

**INTERAGENCY
AGREEMENT FOR THE
LAKE OKEECHOBEE BASIN MANAGEMENT ACTION PLAN**

This Interagency Agreement (reference numbers 4600003632 for South Florida Water Management District and 17-0139 for Florida Department of Environmental Protection) is entered into on March 20, 2017 by and between the Florida Department of Agriculture and Consumer Services ("FDACS"), the Florida Department of Environmental Protection ("DEP"), and the South Florida Water Management District ("SFWMD").

WHEREAS, the SFWMD is a public corporation of the State of Florida, created by the Florida Legislature and given those powers and responsibilities enumerated in Chapter 373, Florida Statutes ("F.S."), to include entering into contracts with public agencies, private corporations, or other persons; and

WHEREAS, the FDACS is an agency of the State of Florida and is given those powers and responsibilities enumerated in Chapter 570, and Sections 373.4595 and 403.067, F.S.; and

WHEREAS, the DEP is an agency of the State of Florida and given those powers and responsibilities enumerated in Chapters 373 and 403, F.S.; and

WHEREAS, the SFWMD, the DEP, and the FDACS may hereinafter also be referred to individually as "party" and collectively as "parties" or "coordinating agencies"; and

WHEREAS each party to this Interagency Agreement represents that it will fulfill its obligations consistent with its authority under Florida law, subject to legislative appropriations and other funding constraints; and

WHEREAS, the Legislature has adopted the Northern Everglades and Estuaries Protection Program ("NEEPP"), Section 373.4595, F.S., to restore and protect the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds; and

WHEREAS, the Legislature in Section 403.067, F.S., has given the DEP the authority to develop, adopt, and implement basin management action plans ("BMAPs") as a comprehensive means to achieve pollutant reductions identified in established total maximum daily loads; and

WHEREAS, the DEP has developed a BMAP for the Lake Okeechobee Watershed, and the BMAP relies on the Lake Okeechobee Protection Plan developed under the NEEPP; and

WHEREAS, agricultural and nonagricultural nonpoint source best management practices ("BMPs") are a critical component of the Lake Okeechobee BMAP; and

WHEREAS, the FDACS has developed and adopted BMPs for agricultural nonpoint sources in accordance with Sections 403.067 and 373.4595, F.S.; and

WHEREAS, Section 373.4595, F.S., requires the SFWMD, the DEP, and the FDACS to develop an interagency agreement that is consistent with the DEP taking the lead on water quality protection measures through BMAPs adopted pursuant to Section 403.067, F.S.; the

SFWMD taking the lead on hydrologic improvements pursuant to the watershed protection plans; and the FDACS taking the lead on agricultural interim measures, BMPs, and other measures adopted pursuant to Section 403.067, F.S. The interagency agreement shall specify the development of agricultural and nonagricultural nonpoint source BMPs, specify how both nonagricultural and agricultural nonpoint source BMPs are implemented and verified in the applicable watersheds, and address measures to be taken by the coordinating agencies during any BMP reevaluation; and

WHEREAS, the SFWMD and the DEP are assigned responsibilities for conducting monitoring at representative sites to verify the effectiveness of agricultural and nonagricultural nonpoint source BMPs; and

WHEREAS, the coordinating agencies have agreed that it is in the best interest of the public to leverage resources and streamline BMAP and NEEPP water quality monitoring efforts with existing water quality efforts, data analyses, and assessments to track progress toward achieving water quality goals through a partnership described under this agreement; and

WHEREAS, the coordinating agencies entered into a Memorandum of Understanding ("MOU") on March 28, 2001 (as amended on April 29, 2002, April 3, 2006, and April 14, 2011), to fulfill the requirements of Section 373.4595(3), F.S., and that MOU has now expired. This agreement replaces and supersedes the prior MOUs listed above.; and

WHEREAS, Section 373.4595, F.S., was significantly amended during the 2016 legislative session; and

WHEREAS, the coordinating agencies desire to enter into a new MOU to focus on the roles and responsibilities of the coordinating agencies as outlined in the amended Section 373.4595, F.S.

NOW, THEREFORE, the parties agree as follows:

1. The description of the objectives and roles and responsibilities of the parties of this Interagency Agreement are as set forth in the "Lake Okeechobee Basin Management Action Plan Statement of Responsibilities for the Coordinating Agencies," which is attached hereto and incorporated herein as Exhibit A.
2. All parties hereby agree to assume liability for funding their respective responsibilities as set forth in this Interagency Agreement and Exhibit A, subject to the availability of funds and in accordance with their respective authorities. This agreement does not authorize the transfer of funds. Depending on the funding source, an agreement may be needed to transfer money. If a transfer requires an agreement, a new agreement or amendment to this Interagency Agreement will be needed.
3. This Interagency Agreement shall be effective on the last date of execution by the parties and shall remain effective for a five-year period thereafter, unless extended, amended, or terminated pursuant to paragraph 11.

4. Any notices given pursuant to the terms of this Interagency Agreement shall be in writing and sent by Certified Mail, Return Receipt Requested. The effective date of such notice shall be the date of receipt as evidenced by the Return Receipt. All notices shall be addressed to the Parties identified below.

