

SCHEDULE 4.1

BEST MANAGEMENT PRACTICES PLAN FOR TOTAL PHOSPHORUS AND TOTAL NITROGEN



South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

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BEST MANAGEMENT PRACTICES PLAN FOR TOTAL PHOSPHORUS AND TOTAL NITROGEN

As set forth below, and in addition to the requirements set forth in the Best Management Practices Plan for Sugar Cane Production and Vegetable Farming (Schedule 4.2) and Best Management Practices (BMP) Plan for Citrus (Schedule 4.3), the lessee shall implement source controls for reducing total phosphorus (TP) in discharges for all land uses and shall monitor flow volume and nutrient concentrations at discharge points from the property as identified in Exhibit A and as detailed in a District-approved Discharge Monitoring Plan and BMP Plan. Consistent with the Everglades Forever Act, "Best management practice" or "BMP" means a practice or combination of practices determined by the District, in cooperation with the Florida Department of Environmental Protection, based on research, field-testing, and expert review, to be the most effective and practicable, including economic and technological considerations, on-farm means of improving water quality in agricultural discharges to a level that balances water quality improvements and agricultural productivity.

The lessee shall obtain a permit from the District, or agree to the modification of existing permits, in accordance with Chapter 40E-63, F.A.C., and/or Chapter 40E-61, F.A.C., as applicable, to implement an approved BMP Plan and Discharge Monitoring Plan. The BMP Plan shall consider the BMPs and equivalent points ("points") as defined by Section 1.4 of the Best Management Practices Plan for Sugar Cane Production and Vegetable Farming (Schedule 4.2) and Best Management Practices Plan for Citrus (Schedule 4.3), as set forth below.

(1) BMP PLANS AND PERMITS

(a) BMP Point Requirements

1. EAA Farms -- All farming units within the S-5A Basin shall implement BMP Plans with 35 points. Farming units outside of the S-5A Basin that have long-term historical 3-year flow weighted mean concentration (FWMC) or unit area loads (UALs) that exceed a 200 ppb total phosphorus concentration or 1.2 pounds per acre phosphorus unit area load will also implement BMP Plans with 35 points. All other farming units in the EAA that have long-term historical 3-year FWMC or UALs that are below 200 ppb and 1.2 pounds per acre (lbs/acre) will continue to maintain those historical levels in accordance with the Statistical Performance Assessment Method and continue to implement BMP Plans with 25 points. Farming units, their long-term historical FWMCs and UALs, and BMP point requirements are identified in Exhibit B.
2. Farms outside of the EAA -- Farming units in areas outside the EAA will implement BMP Plans with 35 points.

(b) Requirements for BMP Plans, Permits, and Water Quality Monitoring -- BMP Plans will be required to have adequate water management, nutrient management, and sediment and erosion control BMPs. For those areas that fall inside the jurisdictional boundaries of Chapter 40E-61 and where a General Permit was previously granted by rule or formal District action, it will be necessary for the lessee to obtain an Individual Permit meeting the BMP and discharge requirements of this Schedule. For those areas outside the jurisdictional boundaries of Chapter 40E-63 and 40E-61, F.A.C., the lessee shall follow the same permitting process described under Chapter 40E-63, F.A.C., to obtain a staff report/permit that will become the exhibit to an executed consent agreement between the lessee and the District including a BMP Plan with 35 points (as defined above) and a Discharge Monitoring Plan contemplated by this Schedule. In cases where the lessee is a co-permittee with others, a separate permit may be used to approve the lessee's BMP and Discharge Monitoring Plans. Permit



applications shall be submitted within 30 days of closing to obtain approval of BMP Plans, Discharge Monitoring Plans, and USSC Demonstration Project Scopes of Work.

1. For Basin IDs not already subject to BMP plans approved by the District, in order to begin BMP implementation immediately, the BMP Plan shall be implemented within 90 days after written approval by the District and the Discharge Monitoring Plan shall be implemented no more than 180 days from the closing of the purchase and sale agreement (regardless of whether a final permit or consent agreement has been issued). A proposed BMP and Discharge Monitoring Plan requires justification and must receive District approval for any timeframe that will take longer than these timelines to implement.
2. Regardless of the type of permit/approval obtained for the BMP Plan and Discharge Monitoring Plan (40E-63 WOD, 40E-61 WOD, consent agreement), the lessee shall monitor daily during discharge for total phosphorus and total nitrogen in surface water discharges from the Basin ID at District-approved monitoring points and in accordance with monitoring requirements described in Chapter 40E-63, F.A.C., in order to obtain flow-weighted mean concentrations and calibrated flow measurements. Data shall be reported to the District in electronic format within the time frame prescribed in the permit/approval issued by the District. The District will evaluate the data on an annual water year basis as set forth below.
3. USSC will have the right to install its own internal monitoring within a sub-basin and substitute this data in place of the sub-basin monitoring for the purpose of evaluating water quality in accordance with this Schedule.

(2) WATER QUALITY PERFORMANCE ASSESSMENTS

The intent of the parties is to assure that there is no degradation of performance in the Basin IDs that have historically performed below 200 ppb phosphorus and 1.2 lbs/acre, and to achieve a net improvement in those Basin IDs not achieving 200 ppb and 1.2 lbs/ac. The parties recognize that variability exists in discharge data and have developed a statistical methodology to be used in this section as a tool in evaluating the Basin ID performance. It is recognized that this methodology is not a prediction tool but rather a tool to be used as an initial indicator of Basin ID performance and to be used in conjunction with additional evaluation. By virtue of the statistics utilized, the method will indicate excursions (e.g., false positives) which may or may not be actual indications of degradation, and, as a result, additional evaluation is appropriate to determine if a Basin ID is truly showing adverse performance or whether the results are due to other reasonable factors outside the control of the Lessee, including but not limited to hurricane effects, droughts, high phosphorus concentrations in Lake Okeechobee irrigation water, and other factors observed in other regional performance. Exhibit C shows an example of how the tool can indicate excursions when in fact an evaluation of reasonable factors may show adverse performance in years due to these factors.

(a) Establishing Performance Measures -- Establishing the performance measures for USSC farms was based on historical water quality levels determined from either farm level monitoring data (if available), or in the absence of farm level data, the monitoring data from the sub-basin in which the USSC Basin IDs are located. The available farm level monitoring data are representative of the discharges from a “Basin ID” which is a hydrological discharge unit identified in a BMP permit issued under Rule 40E-63 (F.A.C.).

1. For each USSC Basin ID or sub-basin (when applicable), an average value was established for both a 3-year moving flow-weighted mean TP concentration (FWMC) and 3-year moving average Unit Area Load (UAL) based on a ten year historical (long-term) period of record (**see**



Exhibit B, Tables 1 and 2). Based on these averages, performance measures were established for each “Basin ID” or sub-basin depending on whether the averages were below or above 200 ppb or 1.2 lbs/acre. The performance measure was therefore set based on the following criteria:

- a. a flow-weighted mean TP concentration of 200 ppb, or the historical average 3-yr flow weighted mean discharge TP concentration, determined from the 10-year period of historical record, if lower and
 - b. a Unit Area Load (UAL) of 1.2 pounds/acre, or the historical average 3-yr moving average UAL determined from the 10-year period of historical record, if lower.
2. Farms (within Basin IDs or sub-basins) that historically show achievement of levels lower than 200 ppb and 1.2 pounds per acre, shall maintain the historical flow weighted mean concentrations and unit area loads (see **Exhibit B, Tables 1 and 2**) as performance measures in order to prevent water quality “backsliding”.
3. For USSC farms within sub-basins not having Basin IDs, those farms will be grouped into Basin IDs (to be assigned) and the monitoring data representative of those Basin IDs will be aggregated for consistency to facilitate a comparison with the performance measures that were established based on sub-basin water quality levels.
4. An annual performance assessment will be conducted for each Water Year (May 1st – April 30th) and will consist of:
- a. Calculating a 3-yr moving average TP flow-weighted mean concentration (FWMC) and 3-yr moving average TP UAL for each year based on the current water year and previous two water years of observed data. The 3-yr moving average TP FWMC will be calculated as the sum total of the TP load (kilograms) divided by the sum total Flow (acre-feet) for the Water Year assessment period, and multiplied by a conversion factor to obtain a flow-weighted mean TP concentration for the overall three Water Year period. The 3-yr moving average TP UAL will be calculated as the average of the three Water Years during the assessment period.
 - b. Applying a statistical assessment method (described in Section 2.b) to determine if performance measures are being achieved.

