



South Florida Water Management District

MINUTES GOVERNING BOARD WORKSHOP

March 11, 2009

1:00 PM

John Boy Auditorium, 1200 South WC Owen Ave
(STA 5 at 9:00 a.m. and Dinner Island at 10:45 a.m.)

Clewiston, FL 33440

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Melissa Meeker

Jerry Montgomery

Patrick Rooney

Members Absent:

Paul C. Huck Jr.

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

Chair Buermann called the meeting to order at 9:43 am.

2. **9:00 a.m. - C139 Basin Overview and Briefing (Entrance to Stormwater Treatment Area 5, Deer Fence Rd, CR 835)** - Richard Bass, Hendry / Glade Counties Farm Bureau Board Member, and Bob Howard, Committee on Preserving Agriculture (COPA) and Landowner Representative

Benita Whalen, Deputy Department Director, provided information on the tour.

Chip Merriam, Deputy Executive Director, Water Resources, explained the history of the C139 Basin and Stormwater Treatment Area (STA) 5.

Larry Carter, Deputy Executive Director, Water Resources, reviewed the construction of STA 5.

Mr. Carter introduced Richard Bass, Bob Howard, and Charles Shinn.

Mr. Bass discussed agricultural interests in Hendry and Glades County. He reported looking forward to working with the District on environmental issues.

Mr. Shinn reported on the difference between the C-139 and the EAA.

Bob Howard stated the importance of agriculture in the State. He also reported on the challenges in C139 including weather cycles, economic conditions, and agriculture permitting/regulation programs.

Public Comment: Chuck Obern, C & B Farms, commented the District's actions will have impacts to the farmers and the need for agricultural land.

Public Comment: Doug Zippner, stated farming will change in the United States over the next five years.

Mr. Buermann recessed the meeting at 10:40 am.

3. **10:45 a.m. - Dinner Island Briefing (Dinner Island Ranch, 20105 CR 833, Clewiston, FL) - Justin Nolte, Lead Area Biologist, and Beth Morford, District Biologist, Florida Fish & Wildlife Conservation Commission**

Mr. Buermann reconvened the meeting at Dinner Island Ranch at 11:40 am.

Justin Notte, Lead Area Biologist with FFWCC explained Dinner Island Ranch was purchased July 2002 and opened up as a small game and wildlife management area. Restoration began in 2005 to restore sheetflow and native vegetation. Restoration projects are still underway.

Mr. Buermann recessed the meeting at 11:50 am.

4. **12:00 noon - Convene Closed Door Session**

Sheryl Wood, General Counsel, reported Agenda Items 12, 15, 17, 18 and 19 have been pulled from the Workshop Agenda.

Chair Buermann announced the meeting would adjourn to Closed Door Session at 12:30 pm.

5. **1:00 p.m. - Reconvening Public Meeting after Closed Door Session (John Boy Auditorium, 1200 S WC Owens Ave, Clewiston, FL) - Eric Buermann, Chairman, Governing Board**

Chair Buermann reconvened the meeting at 1:57 pm.

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

Chair Buermann led the group in the Pledge of Allegiance.

Mali Chamness, Mayor of Clewiston, welcomed the Governing Board to Clewiston.

7. Approval of Minutes

Approval of Minutes for February 11, 2009, Workshop and February 12, 2009, Regular Business Meetings held in West Palm Beach, Florida

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 7

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

8. Agenda Addendum - Annette Carter, Director, Office of Governing Board & Executive Services

Annette Carter, Director, Office of Governing Board & Executive Services, reported their were no changes to the agenda.

9. Abstentions by Board Members from items on the Workshop Agenda

There were no abstentions by Governing Board members.

10. Pull Items for Discussion from the Consent Agenda

Ms. Estenoz pulled Consent Agenda items 18 and 19 for discussion.

Executive Office

11. Formulation of Strategic Planning and Budgetary Guidance - Tom Olliff, Assistant Executive Director (Ext. 2132)

Tom Olliff, Assistant Executive Director, provided preliminary information on the Strategic Planning and Budgetary guidance.

