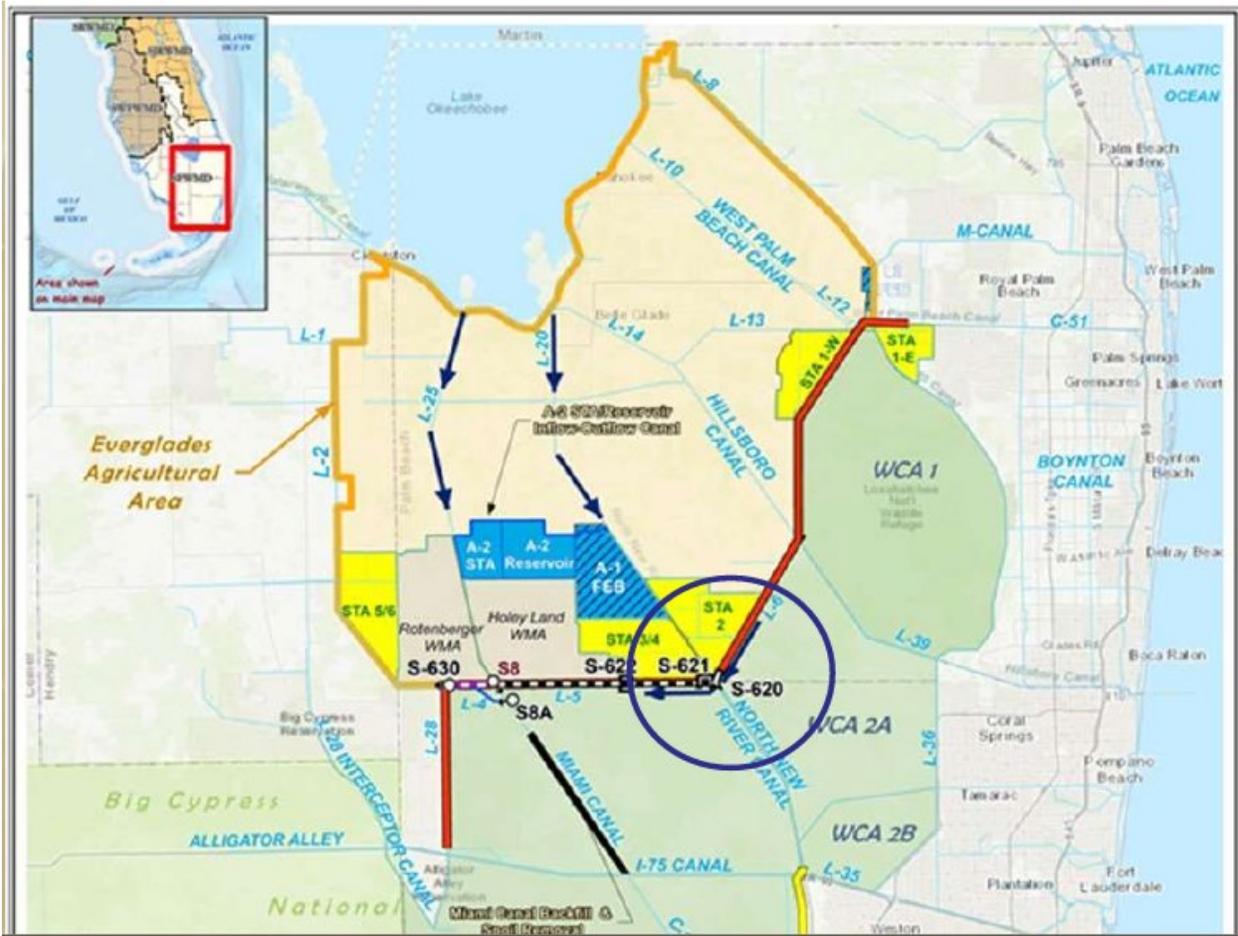
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a contract with Kiewit Infrastructure South Co., for the Central Everglades Planning Project-North (CEPP-N), S-620 Gated Culvert & L-6 Improvements Project \$13,603,585, of which \$8,000,000 in dedicated funds (Everglades Trust Fund and Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budget. (Contract No. 4600004686)

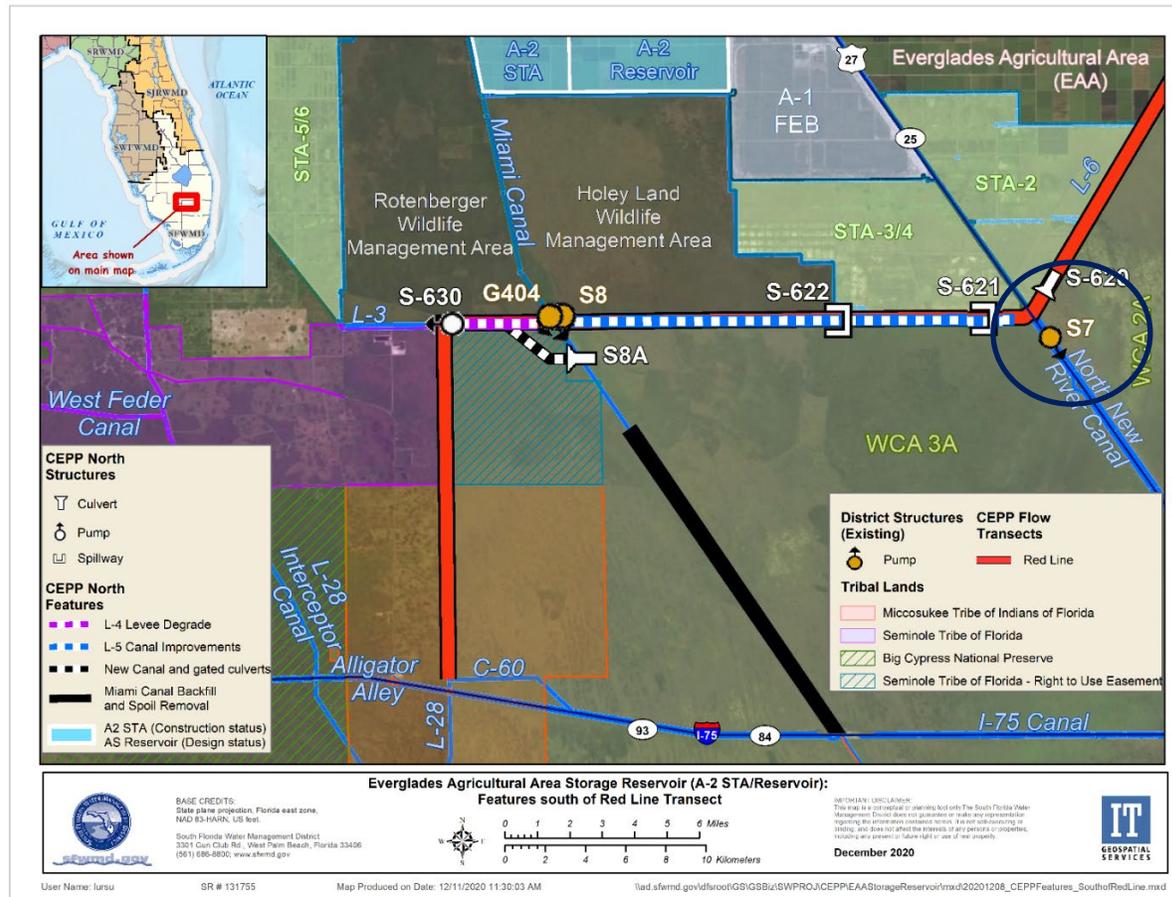
Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 18th day of November, 2022.

Location



Vicinity Map



Location Map



SOUTH FLORIDA WATER MANAGEMENT DISTRICT NOTICE OF INTENT TO AWARD

RFB No.: 6000001375	Title: CEPP NORTH - L-6 DIVERSION/S-620 GATED CULVERT, PALM BEACH COUNTY
SBE Subcontracting Goal: 25%	Opening Date: 11/1/2022
Total Bids Received: 3	Advertised Date: 9/30/2022
Bids Received from SBEs: 1	Advertisement: Palm Beach Post
Total Number of Planholders: 35	
Total SBE Planholders: 16	
Contract Specialist: Jason Bezak	
Project Manager: Greg Nolte	

<u>BIDDERS</u>	<u>BID AMOUNT</u>
KIEWIT INFRASTRUCTURE SOUTH CO.	\$13,603,585.00
HARRY PEPPER AND ASSOCIATES, INC.	\$13,793,180.00
INTERLAKEN, INC.	\$15,394,216.00

The bid amounts indicated above are as submitted at the bid opening and are subject to verification. Award of the contracts to the lowest bidder is subject to the District's determination that the bid is responsive and that the bidder is responsible as indicated by the signatures below.

Approvals required in numerical order. Signatures must be dated.

Project Manager - Attach detailed justification that recommended bidder is responsive and responsible.	1.	<div style="display: flex; justify-content: space-between;"><i>Project Manager</i><i>Date</i></div>
Recommendation for award to low bidder? <input type="checkbox"/> Yes <input type="checkbox"/> No	2.	<div style="display: flex; justify-content: space-between;"><i>Section Administrator</i><i>Date</i></div>
If no, recommend award to: _____	3.	<div style="display: flex; justify-content: space-between;"><i>Bureau Chief</i><i>Date</i></div>
Basis of recommendation: _____ _____ _____	4.	<div style="display: flex; justify-content: space-between;"><i>Division Director</i><i>Date</i></div>
Governing Board approval of award or contract required? <input type="checkbox"/> Yes <input type="checkbox"/> No	5.	<div style="display: flex; justify-content: space-between;"><i>Contract Specialist</i><i>Date</i></div>
	6.	<div style="display: flex; justify-content: space-between;"><i>Contract Manager</i><i>Date</i></div>
	7.	<div style="display: flex; justify-content: space-between;"><i>Office of Counsel</i><i>Date</i></div>
	8.	<div style="display: flex; justify-content: space-between;"><i>Procurement Bureau Chief</i><i>Date</i></div>

NOTE: This form shall serve as the District's Notice of a decision or intended decision as defined in Section 120.57(3)(a) Florida Statutes and Chapter 28-110, Florida Administrative Code. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes. Any protest or bond or other security must be filed with the District Clerk.

Posting Date: _____
Posting Time: _____
Initials: _____

MEMORANDUM

TO: Governing Board Members

FROM: Jennifer Reynolds, Ecosystem Restoration & Capital Projects

DATE: November 18, 2022

SUBJECT: Amendment to Agreement, Nicodemus Slough Water Management Project, Glades County

Agenda Item Background:

As part of the NEEPP, the Nicodemus Slough Water Management Project supports both the Lake Okeechobee and Caloosahatchee Estuary Basin Management Action Plans. The approximately 16,000-acre project captures rainfall and retains regional runoff in four above-ground impoundments and is uniquely situated to reduce discharges to Lake Okeechobee and moderate flows to the Caloosahatchee Estuary. Approved by the Governing Board on April 14, 2011, the project has stored an average 24,600 acre-feet of water annually and removed approximately 2 metric tons of phosphorus and 37 metric tons of nitrogen per year.

Staff requests Governing Board approval to amend the existing Lease and Service Agreement with Lykes Bros. Inc. to enter into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, as a sole source as an exception to the standards of competition, for 10 years in an amount not-to-exceed \$35,500,000. The amended contract includes 10 full years of operation, establishes fixed annual cost including operations and maintenance responsibilities, shifts pump repair costs to service provider up to \$100,000 per year, increases the annual pumping capacity limits, and removes variability and uncertainty of Consumer Price Index cost increases.

Core Mission and Strategic Priorities:

The Nicodemus Slough Water Management Project supports the District's core mission of ecosystem restoration.

Funding Source:

A total of \$3,600,000 in dedicated funds (Lands Acquisition Trust Fund) was provided by the Florida Legislature and is budgeted in Fiscal Year 2022-2023. The remainder is subject to future legislative funding and Governing Board approval of future year budgets.

Staff Contact and/or Presenter:

Megan Jacoby, [mjacoboy@sfwmd.gov](mailto:mjacoby@sfwmd.gov), 561-682-6517

ATTACHMENTS:

[Resolution No. 2022-1115](#)

[Map](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 11XX

A Resolution of the Governing Board of South Florida Water Management District to authorize entering into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, as a sole source as an exception to the standards of competition, for 10 years in an amount not-to-exceed \$35,500,000 for a total revised agreement amount of \$64,514,150.59, of which \$3,600,000 in dedicated funds (Lands Acquisition Trust Fund) was provided by the Florida Legislature and is budgeted in Fiscal Year 2022-2023, and the remainder is solely dependent on future legislative funding and Governing Board approval of future years budgets; providing an effective date. (Agreement No. 4600002358-A06)

WHEREAS, the Northern Everglades and Estuaries Protection Program (Section 373.4595, Florida Statutes) has established the Lake Okeechobee and Caloosahatchee River Watershed Protection Plans to improve the hydrology, water quality, and aquatic habitat within these watersheds.

WHEREAS, the agreement with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project was originally approved by the Governing Board of the South Florida Water Management District on April 14, 2011, as a sole source as an exception to the standards of competition.

WHEREAS, the Nicodemus Slough Water Management Project is uniquely located with existing connections to Lake Okeechobee and the Caloosahatchee River and has a proven record of performance since operations began January 2015.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

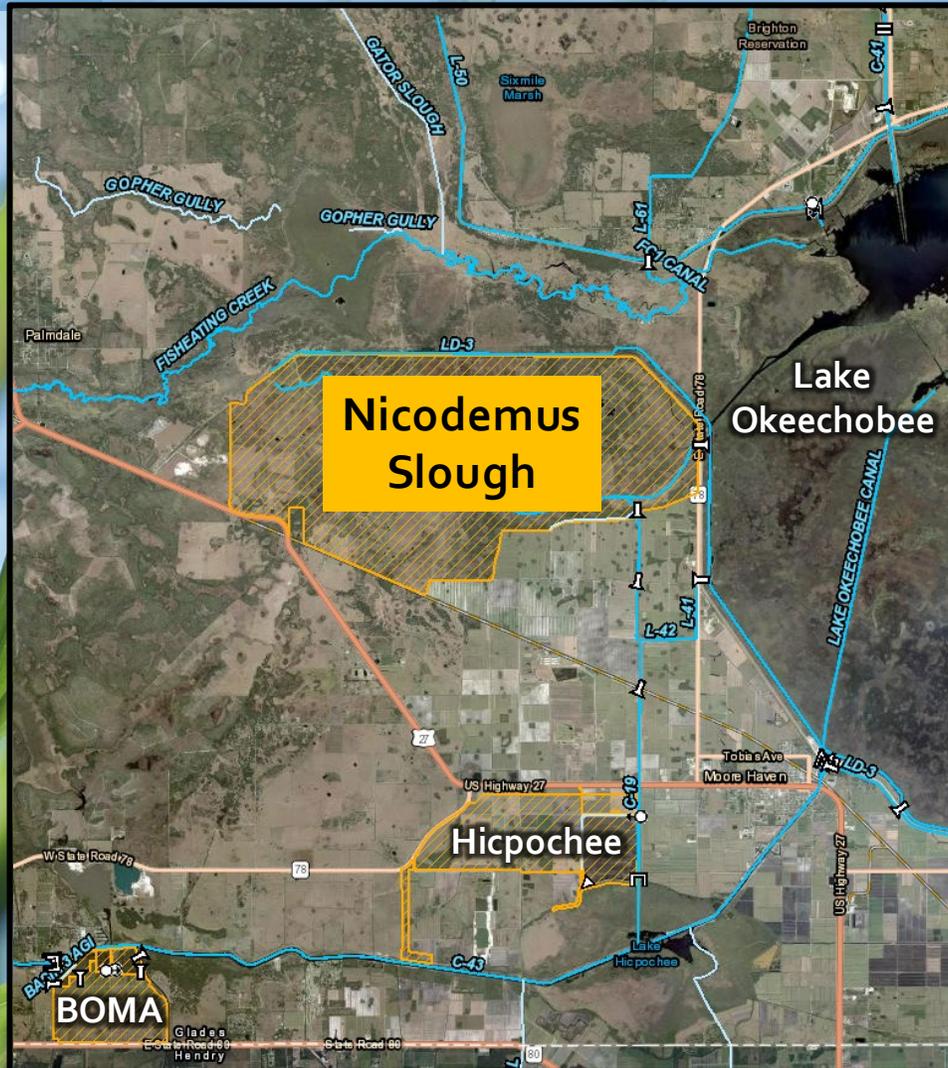
Section 1. The Governing Board of the South Florida Water Management hereby authorizes entering into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, for 10 years in an amount not-to-exceed \$35,500,000 for a total revised agreement amount of \$64,514,150.59, of which \$3,600,000 in dedicated funds (Lands Acquisition Trust Fund) was provided by the Florida Legislature and is budgeted in Fiscal Year 2022-2023, and

the remainder is solely dependent on future legislative funding and Governing Board approval of future years budgets. (Contract No. 4600002358-A06)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 18th day of November, 2022.

Nicodemus Slough Project Overview



- Public-private partnership on about 16,000 acres in the Lake Okeechobee Watershed expiring January 2023
- Supports the Lake Okeechobee and Caloosahatchee Estuary Basin Management Action Plans
- Active storage and treatment project with regional benefits
 - Captures direct rainfall and pumped inflow from Lake Okeechobee (C-5 or S-282)
 - Controlled outflow to C-19 Canal, Lake Hicpochee, and C-43 (Caloosahatchee River)

MEMORANDUM

TO: Governing Board Members

FROM: , Office of Communications & Public Engagement

DATE: November 18, 2022

SUBJECT: Draft Presentations for Agenda items 25, 26, 27, 28, 29, and 30.
Public Comment Received for Agenda Items 9 and 30.

Agenda Item Background:

Staff Contact and/or Presenter:

ATTACHMENTS:

[08 ED Report Mitnik](#)

[25 Mitnik Water Conditions Report](#)

[26 Glenn Ecological Condition Report](#)

[27 Adams DEPAWS Funding](#)

[28 Dadrian C43 Water Quality Treatment and Testing Project](#)

[29 Reynolds CEPP-N Phase S620 Gated Culvert L6 Improvements](#)

[30 Reynolds Nicodemus Slough](#)

[Public Comment Item 09 Reynolds](#)

[Public Comment Item 30 Roth](#)

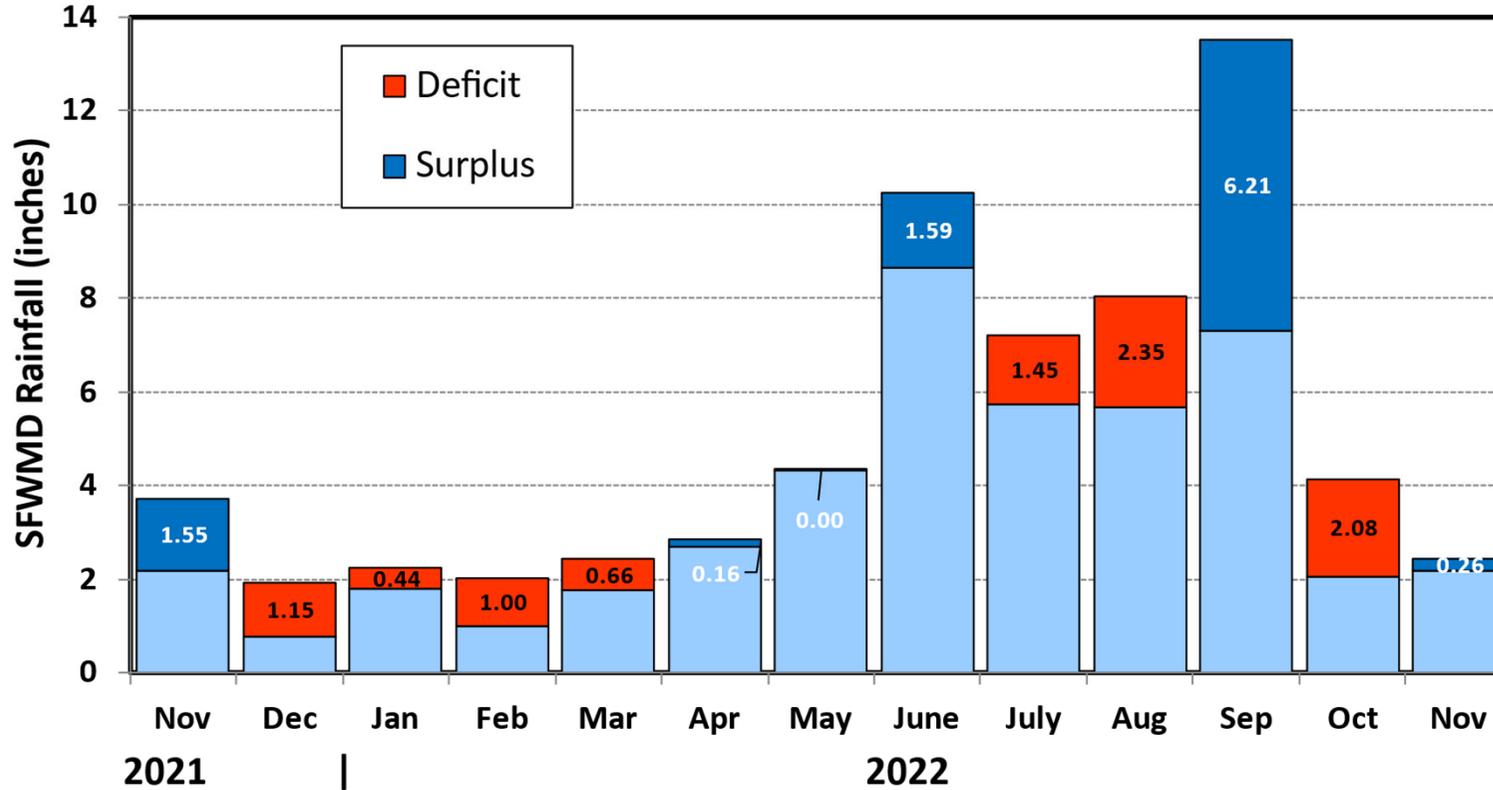
Water Conditions Summary

**South Florida Water Management District
Governing Board Meeting
November 18, 2022**



John P. Mitnik, PE
Chief District Engineer
Assistant Executive Director

SFWMD Rainfall Distribution Comparison (November 2021- November 2022)



District Wide Average Rainfall

Month	Average (inches)
Jan	2.24
Feb	2.01
Mar	2.43
Apr	2.71
May	4.37
Jun	8.65
Jul	7.20
Aug	8.03
Sep	7.31
Oct	4.15
Nov	2.18
Dec	1.94

Wet Season

2021-2022 DRY SEASON

- Started 10/18/2021 and ended 5/12/2022.
- Dec 2021 to Mar 2022 all below average.
- April ended up slightly above average (106%).
- May was about average.

2022 WET SEASON

- Started 5/13/2022 – Ended 9/28/2022
- May ~ 100%, Jun ~ 120%, Jul ~ 80%, Aug ~ 65%
- Sep 2022 total 13.52", 191% of Normal
- Sep 26-29, Hurricane Ian ~ 5.3"

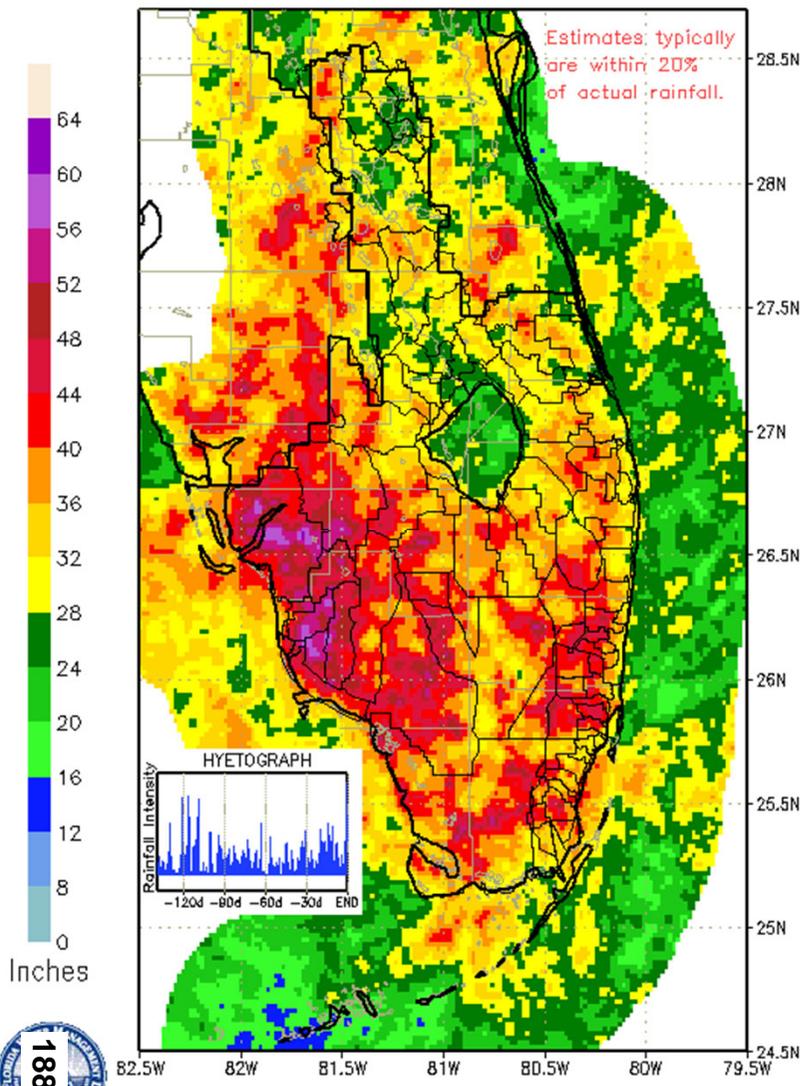
Wet-Season Rainfall

Total rainfall 115% of normal since the start of the 2022 wet season (13 May)

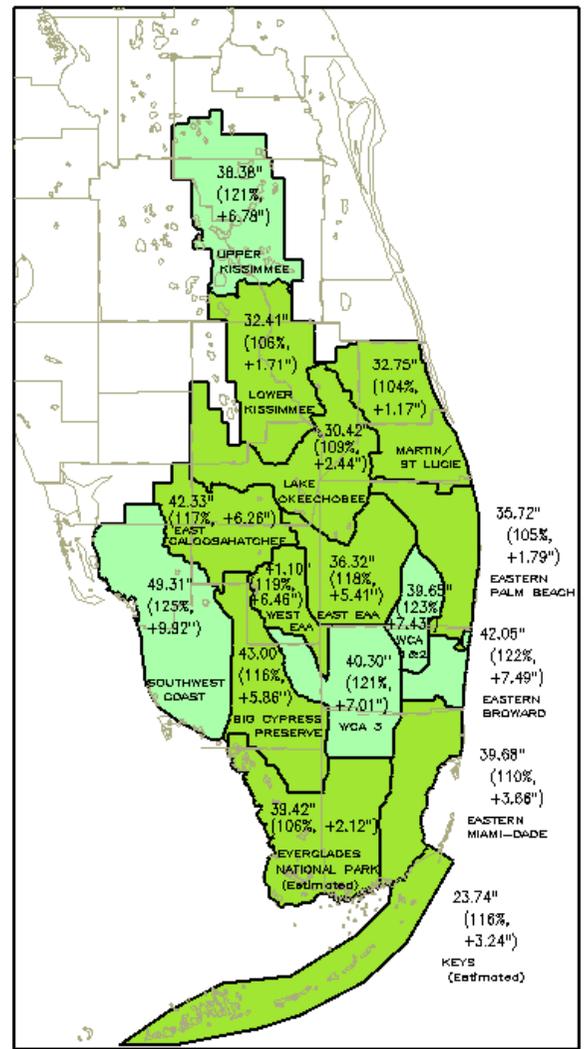
- May (near normal)
- June (80th percentile)
- July substantially dry (15th percentile),
- August rainfall finished at the 15th percentile
- Until end of September, persistently below normal rainfall over the northeastern half of the SFWMD but near normal south of Lake Okeechobee
- Hurricane Ian made rainfall distribution more uniform among areas, except for Upper Kissimmee which went to ~ 300% of normal for September.

2022 Wet Season May 13 to Sep 29, 2022

SFWMD RAINFALL ESTIMATES
 FROM: 0700 EST, 05/12/2022 THROUGH: 0700 EST, 09/28/2022

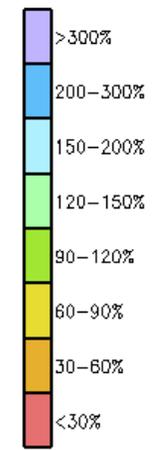


SFWMD Rainfall
 13-MAY-2022 to 29-SEP-2022



Rainfall Since 12 May

- Potential Tropical Cyclone 1/pre-Alex in early June
- District-wide: near normal
- 1" days in June and September
- Hurricane Ian ~ 5.23" in 3 days
- All areas above normal
- Above normal Southwest Coast, Upper Kissimmee and WCA1&2
- Ended with Hurricane Ian



Measured (% of Avg, Diff From Avg)



DISTRICT-WIDE RAINFALL ESTIMATE: 36.858"

GRADS: COLA/ICES



2022-10-31-09:42

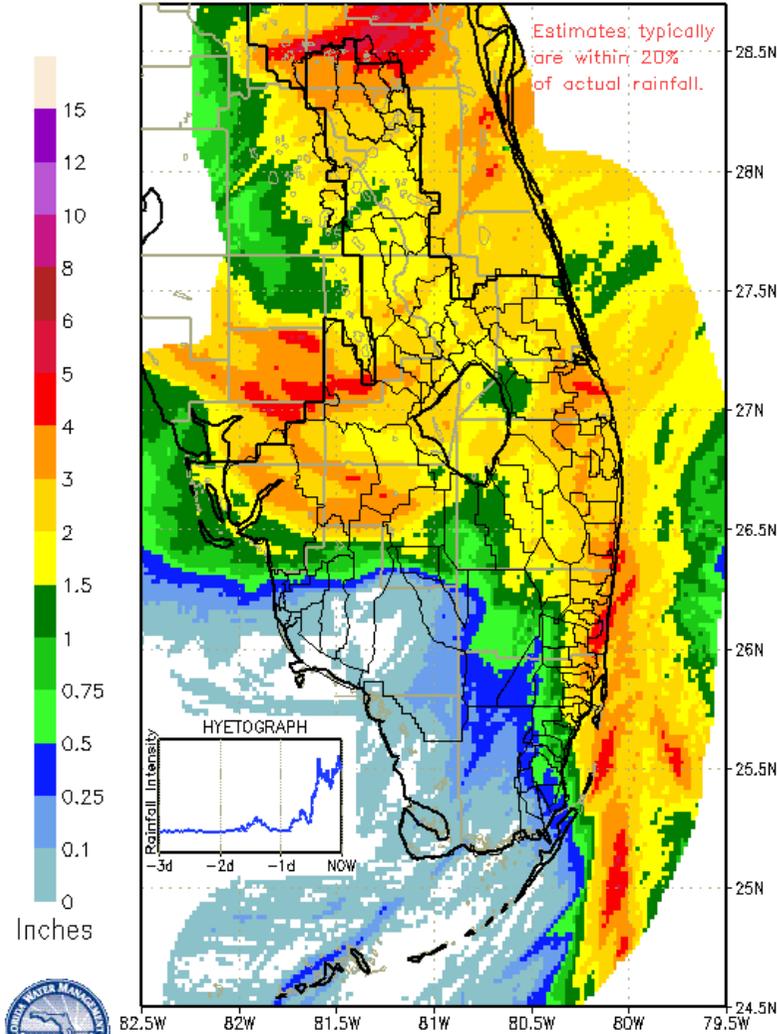
Preparations for Hurricane Nicole



Hurricane Nicole 24-hr Rainfall

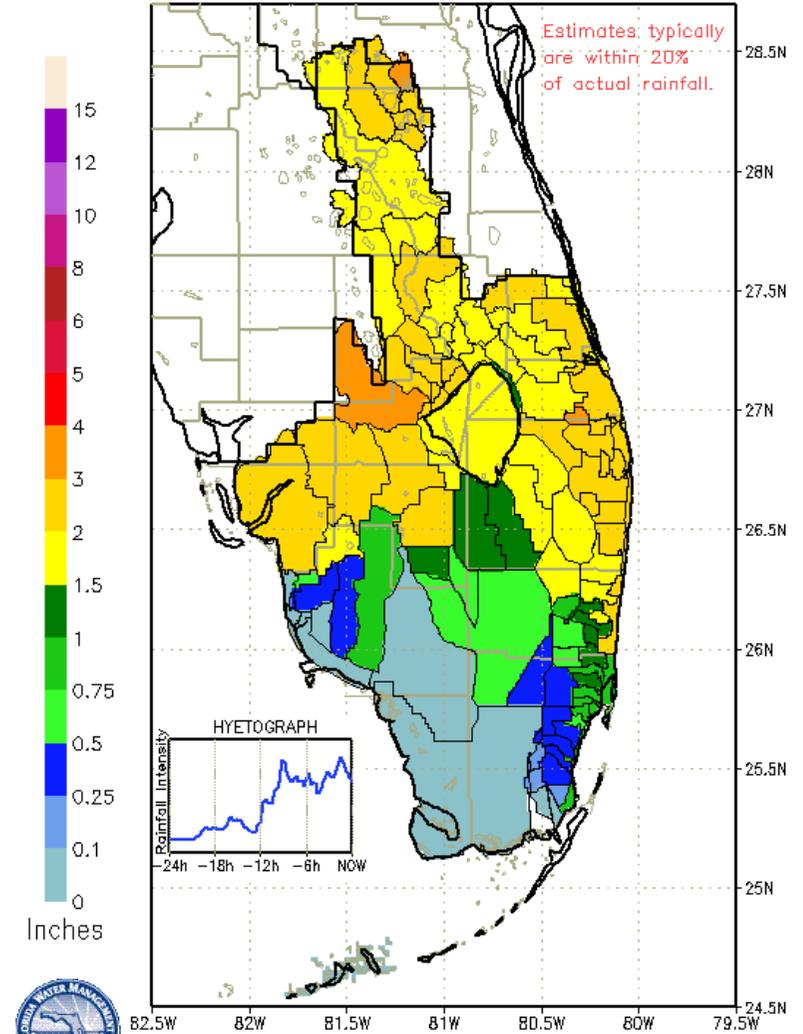


SFWMD PROVISIONAL RAINFAR 3-DAY RAINFALL ESTIMATES
 FROM: 0715 EST, 11/07/2022 THROUGH: 0715 EST, 11/10/2022



DISTRICT-WIDE RAINFALL ESTIMATE: 1.801"

SFWMD PROVISIONAL RAINFAR 24-HOUR BASIN RAINFALL ESTIMATES
 FROM: 0730 EST, 11/09/2022 THROUGH: 0730 EST, 11/10/2022

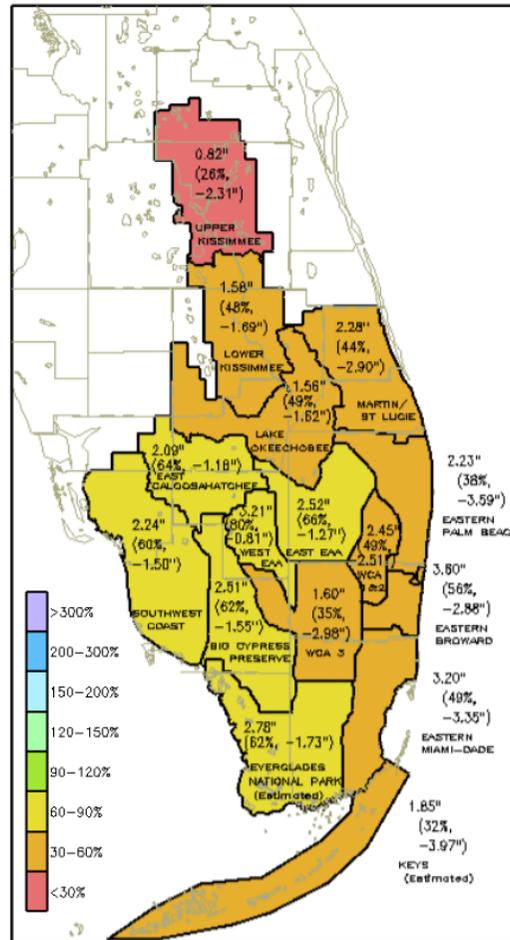
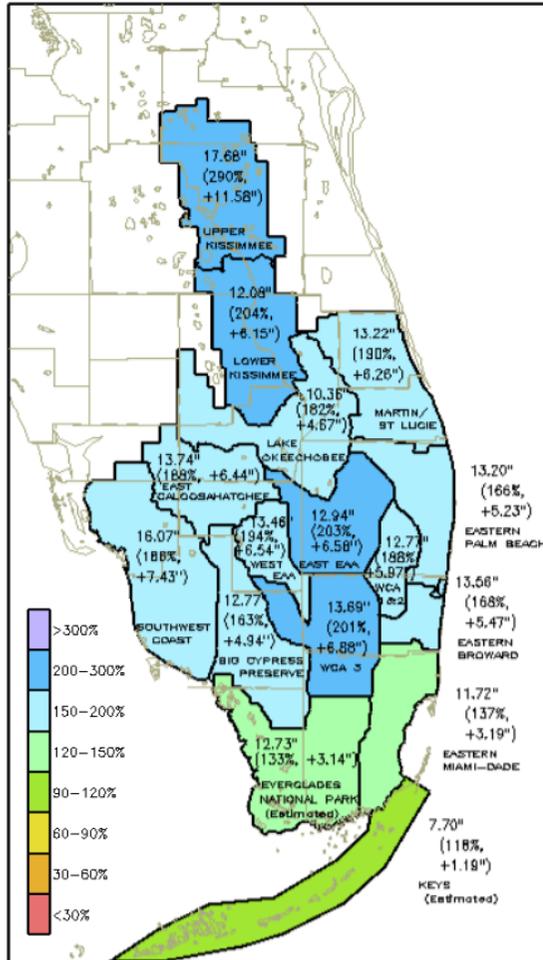


DISTRICT-WIDE RAINFALL ESTIMATE: 1.616"

September 2022 Rainfall

DISTRICT-WIDE: 13.52"

- 191% of average, +6.45" surplus.
- Upper and Lower Kissimmee are above 200% normal
- South areas had less rainfall



October 2022 Rainfall

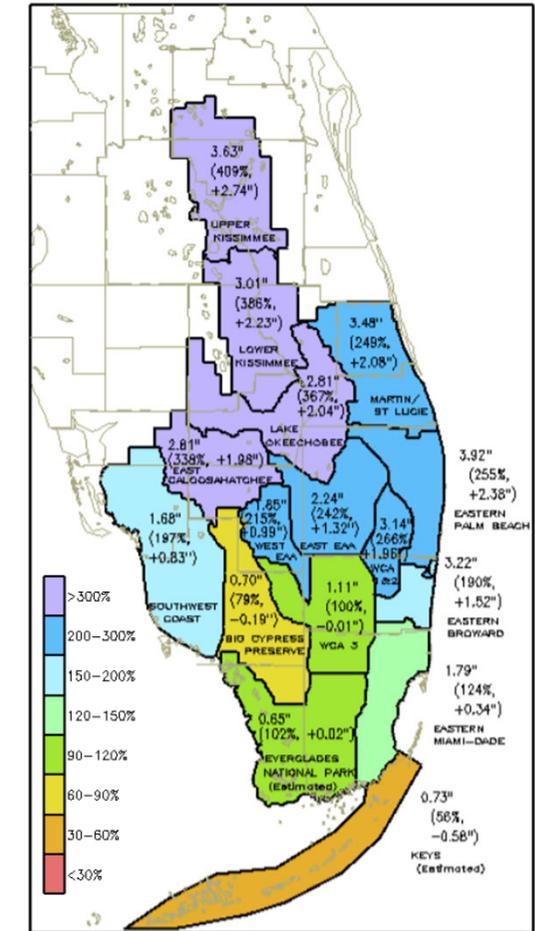
DISTRICT-WIDE: 2.07"

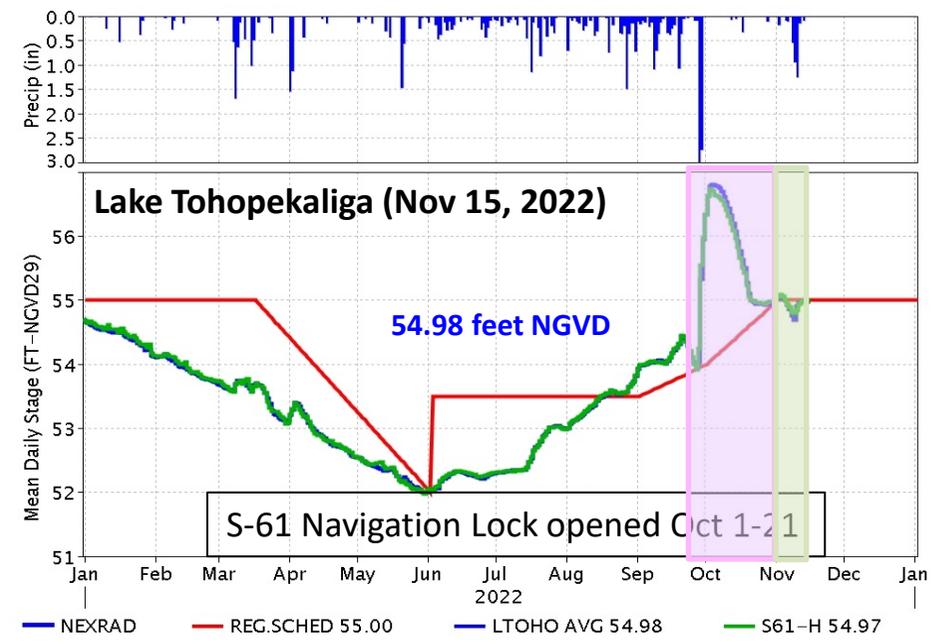
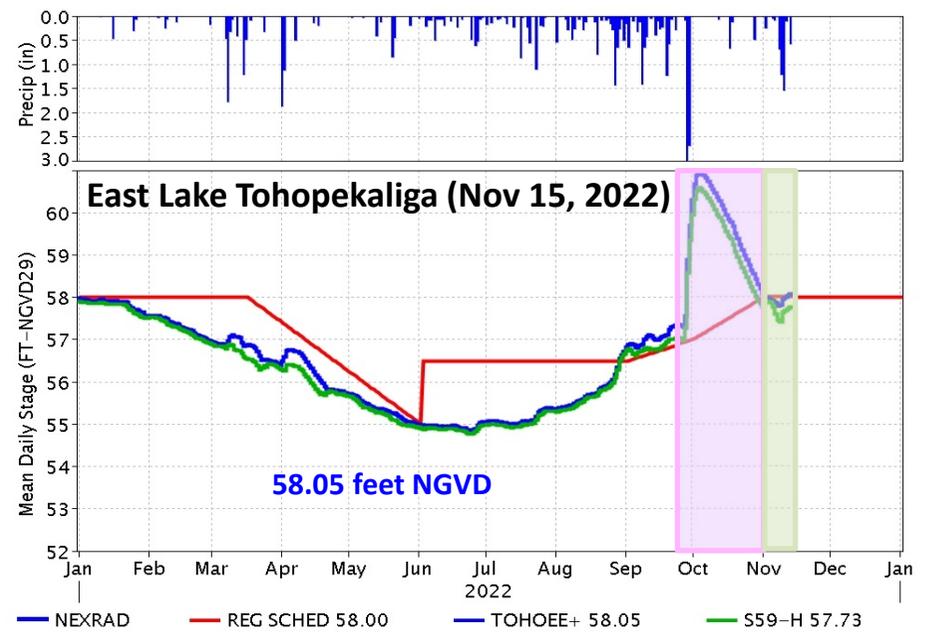
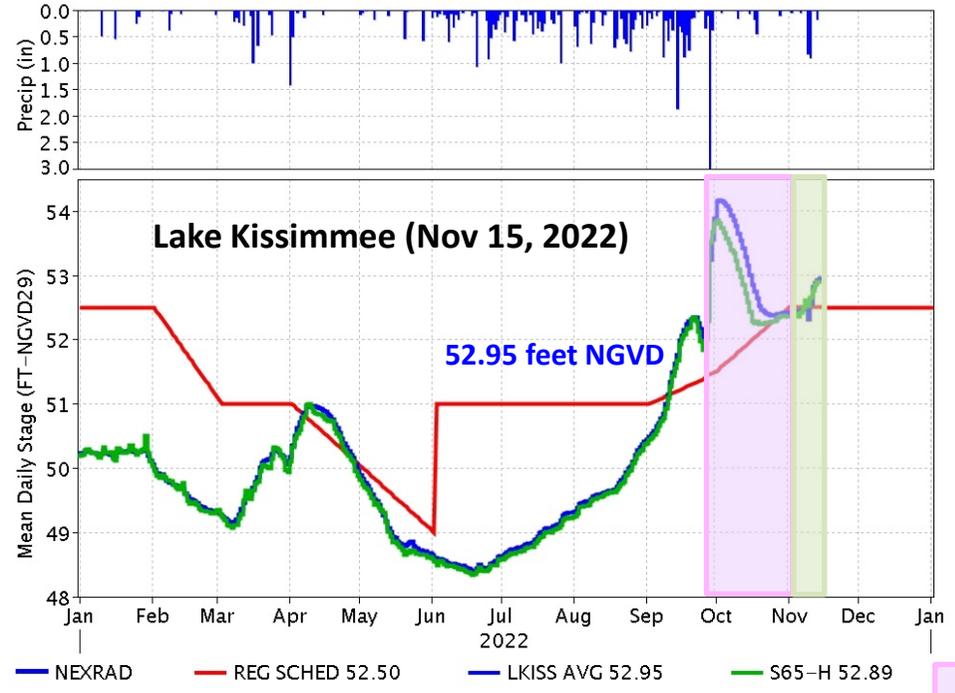
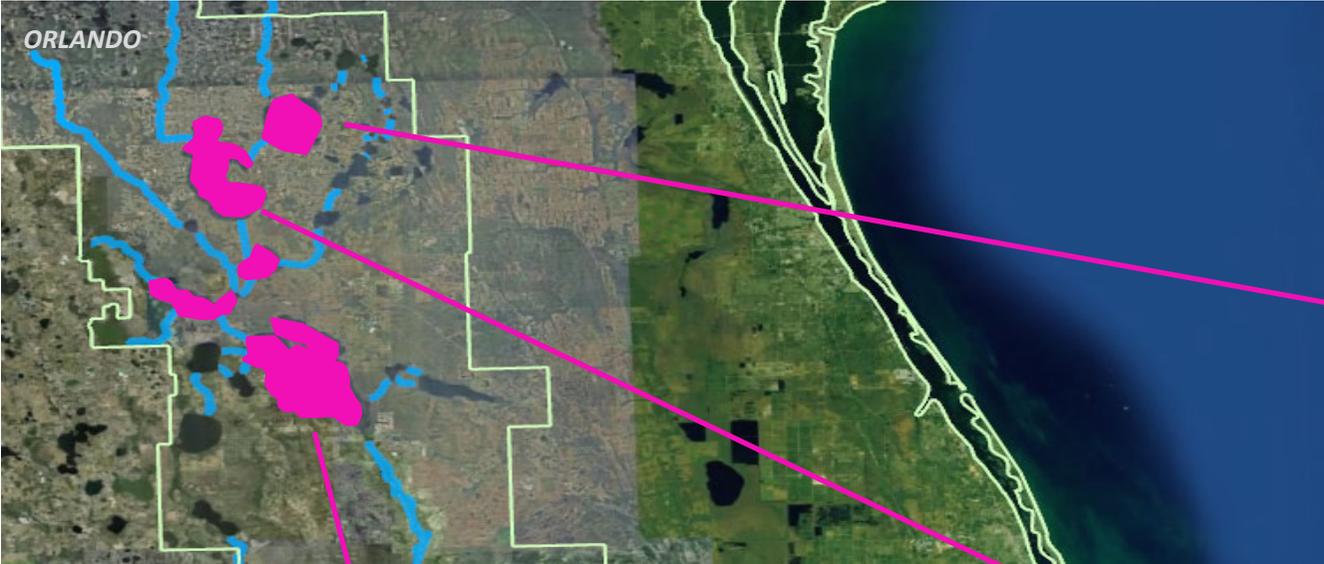
- 50% of average, -2.08" deficit.
- Upper Kissimmee is below 30% normal
- All areas are 80% normal or less

