

October 9, 2007

I Would Like To Call The October Board Meeting To Order.

Invocation, Is The Pastor Here?

I Think I Heard That, Well David Owen Was Going To Be The Preacher Of The Day.

Okay.

This Will Be Followed By The Pledge Of Allegiance.

If You Will Please Stand.Thank You Mr. Chairman.

Members Of The Board.

Good Morning, Everybody.

Gracious Good God, Guide Us Here To Speak Your Truth In These Chambers.

Help Us To Listen Carefully To Each Other With Respect And Humility.

Give Us Wisdom, Judgment, Strength And The Moral Courage To Address The Tasks Before Us Today And Every Day As We Do Your Business.

We Ask That You Care And Comfort All Of Those That Are In Need.

Amen.Amen.

I Pledge Allegiance To The Flag Of The United States Of America.

And To The Republic For Which It Stands, One Nation, Under God, Indivisible With Liberty And Justice For All.Thank You Very Much, David.

We Have A Number Of Ceremonial Presentations.

And To Make The First One I'm Going To Be Calling On Commissioner Judah Is Going To Be Talking About White Cane Awareness Day.

Commissioner Judah.Thank You Mr. Chairman.

What I Would Like To Do First Of All Get My Mike On, On A Then Ask A Number Of Folks To Step Forward.

Kim Gonzalez, If You Would Please Come On Forward With The Wonderful People Here In Our Community.

Douglas Fowler.

Sam Vallecalo.

Just There At The Podium.

If You Can Gather Around.

William Chrysler.

Crystal Bars.

Letisha Weple.

Felix Gonzalez.

Virginia Reid, Sara Watts And Robert Sweeney Unfortunately Was Admitted To I.C.U. Last Night With A Heart Attack.

And We Certainly Extend Our Prayers And Thoughts And Wish Him A Speedy Recovery.

But Please Know Mr. Sweeney You're Going To Be Part Of This Ceremony Today In Spirit.

And I Thank You All For Being Here And I'm Privileged To Read The Resolution.

Whereas The Visually Impaired Persons Of Southwest Florida Founded In 1974 Has Grown And With A Multiracial, Multicultural Vocational Rehabilitational Living Center.

Where As The Center Offers Classes In Computers With Assisted Technology, Mobility And Viewing Maximizing Residual Vision And Whereas In The Past Year The Curriculum Was Expanded To Include Brail Literacy Instruction And A Transitional Program For Teens An Young Adults As Well As Therapy And Whereas Social Gathering Are Held Twice A Month Which Allows Those With Visual Impairments To Interact.

Saturday October 13th, The V.I.P. Center Parting With Other Organizations Is Sponsoring A Walk-A-Thon From 9:00 A.M.

To 12:00 P.M.

To Help Raise Awareness Of Safety Issues And The Use Of White Canes.

Now Be It Resolved By The Board Of County Commissioners Of Lee County Florida, As White Cane Awareness Day Duly Executed This 9th Day Signed By The Board Of Chairman Robert Janes.

We Have Four Resolutions Here With A Hard Copy And Brail Copy And I Want To Make Sure

If I Could Give You A Copy For Mr. Sweeney Which You Can Then Give To Him.

But If You Would Step Forward We Would Like To Congratulate You.

Thank You For Your Presence Here This Morning And A Chance To Honor You.

[Applause]We're Going To Take A Picture.Is Kim Part Of This Too?You Should Be.Kim, Roll On In Here.

Come On.Get That Thing Moving.Hold On There.

We May Need You In Front Here.Nice To Be On The Sidelines.

[Laughter]Well, We Want You There.We're Ready.

Thank You.

Doug If You Could Keep Everybody Around We Would Like The To Hear A Few Words From You.

But Doug I'm Going To Give You These Resolutions.

But If You Could Right Around The Podium, We Would Love To Hear From You.Commissioners, Citizens I Want To Thank You For This Opportunity To Receive This Resolution.

We Actually Added To Our Agenda An Our Services Water Skiing For Those Who Are Visually Impaired And Mountain Climbing And A Few Other Things So We Do All Kinds Of Good Stuff.

So If The Day Comes That You're Losing Your Eyesight And Want To Have A Good Time, You Will Come See Us.

And It Will Be Good.

Thank You For The Opportunity To Have A Resolution By The County For White Cane Day.

For Those Of You Who Are Not Familiar With That, If You See A White Cane You Must Stop Driving And The Person With The White Cane Gets The Full Right Of Way.

And If Not, The People Who Have Bracelets Will Come Visit You.

So I Want You To Be Aware That It Is An Actually Law That's Into Effect.

And Also To Extend Our Services To Everyone In The Community, We're Doing All Kinds Of Neat Things To Enhance The Community Where We're At In North Fort Meyers An Expand Throughout The County.

Getting Ready To Open Up An Office In Bonita Springs Too To Serve The Growing Number

Of People Who Are Becoming Visually Impaired.Thank You So Much Doug.

[Applause]Thank You Mr. Chairman.Thank You, I'm Next Going To Call On Commissioner Mann.Thank You Mr. Chairman.

I Would Like To Invite To Come To The Forum Up Here Celia Hill, Our Extension Agent And You Have Four Students With You.I Have A Few, Yes.Well Bring Al You Got, You May Need Help Up Here.

Oh-Oh.

One, Two, Three, Four, Five.

I've Got Four Resolutions.

There May Be A Fight When This Is Over But You All Share.That's Okay.Unless You Just Got To The United States Of America Yesterday You've Heard Of 4-H But We're Going To Listen To This Resolution And We're Proud Of You Here This Morning.

Whereas 4-H Is A Community Of Young People Across America Who Are Learning Leadership, Citizenship And Life Skills, And Whereas The Lee County 4-H Youth Development Program Exists To Develop Young People Ages 5 Through 18 And Served Young People In Their State Since 1909 And Whereas The 4-H Program Molded Itself To Meet The Needs Of Our Citizens By Focusing On Developing Rural And Urban Youth Through The Cooperative Extension, Teaches Youth By Utilizing The Research And Knowledge Base Of Our Land Grant Institutions, Institute Of Food And Agricultural Signs At The University Of Florida, And Whereas Through Learning By Doing Experiences Young People In The 4-H Program Practice Life Skills With A Guidance Of A Caring Adult Volunteer, Mentor And Faculty And Staff, And Whereas 4-H Provides Lee County Youth To Develop Positive Relationships, Competencies And Attitudes That Will Assist Them In Making Positive Choices For They Lives.

Thereby Effect The Preparing Them To Meet The Challenges Of Becoming Productive Citizens.

Now Therefore Be It Read By The County Commissioners Of Lee County Florida That We Proclaim The Entire Week As 4-H Week In Lee County, Duly Executed This 9th Day Of October, 2007 Kind By Robert Janes Chairman And We're So Proud Of You Guys And Have You Here Today.

[Applause] Now, If You Would Step Forth An We'll Take A Picture Of You.

And All Of You.We Also Are A Presentation By Jessica.We Will Let You Do That But We Want Your Picture First.

You Be In Charge Of Those Four And Don't Let Any Fights Start.

We'll Get More Copies If You Want.

Congratulations Kids.

We're Proud Of You Guys.Thank You.Now We Have All The Mamas And The Papas Out There With Their Cameras Too.

Commissioner Hall Was A 4-H Girl.

Still Is.

Pretend You're Happy.

[Laughter] They're Not Pretending.

Now You Take The Mike And Introduce Whoever You Will Like To There.Thank You.

I Am Celia Hill Director Of The Lee County Extension And I Will Not Repeat Everything I Said This Morning.

I Think The Proclamation Said It All.

Even Though We Think Of It As A Rural Program For Youth, It Is A Rural And Urban Program And Today We Have A 4-H Reprieve To Speak To You.

Jessica Campbell And She Are Talk About What 4-H Has Done For Her.Thank You.

My Name Is Jessica Campbell And On Behalf Of The 4-H Youth I Accept The Proclamation Of 4-H Week Of Lee County.

I'm 5 To 18 Where We Learn Leadership, Citizenship And Life Skills That Teach The Value And Importance Of Each Of These Qualities.

I Want To Thank The Commissioners For Supporting 4-H And Take A Moment To Tell You What It's Done For Me.

I First Joined When I Was 7.

My Sister Picked Up A Local Newspaper And Saw That The Local 4-H Club Was Offering Trial Rides.

With Her Love Of Horses, And My Willingness To Try Anything, My Mother Trotted Her Two Anxious Daughters To The Barn In Cape Coral.

Upon Arrival We Found Out The Pleasant Looking Group Of Kids With Muck Covered Boots Actually Shared A Horse.

The Group Was Called 4-H Horse Lovers Of Cape Coral Where We All Took The Turns Caring For The Horses.

This Is A Perfect Setup For Families Who Live In Areas Not Suitable For Horses Like Mine.

After Learning Everything There Is To Know About Horses, And Falling In Love With Them, With An Animal Of Such Stature My Family Knew It Was Time To Have One Of Our Own.

Horses Were The Essence Of My Existence And My First Horse Patches Was My Best Friend.

While My Friends Were Busy With Their Lives, Patches Was Always There And Because Of Her I Would Not Have The Strength And Compassion I Have Today.

As I Got Older I Realized 4-H Is So Much More Than Taking Your Steers And Horses To The Fair.

I Became Active In Council Discovering The Importance Of Parliamentary Procedure And Leadership.

At The Age Of 15 I Went To My First Executive Board.

A Weekend Where Youth From All Over The State Of Florida Come Together And Discover The New Innovating Opportunities 4-H Has To Offer.

Once I Went To My First Event Nothing Could Keep Me From The Wins To Follow.

Especially Florida 4-H Mock Lecture.

This Is A Program That Is Held Every June In Tallahassee About 200 From The State Of Florida Meet At A S.F.U. Dorm And For A Week We Act As Senators, Lobbyists And Reporters.

Discussing And Debating On Real Issues.

Through The Program 4-H Has Like This, We Can Understand In Great Detail The Local And State Government And Their Importance.

I Sometimes Envision Myself Without 4-H And All I See Is A Flat One Dimensional Girl, With Uncertain Hopes An Dreams.

However, Somehow I Mow I Have So Much More To Offer To My World Because Of 4-H.

Not Just Because Of The Knowledge I Have Gained But The Way It Has Led To My Heart And Passions And Convictions.

It Must Be Hard To Believe That 4-H Has Led Me To Everything I've Ever Done In My Life.

Student Government, Dancing, Horses.

It's Also Led Me To The College Of My Dreams.

Without 4-H Nobody Of This Could Be Possible.

I Have Strong Faith That Nothing Else Could Ever Teach Me What It's Taught Me In My Short Lifetime.

Without It I Would Have No Sense Of Leadership, Communication, Team Work, Responsibility, Florida Facts And The Ethics And Value Us Base My Heart Behind, Not To Mention The Incredible People I've Been So Blessed To Meet.

I Wish With All My Heart That 4-H Will Help Shape Others And To The People They Hope To Become As It Has Done For Me.

Thank You For Is Upping The Youth, Faculty And Volunteers Of 4-H And Now I Think We're Going To Give You Some Cookies So Show Our Appreciation. Thank You Jessica.

Very Nice.

[Applause] Thank You. Now Before You Leave The Room, Tell Us For The Brand Newcomers Here, What The Four Hs Stand For.

Head, Heart, Hands And Health. Very Good, That Was A Test And You Pass With Flying Colors.

Thank You All Very Much.

[Applause] Thank You Very Much Commissioner Mann.

The Next Resolution Is Fortunately I Have The Honor Of Presenting.

I Just Want To Lay You A Little Groundwork First Of All And That Is We In Southwest Florida Treasure Very Much Our Beaches.

Our Recreational Opportunities.

Horseback Riding, Camping.

Boating, Sailing, Everything That Has To Do With Recreational Use.

Our Tourism Industry Is Huge.

\$65 Billion A Year I Guess Or Some Amazing Figure.

But Sometimes We Don't Always Bring You The Equation, The Other Component That I Think Is Necessary To Make A Community A Real Genuine Community.

And That Is A Consideration For The Arts.

And, I Maintain That To Make Us A Completely Rounded Community, We Need To Be Spending More And More Effort On Trying To Increase Our Appreciation Of The Arts.

And I Know This Is Assured By My Colleagues As Well.

So Let Me Read This Resolution Which Has To Do With Arts.

As A Matter Of Fact Is The Spotlight On Me?

Is Kathleen Here?

Come On Down To The Podium And I Apologize For Not Pronouncing Your Name Right.

You Will Have An Opportunity To Correct It.

Okay, Good.

Oh My Goodness.

Where As The Lee County Arts Community Has An Abundant Am Of Creativity Flowing Throughout From Theatre Productions, Outdoor Concerts, Art Classes, Galleries With Original Exhibitions And Much, Much More.

And Whereas A Strong And Growing Art Community Such As The One In Lee County Reflects, Supports And Influences Our Strong Economy And Tourism Industry.

And Whereas Our Education Programs That Enhance Our Schools Can Be Found Throughout The County And Supplemental Creative Programs Offered Year-Round In Local Arts Organizations.

And Where As The Focus Of Creative Programming Offered In Lee County Spans A Wide Array Of Interests, Talents And Skill Of People Of All Ages And Expertise In Mind.

And Whereas Art Makes Its Biggest Impact On The Community When More People Are Aware And Involved In The Various Activities And Events Happening In Their Area.

And Whereas Strong Publicity, Marketing And Word Of Mouth Advertising Lets A Community Know About Our Programming Which Causes A Community To Think Outside Their Effort Routine.

And Become In Touch With Both The Artists Who Created The Work And The Artists Within Themselves.

And Whereas Lee County Art Organizations Are Banding Together Through The Arts Coalition, To Help Increase Community Awareness And Participation In Local Arts Offerings Is Holding Major Events During The Week Of October 14th Through The 20th Of 2007.

Now Therefore Be It Resolved By The Board Of County Commissioners Of Lee County That We Do Hereby Proclaim October 14th As Spotlight On The Arts Week.

Creativity And Lee County Takes Center Stage.

We Declare That At Lee County And Encourage Everyone To Get Involved With The Arts And Culture This Season.

There Is Something For Everyone And I Was Pleased To Sign This And Make The Presentation.

[Applause]Hi.Hi, Thank You.Thank You For Being Here.Good Morning.Thank You Very Much.Hold Up The Resolution So They Can Actually See They've Got One.

[Laughter] Okay, Thank You.

Okay.

Kathleen Would You Want To Say A Few Words?Yes.

Thank You So Much For Recognizing The Arts In Lee County This Week.

Next Week Actually Beginning On Sunday.

It's A Very Special Time In This Area, And I'm Sure Everyone Has Noticed It Seems Like There's A Little Bit More Happening A Little Bit Earlier Each Year And That's Because We're Looking For Spare Dates So We Don't Step On One Another.

We Want Everyone To Come And See All The Different Fabulous Events In This Community Because We Believe Each One Of Those Organizations Makes An Incredible Difference.

And Impact Of Their Own And The Stronger The Arts Community Each Individually, The Stronger We Are As A Whole.

So That's The Nature And The Thought Behind Arts Coalition.

The Group That Was Here With Me Standing Here This Morning Today Included A Florida Repertory Theatre, The Sidney Art Center, Art Fest Fort Meyers, And Did I Miss Anyone Else Standing With Me Today?

That's Really Just A Small Inkling Of The Huge List.

I Could Go Through This Whole List That Stars With Art League Of Bonita Springs, Cultural Park Theatre, The Symphonic Master Singers, The Southwest Florida Symphony.

The List Goes On And On And The List Of Members Increases All The Time As Well.

And Lee County I Believe Is Truly A Rich Cultural Place In Which To Live, In Which To Grow And Thank You Very Much For Recognizing This Important And This Impact To This Community Because That In Itself Makes A Huge Difference.

And Also Come On Down On Saturday.

Walk Through Arts On Saturday The 20th Is Going To Be A Huge Day Where If You Save That One Date, I Guarantee You Will Have About 80 Others To Save Throughout The Year.

You Will Be Able To Pick Up Every Calendar And See Wonderful Performances, Artist Demonstrations.

It's A Terrific Family Day And On Behalf Of The Community To Emphasize Just How Much Is Happening.

So Thank You All So Much For This.

And Thanks To The Community For Supporting The Arts Within It.

[Applause]And Lastly, But Not Least, Certainly, I'm Going To Call On Commissioner Hall To Read A Resolution Concerning One Book, One Community.Thank You Chairman Janes.

Sheldon, If You Could Come Forward And Our Author Tim Dorsey.

Is He Here Today?

This Is Really A Special Treat For Me.

Growing Up In A Very Small Town, Kind Of Isolated In Northern Wisconsin, Book, My Best Friend.

They Allowed Me To Travel Throughout The World And See Many, Many Things Through Many Different Points Of View And Through Different People, Authors Eyes And I Want To Thank Our Author Today For The Inspiration And Being Our Featured Author This Year.

But More Importantly, For Books Giving Me An Opportunity To See Beyond My Own Boundaries Of My Own Hometown.

It's With Great Pleasure I Read This Resolution.

Whereas Libraries Are The Cornerstone Providing Services And Learning Incentives And Support Of Literacy For Adults And Elders To Enrich Their Lives.

And Whereas Lee County Residents That Our Libraries Play In Helping To Promote A Sense Of Community By Reading A Common Book Through One Book, One Community.

Lee County Read Project.

And Whereas Our Libraries Recognize That Lee County Ed Ares Have Elected To Read Author Tim Dorsey's Road Kill.

By Discussing Book Discussions And Recreational Programs.

Whereas One Book, One Community Lee County Reads Florida Road Kill, Demonstrates -- I Can't Read.

[Laughter] The Versatility, Thank You Commissioner Mann.

And Emphasizes Of Using Books To Foster An Appreciation For Reading Among Society.

Now Therefore Bit Resolved That The Board Of County Commissioners Of Lee County

Florida Does Hereby Proclaim October, 2007 One Book One Community Lee County Read Month And Encourage All Readers To Take Advantage Of The Many Programs Offered Within Our Library System And Throughout The Community In Support Of This Countywide Book Club.

This Is Duly Executed The Ninth Day Of October And Signed By Our Chairman Robert Janes.

I Would Like To Present This To You.

[Applause]Thank You Commissioner.If We Could Have A Photograph.

And A Few Words.You Want To Make A Comment?I Will Just Be Brief And I'm Extremely Honored To Have Been Chosen To Be Part Of This And I Really Admire Lee County's Devotion Particularly The Library System.

Sheldon And Karen Back There.

Maria To Promoting Literacy And Love Of Books In This Community.

Thank You.Thank You.And If You Will Allow Me I Would Like To Make Sure That You Have A Chance To Read Mr. Dorsey's New Book.Did He Sign It?

[Laughter] Thank You Mr. Dorsey.Thank You Sheldon.You're Welcome.

Thank You.Thank You.How Exciting No Terrific, Thank You So Much.

Appreciate It.I Will Treasure This.

[Laughter]You Will Remember This Day.

Thank You.Quite An Honor.

Thank You.This Is All Right.Very Thoughtful.Appreciate It.Thanks, Just Want To Add My Thanks To Mr. Dorsey's And To Mention To You That This Evening At 4:00, When I Think You Might Be Doing Something Else, But If You Can Tear Yourself Away At Joe's Crab Shack At 4:00 From 4:00 To 6:00 Will Be The Kick-Off Event Where Named "It Tastes Like Chicken" You Would Be Extremely Welcome To Come.

Thank You Very Much For This Honor.

[Applause]I Take It We Do Not Get A Taste Of Manatee.

And Maybe, But Not Manatee.Be Careful.I Am, I Learned Long Ago.

Good, Thank You Very Much.

Appreciate It.

That Concludes The Ceremonial Presentations.

I Have A Recap On The Recap Sheet, There Is Nothing Except One Walk-On.

So That's Why I Didn't Get A Copy Of The Recap Sheet.

So We Can Move Right Along To Public Comment On The Consent And Administrative Agenda.

I Have A Number Of Cards.

But This Is The Point In The Proceedings Where We Give Members Of The Public The Opportunity To Comment On Issues That Are On The Agenda.

The Point Where We Take Comment On Issues Not On The Agenda Are A Public Hearings, Held Twice A Month In The Evening.

Starting At 5:00.

So, If You Want To Limit Your Remarks, And Would Like To Say Something About Items On The Agenda Now Is The Time To Do It, And We Would Prefer That You Do Fill Out A Blue Card.

But It Is Not Necessary As You See I Will Call On Anybody To Make A Comment A Little Bit Later On.

But The First One I Will Call On Today Is John Arthur Marshall.

Mr. Marshall, Good Morning. Thank You Commissioners For The Opportunity To Speak.

Just Real Quickly Since Most Of You Don't Know Me, I'm An East Coasty, Over Here To Support The Flow Waste Resolution.

My Uncle, The Late Arthur R.

Marshall Was The Primary Scientist Involved In Getting Everybody's Restoration Under Way.

That Is A Refuge Named After Him.

So We Are Basically Taking His Legacy Forward.

My Qualifications Are Graduated From University Of Florida With A Degree In Geologist.

University Of West Florida With A Masters Degree In Operations Research Systems Analysis And I Applied That In Dual Careers In The Federal Government And The United States Marine Corp.

And Civil Service Testing Airplanes In Both Cases And Involved In Building New Airplanes.

We Support The Spillway.

Actually Speaking For Interest The Everglades Coalition Which I've Been Granted The Opportunity To Do.

All The Environmental Community Supports Plan Six Flow Way The Reason We Are Planning The Flow Away Because The Government Has Not Developed A Plan For The Agricultural Area That Will Work For Everglades Restoration And So, We Regress To The Army Corp Of Engineers 1994 Report That Basically Said Plan Flow Way Is The Best Deal For The Environment.

Given That We Can't Get Much Attention On The Plan Six Flow Way So Far, We Endorse It As A Means Of Some Insurance In Case Of A Dike Breach And If That's A Way Of Getting Attention, That's Great.

The Good News For Us Is Senator Nelson Has Requested Colonel Krueger To Do A Cost Benefit Study On Plan Six.

And So We're Waiting The Results Of That.

It's Probably Going To Be Three Months Or So.

The Other Good News Is The Marshall Foundation Is Doing A Risk Assessment To Look At All These Things.

And So, I'm Going To Insert Because I Don't Have Too Much Time, I'm Going To Insert The View Graphics We Present As A Matter Of Public Record.

We The Marshall Foundation And The Coalition Are Looking Forward To Putting Together The Economic Backs Recent In The Recent Past And Future In Terms Of Dollars, So We Can Get The Water Management District To Manage The Whole Water Situation That Will Benefit All Enterprises And Not Just One.

And We Think I Would Encourage Anybody In The Audience, The Commissioners That Have Basis For Economic Impact In Terms Of Dollar Values To Accepted Them To Me, And My E-Mail Address Is Jaminfo@Aol Com And If I Can Answer Any Questions After The Course Because I've Been Following There For 10 Years, And I've Got Good Answers, I Would Be Glad To Answer Any Questions After That. Thank You Very Much, Appreciate It.

Eric Linblad.

Good Morning. Good Morning, Mr. Chairman And Commissioners.

We Appreciate Folks Traveling Mr. Marshall And Others From The East Coast.

I'm Speaking On The Same Subject.

We Support The County's Request That The Army Corp Of Engineers Provide A Feasibility Study For Construction Of The A Spillway To Provide The Necessary Southern Outlet Of The

Lake For Public Health Safety And Welfare.

The Health Of The Caloosahatchee Are Dependent On Out Of Lake Okeechobee.

Improving Water Quality In Timing Of Delivery.

It Became Clear In 2005 That Water Can Be Delivered Into The Lake At A Much Faster Rate Than It Can Be Released.

The End Result Was That The Dike Was Damaged, And The Estuaries On Both Coasts Were Devastated.

Water Quality In The Coastal Region Will Not Be Improved Without An Additional Outlet.

We Cannot Store Our Way To Water Quality.

Plans For Storage North Of The Lake In C-43 Will Only Reduce A Fraction Of The Flows And Will Have A Minute Ma'am Effect In Heavy Rainfall Years.

We Want On Record At A County Coalition Meeting Saying A Spillway Could Be Considered For Reach Two Or Three.

It's Time To Urge This Consideration.

As Many Different Land Uses Are Being Proposed To The Same Areas Which May Be Needed For Implementation Of This Project And I Know You've All Read In The Paper And Seen In Meeting Minutes, Those Various Uses.

We're Hopeful That The Approval Of This Resolution Will Be Unanimous.

Thanks.Thank You Very Much Eric.

Eleanor Blitzer?

Good Morning.Good Morning Commissioners.

I'm Eleanor Blitzer.

I'm A Pediatrician.

I've Lived Here With My Family Since 1986.

And I Think That Our Quality Of Life Is Really Important.

And Water Quality Is Really Important For Our Quality Of Life Too.

And So, I Would Like To Also Support Not As An Expert Many Any Way, Just As A Citizen This Idea Of The Spillway Because It Seems To Me That That's The Closest We Have Right Now To How It May Be Used To Be Before Mankind Of Got In Here.

And I Think It Would Help Our Own River To Improve.

I Know It's Complicated And We Probably Should Be Doing A Hundred Different Things, But This Might Be One Thing We Could Do.

Thank You.Good Thank You Very Much.

Mike Villaquet Who Is Chairman Of The Pier Water Coalition.

Michael?

Good Morning.Good Morning, Thank You For Having Us Here Today And I Appreciate Your Time.

My Name Is Michael Valliquet.

I'm Here Today To Talk About The Pier Water Coalition Statement On The Proposed Spillway To The Dike.

My Credentials Are That I'm A Citizen Of This Country, State, This County And Island Of Sanibel And Until The Local Government Start Doing Their Thing To Make The Environment Healthy, Safe For Our Kids, The Pier Water Coalition Will Continue On Its Effort.

I Would Like To Read This Statement.

In Years Past, Massive Discharges Of Nutrient Fresh Water Have Been Released From Lake Okeechobee During Times Of High Water To Release Pressure On The Aging Dike That Surrounds It.

These Releases Have Been Blamed Of Causing Environmental Harm To The Rivers On Both Coasts.

It Is Believed That The Pure Water Coalition That Any Infrastructure That Will Be Put In Place To Keep The Lake From Reaching An Emergency Status Level Will Undoubtedly Help If Preventing More Destruction To Our Rivers An Surrounding Waters On Both Coasts.

We Support The Spillway Elevation To Be Set Between 15 And 16 Feet Above Sea Level As To Allow Water To Be Stored For Normal Domestic And Agricultural Use While Allowing Water To Be Released South During Rising Emergency Levels.

By Installing One Or More Spillways On The Dike They Will Relieve The Pressure Simulating The Natural Flow.

This Should Ease The Worry Of A Dike Breach In The Sur Rounding Towns As Well As The Worry Of The Rivers And Estuaries In The Future.

This Single Item Can Be A Major Turnaround As The State And Federal Agents In Control Of Water Truly Recognize A Human Safety In The Environment Hold Precedence Over Special Interest An Big Business.

It Is Pure As Believed That The Problems Facing The Coast As Related To Lake Okeechobee Water Will Ease With The Combination Of One Installing Spillways To Automatically Feed Lake Okeechobee Water To Clean Canals Along The Exterior Perimeter Of The Dike.

Two, The Cleaning And Possible Widens Of The Four Main Flow Canals That Pass Around The Everglades Agricultural Area So They Can Be Utilized For Water Storage An Water Movement South.

And Three, The Agricultural Industry As Well As All Municipalities In South Florida Both North And South Of The Lake Must Retain And Filter Their Storm Water Runoff Prior To Any Overflows Being Put Into The Public System That Amounts Over The Mandates Set By The Clean Water Act And The Outstanding Florida Waters Rule.

And Enforce.

Of These Two Are Extremely Important.

All Of This Will Allow The Automatic Movement Of Clean Water To The South As Mother Nature Intended It.

The Pure Water Coalition Comments The Lee County Commission For This Issue And Respectfully Request That You Include It Into The Resolution.

Speaking For People, I'm Michael Valiquet, Chairman.

Thank You Very Much For Your Time.Thank You.

Peter?

Good Morning Peter.Good Morning.

I'm Pete Quashis.

I Wish To Speak On The Flow Way Issue As Well.

This Is A Public Safety Economic And Environmental Issue.

There Are No Easy Solutions.

And There Are No Quick Solutions.

We Understand That The Well-Being Our Economic Well Being, Our Health And Safety Is Determined In Large Part By The Quantity And Quality Of The Water That Comes Down The Caloosahatchee.

We Need To Apply The Best Science We Have Available Based On The Latest To Determine What The Case Is.

There's No Question That We Need Massive Additional Storage Upstream But We Also Have To Deal For Those Unexpected Consequences Where The Only Current Opportunity Is To

Dull The Water Into The Caloosahatchee.

At High Tide With A West Wind, The Water Is Up At The Top Of My Sea Wall Now.

A Couple More Inches Of Water Can Be Disastrous, But For Our Property As Well.

We Need To Address The Quality Of Water Long Term.

And The Combination Of A Spillway Flow Way, Whatever We Ultimately Decide To Use, All These Have To Be On The Table.

All Have To Be Considered Seriously By The Very Best Engineering And Science Opportunities We Have.

I Urge You To Include This Language In Your Resolution, And To Help Move Forward Which Finding Practical Solutions For Both Our Quality And Quantity Of Life And For Our Environment As Soon As Possible.

Thank You Very Much.Thank You Very Much.

That's All The Cards I Have.

Anyone Else That Would Like To Speak On Any Matter?

Okay, I Don't See Any Hands Waving, So I'm Going To Shut It Down.

I Thought There Mr. Mayor.

The Honorable Mayor Of Sanibel Would Have Something To Say On This Issue.I One Going To Speak This Morning.

I Was Just Going To Be Here This Morning.

But, It Seems To Me That Frequently We Talk About Issues Of Water Being Purely Environmental.

And I Have Frequently Am Known To Talk About That In Environmental Terms.

But Here I Think We Have More Than Just An Environmental Issue.

I Think This Is A Health And Safety Issue.

In Any System And I Have My Background Is Engineering.

In Any System There Has To Be Some Sort Of Safety Valve To Protect Against The Unexpected.

And It Seems To Me A Spillway Is Nothing More Than Having A Safety Valve On This Dike Which Protects Thousands, Tens Of Thousands Of Lives.

So Therefore Having A Spillway As A Safety Valve In Such An Emergency Seems To Me To Be Common Sense.

It's Not Science.

It's Not Engineering.

It's Just A Common Sense Practice That One Would Think We Should Have In Place.

So I'm Here In Support Of The Resident To Include The Spillway.

I'm Also Very Much In Support Of A Spillway South Also.

So A Spillway Is A Safety.

A Flow Way To Protect The Future Of The Way The Water Should Go As It Was Intended To Go, And That Is South.

And Provides Some Protection To Having Massive Flows Of Water Both East And South, Which Has Been East And West, Sorry, Which Has Been Devastating To Both Our Communities On East And West Coast.

And So I Very Much Support This Spillway And I Hope That Resolution Goes Through. Thank You Very Much.

Anybody Else?

Oh, I Do Have Another Card.

Oh.

Yes, We Can Do That Now.

Going To Call On Stu Applebaum For Corp Of Engineers Of Jacksonville District.

Good Morning. Good Morning.

Thank You Mr. Chairman, Commissioners.

Afraid I Didn't Bring Cookies Or Books With Me.

Instead You Get A Power Point.

Can We Go To The Power Point Please?

Okay, Thank You.

Provide You A Little Bit Of Background Information On Some Of The Issues Related To The What You've Been Talking About So Far This Morning About The Dike On The Spillway And Flow Way Options So I Want To Give You Background And Information On That.

I'll Go Through Some Of The Things You've Heard About Plan Six.

I'll Talk About The Lake Regulation Schedule And Talk About Some Of The Options To Looking At Spillways And Flow Ways.

The Dike Is Of Course Rather Extensive.

It's About 140 Some Odd Miles Around.

We Have Divided The Dike Into Eight Reaches, And They're In Priority Order.

So You Will See It At The Southern End Of The Rake.

One, Two And Three Are The Priorities And They're At The Southern I Understand.

And These Are In The Priority Order For Repairs.

The Highest Risk Obviously Is In Reaching One, Two And Three, And Less Risk Of Reach In The Four Through Eight.

So Obviously Our Priorities Right Now Are In Regions One, Two And Three.

And This Is A Very Preliminary Estimate Because Obviously As The Design Changes We Need We Need To Adjust The Estimates But Right Now Close To \$900 Million.

I Don't Know Where All These Arrows Are Appearing From.

[Laughter] As Long As They're Not Directed At Me That's Okay.

[Laughter]They're Heading South, Stu.

[Laughter]When You Touch The Screen.I'm Not Even Going Near The Screen.

Whatever, We'll Work Around The Arrows.

So The Estimated Cost Is About \$900 Million Right Now For Repairing The Dike.

Really Consistent The Number Of Features And I'll Show You That On A Cross Section In A Minute.

The Important Thing Is The Repairs Are Currently Under Way.

We Have Contractors On Site To Reach One.

We're Currently Preparing What Is Called A Major Rehabilitation Report For Reaches Two And Three.

The More Detailed Concepts.

We Did The Original Concept Back In 1999 And Were Using That Document As Well As The Changes In The Designs That Were Suggested To Do Reach One.

But We've Been Asked To Look At Reaches Two And Three, To Re-Look At The Entire Concept For What We're Doing For The Lake.

An There's A Cross Section.

In Fact It's Going To Build.

You Can See What We've Been Doing Is Filling In The Existing Ditch.

Doesn't Quite Come From The Sky Like That.

But, The Seepage Is Really A Blanket On Top Of The Existing Land Side Portion To Try To Provide Some Relief An Some Seepage Path.

And Then -- There We Go, Okay, And What We Call The Cut-Off Wall Which Is Down Through The Center Part Of The Dike.

This Is A Conceptual Diagram, So As We Get Into Specific Reaches We Look At The Geologic Conditions, We Look At The Real Estate And We Look At What Combination Of How Deep You Go With The Cut-Off Wall Versus The Seepage Berm And It's A Trade-Off Thing, Because Obviously The Deeper You Go With The Cut-Off Wall, The More Extensive That Is But It Does Minimize The Amount Of Seepage Berm And The Amount Needed Depending On Which Properties Are Adjacent To That Berm, So It's A Trade-Off.

Just Jumping To Another Subject Which Is Lake Okeechobee Regulation Schedule, We Did Come Out This Past Summer With A Draft Of That Revised Tentatively Selected Plan Or T.S.P.

We're In The Process Of Finalizing The E.I.S. Notice To Put In The Federal Register.

Our Belief Is That We Will Get Approval.

Will Go For 30-Day Public Comment Period.

It Will Be Approved In The November, December Time Frame And We Would Like To Implement That New Regulation Schedule In January Of Next Year.

Talk About Some General Principles As We Talk About Everglades Rest Violation.

The System Has Been Fundamentally Altered And As We Look In The Yellow Book, There's Key Things We're Trying To Do.

I Think We're All In Agreement That We Want To Move More Water South.

I Mean That's Clearly What The Goal Is And By Moving More Water South Obviously We Improve The Function And The Everglades An Also Take The Load And The Problems Off Of

Both The Caloosahatchee.

We Needed A Additional Storage.

A Lot Of Under Way To Put Storage Reservoirs.

We've Got Approval More Understudy, Nearing Completion.

The South Florida Water Management District Is Currently Engaged In Something Called The Northern Everglades Initiative And That Deals With Storage And Water Quality North Of The Lake And The Caloosahatchee But Primarily North Of The Lake.

But We Needed A Additional Storage.

If We Want To Put It Into The Natural System It's Got To Be Of The Proper Water Quality, So You Calm Water Quality Whether It's Storm Or Treatment Areas Or Other Means To Improve The Quality Of That Water Before It Goes To The Natural System.

Sending More Water South Of Course You Have To Have Increased Conveyance, So You Look At Conveyance Measures We Need More Conveyance To Move The Water South.

When We Get To The Bottom Of The System We're Looking At The Trail And We Have Issues, Issues About Conveyance There.

Until We Figure Out How To Get That Conveyance Approved To Start With Under The Project, We'll Continue To Have Problems With Trying To Move Water South Through The System.

Under The Modified Project We're Going To Open Up Some Of The Conveyance Through The Trail.

Those Alternatives Are Being Looked At Now.

We Had A Bridge Two Mile And One-Mile Bridge Plan That Has Frankly Gotten Very Expensive So Now We're Looking At It Through Limited Report.

To Reduce The Cost And Still Get The Benefits For The Modified Water Delivery Project.

We're Talking About Larger Openings, More Conveyance South.

And Then We've Gotten, This Is No Secret, We Have Endangered Species Issues, Which Makes It Extremely Challenging To Move More Water South Of The Trail And We're Trying To Work Through Some Of That.

There Was An Avian Ecology Workshop, Looking For Best Science, Trying To Figure Out The Way Forward.

There's Been Talk About The Planned Six Flow Way This Is Actually The Plate From The 1994 Recognizance Study, And There's The Flow Way Shown There.

You Can See The Arrows Pointed To It The First Two Boxes Relating To The Canal Capacity Increase Again Convey And The Flow Way Itself.

The Flow Way Didn't Start At The Lake.

It Started A Mile Or So North And Across Canals And Went Down Obviously To The Water Conservation Area And That Was Thought To Try To Minimize The Impacts And You See Some Of The Facts Here.

Estimated At 117,000 Acres.

Kept At A Fairly Shallow Depth About Three Feet.

Primarily So It Would Operate Like A Storm Water Treatment.

To Get Water Quality Improvement Before It Went Into The Water Conservation Area And The Thought Was Based On The Limited Information We Had In '94 Was To Just Uncontrolled Flow Into Water Conservation Area Three.

As We Do Further Analysis On A Variety Of Alternatives, We Did A Little Bit Of Work On The Flow Way On This Is Some Of The Results Of 1999 Restudy Or What's Termed The Yellow Book Which Is The Plan That Went Forward To Congress.

And We Had More Detailed Information So Many Of Our Assumptions About The System Change As Well As What The Flow Way Would Do.

But Last Bulletin Tells You The Conclusion In 1999 On The Flow Way That It Had Benefits Obviously, But If It Was Primarily For Hydrologic Reasons To Move Water From North To South, There Are More Efficient Ways To Do That.

There Are Some Challenges Obviously With The Flow Way.

They're Just Things That You Need To Recognize.

Obviously The Area South Of The Lake Is Very Different Than It Was Historically.

You Can See Here On The Left As A Historic Profile.

A Cross Section And You Can See The Current Today So We Have A Little Bit Of A Bowl In The Everglades Agricultural Area.

If You Look At A North-South Profile You Can See We Have Challenges In That The Geometry Or The Topography Is Different Than It Was Historically.

And If This Is Actually The Grid That We Use In Our Modeling Our Two By Two Modeling.

You Can See The Different Elevations That Goes High And Low In Spots.

The Terms Spillway And Flow Way Are Used Interchangeably Because There Are Relationship Between The Two.

In The Spillway What We're Talking About Is In The Herbert Hoover Dike An We've Looked At Originally Alternatives Were Considered To Rehabilitation So Whether We Needed To Rehabilitate The Dike Or Other Alternatives Including A Spillway, At Ground Level.

Now Obviously That Negates The Function Of The Lake Okeechobee But It Would Be In Lieu Of Rehabilitation.

It's A Very Expensive To Do That In Lieu Of Rehabilitation.

So We Chose Rehabilitation As The Way To Go.

We Will Represent That Information As Part Of This Major Rehabilitation Report For Reaches Two And Three.

The Resolution That I've Seen That You're Considering Deals With Rehabilitation As Well As Spillway Set At Elevation 15.5 Which Is Different Than The 12-Foot Limit The Dike As A Storage Area So You Don't Have To Rehabilitate It.

The Flow Way Is Interconnected.

We've Committed To Restudying It As Part Of The Area Second Phase P.I.R. You Recognize That We Have And I'll Show You A Picture Of The A.A. In A Moment.

There Are Two Sells To The A.A. Reservoir To Provide 360,000 Acre Feet Of Storage.

And We've Divided The Two Cells, 190,000 Acre-Foot Cell Which Is Currently Under Construction By The South Florida Water Management District As Part Of Their Accelerate And Then A Second Cell.

We've Now Split The Project Report To P.I.R. Up In The Two Phases.

So The First Phase Covers The 190,000 Acre Foot Cell.

The Reason For That Is That Water That Goes Into The 190,000 Acre Foot Cell Can Be Moved South Using The Existing Storm Water Treatment Capacity.

The Second Cell Is Going To Require Additional Treatment Capacity.

Some S.T.A. And That's Where The Flow Way Idea Comes In Because You Will Need Land Not Only For The Storage But You Will Need Land For Dream And Then You Look At Whether An S.T.A. And The Functions And S.T.A. Provides Is One Way To Do That Or A Flow Way Or Something Else Part Of That.

So, That's Going On.

And Then Again To Re-Cap What I Said About The Water Management District Work They're

Doing This Effort As I Said Called The Northern Everglades Initiative And That Report Is Due Out I Think The End Of This Year.

Which Will Lay Out Storage And Treatment Options.

For The Herbert Hoover Dike, The Concept That Was Looked At Is A Two-Foot Long Spillway We Looked At This Elevation 12.

What You're Looking At Now Is Elevation 15.5 Which Is Different.

With The Elevation 12 Obviously You're Having A Lot Of Area That Needs To Be Acquired, You Have To Have Proper Treatment, Potential Relocation And Some Facilities.

And At That Level Because The Concerns About Navigation In Lake Okeechobee There Should Be A Need For Dredging Along The Canal.

If You Go To A 15-5 That Changes The Impacts To Some Degree.

Don Know What Amount Of Land Decision Would Be Needed But Obviously You Have To Acquire Rights To Be Able To Flow Water Through An Area Whether It Depends On How Frequently That's Used And So Forth.

As I Pointed Out Before, This Is Everglades, That Area Is Marked A Is The Two Cells.

It's Kind Of On The Right Side Of That Where It Says S.T.A. 34, Kind Of Looks Like A Triangle.

That's The First Sell And The Area To The Left Of That Where The A Is The Second Cell.

So That's The Area That's Being Considered.

Part Of That Is Also Conveyance, There's No Way To Get The Water There So We're Talking About Improvements To Both The Miami North And River Canals As Well As The Top Of The Screen There.

So That's A Very Quick Overview Of Just To Let You Know Some Of The Items That We Have Under Consideration And Where We Are In Some Of The Studies.

I Will Be Happy To Answer Your Questions.Okay, Any Questions.I Have Quite A Few But I'll Hold Off Until We Get To The Issue, If That's Okay.

You Will Be Around.Yes.Yes, This Is Not The Debate Period On It.

Okay, We'll Just Move On.

Thank You Very Much, Stu, Appreciate Your Presentation.

That Concludes The Public Comment Period.

I Don't See Anybody Else So We'll Consider That Closed.

We'll Move On With The Consent Agenda.

Items To Be Pulled, Commissioner Bigelow.4-C And 4-D.Okay.

Commissioner Judah.15-B.Okay.

Commissioner Mann.9-A.And Commissioner Hall.None.And I Have None.

A Motion On The Balance.So Moved.So Moved By Commissioner Man.

And A Second By Commissioner Hall.

All Those In Favor Signify By Saying Aye.

The Ayes Have It, The Motion Is Approved.

Item 4-C Commissioner Bigelow.Thank You Mr. Chairman.

For Any Of The Same Reasons I've Stated Before, I'm Not Supporting This.

If You Want To Move It.Move The Item.Second.A Motion By Commissioner Bigelow, Second By Commissioner Hall.

Second.Yes, What Was Provided In A Way To Analyze This Before I Could Approve It, It Makes Little Sense To Me, There's References To Attachments For Breakdowns.

And I Think That's Included.

But Then There's Another Reference See Exhibit A For General Conditions Cost Breakdown.

That's Not Included.

There's No Percentage Given For The C.M. Fee, So I Can't Figure Out What The C.M. Fee Is Added To.

So, This Is Just Way Too Complicated.

But I Will Point Out For The Benefit Of The Motion Maker That There Is A Mathematical Error In The Requested Action.

It Should Not Read \$225,282.

225,282.

So That's A \$100 Difference And That's Estimated By The Estimate Proposal Made By Rio I.N.C. On The Second Page Of Their Letter.

So It Should -- You Just Want To Correct Them. Clarification Staff On That. Yes, There's A \$100 Discrepancy.

We're Go With The G.M.P. On The Blue Sheet. You're Saying It Should Say \$282? Right?

And The Backup Doesn't Add Up To The \$282. It's \$100 Off. Any Further Discussion? You're Not Going To Am Men It For The \$100 Even The Supporting Documentation. No Because We're Not Going To Come Close To That.

That's A G.M.P. We've Got Money Left.

It's Not To Exceed Am.

I Have No Problem With It. While You're There Jim, What Is The Percentage The Percentage In This Case Some. I Didn't Do The Math.

The C.M.P. The Percentage?

What Is The Percentage Of The. It's 14,000 As A Percentage Of. What Does It Apply To. It Applies To Everything Except The Administrative Costs And General Conditions. Roughly I Guess 10%, Right? Okay, Thank You. Any Further Discussion? All Those In Favor Signify By Saying Aye. Aye.

The Motion Is Adopted By Commissioner Bigelow In The Negative.

Item 4-D Commissioner Bigelow. Different Issue.

Same Problems.

Jim Well I'm Not Moving The Item. I'll Move It. Second. Commissioner Hall, Discussion.

Commissioner Bigelow. What Does This \$20,865.81 Apply To? What Is The Percentage.

Do You Know That. No, We Just Put The Flat Feet In There.

We Didn't Calculate The Percentage.

Again Everything Except The Administrative Costs Applies To. So It Applies To The Subcontractors, The Contingency And The Bond, Right? That's Correct. Okay, So, Without The C.M. Fee, I Can't Figure Out If They're Applying The C.M. Fee To Contingency And Bond Which Has Been Explained To Me Before Which Is Not Something That We've Endorsed.

Because I Don't Know Why We're Adding A C.M. Fee To The Bond.

Or The Contingency For That Matter.

I Don't Understand Why You're Adding.

Supposed To Be Added To The Subcontractor. Well, We Have Typically Done That.

And We The C.M. Fee Generally Applies To Everything Except The Administrative Costs, Which Is A Discussion We Had A Number Of Board Meetings Ago About Doing That.Okay, I Will Point Out That I Appreciate How The Administrative Costs Might Be Is Separated.

The Cost Makes It At Least A Little Easier To Review.

Thank You Mr. Chairman.Any Further Discussion?

All Those In Favor Signify By Saying Aye.Aye.Nos.Aye.The Motion Adopted By 4:1 With Commissioner Bigelow In The Negative.

Commissioner Judah.Yeah, On 15-B Whether It's Wayne, I Just Wanted To Point Out Before This Goes To Public Hearing, With What Little I've Read So Far An I Haven't Read All Yet, Because It Should Still Go To Public Hearing Scheduled For October 23rd And November 13th.

How Does The Model Treat Mines Base With Mines What Are Adjacent To Oil Fields And Wetlands, There's A Potential To Higher Travel Time Potentially Bringing Contaminants Into The Areas, And It's My Understanding The Model Does Not Take Into Account The Difference In The Travel Time With The Mines Versus Substrate.Good Morning, Natural Resources For The Record.

You're Right Commissioner The Mines Are Not Utilized.

We Did A Particle Tracking Analysis And That Was Part Of The Conditions And The Ordinance.

We Track Travel Times In Terms Of How Long It Would Take For A Particle To Travel To A Well Head Of Concern.

What Happens Is If You Install The Wells, I'm Sorry, The Mines, It Becomes A Source Of Water And Actually Shrinks The Zones On A Particle Tracking Model.

I Think Some Of The Concerns You Have Are Occur Where You Have Mines Very Close In Proximity To A Well Head.

We Already Have A Standard Set Back Of A Mine From The Well Head, Plus If They're In That Area, They're Going To Be Under The Eskimos Strict Zone In The Ordinance Zone One So The Strictest Standards Will Be Required Of Any Mine That's Near A Well Head.

I Mean This Is Explained To The Erock As Well As The L.P.A.

That Particle Tracking Model, That Would Actually Shrink The Zones Up So You Would Actually Capture Less Properties.

Now When We Have A Mining Application Come In We Can Ask Those Types Of Questions If There's Concerns About Secondary Which Has Been A Point That's Been Raised.

And Really Comes Down To Your Dealing With A Different In Terms If There's A Potential

Spill In A Lake And Its Through Dispersion And Gets To The Well Head.

But, The Ordinance In An Of Itself Controls A Number Of Hazardous Materials.

Its Limited To 110 Gallon Of Materials On That Property.

We Also We If The Line Crosses A Mine, We Do Have In The Ordinance That It Will Encompass The Entire Body Of The Mine Property.

So We Don't Have Anything But Just Dissecting A Piece Of Property.

On Top Of The Well Field Protection Zone.

If It Crosses The Property It's Assumed Extended Around The Entire Perimeter. It Concerns Me The Model Does Not Incorporate The Mine Adjacent To Well Heads.

You're Saying In A Way You're Doing It With Another Approach, But I Don't Know If You're Taking Into Consideration The Difference In The Travel Time.

And You Talked About Toxic Chemicals, That Are Allowed On Site And The Threshold Of Which Is Allowed But It's An Administrative Enforcement Nightmare.

I'm Not Sure If We're Going Through A Prudent Approach. If You're Look Target Particle Tracking Model Like I Said, We Went Through This Analysis The Consultant Redid The Model, It Shrinks It Because The Water In The Mine Becomes A Source Of Water.

So, It's Going To Start Pouring From That Location Versus Further Extension.

If It's More Now There Is A Standard Restriction In The Ordinance That No Mine Should Be From 500 Feet Of A Well Head.

That Is A State Standard.

That Is What We've Used In The Ordinance.

We Don't Have Any Data Showing There's Been Discussion About The Secondary, But We Have No Data Showing That You Have A Quick Reaction From A Well To A Mine To A Well.

I Mean I Know There's Concern About What Happened In The East Coast, But We Don't Have The Same Geology Out There, But We Have The Ability They Will Put An Extensive Amount Of Monitoring Equipment In Place To Ensure That Situation Doesn't Occur.

Like I Said There's Limitations Every Model That You Do.

I Think When You Do That And You Start Looking At It Mixing And Matching In Different Types Of Methodologies, You're Looking At Solid Transports And Whole Different Phenomenon, You Can't Just Fake Numbers In That Aren't There. As I Said At The Outset I Only Just Started Looking Into This I'm Just Real Uncomfortable With The Way The Model Has Been Set Up.

I Have No Problem Going To Public Hearing But At This Point In Time I'm Not Repaired To Support The Ordinance.Okay, Any Other Questions, Comment.I Have A Question For Roland.

An You May Not Have It Now But Haven't They In The Lake Belt, Haven't They Been Running The Models To Clarify Where The Contaminants Came From? Have They Completed That?There's A Lot Of Research Into That.

I Know The U.S.G.S. Has Been Investigating That.

We Are Part Of The Drgr Analysis Too.

We're Bringing Scientists Brought Up In One Of Our Recent Zoning Applications To Look At That Potential Situation Of Secondary If It's Occurring.

So They're Investigating Detail.Do We Have Any Currently Have We Experienced Any Con Tam Nation Or The Onset Of Any That You're Aware Of.We've Asked That Of Lee County Utilities And They Have Not Had That Problem.That We're Aware Of.Right.Maybe Jim You Can Answer This, Is The Monitoring That We Do You Know The Consistency Of The Monitoring That We're Doing, You Know I Know We Test, But, You Know There Is A Lot Of Concern Out There That Are We Testing Often Enough And Do We Have The Right Staff In Place To Monitor Effectively In That And Not Sporadically?I Think Doug Is Here Or Roland Can Speak To The Testing.

I Mean We Do What We Can Afford.I Don't Want To Put You On The Spot Now.

But I Want To Share The Same Concerns That Commissioner Judah Is Sharing With You And When It Does Come Back To Public Hearing If You Can Give Us A Bird's Eye View On That.

I Would Rather You Have The Opportunity To Research It Yourself.The Applicant When They Come In, They're In A Zone.

They Have To Have An Operating Permit.

And In That Operating Permit They Get To Show All Their Best Management Practice In Place.

The Tags That They Put In Have To Be Secondary Containment.

You Know, Many Cases They Go On That.

So It Is Part Of The What We Review And There's A Monitoring Effort That's Occurred After They're In Place.If I May, Just For Our Edification When This Comes Back To Public Hearing If Roland, I Would Appreciate I Know We All Have Different Opportunities To Go Over These Issues Before You Come Mere To Public Hearing But Maybe For The Public's Benefit, When We Go Over The Well Field Maybe You Can Give Us That Scenario Of What's Occurring And If You Can Touch On The Questions That Have Been Asked Her Here And That Way The

Public Will Have A Better Understanding Of What That Process Is Because There Have Been Some Concerns On How This Is Playing Into The Monitoring Of Mines.

And That Will Give You The Time To Prepare.

You Can Give Us Five Minutes On That.Sure.Okay.

Any Further Discussion?There's Motion To Move Item 45-B To Public Hearing By Commissioner Judah.

Second By Commissioner Hall.

Any Further Discussion?

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It, The Motion Is Adopted.

Good Morning Commissioner.

Commissioner Mann.Mr. Chairman.

Roland You're Still With Us.

Good.

I'm Still Learning So Many Things.

This Refers To North Fort Meyers Surface Water Management Plant.

I Was Told This Very Last Week That We Have A Surface Water Management Plan For Every Part Of Lee County Except North Fort Meyers, Is That True?No We Have Pretty Much A Water Manage Plan For The Entire County.

Some Of It Is Dated.

A Lot Of It Is Dated.

Some Of The Most Recent Efforts In North Fort Meyers Was Like Early '90s And There's Been A Lot That's Happened In That Area.

This Effort Is Between Basically Old 41 And 31.All Right, That Is I Was Leading To That.

I Want To Know When You Say North Fort Meyers, What Are We Describing Here?This Studies.Old 41, 31.Right.

East To Alcreek So You Go East Of 31.Caloosahatchee North.Yes, Into Charlotte County.The Dollars Here, The Reason Has Caught My Eye To Begin With.

We've Committed \$58,000 To Finalize A Water Management Plan.

And Then As I Guess We Got Through Spending That We Realized That We Didn't Have

Enough Information To Complete It So We're Almost Doubling That Contract Amount And Going With The Same Folks Again.

I'm Curious First Off Did We Spend The Entire \$588,000 Before We Realized We Weren't Going To Get The Job Done?No, Part Of The Initial Effort Was To Do A Recon And Do Field Verification Of What's Out There.

We Found Some Of That Information Is Inaccurate.

Some Of The Modeling Data Was The Last Effort Was Done Oral Early '90s And Some Of That Was Hybridized From Work That Was Done In The Late 70s And Some Of That Was Work From The 60s, So There's A Mass Of Survey Information, We're Trying To Get Accurate Information For The Entire 60 Square-Mile Area And It's Very Dense Growth Along The Creeks.

So You Have To Go In There And Feel Cut In There And Do The Control.One Final Question Mr. Chairman Because You Guys, We've Heard From Mr. English Numerous Times On Tuesday Afternoons.

He's Talked With All Of Us Individually In Our Lives And Our Careers.

He's Concerned We Don't Have An Adequate Management Plan East Of 31.

And Is Insisting We Do Something There, And Tells Me That There Is Nothing In Effect Right Now Or Whether We Have Is Totally Inadequate.

Can You Speak To East Of 31?Yes, Sir.

In The Early 90s We Did A Surface Plan Of Areas In That Region East Of 31.

Conservation Service Also Did I Believe In Mid 80s, They Did All The Flood Plan Analysis For The Fema Mapping But New Fema Maps Weren't Adopted But They Did Flood Plan Analysis.

More Recent The South Florida Management District Extensive Study Which Included, All The Way West To Mr. English's Property And West Of That Yet.

That's Since Been Revised Again By The Water Management District Full Blown Four Corner Study.

Is Getting Ready To Be Published Here Pretty Soon.

They've Got A Draft Out.

So It's Been Studied, And Visions Currently Under Way For That Section.

Between 31 And Four Corners.Yes, From The Water Management District To Study In This Area And They're Look At Different Concepts.

They Were Relying Heavily On The County Line Canal For A While.

We Understand That's Not The Most Environmentally Prudent Thing To Do.

So Looking At Creating Some Flow Ways Through The County District.

Trying To Restore Flows In Spanish Creek.Have You Had An Opportunity To Meet With Mr. English.Many Times.I've Met With Him Off And On For Nearly 30 Years On This Issue.

And I'm Just Wondering Is There Any Hope That Someday We Will Have A Plan In Effect That Would Come Somewhere Close To Satisfying His Concerns.I Don't Know That.

Satisfy His Concern.

I Think We Have A Plan In Place.When Would That Be Your Hope When The One The District Is Finalizing Right Now.Yes, And I Think Maybe The District Can At Toast That But They've Just Made Modifications To Their Contract For Some Of That Work.

I Think We Have Enough Information, More Concerned Is Reviewing The Babcock Proposal An We've Been Staying On Tap Of Reviewing That Application.

Right Now It's Back In The Applicants Court.

Respond To What We've Asked.Assured He Me That We On Top Of That.

Nothing Is Going To Suddenly Be Accepted Without Our Complete.No, They All Have Trigger Dates When You Can You Know Ask Questions And They Have A Response Dated And Then We Ask Again.And The Completion Date Go Back To The 41 To 31 Area.

North Fort Meyers On This Blue Sheet Expected To Be Done.Oh, December '08 The Full Master Plan For That Area.Maybe You And I Will Have More Chats On This Roland If You're Walking Down The Hall Some Time.

Pop In And Say, Do You Understand This Yet, And The Answer Will Be No.

I'll Love The Item.I'll Second It For Discussion.For Discussion Purposes By Commissioner Hall.

Commissioner Hall.I've Had The Privilege And Honor To Speak At Least One Once A Day To Mr. English.

And He Did Ask Me The Same Questions, Commissioner Mann.

And I Have Offered To Set Up Another Meeting With Our Staff.

Mr. English Doesn't Truly Want To Meet With Our Staff At This Point.

I Had Asked Roland To Provide Me With The Draft Copy Of The Four Corners Plan And Any Other Plan I Could Give Him Copies Of.

I Know We Have Met With His Engineer.

And Have Addressed The Process That We're Going Through And I Continue To Return His Phone Calls And I Continue To Try And Offer Him Copies Of Anything That Is Available For His Team To Look At.

And I Don't Know If He Will Ever Be Able To Produce A Program To Meet The Satisfaction Of The English Properties Dilemma That They Have.

But I Do Know We're Working Very Hard To Address Flow An Flood Protection In The Area As A Whole As Much As We Can.

And Property Owners You Know We Have To Go Out With, We Have To Make Sure Our Property Owners Are Practicing Best Management Practices Also And We Have To Inform The Practices Where We're Doing Both.

Lee County Is Doing Their Part And The Land Owners Are Doing Their Part.

I'm Going To Sit Down With Mr. English And Go Over What They're Doing In Best Management Practices Also So We May Be Able To Dovetail On To Some Of His Efforts.

This Little 60 Mile Project Is Not Inexpensive.

I Also Want To Share With The New Board Members Staff We Had A Public Meeting At The Civic Center Where We Invited Gosh There Was Over 300 North Fort Meyers Residents Where We Really Got Enormous Amounts Of Input All That's All Being Dated So We Can Look At Every Individual Person's Flooding Issue And Incorporate That Into The G.I.S. And Everything We're Doing.

So This Is A Very Labour Intensive Contract So Ensure The Data Is As Accurate As Possible.

So I Want To Really Applaud Staff For Truly Walking Lieu This Process Because We Got Lucky This Season, But We've Had Numerous State Of Emergencies In North Fort Meyers Due To Downpours.

These Are Literally Downpours Because Of Some Of The Challenges We've Had Through A Multitude Of Reasons.

Some Being The Residents Eroding The Flow Ways That We Have And The Education We're Going To Be Required To Do.

I Appreciate You Supporting It And I Recognize It's An Enormous Amount Of Money.

I Want To Thank You The District For Giving Us A Small Grant To Go Towards This Project And I Appreciate As We Each Do Our Part To Make Sure We Can Offer The Protection We Need For Our Residents. Just Got \$250,000 More To Put Towards This Effort.

So. Very Good. The District Has \$250,000 More, So This Is Correct?

This \$512,630 Can Be Reduced By That Amount?For This Effort They're Putting \$143,000 And The Overall Effort They're Going Toed A Another \$257,000 For This Study And We Will Be Coming Back To You For An Agreement With Them.I Would Just Echo What Commissioner Mann Has Said It's Hard To Sit Here And Accept A Doubling Of Costs Especially High When It Was Approved In September Of '05 For A Not To Exceed Amount Of And Now We're Back To Prove That Same Figure More Or Less.

It's Troubling.

I Made This Point Before.Any Further Discussion?
All Those In Favor Signify By Saying Aye.

The Ayes Have It, The Motion Is Adopted.

That Concludes The Consent Agenda.

We'll Proceed With The Administrative Agenda.Approve Item 6-5 On The Administrative Agenda.

Discussion?

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It, The Motion Is Adopted.

Item 15-A.Move The Item.Moved By Commissioner Hall To Approve Item 15-A Seconded By.Second.Commissioner Judah.

Discussion?

All Those In Favor Signify By Saying Aye.Aye.Okay, The Ayes Have It.

The Motion Is Adopted.

Item 15-B.Second.Motion By Commissioner Judah.

Seconded By Commissioner Hall.

Discussion?

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It, The Motion Is Adopted.

That Concludes The Administrative.

We Have A 9:30 Public Hearing We Will Take Up Now.Good Morning Mr. Chairman And Board Members.

Thank You, Assistant County Attorney.

I Have One Petition To Vacate For You To Hear On Your 9:30 Item Agenda This Morning.

I've Examined The Application For That Request.

It Is Legally Sufficient With Respect To Form An Content And I'm Going To Enter That

Affidavit Into The Record By Giving It To Your Board's Clerk.

This Is 9:30 A.M.

Agenda Item Number One.

This Is A Petition To Vacate A Portion Of A 12-Foot Wide Public Youth Easement Located At 3314 And 3316 7th Street West In Lehigh Acres.A Motion By Commissioner Judah To Approve The Petition To Vacate The 12-Foot Wide Public Utility Ease.

Second By Commissioner Mann.

Discussion?

This Is A Public Hearing, Any Members Of The Public Wishing To Speak On The Matter Let Us Know.

Wave A Hand.

Sees None I Will Close The Public Hearing Session, Back To The Board.

You've Heard The Motion.

Motion Is To Approve Approximately All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It, The Motion Is Adopted.Thank You.Thank You Very Much.

Walk-Ons On Carryovers.

I Have One Walk John.Mr. Chairman.Yes, Commissioner Judah No The Spillway And Thank You For Taking The Time To Come Over Here On Behalf Of The Corp And Give Us A Presentation.

A Couple Questions I Wanted To Ask Stu And I Appreciate You Stating For The Railroad That We Are All In Agreement To Move Water South.

I Believe You Indicated That On The Record.I Did.It's In What Form, When, How It Can Be Accomplished, But I Think Everyone Recognizes We Need To Move More Water South.

Deacon Looms Large In That Issue.

It Would Work Beautifully And Dove Tailing With The Water Development Resources Act Funding For Elevating The Trail.

And At This Point In Time What I Want To Ask You Is Where Is The Corp With Regards To The Status Of De-Con?There's A Number Of Efforts Under Way.

The First Phase P.I.R. Which Deals With The Miami Canal North Of The River Canal.

Moving The Miami Canal And Adding Additional Conveyance That P.I.R. Is Under Way.

In Fact We Held Scoping Meetings A Few Weeks Ago On That.

Second Piece Is De-Con Physical Model.

We Desire To Test Out Some Of The Convey Features.

So That's Proceeding.

The What We Really What's Really Becoming Clear Is We Need To Get A Solution.

At Least For The Waters To Be Able To Complete The Modified Water Delivers Project To Pass More Flow From 3-A To 3-B And Into Everglades National Park.

So There's A Lot Of Effort Focused On The Trail Because How That Solution Plays Out, Affects De-Con Even Things Like Looking At Storage In The E.A.A. Because It Gets To What Assumptions Can You Assume Going Into That Study.

So There's A Lot Of Riding On The Effort.An That's All Interconnected On The Funding For Mod Waters.Now, The We Don't Needed A Additional, It's A Question, Depends On What The Plan Is Whether We Have Authority On That.

We Probably Have Sufficient Authority For The Modified Water.

There Is Language In The Word 07 Conference Report Ha Allows Is To Pass A Flow 20 Feet Per Second Through Tammy Wood Trail Immediately And Get To 4,000 Cubic Feet Per Second Which Was Envisioned Back In 1992 With The Modified Water Delivery Project.

So There Is Language In The Conference Report And Again 07s A Been Passed By The House And Senate.

President Indicates He's Going To Veto It And If He Does That, It Will Be Up To The Congress To Decide Whether They Override Or Not.Can I Ask What Deacon Is.Basically Taking The No It's To Restore Connectivity And In The System And What We Proposed To Do Is Remove Some Of The Barriers To Flow Within Water Conservation Area Three, 3-A, 3-B.

And Connection With The Big Sigh Froze The West.

So They Would All Function More Like A Unit Which Is What They Did Historically.So It's An Acronym For.It's De-Compartmentalization, It's A Pretty Long Name.

We Call It De-Com For Short.

It's Removal Of Levies, Structures, Canals And So Forth.Thank You.Stu, I Appreciate The Fact That The Corp Is Concerned.

In Fact You're Currently Analyzing A Spillway For Reaches Two And Three.

What I Would Ask Of You Is Why In The World Are You Looking At A Spillway With A Water

Control Elevation Of 12 Feet.

Because You And I Know That's Going To Necessitate Practically Entire E.A.A. And That's Not Feasible.

It's Certainly Not Cost Effective And It Doesn't Accomplish What We're Trying To Achieve In That The Spillway Overflow Would Take Excess High Level And Release It.

An Therefore You Should Be Looking At About 15.5.

It Would Provide More Storage In The Lake To Address Storage Issues.

And It Would Require Less Acreage To Be Acquired South Of Lake Okeechobee To Allow For That Flow To Go South.The Question We Were Asked To Look At Originally Was Very Expensive Obviously To Rebuild The Dike An As I Pointed Out We're Approaching A Billion Dollars At This Point.

So Is That The Best Approach To The Problem Or What If We Department Use Lake Okeechobee As Storage, And We Reduced It Or Put A Spillway In Or Something Like That.

So It Was Really To Assess Whether Rehabilitation Is The Best Way To Proceed Or Could We Do Things Without Rehabilitation.

To Do Other Things Like A Complete You Know Spillway At Roughly Elevation 12, Is Very, Very Expensive Proposition.

Much More Expensive Than Rehabilitation.

And You Also Of Course Lose All The Storage Ability That Lake Okeechobee Provide.My Concern Is When I Read Statements That The Spillway Flow Is Impractical And That's Predicated On The Control Elevation, Of Course It's Impractical But Whoever Decided We Caught To Have A 12-Foot Water Control Elevation.We Were Asked To Look At Whether We Could Compare Rehabilitation To A Flow Way, Spillway.

It's Very Expensive To Do That, Plus You Lose The Water Storage Ability.

So It's Not Practical To Do That.

Now The 15.5 Which Is Kind Of What I'm Seeing As The Staff Report Is Different Than The 12-Foot Obviously Different.

It's Still Going To Entail A Considerable Expense Because You've Got To Buy The Proper Decision To Flow The Water Over That Land, You Obviously Have To Treat It And So Forth But It Would Not Be Quite As Expensive As The 12-Foot.Correct.

Okay.

The Challenges That You Mentioned About Because Of The Size In The E.A.A. Really Is Not Any Different Than What Currently Is Going On In The E.A.A. With All The Districts With

The Pulping Of Water From One Elevation To Another.

In Redistributing Water To The E.A.A. What I Was Trying To Point Out Is That Obviously The Topography Has Changed Over What It Was Historically.

Some Quarter As Many As People Have Talked About We Can Simply Flow Water Naturally From The Lake On To The Water Conservation Area And I'm Pointing Out That That's Probably Not Practical Now That There's No, You Can't Pulp Water Obviously From One Side Of A Levy To Another.

And You Can Provide Storage And Move The Water That Way.

But That's Different Than Just Taking Out The Levies And Assuming That Can Be Accomplished Through A Pump.

A Series Of Reservoirs, Flow Ways, Interconnected Like The Chain Of Lakes North Of The Lake. It's A Combination Of Treatment And Storage And Conveying The Water South. The Yellow Book Storage You Talked And, Even With The Northern Everglades Estuary Recovery Plan, We Still Have Inadequate Storage In The System.

Based On The Water Budget For Lake Okeechobee.

And Of Course The Concern Here And Also On The East Coast Is If You Don't Look At A Spillway, South Of The Lake For Reaches Two And Three, You Then Continue To Use The Caloosahatchee River As Your Relief Valve.

So When You Get Excess Water, After The Hurricane, Or From 13 To 17 Feet In 2005, You End Up Discharging Billions Of Gallons Of Water Both The East An West Coast.

On The Scenario You Will Continue To Do That.

Base You Don't Have Sufficient Storage.

You Have To Relieve The Lake Water Because Of The Possible Impairment To The Berms Even After Reinforcing, And That's Unacceptable And That's Why We're Asking In This Resolution Consideration For A Spillway For Reaches Two And Three. When We Did The Modeling In 1999 Which Is The Basis For The Yellow Book We Saw With All The Features In Place Which Have A Significant Amount Of Storage, We Saw A Great Improvement In The Estuary Performance That's Why We Have Reservoirs Storage On Both The East And West Coast.

As Well As Northern.

So The Expectations When We Implement We Should See Significant Improvement In The Caloosahatchee.

Now Obviously The Situation 2004 And 2005 We Don't Have The Storage Facilities And So, We Obviously Understand The Result Of Not Having That Storage Which Is We Get Very Large Fresh Water Slugs In The Caloosahatchee Which Is Bad For The Estuary. I Want To

Make A Point When You Talk About The Storage That's Either Being Crucked Or Planted To Be Constructed, It's Totally Inadequate Because The Model That Was Used For The Water Management Study That Was Then Used For Certain Was Flawed.

It Didn't Take Into Account Wet Season Historically In The State Of Florida.

So When You're Talking About 5,000 Acre Feet Of Water With The Recovery Plant, You're Still Two Million Acre Feet Short, So With The Lack Of Storage You Have To Choice But To Discharge High Lake Levels To The East And West Coast West Coast.

Again We Ask The Question Why We Need To Have You Consider Spillway To The South.Good Reason Why The South Florida Water Management District Has Got Their Northern Everglades Initiative Under Way Base You're Looking At More Storage Opportunity In The Northern Part Of The System.

You Know Right Now The System -- The Inflow In The Lake Can Be Six Times Greater Than What Can Be Outflowed.

So If We Are Taking About The Best Storage Opportunities Is Where You Can Store Water Before It Get Into The Lake Itself.

Which Is Obviously What Our Situation Is When It Fills Up And We Have A Discharge.Even When The Recovery Plan They Will Be Insufficient Funding For Storage That's Needed To Handle The Water Release From Lake Okeechobee.

My Concern Also Is There's A Number Of Other Pressing Proposals Such As Mining, Ethanol Facility.

Landfill Operations In The Very Area That We're Trying To Retain For Restoration For Recovery Of The Everglades.

And I Would Hope The Corp Will Take An Adamant Stand That Those Are Uses That Are Not Acceptable In A Glad Plain Flow Way That Currently Fema Is Doing Survey Work To Demonstrate This Area Should Be In The Flood Map.

So Goes Back To The Need For A Spillway In A Flood Plain Flow Way So What I'm Asking You Is Redoing Mission Of What We're Signaturing With This Reaches Two And Three Renovation Work.

Restoration Work, To Consider A Spillway To Direct Flow To The South.

Thank You Stu.Mr. Chairman.Stu I Don't Know You But That's The Only Name I Got For You.It's Okay Commissioner.You Can Say Hey, You.It Seems To Me That The Resident Lights That We're Considering Here Is In Step With What You're Doing Already.

I Mean You've Said You're Considering In Your Rehabilitation Restoration Work Which You Admit You Need To Be Doing, And You Will Be Doing, You're Considering Spillways.

Is It Just The 12-Foot, Is The Elevation The Difference Of Opinion We're Talking About.The

Elevation Is Pretty Significant. Is That The Difference. It Is A Difference Because Again, At 12-Foot You Have Negated Any Storage Ability Of The Lake.

And Then You're Going To Be Treating An Awful Lot Of Water Before It Moves South Into The Everglades And 15.5 Level, That's Reduced.

Now Obviously You Still Have A Significant Amount Of Water That Will Go Over But A Lot Less Than A 12-Foot Level. I Guess I'm Just Trying To Seek Your Consent In A Way To Support The Resolution.

Because It Sounds Like It's In Step With What You're Doing.

We Mentioned Nothing About An Elevation Here In The Therefore Part, Right? We Have Not. So, I Don't See That If A Congressman Asks You What About Lee County's Resolution, I Would Think The Corp Would Say Well That's What We're Doing.

We're Encourages You With A Resolution To Do What You're Doing.

Am I Wrong In That Assessment?

Because It Doesn't Specify A Level For This Spillway. You've Asked For It In The Context Of The Rehabilitation.

Now The Issue Is More Complicated Because When You Take About Spillway You Have Flow Way Interconnected And You Get Into Other Issues Cost And So Forth.

So If It's Just A Matter Of Looking At A Cost Benefit, So It's Obviously Cheaper To Rehabilitate It.

I Think What You're Asking For At A Spillway Of Course Is You Want To Hook That Up With A Flow Way Concept And That Needs To Be Looked At In More Detail Just Beyond The Dike Rehabilitation. Am I Incorrect In Assuming From What You've Presented Today And Your Statements That You Will Be Doing That? We Will Be Doing That As Part Of The Phase II Reservoir.

We Are Going To Need More Storage.

We Have To Treat That Water Before Its Put Into Storage So It Ultimately Can Be Released Into The Everglades And, There Are Alternatives Such As S.T.A. Flow Way So Day Come Into Play As A Water Quality Treatment. Well -- I Mean You've Read The Resolution.

Where Is The Differences Of Opinion That We're Talking About, Because It's Not Specific Enough To Say 12 Versus 15.5.

So I Don't Get It. I've Seen The Staff Report That Talks About The 15.5 As The Criteria. That's Backup, But I Mean This Is All That Will Be Sent To The Corp And Coalition.

So It Seems Like We Don't Have A Difference Of Opinion.

With Regard To The Resolution.

Do We? It Just Seems To Me That I However Do Are Have A Problem With The 12.5 Foot.

I Mean, I Can't Say That Might Not Be Differences Of Opinion, But On Your General Resolution I Have No Problem With It.

But When It Comes Down To Specifics, I've Got Major Problems With It.

I Just Doesn't Go Along With Increasing Huge Number Of Storage Capacity Required If We Had A 12.5 Elevation On That Thing. Mr. Chairman I Agree With What You're Saying.

We Had Talks Of Discussions Is Impractical.

It's Unacceptable.

But That's Not In The Resolution. That's The Resolution. Further Discussion. Yes. Commissioner Hall. Stu We Have A Statement Hire The Dike Was Not Built To Current Standards.

And Need Appropriations To Be Brought In Compliance With Such Standards.

Can You The Rehabilitation Of The Dike, You're Not Rehabilitating To Standards Are You? Or Is That Your Intend As You Go True Each Of The Reaches Around The Lake That You Will Be Rehabilitating To Dam Standards. You Pointed Out There Is A Distinction Between Levies And Dams, The Herbert Hoover Dike Is Currently Authorized As A Levy Which Means There's A Set Of Standards For That Design.

Dam Safety, Considering It As A Dam Is A Difference Okay In Standards Particularly With Regard To A Spillway For One Thing.

The Difference Between The Two Basically Is A Levy Means That Water Is Not Standing Against The Entire Structure For All The Time.

Okay, As A Dam Obviously You're Designed To Contain Water All The Time.

The Difference In Level Of Protection As A Dike It Has Roughly About A 935-Year Level Of Protection Whereas Bringing Up The Dam Safety Standards Would Bring It Up And 935 What We Call Standard Project Flood Which Is A Whole Set Of Analysis They Go To Get That And I Think That's Elevation 26.4 On The Dike.

To Bring It Up To Safety Standards Basically Is One In 10,000 Probable Maximum Flood Kind Of Thing Which Is Different Than Standard Project Flood.

I Don't Want To Get Too Technical But It's A Different Way You Do The Analysis But It's A Much Higher Level Of Protection. And What's The Cost Difference Between The Two? Because Right Now Congress Has Authorized You To Do Levy Standards.

So If We Were Saying To Congress, We Want A Reauthorization To Take This To Dam Standards, What Are We Talking About The Financial Difference. I Think It's A Large -- I

Couldn't Give You A Figure Offhand But It Would Be Large Because You're Doubling About A Much Higher.

You Would Have To Braze The Dike Higher As Well As But The A Significant Spillway In.

We Would Also Have To Have Authorization From Congress To Make It A Dam Rather Than A Levy. First Of All I Want To Thank Stu For Coming Over Today.

The Issue That I Have With Our Meeting Is That You Weren't Here And I Wanted To Have An Opportunity.

I Think All Of Us Free And Support More Water Going South.

Absolutely Without Any Question.

We Have To Get More Water South.

There's Not Enough Storage Built Into The Plan.

There's Not Enough Plan To Build The Storage Into The Plan.

So No Matter If We Have All The Money In The World I Don't Think We Could Build Enough Storage To Truly Give Protection To The Estuaries.

So How Can We Move Water Around So When We Have High Levels Of Water There Is Some Level Of Protection Not Only For Floods And People Interest, But Also For Estuary And Environmental Interest.

And That's Of The Most Importance For Us.

That Lake Okeechobee Is Providing The Environmental Impact Provided To Lee County.

I Guess Stu What I'm Looking At And What You're Saying To Us Is That You're Starting Rehab Right Now In Reach One.

What's The Time Frame For The Completion Of The Rehabilitation For Reach One. I'm Going To Hedge A Bit Because It All Depends On The Funding.

And It's Really A Matter Of How Quick Congress, How Much Money And How Quick They Provide It.

I've Sign Estimates Anywhere From 2010 To 2013 Depending On The Funding Stream. Having Said That, Because You've Started, And You're In The Process Now Of Then Going On To Reaches Two And Three With Reaches To Begin And I'm Going To Assume You Will Start With Two And Somewhere Along The Line Three.

So Where Are You At Beginning To Reach What's Underway Right Now Is Major Rehabilitation Report So That Work Is Under Way To Do More Detailed Analysis And Design Of Reaches Two And Three.

And Then I'm Going To I Believe We'll Begin Construction On Reaches Two And Three Probably In 2009, 2010.

I Mean We Can Overlap Depending On The Funding Stream But Again How Fast How Quick Can You Implement It Is A Matter Of The Funding.

I've Seen Estimates From It Can Be Done As Quickly As 2013 All At A Way Out To 2020.

Depending On The Amount Of Funding That We Get.I Appreciate The Work That Your Team Has Done In Finding A Compromise For Us To Look At The Higher Level.

But When Will The Corp Be Able To Put A Permanent Elevation And Operate From The Standpoint Of A Rehabilitation To Have A Standard Where The Lake Can Be For More Storage And You Can Operate At A Higher Level.

At What Point Of Rehabilitation Can You Look At Permanent Elevation Operations?A Couple Things That Are Going.

I Mean We Expect To Complete This Initial Effort On The Lake Okeechobee Regulation Schedule For A December Time Frame And Implement In January.

We Will Begin Efforts To Look At The Regulation Schedule Assuming There Is More Storage In Place.

In Other Words The First Here Of Storage Projects Accelerate Some Of The Early Projects Will Be Coming On Line.

We Want To Be Prepared To Fully Utilize Those Storage Facilities.

So We Will Begin The Effort Right Away.

As The Herbert Hoover Dike Rehabilitation Succeeds We'll Re-Assess The Risk And Whether We Feel Comfortable Looking At Higher Water Levels Or Not.

For Instance Reach One You Do The Seepage Blanket, That May Reduce The Risk Sufficiently That We Can Look At That.

But, It's Going To Depend On What Things Are Implemented And We'll Do It In A Stepwise Fashion But We're Concerned About Not Increasing Risk Unnecessarily.Our Concern Is When We're Operating Too High And The Release Has To Go East And West At This Point.

So Even With The Storage, An All The Other Mechanisms We Want To Make Sure That The Lake Is Managed To Alleviate Those Current How Often Do We Have To Be The Release.

In Other Words How Often Does East And West Have To Been The Spillway If Towel Protect And You're Also Working With You Know The Flood Interest And The Cultural Interest So We're Looking For When Will The Corp Be Able To Operate Regarding That Right Now We're The Spillway And We're Looking For Re-Reef For Not Going Spillway All The Time.

When Will You Be Able To Operate When You Have More Operation Also In East To West. This Is Going To Be An Incremental Process So As Each Reservoir Comes On-Line, Or The Rehabilitation, I Mean Each Of Those Things Give Us An Increment Where We Can Reduce The Discharges Going Out To The Caloosahatchee And The St.

Lucy.

So There's Not A Magic Bullet One.

All Of A Sudden We Pull A Switch And Everything Changes.

It's A Very Incremental Process Over A Number Of Years But The Answer Is Too.

The More We Get The Storage Reservoirs On-Line, That Reduces Our Need To Put Water Out, The Caloosahatchee And The St.

Lucy At The Wrong Times. When Is The P.I.R. You're Doing For The E.E.A., When Has That Started. We're Going To Complete, We're In Fiscal Year '07.

We're Going To Complete The E.A. Phase One This Fiscal Year.

We Will Begin The Work On The Second Phase In Fiscal '09. And What's The Time Frame.

I Want To Preface This By I Don't Know To Put Words In Your Mouth.

In Meeting With Our Congressional Delegation, I Know That They're Concerned About Flow And Having Creating An Opportunity And Funding So More Water Can Go South.

I Know Sara Nelson Has Been Very Proactive On All These Issues.

I Know Congressman Is Trying To Stay In The Loop And Be Support On His End Of The Hallway.

Are You Saying The P.I.R. Is Trying To Look At Moving More Of That Water South? Yeah, It's Going To Store And Flow.

Move It South.

And Of Course One Of The Key Things Is Going To Be Who Size Storage Can We.

What's The Most Optimal Amount Of Storage For That Second Phase And What Level Of Treatment Is Needed.

We Know We're Going To Need S.T.A. Or Flow Way Or Something To Treat That Water Before It Can Move Into The Everglade. If I Could And Commissioner Judah If You Don't Mind, I Guess What I'm Looking At Here And I Think That My Hesitation On Some Of The Is Not So Much That We're Trying To Support Water Going South But It's How We're Worded The Support.

And I Don't Know To Get Sideways With Congress.

Now, Again I Think Resolutions Are Great And We Can Send It Up There And It Is What It Is.

And We Can Continue To Work Toward It.

I Mean Obviously Stu There's Enormous Frustration On The Southwest Florida Feasibility Study And I Love When We Start These Dates And They Get Moved And There's A Lot Of Moving Parts That Come Into Play In Changing All These Time Frames.

So I'm Looking Commissioner Judah Is There Anything In Here That You Feel Could Be That Accomplishes What You're Trying To Do But At The Same Time Keeps Us In A Feasible Methodology That Could Be Funded That We Can Work Cooperatively To Continue To Send That Message In A Way That's Not Going To Be Looked At Negatively, But Looked At As A Positive Support Mechanism And As A Way To Try To Advance Some Of These Things Versus Having Them Have To Wait So Long.

I Mean Even With All Our Best Scenario For Relief What Scares Me Is We're Looking At Maybe 2014 Before There's Options.

East And West.As We've Been Saying Here Today And This Morning Is The Recognition That We Need More Storage And We Need To Direct Water To The South.

That's An Obvious Given.

Senator Nelson Fully Understands The Realization That Flow Historically Was Directed To The South, That The Only Way We're Going To Actually Truly Provide Meaningful Restoration Of The Everglades And Eliminate Adverse Harm Is To Direct Water To The South.

The Corp Is Embashing With Reaches One, Two And Three.

They Need To Do The Feasibility Analysis.

They Need To Do Preliminary Design Engineering.

It's Important That Their Corp Consider A Spillway As Part Of That Design Approach.

To Addressing What We All Recognize Is An Situation With Right Now The East And West Coast Going Relief Valve For The Excessive Release Of High Water From Lake Okeechobee.

So What Is In This Resolution Actually Dove Tails Nicely And Beautifully And Responsibly With What Needs To Be Accomplished.

No Question The Backup Speaks To The 15.5 Water Control Elevation And That's Very Important Because 12-Foot Is Absurd.

And I'm Certain As The Corp Continues To Analyze They Will Come To Conclusion That 15.5 Is The Appropriate Elevation.

It's To Get Us All Onboard With The Recognition If You're Going To Build And Enforce The Lake Okeechobee Levy An You Truly Want To Provide A Message To The Public That Every Effort Is Being Made To Protected Property And Lives, And To Treat Lake Okeechobee As A Living System, Then We Are Going To Need To Make Sure We Have That Relief Valve In The Form Of A Spillway To The South.

And That's What We're Encouraging The Corp In Their Consideration As They Move Forward. I Think My Concern Is The We're Asking Congress To Re-Appropriate Moneys To Create A Dam.

And I Have Had A Chance To Talk With Senator Nelson's Office And That I Think Is A Problem For Me In This What We're Saying The Dike Was Not Built To Current Damage Standards And Therefore Needs Expedite Indicted Congressional Appropriation.

We're Actually Asking That Congress Re-Appropriate From A Levy To A Dam Standard An I Think I Have A Problem With That Because I Just Think It's Like Moving Mount Kilimanjaro. That Makes It Easier For Me Because I'm Trying To -- This Body Where We're Advocates, We Are A Body That Should Take A Leadership Role In Advocating Things That We Can Accomplish In A Timely Fashion And I Don't Think We Can Realistically Accomplish A Dam Re-Appropriation In A Timely Fashion To Meet What We're Trying To Do To Have More Water Going South.

And So I Appreciate You Recognizing That And Doing That.

So Stu If That Came Out -- Let Me Ask You.

You Talked About Spillways And Flow Ways Being Used Intermittently.

You Guys Are Looking At You Know What We're Trying To Accomplish Is Where Is There Going To Be Relief When The Storm Comes You Know, We're Trying To Get Water Out Of That Lake In A Fashion That's Not Going To Flood People Out, Hurt The Environment And Ruin, Just Have Serious Issues You're Looking At Deep Well Injections To Take Excess Waters Down.

How Fast When Charlie Is Coming In And The Existing Culture That We Have Right Now, You Know Would You Be Able To Get That Water Out Fast Enough To Alleviate The Detriment Going East And West?
And Having All Those Too Because With The Time Frame That You Have To Start Locking Down An Draining The Lake.

I'm Trying To Have An Understanding, If I'm Going To Accepted A Resolution An Support You, I Have Existing Canals And Gates Currently Sitting On A Lake That Can Take Water South.

So That's Not A Spillway.

If I Say I Want A Spillway And Look At Reaches Two And Three And I Want You To Put Spill Ways On Those.

I Want To Get To A Point Where We're Being Realistic In What We're Asking For And We're Taking Congress And Not Confusing Them As The To What We Have To Re-Appropriate And What We Can Do Within The Existing Plan We Have Right Now.

I'm Trying To Get That Worded In A Way That's Accomplishing The Same Goal That We Have That I Think You Understand What We're Asking But Also Accomplishes A Federal Mandate With The Atmosphere That We're Not Throwing Another Big Heap On The Pile And It's Going To Go Nowhere.

We're Going To Talk About It For 15 Years.Obviously The Main Concern Is Going To Be Depending On What Level You Put That Pill Way.

You Have The Cost Of The Spillway Itself.

That's A Cost Thing.

The Trickier Part Is What Kind Of Decision That You're Going To Need South Of There, You Know Is It An Occasional Flow?

Is It A More Serious Decision?

So There's A Lot Of Analysis That's Going To Need To Be Done An Obviously If You Have To Acquire Land, Then That's A Rather Large Undertaking.

The Other Thing Is We Have To Have Sufficient Storm Water Treatment Area And You Have To Build Those Facilities.

It's Not My Only Point Is It's Not A Trivial Undertaking.I Understand That, I Guess What I'm Looking For In The Resolution The Only Way Place We're Talking About Where We Changed From The Coalition Were These Last I Guess The Last Three Whereas And The Other One I Guess The Second From The Bottom Of Page Two Commissioner Judah Where We Talk About Engineering Standards For Levies And Dams Include The Construction Of Spillways That Reduce The Damage And Loss Of Life To The Greatest Number Of Persons.

Stu What's Your Greatest Concern With That Statement.Again, There's More Than A Semantic Distinction Between Levies And Dams.We Took Dams Out And Just Said Levies Would That Be More Appropriate In Your Mind.

Would You Have Less Indigestion About It?Obviously The Biggest Concern When You Use The Word Damp That Causes A Change In The Authorization.

And In The Design That We're Going Through.

Right Now We're Designing To It Levy Standards.

That Will Alleviate A Lot Of Concern.But That Still Accomplishes What We're Trying To Do Using The Term Levy?You've Been Very Patient.

If I Could Ask Wayne To Step Up For A Second Because I Would Like To Get Clarification For Wayne.

Its Common Engineering Standard Regardless Of Whether It's Dike, Levy Or Dam.

There's A Need For A Spillway.

I Understand Where Commissioner Hall And Stu Is Trying To Have Us Consider The Fact That We're Not Talking About A Dam.

And I Recognize That But We Still Need To Have A Spillway If We're Going To Be Fortifying The Dike Or Levy.Wayne Daltry, And Threat Record Reflect I Have Not Yet Had The Opportunity To Give Stu The Warm Welcome And Appreciation I Hold For Him, But To Answer That Question I Will Call Upon Our Engineer With Whom We Worked This.

I Knew I Was Going To Do It To You Eventually.The Question Is Regarding Spillways And Release For Levies Versus Dams.Yeah, I Mean --The Third Whereas From The Bottom Where It Says The Dike Has Now Built To Damage Standards.

Where We Could Eliminate That Whereas But The Second Whereas Commissioner Hall Was Referring To, I Think The Question Is You Modify That Statement.Yeah, I Mean In 10 Of Those Questions We Want To Find Out What Is I Mean, What Triggers A Need For Dam Design, I Think The Answer To That Year-Round Or Relatively What Happened To Stu.He's Right There.Low Head Elevation That You Can Go With The Levy.

So I Don't Know If You Just Go With Levy Standards, Then Do They Normally Have Spillways Or Is It Assumed That It's Always Going To Be Contained Within The Lake Itself? So Those Are Technical Type Questions, But I Don't See.

As Long As I Don't Think That's Going To Take Away From The Intent.If I Might Add, In Our Write-Up You Know First Off The Intent Was To Have Mr. Applebaum To Show It's A Team Approach, At Least He Has An Understanding Of The Board's Intent.

The Lake Right Now Is Very Dry.

Emphasizing Its Importance For Water Supply.

There Are No Other Reservoirs Built Yet.

A.S.R. Has Its Issues And To Meet The Water Supply Needs Of South Florida They're Trying To Make Are Trying To Maintain As High As Possible.

There Is A Point Where It Becomes A Standing Pool, A Dam, For Water Supply.

Typically The Wet Season They Draw It Down As Fast As Possible, During The Dry Seasons In A Point And Try To Stabilize It So There's Enough Water To Meet Needs.

And Our Concern Is While We Don't Have Anything Else On There, Clearly The Water Supply Needs Of South Florida Must Be Met.

And So, Based On How Much Is Going To Be Built Afternoon The System, And Part Of The Effort Is To Increase Four-Fold Storage North Of The Lake In Anything We've Seen Before, A Storage South Of Lake Size Of The Reservoir And How Much A.S.R. Can Be Made To Work But The Real Dynamic That Is Driving This Question Isn't Annual Storage, It's The Fact That Inflows Into The Lake Are Six Times Outflows, Until We Create Outflows Where It's In The Ground, Wider Canals, Other Storage Mechanisms There's A Point Where The Rising Lake Becomes A Threat, An They Cannot Get It Out Fast Enough.

So The Spillway And I'm An Old Emergency Planner And This Is Where I Weigh In Is The Tool We Looked At, Whether It's 15 Feet Or 17.3 Feet.

We Wanted The Analysis If There Was To Be A Spillway Determined, What's The Best Elevation There's A Point Where You Want The Water To Be Directed Out And It's Almost, Don't Want To Use The Word Breach But A Controlled Discharge Prevent Of A Breach Into A Place Where You Would Expect It And That's Towards The Bed.

The River Of Grass Was Once The River Of Grass And There Are Places Where It Can Be Discharged If We Plan For It Ahead Of Time And That's Why The Resolution Says First Priority, Fund Reach One.

Second Priority, Keep Funding All The Repairs But In That Consider Whether Or Not A Spillway Will Work If We Don't Ever Get The Inflow And Outflow To Balance.

Basin Alterations That's Causing The Problem.Could You Please Add In This Whereas, I'm Good.The Question Was The Second Whereas From The Bottom.You Still Have The Issue Of Words "And Levy"?

Take Out The Word "And Dams." We Are Still Emphasizing The Importance Of Relief Mechanisms.Okay.I Certainly Like The Way That Wayne Has Stated It Because I Think It States Our Position In A Clear Way.

Commissioner Judah My Whole Issue With This Was The Word Daniel In Here Because Of My Concern In Talking With Our Federal Partners The Appropriation And Reauthorization For Dam Standards.

And I Didn't Want To Send That Message The Wrong Way.I Understand.I Have No Issue With Looking At These Other Issues But I Just Didn't Want The Dam In There.That's Find And The Third Whereas Would Be Eliminated From The Bottom.That Would Be Great.Just Take That Whole Whereas Out.Yeah.There Is A Statement Above That Speaks To The Current Levy Protection Issue Which Is What The Findings Of The Reports Were.That's True.That's Fine.

But Quite Honestly The Way Wayne That Little Sentence He Said I Think States Our Position Very Clearly.Wait, I'm Sorry.

States Our Position Clearly And I Like The Way He Worded It But I'm Okay With The Second From The Bottom If We Just Take Out Dam.I Don't Want To See This Discussion On Semantics Take Away The Need For A Spillway And I Don't Know To See The Corp Interpret This Since It's Only Going To Be Understood To Be Fortifying To Levy Standards, There Will

Be No Need For A Spillway When In Fact There Is Still A Definite Need For A Spillway.

Sew Do We Lose The Thrust Of What We Are Trying To Accomplish Here. We're Going To Tag Team This Response.

If We Saw A Balance Sheet That Showed -- Let's Pretend The Input Is \$40,000 Acre Feet Which I've Gotten From A Private Source But All Public Statements And We Can See A System Of Outflows 40,000 Cubic Feet And 40,000 Cubic Feet Per Second Out It's Possible There Would Not Need To Be A Spill Way But There Would Need To Be Massive Changes In Canals.

Our Emphasis Is Those Massive Changes Aren't East West, Double The Size Of The Two Rivers And You Have Your Discharge Points.

I Think That Would Not Be What Something We Want To Promote.

Blue To Try To Give The Corp Flexibility, We're Looking To Support Approaches That Make It Work.

But Until There Is A System That Makes It Work, There Is Mr. Daltry The Planner, We Want The Discharge Valve Now I Would Refer The Engineer. I Was Just Going To Suggest That As For The Corp If There's A Difference Between A Spill Being In Place For A Levy Design Versus A Dam Design.

It Hey Just Affect A Cross Section Of The Rehab Itself, I'm Not Sure.

But I Think Again They're Going To Analyze The Option The Spill Way, Because The Spillway Is Going To Be Fixed.

It Will Be When Ever The Water Level Gets To That Elevation.

It's Going To Go Over That Structure.

Basically A Notch In The Lake Okeechobee Lake. But Roland You're Our Engineer And I Want To Know From You, You're The One Who Is Going To Back This Up When The Statement Common Engineering Standards For Levies And Dams Include The Location And Construction Spillway As The Reduce The Risk Of Breach Greatest Number Of Persons.

We Need An Engineer That Can Say Yes I Attest To That. Again It Comes Down To What The Corp -- I Mean That's The Trigger.

What They Decide The Appropriate Design Is.

An You Know It's A Whole Different Criteria And Like You Said Cost, If It's A Dam Because It's Got A Permanent Pool, You Know It's Still You Still Have That Situation Where You Have Inflows Greater Than The Ability To Remove Flows And If You're Sitting A At High Revel On The Lake It Becomes A Potential Breach Situation.

So That Would Be A Good Question To Ask The Corp On How Do They Do That And Based

On Risk And Cost. But Do You Have The Resolution In Front Of You I Would Like You To Look At That Whereas, Would You Feel More Comfortable Because I Think I Would If It Said May So That It Would Say Common Engineering Standards For Levies May Include The Location And Construction Of Spillways.

Seems Like That Gives Us A Little Bit More Credibility Because We're Saying It Emphatically Does Include Location And Construction Spillways When In Fact You Can Build A Levy Without A Spill Way, I Think.

I Mean Am I Wrong? That Would Be A Good Question.

Today If They Built This From Scratch, I Think They Would Have An Outlet Structure To Some Design Event.

Probably Maximum Flood Or Some Percentage There Of. Can We Ask Him That Question, Mr. Chairman. I Guess So.

Stu If You Were Building This Levy In Today's Standard, Would You Have A Spillway? I Don't Know.

I Mean.

But Just Back The Word May, I Think That Would Probably Be More Accurate.

Rather Than. It Really Waters It Down. But Hey. Can You Build A Levy Without A Spillway. Yes. You Can.

Right? Of Course. And You're An Engineer. Spillway Provides More Outlet Capacity And Provides An Emergency.

And A Dam It's Required To Have A Spillway Again Because When You Get Above Your Design Pool, You Worry About The Integrity Of The Structure So You Have A Spillway To Do That.

In This Case, The Standard Project Flood Is About Elevation 26.

26.4 And The Top Levy Is I Think Anywhere From 36 To 40 Feet Something Like That. Well That Whereas If We Don't Include May, Is Inaccurate.

We Have Two Engineers Saying That You Can Build A Levy Without A Spillway.

So We Can't Say Common Engineering Standards Include The Location And. I Appreciate Where Your Going With This, The Problem Is You Give The Corp An Out For Not Having To Consider A Spillway Because They Will Just Say It May Or May Not Include.

So They Will Determine It Doesn't Include A Spillway. You Want Me To Sign On To A Whereas Statement That We Have Two Engineers Standing Before Us Tells Us It's Not Accurate.

It's Not Accurate.Can We Add Language To The End Of That Where It Says May Include The Location And Construction Of Spillways And Lee County Strongly Urges Blah, Blah, Blah.

I Mean I Understand What Commissioner Bigelow.

I Personally Don't Have An Issue.

I Think At The End Of The Day, You're Right The Corp Has A Protocol That They're Going To Follow.

But I Don't Want One Word To Not Bring Us To A 5-0 Vote So If We Could Shore It Up At The Back End Of That Statement So That There's Not Fully Integrity Lost In How Strongly We Feel.

About Having A Release Valve That Gives Us Some Protection In These High Water Events That All The Water Will Not Come East And West.

And That We're Looking For Options.

And Certainly They Have The Other Option Of Not Providing A Spillway And Showing Us What Else They're Going To Do To Move The Water South.

This Is Our Direction Just As We Send Unplanned Six In Other Issues.

This Is Again One More Tool In The Tool Box For Them To Look At And I Don't Want To Lose.

I Would Like To Hope That We Could To Have Unanimous Is Up.

So I Don't Know If There's A Way To Shore Up The Back End Of That Statement Where You Would Feel More Comfortable And We Could Bring Commissioner Bigelow Along.Can I Jump In?

If A Congressman Takes This And Asks The Corp, Is This Stage Factual, Whereas Common Engineering Standards For Levies Include The Location And Construction Spillways.

They Would Have To Say In Their Proposal Opinion Because They Have To Stand By Their License, No.

And That Draws Our Credibility Into Question.

Especially When They Replay This Type Tape That We Discussed It.I'm Sure They Will Spend All That.

[Laughter]Mr. Chairman, I Believe To Keep The Theme That The Common Engineering Approach Is To See If They Need One Or Not, No Matter What, So, If We Take The Phrase Common Engineering Standards For Levies Include The Consideration Of The Location, Because At First Off That's What We're Asking For.

If It's Needed, If They Think The Degree Of Threat Is Needed Then They Better Include It

Or Else, Speaking Of Licenses We're Going To Have To Criminal Negligence Leads To Multiple Deaths So The Consideration Of Locations Hey File Like It's Needed And They Checked The Box.

Looked At It And Wasn't Kneed.I Move The Item With The Changes Amended.Okay, All Right There's A Motion To Include The Changes As Amended And Commissioner Hall Seconded By Commissioner Judah.Just To Confirm.Let Me Finish The Vote, All Those In Favor Signify By Saying Aye.Discussion.

This Is Discussion For The Changes.

I Just.Yes?I'm Sorry, I Just Want To Make Sure What We've Changed Is Elimination Of Dams And The Recommended Language Include The Consideration Of Location And Construction.

And The Eliminate The Third Whereas From The Bottom, I Just Want To Clarify Mr. Chairman, I Apologizing We're Eliminating The Entire Third Whereas From The Bottom Of The Page.Okay.This Is Just A Change Mr. Chairman.

I Don't Want To Confuse Anything Anymore An I Think We're Coming In For A Landing.

I Want To Thank Mr. Marshall For Coming.

I Made Reference To My Previous Life In Tallahassee An At The End Of The 20th Century There Were Two Names In Florida More Than Any Other Two.

One Was The Godfather And One Was The God Mother.

The Godfather Was His Uncle Art.

The God Mother Was Marjorie Stoneman Douglas, Those Two People More Than Anybody Brought Focus On This Issue Today.

The Next Generation Of Marshalls Are Continuing To Battle.

We Very Much Appreciate Your Making The Trip All The Way Over Here Today.

And Bringing Us Your Little News Letter.

Thank You Very Much And Keep Up Your Good Work.

God Bless You For All You've Done.Do We Need To Add Some Sort Of A Motion?An Amend To.Well There Was But No Motion To Approve With The Amend.A Motion For Approval With The Amendments.Mr. Chairman?

Final Discussion Then And I Apologize I Thank The Board For Their Indulgence.

John Marshall Yes, Coming All With Way From West Palm To Be Able To Be Here Today To Make A Brief Presentation But His Words Are Powerful.

I Only Hope There Are Other Policy-Making Bodies And Regulatory Agencies That Will Listen To What Mr. Marshall Is Trying To Convey With Regards To How Best To Move Forward In A Meaningful Way To Restore The Everglades And That Includes Plan Six And A Flow Way.

At This Point In Time I Hope The Corp Takes Serious Consideration For A Spillway To Provide Once And For All Relief To The East And West Coast That We're No Longer The Relief Valve For High Water Discharge For Lake Okeechobee. Any Further Discussion? Mr. Chairman Just A Statement.

Section Three Of The Therefore Has Been Added Since Our Last Review Of This Resolution.

I Would Like To Point Out That In My Humble Opinion This Says To The Greatest Extent That I Guess Check That All Are Willing To Do So That We Will Protect Our Estuary At All Cost And If That Means Entering A Court Of Law And Finding A Form In Which We Can Find Fair Treatment Of Our System, That We're Certainly Willing To Do That.

I Wanted To Underscore That Part Of The Therefore. Any Further Discussion? Already Then All Those In Favor Signify By Saying Aye. Aye. The Ayes Have It, The Motion Is Adopted. Mr. Chairman May I Take The Opportunity We Gave You A Memo Yesterday That Was Reflecting The Rapid Discussions Going On Regarding The Selective Plan That Mr. Applebaum Was Talking About, And We've Indicated Unless You Direct Us Otherwise Your Staff And Your Consultants Will Be Participating In The Discussions Of The Governing Board In Support Of The Corp's Plan Which Alters To The Degree That They Can Be Operating The Schedule Lake Okeechobee To Reduce The Discharges On Us.

So Unless You Had Otherwise Put This On The Agenda That Was An Information Item For You.

And If You Had Any Questions For People To Ask Are Here Now. You're Saying The Corp Is Putting On Hold The Implementation Of The T.S.P.. There Is A Recommendation That May Go Before The South Florida Water Management District Requesting The Corp Put A Hold On It.

And Unlist You Direct Us Year Wise Your Staff Is Going To Be At That Meeting To Request Otherwise.

Because Your Direction To Date Has Been To Support The Corp's Operations Lake Okeechobee And We Wanted The Corp To Know That By Saying It Here And As We've Done Before In Writing But Also Be At The Water Management District Be In Support Of The Corp's Proposal. I Was Also Going To Jump Over There On One Thing To Make Sure Under Public Comment They Could Hear From A Commissioner And I Wasn't Sure If You Were Planning On Attending Thursday's Board Meeting It's Not In Any Plans But Maybe I Can Work That In. If I'm There On Wednesday For The Workshops And Be There On Thursday, Maybe You Can Take The Team On Thursday. I Appreciate It, I'll Check The Schedule.

Thanks. Stay On Course. And One Last Point To Speak In Favor Of Mr. Applebaum Who I've Known For Nine Years, He Was Doing The Work On The Restoration And He Did Not Ever Recommend A Plan To The Everglades Restoration Group That Did Not Include Equity For The Caloosahatchee River Base On The Outcomes In Regards To Drought And Flood.

His Testing For Success For Us Was To Give Us The Same Equivalent Success Rate.

I Just Wanted To Make That Point.

Reminding That Sometimes Good Deeds Do Get Remembered.

So Thank You Very Much. Any More Accolades We Need To Throw Out?
Being None, Let's Move On, You Had An Accolade. No, I Want To Discuss What We Did Here
Just A Second Ago Giving Wayne Direction To Support The T.S.P.

I'm Concerned That We Might Be Endorsing A Water Discharge Plan That Might Then Lead
Us Into A Situation In The Future Years.

Wayne If You Could Come Back Maybe Where We Have Endorsed A Water Discharge Plan
That Would Overwhelm Our Estuary.

Because You Told Me In An 03 Scenario, T.S.P.

Is Okay.

04 Not So Good.

05 We're Going Under.

No To Is Apprise What We Have Been Pursuing Is An Operating Program For Lake
Okeechobee That If The Rain Fall Pattern Of The Past Was Repeated, We Would Not Get
The Discharge Pattern Of The Past Repeated.

The Previous Item Just Discussed, The Lake Can No Longer Be Allowed To Go As High As It
Has In The Past As High As 18.6 Feet Without Fear Of A Breach.

So The Corp's First Priority If I May Speak To For The Corp Is The Public Safety Component
So They've Been Developing Alternatives Which Frankly Unless Otherwise Benignly Held
We're Going To Increase Discharges East And West Because That's The Only Valves They
Have Because Now They've Lost The Equivalent Of 600,000 Acre Feet Of Storage Based On
Which Elevation You're Speaking About.

Through Our Efforts They Have Been Back And Reworked Their Proposals Several Times,
And Under The Constraints They Have Now Until More Storage Comes On-Line They Have
Figured Out An Approach That Basically Would Give Within The Appropriate Levels Of
Discharge, Us Fewer Adverse Discharges And That Is The Best They Can Do Until There's
More Storage.

A Situation On The East Side, They Basically Not Been Able To Improve It For Them.

They Have Improved It For Us Under This Proposal.

And Your Staff To The Best Of Our Ability And Knowing What They've Had To Work With,

Say This Is One Our Support Helps Them Because They Have Moved This Much Forward And There Is Opposition To That Approach.Well, Here's What I Hear, That This Is Better, But This Could Still Be Our Formal Agreement Move Staff Forward Which May In The Future Years, Not So Distant Future Years Overwhelm Our Estuary.

I Don't Want To Sign On To That.

They're Going To Adopt A Schedule With Or Without Our Endorsement.No, Sir.

In Fact This Is One Person Guessing, If The Tentatively Selected Plan Is Not Acted On, Then The Only Thing Left Is The Current Situation Which Is The Plan They Have Now Which Is The One That Would Replicate The Discharge Patterns Of The Past If We Got The Rainfall Patterns Of The Past No You Mean To Tell Me That Wayne, You Just Said Yes, That The Corp Will Not Adopt A Plan Unless We Support It.The Corp Is -- Okay.

One Cannot Speak To What The Corp Will Do, But They React To The Information They Get From Other Sources, And Other Sources Are Not Supporting The Tentatively Selected Plan Because In Their Viewpoint It Doesn't Give Them The Advantages, The Current System Has.

The Advantages They Have From The Current System Are The Disadvantages We Get Under This System.

So, By Giving Us A Better Approach, Those Who Received Advantages In The Current System Aren't Getting As Many Advantages.

I'm Hesitating To Say They're Harmed.They Will Adopt A Schedule Without Us.

Without Our Support.

Will They Not.I Am Believing That Our Protocol Support Will Help Them Adopt It In The Absence Of Our Political Support, They May Not Adopt It.I'm Not Going To Support A Plan.Mr. Chairman?
This The T.S.P.

Was Voted On And Commissioner Bigelow Did Not Support It.

The Majority Of The Board Did Support It.

And Not All Of Us Always Free.

And So, I Think It's Fair Enough Or The You To Reinstate Your Position That You Don't Support It.

And I Think Heard You Loud And Clear.All Right.Mr. Chairman Commissioner Bigelow Is Correct That It Will Still Cause Adverse Harm But It's An Improvement Over The Status Quo And That's Where When We Talk About Steps, That's The Position We're In At This Time.

And The Political Forces Are Out There.

We're On The Corp May End Up Might Be Forced To Delay And Defer Implementation And It's Important We Step Forward And Indicate Our Support The Corp Is Proposing. All Righty, Let's Move On Then To The Commissioner Item.

Commissioner Bigelow. None. Commissioner Judah. Yeah.

Mr. Chairman, The Industry Appears To Be Doing A Little Bit Of Divide An Conquer.

They're Trying Rush Divisions By Several And Also Charlotte County Into Settlement, And It Appears At This Point In Time At Least How I've Been Briefed That These Proposals Are Not Acceptable At This Time And I Would Think They Would Behove Us Since We Have A Joint Partnership That If It's Possible, The Settlement Needs To Be Discussed And Reviewed With Members Of The All Three Counts In The Same Room And That Would Require An Executive Session The Funding Commitment Made That We're All On The Same Page.

And David I Don't Know If You Want To Add To It. Can We Do That. I Would Love To Be Able To Do That Get Us All In The Same Room. We Have Millions Invested.

I Would Hate For It All The To Go Down The Drain. Let Me Just Say I Can't Possibly Support Not Going Any Further With This Simply Because What They're Doing In The Settlement Is Asking Us Never To Be Able To Go After Them Again And I Just Can't Support That. Would You Support Getting Together With A Joint Meeting. I Would, To Let Them Know Our Position. Okay. Let's See What. Good Morning Mr. Chairman Commissioner, County Attorney's Office.

Are You Looking For A Meeting To Be Set Up.

Let Me Tell You What The Situation Is Very Quickly.

Commissioner Judah Stated It Correctly, The Mosaic Folks Have Gotten Together With Charlotte County Primarily And Have Been Negotiating Terms Of A Modified Agreement Between All Parties.

I Have The Latest Iteration Done On Sunday.

I'm Still Going Through It.

A Number Of Things Have Been Adjusted That Are Positive And A Number Of Things Have Not Been Adjusted To Where At This Point In Time I Could Recommend To It The Board.

One Of The Terms An Conditions Is That The Only Time This Agreement Would Become Effective Is Upon Entering The Agreement By All Parties.

If One Party Whether It's Charlotte County, Lee County Or The Water Management Authority Up There, The Water Management Authority Does Not Sign It, Then It Didn't Go Into Play.

If You Like, My Intention Was To Get With Miss Jeanette Dalton This Afternoon, And Then Mr. Steve Demarsh Either This Afternoon Or Tomorrow Some Time.

This Morning It's My Understanding That Charlotte County Is Entertaining The Draft That I Had That We Received Yesterday.

They Received It Yesterday Also.

It Was Generated Over The Weekend.

With A Follow-Up Action To Be Taken On October 23rd At Their Next Regular Meeting.

They Don't Meet Every Week, They Meet Every Other Week.

In Between We'll Have An Opportunity To As You're Suggesting, If You Want The Commissions From Those Three Counties To Get Together, I'm Assuming That's Something That Could Be Done.

I Have To Check With The Two County Attorneys To See What Their Commissions Feel Like With Respect To Proceeding With That.

I Cannot Tell You Right Now What The General Mood Or Approach Is In Charlotte County.

Although At This Time They Have Been Entertaining Additional Meetings With The Mosaic Representatives And Have Been Generating These Other Iterations Of Document.

After I Have A Little Bit Further Discussion With Mr. Nalton This Afternoon I Can Report Back To You.

If You're Asking Today, Again I'm Repeating It, To Have All Three Commissions Get Together To Discuss This, I Will Begin The Process Of Setting Something Like That Up.

As To The When, The How Or Whether That Can Be Done, I Will Get Back To You By Memorandum On That Between Now And Next Tuesday. Okay. It's The Quickest And Best Way I Can Handle It For You Right Now. That Would Be Great. No Problem. A Couple Other Quick Ones, With Regards To The Lee Henry County Landfill, Lindsey Needs To Be Given Direction By This Board I Guess Through Jim.

There Are Some Issues Regarding The Change In Use Or At Least The Amount Of Acreage Set Aside For Certain Uses At The Lee Henry County Lann If Fill That We Need To Work Out With The County Commission.

How Much Should Be Set Aside For Either One.

Also We've Talked About Long-Term Bio-Diesel Which Is Not Part Of The Inter-Local Agreement.

It Was Put In Place Years Ago.

Used To Bring It To Your Attention That Apparently Brow We Are County And Dave County Have Taken On The January 08 Ballot.

I Want To Make You Aware Of This Though Because The Constituents Brought To It My Attention And I Don't Feel As A Single Commissioner I Should Deny Them Access To The Board.

I Should Pass It Off To The Chairman For Further Investigation.

Or Do You Want Nothing To Do With This?

I'm Ready To Say I'm Not I Just Need To Answer This Question As To What This Board Wants To Do. You Have A County Manager Here That Could Put It All In Proper Frame Work. Great I Will Pass This On To Separation.

No Please Do. And Get Us The Information.

Thank You. Complete Detailed Review Please. Thank You For Letting Me Pass The Buck. Thank You.

No That's All I Have. I Have Just A Couple Of Items.

Number One I Was Going To Ask The County Manager To Please Work With The City Manager Over In Cape Coral.

As Soon As The New Members Are Elected After November, Rescheduled A Meeting With They Will.

So First Of All We Can Get To Know Them Quickly Before They Get Institutionalized Or Into The Environment.

And, Would Be Nice To Be Able To Get That Moving Along.

So, To Invite The Mayor And The New Council Member To A Meeting With Whatever We Could Do Would Be A Very Nice Gesture An We Need To Keep That Conversation Going.

I Just Too Many Now Feel We Don't Have Enough Contact And So On And So Forth.

But I Think It Would Be A Good Idea To Try To Get That So I Appreciate Anything We Can Do On That.

And Hopefully We Can Do It Before The End Of November.

Soon After The Election Is Possible.

I Had Thought That At One Time The Board Had Talked About After The First Year Of Holding Joint Meetings With Each Of The Five Cities, Just To Sort Of Take An Opportunity To See What Their Priorities Were And Weren't, Are We Still Initiate That. I Don't Know Because We Have Talked About Doing That, Certainly With The Beach And With Bonita Springs.

And I Don't Know Whatever Happened Or Where It Went.Commissioners In Effect Are Setting Up A Meeting That We Were Thinking Probably In The First Half Of November With Bonita Springs As A Joint Meeting.

The Board Had Directed That A Couple Months Ago.I Have No Problem With It And We're Meeting With Henry County.We Have Interest, The Board Has Had An Interest In Doing That And We Need To Make Sure That We Aren't Performing That.They've Asked For It.

A Numerous Occasions We Have A Standard At Least.And I Think Really They Second Thing Is I Got A Letter Yesterday From Mayor From Sanibel Wanting To Know If We Would Be Interested In Joining Perhaps Adopting Our Own Resolution Pertaining To Extending The Tour Of Duty Of Colonel As A Commander In Jacksonville.So Moved.You Want To Do That Or Do You Want To Look At It?He's Been A Breath Of Fresh Air.Whatever You Want To Do.You Decide These Thing.The Army.The Army.There's A Lieutenant General In Washington.The Entire Army?He's On Only A Lieutenant General.Waiting For Our Resolution Absolutely.I Guess I Would Like To Find Out Would He Want To Extend His Tour Of Duty.We Don't Need To Ask Him Whether He's Interested.

We're Going To Continue.Again These Resolutions Are Meaningful When We Communicate And We're Not Being -- Again This Is Not, We Show You Want.

I'm More Than Highway Patrol To Sign For Support.

I've Had An Opportunity To Meet General Atwater And I Know He Knows How Much We Appreciate, But I Guess I Would Like To Ask If You Want To Extend What's The Best Way To Work With You To Do That.

I Don't Want To Be Silly About This.

Again, I Guess It Goes Back To We Love You.We May Have Had.Weapon You To Stay Longer.He May Have Had His Heart Set On Moving To Somewhere Like South America Or Antarctica Or Something Like That.

Some Remote Post For His Final Years If That's What It Is.

But I Think It Might Not Be A Bad Idea.Sanibel Adopted A Resolution.Yes, They Have.Just Did It.

Just Last Tuesday.Mr. Chairman.Let Me Just Tell You This About That Whole Situation.

It's Been My Experience That In Jacksonville The Minute We Get Colonel Up There That Has Some Preliminary Understanding Of What's Going On, They Ship Him Out.

And That Has Always Been A Problem.

That's Always Been A Problem And, Not Only Is This Guy A Breath Of Fresh Air He Seems To Know What's Going On And Cares About Our Side Of The State As Well, We're Still Stuck With A Deal Where Now They're Going To Ship Him Out Again.I Think It's Good To Go On

Record And Say Keep Him, They May Ignore A Resolution Anyway But I'm Willing. There Is A Motion Then As You're Making A Motion. I Second. Mr. Jud Made A Motion Seconded By Commissioner Maun.

I Think It's A Three-Year Tour. That's Standard Three-Year Tour.

We Appreciate Him Doing What He's Doing In Our Area And Like That Extended Prepare A Resolution. I Think We Ought To Ask Bill Hammond If He Supports This. Aye. Aye.

The Ayes Have It, The Motion Is Adopted.

Commissioner Big No I Can't Guarantee You Won't Read About These In The Front Page Of The Newspaper But I Don't Expect That You Will.

I Have A Reappointment Of Bernard Pitch To The Construction Board Adjustment And Appeals Board.

Yvonne Hill. Let Me Just Say That I Was Considering The General Contractor Category. Oh You What?

Need To Make That Specific To General. General?

Well He's -- More His Background.

Yeah I Was. Up To Do It. Sure. I'll Just Withdraw That Then. All Right.

Okay. Then I Have Revon Harl's Nomination As A New Appointment To Both The Multicultural Affairs Advisory Board Large And Black Affairs Advisory Board At Large. Okay, The Second. Second. Discussion.

Aye. Aye. The Motion Is Adopted, The Ayes Have It.

Is That It?

Commissioner Jud. None. Mr. Maun, None, Commissioner Hall, None. An I Have Two I Would Like To Appoint Amy Davis To The Landscape Advisory Committee Representing.

An The Appointment Of Butch To The General Category To The Construction Board Of Adjustments. Was That Replacing Keith. Yes. Yes, The Landscape Adviser Yes. Representing Him. Did. Represent Wilbur Smith. All Those Favour. Aye. The Ayes Have It, The Motion Is Adopted.

Thank You Very Much.

County Manager Items.

Okay, County Attorney Items. No, Sir. I Believe That's It For The Day.

We Stand Adjourned.

