



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

MARCH 27, 2007

9:00 A.M.

TAMPA SERVICE OFFICE

7601 US HIGHWAY 301 NORTH  
813-985-7481 OR 1-800-836-0797

*☞ 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, MARCH 27, 2007**

**TAMPA SERVICE OFFICE**

7601 US HIGHWAY 301 NORTH -- 813-985-7481 OR 1-800-836-0797

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

1. Call to Order
2. Pledge of Allegiance and Moment of Silence
3. Additions/Deletions to Agenda

**MEETING NOTICE**

4. Oath of Office for Newly Appointed Board Member(s)
5. Employee Recognition
6. Approval of Minutes – February 27, 2007 Governing Board Meeting
7. Public Input for Issues Not Listed on the Published Agenda

**REGULATION COMMITTEE (TAB B)**

**Consent Items**

8. ERP No. 43031543.001 - Upper Coastal Mitigation Bank – Citrus County
9. ERP No. 49002635.007 - Wauchula Municipal Airport – West Side Master Conceptual Permit for Phased Development – Hardee Count
10. ERP No. 49001908.050 - Sun-N-Lake Estates of Sebring, Unit 12 – Highlands County
11. ERP No. 43004784.004 - Hillsborough County – Northwest Regional Water Reclamation Facility Expansion (CIP 10769) – Hillsborough County
12. ERP No. 43020690.006 - FDOT – State Road 400 (I-4), Section 3, West of 14<sup>th</sup> Street to East of 50<sup>th</sup> Street – Hillsborough County
13. ERP No. 43031231.000 - Myakka River Estates – Manatee County
14. ERP No. 43032019.000 - Oak Creek Preserve – Phase 1 – Manatee County
15. ERP No. 49013559.018 - Pasco County – Elementary M (a.k.a. New River Elementary) – Pasco County
16. ERP No. 49027030.018 - Porter Boulevard – Pasco County
17. ERP No. 43023451.001 - Willowbrook Square – Polk County
18. ERP No. 43020825.001 - City of North Port – Narramore Sports Park – Sarasota County
19. ERP No. 43030936.000 - Largo Preserve – Sarasota County
20. TWUP No.20010420.005 - W S ~ - Extension of Temporary Permit for Peace River/Manasota Regional Water Supply Authority – DeSoto County
21. WUP No.20002452.009 - W F I D- - Florida Power & Light & OCF 27 Corporation – DeSoto County
22. WUP No. 20002740.009 - W F I N- - Eugene H. Turner and Eugene H. Turner and Son, Inc. – DeSoto County
23. WUP No. 20004607.011 - W F S N- - City of Winter Haven – Polk County
24. TWUP No.20006509.007 - F N- - Polk County Board of County Commissioners/ Northeast Regional Utility Service Area – Polk County
25. WUP No. 20013005.000 - F S N- - Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC – Sumter County

WATER USE PERMIT LEGEND	
W = Water Use Caution Area	N = 100% new quantities
F = Floridan Aquifer	+ = More than 50% new quantities
I = Intermediate Aquifer	N- = 50% or less new quantities
S = Surface Withdrawal	D+ = More than 50% decrease
U = Surficial Aquifer	D- = 50% or less decrease
	~ = no change
R = 100% relocated quantities	
R+ = More than 50% relocated quantities	
R- = 50% or less relocated quantities	

26. Electrical Power Plant Site Certification – SWFWMD Agency Report on Florida Power & Light Company Bobwhite-Manatee 230-kV Transmission Line – Manatee and Sarasota Counties
27. Approval of Rule Language to Amend Rule 40D-1.600, Florida Administrative Code (F.A.C.), to Specify that Final Agency Action on Certain General Environmental Resource Permits will be by the Governing Board
28. Approval of Agreement Between the Water Management Districts and the Florida Department of Agriculture and Consumer Services and Initiation of Rulemaking to Amend Rule 40D-4.091, F.A.C., Repealing Existing Agreement

29. Proposed Final Revisions to the Environmental Resource Permitting Application Form to Request Information on Corporate and Partnership Applicants and Amendment of Rule 40D-1.659, F.A.C.

**Discussion Item**

30. Statewide Stormwater Rule Issues

**Submit & File Report**

31. Resource Regulation Form Letters

**Routine Reports**

32. Demand Management Activities
33. Overpumpage Activities
34. Southern Water Use Caution Area Quantities
35. Major Water Supply Summary

## RESOURCE MANAGEMENT & DEVELOPMENT COMMITTEE (TAB C)

**Consent Items**

36. Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes
37. Water Protection and Sustainability Trust Fund – Approval of Resolution 07-08, Reallocation of Funds of Fiscal Year 2007 Projects
38. Conveyance of Lands within the East Lake Watershed Project to Hillsborough County, SWF Parcel No. 13-797-101
39. Deletion of Ten-Year Flood Guidance Levels from Previously Approved Rule Amendments to Add Minimum and Guidance Levels for Six Priority Lakes in Pasco County to Chapter 40D-8, Florida Administrative Code

