



South Florida Water Management District

MINUTES GOVERNING BOARD WORKSHOP

January 10, 2007

1:00 PM

Hilton Naples

5111 Tamiami Trail North

Naples, FL 34103

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 1:15 pm.

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

Workshop on December 13 and Meeting on December 14, 2007

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 2

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

3. **Agenda Addendum**

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

Item #7, Comprehensive Overview of Lake Okeechobee and Estuary Projects, was postponed. Ms. McGorty also announced that Miya Burt-Stewart is attending via teleconference.

4. **Water Resource Advisory Commission Update and Discussion** - Michael Collins, Chair

Michael Collins provided an update on the WRAC/Acceler8 Issues Workshop which was held on December 7, 2006.

Mr. Collins said the Lake Okeechobee Committee did not meet in December. The WRAC agreed to present to the Governing Board the proposed Naples Bay Surface Water Improvement and Management Plan.

Mr. Collins provided an update on the Lower East Coast Water Supply Plan, the Regional Water Availability Rule and the Central Florida Coordination Area Update. Mr. Collins reported on concerns about projected water supplies being sufficient for the restoration of Florida Bay. Mr. Collins provided dates for future WRAC meetings.

5. Pull Items for Discussion from Governing Board Meeting Agenda

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

6. Lee County Presentations - Introduction by Rhonda Haag, Ft. Myers Service Center Director

Alice Carlson welcomed everyone to Collier County. She said she is happy to represent this area. She introduced Phil Flood, Director of the Lower West Coast and Rhonda Haag, Regional Service Center Director, Lower West Coast Service Center.

Ms. Haag welcomed everyone to Naples.

Ms. Haag introduced Ms. Julia Roberts, Supervisor, San Carlos Estates Water Control District. Ms. Roberts reported on the \$10 million capital improvement project to improve drainage and debris removal from the canals. She thanked the SFWMD for the grant provided to them for funding the project.

Mayor Jim Humphrey, City of Ft. Myers, welcomed the Governing Board and thanked them for coming to southwest Florida. He spoke of concerns regarding the releases out of Lake Okeechobee and said he looks forward to continuing a working partnership with the District on this issue. Mayor Humphrey praised Rhonda Haag and staff from the Lower West Coast Service Center.

City Manager Terry Stewart, City of Cape Coral, said the City of Cape Coral is grateful for the support from the District. Mr. Stewart spoke on the importance of water resources in the State of Florida and the residential reuse water system in the City of Cape Coral. He reported on the aquifer storage and recovery wells and on well and septic impacts to the aquifer. Mr. Stewart thanked the District for the partnership they have with the City of Cape Coral.

Ms. Bagué requested the utility companies from Miami-Dade and Broward County visit the City of Cape Coral to view the reuse water system.

Mayor Jay Arend, City of Bonita Springs, welcomed the Governing Board to Collier County. Mayor Arend said District staff have been proactive in assisting the City of Bonita Springs with drainage improvements. Mayor Arend reported on the different drainage improvements accomplished over the past six years.

Sonny Hughes, Executive Director, Southwest Florida Education Center, provided an updated on the workforce training in Hendry and Glades County. Mr. Hughes said this program trains heavy equipment operators and construction trade workers. He reported on the funding for this program.

Ms. Bagué thanked Mr. Hughes and said she hopes to continue this partnership with the Education Center.

Ron Hamel, Gulf Citrus Growers reported on the citrus industry and all the research on citrus canker and greening. Mr. Hamel reported on the very good partnership with District staff. He provided information on the water supplies and lake level issues. Mr. Hamel reported on the BMP program and permit renewals.

Commissioner Tammy Hall, Lee County, stated support for Item 38 on the Governing Board Agenda. She reported on the lake releases into the estuaries. Commissioner Hall also provided information on the Caloosahatchee/St. Lucie River Corridor Advisory Committee. She would like to address the Governing Board in February or March on the results of the Committee meetings.

