



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

October 12, 2006

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Irela Bagué, Vice-Chair

Miya Burt-Stewart

Alice Carlson

Michael Collins

Nicolás Gutiérrez

Lennart Lindahl

Kevin McCarty, Chair

Harkley Thornton

Malcolm Wade

1. **Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:03 am.

2. **Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Frank Hayden, Department Director, Procurement, led the group in the Pledge of Allegiance.

3. **Commissioner Douglas Smith, Martin County, Sales Tax Referendum**

2006-1037 A Resolution of the Governing Board of the South Florida Water Management District encouraging a continuing partnership with Martin County for Projects that are part of the Comprehensive Everglades Restoration Project (CERP); providing an effective date.

Commissioner Douglas Smith, Martin County, presented information on Martin County's Sales Tax Referendum. Commissioner Smith also spoke on the Pal Mar parcel.

Mr. Lindahl reported on the land acquisitions and commended Martin County's Utility Department with alternative water supplies.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 3

Vote called. Voting yes: Lennart Lindahl, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

4. Employee Recognition

Carol Wehle, Executive Director, recognized two Team of the Months, two Employee of the Months, and two Good Samaritan awards.

Mr. Lindahl thanked staff who has been so generous with their cards, notes and support, especially his colleagues on the Board, during his recent illness.

5. Agenda Addendum

Jacki McGorty, District Clerk, read into the record the agenda addendums. A copy was made available to the public.

6. Abstentions by Board Members from items on the Agenda

Ms. Carlson and Mr. Wade announced their abstentions.

7. Public Comment on Consent Agenda

Public Comment: Alex Larson, representing herself, Loxahatchee, provided comment on Highland Dunes (Item 10, Page 14, No 1 060504-6). She is opposed to this permit.

Mr. Merriam responded to this public comment.

Public Comment: Rosa Durando, representing Audubon Society, Lake Worth, provided public comment on Highland Dunes permit. She is concerned about L-8 basin and the refuge.

Rosa Durando, representing the Audubon Society, Lake Worth, provided public comment on rule development consumptive use permits. She spoke on equitable water supply delivery.

Mr. Collins provided comment on protecting the natural systems. This is an attempt to put in Rule what the District has done with Policy to protect the regional water availability and to move all the future needs to alternative water supplies.

Mr. Thornton provided comment on alternative water supplies. Mr. Thornton reported on alternative water supplies for the future and protecting the resources. Mr. Thornton also provided comment on the Kissimmee River Restoration and the Upper Chain of Lakes.

8. Move Consent Agenda Items to Discussion Agenda Items

Ms. Carlson pulled Item #10, Page 3, Number 2 (Mirasol 060524-2) from the Consent Agenda and requested this be discussed at the beginning of the Discussion Agenda.

9. Board Comment on Consent Agenda

Consent Agenda

Water Resources

10. Water Use Permit Applications
 - Surface Water Management Permit Applications (includes Conservation Easements)
 - Environmental Resource Permit Applications (includes Conservation Easements) Denials
 - Environmental Resource Permit Extensions
 - Surface Water Management Permit Extensions
 - Consent Agreements
 - Seminole Tribe Work Plans
 - Page 3 No 1 Calusa Pines Golf Club (WU): **Postponed** to December Board
 - Page 3 No 3 Mockingbird Crossing FKA Caloosa Reserve (ERP): **Postponed** to January Board
 - Page 4 No 5 Sabal Bay Dewatering (WU): **Postponed** to November Board
 - Page 4 No 6 Turnbury Phase 2 (ERP): **Removed** for agenda
 - Page 6 No 2 Fort Myers Mine (WU): **Postponed** to November Board
 - Page 7 No 6 Moody River Estates East (ERP): **Postponed** to November Board
 - Page 8 No 10 Waterstone (FKA Daniels 32) (ERP): **Postponed** to December Board
 - Page 11 No 1 Hudson Lakes Ranches (ERP): **Postponed** to November Board
 - Page 12 No 3 ERRWDS Supplemental Reclaimed Water Well (WU): **Postponed** to December Board
 - Page 17 No 1 Metro 45 (WU Dewatering Denial): **Withdrawn**
 - Page 17 No 2 Metro 45 (WU Irrigation Denial): **Withdrawn**
 - Page 19 No 2 Oleta River Pedestrian Bridge (ERP Denial): **Removed** from agenda
 - Page 19 No 3 United Nursery Corporation (WU Denial): **Postponed** to November Board
 - Page 20 No 1 Batt Private School (ERP Denial): **Withdrawn**
 - Page 20 No 3 Garden Lakes (WU Denial): **Postponed** to November Board
 - Page 23 No 6 Platts Grove #7 (WU Denial): **Postponed** to November Board
 - Page 28 No 1 Ronto Development Parklands Inc. (Consent Agreement): **Postponed** to November Board