SFWMD

Everglades Policy and Coordination Division
3301 Gun Club Road
West Palm Beach, FL 33406

FDACS

Office of Agricultural Water Policy
401 South Monroe Street
Tallahassee, FL 32399

DEP

Division of Environmental Assessment and Restoration
2600 Blair Stone Road, MS 3560
Tallahassee, FL 32399-2400

5. To the extent permitted by law, each party agrees to assume only the risks of personal injury, bodily injury, and property damage attributable to negligent acts or omissions of itself (and no other party) and the officers, employees, servants, and agents thereof. Each party represents that it is self-funded for worker's compensation and liability insurance, covering bodily injury, personal injury, and property damage, with such protection being applicable to that party, its officers, and employees while acting within the scope of their employment during the performance of work under this Interagency Agreement. In the event that any work is subcontracted to any third party, the party entering into the subcontract shall require each and every subcontractor to identify the other parties as additional insured on all insurance policies as required by that party. Any such subcontract shall also include a provision whereby the subcontractor agrees to indemnify, pay on behalf, and hold the other parties harmless from all damages arising in connection with that subcontract.

6. The parties further agree that nothing contained herein shall be construed or interpreted as (1) denying to any party any remedy or defense available to such party under the laws of the State of Florida; (2) the consent of the State of Florida or its agents and agencies to be sued; or (3) a waiver of sovereign immunity of the State of Florida beyond the waiver provided in Section 768.28, F.S.

7. The parties to this Interagency Agreement are independent entities and are not employees or agents of the other parties. Nothing in this Interagency Agreement shall be interpreted to establish any relationship other than that of independent entities between the SFWMD, the DEP, and the FDACS, their employees, agents, subcontractors, or assigns, during or after the term of this Interagency Agreement. The parties to this Interagency Agreement shall not assign, delegate, or otherwise transfer their rights and obligations as set forth in this Interagency Agreement without the prior written consent of the other parties. Any attempted assignment in violation of this provision shall be void.

8. All parties and their respective employees, subcontractors, or assigns shall comply with all applicable federal, state, and local laws and regulations relating to the performance of this Interagency Agreement.

9. This Interagency Agreement shall inure to the benefit of and shall be binding upon the parties, their respective assigns, and successors in interest. This agreement gives no rights or benefits to any third-party beneficiary and cannot be assigned by any party.

10. This Interagency Agreement may be amended, extended, renewed, or terminated only with the written approval of the parties. Any party may terminate this Interagency Agreement at any time for convenience upon thirty (30) calendar days prior written notice to the other parties.

11. This Interagency Agreement, and any work performed hereunder, is subject to the Laws of the State of Florida. Nothing in this Interagency Agreement will bind any of the parties to perform beyond their respective authority, nor does this Interagency Agreement alter the legal rights and remedies that the respective parties would otherwise have, under law or at equity.

12. Should any term or provision of this Interagency Agreement be held, to any extent, invalid or unenforceable, as against any person, entity, or circumstance during the term hereof, by force of any statute, law, or ruling of any forum of competent jurisdiction, such invalidity shall not affect any other term or provision of this Interagency Agreement, to the extent that the Interagency Agreement shall remain operable, enforceable, and in full force and effect to the extent permitted by law.

13. Failures or waivers by any party to insist on strict performance of any covenant, condition, or provision of this Interagency Agreement shall not be deemed a waiver of that party's rights or remedies, nor shall it relieve the other parties from performing any subsequent obligations strictly in accordance with the terms of this Interagency Agreement. No waiver shall be effective unless in writing and signed by the party against whom enforcement is being waived. Such waiver shall be limited to provisions of this Interagency Agreement specifically referred to therein, and shall not be deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.

14. Any dispute arising under this Interagency Agreement that cannot be readily resolved shall be submitted jointly to the signatories of this Interagency Agreement, with each party agreeing in good faith to seek to resolve the issue through negotiation or other forms of nonbinding alternative dispute resolution mutually acceptable to the parties. A joint decision of the signatories, or their designees, shall be the disposition of such dispute.

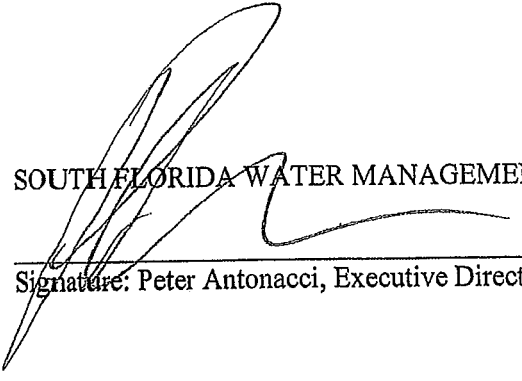
15. The State of Florida's performance and obligation to pay is contingent upon an annual appropriation by the Florida Legislature. The coordinating agencies obligations to spend money for staff or work products under this Interagency Agreement are contingent upon annual budget appropriations.