Mayor Carla Johnston, Sanibel, thanked the Governing Board for visiting the west coast. She spoke on the Caloosahatchee Estuary and water quality. She said there has been great progress made and thanked the Governing Board. She spoke on the forward pumps and the Lake Okeechobee release schedule.

Chair McCarty thanked the elected officials for attending the Workshop.

Water Resources

8. **Regional Water Availability Rule Update** - Scott Burns, Director, Water Supply Policy Implementation

Chip Merriam, Deputy Executive Director, presented information on the Proposed Regional System Water Availability Rule. Mr. Merriam said there will be additional workshops regarding this rulemaking. Mr. Merriam provided the recent rulemaking activities including three workshops in 2006.

Mr. Merriam reported on the Governing Board's direction and proposed rule's concepts including: Authorize the continued use of Everglades water, the rule would not modify existing permits over the duration of the permit, and this does not apply at five-year compliance reviews on 20-year permits. The rule does restrict increased and new withdrawals that would take Everglades water over base condition. There are additional allocations over base case authorized in five scenarios. Mr. Merriam provided the upcoming actions which include two development workshops in West Palm Beach, the upcoming February WRAC briefing and addressing the Governing Board in February to initiate the rulemaking with the final draft rule.

Mr. Collins reported on withdrawals and the policy decision-making process.

Mr. Lindahl provided comment and said he would like the modified language sent out to the user groups in advance of the workshops.

Public Comment: Nathan Nason, representing Seacoast Utility Authority, opposes this rule. He spoke on the Hood Road wellfield and the impacts to it.

Mr. Collins made a recommendation that Mr. Nason meet with Mr. Merriam before the next workshop to discuss his concerns.

9. Central Florida Coordination Area Update - Keith R. Smith, Deputy Department Director, Water Supply

Mr. Merriam provided information on the Central Florida Coordination Area (CFCA) update. Mr. Merriam provided the CFCA regulatory component and the District's primary focus. Mr. Merriam also provided an update on CFCA rulemaking.

Mr. Thornton had questions regarding alternative water supply projects.

Mr. Collins provided information on the policy differences between the other Water Management Districts. He reported on actual deliverables. Mr. Collins recommended Secretary Sole be a part of this process.

Mr. Thornton thanked Mr. Merriam for his efforts on this issue.

10. Lower East Coast Regional Water Supply Plan Update - John Mulliken, Director, Water Supply Planning Division

John Mulliken, Director, Water Supply Planning Division, provided an update on the Lower East Coast Regional Water Supply Plan.

Mr. Mulliken reported on the additional water needed in the future and how these future water demands will be met.

Mr. Lindahl asked about water resource development.

Mr. Gutiérrez reported on Dade County reuse and the Hialeah proposal.

CERP

11. Joint Session with Collier County to discuss Conveyance of Land for Recreational Purposes - Introduction by John Dunnuck, CERP Acceler8 Program Coordinator

This joint session, conducted with the Governing Board members and the Board of County Commissioners, Collier County, to discuss the conveyance of Land for Recreational Purposes. Those attending from Collier County were: Commissioner Frank Halas, Commissioner Jim Coletta, Commissioner Fred Coyle, Commissioner Donna Fiala, and Commissioner Tom Henning.

County Manager Jim Mudd provided information on the Purpose and Intent of the Chapter 164 Hearing. He reported on the agreement between the Board of Trustees of the Internal Improvement Trust Fund, the South Florida Water Management District (Big Cypress Basin) dated September 24, 2003.

Mr. Mudd reported on the ATV clause in the Agreement and stated the reason they are meeting today is to come to a mutual agreement on this clause.

John Dunnuck, CERP Acceler8 Program Coordinator, presented information on the 2003 agreement. Mr. Dunnuck provided information on the history and said the District offered the Lake Trafford site in May 2005 which the County rejected in September 2006. Collier County's concerns were:

- The site is not immediately available. He provided information on the proposed interim site.
- One third of the site is environmentally sensitive and not suitable for ATV activity.
- Levels of arsenic and selenium detected in water and soil samples for the lake present an "unknown and unacceptable" risk.

