

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 29, 2016

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:10 a.m. on March 28, 2016, at the District's Brookville Headquarters. The following persons were present:

Board Members Present

Michael A. Babb, Chair
Randall S. Maggard, Vice Chair
Jeff Adams, Secretary
David W. Dunbar, Treasurer*
H. Paul Senft, Member
George Mann, Member
Wendy Griffin, Member
Bryan Beswick, Member*
Tommy Bronson, Member*
Ed Armstrong, Member
Kelly Rice, Member
John Henslick, Member

*Attended Via Teleconference

Board Members Absent

Michael A. Moran, Member

Staff Members

Robert R. Beltran, Executive Director
Brian Armstrong, Assistant Executive Director
David T. Rathke, Chief of Staff
Karen West, General Counsel
Kurt Fritsch, Inspector General
John J. Campbell, Division Director
Ken Frink, Division Director
Mark A. Hammond, Division Director
Alba E. Más, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Michael Babb called the meeting to order and opened the public hearing. Secretary Adams stated a quorum was present.

2. Invocation and Pledge of Allegiance

Vice Chair Maggard offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Babb stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the

speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Babb stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

Chair Babb recognized county commissioners in attendance: Marion County Commissioner Stan McClain; Hernando County Commissioner Nick Nicholson and the City of Crystal River Council Member Robert Holmes.

3. Employee Recognition

Chair Babb recognized employees who have reached at least 20 years in service with the District and thanked them for their service. The following staff were recognized: George DeGroot; Tim Foster; Mark Alford; Michael Molligan; Ilka Chestnut; John Chapman and Harry Downing.

This item was provided for the Board's information, and no action was required

4. Additions/Deletions to Agenda

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Robert Beltran, Executive Director stated the following changes were made to the agenda:

An incorrect rule citation was referenced for the following item. The correct rule citation should be 40D-1.659.

8. Rulemaking

a. Authorization to Initiate Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting

Staff recommended the Board authorize the initiation of rulemaking to amend Rule 40D-4.094, F.A.C., 40D-1.659 F.A.C., and Environmental Resource Permitting Applicant's Handbook Volume II.

Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:07:50)

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

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda. Chair Babb stated he had no Request to Speak card.

CONSENT AGENDA

Chair Babb asked that before the Board considers action on the Consent Agenda whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda.

Finance/Outreach & Planning Committee

6. Budget Transfer Report

In accordance with Board Policy No. 130-8, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent

Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Operations, Lands and Resource Monitoring Committee – None

Resource Management Committee – None

Regulation Committee – None

General Counsel's Report

7. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval - None

8. Rulemaking

a. Authorization to Initiate Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting

Staff recommended the Board authorize the initiation of rulemaking to amend Rule 40D-1.659, F.A.C., and Environmental Resource Permitting Applicant's Handbook Volume II.

Executive Director's Report

9. Approve CFI Northern Region Meeting Minutes - February 3, 2016

Staff recommended the Board approve the minutes as presented.

10. Approve CFI Heartland Region Meeting Minutes - February 4, 2016

Staff recommended the Board approve the minutes as presented.

11. Approve CFI Southern Region Meeting Minutes - February 10, 2016

Staff recommended the Board approve the minutes as presented.

12. Approve CFI Tampa Bay Region Meeting Minutes - February 11, 2016

Staff recommended the Board approve the minutes as presented.

13. Approve Governing Board Meeting Minutes - February 23, 2016

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:08:19)

Chair Babb relinquished the gavel to the Finance Committee Chair Dunbar who called the Committee meeting to order. (Audio 00:08:34)

Finance/Outreach & Planning Committee

Discussion

14. Consent Item(s) Moved for Discussion – None

15. Springs Protection Awareness Month

Mr. Mark Hammond, Resource Management Division Director, provided background regarding springs protection. He also explained how the following items, that are being presented at this Board meeting, relate to springs protection: Springs Protection Awareness Month; legislative update; hydrologic conditions; nutrient reduction project; Withlacoochee River Water Supply Authority; springs plans for Rainbow River and Crystal River/Kings Bay; and minimum flows for Gum Slough Spring Run.

