



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

February 14, 2008

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Members Absent:

Harkley Thornton

Malcolm Wade

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:14 am.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Shannon Estenoz lead the group in the Pledge of Allegiance.

3. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services read into the record the agenda addendum. Copies were made available to the public. There was one agenda item that did not make the addendum: Consent Item 14, Page 25, #7, consent agreement for 101 Ranch Shell Pit, which was postponed until the March Governing Board meeting.

4. **Employee Recognitions** - Presented by Carol Wehle, Executive Director

Carol Wehle, Executive Director, recognized the February Employee of the Month, the February Team of the Month, the January Employee of the Month, the January Team of the Month, two 25-year awards, and one 30-year award.

5. Governing Board Recognition - Eric Buermann, Chairman, Governing Board

Chair Buermann recognized Governing Board member Nicolás Gutiérrez for his nine years of service as Governing Board member.

6. Donation to Susan G. Komen Foundation - Presented by Melissa Meeker and Shannon Estenoz

Melissa Meeker and Shannon Estenoz presented the Susan G. Komen Foundation a check in the amount of \$28,000. The District was the largest government agency participating in the Race for the Cure Walk.

7. Recognition of National Engineers Week - Presented by Shannon Estenoz

Shannon Estenoz read into the record a Proclamation declaring February 17 through February 23, 2008 National Engineers' Week.

8. Government Finance Officers Association (GFOA) Achievement for Excellence in Financial Reporting - Presented by Allan Owens, Finance Administrator, City of Palm Beach Gardens

Allan Owens, City of Palm Beach Gardens, presented the District a certificate of achievement for excellence in financial reporting from the Government Finance Officers Association (GFOA).

9. Abstentions by Board Members from items on the Agenda

There were no abstentions by Board members.

10. 2008-227 Audit and Finance Committee Report - Charles Dauray, Chair

A Resolution of the Governing Board of the South Florida Water Management District establishing a policy for conducting Governing Board and Advisory Committee meetings; providing for inclusion in the District Policy Code; providing for severability; providing an effective date (Tom Olliff, ext. 2132)

Charles Dauray provided an oral report from the Audit and Finance Committee meetings held on January 31, 2008 and February 13, 2008.

Mr. Dauray read into the record the recommendations for Governing Board approval:

1. Accept the Audit of the Everglades Agriculture Area A-1 Reservoir Construction Management at Risk Contract
2. Accept the Audit of Uses of Series 2006 Certificates of Participation Proceeds
3. Accept the Audit of State and Federal Cost Share Agreements
4. Accept all the recommendations included in PFM Asset Managements Report on SFWMD Investment Portfolio, except that the Audit and Finance Committee will be responsible for investment oversight instead of establishing a separate committee.
5. Approve a Resolution establishing a policy for conducting Governing Board and Advisory Committee Meetings.

Chairman Buermann provided comment on economic impacts and the District's budget reduction of travel expenses over the past six months.

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 10

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker. Not present: Nicolás Gutiérrez. Motion passed.

Consent Agenda

11. Public Comment on Consent Agenda

Public Comment: Charles Lee, Audubon of Florida, supports staff's recommendation on Consent Agenda Item 21, Poinciana Parkway Section One. Mr. Lee provided a copy of a letter written to Governor Crist regarding forming a Task Force effort in the Kissimmee Basin area.

12. Pull Items from Consent for Discussion from Governing Board Meeting Agenda

Mr. Gutiérrez pulled Agenda Item 20. Discussion Agenda Item 64 was added which provided a presentation and discussion on Miami-Dade County Comp Plan Amendment.

13. Board Comment on Consent Agenda

Mr. Collins provided comment on Consent Agenda Item 21, Poinciana Parkway Section One, and said he supports a Task Force effort being formed for the Kissimmee area.

Ms. Estenoz also supports the District's involvement in the Task Force.

Ms. Wehle said she would like District participation on this Task Force with Governing Board direction.

Ms. Estenoz requested an update on the Task Force effort.