(b) Statistical Performance Measure Assessment Method -- In order to assess progress with meeting performance measures, the assessment methodology in this section is grouped into two categories based on whether the Basin ID performance measure is to: 1) maintain historical water quality levels (FWMC and UAL) for Basin IDs historically below 200 ppb and 1.2 lb/acre, or 2) achieve progress toward meeting the performance measures of 200 ppb and 1.2 lbs/ acres for those Basin IDs that were historically above these levels. For Basin IDs required to maintain their historical levels, a variability component is incorporated into the assessment method. For those Basin IDs that have historical water quality levels above 200 ppb or 1.2 lbs/acre, a “Net Improvement” methodology is incorporated into the assessment method. The methodology is set forth as follows and is explicitly described in the spreadsheet included in the electronic file attached as **Exhibit C**, which includes a description of historical variability.

1. ***Establishing Variability Factors – For Basin IDs with Historical Water Quality Below the 200 ppb and 1.2 lbs/acre Performance Measures.***

- a. TP Limits for both TP Concentration and UAL were established for each Basin ID or sub-basin based on the natural variability exhibited by Basin ID discharges. Limits were



calculated at the 90% confidence level using the following equation and are presented in **Tables 1 and 2 (Exhibit B)**:

$$L_{90\%} = m + s t_{90\%,df}$$

where, $L_{90\%}$ = annual limit at the 90% confidence level

m = average 3-yr cumulative flow-weighted mean TP concentration (and UAL) during the 10-yr period of record

s = standard deviation of the average 3-yr cumulative flow-weighted mean TP concentration (and UAL) during the 10-yr period of record

$t_{90\%,df}$ = 1-tailed t statistic at 90% confidence level and with df degrees of freedom

$df = N - 1$

N = number of 3-yr average values

- b. An overall excursion frequency was determined based on a comparison of each Basin ID or sub-basin to the criteria below. Applying the below criteria to the ten year historical record of 3-year moving averages of all Basin IDs or sub-basins in this category yielded an overall excursion frequency due to normal variability of 15%. Excursion frequency is defined as the total number of excursions divided by the total number of USSC Basin IDs and sub-basins; if any one or more of the criteria below is not met for a Basin ID or an aggregated basin (in case additional basin IDs are created within one existing sub-basin), it is considered a single excursion.
 - i. At least one in three successive years the 3-yr moving average TP concentration shall to be at or below the 3-yr Target concentration (identified in **Tables 1 and 2, Exhibit B**).
 - ii. At least one in three successive years the 3-yr moving average TP UAL shall to be at or below the 3-yr Target UAL (identified in **Tables 1 and 2, Exhibit B**).
 - iii. The 3-yr moving average TP concentration shall be at or below the TP Limit concentration (identified in **Tables 1 and 2, Exhibit B**).
 - iv. The 3-yr moving average UAL shall be at or below the TP Limit UAL (identified in **Tables 1 and 2, Exhibit B**).

2. *Establishing “Net Improvement” Factors – For Basin IDs with Historical Water Quality Above the 200 ppb or 1.2 lbs/acre Performance Measures.*

- a. The performance measure for those Basin IDs with historical TP discharges above the 200 ppb or 1.2 lbs/acre thresholds is to achieve these performance measures or otherwise demonstrate a meaningful net improvement in TP performance. In some Basin ID cases, achieving these performances measures (200 ppb and 1.2 lbs/acre) may require very little in the way of reductions (i.e. going from an average historical level of 225 ppb to an average target of 200 ppb). In other Basin ID cases, the reductions would need to be much greater (i.e. going from an average historical level of 386 ppb to an average target of 200 ppb). Therefore, it would be expected that discharges from some Basin IDs will be reduced sufficiently to achieve the 200 ppb and 1.2 lb/acre performance measures, while others discharges may not.
- b. At the present time, there is no guidance for establishing with certainty a quantitative TP performance measure associated with increasing the BMPs from 25 points to 35 points, an increase of 40%. Hence, for the purpose of establishing a meaningful net improvement



performance measure, it is necessary to make an assumption, and it was therefore assumed that the 40% increase in BMP points will potentially achieve a 20% performance improvement over the period of three years. By limiting the assumed performance improvement (20%) to one-half of the relative BMP point increase (i.e. 40%), this assumption acknowledges the diminishing returns associated with BMP water quality improvements.

- c. In some of these Basin IDs, the historical TP concentration was below the 200 ppb threshold, indicating the UAL is the parameter that needs to be reduced towards the 1.2 pounds per acre threshold. In other Basin IDs, the historical UAL was below the 1.2 pounds per acre threshold, and for those Basin IDs it was the TP concentration that needs to be reduced towards the 200 ppb threshold. A summary of the more restrictive TP parameter, and the estimate of a “20% Performance Improvement” is identified in **Table 3 of Exhibit B**. In recognition of the uncertainty in the expected performance and variability, a deviation of 50% (the “Upper Performance Limit”) of the TP improvement from historical levels will be applied during the annual assessment.

(c) Annual Performance Assessment -- For the water year ending April 30, the District will perform an annual assessment of the TP discharges from each USSC Basin ID based on observed monitoring data submitted by USSC. In cases where new Basin IDs are assigned within sub-basins, the observed monitoring data for the Basin IDs within each sub-basin will be aggregated for evaluation. If the aggregate result shows that performance measures are not being met, an evaluation of each Basin ID will be conducted to ascertain if additional water quality improvement activities will be necessary on all Basin IDs within the sub-basin or for a particular individual Basin ID only. The following describes the assessment steps for Basin IDs required to either maintain historical water quality (for those Basin IDs below 200 ppb and 1.2 lbs/acre) with a variability component, or achieve a “Net Improvement” (for those Basin IDs above 200 ppb or 1.2 lbs/acre).

1. **All Basin IDs** -- An annual assessment will be conducted for each Basin ID for each water year (May 1st – April 30th). For the EAA sub-basins, farming units identified by their Basin ID numbers in **Table 1 (Exhibit B)**, will be evaluated. For the following non-EAA sub-basins, the cumulative discharge from USSC Basin IDs will be evaluated within each individual sub-basin: C-139, L-8, S-4 East, S-4 West, C-43, EBWCD, ESWCD, SSDD, SFCD, and C-139 Annex. In the event that additional Basin IDs are not created for USSC farming units in the EBWCD, ESWCD, SSDD, SFCD, and C-139 Annex, the sub-basin as a whole will be evaluated. The 3-yr moving average TP flow-weighted mean concentration and 3-yr moving average TP unit area loading (UAL) will be calculated each year for each Basin ID or sub-basin as applicable.

