



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

March 13, 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

Harkley Thornton

Members Absent:

Malcolm Wade

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

Chair Buermann called the meeting to order at 9:10 am.

NOTE: Mr. Gutiérrez arrived at the meeting at 1:00 pm.

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

Mike Collins lead the group in the Pledge of Allegiance.

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

Annette Carter, Director, Governing Board and Executive Services, read into the record the Agenda Addendum. Copies were made available to the public. Ms. Carter announced that Agenda Item 10, Page 18, 266 Tree Nursery, Application #060705-16 had been removed from the agenda.

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

Carol Wehle, Executive Director, recognized one, 30-year service award, one, 35-year service award, the 2007 Team of the Year award, the 2007 Employee of the Year Award, and the March Team of the Month.

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

Chair Buermann recognized Harkley Thornton for his years of service as a Governing Board member.

Each Board member provided comment on Mr. Thornton's dedicated service with the South Florida Water Management District.

6. Abstentions by Board Members from items on the Agenda

Shannon Estenoz abstained from Consent Agenda Item 16.

Michael Collins abstained from Regulatory Consent Agenda Item 10, Page 10, #1, La Siesta Resort and Marina, Application No. 060717-19.

70. Presentation of the Governor's Point of Light Award to Rosa Durando, Audubon Society of the Everglades - Eric Buermann, Chairman, Governing Board (TIME CERTAIN 9:30 AM)

Chair Buermann presented Rosa Durando, Audubon Society of the Everglades, Governor Crist's Point of Light Award.

Consent Agenda

7. Public Comment on Consent Agenda

Public Comment: Jenny Conner, The Nature Conservancy, supports Consent Agenda items 30 and 31.

Public Comment: Patrick Hayes, Martin County Soil & Water Conservation District, commented on the land acquisitions for the Indian River Lagoon and supports Consent Agenda Item 33.

Public Comment: Alexandria Larsen, citizen, has concerns about mining in the Palm Beach Aggregates.

8. Pull Items from Consent for Discussion on Governing Board Meeting Agenda

There were no items pulled from the Consent Agenda to the Discussion Agenda.

9. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

10. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Surface Water Management Permit Extensions

Consent Agreements

Enforcement Actions

Seminole Tribe Work Plans

Page 3 No 1 Heritage Bay (ERP): **Postponed** to April Board

Page 7 No 3 Hobe Sound Polo Club Within Unit One (WU): **Withdrawn**

Page 8 No 7 Tropical Farms Water Treatment Plant (WU): **Postponed** to April Board

Page 14 No 1 Hess 9304 (WU Denial): **Withdrawn**

Page 14 No 2 Hibiscus Island (WU Denial): **Removed** from agenda

Page 14 No 3 Palm Gardens at Miramar (WU Denial): **Removed** from agenda

Page 15 No 1 Riverbend Golf (WU Denial): **Removed** from agenda

Page 19 No 1 Lake Wyman Park (WU Denial): **Removed** from agenda

Page 19 No 2 Tylers Island (ERP Denial): **Withdrawn**

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Consent Agreements

12. 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)

13. 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)

14. **2008-300** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cost share agreement with the Everglades Agricultural Area Environmental Protection District for an evaluation of the role of sulfate in South Florida wetlands, in the amount of \$1,500,000, of which the District's total contribution is \$900,000, for which dedicated funds (Everglades Restoration Trust Fund) in the amount of \$125,000 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001324) (Mark Gabriel, ext. 2820)

15. **2008-301** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cooperative agreement with the United States Geological Survey for Lake Okeechobee watershed sub-basin monitoring network in the amount of \$225,000, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001328) (Hongying Zhao, ext. 6860)

16. Approve Issuance of a Final Order to close Division of Administrative Hearing (DOAH) Case 06-0805 regarding Environmental Resource Permit Modification Application 050408-15 and authorize construction and operation of a surface water management system serving a 78.11 acre condominium development known as Harbour Pointe at South Seas Resort (Lee County) (Robert M. Brown, ext 6283) (Susan Martin, ext 6251)

Everglades Restoration Resources

17. **2008-302** 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)

