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## South Florida Water Management District

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### **GOVERNING BOARD MONTHLY MEETING AGENDA**

October 17, 2024

1:00 PM

via Communications Media Technology

[www.SFWMD.gov](http://www.SFWMD.gov)

Zoom Registration Link: <https://sfwmd.link/3He89vF>

#### FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Agenda Revisions
4. Agenda Item Abstentions by Board Members
5. Consider Approval of the Minutes for the September 12, 2024, Monthly Meeting; the September 12, 2024, Public Hearing on Fiscal Year 2024-2025 Tentative Ad Valorem Millage Rates, Non Ad Valorem Tax Rolls, and Tentative Budget; and the September 24, 2024, Final Public Hearing on Fiscal Year 2024-2025 Final Millage Rates and Final Budget
6. Executive Director's Report - Drew Bartlett
7. Move Consent Agenda Items to Discussion Agenda
8. Public Comment on Consent Agenda Items
9. Board Vote on Consent Agenda

#### **Consent Agenda**

10. Access Easement Exchange, Miami-Dade County (Staff contact, Ray Palmer)

**Agenda Item Background:**

The District owns an access easement located within an area of industrial development north of the District's C-9 right-of-way in Miami-Dade County. The District will release an approximately 0.838-acre portion of the access easement in exchange for acquisition of an approximately 0.835-acre relocated portion of access easement. The exchange accommodates the underlying fee owner's plan to construct an expanded industrial warehouse. The existing District easement does not have a road improvement. The fee owner will also build a road improvement for the District on the new easement prior to the exchange. The closing for the exchange may extend for up to three years to allow for the planning, design, and construction of the fee owner's project. This has been determined to be an even value exchange.

**Recommended Action:**

**Resolution No. 2024-1001 Approve release of an access easement interest containing 0.838 acres, more or less, in exchange for acquisition of a relocated access easement interest, containing 0.835 acres, more or less, all located north of the District's C-9 right-of-way in Miami-Dade County, Florida, subject to satisfaction of certain terms, conditions and requirements.**

[Resolution No. 2024-1001](#)

[Exhibit A Map](#)

[Exhibit B Map](#)

11. Land Acquisition, C-7 Basin Resiliency Project, Miami-Dade County (Staff contact, Ray Palmer)

**Agenda Item Background:**

The District is acquiring needed lands for the C-7 Basin Resiliency Project. The purpose of the Project is to improve drainage of the C-7 Basin in the Northwest portion of Miami-Dade County and increase resilience in the entire C-7 Basin. As part of the Project, the District is responsible for enhancements to the District's S-27 Coastal Structure, including a tie-back flood barrier, construction of a new forward pump station adjacent to the S-27 Coastal Structure with a control building on this newly acquired land, and additional nature-based features.

The proposed acquisition, Tract No. 32100-008, contains approximately 1.116 acres within the Project. The appraised value of the Tract, which is zoned multifamily (65 units) and commercial, is \$4,860,000. District staff is requesting authority to make a written purchase offer of \$5,350,000, which exceeds the appraised value by 10% in order to acquire the parcel for a fair price and avoid legal proceedings.

**Recommended Action:**

**Resolution No. 2024-1002 Authorize a final purchase offer of \$5,350,000 and eminent domain proceedings for the acquisition of land interests containing 1.116 acres, more or less, located in the Miami-Dade County, Florida, for the C-7 Basin Resiliency Project, S-27 Coastal Structure enhancement Component, for which Ad Valorem funds are budgeted in Fiscal Year 2024-2025.**

[Resolution No. 2024-1002](#)

12. Request for Right of Way Occupancy Permit (Staff contact, Rich Virgil, P.E.)

**Agenda Item Background:**

Taft Sp, LLC (Applicant) is applying for a Standard Right of Way Occupancy Permit Number 16889-R (ROW Permit) to construct a private 14-slip marina in the C-10 Canal for Hollywood Landings, a new residential development located on the east side of the C-10 Canal, north of Taft Street in the City of Hollywood. The District is the owner of the submerged lands upon which the marina will be constructed. In accordance with District rules, no fees will be collected from the residents for use of the facilities. This requirement is a condition of the ROW Permit.

The District authorizes marinas by issuing a Standard Right of Way Occupancy Permit, which is a permit type that must be approved by the District's Governing Board. If approved, the proposed marina will not impact any District restoration projects or limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way. The proposed private marina complies with all District rules and criteria, and no waivers of any District criteria are required. As condition of the ROW Permit, the Applicant will be responsible for maintenance and management of the marina.

**Recommended Action:**

**Approve issuance of Standard Right of Way Occupancy Permit Number 16889-R (Application No. 231010-40738).**

[Backup Presentation](#)

13. C-44 Reservoir and Stormwater Treatment Area - Recreation Features Project, Martin County (Staff contact, Lucine Dadrian, P.E.)

**Agenda Item Background:**

As part of the Comprehensive Everglades Restoration Plan - Indian River Lagoon South (IRL-S), the C-44 Reservoir and Stormwater Treatment Area (RSTA), located in Martin County, along with the other components of IRL-S will improve the estuarine health of the St. Lucie River, St. Lucie Estuary, and the southern Indian River Lagoon. This will be accomplished by reducing the frequency and duration of damaging discharges to the receiving water bodies and the retention of watershed flows in the natural system.

The C-44 RSTA Recreation Features Project includes construction of directional signage, striped parking areas, trailer parking, picnic shelters, picnic tables, vault toilets, stand-alone interpretive signage shelters, interpretive signage shelter with benches, pedestrian walk-throughs at vehicle gates, and barriers with tie-off cleats at the reservoir boat ramp. Americans with Disabilities Act (ADA) accommodations are included with handicapped parking spaces, handicapped trailer spaces, ADA compatible picnic tables, and ADA compatible restrooms.

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. The bid opening for this project was on September 24, 2024.

**Recommended Action:**

**Resolution No. 2024-1003 Authorize entering into a 416-day contract with Loren Jock Trucking, Inc., the lowest responsive and responsible bidder, for the C-44 Reservoir and Stormwater Treatment Area Recreation Features Project, in the amount of \$2,200,000, for which dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025. (Contract No. 4600005107)**

[Resolution No. 2024-1003](#)

[Backup Presentation](#)

14. C-23/C-24 RSTA Microwave Tower Project, St. Lucie County (Staff contact, Lucine Dadrian, P.E.)

**Agenda Item Background:**

As part of the Comprehensive Everglades Restoration Plan - Indian River Lagoon South (IRL-S), the C-23/24 Reservoir and Stormwater Treatment Area (RSTA) Microwave Tower Project, located in St. Lucie County will include a 350-ft tall tower with a 20-ft tall antenna, Information Technology Equipment and Generator Building, access road and site drainage improvements, and power utility connections. This tower supports the C-23/C-24 North and South Reservoirs and STA and the C-25 Reservoir and STA through a microwave network system that communicates with the water management system at headquarters.

The project supports the components of IRL-S to improve the estuarine health of the St. Lucie River, St. Lucie Estuary, and the southern Indian River Lagoon. This will be accomplished by reducing the frequency and duration of damaging discharges to the receiving water bodies and the retention of watershed flows in the natural system.

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. The bid opening for this project was on September 25, 2024.

**Recommended Action:**

**Resolution No. 2024-1004 Authorize entering into a 721-day contract with Expert Construction Managers, Inc., the lowest responsive and responsible bidder, for the C-23/C-24 RSTA Microwave Tower Project, in the amount of \$15,345,000, for which \$6,000,000 in dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets. (Contract No. 4600005103)**

[Resolution No. 2024-1004](#)

[Backup Presentation](#)

15. Underground Storage Tank Replacement, Critical Flood Control Infrastructure Project, Miami-Dade and Palm Beach Counties (Staff contact, Lucine Dadrian, P.E.)

**Agenda Item Background:**

As part of the Operations & Maintenance Critical Flood Control Infrastructure Capital Program, the Underground Storage Tank Replacement Project, located in Miami-Dade and Palm Beach Counties, will consist of the replacement of six underground fuel storage tanks with aboveground rectangular concrete tanks to prevent any potential future environmental impacts, located at the Miami Field Station, West Palm Beach Field Station and S-5A Pump Station Administration Building. All tanks are 30 years or older and beyond their useful life. The project will also perform closure integrity evaluation for the underground fuel tanks prior to removal. These tank replacements will provide continuous operations to Field Operations during normal business and emergency events supporting the management of critical flood control infrastructure. The new fuel tank systems will be installed, fully tested and operational prior to the underground fuel system removals.

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. The bid opening for this project was on September 30, 2024.

**Recommended Action:**

**Resolution No. 2024-1005 Authorize entering into a 620-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the Underground Storage Tank Replacement critical flood control infrastructure project, in the amount of \$14,272,000, for which \$6,000,000 in dedicated funds (State Appropriations) and Ad Valorem funds are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets. (Contract No. 4600005109)**

[Resolution No. 2024-1005](#)

[Backup Presentation](#)

16. C-43 Canal Water Quality Treatment and Testing Project Change Order No. 3, Glades County (Staff contact, Lucine Dadrian, P.E.)

**Agenda Item Background:**

As part of the Northern Everglades Estuary Protection Program (NEEPP), the C-43 Water Quality Treatment and Testing Project (C43-WQTTP), located in Glades County, is intended 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 project site is located on the BOMA property, which is situated South of the Caloosahatchee River, North of State Road 80, just upstream (East) of the S-78 Spillway and Lock Structure.

The C43-WQTTP 2012 Conceptual Plan 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) is complete. The test cells and field-scale cells (Phase II), which is under construction, was envisioned to help inform the basis for the design of a future, full-scale constructed treatment facility.

On November 10, 2022, the Governing Board awarded the C43-WQTTP Phase II Project contract to Phillips & Jordan, Inc., for \$24,623,409.85. Change Orders No. 1 & 2 add \$962,564.64 to the contract for modifications to the intake canal and adds 19 days for permit delays. During construction of the project, unforeseen site conditions were discovered that required additional grading soil management. Change Order No. 3 is a negotiated settlement for unforeseen site conditions and survey differences. These changes result in an increase to the contract price by \$2,500,000.00 for a revised total contract value of \$28,085,974.49 and adds 155 days to the contract time.

**Recommended Action:**

**Resolution No. 2024-1006 Authorize Change Order No. 3 with Phillips and Jordan, Inc. for the construction of the C-43 Canal Water Quality Treatment and Testing Project, for an additional amount not to exceed \$2,500,000, for which dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025. (Contract No. 4600004685-CO03)**

[Resolution No. 2024-1006](#)

[Backup Presentation](#)

17. 2024 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 prioritizing water bodies for developing or reevaluating 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 2024 Priority Water Body List and Schedule includes MFL reevaluations of the Northwest Fork of the Loxahatchee River, Florida Bay, and Biscayne Aquifer to adapt to changing hydrological conditions including the Comprehensive Everglades Restoration Plan and sea level rise over a 20-year planning horizon.

**Recommended Action:**

**Resolution No. 2024-1007 Authorize submission of the proposed 2024 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. 2024-1007](#)

[2024 Priority Water Body List and Schedule](#)

18. Grant Agreements, Resilient Florida Grant Program (Staff contact, Carolina Maran, Ph.D., P.E.)

**Agenda Item Background:**

On August 20, 2024, the Florida Department of Environmental Protection (DEP) awarded the District a sum of approximately \$45 million for the execution of three

resiliency projects through the Resilient Florida Grant Program, as summarized below:

Grants Awarded to the District:

- \$6,050,000 for S-169W Structure Improvements
- \$28,100,000 for C-8 Basin Resilience
- \$10,934,265 for Homestead Field Station Improvements

This agenda item is requesting authorization from the Governing Board to enter into three grant agreements with DEP for the plan, design, and construction of the three projects listed above.

**Recommended Action:**

**Resolution No. 2024-1008 Authorize entering into three grant agreements with the Florida Department of Environmental Protection for the planning, design, and construction of three projects awarded through the Resilient Florida Grant Program.**

- **S-169W Structure Improvements (Contract No. 4600005095, grant agreement between the South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (DEP))**
- **C-8 Basin Resilience (Contract No. 4600005096, grant agreement between SFWMD and DEP)**
- **Homestead Field Station Improvements (Contract No. 4600005097, grant agreement between SFWMD and DEP)**

[Resolution No. 2024-1008](#)

19. Governing Board Concurrence on Emergency Final Orders, Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-070-DAO, Order Amending Emergency Final Orders, No. 2024-071-DAO, and Order Rescinding Emergency Final Orders, No. 2024-072-DAO (Staff contact, Jennifer Smith and Maricruz R. Fincher)

**Agenda Item Background:**

In response to potential wind damage and flooding caused by Hurricane Helene and Governor DeSantis' Executive Orders No. 24-208 and 24-209 issued September 23 and 24, 2024, respectively, the District issued Emergency Final Orders Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, and 2024-068-DAO on September 24, 2024, and Emergency Final Order 2024-070-DAO and Order Amending Emergency Final Orders, No. 2024-071-DAO on September 25, 2024. These Orders enabled the District to perform public work and take prudent action to ensure the public's health, safety, and welfare in the wake of potentially severe wind damage and flooding. Staff requests the Governing Board's concurrence with the issuance of the Emergency Final Orders and Order Amending Emergency Final Orders, in compliance with section 373.119(2) of the Florida Statutes.

Emergency Orders:

- SFWMD 2024-065-DAO Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Hurricane Helene
- SFWMD 2024-066-DAO Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Helene
- SFWMD 2024-067-DAO Emergency Authorization for Procurement of Goods

and Services Made Necessary by Hurricane Helene

- SFWMD 2024-068-DAO Emergency Authorization Abrogating Time Requirements, Notice Requirements, and Deadlines for Action on Permits and Other Approvals Made Necessary by Hurricane Helene
- SFWMD 2024-070-DAO Emergency Authorization Temporarily Closing District Lands Made Necessary by Hurricane Helene

Order Amending Emergency Final Orders:

- SFWMD 2024-071-DAO Amending Emergency Final Orders 2024-065-DAO, 2024-066DAO, 2024-067-DAO, and 2024-068-DAO to cover all 16 counties

Order Rescinding Emergency Final Orders:

- SFWMD 2024-072-DAO Rescinding Emergency Final Orders 2024-065-DAO, 2024-066DAO, 2024-067-DAO, 2024-068-DAO, and 2024-071-DAO

**Recommended Action:**

**Concur on Emergency Final Orders, Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-070-DAO, Order Amending Emergency Final Orders, No. 2024-071-DAO, and Order Rescinding Emergency Final Orders, No. 2024-072-DAO.**

[2024-065-DAO Emergency Final Order](#)

[2024-066-DAO Emergency Final Order](#)

[2024-067-DAO Emergency Final Order](#)

[2024-068-DAO Emergency Final Order](#)

[2024-070-DAO Emergency Final Order](#)

[2024-071-DAO Order Amending Emergency Final Orders](#)

[2024-072-DAO Order Rescinding Emergency Orders](#)

20. Governing Board Concurrence on Emergency Final Orders, Nos. 2024-073-DAO, 2024-074-DAO, 2024-075-DAO, 2024-076-DAO, and 2024-077-DAO (Staff contact, Jennifer Smith and Maricruz R. Fincher)

**Agenda Item Background:**

In response to potential wind damage and flooding caused by Hurricane Milton and Governor DeSantis' Executive Orders No. 24-215 and 24-216 issued October 5 and 6, 2024, respectively, the District issued Emergency Final Orders Nos. 2024-073-DAO, 2024-074-DAO, 2024-075-DAO, and 2024-076-DAO on October 6, 2024, and Emergency Final Order 2024-077-DAO on October 7, 2024. These Orders enabled the District to perform public work and take prudent action to ensure the public's health, safety, and welfare in the wake of potentially severe wind damage and flooding. Staff requests the Governing Board's concurrence with the issuance of the Emergency Final Orders, in compliance with section 373.119(2) of the Florida Statutes.

Emergency Orders:

- SFWMD 2024-073-DAO Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Hurricane Milton
- SFWMD 2024-074-DAO Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Milton
- SFWMD 2024-075-DAO Emergency Authorization for Procurement of Goods and Services Made Necessary by Hurricane Milton

- SFWMD 2024-076-DAO Emergency Authorization Abrogating Time Requirements, Notice Requirements, and Deadlines for Action on Permits and Other Approvals Made Necessary by Hurricane Milton
- SFWMD 2024-077-DAO Emergency Authorization Temporarily Closing District Lands Made Necessary by Hurricane Milton

**Recommended Action:**

**Concur on Emergency Final Orders, Nos. 2024-073-DAO, 2024-074-DAO, 2024-075-DAO, 2024-076-DAO, and 2024-077-DAO.**

- [2024-073-DAO Emergency Final Order](#)
- [2024-074-DAO Emergency Final Order](#)
- [2024-075-DAO Emergency Final Order](#)
- [2024-076-DAO Emergency Final Order](#)
- [2024-077-DAO Emergency Final Order](#)

21. Mediated Settlement Agreement (Staff contact, Maricruz R. Fincher)

**Agenda Item Background:**

On February 13, 2024, a former employee filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), Miami District. The District and the former employee attended mediation on September 10, 2024. At the mediation, the parties entered into a proposed settlement agreement that will completely resolve the claims alleged against the District in the charge of discrimination. By settling now, the District will avoid fees and costs associated with further litigation of this matter.

**Recommended Action:**

**Resolution No. 2024-1009 Approve a proposed settlement agreement for the purpose of resolving an employment discrimination charge filed with U.S. Equal Employment Opportunity Commission (EEOC), Miami District, Charge No. 510-2024-03782.**

- [Resolution No. 2024-1009](#)

22. Authorize Entering into a Lease Revenue Contract with the Florida Department of Environmental Protection, Southeast District Office (Staff contact, Candida Heater)

**Agenda Item Background:**

The Florida Department of Environmental Protection (DEP), Southeast District Office currently leases 17,653 square feet of space on the 3rd floor of the B-2 Building at District Headquarters in Palm Beach County. The current lease contract expires on October 31, 2024. This request is to authorize entering into a new five-year lease revenue contract with DEP, Southeast District Office to occupy 17,653 square feet of space on the 3rd floor of the B-2 Building at District Headquarters with sufficient offices to accommodate up to a maximum 120 DEP employees. The term of the lease is for sixty months starting November 1, 2024 and ending October 31, 2029. The total revenue for the District is approximately \$2,180,145.50 over the duration of the contract.

**Recommended Action:**

**Resolution No. 2024-1010 Authorize entering into a five-year lease revenue contract with the Florida Department of Environmental Protection to occupy**

**17,653 square feet of space at the District Headquarters for a revenue amount of approximately \$2,180,145.50 over the duration of the contract. (Contract No. 4600005071)**

[Resolution No. 2024-1010](#)

23. Public Notice and Recruitment Advertising Services (Staff contact, Lourdes Woytek)

**Agenda Item Background:**

The District places recruitment, procurement and regulatory public notices, and related advertisements in local and national newspapers, professional journals, newsletters, on the Internet and other media as deemed appropriate. An advertising agency is able to obtain volume discounts on advertising insertions and is able to provide timely strategic information pertaining to recruitment, specific recruitment sources for diversity, specialty recruitment, and local employment issues such as workforce availability and job fairs. In addition to recruitment advertising, the District uses the agency on a regular basis to execute statutorily required public notices for its regulatory, procurement, small business programs and Office of Counsel proceedings.

A Request for Bids was issued for these services and the recommended award is to the lowest responsive and responsible bidder. GBSA, dba Graystone Group Advertising was among the six bids received for the placement of recruitment, public notices and related advertisements for the District. GBSA, dba Graystone Group Advertising also meets the qualifications as evidenced by the responses provided by the business references that were submitted as part of the bid.

**Recommended Action:**

**Resolution No. 2024-1011 Authorize entering into a five-year contract with GBSA, dba Graystone Group Advertising, Inc. to design and implement local and national web based and print media for recruitment advertisements; and to post legally mandated public meeting, regulatory permit and procurement notices, in an amount not-to-exceed \$800,000 for which \$174,300 in Ad Valorem funds are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets. (Contract No. 4600005101)**

[Resolution No. 2024-1011](#)

24. Draft Fiscal Year 2024-2025 Five-Year Water Resource Development Work Program (Staff contact, Mark Elsner, P.E.)

**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 2024-2025 Work Program includes the period from October 1, 2024, through September 30, 2029. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development which include Comprehensive Everglades Restoration Plan projects that help water quantity challenges for the environment. 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 2025 South Florida Environmental Report.

**Recommended Action:**

**Resolution No. 2024-1012 Authorize the transmittal of the draft Fiscal Year 2024-2025 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4., Florida Statutes.**

[Resolution No. 2024-1012](#)

[Draft FY24-25 Five-Year Water Resource Development Work Program](#)

25. Audit of Land Lease Compliance, Project No. 23-15 (Staff contact, Tim Beirnes)

**Agenda Item Background:**

In accordance with the Office of Inspector General's Audit Plan, the Audit of Land Lease Compliance was conducted with the primarily objective of assessing the effectiveness of the District's monitoring process to ensure lessees adhere to land lease provisions.

The audit found that overall, the District has an adequate process in place to ensure that lessees are complying with land lease agreements. The Land Stewardship Section conducts semi-annual inspections, and the Land Stewardship Section and the Real Estate Bureau evaluates each lessee's performance annually. We also concluded that primary lease agreement provisions are adequately reflected in semi-annual inspection forms and annual performance reviews. We performed four site inspections with land managers and did not observe any major issues.

We identified improvements that could be made regarding tracking and documenting the resolution of deficiencies identified during inspections. We made 11 recommendations to improve the administration of land lease compliance. Management concurred with all the recommendations.

**Recommended Action:**

**Approve the Audit of Land Lease Compliance (Project No. 23-15).**

[Backup Presentation](#)

**Technical Reports**

26. Hurricane Milton - Water and Ecological Conditions Report - John P. Mitnik, P.E., and Lawrence Glenn
27. Board Comment
28. Adjourn

eComment, Final Presentation, and Project Updates

**Agenda Item Background:**

08 eComment Torrens  
26 Mitnik Glenn Water and Ecological Conditions Report  
CERP Report  
NEEPP Report

## MEMORANDUM

**TO:** Governing Board Members  
**FROM:** Ray Palmer, Real Estate  
**DATE:** October 17, 2024  
**SUBJECT:** Access Easement Exchange, Miami-Dade County

### **Agenda Item Background:**

The District owns an access easement located within an area of industrial development north of the District's C-9 right-of-way in Miami-Dade County. The District will release an approximately 0.838-acre portion of the access easement in exchange for acquisition of an approximately 0.835-acre relocated portion of access easement. The exchange accommodates the underlying fee owner's plan to construct an expanded industrial warehouse. The existing District easement does not have a road improvement. The fee owner will also build a road improvement for the District on the new easement prior to the exchange. The closing for the exchange may extend for up to three years to allow for the planning, design, and construction of the fee owner's project. This has been determined to be an even value exchange.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

The C-9 right-of-way is operated and maintained as part of the District's flood control mission. This access easement exchange has no adverse effect or impact with respect to the operation and maintenance of the right-of-way.

#### **Funding Source:**

There is no expenditure of funds by the District. All costs associated with the transaction, including all closing and recording costs, will be paid by the owner of the 0.835-acre parcel.

#### **Staff Contact and/or Presenter:**

Ray Palmer, rpalmer@sfwmd.gov; 561-682-2246

### **ATTACHMENTS:**

[Resolution No. 2024-1001](#)

[Exhibit A Map](#)

[Exhibit B Map](#)

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024-10XX**

**A Resolution of the Governing Board of the South Florida Water Management District approving release of an access easement interest containing 0.838 acres, more or less, in exchange for acquisition of a relocated access easement interest, containing 0.835 acres, more or less, all located north of the District’s C-9 right-of-way in Miami-Dade County, Florida, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.**

**WHEREAS**, the South Florida Water Management District acquired an access road easement in 1970 located north of the District’s C-9 right-of-way in Miami-Dade County for all projects and purposes conducted by the District, including associated with the C-9; and

**WHEREAS**, the District desires to release a portion of the access road easement interests containing 0.838 acres, more or less, (the “Released Lands”), in exchange for the acquisition of a relocated access easement interest containing 0.835 acres, more or less, (the “Acquired Lands”), all located north of the District’s C-9 canal right-of-way in Miami-Dade County, as shown on Exhibit “A” and Exhibit “B”; and

**WHEREAS**, District staff has concluded that there is no difference in value between the Released Lands and the Acquired Lands; and

**WHEREAS**, the District is authorized to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes and is authorized, pursuant to Section 373.096, Florida Statutes, to release any easement or right of way interest for which the District has no present or apparent future use, all under terms and conditions determined by the Board.

**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 access easement interest, and therefore hereby approves the release of the access easement interest containing 0.838 acres, more or less, in exchange for the acquisition of the relocated access easement interest containing 0.835 acres, more or less, provided that the closing of the exchange and conveyances of the respective land interests occurs on or before October 20, 2027 and that all of the following terms, conditions,

and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion:

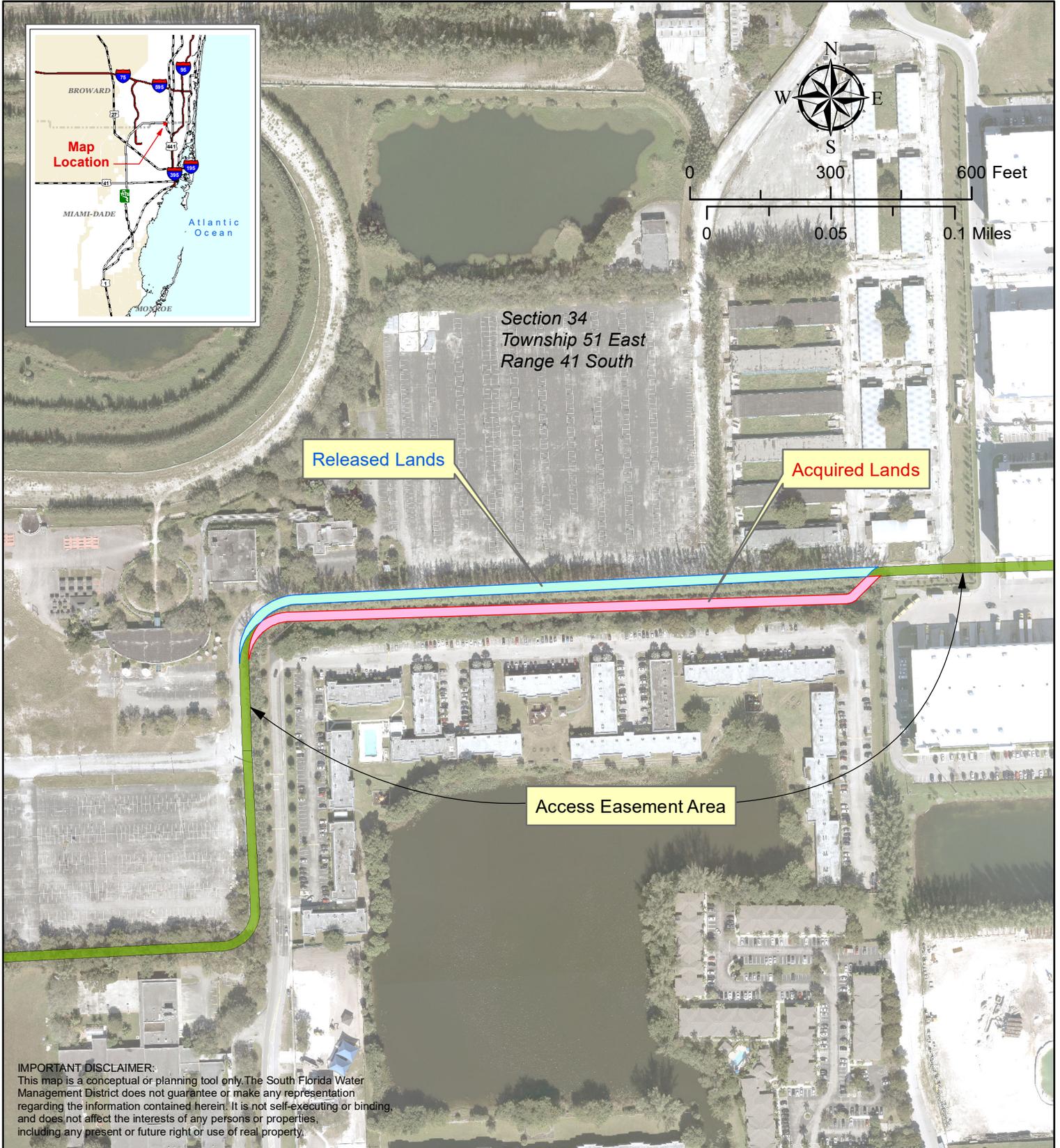
1. All costs associated with this transaction shall be paid for by the owner of the Acquired Lands, including but not limited to all recording and closing costs, and under no circumstances shall the District be obligated to pay any amount in connection with this transaction.
2. The owner of the Acquired Lands shall convey to the District a perpetual non-exclusive access easement with respect to the Acquired Lands in form, content, and substance acceptable to the District, free and clear of all objectionable title matters in exchange for the District providing a partial release of easement instrument with respect to the Released Lands in form, content, and substance acceptable to the District.
3. The owner of the Acquired Lands must construct, at its sole cost and expense access acceptable to the District located within the Acquired Lands, and, with respect to the access and any other improvements, must obtain all applicable permits from the District, Miami-Dade County, and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits. The District's review process for any required permits will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

**Section 2:** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the release instrument required to consummate the transaction contemplated therein. No release instrument shall be delivered to the applicant/underlying fee owner, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such release has been recorded in the Public Records of Miami-Dade County. 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 3:** This resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 10<sup>th</sup> day of October, 2024.

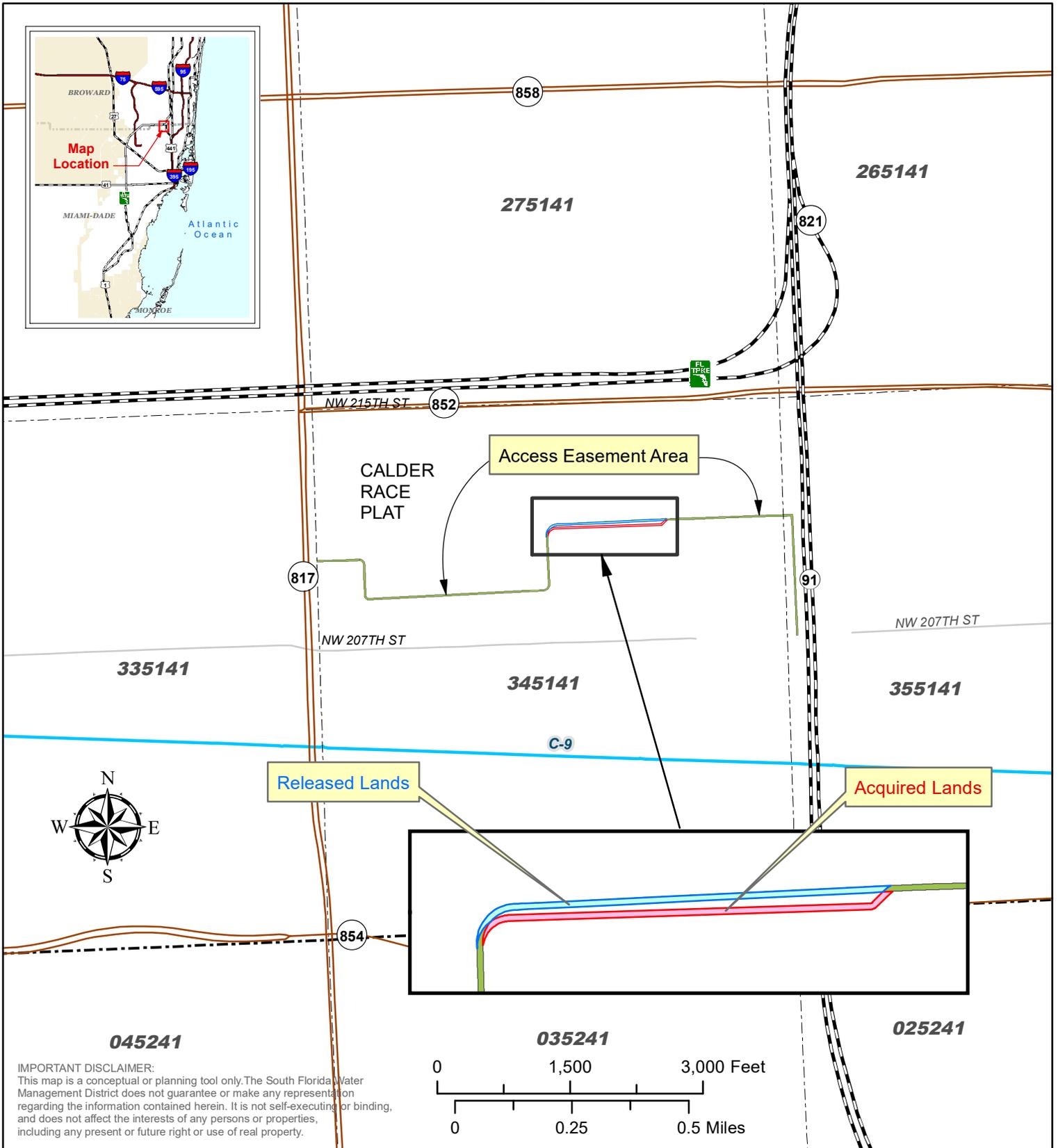
# Exhibit "A"



## Access Easement Exchange Miami-Dade County C-9 Canal Area



# Exhibit "B"



**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.

## Access Easement Exchange Miami-Dade County C-9 Canal Area



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ray Palmer, Real Estate

**DATE:** October 17, 2024

**SUBJECT:** Land Acquisition, C-7 Basin Resiliency Project, Miami-Dade County

### **Agenda Item Background:**

The District is acquiring needed lands for the C-7 Basin Resiliency Project. The purpose of the Project is to improve drainage of the C-7 Basin in the Northwest portion of Miami-Dade County and increase resilience in the entire C-7 Basin. As part of the Project, the District is responsible for enhancements to the District's S-27 Coastal Structure, including a tie-back flood barrier, construction of a new forward pump station adjacent to the S-27 Coastal Structure with a control building on this newly acquired land, and additional nature-based features.

The proposed acquisition, Tract No. 32100-008, contains approximately 1.116 acres within the Project. The appraised value of the Tract, which is zoned multifamily (65 units) and commercial, is \$4,860,000. District staff is requesting authority to make a written purchase offer of \$5,350,000, which exceeds the appraised value by 10% in order to acquire the parcel for a fair price and avoid legal proceedings.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

This acquisition will enable the construction of improvements necessary for flood risk reduction measures for the C-7 Basin. The C-7 Basin Resiliency Project is a priority within the District's Seal Level Rise and Flood Resiliency Plan and will provide critical infrastructure for the operation of the Central & Southern Florida water management system.

#### **Funding Source:**

The \$5,350,000 acquisition cost and all costs associated with the acquisition of Tract 32100-008 will be funded from Ad Valorem funds in the Fiscal Year 2024-2025 budget.

#### **Staff Contact and/or Presenter:**

Ray Palmer, rpalmer@sfwmd.gov, 561-682-2246

### **ATTACHMENTS:**

[Resolution No. 2024-1002](#)

[Exhibit A Legal and Sketch](#)

[Exhibit B Map](#)

Scale Factors Schedule 1

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024-10XX**

**A Resolution of the Governing Board of the South Florida Water Management District authorizing a final purchase offer of \$5,350,000 and eminent domain proceedings for the acquisition of land interests containing 1.116 acres, more or less, located in the Miami-Dade County, Florida, for the C-7 Basin Resiliency Project, S-27 Coastal Structure enhancement Component, for which Ad Valorem funds are budgeted in Fiscal Year 2024-2025; providing an effective date.**

**WHEREAS**, the South Florida Water Management District is acquiring land for the C-7 Basin Resiliency Project (“Project”), the primary purpose of which is to improve drainage of the C-7 Basin in the Northwest portion of the Miami-Dade County and increase resilience in the entire C-7 Basin; and

**WHEREAS**, as part of the Project, the District is responsible for enhancements to the District’s S-27 Coastal Structure, including a tie-back wingwall and construction of a new forward pump station adjacent to the S-27 Coastal Structure.

**WHEREAS**, the District desires to purchase land interests for the Project in Miami-Dade County, containing 1.116 acres, more or less, identified as Tract No. 32100-008 (the “Property”), and as shown on the Exhibit “B” map attached hereto and made a part hereof, in the amount of \$5,350,000; and

**WHEREAS**, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes; and

**WHEREAS**, the Florida Legislature has declared in Section 373.139(1), Florida Statutes, that the acquisition of real property for water-related resources is in the public interest for a public purpose for which public funds may be expended, and therefore necessary for the public health and welfare; and

**WHEREAS**, the Florida Legislature in Section 373.139(2), Florida Statutes, has empowered and authorized the Governing Board of the District to acquire real property interests by eminent domain for the purpose of water storage or flood control, and therefore for the purpose of implementing and maintaining the Project; and

**WHEREAS**, the Governing Board of the District, as applicable to the Property, has considered the required factors pursuant to Florida law, including safety, costs, alternative routes or methodologies, long range planning, and the environment, as more fully set forth in Schedule “1,” attached hereto and made a part hereof; and

**WHEREAS**, after considering the said factors, the Governing Board of the District has determined the acquisition of the Property is necessary for the following public use and purpose, to wit: to improve drainage of the C-7 Basin in the Northwest portion of the Miami-Dade County and increase resilience in the entire C-7 Basin; and

**WHEREAS**, the Governing Board shall direct District staff to acquire the Property by eminent domain, if an agreement for the sale and purchase of the Property is not reached.

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

**Section 1:** The acquisition by the District of the following land interests, for the C-7 Basin Resiliency Project, in Miami-Dade County, Florida, consisting of fee title to 1.116 acres, more or less, and as identified as Tract No. 32100-008, hereinafter referred to as the “Property”, as shown on the map attached hereto as Exhibit “B”, and as more particularly described on attached Exhibit “A,” with respect to which the District will seek to acquire the said land interests from the owner, is found by the Governing Board of the District to be necessary to operate and maintain the C-7 Basin Resiliency Project and is in the public interest and for a public purpose.

**Section 2.** In accordance with Chapter 73, Florida Statutes, the Governing Board of the South Florida Water Management District hereby authorizes and directs staff to make a final written offer to voluntarily purchase land interests for \$5,350,000 containing a total of 1.116 acres, more or less, for the C-7 Basin Resiliency Project, as stated below, together with associated costs, as follows:

Tract No.	Owner	Interest	Acres	Appraised Value	Purchase Price Offer
32100-008	79 Biscayne Plaza, LLC, a Florida limited liability company	Fee	1.116	\$4,860,000	\$5,350,000

**Budgeted:**

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Account	Account Description
\$5,350,000	401000	3510144000	P107	580020	Acquisition

**Section 3.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute an Agreement for Sale and Purchase and any instrument(s) affecting record real estate interests, and hereby authorizes the Executive Director or the Executive Director’s designee to execute all other documents necessary to consummate this transaction.

**Section 4.** The Governing Board of the South Florida Water Management District hereby approves utilization of Ad Valorem funds.

**Section 5.** The Governing Board of the South Florida Water Management District hereby authorizes staff to make a final written offer of \$5,350,000 for acquisition of the Property, and agree to purchase the Property for \$5,350,000, and that upon the Property owner's refusal to enter into the Agreement for Sale and Purchase referenced above, a Legal Officer of the District is hereby authorized, instructed, and directed to acquire land interests by eminent domain, to institute or cause to be instituted eminent domain proceedings as may be necessary pursuant to Chapters 73 and 74, Florida Statutes, to avail the District of all eminent domain powers and procedures authorized by Florida Statute and by rule of court, and to accomplish the acquisition described herein, including the authority to negotiate the acquisition of the described property.

**Section 6.** This resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 10<sup>th</sup> day of October, 2024.

**Exhibit "A"**

S.F.W.M.D. TRACT #32100-008

**Description:**

ALL THAT PART OF LOT 3, OF TUTTLE'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "B", PAGE 3, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING EAST OF FLORIDA EAST COAST RIGHT OF WAY, WEST OF PARCEL 3 PER THE FINAL JUDGEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1485, PAGE 392, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH

LOTS 47 TO 51 INCLUSIVE OF "VIRGINIA PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTH OF N.E. 82ND STREET, LESS AND EXCEPT PARCELS 5 AND 6 PER THE FINAL JUDGEMENT AS RECORDED IN 1485, PAGE 392 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

All that Part of Lot 3 containing 1.05 acres more or less.

Together With Portion containing 2,859.68 square feet, or 0.066 acres more or less.

Both parcels together containing a total of 1.116 acres more or less.

*This description is not valid unless accompanied by the description sketch.*

**CERTIFICATION**

**I HEREBY CERTIFY** that the description of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

This is an electronically signed and sealed document pursuant to Chapter 5J-17.062, Florida Administrative Code. The printed version or copies thereof are not valid without the original signature and raised seal of a Florida Licensed Land Surveyor and Mapper.

**I FURTHER CERTIFY** that this description and sketch was made under my responsible charge and meets the applicable Standards of Practice for a description/sketch as set forth by the Florida Board of Professional Surveyors and Mappers in 5J-17.051, Florida Administrative Code, pursuant to Section 472.027, Florida State Statutes.

**THIS DRAWING  
DOES NOT REPRESENT A SURVEY  
MIAMI-DADE COUNTY, FLORIDA**

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

**S.F.W.M.D. TRACT #32100-008**  
**SECTION 07 TOWNSHIP 53 SOUTH RANGE 42 EAST**

BRIAN SCOTT  
MCEACHERN  
2024.09.05  
'00'04- 17:00:59



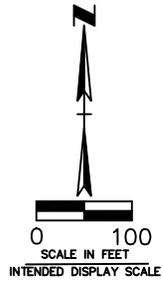
**BRIAN S. MCEACHERN**  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 7411

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
B.S.M.		10/06/23	SHOWN	S27_Acq_LDSK	1 OF 23

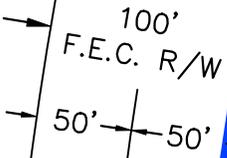
**HATCH LEGEND**

 LOT 3  
±1.05 ACRES

 TOGETHER WITH  
PORTION  
±2,859.68 SQ.FT.  
±0.066 ACRES



WEST LINE  
OF CANAL  
RIGHT OF WAY  
DESCRIBED  
PER  
WMD # 1688  
(ORB 1485  
PG 392)

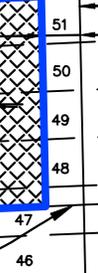


NORTH LINE OF  
LOT 51 OF  
VIRGINIA PARK  
PB 10 PG 43

PARCEL 6  
20' STRIP  
(PERMANENT  
EASEMENT  
ORB 1485  
PG 392)

NORTH LINE OF  
NE 82ND ST.

NE 4TH CT.



LOT 3  
TUTTLES  
SUBDIVISION  
PB. B PG  
3

PARCEL 3  
IRREGULAR STRIP  
WMD # 1688 (ORB 1485  
PG 392)

S-27  
CANAL "LITTLE RIVER"

PARCEL 5  
PERMANENT R/W  
(ORB 1485 PG 392)  
WIDTH VARIES

LOTS 47 - 51 OF  
VIRGINIA PARK  
PB 10 PG 43

NE 82ND ST.

- LEGEND**
- S.F.W.M.D. = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
  - ORB = OFFICIAL RECORD BOOK
  - PG = PAGE
  - PB = PLAT BOOK
  - WMD = WATER MANAGEMENT DEED
  - R/W = RIGHT OF WAY
  - FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
  - ST = STREET

**THIS IS NOT A BOUNDARY SURVEY**

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

S.F.W.M.D. TRACT #32100-008  
SECTION 07 TOWNSHIP 53 SOUTH RANGE 42 EAST

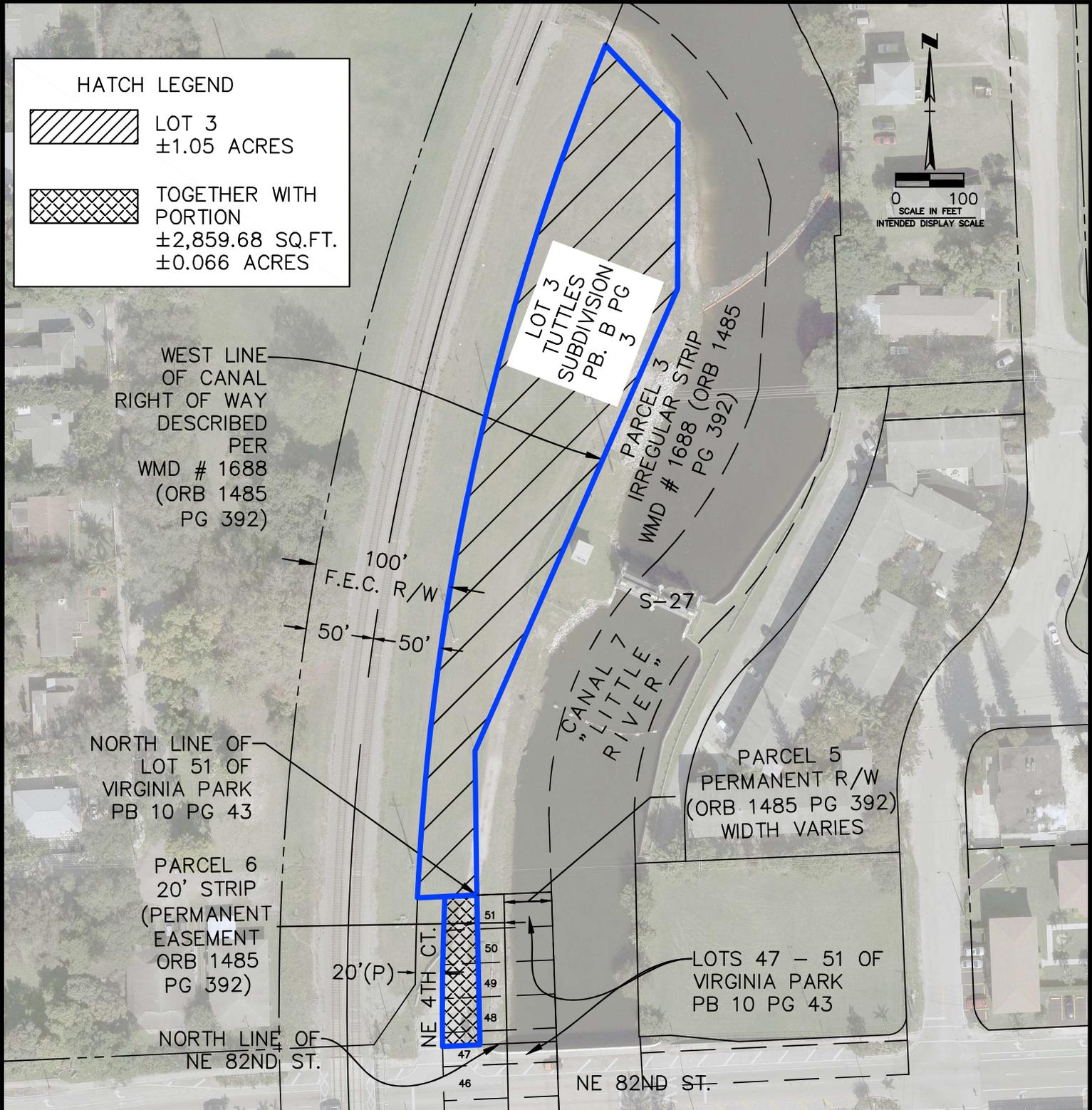
DRAWN B.S.M.	CHECKED	DATE 10/06/23	SCALE SHOWN	DRAWING NUMBER S27_Acq_LDSK	SHEET 2 OF 24
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**HATCH LEGEND**

 LOT 3  
±1.05 ACRES

 TOGETHER WITH  
PORTION  
±2,859.68 SQ.FT.  
±0.066 ACRES

  
0 100  
SCALE IN FEET  
INTENDED DISPLAY SCALE



- LEGEND**
- S.F.W.M.D. = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
  - ORB = OFFICIAL RECORD BOOK
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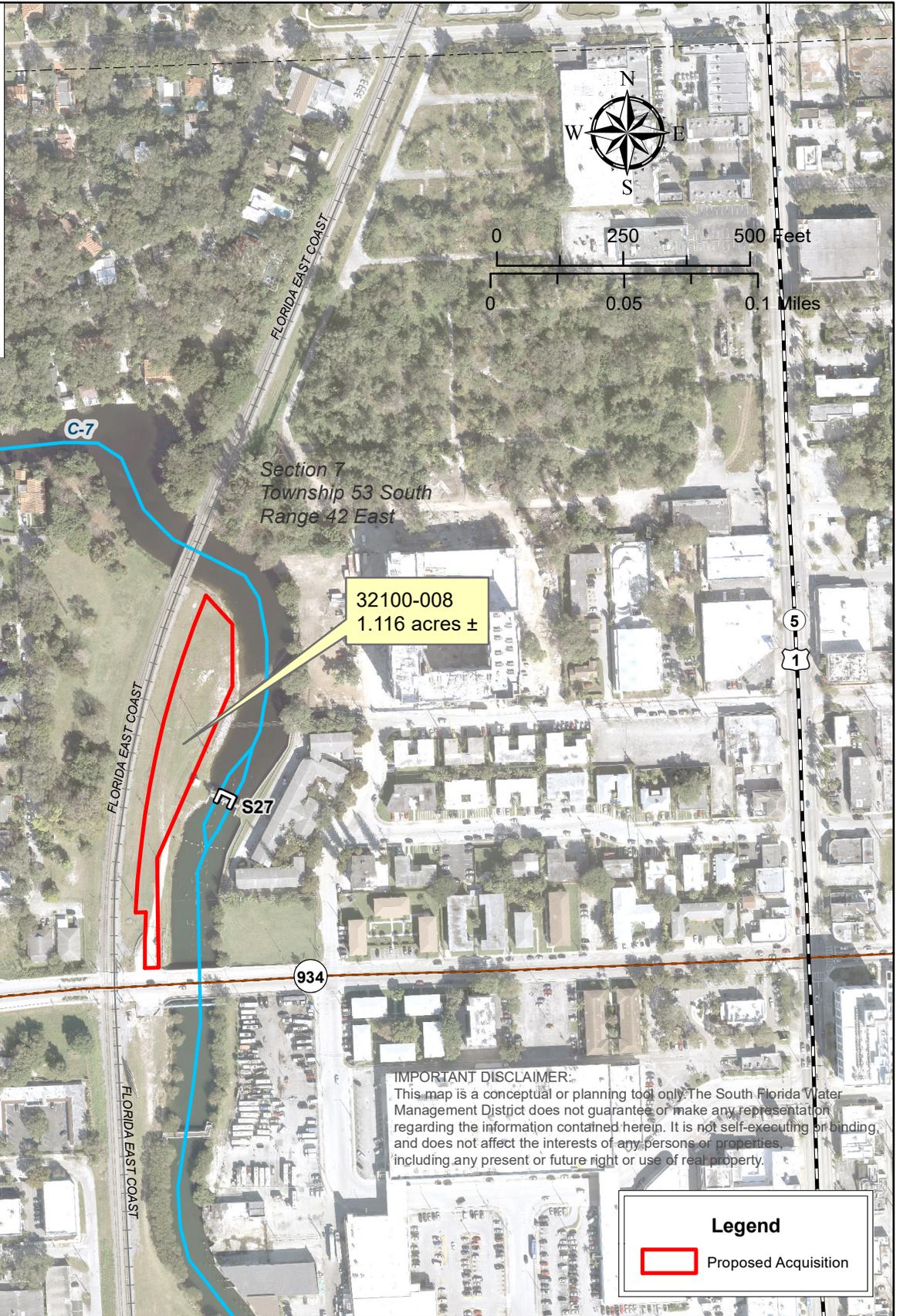
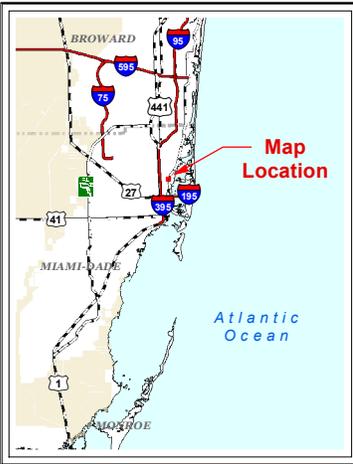
**THIS IS NOT A BOUNDARY SURVEY**

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

**S.F.W.M.D. TRACT #32100-008**

**SECTION 07 TOWNSHIP 53 SOUTH RANGE 42 EAST**

DRAWN B.S.M.	CHECKED	DATE 10/06/23	SCALE SHOWN	DRAWING NUMBER S27_Acq_LDSK	SHEET 2 OF 25
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C-7 Basin Resiliency  
S-27 Coastal Structure  
Miami-Dade County



## Schedule "1"

### SAFETY:

The acquisition of this parcel itself does not raise any specific safety concerns. This land will be used to enhance the existing S-27 structure with hardened and elevated gates and construct a new forward pump station that were identified as the priority critical infrastructure for C-7 Basin Central and Southern Florida (C&SF) flood risk management project included in the SFWMD Sea Level Rise and Flood Resiliency Plan.

### COST:

The cost of these parcels fits into the planned funding for this project to achieve its objectives.

### ALTERNATIVES:

Alternative Plans that were evaluated during the conceptual design identified the real estate required for all project Components. Acquiring this parcel will allow the design, construction and operations of the new forward pump station, backup generator facility, fuel farm, intake and outflow channels near the existing S-27 spillway structure. As part of the proposal, alternative plans were received and evaluated to reduce the flood risks in the C-7 Basin. The addition of a new forward pump station is deemed more effective to provide flood reduction in the C-7 basin. In connection with the evaluations for the project, it was concluded that the existing S-27 structure be enhanced, and therefore the new forward pump station would need to be as close as possible to the existing S-27 Structure.

### LONG RANGE PLANNING:

The S-27 structure enhancement and a forward pump station are components of the C-7 Basin Resiliency Project, identified as a priority project in the SFWMD Sea Level Rise and Resiliency Plan. The project components were designed for future conditions with 50-years of service life. The intent of C-7 Basin Resiliency Project is to improve overall drainage in the entire C-7 Basin by restoring the design capacity of S-27 structure through supplementing with a forward pump station. The existing S-27 structure, built over 60 years ago, was not designed to account for sea level rise and extreme rainfall conditions. As a result, its capacity to discharge is currently limited compared to its original design intent. The acquisition of this parcel will further assist in achieving the goals of the C-7 Basin Resiliency Project by implementing the project components indicated above.

### ENVIRONMENT:

The subject parcel has undergone a cultural resources reconnaissance survey and other preliminary evaluation. The assessments have determined that the parcels are suitable for the C-7 Basin Resiliency Project. The SFWMD will be responsible for the design and construction of this project and will conduct the appropriate coordination with the federal, state and local partners for compliance with appropriate permitting, design and construction requirements.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Rich Virgil, P.E., Field Operations Division

**DATE:** October 17, 2024

**SUBJECT:** Request for Right of Way Occupancy Permit

### **Agenda Item Background:**

Taft Sp, LLC (Applicant) is applying for a Standard Right of Way Occupancy Permit Number 16889-R (ROW Permit) to construct a private 14-slip marina in the C-10 Canal for Hollywood Landings, a new residential development located on the east side of the C-10 Canal, north of Taft Street in the City of Hollywood. The District is the owner of the submerged lands upon which the marina will be constructed. In accordance with District rules, no fees will be collected from the residents for use of the facilities. This requirement is a condition of the ROW Permit.

The District authorizes marinas by issuing a Standard Right of Way Occupancy Permit, which is a permit type that must be approved by the District's Governing Board. If approved, the proposed marina will not impact any District restoration projects or limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way. The proposed private marina complies with all District rules and criteria, and no waivers of any District criteria are required. As condition of the ROW Permit, the Applicant will be responsible for maintenance and management of the marina.

### **Staff Contact and/or Presenter:**

Rich Virgil, P.E., [rvirgil@sfwmd.gov](mailto:rvirgil@sfwmd.gov), 561-682-6759

### **ATTACHMENTS:**

[Backup Presentation](#)

## RIGHT OF WAY OCCUPANCY PERMIT (ROW PERMIT) REQUEST

<b>Applicant</b>	Taft Sp, LLC
<b>Application Number</b>	231010-40738
<b>Canal</b>	C-10
<b>Location</b>	East Right of Way of the C-10 Canal, north of Taft Street, Hollywood, Broward County
<b>Proposed Improvements to be Authorized by Issuance of a Standard Permit</b>	Private 14-Slip Marina
<b>ROW Permit Number (proposed)</b>	<b>16889-R</b>

### SUMMARY

Taft Sp, LLC (Applicant) is applying for a Standard Right of Way Occupancy Permit Number 16889-R (ROW Permit) to construct a private 14-slip marina in the C-10 Canal for Hollywood Landings, a new residential development located on the east side of the C-10 Canal, north of Taft Street in the City of Hollywood. The District is the owner of the submerged lands upon which the marina will be constructed. In accordance with District rules, no fees will be collected from the residents for use of the facilities. This requirement will be a condition of the ROW Permit.

