



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

December 9, 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

Charles Dauray

Shannon Estenoz

Jerry Montgomery

Kevin Powers

Glenn Waldman

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

Chair Buermann called the meeting to order at 9:03 a.m.

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

Shannon Estenoz led the group in the Pledge of Allegiance.

3. Recognition of Governing Board Member Shannon Estenoz - Eric Buermann, Chairman, Governing Board

Chair Buermann recognized Shannon Estenoz who is leaving the Governing Board for a position with the U.S. Department of Interior.

Ms. Estenoz has received numerous recognitions for her countless efforts, including the "Champion of the Everglades" award from Audubon of Florida. While on the Board, Ms. Estenoz has been an ardent supporter of the District's restoration efforts, along with recognizing the multi-purpose mission of the agency and the importance of looking at all sides of an issue.

Each Board member praised and thanked Ms. Estenoz for her Everglades restoration efforts and the mission of the District.

Ms. Estenoz said she has loved serving as a Governing Board member. She said the Governing Board has not been afraid to take on some of the toughest challenges in this region. She praised staff and their dedication to public service.

The Broward Service Center also presented Ms. Estenoz with a collage of photos from events she has participated in over the past three years.

Public Comment: John Marshall, Arthur Marshall Foundation, praised Ms. Estenoz for her support of the Arthur Marshall Foundation and being a champion for the Everglades restoration.

4. Recognition of the 2010 Fundraising for Komen South Florida Race for the Cure - Shannon Estenoz and Jerry Montgomery, Honorary Co-Chairs

Ms. Estenoz announced the Race for the Cure will be held on January 29th, 2011. She urged everyone to attend this event and to support the auction being held in the B-1 lobby.

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

- November Employee of the Month: James Galloway, Vegetation Management Division

- November Team of the Month: The Adaptive Protocols for Lake Okeechobee Operations Team

- November Team of the Month: The C-139 Basin Rulemaking Team

- December Employee of the Month: Chris Sweazy, Water Supply Development Division

- December Team of the Month: The South Miami-Dade Water Issues Coordination Team

- 30 Year Service Recognition: Sharon Trost, Information Technology Department

Carol Wehle, Executive Director, recognized the November Employee and two, Team of the Months, December Employee and Team of the Month, and a 30-year Service Award.

6. 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 to the public at the entrance to this meeting room and provided to the Governing Board.

7. Abstentions by Board Members from items on the Agenda

Shannon Estenoz abstained from voting on Agenda Items 24, 34, 43 and 44.

8. Project & Lands Committee Report - Jerry Montgomery, Vice Chair

Jerry Montgomery reported on the Project and Lands Committee meeting which was held on December 8, 2010. Issues discussed were the Districts draft FY2011-FY 2015 Capital Improvement Plan (Governing Board formal adoption would be in January, 2011), the role of construction management and project workload which consists of 45 District Projects and oversight of 7 Corps Projects. There was also a briefing on the recommendations of the Commissioning Projects FAST Team.

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

A Resolution of the Governing Board of the South Florida Water Management District relating to the Water Resources Advisory Commission; amending Section 150-5 District Policies Code to delete certain agencies as members of the Commission and to require those agencies to be invitees to Commission meetings; amending Section 150-6, District Policies Code to prohibit the appointment of a Governing Board member as a member of the Commission, to require that subcommittees of the Commission be created by resolution of the Governing Board and to confirm that Governing Board members may attend and participate in Commission meetings; providing for inclusion in the District Policies Code; providing for severability; providing an effective date

Ms. Estenoz provided the WRAC report which was held on December 2, 2010 in Key Largo, FL. Items discussed were the Florida Key's Service Center activities, South Florida Ecosystem Restoration Task Force update, protecting water for Biscayne Bay, construction status of the C-111 Spreader Canal and the South Dade Project implementation reports (PIRs) and other restoration projects by the USACE.

Pursuant to the WRAC Charter, Ms. Estenoz asked the Governing Board to consider for approval an appointment to the Lake Okeechobee Committee.