16. This Interagency Agreement states the entire understanding and agreement between the parties and supersedes any and all written or oral representations, statements,

negotiations, or agreements previously existing between the parties with respect to the specific subject matter of this Interagency Agreement. •

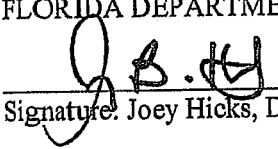
IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Interagency Agreement, which shall be effective on the last date of execution by the parties.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT


Signature: Peter Antonacci, Executive Director

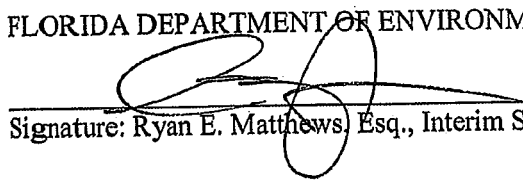
3/20/17
Date

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Signature: Joey Hicks, Director, Division of Administration

3-15-17
Date

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION


Signature: Ryan E. Matthews, Esq., Interim Secretary

3/10/17
Date

EXHIBIT A
LAKE OKEECHOBEE BASIN MANAGEMENT ACTION PLAN
STATEMENT OF RESPONSIBILITIES FOR THE
COORDINATING AGENCIES

Table of Contents

1.0	Objective	8
2.0	Lead Agency Contact Information.....	13
3.0	Watershed Research and Water Quality Monitoring Program	13
	3.1 Evaluation of Water Quality and Quantity Data	14
	3.2 Alternative Nutrient Reduction Technologies Team	14
4.0	Best Management Practices (BMPs)	15
	4.1 Agricultural Nonpoint Source Interim Measures and BMPs	15
	4.2 Nonagricultural Nonpoint Source Interim Measures and BMPs	15
	4.3 Water Quality Monitoring by Landowners, Dischargers, or Responsible Persons	15
	4.4 BMP Effectiveness Verification	16
	4.5 BMP Implementation Assurance	16
	4.6 Reevaluation and Modification of BMPs	16
5.0	Mandated Reporting.....	16
	5.1 South Florida Environmental Report (SFER).....	16
	5.2 Lake Okeechobee BMAP	18
	5.2.1 BMAP Annual Progress Reports	18
	5.2.2 BMAP Five-Year Updates	20
	5.3 Reports to Legislature/Governor	21
	5.3.1 BMAP Five-Year Review	21
	5.3.2 Lake Okeechobee Watershed Protection Plan Updates	21

1.0 Objective

The objective of this Statement of Responsibilities is to establish agreement on interagency responsibilities among the coordinating agencies—Florida Department of Environmental Protection (DEP), South Florida Water Management District (SFWMD) and Florida Department of Agriculture and Consumer Services (FDACS)—in the implementation of the Lake Okeechobee Watershed Protection Program and the Lake Okeechobee Basin Management Action Plan (BMAP) as set forth in Sections 373.4595 and 403.067, Florida Statutes (F.S.).

The coordinating agencies have complementary and often overlapping responsibilities in undertaking the interrelated set of actions set forth in the statutes. DEP takes the lead on water quality protection measures through BMAPs adopted pursuant to Section 403.067, F.S.; the SFWMD takes the lead on hydrologic improvements pursuant to the watershed protection plans; and FDACS takes the lead on agricultural interim measures, BMPs, and other measures adopted pursuant to Section 403.067, F.S. This agreement also addresses how both nonagricultural and agricultural nonpoint source BMPs are implemented and verified in the applicable watersheds, and addresses measures to be taken by the coordinating agencies during any BMP reevaluation. SFWMD and DEP are assigned responsibilities for conducting monitoring at representative sites to verify the effectiveness of agricultural and nonagricultural nonpoint source BMPs. The coordinating agencies have agreed that it is in the best interest of the public to leverage resources and streamline BMAP and NEEPP water quality monitoring efforts with existing water quality efforts, data analyses, and assessments to track progress toward achieving water quality goals through a partnership described under this agreement.

This Statement of Responsibilities clarifies roles and responsibilities, and is intended to ensure that the coordinating agencies, in all aspects of delivering the lake watershed protection program and BMAP, do so in a manner that employs the most effective strategies for restoration, minimizes duplication of effort, and optimizes the use of staff and monetary resources while providing a unified and consistent effort among the coordinating agencies.

Table 1 lists the responsibilities of the coordinating agencies, and indicates the lead agency on each of the included tasks. “Other Agency Responsibilities” are also provided in this table, along with the task-specific statutory and/or BMAP requirements and any applicable cross-references to sections of this agreement containing further details related to the task. Annually, by December 31, the lead agencies will provide the status of each task in **Table 1**, with the coordinating agencies providing updates to the lead agency for the respective task.

Table 1. Responsibilities of coordinating agencies

Note: This table includes a list of tasks with shared responsibilities, but is not intended to provide a status on these tasks. Some work has already been completed for some of the tasks, and the status will be tracked through an annual update of the table that will be shared amongst the agencies by December 31 each year. By August 31 each year, the coordinating agencies will prepare an Annual Work Plan to further define the specific tasks outlined in this table.

