



**South Florida Water Management District
MINUTES
GOVERNING BOARD WORKSHOP**

This meeting is open to the public

November 8, 2006
2:00 PM
Ocean Reef Resort – North Ballroom
35 Ocean Reef Drive
Key Largo, FL 33037

Present:

**Miya Burt-Stewart
Bubba Wade
Len Lindahl
Michael Collins
Kevin McCarty, Chair
Irela Bague, Vice-Chair
Harkley Thornton
Alice Carlson
Nicolas Gutierrez**

1. Call to Order – Kevin McCarty, Chairman

Chair McCarty called the meeting to order at 2:15 pm.

**2. Approval of Minutes from the last month's Governing Board Meeting
(Agenda Minutes and Workshop Minutes)**

- Motion made by Michael Collins and seconded by Irela Bague to approve the Minutes. Vote called. Voting Yes: Bague, Burt-Stewart, Wade, Lindahl, Collins, McCarty, Thornton, and Carlson. Not present: Nicolas Gutierrez. Motion passed.

3. Water Resources Advisory Commission (WRAC) Update – Mike Collins, Chair

Mr. Collins reported on the WRAC Issues Workshop which was held on October 31, 2006. Mr. Collins provided information on the WRAC Priority Plan Update which was approved by WRAC on October 5, 2006. The WRAC Priority Plan is on the November Governing Board Consent Agenda (Item 31).

Mr. Collins asked the Governing Board to approve the following:

- Governing Board approval to appoint Mr. David Lithgow, Vice President, United Water Fowlers, to represent Public Interest Groups, to replace Mr. Rob Barton who resigned from WRAC. This appointment is for the remainder of Mr. Barton's term (April 2007).
- Request be made by the SFWMD to the U.S. Environmental Protection Agency, to extend the deadline by one month for comments regarding a proposed "Total Maximum Daily Load" (TMDL) for Lake Okeechobee Tributaries.

Mr. Lindahl requested Office of Counsel prepare a resolution for the November's Governing Board meeting to extend the deadline by one month for comments regarding the proposed TMDLs for Lake Okeechobee tributaries.

Mr. Collins provided the dates for future WRAC meetings.

4. Pull Items for Discussion from Governing Board Meeting Agenda

No items were pulled for Discussion.

Water Resources

5. Introduction: 2007 South Florida Environmental Report (SFER) - Chip Merriam, Deputy Executive Director, Water Resources

Chip Merriam, Deputy Executive Director, provided introductory information on the South Florida Environmental Report (SFER) and the objectives and the recommendations from the 2005 Peer Review Panel.

Peer Review Panel Findings and Recommendations on SFER Volume I - Jeffrey Jordan, Ph.D., Panel Chairperson, University of Georgia

Dr. Jeffrey Jordan, Panel Chairperson, University of Georgia, presented information on 2007 SFER Volume 1. Dr. Jordan said the Panel continues to be impressed with the effort describing a comprehensive water management program for the South Florida environment.

Mr. Collins asked how they are maintaining background information pertaining to contaminants.

Dr. Jordan provided information on this issue.

Dr. Jordan said a consistent and integrated format on water quality is needed. He explained that a broad overview of water quality status and trends rather than a focus only on standard violations is needed.

Mr. Collins requested Dr. Jordan make some recommendations on a standardized monitoring system that the District could utilize.

Mr. Lindahl provided comment on the previous panel and the integrated water quality monitoring standardizations.

Mr. Collins said the agency needs a way of reviewing all the monitoring stations and also a standardized methodology process to review these stations.

Chip Merriam, Deputy Executive Director, provided comment on the NPDS permits and standardized monitoring.

Mr. Olliff, Assistant Executive Director, reported on the number of projects coming on line over the next five years, the monitoring and modeling process, and the need to centralize the negotiation process.

Dr. Jordan reported on Environmental Education Outreach. The SFER would be an appropriate place to provide information about the outreach efforts of the District. Dr. Jordan provided a summary of Accountability Reviews, the summary of Integrated Reviews and the Summary of Technical Review.

Mr. Collins provided comment on the scientific review process.

Dr. Jordan provided the summary of the panel which was:

- Integrate water quality reporting across South Florida
- Develop a South Florida water monitoring strategy
- Establish a standardized monitoring network
- Focus on sulfur program
- Accelerate Phosphorus Management Program north of the Lake
- Document Sustainability of engineered system

- Clarify adaptive management in Kissimmee River and upper watershed and integrate with rest of Everglades system
- Highlight outreach and education

Mr. Collins thanked Dr. Jordan and colleagues for their efforts and the recommendation of outreach.

