

APPROVED
Minutes of the Meeting

Coastal Rivers Basin Board
Southwest Florida Water Management District

Brooksville, Florida February 12, 2009

The Coastal Rivers Basin Board of the Southwest Florida Water Management District convened for a regular meeting February 12, 2009, at 1:00 p.m., at District Headquarters.

Board Members Present

Judith C. Whitehead, Chair Ex Officio
Randall S. Maggard, Vice Chair
Elaine H. Perry, Secretary
William Y. Bunch, Member
Samuel H. Lyons, Member
John M. Nicolette, Member

Staff Present

Lou Kavouras
Bruce Wirth
Eric DeHaven
Mark Hammond
Mike Holtkamp
Roy Mazur
Eric Sutton

Linda Pilcher
Jimmy Brooks
Beth Putnam
Miki Renner
Doug Sanders
Virginia Sternberger
Maya Burke

Board Member Absent

None

Recording Secretary

Annette Zielinski

A list of others who were present and signed the attendance roster is filed in the permanent files of the Basin. Compact discs of the audio and copies of the materials and handouts, as set out in full herein, are also filed in the permanent files of the Basin.

1. **Call to Order and Roll Call**

Chair Whitehead called the meeting to order at 1:00 p.m. Ms. Zielinski noted a quorum was present. (CD1/Track 1 - 00:00/00:31)

2. **Pledge of Allegiance to the American Flag**

Chair Whitehead led the Pledge of Allegiance to the American Flag.

3. **Additions and Deletions to the Agenda**

Ms. Kavouras noted that Agenda Item 4, the Oath of Office, was deleted from the agenda since no gubernatorial appointments concerning this Board had been received.

4. **Oath of Office for Appointed/Re-Appointed Board Members**

This item was deleted.

5. **Consent Item:**

a. **Minutes of the October 14, 2008, Meeting and Workshop**

Staff recommended approval of the October 14, 2008 Meeting and Workshop minutes, as presented.

Following consideration, **Mr. Lyons moved, seconded by Mr. Nicolette, to approve the October 14, 2008 Meeting and Workshop minutes. Motion carried unanimously.** (CD1/Track 2 - 00:00/00:50)

6. **Discussion Items:**

a. **Appraisals and Exchange Agreement – Weekiwachee Preserve, SWF Parcel Nos. 15-773-202, 15-773-207S and 15-773-208**

Mr. Eric Sutton, Director, Land Resources Department, said he would be seeking action today, at the end of his presentation, but felt it was important to present the staff recommendation at the start of his presentation. Staff recommended to (1) accept the

appraisals; (2) approve the exchange agreement and accept title to additional lands offered as donation or as part of Development Order from SunWest; (3) determine that SWF Parcel No. 15-773-207S is no longer needed for conservation purposes and convey the property to SunWest Acquisition Corporation, subject to the terms of the exchange agreement; and (4) designate the exchange property and any other lands received as a result of donation or Development Order by SunWest Acquisition Corporation, SWF Parcel No. 15-773-202 and 15-773-208, as having been acquired for conservation purposes.

The proposed transaction, which is contingent on the approval of the SunWest Harbourtowne Development of Regional Impact (DRI), involves an exchange of 89.96 acres (parcel 15-773-207S) of land owned by the District located at the southwest corner of U.S. Highway 19 and Aripeka Road for approximately 396 acres (parcel 15-773-202) of land owned by SunWest Acquisition Corporation (SunWest) that is located on the west side of Old Dixie Highway and accept a donation of approximately 849 acres (parcel 15-773-208), also owned by SunWest, located on the west side of Aripeka Road.

In the fall of 2006, Pasco County approached the District about several land use changes being planned for near the southern area of the District's Weekiwachee Preserve properties. These plans included development of a coastal county park and the preliminary plans for a DRI being pursued by SunWest. Based upon the development scenario contained within the DRI, District staff was concerned about the isolation, potential ecological impacts and ability to effectively manage parcel 15-773-207S if the development were to occur. As a result of those concerns, staff entered into negotiations with SunWest for a potential exchange of properties that would benefit the District and SunWest. As part of the negotiations, the District's parcel offered for exchange was allowed to be included within the DRI. This provided SunWest the ability to determine if their proposed DRI, including the District's parcel, would be approved and at the same time allowed the District to stay closely linked to the DRI review process. District staff is now proposing an exchange for the Board's consideration that is contingent upon both the final approval of the DRI and that the District land received in the exchange is not considered as any form of mitigation for the DRI.

Staff supports the exchange as it offers environmental and land management benefits, as identified below.