Task	Lead Agency	Other Coordinating Agencies	Statutory and/or BMAP Requirement	Interagency Agreement, Exhibit A Section
1. Coordinate the development of an interagency agreement	DEP	FDACS and SFWMD	373.4595(3)(b), F.S.	1.0
2. Implement a total phosphorus monitoring program at appropriate structures owned or operated by the SFWMD within the Lake Okeechobee watershed	SFWMD	DEP and FDACS	373.4595(3)(a)2.a, F.S.	3.0
3. Evaluate the feasibility of alternative nutrient reduction technologies.	DEP	FDACS and SFWMD	373.4595(3)(a)2.f, F.S.; 2014 BMAP Section 5.8.1	3.2
4. Initiate rulemaking for agricultural interim measures, BMPs, other measures, and implementation assurance by January 1, 2017	FDACS	DEP and SFWMD	373.4595(3)(b)2, F.S.; 403.067(7)(d)(2)c, F.S.	4.1 and 4.5
5. Initiate rulemaking for nonagricultural interim measures, BMPs, other measures, and implementation assurance by January 1, 2017	DEP	FDACS and SFWMD	373.4595(3)(b)7.	4.2 and 4.5
6. Provide technical assistance and financial assistance for implementation of nonagricultural BMPs	DEP and SFWMD (Lead depends on the funding source.)	N/A	373.4595(3)(b)13.	4.2
7. Initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of BMP implementation by January 1, 2017	DEP	FDACS and SFWMD	403.067(7)(d)(2)a, F.S.	4.3

Task	Lead Agency	Other Coordinating Agencies	Statutory and/or BMAP Requirement	Interagency Agreement, Exhibit A Section
8. Revise Chapter 40E-61, F.A.C. to be consistent with Section 403.067, F.S.; provide for a monitoring program for nonpoint discharges required to monitor water quality by Section 403.067, F.S.; and provide for the results of such monitoring to be reported to the coordinating agencies.	SFWMD	DEP and FDACS	373.4595(3)(b)21, F.S.	4.3
9. Conduct water quality monitoring at representative sites to verify the effectiveness of agricultural and non-agricultural nonpoint source BMPs	DEP or SFWMD	FDACS	373.4595(3)(b)4, F.S.; 373.4595(3)(b)9	0
10. Prepare the Annual Progress Report for submittal to Florida legislature/governor every March 1 (included as part of the SFWMD's Consolidated Water Management District Annual Report/South Florida Environmental Report)	SFWMD	DEP and FDACS	373.4595(6), F.S.	2.0
11. Develop Lake Okeechobee BMAP and adopt updates by Secretarial Order	DEP	FDACS and SFWMD	373.4595(3)(b), F.S.; 2014 BMAP Sections 6.1 & 6.2	5.2, 5.3
12. Prepare the Lake Okeechobee BMAP annual Progress Report	DEP	FDACS and SFWMD	2014 BMAP Sections 6.1 & 6.2	5.1
13. Conduct evaluation of Lake Okeechobee Watershed Construction Project (LOWCP) and identify any further load reductions by December 2019 and incorporate into BMAP 5-year update	DEP	FDACS and SFWMD	373.4595(3)(a)1.c, F.S.	5.2.2
14. Develop an implementation schedule for the BMAP with 5-year, 10-year and 15-year measurable milestones and targets to achieve the TMDL	DEP	FDACS and SFWMD	373.4595(3)(b), F.S.	5.2.2

Task	Lead Agency	Other Coordinating Agencies	Statutory and/or BMAP Requirement	Interagency Agreement, Exhibit A Section
15. Prepare the Five-Year BMAP Review with the water quality and quantity assessment for submittal to Governor/Legislature, starting March 1, 2020, and every five years thereafter	DEP	FDACS and SFWMD	373.4595(3)(b), F.S.	5.2.2, 5.3
16. Update the Lake Okeechobee Watershed Protection Plan (LOWPP) to ensure that it is consistent with the Lake Okeechobee BMAP, starting March 1, 2020, and every 5 years thereafter	SFWMD	DEP and FDACS	373.4595(3)(a), F.S.	5.3
17. Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for structural and operational improvements. Such recommendations shall balance water supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations.	FDACS and SFWMD	DEP evaluates non-agricultural water management practices. FDACS evaluates ongoing on-farm water management practices. SFWMD evaluates regional water management operations.	373.4595(3)(a)2.e, F.S.	No further details provided in Exhibit A
18. Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing of volume of water delivered to the estuaries	SFWMD	DEP and FDACS	373.4595(3)(a)2.g, F.S.	No further details provided in Exhibit A
19. Issue Lake Okeechobee Protection Permits for projects and structures discharging into and from Lake Okeechobee	DEP	SFWMD submits permit applications	373.4595(7), F.S.	No further details provided in Exhibit A
20. Design and construct the Lake Okeechobee Watershed Construction Project	SFWMD	DEP and FDACS	373.4595(3)(a)1, F.S.	No further details provided in Exhibit A