The District authorizes marinas by issuing a Standard Right of Way Occupancy Permit, which is a permit type that must be approved by the District's Governing Board. The proposed private marina complies with all District rules and criteria, and no waivers of any District criteria are required.

If approved, the proposed marina will not impact any District restoration projects or limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way. As condition of the ROW Permit, the Applicant will be responsible for maintenance and management of the marina.

### RECOMMENDATION

Staff recommends **approval** of issuance of Standard Right of Way Occupancy Permit Number 16889-R (Application 231010-40738).

(Fee)

**Proposed Private 14-Slip Marina at Hollywood Landings  
Taft Sp, LLC, Applicant  
C-10 Canal – Hollywood, Broward County**

**Right of Way Occupancy Permit No. 16889-R**

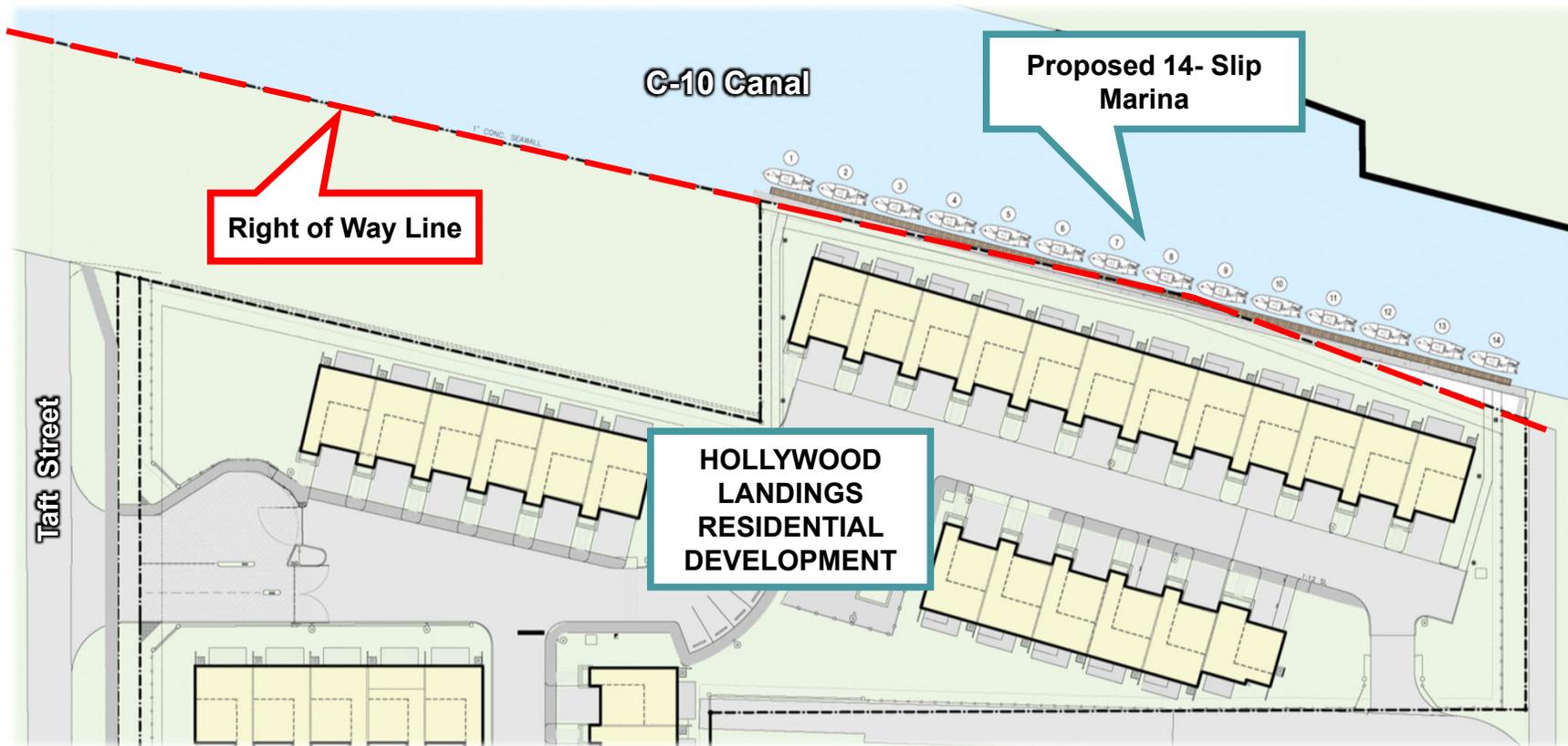
**John R. Hixenbaugh, J.D., AICP  
Right of Way Section Administrator  
South Florida Water Management District  
Governing Board Meeting  
October 10, 2024**

## Application Information and Location Map

- **Applicant:** Taft Sp, LLC
- **Application Number:** 231010-40738
- **Canal:** C-10 Canal
- **Location:** East right of way of the C-10 Canal, north of Taft Street, Hollywood, Broward County.
- **Request:** Issuance of Standard Right of Way Occupancy Permit No. 16889-R to construct a 14-slip marina for the Hollywood Landings residential development.



# Site Plan



## Findings

- The proposed marina complies with all District criteria. No waivers are required.
- The District is the owner of the submerged lands upon which the marina will be constructed. In accordance with District rules, no fees will be collected from the residents for use of the facilities. This requirement will be a condition of the ROW Permit.
- As condition of the ROW Permit, the Applicant will be responsible for maintenance and management of the marina.
- Construction of the proposed marina will not result in any adverse impacts to District routine or emergency operations or maintenance.

# Discussion

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Lucine Dadrian, P.E., Engineering, Construction & Modeling

**DATE:** October 17, 2024

**SUBJECT:** C-44 Reservoir and Stormwater Treatment Area - Recreation Features Project, Martin County

### **Agenda Item Background:**

As part of the Comprehensive Everglades Restoration Plan - Indian River Lagoon South (IRL-S), the C-44 Reservoir and Stormwater Treatment Area (RSTA), located in Martin County, along with the other components of IRL-S will improve the estuarine health of the St. Lucie River, St. Lucie Estuary, and the southern Indian River Lagoon. This will be accomplished by reducing the frequency and duration of damaging discharges to the receiving water bodies and the retention of watershed flows in the natural system.

The C-44 RSTA Recreation Features Project includes construction of directional signage, striped parking areas, trailer parking, picnic shelters, picnic tables, vault toilets, stand-alone interpretive signage shelters, interpretive signage shelter with benches, pedestrian walk-throughs at vehicle gates, and barriers with tie-off cleats at the reservoir boat ramp. Americans with Disabilities Act (ADA) accommodations are included with handicapped parking spaces, handicapped trailer spaces, ADA compatible picnic tables, and ADA compatible restrooms.

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. The bid opening for this project was on September 24, 2024.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

C-44 RSTA Recreation Features Project supports the District's mission of recreational access and public use on District lands.

#### **Funding Source:**

C-44 RSTA Recreation Features Project will be funded through dedicated funds (Land Acquisition Trust Fund and State General Revenue).

#### **Staff Contact and/or Presenter:**

Lucine Dadrian, P.E., [ldadrian@sfwmd.gov](mailto:ldadrian@sfwmd.gov), 561-682-2685

### **ATTACHMENTS:**

[Resolution No. 2024-1003](#)



# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 416-day contract with Loren Jock Trucking, Inc., the lowest responsive and responsible bidder, for the C-44 Reservoir and Stormwater Treatment Area Recreation Features Project, in the amount of \$2,200,000, for which dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025, providing an effective date. (Contract No. 4600005107)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a 416-day contract with Loren Jock Trucking, Inc., for the C-44 RSTA Recreation Features Project, in the amount of \$2,200,000.

**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 entering into a contract with Loren Jock Trucking, Inc. for the C-44 RSTA Recreation Features Project, in the amount of \$2,200,000, for which dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025. (Contract No. 4600005107)

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

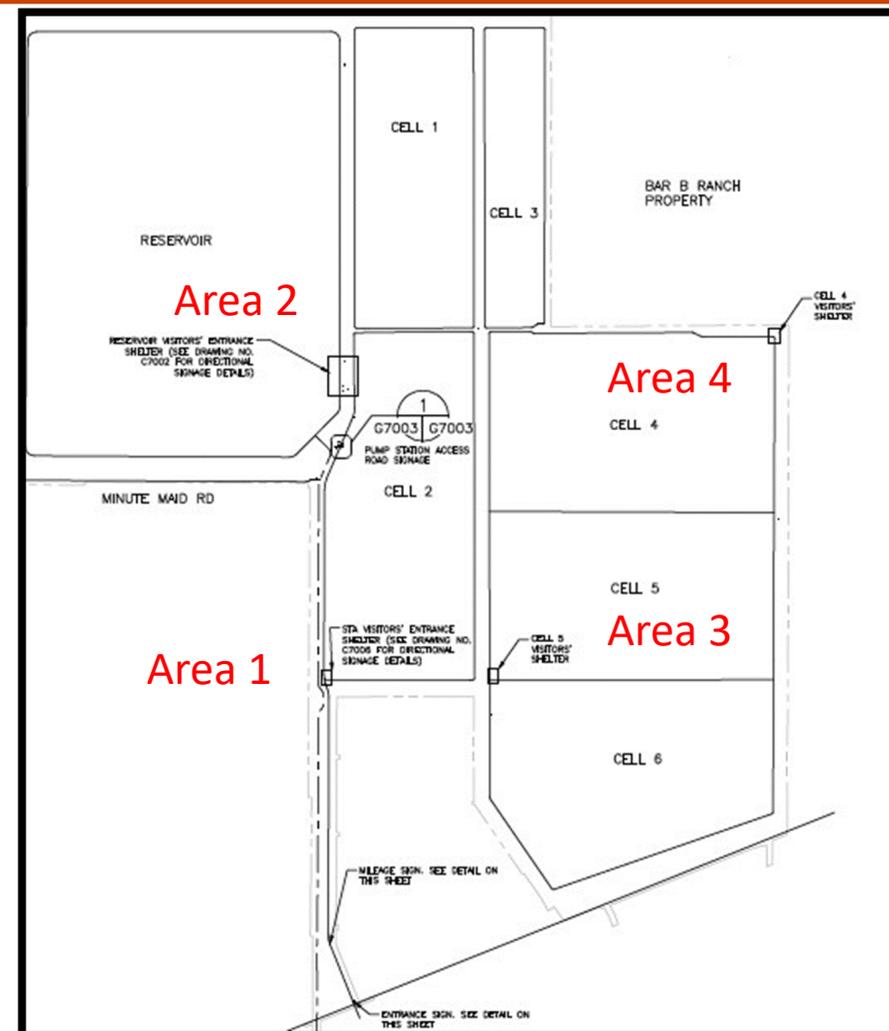
**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.



# Background

The project is located in four main areas within the C-44 Project site, with directional signage along the paved access road:

- **Area 1:** STA Visitors' Entrance: Near the southwest corner of Cell 2, northeast of the Project Access Road and Cell 2 south berm road intersection.
- **Area 2:** Reservoir Visitors' Entrance: Includes "at grade" and "at crest" portions, located at the C-44 Reservoir parking lot north of the S-401 Pump Station and west of the northern half of Cell 2.
- **Area 3:** Cell 5 Visitors' Shelter: Adjacent to the southwest corner of Cell 5.
- **Area 4:** Cell 4 Visitors' Shelter: Adjacent to the northeast corner of Cell 4.



# Scope



- The types of features include it to be constructed are directional signage, striped parking areas, trailer parking, picnic shelters, picnic tables, vault toilets, stand-alone interpretive signage shelters, interpretive signage shelter with benches, pedestrian walk-throughs at vehicle gates, and barriers with tie-off cleats at the reservoir boat ramp.
- American with Disabilities Act (ADA) accommodations are included with handicapped parking spaces, handicapped trailer spaces, ADA compatible picnic tables, and ADA compatible restrooms.

# Scope

Reservoir Visitor's Entrance at Grade



Reservoir Visitor's Entrance at Crest

STA Entrance, SW Corner of cell 2



STA Cell 5 SW Corner



STA Cell 4 NE Corner



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Lucine Dadrian, P.E., Engineering, Construction & Modeling

**DATE:** October 17, 2024

**SUBJECT:** C-23/C-24 RSTA Microwave Tower Project, St. Lucie County

### **Agenda Item Background:**

As part of the Comprehensive Everglades Restoration Plan - Indian River Lagoon South (IRL-S), the C-23/24 Reservoir and Stormwater Treatment Area (RSTA) Microwave Tower Project, located in St. Lucie County will include a 350-ft tall tower with a 20-ft tall antenna, Information Technology Equipment and Generator Building, access road and site drainage improvements, and power utility connections. This tower supports the C-23/C-24 North and South Reservoirs and STA and the C-25 Reservoir and STA through a microwave network system that communicates with the water management system at headquarters.

The project supports the components of IRL-S to improve the estuarine health of the St. Lucie River, St. Lucie Estuary, and the southern Indian River Lagoon. This will be accomplished by reducing the frequency and duration of damaging discharges to the receiving water bodies and the retention of watershed flows in the natural system.

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. The bid opening for this project was on September 25, 2024.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

C-23/C-24 RSTA Microwave Tower supports the core missions of flood control, water supply, water quality, and ecosystem restoration.

#### **Funding Source:**

C-23/C-24 RSTA Microwave Tower will be funded through dedicated funds (Land Acquisition Trust Fund and State General Revenue) in Fiscal Year 2024-2025.

#### **Staff Contact and/or Presenter:**

Lucine Dadrian, P.E., [ldadrian@sfwmd.gov](mailto:ldadrian@sfwmd.gov), 561-682-2685

### **ATTACHMENTS:**

[Resolution No. 2024-1004](#)

[Backup Presentation](#)

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 721-day contract with Expert Construction Managers, Inc, the lowest responsive and responsible bidder, for the C-23/C-24 RSTA Microwave Tower Project, in the amount of \$15,345,000, for which \$6,000,000 in dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets, providing an effective date. (Contract No. 4600005103)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a 721-day contract with Expert Construction Managers, Inc, for the C-23/C-24 RSTA Microwave Tower Project, in the amount of \$15,345,000.

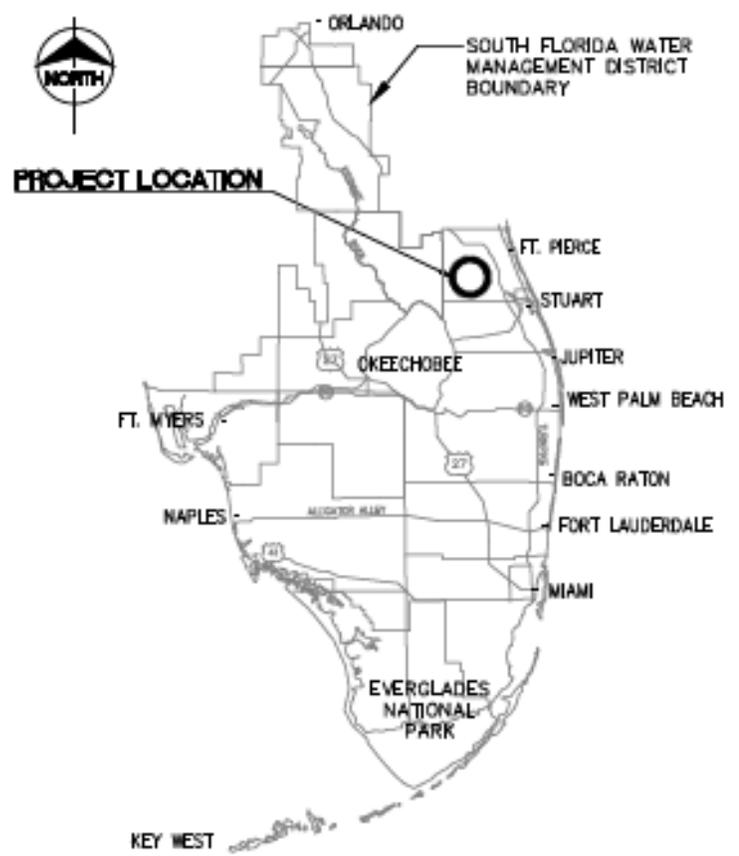
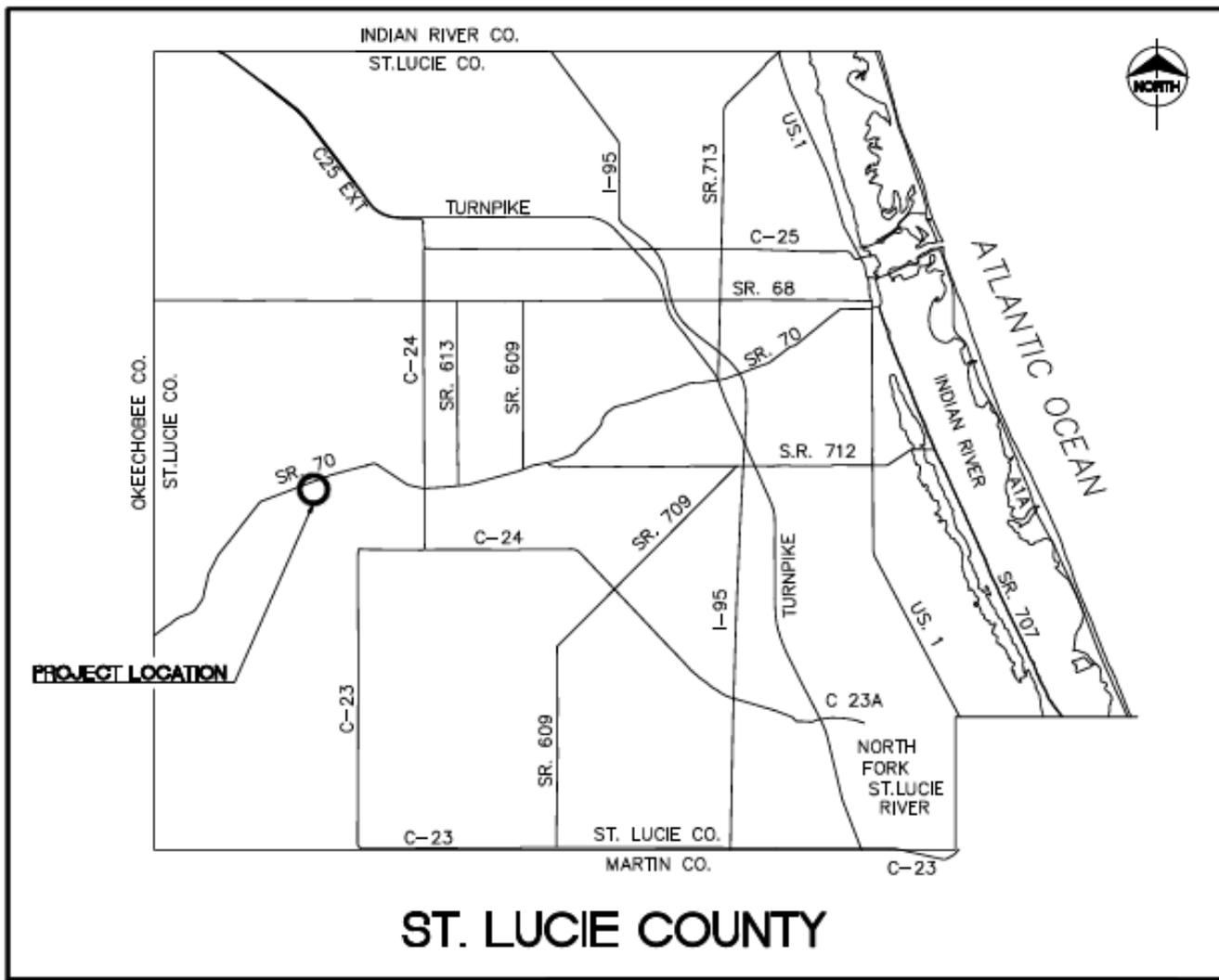
**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby authorizes entering into a contract with Expert Construction Managers, Inc, for the C-23/C-24 RSTA Microwave Tower Project, in the amount of \$15,345,000 for which \$6,000,000 in dedicated funds (Land Acquisition Trust Fund and State General Revenue are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets. (Contract No. 4600005103)

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

**PASSED and ADOPTED this 10<sup>th</sup> day of October, 2024.**

# Location Map



# Background

- Project is part of Comprehensive Everglades Restoration Plan - Indian River Lagoon South (IRL-S)
- Supports the components of IRL-S to improve the estuarine health of the St. Lucie River, St. Lucie Estuary, and the southern Indian River Lagoon. This will be accomplished by reducing the frequency and duration of damaging discharges to the receiving water bodies and the retention of watershed flows in the natural system.
- District maintains and operates an extensive network of canals, levees, pump stations, and water control structures through a microwave network utilizing towers across the 16 counties
- This tower specifically supports the C-23/C-24 North and South Reservoirs and STA and the C-25 Reservoir and STA through a microwave network system that communicates with the water management system at headquarters

# Scope

- 350-ft tall tower with a 20-ft tall antenna, totaling 370-ft
- Antenna fixtures and hardware for the proposed SCADA and microwave systems
- IT Equipment and Generator Building
- Access road
- Site drainage improvements
- Power utility connections

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Lucine Dadrian, P.E., Engineering, Construction & Modeling

**DATE:** October 17, 2024

**SUBJECT:** Underground Storage Tank Replacement, Critical Flood Control Infrastructure Project, Miami-Dade and Palm Beach Counties

### **Agenda Item Background:**

As part of the Operations & Maintenance Critical Flood Control Infrastructure Capital Program, the Underground Storage Tank Replacement Project, located in Miami-Dade and Palm Beach Counties, will consist of the replacement of six underground fuel storage tanks with aboveground rectangular concrete tanks to prevent any potential future environmental impacts, located at the Miami Field Station, West Palm Beach Field Station and S-5A Pump Station Administration Building. All tanks are 30 years or older and beyond their useful life. The project will also perform closure integrity evaluation for the underground fuel tanks prior to removal. These tank replacements will provide continuous operations to Field Operations during normal business and emergency events supporting the management of critical flood control infrastructure. The new fuel tank systems will be installed, fully tested and operational prior to the underground fuel system removals.

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. The bid opening for this project was on September 30, 2024.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

This project supports the District's core missions of flood control, water supply and emergency management.

#### **Funding Source:**

The Underground Storage Tank Replacement Project will be funded through dedicated funds (State Appropriations) and Ad Valorem funds.

#### **Staff Contact and/or Presenter:**

Lucine Dadrian, P.E., [ldadrian@sfwmd.gov](mailto:ldadrian@sfwmd.gov), 561-682-2685

### **ATTACHMENTS:**

[Resolution No. 2024-1005](#)

[Backup Presentation](#)

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024 - XXXX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 620-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the Underground Storage Tank Replacement critical flood control infrastructure project, in the amount of \$14,272,000, for which \$6,000,000 in dedicated funds (State Appropriations) and Ad Valorem funds are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets, providing an effective date. (Contract No. 4600005109)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a 620-day contract with Douglas N. Higgins, Inc. for the Underground Storage Tank Replacement Project, in the amount of \$14,272,000.

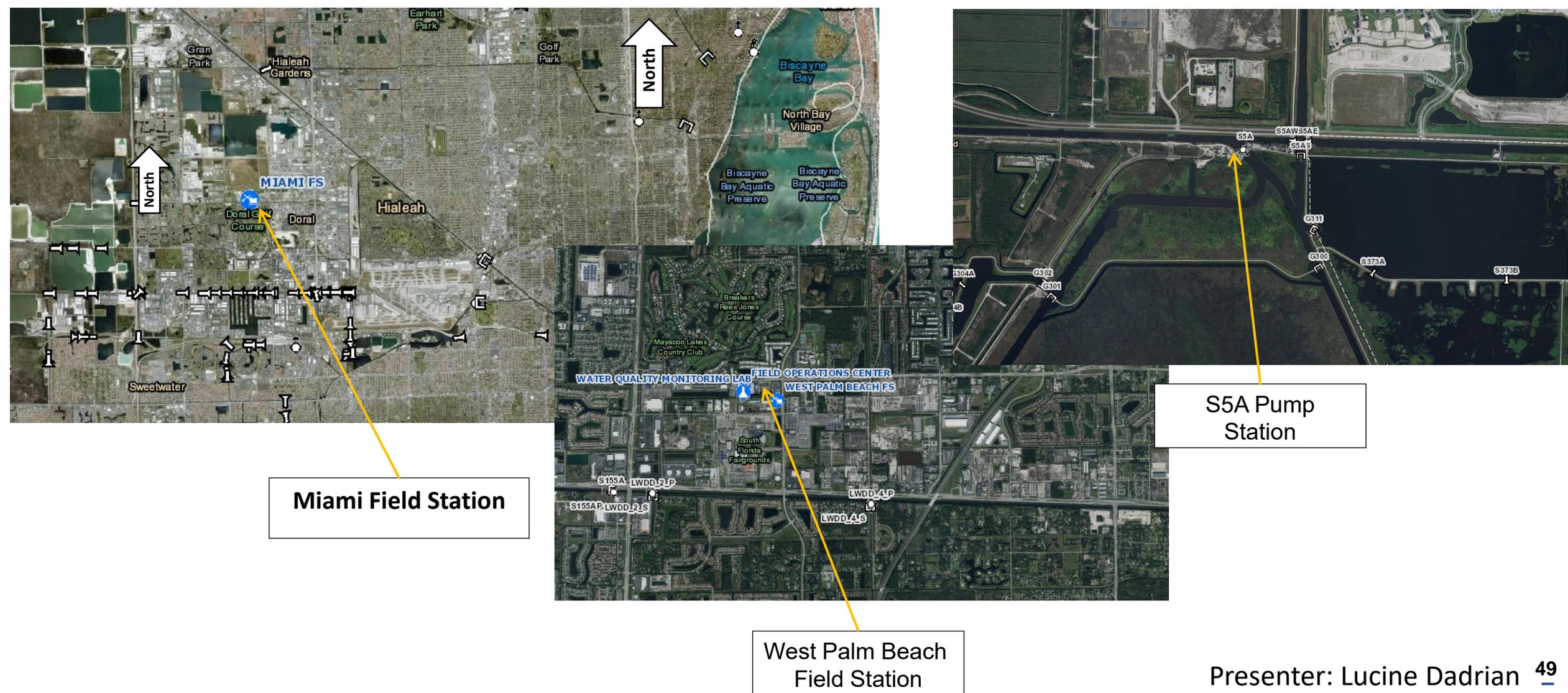
### **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby authorizes entering into a contract with Douglas N. Higgins, Inc. for the Underground Storage Tank Replacement Project, in the amount of \$14,272,000 for which \$6,000,000 in dedicated funds (State Appropriations) and Ad Valorem funds are budgeted in Fiscal Year 2024-2025 and the remainder is subject to Governing Board approval of future years' budgets. (Contract No. 4600005109)

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

**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.

# Location Map



Miami Field Station

West Palm Beach Field Station

S5A Pump Station

# Background

- This project will consist of the replacement of six (6) underground vehicle fuel storage tanks located at the Miami Field Station, West Palm Beach Field Station and S5A Pump Station Administration Building.
- All tanks are 30 years or older and beyond their useful life.
- Obtaining insurance coverage for tanks greater than 30 years old is also expensive and difficult. The deductibles are high and there would be a need for a yearly renewal process.
- To mitigate for future environmental impacts, it has been recommended that the tanks be replaced with new aboveground storage tanks.

# Scope

- **Miami Field Station** - Remove (3) 6,000-gallon double-wall fiberglass underground tanks, one each of unleaded gasoline, on-road diesel fuel and off-road diesel fuel. Replace with (3) 6000-gallon concrete encased aboveground storage tanks.
- **West Palm Beach Field Station** - Remove (2) 4,000-gallon double-wall fiberglass underground tanks, one each of on-road diesel and off-road diesel. Replace with (2) 4000-gallon concrete encased aboveground storage tanks.
- **S5A Administration Building** - Install split 8000-gallon unleaded diesel and on-road diesel concrete encased above ground storage tank.
- Replace fuel dispensing equipment, associated piping and appurtenances at all storage tank locations.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Lucine Dadrian, P.E., Engineering, Construction & Modeling

**DATE:** October 17, 2024

**SUBJECT:** C-43 Canal Water Quality Treatment and Testing Project Change Order No. 3, Glades County

### **Agenda Item Background:**

As part of the Northern Everglades Estuary Protection Program (NEEPP), the C-43 Water Quality Treatment and Testing Project (C43-WQTTP), located in Glades County, is intended 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 project site is located on the BOMA property, which is situated South of the Caloosahatchee River, North of State Road 80, just upstream (East) of the S-78 Spillway and Lock Structure.

The C43-WQTTP 2012 Conceptual Plan 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) is complete. The test cells and field-scale cells (Phase II), which is under construction, was envisioned to help inform the basis for the design of a future, full-scale constructed treatment facility.

On November 10, 2022, the Governing Board awarded the C43-WQTTP Phase II Project contract to Phillips & Jordan, Inc., for \$24,623,409.85. Change Orders No. 1 & 2 add \$962,564.64 to the contract for modifications to the intake canal and adds 19 days for permit delays. During construction of the project, unforeseen site conditions were discovered that required additional grading soil management. Change Order No. 3 is a negotiated settlement for unforeseen site conditions and survey differences. These changes result in an increase to the contract price by \$2,500,000.00 for a revised total contract value of \$28,085,974.49 and adds 155 days to the contract time.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

C-43 Canal Water Quality Treatment and Testing Project supports the District's core missions of water quality, flood control, and ecosystem restoration.

#### **Funding Source:**

C-43 Canal Water Quality Treatment and Testing Project is funded through dedicated funds (Land Acquisition Trust Fund and State General Revenue).

#### **Staff Contact and/or Presenter:**

Lucine Dadrian, P.E., [ldadrian@sfwmd.gov](mailto:ldadrian@sfwmd.gov), 561-682-2685

**ATTACHMENTS:**

Resolution No. 2024-1006

Backup Presentation

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize Change Order No. 3 with Phillips and Jordan, Inc. for the construction of the C-43 Canal Water Quality Treatment and Testing Project, for an additional amount not to exceed \$2,500,000, for which dedicated funds (Land Acquisition Trust Fund and State General Revenue) are budgeted in Fiscal Year 2024-2025; providing and effective date. (Contract No. 4600004685-CO03)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize Change Order No. 3 with Phillips and Jordan, Inc., for the construction of the C-43 Canal Water Quality Treatment and Testing Project.

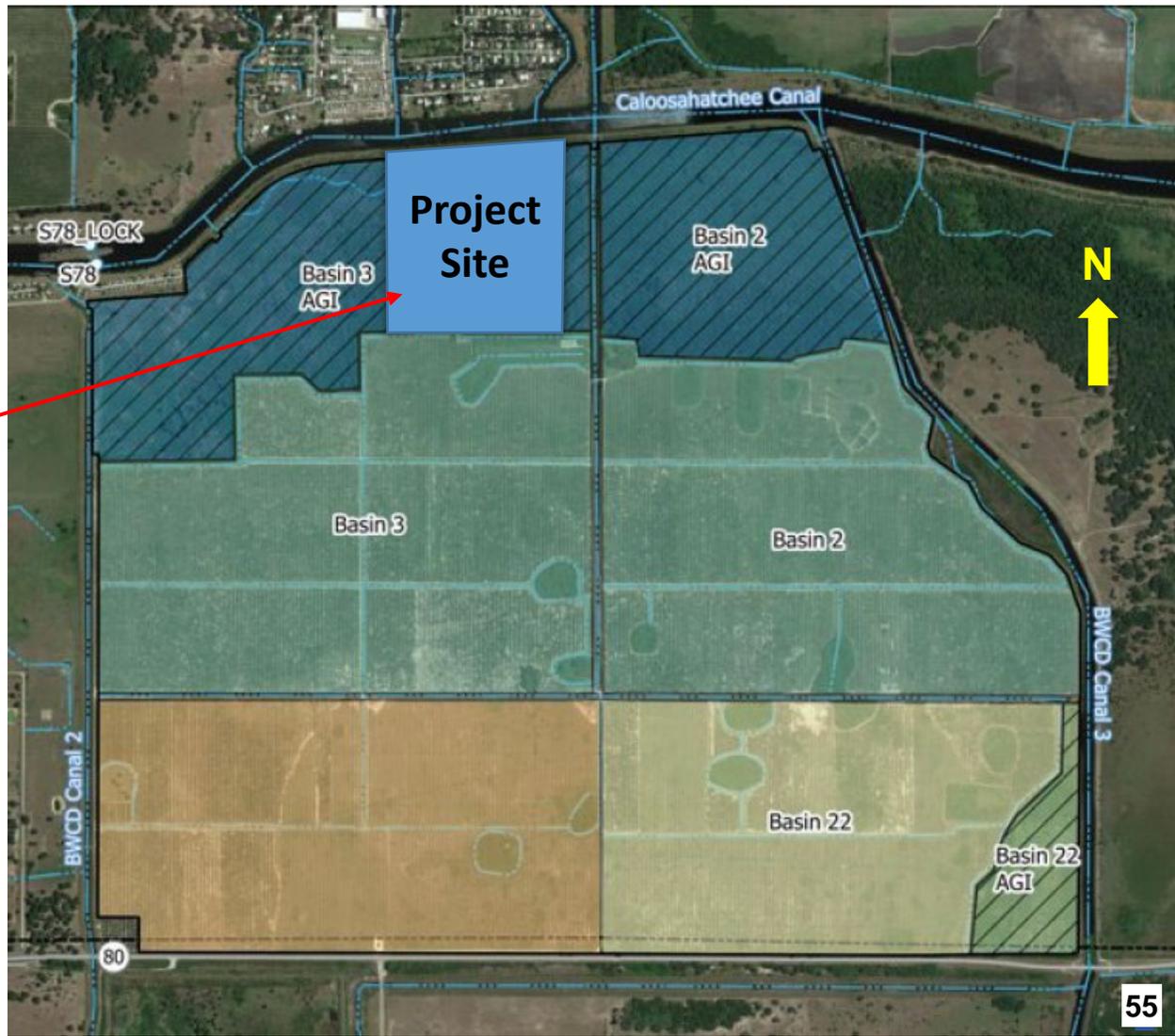
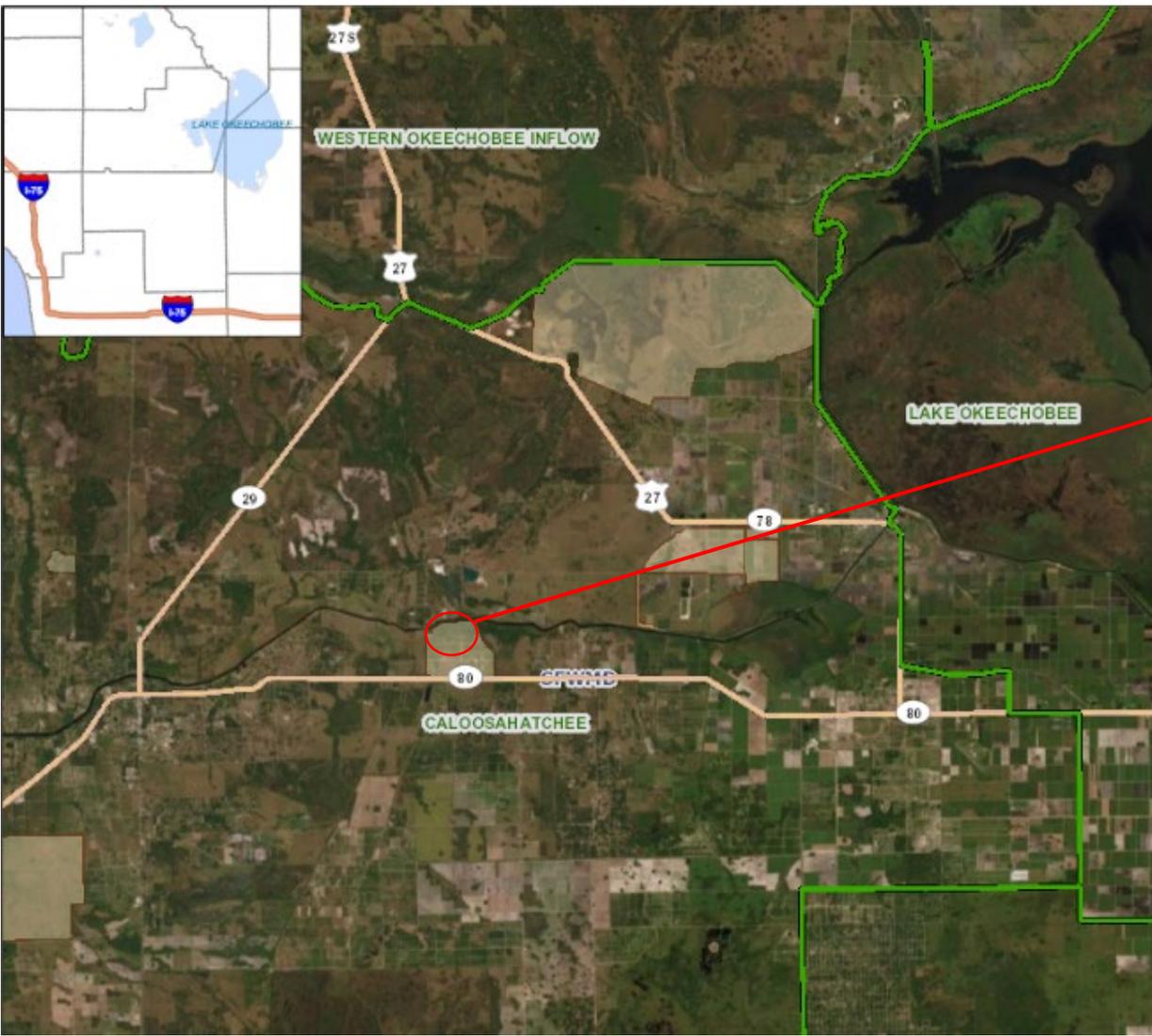
**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby authorizes Change Order No. 3 for the C-43 Canal Water Quality Treatment and Testing Project, for an additional amount not to exceed \$2,500,000, for which dedicated funds (Land Acquisition Trust and State General Revenue) are budgeted in Fiscal Year 2024-2025. (Contract No. 4600004685-CO03)

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

**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.

# Location



# C-43 Water Quality Treatment and Testing Facility



Project Site

Boma Property



Phase 1 - Mesocosms

# Background

- Purpose: demonstrate and implement cost-effective, wetland-based strategies for reducing nutrient loading
- Co-located inside BOMA Flow Equalization Basin (FEB) footprint
- Test Cell construction completion expected early 2025
- Three-year research to start after construction



# Scope

- Base Contract executed January 2023, for \$24,623,409.85
- Change Order No. 1 executed in January 2024 for USACE 404 Permit Delays adding 19 days to the contract
- Change Order No. 2 executed in May 2024 for the BOMA Central C1-N Canal modifications for \$962,564.64
- Change Order No. 3 is to resolve differences in field observed subgrade elevations and excess muck material for a negotiated settlement of \$2,500,000 and 155 days
- Revised Contract Cost - \$28,085,974.49

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Lawrence Glenn, Water Resources Division

**DATE:** October 17, 2024

**SUBJECT:** 2024 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 prioritizing water bodies for developing or reevaluating 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 2024 Priority Water Body List and Schedule includes MFL reevaluations of the Northwest Fork of the Loxahatchee River, Florida Bay, and Biscayne Aquifer to adapt to changing hydrological conditions including the Comprehensive Everglades Restoration Plan and sea level rise over a 20-year planning horizon.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

The technical processes to reevaluate MFLs are part of the District's core mission and strategic priorities to protect natural systems. The Water Resources Development Act of 2000 and Section 373.470(3)(c), Florida Statutes, require the District to protect the water made available for the natural system resulting from a CERP project. As the legislatively delegated authority for the State's water protections, the District utilizes its regulatory framework to protect increased water availability. The District has a variety of regulatory mechanisms at its disposal, including its current consumptive use permitting criteria and the ability to adopt new water reservations or restricted allocation areas when appropriate.

#### **Funding Source:**

Staff resources, funded with Ad Valorem sources, are used to develop scientifically defensible documentation that supports establishment of water resource protection for waterbodies.

#### **Staff Contact and/or Presenter:**

James Beerens, [jabeeren@sfwmd.gov](mailto:jabeeren@sfwmd.gov), 561-682-2028,  
Cassandra Armstrong, [cthomas@sfwmd.gov](mailto:cthomas@sfwmd.gov), 561-682-6716

### **ATTACHMENTS:**

[Resolution No. 2024-1007](#)

## 2024 Priority Water Body List and Schedule

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize submission of the proposed 2024 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 2024 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 2024 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 2024 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 10th day of October, 2024.

# South Florida Water Management District 2024 Priority Water Body List and Schedule

## **Minimum Flows and Minimum Levels:**

### **2024 - 2026 – Northwest Fork of the Loxahatchee River**

- Reevaluate Minimum Flows and Levels Criteria for the Northwest Fork of the Loxahatchee River to include changing hydrological considerations including the Comprehensive Everglades Restoration Plan (CERP) and sea level rise over a 20-year planning horizon.

### **2024 - 2026 – Florida Bay**

- Reevaluate Minimum Flows and Levels Criteria for Florida Bay to include changing hydrological considerations including CERP and sea level rise over a 20-year planning horizon.

### **2025 - 2027 – Biscayne Aquifer**

- Reevaluate Minimum Flows and Levels Criteria for the Biscayne Aquifer to include changing hydrological considerations including CERP and sea level rise over a 20-year planning horizon.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Carolina Maran, Ph.D., P.E., Chief of District Resiliency

**DATE:** October 17, 2024

**SUBJECT:** Grant Agreements, Resilient Florida Grant Program

### **Agenda Item Background:**

On August 20, 2024, the Florida Department of Environmental Protection (DEP) awarded the District a sum of approximately \$45 million for the execution of three resiliency projects through the Resilient Florida Grant Program, as summarized below:

#### Grants Awarded to the District:

- \$6,050,000 for S-169W Structure Improvements
- \$28,100,000 for C-8 Basin Resilience
- \$10,934,265 for Homestead Field Station Improvements

This agenda item is requesting authorization from the Governing Board to enter into three grant agreements with DEP for the plan, design, and construction of the three projects listed above.

### **Additional Item Background:**

The purpose of the S-169W Structure Improvement Project is to harden S-169W Structure and install a standalone trash rake structure to support vegetation removal from the C-20 Canal system and an upstream manatee protection barrier to prevent manatees from entering into the structure. The trash rakes and manatee barrier features will be anchored to the canal bottom and will extend vertically at least two feet higher than the instantaneous high-water level anticipated for this canal segment.

The purpose of the C-8 Basin Resilience Project is to reduce risk from flooding and sea level rise, risks on water resources, and enhance stormwater infrastructure, including the integration of nature-based features. The project includes the following features that have received funding award through a FEMA BRIC grant:

1. Replacement of S-28 Structure with an elevated structure with components that can withstand sea level rise and climate change impacts;
2. Installation of a pump station adjacent to the S-28 Structure to restore and maintain discharge levels as sea levels rise;
3. Construction of a flood barrier tying S-28 Structure to higher elevations to mitigate Sea Level Rise and storm surge impacts;
4. Enhancement of secondary canal banks to improve flood control throughout the basin;
5. Construction of a floodwater detention area on a portion of the Miami Shores Golf Course to provide temporary storage during extreme rainfall events;
6. Installation of vegetated flood control berms and living shoreline along the C-8 Canal.

The project will contribute significantly to reduce flood risks to the communities and critical assets within the C-8 Basin in Miami-Dade County and respective municipalities. The scope for the Resilient Florida project includes constructing a forward pump station facility with a maximum capacity of 1,500 cubic feet per second (cfs) immediately downstream of a proposed S-28 spillway replacement, along with flood barrier, and detention/retention storage with associated nature-based solutions to support the C-8 Basin Resilience in addition to the FEMA BRIC award.

The purpose of the Homestead Field Station Improvements Project is to improve the field station by hardening and enhancement of buildings at the Homestead Field Station that no longer fully meet the capacity and mission needs of the District. The Homestead Field Station is a Regionally Significant Asset. The project scope includes design of replacement facilities for B-40 main administrative Office building, B-60 service bay building, B-148 vehicle wash facility, heliport, B-148 vehicle wash facility, vegetation management boat maintenance launch, canal bank stabilization, dumpster enclosure, roadway improvements and access through site, and laydown area.

In the proposed grant agreements with DEP, the District agrees to plan, design, and construct the three projects described above over a three-year period, using funds from the DEP Resilient Florida Grants, to be cost-matched with funds from ad valorem and pre-awarded Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) Grant for the C-8 Basin Resilience Project.

The Resilient Florida Program was established on May 12, 2021, when Governor Ron DeSantis signed Senate Bill 1954 into law. This comprehensive legislation, updated in 2022 through the execution of House Bill 7053, ensures a coordinated approach to Florida's coastal and inland resilience and provides the largest investment in Florida's history to prepare communities for the impacts of sea level rise, intensified storms and flooding.

All three projects funded through the Resilient Florida Program are part of the District's Sea Level Rise and Flood Resiliency Plan. The plan, updated annually, is the first District initiative to compile a comprehensive list of priority resiliency projects to reduce the risks of flooding, sea level rise, and other climate impacts on water resources and increase community and ecosystem resiliency in South Florida. As part of the Resilient Florida Program Implementation, the District submits the list of priority projects supported by the District's Sea Level Rise and Flood Resiliency Plan to DEP by September 1 every year.

**Funding Source:**

Sources from DEP Resilient Florida grant award and matching funds from ad valorem and FEMA BRIC grant for the C-8 Resilience Project.

**Staff Contact and/or Presenter:**

Ana Carolina Maran, Ph.D., P.E., [cmaran@sfwmd.gov](mailto:cmaran@sfwmd.gov), 561-682-6868

**ATTACHMENTS:**

[Resolution No. 2024-1008](#)

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
**Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into three grant agreements with the Florida Department of Environmental Protection for the planning, design, and construction of three projects awarded through the Resilient Florida Grant Program; providing an effective date.**

- **S-169W Structure Improvements (Contract No. 4600005095, grant agreement between the South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (DEP))**
- **C-8 Basin Resilience (Contract No. 4600005096, grant agreement between SFWMD and DEP)**
- **Homestead Field Station Improvements (Contract No. 4600005097, grant agreement between SFWMD and DEP)**

**WHEREAS**, South Florida is susceptible to increased inundation, erosion, and loss of critical habitats resulting from natural disasters, sea level rise, and climate change impacts; and

**WHEREAS**, the Resilient Florida Program was established on May 12, 2021, upon Governor Ron DeSantis signing Senate Bill 1954 into law, and ensures a coordinated approach to Florida’s coastal and inland resilience by providing grants that are available to counties, municipalities, and special districts to address impacts of flooding and sea level rise; and

**WHEREAS**, all three projects are part of the SFWMD Sea Level Rise and Flood Resiliency Plan (“Resiliency Plan”). The Resiliency Plan, updated annually, is the first SFWMD initiative to compile a comprehensive list of priority resiliency projects with the goal of reducing the risks of flooding, sea level rise, and other climate impacts on water resources and increasing community and ecosystem resiliency in South Florida; and

**WHEREAS**, the SFWMD submits, as part of the Resilient Florida Program Implementation, the list of priority projects, supported by the Resiliency Plan, to DEP by September 1 every year; and

**WHEREAS**, on August 20, 2024, DEP awarded the SFWMD a sum of approximately \$45 million for the execution of three projects through the Resilient Florida Grant Program, pursuant to Section 380.093, Florida Statutes.

**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 Executive Director, or designee, to enter into three grant agreements with the Florida Department of Environmental Protection for the reimbursement of up to \$45 million for the planning, designing, and construction of three projects: S169W Structure Improvements Project; C-8 Basin Resilience Project; and Homestead Field Station Project. (Contracts Nos. 4600005095, 4600005096, and 4600005097)

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

**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Jennifer Smith and Maricruz R. Fincher, Office of Counsel

**DATE:** October 17, 2024

**SUBJECT:** Governing Board Concurrence on Emergency Final Orders, Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-070-DAO, Order Amending Emergency Final Orders, No. 2024-071-DAO, and Order Rescinding Emergency Final Orders, No. 2024-072-DAO

### **Agenda Item Background:**

In response to potential wind damage and flooding caused by Hurricane Helene and Governor DeSantis' Executive Orders No. 24-208 and 24-209 issued September 23 and 24, 2024, respectively, the District issued Emergency Final Orders Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, and 2024-068-DAO on September 24, 2024, and Emergency Final Order 2024-070-DAO and Order Amending Emergency Final Orders, No. 2024-071-DAO on September 25, 2024. These Orders enabled the District to perform public work and take prudent action to ensure the public's health, safety, and welfare in the wake of potentially severe wind damage and flooding. Staff requests the Governing Board's concurrence with the issuance of the Emergency Final Orders and Order Amending Emergency Final Orders, in compliance with section 373.119(2) of the Florida Statutes.

### **Emergency Orders:**

- SFWMD 2024-065-DAO Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Hurricane Helene
- SFWMD 2024-066-DAO Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Helene
- SFWMD 2024-067-DAO Emergency Authorization for Procurement of Goods and Services Made Necessary by Hurricane Helene
- SFWMD 2024-068-DAO Emergency Authorization Abrogating Time Requirements, Notice Requirements, and Deadlines for Action on Permits and Other Approvals Made Necessary by Hurricane Helene
- SFWMD 2024-070-DAO Emergency Authorization Temporarily Closing District Lands Made Necessary by Hurricane Helene

### **Order Amending Emergency Final Orders:**

- SFWMD 2024-071-DAO Amending Emergency Final Orders 2024-065-DAO, 2024-066DAO, 2024-067-DAO, and 2024-068-DAO to cover all 16 counties

### **Order Rescinding Emergency Final Orders:**

- SFWMD 2024-072-DAO Rescinding Emergency Final Orders 2024-065-DAO, 2024-066DAO, 2024-067-DAO, 2024-068-DAO, and 2024-071-DAO

### **Staff Contact and/or Presenter:**

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**ATTACHMENTS:**

[2024-065-DAO Emergency Final Order](#)

[2024-066-DAO Emergency Final Order](#)

[2024-067-DAO Emergency Final Order](#)

[2024-068-DAO Emergency Final Order](#)

[2024-070-DAO Emergency Final Order](#)

[2024-071-DAO Order Amending Emergency Final Orders](#)

[2024-072-DAO Order Rescinding Emergency Orders](#)

4:45 pm Sep 24, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT** *W.S.*

**IN THE MATTER OF:**

**SFWMD ORDER NO. 2024-065-DAO**

**EMERGENCY AUTHORIZATION  
FOR REPAIRS, REPLACEMENT,  
RESTORATION, AND CERTAIN  
OTHER MEASURES MADE  
NECESSARY BY POTENTIAL  
TROPICAL CYCLONE NINE**

\_\_\_\_\_ /

**EMERGENCY FINAL ORDER**

Under the authority of State of Florida Executive Orders No. 24-208 and 24-209, and sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor 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 Orders permit an agency, including the District, 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.

4. Should a conflict exist between this Order and any similar order issued by the Florida Department of Environmental Protection (“the Department”), then the Department’s order shall control.

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

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

6. The District’s Executive Director is authorized to issue emergency orders with concurrence of the Governing Board under sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. The District 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.

9. Based on the above findings of fact, and in order to protect the public’s immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action

in coping with the emergency, it is both reasonable and appropriate to suspend the statutes and rules described herein.

## **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 District’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, District 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 District. 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 District 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 District 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 District 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 (DEP October 2018), <https://floridadep.gov/dear/florida-stormwater-erosion>, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (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 temporary and permanent vegetation and placing 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**

(1) District 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 District 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 District'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 what existed immediately prior to the Storm, as determined by the District in writing or verbally.

(3) Field authorizations may be requested by providing a notice to the District's local office 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. District 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 the District. District 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. *Rights-of-Way***

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

a. All encroachments on District rights-of-way ("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 District's 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 District.

c. Use of works upon the District's ROWs that 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 the District, 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 District ROW.

e. In the event any such repair or restoration occurs on the District ROW pursuant to Section 2.a., documentation shall be provided upon completion to the District 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 and 258, Florida Statutes, and Rule 62-330.075, Florida Administrative Code, the District issues proprietary authorizations to use state-owned submerged lands when the activity permitted by the District occurs on land for which an environmental resource permit is issued by the District (“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 Section 2, 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 District 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 District 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 District 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; and

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 Section 2. 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.

**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 the expiration date of the field authorization 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 and shall expire on November 22, 2024, unless otherwise extended or terminated by the District's Executive Director or the Governing Board.

**10. *Violation of Conditions of Emergency Final Order***

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

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 District 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 District.

4:53 pm Sep 24, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT *W.S.*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-066-DAO

EMERGENCY AUTHORIZATION FOR  
PUMPING AND OTHER MEASURES  
TO ADDRESS FLOODING CAUSED  
BY POTENTIAL TROPICAL CYCLONE NINE

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### EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing pumping and other emergency measures to address impacts associated Potential Tropical Cyclone Nine ("the Storm").

### FINDINGS OF FACT

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may

require them to deviate from the statutes and rules they administer. Moreover, the Executive Orders permit agencies, including the District, 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.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

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

5. The District 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.

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

#### **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 District 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 District 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 District 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. District staff may also issue field authorizations without prior notice. District 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 of the Florida Statutes and local governments may, during the course of this Order, discharge water on-site or off-site in excess of District-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 District'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 District staff assigned by the District's 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 District 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 District 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 District 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 District 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; and

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.

**7. Expiration Date**

This Order shall take effect immediately upon execution by the Executive Director of the District, and shall expire on November 22, 2024, 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 of chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or other judicial forum.

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 District 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 District.



4:55 pm Sep 24, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT *W.S.*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-067-DAO

EMERGENCY AUTHORIZATION  
FOR PROCUREMENT OF GOODS  
AND SERVICES MADE NECESSARY  
BY POTENTIAL TROPICAL CYCLONE NINE

**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing the emergency procurement of goods and services, and suspending rules and policies requiring advertisement or competition, due to the impacts and time constraints caused by Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding, may continue to impact the operational capability of critical infrastructure, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. As provided in the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Orders give each political subdivision of the State authority to waive the procedures and formalities otherwise required by law in relation to performing public work and taking necessary action to ensure the health, safety, and welfare of the community. This included entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, acquiring and distributing, with or without compensation, supplies, materials, and facilities, and appropriating and expending public funds.

4. The District's 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 District such that operational capability of the Big Cypress Basin, Central & 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 Governor's Executive Orders. The District has authority to issue this Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. The Executive Orders permit agencies, including the District, 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. The Executive Orders give the District further authority to take formal action by emergency 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, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to waive any applicable statute, including, but not limited to, chapters 255 and 287, Florida Statutes, and any District rule, policy, or order governing the procurement of equipment, services, and commodities necessitated by this emergency.

## **ORDER**

### **THEREFORE, IT IS ORDERED that:**

1. Effective upon execution of this Order, 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 District rule, policy, or order are hereby waived for the duration of this Order.

2. District 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 District 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, 2024, unless otherwise extended or terminated by the District's Executive Director or Governing Board.

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 DISTRICT 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 DISTRICT.

4:57 pm Sep 24, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT *W.S.*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-068-DAO

EMERGENCY AUTHORIZATION  
ABROGATING TIME REQUIREMENTS,  
NOTICE REQUIREMENTS, AND  
DEADLINES FOR ACTION ON  
PERMITS AND OTHER APPROVALS  
AS MADE NECESSARY BY POTENTIAL  
TROPICAL CYCLONE NINE

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**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order abrogating time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Orders gave all agencies of the state, including the District, 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 rule that deems such applications approved unless disapproved in writing by specified deadlines.

4. Given the widespread potential impact of the Storm, District staff will spend extensive time addressing matters resulting from the Storm, including staffing emergency operations, performing field authorizations, and approving work necessary to address the Storm's impacts. Consequently, it is not feasible for District staff to effectively respond to all Storm -related impacts and simultaneously address all existing and new regulatory actions for projects not related to the Storm within the requisite timeframes under Florida law.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

5. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, and welfare.

6. The District 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.

7. The Executive Orders permit an agency, including the District, 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. The Executive Orders gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until November 22, 2024.

## **ORDER**

### **THEREFORE, IT IS ORDERED that:**

1. The time requirements, notice requirements, and deadlines for the District to act on applications for permits and other approvals are suspended and tolled.

2. Any deadlines specified in statutes, rules, agreements, or District orders under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District, including the time to request additional information on permit applications, are hereby suspended and tolled.

3. This Order is effective upon execution and remains in effect until November 22, 2024, unless otherwise extended or terminated.

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District 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 District.

