

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

February 24, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on February 24, 2009, at Brooksville Headquarters. The following persons were present:

Board Members Present

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

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

Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

Board Members Absent

None

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).

Public Hearing

1. Call to Order

Chair Combee called the meeting to order and opened the public hearing. Ms. Closshey noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Combee led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 01- 00:00/01:49)

Public Hearing

Chair Combee noted that the Governing Board's meeting was recorded for broadcast on government access channels. Public input was only taken during the meeting onsite.

Chair Combee 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 speaker's 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 one agenda item only during today's meeting. If additional time is needed or 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 at the end of the meeting during "Public Input." Chair Combee 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.

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the following items that were added and/or deleted from the agenda after publication of the regular agenda. (CD 1/Track 01 - 01:49/08:33)

Consent Agenda

The following items were deleted from consideration:

- 19. ERP No.46021748.001 - Abbott's Back Hoe Service (*DENIAL*) – Sarasota County
- 22. WUP No. 20003468.006 - Bexley Land Trust/Bexley Ranch South (*DENIAL*) – Pasco County

The following item was moved from the Consent Agenda to Resource Management Committee Discussion Items:

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

The following items were added for consideration on the Consent Agenda:

- **Regulation Committee – Other:** Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-008 Relating to Tampa Bay Water's Use of the Tampa Bypass Canal Lower Pool to Increase Supply to the Regional System.
- **Resource Management Committee:** Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-135.

Mr. Moore said many of the items on today's agenda would be heard out of order to better accommodate the audience and media reporting groups. Following the Hydrologic Conditions Report, the Water Shortage Items from the Regulation Committee would be addressed.

4. **Employee Recognition**

Mr. Moore made presentations to the Board for all employees who have achieved milestones of 20 years or greater and those retiring from the District, to specially acknowledge and commend the contributions of these individuals. The following individuals were celebrating their 20-year milestones: Mr. Daniel J. Bates, Storage Capacity Analyst, Information Resources Department; Ms. Karen Gruenagen, Regulation Environmental Scientist, Strategic Program Office, Resource Regulation; Mr. Daniel Wolthuis, Senior Heavy Equipment Operator, Operations; and Ms. Alba Más, Director, Tampa Regulation Department. The following individual is celebrating her 25-year milestone: Ms. Deanna Naugler, Senior Regulation System Analyst, Performance Management Office. The following individual is celebrating his 30-year milestone: Mr. Rick McCleery, District Ombudsman, Community and Legislative Affairs. (CD 1/Track 01 - 08:33/17:20)

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

Mr. Chester Bradshaw, a resident of Pasco County, said he has been working with a citizen's advocate group for the Withlacoochee River Watershed and its area landowners. He requested an update regarding water control for the Tsala Apopka chain of lakes. Mr. Moore said the District is working on fixing a potentially leaky berm and has requested an easement from the landowner; the easement has not been granted as yet to the best of his knowledge. Mr. Bradshaw submitted copies of the Withlacoochee River Basin Board minutes from 1963 that indicate the Withlacoochee River Basin Board would construct wings on the east and the west side of the Tsala Apopka chain of lakes structures to

maintain a 39-foot water level. Chair Combee requested staff to prepare an update for the Governing Board at its March meeting. General Counsel Bilenky said a legal opinion regarding this issue has been completed in the past and it concludes that this is private property to which no current easement exists for District maintenance of the subject berm.

Dr. Octavio Blanco addressed the Governing Board regarding a new book *Paving Paradise Florida's Vanishing Wetlands and Florida's Failure of No Net Loss*. He said the book provided a historical overview of the processes that led up to today's current policies regarding wetlands. Dr. Blanco said in the 1970s scientists were already calling for no further draining or destruction of wetlands for any purpose. He also reviewed parts of the author's suggested 12-step program to no net loss. (CD 1/Track 01 - 17:20/27:37)

Consent Agenda

Items 19 and 22 were deleted from consideration. Item 21 was moved to the Regulation Committee under Discussion Items. Items 29 and 33 were moved to the Resource Management Committee agenda under Discussion Items. Two items were added: (1) Regulation Committee – Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-008 Relating to Tampa Bay Water's Use of the Tampa Bypass Canal Lower Pool to Increase Supply to the Regional System; and (2) Resource Management Committee – Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-135.

Regulation Committee -- Environmental Resource Permits

6. ERP No. 43002947.101 - Charlotte Commons – Charlotte County (includes authorization to execute exchange of conservation easement areas previously approved by Conceptual ERP No. 49002947.075)
7. ERP No. 43022272.002 - The Village at Oyster Creek Dock – Charlotte County
8. ERP No. 44024528.001 - Scott Street Commercial (**DENIAL**) – Charlotte County
9. ERP No. 49033139.001 - PHCC - Spring Hill Center - PH 1 - 3 – Hernando County
10. ERP No. 43032764.001 - FFWCC - Royce WEA Advanced Mitigation – Highlands County
11. ERP No. 43026991.001 - Starling at Fishhawk Ranch – Hillsborough County
12. ERP No. 43013843.019 - Long Lake Ranch East Commercial – Pasco County
13. ERP No. 43025522.004 - Madeira Grande Condo Resort Docks – Pinellas County
14. ERP No. 43032767.001 - Pinellas County - Bear Creek Channel Improvements - Phase II – Pinellas County
15. ERP No. 49000493.007 - Polk City Business Park, Conceptual Plan – Polk County
16. ERP No. 43032513.001 - Polk County - Ernie Caldwell Boulevard - Section 2 – Polk County
17. ERP No. 43032513.002 - Polk County - Ernie Caldwell Boulevard - Section 3 – Polk County
18. ERP No. 43033207.000 - Polk County - Pine Tree Trail Project - 05037 – Polk County
- ~~19. ERP No. 46021748.001 - Abbott's Back Hoe Service (**DENIAL**) – Sarasota County~~
20. ERP No. 49032692.001 - Sarasota VA National Cemetery – Sarasota County

Regulation Committee -- Water Use Permits

21. WUP No. 20009791.007 - Citrus County Water Resources Department/Sugarmill Woods Citrus County – Moved to Discussions Items of the Regulation Committee
- ~~22. WUP No. 20003468.006 - Bexley Land Trust/Bexley Ranch South (**DENIAL**) – Pasco County~~
23. WUP No. 20009132.012 - Crystal Springs Preserve, Inc./Crystal Springs Preserve Pasco County
24. WUP No. 20000047.009 - City of Lakeland, Lakeland Electric, C.D. McIntosh Power Plant/ C.D. McIntosh Power Plant – Polk County
25. WUP No. 20010700.004 - Polk Power Partners, L.P./Mulberry Cogeneration Facility Polk County

Regulation Committee -- Other

26. **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-003 Regarding Use of the Interconnection between the Englewood Water District and Charlotte County**

Staff recommended concurrence with the issuance of Executive Director Order No. SWF 09-003 for use of the Englewood Water District – Charlotte County Interconnect.

