



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

### SEPTEMBER 25, 2007

### GOVERNING BOARD MEETING

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.
- The Final Budget Public Hearing will be held at 5:01 p.m.

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, SEPTEMBER 25, 2007

**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. District Recognition – Florida's Heartland Rural Economic Development Initiative, Inc. Award
5. Employee Recognition
6. 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**

7. ERP No. 43006278.002 - The Avenues (fka Airport Road Multi-Family) – Charlotte County
8. ERP No. 43029066.001 - Mariner's Landing - Multi-Family Docking Facility – Charlotte County
9. ERP No. 43026742.001 - Manchester on the River – DeSoto County
10. ERP No. 43029756.001 - Cedar Mountain Estates – Hernando County
11. ERP No. 43021639.003 - FDOT - I-75 at County Road 581 (Bruce B. Downs) Flyover – Hillsborough County
12. ERP No. 43026709.008 - Summerfield Crossings - Phase II Master Drainage Plan – Hillsborough County
13. ERP No. 44030771.000 - Oak Haven Townhomes (**DENIAL**) – Hillsborough County
14. ERP No. 43032172.000 - Whitehurst Borrow Pit – Levy County
15. ERP No. 43000492.037 - Cooper Creek Office Campus – Manatee County
16. ERP No. 43000492.038 - University Outlet Mall Expansion – Manatee County
17. ERP No. 43020580.042 - The Landing at Heritage Harbour, Phase 1 – Manatee County
18. ERP No. 43028201.005 - Bel Lago - West Hamlet – Marion County
19. ERP No. 43032322.000 - Equis Subdivision – Marion County
20. ERP No. 43013809.024 - Lake Jovita - Smith Property – Pasco County
21. ERP No. 43023534.016 - Connerton Commerce Park – Pasco County
22. ERP No. 43023781.021 - Concord Station - Ph 2 Units A & B, Ph 4 Unit C – Pasco County
23. ERP No. 43025522.002 - Madeira Grande Multi-Use Docks – Pinellas County
24. ERP No. 44030720.000 - Heritage Lakes Condominiums (**DENIAL**) – Pinellas County
25. ERP No. 43031858.001 - Channel Club Multi-Family Docks – Pinellas County
26. ERP No. 46032127.000 - Boca Bay Townhomes (**DENIAL**) – Pinellas County
27. ERP No. 43028927.004 - The Lakes at Laurel Highlands – Polk County
28. ERP No. 43032213.000 - B & B Ranch – Polk County
29. ERP No. 43032251.001 - Valencia at Dundee – Polk County
30. ERP No. 43030016.001 - US 41 Mobile Home Park – Sarasota County

**Regulation Committee -- Water Use Permits**

31. WUP No. 20007957.011 - DeSoto Grove 1/Turner Groves Citrus Ltd. Partnership – DeSoto County
32. WUP No. 20000377.006 - Marion Oaks/Marion County Utilities – Marion County
33. WUP No. 20008165.004 - Quail Meadows/Marion County Utilities – Marion County
34. WUP No. 20011475.002 - Bel Lago/Arbor Springs Investments, LLC, Arbor Springs Properties, LLC and Arbor Springs Development, LLC – Marion County
35. WUP No. 20011602.001 - McGinley Family Limited Partnership – Marion County
36. WUP No. 20008135.007 - City of Wildwood – Sumter County

**Regulation Committee -- Other**

37. Approve Final Language to Amend Rules 40D-4.021, 40D-4.041, 40D-4.321 and 40D-4.331, Florida Administrative Code (F.A.C.), Regarding Conceptual Environmental Resource Permits
38. Approve Changes to Proposed Amendments to 40D-2.091, F.A.C., and Part B, Basis of Review, of the Water Use Permit Information Manual to Expand the Southern Water Use Caution Area Per Capita Requirements Districtwide
39. Initiate Rulemaking to Amend 40D-2.301(2), F.A.C., Conditions for Issuance of Permits to Clarify the Type of Environmental Resource Permit Required Prior to Obtaining a Water Use Permit
40. Approve Final Language to Amend Rule 40D-4.051, F.A.C., to Create an Exemption from Permitting for Construction of Sidewalks and Recreational Trails
41. Approve Revised Water Use Permit Application Forms to Request Information on Corporate, Partnership and Other Business Entity Applicants
42. Fiscal Year 2007 Board Encumbrance – Florida Department of Transportation (FDOT) Mitigation