2:36 pm Sep 25, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**

*YMB*

In Re:

**ORDER NO. 2024-070-DAO**

**EMERGENCY AUTHORIZATION  
TEMPORARILY CLOSING DISTRICT LANDS  
MADE NECESSARY BY HURRICANE HELENE**

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**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523(3)(a), Florida Administrative Code, the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of Hurricane Helene ("the Hurricane").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by then Potential Tropical Cyclone 9, which has since progressed into Hurricane Helene ("the Hurricane"). The following areas are included in the Executive Orders and within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Hurricane has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons within the District's jurisdiction.

3. For the purposes of this Emergency Order, “District Lands” means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in Rule 40E-7.521, F.A.C., as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

4. In preparation for the imminent weather conditions posed by the Hurricane, it is necessary to close District Lands to protect the public health, safety, and welfare.

5. The District 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**

6. The Executive Director of the District is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the District’s 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.”

8. Section 373.1391(6), Florida Statutes, authorizes the District to adopt rules specifying management of District Lands. The District adopted rules for this purpose set forth in Chapter 40E-7, Florida Administrative Code.

9. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, the District may temporarily close District 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.”

10. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close all District Lands beginning September 25, 2024, at 8:00 PM.

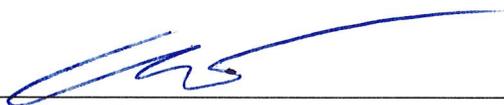
**THEREFORE, IT IS ORDERED** that:

11. All District Lands are hereby closed for public access from September 25, 2024, 2024 at 8:00PM through September 27, 2024 at 6:00AM, unless terminated earlier by amendment or further order.

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

**DONE AND ORDERED** on this 25th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT



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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 written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District 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 District.

2:38 pm Sep 25, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

*AMS*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-071-DAO

EMERGENCY AUTHORIZATION FOR  
PUMPING, REPAIR, REPLACEMENT,  
RESTORATION, ABROGATING TIME  
REQUIREMENTS, NOTICE REQUIREMENTS,  
AND DEADLINES ON ACTION ON PERMITS  
AND OTHER APPROVALS, AND FOR OTHER  
MEASURES MADE NECESSARY BY  
HURRICANE HELENE

\_\_\_\_\_ /

**ORDER AMENDING EMERGENCY FINAL ORDERS**

Under the authority of State of Florida Executive Orders No. 24-208 and 24-209, and sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order Amending Emergency Final Orders SFWMD 2024-065-DAO, SFWMD 2024-066-DAO, SFWMD 2024-067-DAO, and SFWMD 2024-068-DAO, authorizing repairs, replacement, restoration, abrogating time requirements, notice requirements, deadlines on action on permits, and other emergency measures, respectively, to address impacts associated with Hurricane Helene ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders No. 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by then Potential Tropical Cyclone 9, which has since progressed into Hurricane Helene. The Governor included the following counties in the Executive Order that are within the District's

jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties (“the Emergency Areas”).

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas and all 16 counties within the District's jurisdiction.

3. On September 24, 2024, the District's Executive Director issued the following Emergency Orders:

a. Emergency Final Order, SFWMD Order No. 2024-065-DAO, which authorized repairs, replacement, restoration, and certain other measures made necessary by the Storm. A copy of this Order is attached and incorporated by reference as Exhibit A;

b. Emergency Final Order, SFWMD Order No. 2024-066-DAO, which authorized pumping and other measures to address flooding caused by the Storm. A copy of this Order is attached and incorporated by reference as Exhibit B;

c. Emergency Final Order, SFWMD Order No. 2024-067-DAO, which waived all advertisement and competition requirements for the procurement of equipment, services, and commodities due to the serious threat to public health, safety, and welfare from the Storm. A copy of this Order is attached and incorporated by reference as Exhibit C; and

d. Emergency Final Order, SFWMD Order No. 2024-068-DAO, which authorized abrogating time requirements, notice requirements, and deadlines for action on permits and other approvals made necessary by the Storm. A copy of this Order is attached and incorporated by reference as Exhibit D.

5. As a result of the Storm, immediate action by Florida's citizens and government may be necessary throughout the District's jurisdiction, not just within the Emergency Areas.

**ULTIMATE FACTS AND CONCLUSIONS OF LAW**

6. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board under sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. The District 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.

9. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to amend the previously issued Emergency Orders to apply to the District's entire jurisdiction.

**ORDER**

Based upon the above Findings of Fact, Ultimate Facts, and Conclusions of Law, the Executive Director orders that Emergency Final Orders SFWMD 2024-065-DAO, SFWMD 2024-066-DAO, SFWMD 2024-067-DAO, and SFWMD 2024-068-DAO, are hereby amended to apply to all 16 counties within the District's jurisdiction.

**DONE AND ORDERED** on this 25th day of September 2024, 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, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District 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 District.

4:45 pm Sep 24, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT** *W.S.*

**IN THE MATTER OF:**

**SFWMD ORDER NO. 2024-065-DAO**

**EMERGENCY AUTHORIZATION  
FOR REPAIRS, REPLACEMENT,  
RESTORATION, AND CERTAIN  
OTHER MEASURES MADE  
NECESSARY BY POTENTIAL  
TROPICAL CYCLONE NINE**

**EMERGENCY FINAL ORDER**

Under the authority of State of Florida Executive Orders No. 24-208 and 24-209, and sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor 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 Orders permit an agency, including the District, 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.

4. Should a conflict exist between this Order and any similar order issued by the Florida Department of Environmental Protection ("the Department"), then the Department's order shall control.

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

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

6. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board under sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. The District 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.

9. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action

in coping with the emergency, it is both reasonable and appropriate to suspend the statutes and rules described herein.

## 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 District’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, District 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 District. 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 District 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 District 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 District 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 (DEP October 2018), <https://floridadep.gov/dear/florida-stormwater-erosion>, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (July 2013), <https://www.fdot.gov/programmanagement/implemented/urlinspecs/flerosionsedimentmanual.shtml>. 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 temporary and permanent vegetation and placing 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**

(1) District 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 District 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 District'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 what existed immediately prior to the Storm, as determined by the District in writing or verbally.

(3) Field authorizations may be requested by providing a notice to the District's local office 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. District 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 the District. District 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. *Rights-of-Way***

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

a. All encroachments on District rights-of-way ("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 District's 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 District.

c. Use of works upon the District's ROWs that 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 the District, 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 District ROW.

e. In the event any such repair or restoration occurs on the District ROW pursuant to Section 2.a., documentation shall be provided upon completion to the District 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 and 258, Florida Statutes, and Rule 62-330.075, Florida Administrative Code, the District issues proprietary authorizations to use state-owned submerged lands when the activity permitted by the District occurs on land for which an environmental resource permit is issued by the District (“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 Section 2, 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 District 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 District 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 District 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; and

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 Section 2. 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.

**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 the expiration date of the field authorization 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 and shall expire on November 22, 2024, unless otherwise extended or terminated by the District's Executive Director or the Governing Board.

**10. Violation of Conditions of Emergency Final Order**

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

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 District 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 District.

4:53 pm Sep 24, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT *W.S.*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-066-DAO

EMERGENCY AUTHORIZATION FOR  
PUMPING AND OTHER MEASURES  
TO ADDRESS FLOODING CAUSED  
BY POTENTIAL TROPICAL CYCLONE NINE

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**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing pumping and other emergency measures to address impacts associated Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may

require them to deviate from the statutes and rules they administer. Moreover, the Executive Orders permit agencies, including the District, 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.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

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

5. The District 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.

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

#### **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 District 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 District 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 District 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. District staff may also issue field authorizations without prior notice. District 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 of the Florida Statutes and local governments may, during the course of this Order, discharge water on-site or off-site in excess of District-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 District'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 District staff assigned by the District's 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 District 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 District 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 District 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 District 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; and

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.

**7. *Expiration Date***

This Order shall take effect immediately upon execution by the Executive Director of the District, and shall expire on November 22, 2024, 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 of chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or other judicial forum.

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 District 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 District.

**RECEIVED  
DISTRICT CLERK'S OFFICE**

4:55 pm Sep 24, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT** *W.S.*

**IN THE MATTER OF:**

**SFWMD ORDER NO. 2024-067-DAO**

**EMERGENCY AUTHORIZATION  
FOR PROCUREMENT OF GOODS  
AND SERVICES MADE NECESSARY  
BY POTENTIAL TROPICAL CYCLONE NINE**  
\_\_\_\_\_ /

**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing the emergency procurement of goods and services, and suspending rules and policies requiring advertisement or competition, due to the impacts and time constraints caused by Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

Exhibit "C"

2. The Storm has the potential to cause widespread wind damage and flooding, may continue to impact the operational capability of critical infrastructure, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. As provided in the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Orders give each political subdivision of the State authority to waive the procedures and formalities otherwise required by law in relation to performing public work and taking necessary action to ensure the health, safety, and welfare of the community. This included entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, acquiring and distributing, with or without compensation, supplies, materials, and facilities, and appropriating and expending public funds.

4. The District's 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 District such that operational capability of the Big Cypress Basin, Central & 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 Governor's Executive Orders. The District has authority to issue this Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. The Executive Orders permit agencies, including the District, 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. The Executive Orders give the District further authority to take formal action by emergency 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, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to waive any applicable statute, including, but not limited to, chapters 255 and 287, Florida Statutes, and any District rule, policy, or order governing the procurement of equipment, services, and commodities necessitated by this emergency.

## **ORDER**

### **THEREFORE, IT IS ORDERED that:**

1. Effective upon execution of this Order, 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 District rule, policy, or order are hereby waived for the duration of this Order.

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

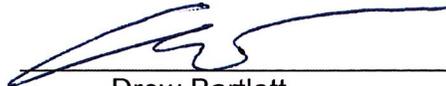
a. The procurement of all goods and services necessary to prepare, maintain, and restore District canals, works, lands, equipment, and facilities to full operational condition.

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, 2024, unless otherwise extended or terminated by the District's Executive Director or Governing Board.

**DONE AND ORDERED** on this 24th day of September 2024, 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, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the DISTRICT 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 DISTRICT.

**RECEIVED  
DISTRICT CLERK'S OFFICE**

4:57 pm Sep 24, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT** *w.s.*

**IN THE MATTER OF:**

**SFWMD ORDER NO. 2024-068-DAO**

**EMERGENCY AUTHORIZATION  
ABROGATING TIME REQUIREMENTS,  
NOTICE REQUIREMENTS, AND  
DEADLINES FOR ACTION ON  
PERMITS AND OTHER APPROVALS  
AS MADE NECESSARY BY POTENTIAL  
TROPICAL CYCLONE NINE**

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**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, and 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order abrogating time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Potential Tropical Cyclone Nine ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included the following counties in the Executive Orders that are within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Orders, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Orders gave all agencies of the state, including the District, 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 rule that deems such applications approved unless disapproved in writing by specified deadlines.

4. Given the widespread potential impact of the Storm, District staff will spend extensive time addressing matters resulting from the Storm, including staffing emergency operations, performing field authorizations, and approving work necessary to address the Storm's impacts. Consequently, it is not feasible for District staff to effectively respond to all Storm -related impacts and simultaneously address all existing and new regulatory actions for projects not related to the Storm within the requisite timeframes under Florida law.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

5. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, and welfare.

6. The District 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.

7. The Executive Orders permit an agency, including the District, 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. The Executive Orders gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until November 22, 2024.

### **ORDER**

**THEREFORE, IT IS ORDERED** that:

1. The time requirements, notice requirements, and deadlines for the District to act on applications for permits and other approvals are suspended and tolled.

2. Any deadlines specified in statutes, rules, agreements, or District orders under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District, including the time to request additional information on permit applications, are hereby suspended and tolled.

3. This Order is effective upon execution and remains in effect until November 22, 2024, unless otherwise extended or terminated.

**DONE AND ORDERED** on this 24th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT



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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 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District 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 District.

5:55 pm Oct 1, 2024

STATE OF FLORIDA  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

*CMB*

In re:

SFWMD ORDER NO. 2024-072-DAO

RESCISSION OF EMERGENCY  
AUTHORIZATIONS SFWMD 2024-065-DAO,  
SFWMD 2024-066-DAO, SFWMD 2024-067-DAO,  
SFWMD 2024-068-DAO AND SFWMD  
2024-071-DAO TO ADDRESS POTENTIAL  
WIND DAMAGE AND FLOODING  
CAUSED BY HURRICANE HELENE

**ORDER RESCINDING EMERGENCY FINAL ORDERS  
ISSUED TO ADDRESS POTENTIAL WIND DAMAGE AND FLOODING CAUSED  
BY HURRICANE HELENE**

The South Florida Water Management District ("District") enters this Order rescinding SFWMD Order Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-071-DAO ("Emergency Final Orders") under sections 120.569(2)(n), 252.46, 373.119(2) 373.016, 373.119(2), 373.1391, Florida Statutes ("Fla. Stat."). The Emergency Final Orders enabled the District to perform public work and take prudent action to ensure the public's health, safety, and welfare in the wake of the potential wind damage and flooding caused by Hurricane Helene.

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders No. 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by then Potential Tropical Cyclone 9, which later progressed into Hurricane Helene.

2. On September 24, 2024, SFWMD issued the following Emergency Orders for Charlotte, Collier, Lee, Monroe, Orange, Osceola, and Polk counties:

a. SFWMD Order No. 2024-065-DAO providing emergency authorization for repairs, replacement, restoration, and certain other measures made necessary by Hurricane Helene;

b. SFWMD Order No. 2024-066-DAO providing emergency authorization for pumping and other measures to address flooding caused by Hurricane Helene;

c. SFWMD Order No. 2024-067-DAO providing emergency authorization for procurement of goods and services made necessary by Hurricane Helene; and

d. SFWMD Order No. 2024-068-DAO providing emergency authorization abrogating time requirements, notice requirements, and deadlines for action on permits and other approvals made necessary by Hurricane Helene.

3. On September 25, 2024, SFWMD issued Order Amending Emergency Final Orders, SFWMD Order No. 2024-071-DAO, to extend the previously issued Emergency Orders to cover all 16 counties within SFWMD's jurisdiction.

4. Conditions affecting SFWMD Lands have improved such that a serious threat to the public health, safety, and welfare no longer exists.

### **CONCLUSIONS OF LAW**

5. Pursuant to Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Fla. Stat., the District's Executive Director, with the Governing Board's concurrence, is authorized to require actions be taken "[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources."

6. Because conditions have improved, the Executive Director may rescind SFWMD Order Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-071-DAO as they are no longer necessary to protect the public health, safety, and welfare.

### **ORDER**

**THEREFORE IT IS ORDERED** that:

6. SFWMD Order Nos. 2024-065-DAO, 2024-066-DAO, 2024-067-DAO, 2024-068-DAO, and 2024-071-DAO are rescinded.

7. This Order is effective immediately upon execution.

**DONE AND SO ORDERED** in West Palm Beach, Florida, on this 1st day of October, 2024.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT  
By its Executive Director



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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.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Jennifer Smith and Maricruz R. Fincher, Office of Counsel

**DATE:** October 17, 2024

**SUBJECT:** Governing Board Concurrence on Emergency Final Orders, Nos. 2024-073-DAO, 2024-074-DAO, 2024-075-DAO, 2024-076-DAO, and 2024-077-DAO

### **Agenda Item Background:**

In response to potential wind damage and flooding caused by Hurricane Milton and Governor DeSantis' Executive Orders No. 24-215 and 24-216 issued October 5 and 6, 2024, respectively, the District issued Emergency Final Orders Nos. 2024-073-DAO, 2024-074-DAO, 2024-075-DAO, and 2024-076-DAO on October 6, 2024, and Emergency Final Order 2024-077-DAO on October 7, 2024. These Orders enabled the District to perform public work and take prudent action to ensure the public's health, safety, and welfare in the wake of potentially severe wind damage and flooding. Staff requests the Governing Board's concurrence with the issuance of the Emergency Final Orders, in compliance with section 373.119(2) of the Florida Statutes.

### **Emergency Orders:**

- SFWMD 2024-073-DAO Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Hurricane Milton
- SFWMD 2024-074-DAO Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Milton
- SFWMD 2024-075-DAO Emergency Authorization for Procurement of Goods and Services Made Necessary by Hurricane Milton
- SFWMD 2024-076-DAO Emergency Authorization Abrogating Time Requirements, Notice Requirements, and Deadlines for Action on Permits and Other Approvals Made Necessary by Hurricane Milton
- SFWMD 2024-077-DAO Emergency Authorization Temporarily Closing District Lands Made Necessary by Hurricane Milton

### **Staff Contact and/or Presenter:**

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457  
Jennifer Smith, jsmith@sfwmd.gov, 561-682-6285

### **ATTACHMENTS:**

[2024-073-DAO Emergency Final Order](#)

[2024-074-DAO Emergency Final Order](#)

[2024-075-DAO Emergency Final Order](#)

2024-076-DAO Emergency Final Order

2024-077-DAO Emergency Final Order

04:29 pm Oct 6, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

*AMB*

IN THE MATTER OF:

SFWMD ORDER NO. 2024-073-DAO

EMERGENCY AUTHORIZATION  
FOR REPAIRS, REPLACEMENT,  
RESTORATION, AND CERTAIN  
OTHER MEASURES MADE  
NECESSARY BY HURRICANE MILTON

**EMERGENCY FINAL ORDER**

Under the authority of State of Florida Executive Order No. 24-214 and sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Hurricane Milton ("the Storm").

**FINDINGS OF FACT**

1. On October 5, 2024, Governor DeSantis issued Executive 24-214 ("the Executive Order"), declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Order, the Governor 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, including the District, 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.

4. Should a conflict exist between this Order and any similar order issued by the Florida Department of Environmental Protection (“the Department”), then the Department’s order shall control.

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

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

6. The District’s Executive Director is authorized to issue emergency orders with concurrence of the Governing Board under sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. The District 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.

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

## 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 District’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, District 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 District. 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 District 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 District 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 District 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 (DEP October 2018), <https://floridadep.gov/dear/florida-stormwater-erosion>, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (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 temporary and permanent vegetation and placing 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**

(1) District 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 District 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 District'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 what existed immediately prior to the Storm, as determined by the District in writing or verbally.

(3) Field authorizations may be requested by providing a notice to the District's local office 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. District 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 the District. District 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. *Rights-of-Way***

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

a. All encroachments on District rights-of-way ("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 District's 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 District.

c. Use of works upon the District's ROWs that 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 the District, 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 District ROW.

e. In the event any such repair or restoration occurs on the District ROW pursuant to Section 2.a., documentation shall be provided upon completion to the District 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 and 258, Florida Statutes, and Rule 62-330.075, Florida Administrative Code, the District issues proprietary authorizations to use state-owned submerged lands when the activity permitted by the District occurs on land for which an environmental resource permit is issued by the District ("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 Section 2, 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 District 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 District 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 District 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; and

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 Section 2. 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.

**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 the expiration date of the field authorization 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 and shall expire on December 4, 2024, unless otherwise extended or terminated by the District's Executive Director or the Governing Board.

**10. Violation of Conditions of Emergency Final Order**

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

**DONE AND ORDERED** on this 6th day of October 2024, 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 District 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 District.

04:31 pm Oct 6, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT  
CMB

IN THE MATTER OF:

SFWMD ORDER NO. 2024-074-DAO

EMERGENCY AUTHORIZATION FOR  
PUMPING AND OTHER MEASURES  
TO ADDRESS FLOODING CAUSED  
BY HURRICANE MILTON

\_\_\_\_\_ /

### EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 24-214 and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing pumping and other emergency measures to address impacts associated with Hurricane Milton ("the Storm").

### FINDINGS OF FACT

1. On October 5, 2024, Governor DeSantis issued Executive Order 24-214 ("the Executive Order") declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Order, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may require them to deviate from the statutes and rules they administer. Moreover, the Executive Order permits agencies, including the District, 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.

### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

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

5. The District 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.

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

### **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 District 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 District 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 District 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. District staff may also issue field authorizations without prior notice. District 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 of the Florida Statutes and local governments may, during the course of this Order, discharge water on-site or off-

site in excess of District-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 District'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 District staff assigned by the District's 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 District 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 District 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 District 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 District 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; and

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.

#### **7. *Expiration Date***

This Order shall take effect immediately upon execution by the Executive Director of the District, and shall expire on December 4, 2024, 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 of chapters 120, 161, 253, 258, 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or other judicial forum.

**DONE AND ORDERED** on this 6<sup>th</sup> day of October 2024, 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 District 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 District.

04:31 pm Oct 6, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**

*oMB*

**IN THE MATTER OF:**

**SFWMD ORDER NO. 2024-075-DAO**

**EMERGENCY AUTHORIZATION  
FOR PROCUREMENT OF GOODS  
AND SERVICES MADE NECESSARY  
BY HURRICANE MILTON**

\_\_\_\_\_ /

**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Order No. 24-214 and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("District"), enters this Order authorizing the emergency procurement of goods and services, and suspending rules and policies requiring advertisement or competition, due to the impacts and time constraints caused by Hurricane Milton ("the Storm").

**FINDINGS OF FACT**

1. On October 5, 2024, 2024, Governor DeSantis issued Executive Order 24-214 ("the Executive Order") declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").
2. The Storm has the potential to cause widespread wind damage and flooding, may continue to impact the operational capability of critical infrastructure, and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.
3. As provided in the Executive Order, the Governor found that the special duties and responsibilities of some agencies, including District, in responding to disasters

may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gives each political subdivision of the State authority to waive the procedures and formalities otherwise required by law in relation to performing public work and taking necessary action to ensure the health, safety, and welfare of the community. This included entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, acquiring and distributing, with or without compensation, supplies, materials, and facilities, and appropriating and expending public funds.

4. The District's 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 District such that operational capability of the Big Cypress Basin, Central & 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 Governor's Executive Order. The District has authority to issue this Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. The Executive Order permits agencies, including the District, 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. The Executive Order gives the District further authority to take formal action by emergency 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, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to waive any applicable statute, including, but not limited to, chapters 255 and 287, Florida Statutes, and any District rule, policy, or order governing the procurement of equipment, services, and commodities necessitated by this emergency.

### **ORDER**

**THEREFORE, IT IS ORDERED** that:

1. Effective upon execution of this Order, 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 District rule, policy, or order are hereby waived for the duration of this Order.

2. District 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 District 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 December 4, 2024, unless otherwise extended or terminated by the District's Executive Director or Governing Board.

**DONE AND ORDERED** on this 6th day of October 2024, 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 DISTRICT 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 DISTRICT.

04:34 pm Oct 6, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

AMB

IN THE MATTER OF:

SFWMD ORDER NO. 2024-076-DAO

EMERGENCY AUTHORIZATION  
ABROGATING TIME REQUIREMENTS,  
NOTICE REQUIREMENTS, AND DEADLINES  
FOR ACTION ON PERMITS AND OTHER  
APPROVALS AS MADE NECESSARY  
BY HURRICANE MILTON

**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Order No. 24-214 and 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order abrogating time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Hurricane Milton ("the Storm").

**FINDINGS OF FACT**

1. On October 5, 2024, 2024, Governor DeSantis issued Executive Order 24-214 ("the Executive Order") declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").
2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Order, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gave all agencies of the state, including the District, 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 rule that deems such applications approved unless disapproved in writing by specified deadlines.

4. Given the widespread potential impact of the Storm, District staff will spend extensive time addressing matters resulting from the Storm, including staffing emergency operations, performing field authorizations, and approving work necessary to address the Storm's impacts. Consequently, it is not feasible for District staff to effectively respond to all Storm-related impacts and simultaneously address all existing and new regulatory actions for projects not related to the Storm within the requisite timeframes under Florida law.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

5. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, and welfare.

6. The District 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.

7. The Executive Order permits an agency, including the District, 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. The Executive Order gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until December 4, 2024.

### **ORDER**

#### **THEREFORE, IT IS ORDERED** that:

1. The time requirements, notice requirements, and deadlines for the District to act on applications for permits and other approvals are suspended and tolled.

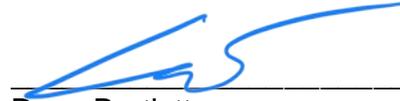
2. Any deadlines specified in statutes, rules, agreements, or District orders under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District, including the time to request additional information on permit applications, are hereby suspended and tolled.

3. This Order is effective upon execution and remains in effect until December 4, 2024, unless otherwise extended or terminated.

**DONE AND ORDERED** on this 6th day of October 2024, 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 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District 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 District.

4:20 pm Oct 7, 2024

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

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

*YMB*

In Re:

ORDER NO. 2024-077-DAO

EMERGENCY AUTHORIZATION  
TEMPORARILY CLOSING ALL DISTRICT LANDS  
MADE NECESSARY BY HURRICANE MILTON

**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Order No. 21-214, and sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523(3)(a), Florida Administrative Code (Fla. Admin. Code), the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of Hurricane Milton ("the Storm").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Order 21-214 ("the Executive Order") on October 5, 2024, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").

2. The Storm has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. For the purposes of this Emergency Order, "District Lands" means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in Rule 40E-7.521, Fla. Admin. Code, as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

4. In preparation for the imminent weather conditions posed by the Storm, it is necessary to close District Lands to protect the public health, safety, and welfare.

5. The District 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**

6. The Executive Director of the District is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the District's 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."

8. Section 373.1391(6), Florida Statutes, authorizes the District to adopt rules specifying management of District Lands. The District adopted rules for this purpose set forth in Chapter 40E-7, Fla. Admin. Code.

9. In accordance with Rule 40E-7.523(3)(a), Fla. Admin. Code, the District may temporarily close District 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."

10. Based on the above findings of fact and to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close all District Lands beginning October 8, 2024, at 6:00 PM.

**THEREFORE, IT IS ORDERED** that:

11. All District Lands are hereby closed for public access from October 8, 2024, 2024 at 6:00PM through October 11, 2024 at 6:00AM, unless this Order is terminated earlier by amendment or further order.

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

**DONE AND ORDERED** on this 7th day of October 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT



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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 written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District 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 District.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Maricruz R. Fincher, Office of Counsel

**DATE:** October 17, 2024

**SUBJECT:** Mediated Settlement Agreement

**Agenda Item Background:**

On February 13, 2024, a former employee filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), Miami District. The District and the former employee attended mediation on September 10, 2024. At the mediation, the parties entered into a proposed settlement agreement that will completely resolve the claims alleged against the District in the charge of discrimination. By settling now, the District will avoid fees and costs associated with further litigation of this matter.

**Additional Item Background:**

**Core Mission and Strategic Priorities:**

This settlement agreement will eliminate the District's exposure to liability in the subject case.

**Staff Contact and/or Presenter:**

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457  
Eileen G. Coates, ecoates@sfwmd.gov, 561-682-6208

**ATTACHMENTS:**

[Resolution No. 2024-1009](#)

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## RESOLUTION NO. 2024- \_\_\_\_\_

**A Resolution of the Governing Board of the South Florida Water Management District approving a proposed settlement agreement for the purpose of resolving an employment discrimination charge filed with U.S. Equal Employment Opportunity Commission (EEOC), Miami District, Charge No. 510-2024-03782; providing an effective date.**

**WHEREAS**, the Charging Party in the above styled matter brought an employment discrimination claim against the South Florida Water Management District ("District") alleging that the District discriminated and retaliated against the Charging Party based on their disability.

**WHEREAS**, the District and the Charging Party attended mediation on September 10, 2024; and

**WHEREAS**, the District and the Charging Party reached a proposed settlement at mediation that will completely resolve the above styled matter and result in the Charging Party's withdrawal of its charge of discrimination and agreement not to institute a lawsuit based on EEOC Charge No. 510-2024-03782; and

**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 settlement agreement in EEOC Charge No. 510-2024-03782.

**Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director to execute all documents needed to effectuate the terms of the settlement agreement consistent with the threshold delegated in Article III, Chapter 101, Section 101-43(a)(1) of the South Florida Water Management District Policies and Procedures.

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

**PASSED and ADOPTED** this 10th day of October 2024.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Candida Heater, Administrative Services, Facilities Bureau

**DATE:** October 17, 2024

**SUBJECT:** Authorize Entering into a Lease Revenue Contract with the Florida Department of Environmental Protection, Southeast District Office

### **Agenda Item Background:**

The Florida Department of Environmental Protection (DEP), Southeast District Office currently leases 17,653 square feet of space on the 3rd floor of the B-2 Building at District Headquarters in Palm Beach County. The current lease contract expires on October 31, 2024. This request is to authorize entering into a new five-year lease revenue contract with DEP, Southeast District Office to occupy 17,653 square feet of space on the 3rd floor of the B-2 Building at District Headquarters with sufficient offices to accommodate up to a maximum 120 DEP employees. The term of the lease is for sixty months starting November 1, 2024 and ending October 31, 2029. The total revenue for the District is approximately \$2,180,145.50 over the duration of the contract.

### **Additional Item Background:**

Benefits of this proposed lease include revenue for the District, competitive lease rates for DEP, and full utilization of District Headquarters office facilities. The District noticed the intent to lease pursuant to Section 373.093, Florida Statutes.

### **Core Mission and Strategic Priorities:**

This proposed lease supports the District's goal of balancing our annual budget by fully utilizing underused facilities and generating revenue. The General Services Section of the Administrative Services Division will be responsible for implementing this contract.

### **Staff Contact and/or Presenter:**

Candida Heater, [cheater@sfwmd.gov](mailto:cheater@sfwmd.gov), 561-682-6486

### **ATTACHMENTS:**

[Resolution No. 2024-1010](#)

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2024 - 10XX**

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year lease revenue contract with the Florida Department of Environmental Protection to occupy 17,653 square feet of space at the District Headquarters for a revenue amount of approximately \$2,180,145.50 over the duration of the contract; providing an effective date. (Contract No. 4600005071)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it appropriate and in the public interest to authorize entering into a five-year lease revenue contract with the Florida Department of Environmental Protection, pursuant to Section 373.093, Florida Statutes, to occupy 17,653 square feet of office space at the District Headquarters Building B-2, 3<sup>rd</sup> floor; and

**WHEREAS**, the current lease agreement 4600004009 with the Florida Department of Environmental Protection expires October 31, 2024; and

**WHEREAS**, the term of the new lease contract 4600005071 is sixty months, November 1, 2024 through October 31, 2029 with a one-time 5% adjustment and 3% annual increase; and

**WHEREAS**, Year one the annual rent is \$410,608.78, Year two is \$422,965.88, Year three is \$435,676.04, Year four is \$448,739.26 and Year five is \$462,155.54 for a total revenue for the District of approximately \$2,180,145.50 over the five-year period.

**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 five-year lease revenue contract 4600005071 with the Florida Department of Environmental Protection to occupy 17,653 square feet of space at the District Headquarters for a revenue amount of approximately \$2,180,145.50.

**Section 2.** This resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.

## MEMORANDUM

**TO:** Governing Board Members  
**FROM:** Lourdes Woytek, Human Resources  
**DATE:** October 17, 2024  
**SUBJECT:** Public Notice and Recruitment Advertising Services

### **Agenda Item Background:**

The District places recruitment, procurement and regulatory public notices, and related advertisements in local and national newspapers, professional journals, newsletters, on the Internet and other media as deemed appropriate. An advertising agency is able to obtain volume discounts on advertising insertions and is able to provide timely strategic information pertaining to recruitment, specific recruitment sources for diversity, specialty recruitment, and local employment issues such as workforce availability and job fairs. In addition to recruitment advertising, the District uses the agency on a regular basis to execute statutorily required public notices for its regulatory, procurement, small business programs and Office of Counsel proceedings.

A Request for Bids was issued for these services and the recommended award is to the lowest responsive and responsible bidder. GBSA, dba Graystone Group Advertising was among the six bids received for the placement of recruitment, public notices and related advertisements for the District. GBSA, dba Graystone Group Advertising also meets the qualifications as evidenced by the responses provided by the business references that were submitted as part of the bid.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

These services support statutory and regulatory requirements for advertising public notices.

#### **Staff Contact and/or Presenter:**

Lourdes Woytek, lwoytek@sfwmd.gov, 561-682-6361

### **ATTACHMENTS:**

[Resolution No. 2024-1011](#)

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## RESOLUTION NO. 2024- \_\_\_\_\_

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year contract with GBSA, dba Graystone Group Advertising, Inc. to design and implement local and national web based and print media for recruitment advertisements; and to post legally mandated public meeting, regulatory permit and procurement notices, in an amount not-to-exceed \$800,000 for which \$174,300 in Ad Valorem funds are budgeted in the Fiscal Year 2024-2025 Budget and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600005101)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize a contract with GBSA, dba Graystone Group Advertising, Inc; and

**WHEREAS**, this contract provides services that support Human Resources, Office of Counsel, Procurement, Real Estate and Regulations with recruitment advertising, public notices pertaining to statutory and regulatory requirements, procurement solicitations and other media services.

**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 the contract with GBSA, dba Graystone Group Advertising, Inc. in an amount not-to-exceed \$800,000 for which \$174,300 in Ad Valorem funds are budgeted in the Fiscal Year 2024-2025 Budget and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600005101)

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

**PASSED and ADOPTED** this 10<sup>th</sup> day of October, 2024.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Mark Elsner, P.E., Water Resources Division

**DATE:** October 17, 2024

**SUBJECT:** Draft Fiscal Year 2024-2025 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 2024-2025 Work Program includes the period from October 1, 2024, through September 30, 2029. The Work Program contains, for example, projects involving water conservation, resource evaluation, and regional water resource development which include Comprehensive Everglades Restoration Plan projects that help water quantity challenges for the environment. 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 2025 South Florida Environmental Report.

### **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 2025 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 \$636 million in ad valorem funding and state funds in Fiscal Year 2024-2025 for Water Resource Development Projects, \$131.7 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:**

Stacey Payseno, spayseno@sfwmd.gov, 561-682-2577  
Mark Elsner, P.E., melsner@sfwmd.gov, 561-682-6156

**ATTACHMENTS:**

Resolution No. 2024-1012

Draft FY24-25 Five-Year Water Resource Development Work Program

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## Resolution No. 2024 - 10XX

**A Resolution of the Governing Board of the South Florida Water Management District authorizing the transmittal of the draft Fiscal Year 2024-2025 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 2024-2025 (FY24-25) 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 24, 2024; 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 FY24-25 Work Program will be contained in Volume II, Chapter 5A of the FY2025 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 FY24-25 Five-Year Water Resource Development Work Program and approves it for 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.

**Resolution No. 2024 - 10XX**

**Section 3.** A copy of the final 2025 Work Program shall be incorporated in Volume II, Chapter 5A of the FY2025 South Florida Environmental Report.

**Section 4.** This resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** on this 10<sup>th</sup> day of October, 2024.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chauncey P. Goss, II  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
  
\_\_\_\_\_

DRAFT

**Fiscal Year 2024-25  
Five-Year Water Resource  
Development Work Program**

October 2024



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## INTRODUCTION

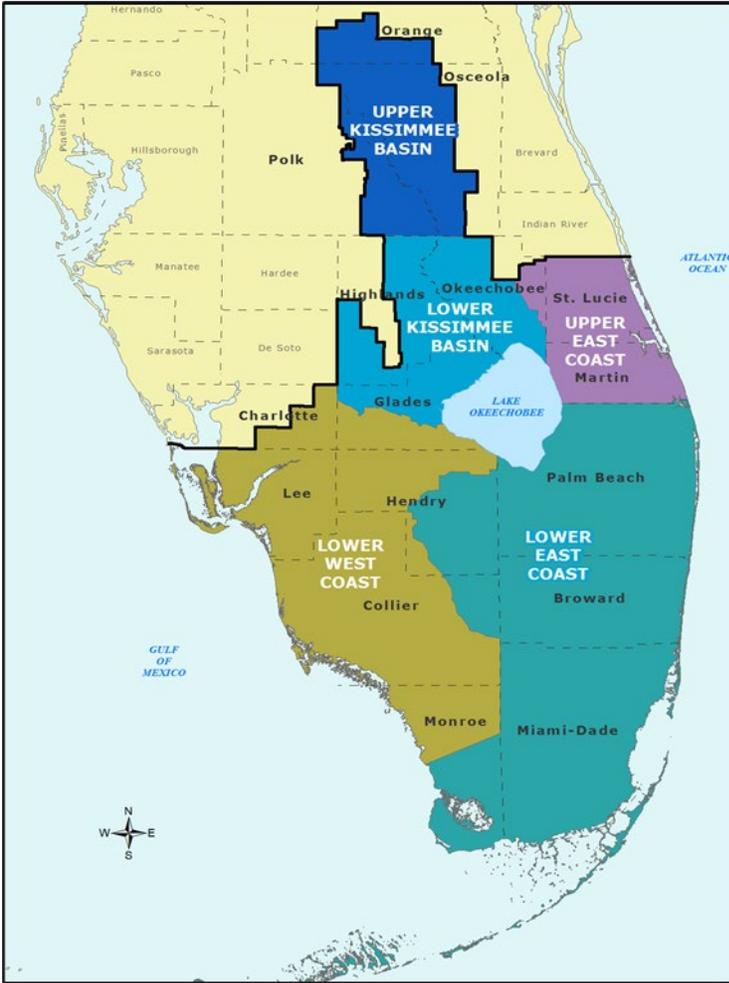
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Water management districts are required by Section 373.709, Florida Statutes (F.S.), to develop a regional water supply plan (RWSP) if they determine the existing sources of water (1) are inadequate to supply water for all existing and future reasonable-beneficial 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 planned or proposed water resource and water supply development projects to meet demands.

The South Florida Water Management District (SFWMD) is required to prepare a Five-Year Water Resource Development Work Program (Work Program) as part of its annual budget reporting process, pursuant to Subsection 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 five 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 available SFWMD funding and anticipated additional funding needs for the second through fifth years of the funding plan.
- Identify projects in the Work Program which will provide water.
- Explain how each water resource and water supply project will produce additional water available for consumptive uses.
- Provide an assessment of the contribution of the SFWMD's RWSPs in supporting the implementation of minimum flows and minimum water levels (MFLs), restricted allocation areas (RAA), 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) 2024-25 through FY 2028-29 and is consistent with the planning strategies of SFWMD's RWSPs. SFWMD has developed RWSPs for five distinct regional planning areas (**Figure 1**): Lower Kissimmee Basin (LKB), Upper Kissimmee Basin (UKB), Upper East Coast (UEC), Lower West Coast (LWC), and Lower East Coast (LWC). The UKB is SFWMD's portion 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 current RWSPs and the next updates for each planning area are identified in **Table 1**. RWSP updates will have a common planning horizon of 2045 after approval of the LKB and CFWI in 2024 and 2025, respectively. For additional information about SFWMD's RWSPs, please visit <https://www.sfwmd.gov/our-work/water-supply>.



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

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

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

Planning Region	Current Water Supply Plan	Next Update
Lower Kissimmee Basin	December 2019	December 2024
Central Florida Water Initiative	November 2020	November 2025
Upper East Coast	November 2021	November 2026
Lower West Coast	December 2022	November 2027
Lower East Coast	September 2024	September 2028

The population within SFWMD’s boundaries is expected to increase by approximately 1.9 million people, to approximately 11 million people by 2040. The population growth rate varies throughout SFWMD, with some counties experiencing faster growth than others. Raw water demand for all water use categories is projected to increase by 415 million gallons per day (mgd) (2020), to approximately 4.0 billion gallons per day in 2040. Overall, demand projections in the most recent RWSP updates are lower than in previous updates.

In response to rapid population increases from 2006 to 2010 with high population and associated demand 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 landscape 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, SFWMD's current RWSPs (except the CFWI RWSP) concluded few utilities need to construct additional water supply projects to meet their 2045 projected needs, and projects that may be needed are required at the end of the planning period, not within the next five years.

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## WORK PROGRAM SUMMARY

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The Work Program presented herein is adequate to ensure water is available to timely 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 SFWMD's planned funding over the next five years, including implementation of projects associated with MFL prevention or recovery strategies, RAAs, or water reservations. **Appendix B** to this Work Program includes the implementation costs and details of projects associated with basin management action plans (BMAPs). Additionally, SFWMD's Dispersed Water Management Program supports retaining stormwater, or detaining regional runoff for storage, on privately owned property to reduce the amount of water delivered into Lake Okeechobee or discharged to coastal estuaries. Dispersed water management projects, listed in **Table B-1**, can also provide groundwater recharge which enhances water supply and reduces water use where a project occurs on previously irrigated agricultural lands.

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 finalized and updated annually in SFWMD's *South Florida Environmental Report (SFER) – Volume II* and SFER Consolidated Project Report Database, which are accessible at [www.sfwmd.gov/sfer](http://www.sfwmd.gov/sfer).

The implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities for FY 2024-25 through FY 2028-29 are provided in this document and reflect SFWMD's continued commitment to ensuring adequate resources are available to meet existing and future reasonable-beneficial needs. The estimated funding identified for the next five years is approximately \$4.65 billion (**Table 3**). This Work Program is estimated to make available more than a total of 1,796 mgd annually as a result of these ongoing programmatic efforts. Most water (1,683 mgd) will continue to be delivered from the Central and Southern Florida Flood Control Project (C&SF Project) regional system to the LEC Planning Area through structure releases to maintain canal levels and through regional seepage that helps maintain LEC groundwater levels for water supply purposes.

As part of their annual progress reports required by Section 373.709(8)(b), F.S., potable water supply utilities have tentatively identified 60 reuse and non-reuse water supply development projects they plan to construct with local funding between FY 2024-25 through FY 2028-29 by updating the SFWMD's Water Supply Utilities Project Database. The 60 projects will create an estimated 245.01 mgd of AWS capacity and 125.85 mgd of reclaimed water distribution capacity. The total 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 may be funded through the Cooperative Funding Program (CFP).

In addition to salary, benefits, and operating expenses for MFL criteria and rule development, approximately \$3.6 billion over the next five years is planned for construction projects supporting MFL prevention and recovery strategies (**Table A-3**). 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 (C-43 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 for consumptive uses.

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## **WATER RESOURCE AND WATER SUPPLY DEVELOPMENT**

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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 non-structural 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 SFWMD 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 23-06: Achieving Even 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, \$784 million in funding is budgeted or proposed in the next five 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 five-year updates to SFWMD’s RWSPs, not including the CFWI RWSP.
CFWI Planning Project	Work associated with 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 update.
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 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 SFWMD’s Comprehensive Water Conservation Program.
Water Protection Activities including MFLs, RAAs, and water reservations	Activities associated with development and re-evaluation of MFLs pursuant to Sections 373.042 and 373.0421, F.S., RAAs, 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 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, water quality, and saltwater intrusion data) is provided in various SFWMD technical publications ( <a href="http://www.sfwmd.gov/techpubs">www.sfwmd.gov/techpubs</a> ) and its corporate environmental database, DBHYDRO ( <a href="http://www.sfwmd.gov/dbhydro">www.sfwmd.gov/dbhydro</a> ).
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.** FY 2024-25 through FY 2028-29 implementation schedule and projected expenditures (including salaries, benefits, and operating expenses) for water resource development activities.

Regional Water Activity	Plan Implementation Cost (\$ thousands)					Total
	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	
Water Supply Planning Estimated finish date: Ongoing	1,012	1,012	1,012	1,012	1,012	<b>5,060</b>
CFWI Water Supply Planning Project Estimated finish date: Ongoing	607	607	607	607	607	<b>3,035</b>
Comprehensive Plan, Documents Review, and Technical Assistance to Local Governments Estimated finish date: Ongoing	201	201	201	201	201	<b>1,005</b>
Water Supply Implementation Estimated finish date: Ongoing	275	275	275	275	275	<b>1,375</b>
MFL, Water Reservation, and Restricted Allocation Area Activities Estimated finish date: Ongoing	0	0	0	0	0	<b>0</b>
Comprehensive Water Conservation Program Estimated finish date: Ongoing	397	397	397	397	397	<b>1,985</b>
Cooperative Funding Program Estimated finish date: Ongoing	22,122	0 <sup>a</sup>	0 <sup>a</sup>	0 <sup>a</sup>	0 <sup>a</sup>	<b>22,122</b>
Groundwater Monitoring Estimated finish date: Ongoing	2,443	2,443	2,443	2,443	2,443	<b>12,215</b>
Groundwater Modeling Estimated finish date: Ongoing	1,128	1,128	1,128	1,128	1,128	<b>5,640</b>
Estimated Portion of C&SF Project Operation and Maintenance Budget Allocated to Water Supply <sup>b</sup> Estimated finish date: Ongoing	131,695	131,695	131,695	131,695	131,695	<b>658,475</b>
<b>Subtotal</b>	<b>159,880</b>	<b>137,758</b>	<b>137,758</b>	<b>137,758</b>	<b>137,758</b>	<b>710,912</b>
<b>Regional Projects Benefiting Water Supply</b>						
Lake Okeechobee Watershed Restoration <sup>c</sup>	50,000 <sup>d</sup>	50,000 <sup>d</sup>	50,000 <sup>d</sup>	50,000 <sup>d</sup>	50,000 <sup>d</sup>	<b>250,000</b>
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area <sup>e</sup>	112,200	151,026	104,678	57,362	108,956	<b>534,222</b>
Other Projects Associated with MFL Recovery/Prevention Strategies <sup>f</sup>	421,062	351,179	492,662	728,459	713,716	<b>2,706,538</b>
C-25 Reservoir and Stormwater Treatment Area	24,000	84,300	84,000	84,000	22,400	<b>298,700</b>
Lake Okeechobee Component A Reservoir (LOCAR) <sup>g</sup>	1,300	5,000	15,000	15,000	0	<b>36,300</b>
<b>Subtotal</b>	<b>608,562</b>	<b>759,997</b>	<b>869,242</b>	<b>854,024</b>	<b>845,928</b>	<b>3,937,751</b>
<b>Total</b>	<b>768,442</b>	<b>897,755</b>	<b>1,077,000</b>	<b>991,782</b>	<b>983,686</b>	<b>4,648,663</b>

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

b. Approximated based on 50% of the FY 2024-25 operation and maintenance budget, including resiliency funding.

c. Project cost based on information contained in the draft FY 2025-29 SFWMD Five-Year Capital Improvement Plan.

d. Funding contingent upon future state appropriations.

e. Includes Reservoir Inflow Pump Station, Inflow Canal Reservoir/ STA, A-2 STA, North New River and Miami Canal Improvements, and Bridges.

f. Totals from Table A-3, less than the funding for the Lake Okeechobee Watershed Restoration and EAA Storage Reservoir Conveyance Improvements and STA.

g. Water Resources Development Act 2024 authorization needed.

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.

### **Cooperative Funding Program**

To assist local water providers and users in the implementation of the water supply development component, 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. The list of currently funded projects is shown in Appendix A, **Tables A-1** and **A-2**.

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## **MFL AND WATER RESERVATION ACTIVITIES**

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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. SFWMD 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 five years to move toward meeting the minimum flow or minimum water level. 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 and Biscayne Acquire are the only MFL water bodies with prevention strategies with CERP projects planned within this Work Program.

MFL prevention or recovery strategy projects with implementation costs planned for FY 2024-25 through FY 2028-29 are listed in **Table A-3**. 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).

For the five-year period through FY 2028-29, the Florida Bay MFL and Northwest Fork of the Loxahatchee River MFL may be reevaluated to include changing hydrological conditions over a 20-year planning horizon.

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 SFWMD and USACE enter into a project partnership agreement, the legal protection of water resulting from the project is required. Either RAA rules or water reservations provide this protection of project water while meeting the requirements of the Water Resources Development Act of 2000 for construction of CERP project components such as reservoirs or STAs. 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). 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* or Applicant's Handbook; SFWMD 2022b) was amended in June 2022 to expand RAA boundaries to fully encompass LRWRP footprint. Additionally, a new RAA (Section 3.2.1.G of the Applicant's Handbook; SFWMD 2022b) 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 five-year period through FY 2028-29, 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 the Lake Okeechobee Watershed Restoration CERP Project, which restores the natural system by modifying the overall quantity, quality, timing, and distribution of fresh water. To support restoration, water reservations, RAA rule, or both, will be developed or modified to protect the water resources. Additionally, the Biscayne Bay Water Reservation will be modified to include operational changes resulting from the Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER).

A priority water body list and schedule, including MFLs and water reservations, is approved annually by SFWMD's Governing Board and submitted to the Florida Department of Environmental Protection (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](http://www.sfwmd.gov/our-work/mfl), [www.sfwmd.gov/our-work/water-reservations](http://www.sfwmd.gov/our-work/water-reservations), and [www.sfwmd.gov/our-work/restricted-allocation-areas](http://www.sfwmd.gov/our-work/restricted-allocation-areas), respectively.

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**APPENDIX A: WATER RESOURCE DEVELOPMENT WORK PROGRAM PROJECTS**

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Open water conservation and AWS projects funded from FY 2019-20 to FY 2023-24 through the FDEP AWS Program and Water Protection and Sustainability Program (WPSP) will be carried forward into FY 2024-25; and are listed in **Tables A-1** and **A-2**.

Consistent with sections 373.536(6)(a)4., F.S. and 373.036(7)(b)8., F.S., and in a manner that has been coordinated with FDEP and all five water management districts, SFWMD has included information for all Water Resource Development Work Program projects, including specific projects that implement a MFL recovery or prevention strategy, in **Table A-3**.

**Table A-1.** FY 2019-20 to FY 2023-24 AWS projects carried forward into FY 2024-25.

Entity Name	Project Name	Contract FY	Quantity of Water Made Available upon Completion (mgd)	Reclaimed or Brackish Water Distribution Capacity (mgd)	Total Project Cost	FDEP (AWS or Coronavirus) or WPSTF Amount	SFWMD Ad Valorem/ WPSTF Amount
Tohopekaliga Water Authority	Cypress Lakes Wellfield: Concentrate Disposal Well IW-2, Monitor Well, and Floridan Production Wells	2019-20	15.00	0.00	\$14,262,099	\$5,556,600	\$0
Port St. Lucie, City of	McCarty Ranch Reservoir and Water Treatment Plant (Areas 3, 4, and 6)	2019-20	11.10	0.00	\$5,725,169	\$1,000,000	\$0
Davie, Town of	Reclaimed Water System Extension along SW 92nd Ave from SW 36th Ave to Griffin Rd	2021-22	0.00	1.00	\$2,000,000	\$800,000	\$0
Davie, Town of	Reclaimed Water System Extension along SW 30 <sup>th</sup> St from 75 <sup>th</sup> Ave to College Ave	2021-22	0.00	0.30	\$640,000	\$256,000	\$0
Palm Beach County Water Utilities	Palm Beach-Broward Interconnect Phase IA: South Reclaimed Water Transmission and System Extension (~3.6 miles of pipe) in Southern Palm Beach County	2022-23	0.00	2.00	\$58,500,000	\$3,500,000	\$0
Palm Beach County Water Utilities <sup>a</sup>	Green Cay Wetlands 2-mgd Indirect Potable Reuse Project – Water Purification Treatment Plant, 2.3 miles Purified Water Pipeline, and 4 Surficial Aquifer Wells, Phase 2	2022-23	2.00	0.00	\$95,000,000	\$5,000,000	\$0
Cape Coral, City of	North 1 Reclaimed Water Main Extension (~7.5 miles of pipe), Phase 1A	2022-23	0.00	0.44	\$8,157,749	\$1,382,200	\$0

Table A-1. Continued.

Entity Name	Project Name	Contract FY	Quantity of Water Made Available upon Completion (mgd)	Reclaimed or Brackish Water Distribution Capacity (mgd)	Total Project Cost	FDEP (AWS or Coronavirus) or WPSTF Amount	SFWMD Ad Valorem/ WPSTF Amount
Bonita Springs Utilities, Inc. <sup>b</sup>	Reverse Osmosis Water Treatment Plant 4 mgd (Phase 3) Expansion - RO Membranes, Floridan Aquifer Wells 42, 49, 50, 52, 53 and 54, and Raw Water Piping	2022-23	4.00	0.00	\$19,100,000	\$7,168,990	\$0
St. Lucie County BOCC	North County Reverse Osmosis Water Treatment Plant – Floridan Aquifer System Wells PW-2 and PW-3	2022-23	2.00	0.00	\$7,600,000	\$2,500,000	\$0
Tohopekaliga Water Authority	Cypress Lake Wellfield: Concentrate Disposal Well IW-1 and Monitor Well, LFA Production Well CL-1 Retrofit, and Raw Water Piping	2023-24	0.00	15.00	\$15,009,750	\$5,169,900	\$0
Miramar, City of	Reclaimed Water Main Extension west of I-75	2023-24	0.00	3.50	\$8,624,000	\$2,320,000	\$0
Palm Beach County Water Utilities <sup>c</sup>	Palm Beach-Broward Interconnect Phase 1B: South Reclaimed Water Transmission and System Extension in southern Palm Beach County	2023-24	0.00	0.00	\$0	\$2,706,200	\$0
Palm Beach County Water Utilities <sup>d</sup>	Green Cay Wetlands 2 mgd Indirect Potable Reuse Project - Water Purification Treatment Plant, 2.3 miles Purified Water Pipeline, and 4 Surficial Aquifer Wells, Phase 2a	2023-24	0.00	0.00	\$0	\$3,000,000	\$0
<b>TOTAL</b>			<b>34.10</b>	<b>22.24</b>	<b>\$234,618,767</b>	<b>\$40,359,890</b>	<b>\$0</b>
<b>TOTAL FDEP and SFWMD Funding</b>						<b>\$40,359,890</b>	

a. This project uses FY 2019-20 FDEP AWS funding (\$53,940) and FY 2022-23 FDEP AWS funding (\$4,946,060).

b. This project uses FY 2021-22 FDEP/Coronavirus (\$2,671,740) and FY 2022-23 DEP AWS funding (\$4,497,250).

c. Total project costs & mgd are included in the FY 2022-23 Palm Beach-Broward Interconnect Phase 1A project.

d. Total project costs & mgd are included in the FY 2022-23 Palm Beach Green Cay project.

FY= Fiscal Year; mgd = million gallons per day; WPSTF = Water Protection and Sustainability Trust Fund; IW = injection well; MG = million gallons; PW = production well; Coronavirus = Coronavirus State and Local Fiscal Recovery Funds; RO = reverse osmosis.

**Table A-2.** FY 2019-20 to FY 2023-24 Water Conservation projects carried forward into FY 2024-25.

Entity Name	Project Name	Contract FY	Quantity of Water Made Available upon Completion (mgd)	Total Project Cost	FDEP AWS or WPSTF Amount	SFWMD Ad Valorem or WPSTF Amount
Florida Keys Aqueduct Authority	High Efficiency Toilet Rebate Program	2019-20	0.01	\$60,000	\$30,000	\$0
Miami-Dade Water & Sewer Department	Residential High Efficiency Toilet Rebate Project FY 2021-2022	2020-21	0.02	\$76,712	\$15,000	\$15,000
Miami-Dade Water & Sewer Department	Residential High Efficiency Showerhead and Faucet Rebate Project FY 2021-2022	2020-21	0.02	\$91,480	\$18,000	\$18,000
Miami-Dade Water & Sewer Department <sup>a</sup>	Residential High Efficiency Toilet and Fixture Rebate Projects FY 22/23	2021-22	0.01	\$55,000	\$25,900	\$0
West Palm Beach, City of <sup>a</sup>	Urban irrigation Efficiency Improvement Program	2021-22	0.02	\$78,350	\$39,175	\$0
Broward County Resilient Environment Department, Natural Resources Division	Conservation Pays High Efficiency Toilet Rebate on behalf of Broward Water Partnership	2022-23	0.02	\$100,000	\$50,000	\$0
Bonita Springs Utilities, Inc.	Irrigation Residential Rebate Program	2022-23	0.13	\$20,000	\$8,000	\$0
Broward County Water and Wastewater Services (WWS) <sup>a</sup>	High Efficiency Toilet Replacement Credit Program	2022-23	0.02	\$60,000	\$25,500	\$0
Bonita Springs Utilities, Inc.	High-Efficiency Toilet Rebate Program	2022-23	0.01	\$50,000	\$20,000	\$0
West Palm Beach, City of <sup>a</sup>	Community Water Conservation Strategies Phase IX - HET	2022-23	0.01	\$62,500	\$31,250	\$0
Reflection Isles Master Association, Inc. <sup>a</sup>	Reflection Isles Irrigation Retrofit	2022-23	0.07	\$364,420	\$100,000	\$0
Palm Beach Soil & Water Conservation District	Nursery Overhead Efficiency Project #4	2023-24	0.15	\$72,860	\$36,430	\$0
Bonita Springs Utilities, Inc.	Irrigation Residential Rebate FY 24 Program	2023-24	0.03	\$15,000	\$7,500	\$0
Orange County Utilities	Commercial Waterwise Neighbor Program	2023-24	0.06	\$103,005	\$51,500	\$0
Broward County Resilient Environment Department, Natural Resources Division	Residential Irrigation Rebate FY 24 Program	2023-24	0.02	\$52,500	\$26,250	\$0
Tohopekaliga Water Authority	HET Rebate Program	2023-24	0.03	\$120,000	\$60,000	\$0
West Palm Beach, City of	Community Water Conservation Strategies Phase X - HET	2023-24	0.01	\$62,500	\$31,250	\$0
Osprey Cove Condominium Master Association	Osprey Cove HET Retrofit Program	2023-24	0.00	\$41,400	\$20,700	\$0
			<b>TOTAL</b>	<b>\$1,485,727</b>	<b>\$596,455</b>	<b>\$33,000</b>
					<b>TOTAL FDEP and SFWMD Funding</b>	<b>\$629,455</b>

a. Project using FY 2019-20 FDEP AWS funding.  
 FY= Fiscal Year; mgd = million gallons per day; HET = high efficiency toilet.