27. **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-005 Relating to Authorization for City of Tampa to Augment Supply of Hillsborough River Reservoir from Sulphur Springs**

Staff recommended concurrence with issuance of Executive Director Order No. SWF 09-005 for augmentation of the Hillsborough River Reservoir from Sulphur Springs.

- Add-On** **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-008 Relating to Tampa Bay Water's Use of the Tampa Bypass Canal Lower Pool to Increase Supply to the Regional System**

Staff recommended concurrence with the issuance of Executive Director Order No. SWF 09-008 relating to use of the Tampa Bypass Canal Lower Pool.

Resource Management Committee

28. **Regional Reclaimed Water Partnership Initiative Project**

Staff recommended approval of the revised agreement with the Tampa Electric Company for Phase I of the Regional Reclaimed Water Partnership Initiative for \$65,686,800, with the District's share not to exceed \$32,843,400; and authorize the Executive Director to execute the agreement.

29. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Blue Sink and Eastern Hernando Withlacoochee River Watersheds to the Federal Emergency Management Agency**

This item was moved to the Discussion Items of the Resource Management Committee.

30. **Non-Exclusive Utility Easement to the Hernando County Water and Sewer District – District Headquarters, SWF Parcel No. 10D-001-178X**

Staff recommended to approve and execute a permanent non-exclusive utility easement and a temporary construction easement for conveyance to the Hernando County Water and Sewer District, SWF Parcel No. 10D-001-178X.

31. **Declaration and Conveyance of Surplus Lands to Florida Department of Transportation, SWF Parcel No. 13-004-311S, and Conveyance of Access Easement, SWF Parcel No. 13-004-314X – Tampa Bypass Canal**

Staff recommended to (1) declare SWF Parcel No. 13-004-311S surplus and convey the property to FDOT; (2) convey access easement over SWF Parcel No. 13-004-314X to FDOT; (3) accept the appraised value of \$1,385,600 for fee title to SWF Parcel No. 13-004-311S and \$240,000 for a permanent easement to SWF Parcel No. 13-004-314X; and (4) include the \$1,625,600 in the Hillsborough River Basin's balance forward for Fiscal Year 2010 budget development.

32. **Appraisal and Land Exchange – Sweetwater Creek Watershed Project, SWF Parcel Nos. 14-042-170S and 14-042-171**

Staff recommended to (1) declare SWF Parcel No. 14-042-170S as surplus and as no longer needed for District purposes; (2) accept the appraisal; (3) approve the no cost exchange of lands with Berkshire Development, LLC; and (4) approve realignment of the existing access easement with Handy Road upon development of the property.

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

This item was moved to the Discussion Items of the Resource Management Committee.

- Add-On** **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-135**

Staff recommended to (1) accept the appraisals; and (2) approve the Purchase/Sale Agreement.

34. **Facilitating Agricultural Resource Management Systems (FARMS) Program**

- a. **Hidden Acres Ranch, Inc. – Citrus County**

Staff recommended to (1) approve the Hidden Acres Ranch, Inc. FARMS Project for a not-to-exceed project reimbursement of \$40,000 with \$10,000 provided by the

Withlacoochee River Basin Board, \$10,000 provided by the Governing Board, and \$20,000 provided from State Appropriations; (2) authorize the transfer of \$10,000 from fund 019 H017 Withlacoochee River Basin Board FARMS funds, \$10,000 from fund 010 H017 Governing Board FARMS funds, \$11,839 from the 2005 State Appropriations allocated to fund 010 H017 FARMS funds, and \$8,161 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds, to the H571 Hidden Acres Ranch, Inc. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

b. **Bethel Farms, LTD – DeSoto County**

Staff recommended to (1) approve the Bethel Farms, LTD. FARMS Project for a not-to-exceed project reimbursement of \$20,314 with \$5,079 provided by the Peace River Basin, \$5,079 provided by the Governing Board, and \$10,156 provided from State Appropriations; (2) authorize the transfer of \$5,079 from fund 020 H017 Peace River Basin FARMS funds, \$5,079 from fund 010 H017 Governing Board FARMS funds, and \$6,399 from 2005 State Appropriations and \$3,757 from 2006 State Appropriations allocated to fund 020 H017 Peace River Basin, to H568 Bethel Farms, LTD. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

c. **Down South Blues Corporation – DeSoto County**

Staff recommended to (1) approve the Down South Blues FARMS Project for a not-to-exceed project reimbursement of \$210,000 with \$52,500 provided by the Peace River Basin Board, \$52,500 provided by the Governing Board, and \$105,000 provided from State Appropriations; (2) authorize the transfer of \$52,500 from fund 020 H017 Peace River Basin Board FARMS funds, \$52,500 from fund 010 H017 Governing Board FARMS funds, and \$105,000 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to the H570 Down South Blues FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

d. **ESDA, Inc. – Manatee County**

Staff recommended to (1) approve the ESDA, Inc. FARMS Project funding amendment for a not-to-exceed project reimbursement of \$25,000, provided from 2003 State Appropriations; (2) authorize the transfer of \$25,000 from the 2003 State Appropriations allocated to fund 021 H017 Manasota Basin to H511 ESDA, Inc. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

Outreach & Planning Committee

35. **Approve 2009 Consolidated Annual Report**

Staff recommended approval of the 2009 Consolidated Annual Report.

