



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

June 11, 2009

10:00 AM

Edison State College - Conference Center, Bldg J
7007 Lely Cultural Parkway
Naples, Florida 34113

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Melissa Meeker

Jerry Montgomery

Patrick Rooney

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

Chair Buermann called the meeting to order 10:00 am.

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

Charles Dauray led the group in the Pledge of Allegiance.

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

Annette Carter, Director, Office of Governing Board & Executive Services read into the record:

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer. Based upon that authority, the Chairman has determined that good cause exists to make certain changes to the Agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed. These changes have been listed in the Governing Board Addendum available at the entrance to this meeting room.

Ms. Carter also read into the record the additions to Discussion Agenda Item 37. They were as follows:

C) Enter an Order Rescinding Order Nos. 2009-103-DAO-WS and 2009-140-DAO-WS, which imposed Emergency Modified Phase I Water Shortage Restrictions for Specified Uses Withdrawing Water from Surface and Groundwater Sources within the Portion of the South Dade Water Use Basin located within Miami-Dade County.

D) Enter an Order Rescinding Order No. 2009-104-DAO-WS, which imposed Modified Phase II Severe Water Shortage Restrictions as to Specified Uses, and Imposing Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from the Surficial and Sandstone Aquifers Within Portions of the Caloosahatchee River Watershed-South Water Use Basin.

E) Enter an Order Rescinding Order No. 2009-106-DAO-WS, which imposed Modified Phase III Extreme Water Shortage Restrictions as to Specified Uses, and Imposing Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from Surface Waters and Groundwater Within those Portions of the South Dade Water Use Basin Located Within Miami-Dade and Monroe Counties.

4. Welcome & Introductions - Charles Dauray, Governing Board Member representing Lee, Collier, Hendry and Charlotte counties

Mr. Dauray welcomed the Governing Board to Naples. He reported on the Tour of Naples Bay which was held on June 10, 2009. Mr. Dauray recognized Stanley Hole, a former Governing Board member and Chair, who was from Collier County and passed away recently; and Mary Ellen Hawkins, Former Big Cypress Basin Chair and Florida State Representative.

5. Abstentions by Board Members from items on the Agenda

Ms. Estenoz abstained from Discussion Agenda Items 45 and reiterated her disclosure on Cutler Properties (Discussion Agenda Item 38) which has been on the agenda for several months.

6. South Florida Water Management District's 60th Anniversary: Focus on the 1980s - George Horne, Deputy Executive Director, Operations & Maintenance

This Agenda item was deferred.

7. Water Resource Advisory Commission (WRAC) Report - Shannon Estenoz, Chair

Ms. Estenoz introduced Pete Quasius, Audubon, Collier/Southwest Florida, and WRAC member.

Mr. Quasius reported on the WRAC meeting which was held in Long Key Nature Center, Davie, Florida on June 4th, 2009.

Mr. Quasius reported on WRAC's action item: WRAC agreed to host Issues Workshops on "adaptive protocols" and water supply issues in the Lake Okeechobee Service Area.

Ms. Estenoz provided clarification on the adaptive protocol process.

Ms. Meeker requested the Lake Okeechobee sub-committee be informed of this process.

8. 2009-600 Audit & Finance Committee Report - Charles Dauray, Chair

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year contract with an option to renew for 2 additional years with Ernst & Young, L.L.P., subject to successful negotiations, for Annual Independent Financial Audit Services, in an amount not-to-exceed \$1,008,736, of which Ad Valorem funds in the amount of \$50,000 are budgeted, and the remainder is subject to Governing Board approval of the FY 2010 FY2014 budgets; providing that if negotiations are unsuccessful with Ernst & Young, L.L.P., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (RFP Number 6000000243) (Tim Beirnes, ext. 2398)

Mr. Dauray reported on the Audit & Finance Committee meeting which was held on June 10, 2009.

The Committee accepted an audit of the Administration of Wireless Communication Devices and an audit of the District's Procurement Card Program and Mr. Dauray requested Board approval on these audits.

Motion made by Jerry Montgomery, seconded by Patrick Rooney, to approve the audit of the Administration of Wireless Communication Devices and an audit of the District's Procurement Card Program. Vote called. Voting yes. Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Michael Collins, Melissa Meeker. Motion passed.

Mr. Dauray also reported on the District's next independent annual financial audit contract. The amended resolution is as follows:

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year contract with an option to renew for 2 additional years with Ernst & Young, L.L.P., Subject to successful negotiations, for Annual Independent Financial Audits, in an amount not-to-exceed \$787,080 of which Ad Valorem funds in the amount of \$50,000 are budgeted, and the remainder is subject to Governing Board approval of the FY 2010 - FY2014 budgets; providing that if negotiations are unsuccessful with Ernst & Young, L.L.P., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (RFP NUMBER 6000000243.

Motion made by Jerry Montgomery, seconded by Pat Rooney, to approve the amended resolution. Vote called. Voting yes. Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Michael Collins, Melissa Meeker. Motion passed.

Mr. Dauray also reported on the proposed changes to the District's Audit and Finance Committee Charter and the Internal Audit Charter. Resolutions to approve these changes will be presented to the Governing Board in July.

Consent Agenda

9. Public Comment on Consent Agenda

Public Comment: Kevin Thomas, Orangebrook Estates, requested a one-year extension for Agenda Item 18.

Ruth Clements reported staff's recommendation to approve the extension.

10. Pull Items for Discussion from Consent Agenda

Chair Buermann pulled, at the Governing Board Workshop on June 10th, Consent Agenda Item 20 for discussion.

11. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Regulatory Matters

12. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Seminole Tribe Work Plans

Enforcement Actions

Page 3 No 1 Duda Moore Haven Bronson (WU): **Postponed** to July

Page 4 No 1 Big Valley Farm (WU): **Postponed** to August

Page 7 No 1 BSA Camp Tanah Keeta (ERP): **Postponed** to July

Page 7 No 2 Clay Island Farms (ERP): **Postponed** to July

Page 7 No 4 Port Mayaca Plantation (WU): **Postponed** to July

Page 11 No 4 Cypress Land Section 35 Farm (WU): **Postponed** to July

Page 12 No 5 Duda/Belle Glade Prudential (WU): **Postponed** to July

Page 12 No 6 Duda/Belle Glade Gressinger (WU): **Postponed** to July

Page 12 No 7 Duda/Belle Glade Knight Land (WU): **Postponed** to July

Page 12 No 8 Duda/Belle Glade Rutledge (WU): **Postponed** to July

Page 13 No 9 Duda/Belle Glade State Land (WU): **Postponed** to July

Page 15 No 17 Pro Veg Farm (WU): **Postponed to July**

Page 16 No 23 Vinegar Bend Farms (WU): **Postponed** to July

Page 22 NO 2 Villages of Lehigh Lakes (WU): **Withdrawn**

13. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Consent Agreements

Water Resources

- 14.** Authorize publication of a Notice of Rulemaking in the Florida Administrative Weekly (FAW) to amend Rule 40E-1.607, F.A.C., in accordance with Section 373.109, F.S., and the delegation in FDEP Rule 62-113, F.A.C. More specifically, this rulemaking will adjust the Districts environmental resource permit application processing fees to reflect the upward adjustments to fees based on the Consumer Price Index compiled by the United States Department of Labor (CPI) since the fees were last adopted or adjusted; reflect new categories of fees authorized pursuant to Section 373.109(b)-(d), Fla. Stat.; and adjust the fees of certain permit types to recover a higher percentage of the costs of processing, monitoring, and inspecting for compliance. The Districts fees were last adjusted in 1999 (Robert M. Brown, ext 6283)

- 16.** Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District

Everglades Restoration

- 17. 2009-601** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6836)

- 18. 2009-602** A Resolution of the Governing Board of the South Florida Water Management District to approve releasing road easement interests containing 0.90 acres, more or less, to the underlying fee owner, located within Orangebrook Estates (n/k/a Valencia Landings) Subdivision, in Section 1, Township 43 South, Range 28 East and in Section 6, Township 43 South, Range 29 East, Hendry County, subject to satisfaction of certain terms, conditions and requirements, including conveyance of a replacement easement to the District; repealing Resolution 2007-716; providing an effective date. (Linda Schindeler, ext. 6838)

19. **2009-603** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 0.95 acre, more or less, for the Herbert Hoover Dike Rehabilitation Project, in Palm Beach County, in the amount of \$24,350, and associated costs in the amount of \$1,000 and approve a budget transfer of ad valorem funds (Capital Projects - Okeechobee Basin) from C-111 / Modified Waters CERP Project to Herbert Hoover Dike Rehabilitation Program; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bruce Hall, ext. 6541)
21. **2009-605** A Resolution of the Governing Board of the South Florida Water Management District declaring as surplus, land interests in Palm Beach County, Florida, consisting of a temporary construction easement and permanent water pipeline easement, each containing approximately 3.3 acres, and authorizing the development and execution of an agreement for the conveyance of such land interests to Palm Beach County; providing an effective date. (Ruth Clements, ext. 6271)

Executive Office

22. **2009-606** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2008-2009 budget as shown on the attachment hereto; providing an effective date. (Doug Bergstrom, x6214)
23. **2009-607** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2008-2009 Budget; providing an effective date. (Project Sponsor: Doug Bergstrom, x6214)
24. **2009-608** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Jack A. Freeman, Real Value Properties, Inc., Brian Scott Holdings, Inc., Jeffrey B. Freeman, Trustee, and any other appropriate or necessary parties, in Lee County Circuit Court or other appropriate forum, regarding the property located in Sections 13 and 24, Township 45 South, Range 26 East, Lee County, Florida. (Alison Kelly, Ext. 2977)

Government and Public Affairs

25. **2009-609** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Purchase Order 4500005414, for a cost-share agreement with the St. Johns River Water Management District, as a special procurement, for assistance in securing funding for water resource projects from the U.S. Department of Agriculture from June 1, 2009 through September 30, 2009 in the amount of \$17,000, for a total of \$166,920 since 2006, for which ad valorem funds are budgeted in FY09, providing an effective date. (Ernie Barnett, ext. 2110)

26. **2009-610** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 month Memorandum of Understanding with the Village of Royal Palm Beach, Florida for stormwater improvements within the city limits in the amount of \$500,000 of State appropriated funding through a budget transfer from Managerial Reserves to the Palm Beach County Service Center, providing an effective date. (Contract Number #4600001828) (Kimberley Koptak, ext.6163)

Corporate Resources

27. **2009-611** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year contract, with two one-year renewal options, with U.S. Imaging Solutions, subject to successful negotiations, for multi-function printer/copier devices in an amount not-to-exceed \$980,000 of which \$50,000 FY09 ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY10 and FY11 budgets; providing that, if negotiations are unsuccessful with U.S. Imaging Solutions, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated, providing an effective date. (Contract Number 4600001823)(Joe Weber, ext. 6074)

