



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

April 9, 2009

9:00 AM

St. Cloud City Hall, Council Chambers

1300 Ninth Street

St. Cloud, FL 34769

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. **Call to Order** - Eric Buermann, Chairman, Governing Board
2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board
3. **Employee Recognition** - Presented by Carol A. Wehle, Executive Director
See supporting document: [April Good Samaritan Award.pdf](#)
4. **South Florida Water Management District's 60th Anniversary: Focus on the 1960's** - George Horne, Deputy Executive Director, Operations & Maintenance
5. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
6. **Abstentions by Board Members from items on the Agenda**
7. **Audit & Finance Committee Report** - Charles Dauray, Chair
8. **Water Resources Advisory Commission (WRAC) Report** - Michael Collins, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all consent agenda items are recommended for approval.**

9. Public Comment on Consent Agenda

10. Pull Items for Discussion from Consent Agenda

11. Board Comment on Consent Agenda

Regulatory Matters

12. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Amendment to Conservation Easements

Water Shortage Enforcement Actions

See supporting document: [ca_wr_rm_101_sd.pdf](#)

13. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.

See supporting document: [ca_om_rm_100_sd.pdf](#)

Water Resources

14. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Pete Kwiatkowski, ext. 2547)
See supporting document: [ca_wr_006_sd.pdf](#)
See supporting document: [ca_wr_001_sd.pdf](#)
See supporting document: [ca_wr_002_sd.pdf](#)

15. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Pete Kwiatkowski, ext. 2547)
See supporting document: [ca_wr_007_sd.pdf](#)

16. Enter an order concurring with emergency order for the purpose of immediate water supply relief for the City of West Palm Beach, Florida (Pete Kwiatkowski, ext. 2547)
See supporting document: [ca_wr_003_sd.pdf](#)

17. **2009-400** A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Belt Mitigation Committee Annual Report for 2008; providing an effective date. (Terrie Bates, ext. 6952).
See supporting document: [ca_wr_106_sd1.pdf](#)
See supporting document: [ca_wr_106_sd.pdf](#)
See resolution document: [ca_wr_106_rd.pdf](#)

18. **2009-401** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6-month contract with Aquent, Inc. under GSA Contract #GS-23F0102M for two on-site technical editors for the 2010 South Florida Environmental Report Project, in the not-to-exceed amount of \$184,320, for which ad valorem funds in the amount of \$74,880 are budgeted; and the remainder is subject to Governing Board approval of the FY2010 budget; providing an effective date. (Contract Number 4600001722) (Stacey Ollis, ext. 2039)
See supporting document: [ca_wr_124_sd.pdf](#)
See resolution document: [ca_wr_124_rd.pdf](#)

19. **2009-402** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600001483 with the Florida Atlantic University for Florida Bay Seagrass Studies, and authorize a Waiver of Competition as an exception to the standards of competition, to extend the term by 36 months and to increase funding in the amount of \$295,000, for which \$95,000 in dedicated funds (Florida Bay Fund) is budgeted, and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing an effective date. (Contract Number 4600001483-A02) (Chris Madden, ext. 4647)
See supporting document: [wr_ca_04018a_sd.pdf](#)
See supporting document: [wr_ca_04018_sd.pdf](#)
See resolution document: [wr_ca_04018_rd.pdf](#)