11. Right of Way Occupancy New Permits
 - Right of Way Occupancy Permit Modifications
 - Right of Way Occupancy Permit Applications for Denial
 - Right of Way Occupancy Permit Requests with Waiver of District Criteria

12. **2006-1000** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a memorandum of agreement not to exceed 24 months with Lake Worth Drainage District for the installation of temporary pumps at Control Structure No. 2 on the E-1 Canal at no cost to the District; providing an effective date. (Contract Number 4600000412) (Ashie Akpoji x2571)

13. **2006-1001** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost agreement with the Town of Jupiter Utilities for Jones Creek Phase II - Hammock Restoration, in the amount of \$450,000, for which the District's total contribution of \$225,000 in dedicated funds (State Appropriations) is budgeted; providing an effective date. (Contract Number 4600000426) (Tom Conboy, ext. 6318)
14. **2006-1002** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost agreement with the Town of Jupiter for Hydrologic Restoration of Sawfish Bay Park, in the amount of \$400,000, for which the District's total contribution of \$200,000 in dedicated funds (State Appropriations) is budgeted; providing an effective date. (Contract Number 4600000428) (Tom Conboy, ext. 6318)
15. **2006-1003** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with Florida Department of Agriculture & Consumer Services for Mobile Irrigation Labs in the amount of \$525,900, for which ad valorem funds in the amount of \$394,425 are budgeted and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 4600000431) (Morris Rosen, x6786)
17. **2006-1004** A Resolution of the Governing Board of the South Florida Water Management District Requesting the Florida Department of Environmental Protection to Release Funds from the Ecosystem Management and Restoration Trust Fund for Taylor Creek Restoration, in the amount of \$750,000, pursuant to §373.501(2); providing an effective date. (Susan Gray, ext. 6919)
18. **2006-1005** A Resolution of the Governing Board of the South Florida Water Management District authorizing staff to proceed with implementing the Action Plan for the Central Florida Coordination Area addressing water supply issues; providing an effective date. (Keith Smith, x6620)
19. Authorize publication of Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-2 and 40E-20, F.A.C., and the Basis of Review for Consumptive Use Permits, incorporated therein, to address central Florida issues. (Keith Smith ext. 6620)
20. **2006-1006** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Everglades Agricultural Area Environmental Protection District for Stormwater Treatment Areas Optimization in the amount of \$600,000, of which the District's total contribution of \$400,000 in dedicated funds (Everglades Restoration Trust Fund) is budgeted; providing an effective date. (Contract Number 4600000441)(Deborah Drum, ext. 6392)

21. **2006-1007** A Resolution of the Governing Board of the South Florida Water Management District to authorize submittal of the proposed 2007 minimum flows and levels annual priority list and schedule to the Department of Environmental Protection for review and approval pursuant to Section 373.042(2), Florida Statutes; providing an effective date. (John Mulliken, x6649)

