



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING MINUTES

April 8, 2021

9:00 AM

via Communications Media Technology

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Attendee Name	Title	Status
Chauncey Goss	Chairman	Present
Ron Bergeron		Present
Charlie Martinez		Present
Cheryl Meads		Present
Charlette Roman		Present
Jay Steinle		Present
Jacqui Thurlow-Lippisch		Present
Scott Wagner	Vice-Chairman	Present

1. Call to Order - Chauncey Goss, Chairman, Governing Board
Chairman Goss called the meeting to order at approximately 9:00 AM.
2. Pledge of Allegiance
Ms. Meads led the Pledge of Allegiance.
3. Employee Recognitions
Mr. Bartlett presented employee recognitions for April Employee of the Month, Jerry Krenz; April Team of the Month, Kissimmee Water Reservation Team; 35-Years of Service, Brian Turcotte; and, Mark Elsner as recipient of the 2021 President's Award from the WateReUse Association Annual Symposium.
4. Agenda Revisions
Ms. Byrd stated item 10 was postponed; Consent Agenda item 17A had minor edits; and, the background language for Discussion Agenda item 23 was revised.

5. Agenda Item Abstentions by Board Members

Mr. Bergeron abstained from voting and discussion on Consent Agenda item 16. This agenda item impacts property associated with Mr. Bergeron and held by Green Glades East, LLC, and the Ronald M. Bergeron Sr. Trust.

6. Consider Approval of the Minutes for the March 11th Meeting

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Steinle
SECONDER:	Jacqui Thurlow-Lippisch
AYES:	Goss, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

7. General Public Comment

Newton Cook
Mike Elfenbein
Mike Collins
Doug Gaston
Ryan Rossi
Nyla Pipes
Ernie Barnett
Jeremy McBryan
Eve Samples
Mike Conner
Lisa Interlandi
Emma Haydocy
Cara Capp

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8. Board Comment

Ms. Thurlow-Lippisch commented on the importance of state and federal agencies working together publicly and requested staff provide an update on changes to the 40E-61 Rule; shared a report from the National Academy of Science in Florida Trend magazine and requested staff provide an update on the comments that were made; stressed the importance of the Water Resources Accountability and Collaboration (WRAC) Forum to provide an open discussion for the public; and, thanked Captains for Clean Water for the tour of Shark River Slough.

Mr. Steinle recognized the retirement of Regional Representative Laura Corry and thanked Ms. Corry for 32-years of invaluable service to the Board and the District; commented on the incorporation of the Loxahatchee River into the Water Resources Development Act (WRDA); shared the development of a partnership with Palm Beach County, West Palm Beach, District staff, and stakeholders to create a Memorandum of Understanding which would deliver consumptive use permitted water to the Loxahatchee River; and, thanked the Florida Congressional delegation for the massive funding effort in support of state and federal funding.

Mr. Bergeron thanked state and federal partnerships for assisting staff with moving more water south and removing obstacles, and shared a video paying tribute to Everglades Day and Marjory Stoneham Douglas.

Mr. Martinez commended the Board and staff for making public engagement a cornerstone of this agency and conveyed the Board's continued commitment to transparency.

Ms. Meads commented on clean water as a nonpolitical need and stressed the importance public engagement to keep restoration projects moving forward while providing clean water to the 8.7M residents of south Florida.

The Board thanked staff for the CERP workshop and Old Tamiami Trail Roadbed Removal event, and conveyed appreciation to Governor DeSantis and federal, state, and local partnerships for attending this milestone event.

Ms. Roman shared details on a Conservancy of Southwest Florida East Meets West Tour with Miami Commissioner Ken Russell and officials from Collier County and the City of Naples, and commented on the need for more dialogue with staff to address land management issues with land leases. Further, Ms. Roman stated Ms. Smith would be coordinating efforts to address District land management issues.