36. **Supplemental Funding for Fiscal Year 2009 Media Messaging**

Staff recommended approval of the transfer of \$200,000 from General Fund contingency reserves to the Communications Department's Public Service Announcements to supplement water conservation/drought awareness media placement for FY2009.

Finance & Administration Committee

37. **Board Travel**

No action was required at this time.

38. **Budget Transfer Report**

Staff recommended approval of the Budget Transfer Report covering all budget transfers for January 2009.

39. **Fiscal Year 2009 Budget Amendment to Include Additional Revenue from Water Management Lands Trust Fund**

Staff recommended approval of Resolution No. 09-02, Amendment of the Fiscal Year 2009 Annual Service Budget to increase the District's FY2009 budget for the General Fund by \$7,500,000 from \$180,006,896 to \$187,506,896, and increase the FY2009 total budget from \$376,489,390 to \$383,989,390.

40. **Information Resources Department Fiscal Year 2009 Sinking Fund Transfer – Planned Storage Growth and Business Continuity**

Staff recommended to authorize a transfer of \$250,000 from the Computer Sinking Fund to the Information Resources Department for the planned purchase of replication hardware and associated software.

General Counsel's Report

41. **Consent Order – WUP No. 2009516.004 - Sebring Land LP and Highlands Ridge Utilities, LLC – Highlands County**

Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation against Sebring Land LP and Highlands Ridge Utility, LLC, to obtain compliance with the Consent Order.

Executive Director's Report

42. **Approve January 26, 2009 Minutes**

a. **Joint Workshop of the Governing Board and Tampa Bay Water Board of Directors**

b. **Governing Board Meeting**

Staff recommended approval of the minutes as presented.

Following consideration, **Ms. Closshey moved, seconded by Ms. Rovira-Forino, to approve Consent Agenda Items: 6 – 18, 20, 23 – 28, 30 – 32, 34 – 42 and the two add-on items. Motion carried unanimously.** (CD 1/Track 1 – 27:37/29:04)

Resource Management Committee

Discussion Items

43. **Consent Item(s) Moved for Discussion**

Consent Agenda Items 29 and 33 were moved to Discussion Items and were considered later in the meeting.

44. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, 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.

The District is now five months into the 8-month dry season (October through May). January was very dry until the last few days of the month, and as a result hydrologic indicators throughout the District continued to decline. Two main rainfall events occurred during the month, on January 13-14 and 30-31, providing much needed rainfall, but bringing with them freezing temperatures that caused agricultural interests to pump groundwater for crop protection, further worsening groundwater level conditions.

The overall condition of the water resources remain poor due to an accumulating rainfall deficit that began in the winter of 2006 and which is expected to continue through May 2009. District-wide, a cumulative rainfall deficit of about 6.30 inches exists for the 12-month period ending with January. The 24-month deficit is 16.61 inches.

Mr. Moore reported that the C. W. Bill Young Reservoir would be empty in a matter of weeks from now due to these dry conditions. The surface water treatment plant may be forced to shut down because it requires 20 mgd to operate. This is going to put tremendous pressure on the seawater desalination plant and the groundwater wellfields.

Groundwater and surface water systems continue to decline, the forecast remains fixed on drier-than-normal patterns, and water resources are expected to worsen through late spring.

Mr. Gramling led a discussion about a micro climate that exists at the airport. Mr. Kinsman said the airport is the official rain station gauge for the City of Tampa. That gauge is quite different than any other in the area and reports 45 inches of rainfall per year as normal, whereas 45 inches of rainfall per year everywhere else would be reported as a significant drought. Ms. Closshey asked if an alternative gauge can be used for reporting the City of Tampa's rainfall. Mr. Moore responded and said that among hydrologists it is a well

known fact that the Tampa Airport gauge is anomalous compared to other gauges in the area; he said the District uses a composite of gauges when reporting rainfall. Mr. Pressman suggested that Mr. Molligan convey this information to the meteorologists when they meet.

Resource Management Committee Chair Gramling heard public comment on this item.

Dr. Octavio Blanco pointed out that most all of the lakes in Pasco County were below minimum extreme low and that this seems to be a consistent trend. Dr. Blanco said he has tracked rainfall data on his property since childhood and when he compares the last three previous years to other historical low rainfall years he has noticed previous periods have produced even less rain but overall currently we are worse off. He encouraged the Governing Board to send a consistent message to the public that we are in a permanent water shortage and that it is not just rainfall. We need long-term conservation.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 1 – 29:04/37:55/Track 2 – 00:00/15:30)

Committee Chair Gramling recessed the Resource Management Committee meeting and relinquished the gavel to Regulation Committee Chair Parks.

Regulation Committee

Discussion Items

51. **Consent Item(s) Moved for Discussion**

Consent Agenda Item 21 was moved for consideration under Discussion Items.

21. **WUP No. 20009791.007 - Citrus County Water Resources Department/Sugarmill Woods Citrus County**

Mr. Duane Dueker, President, Sugarmill Woods Civic Association, said he was here today to address the Governing Board regarding concerns the residents have regarding population growth projections; they feel population growth will be much higher than the District is predicting, around 22 percent versus the District's prediction of five percent. The other concern is the 150 per capita/per day water use, Mr. Dueker said he has seen other figures regarding water use and would like to see a table of figures right in the permit so it is clear for everyone to understand.

Mr. Owen thanked Mr. Dueker for coming today and representing Sugarmill Woods' concerns regarding this permit renewal. He said it was a pleasure to work with involved communities. Mr. Owen said Citrus County was not interested in delaying the renewal of this permit. The renewal meets all rule criteria. Mr. Owen said that if over time the population projections prove to be inaccurate the County can return to have those figures modified.

Mr. Robert Knight, Director, Citrus County Water Resources, said Mr. Dueker is a hero in the County. He agrees that the population projections may be too low but he knows the County can return if growth exceeds projections. He said the County is very hard at work reducing its per capita water use.

Staff recommended approval of the permit renewal. Following consideration, **Ms. Closshey moved, seconded by Mr. Gramling, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 3 – 00:00/13:26)

52. **Consideration of Water Shortage Orders**

Mr. Owen said the District began experiencing a rainfall deficit and related drought impacts over 33 months ago. The District first took regional action on January 9, 2007 by issuing Water Shortage Order No. SWF 07-02. This Order declared once-per-week lawn watering

restrictions and other "Modified Phase II" (Severe Water Shortage) response measures for the District's entire sixteen county area.

