



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

**OCTOBER 30, 2007**

**9:00 a.m.**

#### **SARASOTA SERVICE OFFICE**

6750 FRUITVILLE ROAD  
SARASOTA, FLORIDA 34240-9711  
941-377-3722 OR 1-800-320-3503

*☞ 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)

MEETING NOTICE

# TUESDAY, OCTOBER 30, 2007

## SARASOTA SERVICE OFFICE

6750 FRUITVILLE ROAD, SARASOTA, FLORIDA 34290-9711 – 941-377-3722 OR 1-800-320-3503

**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. Public Input for Issues Not Listed on the Published Agenda

### CONSENT AGENDA *(TAB B)*

#### Regulation Committee -- Environmental Resource Permits

5. ERP No. 43001957.003 - Panther Mine Expansion – Charlotte County
6. ERP No. 43032705.000 - WINNR – Hardee County
7. ERP No. 43031498.003 - Nature Coast Commons - Ph 2 – Hernando County
8. ERP No. 49030480.001 - Villages of Glen Creek (fka Mixon Property) – Manatee County
9. ERP No. 49013559.014 - New River Lakes - Ph 1, Parcel E – Pasco County
10. ERP No. 43014392.004 - Pasco County - SR 581, North of County Line Road to South of SR 54 – Pasco County
11. ERP No. 43029484.004 - Liberty Bluff IV – Polk County
12. ERP No. 43030439.001 - Watermen Commerce Park – Polk County
13. ERP No. 43032049.000 - Inland Shores – Polk County
14. ERP No. 49032502.000 - Kenmare at Lake Annie - Phases 1-6 – Polk County

#### Regulation Committee -- Water Use Permits

15. WUP No. 20003669.010 - Hardee Phosphate Complex - South Pasture/CF Industries, Inc. – Hardee County
16. WUP No. 20004461.007 - City of Wauchula – Hardee County
17. WUP No. 20008026.004 - Bhrgu Avon Property/Bhrgu Avon Properties, LLC. (***DENIAL***) – Hardee County
18. WUP No. 20009302.009 - Veley Block/Lake Placid Groves, LLC – Highlands County
19. WUP No. 20001415.009 - Plant City Phosphate Complex/C.F. Industries, Inc. – Hillsborough County
20. WUP No. 20012294.002 - Lake Strawberry Special Dependent District and North Crystal - Strawberry Lake Improvement Association, Inc. – Hillsborough County
21. WUP No. 20006508.009 - Southeastern Regional Utility Service Area/Polk County Board of County Commissioners - Polk County

#### Regulation Committee – Other

22. Continue Rulemaking Public Hearing for the Final Approval of Amendments to 40D-2.091, 40D-2.321 and 40D-2.801(3)(c), Florida Administrative Code (F.A.C.), and the Water Use Permitting Basis of Review to Establish Central Florida Coordination Area
23. Initiate Rulemaking to Revise Rule 40D-2.091, F.A.C., and the Water Use Permitting Basis of Review Chapter 6, to Conform Standard Condition 16 to Rule 40D-2.381(3)(p), F.A.C., Relating to Requirements for Transfer of Water Use Permits
24. Initiate Rulemaking to Revise Rule 40D-2.091, F.A.C., and Chapter 6 of the Water Use Permitting Basis of Review to Update the Permit Reporting Condition
25. Initiate Rulemaking to Revise 40D-4.091, F.A.C., and Appendix 4 of the Basis of Review for Environmental Resource Permit Applications to Allow Permit Applicants to Require Multiple Signatures to Authorize the Withdrawal of Mitigation Bank Credits

**Resource Management & Development Committee**

26. Initiate Rulemaking to Amend 40D-8.624, F.A.C., to Add Minimum and Guidance Levels for Lakes Annie, Bonnie, Dinner, Lee, Mabel, Starr, and Venus in Polk County
27. Initiate Rulemaking to Amend 40D-8.021, 40D-8.031 and 40D-8.624, F.A.C., to Delete Ten-Year Flood Guidance Levels for Lakes and References to the Levels
28. Land Donation – Medard Reservoir, SWF Parcel No. 11-100-148 (*Presented to Alafia River Basin Board at its meeting in October*)
29. Utility Easement to the Hernando County Water and Sewer District – Weekiwachee Preserve, SWF Parcel No. 15-773-201X (*Presented to Coastal Rivers Basin Board at its meeting in October*)
30. Land Exchange – Green Swamp Wilderness Preserve, SWF Parcel Nos. 19-410-124S and 19-410-125 (*Presented to Withlacoochee River Basin Board at its meeting in October*)
31. Lake Panasoffkee Restoration Council – Tenth Annual Report to the Legislature (*Presented to the Withlacoochee River Basin Board at its October meeting*)
32. FARMS Program – Classic Caladiums, L.L.C., Hardee County (*Presented to the Peace River Basin Board at its meeting in October*)
33. Continuation of Public Hearing – Request by James P. Gills, Trustee, on Proposed Minimum and Guidance Levels for Crews Lake in Pasco County
34. Continuation of Public Hearing – Request by Tampa Bay Water on Proposed Minimum Flows for the Fresh Water Segment of the Alafia River