Water Resources

14. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Everglades Works of the District Permit Applications

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Environmental Resource Permit Extensions

Consent Agreements

Enforcement Actions

Seminole Tribe Work Plans

Page 6 No 4 Tropical Farms Water Treatment Plant (WU): **Postponed** to March Board

Page 21 No 1 266 Tree Nursery (WU Denial): **Removed** from Agenda

Page 25 No 7 101 Ranch Shell Pit (Consent Agreement): **Postponed** to March Board

15. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

16. 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 (Dean Powell, ext. 6787)

17. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)

18. **2008-200** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the San Carlos Estates Water Control District for Construction of a Water Quality Improvement Project, in the total amount of \$510,000, of which the District's total contribution is \$255,000, for which dedicated funds (state appropriations) are budgeted; providing an effective date. (Contract Number 4600001298),(Damon Meiers ext. 6876).

19. **2008-201** A Resolution of the Governing Board of the South Florida Water Management District to adopt the Lower Charlotte Harbor Surface Water Improvement and Management Plan; Providing an effective Date (Damon Meiers, ext 6876)

21. Approve five separate, but related, actions associated with the authorization of the Poinciana Parkway Section One application as indicated below:
 - A) Approve Environmental Resource Permit Application 061117-17 for construction and operation of a surface water management system to serve a 224.05 acre roadway project and preservation of 115.20 acres for a total of 342.48 acres for a project known as Poinciana Parkway Section One (Osceola and Polk Counties)
 - B) Approve Environmental Resource Permit Modification Application 060425-12 for construction and operation of a surface water management system to serve an 83.31 acre roadway project known as Poinciana Parkway Section Two (Osceola County)
 - C) Approve Environmental Resource Permit Modification Application 070510-23 for Reedy Creek Mitigation Bank for modification of mitigation bank permit number 53-00002-M to delete 56.16 acres of wetlands and uplands from the permit, modify the ledger to delete 16.25 additional credits that will not be accomplished and deduct 32.42 credits from the bank ledger for the Poinciana Parkway Section One mitigation
 - D) Approve Water Use Permit Application 060425-9 for a new individual construction dewatering permit for a project known as Poinciana Parkway (Polk County)
 - E) Approve a Conservation Easement for exchange of 56.16 acres of existing conservation easement for a new conservation easement over 115.20 acres located in Osceola County within the Mira Lago development and adjacent to Disney Wilderness Preserve (Bob Brown, ext. 6283)

22. Approve entering into a Consent Agreement with J. Michael Crooks for the Crooks Ranch Property to allow a temporary water use allocation to meet the projected demands for a 3-year duration (Keith Smith, ext. 6620)

Everglades Restoration Resources

23. **2008-203** 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)
24. **2008-204** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 12.5 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$856,750 and all associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
25. **2008-205** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 12.5 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$856,750, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
26. **2008-206** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$330,000, together with statutory costs and attorneys' fees in the total amount of \$95,250 and all associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
27. **2008-207** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 5 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$330,000, together with statutory costs and attorneys' fees in the amount of \$95,250 and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
28. **2008-208** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 0.95 acres, more or less, in fee, Section 23, Township 56 South, Range 39 East, Miami-Dade County, C-102 Project; authorize the conveyance of said property to Miami-Dade County at appraised value; to be used for public road right of way purposes, subject to certain conditions; providing an effective date. (Kathy Massey, ext. 6835)

29. **2008-209** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a License Agreement with JWS Agricultural Services, L.L.C. for the removal of vegetation on 10,500 acres, more or less, in Martin County, C-44 Project, and authorize a Waiver of Competition as an exception to the general standards of competition, at no cost to the District; providing an effective date. (Contract Number 4600001302) (Ruth Clements, ext. 6271)

