



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

August 12, 2010

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Sandy Batchelor

Eric Buermann, Chair

Joe Collins

Jerry Montgomery

Kevin Powers

Glenn Waldman

Members Absent:

Charles Dauray

Shannon Estenoz

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

Chair Buermann called the meeting to order at 9:05 a.m.

Note: Shannon Estenoz participated via teleconference on Agenda Item 26.

Chair Buermann noted that Mr. Dauray was not present at the Governing Board meeting due to an accident. Chair Buermann wished him well.

Note: At 2:45 p.m. Jason Bessey, Stormwater Program Coordinator, St. Lucie County, read into the record a resolution from St. Lucie County requesting federal and state agencies appropriate funds and accelerate project completion of the CERP's Indian River Lagoon-South C-23 and C-24 reservoirs and stormwater treatment areas projects in St. Lucie County.

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

Kevin Powers led the group in the Pledge of Allegiance.

3. Recognition of Patrick J. Rooney, Former Governing Board Member - Eric Buermann, Chairman, Governing Board

Chair Buermann recognized former Governing Board member Patrick Rooney for his service and contributions to the South Florida Water Management District.

Mr. Rooney was appointed by Florida Governor Charlie Crist in June 2007 to serve as the Palm Beach County representative on the SFWMD Governing Board. During his three years on the Board, he made a concerted effort to learn as much as he could about the complexities of both local and regional water management issues and concerns. He was a strong advocate for the protection and restoration of the Loxahatchee River and its watershed.

Chair Buermann thanked Mr. Rooney for his heartfelt contributions to water resource management and to the Palm Beach County community.

Mr. Rooney thanked staff and the Board and said it was an honor and pleasure to work on the Board of the SFWMD.

4. Recognition of Big Cypress Basin Board Member - Charles Dauray, Chairman, Big Cypress Basin Board

Chair Buermann read into the record a letter from Governing Board member and Chair of the Big Cypress Basin Board, Charles Dauray, recognizing new Big Cypress Basin Board member John Vaughn. Mr. Vaughn is an active member in his community and belongs to the Golden Gate Estates Area Civic Association, the Native Plant Society and is a member of the Naples Botanical Garden. Mr. Dauray also noted both he and Mr. Vaughn served simultaneously on the Naples area Board of Realtors and is glad he chose to take on this important challenge of serving as a member of the Big Cypress Basin Board.

5. Employee Recognitions - Presented by Carol Wehle, Executive Director

- August Employee of the Month: Michael Brady

- August Team of the Month: The L-8 Reservoir/FPL Temporary Water Use Team

- 30 Year Recognitions: Phil Vallier, George Bryant and Tim Ittenbach

Carol Wehle, Executive Director, presented the August Employee and Team of the Month and two, 30-year recognition awards.

6. Distinguished Budget Presentation Award from the Government Finance Officers Association for the Fiscal Year beginning October 1, 2009, Budget Document - Presented by Ms. Doreen Lam, Treasurer, City of Hollywood, Florida, and GFOA Representative

Doreen Lam, Treasurer, City of Hollywood, Florida, presented the Distinguished Budget Presentation Award from the Government Finance Officers Association to the SFWMD for the Fiscal Year beginning October 1, 2009.

7. 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. The Chairman has determined good cause exists. These changes are being made in order to permit the Governing Board to accomplish necessary public business at this meeting and to reflect the items on the agenda that have been deleted, revised, added or postponed. These changes have been listed in the Addendum available at the entrance to this meeting room.

Ms. Carter noted Agenda Items 66, 67, and 68 have been added to the Consent Agenda.

8. Abstentions by Board Members from items on the Agenda

Mr. Powers abstained from Discussion Agenda Item 29.

Mr. Collins abstained from Discussion Agenda Item 26.

65. Proclamation of Appreciation for Michael W. Sole, Secretary of the Florida Department of Environmental Protection - Eric Buermann, Chairman, Governing Board

Chair Buermann presented a proclamation of appreciation to Michael Sole, Secretary of the Florida Department of Environmental Protection.

Consent Agenda

9. Public Comment on Consent Agenda

Public Comment: Rosa Durando, citizen, commented on a recent meeting and coordination of public statements between the USACE and the District.

10. Pull Items for Discussion from Consent Agenda

There were no items pulled from the Consent Agenda for discussion.

11. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Regulatory Matters

12. Denials

Consent Agreements

Conservation Easements

Seminole Tribe Work Plans

Page 1 No 1 Blackstone Corporate Park (ERP Denial): **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

Everglades Restoration and Capital Projects

66. **2010-835** A Resolution of the Governing Board of the South Florida Water Management District amending Resolution No. 2004-1121, which approved the acquisition of a conservation easement over 334.63 acres, more or less, for the Palmar and JW Corbett Wildlife Management Area Hydropattern Restoration Component of the Northern Palm Beach County - Part 1 CERP Project in Palm Beach County, in the amount of \$20,000,000 using unrestricted funds, to change the source of the funds for the acquisition to include dedicated funds (Save Our Everglades Trust Fund); providing an effective date. (Ruth Clements, ext. 6271)

14. **2010-800** A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and road reservations, and issuance of a non-use commitment, containing 9.304 acres, more or less, Cedarwood Commercial - Sheridan and Palm, Plat Book 179, Page 18, Section 5, Township 51 South, Range 41 East, Broward County, Florida; providing an effective date. (Vinola Rada, ext. 6158)

15. **2010-801** A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and road reservation and issuance of a non-use commitment, containing 1.01 acres, more or less, portion of Tract 23, Block 1, The Palm Beach Farms Company Plat No. 9, Plat Book 27, Page 77, Section 28, Township 43 South, Range 42 East, Palm Beach County, Florida; providing an effective date. (Vinola Rada, ext. 6158)

16. **2010-802** A Resolution of the Governing Board of the South Florida Water Management District approving the issuance of a non-use commitment, containing 1.418 acres, more or less, Lot 23A, a Replat of Portion of Lexington of Sherbrooke P.U.D., Plat Book 68, Pages 176 through 179, Section 6, Township 45 South, Range 42 East, Palm Beach County, Florida; providing an effective date. (Vinola Rada, ext. 6158)

17. **2010-803** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 267.65 acres, more or less, for the Deer Fence Canal Project, in Hendry County, from the Trustees of the Deer Fence Drainage Canal Trusteeship Dated May 28, 1959, as amended, at no cost, except for associated costs; providing an effective date. (Ruth Clements, ext. 6271)

18. **2010-804** A Resolution of the Governing Board of the South Florida Water Management District to declare and adopt the Deer Fence Canal (G-3W) located in Hendry County, containing 267.65 acres, more or less, as a Work of the South Florida Water Management District; providing an effective date. (Richard Champlin, ext. 3201)

19. With respect to the Deer Fence Canal (G-3W), the Governing Board of the South Florida Water Management District authorizes waiver of Rule 40E-6.601, F.A.C. (payment of Application and Processing Fees) with respect to pre-existing facilities; and authorizes waiver of Rule 40E-6.221(2)(j), F.A.C. for those pre-existing facilities which may not meet the Districts Right of Way Occupancy Permitting rules and criteria. (Jorge Patino, ext. 6175)

67. **2010-836** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 334.63 acres, more or less, for the Palmar and JW Corbett Wildlife Management Area Hydropattern Restoration Component of the Northern Palm Beach County- Part 1 CERP Project in Palm Beach County, in the amount up to \$20,000,000 and associated costs; providing an effective date. (Ruth Clements, ext. 6271)

68. **2010-837** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of its intent to seek reimbursement of design and construction costs incurred for the implementation of the Comprehensive Everglades Restoration Plan prior to Fiscal Year 2009-2010 utilizing funds from the Save Our Everglades Trust Fund; authorizing the Executive Director or her designee to request reimbursement based on actual expenditures incurred prior to Fiscal Year 2009-2010; providing an effective date. (Ken Ammon, ext. 6502)

Executive Office

20. **2010-805** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2009-2010 budget as shown on the attachment hereto; providing an effective date (Mike Smykowski, ext. 6295).

21. **2010-806** A Resolution of the Governing Board of the South Florida Water Management District to authorize the settlement of all CERCLA claims regarding the Florida Petroleum Reprocessors Superfund Site in Davie, Broward County, Florida; providing an effective date. (Robert Panse, ext. 6279)

Regulatory and Public Affairs

22. **2010-807** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement with the Southwest Florida Water Management District to designate to the South Florida Water Management District all regulatory responsibilities for environmental resource permitting under Part IV of Chapter 373, Florida Statutes, and water quality for those activities that are associated with the S.Y. Hartt Ranch Environmental Restoration project located in Highlands County; providing an effective date. (Benita Whalen, ext 2957)

Corporate Resources

23. **2010-808** A Resolution of the Governing Board of the South Florida Water Management District to authorize approval of an amendment to contract 4600001926 as a waiver of competition with Copyco, Inc., dba Toshiba Business Solutions Florida for multi-function printer/copier devices to add the service of the Districts Hewlett Packard printers/plotters and increase funding in the not-to-exceed amount of \$814,000 resulting in a revised not-to-exceed total contract value of \$1,794,000 subject to Governing Board approval of FY11-FY13 budgets; providing an effective date. (Sharon Trost, ext. 6814)

24. Board Vote on Consent Agenda

Motion made by Jerry Montgomery, seconded by Kevin Powers to Approve the following item(s): 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 66, 67, 68 Vote called. Voting yes: Jerry Montgomery, Kevin Powers, Sandy Batchelor, Eric Buermann, Joe Collins, Glenn Waldman. Motion passed.

