



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

May 11, 2023

9:00 AM

Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102

FINAL

Governing Board members may visit the Shotwell Wavering Family Filter Marsh area during the lunch break and the Dalton Discovery Center at any time throughout the day.

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Recognition of Elected Officials
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 April 13, 2023 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. Land Acquisition, Tract SG100-025, Fakahatchee Strand Component of the Picayune Strand Restoration Project, Collier County (Staff contact, Ray Palmer)

Agenda Item Background:

The District, as local sponsor for the United States Army Corps of Engineers (USACE), has previously acquired lands needed for the Fakahatchee Strand State Preserve Component of the Picayune Strand Restoration Project. The proposed acquisition is a 2.5-acre parcel that will complete acquisition of the component lands. Purchase price is \$75,000, which is 30% above the approved appraised value of \$57,500. Staff believes paying the increased purchase price is in the District's best interest to avoid the risks and added expenses associated with a future condemnation process.

Recommended Action:

A. Resolution No. 2023 - 0501 Acquire land interests containing 2.5 acres, more or less, located in the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, in the amount of \$75,000, plus associated costs, for which dedicated funds (Land Acquisition Trust Fund) and/or Ad Valorem funds are budgeted in Fiscal Year 2022-2023.

B. Resolution No. 2023 - 0502 Advise the Florida Department of Environmental Protection of the proposed acquisition of land interests containing 2.5 acres, more or less, for the Picayune Strand Restoration Project, Fakahatchee Strand State Preserve Component, in Collier County, and requesting the release of funds in the amount of \$75,000 and associated costs from the Land Acquisition Trust Fund for acquisition of such land interests.

[Resolution No. 2023-0501](#)

[Resolution No. 2023-0502](#)

[Resolution Exhibit A](#)

15. Land Acquisition, Tract KE100-263, C-23/C-24 North Reservoir Component of the Indian River Lagoon South Project, St. Lucie County (Staff contact, Ray Palmer)

Agenda Item Background:

Staff is seeking Governing Board approval to acquire an 8.06-acre parcel of land for the C-23/C-24 North Reservoir Component of the Indian River Lagoon South Project. As a part of the Comprehensive Everglades Restoration Plan (CERP) Indian River Lagoon South (IRL-S) project, the C-23/C-24 North Reservoir component will assist with the reduction of harmful discharges to the southern portion of the Indian River Lagoon and St. Lucie River and Estuary. The C-23/C-24 North Reservoir was identified and authorized in the IRL-S Project Implementation Report, completed in 2004 and Congressionally authorized in WRDA 2007. The C-23/C-24 North Reservoir component supports the District's core mission of ecosystem restoration and water

quality improvement. The C-23/C-24 North Reservoir will be capable of storing approximately 30,000 acre/feet of water and will allow stormwater originating in the C-23 and C-24 basins to be directed into the C-23/C-24 STA to be treated before returning to the C-23 or C-24 canals.

The District has previously acquired the lands needed for the construction of the reservoir. The acquisition will provide and serve as required highway access off State Road 70 for the construction of the reservoir and for the future operation and maintenance of the reservoir. The purchase price is \$430,000.

Recommended Action:

A. Resolution No. 2023 - 0503 Acquire land interests containing 8.06 acres, more or less, for the Indian River Lagoon South Project, C-23/C-24 North Reservoir Component, located in St. Lucie County, in the amount of \$430,000, together with \$107,000 for statutory attorneys' fees and associated costs, for which dedicated funds (Land Acquisition Trust Fund) and/or Ad Valorem funds are budgeted in Fiscal Year 2022-2023.

B. Resolution No. 2023 - 0504 Advise the Florida Department of Environmental Protection of the proposed acquisition of land interests containing 8.06 acres, more or less, for the Indian River Lagoon South Project, C-23/C-24 North Reservoir Component, in St. Lucie County, and requesting the release of funds in the amount of \$430,000 and associated costs, together with statutory attorneys' fees, expert fees and costs in the amount of \$107,000 from the Land Acquisition Trust Fund for acquisition of such land interests.