- 20. 2009-403** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600001638 with the Loxahatchee River District for Water Quality and Biological Monitoring Restoration Project, to extend the term by six months and to increase funding in the amount of \$120,000, for which \$108,000 in dedicated funds (state appropriations) is budgeted, and the remainder is subject to Governing Board approval of the FY10 budget; providing an effective date. (Contract Number 4600001638-A01)(Bahram Charkhian, ext. 2284)
See supporting document: [wr_ca_04020_sd.pdf](#)
See supporting document: [wr_ca_04020a_sd.pdf](#)
See resolution document: [wr_ca_04020_rd.pdf](#)
- 21. 2009-404** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two-year cooperative agreement with the United States Geological Survey for Dynamic Simulation of Hydrologic Restoration in the Picayune Strand Coastal Area and Hydrodynamic and Salinity Characteristics of the Ten Thousand Islands, in the amount of \$547,633, of which the District's contribution is \$481,443, for which \$109,500 in dedicated funds (Comprehensive Everglades Restoration Plan Fund) and \$100,000 in ad valorem funds are budgeted in FY09, and the remainder is subject to Governing Board approval of the FY10 budget; providing an effective date. (Contract Number 4600001473) (Julio Fanjul, ext. 3711).
See supporting document: [wr_ca_04019a_sd.pdf](#)
See supporting document: [wr_ca_04019_sd.pdf](#)
See resolution document: [wr_ca_04019_rd.pdf](#)
- 22. 2009-405** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year contract with the Palm Beach County for Delaware Scrub Restoration Project in the amount of \$225,000, for which dedicated funds (FY09 State Appropriations) are subject to Governing Board approval of the FY10 budget; providing an effective date. (Contract Number 4600001764) (Bahram Charkhian, ext. 2284)
See supporting document: [wr_ca_04017_sd.pdf](#)
See supporting document: [wr_ca_04017a_sd.pdf](#)
See resolution document: [wr_ca_04017_rd.pdf](#)
- 23. 2009-406** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year cooperative agreement with the Tohopekaliga Water Authority for construction and testing of a Lower Floridan Aquifer exploratory well in Southern Osceola County in an amount not-to-exceed \$200,000 for which ad valorem funds are budgeted; providing an effective date. (Contract number 4600001767) (Marjorie Craig, ext. 2987)
See supporting document: [ca_wr_004_sd.pdf](#)
See resolution document: [ca_wr_005_rd.pdf](#)

Everglades Restoration

- 24. 2009-407** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6836)
See supporting document: [ca_lr_100_sd.pdf](#)
See resolution document: [ca_lr_100_rd.pdf](#)
See supporting document: [ca_lr_100_ExhA.pdf](#)
- 25. 2009-408** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 0.18 acres, more or less, in fee, Section 17, Township 45 South, Range 25 East, Lee County, Six Mile Cypress Project; authorize the conveyance of said property to Lee County at appraised value; subject to certain conditions; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_lr_101_sd.pdf](#)
See resolution document: [ca_lr_101_rd.pdf](#)
- 26. 2009-409** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and conveying approximately 555.52 square feet or 0.0128 +/- acres in exchange for approximately 362.76 square feet or 0.0083 +/- acres, located along Snapper Creek (C-2), in Section 5, Township 54 South, Range 40 East, Miami-Dade County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_lr_102_sd.pdf](#)
See resolution document: [ca_lr_102_rd.pdf](#)
See supporting document: [ca_lr_102_map_AZ100-008.pdf](#)
See supporting document: [ca_lr_102_map_AZ100-009.pdf](#)
- 27. 2009-410** A Resolution of the Governing Board of the South Florida Water Management District to approve releasing to the applicant, 42,686 +/- square feet or 0.98 +/- acres from the current access easement area and accepting in exchange a relocated access easement containing 58,381 +/- square feet or 1.34 +/- acres, C-9 Project, located in Section 34, Township 51 South, Range 41 East, Miami-Dade County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_lr_105_sd.pdf](#)
See resolution document: [ca_lr_105_rd.pdf](#)
See supporting document: [ca_lr_105_map_ExhA.pdf](#)