November To Date 2022 Rainfall

DISTRICT-WIDE: 2.44"

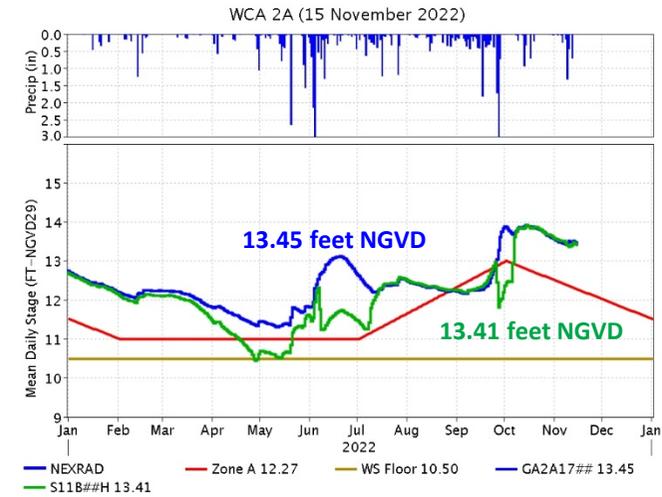
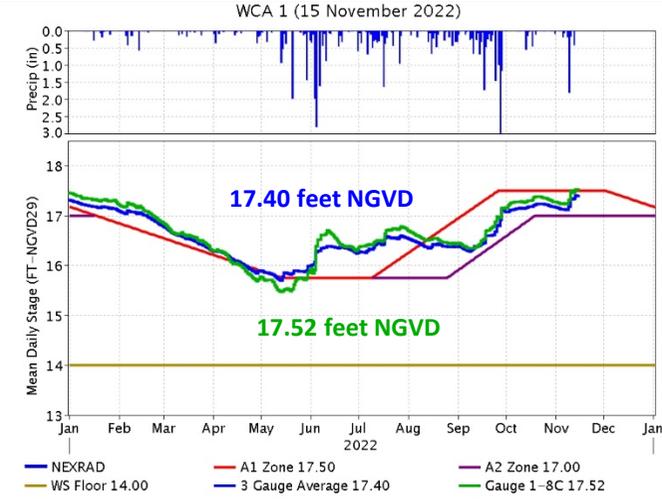
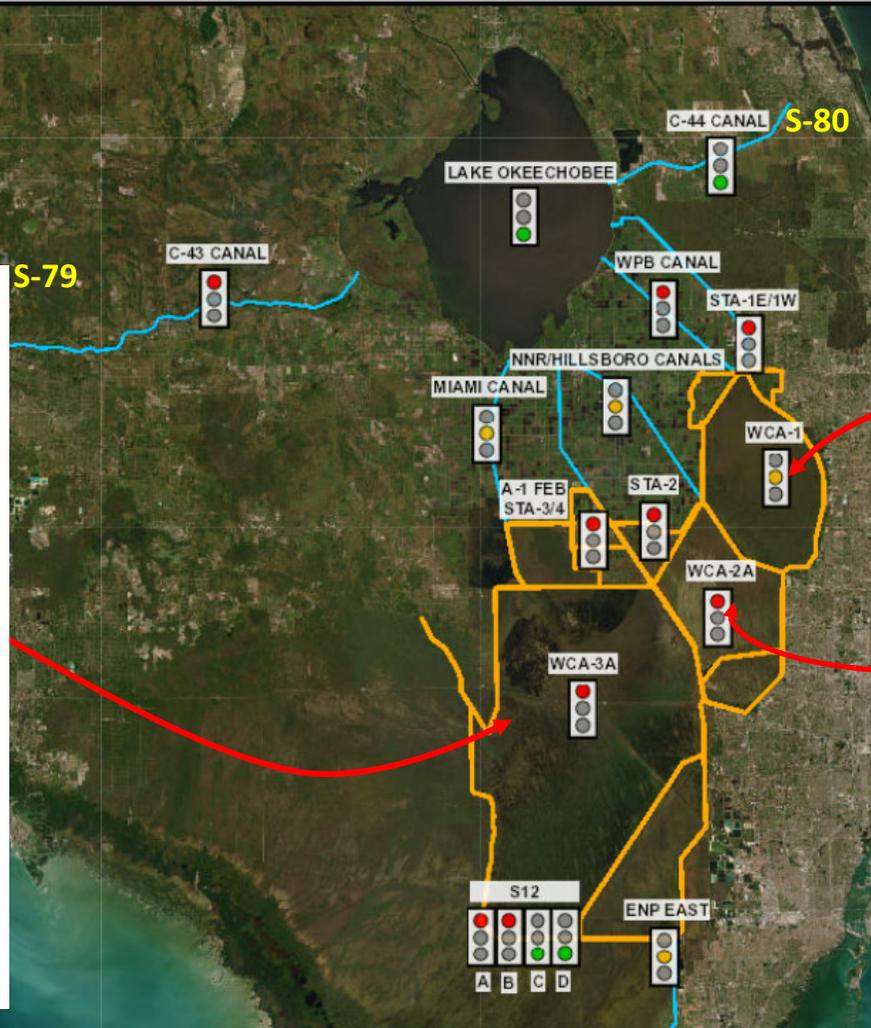
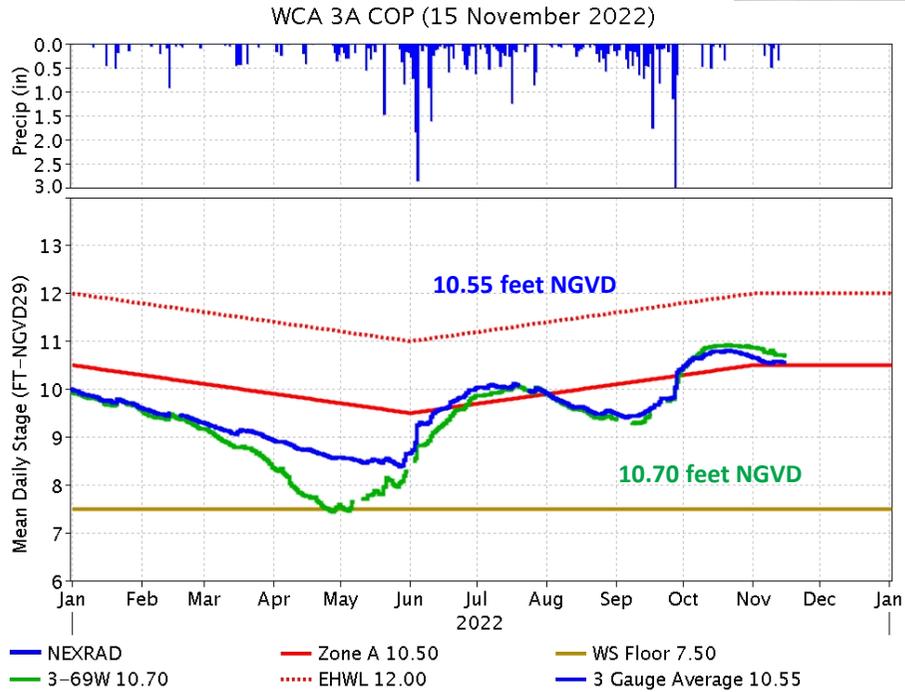
- 224% of average, +1.35" surplus.
- Upper Kissimmee is 409% normal
- Lower Kissimmee is 386% normal
- South-west is below normal





Hurricane Ian
Hurricane Nicole

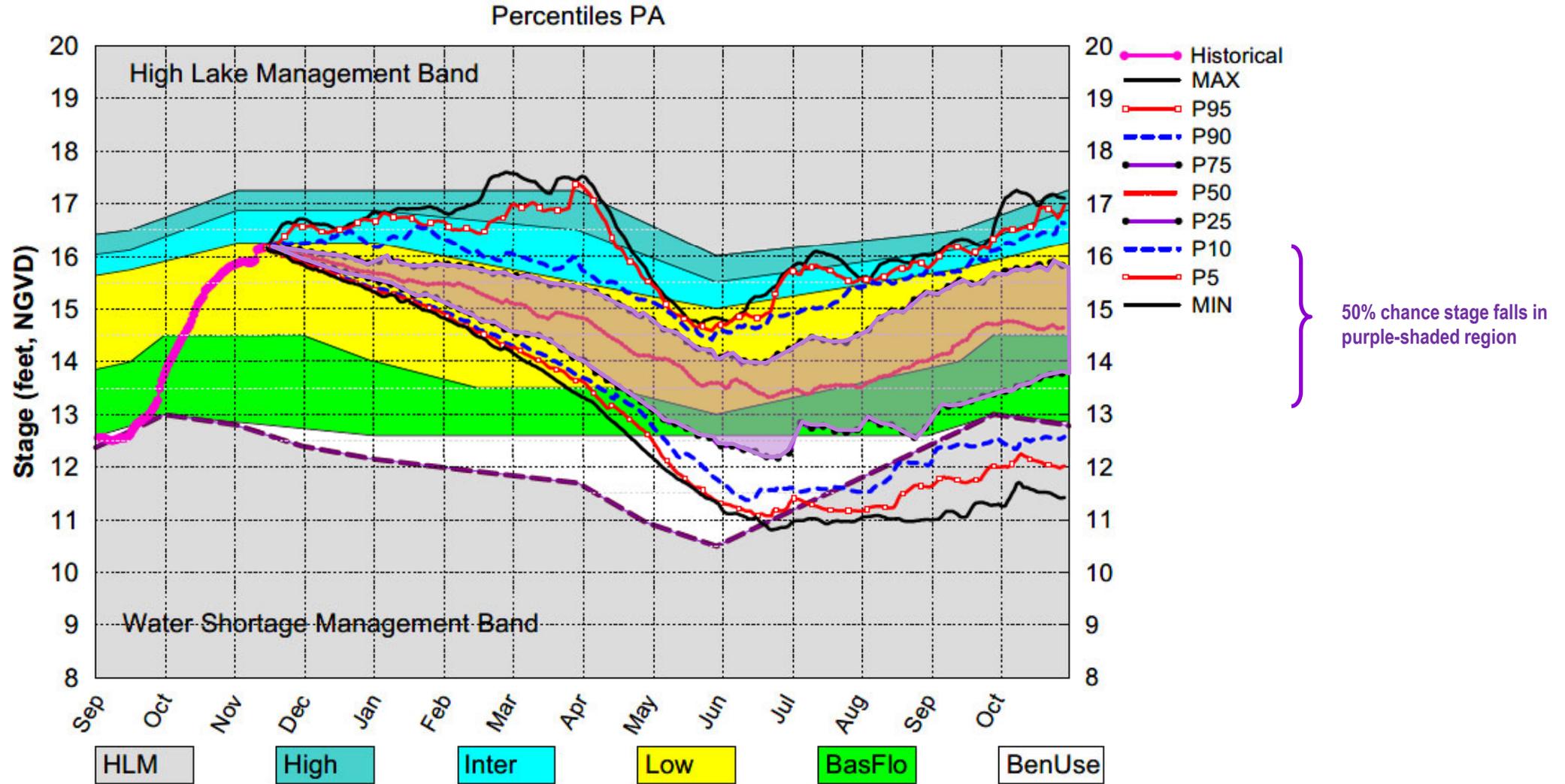
Lake Okeechobee stage is in the Low Sub-band of the LORS-2008 Regulation schedule. LORS release guidance suggests maximum practicable releases to the WCAs, and S-79 up to 3,000 cfs and S-80 up to 1,170 cfs



For this week, the Tamiami Trail Flow Formula calls for Maximum Practicable releases from WCA-3A. Current L-29 stage constraint is at 8.5 feet NGVD. SDCS responded well to Hurricane Ian. S-356 is pumping to maintain canal stages in the L-31N within 5.5-5.8 ft NGVD. S-332B, S-332C and S-332D are pumping as needed and so are S-200 and S-199. S-18C is open and S-197 was open Sep 27 to Oct 6. LPG-2 stage at 8.5 SMA went above ground during Hurricane Ian but recovered quickly. S-331 has been syphoning and S-357 pumping to maintain stages 5.0 to 5.5 ft NGVD.

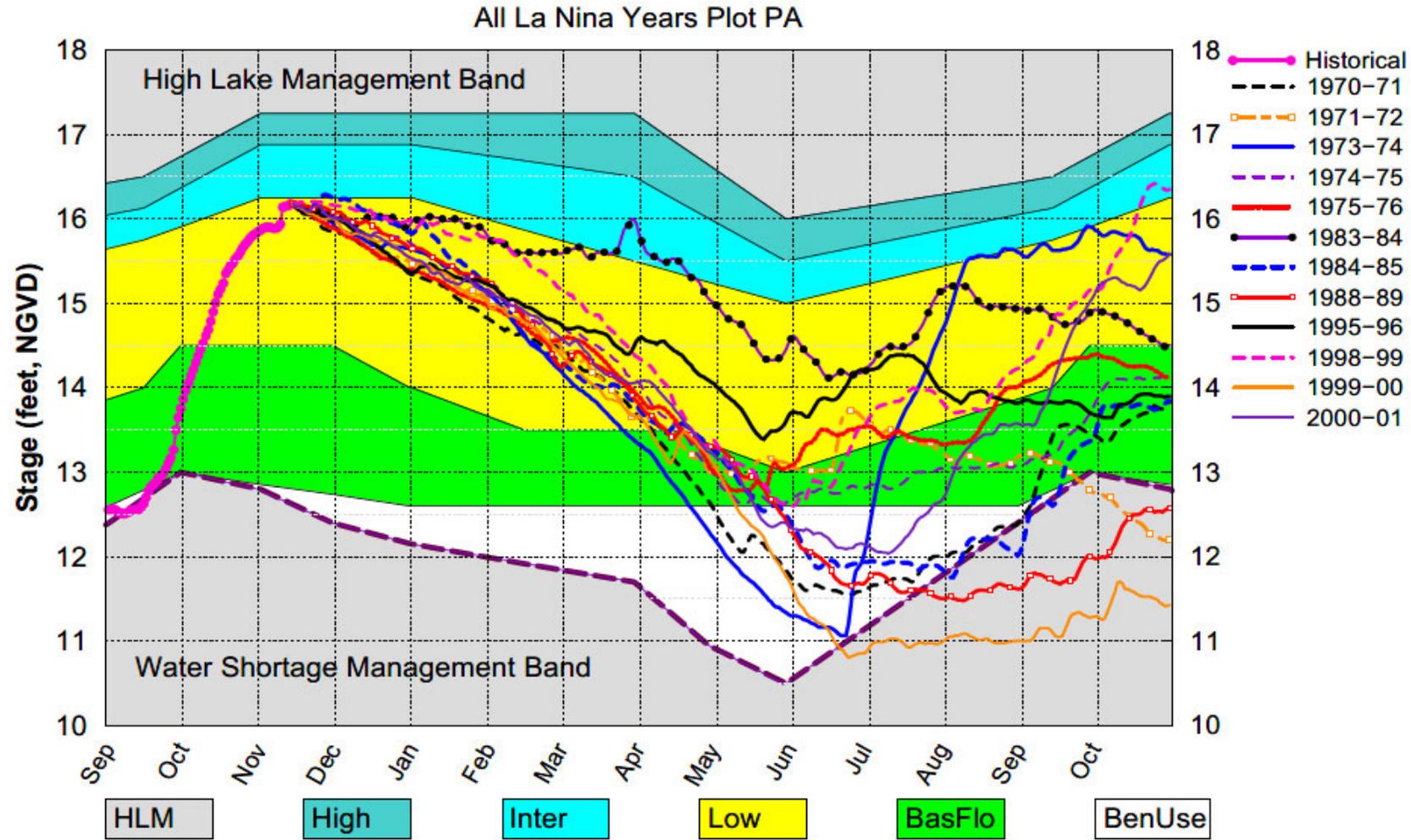
WCA-1 stage is below schedule in Zone A2; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s opened Sep 25-30. S-11B&C are open passing ~1,500 cfs. S-12A and S-12 B were closed Nov 1. S-12C and S-12D are open passing ~1,700 cfs. S-333 and S-333N ~ 480 cfs. S-343 A and B are closed, and S-344 is open after TS Nicole.

Lake Okeechobee SFWMM Nov Mid-Mon 2022 Position Analysis



(See assumptions on the Position Analysis Results website)

Lake Okeechobee SFWMM Nov Mid-Mon 2022 Position Analysis



Tue Nov 15 21:36:08 2022

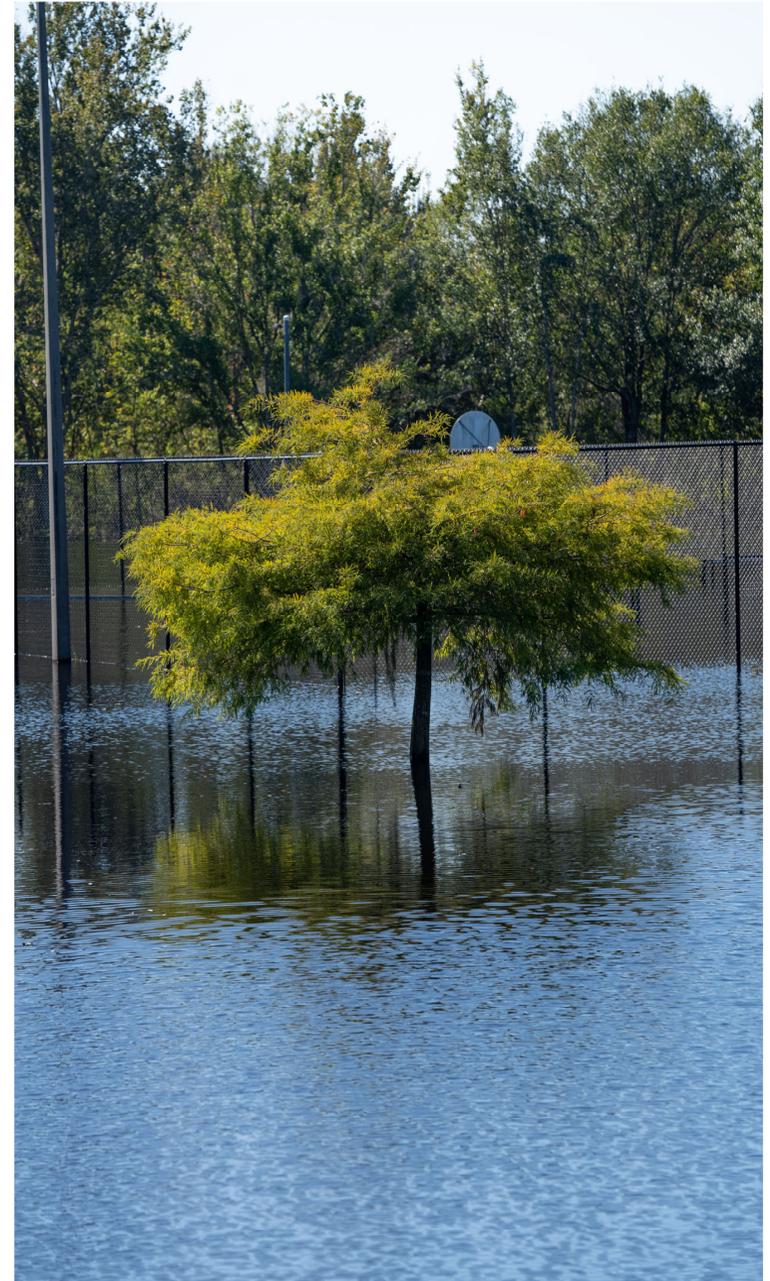
Water Conditions Summary

**South Florida Water Management District
Governing Board Meeting
November 18, 2022**



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Chief District Engineer
Assistant Executive Director

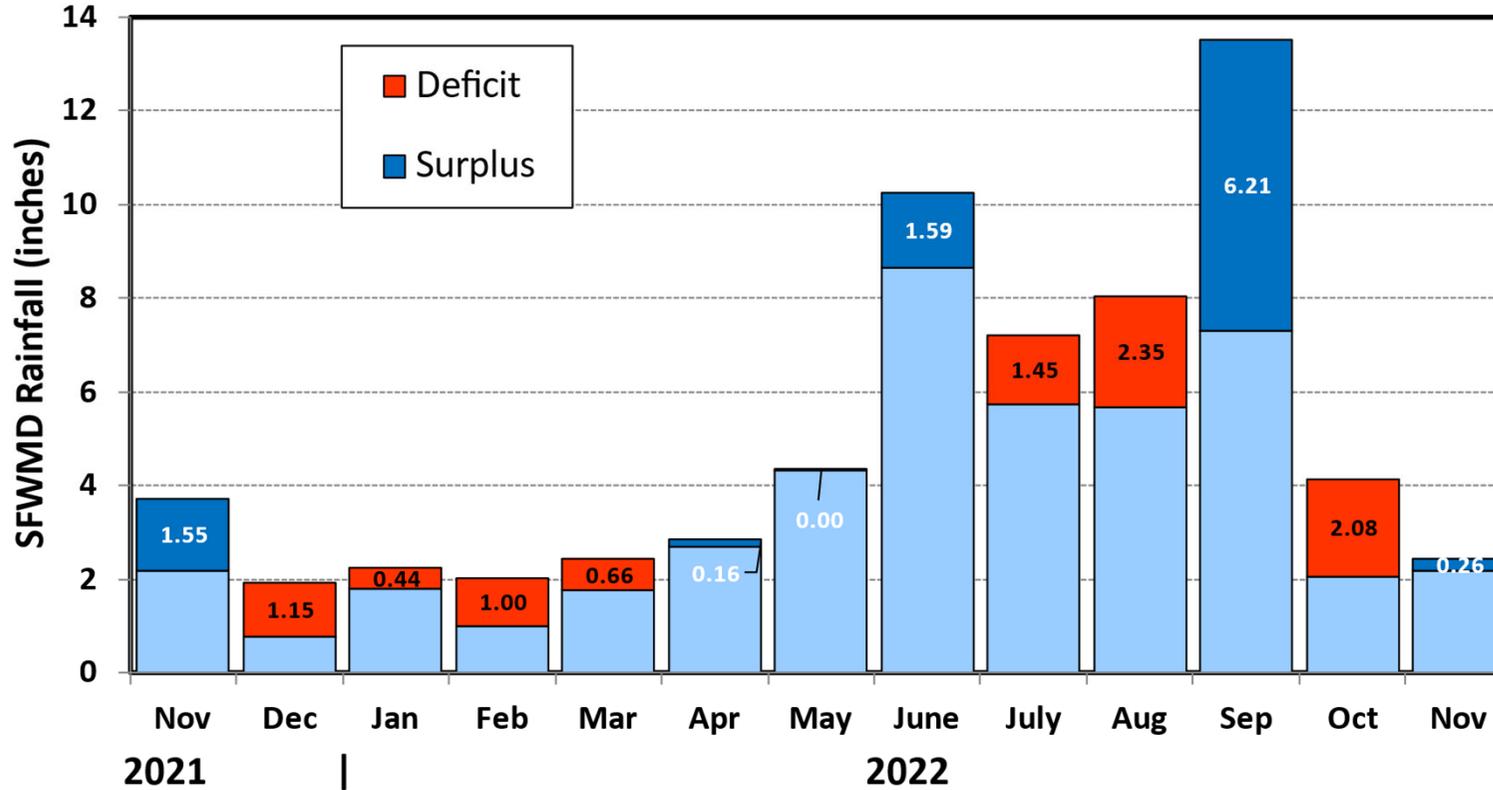
Fighting the Flooding during Hurricane Ian



Focusing on Floodwaters during Hurricane Ian



SFWMD Rainfall Distribution Comparison (November 2021- November 2022)



District Wide Average Rainfall

Month	Average (inches)
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Wet Season

2021-2022 DRY SEASON

- Started 10/18/2021 and ended 5/12/2022.
- Dec 2021 to Mar 2022 all below average.
- April ended up slightly above average (106%).
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2022 WET SEASON

- Started 5/13/2022 – Ended 9/28/2022
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- Sep 26-29, Hurricane Ian ~ 5.3"

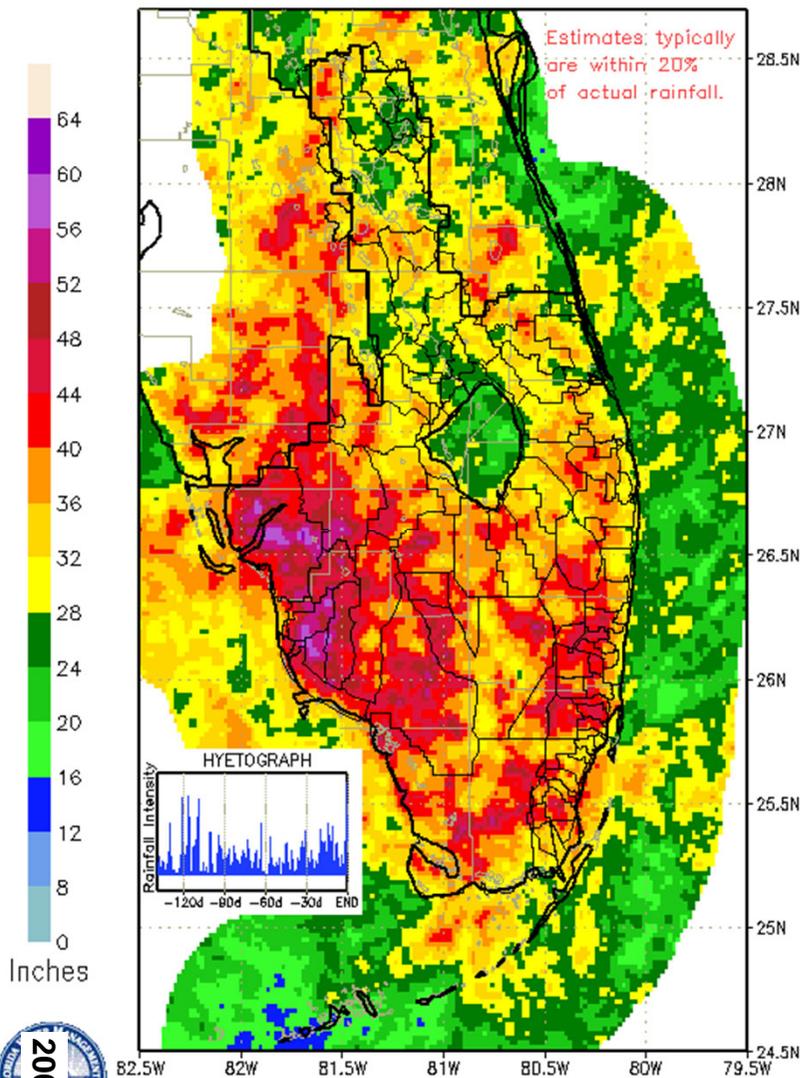
Wet-Season Rainfall

Total rainfall 115% of normal since the start of the 2022 wet season (13 May)

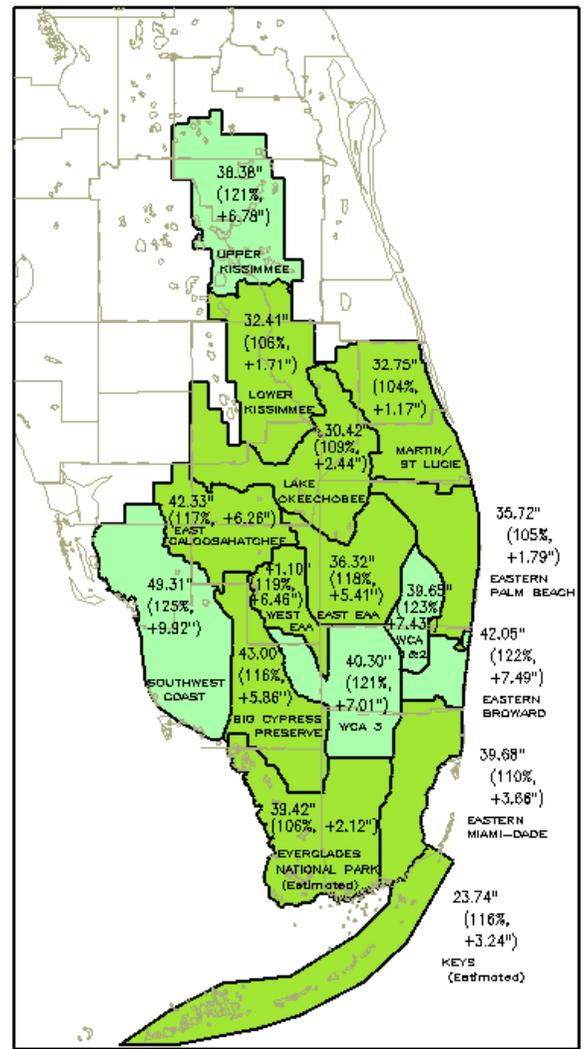
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2022 Wet Season May 13 to Sep 29, 2022

SFWMD RAINFALL ESTIMATES
 FROM: 0700 EST, 05/12/2022 THROUGH: 0700 EST, 09/28/2022



SFWMD Rainfall
 13-MAY-2022 to 29-SEP-2022



Rainfall Since 12 May

- Potential Tropical Cyclone 1/pre-Alex in early June
- District-wide: near normal
- 1" days in June and September
- Hurricane Ian ~ 5.23" in 3 days
- All areas above normal
- Above normal Southwest Coast, Upper Kissimmee and WCA1&2
- Ended with Hurricane Ian

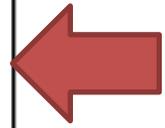
DISTRICT-WIDE: 38.62" (115%, +5.10")



DISTRICT-WIDE RAINFALL ESTIMATE: 36.858"

GRADS: COLA/ICES

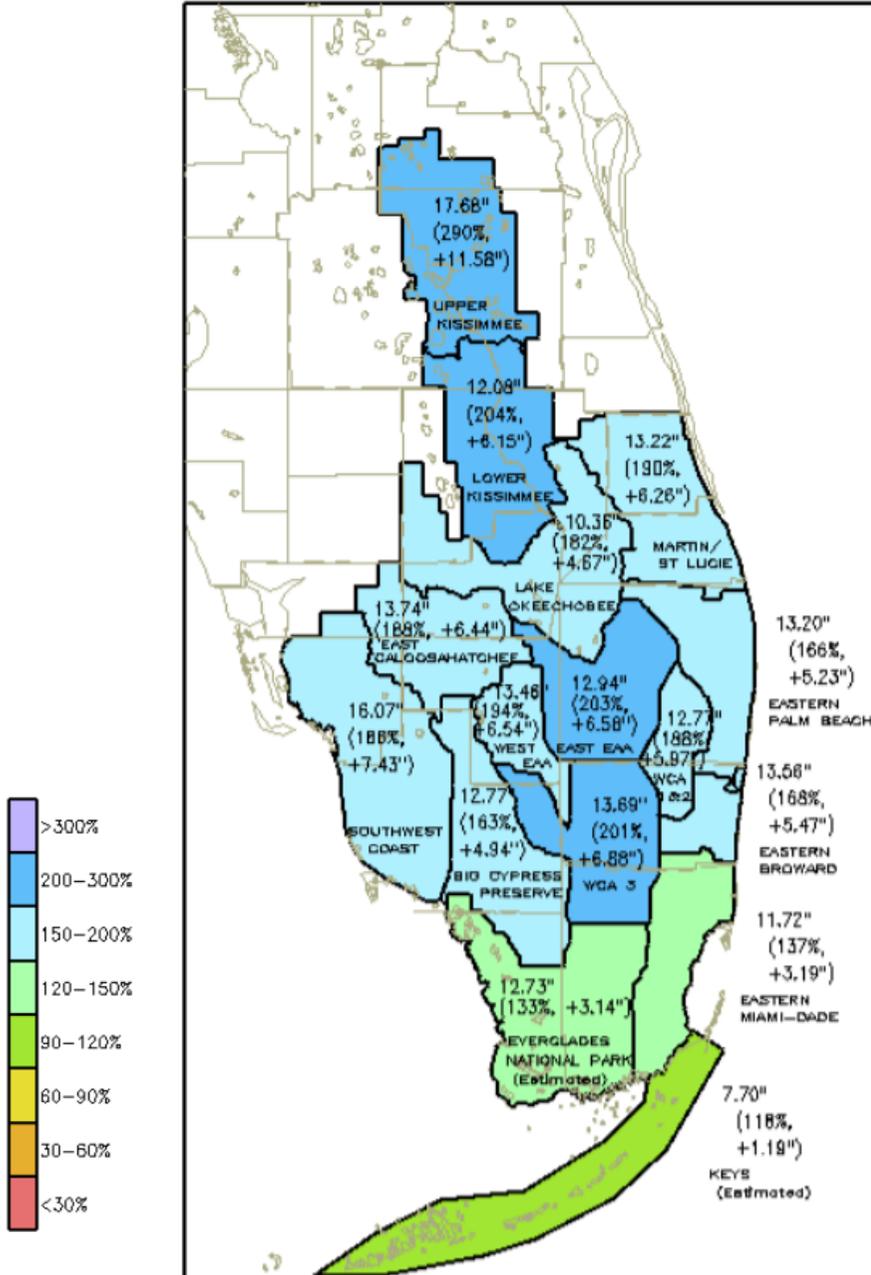
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September 2022 Rainfall

DISTRICT-WIDE: 13.52"

- 191% of average, +6.45" surplus.
- ENP, Eastern Miami Dade and the Keys are all below 137%
- All other areas are above 163%.
- Upper and Lower Kissimmee are the highest with 290% and 204% of normal, respectively.

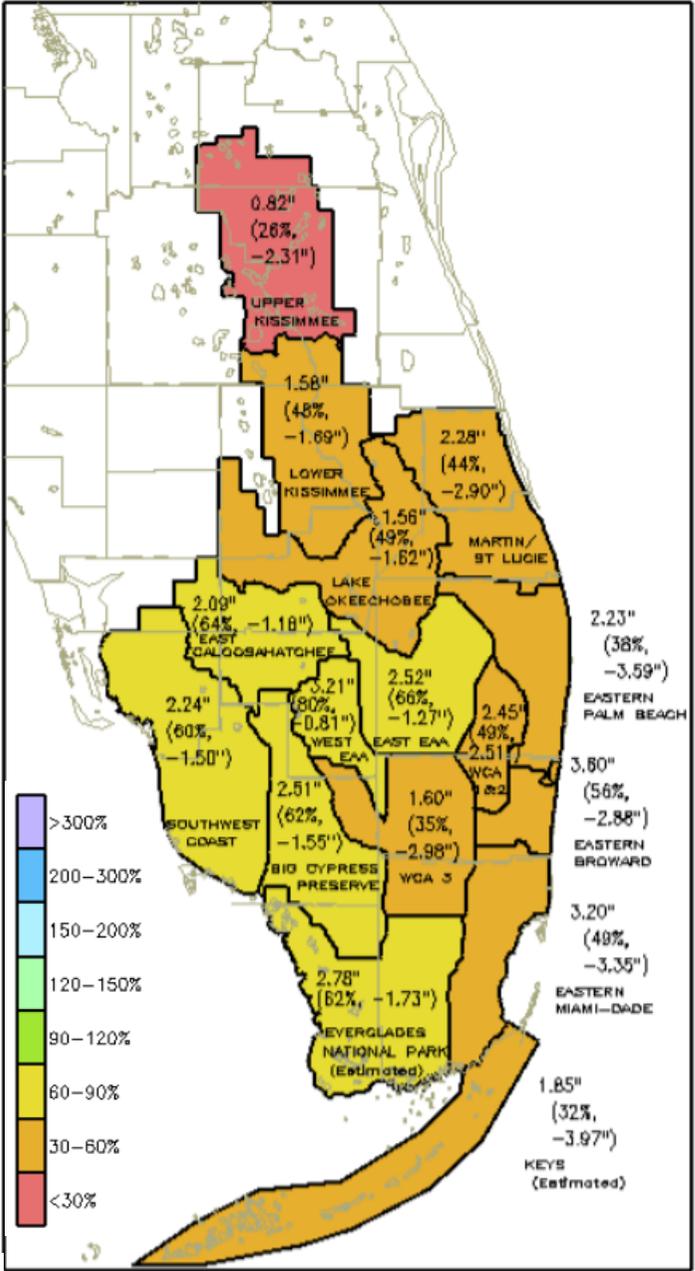


Year	Rain (in.)	Storm Events
1960	16.61	Donna
1948	15.61	Two Major Hurricanes
2022	13.52	Ian
2017	13.27	Irma
1979	13.25	David



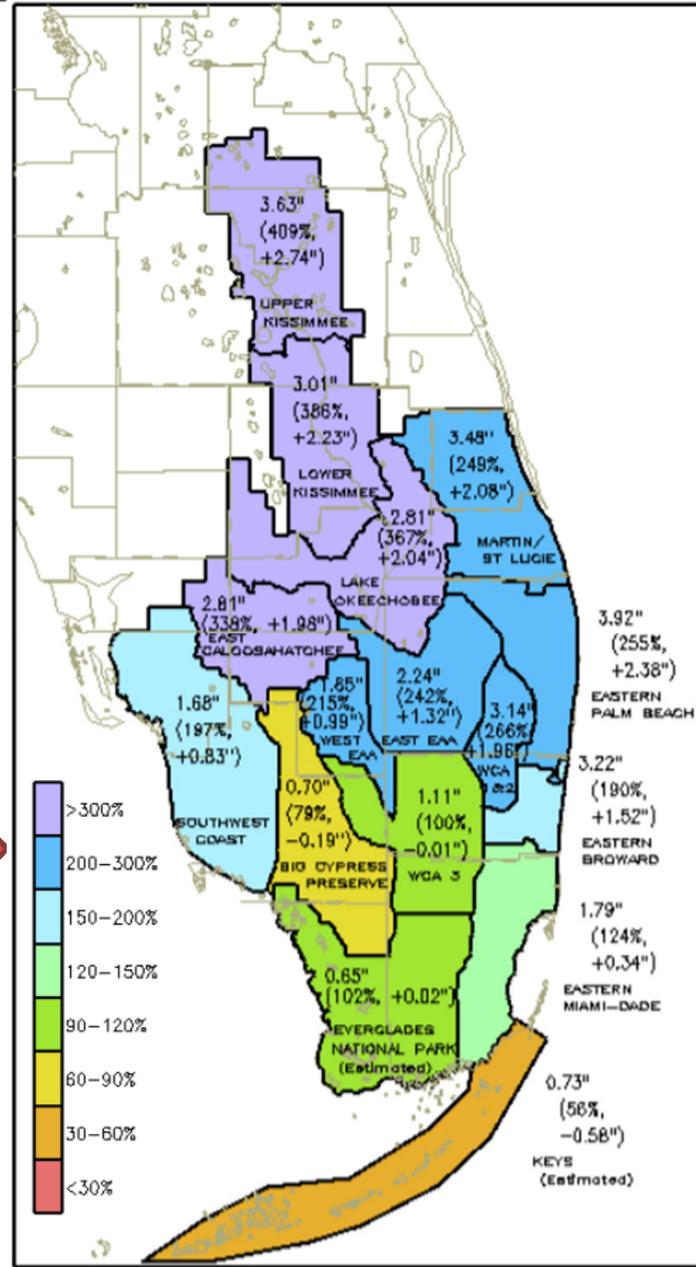
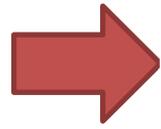
October 2022 Rainfall DISTRICT-WIDE: 2.07"

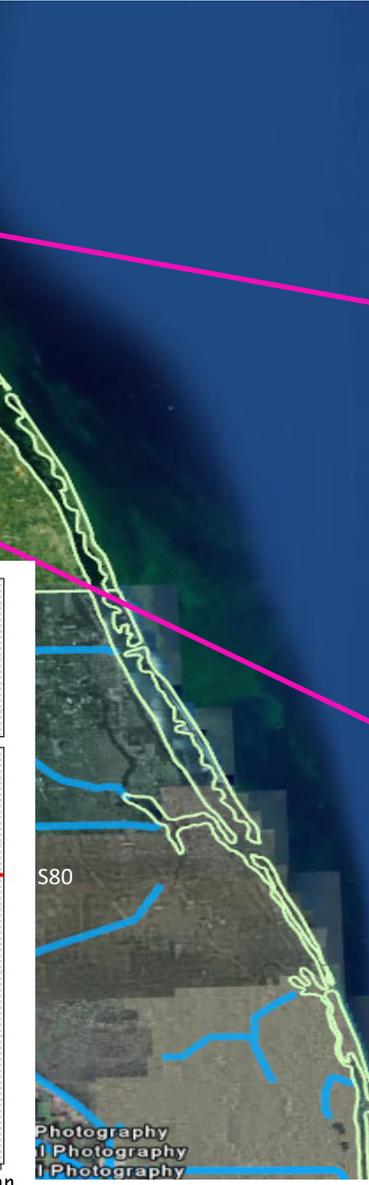
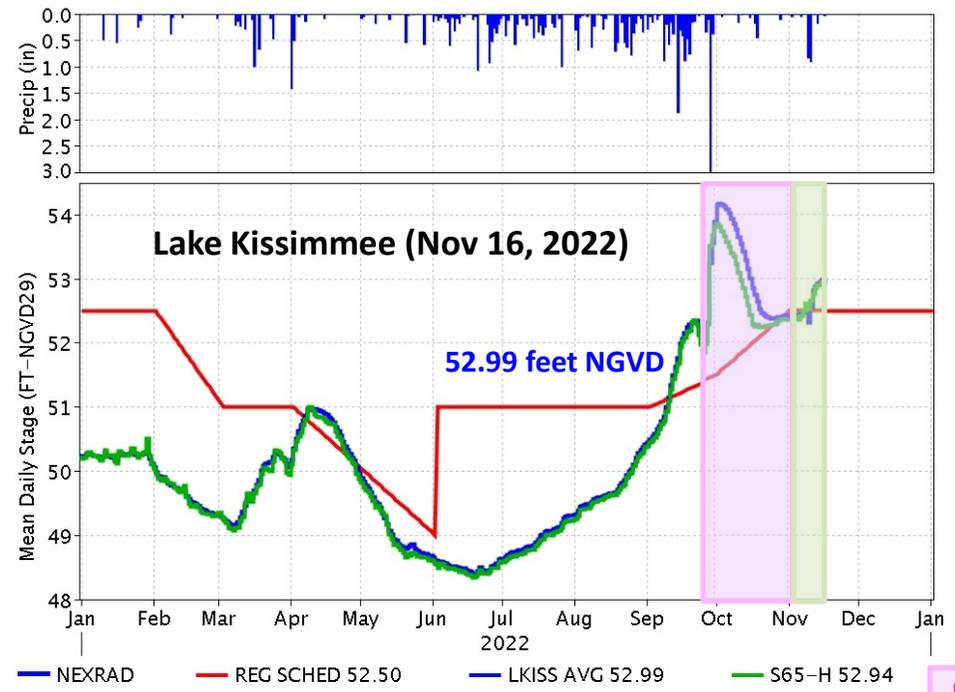
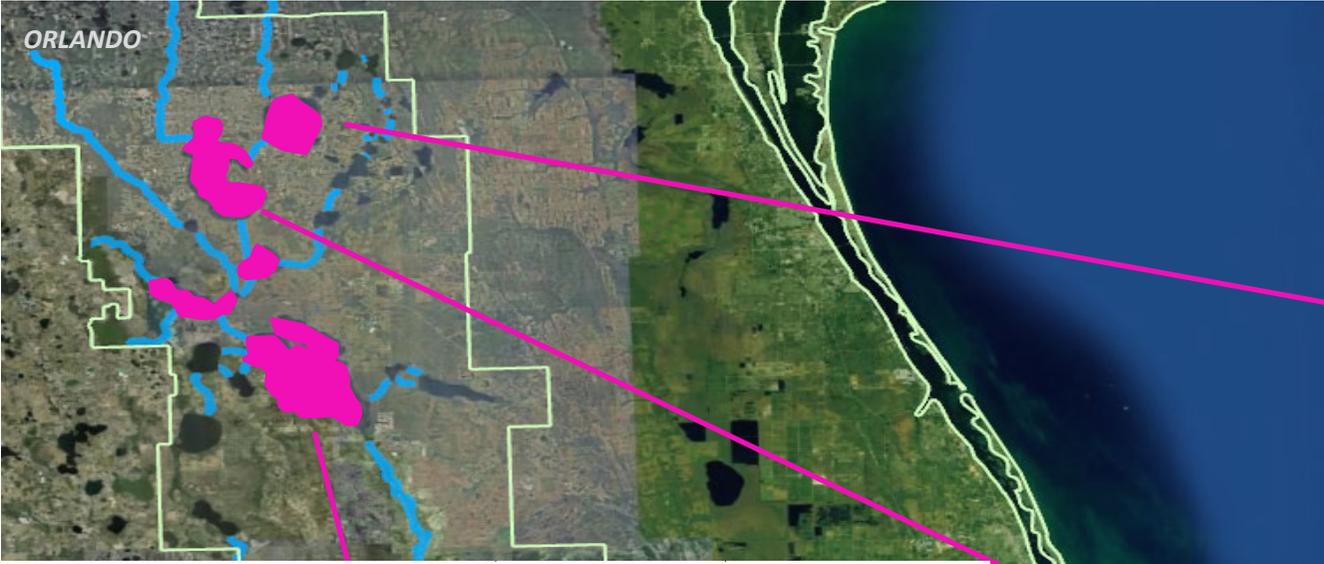
- 50% of average, -2.08" deficit.
- Upper Kissimmee is below 30% normal
- All areas are 80% normal or less
- West EAA is the highest with 80% normal



November 2022 Rainfall To Date DISTRICT-WIDE: 2.44"

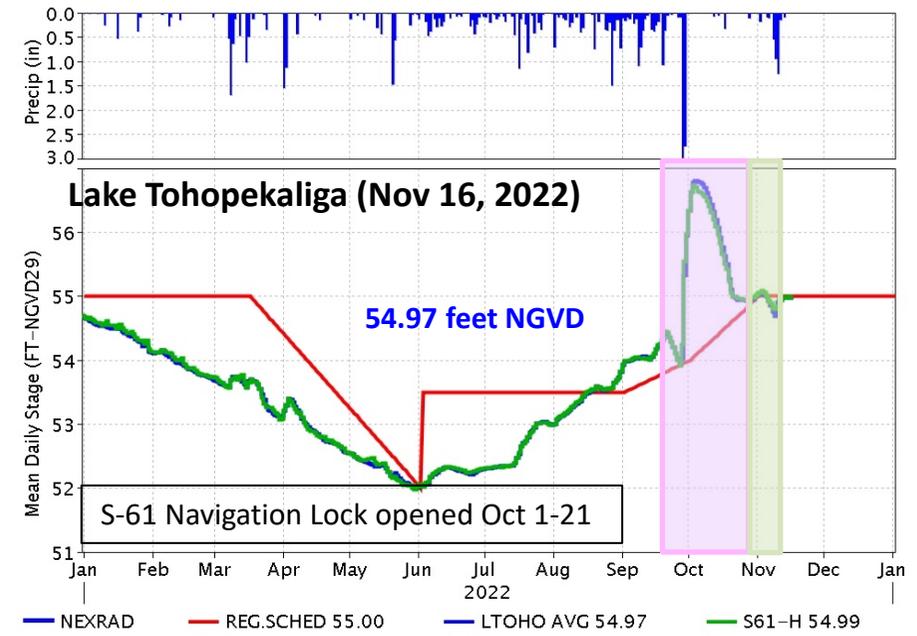
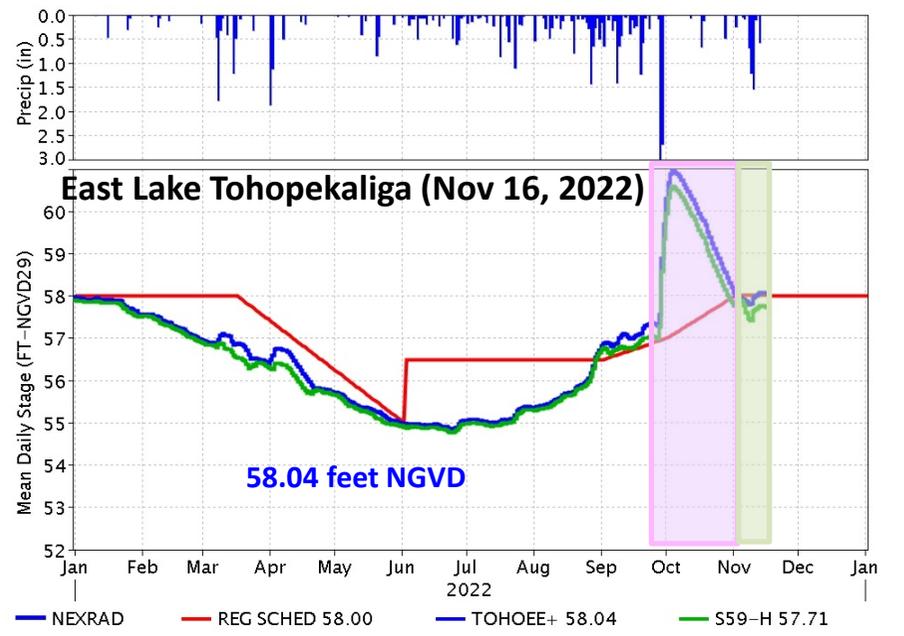
- 224% of average, +1.35" deficit.
- Upper Kissimmee is 409% normal
- Lower Kissimmee is 386% normal
- South-west is below normal