**Table A-3.** Projects associated with an MFL prevention or recovery strategy for FY 2024-25 through FY 2028-29.  
 (Note: All costs are subject to change until the FY 2024-25 Five-Year Capital Improvements Plan is approved by the SFWMD’s Governing Board by February 2025, including development of FY 2028-29 project implementation costs.)

Projects	Project Implementation Costs <sup>a</sup>					5-Year Work Plan Cost Estimates
	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	
<b>St. Lucie Estuary</b>						
C-23/24 North Reservoir & STA <sup>b</sup>	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	<b>\$2,000,000</b>
C-23/24 South Reservoir	\$82,100,000	\$80,000,000	\$144,640,378	\$155,296,172	\$155,224,392	<b>\$617,260,942</b>
<b>Everglades</b>						
C-44 – C-23 Estuary Diversion Canal <sup>c</sup>	\$26,000,000	\$0	\$0	\$0	\$0	<b>\$26,000,000</b>
EAA Storage Reservoir Conveyance Improvements and Stormwater Treatment Area <sup>d</sup>	\$112,200,000	\$151,025,619	\$104,677,726	\$57,361,947	\$108,956,311	<b>\$534,221,603</b>
Central Everglades Planning Project (CEPP) North <sup>e</sup>	\$89,300,000	\$185,380,000	\$308,282,000	\$227,485,000	\$178,880,000	<b>\$989,327,000</b>
CEPP South <sup>b, f</sup>	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	<b>\$2,000,000</b>
Western Everglades Restoration Project – southern features	\$19,808,343	\$25,640,564	\$15,909,453	\$20,961,048	\$76,854,287	<b>\$159,173,695</b>
<b>Biscayne Aquifer</b>						
Biscayne Bay Coastal Wetlands	\$40,100,000	\$0	\$0	\$0	\$0	<b>\$40,100,000</b>
C-11 Impoundment, C-9 Impoundment, and WCA 3A/3B Seepage Management <sup>b</sup>	\$400,000	\$10,400,000	\$400,000	\$400,000	\$400,000	<b>\$12,000,000</b>
<b>Caloosahatchee River</b>						
Caloosahatchee River (C-43) West Basin Storage Reservoir	\$160,335,337	\$90,000,000	\$0	\$0	\$0	<b>\$250,335,337</b>
<b>Lake Okeechobee</b>						
Lake Okeechobee Watershed Restoration Project <sup>g</sup>	\$50,000,000 <sup>g</sup>	\$50,000,000 <sup>g</sup>	\$50,000,000 <sup>g</sup>	\$50,000,000 <sup>g</sup>	\$50,000,000 <sup>g</sup>	<b>\$250,000,000</b>
<b>Loxahatchee River</b>						
Loxahatchee River Watershed Restoration Project	\$2,218,130	\$13,508,630	\$72,521,464	\$179,910,000	\$211,140,000	<b>\$479,298,224</b>
<b>Lake Okeechobee and Western Everglades</b>						
CEPP Restoration Project Planning (LERRDS/BBSEER/WERP) <sup>h</sup>	\$0	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	<b>\$20,000,000</b>
<b>Taylor Slough (Florida Bay)</b>						
C-111 South Dade – S332 B/C Pump Station Replacement	\$0	\$58,941,725	\$68,010,995	\$57,809,346	\$36,272,530	<b>\$221,034,596</b>
<b>Total</b>	<b>\$583,261,810</b>	<b>\$670,696,538</b>	<b>\$770,242,016</b>	<b>\$755,023,513</b>	<b>\$823,527,520</b>	<b>\$3,602,751,397</b>

- a. Project costs based on information contained in the draft FY 2025-26 SFWMD Five-Year Capital Improvement Plan.
- b. United States Army Corp of Engineers is the Lead Entity.
- c. The C-44 – C-23 Estuary Diversion Canal is listed under the Everglades MFL recovery strategy because it is a precursor project that must be completed first. The IRL-S C-23 to C-44 Estuary Diversion Canal is not a part of CEPP, it is a part of the IRL-South project. During CEPP planning it was determined the C23/C44 would be a predecessor to CEPP operations to send water back to Lake Okeechobee to meet CEPPEPP Savings Clause issues.
- d. Includes Reservoir Inflow Pump Station, Inflow Canal Reservoir/ 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. Includes Structures S-152, S-631, S-632, S-633 & a gap in L-67C Levee, L-67A spoil pile removal, S-356E Pump Station, S-334E Gated spillway, S-356 demolition, S-355W gated spillway, etc.
- g. Project is expected to provide new (recovered) water for the Lake Okeechobee MFL recovery strategy.
- h. Funding contingent upon future state appropriations.

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**APPENDIX B: PROJECTS ASSOCIATED WITH A BASIN MANAGEMENT ACTION PLAN FOR FISCAL YEAR 2024-25 THROUGH FISCAL YEAR 2028-29**

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Basin management action plans (BMAPs) are the “blueprint” for restoring impaired waters by reducing pollutant loadings to meet allowable levels established in a total maximum daily load (TMDL). In 2016, the Florida Legislature amended Section 373.036(7)(b)8., F.S., to require the identification of all specific projects that implement a BMAP or an MFL recovery or prevention strategy in the Work Program. SFWMD’s Work Program has historically 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 FDEP and all five water management districts, SFWMD has included information for specific projects that implement a BMAP in **Table B-1**.

There are five regional adopted BMAPs within SFWMD’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 B-1** reflects BMAP projects planned costs for FY 2024-25 through FY 2028-29<sup>1</sup>. Of the 53 total BMAP projects listed in this table, one project is aligned with the Central Indian River Lagoon BMAP, 16 projects are aligned with the St. Lucie River and Estuary BMAP, eight projects are aligned with the Caloosahatchee River and Estuary BMAP, 28 projects are aligned with the Lake Okeechobee BMAP; and none are aligned with the Everglades West Coast BMAP.

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<sup>1</sup> BMAP projects SFWMD is implementing are aligned with 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 *2023 Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies* (FDEP 2024). Five-year (FY2024-2025 through FY2028-2029) cost estimates are shown as projections based on current BMAP-associated projects under contract by SFWMD or based on prior year expenditure trends, and do not include salaries. FY2025-2026 through FY2028-2029 costs are contingent on future legislative funding and Governing Board approval of future fiscal year funding.

**Table B-1.** BMAP projects costs in dollars, excluding salaries, for FY 2024-25 through FY 2028-29.  
 (Note: All costs are from the FY 2023-24 approved Five-Year Capital Improvements Plan and are subject to change until SFWMD’s FY 2024-25 Five-Year Capital Improvements Plan is approved by February 2025, including development of FY 2028-29 project implementation costs.)

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
CIRL	St. Lucie County	SFWMD/ SJRWMD	SLC-09	North Hutchinson Island Septic to Sewer	Septic to Sewer Connection/ OSTDS	\$0	\$0	\$0	\$0	\$0	\$0	FY2025 amount from prior year state grant
STLU	City of Port St. Lucie	SFWMD/ SJRWMD	PSL-31	C-23 Water Quality Restoration - McCarty Ranch	Storage and Water Quality	\$0	\$0	\$0	\$0	\$0	\$0	FY2025 amount from prior year state grant
STLU	Martin County	SFWMD/ SJRWMD	MC-46	Old Palm City Septic to Sewer	Septic to Sewer Connection/ OSTDS	\$0	\$0	\$0	\$0	\$0	\$0	FY2025 amount from prior year state grant
STLU	University of Florida	SFWMD/ SJRWMD	N/A	Reclaimed Water BMP Project	Study8A	\$0	\$0	\$0	\$0	\$0	\$0	FY2025 amount from prior year state grant
STLU	Troup-Indiantown WCD	SFWMD/ USACE	TI-04	C-44 Reservoir Area	Hydrologic Restoration	\$4,625,275	\$3,960,467	\$3,985,844	\$3,974,212	\$3,936,116	\$20,481,913	O&M costs only
STLU	Troup-Indiantown WCD	SFWMD/ USACE	TI-05	C-44 Stormwater Treatment Area	Stormwater Treatment Area	\$2,361,976	\$2,440,326	\$2,582,173	\$1,494,922	\$1,588,252	\$10,467,649	O&M costs only
STLU	Coordinating Agency	N/A	CA-01	Ten Mile Creek Water Preserve Area	Hydrologic Restoration	\$613,333	\$475,775	\$475,775	\$475,775	\$475,775	\$2,516,433	O&M costs only
STLU	Coordinating Agency	N/A	CA-02	Indian River Lagoon-South	Regional Stormwater Treatment	\$132,280,000	\$164,300,000	\$228,640,378	\$239,296,172	\$177,624,392	\$942,140,942	-

Table B-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
STLU	Coordinating Agency	N/A	CA-03	Adams-Russakis Ranch Water Management Alternative	Dispersed Water Management	\$75,341	\$75,341	\$75,341	\$75,341	\$75,341	\$376,707	-
STLU	Coordinating Agency	N/A	CA-04	C-23/24 Interim Storage Section C Water Farm	Dispersed Water Management	\$37,925	\$30,941	\$37,957	\$30,973	\$37,989	\$175,784	O&M costs only
STLU	Coordinating Agency	N/A	CA-05	Bluefield Grove Water Farm	Dispersed Water Management	\$5,466,063	\$5,466,063	\$5,466,063	\$5,466,063	\$5,466,063	\$27,330,314	-
STLU	Coordinating Agency	N/A	CA-06	Bull Hammock Ranch Water Management Alternative	Dispersed Water Management	\$37,343	TBD	TBD	TBD	TBD	\$37,343	-
STLU	Coordinating Agency	N/A	CA-07	Spur Land and Cattle	Dispersed Water Management	\$155,824	\$155,824	\$155,824	\$155,824	\$155,824	\$779,122	-
STLU	Coordinating Agency	N/A	CA-08	Caulkins Water Farm	Dispersed Water Management	\$7,011,268	\$7,011,268	\$7,011,268	\$7,011,268	\$7,011,268	\$35,056,339	-
STLU	Coordinating Agency	N/A	CA-09	Alderman-Deloney Ranch	Dispersed Water Management	\$21,808	\$21,808	\$21,808	\$21,808	\$21,808	\$109,038	-
STLU	Coordinating Agency	N/A	CA-10	C-23/24 District Lands Hydrologic Enhancement Project a	Dispersed Water Management	\$0	TBD	TBD	TBD	\$0	\$0	FY2025 funding from prior year appropriations
STLU	Coordinating Agency	N/A	CA-11	Allapattah Flats Parcels A and B	Wetland Restoration	\$75,245	\$76,375	\$75,510	\$75,650	\$76,796	\$379,576	O&M costs only
CALO	Coordinating Agency	N/A	CA-01	C-43 West Basin Storage Reservoir	Hydrologic Restoration	\$160,335,337	\$90,000,000	\$5,832,547	\$5,866,292	\$5,153,786	\$266,852,625	FY2027-2029 O&M costs only
CALO	Coordinating Agency	N/A	CA-02	Lake Hicpochee Storage and Shallow Hydrologic Enhancement, Phase 1	Hydrologic Restoration	\$185,867	\$197,239	\$197,971	\$198,718	\$199,484	\$979,279	O&M costs only

Table B-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
CALO	Coordinating Agency	N/A	CA-03	Lake Hicpochee Expansion, Phase II	Hydrologic Restoration	\$0	\$0	\$24,200,000	\$790,546	\$790,851	<b>\$25,781,397</b>	FY 2025 and FY 2026 funding from prior year appropriations and state grants. FY 2028-FY 2029 O&M costs only
CALO	Coordinating Agency	N/A	CA-04	BOMA Flow Equalization Basin	Hydrologic Restoration	\$0	\$18,943,146	\$13,997,980	\$923,893	\$924,577	<b>\$34,789,596</b>	Pilot test operations
CALO	Coordinating Agency	N/A	CA-05	C-43 Water Quality Treatment and Testing Facility, Phase II - Test Cells	Study	\$709,892	\$1,404,783	\$1,404,783	\$1,404,783	TBD	<b>\$4,924,241</b>	O&M costs only
CALO	Coordinating Agency	N/A	CA-06	C-43 West Basin Storage Reservoir Water Quality Component	Constructed Wetland Treatment	\$210,313	\$277,450	\$213,668	\$215,469	\$217,362	<b>\$1,134,262</b>	-
CALO	Coordinating Agency	N/A	CA-07	Mudge Ranch	Dispersed Water Management	\$111,000	\$96,000	TBD	TBD	TBD	<b>\$207,000</b>	-
CALO	Coordinating Agency	N/A	CA-08	Four Corners Rapid Infiltration	Dispersed Water Management	\$2,583,638	\$2,583,638	\$2,583,638	\$2,583,638	\$2,583,638	<b>\$12,918,191</b>	-
OKEE	SFWMD	FDEP/USACE	SFWMD-01	Taylor Creek Stormwater Treatment Area Project	Stormwater Treatment Area	\$197,935	\$197,935	\$197,935	\$197,935	\$197,935	<b>\$989,675</b>	O&M costs only
OKEE	SFWMD	FDEP/USACE	SFWMD-02	Nubbin Slough Stormwater Treatment Area Project	Stormwater Treatment Area	\$235,911	\$235,911	\$235,911	\$235,911	\$235,911	<b>\$1,179,555</b>	O&M costs only

Table B-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
OKEE	SFWMD	FDEP/USACE	SFWMD-03	Lakeside Ranch – Phase I	Stormwater Treatment Area	\$449,903	\$546,913	\$435,488	\$549,547	\$469,033	\$2,450,885	O&M costs only
OKEE	SFWMD	FDEP	SFWMD-06	Rolling Meadows Wetland Restoration – Phase I	Wetland Restoration	\$88,870	\$88,870	\$88,870	\$88,870	\$88,870	\$444,350	O&M costs only
OKEE	SFWMD	FDEP/SFWMD	SFWMD-10	West Waterhole	Dispersed Water Management	\$802,476	\$824,696	\$846,916	\$869,136	\$891,356	\$4,234,580	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-11	Rafter T Ranch	Dispersed Water Management	\$213,231	\$300,000	\$300,000	\$300,000	\$300,000	\$1,413,231	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-12	Buck Island Ranch (NE-PES-1) b	Dispersed Water Management	See SFWMD-23	-					
OKEE	SFWMD	FDEP/SFWMD	SFWMD-13	Dixie West c	Dispersed Water Management	See SFWMD-14	-					
OKEE	SFWMD	FDEP/SFWMD	SFWMD-14	Dixie Ranch c	Dispersed Water Management	\$205,688	\$205,688	\$205,688	\$205,688	\$205,688	\$1,028,441	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-15	Dixie Ranch c	Dispersed Water Management	See SFWMD-14	-					
OKEE	SFWMD	FDEP/SFWMD	SFWMD-16	Eagle Haven Ranch d	Dispersed Water Management	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$300,000	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-18	XL Ranch	Dispersed Water Management	\$163,668	\$163,668	\$163,668	\$163,668	\$163,668	\$818,338	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-19	Abington Preserve e	Dispersed Water Management	\$24,235	\$50,000	\$50,000	\$50,000	\$50,000	\$224,235	-

Table B-1. Continued.

BMAP	Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
OKEE	SFWMD	FDEP/SFWMD	SFWMD-20	Llanos Ranches f	Dispersed Water Management	\$330,806	\$330,806	\$330,806	TBD	TBD	\$992,418	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-21	Nicodemus Slough	Dispersed Water Management	\$1,085,505	\$3,600,000	\$3,600,000	\$3,500,000	\$3,500,000	\$15,285,505	-
OKEE	SFWMD	USACE	SFWMD-22	Kissimmee River Headwaters Revitalization	Hydrologic Restoration	\$13,886,008	\$13,886,008	\$13,886,008	\$13,886,008	\$13,886,008	\$69,430,040	-
OKEE	SFWMD	FDEP/SFWMD	SFWMD-23	Buck Island Ranch (NE-PES-2) c	Dispersed Water Management	\$575,984	\$575,984	\$575,984	\$575,984	\$575,984	\$2,879,919	-
OKEE	Coordinating Agency	FDEP/SFWMD	CA-01	Brighton Valley Dispersed Water Management	Dispersed Water Management	\$3,683,730	\$3,683,730	\$3,683,730	\$3,683,730	TBD	\$14,734,918	-
OKEE	Coordinating Agency	N/A	CA-04	Lakeside Ranch – Phase II	Stormwater Treatment Area	\$649,419	\$679,920	\$664,299	\$651,037	\$659,447	\$3,304,122	O&M costs only
OKEE	Coordinating Agency	FDEP/SFWMD	CA-05	El Maximo Ranch Dispersed Water Management	Dispersed Water Management	\$4,625,354	\$4,625,354	\$4,625,354	\$4,625,354	\$4,625,354	\$23,126,772	-
OKEE	Coordinating Agency	N/A	CA-21	Brady Ranch FEB and ASR	Hydrologic Restoration	\$4,650,000	\$6,500,000	\$3,040,000	\$45,500,000	\$45,500,000	\$105,190,000	-
OKEE	Coordinating Agency	N/A	CA-22	Grassy Island FEB and ASR	Hydrologic Restoration	\$0	\$5,780,700	\$26,031,600	\$19,523,738	\$0	\$51,336,038	FY 2025 funding from prior year appropriation
OKEE	Coordinating Agency	N/A	CA-24	Lower Kissimmee Basin Stormwater Treatment Area	Stormwater Treatment Area	\$45,801,200	\$15,418,400	\$115,415,400	\$112,000,000	\$106,000,000	\$394,635,000	FY 2025 funding from prior year state grant

Table B-1. Continued.

BMAP Lead Entity	Partners	FDEP Project Number	Project Name	Project Type	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Project Total	Comments
OKEE Coordinating Agency	N/A	CA-25	Lake Okeechobee S-191 Basin Surface Runoff Phosphorus Removal Using Innovative Technologies	Study	\$2,400,000	\$2,000,000	\$0	\$0	\$0	\$4,400,000	Project funding is from prior year state grants
OKEE Coordinating Agency	N/A	CA-26	Aguaculture – Lake Istokpoga	Aquatic Vegetation Harvesting	\$1,490,000	\$1,490,000	\$1,490,000	\$1,490,000	\$1,490,000	\$7,450,000	-
OKEE Coordinating Agency	N/A	CA-27	Partin Family Ranch	Dispersed Water Management	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,000,000	-
OKEE Coordinating Agency	N/A	CA-28	TCNS 214 Storage and Treatment	Dispersed Water Management	\$0	\$3,271,040	\$2,100,000	TBD	TBD	\$5,371,040	FY 2025 funding from prior year state appropriations and federal grants.
OKEE Coordinating Agency	N/A	CA-29	Basinger Dairy Legacy Phosphorus Removal	Dispersed Water Management	\$420,000	\$5,420,000	\$420,000	\$420,000	\$420,000	\$7,100,000	FY 2025 funding from prior year state appropriation
<b>Totals</b>					<b>\$398,802,033</b>	<b>\$367,652,065</b>	<b>\$475,606,183</b>	<b>\$478,837,954</b>	<b>\$385,858,575</b>	<b>\$2,106,756,811</b>	

Key to Abbreviations: ASR – Aquifer Storage and Recovery; BMAP – Basin Management Action Plan; CA – Coordinating Agencies, which are South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (FDEP), and Florida Department of Agriculture and Consumer Services (FDACS); CALO – Caloosahatchee River and Estuary; FEB – Flow Equalization Basin; FY – Fiscal Year; 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; O&M – Operations and Maintenance; OKEE – Lake Okeechobee BMAP (FDEP 2020c); OSTDS – Onsite Sewage Treatment and Disposal System; SJRWMD – St. John’s River Water Management District; STLU – St. Lucie River and Estuary BMAP (FDEP 2020a); TBD – to be determined; USACE – United States Army Corps of Engineers; and WCD – Water Control District.

- a. C-23/C-24 District Lands Hydrological Enhancements is formerly known as the C-23/C-24 Interim Storage Parcel B project (CA-10).
- b. Buck Island Ranch includes previous Buck Island Ranch, Wildlife Management Area (WMA) Component 1, and WMA Component 2 projects (SFWMD-12 and SFWMD-2).
- c. Dixie Ranch incorporates former Dixie West and Dixie Ranch projects (SFWMD-13, SFWMD-14, and SFWMD-15).
- d. Eagle Haven Ranch is formerly known as Lost Oak Ranch under the Dispersed Water Management Program (SFWMD-16).
- e. Abington Preserve is formerly known as Triple A Ranch under the Dispersed Water Management Program (SFWMD-18).
- f. Llanos Ranches is formerly known as La Hamaca and originally referred to as Blue Head Ranch under the Dispersed Water Management Program (SFWMD-20).

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- FDEP. 2020c. *Lake Okeechobee Basin Management Action Plan*. Prepared by the Florida Department of Environmental Protection, Tallahassee, FL, with participation from the Lake Okeechobee Stakeholders. Adopted by Final Order, February 2020.
- FDEP. 2024. *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. July 1, 2024.

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<sup>2</sup>All the FDEP BMAPs and associated annual progress reports are available at [www.dep.state.fl.us/water/watersheds/bmap.htm](http://www.dep.state.fl.us/water/watersheds/bmap.htm). The Final Statewide Annual Report (FDEP 2024) is available at [www.floridadep.gov/star](http://www.floridadep.gov/star).

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SFWMD. 2022b. *Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District*. South Florida Water Management District, West Palm Beach, FL. Effective June 13, 2022.

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Tim Beirnes, Inspector General

**DATE:** October 17, 2024

**SUBJECT:** Audit of Land Lease Compliance, Project No. 23-15

### **Agenda Item Background:**

In accordance with the Office of Inspector General's Audit Plan, the Audit of Land Lease Compliance was conducted with the primarily objective of assessing the effectiveness of the District's monitoring process to ensure lessees adhere to land lease provisions.

The audit found that overall, the District has an adequate process in place to ensure that lessees are complying with land lease agreements. The Land Stewardship Section conducts semi-annual inspections, and the Land Stewardship Section and the Real Estate Bureau evaluates each lessee's performance annually. We also concluded that primary lease agreement provisions are adequately reflected in semi-annual inspection forms and annual performance reviews. We performed four site inspections with land managers and did not observe any major issues.

We identified improvements that could be made regarding tracking and documenting the resolution of deficiencies identified during inspections. We made 11 recommendations to improve the administration of land lease compliance. Management concurred with all the recommendations.

### **Staff Contact and/or Presenter:**

J. Timothy Beirnes, tbeirnes@sfwmd.gov, 561-682-6398

### **ATTACHMENTS:**

[Backup Presentation](#)

# Audit of Land Lease Compliance

Project #23-15



Tim Beirnes, Inspector General  
Audit and Finance Committee  
October 10, 2024

# Background

## Leasing program provides various advantages

- Providing a source of revenue to support land management activities throughout the District.
- Minimizing fiscal impacts to local government by keeping lands on the tax roll and impacts to the local agricultural economy by keeping viable agricultural lands in active production.
- Providing on-site management and security for District-owned lands at no cost.
- Implementing applicable agricultural best management practices for nutrient management, water quality improvements, natural resource protection, and exotic plant control.

# Background

## Summary of Leasing Activities during Fiscal Year 2023

Agreement Type	# of Agreements	Acres	Annual Revenue
Cattle Grazing	38	67,748.34	\$ 1,347,951
Mining	1	202.17	\$ 1,080,175
Sugar Cane	1	6,108	\$ 667,421
Communications Tower	1	111.10	\$ 283,788
Equestrian	1	97.01	\$ 185,000
Miscellaneous ( <i>equipment storage &amp; staging, parking, recreation, model airplane, &amp; access road</i> )	12	41.24	\$ 353,930
Non-Revenue ( <i>goat grazing, marina, and fence installation and maintenance</i> )	3	24.62	Non-Revenue
<b>Total</b>	<b>57</b>	<b>74,332.48</b>	<b>\$ 3,918,265</b>

# Audit Objectives

- **Assessing the effectiveness of the monitoring process to ensure lessees adhere to lease provisions.**

# Audit Results

- Overall, the District has an adequate process in place to ensure that lessees are complying with land lease agreements; for example,
  - ❑ The Land Stewardship Section conducts semi-annual inspections,
  - ❑ Land Stewardship Section and the Real Estate Bureau evaluate each lessee's performance annually.
  - ❑ Primary lease agreement provisions are adequately reflected in semi-annual inspection forms and annual performance reviews.

# Audit Results

**We sampled 26 leases that identified 55 lease provision deficiencies**

<b>Analysis of Semi-Annual Inspections for 26 Sampled Leases - 2022 and 2023</b>					
<b>Issues</b>	<b># of Leases</b>	<b># of Inspections</b>	<b># of Inspection Reports</b>		<b>Lease Provision Issues</b>
			<b>No Issues Identified</b>	<b>Inspections with Issues</b>	
<b>Sampled Population of 19 Cattle Grazing and 7 Miscellaneous Leases</b>					
<b>No Issues Identified</b>	<b>12</b>	<b>45</b>	<b>45</b>	<b>NA</b>	<b>NA</b>
<b>Issues Identified</b>	<b>14</b>	<b>58</b>	<b>27</b>	<b>31</b>	<b>55</b>
<b>Total</b>	<b>26</b>	<b>103</b>	<b>72</b>	<b>31</b>	<b>55</b>

# Audit Results

## *Analysis of the 55 lease provisions with compliance issues*

- Deficiencies primarily were issues related to perimeter fences and gates, refuse/garbage/litter, and surface water management systems.
- *Lessees were responsible for resolving 33 provision issues*
  - ❑ Resolution were adequately documented for only five deficiencies. There was no documented evidence (for example, verbal or written communications with lessees or status updates by land managers), when or if the remaining 28 deficient provisions were resolved.
- *District was responsible for 22 provision issues*
  - ❑ There is no process in place to ensure deficiencies are tracked for resolution.

# Audit Results

We also concluded that the following lease agreement provisions required revision:

- 1) Surface water management system
- 2) Fencing and gates
- 3) Baseline inspection
- 4) Repairs

# Audit Recommendations

- **Made 11 audit recommendations**
- **Management concurred with all the recommendations**

# Governing Board Discussion

## Discussion & Questions

**From:** [Terry Torrens](#)  
**To:** [Clerk](#)  
**Subject:** Thank you  
**Date:** Tuesday, October 15, 2024 1:23:39 PM

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Governing Board and Executive Director Bartlett,

On behalf of the residents around Boggy Creek in Osceola County. I just wanted to take a moment to say thank you for all of the hard work and dedication that your staff put into keeping us safe and protected during hurricane Milton.

In my day job I work for the electric utility and during hurricanes we certainly get lots of attention. The staff of the SFWMD silently go around behind the scenes protecting property and deploying assets to keep our communities safe.

I particularly want to mention Libby Pigman , who came out to the neighborhood and met with neighbors to make us all feel better and understand what was going on with Boggy Creek as it was climbing up the banks. We were very fortunate on this go around with hurricane Milton that none of us sustained property damage.

And a huge thank you to George Wheeler and the amazing field station crew who after working long days during the storm spent the weekend installing two proactive pumps to move water away from residents homes.

I know that the water management district has made great efforts to the north of us getting control of the structures that control the inflows that impact our homes directly. And I believe that and the fact that we didn't see as much rain is the saving grace for the storm.

From the bottom of my heart, thank you all for all you do. It was nice to know that we are not forgotten up here at the tip top of the Everglades!

Warm Regards,  
Terry Torrens  
3242 Boggy Terrace Drive  
Kissimmee Florida 34744  
407-973-9910

Sent from my iPhone

# Water and Ecological Conditions Summary

**South Florida Water Management District  
Governing Board Meeting  
October 17, 2024**

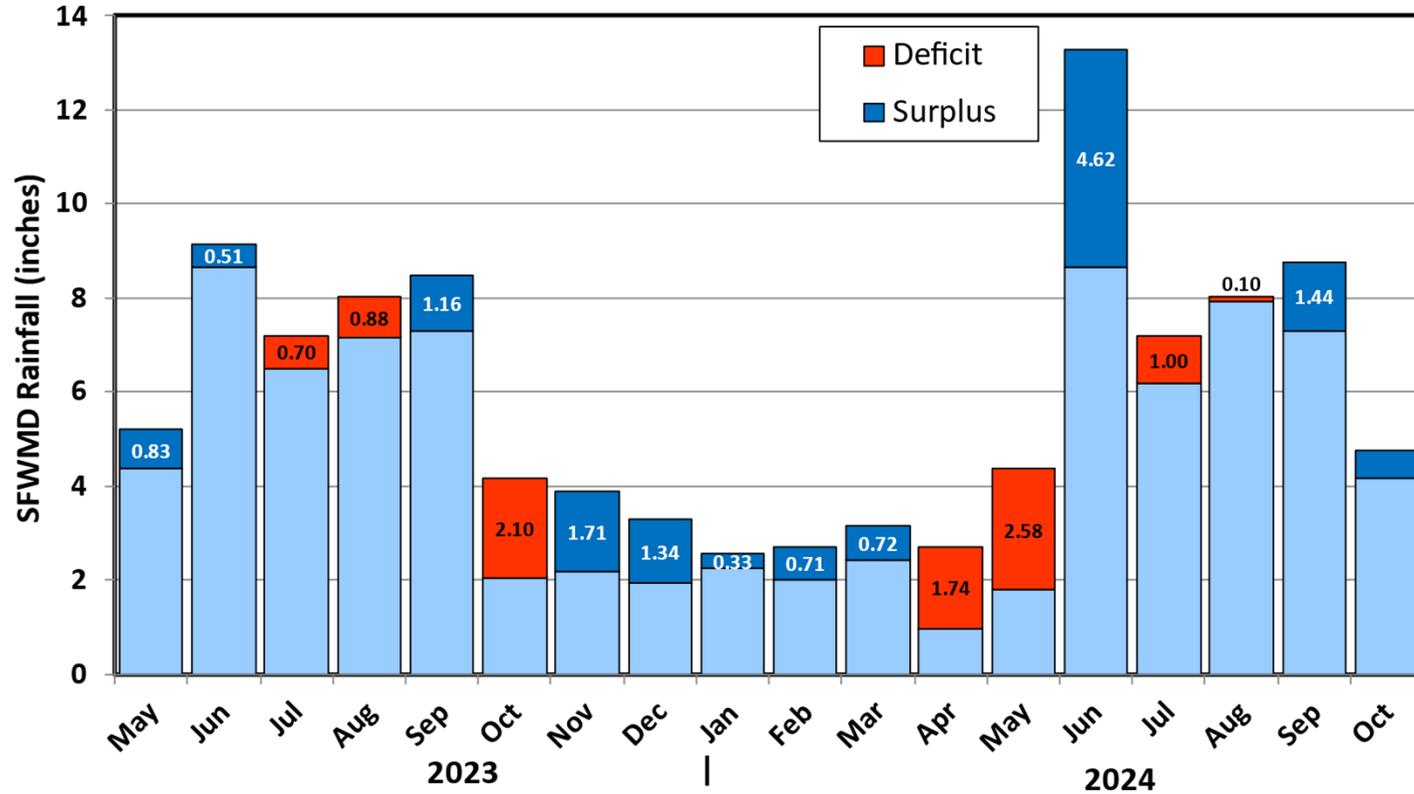


**John P. Mitnik, PE**  
Chief District Engineer  
Assistant Executive Director



**Lawrence Glenn**  
Division Director  
Water Resources

### SFWMD Rainfall Distribution Comparison (May 2023 - October 2024)



### 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

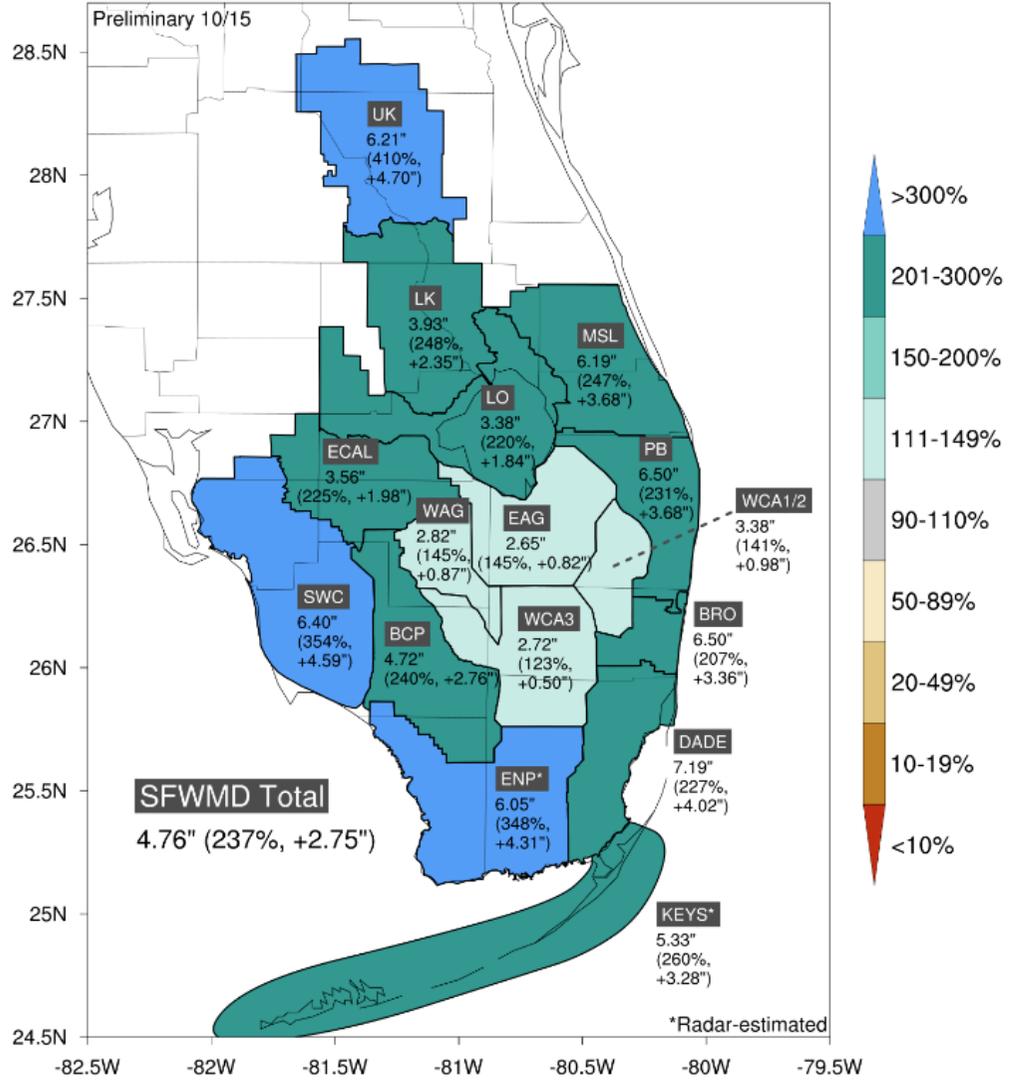
#### Dry-Season Rainfall

- Total rainfall 98% of normal since the start of the 2023-24 dry season (01 Oct)
- Oct was dry (~20<sup>th</sup> percentile)
- Nov – Mar were wet (avg. 70<sup>th</sup> percentile) due to a strong El Niño
- April was dry (~15<sup>th</sup> percentile)

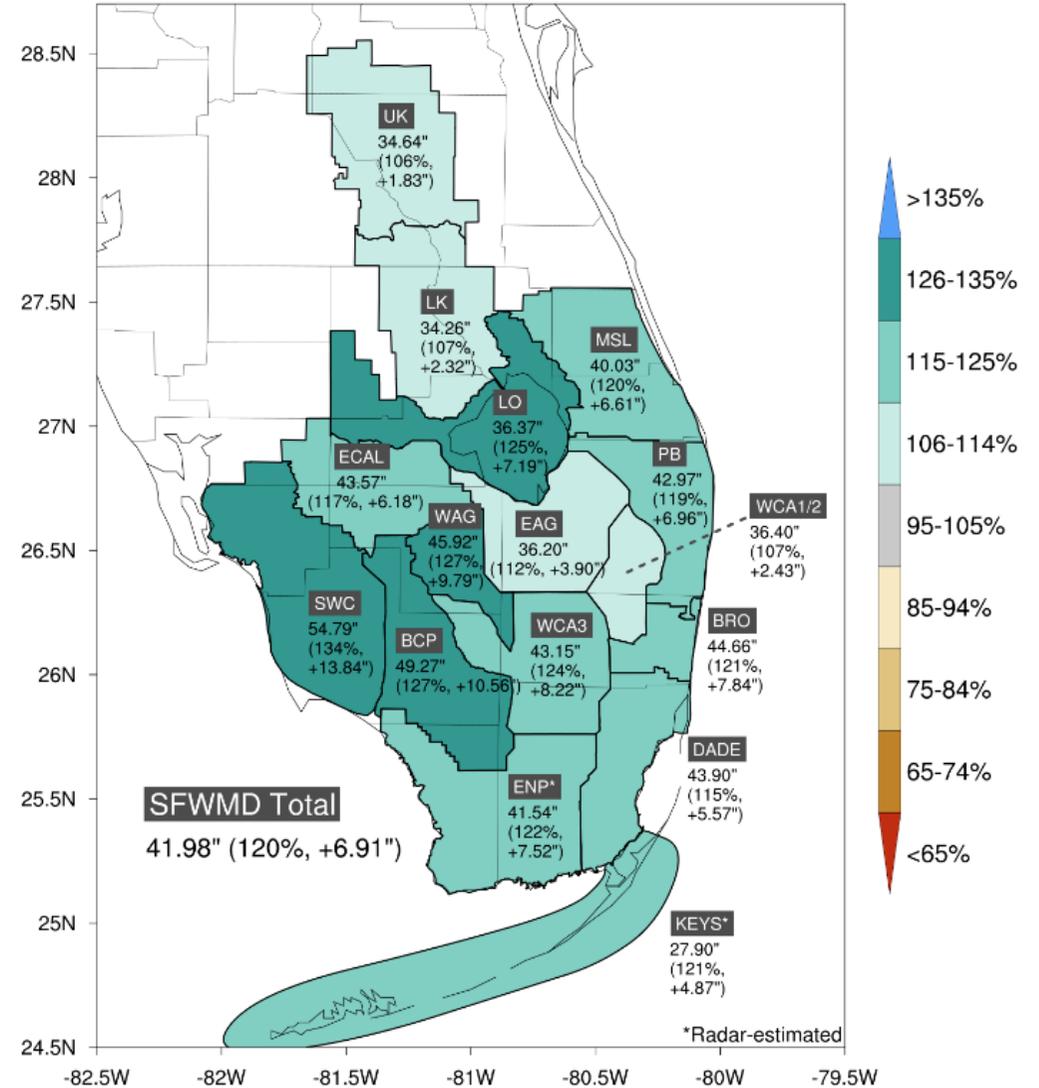
<b>2023 WET SEASON</b> <ul style="list-style-type: none"> <li>• Started 5/14/2023 ended 9/30/2023</li> <li>• May, June and September were above Normal</li> <li>• July and August were below Normal</li> <li>• 8% above Normal overall</li> </ul>	<b>2023-2024 DRY SEASON</b> <ul style="list-style-type: none"> <li>• Started 10/01/2023 ended 5/12/2024</li> <li>• October 2023 and April 2024 were extremely dry</li> <li>• Large isolated rainfall events November to March</li> <li>• November 2023 through March 2024 above normal</li> </ul>	<b>2023 WET SEASON</b> <ul style="list-style-type: none"> <li>• Total rainfall 111% of normal (13 May – present)</li> <li>• May and July were below Normal</li> <li>• June finished above 90<sup>th</sup> percentile</li> <li>• August near normal</li> <li>• September was above Normal</li> </ul>
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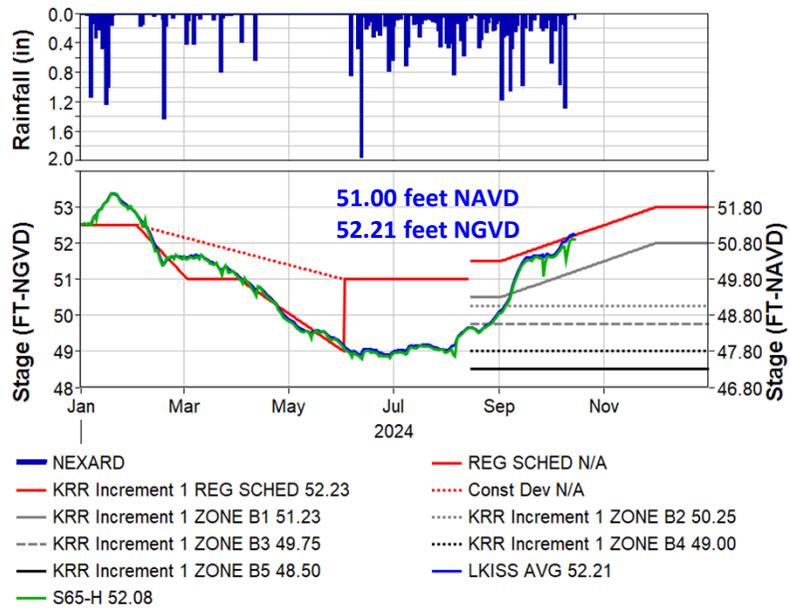
**October 2024 (10/1/24 to 10/15/24)**  
 Rainfall, Percent of Normal, and Departures



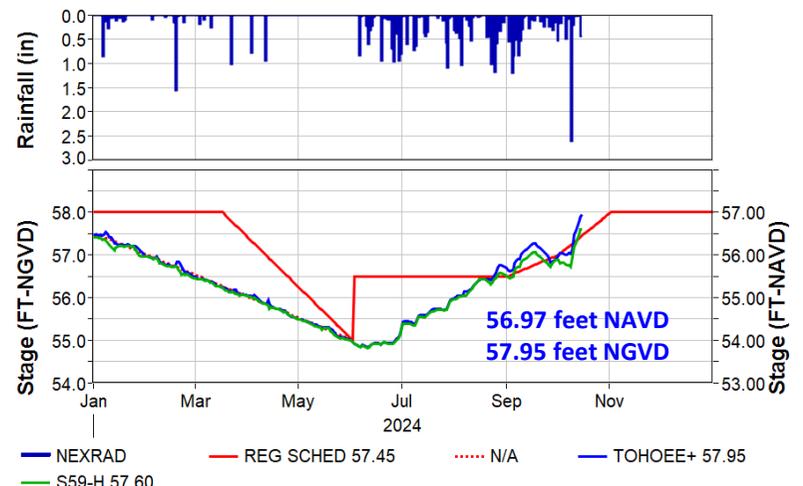
**2024 Dynamic Wet Season (5/13/24 to 10/9/24)**  
 Rainfall, Percent of Normal, and Departures



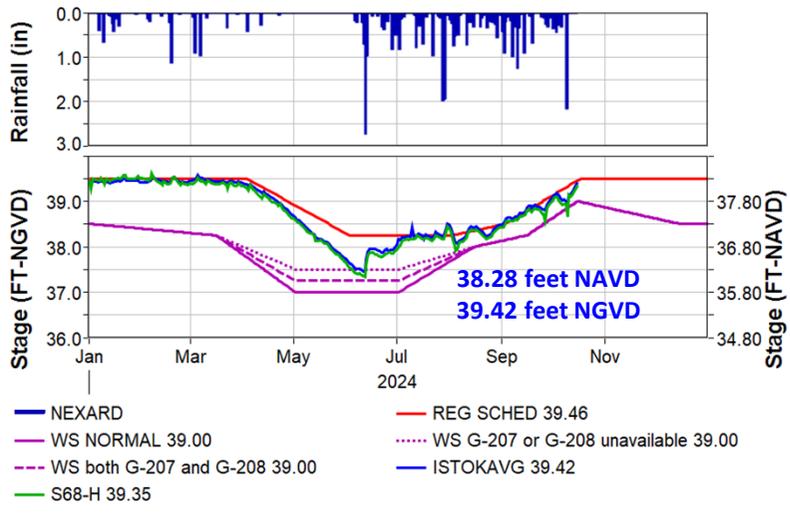
### Lake Kissimmee (15 October 2024)



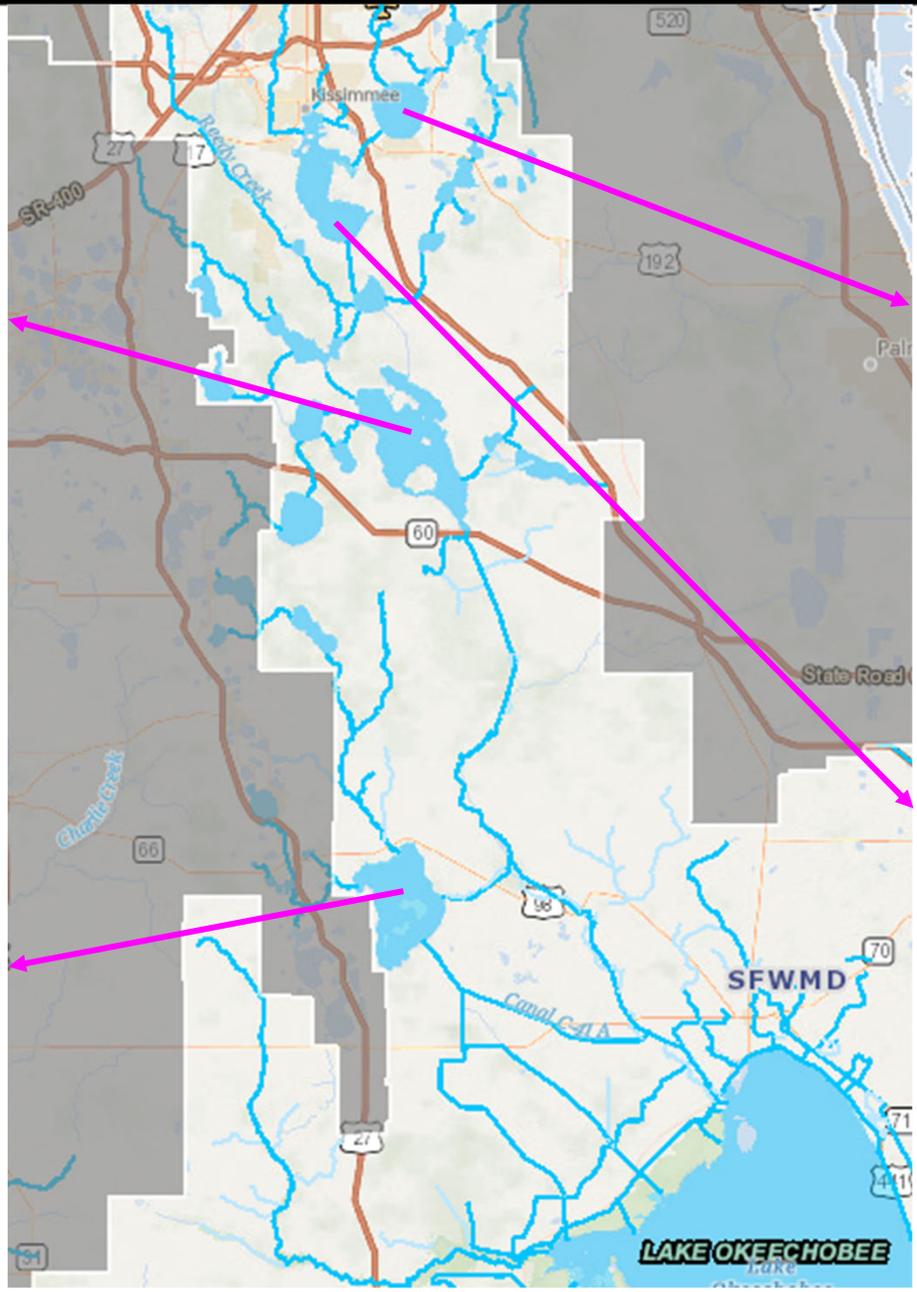
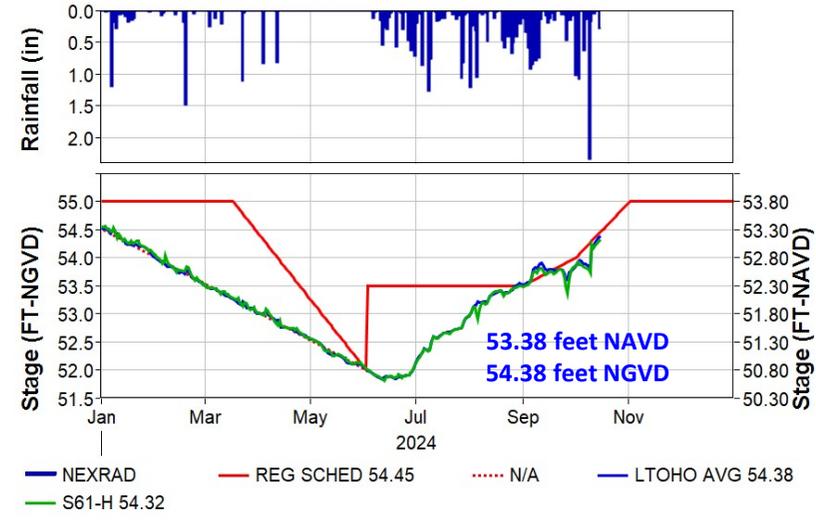
### Lake East Tohopekaliga (15 October 2024)



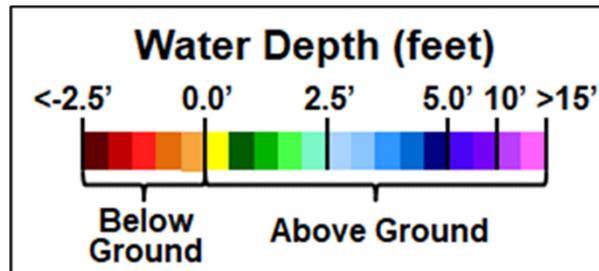
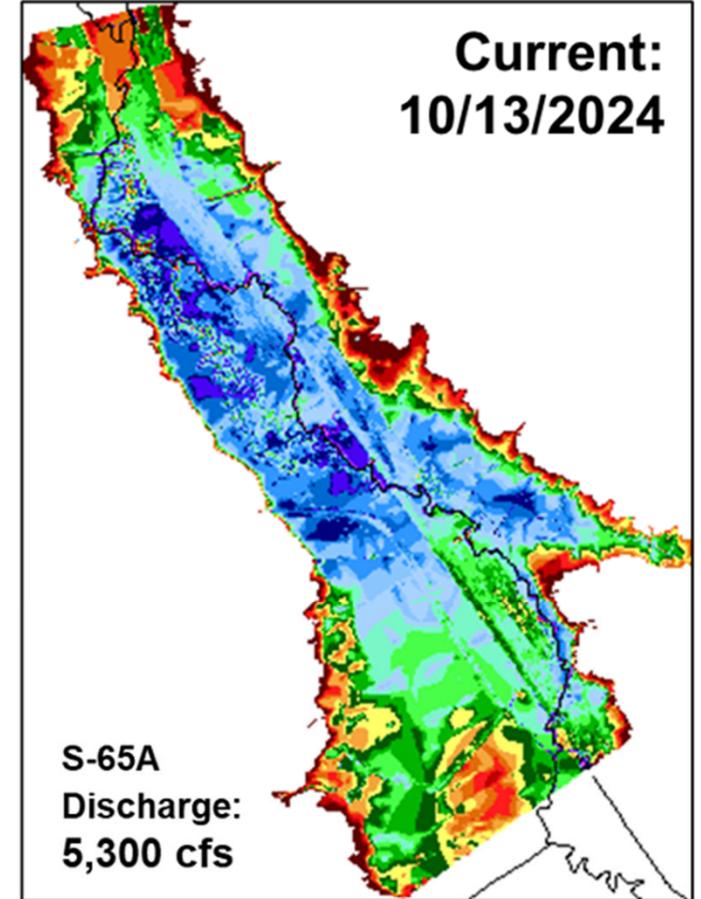
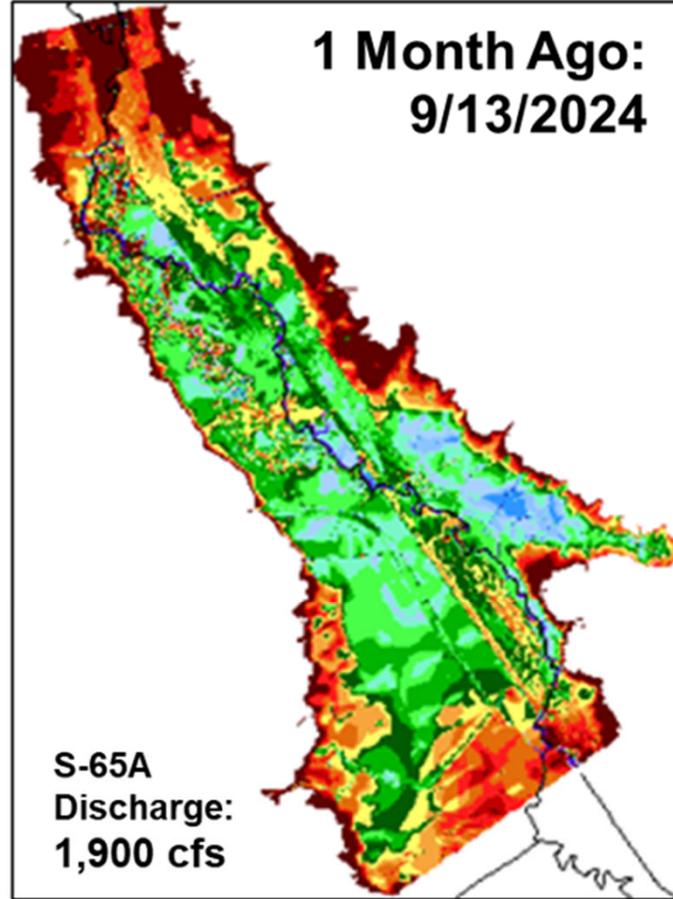
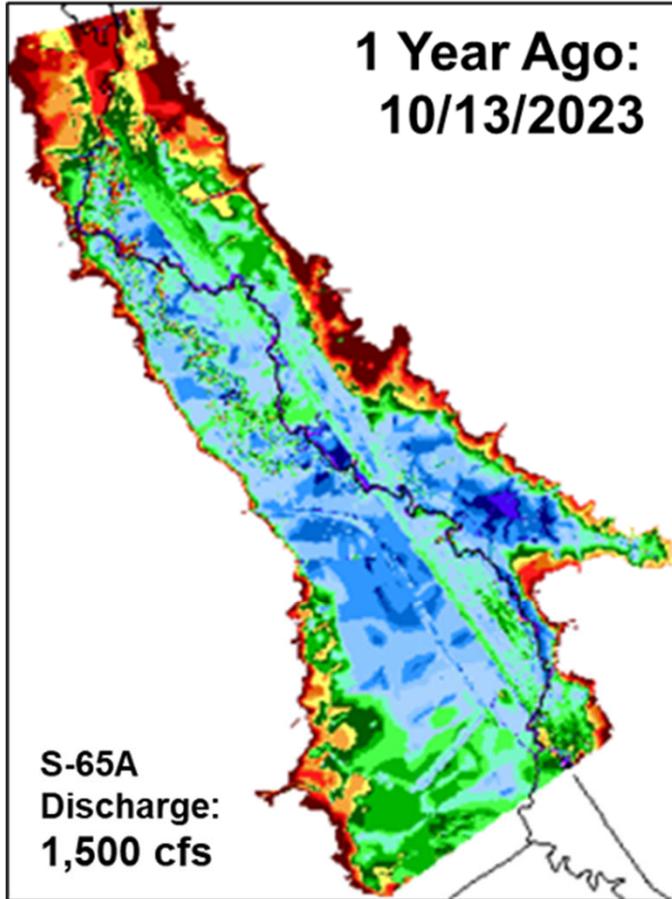
### Lake Istokpoga (15 October 2024)