CERP

22. **2006-1008** 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. (V. Rada X6836)
23. **2006-1009** A Resolution of the Governing Board of the South Florida Water Management District to Approve the Purchase of Land Interests Containing 7.58 Acres, More or Less, for the Kissimmee River Project in Highlands County, in the amount of \$750,000, together with Statutory Costs and Attorneys' Fees in the Total Amount of \$176,899, and Associated Costs; for which Dedicated (Florida Forever) and Ad Valorem Funds Are Budgeted; Providing an Effective Date. (T. Hanaway x 6668)
24. **2006-1010** 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 7.58 acres, More or Less, in the Total Amount of \$750,000, Together with Statutory Costs and Attorneys' Fees in the Amount of \$176,899; and Associated Costs; for the Kissimmee River Project in Highlands County; Providing an Effective Date. (T. Hanaway x6668)
25. **2006-1011** A Resolution of the Governing Board of The South Florida Water Management District to Approve the Purchase of Land Interests containing 0.37 acres, More or Less, for the Kissimmee River Project, in Highlands County, in the Amount of \$30,000, together with Statutory Costs and Attorneys' Fees in the Total Amount of \$5,554, and Associated Costs; for which Dedicated (Florida Forever) and Ad Valorem Funds are Budgeted; Providing an Effective Date. (T. Hanaway x6668)
26. **2006-1012** 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 0.37 acres, More or Less, in the Total Amount of \$30,000, Together with Statutory Costs and Attorneys' Fees in the Amount of \$5,554; and Associated Costs; for the Kissimmee River Project in Highlands County; Providing an Effective Date. (T. Hanaway x6668)

27. **2006-1013** A Resolution of the Governing Board of the South Florida Water Management District to Approve the Purchase of Land Interests Containing 0.11 acres, More or Less, For the C-4 Flood Mitigation Project, Sweetwater Berm, Phase 4 (Belen Area), in Unincorporated Miami-Dade County, in the Amount of \$91,250 and Associated Costs, of which Dedicated (FEMA) Funds 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. (B. Katz x6837)
28. **2006-1014** A Resolution of the Governing Board of the South Florida Water Management District Authorizing Entering Into A Second Amendment of Extension of Commitment For Legal Positive Drainage Outfall in Favor of Pal Mar Water Control District Subject to Revised Conditions Precedent Including Approval of All Necessary Permits; Providing An Effective Date (R. Clements x 6271)
29. **2006-1015** A Resolution of the Governing Board of the South Florida Water Management District to Declare as Surplus and Authorize an Exchange of Land Interests Wherein the South Florida Water Management District will Convey Perpetual Access and Utility Easement Rights to Florida Power and Light Company in Exchange for Florida Power and Light Company Releasing Its Existing Land Interests in Connection with the 8.5 Square Mile Area Project in Miami-Dade County; At No Cost; Providing an Effective Date. (T. Hanaway x6668)
30. **2006-1016** A Resolution of the Governing Board of the South Florida Water Management District Authorizing Entering into a 25 Year Lease with Florida Fish and Wildlife Conservation Commission, as Lessor, for the Replacement and Construction by the District of a New Telemetry Tower on 0.76 Acres, More or Less, in the J. W. Corbett Wildlife Management Area, Palm Beach County; Providing an Effective Date. (Contract Number 3600000694) (J. Bridgeman x6284)
31. **2006-1017** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 135 day contract with C.A.N. Construction, Inc., the lowest responsive and responsible bidder, for the "Temporary Reconfiguration of the Troup Indiantown Water Control District" irrigation and drainage canal system, in the amount of \$894 ,200, for which dedicated funds (CERP Capital Construction Fund) are budgeted (Contract #4600000425)
33. **2006-1019** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000517 with Florida Atlantic University for the Aquatic Fauna Seasonal Concentration Monitoring Project to begin phase II of the study and authorize a Waiver of Competition as an exception to the general standards of competition, to extend the term by 3 years from March 9, 2007 to March 8, 2010 in the amount of \$535,000 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$160,000 are budgeted in FY07 and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract 3600000517-A01)