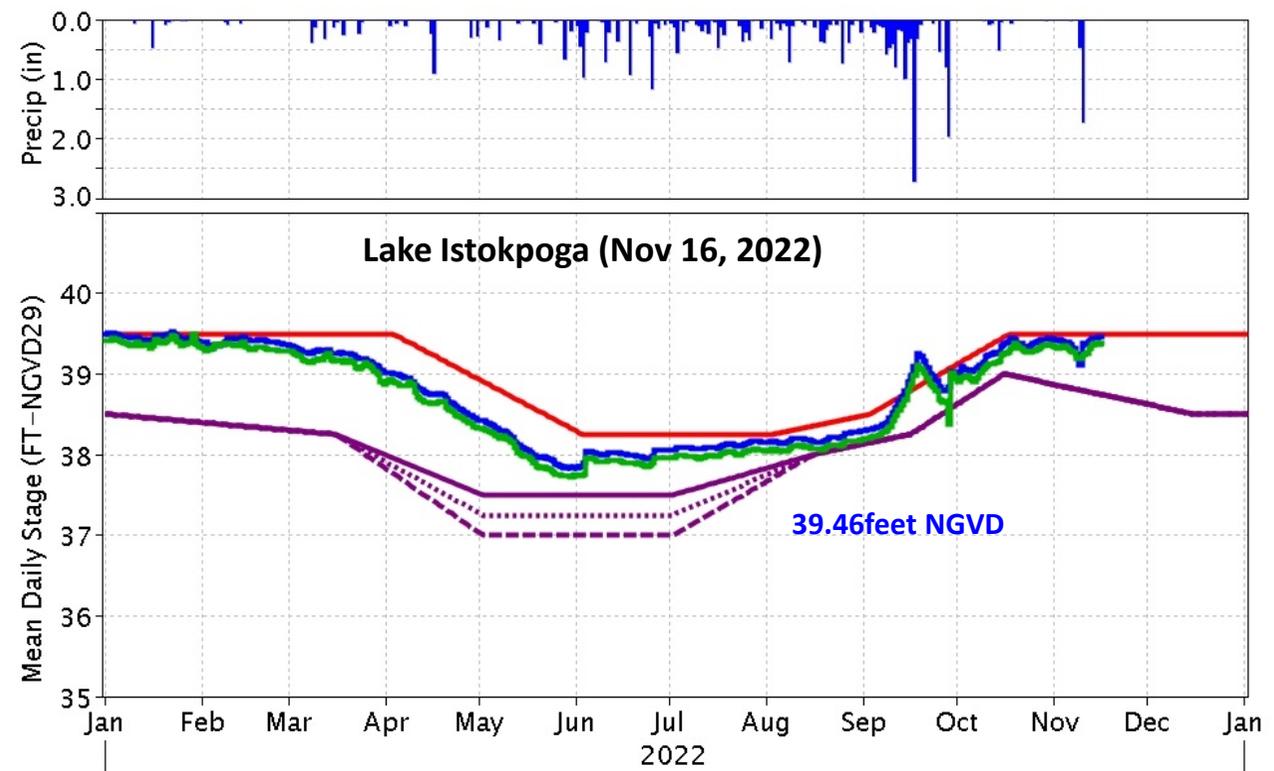
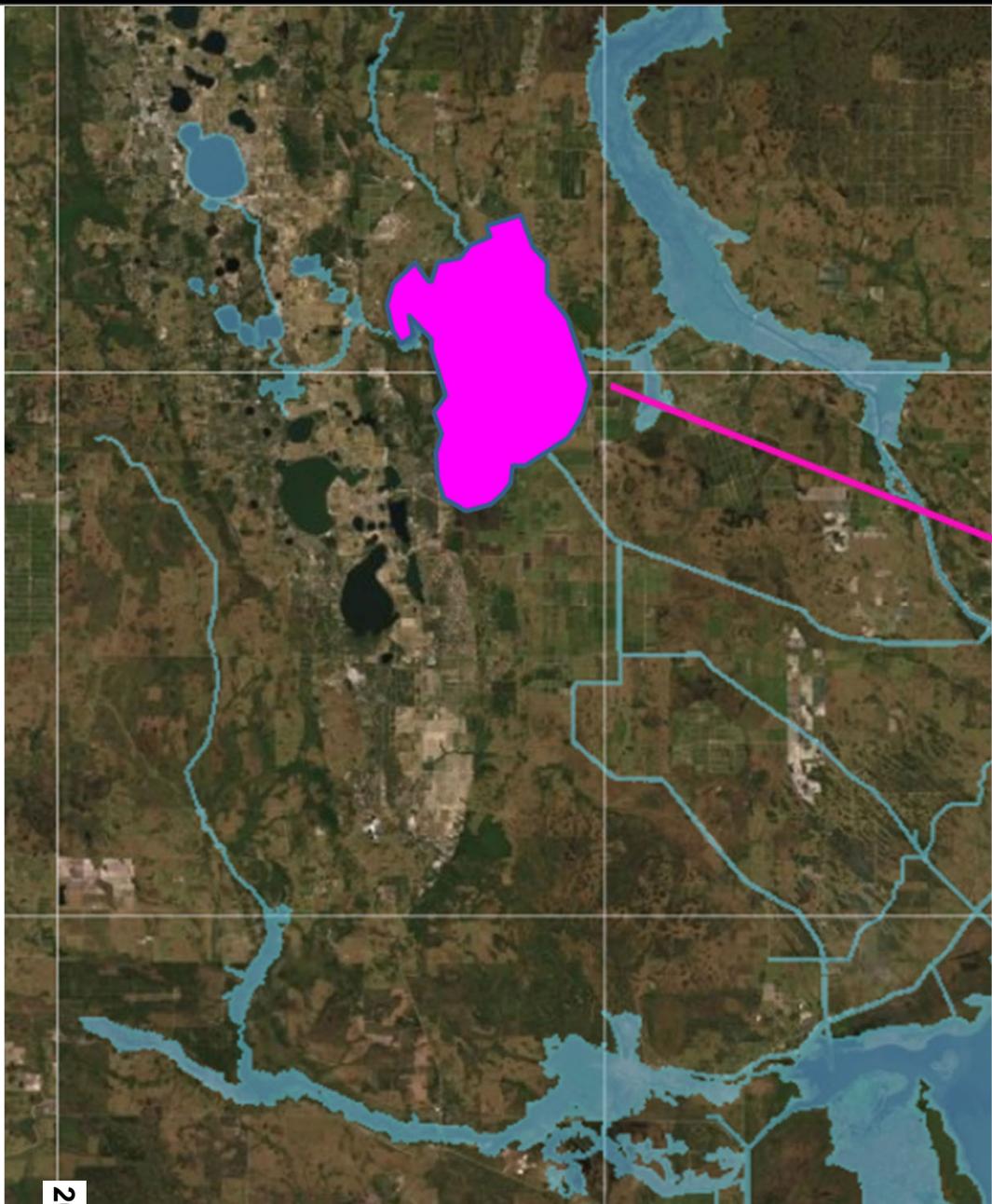




Hurricane Ian

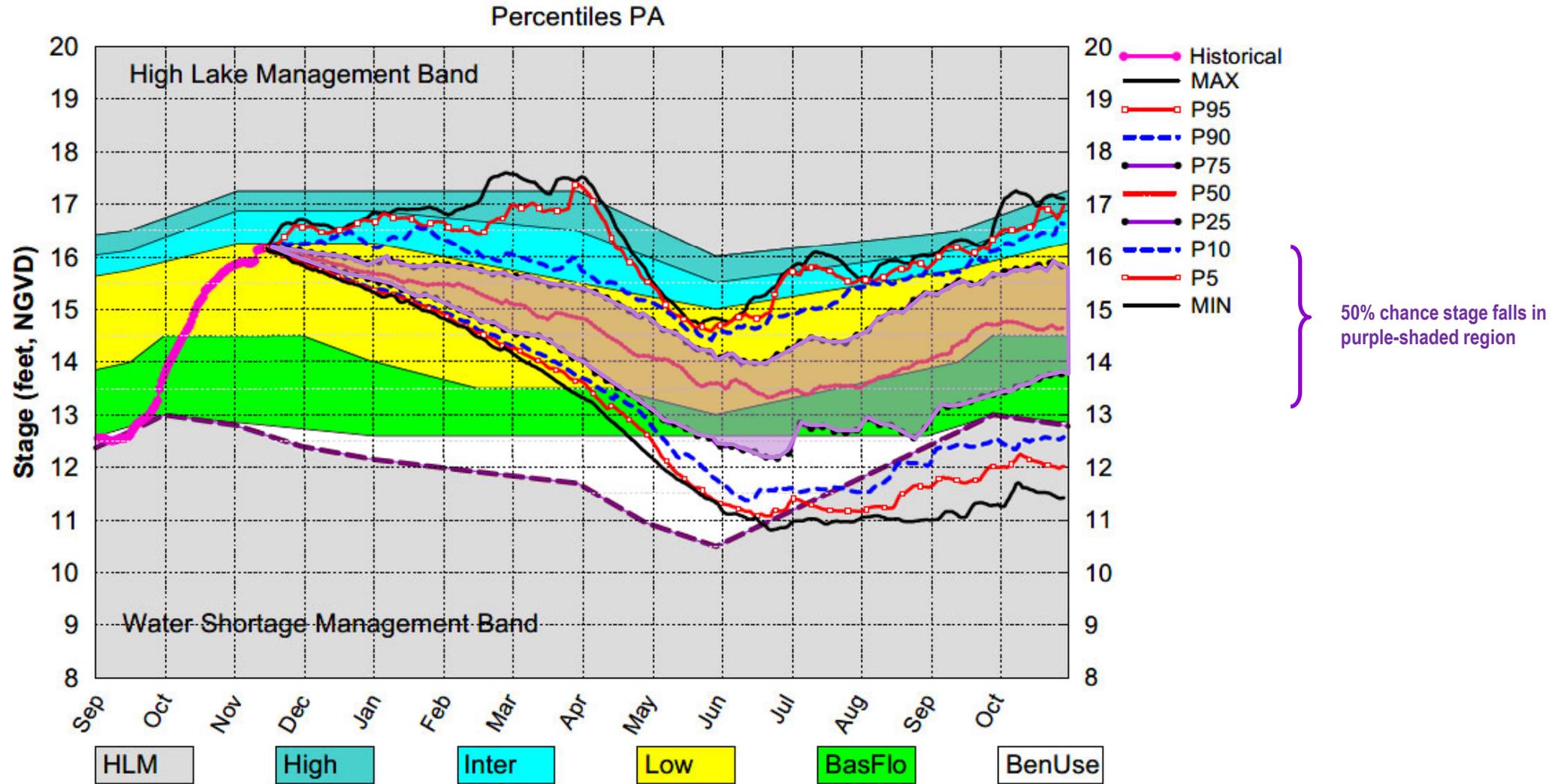
Hurricane Nicole





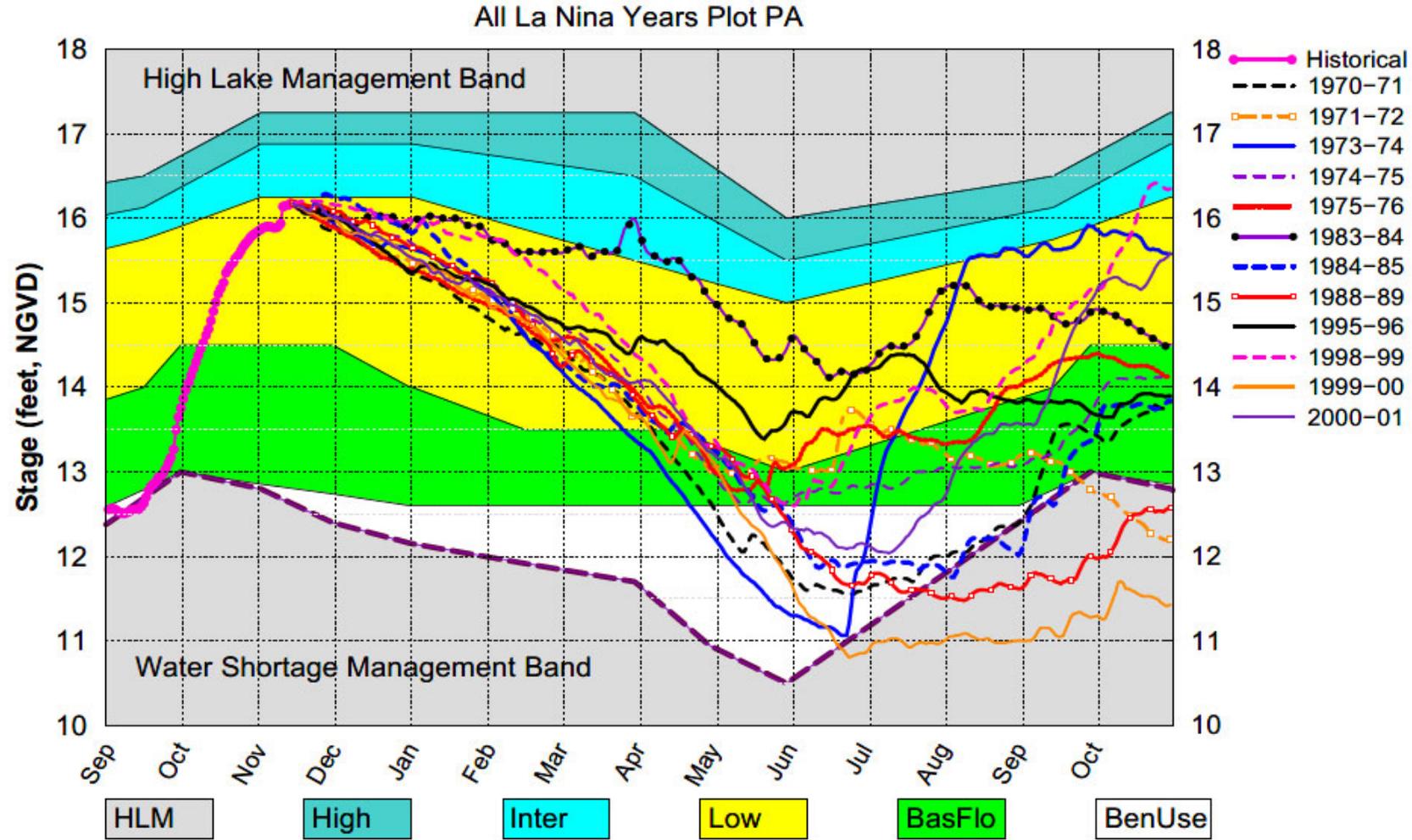
- NEXRAD
- WS NORMAL 38.74
- WS Both G207 and G208 38.74
- S68-H 39.38
- REG SCHED 39.50
- WS G207 or G208 unavailable 38.74
- ISTOKAVG 39.46

Lake Okeechobee SFWMM Nov Mid-Mon 2022 Position Analysis



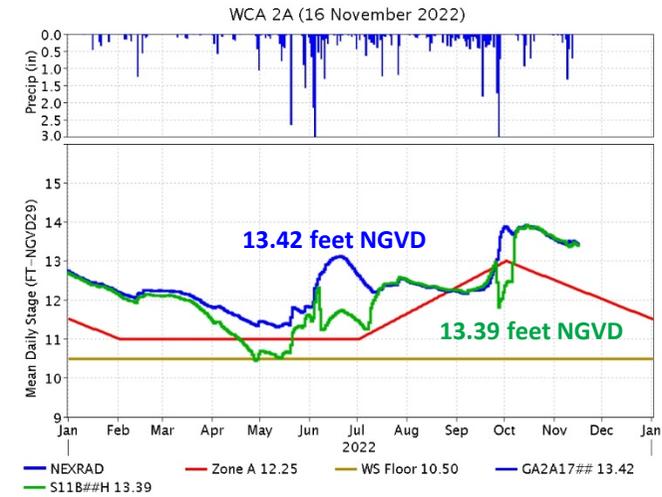
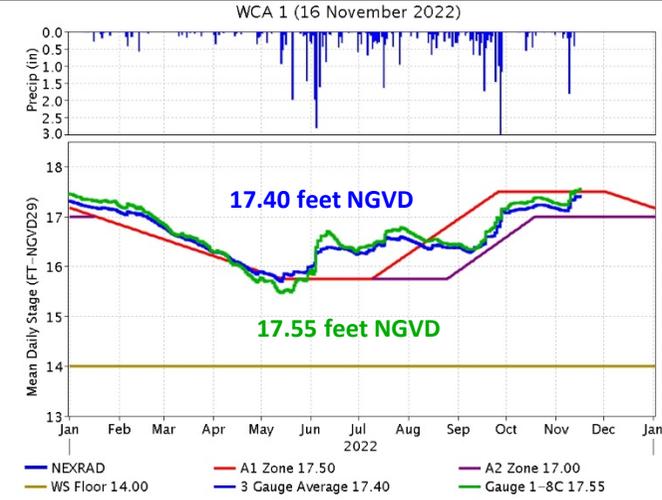
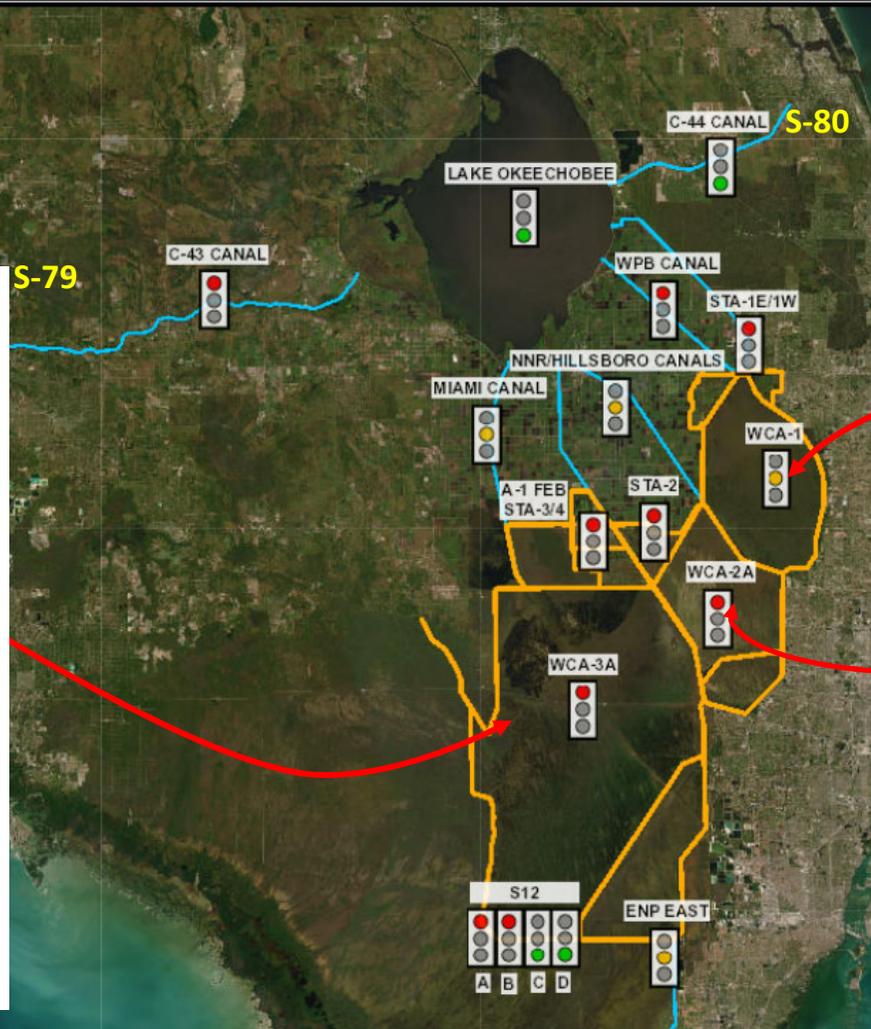
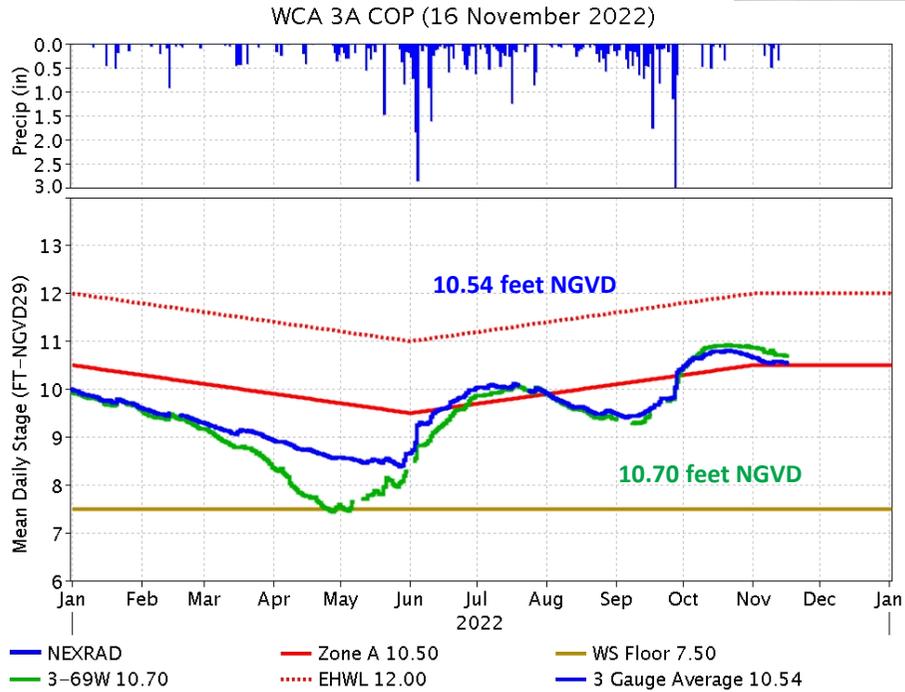
(See assumptions on the Position Analysis Results website)

Lake Okeechobee SFWMM Nov Mid-Mon 2022 Position Analysis



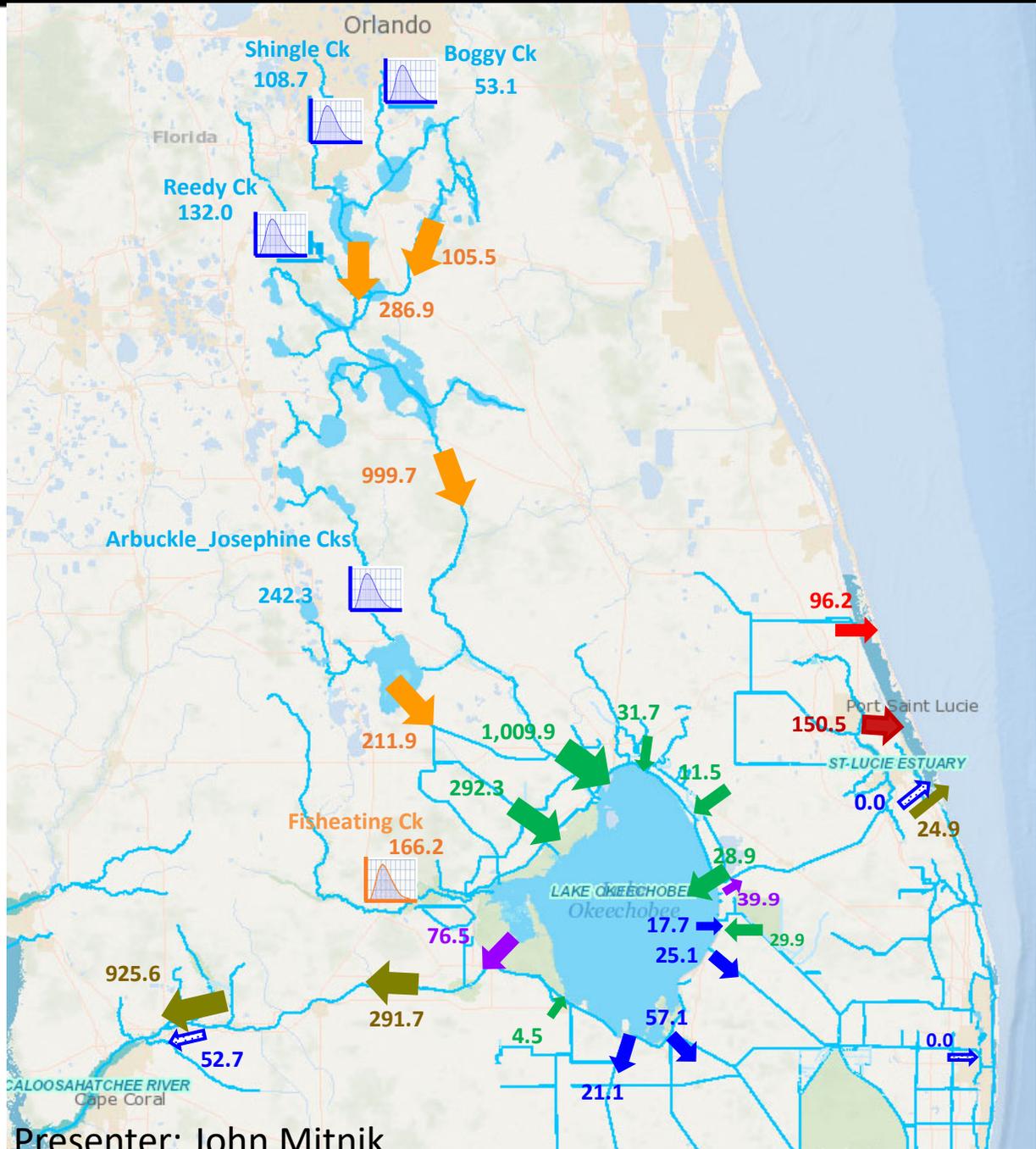
Tue Nov 15 21:36:08 2022

Lake Okeechobee stage is in the Low Sub-band of the LORS-2008 Regulation schedule. LORS release guidance suggests maximum practicable releases to the WCAs, and S-79 up to 3,000 cfs and S-80 up to 1,170 cfs



For this week, the Tamiami Trail Flow Formula calls for Maximum Practicable releases from WCA-3A. Current L-29 stage constraint is at 8.5 feet NGVD. SDCS responded well to Hurricane Ian. S-356 is pumping to maintain canal stages in the L-31N within 5.5-5.8 ft NGVD. S-332B, S-332C and S-332D are pumping as needed and so are S-200 and S-199. S-18C is open and S-197 was open Sep 27 to Oct 6. LPG-2 stage at 8.5 SMA went above ground during Hurricane Ian but recovered quickly. S-331 has been syphoning and S-357 pumping to maintain stages 5.0 to 5.5 ft NGVD.

WCA-1 stage is below schedule in Zone A2; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s opened Sep 25-30. S-11B&C are open passing ~1,500 cfs. S-12A and S-12 B were closed Nov 1. S-12C and S-12D are open passing ~1,700 cfs. S-333 and S-333N ~ 480 cfs. S-343 A and B are closed, and S-344 is open after TS Nicole.



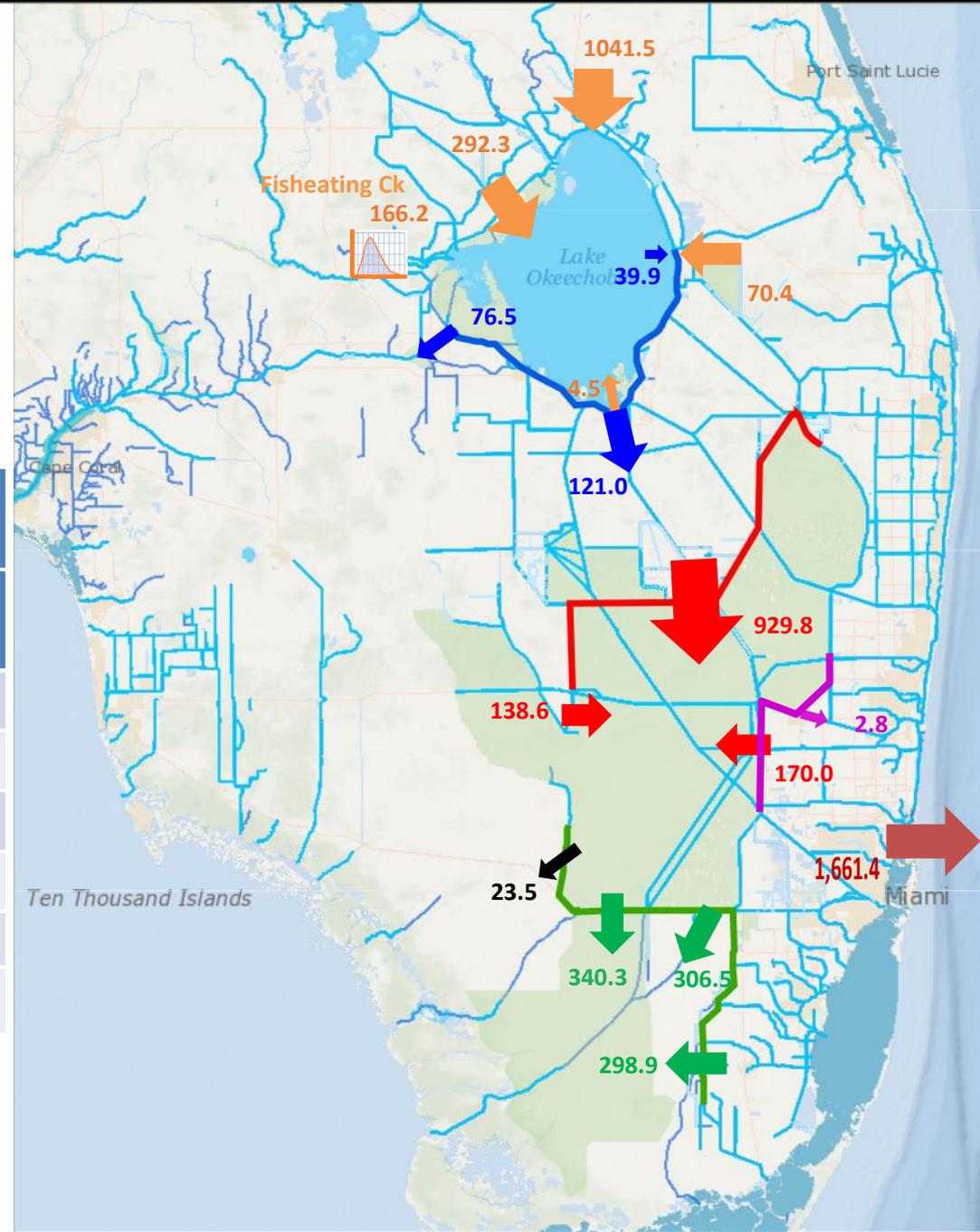
SFWMD – Selected Release Volumes for the Period May 1, 2022 to November 13, 2022
(volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre- feet)	
		WYR to Date	H. Ian Period (*)
	Upper Kissimmee to Lower Kissimmee	999.7	760.9
	Inflows to Lake Okeechobee (including Fisheating Creek)	1,574.8	1137.3
	Lake Releases and Basin Runoff	950.5	323.1
	Lake Releases East and West	116.4	5.1
	Lake Flood Control to Estuaries	52.7	1.2
	Total Lake Releases South	121.0	1.4
	Releases to Indian River Lagoon	96.2	42.5
	Upper East Coast discharges to St. Lucie Estuary	150.5	68.7
	Uncontrolled flows - Creeks (does not include Fisheating Creek)	536.1	295.6

1,000 acre-feet = 325.9 Million Gallons

(*) Sep. 24 to Oct 31, 2022

**SFWMD –Volumes Flowing
Down the System for the
Period May 1, 2022 to November 13, 2022**
(volumes in 1,000 acre-feet)



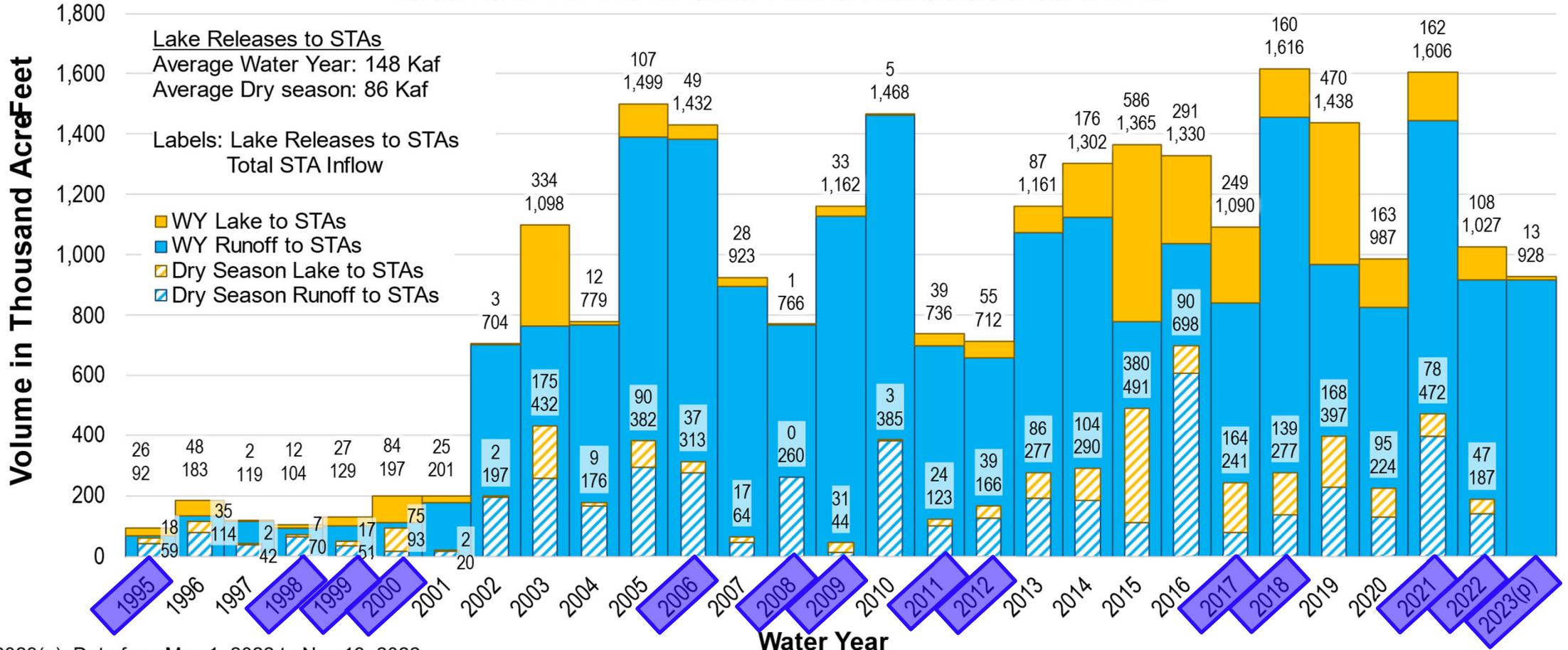
Symbol	Description	Volume (1,000 acre- feet)	
		WYR 2022	H. Ian Period (*)
	Lake Okeechobee Inflows	1574.8	1137.3
	Lake Okeechobee Outflows	237.4	6.5
	WCAs Inflows	1238.3	499.5
	ENP / Detention Cell Inflows	945.7	279.7
	WCAs to East	2.8	0.0
	Flows to Intracoastal	1661.4	562.0

1,000 acre-feet = 325.9 Million Gallons

14209+ Sep. 24 to Oct 31, 2022

Presenter: John Mitnik

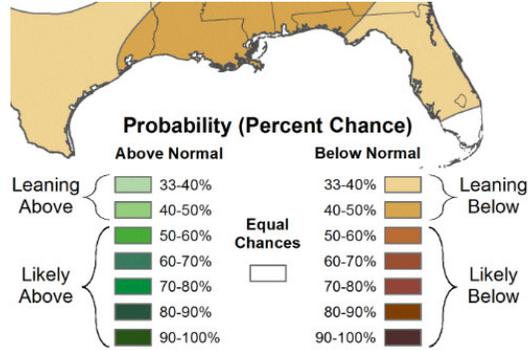
Total STA Inflow and Lake Releases to STAs



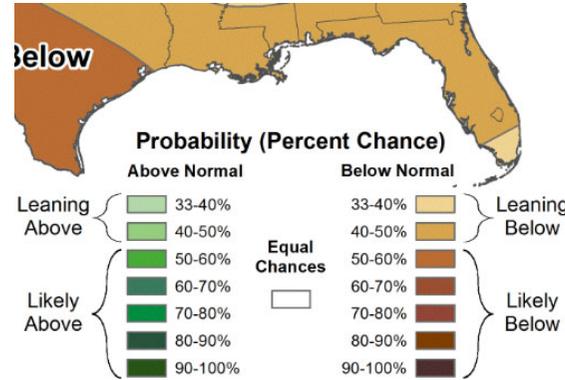
2023(p): Data from May 1, 2022 to Nov 13, 2022.

La Niña Water Years

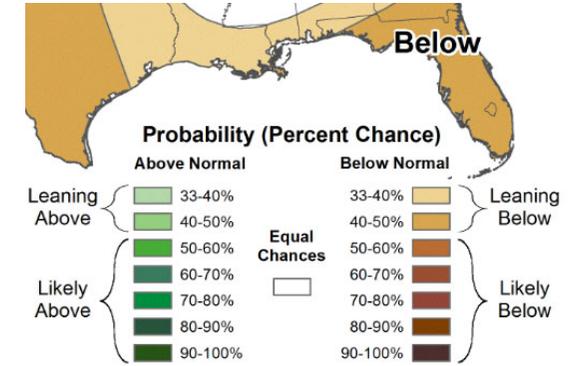
CPC Precipitation Outlook for South Florida



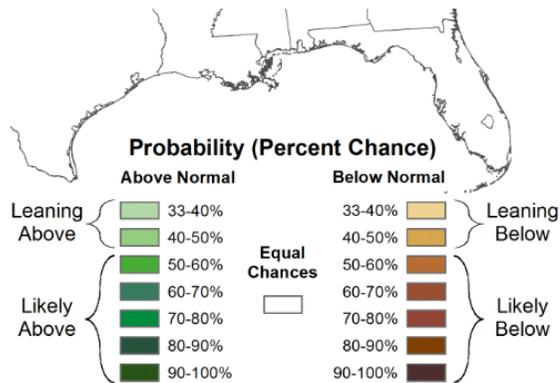
Nov 2022



Nov 2022 – Jan 2023



Jan 2023 – Mar 2023

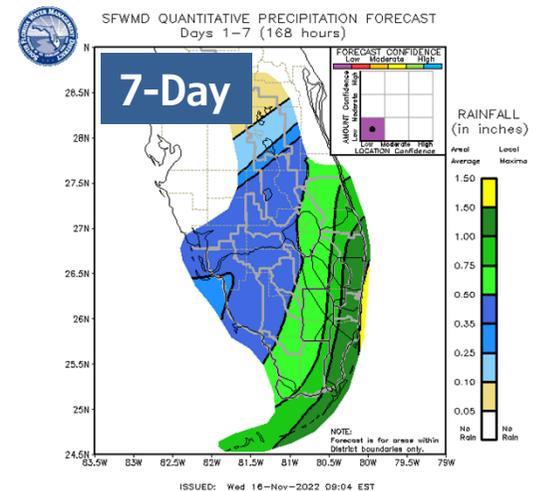
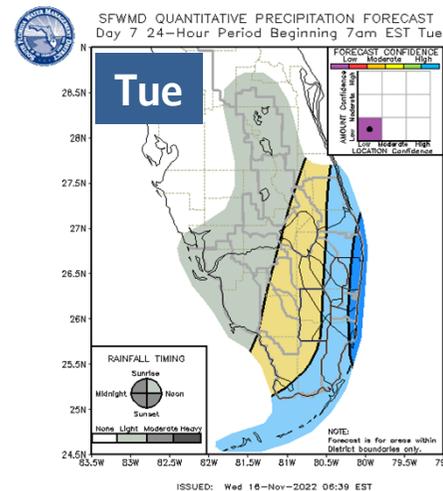
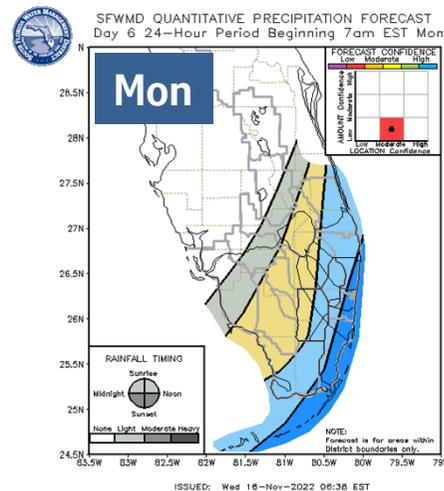
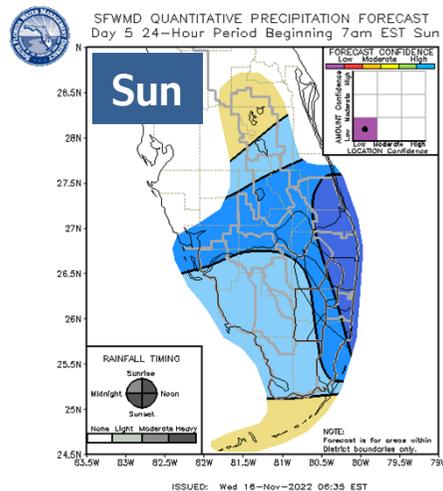
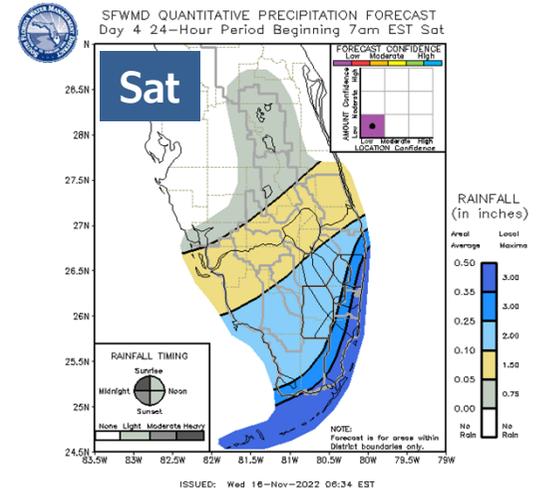
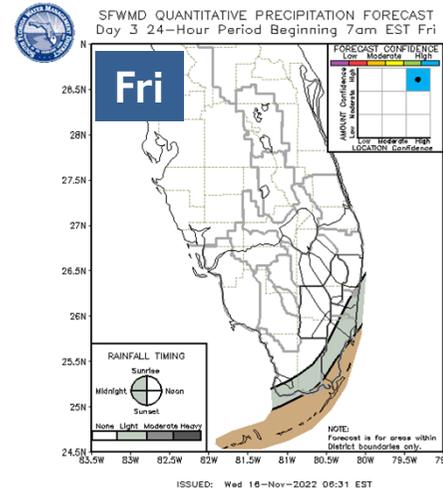
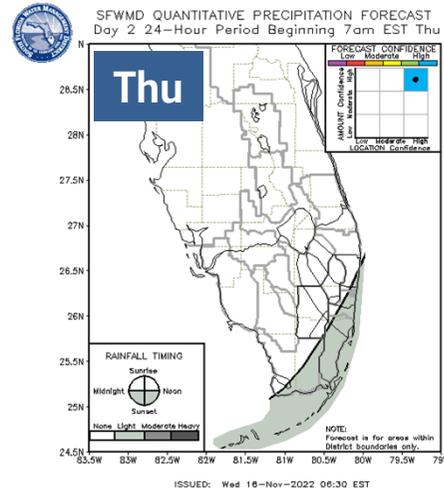
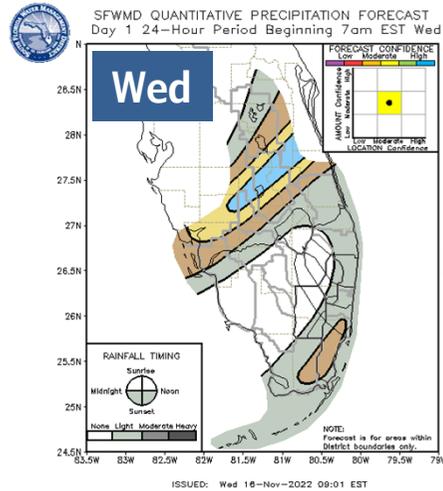


May 2023 – Jul 2023

Updated October 31, 2022

- The most recent CPC precipitation outlooks for South Florida for November 2022 indicates slightly increased probabilities of below normal rainfall for Lake Okeechobee and north, and equal chances of below, normal and above normal for the remainder area in the south.
- The 3-month window of Nov 2022 – Jan 2023 calls for slightly increased chances of below normal rainfall for the most southern third of the District, and increased chances of below normal for the central and northern areas.
- The outlook for the 3-month windows Dec 2022 – Feb 2023 to Feb 2023 – Apr 2023 is for increased chances of below normal rainfall.
- All the 3-month windows from Mar 2023 – May 2023 well into the transition to the 2024 Dry Season show equal chances of below, normal and above normal rainfall.