2. **Basin IDs with Historical Water Quality** -- **Below** the 200 ppb and 1.2 lbs/acre Performance Measures (see **Figure 1 in Exhibit B** for flow chart of this process)

- a. Of the total USSC Basin IDs and sub-basins, the overall excursion frequency will be calculated each water year for each Basin ID based on the criteria outlined in Section 2.b. To maintain consistency in calculating the overall excursion rate, new Basin IDs assigned within sub-basins will be treated (through aggregation of the observed monitoring data) as one area.
- b. If the overall excursion frequency is greater than 15%, then each Basin ID that contributed to the overall excursion will be deemed to not achieve their performance measures, unless the USSC submits an Assessment Report identifying valid Basin ID-



specific factors outside USSC control (described in Section 2.e) that contributed to the higher than expected excursion frequency.

- c. If the overall excursion frequency is less than or equal to 15%, the excursion frequency expected due to normal variability, then all USSC Basin IDs will be deemed to have achieved the performance measures, with the exception of Basin IDs determined by the District to have excessive TP levels as described below.
- d. Regardless of the results of the excursion frequency assessment, discharges from individual Basin IDs will be assessed for excessive TP levels each water year. The 95% Confidence Limits in **Tables 1 and 2 (Exhibit B)** reflect an upper bound above the TP Targets, as defined by the variability exhibited in the 10-yr calibration period. If an individual Basin ID discharge exceeds the 95% confidence limit TP concentration or UAL, then the Basin ID will be deemed to not achieve their performance measure, unless the USSC submits an Assessment Report identifying valid Basin ID-specific factors outside USSC control (described in Section 2.e) that contributed to the excessive TP levels. Assessment Report requirements are outlined in Section 2.d.
- e. The annual performance assessment will not be conducted in water years when rainfall in the sub-basin, where the farming units are located, exceeds the maximum annual sub-basin rainfall or is below the minimum that occurred during the 10-yr calibration period (see **Table 4, Exhibit B**). If a year is excluded based upon this criterion, results from adjacent years will be treated as consecutive in assessing performance.

3. ***Basin IDs with Historical Water Quality -- Above the 200 ppb or 1.2 lbs/acre Performance Measures (see Figure 2 in Exhibit B for flow chart of this process).***

- a. Only one TP parameter will be assessed against the net improvement performance measure, as identified in **Table 3 of Exhibit B**. In recognition of the uncertainty in the expected performance and variability, a deviation of 50% of the TP improvement from historical levels will be applied, and this is referred to as the “*Upper Performance Limit*”.
- b. If the calculated 3-yr moving TP value is above the limit of the respective performance measure, the Basin ID will be deemed to not achieve its “Net Improvement” performance measure, unless the USSC submits an Assessment Report identifying valid Basin ID-specific factors outside USSC control (described in Section 2.e) that contributed to the levels of TP in the discharge.
- c. The annual performance assessment will not be conducted in water years when rainfall in the sub-basin, where the farming units are located, exceeds the maximum annual sub-basin rainfall or is less than the minimum annual sub-basin rainfall that occurred during the 10-yr calibration period (see **Table 4, Exhibit B**). If a year is excluded based upon this criterion, results from adjacent years will be treated as consecutive in assessing performance.
- d. Once a Basin ID achieves the “*20% Performance Improvement*” measure in **Table 3 of Exhibit B**, that Basin ID will be assessed in future years based on the new performance measure in accordance with Section 2.c.2 above. The limit would be established in accordance with Section 2.b.1. with the additional need to re-scale the historical data to the “*20% Performance Improvement*” as the new long-term performance measure.



4. Annual Performance Assessment Timelines.

- a. By May 1 of each year, the District will provide a preliminary draft status of the current Water Year's TP performance assessment for each Basin ID.
- b. By August 1 of each year, the District will provide a status report of the previous Water Year's TP performance assessment for each Basin ID.

(d) USSC Assessment Report Requirements -- the Assessment Report submitted by USSC will be subject to the following:

1. The USSC Assessment Report shall be submitted by November 1. Within 30 days of receipt of the Assessment Report, the District will notify USSC of the final determination of their findings.
2. If the District determines that the USSC Assessment Report reasonably explains why the USSC discharges did not achieve the performance measures set forth above, then no additional water quality improvement activities will be required for that Water Year.
3. If the District determines that the USSC Assessment Report does not reasonably explain why the USSC discharges did not achieve the performance measures set forth above, then USSC will submit a permit application to modify the existing BMP implementation plan to either increase the BMPs to 35 points, optimize an existing 35 point plan, or implement a USSC demonstration project, as applicable. All of these are to be permitted and implemented by April 30 (the end of the Water Year in which the USSC Assessment Report is submitted as conditioned in Section 2.d.1).
4. The Assessment Report may include evaluation of data, factors and analysis of the Maximum Performance Achievable as defined below, and shall be considered by the District in the determination of whether or not the performance measures have been achieved.

(e) Factors Outside USSC Control -- In the event that discharges from USSC Basin IDs do not achieve the performance measures as defined above, USSC will prepare and transmit an Assessment Report identifying valid factors outside USSC control as described below. The Assessment Report shall identify Basin IDs that contributed to not achieving the specified performance measures. The District will determine if the factors identified in the Assessment Report are valid. If the District determines that the Assessment Report provides valid justification, the District shall exclude the Basin ID from being required to implement additional water quality improvement activities for that Water Year. Examples of factors include, but are not limited to, those identified below:

1. **Extreme Hydrologic Events.** The presence of extreme hydrological (e.g. hurricanes or droughts) events may be identified by USSC in their Assessment Report. The multi-year (i.e., residual) effects of these extreme events may be cited as a specific factor influencing performance.
2. **Above or Below Average Rainfall.** The potential for the unit area load (UAL) of a Basin ID to be influenced by above average or below average rainfall may be evaluated by the Lessee as a factor for not achieving the UAL or the concentration targets and may be identified by USSC in their Assessment Report.



3. **Rainfall Runoff Relationship.** The potential for the UAL of a Basin ID or concentration to be explained by the sub-basin rainfall/TP load relationship or other regional relationship may be evaluated by the Lessee as a factor for not achieving the UAL or concentration and may be identified by USSC in their Assessment Report.

4. **Emergency Conditions.** Discharges will be allowed in accordance with the emergency provisions of Chapter 373, F.S.

5. **High Lake Stages.** For the Ch 298 Districts, L-8 and S-4 sub-basins, additional seepage may be induced by high stages of Lake Okeechobee. Recognizing this factor, Lake Okeechobee stage can be compared to the maximum annual average stage that occurred during the 10-yr calibration period (SFWMD DBKEY 15611; **Table 4, Exhibit B**). For the Ch. 298 Districts, the 10-yr period covered WY1999-2008, with an observed maximum annual average stage of 15.6 ft NGVD. For the L-8 sub-basin, the 10-yr period covered WY1996-2005, with an observed maximum annual average stage of 16.3 ft NGVD. For the S-4 sub-basins, the 10-yr period covered WY1998-2007, with an observed maximum annual average stage of 15.7 ft NGVD.

6. **TP Concentration of Lake Okeechobee Deliveries.** Basin ID discharges may be influenced by TP concentrations in Lake Okeechobee deliveries used for irrigation. The Assessment Report may provide an evaluation showing that a correlation exists between irrigation water quality data (for each Basin ID not meeting the performance measure for consideration) and Lake Okeechobee releases such that the releases are a contributing factor influencing Basin ID performance.

7. **Random & Historical Variation.** The Lessee may report any statistical uncertainty in the methodology using acceptable scientific methods. In recognition of the statistical uncertainty associated with the derivation of the TP Limits, the Lessee will evaluate the potential for statistical, data measurement or other error including the cumulative Type I errors, the effect of rounding the UAL to two decimal places, historical Joint Exceedance Frequencies for Basin IDs as identified in Tables 2 and 3, and the historical exceedance frequencies for individual 3-year averages that ranged from 9% to 41%. Random variation may also include sampling and analyses variations.