There are several environmental benefits associated with the proposed exchange, most notably the water resource benefits associated with having larger, more contiguous tracts of coastal uplands and wetlands. Additionally, the SunWest property being offered as exchange and donation contains vital habitat for a number of endangered species including black rail, diamondback terrapin, Florida scrub-jay, Gulf Coast salt marsh snake, Marian's marsh wren, Scott's seaside sparrow, neotropical migratory birds and gopher tortoises. In addition to the environmental benefits, the proposed exchange would reduce District land management costs.

The following is a comparison of the appraised values:

According to the Sutte appraisal report, the SunWest exchange property is valued at \$75,000 (two percent) more than the District exchange property. The Herr appraisal values the SunWest exchange property at \$620,000 (16 percent) more than the District exchange property.

Exchange Agreement

- Closing will be contingent upon the deed delivered to District after Pasco County issues its final development order for the SunWest Harbourtowne DRI pursuant to Chapter 380.06 (15), F.S, and the Department of Community Affairs determines compliance with the State Comprehensive Plan.

- There will be no direct or implied mitigation or other encumbrances placed on the land to be received by the District for parcels 15-773-202 and 15-773-208.
- The SunWest Acquisition Corporation will donate 849 acres along with the exchange with the District after Pasco County issues its final development order for the SunWest Harbortowne DRI.
- The SunWest Acquisition Corporation has agreed to deliver marketable title for the exchange and donation parcels free of all encumbrances objectionable to the District.
- An environmental site assessment will be completed prior to closing.
- A boundary survey will be completed prior to closing.

Mr. Lyons led a lengthy discussion with staff regarding the exchange agreement; topics included the potential of the District purchasing the entire SunWest property, proposed canals, park development, boat ramps, the DRI, land use, and the possibility of the District selling its property to SunWest. (CD1/Track 2 - 00:50/25:09)

Chair Whitehead heard public comment at this time.

Mr. Tom Hanley, representing the Sea Pines Civic Association, said they were in favor of the land exchange. They believe the SunWest development will benefit the area and they would also benefit from additional conservation lands that would surround the Sea Pines development.

Mr. Joe Murphy said he was representing the Gulf Restoration Network and the Defenders of Wildlife, and both organizations strongly oppose the land exchange and the DRI. Mr. Murphy said there are three major concerns: the Florida black bear population, the District being named as a co-applicant on the DRI application and the perception associated with that, and the trust issue this exchange would create among taxpayers. He said this item has gained a lot of media attention and the attention of many other conservation groups and organizations throughout Florida.

Mr. Mac Davis, representing the Gulf Coast Conservancy, said they were opposed to the land exchange because it will not benefit the Florida black bear population. Mr. Davis submitted two letters for the public record from Tom Hctor, Ph.D. and Mr. Dave Maher.

Mesdames Julie Wert, Linda Prescott, Carol Gula, and Leslie Neumann, representing the Gulf Coast Conservancy, said they concurred with Mr. Davis' comments.

Ms. Georgianne Ratliff, Wilson and Miller Engineering, who is representing SunWest through the DRI process, said she thought it was important for the Basin Board to know that all of the SunWest property has perpetual mining permits. The Pasco County Comprehensive Plan allows for the following land uses: industrial, residential, and commercial. Ms. Ratliff said that Pasco County is looking forward to developing a park on a donated parcel from the developer as a part of this land exchange. To address comments regarding the Florida black bear, she said the development is not going to sever their corridor because she believes it has already been severed due to mining activities and other nearby residential developments. Ms. Ratliff submitted a letter for the public record from Florida Fish and Wildlife Conservation Commission that states they believe there are ecological benefits associated with the land exchange. She said it is her opinion that the DRI will be approved. She said if the DRI is not approved the property owner still has two options, he can mine the property, or he can divide the property into parcels and develop the property in accordance with Pasco County's Comprehensive Plan.

Mr. Bob Carpenter, representing the developer SunWest, pointed out that Aripeka Road is a hazard to bears. He believes the DRI will be completed in the near future. He said the owner is prepared with other options should the DRI not be approved, including

selling the entire tract. Mr. Carpenter said the planned development is a well designed sustainable community.

Mr. Lyons asked Mr. Carpenter what the price was for the entire tract of property. Mr. Carpenter said appraisals would need to be conducted to come to a price.

Ms. Lindsey Pickel, legal counsel for the Gulf Coast Conservancy, said it is her legal opinion that, according to Florida Statutes, land exchanges must have equal conservation value, for which the property was purchased. She said the property was originally purchased for a black bear corridor. They view this proposed land exchange as a violation of law and public trust. She asked the Coastal Rivers Basin Board members to vote against the land exchange.