[Resolution No. 2023-0503](#)

[Resolution No. 2023-0504](#)

[Resolution Exhibit A](#)

16. Cano Health, LLC, Parking Lease, Miami-Dade County (Staff contact, Ray Palmer)

Agenda Item Background:

Staff is seeking Governing Board authorization to amend Contract No. 460004560 to extend a parking lease, located on the C-9 Canal right of way in Miami-Dade County, for five years. Cano Health, LLC currently leases 0.15 acres, which provides additional parking for their patients and staff. If approved, the Lease will extend to June 3, 2028. The leased area is not currently needed for operation and maintenance of the C-9 Canal. The Lessee is responsible for maintenance of the entry gate and fencing around the parking area. The Lease has a provision for termination by the District for convenience of 180 days. The approximate annual revenue will be \$10,270.

Recommended Action:

Resolution No. 2023 - 0505 Authorize a five-year parking lease extension to Cano Health, LLC on 0.15 acres, more or less, in Miami-Dade County. (Contract No. 460004560-A01)

[Resolution No. 2023-0505](#)

[Resolution Exhibit A](#)

17. Release of Reservations (Staff contact, Ray Palmer)

Agenda Item Background:

The District has certain reserved rights to construct canal and road right of ways and reserved mineral rights. 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 recommends 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. Mineral rights are retained by the District and a Non-Use Commitment is issued.

It has been determined by a District-wide routing that there is no present or future need for the reservations listed below, therefore, staff recommends approval of the following:

Broward County

Release District canal and road reservations, and issue a Non-Use Commitment for KBNP, LLC, a Delaware limited liability company (File No. 18927) for 151.71 +/- acres; subject to payment of release value of \$132,152.00.

Palm Beach County

Release District canal reservations for Soapy Shark SR-7, LLC, a Florida limited liability company (File No. 18929) for 0.18 +/- acre; release value of \$1,256.45 is paid.

Recommended Action:

Resolution No. 2023 - 0506 Release District canal and road reservations and issue a Non-Use Commitment.

- [Maps](#)
- [Memo Exhibit A](#)
- [Resolution No. 2023-0506](#)
- [Resolution Exhibit A](#)

- 18. MuleSoft Upgrade Contractual Services (Staff contact, Duane Piper)

Agenda Item Background:

The District is in the process of upgrading 47 Application Program Interfaces (APIs) from MuleSoft Version 3 to Version 4. These APIs are used for the integration of various applications, data access, and visualizations including DBHYDRO Insights, Site Status, OneParameter, SCADA Projects, various data loaders, and the SAP to Remedy integration. Additional services are required to complete the migration of the APIs, improve the code quality, and increase the APIs security.

This request is to amend Purchase Order No. 4500137000 with UWORK.com, Inc. increasing the amount by \$50,000 for a revised purchase order total of \$298,063 for the MuleSoft software upgrade, using the National Association of State Procurement Officials Contract Number 14PSX0338. This contract was competed by another government agency.

Recommended Action:

Resolution No. 2023 - 0507 Authorize an amendment to Purchase Order No.

4500137000 with UWORK.com, Inc. by increasing the amount of the purchase order by \$50,000 for a revised purchase order total of \$298,063, for the MuleSoft software upgrade, using the National Association of State Procurement Officials Contract Number 14PSX0338, for which \$50,000 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023.

[Resolution No. 2023-0507](#)

19. Project to Reduce Nutrient Sources and Implement Legacy Nutrient Research in the Lake Okeechobee Watershed (Staff contact, Jennifer Reynolds)

Agenda Item Background:

The goal of the Northern Everglades and Estuaries Protection Program (NEEPP) is to restore and protect surface water resources by addressing water quality and storage in the natural system. One of the District's primary responsibilities in implementing NEEPP is to conduct research and water quality monitoring to support the Watershed Protection Plans and Basin Management Action Plans (BMAPs) for the NEEPP watersheds (St. Lucie River Watershed, Caloosahatchee River Watershed, and Lake Okeechobee Watershed). An opportunity to support the Lake Okeechobee Watershed BMAP, remove a nutrient source that contributes to legacy phosphorus in the Lake Okeechobee Watershed, and provide a location for scientific nutrient studies has been presented to the District. The project property is approximately 1,300 acres and uniquely located in the S-65D NEEPP Priority Basin approximately two miles upstream of the Kissimmee River. The property has been managed as a dairy for over 50 years and remains a source of legacy nutrients in the soil.

