

**APPROVED
MEETING SUMMARY
Agricultural Advisory Committee
Southwest Florida Water Management District
May 27, 2010**

The Agricultural Advisory Committee (AAC) of the Southwest Florida Water Management District convened for a regular meeting at 1:05 p.m., May 27, 2010, at the Tampa Service Office, 7601 Highway 301 North, Tampa, Florida.

Committee Members Present

Mac Carraway, Chair, FL Turfgrass Assoc.
Jeff Krieger, Vice Chair, FL Irrigation Society
Curt Williams, FL Farm Bureau Federation
Jim Strickland, FL Cattlemen's Assoc.
Justin Sorrells, FL Citrus Mutual
David Boozer, FL Tropical Fish Farms Association
Patsy Nathe, FL Forestry Association
Steve Davis, Tampa Bay Wholesale Growers
Shaun O'Brien, FL Sod Growers Cooperative, Inc.

Staff Members Present

Lou Kavouras
Alba Más
Roy Mazur
Veronica Craw
Mark Luchte
Lois Sorensen
Sommer Hess

Recording Secretary

Joanne McClellan

Committee Members Absent

Barbara Carlton, PRVCGA
Dale Lewis, FL Nursery, Growers & Landscape Assoc.
Allen Williford, FL Strawberry Growers Assoc.
Jerry Mixon, Jr., FL Fruit & Veg Assoc.

Governing Board Member

Hugh Gramling

Approved summary from previous meetings can be found on the District's Web site (www.WaterMatters.org)

The numbers preceding the items below correspond to the order of presentation.

1. Call to Order and Introductions

Chair Mac Carraway called the meeting to order. He welcomed members, staff and interested persons and asked for member introductions.

2. Additions and Deletions to the Agenda

No additions or deletions,

3. Approval of the February 25, 2010 Meeting Summary

Following consideration, a motion was made and seconded to approve the February 25, 2010 meeting summary as presented. Motion carried unanimously.

4. Hydrologic Conditions and Water Shortage Plan Update

Lois Sorensen provided an overview that indicated a surplus of rainfall in the short term, but that we are still recovering from a long term rainfall deficit. Lakes are below normal. Ground water is well within the upper normal range of fluctuation. River flows are within normal range but are being closely monitored. Public supply in reservoirs is good. The precipitation forecast is fluctuating—the three-month outlook is wet, but looking out to a longer forecast rainfall will be below normal in the fall. The next decision point for the Governing Board is at their June meeting and the committee was asked to provide input. Ms. Sorensen explained the Governing Board extended the Modified Phase II water shortage order to the end of June and changed the pressure washing provision to once-a-year any reason. **It was moved and seconded to recommend to the Governing Board that the Modified Phase II lapse and the motion passed unanimously.** The Water Shortage Plan rulemaking has been ongoing for several months. Focus group meetings and public workshops were held, and written comments to a "staff alternative" draft have been included in a revised draft to be available by mid-June. Compared to the "staff alternative", the revised draft would keep the seasonal once-a-week that is in the current Phase II rule. The rule is planned to go to the Governing Board at their August meeting for their consideration. Input was requested. Lou Kavouras stated the Green Industry Advisory Committee (GIAC) decided to get together in early July to discuss the amendments that will be out in mid-June. Ms. Kavouras asked if the Agricultural Advise Committee (AAC)

would be willing to attend a combined meeting of GIAC and AAC to discuss this one topic. This schedule would allow staff sufficient time to incorporate suggestions that can then go to the Governing Board in August. Lois stated that she will email a "cheat sheet" for review that is specific to the lawn and landscape provisions that summarizes what the current adopted rule says and how that would change. Mac Carraway agreed the special meeting in July should be pursued.

5. Non-Production Agricultural Facilities Rulemaking

Mark Luchte stated that staff has initiated rulemaking regarding non-production related agricultural activities, such as agri-tourism buildings and parking, migrant housing, processing and staging areas, and some produce stands. Through Noticed General Permitting, the idea is to come up with a passive permit process that could be obtained at minimal cost by following certain design standards. Mr. Luchte asked committee representatives to inform their member organizations regarding this rulemaking and to provide feedback. Mr. Hugh Gramling stated when staff refines this proposal that there be an allowance when there are two owners of the property and it is evident that it is one farming operation and not multiple ownerships. Mr. Gramling stated that he hoped the rule would not become so complicated that it precludes them from taking advantage because of land title technicalities.

6. Rulemaking Update

- Expanding areas in the Dover/Plant City area where new well construction standards will be in place
- Pursuing rulemaking to codify the frost/freeze well mitigation activities when determined
- Water Shortage Plan Amendments
- Minimum Flows and Levels on the following rivers: Anclote, Chassahowitzka, Little Manatee, Lower Myakka, Manatee, Lower Peace and Shell Creek

7. Frost/Freeze Update

Alba Más provided an overview of the past freeze event and discussed the increased number of well complaints. The number of well complaints led to a change in the process to try to more fairly assign well investigation and responsibility to the permittees and to see if there was any way to prevent these impacts to wells in the area. In February 2010, the Governing Board issued an emergency order to use funds to fix some of the wells that fell outside permittee mitigation areas and had no water. A group of invitees representing the agriculture industry, Hillsborough County, City of Plant City, citizens in the area, and a panel of technical experts from DEP, FDACS, and others were asked to participate in a workshop held in February in Plant City. Input was received with the majority discussing sinkholes in the Plant City/Dover area. The panel focused on several items to be addressed such as funding, developing a cap, a voluntary rollback over a ten-year basis to reduce the amount of crop protection quantities through the FARMS program, and allocation of well responsibility. There are ongoing work group discussions and required rulemaking is moving forward to have processes in place prior to another freeze event. In September another workshop is planned to advise the public of what has occurred since meeting in February.