Discussion Agenda

25. For Information: **Status Update on Miami-Dade County Consumptive Use Permit** - John Renfrow, Director, Miami-Dade Water & Sewer Department and Doug Yoder, Deputy Director, Miami-Dade Water & Sewer Department

Doug Yoder, Deputy Director, Miami-Dade Water & Sewer Department, reported on the status of Miami-Dade's consumptive use permit.

Mr. Yoder, reported on the future demand forecast and the permit modification that they are working on with staff. He reported on their water conservation program and noted there are 3 1/2 million gallons of savings because of the success of that program. He reported on Hialeah's reverse osmosis plant which will be online in about 1 1/2 years. He also reported on the FPL turkey point joint participation agreement for reclaimed water project.

Chair Buermann commented on the complexity of the CUP, and acknowledged Mr. Renfrow and Mr. Yoder and said WASA has saved significant amounts of water.

Mr. Collins praised the reuse project with FPL at Turkey Point.

Ms. Wehle said WASA is doing a great job with water conservation and their partnership with the District.

Everglades Restoration and Capital Projects

- 26. 2010-809** A Resolution of the Governing Board of the South Florida Water Management District further amending and supplementing Resolution 2008-1027 and Resolution 2009-500A; authorizing the execution and delivery of a second amended and restated agreement for sale and purchase with United States Sugar Corporation and its affiliates regarding 26,791.32 acres, more or less, located in Hendry and Palm Beach Counties in the amount of \$197,396,088 and associated costs; providing for other matters related therewith; and providing for an effective date. (Ruth Clements, ext. 6271) **Time certain: 11:00 AM**

Note: Shannon Estenoz participated via teleconference for Agenda Item 26 discussion and vote. Ms. Estenoz announced her disclosure submitted at the March 2010 meeting for the U.S. Sugar Corp. agreement and requested it be resubmitted for the record.

Note: Joe Collins abstained from voting on Agenda Item 26.

Ms. Wehle reported on Board direction to staff regarding the re-negotiated transaction. Those directions were: not raising taxes, not impacting the emergency reserve accounts, and not impacting our operation and maintenance functions at the District. Ms. Wehle noted the agency also had a commitment to the State Legislature to not use state funds. Ms. Wehle noted 100 percent of this transaction is ad valorem funds that were identified during the budget workshop and set aside for the purposes of acquiring land and building infrastructure to be able to address the challenges that the federal courts have given this agency directly involving water quality and/or Everglades restoration.

Ms. Wehle then reported on the outline of the presentation: Acquisition Agreement, Utilization of Initial Lands for Water Quality Purposes, Legal Update, Budget Outlook and Board discussion.

Ruth Clements, Director, Land Acquisition, presented an overview of the amendments to the purchase and sale agreement, amendment to the lease agreement and the track relocation agreement. She also reported on the additional conditions precedent to closing and the District's options to purchase additional land.

The revised terms of the agreement include:

- land purchase of 26,790 acres. Southern Gardens (Hendry County - 17,904 acres) and L-8 (Palm Beach County - 8,886 acres).
- purchase price of \$197,396,088.
- contract executed by August 12, 2010.
- Closing on or before October 11, 2010.

Jeff Kivett, Department Director, Engineering Department, presented background information on the due diligence phase from 2008 and then presented information on staff's recommendation in terms of the utilization of the initial acquisition properties for purposes of meeting water quality standard requirements for the agency.

Potential project types for the initial acquisition properties of S-5A and L-8 include:

- Reservoir
- Flow Equalization Basin (FEB)
- Stormwater Treatment Area (STA)
- Combination of Reservoir/FEB/STA

Sheryl Wood, General Counsel, provided a legal update regarding the U.S. Sugar land acquisition. Ms. Wood explained the District is awaiting decisions from the Florida Supreme Court on the bond validation and the administrative challenge to the purchased contract. The Supreme Court reconvenes later in August.