Short-, Medium-, & Extended-Range Outlooks



Weekly Summary

Week 1 (Historical Avg: 0.47"): Above average
 Week 2 (Historical Avg: 0.42"): Near to slightly below average

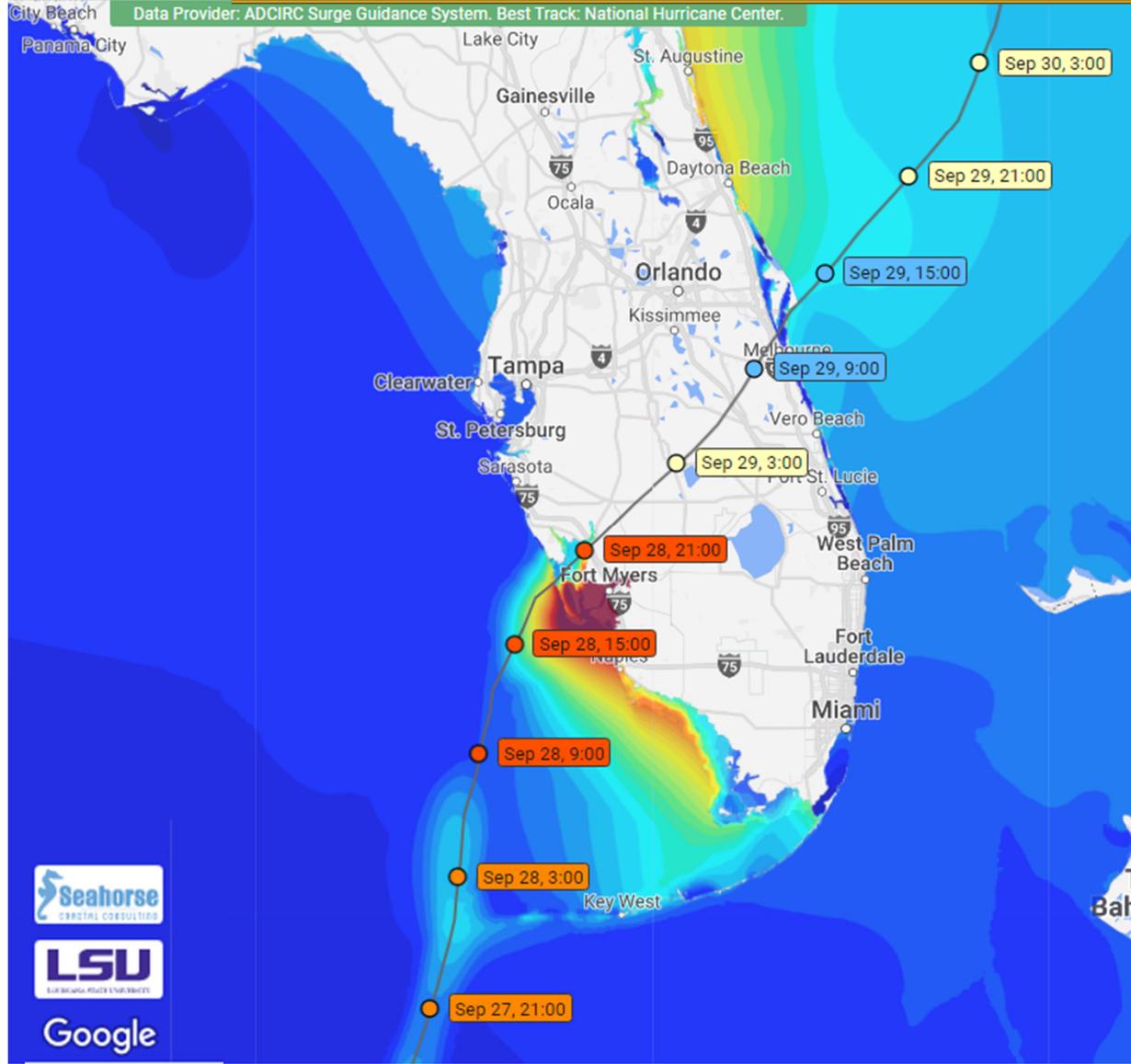
Hurricane Ian



CERA

Coastal Emergency Risks Assessment

Storm Surge - Wave - Compound Flood Guidance



Tropical Cyclone Activity

NHC Storm Track ⓘ

wind speed categories

TD	TS	H1	H2	H3	H4	H5

— — non-tropical wind

— — outside model hindcast

Water Height above MSL

Maximum Water Height ⓘ

[ft] MSL

>10

9

8

7

6

5

4

3

2

1

0

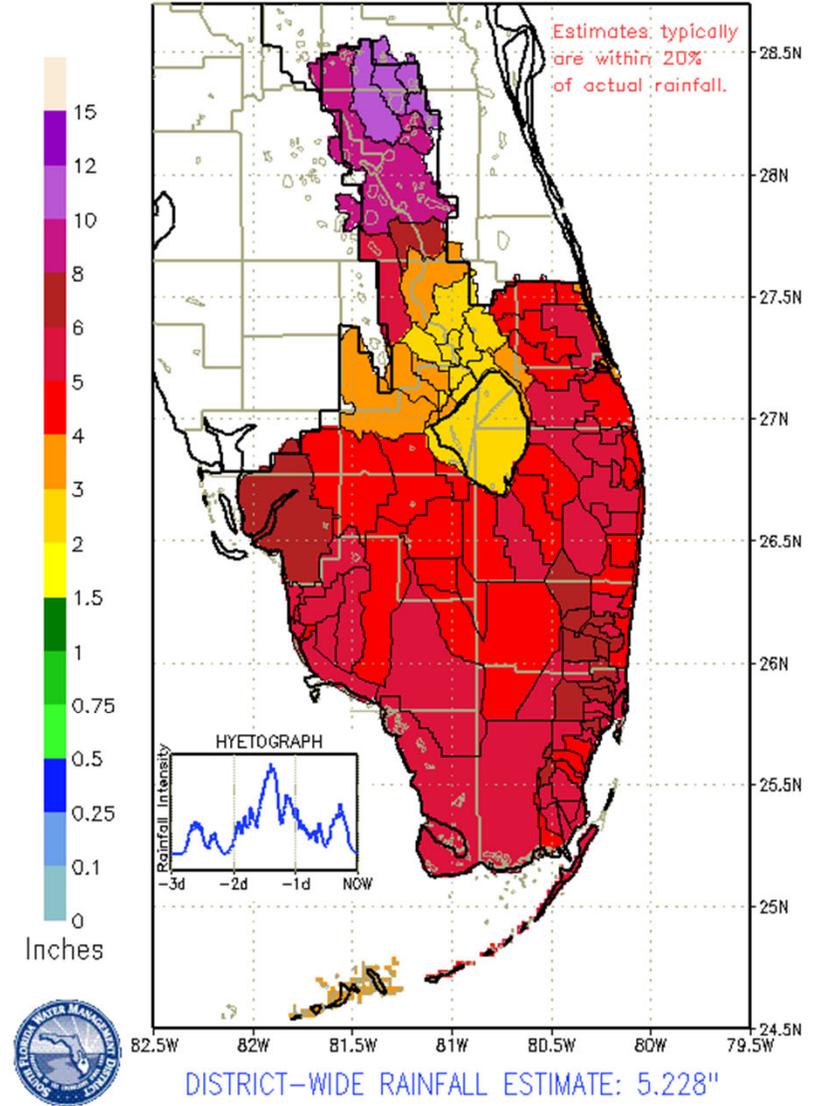
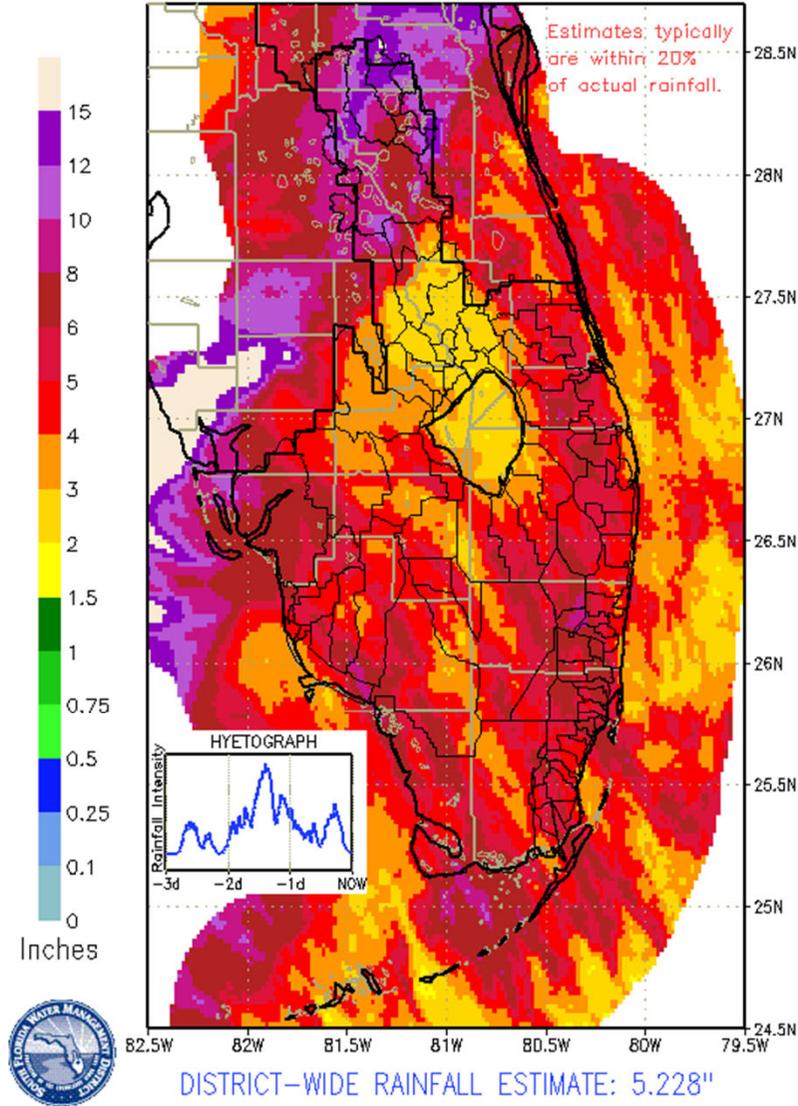
Maximum Water Height are hindcast values



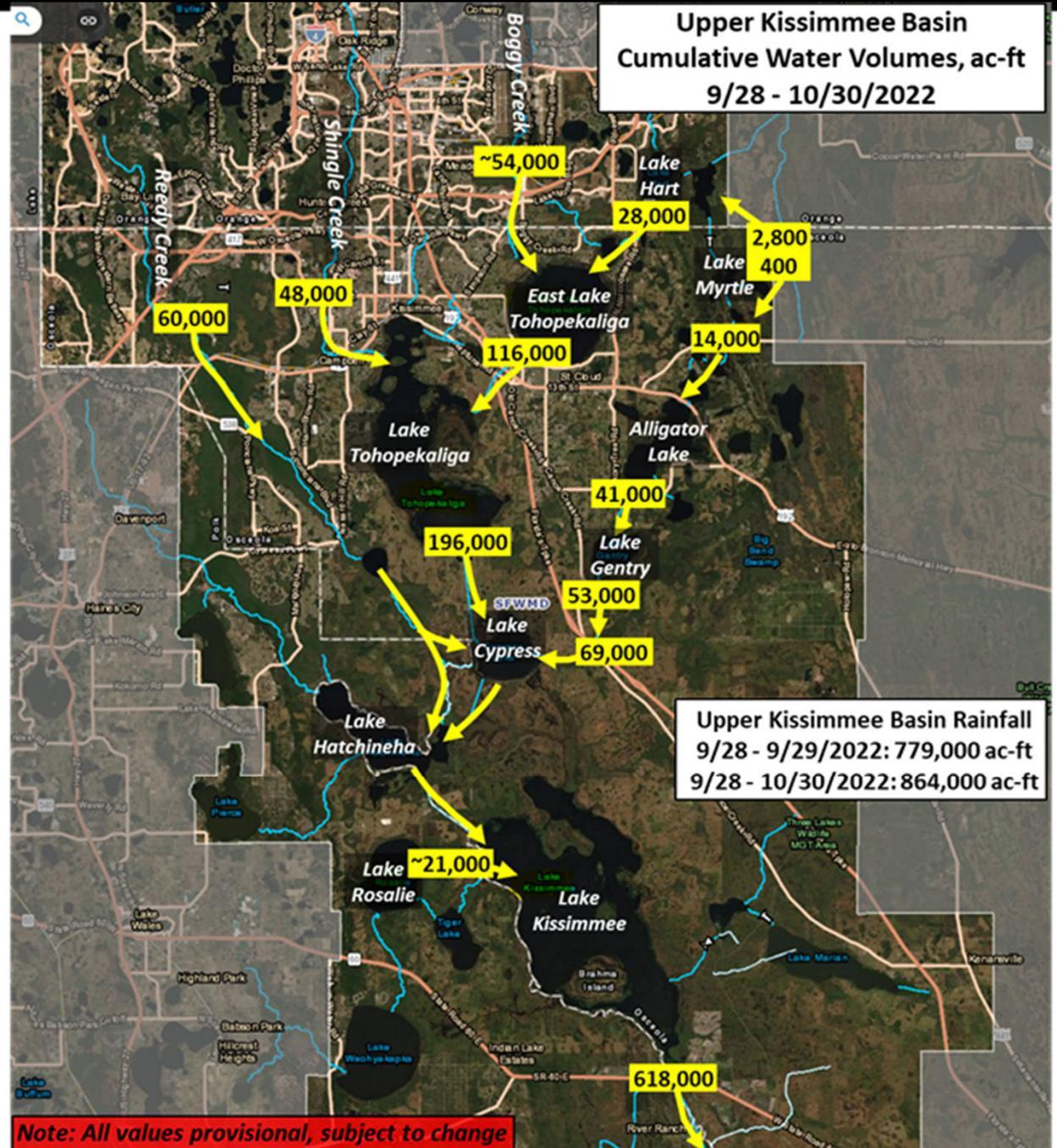
SFWMD PROVISIONAL RAINDAR 3-DAY RAINFALL ESTIMATES
FROM: 0600 EST, 09/26/2022 THROUGH: 0600 EST, 09/29/2022

SFWMD PROVISIONAL RAINDAR 3-DAY BASIN RAINFALL ESTIMATES
FROM: 0600 EST, 09/26/2022 THROUGH: 0600 EST, 09/29/2022

Total Rainfall
September 26,2022 0600
to
September 29, 2022 0600



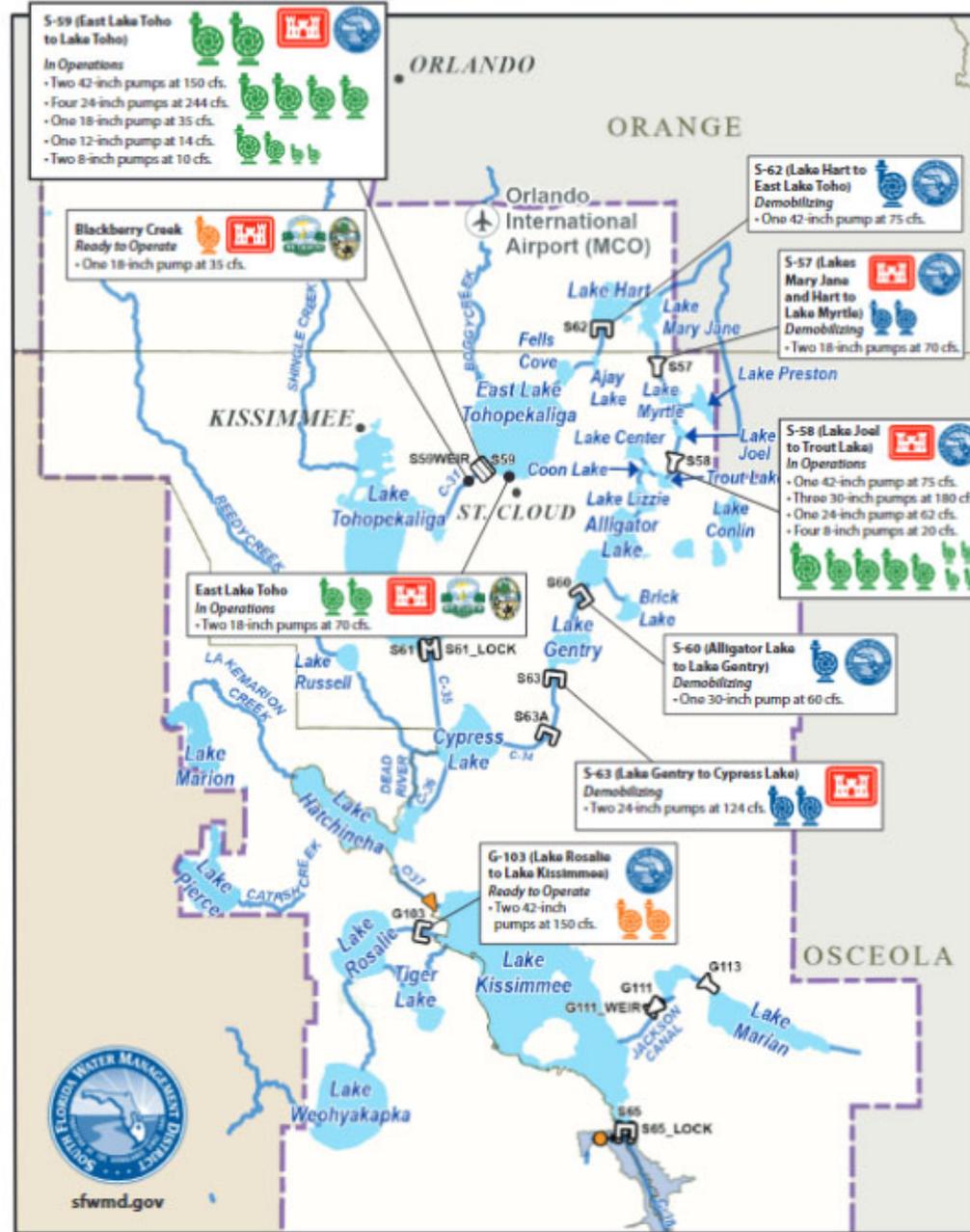
Volumes moved through the Upper Kissimmee Lakes

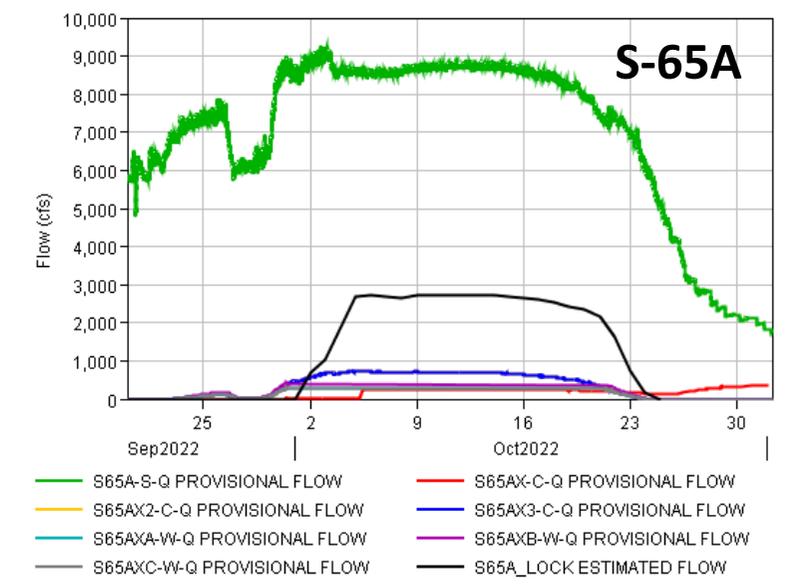
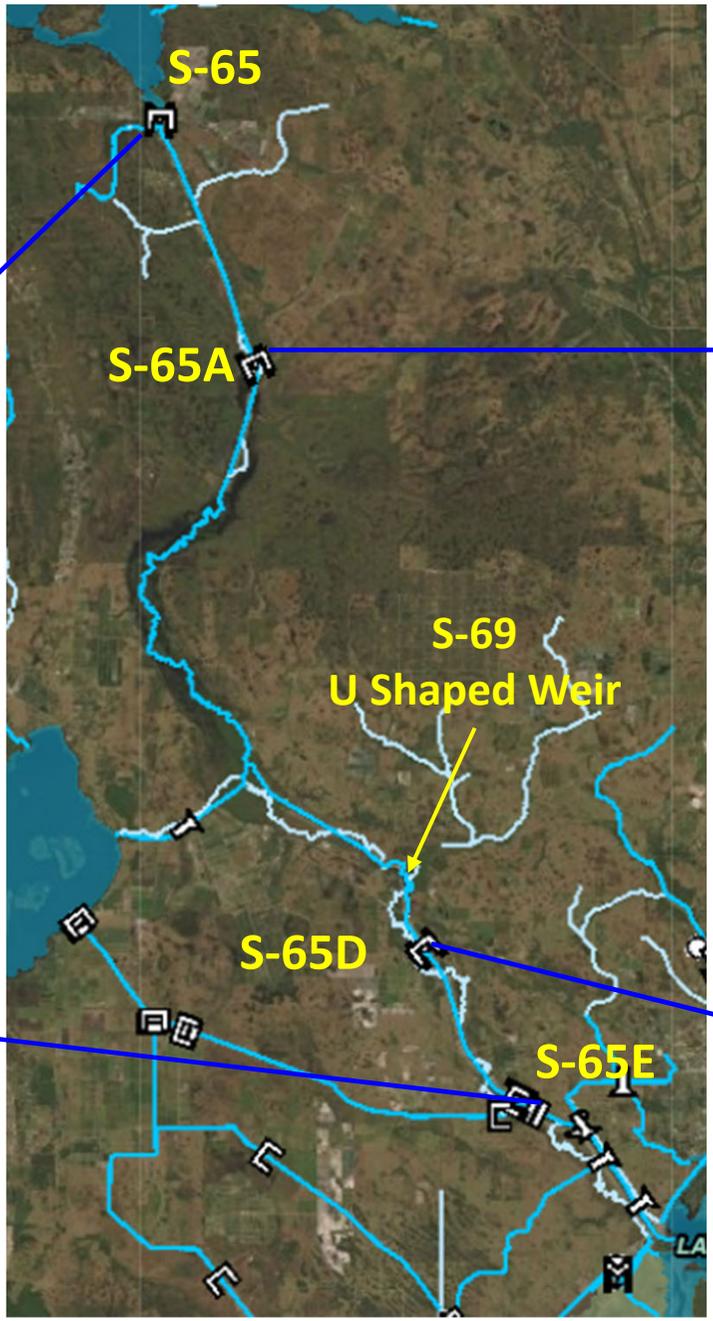
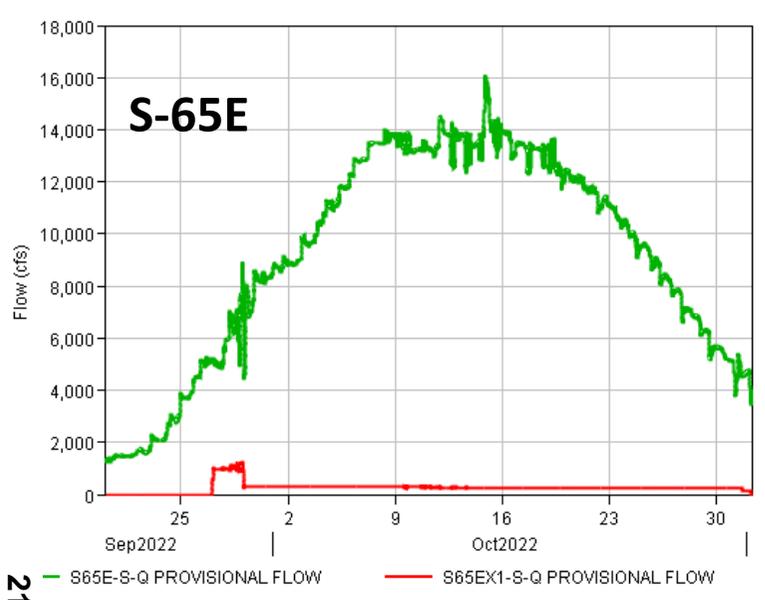
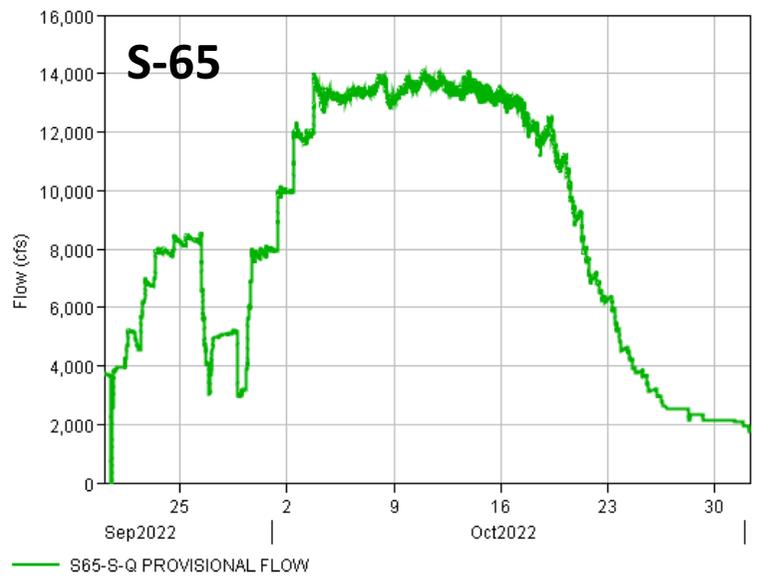


Temporary Pumps in The Upper Kissimmee Chain of Lakes

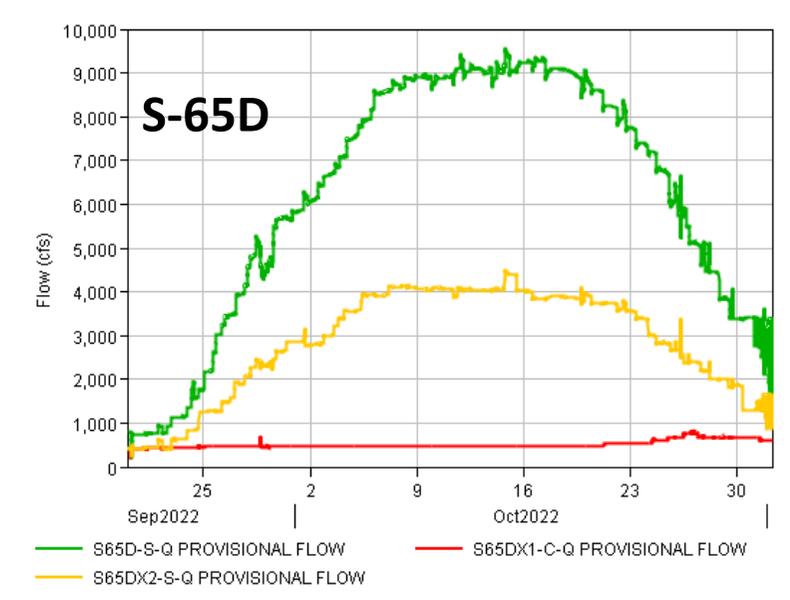


42" and 2-8" Pumps at S-58

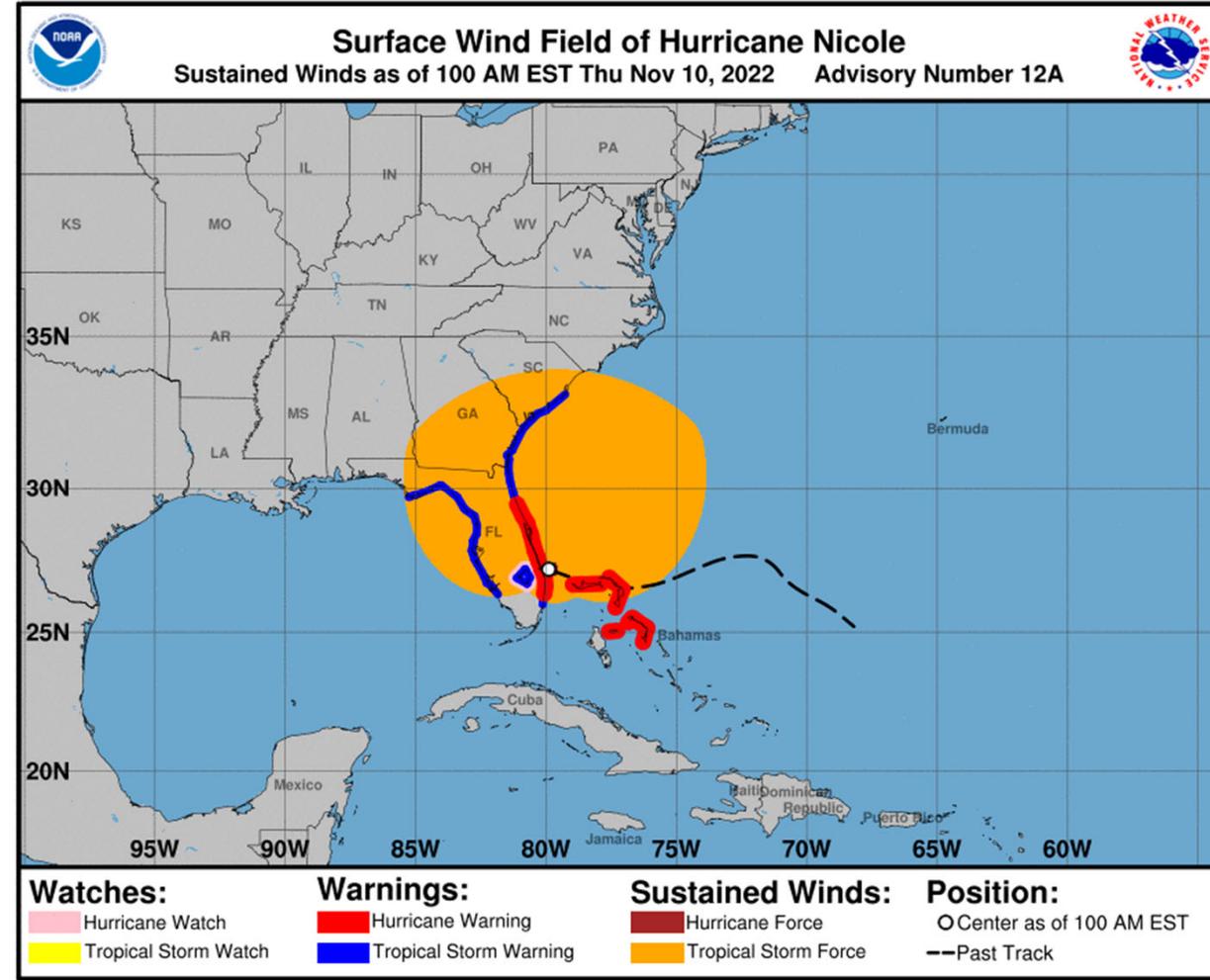
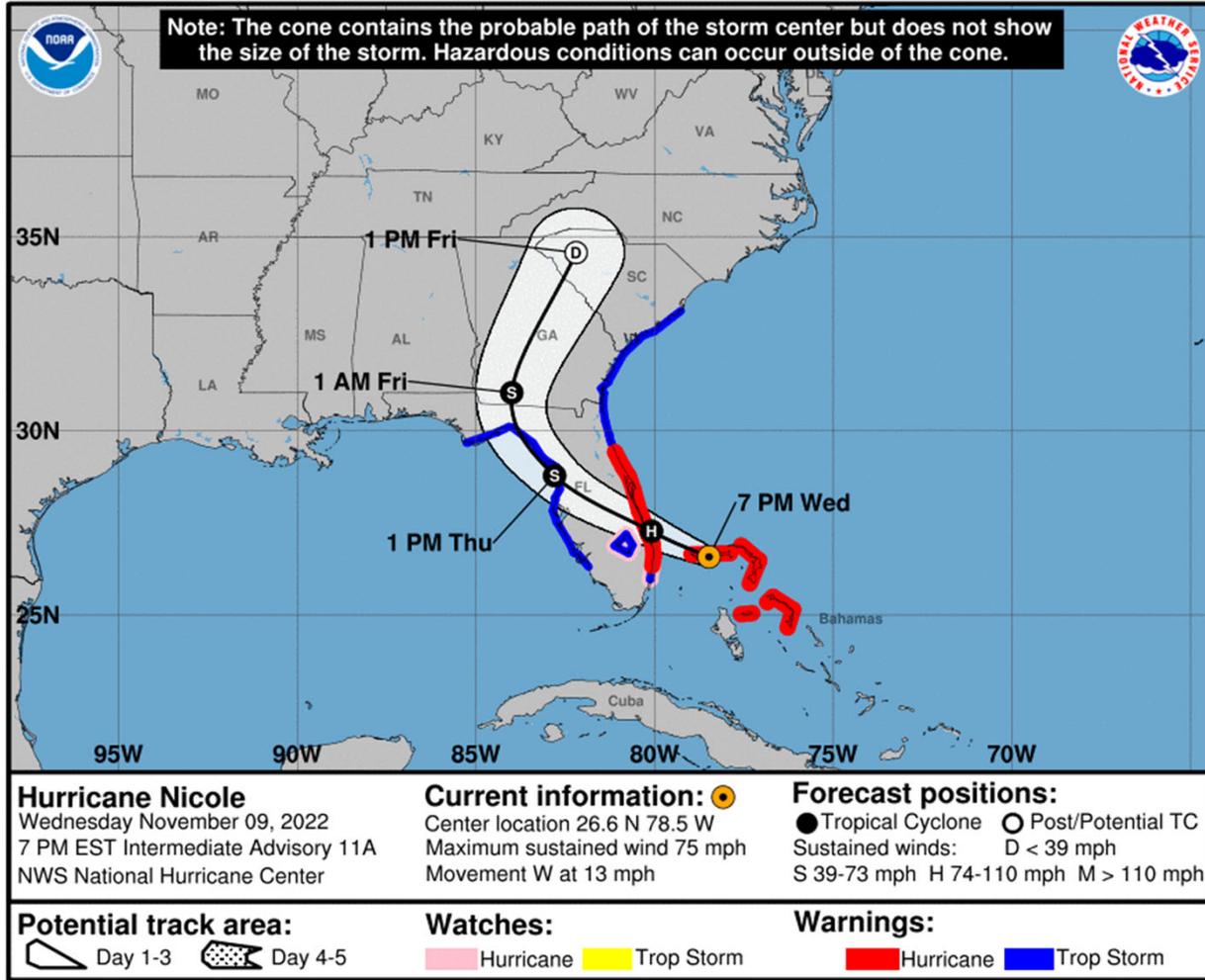




S-65A Navigation Lock opened Oct 1-22



Hurricane Nicole



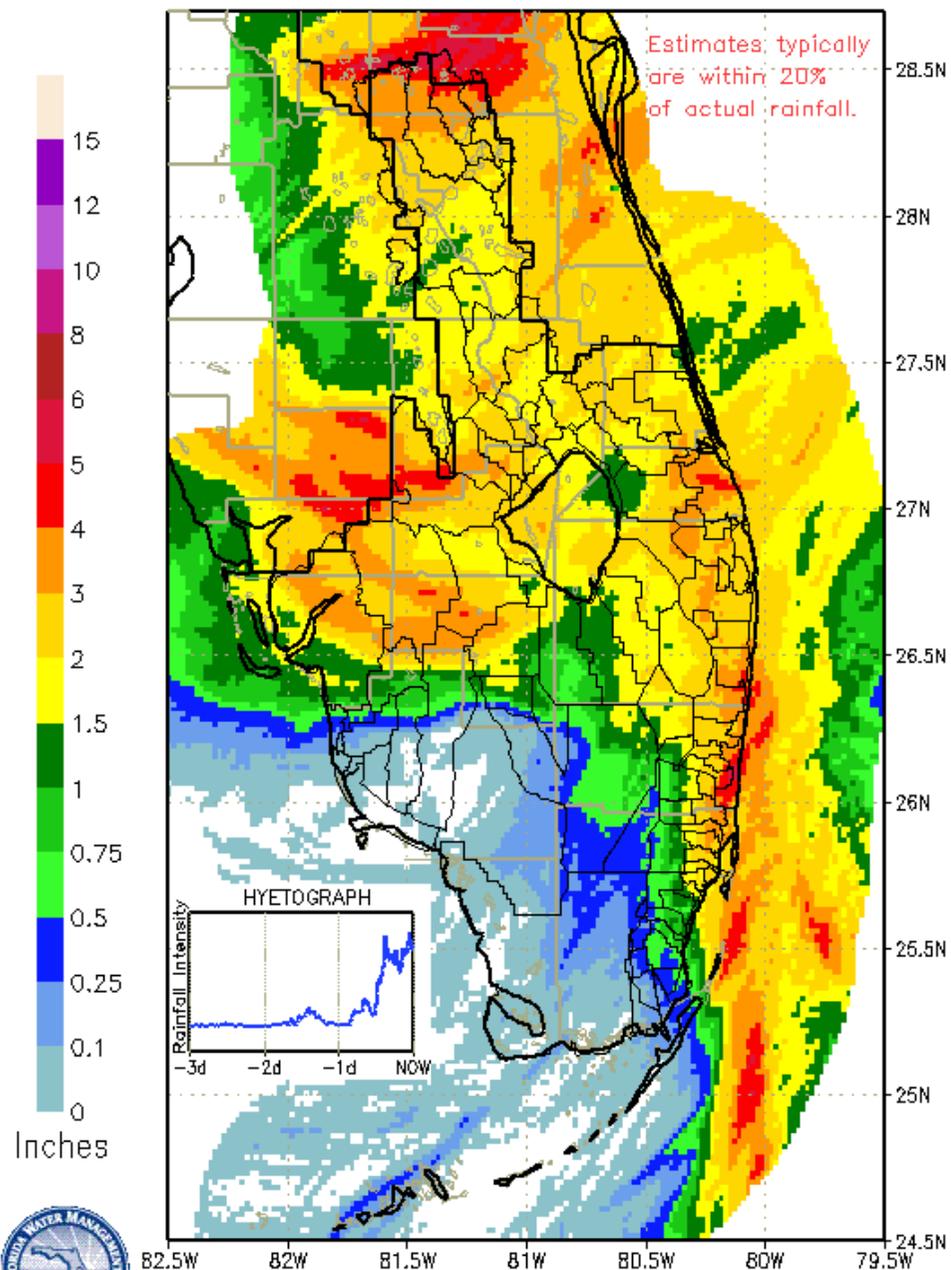
SFWM PROVISIONAL RAINDAR 3-DAY RAINFALL ESTIMATES

FROM: 0715 EST, 11/07/2022 THROUGH: 0715 EST, 11/10/2022

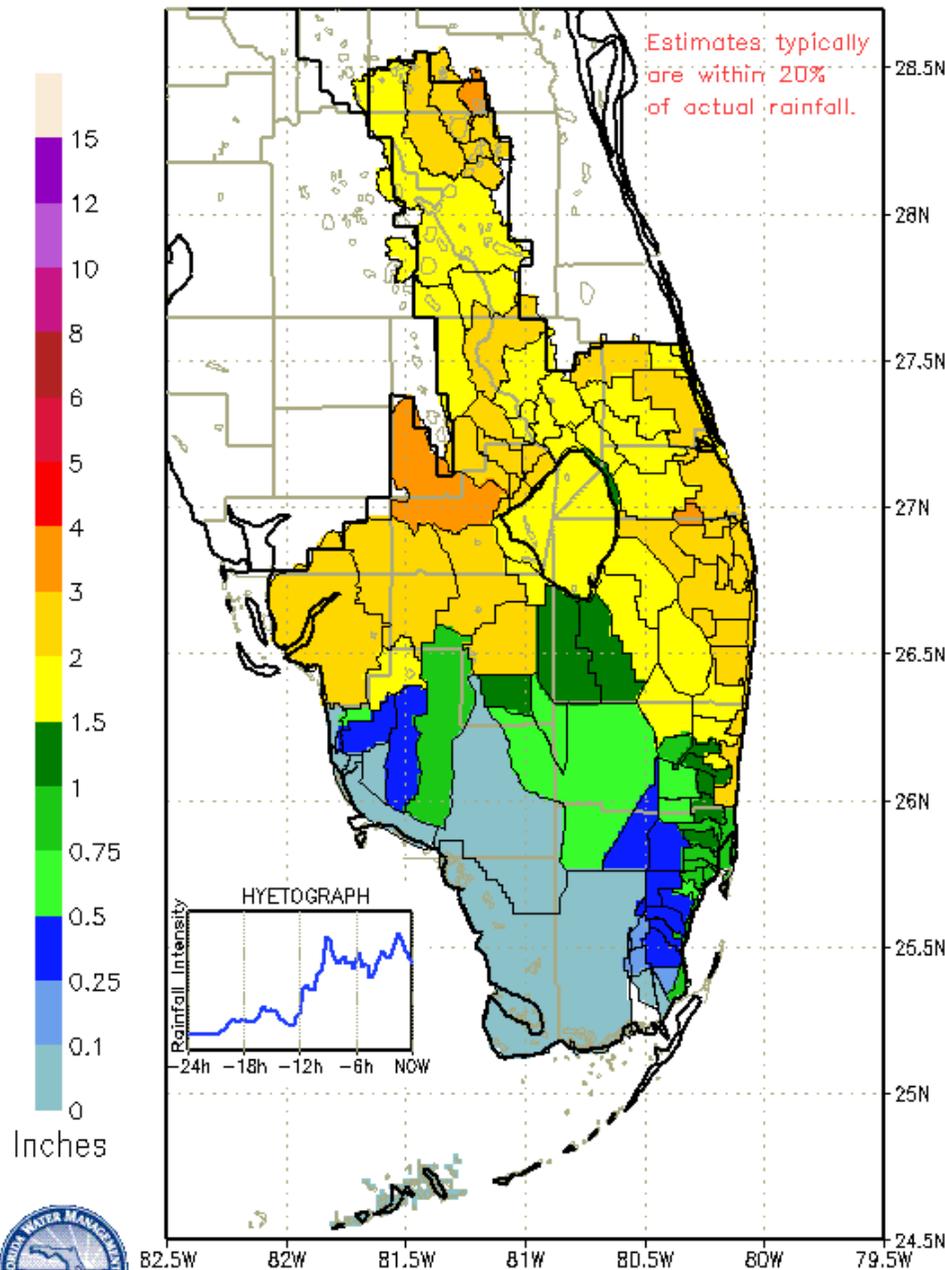


SFWM PROVISIONAL RAINDAR 24-HOUR BASIN RAINFALL ESTIMATES

FROM: 0730 EST, 11/09/2022 THROUGH: 0730 EST, 11/10/2022



DISTRICT-WIDE RAINFALL ESTIMATE: 1.801"



DISTRICT-WIDE RAINFALL ESTIMATE: 1.616"



Ecological Conditions Update

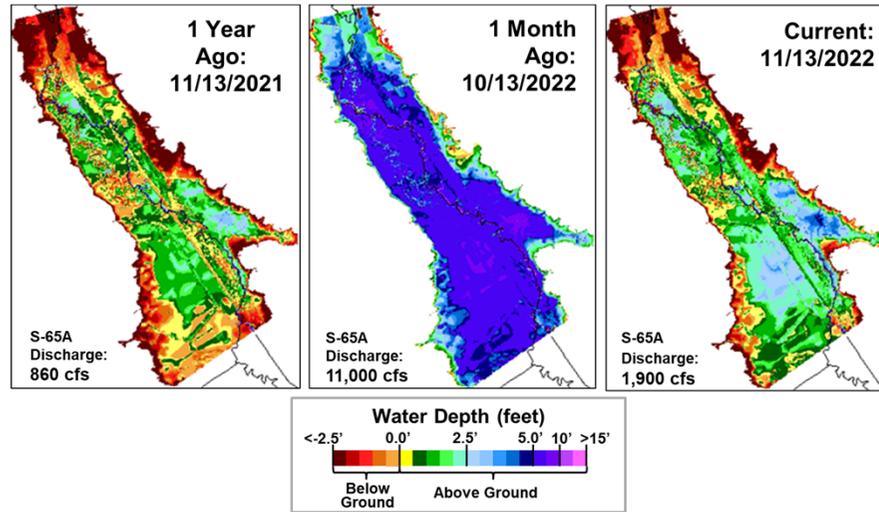
Governing Board Meeting
November 18, 2022



Lawrence Glenn
Division Director
Water Resources

*Kissimmee River Phase 2 Restoration
Post Hurricane Ian
Photograph courtesy of Brent Anderson*

Hurricane Effects - Kissimmee River

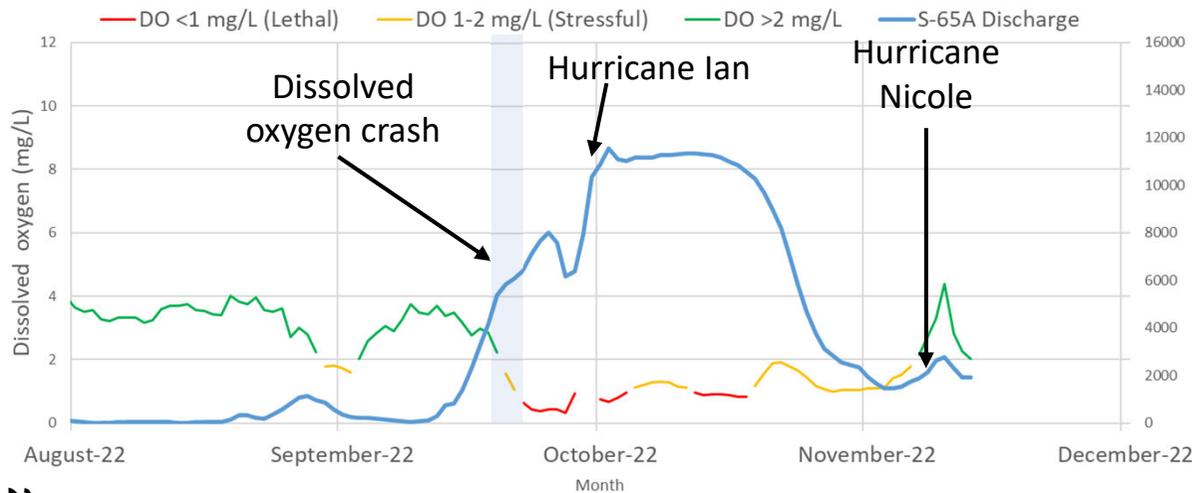


Negative Effects

- Rainfall and rapid increases in flows and water depths can cause oxygen crashes, fish kills
- Loss of plants
- Nutrient exports downstream

Positive Effects

- Excessively deep inundation of floodplain with temporary shifts to more aquatic habitats can “reset” vegetation trends
- High flows encourage physically dynamic changes in habitat, e.g. river channel migration or maintaining diverse habitat (sand, woody debris)
- Periodic disturbance is an essential part of maintaining diversity and productivity
 - Ecosystems are adapted to disturbance (e.g., flood, drought, fire)