8. **Other Factors.** Unavoidable legal barriers or restraints, including those arising from actions or regulations not under the control of USSC.

(f) A Basin ID will be required to implement additional water quality improvement activities subject to the requirements of this Schedule if the District determines, after consideration of USSC's Assessment Report, that established performance measures are not being achieved in accordance with the annual performance assessment method described above.

(3) IMPLEMENTATION OF WQ IMPROVEMENT ACTIVITIES

It is the intent of this section and Section 4 to describe the process of implementing water quality improvement activities if the performance measures in the preceding section are not achieved. Most of the USSC farms have existing BMPs in place. The Parties recognize that there is uncertainty as to the effectiveness of additional BMPs, and that there are diminishing returns on implementing additional BMPs. Many factors contribute to this uncertainty, including TP cycling in the aquatic systems, TP transport issues, inherent background TP levels, Lake Okeechobee concentrations and loads and human interaction effects that might obscure or negate the effects towards achieving further farm level TP load reductions. Through additional on-farm studies, demonstration projects and development programs, at



some point in the future the Parties may find that additional BMP implementation is not technically or economically feasible. This point is referred to as the Maximum Performance Achievable (MPA).

Existing data demonstrate that BMPs in the EAA are capable of sustaining a basin-wide long-term average reduction in TP loads of 50%, and that at some point in the future, further efforts towards increasing the reduction may not be technically or economically feasible. BMP research and applications recognize that the majority of the reductions in TP loading at the farm level are due to changes in water management schemes that reduce volumes and concentrations of water actively pumped off-farm in rainfall events, sediment controls or fertilizer controls.

For Basin IDs required to implement water quality improvement activities (new BMP Plan, BMP optimization plan or participation in a USSC Demonstration Project), evaluation for achievement of performance measures will occur in the year following the third full Water Year after the District-established deadline for implementation of the approved BMP Plan and Discharge Monitoring Plan, and annually thereafter, as set forth in applicable permit or consent agreement. (Stated differently, whenever a new water quality improvement BMP plan is required as a result of not achieving the Performance Measures, the third annual performance assessment following the implementation deadline¹ will be used for the next performance assessment.) This will allow for a 3-year response time prior to any future implementation of additional water quality improvement activities. Annual evaluations for achievement of performance measures will begin immediately for those Basin IDs that are already required to implement the appropriate BMP levels and monitoring requirements.

In the event Performance Measures are not maintained or achieved 3 full water years after implementation, the Lessee shall implement the following remedial measures. For Basin IDs implementing BMP Plans with only 25 BMP points, the BMP Plan and permit shall be modified to include a total of 35 BMP points and implemented in accordance with the procedures and timelines set forth above. For Basin IDs that do not achieve the performance measures and already have permits to implement BMP Plans with 35 BMP points, the Lessee shall work cooperatively with the District to develop a BMP Optimization and Water Quality Improvement Plan, discussed below, that optimizes the BMP plan in order to achieve the performance measures. Additional BMP points or water quality improvement plans shall be approved by the District and incorporated into the applicable permit/consent agreement and shall comply with the requirements described below.

A Basin ID must meet the Performance Measures as described above regardless of the status of the EAA basin-level or farm-level compliance under Chapter 40E-63, or other compliance requirements under Chapter 40E-61. On lands with more stringent nutrient reduction and monitoring requirements than under this Schedule, the more stringent requirements, related to the existing permitted BMP plan, discharge monitoring plan, and compliance requirements, shall apply (e.g., C-139 Annex ERP, previous Consent Agreements). All BMP Plans are also incorporated by reference into the Lease Agreement between the District and lessee.

(4) BMP OPTIMIZATION AND WATER QUALITY IMPROVEMENT PLANS

If, despite the implementation of a BMP Plan based on 35 BMP points, a Basin ID does not meet the Performance Measures defined in this Schedule, the Lessee shall implement a District-approved BMP optimization plan or a District-approved USSC Demonstration Project, as described below. The Lessee shall submit to the District a permit application for either the BMP optimization plan or the USSC Demonstration Project in accordance with the schedule in Section 2(d). Full implementation of a District

¹ The District may grant an extension of the implementation deadline due to factors outside the control of USSC.



approved BMP optimization plan and/or USSC Demonstration Project shall be completed by the deadline established in the approved plan.

(a) BMP Optimization Plans -- Optimization and water quality improvement plans shall be based on Basin ID specific site assessments of existing site conditions (e.g., soils, crops, etc.), operation techniques, farming activities, and BMPs. Proposed optimization plans shall include consideration of two sediment controls and one water management BMP. Indicated below are examples of BMP optimization activities; items 1, 2, and 3 must be considered in the lessee's proposal. If these are not possible to implement, other activities may be proposed as long as it is demonstrated that they are optimization activities resulting in new or improved BMP implementation activities. The activities are not limited to those listed below. These examples were developed based on findings by the UF-IFAS in BMP technical datasheets and the Final Report on Everglades Agricultural Area BMPs for Reducing Particulate Phosphorus Transport (June 2005) to the FDEP. If the lessee proposes other optimization efforts, they must be substantiated by technical information such as District demonstration project and UF/IFAS research results or other scientifically defensible data that is mutually agreed to by the parties. All optimization efforts will require detailed documentation for verification of implementation.

1. Install weed retention booms in the main canal at an optimal distance from the main discharge structure to ensure water quality benefits in discharges. UF/IFAS literature suggests greater than 300 m (984 ft) upstream of the main pump stations; however, this distance may be modified based on site specific conditions.
2. Mechanically remove accumulated floating aquatic vegetation, initially every six months until a site-specific schedule is established for optimal water quality results. Removed vegetation shall be placed away from any canals or ditches in a manner and at a location that will prevent reintroduction to the canals. The extent or distance of the vegetation removal activities from the main discharge structure shall be determined based on site specific conditions. There must be a technical basis to demonstrate the proposed distance is optimal for water quality improvements at the discharge structure. Schedule removal of aquatic vegetation when no immediate need for pumping is expected because physical removal will cause dislodging of detritus from the roots.
3. Determine the lowest pump velocity that meets the farm specific water management needs in addition to optimizing canal velocities targeted at minimizing transport of sediments downstream through the discharge structure during normal operation. Establish the associated canal water levels, cross sectional dimensions, and/or pump speeds to maintain that velocity and for record keeping purposes.
4. Use 5-foot vegetated buffers and berms along all ditches. Native grass or other unfertilized grasses (e.g. Bahia) should be used.
5. Measure canal sediment accumulation in the canal and sump upstream of the discharge structure, every six months initially until a site-specific schedule is established for optimal water quality results from localized canal cleaning. Determine the maximum sediment accumulation that is permissible to prevent sediment transport during pumping events based on established canal velocities. Based on these results, establish a sediment canal cleaning schedule more stringent than the historical schedule. All cleaning should take place prior to the rainy season (March) when pumping will be more frequent, and prior to the growing and hurricane season (August), when lower canal levels may need to be attained. If canal levels are lowered to facilitate canal cleaning, there shall be no off site discharges. If lowering water levels in a canal prior to sediment removal is necessary, use internal/portable pumps or gravity drainage to direct this water to fallow farms.



6. Do not pump offsite during or immediately after sediment removal is complete. Wait 24 hours or until turbidity levels return to normal conditions.
7. Start and stop pump controls must be set at elevations to prevent pump cycling and suspension of sediments. Extend pump period cycling to a minimum of eight hours or provide the basis for the optimal settings, if different.
8. Provide water management such that there is no direct discharge of rice and fallow-flooded field drainage. Retain or use for internal irrigation.
9. For vegetable crops, improve irrigation practices using soil moisture measurements to determine irrigation needs (amount and timing).
10. Optimization of vegetable nutrient application rates and control application methods (mulched beds).

