



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

December 8, 2022

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions

October Employee of the Month: Juanita Bozeman, Records Administration Officer

October Team of the Month: C-139 Site Verification Team

November Employee of the Month: Dina St. Andrew, Multimedia Specialist

November Team of the Month: CERP Decomp Physical Model Science Team

December Employee of the Month: Robert Verrastro, Principal Hydrogeologist

December Team of the Month: Big Cypress Basin Field Station Vegetation Management Team

25-Year Service Award: Alaa Ali, Chief Engineer

25-Year Service Award: Christopher Janson, Lab Manager-Analytical Services

25-Year Service Award: Mario Mayes-Fernandez, Sr. Scientist

25-Year Service Award: Rich Virgil, Division Director

30-Year Service Award: Luis Cadavid, Chief Engineer

4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Big Cypress Basin Board Report - Charlette Roman, Chair

7. Consider Approval of the Minutes for the November 18, 2022 Meeting
8. Executive Director's Report - Drew Bartlett
9. General Public Comment
10. Board Comment
11. Move Consent Agenda Items to Discussion Agenda
12. Public Comment on Consent Agenda Items
13. Board Vote on Consent Agenda

Consent Agenda

14. Strategic Plan 2023-2028 (Staff contact, Jennifer Smith)

Agenda Item Background:

The purpose of this agenda item is to review the District's 2023-2028 Strategic Plan and request Governing Board approval in accordance with the statutory requirement under Section 373.036, Florida Statutes (F.S.). The strategic plan is based on ongoing guidance received from the Governing Board and is updated to reflect agency strategic priorities, objectives, and policy direction. Staff reviews, updates, and requests approval by the Governing Board annually during October - December to establish high-level priorities for the upcoming preliminary budget development. This Strategic Plan will include newly passed legislation requiring water management district governing boards to develop an inventory list of critical wetlands as part of their 2023-2028 strategic plans per Sections 373.036 and 373.019(27), F.S. The approved plan document will be submitted to the Governor and Legislature along with the Preliminary Fiscal Year 2023-2024 District budget due January 15, 2023. Public comments have been gathered and reviewed as part of this plan update. The document includes updates for Strategic Priorities, Success Indicators and Strategic Project recommendations to continue support of Governor DeSantis' Executive Order 19-12 "Achieving More Now for Florida's Environment" to advance Everglades restoration and improve water quality in the Sunshine State, the District's mission "To safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders," and to deliver on the management and the resiliency of South Florida's primary water management infrastructure that provides flood control and water supply for over 9 million residents and tens of millions of visitors.

Recommended Action:

Resolution No. 2022 - 1201 Adopt the updated 5-Year Strategic Plan of the District for the purpose of establishing Board Guidance, strategic priorities, goals, projects and success indicators.

[Resolution No. 2022-1201](#)

[DRAFT 2023-2028 Strategic Plan](#)

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

Agenda Item Background:

To prepare for and respond to storm Nicole, the District issued Emergency Orders 2022-062-DAO, 2022-063-DAO, 2022-064-DAO, 2022-065-DAO, and 2022-066-DAO. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. This item requests the Governing Board’s concurrence with issuance of the aforementioned Orders, in compliance with Section 373.119(2), Florida Statutes, and any subsequent termination orders.

Emergency Orders and Termination Orders

SFWMD 2022-062- DAO	Emergency Authorization Abrogating Time Requirements, Notice Requirements and Deadlines for Action on Permits and Other Approvals Made Necessary by Subtropical Storm Nicole
SFWMD 2022-063- DAO	Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Subtropical Storm Nicole
SFWMD 2022-064- DAO	Emergency Authorization for Procurement of Goods and Services Made Necessary by Subtropical Storm Nicole
SFWMD 2022-065- DAO	Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Subtropical Storm Nicole
SFWMD 2022-066- DAO	Emergency Authorization Temporarily Closing District Lands Made Necessary by Subtropical Storm Nicole
SFWMD 2022-067- DAO	Terminating Emergency Authorization Temporarily Closing District Lands

Recommended Action:

Concur with Emergency Orders 2022-062-DAO, 2022-063-DAO, 2022-064-DAO, 2022-065-DAO, 2022-066-DAO, and 2022-067-DAO, and any subsequent termination orders.

- [Emergency Order 2022-062-DAO](#)
- [Emergency Order 2022-063-DAO](#)
- [Emergency Order 2022-064-DAO](#)
- [Emergency Order 2022-065-DAO](#)
- [Emergency Order 2022-066-DAO](#)
- [Termination Order 2022-067-DAO](#)

16. Indian River Lagoon-South C-23 Estuary Discharge Diversion Project Relocation Agreement with Florida Power & Light Company, Martin County (Staff contact, Alan Shirkey)

Agenda Item Background:

The C-23 Estuary Discharge Diversion Project, as part of the Comprehensive Everglades Restoration Plan (CERP) Indian River Lagoon-South program, will include the construction of approximately 6.85 miles of canal, a 250-cubic-feet-per-second pump station located on the C-23 Canal, two culvert crossings beneath CR-714 Martin Highway and Coca Cola Road, a Stormwater Treatment Area (STA) access service bridge, and a discharge spillway into the C-44 Reservoir Western Perimeter Canal. This project will assist with the reduction of harmful discharges to the St. Lucie River and Estuary by routing excess water from the C-23 Canal that cannot be captured by the future C-23/C-24 Reservoirs, to the South Fork of the St. Lucie River via the C-44 Reservoir and STA.

This Facilities Relocation Agreement (Agreement) addresses the need for relocation and removal of Florida Power & Light (FPL) distribution facilities within the project footprint to provide for distribution of power to maintain the existing level of service. The Agreement includes relocation of two distribution power lines, provides a perpetual easement to FPL for each of the relocated power lines, provides for the removal of the poles, and for FPL to remove infrastructure and release and terminate its existing easement rights within the Project footprint.

Recommended Action:

Resolution No. 2022 - 1202 Authorize entering into a facilities relocation agreement with Florida Power & Light Company for the design, relocation and removal of power distribution facilities within the C-23 Estuary Discharge Diversion Project footprint, in an amount not-to-exceed \$151,114.06, for which dedicated funds (Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023. (Contract No. 4600004688)

[Resolution No. 2022-1202](#)

[Backup Document - Maps](#)

[Backup Document - Cost Estimate](#)

17. Mechanical Harvesting Services Contracts (Staff contact, Stephen M. Collins)

Agenda Item Background:

District contracts will provide mechanical aquatic harvesting services for day-to-day and emergency response situations District-wide. District projects and STAs include canals, levees, reservoirs, waterways, and wetlands. Work performed in State waters may be eligible for funding through the Florida Aquatic Plant Management Trust Fund administered by the Florida Fish and Wildlife Conservation Commission. These are 3-year work order contracts with two 1-year renewal options to replace the expiring mechanical harvesting services contracts. These services target floating plant aggregations and tussocks threatening the operation and maintenance of flood control project facilities, navigation, and stability of the natural ecosystems of South Florida.

Recommended Action:

Resolution No. 2022 - 1203 Authorize entering into a 3-year work order contract with two 1-year renewal options with the four responsive and responsible bidders for mechanical harvesting services, in an amount not-to-exceed \$10,000,000 for all four contracts, of which \$2,000,000 in Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023, and the remainder is

subject to Governing Board approval of future years budgets.

Firm	Contract Number
Breen Acres Aquatics, Inc.	4600004693
Texas Aquatic Harvesting, Inc.	4600004694
Weedbusters, Inc.	4600004695
Waterzway Work Boats, LLC	4600004696

[Resolution No. 2022-1203](#)

18. Contract for Aerial Application Services (Staff contact, Stephen M. Collins)

Agenda Item Background:

Staff is seeking Governing Board approval to enter into a contract for aerial application services. The objectives of this award are to: 1) support the District's effort of maintaining flood control project facilities in accordance with established standards, 2) eliminate melaleuca and other invasive exotic plant species from natural areas, 3) support STA vegetation management activities, 4) support prescribed fire projects on District lands, and 5) provide aerial seeding services. Plant species with the highest potential for impacting these lands are best controlled through an integrated management approach using chemical, biological, and physical methods consistent with the District's Herbicide Reduction Strategy. This contract requires application of different herbicides to various types of aquatics, wetland and upland vegetation using aerial application equipment and associated support vehicles, in accordance with District project management directions. Following negotiations, the District intends to issue a 3-year work order contract with two 1-year renewal options for aerial application services to Agricultural Air Services, LLC. The District will negotiate a contract with the contract bidders in ranked order until a contract has been successfully negotiated.

Recommended Action:

Resolution No. 2022 - 1204 Authorize the official ranking of firms and enter into a 3-year work order contract with two 1-year renewal options with Agricultural Air Services LLC, subject to successful negotiations, for Vegetation Management Aerial Application Services in an amount not-to-exceed \$15,000,000 of which \$3,000,000 in Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing that if negotiations are unsuccessful with Agricultural Air Services LLC, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated. (Contract No. 4600004692)

[Resolution No. 2022-1204](#)

19. Revocable Right of Entry/License for Florida Atlantic University (Staff contact, Stephen M. Collins)

Agenda Item Background:

In support of continued improvements to the District's weather data collection capability, Florida Atlantic University, with support from Coastal Carolina University, has proposed the installation and ongoing monitoring of ten weather monitoring stations on District owned lands. The ten individual locations of the weather

monitoring stations were selected by the District's Meteorology staff to improve the District's current weather data collection capability. The requested right of entry will allow Florida Atlantic University to install, maintain and monitor weather data for shared use by the District over a ten-year period. The District may terminate the License for convenience with a 180-day notice. The monitoring stations will consist of approximately 10' by 10' fenced areas which will contain the weather monitoring equipment and a solar panel for remote communication.

Recommended Action:

Resolution No. 2022 - 1205 Approve a Revocable Right of Entry/License to Florida Atlantic University to access ten District owned tracts for the installation and monitoring of weather data collection equipment.

[Resolution No. 2022-1205](#)

[Resolution Exhibit A](#)

20. Release of Reservations (Staff contact, Stephen M. Collins)

Agenda Item Background:

The District has certain reserved rights to construct canal and road right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need for the reservations. If it has been determined there is no present or future need, staff recommend that the reservations are released for payment of a value equal to one percent of the appraised value of the land on the Property Appraiser's website in the County where the property is located. It has been determined that there is no present or future need for the reservations listed below.

Staff Recommendation:

Staff recommends approval of the following:

Miami-Dade County

- Release District canal and road reservations for Clifford Lincoln, as Successor Trustee of the Keys Gate III Trust, u/i/d June 30, 1998, and Land Baron VIII, LLC, a Florida limited liability company (File No. 18914) for 9.84 +/- acres; subject to payment of release value of \$3,726.50
- Release District canal reservations for Trump Endeavor 12, LLC, a Delaware limited liability company (File No. 18917) for 190.50 +/- acres; subject to payment of release value of \$74,940

Recommended Action:

Resolution No. 2022 - 1206 Release District canal and road reservations.

[Maps](#)

[Memo Exhibit A](#)

[Resolution No. 2022-1206](#)

[Resolution Exhibit A](#)

21. Release and Conveyance of Right of Way Interests, Broward County (Staff contact, Stephen M. Collins)

Agenda Item Background:

The adjacent property owner has requested to purchase 0.01 acres, more or less, of a portion of the C-14 canal right of way in Broward County, for residential purposes. The proposed conveyance resolves an outstanding encroachment on District lands and can occur without affecting District operations and maintenance activities. The Applicant will pay the District \$23,000 to acquire the parcel.

Recommended Action:

Resolution No. 2022 - 1207 Approve the release and conveyance of right of way interests containing 0.01 acres, more or less, within the District's C-14 Cypress Creek Canal in Broward County, for the payment of \$23,000 to the District.

[Resolution No. 2022-1207](#)

[Resolution Exhibit A](#)

22. Stipulation for Settlement and Partial Release of Easement (Staff contact, Stephen M. Collins)

Agenda Item Background:

In connection with the Loxahatchee Slough Project, the District (a) acquired approximately 257 acres that included lands located along the western corridor of PGA Boulevard, and (b) acquired two separate conservation easements that included lands located along the Beeline Highway (State Road 710). Florida Power & Light Company (FPL), as part of its resiliency initiative, is constructing an electrical transmission line. FPL's transmission line project requires that the two conservation easements be modified to release the fifteen-foot-wide area of the frontage on Beeline Highway, which is approximately 3.03 acres and 2.73 acres, respectively, for the two separate easements. FPL's transmission line project also requires that FPL acquire a utility easement containing approximately 3.44 acres (the Easement Interest) over the fifteen-foot-wide area of the PGA Boulevard frontage owned by the District. FPL brought an eminent domain action against the District for the acquisition of the Easement Interest. The District and FPL have reached a proposed settlement, the terms of which will be reflected in a Stipulated Order of Taking and Final Judgment (the Final Judgment). The Final Judgment provides that (i) FPL will acquire the Easement Interest for the payment to the District of \$7,600, (ii) in connection with FPL's acquisition of the Easement Interest, the District will be paid additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with the Cypress Creek Wetland Restoration Project, and (iii) the District will be paid \$5,996 and \$5,504, respectively, for release of the conservation easement land interests of 3.03 acres and 2.73 acres, with the District retaining applicable entry rights. The Cypress Creek Wetland Restoration Project in the Loxahatchee Basin is a Comprehensive Everglades Restoration Plan project. This restoration project is designed to restore the hydrology and environmental values of the property previously leased to R&A Farms for agricultural purposes.

Recommended Action:

Resolution No. 2022 - 1208 Authorize the settlement of a condemnation action styled Florida Power & Light Company v. South Florida Water Management District, pending in the 15th Judicial Circuit in and for Palm Beach County, Florida, Case No. 50-2022-CA-01862XXXXMB, with respect to which the South

Florida Water Management District will (i) grant a perpetual utility easement containing 3.44 acres, more or less, over portions of the Loxahatchee Slough Project in Palm Beach County, for \$7,600, (ii) receive additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with the Cypress Creek Wetland Restoration Project, and (iii) authorize partial releases of two existing conservation easements of 3.03 acres, more or less, and 2.73 acres, more or less, for \$5,996 and \$5,504, respectively.

[Resolution 2022-1208](#)
[Resolution Exhibit A](#)
[Resolution Exhibit B](#)

23. Standard Right of Way Occupancy Permit Requests (Staff contact, Rich Virgil)

A. Broward County

Agenda Item Background:

Broward County Parks and Recreation Division (Applicant) requests a modification of Standard Right of Way Occupancy Permit Number 15000 (ROW Permit) and waivers from District criteria to allow for various improvements within Everglades Holiday Park, a regional recreational facility located at the western terminus of Griffin Road and west of U.S. 27 in Broward County. The proposed/existing improvements include an information kiosk, shade structure, emergency generator and fuel tank, sculpture, flagpole, and various park signs (3 signs), all of which are not allowed within the right of way and require a waiver from District rules. In addition, the information kiosk will be located within 40 feet of top of bank which also requires a waiver.

The application has been reviewed by District Field Operations. Approval of the ROW Permit and its associated waivers for the proposed/existing improvements will not adversely impact District operations, maintenance, access, or the ability to perform construction within the right of way.

Recommended Action:

Approve issuance of a modification of Standard Right of Way Occupancy Permit Number 15000 and approval of the associated petition for waivers for non-allowable uses and improvements within 40 feet of top of bank (Application No. 220221-33278).

[Backup Document](#)

B. Florida Power & Light Company

Agenda Item Background:

Florida Power & Light Company (Applicant) requests a Standard Right of Way Occupancy Permit Number 16572-R to install an aerial line, utility pole, and down guy within the western right of way of the L-31E Canal at its intersection with the C-103 Canal. The proposed work will provide electric service to the new S-709 pump station constructed by the U.S. Army Corps of Engineers. The S-709 pump station was constructed to increase the movement of freshwater into the Biscayne Bay Coastal Wetlands project area. Due to existing site conditions, the new aerial line, utility pole, and down guy will be installed within 40 feet of top of bank, which requires a waiver

from District rules. If approved, the proposed work will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

Recommended Action:

Approve issuance of Standard Right of Way Occupancy Permit 16572-R and the associated petition for waiver to allow an aerial line, utility pole, and down guy to be installed within 40 feet of top of bank to serve the S-709/BBCW project (Application No. 221027-36413).

[Backup Document](#)

C. Collier County

Agenda Item Background:

Collier County (Applicant) requests Standard Right of Way Occupancy Permit Number 16556-R to install a bus shelter with related pedestrian improvements within the Airport Road Canal right of way at the main entrance to the Carillon Place Shopping Center. The proposed location for the bus shelter lies within 40 feet of top of bank, which requires a waiver from District rules. If approved, the proposed work will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

Recommended Action:

Approve issuance of Standard Right of Way Occupancy Permit 16556-R and the associated petition for waiver to allow a proposed bus shelter to be installed within 40 feet of top of bank (Application No. 220912-35910).

[Backup Document](#)

Technical Reports

- 24. Water Conditions Report - John P. Mitnik
- 25. Ecological Conditions Report - Lawrence Glenn

Discussion Agenda

- 26. 2022 Lower West Coast Water Supply Plan Update Status (Staff contact, Robert Verrastro)

Agenda Item Background:

Staff is requesting the Governing Board issue a final order approving the 2022 Lower West Coast (LWC) Water Supply Plan Update (2022 LWC Plan Update). Water supply plans are updated every five years and identify sustainable water supplies for all water users while protecting water resources and related natural systems. This five-year update for the LWC Planning Area includes all of Lee County, most of Collier County, and portions of Charlotte, Glades, Hendry, and Monroe counties as well as the Seminole Tribe of Florida Immokalee Reservation.

The 2022 LWC Plan Update provides demand projections through 2045 and identifies

sources and strategies to meet these demands pursuant to Chapter 373, F.S. The 2022 LWC Plan Update concludes that future water needs of the LWC Planning Area can be met with appropriate management, conservation, and implementation of projects identified in the 2022 LWC Plan Update.

The 2022 LWC Plan Update was developed in an open public forum. The Draft 2022 LWC Plan Update was made available for public review and comment. The comments were evaluated and incorporated into the 2022 LWC Plan Update where appropriate.

Recommended Action:

Approve the 2022 Lower West Coast Water Supply Plan Update.

[Final Order](#)

27. Notice of Rule Development to Establish New Rules in Chapter 40E-7, Florida Administrative Code, to Address Ongoing Operations and Maintenance Concerns Resulting from Aquatic Vegetation and Debris that Enters the District's Central and Southern Florida Flood Control Project (Staff contact, Rich Virgil and Julia Lomonico)

Agenda Item Background:

The District is responsible for the operation and maintenance of the Central and Southern Florida Flood Control Project (C&SF system) consisting of 2,200 miles of canals, 2,100 miles of levees, over 1,500 water control structures, and 89 pump stations. The C&SF system provides flood control, water supply, navigation, water management, and recreational benefits to South Florida. The District must maintain the C&SF system free of aquatic vegetation, litter, and debris that can lead to blockage of canals and structures resulting in increased risks of flooding, navigational hazards, and impediments to water supply. Hazards arising from the accumulation of aquatic vegetation, litter, and debris in the C&SF system are particularly prevalent in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, and St. Lucie counties.

Staff seeks Governing Board approval to publish a Notice of Rule Development to establish new rules in Chapter 40E-7, Florida Administrative Code, to require water management systems, including special districts, that connect to or make use of the C&SF system or other Works of the District to take actions to address ongoing operations and maintenance concerns resulting from aquatic vegetation, litter, and debris that enter the C&SF system.

Recommended Action:

Authorize publication of Notice of Rule Development to establish new rules in Chapter 40E-7, Florida Administrative Code, to require water management systems, including special districts, that connect to or make use of the Central & Southern Florida Flood Control Project (C&SF system) or other Works of the District to take actions to address ongoing operations and maintenance concerns resulting from aquatic vegetation, litter, and debris that enter the C&SF system.

[Notice of Rule Development Vegetation Management Rule](#)

28. Continuing Professional Engineering Services Contracts (Staff contact, Alan Shirkey)

Agenda Item Background:

As part of the District’s Capital Improvement Program, the District has maintained a series of continuing professional engineering services contracts. These contracts provide external professional engineering services to facilitate the delivery of the District’s larger capital improvement and restoration projects. On March 14, 2019, the Governing Board approved entering into contracts with 17 firms, subject to successful negotiations, to provide professional engineering services for the District’s Restoration and Operations, Maintenance, Repair, Rehabilitation, and Replacement Projects, in an amount not-to-exceed \$225 Million. Contracts were negotiated for a 3-year period with two 1-year renewal extensions. Assignments under each contract are handled through various work orders under the contract. At the November 2021 Governing Board meeting, the Governing Board approved a \$125 Million increase to the threshold for these contracts as well as the two 1-year renewal extensions. In support of anticipated future demands utilizing the existing contracts, an additional increase of \$125 Million is requested, resulting in a new total threshold of \$475 Million. Approval of this agenda item will allow the District to continue the design phase for the Central Everglades Planning Project (CEPP) and Indian River Lagoon features as well as continued support for projects already in construction.

The need for the increases stem from an acceleration in project delivery directed in part by Governor DeSantis’ Executive Order 19-12 “Achieving More Now for Florida’s Environment.” Since the beginning of calendar year 2019, the District has executed approximately \$2 Billion in construction contract value for ecosystem restoration and capital improvement projects. This represents an increase of 98% when compared to the four years prior. Each of the construction contracts require design, engineering-during-construction and construction management services, all of which are provided under these professional services contracts.

Recommended Action:

Resolution No. 2022 - 1209 Authorize an amendment to the existing Operations, Maintenance, Repair, Rehabilitation, and Replacement Professional Engineering Services contracts to increase the amount by \$125,000,000 for all 17 contracts, of which Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets.

Firm	Contract Number
J-Tech	4600003984
Stantec Consulting Services Inc.	4600003985
Brown & Caldwell Corporation	4600003986
HDR Engineering Inc.	4600003987
Black & Veatch Corporation	4600003988
Parsons Environment & Infrastructure Group, Inc.	4600003989
Stanley Consultants, Inc.	4600003990
CDM Smith, Inc.	4600003991
AECOM Technical Services, Inc.	4600003992
Arcadis U.S., Inc.	4600003993
Kimley Horn & Associates, Inc.	4600003994

GF - D JV II	4600004287
Hazen & Sawyer, P.C.	4600003996
NorthStar Contracting Group, Inc.	4600003997
Radise International, LC	4600003998
Burns & McDonnell Engineering Company, Inc.	4600003999
WSP USA Inc.	4600004000

[Resolution No. 2022-1209](#)
[Backup Document](#)

Staff Reports

29. Monthly Financial Report - Candida Heater
 - Monthly Financial Memo
 - Emergency Procurements and Usage of Emergency Reserves
30. General Counsel's Report - Julia Lomonico, Interim General Counsel
31. General Public Comment
32. Board Comment
33. Adjourn

Draft Presentations for Agenda items 24, 25, 26, 27, and 28.

Agenda Item Background:

- [24 Mitnik Water Conditions Report](#)
- [25 Glenn Ecological Conditions Report](#)
- [26 Verrastro 2022 LWCWSP](#)
- [27 Virgil Aquatic Vegetation](#)
- [28 Shirkey PES Contracts](#)

Public Comment Procedure

The South Florida Water Management District Governing Board encourages the public to provide comment and input to the Governing Board. Public comment is accepted at the two dedicated General Public Comment periods at the beginning and the end of the meeting. Public comment is also accepted on the Consent Agenda and each Discussion Agenda item.

MEMORANDUM

TO: Governing Board Members

FROM: Jennifer Smith, Executive Office

DATE: December 8, 2022

SUBJECT: Strategic Plan 2023-2028

Agenda Item Background:

The purpose of this agenda item is to review the District's 2023-2028 Strategic Plan and request Governing Board approval in accordance with the statutory requirement under Section 373.036, Florida Statutes (F.S.). The strategic plan is based on ongoing guidance received from the Governing Board and is updated to reflect agency strategic priorities, objectives, and policy direction. Staff reviews, updates, and requests approval by the Governing Board annually during October - December to establish high-level priorities for the upcoming preliminary budget development. This Strategic Plan will include newly passed legislation requiring water management district governing boards to develop an inventory list of critical wetlands as part of their 2023-2028 strategic plans per Sections 373.036 and 373.019(27), F.S. The approved plan document will be submitted to the Governor and Legislature along with the Preliminary Fiscal Year 2023-2024 District budget due January 15, 2023. Public comments have been gathered and reviewed as part of this plan update. The document includes updates for Strategic Priorities, Success Indicators and Strategic Project recommendations to continue support of Governor DeSantis' Executive Order 19-12 "Achieving More Now for Florida's Environment" to advance Everglades restoration and improve water quality in the Sunshine State, the District's mission "To safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders," and to deliver on the management and the resiliency of South Florida's primary water management infrastructure that provides flood control and water supply for over 9 million residents and tens of millions of visitors.

Additional Item Background:

The Strategic plan sets the priorities that align with the District's core missions.

Funding Source:

Multiple funding sources fund the projects and process that align with the strategic plan priorities.

Staff Contact and/or Presenter:

Jennifer Smith, jsmith@sfwmd.gov, 561-682-6285
Candida Heater, cheater@sfwmd.gov, 561-682-6486

ATTACHMENTS:

[Resolution No. 2022-1201](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to adopt the updated 5-Year Strategic Plan of the District for the purpose of establishing Board Guidance, strategic priorities, goals, projects, and success indicators.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to adopt the updated attached 5-year strategic plan to establish the strategic priorities of the District Governing Board; and

WHEREAS, pursuant to Section 373.036, Florida Statutes (F.S.), the 5-year strategic plan includes goals, deliverables and strategic level project and process metrics as measures of achieving the Governing Board's established priorities for restoration of water resources and ecosystems (natural systems and water quality), flood protection, water supply and public engagement and administration.

WHEREAS, in 2022, the Florida Legislature passed legislation requiring water management district governing boards to develop an inventory list of critical wetlands as part of their 2023-2028 strategic plans per Section 373.036, F.S. and as defined in Section 373.019(27), F.S.

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 adopts the attached "Strategic Plan 2023-2028" of the South Florida Water Management District.

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

PASSED and ADOPTED this 8th day of December, 2022.



2023-2028 STRATEGIC PLAN

**RESTORATION OF
WATER RESOURCES
AND ECOSYSTEMS**

FLOOD PROTECTION

WATER SUPPLY

**PUBLIC ENGAGEMENT
AND ADMINISTRATION**

This document provides the South Florida Water Management District and the public it serves with a blueprint to successfully achieve balanced regional water resource management for the next five years and beyond.

Agency resources are focused on the agency's core mission to safeguard and restore South Florida's water resources and ecosystems while protecting communities from flooding and meeting the region's present and future water supply needs.

The commitments and strategies in this document will be put into action in order to make a positive and meaningful difference in South Florida.



AGENCY OVERVIEW

Headquartered in West Palm Beach, the South Florida Water Management District (SFWMD or the District) is a regional governmental agency that oversees the water resources in 16 counties – from Orlando to the Florida Keys. With a population of 9 million, this region covers 17,930 square miles (31 percent of the entire state) and includes vast areas of urban development, agricultural lands and conservation areas.

Operating for over 70 years, the SFWMD is the oldest and largest of the state's five water management districts. State legislation further divides the District into two taxing basins: The Big Cypress Basin includes all of Collier County and a portion of mainland Monroe County; the larger Okeechobee Basin comprises the remaining area within SFWMD boundaries.

A nine-member Governing Board sets the mission and provides overall direction for the entire District. Board members are appointed by the Governor, confirmed by the Florida Senate and generally serve four-year terms. The annual budget is funded by a combination of property taxes and other sources such as federal, state and local revenue, licenses, permit fees, grants, agricultural taxes, investment income and reserve balances.

The SFWMD is charged with safeguarding the region's water resources for today and for the future. This includes protecting water supplies and supporting water quality improvements in close collaboration with the Florida Department of Environmental Protection. The agency also operates and maintains the Central and Southern Florida Project, one of the world's largest water management systems. It is made up of an extensive network of canals, levees, water storage areas, pump stations and other water control structures. The highly engineered system was built through one of the most diverse ecosystems in the world: the interconnected Greater Everglades Ecosystem, which the SFWMD is helping protect and restore.

South Florida itself encompasses a mosaic of diversity from landscapes and habitats to people and cultures. The District strives to ensure that the public is informed and engaged, and that both local and regional perspectives are considered and incorporated into decisions and actions.

In addition to the main office in West Palm Beach, three Regulatory Service Centers and eight Field Stations provide assistance and operational support on water management-related issues. The Big Cypress Basin office in Naples provides intergovernmental and project support in the region.

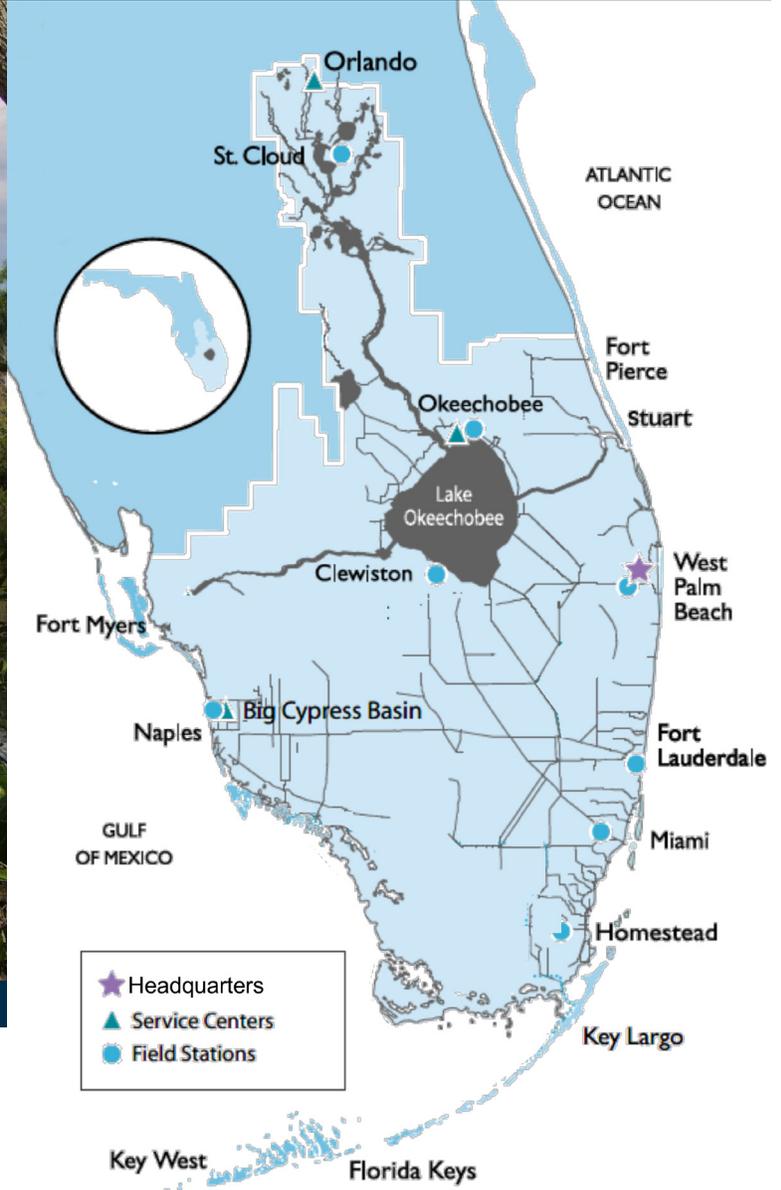
OUR MISSION

To **SAFEGUARD** and **RESTORE** South Florida's water resources and ecosystems,
PROTECT our communities from flooding,
and **MEET** the region's water needs
while **CONNECTING** with the public
and stakeholders.

SFWMD LOCATIONS



District Headquarters, West Palm Beach



HEADQUARTERS

- ▶ 3301 Gun Club Road
West Palm Beach, FL 33406

SERVICE CENTERS

- ▶ **Big Cypress Basin (Naples)**
2660 N. Horseshoe Dr., #101A
- ▶ **Fort Myers**
2301 McGregor Blvd.
- ▶ **Okeechobee**
316 Northwest 5th St.
- ▶ **Orlando**
1707 Orlando Central Pky., #200

FIELD STATIONS

- ▶ **Big Cypress Basin (Naples)**
3875 City Gate Blvd. N.
- ▶ **Clewiston**
2425 Hookers Point Rd.
- ▶ **Fort Lauderdale**
2535 Davie Rd.
- ▶ **Homestead**
2195 NE 8th S.
- ▶ **Miami**
9001 NW 58th St.
- ▶ **Okeechobee**
1000 NE 40th Ave.
- ▶ **St. Cloud**
3800 Old Canoe Creek Rd.
- ▶ **West Palm Beach**
801 Sansburys Way

CORE MISSION

RESTORATION OF WATER RESOURCES AND ECOSYSTEMS

Safeguarding and Restoring South Florida's Delicate Ecosystem

South Florida is characterized by its unique, diverse ecosystems including: the Northern Everglades covering the Kissimmee River, Lake Okeechobee, Caloosahatchee River and St. Lucie River watersheds; and the Southern Everglades encompassing the watersheds south of Lake Okeechobee to the Florida Keys. Over many decades of development, agriculture and increased urbanization significantly changed the hydrology, water quality and ecology of ecosystems throughout the 16-county region. Today, a wide variety of restoration and water quality and quantity improvement projects and programs are underway to protect and restore South Florida's ecosystem from the Kissimmee River to Florida Bay. Blue green algae and red tide events in the summer of 2018 brought new focus on water resource management in Florida. Less than 48 hours after taking office in January 2019, Governor Ron DeSantis signed the Achieving More Now For Florida's Environment (19-12) Executive Order and in July 2020, enacted a comprehensive water bill, implementing additional recommendations from the Blue Green Algae Task Force, state agencies, and the public. Governor DeSantis called for a \$2.5 billion investment over four years for the protection of water resources. Since Gov. DeSantis took office, more than \$3 billion in state funds have been allocated for Everglades restoration and the protection of water resources. Most of the District's Everglades projects are funded by these state appropriations through the support of the Governor and the Florida Legislature. The scheduling and sequence for implementation of CERP, Foundation, and Operational Modification projects is in the Integrated Delivery Schedule (IDS). The IDS provides the sequencing strategy for planning, designing, and constructing projects based on ecosystem needs, benefits, and available funding.



Key Comprehensive Everglades Restoration Plan (CERP) Projects

- ◆ Everglades Agricultural Area (EAA) Reservoir Project
- ◆ Caloosahatchee Reservoir
- ◆ C-44 Reservoir and Stormwater Treatment Area
- ◆ Lake Okeechobee Watershed Restoration Project
- ◆ Old Tamiami Trail Roadbed Removal
- ◆ Indian River Lagoon - South Components
- ◆ Picayune Strand Restoration Project
- ◆ Biscayne Bay Coastal Wetlands
- ◆ Broward County Water Preserve Area
- ◆ Western Everglades Restoration Plan
- ◆ Biscayne Bay Southeastern Everglades Ecosystem Restoration

Foundation & Other Restoration Projects

- ◆ Everglades National Park (ENP)/South Dade Hydrologic Improvement (C-111 Detention Areas)
- ◆ Kissimmee River Restoration
- ◆ Improve Water Deliveries to ENP - Phase II: Tamiami Trail Road Raising
- ◆ C-139 Annex Wetland Restoration - Phase II
- ◆ South Dade Seepage Barrier

Operational Modifications

- ◆ Herbert Hoover Dike Rehabilitation and Repair
- ◆ Lake Okeechobee System Operation Manual (LOSOM)
- ◆ Upper Kissimmee Chain of Lakes Regulation Schedule

Restoration Strategies and Clean Water for America's Everglades

- ◆ Stormwater Treatment Area 1-East Modification
- ◆ Bolles Canal Hydrologic Improvement
- ◆ Stormwater Treatment Area 1-West Expansion #2
- ◆ C-139 Flow Equalization Basin
- ◆ Stormwater Treatment Area 5/6 Internal Improvements

Northern Everglades and Estuaries Protection Program (NEEPP)

- ◆ Lakeside Ranch Stormwater Treatment Area (S-191A Pump Station)
- ◆ Brighton Valley Dispersed Water Management Project
- ◆ Bluefield Grove Water Farm
- ◆ Scott Water Farm
- ◆ Nubbin Slough Stormwater Treatment Area
- ◆ Caulkins Water Farm
- ◆ Lake Hicpochee Restoration
- ◆ Caloosahatchee Reservoir Water Quality Feasibility Study

CORE MISSION

RESTORATION OF WATER RESOURCES AND ECOSYSTEMS

Federal, State and Local Partnerships

In partnership with the U.S. Army Corps of Engineers (USACE), the District is implementing the Comprehensive Everglades Restoration Plan (CERP) to improve the quantity, quality, timing, and distribution of water delivered to freshwater and coastal systems in South Florida. The taxpayers have invested \$2.5 billion toward the acquisition of more than 253,000 acres required for CERP implementation, project construction and science-based research and monitoring.

The Kissimmee River and floodplain construction is complete through a partnership with the USACE and has produced a functioning mosaic of wetland plant communities. The District acquired 100,000 acres for the restoration effort and conducts on-going scientific evaluations of the ecosystem response. The USACE completed three phases of backfilling the C-38 canal and continuous water flow is now reestablished to 24 miles of the river's original course.

Gov. Ron DeSantis directed the District to expedite the Everglades Agricultural Area (EAA) Reservoir Project. Construction began ahead of schedule on the Stormwater Treatment Area in April 2020, the state's portion of the EAA Reservoir Project. The project will provide a significant increase in southern storage to reduce high-volume discharges from Lake Okeechobee to the northern estuaries and deliver increased clean freshwater south. Much of the District's efforts in the Northern and Southern Everglades are guided by State law in the Northern Everglades and Estuaries Protection Program (NEEPP) [Chapter 373.4595, Florida Statutes \(F.S.\)](#) and the Everglades Forever Act, [Chapter 373.4592, Florida Statutes \(F.S.\)](#), respectively. These efforts consist of projects, programs, and cooperative initiatives.

An extensive monitoring network is used to measure restoration progress and ensures that SFWMD science staff provides consistent environmental data to decision makers. The District recently expanded the existing monitoring network to transparently provide data on South Florida's waterways to support projects, programs, and efforts.

In the Northern Everglades, state law directs the coordinating agencies, the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (FDACS) and the SFWMD, to restore the health of Lake Okeechobee, its watershed, and the St. Lucie and Caloosahatchee River watersheds and estuaries, while continuing to balance flood protection, water supply, navigation and recreational needs. The District supports the coordinating agencies in implementing research, water quality monitoring, and providing technical support in hydrological and ecological evaluation and assessment methods needed to understand how the NEEPP is progressing. The District's three Watershed Protection Plans provide a comprehensive road map of activities the District will undertake to fulfill its role in the Northern Everglades program areas. Strategies involving one or more of the three coordinating agencies include construction projects; alternative treatment technologies; local water quality projects; public-private partnerships; habitat restoration; and agricultural and urban harmful nutrient reduction programs.

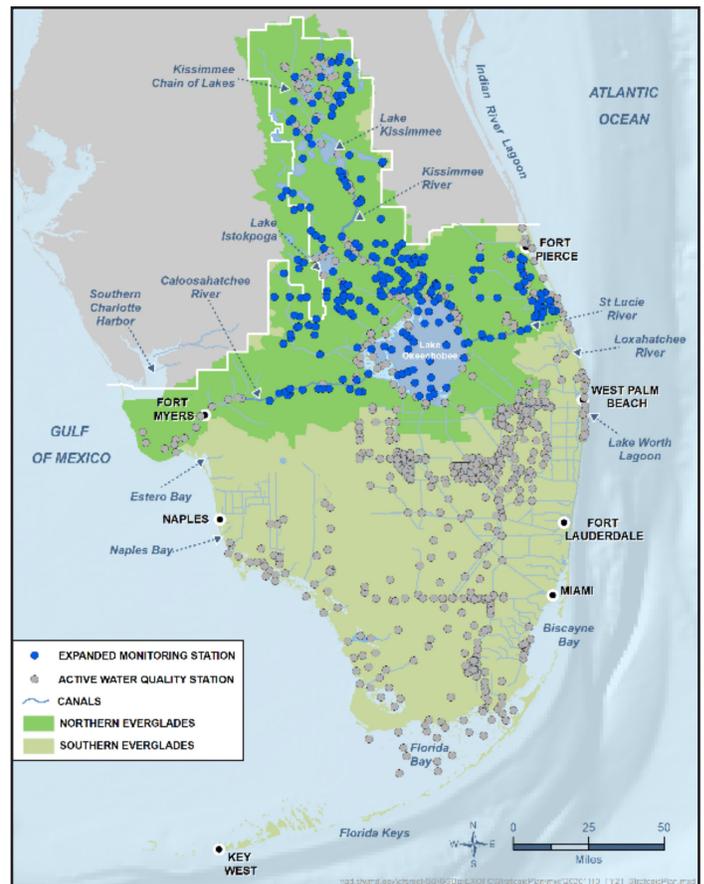
In the Southern Everglades, to achieve compliance with the long-term phosphorus water quality standards established for the Everglades Protection Area, a combination of approaches including stormwater treatment areas (STAs) and programs like agricultural best management practices (BMPs) are in place. In the Everglades Agricultural Area and C 139 Basins, existing programs for implementing BMPs are a part of the

overall strategy. As for the STAs, more than 57,000 acres of constructed marshes and 105,000 acre-feet of storage are now successfully at work improving Everglades water quality.

The State of Florida and the U.S. Environmental Protection Agency reached consensus on supplemental strategies to further improve water quality. This program is referred to as the Restoration Strategies program. The District is implementing a technical plan to complete several projects that will create more than 6,500 acres of new STAs and approximately 120,000 acre-feet of additional water storage through construction of flow equalization basins (FEBs). The strategies also identify funding for additional sub-regional projects to further reduce phosphorus in areas where phosphorus levels are elevated.

Restoration Strategies includes a science plan that targets research and monitoring necessary to improve and optimize the performance of water quality treatment within the facilities. Additional projects south of Lake Okeechobee intended to further assist in managing flow and improving water quality continue to be implemented along with other sub-regional programs and habitat restoration. The District is also working with the USACE during the review of the Lake Okeechobee System Operating Manual (LOSOM) and encourages the public to participate in this process.

The District participates in several interagency working groups that seek to achieve ecosystem restoration and stormwater and flood protection improvements. Examples of these groups include Charlotte Harbor Flatwoods Initiative, Loxahatchee River Preservation Initiative and Lehigh Headwaters Initiative. Projects developed by interagency working groups often complement restoration programs such as CERP and NEEPP.



CORE MISSION

RESTORATION OF WATER RESOURCES AND ECOSYSTEMS

Expanding Storage Opportunities, Improving Habitats and Cleaning Water

Improved water storage, habitat restoration and water quality treatment in both the northern and southern reaches of the Greater Everglades Ecosystem are key to a healthy environment and strong economy. The natural environment will experience significant benefits as restoration projects come online and begin operating and delivering their desired results. The District is committed to identifying and implementing cost-effective and sustainable solutions to meet the region's water quality and ecosystem restoration challenges. Specifically, the District will work collaboratively with FDEP and FDACS over the next five years to develop a road map to meet the storage and treatment goals described in the Basin Management Action Plans. The District provides natural resource protection and management while allowing compatible, multiple uses on select public lands in accordance with state law. The District primarily uses the Comprehensive Everglades Restoration Plan's Integrated Delivery Schedule, Northern Everglades and Estuaries Protection Program, and funding opportunities to identify further restoration projects.

Resiliency and Ecosystem Restoration

Ecosystem Restoration supports the District's efforts to increase resilience in the face of warmer temperatures, sea level rise and other climate change impacts. The Comprehensive Everglades Restoration Plan's water storage projects will increase the District's ability to better manage extreme wet and drought events for the benefit of communities and the environment.

The restoration of beneficial freshwater flows, as the main Everglades Restoration goal, slows down saltwater intrusion, promoting more sustainable aquifer recharge rates, healthier freshwater habitats, estuaries and bays, enhanced water quality, more stable coast lines and reduced marsh dry outs.



Restoration of Water Resources and Ecosystems Strategic Priorities and Success Indicators

Mission - Expediting restoration results in the Everglades by:

PRIORITY – Advancing the projects identified by Gov. DeSantis

Success Indicators:

- ◆ Complete project milestones on time and in budget to advance Key Everglades Restoration Projects identified by Gov. DeSantis

PRIORITY – Maximizing use of available water storage features, such as reservoirs and flow equalization basins (FEBs)

Success Indicators:

- ◆ Fully utilize available interim and permanent water storage
- ◆ Identify storage needs by watershed to meet flood control, water supply, and environmental goals
- ◆ Establish a series of milestones to meet the storage and treatment goals for the Lake Okeechobee watershed
- ◆ Meet all Restoration Strategies deadlines and complete associated STA refurbishments by 2024

PRIORITY – Implementing solutions to improve water quality treatment, reduce nutrient loads and reduce the likelihood of harmful algal blooms

Success Indicators:

- ◆ Attain ambient water quality standards for phosphorus in the Everglades Protection Area
- ◆ Improve water quality entering Lake Okeechobee and the Northern Estuaries
- ◆ Meet established Everglades Agricultural Area and C-139 Basin phosphorus reduction requirements

- ◆ Continue to encourage preapplication meetings to ensure complete as application submittals incorporating full implementation of statutorily mandated water quality, water quantity and environmental resource conditions of issuance
- ◆ Complete a cumulative summary of Wetland and Natural System Restoration and report annually to each county within the District

PRIORITY – Managing invasive exotic and nuisance vegetation and species

Success Indicators:

- ◆ Sweep 250,000 acres of District lands for invasive vegetation annually and treat 55,000 acres of invasive vegetation
- ◆ Investigate and implement alternative exotic control methods. Reduce herbicide use by a total of 20% between 2020 and the end of 2025
- ◆ Remove 1,200 Burmese pythons from Everglades Region annually. Expand adaptive management program to improve python detection and removal rates
- ◆ Annually execute prescribed burning on a minimum of 20,000 acres of District conservation lands.

PRIORITY – Increasing access and recreational opportunities on public lands when it does not conflict with ecosystem restoration goals

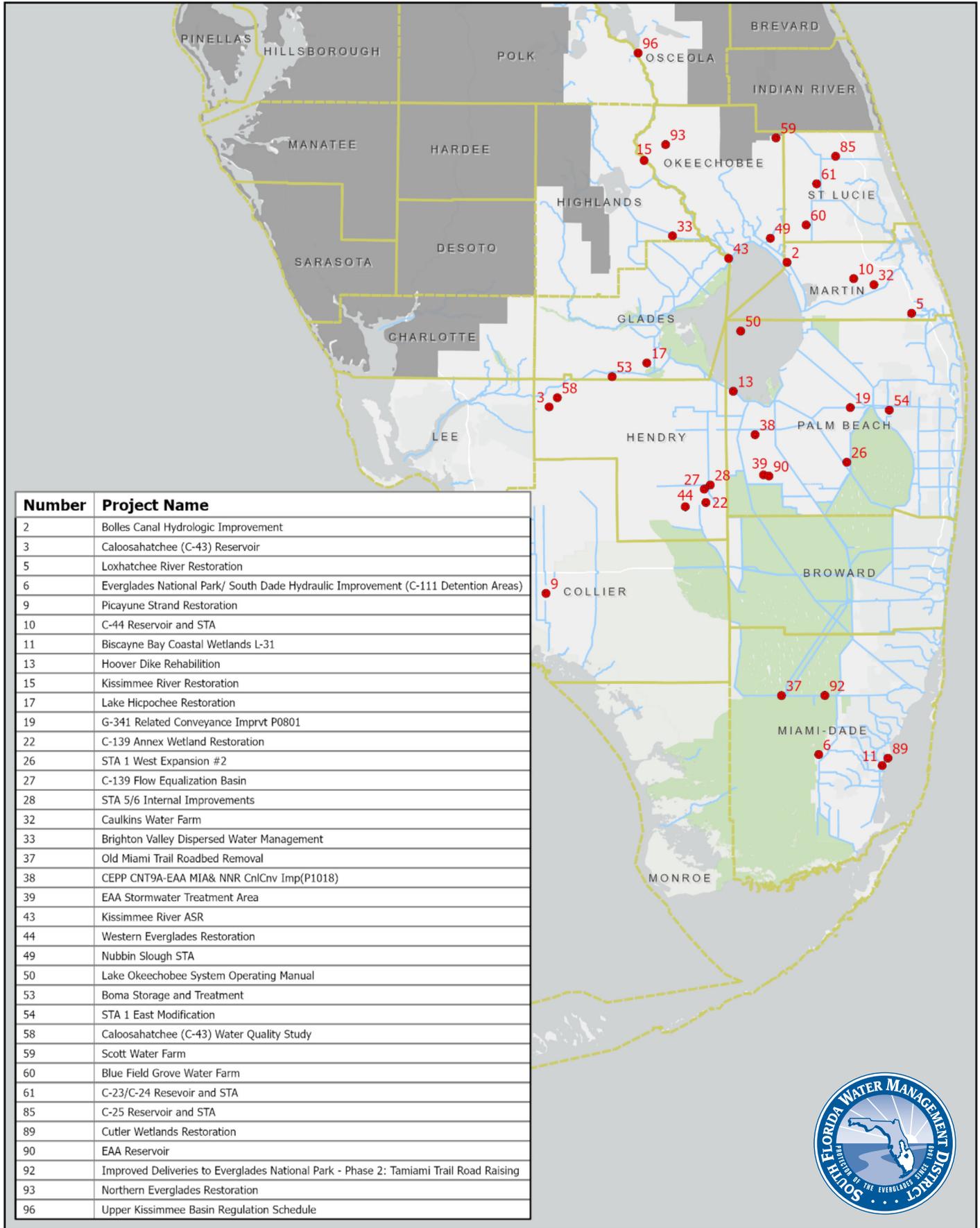
Success Indicators:

- ◆ Provide public recreational opportunities on lands acquired by the District in accordance with state law, maintain a minimum of 80% of all fee-owned lands open for public recreation and provide hunting opportunities where such use is consistent with restoration goals

CORE MISSION

RESTORATION OF WATER RESOURCES AND ECOSYSTEMS

Strategic Projects for Safeguarding and Restoring South Florida's Delicate Ecosystem



CORE MISSION

FLOOD PROTECTION

Protecting South Florida's Communities from Flooding, Ensuring and Managing Water Flow

Tempering South Florida's weather extremes of flood and drought was the impetus for creation of the agency in 1949. That principal directive continues today through effective operation, maintenance and management of the primary canals, water control structures, pump stations and District-owned public lands, and proper coordination with local governments, water control districts and homeowner and private landowners for the operation of secondary and tertiary systems.

South Florida receives 52 inches of rain fall per year on average, and approximately 75 percent of the region's annual rainfall typically falls in the six month period from May through October, when intense rainfall is common. Flood protection is a critical responsibility. Rainfall fluctuates annually and conditions move quickly between flooding and drought, and the region is extremely vulnerable to hurricanes and tropical storms. These weather extremes add to the challenges of water resource management. Highly variable rainfall coupled with flat topography necessitates flood protection for the region's 9 million residents. When the regional Central and Southern Florida Project was designed in the late 1940s, its primary function was flood protection. Since the USACE's

construction of the public works project from the 1950s to 1970s, the District's responsibilities as local sponsor of the flood protection system expanded to emphasize various aspects of water resource management.

Today, the South Florida Water Management District (SFWMD) operates and maintains more than 2,100 miles of canals and more than 2,100 miles of levee/berms, more than 1,500 water control structures, weirs and project culverts and 89 pump stations. The system is continuously expanding as new restoration projects, such as the Stormwater Treatment Areas, are completed or expanded.

Major flood protection responsibilities include operations, maintenance and refurbishment of system-wide infrastructure, vegetation management, along with hydrological data collection, flow determination and hydrological basin management. Improvements and upgrades to the District's flood protection system include automation; pump station repair and refurbishment; gravity structure repair and refurbishment; levee inspections and repair; and canal conveyance dredging. Project design efforts continuously consider the integration of green infrastructure into District capital projects.



Kissimmee River Structure Gate S-65D

CORE MISSION FLOOD PROTECTION

Regional System Expansion and Enhancements

Moving water is central to the District's mission of flood protection. A well-maintained water management infrastructure assures the public that District facilities are operating at peak efficiency. The District commits to setting aside resources each year to implement the Capital Improvement Plan for repairing, refurbishing, and upgrading pump stations, canals, water control structures, levees, and water storage areas. In addition, construction of new facilities requires an increase in operations and maintenance responsibilities. This includes managing new facilities as well as restoration projects.



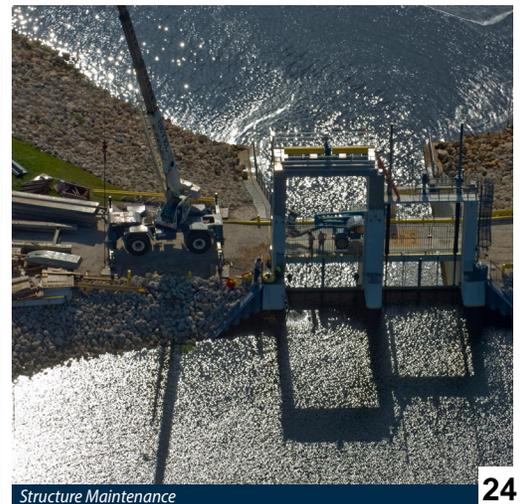
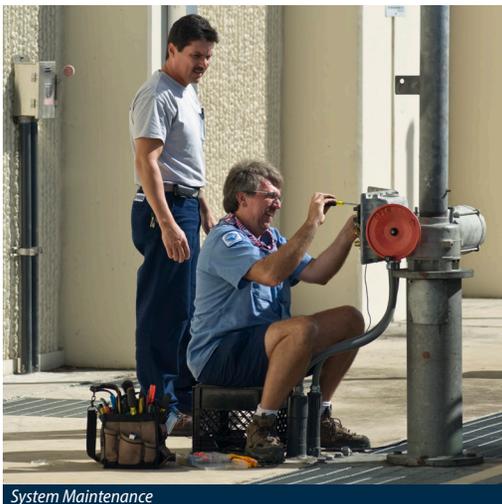
District Resiliency Plan

The District is strongly committed to addressing the impacts of climate change, including rising sea levels, changing rainfall and flooding patterns. Current SFWMD resiliency efforts focus on assessing how sea level rise and extreme events happen under current and future climate conditions and how they affect water resource management. The District's resiliency efforts also focus on understanding the impacts of future climate conditions on ecosystems and restoration efforts. The District is making infrastructure adaptation investments that are needed to successfully implement its mission of safeguarding and restoring water resources and ecosystems, protecting communities from flooding, and ensuring an adequate water supply for people and the environment with special attention to natural and green infrastructure solutions.

Resiliency efforts are done in collaboration with the USACE, the State of Florida - through the recently launched Resilient Florida Program under FDEP - and partners in local governments. With a goal to ensure the flood protection system continues to meet the region's needs into the future, the District is assessing the risk to the flood protection system from development, the impacts of a changing climate, sea level rise, and storm surge. The results of these assessments will support decision making on prioritizing investments and implementing adaptations which will provide long term resiliency and ensure flood protection needs are met into the future.

SFWMD accounts for sea level rise according to available projections advanced by federal agencies, including NOAA and USACE, as well as available regional unified projections, such as the Southeast Florida Regional Climate Compact Unified Sea Level Rise Projections. Beyond sea level rise, SFWMD is also estimating future extreme rainfall conditions and other future climate scenarios, based on the evaluation of existing climate model results in contrast to historic observation data. These observed datasets are being integrated into a set of water and climate resiliency metrics to document and communicate trends and shifts in relevant water and climate data, informing the District's resiliency efforts.

A key piece of the District's resiliency efforts is the Flood Protection Level of Service Program (FPLOS). Under this program, the District studies the canals, structures, and pump stations it operates to ensure that they can provide the level of flood protection they were designed to under future conditions with consideration for sea level rise and other climate impacts. Where the studies identify canals and/or structures, throughout the entire District boundary, that will no longer adequately provide flood protection, improvements are developed to ensure adequate flood protection along with the identification of funding alternatives to support full implementation of the recommended adaptation projects. This strategy ensures a flood protection system resilient to shocks and stresses such as increasingly intense hurricanes, floods, and droughts.