Executive Office

30. **2008-210** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against D&L Properties, Inc., in the 15th Judicial Circuit in and for Palm Beach County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, and against any other appropriate or necessary parties in the appropriate Court; providing an effective date. (Michael Compagno, Ext. 6842)
31. **2008-211** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Homestar at Sunset Cove, Inc. in the 11th Judicial Circuit in and for Miami-Dade County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, and against any other appropriate or necessary parties in the appropriate Court; providing an effective date. (Michael Compagno, Ext. 6842)
32. **2008-212** A Resolution of the Governing Board of the South Florida Water Management District delegating to the Executive Director authority to approve reasonable modifications to the District's Agreement with the Ronto Group, Inc., and Sanfilco, LLC, regarding the restoration of District property located in Section 35, Township 47 South, Range 26 East, Lee County, Florida, as necessary to accommodate permitting requirements. (Sarah Nall, Ext. 6244)

Government and Public Affairs

33. **2008-213** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Orlando, for Orlando Water Management Partnership FY08 in the total amount of \$800,000, of which, the District's total contribution is \$400,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001176) (Larry Pearson ext 3817)
34. **2008-214** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Kissimmee, for Kissimmee Water Management Partnership FY08 in the total amount of \$500,000 of which, the District's total contribution is \$250,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001263) (Larry Pearson ext 3817)

35. **2008-215** A Resolution of the Governing Board of the South Florida Water Management District approving an update to the Florida Department Of Environmental Protection Priority Water Bodies List to now include: Big Cypress, Biscayne Bay, Butler Chain of Lakes, Caloosahatchee River and Estuaries, Everglades, Florida Bay, the Florida Keys, Indian River Lagoon, Kissimmee River And Chain of Lakes, Lake Arbuckle, Lake Istokpoga, Lake Okeechobee, Lake Trafford, Lake Weohyakpka, Lake Worth Lagoon, Lower Charlotte Harbor, Loxahatchee River, Naples Bay, New River, Rookery Bay, St. Lucie River and Estuaries; providing an effective date. (Garrett Wallace, ext. 6371)

Corporate Resources

36. **2008-216** A Resolution of the Governing Board of the South Florida Water Management District authorizing a purchase order to ASE Telecom & Data, Inc. for network cabling equipment and installation in the amount of \$650,577, for which \$256,235 FY08 ad valorem funds are budgeted, and the remainder is subject to Governing Board approval of the FY09 budget, providing an effective date. (Purchase Requisition Number 10041767) (Ron Domijan, ext. 6580)
37. **2008-217** A Resolution of the Governing Board of the South Florida Water Management District authorizing the recording of the disposition of fixed assets, during Fiscal year 2007, providing an effective date. (Jon Gleason, Ext. 6380)

38. Board Vote on Consent Agenda

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Not present: Nicolás Gutiérrez. Motion passed.

Discussion Agenda

Water Resources

39. Water Conditions Report (Susan Sylvester, ext. 6152)

Cal Neidrauer, Engineer, Operations Control, presented information on the water conditions report. Mr. Neidrauer reported above average rainfall for the month of February 2008.

Mr. Neidrauer reported on water supply operations prior to the Feb. 12-13 rainfall event and also on the drought outlook. He said the drought will continue or may intensify over the next few months.

- 40. 2008-218** A Resolution of the Governing Board of the South Florida Water Management District relating to procurement resulting from emergency conditions and amending the Districts Fiscal Year 2007-2008 budget; authorizing the Executive Director pursuant to Sec. 155-6(5)(A), South Florida Water Management District Policies and Procedures for the purpose of proceeding with procurement of the equipment, services, and commodities necessitated by emergency conditions created by unprecedented low water levels for Lake Okeechobee resulting in water supply disruptions at S-351, S-352, and S-354 as well as unacceptable head water differentials at District Structures S-65E, S-71, S-72 and S-84 and authorize budget transfers in an amount not to exceed \$32,000,000 from reserves, various programs and Resource Areas as needed to the Operations and Maintenance Program; amending the Districts 2007-2008 Fiscal Year budget to accommodate procurements authorized in this resolution; rescinding Resolution 2008-120 relating to the same subject; providing an effective date. (Cled Weldon, ext. 6282)

Cled Weldon, Director, Engineering Department, presented information on this agenda item. Mr. Weldon reported on the structure stability concerns and water shortage pumps.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 40

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Not present: Nicolás Gutiérrez. Motion passed.