18. **2008-303** A Resolution of the Governing Board of the South Florida Water Management District to approve the Five Year Update of the Kissimmee River Management Areas General Management Plan (2008-2013); providing an effective date. (Steve Coughlin, ext. 2603)

19. **2008-304** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to initiate rulemaking to establish the Chandler Slough land tract as part of the Kissimmee River Public Use Area; providing an effective date. (Steve Coughlin, ext. 2603)

20. **2008-305** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.09 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$336,000 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)
21. **2008-306** 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 5.09 acres for the C-111 Canal Project (L-31N North Acquisition Area) in Miami-Dade County, in the amount of \$336,000, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
22. **2008-307** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.1 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$390,000, 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)
23. **2008-308** 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 5.1 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$390,000, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
24. **2008-309** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 15.19 acres, more or less, in Miami-Dade County, Florida, which are part of the C111/L31N Project and requesting the release of funds from Florida Forever Trust Fund for acquisition of such land interests; providing an effective date. (Tom Hanaway, ext. 6668)
25. **2008-310** A Resolution of the Governing Board of the South Florida Water Management District correcting errors as to Tract No. B7-100-268 contained in Resolution No. 2007-316, authorizing eminent domain proceedings for the acquisition of land interests known as Tract No. B7-100-268, containing 1.25 acres, more or less, in Miami-Dade County, for the C-111/L-31N Canal Project; for which dedicated funds (Florida Forever Trust Fund) are available; approve declaring surplus, disposal, and removal from the asset records, of any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

26. **2008-311** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 1.25 acres, more or less, in Miami-Dade County, Florida, which are part of the C-111/L-31N Project and requesting the release of funds from Florida Forever Trust Fund for acquisition of such land interests; providing an effective date. (Tom Hanaway, ext. 6668)

28. **2008-313** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 6.58 acres, more or less, for the Kissimmee River Project, in Highlands County, in the amount of \$121,000, and associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; providing an effective date. (Bob Schaeffer, ext. 2985)

29. **2008-314** 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 6.58 acres for the Kissimmee River Project in Highlands County, in the amount of \$121,000.00, and associated costs; providing an effective date. (Bob Schaeffer, ext. 2985)

30. **2008-315** 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 37.56 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 \$660,000, for which CERP ad valorem funds (District maximum contribution of \$330,000) are budgeted and the remainder to be funded by Martin County and the Federal Wetland Reserve Program; providing an effective date. (Bob Schaeffer, ext. 2985)

31. **2008-316** 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 74 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 \$315,000, for which CERP ad valorem funds (District maximum contribution of \$157,500) are budgeted and the remainder to be funded by Martin County and the Federal Wetland Reserve Program; providing an effective date. (Bob Schaeffer, ext. 2985)

33. **2008-318** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6 month contract with Moving Water Industries Corporation, the lowest responsive and responsible bidder, to provide a temporary pumping system for the L-8 Reservoir in the not-to-exceed amount of \$390,570 for which dedicated funds (Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001338) (Mike Hind, ext. 4033)

Executive Office

34. **2008-319** 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 David Feltenberger, and any other appropriate or necessary parties, in Okeechobee County Circuit Court or other appropriate forum, regarding the property located in Section 32, Township 37 South, Range 35 East, Okeechobee County, Florida, providing an effective date. (Ruth Holmes, Ext. 6753)
35. **2008-320** 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 R.L.I. Live Oak, LLC, Bryan Judge, and any other appropriate or necessary parties, in Osceola County Circuit Court or other appropriate forum, regarding the property located in Section 8, Township 26 South, Range 30 East, Osceola County, Florida, providing an effective date. (Ruth Holmes, Ext. 6753)

Government and Public Affairs

36. **2008-321** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with Osceola County, for the Osceola County Water Management Partnership FY08 in the total amount of \$600,000, of which, the District's total contribution is \$300,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600001191) (Larry Pearson ext 3817)
37. **2008-322** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 7 month cost share cooperative agreement with City of Everglades City for the Water Treatment Plant Modification Project in the amount of \$1,300,000, of which the District's total contribution is \$200,000, in dedicated funds (Big Cypress Basin) are budgeted, providing an effective date. (Contract No. 4600001314, Andrew Potts, extension 7608)
38. **2008-323** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cooperative agreement with the Okeechobee Utility Authority to construct a wastewater pumping/transmission system to serve the eastern service area, including Treasure Island in Okeechobee County, of which the District's total contribution is \$200,000 for which ad valorem funds are budgeted, providing an effective date. (Contract Number 4600001316) (Gary J. Ritter, ext. 3017)
39. **2008-324** A Resolution of the Governing Board of the South Florida Water Management District establishing a policy for funding community partnerships, outreach, education and paid media initiatives; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Deena Reppen ext. 6232)

