

MEMORANDUM

Agenda Item No. 8(L)(4)

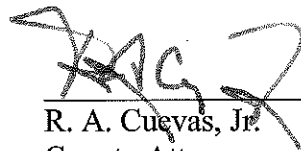
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing execution of a Memorandum of Understanding between Miami-Dade County, the South Florida Water Management District, the City of Miami, the City of West Miami, and the City of Sweetwater defining the operation of main pump stations discharging into the c-4 canal

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney


RAC/smm

Memorandum



Date: January 23, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Authorizing the Execution of a Memorandum of Understanding between Miami-Dade County, the South Florida Water Management District, the City of Miami, the City of West Miami, and the City of Sweetwater Defining the Operation of Main Pump Stations Discharging into the C-4 Canal

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the execution of a Memorandum of Understanding (MOU) between the South Florida Water Management District (SFWMD) and Miami-Dade County, the City of Miami, the City of West Miami, and the City of Sweetwater (collectively referred to as Local Governments) defining the operation of main pump stations discharging into the C-4 Canal; and authorizing the County Mayor or County Mayor's designee to exercise the provisions therein.

SCOPE

The operation of these stormwater pump stations addresses flooding and adverse water quantity impacts in the geographic area of the Local Governments, C-4 Basin, and downstream areas. The pump stations operated by the County affected by this MOU are located at SW 6 Street/SW 127 Avenue and SW 122 Avenue/Walsh Boulevard, in Commission District 12.

FISCAL IMPACT/FUNDING SOURCE

The execution of this MOU will not have a fiscal impact to the County.

TRACK RECORD/MONITOR

The Project Manager responsible for management and maintenance of the County's stormwater pump stations is Manuel Garcia, Chief, Road, Bridge, Canal and Mosquito Control Division, Miami-Dade County Public Works and Waste Management Department (PWWM).

BACKGROUND

Miami-Dade County is the applicant of Environmental Resource Permit Application No. 060525-24, which requests authorization to construct and operate a surface water management system, including pump discharge to the C-4 Canal. The Cities of Miami, West Miami, and Sweetwater have also requested authorization to construct and operate surface water management systems including pump discharge to the C-4 Canal. Consequently, the SFWMD adopted the C-4 Basin Operating Plan.

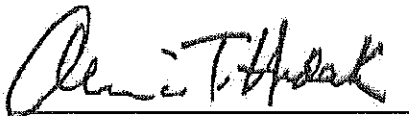
The purpose of this MOU is to define responsibilities among the parties in order to reduce potential flooding and adverse water quantity impacts within the geographic area of the Local Governments, C-4 Basin, and downstream areas. It is designed to be applied in the time period preceding, during, and immediately following storm events where excessive rain is expected in the geographic area of the Local Governments. Included in the MOU is the acknowledgement that operation of the stormwater pumps may result in adverse flood impacts to property owners within the basin. The conveyance capacity of the C-4 Canal is limited and may not be able to

Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
Page 2

accept the full combined flow of the stormwater pumps during heavy rainfall/flooding conditions. Therefore, by executing the MOU, Local Governments agree to coordinate the operation of each pump station so as to comply with the C-4 Basin Operating Plan to the extent possible.

In the event that the SFWMD determines that an emergency exists within its geographic jurisdiction, its Executive Director shall issue an emergency order which describes the conditions that are causing the emergency, and the corrective action necessary to minimize or abate the emergency condition, including requiring Local Governments to shut off the stormwater pump stations provided within this MOU. Actions pursuant to the SFWMD's emergency authority will supersede this MOU.

This agreement shall be effective for a period of ten (10) years beginning on the last date of execution of this agreement by all parties. The parties shall have an option to renew for another ten (10) year period effective upon mutual written consent of all parties. In order to expedite this MOU, the SFWMD has asked the County to ratify the agreement without prior approval from the Cities. The SFWMD is working with the Cities to concurrently approve the agreement through their governing boards.



Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(L)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(L)(4)
1-23-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE CITY OF MIAMI, THE CITY OF WEST MIAMI, AND THE CITY OF SWEETWATER DEFINING THE OPERATION OF MAIN PUMP STATIONS DISCHARGING INTO THE C-4 CANAL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the South Florida Water Management District has adopted the C-4 Basin Operating Plan for discharges into the C-4 Canal and desires to enter into a Memorandum of Understanding with Miami-Dade County, the City of Miami, the City of West Miami, and the City of Sweetwater; and

WHEREAS, this agreement shall be effective for a period of ten (10) years beginning on the last date of execution of this agreement by all parties,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the execution of a Memorandum of Understanding between Miami-Dade County the South Florida Water Management District, the City of Miami, the City of West Miami, and the City of Sweetwater, defining the responsibilities for cooperation in the operation of main pump stations discharging into the C-4 Canal, in substantially the form attached hereto and made a part hereof; and authorizing the County Mayor or

County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions therein.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	
Lynda Bell, Vice Chair	
Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

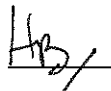
The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez

**BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

IN RE:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, MIAMI-DADE
COUNTY, AND THE CITIES OF MIAMI,
WEST MIAMI AND SWEETWATER,
DEFINING THE OPERATION OF MAIN PUMP
STATION PUMPS DISCHARGING INTO THE
C-4 CANAL**

Pursuant to Chapter 373, Fla. Stat., and the rules promulgated thereunder, this Memorandum of Understanding (MOU) defining the process for cooperation in the operation of the City of Miami (Miami), City of West Miami (West Miami), City of Sweetwater (Sweetwater) and Miami-Dade County (Miami-Dade) stormwater pump stations discharging to C-4 Canal (hereinafter called Stormwater Pumps) is entered into between the South Florida Water Management District (SFWMD) and Miami, West Miami, Sweetwater and Miami-Dade (collectively referred to as Local Governments), by mutual consent, and without this MOU constituting a waiver of any authority of the Local Governments and the SFWMD under Chapter 373, Fla. Stat.

PURPOSE

1. This MOU is designed to be applied in the time period preceding, during and immediately following storm events where excessive rain is expected in the geographic area of the Local Governments (hereinafter referred to as "major storm").

2. The purpose of this MOU is to define responsibilities for the cooperation among the parties to this agreement in order to reduce potential flooding and adverse water quantity impacts within the geographic areas of the Local Government, C-4 Basin and downstream areas.

FINDINGS OF FACTS

3. Miami is a local municipality subject to the provisions of [insert statutes and ordinances, etc.] Miami is the Applicant of ERP Permit Application No. 030311-10, which requests authorization for Miami to construct and operate a surface water management system including pump discharge to the C-4 Canal.