Kevin Powers made a motion, seconded by Glenn Waldman, to appoint the Honorable Bryan Culpepper, Commissioner, Okeechobee County Commission, to the WRAC Lake Okeechobee Committee to a 2-year term to replace Noel Chandler. Voting called. Voting yes: Sandy Batchelor, Kevin Powers, Charles Dauray, Eric Buermann, Jerry Montgomery, Shannon Estenoz, and Glenn Waldman. Not present: Joe Collins. Motion passed.

Following up on previous discussions, Frank Bartolone, Sr. Specialist Attorney, explained the amendments to the WRAC Charter. Those amendments are:

Sec. 150-6

(a) The members of the Commission shall be appointed by the Governing Board. Each Governing Board member, including the Governing Board Chair, shall appoint two Commission members. A Governing Board member may not be a member of or chair the Commission.

Sec. 150-6

(j) Any member of the Governing Board may attend and participate at any meeting of the Commission as a liaison but shall not be considered a member of the Commission.

Sec. 150-5

(d) The following agencies and entities shall be requested to provide a representative to attend Commission meetings to provide technical assistance to the Commission. The individuals from these agencies and entities who attend Commission meetings shall not be considered members of the Commission.

- (1) U.S. Army Corps of Engineers;
- (2) U. S. Department of the Interior;
- (3) U. S. Environmental Protection Agency;
- (4) National Oceanic and Atmospheric Administration

Sec. 150-6

(i) The Commission may request the creation of one or more technical committees by the Governing Board to assist with preparing technical information and briefings for the Commission. The Commission may request the creation of one or more subcommittees by the Governing Board to focus on subregional or local issues. Any subcommittee of the Commission shall be created by resolution of the Governing Board. The resolution shall specify the membership of the subcommittee and the task(s) to be accomplished by the subcommittee.

Mr. Dauray commented on the Sunshine Law and its applicability to WRAC.

Mr. Powers commented on the spirit of WRAC and the importance of those stakeholders communicating to the Board members any issues that may come before the Board for policy decisions. He said the Governing Board has to be in attendance and participate at the WRAC meetings.

Mr. Dauray said the amendment diminishes representative government agencies and said this needs to be addressed.

Mr. Collins commented on his concerns of Board members not Chairing WRAC. He feels this is very important and he doesn't want to lose the WRAC connection with the Governing Board.

Mr. Montgomery supports the Sunshine Law but does not believe the WRAC is an

organizational structure that is subject to the Sunshine Law. He said he would like to craft a strategy to go to the legislature for an exemption.

There was further Board discussion of what it would take in order to get an exemption by the legislature, possibly have WRAC become a Board Committee, change WRAC to an informal body or leave WRAC as it is now.

Public Comment: Newton Cook, United Waterfowlers, commented on the Sunshine Law and WRAC and said there is a need to preserve this group of advocates. He thanked Ms. Estenoz for Chairing the WRAC.

Public Comment: Joan Lawrence, DOI, said it is very important that the Board vote to amend the Charter to make the federal partners invitees of WRAC.

Public Comment: Martha Musgrove, citizen, supports the Sunshine Law and suggested to pursue some changes through the legislature.

Public Comment: Mark Perry, Florida Oceanographic Society, commented on maintaining the value of WRAC and those people who genuinely care and are committed to the issues.

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to move Resolution 2010-1200. Motion made by Shannon Estenoz, seconded by Glenn Waldman to amend the resolution as follows: to remove the section about Governing Board members being members and Chair of WRAC Section 150-6 (a) and (j); Keep changes to Section 150-5 (d) and 150-6 (i). Vote called. Voting yes: Sandy Batchelor, Kevin Powers, Charles Dauray, Eric Buermann, Jerry Montgomery, Shannon Estenoz, Glenn Waldman and Joe Collins. Motion passed.

10. South Florida Water Management Districts Year in Review for FY2010 - Carol Wehle, Executive Director, and Tom Olliff, Assistant Executive Director

Carol Wehle, Executive Director, presented the agency's highlights for FY2010.

Those included:

- The River of Grass purchase.
- Restoration Projects Design and Construction

Completed: Acme Basin B Phase II, Lake Trafford dredging);

Construction underway: STA Compartment B&C buildouts, C-111 Spreader Canal Phase I, Biscayne Bay Coastal wetlands Phase I, Lakeside Rance STA and Pump Station - Phase I).