CORE MISSION

FLOOD PROTECTION

Flood Protection Strategic Priorities and Success Indicators

Mission - Refurbishing, replacing, improving, and managing the components of our water management system by:

PRIORITY – Implementing flood protection infrastructure refurbishment projects

Success Indicators:

- ◆ Complete Flood Control Strategic projects on time and on budget

PRIORITY – Incorporating new works into water management system operations

Success Indicators:

- ◆ Bring 100 percent of new works online on schedule, prior to project close out

PRIORITY – Assessing and operating the water management system to meet flood protection and water supply needs into the future considering sea level rise and the impacts of a changing climate

Success Indicators:

- ◆ Maintain operating water levels within established target ranges to the extent that weather and climatological conditions allow
- ◆ Complete FPLOS Assessment Adaptation Studies on time and on budget

PRIORITY – Coordinating with the USACE on infrastructure inspections and results

Success Indicators:

- ◆ Achieve passing rating for annual inspection of District infrastructure and provide results to USACE

PRIORITY – Coordinating with state/federal partners and assisting local governments to maintain the level of flood protection

Success Indicators:

- ◆ Reduce the average risk rating of District infrastructure through structure inspections and improvements
- ◆ Ensure that 90 percent of field station repairs are completed within one year of inspection reports
- ◆ Improve communication and coordination with adjacent landowners, including 298 Districts, by developing a process for reducing and litter inputs to District-managed canals and other waterbodies
- ◆ Resolve Right of Way unpermitted encroachments

PRIORITY – Optimizing infrastructure maintenance by adhering to, or exceeding, industry standards and best management practices

Success Indicators:

- ◆ Perform at least 80 percent of all field maintenance work activities as planned work; no more than 20 percent as unplanned
- ◆ Expend no more than 20 percent of field maintenance funds for unplanned work

PRIORITY – Assessing sea level rise and changing weather patterns to determine impacts of future conditions on District mission

Success Indicators:

- ◆ Establish key water and climate resilience metrics to document and communicate observed trends and shifts in relevant water and climate data, informing District’s resiliency efforts and modernizing design standards
- ◆ Estimate future extreme rainfall conditions and other future climate scenarios, based on the evaluation of climate downsizing datasets in contrast to historic observation data

PRIORITY – Advancing adaption strategies and infrastructure investments, in coordination with local, regional, State and Federal partners, to continue to increase resiliency of its flood protection system and other mission critical services

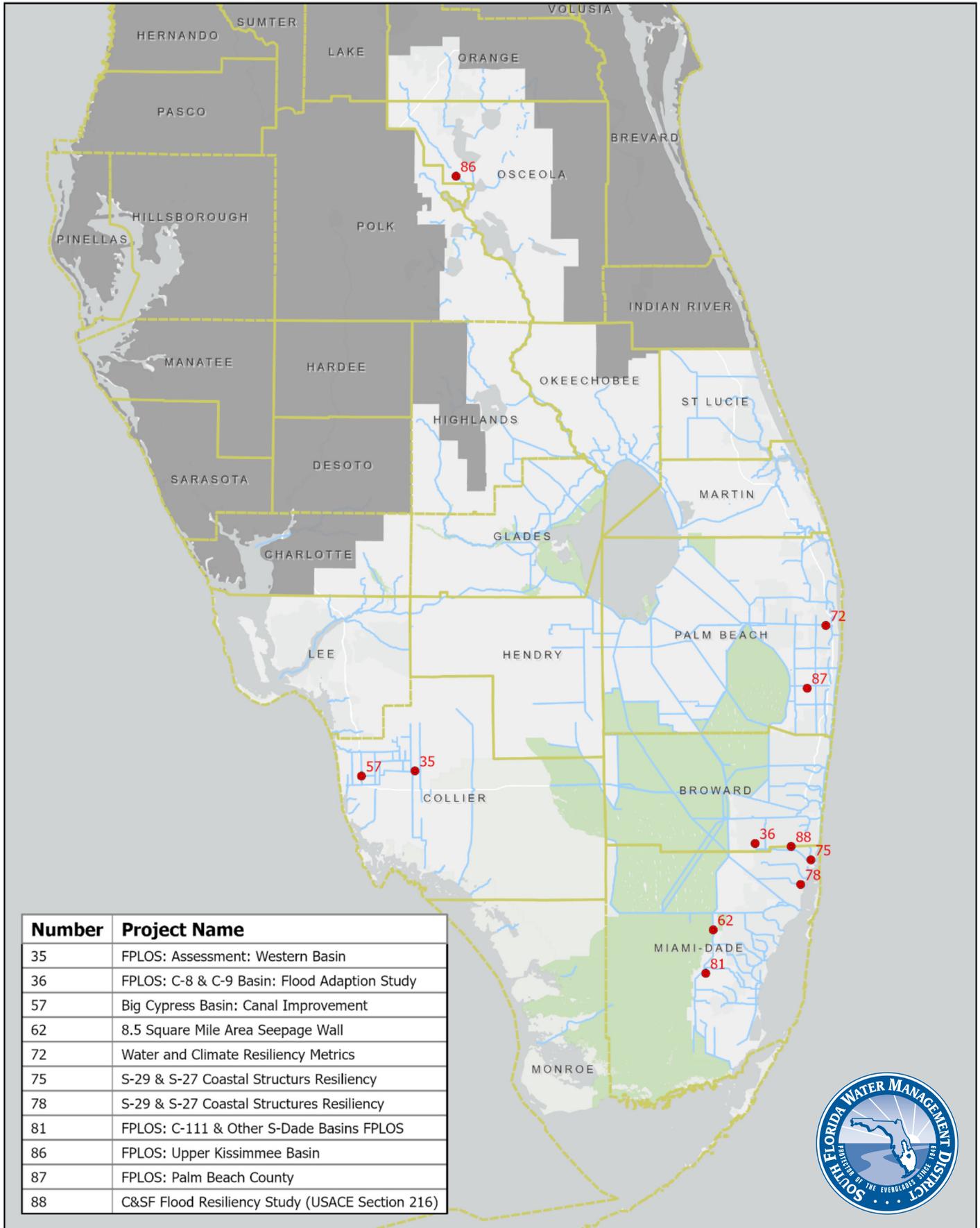
Success Indicators:

- ◆ Enhancement of coastal structures, levees, canals, and other critical flood protection infrastructure to address effects of storm surge and rising sea levels
- ◆ Planning and implementing a curtain wall in South Miami-Dade County, to mitigate flooding and support Everglade’s restoration goals
- ◆ Partner with USACE in advancing the Central and Southern Florida Flood Resiliency Study to revisit the C&SF Project, with the goal of addressing changed conditions and future climate impacts
- ◆ Coordinate restoration, flood protection and water supply efforts to incorporate actions to address climate related impacts and promote resilience adaptation strategies, based on consistent scenario planning and regional modeling approaches
- ◆ Communicate, engage, and collaborate with partner agencies, stakeholders, and the public to inform regional and local vulnerability assessments and resilience efforts, and continue to ensure the resilience and safeguarding of the District’s valuable water resources and ecosystems
- ◆ Complete District Resiliency Strategic projects on time and on budget, along with the identification of funding alternatives to support full implementation of the recommended adaptation projects
- ◆ Complete the annual update of the District’s Sea Level Rise and Flood Resiliency Plan and submit list of projects to FDEP for consideration into the Statewide Flood and Sea Level Resiliency Plan.

CORE MISSION

FLOOD CONTROL – DISTRICT RESILIENCY STRATEGIC PROJECTS

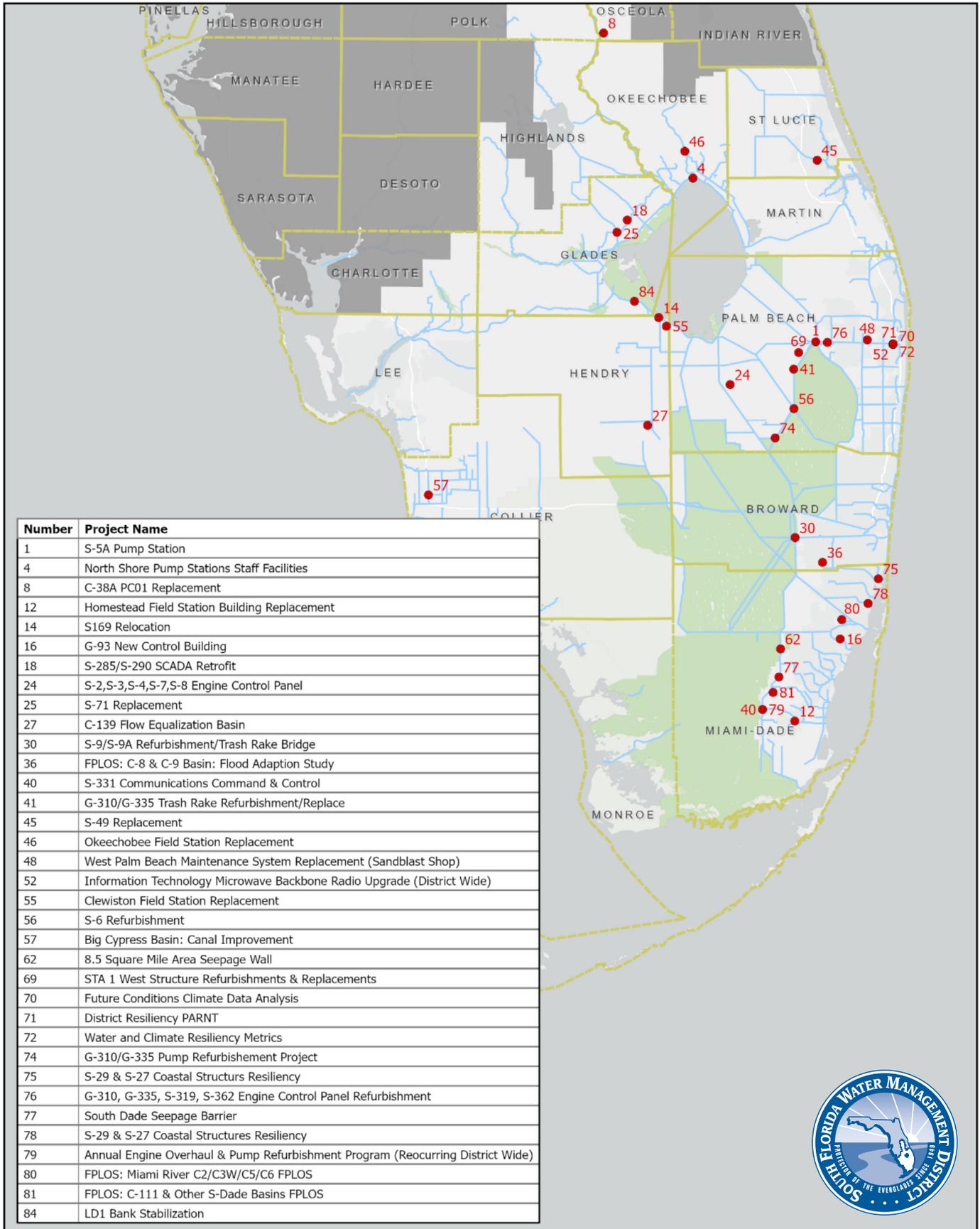
Strategic Infrastructure Projects to Address Climate Change and Sea Level Rise



CORE MISSION

FLOOD CONTROL – DISTRICT RESILIENCY STRATEGIC PROJECTS

Strategic Projects for Protecting South Florida’s Communities from Flooding, Ensuring and Managing Water Flow



CORE MISSION

WATER SUPPLY

Ensuring Water for South Florida's Communities

Water in the State of Florida is a public resource. The District utilizes a variety of tools and technologies to help ensure a reliable and sustainable supply of water for South Florida's environment, citizens, and community.

Water supply needs are continually evaluated by the District and appropriate programs are developed to achieve sustainable water resources and related natural systems. Data, computer modeling and analysis are used to evaluate water source conditions for current and projected uses. Increasing development and population have resulted in higher demands for water supply over time and are projected to continue to increase into the future. Planning for a growing water demand must be balanced while ensuring water remains available for natural systems. Changing climate patterns, such as increased rainfall variability, sea level rise, increased evapotranspiration, and warmer air temperatures, may affect water supply demands and sources and need to be taken into consideration in future water supply plans. Freshwater aquifers in coastal counties remain vulnerable to saltwater intrusion. Therefore, coordinated efforts with local governments and other partner agencies are necessary to ensure sustainable water supplies.

To meet Florida's future water demands, the state's water management districts are working with water users to best use the state's traditional water sources while also promoting the development and use of alternative sources. Water supply management strategies include sound planning and permitting; demand reduction through water conservation; development of alternative water sources such as new surface water storage, reclaimed water and desalination of brackish and saline water; and Everglades restoration.

Data collection to monitor conditions and increase our knowledge of the water resources is integral to the sustainability of these resources. The District conducts groundwater monitoring, and aquifer system research through installation and testing of new wells.



Reuse Purple Pipes

Resiliency and Water Supply



Part of the District's strategy to address the impacts of climate change and sea level rise includes analyzing potential impacts that affect water supply sources and the natural system, including enhancing groundwater models to predict potential movement of the saltwater interface. Initiated in 2009, the District monitors and documents the location and movement of the saltwater interface and identifies areas where inland movement of the saltwater interface puts wellfields and other critical resources at risk.

Additionally, sea level rise and climate change adaptations are being considered in the development of water supply plans. This allows the District, local governments, utilities and other water users to plan and proactively implement prevention or adaptation strategies, such as the use of coastal canals and storage alternatives to maintain groundwater levels to slow saltwater intrusion.

CORE MISSION

WATER SUPPLY

Planning, Regulation and Conservation

Water supply plans are updated every five years in collaboration with stakeholders in accordance with the statutory direction provided in Chapter 373, Florida Statutes. The FY2021 Five-Year Water Resources Development Program includes an estimated \$1.98 billion of projected expenditures for Fiscal Years 21-25 for water resource development activities and projects. This Work Program is included as Chapter 5A in the 2021 South Florida Environmental Report Volume II.

Based on at least a 20-year outlook, these plans include water demand estimates and projections; an evaluation of regional water resources; identification of water supply-related issues and options; water resource and water supply development components, including funding; and recommendations for meeting projected demands while sustaining water resources and related natural systems.

Alternative water supplies, regional solutions and water conservation are encouraged through strategies that include public outreach/education, policy, voluntary efforts, and financial incentives.

The District regulates and manages the consumptive use of water through consumptive use permits. These permits ensure that proposed uses are reasonable and beneficial, will not interfere with any current

existing legal users and are consistent with the public interest. Rules protect water for Florida's natural systems and wetlands to preclude harm that could result from water supply over-pumping. In addition, the state's water reservations authority allows water to be set aside in an ecosystem for the protection of fish and wildlife. Minimum flows and levels are established at specific water resource locations to protect the ecology of those areas from significant harm due to further withdrawals. Associated recovery or prevention strategies are also developed for all minimum flows and levels.

Effective planning and permitting, along with source diversification and water conservation, are key to ensuring that communities are less susceptible to water supply shortages. South Florida's primary water supply challenges include the need for storage, saltwater intrusion, changing climatic conditions and a growing demand coupled with competing uses.

Finding and implementing cost-effective solutions to resource protection and water supply availability issues require a collaborative approach. Water supply development projects that support the reuse of treated wastewater are included in regional water supply plans, and its beneficial use is encouraged with consideration to impacts to regional water quality.

Water Supply Strategic Priorities and Success Indicators

Meeting the water needs of the environment and preparing for current and future demands of water users by:

PRIORITY – Developing and implementing regional water supply plans in coordination with local governments, utilities, stakeholders and the public

Success Indicators:

- ◆ Approval of five-year water supply plan updates on schedule
- ◆ SFWMD water supply plans will identify sufficient water supply sources and future projects to meet existing and future reasonable-beneficial uses during 1-in-10 year drought conditions through 2045 while sustaining water resources and natural systems

PRIORITY – Planning for region's water resource needs with consideration of climate change and sea level rise challenges

Success Indicators:

- ◆ Cumulative percentage of the 2015-2040 increase in public supply demand met by planning region
- ◆ Incorporate sea level rise and other climate impacts as a part of advanced integrated water supply planning, with consideration of projected water demands and availability under future conditions
- ◆ Maintain and enhance saltwater interface groundwater monitoring network where appropriate; and expand variable density groundwater levels and the extent and rate of inland movement of the saltwater interface, given sea level rise
- ◆ Develop a range of sea level rise and other climate scenarios (coastal canal, groundwater level and Everglades Restoration efforts) to evaluate strategies to slow saltwater intrusion

PRIORITY – Encouraging development of alternative water supply projects to diversify water supply

Success Indicators:

- ◆ Cooperative Funding Program /Alternative Water Supply & Water Conservation

PRIORITY – Promoting water conservation measures

Success Indicators:

- ◆ District-wide average annual uniform gross per capita water use (public water supply) is less than 135 gallons per capita daily

PRIORITY – Utilizing regulatory permitting and compliance authority

Success Indicators:

- ◆ Continue to encourage preapplication meetings to ensure complete application submittals incorporating full implementation of statutorily mandated consumptive use conditions of issuance

PRIORITY – Using water reservation and minimum flow and level authority to protect water for natural systems

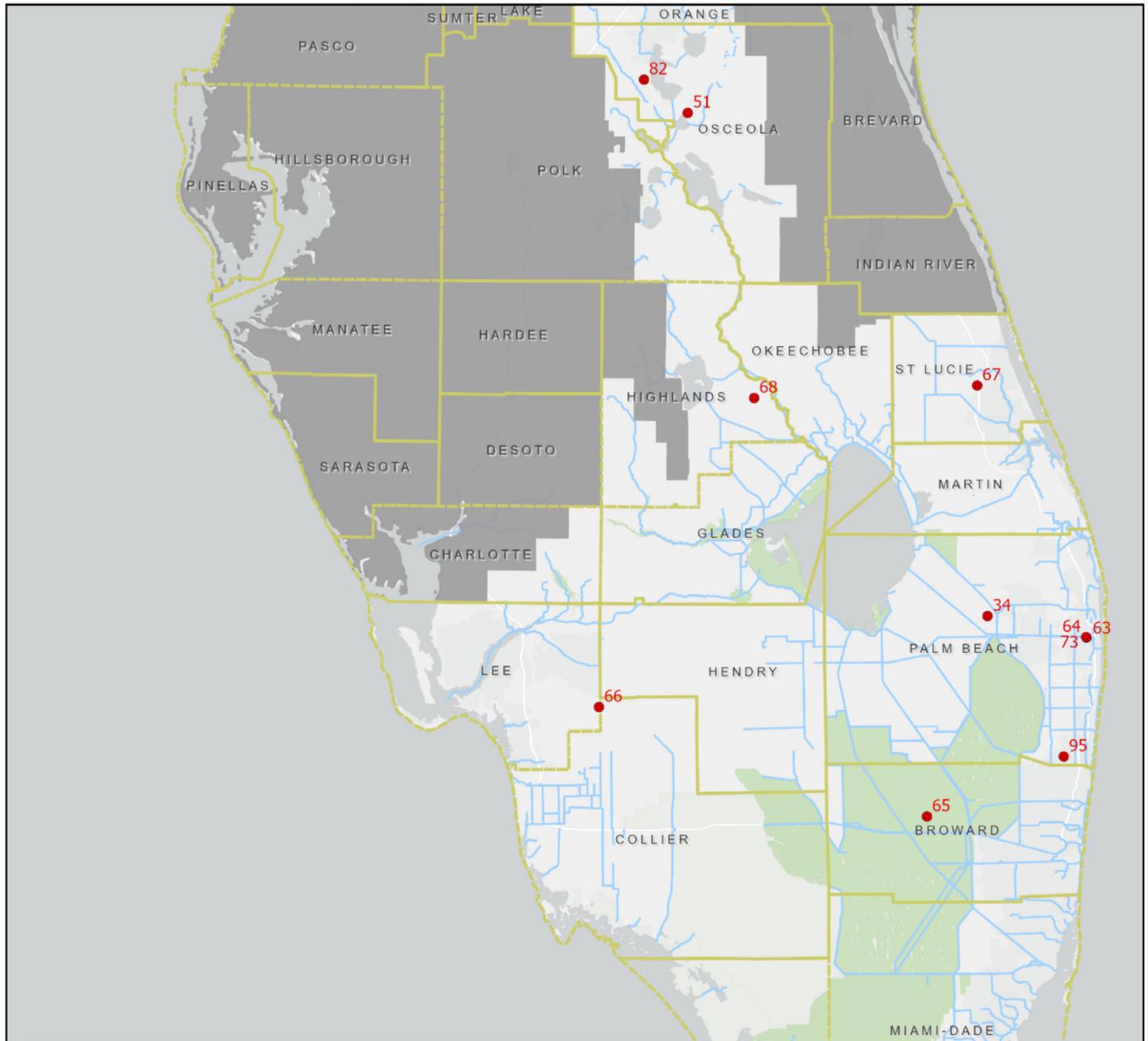
Success Indicators:

- ◆ Provide Priority Waterbody List and Schedule for the establishment of Minimum Flows and Levels and Water Reservations annually by November 1
- ◆ Complete reservations/minimum flow and minimum water levels analyses on schedule

CORE MISSION

WATER SUPPLY STRATEGIC PROJECTS

Strategic Projects for Ensuring Water for South Florida's Communities



Number	Project Name
34	C-51 Phase II Study
51	District Wide Ground Monitoring
63	Cooperative Funding Program (Alternative Water Supply & Conservation): multiple locations district wide
64	Cooperative Funding Program (Alternative Water Supply & Conservation): multiple locations district wide
65	Lower East Coast Water Supply Plan Update
66	Lower West Coast Water Supply Plan Update
67	Upper East Coast Water Supply Plan Update
68	Lower Kissimmee Basin Watershed Plan Update
73	Future Climate Conditions for Evaluating Water Supply Demands and Resources
82	Central Florida Water Initiative Water Supply Plan Update
94	Saltwater Interface Mapping
95	Saltwater Intrusion - Groundwater Modeling



SUPPORT MISSION

PUBLIC ENGAGEMENT & ADMINISTRATION

Delivering Efficient and Cost-Effective Services on Behalf of South Florida Citizens

The District constantly looks for opportunities to implement strategies to improve operations, enhance fiscal efficiency, ensure public access and engagement, create more accountability and, most importantly, deliver the services and results that the public expects. Project and operational progress, along with overall organizational efficiency and effectiveness, are continuously measured and reported. Monthly financial statements

are publicly presented at Governing Board meetings and posted online to clearly demonstrate how the District utilizes taxpayer dollars. By routinely collaborating with the public, state and federal agencies, local governments, non-governmental organizations, community organizations and the business community, the District works to further leverage public dollars by identifying additional cost-saving strategies.

Public Engagement & Administration Strategic Priorities and Success Indicators

Ensuring South Florida taxpayers receive efficient and effective customer service by:

PRIORITY – Focusing resources on core functions, minimizing administrative costs, and measuring performance

Success Indicators:

- ◆ Post monthly financial statements to publicly available website within 24 hours after each Governing Board meeting
- ◆ Submit annual audit to the Florida Department of Financial Services and Auditor General within 45 days after Governing Board acceptance but not later than nine months after end of prior fiscal year
- ◆ Complete required distribution of annual audit within 10 days after Governing Board acceptance and ensure posting on the District's publicly available website within 10 days of acceptance

PRIORITY – Ensuring accountability, transparency, and public involvement in agency decisions

Success Indicators:

- ◆ Document, assign and respond to 90 percent of public records requests within 14 days

PRIORITY – Employing and developing a high-quality, diverse workforce

Success Indicators:

- ◆ Maintain workforce turnover rate at less than 6 percent
- ◆ Ensure more than 90 percent of new hires are retained after the six-month probation period
- ◆ Complete quarterly training events via e-learning, classroom and/or virtually that further develop employee and supervisor skills such as Respect in the Workplace, new supervisor training, and teambuilding



SFWMD Governing Board Meeting in Sanibel

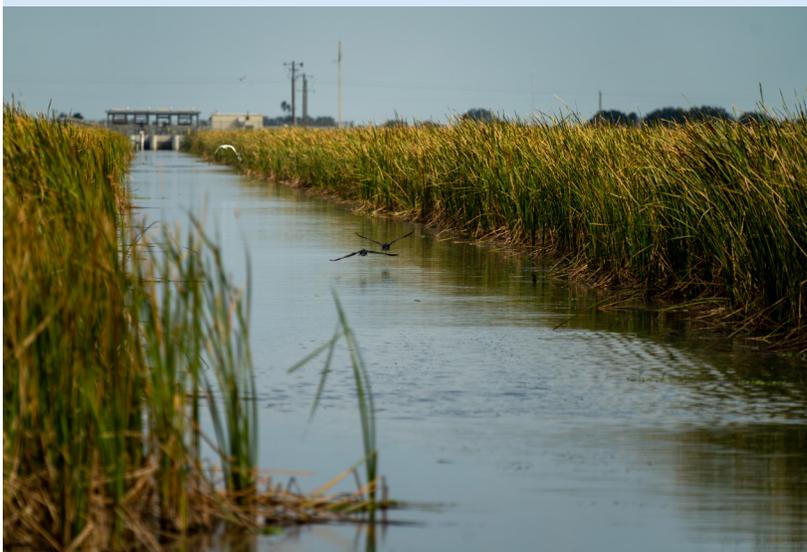


Inventories of Critical Wetlands

In 2022, the Florida Legislature passed legislation requiring water management district governing boards to develop an inventory list of critical wetlands as part of their strategic plans (see Section 373.019(27), F.S.). The South Florida Water Management District is in the process of developing this inventory for inclusion in the 2023-2028 strategic plan. Once available, the listing will be posted to the District's website at [SFWMD.gov/StrategicPlan](https://www.sfwmd.gov/StrategicPlan).

AGENCY BUSINESS CYCLE

PUTTING THE PLAN INTO ACTION



The Strategic Plan...

The Strategic Plan is a key component of the South Florida Water Management District's integrated business cycle. It establishes the overall policy direction and strategic priorities set by the Governing Board to carry out the agency's core mission responsibilities. Serving as the agency blueprint for long-term planning and implementation, the Strategic Plan provides overarching guidance in development of the annual budget and work plan and the success indicators used for measuring progress.

Implementing the priorities identified in this Strategic Plan will result in:

- ◆ Restoration of the South Florida ecosystem, including improvements in the timing and quantity of water flows and restored habitats
- ◆ Regional flood protection provided by a refurbished water management system
- ◆ Achievement of water quality standards
- ◆ Affordable and reliable water supplies
- ◆ Public and private partnerships that help stretch limited resources
- ◆ Efficient and effective customer service for south Florida taxpayers
- ◆ Transparency to the public on the District's priorities



Ron DeSantis, Governor

SFWMD Governing Board

- Chauncey Goss, Chairman
- Scott Wagner, Vice Chairman
- Ron Bergeron Sr.
- Ben Butler
- Charlie E. Martinez
- Cheryl Meads
- Charlette Roman
- Jay Steinle
- Jacqui Thurlow-Lippisch

Shawn Hamilton, Secretary,
Florida Department of
Environmental Protection

SFWMD Executive Management

- Drew Bartlett, Executive Director
- John Mitnik, Asst. Executive Director & Chief Engineer
- Stephen Collins, Real Estate Director
- Sean Cooley, Communication & Public Engagement Director
- Jill Creech, Regulation Director
- Lawrence Glenn, Water Resources Director
- Candida Heater, Administrative Services Director
- Lisa Koehler, Big Cypress Basin Administrator
- Julia Lomonico, Interim General Counsel
- Carolina Maran, District Resiliency Officer
- Duane Piper, Chief Information Officer
- Jennifer Reynolds, Ecosystem Restoration & Capital Projects Director
- Jennifer Smith, Chief of Staff
- Rich Virgil, Field Operations Director

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3301 Gun Club Road
West Palm Beach, FL 33406
SFWMD.gov

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Smith and Julia Lomonico, Executive Office

DATE: December 8, 2022

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

Agenda Item Background:

To prepare for and respond to storm Nicole, the District issued Emergency Orders 2022-062-DAO, 2022-063-DAO, 2022-064-DAO, 2022-065-DAO, and 2022-066-DAO. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. This item requests the Governing Board's concurrence with issuance of the aforementioned Orders, in compliance with Section 373.119(2), Florida Statutes, and any subsequent termination orders.

Emergency Orders and Termination Orders

SFWMD 2022-062-DAO	Emergency Authorization Abrogating Time Requirements, Notice Requirements and Deadlines for Action on Permits and Other Approvals Made Necessary by Subtropical Storm Nicole
SFWMD 2022-063-DAO	Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Subtropical Storm Nicole
SFWMD 2022-064-DAO	Emergency Authorization for Procurement of Goods and Services Made Necessary by Subtropical Storm Nicole
SFWMD 2022-065-DAO	Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Subtropical Storm Nicole
SFWMD 2022-066-DAO	Emergency Authorization Temporarily Closing District Lands Made Necessary by Subtropical Storm Nicole
SFWMD 2022-067-DAO	Terminating Emergency Authorization Temporarily Closing District Lands

Staff Contact and/or Presenter:

Jennifer Smith, jsmith@sfmwd.gov, 561-682-6285
Julia Lomonico, jlomonic@sfmwd.gov, 561-682-6210

ATTACHMENTS:

[Emergency Order 2022-062-DAO](#)

[Emergency Order 2022-063-DAO](#)

Emergency Order 2022-064-DAO

Emergency Order 2022-065-DAO

Emergency Order 2022-066-DAO

Termination Order 2022-067-DAO

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

IN THE MATTER OF:

SFWMD ORDER NO. 2022-062-DAO

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

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:06 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), 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 Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("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 following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").

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

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

4. Given the widespread potential impact of the Storm, SFWMD 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 infeasible for SFWMD 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 SFWMD issues this Order to carry out the directives in the Executive Order. The SFWMD has authority to issue this Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

6. The Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business or the orders or rules of the agency, if strict compliance with the provisions of

any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Executive Order gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

7. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until January 6, 2023.

ORDER

THEREFORE, IT IS ORDERED that:

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

2. Any deadlines specified in statutes, rules, agreements, or SFWMD orders, under which SFWMD is required by law to take action within a specified time period, and under which failure by SFWMD to timely take such action could result in any type of default binding on SFWMD, including the time to request additional information on permit applications, are hereby suspended and tolled until January 6, 2023, provided such deadline has not expired as of the effective date of this Order.

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

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

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

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

IN THE MATTER OF:

SFWMD ORDER NO. 2022-063-DAO

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

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:09 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing pumping and other emergency measures to address impacts associated with Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("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 following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").

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

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

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

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

ORDER

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

1. On-Site Discharges – No Notice Required

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

2. Off-Site Discharges – Field Authorization Required

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

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

b. Field authorizations may be requested by providing a notice to the local office of the SFWMD containing a description of the discharge requested, the facilities and the water stages, the rate of discharge and the discharge location of the flooded areas and receiving body, the location of the discharge, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the

discharge. SFWMD staff may also issue field authorizations without prior notice. SFWMD staff shall create and maintain written records of all field authorizations.

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

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

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

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

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

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

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

4. *General Conditions*

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

a. All activities shall be performed in a manner which minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained

erosion and turbidity control devices to prevent erosion and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

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

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

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

5. *General Limitations*

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

6. *Suspension of Statutes and Rules*

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

a. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in chapters 120, 161, 253, 258, 373, 376 and 403, Florida Statutes, and Rules adopted thereunder; 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 SFWMD, and shall expire on January 6, 2023, 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 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____


Drew Bartlett
Executive Director

NOTICE OF RIGHTS

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

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

IN THE MATTER OF:

SFWMD ORDER NO. 2022-064-DAO

**EMERGENCY AUTHORIZATION
FOR PROCUREMENT OF GOODS
AND SERVICES MADE NECESSARY
BY SUBTROPICAL STORM NICOLE**

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:25 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing the emergency procurement of goods and services and suspending rules and policies requiring advertisement or competition, due to the impacts and time constraints caused by Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("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 following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").

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

3. The Executive Order found that the special duties and responsibilities of some agencies, including SFWMD, 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 of the political subdivision by law pertaining to:

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

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

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

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

ORDER

THEREFORE, IT IS ORDERED that:

1. 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 SFWMD rule, policy, or order are hereby waived for the duration of this Order.

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

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

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

c. This authorization shall expire on January 6, 2023, unless otherwise extended or terminated by the Executive Director or Governing Board.

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

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

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

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

IN THE MATTER OF:

SFWMD ORDER NO. 2022-065-DAO

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

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:28 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("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 following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").

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

3. The Executive Order 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 SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

4. 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 will be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and operations damaged by the Storm.

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

8. Based on the above findings of fact, and in order to protect the public’s immediate health, safety, and welfare, it is both reasonable and appropriate that the

suspension of statutes and rules described herein is required in order not to prevent, hinder, or delay necessary action in coping with the emergency.

ORDER

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

1. *Definitions*

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

b. For the purposes of this Order, the term “works” includes ditches, canals, drainage systems, ponds, swales, and other surface water conveyances; wet or dry detention or retention areas, dams, weirs, dikes, and levees; and underdrains, outfalls, and associated water control structures.

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

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

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

a. *No Notice Required*

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

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

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

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

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

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (i.e., free from debris and pollutants) from the previous uplands may be used in the restoration, and no change (from pre-existing conditions) in the slope of the land or the type, nature, or configuration of any pre-existing shoreline stabilization materials is authorized. For example, sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks;

(d) Best management practices and devices such as hay bales, mulch, and floating turbidity screens shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (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 of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

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

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

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

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

(1) SFWMD personnel may issue field authorizations for:

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

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

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

(d) other activities SFWMD personnel determines, in writing or verbally, to have the potential to result in only minimal adverse individual or cumulative

impact on water resources, water quality, and SFWMD's property interests, including rights of way.

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

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

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

3. *Rights-of-Way (ROW)*

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

a. All encroachments on SFWMD 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 SFWMD ROWs for emergency access. Utility companies and local, state, and federal governments may access the ROWs to repair structures and to restore utilities during the term of this Order without any requirement for notice to the SFWMD.

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

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

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

4. Authorization to Use Submerged Lands Owned by the State

Pursuant to chapters 253 and 258, Florida Statutes, and Rule 62-330.075, Florida Administrative Code, the SFWMD issues proprietary authorizations to use state-owned submerged lands when the activity permitted by SFWMD occurs on land for which an environmental resource permit is issued by the SFWMD (“SLERP Authorization”).

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

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

5. General Conditions

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

functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

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

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

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

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

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

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

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

6. General Limitations

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

7. Suspension of Statutes and Rules

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

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

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

c. All application fee, lease fee, and easement fee requirements, including, but not limited to, provisions in chapters 161 and 373, Florida Statutes, and chapters 18-18, 18-20, 18-21, 40E-1, 40E-2, 40E-6, and 62-330, Florida Administrative Code, provided, however, that such lease and easement fees shall be suspended only in

proportion to the percentage loss of functionality of the total area under lease or easement, and only for the duration of this Order unless otherwise provided in a field authorization issued under paragraph 2 above. The duration of the suspension of lease and easement fees under a field authorization may be extended on a showing that contractors or supplies are not available to commence the necessary repairs or replacement, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers; and

8. Completion of Authorized Activities

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

9. Expiration Date

This Order shall take effect immediately upon execution by the Executive Director of the SFWMD and shall expire on January 6, 2023, unless otherwise extended or terminated by the 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 chapters 120, 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

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

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 

Drew Bartlett
Executive Director

NOTICE OF RIGHTS

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

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

In Re:

ORDER NO. 2022-066-DAO

**EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING DISTRICT LANDS
MADE NECESSARY BY
SUBTROPICAL STORM NICOLE**

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:13 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Florida Administrative Code Rule 40E-7.523(3)(a), the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("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 following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").
2. The Storm has the potential to cause widespread damage and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.
3. "District Lands" means all land owned by or leased to the District, including lands managed in partnership with Florida Fish and Wildlife Conservation Commission,

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

4. 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

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

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

7. 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.”

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close District Lands in the counties of Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, and Palm Beach beginning.

THEREFORE, IT IS ORDERED that:

9. All District Lands in the counties of Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, and Palm Beach are hereby closed for public access from November 8, 2022 at 5:00 p.m., through Friday, December 18, 2022 at 5:00 p.m., unless extended or terminated by amendment or further order.

10. 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 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, 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.

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

In Re:

ORDER NO. 2022-067-DAO

**EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING SFWMD
MANAGEMENT LANDS MADE NECESSARY
BY SUBTROPICAL STORM NICOLE**

**RECEIVED
DISTRICT CLERK'S OFFICE**

4:26 pm Nov 10, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



**ORDER TERMINATING EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING SFWMD MANAGED LANDS**

The South Florida Water Management District enters this Order terminating Emergency Order No. 2022-066-DAO, which authorized temporarily closing SFWMD Management Lands due to the impacts of Hurricane Nicole.

FINDINGS OF FACT

1. On November 8, 2022, SFWMD issued SFWMD Order No. 2022-066-DAO (“Emergency Order”), temporarily closing public access of all District Lands¹ in Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, and Palm Beach counties (“Emergency Areas”) due to the serious threat to public health, safety, and welfare from Hurricane Nicole.

2. Upon continued review of the conditions of all District Lands, the SFWMD finds that all District Lands are now safe for public access.

¹ “District Lands” means all land owned by or leased to the District, including lands managed in partnership with Florida Fish and Wildlife Conservation Commission, but not including lands that District leases to other entities for management purposes.

3. The Executive Director has determined that an immediate danger to the public health and safety or other substantial loss to the public justifying closure of District Lands no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

5. Based upon the findings above, the Executive Director concludes that because Hurricane Nicole and its impacts to District Lands no longer pose a serious threat to the public health, safety, and welfare, the Emergency Order temporarily closing District Lands should be terminated immediately.

ORDER

THEREFORE, IT IS ORDERED that:

Emergency Order No. 2022-066-DAO is terminated, effective immediately. All District Lands in the Emergency Areas are hereby open.

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 SFWMD at 3301 Gun Club Road, West Palm Beach 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 10th day of November, 2022, in West Palm Beach,
Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

MEMORANDUM

TO: Governing Board Members

FROM: Alan Shirkey, Ecosystem Restoration & Capital Projects

DATE: December 8, 2022

SUBJECT: Indian River Lagoon-South C-23 Estuary Discharge Diversion Project
Relocation Agreement with Florida Power & Light Company, Martin County

Agenda Item Background:

The C-23 Estuary Discharge Diversion Project, as part of the Comprehensive Everglades Restoration Plan (CERP) Indian River Lagoon-South program, will include the construction of approximately 6.85 miles of canal, a 250-cubic-feet-per-second pump station located on the C-23 Canal, two culvert crossings beneath CR-714 Martin Highway and Coca Cola Road, a Stormwater Treatment Area (STA) access service bridge, and a discharge spillway into the C-44 Reservoir Western Perimeter Canal. This project will assist with the reduction of harmful discharges to the St. Lucie River and Estuary by routing excess water from the C-23 Canal that cannot be captured by the future C-23/C-24 Reservoirs, to the South Fork of the St. Lucie River via the C-44 Reservoir and STA.

This Facilities Relocation Agreement (Agreement) addresses the need for relocation and removal of Florida Power & Light (FPL) distribution facilities within the project footprint to provide for distribution of power to maintain the existing level of service. The Agreement includes relocation of two distribution power lines, provides a perpetual easement to FPL for each of the relocated power lines, provides for the removal of the poles, and for FPL to remove infrastructure and release and terminate its existing easement rights within the Project footprint.

Additional Item Background:

The C-23 to C-44 Interconnect Canal was identified and authorized in the IRL-S Project Implementation Report (PIR), completed in 2004 and congressionally authorized in WRDA 2007. Likewise, the CEPP PIR/EIS identifies this feature as a predecessor for CEPP to realize its full annual benefits. CEPP identifies back-flowing a portion of the water stored in the CERP IRL-S C-44 RSTA to Lake Okeechobee via the C-44 Canal as an additional source of water to replace the water transferred from Lake Okeechobee to Water Conservation Area 3A. The transfer of this water from Lake Okeechobee to WCA 3A will not be implemented until the CERP C-44 RSTA, the C-457 Interconnect Canal, and the CEPP A-2 Flow Equalization Basin are all operational.

Funding Source:

The District shall pay an amount of not-to-exceed \$151,114.06 for FPL's costs for relocation of its power distribution facilities as part of this Agreement. Fiscal Year 2022-23 funding for this agreement will come from dedicated funds (Land Acquisition Trust Fund).

Staff Contact and/or Presenter:

Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

ATTACHMENTS:

Resolution No. 2022-1202

Backup Document - Maps

Backup Document - Cost Estimate

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a facilities relocation agreement with Florida Power & Light Company (FPL) for the design, relocation and removal of power distribution facilities within the C-23 Estuary Discharge Diversion Project footprint, in an amount not-to-exceed \$151,114.06, for which dedicated funds (Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023; providing an effective date. (Contract No. 4600004688)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest for the C-23 Estuary Discharge Diversion Project (Project) in Martin County, to authorize entering into a facilities agreement with Florida Power & Light Company (FPL) in an amount not-to-exceed \$151,114.06 for the relocation and removal of FPL utilities. It is the District's responsibility to compensate FPL for its actual relocation cost; and

WHEREAS, to accomplish the relocation of FPL's power distribution facilities from inside the C-23 Estuary Discharge Diversion project footprint to outside the Project footprint, to maintain the existing level of service, the District will convey a new utility easement to FPL in exchange for FPL releasing and terminating its easement rights within the Project footprint.

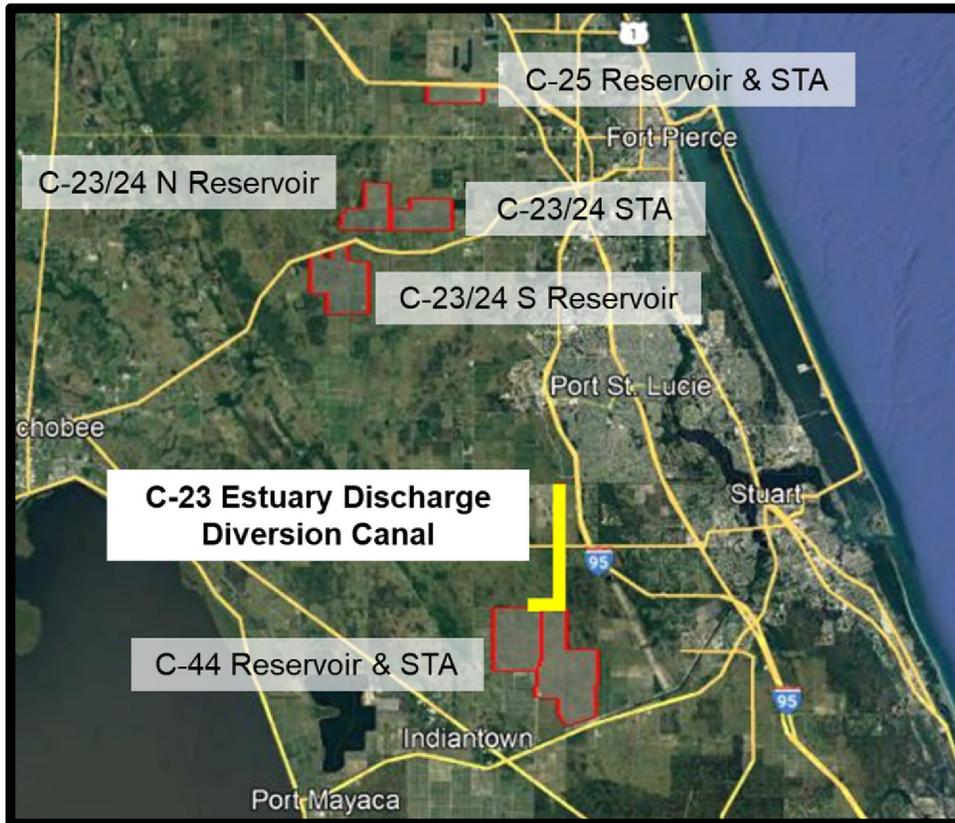
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into the facilities relocation agreement with FPL, under which the District will pay an amount not-to-exceed \$151,114.06 for FPL's costs for relocation of its power distribution facilities, and the District will convey to FPL a new utility easement in exchange for FPL releasing and terminating its existing easement rights within the Project footprint. (Contract No. 4600004688)

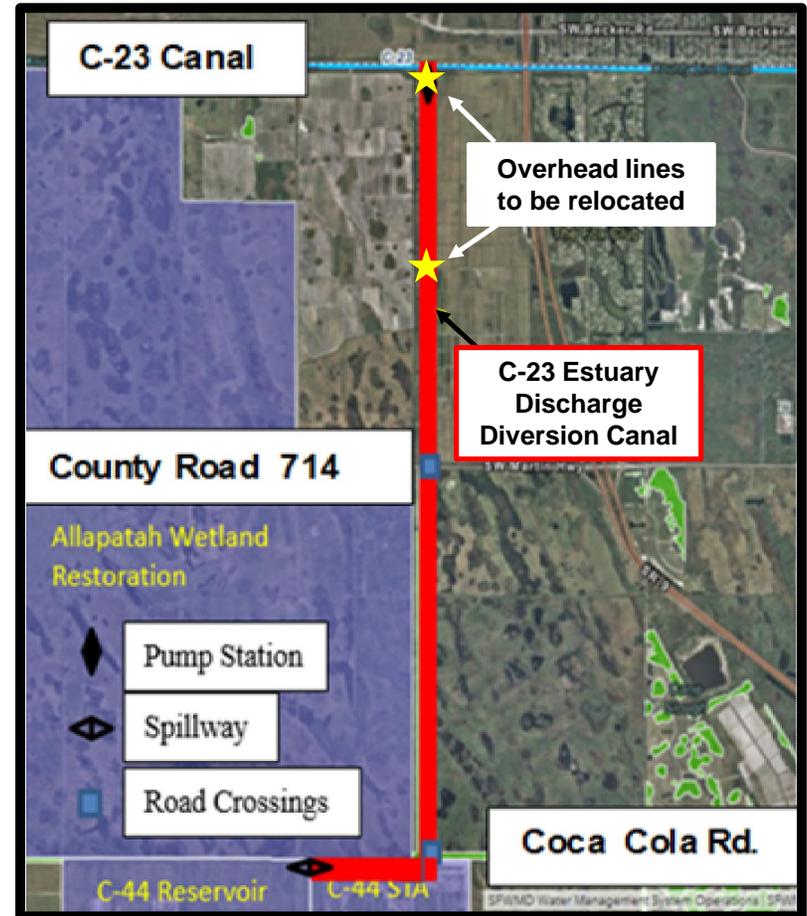
Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 8th day of December, 2022.

Location Map

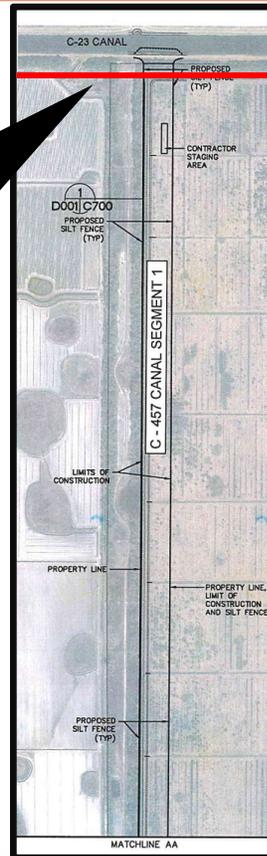
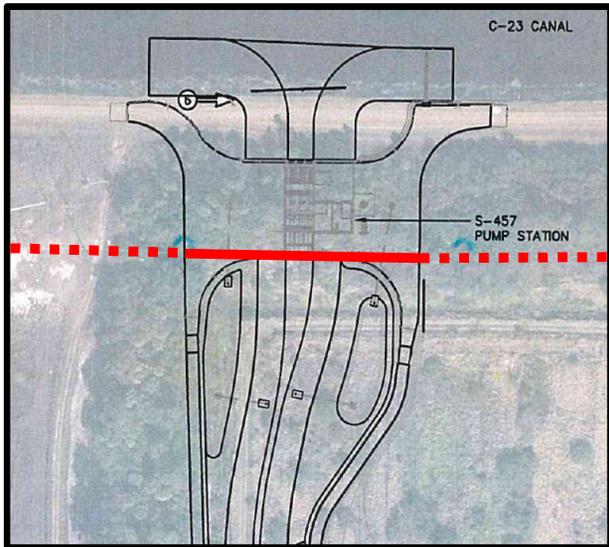


Palm City, Martin County

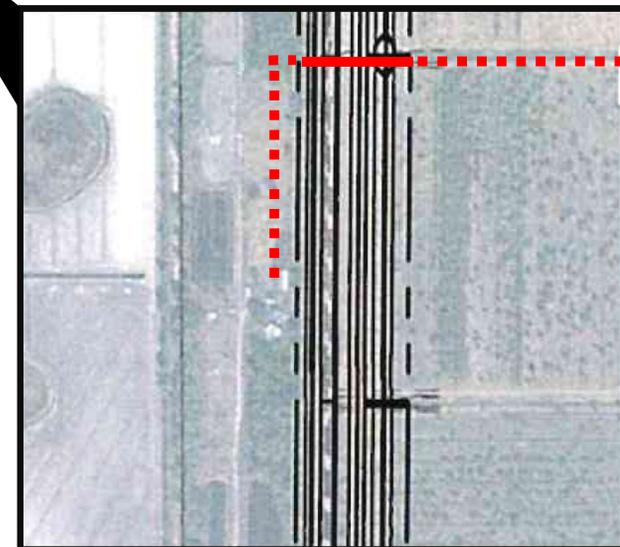


FPL Distribution Facilities to be Relocated

Near S-457 Pump Station



Near center of Segment 1



- Overhead line to be relocated
- - - Overhead line to remain

Florida Power & Light Company
Summary Estimate of Job Cost - C23/C44 Interconnect Project
Distribution Facilities Only

Work Reqt Description	# of poles installed	# of poles Removed	# of Transformers Installed	# of Transformers Removed	linear ft of wire Installed	linear ft of wire Removed	Removal cost	Eng Deposit paid	Total
11439894 Install Poles Ffor transition from overhead to directinal bore	4								\$26,012.55
11437408 Directional bore					4260				\$124,760.96
11437402 Overhead poles & wire removal			2		1,935		\$13,340.55		
11857754 Directional bore at segment 1					401				12,503.86
11857755 Install Poles for transition from overhead to directinal bore - segment 1	1								3,884.64
Eng Deposit Paid								\$13,000.00	
Total Removal Cost							\$13,340.55		
Total installation cost									\$150,773.51
Total due to FPL									\$151,114.06

MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Mechanical Harvesting Services Contracts

Agenda Item Background:

District contracts will provide mechanical aquatic harvesting services for day-to-day and emergency response situations District-wide. District projects and STAs include canals, levees, reservoirs, waterways, and wetlands. Work performed in State waters may be eligible for funding through the Florida Aquatic Plant Management Trust Fund administered by the Florida Fish and Wildlife Conservation Commission. These are 3-year work order contracts with two 1-year renewal options to replace the expiring mechanical harvesting services contracts. These services target floating plant aggregations and tussocks threatening the operation and maintenance of flood control project facilities, navigation, and stability of the natural ecosystems of South Florida.

Additional Item Background:

District projects and STAs include canals, levees, reservoirs, waterways, and wetlands. Work performed in state waters may be eligible for funding through the Florida Aquatic Plant Management Trust Fund administered by the Florida Fish and Wildlife Conservation Commission. Floating plant communities may be harvested when immediate removal is necessary. Although more expensive than chemical weed control, mechanical harvesting quickly removes aggregations of floating vegetation which can threaten structure operation, navigation and assist with aquatic habitat restoration.

Core Mission and Strategic Priorities:

This contract supports District's core mission of flood control. In the past, such work has removed weed masses that threatened the stability of bridge pilings, restored flood protection flows in weed-clogged canals, improved environmental habitat quality, and encouraged establishment of desired plant communities in STAs.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2022-1203](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year work order contract with two 1-year renewal options with the four responsive and responsible bidders for mechanical harvesting services, in an amount not to exceed \$10,000,000 for all four contracts, of which \$2,000,000 in Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date.

Firm	Contract Number
Breen Acres Aquatics, Inc.	4600004693
Texas Aquatic Harvesting, Inc.	4600004694
Weedbusters, Inc.	4600004695
Waterzway Work Boats, LLC	4600004696

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 3-year work order contract with two 1-year renewal options with Breen Acres Aquatics, Inc., Texas Aquatic Harvesting, Inc., Weedbusters, Inc., and Waterwayz Work Boats LLC, the four responsive and responsible bidders for mechanical harvesting services, in an amount not to exceed \$10,000,000 for all four contracts, of which \$2,000,000 is budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets.

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 3-year work order contract with two 1-year renewal options with Breen Acres Aquatics, Inc. (Contract No. 4600004693), Texas Aquatic Harvesting, Inc. (Contract No. 4600004694), Weedbusters, Inc. (Contract No. 4600004695), and Waterzway Work Boats LLC (Contract No. 4600004696), the four responsive and responsible bidders for mechanical harvesting services, in an amount not-to-exceed \$10,000,000 for all four contracts, of which \$2,000,000 in Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022- 2023 and the remainder is subject to Governing Board approval of future years budgets.

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

PASSED and **ADOPTED** this 8th day of December, 2022.

MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Contract for Aerial Application Services

Agenda Item Background:

Staff is seeking Governing Board approval to enter into a contract for aerial application services. The objectives of this award are to: 1) support the District's effort of maintaining flood control project facilities in accordance with established standards, 2) eliminate melaleuca and other invasive exotic plant species from natural areas, 3) support STA vegetation management activities, 4) support prescribed fire projects on District lands, and 5) provide aerial seeding services. Plant species with the highest potential for impacting these lands are best controlled through an integrated management approach using chemical, biological, and physical methods consistent with the District's Herbicide Reduction Strategy. This contract requires application of different herbicides to various types of aquatics, wetland and upland vegetation using aerial application equipment and associated support vehicles, in accordance with District project management directions. Following negotiations, the District intends to issue a 3-year work order contract with two 1-year renewal options for aerial application services to Agricultural Air Services, LLC. The District will negotiate a contract with the contract bidders in ranked order until a contract has been successfully negotiated.

Additional Item Background:

Vegetation management is required to maintain efficient operation of the C&SF project, environmental integrity of District-managed conservation lands and waters, and maximum performance capability of the STAs and other CERP projects. District project sites include the canals, levees and rights of way. Natural areas including, the Everglades Water Conservation Areas and surrounding buffer lands, Lake Okeechobee, the Kissimmee River and Chain of Lakes, and other Conservation properties are also included.

Funding Source:

Funding historically has come from many dedicated fund sources, including State and Federal funds (Water Management Land Trust Fund, Invasive Plant Management Trust Fund, Wetland Mitigation, and Comprehensive Everglades Restoration Plan Fund). Some ad valorem funding will also be used over the five-year period. Total spending authority is \$15,000,000 for the five-year contract, of which \$3,000,000 is budgeted in Fiscal Year 2023 and the remainder is subject to Governing Board approval of the Fiscal Years 2024-2027 budgets.

The Florida Fish and Wildlife Conservation Commission provide matching funds to the District melaleuca program, under a cooperative agreement. The District is also reimbursed for aquatic plant treatments in sovereign waters of the State, under a separate agreement.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

Resolution No. 2022-1204

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of firms and enter into a 3-year work order contract, with two 1-year renewal options, with Agricultural Air Services LLC, subject to successful negotiations, for Vegetation Management Aerial Application Services in an amount not-to-exceed \$15,000,000 of which \$3,000,000 in Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing that if negotiations are unsuccessful with Agricultural Air Services LLC, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract No. 4600004692)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize the official ranking of short-listed firms and entering into a three-year work order contract with two one-year renewal options with Agricultural Air Services LLC, subject to successful negotiations, for Vegetation Management Aerial Application Services; and

WHEREAS, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; and

WHEREAS, the District will negotiate a contract in an amount not-to-exceed \$15,000,000 of which Ad Valorem and dedicated funds in the amount of \$3,000,000 are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets.

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 to authorize the official ranking of firms and entering into a 3-year work order contract, with two 1-year renewal options with Agricultural Air Services LLC, subject to successful negotiations, for Vegetation Management Aerial Application Services, in an amount not-to-exceed \$15,000,000 of which \$3,000,000 in Ad Valorem and dedicated funds are budgeted for Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing that, if negotiations are unsuccessful with Agricultural Air Services LLC, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated. (Contract No. 4600004406)

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

PASSED and **ADOPTED** this 8th day of December, 2022.

MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Revocable Right of Entry/License for Florida Atlantic University

Agenda Item Background:

In support of continued improvements to the District's weather data collection capability, Florida Atlantic University, with support from Coastal Carolina University, has proposed the installation and ongoing monitoring of ten weather monitoring stations on District owned lands. The ten individual locations of the weather monitoring stations were selected by the District's Meteorology staff to improve the District's current weather data collection capability. The requested right of entry will allow Florida Atlantic University to install, maintain and monitor weather data for shared use by the District over a ten-year period. The District may terminate the License for convenience with a 180-day notice. The monitoring stations will consist of approximately 10' by 10' fenced areas which will contain the weather monitoring equipment and a solar panel for remote communication.

Additional Item Background:

In support of continued improvements to the District's weather data collection capability, Florida Atlantic University ("FAU"), with support from Coastal Carolina University ("CCU"), has proposed the installation and ongoing monitoring of ten weather monitoring stations on District owned lands. The ten individual locations of the weather monitoring stations were selected by the District's Meteorology staff in order to improve the District's current weather data collection capability. The individual locations of the monitoring stations are presented in a map identified as Exhibit "A". The proposed right of entry will be granted to FAU who will be conducting all installation, maintenance and data monitoring.

It is the intention of both the District and FAU that these stations will continue to be used and monitored into the foreseeable future. Any extension of the program beyond the currently contemplated ten-year period will be at the discretion of the District. The District may terminate the License for convenience with a 180-day notice.

The monitoring stations will consist of approximately 10' by 10' fenced areas which will contain the weather monitoring equipment and a solar panel for remote communication.

Core Mission and Strategic Priorities:

The District's core mission includes safeguarding and restoring South Florida's water resources and ecosystems. Weather data collection is an integral part of the District's overall water resource protection strategy.

Funding Source:

There are no District costs associated with this item.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2022-1205](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to approve a Revocable Right of Entry/License to Florida Atlantic University to access ten District owned tracts for the installation and monitoring of weather data collection equipment; providing an effective date.