4. West Miami is a local municipality subject to the provisions of [insert statutes and ordinances, etc.] West Miami is the Applicant of ERP Permit Application No. 030401-4, which requests authorization for West Miami to construct and operate a surface water management system including pump discharge to the C-4 and C-3 Canals.

5. Sweetwater is a local municipality subject to the provisions of [insert statutes and ordinances, etc.] Sweetwater is the Permittee of ERP Permit Nos. 13-01660-P and 13-02009-P, which granted authorization for Sweetwater to construct and operate a surface water management system including pump discharge to the C-4 Canal.

6. Miami-Dade is a political subdivision of the State of Florida. Miami-Dade is the Applicant of ERP Permit Application No. 060525-24, which requests authorization for Miami-Dade to construct and operate a surface water management system including pump discharge to the C-4 Canal.

7. The SFWMD is a public corporation of the State of Florida existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code, as a multipurpose water management district with its principal office at 3301 Gun Club Road, West Palm Beach, Florida, 33406. The SFWMD is authorized to enter into agreements pursuant to section 373.083, Fla. Stat.

8. The SFWMD has adopted the C-4 Basin Operating Plan (Operating Plan) for discharges into the C-4 Canal, a copy of which is attached as Exhibit "1", as may be amended by the SFWMD from time to time. The SFWMD believes that operation consistent with the Operating Plan will provide the best framework to reduce potential flooding and adverse water quantity impacts in the geographic area of the Local Governments, C-4 basin and downstream areas.

9. Local Governments acknowledge that the Operating Plan identifies the conditions in the C-4 basin under which Stormwater Pump operations could result in an increased risk of flooding in the C-4 Basin. Local Governments understand that under certain conditions, the operation of the Stormwater Pumps may result in adverse flood impacts to property owners within the basin.

10. Local Governments, as the operators of the Stormwater Pumps, acknowledge that the conveyance capacity of the C-4 Canal is limited and may not be able to accept the full combined flow of the Stormwater Pumps during heavy rainfall/flooding conditions.

11. After notification by the SFWMD of the potential of a major storm event, Local Governments agree to coordinate with each other on the operation of each pump so as to comply to the extent possible with the Operating Plan.

12. The parties to this MOU fully understand that the available capacity of the C-4 Canal is limited and therefore requires cooperation between the parties regarding the operation of Stormwater Pumps during a major storm event. The parties additionally understand that the operation of the associated Stormwater Pump will not provide Local Governments with ideal drainage. Operation of the Stormwater Pumps by the Local Governments pursuant to the Operating Plan are intended to improve upon the drainage currently experienced by Local Governments but due to capacity constraints in the C-4 Canal, will not provide full drainage to their communities.

13. The parties acknowledge that pursuant to Rule 40E-4.451, Fla. Admin. Code: "Upon the (SFWMD's) determination that an emergency exists within its geographic jurisdiction or any part thereof, as defined in subsection (1)(b)(1-2), the Executive Director shall issue an emergency order which shall describe the conditions which are causing the emergency and the type of corrective action necessary to minimize or abate the emergency condition." Actions pursuant to the SFWMD's emergency authority will supersede this MOU.

Based on the foregoing Findings of Fact, the parties to this MOU have reached the following agreements,

NOW THEREFORE IT IS AGREED:

LOCAL GOVERNMENT RESPONSIBILITIES

14. Local Governments shall coordinate with each other in the operation of the Stormwater Pumps upon notification by the SFWMD of the expectation of a major storm event, the contacts listed herein, or their designees, shall meet as soon as reasonably practicable to discuss cooperative operation of the Local Governments' pumps in order to reduce flooding and adverse water quantity impacts within the geographic area of the Local Governments, C-4 Basin and downstream areas. These discussions shall include a consideration of the Operating Plan.

15. Local Governments shall provide and maintain locks on the control mechanism for their respective Stormwater Pumps to prevent their unauthorized operation.

16. Local Governments shall prohibit and otherwise prevent unauthorized operation of the Stormwater Pumps. Local Governments shall maintain a record or log of the operation of the Stormwater Pumps. The record or log may be kept manually or electronically and shall provide an accurate record of times, dates and periods that the Stormwater Pumps are in operation.

17. Local Governments acknowledge that as a result of the operation of the Stormwater Pumps adverse impacts prohibited by the applicable Permit(s), Chapter 373, Fla. Stat., or the SFWMD rule, may occur to either the water resources or other C-4, C-3, C-2 Canal or downstream system users. Each Local Government operating the pumps shall be responsible for any liability or claims of liability resulting from the operation of the pumps by such Local Government, except when performed under the

direction of the Executive Director of the SFWMD via an emergency order pursuant to rule 40E-4.451, Fla. Admin. Code.

18. Local Governments shall be the sole contact with the SFWMD for the operation of the Stormwater Pumps. It shall be the obligation of the Local Governments to inform the residents of their respective communities of the provisions of this MOU.

19. Local Governments shall require their respective staff to review and become familiar with the terms and conditions of the Permit(s), this MOU and the Operating Plan.

20. If any other regulatory agency requires changes to the construction or operation of the Stormwater Pumps, the Local Government shall notify the SFWMD in writing of the changes prior to implementation so that a determination can be made as to whether or not a modification to the Permit(s) or this MOU or both is required. Changes requiring a modification to the Permit(s) or this MOU or both shall not be implemented until the modification is approved by the SFWMD.

21. This MOU does not obviate the necessity to obtain any required federal, state, local and special district authorizations prior to the commencement of any activity authorized by the Permit(s) or this MOU. This MOU neither creates nor otherwise conveys to Local Governments any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by Local Governments, nor does it convey any rights or privileges other than those specified in the MOU, the Permit(s), and Chapter 40E-4 or Chapter 40E-40, Fla. Admin. Code.

22. Each Local Government hereby agrees to indemnify and hold harmless the SFWMD to the extent and within the limitations of Section 768.28, Fla. Stat., from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of the operation of the Stormwater Pumps by such Local Government, except for any such actions performed under the direction of the Executive Director of the SFWMD via an emergency order pursuant to Rule 40E-4.451, Fla. Admin. Code.

SFWMD RESPONSIBILITIES

23. The SFWMD agrees to install telemetry that will provide operating information on the stormwater pumps referenced herein to the SFWMD's West Palm Beach Control Room. Telemetry shall be installed based on available funding. The SFWMD shall make this telemetry information available electronically on the SFWMD's website.