Operations and Maintenance

28. **2009-612** A Resolution of the Governing Board of the South Florida Water Management District to authorize the previously approved contract C-11951 / 360000024 with Telvent USA, Incorporated for the installation and long-term support of the Water Management SCADA (Supervisory Control and Data Acquisition) to be split into two (2) contracts such that the original contract will be amended to reduce funding by \$3,793,587.51 with the remaining funding used for on-going software maintenance services and a second contract 4600001798 to be executed pursuant to a Waiver of Competition, as an exception to the General Standards of Competition, which will be used for work orders issued on an as-needed basis to perform supplemental SCADA programming and installation services through June 15, 2015, in an amount not-to-exceed \$3,793,587.51 for which ad valorem funds of \$587,000 are subject to Governing Board approval of the FY10 budget and the remainder is subject to Governing Board approval of the FY11 -FY15 budgets; providing an effective date. (Contract Number 4600001798) (Bill Roettgen, ext. 2295)
29. **2009-613** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish vacant undesignated lands consisting of approximately 230 acres in the L-31 North Project, Miami-Dade County and approximately 1100 acres in the C-23 / C-24 Reservoir Project, St. Lucie County, as small game hunting areas for the 2009-2010 hunting season and manage small game hunting on such lands, subject to Terms and Conditions; providing an effective date. (Steve Coughlin, ext. 2603)

30. **Board Vote on Consent Agenda**

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29

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

Workshop Agenda

Water Resources

31. Local Governmental Officials - Introduction by Clarence Tears, Director, Big Cypress Basin (BCB) Service Center

- Mary Ellen Hawkins, Former BCB Chair and State Representative
- Leo Ochs, Assistant County Manager, Collier County
- Bill Moss, City Manager, City of Naples
- A. Rony Joel, Public Works Director, City of Marco Island
- Sammy Hamilton, Mayor, Everglades City

Clarence Tears, Director, Big Cypress Basin (BCB) Service Center, introduced Mary Ellen Hawkins, Former BCB Chair and State Representative.

Ms. Hawkins welcomed the Governing Board to Collier County. She provided a history of the Central and Southern Flood Control Districts, legislation which created the five water management districts, and how Collier County became part of the SFWMD.

Norm Feder, Collier County, reported on the Freedom Park project located in Collier County. Mr. Feder reported on the work still in progress with this project: Lake Excavation for Water Treatment, removal of exotic plants, and installation of stormwater structures.

Bill Moss, City Manager, City of Naples, welcomed the Board and thanked them for touring Naples Bay. He reported on the 10- year Stormwater Master Plan and the existing stormwater grant projects.

A. Rony Joel, Public Works Director, City of Marco Island, provided information on funding projects by the District for the City of Marco Island. Those projects include: the septic tank replacement program, stormwater/drainage improvements and alternative water supply.

32. Wings of Hope, "Panther Posse" Project - Clarence Tears to introduce Ricky Pires, Florida Gulf Coast University

Ricky Pires, Florida Gulf Coast University, reported on the Wings of Hope Panther Posse Project. She presented Carol Wehle, Phil Flood, Clarence Tears and Charles Dauray a copy of "Water the Umbrella Resource" poster.

Mr. Dauray commented on the importance of students being the educational component for future environmental needs. He thanked Ricky for her hard work on this effort.

33. Southwest Florida Water Quality Initiatives Update - Damon Meiers, Director, Stormwater Improvement Division, Water Resources (Ext 6876), Kevin Carter, Senior Technical Program Specialist, Water Resources (Ext. 6949)

Kevin Carter, Senior Technical Program Specialist, reported on Surface Water Quality Initiatives in southwest Florida. He reported on Florida's Total Maximum Daily Loads (TMDLs) process.

Damon Meiers, Director, Stormwater Improvement Division, presented information on the Statewide Stormwater Rule which addresses water quality treatment requirements ensuring new developments will not impair non-impaired waterbodies. Mr. Meiers reported on the stakeholder's workshops being conducted and their concerns. Mr. Meiers also reported on the Southwest Florida Basin Rule initiative.

Mr. Collins provided background information pertaining to the policy decisions and the existing rule.

Ms. Meeker provided comment on the Basin Management Action Plan (BMAP) process and the development of the Basin Rule.

Ms. Wehle provided comment on the BMAP process.

Janet Llewellyn, Director, Water Resources, Florida Department of Environmental Protection (FDEP), provided FDEP's perspective on the Statewide Stormwater Rule. FDEP is the lead agency for TMDLs and has established a 5-phase process in five rotating basins.

Ms. Llewellyn provided background information on the Environmental Resource Permitting (ERP) Program. She then reported on the Stormwater Treatment Rule for new development and reported the rule will be adopted in July 2010.

Ms. Meeker provided comment on the Basin Rule Development, the Statewide Stormwater Rule and legislative enhancements for both rules.

Ms. Llewellyn explained the legislation enhancements needed for the Basin Rule.

Mr. Merriam provided additional information pertaining to the Statewide Stormwater Rule and reviewing ways to implement a Basin Rule.

Ms. Estenoz asked about the Statewide Rule and the differences in specific waterbodies.

Ms. Llewellyn reported the rule specifically accounts for different soil types, various vegetation cover types and rainfall pattern in the various regions.

Ms. Estenoz expressed concerns about the Statewide Stormwater Rule being delayed.

Ms. Llewellyn provided comment on the scientific evidence to defend legal challenges.

Ms. Wehle provided information on the changed criteria.

Public Comment: Mick Denham, Mayor, Sanibel, supports the Southwest Florida Basin Rule, stating we must go forward for water quality issues.

