



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

June 13, 2013

9:00 AM

Village of Key Biscayne - Council Chambers
560 Crandon Blvd.
Key Biscayne, FL 33149

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. Recognition of Local Officials - Sandy Batchelor and Juan Portuondo, Governing Board Members representing Miami-Dade County
4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
5. Discussion of Executive Director Position
6. Abstentions by Board Members from items on the Agenda

7. 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.***

8. Public Comment on Consent Agenda
 9. Pull Items for Discussion from Consent Agenda
 10. Board Comment on Consent Agenda
- Consent Items
11. Approval of Minutes for the May 8, 2013, Tour and Joint Workshop with Big Cypress Basin Board held in Naples, Florida, and the May 9, 2013, Regular Business meeting held in West Palm Beach, Florida
 12. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes
 13. Regulatory Consent Items
 - Permit Denials
 - Consent Orders
 - Conservation Easement and Releases
 - Settlement Agreement
 - Water Use Variances
 - Seminole Tribe Work Plans
 14. Right of Way Regulatory Consent Agenda
 - Right of Way Occupancy Permit Modifications
 15. **Resolution No. 2013 - 0601** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal, mineral and road reservations, issuance of non-use commitment and release of Trustees of the Internal Improvement Trust Fund canal reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)

16. **Resolution No. 2013 - 0602** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to utilize District lands for the Youth Hunting Program of Florida and hunts for injured active duty service members or injured honorably discharged veterans on such lands, subject to terms and conditions; providing an effective date. (OMC, Dan Cotter, ext. 2301)
17. **Resolution No. 2013 - 0603** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with two (2) one-year renewal options with All Seasons Landscape Contractors, Inc., the lowest responsive and responsible bidder, for Slope Mowing Services in the Clewiston Field Station area, in the amount of \$236,600 for three years, of which \$33,800 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY14-FY16 budgets; providing an effective date. (Contract Number 4600002882) (OMC, Mitchell Murphy, ext. 3218)
18. **Resolution No. 2013 - 0604** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Work Order Contract 4600002401 with Environmental Consulting and Technology Inc., for Environmental Risk Assessment Services, to increase the contract in an amount not-to-exceed \$900,000 for which \$400,000 is budgeted and the remainder is subject to Governing Board approval of the FY14-FY16 budgets; providing an effective date. (Contract Number 4600002401) (OMC, Robert Kukleski, ext. 3337)
19. **Resolution No. 2013 - 0605** A Resolution of The Governing Board of The South Florida Water Management District to authorize an amendment to Work Order Contract 4600002399 with Professional Service Industries, Inc., for Environmental Risk Assessment Services, to increase the contract in an amount not-to-exceed \$900,000 for which \$400,000 is budgeted and the remainder is subject to Governing Board approval of the FY14-FY16 budgets; providing an effective date. (Contract Number 4600002399) (OMC, Robert Kukleski, ext. 3337)
20. **Resolution No. 2013 - 0606** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Work Order Contract 4600002397 with URS Corporation, for Environmental Risk Assessment Services, to increase the contract in an amount not-to-exceed \$500,000 for which \$400,000 is budgeted and the remainder is subject to Governing Board approval of the FY14-FY16 budgets; providing an effective date. (Contract Number 4600002397) (OMC, Robert Kukleski, ext. 3337)

21. **Resolution No. 2013 - 0607** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a three-year agreement with Florida International University for Influence of Ecohydrological Inflows on Central Florida Bay Coastal Systems in the amount of \$276,354, of which \$130,930 is allocated for FY13, budgeted from Florida Bay Special Revenue Funds, and the remainder is subject to Governing Board approval of the FY14-FY15 budgets; providing an effective date. (Contract No. 4600002866) (WR, Christopher Madden, ext. 4647)
22. **Resolution No. 2013 - 0608** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District's FY12-13 budget to fund District fuel & electric demands as needed to respond to operational requirements; providing an effective date. (AS, Mike Smykowski, ext. 6295)
23. **Resolution No. 2013 - 0609** A Resolution of the Governing Board of the South Florida Water Management District authorizing the addition of facilities pursuant to the Master Lease Purchase Agreement dated as of November 1, 2006; authorizing the execution and delivery of a second supplement to Series 2006 Ground Lease and a second amendment to Schedule 2006 in connection therewith; authorizing the ground lease of certain lands; providing an effective date (AS, Mike Smykowski, ext. 6295).
24. **Resolution No. 2013 - 0610** A Resolution of the Governing Board of the South Florida Water Management District approving the July 1, 2013 Regulatory Plan attached as Appendix A and authorizing staff to submit to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes, effective immediately. (OC, Carolyn Ansay, ext. 6976)
25. **Resolution No. 2013 - 0611** A Resolution of the Governing Board of the South Florida Water Management District amending Sections 150-5, 150-6, and 150-7 of the District Policies Code regarding the Water Resources Advisory Commission (WRAC) to revise membership, appointment of a Vice Chair, and attendance provisions; providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (EXO, Dan DeLisi, ext. 6232)
26. Board Vote on Consent Agenda
27. General Public Comment