Ms. Wehle then reported on Everglades water quality improvements, refurbishment and improvement of the regional system, meeting current and future water demands, and retaining and recruiting a diverse workforce.

Tom Olliff, Assistant Executive Director, reported on the business matrixes that have been tracked during the year. Those include: increased O&M pump stations and structures, land acquisitions, the turnover and vacancy rates, number of employees in DROP, leave balance trend, procurement transactions, SBE utilization, permits processed and the FY2010 public meetings.

Public Comment: John Arthur Marshall, Arthur R. Marshall Foundation, commented on the District's 60th anniversary celebration at the Everglades Coalition meeting in January.

Public Comment: Mark Perry, Florida Oceanographic Society, praised the District for using outside vendors and creating jobs during this bad economic time.

Consent Agenda

11. Public Comment on Consent Agenda

There was no public comment on the Consent agenda.

12. Pull Items for Discussion from Consent Agenda

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

13. Board Comment on Consent Agenda

There was no Board comment on the Consent agenda.

Regulatory Matters

14. Denials

Consent Orders

Seminole Tribe Work Plans

Page 4 No 1 BG Katz Nursery Berm (ERP): **Postponed**

15. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

16. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes

Everglades Restoration and Capital Projects

17. **2010-1201** A Resolution of the Governing Board of the South Florida Water Management District to approve granting a utility easement containing 0.73 acres, more or less, over a portion of Section 30, Township 35 South, Range 32 East, Highlands County, for the Lake Istokpoga Canal Boat Ramp; providing an effective date. (Kathy Massey, ext. 6835)

18. **2010-1202** A Resolution of the Governing Board of the South Florida Water Management District approving the release of canal and road reservations, and the issuance of a non-use commitment, containing 1.905 acres, more or less, Tract 3, Block 6, The Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, in Section 33, Township 43 South, Range 42 East, Palm Beach County, Florida; providing an effective date. (Vinola Rada, ext. 6158)

19. **2010-1203** A Resolution of the Governing Board of the South Florida Water Management District approving the issuance of a non-use commitment, containing 0.10 acres, more or less, Lot 33, Block 3, Sector 2 - Parcels 11, 27, 28 and 29, Plat Book 168, Page 20, in Section 11, Township 50 South, Range 39 East, Broward County, Florida; providing an effective date. (Vinola Rada, ext. 6158)
20. **2010-1204** A Resolution of the Governing Board of the South Florida Water Management District approving release of a canal reservation, containing 1.0 acre, more or less, for a portion of Tract 34, Florida Fruit Lands Company Subdivision No. 1, Plat Book 2, Page 17, Section 23, Township 51 South, Range 39 East, Broward County, Florida; providing an effective date. (Vinola Rada, ext. 6158)
21. **2010-1205** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a third amendment of extension of commitment for legal positive drainage outfall in favor of Pal Mar Water Control District; providing an effective date. (Ruth Clements, ext. 6271)
22. **2010-1206** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests comprising 0.87 acres, more or less, in Collier County, for use as temporary access, construction and maintenance easement sites for the construction of Golden Gate Weirs Numbers 6 and 7, in the amount of \$2,590 together with all associated costs for which ad valorem funds (Capital Projects Big Cypress Fund) are available; providing an effective date. (Tom Hanaway, ext. 6668)
23. **2010-1207** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 10.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$80,000 and associated costs for which dedicated funds (Wetlands Mitigation Fund) have been budgeted; 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. (Barbara Katz, ext. 6837)
24. **2010-1208** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a second amendment to the rock mining lease agreement, as amended, Contract No. LS060920, with Vecellio & Grogan, Inc., D/B/A White Rock Quarries with respect to lands in Sections 4 and 5, Township 52 South, Range 40 East, Miami-Dade County, Florida; and authorizing entering into an amended and restated memorandum of agreement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, White Rock Quarries, and the South Florida Water Management District with respect to lands within Sections 4 and 5, Township 52 South, Range 40 East, Miami-Dade County, Florida; providing an effective date. (Barbara Katz, ext. 6837)

Note: Ms. Estenoz abstained from voting on this agenda item.