Public Comment: Brad Correll, Collier Audubon Society, supports the Southwest Florida Basin Rule for stormwater.

Public Comment: Jennifer Hecker, Conservancy of Southwest Florida, supports the Southwest Florida Basin Rule.

Public Comment: Jack Meeker, Estero citizen, has concerns about the quality and quantity of water emptying into Estero Bay.

Public Comment: Pete Qausus, Audubon, supports moving forward with the Southwest Florida Basin Rule.

Public Comment: Rae Ann Wessel, citizen, supports moving forward with the Southwest Florida Basin Rule.

Ms. Wehle said they will Workshop the Southwest Florida Basin Rule in July for further discussion with the Board.

Ms. Meeker requested the rule be targeted for the South Florida region.

Mr. Dauray commented on the need to address water quality issues in southwest Florida.

34. South Lee County Watershed Plan Update - Damon Meiers, Director, Stormwater Improvement Division, Water Resources (Ext. 6876)

Damon Meiers, Director, Stormwater Improvement District, presented a status report of the South Lee County Watershed Plan. He provided the history of past floodings in the area and also reported on comments made by stakeholders regarding the draft report. Mr. Meiers stated the timeframe will be extended to review these comments and conduct an internal analysis. Mr. Meiers also reported a revised model will be done to incorporate topographic information and any other appropriate changes from comments.

Ms. Wehle commented on the status report and said staff will remain engaged with Lee County pertaining to this study.

Mr. Dauray provided comment on development in a watershed, flooding issues in the area, and the challenges of dispersing the water. He commented on local communities collaborating on this issue.

Ms. Meeker provided comment on reviewing the study for the culverts, scientific backup, and flooding issues.

Public Comment: Ray Judah, Commissioner, Lee County, thanked the Board for the purchase of the USSC land for improvements in storage and treatment of stormwater runoff and discharges from Lake Okeechobee. He supports the additional data being collected for additional modeling work. Commissioner Judah reported on the local communities working together for a resolution of dispersing this water.

Public Comment: Council Woman Martha Simons, City of Bonita Springs, thanked the Board for funding this study.

Public Comment: Mayor Ben Nelson, City of Bonita Springs, supports the Governing Board and staff for continuing the study of the scientific facts. He provided, for the record, signed petitions supporting this study.

Public Comment: Jerry Flanders, Worthington Country Club, supported Mayor Nelson comments and the continuation of the study.

Public Comment: Brad Cornell, Collier Audubon, cautioned the Board to prioritize projects and emphasized the natural way to disperse water - wetlands.

Public Comment: Mary Copeland, Hunters Ridge Golf Club, appreciated the comments from the Board. She reported on the floods in Bonita Springs. She requested the Board listen to the local communities so their investments are protected.

Public Comment: Phil Douglas, Brooks Lighthouse Bay, supports staffs recommendation. He commended the District for conducting the study and supports the continuation of this study.

Public Comment: Ed Fitzgerald, Worthington Country Club, commented on the past floods in his community of Bonita Springs.

Public Comment: Bill Hillemeier, Brooks Concerned Citizens, commented on the past flooding in Bonita Springs and supports the update of the new study. He doesnt think the culverts will help the flooding in this area.

Public Comment: Andrew McElwaine, Conservancy of Southwest Florida, supports staffs recommendation to continue the study with additional scientific analysis.

Public Comment: Jack Meeker, citizen, thanked the Board and staff for the continuation of this study. He said true honest science will drive this study.

Public Comment: Jim Merritt, Brooks Concerned Citizen, commented that science dictates good common sense and supports the study.

Mr. Meiers provided clarification of the next phase of the study.

Ms. Wehle stated a recommendation regarding the flooding will be presented to the Board in July after the technical staff reviews all the issues.

35. **2009-614 A. Overview of Senate Bill 2080** - Ernie Barnett, Director, Legislative Affairs, Government and Public Affairs Department , (Ext 2110)

B. Proposed Implementation for Delegation of Regulatory authorization to Executive Director - Robert M. Brown, Director, Environmental Resource Regulation Department, (Ext 6283)

C. A Resolution of the Governing Board of the South Florida Water Management District amending Section 101-41 of the District Policies Code relating to agency administration; delegating the authority to issue certain permits to the Executive Director consistent with the 2009 Amendments to Chapter 373, Florida Statutes, provided it becomes law; providing that the Executive Director may execute this authority through designated staff; providing for inclusion in the District Policies Code; acknowledging that these amendments and delegation supersede certain existing District rules relating to the same subject; providing for severability; providing that this Resolution shall be null and void should the amendments be vetoed by the Governor; providing an effective date. (Robert Brown, Ext. 6283)

Ernie Barnett, Director, Legislative Affairs, presented an overview of Senate Bill 2080 which included: West Central Florida Water Restoration Action Plan, Florida-Friendly Landscapes, and Water Management District Sunset Review. One of the elements under WMD Sunset Review, requires WMD Boards to delegate authority to approve consumptive or environmental resource permits to the Executive Director.

Robert M. Brown, Director, Environmental Resource Regulation Department, reported on the four types of Environmental Resource Permits and the two types of Consumptive Use Permits.

Mr. Brown reported approximately 90 percent of all permits are issued at staff level.

Mr. Brown then provided information regarding the District's permit website and also provided an overview of ePermitting.