Based on hydrologic conditions and other pertinent considerations, the Governing Board has extended the terms of Water Shortage Order No. 07-02 on five occasions. The most recent extension expires on February 27, 2009. In addition, in October 2008, in response to a request from Tampa Bay Water, the Governing Board issued Water Shortage Order No. SWF 08-044. This additional Order declared more stringent "Modified Phase III" (Extreme Water Shortage) response measures for Hillsborough, Pasco and Pinellas Counties.

a. **Sixth Modification to Water Shortage Order No. SWF 07-02, Modified Phase II Restrictions**

Staff recommended extending the Modified Phase II Order through June 30, 2009. Following consideration, **Mr. Gramling moved, seconded by Mr. Senft, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 4 – 00:00/10:24)

c. **Peace River/Manasota Regional Water Supply Authority Request for Modified Phase III Water Shortage Declaration**

At its most recent meeting, the Board of Directors of the Peace River Manasota Regional Water Supply Authority (PR/MRWSA) authorized its staff to request that the District declare a "Modified Phase III" water shortage similar to the Modified Phase III water shortage declaration currently in effect in the Tampa Bay area.

Staff recommended implementing Modified Phase III Order for Charlotte, DeSoto, Manatee and Sarasota Counties through June 30, 2009.

Regulation Committee Chair Parks heard public comment at this time.

Mr. Patrick Lehman, Executive Director, Peace River/Manasota Regional Water Supply Authority, said its Board unanimously voted to request the Modified Phase III Water Shortage Order be implemented. The PR/MRWSA will hold a drought summit on April 3, 2009, at the Hyatt Regency in Sarasota.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Senft, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 5 – 00:00/54:09)

b. **Tampa Bay Water Request for Modified Phase IV Water Shortage Declaration**

The District has received a request from Tampa Bay Water to declare a "Phase IV" water shortage, also referred to as a Critical Water Shortage. Staff met with representatives from Tampa Bay Water's Member Governments on February 9, 2009, to seek input regarding this request and also to assess the status of implementing measures from Water Shortage Order No. SWF 08-044, the Modified Phase III declaration currently in effect for the Tampa Bay area.

Staff recommended a Modified Phase III for Hillsborough, Pasco and Pinellas Counties through June 30, 2009.

Regulation Committee Chair Parks heard public comment at this time.

Mr. Frank Balogh, Sod Farms of Pasco, said he is very concerned about how stricter restrictions would hurt his business. He encouraged the Governing Board to turn to reclaimed water and limit the number of new homes.

Mr. Shaun O'Brien, A. Duda and Sons, Inc., said he is a farm manager and encouraged the Governing Board not to move into Phase IV Water Shortage

restrictions. He said this would devastate the industry. He said farmers are willing to work very hard to conserve water.

Mr. Travis Council, Owner/Operator, Council Growers, said he operates a sod farm in Wimauma. He pointed out there are a number of audience members attending today's meeting who are employed in the Green Industry. Mr. Council said he favors the use of education and enforcement measures over stricter restrictions.

Dr. Octavio Blanco said he does not want to harm any industry especially not farmers, but he said what the public will hear from today's meeting is that Phase IV Water Shortage restrictions were on the table but not enforced, therefore, the water shortage cannot be that bad. He said the key is to send a message to the public to seriously conserve water resources.

Mr. Moore said that there are plenty of tools associated with the Phase III Water Restrictions that have yet to be implemented; he believes more water savings will be had when everyone is doing their part to conserve.

Mr. Charles Lee, representing Audubon of Florida, said he feels we are approaching water conservation on an episodic basis which results in a crunch situation when we are at a bottom of a drought. He believes a better approach would be to use systemic and consistent approaches throughout the District with mandatory conservation. Such devices as soil sensor irrigation systems and water conservation toilets would be required conversions. These two changes could save 50 percent on household water consumption.

Mr. Jerry Seeber, General Manager, Tampa Bay Water, said its Board and member governments are committed to conservation and enforcement. Mr. Seeber thanked the Governing Board and District staff for their help and cooperation with water supplies.

Regulation Committee Chair Parks asked Mr. Seeber if high end users were being contacted. He said staffs do contact high end water users. Governing Board members also discussed the use of surcharges for those high end users.

Following consideration, **Mr. Combee moved, seconded by Mr. Gramling, to approve the staff recommendation.**

Mr. Pressman said he was leaning towards what Dr. Blanco stated which was the District should be sending a consistent and strong message and possibly implement Modified Phase IV Water Restrictions.

Mr. Senft suggested the Board implement going District-wide with enforcement measures that allow for no more warnings and going straight to citations. Board members had a lengthy discussion and debate session. Mr. Combee requested that staff compile a quick analysis of the economic impact of Phase IV Water Restrictions to be considered at the March meeting.

The motion carried on the original staff recommendation. Mr. Pressman voted in opposition. (CD 1/Track 6 – 00:00/01:33:09)

Mr. Senft moved, seconded by Mr. Combee, to direct staff to be prepared with recommended language at the March Governing Board regarding eliminating warnings and issuing citations District-wide. Motion carried unanimously. (CD 1/Track 6 – 01:33:09/01:36:39)

Regulation Committee Chair Parks relinquished the gavel to Mr. Combee who recessed the public hearing for a lunch break. The meeting reconvened with consideration of Resource Management Committee Item 45.

Resource Management Committee Chair Gramling called the meeting to order.

Resource Management Committee

Discussion Items

45. **Middle Hillsborough River Study and Initiation of Rulemaking to Amend Rules 40D-8.031 and 40D-8.041, Florida Administrative Code, to Clarify Hillsborough River Segment References and Waterbodies for which Minimum Flows and Levels and Guidance Levels Are Not Established**

Dr. Marty Kelly, Program Director, Minimum Flows and Levels, presented to the Board the report and a summary of study results for the middle segment of the Hillsborough River. District staff has met with the Temple Terrace River Watch Task Force for over two years on various issues related to the middle segment of the Hillsborough River, and at their request commenced in 2008 a study of the middle segment of Hillsborough River. The study was done to document the factors that control water level changes in this segment of river and how various ecological and societal criteria are affected by water level fluctuation.