24. The SFWMD agrees to provide email and telephone notification to the contacts listed herein of the Local Governments of the expectation of a major storm event.

JOINT RESPONSIBILITIES

25. Not later than thirty (30) days after the effective date of this MOU, Local Governments shall each designate, in writing, a principle contact person to coordinate operation of the Stormwater Pumps. Each Local Government shall provide the SFWMD contact person with a list of contacts and contact information in writing prior to the 1st day of May of each year for the term of this MOU.

26. The parties shall meet at least annually to assess whether the operation of the Stormwater Pumps has resulted in any adverse impacts to the C-4 Basin and downstream areas.

27. This MOU may be amended only by mutual written agreement of all of the parties to this agreement.

MISCELLANEOUS PROVISIONS

28. This agreement shall be effective for a period of ten (10) years, beginning on the last date of execution of this agreement. The parties shall have an option to renew this agreement for another ten (10) year period effective upon mutual written consent of all of the parties. At no point should this agreement be extended beyond the expected and/or actual life of the system and/or its critical components.

29. Any party may terminate this Agreement without cause by providing written notice of termination to the other parties not less than sixty (60) days prior to the intended date of termination.

30. This MOU, together with the Operating Plan, incorporates, embodies and expresses all agreements and understandings regarding the Stormwater Pumps between the SFWMD and Local Governments and may not be altered except as authorized herein.

31. This MOU shall not constitute a waiver of the SFWMD's regulatory jurisdiction, nor be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this MOU, the Permit(s) and the Operating Plan.

32. Nothing in this MOU, whether expressed or implied, is intended to confer upon any person other than the Parties hereto any rights or remedies under or by reason of this MOU.

33. There shall be no waiver of any right contained in this MOU unless in writing signed by the party waiving such right. No delay or failure to exercise a right under this MOU shall impair such right or be construed to be a waiver thereof. Any waiver shall be limited to the particular rights so waived and shall not be deemed a continuing waiver of the same right or of any other right under this MOU.

34. The invalidity of one or more of the terms or conditions contained in this MOU shall not affect the validity of the remaining portion of the MOU provided that the material purposes of this MOU can be determined and effectuated. In the event of a conflict between the provisions of this MOU and the Permit(s), the provisions of the Permit(s) shall prevail.

35. A notice of rights is attached hereto and made a part hereof as Exhibit "2."

[This space intentionally left blank. Signature block and certifications to follow.]

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed in counterpart originals by their duly authorized representative(s) on the last day and year noted below.

Passed and approved by the City Commissioners of the City of Miami, Florida, this _____ day of _____, 2011.

ATTEST:

CITY OF MIAMI

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Passed and approved by the City Commissioners of the City of West Miami, Florida, this _____ day of _____, 2011.

ATTEST:

CITY OF WEST MIAMI

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Passed and approved by the City Commissioners of the City of Sweetwater, Florida, this _____ day of _____, 2011.

ATTEST:

CITY OF SWEETWATER

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Passed and approved by the Board of County Commissioners of Miami-Dade County, Florida, this _____ day of _____, 2011.

ATTEST:

MIAMI-DADE COUNTY

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____
Name
Title

Executed by the South Florida Water Management District this _____ day of _____, 2011.

ATTEST:

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT BY
ITS GOVERNING BOARD

BY: _____
District Secretary

BY: _____
Melissa Meeker, Executive Director

LEGAL FORM APPROVED

BY: _____
Name
Title

MIAMI DADE COUNTY FLOOD MITIGATION PROGRAM
C-4 BASIN

C-4 BASIN OPERATING PLAN

Prepared by:

*South Florida Water Management District
August 5, 2011*

EXHIBIT 1

1.0 BACKGROUND

With the implementation of flood mitigation projects well under way, it is necessary to periodically update the C-4 Basin Operating Plan (the Plan) to provide guidelines for the District and affected municipalities so as to assist in achieving the benefits afforded by the improving system. This plan is an interim plan recognizing that not all project components have been completed at this time (e.g. floodwall, municipality pumps, etc.). The Plan will need to be updated to take into account all project components upon completion of all construction.

2.0 OBJECTIVES

It is necessary to make clear that projects already implemented and those under implementation will not provide the full level of flood protection that would be ideal for the local communities, namely the ability to handle a 100 year storm frequency without flooding finished floors. Nevertheless, the proposed projects will have the potential to increase the current level of flood protection in the affected communities.

The objective of the Plan is to develop guidelines which will assist in achieving the benefits afforded by the improved system. In order to do this, the system must be operated in a way that is most effective for all communities served by the C-4. It is important that emergency components, such as the Emergency Detention Basin, not be operated more often than necessary since early filling of the Detention Basin could make it unavailable for receiving additional water if the storm event is prolonged. Additionally, the systems must be operated so as not to adversely impact other communities along the C-4 Canal and the Miami River. Therefore these structures will be operated based on canal stages, information that is available on near real time basis. Stages will be monitored at several locations as identified in the table below.

STAGE MONITORING SITES

Project Component	Stage Monitoring Station	Description
C-4 Canal	T5	Near the Turnpike.
	C4 Coral	Near Palmetto Expressway.
	S-25B	Structure S-25B.
Emergency Detention Basin	G-420	Inflow pump station.
	G-422	Inflow pump station.
Miami River	MRMS1	South of intersection of C-4 Canal and Miami River.

All of these stage monitoring stations are shown on Figure 1. In the future, pumping from the municipalities will be automatically reported to the District's West Palm Beach Control Room via telemetry systems installed at all municipal pumps discharging to SFWMD canals.

3.0 SYSTEM COMPONENTS

The C-4 Basin consists of a main canal: the C-4 Canal; associated lateral discharge canals that have an open connection to the C-4 Canal: C-2 Canal (Snapper Creek), C-3 Canal (Coral Gables) and the C-5 (Comfort Canal); and a series of original structures with flood protection and water supply functions: S-380, S-25, S-25A, S-25B, G-93 (C-3 Canal) and S-22 (C-2 Canal) all of which are shown on attached Figure 1.

The new structures in the system, added as part of this program, include the S-25B Forward Pump Station, G-420 Pump Station, G-421 Outlet Spillway, G-422 Inflow Pump Station, and G-423 Interbasin Transfer Structure.

Historically, the system discharges to the east through the C-4 Canal, which in turn discharges into the Miami River and Biscayne Bay. Discharges from the C-4 into the Miami River are mostly through the S-25B gated spillway structure. Discharges into the Miami River are also made through S-25A gated culverts and S-25 gated culverts both located in the C-5 Canal (Comfort Canal). When conveyance capacity is available, additional discharges from the C-4 Canal can be routed to the ocean through the C-2 Canal (Snapper Creek) and structure G-93, and through the C-3 Canal (Coral Gables) and structure S-22. (Reference Figure 1 for locations).

The additional components of the system are also shown in Figure 1 and include the following:

- S-25B Forward Pump Station
- S-26 Forward Pump Station
- C-4 Emergency Detention Basin Phase I which includes the G-420 Inflow Structure and G-421 Outlet Spillway
- C-4 Emergency Detention Basin Phase II including G-422 Inflow Pump Station and G-423 Interbasin Transfer Structure

4.0 OPERATING PLAN FOR C-4 BASIN

The operating plan for the existing structures (S-25, S-25A, S-25B, G-93, and S-22) is incorporated into this report as part of Appendix 1.

In the event of a storm the system will be operated as follows:

- 1) Discharges in C-4 shall continue to flow in the historic manner, that is, be routed towards the east to S-25, S-25A, and S-25B.
- 2) Consistent with past practices, discharges are also routed south and east through the C-2 (Snapper Creek) and C-3 (Coral Gables Canal) if conveyance capacity in these systems is available. These systems will continue to be used so long as conveyance capacity exists without impacting the respective basin discharges.

- 3) Both S-25B and S-26 forward pumps will be operated when the water level in Canal C-4, as measured at T5, rises above 4.0 feet and discharges through S-25B gates are limited to less than 600 cfs by high tide.
- 4) Both S-25B and S-26 forward pumping will stop once gravity discharges through the structures exceed 600 cfs or when the stage in the Miami River as measured at MRMS1 monitoring station equals or exceeds elevation 4.75' NGVD.
- 5) Once the stage at T5 stage monitoring station reaches a minimum elevation of 4.80' NGVD, all 3 pumps at G-420 (total 669 cfs) should be turned on, and pumping into the Emergency Detention Basin shall begin. G-423 will be opened fully at this time as well. Pumping into the Emergency Detention Basin will increase to 936 cfs (3 pumps on at G-420 and 3 pumps on at G-422) when stage at T5 increases to elevation 5.00' NGVD and to a maximum of 1,292 cfs (G-420 with 3 pumps = 669 cfs plus G-422 with 7 pumps = 623 cfs) if stage at T5 remains above elevation 5.20' NGVD.
- 6) When the stage at the T5 stage monitoring station reaches a minimum elevation of 4.80' NGVD, S-380 will be partially closed to limit discharges through only one culvert barrel. Therefore, 4 of the 5 culvert gates will be closed completely. Should the stage at T5 increase to 6.5' NGVD all gates at S-380 will be closed until the stage at T5 recedes to 6.0' NGVD.
- 7) Flood pumping into the Emergency Detention Basin shall continue until at least one of the following conditions occurs:
 - a. Stages in the Emergency Detention Basin have reached elevation 8.0' NGVD and stages at T5 begin to recede below elevation 5.90' NGVD (also see note below) or;
 - b. The stage immediately upstream of the G-420 pump station is at or below elevation 4.20' NGVD or;
 - c. Stages at T5 show a receding trend evidencing that the rest of the system can handle and convey the inflows from the C-4 to tide or;
 - d. The stage in the Emergency Detention Basin has reached a maximum elevation 10.00' NGVD;

NOTE: When stages in the Emergency Detention Basin are at 8.00' NGVD (half full), the District will temporarily terminate pumping allowing the C-4 Canal stages at T5 to increase up to elevation 6.50' NGVD. If the stage at T5 rises to 6.5' NGVD, then pumping into the Detention Basin will resume until T5 stages recede or the Emergency Detention Basin is full (elevation 10.0' NGVD).

- 8) Once a stage between 9.5 to 9.8 feet-NGVD has been reached in the Emergency Detention Basin, Miami-Dade County and the Cities of Miami, Sweetwater, and West Miami will be notified to terminate pumping until advised by the District that conditions in the primary system have improved and they may resume pumping. The

stage for notification within the 9.5 to 9.8 feet range will be based on potential for rainfall and rate of rise of the Emergency Detention Basin. Resumption of pumping may be limited to a partial capacity until conditions in the C-4 Canal improve to allow incrementally greater or full capacity.

- 9) The District will consider commencing discharges out of the Emergency Detention Basin through structure G-421 once the storm event has passed and the stage at T5 recedes to elevation 5.50' NGVD. The discharges will be regulated so as to not overtax the C-4 Canal. Gate operations will be performed while monitoring stages at T-5 and C4 Coral stage monitoring stations and maintaining a maximum stage of 5.5' at T5. If the stages in the C-4 Canal allow it (T5 stage is at elevation 5.50' NGVD and trend is receding), the gate opening may be increased, until the system is discharged completely. Once the Emergency Detention Basin has been emptied, the S-380 structure may be fully opened to drain the area west of S-380 down to a stage of 4.0' NGVD.