Task	Lead Agency	Other Coordinating Agencies	Statutory and/or BMAP Requirement	Interagency Agreement, Exhibit A Section
21. Provide technical assistance and financial assistance for implementation of agricultural BMPs	FDACS	DEP and SFWMD	373.4595(3)(b)13, F.S.	No further details provided in Exhibit A
22. Provide technical assistance and financial assistance for implementation of nonagricultural BMPs	DEP and SFWMD	N/A	373.4595(3)(b)13, F.S.	No further details provided in Exhibit A
23. Implement dispersed water management (DWM) projects listed in the BMAP	multi-agency	SFWMD is lead contracting agency; DEP and FDACS are partners	2014 BMAP Chapter 5	No further details provided in Exhibit A
24. Evaluation of proposed projects for DWM on private lands	multi-agency	multi-agency depending on funding source and other factors	373.4591(1) through (3) and 373.4595(2)(b)15.	No further details provided in Exhibit A
25. Report on the Exotic Species Control Program (as part of the SFWMD's Consolidated Water Management District Annual Report/South Florida Environmental Report)	multi-agency	multi-agency depending on funding source and other factors	373.4595(3)(c), F.S.	No further details provided in Exhibit A

2.0 Lead Agency Contact Information

All technical communications, including reports and correspondence, contemplated by this Statement of Responsibilities will be sent to the agency's primary contact person by either regular U.S. Mail and/or electronic mail.

Primary agency contacts for the overall implementation of this Interagency Agreement are as follows:

Table 2. Primary agency contacts

Agency	Contact Information
FDACS	Office of Agricultural Water Policy 401 South Monroe Street Tallahassee, FL 32399
DEP	Division of Environmental Assessment & Restoration 2600 Blair Stone Road, MS 3000 Tallahassee, FL 32399
SFWMD	Everglades Policy and Coordination Division 3301 Gun Club Road West Palm Beach, FL 33401

3.0 Watershed Research and Water Quality Monitoring Program

The Lake Okeechobee Watershed Research and Water Quality Monitoring Program under Subparagraph 373.4595(3)(a)2, F.S., requires the coordinating agencies to:

- evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed
- develop a water quality baseline to represent existing conditions for total phosphorus,
- monitor long term ecological changes, including water quality for total phosphorus, and
- measure compliance with the water quality standards for total phosphorus including any applicable total maximum daily load (TMDL).

This program supports the water quality monitoring plan adopted in the BMAP (DEP, 2014). Results from the water quality monitoring program shall be used by the DEP, in cooperation with the other coordinating agencies, to make modifications to the Lake Okeechobee BMAP. In accordance with Paragraph 373.4595(3)(b), F.S., beginning March 1, 2020, and every 5 years thereafter, the DEP shall reevaluate water quality and quantity data to ensure the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP. To ensure consistency in these efforts, the coordinating agencies will work collaboratively to review and refine the water quality monitoring program to identify specific monitoring sites that are

representative of water quality in the basin or sub-basins to be used in BMAP analyses. The agreed upon water quality monitoring network will be incorporated into the Lake Okeechobee BMAP. Once the agencies agree on the water quality monitoring, the water quality monitoring sites should continue to be funded and maintained by the owners, which will be outlined in the BMAP. Should any revisions to the monitoring program be desired, such changes will be reviewed and approved by the coordinating agencies prior to the revisions being implemented. The agreed upon changes will be noted in the next BMAP annual progress report and adopted by Secretarial Order into the BMAP.

All samples shall be collected in accordance with Chapter 62-160, Florida Administrative Code. At least two times per year (by February and by August), the SFWMD's data collected for BMAP monitoring will be uploaded by the SFWMD to the DEP's water quality database (STORET/Watershed Information Network (WIN)) meeting all the associated "Minimum Data Quality Standards." Nothing in this paragraph should be construed to alter the responsibilities associated with monitoring and reporting required by the "Northern Everglades and Estuaries Protection Program Lake Okeechobee Protection Permit Operations and Maintenance Authorization," or other permitting programs. Permit requirements are separate from the SFWMD's interagency agreement responsibilities as a coordinating agency.

3.1 Evaluation of Water Quality and Quantity Data

Beginning March 1, 2020, and every five years thereafter, the DEP shall reevaluate water quality and quantity data to ensure the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP. The SFWMD shall maintain a total phosphorus monitoring program at appropriate structures owned or operated by the district and within the Lake Okeechobee watershed. The SFWMD shall analyze these data for inclusion in the annual *South Florida Environmental Report* (SFER) and provide to DEP as supporting information (see Section 5.2.1). DEP shall perform analyses to complete the five-year evaluation in accordance with the Lake Okeechobee BMAP.

3.2 Alternative Nutrient Reduction Technologies Team

To the extent practicable, the agencies shall coordinate their research efforts in the Lake Okeechobee watershed to avoid duplication of efforts and to ensure the most efficient use of limited resources. To further this objective, and as required in the Lake Okeechobee BMAP, the coordinating agencies shall create an interagency team to evaluate and determine feasible alternative nutrient reduction technologies in accordance with Paragraph 373.4595(3)(a), F.S. The DEP shall take the lead in organizing the team, which will meet routinely. At a minimum, the team will collect information on work previously completed and develop an approach for evaluating proposed nutrient reduction technologies. As appropriate, the DEP shall include in the Lake Okeechobee BMAP updates the location(s) and funding sources related to feasible alternative nutrient reduction technologies projects that have been identified for implementation in the Lake Okeechobee watershed.