- 41.** Lake Okeechobee Conditions Report (Susan Gray, ext. 6919)

Susan Gray, Division Director, Watershed Management, provided information on Lake Okeechobee's water condition. Ms. Gray reported on the algal blooms, submerged aquatic vegetation, and the exotic invasive grasses within the Lake.

- 42.** Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Chip Merriam, ext. 6597)
- B) Enter Final Orders approving applications for variance from Phase III restrictions filed by the City of Naples and the City of Marco Island and Sailfish Point Property Owners Association (Chip Merriam, ext. 6597)
 - C) Enter Final Order denying application for variance from Phase III restrictions submitted by South Martin Regional Utility (Chip Merriam, ext. 6597)
 - D) Enter Final Orders approving applications for variance from Phase III restrictions for golf courses (Chip Merriam, ext. 6597)
 - E) Dry Season Restoration Plans and Schedule (Dave Unsell, ext. 6888)

Chip Merriam, Deputy Executive Director, presented information on the Water Shortage Emergency Update & Action Items. Mr. Merriam provided information on the City of Naples, City of Marco Island and Sailfish Point Property Owners Association.

Public Comment: Bob Middleton, City of Naples, supports the application for variance for the City of Naples and thanked staff for working with him.

Motion made by Nicolás Gutiérrez, seconded by Patrick Rooney to approve Agenda Item 42 (B) City of Naples. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to approve Agenda Item 42 (B) Marco Island. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to approve Agenda Item 42 (B) Sailfish Point Property Owners Association. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Mr. Merriam presented information on the application for variance from Phase III restrictions submitted by South Martin Regional Utility.

Public Comment: Gerhardt Witt, Jupiter Island Country Club, commented on the approval of variances for the golf courses.

Public Comment: Phillip Gilden, Town of Jupiter Island, reported on the rainfall averages in the Martin County and Hobe Sound.

Mr. Merriam said they will work with Martin County Regional Utilities regarding the new variance application.

Public Comment: Patrick Hayes, Martin County Soil & Water Conservation District, commented on this specific coastal system not being in a drought.

Ms. Meeker said the Board needs to look at the entire region and said water supplies are site specific. Ms. Meeker said she trusts the Board will make decisions based on science.

Mr. Collins had concerns about equity issues and the length of the drought.

Mr. Dauray reported on the benchmarks for water conservation.

Mr. Merriam requested South Martin Utilities waive the 10 day period until the next Board meeting in order to work with them and present this information at the next Board meeting.

Mr. Gilden said they will work with District staff, waive the 10 day notice, but requested having a recommendation prior to the next Board meeting.

Ms. Estenoz provided comment on the inaccuracies of the drought and stated all areas are in the drought but some regions happen to be getting rain.

Mr. Gutiérrez reported on the application process.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to approve Agenda Item 42 (C) South Martin Regional Utility. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Mr. Merriam presented information on approving applications for variance from Phase III restrictions for golf courses.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to approve Agenda Item 42 (D) Old Collier Golf Club. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to approve Agenda Item 42 (D) Pelican Colony. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to approve Agenda Item 42 (D) Shell Point. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to approve Agenda Item 42 (D) Colonial Golf and Country Club. Vote called. Voting yes: Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins. Motion passed.

E) David Unsell, Division Director, Okeechobee, presented information on the dry season restoration plans and schedule.

Public Comment: John Marshall, Arthur J. Marshall Foundation, commented on the pond apples that were transplanted by the District.

43. CERP - Coordination - Approve Environmental Resource Permit Application 070803-18 to modify a surface water management system serving 408.23 acres of roadway project known as Interstate 75 from the Collier/Lee County Line north to Corkscrew Road Segment B (Lee County) (Bob Brown, ext. 6283) - TIME CERTAIN 11:00 A.M.