Ms. Robyn Felix, Communications Manager, recognized the following members of the Springs Coast Steering Committee: City of Crystal River Council Member Robert Holmes; Citrus Commissioner Dennis Damato (represented by Toby Philips Public Information Officer; Hernando County Commissioner Nick Nicholson; Marion County Commissioner Stan McClain; Tom Frick of the Florida Department of Environmental Protection; Shannon Wright of the Florida Fish and Wildlife Commission; Daryl Smith of the Florida Department of Agriculture and Consumer Services; and Chair Michael Babb of the Southwest Florida Water Management District.

Staff recommended the Board approve and execute Resolution No. 16-01 declaring April 2016 as "Springs Protection Awareness Month."

A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio 00:19:52)

16. Legislative Update

Ms. Colleen Thayer provided an update regarding the legislative session. She stated the Governor vetoed approximately 256 million dollars from the final budget. Ms. Thayer provided an overview of items associated with the District that were approved in the budget. These items included: 50 million dollars from the land acquisition trust fund for springs; 12.7 million for the land acquisition trust fund for land management; and 78 million dollars for general revenue water projects.

Ms. Thayer outlined funds that were allocated for House Bill 989. This bill provided for the implementation of the water and land conservation constitutional amendment. This bill will designate, on an annual basis, at least 200 million dollars for to Everglades' protection plans and at least 50 million dollars for springs.

Ms. Thayer also outlined House Bill 1075 regarding State Areas. This bill was originally titled the State Lands Bill. This bill adds certain lands to the state data base; provides efficiencies in the surplus process for water management districts. This bill will also assist in expediting the sale of parcels with small value and time frames related to marketing. HB1075 also allows the Florida Fish and Wildlife Conservation Commission to set springs protection zones relating to the speed and operations of water vessels. Ms. Thayer recognized Senator Wilton Simpson and Representative Elizabeth Porter for their assistance in getting HB1075 passed.

This item was provided for the Board's information and no action was required.

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

- 17. Treasurer's Report and Payment Register**
- 18. Monthly Financial Statement**
- 19. Monthly Cash Balances by Fiscal Year**
- 20. Comprehensive Plan Amendment and Related Reviews Report**
- 21. Development of Regional Impact Activity Report**
- 22. Significant Activities Report**

Committee Chair Dunbar made the Board aware that a Request for Proposal (RFP) has been authorized for banking services. He indicated it has been nine years since the last proposal was done.

Committee Chair Dunbar announced that he had submitted his resignation to Governor Scott, effective April 15.

Chair Babb made a motion for Board Member Armstrong to act as Treasurer. Motion passed unanimously. (Audio 00:26:05)

Committee Chair Dunbar adjourned the meeting and relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard who called the Committee meeting to order. (Audio 00:26:53)

Operations, Lands and Resource Monitoring Committee

Discussion

23. Consent Item(s) Moved for Discussion – None

24. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, presented the hydrologic conditions report. He stated water resources remain elevated throughout the District despite the recent drier-than-normal weather patterns. He noted the general improvement in all hydrologic indicators that has occurred since 2012 due to increased rainfall. Most groundwater well levels, lake levels, and stream flow have shown rainfall-related declines during the past month, but overall conditions remain well within the normal- to above-normal range. Public supply reservoirs are considered full.

In recognition of Springs Protection Awareness Month, Mr. Kinsman provided flow data for four of the five first-magnitude springs, and showed the strong correlation of flow to rainfall. He stated that flow from the springs has exhibited the same steady climb since 2012 noted in regional groundwater and surface water levels, with a slight decline recently due to reduced rainfall.

Mr. Kinsman stated the climate forecast has improved for the next three months, with probability of above-normal rainfall expected. Mr. Kinsman stated that the El Niño event has begun to weaken, and is expected to lead to neutral conditions in the coming months. He added there is an expectation of shifting into a La Niña cycle in the latter part of the year, which is expected to bring drier-than-normal conditions in the winter and spring of 2016-17.

This routine report provided information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

This item was presented for the Board's information, and no action was required.

Submit & File Reports – None

The following items are provided for the Committee's information, and no action is required.