FIGURE 1: C-4 BASIN COMPONENTS

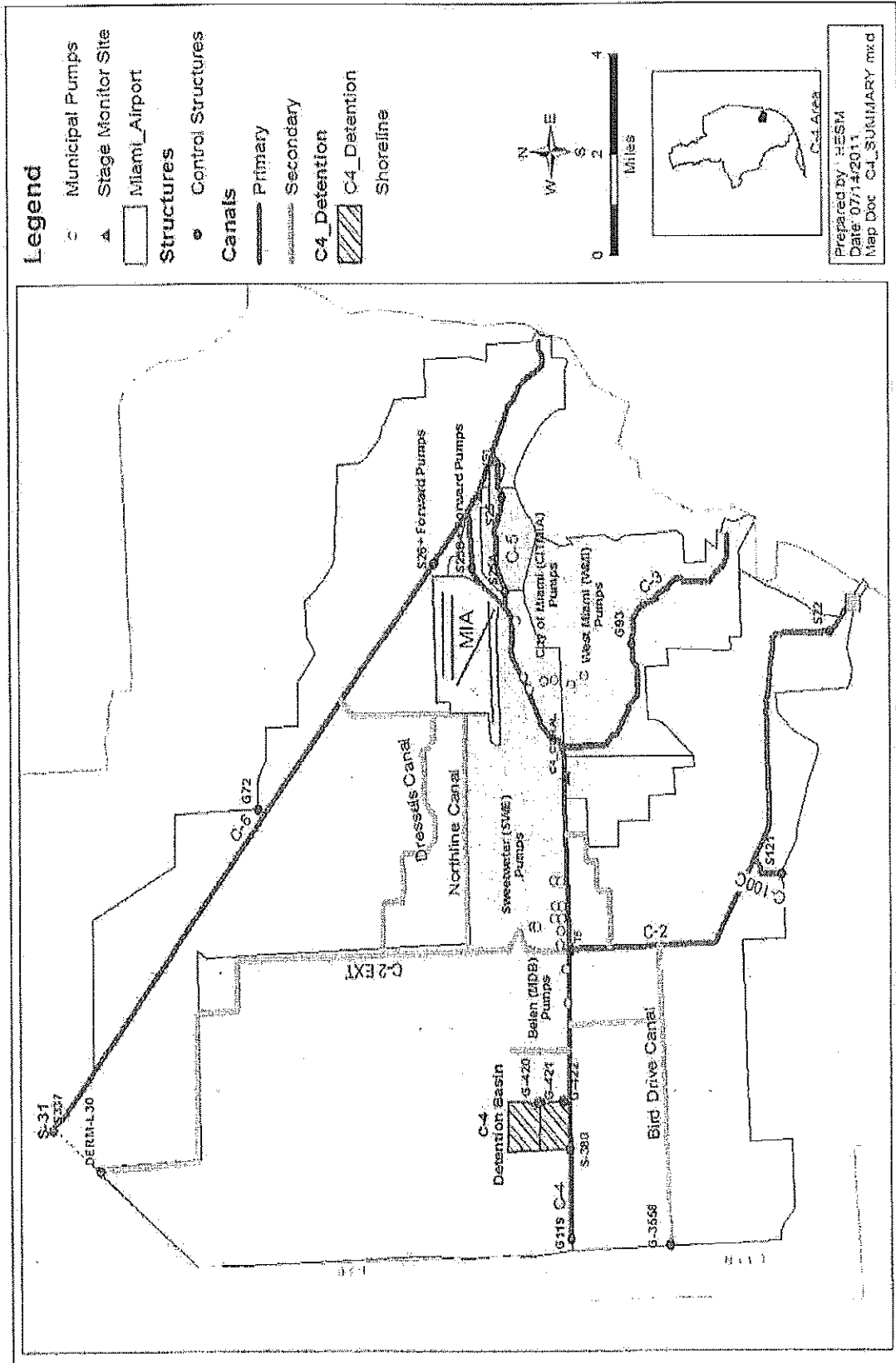
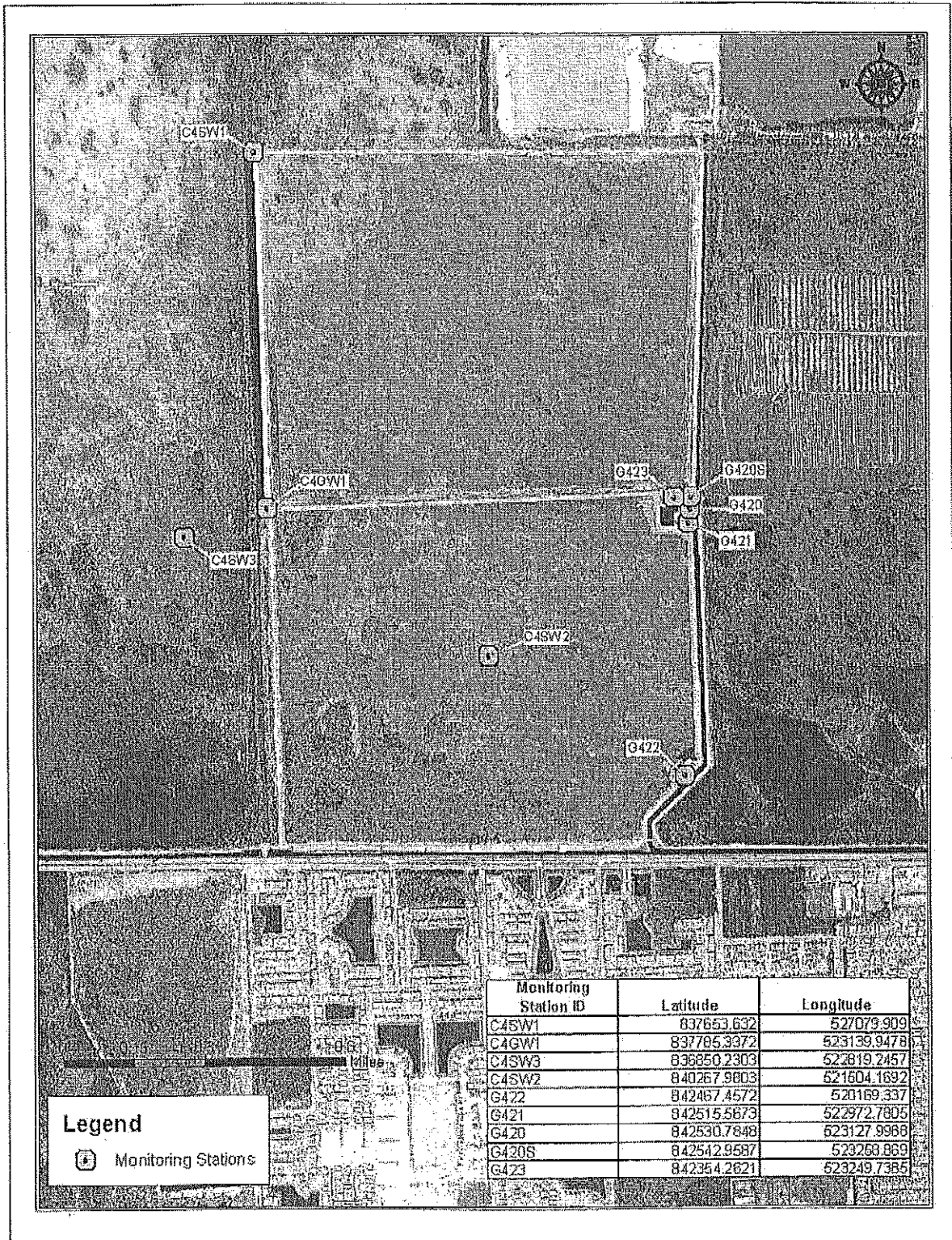


FIGURE 2: C-4 EMERGENCY DETENTION BASIN MONITORING STATIONS



APPENDIX 1

EXISTING STRUCTURES OPERATING PLAN

STRUCTURE 25B

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates. Operation of the gates is automatically controlled. The structure is located in the City of Miami immediately downstream of the Le Jeune Road crossing of the Tamiami Canal, C-4.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 4 (Tamiami Canal); it passes the design flood (the Standard Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be automatically operated to maintain, as close as possible, the optimum headwater elevation of 2.8 feet. The gates will operate to maintain the optimum upstream water surface elevation as follows:

When the headwater elevation rises to 3.0 feet, the gates will open at six inches per minute;

When the headwater elevation rises or falls to 2.8 feet, the gates will become stationary;

When the headwater elevation falls to 2.0 feet, the gates will close at six inches per minute.