Ms. Wood also reported on the federal cases that impact the agreement:

- USA vs. SFWMD (Moreno)
- Miccosukee Tribe vs. USEPA (Gold)

Responding to questions from Mr. Waldman and Chair Buermann, Ms. Wood discussed timelines and issues raised during the recent USA case hearing.

Tom Olliff, Assistant Executive Director, presented the FY11 budgeted expenses, a breakdown of the FY11 operating reserves, and the reserve for land and capital projects.

Ms. Estenoz emphasized that the District is not spending hurricane reserves for the land acquisition.

Mr. Olliff confirmed the only funds for the U.S. Sugar land acquisition are those funds from land and capital project reserves. The total of the available funds for reserve of land and capital projects is \$321M.

Mr. Waldman reconfirmed that District is not using hurricane reserves, and noted, in order to complete and close this transaction, the District will not be required to finance the acquisition nor raise taxes to finance this transaction.

Mr. Montgomery explained the hurricane reserves are to protect the District's principle responsibilities of flood control.

Public Comment: Corey Alston, City of South Bay, commented on the economic impacts to South Bay and asked if the Governing Board is still committed to offering land contributions and also questioned how the Board will address economic impacts to the Glades community.

Ms. Wehle said the Board has been supportive by funding an Economic Development Director in Hendry County, cooperating with regional economic planning through the Collins Center, and planning to hire local workers for construction in the area.

Public Comment: Danielle Azoulay, citizen, supports the purchase of the U.S. Sugar land acquisition.

Public Comment: Sheila Calderon, Sierra Club, supports the purchase of the U.S. Sugar land acquisition.

Public Comment: Representative Carl Domino, FL Legislature House of Representative, commented on the funding of the land acquisition and said that this funding eventually will be paid by the taxpayers.

Public Comment: Cara Capp, Clean Water Action, supports the U.S. Sugar land acquisition.

Public Comment: Newton Cook, United Waterfowlers, supports the U. S. Sugar land acquisition.

Public Comment: Henry Dean, Florida Crystals, commented on the negotiations and recommended the Board consider delaying any action until they get clearer direction from Judge Moreno and Judge Gold.

Public Comment: David Denham, Florida Trail Association, supports the purchase of the U.S. Sugar land acquisition.

Public Comment: Michael Collins, citizen, said there are unanswered questions that need to be addressed including how to use the land. The Board needs to build projects for water storage and treatment.

Public Comment: Gene Duncan, Miccosukee Tribe, stated The Miccosukee Tribe opposes this purchase.

Public Comment: Rosa Durando, citizen, supports buying the U.S. Sugar land acquisition but questioned the agrochemicals left on site.

Public Comment: Kirk Fordham, Everglades Foundation, supports the purchase of U.S. Sugar land acquisition and the value of the sugar land.

Public Comment: Julie Hill-Gabriel, Everglades Coalition, supports the U.S. Sugar land acquisition in order to move projects forward to address water quality concerns.

Public Comment: Mali Gardner, City of Clewiston, thanked staff and Secretary Sole and said their concerns have been addressed. She said all are working collaboratively together as a region and requested local contractors be used for projects.

Ms. Estenoz said the Board has been very supportive of working with the Glades Community and she remains committed to meeting the obligations.

Public Comment: Rebecca Garvoille, Florida International University, citizen, supports the purchase of the U.S. Sugar land acquisition for storage and treatment to alleviate harmful discharges into the estuaries.

Public Comment: Jane Graham, Audubon of Florida, strongly supports the purchase of the U.S. Sugar land acquisition.

Public Comment: Ted Guy, Rivers Coalition Defense Fund, opposes the purchase of the U.S. Sugar land acquisition. He submitted a written letter to the District Clerk opposing this purchase.

Public Comment: Jennifer Hecker, Conservancy of SW Florida, supports and urges the Board to approve the purchase of U.S. Sugar land acquisition for water storage and treatment for human and environmental needs.

Public Comment: Nancy Hogan, citizen, commented on economic decline and said to be very careful and postpone this purchase.

Public Comment: Dan Kimball, Superintendent, Everglades National Park, supports this land acquisition in order to build needed water quality treatment facilities. He also stated the benefits to Everglades National Park and natural areas in South Florida.

Public Comment: John Koch, Loxahatchee Sierra Club Group, commented on developing a flow way and moving clean water south to Everglades National Park. He supports the purchase U.S. Sugar land acquisition.

Public Comment: Dexter Lehitinen, citizen, stated the land is ill-located and said the Board is abandoning Everglades Restoration. He opposes this purchase.

Public Comment: Eric Lindbland, Sanibel Captiva Conservation Foundation, supports the U.S. Sugar land acquisition.