Kissimmee River Channel Migration



Sandbar formation



Floodplain inundation



River channel migration

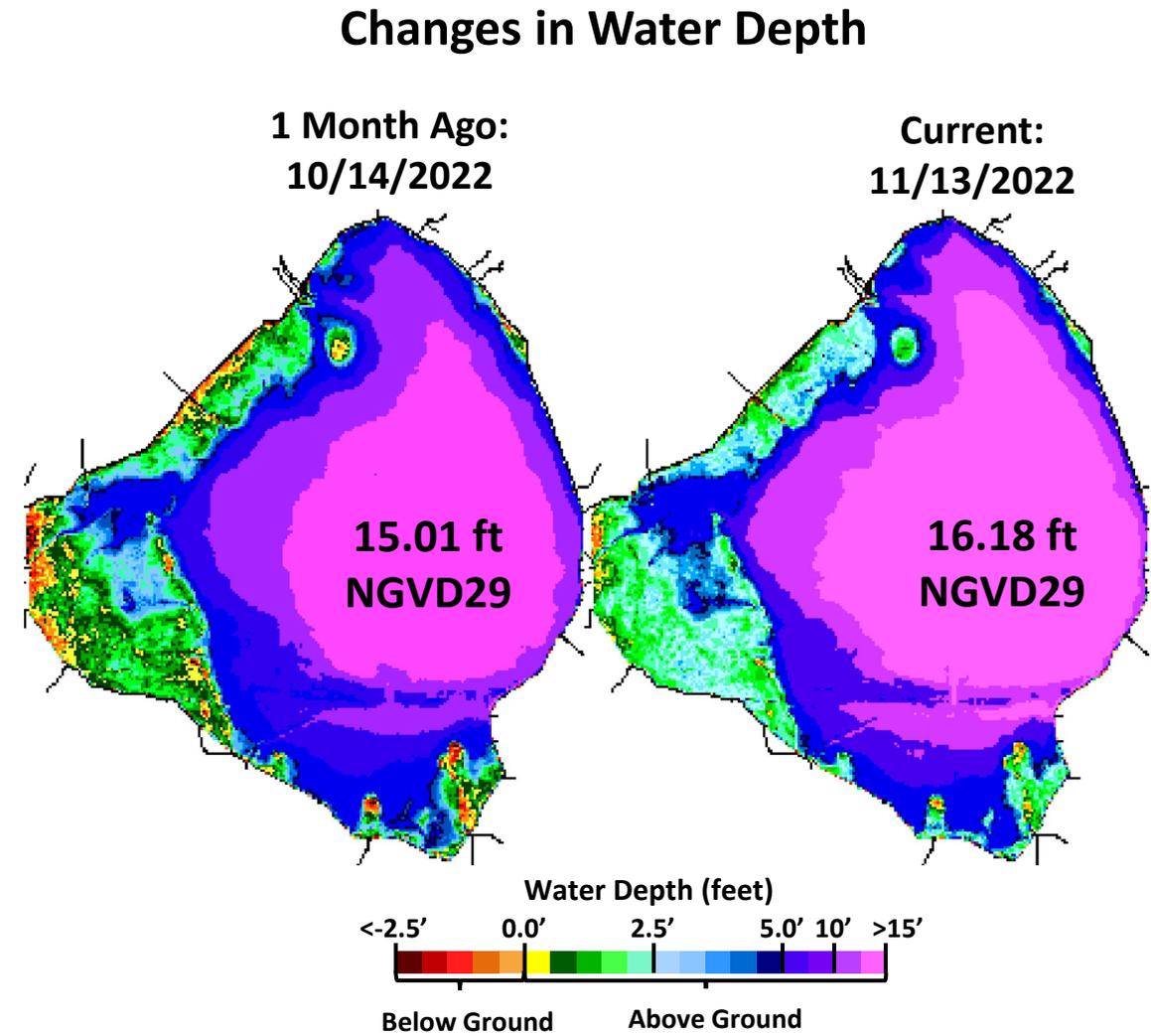
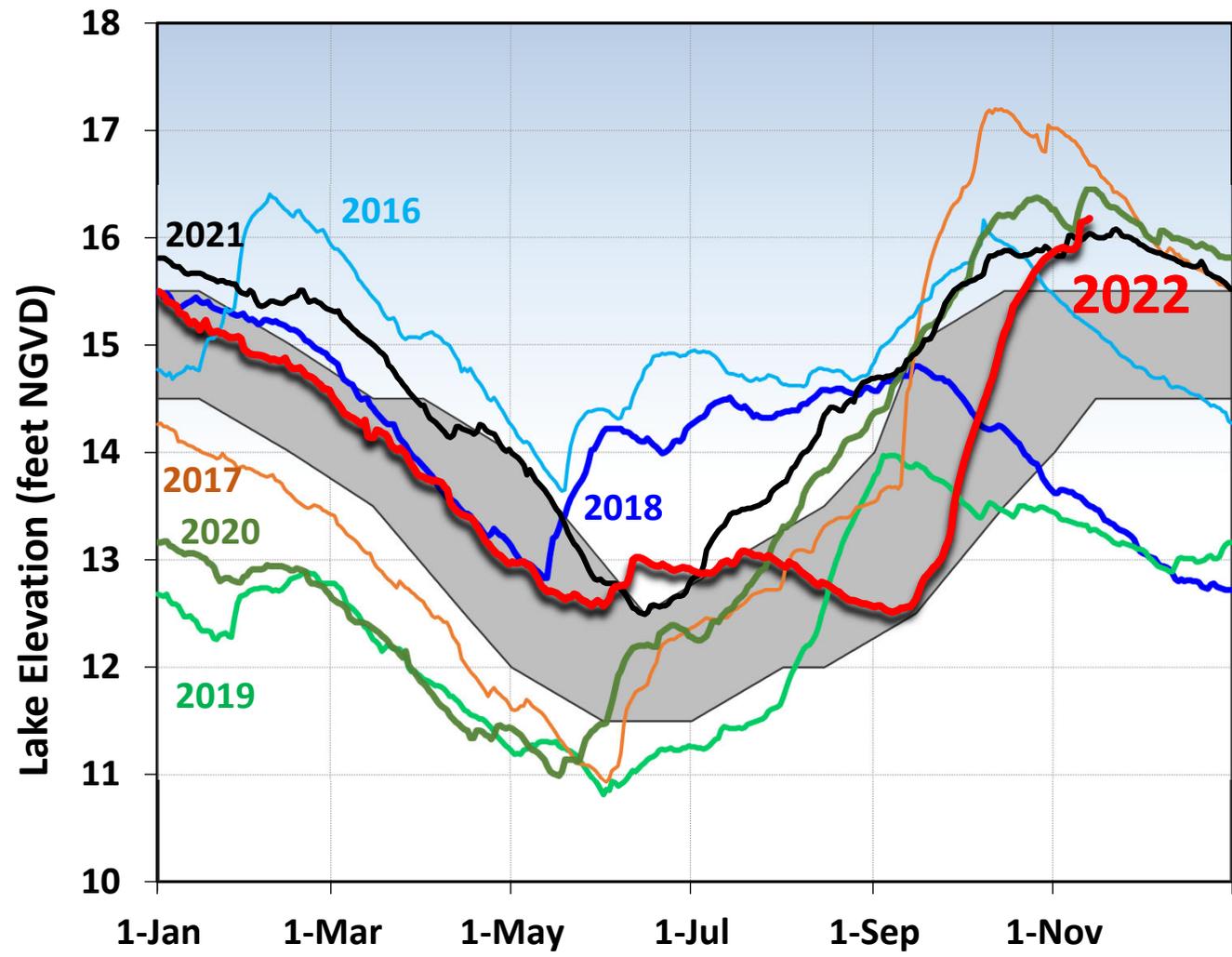


Kissimmee River Restoration S69 Weir

S-69 (U-Shaped Weir) Completed in 2021

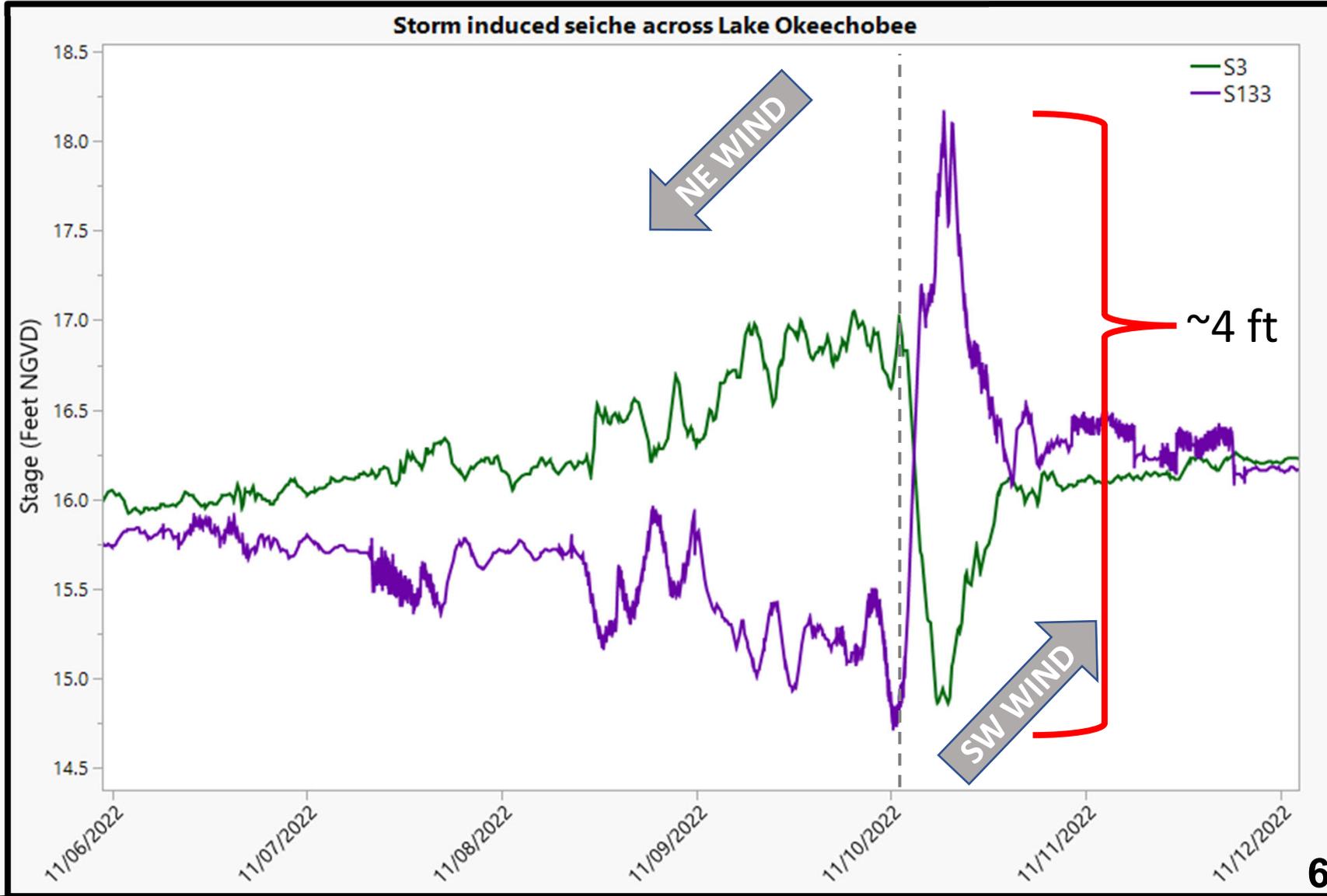
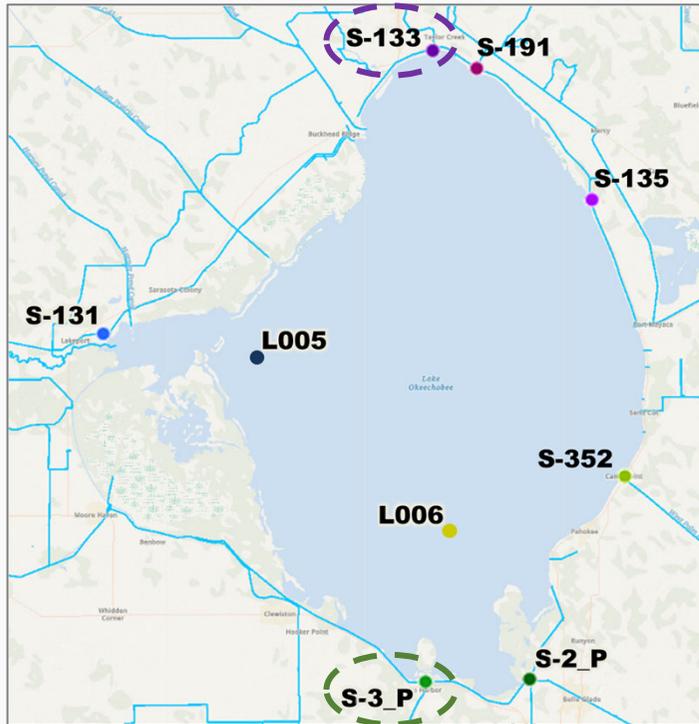


Ecological Envelope and Water Depths

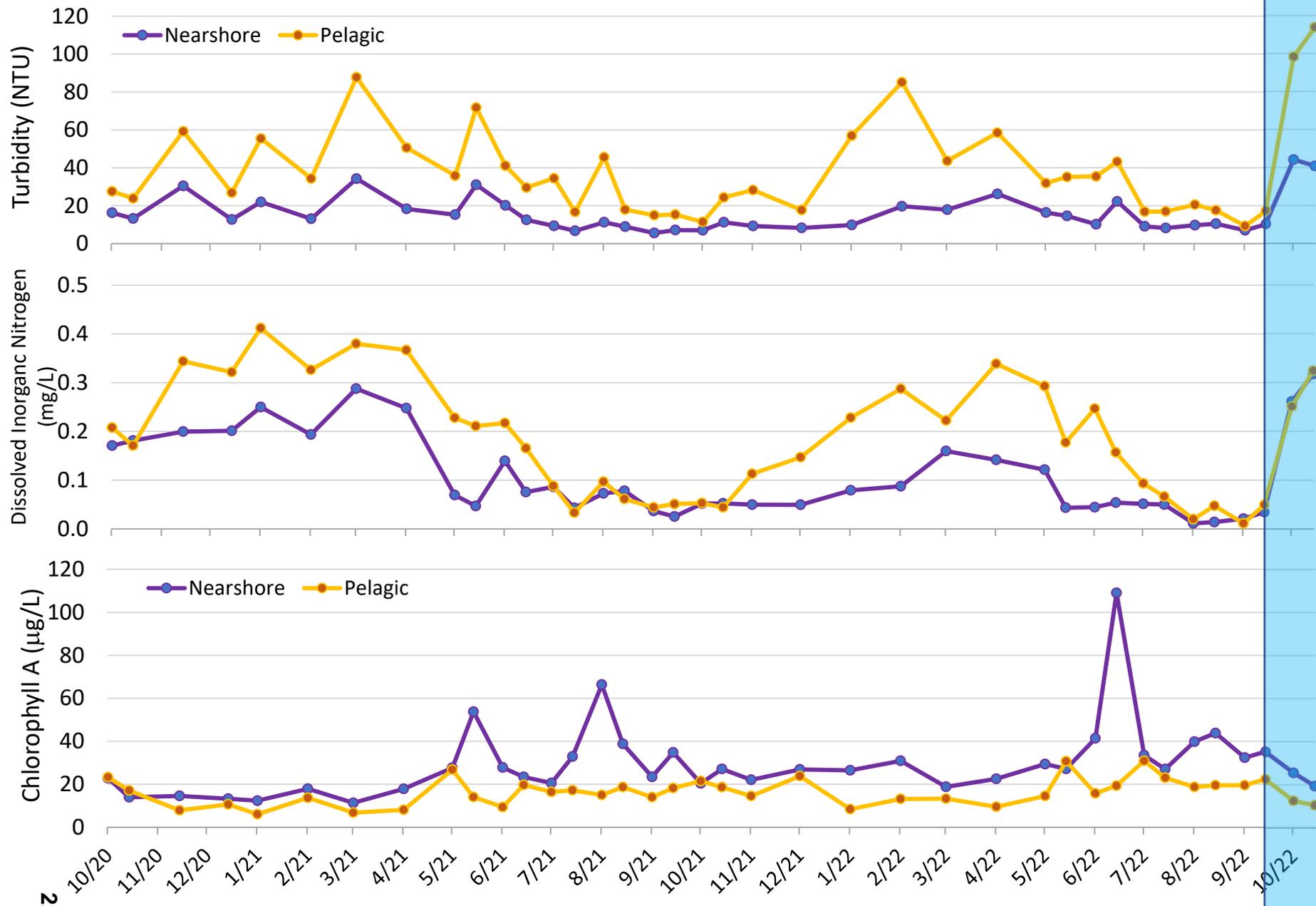


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Nicole Impact on Lake Stage



SOUTH FLORIDA WATER MANAGEMENT DISTRICT



	October	Year	Turbidity	DIN	Chl-A
Nearshore	2018		11.1	0.026	38.5
	2019		21.3	0.142	24.7
	2020		14.9	0.176	18.6
	2021		9.2	0.052	23.8
	2022		42.5	0.289	22.5
Pelagic	2018		16.4	0.078	21.6
	2019		54.8	0.283	14.9
	2020		25.8	0.190	20.4
	2021		17.9	0.049	20.0
	2022		106.1	0.288	11.5

**Recent
Water
Quality
*Provisional Data***

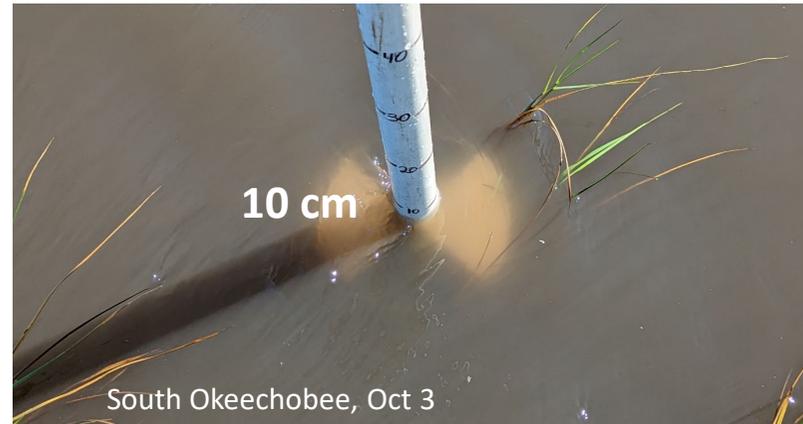
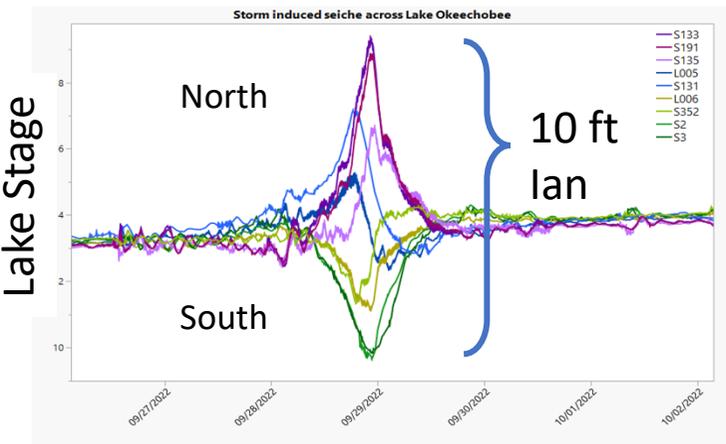
Potential Nicole Effects

Potential Impacts

- Another nutrient pulse
- A week of strong winds kept turbidity high, suppressing nutrient uptake

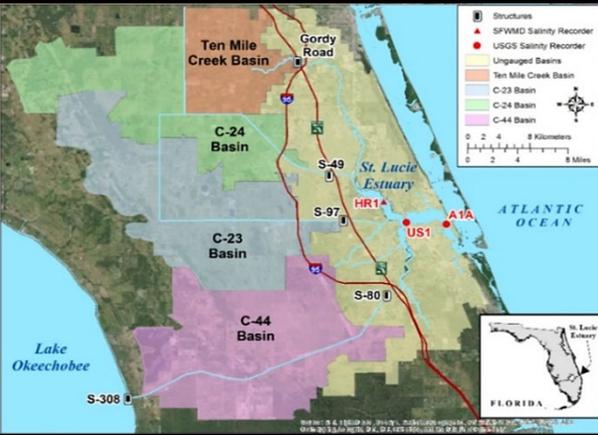
Potential Benefits

- High stages can improve prey production in the marsh for wading birds, expand aquatic habitat
- Snail kite nesting tends to be higher in wetter years



230

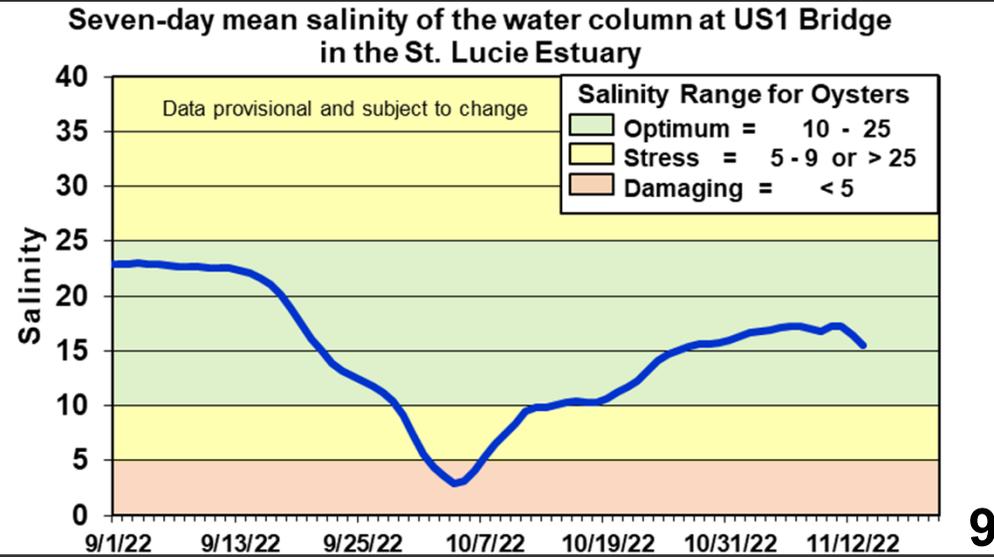
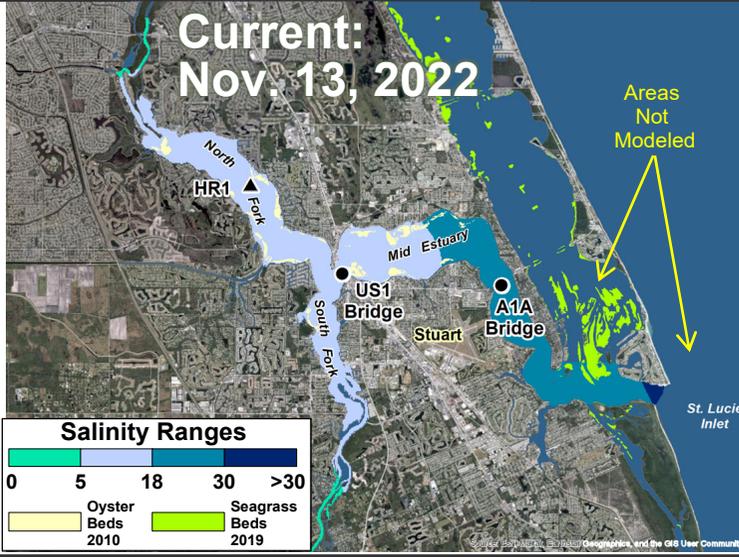
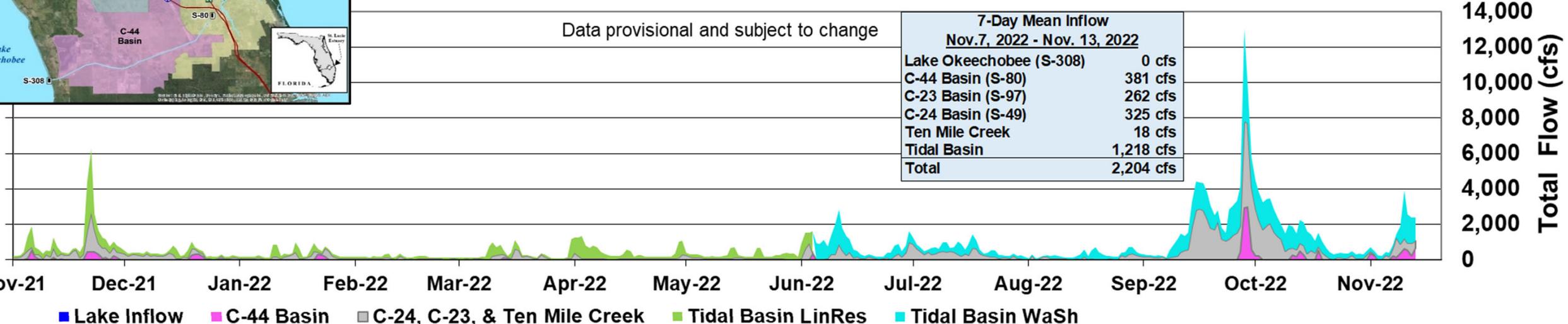
St. Lucie Inflows and Salinity Conditions



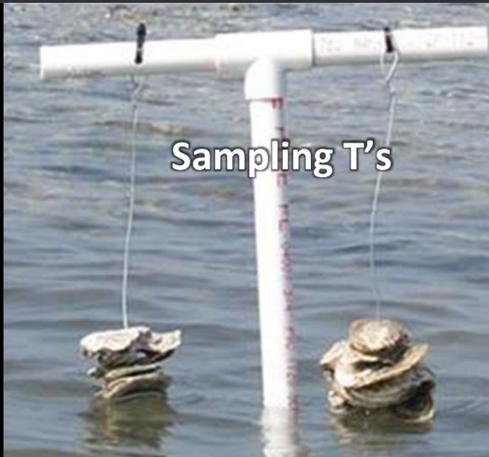
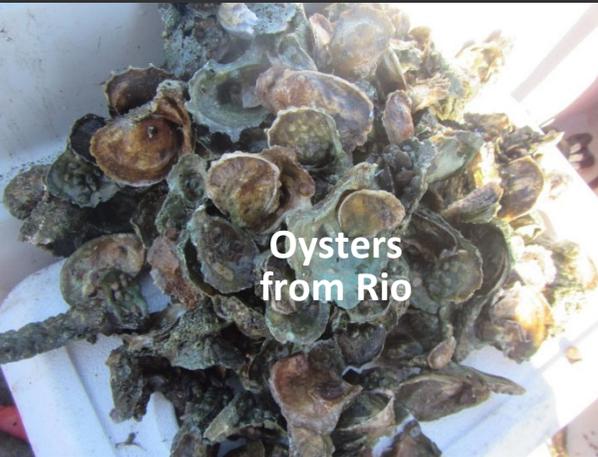
Total Daily Inflow into the St. Lucie Estuary

Data provisional and subject to change

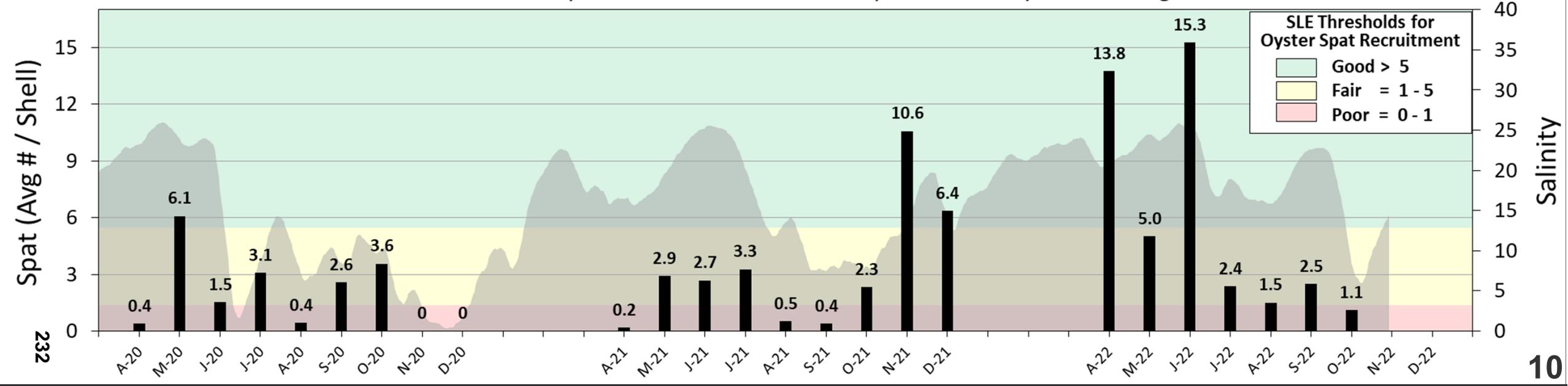
7-Day Mean Inflow Nov. 7, 2022 - Nov. 13, 2022	
Lake Okeechobee (S-308)	0 cfs
C-44 Basin (S-80)	381 cfs
C-23 Basin (S-97)	262 cfs
C-24 Basin (S-49)	325 cfs
Ten Mile Creek	18 cfs
Tidal Basin	1,218 cfs
Total	2,204 cfs



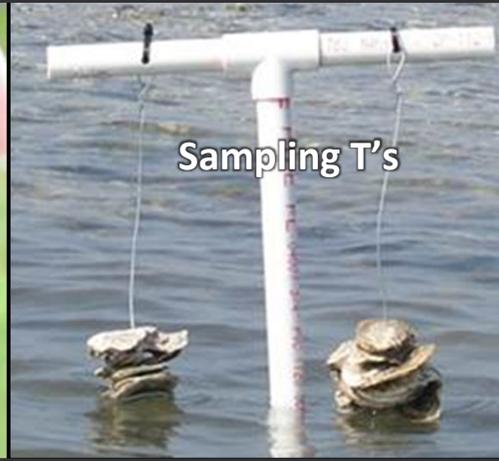
St. Lucie Estuary – Oyster Recruitment



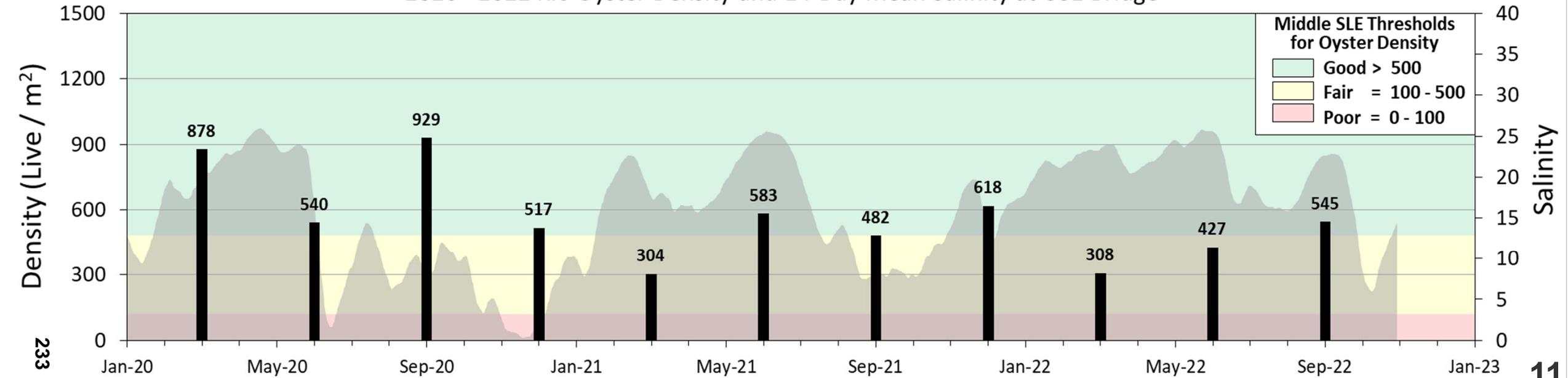
2020 - 2022 Rio Oyster Recruitment and 14-Day Mean Salinity at US1 Bridge



St. Lucie Estuary – Oyster Density



2020 - 2022 Rio Oyster Density and 14-Day Mean Salinity at US1 Bridge



Caloosahatchee Estuary Post-Ian



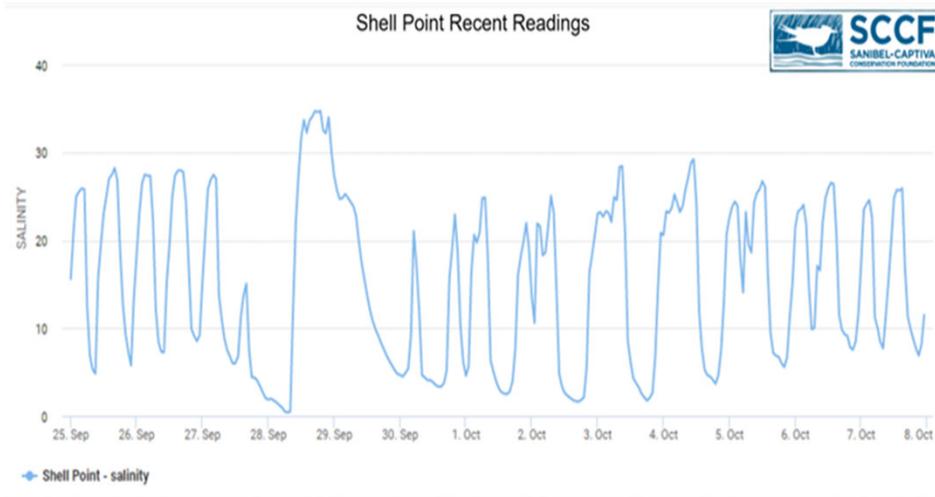
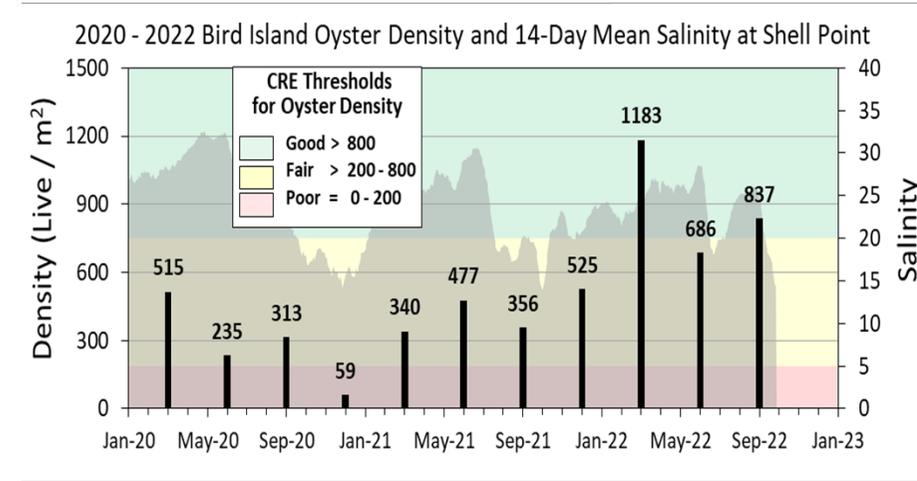
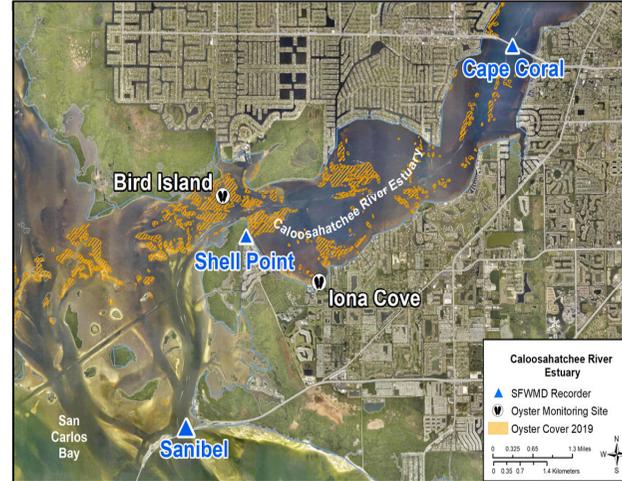
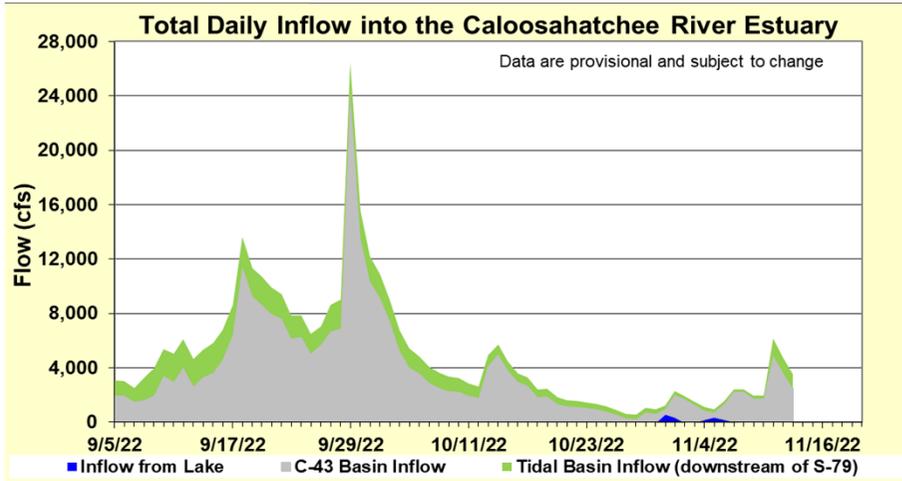
Seagrass status prior to Hurricane Ian

- Largest, healthiest seagrass beds located in Pine Island Sound during 2008, 2014 and 2021 mapping efforts
 - seagrass acreage increased during 2008, 2014, 2021 mapping efforts
 - 30,242 acres mapped in 2021

Potential Impacts of Hurricane Ian on seagrass

- Seagrasses buried or damaged by sand and debris from wind and storm surge
- Wind damage causing seagrass blades to break
- Persistent high turbidity levels from watershed runoff can reduce light penetration levels causing seagrass die-off

Caloosahatchee Estuary Post-Ian

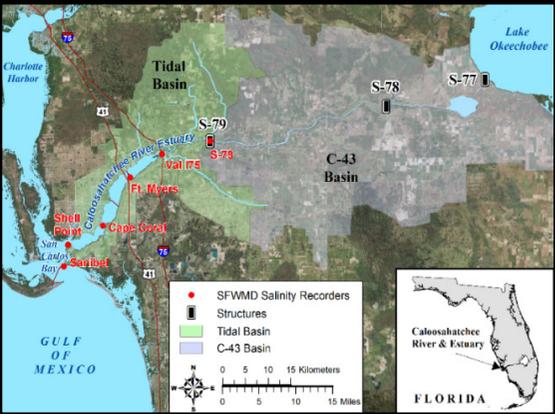


Potential impacts of Hurricane Ian on oysters

Oyster beds buried or damaged by sand and debris from wind and storm surge

- Watershed runoff decreases salinities to stressful (<10) or damaging (<5) levels for extended period causing widespread oyster die-off
 - Optimal salinity (10-25)

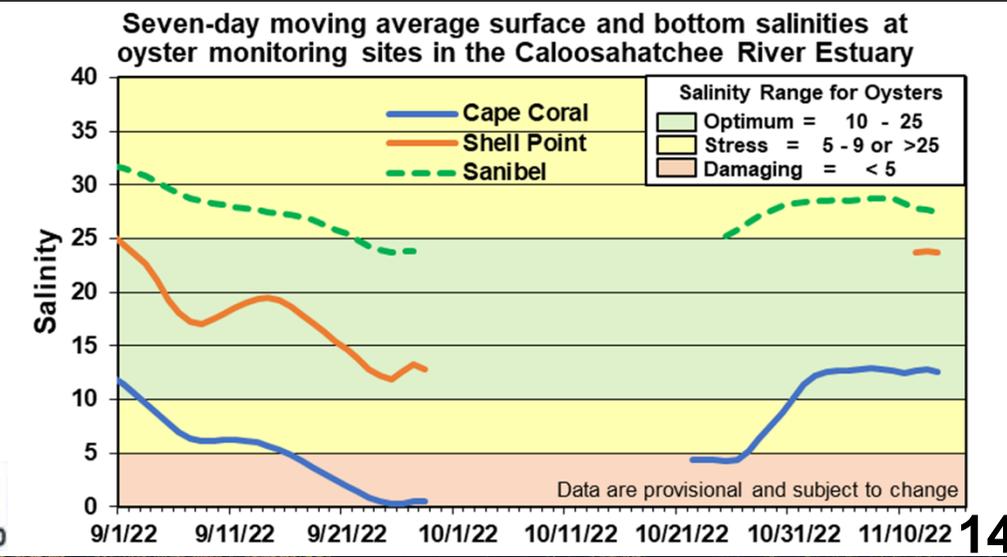
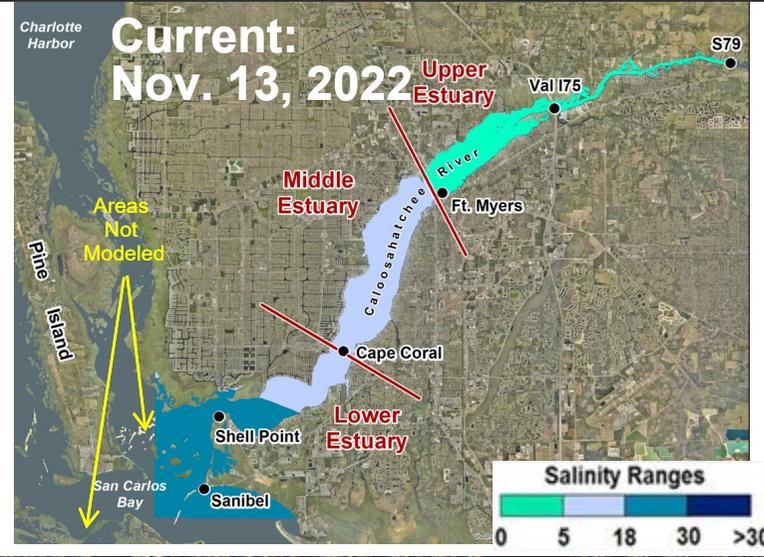
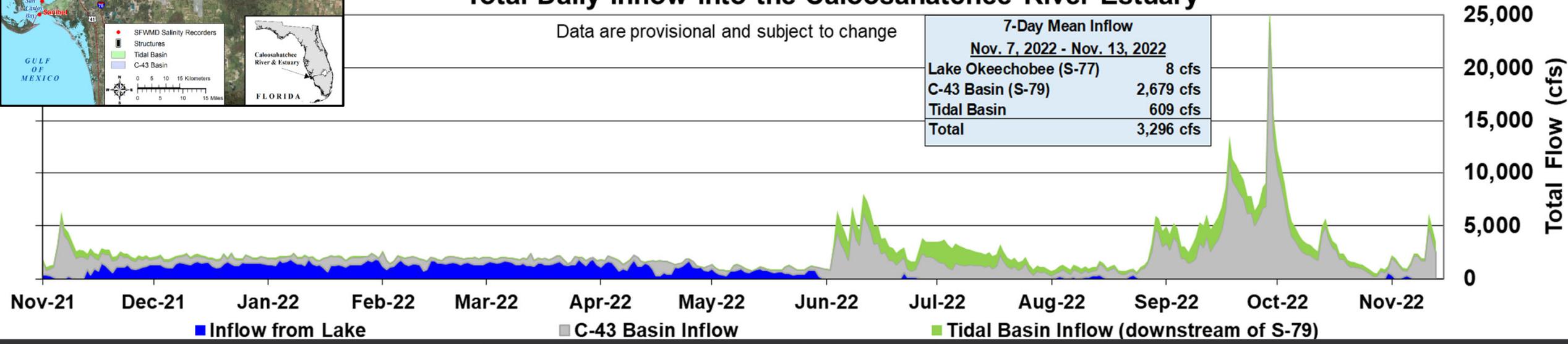
Caloosahatchee Inflows and Salinity Conditions



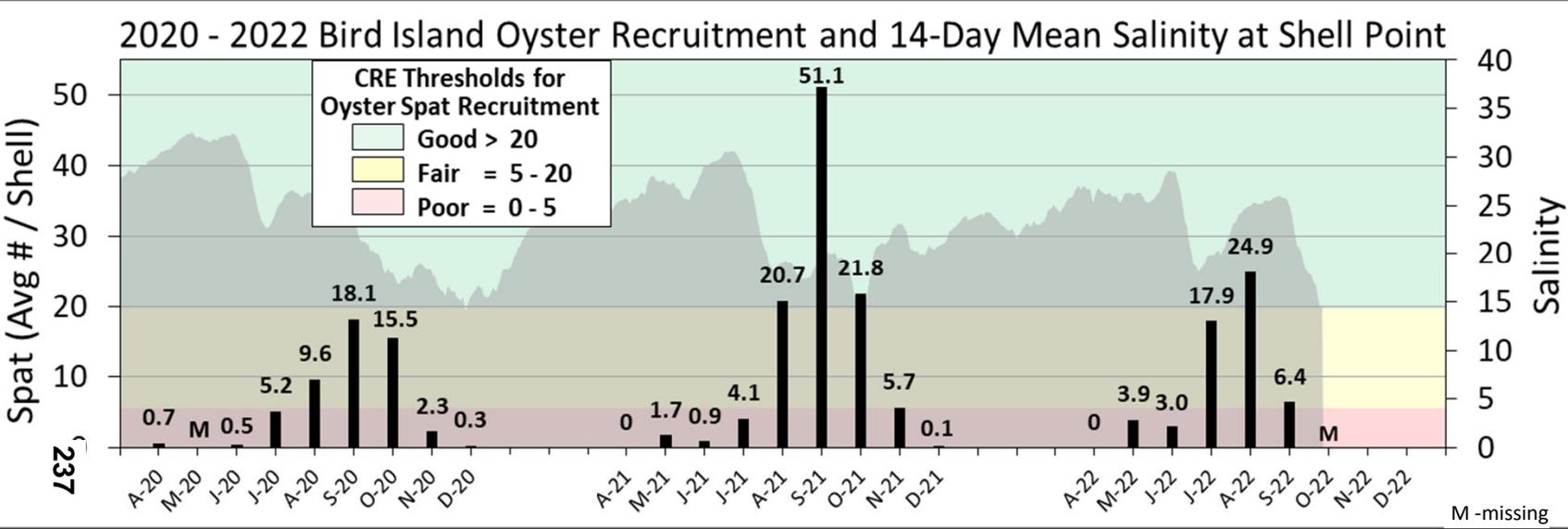
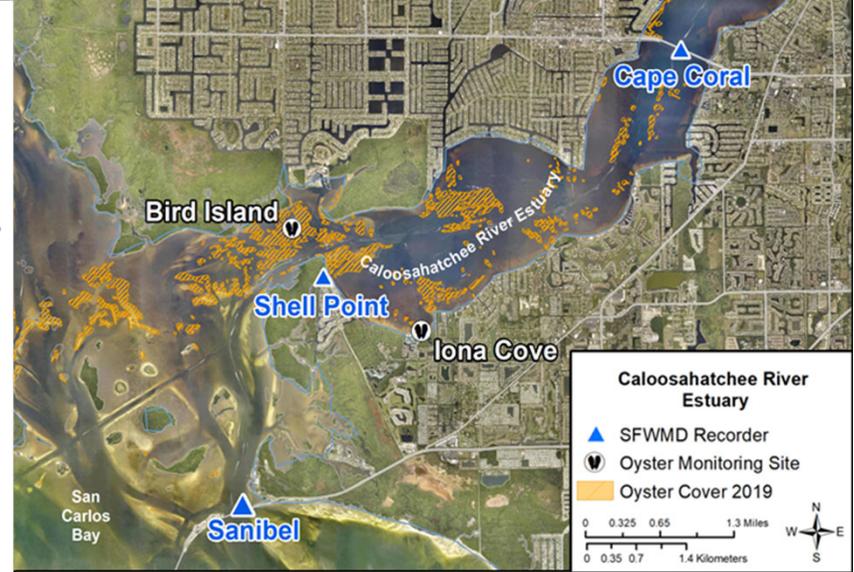
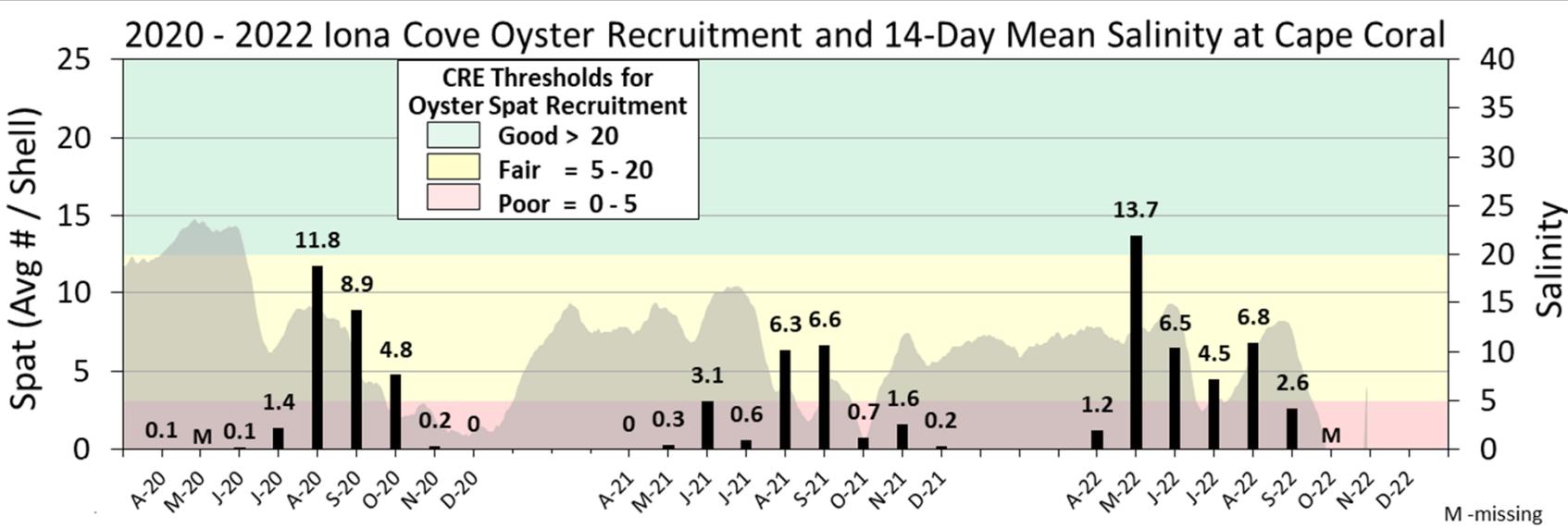
Total Daily Inflow into the Caloosahatchee River Estuary