(b) USSC Demonstration Projects -- For Basin IDs not achieving Performance Measures, USSC may conduct a District-approved demonstration project evaluating the efficacy of a BMP optimization project described above. The project scope will be approved by permit modification, which shall include an independent technical review.

(c) Maximum Performance Achievable -- If after BMP optimization or demonstration projects have been completed to a level such that the District finds that no further optimization activities are feasible, a Basin ID continues to not achieve the Performance Measures, the Basin ID shall be evaluated to determine if it has optimized to the maximum extent practicable for the review period based on the latest technical information available. The District will determine the MPA for a Basin ID based on data provided by USSC, IFAS or obtained through District Demonstration and Research Projects. The MPA for a Basin ID shall also consider the magnitude of the water quality benefits (in discharges from the Basin ID as well as at the STA outflow) associated with any additional activities and the diminishing returns for those efforts. The MPA is Basin ID specific and is dependent on the current levels of P in discharges as well as other factors in the Basin ID. The MPA will be based on BMP implementation and other site specific variables, and that reductions beyond this point may be cost prohibitive or technically infeasible. The MPA is based on the latest technical information available for the review period. All of the activities contributing to the MPA shall continue to be implemented unless permit modifications are approved. In the future, if additional water quality improvement measures become feasible, then an MPA can be revised.

(5) DISTRICT DEMONSTRATION AND RESEARCH PROJECTS

The Lessee shall allow the District access to all leased farms in order to conduct research, related projects, and associated monitoring designed to improve the efficacy of agricultural BMPs. The District will provide written notice and a copy of the project scope at least 120 days prior to initiation of the project.

USSC will contribute in-kind services over the period of the lease, not to exceed a value of \$3 million, to facilitate the USSC Demonstration Project and the District's demonstration and research projects. The USSC in-kind services shall be calculated in accordance with the most recent cost guidelines (see <http://www.economics.nrcs.usda.gov/cost/nrcscost.html>) published by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS), and USSC shall submit an annual report summarizing its in-kind services. The in-kind services shall include, but not be limited to:



- Assigning a USSC point of contact for demonstration projects to be responsible for the logistics and scheduling of associated activities on the farm, notifying the District of any field constraints or deviations, providing technical insight, participating in meetings, reviewing project documents, and coordinating with the District or its contractors.
- Providing man-hours and equipment to perform on-farm labor, including but not limited to, activities such as canal vegetation and sediment removal, earthwork, land preparation, planting and harvesting of crops in research plots, soil and water sample collection.
- Laboratory services to process and analyze any soil samples resulting from the analysis.
- Scientists and engineers to assist with project design, results review, and interpretation.
- Pump operation, pump operator time, flow measurement equipment, and associated expenses (e.g., fuel, maintenance) during field tests (e.g., to test slow pump velocities and effect on phosphorus loading).
- Maintaining canal management levels at the elevations required by the field tests.
- Set up and operation of water quality autosamplers for shorter composite periods than those allowed by permits.
- Installation and operation of additional water quality autosamplers at locations internal to the farm.
- Providing all project water quality and flow data from these monitoring sites to the District at a frequency described in the scope.
- The costs of collection, processing, and reporting for the laboratory analyses including those at greater frequencies as described by the project scope.
- Recording data on field logs as described by the scope of the project.
- Providing farms and labor for aquatic vegetation disposal or incorporation into soils.
- Removing vegetation to allow access to project sites (e.g., to discharge points from surface water impoundments).
- Seeding and maintenance of vegetation on berms and buffers.
- Cleaning of ditches and sumps at the frequencies required by the demonstration project.
- Making operational modifications to facilitate testing of recirculation and retention or drain down waters from fallow flooded or rice fields (e.g., via operation of weirs and risers and portable pumps).

(6) DISPUTE RESOLUTION PROCESS

Disputes regarding compliance with Schedule 4.1 shall be governed by Section 7 of the Lease.

(7) AGREEMENT BY THE LESSEE AND THE DISTRICT

This schedule 4.1 is a negotiated BMP plan as part of the December 23, 2008 Agreement for Sale and Purchase between the parties. By entering into such agreement the lessee does not necessarily agree that the additional BMPs will result in reductions in STA discharge, enhanced STA performance or that additional BMPs will enhance on-farm performance. Furthermore, if the purchase and sale transaction is not consummated for any reason this BMP plan becomes null and void and the lessee does not give up any right to negotiate a different BMP approach in the future nor to give up the right to contest any proposed BMPs or BMP compliance methodology in any administrative hearing or court of law.

Exhibit B to Schedule 4.1 - March 3, 2009

**Table 1. Summary of EAA USSC Sub-basin Discharges.
(Historic Water Quality, 3-yr Targets and Limits, BMP Points and Associated Acreages)**