- 25. 2010-1209** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Columbia Analytical Laboratories, one of three firms selected under Request for Proposal 600000393 for Environmental Laboratory Overflow Services, in an amount not to exceed the total funding of \$950,000 for all three contracts (4600002319, 4600002320, and 4600002321) for which \$20,894 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY12-14 budgets; providing an effective date. (Contract Number 4600002319) (Mike Wright, ext. 4523)
- 26. 2010-1210** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Florida Spectrum Environmental Laboratories, Inc., one of three firms selected under Request for Proposal 600000393 for Environmental Laboratory Overflow Services, in an amount not to exceed the total funding of \$950,000 for all three contracts (4600002319, 4600002320, and 4600002321), for which \$20,894 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY12-14 budgets; providing an effective date. (Contract Number 4600002320) (Mike Wright, ext. 4523)
- 27. 2010-1211** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Jupiter Environmental Laboratories, Inc., one of three firms selected under Request for Proposal 600000393 for Environmental Laboratory Overflow Services, in an amount not to exceed the total funding of \$950,000 for all three contracts (4600002319, 4600002320, and 4600002321), for which \$20,894 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY12-14 budgets; providing an effective date. (Contract Number 4600002321) (Mike Wright, ext. 4523)

Executive Office

- 28. 2010-1212** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2010-2011 budget as shown on the attachment hereto; providing an effective date (Mike Smykowski, ext. 6295).
- 29. 2010-1213** A Resolution of the Governing Board of the South Florida Water Management District amending Section 101-22 of the District Policies Code regarding delegations of authority relating to Chapter 120, Florida Statutes, administrative proceedings; delegating authority to act on a broader range of undisputed procedural matters associated with the initiation or closure of administrative proceedings; providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (Sarah Nall, ext. 6244)

30. **2010-1214** 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 Welcome Holdings, LLC, and any other appropriate or necessary parties, in Orange County Circuit Court or other appropriate forum, regarding the property located in Section 11, Township 24, Range 29, Orlando, Orange County, Florida. (Jennifer Bokankowitz, Ext. 2258)
31. **2010-1215** 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 Steven B. Greenfield, Trustee of the Sabra Land Trust, and any other appropriate or necessary parties, in Broward County Circuit Court or other appropriate forum, regarding the property located in Section 19, Township 47, Range 41, Broward County, Florida. (Alison Kelly, ext. 2977)
32. **2010-1216** 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 David Lee, LLC, and any other appropriate or necessary parties, in Martin County Circuit Court or other appropriate forum, regarding the property located in Section 8, Township 40 South, Range 41 East, Martin County, Florida. (Alison Kelly, ext. 2977)
33. **2010-1217** 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 Brian Blocker, and any other appropriate or necessary parties, in Collier County Circuit Court or other appropriate forum, regarding the property located in Section 34, Township 46 East, Range 28 North, Collier County, Florida. (Doug MacLaughlin, ext. 2153)
34. **2010-1218** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a work order contract with Balch & Bingham, LLP for legal services in a total contract amount not to exceed \$370,000.00, for which ad valorem funds are budgeted; providing an effective date. (Sheryl Wood, ext. 6976)

Note: Ms. Estenoz abstained from voting on this agenda item.

Regulatory and Public Affairs

35. **2010-1219** A Resolution of the Governing Board of the South Florida Water Management District transmitting the District's draft recommended certification condition revisions for Modification F to the Florida Municipal Power Association (FMPA) Cane Island Power Park Project to the Florida Department of Environmental Protection. (Jim Golden, ext 6862)