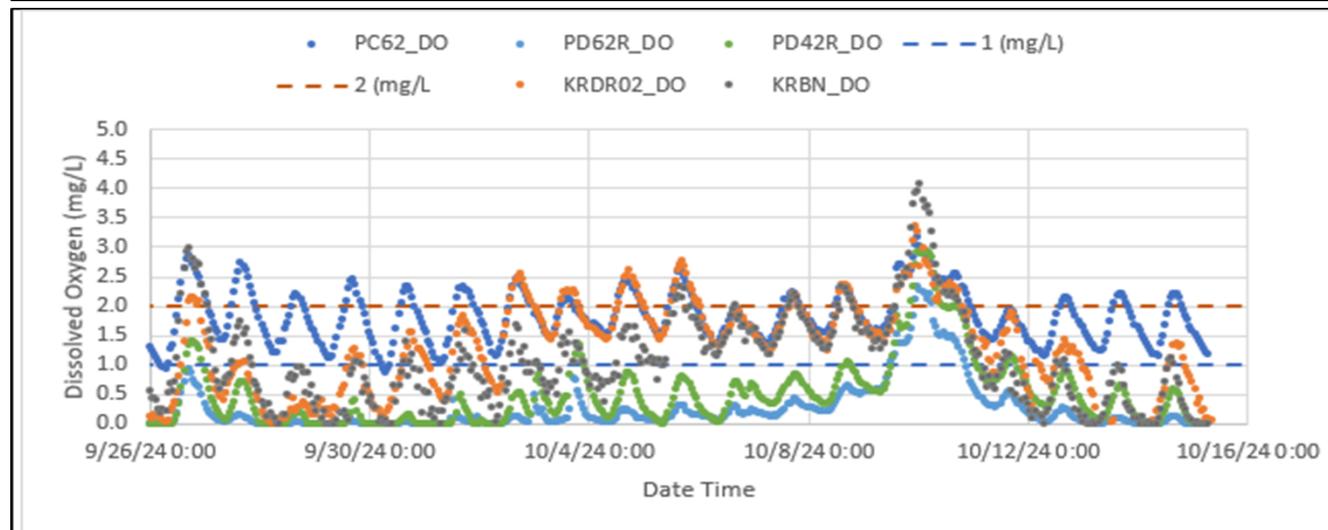
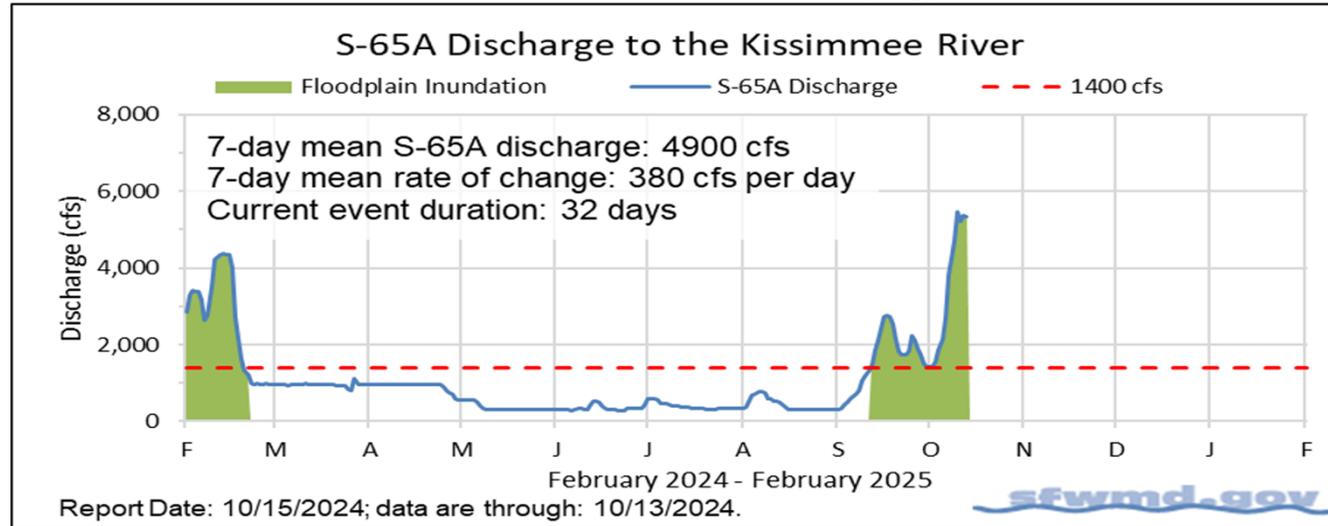
### Lake Tohopekaliga (15 October 2024)

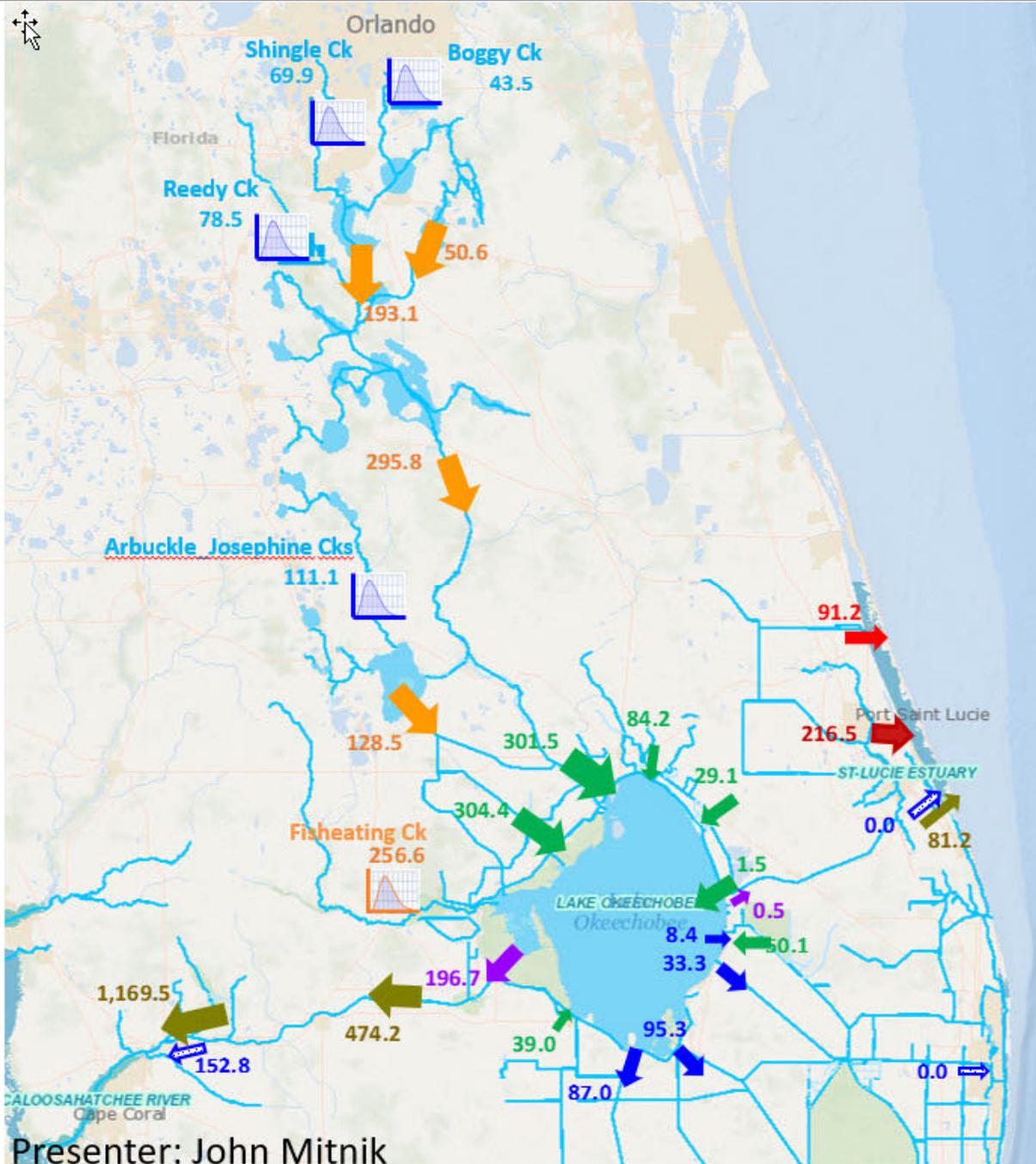


# Kissimmee River Floodplain Inundation



# Kissimmee River Discharge and Dissolved Oxygen



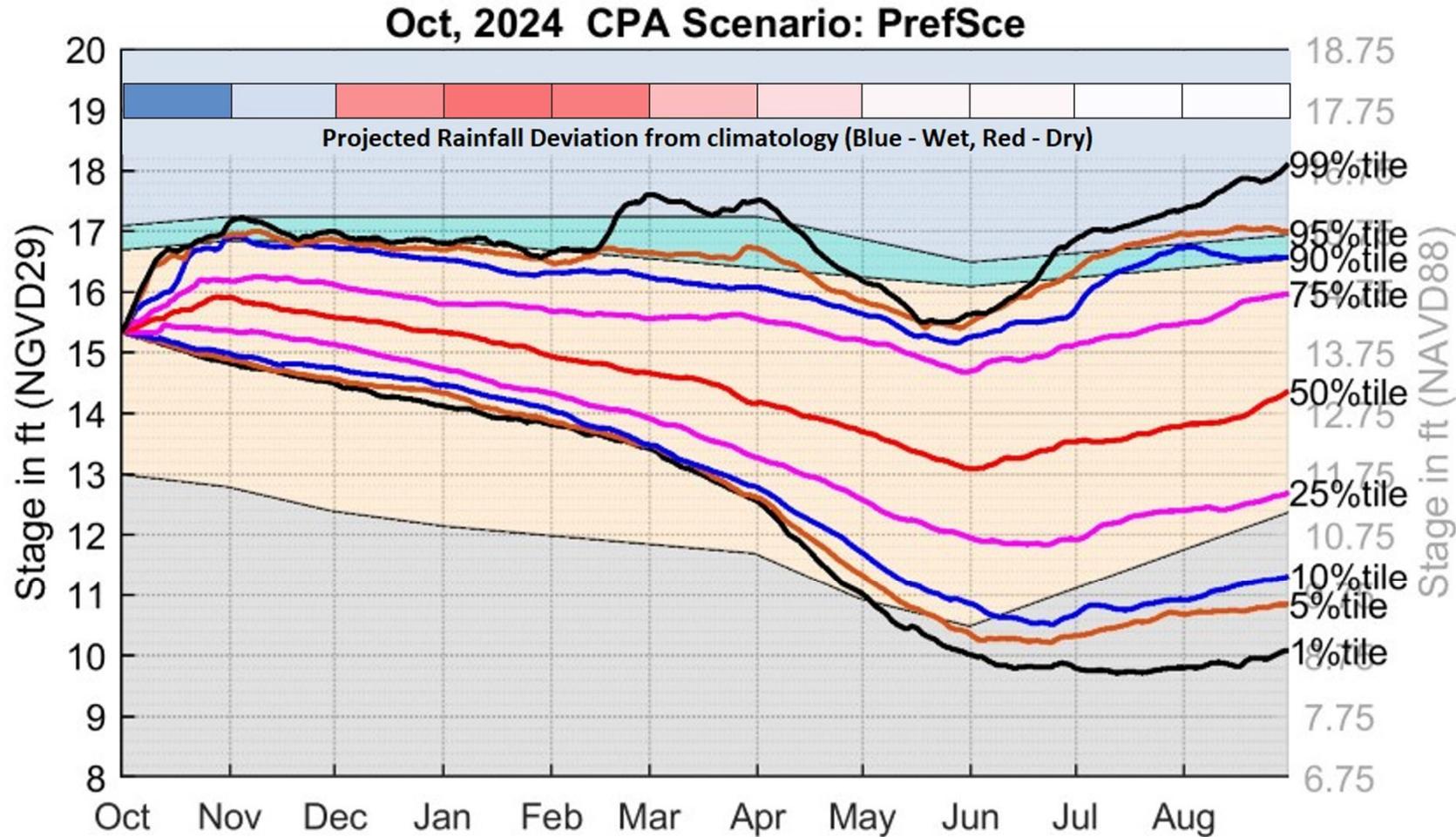


**SFWMD – Selected Release Volumes for the Period May 1, 2024 to October 15, 2024**  
(volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre-feet)	
		WYR 2025	Last Month
	Upper Kissimmee to Lower Kissimmee	295.8	171.4
	Inflows to Lake Okeechobee (including Fisheating Creek)	1,066.4	424.8
	Lake Releases and Basin Runoff	1,250.7	332.2
	Lake Releases East and West	197.2	0.0
	Lake Flood Control to Estuaries	152.8	0.0
	Total Lake Releases South	224.0	0.0
	Releases to Indian River Lagoon	91.2	25.9
	Upper East Coast discharges to St. Lucie Estuary	216.5	69.5
	Uncontrolled flows - Creeks (does not include Fisheating Creek)	303.1	124.7

**1,000 acre-feet = 325.9 Million Gallons**

# Conditional Position Analysis (CPA) LOK

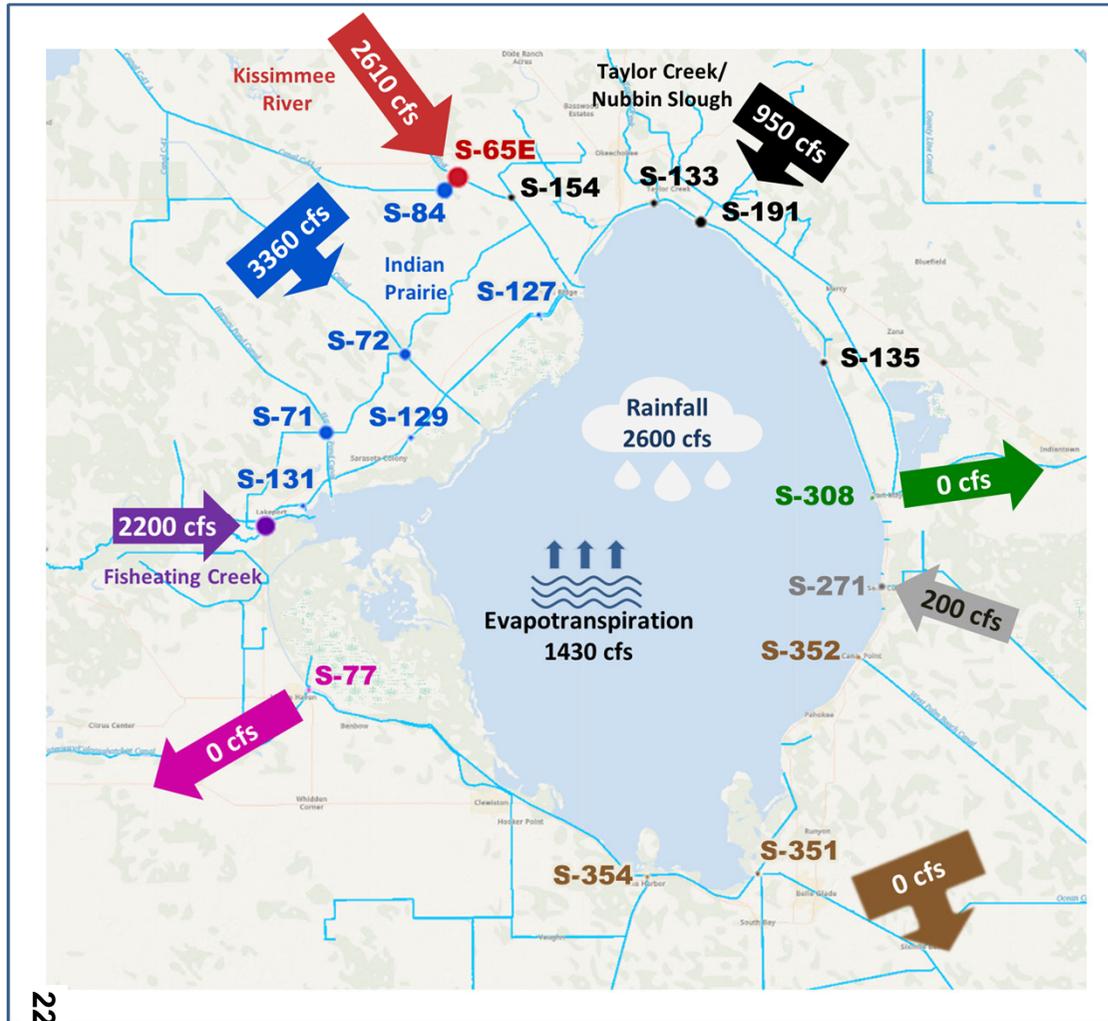


- Conditional Position Analysis (CPA) improves DPA predicted stages by taking into account the anticipated rainfall conditions.
- Conditional Position Analysis (CPA) is a stochastic technique that utilizes robust and well-established approaches, such as Monte Carlo simulation and NonLinear Programming, to correctly apply the rainfall to stage Transition Probability Matrix and recognize non-unique solutions.

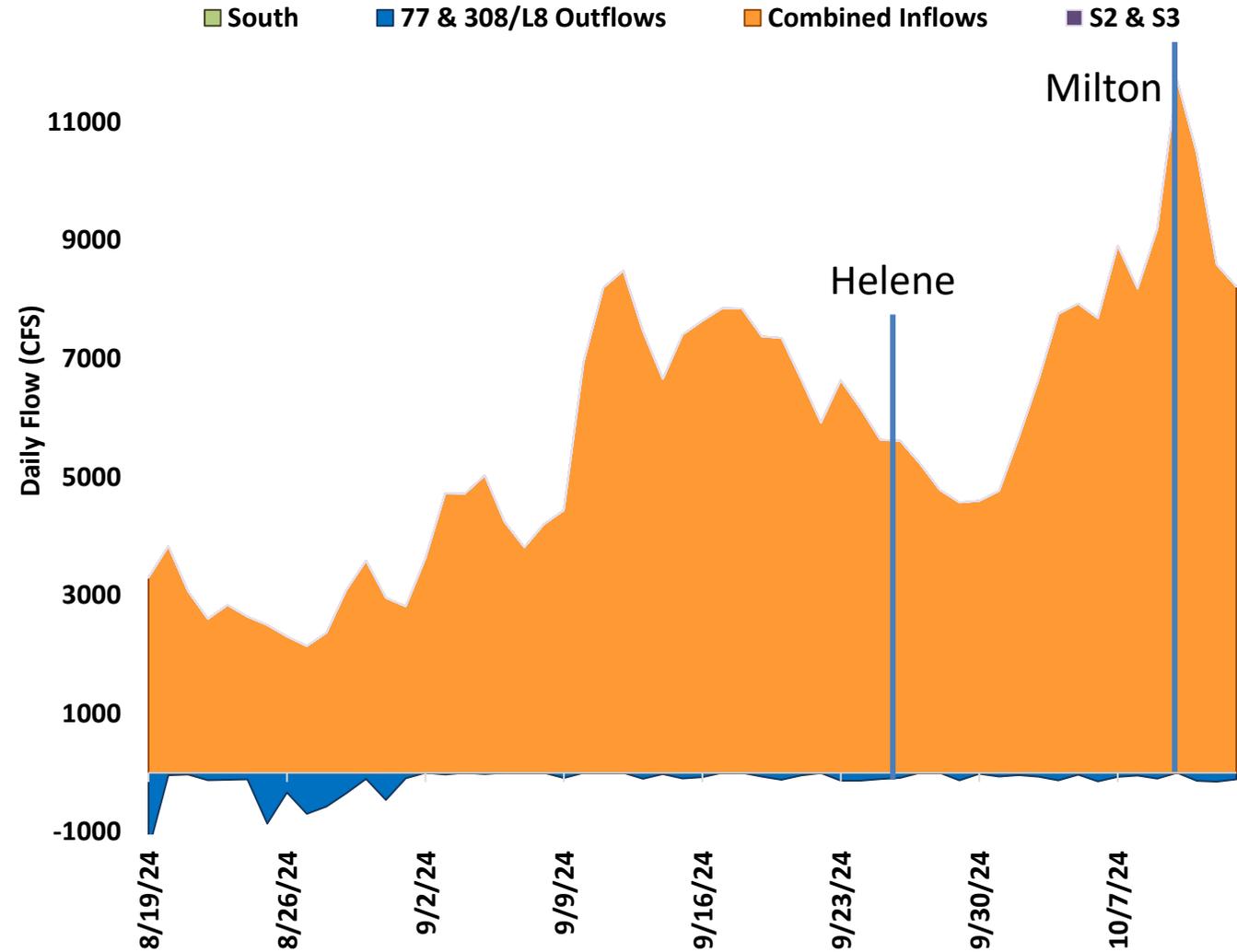
# Lake Okeechobee Hydrology

(\*Provisional Data)

Oct 07 – 13, 2024 Inflows and Outflows

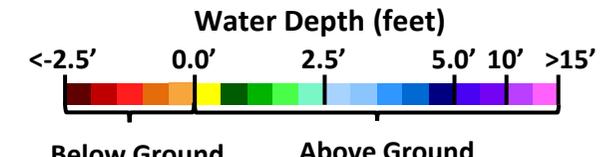
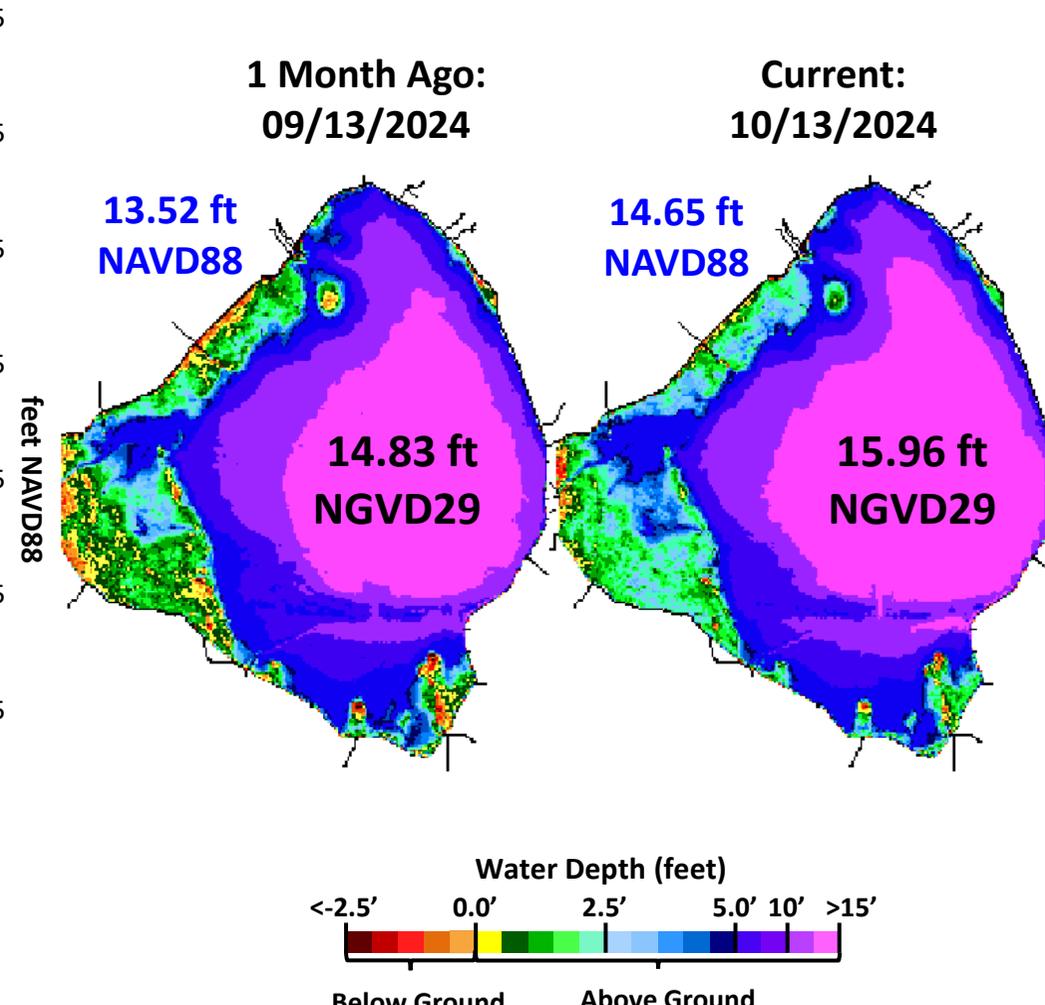
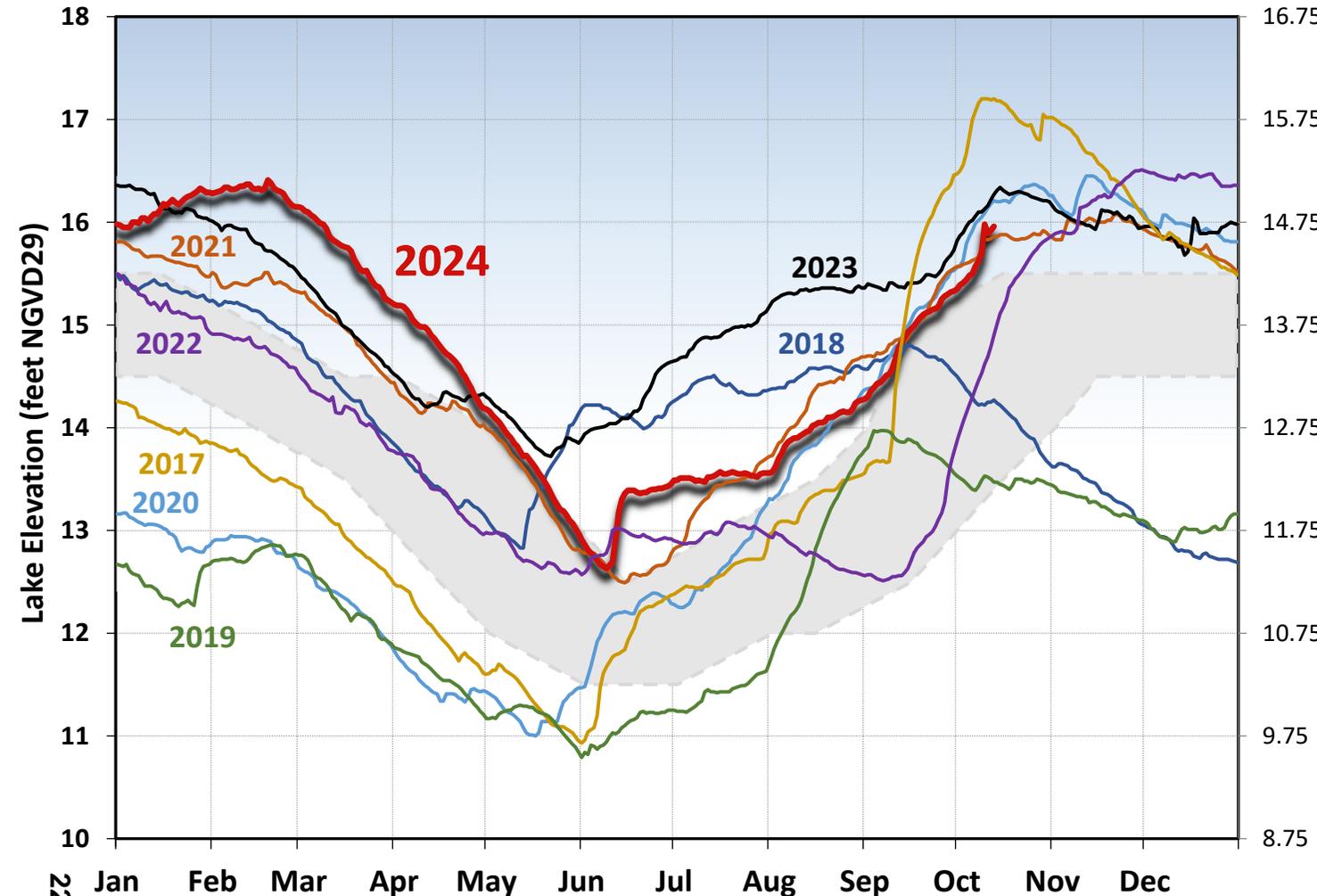


Prior 8 Weeks Inflows and Outflows



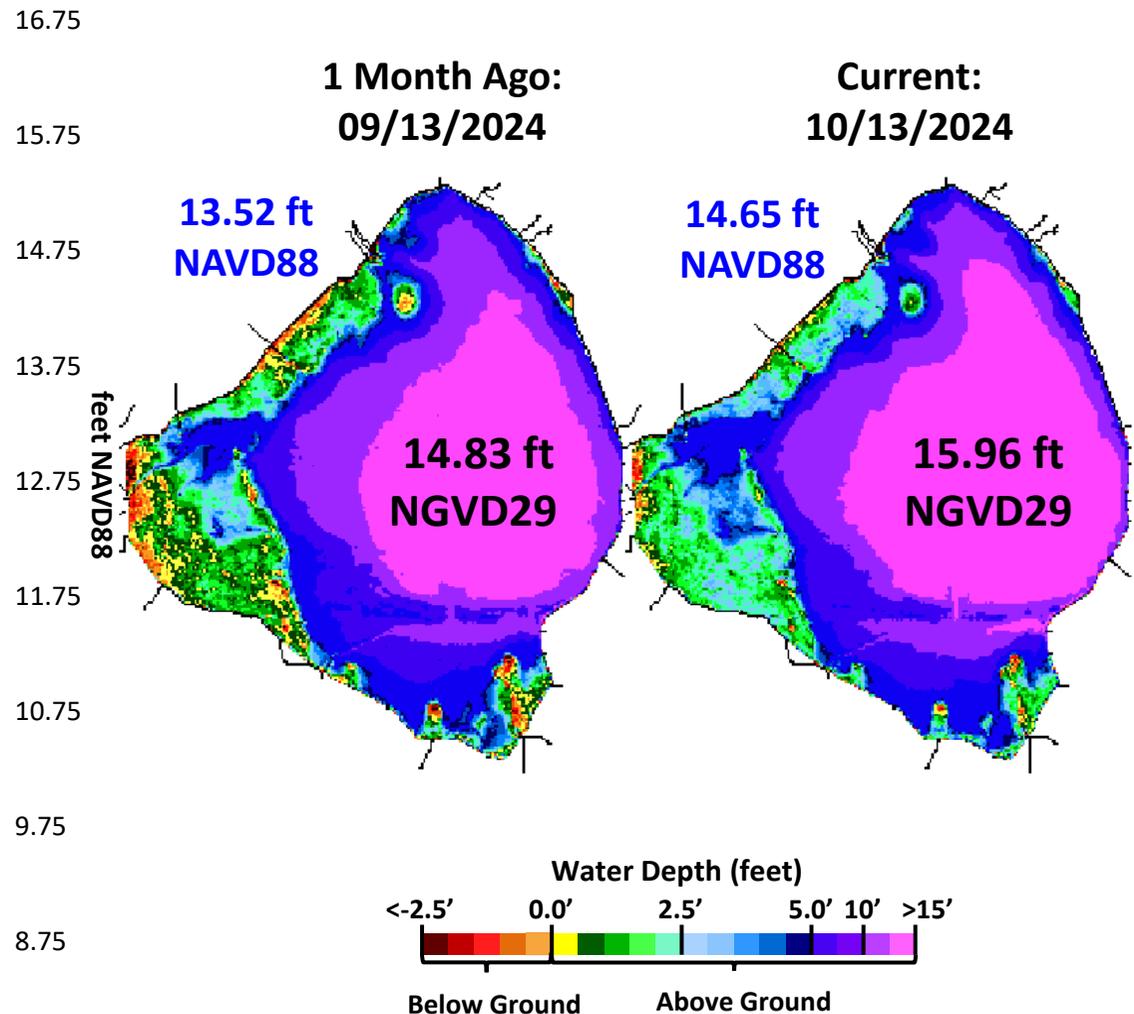
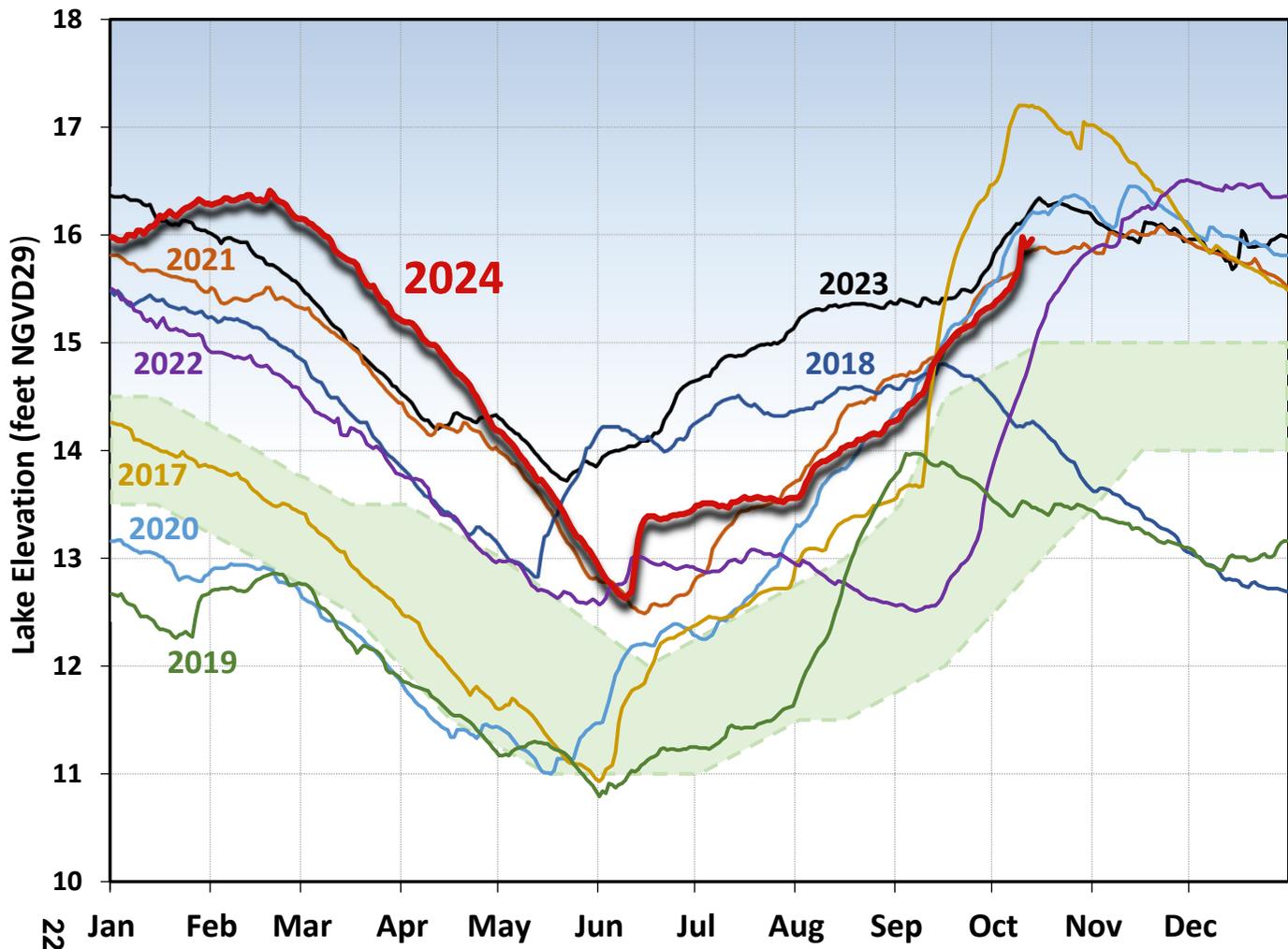
# Ecological Envelope and Water Depths

## Lake Okeechobee Stage vs Ecological Envelope

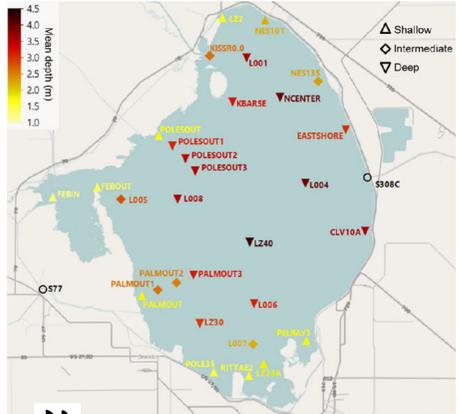
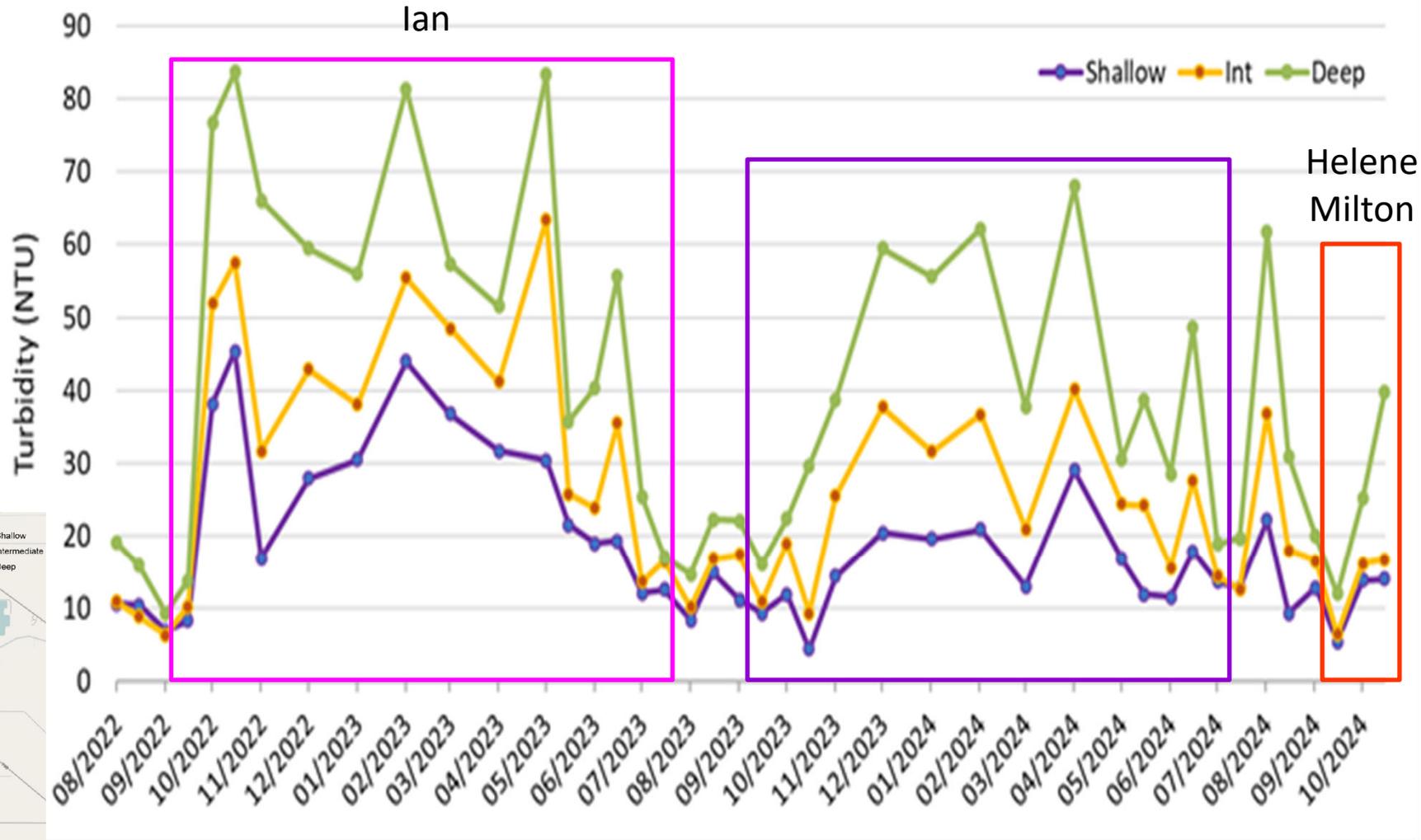


# Ecological Envelope and Water Depths

Lake Okeechobee Stage vs Recovery Ecological Envelope



# Lake Okeechobee Seiche and Turbidity



# Lake Okeechobee Vegetation Wracks



NE Marsh

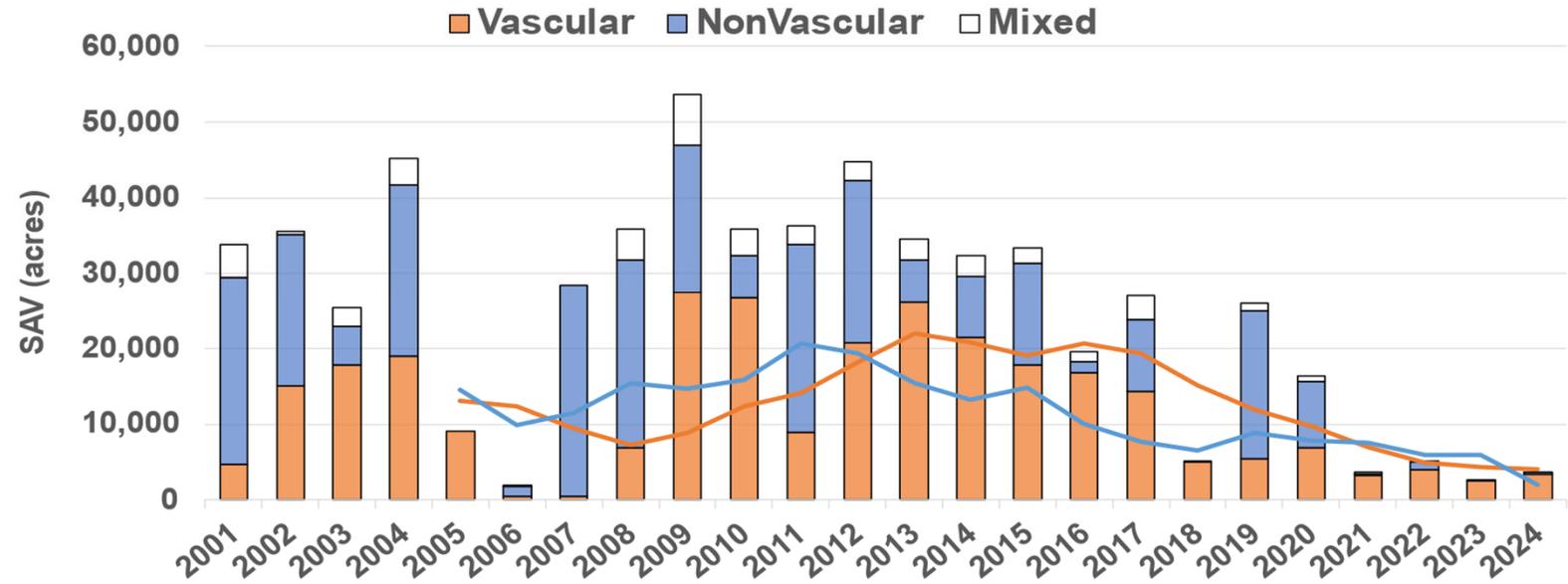
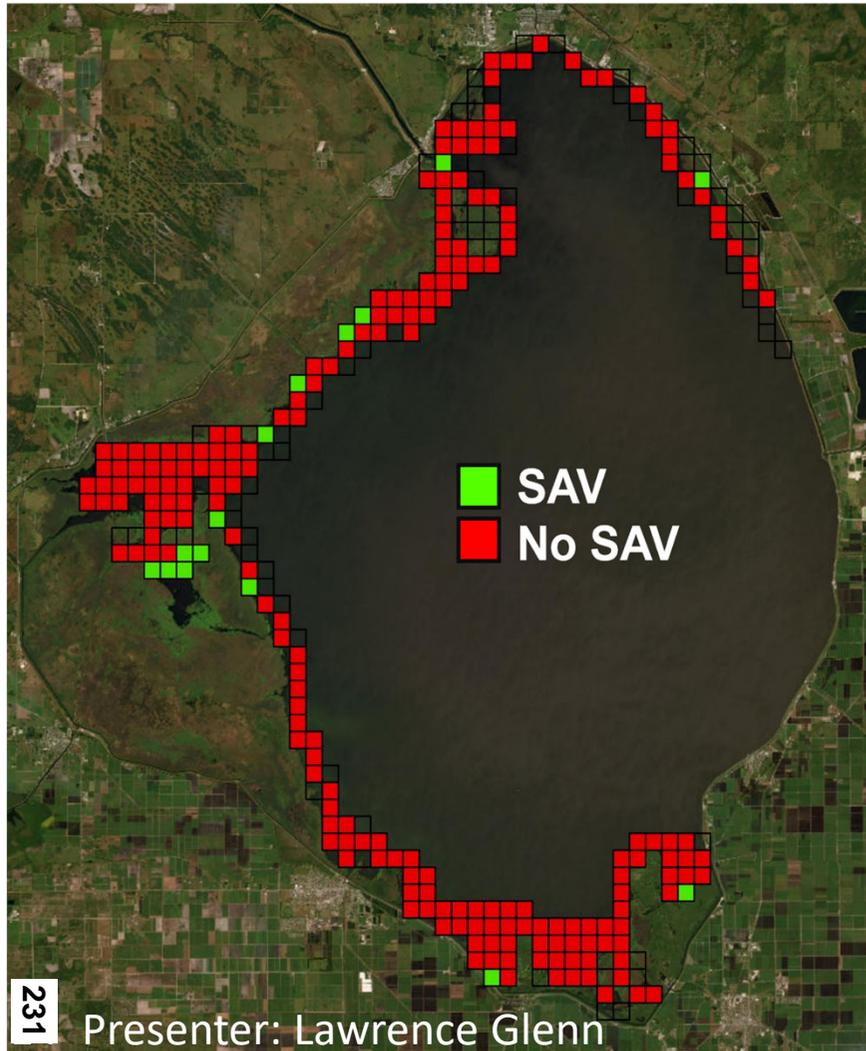


NW Marsh

# Lake Okeechobee

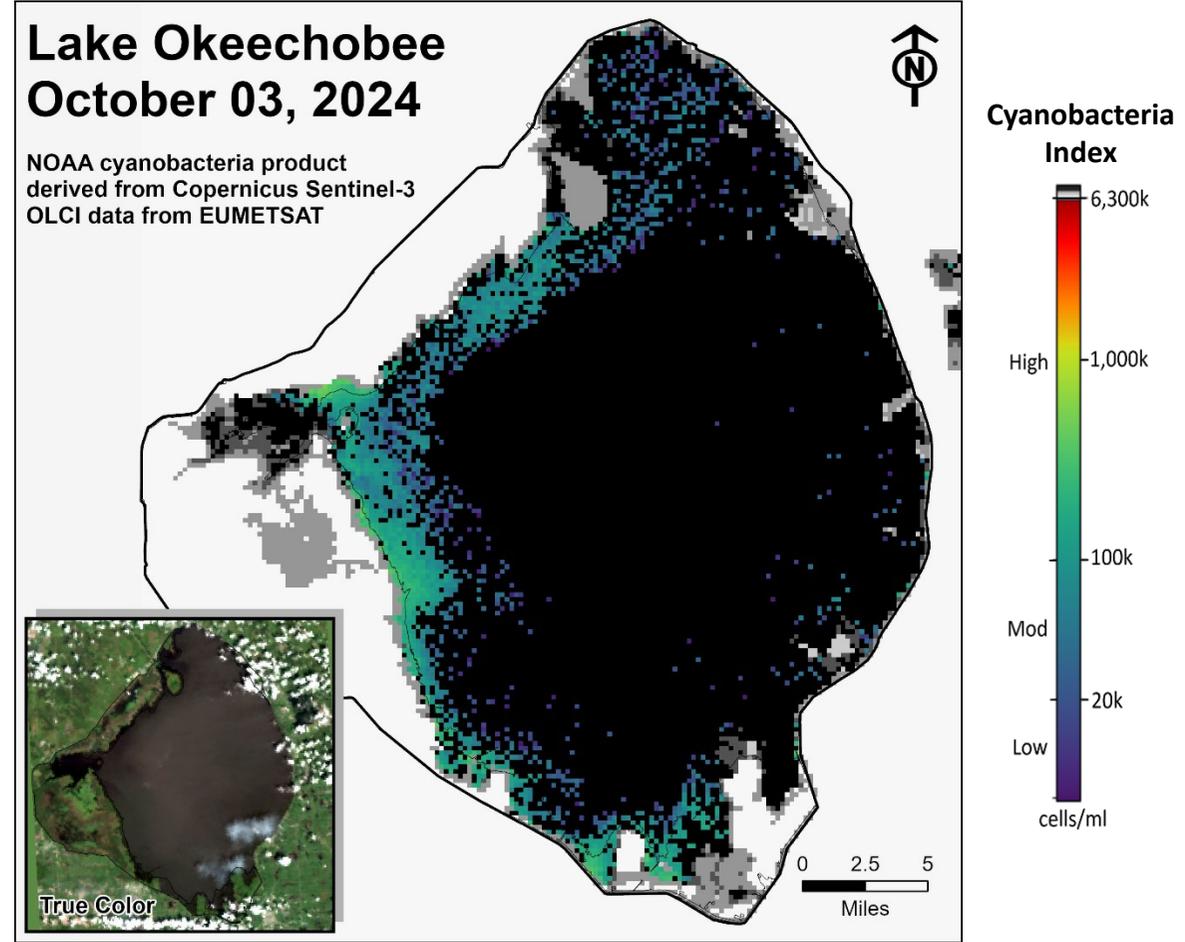
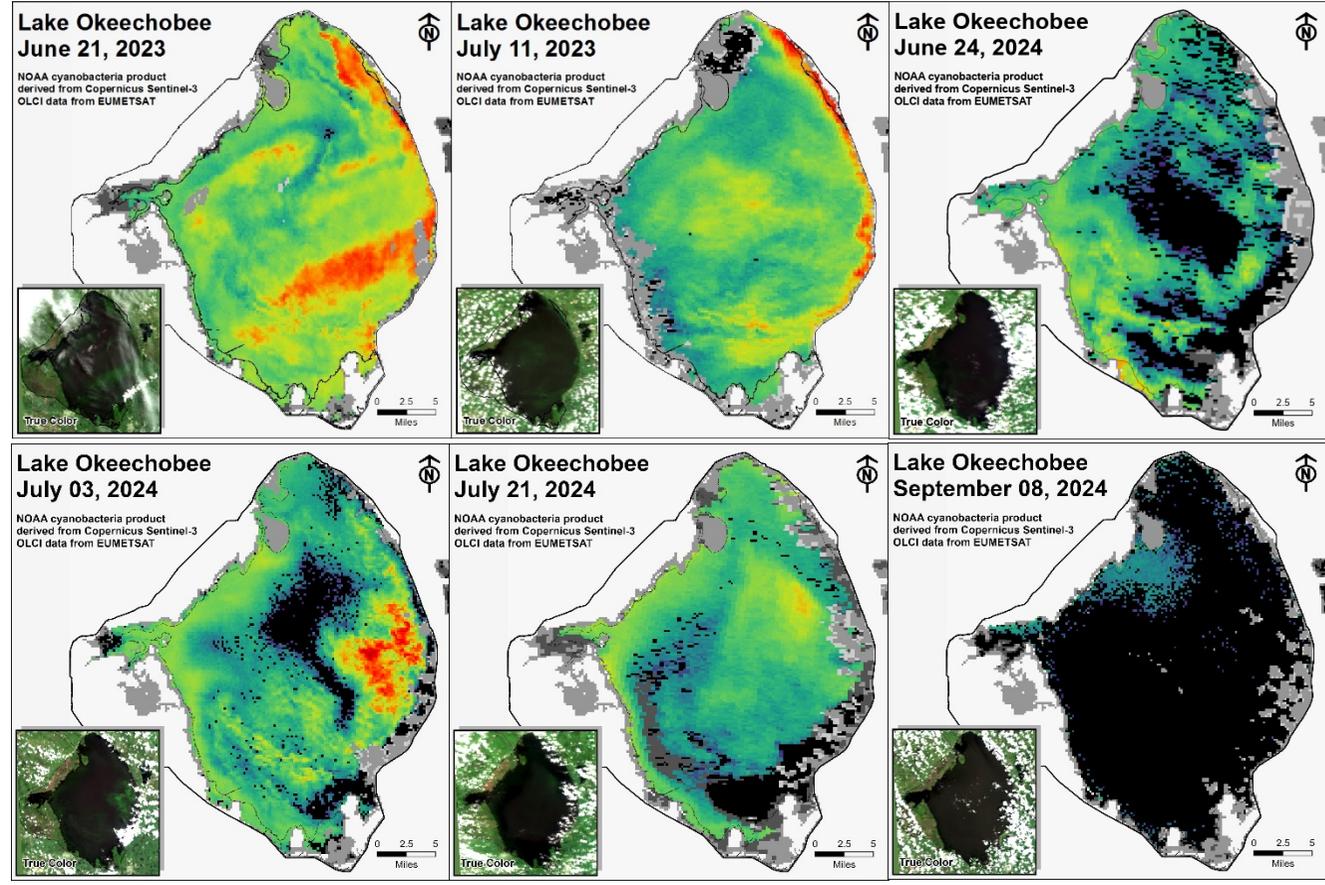
## Submerged Aquatic Vegetation

### SAV Coverage 2024



# Lake Okeechobee

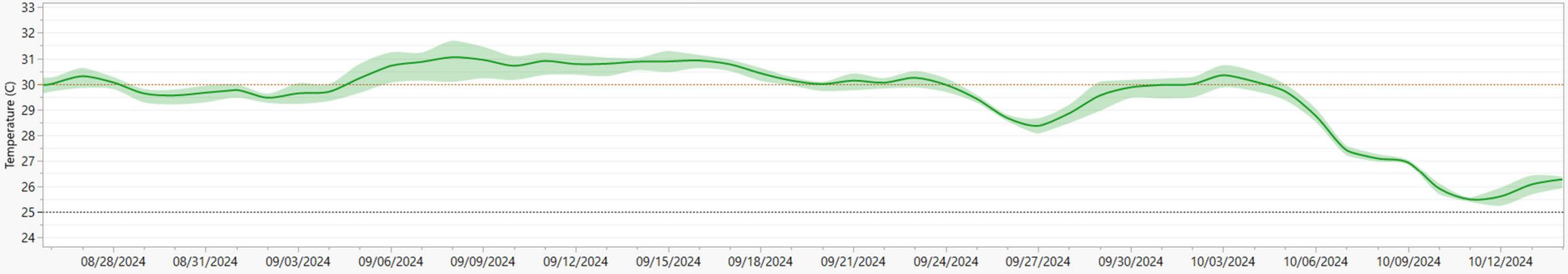
## Cyanobacteria Bloom Distribution and Intensity



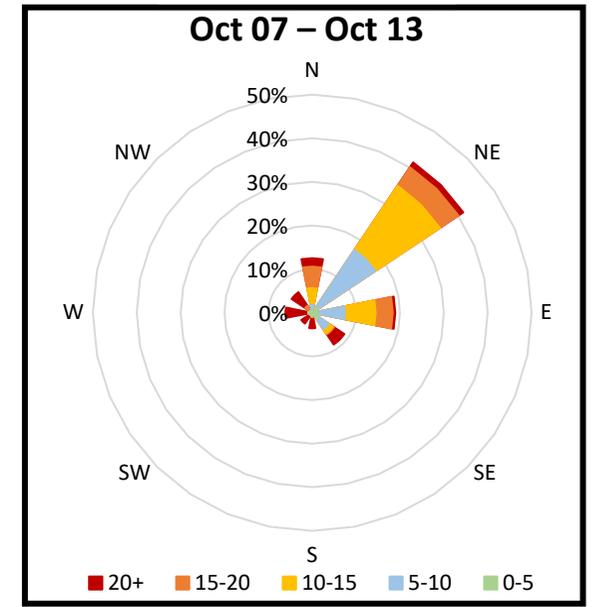
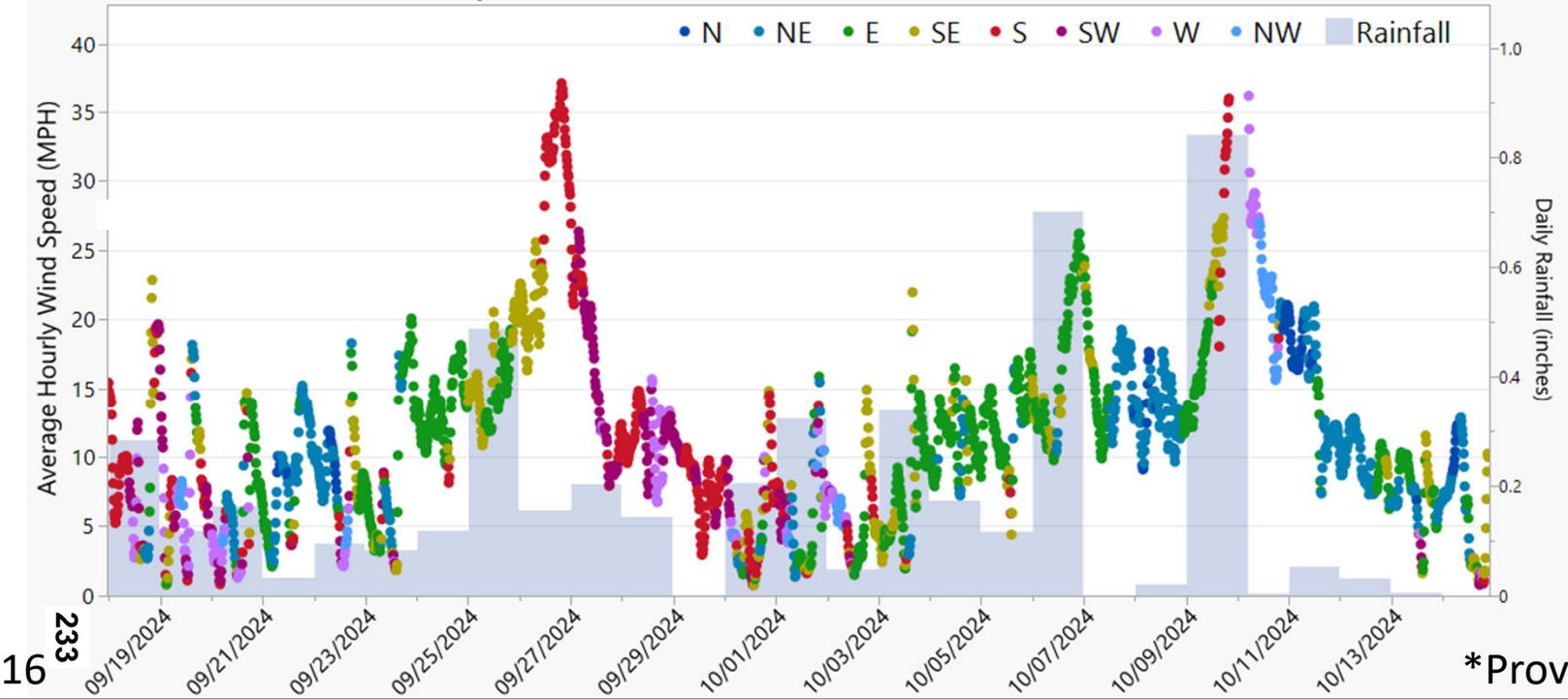
NOAA cyanobacteria product derived from Copernicus Sentinel-3 OLCI data from EUMETSAT