Routine Reports

25. Structure Operations

26. Significant Activities

Committee Chair Maggard adjourned the meeting and relinquished the gavel to the Resource Management Committee Chair Senft who called the Committee meeting to order. (Audio 00:35:09)

Resource Management Committee

27. Consent Item(s) Moved for Discussion – None

28. Nutrient Reduction Project– M & B Products, Inc. (H736), Citrus County

Mr. Eric DeHaven, Resource Management Assistant Director, provided a presentation on the M & B Dairy nutrient reduction project. Mr. DeHaven explained this is not a Facilitating Agricultural Resource Management Systems (FARMS) project. He provided history on the M & B Dairy. Mr. DeHaven stated the goal of this project is to improve water quality in the Homosassa Spring watershed by facilitating reduction in the nutrient leaching. This project will account for one percent of the load reduction needed in the Homosassa Springs.

Mr. DeHaven outlined three project components of this project: sand lane; screw press; and a settling basin. He stated the total project cost is \$330,128 with the District's share of 75 percent in the amount of \$247,596. He indicated the cost benefit for this project is \$50.81 per pound of nitrogen removed over five years.

Mr. Dale McClellan from M & B Products expressed his appreciation to the Board for the opportunity to partner on this project.

Staff Recommendation:

- 1) Approve the M & B Products, Inc. nutrient reduction demonstration project for a not-to-exceed project reimbursement of \$247,596 provided by the Governing Board.
- 2) Authorize the transfer of \$247,596 from fund 010 H017 Governing Board FARMS Funds, to the H736 M & B Products, Inc. project fund.
- 3) Authorize Executive Director to sign the agreement.

A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio 00:47:12/55:20)

29. Withlacoochee Regional Water Supply Authority Update

Mr. Richard Owen, Withlacoochee Regional Water Supply Authority (Authority) Executive Director, provided a status update on activities associated with the Authority. He presented the following information: 2014 Summary of public supply demand projects; demand projections for all use categories; water source evaluations by county; regional water supply plan; integration of water supply planning; water conservation efforts and results; and comparison of public supply utilities and public supply gross use for WRWSA member counties. Discussion ensued.

This item was presented for the Board's information; no action was required.

30. Rainbow River and Crystal River/Kings Bay Surface Water Improvement and Management (SWIM) Plan (W420 and W451)

Dr. Chris Anastasiou, Chief Environmental Scientist, provided a presentation on the Rainbow River and Crystal River/Kings Bay SWIM Plans. This presentation included: background information on the SWIM program; information on the Springs Coast Steering Committee; information on the Springs Coast Management Committee; information on the technical working group; SWIM plan process; areas of focus; primary issues related to the Rainbow River and Crystal River/Kings Bay; quantifiable objectives; priority management actions; information on projects and initiatives associated with the Rainbow River and Crystal River/Kings Bay; and information on six resolutions in support of these projects.

Committee Chair Senft stated he received two Request to Speak cards.

Ms. Lisa Moore, President of Save Crystal River, Inc., spoke in support of the Rainbow River and Crystal River/Kings Bay SWIM plan. She thanked staff for the time and cooperation they provided.

Mr. Dan Hilliard, representing the Florida Springs Council, spoke in support of the Rainbow River and Crystal River/Kings Bay SWIM plan.

Staff recommended the Board approve the Rainbow River SWIM Plan in accordance with Section 373.453, F.S.

A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio 00:1:32:13/1:34:04)

31. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Gum Slough Spring Run

Ms. Kym Holzwart, Senior Environmental Scientist, provided a presentation on the proposed Minimum Flows and Levels (MFLs) for Gum Slough Spring Run. This presentation included: location map; development overview; flow record; minimum flows criteria; environmental values; flow reduction calculations affecting habitat availability; and recommended minimum flows.

Mr. Ron Basso, P.G., Chief Hydrogeologist, provide a presentation on the impact of groundwater withdrawals on proposed minimum flows of Gum Slough Spring Run. This presentation included: rainfall history and long term changes in rainfall; 2011 Estimated & metered groundwater withdrawals; groundwater use in the Northern region; model of the aquifer in the Northern District and current groundwater withdrawal impacts.

Committee Chair Senft stated he received seven Request to Speak cards.

Commissioner Stan McClain, representing Marion County, spoke in support of the adoption of MFLs for Gum Slough Spring Run.