Mr. Lyons said he heard Ms. Pickel say the land was purchased specifically to protect the black bear habitat; he asked Mr. Sutton for clarification on her statement. Mr. Sutton responded by reading from the official document, dated August 28, 2001, asking the Governing Board for permission to acquire these lands for the following water management benefits: preserve and/or restore natural ecosystems, preserve or enhance water quality, protect habitats and associated wildlife resources, and for flood protection.

Mr. Sutton used aerial photography to depict the tremendous residential and commercial growth that has occurred in the Weeki Wachee area since the 1970s. He believes the increased population over the last 30 years is what has decreased the bear population in this area. He said the best way to protect the bear population is to continue to focus on creating habitats north of Aripeka Road.

Staff recommended the Coastal Rivers Basin Board:

- Accept the appraisals;
- Approve the exchange agreement and accept title to additional lands offered as donation or as part of development order from SunWest;
- Declare SWF Parcel No. 15-773-207S surplus and convey the property to SunWest Acquisition Corporation, subject to the terms of the exchange agreement; and
- Designate, the exchange property and any other lands received as a result of donation or development order by SunWest Acquisition Corporation, SWF Parcel Nos. 15-773-202 and 15-773-208 as having been acquired for conservation purposes.

Following consideration, **Mr. Maggard moved, seconded by Ms. Perry, to approve the aforementioned staff recommendation. Motion carried. Mr. Lyons voted in opposition.** (CD1/Track 2 - 25:09/83:40)

b. **Legislative Update**

Mr. Jimmy Brooks, Community Affairs Program Manager, Community and Legislative Affairs Department, presented a summary of the Special Session of the Florida Legislature, which began January 5 to address the State's \$2.3 billion budget deficit. He commented on challenges the State faces, the need for new approaches to address the budget, and partnerships that are a vital link in the process. Mr. Brooks also reported that the Governor had vetoed some reductions for the current year, including the Florida Forever program and the Water Management Lands Trust Fund.

The update also included comments on the following:

- Impacts to the water management districts, including cuts to the Florida Forever program, the Water Management Lands Trust Fund, and the Water Protection and Sustainability Trust Fund;
- State issues to be considered: the Sunset Review, the permitting process, the Water Restoration Action Plan (WRAP) program, Springs Protection, Florida Friendly Landscaping and

- Concerns on the Federal level: economic stimulus, private and tax credit bonds, and WRAP.

During this presentation, Board members asked questions and participated in discussion of topics including projected revenues, the Water Management Lands Trust Fund, and the Basin budgets and initiatives.

This item was presented for the Board's information; no action was required. (CD1/Track 3 - 00:00/07: 48)

c. **Fiscal Year (FY) 2010 Cooperative Funding Initiative (CFI) Requests**

Mr. Doug Sanders, Staff Planner, Planning Department, advised the Board of the Cooperative Funding applications received for the FY2010 budget cycle and the staff review process they undergo. Applications for the FY2010 Cooperative funding cycle were received in December and provided to the Basin Board as they were received. Mr. Sanders provided a brief overview of the project submittals, reviewed the Basin Board's Strategic Priorities, and the District's project ranking process. Staff will return to the April meeting with an initial project ranking and funding recommendations for the Board's consideration. This process is an important part of the Basin Board's budget discussions for FY2010.

This item was presented for the Board's information; no action was required. (CD1/Track 4 - 00:00/10:36)

d. **Fiscal Year (FY) 2009 Withlacoochee River Springs Watershed Awareness Week Proclamation**

Ms. Virginia Sternberger, Senior Communications Coordinator, Communications Department, said this is an action item asking the Basin Board to declare the week of March 14 - 21, 2009, as Springs Awareness Week. To support the District's mission, the Communications Department's education efforts focus on developing an environmentally conscious and responsible public. One method used by the District involves creating watershed education programs that engage the individual and community in protecting watersheds and the water resources within them.

Springs Awareness Week will be held March 14 - 21 in Citrus and Marion counties. The week is planned as part of the Crystal River/Kings Bay and Rainbow River Watershed Education project (W466) funded by the Coastal Rivers and Withlacoochee River Basin Boards. Springs protection was identified by both basin boards as a priority for FY2009 and FY2010. The goal of the program is to educate homeowners and landscape professionals about the effects that over-fertilizing has on local springs and other water bodies. The week will include a variety of educational events, boat tours, workshops for homeowners and landscape professionals, and outreach at local retail establishments.