40. **2008-325** A Resolution of the Governing Board of the South Florida Water Management District approving a list of all Community Budget Issue Request Projects that will enhance a South Florida Water Management District Priority Water Body; providing an effective date. (Ernie Barnett, ext. 2110)

Corporate Resources

41. **2008-326** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District Budget as shown on the attachment hereto; providing an effective date. (Doug Bergstrom, ext 6214)

42. **2008-327** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with MJ Sales, Inc. and authorize a Waiver of Competition as an exception to the general standards of competition, for the purchase of satellite phones compatible with those used by the State of Florida Emergency Operations Center and other public sector agencies, in an amount not to exceed \$200,000 for which ad valorem funds are budgeted in FY08; providing an effective date. (Purchase Requisition Number 10043555) (Ron Domijan, ext. 6580)

43. **2008-328** A Resolution of the Governing Board of the South Florida Water Management District amending Articles I and II, deleting Article III, and adopting new Articles for Security and Remote Access. These changes are being made to update and consolidate the Districts Technology Policies in Chapter 130 of the District Policies Code; providing an effective date. (Ric Morgan, ext. 2573)

44. **2008-329** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000012 by entering into the fourth of five 1-year options with 205 N. Parrot Holdings, LLC for the Okeechobee Service Center office lease, in an amount not to exceed \$190,467.48, of which \$95,233.74 of ad valorem funds is budgeted in FY08 and the remainder is subject to Governing Board approval of the FY09 Budget; providing an effective date. (Contract number 3600000012) (Project Manager: Jon Gleason X6380).

Operations and Maintenance

45. **2008-330** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with Metro Equipment Services Incorporated, the lowest responsive and responsible bidder, for the L-6 East Levee Repairs, in the amount \$672,300 for which dedicated funds (Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001323) (Jose Guardiario, ext. 2594)

46. **Board Vote on Consent Agenda**

Shannon Estenoz abstained from Consent Agenda Item 16.

Michael Collins abstained from Regulatory Consent Agenda Item 10, Page 10, #1, La Siesta Resort and Marina, Application No. 060717-19.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

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

Discussion Agenda

Water Resources

47. Update on Water Shortage Outreach (Deena Reppen, ext. 6232)

Jose Luis Rodriquez, Deputy Executive Director, Government and Public Affairs, presented information on water shortage outreach. Mr. Rodriquez reported on the website and media hits, outreach meetings hosted by District Service Centers, and the public information line. Mr. Rodriquez reported on the partnerships with outside nursery growers and IFAS.

Ms. Estenoz thanked staff for their outreach efforts and said the message is getting out to the public.

Mr. Dauray thanked staff for their hard work on the education outreach effort.

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

Susan Sylvester, Director, Operations Control Department, presented information on February's rainfall which was above average. Ms. Sylvester reported on March's rainfall (above average) and said the majority of the rainfall is distributed to the northern part of the region. Ms. Sylvester reported the overall dry season rainfall is still below average and the region is still in a severe drought condition.

49. Lake Okeechobee Conditions Report (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management Department, presented information on the conditions of Lake Okeechobee. Ms. Gray reported on the water quality of the Lake, algae blooms and toxins on the Lake, and the submerged aquatic vegetation in the Lake.

50. 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 (Chip Merriam, ext. 6597)

A) Consider the South Martin Regional Utility modified variance request from Phase III restrictions and enter a Final Order denying or approving (Chip Merriam, ext. 6597) **(TIME CERTAIN 1:00 PM)**

B) Consider utility requests for variance from Phase III restrictions and enter Final Orders deny or approving (Chip Merriam, ext. 6597)

Mr. Merriam presented information on the South Martin Regional Utility (SMRU) (Agenda Item 50A) requesting a variance from Phase III to Phase II or two-days a week. Mr. Merriam reported on the current allocation of water, the proposed restrictions and the savings of water.

