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## South Florida Water Management District

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### MINUTES GOVERNING BOARD WORKSHOP

November 14, 2007

1:00 PM

Key Largo Bay Marriott Beach Resort  
The Largo Key Conference Center  
103800 Overseas Highway  
Key Largo, FL 33037

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

Vice Chair Gutiérrez called the meeting to order at 1:07 pm.

Chair Buermann attended via teleconference.

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

Ms. Estenoz lead the group in the Pledge of Allegiance.

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

Approval of the Workshop Minutes for October 10, 2007, and Business Meeting Minutes for October 11, 2007, held in West Palm Beach, Florida.

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

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

**4. Agenda Addendum**

Annette Carter, Director, Governing Board & Executive Services, stated there were no changes to the agenda.

**5. Abstentions by Board Members from items on the Agenda**

There were no abstentions from Board members.

**6. Pull Items for Discussion from Governing Board Meeting Agenda**

Mr. Dauray pulled Regulatory Consent Agenda Item 8, Page 3, #7, Parklands Collier, Application Number 061221-5; Regulatory Consent Agenda Item 8, Page 3 #8, Parklands Collier, Application 060522-3. Mr. Buermann also requested these two permits be pulled for discussion.

Ms. Meeker pulled Agenda Item 28 and Item 29 from the Consent Agenda to the Discussion Agenda.

Vice Chair Gutiérrez recognized Jose Fuentes, former Miami-Dade Service Center Director for his service and dedication to the South Florida Water Management District.

**7. Water Resource Advisory Commission (WRAC) Report - Michael Collins, Chair**

Mr. Collins provided the monthly report on the Water Resource Advisory Commission activities. Mr. Collins reported on the WRAC action items and asked for Board approval of the WRAC report.

Motion made by Shannon Estenoz, seconded by Patrick Rooney to Approve the following item(s): 7

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

**Water Resources**

**8. Introduction: 2008 South Florida Environmental Report (SFER) - Chip Merriam, Deputy Executive Director, Water Resources**

**Peer Review Panel Findings and Recommendations on SFER Volume 1 - Jeffrey Jordan, Ph.D., Panel Chairperson, University of Georgia**

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the overall objectives of the 2008 SFER -Volume 1 Report.

Mr. Merriam reported on the responses to last year's panel recommendations and the Peer Review Process.

Dr. Jeffrey Jordan, Panel Chair, University of Georgia, provided information on the Peer Review's findings and recommendations. Dr. Jordan reported the panel is impressed with the effort describing a Comprehensive Environmental Management Program for the South Florida environment.

Dr. Jordan provided comment on the strategic plan document and program strategies that make up the core of the District's vision. Dr. Jordan said the decision-makers and stakeholders need a greater role in research planning.

Dr. Jordan also said the panel recommends attention be paid to maintaining a strong link between the northern and southern regions.

Mr. Collins commented on science and policy issues.

Dr. Jordan provided background information on the technical review process of Everglades Restoration.

Public Comment: Julie Hill representing Audubon of Florida, commented on the District's budget requests for Save our Everglades and the Northern Everglades program.

**9. Overview of 2006-2007 Drought Management Actions, Water Conditions, and Planning for 2008** - Carol Wehle, Executive Director, and Terrie Bates, Assistant Deputy Executive Director, Water Resources

Carol Wehle, Executive Director, provided information on the Nationwide drought conditions for 2006/2007. Ms. Wehle reported on the District's two-year rainfall deficit.

Terrie Bates, Assistant Deputy Executive Director, presented information on the water shortage emergency actions, Lake Okeechobee's water levels since October 2006, and the temporary forward pumps procured for further emergency use for Lake Okeechobee. Ms. Bates reported on the extensive public outreach efforts and the District's emergency operations center which was fully activated during the water shortage.

Ms. Bates reported on the controlled burns on Lake Okeechobee and the muck removal projects.

Ms. Wehle reported on the lawn watering restrictions and stated Lake Okeechobee is 1.31 ft. lower than the previous recorded low.