Public Comment: John Marshall, Arthur Marshall Foundation, supports the U.S. Sugar land acquisition and the benefits discussed at past Governing Board workshops.

Public Comment: Drew Martin, Sierra Club, supports the U.S. Sugar land acquisition and stated purchasing land is very important.

Public Comment: Kevin McCarthy, Hendry County, supports this U.S. Sugar land acquisition but also stated the need to clean the Lake.

Public Comment: Marianne Moran, Tea Party in Action, opposes the U.S. Sugar land acquisition and asked to be prudent and wait until the federal judge rules.

Public Comment: Rick Neuhoff, citizen, supports the purchase of the U.S. Sugar land acquisition to preserve and restore the Everglades.

Public Comment: Sylvia Pelizza, U.S. Fish and Wildlife Service, praised staff for their work on this acquisition, supports the efforts to improve water quality and the U.S. Sugar land acquisition. A copy of her comments was provided to the Clerk for the record.

Public Comment: Mark Perry, Florida Oceanographic Society, commented on water quality treatment solutions and the River of Grass acquisition needed for Everglades restoration but said it would not improve the discharges to the estuaries.

Public Comment: Cynthia Plockelman, citizen, said water quality is critically important and urged the Board to move forward with the purchase of the U.S. Sugar land acquisition.

Public Comment: Sam Poole, Florida Crystals, opposes the purchase of the U.S. Sugar land acquisition and said the District does not have the funds for this purchase. He urged the Board to wait for the court rulings.

Public Comment: Claudio Riedi, citizen, opposes the U.S. Sugar land acquisition.

Public Comment: Daun Shirreffs, National Parks Conservation Association, supports the U.S. Sugar land acquisition for water quality improvements.

Public Comment: Mara Shlackman, citizen, supports the U.S. Sugar land acquisition for Everglades restoration.

Public Comment: Jonathan Ullman, Sierra Club, supports the U.S. Sugar land acquisition.

Public Comment: Victoria Wood, citizen, opposes the U.S. Sugar land acquisition.

Public Comment: Michael Sole, Secretary, FL Department of Environmental Protection, said this deal is fiscally prudent, no taxes will be raised, and the Board is focused on water quality issues that need to be addressed and are mandated by the federal courts. He supports this U.S. Sugar land acquisition.

Ms. Estenoz explained that solutions for water quality and water storage problems south of Lake Okeechobee require the purchase of land. There is a willing seller for these two parcels and these two parcels are directly responsive to Judge Gold and Judge Moreno. Our federal partners have given strong signals that we are headed in the right direction to comply with the court orders. Ms. Estenoz said it is critical that the agency act now. She strongly supports moving forward with this acquisition because it is fiscally-responsible and is responsive to the federal judges court orders addressing water quality and obligations under the Clean Water Act and under the consent decree.

Mr. Montgomery commented on the complex issues, competing interests, and the Board making a decision without having all the information. Mr. Montgomery requested to move forward with a reduced termination fee of \$1.82M, based on the same ration of purchase fee determination, and move the closing date to October 15, 2010 in order to have two additional Board meetings to receive information from the federal judges and federal partners.

Mr. Montgomery made a motion to submit a counter offer to U.S. Sugar Corporation accepting the terms as proposed with the adjustments of the termination fee being \$1.82M, changing the closing date to on/before October 15, 2010 and having U.S. Sugar Corporation accept or reject this counter offer by October 20th.

Ms. Wood provided clarification of the dates for the federal cases.

Mr. Powers seconded the motion.

Mr. Waldman then explained that the contract is the third iteration of a series of contracts and noted it materially is not different from the prior contracts which were approved by the Governing Board. He reported he spoke with U.S. Sugar and they made it clear to him, under no uncertain terms, that there would not be modifications to this contract. He then explained the risk of proposing this counter offer.

Chair Buermann also commented on losing the transaction and said he also received a clear message from U.S. Sugar that this is the final transaction. He reported U.S. Sugar is a different company from what it was two years ago and they are not as motivated of a seller as they were.

Mr. Powers withdrew his motion to second the motion.

The Board requested another Board meeting on October 8, 2010 for further discussions on the land acquisition and the federal cases before closing.

Motion made by Glenn Waldman, seconded by Shannon Estenez to approve Resolution 2010-809. Vote called. Voting yes: Glenn Waldman, Jerry Montgomery, Eric Buermann, Kevin Powers, Sandy Batchelor, and Shannon Estenez. Abstained: Joe Collins. Motion passed.