Mr. Richard Owen, Executive Director for the WRWSA, spoke in support of the adoption of MFLs for Gum Slough Spring Run.

Mr. Trey Arnett, representing the Villages, spoke in support of the adoption of MFLs for Gum Slough Spring Run.

Ms. Judy Smith, citizen, spoke in support of the adoption of MFLs for Gum Slough Spring Run, with a request to re-evaluate the MFLs in ten years.

Mr. Sid Flannery, citizen, spoke in support of the adoption of MFLs for Gum Slough Spring Run, with the caveat there be flexibility in how compliance is assessed.

Ms. Linda Bystrak, citizen, spoke in opposition of the adoption of MFLs for Gum Slough Spring Run. Ms. Bystrak provided a graphic of Gum Slough's long term record from 1962 until 2010. She asked the District to reconsider the request for withdrawal of six percent of water. Ms. Bystrak also presented a brief video.

Mr. Mark Hammond responded it is estimated that ground water withdrawals have reduced flows at Gum Slough by 3.4 percent. There could be additional withdrawal impacts to the spring. The science is showing that six percent would be an allowable threshold.

Mr. Dan Hilliard, representing the Florida Springs Council, spoke in support of the adoption of MFLs for Gum Slough Spring Run with some recommendations which include: a shorter review cycle of five years; and no additional flow reduction be authorized.

Staff recommended the Board:

- 1) Accept the report entitled, "Proposed Minimum Flows for Gum Slough Spring Run, Final Report, Revised October 2011."
- 2) Accept the report entitled, "Proposed Minimum Flows for Gum Slough Spring Run, Addendum, Final Draft, February 2016."
- 3) Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish minimum flows for Gum Slough Spring Run.
- 4) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (02:28:07/2:29:07)

32. Sarasota Bay Estuary Program Funding

The Committee agreed to waive the presentation prepared by Jennette Seachrist, Bureau Chief for Natural Systems and Restoration.

Staff recommended the Board authorize staff to rescind the District's notice of intent to withdraw from SBEP.

A motion was made and seconded to approve the staff's recommendation. Motion carried with twelve votes in favor and one against. (Audio 02:30:10/02:35:17)

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

33. Minimum Flows and Levels Status Report

34. Significant Water Resource and Development Projects

Resource Management Chair Senft relinquished the gavel to the Acting Regulation Committee Chair Adams who called the Committee meeting to order. (Audio 02:36:58)

Regulation Committee

Discussion

35. Consent Item(s) Moved for Discussion - None

36. Denials Referred to the Governing Board

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

37. Overpumpage Report - March 2016

38. Individual Permits Issued by District Staff - March 2016

Acting Committee Chair Adams adjourned the Committee meeting. (Audio 002:39:00)

General Counsel's Report

Discussion

39. Consent Item(s) Moved for Discussion - None

Submit & File Reports – None

Routine Reports

40. March 2016 - Litigation Report

41. March 2016 - Rulemaking Update

Ms. Karen West, General Counsel, stated the District has received the two million dollar settlement from Parsons. She also stated the administrative challenge for the Suncoast Parkway expansion has been settled and the final details are being resolved.

Committee/Liaison Reports

42. Agricultural & Green Industry Advisory Committee

A written report was provided to the Board Members.

43. Other Committee/Liaison Report

None

Executive Director's Report

44. Executive Director's Report

Mr. Beltran, Executive Director, expressed appreciation to the Board for their vision and direction they have provided. He discussed how the Strategic Plan addresses some of the items that were presented today. Mr. Beltran addressed how the Business Plan addresses the turnover/retirement of staff that has been occurring and as a result, the District recruitment process has been adjusted to accommodate these changes.

Mr. Beltran also recognized Jason Mickel, Water Supply Manager, as the recipient of the Dale Twachtmann award that was presented at the recent employee meetings.

Chair's Report

45. Chair's Report

46. Other

The April 26 meeting will be in Haines City, the May 24 meeting will be in the Tampa Office, and the June 28 will be in Brooksville.

47. Employee Milestones

This item was presented for the Board's information, and no action was required.

The meeting was adjourned at 11:53 a.m.


Chair

Attest:


Secretary