During periods of high flow, in order to prevent flooding to the west, a low automatic setting is used. The low setting functions as follows:

When the headwater elevation rises to 2.0 feet, the gates will open at six inches per minute;

When the headwater elevation rises or falls to 1.5 feet, the gates will become stationary;

When the headwater elevation falls to 1.0 feet, the gates will close at six inches per minute.

Excess gate "yo-yo" action at the low setting has been experienced.

A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation where the upstream float sensor indicates that the gate should open.

One gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate level, as it often does, this gate will close. Whenever the headwater stage rises to the gate open level, the other gate will open in a similar manner.

Revised 1/21/03

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level, in the event of a high flood tide, whenever the differential between the head and the tailwater pool elevation reaches 0.3 feet.

FLOOD DISCHARGE CHARACTERISTICS

	Design (Standard Project Flood)
Discharge Rate	<u>2,000</u> c.f.s.
	<u>100</u> %SPF
Headwater Elevation	<u>4.4</u> feet
Tailwater Elevation	<u>4.1</u> feet
Type Discharge	uncontrolled <u>submerged</u>

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gated spillway

Weir Crest

Net Length 44.0 feet

Elevation -7.9 feet

Service bridge elevation 8.7 feet

Water level which will by-pass structure 5.7 feet

Gates

Number 2

Size 11.9 feet high by 22.8 feet wide

Type Vertical lift gates

Bottom elevation of gates, full open 5.7 feet

Top elevation of gates, full closed 4.0 feet

Revised 1/21/03

Control Automatic, on-site upstream control with override differential water surface control sensed by bubble system and remote computer control.

Lifting Mechanism

Normal power source commercial electricity

Emergency power source LP gas driven generator

Type hoist hydraulic cylinder activated by electric motor driven pump with emergency hand pump; connected to gate by steel cables.

ACCESS: to the structure is gained by a short access road (about 600 feet) from N.W. 21st Street just east of Le Jeune Road in the City of Miami.

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water level: Remote digital headwater and tailwater recorders

Gate Position Recorder: Remote digital recorder on both gates

Revised 1/21/03

DEWATERING FACILITIES

Storage Needles at Miami Field Station; beams at West Palm Beach Field Station

Type Needle beams and vertical aluminum needles

Size and number (per bay)

Upstream and Downstream

Number 2 beams

Size beam needles 20 feet long

Revised 1/21/03

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-25B

Date Revised

07-02

Field Station Revisions:

- No review

1/21/03

Operations Revisions:

- Review completed. Change as follows:
- Under "Operation" delete: ~~Four manually operated auxiliary gates on overflow slots in each main gate were provided to control small discharges before the optimum upstream stage is exceeded. These gates are seldom used, however, because of saline intrusion through the open gates at high tide. The main gates will operate to maintain the optimum upstream water surface elevation as follows:~~
- This setting is needed whenever the stage at the junction of G-4 and C-2 (T-5) exceeds 4.00:
- Under "Gates" delete: ~~Type Vertical lift gates with four manually operated auxiliary gates on each main gate, each having a clear opening of 1 foot 6 inches high by 4 feet 6 inches wide, and a sill elevation of 1.5 feet.~~
- Under "Water level" change: ~~On-site, analog and remote digital headwater and tailwater recorders~~
- Under "Gate Position Recorder": ~~On-site, analog recorder on Gate #2; remote digital recorder on both gates~~

STRUCTURE 26

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates driven by overhead horizontal hydraulic cylinders. Operation of the gates is automatically controlled. The structure is located in the City of Miami at the NW 36th Street crossing of the Miami Canal, C-6.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 6 (Miami Canal); it passes the design flood (the Standard-Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be automatically operated to maintain, as close as possible, the optimum headwater elevation of 2.5 feet. The gates will operate to maintain the optimum upstream water surface elevations as follows:

When the headwater elevation rises to 2.8 feet, the gates will open at six inches per minute.

When the headwater elevation rises or falls to 2.5 feet, the gates will become stationary.

When the headwater elevation falls to 2.3 feet, the gates will close at six inches per minute.

During extreme flood events, the structure is placed on a low range operation as follows:

When the headwater elevation rises to 1.7 feet, the gates will open at six inches per minute.

When the headwater elevation rises or falls to 1.6 feet, the gates will become stationary.

When the headwater elevation falls to 1.2 feet, the gates will close at six inches per minute.

A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation. During this operation, when the upstream float sensor indicates that the gates should open, one gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate close level, as it often does, this gate will close. Whenever the headwater stage again rises to the gate open level, the other gate will open in a similar manner.

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level in the event of a high flood tide, whenever the differential between the

Revised 1/21/2003

head and the tailwater pool elevation reaches 0.3 feet.

FLOOD DISCHARGE CHARACTERISTICS

	Design (Standard Project Flood)
Discharge Rate	<u>3470 cfs</u>
	<u>100% SPF</u>
Headwater Elevation	<u>4.4 feet</u>
Tailwater Elevation	<u>3.9 feet</u>
Type Discharge	uncontrolled <u>submerged</u>

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gates spillway

Weir Crest

Net length 52.0 feet

Elevation -10.1 feet

Service Bridge Elevation 8.4 feet

Water level which will by-pass structure 5.5 feet

Gates

Number 2

Six 14.1 feet high by 26.0 feet wide

Type Vertical lift gates

Control Automatic, on-site upstream control with override differential water surface control sensed by bubbler system and remote computer control.

Bottom elevation of gates, full open 5.4 feet

Top elevation of gates, full closed 4.0 feet

Lifting mechanism

Revised 1/21/2003

Normal power source Commercial electricity
 Emergency power source LP gas driven generator with automatic transfer switch
 Type hoist Hydraulic cylinder actuated by electric motor driven pump, with emergency hand pump; connected to gate by steel cables.