Mr. Brown reported on the enhancing public involvement and communication:

- List of applications received will be posted weekly on District website and ePermitting
 - List of completed applications will be posted weekly on District website and ePermitting
 - Each permit action will be posted on ePermitting
 - Routine items
- Notice of Rights will be mailed out with the permit (similar to process for General Permits currently in place)

Mr. Brown then reported on those permits which may have heightened public concern:

- Separate process will be implemented for those projects determined to be of heightened concern or where there is the likelihood of a request for an administrative hearing (40E-1.5095)
- Examples would include, but not limited to:
20 year permits for public utilities; applications within or adjacent to a CERP project; Projects that have generated significant interest from third party interests.
- When application is deemed complete: Legal ad placed in newspaper; Information posted on District website and ePermitting.
- Notice of Rights and Draft Staff Report will be mailed out at least 21 days prior to permit issue date.
- Third party interests will have the opportunity to meet with the Executive Director (or Designee), Environmental Resource Regulation Department Director, Water Supply Department Director or other appropriate staff prior to permit action at a regularly scheduled monthly meeting.
- If approved by the Executive Director, permit and final staff report will be mailed out.
- Recommendation for denial taken to Governing Board

Sheryl Wood, General Counsel, reported on legislative intent.

Chair Buermann stated he would not delegate any more than the clear language that may be codified into law.

Ms. Wehle commented on the process being consistent with the five Water Management Districts.

Ms. Estenoz commented on ERPs and CUPs and giving staff general policy guidance if the bill is passed. She also commented on having a public meeting for public participation.

Ms. Wehle commented on the recommendation for the public process of the ERPs and CUPs.

Ms. Meeker provided comment on holding public meetings for public comment on permit applications.

Ms. Estenoz commented on the one-day a month meeting vs. meeting separately with third party interests.

Susan Martin, Attorney, reported on the administrative law procedures for permit challenges.

There was further Board discussion on the legislative intent and the language in the bill.

Ms. Wood commented that the statute says "or". She recommended waiting until a) the bill gets approved, and b) if the Governor gives direction on this matter.

There was further Board discussion on the delegation authority for the Environmental Resource permits or the Consumptive Use permits and the legislative intent "and/or".

Mr. Barnett then provided his opinion on the original legislation that was modified.

Ms. Wehle reported no Consumptive Use Permits would be executed until the July Governing Board.

Mr. Montgomery requested, if there is no clarification for legislative intent, he would like a full discussion in July with staff's recommendations regarding this issue.

Chair Buermann asked for General Counsel's opinion.

Ms. Wood recommended to accept staff's resolution and 1) wait to see if the bill is signed or vetoed and 2) get guidance from the Governor's office.

Public Comment: Beth Kibler, citizen, Palmetto Bay, thanked the Board for their discussions on this matter and commented on the importance of public process for ERPs.

Public Comment: Lara Reynolds, Tropical Audubon, requests a public process if SB2080 is passed.

Ms. Meeker made a motion to accept staff's recommendation and approve the resolution, in anticipation of SB2080, and revise the resolution in July if necessary, after clarification from the Governor's Office on legislative intent. Vote called. Voting yes: Eric Buermann, Charles Dauray, Melissa Meeker, Shannon Estenoz, Jerry Montgomery, and Patrick Rooney. Not present: Michael Collins. Motion passed.

Mr. Montgomery reported on the extensive information that is posted on the website for public participation.

Everglades Restoration

36. Everglades Restoration Update - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration (Ext. 6998)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, introduced Colonel Paul Grosskruger, Army Corps. of Engineers.

Colonel Grosskruger reported on the integrated Delivery Schedule through 2020. He thanked Ms. Wehle and staff for the working relationship between the USACE and the District. Colonel Grosskruger reported on the ARRA (Stimulus) Funding and the SF program ARRA construction funding. Colonel Grosskruger also reported on FY10 Corps budget summary.

Chair Buermann thanked Col. Grosskruger for his friendship and partnership with the District. Chair Buermann said that Col. Grosskruger has made a significant contribution to public works and environmental restoration during his 3-year tenure as District Commander.

Chair Buermann read into the record a letter from Governor Charlie Crist to Col. Grosskruger and presented a plaque, a framed picture, and a Proclamation to the Colonel.

Ms. Wehle and Ms. Estenoz also expressed their gratitude to the Colonel for his partnership to the District.

Commissioner Ray Judah, Lee County, also thanked Colonel Grosskruger for his career as a public servant and a great leader. He read into the record a resolution from Lee County.

Commissioner Judah also thanked the Board and staff with ongoing efforts with Lee County for the Caloosahatchee Reservation Rulemaking.

Public Comment: Rae Ann Wessel, Rae Ann Wessel, citizen, commented on the importance of the Caloosahatchee Reservation.

Ms. Estenoz requested two items be addressed with the Board:

- 1) Reservations and the implementation timeframe of each.
- 2) A discussion of the Lake Okeechobee Service Area (LOSA) Rule.

Ms. Wehle said they will bring to the Board discussions on MFLs, reservations and how are we using them, LOSA, and the law and rules governing consumptive use permits and what flexibility the Board does and does not have.

Ms. Meeker commented on reservations and building projects.

Mr. Collins commented on WRDA, building projects and reserving water for the natural resources.

Ms. Wehle said these issues will be brought to the Board for discussion in August.

Discussion Agenda

Water Resources

37. Water Shortage Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions (Peter Kwiatkowski, Ext. 2547)

A) Enter Final Order Concurring with the Executive Director's Order rescinding Order No. 2009-108-DAO-WS as to Specifically-Identified Permittees Within the Lower East Coast Region, Including the Loxahatchee Water Use Basin, C-18 Water Use Basin, Interior Palm Beach County Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area 1/West Palm Beach Canal Water Use Basin and Water Conservation Area 2 Water Use Basin, within Palm Beach and Broward Counties

B) Enter a Final Order Concurring with the Executive Directors Modification of Declaration of Emergency Modified Phase I Water Shortage Restrictions, Modifying Order No. 2009-103-DAO-WS. (Concurrence with Order No. 2009-140-DAO-WS).