Data are provisional and subject to change

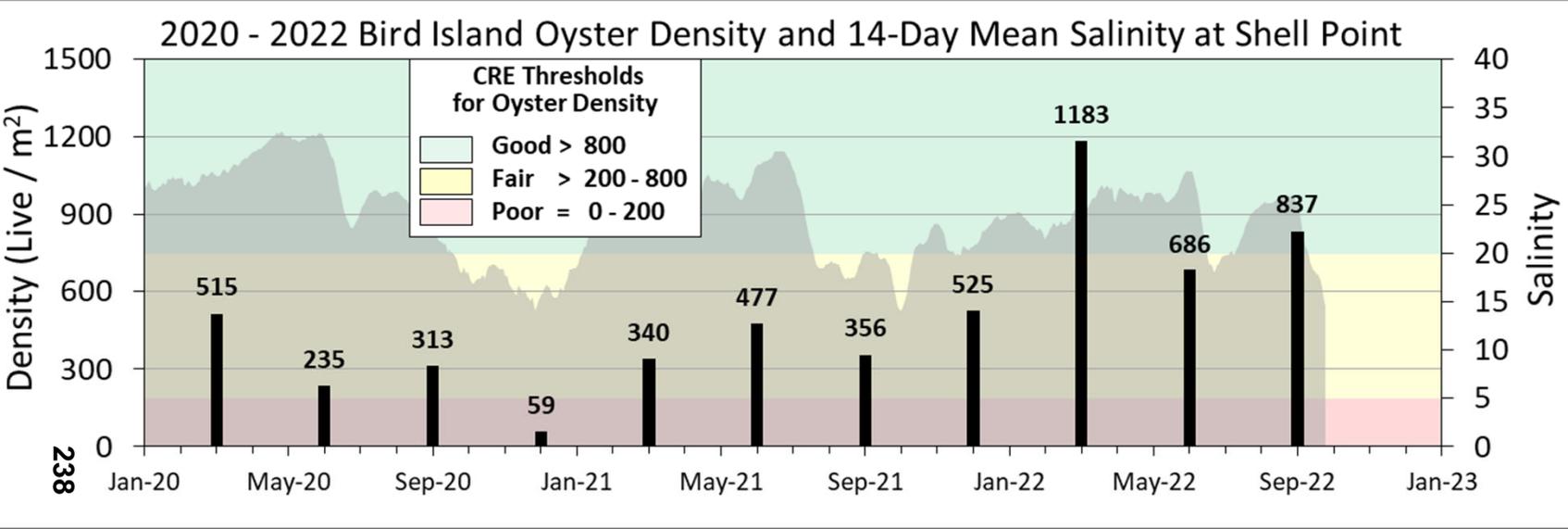
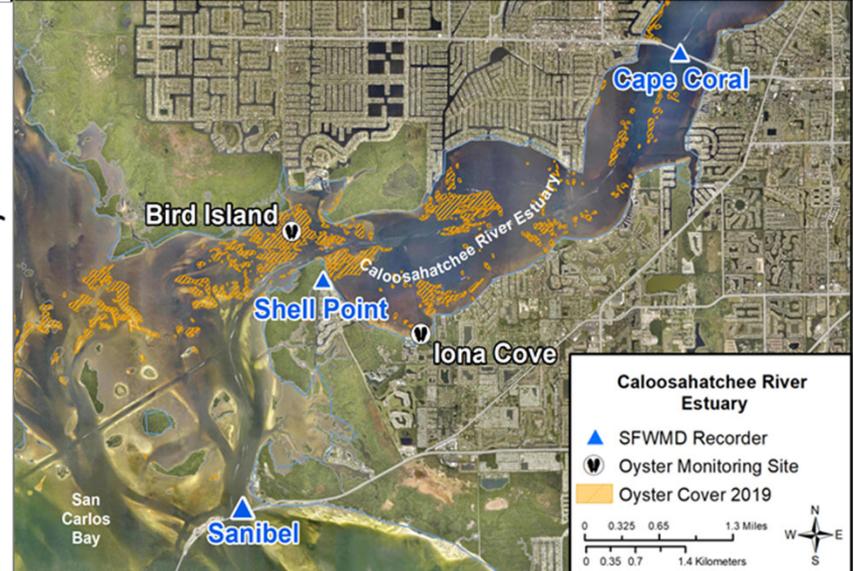
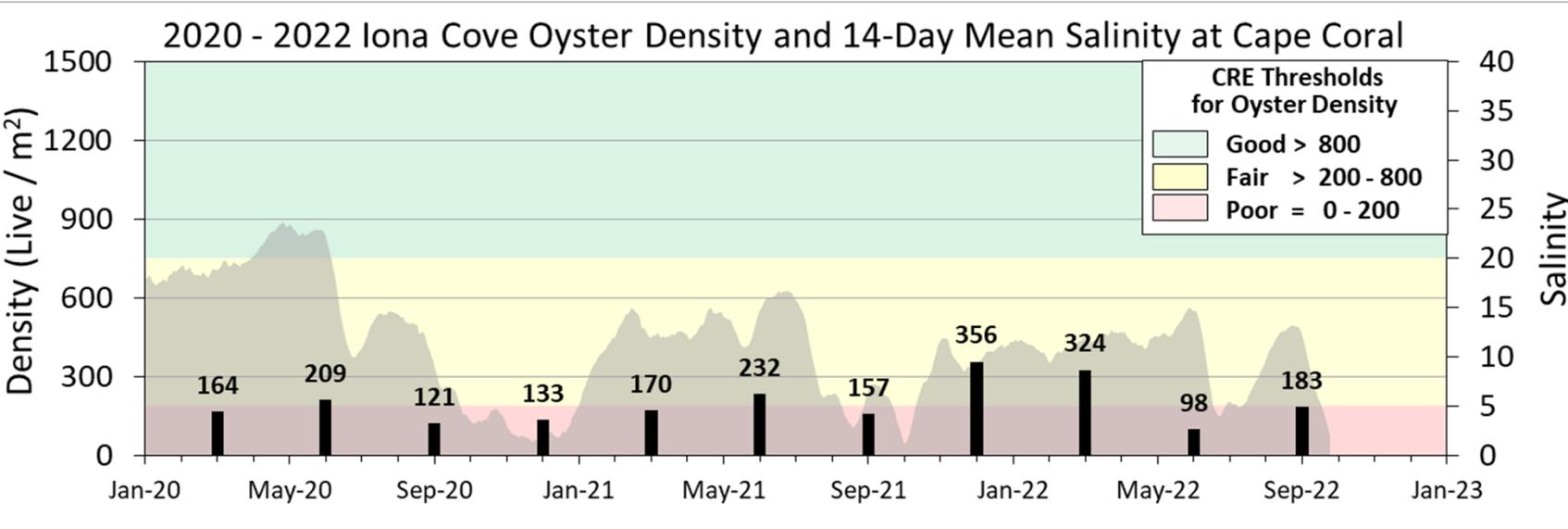
7-Day Mean Inflow Nov. 7, 2022 - Nov. 13, 2022	
Lake Okeechobee (S-77)	8 cfs
C-43 Basin (S-79)	2,679 cfs
Tidal Basin	609 cfs
Total	3,296 cfs



Caloosahatchee Estuary – Oyster Recruitment



Caloosahatchee Estuary – Oyster Density



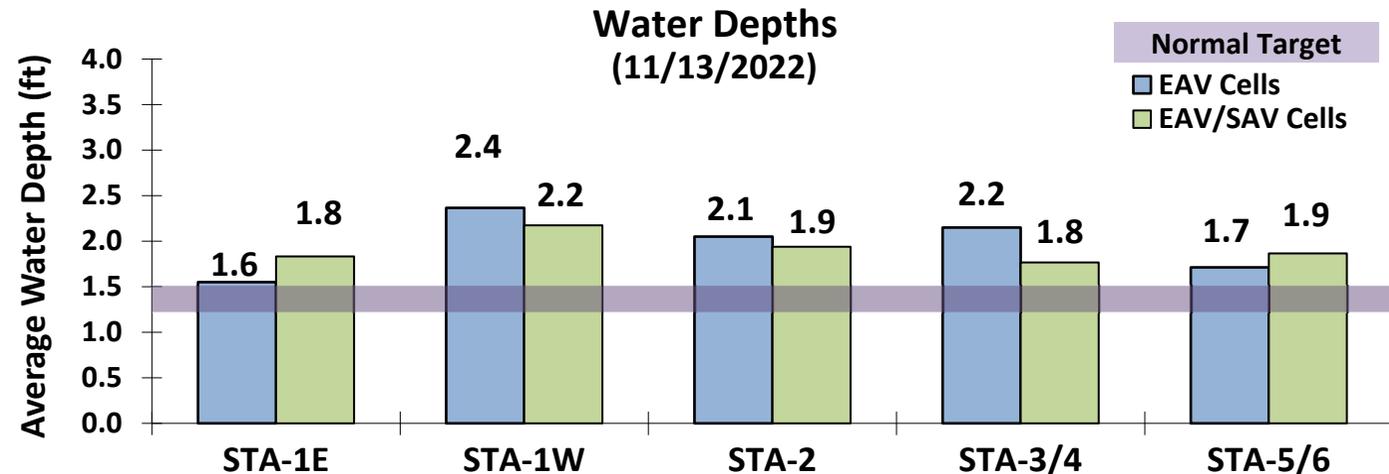
Everglades Stormwater Treatment Areas (STAs)

- STAs treated basin runoff in October
 - Total WY2023 inflows to STAs (5/1/2022 to 11/13/2022): ~928,000 ac-ft
 - Lake Okeechobee releases to FEB/STAs in WY2023: ~12,600 ac-ft
- Extensive vegetation management activities underway to address stressed and highly stressed vegetation especially in EAV cells
- Most treatment cells are above target depth

Water Year 2023
5/1/2022 to 11/13/2022

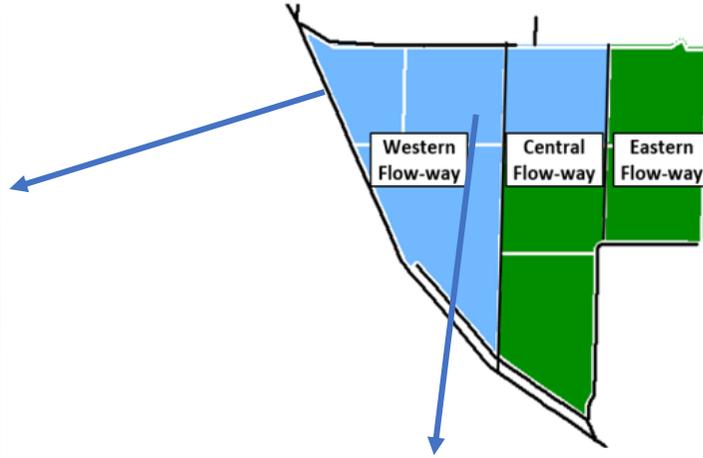
	STA-1E	STA-1W	STA-2	STA-3/4	STA-5/6
Inflow TP Concentration (ppb)	114	209	126	96	309
Outflow TP Concentration (ppb)	25	20	31	16	42
365-day Phosphorus Loading Rate (g/m ² /yr)	1.6	0.7	0.8	0.9	1.0
Inflow Volume (ac-ft)	108,500	118,000	265,900	299,600	135,600

Includes preliminary data; all concentrations are flow-weighted means

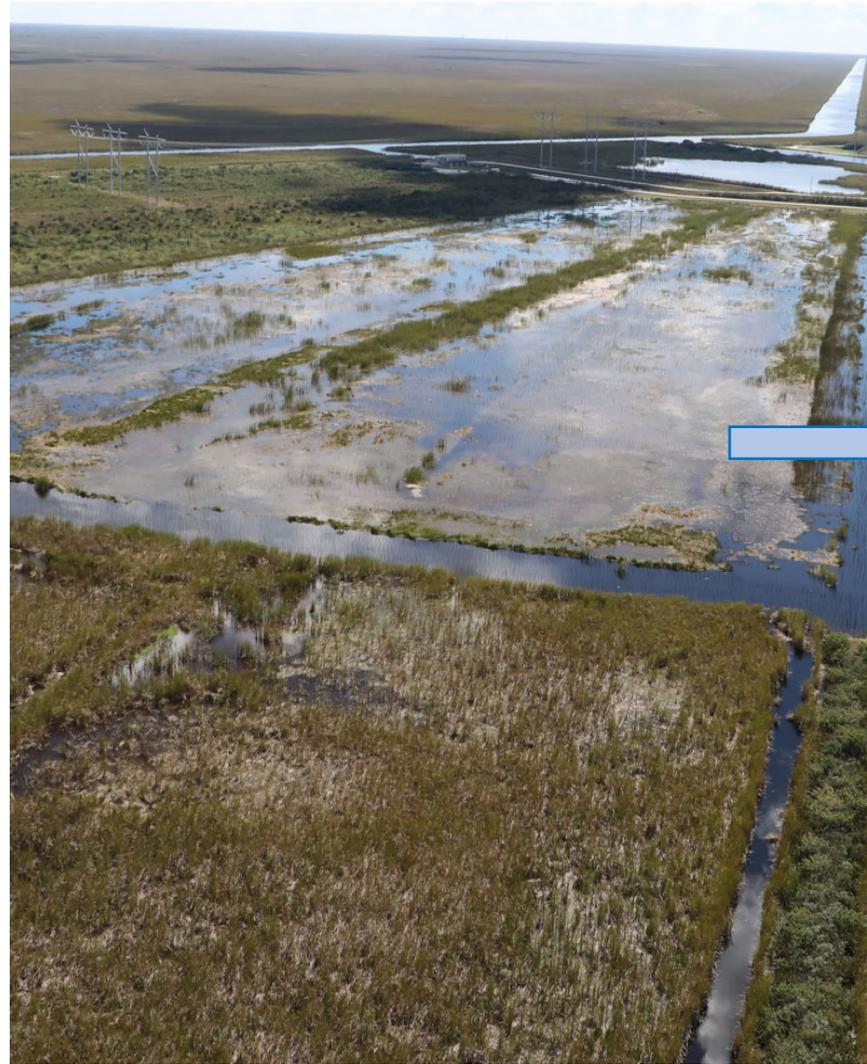
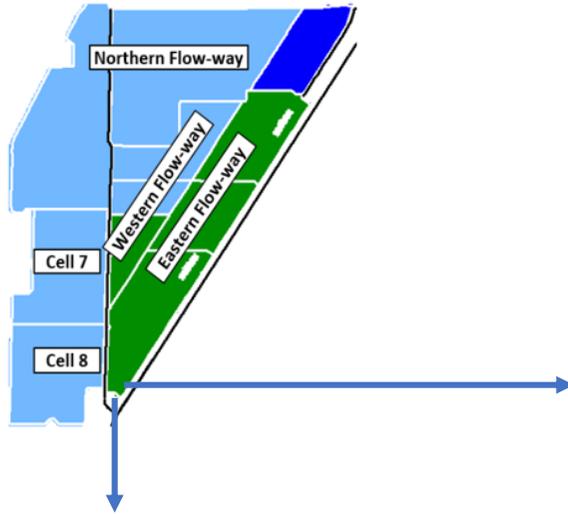


Includes preliminary data; Emergent Aquatic Vegetation (EAV); Submerged Aquatic Vegetation (SAV)

STA-1E



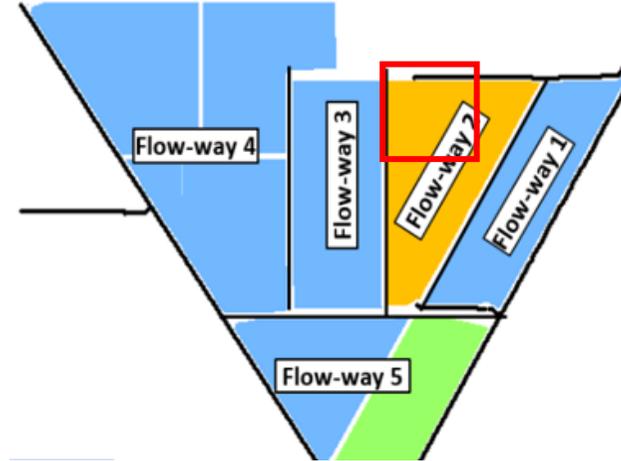
STA-1W



STA-1W Expansion #2



STA-2



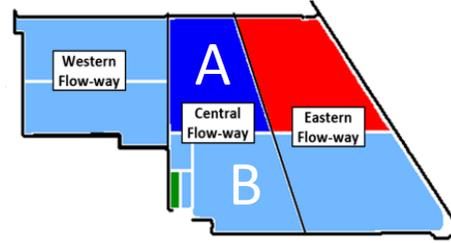
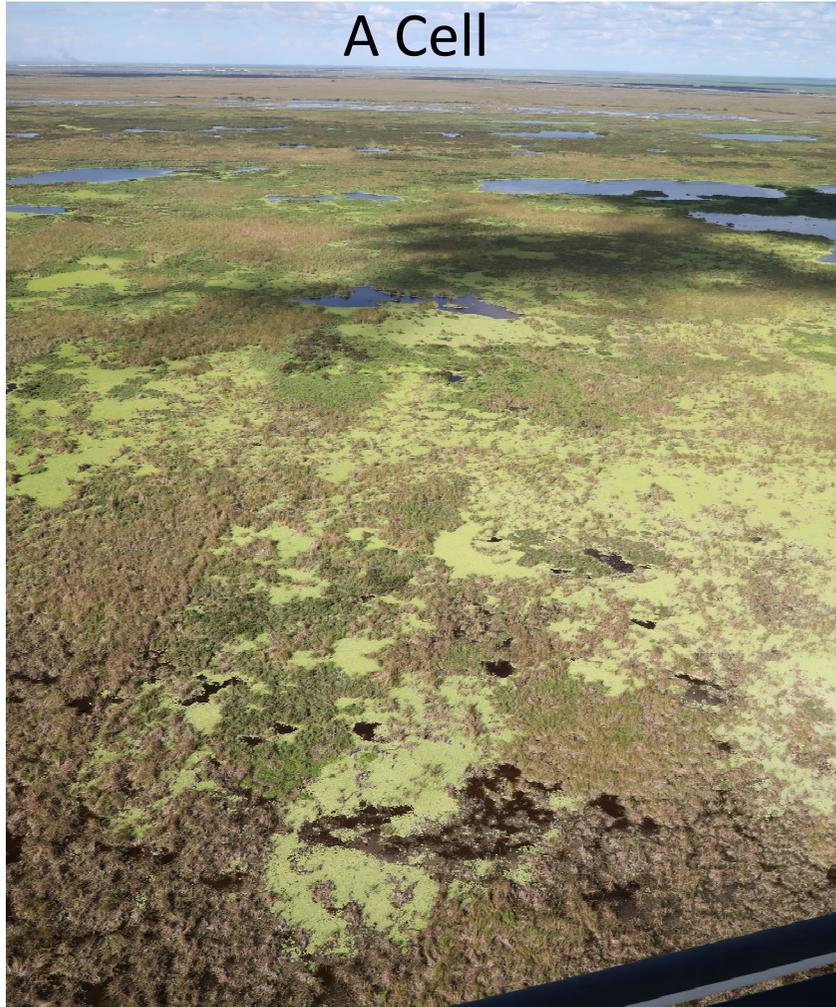
STA Vegetation Planting



244

STA-3/4

A Cell



Light green is floating aquatic vegetation in A cell



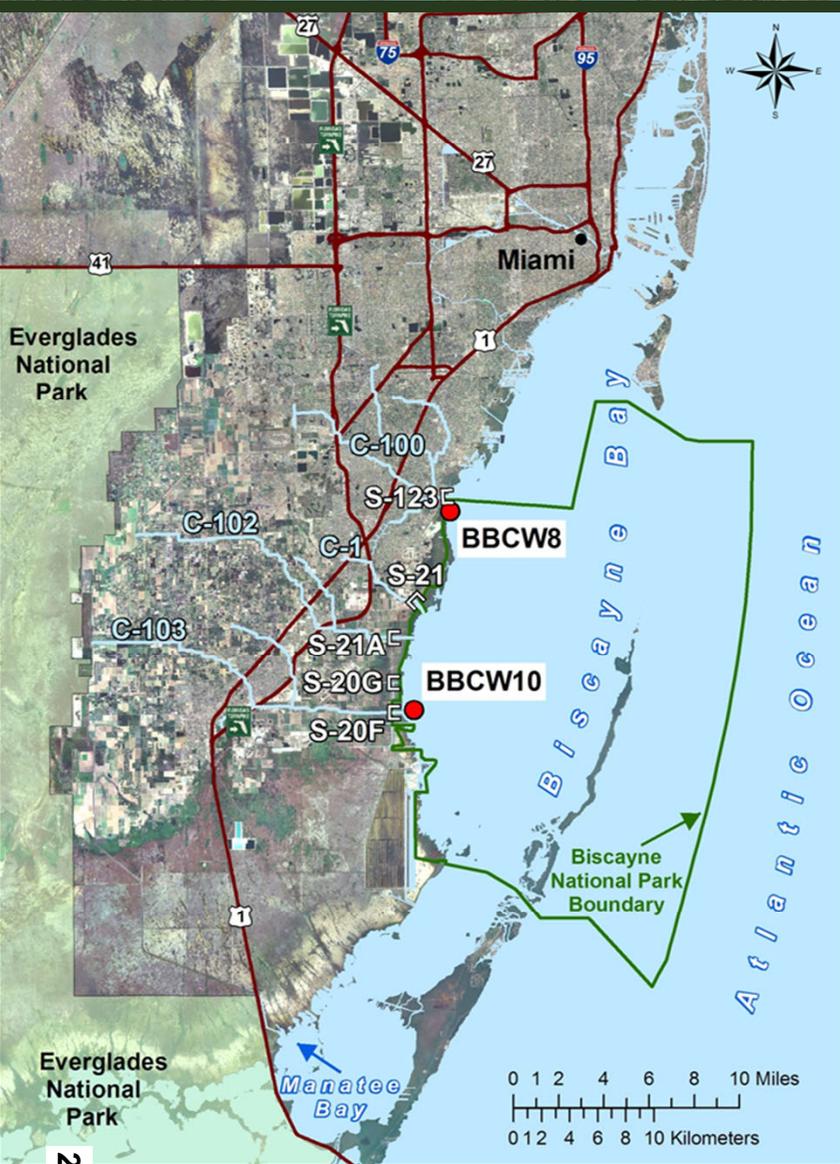
Very healthy mixed community (emergent and submergent vegetation) in B cell



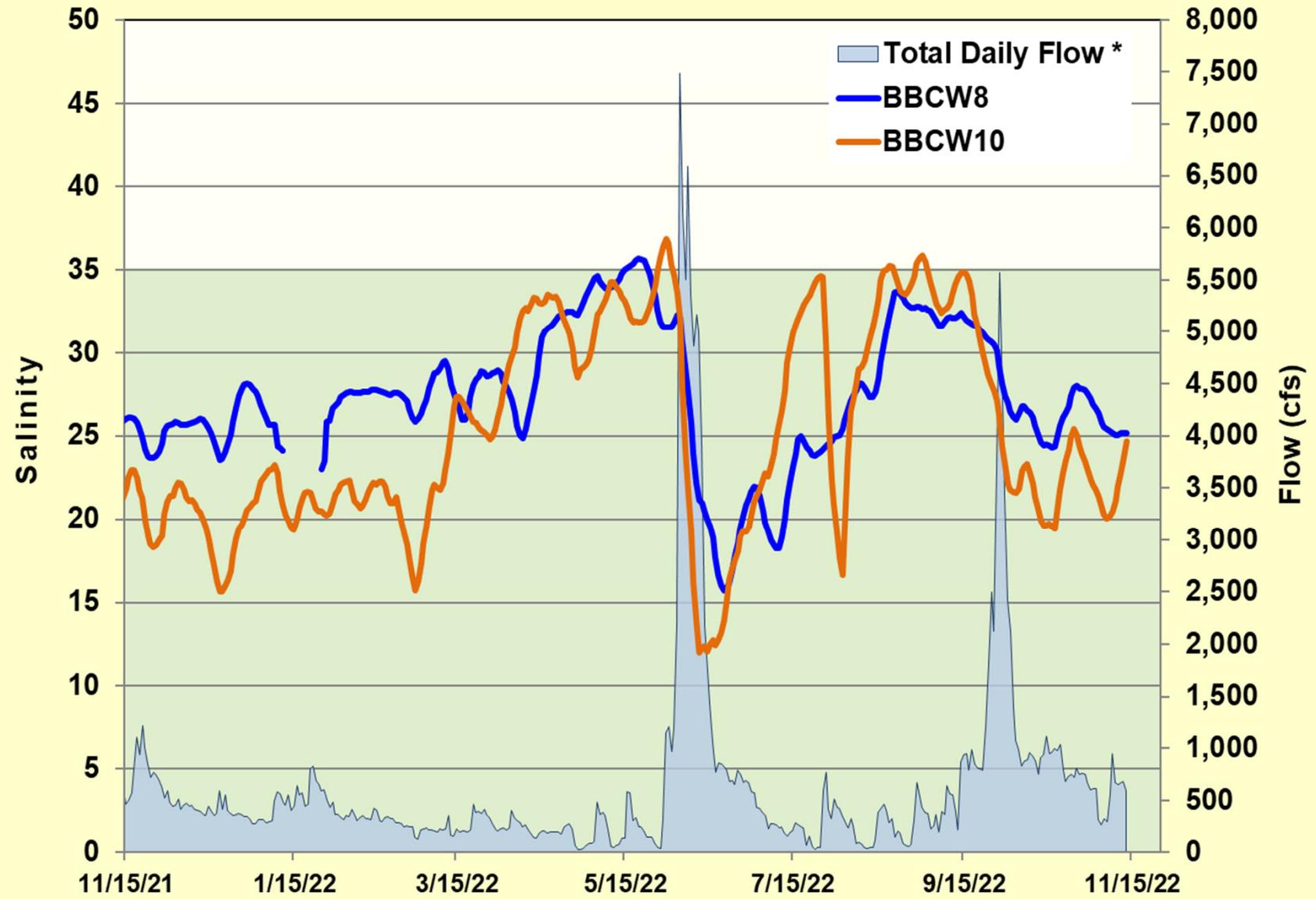
B Cell



Biscayne Bay

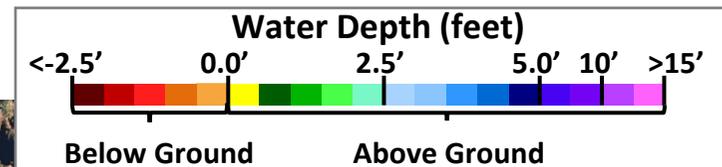
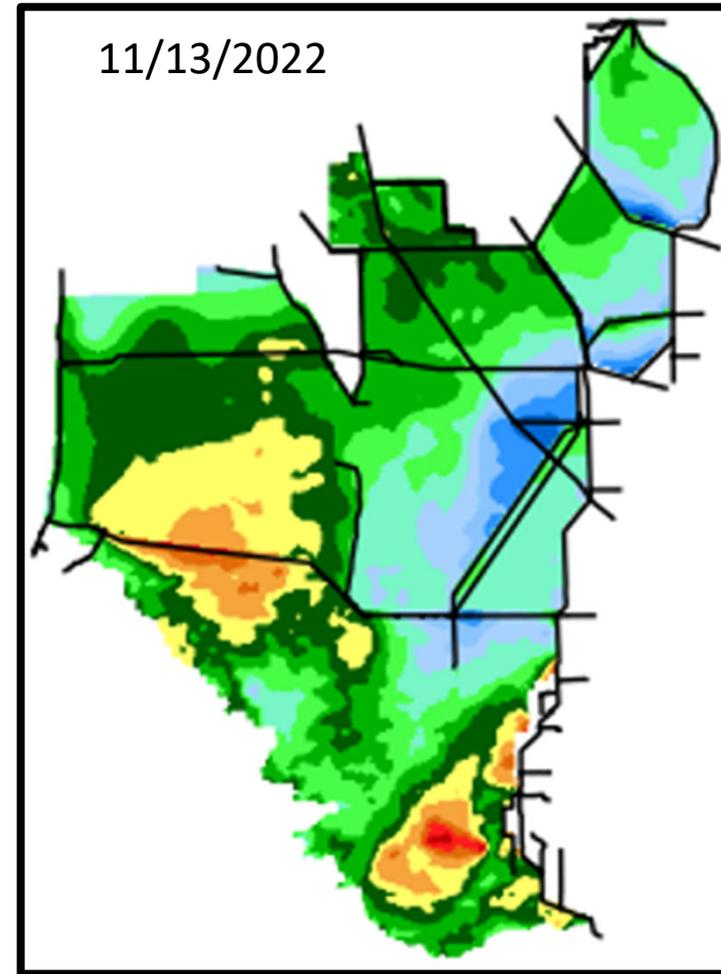
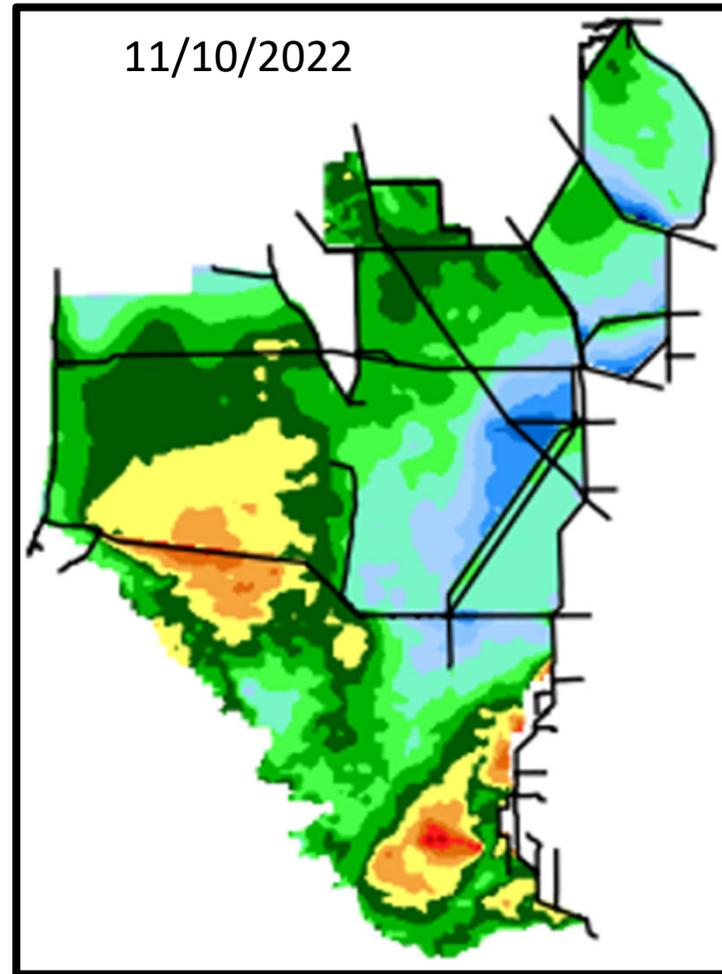
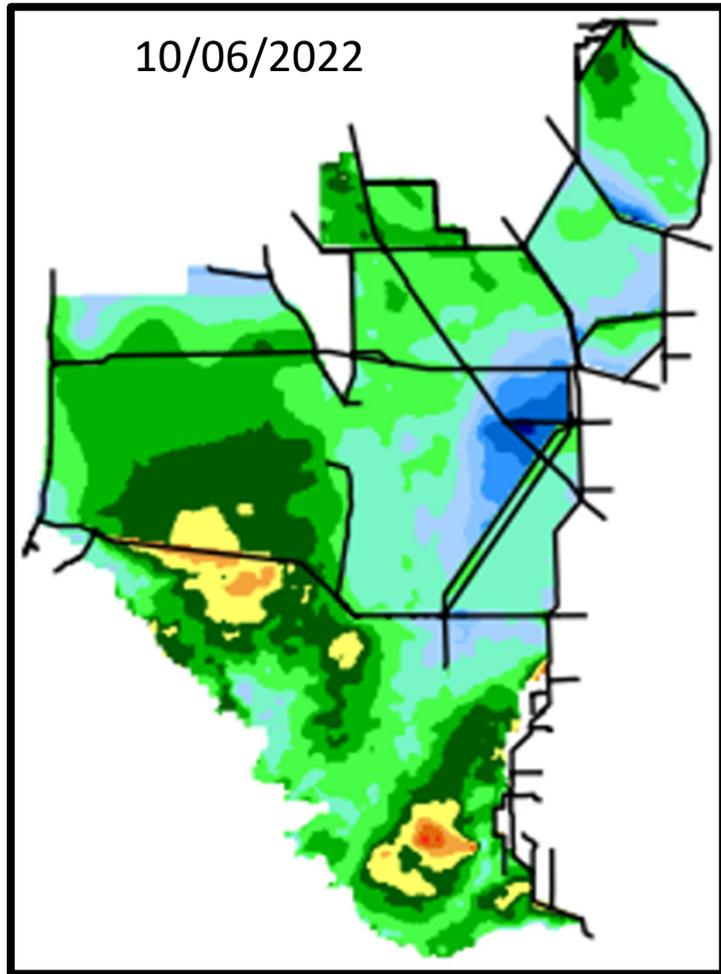


Seven Day Mean Salinity (BBCW8 & BBCW10) & Total Daily Flow

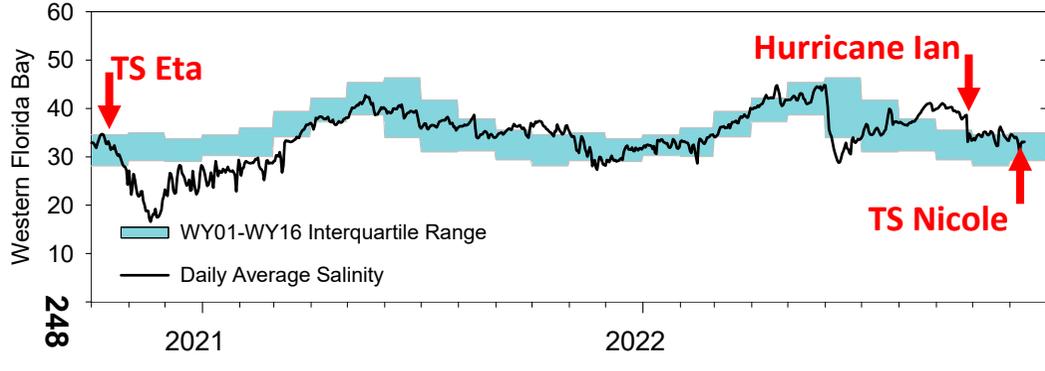
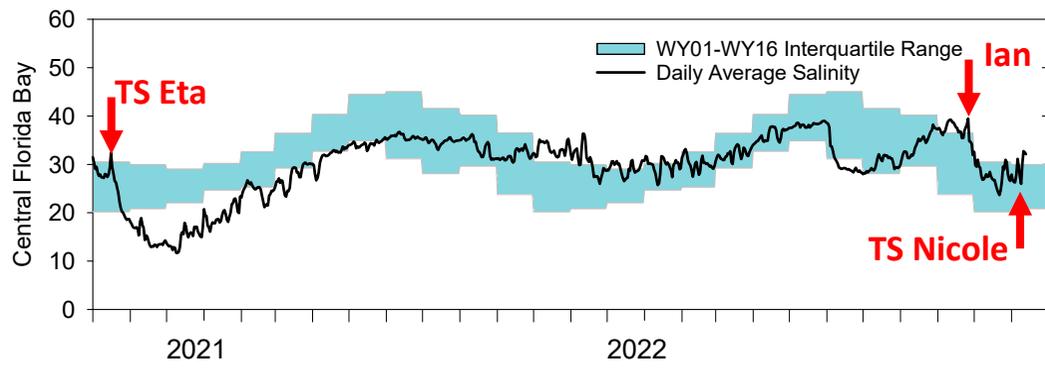
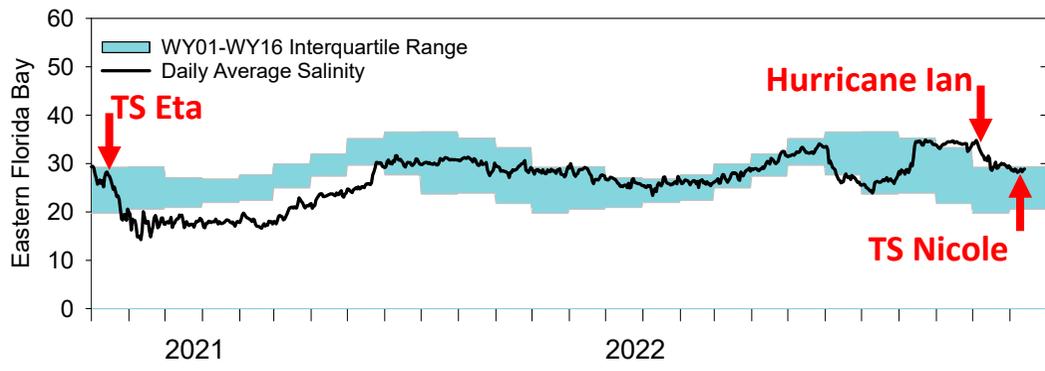


* Total flow from S20G, S20F, S21, S21A, S123, S700P

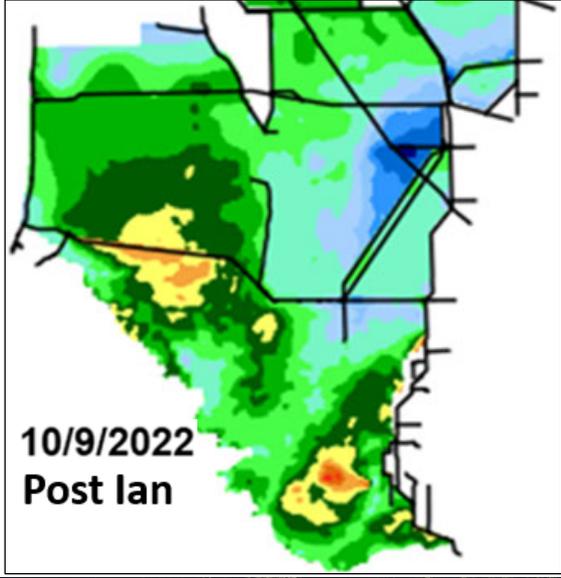
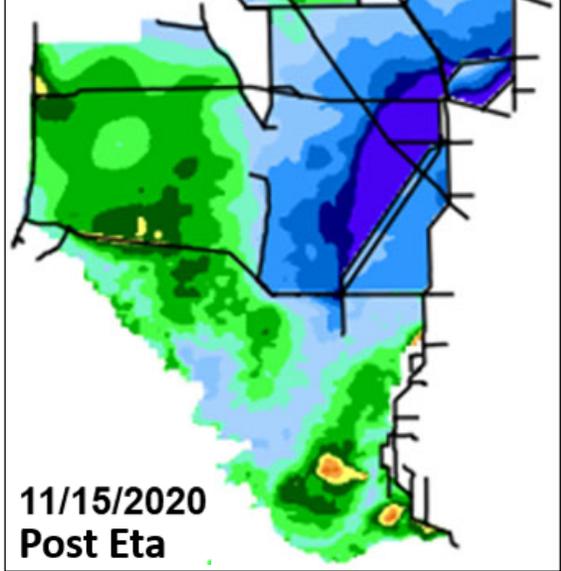
Everglades Water Depths - TS Nicole



Post TS Nicole – FL Bay salinities, water depths and damage



Healthy mangroves remain after Ian and Nicole



Questions



*C-36 between Lake Cypress and Lake Hatchineha
Post Hurricane Ian
Photograph courtesy of Jake Dombrowski*

FDEP Alternative Water Supply Grant Program



Stacey Adams, PMP
Lead Project Manager
Water Supply Bureau
November 18, 2022

FDEP Alternative Water Supply (AWS) Funding

- Governor DeSantis' Executive Order 19-12
 - Requested recurring funding for AWS development
- Since 2019, \$170 million was approved for water supply development projects statewide
- FDEP administers AWS funding
 - Requests water management districts provide list of projects for State funding consideration each May



Reclaimed water
main installation



Reclaimed water
pump station



Reverse osmosis concentrate
disposal well

Fiscal Year 2023-2024 AWS Funding Proposed Schedule

December 15, 2022

Application period begins

January 2023

Conduct two informational webinars

March 2, 2023

Application deadline

March – April 2023

Staff application review process

May 2023

Project list for Governing Board approval &
FDEP submittal by May 31

Project Types

➤ Alternative Water Supply

- Increase water supplies through development of non-traditional water sources and/or storage
- Includes saltwater, brackish water, reclaimed or recycled water, surface/storm water captured during heavy rainfalls, new storage capacity, any other source designated as non-traditional in a regional water supply plan



Reverse osmosis membranes



Reclaimed water pump station

➤ Water Conservation

- Projects that use hardware and/or technology to increase water use efficiency
- Includes high-efficiency indoor plumbing retrofits and/or rebates, automatic line and/or hydrant flushing devices, and irrigation retrofits, including soil moisture sensors, rain sensors, and irrigation head upgrades



Utility automatic line flushing device



Agricultural irrigation system retrofit

Program Historic State and District Funding

Alternative Water Supply

Years	Projects	Capacity (mgd)	Construction Costs	Funding
FY97 – FY23	529	523	\$1.7 B	\$243 M

Water Conservation

Years	Projects	Estimated Water Savings (mgd)	Total Project Costs	Funding
FY03 – FY23	260	13.6	\$30.8 M	\$9 M

mgd = million gallons per day

FDEP Funding Considerations

➤ Project funding considerations

- Alternative water supply or water conservation
- Provides regional benefits
- Benefits MFL water bodies
- Dual benefits to water supply and water quality
- Benefits environment, resource, and community
- Readiness to proceed (“shovel-ready” and partner funding available)
- Capital costs per 1,000 gallons and return on investment

Additional District Considerations

➤ Alternative Water Supply

- Supports goals & objectives of regional water supply plan
- Reduces dependence on traditional sources
- Supports ocean outfall legislation
- Contributes to AWS development in resource-limited area



Brackish water supply well

➤ Water Conservation

- Water source being conserved
- Quantity of water saved
- Cost effectiveness
- Quality and detail of project proposal
- Environmental/community benefits
- Past performance



Rain cutoff device

Governing Board Priorities

- Current considerations and eligibility:
 - Must be within the District boundaries or provide benefits to the District
 - Must be an AWS or water conservation project
 - Construction/implementation only
 - Supports mission of the District and/or approved plan
 - Prioritize regional projects based on resource areas
 - Year-round irrigation ordinance status
- New consideration:
 - Water Supply Facilities Work Plans status

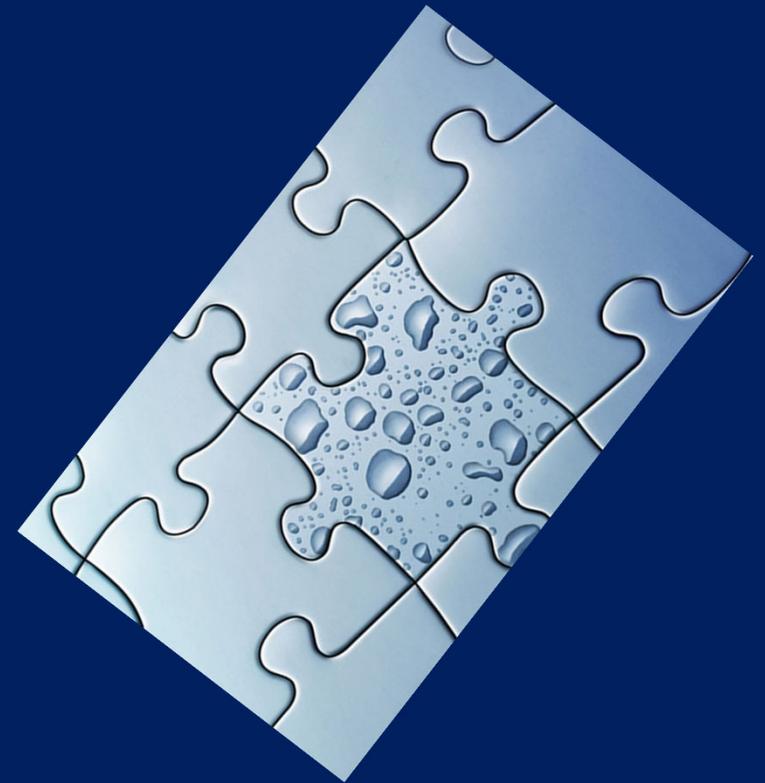


Irrigation system retrofit

Local Government Water Supply Facilities Work Plan Status Consideration

➤ Water Facilities Work Plan

- Required by Chapter 163.3177(6)(c), F.S.
- Identifies and plans for the water supply sources and facilities needed to serve existing and new development within a county's or municipality's jurisdiction.
- Describes population and water demands, facilities projects and required capital improvements to meet water needs
- Plans for alternative sources that take time to develop and finance
- Should correlate to Regional Water Supply Plan projects
- 10-Year Plan updated every 5 years
- Due within 18 months of District's Water Supply Plan approval



Resolution

A Resolution of the Governing Board of the South Florida Water Management District to direct staff to include the status of Water Supply Facilities Work Plans for local government applicants starting in the Fiscal Year 2023-2024 cost-share process and consider the same as an eligibility requirement in future years.