# Lake Okeechobee Wind, Precipitation, and Temperature Patterns

Daily Mean (& IQR) Temperature from Lake O Platform Stations



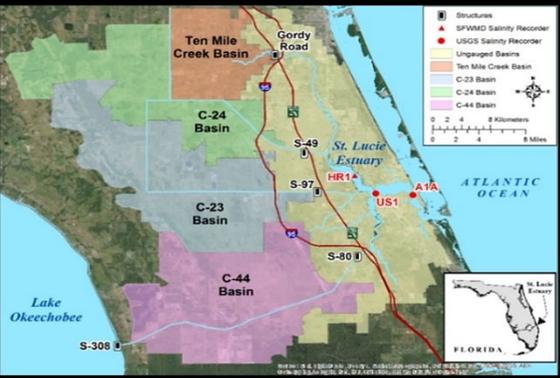
Wind Speed and Direction (from) at LZ40 + Lake O Rainfall



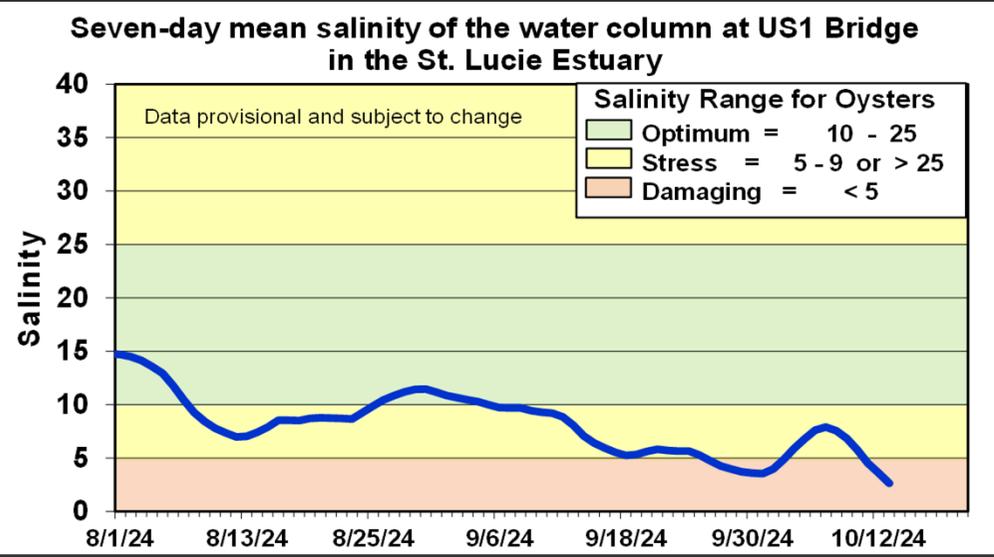
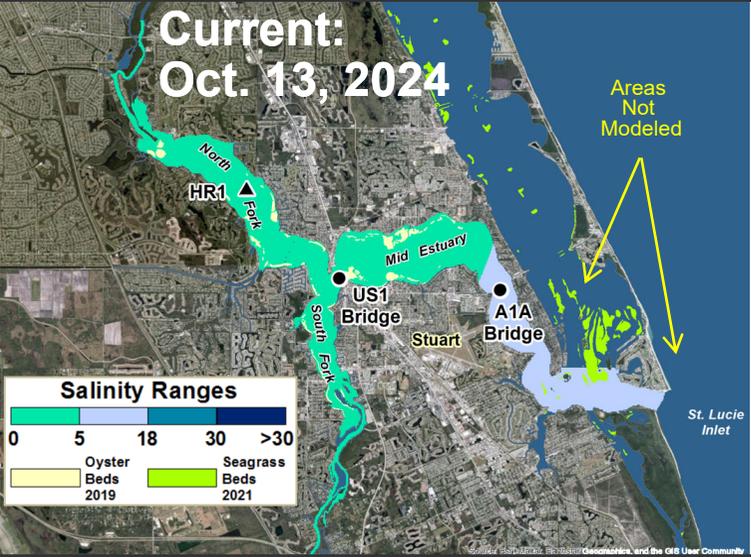
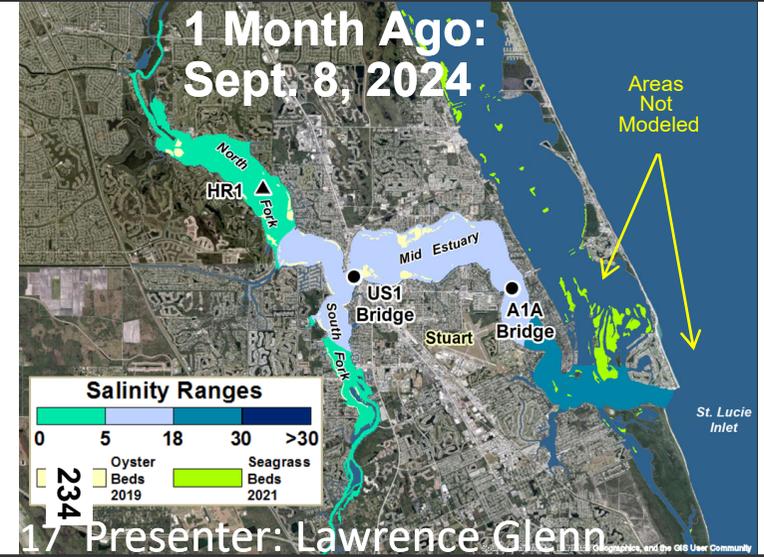
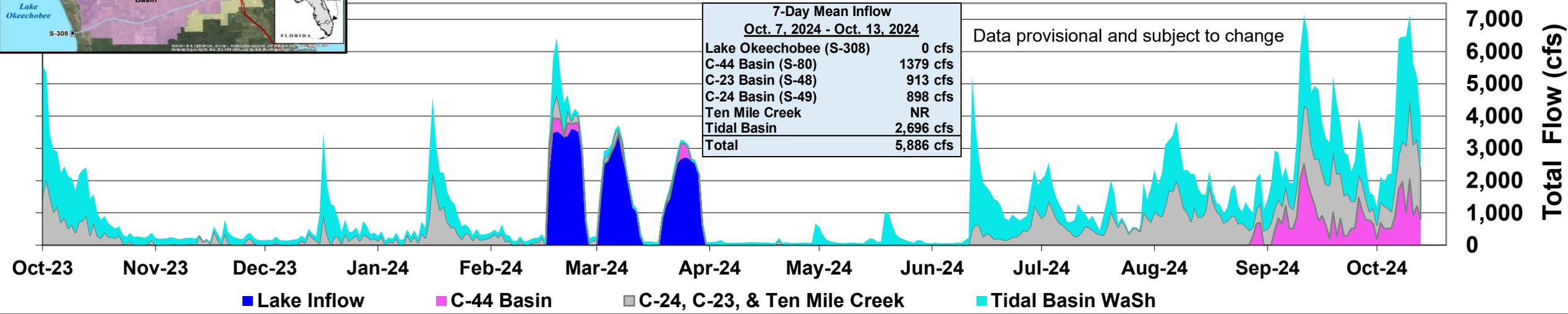
\*Provisional Data\*

Presenter: Lawrence Glenn

# St. Lucie Inflows and Salinity Conditions



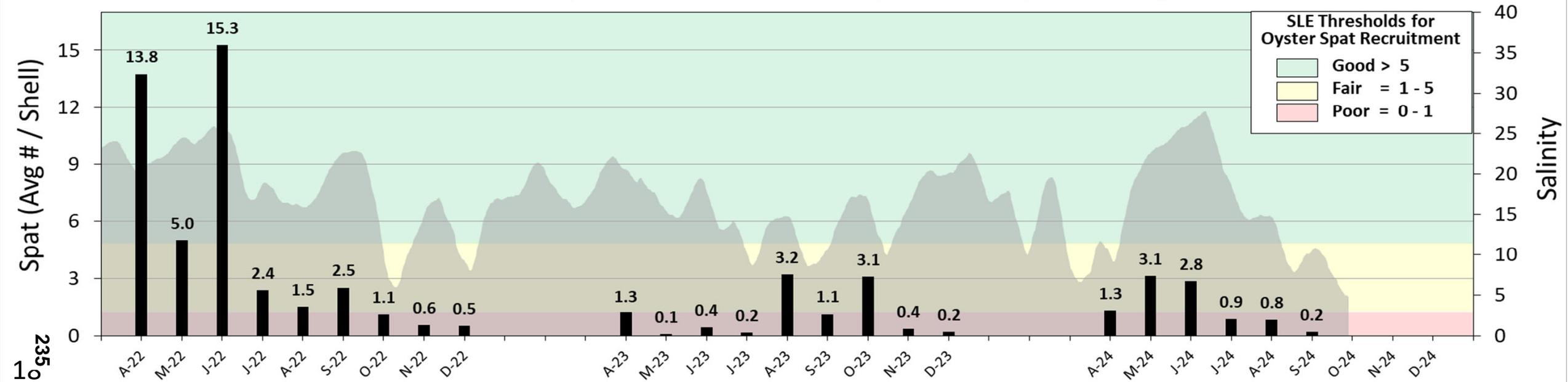
## Total Daily Inflow into the St. Lucie Estuary



# St. Lucie Estuary – Oyster Recruitment



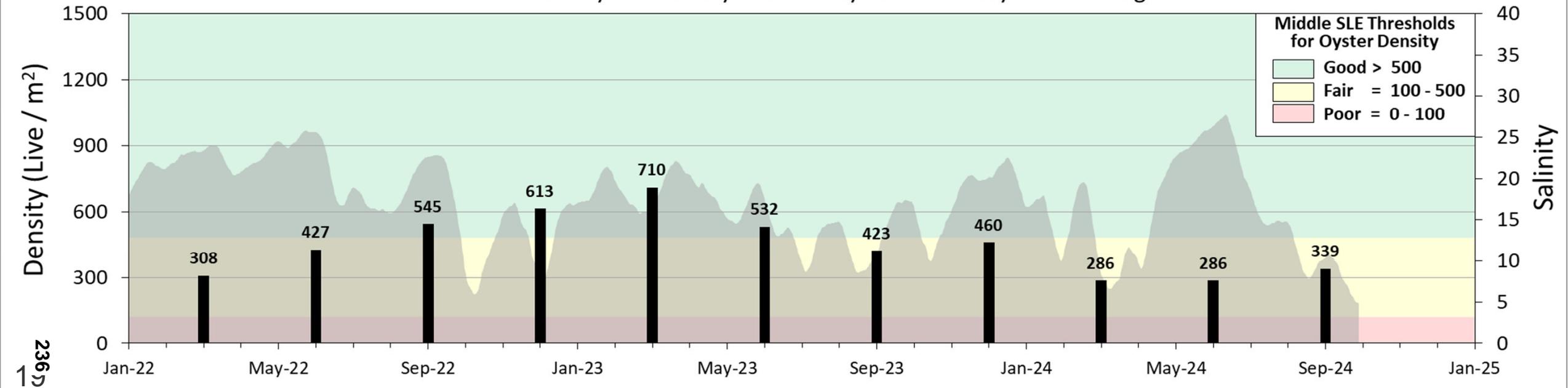
2022 - 2024 Rio Oyster Recruitment and 14-Day Mean Salinity at US1 Bridge



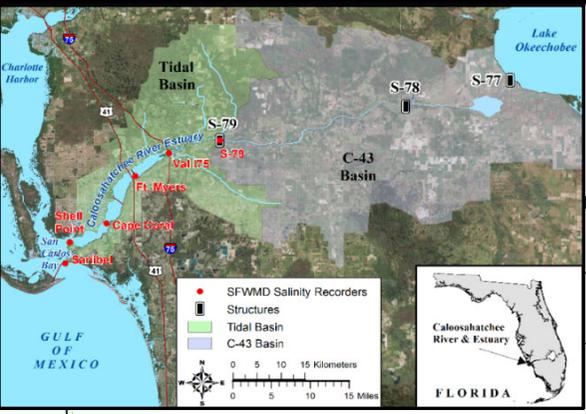
# St. Lucie Estuary – Oyster Density



2022 - 2024 Rio Oyster Density and 14-Day Mean Salinity at US1 Bridge



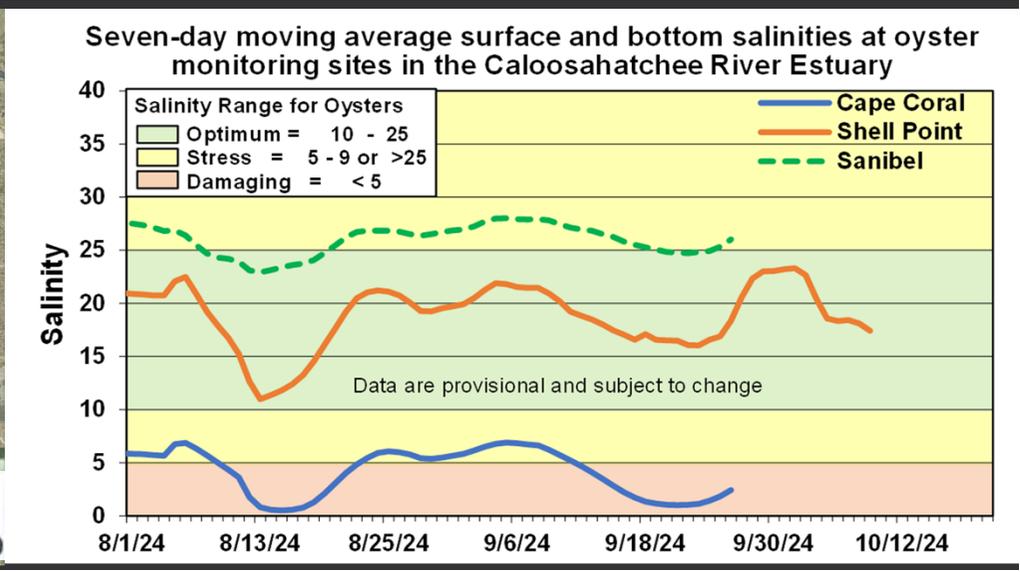
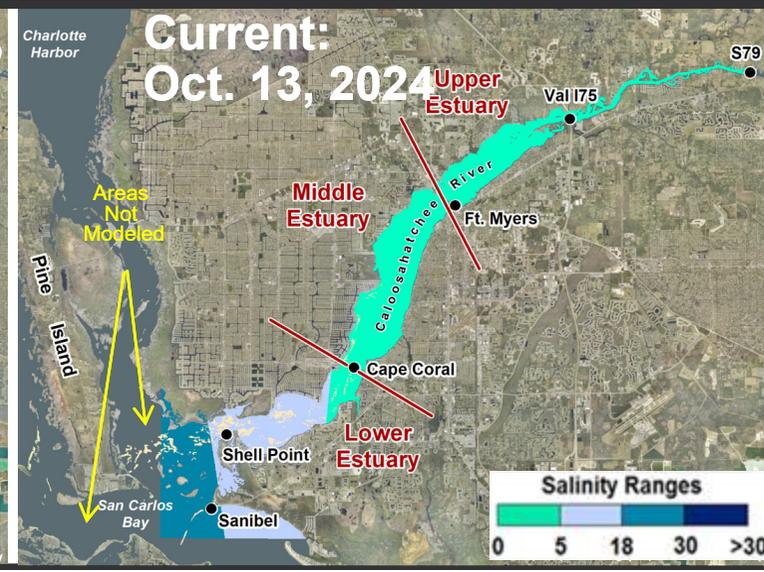
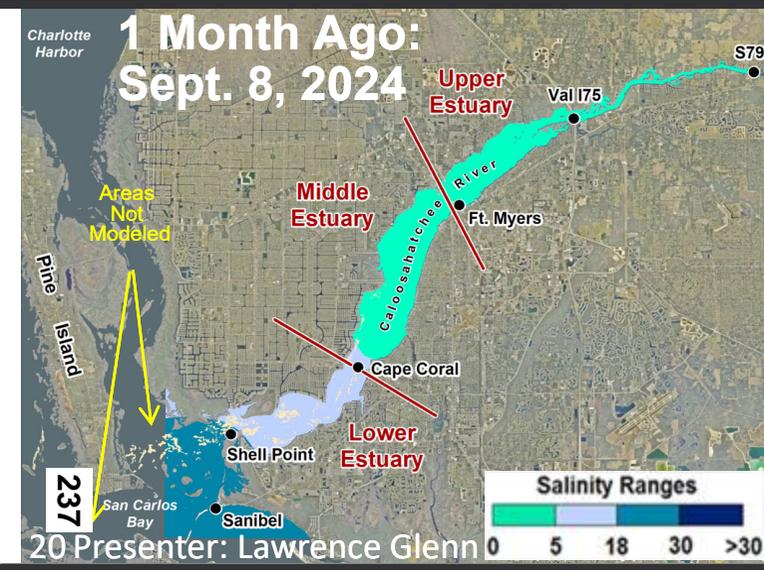
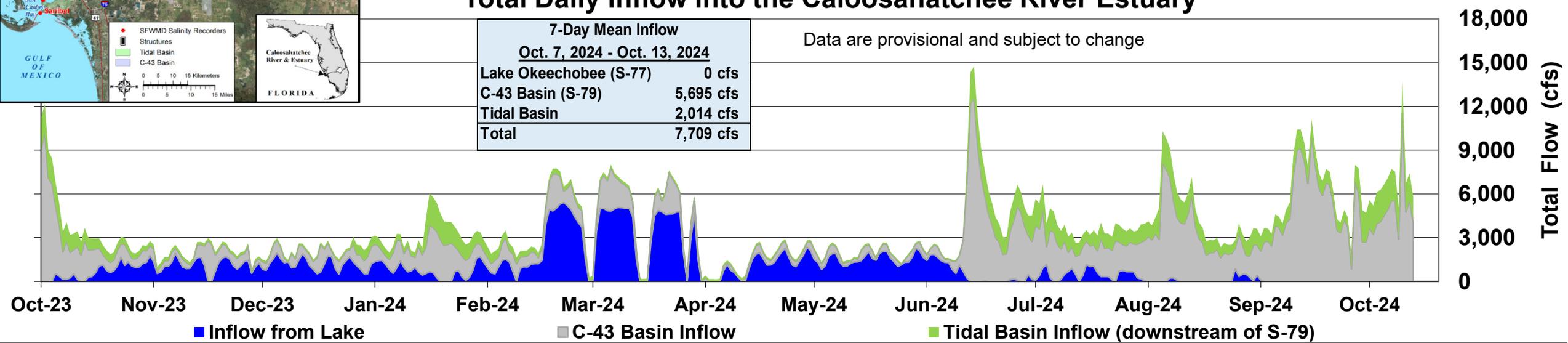
# Caloosahatchee Inflows and Salinity Conditions



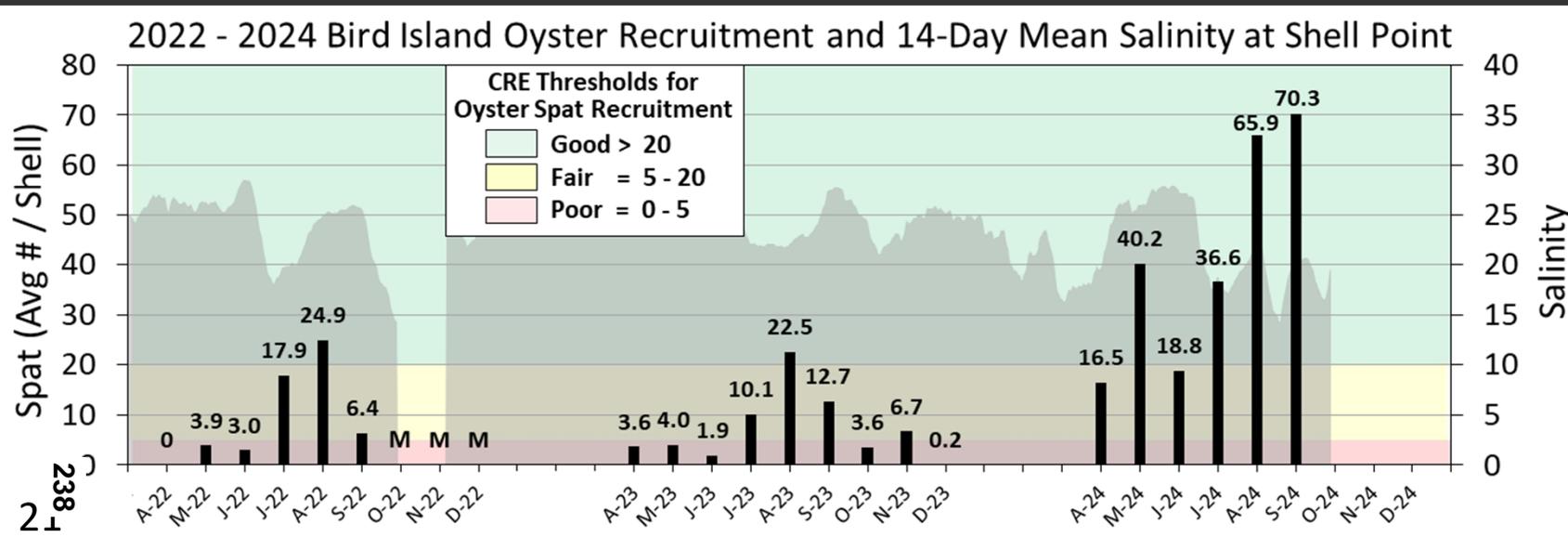
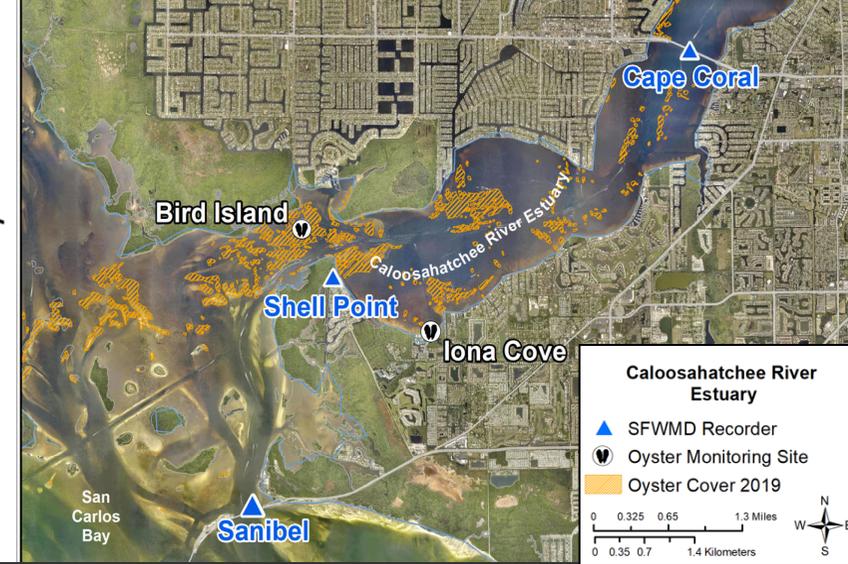
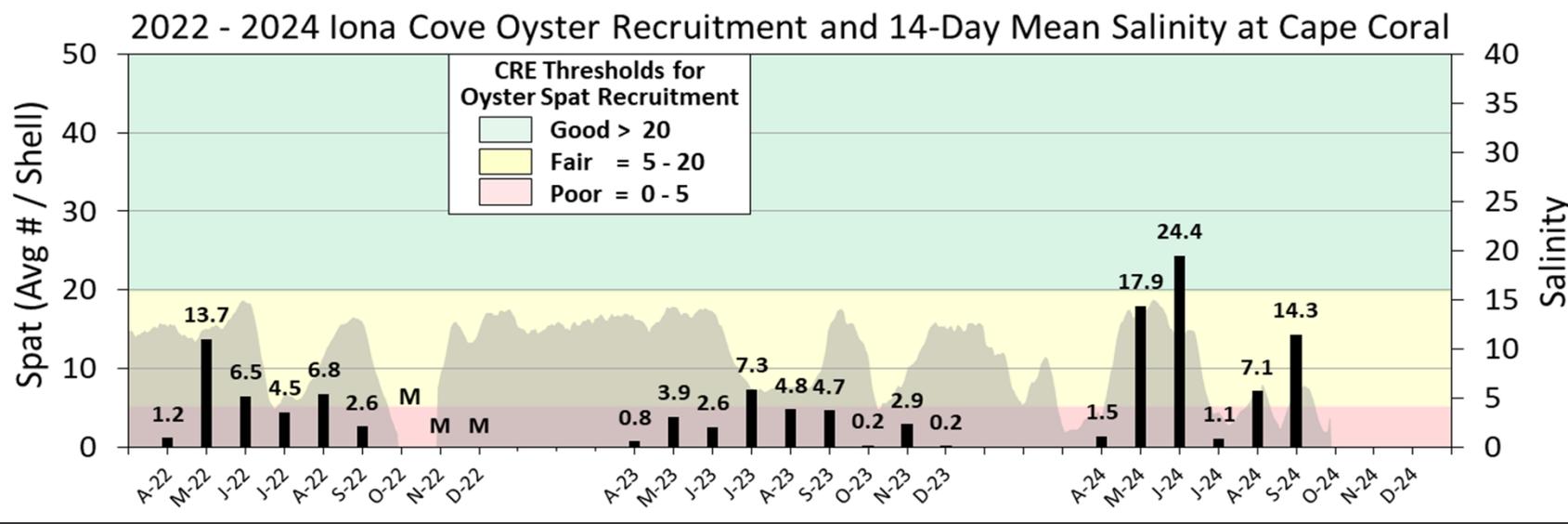
## Total Daily Inflow into the Caloosahatchee River Estuary

7-Day Mean Inflow Oct. 7, 2024 - Oct. 13, 2024	
Lake Okeechobee (S-77)	0 cfs
C-43 Basin (S-79)	5,695 cfs
Tidal Basin	2,014 cfs
<b>Total</b>	<b>7,709 cfs</b>

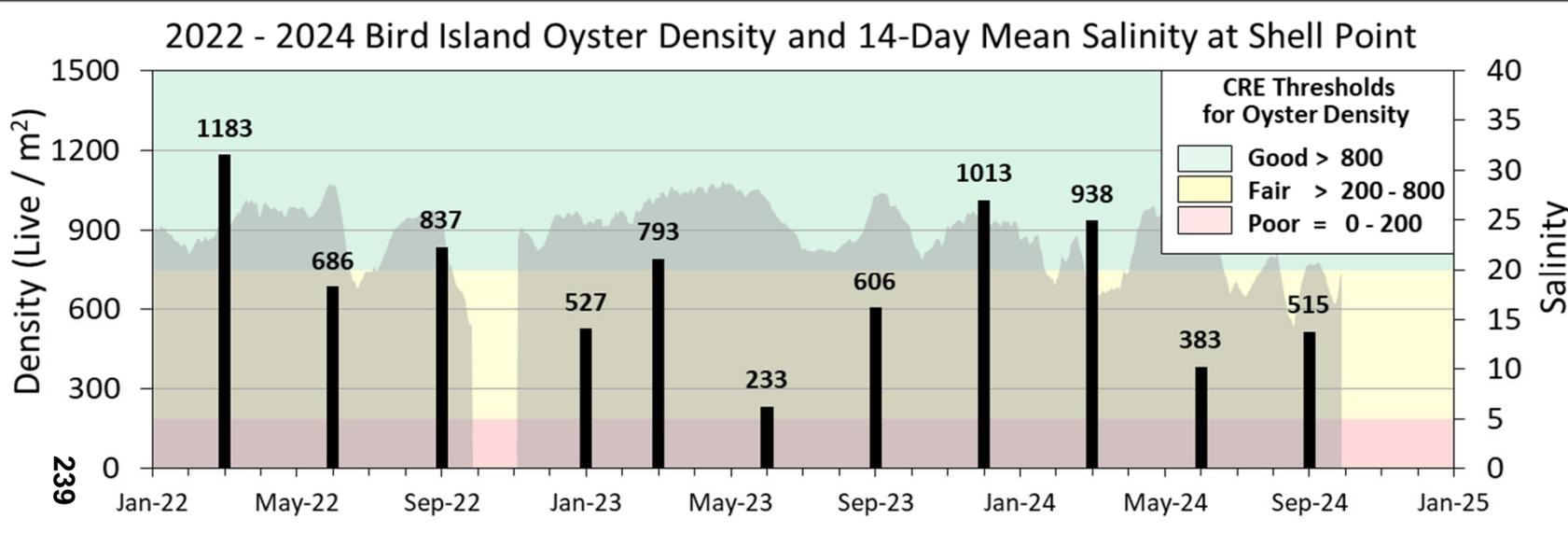
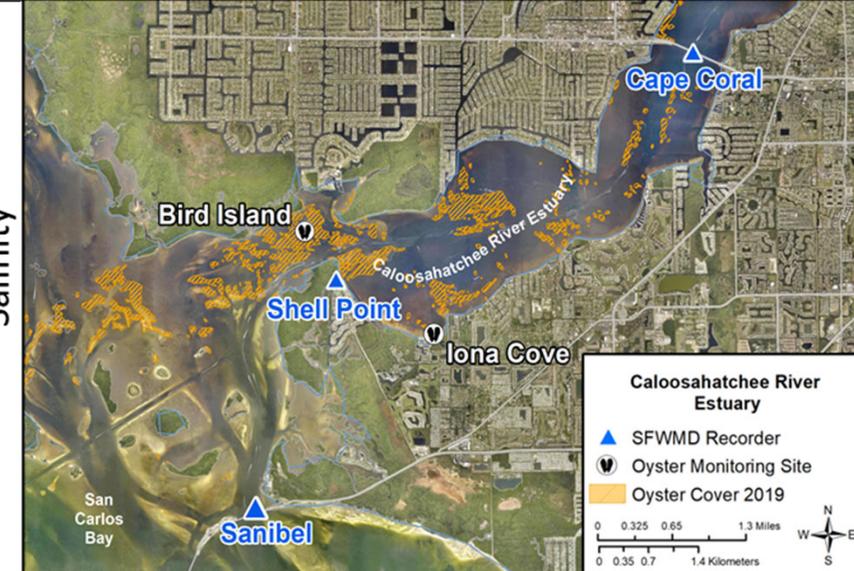
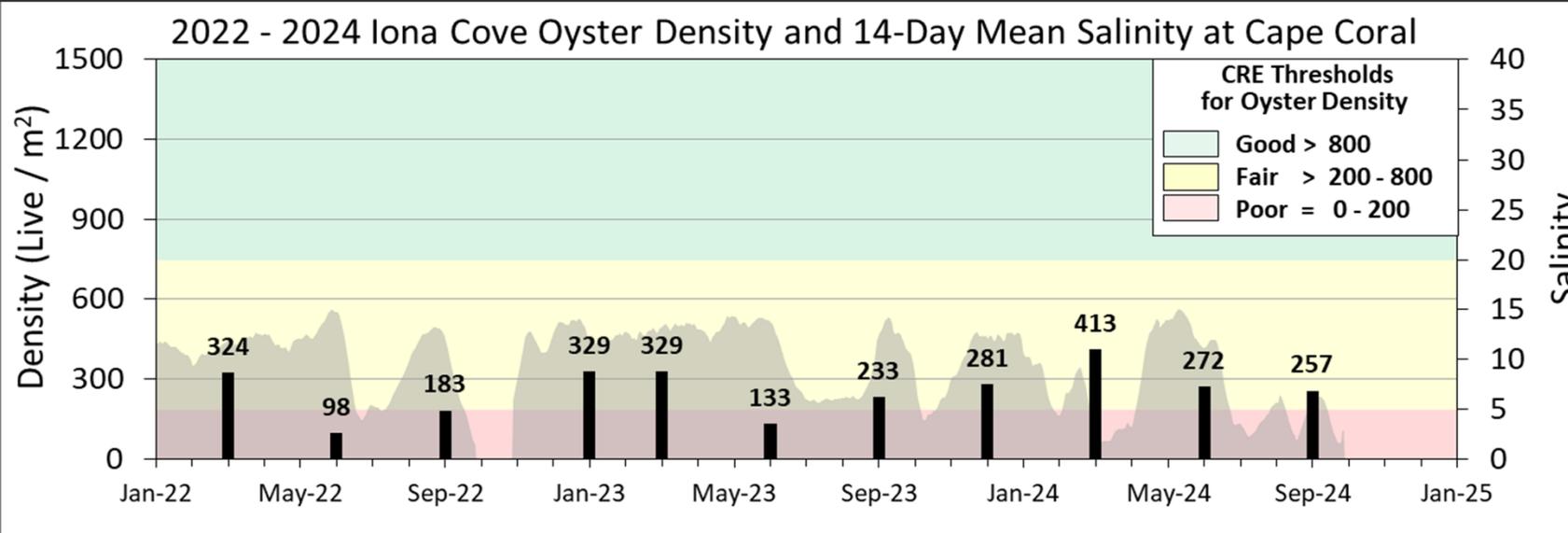
Data are provisional and subject to change



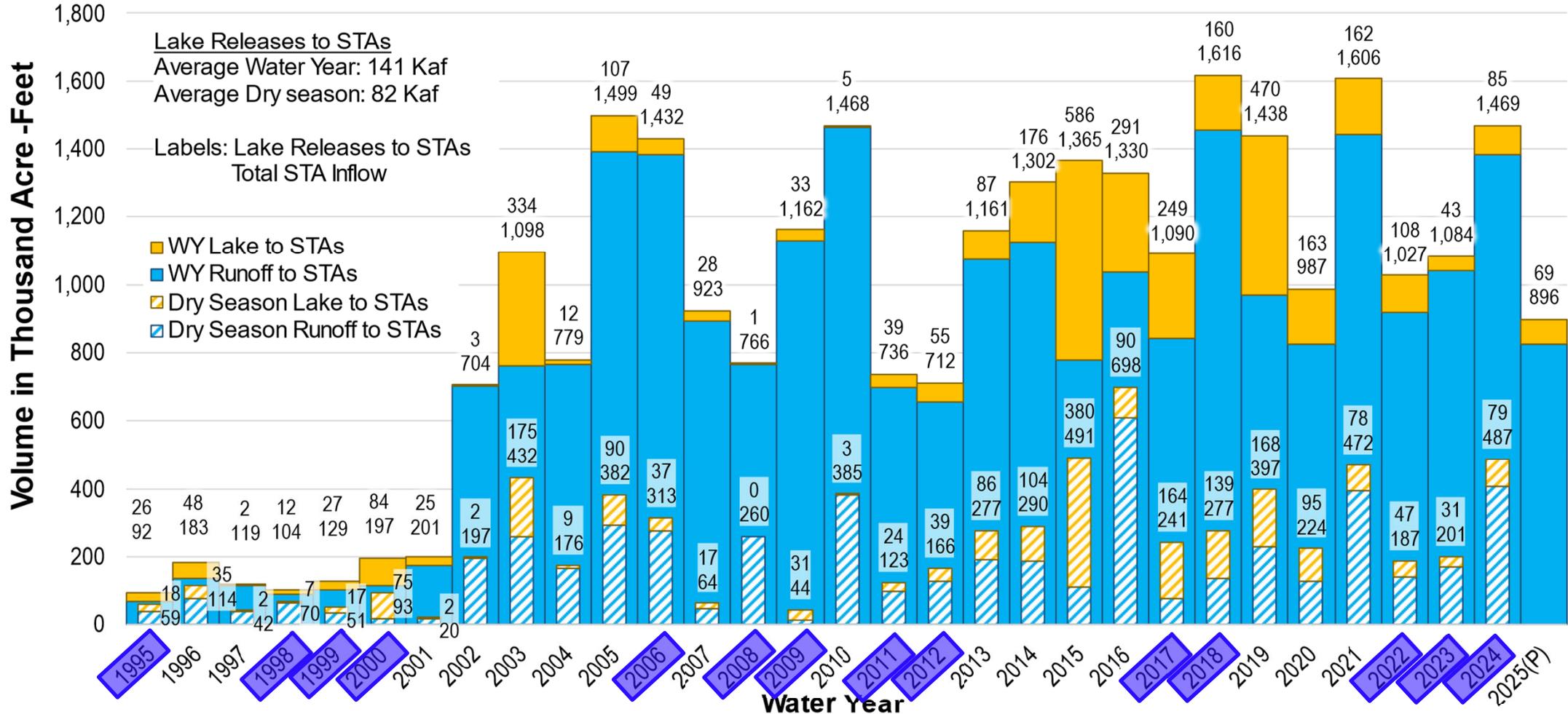
# Caloosahatchee River Estuary – Oyster Recruitment



# Caloosahatchee River Estuary – Oyster Density



## Total STA Inflow and Lake Releases to STAs



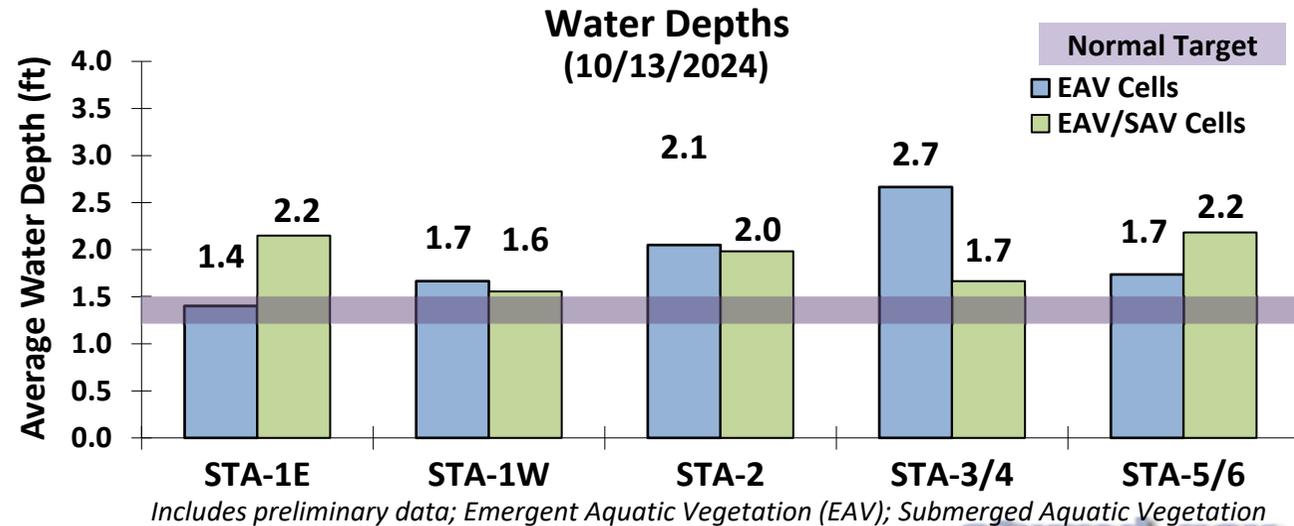
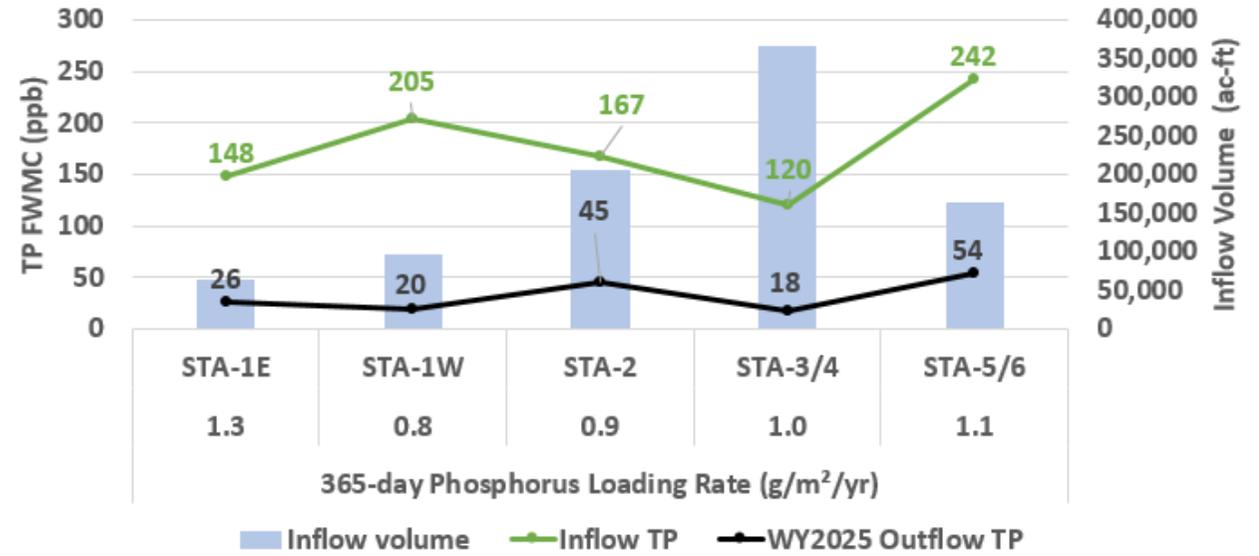
2025(p): Data from May 1, 2024 to October 13, 2024. Total STA Inflow includes inflows to STA -1E, STA-1W, STA-2, STA-3/4, and STA-5/6.

La Niña Water Years

# Everglades Stormwater Treatment Areas - STAs

- STAs treated basin runoff in September
  - Total WY2025 inflows to STAs (5/1/2024 to 10/13/2024): ~895,800 ac-ft
  - Lake Okeechobee releases to FEBs/STAs in WY2025: ~69,200 ac-ft
- Extensive vegetation management activities underway to address stressed and highly stressed vegetation in EAV cells
- STAs mostly unaffected by Hurricane Milton
  - STA-1E Cells 1 and 2 littered with debris from Wellington homes damaged by tornado
- Most treatment cells are near or above target water depth

Water Year 2025  
5/1/2024 to 10/13/2024  
Includes Preliminary Data



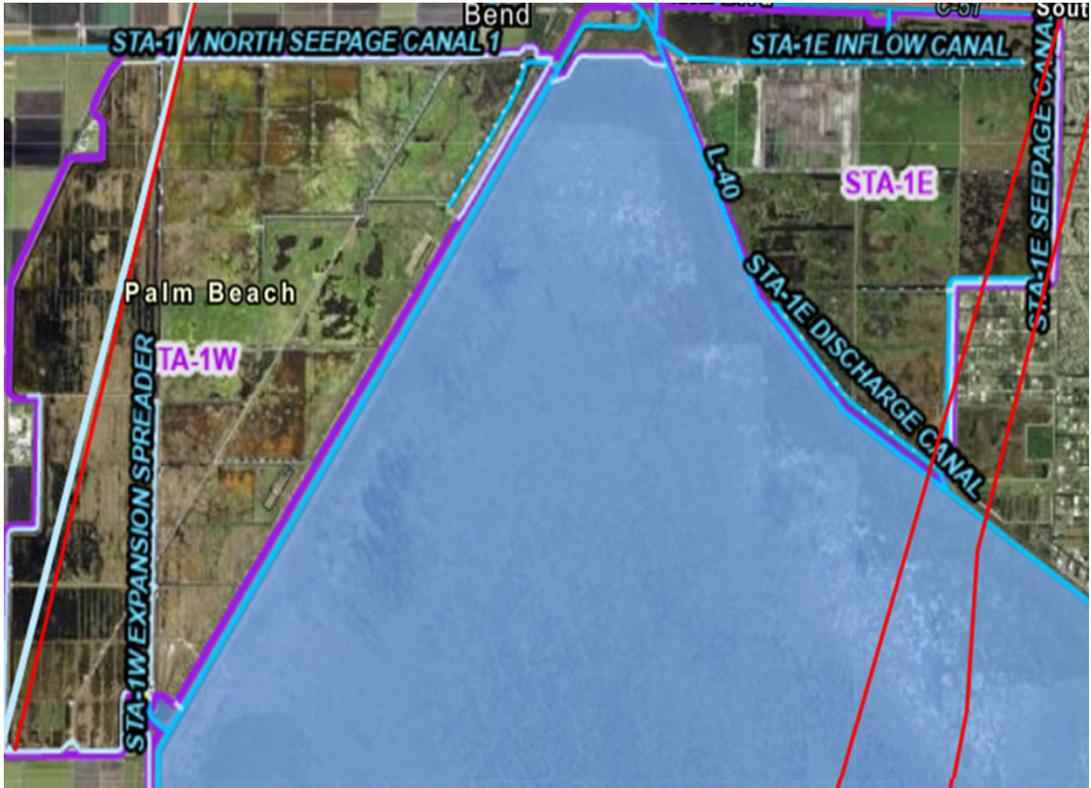
# STA Tornado Tracks

STA 1W

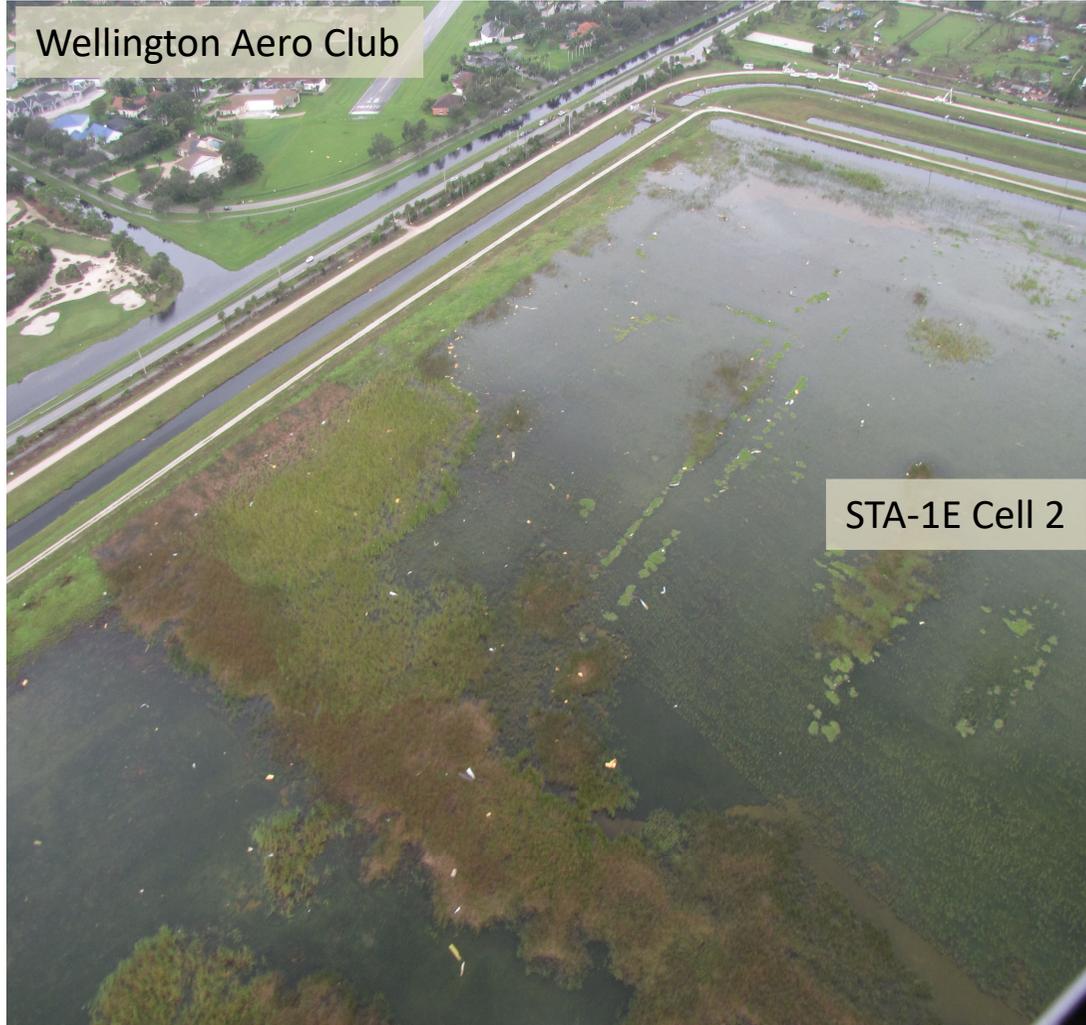
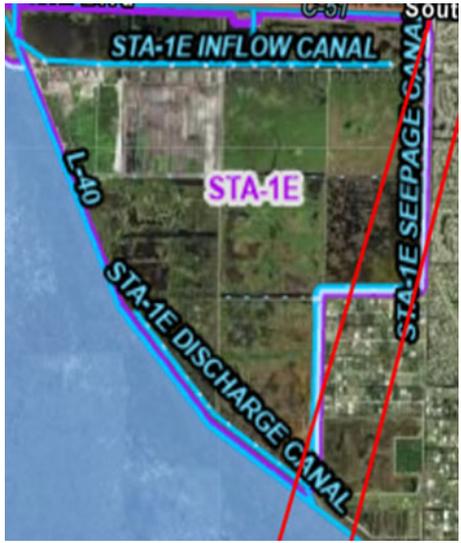
STA 1E

STA 2

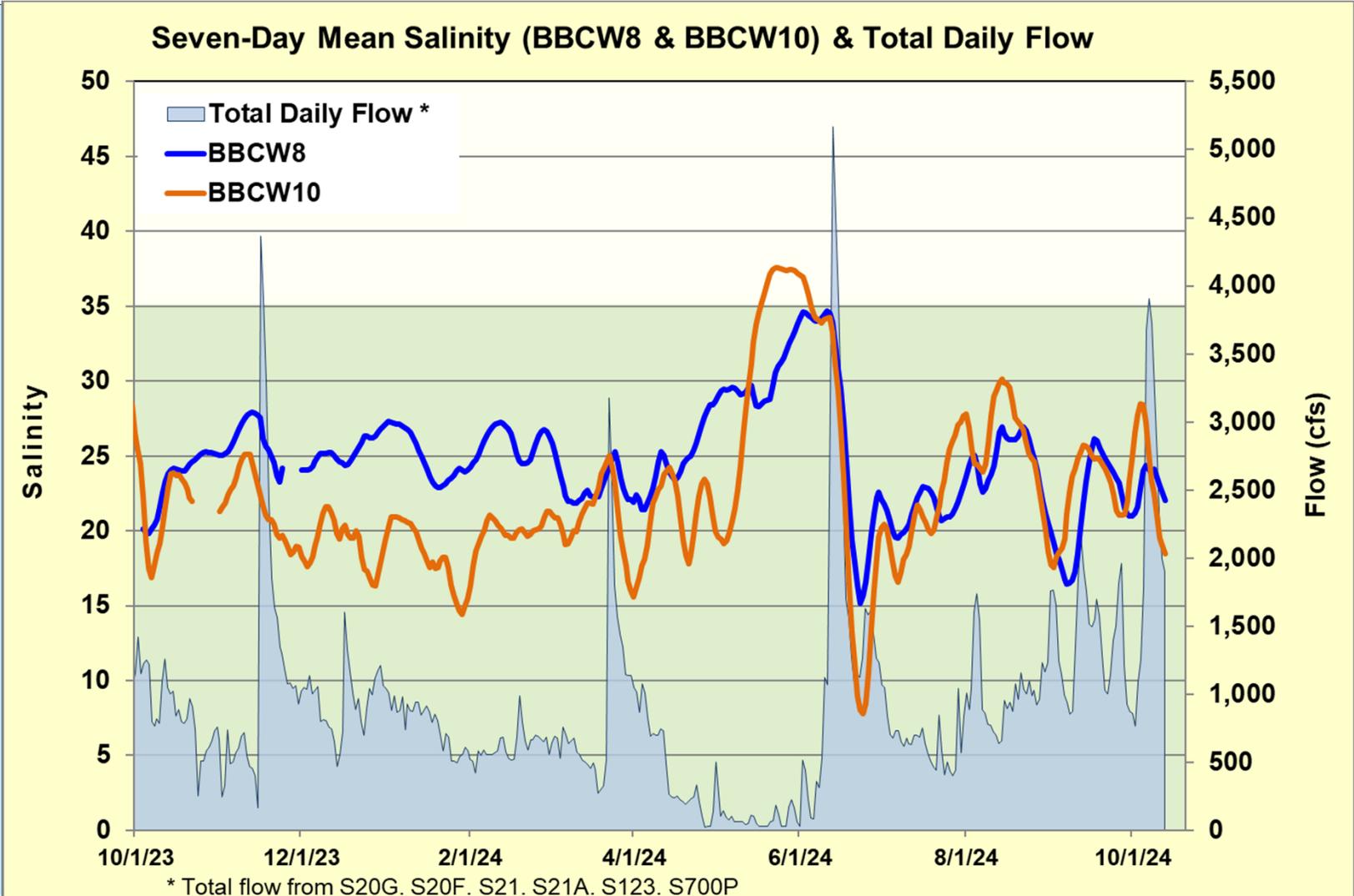
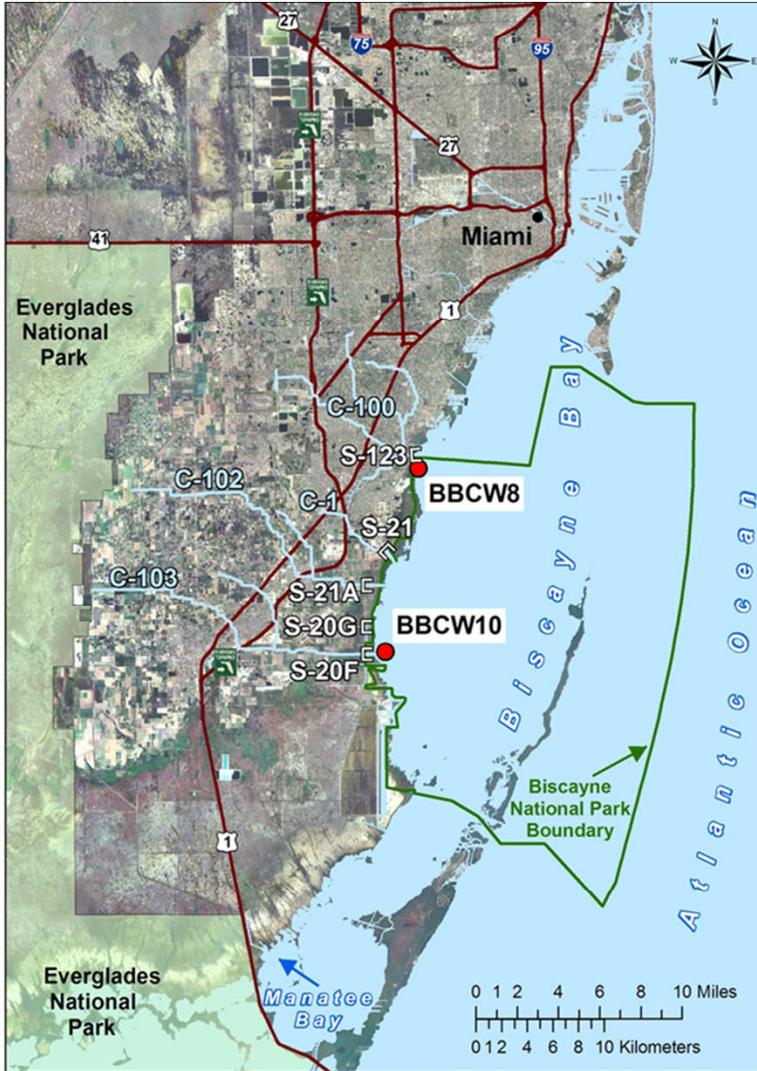
STA 5/6