Vice Chairman Wagner concurred with Mr. Martinez's comments on the Board's commitment to public transparency and thanked the public for commenting during monthly meetings to assist the Board with addressing issues; echoed Ms. Thurlow-Lippisch's suggestion from March for staff to provide an Everglades Forever Act (EFA) workshop; confirmed the availability of WRAC videos on YouTube; and, stressed the importance of public engagement and participation to continue to move restoration projects forward in a uniformed alignment with federal, state, and local partnerships.

Chairman Goss commented on the C-139 Flow Equalization Basin (FEB) ribbon-cutting event in Hendry County, West Marsh Preserve Stormwater Treatment Area (STA) ribbon-cutting event with Lehigh Acres Municipal Services Improvement District, and a visit to Naples Botanical Garden; thanked Congressman Byron Donald, U.S. House of Representatives, Sanibel Captiva Foundation, Ding Darling Refuge, and Captains for Clean Water for the tour of Tarpon Bay; and, thanked Mr. Newton Cook, United Waterfowlers of Florida, for dedicated efforts acting as facilitator for the Water Resources Water Resources Accountability and Collaboration (WRAC) Forum, and providing updates to the Board and public.

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Consent Agenda

9. Move Consent Agenda Items to Discussion Agenda

In response to Mr. Martinez's request for clarification on the scope of work for Consent Agenda item 17A, Mr. Mitnik elaborated on the EAA Reservoir and STA project construction contracts and change order. Mr. Martinez then asked if the change order included using the same unit price as the existing construction contract

to which Mr. Shirkey confirmed it did. Mr. Martinez commended staff for keeping construction prices the same while costs continued to rise.

Mr. Bergeron commented on item 11 and requested staff research uplifting wetlands to create value and/or revenue to fund more restoration projects.

No items were moved from the Consent Agenda to the Discussion Agenda.

10. **ITEM POSTPONED** Right of Way Occupancy Permit Requests (Staff contact, Rich Virgil)
11. 8.5 Square Mile Area Mechanical Restoration, Miami-Dade County (Staff contact, Stephen M. Collins)
Resolution No. 2021 - 0401 Authorize entering into a three-year contract with Southwest Ag Service, Inc., the lowest responsive and responsible bidder, for the 8.5 Square Mile Area Mechanical Restoration, in an amount not-to-exceed \$785,000, for which Ad Valorem funds in the amount of \$312,000 are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004396)
12. Cattle Grazing Lease with 5 L Cattle, LLC, St. Lucie County (Staff contact, Stephen M. Collins)
Resolution No. 2021 - 0402 Authorize a five-year cattle grazing lease on 1,167.13 acres, more or less, in St. Lucie County with 5 L Cattle, LLC. (Contract Number 4600004405)
13. Stipulation for Settlement and Final Judgment, C-111 South Dade Project (Staff contact, Stephen M. Collins)
Resolution No. 2021 - 0403 Authorize a Settlement for the sum of \$146,500, inclusive of interest, attorneys' fees and expert fees and costs, for which dedicated funds (Save Our Everglades Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021, and authorize the Executive Director to execute a Stipulated Order of Taking and Final Judgment in a condemnation action to acquire 7.06 acres, more or less, (Tracts GR100-099 Roger Donaldson, GR100-105 FDC Foundation, GR100-106 South Florida Housing and Urban Development, LLC and GR100-149 heirs of Ernesto Lopez) within the C-111 South Dade Project, styled South Florida Water Management District v. Catechin Holding, Inc., et al., filed in the 11th Judicial Circuit in and for Miami Dade County, Florida, Case No. 2020-025125-CA-01.
14. Contract Extension for Vegetation Mapping of the Water Conservation Areas, Palm Beach, Broward, and Miami-Dade Counties (Staff contact, Lawrence Glenn)
Resolution No. 2021 - 0404 Authorize entering into a two-year contract extension with Boodjamap, LLC for vegetation mapping of the Water Conservation Areas for a total amount not-to-exceed \$424,800 for which dedicated funds (Wetland Mitigation Fund) in the amount of \$150,000 are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004194-A02)