| UAID | Basin ID | Total WY08 Area acres | Historical Average 3-yr Discharges WY1999-2008 unless otherwise noted | | | | TP Targets | | Existing BMP Points | First TP Level Above Target? | First WQ Assess. Year | 90% Conf. Level TP Limits | | 90% Conf. Level Joint Exceed. Freq. | | | 95% Conf. Level Annual Limit | | | | | |
|----------------------------|-----------|-----------------------|---|---------------------------------|---------------|---------------------|------------------|---------------|---------------------|------------------------------|-----------------------|---------------------------|---------------|-------------------------------------|------|------|------------------------------|----------|--|--|--|--|
| | | | TP Conc ppb | Flow AF | TP Load kg | UAL #/ac | 3-yr TP Conc ppb | 3-yr UAL #/ac | | | | 3-yr TP Conc ppb | 3-yr UAL #/ac | Conc | UAL | Both | TP Conc ppb | UAL #/ac | | | | |
| S-5A Sub-basin | | | | | | | | | | | | | | | | | | | | | | |
| 132 | 50-061-15 | 6,760 | 133 | 10,993 | 1,798 | 0.6 | 133 | 0.6 | 35 | No | WY2013 | 181 | 0.9 | 0% | 0% | 0% | 198 | 1.1 | | | | |
| 165 | 50-002-02 | 9,285 | 189 | 17,892 | 4,172 | 1.0 | 189 | 1.0 | 35 | No | WY2013 | 218 | 1.2 | 33% | 0% | 33% | 228 | 1.2 | | | | |
| 166 | 50-002-01 | 5,656 | 203 | 13,042 | 3,273 | 1.3 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 168 | 50-015-02 | 2,554 | 294 | 3,510 | 1,272 | 1.1 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 177 | 50-061-17 | 1,598 | 386 | 7,758 | 3,694 | 5.1 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 179 | 50-018-03 | 9,062 | 126 | 26,487 | 4,132 | 1.0 | 126 | 1.0 | 35 | No | WY2013 | 136 | 1.2 | 17% | 0% | 17% | 139 | 1.2 | | | | |
| 186 | 50-018-02 | 6,594 | 154 | 20,109 | 3,830 | 1.3 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 187 | 50-018-01 | 5,902 | 191 | 13,853 | 3,263 | 1.2 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 188 | 50-015-01 | 3,276 | 214 | 6,877 | 1,815 | 1.2 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| Sub-basin Sub-total | | 50,689 | 183 | 120,521 | 27,248 | 1.2 | | | | | | | | 17% | 0% | 17% | | | | | | |
| | | | | Total USSC acreage in sub-basin | 40,445 | Acreage @ 35 Points | 40,445 | | | | | | | | | | | | | | | |
| | | | | | | Acreage @ 25 Points | 0 | | | | | | | | | | | | | | | |
| S-6 Sub-basin | | | | | | | | | | | | | | | | | | | | | | |
| 102 | 50-010-02 | 5,327 | 175 | 19,814 | 4,272 | 1.8 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 145 | 50-018-10 | 8,254 | 159 | 19,517 | 3,828 | 1.0 | 159 | 1.0 | 25 | No | WY2010 | 202 | 1.5 | 0% | 0% | 0% | 216 | 1.6 | | | | |
| 148 | 50-010-04 | 7,159 | 179 | 25,872 | 5,716 | 1.8 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 159 | 50-018-11 | 1,871 | 191 | 7,949 | 1,875 | 2.2 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| Sub-basin Sub-total | | 22,612 | 174 | 73,152 | 15,691 | 1.5 | | | | | | | | 0% | 0% | 0% | | | | | | |
| | | | | Total USSC acreage in sub-basin | 13,496 | Acreage @ 35 Points | 8,569 | | | | | | | | | | | | | | | |
| | | | | | | Acreage @ 25 Points | 4,927 | | | | | | | | | | | | | | | |
| S-7 Sub-basin | | | | | | | | | | | | | | | | | | | | | | |
| 044 | 50-018-20 | 381 | 175 | 1,965 | 425 | 2.5 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 046 | 50-018-19 | 314 | 183 | 3,542 | 801 | 5.6 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 051 | 50-018-18 | 358 | 122 | 1,670 | 250 | 1.5 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 052 | 50-018-25 | 3,808 | 177 | 8,994 | 1,967 | 1.1 | 177 | 1.1 | 25 | No | WY2010 | 204 | 1.4 | 0% | 0% | 0% | 213 | 1.5 | | | | |
| 076 | 50-061-03 | 3,434 | 78 | 9,302 | 895 | 0.6 | 78 | 0.6 | 25 | No | WY2010 | 98 | 0.7 | 17% | 0% | 17% | 105 | 0.7 | | | | |
| 095 | 50-018-16 | 240 | 112 | 1,385 | 191 | 1.8 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| Sub-basin Sub-total | | 8,535 | 137 | 26,857 | 4,530 | 1.2 | | | | | | | | 8% | 0% | 8% | | | | | | |
| | | | | Total USSC acreage in sub-basin | 6,813 | Acreage @ 35 Points | 1,032 | | | | | | | | | | | | | | | |
| | | | | | | Acreage @ 25 Points | 5,781 | | | | | | | | | | | | | | | |
| S-8 Sub-basin | | | | | | | | | | | | | | | | | | | | | | |
| 005 | 50-018-07 | 1,117 | 268 | 2,295 | 758 | 1.5 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 006 | 50-018-08 | 3,209 | 130 | 6,938 | 1,112 | 0.8 | 130 | 0.8 | 25 | No | WY2010 | 200 | 1.4 | 17% | 17% | 17% | 224 | 1.7 | | | | |
| 012 | 26-010-02 | 9,961 | 185 | 19,424 | 4,442 | 1.0 | 185 | 1.0 | 25 | No | WY2010 | 265 | 1.5 | 0% | 0% | 0% | 292 | 1.7 | | | | |
| 014 | 50-018-06 | 1,255 | 135 | 2,714 | 450 | 0.8 | 135 | 0.8 | 25 | No | WY2010 | 176 | 1.3 | 0% | 17% | 17% | 190 | 1.4 | | | | |
| 015 | 50-018-04 | 1,913 | 88 | 4,738 | 516 | 0.6 | 88 | 0.6 | 25 | No | WY2010 | 98 | 0.9 | 17% | 17% | 33% | 102 | 1.0 | | | | |
| 016 | 50-018-05 | 1,827 | 270 | 4,658 | 1,551 | 1.9 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | N.I. | | | | |
| 017 | 50-018-22 | 4,481 | 126 | 12,100 | 1,878 | 0.9 | 126 | 0.9 | 25 | No | WY2010 | 148 | 1.3 | 17% | 17% | 17% | 156 | 1.4 | | | | |
| 019 | 50-018-09 | 1,737 | 134 | 5,642 | 933 | 1.2 | 134 | 1.2 | 25 | No | WY2010 | 152 | 1.8 | 17% | 17% | 17% | 158 | 2.1 | | | | |
| 020 | 50-008-01 | 7,261 | 87 | 10,736 | 1,157 | 0.4 | 87 | 0.4 | 25 | No | WY2010 | 106 | 0.5 | 17% | 0% | 17% | 112 | 0.6 | | | | |
| 022 | 50-061-22 | 3,739 | 122 | 6,181 | 931 | 0.5 | 122 | 0.5 | 25 | No | WY2010 | 130 | 1.0 | 0% | 0% | 0% | 134 | 1.3 | | | | |
| 027 | 50-061-10 | 25,062 | 55 | 50,125 | 3,407 | 0.3 | 55 | 0.3 | 25 | No | WY2010 | 71 | 0.4 | 0% | 0% | 0% | 76 | 0.4 | | | | |
| 053 | 50-018-24 | 3,800 | 97 | 11,894 | 1,419 | 0.8 | 97 | 0.8 | 25 | No | WY2010 | 112 | 1.2 | 17% | 17% | 17% | 117 | 1.3 | | | | |
| 054 | 50-018-23 | 2,946 | 104 | 10,832 | 1,394 | 1.0 | 104 | 1.0 | 25 | No | WY2010 | 134 | 1.6 | 17% | 17% | 17% | 144 | 1.8 | | | | |
| 055 | 50-010-03 | 5,826 | 108 | 15,567 | 2,083 | 0.8 | 108 | 0.8 | 25 | No | WY2010 | 140 | 1.1 | 0% | 0% | 0% | 150 | 1.3 | | | | |
| 193 | 50-010-05 | 2,111 | 76 | 3,032 | 284 | 0.3 | 76 | 0.3 | 25 | No | WY2010 | 98 | 0.5 | 17% | 0% | 17% | 106 | 0.5 | | | | |
| 202 | 50-011-06 | 638 | 155 | 1,177 | 226 | 0.8 | 155 | 0.8 | 25 | No | WY2010 | 213 | 1.4 | 33% | 17% | 33% | 233 | 1.6 | | | | |
| Sub-basin Sub-total | | 76,885 | 109 | 168,052 | 22,540 | 0.6 | | | | | | | | 12% | 10% | 14% | | | | | | |
| | | | | Total USSC acreage in sub-basin | 55,194 | Acreage @ 35 Points | 2,114 | | | | | | | | | | | | | | | |
| | | | | | | Acreage @ 25 Points | 53,080 | | | | | | | | | | | | | | | |
| Total EAA Basin | | 158,721 | 146 | 388,583 | 70,009 | 1.0 | | | | | | | | 12% | 7% | 13% | | | | | | |
| | | | | Total USSC acreage in sub-basin | 115,948 | Acreage @ 35 Points | 52,160 | | | | | | | | | | | | | | | |
| | | | | | | Acreage @ 25 Points | 63,788 | | | | | | | | | | | | | | | |

Notes: * For those parcels showing "200*" and "1.2*" as the Targets, the performance goal is to continue improving performance until the maximum performance achievable has been demonstrated, or 200/1.2 has been achieved.

N.I. = Net Improvement Basin ID 076 is leased by Duda Farms from USSC, and is not subject to the performance assessment provisions of Schedule 4.1.