**Resource Management & Development Committee**

43. Fiscal Year 2007 Board Encumbrance – Peace Creek Canal Watershed Management Project (*Presented to the Peace River Basin Board at its July meeting*)
44. Contingency Reserves Fund Transfer for Three Temporary Pump Stations in Support of the Lower Hillsborough River Recovery Strategy and Encumber Funds for Use in Fiscal Year 2008

45. Senate Bill 444 Water Protection and Sustainability Trust Fund – Approval of Resolution and Approval of Fiscal Year 2008 Projects
46. Five-Year Water Resource Development Work Program
47. Peace Creek Canal Watershed Management Project Equipment Acquisition
48. Contract Amendment to the Facilitating Agricultural Resource Management Systems Program – Lykes Brothers, Inc. – Lake Placid Grove, Highlands County
49. Facilitating Agricultural Resource Management Systems Program – Lykes Brothers, Inc. – Camp Mack Grove, Polk County
50. Continuation of Public Hearing Requested by James P. Gills, Trustee, on Proposed Minimum and Guidance Levels for Crews Lake in Pasco County

#### **Finance & Administration Committee**

51. Board Travel
52. Budget Transfer Report
53. Fiscal Year 2007 Board Encumbrance – Records Management Software

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

54. Consent Order – Surface Water Activity – Lamar Vice and Madge Vice – Polk County
55. Consent Order – WUP No. 20008005.003 - Century-Fairfield Village, Ltd. (Century-Fairfield Village Mobile Home Park) – Marion County
56. Initiation of Litigation – ERP No. 46024453.000 - Manasota Electric, Inc. (Aliotta Warehouse) – Manatee County
57. Initiation of Litigation – ERP No. 4618723.00 - Hector J. Barajas (Barajas Convenience Store) – DeSoto County
58. Contract Amendment – Bush, Graziano & Rice, P.A. for Fiscal Years 2007 and 2008 Legal Services

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

59. Approval of Minutes – August 28, 2007 Governing Board Meeting

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

#### **Discussion Items**

60. Consent Item(s) Moved for Discussion
61. Demand Management Activities
  - a. Governing Board Concurrence with Executive Director's Issuance of First Modification to Executive Director Orders SWF 07-042, SWF 07-043 and SWF 07-045
  - b. Approve Second Modification to Water Shortage Order SWF 07-02
62. Overview of Tampa Bay Water's 2007 Optimized Regional Operations Plan Annual Report
63. Initiate Rulemaking to Amend 40D-21.231, 40D-21.331 and 40D-21.441, F.A.C., Clarifying Intent of Public Supply Water Shortage Mitigation Plan Provisions of the District's Water Shortage Plan

#### **Submit & File Reports – None**

#### **Routine Reports**

64. Overpumpage Activities
65. Southern Water Use Caution Area Quantities
66. Water Production Supply Summary
67. Resource Regulation Significant Initiatives Report

### **RESOURCE MANAGEMENT & DEVELOPMENT COMMITTEE (TAB D)**

#### **Discussion Items**

68. Consent Item(s) Moved for Discussion
69. Authorize the Lake Hancock Lake Level Modification Project; Adopt Resolution Authorizing Proceedings in Eminent Domain, including a Declaration of Taking; and Amend the 2007 Update to the Florida Forever Work Plan
70. Reports from the Peer Review Panel of Proposed Minimum Flows and Levels
  - a. Upper Segment of the Hillsborough River from Crystal Springs to Morris Bridge and Crystal Springs
  - b. Upper Segment of the Braden River from Linger Lodge to Lorraine Road