Staff's recommendation is to deny the request this month and reevaluate the regional conditions in April. Mr. Merriam requested this be addressed at the April Board meeting as well as new rulemaking development authority for year-round water restrictions.

Public Comment: Martin County Commissioner Michael DiTerlizzi, read into the record a statement submitted to the Governing Board. Commissioner DiTerlizzi supports South Martin Regional Utility's request to modify their variance.

Mr. Merriam provided additional information on the surficial system and the Floridan.

Public Comment: Phillip Gildon, South Martin Regional Utility (SMRU), commented on the surficial aquifer and monitor wells. He stated water levels are higher than in the previous drought of 2000/2001. Mr. Gildon also provided information on SMRU's Reverse Osmosis facility and modeling conducted by the South Martin Regional Utility.

Public Comment: Joe Connolly, Town of Jupiter Island, commented on water conservation, SMRU's Reverse Osmosis facility, and repairs of salt water intrusion in the wells. Mr. Connolly also reported on the economic impacts to local businesses.

Mr. Dauray reported on the drought and the policy of consistency.

Ms. Meeker provided comment on the uniqueness of this region. She said the Board should make decisions on science.

Mr. Collins provided comment on the upcoming dry season.

Mr. Rooney commented on funding for alternative water supplies in Martin County. He also commented on community outreach regarding water restrictions and rewarding utilities who have changed to alternative water supplies.

Ms. Estenoz commented on investments SMRU has made with alternative water supplies.

Ms. Wehle reported on the analysis of the rainy season, emergency management, the two-year rainfall deficit and the prediction of intensification of La Nina impacts on the dry season.

There was continued Board discussion about the upcoming dry season, South Martin Regional Utility's substantial rainfall and the drought as a emergency management operation.

Motion made by Michael Collins, seconded by Charles Dauray to deny variance Agenda Item 50 (A) South Martin Regional Utility. Vote called. Voting yes: Eric Buermann, Charles Dauray, Patrick Rooney, Michael Collins, Nicolás Gutiérrez, Harkley Thornton. Voting No: Melissa Meeker, Shannon Estenoz. Motion passed.

Mr. Thornton requested a Workshop with utility companies on alternative water supplies and water conservation programs.

Ms. Wehle said they will have a workshop with utility companies on alternative water supplies, the per capita consumption of their regions, and their water conservation programs.

Chip Merriam, Deputy Executive Director, presented information on Loxahatchee Groves Water Control District's (LGWCD) variance (Agenda Item 50B). Staff's recommendation is for approval (to take additional water from the C-51 Canal to maintain stage at 15.5' for fire protection. Staff also recommended LGWCD work with the Town of Loxahatchee Groves to develop reliable methods of fire protection.

Public Comment: Marge Herzog, Vice Mayor, Loxahatchee Groves, supports the approval of the variance.

Public Comment: Dennis Lipp, Loxahatchee Groves Water Control District, supports the approval of the variance.

Public Comment: John Ryan, Town of Loxahatchee Groves, thanked the Board for approval of this variance for fire protection of Loxahatchee Groves.

Public Comments: Clete Saunier, Loxahatchee Groves Water Control District, reported on water allocations and fire protection of Loxahatchee Groves.

Public Comment: David Demarois, thanked the Board for water allocations for fire protection in Loxahatchee Groves.

Motion made by Melissa Meeker, seconded by Michael Collins to approve Agenda Item 50 (B) Loxhatchee Groves Water Control District. Vote called. Voting yes: Eric Buermann, Charles Dauray, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins, Harkley Thornton. Not present: Nicolás Gutiérrez. Motion passed.

Mr. Merriam presented information on the Sea Coast Utility Authority. Staff's recommendation is for approval of this variance.

Motion made by Patrick Rooney, seconded by Melissa Meeker to approve Agenda Item 50 (B) Seacoast Utility Authority. Vote called. Voting yes: Eric Buermann, Charles Dauray, Melissa Meeker, Shannon Estenoz, Patrick Rooney, Michael Collins, Harkley Thornton. Not present: Nicolás Gutiérrez. Motion passed.