Robert M. Brown, Director, Environmental Resource Regulation Department, presented information on this agenda item and stated this Environmental Resource permit application is for the construction and operation of a surface water management system to serve a 408 acre phase of I-75 road widening in Lee County from Lee/Collier County line north to Corkscrew Road. The proposed project lies within the Southern Crew Imperial River Flow-way project. Mr. Brown reported on the floods of 1995 and the South Lee County Watershed Plan (July 1999) which was to:

- Restore historic surface water flow characteristics
- Maintain and improve flood protection
- Develop an integrated hydrologic - hydraulic model
- Develop an organized regional watershed plan to ensure continuity of natural resources management efforts throughout the system.

Mr. Brown reported on the costs of the study.

There was an agreement by District staff and Lee County to undertake a flood study with Lee County to verify and validate findings and material assumptions of the South Lee County Watershed Plan (July 1999). Mr. Brown said the study shall be completed by the District in consultation and cooperation with the Lee County. The District and County will enter a Joint Participation Agreement (JPA) within 60 days that will establish shared funding and mutually agreed upon goals and parameters.

Staff's recommendation is for the construction and operation of a surface water management system serving 408.23 acres of roadway improvements known as Interstate 75 Segment B, from the Collier/Lee County Line North to Corkscrew Road in Lee County with discharge into waters of Estero Bay via existing conveyance systems.

Public Comment: Ray Judah, Chairman, Lee County Board of County Commissioners, supports the updated Watershed Study and Environmental Resource Permit Application 070803-18. He thanked District staff for their continued working relationship with Lee County.

Public Comment: Mayor Jay Arend, City of Bonita Springs, reported on the floods of 1995 and supports the Watershed Study and thanked District for their continued support with the city of Bonita Springs.

Public Comment: Councilwoman Martha Simons supports Environmental Resource Permit Application 070803-18 and said she looks forward to the results of the Watershed Study.

Don Eslick, Estero Council of Community Leaders, reported on water quality, water supply and flood control concerns.

Jennifer Hecker, Conservancy of Southwest Florida, requested there be modifications to the special conditions of the Environmental Resource Permit.

Jack Meeker, Brooks II CDD, opposes the February 6 staff report and the culverts.

Nick Batos, citizen, Estero, had concerns on the water quality monitoring station and the time period for the study.

Jacque Weisblum, Audubon of Florida, supports the updated Watershed study. Mr. Dauray reported on the public safety of I-75, and the welfare and safety of the people who live in the Brooks and Bonita Springs.

Mr. Dauray stated there were statements made to the media which were not accurate. He said the Board makes decisions on science and fact from staff members. He stated the allegations from the media were demeaning to District staff and stated that we can get things accomplished more quickly if allegations are avoided.

Mr. Collins provided comment on the misinformation to the media and said updating the study is appropriate.

Mr. Merriam thanked Mr. Dauray and Ms. Estenoz for their work on this issue.

Motion made by Charles Dauray, seconded by Michael Collins to Approve the following item(s): 43

Vote called. Voting yes: Charles Dauray, Michael Collins, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney. Motion passed.

- 44. 2008-219** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Florida Department of Environmental Protection, for ultra-trace mercury, organics, and inorganics analyses in an amount not to exceed \$1,766,350, of which \$626,350 (\$287,500 in ad valorem funds and \$338,850 in dedicated funds (Comprehensive Everglades Restoration Plan, STA Operations and Maintenance, and Critical Projects-Florida Bay)) are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001299)(Yvette Hernandez, x4511)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 44

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney. Motion passed.

- 45.** Authorize publication of a notice of rule development in the Florida Administrative Weekly to adopt a new rule chapter, 40E-10, F.A.C., regarding Reservations and Allocations of Water for the Natural System, and to amend Chapters 40E-2, 40E-20, 40E-21, and 40E-22, F.A.C., to protect water identified for the natural system in the Picayune Strand Restoration Project Implementation Report. (Chip Merriam, ext. 6597)

No presentation was provided.