27. For information: **Overall Framework of Florida Water Law as Implemented in the Lake Okeechobee Service Area** - Beth Ross, Sr. Supervising Attorney, Office of Counsel (ext. 6257) **Time certain: 1:30 PM**

Beth Ross, Supervising Attorney, Office of Counsel, presented information on the overall framework of Florida water law as implemented in the LOSA. Ms. Ross provided background information addressing the question presented at the July Governing Board:

Should the District reduce existing consumptive use withdrawals through permit modifications or water shortage restrictions in order to improve environmental conditions in the Lake, Caloosahatchee Estuary, St. Lucie Estuary, STAs, and/or WCAs?

Ms. Ross reported on the overall legislative policy on water supply:

- Manage water resources to ensure sustainability.
- Various statutes establish the need to:
 - Protect and/or enhance the natural resource and allow for development of water supply
- Numerous statutory authorizations or tools to manage water in varying conditions to achieve sustainability.

Ms. Ross then reported on

- Permitted water rights as a "matter of certainty",
- Integration of level of certainty into comprehensive framework (environment and consumptive use) and
- Considerations of Law (Statutes and Rules).

Ms. Ross also explained the Tribal water rights to the Board.

Mr. Collins said there has been many discussions in WRAC regarding adaptive protocols and said the Board needs to finalize this process.

Mr. Powers said that this process has been very encouraging and has come a long way. He requested voting on this issue next month due to Mr. Dauray not being in attendance at the meeting.

Public Comment: John Fumero, Lee County, stated there has been progress made among the users and requested the estuaries not be cut off from releases when conditions allow unless there are restrictions in place in the service area. He requested when the estuary is cut off, the decision be brought back to the Board for their ratification.

Public Comment: Julie Hill-Gabriel, Audubon of Florida, supports recommended guidelines and shared adversity.

Public Comment: Erick Lindblad, Sanibel-Captiva Conservation Foundation, read into the record his concerns on the adaptive protocols for the Caloosahatchee Estuary.

- 28. 2010-810** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract C-C11702P/3600000283 with Ecology and Environment, Inc., for North Palm Beach County Part I Project Implementation Report Development Technical Support and authorize a Waiver of Competition as an exception to the general standards of competition to extend the work order-based contract by 28 months from October 11, 2010 to February 13, 2013 in the amount of \$2,000,000, of which \$1,000,000 is subject to Governing Board approval of the FY11 budget and the remainder is subject to approval of the FY12 and FY13 budgets; providing an effective date. (Contract Number C-C11702P-A08/3600000283-A08) (Matt Morrison, ext. 3718)

Matt Morrison, Director, Project Coordination Division, presented information on the waiver of competition with Ecology and Environment, Inc.

Motion made by Joe Collins, seconded by Jerry Montgomery to Approve the following item(s): 28

Vote called. Voting yes: Joe Collins, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Kevin Powers, Glenn Waldman. Motion passed.

- 29. 2010-811** 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 Indian River Lagoon South Phase 1 Project, a component of the Comprehensive Everglades Restoration Plan, at a total estimated construction cost of \$1,133,000,000 and an estimated annual operations and maintenance cost of \$3,800,000, for which the South Florida Water Management District will be responsible for providing a 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 4600002153) (Paul Warner, ext. 6512)

Note: Kevin Powers abstained from voting on Agenda Item 29.

Ken Ammon, Deputy Executive Director, Everglades Restoration and Capital Projects, stated there are two outstanding issues that would affect the District's cost crediting but noted staff are continuing to work with the USACE on 1) mitigation for some wetlands impacts and 2) agrochemicals remediation. Mr. Ammon said he would advise the Board next month if these issues have been resolved.

Chair Buermann requested these issues get resolved as quickly as possible.

Paul Warner, Chief Scientist, presented information on the Project Partnership Agreement with the U.S. Department of the Army for the Indian River Lagoon South, Phase 1 Project.

Mr. Powers said this is a CERP project and there are huge benefits to the St. Lucie Estuary and the Indian River Lagoon.

Public Comment: Drew Martin, Sierra Club, supports this project.

Public Comment: Dennis Duke, Department of Interior, supports this project.

Public Comment: Julie Hill Gabriel, Audubon of Florida, is supportive of the Project Partnership Agreement.

Public Comment: Mark Perry, supports the Project Partnership Agreement.

Public Comment: Stu Appelbaum, USACE, supports the Project Partnership Agreement and said all of WRDA 2007 projects are underway.

Motion made by Joe Collins, seconded by Jerry Montgomery to Approve the following item(s): 29

Vote called. Voting yes: Joe Collins, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Glenn Waldman. Abstained: Kevin Powers. Motion passed.