**Finance & Administration Committee**

35. Board Travel
36. Budget Transfer Report

**General Counsel's Report**

37. Consent Order – Surface Water Activity – Hristos and Joanne Malissovass – Pasco County
38. Initiation of Litigation – Surface Water Activity – David R. Spiker, Pamela J. Spiker, and AAA Top Quality Asphalt, LLC – Polk County
39. Initiation of Litigation – ERP No. 44025322.000 – HCH Holdings, LLC (Saddlewood Subdivision) – Polk County

**Executive Director's Report**

40. Approval of Minutes – September 11, 2007 Tentative Public Budget Hearing; September 25, 2007 Governing Board Meeting; and September 25, 2007 Final Public Budget Hearing

**RESOURCE MANAGEMENT & DEVELOPMENT COMMITTEE (TAB C)****Discussion Items**

41. Consent Item(s) Moved for Discussion
42. District's Long-Range Water Supply and Resource Development Funding Plan
43. Recommended Changes to Governing Board Policy 130-4, Cooperative Funding Initiative
44. Reclaimed Water Task Force Recommendations
45. Sarasota Bay Estuary Program Update
46. Facilitating Agricultural Resource Management Systems Program Update
47. District's Watershed Management Program and Federal Emergency Management Agency Map Modernization Update
48. Staff Response to the Peer Review of "Proposed Minimum Flows and Levels for the Upper Segment of the Hillsborough River; from Crystal Springs to Morris Bridge, and Crystal Springs"
49. Staff Response to the Peer Review of "Proposed Minimum Flows and Levels for the Upper Segment of the Braden River from Linger Lodge to Lorraine Road"
50. Minimum Flows and Levels Priority List and Schedule Update

**Submit & File Reports – None****Routine Reports**

51. Significant Water Supply and Resource Development Projects
52. Fiscal Year 2007 District Timber Management Program Annual Report
53. Florida Forever Funding Status Report
54. Minimum Flows and Levels Status Report
55. Hydrologic Conditions Status Report
56. Structure Operations Status Report

**FINANCE & ADMINISTRATION COMMITTEE (TAB D)****Discussion Items**

57. Consent Item(s) Moved for Discussion
58. Fiscal Year 2008 Budget Update
59. District Climate Change Initiative Status Report
60. Office of Inspector General – Proposed Annual Audit Plan for Fiscal Year 2008

**Submit & File Reports**

61. Office of Inspector General – Annual Report for Fiscal Year 2007
62. Treasurer's Report, Payment Register, and Contingency Reserves Report

**Routine Report**

63. Management Services Status Report

**OUTREACH & PLANNING COMMITTEE (TAB E)****Discussion Items**

64. Consent Item(s) Moved for Discussion
65. Fiscal Year 2009 Strategic Plan Update
66. Legislative Update

**Submit & File Reports – None****Routine Reports**

67. Significant Activities Report
68. Speakers Bureau
69. Comprehensive Plan Amendment and Related Reviews Report
70. Review of Developments of Regional Impact

**REGULATION COMMITTEE (TAB F)****Discussion Items**

71. Consent Item(s) Moved for Discussion
72. Demand Management Activities – Governing Board's Concurrence with Executive Director's Issuance of Second Modification to Executive Director Order SWF 07-043 (Tampa Bay Water/Alafia River)

**Submit & File Reports – None****Routine Reports**

73. Overpumpage Report
74. Southern Water Use Caution Area Quantities
75. Water Production Supply Summary
76. Public Supply Water Use Permitting Benchmarks
77. Resource Regulation Significant Initiatives Report

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

78. Consent Item(s) Moved for Discussion

**Submit & File Reports – None****Routine Reports**

79. Litigation Report
80. Rulemaking Update

**REPORTS (TAB H)**

81. Industrial Advisory Committee Liaison Report
82. Public Supply Advisory Committee Liaison Report
83. Well Drillers Advisory Committee Liaison Report

- 84. Executive Director's Report
- 85. Chair's Report

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**

- Governing Board Meeting and Workshop Schedule:  
 Joint Governing Board and Peace River/Manasota  
     Regional Water Supply Authority Workshop – Sarasota ..... October 29, 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  
 Meeting – Brooksville ..... January 29, 2008
- Basin Board Meeting/Workshop Schedule:  
 Pinellas-Anclote River – Dunedin ..... December 3, 2007  
 Alafia River – Tampa ..... December 4, 2007  
 Northwest Hillsborough – Tampa ..... December 4, 2007  
 Hillsborough River – Tampa ..... December 10, 2007  
 Manasota – Sarasota ..... December 12, 2007  
 Withlacochee River – Brooksville ..... December 13, 2007  
 Coastal Rivers – Brooksville ..... December 13, 2007  
 Peace River – Bartow ..... December 14, 2007
- Advisory Committee Meeting Schedule:  
 Green Industry – Tampa ..... November 29, 2007  
 Agriculture – Tampa ..... November 29, 2007  
 Environmental – Tampa ..... December 10, 2007  
 Industrial – Tampa ..... January 8, 2008  
 Public Supply – Tampa ..... January 8, 2008  
 Well Drillers – Tampa ..... January 16, 2008
- 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: Conference Room 143

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.