Public Comment: Dennis Duke, Department of Interior, reported on the protection of the natural system in the Picayune Strand Restoration Project.

Public Comment: Kim Taplin, USACE, commented on water reservations and supports this construction.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 45

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Not present: Charles Dauray. Motion passed.

- 63.** Authorize the Executive Director to enter into a 15 month cooperative agreement with the Southwest Florida Water Management District and Polk County for the development of the Polk County Comprehensive Water Supply Plan in the total amount of \$955,318, of which the District's total contribution is \$95,532 of ad valorem funds; providing an effective date. (Chip Merriam, ext. 6597)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 63

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Michael Collins, Nicolás Gutiérrez, Patrick Rooney. Not present: Charles Dauray. Motion passed.

- 64.** Presentation regarding staff comments to the Florida Department of Community Affairs on proposed Comprehensive Plan Amendments requested by Miami Dade County (Chip Merriam, ext. 6597)

Mr. Olliff reported on background information on local government comprehensive plan amendments.

Mr. Merriam presented information on the Miami-Dade County Comp Plan Amendment application process and reported on a letter from the District to the Department of Community Affairs raising concerns about the proposed comprehensive plan amendment applications 5, 8 and 9 based on inadequate water supplies.

Public Comment: Richard Perez, Lowe's Home Center, reported on water allocation and growth management in Miami Dade County.

Public Comment: Sara Fain, National Parks Conservation Association, commented on the District's Consumptive Use Permit, urban development boundary, growth management law, limited water supplies and protecting the Everglades.

Chair Buermann reported on the permitting process and the urban development boundary, explaining the District is in the water business.

Lisa Interlandi, Everglades Law Center, reported on a letter submitted to the District on behalf of the Clean Water Action, the National Parks Conservation Association, the Sierra Club, Urban Environment League, World Wildlife Fund, Audubon of Florida, Redlands Edge and the Redlands Citizen Association. She reported on the growth management process.

Public Comment: Jacquie Weisblum, Audubon of Florida, supports staff recommendations.

Mr. Collins provided comment on water allocations in Miami Dade County.

Mr. Gutiérrez commented on the comprehensive plan amendment process.

Ms. Estenoz had questions on water demands and the consumptive use permit for Miami Dade County.

Mr. Merriam provided additional information pertaining to Miami Dade's Consumptive Use Permit and water allocation.

John Hall, Civil Engineer, stated Miami Dade Water & Sewer is creating a water allocation program and explained this approval does not constitute an allocation of water to these sites.

Everglades Restoration Resources

- 46. 2008-220** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to C-12119 / 3600000026 with the U.S. Army Corps of Engineers for the Southwest Florida Feasibility Study Cost Sharing Agreement to increase the total estimated study cost by \$5,000,000 for a total amount of \$17,000,000 of which the Districts 50% cost share, or \$2,500,000, will be in-kind services for which no additional appropriation of funds is required; providing an effective date. (Contract 3600000026-A01) (Larry Gerry, ext. 3701)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 46

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney. Not present: Charles Dauray. Motion passed.

- 47. 2008-221** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to Contract 3600001384 with Barnard-Parsons Joint Venture for the EAA Reservoir construction, including a 22-mile-long, 29-foot-high embankment to change the total contract amount, as set forth in each Guaranteed Maximum Price Agreement and Pre-Construction Agreement, from a not-to-exceed amount of \$400,000,000 to a not-to-exceed amount of \$600,000,000 subject to Governing Board approval of the FY09 and FY10 budgets; authorizing the payment of an amount not to exceed \$5,500,000 to pay for the additional OCIP premium necessitated by the increase in the contract not-to-exceed amount; authorizing the procurement of builders risk insurance by the District under a waiver of competition for Ironshore Insurance LTD and entering into a contract with Ironshore Insurance LTD in a not-to-exceed amount of \$8,000,000 for builders risk insurance coverage for GMPS 1,2,3 and 4; providing an effective date. (Contract Number 3600001384-A16) (John Dunnuck, ext. 4015)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 47

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Not present: Charles Dauray. Motion passed.