Thank You



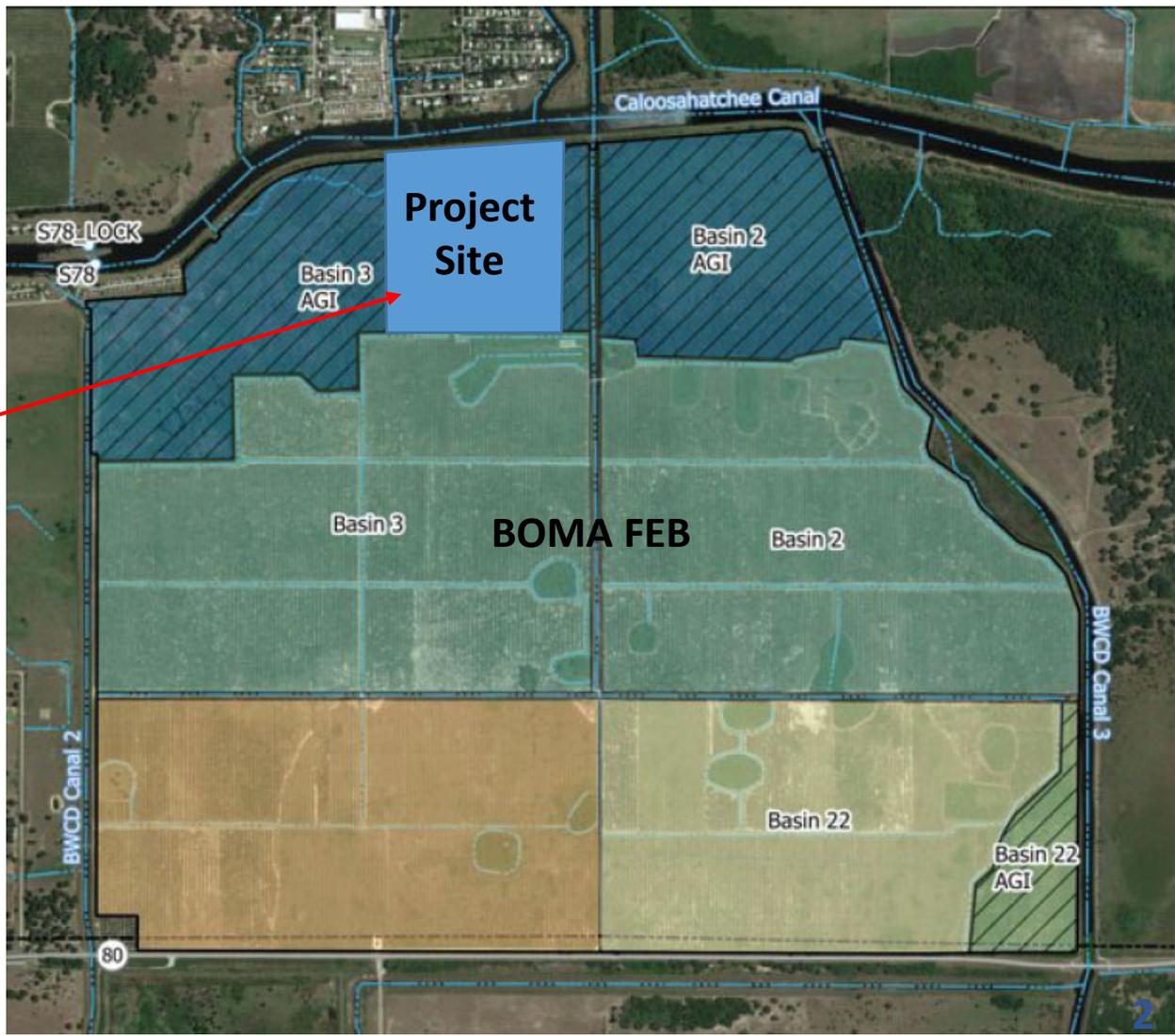
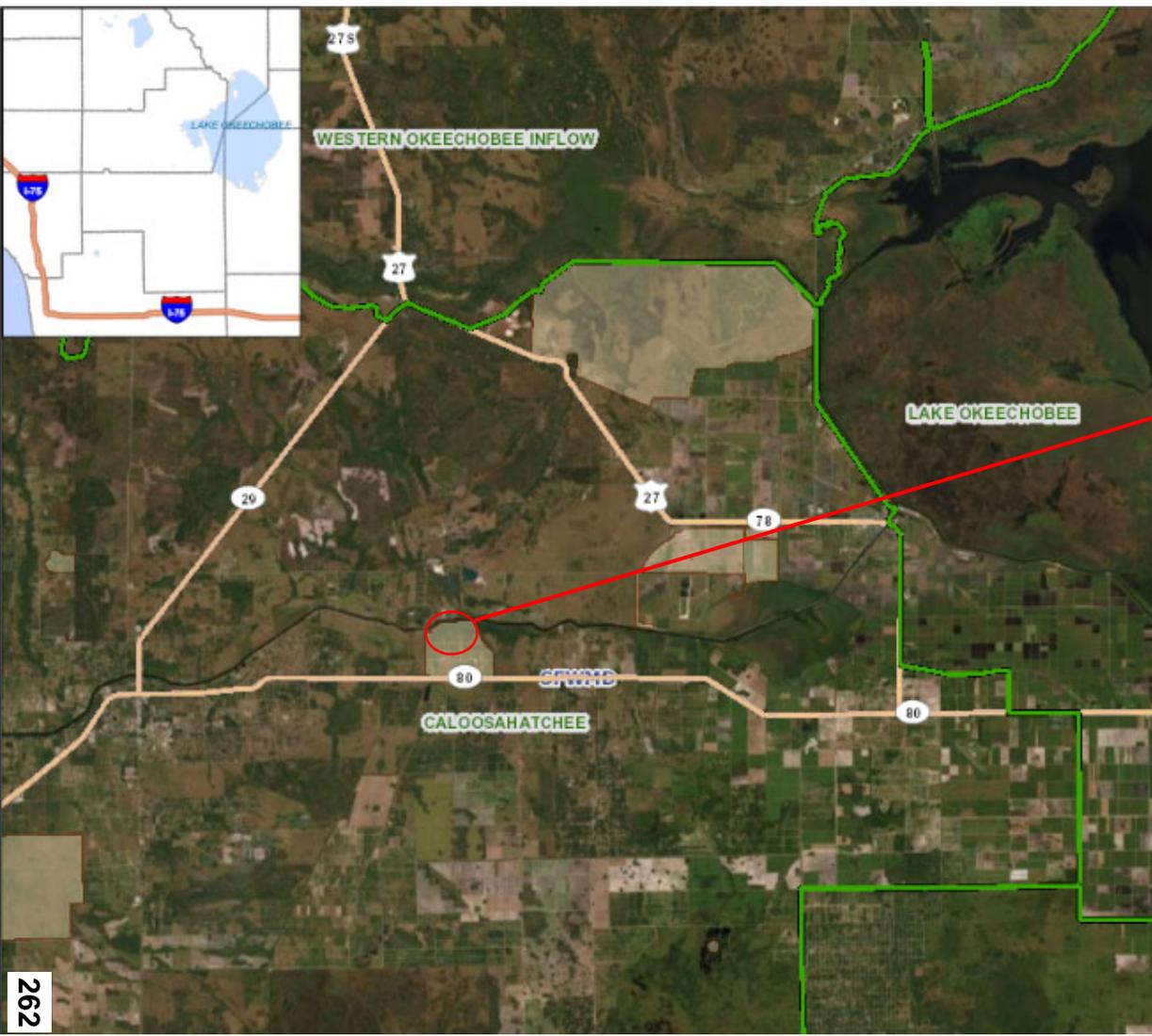
C-43 CANAL WATER QUALITY TREATMENT AND TESTING PROJECT

GLADES COUNTY, FLORIDA

Lucine Dadrian, P.E.
Section Administrator, Engineering & Construction
South Florida Water Management District
Governing Board
November 18, 2022



Location





C-43 WQTP Purpose

- Excess nitrogen in the Caloosahatchee River Estuary can lead to algal blooms that harm the ecosystem.
- C43-WQTP is a *multi-phased project* to test and implement cost-effective, wetland-based strategies to remove nitrogen from the estuary as part of the Northern Everglades and Estuaries Protection Program.
- *Total Maximum Daily Load (TMDL)*—the maximum amount of a nutrient that a water body can receive while still meeting designated use - established by Florida calls for 23% load reduction in total nitrogen into Caloosahatchee Estuary.
- Project is based on sound science and will aid in determining whether a large-scale project can be implemented at a reasonable cost.

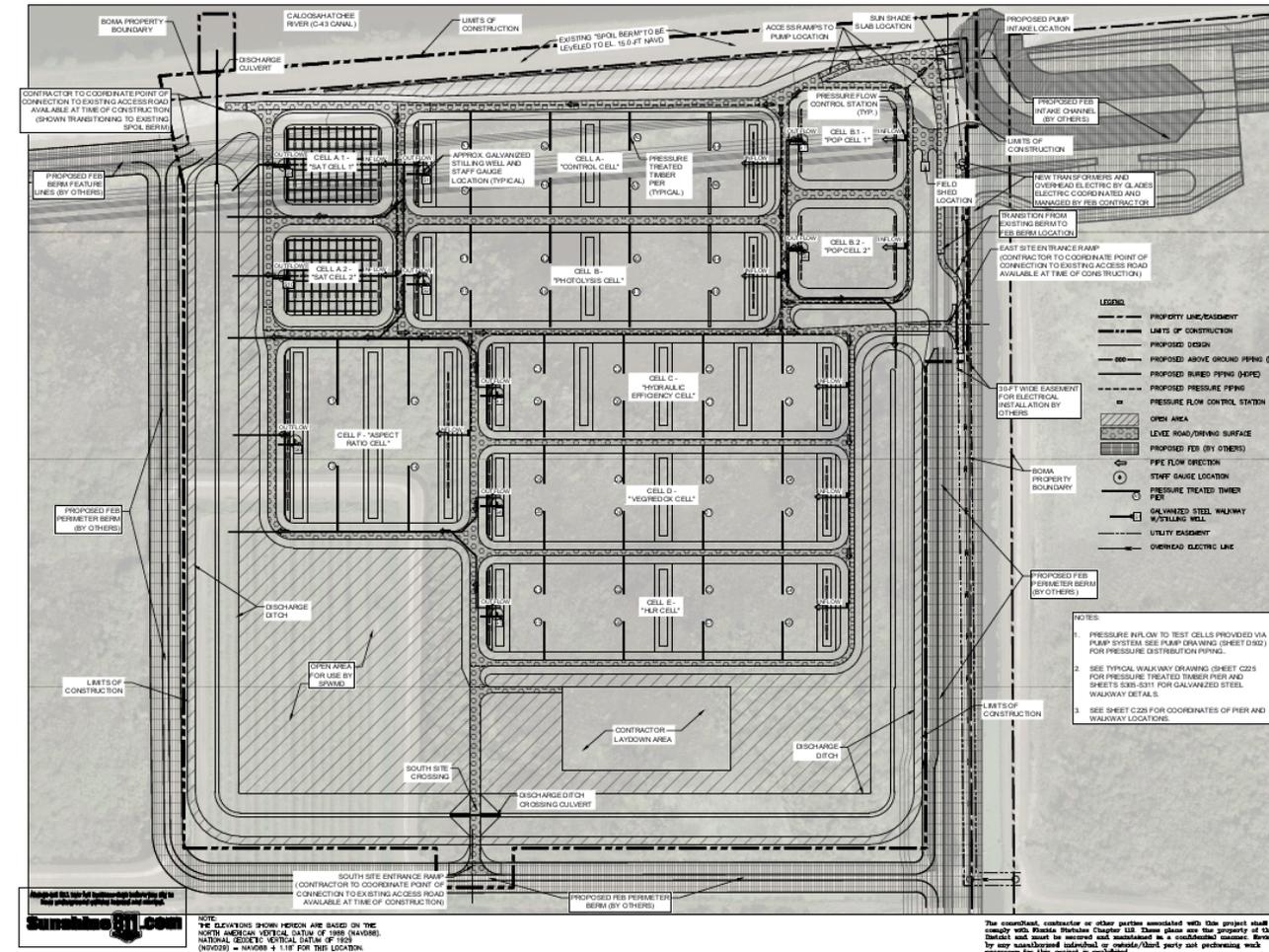
Boma Water Quality Testing Facility



Background

Water Quality Treatment & Testing Facility

- Purpose: demonstrate and implement cost-effective, wetland-based strategies for reducing nutrient loading
- 80.28 acres co-located inside Flow Equalization Basin (FEB) footprint
- Test Cell construction completion expected early 2024
- Three-year research to start on after construction



Bid Summary

- RFB Advertised: September 14, 2022
- Bid Opening: October 21, 2022
- Number of Bids Received: 3
- Bid Range: \$24,623,409.85 - \$55,419,440.00
- Engineer's Estimate: \$23,263,278 - \$25,712,045

Resolution

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 485-day contract with Phillips & Jordan, Inc., the lowest responsive and responsible bidder, for the C-43 Canal Water Quality Treatment and Testing Project, Glades County, in the amount of \$24,623,409.85 for which dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2022-2023. (Contract No. 4600004685)

First Construction Contract for CEPP North: S-620 Gated Culvert and L-6 Improvements Project Palm Beach County

Jennifer Reynolds, Director
Everglades Restoration & Capital Projects
South Florida Water Management District
Governing Board Meeting
November 18, 2022



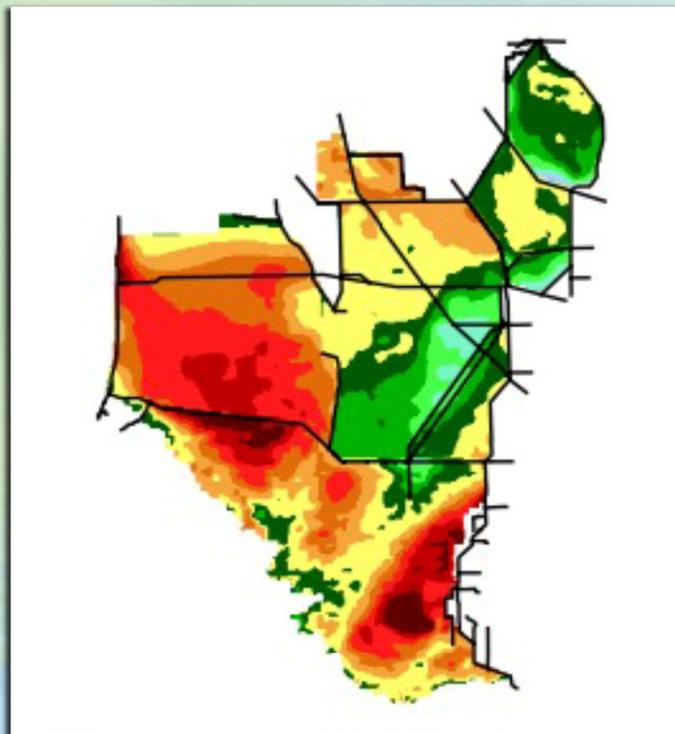
Background

- The Central Everglades Planning Project (CEPP) is part of the Comprehensive Everglades Restoration Plan (CERP) authorized by WRDA 2000.
- CEPP Recommended Plan was initially authorized by WRDA 2014, 2018 and 2020 consisting of four Phases:
 - CEPP North
 - CEPP South
 - CEPP New Water
 - CEPP EAA (Reservoir and A-2 STA)

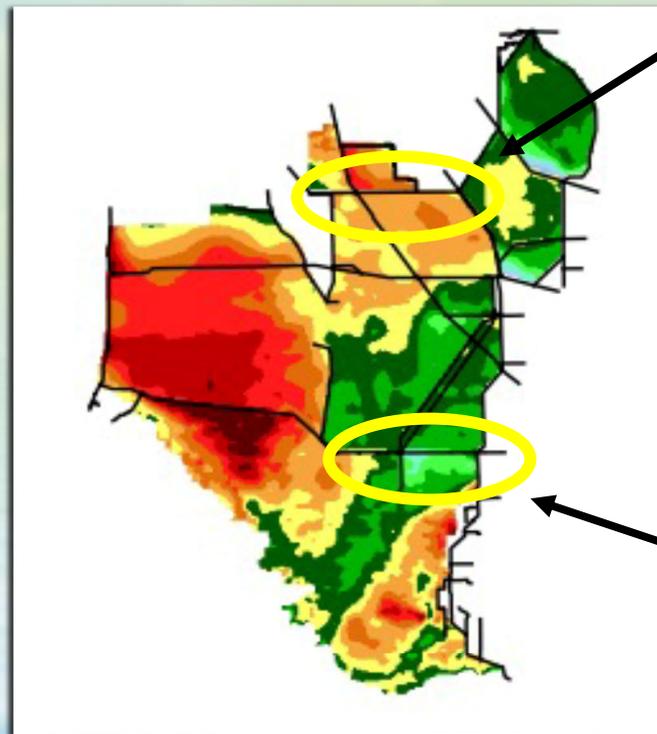


Recreating the River of Grass

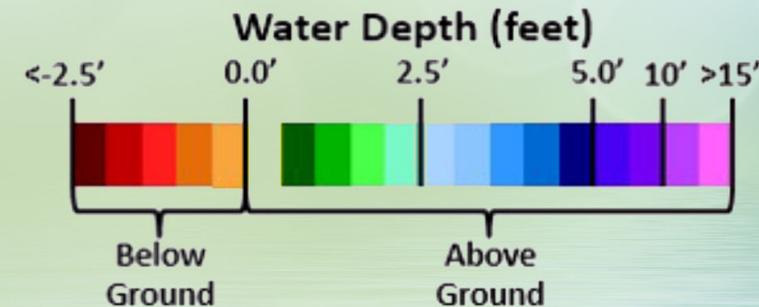
Average water depth on April 11 over the last 20 years



Water depth on April 11, 2022



CEPP North features, more water NW WCA-3A and sheet flow south



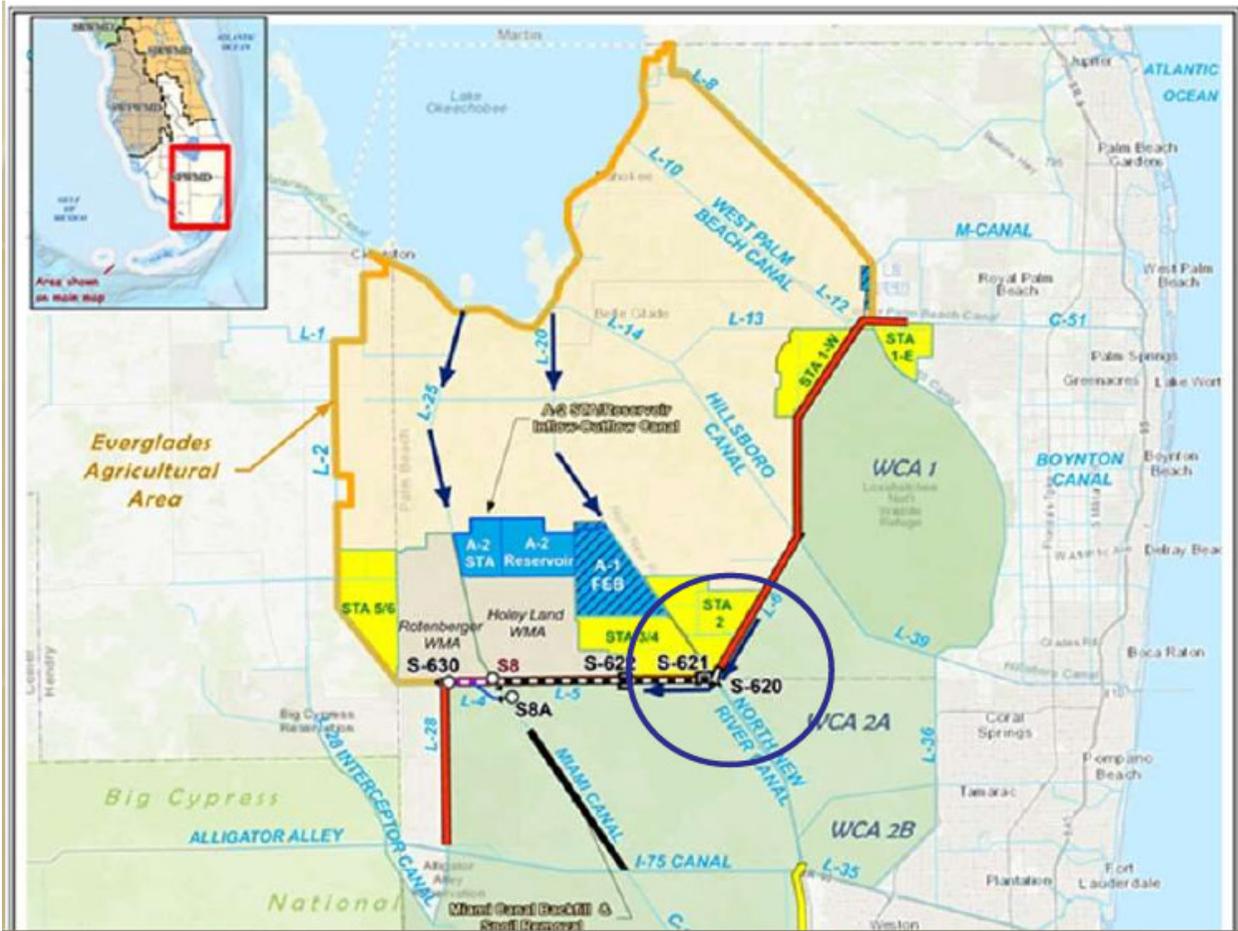
Tamiami Trail bridging, C-111 SD, Modwaters, COP, CEPP South

CEPP North on IDS

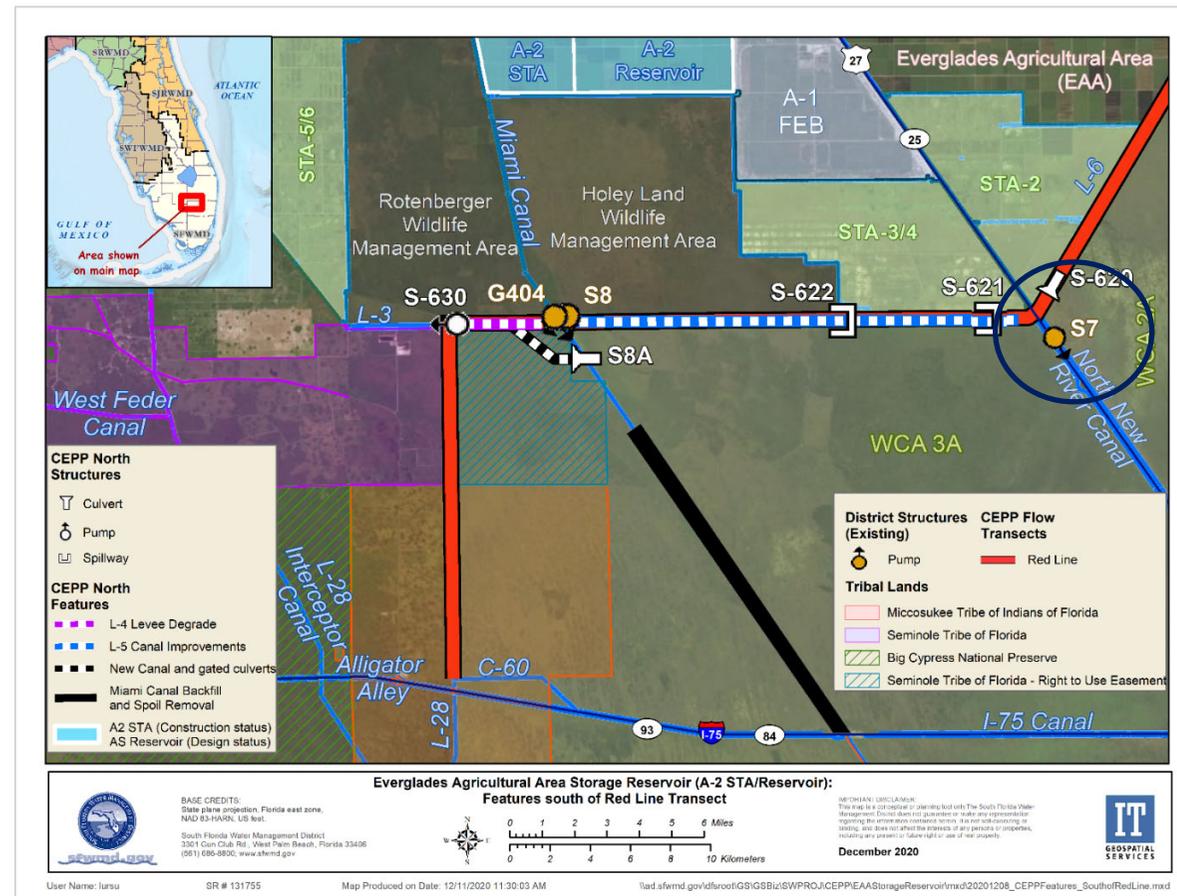
PROJECT LOCATOR	PROJECT	YELLOW BOOK COMPONENT	2021	2022 W	2023	2024 W	2025	2026 W	2027	2028 W	2029	2030 W	2031	2032 W	2033
P14N	CEPP North: Inflow Facilities Needed to Restore Northern WCA-3A and Move Additional Water South to Everglades	QQ, II													
	Validation Report		●●●●●	●●●●●	●●●										
	L-4 Degrade, Pump Station S-630		●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●					
	S-8 Pump Station Modifications		●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●			
	L-6 Diversion		●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●				
	Miami Canal Backfill/Tree Islands			●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●		
L-5 Canal Improvements			●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●			



Location

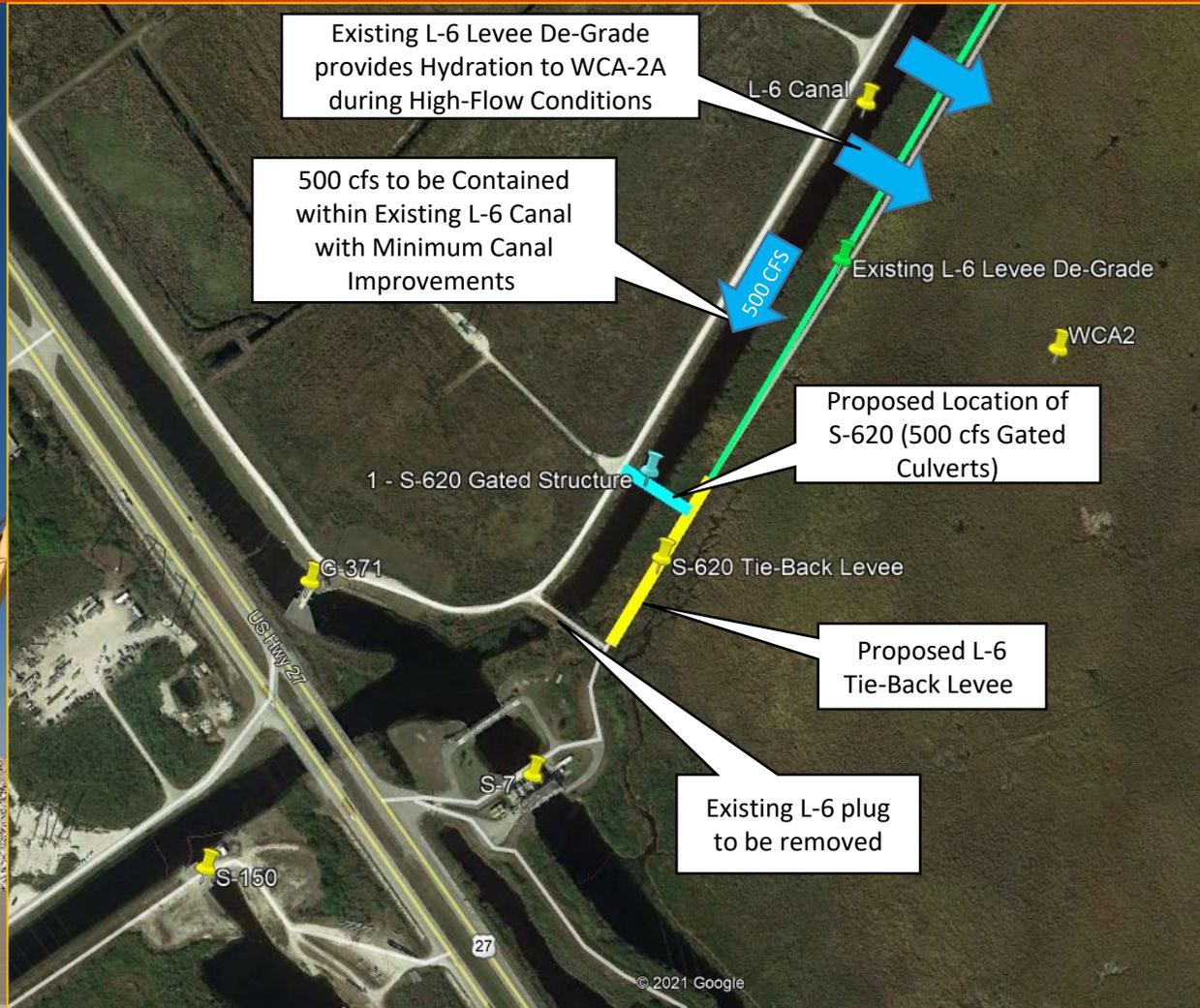


Vicinity Map



Location Map

Aerial View of Project Site



- Convey up to 500 cfs from the L-6 Canal, thru the L-5 Canal to the northwest corner of WCA-3A.
- Provide added flexibility and resiliency of operations in different scenarios.
- Improve conveyance and distribution of flows south.

Bid Summary

- RFB Advertised: September 30, 2022
- Bid Opening: November 1, 2022
- Number of Bids Received: 3
- Bid Range: \$13,603,585 - \$15,394,216
- Engineer's Estimate: \$11,821,300 - \$13,055,100

Resolution

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 510-day contract with Kiewit Infrastructure South Co., the lowest responsive and responsible bidder, for the Central Everglades Planning Project-North (CEPP-N), S-620 Gated Culvert and L-6 Improvements for a total amount of \$13,603,585, of which \$8,000,000 in dedicated funds (Everglades Trust Fund and Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023, and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004686)

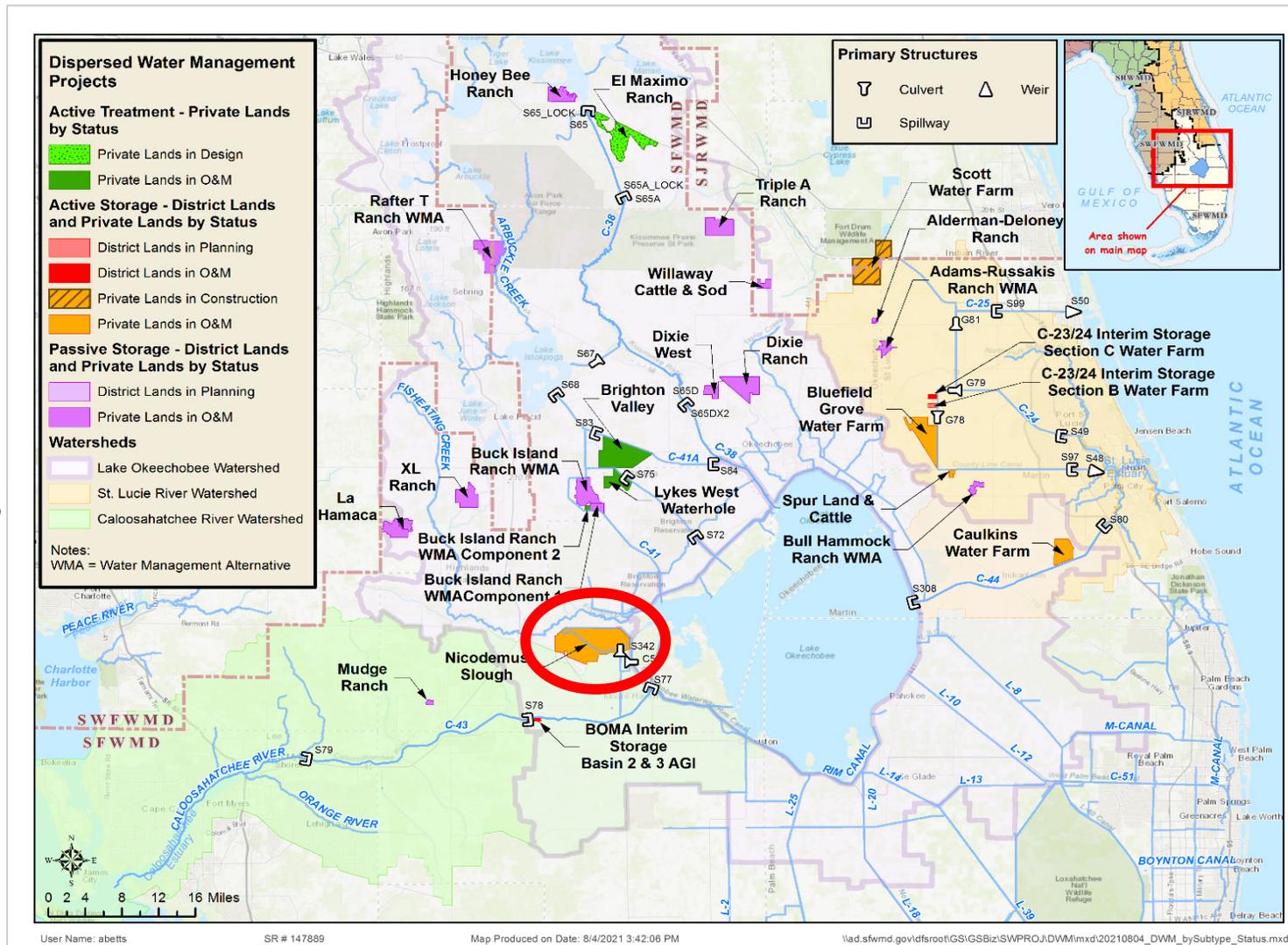
Nicodemus Slough Water Management Project

Jennifer Reynolds, Director
Everglades Restoration & Capital Projects
South Florida Water Management District
Governing Board Meeting
November 18, 2022

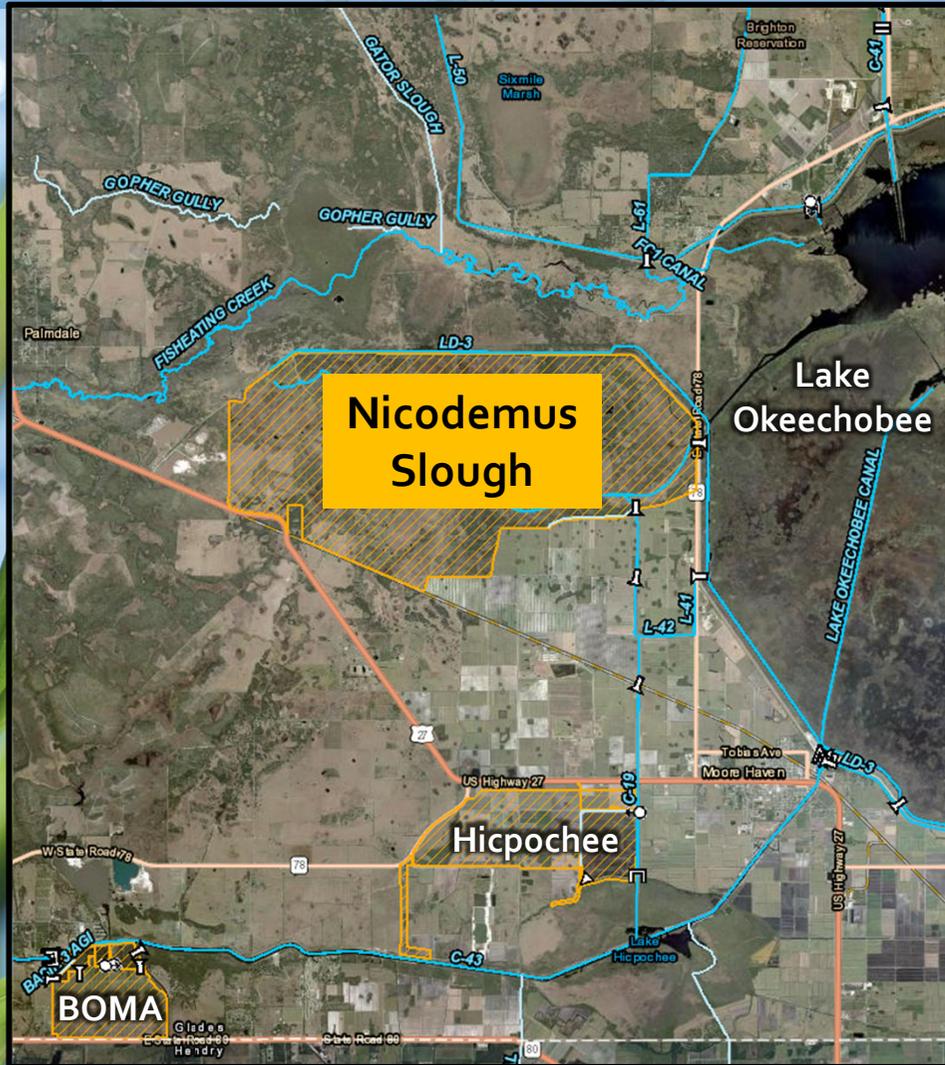


NEEPP Projects

- Purpose: Protect and restore surface water resources by improving hydrology and water quality for the Northern Everglades ecosystem 373.4595(1)(c), F.S.
- Current Program:
 - 24 NEEPP projects on private lands
 - ~78,000 acres
 - ~200,000 acre-feet of storage
 - ~33 mt/yr of TP removal

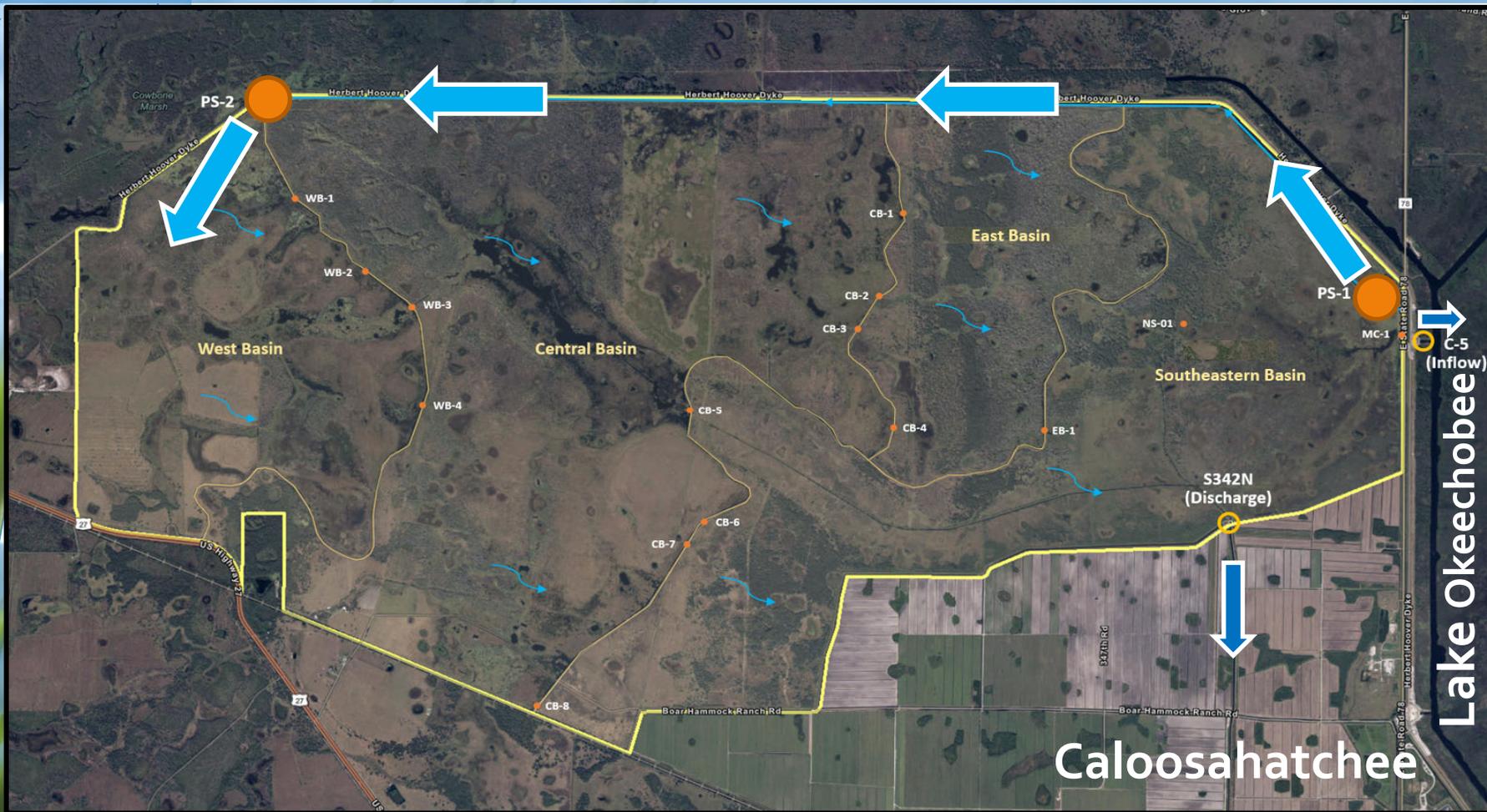


Nicodemus Slough Project Overview



- Public-private partnership on about 16,000 acres in the Lake Okeechobee Watershed expiring January 2023
- Supports the Lake Okeechobee and Caloosahatchee Estuary Basin Management Action Plans
- Active storage and treatment project with regional benefits
 - Captures direct rainfall and pumped inflow from Lake Okeechobee (C-5 or S-282)
 - Controlled outflow to C-19 Canal, Lake Hicpochee, and C-43 (Caloosahatchee River)

Nicodemus Slough Project Background



- Contract with Lykes Bros. Inc. approved by Governing Board on April 14, 2011
 - ~\$29M total (\$5.9M construction)
 - State program facilitated by SFWMD
- Operational since January 2015

Nicodemus Slough Project Infrastructure



NICODEMUS SLOUGH PS-1: INFLOW PUMP STATION



NICODEMUS SLOUGH CB-5: WATER CONTROL STRUCTURE

Nicodemus Slough Project Wildlife



NICODEMUS SLOUGH: ROSEATE SPOONBILLS



NICODEMUS SLOUGH: AERIAL

Nicodemus Slough Project Wildlife



NICODEMUS SLOUGH: SWALLOW-TAIL KITE

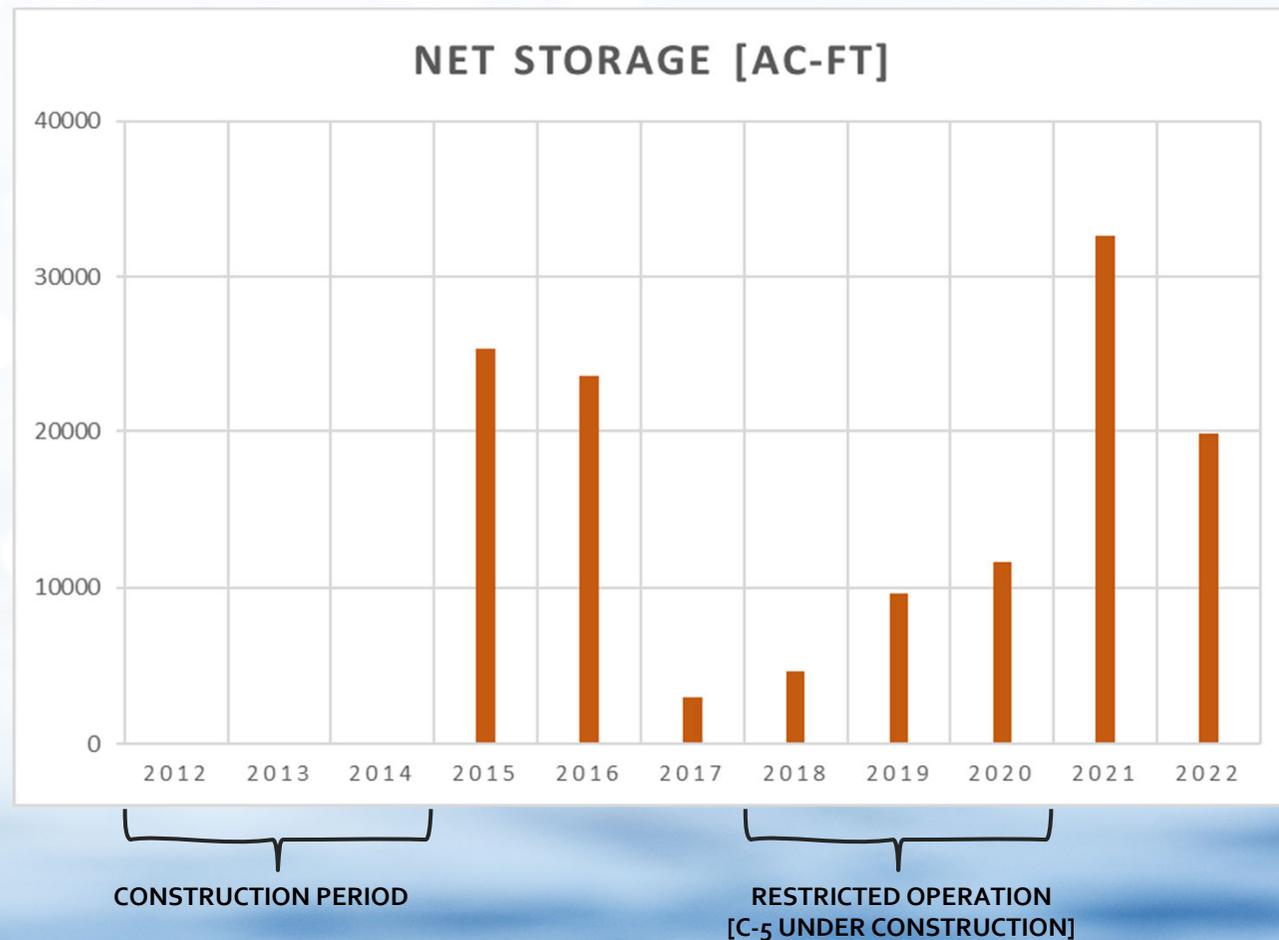


NICODEMUS SLOUGH: SWALLOW-TAIL KITES

Nicodemus Slough Project Benefits

Totals WY 2015-2022

- Storage Volume:
 - ~130,000 ac-ft
- Nutrient Reduction:
 - 13 mt TP
 - 234 mt TN



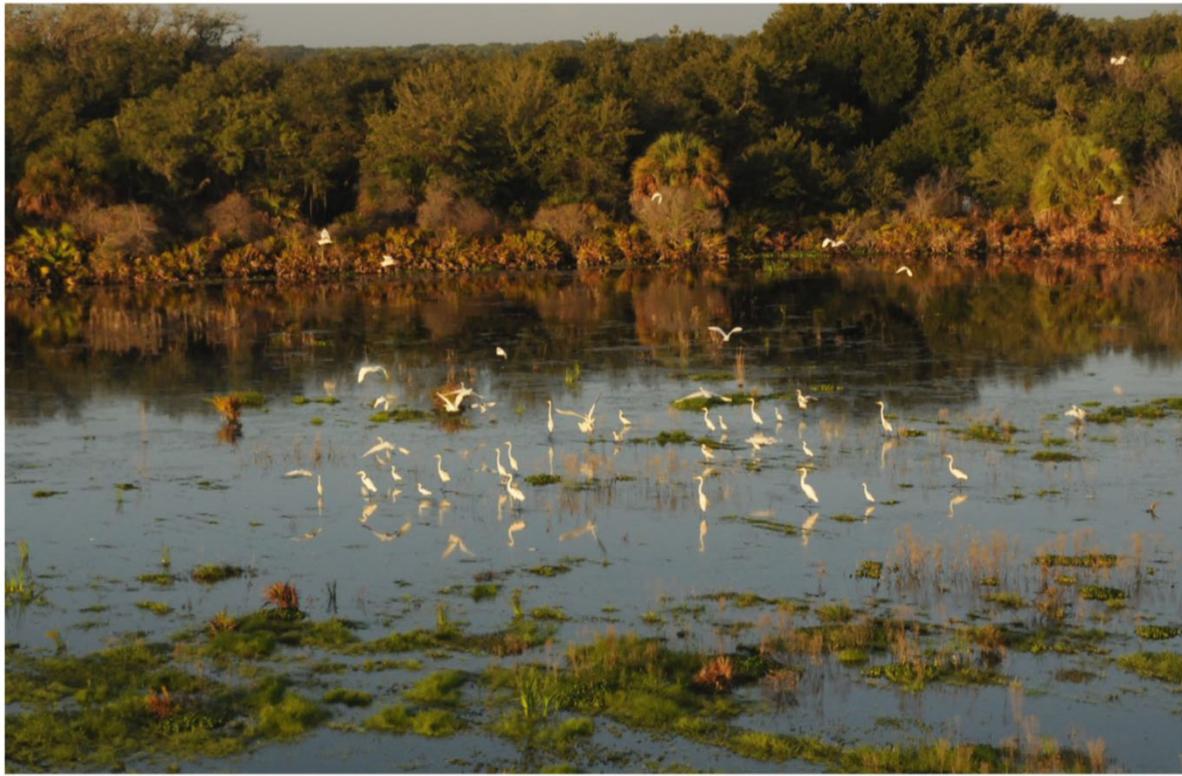
Nicodemus Slough Project Contract Amendment Benefits



NICODEMUS SLOUGH SOUTHEASTERN BASIN: REHYDRATED WETLANDS

- Estimated Storage Volume
 - ~25,000 ac-ft/yr
 - \$142/ac-ft stored
- Estimated Nutrient Reduction
 - TP = 2 mt/yr
 - TN = 37 mt/yr
- Extended operating period
- Reduced O&M responsibilities for the District

Nicodemus Slough Project Contract Amendment Financials



NICODEMUS SLOUGH CENTRAL BASIN: WADING BIRDS

- Term: 10-year extension
- Not to exceed amount: \$35.5M
 - Service payment (includes O&M)
 - Pump station catastrophic repairs
- Total contract:
 - April 2011 - January 2032
 - \$64,514,150.59

Resolution

A Resolution of the Governing Board of South Florida Water Management District to authorize entering into an Amended and Restated Agreement No. 4600002358 with Lykes Bros. Inc. for the Nicodemus Slough Water Management Project, as a sole source as an exception to the standards of competition, for 10 years in an amount not-to-exceed \$35,500,000 for a total revised agreement amount of \$64,514,150.59, of which \$3,600,000 in dedicated funds (Land Acquisition Trust Fund) was provided by the Florida Legislature and is budgeted in Fiscal Year 2022-2023, and the remainder is solely dependent on future legislative funding and Governing Board approval of future years budgets. (Agreement No. 4600002358-A06)

Byrd, Rosie

Subject: FW: BBSEER and Back Bay Critical Land needed
Attachments: 2022-11-01 SDLTD HLT Presentation.pptx; Technical Statement 20_Sept_22_SDLTD-FINAL.pdf

From: Laura Reynolds <lreynolds@conservationconceptsllc.org>
Sent: Friday, November 18, 2022 1:48 PM
To: Chiquito, Henry <hchiquit@sfwmd.gov>; Kamak, Regina <rkamak@sfwmd.gov>
Cc: Martinez, Charlie <cmartinez@sfwmd.gov>; Wagner, Scott <swagner@sfwmd.gov>; Bergeron, Ron <rbergeron@sfwmd.gov>; Butler, Ben <bbutler@sfwmd.gov>; Roman, Charlette <croman@sfwmd.gov>; Meads, Cheryl <cmeads@sfwmd.gov>; Steinle, Jay <jsteinle@sfwmd.gov>; Thurlow-Lippisch, Jacqui <jthurlowlippisch@sfwmd.gov>
Subject: BBSEER and Back Bay Critical Land needed

[Please remember, this is an external email]

This is the Slide Deck that was used in our last presentation to the Board of County Commissioners. Please focus on Slide 8-13, where you can see the visual representation of my public comment today. Also attached is our technical letter on this issue, this letter has links embedded in the letter to the full document for your reference.