Exhibit B to Schedule 4.1 - March 3, 2009

**Table 2. Summary of All Other USSC Basin Discharges.
(Historic Water Quality, 3-yr Targets and Limits, BMP Points and Associated Acreages)**

| UAID | Basin ID | Total WY08 | | Historical Average 3-yr Discharges unless otherwise noted | | | TP Targets | | Existing Begin BMP Points | First TP Level Above Target? | First WQ Assess. Year | 90% Conf. Level TP Limits | | 90% Conf. Level Joint Exceed. Freq. | | |
|---|----------|--|-------------|---|----------------------------|------------|------------------|---------------|---------------------------|------------------------------|-----------------------|---------------------------|---------------|-------------------------------------|------|------|
| | | Area acres | TP Conc ppb | Flow AF | TP Load kg | UAL #/ac | 3-yr TP Conc ppb | 3-yr UAL #/ac | | | | 3-yr TP Conc ppb | 3-yr UAL #/ac | Conc | UAL | Both |
| EBWCD Sub-basin | | 6,574 | 440 | 19,624 | 10,652 | 3.6 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. |
| | | <i>Total USSC acreage in basin</i> | | 55 | <i>Acreage @ 35 Points</i> | | 55 | | | | | | | | | |
| ESWCD Sub-basin | | 8,324 | 128 | 14,905 | 2,344 | 0.6 | 128 | 0.6 | 25 | No | WY2010 | 200 | 0.9 | 17% | 17% | 17% |
| | | <i>Total USSC acreage in basin</i> | | 5,287 | <i>Acreage @ 25 Points</i> | | 5,287 | | | | | | | | | |
| SSDD Sub-basin | | 4,049 | 114 | 11,497 | 1,622 | 0.9 | 114 | 0.9 | 25 | No | WY2010 | 139 | 1.3 | 17% | 33% | 33% |
| | | <i>Total USSC acreage in basin</i> | | 2,868 | <i>Acreage @ 25 Points</i> | | 2,868 | | | | | | | | | |
| SFCD Sub-basin | | 11,080 | 114 | 27,604 | 3,898 | 0.8 | 114 | 0.8 | 25 | No | WY2010 | 129 | 1.0 | 17% | 0% | 17% |
| | | <i>Total USSC acreage in basin</i> | | 7,940 | <i>Acreage @ 25 Points</i> | | 7,940 | | | | | | | | | |
| L-8 Sub-basin | | 5,058 | 249 | 11,156 | 3,430 | 1.5 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. |
| WY1996-2005 | | <i>Total USSC acreage in basin</i> | | 5,058 | <i>Acreage @ 35 Points</i> | | 5,058 | | | | | | | | | |
| C-139 Sub-basin | | 169,500 | 252 | 178,678 | 55,563 | 0.7 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. |
| | | <i>Total USSC acreage in basin</i> | | 5,439 | <i>Acreage @ 35 Points</i> | | 5,439 | | | | | | | | | |
| C-139 Ann. Sub-basin | | 17,841 | 100 | 42,946 | 5,274 | 0.7 | 100 | 0.7 | 35 | No | WY2013 | 112 | 0.8 | 17% | 0% | 17% |
| | | <i>Total USSC acreage in basin</i> | | 17,841 | <i>Acreage @ 35 Points</i> | | 17,841 | | | | | | | | | |
| S-4 East Sub-basin | | 19,917 | 255 | 43,886 | 13,818 | 1.5 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. |
| WY1998-2007 | | <i>Total USSC acreage in basin</i> | | 11,481 | <i>Acreage @ 35 Points</i> | | 11,481 | | | | | | | | | |
| S-4 West Sub-basin | | 21,576 | 265 | 46,623 | 15,245 | 1.6 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | N.I. | N.I. | N.I. |
| WY1998-2007 | | <i>Total USSC acreage in basin</i> | | 6,990 | <i>Acreage @ 35 Points</i> | | 6,990 | | | | | | | | | |
| Other runoff to C-43 | | 23,900 | 265 | 51,645 | 16,887 | 1.6 | 200* | 1.2* | 35 | Yes | WY2013 | N.I. | N.I. | | | |
| Conc & UAL set equal to S-4 West | | <i>Total USSC acreage in basin</i> | | 8,131 | <i>Acreage @ 35 Points</i> | | 8,131 | | | | | | | | | |
| Total non-EAA | | 287,819 | 233 | 448,564 | 128,733 | 1.0 | | | | | | | | 17% | 13% | 21% |
| | | <i>Total USSC acreage in sub-basin</i> | | 71,090 | <i>Acreage @ 35 Points</i> | | 54,995 | | | | | | | | | |
| | | | | | <i>Acreage @ 25 Points</i> | | 16,095 | | | | | | | | | |
| Total Discharges | | 446,540 | 192 | 837,146 | 198,742 | 1.0 | | | | | | | | 13% | 8% | 15% |
| | | <i>Total USSC acreage</i> | | 187,039 | <i>Acreage @ 35 Points</i> | | 107,155 | | | | | | | | | |
| | | | | | <i>Acreage @ 25 Points</i> | | 79,884 | | | | | | | | | |

Notes: * For those parcels showing "200*" and "1.2*" as the Targets, the performance goal is to continue improving performance until the maximum performance achievable has been demonstrated, or 200/1.2 has been achieved.

N.I. = Net Improvement

Exhibit B to Schedule 4.1 - March 3, 2009

**Table 3. Initial Net Improvement Performance Measures for Basin IDs
With Historical Discharges Above 200 ppb or 1.2 lb/acre**

| UAID | Basin ID | More Restrictive Parameter | Unit | Historical Value | 20% Performance Improvement | Upper Performance Limit |
|---------------------------|-----------------|-----------------------------------|-------------|-------------------------|------------------------------------|--------------------------------|
| S-5A Sub-basin | | | | | | |
| 166 | 50-002-01 | UAL | lbs/acre | 1.3 | 1.2 | 1.2 |
| 168 | 50-015-02 | TP | ppb | 294 | 235 | 264 |
| 177 | 50-061-17 | UAL | lbs/acre | 5.1 | 4.1 | 4.6 |
| 186 | 50-018-02 | UAL | lbs/acre | 1.3 | 1.2 | 1.2 |
| 187 | 50-018-01 | UAL | lbs/acre | 1.2 | 1.2 | 1.2 |
| 188 | 50-015-01 | TP | ppb | 214 | 200 | 207 |
| S-6 Sub-basin | | | | | | |
| 102 | 50-010-02 | UAL | lbs/acre | 1.8 | 1.4 | 1.6 |
| 148 | 50-010-04 | UAL | lbs/acre | 1.8 | 1.4 | 1.6 |
| 159 | 50-018-11 | UAL | lbs/acre | 2.2 | 1.8 | 2.0 |
| S-7 Sub-basin | | | | | | |
| 044 | 50-018-20 | UAL | lbs/acre | 2.5 | 2.0 | 2.2 |
| 046 | 50-018-19 | UAL | lbs/acre | 5.6 | 4.5 | 5.1 |
| 051 | 50-018-18 | UAL | lbs/acre | 1.5 | 1.2 | 1.4 |
| 095 | 50-018-16 | UAL | lbs/acre | 1.8 | 1.4 | 1.6 |
| S-8 Sub-basin | | | | | | |
| 005 | 50-018-07 | TP | ppb | 268 | 214 | 241 |
| 016 | 50-018-05 | TP | ppb | 270 | 216 | 243 |
| EBWCD Sub-basin | | | | | | |
| | | UAL | lbs/acre | 3.6 | 2.9 | 3.2 |
| L-8 Sub-basin | | | | | | |
| | | TP | ppb | 249 | 200 | 225 |
| C-139 Sub-basin | | | | | | |
| | | TP | ppb | 252 | 202 | 227 |
| S-4 East Sub-basin | | | | | | |
| | | TP | ppb | 255 | 204 | 230 |
| S-4 West Sub-basin | | | | | | |
| | | TP | ppb | 265 | 212 | 239 |

Note:

- 1) UAL – TP Unit Area Load (lbs/acre)
- 2) TP – Flow-weighted mean TP concentration (ppb)