**Discussion Items**

40. Florida Department Environmental Protection - Peace River Basin Resource Management Plan
41. Peer Review of Minimum Flows Report for the Lower Hillsborough River

**Submit & File Reports – None**

**Routine Reports**

42. Significant Water Supply and Resource Development Projects
43. Florida Forever Status Report
44. Land Resources Department Significant Activities
45. Minimum Flows and Levels Status Report
46. Hydrologic Conditions Status Report
47. Structure Operations Status Report

## FINANCE & ADMINISTRATION COMMITTEE (TAB D)

**Consent Items**

48. Board Travel
49. Budget Transfer Report

**Discussion Item**

50. Fiscal Year 2006 Comprehensive Annual Financial Report Presentation
51. Fiscal Year 2008 Water Supply and Water Resource Development Projects

**Submit & File Report**

52. Treasurer's Report, Payment Register, and Contingency Reserves Report

**Routine Report**

53. Fiscal Year 2008 Budget Development Process Update

## OUTREACH & PLANNING COMMITTEE (TAB E)

**Consent Item**

54. Water Conservation Month Proclamation

**Discussion Items**

- 55. Plain Language Initiative
- 56. Legislative Preview

**Submit & File Reports** – None

**Routine Reports**

- 57. Comprehensive Plan Amendment and Related Reviews Report
- 58. Review of Developments of Regional Impact
- 59. Upcoming Events

**GENERAL COUNSEL’S REPORT (TAB F)**

**Consent Items**

- 60. Consent Order – Surface Water Activity – Cattlemen Commerce Center, LLC (Cattlemen Commerce Center) – Sarasota County
- 61. Consent Order – WUP No. 20009060.005 – Lemkco Florida, Inc. – Hernando County
- 62. Consent Order – WUP No. 20007299.003 – LWV Utilities, Inc. – Pasco County
- 63. Consent Order – WUP No. 20009360.003 – Windstream Utilities Company - Marion County
- 64. Settlement Agreement – MSW No. 45010942.001 – SWFWMD v. David K. Smith – Circuit Court Case No. 04-1907-CA – Charlotte County
- 65. Initiation of Litigation – MSSW No. 489667.00 – Alan Ferguson (Alan Ferguson Photography Studio) – Sarasota County
- 66. Initiation of Litigation – WUP No. 2011993.001 – Aniceto Estrada – Hardee County
- 67. Initiation of Litigation – WUP No. 20004994.003 – James A. Messana – Hardee County
- 68. Initiation of Litigation – WUP No. 20003341.003 – Schontag Parnell Ltd. and Edward S. Schontag, Jr. – Hardee County
- 69. Initiation of Litigation – WUP No. 20000426.004 – Allapatah Cragg Groves Corporation – Polk County

**Discussion Items** – None

**Submit & File Reports** – None

**Routine Reports**

- 70. Litigation Summary and Report
- 71. Rulemaking Update

**REPORTS (TAB G)**

- 72. Environmental Advisory Committee Liaison Report
- 73. Basin Board Education Committee Report
- 74. Basin Board Land Resources Committee Report
- 75. Executive Director’s Report
- 76. Chair’s Report
- 77. Other Business

**\*\*\* RECESS PUBLIC HEARING \*\*\***

**PUBLIC INPUT**

**ANNOUNCEMENTS**

- Governing Board Meeting Schedule:  
Meeting – Brooksville ..... April 24, 2007  
Meeting – Brooksville ..... May 29, 2007  
Meeting – Bartow ..... June 26, 2007
- Withlapopka Park Dedication – Floral City ..... March 31, 2007
- Northern Tampa Bay Water Use Caution Area  
Expansion Public Hearing – Dade City ..... April 9, 2007

- Volunteer Appreciation Day – Lake Panasoffkee ..... April 14, 2007
- Basin Board Meeting Schedule:
  - Pinellas-Anclote River – New Port Richey ..... April 4, 2007
  - Alafia River – Tampa ..... April 5, 2007
  - Northwest Hillsborough – Tampa ..... April 5, 2007
  - Peace River – Bartow ..... April 6, 2007
  - Manasota – Sarasota ..... April 11, 2007
  - Withlacoochee River – Brooksville ..... April 12, 2007
  - Coastal Rivers – Brooksville ..... April 12, 2007
  - Hillsborough River – Tampa ..... April 13, 2007
- Advisory Committee Meeting Schedule:
  - Industrial – Tampa ..... April 17, 2007
  - Public Supply – Tampa ..... April 17, 2007
  - Well Drillers – Tampa ..... April 18, 2007
  - Agricultural – Tampa ..... May 15, 2007
  - Green Industry – Tampa ..... May 17, 2007
  - Environmental – Tampa ..... June 13, 2007

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

Location: Tampa Service Office Laurel Oakes Conference Room

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;  
 Frank Miller, Esquire

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.