Please reach out with any additional questions.
Laura Reynolds
786-543-1926

September 21, 2022

Chairman Jose “Pepe” Diaz
Board of County Commissioners
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, FL 33128

district12@miamidade.gov

RE: Aligned Real Estate Holdings LLC application to expand the Urban Development Boundary via CDMP Amendment Proposal CDMP20210003

Dear Chairman Diaz,

The Hold the Line Coalition reached out again to the technical experts we worked with this past year to generate our report in April of 2022. We asked them if anything had significantly changed or been resolved in the changed application. Our [committee’s Technical Report](#) identifies sea-level rise, pollution and hydrologic off-site impacts, habitat impacts and conflicts with efforts to restore and protect Biscayne Bay as serious issues, risks and threats posed by this massive proposal. The site occupies the low-lying coastal plain, and seasonal king tides already cause flooding on eastern portions of the site. The proposed development would straddle the C-102 canal, the primary outlet for stormwater drainage from the Princeton Basin. This site was identified in 2005 for inclusion in the Biscayne Bay Coastal Wetlands project, now part of the Biscayne Bay Southern Everglades Ecosystem Restoration project and that is an ongoing planning effort that is important for Biscayne Bay recovery.

The updated application has not provided any further justification for why this project must be located in the specific parcels identified. The applicant has also not resolved any of the issues we brought up in our initial report. We encourage building on the many acres of land within the UDB currently zoned for industrial use, including over 500 acres in the South Dade area specifically zoned for this purpose.

As a reminder the main findings of the committee’s report were as follows and still remain unaddressed and a primary concern:

- 1. The applicant has failed to provide the information that is needed to adequately assess both the foreseeable risks and the potential benefits of the proposed development.**
- 2. In the short term, the proposed development risks increased flooding on adjacent properties, increased saltwater intrusion in the Biscayne aquifer, harm to wildlife, and decreased health of Biscayne Bay.**
- 3. Development will drastically alter the site, precluding its use for environmental restoration projects and hampering efforts to protect and enhance the natural resources of Miami-Dade County.**

4. The applicant's estimate of the number of new jobs, the main benefit claimed for the project, is greatly exaggerated, at best, and probably just wrong given the absence of a specific development plan for Phase III.
5. The proposed development would impose significant and difficult-to-estimate costs on the County related to increased demand on municipal services (water, sewer, traffic) and to increasing the footprint of infrastructure at risk to sea-level rise.
6. Loss of productive farmland will harm the agricultural economy across the entire County.
7. The project will decrease the quality of life of nearby residents.
8. This proposal has been rushed through and is constantly changed in a manner that is inappropriate.

Please use this link for the full [Technical Report](#) and the [Executive Summary](#).

If you have any questions about our work or would like to meet with the team please contact Laura Reynolds: 786-543-1926 or email: lreynolds@conservationconceptsllc.org

Sincerely,

Dr. Christy Crandall



PhD, Environmental Science, Aquatic and Terrestrial Ecology, FAMU
MS, Watershed Sciences, Hydrogeology, Colorado State University
BS, Indiana University Bloomington, Geology, Area Certificate in Environmental Studies
Former Senior Hydrologist, US Geological Survey
Research Associate for the Water Resources Center at Florida A&M University

Dr. James Fourqurean



PhD, Environmental Sciences, University of Virginia
Professor of Biological Sciences,
Associate director of the Institute of Environment at Florida International University

Dr. William Nuttle



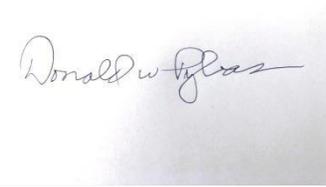
PhD, Civil Engineering, Massachusetts Institute of Technology
Consulting Hydrologist

Dr. Jayantha Obeysekera, P.E.,



PhD in Civil Engineering and Water Resources, Colorado State University
Registered Professional Engineer
Research Professor and director of the Sea Level Solutions Center in the Institute of Environment at Florida International University, former chief modeler at the South Florida Water Management District

Don Pybas



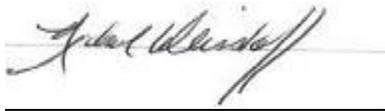
MS, Agricultural Resource Management and Development, Texas A&M University
Former Agent of Sea Grant and
Retired Miami Dade County Extension Director for the University of Florida

Laura Reynolds



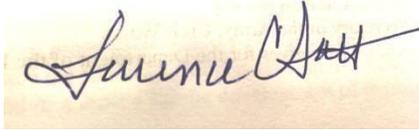
Current MS Environmental Science Florida International University
BS Marine Science Jacksonville University
Founding and Managing Member, Conservation Concepts LLC
Former Executive Director Tropical Audubon Society

Dr. Richard Weisskoff



PhD, Economics, Harvard University
Department Chair and Professor of International Studies, University of Miami

Terrence "Rock" Salt



MS, Physics, University of Colorado
Conservation Committee Chair, Tropical Audubon Society
Former Principal Deputy Assistant Secretary of the Army, Civil Works
Former Director of Everglades Restoration Initiatives for the Department of the Interior

Cc:

Mayor Daniella Levine Cava
Commissioner Oliver G. Gilbert, III
Commissioner Jean Monestime
Commissioner Keon Hardemon
Commissioner Sally A. Heyman
Commissioner Eileen Higgins
Commissioner Rebecca Sosa
Commissioner Raquel A. Regalado
Commissioner Danielle Cohen Higgins
Commissioner Kionne L. McGhee
Commissioner Javier D. Souto
Commissioner Joe A. Martinez
Commissioner Rene Garcia
Director of the Department of Regulatory and Economic Resources, Lourdes M. Gomez Senior
Division Chief at Miami-Dade County, Rashid Istambouli, P.E.
Agricultural Manager Charles LaPradd

No Demonstrated Need

Inaccurate Claims by the Applicant	The Reality	Supporting Information
<p>The UDB must be expanded on this specific site to meet industrial demand - 350 contiguous acres needed for the project to be viable.</p>	<ul style="list-style-type: none"> • 500+ acres of industrial land inside the UDB in the southern tier and over 2,660 County wide. • No demonstrated need per requirements of CDMP policy LU-8F. • Inconsistent with CDMP policies, LU-8H and LU-8E. 	<ul style="list-style-type: none"> • Memorandum from Lourdes M. Gomez to Daniella Levine Cava dated October 17, 2022. • Staff Review Principal Reasons 1 and 2

Fails to Provide Dev. Plan and Zoning

Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>County Code requires concurrent zoning and development plan for approval - 90% of the proposal has a zoning and development plan.</p>	<p>No development plan for > 200 acres of the current application, or greater than $\frac{2}{3}$ of the current footprint.</p> <p>Zoning applications on only 165 acres of the 379 acre site.</p>	<ul style="list-style-type: none"> • Applicant's assertion at 10/18 hearing. • Jerry Bell Presentation • Mayors Memo Oct 31st

Flawed Economics/Job Analysis

Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
Insufficient land inside the UDB	<p>Chose arbitrary dates/thresholds to support their claim that available lands within UDB are insufficient.</p> <p>Chose 2014, when the market was optimistic about need for e-commerce warehousing. Nationwide, demand for such developments has plummeted.</p>	Memorandum from Lourdes M. Gomez to Daniella Levine Cava dated October 17, 2022.

Flawed Economics/Job Analysis

Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>Will create approximately 11,000 jobs.</p>	<ul style="list-style-type: none"> ● No development plan, nor anchor tenant. ● Doesn't address loss of existing agriculture jobs. ● Logistics "jobs" are being replaced with robots. ● Independent analysis produced jobs total 25-30% of applicant's total. ● Exaggerated construction jobs by "compressing" into a single year. 	<ul style="list-style-type: none"> • MDC Staff Analysis Principal Reason 3. • Hold The Line Coalition Technical Report.

Flawed Economics/Job Analysis

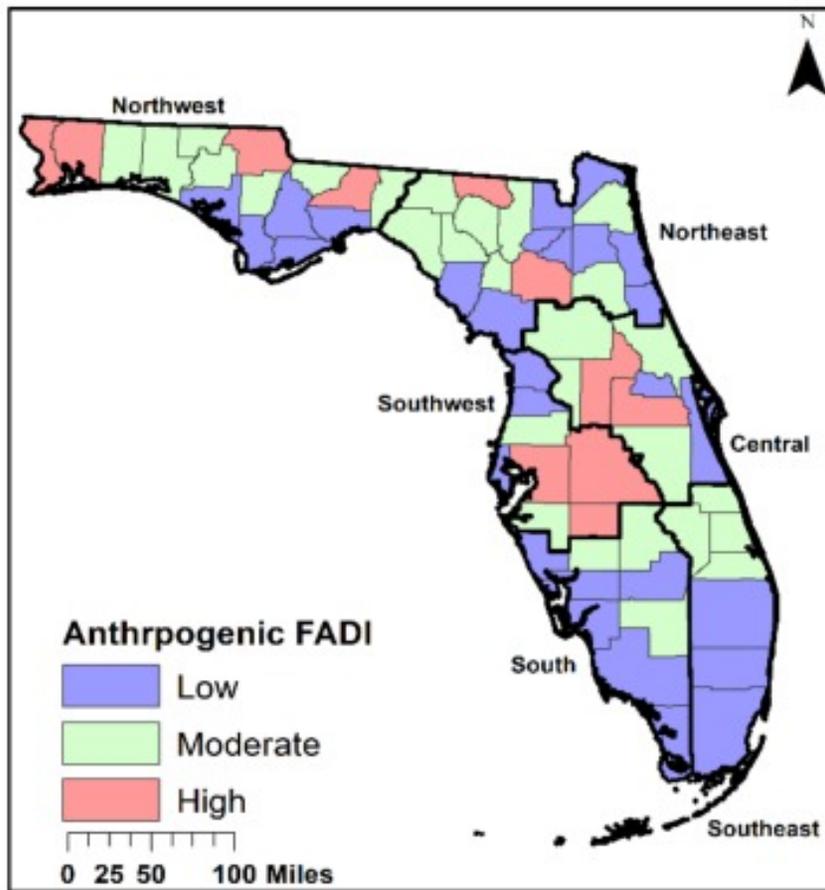
Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>Promised to “negotiate” in good faith living wages for future workers.</p>	<p>County cannot enforce the wage covenants. Without knowledge of tenants, this is speculative at best.</p>	<ul style="list-style-type: none"> ● Memo from Mayor Daniella Levine Cava to MDC BCC dated October 31, 2022. ● Applicants 9/22 presentation.

Flawed Economics/Job Analysis

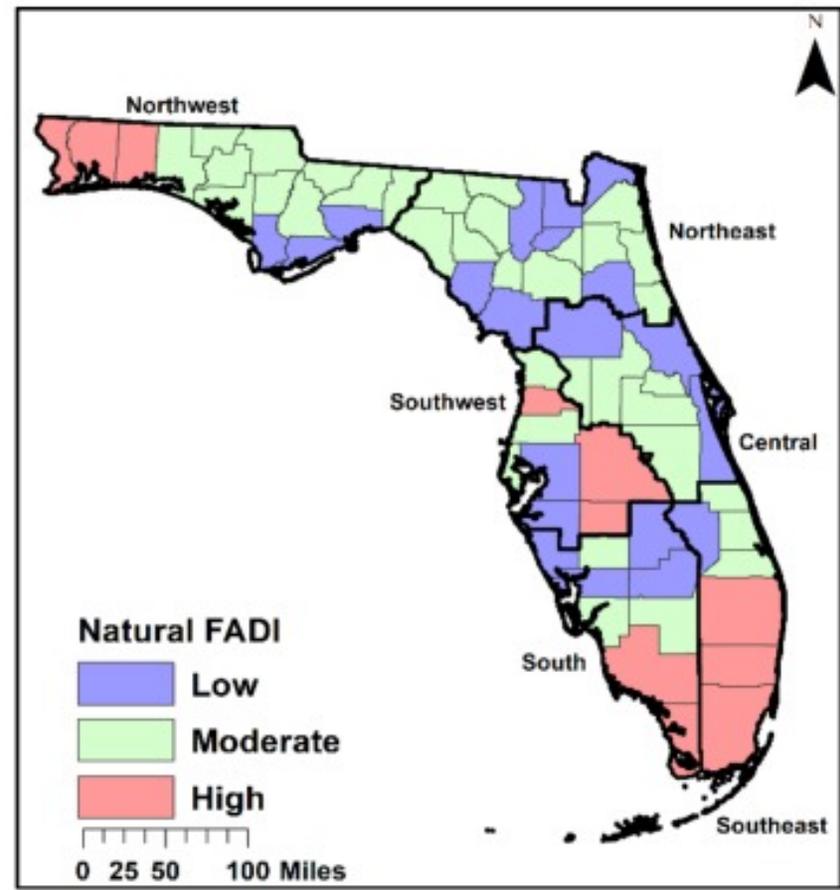
3 Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
All improvements privately funded – No public funds.	In their presentation from 9/22, the applicants sought to have the site designated as a brownfield.	Applicants 9/22 Presentation, pg. 8.

Slide 6

- 3 If we don't have more, I suggest we kill this slide, in the interest of brevity
Eve Samples, 10/29/2022



(a)

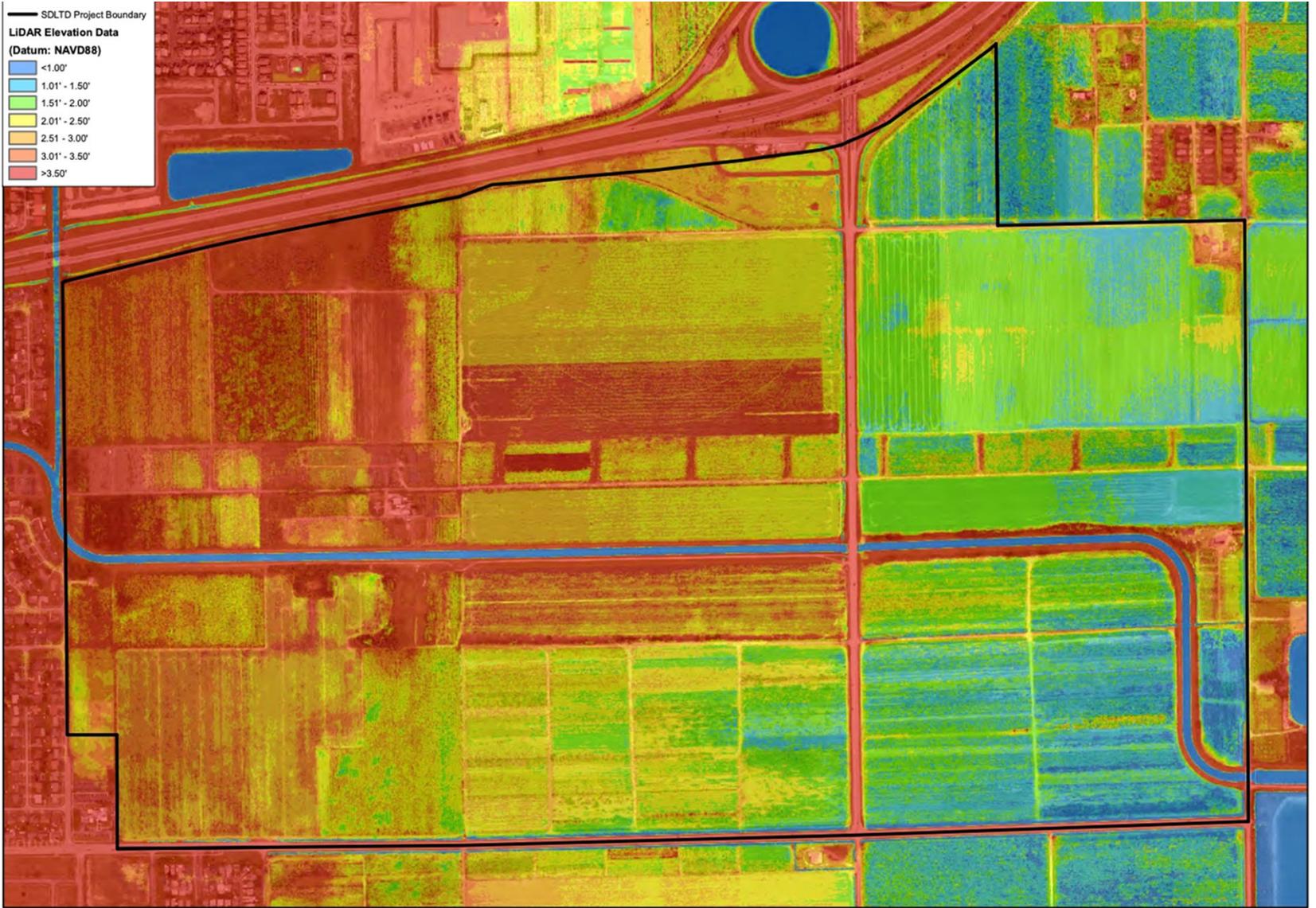


(b)

Florida Arsenic Distribution Indices (FADIs): (a) anthropogenic source and (b) natural source. The colors represent levels of contribution of anthropogenic sources or natural sources for soil As. Credits: Scott-Richardson et al. (2019)

Coastal High Hazard Area

Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>Resiliency is similar to Babcock Ranch - From Herald Op-Ed dated 10/17.</p>	<p>Projects not comparable. <u>Babcock Ranch</u></p> <ul style="list-style-type: none"> • Residential community • 15+ miles from shore • Avg. elevation prior to build 30-35 ft., to remove it from storm surge impacts <p><u>SDLTD</u></p> <ul style="list-style-type: none"> • Commercial Center • < 2 miles from shore • Elevation .5-3.5 ft. 	<p><u>CBS News</u></p> <p>Babcock Ranch information starts @ 10:00 minutes into the video.</p>



— SDLTD Project Boundary
LIDAR Elevation Data
 (Datum: NAVD88)

- <1.00'
- 1.01' - 1.50'
- 1.51' - 2.00'
- 2.01' - 2.50'
- 2.51' - 3.00'
- 3.01' - 3.50'
- >3.50'



0 500 1,000 2,000

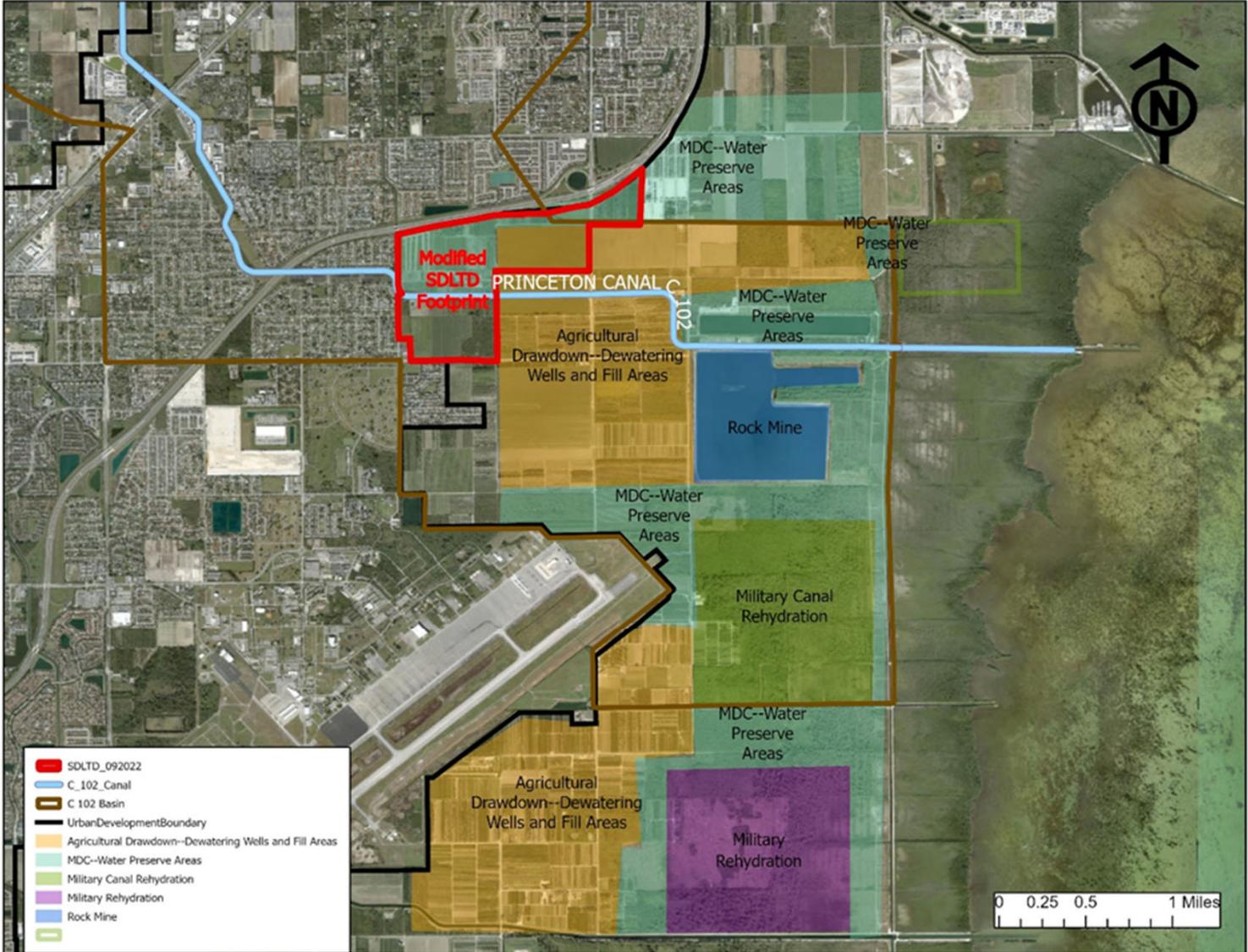
EAS Engineering, Inc.

Inconsistent With CERP & BBSEER

3 4 5 Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>Does not interfere with BBSEER, is consistent with the goals and objectives of the CERP/BBSEER.</p>	<p>Property is specifically pinpointed by PDT for inclusion in BBSEER Round 2 modeling alternatives.</p> <p>The SFWMD, FDEP, and DOI have all raised concerns with this development conflicting with BBSEER.</p>	<ul style="list-style-type: none"> • DERM Analysis of Application CDMP20210003: Applicant Submittal Updated CDMP Text 9-1-22. Pages 18 - 22. • DOI letter to Chairman Diaz dated October 14, 2022. • PDT Meetings.

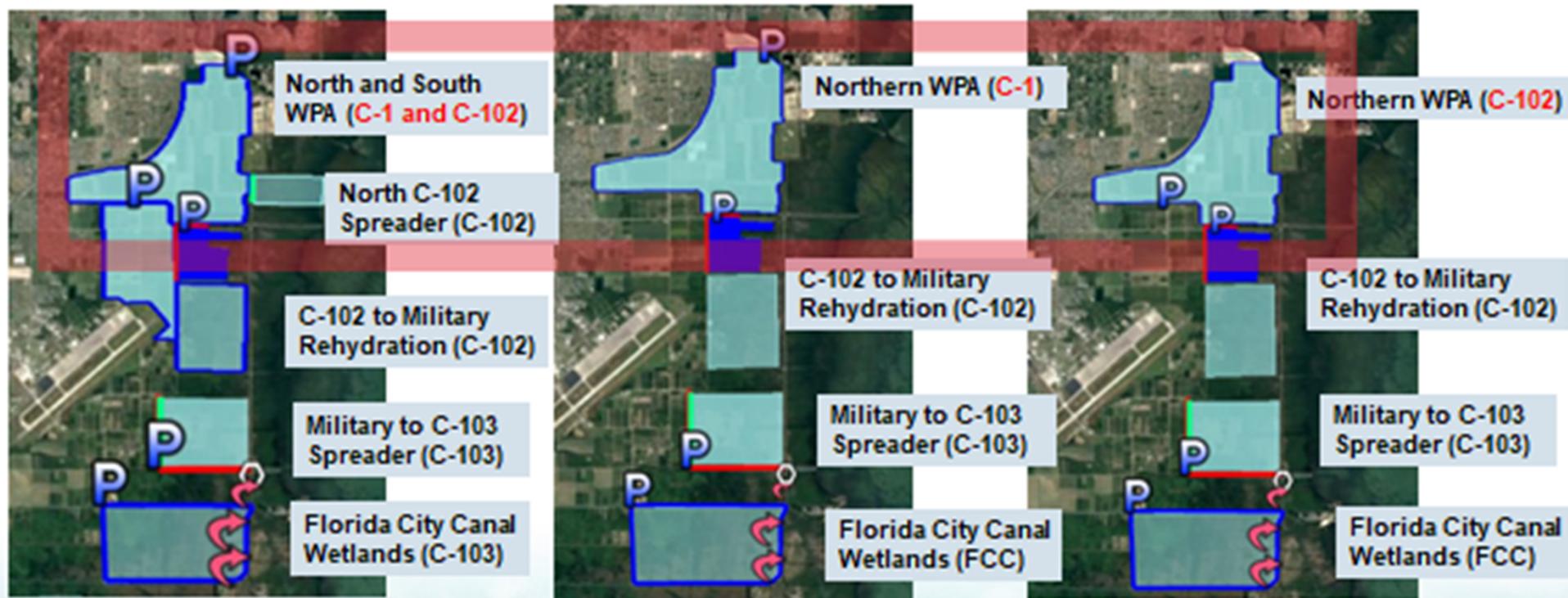
Slide 10

- 2 I would suggest: "Property has now been specifically pinpointed by multiple PDT teams for inclusion in BBSEER Round 2 alternatives"
Elizabeth Fata Carpenter, 10/31/2022
- 4 Changed it!
Lauren Jonaitis, 10/31/2022
- 2 Should we cite Adam Gelber DOI letter here?
Eve Samples, 10/31/2022
- 5 Is it the most recent one dated October 14, 2022? I've added it.
Lauren Jonaitis, 10/31/2022
- 1 The fact that this has been flagged since 2005 without an action doesn't seem like as good of a point to me. I would instead steal from the notes and say "The SFWMD, FDEP, and DOI have all raised concerns with this development conflicting with BBSEER"
Elizabeth Fata Carpenter, 11/1/2022
- 2 I am okay with that!
Lauren Jonaitis, 10/31/2022
- 3 Since I didn't hear any objections, I changed the sentence.
Lauren Jonaitis, 11/1/2022





COASTAL WETLANDS



Draft ALT21

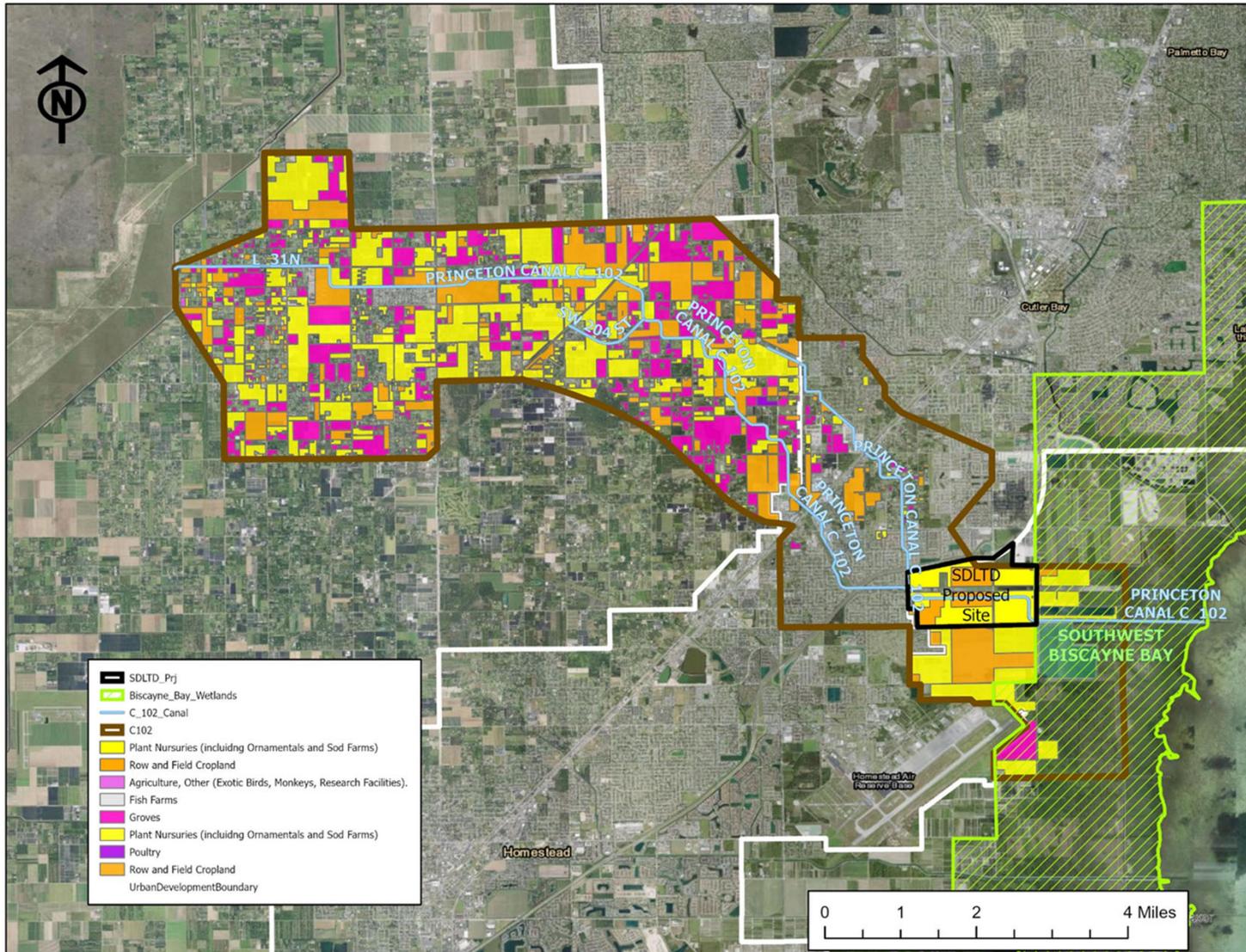
Includes all four redistribution features north/south of Military Canal and coastal WPA

Draft ALT22

Includes three redistribution features north/south of Military Canal and coastal WPA

Draft ALT23

Includes three redistribution features north/south of Military Canal and coastal WPA



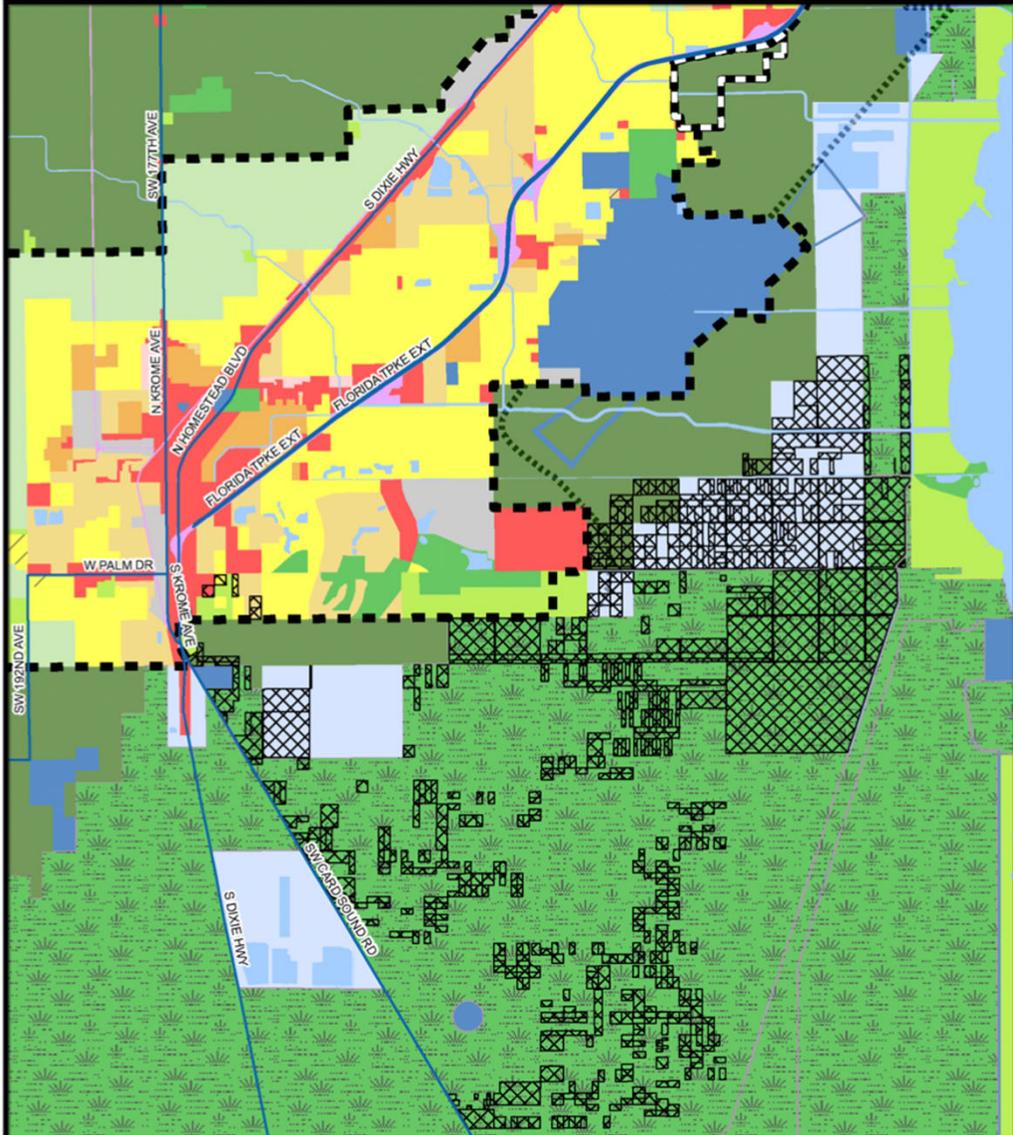
Environmentally Endangered Lands (EEL)

2 Claims by the Applicant	The Reality	Supporting Information/Docs
Purchase 311 acres of EEL.	Identified EEL Lands are not vulnerable to imminent development. Sets precedent for developers to use EEL land as bargaining chips in future negotiations, driving up cost of acquisition to the county.	Memo from Mayor Daniella Levine Cava to MDC BCC dated October 31, 2022.

Slide 14

- 4 I added this, look ok?
Eve Samples, 10/31/2022
- 6 Looks good to me!
Lauren Jonaitis, 10/31/2022
- 2 good and maybe we just put up the EEL map instead of this chart
Laura Reynolds, 10/31/2022

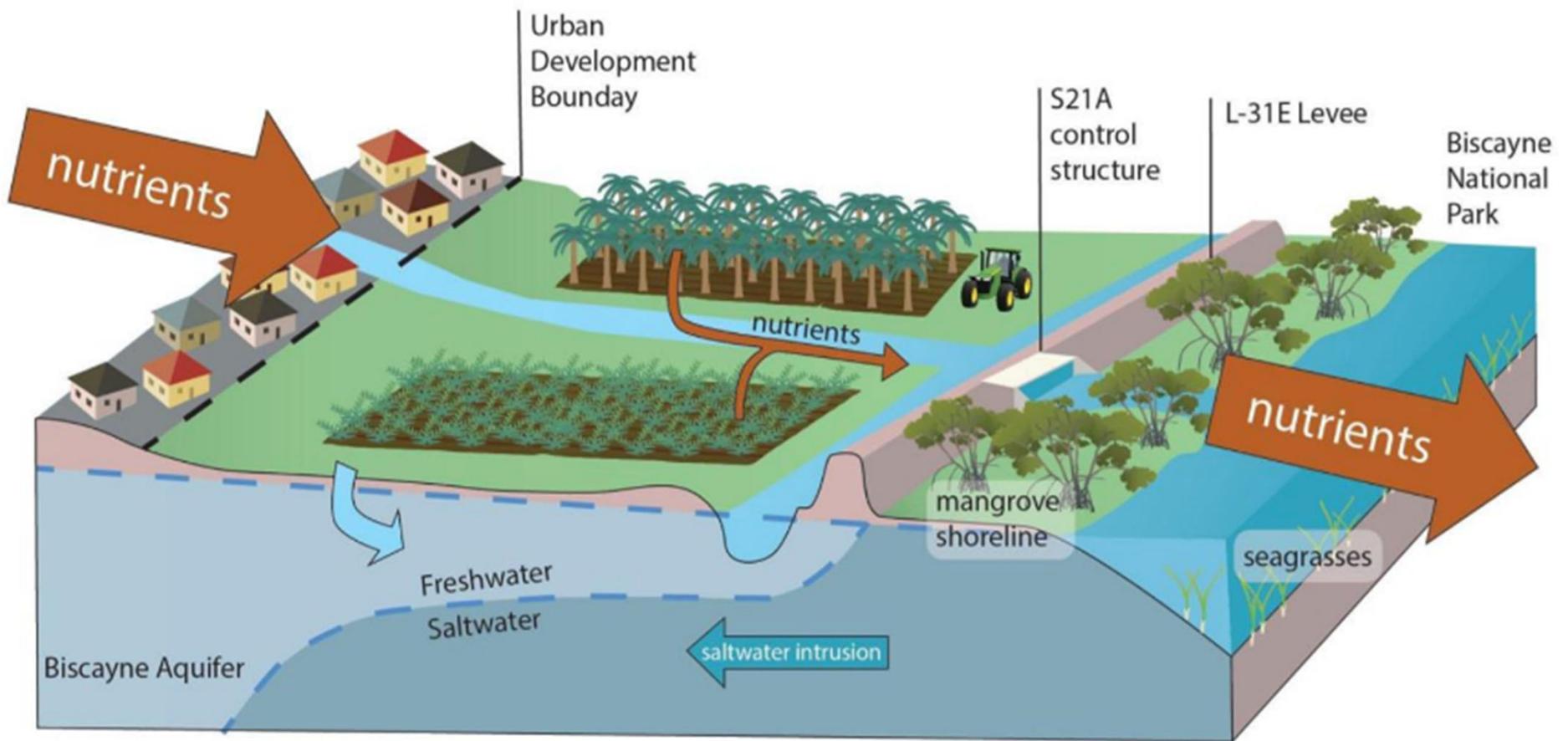
CDMP20210003



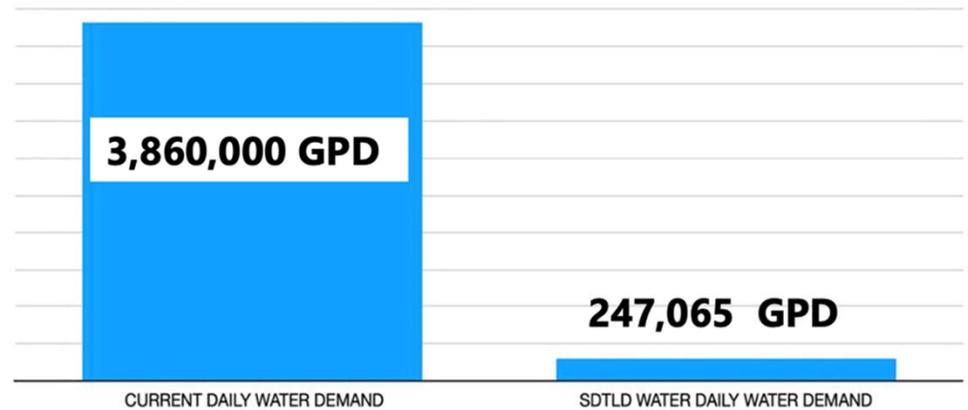
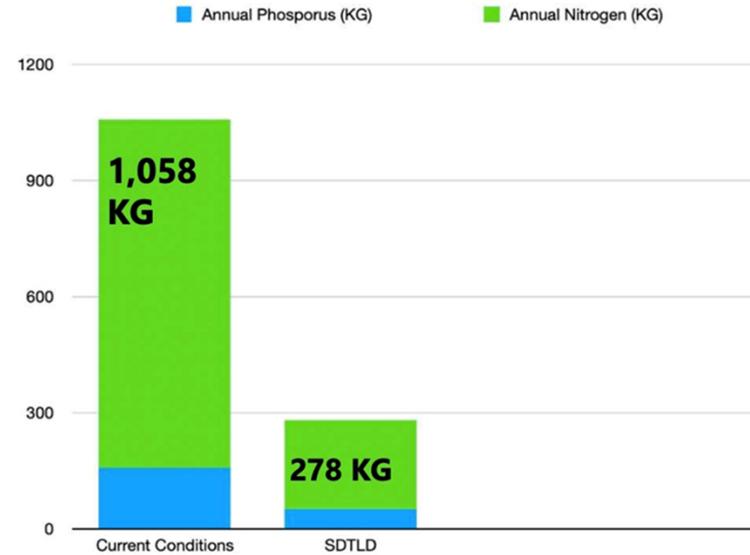
Harms Agriculture

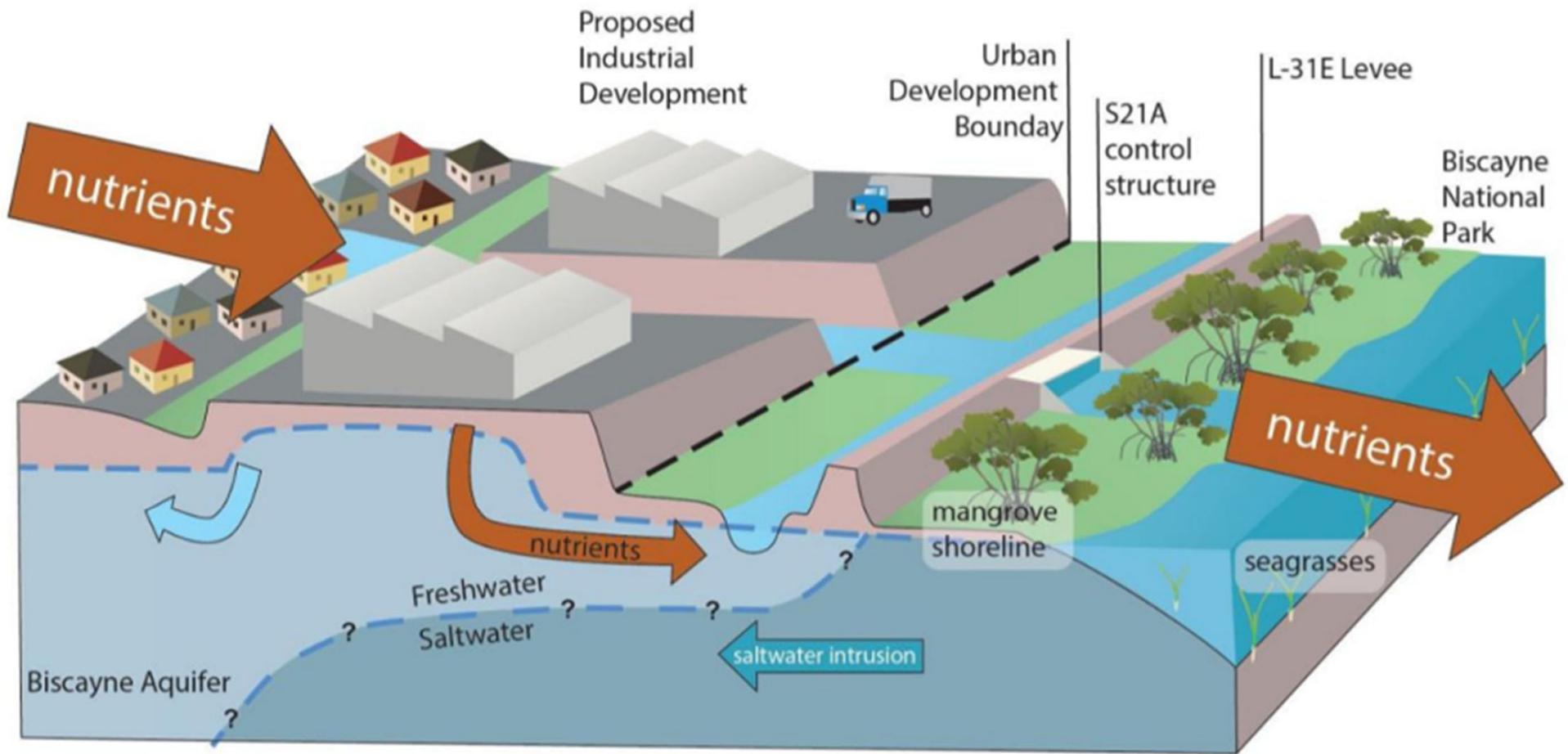
Inaccurate Claims by the Applicant	The Reality	Supporting Information/Docs
<p>Agriculture is in permanent decline in Miami-Dade.</p> <p>Marl Soil is unproductive.</p>	<p>Agriculture - second largest component of MDC economy ~ \$2 billion dollars annually.</p> <p>Climate change models indicate South Florida's climate will be stable compared to other American ag. regions.</p> <p>Marl Soil extremely productive</p>	<p>Charles LaPradd Memo</p> <p>Farm Bureau</p>

Agriculture



REDUCTION IN POLLUTANTS AND WATER USE





Byrd, Rosie

From: Byrd, Rosie
Sent: Thursday, November 17, 2022 3:10 PM
To: Governing Board Members
Subject: PUBLIC COMMENT RECEIVED for Item #30 on tomorrow's GB agenda

Apologies, but we apparently missed the opportunity to submit an e-comment on the Nicodemus Slough project extension, Item #30 on tomorrow's agenda.

If there's a way to include the comment below into the record or distribute it, we would like to do so. We are not planning to do public comment on the Zoom unless the Board has a question for us. Thank you!

Statement from Lykes Bros. Inc. on the amendment extending the Nicodemus Slough project.

On behalf of Lykes Bros. Inc., we thank the District's leadership and staff for the cooperative relationship with Lykes Bros. to store and treat water in the Lake Okeechobee basin. The 16,000 acre Nicodemus Slough project has proved to be a valuable tool in the toolbox of the Northern Everglades and Estuaries Protection Program. We're proud of our partnership with the District and look forward to continuing it with the extension of the Nicodemus Slough project agreement.

Cari L. Roth
Vice President of Governmental and Regulatory Affairs
Lykes Bros. Inc.
Cari.Roth@Lykes.com
850.591.1094