- 28. 2009-411** A Resolution of the Governing Board of the South Florida Water Management District to reapprove the acquisition of land interests, originally approved pursuant to Resolution No. 2007-1010, containing 153.64 acres, more or less, for the Biscayne Bay Coastal Wetlands Comprehensive Everglades Restoration Plan (CERP) Project, Cutler Flow Way Component, in Miami-Dade County, in accordance with updated circumstances and for purposes of superseding and replacing the approval contained in Resolution No. 2007-1010, to be conveyed at no cost to the District, subject to certain environmental conditions; providing an effective date. (Bob Schaeffer, ext. 2985)
See supporting document: [ca_lr_109_sd.pdf](#)
See resolution document: [ca_lr_109_rd.pdf](#)
See supporting document: [ca_lr_109_ExhA_legal_sketch.pdf](#)
See supporting document: [ca_lr_109_ExhAA_map.pdf](#)
- 29. 2009-412** A Resolution of the Governing Board of the South Florida Water Management District authorizing the release of a portion of the Hillsboro Canal Right of Way containing 0.12 acres, more or less, within portions of Lots 8A, 9A and 10A, Block 8, Hillsboro Pines Section "A", Plat Book 42, Page 33, Public Records of Broward County, Florida, in exchange for a perpetual canal easement containing 0.138 acres, more or less, over the North 80 feet of said Lot 8A; providing an effective date. (Kathy Massey, ext. 6835)
See supporting document: [ca_lr_104_sd.pdf](#)
See resolution document: [ca_lr_104_rd.pdf](#)
See supporting document: [ca_lr_104_map_ExhA.pdf](#)
- 30. 2009-413** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract CP060614/3600000543 with the City of West Palm Beach and Palm Beach County for the C-51 Canal Sediment Management Project to increase the contract amount by \$1,100,000 of which dedicated funds (State Appropriations) in the amount of \$250,000 are budgeted and the remaining \$850,000 are Palm Beach County funds; providing an effective date. (Contract Number CP060614-A02/3600000543-A02) (Beth Kacvinsky, ext. 3721)
See supporting document: [da_er_004_Map2_sd2.pdf](#)
See supporting document: [da_er_004_Map1_sd1.pdf](#)
See supporting document: [da_er_004_Memo_sd.pdf](#)
See resolution document: [ca_cp_rd_13063_BFLD.pdf](#)

- 31. 2009-414** A Resolution of the Governing Board of the South Florida Water Management District to declare as surplus, lands interests in Palm Beach County, Florida, consisting of (1) fee title to approximately 45 acres of land, together with the Districts interest in and privilege to mine and develop all phosphate, mineral, metals, and petroleum in, on, or under said property, and (2) an access easement over approximately 6 acres of land; and to authorize entering into a Land Exchange and Cooperation Agreement with Florida Power and Light (FPL) with respect to the Compartment B Stormwater Treatment Area Project, Palm Beach County, Florida, that includes the exchange of such surplus land interests for certain real property interests owned by FPL on approximately 103 acres of land in Palm Beach County, Florida; and to pay actual costs, not-to-exceed \$250,000, for FPLs monitoring and consulting fees with respect to District blasting activities adjacent to FPL facilities, and to pay actual costs, not-to-exceed \$480,000, for bird discourager equipment on FPL facilities to reduce the occurrence of bird-related outages, for which dedicated funds (Everglades Trust Fund) are budgeted in reserves; and approve a budget transfer(s) of dedicated funds (Everglades Trust Fund) from Acceler8 Program Support reserves to the EAA Compartment B STA for such blast monitoring and consulting fees in the not-to-exceed amount of \$250,000 and for such bird discourager equipment in the not-to-exceed amount of \$480,000; providing an effective date. (Contract Number 4600001736) (Octavio Castillo, ext. 4035)

See supporting document: [ca_er_009_Map_sd.pdf](#)

See supporting document: [ca_er_009_Memo_sd.pdf](#)

See resolution document: [ca_er_009_Resolution_rd.pdf](#)

Executive Office

- 32. 2009-415** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2008-2009 budget as shown on the attachment hereto; providing an effective date. (Doug Bergstrom, x6214)

See supporting document: [ca_eo_001_sd.pdf](#)

See supporting document: [ca_eo_001_sd1.pdf](#)

See resolution document: [ca_eo_001_rd.pdf](#)

- 33. 2009-416** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2008-2009 Budget; providing an effective date. (Doug Bergstrom, x6214)

See supporting document: [ca_eo_002_sd.pdf](#)

See resolution document: [ca_eo_002_rd.pdf](#)