4.0 Best Management Practices (BMPs)

The implementation of effective BMPs is essential in redressing nonpoint source loadings in the Lake Okeechobee watershed. Section 373.4595, F.S., defines a BMP as "a practice or combination of practices determined by the coordinating agencies, based on research, field testing, and expert review, to be the most effective practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. BMPs for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity." The coordinating agency roles and responsibilities associated with the deployment of the BMP programs are described in the following sections. FDACS is the lead for agricultural BMPs and DEP is the lead for non-agricultural BMPs.

4.1 Agricultural Nonpoint Source Interim Measures and BMPs

The FDACS, in consultation with the coordinating agencies, shall develop, adopt by rule, and ensure the implementation of agricultural nonpoint source interim measures, BMPs, and BMP programs that complement existing regulatory programs, as appropriate. The FDACS may use research findings to refine BMPs and update BMP manuals particularly in areas where water quality problems are detected. New information gleaned from research activities may be used in the reevaluation of BMPs. If BMP reevaluation is necessary, the applicable rule shall be revised to require implementation of the modified practice within a reasonable period as specified in the rule. As appropriate, the FDACS may also choose to conduct outreach efforts to inform the FDACS BMP Program participants of the findings and new BMPs.

4.2 Nonagricultural Nonpoint Source Interim Measures and BMPs

The DEP, in consultation with the coordinating agencies, shall develop and ensure the implementation of BMPs or BMP programs for nonagricultural nonpoint sources as prescribed by statute. These nonagricultural nonpoint source BMP programs shall complement existing regulatory programs, as appropriate. The DEP and the SFWMD may use rulemaking to set forth the process for adopting, implementing, and verifying BMP implementation.

4.3 Water Quality Monitoring by Landowners, Dischargers, or Responsible Persons

If landowners, dischargers, and responsible persons who are required to implement BMPs choose not to implement BMPs or other measures, then they must implement a water quality monitoring program to demonstrate compliance with water quality standards. Subparagraph 403.067(7)(d)2.a., F.S., requires the DEP, in consultation with the water management districts and the FDACS, to initiate rulemaking by January 1, 2017, to verify implementation of the identified water quality monitoring in lieu of the implementation of BMPs or other measures. Additionally, Subparagraph 373.4595(3)(b)21, F.S., directs the SFWMD to revise Chapter 40E-61, F.A.C., to provide for a monitoring program for those dischargers required to monitor water quality pursuant to Subparagraph 403.067(7), F.S. The SFWMD will adopt rules subsequent to DEP rulemaking referenced above.

4.4 BMP Effectiveness Verification

DEP shall use best professional judgment in making the initial determination of BMP effectiveness. In accordance with Subparagraphs 373.4595(3)(b)4 and 373.4595(3)(b)9, F.S., respectively, the DEP or SFWMD shall conduct monitoring at representative sites to verify the effectiveness of agricultural and nonagricultural nonpoint source BMPs for achieving total phosphorus load reductions. The process of verifying the effectiveness of BMPs shall consider the recommendations in the May 8, 2006, document titled "Recommendations of the BMP Effectiveness Verification Technical Advisory Committee," which is attached hereto and incorporated herein as Exhibit B.

4.5 BMP Implementation Assurance

Consistent with 403.067(7)(d)2, F.S., no later than January 1, 2017, the DEP and the FDACS, in consultation with the water management districts, shall initiate rulemaking that establishes procedures to measure the extent to which the applicable BMPs are being appropriately implemented. This may include implementation timelines that take into consideration the availability of funding for BMP cost share and record-keeping requirements. These rules are required to include enforcement procedures for failure to implement the appropriate BMPs.

4.6 Reevaluation and Modification of BMPs

In accordance with Subparagraph 373.4595(3)(b)5, F.S., as appropriate, the responsible agency, in coordination with the other coordinating agencies and affected parties, shall institute a reevaluation of the BMPs where water quality problems are detected from agricultural or nonagricultural nonpoint sources despite the appropriate implementation of adopted BMPs or other measures. If the reevaluation determines that the BMPs or other measures require modification, the rules shall be revised by DEP and SFWMD (for non-agricultural) and FDACS (for agricultural) to require implementation of the modified practice within a reasonable period as specified in the rule. The coordinating agencies may take into consideration the availability of funding for BMP cost share.

5.0 Mandated Reporting

5.1 South Florida Environmental Report (SFER)

On an annual basis, each of the coordinating agencies shall provide the appropriate information to the SFWMD for inclusion in the SFER, in accordance with the requirements of the Annual Progress Report, Subsection 373.4595(6), F.S., and Consolidated Water Management District Annual Report, Subparagraphs 373.036(7)(b)8 and 9, F.S., and 373.036(7)(e)1, F.S. Each year in May, the SFWMD will provide the DEP and the FDACS with the schedule for report production to meet the mandated submittal of the final SFER to the Florida legislature and governor by the subsequent March 1, in line with Subsection 373.4595(6), F.S. The DEP and the FDACS will provide information by the dates/deadlines provided by the SFWMD. **Table 3** includes the suggested timeframes for the general tasks associated with the annual production of the SFER.