Mr. Lindahl also thanked Dr. Jordan and colleagues for their efforts.

Action Item:

- ~~6. Approve Modification of Environmental Resource Permit Application 060713-9 for construction and operation of a surface water management system and Water Use Permit Application 060810-5 for irrigation water use for 150 acres of landscape irrigation serving a 646.49 acre residential/commercial development known as Saturnia Falls (Collier County) (Robert M. Brown, ext. 6283)~~

Files:

~~[da_wr_106_sd.pdf](#)~~

This item will be considered on Thursday, November 9, 2006.

Action Item:

- ~~7. Approve entering into Consent Agreement with Ronto Development Parklands, Inc., and Parklands Limited Partnership, to resolve enforcement for the premature construction of a road (Collier County) (Robert M. Brown, ext. 6283)~~

Files:

~~[da_wr_105_sd.pdf](#)~~

This item will be considered on Thursday, November 9, 2006.

8. **Water Conditions Report** – Susan Sylvester, Deputy Department Director, Operations Control

Susan Sylvester, Deputy Department Director, Operations Control, provided an update on the District's rainfall and the climate outlook.

9. **Water Shortage Update and Implementation** – Terrie Bates, Assistant Deputy Executive Director.

a. Enter a Final Order imposing Phase I Moderate Water Shortage Restrictions for All Use Classes using Lake Okeechobee and Surface Water Hydraulically Connected to Lake Okeechobee within the Everglades Agricultural Area Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, Portions of the Indian Prairie Water Use Basin, and the St. Lucie River Water Use Basin

within Okeechobee, Glades, Palm Beach, Lee, Hendry, and Martin Counties.

b. Enter a Final Order imposing a Water Shortage Warning for All Use Classes of Surface Water and Biscayne Aquifer Water within the South Miami-Dade Water Use Basin, Water Conservation Area/Everglades National Park Water Use Basin, Water Conservation Area 3 Water Use Basin, Water Conservation Area 2 Water Use Basin, Water Conservation Area 1/C-51 Water Use Basin, M-Canal Water Use Basin, the C-18 Water Use Basin, Loxahatchee River Water Use Basin, the North Palm Beach County Water Use Basin, and the Interior Palm Beach County Water Use Basin, in order to provide notice to users of the potential for future water shortage cutbacks and request voluntary compliance with Phase I restrictions. (Monroe, Dade, Broward, Palm Beach Counties)

Terri Bates, Assistant Deputy Executive Director, presented information on the water shortage initial areas of concern which is: a) Lake Istokpoga and Northern Indian Prairie Basin, b) Lake Okeechobee Service Area and, c) the Lower East Coast.

Ms. Bates reported on water shortage planning and provided the names of staff that are on the Water Shortage Incident Command Team. Ms. Bates reported on the water shortage administration.

Ms. Bates reported on the factors that go into the water shortage declaration, the levels of restrictions, and the recommended action for the Lake Okeechobee Service Area. Ms. Bates provided information on the water shortage implementation.

Ms. Bates reported on the conservation campaign for the Lower East coast. Ms. Bates asked for Board consideration of the actions above.

Public Comment: Barbara Miedema, representing Sugar Cane Growers Cooperative, provided public comment on the Water Shortage Plan and reported on the 2000 drought.

Mr. Wade said staff was working on the Supply Side Management that would coincide with the new lower Lake Regulation Schedule. Mr. Wade said the rule has not been adopted because the schedule has been postponed. Staff continues to work within the constraints of the old rule.

Ms. Bague made comment on outreach in the Lower East Coast and working with the District Service Centers.

Mr. Lindahl requested these items be added to the November Governing Board agenda for a Governing Board vote.

10. **Update on Regional Water Availability Rulemaking** – Cecile Piverotto, Senior Attorney, Office of Counsel

This item was deleted off the Workshop Agenda.

Comprehensive Everglades Restoration Program (CERP)

11. **Acceler8 Update** - Tommy Strowd, Assistant Deputy Executive Director, CERP, Paul E. Dumars, Sr., Chief Financial Officer

Tommy Strowd, Assistant Deputy Executive Director, provided an Acceler8 update. He reported on the STAs update, and Acceler8 cost evolution to date. Mr. Strowd reported on minor change control issues. Mr. Strowd reported on the C-111 Spreader Canal Project Phase I and the stakeholders input.