Mr. Dunnuck provided information on the District's proposal for the concerns.

Mr. Dunnuck provided information on the two public meetings which were held on December 5, 2006 and January 5, 2007. Mr. Dunnuck reported on the community feedback from those meetings.

Public Comment: Brian McMahon, citizen, provided public comment and said his concerns are the mitigation and the arsenic levels of this land. He would like an independent test of the soil.

Public Comment: Eric Schrack, citizen and ATV rider, provided comment on the number of riders who would use this site for recreation. He spoke on the weekend limit for riding.

Commissioner Coletta provided information on the commitment of the 640 acres. He thinks an interim site is a good idea. He spoke on the funding of the improvement of the site.

Mr. Dunnuck said the District would fund the earthwork improvements. Mr. Dunnuck also said the District will meet all regulatory requirements to make sure the site is safe.

Commissioner Coletta asked about facilities needed to be built on the site to meet the recreational needs of Collier County.

Mr. Dunnuck provided additional information on this issue.

Mr. Collins provided comment on endangered species on the land and federal regulations.

Commissioner Henning had questions regarding the two weekends per month and possible flexibility.

Mr. Dunnuck provided additional information and said they would work with the County on this issue.

Commissioner Henning reported on the land north of the area.

Commissioner Halas asked about fencing around the perimeter of the temporary property.

Mr. Dunnuck said the District would fund this.

Commissioner Halas asked about the high concentration of arsenic levels.

Clarence Tears, Director, Big Cypress Basin, provided information on the design plan, the arsenic levels and residential standards.

Chair McCarty stated that the District would meet EPA clean up requirement standards.

Mr. Collins provided information on the agreement.

Commissioner Coyle provided comment on arsenic contamination. He said there are too many unknowns. Commission Coyle asked for additional acres for boat ramps.

Mr. McMahon wanted to be sure the boat ramps are on the northern Golden Gates side.

Mr. Collins provided comment on the statutory and regulatory framework in the area.

Mr. Tears provided additional comment and said these are drainage easements and the District does not own title to these easements.

Mr. Collins provided the following motion:

1. To amend the existing 2003 Interlocal Agreement between Collier County and the South Florida Water Management District.
2. To develop a separate agreement for the interim site, working with the ATV Group on a reasonable schedule and management plan.
3. The SFWMD commits to remediate the Lake Trafford site to meet all Federal and State standards.
4. The SFWMD commits to fund permanent site design and earthwork.
5. Upon completion of remediation and earthwork, the County Commission would agree to accept the site, as outlined in the agreement.
6. There will be a good faith effort to find a boat ramp or other recreational opportunities in Collier County.

Commissioner Halas said he feels the County and the District are moving in the right direction and thanked the Governing Board for the opportunity to meet with Collier County Commissioners.

Commissioner Henning asked for a timeframe for the agreement. John Dunnuck said he will finalize the agreement and bring it to the Governing Board in February 2007 and the County Board in March 2007.

Motion made by Commissioner Coletta to direct Collier County staff to work with SFWMD staff on this issue; seconded by Commissioner Halas. Vote called. Voting yes: Commissioner Halas, Commissioner Coletta, Commissioner Coyle, Commissioner Fiala, Commissioner Henning. Motion passed.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 11

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

Executive Office

12. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) 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, General Counsel, Office of Counsel (x6976)

Action Items (if any) Stemming from Closed Session

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Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

This agenda item was postponed.

13. 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 (x6976)

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Sheryl G. Wood, General Counsel, Office of Counsel (x6976)

This agenda item was postponed.

14. Adjourn

Chair McCarty adjourned the meeting at 5:16 pm.

Kevin McCarty
Chairman
South Florida Water Management District Governing Board

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
South Florida Water Management District