- 34. 2009-417** A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement for \$532,000.00, plus \$111,750.00 for statutory attorneys fees, and \$13,258.92 for experts fees and costs, and approve a budget transfer of Florida Forever Trust Funds from Managerial Reserves within the Biscayne Bay Coastal Wetlands CERP Project to S. CREW/Imperial River Floway CERP Project, for a condemnation action involving acquisition of approximately 10 acres (Tract Nos. 003-782 and 003-783 Kent Manley, Trustee, et al.), improvements, and mobile homes, within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project, styled South Florida Water Management District v. Richard J. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-CA-1657; providing an effective date. (Ed Artau, Ext. 6431)
See supporting document: [ca_oc_001_sd.pdf](#)
See resolution document: [ca_oc_001_rd1.pdf](#)
- 35. 2009-418** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Wilco Land Development, Inc., Brian Wilson, Jerry Wilson and any other appropriate or necessary parties, in the 15th Judicial Circuit court in and for Palm Beach County for violations of Chapter 373 of the Florida Statutes and Chapters 40E-4 and 40E-40 of the Florida Administrative Code for noncompliance with the Districts Consent Order No. SFWMD 2007 005 CO ERP, with effective date of January 18, 2007, and any other violations of District rules, concerning the property known as the Highlands Equestrian Estates, located west of Graham Dairy Road on the South Side of Lott Grade, where the road turns from shell rock to dirt, Section 23, Township 39 South, Range 28 East, Highlands County, Florida, providing an effective date. (Cathy Linton, Ext. 6322)
See supporting document: [ca_oc_002_sd.pdf](#)
See resolution document: [ca_oc_002_rd.pdf](#)
See supporting document: [ca_oc_002_Exh CA.pdf](#)
See supporting document: [ca_oc_002_Exh Map.pdf](#)
See supporting document: [ca_oc_002_Exh Ltr.pdf](#)
- 36. 2009-419** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Wilco Land Development, Inc., Brian Wilson, Jerry Wilson and any other appropriate or necessary parties, in the 15th Judicial Circuit Court in and for Palm Beach County for violations of Chapter 373 of the Florida Statutes and Chapters 40E-4 and 40E-40 of the Florida Administrative Code for Noncompliance with the Districts Consent Order No. SFWMD 2007 004 CO ERP, with effective date of January 18, 2007, and any other violations of District rules, concerning the property known as the Highlands Country Estates, located West of Graham Dairy Road on the North Side of Lott Grade, where the road turns from shell to rock, Section 22, Township 39 South, Range 28 East, Highlands County, Florida, providing an effective date. (Keith Williams, Ext. 2791)
See supporting document: [ca_oc_003_sd.pdf](#)

See resolution document: [ca_oc_003_rd.pdf](#)

37. **2009-420** A Resolution of the Governing Board of the South Florida Water Management District to amend a contract with Bryant, Miller, & Olive, P.A., for legal services regarding bond counsel, public finance other financial and taxation matters and real estate issues for an additional amount of \$450,000.00 for a total not-to-exceed amount of \$1,090,000.00 for which ad valorem funds are budgeted. (Frank Bartolone, x2884)

See supporting document: [da_eo_sd_001.doc](#)

See resolution document: [ca_eo_rd_13105_BFLD.pdf](#)

Government and Public Affairs

38. **2009-421** A Resolution of the Governing Board of the South Florida Water Management District to approve \$150,000 in FY2009 ad valorem funds in support of economic diversification activities in Hendry County and to assist in transition issues related to the District's acquisition of lands from the United States Sugar Corporation; providing an effective date. (Deena Reppen, ext. 6232)

See supporting document: [ca_gp_001_sd.pdf](#)

See supporting document: [ca_gp_002_sd.pdf](#)

See resolution document: [ca_gp_001_rd.pdf](#)

Operations and Maintenance

39. **2009-422** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with A Quality Bushog Services Incorporated, the lowest responsive and responsible bidder, for Flat Mowing Services within the Homestead Field Station region in the amount of \$532,431.12 for which ad valorem funds of \$121,762.03 are budgeted; and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing an effective date. (Contract Number 4600001755)(Ron Zasloff, ext. 3420)

See supporting document: [ca_om_001_sd.pdf](#)