Mr. Lindahl asked questions on constructability reviews.

Mr. Strowd provided additional comment on this issue.

Mr. Collins said staff is doing a very good job.

Paul E. Dumars, Chief Financial Officer, presented an update on the COPs issuance.

12. **Update on Herbert Hoover Dike** – Presented by Dennis Duke, US Army Corps of Engineers.

Dennis Duke, U.S. Army Corps of Engineers, presented information on the repair of the Herbert Hoover Dike. He reported on the Reach 1 Rehabilitation Schedule and the concept design for Reach 1.

Ms. Wehle reported on the range of costs and said she will be working with the State Legislature to get the initial appropriation for the land acquisition for the Herbert Hoover Dike. This will be done in a two-year phase.

Mr. Lindahl provided comment on the variable costs of construction.

Ms. Wehle said she will be briefing Congress and OMB to make sure they understand that it will not be the land acquisition that holds up the fix of the Herbert Hoover Dike.

Mr. Wade asked questions about the timeframe and costs for the repairs of the dike.

Mr. Duke provided additional information on this issue.

Mr. Duke also reported on Reaches 2 and 3. The schedule is to begin in 2008.

13. South Florida Ecosystem Restoration (SFER) Task Force 'Plan for Coordinating Science' - Prepared by the SFER Science Coordination Group, Presented by Rock Salt, Department of the Interior.

Rock Salt, Department of Interior, presented information on the South Florida Ecosystem Restoration (SFER) Task Force "Plan for Coordinating Science". He reported on the task force directive and the Final Draft Plan for Coordinating Science. The four major sections are:

- Science Needs & Gaps
- Information Sharing
- Quality Assurance
- Progress Tracking

Mr. Salt reported on the key recommendations, tracking process and updating the plan.

Mr. Collins provided comment on the costs of the Science projects Needs and Gaps. Mr. Collins stated the list is extremely problematic because it will create expectations and provides inappropriate levels of detail. Mr. Collins said if the list is included, he will make a recommendation to the Board to not support the plan.

Mr. Lindahl asked questions on the coordination entity and the expenditure of dollars.

Ms. Wehle reported there is no legal obligation to perform any of the science in the coordination plan. She also stated that once that plan is out there, there is an expectation that those scientific endeavors will be done. If those scientific endeavors will be done, the majority of that revenue would come from the South Florida Water Management District.

Mr. Lindahl provided additional comment on funding and said there needs to be further discussion pertaining to this. Mr. Lindahl also requested the names of those scientists on the Science Coordination Group.

Ms. Wehle reported on the budget for monitoring and CERP.

Mr. Lindahl provided comment on the list of expectations and the expenditures of tax dollars.

Ken Ammon, Deputy Executive Director, reported on the members of the Science Coordination Group. Mr. Ammon said they are primarily federal agencies with two representatives from the State level.

Mr. Salt said the expectation of the group was to give a reference document providing a broad analysis.

Mr. Collins said this was a massive overreach. It is problematic to have these expectations created as background to what the District is trying to accomplish.

Mr. Collins made a recommendation to staff to draft a resolution for November's Governing Board stating what the concerns are.

Ms. Wehle provided comment on the costs of the Everglades Restoration process.

14. "Bold" Decomp Plan - Presented by Dennis Duke, US Army Corps of Engineers.

Dennis Duke, U.S. Army Corps of Engineers, presented information on the Everglades Restoration Goal (WCA-3A Decentralization and Sheet flow Enhancement). He reported on the key issues which were:

- Impacts to natural resources
- Water management issues
- Recreation issues
- Air and Water Quality
- Design issues
- Interface with other projects
- Science and Adaptive Management
- Policy Issues

Mr. Collins provided comment on the allocation of water, water supply issues, cost issues, and Mod waters.

Mr. Collins made a recommendation for Board approval that staff prepare a letter that expresses the concerns of the Board regarding the process.

Mr. Wade reported on the Regulation Schedule.

Executive Office

15. Report on House Bill 1123 - Garrett Wallace

This item was deleted off the Workshop Agenda.

Closed Door Session

16. 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

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 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

This item was postponed until the November Governing Board Meeting.

17. 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

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 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

This item was postponed until the November Governing Board Meeting.

- 18.** 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

This item was postponed until the November Governing Board Meeting.

19. Adjourn

Chair McCarty adjourned the meeting at 5:20 pm.

Kevin McCarty
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD