

APPROVED

MINUTES OF THE WORKSHOP

SOUTHERN WATER USE CAUTION AREA RECOVERY STRATEGY AND UPPER PEACE RIVER RECOVERY PROJECTS

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

SEPTEMBER 29, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met in a workshop session at 9:05 a.m. on September 29, 2009, at the District's Tampa Service Office. The following persons were present:

Board Members Present

Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Sallie Parks, Treasurer
Carlos Beruff, Member
Bryan Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
Maritza Rovira-Forino, Member
H. Paul Senft, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Board Members Absent – None

Basin Board Members Present

Paul "Jack" Bispham, Manasota
Frank Strelec, Manasota
Patricia Crisman, Peace River
Ken Harrison, Peace River

Staff Members Present

David L. Moore, Executive Director
William S. Bilenky, General Counsel
Lou Kavouras, Deputy Executive Director
Richard S. Owen, Deputy Executive Director
Eugene A. Schiller, Deputy Executive Director
Bruce C. Wirth, Deputy Executive Director

Board's Recording Secretaries

LuAnne Stout, Administrative Coordinator
Tahla Paige, Senior Administrative Assistant

A list of others present who signed the attendance roster is filed in the permanent files of the District. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

1. Welcome and Introductory Remarks

Chair Pressman called the workshop to order. He led the Pledge of Allegiance to the American Flag and then introduced the members of the Board. He noted that the Board's meeting was recorded for broadcast on government access channels. Chair Pressman stated that, if time allows at the end of the workshop, public input will be heard, and anyone wishing to address the Board should fill out and submit a speaker's card. (CD 1/Track 1 – 00:00/04:50)

2. Purpose and Goals of Workshop

Mr. Wirth said the purpose of this workshop is to provide members of the Governing, Alafia River Basin, Manasota Basin and Peace River Basin Boards an update on the water resource development projects to restore minimum flows to the upper Peace River and improve water quality out of Lake Hancock. Both projects are major components of the March 2006 Southern Water Use Caution Area (SWUCA) Recovery Strategy. At the July 29, 2009, Governing Board meeting, during the annual status report on the SWUCA Recovery Strategy, the Governing Board requested staff provide the Board with additional information regarding the upper Peace River recovery projects.

Mr. Wirth said today's agenda is organized into three sections: (1) an introduction and overview of workshop purpose and goals, (2) the SWUCA and upper Peace River water resource issues, and (3) the upper Peace River recovery projects. Included in the workshop packet was the agenda, a brief chronology of significant SWUCA and upper Peace River policy and project milestones, the March 2006 SWUCA Recovery Strategy, and the minimum flows and levels statutes describing the statutory responsibilities of the water management districts. A copy of the workshop presentation was provided to each Board member.

a. Chronology of Key SWUCA Related Events

Mr. Wirth provided a brief chronological summary of major policy and project related milestones associated with the SWUCA and outlined in the workshop presentation. (CD 1/Track 1 – 04:50/31:00)

b. Minimum Flows and Levels (MFLs) Statutory Requirements

Mr. Wirth reviewed the minimum flows and levels statutes (Florida Statutes, Section 373.042, Minimum Flows and Levels, and Section 373.0421, Establishment and Implementation of Minimum Flows and Levels) describing the statutory responsibilities of the water management districts. Requirements include:

- (1) Establishment of MFLs for regionally significant water resources using science;
- (2) Considerations in establishment are changes and structural alterations to watersheds;
- (3) Exclusions of water bodies that no longer serve historical hydrologic functions, and recovery may not be economically or technically feasible;
- (4) Expediently implement recovery strategy to achieve recovery as soon as practicable and recovery strategy shall include phasing; and
- (5) Reevaluation periodically of MFLs and revised as needed.

In March 2006, the Governing Board adopted minimum flows and levels (aquifer, ridge lakes and upper Peace River) for the SWUCA and, per statutory requirements, approved the Strategy. (CD 1/Track 1 – 31:00/46:40)

c. Focus on Upper Peace River MFL Restoration

Mr. Wirth said one of the major Recovery Strategy section components includes implementation of a series of water resource development projects that restore minimum flows to the upper Peace River and minimum levels to priority lakes in the Ridge area. The introduction identifies the Strategy goals:

- (1) Restore minimum levels to priority lakes in the Ridge area by 2025;
- (2) Restore minimum flows to the upper Peace River by 2025;
- (3) Reduce the rate of saltwater intrusion in coastal Hillsborough, Manatee, and Sarasota counties by achieving the proposed minimum aquifer level for saltwater intrusion by 2025; once achieved, future efforts should seek further reductions in the rate of saltwater intrusion and the ultimate stabilization of the saltwater-freshwater interface; and
- (4) Ensure that there are sufficient water supplies for all existing and projected reasonable-beneficial uses.

The two major components of the Recovery Strategy section are (1) management of groundwater withdrawals throughout the SWUCA such that the Floridan aquifer saltwater intrusion minimum aquifer level can be achieved and sustained, and (2) implementation of a series of water resource development projects that restore

minimum flows to the upper Peace River and minimum levels to priority lakes in the Ridge area. This section also identifies the guiding principles that the Governing Board approved that drove the development of the Recovery Strategy:

- Contribute significantly to resource management and recovery.
- Protect investments of existing water use permit holders.
- Allow for economic expansion and new economic activities.
- Ensure the strategy based on the best available science and the science will be extensively peer-reviewed.
- Attempt to minimize the need for rule revisions.
- Provide financial and regulatory incentives to maximize the benefits of public and private partnerships.
- Ensure the Recovery Strategy implemented expeditiously in a timeframe that is practical.
- Seek consistency with recovery strategies developed elsewhere in the state.
- Design the Recovery Strategy to meet each of these guiding principles.

Six major elements are involved: (1) regional water supply planning, (2) use of existing rules, (3) enhancements to existing rules, (4) financial incentives to develop alternative water supplies, (5) develop projects to reestablish MFLs, and (6) resource monitoring. (CD 1/Track 1 – 46:40/51:34)

3. **SWUCA and Upper Peace River Water Resource Issues**

Mr. Ron Basso, P.G., Hydrologic Evaluation, Resource Projects Department, reviewed the water resources issues in the SWUCA regarding resource concerns, hydrogeologic features and groundwater impacts. He specifically reviewed the issues affecting the water resources in the following two areas:

a. Southern West-Central Florida Groundwater Basin

b. Upper Peace River

Discussion ensued in relation to the graphics used in the workshop presentation. (CD 1/Track 2 – 00:00/37:42)

4. **SWUCA Recovery Strategy and the Upper Peace River Recovery Projects**

Mr. Mark Hammond, P.E., Director, Resource Projects Department, said a major component to the Strategy is the implementation of a series of water resource development projects to restore minimum flows to the upper Peace River. He noted the District is utilizing an adaptive management approach.

The projects identified in the Strategy include the Lake Hancock lake level modification, streamflow losses through Karst features in the upper Peace River, Peace Creek watershed, “reconnect” lands, and upper Peace River resource development (including an option of a reservoir on old mine lands). Mr. Hammond noted the Strategy also includes the Lake Hancock Wetland Treatment Project. While this project is included in the Strategy, the benefits are water quality improvement in the upper Peace River and not for restoration of flows. (CD 1/Track 3 – 00:00/21:25)

Messrs. Hammond and Basso reviewed the chronology for development and implementation, as well as specific water resource issues, for each of the following recovery projects:

- a. Lake Hancock Lake Level Modification Project (CD 1/Track 3 – 21:25/47:15)
- b. Management of Karst Features Losses in Upper Peace River
(CD 1/Track 3 – 0:47:15/1:07:48)
- c. Peace Creek Watershed (CD 1/Track 3 – 1:07:48/1:14:10)
- d. “Reconnect” Lands (CD 1/Track 3 – 1:14:10/1:15:40)
- e. Mine Lands Reservoir (CD 1/Track 3 – 1:15:40/1:21:45)

Discussion ensued in relation to the water resource issues, minimum flows and levels, statute requirements, land acquisition costs, and economic and technical feasibilities.
(CD 1/Track 3 – 1:21:45/2:01:20)

5. **Questions/Discussion**

Chair Pressman opened the floor for comments from the public.

Mr. Doug Conner, employed by C-11's property owner, Mr. Stan Phelps, said he has worked with District staff on this effort. He said that HDR in Denver, Colorado, provided information that there is a \$30 million difference in building a green field versus restoring C-11 which was designed to be a clay settling area. He defended his employer by saying the experts and appraiser sent an offer and then a counteroffer, and the District has stayed at its offer. He stated the District is taking the most conservative approach to this and it boils down to the risk. Mr. Conner said Mr. Phelps has spent money to work this out, and he has been cooperative.

Chair Pressman thanked Mr. Conner for coming, and stated the District is not saying Mr. Phelps has been uncooperative and apologized if that is the perception.

Mr. Combee said the clay settling area is useful, but times have changed and values have decreased considerably. He noted that property with development potential is viewed differently today.

Mr. Moore said the question is how frequently in that part of the watershed the water will charge up the reservoir. He said staff will continue to consider pursuing Lake Hancock, studying the sinkholes and meeting with Polk County about future uses for C-11. He suggested staff report back to the Board in three or four months.

Chair Pressman said this was an outstanding presentation that brought great clarity and acknowledged that it required a great deal of work. The Governing Board expressed their appreciation to the Basin Board members for attending the workshop. (CD 1/Track 3 – 2:01:20/2:14:17)

The workshop was adjourned at 12:42 p.m.

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