- 51. CERP - Discussion - Approve Environmental Resource Permit Application 070220-9 to modify a surface water management system serving a 36.82 acre commercial-mining development known as Plumosa Pit (Lee County) (Robert M. Brown, ext 6283)**

Robert M. Brown, Director, Environmental Resource Regulation, presented information on Plumosa Pit, Environmental Resource Permit Application 070220-9 located in Lee County. Mr. Brown provided background information on this Environmental Resource Permit.

A new Special Condition 15 has been added and reads as follows:
No activity is authorized within the 250 foot setback along the north boundary of the property as shown on Exhibit 2.0. Should any activities be proposed within the 250 foot setback in the future, an application shall be submitted to modify the permit and it shall require approval by the Governing Board.

Staff recommends approval of Environmental Resource Permit Application 070220-9 authorizing the construction and operation of a surface water management system serving 36.82 acres of commercial development known as Plumosa Pit with discharge into waters of Imperial River via the Kehl Canal.

Motion made by Charles Dauray, seconded by Michael Collins to Approve the following item(s): 51

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

- 52.** Approve Water Use Permit Modification and Renewal Application 050329-23 for the Florida Keys Aqueduct Authority for the projected demands with a 20-year duration (Miami-Dade County) (Chip Merriam, ext 6597)

Mr. Merriam presented information on the Water Use Permit Modification and Renewal Application 050329-23 for the Florida Keys Aqueduct Authority. Mr. Merriam provided background and summary information of the requested permit modification.

Mr. Collins provided comment on the Regional Water Availability Rule.

Public Comment: Jim Reynolds, Florida Keys Aqueduct Authority, thanked the Board for approving this Water Use Permit.

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

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

- 53.** Approve Water Use Permit Modification and Renewal Application 030811-14 for Broward County District 2 (2A/North Regional) public water supply for the projected demands with a 20-year duration (Broward County) (Marjorie Craig, ext 2987)

Marjorie Craig, Director, Water Supply Department, presented information on this agenda item. Staff's recommendation is for approval of this water use permit modification and renewal application 030811-14 in Broward County.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 53

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

54. Approve Water Use Permit Modification and Renewal Application Number 071106-17 for the Village of Golf for the projected water use demands with a 20-year duration (Palm Beach County) (Marjorie Craig, ext 2987)

Marjorie Craig, Director, Water Supply Department presented information on this agenda item.

Motion made by Patrick Rooney, seconded by Melissa Meeker to Approve the following item(s): 54

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

55. Approve Water Use Permit Modification Application 071114-4 for Palm Beach County Water Utilities Department for the projected demands with the previous 20-year permit duration (Palm Beach County) (Marjorie Craig, ext 2987)

Marjorie Craig, Director, Water Supply Department, presented information on this agenda item.

Public Comment: Alexandria Larsen, citizen, has concerns of salinity in the drinking water.

Ms. Meeker provided comment on the 20-year permits being put on the Consent Agenda.

Mr. Olliff provided comment on the policy for consent and discussion agenda items, the water availability rule and the possibility of moving the 20-year permits that meet all the criteria to the Consent Agenda. Mr. Olliff said staff will bring back to the Board some recommendations on this issue.

Motion made by Patrick Rooney, seconded by Melissa Meeker to Approve the following item(s): 55

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

71. Approve Water Use Permit Modification Application 040921-6 for Hobe St Lucie Conservancy District for conversion of irrigation of certain acreage from agricultural to landscaping (Martin County)

Marjorie Craig, Director, Water Supply Department, presented information on this water use permit modification application 040921-6.

Motion made by Melissa Meeker, seconded by Patrick Rooney to Approve the following item(s): 71

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

Everglades Restoration Resources

56. **2008-331** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a revenue agreement with Martin County that provides for Martin County to contribute fifty percent (50%) of the purchase price in connection with the District's acquisition of certain lands within the IRL-Allapattah Complex Natural Storage and Water Quality Area and the IRL-Palmar Complex Natural Storage and Water Quality Area located in Martin County; providing an effective date. (Bob Schaeffer, ext. 2985)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item. This is an interlocal agreement with Martin County.