WHEREAS, the South Florida Water Management District deems it necessary, appropriate, and in the public interest to approve a Revocable Right of Entry/License (“License”) to Florida Atlantic University on ten District-owned properties, in support of weather data collection through November 30, 2032; and

WHEREAS, the District is authorized to enter into the License pursuant to Section 373.083, 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 approves a Revocable Right of Entry/License through November 30, 2032, to Florida Atlantic University to access ten District owned tracts to install and maintain weather monitoring stations. The proposed sites are to be located as close as is practical to the following geographic coordinates on the District Tracts:

<u>Name</u>	<u>Latitude</u>	<u>Longitude</u>	<u>District Tract #</u>
P1	27.92703741	-81.32920907	18021-006
P2	27.50730911	-81.17772026	19101-050
P3	27.40851868	-81.1105468	19102-068
P4	27.40993296	-80.52989139	KE100-197
P5	26.35267036	-81.67476645	09003-553
P6	26.48175758	-81.54826089	09001-001
P7	26.50831626	-81.26899189	L1100-023
P8	26.4038727	-80.94365763	D7100-101
P9	26.37808184	-80.68485641	49100-010
P10	25.90654099	-80.58866238	27300-158

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chair or Vice Chair to execute the License instrument.

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

PASSED and **ADOPTED** this 8th day of December, 2022.

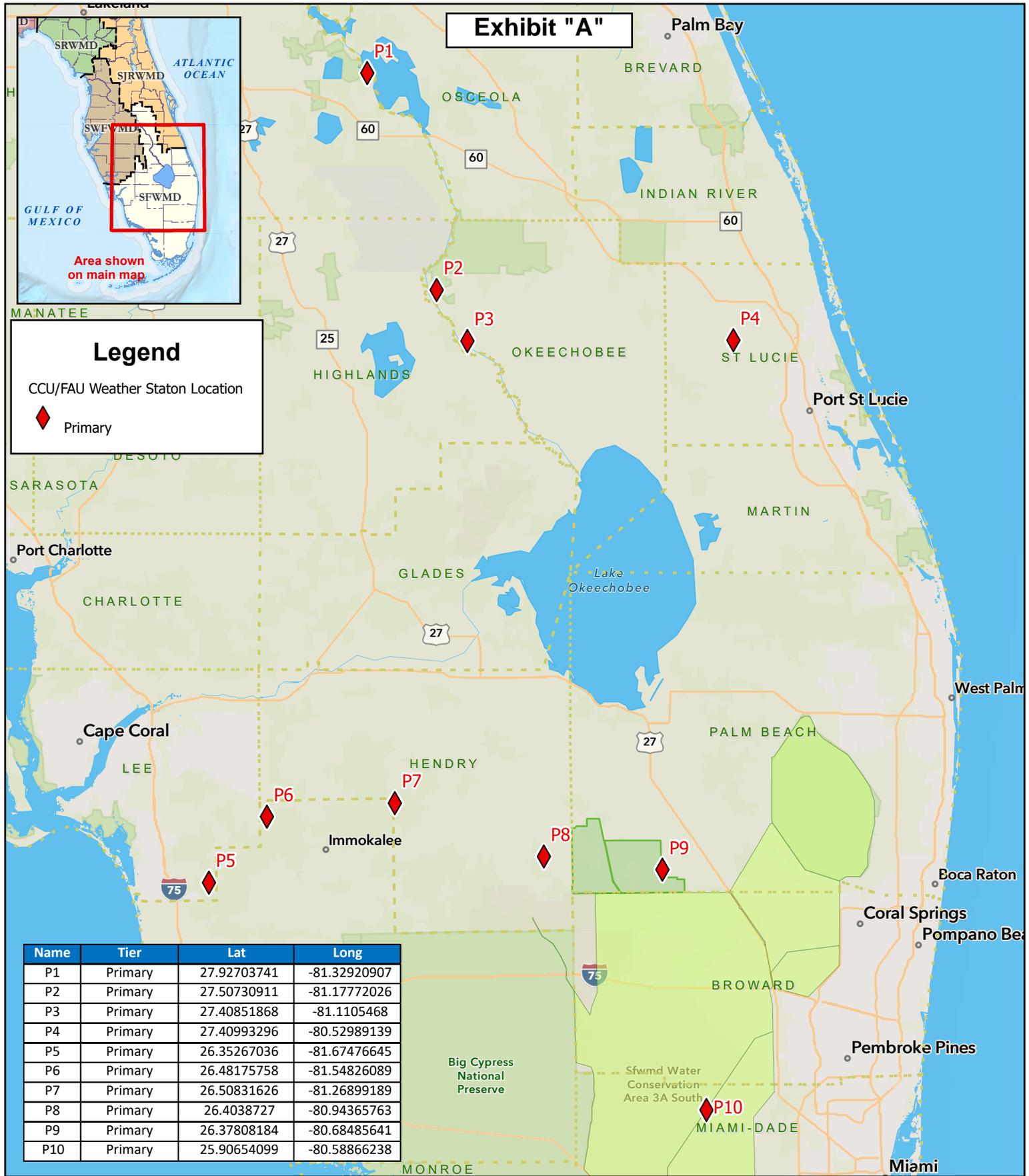
Exhibit "A"



Legend

CCU/FAU Weather Station Location

◆ Primary

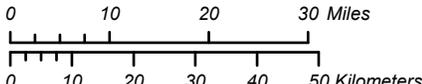


Name	Tier	Lat	Long
P1	Primary	27.92703741	-81.32920907
P2	Primary	27.50730911	-81.17772026
P3	Primary	27.40851868	-81.1105468
P4	Primary	27.40993296	-80.52989139
P5	Primary	26.35267036	-81.67476645
P6	Primary	26.48175758	-81.54826089
P7	Primary	26.50831626	-81.26899189
P8	Primary	26.4038727	-80.94365763
P9	Primary	26.37808184	-80.68485641
P10	Primary	25.90654099	-80.58866238



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

CCU/FAU Weather Station Locations



BASE CREDITS:
 State plane projection, Florida east zone, NAD 83-HARN, US feet.

IMPORTANT DISCLAIMER:
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Map Date: October 2022



MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Release of Reservations

Agenda Item Background:

The District has certain reserved rights to construct canal and road right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need for the reservations. If it has been determined there is no present or future need, staff recommend that the reservations are released for payment of a value equal to one percent of the appraised value of the land on the Property Appraiser's website in the County where the property is located. It has been determined that there is no present or future need for the reservations listed below.

Staff Recommendation:

Staff recommends approval of the following:

Miami-Dade County

- Release District canal and road reservations for Clifford Lincoln, as Successor Trustee of the Keys Gate III Trust, u/i/d June 30, 1998, and Land Baron VIII, LLC, a Florida limited liability company (File No. 18914) for 9.84 +/- acres; subject to payment of release value of \$3,726.50
- Release District canal reservations for Trump Endeavor 12, LLC, a Delaware limited liability company (File No. 18917) for 190.50 +/- acres; subject to payment of release value of \$74,940

Additional Item Background:

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contain the details and locations of the release to be issued.

Core Mission and Strategic Priority:

Pursuant to Section 373.096, Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Maps](#)

Memo Exhibit A

Resolution No. 2022-1206

Resolution Exhibit A



18914



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



DISCLAIMER:

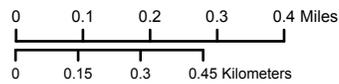
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18914



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



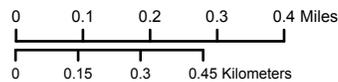
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18917



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



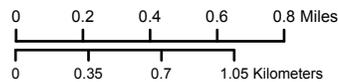
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18917



South Florida Water Management District
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MEMORANDUM – EXHIBIT “A”

Miami-Dade County

File No: 18914
Applicant: Clifford Lincoln, as Successor Trustee of the Keys Gate III Trust, u/i/d June 30, 1998, and Land Baron VIII, LLC, a Florida limited liability company
Reserving Deed: E-1899 (DB 2456-549, 12/18/1944)
Application Fee Paid: \$250.00
Release Value: \$3,726.50 (unpaid)
Action: Release District canal and road reservations, subject to payment of \$3,726.50 for release of District real property interests
Acres: 9.84 acres, more or less
Legal Description: Lot 4, Block 2, MIAMI LAND AND DEVELOPMENT COMPANY’S SUBDIVISION, PB 5-10, Section 28, Township 57 South, Range 39 East
Location: 888 Kingman Road, Homestead, Miami-Dade County
Reviewed By: Field Operations Division, Water Supply Development Section, Right of Way Section, Environmental Recourse Permitting Bureau, Ecosystem Restoration and Capital Projects Division, Miami-Dade County DERM, Miami-Dade County Public Works and Florida Department of Transportation

File No: 18917
Applicant: Trump Endeavor 12, LLC, a Delaware limited liability company
Reserving Deeds: EE-744 (DB 296-400, 2/16/1922), EE-818 (DB 365-194, 10/11/1922), EE-350 (DB 160-42, 10/10/1916), EE-672 (DB 230-429, 6/28/1920), EE-82 (DB 145-126, 9/30/1915) and T-1437 (DB 668-224, 05/23/1925)
Application Fee Paid: \$250.00
Release Value: \$74,940.00 (unpaid)
Action: Release District canal reservations; subject to payment of \$74,940.00 for release of District real property interests

Acres: 190.50 acres, more or less
Legal Description: Portions of Tracts 3, 6, 16, 18, 26, 30, 38 and 58, and all of Tracts 11, 13, 15, 20, 31, 37 and 53, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 21, Township 53 South, Range 40 East
Location: Doral Golf Course located at 4400 NW 87th Avenue, Doral, Miami-Dade County
Reviewed By: Field Operations Division, Water Supply Development Section, Right of Way Section, Environmental Recourse Permitting Bureau, Ecosystem Restoration and Capital Projects Division, and Miami-Dade County DERM

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to release District canal and road reservations; providing an effective date.

WHEREAS, the applicants have requested that the South Florida Water Management District release certain District canal and road reservations; and

WHEREAS, the District is empowered to grant such releases pursuant to Section 373.096, 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 approves the release of District canal and road reservations, as described in Resolution Exhibit "A" attached hereto and made a part hereof.

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

PASSED and **ADOPTED** this 8th day of December, 2022.

RESOLUTION – EXHIBIT “A”

Miami-Dade County

File No: 18914
Applicant: Clifford Lincoln, as Successor Trustee of the Keys Gate III Trust, u/i/d June 30, 1998, and Land Baron VIII, LLC, a Florida limited liability company
Reserving Deed: E-1899 (DB 2456-549, 12/18/1944)
Release Value: \$3,726.50 (unpaid)
Action: Release District canal and road reservations, subject to payment of \$3,726.50 for release of District real property interests
Acres: 9.84 acres, more or less
Legal Description: Lot 4, Block 2, MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, PB 5-10, Section 28, Township 57 South, Range 39 East
Location: 888 Kingman Road, Homestead, Miami-Dade County

File No: 18917
Applicant: Trump Endeavor 12, LLC, a Delaware limited liability company
Reserving Deeds: EE-744 (DB 296-400, 2/16/1922), EE-818 (DB 365-194, 10/11/1922), EE-350 (DB 160-42, 10/10/1916), EE-672 (DB 230-429, 6/28/1920), EE-82 (DB 145-126, 9/30/1915) and T-1437 (DB 668-224, 5/23/1925)
Release Value: \$74,940.00 (unpaid)
Action: Release District canal reservations, subject to payment of \$74,940.00 for release of District real property interests
Acres: 190.50 acres, more or less
Legal Description: Portions of Tracts 3, 6, 16, 18, 26, 30, 38 and 58, and all of Tracts 11, 13, 15, 20, 31, 37 and 53, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17, Section 21, Township 53 South, Range 40 East
Location: Doral Golf Course located at NW 87th Avenue, Doral, Miami-Dade County

MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Release and Conveyance of Right of Way Interests, Broward County

Agenda Item Background:

The adjacent property owner has requested to purchase 0.01 acres, more or less, of a portion of the C-14 canal right of way in Broward County, for residential purposes. The proposed conveyance resolves an outstanding encroachment on District lands and can occur without affecting District operations and maintenance activities. The Applicant will pay the District \$23,000 to acquire the parcel.

Additional Item Background:

Pursuant to Section 373.096, Florida Statutes, the Governing Board of the District may release any right of way interest for which it has no present or apparent use under terms and conditions determined by the Board.

Funding Source:

All costs of the transaction and all closing costs will be paid by Fidelity National Title Group, the insurer of the property owner. Additionally, the District will receive \$23,000 for the sale of the land.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2022-1207](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District approving the release and conveyance of right-of-way interests containing 0.01 acres, more or less, within the District’s C-14 Cypress Creek Canal in Broward County, for the payment of \$23,000 to the District; providing an effective date.

WHEREAS, the South Florida Water Management District acquired right-of-way interests for the C-14 Cypress Creek Canal in Broward County; and

WHEREAS, the District is authorized to release any right of-way interests under terms and conditions determined by the Governing Board, pursuant to Section 373.096, Florida Statutes; and

WHEREAS, the District desires to release and convey right-of-way interests owned in fee and containing 0.01 acres, more or less, (“District Lands”) as shown on Exhibit “A”, for \$23,000.

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 approves the release and conveyance to Stephanie Huot, of right-of-way interests owned in fee and containing 0.01 acres, more or less, within the District’s C-14 Cypress Creek Canal, in Broward County, for the payment of \$23,000 to the District.

Tract No.	Interest	Acres	Appraised Value	Payment
AJ100-021	Fee Right-of-Way	0.10	\$23,000	\$23,000

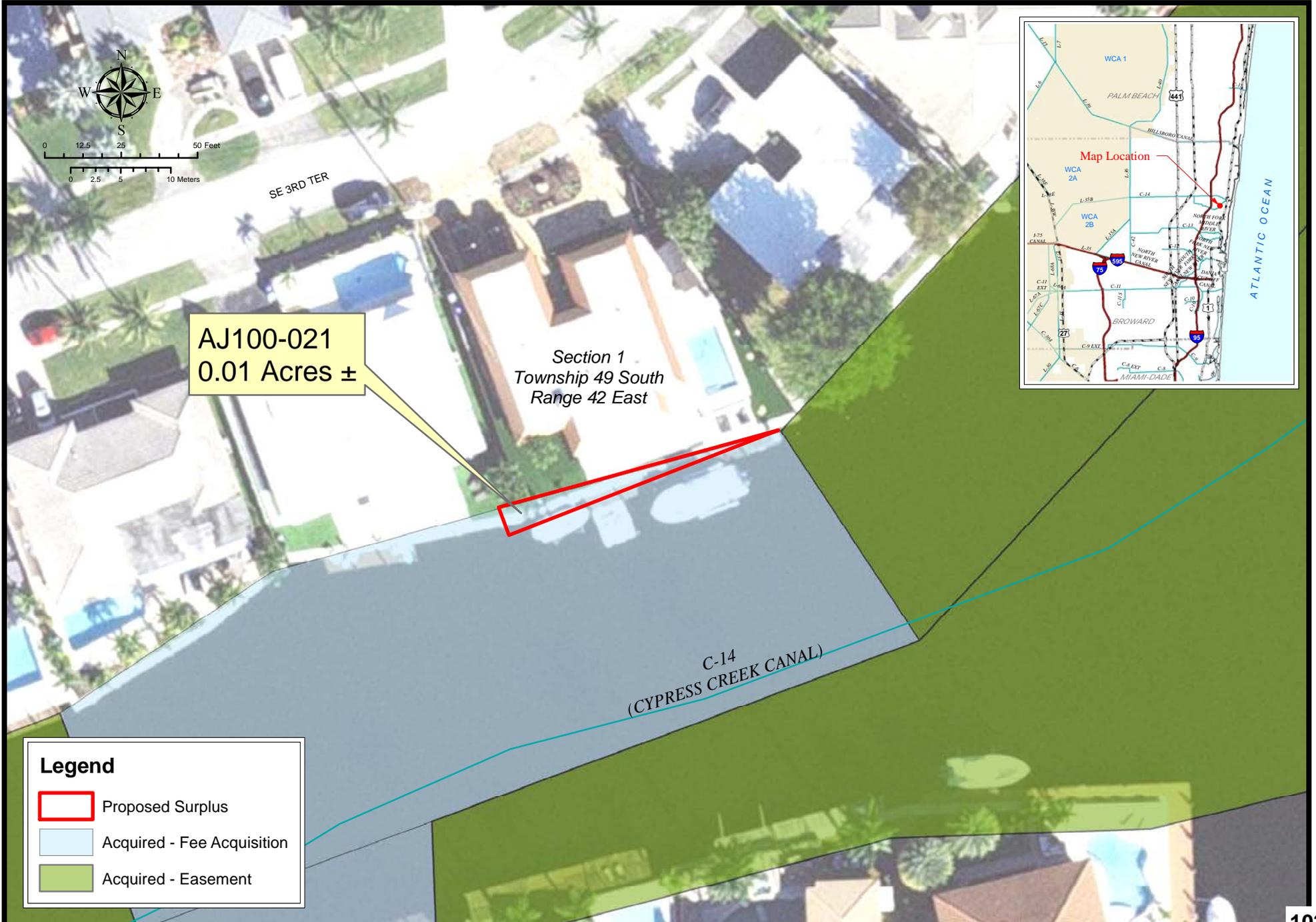
Section 2. The Governing Board hereby authorizes the Chairman or Vice Chairman to execute any instrument(s) of conveyance required to consummate the transaction contemplated therein. The Governing Board hereby authorizes the Executive Director or the Executive Director’s designee to make any determination 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 8th day of December, 2022.

Canal 14 (Cypress Creek Canal) Tract No AJ100021 Broward County, Florida

Exhibit "A"

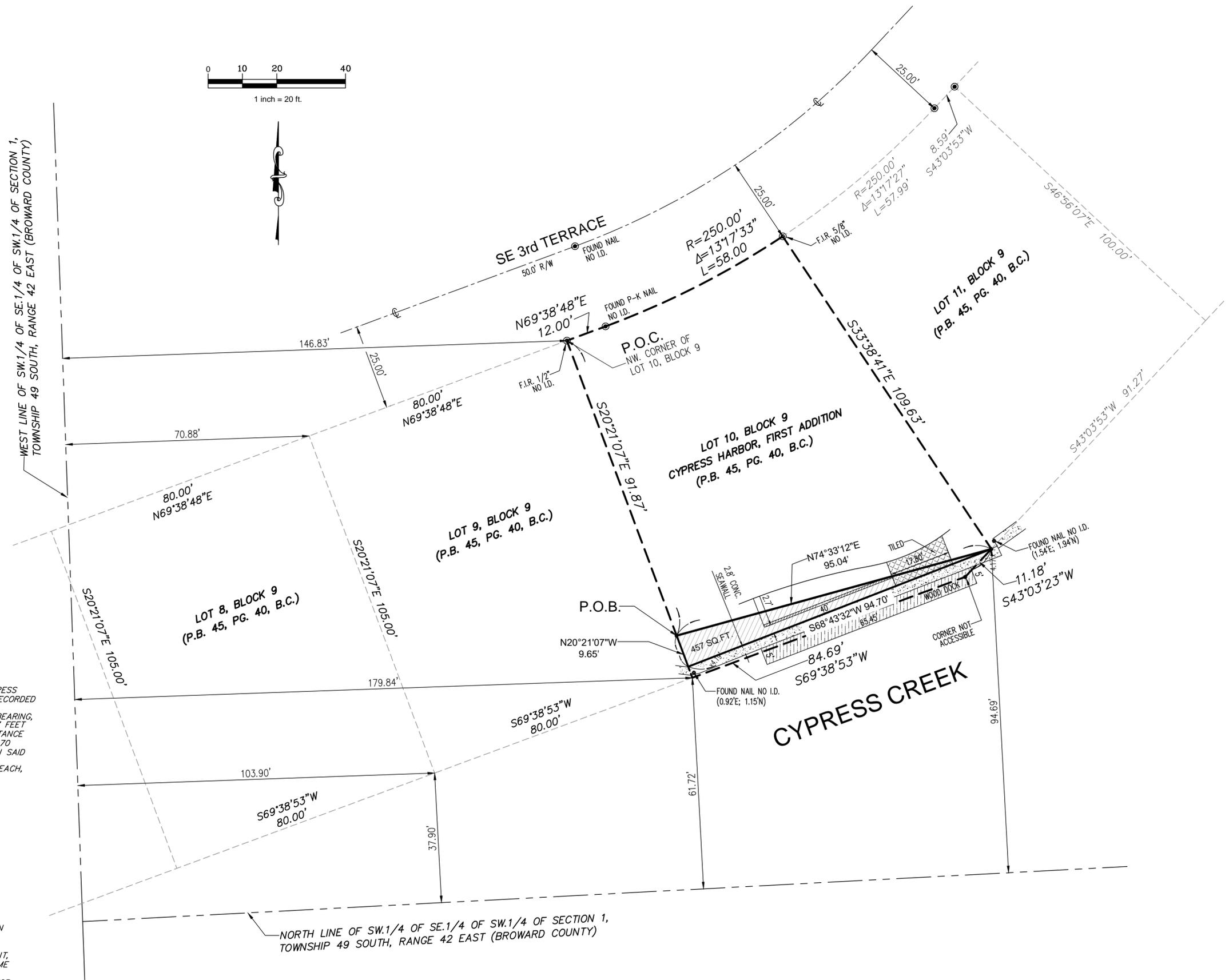
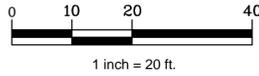


Legend

-  Proposed Surplus
-  Acquired - Fee Acquisition
-  Acquired - Easement

LEGEND

- A.E. = ANCHOR EASEMENT
- BM = BENCHMARK
- CL = CENTERLINE
- CONC. = CONCRETE
- CBS = CONCRETE BLOCK STRUCTURE
- Δ = DELTA
- EL., ELEV. = ELEVATION
- E.M. = ELECTRICAL METER
- F.F. = FINISHED FLOOR
- F.I.R. = FOUND IRON ROD
- F.N&D. = FOUND NAIL AND DISC
- F.N&T = FOUND NAIL AND TAB
- L.B. = LICENSED SURVEY BUSINESS
- L.M.E. = LAKE MAINTENANCE EASEMENT
- L = ARC DISTANCE
- LS = LICENSED SURVEYOR
- NO I.D. = NO IDENTIFICATION
- N/A = NOT APPLICABLE
- NGVD'29 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
- NAVD'88 = NORTH AMERICAN VERTICAL DATUM OF 1988
- O/L = ON LINE
- O/S = OFFSET
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCE
- P.C. = POINT OF CURVATURE
- R = RADIUS
- R/W = RIGHT OF WAY
- U.E. = UTILITY EASEMENT
- ISAOA = ITS SUCCESSORS AND/OR ASSIGNS
- ATIMA = AS THEIR INTEREST MAY APPEAR



LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF LOT 10, BLOCK 9, "CYPRESS HARBOR, FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 20°21'07" EAST, AS A BASIS OF BEARING, ON THE WEST LINE OF SAID LOT 10, BLOCK 9, A DISTANCE OF 91.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°33'12" EAST, A DISTANCE OF 95.04 FEET; THENCE SOUTH 68°43'32" WEST, A DISTANCE OF 94.70 FEET; THENCE NORTH 20°21'07" WEST, A DISTANCE OF 9.65 FEET ON SAID WEST LINE OF LOT 10, BLOCK 9, TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

CONTAINING APPROXIMATE 457 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

LOCATIONS ARE LIMITED TO VISIBLE IMPROVEMENTS ONLY AS SHOWN HEREON. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR EASEMENTS, RIGHT-OF-WAYS OF RECORD, OTHER RESTRICTIONS OR RESERVATIONS. DESCRIPTIONS PROVIDED BY CLIENT, OR THEIR REPRESENTATIVE, ALL DOCUMENTS ARE RECORDED IN SAME COUNTY AS PROPERTY LOCATION UNLESS OTHERWISE NOTED. ROOF OVERHANGS NOT LOCATED. SURVEY MEETS ACCURACY STANDARD FOR SUBURBAN SURVEYS (1 FOOT IN 7500 FEET). ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD'88, UNLESS OTHERWISE NOTED.

BENCHMARK OF ORIGIN:
 BROWARD COUNTY BENCHMARK NUMBER 944
 ELEVATION: 3.721'(NAVD'88)
 BENCHMARK CONVERTED FROM NGVD'29 TO NAVD'88 BY THE NATIONAL GEODETIC SURVEY'S ORTHOMETRIC HEIGHT CONVERSION.

TITLE: MAP OF BOUNDARY SURVEY		SCALE: 1" = 20'	NOTES/REVISIONS	THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.	Baseline Land Survey LLC 1400 N.W. 1st COURT BOCA RATON, FL. 33432 Ph.(561) 417-0700
COMMUNITY PANEL# 120055-0378-H	FLOOD ZONE: "X"	BASE FLOOD EL.: N/A	DRAWN BY: ELF.		
DATE OF FIRM: 8/18/2014	BASIS OF BEARING: W. PROPERTY LINE LOT 10, BLOCK 9, SAID LINE HAVING AN ASSUMED BEARING OF S20°21'07"E.		CHECKED BY: J.E.K.	DATE 4/29/2021	JOHN E. KUJAR PSM., STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER LS 6711 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
PROPERTY ADDRESS: 1280 SE. 3rd TERRACE, POMPANO BEACH, FL. 33060			UPDATE LEGAL: 4/29/21		
			UPDATE LEGAL: 4/6/21		
			UPDATE: 7/29/2019		
			PARTY CHIEF: JAMES		
			SURVEY DATE: 4/15/2019		
				JOB NO.: 19-04-009	LB-8229

MEMORANDUM

TO: Governing Board Members

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

DATE: December 8, 2022

SUBJECT: Stipulation for Settlement and Partial Release of Easement

Agenda Item Background:

In connection with the Loxahatchee Slough Project, the District (a) acquired approximately 257 acres that included lands located along the western corridor of PGA Boulevard, and (b) acquired two separate conservation easements that included lands located along the Beeline Highway (State Road 710). Florida Power & Light Company (FPL), as part of its resiliency initiative, is constructing an electrical transmission line. FPL's transmission line project requires that the two conservation easements be modified to release the fifteen-foot-wide area of the frontage on Beeline Highway, which is approximately 3.03 acres and 2.73 acres, respectively, for the two separate easements. FPL's transmission line project also requires that FPL acquire a utility easement containing approximately 3.44 acres (the Easement Interest) over the fifteen-foot-wide area of the PGA Boulevard frontage owned by the District.

FPL brought an eminent domain action against the District for the acquisition of the Easement Interest. The District and FPL have reached a proposed settlement, the terms of which will be reflected in a Stipulated Order of Taking and Final Judgment (the Final Judgment). The Final Judgment provides that (i) FPL will acquire the Easement Interest for the payment to the District of \$7,600, (ii) in connection with FPL's acquisition of the Easement Interest, the District will be paid additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with the Cypress Creek Wetland Restoration Project, and (iii) the District will be paid \$5,996 and \$5,504, respectively, for release of the conservation easement land interests of 3.03 acres and 2.73 acres, with the District retaining applicable entry rights. The Cypress Creek Wetland Restoration Project in the Loxahatchee Basin is a Comprehensive Everglades Restoration Plan project. This restoration project is designed to restore the hydrology and environmental values of the property previously leased to R&A Farms for agricultural purposes.

Additional Item Background:

Core Mission and Strategic Priorities:

The subject easement lands are located within the Loxahatchee Slough Project. There is no impact to project purposes as the location of the easements are along PGA Boulevard and the Beeline Highway frontage.

Funding Source:

Funding requirements are not applicable. The District will receive \$7,600 as total compensation for the Easement Interest. The appraised value was \$7,600. The District will receive \$11,500 as total compensation for the partial release of the two conservation easement interests. The appraised value was \$11,500. The District will be paid an additional \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with Cypress Creek Wetland Restoration Project.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution 2022-1208](#)

[Resolution Exhibit A](#)

[Resolution Exhibit B](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing the settlement of a condemnation action styled *Florida Power & Light Company v. South Florida Water Management District*, pending in the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 50-2022-CA-010862XXXXMB, with respect to which the South Florida Water Management District will (i) grant a perpetual utility easement containing 3.44 acres, more or less, over portions of the Loxahatchee Slough Project in Palm Beach County, for \$7,600, (ii) receive additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with the Cypress Creek Wetland Restoration Project, and (iii) authorize partial releases of two existing conservation easements of 3.03 acres, more or less, and 2.73 acres, more or less, for \$5,996 and \$5,504, respectively; providing an effective date.

WHEREAS, pursuant to Florida Statutes, Sections 361.01 and 361.08, Florida Power & Light Company (“FPL”) is constructing an electrical transmission line and is authorized to utilize eminent domain to acquire real estate interests for that purpose; and

WHEREAS, FPL, as the Plaintiff in the above styled case, brought an eminent domain action against the South Florida Water Management District ("District") for the acquisition of a perpetual utility easement interest containing 3.44 acres, more or less, (the “Easement Interest”), over portions of the Loxahatchee Slough Project in Palm County; and

WHEREAS, the District has considered the public benefit provided by the District’s interest in the subject property and has concluded that FPL’s acquisition of the Easement Interest, as generally depicted on Exhibit “A” attached hereto and incorporated herein by reference, in connection with FPL’s electrical transmission line project in this instance is not inconsistent with the overall purposes for which the District acquired the real property pursuant to Chapter 373, Florida Statutes; and

WHEREAS, in connection with the Loxahatchee Slough Project in Palm Beach County, the District acquired a Perpetual Conservation and Flowage/Inundation Easement with respect to 334.63 acres, more or less, identified as Tract No. DA100-020 (“North Conservation Easement”) and a Deed of Conservation Easement, with respect to 12,363.42 acres, more or less, identified as Tract No. DA100-021 (“South Conservation Easement”); and

WHEREAS, the District and the current landowners of the lands encumbered by the North Conservation Easement and the South Conservation Easement desire that (i) 3.03 acres, more or less, of land interests encumbered by the North Conservation Easement, and 2.73 acres, more or less, of land interests encumbered by the South Conservation Easement, will be released, as generally depicted on Exhibit “B” attached

hereto, (ii) the District will be paid compensation by FPL for release of the land interests in the amounts of \$5,996 with respect to the North Conservation Easement, and \$5,504 with respect to the South Conservation Easement, and (iii) the District will retain applicable entry rights; and

WHEREAS, the District is authorized to release easement interests under terms and conditions determined by the Governing Board, pursuant to Section 373.096, Florida Statutes; and

WHEREAS, the District and FPL have reached a proposed settlement, the terms of which will be reflected in a Stipulated Order of Taking and Final Judgment (the “Final Judgment”) and submitted to the court for approval and entry; and

WHEREAS, the Final Judgment provides that (i) FPL will acquire the Easement Interest for the payment to the District of the amount of \$7,600, (ii) in connection with FPL’s acquisition of the Easement Interest, the District will be paid additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with Cypress Creek Wetland Restoration Project, and (iii) the District will be paid compensation for release of the land interests in the amounts of \$5,996 with respect to the North Conservation Easement, and \$5,504 with respect to the South Conservation Easement, with the District retaining applicable entry rights.

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 of *Florida Power & Light Company v. South Florida Water Management District*, in the 15th Judicial Circuit Court in and for Palm Beach County, Florida, Case No. 50-2022-CA-010862XXXMB, which consists of (i) the acquisition by Florida Power & Light Company from the South Florida Water Management District of a perpetual utility easement containing 3.44 acres, more or less, for the payment to the District of the amount of \$7,600, (ii) in connection with the FPL’s acquisition of the utility easement, payment to the District of additional compensation of \$380,900 for construction, restoration and miscellaneous costs that will be incurred by the District in connection with Cypress Creek Wetland Restoration Project, and (iii) the District being paid \$5,996 and \$5,504, respectively, for release of the conservation easement land interests of 3.03 acres, more or less, and 2.73 acres, more or less, with the District retaining applicable entry rights.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director’s designee to execute all documents needed to effectuate the terms of the settlement.

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

PASSED and **ADOPTED** this 8th day of December, 2022.

Loxhatchee Slough FPL Easement Palm Beach County

Exhibit "A"



Legend

- Utility Easement

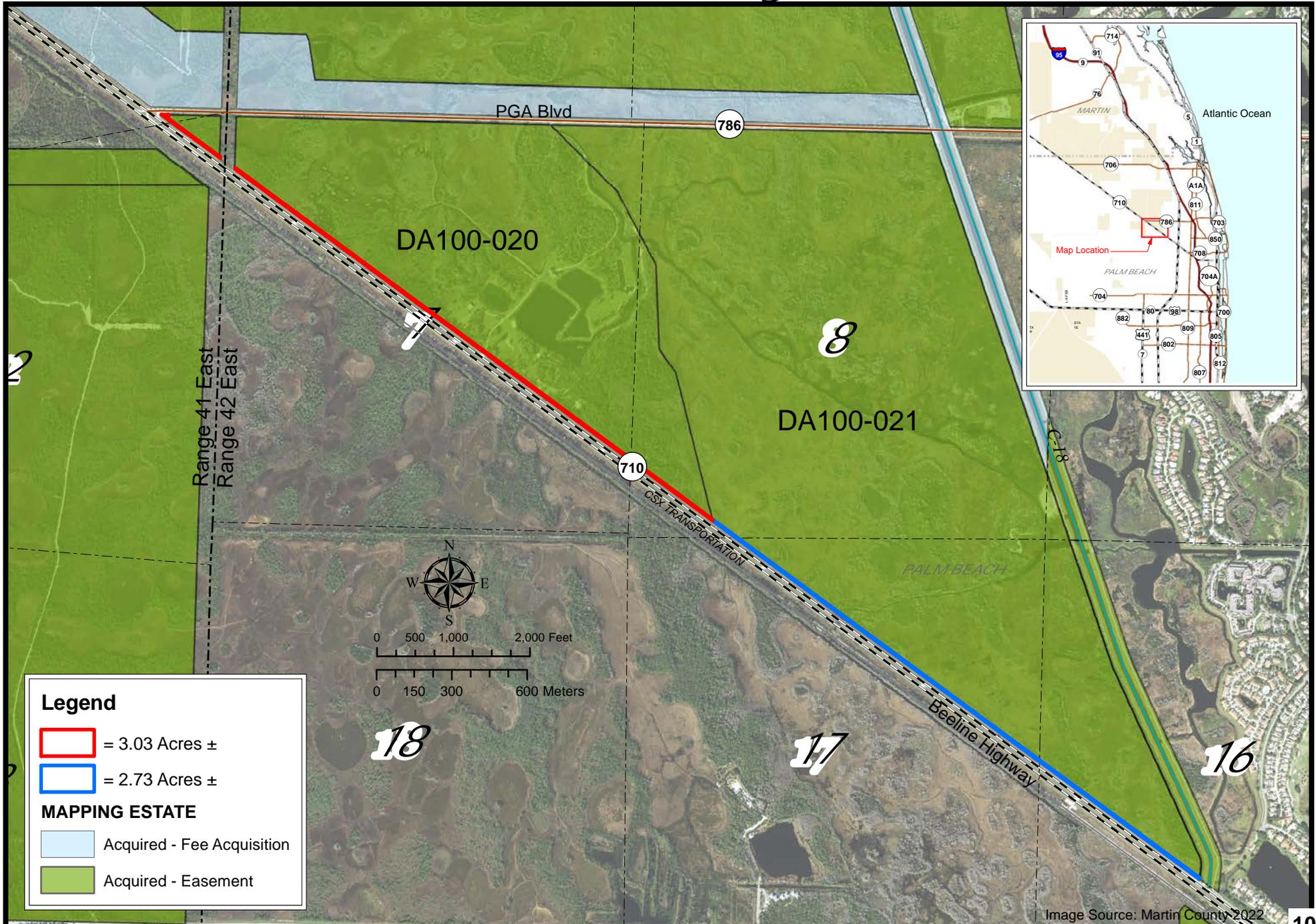
MAPPING ESTATE

- SFWMD - Acquired Fee
- SFWMD - Acquired Easement

Image Source: Palm Beach County 2021

Loxahatchee Slough Conservation Easement Partial Releases Palm Beach County, Florida

Exhibit "B"



Legend

- = 3.03 Acres ±
- = 2.73 Acres ±

MAPPING ESTATE

- Acquired - Fee Acquisition
- Acquired - Easement

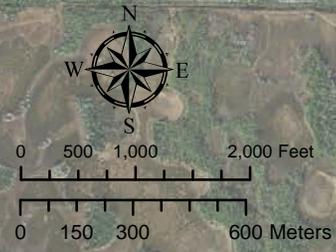


Image Source: Martin County 2022

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RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

December 8, 2022

- I RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:**
Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

Applicant	Broward County Parks and Recreation Division
Application Number	220221-33278
Canal	L-33, L-67A, and WCA 3B
Location	Within Everglades Holiday Park at the western terminus of Griffin Road and west of U.S. 27 in Broward County
Proposed Improvements to be Authorized by ROW Permit 15000 M	Information Kiosk, Shade Structure, Emergency Generator with Fuel Tank, Sculpture, Flagpole, and Various Park Signage (3 Signs)
Required Waiver	Waivers for a Non-Allowable Use, 40-Foot Rule
ROW Permit Number (Proposed)	15000 Mod

SUMMARY

Broward County Parks and Recreation Division (Applicant) requests a modification of Standard Right of Way Occupancy Permit Number 15000 (ROW Permit) and waivers from District criteria to allow for various improvements within Everglades Holiday Park (EHP), a regional recreational facility located at the western terminus of Griffin Road and west of U.S. 27 in Broward County. The proposed/existing improvements include an information kiosk, shade structure, emergency generator and fuel tank, sculpture, flagpole, and various park signs (3 signs), all of which are not allowed within the right of way and require a waiver from District rules. In addition, the information kiosk will be located within 40 feet of top of bank, which also requires a waiver.

The proposed/existing improvements will provide additional comfort and safety features, directional information, and visual amenities throughout the park for the benefit of park visitors consistent with the other types of improvements included in the EHP master plan which was approved by the District's Governing Board on June 13, 2019.

The application has been reviewed by District Field Operations. Approval of the ROW Permit and its associated waivers for the proposed/existing improvements will not adversely impact District operations, maintenance, access, or the ability to perform construction within the right of way.

JUSTIFICATION FOR WAIVER

Applicant's request for waivers is based upon both substantial hardship and principles of fairness. Applicant asserts that approval of the waivers is necessary to provide information/directions, protection from the weather, and visual enhancements for park visitors, and emergency power for the park fire protection system. The proposed information kiosk must be located near the top of bank because it will provide information related to the use of boats, the dock, and the canal. Principles of fairness are applicable as the Governing Board has approved similar waivers for related improvements to ensure the long-term viability of the regional park. Approval of the requested waivers is consistent with previous Governing Board action, as well as the approved master plan.

LEGAL NOTICE

The petition for waivers was reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), Florida Statutes, notice of the petition was provided to the Department of State and published in Volume 48, Number 63 of the Florida Administrative Register on March 31, 2022. No public comments were received.

RECOMMENDATION

Staff recommends **approval** of issuance of a modification of Standard Right of Way Occupancy Permit Number 15000 and **approval** of the associated petition for waivers for non-allowable uses and improvements within 40 feet of top of bank (Application No. 220221-33278).

(Easement)

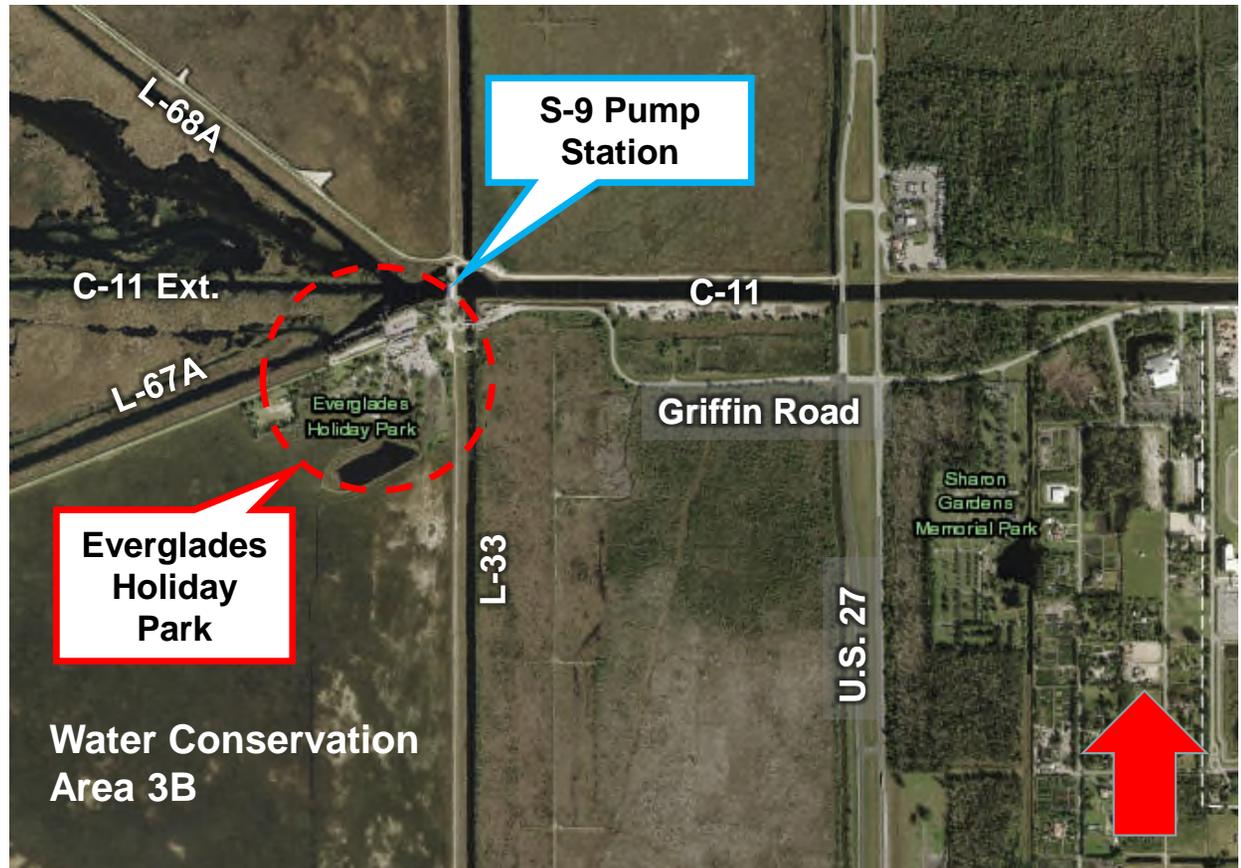
**Everglades Holiday Park
Broward County Parks and Recreation Division, Applicant
Waivers for Non-Allowable Uses and Improvements within 40 Feet of Top of Bank
L-67A, L-33, and WCA 3B**

Right of Way Occupancy Permit No. 15000 Mod

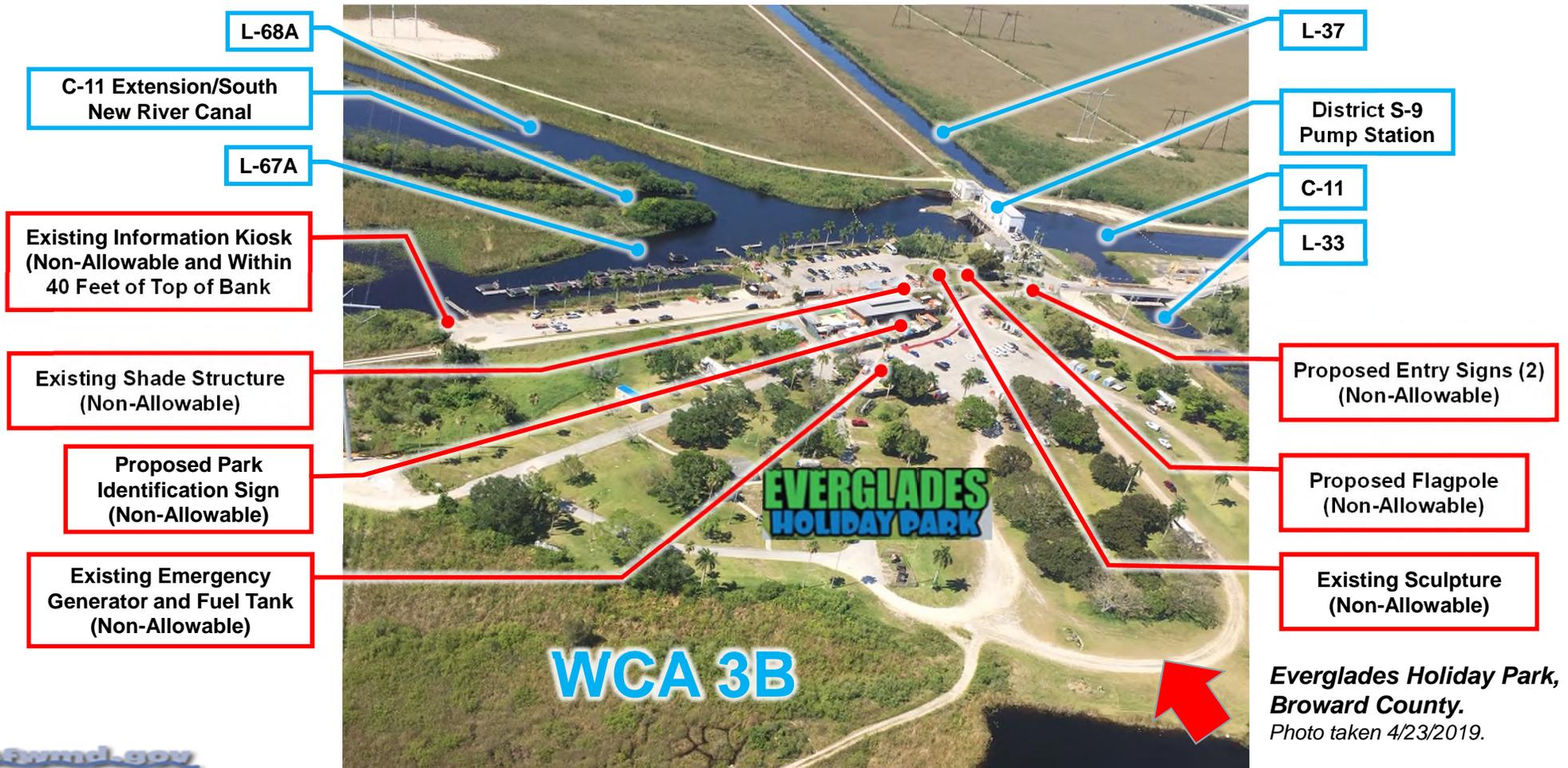
**John R. Hixenbaugh, J.D, AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
December 8, 2022**

Application Information and Location Map

- **Applicant:** Broward County Parks and Recreation Division
- **Permit No:** 15000 Mod
- **Application No:** 220221-33278
- **Canals:** L-67A, L-33
- **Location:** Within Water Conservation Area 3B at the west terminus of Griffin Road
- **Request:** Approval of a Modification of Standard Right of Way Occupancy Permit Number 15000 and Waivers to the District's Criteria Manual for non-allowable uses and improvements within 40 feet of top of bank



Proposed/Existing Park Improvement Locations



Existing Park Improvements Requiring Waivers



Left: Existing 12-by 24-foot shade structure (Non-Allowable)

Right: Existing 10.5-foot high by 12-foot wide information kiosk (Non-Allowable and within 40 feet of top of bank)



Left: Existing 11-foot high sculpture (Non-Allowable)

Right: Proposed 6-by 10-foot park identification sign (Non-Allowable)



Not Shown: Proposed 35-foot flagpole; existing emergency generator and fuel tank; and proposed 4- by 6-foot park entrance signs (one on each side of main entrance)

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Applicant	Florida Power & Light Company
Application Number	221027-36413
Canal	L-31E
Location	West right of way of the L-31E Canal at its intersection with the C-103 Canal
Proposed Improvements to be Authorized by ROW Permit 16572-R	Aerial Line, Utility Pole, and Down Guy
Required Waiver(s)	Waiver to allow an aerial line, utility pole, and down guy within 40 feet of top of bank
ROW Permit Number (proposed)	16572-R

SUMMARY

Florida Power & Light Company (Applicant) requests a Standard Right of Way Occupancy Permit Number 16572-R (ROW Permit) to install an aerial line, utility pole, and down guy within the western right of way of the L-31E Canal at its intersection with the C-103 Canal. The proposed work will provide electric service to the new S-709 pump station constructed by the U.S. Army Corps of Engineers (USACE). The S-709 pump station was constructed to increase the movement of freshwater into the Biscayne Bay Coastal Wetlands (BBCW) project area. Due to existing site conditions, the new aerial line, utility pole, and down guy will be installed within 40 feet of top of bank, which requires a waiver from District rules. If approved, the proposed work will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

DISCUSSION/JUSTIFICATION FOR WAIVERS

The Applicant has demonstrated a substantial hardship that supports granting of the requested waiver. Without the waiver, there is no alternative means to provide electric service to the USACE's S-709 pump station. There is an existing gas line that precludes underground installation and existing site conditions do not allow for the utility pole and down guy anchor to comply with the required 40-foot setback from top of bank. The pole will be installed 35 feet from top of bank and the down guy will be installed 26 feet from top of bank. Installation of a utility pole within 40 feet also means that a portion of the aerial line will encroach into the required 40-foot clear zone. Field Operations has determined that the 26 feet of clear area from top of bank is sufficient to provide access for routine or emergency operations and maintenance within the L-31E right of way.

LEGAL NOTICE

The petition for waiver was reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), Florida Statutes, notice of the petition was provided to the Department of State and published in Volume 48, Number 219 of the Florida Administrative Register on December 9, 2022. No public comments were received.

RECOMMENDATION

Staff recommends **approval** of issuance of Standard Right of Way Occupancy Permit 16572-R and **approval** of the associated petition for waiver to allow an aerial line, utility pole, and down guy to be installed within 40 feet of top of bank to serve the S-709/BBCW project (Application No. 221027-36413).

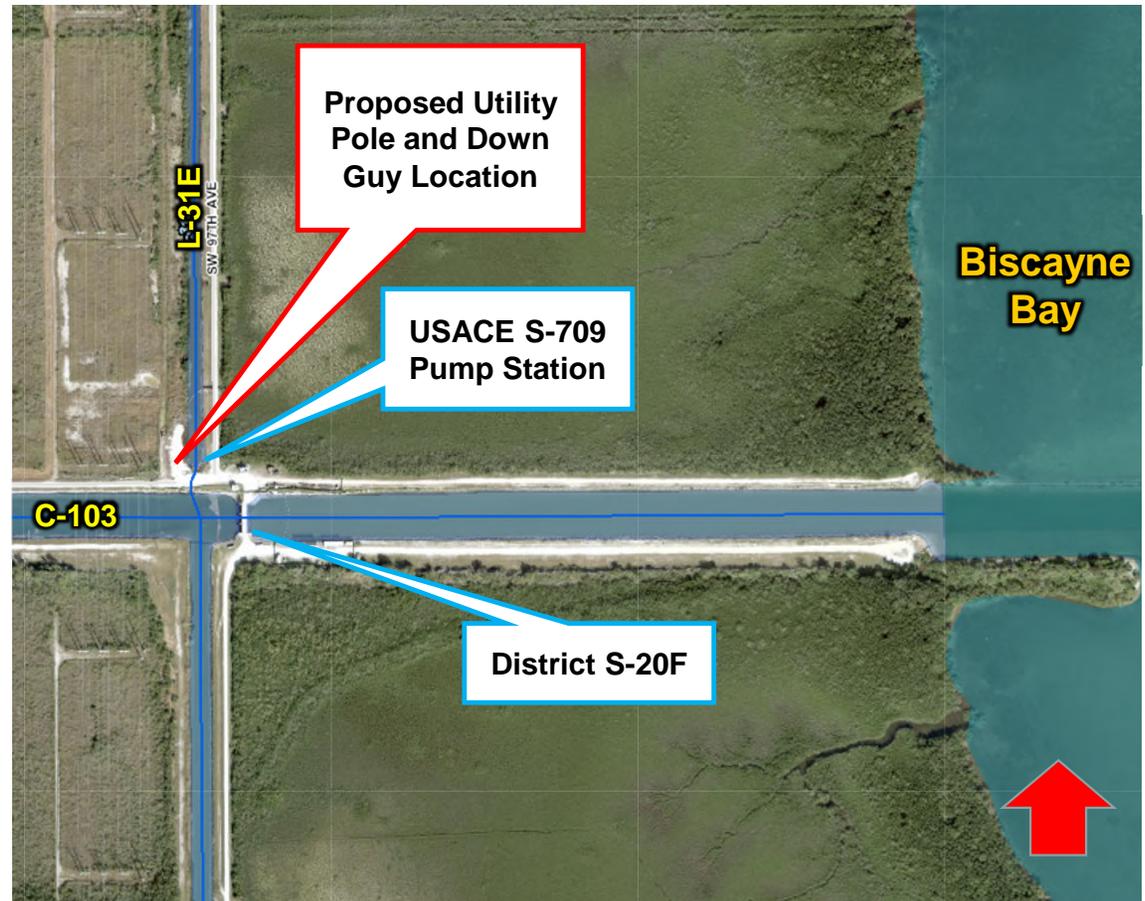
**Biscayne Bay Coastal Wetlands Pump Station S-709
Waiver to Allow an Aerial Line, Utility Pole, and Down Guy Within 40 Feet of Top of Bank
Florida Power & Light Company, Applicant
L-31E Canal – Miami-Dade County**

Right of Way Occupancy Permit No. 16572-R

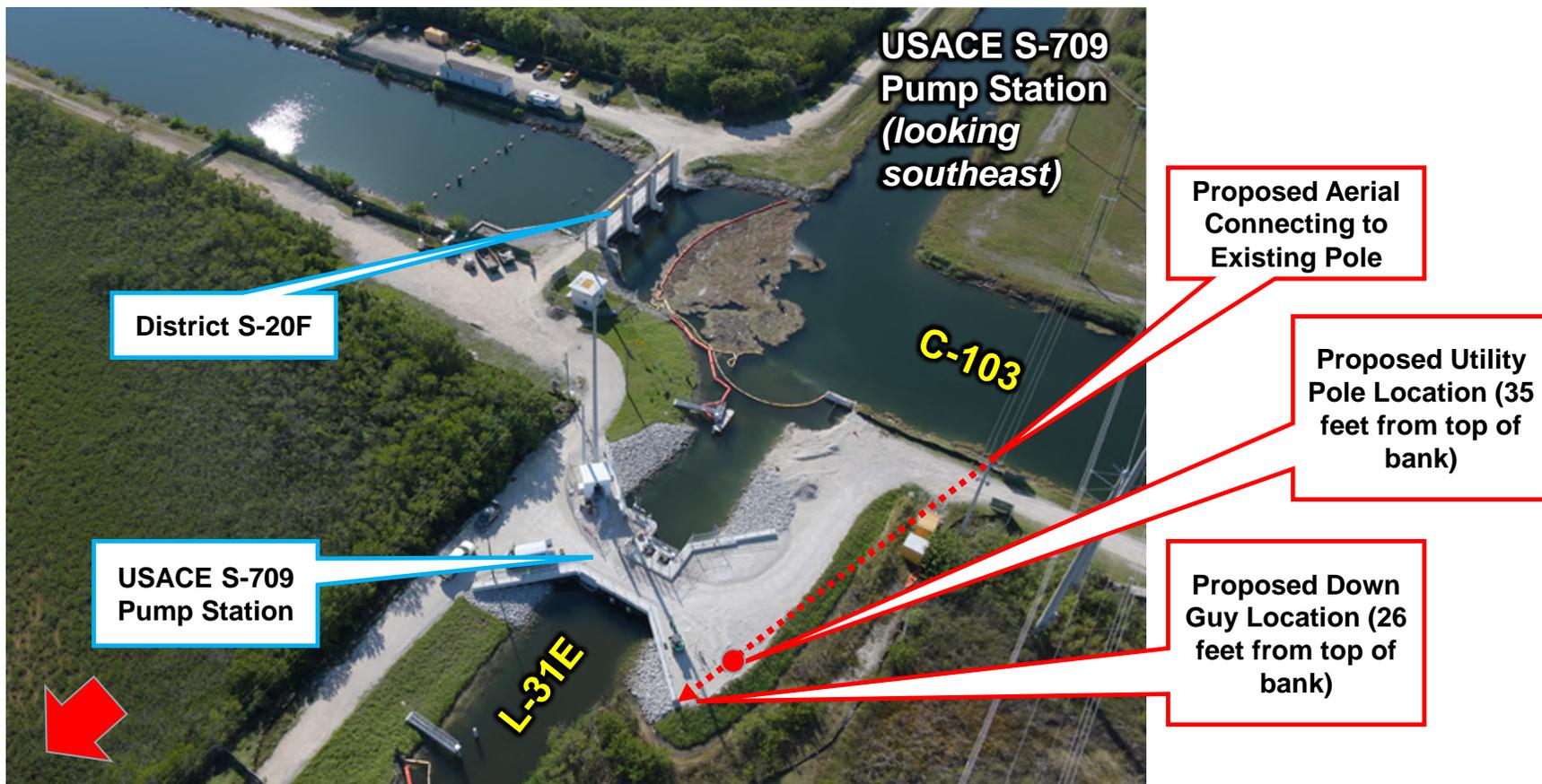
**John R. Hixenbaugh, J.D., AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
December 8, 2022**

Application Information and Location Map

- **Applicant:** Florida Power & Light Company
- **Application Number:** 221027-36413
- **Canal:** L-31E Canal
- **Location:** West right of way of the L-31E Canal at its intersection with the C-103 Canal
- **Request:** Issuance of Standard Right of Way Occupancy Permit No. 16572-R to install an aerial line, utility pole, and down guy with a waiver to allow the improvements within 40 feet of top of bank.



Aerial of S-709 and Proposed Utility Improvements



Project Highlights

- The proposed pole will be installed 35 feet from top of bank and the down guy anchor will be installed 26 feet from top of bank.
- Applicant has no alternative means to provide electric service to the USACE's S-709 pump station. There is an existing gas line that precludes underground installation and existing site conditions do not allow for the utility pole and down guy anchor to comply with the required 40-foot setback from top of bank.
- Granting of the waiver will not adversely impact the District's ability to perform routine or emergency operations, maintenance, or future construction activities.

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Applicant	Collier County
Application Number	220912-35910
Canal	Airport Road
Location	Main Entrance to the Carillon Place Shopping Center
Proposed Improvements to be Authorized by ROW Permit 16475-R	Bus Shelter and Pedestrian Related Improvements
Required Waiver(s)	Waiver to allow the Bus Shelter within 40 Feet of Top of Bank.
ROW Permit Number (proposed)	16556-R

SUMMARY

Collier County (Applicant) requests Standard Right of Way Occupancy Permit Number 16556-R (ROW Permit) to install a bus shelter with pedestrian related improvements in the right of way of Airport Road Canal at the main entrance to the Carillon Place Shopping Center. Specifically, the request includes a bus shelter with a bike rack and trash receptacle on a concrete pad, and a sidewalk from the bus shelter to Airport Pulling Road. All these improvements are allowed within the District's right of way by the District's Criteria Manual, except for the bus shelter because it will be located approximately (2) feet from the top of bank. Accordingly, a waiver from the prohibition against the placement of permanent and semi-permanent above-ground structures within 40 feet of top of canal bank within the District's Works or Lands is required for the bus shelter. The request has been reviewed by District field operations, and, if approved, the proposed work will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

DISCUSSION/JUSTIFICATION FOR WAIVERS

The Applicant has demonstrated a substantial hardship that supports granting of the requested waiver. Without the waiver, the Applicant would be unable to provide a bus shelter for the benefit of public transit users because there is no alternative location within the abutting road rights of way. At this location, Field Operations does not require access to the right of way between the canal and Airport Pulling Road where the bus shelter and related improvements will be installed. District staff has no objection to the requested waiver.

LEGAL NOTICE

The petition for waiver was reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), Florida Statutes, notice of the petition was provided to the Department of State and published in Volume 48, Number 183 of the Florida Administrative Register on September 20, 2022. No public comments were received.

RECOMMENDATION

Staff recommends **approval** of issuance of Standard Right of Way Occupancy Permit 16556-R and **approval** of the associated petition for waiver to allow a bus shelter to be installed within 40 feet of top of bank (Application No. 220912-35910).

**Bus Shelter and Related Pedestrian Improvements
with a Waiver to Allow the Bus Shelter to Lie Within 40 Feet of Top of Bank
Collier County, Applicant
Airport Road Canal – Collier County**

Right of Way Occupancy Permit No. 16556-R

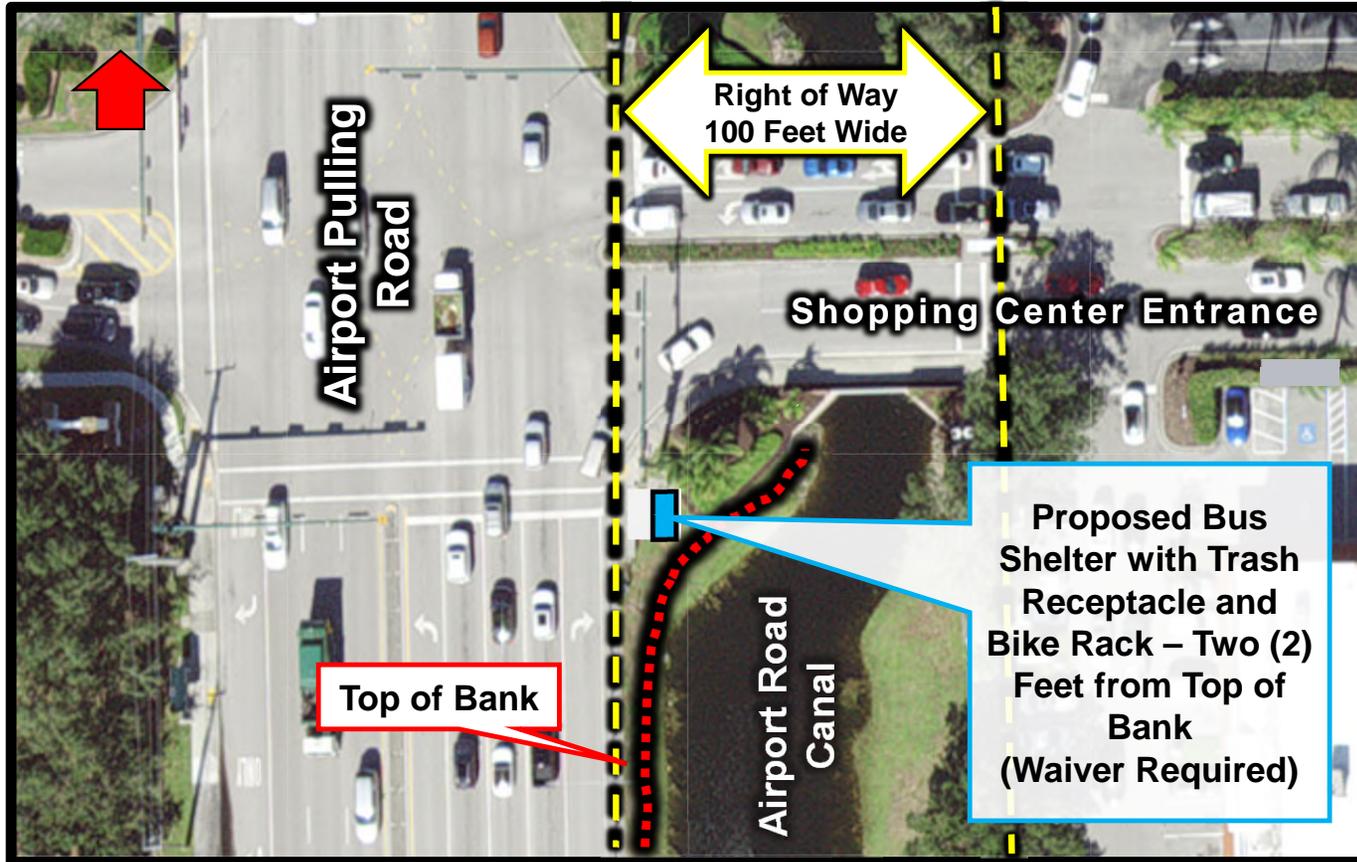
**John R. Hixenbaugh, J.D., AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
December 8, 2022**

Application Information and Location Map

- **Applicant:** Collier County
- **Application Number:** 220912-35910
- **Canal:** Airport Road Canal
- **Location:** Main Entrance to Carillon Place Shopping Center
- **Request:** Issuance of Standard Right of Way Occupancy Permit No. 16556-R to install a bus shelter with related pedestrian improvements with a waiver to allow the bus shelter to lie within 40 feet of top of bank.



Site Plan



Conclusions

- Due to site conditions, no alternative location is available for the bus shelter which is beneficial to the public transit users.
- Field Operations has determined that no access to the right of way between the canal and Airport Pulling Road is needed.
- Granting of the waiver will not adversely impact the District's ability to perform routine or emergency operations, maintenance, or future construction activities.



*Typical Bus Shelter along
Santa Barbara Boulevard
south of Devonshire
Boulevard/Berkshire Pines
Road*

MEMORANDUM

TO: Governing Board Members

FROM: Robert Verrastro, Water Resources Division

DATE: December 8, 2022

SUBJECT: 2022 Lower West Coast Water Supply Plan Update Status

Agenda Item Background:

Staff is requesting the Governing Board issue a final order approving the 2022 Lower West Coast (LWC) Water Supply Plan Update (2022 LWC Plan Update). Water supply plans are updated every five years and identify sustainable water supplies for all water users while protecting water resources and related natural systems. This five-year update for the LWC Planning Area includes all of Lee County, most of Collier County, and portions of Charlotte, Glades, Hendry, and Monroe counties as well as the Seminole Tribe of Florida Immokalee Reservation.

The 2022 LWC Plan Update provides demand projections through 2045 and identifies sources and strategies to meet these demands pursuant to Chapter 373, F.S. The 2022 LWC Plan Update concludes that future water needs of the LWC Planning Area can be met with appropriate management, conservation, and implementation of projects identified in the 2022 LWC Plan Update.

The 2022 LWC Plan Update was developed in an open public forum. The Draft 2022 LWC Plan Update was made available for public review and comment. The comments were evaluated and incorporated into the 2022 LWC Plan Update where appropriate.

Additional Item Background:

Additional Item Background:

Three stakeholder workshops were held to present planning and technical modeling information and receive stakeholder feedback. The Draft 2022 LWC Plan Update was made available for public review and comment from August 25, 2022 through November 4, 2022, which included an extension due to Hurricane Ian. The comments were evaluated and, when appropriate, incorporated into the final draft. Approval of the 2022 LWC Plan Update triggers the local governments' requirement to update their 10-Year Water Facilities Work Plan, in coordination with utilities, and consider the 2022 LWC Plan Update in accordance with Chapter 163, Florida Statutes.

Core Mission and Strategic Priorities:

Meeting the current and future reasonable-beneficial demands of water users and the environment is part of the District's core mission. Section 373.709, Florida Statutes., requires water management districts to conduct water supply planning in regions where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems through a 20-year planning period.

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.

Staff Contact and/or Presenter:

Bob Verrastro, bverras@sfwmd.gov, 561-682-6136

ATTACHMENTS:

[Final Order](#)

BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO.: 2022-XXXX

IN THE MATTER OF:

Approval of the 2022
Lower West Coast
Water Supply Plan Update

**FINAL ORDER APPROVING THE 2022 LOWER WEST COAST
WATER SUPPLY PLAN UPDATE**

The Governing Board of the South Florida Water Management District (“District”), after considering Staff recommendations and being otherwise fully apprised, issues this Final Order pursuant to Sections 373.036, 373.083, and 373.709, Florida Statutes, based on the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Lower West Coast (“LWC”) is one of five regional planning areas in the District. The planning area covers approximately 5,100 square miles and includes all of Lee County, most of Collier County, and portions of Charlotte, Glades, Hendry, and Monroe counties as well as the Seminole Tribe of Florida Immokalee’s Reservation.

2. The LWC Planning Area includes large natural systems such as the Caloosahatchee River and Estuary, Big Cypress National Preserve, a portion of the Everglades watershed, and other natural lands such as Corkscrew Regional Ecosystem Watershed, Picayune Strand State Forest, and Fakahatchee Strand Preserve.

3. In 2017, the District’s Governing Board approved the 2017 LWC Water Supply Plan Update.

4. The purpose of this effort is to update the 2017 LWC Water Supply Plan Update (“2022 LWC Plan Update” or “Plan”) and establish a framework for future District

actions to meet the water supply and natural resource protection requirements of Chapter 373, Fla. Stat.

5. The 2022 LWC Plan Update is based on a planning period of 2020-2045. It includes the following: 1) water demand projections for six water use categories; 2) a water supply development component; 3) a water resource development component; 4) the adopted MFLs; 5) the MFL recovery and prevention strategies; 6) consideration of how the water supply and resource development components serve the public interest or save costs; 7) technical data; and 8) a funding strategy.

6. Total average water use in the LWC is projected to be 1,179.37 million gallons per day (mgd) in 2045, which is 165.94 mgd more than the estimated 2020 average water use.

7. Agricultural water supply is the LWC Planning Area's largest water use category, representing 53 percent of the total 2045 average water demand, or 621.40 mgd. Irrigated agricultural acreage is projected to increase from an estimated 291,765 acres in 2020 to approximately 307,062 acres in 2045.

8. Population in the LWC is expected to increase from 1,188,599 people in 2020 to approximately 1,628,546 people in 2045. Drinking water supply is the third largest water use category, representing 16 percent of the total 2045 average water demand, or 186.82 mgd.

9. The 2022 LWC Plan Update concludes there is sufficient water to continue meeting the needs of the LWC Planning Area during a 1-in-10-year drought condition through 2045 with appropriate management, conservation, and implementation of projects.

10. The 2022 LWC Plan Update takes into account cumulative impacts on water resources and guides future management of those resources 1) to ensure adequate water

supply for existing and projected reasonable-beneficial uses, and 2) to sustain the water resources and related natural systems during average and 1-in-10-year drought conditions through the year 2045.

11. The 2022 LWC Plan Update concludes that additional water resource development projects and specific water supply development projects are needed to meet the projected 2045 water demands.

12. The 2022 LWC Plan Update recommends continued coordination with agricultural stakeholders, local governments, utilities, and other water users; natural resource protection; and water level and water quality monitoring.

13. In addition to the recommendations in the 2022 LWC Plan Update, the Comprehensive Everglades Restoration Plan and programs will maximize water resources by addressing issues of timing, retention, and freshwater flow regimes to the coastal environmental resources inside and outside of the planning area. Once projects become operational, they will be re-evaluated to determine the potential availability of surface water to meet the demands of reasonable-beneficial uses within the LWC Planning Area.

14. The public participated in the development of the 2022 LWC Plan Update. The District held three virtual workshops in March 2022, May 2022, and September 2022. The role of the workshops was to receive public input, contribute local knowledge and expertise, and reflect the collective concerns of the various stakeholders in the planning region.

15. The Draft 2022 LWC Plan Update was made available for public review and comment from August 25, 2022 through November 4, 2022, which included an extension due to Hurricane Ian. The comments were evaluated and, when appropriate, incorporated into the final draft.

16. The 2022 LWC Plan Update is not a self-executing document. Implementation of the 2022 LWC Plan Update will occur through a variety of future Governing Board actions. A flexible course of action is proposed. Future decisions about contracts, research, budgetary appropriations, cost-sharing arrangements, rulemaking, permitting, operational protocol, local agreements, and inter-governmental coordination will commit the District to a specific direction.

17. The 2022 LWC Plan Update, including the associated appendices and support document, can be found at the following link: www.sfwmd.gov/our-work/water-supply/lower-west-coast. Interested parties may provide Staff with minor comments to the 2022 LWC Plan Update.

CONCLUSIONS OF LAW

18. Water management district governing boards are authorized to undertake regional water supply planning efforts. This authorization includes updating existing plans such as the 2022 LWC Plan Update. §373.709, Fla. Stat.

19. Section 373.709, Fla. Stat., establishes a framework for the regional water supply plan's scope, analysis, implementation, and process. Additionally, specific water resource development and water supply development projects must be included in regional water supply plans.

20. Water supply plans must include intermediate water use projections for each five year interval. Fla. Admin. Code R. 62-40.531(1)(a). Water management districts shall update each regional water supply plan every five years. Fla. Admin. Code R. 62-40.531(8).

21. The Governing Board concludes that the 2022 LWC Plan Update meets the requirements of Section 373.709, Fla. Stat., and Rule 62-40.531, Fla. Admin. Code.

22. While the Governing Board's approval of a water supply plan is not subject to rulemaking requirements, any portion of an approved water supply plan that affects the substantial interests of a party is subject to challenge pursuant to Section 120.569, Fla. Stat. § 373.709(5), Fla. Stat. A Notice of Rights is attached hereto as Exhibit A.

23. The Notice of Rights does not cover future Governing Board actions to implement the 2022 LWC Plan Update. When implementing action is taken, the Governing Board will provide a point of entry to substantially affected parties, as appropriate.

24. The 2022 LWC Plan Update may be updated or amended as new technical information and analysis become available. Such updates will occur no later than five years from the entry of this order and in accordance with Section 373.709, Fla. Stat.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED:

25. The 2022 Lower West Coast Water Supply Plan Update is approved.

26. Staff is authorized to make minor changes to the 2022 LWC Plan Update that do not alter the substance of the Plan in response to submitted stakeholder comments. Staff is also authorized to address minor typos, grammar, and spacing issues to the 2022 LWC Plan Update that do not alter the substance of the Plan. Such changes must occur within 30 days of the December 8, 2022 Governing Board meeting.

27. Staff may distribute notice of this Order by certified mail, regular mail, and/or electronic mail to persons who have participated in the Plan development process and those entities identified as appropriate for implementing water supply development projects. Notice shall also be published in the Florida Administrative Register and newspapers of general circulation within the planning region.

DONE AND SO ORDERED in West Palm Beach, Florida, on this ____ day of
December, 2022.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Governing Board

Drew Bartlett
Executive Director

MEMORANDUM

TO: Governing Board Members

FROM: Rich Virgil and Julia Lomonico, Field Operations Division

DATE: December 8, 2022

SUBJECT: Notice of Rule Development to Establish New Rules in Chapter 40E-7, Florida Administrative Code, to Address Ongoing Operations and Maintenance Concerns Resulting from Aquatic Vegetation and Debris that Enters the District's Central and Southern Florida Flood Control Project

Agenda Item Background:

The District is responsible for the operation and maintenance of the Central and Southern Florida Flood Control Project (C&SF system) consisting of 2,200 miles of canals, 2,100 miles of levees, over 1,500 water control structures, and 89 pump stations. The C&SF system provides flood control, water supply, navigation, water management, and recreational benefits to South Florida. The District must maintain the C&SF system free of aquatic vegetation, litter, and debris that can lead to blockage of canals and structures resulting in increased risks of flooding, navigational hazards, and impediments to water supply. Hazards arising from the accumulation of aquatic vegetation, litter, and debris in the C&SF system are particularly prevalent in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, and St. Lucie counties.

Staff seeks Governing Board approval to publish a Notice of Rule Development to establish new rules in Chapter 40E-7, Florida Administrative Code, to require water management systems, including special districts, that connect to or make use of the C&SF system or other Works of the District to take actions to address ongoing operations and maintenance concerns resulting from aquatic vegetation, litter, and debris that enter the C&SF system.

Additional Item Background:

This rulemaking will ensure the District's ability to carry out its responsibilities and objectives under Chapter 373, Florida Statutes, without the destruction and financial burdens caused by aquatic vegetation, litter, and debris discharging into the C&SF system from secondary and tertiary water management systems, including those owned and operated by special districts, that connect to and make use of the C&SF system and other Works of the District.

Funding Source:

The rulemaking activities will be completed using in-house staff resources.

Staff Contact and/or Presenter:

Rich Virgil, rvirgil@sfwmd.gov, 561-682-6759
Julia Lomonico, jlomonico@sfwmd.gov, 561-682-6210

ATTACHMENTS:

Notice of Rule Development Vegetation Management Rule

NOTICE OF RULE DEVELOPMENT

NAME OF AGENCY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.:	RULE TITLE:
40E-7.700	Policy and Purpose
40E-7.701	Definitions
40E-7.702	Regulated Landowners
40E-7.703	No Discharge of Aquatic Vegetation or Debris into C&SF Stem or Works of the District
40E-7.704	Remedial Action

PURPOSE AND EFFECT:

The South Florida Water Management District (District) is responsible for the operation and maintenance of the Central and Southern Florida Flood Control Project (C&SF system) consisting of 2,200 miles of canals, 2,100 miles of levees, over 1,500 water control structures, and 89 pump stations. The C&SF system provides flood control, water supply, navigation, water management, and recreational benefits to South Florida. The District must maintain its Works, including the C&SF system, free of aquatic vegetation, litter, and debris that can lead to blockage of canals and structures resulting in increased risks of flooding, navigational hazards, and impediments to water supply. Hazards arising from the accumulation of aquatic vegetation, litter, and debris in the C&SF system are particularly prevalent in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, and St. Lucie Counties. The District proposes to establish new rules to require landowners, including special districts, that connect to or make use of the C&SF system or other Works of the District to take actions to address ongoing operations and maintenance concerns resulting from aquatic vegetation, litter, and debris that enter the C&SF system.

SUBJECT AREA TO BE ADDRESSED:

Prevention of aquatic vegetation, litter, and debris discharges to the C&SF system.

RULEMAKING AUTHORITY (formerly "Specific Authority"): 373.044, 373.113, F.S.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.119, 373.129, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: January 10, 2023 @ 1:00 p.m.

PLACE: This workshop will be conducted in-person and via Zoom, a media technology free for the public to use. The public and stakeholders will have an opportunity to view and comment during the workshop in-person or by utilizing the following link: <https://sfwmd.link/3ToHRKO> . The link will go live at approximately 1:00 p.m. on January 10, 2023.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Sluth, Sr. Specialist Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: (561) 682-6299, email: jsluth@sfmwd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: NOT AVAILABLE

MEMORANDUM

TO: Governing Board Members

FROM: Alan Shirkey, Ecosystem Restoration & Capital Projects

DATE: December 8, 2022

SUBJECT: Continuing Professional Engineering Services Contracts

Agenda Item Background:

As part of the District's Capital Improvement Program, the District has maintained a series of continuing professional engineering services contracts. These contracts provide external professional engineering services to facilitate the delivery of the District's larger capital improvement and restoration projects. On March 14, 2019, the Governing Board approved entering into contracts with 17 firms, subject to successful negotiations, to provide professional engineering services for the District's Restoration and Operations, Maintenance, Repair, Rehabilitation, and Replacement Projects, in an amount not-to-exceed \$225 Million. Contracts were negotiated for a 3-year period with two 1-year renewal extensions. Assignments under each contract are handled through various work orders under the contract. At the November 2021 Governing Board meeting, the Governing Board approved a \$125 Million increase to the threshold for these contracts as well as the two 1-year renewal extensions. In support of anticipated future demands utilizing the existing contracts, an additional increase of \$125 Million is requested, resulting in a new total threshold of \$475 Million. Approval of this agenda item will allow the District to continue the design phase for the Central Everglades Planning Project (CEPP) and Indian River Lagoon features as well as continued support for projects already in construction.

The need for the increases stem from an acceleration in project delivery directed in part by Governor DeSantis' Executive Order 19-12 "Achieving More Now for Florida's Environment." Since the beginning of calendar year 2019, the District has executed approximately \$2 Billion in construction contract value for ecosystem restoration and capital improvement projects. This represents an increase of 98% when compared to the four years prior. Each of the construction contracts require design, engineering-during-construction and construction management services, all of which are provided under these professional services contracts.

Additional Item Background:

The contracts support the District's missions of flood control, ecosystem restoration, and water quality improvement.

Funding Source:

Fiscal Year 2022-2023 budget includes approved Ad Valorem and dedicated funds (Land Acquisition Trust Fund, Save Our Everglades Trust Funds, Everglades Trust Fund, and General Revenue), and the remainder is subject to the Governing Board approval of the future years budgets.

Staff Contact and/or Presenter:

Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

ATTACHMENTS:

Resolution No. 2022-1209

Backup Document

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2022 - 12XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to the existing Operations, Maintenance, Repair, Rehabilitation, and Replacement Professional Engineering Services contracts to increase the amount by \$125,000,000 for all 17 contracts, of which Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize an amendment to the existing Operations, Maintenance, Repair, Rehabilitation, and Replacement Professional Engineering Services contracts to increase the amount by \$125,000,000 for all 17 contracts.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes an amendment to the 17 existing Operations, Maintenance, Repair, Rehabilitation, and Replacement contracts to increase the amount by \$125,000,000 000 for all 17 contracts, of which Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets.

J-Tech	Contract Number 4600003984
Stantec Consulting Services Inc.	Contract Number 4600003985
Brown & Caldwell Corporation	Contract Number 4600003986
HDR Engineering Inc.	Contract Number 4600003987
Black & Veatch Corporation	Contract Number 4600003988
Parsons Environment & Infrastructure Group, Inc.	Contract Number 4600003989
Stanley Consultants, Inc.	Contract Number 4600003990
CDM Smith, Inc.	Contract Number 4600003991
AECOM Technical Services, Inc.	Contract Number 4600003992
Arcadis U.S., Inc.	Contract Number 4600003993
Kimley Horn & Associates, Inc.	Contract Number 4600003994
GF – D JV II	Contract Number 4600004287
Hazen & Sawyer, P.C.	Contract Number 4600003996
NorthStar Contracting Group, Inc.	Contract Number 4600003997
Radise International, LC	Contract Number 4600003998
Burns & McDonnell Engineering Company, Inc.	Contract Number 4600003999

WSP USA Inc.

Contract Number 4600004000

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

PASSED and **ADOPTED** this 8th day of December, 2022.

Background

- The March 14, 2019 Governing Board approved entering into contracts with 17 firms in an amount not-to-exceed \$225,000,00.
- Contracts were negotiated for a 3-year period with two 1-year renewal extensions.
- Assignments under each contract are handled through various work orders under the contract.
- The November 10, 2021 Governing Board approved a \$125 Million increase to the threshold for these contracts.
- In support of anticipated future demands utilizing the existing contracts, an increase to the threshold of \$125 million is requested, resulting in a new total threshold of \$475 million.
- Approval of this agenda item will allow the District to continue the design phase for the CEPP and Indian River Lagoon features as well as continued support for projects in construction.

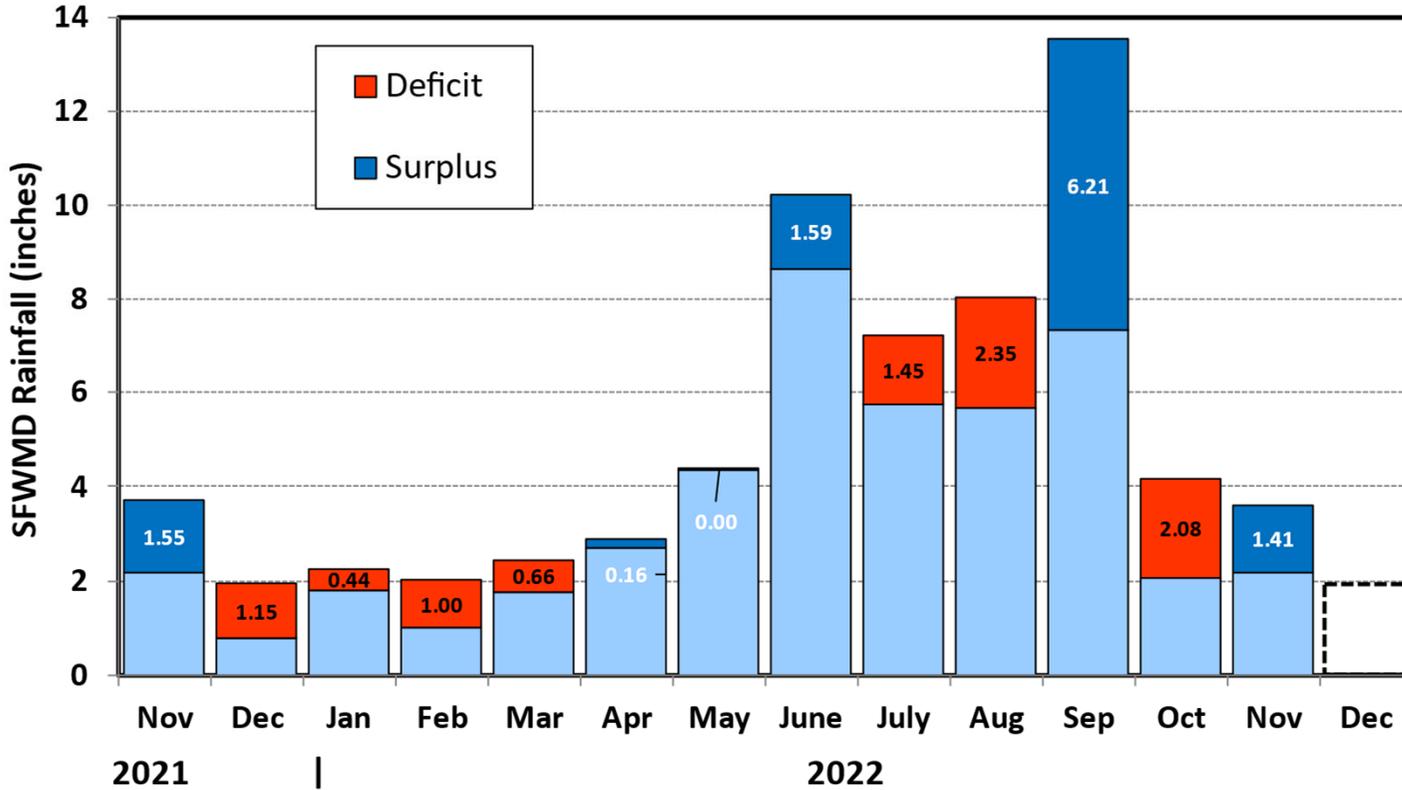
Water Conditions Summary

**South Florida Water Management District
Governing Board Meeting
December 8, 2022**



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

SFWMD Rainfall Distribution Comparison (November 2021- December 2022)



District Wide Average Rainfall

Month	Average (inches)
Jan	2.24
Feb	2.01
Mar	2.43
Apr	2.71
May	4.37
Jun	8.65
Jul	7.20
Aug	8.03
Sep	7.31
Oct	4.15
Nov	2.18
Dec	1.94

Wet Season

Wet-Season Rainfall

Total rainfall 115% of normal since the start of the 2022 wet season (13 May)

- May (near normal)
- June (80th percentile)
- July substantially dry (15th percentile),
- August rainfall finished at the 15th percentile
- Until end of September, persistently below normal rainfall over the northeastern half of the SFWMD but near normal south of Lake Okeechobee
- Hurricane Ian made rainfall distribution more uniform among areas, except for Upper Kissimmee which went to ~ 300% of normal for September.

2021-2022 DRY SEASON

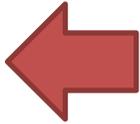
- Started 10/18/2021 and ended 5/12/2022.
- Dec 2021 to Mar 2022 all below average.
- April ended up slightly above average (106%).
- May was about average.

2022 WET SEASON

- Started 5/13/2022 – Ended 9/28/2022
- May ~ 100%, Jun ~ 120%, Jul ~ 80%, Aug ~ 65%
- Sep 2022 total 13.52", 191% of Normal
- Sep 26-29, Hurricane Ian ~ 5.3"

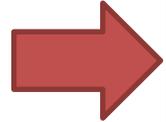
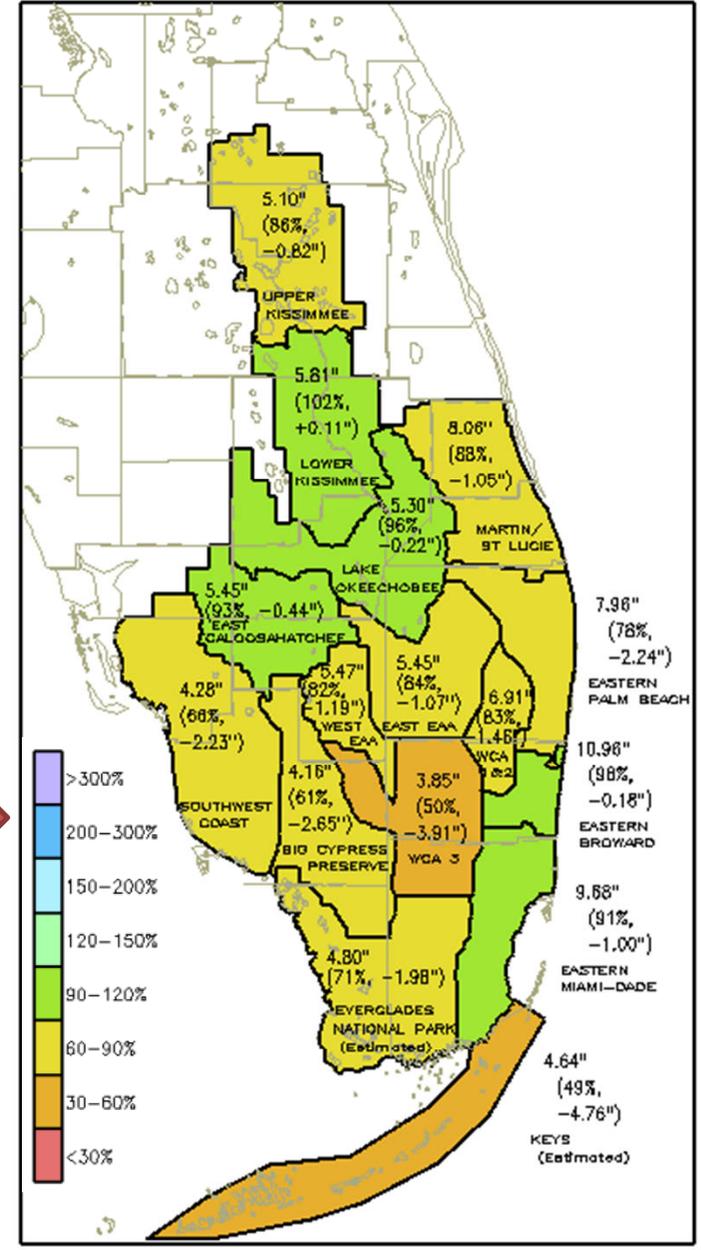
2022-2023 DRY SEASON

- Started 9/30/2022.
- October was below Normal.
- November was above Normal.
- December less than 10% Normal to date



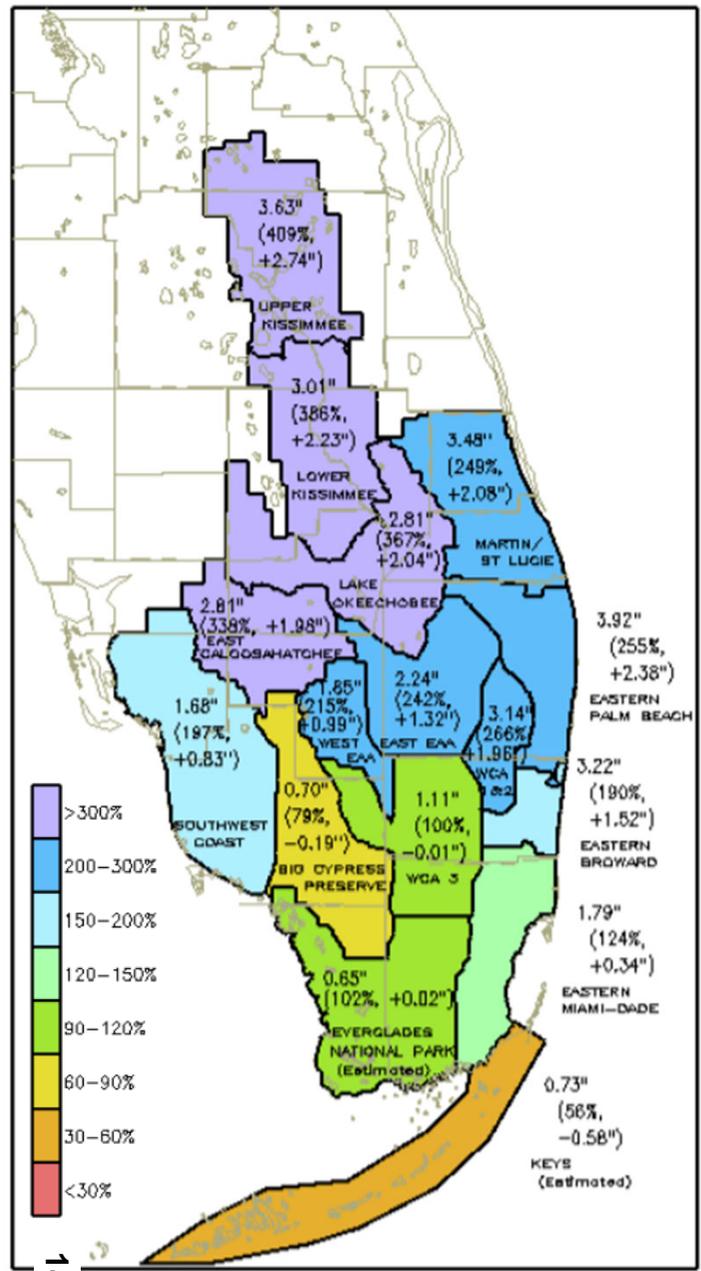
November 2022 Rainfall DISTRICT-WIDE: 3.61"

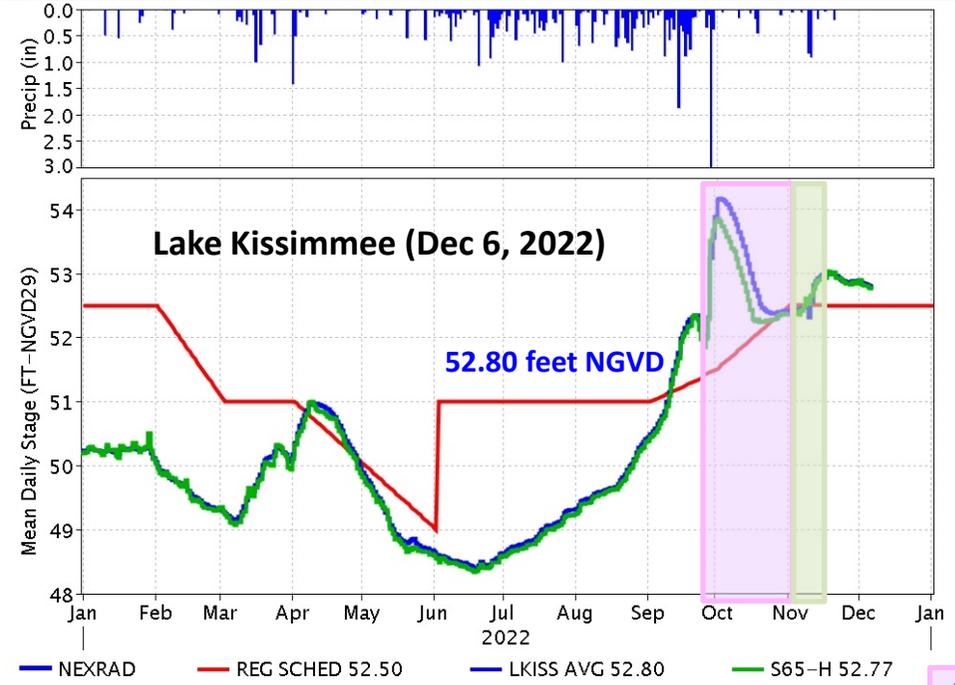
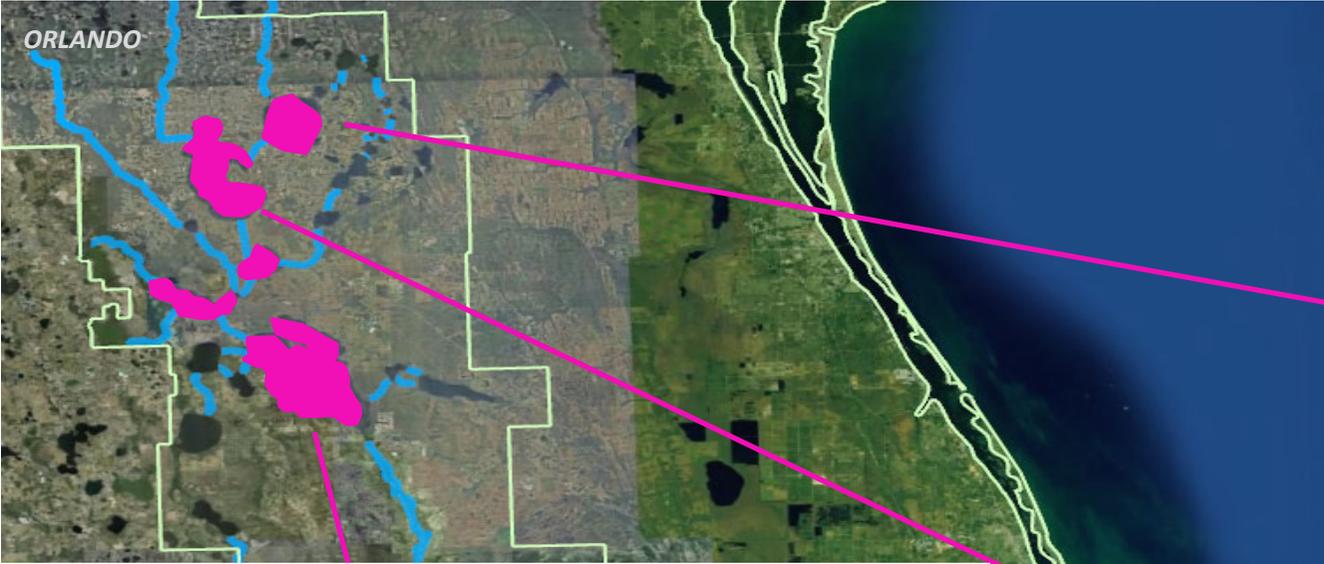
- 177% of average, +1.58" surplus.
- Most areas are near normal or higher.
- Lower Kissimmee is 268% normal
- Big Cypress preserve is the lowest with 82% normal



2022-2023 Dry Season To Date DISTRICT-WIDE: 5.82"

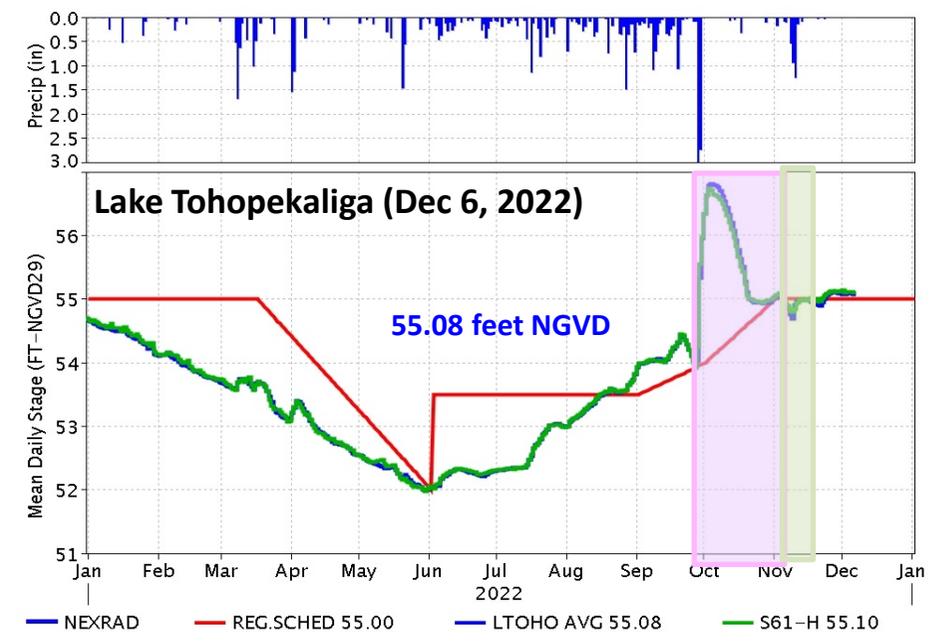
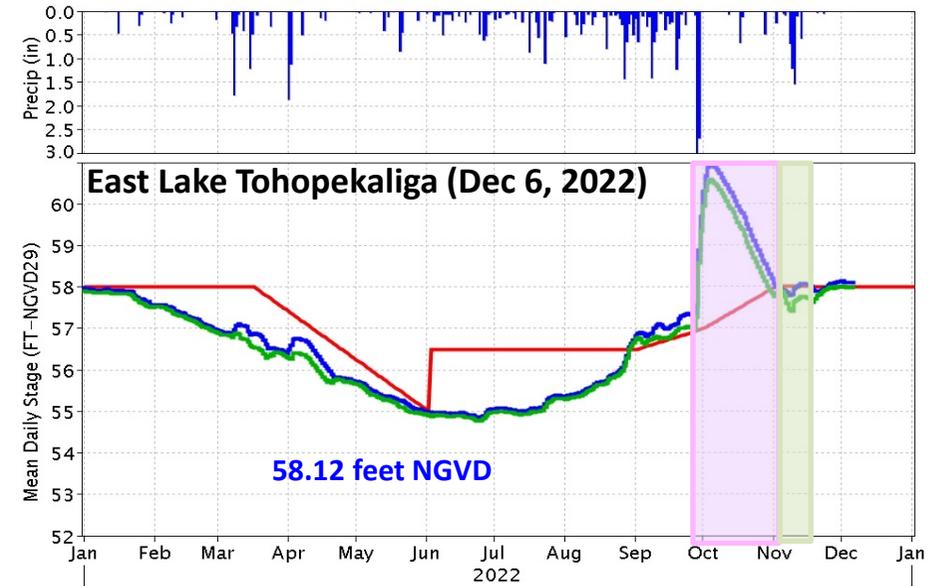
- 81% of average, -1.37" deficit.
- Most areas are below normal.
- Lower Kissimmee is the highest, 102% normal and 0.11" surplus.
- Keys have the largest deficit, -4.76", followed by WCA-3A, -3.91".

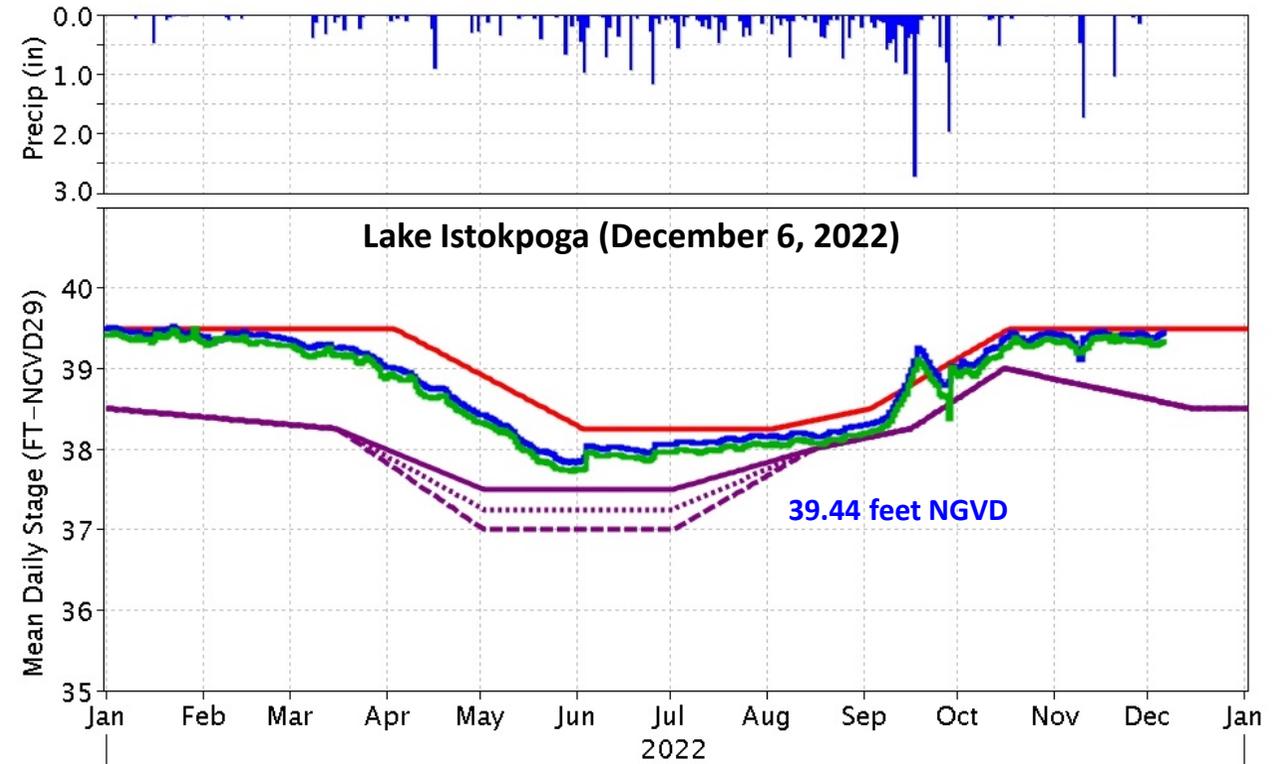
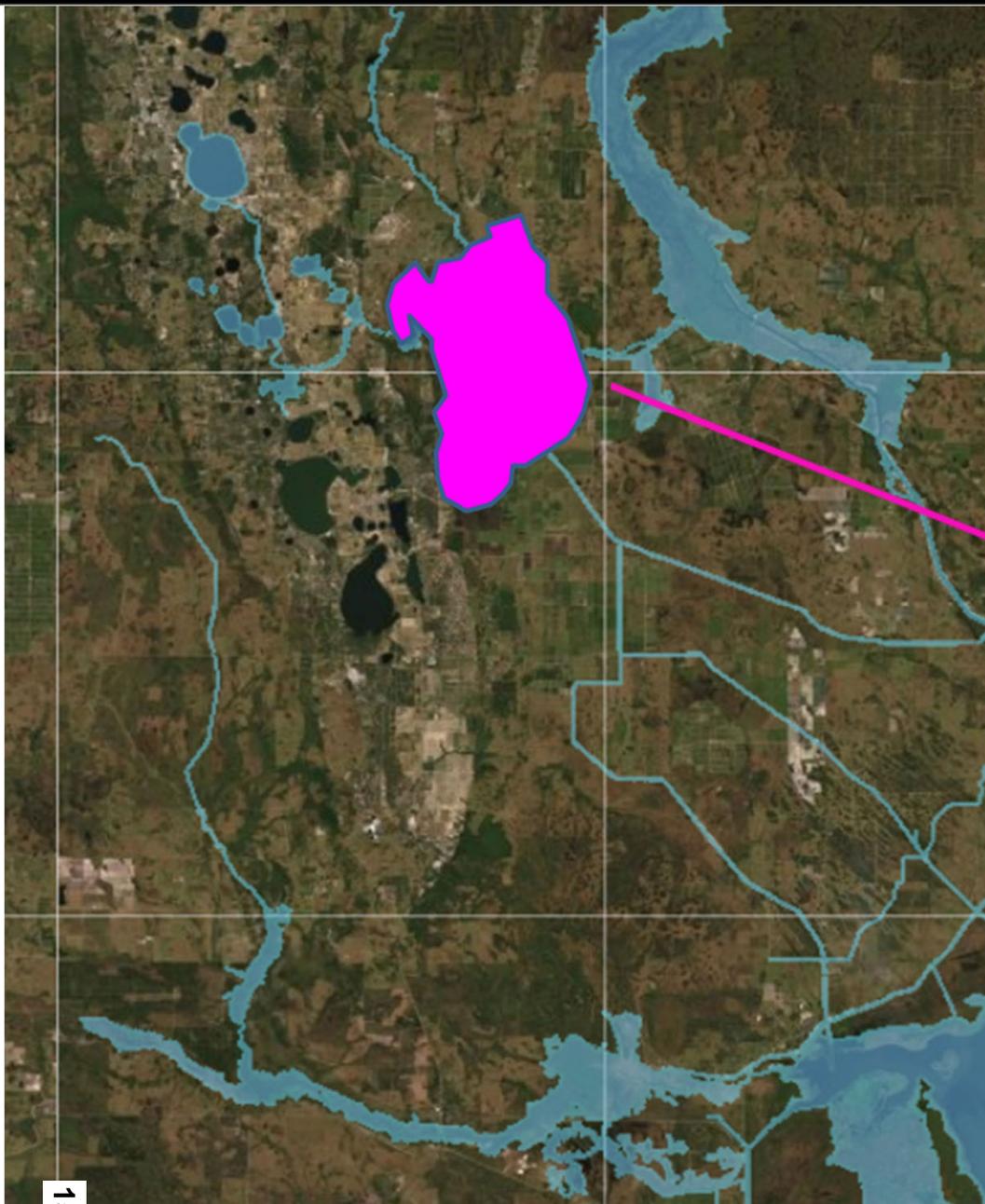




Hurricane Ian

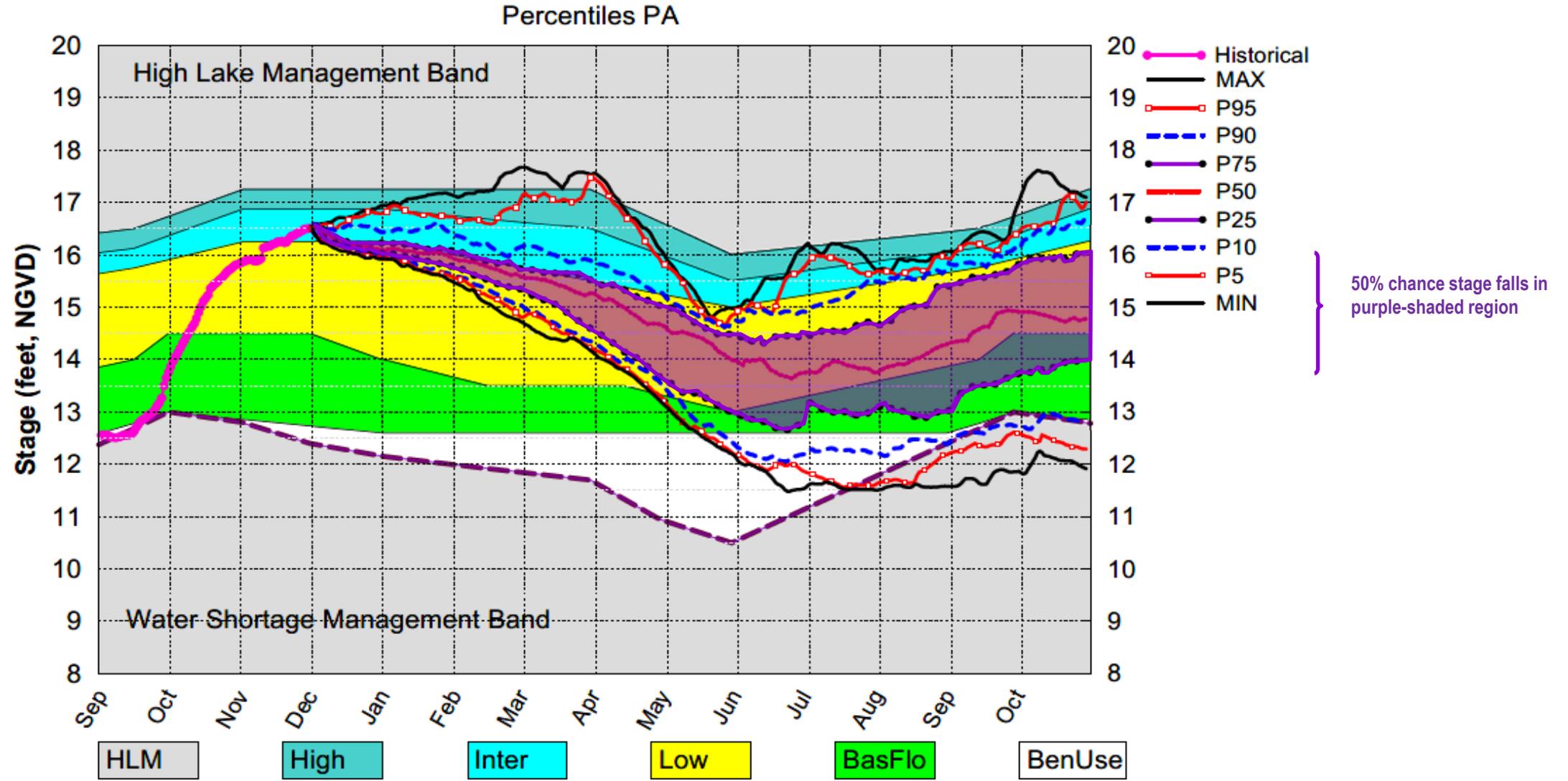
Hurricane Nicole





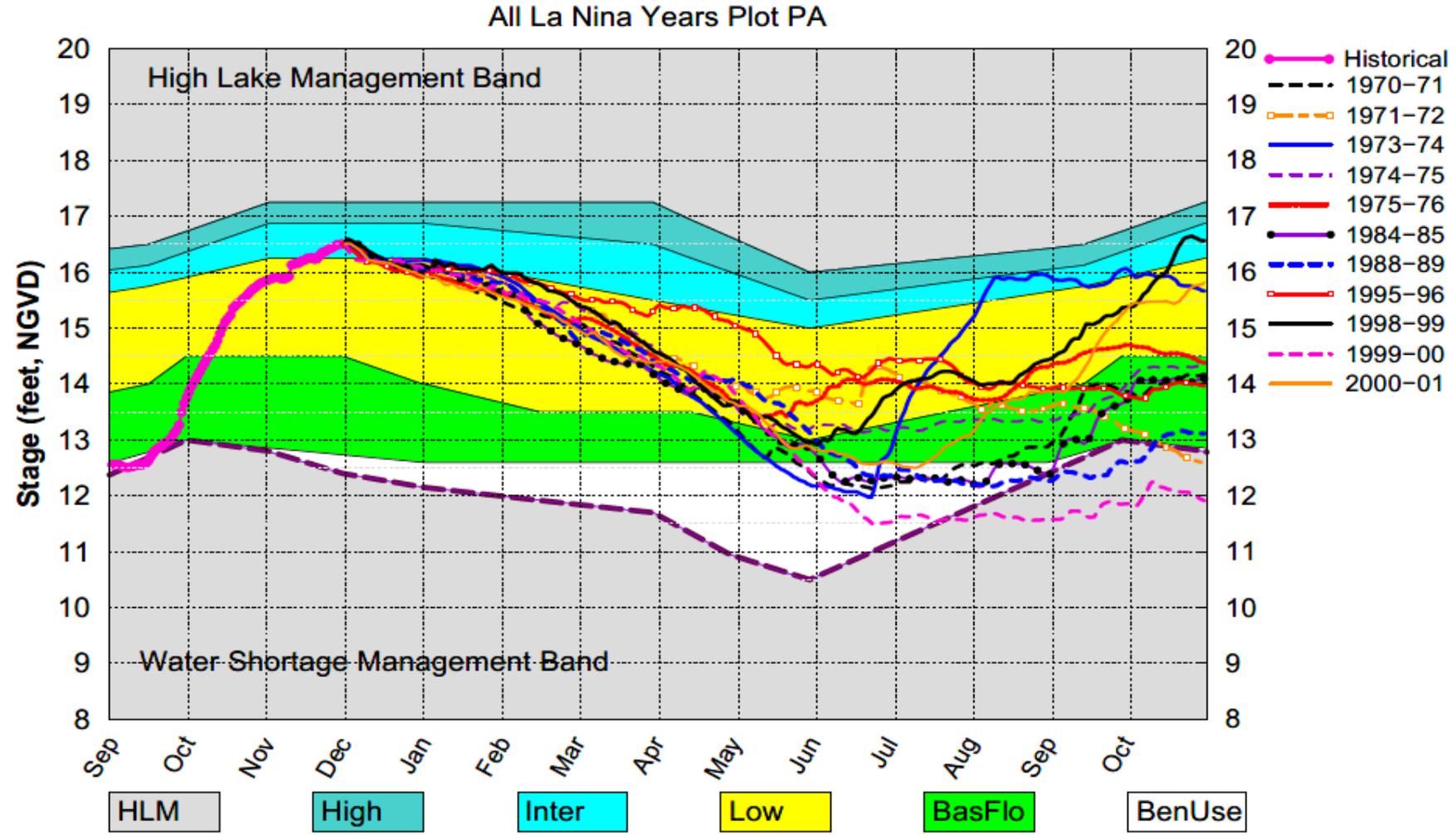
- NEXRAD
- WS NORMAL 38.57
- WS Both G207 and G208 38.57
- S68-H 39.34
- REG SCHED 39.50
- WS G207 or G208 unavailable 38.57
- ISTOKAVG 39.44