15. Collier County Office Lease Extension at Big Cypress Basin Service Center (Staff contact, Candida Heater)

Resolution No. 2021 - 0405 Authorize an amendment to Contract Number 4600003056 with Collier County to extend the Lease by exercising the third and final one-year renewal option in a total revenue amount of \$560,247.11. (Contract Number 4600003056-A03)

16. FPL Utility Relocations for the Broward County Water Preserve Areas Project, C-11 Impoundment (Staff contact, Jennifer Leeds)

Resolution No. 2021 - 0406 Authorize entering into a lump sum agreement with Florida Power & Light for above-ground and underground utility relocation efforts required for the construction of the C-11 Impoundment, as part of the Comprehensive Everglades Restoration Plan, in the amount of \$1,288,806.16, for which dedicated funds (Land Acquisition Trust Fund) are budgeted. (Contract Number 4600004402)

17. Significant Construction Projects (Staff contact, Alan Shirkey)

- A. Everglades Agricultural Area Project Stormwater Treatment Area Inflow/Outflow Canal, Palm Beach County

Resolution No. 2021 - 0407 Authorize issuing Change Order No. 2 to Contract Number 4600004208 with Ryan Incorporated Southern, for the EAA STA Inflow/Outflow Canal Project, for an amount not to exceed \$10,000,000 for which dedicated funds (Everglades Trust Fund) are budgeted in Fiscal Year 2020-2021. (Contract Number 4600004208-CO02)

- B. S-331 Command & Control Communication System Upgrade Project, Miami Dade County

Resolution No. 2021 - 0408 Authorize an amendment to the design/build contract with Revere Control System Inc., for the construction of the S-331 C&CC Communication System Upgrade Project, for 730 days in an amount not-to-exceed \$9,263,195 for which \$1,500,000 in Ad Valorem funds are budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600003696-A04)

18. Public Comment on Consent Agenda Items

Gary Ritter
Diane Goldberg
Benita Whalen
Mike Elfenbein
Matt Pearce

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19. Board Vote on Consent Agenda (11, 12, 13, 14, 15, 16, 17, 18)

Mr. Bergeron abstained from voting and discussion on Consent Agenda item 16.

Board Comment

In response to a public comment received by Diane Goldberg to move Consent Agenda Item 12 to the Discussion Agenda, Ms. Thurlow-Lippisch shared details on a recent visit to the proposed 5L Cattle, LLC land lease property in St. Lucie County and stated it was in the best interest of wildlife to move forward with this item as proposed. Ms. Thurlow-Lippisch thanked Ms. Goldberg for sharing subject matter expertise as a premier native plant expert and extended an invitation to meet to discuss the land lease further.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charlette Roman
SECONDER:	Ron Bergeron
AYES:	Goss, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

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Technical Reports

20. Water Conditions Report - John P. Mitnik

Mr. Mitnik provided the Water Conditions Report for the last 30 days.

Board Comment

Responding to Vice Chairman Wagner's question on slide 6 regarding water management band naming conventions, Mr. Mitnik stated this nomenclature was used during the development of the Lake Okeechobee Regulation Schedule (LORS) and these titles could be revisited during the new Lake Okeechobee System Operating Manual (LOSOM) update with the USACE. At the request of Vice Chairman Wagner staff to address rebranding the water management band naming convention used with LORS, more specifically the Low Band, during the next LOSOM update process with the USACE.

Responding to Mr. Steinle's question regarding how quickly water could be sent south from an STA, Mr. Mitnik stated during the wet season it could take approximately fourteen to fifteen days, and during dry season there could be a decline in the efficiency of moving water through an STA due to other losses and the need to raise water levels to maintain vegetation.

In response to Chairman's Goss question on slide 8 regarding the percentage of northern inflows into Lake Okeechobee, Mr. Mitnik stated staff would research and provide an update to the Board at a future meeting.