The landowner, 5 Iron, LLC, has agreed to vacate approximately 950 acres of a profitable dairy farm to allow the Coordinating Agencies (Florida Department of Environmental Protection (DEP), Florida Department of Agriculture & Consumer Services, and the District) to conduct a series of legacy phosphorus, nutrient remediation, and innovative technology studies. The proposed partnership agreement with 5 Iron, LLC includes up to six months for the landowner to remove the phosphorus source from the property, end current operations, relocate assets, and prepare the property for Coordinating Agency use. For an additional four years, the Coordinating Agencies will be allowed to access and use the property to implement a legacy nutrient research and remediation plan.

Staff requests Governing Board approval to enter into a five-year agreement with 5 Iron, LLC, as a sole source exception to standards of competition, for phosphorus source removal, preparatory land activities, access to and use of 950 acres of the property in an amount not-to-exceed \$2,280,000. Subsequent to approval of this agreement, the Coordinating Agencies will finalize a separate scope of work to implement a legacy nutrient research and remediation plan, the first phase of which includes collecting and analyzing nutrients to determine baseline data for the studies.

Recommended Action:

Resolution No. 2023 - 0508 Authorize entering into a five-year agreement with 5 Iron, LLC as a sole source exception to the standards of competition for source removal, preparatory land activities, access to and use of 950 acres on the property uniquely located in a NEEPP priority basin in an amount not-to-exceed \$2,280,000, for which \$600,000 in dedicated funds (Land Acquisition Trust Fund)

are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004741)

[Resolution No. 2023-0508](#)

Maps

20. Algaecide Application Services for Control of Blue-Green Algae Contracts (Staff contact, Rich Virgil)

Agenda Item Background:

These contracts will provide algae application services for control of nuisance blue-green algae for day-to-day and emergency response situations to protect the public from exposure to toxins district-wide. The responsive and responsible firms are Ground Level, Inc., Applied Aquatic Management, Inc., and Aquatic Vegetation Control, Inc. These are 3-year work order contracts with two 1-year renewal options to combat algae blooms in waterbodies within the District. These services target algae aggregations threatening desired species, which are potentially a hazard to human health in the waterbodies of South Florida. District waterbodies include, but are not limited to, Lake Okeechobee and the surrounding canals. Work performed may be eligible for funding through the DEP. Algae blooms can be quickly managed by use of algaecide by trained and licensed individuals employed by these firms.

Recommended Action:

Resolution No. 2023 - 0509 Authorize entering into a 3-year work order contract with two 1-year renewal options with the three responsive and responsible bidders for Algaecide Application Services for Control of Nuisance Blue-Green Algae, in an amount not-to-exceed \$2,500,000 for all three contracts for which up to \$500,000 in Ad Valorem and dedicated funds (State General Revenue and Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023, and the remainder is subject to Governing Board approval of future years budgets.

Firm	Contract Number
Ground Level, Inc.	4600004755
Applied Aquatic Management, Inc.	4600004756
Aquatic Vegetation Control, Inc.	4600004757

[Resolution No. 2023-0509](#)

21. Stormwater Treatment Areas (STA) Right of Way Mowing Services Contract, Clewiston Field Station Area of Responsibility, Palm Beach and Hendry Counties (Staff contact, Rich Virgil)

Agenda Item Background:

Maintenance of District lands is required to ensure that vegetation is controlled at the appropriate height to provide for optimal performance and operational efficiency of the District's flood control system. This is a proposed contract for right of way mowing services of approximately 6,105 acres located in STA-3/4, EAA A-1 FEB, STA-5, and STA-6 within the Clewiston Field Station area of responsibility, including Palm Beach and Hendry counties.

Recommended Action:

Resolution No. 2023 - 0510 Authorize entering into a 3-year contract with two 1-year renewal options with COCO Tree Service Corp., the lowest responsive and responsible bidder, for Stormwater Treatment Areas Right of Way Mowing Services, in the Clewiston Field Station area of responsibility, including Palm Beach and Hendry counties, in an amount not-to-exceed \$705,128 for which \$76,923 in Ad Valorem funds is budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004758)

[Resolution No. 2023-0510](#)

22. Water Reuse Week, May 14-20, 2023 (Staff contact, Lawrence Glenn)

Agenda Item Background:

May typically marks the end of the dry season and can be a time when water needs are most acute. Amid potentially drier regional conditions, it is important to increase awareness regarding the reuse of our precious water resources. Over the last two decades, water reuse in the District has increased by 60 percent to approximately 310 million gallons per day and has become integral to South Florida's water supply. WaterReuse Florida, the state section of the WaterReuse Association, has designated May 14-20, 2023 as Water Reuse Week in the State of Florida.