For purposes of the report and this presentation, the middle Hillsborough River is defined as the reach of the river that extends upstream from the City of Tampa's dam to Fletcher Avenue. The District has established minimum flows on the lower Hillsborough River below the City of Tampa's dam, and on the upper Hillsborough River at the USGS gauging station on the Hillsborough River at Morris Bridge. Although District rule (40D-8.031, Florida Administrative Code), precludes establishment of management levels on certain named waterbodies including "the City of Tampa Reservoir on the Hillsborough River," staff have gathered, analyzed and presented in the report the types of data that would be collected when establishing minimum levels on a lake with fringing cypress wetlands, as well as on lakes without fringing cypress wetlands. The report examines the history of the middle river particularly as it relates to the impoundment of the river due to the City of Tampa's dam, and compares water level fluctuations on this river segment to other rivers and lakes throughout the District. The report demonstrates through a bathymetric survey conducted during 2008 that the middle river behaves more like a lake than a flowing river over much of its reach and for much of the year due to the backwater effect created by impounding water upstream of the dam. The report also considers water quality changes, both historic and recent, and the numerous management activities that have been undertaken over the years to maintain water levels on the middle river. As indicated, almost two dozen management actions have been taken over the last four decades. These management actions have resulted in water levels in the middle river being maintained at levels higher than in any other river segment analyzed. District staff is also exploring other management activities that might also help maintain levels in this section of the river. For example, an existing permit condition limits augmentation of the middle river from the Tampa Bypass Canal to periods when water level at the City of Tampa's Dam is below the dam crest of 22.5 feet and the City of Tampa's withdrawal is less than the flow as measured at the USGS gauge at Morris Bridge. By removing the later condition, staff has estimated that an additional billion gallons of water could have been added to the middle river over the last 400 hundred days thus further augmenting the City's water supply and maintaining a higher stage upstream of the dam. While staff is not recommending the adoption of minimum levels, flows or guidance levels on this river segment, staff will be requesting that District rule language related to the middle Hillsborough River be amended.

Resource Management Committee Chair Gramling heard public comment at this time.

Mayor Joe Affronti, City of Temple Terrace, said he appreciated the opportunity to address the Governing Board today and the extension of time granted for reviewing the report. He said the citizens of the City of Temple Terrace have worked very hard to preserve the natural beauty of the Middle Hillsborough River by forming many organizational ties and partnerships. Mayor Affronti encouraged the Board to continue to move in the direction of using treated waste water that is available throughout the Tampa Bay area.

Mr. Jerry Seeber, General Manager, Tampa Bay Water (TBW), said they share the desire to preserve the Middle Hillsborough River with the citizens of the City of Temple Terrace. Mr. Seeber said TBW has no objections to the proposed rule language changes and they look forward to the process as it continues to unfold.

Mr. Seth Kohn, City of Bradenton, said the City supports the proposed rule language changes and does not believe in setting a minimum flow and level on a reservoir that acts as a water supply source.

Mr. John Zimmerman, Operations Manager, Manatee County Utilities, said they are in favor of the proposed rule language changes and also support not setting a minimum flow and level on a reservoir that acts as a water supply source.

Mr. Doug Manson, General Counsel, Peace River/Manasota Regional Water Supply Authority (PR/MRWSA), commended District staff on all the hard work that has been spent on the study and report. He said he believes the statutes are clear that no minimum flow and level should be set on a reservoir that acts as a water supply resource.

Mr. Brad Baird, Director, City of Tampa Water Department, said the Hillsborough River is a key component of the City's water supply plan. He said the reservoir is for storage of water to be used during the dry season. The City of Tampa is interested in keeping the reservoir as full as possible for water supplies as its primary use.

Mr. Pat Lehman, Director, Peace River Manasota Regional Water Supply Authority (PR/MRWSA), said reservoirs are built with water supply in mind so, therefore, they agree with the proposed rule language changes.

Ms. Jan McLean, City of Tampa, said the City has had an excellent working relationship with District staff and looks forward to continued communications as the proposed rule language changes unfold.

Committee Chair Gramling said the staff recommended delaying action on this item to the regularly scheduled March 2009 Governing Board meeting.

Following consideration, **Ms. Closshey moved, seconded by Mr. Senft, to delay action on this item until the March 2009 Governing Board meeting. Motion carried unanimously.** (CD 1/Track 6 – 01:36:39/02:27:42)

33. **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 Harbortowne 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.

In addition and independent of the proposed exchange, there are two other parcels that the District could receive in the future and at no cost that would add to the continuity of District-owned lands in this region. As part of the District offering an access point to the County's proposed park, the County has offered to convey the western portion of the County's property once the park is constructed. This transaction would be presented to the Board at a future date. As part of the exchange agreement upon DRI approval, SunWest Acquisition Corporation will convey to the District, title to approximately 849 acres of coastal marsh west of the development, at no cost.

The District's exchange parcel (SWF Parcel No. 15-773-207S) consists of 89.96 acres and is located west of U.S. Highway 19 and south of Aripeka Road in Pasco County. The property contains a mix of forested uplands and wetlands, has approximately 1,170 feet of road frontage along U.S. Highway 19 and approximately 4,194 feet of road frontage along Aripeka Road. The western portion of the property was previously used as a rock mine. The mining pit now consists of a lake that covers approximately seven acres.

The SunWest exchange parcel (SWF Parcel No. 15-773-202) consists of 396 acres and is located west of Old Dixie Highway in Pasco County. The vegetation is varied and consists

of sparsely scattered native trees with understory coverage, with wetlands comprised of combination estuarine and marine wetlands associated with the Gulf. The majority of the tree cover is pine and palm trees, and has approximately 6,500 feet of road frontage along Old Dixie Highway.

The SunWest donation parcel (SWF Parcel No. 15-773-208) consists of 849 acres and is located west and north of the proposed DRI. The property has frontage on the west side of Aripeka Road. The vegetation is varied and consists primarily of combination estuarine and marine wetlands associated with the Gulf and scattered native trees and understory along the road frontage.

