



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)  
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 on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director at (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us).

## AGENDA

### GOVERNING BOARD MEETING

JULY 28, 2009

9:00 a.m.

### POLK COUNTY ADMINISTRATION BUILDING COMMISSION BOARD ROOM

330 WEST CHURCH STREET, BARTOW, FLORIDA 33830  
863-534-6000

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

- Viewing of the Board meeting will not be available at each of the District offices.
- Public input will be taken only at the Bartow meeting location.
- 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.**

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

**9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Additions/Deletions to Agenda
4. District Recognition – Florida's Heartland Rural Economic Development Initiative
5. District Recognition – Florida Stormwater Association Excellence Award
6. Employee Recognition
7. Public Input for Issues Not Listed on the Published Agenda

**MEETING NOTICE**

## **CONSENT AGENDA** (TAB B)

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

### **Regulation Committee**

8. Governing Board Concurrence with Executive Director's Issuance of Sixth Modification to Executive Director Order No. SWF 07-045 Regarding Use of Peace River Diversions
9. Initiate and Approve Rulemaking to Amend Rule 40D-3.037, Florida Administrative Code (F.A.C.), to Incorporate by Reference Modified Appendix Adding Alaric, Stauffer Chemical Company and Helena Chemical Company Sites to Memorandum of Agreement with the Environmental Protection Agency

### **Resource Management Committee**

10. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-127P
11. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-179
12. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-202
13. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-203P

### **Finance & Administration Committee**

14. Board Travel
15. Budget Transfer Report
16. Office of Inspector General Fiscal Year (FY) 2009 Encumbrance - FY2009 Board Authorized Network Security Audit

### **General Counsel's Report**

17. Approve Rulemaking to Repeal 40D-1.139, F.A.C., Americans with Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures
18. Settlement Agreement – Alfred and Cindy Davis v. FDEP & SWFWMD, DOAH Case No. 09-0322 – Pinellas County
19. Initiation of Litigation – WUP No. 20008605.002 - Fatemah Corporation – Hillsborough County
20. Initiation of Litigation – Well Construction - License No. 9247 - Waylon Howard, Jr. – Hillsborough County
21. Initiation of Litigation – Well Construction - Sean Atwood – Pinellas County
22. Initiation of Litigation – WUP No. 20003806.004 - John S. Langford, Trustee of the Laura V. Riche Trust – Polk County

### **Executive Director's Report**

23. Approve June 23, 2009 Governing Board Meeting Minutes

## **REGULATION COMMITTEE** (TAB C)

### **Discussion Items**

24. Consent Item(s) Moved for Discussion
25. Hydrologic Conditions Status Report
26. Consider Districtwide Phase II Water Shortage Order No. SWF 07-02 as Modified
27. Consider Phase III Water Shortage Order No. 08-044, as Modified, for Pinellas, Pasco and Hillsborough Counties
28. Consider Phase III Water Shortage Order No. 09-009 for Charlotte, DeSoto, Sarasota and Manatee Counties
29. Consider Phase IV Water Shortage Order No. 09-012 for Tampa Bay Water and Its Member Governments, their Wholesale Customers and Florida Government Utilities Authority (Seven Springs) (f/k/a Aloha Utilities)
30. Approve Rule Adoption to Amend 40D-1.607, F.A.C., Permit Processing Fee; 40D-2.091, F.A.C., Publications Incorporated by Reference; 40D-2.301, F.A.C., Conditions for Issuance of Permits; 40D-2.321, F.A.C., Duration of Permits; Sections 1.9 and 2.2, Part B, Basis of Review, of the Water Use Permit Information Manual; and Adoption of 40D-2.322, F.A.C., Compliance Reports, relating to Water Use Permit Durations, including 20-Year Permits and Projects Requiring Environmental Resource Permits and Water Use Permits