With this resolution, the South Florida Water Management District will join WaterReuse Florida, other water management districts, local governments, and other organizations in supporting water reuse with the adoption of similar resolutions throughout Florida.

Recommended Action:

Resolution No. 2023 - 0511 Proclaim May 14-20, 2023, as Water Reuse Week.

[Resolution No. 2023-0511](#)

23. Concurrence on Emergency Order 2023-027-DAO (Staff contact, Jennifer Smith and Maricruz R. Fincher)

Agenda Item Background:

To respond to the flooding caused by record breaking severe and heavy rainfall in Broward County, the District issued Emergency Order 2023-027-DAO. This Order authorized pumping and other measures to ensure the health, safety, and welfare of the community due to flooding from widespread showers and thunderstorms. This item requests the Governing Board's concurrence with issuance of Emergency Order 2023-027-DAO, in compliance with Section 373.119(2), Florida Statutes, and any subsequent termination orders.

Recommended Action:

Concur with Emergency Order 2023-027-DAO and any subsequent amendment or termination of the emergency order.

[2023-027-DAO Emergency Final Order](#)

24. Legal Services Contract Amendment with Kirwin Norris, P.A. (Staff contact, Maricruz R. Fincher)

Agenda Item Background:

Kirwin Norris, P.A. provides ongoing legal counsel to the District in construction law matters. The Office of Counsel is requesting the authority to increase funds in the amount of \$250,000 for the District’s contract with Kirwin Norris, P.A.

Recommended Action:

Resolution No. 2023 - 0512 Amend Contract No. 4600004519 with Kirwin Norris, P.A. to authorize the General Counsel to increase the contract by \$250,000.

[Resolution No. 2023-0512](#)

- 25. Geotechnical Engineering Services Contracts (Staff contact, Alan Shirkey)

Agenda Item Background:

As part of the District’s core missions of flood control, water supply, water quality and ecosystem restoration, the demand for geotechnical engineering services due to legal mandates, restoration programs and the need to maintain existing facilities exceeds the capacity that can be generated by existing District staff.

Contracts will be awarded to Consultants within the Geotechnical Engineering Services industry. The contracts are needed to provide geotechnical engineering data and analysis required for completion of internal design projects and quality assurance during construction. Geotechnical data is an important factor that weighs heavily into the design and construction of structure foundations, seepage management systems, dewatering systems, retaining walls/wing walls, and slope protection for facilities such as gravity structures, pump stations and canals.

Recommended Action:

Resolution No. 2023 - 0513 Authorize the official ranking of firms and enter into 3-year work order contracts, with two 1-year renewal options with the six firms listed below, subject to successful negotiations to provide Geotechnical Engineering Services in an amount not-to-exceed \$4,000,000 for all six work order contracts, for which Ad Valorem and dedicated funds (Land Acquisition Trust Fund and State General Revenue Fund) are subject to Governing Board approval of future years budgets; the District will proceed in ranked order until agreements have been successfully negotiated.

Firm Name	Contract No.
NV5, Inc.	4600004745
H2R Corp	4600004746
WIRX Engineering, LLC	4600004750
GFA International Inc. d/b/a Universal Engineering Sciences	4600004747
Radise International, LC	4600004748
Tierra South Florida, Inc. d/b/a TSFGeo	4600004749

[Resolution No. 2023-0513](#)
[Scoring & Final Ranking Report](#)
[Backup Document](#)

Discussion Agenda

26. Alternative Water Supply Funding Program (Staff contact, Stacey Adams)

Agenda Item Background:

This item includes a presentation of the Fiscal Year 2023-2024 Alternative Water Supply Funding Program (Program) which includes a recap and the final project list for the DEP submittal by May 31, 2023. The Program's purpose is to provide financial incentives through matching grants for local alternative water supply and water conservation projects. Water resource and water supply development projects help to protect our water resources and ensure that the needs of existing and future users are met.