Ms. Wehle reported on the long-term drought outlook. Ms. Wehle reported on the transition to dry season operations which includes: close coastal structures; strategic operations to conserve water in regional systems; finalize extension of deviations from regulation schedules with the USACE (water conservation areas 1 & 2 and Lake Istokpoga); temporary pump retrofits; evaluating floating pumps; planning for additional environmental enhancement projects; water conservation messaging (Water Conservation Summit); and increasing water restrictions.

Ms. Estenoz asked about the deviation on Water Conservation Area 1.

Mr. Merriam provided additional information on the deviation requests for Water Conservation Area 1.

Ms. Estenoz provided comment on water conservation and public outreach. Ms. Estenoz encouraged communication with local officials, utilities and media regarding water conservation.

Mr. Wade commended staff on their hard work during this water shortage. He reported on the water shortage and the agricultural industry.

Mr. Dauray provided comment on enforcement issues regarding the water shortage, public outreach and shared adversity.

Mr. Buermann asked about the timelines for the pumps on the barges.

Terrie Bates said there will be a report in December regarding costs and feasibility for the floating pump options.

Ms. Wehle said the District has reached out to meteorologists with the Weather Channel regarding the drought and water conservation.

Public Comment: Jim Spratt, representing the Florida Nursery, Growers & Landscape Association, commented on the economic impacts to the landscaping industry and water conservation messages to consumers.

Public Comment: Patrick Hayes, representing the Loxahatchee River Coalition, commented on the drought, lack of water storage, MFLs and Reservations.

### **Everglades Restoration Resources**

- 10. Everglades Restoration Update** - Tommy Strowd, Assistant Deputy Executive Director, and Tom Teets, Program Implementation Manager, Everglades Restoration

Tommy Strowd, Assistant Deputy Executive Director, provided information on the EAA A1 reservoir. Mr. Strowd reported on the Builder's Risk Insurance Policy for the EAA project. Mr. Strowd reported on the comparison of the proposed coverage.

Staff estimates reasonable coverage will cost \$8 million with a \$2.5 million deductible per occurrence.

Joe Demaria, TEW Cardenas, reported on the Builder's Risk Insurance Policy and recommends the District keep catastrophic insurance in place. Mr. Demaria also reported on the reduction of theft and fire insurance and managing the contract.

Mr. Strowd reported on the passage of WRDA 2007, the Northern Everglades Initiative, and the Village of Wellington, and an update on ACME Basin B.

Mr. Collins asked about the appropriations for Everglades Restoration and the sequence of projects.

Mr. Ammon provided additional information regarding WRDA 2007 and appropriations for Northern Everglades projects.

Ms. Wehle said that at the December Worskhop, staff will follow-up with a 10-year prospective on the funding sources and status of each one of the projects.

Dennis Duke reported on WRDA 2007, and said the USACE's budget request will be released in February regarding projects and appropriations.

Ms. Meeker provided comment on the importance of supporting land acquisitions.

Mr. Collins reported on policy issues.

Ms. Meeker provided comment on discharges to tide in the North Fork/St. Lucie River, the capturing of that water, and the protection of the St. Lucie Estuary.

The meeting was temporarily recessed.

Public comment: Julie Hill, representing Audubon of Florida, praised the Northern Everglades Team.

### **Executive Office**

11. **Overview of Chapter 373, Florida Statute, Water Resources** (Part I of Multi-part Series) - Sheryl Wood, General Counsel, and Sarah Nall, Deputy General Counsel, Office of Counsel

This item was postponed.

12. **District Accomplishments and Vital Signs Report** - Carol Wehle, Executive Director

This item was postponed.

### **Executive Office**

13. 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

Vice Chair Gutiérrez announced that the Governing Board would adjourn to Closed Door Session at 4:35 pm. The meeting would reconvene in approximately 1 hour. Vice Chair Gutiérrez reconvened the meeting at 5:32 pm.

Sheryl Wood, General Counsel, announced that no action will be taken at this time.

14. 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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Ms. Wood announced this item was canceled.

15. 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

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Ms. Wood announced this item was canceled.

**16. Adjourn**

Vice Chair Gutiérrez adjourned the meeting at 5:36 pm.

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Nicolás Gutiérrez  
Vice-Chairman  
South Florida Water Management District Governing Board

Recorded By:

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Cathy Widness  
Administrative Assistant Senior  
Governing Board and Executive Services  
SFWMD