In response to Vice Chairman Wagner's question regarding target ratios of water leaving Lake Okeechobee flowing into the Caloosahatchee and St. Lucie Estuary shown on slide 8, Mr. Mitnik explained what was damaging to the estuary was a combination of basin runoff and what comes from Lake Okeechobee. LORS 2008 provided discharge limits that were lake centric not estuary centric, so when lower lake levels were occurring with supplemental base flows to the Caloosahatchee some might come into sync, but there was not a target ratio. Vice Chairman Wagner then asked if there was a way to evaluate contributors that worsen or improve water quality, Mr. Mitnik and Mr. Glenn elaborated on expanded water quality monitoring

within the basin, water going into the estuaries, and samplings taken from the Caloosahatchee River.

In response to Mr. Bergeron's question regarding if there were historical natural flow volume records from the Caloosahatchee River to the St. Lucie River, Mr. Glenn confirmed there were historical records and shared details on a new performance measuring tool called REstoration COordination and VERification (RECOVER).

Referring to slide 9, Ms. Thurlow-Lippisch and Mr. Mitnik discussed flow volumes of the southern end of the system going into Everglades National Park (ENP), Shark River Slough, and areas which have been experiencing seagrass die-off.

In response to Mr. Steinle's question regarding the status of the flow way study to Florida Bay, Mr. Glenn stated this two to three year study was being led by Dr. Fred Sklar and an update would be provided to the Board at a future meeting.

Mr. Bergeron commented on the progress of the Tamiami Trail Roadbed Removal Project and the benefits of eliminating constraints.

In response to Ms. Meads' question regarding if staff could provide updates to the Board on the progression of projects and any barriers or constraints, Mr. Bartlett stated staff would incorporate this request in future Technical Reporting.

In response to Mr. Bergeron's question regarding the status of the models for moving water southwest to the 10,000 Islands, Ms. Reynolds stated staff would provide an update to the Board at a future meeting.

In response to Ms. Thurlow-Lippisch's inquiry on the historical total water flows to Florida Bay naturally, Mr. Mitnik stated data could be extracted from the natural system model and brought back to the Board at a future meeting.

In response to Ms. Thurlow-Lippisch's question on slide 8 regarding how many acre-feet had been recorded flowing from Lake Okeechobee to the St. Lucie River, Mr. Mitnik stated 196,200 acre-feet. Ms. Thurlow-Lippisch then asked if historically the 196,200 acre-feet was high, low or normal and if discharges would end soon to which Mr. Mitnik stated it appeared to be below normal and a decision detailing when discharges would end was expected from the USACE within the next week.

In response to Chairman Goss' questions regarding what triggers would impose water restrictions, Mr. Elsner explained the considerations to the variables before water restrictions would be imposed.

Mr. Steinle, Ms. Roman, and Mr. Elsner discussed the District's Year-Round Irrigation Rule and compliance within municipalities.

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21. Ecological Conditions Report - Lawrence Glenn

Mr. Glenn provided an update on hydrologic and ecologic conditions over the last 30 days throughout the greater aquatic ecosystem of the District.

Board Comment

Chairman Goss and Mr. Glenn discussed the possibility of a compounding effect with seagrass growth in low light and low salinity conditions.

The Board and Mr. Glenn discussed optimal flows and salinity gradients affecting seagrass growth in Florida Bay; STA performance and Total Phosphorus (TP) concentrations in the EAA STAs; factors which contribute and/or harm healthy STAs; STA design changes from the EAA STA to current STA design; and, STA management and how Restoration Strategies projects would assist with meeting the goals of Water Quality Based Effluent Limitations (WQBEL).

In response to Ms. Roman's question regarding modeling Flow Equalization Basin's (FEBs) in future STA projects, Mr. Glenn provided an overview of the A1-FEB and L-8 FEB's and stated FEBs were beneficial to STAs and improved performance and resiliency. Mr. Bartlett stated some older STAs were being retrofitted with FEBs.

In response to questions raised by Vice Chairman Wagner and Mr. Bergeron regarding STA performance, volume management, and TP concentrations staff to provide individual briefings prior to the next Board meeting.