Other terms of the exchange agreement are outlined below:

- 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 Harbourtowne 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.

Resource Management Committee Chair Gramling heard public comment at this time.

Mr. Charles Lee, Audubon of Florida, said the organization he represents believes this is an issue of statewide significance in the potential precedence it could set and the adverse effects it could have on the protection of conservation lands up and down the coast of Florida. The Audubon of Florida is opposed to this land exchange. Mr. Lee believes the exchange would violate the Florida Constitution with regards to the disposition of conservation lands because an evaluation of the property to be exchanged has not been completed. He believes that there is no current evidence to suggest that the 396 acre parcel, that SunWest would be exchanging, would be developed if this exchange was not agreed upon. This exchange puts the District as co-applicant for the DRI process and Mr. Lee said he does not think that is an appropriate position for the District to take.

Ms. Closshey asked General Counsel Bilenky for his legal opinion regarding the statements made by Mr. Lee. General Counsel Bilenky responded that he does not agree with Mr. Lee's interpretation of the Florida Constitution. District legal staff have reviewed both the Florida Statutes and the Florida Constitution before bringing this proposed land exchange to the Governing Board and they have determined that this action would not violate any of the laws set forth to protect conservation lands.

Ms. Georgianne Rattiff, representing the developer, said she thought it was important for the Board to know that all of the SunWest property has perpetual mining permits. Ms. Rattiff 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. She said plans to widen an existing channel will not have negative environmental impacts as suggested by comments heard earlier. To address comments that will be forthcoming regarding the black bears, Ms. Rattiff 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. Rattiff 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 ultimately it is Pasco County who will decide

whether or not this DRI is approved; it is Ms. Rattiff's 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, who is an agent for the developer, said the channel and the park are not a part of their DRI request. He said this was a separate entity being pursued by Pasco County; SunWest appears as a co-applicant on the channel portion of the project.

The public hearing was interrupted by a fire alarm and brief evacuation of the building. (CD 1/Track 7 – 00:00/41:00)

Resource Management Committee Chair Gramling resumed the meeting with continuation of the public comments on Item 33.

Ms. Leslie Neumann, representing the Gulf Coast Conservancy, said the agency has been working for four years on the SunWest proposed development. She said the Gulf Coast Conservancy is here today to encourage the Governing Board to oppose the land exchange which they believe would have environmental consequences. The Gulf Coast Conservancy also believes that veiled threats from the developer about mining are just threats and not necessarily a "worst case scenario."

Mr. Mac Davis, representing the Gulf Coast Conservancy, said the DRI has been revised four times thus far, so he does not know why the Governing Board has to make a decision on this today. Mr. Davis reviewed a letter from Florida Fish and Wildlife Conservation Commission that was submitted to the Governing Board by Ms. Rattiff and stated how he interprets the letter differently from the developer's agent. He said the letter indicated that the developer was interested in purchasing additional lands for conservation but he has not seen evidence of a purchase of additional lands. Mr. Davis asked the Governing Board to oppose the land exchange or at the very least postpone decision making until the DRI process is complete.

Ms. Carol Gula, representing the Gulf Coast Conservancy, read a letter into the public record from Tom Hocht, Ph.D., Director, Center for Landscape and Conservation Planning, University of Florida, regarding the black bear population and associated corridor.

Mr. Jim Parham, representing the Gulf Coast Conservancy, is opposed to the proposed development by SunWest because it includes a golf course and he is concerned about water conservation and the demands continued growth places on our water resources.

Ms. Sarah Parham, representing the Gulf Coast Conservancy, read a letter into the public record from the Sierra Club that stated their opposition to the land exchange and the reasons behind their stance.

Ms. Linda Prescott, a resident of Hernando Beach, said she was a member of several environmental volunteer organizations. She said she was here today to address the Governing Board to point out how much land the developer would be gaining in the proposed land exchange that would be directly on U.S. 19. She believes the land developer will develop this land and make a lot of money. She asked the Governing Board not to approve the land exchange.

Ms. Laurie MacDonald, Florida Director, Defenders of Wildlife, said the reason they work to protect the black bear is because the species protects and supports many other habitats of its environment. She said the Defenders of Wildlife are opposed to this land exchange due to the Wooley property parcel's strategic location and integral importance to the connectivity of other habitat areas.

Mr. Joe Murphy, said he was representing the Gulf Restoration Network and the Hernando Audubon Society, and both organizations strongly oppose the land exchange and the DRI. He said this item has gained a lot of media attention and the attention of many other conservation groups and organizations throughout Florida. Mr. Murphy said he feels the project has gained so much negative attention because it puts the public's trust regarding conservation and conservation lands at risk. He asked the Governing Board to vote no to the land exchange; he requested that if the Board was not ready to vote against the item today that they postpone decision making until more time has been spent researching the item.

Ms. Martha Collins, Attorney, Gulf Coast Conservancy, said she was here today to address the Governing Board because there were serious policy questions regarding a land exchange that the District purchased with Florida Forever Funds. She said her legal opinion is aligned with Mr. Charles Lee's and the first question that needs to be answered is whether or not this land has conservation value. She said the land exchange will facilitate the developer's large-scale project and will not help to protect water resources or the conservation of land. She said the District seems to be focusing on the quantity of lands gained versus the quality of lands lost. She said the Gulf Coast Conservancy respectfully requests the Governing Board to decline the request for this land exchange or at a minimum delay their action to make sure they are not violating public policy or Florida law.

Ms. Judith Simpson, representing the Florida Native Plant Society, Hernando Chapter, asked the Governing Board to vote against the land exchange. Ms. Simpson said she concurred with previous speakers that said if the Governing Board does not feel it can vote against the exchange today it should postpone decision making.

Mr. Sutton said he respects the opinions of all those who have come before the Board to speak today regarding this item. However, he does respectfully disagree. Mr. Sutton said he has reviewed substantial documentation and reports while studying this exchange and feels confident in the staff recommendation. He encouraged the Board to concentrate on the land exchange and not the development which is really a separate entity. Board members debated the issue in a lengthy question and answer session.