ACCESS: The structure is located about 150 feet northeast of NW South River Drive, just downstream from NW 36th Street, City of Miami.

HYDRAULIC & HYDROLOGIC MEASUREMENTS

Water Level Remote digital upstream and downstream recorders.
 Gate Position Recorder Remote digital recorder on both gates.
 Rain Gauge Remote digital recorder

DEWATERING FACILITIES

Storage Needles at Miami Field Station; beams at West Palm Beach Field Station
 Type Needle beams and vertical aluminum needles
 Size and Number (per bay)
 Upstream and Downstream
 Number 2 beams
 Size Beam 27WF84 with ends cut down to 18", length 27' - 11" needles 20' long

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-26

Date Revised

07-02

Field Station Revisions:

- No Changes

1/21/03

Operations Revisions:

- Review completed. Under "Water Level" change:
- ~~On-site analog, on-site digital (U.S.G.S.), and remote digital upstream and downstream recorders.~~

STRUCTURE 22

This structure is a reinforced concrete, gated spillway, with discharge controlled by two cable operated, vertical lift gates. Operation of the gates is automatically controlled so that the gate system opens or closes the gates in accordance with the seasonal operational criteria. The structure is located near the mouth of Canal 2 about 7000 feet from the shore of Biscayne Bay.

PURPOSE

This structure maintains optimum water control stages upstream in Canal 2; it passes the design flood (100 percent of the Standard Project Flood) without exceeding upstream flood design stage, and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure will be operated to maintain an optimum headwater elevation of 2.9 feet, when sufficient water is available to maintain this level. The automatic controls function as follows:

- When the headwater elevation rises to 3.5 feet, the gates will open at six inches per minute;
- When the headwater elevation rises or falls to 2.9 feet, the gates will become stationary;
- When the headwater elevation falls to 2.5 feet, the gates will close at six inches per minute.

Salinity Regulation

In addition to maintaining optimum upstream fresh water control, as described above, the automatic controls on this structure have an overriding control which closes the gates, regardless of the upstream water level in the rare event of a high flood tide, whenever the differential between the head and tailwater pool elevations reaches 0.3 feet. A special timing device has been installed at this site to protect manatees during automatic gate operation. This device causes alternate gate operation. During this operation, where the

Revised 11/14/1997

upstream float sensor indicates that the gate should open, one gate opens a minimum of 2.5 feet. If this opening results in a headwater stage below the gate close level, as it often does, this gate will close.

Whenever the headwater stage again rises to the gate open level, the other gate will open in a similar manner.

In response to heavy rainfall, headwater elevation may be lowered until the storm has passed.

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge Rate	<u>1915</u> cfs
	<u>100%</u> SPF
Headwater Elevation	<u>3.5</u> feet
Tailwater Elevation	<u>2.7</u> feet
Type Discharge	<u>uncontrolled submerged</u>

DESCRIPTION OF STRUCTURE

Type Fixed crest, reinforced concrete gated spillway

Weir Crest

Net Length 34.0 feet

Elevation -11.0 feet

Service Bridge Elevation 8.5 feet

Water level elevation which will by-pass structure 7.5 feet

Gates

Number 2

Size 15.0 feet high X 17.7 feet wide

Type vertical lift

Bottom elevation of gates full open 4.0 feet

Top elevation of gates full closed 4.0 feet

Revised 11/14/1997

Control Automatic, on-site upstream control with override differential water surface control sensed by bubbler system and remote computer controlled.

Lifting mechanism

Normal power source commercial electricity

Emergency power source LP gas powered electric generator

Type hoist direct drive electric motor, gear connected to cable drum

Date of Transfer: June 25, 1956

ACCESS: The structure is located adjacent to Red Road (57th Avenue) across the street from Parrot Jungle.

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water Level Remote digital upstream and downstream recorders.

Gate Position Recorder Digital remote recorder on both gates.

DEWATERING FACILITIES

Storage needles at Miami Field Station, beams at West Palm Beach Field Station

Type needle beams and vertical aluminum needles

Size and number (per bay)

Upstream and Downstream

Number 1 beam; needles, 5 @ 4', 1 @ 3', 1 @ 2' wide

Size Beam 14WF78, length 18' -10"

Needles 20' long

Revised 11/14/1997

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
S-22

Date Revised

07-02

Field Station Revisions:

- No Changes

1/16/03

Operations Revisions: Review completed. Change as follows:

- Water Level: ~~On-site analog, on-site digital (U.S.G.S.), and remote digital upstream and downstream recorders.~~
- Gate Position Recorder: ~~On-site analog recorder on #1 gate and digital remote recorder on both gates.~~

G-93
CORAL GABLES CONTROL STRUCTURE

This structure is a reinforced concrete, gated spillway on the Coral Gables Canal (C-3) at Red Road in the City of Miami. The discharge is controlled by two vertical lift gates. Operation of the gates is manually controlled. An automatic device has not been installed due to the possibility of injury to manatees. The structure replacement was completed in January 1990.

PURPOSE

This structure maintains optimum upstream water control stages; it passes the design flood flows, resulting from a 10-year storm (about 40% of the Standard Project Flood), plus a small discharge from the C-4 basin, without exceeding the upstream flood design stage and restricts downstream flood stages and discharge velocities to non-damaging levels; and it prevents saline intrusion during periods of high flood tides.

OPERATION

This structure together with S-25B on the Tamiami Canal (C-4) is operated to maintain the optimum headwater elevation of 2.8 feet. Since this structure is manually operated, required releases are normally made by S-25B. During storm events, the gates will be opened.

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge Rate	<u>640 cfs</u>
	<u>40% SPF</u>
Headwater Elevation	<u>4.5</u>
Tailwater Elevation	<u>3.0</u>
Type Discharge	<u>Submerged Controlled</u>

DESCRIPTION OF STRUCTURE

Type:	<u>Fixed crest reinforced concrete gated spillway</u>
Weir Crest	
Net Length:	<u>20.0 feet</u>
Elevation:	<u>-1.8 feet</u>
Service Bridge Elevation:	<u>7.58 feet</u>

Revised 11/18/1997

Water Level Which Will Bypass Structure: 6.0 feet

Gates:

Number: 2

Size: 5 feet high by 10 feet wide

Type: Vertical Lift Roller Gate

Control: Manual

Bottom elevation of gate full open 6.7 feet

Top elevation of gate full closed 3.2 feet

Lift Mechanism

Normal Power Source: Commercial Electricity

Emergency Power Source: LP Gas power generator

DEWATERING FACILITIES

Storage Miami Field Station

Type Galvanized beams

Size Two W8 X 24 beams, each 10' 10" long

HYDRAULIC AND HYDROLOGY MEASUREMENTS

Water Level Remote digital headwater and tailwater recorders

Gate Position Remote digital recorder on all gates

Revised 11/18/1997

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
G-93

Date Revised

07-02

Field Station Revisions:

- No Changes

12-26-02

Operations Revisions:

- Review Completed - no changes as of 11/18/97

TRAIL GLADES CULVERT
G-119

This structure is a double-barreled, corrugated metal pipe culvert located on the Tamiami Canal about 1/4 mile east of the Krome Avenue crossing of the Tamiami Canal 19 miles west of Miami. Control is effected by manually operated sluice gates mounted on a frame erected on the upstream or west end of the structure.