Operations and Maintenance

- 30. 2010-812** 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 work order contract, with options to renew for two, 1-year renewals, with Advanced Hydro Technologies Incorporated, one of two firms selected for Hydraulics and Hydrology Services-Hydrometeorologic Data Processing, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002185) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 30

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 31. 2010-813** 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 work order contract, with options to renew for two, 1-year renewals, with Sutron Corporation, one of two firms selected for Hydraulics and Hydrology Services-Hydrometeorologic Data Processing, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002186) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 31

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 32. 2010-814** 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 work order contract, with options to renew for two, 1-year renewals, with Engineering & Applied Science Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Streamgauging, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002188) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 32

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 33. 2010-815** 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 work order contract, with options to renew for two, 1-year renewals, with Sutron Corporation, one of three firms selected for Hydraulics and Hydrology Services-Streamgauging, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002190) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 33

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 34. 2010-816** 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 work order contract, with options to renew for two, 1-year renewals, with ZFI Engineering & Construction Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Streamgauging, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002195) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 34

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 35. 2010-817** 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 work order contract, with options to renew for two, 1-year renewals, with BEM Systems Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Flow Rating, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002192) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 35

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 36. 2010-818** 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 work order contract, with options to renew for two, 1-year renewals, with Sutron Corporation, one of three firms selected for Hydraulics and Hydrology Services-Flow Rating, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002193) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 36

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 37. 2010-819** 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 work order contract, with options to renew for two, 1-year renewals, with Taylor Engineering Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Flow Rating, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002194) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 37

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 38. 2010-820** 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 work order contract, with options to renew for two, 1-year renewals, with BEM Systems Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Hydrometeorological Data, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002171) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 38

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 39. 2010-821** 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 work order contract, with options to renew for two, 1-year renewals, with Environmental Consulting & Technology Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Hydrometeorological Data, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002173) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 39

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 40. 2010-822** 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 work order contract, with options to renew for two, 1-year renewals, with Sutron Corporation, one of three firms selected for Hydraulics and Hydrology Services-Hydrometeorological Data, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002174) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 40

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 41. 2010-823** 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 work order contract, with options to renew for two, 1-year renewals, with BPC Group Incorporated, one of two firms selected for Hydraulics and Hydrology Services-Hydrologic Network Evaluations, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002175) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 41

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 42. 2010-824** 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 work order contract, with options to renew for two, 1-year renewals, with Taylor Engineering Incorporated, one of two firms selected for Hydraulics and Hydrology Services-Hydrologic Network Evaluations, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002179) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

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

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 43. 2010-825** 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 work order contract, with options to renew for two, 1-year renewals, with Camp, Dresser & McKee Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Hydrology, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002181) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 43

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 44. 2010-826** 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 work order contract, with options to renew for two, 1-year renewals, with INTERA Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Hydrology, subject to successful negotiations, in an amount not -to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002183) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

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

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 45. 2010-827** 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 work order contract, with options to renew for two, 1-year renewals, with King Engineering Associates Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Hydrology, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002172) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 45

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 46. 2010-828** 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 work order contract, with options to renew for two, 1-year renewals, with Ayres Associates Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Fluid Structure Interactions, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002177) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 46

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 47. 2010-829** 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 work order contract, with options to renew for two, 1-year renewals, with Taylor Engineering Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Fluid Structure Interactions, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002178) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 47

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 48. 2010-830** 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 work order contract, with options to renew for two, 1-year renewals, with BPC Group Incorporated, one of three firms selected for Hydraulics and Hydrology Services-Fluid Structure Interactions, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002180) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 48

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 49. 2010-831** 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 work order contract, with options to renew for two, 1-year renewals, with CivilSurv Design Group Incorporated, one of four firms selected for Hydraulics and Hydrology Services-Staff Gauge Installation, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002182) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 49

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 50. 2010-832** 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 work order contract, with options to renew for two, 1-year renewals, with Rare Earth Sciences Incorporated, d/b/a HSA Environmental, one of four firms selected for Hydraulics and Hydrology Services-Staff Gauge Installation, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002184) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 50

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 51. 2010-833** 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 work order contract, with options to renew for two, 1-year renewals, with Wantman Group Incorporated, one of four firms selected for Hydraulics and Hydrology Services-Staff Gauge Installation, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002187) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 51

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

- 52. 2010-834** 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 work order contract, with options to renew for two, 1-year renewals, with ZFI Engineering & Construction Incorporated, one of four firms selected for Hydraulics and Hydrology Services-Staff Gauge Installation, subject to successful negotiations, in an amount not-to-exceed the total project funding of \$12,500,000 available for all 23 contracts awarded a contract for Hydraulics and Hydrology Services, of which ad valorem funds of \$2,325,000 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date; (Contract Number 4600002196) (Larry Deaton, ext. 2974)

Matahel Ansar, Deputy Department Director, Operations Control, presented information on this Agenda Item.