Following consideration, **Mr. Combee moved, seconded by Mr. Tharp, to postpone moving forward with the land exchange and see what develops with the DRI before considering whether or not this land exchange is something the District wants to pursue.**

Ms. Closshey asked for clarification about whether or not Mr. Combee's motion meant that the District would no longer be considered a co-applicant in the DRI process. Mr. Sutton responded and said that was correct; the District would no longer be a co-applicant. Mr. Carpenter, representing the developer SunWest, said that the 90 acres was included in the DRI process; if the land exchange does not move forward he said the developer would go back to his original plans and put the 396-acre parcel back in a modified DRI request. Ms. Closshey asked for clarification about how long the District has been working on the proposed exchange; Mr. Sutton responded that it had been two years. Ms. Closshey asked General Counsel Bilenky and Mr. Sutton if either department felt more time on the subject would further clarify or aid the Governing Board in their decision. General Counsel Bilenky said the legal department has vetted the question thoroughly in-house and they are comfortable with their legal opinion presented today. Mr. Sutton said he presented the information and a very in-depth analysis and did not think more time would change anything. Ms. Whitehead stated that the Coastal Rivers Basin Board the land exchange approved with a 4 to 1 vote.

Ms. Parks called the question on Mr. Combee's motion. The Governing Board unanimously voted to call the question.

The motion did not carry; 4 votes in favor (Rovira-Forino, Combee, Tharp, and Pressman) and 9 opposed.

Following consideration, **Ms. Closshey moved, seconded by Ms. Glass, to postpone the decision on Item 33 until next month to give Governing Board members a chance to review the written information and consider the public input heard at today's meeting. Mr. Senft asked for clarification on the motion. He wondered if it was Ms. Closshey's intention to hear new testimony, additional testimony, more public input, or just written input. Ms. Closshey said her intention was to allow Board members to review the written and verbal information received at today's meeting and to permit time for Board members to contact staff with any unanswered questions before taking up the item again in March. Mr. Senft said he did not think it would be necessary to hear the same testimony in March, he felt the Governing Board was clear on everyone's position. Mr. Tharp suggested testimony from Fish and Wildlife. Resource Management Committee Chair Gramling said Governing Board members' questions may be answered after reading the letter from Fish and Wildlife; he said Board members should let Mr. Sutton know if they want a presentation from Fish and Wildlife and arrangements can be made. Mr. Sutton will provide the Governing Board members with a package of all of the written public input materials submitted on this item. The motion carried; 9 votes in favor and 4 opposed (Whitehead, Parks, Glass, and Gramling).** (CD 1/Track 7 – 41:00/01:52:05)

29. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Blue Sink and Eastern Hernando Withlacoochee River Watersheds to the Federal Emergency Management Agency**

Staff recommended to authorize staff to submit the preliminary FIRM panels for the Blue Sink and Eastern Hernando Withlacoochee River watersheds in Hernando County to FEMA.

Mr. Pressman asked for a status report on this item before voting. Mr. Wirth responded to Mr. Pressman's inquiry and said these are two watersheds in Hernando County that are consistent with ones we have approved in the past using a one-day water event.

Following consideration, **Mr. Pressman moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 8 – 00:00/01:01:16)

Submit & File Reports – None

Routine Reports

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

46. **Florida Forever Funding**
47. **Minimum Flows and Levels**
48. **Structure Operations**
49. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
50. **Significant Water Supply and Resource Development Projects**

Committee Chair Gramling relinquished the gavel to Regulation Committee Chair Parks.

Regulation Committee

Discussion Items

54. **Approve Interagency Agreement Regarding Uniform Year-Round Water Conservation and Water Shortage Measures for Marion County**

Mr. Owen said the District's boundaries are primarily based on Florida's hydrogeologic features, such as river basin boundaries. The western portion of Marion County is within this District, but the eastern portion is in the St. Johns River Water Management District and the border between the two agencies is generally contiguous with the route of Interstate 75.

This District and St. Johns entered into an Interagency Agreement last February, with concurrence by Marion County, for a one-year pilot project that provided that all of unincorporated Marion County would be subject to the District's water shortage orders governing lawn and landscape irrigation and that all of unincorporated Marion County would be subject to the St. Johns' year-round conservation measures for lawn and landscape irrigation when there was no District water shortage order in effect.

Marion County has requested a continuation of the Interagency Agreement, but it has requested modifications in its terms. These modifications would allow all of unincorporated Marion County to follow the St. Johns' year-round water conservation measures and also follow only St. Johns water shortage declarations. The St. Johns' revised year-round measures allow twice per-week irrigation, except that only once-per-week irrigation is allowed in the winter months, which would be appropriate for conditions in Marion County. Following any St. Johns water shortage declarations would also have merit, since most public supply water use in the County is in the eastern part of the County and most people rely on news media located in St. Johns, so they are not exposed to this District's water shortage messaging (except paid newspaper ads).

To allow time for the District, St. Johns and Marion County to draft for Board approval a new interagency agreement to address all aspects of the requested modifications, staff has developed a short-term extension to the current Interagency Agreement. This extension was included as an exhibit in the Governing Board information notebook.

Staff recommended to (1) approve the short-term extension of the current Interagency Agreement as shown in the exhibit; and (2) authorize the Executive Director to negotiate terms for a new interagency agreement as describe above, subject to the Governing Board's final approval at a later date.

Following consideration, **Ms. Whitehead moved, seconded by Ms. Rovira-Forino to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 8 – 00:00/05:41)

53. **Implementation of Water Shortage Order No. SWF 08-044, Modified Phase III Water Shortage Restrictions in the Tampa Bay Area**

Mr. Owen said staff continues to coordinate with Tampa Bay Water and its member governments regarding enforcement and other local implementation requirements of the Order, as modified. Last month, the water utilities for Hillsborough County and the City of Tampa presented an overview of their local implementation efforts. This month, Pinellas County and the City of St. Petersburg were invited to share their stories.

a. **Review of Pinellas County's Water Shortage Activities**

b. **Review of City of St. Petersburg's Water Shortage Activities**

Mr. Tom Crandall, Director, Pinellas County Utilities and Mr. George Cassady, Director, City of St. Petersburg Water Resources, collectively presented their water conservation initiatives and shared how their per capita water usage has decreased to

approximately 90 gallons per capita per day (gpcd) in 2008, coming down from a high of 153 gpcd in 1990.