# STA-1E Tornado Debris



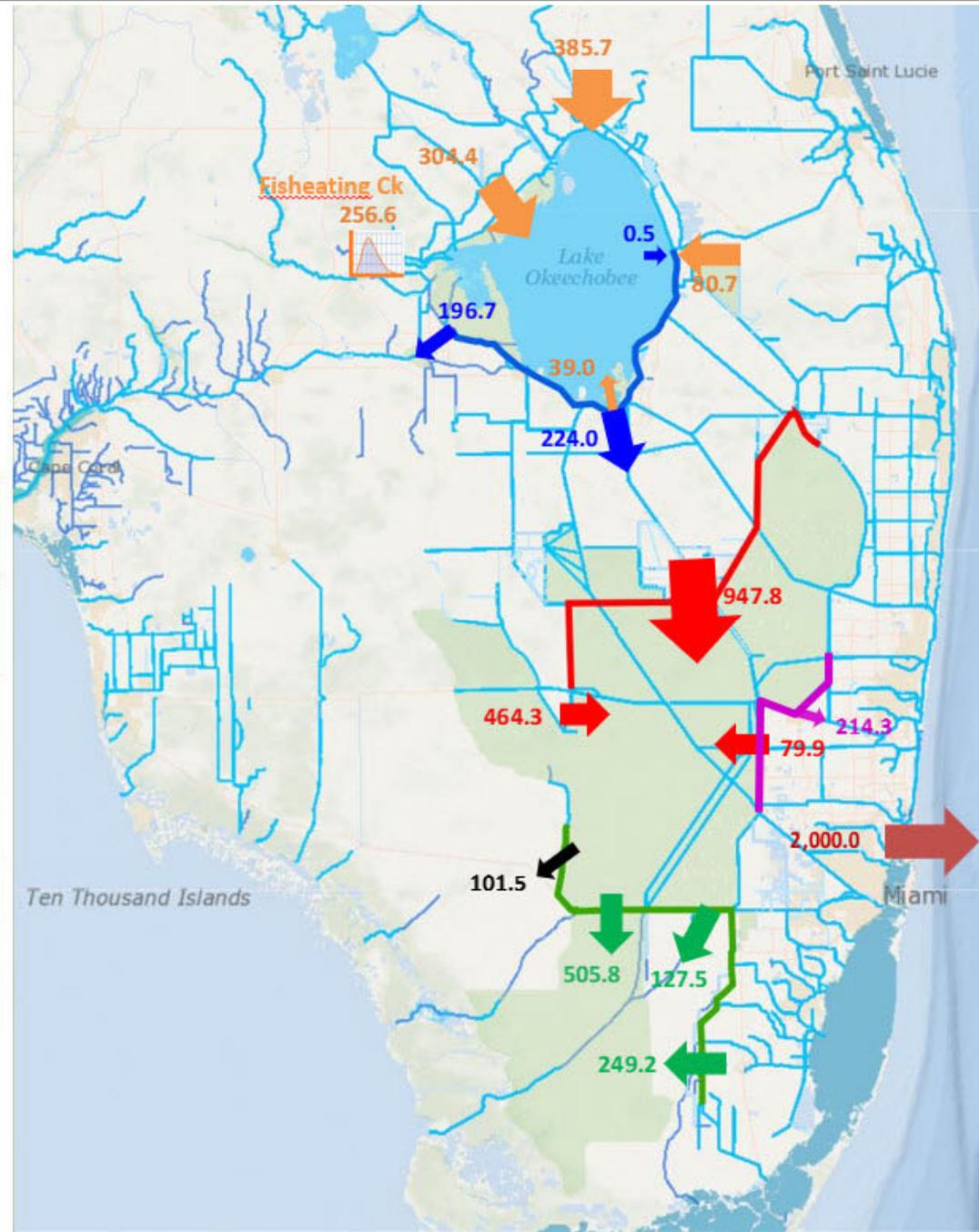
# Biscayne Bay Salinity Conditions



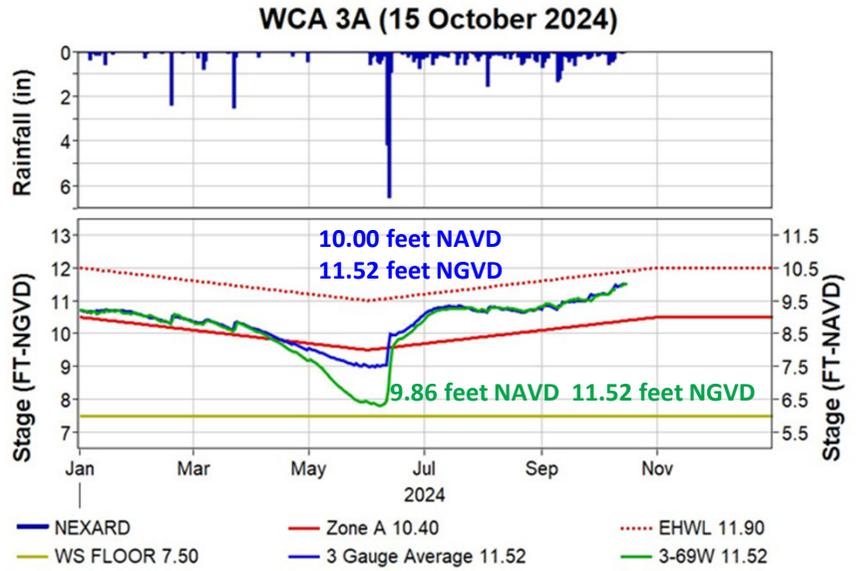
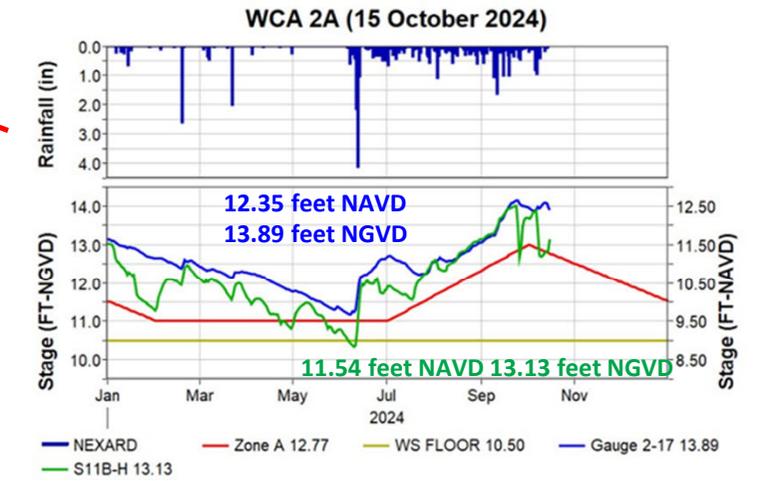
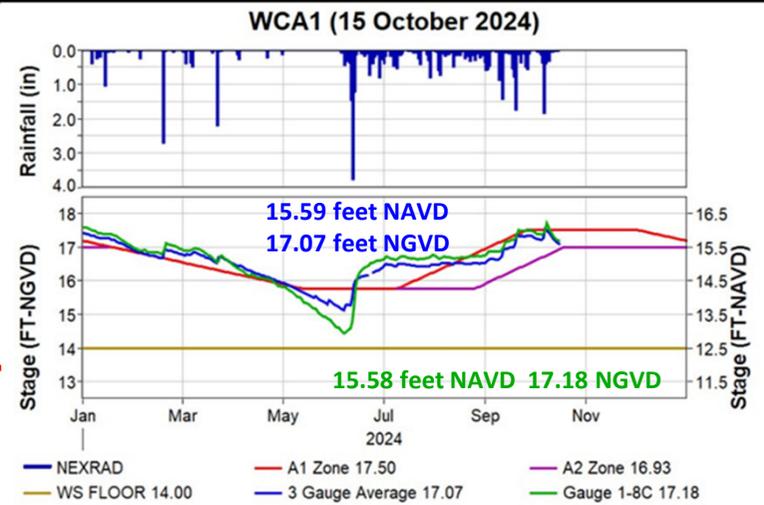
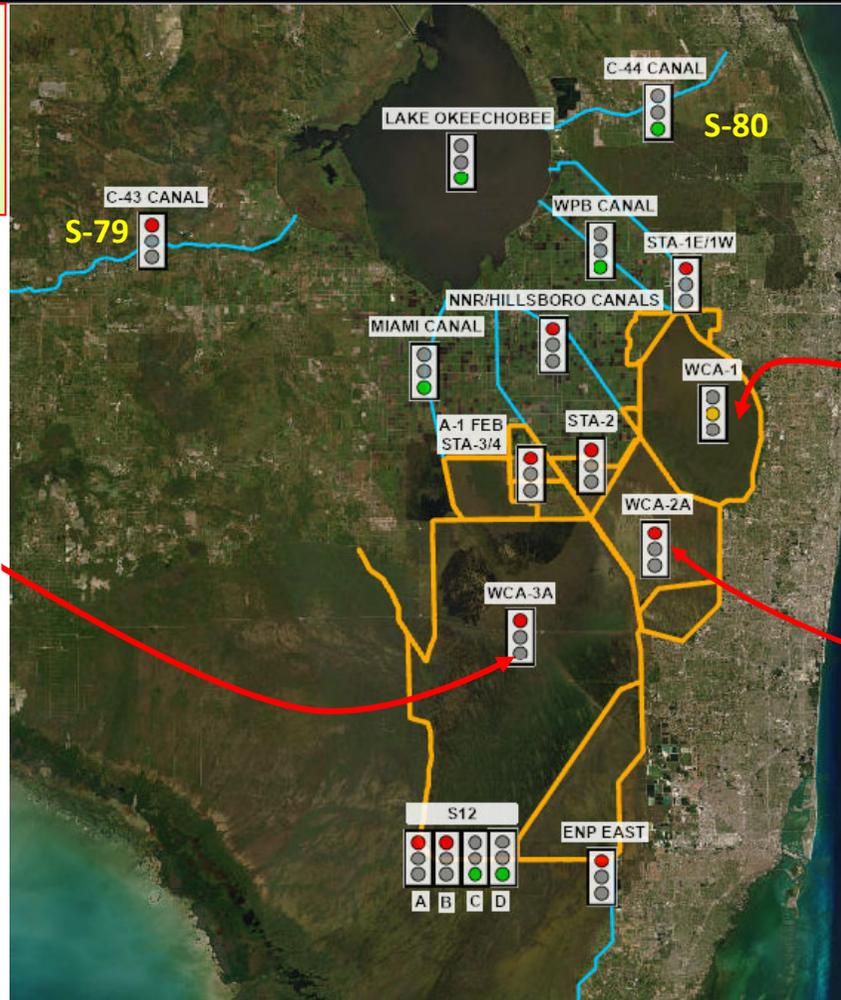
**SFWMD –Volumes Flowing  
Down the System for the  
Period May 1, 2024 to October 15, 2024**  
(volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre- feet)	
		WYR 2025	Last Month
	Lake Okeechobee Inflows	1066.4	424.8
	Lake Okeechobee Outflows	421.2	0.0
	WCAs Inflows	1492.0	427.8
	ENP / Detention Cell Inflows	882.5	229.0
	WCAs to East	214.3	47.1
	Flows to Intracoastal	2000.0	614.3

1,000 acre-feet = 325.9 Million Gallons



Lake Okeechobee stage is in the upper third of Zone D (Zone D1 of the PA25 simulation) of LOSOM and above the ecological envelope. LOSOM release guidance No releases at S-80, Up to 300 cfs at S-271 or S-352, Up to 2,000 cfs at S-79, and Up to 1,100 cfs at S-351 and S-354 combined.



For this week, the Tamiami Trail Flow Formula calls maximum releases from WCA-3A to NESRS. Current L-29 stage constraint is at 7.0 feet NAVD (8.5 feet NGVD). South Dade Conveyance System is stable. S-335 and S-338 are open. S-356 is pumping. G-211 is open. S-332B/C/D are pumping as needed. S-176 and S-177 are closed. S-18C and S-197 are open. LPG-2 stage at 8.5 SMA is below ground. S-357 is pumping as needed to maintain stages 4.0 to 4.5 ft NGVD in the C-357 canal. S199 and S200 are pumping as needed to maintain the stage in the canal within range.

WCA-1 stage is below regulation schedule in Zone A2; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s are closed and S-11s are open passing ~2,500 cfs. S12s are open passing ~2,500 cfs. S-333 and S-333N are limited by the constraint in L-29 canal stage. S-343 A and B are closed. Interior structures to WCA-3A S-339 and S-340 are open. WCA-2A reg releases through C-14 (S-38 ~400 cfs). WCA-3A to tide via S-151 (~100 cfs), S-31 (~200 cfs) into the C-6 canal and then S-26 (~200 cfs) and NNR (S-34E ~200 cfs).

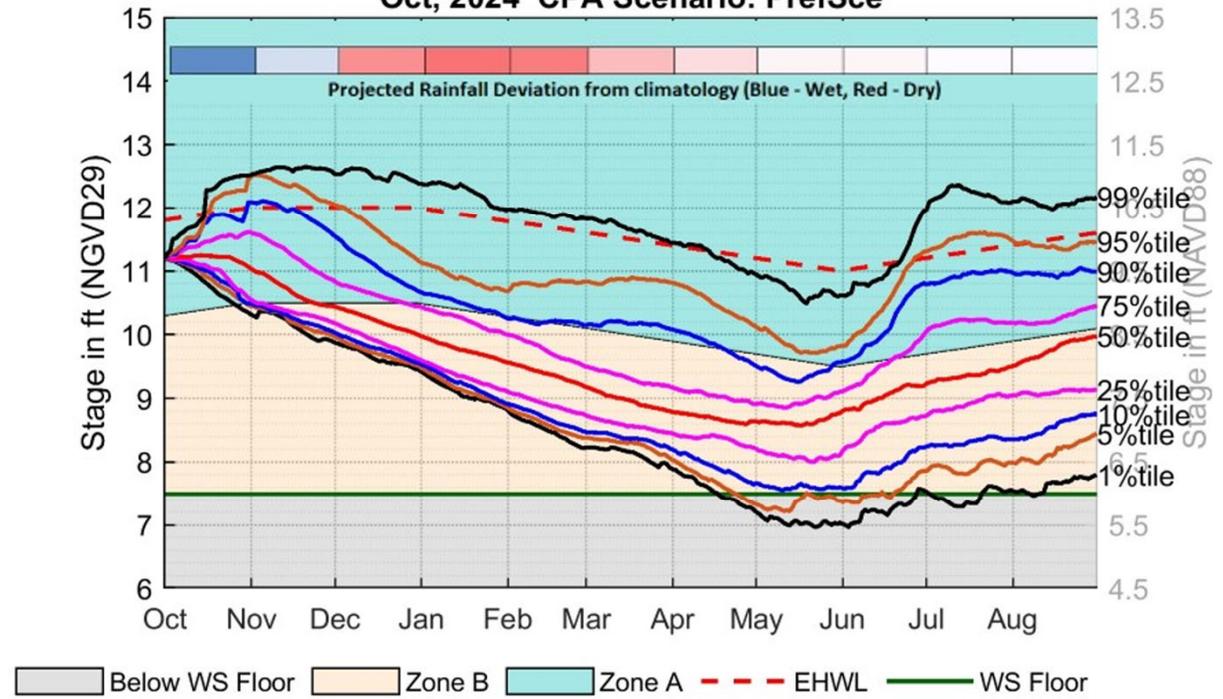
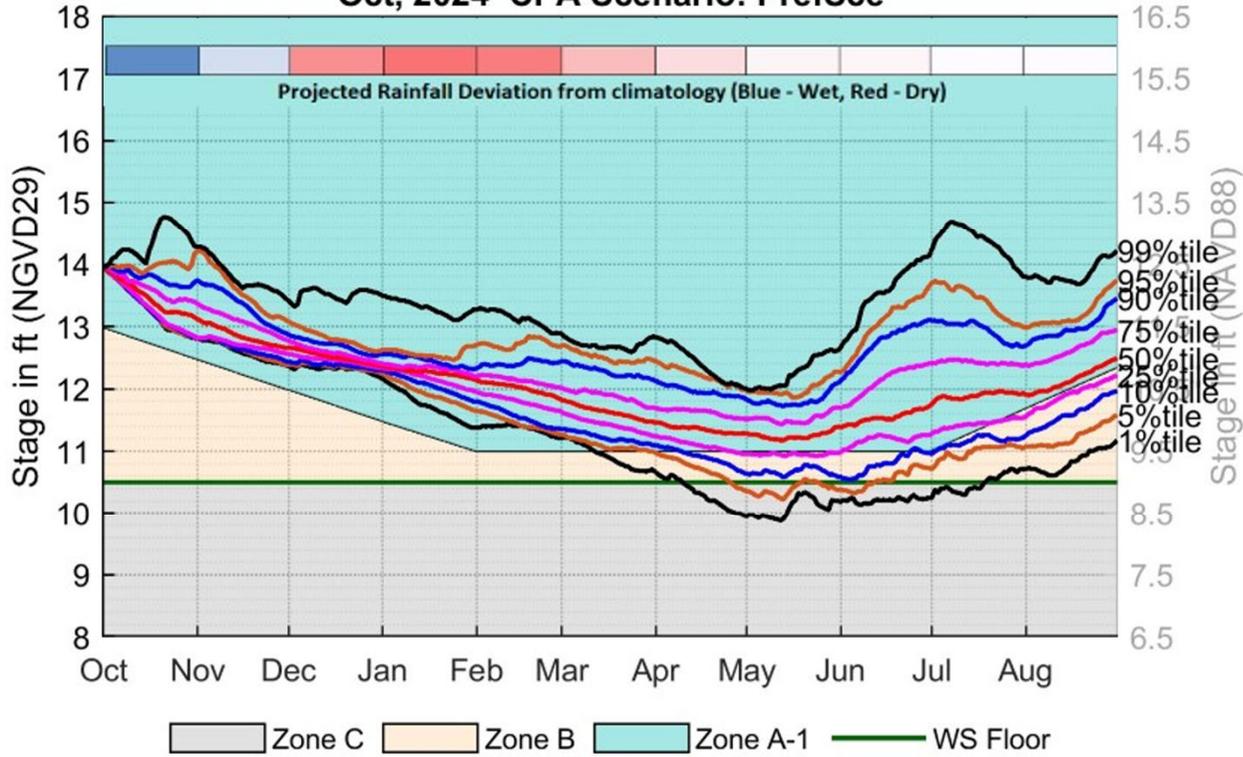
# Conditional Position Analysis (CPA)

SITE\_17

WCA3AAvg

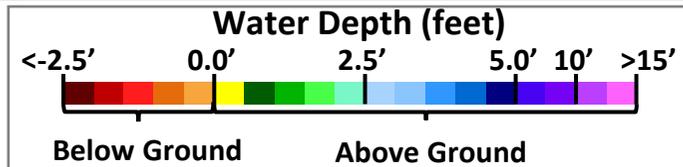
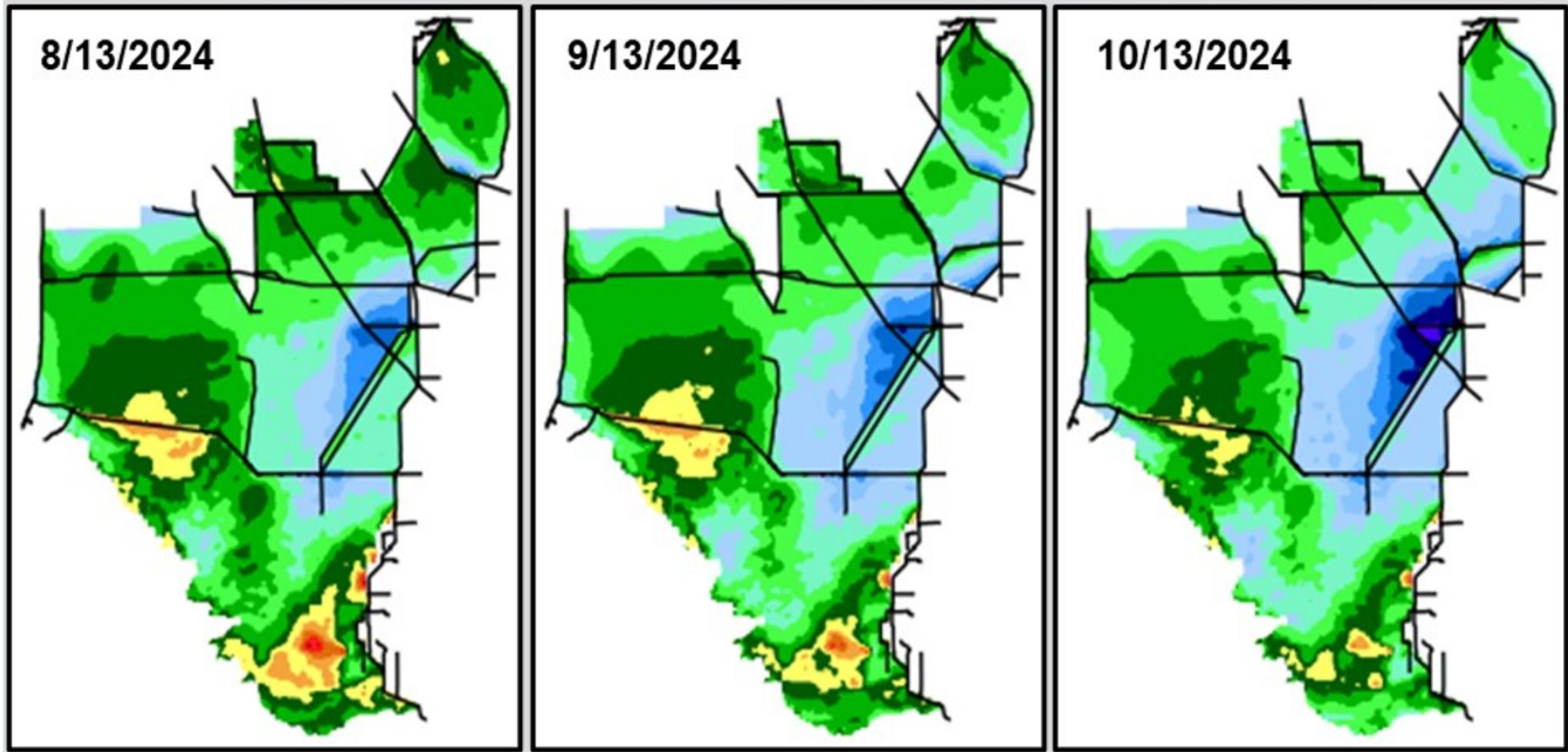
Oct, 2024 CPA Scenario: PrefSce

Oct, 2024 CPA Scenario: PrefSce



Secondary vertical axis shows stages in NAVD88. These stages are based on Agreed Upon Regulation Schedule Conversion Offsets between NGVD29 and NAVD88 (1.5 ft for WCA2&3).

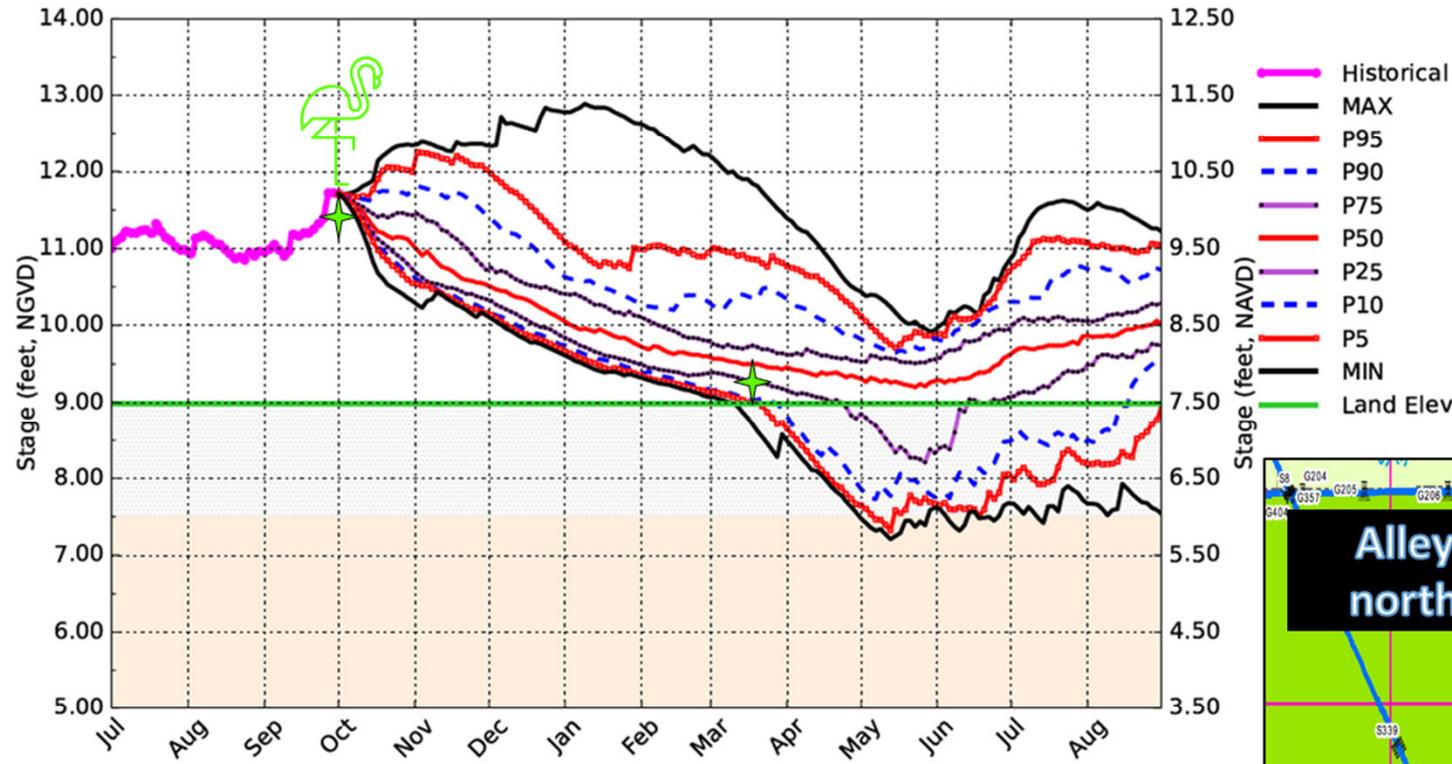
# Everglades Water Depths



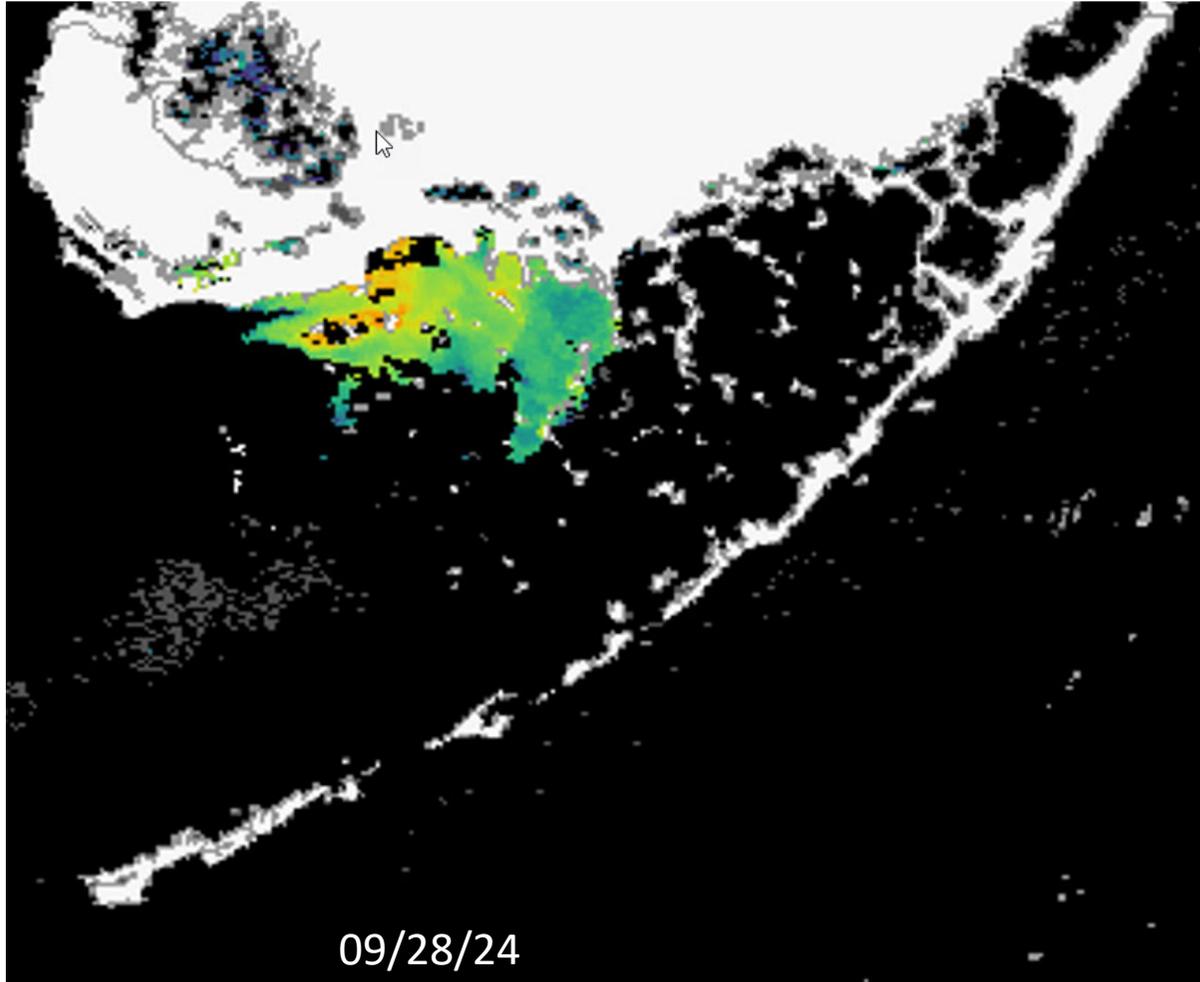
# Alley North Colony Conditions

3A-3 Gage SFWMM October 2024 Position Analysis

PA



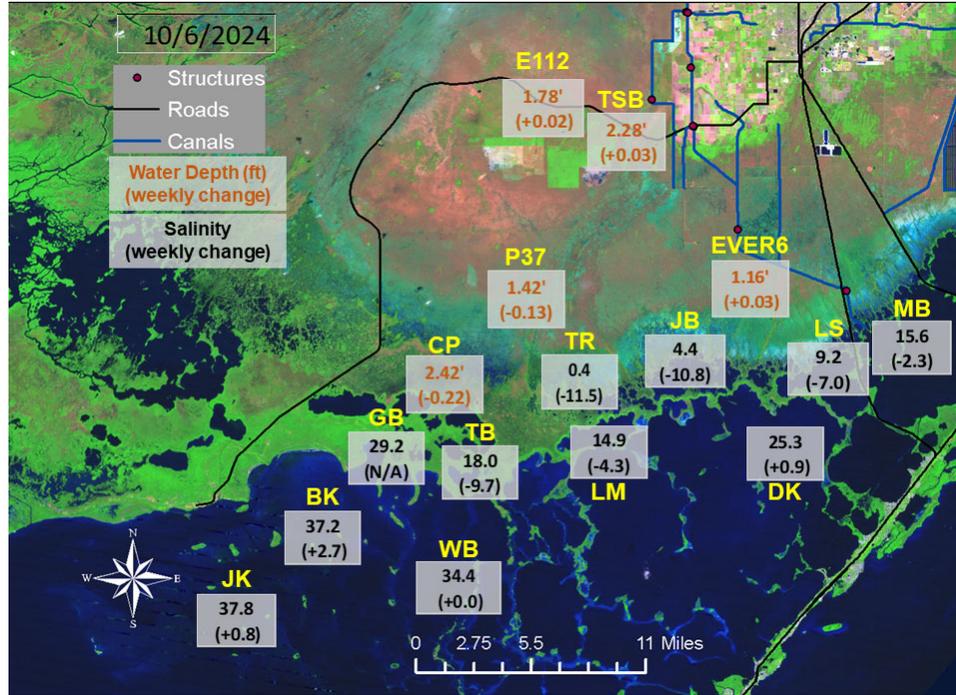
# Blue-green Algal Bloom in Central Florida Bay



- Bloom has persisted since spring
- Likely related to rains from tropical storms pushing dead material into Florida Bay
- Bloom expanded following Helene
- Bloom is a non-toxic species and is expected to dissipate during the dry season

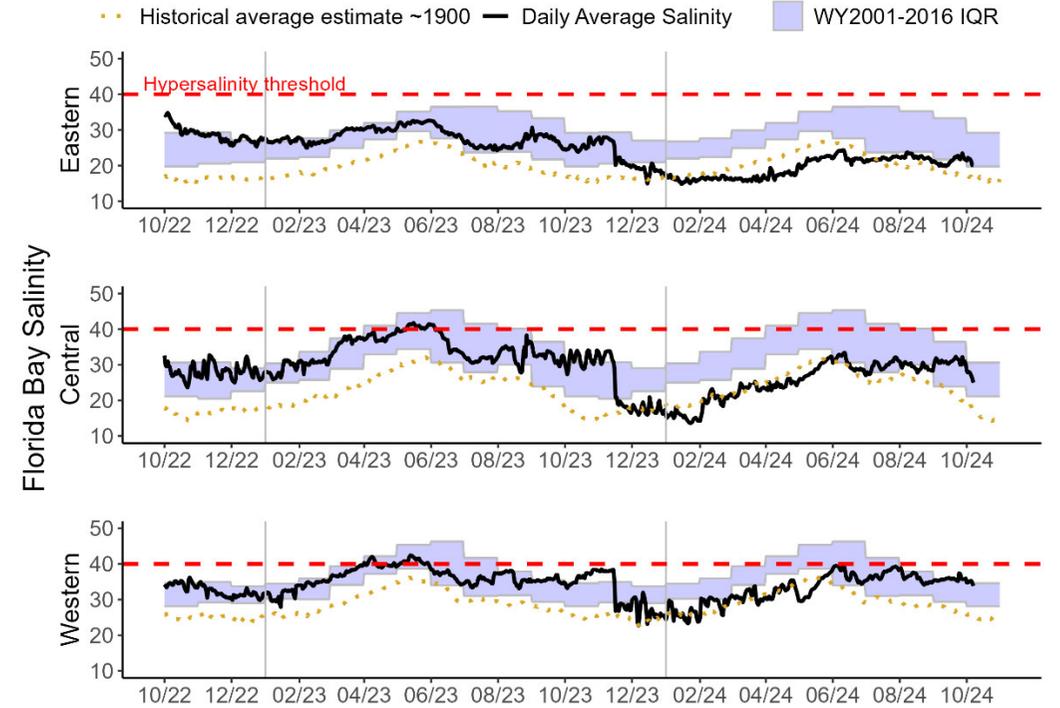
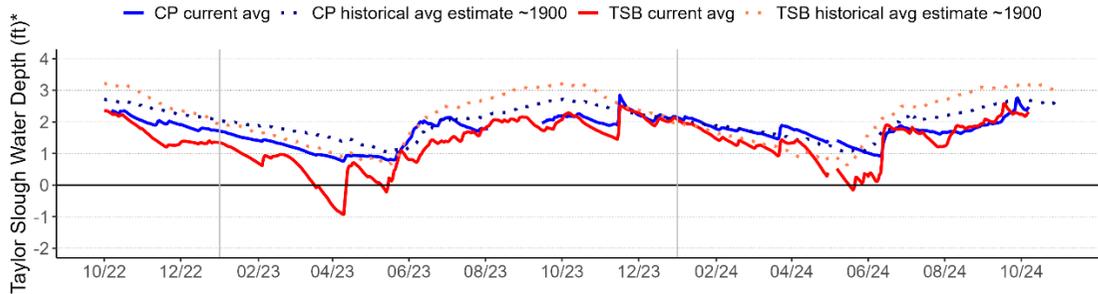
09/28/24

# Florida Bay Salinity

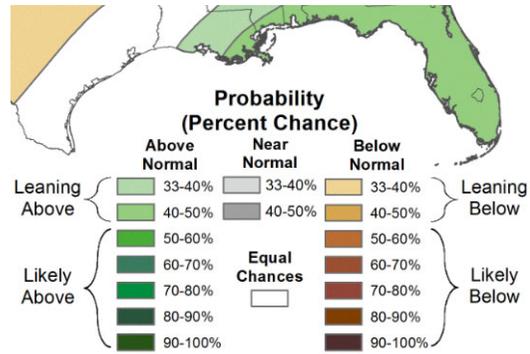


Taylor Slough Water Depths

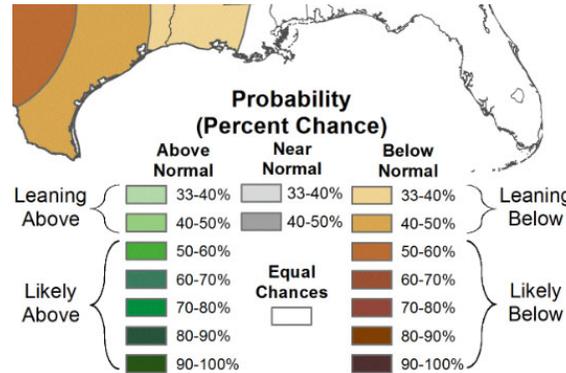
\*note: calculated using ground surface elevations values (NAVD88) from EDEN



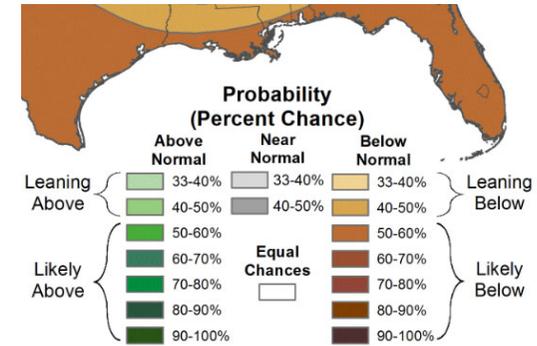
# CPC Precipitation Outlook for South Florida



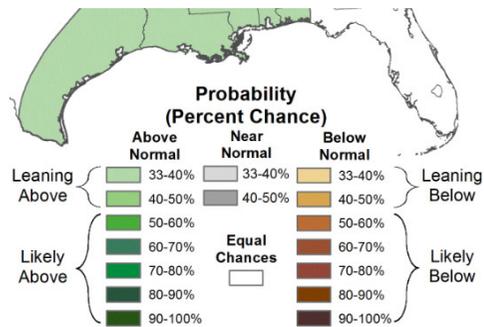
Oct 2024



Oct 2024 – Dec 2024



Jan 2025 – Mar 2025



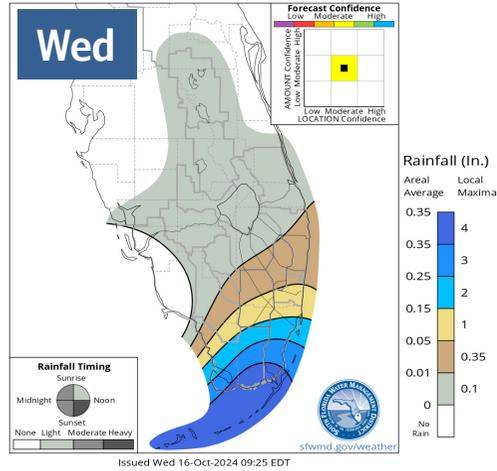
Mar 2025 – May 2025

- The most recent CPC precipitation outlook for Oct 2024 is for increased chances (40-50%) of above Normal rainfall for south Florida.
- The transition into the 2024 – 2025 Dry Season goes through the 3-month window of Oct 2024 – Dec 2024 with equal chances of below, normal, and above normal (EC) for south Florida.
- The 3-month windows of Nov 2024 – Jan 2025 and Feb 2025 – April 2025 show increased chances (40-50%) of below normal rainfall for the entire District.
- The 3-month windows of Dec 2024 – Feb 2025 and Jan 2025 – Mar 2025 show outlooks for substantial increased chances (50-60%) of below normal rainfall for the entire District.
- The 3-month windows Mar 2025 – May 2025 shows slightly increased chances (33-40%) of below normal rainfall for south Florida.
- The transition into the 2025 wet season shows equal chances (EC) of rainfall for the state of Florida.

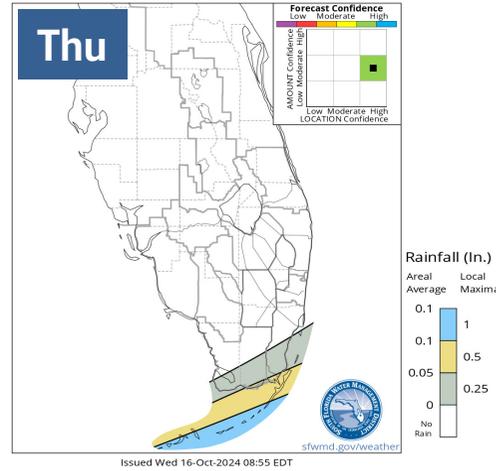
Updated Sep 19, 2024

# Short-, Medium-, & Extended-Range Outlooks

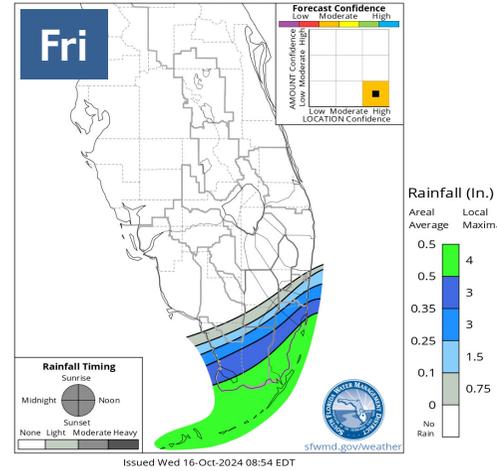
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 1 24-Hour Period Beginning 8am EDT Wednesday



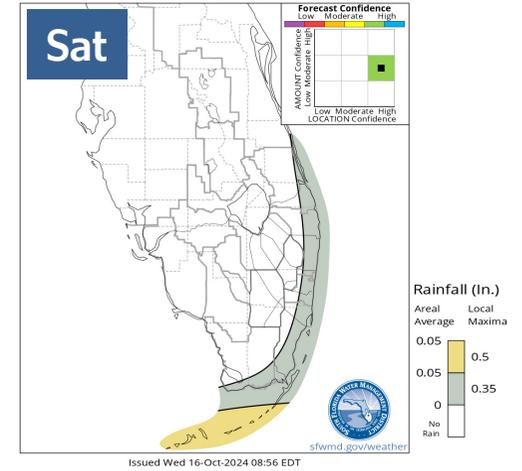
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 2 24-Hour Period Beginning 8am EDT Thursday



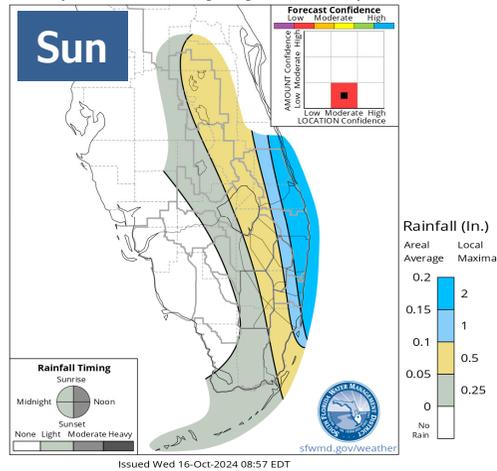
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 3 24-Hour Period Beginning 8am EDT Friday



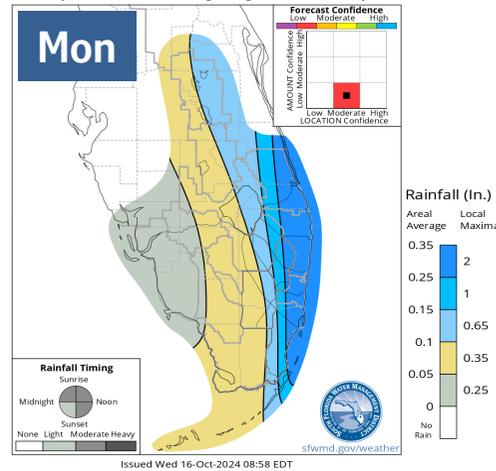
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 4 24-Hour Period Beginning 8am EDT Saturday



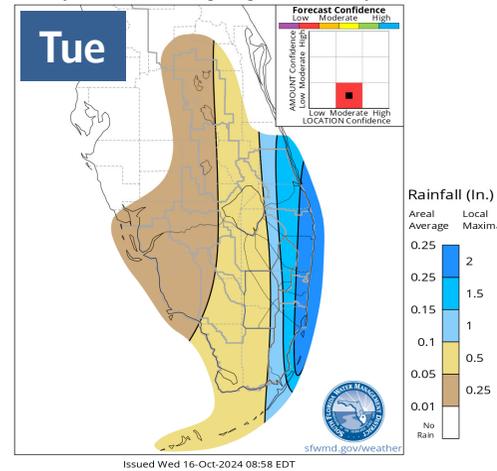
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 5 24-Hour Period Beginning 8am EDT Sunday



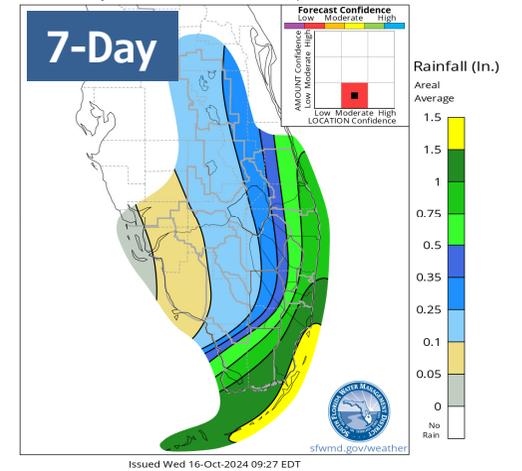
**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 6 24-Hour Period Beginning 8am EDT Monday



**SFWM Quantitative Precipitation Forecast (QPF)**  
Day 7 24-Hour Period Beginning 8am EDT Tuesday



**SFWM Quantitative Precipitation Forecast (QPF)**  
Days 1-7 Total Accumulated Precipitation



## Weekly Summary

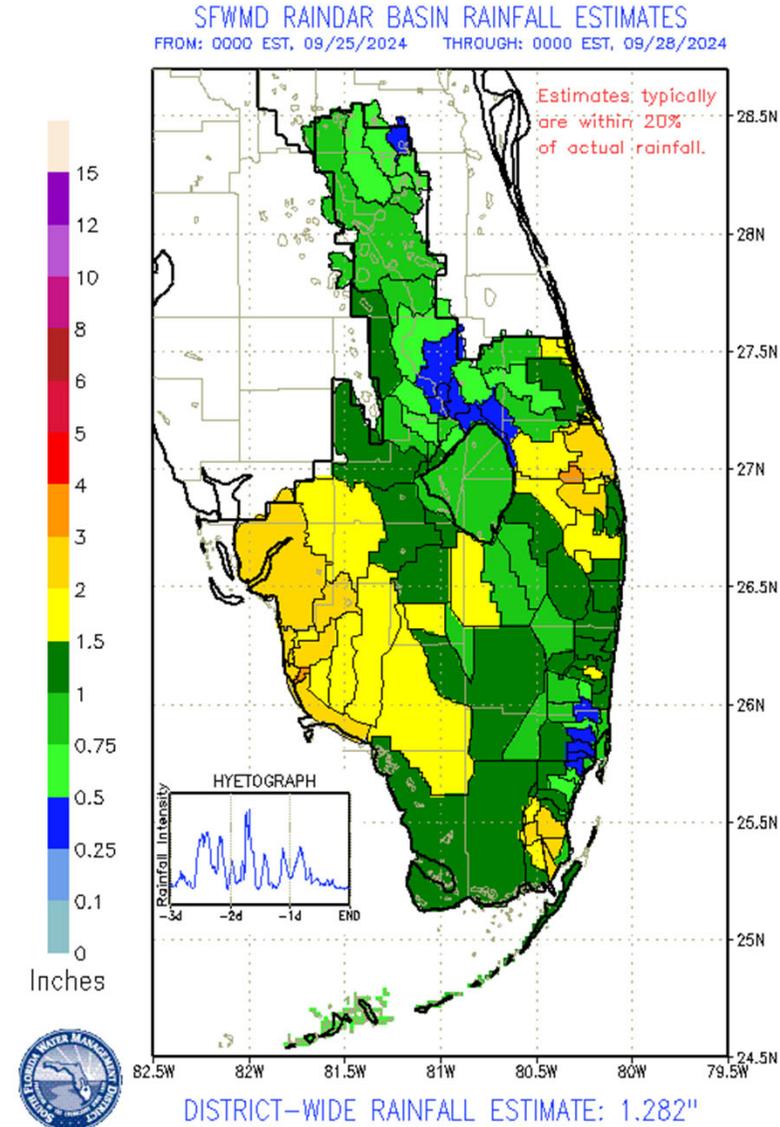
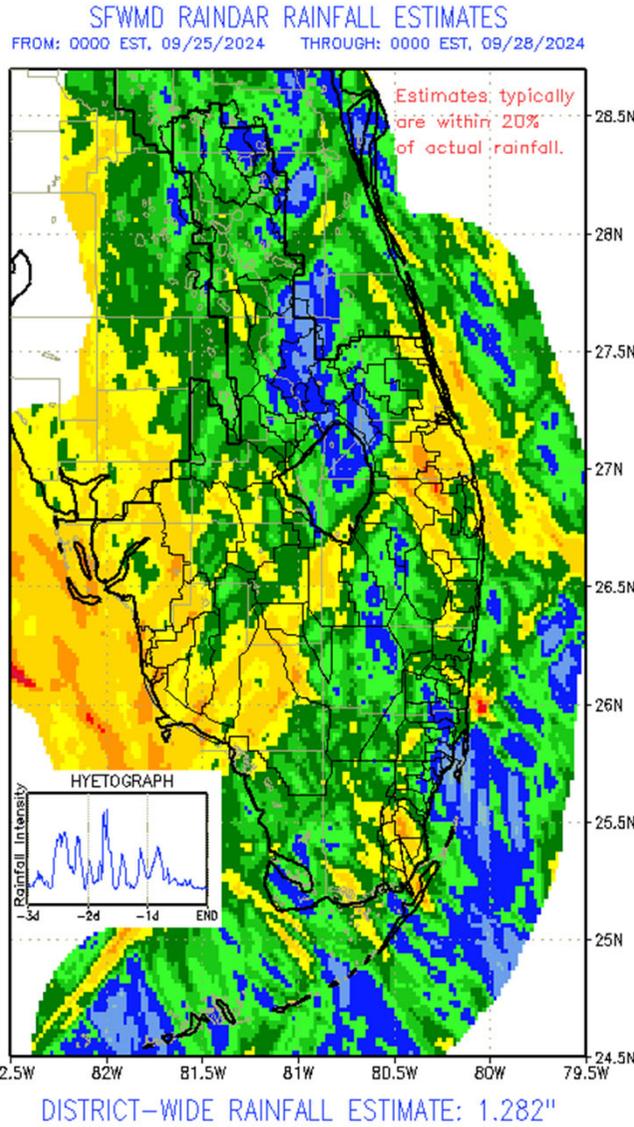
Week 1 (Historical Avg: 0.83"): Below normal  
Week 2 (Historical Avg: 0.72"): Below normal

# Hurricane Helene



# Hurricane Helene Rainfall

9/25-9/27



# Debris Removal from Hurricane Helene



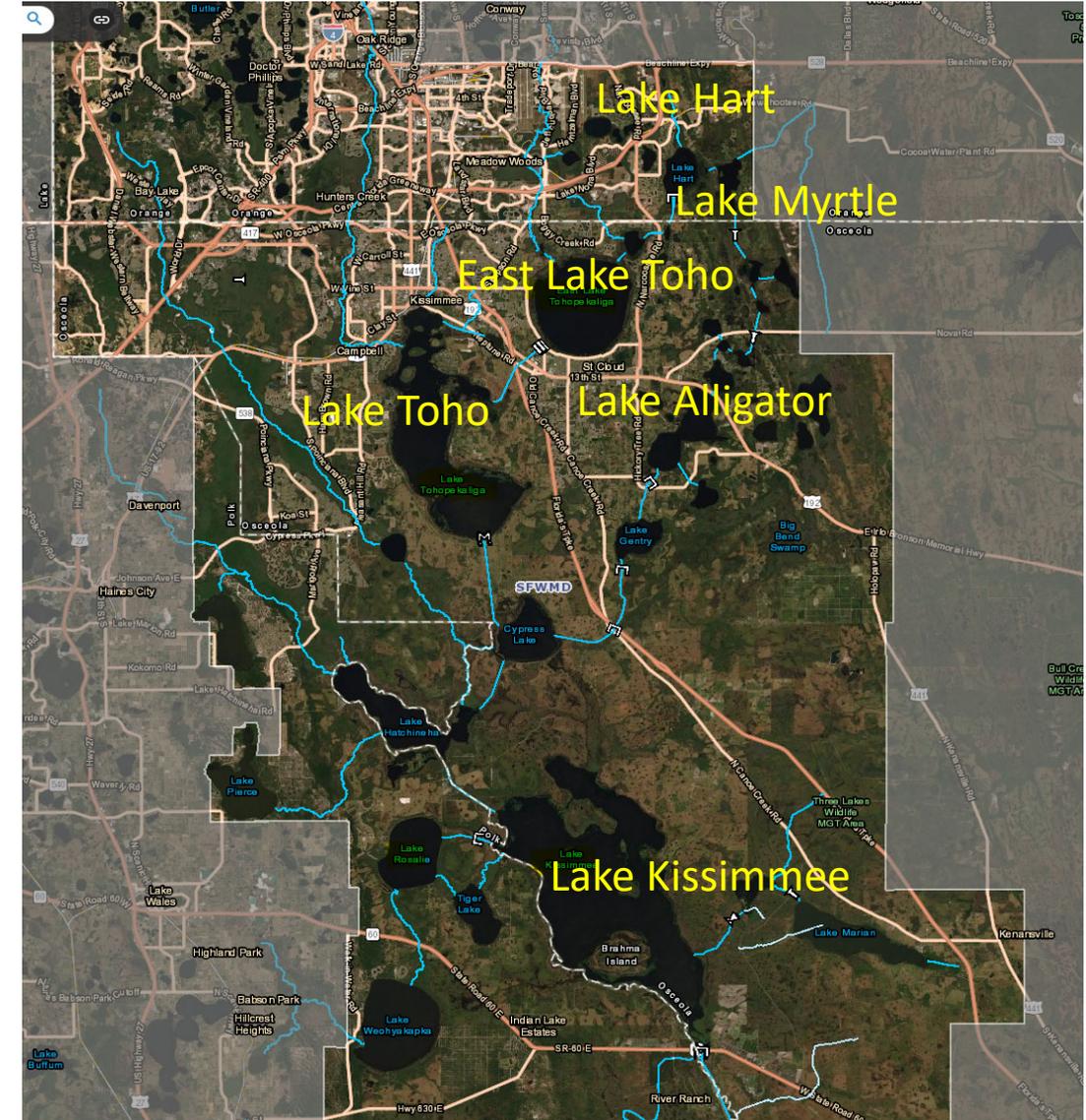
# Hurricane Milton

# Hurricane Milton Deployment and Installation of Temporary Pumps



# Pre-Storm Operations

- Stages in Upper and Lower Kissimmee Lakes were lowered near 0.3 feet below regulation schedule where possible.
- Upper East Coast canals were lowered to lower half of low range.
- Lower East Coast canals were lowered to their low range.
- EAA Canals were lowered to their desired ranges.
- Maximized available storage in L-8 FEB and A-1 FEB.
- Temporary pumps were installed at S9.
- Forward pumps at S25B and S26 were operated.
- South Dade Conveyance System was operated within normal operation ranges.
- Big Cypress Basin canals were lowered at or below desired operating range.

