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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

February 13, 2014

9:00 AM

Lee County Commission Chambers

2120 Main Street

Ft. Myers, FL 33901

FINAL

*Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.*

*The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.*

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Local Governmental Officials
4. Agenda Revisions - Jacki McGorty, District Clerk
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair

## Consent Agenda

*Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.*

*Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.***

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda
10. Approval of the Minutes for the January 9, 2014 Regular Business meeting held in West Palm Beach, Florida
11. Waivers for Water Resources Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items
13. **Resolution No. 2014 - 0201** Approving release of canal reservations and issuance of a non-use commitment. (OMC, Kathy Massey, ext. 6835)
14. **Resolution No. 2014 - 0202** Authorizing an amendment to an existing flowage, conservation, monitoring and access easement and restoration and maintenance agreement in favor of the South Florida Water Management District containing 410.96 acres, more or less, along with an amendment to an access road and maintenance easement in favor of the South Florida Water Management District, all for the Lake Okeechobee Isolated Wetland Restoration and Creation Project, in Okeechobee County. (OMC, Bob Schaeffer, ext. 2985)
15. **Resolution No. 2014 - 0203** Authorize entering into an amendment to the Cooperative Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for dedication and certification of lands owned by the Board of Trustees to the Picayune Strand Restoration Project. (Contract No. 4600001758) (EPC, Tom Teets, ext. 6993)

16. **Resolution No. 2014 - 0204** Authorizing the Florida Fish and Wildlife Conservation Commission to establish District lands, consisting of approximately 1800 acres of Tract 18121-001 located in Polk County, as part of the Kissimmee Chain of Lakes Managed Area through the end of the 2014 spring turkey season; subject to terms and conditions. (OMC, Steve Coughlin, ext. 2603)
17. **Resolution No. 2014 - 0205** Adopting the FY2014 Five-Year Capital Improvements Plan. (AS, Doug Bergstrom, ext. 6214)
18. Board Vote on Consent Agenda
19. General Public Comment
20. Board Comment

## Discussion Agenda

21. Lower West Coast Initiatives - Introduced by Dan DeLisi, Chief of Staff
  - A) Caloosahatchee Science Workshop Results - Dr. Michael Parsons, Director, Coastal Watershed Institute, Florida Gulf Coast University
  - B) Lee County Water Resource Projects - Kurt Harclerode, Operations Manager, Lee County Natural Resources Division
  - C) Corkscrew Regional Ecosystem Watershed (CREW) Update - Brenda Brooks, Executive Director, CREW Land & Water Trust
  - D) Lower West Coast Projects Update - Jeff Kivett, Division Director, Engineering & Construction Division (ext. 2680)
22. Technical Reports
  - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
23. **Resolution No. 2014 - 0206** Approving the Letter of Support and Financial Capability Statement for the Picayune Strand Restoration Project Limited Re-evaluation Report. (EPC, Tom Teets, ext. 6993)
24. Authorize publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-2.091, 40E-10.021, 40E-10.031, and 40E-10.041, F.A.C., and the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", and request review by the Office of Fiscal Accountability and Regulatory Reform, to establish a water reservation and criteria for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir. (EPC, Beth Lewis ext. 6343)
25. Status update on Memorandum of Agreement for conveyance of real property interests in the Corbett Wildlife Management Area - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)
26. **Resolution No. 2014 - 0207** Approving a non-binding Memorandum of Understanding for exchange of lands under which the South Florida Water Management District will receive approximately 360 acres, more or less, of land in fee from the owners of certain tracts within the Shingle Creek Project in Orange County in consideration for and exchange of approximately 100 acres, more or less, of land to be conveyed by the District in fee within the Shingle Creek Project in Orange County, all subject to approval of a land exchange agreement by the Governing Board of the South Florida Water Management District. (OMC, Richard Bassell, ext. 2510)

27. **Resolution No. 2014 - 0208** Authorizing the official ranking of firms and entering into a 3-year contract, with 2 one year extensions, with MWH Americas, Inc.; CDM Smith Inc.; Brown and Caldwell (Corporation); URS Corporation Southern; Tetra Tech, Inc. and Jacobs Engineering Group, Inc. d/b/a J-Tech; CH2M Hill Engineers, Inc. d/b/a CH2M Hill; WRS Infrastructure & Environment, Inc. d/b/a WRScompass; HDR Engineers, Inc.; Carollo Engineers, Inc.; Arcadis US, Inc.; Parsons Brinckerhoff, Inc.; Erdman Anthony of Florida, Inc.; Gannett Fleming, Inc.; subject to successful negotiations to provide professional engineering services for the District Restoration Project, in an amount not-to-exceed \$150,000,000; for all 13 contracts, of which \$10,000,000 in Save Our Everglades Trust Fund, COPS and ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY20 budgets; providing an effective date. (Contract Numbers 4600003006, 4600003007, 4600003008, 4600003009, 4600003015, 4600003014, 4600003012, 4600003010, 4600003016, 4600003011, 4600003013, 4600003017, and 4600003018) (OMC, John Mitnik, x2679)
28. **Resolution No. 2014 - 0209** Approve a Three-Year Purchase Order Cooperative Agreement with FDEP for Laboratory Analyses for an amount not to exceed \$1,500,000, of which \$230,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY15-17 budgets. (Contract No. 4600002995) (WR, Dave Struve, ext. 4521)
29. General Public Comment
30. Board Comment

## **Public Hearing**

31. Adopt proposed Rules 40E-1.021, 40E-1.602, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-2.011, 40E-2.041, 40E-2.061, 40E-2.071, 40E-2.091, 40E-2.101, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-3.011, 40E-3.021, 40E-3.040, 40E-3.051, 40E-3.301, 40E-3.451, 40E-5.011, 40E-5.041, 40E-5.301, 40E-8.011, 40E-8.421, 40E-8.431, 40E-10.011, 40E-10.031, 40E-10.051, 40E-20.010, 40E-20.011, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.351, 40E-20.381, 40E-24.011, 40E-24.101, 40E-24.201, F.A.C., and reorganize and rename the Basis of Review for Water Use Permit Applications within the South Florida Water Management District with the proposed changes to address JAPC and public comment. (REG, Maria Clemente, ext. 2308)

## **Staff Reports**

32. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
33. General Counsel's Report - Carolyn Ansay
34. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegated to the Executive Director from January 1-31, 2014.
35. Board Comment

## **Attorney Client Sessions**

### 36. Attorney Client Session - USA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

#### **Action Items (if any) Stemming from Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

### 37. Attorney Client Session - FEMA

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon and the Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

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38. Adjourn