Lake Okeechobee SFWMM December 2022 Position Analysis



(See assumptions on the Position Analysis Results website)

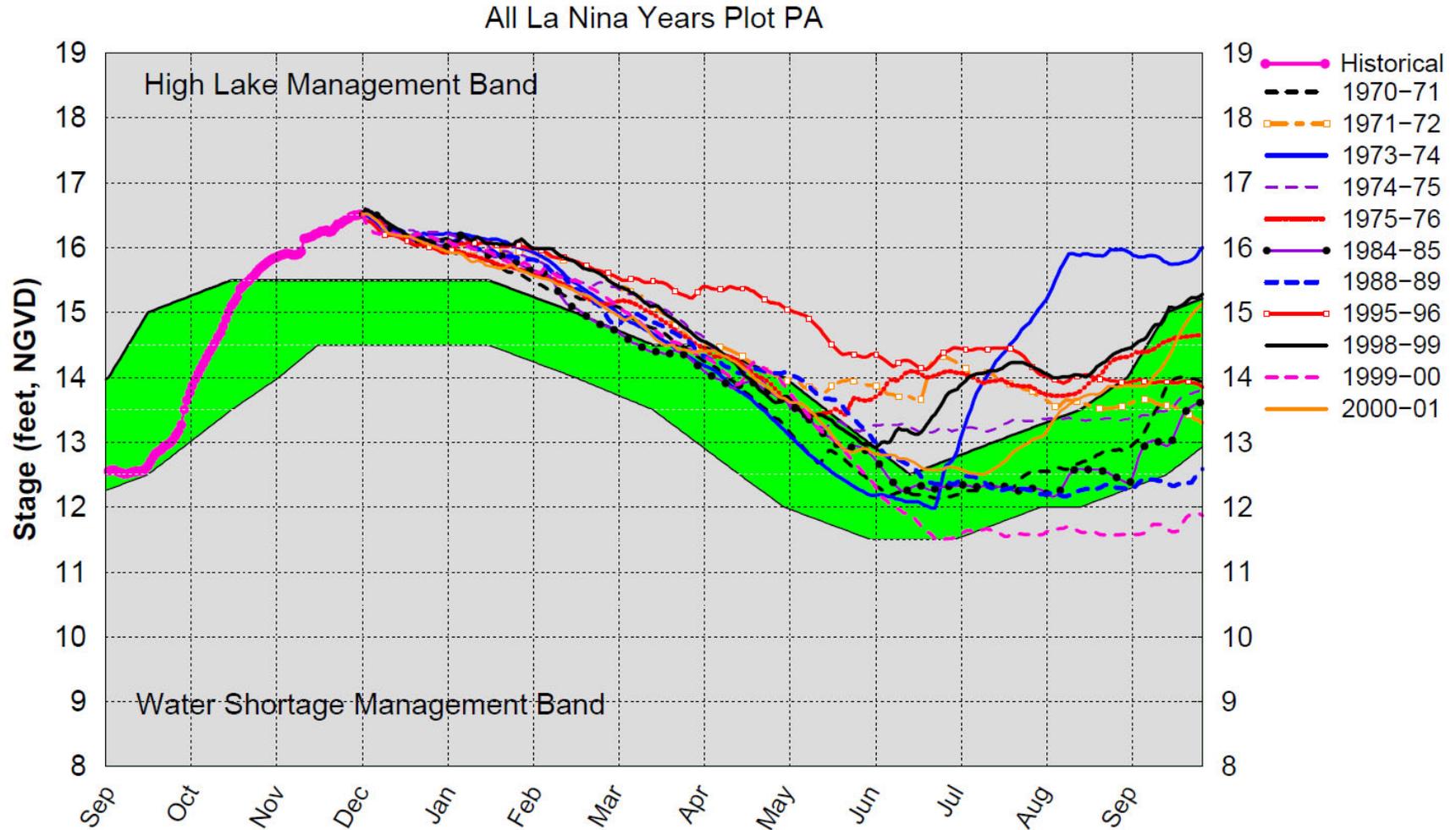
Lake Okeechobee SFWMM December 2022 Position Analysis



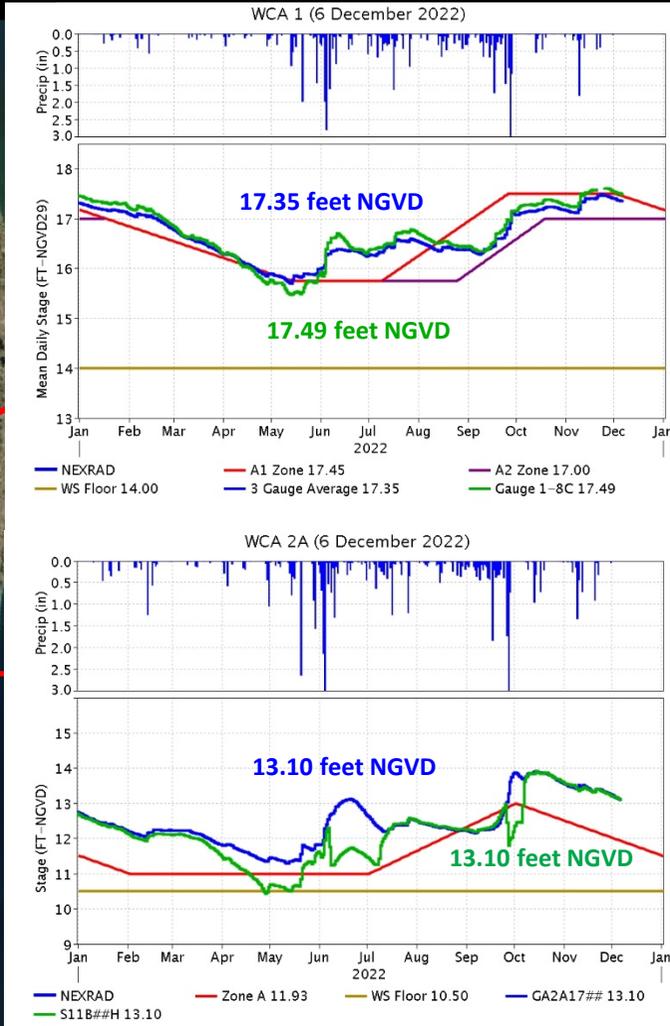
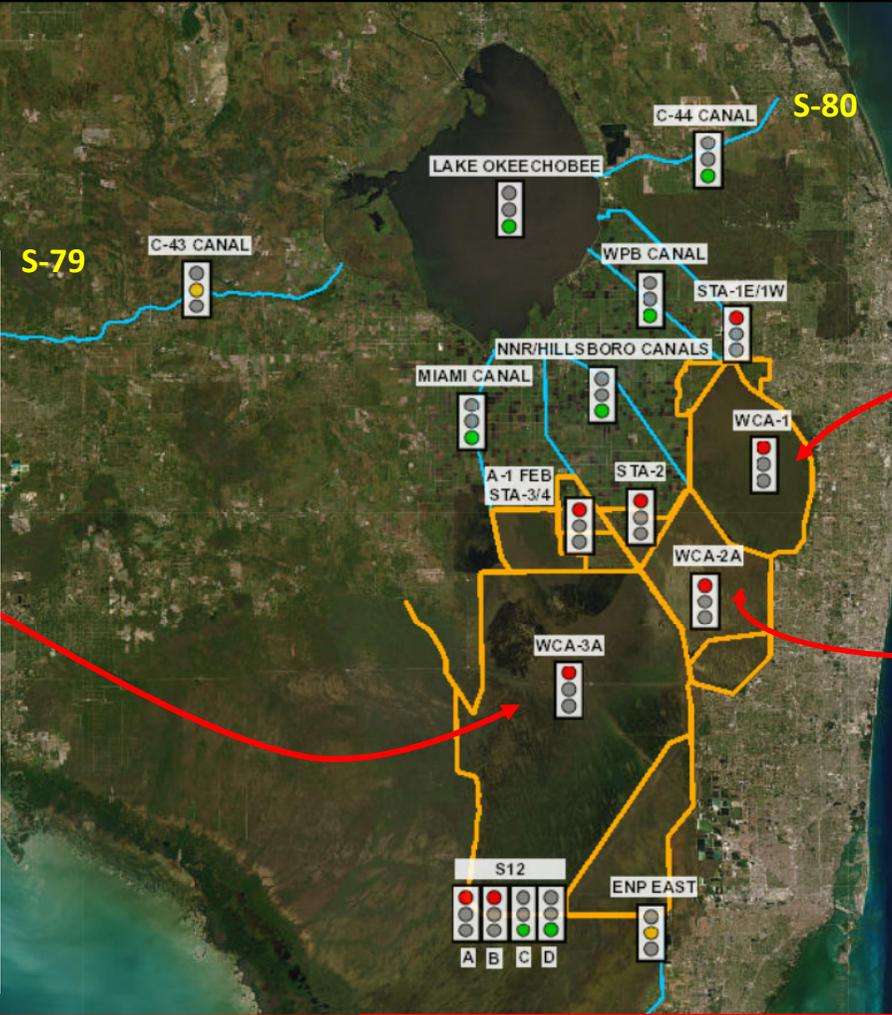
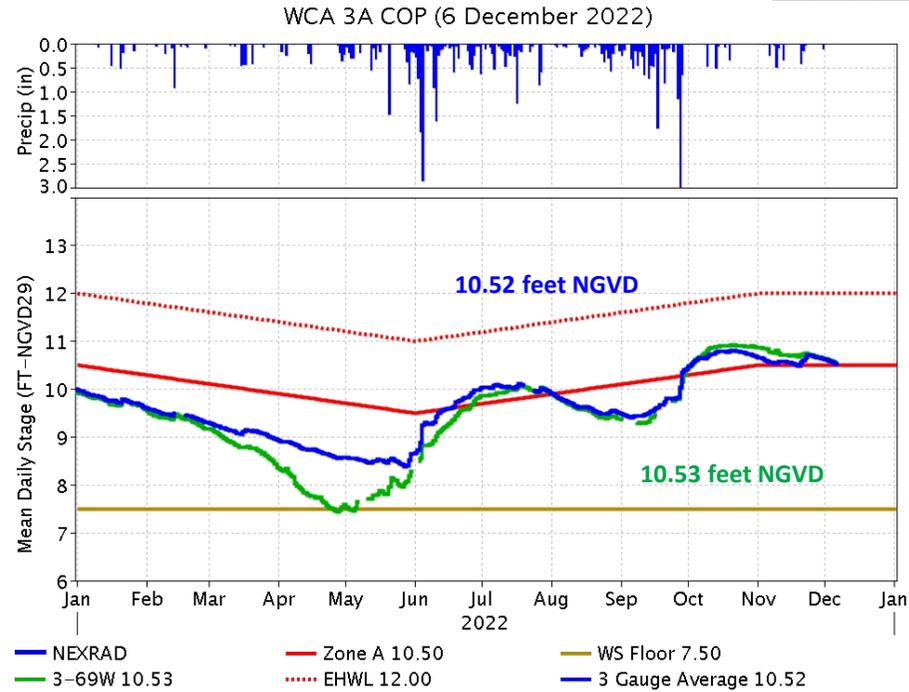
(See assumptions on the Position Analysis Results website)

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Lake Okeechobee SFWMM December 2022 Position Analysis

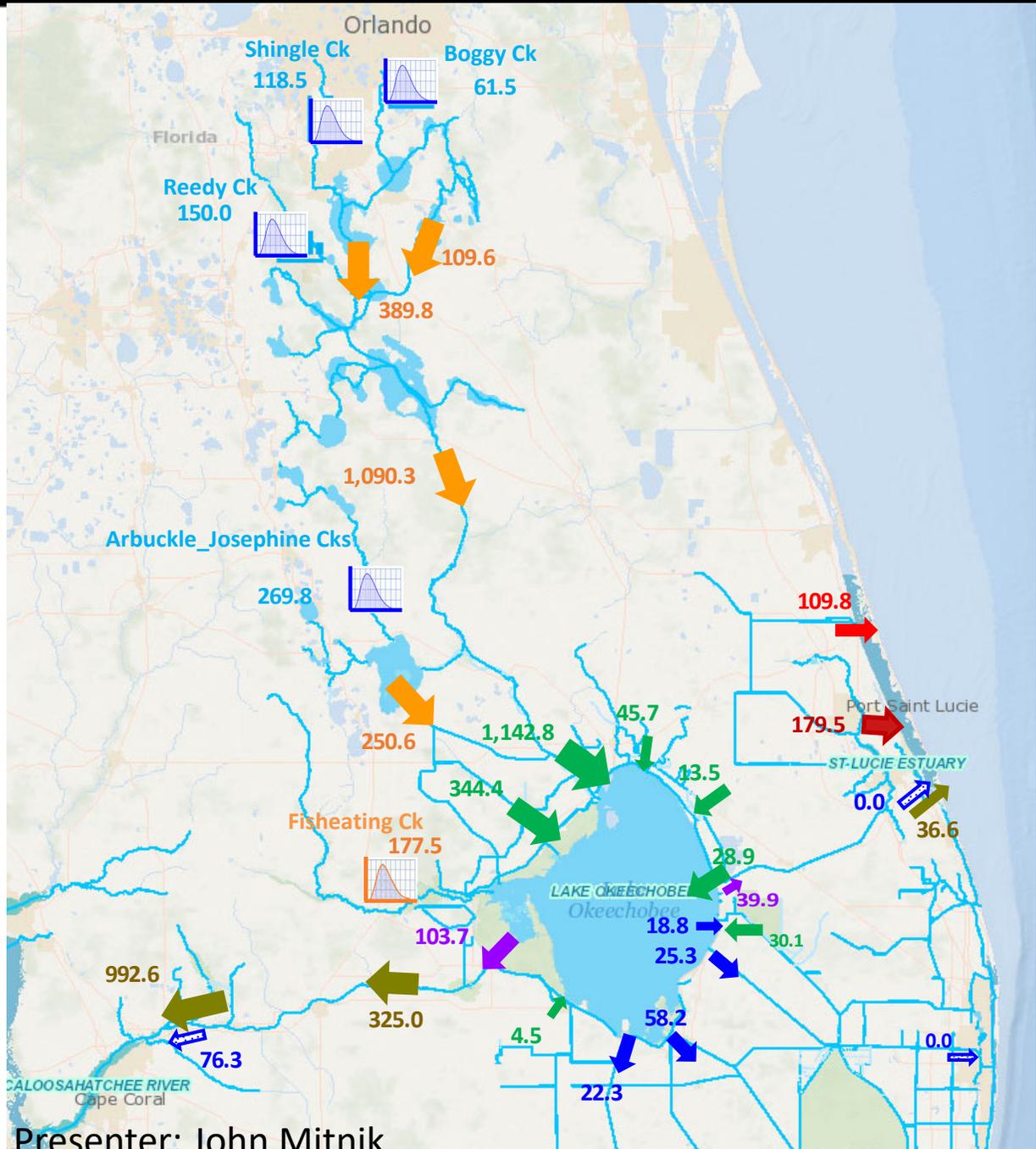


Lake Okeechobee stage is in the Intermediate Sub-band of the LORS-2008 Regulation schedule. LORS release guidance suggests maximum practicable releases to the WCAs, and S-77 up to 4,000 cfs and S-80 up to 1,800 cfs.



For this week, the Tamiami Trail Flow Formula calls for Maximum Practicable releases from WCA-3A. Current L-29 stage constraint is at 8.5 feet NGVD. SDCS responded well to Hurricane Ian. S-356 is pumping to maintain canal stages in the L-31N within 5.5-5.8 ft NGVD. S-332BN and S-332D are pumping as needed and so are S-200 and S-199. S-18C is open and S-197 was open Sep 27 to Oct 6. LPG-2 stage at 8.5 SMA is below ground during Hurricane Ian but recovered quickly. S-331 has been syphoning and S-357 is pumping to maintain stages 5.0 to 5.5 ft NGVD.

WCA-1 stage is below schedule in Zone A2; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s opened Sep 25-30. S-10C was opened and closed again Nov. 29. S-11B and C are open passing ~1,100 cfs. S-7 gate is open flowing north, passing flows to WCA-3A via S-150. S-12A and S-12 B were closed Nov 1. S-12C and S-12D are open passing ~ 1,550 cfs. S-333 and S-333N are discharging 770 cfs. S-343 A and B are closed, and S-344 is open.

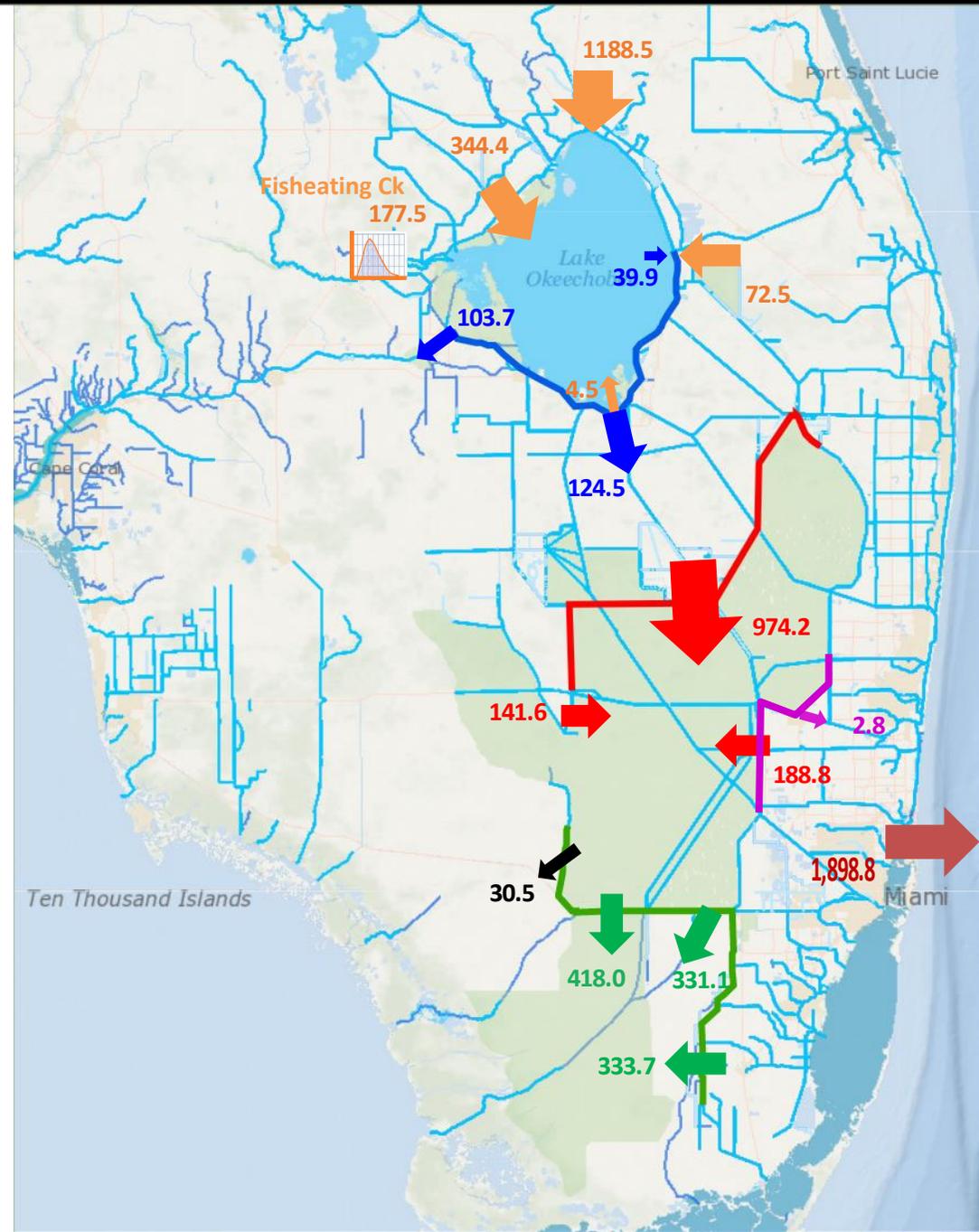


SFWMD – Selected Release Volumes for the Period May 1, 2022 to December 6, 2022
(volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre- feet)	
		WYR to Date	Last Month
	Upper Kissimmee to Lower Kissimmee	1,090.3	126.0
	Inflows to Lake Okeechobee (including Fisheating Creek)	1,787.4	298.0
	Lake Releases and Basin Runoff	1,029.2	123.9
	Lake Releases East and West	143.6	27.7
	Lake Flood Control to Estuaries	76.3	24.1
	Total Lake Releases South	124.5	4.8
	Releases to Indian River Lagoon	109.8	20.8
	Upper East Coast discharges to St. Lucie Estuary	179.5	37.5
	Uncontrolled flows - Creeks (does not include Fisheating Creek)	599.8	92.4

1,000 acre-feet = 325.9 Million Gallons

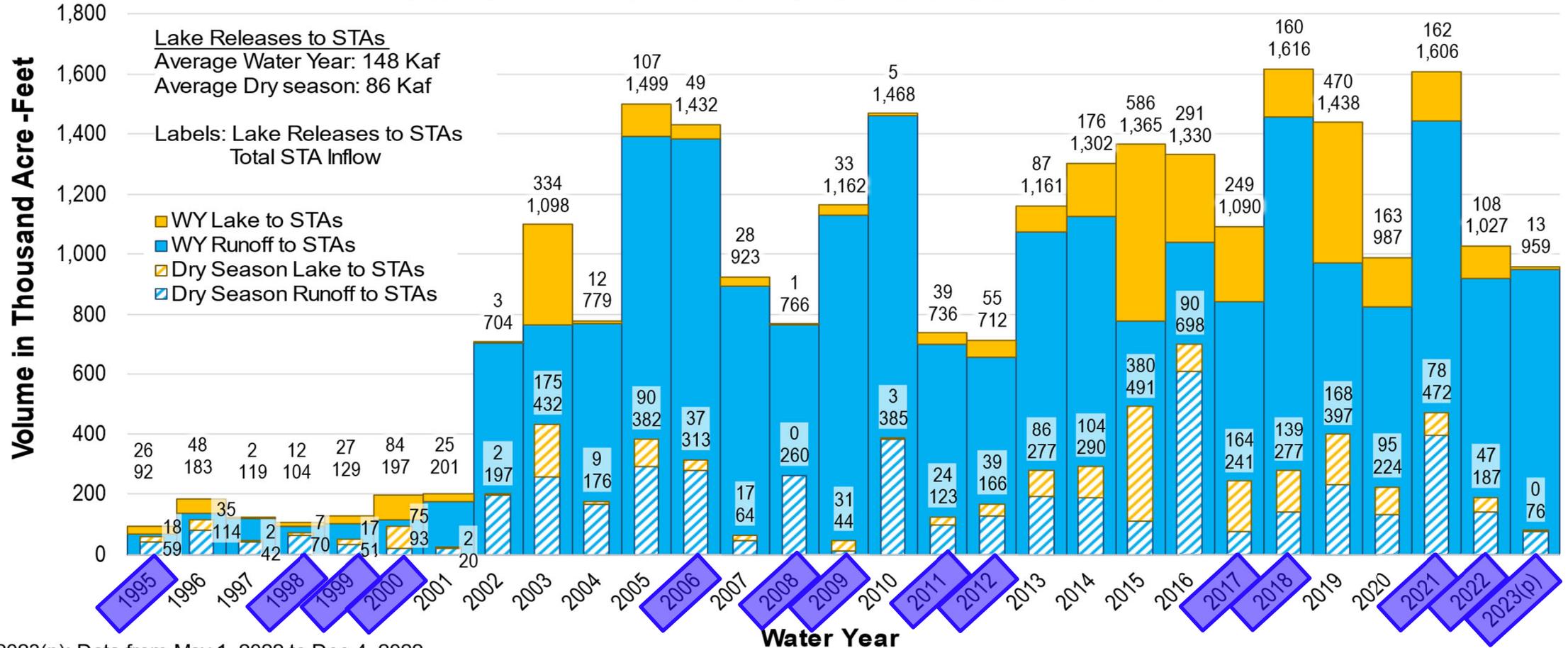
**SFWMD –Volumes Flowing
Down the System for the
Period May 1, 2022 to December 6, 2022**
(volumes in 1,000 acre-feet)



Symbol	Description	Volume (1,000 acre- feet)	
		WYR 2022	Last Month
	Lake Okeechobee Inflows	1787.4	298.0
	Lake Okeechobee Outflows	268.1	32.5
	WCAs Inflows	1304.6	104.7
	ENP / Detention Cell Inflows	1082.8	185.0
	WCAs to East	2.8	0.0
	Flows to Intracoastal	1898.8	324.1

1,000 acre-feet = 325.9 Million Gallons

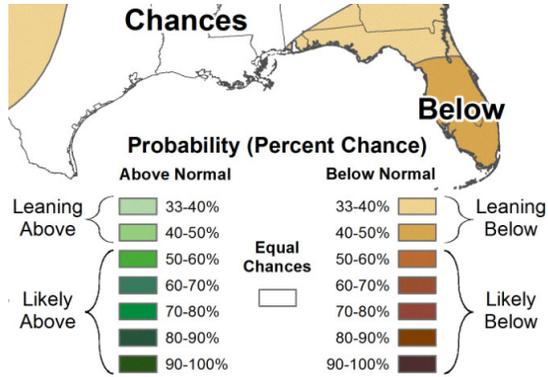
Total STA Inflow and Lake Releases to STAs



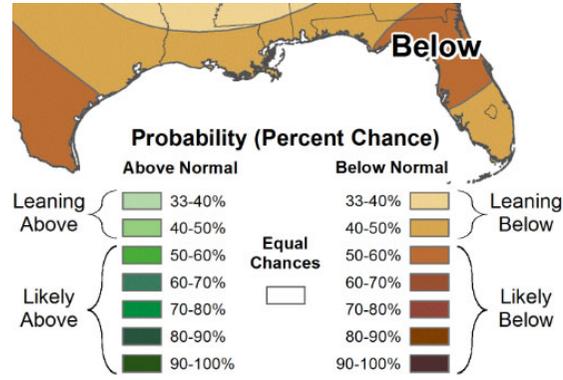
2023(p): Data from May 1, 2022 to Dec 4, 2022.

La Niña Water Years

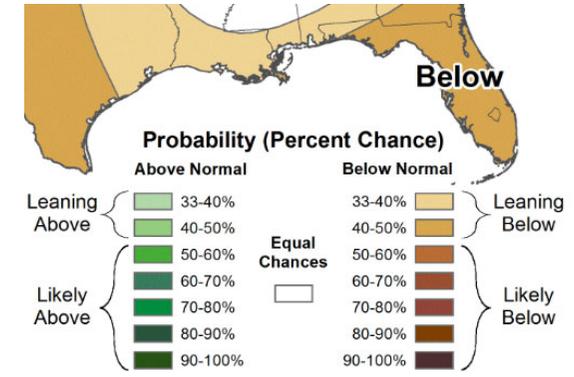
CPC Precipitation Outlook for South Florida



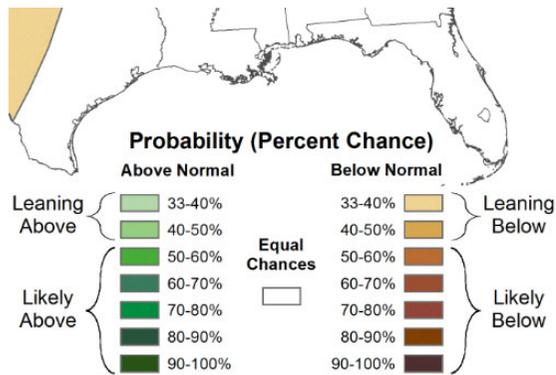
Dec 2022



Dec 2022 – Feb 2023



Jan 2023 – Mar 2023

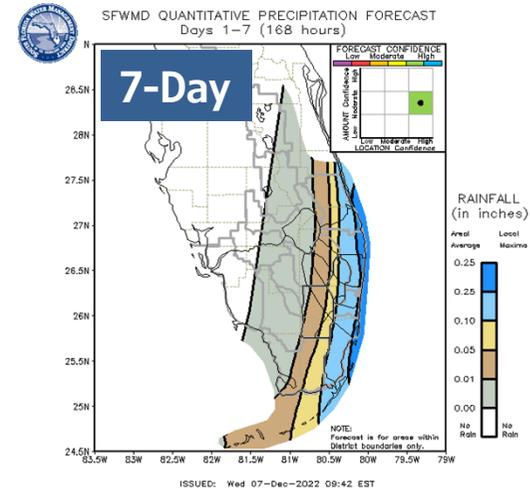
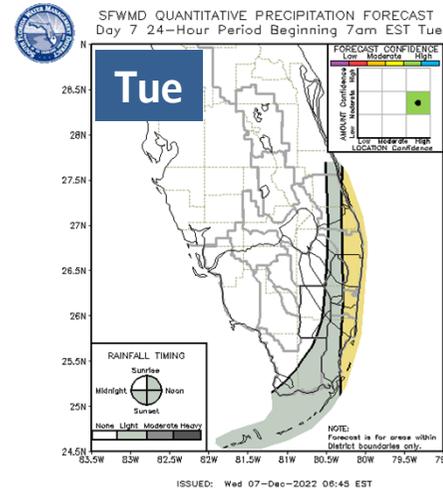
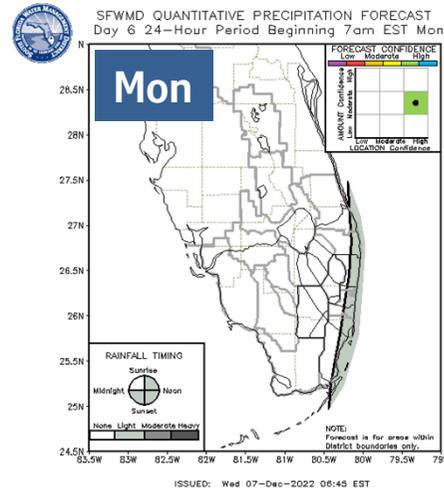
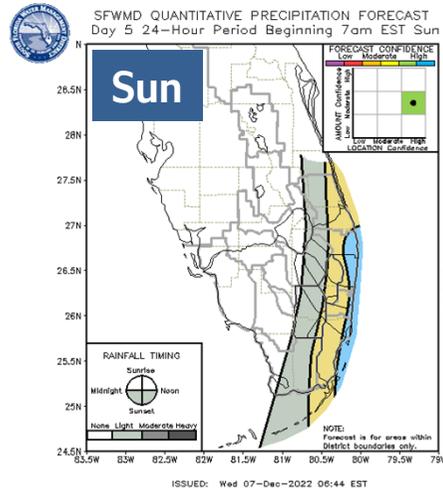
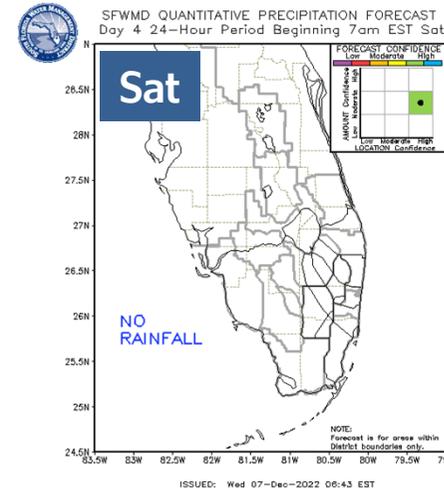
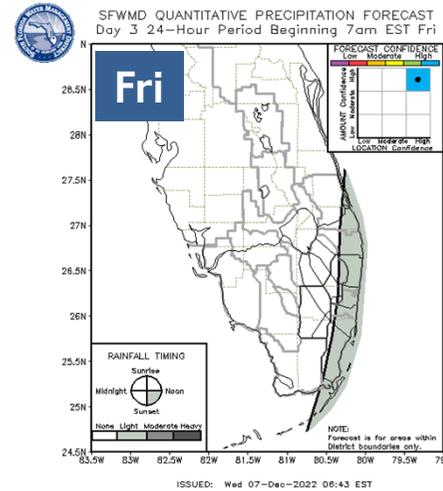
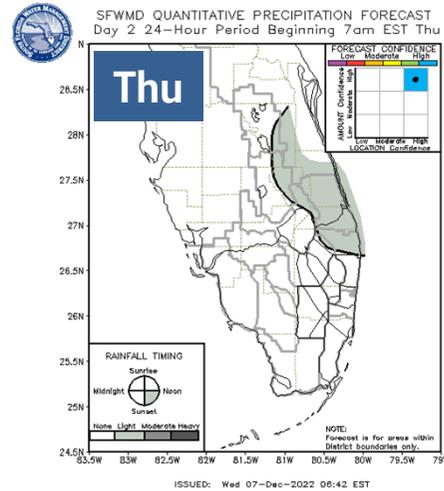
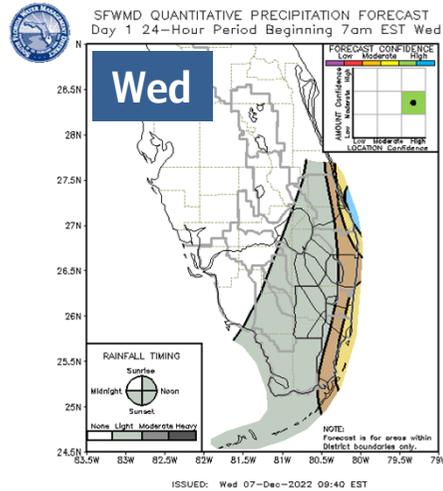


Mar 2023 – May 2023

Updated November 30, 2022

- The most recent CPC precipitation outlooks for South Florida for December 2022 indicates increased probabilities of below normal rainfall.
- The 3-month windows from Dec 2022 – Feb 2023 to Feb 2023 – Apr 2023 call for increased chances of below normal rainfall.
- The 3-month window Dec 2022 – Feb 2023 shows the possibility of substantially increased chances of below normal rainfall for the most northern portions of the SFWMD.
- All the 3-month windows from Mar 2023 – May 2023 well into the transition to the 2024 Dry Season show equal chances of below, normal and above normal rainfall.

Short-, Medium-, & Extended-Range Outlooks



Weekly Summary

Week 1 (Historical Avg: 0.49"): Much, much below average
 Week 2 (Historical Avg: 0.43"): Near to below average

Ecological Conditions Update

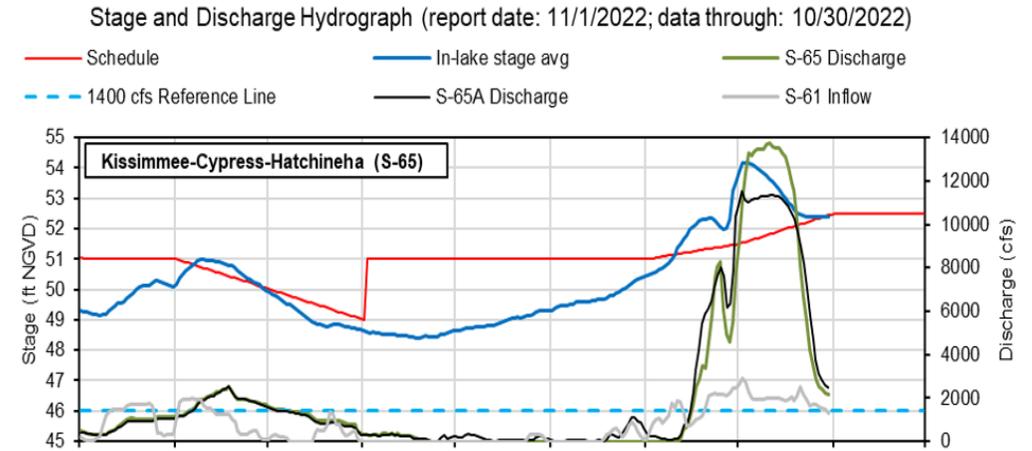


Lawrence Glenn
Division Director
Water Resources

Governing Board Meeting
December 8, 2022

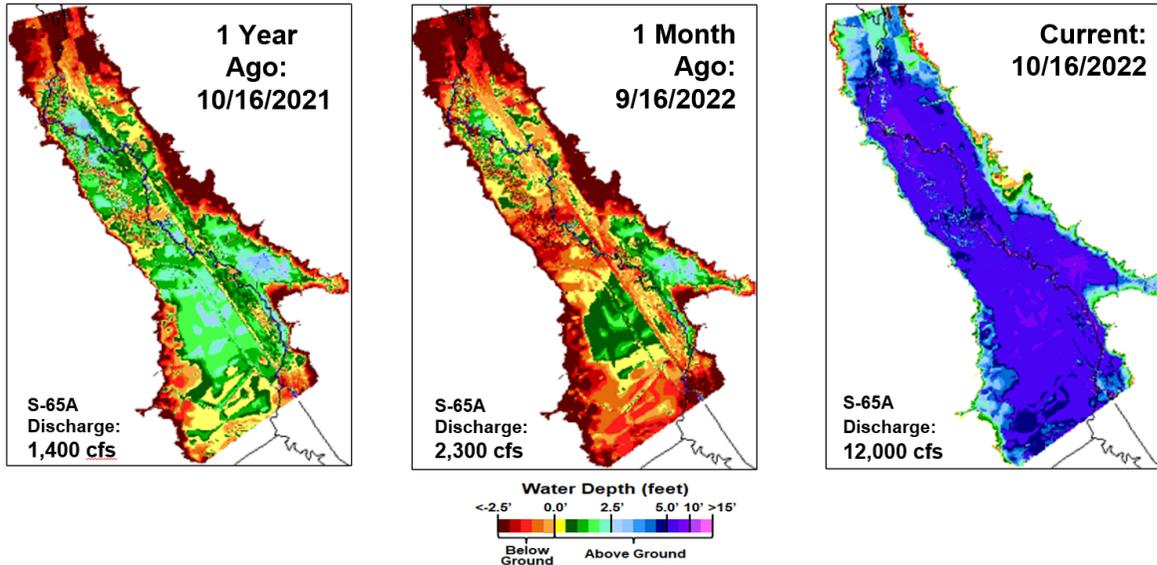
*Stormwater Treatment Area 3/4
Photograph courtesy of Matthew Powers*

Hurricane Effects – Lake Kissimmee

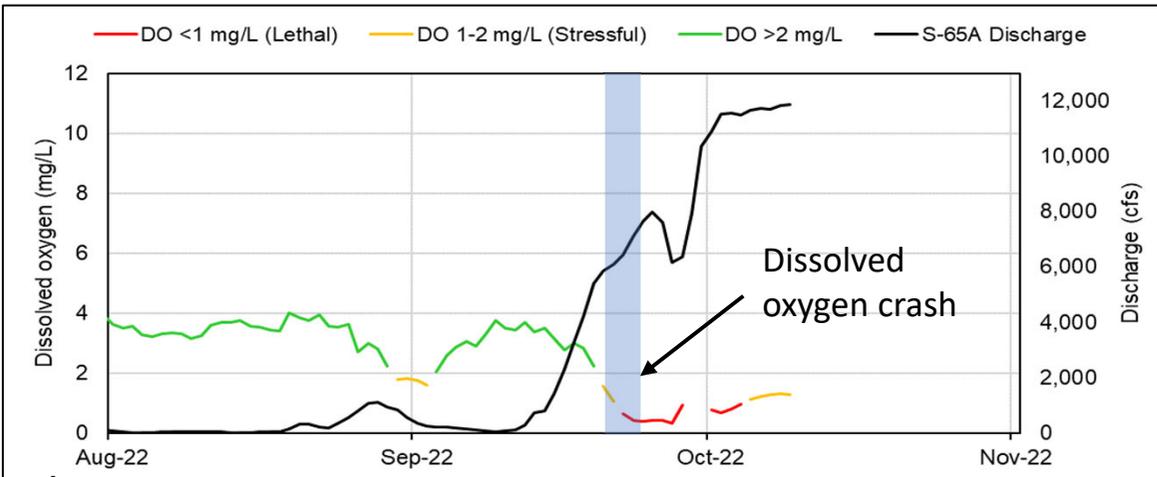


- High prey production in newly flooded areas
- Breeding seasons (fish, wading birds) after floods can be incredibly successful
- These ecosystems are adapted to flood/drought/fire disturbances – essential part of maintaining diversity and productivity

Hurricane Effects – Kissimmee River



- Rainfall and rapid increase in flows and water depths cause oxygen crashes, fish kills.
- Loss of plants, nutrient exports downstream
- Excessively deep inundation of floodplain, temporary shifts to more aquatic habitats, can “reset” vegetation trends
- High flows encourage river channel migration, maintaining diverse habitat (sand, woody debris)
- Periodic disturbance is an essential part of maintaining diversity and productivity
 - Ecosystems are adapted to disturbance (e.g., flood/drought/fire)



Kissimmee River Hydrology



Sandbar formation

Floodplain inundation

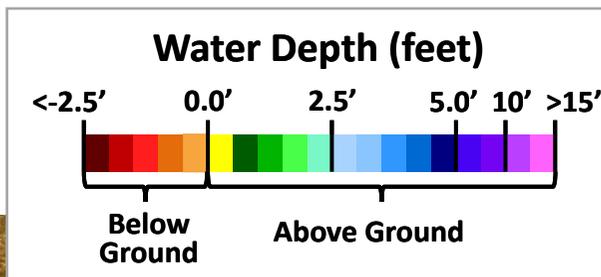
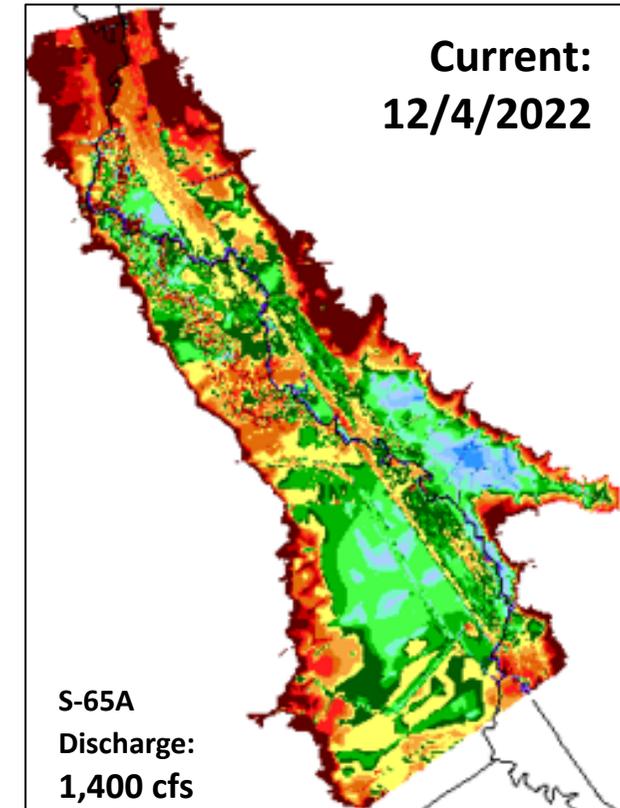
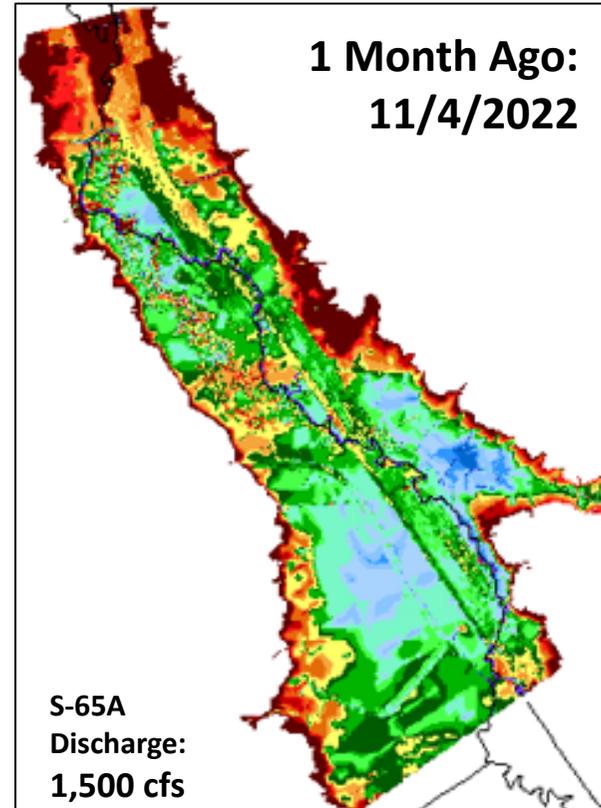
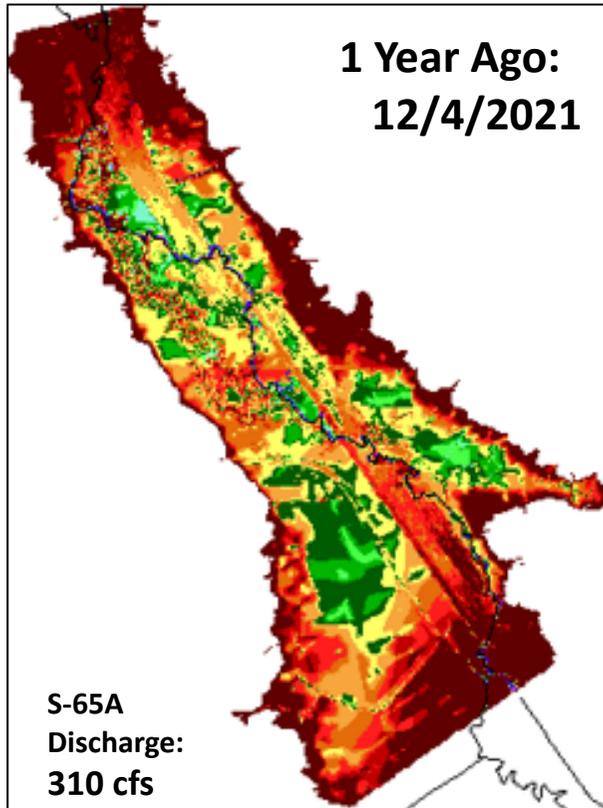
River channel migration

Kissimmee River Restoration S69 Weir

S-69 (U-Shaped Weir) Completed in 2021



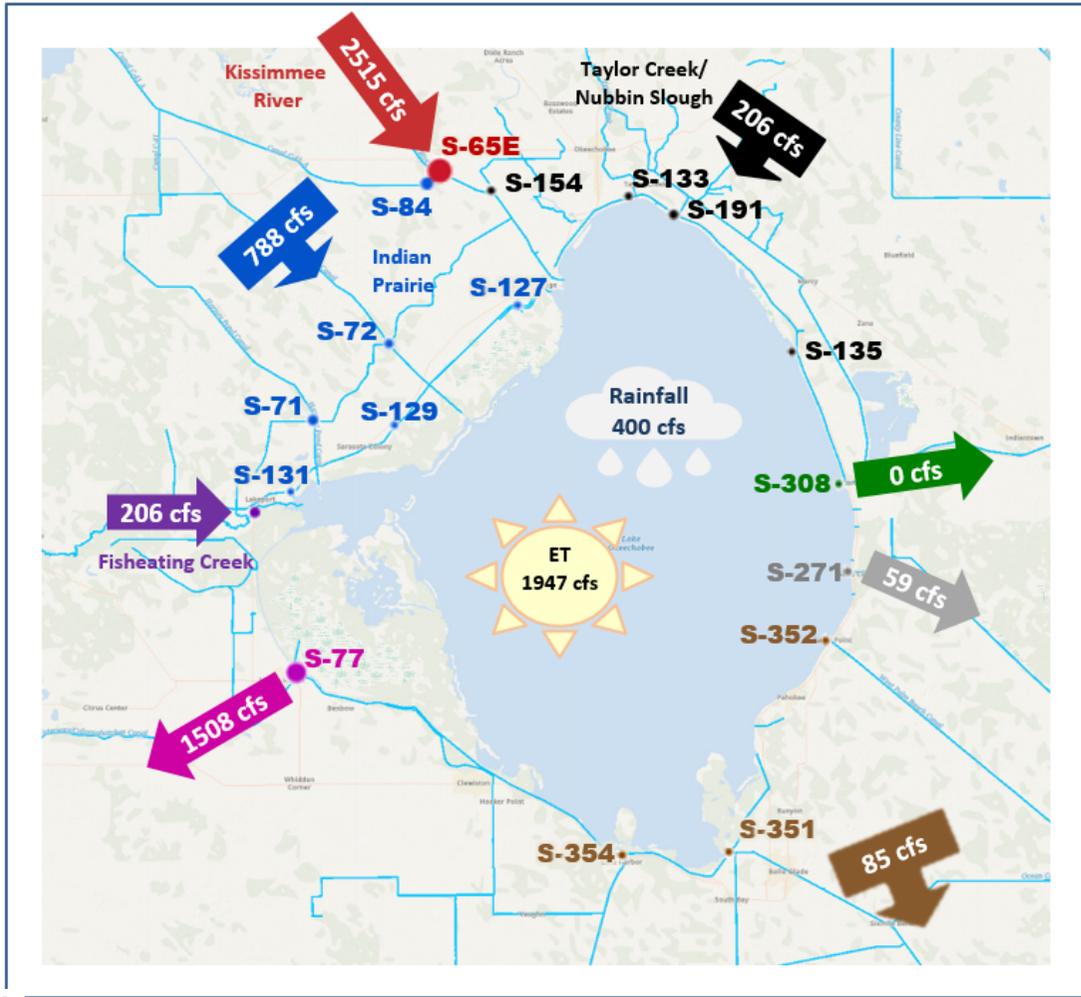
Kissimmee River (Phase I) Floodplain Water Depth Maps



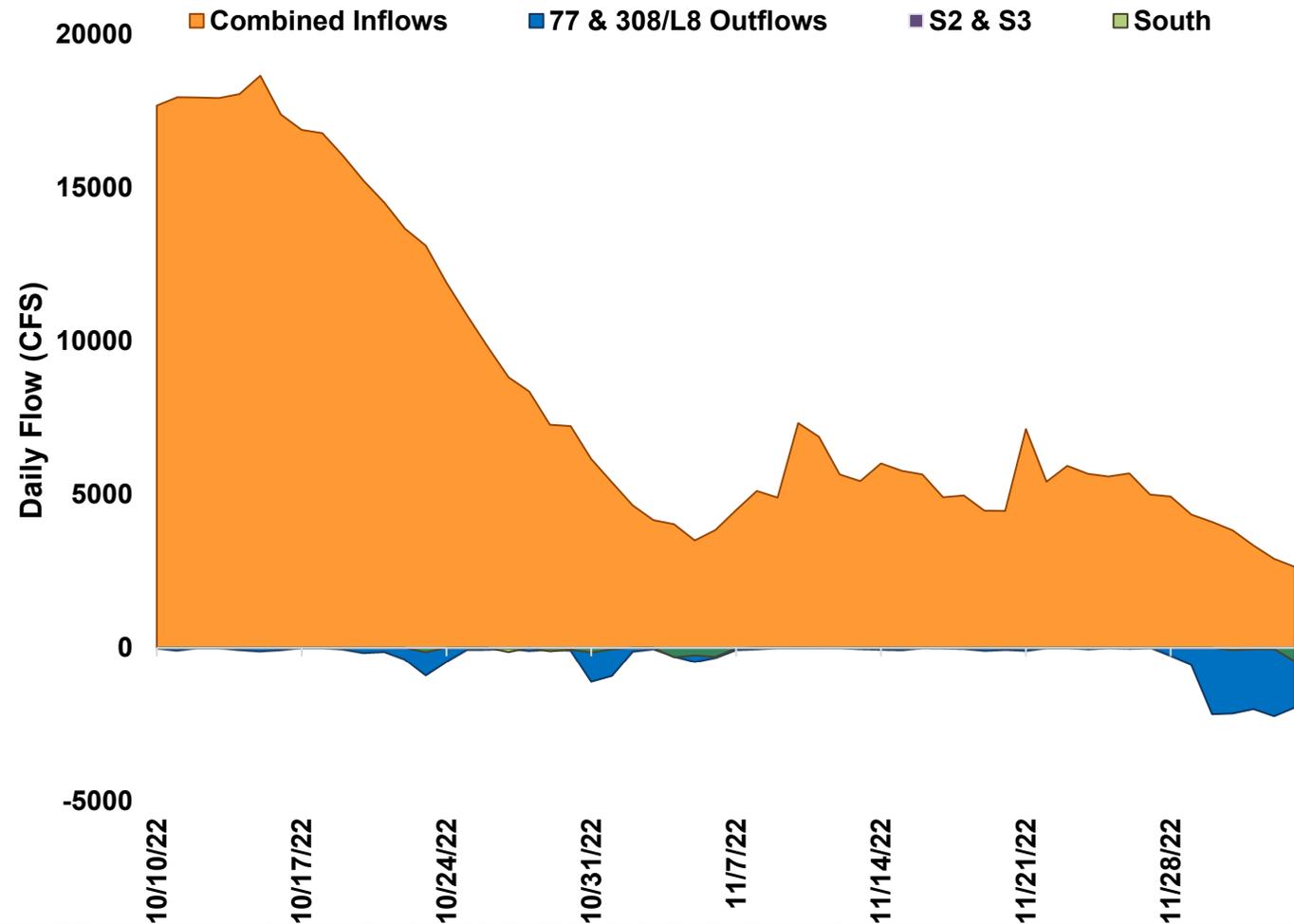
Lake Okeechobee Hydrology

(*Provisional Data)