36. **2010-1220** A Resolution of the Governing Board of the South Florida Water Management District Accepting the Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4, Florida Statutes; providing an effective date. (Mark Elsner, ext. 6156)
37. Authorize publication of the Notice of Rulemaking to amend Chapters 40E-1, 40E-4, 40E-40, 40E-41, 40E-400, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (District) to: 1) correct citations; 2) correct references and exhibits to forms and revise conservation easement form for local governments to increase flexibility; 3) delete obsolete forms and other documents incorporated by reference; 4) update and repeal rules for consistency with statutes; 5) update process for submitting forms and other documents to the District; 6) repeal duplicative rules; 7) replace illegible maps and renumber Figures for consistency; 8) update rule references; 9) delete unnecessary rule titles following rule numbers within text; 10) correct incomplete sentence; 11) update incorporation language to be consistent with amendment to 1B-30.005, F.A.C.; and 12) update delegation language pursuant to SB 550 (Anita Bain, ext 6866)
38. **2010-1221** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 year cost share agreement with the Zoological Society of Florida for exhibit development in Zoo Miami's *Florida: Mission Everglades* in the amount of \$500,000 and authorize a Waiver of Competition as an exception to the general standards of competition in the amount of \$500,000 for the District's total cost share contribution in ad valorem funds for which \$100,000 is budgeted, and \$400,000 is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date. (Contract Number 4600002322) (Barbara Ross, ext. 2066)

Operations and Maintenance

39. **2010-1222** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Telvent USA, Incorporated for the annual renewal of OASyS SCADA System Software Maintenance and updates, which converts raw data collected in the field from all 16 counties to useable information for District personnel, which is retroactive from December 1, 2010 to December 9, 2010 with the performance period ending November 30, 2011, in the amount of \$163,585 for which ad valorem funds are budgeted; providing an effective date. (PR10126655) (John Lynch, ext. 4627)
40. **2010-1223** A Resolution of the Governing Board of the South Florida Water Management District to authorize a change order to purchase order 4500053107 with MWI Corporation, and authorize a Waiver of Competition as an exception to the general standards of competition for Pump Rental Service at S-6, to ratify the change order from December 1, 2010 to December 9, 2010 and to extend the term to May 31, 2011, in the amount of \$487,200 for which ad valorem funds are budgeted; providing an effective date. (Purchase Order 4500053107-CO02) (Tom DeBold, ext. 4103)

41. Board Vote on Consent Agenda

Shannon Estenoz abstained from voting on Consent Agenda Items 24, 34.

Motion made by Charles Dauray, seconded by Jerry Montgomery to Approve the following item(s): 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

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

Discussion Agenda

42. TECHNICAL REPORTS

State of Water Resources

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

B) Water Supply Report & Water Shortage Planning Actions - Pete Kwiatkowski, Director, Resource Evaluation Division (ext. 2547)

C) Ecological Conditions Report - Deborah Drum, Deputy Director, Restoration Sciences Department (ext. 6392)

D) 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

Cal Neidrauer, Chief Engineer, Operations Control & Hydro Data Management Department, reported rainfall for the wet season was five inches below average. October was the driest in South Florida since recordkeeping began in 1932. Mr. Neidrauer reported on Lake Okeechobee operations and stated the USACE's Lake Okeechobee Regulation Schedule (LORS 2008) suggests baseflow releases this week. The SFWMD Lake Okeechobee Adaptive Protocol (2010) release guidance currently suggests up to 450 cfs releases to the Caloosahatchee Estuary. Mr. Neidrauer noted the release guidance will likely suggest no releases for next week.

Public Comment: Mick Denham, City of Sanibel, commented on the concerns from southwest Florida and the perception of the agency using the word "Enviros".

Public Comment: Jane Graham, Audubon, supports shared adversity for all users.

Public Comment: Tom MacVicar, Agriculture, commented on forward pumps and the possibility of going into a Level 4 drought in April 2011.

Public Comment: Drew Martin, Sierra Club, said the Caloosahatchee River needs to get water and supports shared adversity during the dry season.

Public Comment: Pete Quasius, Collier Audubon, commented on the WRAC process, and said he will be resigning from WRAC. He said we are coming into a drought and there is a need to cut back restrictions now.

Public Comment: Irene Kennedy Quincey, Pavese Law Firm, representing agriculture, praised the adaptive protocols team of the month. She requested the adaptive protocol document be improved next year.

Public Comment: Rae Ann Wessel, SCCF, encourages the Board to continue to provide minimal flows to the Caloosahatchee River. She recommended cutting back if and when all users are cut back.