Executive Office

34. Enter a Final Order concurring with the Executive Director's Emergency Final Order, SFWMD Order No. 2006-132 DAO, regarding pumping and other measures to address flooding following Tropical Storm Ernesto. (Sheryl G. Wood, Ext. 6976)
35. **2006-1020** A Resolution of the Governing Board of the South Florida Water Management District to Authorize a settlement agreement for \$378,000.00 to resolve all outstanding claims (including attorneys fees and costs), for which District ad valorem funds are budgeted, for a whistleblower action Jeffery Dudey vs. SFWMD, filed in the 15th Judicial Circuit, in and for Palm Beach County, Florida, Case No. CA-03-1408 (AO); providing an effective date. (Scott Glazier, X6267)
36. **2006-1021** 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 in the total amount of \$1,050,000, of which the District's total contribution is \$400,000 of which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000421) (Larry Pearson Ext.3817)

Corporate Resources

37. **2006-1022** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending a purchase order with Vitaver and Associates, Inc. for a Help Desk Technician, for the time period November 13, 2006 through November 12, 2007, in the amount of \$66,415 for which ad valorem funds are budgeted; providing an effective date (PR 10005872). Project Sponsor: Sharon Trost, ext. 6814
38. **2006-1023** A Resolution of the Governing Board of the South Florida Water Management District to authorize and amendment to OT040555 with the Miami River Commission for FY2007 Miami River Commission Operating and Non-Recurring Projects Support to extend the term by 1 year from October 16, 2006 to October 16, 2007 in the amount of \$250,000 for which Ad Valorem funds are budgeted; providing an effective date (Contract Number OT040555-A04)
52. **2006-1034** A Resolution of the Governing Board of the South Florida Water Management District modifying the District's existing Employee Benefits Program; providing an effective date.

Project Sponsor: Tom Olliff, Assistant Executive Director, , ext 2132

Operations and Maintenance

39. **2006-1024** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with Southeastern Communication SVC, Inc., the lowest responsive and responsible bidder, for the C-18 Telemetry Tower Replacement, in the amount of \$768,955, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000434) (Leslie Wood, ext. 6295)

- 40. 2006-1025** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year purchase order with Kyra InfoTech Inc. and authorize a Special Procurement as an exception to the general standards of competition, for Graphical Verification Analysis (GVA) which supports hydrological, meteorological and water quality for the District, in the not-to-exceed amount of \$260,000 for which ad valorem funds are budgeted; providing an effective date. (Purchase Order 450000XXXX) (Matahel Ansar, ext. 2939)

41. Board Vote on Consent Agenda

Item 10, Page 3, No 2 Mirasol (060524-2) has been moved to Agenda Item No. 69 for discussion.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 52

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

Discussion Agenda

Water Resources

- 42. 2006-1026** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into one year agreements with Alternative Water Supply Funding Program applicants as shown in Exhibit A in an amount not to exceed \$41,355,910 for which \$18,000,000 in District FY2007 ad valorem funds, \$2,100,000 in Big Cypress Basin FY2007 ad valorem funds, \$18,000,000 in FY2007 Dedicated Funds (State Appropriations), \$2,985,910 in FY2006 State Appropriations and \$270,000 in Big Cypress Basin FY2006 ad valorem funds are budgeted; Delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (Contract Number 4600000384) (Mark Elsner, x6156)

Mark Elsner, Director, Implementation Division, provided information on this agenda item. Mr. Elsner recommended 62 projects be funded this year, with the total funding at \$40.5M.

Public Comment: Paul Mattausch representing Collier County, thanked District Staff for their continued support and partnership with Collier County. He provided information on Collier County's alternative water supplies.

Mr. Lindahl provided comment on SB444 and said the staff has done a great job.

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 42

Vote called. Voting yes: Lennart Lindahl, Malcolm Wade, Irela Bagué, Alice Carlson, Michael Collins, Nicolás Gutiérrez. Not present: Miya Burt-Stewart, Kevin McCarty, Harkley Thornton. Motion passed.

- 43.** Approve Water Use Permit Modification Application 050908-2 for the City of West Palm Beach service area to increase the allocation to meet projected demands with a 20-year duration. (Robert Moresi ext. 6603)

Robert Moresi, Director, Water Use Regulation Division, presented information on this agenda item.

Marjorie Craig, Director of Public Utilities, City of West Palm Beach, provided information on the Innovative Water Supply System for the City of West Palm Beach.