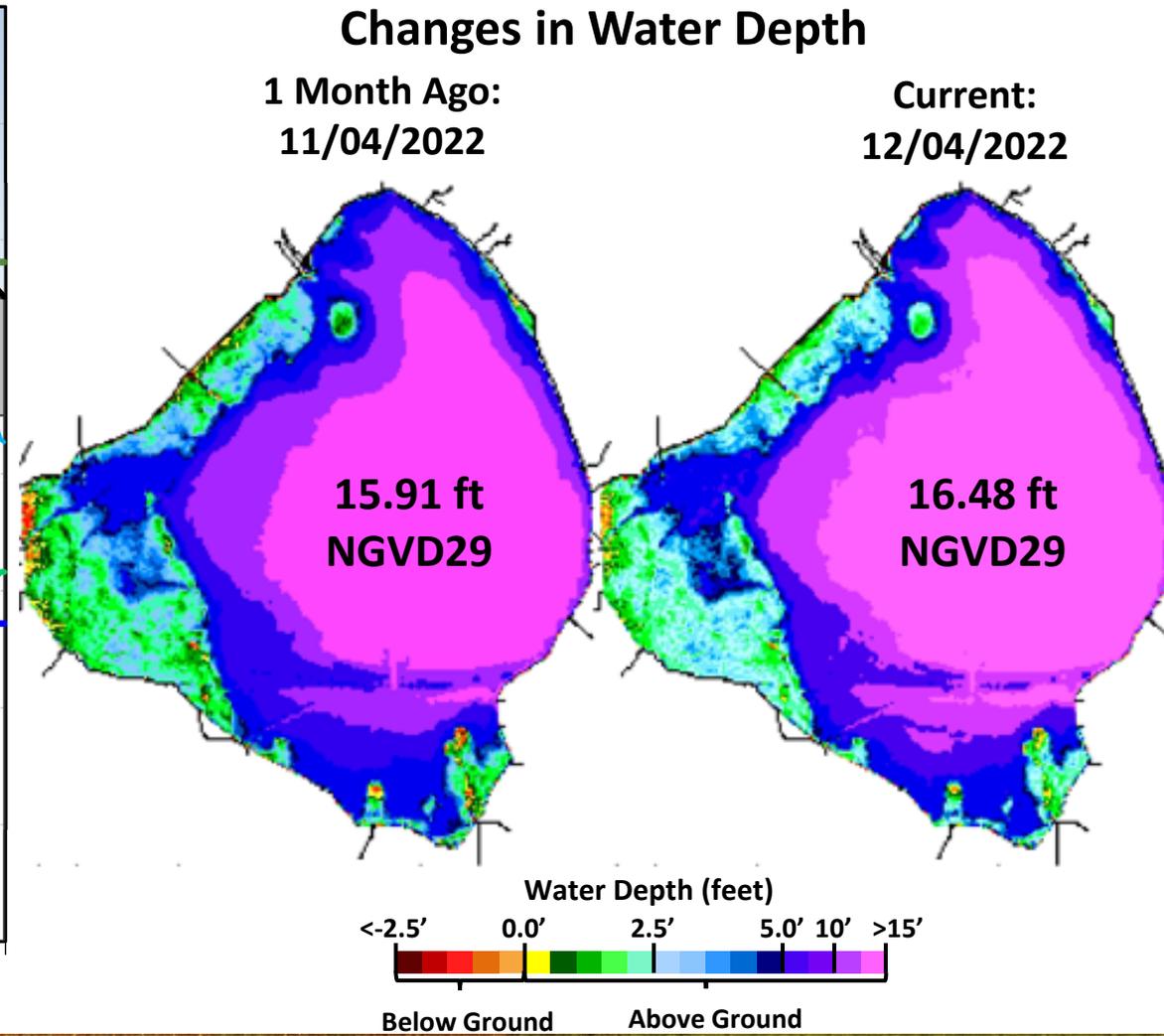
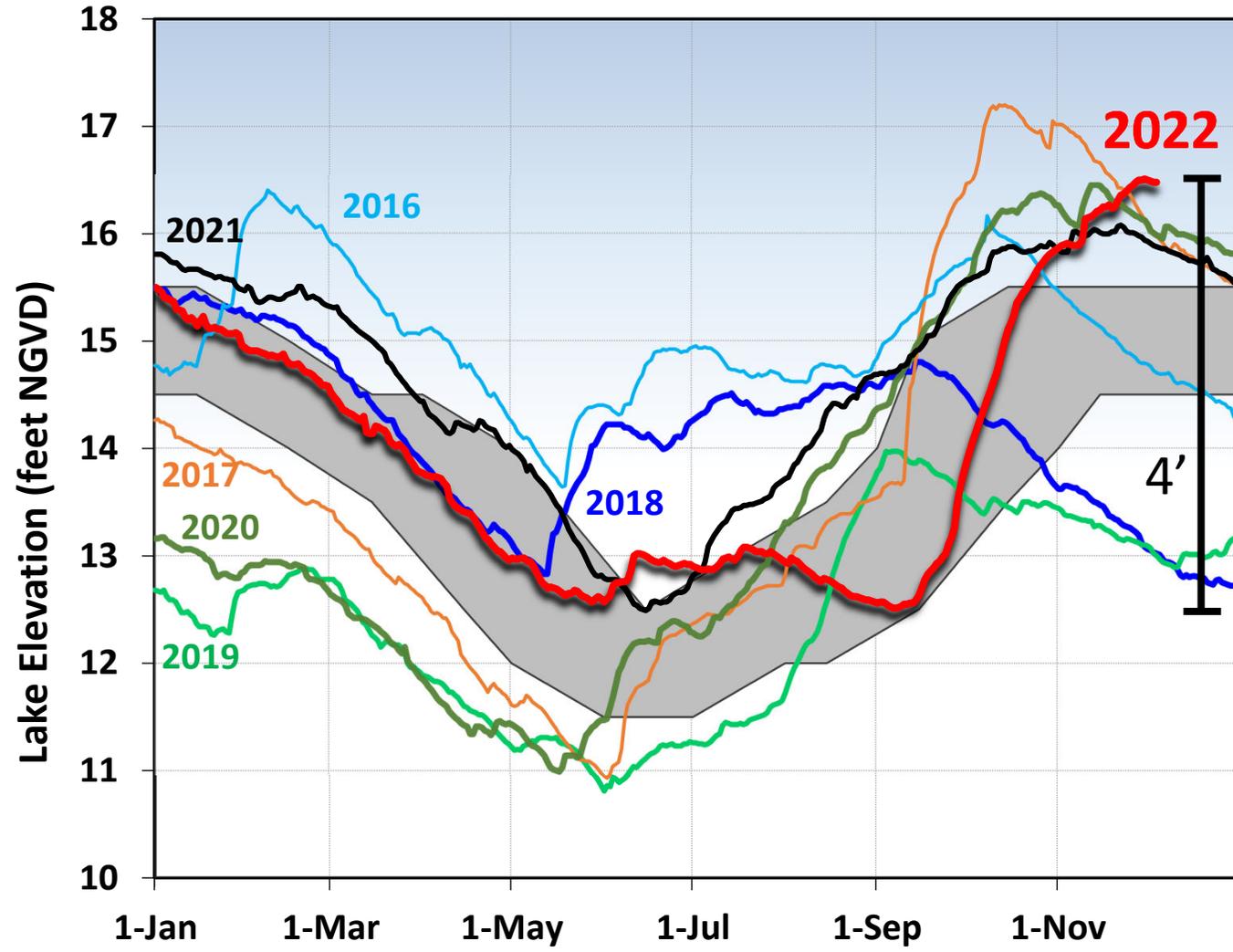
Nov 28 – Dec 4 Inflows and Outflows



Prior 8 Weeks Inflows and Outflows



Ecological Envelope and Water Depths



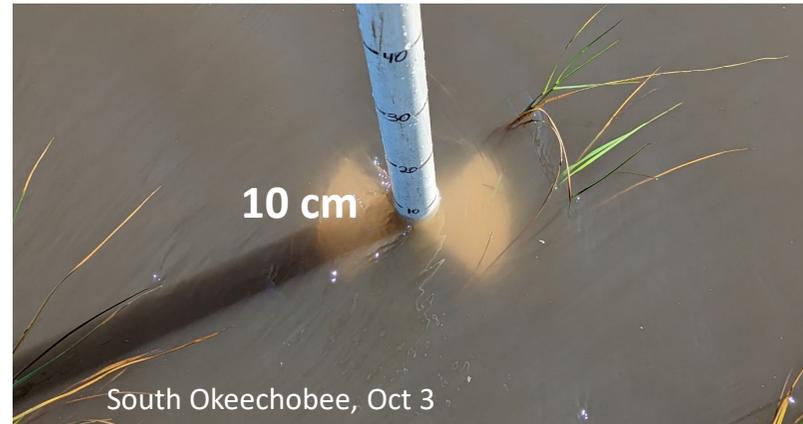
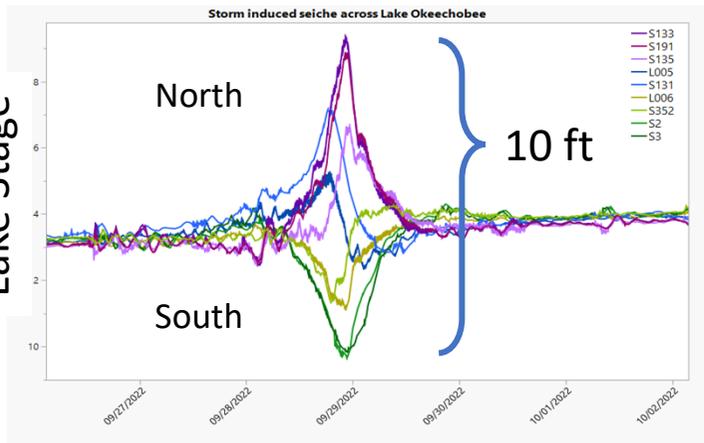
Potential Hurricane Effects

Potential Impacts

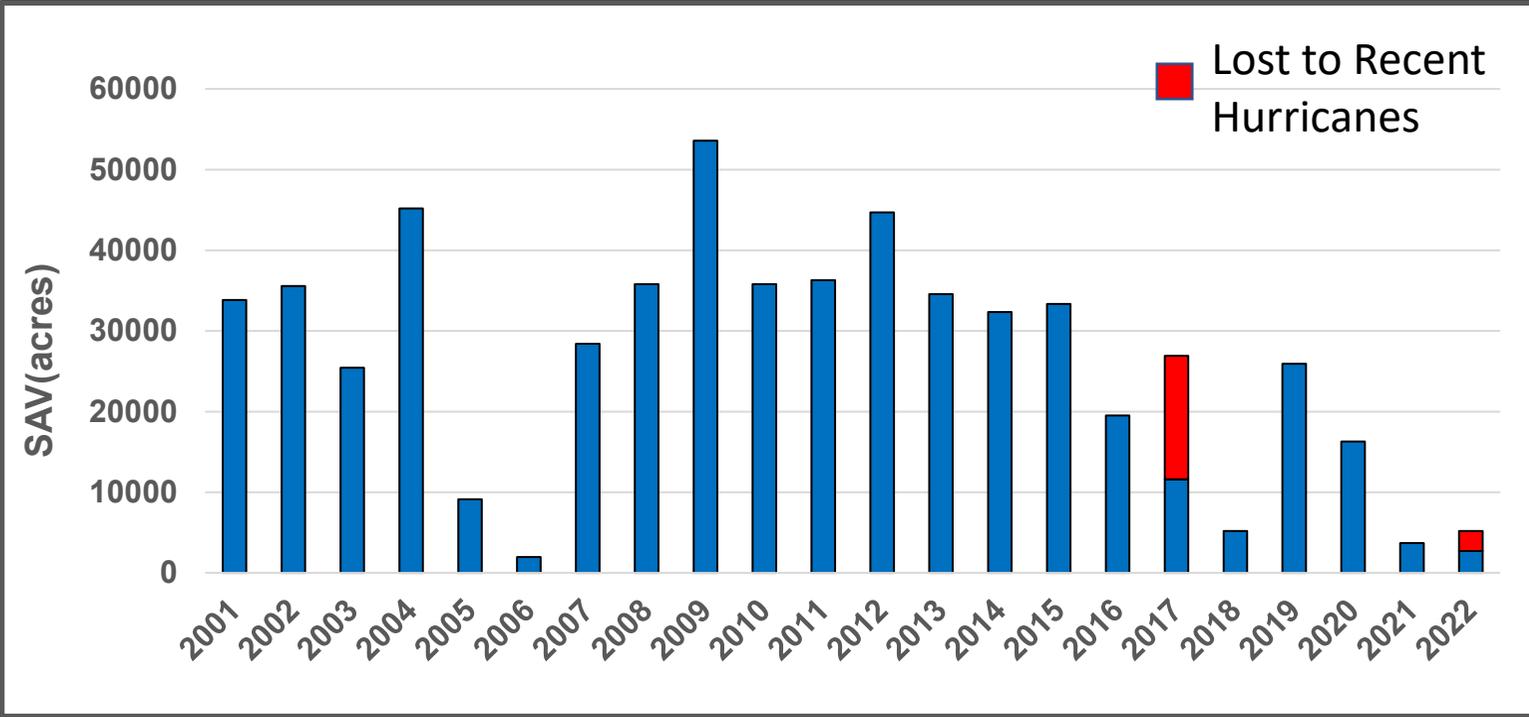
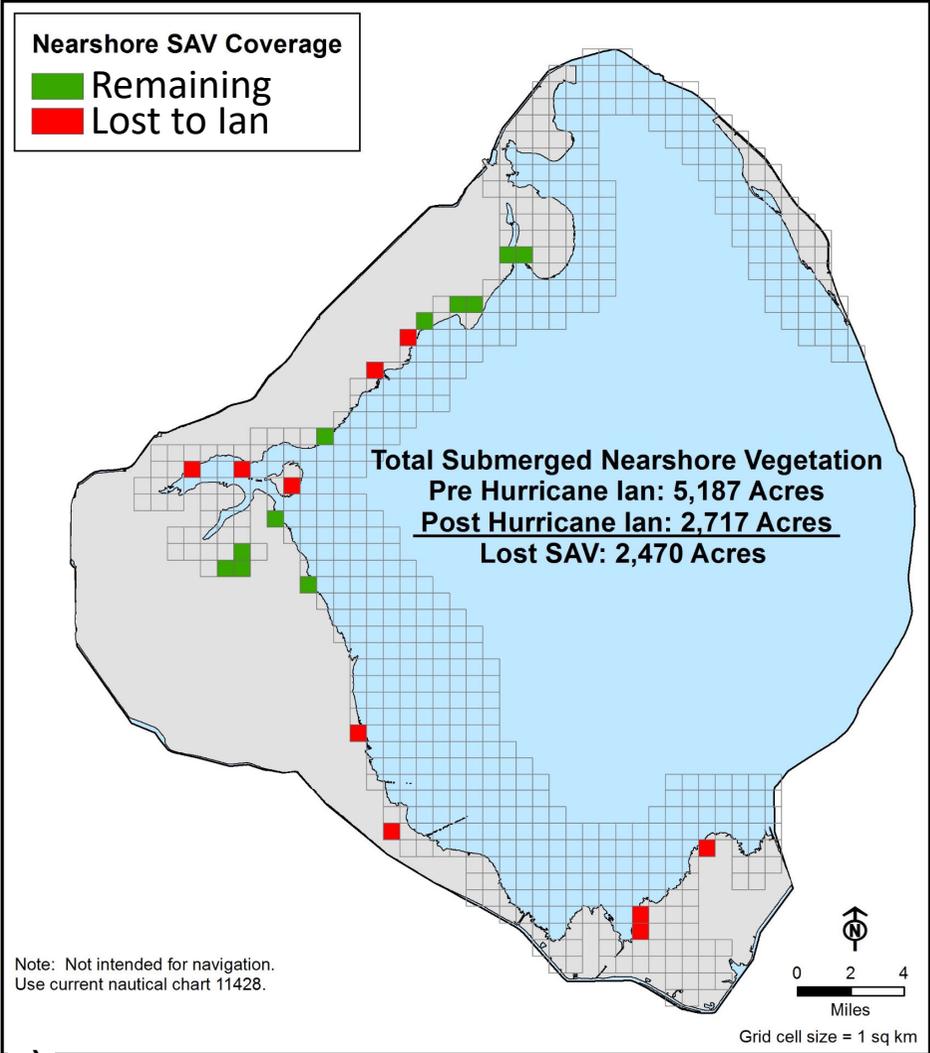
- Large inflows - nutrient pulse, reduced light penetration (depth and turbidity)
- Potential for stored “energy” in system until conditions are right next spring
- Physical loss of SAV, potential for long-term habitat loss without low stages

Potential Benefits

- Nature’s house-keeper – clear vegetation, floating mats, dead organic material from edges of marsh. Create open environments for SAV establishment, increase diversity of habitats after recovery



Lake Okeechobee – Submerged Aquatic Vegetation

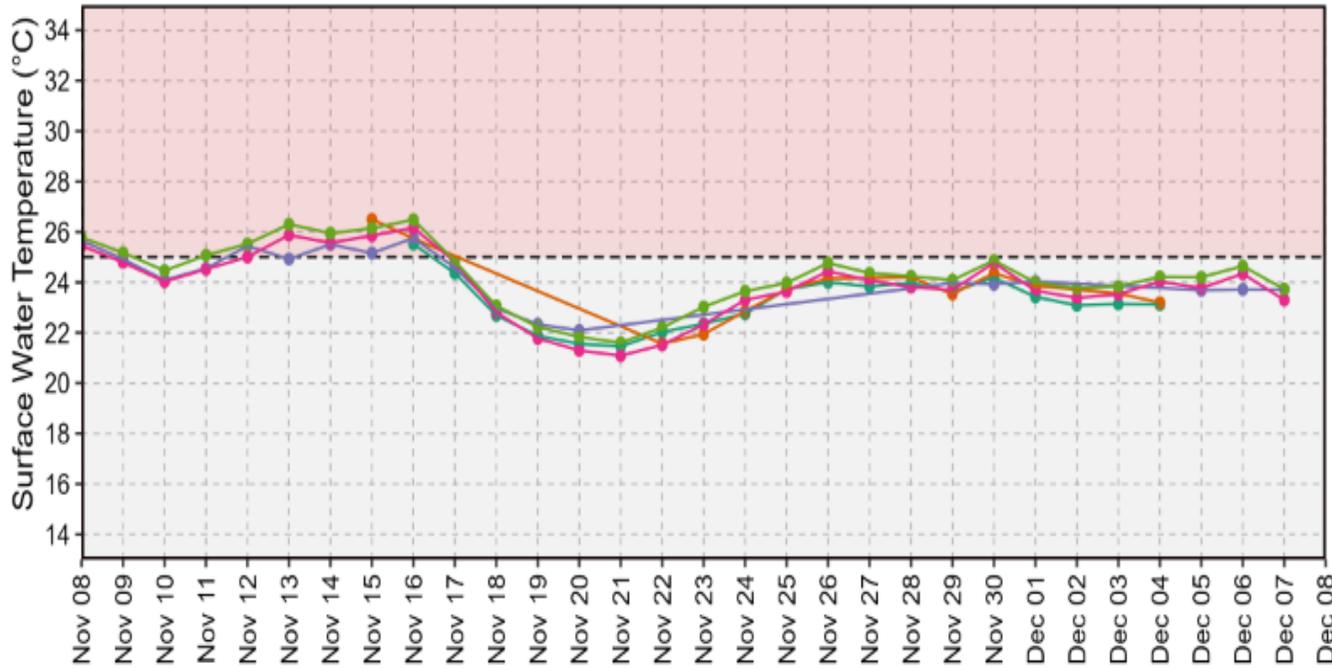


- Had a modest SAV increase (1,500 ac) from 2021 but after Ian, lowest total since 2006 (hurricanes in 2004-2005).
- Pockets of dense SAV remain but deep, turbid water continue to stress existing beds.

Cyanobacteria Bloom Potential and Temperature

Lake Okeechobee
Daily mean Surface Water Temperature (°C)

L001 L005 L006 POLESOUT1 POLESOUT3

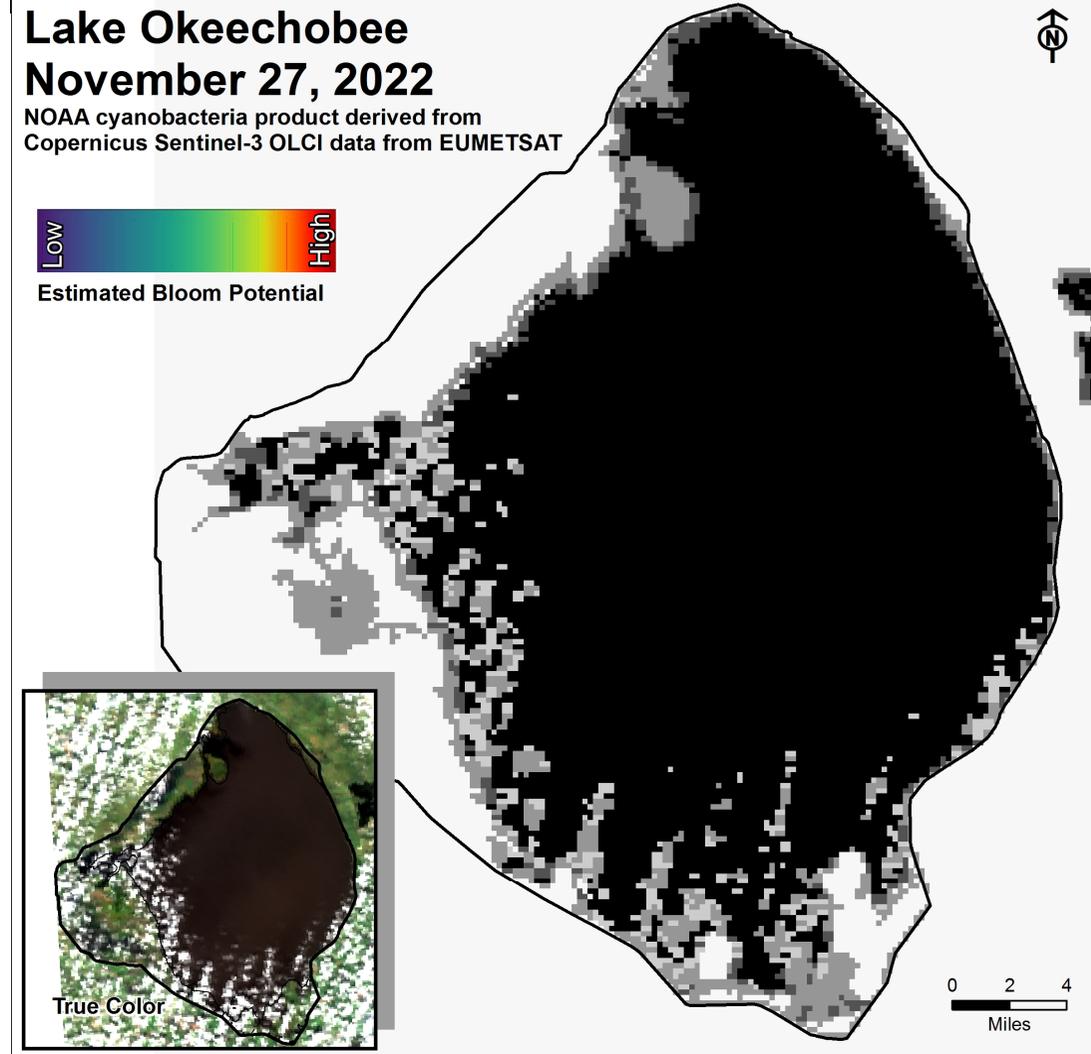


Data source: SFWMD Provisional data
Updated: Wed Dec 07 10:00:21 AM 2022

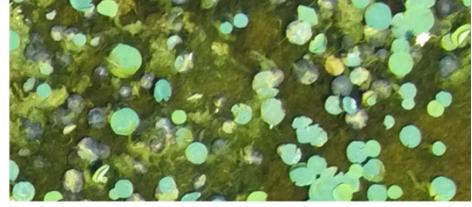
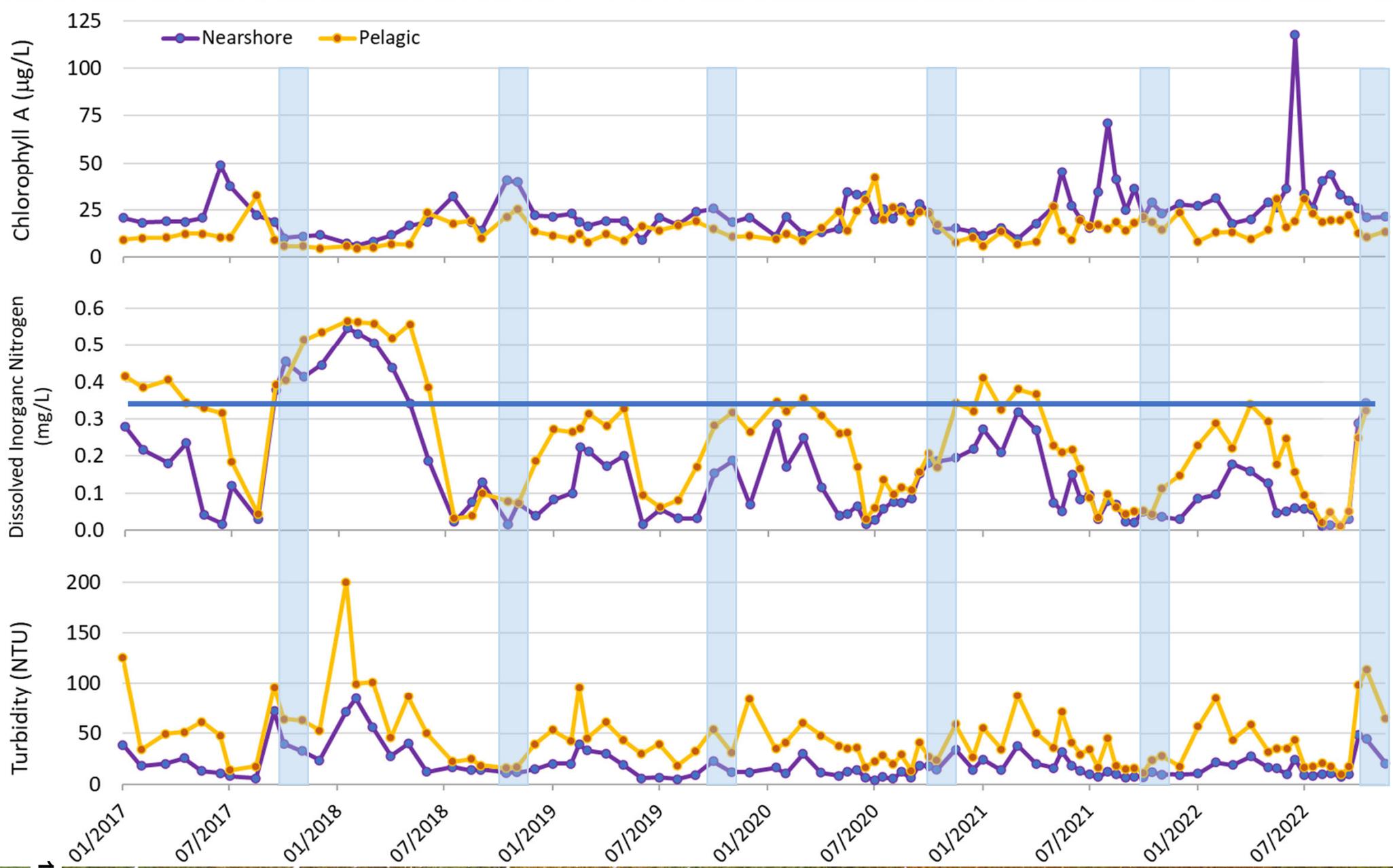
Lake Okeechobee
November 27, 2022

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

Low High
Estimated Bloom Potential



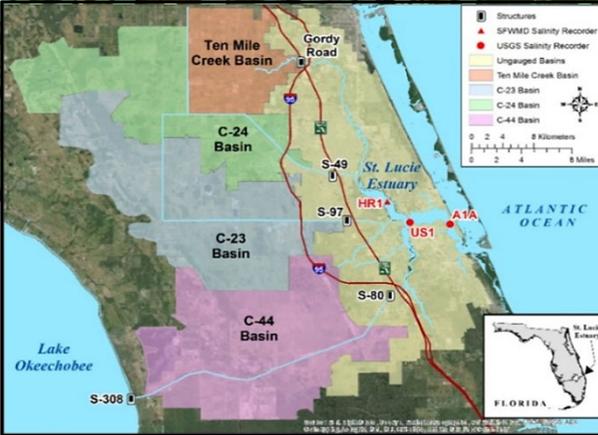
Provisional Data



Recent Water Quality

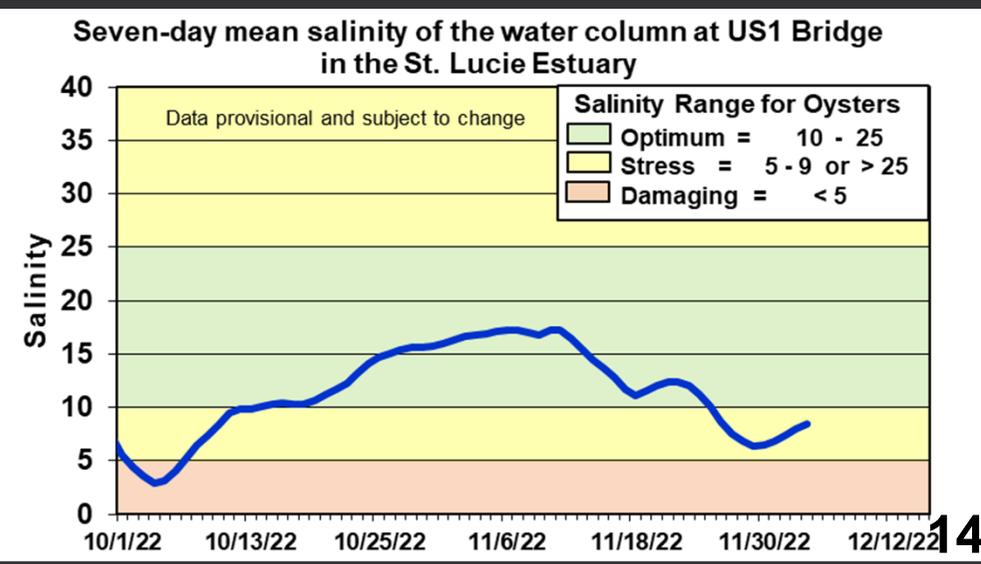
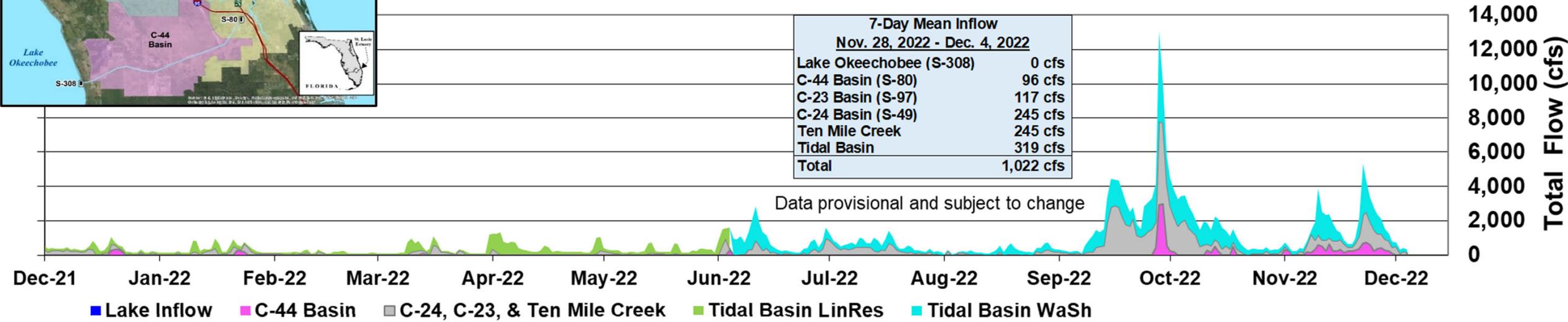
Provisional Data

St. Lucie Inflows and Salinity Conditions



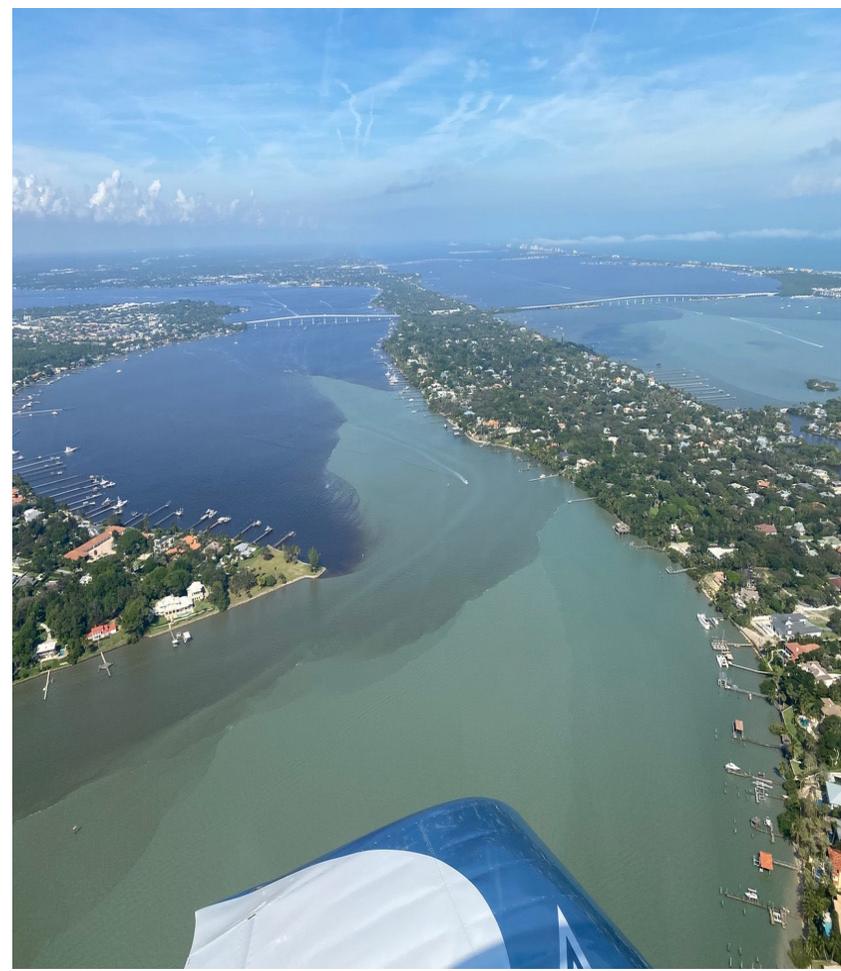
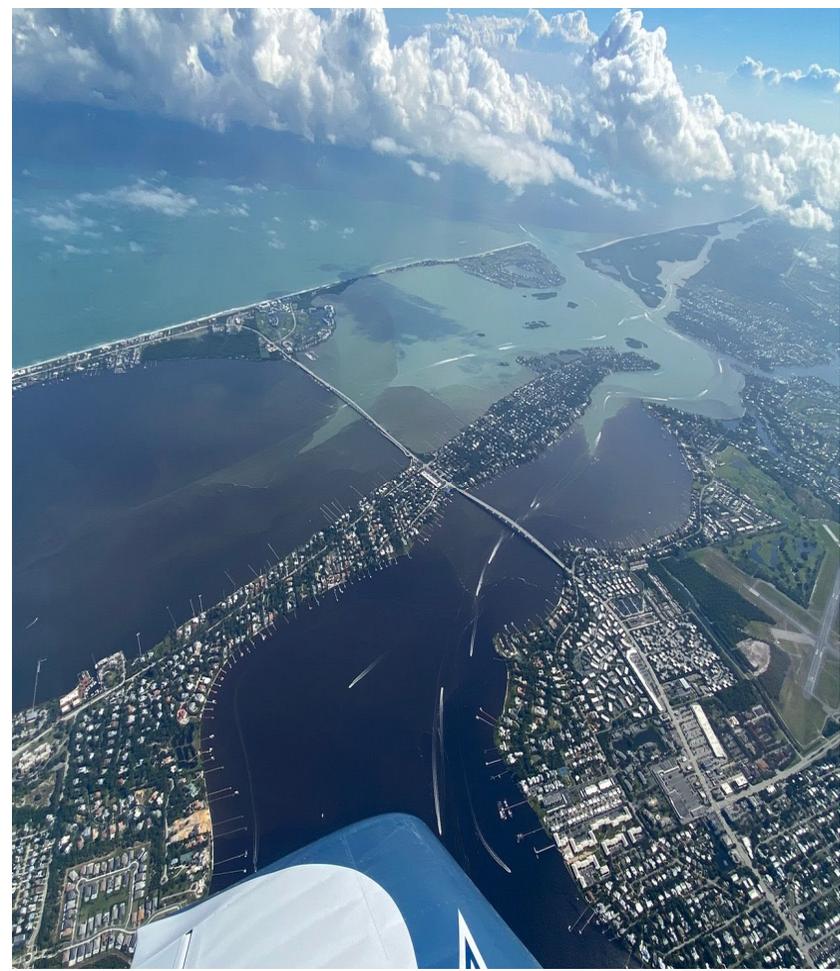
Total Daily Inflow into the St. Lucie Estuary

7-Day Mean Inflow Nov. 28, 2022 - Dec. 4, 2022	
Lake Okeechobee (S-308)	0 cfs
C-44 Basin (S-80)	96 cfs
C-23 Basin (S-97)	117 cfs
C-24 Basin (S-49)	245 cfs
Ten Mile Creek	245 cfs
Tidal Basin	319 cfs
Total	1,022 cfs

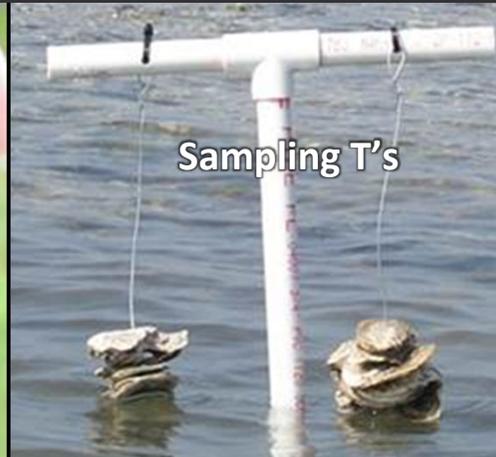


St. Lucie – Post-Hurricane Turbidity

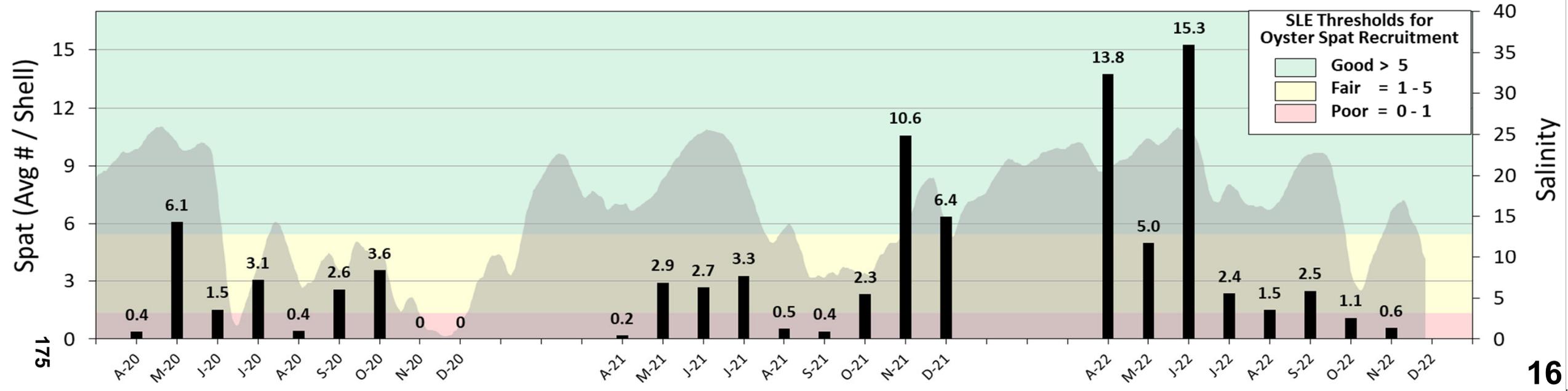
November 26, 2022 – Incoming Tide



St. Lucie Estuary – Oyster Recruitment



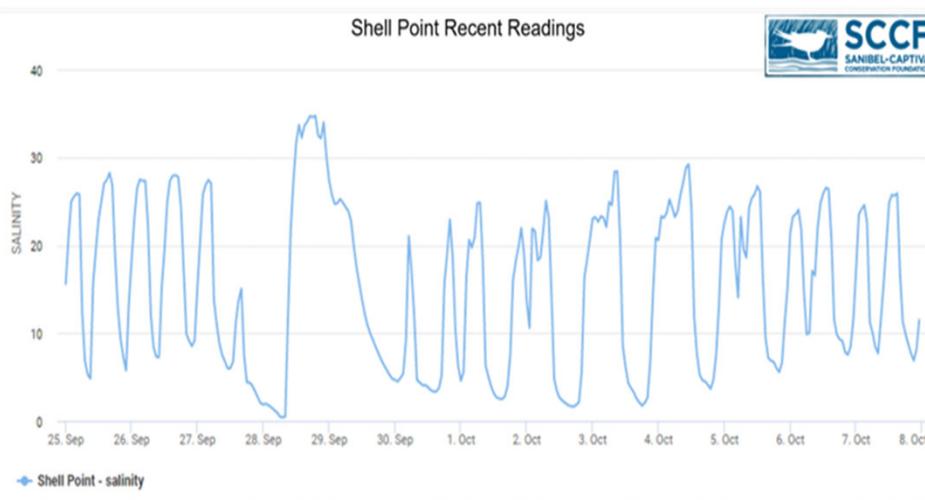
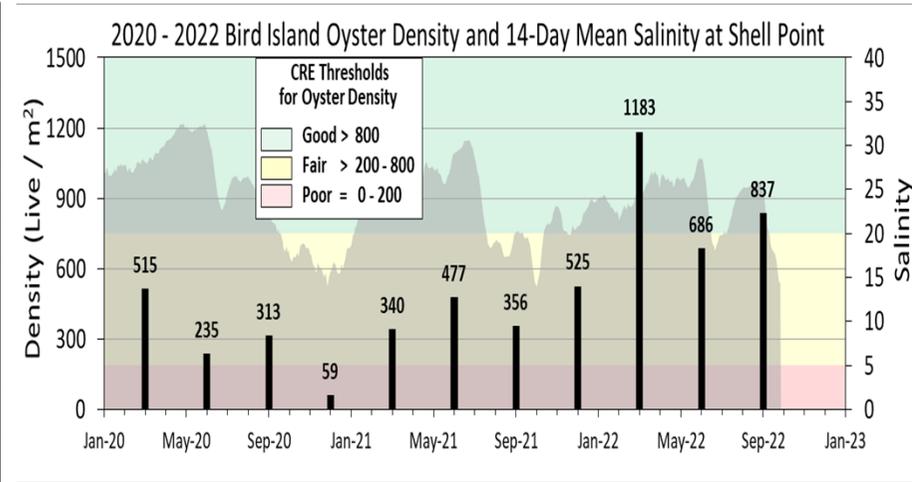
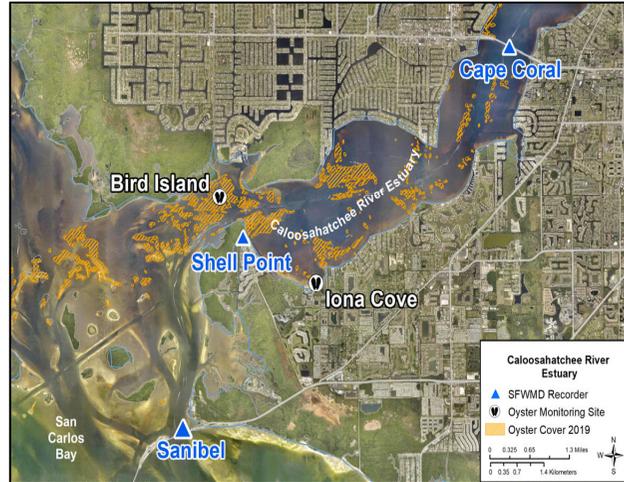
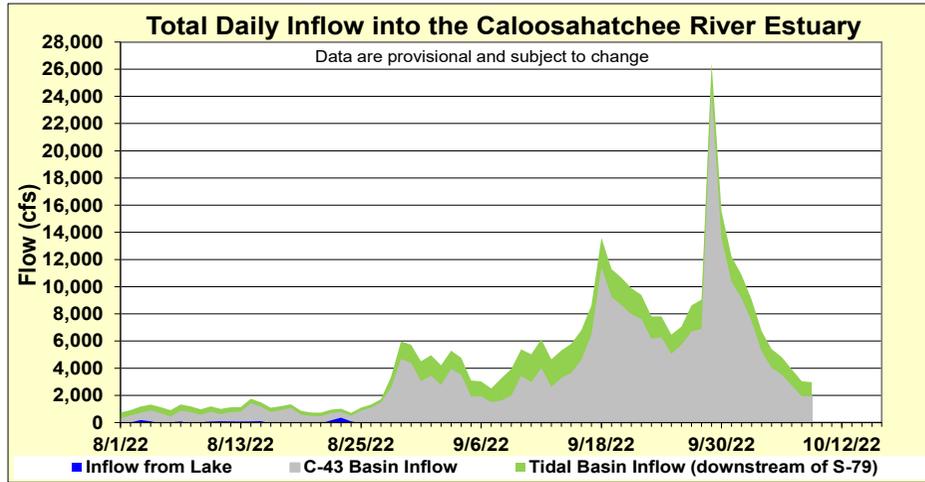
2020 - 2022 Rio Oyster Recruitment and 14-Day Mean Salinity at US1 Bridge



Caloosahatchee Estuary Post-Ian



Caloosahatchee Estuary Post-Ian

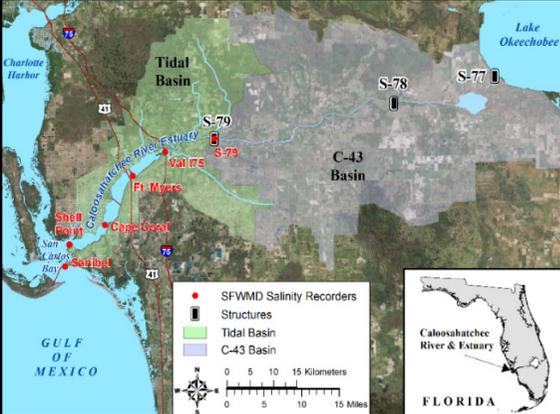


Potential impacts of Hurricane Ian on oysters

Oyster beds buried or damaged by sand and debris from wind and storm surge

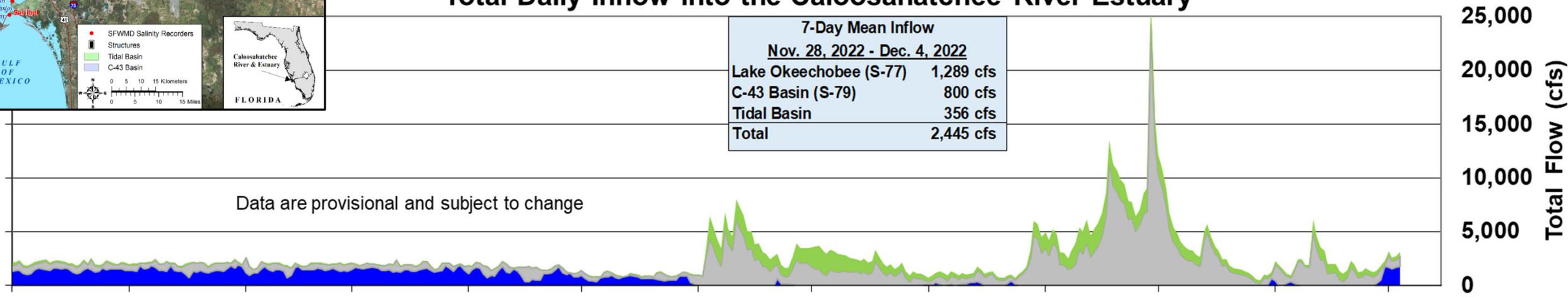
- Watershed runoff decreases salinities to stressful (<10) or damaging (<5) levels for extended period causing widespread oyster die-off
 - Optimal salinity (10-25)

Caloosahatchee Inflows and Salinity Conditions



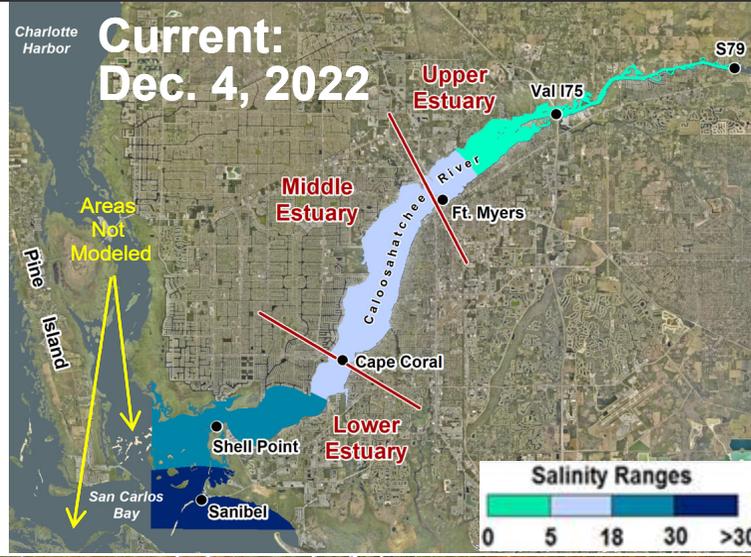
Total Daily Inflow into the Caloosahatchee River Estuary

7-Day Mean Inflow	
Nov. 28, 2022 - Dec. 4, 2022	
Lake Okeechobee (S-77)	1,289 cfs
C-43 Basin (S-79)	800 cfs
Tidal Basin	356 cfs
Total	2,445 cfs

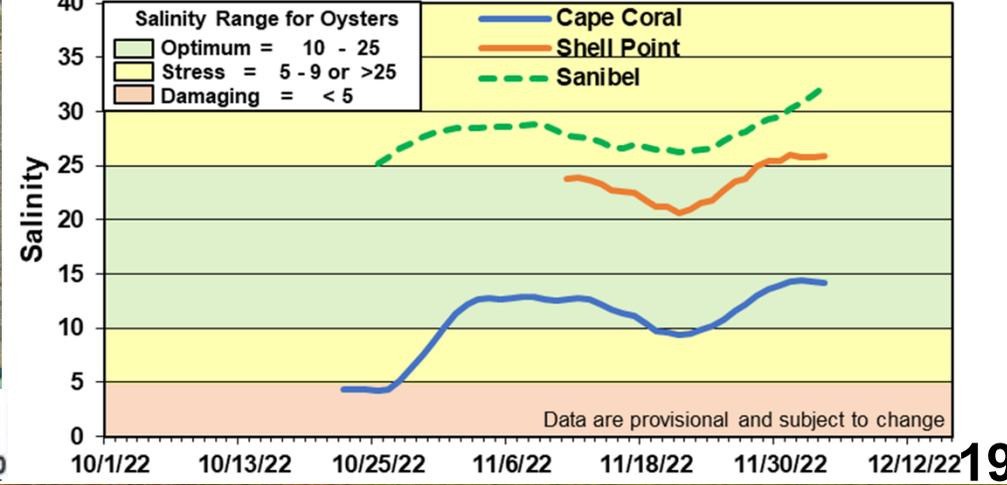


Data are provisional and subject to change

■ Inflow from Lake ■ C-43 Basin Inflow ■ Tidal Basin Inflow (downstream of S-79)



Seven-day moving average surface and bottom salinities at oyster monitoring sites in the Caloosahatchee River Estuary

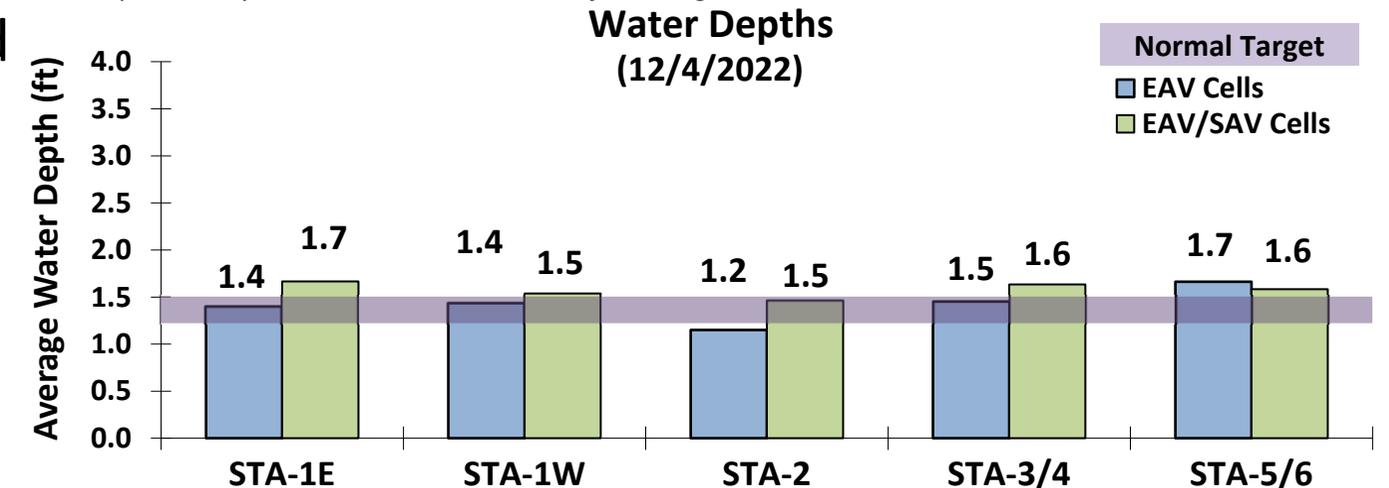


Everglades Stormwater Treatment Areas (STAs)

Water Year 2023
5/1/2022 to 12/4/2022

	STA-1E	STA-1W	STA-2	STA-3/4	STA-5/6
Inflow TP Concentration (ppb)	117	211	124	93	285
Outflow TP Concentration (ppb)	25	20	31	16	41
365-day Phosphorus Loading Rate (g/m ² /yr)	1.6	0.8	0.8	0.9	1.0
Inflow Volume (ac-ft)	112,100	126,900	273,100	299,600	147,400

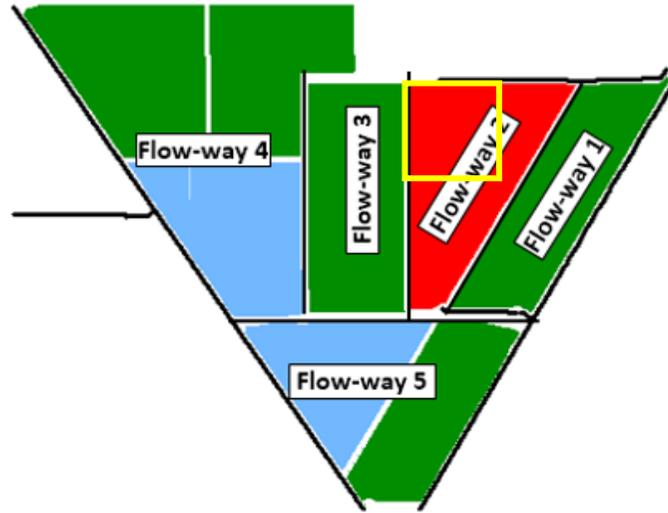
Includes preliminary data; all concentrations are flow-weighted means



Includes preliminary data; Emergent Aquatic Vegetation (EAV); Submerged Aquatic Vegetation (SAV)

- STAs treated basin runoff in November
 - Total WY2023 inflows to STAs (5/1/2022 to 12/4/2022): ~959,000 ac-ft
 - Lake Okeechobee releases to FEB/STAs in WY2023: ~12,600 ac-ft
- Extensive vegetation management activities underway to address stressed and highly stressed vegetation especially in EAV cells
- Most treatment cells are near target depth

STA-2

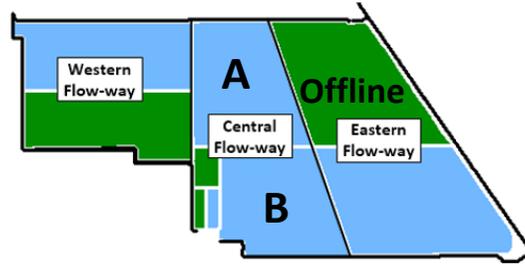
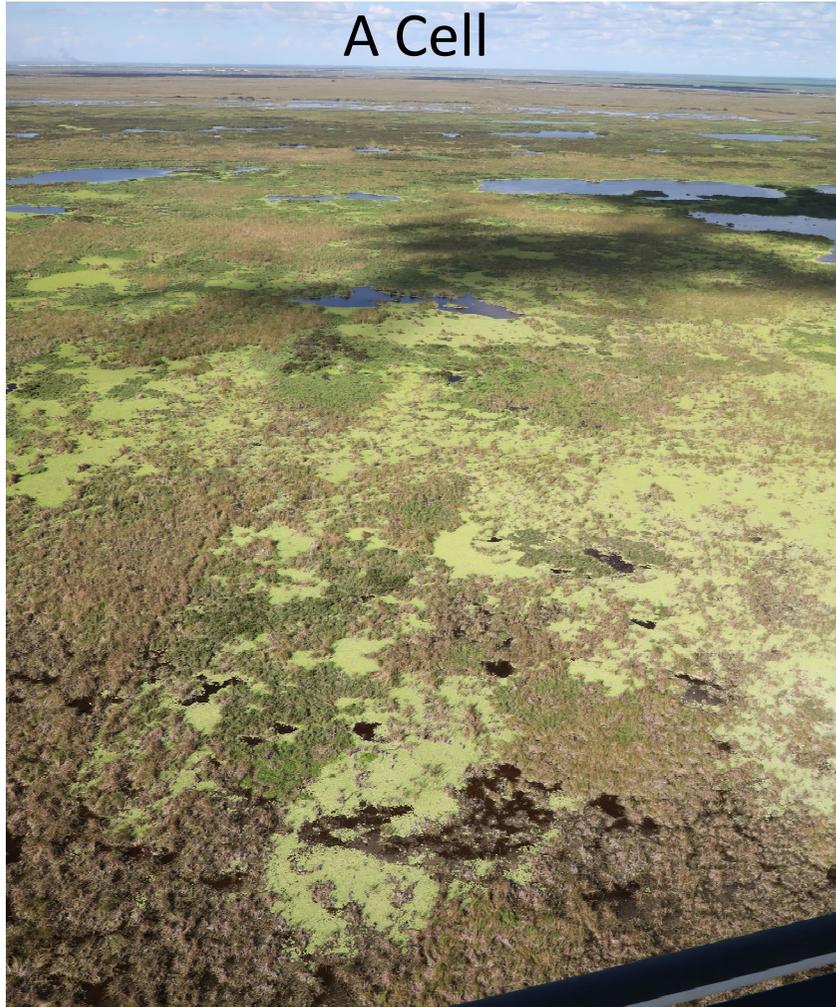