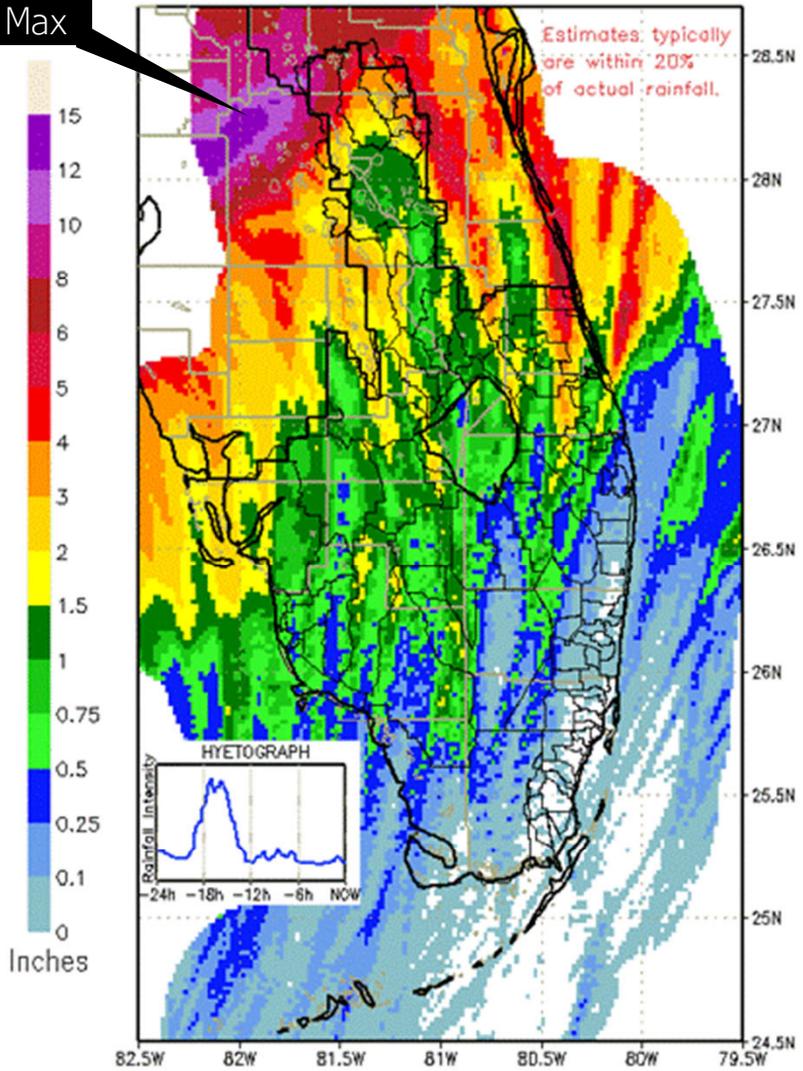




# Wednesday Rainfall

SFWMD PROVISIONAL RAINDAR NRT DAILY RAINFALL ESTIMATES  
 FROM: 0700 EST, 10/09/2024 THROUGH: 0630 EST, 10/10/2024

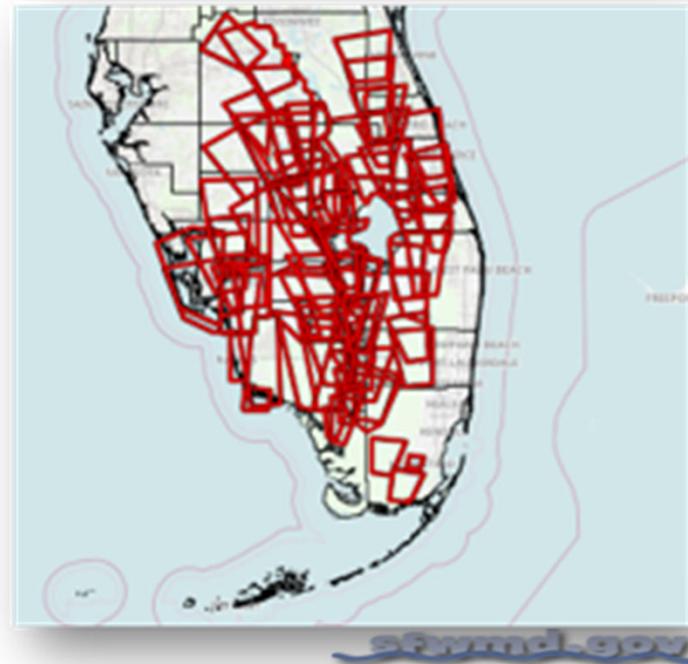
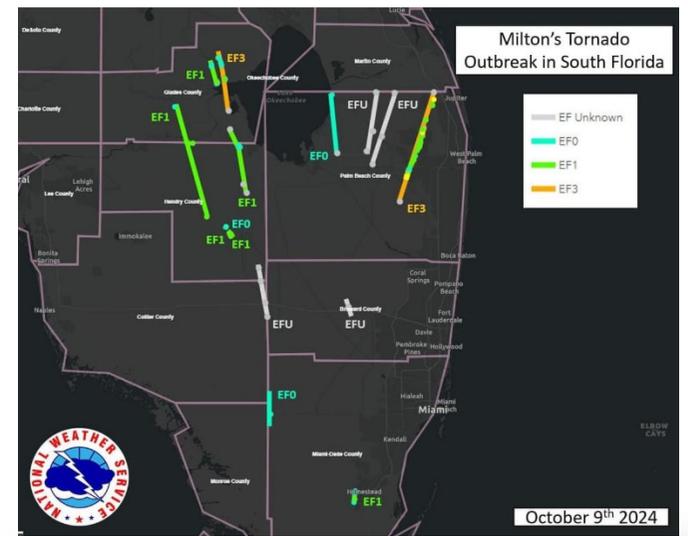
11" Local Max



SFWMD total and basin area-averaged rainfall (in.) since 8 am EDT.

Forecast Area	GARR (valid 7:30 AM)	Rain Gauge (valid 7:49 AM)
Upper Kissimmee	3.173	2.137
Lower Kissimmee	1.605	1.590
Lake Okeechobee	1.165	1.346
Eastern Agricultural Area	0.687	0.512
Western Agricultural Area	0.933	0.898
Water Conservation Area 1&2	0.389	0.310
Water Conservation Area 3	0.432	0.319
Martin/St. Lucie	1.954	1.851
Eastern Palm Beach	0.418	0.421
Eastern Broward	0.065	0.072
Eastern Miami-Dade	0.028	0.042
East Caloosahatchee	1.031	0.873
Big Cypress Preserve	0.743	0.628
Southwest Coast	1.003	1.001
Everglades National Park	0.162	
Florida Keys	0.060	
<b>SFWMD Total</b>	<b>1.146</b>	<b>1.008</b>

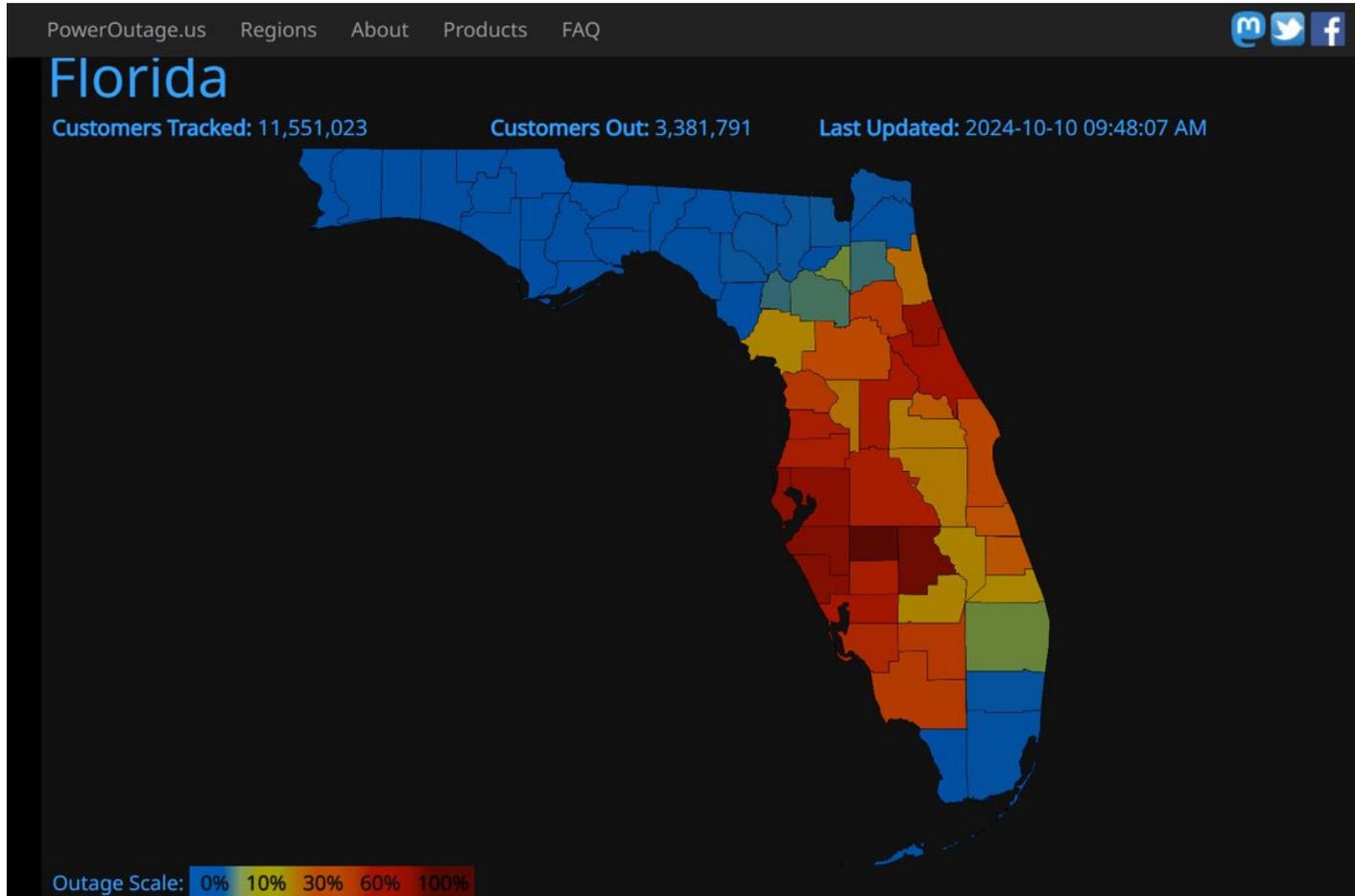
# Considerable Tornadoes Outbreak



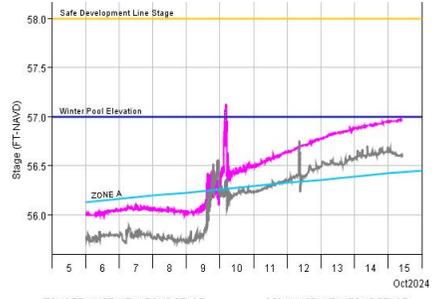
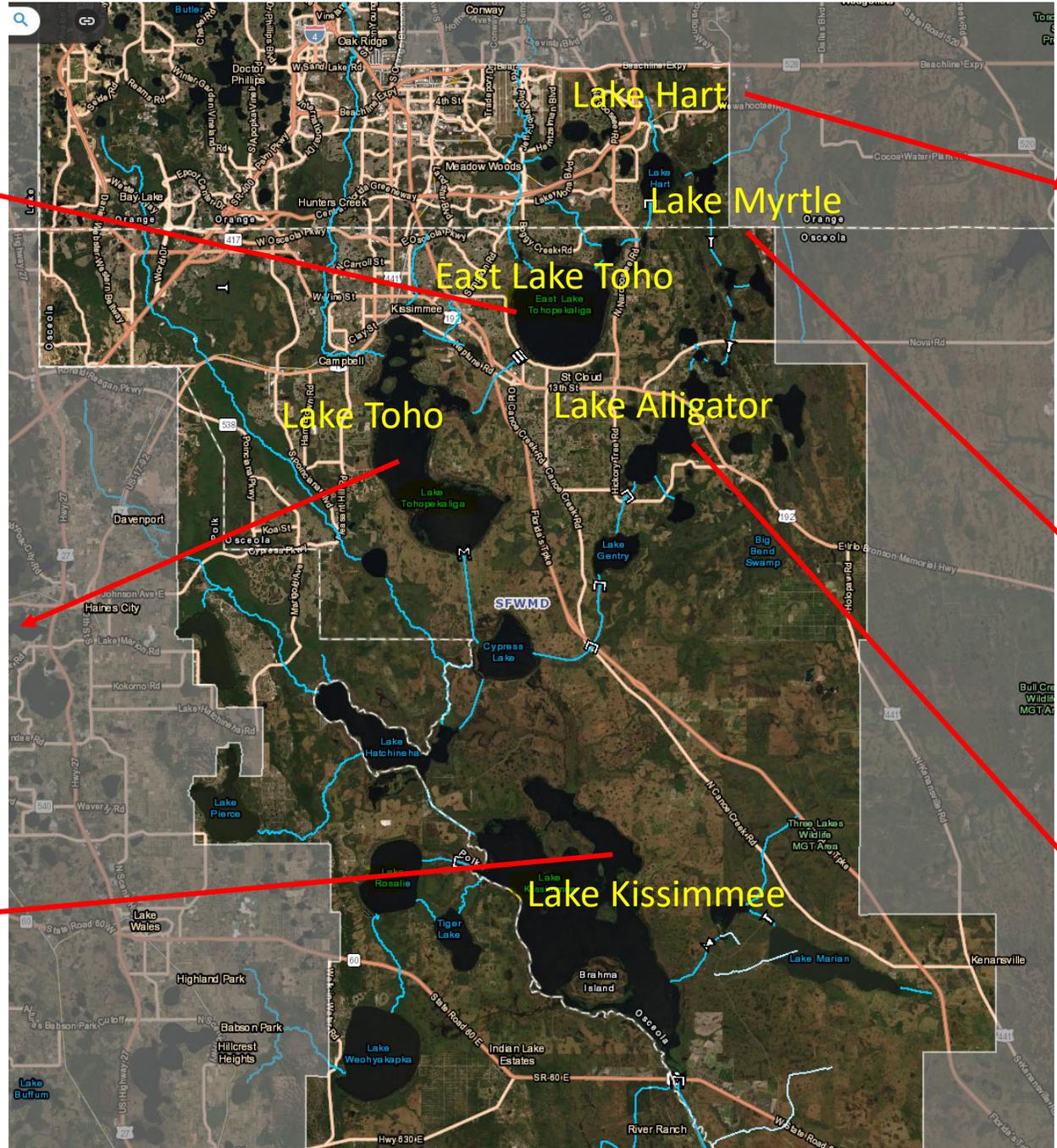
134 Tornado Warnings, Highest Single Day Total by NWS Miami

Many Long Tracked, Damaging Tornadoes

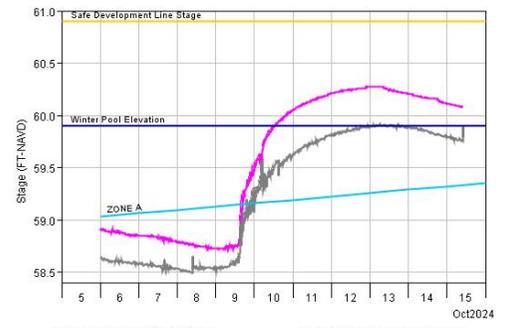
Structures – Lost Commercial Power and Transferred on Generators for their Continued Operations



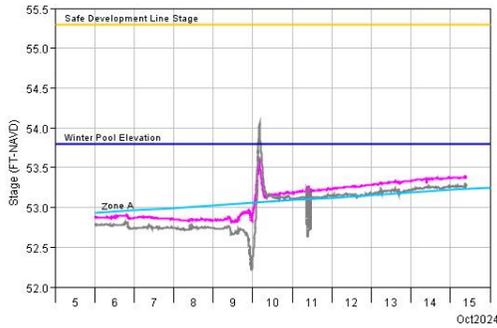
- |            |        |         |
|------------|--------|---------|
| S-99       | S-61   | S-361   |
| S-382      | S-65   | S-365-B |
| S-383      | S-65A  | S-5A    |
| G-78       | G-700  | G-301   |
| G-79       | G-508  | G-302   |
| S-65D      | S-3    | G-341   |
| S-67       | S-8    | S-6     |
| S-68/S-68X | G-404  | COCO1   |
| S-70       | G-409  | COCO2   |
| S-71       | G-349A | GG3     |
| S-72       | G-349C | Miller3 |
| S-82       | G-388  | S488    |
| S-83       | S-190  | S487    |
| S-57       | S-319  | S486    |
| S-59       | S-362  | FU4     |
| S-60       | S-377  | FU5     |
| G-377A     |        |         |



— TOHOE+ INSTANTANEOUS STAGE    — S59-H INSTANTANEOUS STAGE  
— ZONE A REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE



— LKMJ+ INSTANTANEOUS STAGE    — S62-H INSTANTANEOUS STAGE  
— ZONE A REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE



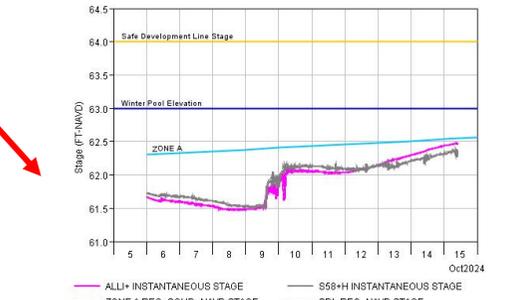
— LTOHOWAVG INSTANTANEOUS STAGE    — S61-H INSTANTANEOUS STAGE  
— ZONE A REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE



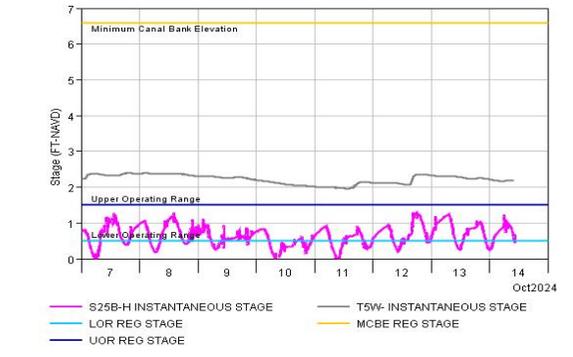
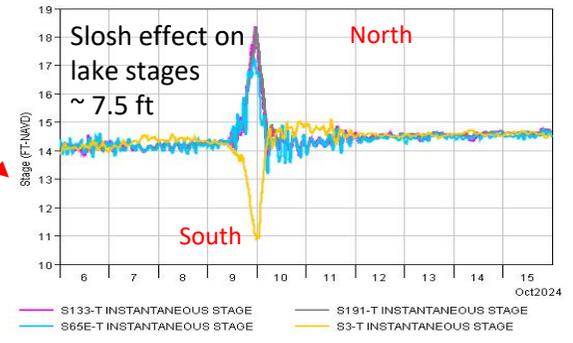
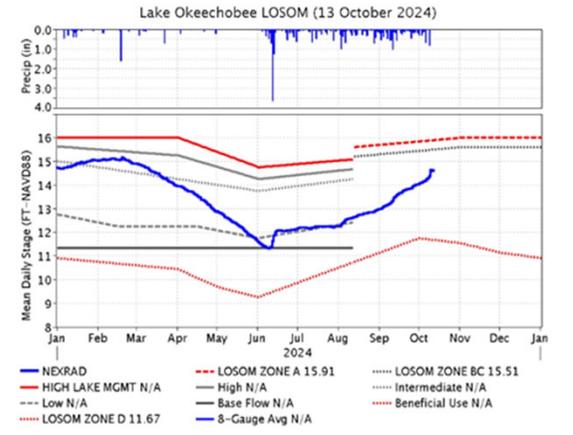
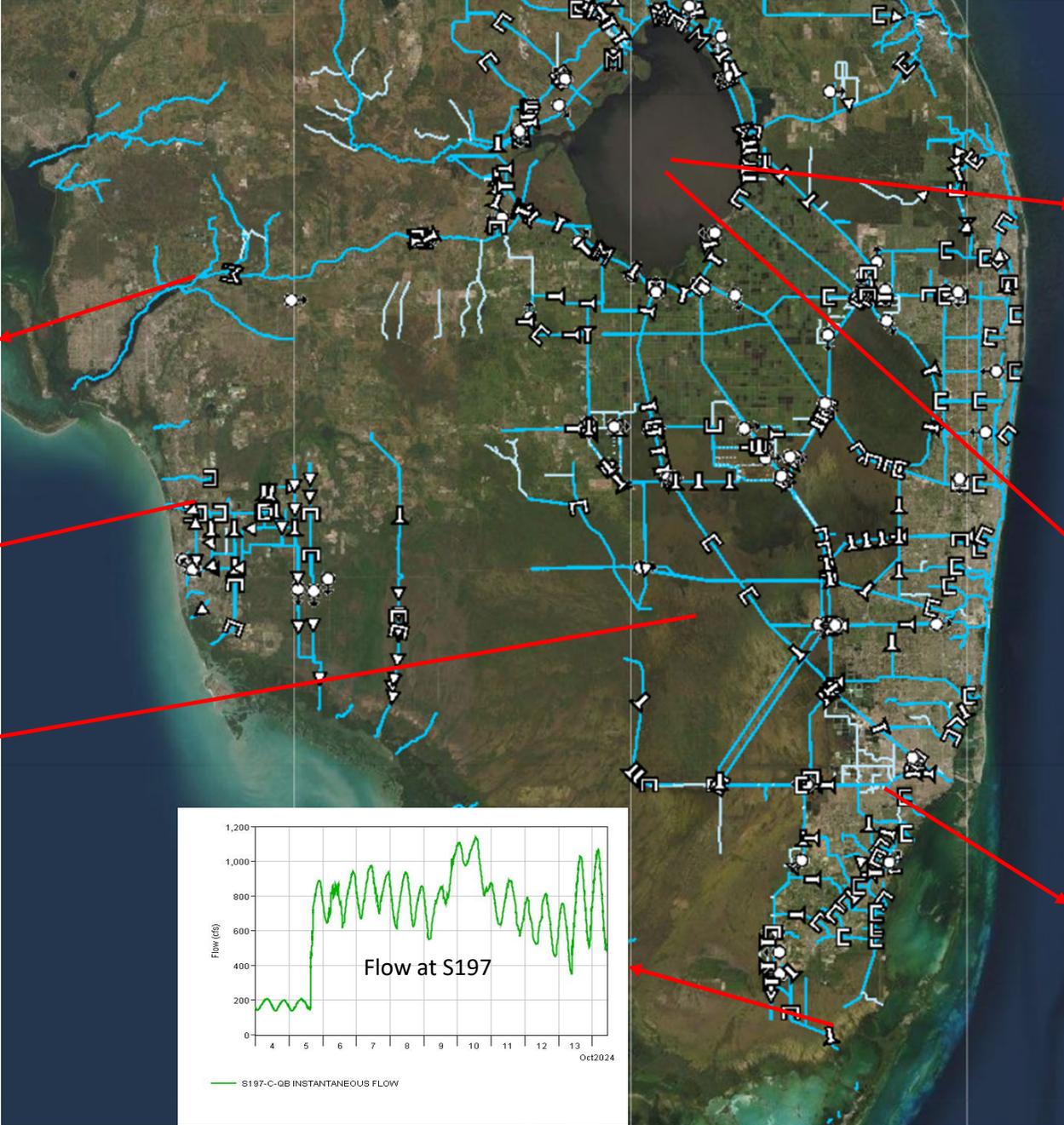
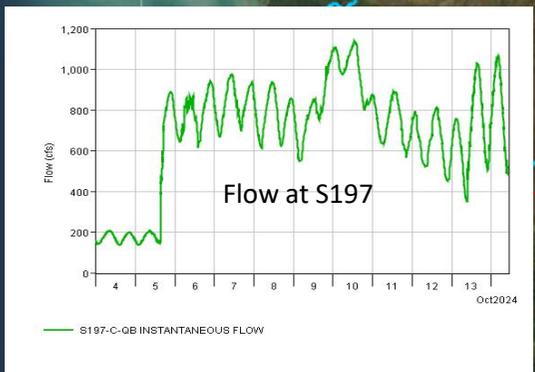
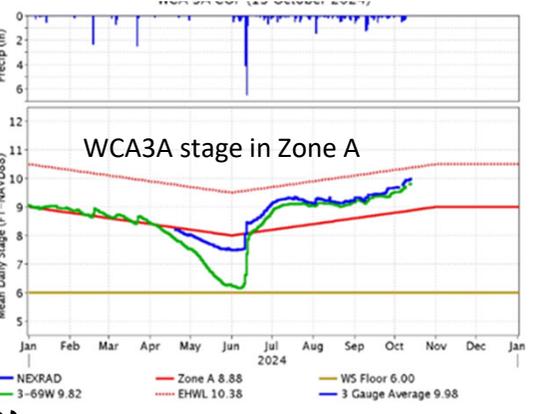
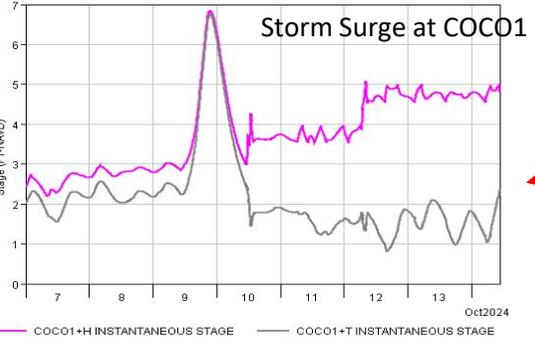
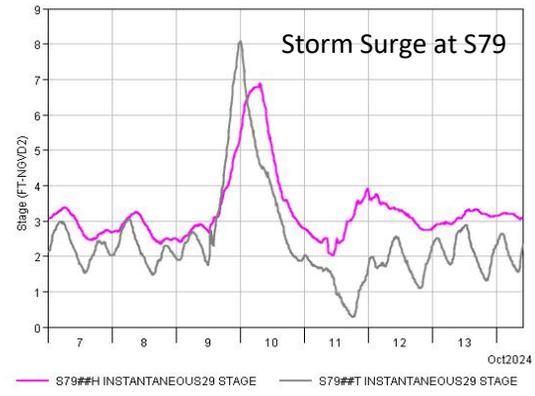
— S57-H INSTANTANEOUS STAGE    — S58-T INSTANTANEOUS STAGE  
— ZONE A REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE



— LKISSAVG INSTANTANEOUS STAGE    — S65-H INSTANTANEOUS STAGE  
— ZONE A INC1 REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE

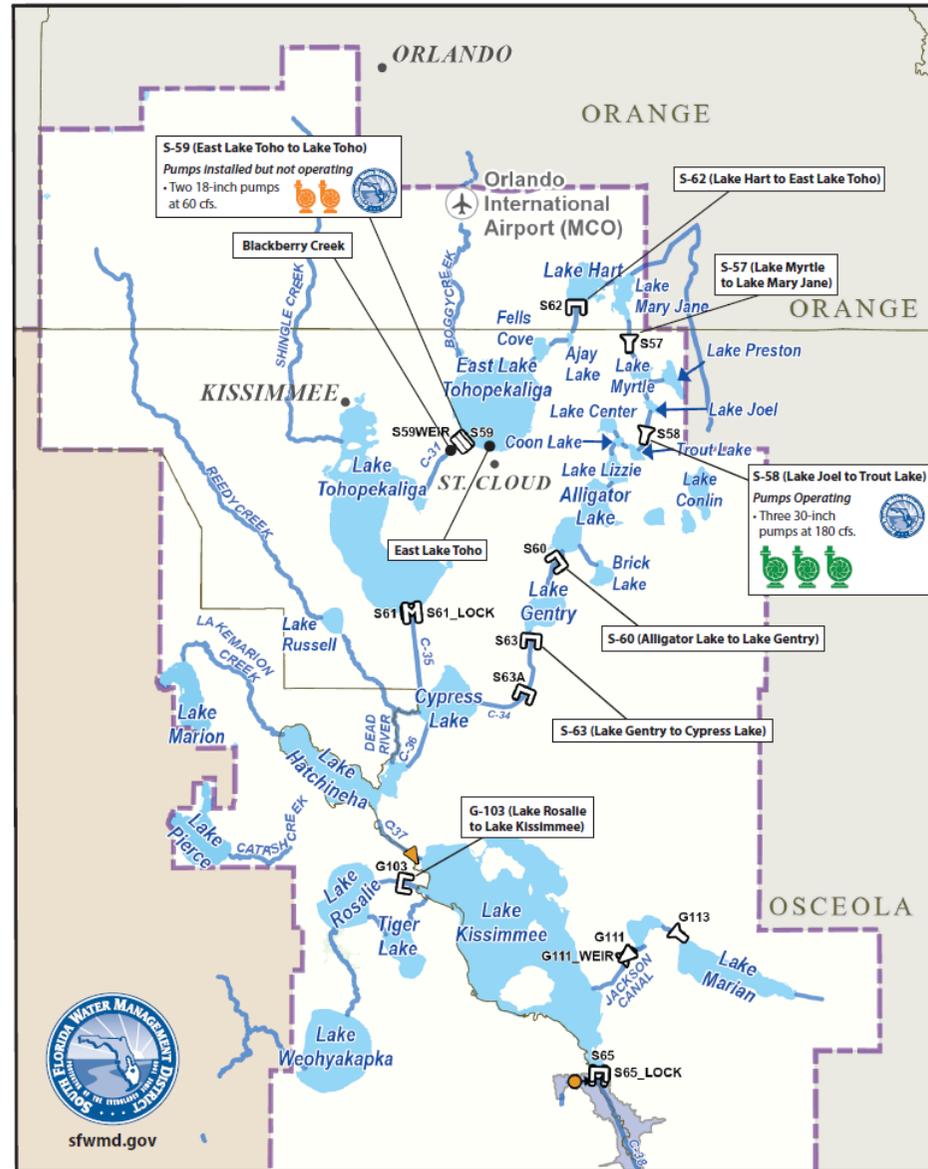


— ALLI+ INSTANTANEOUS STAGE    — S58-H INSTANTANEOUS STAGE  
— ZONE A REG\_SCHD\_NAVD STAGE    — SDL REG\_NAVD STAGE  
— WPE REG\_NAVD STAGE



Post-Hurricane Milton Pump Location Map

# Temporary Pumps in The Upper Kissimmee Chain of Lakes



🟢 Pump in operation. 
 🟡 Pump being installed. 
 🟠 Pump installed but not operating. 
 🔵 Demobilizing.

# Focusing on Floodwaters From Hurricane Milton



# Operating Three Pumps to Prevent and Reduce Flooding in Central Florida





Biscayne Bay Coastal Wetlands

# CERP Construction and Planning Projects

## Progress Report

South Florida Ecosystem Restoration Projects including the Comprehensive Everglades Restoration Plan (CERP) are authorized when a planning study is approved by Congress as part of a Water Resource Development Act (WRDA). Responsibility for design and construction of CERP and other restoration projects is shared between the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD), based on coordination between the two agencies, the Integrated Delivery Schedule (IDS), and the Project Partnership Agreement for each project. This document reports on the USACE's progress on CERP efforts for the restoration of the Greater Everglades as directed by Governor DeSantis in Executive Order 23-06, as well as the SFWMD's continued efforts to expedite Everglades restoration projects and improve water quality and quantity.

### Biscayne Bay Coastal Wetlands – Cutler Wetlands Component

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2025

**Project Description:** The Biscayne Bay Coastal Wetlands Project – Cutler Wetlands Component will improve the health of Biscayne Bay, aid in wetland rehydration, build coastal resiliency and improve water quality. The Cutler Wetlands Component is the final component of the Biscayne Bay Coastal Wetlands Project.

**Status:** Construction.

- Contract 6A – Pump Station S-701 under construction.
- Contract 6B – Conveyance channel under construction.

### Biscayne Bay Coastal Wetlands – L-31 East Flowway

**Lead Agency:** USACE

**Anticipated Completion Year:** 2026

**Project Description:** The project restores freshwater flows to southern Biscayne Bay and Biscayne National Park while improving salinity distribution near the shore. It also restores historical freshwater wetland habitat adjacent to the Bay, which acts like a sponge, soaking up water in the wet season and slowly releasing it in a more natural pattern.

**Status:** Construction; Operational Testing and Monitoring Period.

- Contract 4 – Pump Station S-709: Construction is complete. Operation Testing and Monitoring Period is underway.
- Contract 5A – Pump Station S-705: Construction is complete. Permanent power was delivered to pump station on March 5, 2024 and endurance testing was completed. Operation, Testing, and Monitoring Period is underway.
- Contract 5B – Pump Station S-703 and Recreational Sites: Endurance testing began May 13, 2024 and the final punch list was received. Permanent power to the pump station was established September 25, 2024. Operational, Testing, and Monitoring Period to start after endurance testing is complete.
- Contract 5C – Pump Stations S-710 and S-711, Seepage Canal C-711W: Seepage canal berm and spreader canal construction are substantially complete. S-711 Control Building is complete. Permanent power work by FPL has begun at S-710 and is being scheduled for S-711.

### Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER)

**Lead Agency:** USACE

**Anticipated Completion Year:** TBD

**Project Description:** The BBSEER Project aims to restore natural areas in southeastern Miami-Dade County, including the Model Lands, Southern Glades, nearshore estuarine habitats of Biscayne Bay, and the associated coastal and freshwater wetlands.

**Status:** Planning; Approval from the Office of the Assistant Secretary of the Army for Civil Works is required to continue the study due to the need for additional schedule and budget. USACE Jacksonville District and South Atlantic District held briefings in August and September to members of the Senior USACE Vertical Team leadership on the project. The planning study is currently awaiting approval via a Vertical Team Alignment Memorandum (VTAM) for the additional budget and funding.

**Next Milestone:** Approval of the VTAM for additional budget and funding to continue the study.

### Broward County Water Preserve Areas

**Lead Agency:** USACE

**Anticipated Completion Year:** 2034

**Project Description:** This project will reduce water loss from the Central Everglades. It is designed to perform two primary functions: reduce seepage loss from Water Conservation Area (WCA) 3A/3B to the C-11 and C-9 basins; and capture, store and distribute surface water runoff from the western C-11 basin that has been discharged into WCA 3A/3B.

**Status:** Design.

- Contract 2.1 - Initial land clearing and grubbing contract awarded September 24, 2024.
- Contract 2.2 – C-11 Impoundment Embankment: Final design is in progress and the construction award is expected in 2025.
- Contract 3 – C-11 Impoundment Pump Station: Design is in progress, and the construction award is expected in FY 2026.
- Contract 4 – WCA3A Seepage Management Area: Design to begin in 2025.
- Contract 5 – C-9 Impoundment: Design to begin in 2026.

## **Caloosahatchee (C-43) Reservoir**

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2025

**Project Description:** The project will capture excess C-43 Basin runoff and regulatory releases from Lake Okeechobee during the wet season and release water from the reservoir during the dry season. It includes development of one aboveground reservoir, with a total storage capacity of approximately 170,000 acre-feet. The project will reduce the extreme salinity changes in the Caloosahatchee River Estuary by providing a more consistent flow of freshwater discharging into the estuary.

**Status:** Construction.

- Package 1 – Embankment Preloading at 6 critical structures around the dam and demolition of existing infrastructure work is complete.
- Package 2 – S-476 Pump Station replaces the original irrigation pump station located on the header canal that supplied water to existing water users work is complete.
- Package 3 – S-470 Inflow Pump Station which pulls water from the Caloosahatchee River through the Townsend Canal to the Reservoir work is complete. Ribbon cutting event held on December 19, 2023.
- Package 4 – Reservoir: Soil cement (buttress) 21.5 of 22 miles completed, soil cement (slope) 14 of 22 miles completed, perimeter canal and intake canal works are 98% complete, 15,000 feet of wave wall installed. Sand column relief manifold (north reach) has started, and the southern 3 reaches have started excavation. S470 discharge piping installation continues with last pipes to be placed by October 31. Monitoring platform installation is working on their fourth structure. Phase II soil bentonite wall completed between S-474 and S-473 and now proceeding from S-470 to S-471. S-475 gate installation to commence in late October. M3/S-475 gap closure work has commenced. Sod has now been completed on 1/3 of the north down stream slope (south and east slopes completed previously). All structures are substantially complete except the top 3 feet of cap of the S-470 discharge structure.

## **Central Everglades Planning Project (CEPP) Everglades Agricultural Area (EAA) Reservoir**

**Lead Agency:** USACE

**Anticipated Completion Year:** 2030

**Project Description:** CEPP includes four phases of projects that help restore the natural flow of water south from Lake Okeechobee to Central & Southern Everglades. The CEPP EAA Phase will store, treat and send new water to the Everglades. The EAA Reservoir reduces damaging discharges from Lake Okeechobee to the Northern Estuaries. The 10,000-acre reservoir component includes 240,000 acre-feet of storage and delivers water to the 6,500-acre A-2 STA for water quality treatment. The project provides an additional average annual 370,000 acre-feet of clean water sent to the Everglades.

**Status:** Design; Construction.

- Contract 10A - Seepage Inflow/Outflow Canal: Environmental monitoring and pre-construction survey work continues. De-mucking, clearing, and grubbing activities are complete for the base contract. Excavation of the canal footprint continues and is 49% complete. Seepage canal and inflow/outflow canal blasting is ongoing. Embankment construction began and the excavated material is being processed and tested.
- Contract 11A - Foundation Preparation & Cutoff Wall: Contractor is still progressing through submittals. Clearing, grubbing and de-mucking of borrow pit areas 2 and 3 is complete with borrow area 5 being 65% complete. Drilling and blasting of borrow area 3 is ongoing. Construction of the east side batch plant slab (near borrow area #3) is ongoing and 99% complete. Site access improvements are 53% complete.
- Contract 11B - Embankment, outlet structures and spillway: Final design completed in November 2023 and construction contract awarded September 27, 2024. This is the largest contract in USACE Jacksonville District's history and is the largest USACE Civil Works stand-alone contract this year. The scope of work includes clearing, excavation, and processing of materials to construct a 17.75-mile embankment dam up to 38 feet high, as well as four gated outlet structures, one un-gated overflow spillway, one multi-bay gated inline spillway, rock foundation preparation, and installation of a seepage cutoff wall.

- Contract 11C - S-636 Seepage Pump Station: Design began in March 2023, and the construction award is expected in September 2026.
- Contract 12: S-623 Reservoir Inflow Pump Station: In design and will be awarded for construction by SFWMD in December 2024.

## **Central Everglades Planning Project (CEPP) Everglades Agricultural Area (EAA) Stormwater Treatment Area (STA)**

**Lead Agency:** SFWMD

**Completion Year:** 2024

**Project Description:** The 6,500-acre STA will clean water stored in the 240,000 acre-foot EAA Reservoir and allow it to be moved south to the Everglades. Stormwater Treatment Areas use aquatic vegetation to remove harmful nutrient pollution from the water. Sending more clean water south will support the ecological health of the Everglades and Florida Bay.

**Status:** Construction.

- Contract 9B - STA Cells: In construction. Initial filling commenced end of January 2024.
- Contract 9B - STA Inflow-Outflow Canal: Construction completed in FY 2023.

## **Central Everglades Planning Project (CEPP) Everglades Agricultural Area (EAA) Canal Conveyance Improvements**

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2027

**Project Description:** The North New River Canal Conveyance increases canal capacity by 200 cfs. The Miami Canal Conveyance Improvements increase canal capacity by 1,000 cfs.

**Status:** Design.

- Contract 9A - EAA North New River Canal Improvements: Construction Notice to Proceed issued on June 20, 2024. Dredge Material Management Area is under construction, mechanical excavation in progress, and hydraulic dredge pipes assembled and scheduled to begin in November.
- Contract 9A - EAA Miami River Canal Improvements Phase 1: Design is complete and construction award by Q1 FY 2025.
- Contract 9A - EAA Miami River Canal Improvements Phase 2: Design is ongoing and construction award in FY 2025.

## **Central Everglades Planning Project (CEPP) New Water Seepage Barrier Wall Project**

**Lead Agency:** SFWMD

**Completion Year:** 2024

**Project Description:** The CEPP New Water Seepage Barrier Wall Project extends the successful underground wall that was built as part of the 8.5 Square Mile Area Seepage Wall Project. The project supports ongoing restoration efforts to move water south through the Everglades and into Florida Bay while mitigating potential flooding impacts in communities outside of Everglades National Park.

**Status:** Complete - Ceremonial Ribbon Cutting was held on April 24, 2024.

## **Central Everglades Planning Project (CEPP) North Phase**

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2030

**Project Description:** CEPP North will restore water levels in the northern portion of the Central Everglades and improve our water resource resiliency in South Florida. The features within the CEPP plan include a reservoir, a stormwater treatment area and water flow improvements.

**Status:** Design; Construction.

- Contract 7A - L-6 Diversion: A groundbreaking for S-620 was held in May 2023. S-622 is in design and contract award is planned in Q3 FY2025.
- Contract 7A - L-4 Canal Improvements & Distribution Features & S-630 Gated Culverts are in design.
- Contract 7B - S-8 Pump Station Modifications is in design and Phase 1 construction contract Notice to Proceed issued on April 8, 2024.

- Contract 8A - L-5 Canal Improvements is in design to be constructed in two packages and contract award for Package 1 is planned in Q2 FY 2025.
- Contract 8B - Miami Canal Backfill and Vegetated Hammocks survey is complete, and design is underway.

### Central Everglades Planning Project (CEPP) South Phase

**Lead Agency:** USACE

**Anticipated Completion Year:** 2031

**Project Description:** CEPP South removes water flow barriers to allow natural flow of water south into Everglades National Park. Components include the construction of a pump station, the installation of culverts and spillways and the removal of a roadway and levees that will all help increase the flow of clean water south from WCA 3A to Everglades National Park.

**Status:** Design; Construction.

- Contract 1AR - L-67A Culverts: At S-631 the cofferdam construction is complete and surface water removal and guardrail installation continues. Cofferdam construction is ongoing at S-632, with the east and west sides complete, and dewatering continues. At S-633 the contractor has begun processing materials.
- Contract 2A - Pump Station S-356E and S-334E Gated Spillway: Final design is complete, but construction contract advertisement delayed due to ongoing coordination with respect to the FDOT construction agreement. Contract award forecasted for May 2025 but may shift with this agreement issue.
- Contract 3B - S-355W Gated Spillway in L-29 Canal: Final design is complete. USACE, SFWMD, and FDOT completed negotiation of the FDOT construction agreement. However, after review by the Corps, further coordination between SFWMD and USACE is underway to determine the Corps' real estate needs at this location. The construction contract advertisement is delayed and no forecasted award date is available at the time.
- Contract 5 - Blue Shanty Flowway: Final design is scheduled to be complete in FY 2026, and the contract award is scheduled for FY 2026. USACE and SFWMD are coordinating how best to incorporate design refinements based on science recommendations from the Decomp Physical Model into this contract.
- Contract 6 - L-29 Levee Removal: Design is scheduled to begin in FY 2025, and the contract award is scheduled for FY 2028.

### Indian River Lagoon South – C-23 Estuary Discharge Diversion Canal

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2025

**Project Description:** This interconnect canal project will divert harmful discharges from the C-23 Canal and send it south to the C-44 Reservoir. It improves water quality in the St. Lucie Estuary and helps bring flows to the Estuary closer to its natural pattern.

**Status:** Construction; S-457 Pump Station wall pours have reached elevation 30 ft. NAVD88, canal excavation in Segment 1 is 80% and Segment 3 is 95% complete, Segment 2 canal excavation 80%, and Coca Cola Box Culvert concrete construction is complete and backfilling to start this month.

### Indian River Lagoon South – C-23/24 North Reservoir

**Lead Agency:** USACE

**Anticipated Completion Year:** 2030

**Project Description:** The C-23/24 North Reservoir is a component of the IRL South Project, encompassing more than 2,000 acres. Once completed, it will store approximately 32,000 acre-feet of water.

**Status:** Design.

- Contract 4A – S-426 Pump Station, Afterbay, S-245425 Culvert, PC-37 Canal and Structure: Final design has been completed. Contract awarded for September 27, 2024.

- Contract 4B – S-425 Sag Culvert, S-426 Afterbay, and Reservoir Embankment Construction: The final design is scheduled to be complete December 2025.

### Indian River Lagoon South – C-23/24 South Reservoir

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2030

**Project Description:** The C-23/24 South Reservoir is a component of the IRL South Project, encompassing more than 3,500 acres. Once completed it will store approximately 57,000 acre-feet of water.

**Status:** Design is ongoing by the SFWMD. Package 1 of the canal and structure construction contract was approved by the SFWMD Governing Board in April 2024, and Package 2 - Reservoir construction contract will be awarded in FY 2025.

### Indian River Lagoon South – C-23/24 STA

**Lead Agency:** USACE

**Anticipated Completion Year:** 2026

**Project Description:** The 2,700-acre C23/24 STA is designed to treat water from the C-23 and C-24 Basins. Its purpose is to reduce the sediment, phosphorus, and nitrogen going to the St. Lucie River Estuary and the southern portion of the Indian River Lagoon.

**Status:** Construction; Stormwater treatment areas (STA) Cells 1 and 2 are complete. Cell 3 and Cell 5 embankment construction is underway. Cell 4 clearing and grubbing is complete and canals are being constructed. All water control structures are 80% complete.

### Indian River Lagoon South C-25 Reservoir and STA

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2028

**Project Description:** The C-25 Reservoir and STA will capture, store and treat local stormwater runoff from the C-25 Canal. The project reduces the rate of harmful flows to downstream estuaries and improves water quality in the estuary and lagoon. Project features include an 803-acre reservoir with 5,176 acre-feet of storage, a 532-acre STA, and a 250 cfs pump station.

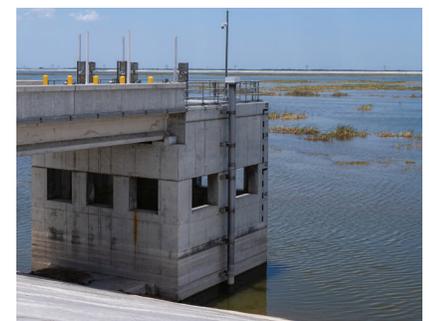
**Status:** Construction; Package 1 for Site Preparation contract awarded in August 2024. Design; Package 2 is in design and estimated contract award is in Q3 of FY 2025.

### Indian River Lagoon South – C-44 Reservoir

**Lead Agency:** USACE

**Completion Year:** 2021

**Project Description:** The C-44 Reservoir will store 50,000 acre-feet of water, including local basin runoff and Lake Okeechobee releases. This will reduce harmful releases reaching the St. Lucie Estuary that can fuel harmful algal blooms.



C-44 Reservoir

**Status:** Construction Complete, in Operational Testing and Monitoring Period (OTMP). Design of additional seepage management features is underway and a construction award is forecasted for 2025 under a separate contract. Design work such as hydraulic and hydrologic modeling, groundwater sampling, and creating plans and specs are ongoing.

### Indian River Lagoon South – C-44 STA

**Lead Agency:** SFWMD

**Completion Year:** 2019

**Project Description:** The 6,400-acre C-44 STA will remove harmful nutrients and provide regional water quality benefits. It will treat the water stored in the reservoir before it is released into the estuary. A recreation plan is now being developed.

**Status:** Construction Complete, in Operational Testing and Monitoring.

## Indian River Lagoon South Natural Water Quality Storage Areas and Muck Removal

**Lead Agency:** SFWMD

**Anticipated Completion Year:** TBD

**Project Description:** This project is part of Indian River Lagoon – South Phase II and will work together with other IRL-South components to protect and restore the lagoon and estuary. It will create natural storage by preserving and restoring lands in the contributing basins of the north and south forks of the St. Lucie River and the estuary.

**Status:** Planning; Acquiring Lands.

## Lake Okeechobee System Operating Manual (LOSOM)

**Lead Agency:** USACE

**Completion Year:** 2024

**Project Description:** The USACE signed the Lake Okeechobee System Operating Manual (LOSOM) Record of Decision on August 12, 2024, completing the final step in the approval process to allow the USACE Jacksonville District (SAJ) to implement LOSOM in place of the Lake Okeechobee Regulation Schedule 2008 (LORS08) for the management of Lake Okeechobee. SAJ hosted a public engagement workshop on September 20, 2024 to review the new agency operating procedures and set expectations for agency feedback to support operational decision making moving forward.

**Status:** Complete.

## Lake Okeechobee Watershed Restoration Project (LOWRP)

**Lead Agency:** SFWMD

**Anticipated Completion Year:** TBD

**Project Description:** LOWRP is an Everglades restoration planning effort that will improve water levels in Lake Okeechobee; improve the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries; restore degraded habitat for fish and wildlife throughout the study area; and increase the spatial extent and functionality of wetlands.

The Florida Legislature appropriated a total of \$150 million for the LOWRP during the previous three legislative sessions. During the 2021 legislative session, the Florida Legislature also passed Senate Bill 2516 to further support and expedite the implementation of LOWRP. This funding was provided to the SFWMD for the design, engineering and construction of specific LOWRP components designed to achieve the greatest reduction in harmful discharges to the Caloosahatchee and St. Lucie Estuaries.

**Status:** Planning; Design, Well Testing and ASR Science Plan.

## Loxahatchee River Watershed Restoration Project

**Lead Agency:** SFWMD

**Anticipated Completion Year:** 2032

**Project Description:** The Loxahatchee River Watershed Restoration Project will restore and sustain the overall quantity, quality, timing and distribution of fresh water to the federally designated “National Wild and Scenic” Northwest Fork of the Loxahatchee River for current and future generations. This project also seeks to restore, sustain and reconnect the wetlands and watersheds that form the historic headwaters for the river. These areas include Jonathan Dickinson State Park, Pal Mar East/Cypress Creek, DuPuis Wildlife and Environmental Management Areas, J.W. Corbett Wildlife Management Area, Grassy Waters Preserve, Loxahatchee Slough, the Northwest Fork of the Loxahatchee River and the Loxahatchee River Estuary.

**Status:** Design.

- Flowway 1: Anticipated to execute design contract in FY 2025.
- Flowway 2 and 3: In design, survey and geotechnical work underway.

## Picayune Strand Restoration Project

**Lead Agency:** USACE

**Anticipated Completion Year:** 2025

**Project Description:** This project restores the natural water flow across 85 square miles in western Collier County that were drained in the early 1960s in anticipation of extensive residential development. The restoration involves plugging 48 miles of canals, removing 260 miles of crumbling roads, and constructing three major pump stations, all of which will restore more than 55,000 acres of natural habitat.

**Status:** Construction. All three Picayune pump stations and Miller Tram and Road Removal are complete.

- Southwest Protection Feature Levee: Five of six lifts for the full seven miles are complete and the sixth lift is 86% complete with forecasted completion in fall 2024.
- Conveyance Features (Design/Build Contract): U.S. 41 culverts construction completed January 2024. CR-92 construction underway and completion is expected in late 2024.
- Canal Plugging: The Faka Union Canal plugging was completed in May 2024. The Miller Canal plugging is scheduled to begin January 2025.

## Southern Everglades

**Lead Agency:** USACE/SFWMD

**Anticipated Completion Year:** TBD

**Project Description:** The Southern Everglades project aims to provide substantial amounts of freshwater to improve the quantity, timing, and distribution of freshwater in the Greater Everglades and Everglades National Park wetlands and Florida Bay.

**Status:** Planning; The study is targeting a kick-off in 2025.

## Western Everglades Restoration Project (WERP)

**Lead Agency:** USACE/SFWMD

**Anticipated Completion Year:** TBD

**Project Description:** The Western Everglades Restoration Project is an Everglades restoration planning effort that aims to improve the quantity, quality, timing, and distribution of water in the western Everglades. The study area covers approximately 1,200 square miles, bounded by the L-1 Canal to the north; the L-2 Canal, Stormwater Treatment Area (STA) 5/6, and the eastern boundary of the Miccosukee Tribe of Indians of Florida Reservation to the east; a natural watershed boundary to the west; and portions of U.S. Highway 41, Loop Road, and the southern Miccosukee Tribe of Indians of Florida Reservation area to the south.

**Status:** Planning, Design & Construction; The 3x3x3 planning study waiver request, for schedule and budget to complete the study, was approved by the Assistant Secretary of the Army, for Civil Works, January 2024. The draft Project Implementation Report (PIR) and draft Environmental Impact Statement (EIS) were released for public comment on December 15, 2023. A series of “open house” public meetings were held in December to discuss the project. In-person and virtual National Environmental Policy Act (NEPA) Public Meetings were held January 17 & 18, 2024. The Jacksonville District transmitted the final PIR/EIS to Corps higher headquarters for policy compliance reviews on June 13, 2024, and the report was signed on September 11, 2024. The review period for the final PIR/EIS began on September 27, 2024 and will close on October 28, 2024, after which the Record of Decision may be signed. Still scheduled for inclusion in WRDA 2024.

- Region 4 Design and Construction – L-28 Culverts under construction, Notice to Proceed issued in April 2024. Modeling complete, geotechnical work ongoing and design commenced for 11-Mile Road, US-41 and Loop Road Culverts. A groundbreaking was held on July 10, 2024, for the first major feature of the Western Everglades Restoration Project, the L-28 South Culverts, which will support Everglades restoration.



# Northern Everglades and Estuaries Protection Program (NEEPP)

Progress Update – October 2024

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT PROGRESS UPDATE

In the Caloosahatchee River Watershed, construction is advancing on the Caloosahatchee (C-43) Reservoir Project. This project is scheduled to begin initial operations in 2025. Once complete, the reservoir will store approximately 170,000 acre-feet of local basin stormwater runoff and releases from Lake Okeechobee. It will reduce the volume of discharges from the lake to the Caloosahatchee Estuary during the wet season and provide a source of freshwater flow to the estuary during the dry season to help balance salinity levels when needed.

Work on the C-43 Reservoir's Water Quality Component Project also moved forward, with construction of the in-reservoir alum treatment system launching this month. Full operations of the Water Quality Component are slated to begin in late 2025, in conjunction with future operations of the reservoir to help reduce discharge of nutrients into the river.

In the Lake Okeechobee Watershed, the construction of the El Maximo Ranch Dispersed Water Management Project is almost complete. This large-scale, active treatment and flow attenuation project will store water on over 7,000 acres of privately-owned land. Once fully operational, the project will provide an average annual water storage benefit of 2,500 ac-ft and will remove over 2 metric tons of total phosphorus and 7 metric tons of total nitrogen to help reduce nutrient loading to Lake Okeechobee.

## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATUS UPDATE

The Florida Department of Environmental Protection is working closely with the other Coordinating Agencies to prepare for the next Basin Management Action Plan (BMAP) update meetings for the Caloosahatchee River and Estuary/ Everglades West Coast, St. Lucie River and Estuary, and Lake Okeechobee, which all have been postponed until next month. The upcoming meetings for Lake Okeechobee will also cover the next five-year review for the BMAP, which is planned to be published in December 2024. The NEEPP Annual Public Workshop has also been postponed due to Hurricane Milton and will be rescheduled. For more information visit [SFWMD.gov/WPPs](https://www.fdwmd.gov/WPPs).

Staff from the South Florida Water Management District and the Florida Department of Agriculture and Consumer Services will also participate in these meetings to share information on the upcoming 5-year watershed protection plan updates and program updates.

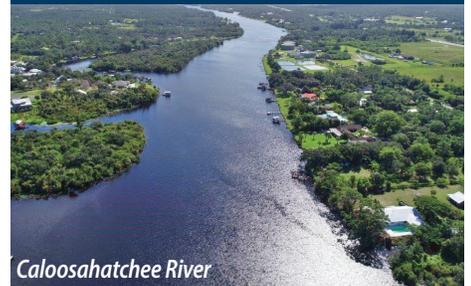
To stay informed on the upcoming meetings, please visit [floridadep.gov/bmaps](https://www.floridadep.gov/bmaps) and subscribe to DEP's announcement distribution list at [floridadep.gov/dear/dear/content/subscribe#BMAP](https://www.floridadep.gov/dear/dear/content/subscribe#BMAP).

## INTERAGENCY SPOTLIGHT

The Coordinating Agencies are completing the *NEEPP Annual Progress Report for the Draft 2025 South Florida Environmental Report (SFER) – Volume I, Chapter 8A*, along with the 2025 Watershed Protection Plan Updates for the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds. This will be featured in Chapters 8B-8C-8D.

This year's reporting will highlight the many accomplishments and successes of our agencies during the 2024 reporting period as well as showcase the District's Watershed Protection Plan modeling update for all three watersheds. This will be featured in Appendix 8A-1.

The draft will be published this month for review at [SFWMD.gov/SFER](https://www.fdwmd.gov/SFER).



Caloosahatchee River

## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES PROGRESS UPDATE

As of August 1, 2024, the Florida Department of Agriculture and Consumer Services (FDACS) completed approximately 92% of required implementation verifications for agricultural operations within the NEEPP boundary. The FDACS continues to collect and retain required nutrient application records as implementation verifications are conducted.

Agricultural Commissioner Wilton Simpson signed Emergency Order 2024-006 (dated August 16, 2024), providing implementation verification site visit deferral through October 16, 2024, for the counties impacted by Hurricane Debby. Further information is available at [doah.state.fl.us/FLAED/AGR/2024/AGR\\_2024-006\\_08162024\\_042927.pdf](https://doah.state.fl.us/FLAED/AGR/2024/AGR_2024-006_08162024_042927.pdf).

The FDACS continues with rulemaking to revise the existing Florida agricultural BMP manuals and rules. For a complete list of rule development activity, visit [fdacs.gov/divisions-offices/agricultural-water-policy/rule-development-activities](https://www.fdac.gov/divisions-offices/agricultural-water-policy/rule-development-activities). 274