Mr. Martinez and Mr. Glenn discussed single point discharges into Biscayne Bay Coastal Wetlands.

The Board discussed with staff the contents of slide 26 regarding compatible water levels for wading bird foraging and nesting, and tree islands.

Chairman Goss recessed the meeting at approximately 1:00 PM.

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Discussion Agenda

22. Resolution Proclaiming April 2021 as Water Conservation Month (Staff contact, Jim Harmon)

Chairman Goss reconvened the meeting at approximately 1:50 PM.

This item was heard after item 23.

Mr. Harmon provided a presentation proclaiming April 2021 as Water Conservation Month, and actions to support water conservation. Items presented included population growth and demands; water consumption consequences; options for meeting future water supply needs; public awareness; outdoor and indoor water conservation; District initiatives, the Year-round Irrigation Rule, and supported programs; cost-share funding programs; education and outreach; water use permitting and water supply planning; and, a resolution for Board consideration.

Board Comment

In response to Chairman Goss' question regarding how many of the sixteen counties were in compliance with the Year-round Irrigation Rule, Mr. Harmon stated staff would research and provide an update to the Board prior to the next Board meeting.

In response to Mr. Steinle's question regarding consumptive use permitting and renewals, Mr. Harmon confirmed the Year-round Irrigation Rule was a factor in the District's process review and stated this was also a factor of the cooperative funding program.

In response to Chairman Goss' question regarding the timing of the water proclamation, Mr. Harmon agreed water conservation communication should begin in January before the start of dry season, however, water conservation was also a year-round effort. Mr. Bergeron and Vice Chairman Wagner both concurred with Chairman Goss' comments that water conservation communication should be a year-round effort.

Public Comment

Jeremy McBryan

Resolution No. 2021 - 0409 Proclaim April 2021 as Water Conservation Month.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Steinle
SECONDER:	Jacqui Thurlow-Lippisch
AYES:	Goss, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

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23. Central Everglades Planning Project, Everglades Agricultural Area Phase Project Partnership Agreement (Staff contact, Jennifer Reynolds)

Chairman Goss reconvened the meeting at approximately 1:50 PM.

This item was heard out of order after item 21.

Ms. Reynolds presented the Project Partnership Agreement (PPA) for the Central Everglades Planning Project (CEPP), Everglades Agricultural Area (EAA) Phase. Items discussed included the four phases of CEPP; CERP planning and implementation; and, the PPA for CEPP EAA Phase.

Mr. Bartlett provided an update on correspondence received from the USACE regarding new PPA language for the CEPP EAA Phase Project, and introduced Chief Counsel David Cooper, USACE.

In response to Chairman Goss' question regarding if the PPA was the District's standard model agreement, Mr. Bartlett confirmed that it was and that it was typically used to streamline the process to bring PPAs to construction sooner without deliberating. Chairman Goss then explained the USACE had denied using the

streamlined agreement to impose new language found in paragraph 2.16 of the PPA.

Board Comment

Ms. Meads asked staff what the risk would be for accepting the PPA with the proposed language versus trying to negotiate changes with the language.

Col. Kelly announced attendance remotely, and recommended Mr. Cooper clarify the USACE's proposed language.

Mr. Cooper explained model agreements were used by the USACE with most non-federal sponsored PPAs and stated the USACE was ready to move forward with a PPA.

Vice Chairman Wagner welcomed Mr. Cooper and provided an overview of the proposed PPA provided by the USACE.

The Board shared a robust discussion with Mr. Cooper regarding the USACE's proposed changes to the CEPP EAA Phase Project PPA; expressed concerns regarding the clarity of certain terms; and, directed staff to expeditiously negotiate clearer language to ensure the project advanced to send clean water to the Everglades.

Public Comment Was Taken Twice During This Item

Newton Cook

Approve the proposed Central Everglades Planning Project, Everglades Agricultural Area Phase Project Partnership Agreement as amended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Wagner, Vice-Chairman
SECONDER:	Charlette Roman
AYES:	Goss, Bergeron, Martinez, Meads, Roman, Steinle, Thurlow-Lippisch, Wagner

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24. Lake Okeechobee System Operating Manual Update (Staff contact, Leslye Waugh and Walter Wilcox)

Ms. Waugh presented the Lake Okeechobee System Operating Manual (LOSOM). Items discussed included the purpose, goals, and objectives of LOSOM; the District's role in LOSOM planning; and, plan development and analysis.

Board Comment

Responding to Ms. Thurlow-Lippisch's question on slide 8 regarding LOSOM Existing Condition Baseline (with LORS 2008), Ms. Waugh confirmed this baseline included infrastructure in place today and what was assumed to be in place in 2025.

Mr. Wilcox provided a presentation on LOSOM Iteration 1 Model results. Items discussed included LOSOM modeling tools used by the Interagency Modeling Center (IMC); examples of LOSOM Iteration 1 posting; initial observations and

scenarios; USACE Dam safety performance; southern water quality goals for WQBEL; Lake Okeechobee performance; water supply performance; Lake Okeechobee releases; and, northern estuary and Everglades performance.

Board Comment

In response to Chairman Goss' question on slide 18 regarding the water volume column heights, Mr. Wilcox elaborated on the different scenarios of volumes being released for flood control versus volumes coming into the Lake Okeechobee watershed, and how water being released for water supply instead of flood control or loss from evapotranspiration affected the total magnitude of releases.

Ms. Thurlow-Lippisch and Mr. Wilcox discussed the modeling represented on slides 14 and 18 regarding discharges from Lake Okeechobee to the Caloosahatchee River and St. Lucie Estuaries.

In response to Ms. Thurlow-Lippisch's question regarding the LOSOM timeline and when the Board would revisit modeling, Ms. Waugh stated the next round of modeling results for the LOSOM Iteration 2 would take place at a workshop scheduled for late June or July.

Mr. Bartlett presented the District's Balanced Plan statement.

Public Comment

Newton Cook
Doug Gaston
James Evans
Nyla Pipes
Michael Collins
Mark Perry
Jeremy McBryan
Richard Weisskoff

Board Comment on the Balanced Plan Statement

The Board gave direction to staff to proceed with the Balanced Plan statement as amended.

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Staff Reports

25. Monthly Financial Report - Candida Heater

Ms. Heater provided an update on the monthly financial report through the month ending February, and the 2020 Lake Belt Mitigation Committee Annual Report.

Chairman Goss announced the Audit & Finance Committee meeting would commence immediately following the Governing Board meeting.

26. General Counsel's Report - Carolyn Ansay

Ms. Ansay provided an update on item 23 and stated changes to the PPA were submitted to the USACE, acknowledged by Chief Counsel Mr. Cooper, and a timely response was expected.

27. Executive Director's Report - Drew Bartlett

Mr. Bartlett provided an update on the District's issuance of over \$1.1B in construction contracts over the last two years; the National Academy of Sciences Report; legislative updates on the federal Infrastructure Initiative, state and federal budgets, Lake Okeechobee Restoration proposed legislation, and Big Cypress Basin Expansion bill; and, COVID operations.

28. General Public Comment

Eve Samples

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29. Board Comment

Ms. Meads thanked Mr. Cooper, USACE, for engaging in discussion with the Board on the CEPP EAA PPA, and Vice Chairman Wagner for the time, dedication and expertise extended to formalize this agreement.

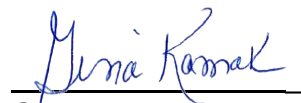
Mr. Steinle commented on the Lake Worth Lagoon missing from LORS 2008 and suggested staff recommend the Lake Worth Lagoon in LOSOM as an estuary that received lake flows.

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30. Adjourn

Chairman Goss adjourned the meeting at approximately 6:10 PM.



Gina Kamak
Deputy District Clerk
South Florida Water Management District