8. Numeric Water Quality Standards for Nutrients

Veronica Craw provided an update on the Establishment of Numeric Nutrient Standards as proposed by the Environmental Protection Agency (EPA). This rule came about when EPA was sued by several environmental groups in August 2008. That lawsuit was settled with the signing of a Consent Decree between EPA and those environmental groups. That consent decree set out the following timeline: EPA is to establish draft numeric criteria in the State of Florida for fresh water lakes, streams, and springs by January 2010 and those numbers are to be finalized by October 2010. This is to be followed by January 2011 with the draft publication of estuarine and coastal criteria and those numbers to be finalized by October 2011. EPA held public hearings in February and April in several cities throughout the State for public comment from agency representatives, as well as the general public. The official public comment for this draft rule closed April 28, 2010. There were concerns raised concerning the technical approach, prohibitive cost of implementation, cost estimates in the rule were underestimated, and it would provide a competitive disadvantage to businesses in Florida to come into compliance. There were statements regarding the scientific inappropriateness of the rule -- parts were inapplicable based on models used, there was no response relationship shown between nutrients and the environment, and there was insufficient peer review.

EPA stated they will delay the final promulgation of the Downstream Protective Values (DPV's) until January 2011 and will address it with the 2011 estuary and coastal rulemaking process and that will be open to public review at that time. EPA will seek additional third party review for DPV's and will consult with

DEP when that is done. EPA did have their own independent science advisory board review their approach for setting this draft rule and found that EPA is using statistics and not a cause and effect relationship to set these numbers and that the statistics are not biologically relevant and do not prove a cause and effect relationship.

The potential impact that this proposed rule may have statewide is that 90% of all waters will not meet standards for nutrients and 80% of "pristine" waters will not meet the standards.

District staff is attending EPA public meetings and DEP Technical Advisory Committee meetings and is working with DEP and NEP's to develop scientifically sound estuarine targets. District comments to EPA on the freshwater rule are available at <http://www.swfwmd.state.fl.us/documents/numeric-nutrient/>. The rule is draft and subject to change. The final version is to be published October 15, 2010 for the freshwater portion.

9. 2010 Regional Water Supply Plan

Roy Mazur provided an overview of the Regional Water Supply Plan (RWSP) that is consistent with Statutory Requirements and DEP Guidelines. This plan is put together every five years for areas where it is expected that 20-year demand will overcome supply. The northern area of the District is not an area where demand is expected to overcome supply, but to prevent that from happening through long-term planning. The three major areas within the plan are demand projections from all categories, a catalog of potential water supply sources and projects, and discussion of potential funding mechanisms for the water supply projects. Existing current long-term plans from Tampa Bay Water, Polk County, Withlacoochee Regional Water Supply Authority, and Peace River Manasota Water Supply Authority, as well as the District's demand projects along with local government issues were incorporated in the RWSP. Conservation and reuse planning was a result of ongoing programs and discussions with local government partners. The restoration planning came from staff working with minimum flows and levels and hydrogeology. The only statutory requirement the RWSP triggers is upon local governments to produce a 10-Year Water Supply Work Plan that is to be adopted into their Comprehensive Plan. To assist with that the local governments can use projects listed in the RWSP to create the Work Plan. The District has also created a *Community Sheet* to be mailed to local governments with all the data needed to create the 10-Year Water Supply Work Plan. The RWSP is open for review on the District's website and is available for comment online. Comments are encouraged and are due by July 16, 2010.

10. Water Use Condition Data—Permit Information Center (PIC) Update

Sommer Hess discussed the Permit Information Center (PIC) that is an on-line for entry of water use permit condition data and it accepts meter reading, pumpage, water lever, water quality, crop protection, crop reporting and rainfall. This system was developed because the previous system was based on old technology that is no longer supported. The new technology will allow more functionality and better access to data. With PIC issues did arise and resolutions were devised to address those issues. In the future the District will continue to offer training to the public on the use of PIC and also refine the system with enhancements requested by the public.

11. Development of Agenda Topics for the August 26, 2010 Meeting

- Committee members were asked to email suggestions for agenda items to Lou Kavouras or Mac Carraway.

12. Announcements and Other Business

- Schedule a joint GIAC and AAC meeting in July to review staff recommendations on water shortage rules
- Hugh Gramling stated the advisory committees are very important. The Governing Board gives great credence to advisory input. It is hard to believe that the Governing Board would ever move forward with any rulemaking without making sure that the advisory committees have an opportunity to comment. Mr. Gramling thanked the committee for their service and assured them their time is well spent.

14. Adjournment

There being no further discussions, the meeting was adjourned at 2:53 p.m.