To gain local government commitment to springshed protection, Community and Legislative Affairs staff will coordinate with local governments to join the Coastal Rivers Basin Board and the Withlacoochee River Basin Board in declaring March 14 - 21, 2009, as Springs Awareness Week.

Staff recommended that the Coastal Rivers Basin Board declare the week of March 14 - 21, 2009, as Springs Awareness Week.

Following consideration, **Ms. Perry moved, seconded by Mr. Lyons, to approve the staff recommendation. Motion carried unanimously.** (CD1/Track 5 - 00:00/02:40)

7. **Reports:**

a. **Basin Board Education Committee Meeting Report**

Ms. Perry, Primary Representative, Basin Board Education Committee, said the Committee met on November 4, 2008, at the Tampa Service Office. Reports regarding the Communications Department's FY2008 final accomplishments, Youth Education Splash! Mini-grants, Water Conservation Hotel and Motel Program audit results, FY2009 Community Education Grants, and the Partners in Watershed Education Conference and Awards Luncheon were presented and discussed. Ms. Perry said the District is doing an excellent job in the number of people it reaches in its communication efforts.

This item was presented for the Board's information; no action was required.
(CD1/Track 6 - 00:00/02:50)

b. **Basin Board Land Resources Committee**

Mr. Maggard, Primary Representative, Basin Board Land Resources Committee, said the Committee met December 3, 2008, during the Public Land Acquisition and Management Partnership Conference in Jacksonville. Discussion topics included Lake Hancock Project, Florida Forever Funding, Land Values, Stakeholder Discussion Group regarding District Land Management Activities, and the Committee said farewell to Mr. Fritz Musselmann.

Ms. Kavouras announced that there is Joint meeting of the Basin Board Education and Basin Board Land Resources Committees, planned for Monday, March 16, 2009, at Polk's Nature Discovery Center, in Lakeland.

This item was presented for the Board's information; no action was required.
(CD1/Track 7 - 00:00/03:00)

c. **Governing Board Activities**

Chair Whitehead asked staff to play the pre-recorded highlights of the January 26 Governing Board meeting, which was held at the Brooker Creek Preserve and preceded a workshop with Tampa Bay Water's Board of Directors. Ms. Robyn Felix, Communications Manager, narrated the brief report.

This item was presented for the Board's information; no action was required.
(CD1/Track 7 - 03:00/10:42)

8. **Announcements:**

Ms. Kavouras said the date of the Children's Museum Groundbreaking Ceremony is yet to be determined. The Joint meeting of the Basin Board Education and Basin Board Land Resources Committees is scheduled for Monday, March 16, 2009, Polk's Nature Discovery Center, Lakeland. Ms. Kavouras said the FY2009 Basin Board Meetings are scheduled April 16, June 11, July 16 (if necessary), and August 13. Meetings are held on Thursdays, beginning at 1:00 p.m. at Brooksville Headquarters.

Ms. Kavouras offered the Board an option to receive the "Projects" portion of their meeting notebooks on compact disk. She said staff would be following up with each member to learn their preferences.

9. **Adjournment**

The day's business being complete, Chair Whitehead adjourned the meeting at 3:01 p.m.
(CD1/Track 7 - 10:42/13:48)

★ ★ ★ Information Items ★ ★ ★

The items listed below were for the Board's information, intended to keep the Board apprised of completed projects, cancelled projects, and projects that have executed contracts and were ready to begin. These items did not require Board action at this time.

1. Budget Transfer Report
2. 2009 Community Education Grants in the Coastal Rivers Basin
3. Agreement Between the Southwest Florida Water Management District and the United States Geological Survey for the Project "Factors Affecting Hydrologic Recovery of Wetlands in the Northern Tampa Bay Area" (B261) - Execution Notice
4. City of Crystal River for Crystal Center Stormwater Runoff Mitigation (W469) - Execution Notice
5. Implementation of Best Management Practices in Peck Sink Watershed (L958) - Execution Notice
6. United States Geological Survey Joint Funding Agreement for Minimum Flows and Levels Data Collection (B182) - Execution Notice
7. Watershed Management Program Consulting Services for the Chassahowitzka River Watershed Management Plan (L946) - Execution Notice
8. Watershed Management Program Consulting Services for the Homosassa South Fork Watershed Management Plan (L944) - Execution Notice
9. Watershed Management Program Consulting Services in the Double Hammock Creek Watershed (L841) – Execution Notice
10. Watershed Management Program Consulting Services in the Lower Coastal Watershed (L842) – Execution Notice
11. Weeki Wachee Springs Sedimentation Removal and Revegetation Project (SC16) -- Execution Notice

Attest:

Chairman Ex Officio

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702 or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.