Discussion Agenda

28. Technical Reports
 - A) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
 - B) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
29. District Flood Control Operations and Rainy Season Readiness Update - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
30. Central Everglades Planning Project Update - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources, and Kimberley Taplin, Chief, Central Everglades Branch, Planning & Policy Division, Jacksonville District, U.S. Army Corps of Engineers (ext. 2110)
31. Modified Water Deliveries Project Update - Ernie Barnett, Assistant Executive Director, Everglades & Water Resources, and Kimberley Taplin, Chief, Central Everglades Branch, Planning & Policy Division, Jacksonville District, U.S. Army Corps of Engineers (ext. 2110)
32. Land Assessment Process Update - Ray Palmer, Section Leader, Real Estate (ext. 2246)
33. **Resolution No. 2013 - 0612** A Resolution of the Governing Board of the South Florida Water Management District, directing staff to move forward to analyze options for disposal of land interests containing 6,250 acres, more or less, in Okeechobee, Osceola, Polk, Highlands and Glades Counties, together with any structures and improvements and personal property appurtenant thereto, and thereafter propose recommendations to the Governing Board for further approval; providing an effective date. (OMC, Ray Palmer, ext. 2246)
34. FY14 Proposed Budget Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)
35. Dispersed Water Management Program Update - Temperince Morgan, Director, Office of Everglades Policy & Coordination (ext. 6987)
36. Biscayne Bay Dry Season Operations Update - Scott Burns, Chief Environmental Scientist, Water Resources Division (ext. 6544)
37. Biscayne Bay Coastal Wetlands Project Incremental Component Options - Tom Teets, Federal Policy Chief, Office of Everglades Policy & Coordination (ext. 6993)
38. General Public Comment

Public Hearing

39. Adopt amendments to Rules 40E-2.091, 40E-10.021, 40E-10.031, 40E-10.041, 40E-10.051, 40E-10.061, and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, to establish a Water Reservation for the protection of fish and wildlife associated with the Biscayne Bay Coastal Wetlands Phase I Project. (WR, Don Medellin, ext. 6340)
40. Adopt amendments or repeal provisions in Chapter 40E-0, 40E-1, 40E-4 and 40E-41, F.A.C., repeal Chapters 40E-40 and 40E-400, F.A.C., amend and rename the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and authorize publication of a Notice of Change in the Florida Administrative Register, regarding the statewide environmental resource permitting rules. (OC, Susan Martin, ext. 6251)
41. Adopt amendments to Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., repeal Rules 40E-6.101, 40E-6.121, 40E-62.011, 40E-62.020, 40E-62.021, 40E-62.023, 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.051, 40E-62.101, 40E-62.301, 40E-62.321, 40E-62.331, 40E-62.341, 40E-62.351, 40E-62.381, and 40E-62.651, F.A.C., and new rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741 and 40E-6.751, F.A.C., and the materials incorporated by reference in Rule 40E-6.091, F.A.C., regarding the Right of Way Permitting Program for Works and Lands of the District. (OMC, Jorge Patino, ext. 6175)

Staff Reports

42. Monthly Financial Statement - Doug Bergstrom, Division Director,
Administrative Services
43. General Counsel's Report - Carolyn S. Ansay
44. Executive Director's Report
Report on permits issued by authority delegated to the Executive Director
from May 1-31, 2013.
45. Board Comment
46. Adjourn