No presentation provided by staff.

Motion made by Melissa Meeker, seconded by Michael Collins, to approve Agenda Item 37 (A). Vote called. Voting yes. Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

Motion made by Michael Collins, seconded by Shannon Estenoz, to approve Agenda Item 37 (B). Vote called. Voting yes. Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

37 (C) Enter an Order Rescinding Order Nos. 2009-103-DAO-WS and 2009-140-DAO-WS, which imposed Emergency Modified Phase I Water Shortage Restrictions for Specified Uses Withdrawing Water from Surface and Groundwater Sources within the Portion of the South Dade Water Use Basin located within Miami-Dade County.

Motion made by Shannon Estenoz, seconded by Michael Collins, to approve Agenda Item 37 (C). Vote called. Voting yes. Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

37 (D) Enter an Order Rescinding Order No. 2009-104-DAO-WS, which imposed Modified Phase II Severe Water Shortage Restrictions as to Specified Uses, and Imposing Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from the Surficial and Sandstone Aquifers Within Portions of the Caloosahatchee River Watershed-South Water Use Basin.

Motion made by Michael Collins, seconded by Melissa Meeker, to approve Agenda Item 37 (D). Vote called. Voting yes. Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

37 (E) Enter an Order Rescinding Order No. 2009-106-DAO-WS, which imposed Modified Phase III Extreme Water Shortage Restrictions as to Specified Uses, and Imposing Modified Phase II Landscape Irrigation Restrictions for Users Withdrawing Water from Surface Waters and Groundwater Within those Portions of the South Dade Water Use Basin Located Within Miami-Dade and Monroe Counties.

Motion made by Shannon Estenoz, seconded by Michael Collins, to approve Agenda Item 37 (E). Vote called. Voting yes. Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 38.** Deny Environmental Resource Permit Application 050406-1 for conceptual approval of a surface water management system to serve a 138.36 acre residential development known as Cutler Properties (Miami-Dade County) (Robert M. Brown, Ext 6283)

Robert M. Brown, Director, Environmental Resource Regulation Department, reported on Cutler's Properties 30-day extension at the May Governing Board meeting.

Mr. Brown deferred his presentation to Ruth Clements.

Ruth Clements, Director, Land Acquisition Department, announced that through the good-faith efforts of all parties involved, they have been able to reach a framework for a tentative settlement. This will be brought back to the Governing Board in August for approval.

Howard Nelson, representing Cutler Properties - applicant, read into the record a waiver granting the District a 60-day waiver.

Ms. Wehle thanked the Department of Interior for assisting staff on this issue.

Chair Buermann reported Mark Lewis, Superintendent of Biscayne National Park, has submitted a letter addressing this issue.

Public Comment: Tom Condon, Cutler Properties, commented on the impacts to the wetlands in this area.

Public Comment: Kahlil Kettering, NPCA, commented on protecting the CERP footprint and supports this agreement.

Public comment: Beth Kibler, Old Cutler South/Palmetto Bay, commented on the protection of coastal wetlands in Biscayne Bay.

Public comment: Yulia Neyman, citizen, commented on the critical footprint of CERP and restoring the wetlands.

Public Comment: Laura Reynolds, Tropical Audubon Society, requested the updated information on the Cutler Bay Properties. She commended staff for being in line with CERP.

Public Comment: Eduardo Varona, community member, said it has been difficult to communicate with staff. He requested a commitment from the Board in case the agreement falls through due to SB2080.

Public Comment: Jacquie Weisblum, Audubon, commented on ERP permits being consistent with CERP.

39.

Approve the modification of Water Use Permit 11-00249-W (Application Number 060908-9) for the Collier County Public Utilities service area to increase the allocation from the Golden Gate Well Field (lower Tamiami aquifer) from 6,868 million gallons per year (18.8 mgd) to 9,673 million gallons per year (26.5 mgd). No changes to the permit duration, total allocation or facilities are requested. (Chip Merriam, ext 6597)

Chip Merriam, Deputy Executive Director, Water Resources, provided an overview on the modifications to the water use permit for the Collier County Public Utilities service area.

Public Comment: Brad Cornell, Collier County Audubon, commented on the Picayune Strand water reservation. He had concerns about impacts to the surrounding wetlands.

Motion made by Charles Dauray, seconded by Shannon Estenoz to Approve the following item(s): 39

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

40.

2009-615 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three month contract with the City of Pahokee for the purchase of riprap for use in levee stabilization and environmental enhancement, in the amount of \$3,000,000 in ad valorem funds (Okeechobee Basin Capital Fund), for which funds are unbudgeted, and authorize a budget transfer from managerial reserves (line items 23263 - Government Cut Permit & Design Lake Dredging and 23264 - Government Cut Dredging) to the Lake Okeechobee Division; providing an effective date. (Contract Number 4600001830) (Chip Merriam, ext. 6597).

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 40

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

Everglades Restoration

- 20. 2009-604** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 2,939.99 acres, more or less, in Palm Beach, Highlands, St. Lucie, Okeechobee, Osceola and Martin counties, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto and approve conveying said properties to the public for bid and to be sold for the highest price obtainable but not less than the appraised value, or be conveyed to another governmental entity upon terms and conditions approved by the Governing Board, subject to conditions; providing for an effective date. (Bob Schaeffer, ext. 2985)

Ruth Clements, Director, Land Acquisition Department, provided information regarding the value of the land, funding from the legislature, and the continuation of the Land Acquisition Program.