See resolution document: [ca_om_rd_12958_BFLD.pdf](#)

See supporting CJSS: [ca_om_cj_12959_BFLD.pdf](#)

40. **2009-423** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 120 day contract with Bergeron Land Development Incorporated, the lowest responsible and responsive bidder, for the L-33 Levee Bench Maintenance Project, in the amount of \$812,336 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001775) (Lucine Dadrian, ext. 2060)

See supporting document: [ca_om_002_sd.pdf](#)

See resolution document: [ca_om_rd_13131_BFLD.pdf](#)

See supporting CJSS: [ca_om_cj_13132_BFLD.pdf](#)

41. **Board Vote on Consent Agenda**

Workshop Agenda

Water Resources

- 42. **Central Florida Utilities Update and Issues** - Cecelia Weaver, Director, Orlando Service Center (Ext. 3838)
- 43. **Update on the Kissimmee River Restoration** - Lawrence Glenn, Director, Kissimmee Division (Ext. 6499)
- 44. **Status Update on Kissimmee Basin Water Reservations** - Chip Merriam, Deputy Executive Director, Water Resources (Ext. 6597)

Executive Office

- 45. **'River of Grass' Project Update**
- 46. **Formulation of Strategic Planning and Budgetary Guidance** (continued) - Tom Olliff, Assistant Executive Director (Ext. 2132)
- 47. **Biscayne Bay Coastal Wetlands Project and Cutler Properties Overview** - Ken Ammon, Deputy Executive Director, Everglades Restoration Resources (Ext. 6502)

Discussion Agenda

Water Resources

- 48. 2009-424** A Resolution of the Governing Board of the South Florida Water Management District supporting the Florida Cabinet resolution declaring April as Water Conservation Month in Florida; providing an effective date. (Marjorie Craig, ext. 2987)

See supporting document: [da_wr_001.sd.pdf](#)

See supporting document: [da_wr_002.rd.pdf](#)

Everglades Restoration

- 49. 2009-425** A Resolution of the Governing Board of the South Florida Water Management District approving a second amendment to the interlocal agreement with Osceola County and the City of Kissimmee to include additional lands within the Shingle Creek Project, increase the District's commitment by an additional \$2,000,000, revise the form of the conservation easement to be recorded by the County and the City in favor of the District over said lands, require the land to be managed in accordance with the Cooperative Agreement, dated August 26, 2008, between the parties, and the Shingle Creek Regional Park Management Plan, dated August 31, 2007, and extend the term of the agreement, Shingle Creek Project, Osceola County; providing an effective date. (Ruth Clements, ext. 6271)

See supporting document: [da_lr_106_sd.pdf](#)

See resolution document: [da_lr_106_rd.pdf](#)

See supporting document: [da_lr_106_ExhA_map.pdf](#)

- 50. 2009-426** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a cooperative agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, at no cost, for dedication and certification of approximately 55,000 acres of land owned by the Board of Trustees to the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001758) (Paul Warner, ext. 6512)

See supporting document: [da_er_008_FDEP Memo_sd.pdf](#)

See resolution document: [da_er_008_Resolution_rd.pdf](#)

- 51. 2009-427** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a master agreement with the U.S. Department of the Army, at no cost, for the purpose of establishing uniform terms and conditions for future project partnership agreements covering cooperation and cost-share in the construction, operation, maintenance, repair, replacement and rehabilitation of projects in the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001759) (Paul Warner, ext. 6512)

See supporting document: [da_er_005_Master Agreement Memo_sd.pdf](#)

See supporting document: [da_er_005_Attachment 1_sd1 .pdf](#)

See resolution document: [da_er_005_Resolution_rd.pdf](#)