Many additional efforts to comply with Phase III Extreme Water Shortage Declaration SWF 08-044 have been implemented. Some of those efforts include: direct mail postcard notifications to water customers, updated the enforcement reference materials, increased enforcement coverage, customer service training sessions, messages and printed materials included with utility bills, and media press releases. Water conservation programs and activities available through Pinellas County and the City of St. Petersburg include educational programs, financial and incentive measures, operational actions, and reclaimed water activity.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 9 – 00:00/47:19)

Submit & File Reports – None

Routine Reports

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

55. **Southern Water Use Caution Area Quantities**
56. **Water Production Summary**
57. **Public Supply Benchmarks**
58. **Overpumpage Report**
59. **Resource Regulation Significant Initiatives**

Regulation Committee Chair Parks relinquished the gavel to Outreach and Planning Committee Chair Maritza Rovira-Forino.

Outreach and Planning Committee

Discussion Items

60. **Consent Item(s) Moved for Discussion** – None
61. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, said the session opens March 3, 2009. Currently Community and Legislative Affairs (CLA) staff is tracking about 85 bills that have been filed. During the Special Session the Legislature took reductions from both general revenue and trust funds. The initial impact to the District was a reduction of \$750,000 from the Water Protection and Sustainability Trust Fund, \$885,000 plus \$2.5 million of an annual redirect starting in FY2010 from the Water Management Lands Trust Fund and \$22.5 million from the current year from Florida Forever. However, Governor Crist exercised his veto power and restored more than \$90 million in funding and this included the funding for Florida Forever and the Water Management Lands Trust Fund (for this year). Subsequently, the only direct cut to the District was the \$750,000. There is continued discussion regarding additional budget reductions that are anticipated along with potential new revenue sources. With the economic climate in the state, legislators are also taking a close look at how to streamline government processes with a focus reducing duplication and expediting permitting. Other issues to watch are the Sunset Review and the West-Central Florida Water Restoration Action Plan (WRAP).

The economic stimulus package passed the House and it is anticipated that it will pass the Senate. The Senate version, if passed, will have to be reconciled with the House-approved measure before it goes to President Obama for his signature.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 10 – 00:00/07:51)

62. **2011 - 2015 Strategic Plan Update**
This item was deferred until next month.

Submit & File Reports – None

Routine Reports

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

63. **Comprehensive Plan Amendment and Related Reviews**
64. **Development of Regional Impact Reviews**
65. **Speakers Bureau**
66. **Significant Activities**

Outreach and Planning Committee Chair Rovira-Forino relinquished the gavel to Finance and Administration Committee Chair Oakley.

Finance and Administration Committee

Discussion Items

67. **Consent Item(s) Moved for Discussion** - None

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

68. **Fiscal Year 2010 Budget Update**
Finance and Administration Committee Chair Oakley said some counties are looking at a 10 to 20 percent decrease in ad valorem revenue. Ms. Parks asked if any consideration has been given to doing a two-year budget as other local governments are doing. Mr. Schiller responded to Ms. Parks' inquiry and said the District has been looking at what its projections and expenditures will most likely be in the coming years.

Routine Reports

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

69. **Treasurer's Report, Payment Register, and Contingency Reserves**
Finance and Administration Committee Chair Oakley reported that the District's at-risk funds in the State Board Administration (SBA) Fund B is down to \$4 million and is not expected to cause further concern.
70. **Management Services Significant Activities**

Finance and Administration Committee Chair Oakley relinquished the gavel to Vice Chair Pressman. (CD 1/Track11 – 00:00/08:11)

General Counsel's Report

Discussion Items

71. **Consent Item(s) Moved for Discussion** - None

Submit & File Reports – None

Routine Reports

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

72. **Litigation Report**
73. **Rulemaking Update**

Executive Director's Report

74. Executive Director's Report

- Status of 20-Year Permit Rule Revision - Mr. Moore said staff is looking at multiple scenarios in which a Water Use Permit applicant would qualify for a 20-year permit. Discussions center on development of alternative supplies, extraordinary implementation of reclaimed water, and per capita use significantly below requirements.
- Staff Meetings with Polk County Utilities - Mr. Moore reported that staff members from the Bartow Service Office, Community and Legislative Affairs, and Resource Management have met with the 17 cities in Polk County to discuss details of the draft Polk County Regional Water Supply Plan. Demand projections, potential supplies, and the permitting process have been the focus of discussion.

Chairman's Report

75. Chairman's Report

Vice Chair Pressman said the Tampa Bay Regional Planning Council met on February 9, 2009. Representatives from the Tampa Bay Estuary Program presented their nitrogen ordinance to help reduce nitrogen loading into the Bay.

Mr. Oakley said the Conner Preserve Grand Opening was held January 16, 2009. He said it was a well attended and organized event.

Mr. Senft suggested staff look into a grant program from the University of South Florida that is studying the use of algae to remove arsenic.

Mr. Gramling reported that he and Mr. Moore attended the re-opening of the Nature's Discovery Center. The event celebrated the Center's continued success.

Mr. Gramling suggested staff re-evaluate the video-taping of Governing Board meetings at alternative locations since they are not being as widely televised as they once were.

Ms. Closshey said she addressed attendees of the Rededication of the Plant City Wastewater Treatment on behalf of the District.

Ms. Rovira-Forino said she and other Board members attended the lunch at the Florida Fairgrounds honoring Ms. Patricia Nathe, Withlacoochee River Basin Board member, who was named Agricultural Woman of the Year.

There being no further business to come before the Board, **Ms. Parks moved, seconded by Ms. Whitehead, to adjourn the meeting. Motion carried unanimously.**

The meeting was adjourned at 6:04 p.m. (CD 1/Track12 – 00:00/11:22)

Attest:

Chairman

The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination 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 accommodation, as provided for in the Americans with Disabilities Act, should contact the Executive Department, telephone 1-800-423-1476 (Florida only), extension 4610; TDD ONLY 1-800-231-6108 (Florida only); FAX 352-754-6874.