In accordance with Subsection 373.4595(6), F.S., the annual report shall include a summary of the conditions of the hydrology, water quality, and aquatic habitat in the northern Everglades based on the results of the Research and Water Quality Monitoring Programs, and the status of the Lake Okeechobee Watershed Construction Project. In addition, the report shall contain an annual accounting of the expenditure of funds from the Save Our Everglades Trust Fund. At a minimum, the annual report shall provide detail by program and plan, including specific information concerning the amount and use of funds from federal, state, or local government sources. In detailing the use of these funds, the SFWMD shall indicate those designated to meet requirements for matching funds. The SFWMD shall prepare the report in cooperation with the other coordinating agencies and affected local governments. The DEP shall report on the status of the Lake Okeechobee BMAP for inclusion in the SFER. The FDACS shall report on the status of the implementation of the agricultural nonpoint source best management practices, including a summary of survey responses and response rates, site inspections, and other methods used to verify implementation of and compliance with best management practices in the Lake Okeechobee watershed. For the annual SFER, reported data will be based on water year, financial updates will be based on fiscal year, and project updates/DEP Annual Progress Report updates will be in line with the Lake Okeechobee BMAP.

In accordance with Subparagraph 373.036(7)(b)8, F.S., the District, in cooperation with the DEP, shall provide information on all projects related to water quality or water quantity as part of a five-year work program, which are aligned with the Lake Okeechobee BMAP. This will be included in the annual SFER – Volume II as part of the Five-Year Water Resource Development Work Program reporting. This SFER reporting will also include a grade for each watershed, water body, or water segment in which a project listed under subparagraph 8 is located representing the level of impairment and violations of adopted minimum flow or minimum water levels per Subparagraph 373.036(7)(b)9, F.S. The grading system will be developed in cooperation with DEP for consistent application by all of Florida's water management districts.

Table 3: Suggested timeline for annual SFER development

* Proposed schedule to guide completion of the final SFER, which is subject to change with agreement amongst the coordinating agencies, in order to fulfill report submittal to Governor/Legislature by March 1 annually, in accordance with Subsection 373.4595(6), F.S.

Bold date denotes legislatively mandated.

Task	Begin*	End*	Contributors
Draft Report prepared	June	August	SFWMD, DEP, FDACS
Web posting of Draft Report	N/A	September	SFWMD
Responses to Public/Panel Comments	October	November	SFWMD, DEP, FDACS
Final Report completed	November	December	SFWMD
Final review and any final changes (if needed)	December	January	SFWMD, DEP, FDACS
Complete Final Report production	February	February	SFWMD
Final Report e-submitted by the SFWMD to Governor/Legislature	N/A	March 1 (mandated date)	SFWMD

5.2 Lake Okeechobee BMAP

The DEP will prepare BMAP progress reports annually and make revisions to the BMAP, as appropriate and in cooperation with the basin stakeholders, as a result of each 5-year review. The FDACS and the SFWMD shall provide the necessary information to the DEP, and BMAP annual progress reports and five-year updates will have a caveat stating, "Information is current as of [date]. Contact the coordinating agencies for the most up-to-date information." Information and updates provided after the due dates will be included in the following respective report.

5.2.1 BMAP Annual Progress Reports

On an annual basis, the coordinating agencies shall provide the DEP with the information identified below for inclusion in the BMAP annual progress reports for Lake Okeechobee. The coordinating agencies shall provide the necessary project information annually to the DEP by February 10. The annual reporting period for BMAP project updates is January 1 through December 31 of the previous year. The water quality data will be analyzed based on the water year.

The SFWMD shall provide the following information for the programs listed in the BMAP where SFWMD is the lead agency:

1. Provide the status of projects/strategies/initiatives being implemented under the BMAP.
2. Assess the status of the projects/strategies/initiatives and whether they are on schedule.
3. Assess whether the projects/strategies/initiatives are achieving the anticipated total phosphorus load reduction goals.

4. Identify any new planned projects within the 20 years following BMAP adoption, including location, project type, estimated total phosphorus load reduction (if available), and anticipated schedule.
5. Confirm the latest date of sampling data uploaded to the DEP's monitoring database (STORET/WIN) for each monitoring station identified in the BMAP monitoring network.
6. Provide the draft SFER water quality analyses, and analyses from the final SFER version, once complete.

The FDACS shall provide a "Summary of Agricultural Activities" that includes the following for the programs listed in the BMAP where FDACS is the lead agency:

1. Provide the status of projects/strategies/initiatives being implemented under the BMAP.
2. Assess the status of the projects/strategies/initiatives and whether they are on schedule.
3. Provide any data associated with the projects/strategies/initiatives that may be used to assess whether the anticipated total phosphorus load reduction goals are being achieved.
4. Identify any new planned projects within the 20 years following BMAP adoption, including location, project type, estimated total phosphorus load reduction (if available), and anticipated schedule.
5. Updates on any contracts being managed by the FDACS regarding BMAP modeling.
6. Provide status of agricultural BMP(s) enrollment by subwatershed, including:
 - a. the number of acres enrolled,
 - b. the number of signed notices of intent (NOI) to implement BMPs, and
 - c. a geographic information system (GIS) shapefile with a map of the areas covered by NOIs.
7. The FDACS will generate the initial draft of acres of agricultural lands enrolled in the BMP Program, and provide the associated shapefiles and report tables to the DEP.