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

Vote called. Voting yes: Lennart Lindahl, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Harkley Thornton. Not present: Nicolás Gutiérrez, Malcolm Wade. Motion passed.

44. Approve a Consent Agreement for Golden Ox. (Robert Moresi ext. 6603)

Robert Moresi, Director, Water Use Regulation Division, presented information on this agenda item. Mr. Moresi said this is similar to a previous Consent Agreement (Crook's Ranch). The annual allocation will be 154.89 million gallons.

Mr. Merriam provided information on ground water resources.

Mr. Collins provided comment on equity issues and the allocation of water.

Mr. Collins requested that staff provided a status update in January.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 44

Vote called. Voting yes: Michael Collins, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Nicolás Gutiérrez. Motion passed.

45. **2006-1027** A Resolution of the Governing Board of the South Florida Water Management District Requesting the Florida Department of Environmental Protection to Release Funds from the General Revenue Fund for Lake Okeechobee Restoration, in the amount of \$25,000,000, pursuant to §373.501(2); providing an effective date. (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management, presented information on this agenda item.

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 45

Vote called. Voting yes: Lennart Lindahl, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Harkley Thornton. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

46. **2006-1028** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000952 with HydroMentia, Inc. for design, construction, and operation of the Taylor Creek Algal Turf Scrubber® Nutrient Recovery Facility, and authorize a Sole Source Procurement as an exception to the general standards of competition, to extend the term from August 14, 2007 to January 31, 2008, and to increase funding in the total amount of \$1,531,610, for which \$500,000 in ad valorem funds and \$1,031,610 in dedicated funds (\$281,610 External Grant Fund from FDACS, and \$750,000 State Appropriations) are budgeted; providing an effective date. (Contract Number 3600000952-A01) (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management, presented information on this agenda item. Dr. Gray reported on the project funding and the project status for this project.

Mr. Collins asked if this study can operate at a large scale and at what cost.

Dr. Gray provided information on this issue.

Mr. Wade said we need answers. This has taken 15 years and wants to be sure this is viable.

Mr. Gutiérrez and the Board would like to be kept abreast of the overall approach.

Motion made by Malcolm Wade, seconded by Alice Carlson to Approve the following item(s): 46

Vote called. Voting yes: Malcolm Wade, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

69. Mirasol, IM Collier JV, Environmental Resource Permit Modification Application 060524-2 (Item 10, Page 3 No 2) Moved from Consent to Discussion

Robert Brown, Department Director, Environmental Resource Regulation, presented information on this project. Mr. Brown provided the chronology of this project and said this Environmental Resource Permit was approved in February of 2002 for the entire project site. The 2002 permit also included a flow-way along the north and western properties.

Mr. Brown provided information on the proposed modifications and a mitigation summary.

Staff recommendation is to approve the modification of the Environmental Resource Permit 11-02031-P to authorize construction and operation of a surface water management system servicing a 1713.45 acre residential and golf course development known as Mirasol, with discharge into the Cocohatchee Canal.

Public Comment: Brad Cornell representing the Audubon of Florida and Collier Audubon Society provided public comment. He strongly disagrees with the modified permit application. He said this is inconsistent with the District's basis of review criteria.

Public Comment: Jamie Furgang, representing Audubon of Florida, provided public comment on this item. She opposes the modification of the Environmental Resource Permit.

Public Comment: Andrew McElwane, representing the Conservancy of Southwest Florida, provided public comment on this permit. He opposes the permit modification for the Mirasol Golf Course.

Public Comment: Steve Walker, representing IM Collier JV, provided public comment and supports staff recommendations.

Public Comment: Don Milarcik representing IM Collier JV provided public comment and supports this permit.

Ms. Carlson said the Developer has done a great job with this project. They have made modifications to the plan based on the County's and the District's recommendations for environmental improvements.

Mr. Lindahl asked if this permit constitutes an illegal taking of an endangered species under the ESA.

Mr. Brown provided additional comment and said there has been no evidence provided that the proposed project will result in an illegal taking of wood storks, including the District's review of the 2002 permit.

