



South Florida Water Management District

MINUTES GOVERNING BOARD WORKSHOP

December 12, 2007

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

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

Chair Buermann lead the group in the Pledge of Allegiance.

Melissa Meeker reported on the fund raising event supporting the Susan G. Komen Foundation.

3. **Approval of Minutes from the last month's Governing Board Meeting**

Approval of November 14, 2007, Workshop Minutes and November 15, 2007, Business Meeting Minutes held in Key Largo, Florida

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

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

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

Carol Wehle, Executive Director, recognized one 35-year award, four 30-year awards, one 25-year award, the November Employee of the Month, the November Team of the Month, December Employee of the Month, December Team of the Month and a Good Samaritan Award.

5. Vital Signs Report - Carol Wehle, Executive Director

Ms. Wehle presented information on the key accomplishments for 2007. Ms. Wehle reported on the drought challenges and opportunities over the past year.

Ms. Wehle reported on the water shortage emergency actions, drought management actions, 2007 construction progress, land acquisition funds for 2007, stewardship of public lands, and the Best Management Practices for Everglades Water Quality.

Ms. Wehle reported on the Kissimmee River restoration projects, alternative water supply projects, water conservation, water use permitting actions, refurbishment of the C&SF System, and the C-18 bank restoration and erosion repairs.

Ms. Wehle reported on the Water Summit, Employee Picnic, and District Green Initiatives.

Public Comment: Chelle Konyk, citizen, commented on rainfall and the water storage issues of South Florida.

6. Agenda Addendum

Annette Carter, Director of Governing Board & Executive Services provided the agenda addendum. Copies were made available to the public.

7. Absentions by Board Members from items on the Workshop Agenda

There were no abstentions from Governing Board members.

8. Pull Items for Discussion from Consent Agenda

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

9. Water Resource Advisory Commission Update - Michael Collins, Chair

Mr. Collins provided the monthly report of the Water Resource Advisory Commission activities. Mr. Collins reported on the WRAC action items.

Ms. Estenoz provided comment on the upcoming strategic planning meeting in February and setting criteria for prioritizing projects. She requested staff's input on this issue.

Mr. Collins provided comment on adopting criteria and habitat restoration.

Mr. Dauray commented on the projects and land acquisitions.

Mr. Meeker commented on land acquisitions, the partnerships with local governments, the funding from the different trust funds and the flexibility of land acquisitions and construction.

Mr. Olliff reported that the Annual Bond Buyer Conference was held on December 11, 2007 in New York. He stated the SFWMD's COPs certificates were selected as the Nation's most outstanding public financing of the year.

Paul Dumars, Chief Financial Officer, presented two plaques to the Board for this accomplishment.

Public Comment on Workshop Agenda: Dr. Beverly Robinson, Palm Beach Community College (PBCC), commented on their workforce training contract. She thanked the Board for their partnership with Palm Beach Community College.

Water Resources

- 10. Lower Charlotte Harbor Surface Water Improvement and Management (LCHSWIM) Plan** - Damon Meiers, Deputy Director, Environmental Resource Regulation Department

Damon Meiers, Deputy Director, Environmental Resource Regulation Department presented an overview of the Lower Charlotte Harbor Surface Water Improvement and Management Plan.

Mr. Collins said this was presented to WRAC without any objections.

Mr. Dauray thanked staff for working so diligently on this plan.

Everglades Restoration Resources

- 11. Northern Everglades Technical Plan** - Tom Teets, Northern Everglades Program Implementation Manager, Everglades Restoration

Tom Teets, Northern Everglades Program Implementation Manager, Everglades Restoration, presented information on the Northern Everglades Technical Plan. He reported on the outreach activities, the layout of the plan, the study area of the plan, the formulation and evaluation process, identification and features of the Phase II plan and the total estimated costs of the plan.

Mr. Wade said there were many positive comments from WRAC and thanked staff for their hard work on this plan.

Public Comment: Mark Perry, Florida Oceanographic, commented on staff's update of the Acceler8 projects and Northern Everglades.

Public Comment: Jacquie Weisblum, Audubon of Florida, supports the efforts of this plan.

Ms. Estenoz asked about the Northern Everglades initiatives.

Mr. Teets provided additional information pertaining to the Northern Everglades initiatives and reported on storage south of the Kissimmee River Basin.

Mr. Thornton provided information for storage in the Kissimmee River Basin.

Mr. Teets said these plans will be updated every three years.

Mr. Collins commented on the first phase of the plan, water storage, and the Kissimmee River water supply plans.

12. Everglades Restoration Update - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration

A.) Guidance Memorandum - Stu Applebaum, Deputy for Restoration Program Management, US Army Corps of Engineers

B.) Land Acquisition - Ruth Clements, Director, Department of Land Acquisition and Management

Tommy Strowd, Assistant Deputy Executive Director, presented preliminary information on the potential cost savings and schedule advantage of the construction projects.

Stu Applebaum, Deputy for Restoration Program Management, provided a status of the guidance memoranda. Mr. Applebaum reported on the concerns from the Seminole and Miccosukee Tribes and the agricultural and the environmental interest groups.

Mr. Collins said there was no consensus reached on this issue at the WRAC meeting.

Ms. Estenoz provided comment on the savings clause regarding non-CERP projects.

Mr. Applebaum provided additional information regarding the legal requirements.

Public Comment: Patrick Hayes, Martin County Soil and Water, commented on the distinction and philosophies of the CERP projects.

Mr. Ammon reported on the cost-share and land credits with the U.S. Army Corps of Engineers.

Mr. Wade reported on the agricultural interests, the Lake Okeechobee Regulation Schedule as a base condition, and the procedural questions of this guidance memoranda.

Mr. Collins provided concerns from the WRAC stakeholders.

Ms. Estenoz had questions about the former Lake Okeechobee Regulation Schedule, CERP Projects, and the requirements by the Water Resource Development Act (WRDA).

Mr. Wade reported on WSE and the low lake level.

Ms. Estenoz asked about the requirements by WRDA.

Mr. Collins provided information on the CERP agreements.

Mr. Applebaum reported on the analysis of Yellow Book and Run 25.

Mr. Wade provided comment on the Lake Okeechobee Regulation Schedule and the water conditions of 2000.

Ruth Clements, Director, Department of Land Acquisition and Management, presented information on the land acquisition for the Indian River Lagoon South project which will be presented to the Board on December 13, 2007.

13. Pre-briefing for Strategic Planning Workshop (Time Certain: 10:30 a.m.) - Ken Ammon, Deputy Executive Director, Everglades Restoration and Doug Bergstrom, Director, Budget Division

Chair Buermann welcomed Martin County Commissioners Michael DiTerlizzi and Sarah Heard.

Ken Ammon, Deputy Executive Director, presented information on the history of the Comprehensive Everglades Restoration Program (CERP) and the 2000 Water Resource Development Act's (WRDA) authorization of projects. Mr. Ammon reported on the increased costs of the projects due to inflation, material pricing increases, and land acquisitions. These projects will need to be re-authorized in the future Water Resource Development Act.

Mr. Ammon reported on the Acceler8 Program and the inter-agency commitment and early restoration benefits. He reported on the selection process for Acceler8.

Mr. Ammon reported on the original Acceler8 projects, the time line implementation schedule for these projects, and Certification of Participation (COPs). Mr. Ammon reported on the additional Everglades Restoration projects and the Northern Everglades legislation.

Mr. Ammon said there are now 19 projects.

Mr. Thornton asked about the boundaries for the Northern Everglades regions.

Ms. Wehle provided information of the funding sources for Northern Everglades and CERP projects.

Doug Bergstrom, Director, Budget Division, presented an overview on the revenue sources. He reported on ad valorem taxes and the funding for the projects. He reported on the state revenues, Save Our Everglades Trust Fund, Florida Forever Trust Fund, and Water Management Lands Trust Fund.

Mr. Bergstrom reported on the economic impacts to Florida, funding issues and said he will provide updates to the Board. Mr. Bergstrom reported on the Strategic Planning meeting in February 2008 and the Annual Workplan Discussion in June 2008.

Public Comment: Sarah Heard, Martin County Commissioner, commented on WRDA 2007, the Indian River Lagoon Plan and funding support for the C-44 project, and also commented on the importance of land acquisitions.

Public Comment: Michael DiTerlizzi, Martin County Commissioner, commented on the upcoming strategic planning meeting, Northern Everglades Restoration, priority of the estuaries, and the importance of the C-44 project. He read into a record a memo which he provided to the District Clerk as part of the record.

Public Comment: Patrick Hayes, Martin County Soil & Water, commented on the Northern Everglades Plan and requested continued funding support for the restoration of the Loxahatchee River.

Public Comment: Donna Melzer, Martin County Conservation Alliance, commented on the Indian River Lagoon and requested District support for this project.

Public Comment: Brian Powers, citizen, commented on the C-44 project in Indiantown and requested District support for the construction of this project.

Public Comment: Mark Perry, Florida Oceanographic, requested District support for the construction of C-44 and the Indian River Lagoon projects.

Public Comment: Jason Totoin, Everglades Law Center, commented on the projects that have high ecological benefits.

Public Comment: Sara Fain, National Parks Conservation Association, said all the projects are important and the Board needs to set criteria for the projects.

14. Update on Proposed Footprint Change to Southern Crew Critical Project - Dewey Worth, Director, Southern Everglades Restoration Division and Jeff Needle, Lead Project Manager, Southern Everglades Restoration Division

Dewey Worth, Director, Southern Everglades Restoration Division, presented information on the proposed footprint change to the Southern Crew Restoration Project. Mr. Worth requested amending the critical project footprint to reflect changing conditions and the USACE permit renewal which expired in 2005.

Mr. Worth reported on runoff of the basin, the land acquired for the project, the project status, and the reasons for revising the footprint.

Ms. Estenoz asked about the parallel roads and Benita Beach Road.

Mr. Merriam provided information on the roads being proposed.

Mr. Collins asked about the Department of Interior's opinion on the proposed footprint change.

Mr. Worth provided information about the concerns of the Department of Interior.

Mr. Collins reported on the critical projects and the additional funding for this project.

Ms. Estenoz provided comment on Section 34.

Mr. Collins reported he would like the additional funding for other projects.

Ms. Meeker provided comment on Section 34 and the proposed road impacts to the area.

Mr. Ammon provided comment on the wetland portions of Section 34, and he made a recommendation to bring back to the Board a more refined footprint revision.

Public Comment: Jacquie Weisblum, Audubon of Florida, said she would report back on the footprint revision. She said Audubon would follow up with staff and work on this issue.

Chair Buermann asked Ms. Weisblum to work with staff during this process. Ms. Weisblum said she would work with staff.

Corporate Resources

16. Clean Technologies Venture Capital Grant Fund Discussion - Tom Olliff, Assistant Executive Director and Aaron Basinger, Director, Finance and Administration

Tom Olliff, Assistant Executive Director, provided introductory information on the Clean Technologies Venture and water quality treatments.

Aaron Basinger, Director, Finance and Administration, presented information on the Venture Capital Grant Fund and provided an explanation of this concept.

Sheryl Wood, General Counsel, reported on statutory authority with the Venture Capital Grant Fund.

Rick Miller, Attorney, Edwards, Angell, Palmer and Dodge, reported on the memorandum provided to staff and Governing Board members. He stated this is a way to encourage capital formation by bringing science and business principals together for governmental improvement.

Mr. Miller reported on the District's clean technology fund structure and the duties of the fund manager.

John Cole, Attorney, Edwards, Angell, Palmer and Dodge, provided information on the investment opportunities.

Mr. Dauray said the District has to pick the correct fund manager and rely on the individual's credibility and expertise.

Mr. Cole reported on the scope of investment opportunities.

Mr. Collins supports this approach.

Mr. Olliff provided comment on the advantages the District may have on the back end of these investments.

Mr. Wade provided comment on water treatment and phosphorus removal and new technologies for water treatment. He recommended hiring a contractor to review the report that was completed at the District in 1992.

Mr. Thornton supports the Venture Capital Grant Fund and reported on the cash return.

Mr. Gutiérrez supports the Venture Capital Grant Fund.

Chair Buermann asked about the investment on an annual basis.

Mr. Miller said it would cost \$2M per year for five years.

Ms. Wood reported staff will start draft legislation based upon the direction the Board. A copy will be provided to Ms. Wehle and the Governor's Office.

Public Comment: Martha Musgrove, citizen, commented on phosphorus control and water quality treatment.

Operations and Maintenance

17. Long Term Water Supply Issues in the Lake Okeechobee Service Area - Chip Merriam, Deputy Executive Director, Water Resources

Chip Merriam, Deputy Executive Director, presented information on the long term water supply options and issues in the Lake Okeechobee Service Area. Mr. Merriam reported on the recommended next steps.

There was discussion regarding the forward pumps.

Executive Office

18. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) 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, 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 United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl G. Wood, Ext. 6976

Chair Buermann adjourned the meeting to closed-door session at 4:08 pm. Chair Buermann said they would reconvene in approximately 1 hour.

Chair Buermann reconvened the meeting at 5:30 pm.

Sheryl Wood, General Counsel, said no action would be taken at this time on Agenda Item 18.

19. 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

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This agenda item was postponed.

20. 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 agenda item was postponed.

21. **Adjourn**

Chair Buermann adjourned the meeting at 5:25 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 Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 21

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