Motion made by Jerry Montgomery, seconded by Glenn Waldman to Approve the following item(s): 52

Vote called. Voting yes: Jerry Montgomery, Glenn Waldman, Sandy Batchelor, Eric Buermann, Joe Collins, Kevin Powers. Motion passed.

53. Public Comment

- Regulatory Policy Issues
- General Public Comment

There was no public comment.

Public Hearing

Regulatory and Public Affairs

- 54.** Adopt amendments to Rules 40E-63.400, 40E-63.401, 40E-63.402, 40E-63.404, 40E-63.406, 40E-63.415, 40E-63.420, 40E-63.430, and 40E-63.444, F.A.C., repeal Rules 40E-63.432, 40E-63.434, 40E-63.436, 40E-63.440, 40E-63.442, 40E-63.450, 40E-63.452, 40E-63.454, 40E-63.456, 40E-63.458, 40E-63.460, and 40E-63.470, F.A.C., and new Rules 40E-63.435, 40E-63.437, 40E-63.438, 40E-63.439, 40E-63.441, 40E-63.443, 40E-63.446, 40E-63.461, 40E-63.462, and 40E-63.464, F.A.C., and the materials incorporated by reference in Rule 40E-63.404, F.A.C., regarding the Everglades Regulatory Program: C-139 Basin, including changes based on comments received from the public and the Joint Administrative Procedures Committee. (Pam Wade, ext. 6901)

Chair Buermann opened the public hearing.

Pam Wade, Director, Everglades Regulation, presented information on the rule amendments.

Public Comment: Julie Hill Gabriel, Audubon of Florida, supports the rule amendments.

Chair Buermann continued the public hearing to September.

Motion made by Joe Collins, seconded by Jerry Montgomery to Approve the following item(s): 54

Vote called. Voting yes: Joe Collins, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Kevin Powers, Glenn Waldman. Motion passed.

Staff Reports

55. State of Water Resources

A) Water Conditions & Water Supply Report - Susan Sylvester, Director, Operations Control & Hydro Management Department (ext. 6152)

B) Ecological Conditions Report - Linda Lindstrom, Director, Restoration Sciences Department (ext. 6820)

C) US Army Corps of Engineers' Lake Okeechobee Report - Kimberley Taplin, P.E., West Palm Beach Deputy Program Manager for Restoration, US Army Corps of Engineers

A) Matahel Ansar, Deputy Department Director, Operations Control and Hydro Data Management, presented the water conditions and Water Supply Report. He reported on July's rainfall and wet season rainfall, groundwater levels and water supply status.

B) Linda Lindstrom, Director, Restoration Sciences Department, presented the ecological conditions report and said the overall conditions are good.

C) Kim Taplin, USACE, presented information on interim risk reduction measures (non-structural) and the Herbert Hoover Dike inspection frequency and the USACE's emergency action plan for Lake Okeechobee.

56. General Counsel Report - Sheryl Wood

Ms. Wood reported on the Friends of the Everglades petition for certiorarie to the US Supreme Court in the NPDES litigation. The District also filed a amicus brief in the Mildenberger case related to the St. Lucie discharges.

Ms. Wood also noted Office of Counsel attorneys will consider pending petitions from Hyatt Farms and Atlantic Civil, appear in Order of Takings hearings related to Kissimmee watershed restoration, defend our agency in upcoming hearings on the Palm City and Indian Street Bridge permits, and voice oral arguments in the 1st DCA on a Palm City Civic Center rule challenge.

57. Executive Director's Report - Carol Wehle

- Report on Permits Issued by Authority Delegated to the Executive Director from July 1 to July 31, 2010

Ms. Wehle reported on the permits issued by Authority delegated to the Executive Director from July 1 to July 31, 2010.

Ms. Wehle also reported on the in-house training for District engineers for their ongoing Professional Engineer certification.

58. Board Comment

Chair Buermann thanked the Board for dealing with some difficult issues and staying focused and committed to the taxpayers.

Adjournment

64. Adjourn

Chair Buermann adjourned the meeting at 4:10 p.m.

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

Motion made by Jerry Montgomery, seconded by Joe Collins to Approve the following item(s): 64
Vote called. Voting yes: Jerry Montgomery, Joe Collins, Sandy Batchelor, Eric Buermann, Kevin Powers, Glenn Waldman. Motion passed.