STA Vegetation Planting



STA-3/4

A Cell



Light green is floating aquatic vegetation in A cell

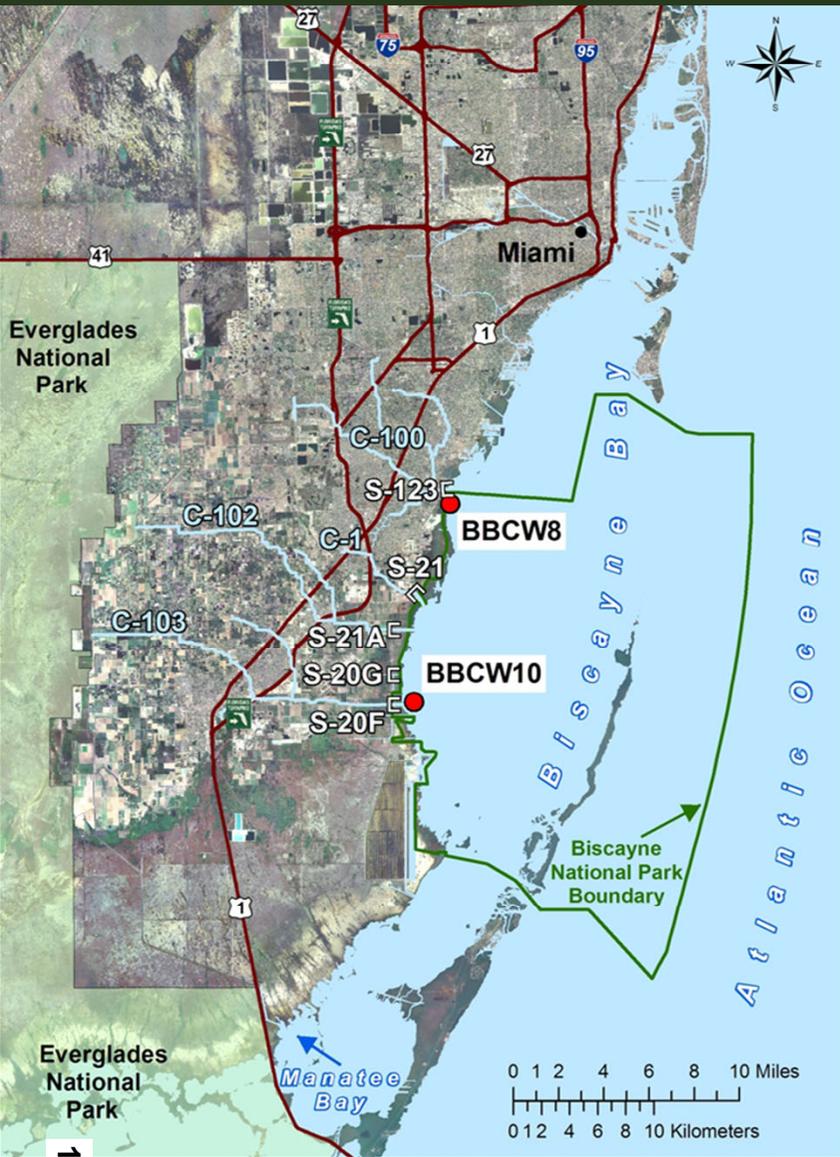


Very healthy mixed community (emergent and submergent vegetation) in B cell

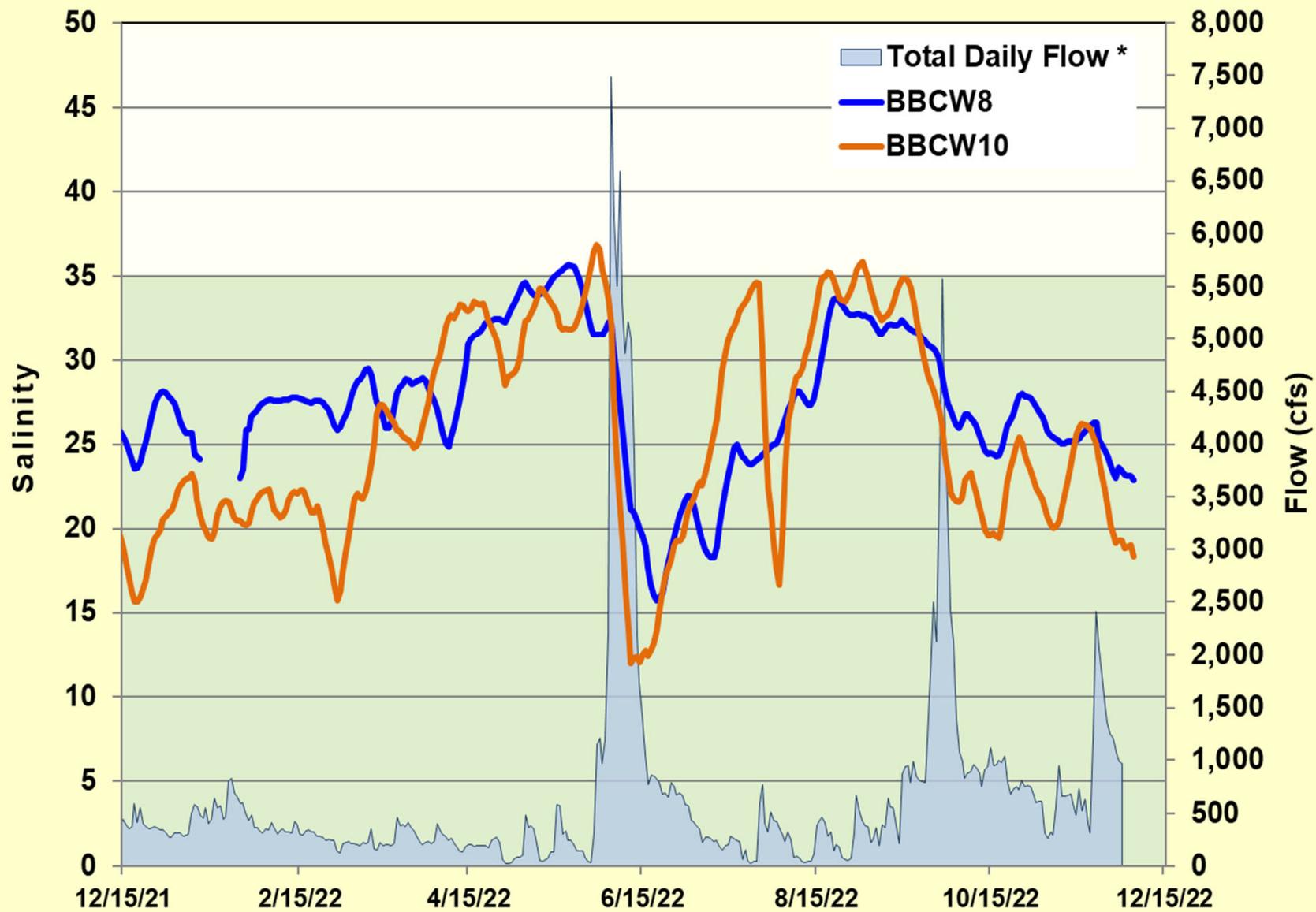
B Cell



Biscayne Bay

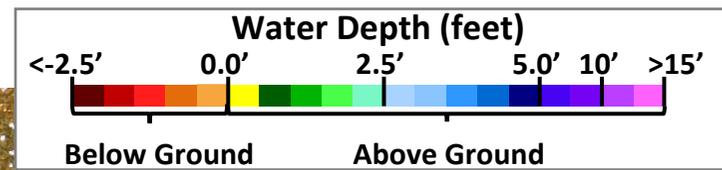
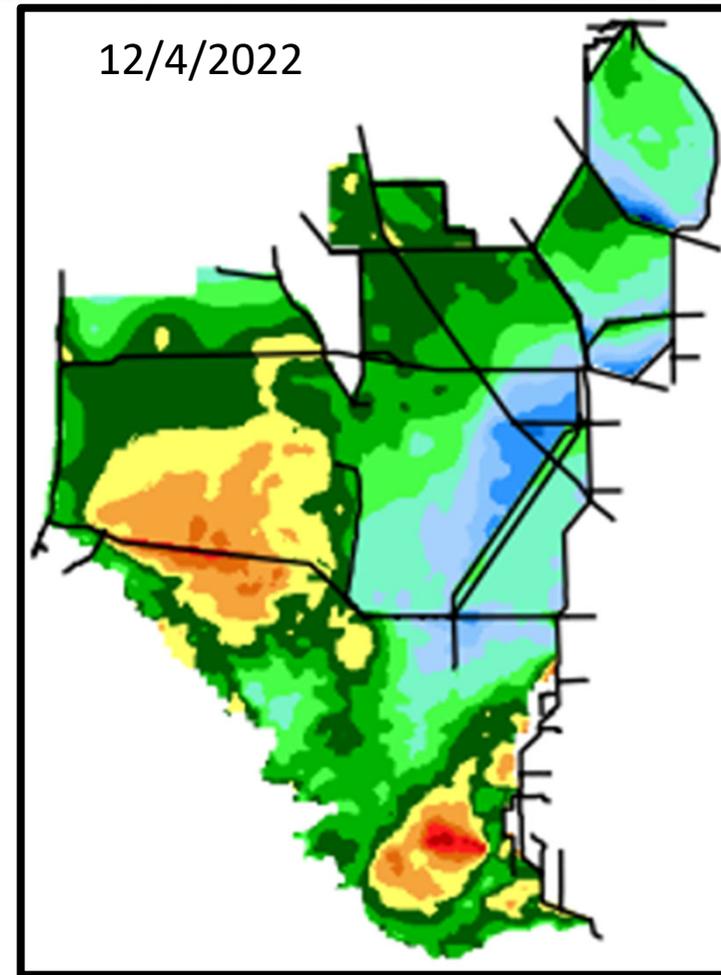
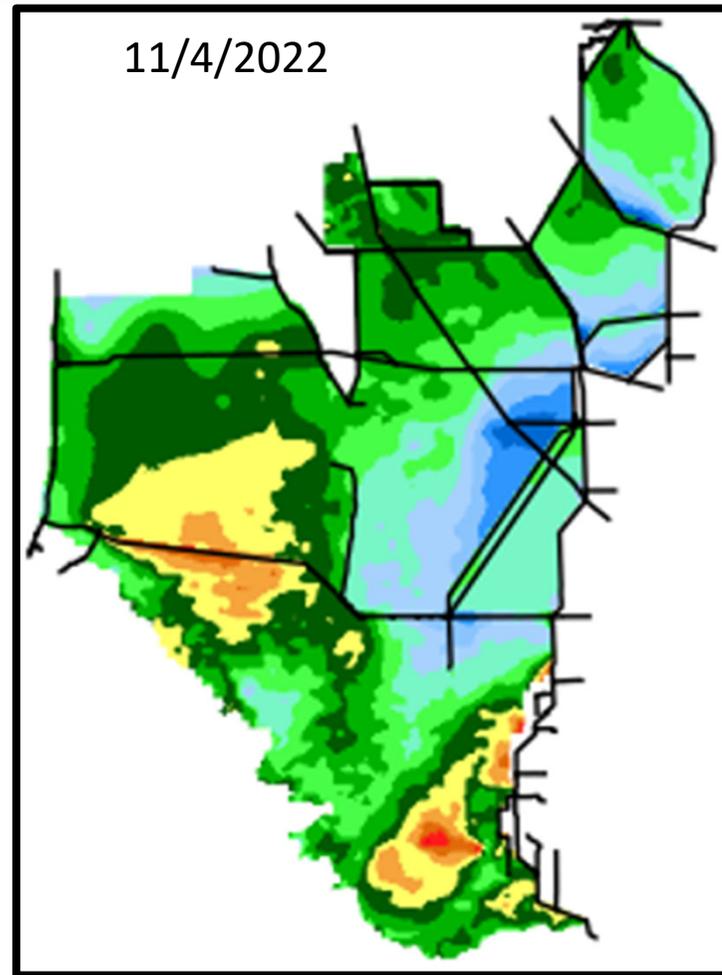
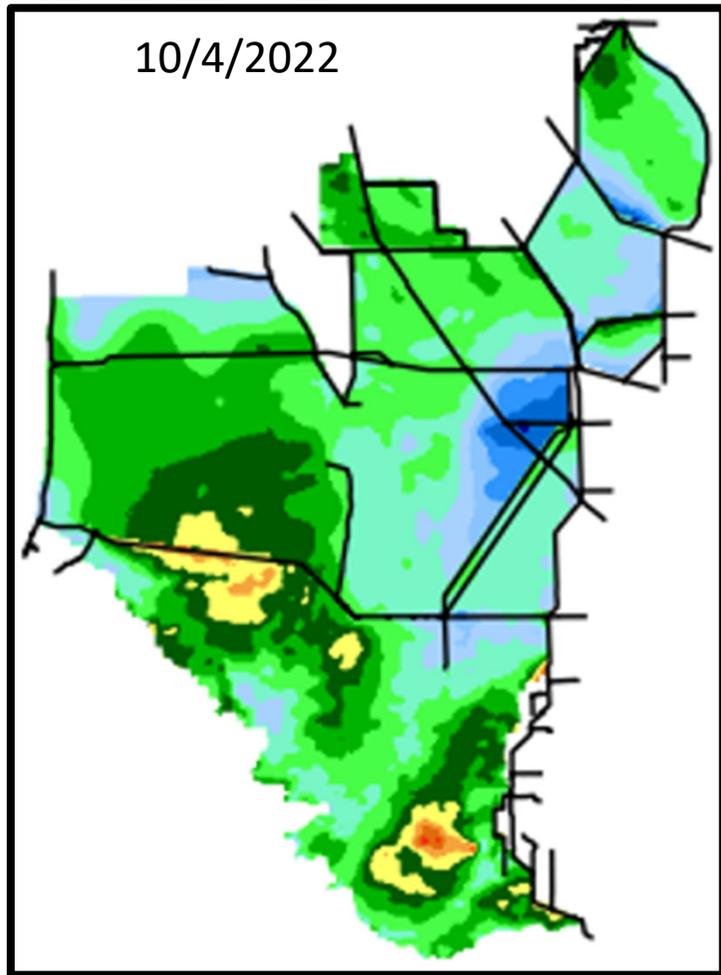


Seven-Day Mean Salinity (BBCW8 & BBCW10) & Total Daily Flow



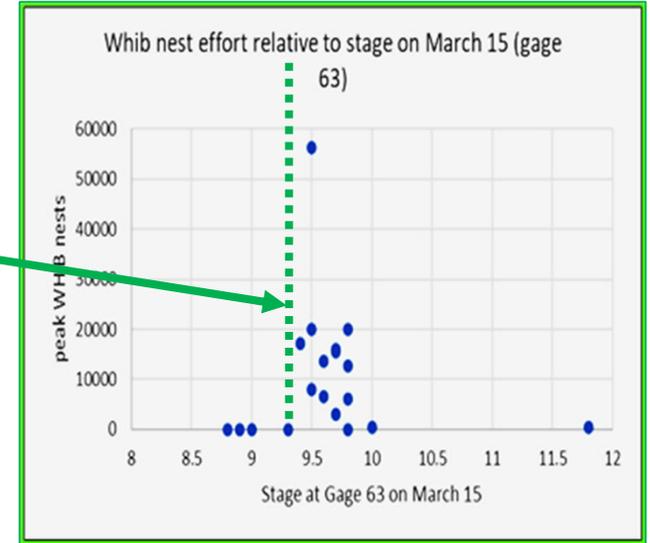
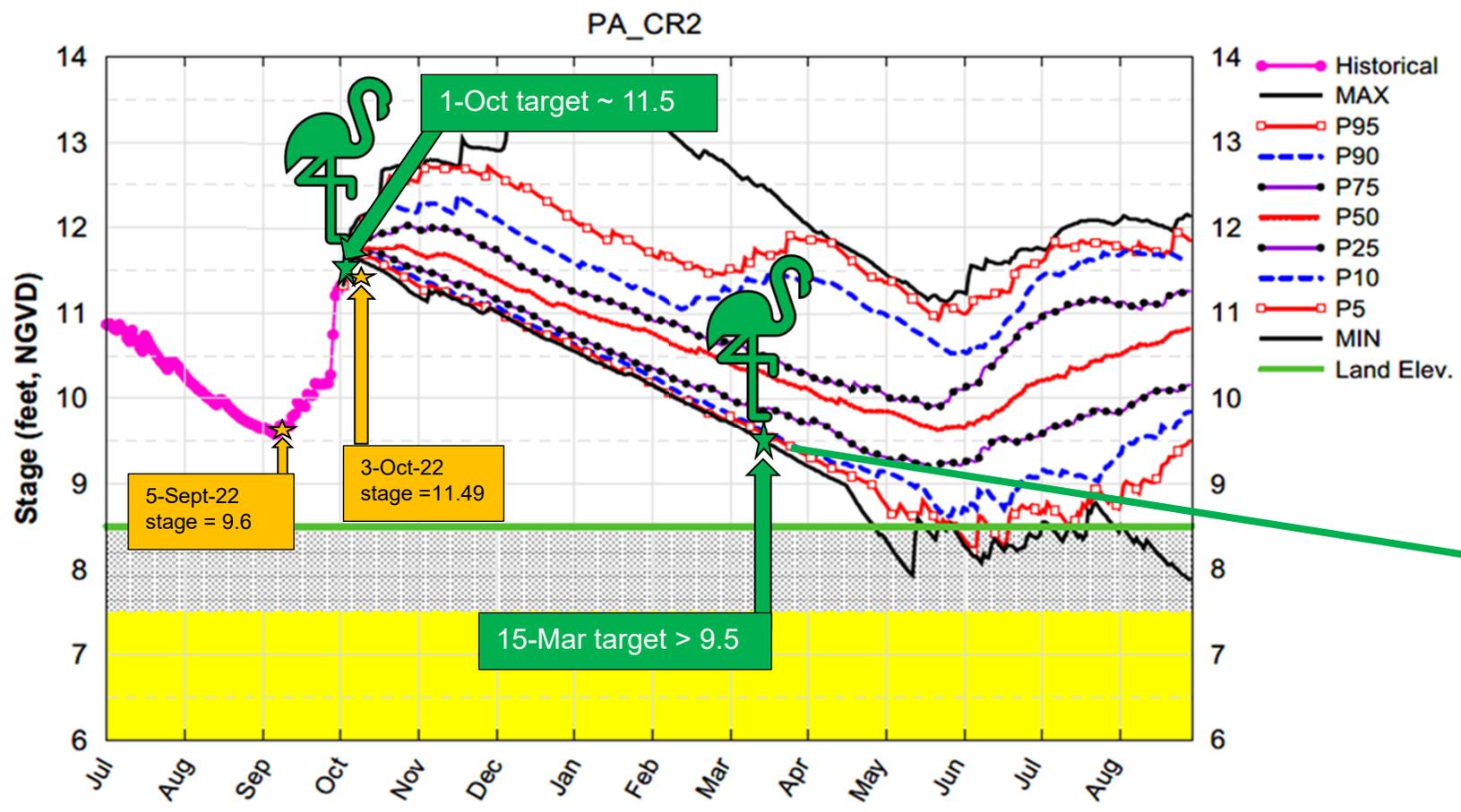
* Total flow from S20G, S20F, S21, S21A, S123, S700P

Everglades Water Depths

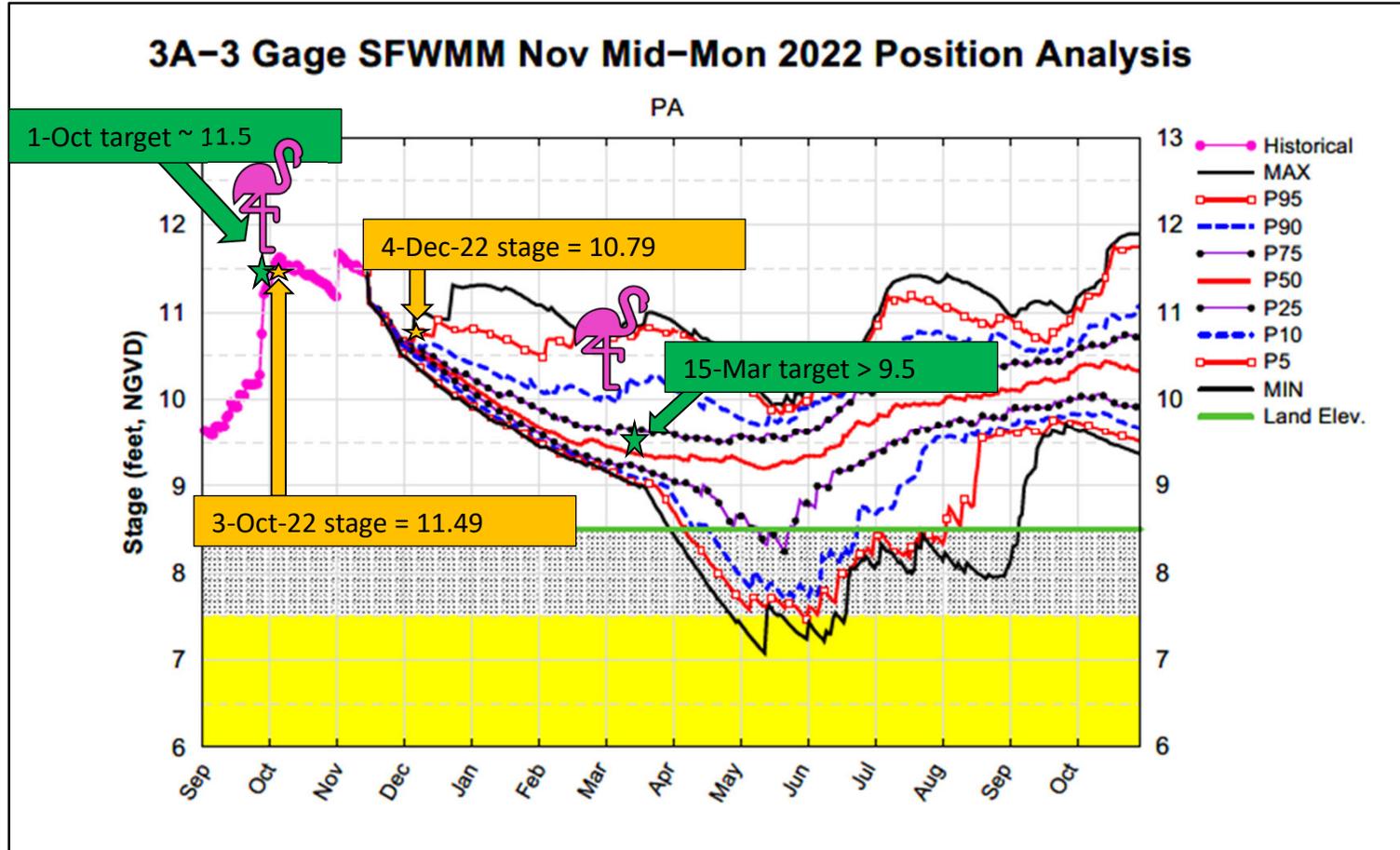


WCA-3A Northeast – The Alley North Colony

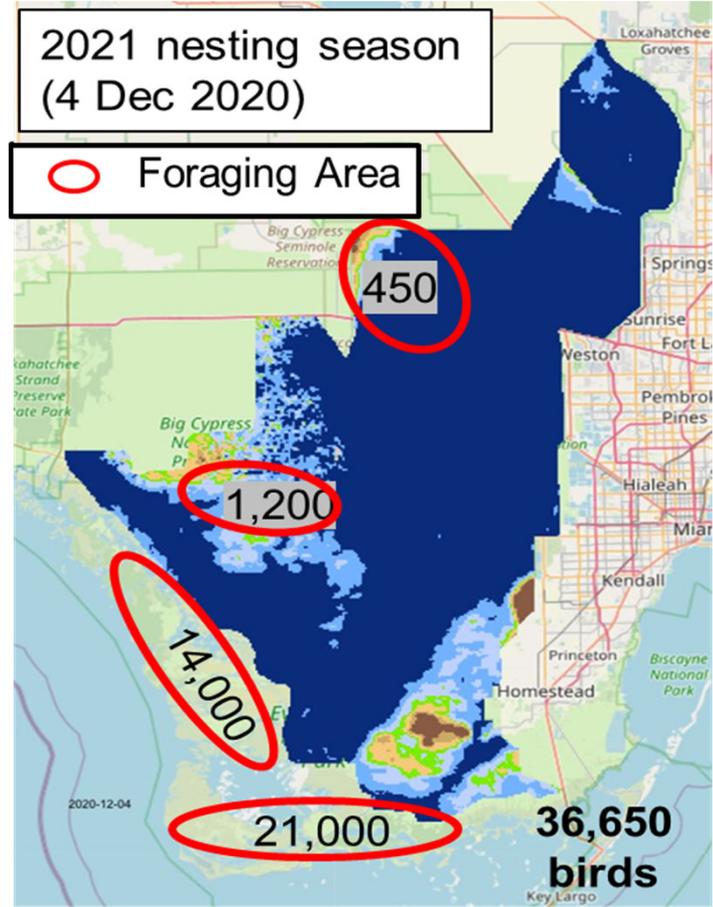
3A-3 Gage SFWMM October 2022 Position Analysis



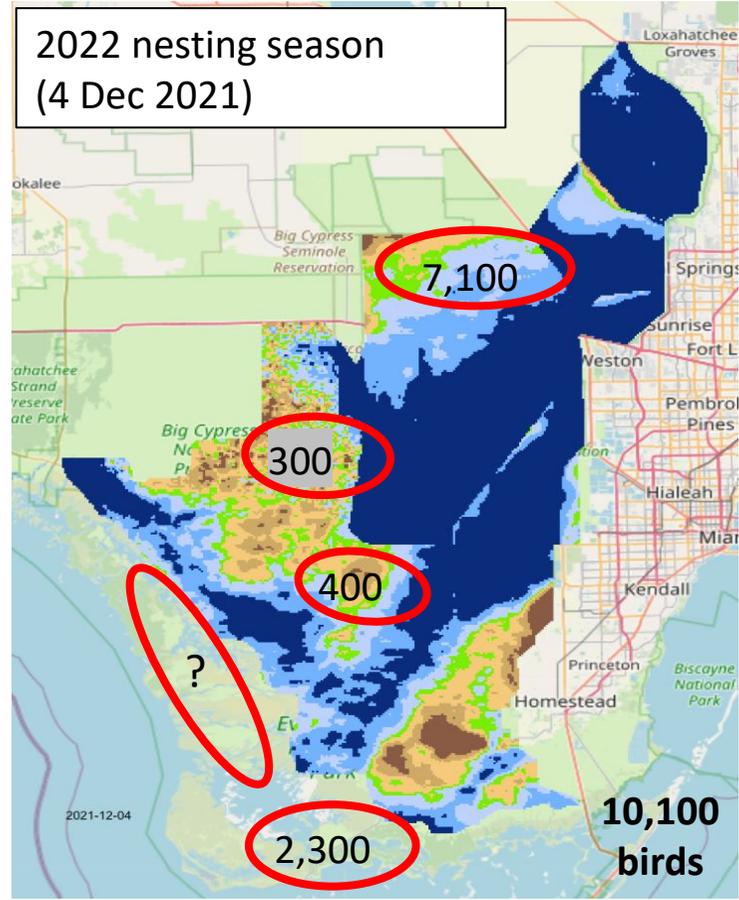
WCA-3A Northeast – The Alley North Colony



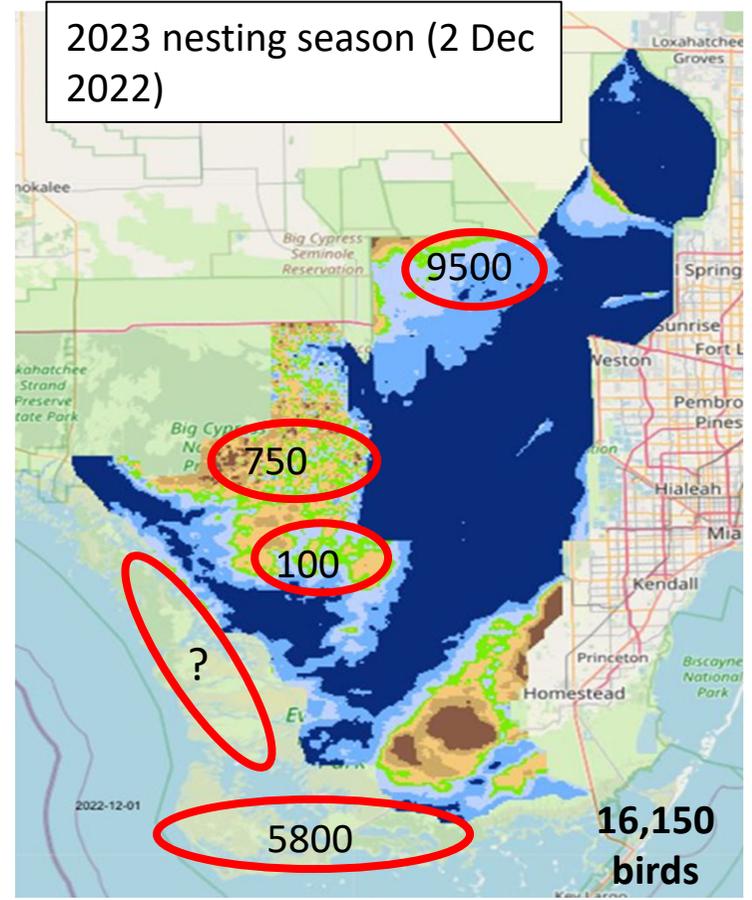
Current Hydrology & Wading Bird Foraging



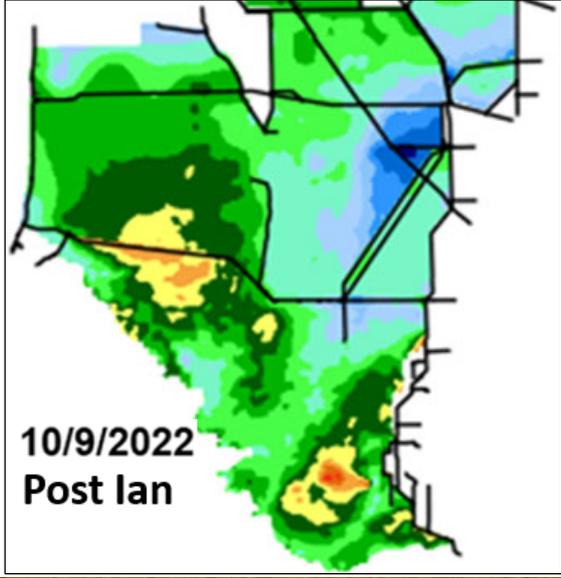
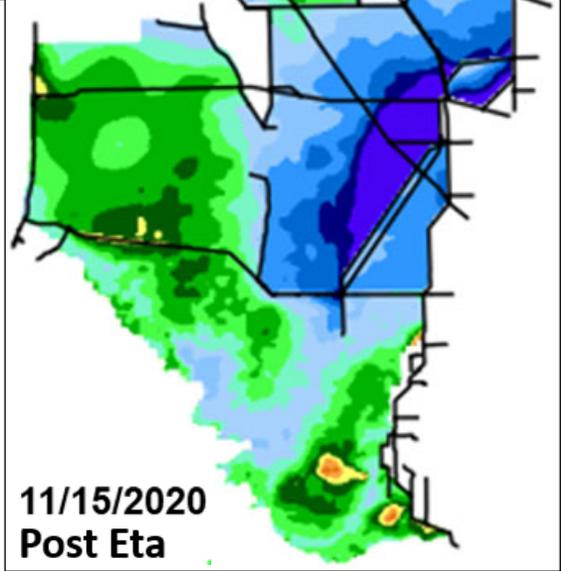
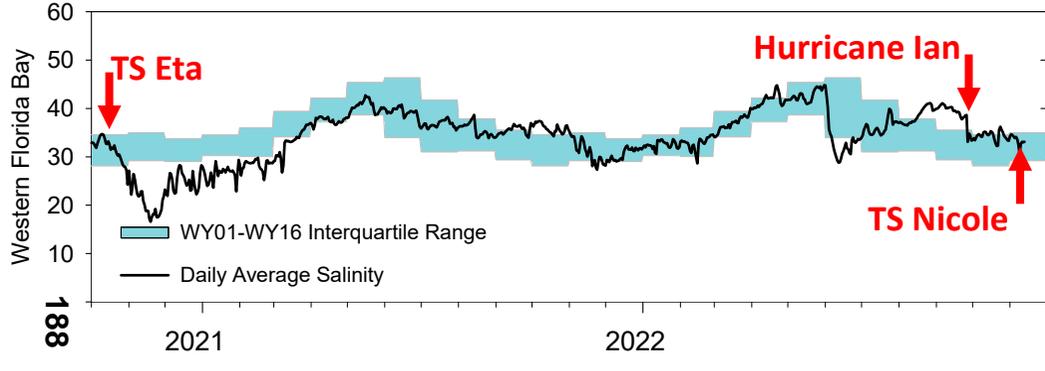
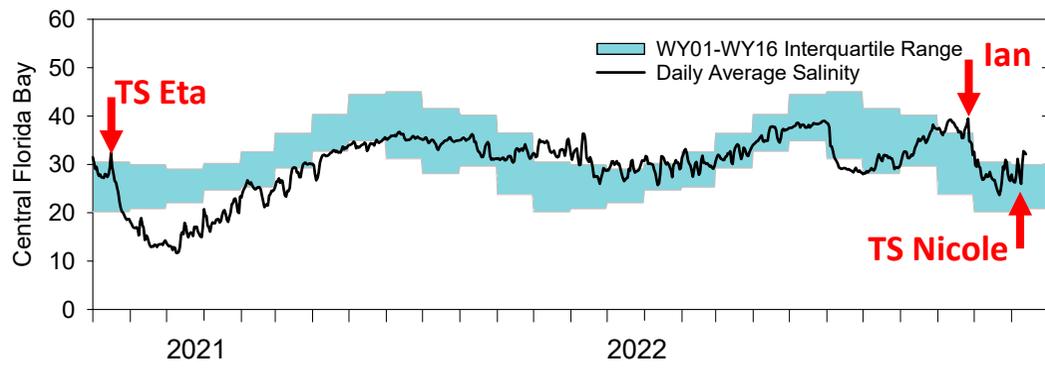
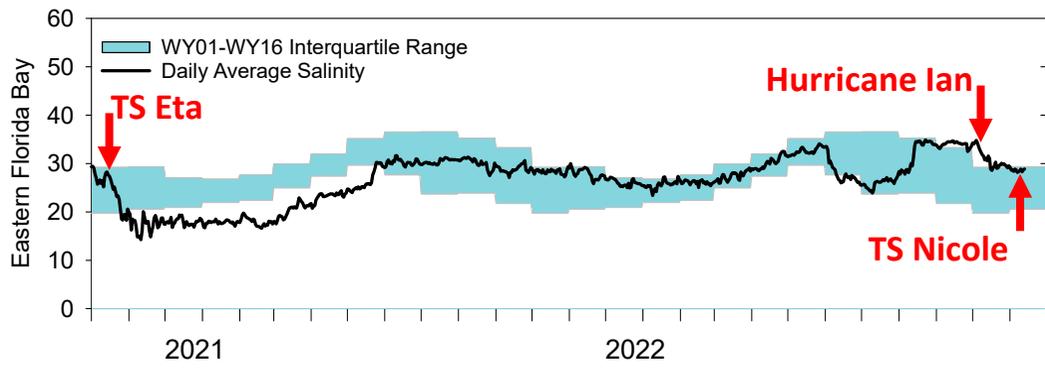
Excellent
89,514 nest



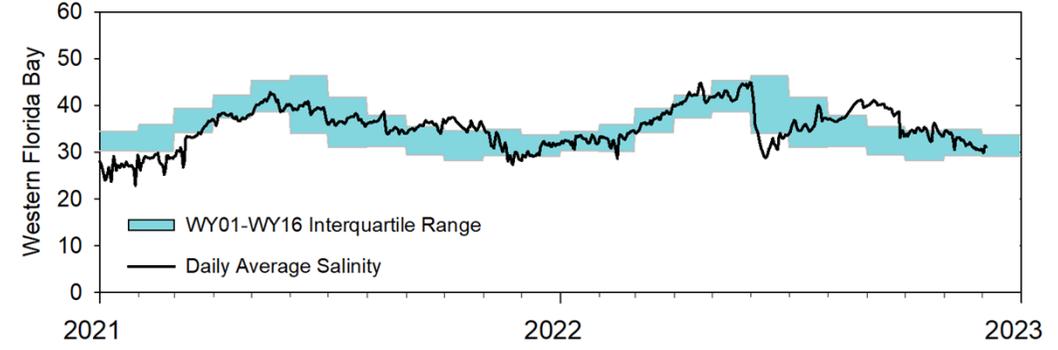
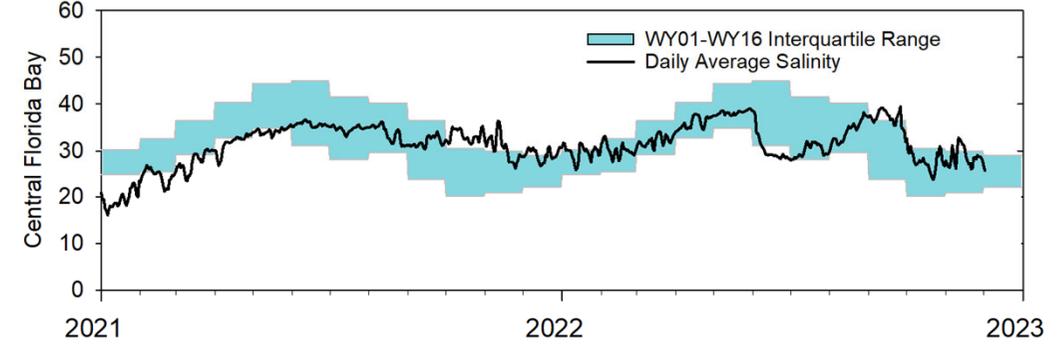
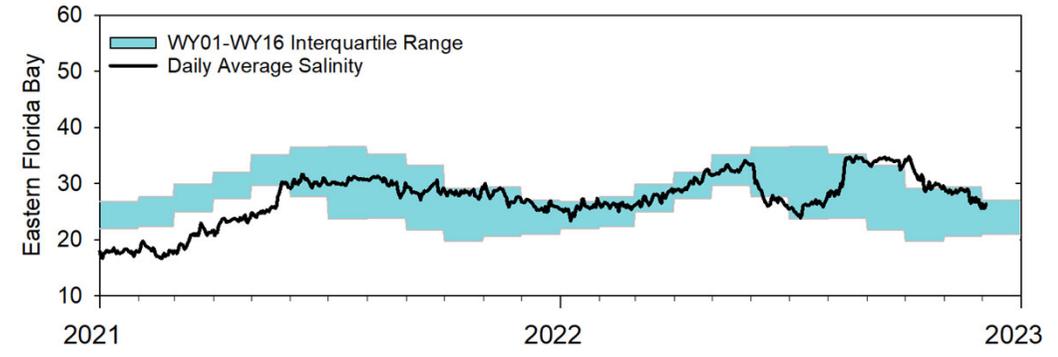
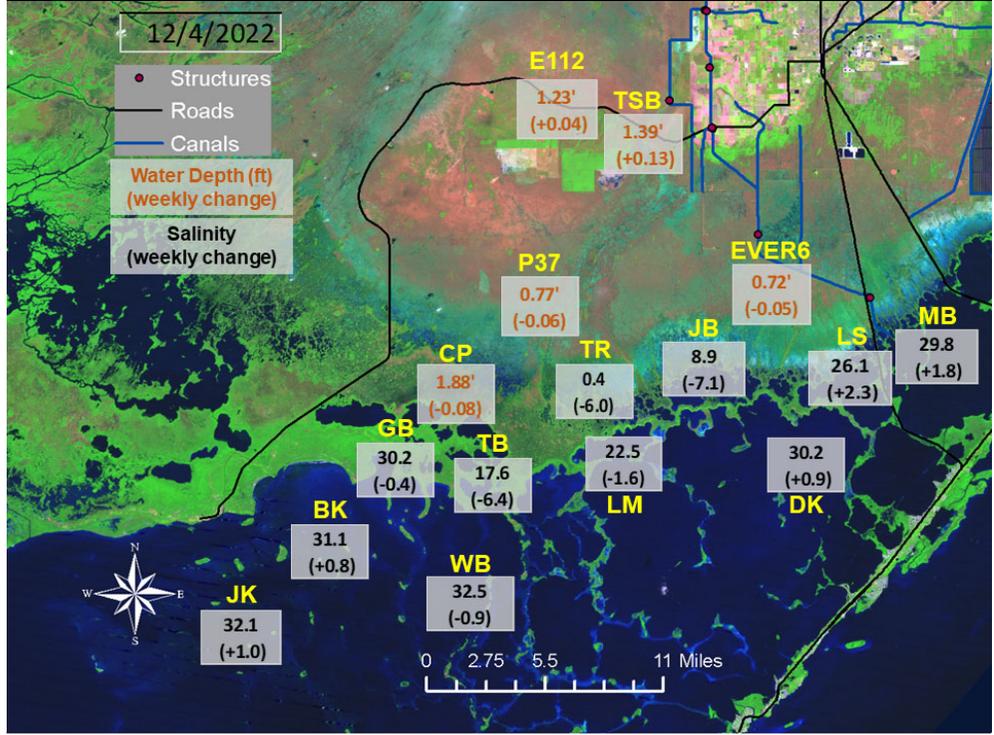
Moderate-poor
37,566 nests



Post TS Nicole – FL Bay salinities, water depths and damage

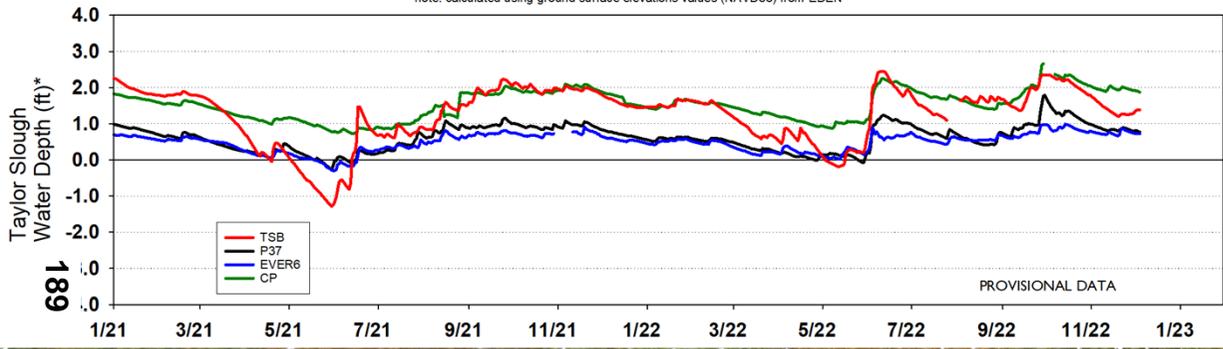


Taylor Slough Stages and Florida Bay Salinity



Taylor Slough Water Depths

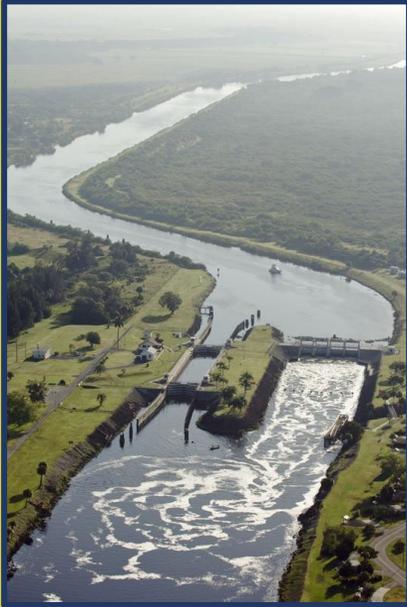
*note: calculated using ground surface elevations values (NAVD88) from EDEN



Questions



2022 Lower West Coast Water Supply Plan Update



Bob Verrastro, P.G.
Water Supply Bureau

Governing Board Meeting
December 8, 2022



Regional Water Supply Plan

What It Does

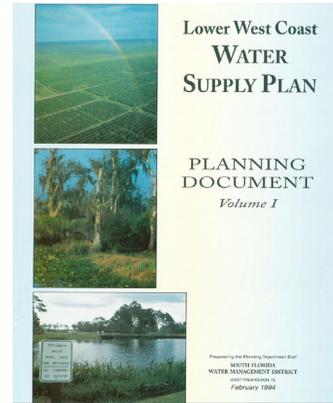
- Provides a road map to meet future water needs for 6 categories:
 - Agriculture
 - Commercial/Industrial
 - Domestic self-supply
 - Landscape/Recreation
 - Power Generation
 - Public Supply
- Conducts a planning-level approach
- Projects future water demands at 5-year increments
- Identifies and evaluates water source options
- Triggers requirement for local governments to update their Water Facilities Workplans

What It Does NOT Do

- Does not authorize consumptive use permits
- Does not establish minimum flows and minimum water levels (MFLs)
- Does not adopt rules
- Does not address water quality issues

Water Supply Planning in the Lower West Coast

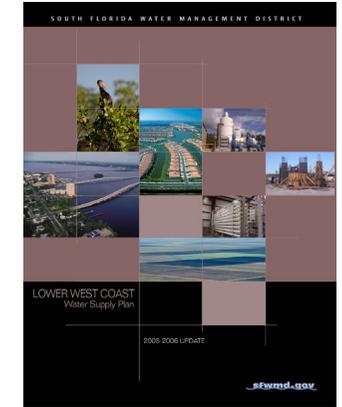
- Legally required by Florida statute since 1997
- SFWMD initiated water supply planning in the early 1990s
- The first LWC Water Supply Plan was done in 1994
- This is the fifth update!
- Planning horizon is 2020 to 2045



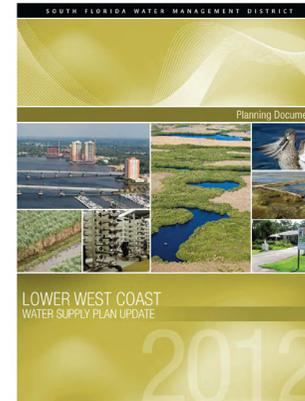
1994



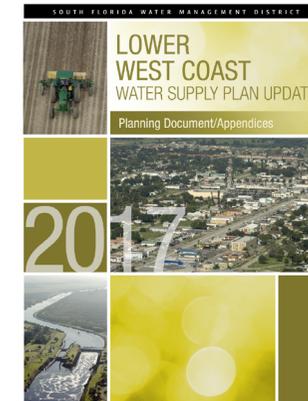
2000



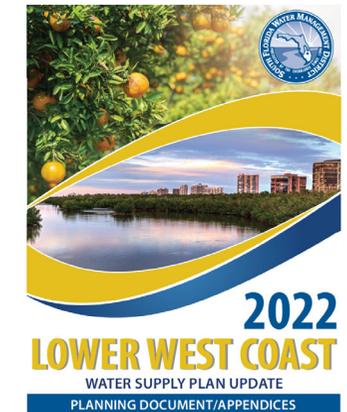
2005/2006



2012



2017



2022

Public Participation

- Three stakeholder workshops
- Groundwater modeling technical workshop (2020)
- Discussions with local and tribal governments, agricultural, environmental and utility representatives
- Governing Board and Big Cypress Basin Board updates
- Draft plan documents posted online August 25 for public comment
- Written comments requested by November 4, 2022
 - Extended due to hurricane Ian

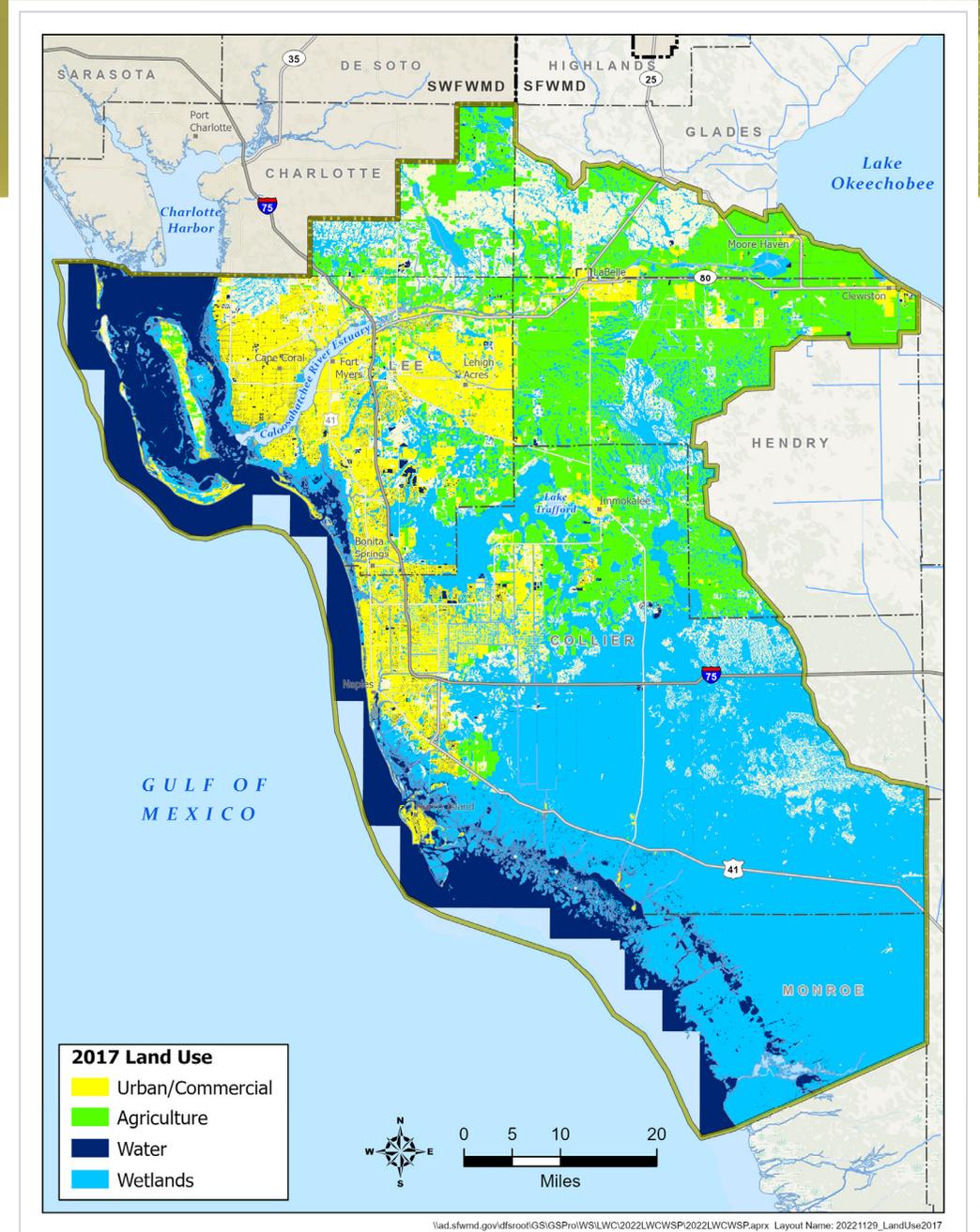
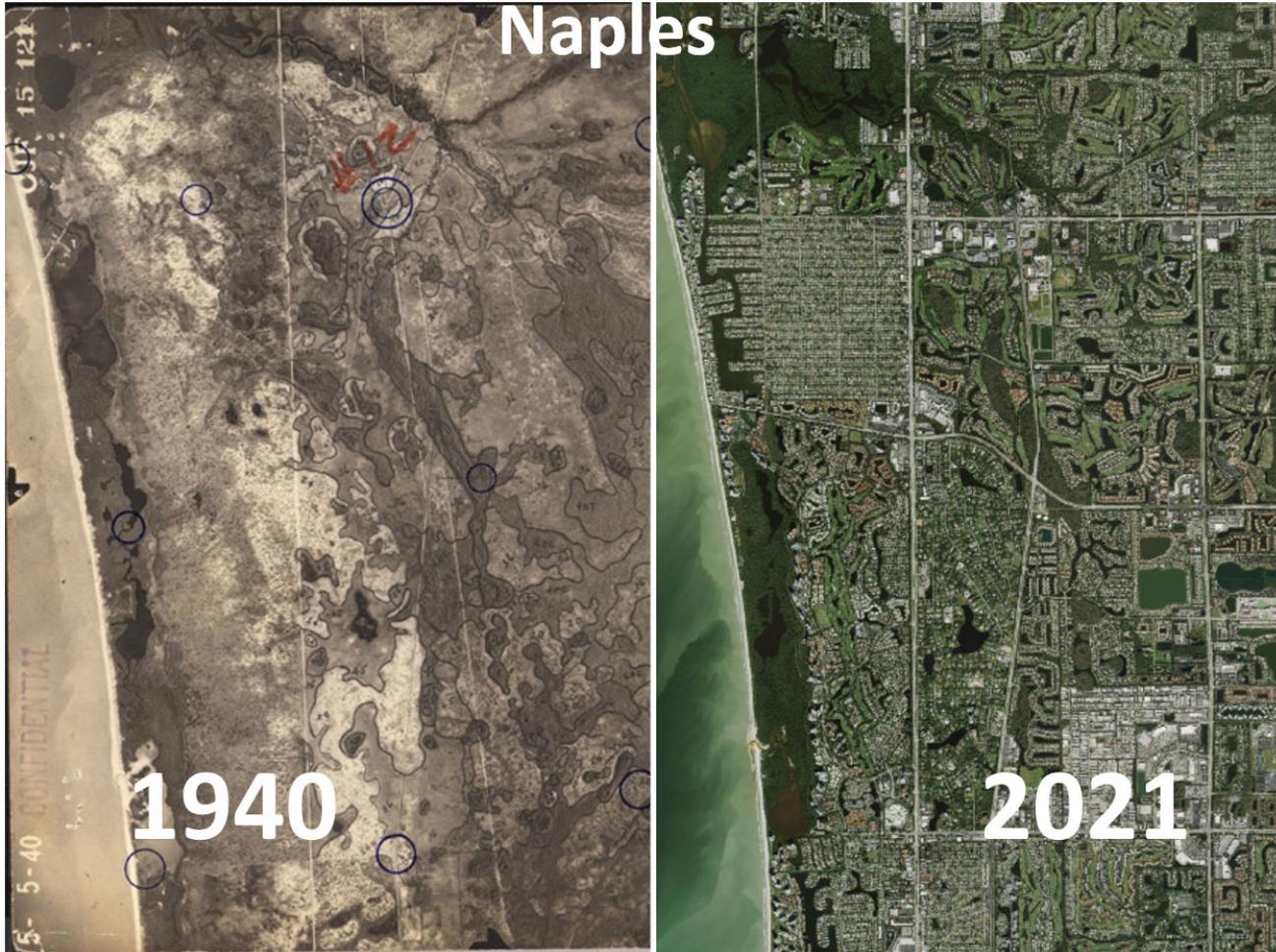


Lower West Coast Planning Area

- All of Lee County and portions of Collier, Glades, Hendry, Monroe, and Charlotte counties
- Rapidly growing population
- Major agricultural industry
- Significant environmental features
 - Caloosahatchee River and Estuary
 - Big Cypress National Preserve
 - Corkscrew Swamp Sanctuary
 - Picayune Strand
 - Coastal shoreline



Land Use



Water Resource Considerations

- Withdrawals from the shallow aquifers are limited due to low productivity, potential harm to natural systems, and saltwater intrusion
- Regulatory limitations on surface water availability
 - Lake Okeechobee Service Area (including C-43 Canal)
 - Freshwater discharges affecting coastal resources
 - Timing and volume of flows
- Long-term availability of the Floridan aquifer
- Climate change and sea level rise