Chair Buermann had concerns about the timing of surplussing this land and also commented on Audubon's concerns on specific parcels of the land.

Mr. Olliff reported on unfunded needs for construction projects.

Mr. Collins commented on policy statements and trading surplus lands.

Chair Buermann provided comment on the FAA, and this land being used for conservation.

Ms. Estenoz requested a review of lands to be surplussed plus criteria for surplussing be discussed at the Project and Lands Committee meeting.

Ms. Wehle provided an explanation on land acquisitions being for restoration vs. conservation purposes.

Ms. Meeker provided comment on the flexibility of lowering the appraised values for local governments who have land acquisition programs.

Mr. Dauray provided comment on purchasing land the District needs for the River of Grass project due to affordability.

Mr. Olliff reported on the upcoming budget and the decisions that will need to be made by the Board.

Ms. Wehle said these issues will be discussed at the Project and Lands Committee meeting in August.

Public Comment: Jacque Weisblum, Audubon, commented on evaluating each parcel for conservation before it is proposed for surplus.

Motion made by Michael Collins, seconded by Jerry Montgomery to Approve the following item(s): 20

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

- 41. 2009-616** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a master agreement with the U.S. Department of the Army, at no cost, for the purpose of establishing uniform terms and conditions for future project partnership agreements covering cooperation and cost-share in the construction, operation, maintenance, repair, replacement and rehabilitation of projects in the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001759) (Paul Warner, ext. 6512)

Paul Warner, Sr. Scientist, Everglades Restoration presented information on this agenda item.

Mr. Collins asked if these agenda items are contingent upon reaching a cost-share agreement with the USACE and the Federal Government.

Mr. Warner said this is a modified resolution and that staff will be looking for Board approval to enter into these agreements contingent upon the Federal Government agreeing to use the National Policy for land evaluation and crediting for all future CERP projects.

Ms. Estenoz asked whether the State and Federal partners are in agreement with this issue of land evaluation. Ms. Estenoz reported on a meeting that took place with the Office of Management & Budget (OMB), where no decision was made by OMB nor was there a sense of urgency.

Mr. Warner provided additional information pertaining to the meeting that was held with OMB.

Ms. Wehle reported no District staff attended the meeting.

Ms. Estenoz reported on the tremendous sense of urgency for the District, WRDA-2010, and how nothing can move forward until this issue is resolved.

Public Comment: Brad Cornell, Collier Audubon Society, commented on the water reservations in Picayune Strand and supports the Board expressing the urgency to get this issue resolved.

Public Comment: Jacquie Weisblum Audubon, supports the need for further discussion.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 41

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

- 42. 2009-617** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a project partnership agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan, at a total estimated construction cost of \$438,000,000 and an estimated annual operations and maintenance cost of \$3,700,000 for which the South Florida Water Management District will be responsible for providing 50 percent cost-share, and for which funding, if any, is subject to Governing Board approval of future fiscal year budgets; providing an effective date. (Contract Number 4600001760) (Paul Warner, ext. 6512)

Mr. Warner reported this condition is signed after the Master Agreement and is tied to the land crediting although Picayune Strand is based on the purchase price plus incidental costs of the acquisition because of WRDA 2007. He said it incorporates all the terms of the Master Agreement.

Public Comment: Kahlil Kettering, NPCA, said this is a historic opportunity for Picayune Strand.

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to Approve the following item(s): 42

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

- 43. 2009-618** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a pre-partnership credit agreement with the U.S. Department of the Army, at no cost, for the purpose of establishing eligibility to receive future credit for the costs of constructing features of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001761) (Paul Warner, ext. 6512)

Mr. Warner provided information regarding this agenda item.

Mr. Olliff reported, in advance of the Board's action on Picayune Strand, and on the Collier County permit, there were additional steps needed to be taken by the Administrative Law Judge in order for the challenge to be removed.

Mr. Olliff reported the Administrative Law Judge has signed the paperwork and it has been transmitted to the Secretary of State and the challenge will be withdrawn on June 12.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 43

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

- 44. 2009-619** A Resolution of the Governing Board of the South Florida Water Management District consenting to Amendment No. 1 to an intergovernmental agreement between the U.S. Department of the Army and the U.S. Department of the Interior for establishing and funding an independent scientific review panel to review progress made through implementation of the Comprehensive Everglades Restoration Plan, which consent shall authorize the District to provide the state's 50% cost share required by the intergovernmental agreement through the CERP design agreement dated May 12, 2000; providing an effective date. (Tommy Strowd, ext. 6998)

Tommy Strowd, Assistant Deputy Executive Director, presented information on this agenda item.

Mr. Collins asked if there is language pertaining to the budgetary constraints and requested an annual report on the Workplan.

Ms. Wehle said staff will bring the Workplan back to the Board for further discussion.

Motion made by Melissa Meeker, seconded by Jerry Montgomery to Approve the following item(s): 44

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

Executive Office

45. Consideration of (1) Administrative Law Judge D. R. Alexander's Recommended Order, and (2) timely filed Exceptions to the Recommended Order and Responses thereto, in DOAH Case No. 08-3823, Protect Key West and the Florida Keys, Inc. d/b/a Last Stand v. Monroe County and South Florida Water Management District, regarding modification to an environmental resource permit to authorize the construction and operation of Runway Safety Area improvements at Key West International Airport. (Sheryl G. Wood, General Counsel, Ext. 6976; Alison Kelly, Ext. 2977/ Doug MacLaughlin, Ext. 2153 for SFWMD staff; Richard J. Grosso / Jason Alexander Totoiu for Petitioner; William L. Hyde / Luna E. Phillips / Pedro J. Mercado for Respondent Monroe County) **(Time certain: 11:00 AM)**

Note: Shannon Estenoz abstained from voting on Agenda Item 45.