There was Board discussion on the strategic priorities: restoring the Everglades; refurbishing, replacing and improving the regional water management system; meet current and future water demands of water users and the environment; implementing water supply plans; retain and recruit high-quality employees; and making condemnation issues a strategic priority.

Mr. Olliff then reported on the future expense issues: sea level rise and salt water intrusion, potential Federal levee standard changes, existing Everglades Restoration construction commitments, USEPA/FDEP established Total Maximum Daily Loads (TMDLs), Lake Okeechobee Watershed Construction Project Phase II Technical Plan, Rivers Watershed Protection Plans, Condemnation & Inverse Condemnation trends, future O&M costs and emergency reserves.

Doug Bergstrom, Director, Budget Division, reported on the economic conditions: stock market, unemployment rate, low construction activity and foreclosures.

Mr. Bergstrom then reported on the State budget status and the Office of Economic & Demographic Research (EDR) Financial forecast for FY10 and FY11.

There was Board discussion on the EDR's forecast, the possibility of new tax reform legislation, and long and short-term impacts to the District.

Mr. Bergstrom said the draft Strategic Plan will be brought back to the Governing Board in April.

Jeff Kivett, Director, Everglades Restoration, Engineering Division, reported on the recommendations from a National Levee Safety Program and the immediate impacts to the District. Mr. Kivett reported the District plans to meet the current requirements for levee safety within the next five years.

Larry Carter, Assistant Deputy Executive Director, Operations and Maintenance reported there are 670 miles of levees south of Lake Okeechobee. Mr. Carter then provided a history about the construction of the levees, the rules and regulations relating to levee maintenance and safety requirements.

Mr. Kivett then presented information on the existing Everglades Restoration commitments:

Everglades Agricultural Area Stormwater Treatment Areas Compartment B and C (Long-Term Plan); Water Preserve Areas C-11 & C-9 Impoundment; Everglades Conveyance and Regional Treatment (ECART) and EAA Reservoir A-1 Project Site.

Kevin Carter, Technical Program Specialist Sr., provided an overview of TMDLs, FDEP's five phase TMDL process, the District's role of TMDLs for Lake Okeechobee and the Northern Everglades estuaries.

Tom Teets, Everglades Policy Manager, presented information on the Northern Everglades and plans for the estuaries.

Mr. Collins commented on the feasibility study for water storage south of Lake Okeechobee.

Temperance Morgan, NE Program Implementation Manager, presented information on the Rivers Watershed Protection Plans, the Northern Everglades and Estuaries 2007 Legislation, the Caloosahatchee Plan, the St. Lucie Plan and the plans submitted to the Legislature.

Ruth Clements, Director, Land Acquisition and Management Department, reported on condemnation and inverse condemnation trends.

Mr. Carter reported on the future O&M costs for current construction: C-23/24 reservoir, Lakeside Ranch, C-44 reservoir, L-8 reservoir, Fran Reich Preserve, Compartment B & C, C-43 reservoir, C-11 project, C-111 project, and Picayune Strand.

Mr. Bergstrom reported on the District's emergency reserves.

Mr. Olliff reported on the amended priorities and expense issues.

There was Board discussion on emergency reserves.

Executive Office

12. Closed Door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXMB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXMB. (Sheryl G. Wood, Ext. 6976)

This item has been removed from the agenda.

- 13.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)

Sheryl Wood, General Counsel, reported no action be taken at this time.

14. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)

Sheryl Wood, General Counsel, reported no action be taken at this time.

15. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in New Hope Sugar Company and Okeelanta Corporation v. South Florida Water Management District, Amended Petition for Administrative Hearing filed February 12, 2009. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in New Hope Sugar Company and Okeelanta Corporation v. South Florida Water Management District, Petition for Administrative Hearing filed February 12, 2009. (Sheryl G. Wood, Ext. 6976)

This item has been removed from the agenda.

16. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, reported no action be taken at this time.

17. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations 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)

This item has been removed from the agenda.

18. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

This item has been removed from the agenda.

19. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2008) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

This item has been removed from the agenda.

20. **Adjourn**

Chair Buermann adjourned the meeting at 5:20 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