Each year by December 31, the DEP will provide the FDACS and the SFWMD with a request for the necessary project information. The information will be included into a draft Annual

Progress Report, which will be provided to stakeholders for comment. Following the annual meeting and a comment period, the DEP will make edits to the draft and produce a final Lake Okeechobee BMAP Annual Progress Report.

5.2.2 BMAP Five-Year Updates

Every five years, beginning December 2019 upon the first 5-year review, as specified in Subparagraph 403.067(7)(a)6, F.S., the Lake Okeechobee BMAP must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted by DEP every 5 years (BMAP Five-Year Review) and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. DEP will make revisions to the BMAP, as appropriate and in cooperation with the basin stakeholders, as a result of each 5-year review. The revised Lake Okeechobee BMAP, once adopted by DEP Secretarial Order, will replace any previous versions of the BMAP.

The coordinating agencies shall provide the necessary information to the DEP by July 31 of the year the update will be adopted. The suggested timeline for completing the first five-year BMAP update is presented in **Table 4**.

The SFWMD shall provide the following information:

1. All information required in **Section 5.1** for the BMAP annual updates, effective through June 30 of the year the Five-Year update will be adopted.
2. BMAP Monitoring Network data through April 30 of the year the Five-Year update will be adopted.
3. Evaluation of water quality and quantity based on water year through April 30 of the year the Five-Year update will be adopted.
4. Draft and Final LOWCP modifications and updates for incorporation into the Five-Year update.

The FDACS shall provide a "Summary of Agricultural Activities" that includes the following:

1. All information required in **Section 5.1** for the BMAP annual updates, effective through June 30 of the year the Five-Year update will be adopted.

Table 4: Suggested timeline for first Lake Okeechobee BMAP five-year update

* Proposed schedule (subject to change with agreement amongst the coordinating agencies) to guide completion of the first Lake Okeechobee BMAP five-year update and final LOWPP update, in order to fulfill mandated submittals to Governor/Legislature by March 1, 2020, in accordance with Paragraphs 373.4595(3)(a) and 373.4595(3)(b), F.S.

Task	Begin Date*	End Date*
1. SFWMD provides monitoring data (include water year data through 4/30/2018)	5/1/2018	8/1/2018
2. DEP, in cooperation with SFWMD and FDACS, conducts evaluation of water quality and quantity based on water year (through 4/30/2018)	8/1/2018	9/30/2018
3. DEP, in cooperation with SFWMD and FDACS, conducts evaluation of Lake Okeechobee Watershed Construction Project (LOWCP); SFWMD identifies any proposed modifications to the LOWCP	10/1/2018	2/28/2019
4. SFWMD finalizes any proposed modifications to LOWCP and submits to DEP	3/1/2019	6/30/2019
5. DEP and FDACS submit BMAP information to SFWMD for SFER	5/1/2019	8/1/2019
6. SFWMD, FDACS, and other entities submit BMAP project updates and new projects (non-LOWCP) to DEP (include updates through 6/30/2019)	7/1/2019	7/31/2019
7. SFWMD, FDACS, and other entities submit comments on draft BMAP document to DEP	10/1/2019	10/29/2019
8. Final BMAP 5-year update and Final LOWPP 5-year update web-posted and submitted to Governor/Legislature in SFER (by SFWMD in coordination with DEP and FDACS)	1/1/2020	3/1/2020 (mandated date)

5.3 Reports to Legislature/Governor

5.3.1 BMAP Five-Year Review

In accordance with Paragraph 373.4595(3)(b), F.S., DEP shall assess BMAP progress and report to the Governor/Legislature every five years, beginning March 1, 2020. The five-year review to the Governor/Legislature shall be included as part of the 2020 SFER – Volume I and every five years thereafter for the respective reporting period.

5.3.2 Lake Okeechobee Watershed Protection Plan Updates

Beginning March 1, 2020, and every five years thereafter, in accordance with Paragraph 373.4595(3)(a), F.S., the SFWMD shall update the Lake Okeechobee Watershed Protection Plan to ensure consistency with the BMAP. Reporting required by the coordinating agencies is summarized in **Table 5**.

Table 5. Summary of required reporting

Report Name	Frequency	Date Due	Lead
South Florida Environmental Report	Annual	March 1	SFWMD
Lake Okeechobee BMAP Annual Updates	Annual	N/A	DEP
Lake Okeechobee BMAP 5-Year Update	5-Year	December 30, 2019	DEP
BMAP 5-Year Review to Legislature/Governor	5-Year	March 1, 2020, and every five years thereafter	DEP
Lake Okeechobee Protection Plan to Legislature/Governor	5-Year	March 1, 2020, and every five years thereafter	SFWMD