PURPOSE

This structure permits supplemental deliveries from Conservation Area 3 to supply water needs in eastern Dade County via the L-30 or L-29 canals. It also can be used to discharge limited quantities of excess water from Conservation Area 3A or from the L-31N, L-29 and L-30 drainage basins east and south of Conservation Area 3B when capacity is available in the Tamiami Canal.

OPERATION

This structure is operated to make supplemental deliveries to East Dade County. Such releases are initiated when the headwater stage at either S-25B or S-22 falls below the optimum stage of 2.0 during dry periods.

The structure may also be used to make flood releases when downstream conditions will not be aggravated (when the stage at T-5 the junction of C-4 and C-2 is less than 3.0).

FLOOD DISCHARGE CHARACTERISTICS

	Design
Discharge	<u>200</u> cfs
	* % SPF
Headwater Elevation	<u>4.2</u> feet
Tailwater Elevation	<u>3.7</u> feet
Type Discharge	Controlled <u>Submerged</u>

*Design not related to Standard Project Flood

Revised 1/22/2003

DESCRIPTION

Type Corrugated metal pipe culverts with upstream control.
Number of barrels 2
Size of barrels 72 inches
Length of barrels 64 feet
Flow line elevation -3.5 feet
Road crossing elevation 10.0 feet
Gates
Number 2
Type Slide gates
Size 72 inch diameter
Control Manual
Lifting Mechanism -
Type Hoist Pedestal mounted, Type U, manually operated

ACCESS: Structure located adjacent to U.S. Highway 41 (Tamiami Trail)

HYDRAULIC AND HYDROLOGIC MEASUREMENTS

Water Level Upstream and downstream staff gauges only
Gate Position Recorder None

Revised 1/22/2003

RECORD OF CHANGES
RECORDED AS OF JANUARY 1, 2002
G-119

Date Revised

07-02

Field Station Revisions:

- No Changes

1/22/03

Operations Revisions:

- Review Completed. Under "Operation", change as follows:
- Such releases are initiated when the headwater stage at either S-25B or S-22 falls below the optimum stage of 2-8 2.0 during dry periods. The structure may also be used to make flood releases when downstream conditions will not be aggravated (when the stage at T-5 the junction of C-4 and C-2 is less than 4-0 3.0).

Water Control Plan for Water Control Structure, S-380

Location

S-380 is located in the C-4 Tamiami Canal at the intersection of the Dade-Broward Levee and borrow canal with the C-4 canal (approximately 2 miles east of Krome Avenue).

Description

S-380 consists of five 72-inch diameter corrugated metal pipe culverts with remotely operated slide gates. Each culvert has an electrically operated limit torque type hoist systems remotely operable via telemetry. For telemetry, gates will have backup generator power, gate position indication system, and telemetry interfacing with the gate controls.

Purpose

The purpose of S-380 is to maintain stages to create and preserve wetlands as well as enhance water supply by providing aquifer recharge. S-380 will be operated to enhance approximately 4,000 acres of wetlands in the southern end of the adjacent Pennsuco Wetlands and enhance habitat for plants and animals by increasing surface and subsurface storage of water. This will be accomplished by reducing seepage and drainage out of Water Conservation Area 3B. In addition, the structure will permit supplemental deliveries from Water Conservation Area 3 to supply water needs in eastern Dade County via the L-30 or L-29 canals.

General Operations

The goal of re-hydration is to enhance habitat for plants and animals by increasing surface and subsurface storage of water. The structure will be operated at an elevation that will maximize environmental benefits while avoiding the potential for adverse impacts to areas upstream or downstream of the structure.

Upon completion of construction, the local sponsor, the South Florida Water Management District (SFWMD) will assume operation and maintenance responsibilities. Future water surface elevations will be determined based on land acquisition and integration with future projects such as the Lake Belt, Buffer Cell concepts and Water Preserve Area portions of the Comprehensive Everglades Restoration Project (CERP). Future operations of this structure will also be integrated with projects implemented by the Miami-Dade County Flooding Management Task Force.

Operating Plan

Note: All elevations reference National Geodetic Vertical Datum (NGVD), 1929.

Dry Season Criteria

Dry season operating criteria will generally be used during December through May. S-380 will be operated to maintain an optimum headwater stage of 4.0 ft-NGVD. When the headwater stage reaches 4.2 ft-NGVD, the gate opens continuously to pass the design discharge of 400 cfs, or as much of that amount which reaches S-380. When the headwater stage drops to 4.0 ft-NGVD, the gates remain stationary until the headwater stage again reaches 4.2 ft-NGVD or drops to 3.8 ft-NGVD at which time the gate would begin to close. The gate continues to close until fully closed or until the headwater stage again reaches 4.0 ft-NGVD when the gate once more remains stationary until reactivated by rising or falling headwater.

<u>Operation</u>	<u>HW Elevation</u> (ft. above NGVD)
Gates will open	4.2
Gates will become stationary	4.0
Gates will close	3.8

When supplemental water supply deliveries from Water Conservation Area 3 are made to supply water needs in eastern Dade County via the L-30 or L-29 canals, S-380 will be opened in conjunction with G-119, and water levels may vary from the optimum.

Wet Season Criteria

Wet season criteria will generally be used during June through November. S-380 should remain open during the wet season effectively maintaining the control of this reach of canal at G-119. Should water levels be low in the system, this structure may be operated for water supply even during these wet season months.

Flood Control Criteria

Prior to forecasted heavy rainfall, S-380 may be opened to allow for pre-storm operations to lower the C-4 canal from G-119 to the coast. This operation will only be necessary during the dry season because the gates maybe closed due to the normal dry season operating criteria stated above.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing.** To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.