Recommended Action:

A. Resolution No. 2023 - 0514 Approve and authorize submittal of the final project list to the Florida Department of Environmental Protection for the purpose of funding consideration for projects listed for the Florida Department of Environmental Protection Alternative Water Supply Grant Program in dedicated state appropriations from the 2023 State General Appropriations Act.

B. Resolution No. 2023 - 0515 Authorize entering into agreement(s) with cooperating entities for alternative water supply and water conservation projects with dedicated state appropriations from the 2023 General Appropriations and delegating authority to the Executive Director to execute the agreements for identified projects that receive state appropriations.

[Resolution No. 2023-0514](#)

[Resolution No. 2023-0515](#)

27. Land Acquisition - Tracts GU100-012, GU100-013, GU100-014, GU100-015, Green Heart of the Everglades Project, Collier County (Staff contact, Jennifer Reynolds)

Agenda Item Background:

The FY2022-23 Florida Legislature appropriated funds and directed the District to acquire the lands for the Green Heart of the Everglades Project in Collier County (the "Project"). The proposed acquisition consists of approximately 11,053.44 acres owned by four separate entities. The lands represent privately owned lands surrounded by and adjacent to millions of acres of publicly-owned conservation lands including Big Cypress National Preserve, Fakahatchee Strand Preserve State Park, and Everglades National Park. The lands are home to one of the rarest habitats in the U.S. - the mangrove forest habitat - which makes up a quarter of the land. The Project region supports thirty-nine federally listed threatened or endangered species, including Florida Panther, American Crocodile, and Black Bear. The Florida Panther National Wildlife Refuge, which is part of the U.S. Fish and Wildlife Service's National Wildlife Refuge System, is located within the Project region. The rare Ghost Orchid is also known to grow in the area. The purchase price is \$29,850,000. Included in the acquisition and purchase price, are all oil, gas and mineral rights and reservations held by other third-party entities which will permanently prevent oil, gas, and mineral exploration and extraction on the lands.

WildLandscapes International brought all four landowners together under one Agreement, which maximizes the transactional efficiency and assures a comprehensive closing on all of the lands. WildLandscapes is a Florida-based non-profit organization that is dedicated to conserving large and connected landscapes globally significant to wildlife and crucial to local communities. Bringing these lands under public ownership will prevent future development of the properties and provide connectivity between large state and federal conservation lands. The District is in discussion with the Department of Environmental Protection regarding stewardship of these lands and the District will work with stakeholders and partner agencies to discuss a land management plan, ecotourism and public access to these lands.

Recommended Action:

A. Resolution No. 2023 - 0516 Acquire land interests containing 11,053.44 acres, more or less, for the Green Heart of the Everglades Project, in Collier County, in the amount of \$29,850,000, plus associated costs, for which dedicated funds (State General Revenue, Ch. 2022-156 Laws of Florida Section 197) are budgeted.

B. Resolution No. 2023 - 0517 Advise the Florida Department of Environmental Protection of the proposed acquisition of land interests containing 11,053.44 acres, more or less, for the Green Heart of the Everglades Project, in Collier County, and requesting the release of funds in the amount of \$29,850,000 from the State General Revenue, Ch. 2022-156 Laws of Florida Section 197 for acquisition of such land interests, together with associated costs.

[Resolution No. 2023-0516](#)

[Resolution No. 2023-0517](#)

[Resolution Exhibit A](#)

Technical Reports

- 28. Water Conditions Report - John P. Mitnik
- 29. Ecological Conditions Report - Lawrence Glenn

Staff Reports

- 30. Monthly Financial Report - Candida Heater, Division Director - Administrative Services
 - Lake Belt Mitigation Committee Annual Report for 2022
- 31. General Counsel's Report - Maricruz R. Fincher, General Counsel
- 32. General Public Comment
- 33. Board Comment
- 34. Adjourn

Presentations for item numbers 08, 26, 27, 28, and 29, and back-up document for item number 30.

Agenda Item Background:

- 08 Reynolds NEEP Update
- 26 Payseno(Adams) DEP AWS Funding
- 27 Reynolds Green Heart Acquisition
- 28 Mitnik Water Conditions Report
- 29 Glenn Ecological Conditions Report
- 30 LBMC Annual Report

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.