Sheryl Wood, General Counsel, presented an outline of the presentation which included: procedural history, background information of the ERP, wetland impacts & mitigation, and ALJs key findings.

Richard Grosso, representing Protect Key West and the Florida Keys, Inc., d/b/a Last Stand ("Last Stand") - Petitioner, requested the legal order be rejected because of legal errors relative to legal interpretations of the FAA Rules. He requested additional language be added to the final order to emphasize public safety.

Alison Kelly, Attorney, representing South Florida Water Management District (the District) - Respondent, provided information on the Runway Safety Area at the Key West International Airport. Ms. Kelly reported this is a modification of an existing ERP permit for the construction and operation of Runway Safety Area improvements for the existing runway and associated mitigation.

Luna Phillips, Attorney, representing Monroe County (the "County") - Applicant and Respondent, provided information on FAA rules, the interpretation of the ERP criteria and the need for a Runway Safety Area at each end of the airport.

Mr. Grosso requested the Board consider, if approving the recommended order, to include the additional language.

Mr. Collins commented on the evidence in the record and meeting the ERP criteria.

Ms. Meeker stated staff did an excellent job in the ERP process.

Ms. Wood provided General Counsel's recommendation:

- Reject Petitioner's Exceptions to Recommended Order for reasons set forth in the confidential memorandum from the General Counsel to the Governing Board
- Adopt ALJ's Recommended Order in toto

Motion made by Michael Collins, seconded by Jerry Montgomery to Approve the General Counsel's recommendation. Vote called. Voting yes: Michael Collins, Jerry Montgomery, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Abstained: Shannon Estenoz. Motion passed.

Operations and Maintenance

- 58. 2009-620** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600001640 with the Natural Resources Conservation Service (NRCS) for Tropical Storm Fay Repairs, to extend the term by 18 days from June 18, 2009 to July 6, 2009 in an amount not-to-exceed \$216,650.00 of which 75% or \$162,487.50 is NRCS reimbursable; providing an effective date. (Contract Number 4600001640-A01) (Lucine Dadrian, ext. 2685)

No presentation provided.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 58

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

- 46. Public Comment**

Public Comment: Laura Reynolds, Tropical Audubon Society, commented on the widening of Krome Avenue and the effects to CERP projects.

Public Comment: Wendi Ribaud, Everglades Law Center, commented on the widening of Krome Avenue and the impacts to wetlands.

Public Comment: Dennis Macy, Elected Supervisor, Collier Soil & Water Conservation District, commented on mitigation banks and recommended that a county-wide watershed master plan be created by Big Cypress Basin.

Public Hearing

Water Resources

- 47. *Public Hearing - Water Resources*
Continuation of Public Hearing**

Adopt amendments to Rules 40E-2.051, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-20.091, 40E-20.331, F.A.C., and the Basis of Review for Water Use Applications within the South Florida Water Management District, and new Rules 40E-2.061, and 40E-24.501, F.A.C., to: 1) implement District-wide mandatory year-round landscape irrigation conservation measures; 2) create a general permit by rule for outdoor residential consumptive use of water and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C.; and 3) amend the water conservation measures in the Basis of Review to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C. (Terrie Bates, ext. 6952)

Continue Public Hearing

Chair Buermann opened the Public Hearing.

Chip Merriam, Deputy Executive Director, reported on the upcoming meeting that will be held on June 24th. He reported on incorporating comments received into the rule development.

Public Comment: Randy Brown, Southeast Florida Utility Council, appreciates the meetings with staff and looks forward to the next meeting.

Public Comment: Brad Cornell, Collier County Audubon, supports the District-wide initiative.

Public Comment: Lisa Wilson Davis, City of Boca Raton, commented on educating the public about irrigation during the rainy season.

Public Comment: Kahlil Kettering, NPCA, supports 2-day a week landscape irrigation conservation.

Public Comment: Jacquie Weisblum, Audubon, commented Broward Countys support of the 2- day a week water irrigation rule. She requested it be made permanent.

Public Comment: Rae Ann Wessel, supports District-wide 2 day a week water irrigation rule.

Chair Buermann continued the Public Hearing.

Staff Reports

49. General Counsel Report - Sheryl Wood

No report was provided.

50. Executive Director's Report - Carol Wehle

Ms. Wehle reported the District received a bronze award at the 29th Telly Awards.

Also, Ms. Wehle presented a picture to each Board member as a momentum of the USSC land acquisition.

51. Board Comment

There was no Board comment.

Closed Door Agenda

Executive Office

53. 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 agenda item was deleted off the agenda.

54. 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)

Chair Buermann adjourned the meeting to Closed-Door session at 12:45 pm. He reported the meeting would reconvene in one hour.

Chair Buermann reconvened the meeting at 1:55 pm.

Sheryl Wood, General Counsel, reported no recommendations be taken at this time on this agenda item.

- 55.** 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)

Ms. Wood reported no action be taken at this time on this agenda item.

Adjournment

57. Adjourn

Chair Buermann adjourned the meeting at 6:38 pm.

Note: Mr. Collins departed the Governing Board meeting at 5:00 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