- 52. 2009-428** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a project partnership agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan, at a total estimated construction cost of \$438,000,000 and an estimated annual operations and maintenance cost of \$3,700,000 for which the South Florida Water Management District will be responsible for providing 50 percent cost-share, and for which funding, if any, is subject to Governing Board approval of future fiscal year budgets; providing an effective date. (Contract Number 4600001760) (Paul Warner, ext. 6512)
See supporting document: [da_er_007_PPA Memo_sd.pdf](#)
See resolution document: [da_er_007_Resolution_rd.pdf](#)
- 53. 2009-429** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a pre-partnership credit agreement with the U.S. Department of the Army, at no cost, for the purpose of establishing eligibility to receive future credit for the costs of constructing features of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001761) (Paul Warner, ext. 6512)
See supporting document: [da_er_006_PPCA Memo_sd.pdf](#)
See resolution document: [da_er_006_Resolution_rd.pdf](#)
- 54. 2009-430** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 679-day contract with Triple R Paving, Inc., the lowest responsive and responsible bidder, for construction of the Compartment B North Buildout project near Stormwater Treatment Area-2 Cell 4 in an amount not to exceed \$17,474,383 of which dedicated funds (proceeds from Series 2006 Certificates of Participation) in the amount of \$5,300,000 are budgeted and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing an effective date. (Contract Number 4600001699) (Jeff Kivett, ext. 4018)
See supporting document: [da_er_001_Memo_sd.pdf](#)
See supporting document: [da_er_001_Map_sd.pdf](#)
See resolution document: [da_cp_rd_12990_BFLD.pdf](#)
- 55. 2009-431** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 4-year contract with Florida Power & Light Company (FPL) for construction of electrical power distribution facilities needed to serve the Compartment B North Buildout and South Buildout Stormwater Treatment Area in an amount not to exceed \$2,500,000 for which dedicated funds (proceeds from Series 2006 Certificates of Participation) in the amount of \$1,000,000 are budgeted, and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing an effective date. (Contract Number 46000001713) (Jeff Kivett, ext. 4018)
See supporting document: [da_er_003_Memo_sd.pdf](#)
See supporting document: [da_er_003_Map_sd.pdf](#)
See resolution document: [da_cp_rd_12992_BFLD.pdf](#)

- 56. 2009-432** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 681-day contract with Lodge Construction, Inc., the lowest responsive and responsible bidder, for construction of the Compartment B South Buildout project near Stormwater Treatment Area-2 in an amount not to exceed \$14,234,726 of which dedicated funds (proceeds from Series 2006 Certificates of Participation) in the amount of \$4,300,000 are budgeted and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing an effective date. (Contract Number 4600001700) (Jeff Kivett, ext. 4018)

See supporting document: [da_er_002_Memo_sd.pdf](#)

See supporting document: [da_er_002_Map_sd.pdf](#)

See resolution document: [da_cp_rd_12991_BFLD.pdf](#)

- 57.** Public Comment

Public Hearing

Water Resources

58. *Public Hearing - Water Resources* Continuation of Public Hearing

Adopt amendments to Rules 40E-2.051, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-20.091, 40E-20.331, F.A.C., and the Basis of Review for Water Use Applications within the South Florida Water Management District, and new Rules 40E-2.061, and 40E-24.501, F.A.C., to: 1) implement District-wide mandatory year-round landscape irrigation conservation measures; 2) create a general permit by rule for outdoor residential consumptive use of water and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C.; and 3) amend the water conservation measures in the Basis of Review to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C. (Terrie Bates, Ext. 6952)

Continue Public Hearing

See supporting document: [ph_wr_001_sd.pdf](#)

See supporting document: [40E-20 Amendments v4.pdf](#)

See supporting document: [40E-24 Draft rule v8.pdf](#)

See supporting document: [40E-2 Amendments v5.pdf](#)

Staff Reports

- 59. **General Counsel Report - Sheryl Wood**
- 60. **Executive Director's Report - Carol Wehle**
- 61. **Board Comment**

Closed Door Agenda

Executive Office

- 62.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXMB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXMB. (Sheryl G. Wood, Ext. 6976)

- 63.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

- 64.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

- 65.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-CV-00324-RH-WCS. (Sheryl G. Wood, Ext. 6876)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-CV-00324-RH-WCS. (Sheryl G. Wood, Ext. 6976)

- 66.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Adjournment

- 67.** Adjourn