Public Comment: Commissioner Ray Judah, Lee County, commented on the water conditions for Lake Okeechobee and asked the Board to reconsider 450 cfs to the Caloosahatchee Estuary.

Pete Kwiatkowski, Director, Resource Evaluation Division, presented information on groundwater levels in the system and water supply risk indicators. Last month, the Board issued water shortage warnings for:

- Indian Prairie Basins
- Lake Istokpoga
- Lake Okeechobee Basins

Beth Ross, Sr. Supervising Attorney, explained the Water Shortage Management (WSM) trigger line for Lake Okeechobee and the level of certainty for the water users.

Ms. Estenoz said this is an issue that the Board will not resolve but needs to discuss. She would like to follow the adaptive protocols process. She said the one issue that was unresolved -- cutting discharges to the Caloosahatchee River to zero while other uses are not cut back.

Mr. Dauray commented on the current water conditions and said there needs to be a decision made by the Board about a water shortage emergency and having the constituents understand it. He said there needs to be a consistent policy that is simple and understood by all.

Ms. Ross then explained that the restrictions are imposed once the trigger line is crossed. She pointed out the Board could give the Executive Director the authority to declare a water shortage emergency if needed before the next Board meeting.

Charles Dauray made a motion, seconded by Jerry Montgomery, to modify the Order #2010-006 DAOWS for the purpose of adding the delegation to the Executive Director to modify the water shortage order when monitoring conditions indicate it is appropriate. Vote called. Voting yes: Sandy Batchelor, Kevin Powers, Joe Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Shannon Estenoz, Glenn Waldman.

Mr. Collins would like the "trigger line" be incorporated into the motion.

Mr. Dauray amended his motion to include "trigger line" be included in the motion, seconded by Jerry Montgomery. Vote called. Voting yes: Shannon Estenoz, Kevin Powers, Joe Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Shannon Estenoz, Glenn Waldman. Motion passed.

Mr. Powers stated he supports the adaptive protocols process.

Ms. Estenoz said the the adaptive protocol process does not address the "all or nothing" for releases into the estuaries.

Mr. Montgomery also supports the adaptive protocol process.

Deborah Drum, Deputy Director, Restoration Sciences Department, presented the ecological conditions update. She reported the STAs are beginning to dry out.

There was Board discussion of the uncertainties of the drought and the concerns of the STAs and possible low lake level.

Ms. Wehle commented on the uncertainty of the drought and staff are identifying the possible risks.

There was additional Board discussion on the adaptive protocol process and what level of discharge would provide a benefit to the estuaries.

Dan Haunert, Lead Environmental Scientist, explained staff would need to run a tapegrass model in order to provide the information questioned by the Board.

Mr. Montgomery had concerns about the Board making any kind of deviation to the Adaptive Protocol process because of the hard work and compromise that went into it. He feels that the Board may undermine the ability to get people together and work through these processes in the future. He feels the Board should support the Adaptive Protocols process.

Mr. Powers said there is a system in place and it is too early to drift away from the adaptive protocol process.

Mr. Dauray said he wants to make reevaluate releases to the Caloosahatchee and make changes until the next Board meeting. He said the adaptive protocols is not set in concrete.

Mr. Buermann said we aren't changing policy and that the adaptive protocols process is a guideline for recommendations to the USACE.

Public Comment: Rae Ann Wessel, SCCF, thanked the Board for discussing this issue. She said the adaptive protocols process provides flexibility. She requested the 200 cfs from the St. Lucie Estuary be given to the Caloosahatchee Estuary.

Mr. Collins said if the Board deviates from the adaptive protocols process, it will effect others. He supports what was achieved through the adaptive protocol process.

Mr. Ammon explained the Adaptive Protocols process was for staff guidance. He noted the Governing Board always has the opportunity to change their minds based on the exact conditions presented to them at the Board meetings.

Mr. Dauray made a motion, seconded by Glenn Waldman, to modify the Adaptive Protocols decision box, until the next Governing Board meeting as based on Governing Board discretion, and recommend to USACE releases to Caloosahatchee Estuary up to 300 cfs. Voting called. Voting yes: Sandy Batchelor, Charles Dauray, Eric Buermann. Voting no: Kevin Powers, Joe Collins, Jerry Montgomery, Glenn Waldman, and Shannon Estenoz. Motion failed.