#### **Submit & File Report**

71. Minimum Flows and Levels Priority List and Schedule Update

**Routine Reports**

- 72. Significant Water Supply and Resource Development Projects
- 73. Watershed Management Program/Federal Emergency Management Agency Map Modernization
- 74. Fiscal Year 2007 Land Management Reviews Summary
- 75. Florida Forever Funding Status Report
- 76. Minimum Flows and Levels Status Report
- 77. Hydrologic Conditions Status Report
- 78. Structure Operations Status Report

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

**Discussion Items**

- 79. Consent Item(s) Moved for Discussion
- 80. Fiscal Year 2008 Budget Update

**Submit & File Report**

- 81. Treasurer's Report, Payment Register, and Contingency Reserves Report

**Routine Report**

- 82. Management Services Status Report

**OUTREACH & PLANNING COMMITTEE (TAB F)**

**Discussion Items**

- 83. Twenty Years of the Surface Water Improvement and Management Program
- 84. Overview of the May 18, 2007 Reality Check and Subsequent One Bay Initiative
- 85. Legislative Update
- 86. Fiscal Year 2009 Strategic Plan Update

**Submit & File Reports – None**

**Routine Reports**

- 87. Significant Activities Report
- 88. Comprehensive Plan Amendment and Related Reviews Report
- 89. Review of Developments of Regional Impact

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

**Discussion Items**

- 90. Consent Item(s) Moved for Discussion

**Submit & File Reports – None**

**Routine Reports**

- 91. Litigation Report
- 92. Rulemaking Update

**REPORTS (TAB H)**

- 93. Environmental Advisory Committee Liaison Report
- 94. Executive Director's Report
- 95. Chair's Report
  - a. Performance Evaluations of the Executive Director and Inspector General – Process Overview
  - b. Other

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

**ADJOURNMENT**

**5:01 P.M. \*\*\* CONVENE FINAL FY2008 BUDGET HEARING \*\*\* OF THE GOVERNING BOARD**

**ANNOUNCEMENTS**

- Governing Board Meeting and Workshop Schedule:  
 Joint Governing Board and Peace River/Manasota  
     Regional Water Supply Authority Workshop – Sarasota ..... October 29, 2007  
 Meeting – Sarasota ..... October 30, 2007  
 Meeting – Tampa ..... November 27, 2007  
 Joint Governing Board and Tampa Bay Water Workshop –  
     To be determined ..... November 27, 2007  
 Meeting – Brooksville ..... December 18, 2007
  
- Basin Board Meeting/Workshop Schedule:  
 Coastal Rivers – Brooksville ..... October 2, 2007  
 Pinellas-Anclote River – Largo ..... October 3, 2007  
 Alafia River – Tampa ..... October 4, 2007  
 Peace River – Bartow ..... October 5, 2007  
 Northwest Hillsborough – Tampa ..... October 9, 2007  
 Withlacochee River – Brooksville ..... October 11, 2007  
 Hillsborough River – Tampa ..... October 15, 2007  
 Manasota – Sarasota ..... October 17, 2007
  
- Advisory Committee Meeting Schedule:  
 Well Drillers – Tampa ..... October 10, 2007  
 Industrial – Tampa ..... October 16, 2007  
 Public Supply – Tampa ..... October 16, 2007  
 Green Industry – Tampa ..... November 29, 2007  
 Agriculture – Tampa ..... November 29, 2007  
 Environmental – Tampa ..... December 10, 2007
  
- Basin Board Education Committee – Tampa ..... November 13, 2007
  
- Public Land Acquisition and Management Conference – Sarasota ..... December 5-7, 2007
  
- Basin Board Land Resources Committee – Sarasota ..... December 7, 2007

**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; 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.

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.