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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*

January 9, 2014

9:00 AM

District Headquarters - B-1 Auditorium  
3301 Gun Club Road  
West Palm Beach, FL 33406

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. Employee Recognitions - Presented by Blake Guillory, Executive Director
  - January Employee of the Month - Brian Garrett, Scientist 3, Field Operations & Land Operations Division
  - January Team of the Month - Statewide Environmental Resource Permitting Team
  - Employee of the Year - Walter Wilcox, Section Leader, Water Resources Division
  - Team of the Year - Land Assessment Team

- 30-Year Service Recognition - Jenni Hiscock, Project Development Section Leader, Regulation Division
- 4. Agenda Revisions - Reagan Walker, Director, Office of Governing Board & Executive Services
- 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 of the Minutes for the December 12, 2013 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. Right of Way Regulatory Consent Items
14. **Resolution No. 2014 - 0101** Approving release of canal, road and mineral reservations. (OMC, Kathy Massey, ext. 6835)
15. **Resolution No. 2014 - 0102** Authorize entering into an Interagency Agreement between the South Florida Water Management District (SFWMD) and the St. Johns River Water Management District (SJRWMD) for designation of regulatory responsibility for permitting under Part II of Chapter 373, Florida Statutes, for the project known as Eagle Island Farm that crosses the jurisdictional boundaries of both Water Management Districts. (REG, Maria Clemente, ext. 2308)
16. **Resolution No. 2014 - 0103** Approve the ten year update of the Dupuis and Kissimmee River General Management Plans (2014-2024). (OMC, Steve Coughlin, ext. 2603)

17. **Resolution No. 2014 - 0104** Authorize entering into a three-year contract with two (2) one-year renewal options with G4S Secure Solutions USA, Inc., for Security Guard Services in an amount not to exceed \$559,478.52 for which \$199,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15–FY18 budgets; providing an effective date. (Contract Number 4600002990) (AS, Bill Hancsak, ext. 6167)
18. **Resolution No. 2014 - 0105** Authorizing the Executive Director or designee to submit reimbursement requests to the Florida Department of Environmental Protection for implementation of Comprehensive Everglades Restoration Plan Water Quality Studies using Save our Everglades Trust Funds. (AS, Doug Bergstrom, ext. 6214)
19. **Resolution No. 2014 - 0106** Authorize entering into a three-year agreement with Florida International University for Ecological Monitoring of Water and Habitat Quality associated with the C-111 Spreader Canal Project in an amount of \$356,323 for which \$86,323 in Florida Bay Special Revenue Funds are budgeted and the remainder is subject to Governing Board approval of the FY15-FY16 budgets. (Contract No. 4600002987) (WR, Christopher J. Madden, ext. 4647)
20. **Resolution No. 2014 - 0107** Accept the FY2014 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(A)4, Florida Statutes. (WR, Mark Elsner, ext. 6156)
21. Board Vote on Consent Agenda
22. General Public Comment
23. Board Comment

## Discussion Agenda

24. 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)
25. Everglades Restoration Project Prioritization, Part 2: State Restoration Projects - Temperince Morgan, Division Director, Office of Everglades Policy & Coordination (ext. 6987)
26. Modified Water Deliveries to Everglades National Park and C-111 South Dade Projects Update - Tom Teets, Federal Policy Chief, ext. 6993
27. Capital Projects Plan Update - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)
28. **Resolution No. 2014 - 0108** Approving an agreement with Florida Department of Environmental Protection to provide the District with 319(h) Grant funding in the amount of \$1,506,401 in support of the Water Farming Pilot Projects where the District is required to provide \$1,581,000 of matching funds. (EPC, Beth Lewis, ext 6343)
29. **Resolution No. 2014 - 0109** Authorize a three-year contract with the University of Florida Board of Trustees for Dispersed Water Management Program Water Farming Watershed Coordination Assistance for the purpose of providing outreach, options assessment and opportunities identification, and recommendations. (EPC, Beth Lewis, ext 6343) (Contract No. 4600002986)
30. **Resolution No. 2014 - 0110** Approving a three-year Water Farming Pilot Project agreement with Evans Properties, Inc. to implement, monitor and evaluate the costs and benefits of "Water Farming." The total District cost is \$1,392,117 for design, permitting, construction, operation & maintenance, and participation payments (970 acres in St. Lucie County). (EPC, Beth Lewis, ext. 6343)
31. **Resolution No. 2014 - 0111** Approving a three-year agreement with Spur Land and Cattle, LLC and Bull Hammock Ranch, Ltd. to conduct a pilot project to implement, monitor and evaluate the costs and benefits of "Water Farming." The total District cost is \$245,440 for design, permitting, construction, operation & maintenance, and participation payments (210 acres in Martin County). (EPC, Beth Lewis, ext. 6343)

32. **Resolution No. 2014 - 0112** Approving the acquisition of fee title land interests containing 4,604.22 acres, more or less, for the STA-1W Expansion Project, in Palm Beach County, along with the receipt of \$450,000, in exchange for the conveyance of fee title land interests in Palm Beach County containing 8,700 acres, more or less, and the option to require the District to convey fee title land interests containing 55 acres, more or less, for no additional consideration, and the payment of cash consideration in the amount of \$5,978,474 and associated costs for which ad valorem funds are budgeted; approve declaring surplus for exchange and conveyance of fee title land interests in Palm Beach County containing 8,755 acres, more or less, all without reservation of interests under Section 270.11, Florida Statutes; approve entering into a lease agreement with respect to the lands containing 4,604.22 acres, more or less, in Palm Beach County; approve lease extensions. (OMC, Richard Bassell, ext. 2510)
33. **Resolution No. 2014 - 0113** Authorize entering into a 790-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the S-13 Repowering and Automation project, for a total amount of \$6,841,000 for which ad valorem funds of \$1,800,000 are budgeted and the remainder is subject to Governing Board approval of the FY15-FY16 budgets. (Contract Number 4600002993) (OMC, John Mitnik, ext. 2679)
34. General Public Comment

## **Public Hearing**

35. **Resolution No. 2014 - 0114** Adopting the SFWMD Florida Forever Work Plan, 2014 Annual Update, contained in Chapter 6A, Volume II of the 2014 South Florida Environmental Report. (OMC, Ray Palmer, ext. 2246)
  
36. Adopt Proposed Rules 40E-40E-1.021, 40E-1.602, 40E-1.603, 40E-1.6065, 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-2.331 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 to improve consistency among the WMDs' consumptive use permitting programs. (REG, Maria Clemente, ext. 2308)

## **Staff Reports**

37. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
38. General Counsel's Report - Carolyn Ansay
39. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegated to the Executive Director from December 1-31, 2013.
40. Board Comment

## **Attorney Client Sessions**

### 41. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2012), 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**

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### 42. 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 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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43. Adjourn