Ms. Drum continued with her presentation and reported on the Kissimmee Basin and showed photos of Lake Okeechobee from past dry seasons. She then reported on the salinity levels for the Caloosahatchee and the St. Lucie estuaries. Ms. Drum noted that the cattail population has increased in the WCA-3 over the past 10 years.

Kim Taplin, West Palm Beach Deputy Program Manager for Restoration, USACE, provided the USACEs Lake Okeechobee Report.

Everglades Restoration and Capital Projects

- 43. 2010-1224** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year cost share agreement with United States Geological Survey, for geomorphic monitoring of the Kissimmee River Restoration project, in the total amount of \$1,800,900, of which the Districts total contribution is not to exceed \$1,575,900, of which \$278,100 in ad valorem funds are budgeted; and the remaining is subject to Governing Board approval of the FY12-15 budgets, providing an effective date. (Contract Number 4600002280)(Jose Valdes, x6734)

Note: Ms. Estenoz abstained from voting on this agenda item.

No presentation provided.

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

Vote called. Voting yes: Jerry Montgomery, Charles Dauray, Sandy Batchelor, Eric Buermann, Kevin Powers, Glenn Waldman. Abstained: Shannon Estenoz. Not present: Joe Collins. Motion passed.

- 44.** Authorize publication of Notice of Rule Development in the Florida Administrative Weekly to amend Chapters 40E-2, 40E-10 and 40E-20, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to address water supply availability within the Broward County and Dade/Monroe Water Use Basins for the protection of fish and wildlife in Biscayne Bay; providing an effective date. (Brenda Mills, ext. 6536)

Note: Ms. Estenoz abstained from voting on this agenda item.

No presentation provided.

Public Comment: Rosa Durando, ASE, commented on limited water supply, MFLs and questioned the basis of mitigation.

Public Comment: Jane Graham. Audubon, supports the Biscayne Bay RAA.

Public Comment: Joan Lawrence, DOI, supports the restricted allocation rule and thanked staff for bringing this to the Board.

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

Vote called. Voting yes: Jerry Montgomery, Kevin Powers, Sandy Batchelor, Eric Buermann, Glenn Waldman. Abstained: Shannon Estenoz. Not present: Joe Collins, Charles Dauray. Motion passed.

Corporate Resources

- 45. 2010-1225** 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 2 one-year renewal options, subject to successful negotiations with Aerial Cartographics of America, Inc., one of three firms selected for spatial data acquisition, mapping and image processing services, in an amount not-to-exceed total funding of \$3,000,000 for all three contracts, of which \$350,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002313) (James Cameron, ext. 6037)

No presentation provided.

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

Vote called. Voting yes: Jerry Montgomery, Kevin Powers, Sandy Batchelor, Eric Buermann, Glenn Waldman. Not present: Joe Collins, Charles Dauray, Shannon Estenoz. Motion passed.

- 46. 2010-1226** 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 2 one-year renewal options, subject to successful negotiations with Dewberry & Davis, LLC., one of three firms selected for spatial data acquisition, mapping and image processing services, in an amount not-to-exceed total funding of \$3,000,000 for all three contracts, of which \$350,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002312) (James Cameron, ext. 6037)

No presentation provided.

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

Vote called. Voting yes: Jerry Montgomery, Kevin Powers, Sandy Batchelor, Eric Buermann, Glenn Waldman. Not present: Joe Collins, Charles Dauray, Shannon Estenoz. Motion passed.

- 47. 2010-1227** 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 2 one-year renewal options, subject to successful negotiations with GMR Aerial Surveys, Inc., d/b/a Photo Science one of three firms selected for spatial data acquisition, mapping and image processing services, in an amount not-to-exceed total funding of \$3,000,000 for all three contracts, of which \$350,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002314) (James Cameron, ext. 6037)

No presentation provided.

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

Vote called. Voting yes: Jerry Montgomery, Kevin Powers, Sandy Batchelor, Eric Buermann, Glenn Waldman. Not present: Joe Collins, Charles Dauray, Shannon Estenoz. Motion passed.