31. Approve Revisions to Proposed Water Quantity Criteria in Chapters 4 and 7 of the Environmental Resource Permitting Basis of Review
32. Approve Revised Environmental Resource Permit Application Fees and Authorization to Complete Rulemaking to Adopt Revised Fees
33. Implementation of Senate Bill 2080 Related to Delegation of Permit Approvals
34. Permit Denials Referred to the Governing Board

**Submit & File Report**

35. Individual Permits Issued by District Staff

**Routine Reports**

36. Southern Water Use Caution Area Quantities
37. Water Production Summary
38. Overpumpage Report
39. Resource Regulation Significant Initiatives

## RESOURCE MANAGEMENT COMMITTEE (TAB D)

**Discussion Items**

40. Consent Item(s) Moved for Discussion
41. Southern Water Use Caution Area Recovery Strategy Status
42. Polk County Water Supply Initiatives Update
43. Aquifer Storage and Recovery Arsenic Issue Update

**Submit & File Reports**

44. Response to Peer Review Panel Report of the Proposed Minimum Flows and Levels for the Dona Bay/Shakett Creek System Below Cow Pen Slough
45. Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for the Anclote River

**Routine Reports**

46. Florida Forever Funding
47. Minimum Flows and Levels
48. Structure Operations
49. Watershed Management Program and Federal Emergency Management Agency Map Modernization
50. Significant Water Supply and Resource Development Projects

## FINANCE & ADMINISTRATION COMMITTEE (TAB E)

**Discussion Items**

51. Consent Item(s) Moved for Discussion
52. Office of Inspector General's Report – Purchase Card Procedure Compliance Audit
53. Streaming Video Technology
54. Fiscal Year 2010 Budget Update and Adoption of Proposed District and Basin Millage Rates

**Submit & File Report**

55. Fiscal Year 2009 Third Quarter Financial Report

**Routine Reports**

56. Treasurer's Report, Payment Register, and Contingency Reserves
57. Management Services Significant Activities

## OUTREACH & PLANNING COMMITTEE (TAB F)

**Discussion Items**

58. Media Messaging Research Overview
59. Media Relations and the Drought

**Submit & File Reports – None**

**Routine Reports**

60. Comprehensive Plan Amendment and Related Reviews
61. Development of Regional Impact Reviews
62. Speakers Bureau
63. Significant Activities

**GENERAL COUNSEL’S REPORT (TAB G)**

**Discussion Items**

- 64. Consent Item(s) Moved for Discussion
- 65. Consent Order – Surface Water Activity - Southern Property Management, LLC (Rearing Horse Estates) – Marion County

**Submit & File Reports – None**

**Routine Reports**

- 66. Litigation Report
- 67. Rulemaking Update

**EXECUTIVE DIRECTOR’S REPORT (TAB H)**

- 68. Executive Director’s Report

**COMMITTEE/LIAISON REPORTS (TAB H)**

- 69. Basin Board Education Committee
- 70. Basin Board Land Resources Committee
- 71. Industrial Advisory Committee
- 72. Public Supply Advisory Committee

**CHAIR’S REPORT (TAB H)**

- 73. Chair’s Report

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

**ANNOUNCEMENTS**

- Governing Board Meeting and Workshop Schedule:
  - Meeting – Brooksville ..... August 25, 2009
  - Tentative Budget Hearing – Tampa ..... September 15, 2009
  - Meeting and Final Budget Hearing – Brooksville .....September 29, 2009
- Basin Board Meeting Schedule:
  - Pinellas-Anclote River – New Port Richey ..... August 5, 2009
  - Alafia River – Tampa ..... August 6, 2009
  - Hillsborough River – Tampa ..... August 6, 2009
  - Peace River – Bartow ..... August 7, 2009
  - Manasota – Sarasota ..... August 12, 2009
  - Coastal Rivers – Brooksville ..... August 13, 2009
  - Withlacochee River – Brooksville ..... August 13, 2009
- Advisory Committee Meeting Schedule:
  - Green Industry – Tampa ..... August 27, 2009
  - Agricultural – Tampa ..... August 27, 2009
  - Environmental – Tampa .....September 14, 2009

**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. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. 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.