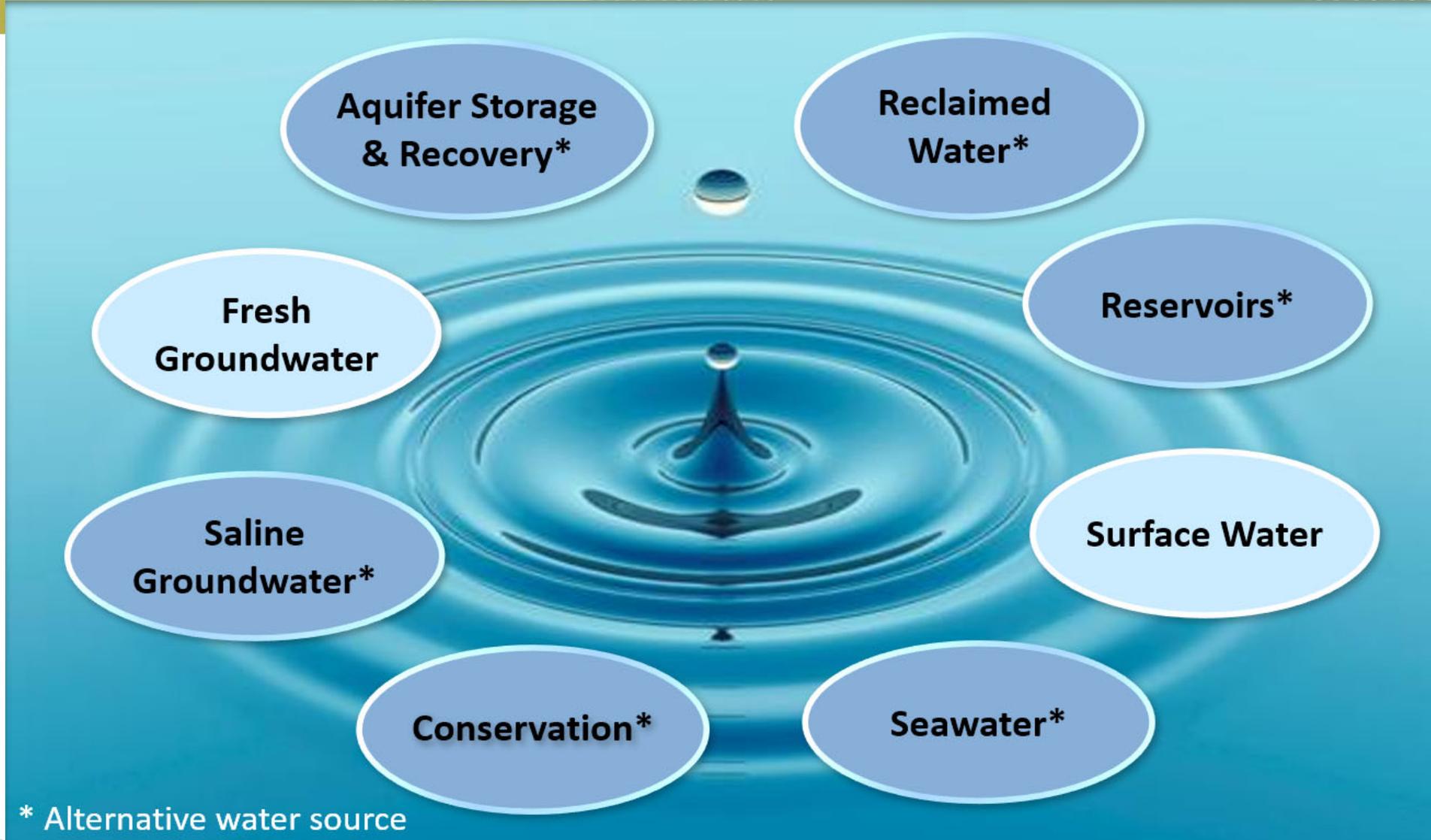
Estero Bay

Water Resource Protection

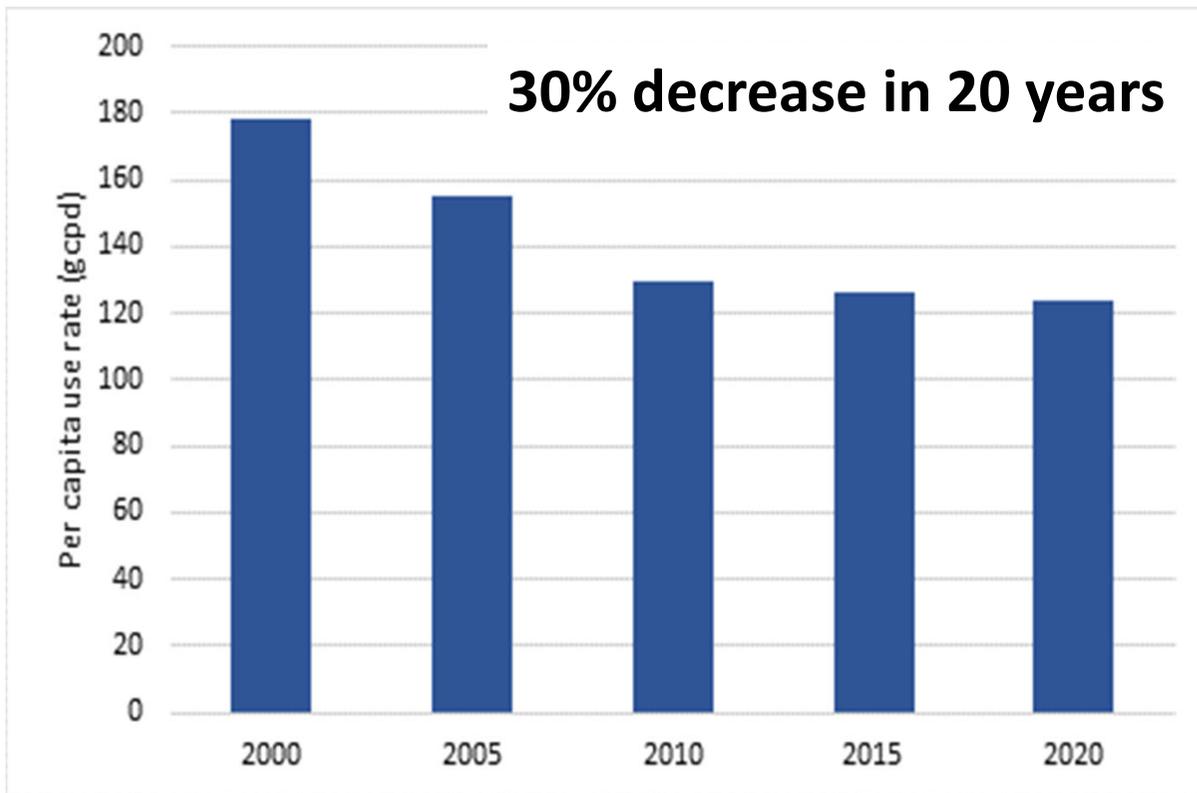
- Water Use Permitting Criteria
- Restricted Allocation Area
 - Lake Okeechobee Service Area 
- Minimum Flows and Minimum Water Levels
 - Lower West Coast Aquifers 
 - Caloosahatchee River Estuary 
- Water Reservations
 - C-43 West Basin Storage Area 
 - Fakahatchee Estuary 
 - Picayune Strand 



Water Source Options and Alternatives

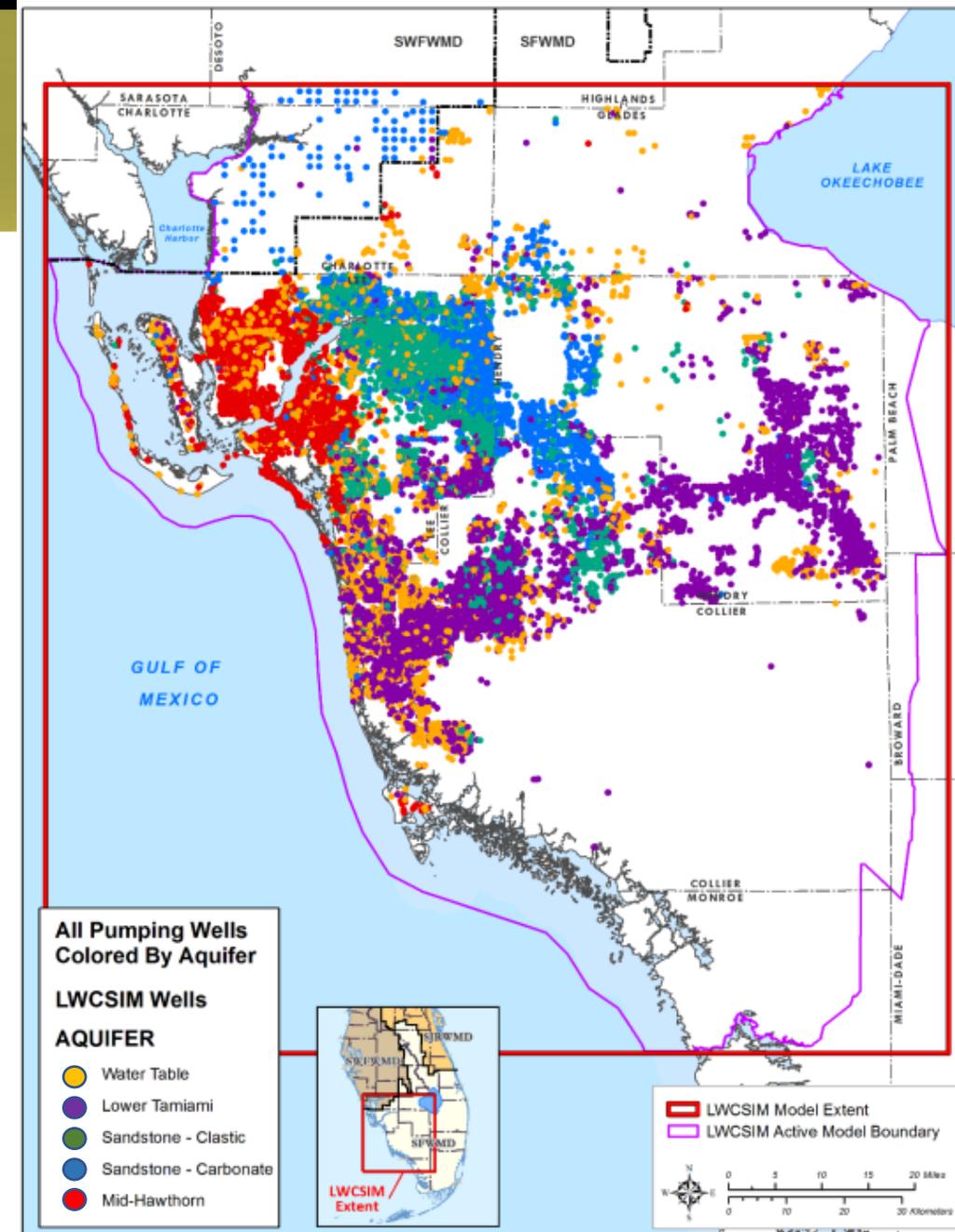
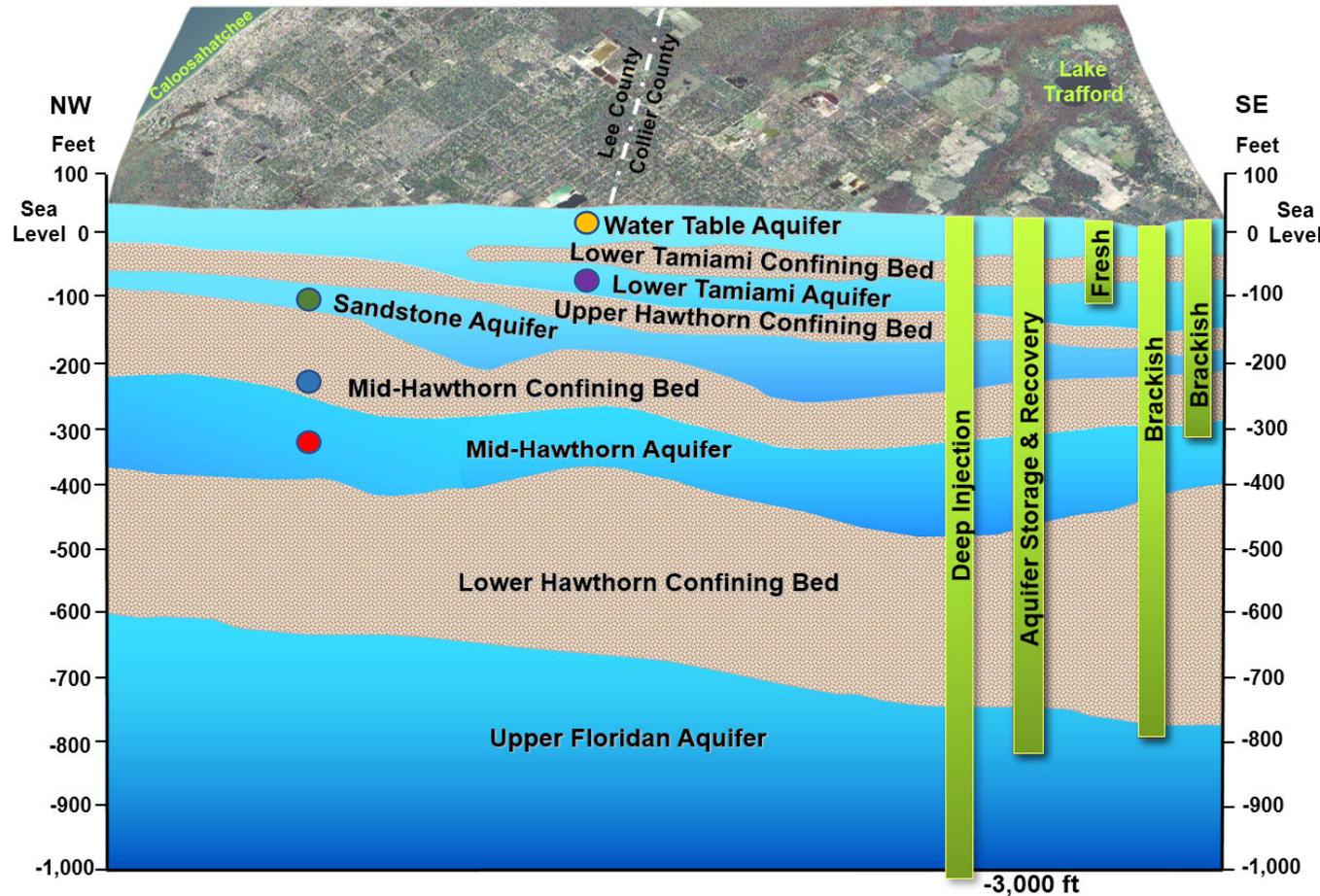


LWC Water Conservation



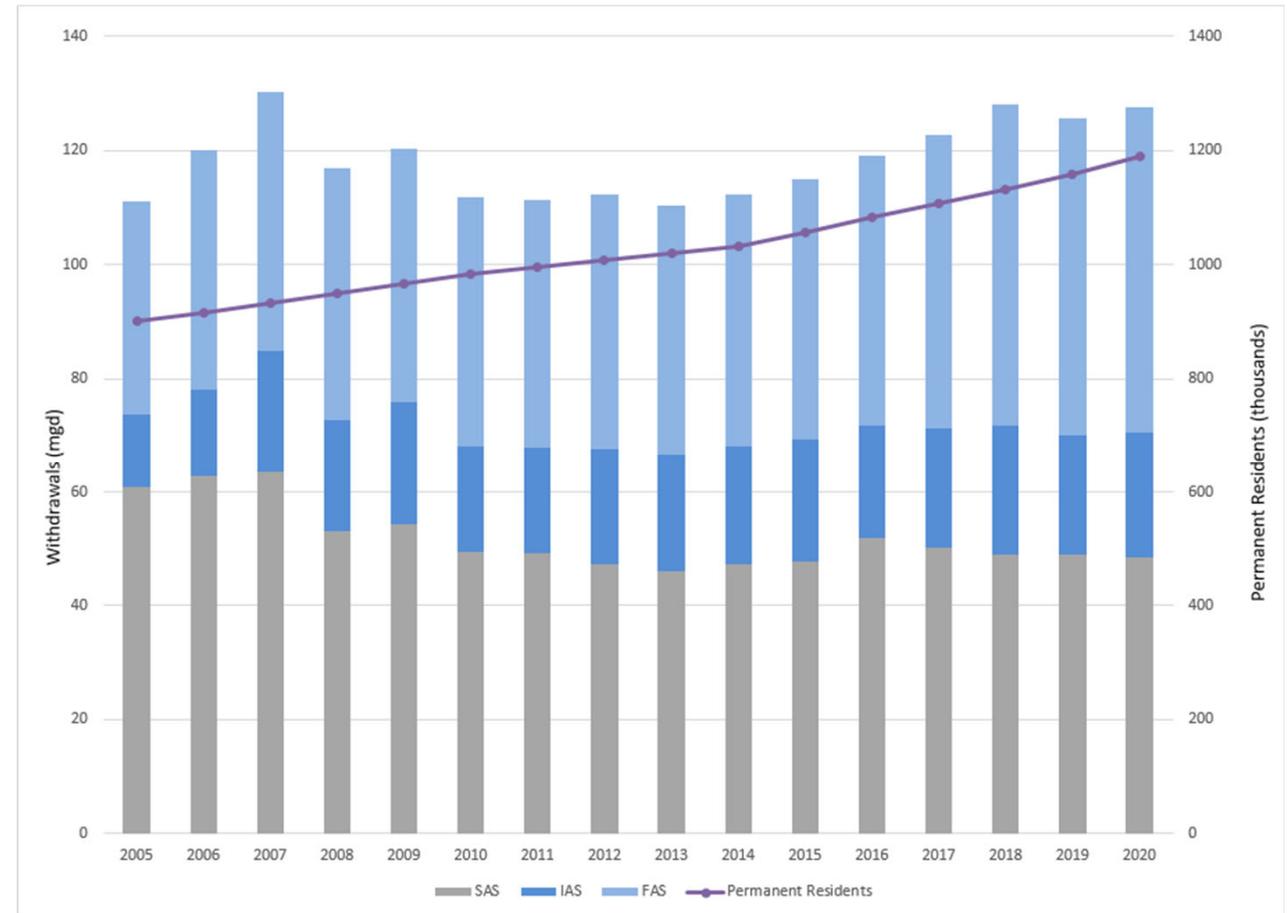
- Agriculture
 - FDACS best management practices
 - More efficient irrigation systems
- Public supply
 - Indoor and outdoor programs
 - Conservation rate structures
- 96% of population is covered by a year-round local government irrigation ordinance
- Estimated 45 million gallons per day (mgd) potential conservation savings through 2045

Groundwater Sources



Public Supply Groundwater Use

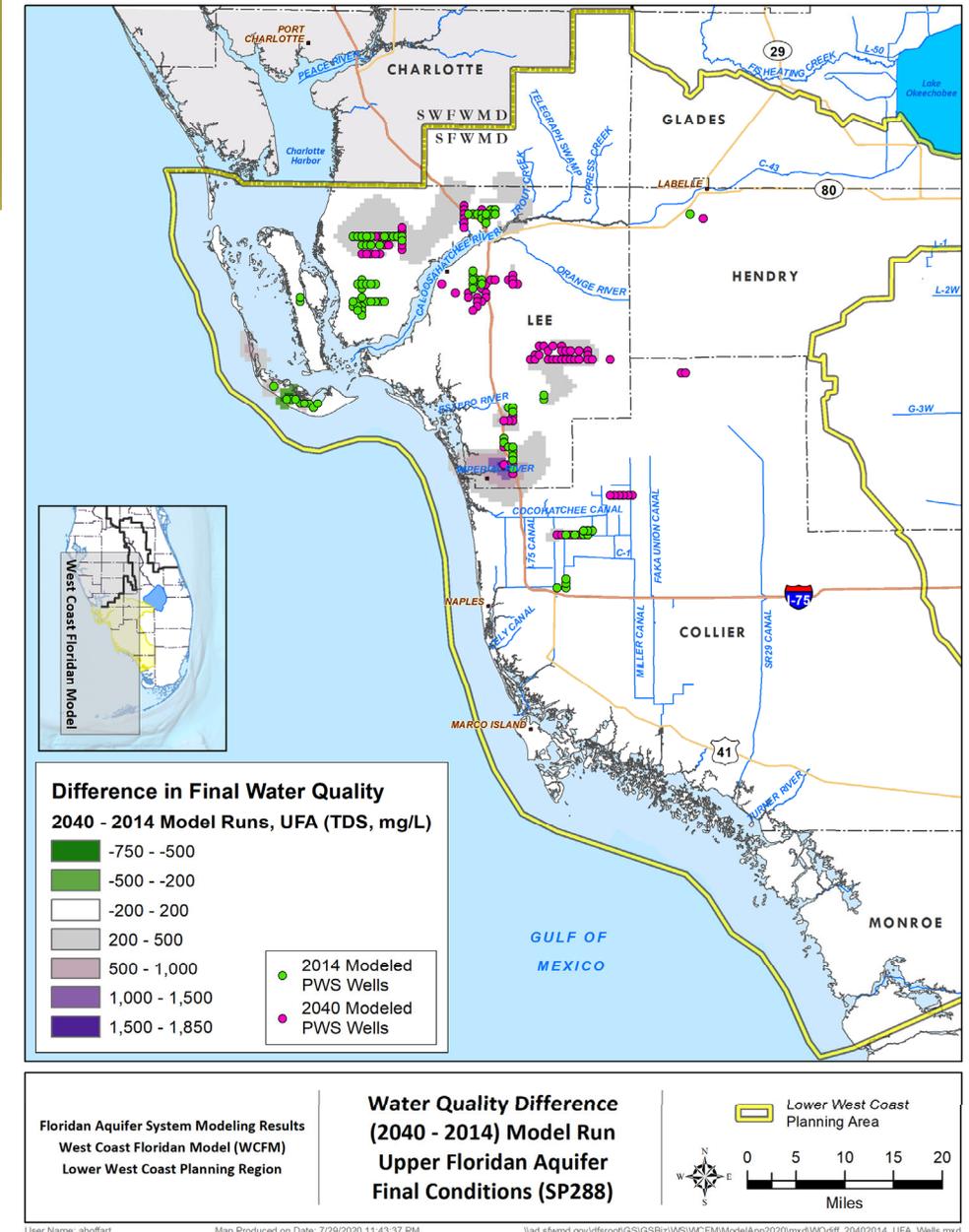
- Conservation, reclaimed water and source diversification have been beneficial
- Surficial aquifer system (SAS) and intermediate aquifer system (IAS) use has remained stable
- Floridan aquifer system (FAS) use has increased to supply population growth



Population increased about 33% while withdrawals increased only 9% since 2005

Resource Evaluation and Analysis

- Data sources
 - Water use permit information
 - Regulatory limits
 - Groundwater level and salinity monitoring data
 - Demand estimates and projections
- Regional groundwater modeling
 - Surficial and Intermediate Aquifer Model
 - Minimal increases in projected demands
 - Demands can be met without undue impacts to the water resources and related natural systems
 - West Coast Floridan Model
 - 65 mgd increase in demands
 - Increased demands can be met without undue impacts to water levels and water quality



Localized Groundwater Water Level Decline

Withdrawals have created localized areas of Intermediate aquifer water level decline in Lee County:

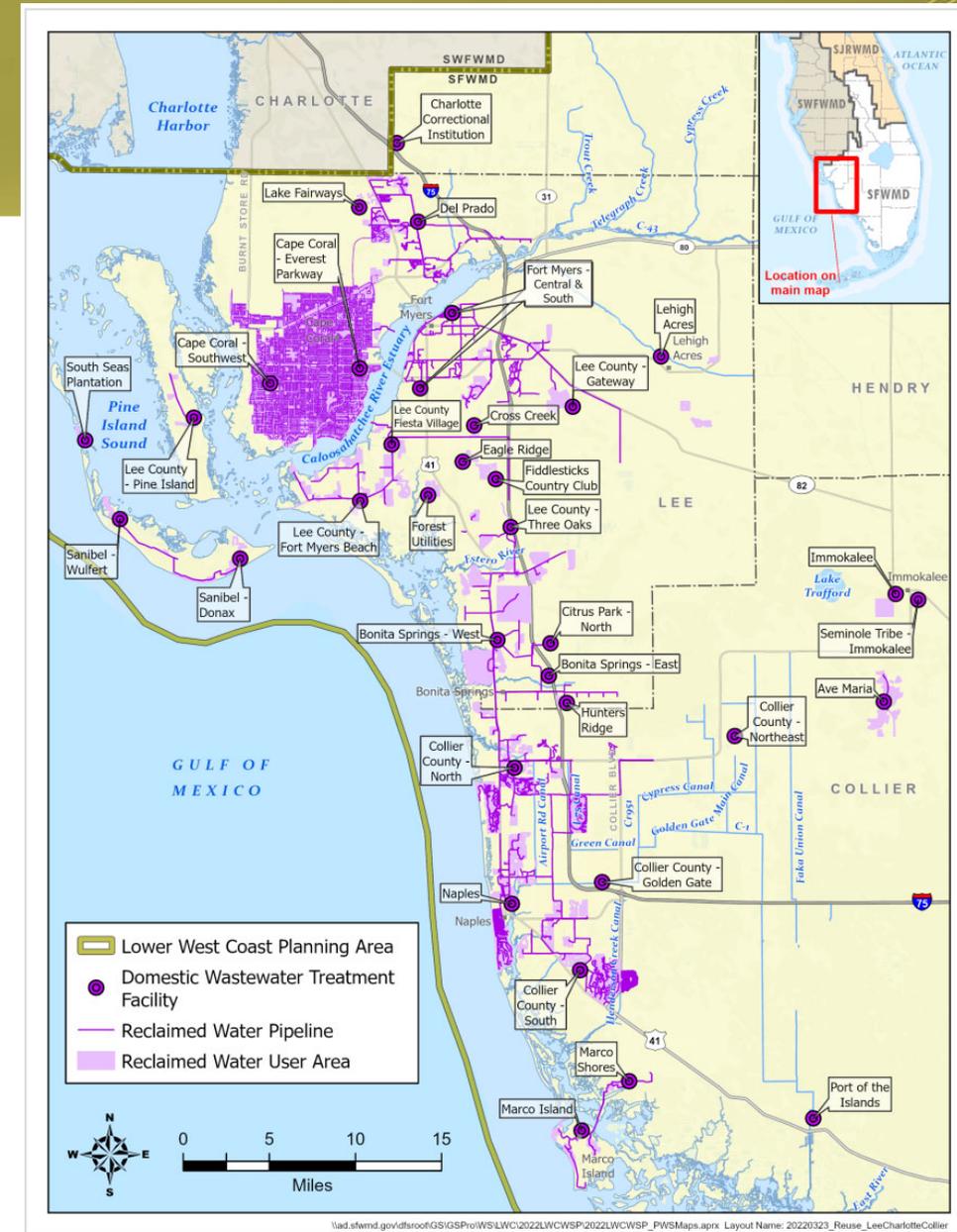
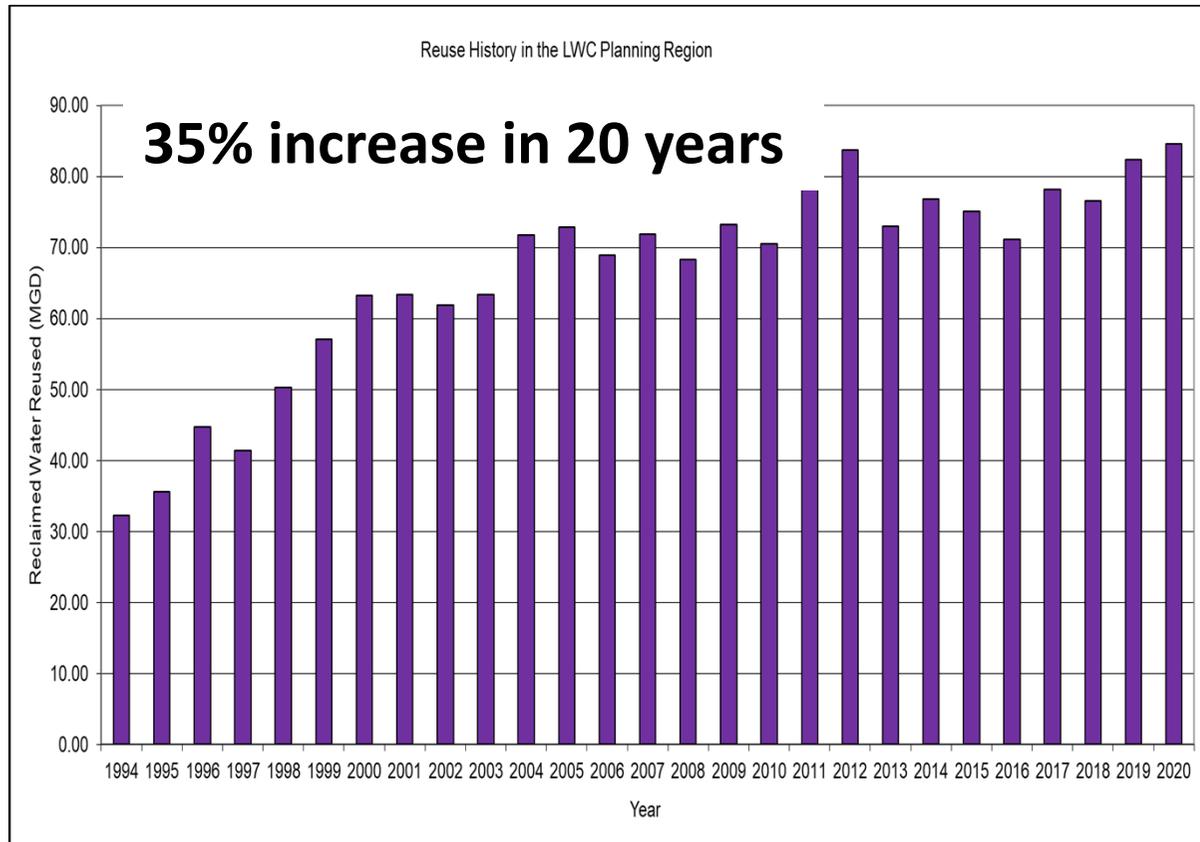
- Mid-Hawthorn aquifer in Northern Cape Coral
 - Domestic Self-Supply (DSS) use
 - Utility service expansion plan using underlying Floridan aquifer will significantly reduce DSS use
- Sandstone aquifer in Lehigh Acres
 - Agriculture and DSS use
 - Exploring options to reduce Sandstone aquifer use in coordination with Lee County and others



○ Localized areas of Intermediate aquifer water level decline

Reclaimed Water

➤ Utilized primarily for landscape irrigation of yards, golf courses, parks, medians, and other green space



Gross Demand Projections

Population (BEBR)

2020 1,188,588 residents
 2045 1,628,546 residents

36% increase



Irrigated agricultural acres (FDACS)

2020 291,765 acres
 2045 307,062 acres

5% increase



	Public Supply	Domestic Self-Supply	Agriculture	Commercial/ Industrial/ Institutional	Landscape/ Recreational	Power Generation	Total
2020	138.50	24.53	592.02	37.73	219.17	1.54	1,013.49
2045	186.02	34.01	621.40	48.23	289.23	2.03	1,180.92

An overall 14% increase

Average rainfall conditions, in million gallons per day

BEBR: Univ. of Florida Bureau of Economic and Business Research

FDACS: Florida Department of Agriculture and Consumer Services

Future Direction

- Continue implementation of:
 - SAS, IAS, and FAS monitoring programs
 - Water conservation programs
 - Alternative water supply development projects
 - CERP and other ecosystem restoration projects
- Evaluate, monitor, and design solutions in response to sea level rise and climate trends
- Implement long-term management measures for the IAS and FAS in coordination with counties and utilities
- Coordinate with other agencies, local governments, and utilities on water supply elements
 - All local governments must amend their Comprehensive Plan to incorporate a Water Supply Facilities Work Plan within 18 months of the plan update's approval



Estero River

From: <http://www.shminhe.com/images/134557.html>

Written Public Comments

Stakeholders

- Johnson Engineering
- Florida Department of Agriculture and Consumer Services
- Florida Farm Bureau
- Collier County Utilities
- Audubon Florida

Topics

- Population projections for selected development areas
- Corkscrew Swamp Sanctuary hydrologic conditions
- Expansion of water conservation
- Reclaimed water quality

Plan Conclusion



The future water supply and ecosystem needs of the region can continue to be met through 2045 with appropriate management, conservation, and implementation of projects in this plan.

- Construction of potable water supply development project by two PS utilities.
- Implementation of the CERP C-43 Reservoir, Picayune Strand, and other ecosystem restoration projects.

Staff Recommendation



Approve the 2022 Lower West Coast Water Supply Plan Update.

Ron DeSantis, Governor

SFWMD Governing Board

Chauncey Goss, Chairman
 Scott Wagner, Vice Chairman
 Ron Bergeron Sr.
 Ben Butler
 Charlie E. Martinez
 Cheryl Meads
 Charlette Roman
 Jay Steidle
 Jacqui Thurlow-Lippisch

Shawn Hamilton, Secretary,
 Florida Department of
 Environmental Protection

SFWMD Executive Management

Drew Bartlett, Executive Director
 John Minnik, Asst. Executive Director & Chief Engineer
 Stephen Collins, Real Estate Director
 Sean Cooley, Communication & Public Engagement Director
 Jill Creech, Regulation Director
 Lawrence Glenn, Water Resources Director
 Candida Heater, Administrative Services Director
 Lisa Koshler, Big Cypress Basin Administrator
 Julia Lomonico, Interim General Counsel
 Carolina Maran, District Resiliency Officer
 Duane Piper, Chief Information Officer
 Jennifer Reynolds, Ecosystem Restoration & Capital Projects Director
 Jennifer Smith, Chief of Staff
 Rich Virgil, Field Operations Director

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3301 Gun Club Road
 West Palm Beach, FL 33406
SFWMD.gov



Aquatic Vegetation, Litter and Debris Entering District Waterways

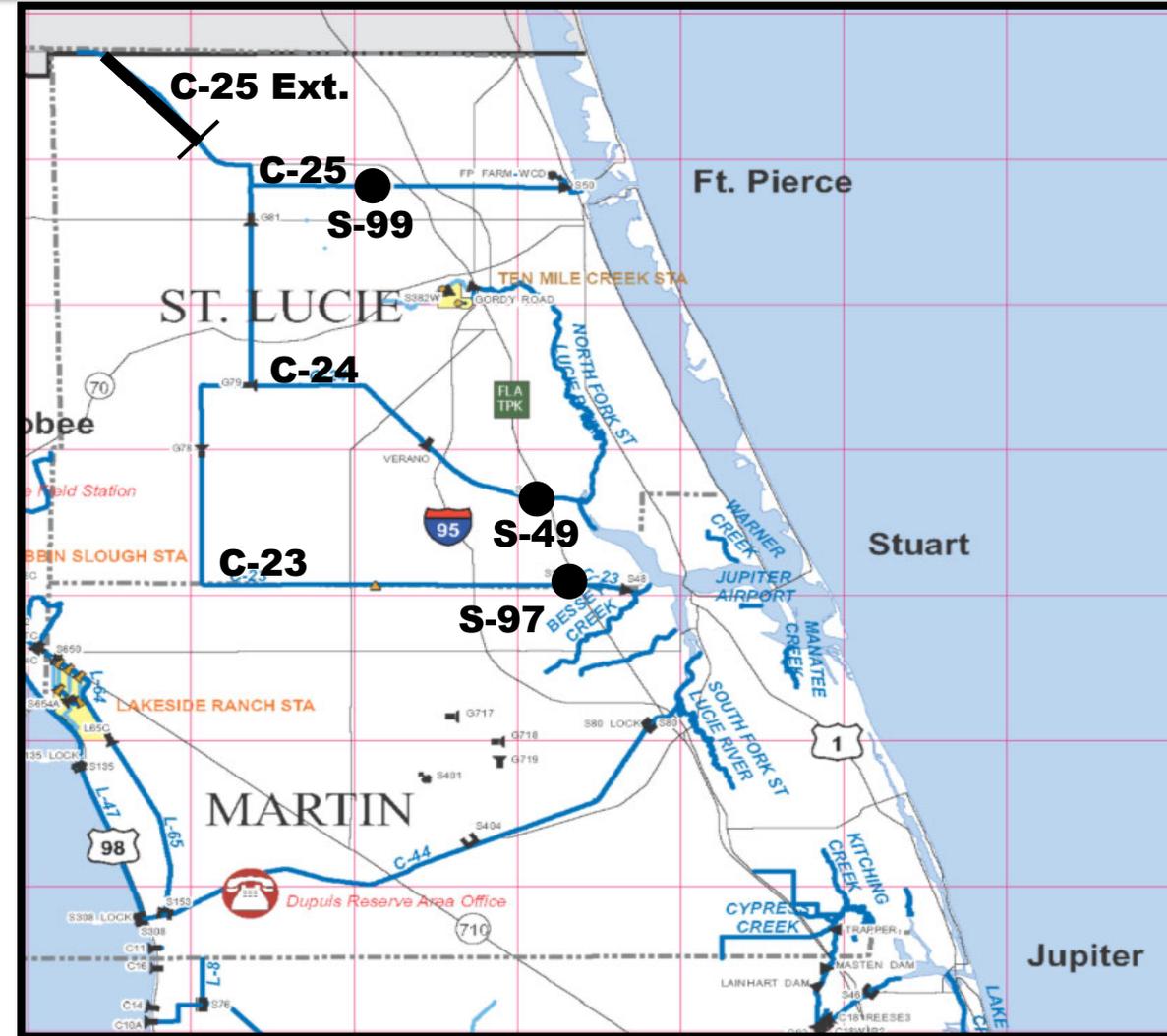
**South Florida Water Management District
Governing Board Meeting - December 8, 2022
Rich Virgil, P.E., PMP Director - Field Operations**



Aquatic Vegetation Issues in Martin & St. Lucie Counties

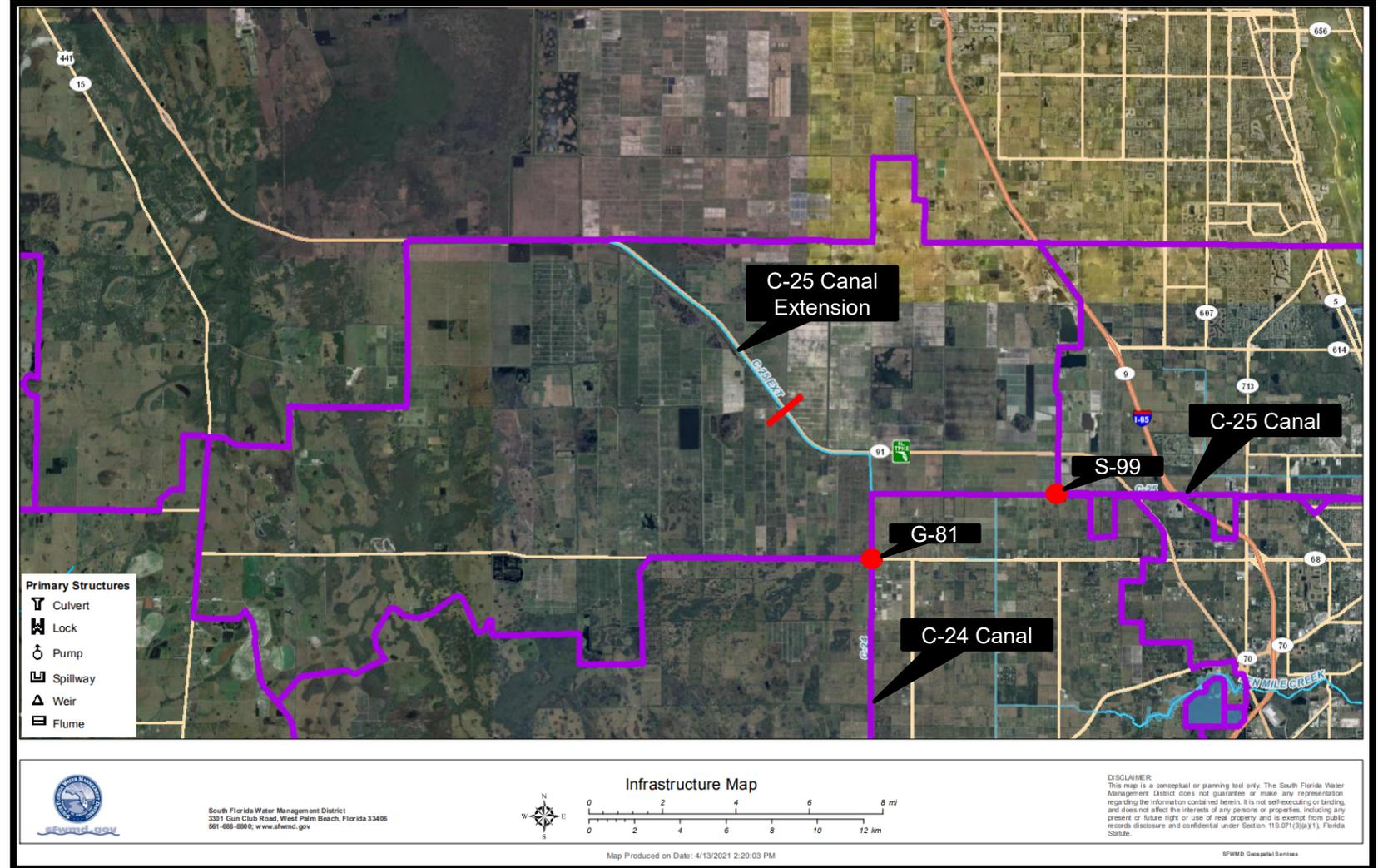
Structures and canals where significant aquatic vegetation accumulation occurs in Martin and St. Lucie Counties:

- C-25 Extension
- C-25
- S-99
- S-49
- S-97



Impacts to Drainage

- Obstructions like floating vegetation, that is not promptly removed, can result in blockage of canals and structures which can lead to flooding.
- Floating vegetation discharged to coastal estuaries can have negative impacts to water quality and marine life.



Impacts to Drainage

- **Structure S-99 in the C-25 Canal looking west.**

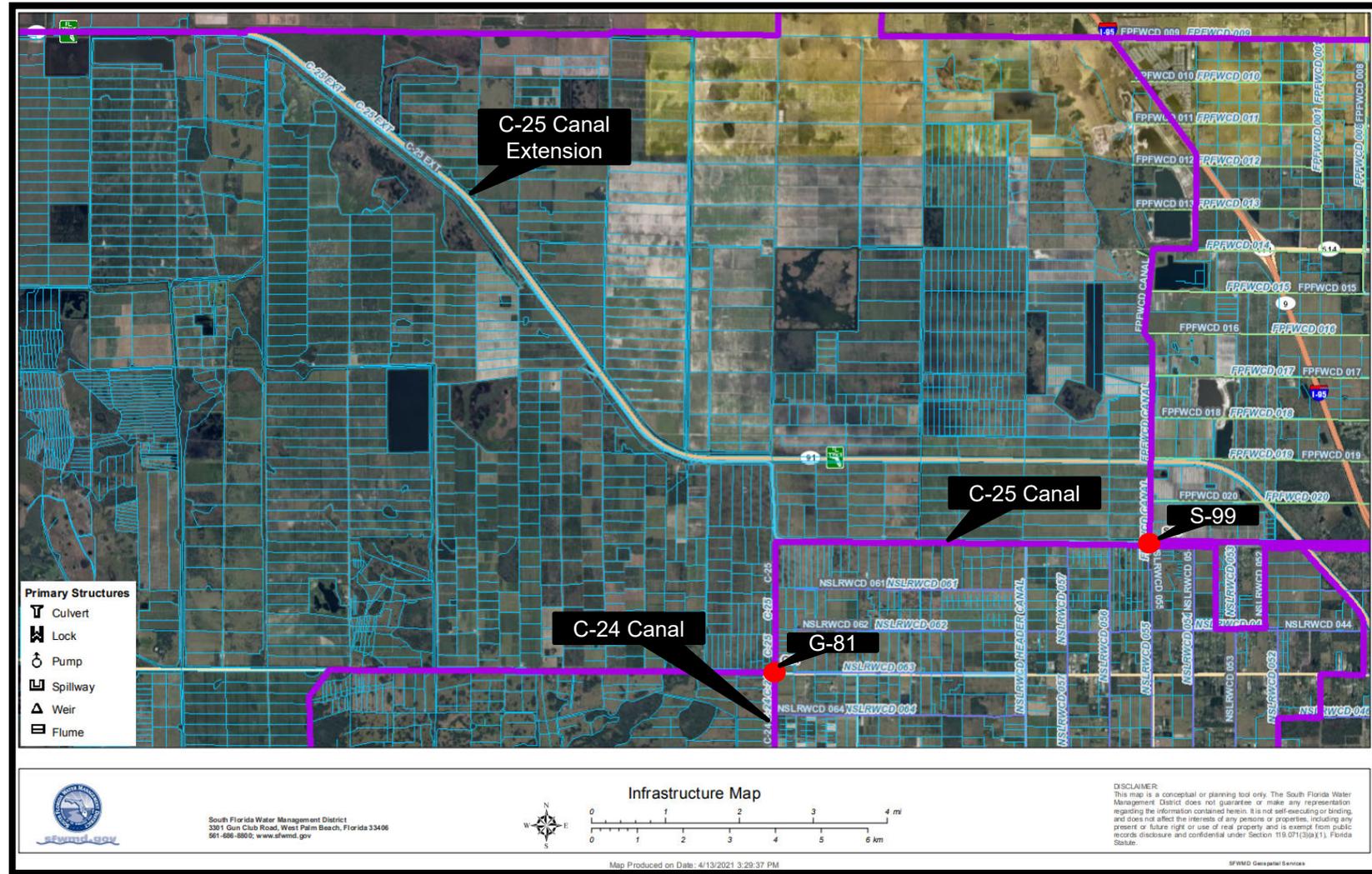


- **Structure S-97 in the C-23 Canal looking west.**



Additional Drainage Infrastructure

- Hundreds of miles of privately owned and operated canals discharge to the District system (Secondary Inflows).



Secondary Inflows

- **Vegetation being discharged to the District Canals from private lands via project culverts (PCs).**



Secondary Inflows

- Once the rains start vegetation is broken loose causing it to discharge into the District Canals from private canals such as the C-25 Extension.



Flood Control Maintenance

Background:

- C-25 Canal provides flood control for approximately 1/3 of St. Lucie County. The C-25 Canal is approximately 17 miles long and flows west to east ultimately discharging to the Indian River Lagoon. Large amounts of vegetation accumulates upstream of the C-25 Canal in a privately own canal known as the C-25 Extension. During major rain events this vegetation is often discharged to the C-25 Canal.



Properly Maintained C-25 Canal Free of Floating Vegetation

SFWMD Response



- Mechanical Harvesting

Impacts to Permitted Facilities

- Severe damage to bridge caused by the extreme pressure applied by floating vegetation, which required removal and replacement of the bridge.



Vegetation Removal Summary

Vegetation Removal Totals for Significant Locations:

- **FY 19 C-25: 1671 Cubic yards**
- **FY 20 C-25: 597 Cubic yards**
- **FY 21 C-25: 620 Cubic yards**
- **FY 21 C-25 Ext: 400 Cubic yards**

Note: The cubic yards of secondary vegetation identified above was removed from three locations on the C25, Turnpike Extension barrier, the Y barrier and S-99 structure.

Aquatic Vegetation Accumulation at S-155 in the C-51 Canal



Secondary Inflows to C-51 Canal



Aquatic Vegetation Accumulation at G-56 in the Hillsboro Canal



Debris Accumulation in the G-16 Canal



Debris Accumulation in the C-12 Canal



Aquatic Vegetation and Debris Removal Summary

FY21 Structure and Canal Cleaning Totals for Significant locations:

- **S-155: 60 Tons Average**
- **G-56: 2 Tons Average**
- **G-16: 2 Tons Average**
- **C-14: 1 Ton Average**
- **C-12: 2 Tons Average**
- **G-15: 2 Tons Average**

Debris Issues In Miami-Dade County

Background:

- S-27 is the coastal salinity structure located on C-7 Canal. C-7 is approximately 11 miles long and flows west to east through 5 local urban municipalities. Large amounts of litter and debris accumulates upstream of S-27. This results in high number of complaints to clean the area requiring significant District resources.



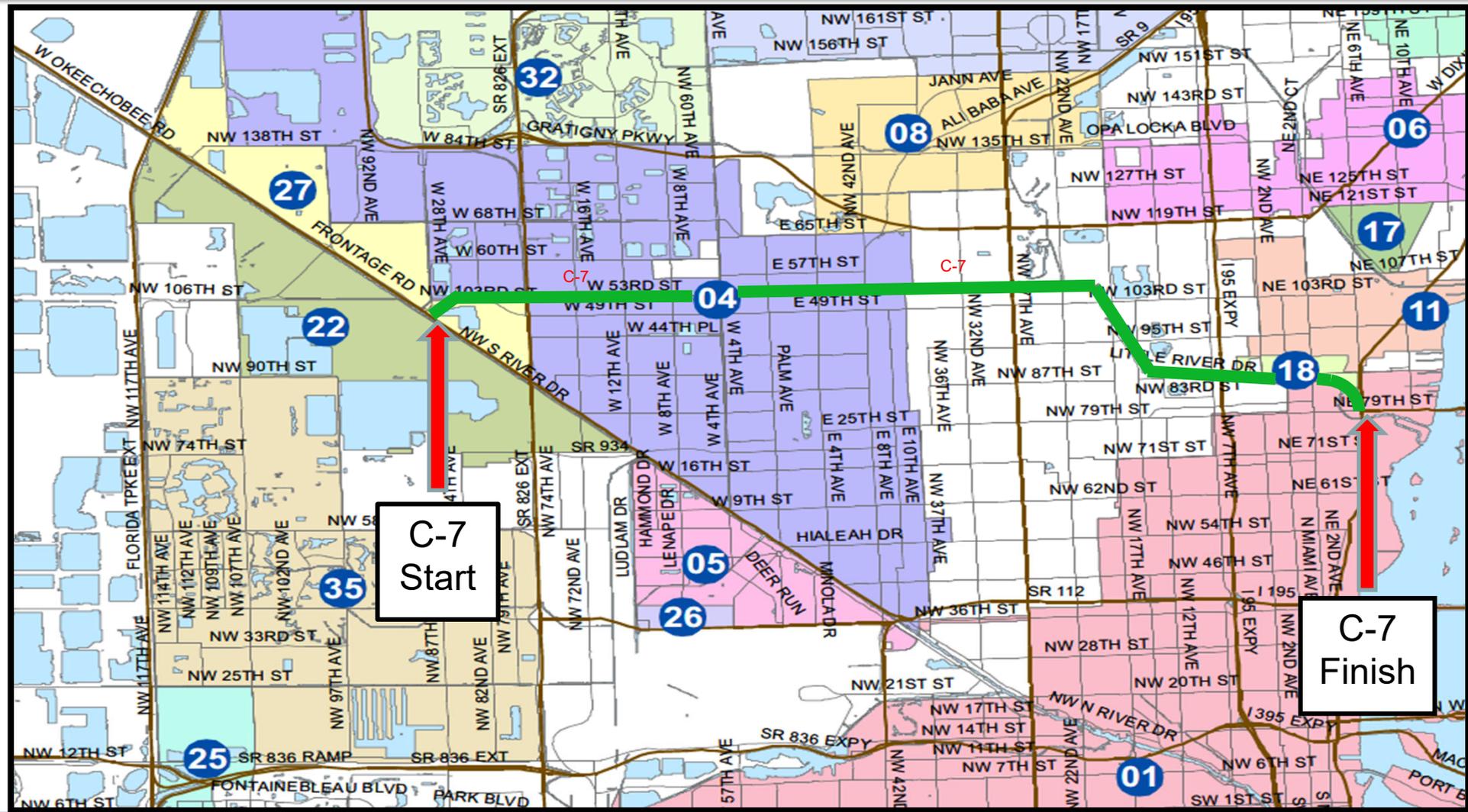
C-7 Canal Basin

Municipalities Within C-7 Basin:

- 22, MEDLEY, 1949
- 27, HIALEAH GARDENS, 1948
- 04, HIALEAH, 1925
- 30, UNINCORPORATED MIAMI-DADE, N/A
- 18, EL PORTAL, 1937
- 01, MIAMI, 1896

Debris can result in blockage of canals and structures which can lead to flooding.

Discharge of debris to Biscayne Bay can have negative impacts to water quality and marine life.



Type of Debris that Accumulates



- Plastic water bottles, Styrofoam cups, coconuts and vegetation

- Doors, bed mattresses, couches, coolers, tires and pallets

Equipment Needed to Clean Up Debris



- **Towboat and trash truck in action removing debris from the canal**

After Clean Up at S-27 in the C-7 Canal



Additional Measures Taken in the C-7 Canal

- In an ongoing effort to reduce debris in the Miami Little River C-7 Canal the District has installed a second tuff boom at NW 27th Avenue.
- The S-27 Structure and NW 27th Avenue booms are cleaned twice a week.



Debris Accumulation at S-22 in the C-2 Canal



Debris Accumulation at S-28 in the C-8 Canal



Debris Removal Summary

FY21 Structure Cleaning Totals for Significant locations:

- **S-22: 25 Tons Average - 19 Cleanings**
- **S-26: 2 Tons Average - 2 Cleanings**
- **S-27: 217 Tons Average - 97 Cleanings**
- **S-28: 84 Tons Average - 57 Cleanings**
- **G-58: 2 Tons Average - 4 Cleanings**

Anticipated Rule Concept

Anticipated Rule Concept:

- **Require active measures to prevent water management systems from discharging aquatic vegetation or other debris into the C&SF system or other Works of the District.**
- **Applies to all water management systems, including special Districts, that connect to or make use of the C&SF system or other Works of the District.**
- **Apply to Collier, Lee, Orange, Glades, Broward, Hendry, Highlands, Martin, Miami-Dade, Okeechobee, Osceola, Palm Beach, Polk, and St Lucie counties.**

Anticipated Timeline

Anticipated Timeline:

- **Governing Board authorizes rule development (December 2022)**
- **District holds rulemaking workshops and engages the public (January & February 2023)**
- **Finalized rule language brought to the Board for approval and adoption (April 2023)**
- **Rule becomes effective if no public hearing requested or changes made to the rule (June 2023)**

Recommended Action

Authorize publication of Notice of Rule Development to establish new rules in Chapter 40E-7, Florida Administrative Code, to require water management systems, including special districts, that connect to or make use of the Central & Southern Florida Flood Control Project (C&SF system) or other Works of the District to take actions to address ongoing operations and maintenance concerns resulting from aquatic vegetation, litter, and debris that enter the C&SF system.

Professional Engineering Services Operations, Maintenance, Repair, Rehabilitation, and Replacement Contracts

Funding Increase

Alan Shirkey, P.E.
Bureau Chief, Engineering & Construction
South Florida Water Management District
Governing Board Meeting
December 8, 2022



Restoration and Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R)



- **Restoration**
 - **CERP/CEPP, Restoration Strategies, NEEPP, etc.**
 - **Reservoirs & FEB's**
 - **Stormwater Treatment Areas**
 - **Hydroperiod Restoration**
- **OMRR&R**
 - **Pump Station Refurbishment**
 - **Gated Structure Rehabilitation**
 - **Canal Rehabilitation**
 - **Levee Repairs/Certifications**



Background

- The March 14, 2019 Governing Board approved entering into contracts with 17 firms in an amount not-to-exceed \$225,000,000.
- Contracts were negotiated for a 3-year period with two 1-year renewal extensions.
- Assignments under each contract are handled through various work orders under the contract.
- The November 10, 2021 Governing Board approved a \$125 Million increase to the threshold for these contracts, along with approval of the two 1-year renewal extensions.
- In support of anticipated future demands utilizing the existing contracts, an increase to the threshold of \$125 million is requested, resulting in a new total threshold of \$475 million.

Expedited Projects Utilizing PES Contracts

- EAA A2 Stormwater Treatment Area
- EAA Miami and North New River Canal Improvements
- Stormwater Treatment Area Refurbishments (STA 1W, STA 2, and STA 3/4)
- C25 Reservoir and Stormwater Treatment Area
- Lake Okeechobee Connection to STA 5/6
- CEPP North Components (S620 Structure, L4 & L5 Canal Improvements, Miami Canal Backfill)
- CEPP New Water Components (8.5 SMA Curtain Wall Extension)
- S332B and S332C Pump Station Replacements
- Homestead and Okeechobee Field Station Replacements
- Lake Okeechobee Watershed Restoration ASR
- Loxahatchee River C18W Impoundment



EAA A2 STA



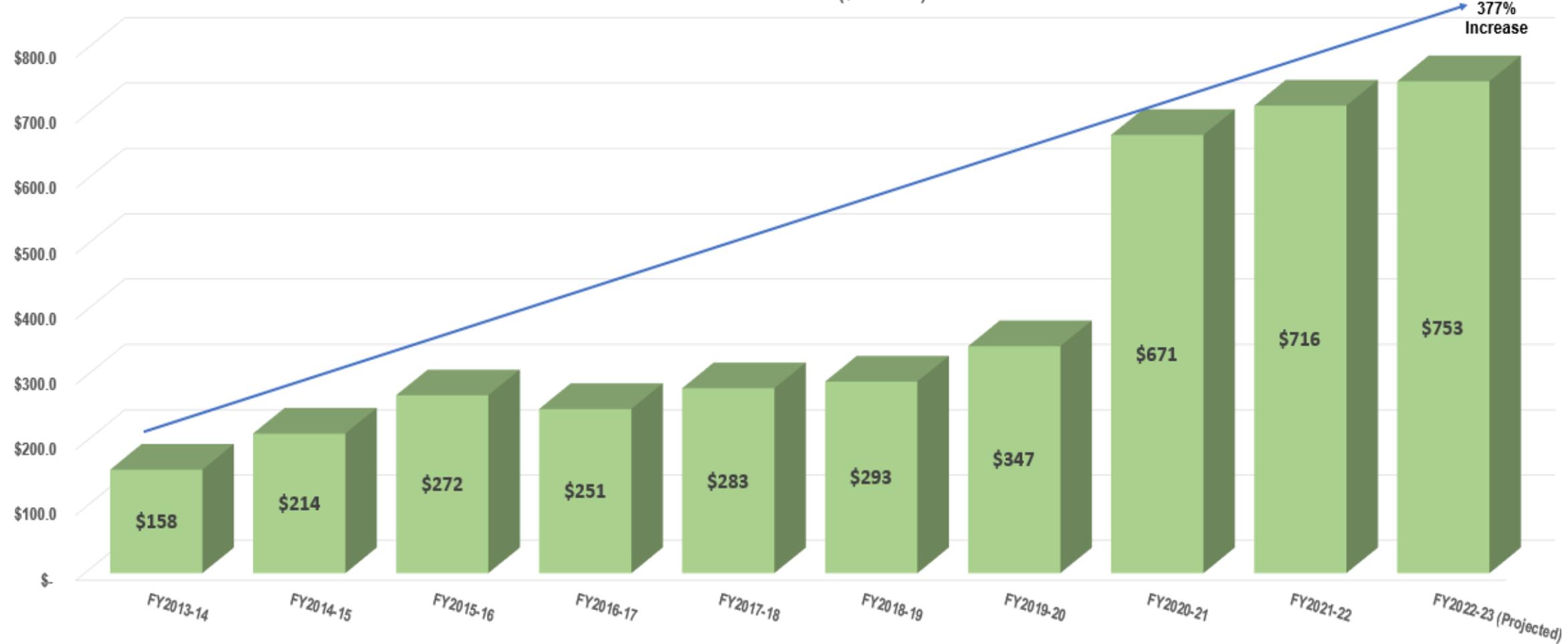
CEPP New Water Curtain Wall



C18W Impoundment

Capital Improvements Trend

Capital Improvements - Everglades Restoration and O&M Capital Programs
(\$ Millions)





Resolution

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to the existing Operations, Maintenance, Repair, Rehabilitation, and Replacement Professional Engineering Services contracts to increase the amount by \$125,000,000 for all 17 contracts, of which Ad Valorem and dedicated funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to the Governing Board approval of future years budgets.