Exhibit B to Schedule 4.1 - March 3, 2009

Table 4. Annual Basin Rainfall and Maximum Value; values in inches per year.

| Basin | WY1999 | WY2000 | WY2001 | WY2002 | WY2003 | WY2004 | WY2005 | WY2006 | WY2007 | WY2008 | Max | Rainfall Station |
|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|------------|------------------------------|
| S-5A | 42.22 | 60.12 | 37.60 | 52.09 | 50.27 | 50.17 | 56.66 | 42.93 | 37.33 | 44.18 | 60.12 | Rule 40E-63 |
| S-6 | 41.88 | 54.32 | 35.09 | 54.37 | 46.04 | 46.37 | 50.26 | 44.32 | 39.04 | 53.27 | 54.37 | Rule 40E-63 |
| S-7 | 41.43 | 59.04 | 38.21 | 49.51 | 44.19 | 43.91 | 44.87 | 51.96 | 40.40 | 50.38 | 59.04 | Rule 40E-63 |
| S-8 | 45.49 | 56.57 | 37.04 | 43.69 | 44.19 | 46.12 | 49.11 | 56.42 | 35.22 | 44.09 | 56.57 | Rule 40E-63 |
| EBWCD | 26.49 | 37.37 | 21.48 | 25.51 | 33.63 | 33.32 | 39.36 | 29.29 | 24.83 | 47.14 | 47.14 | DBKEYs 5962, 16191, 5835 |
| ESWCD | 26.17 | 40.48 | 28.11 | 30.24 | 37.36 | 31.77 | 44.23 | 38.67 | 25.36 | 47.80 | 47.80 | DBKEYs 16191, 5835 |
| SSDD | 42.93 | 51.33 | 37.02 | 43.67 | 36.15 | 43.36 | 51.52 | 58.43 | 30.06 | 36.74 | 58.43 | DBKEYs 15199, 15198 |
| SFCD | 48.73 | 55.68 | 27.68 | 33.99 | 44.11 | 45.85 | 66.17 | 64.19 | 37.71 | 38.12 | 66.17 | DBKEYs 15198, 5965, 16696 |
| L-8 (WY96-05) | 53.69 | 39.75 | 40.90 | 28.22 | 47.43 | 27.05 | 35.44 | 33.02 | 35.09 | 49.24 | 53.69 | S-352 (DBKEY 16693) |
| C-139 | 51.92 | 54.46 | 35.70 | 54.23 | 55.40 | 49.90 | 50.68 | 54.86 | 36.85 | 41.95 | 55.40 | Rule 40E-63 |
| C-139 Annex | 42.45 | 58.46 | 42.39 | 48.85 | 52.54 | 53.96 | 51.14 | 59.73 | 50.70 | 49.11 | 59.73 | DBKEYs 16224, 16606, 15685 |
| S-4 East (WY98-07) | 50.10 | 46.60 | 60.30 | 27.10 | 49.90 | 46.60 | 47.90 | 61.40 | 63.00 | 36.60 | 63.00 | Clewiston F.S. (DBKEY 16696) |
| S-4 West (WY98-07) | 50.10 | 46.60 | 60.30 | 27.10 | 49.90 | 46.60 | 47.90 | 61.40 | 63.00 | 36.60 | 63.00 | Clewiston F.S. (DBKEY 16696) |
| Other C-43 | 50.10 | 46.60 | 60.30 | 27.10 | 49.90 | 46.60 | 47.90 | 61.40 | 63.00 | 36.60 | 63.00 | Clewiston F.S. (DBKEY 16696) |

Figure 1. Flow Chart for Annual Performance Assessment of USSC Basin IDs With Historical Discharges Below 200 ppb and 1.2 lb/acre

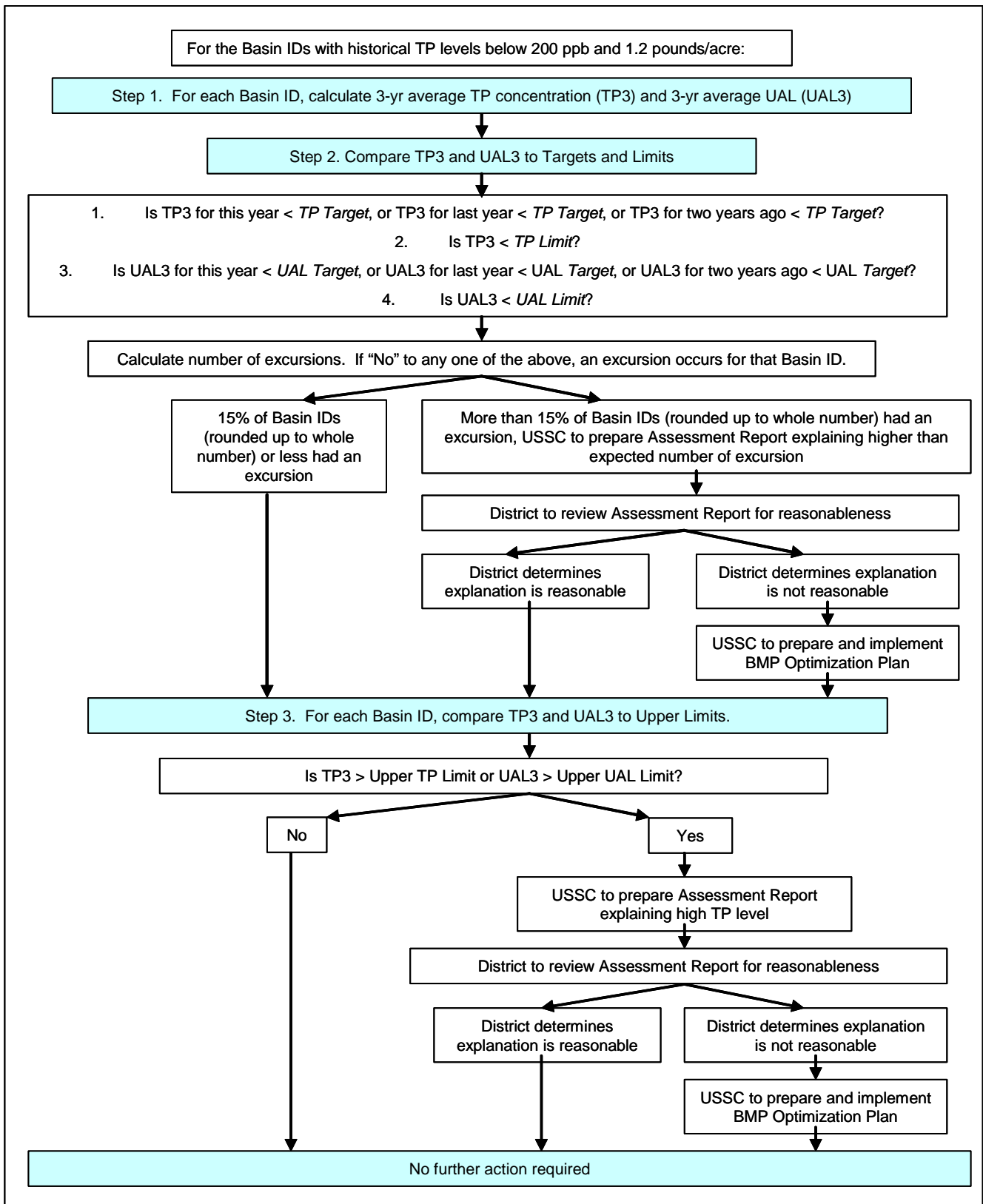


Figure 2. Flow Chart for Annual Performance Assessment of USSC Basin IDs With Historical Discharges Above 200 ppb or 1.2 lb/acre