Public Comment: Jenny Conner, The Nature Conservancy, encourages more of these projects. She thanked staff for their hard work on this project.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 56

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

Government and Public Affairs

- 57. 2008-332** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 46000000520 with the City of Weston for continuing the rehabilitation and replacement of Bonaventure Stormwater Pump Stations 1 and 2, to increase the Statement of Work by adding the purchasing and installation of two axial pumps, and to extend the term by 16 months, from May 20, 2008 to September 19, 2009, in the amount of \$1,000,000, subject to availability of funds and Governing Board approval of the FY08-FY09 budget; providing an effective date. (Contract Number 46000000520-A02) (Jose Lopez ext. 4980)

Bert Waters, Director, Broward Service Center, presented information on this agenda item. This agreement is with the City of Weston for a continuation of the rehabilitation and replacement of Bonaventure Stormwater Pump Station 1 and 2.

Motion made by Shannon Estenoz, seconded by Michael Collins to Approve the following item(s): 57

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

Operations and Maintenance

- 58. 2008-333** A Resolution of the Governing Board of the South Florida Water Management District authorizing the filing of an application for \$3,000,000 from the Florida Inland Navigation District Cooperative Assistance Program to fund a portion of the Non Federal Partners cost of maintenance dredging of the Federal Channel of the Miami River and of the areas outside the footprint of the Federal Channel of the Miami River to each bank, referred to the Bank-to-Bank dredging project; providing an effective date. (Evan Skornick, ext. 7290) (Contract Number 460000XXXX)

Evan Skornick, Acting Director, Miami-Dade Service Center, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 58

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

- 73. 2008-335** A Resolution of the Governing Board of the South Florida Water Management District to authorize to increase the not to exceed funding relating to procurement resulting from emergency conditions established in Resolution No. 2008-218 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 \$36,000,000 from reserves, various programs and Resource Areas as needed to the Operations and Maintenance Program; providing an effective date. (Cled Weldon, ext. 6282)

Larry Carter, Deputy Executive Director, Operations and Maintenance, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 73

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

59. Public Comment

Public Comment: Rosa Durando, Audubon Society, commented on rock mining in the EAA. She also commented on DEP's permitting authority for mining. There will be a meeting on March 19th with the Palm Beach County Board of County Commissioners to discuss the rock mining.

Mr. Collins reported on the statutory authority regarding this issue.

Ms. Wehle said Board members attending this meeting on March 19th will be briefed regarding rock mining.

Public Comment: Alexandria Larson, citizen, opposes the rock mining in Palm Beach County.

Jacque Weisblum, Audubon of Florida, commented on wetland loss. She requested a workshop with the Board, DEP to discuss the Uniformed Mitigation Assessment Method (UMAM) process.

Mr. Merriam provided comment on the UMAM process and the meetings held with Audubon.

Ms. Wehle said staff would meet with Audubon and Florida Engineering Society (FES) to arrange for site visits and meet for discussions about the issues.

There was further Board discussion about the UMAM rules and the evaluation process.

Staff Reports

60. Office of Policy and Legislation Update - Ernie Barnett

Garrett Wallace, Director of Legislation and Operations, provided an oral report on the State legislative activities.

61. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, provided an oral report.

62. Executive Director's Report - Carol Wehle

Discussion on Governing Board Policies and Procedures

Tom Olliff, Assistant Executive Director, reported on draft Governing Board proposed travel and meeting procedures. A copy of the draft procedures was given to the Board to review and provide comment back to staff.

63. Board Comment

Mr. Thornton presented a poster of appreciation to Mr. Collins.

Closed Door Agenda

Executive Office

- 65.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures 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)(2006) to discuss strategy related to litigation expenditures 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)

This item was postponed.

66. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures 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)(2006) to discuss strategy related to litigation expenditures 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)

This item was postponed.

67. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Teitelbaum, et al., v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 04-21282 CA 15. (Sheryl G. Wood, Ext. 6976)

This item was postponed.

Adjournment

69. Adjourn

Chair Buermann adjourned the meeting at 3:10 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD