



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

The Southwest Florida Water Management District (District) does not discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the District's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodations as provided for in the Americans with Disabilities Act should contact the General Services Department at (352) 796-7211 or 1-800-423-1476 (FL only), extension 4527, TDD only 1-800-231-6103 (FL only).

## AGENDA

### GOVERNING BOARD MEETING

JANUARY 29, 2008

9:00 a.m.

*☞ All meetings are open to the public. ☜*

- Viewing of the Board meeting is available at each of the service offices.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Unless specifically stated, scheduled items will not be heard at a time certain.

At the discretion of the Board, items may be taken out of order to accommodate the needs of the Board and the public.

**The meeting will recess for lunch at a time to be announced and a closed attorney-client session will be held during the lunch break (notice follows ANNOUNCEMENTS).**

The current Governing Board agenda and the minutes of previous meetings are on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

## TUESDAY, JANUARY 29, 2008

**9:00 A.M. \* \* \* CONVENE MEETING OF THE GOVERNING BOARD \* \* \***  
**AND PUBLIC HEARING**  
(TAB A)

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Additions/Deletions to Agenda
4. Employee Recognition
5. Public Input for Issues Not Listed on the Published Agenda

**MEETING NOTICE**

<b>CONSENT AGENDA</b> (TAB B)
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**Regulation Committee -- Environmental Resource Permits**

6. ERP No. 43007091.001 - R & D Cattle Excavation – Charlotte County
7. ERP No. 43002236.038 - City of Tampa - New Tampa Boulevard Extension from East of I-75 to Commerce Park Boulevard – Hillsborough County
8. ERP No. 43017451.003 - K-Bar Ranch – Hillsborough County
9. ERP No. 43018838.026 - Sunset Isles – Hillsborough County
10. ERP No. 43029777.004 - New Port Tampa Bay - Phase 1 Marina – Hillsborough County
11. ERP No. 43027835.000 - Country Oaks – Manatee County
12. ERP No. 43033278.000 - 4 Star Tomato, Inc. - Rutland Road Water Conservation Project – Manatee County
13. ERP No. 43033109.000 - Heath Preserve – Marion County
14. ERP No. 43023781.012 - Sunlake Development – Pasco County

**Regulation Committee -- Water Use Permits**

15. WUP No. 20003755.006 - Mabry Carlton Ranch/Mabry Carlton Ranch, Inc. – Sarasota County

**Regulation Committee -- Other**

16. Approve Initiation of Rulemaking to Amend 40D-1.002(2), Florida Administrative Code (F.A.C.), to Delegate Action on Requests for Variances and Waivers to Chapters 40D-21, F.A.C., Water Shortage Plan, and 40D-22, F.A.C., Year-Round Water Conservation Measures
17. Approve Initiation of Rulemaking to Amend 40D-1.659 and Chapter 40D-3, F.A.C., to Adopt Revised Well Contractor Licensing Forms, Conform District Rules to Recent Department of Environmental Protection Rule Amendments and Make Other Technical Changes
18. Approve Revisions to Supplemental Environmental Resource Application Forms Addressing Homeowner and Property Owner Association Documentation Requirements
19. Approve Joint Amended Deed of Conservation Easement and Agreement for the Peace River Mitigation Bank
20. Electrical Power Plant Site Certification – SWFWMD Agency Report on Progress Energy Florida – Crystal River Units 4 and 5 Modification of Conditions of Certification – Citrus County
21. 2008 Florida Department of Transportation Mitigation Plan

**Resource Management Committee**

22. Approve Amendment to the Construction Agreement with Subaqueous Services, Inc. for the Lake Panasoffkee Restoration Project (*Presented and Approved at the December 2007 Withlacoochee River Basin Board Meeting*)
23. Rehabilitation and Reclamation Agreement, Sawgrass Lake Restoration Project (*Presented at the June 2007 Pinellas-Anclote River Basin Board Meeting*)
24. First Amendment to the Evaluation of Soil Moisture Based On-Demand Irrigation Controllers, Phase II Project (*Presented at the December 2007 Pinellas-Anclote Basin Board Meeting*)
25. Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-150
26. Remove Crews Lake From Rule Amendments to 40D-8.624, F.A.C., and Authorize Completion of Rulemaking for Minimum and Guidance Levels Proposed for Lakes Lola, Jessamine, Pasco, Pierce, and Unnamed Number 22, also known as Loyce Lake
27. Continue Public Hearing Requested by Tampa Bay Water on Proposed Minimum Flows for the Fresh Water Segment of the Alafia River

**Finance & Administration Committee**

28. Board Travel
29. Budget Transfer Report
30. Planned Sinking Fund Transfer for Service Office Business Continuity Servers and Storage Area Networks

**General Counsel's Report**

31. Consent Order – Surface Water Activity – Seventeenth Avenue Ybor City, LLC (Las Ybor Condominiums) – Hillsborough County
32. Initiation of Litigation – Surface Water Activity – Lexington Homes, Inc. (North Green Estates) – Hillsborough County
33. Initiation of Litigation – Surface Water Activity – Lexington Homes, Inc. (South Green Estates) – Hillsborough County
34. Initiation of Litigation – Surface Water Activity – Macklin Transport Company – Highlands County

35. Initiation of Litigation – WUP No. 20001782.003/.004 - Spencer Farms, Inc. (Stephens Road Farm) – Hillsborough County
36. Initiation of Litigation – Well Construction – License No. 9159 – Monroe Butler – Hillsborough County
37. Initiation of Litigation – Well Construction – License No. 9201 – Wayne Wygant – Hillsborough County

**Executive Director's Report**

38. Approval of Minutes – December 18, 2007 Governing Board Meeting

## OUTREACH & PLANNING COMMITTEE (TAB C)

**Discussion Items**

39. Florida Department of Environmental Protection Surface Water Quality Classification System
40. Drought Communications Update – Signage and Advertising
41. Legislative Update
42. Strategic Plan Update Process

**Submit & File Report**

43. Status of the 2008 Consolidated Annual Report

**Routine Reports**

44. Significant Activities Report
45. Speakers Bureau
46. Comprehensive Plan Amendment and Related Reviews Report
47. Review of Developments of Regional Impact

## REGULATION COMMITTEE (TAB D)

**Discussion Items**

48. Consent Item(s) Moved for Discussion
49. Water Shortage Actions
50. Approve Interagency Agreement Regarding Uniform Year-Round Water Conservation and Water Shortage Measures for Marion County
51. Final Approval of Amendments to 40D-2.301(2), 40D-2.091, and 40D-2.321, F.A.C., Conditions for Issuance of Permits, and Part B, Basis of Review, of the Water User Permit Information Manual to Clarify Environmental Resource Permit and Water Use Permit (WUP) Requirements to Obtain a 20-Year WUP for Long-Term Phased Projects

**Submit & File Reports – None**

**Routine Reports**

52. Demand Management
53. Overpumpage Report
54. Southern Water Use Caution Area Quantities
55. Water Production Supply Summary
56. Public Supply Benchmarks
57. Resource Regulation Significant Initiatives Report

## RESOURCE MANAGEMENT COMMITTEE (TAB E)

**Discussion Items**

58. Consent Item(s) Moved for Discussion
59. Polk County Comprehensive Water Supply Plan – Funding Request

**Submit & File Reports – None**

**Routine Reports**

60. Significant Water Supply and Resource Development Projects
61. Watershed Management Program and Federal Emergency Management Agency Map Modernization Status Report
62. Florida Forever Funding Status Report
63. Minimum Flows and Levels Status Report

- 64. Hydrologic Conditions Status Report
- 65. Structure Operations Status Report

**FINANCE & ADMINISTRATION COMMITTEE** (TAB F)

**Discussion Items**

- 66. Consent Item(s) Moved for Discussion

**Submit & File Report**

- 67. Treasurer's Report, Payment Register, and Contingency Reserves Report
- 68. Fiscal Year 2008 First Quarter Financial Report

**Routine Report**

- 69. Management Services Status Report
- 70. Fiscal Year 2009 Budget Calendar

**GENERAL COUNSEL'S REPORT** (TAB G)

**Discussion Items**

- 71. Consent Item(s) Moved for Discussion
- 72. Final Order – WUP No. 2004912.006 – City of Lakeland v. SWFWMD, DOAH Case No. 07-0564 – Polk County
- 73. Overview of Compliance and Enforcement Process

**Submit & File Reports** – None

**Routine Reports**

- 74. Litigation Report
- 75. Rulemaking Update

**REPORTS** (TAB H)

- 76. Industrial Advisory Committee Liaison Report
- 77. Public Supply Advisory Committee Liaison Report
- 78. Well Drillers Advisory Committee Liaison Report
- 79. Executive Director's Report
- 80. Chair's Report

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**

- Tampa Bay Water Seawater Desalination Plant Ribbon Cutting – Gibsonton ..... January 25, 2008
- Governing Board Meeting and Workshop Schedule:
  - Meeting – Location to be determined ..... February 26, 2008
  - Meeting – Location to be determined..... March 25, 2008
  - Meeting – Location to be determined ..... April 29, 2008
- Basin Board Meeting Schedule:
  - Pinellas-Anclote River – New Port Richey ..... February 6, 2008
  - Alafia River – Tampa ..... February 7, 2008
  - Northwest Hillsborough – Tampa ..... February 7, 2008
  - Peace River – Bartow ..... February 8, 2008
  - Hillsborough River – Tampa ..... February 11, 2008
  - Manasota – Sarasota ..... February 13, 2008
  - Withlacochee River – Brooksville ..... February 14, 2008
  - Coastal Rivers – Weeki Wachee ..... February 14, 2008

- Joint Governing and Basin Boards  
 Planning Workshop – Thonotosassa ..... Proposed: February 26, 2008
- Basin Board Education Committee – Tampa ..... March 11, 2008
- Basin Board Land Resources Committee – New Port Richey ..... March 20, 2008
- Advisory Committee Meeting Schedule:
  - Green Industry – Tampa .....February 28, 2008
  - Agricultural – Tampa .....February 28, 2008
  - Environmental – Tampa ..... March 10, 2008
  - Industrial – Tampa ..... April 8, 2008
  - Public Supply – Tampa .....April 8, 2008
  - Well Drillers – Tampa ..... April 16, 2008

**12:00 p.m. Notice of Closed Attorney-Client Session**

Location: Board Conference Rooms A and B

Meeting Attendees: SWFWMD Governing Board Members; Executive Director David L. Moore;  
 General Counsel William S. Bilenky; Deputy General Counsel Karen West;  
 Assistant General Counsel Joseph Ward

Closed attorney-client session pursuant to Section 286.011(8), Florida Statutes, to discuss strategy related to litigation in Southwest Florida Water Management District v. City of Weeki Wachee, et al. in the Circuit Court, Fifth Judicial Circuit, Case No. H-27-CA-2004-366RT. The subject matter of the meeting shall be confined to pending litigation.

**The meeting is not open to the public.**

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the meeting shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

**ADJOURNMENT**

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at:

Southwest Florida Water Management District  
 2379 Broad Street  
 Brooksville, Florida 34604-6899

The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.