- 48. 2008-222** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an agreement for sale and purchase of land interests containing 553.68 acres, more or less, in Martin County, for the Indian River Lagoon South, CERP Project, Allapattah Complex Natural Storage and Water Quality Area Component, in the amount of \$8,400,000, for which CERP ad valorem funds (\$385,699) are budgeted; providing an effective date. (Ruth Clements, x6271)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item. Ms. Clements reported on partnerships involved with this land acquisition.

Commissioner Sara Heard, Martin County, reported on federal funding for the Indian River Lagoon and said she is grateful to the District for continued land acquisitions for the Indian River Lagoon. Commissioner Heard commended Ms. Clements for her efforts on this land acquisition.

Commissioner Michael DiTerlizzi, Martin County, supports this land acquisition and commended staff for their work on this project. He also reported on water shortage and said Martin County is creating a data analysis on water shortage.

Public Comment: Jenny Conner, The Nature Conservancy, supports this land acquisition.

Public Comment: Lisa Interlandi, Audubon of the Everglades, supports the purchase of this land acquisition.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 48

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney. Motion passed.

Government and Public Affairs

49. **2008-223** A Resolution of the Governing Board of the South Florida Water Management District adopting an Open Government Bill of Rights; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Carolyn Williams, ext. 6335)

No presentation was provided.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 49

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney. Not present: Charles Dauray. Motion passed.

Operations and Maintenance

51. **2008-225** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600000371 with Natural Resource Conservation Service (NRCS) for North Fork New River (NFNR) and Coral Gables Waterway Canal Bank Debris Removal and repair of canal banks damaged by Hurricane Wilma, to increase the amount of the contract by \$1,000,000 to a total amount of \$3,400,000, with 75% (\$2,550,000) eligible to be reimbursed to the District, with the Districts total contribution funded on prior amendments in the total amount of \$600,000 in ad valorem funds and the remainder being the responsibility of Miami-Dade County; providing an effective date. (Contract Number 4600000371-A07) (Evan Skornick, ext. 7290)

No presentation was provided.

Motion made by Shannon Estenoz, seconded by Nicolás Gutiérrez to Approve the following item(s): 51

Vote called. Voting yes: Shannon Estenoz, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Melissa Meeker, Patrick Rooney. Not present: Charles Dauray. Motion passed.

52. **2008-226** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with Dickerson Florida Incorporated, the lowest responsive and responsible bidder, for the STA-5 Maintenance Dredging Project, in the amount of \$1,791,900 for which dedicated funds (Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001304) (Jim Sturgis, ext. 6288)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 52

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Shannon Estenoz, Patrick Rooney. Not present: Charles Dauray. Motion passed.

53. Public Comment

Public Comment: Jacquie Weisblum, Audubon of Florida, provided an update on the wetland regulations that were discussed at the December Governing Board meeting.

Staff Reports

54. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Office of Policy and Legislation, stated the legislative session begins on March 4th. Mr. Barnett reported on the State revenue shortfalls due to budget cuts, and the State's FY08/09 budget proposal. Mr. Barnett reported on the continued funding for the Everglades, Lake Okeechobee, the St. Lucie and Caloosahatchee Estuaries.

55. General Counsel Report - Sheryl Wood

Sheryl Wood provided an oral report on two General Counsel cases.

56. Executive Director's Report - Carol Wehle

Tom Olliff provided information on mid-year annual workplan review and the funding for the Operations & Maintenance structure repairs.

57. Board Comment

Ms. Estenoz said Broward County Commissioners have requested a joint meeting.

Mr. Olliff said they will meet with Commissioner Kristin Jacobs and will come back to the Board with dates for a joint meeting.

Chair Buermann reported on the Employee picnic on February 16, 2008.

Adjournment

62. Adjourn

Chair Buermann adjourned the meeting at 3:40 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 62

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Nicolás Gutiérrez, Patrick Rooney. Not present: Michael Collins, Charles Dauray. Motion passed.