- 48. 2010-1228** A Resolution of the Governing Board of the South Florida Water Management District to authorize to authorize the official ranking of short-listed firms and entering into a 3 year contract, with 2 one-year renewal options, subject to successful negotiations with Dewberry & Davis, LLC., one of four firms selected for spatial database development, GIS application development and GIS analysis and reporting services, in an amount not-to-exceed total funding of \$2,000,000 for all four contracts, of which \$225,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002315) (James Cameron, ext. 6037)

No presentation provided.

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, Charles Dauray, Kevin Powers. Not present: Joe Collins, Shannon Estenoz. Motion passed.

- 49. 2010-1229** 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 2 one-year renewal options, subject to successful negotiations with HDR Engineering, Inc., one of four firms selected for spatial database development, GIS application development and GIS analysis and reporting services, in an amount not-to-exceed total funding of \$2,000,000 for all four contracts, of which \$225,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002318) (James Cameron, ext. 6037)

No presentation provided.

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, Charles Dauray, Kevin Powers. Not present: Joe Collins, Shannon Estenoz. Motion passed.

- 50. 2010-1230** 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 2 one-year renewal options, subject to successful negotiations with INTERA Incorporated, one of four firms selected for spatial database development, GIS application development and GIS analysis and reporting services, in an amount not-to-exceed total funding of \$2,000,000 for all four contracts, of which \$225,000 FY11 ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002316) (James Cameron, ext. 6037)

No presentation provided.

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, Charles Dauray, Kevin Powers. Not present: Joe Collins, Shannon Estenoz. Motion passed.

- 51. 2010-1231** 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 2 one-year renewal options, subject to successful negotiations with Post, Buckley, Schuh & Jernigan, Inc. d/b/a PBS&J, one of four firms selected for spatial database development, GIS application development and GIS analysis and reporting services, in an amount not-to-exceed total funding of \$2,000,000 for all four contracts, of which \$225,000 FY11 ad valorem funds are budgeted and the remainder is subject to governing board approval of the FY12 through FY14 budgets; providing an effective date. (Contract #4600002317) (James Cameron, ext. 6037)

No presentation provided.

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, Charles Dauray, Kevin Powers. Not present: Joe Collins, Shannon Estenoz. Motion passed.

Operations and Maintenance

- 52. 2010-1232** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 580 day contract with D. N. Higgins Incorporated, the lowest responsive and responsible bidder, for the S-331 Repowering, Automation and Gearbox Refurbishment, in the amount of \$1,392,000 for which ad valorem funds of \$700,000 are budgeted; and the remainder is subject to Governing Board approval of the FY12 budget, providing an effective date. (Contract Number 4600002323) (Sara Sciotto, ext 4077)

No presentation provided.

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

Vote called. Voting yes: Jerry Montgomery, Sandy Batchelor, Eric Buermann, Charles Dauray, Kevin Powers, Glenn Waldman. Not present: Joe Collins, Shannon Estenoz. Motion passed.

- 53. Public Comment**

- Regulatory Policy Issues
- General Public Comment

No public comment.

Staff Reports

- 54. General Counsel Report - Sheryl Wood**

Sheryl Wood, General Counsel, reported on the Office of Counsels' activities for November and December.

- 55. Executive Director's Report - Carol Wehle**

- Report of Permits Issued by Authority Delegated to the Executive Director from November 1, 2010 to November 30, 2010

Ms. Wehle reported that she has invited the Department of Interior to do a conditions report next month because of their concern for Everglades National Park. She also reported on permits issued by authority delegated to the Executive Director from November 1st - November 30th.

- 56. Board Comment**

Mr. Dauray thanked Mrs. Wehle and staff for their support during his discussion on the water releases into the Caloosahatchee Estuary.

Adjournment

57. Adjourn

Chair Buermann adjourned the meeting at 4:13 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

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to Approve the following item(s): 57

Vote called. Voting yes: Shannon Estenoz, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Charles Dauray, Kevin Powers, Glenn Waldman. Not present: Joe Collins. Motion passed.