Mr. Lindahl provided comment on the flow ways, water quality and flood protection. He reported on the exotic vegetation on the site.

Mr. Brown reported on the site and the extensive coverage of melaleuca. Mr. Brown reported that the applicant will be providing an additional 50 percent water quality treatment.

Mr. Collins provided comment on the allegations and the eradication of melaleuca.

Mr. Gutiérrez said the applicant has done more than what was required for this project, and said the Board has limited jurisdiction.

Mr. Wade provided comment and said the Developer has met the permit criteria.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 69

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

CERP

- 47. 2006-1029** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000451 with Janus Research, Inc., for Acceler8 Projects' Cultural Resource Services to extend the term by one year from December 19, 2006 to December 18, 2007 in an amount not to exceed \$1,000,000 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) are budgeted; providing an effective date. (Contract Number 3600000451-A01)

Tom Teets, Chief Environmental Scientist, Acceler8, presented information on this agenda item.

Motion made by Irela Bagué, seconded by Lennart Lindahl to Approve the following item(s): 47

Vote called. Voting yes: Irela Bagué, Lennart Lindahl, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 49. 2006-1031** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600000280 with Stanley Consultants, Inc., for engineering support services for the C-43 Basin Reservoir to extend the term by 4 years and 4 months, from August 13, 2007 to December 31, 2011, at no additional cost to the District; providing an effective date. (Contract Number 3600000280-A01)

Tommy Strowd, Assistant Deputy Executive Director, Acceler8, provided information on this agenda item.

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

Vote called. Voting yes: Irela Bagué, Michael Collins, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 50. 2006-1032** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600001366 with HDR Engineering, Inc., for General Engineering Services for the C-44 Reservoir project to extend the term by 2 years and 7 months, from June 1, 2007 to December 31, 2009, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$26,472,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$4,304,827 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 3600001366-A01)

Tommy Strowd, Assistant Deputy Executive Director, Acceler8, provided information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 50

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

Executive Office

- 51. 2006-1033** 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 St. Cloud for St.Cloud Water Management in the total amount of \$2,031,000 of which the District's total contribution is \$1,015,500, of which ad valorem funds of \$415,500 and dedicated funds (State Appropriations) of \$600,000 are budgeted; providing an effective date. (Contract Number 4600000422) (Larry Pearson, Ext. 3817)

No presentation was provided.

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

Vote called. Voting yes: Harkley Thornton, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

Operations and Maintenance

- 53. 2006-1035** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 5 year work order contract with Helicopter Applicators, Inc. subject to successful negotiations, for vegetation management aerial application services, in an amount not-to-exceed \$15,000,000 for which ad valorem / dedicated funds in the combined total of \$3,000,000 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with Helicopter Applicators, Inc., the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000435) (Daniel Thayer, ext. 6129)

Dan Thayer, Division Director, Vegetation Management, presented information on this agenda item.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 53

Vote called. Voting yes: Michael Collins, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

- 68. 2006-1036** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 730 day contract with Subaqueous Services, Inc., the lowest responsive and responsible bidder, for the Lake Trafford Dredging Nearshore Phase 2 Project, in the amount of \$5,164,151, of which \$3,647,736 in dedicated funds (Big Cypress Basin) and \$1,000,000 (State Appropriations) are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 4600000447) (Art Sengupta, ext. 6353)

Cled Weldon, Department Director, Construction & Engineering, presented information on this agenda item. He reported on the Lake Trafford Phase 2 project.

Motion made by Alice Carlson, seconded by Harkley Thornton to Approve the following item(s): 68

Vote called. Voting yes: Alice Carlson, Harkley Thornton, Irela Bagué, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Not present: Miya Burt-Stewart. Motion passed.

- 54.** Public Comment

Public Hearing

Water Resources

- 55.** Adopt amendments to Rule 40E-4.091, F.A.C., and Section 4.3.2 of the Basis of Review for Environmental Resource Permit Applications, to clarify that the Uniform Mitigation Assessment Method (UMAM) pursuant to Rule 62-345, F.A.C., is applicable to applications received on or after February 2, 2004. (Anita Bain ext. 6866)

Vice Chair Bagué opened the public hearing.

Susan Martin, Sr. Specialist Attorney, Office of Counsel, presented information on this agenda item.

Vice Chair Bagué closed the Public Hearing.

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 56.** Adopt amendments to Rules 40E-1.659 and 40E-4.091, F.A.C., to incorporate conservation easement and restrictive covenant forms and to incorporate conservation language for plats. (Anita Bain ext. 6866)

Vice Chair Bagué opened the public hearing.

Susan Martin, Sr. Specialist Attorney, Office of Counsel, presented information on this agenda item.

Vice Chair Bagué continued the Public Hearing.

Staff Reports

57. Water Conditions Report - Bob Howard P.E.

Susan Sylvester, Deputy Department Director, Operations Control, provided information on the District's water conditions.

Mr. Merriam reported that the District is below regulation in the Upper Chain of Lakes and there are also concerns with no tropical activities to supply additional rainfall to the area. Mr. Merriam reported staff have met with the Agricultural entities and have suggested to them that they begin some voluntary cutbacks on irrigation.

Mr. Merriam also reported on Supply-Side Management.

Mr. Lindahl requested the Governing Board members be updated regarding the forward pumps.

58. Lake Okeechobee Conditions Report - Susan Gray

Dr. Gray provided an update on Lake Okeechobee's conditions.

Dr. Gray said the lake water quality has improved in water quality and plant growth. Dr. Gray reported on the in-lake phosphorus concentration.

59. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Director, Policy & Legislation provided a legislative update. Mr. Barnett reported on WRDA and cost-share provisions towards Everglades Restoration. He said he will be briefing Governing Board members on strategies for the upcoming legislative session. Mr. Barnett reported on the Community Based Issue Request (CBIR) process.

Mr. Collins reported on a proposed change to the Decomp project and asked who from staff is on the Science Coordination Team.

Mr. Ammon provided additional information regarding this issue.

Mr. Collins reported his concerns about this proposal and the projected costs for it.

Mr. Collins requested to the Board that the Executive Director, Carol Wehle, be asked to convey to the appropriate Federal Agencies that they come and speak to staff before they proceed any further.

Ms. Wehle reported this will be addressed at the November Governing Board meeting and the agencies will be providing presentations at that time.

Mr. Collins reported on modified water delivery and Everglades Park.

Mr. Wade provided comment on the Task Force and CERP projects.

60. Calendar Update - Jacki McGorty

Jacki McGorty, District Clerk, provided an update on the District calendar.

61. General Counsel Report - Sheryl Wood

Scott Glazier, Practice Group Manager, Office of Counsel, provided a General Counsel Report update.

62. Executive Director's Report - Carol Wehle

Ms. Wehle reported at the November Governing Board meeting, there will be an item on the agenda regarding the Herbert Hoover Dike.

63. Board Comment

Alice Carlson reported that October is Breast Cancer Awareness Month. She and Ms. Bagué will co-chair the Susan G. Komen foundation Race for the Cure which will be held in January 2007.

Mr. Wade provided board comment regarding the Herbert Hoover Dike and requested staff organize the legislative approach in order to get the funding. Mr. Wade requested this presentation be done at the November Governing Board meeting.

Mr. Lindahl provided comment on the Everglades National Park and spoke on the Python eradication. We need to get more funding to address this issue.

Ms. Bagué thanked Col. Paul Grosskruger for visiting the Miami River. She also thanked Ms. Wehle for attending the U.S. Desalinization Coalition meeting.

Closed Door Agenda

Executive Office

64. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures 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, General Counsel, Office of Counsel

Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures 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, General Counsel, Office of Counsel

No action be taken.

65. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel

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Sheryl G. Wood, General Counsel, Office of Counsel

Adjournment

67. Adjourn

Chair McCarty adjourned the meeting at 12.10 pm.

Kevin McCarty, Chairman
South Florida Water Management District

Recorded by:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD