

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Tampa, Florida

March 27, 2007

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:07 a.m. on March 27, 2007, at its Tampa Service Office. The following persons were present:

#### Board Members Present

Talmadge G. Rice, Chair  
Judith C. Whitehead, Vice Chair  
Neil Combee, Secretary  
Jennifer E. Closshey, Treasurer  
Thomas G. Dabney, Member  
Heidi B. McCree, Member  
Sallie Parks, Member  
Todd Pressman, Member  
Patsy C. Symons, 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

Maritza Rovira-Forino, Member

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](http://www.WaterMatters.org)).

## Public Hearing

### 1. Call to Order

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

### 2. Pledge of Allegiance and Moment of Silence

Chair Rice led the Pledge of Allegiance to the Flag of the United States of America and asked that a moment of silence be observed. (CD 1/Track 1 – 00:00/01:30)

## Public Hearing

Chair Rice noted that this Governing Board meeting is being broadcasted to the Bartow, Brooksville, and Sarasota Service Offices using the video conferencing system for the purpose of viewing the Board meeting only. Public input will only be taken at the Tampa Service Office. The Governing Board's meeting is also being recorded for broadcast on government access channels. To ensure a high quality recording, please remember to speak directly into the microphone.

Chair Rice 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 blue 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 blue card may be submitted for comment at the end of the meeting during "Public Input." He 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. (CD 1/Track 1 – 01:30/03:30)

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore said there would not be a closed attorney-client session held during the lunch break. He then announced the following deletions to the agenda:

**Public Hearing**

*The following item was deleted from consideration:*

4. Oath of Office for Newly Appointed Board Members

**Regulation Committee**

*The following Consent Item was deleted from consideration:*

11. ERP No. 43004784.004 – Hillsborough County – Northwest Regional Water Reclamation Facility Expansion (CIP 10769) – Hillsborough County

**General Counsel's Report**

*The following Consent Item was deleted from consideration:*

66. Initiation of Litigation – WUP No. 2011993.001 – Aniceto Estrada – Hardee County

4. **Oath of Office for Newly Appointed Board Member(s)**

This item was deleted since new Board members had not been appointed.

5. **Employee Recognition**

Mr. Moore introduced the District's newest manager, Ms. Robyn Hanke, who was hired as the Media Relations Manager for the Communications Department on March 5, 2007. She worked at the District in 2000-2001 as a Communications Specialist. Ms. Hanke will serve as the point person for all media contacts and will supervise the Communications Department's Media and Outreach section. Mr. Moore noted that employee service recognitions will resume next month when the Board meets again at District headquarters.

Mr. Moore announced that the District's employees had received a Certificate of Appreciation from the Third Battalion 20th Special Forces Group (Airborne) for their exceptional support to the SOTF 203 unit while they battle the war on terrorism. Mr. Moore recognized the Employee Committee for coordinating the care packages that are sent to the United States Armed Services. (CD 1/Track 2 – 00:00/04:55)

6. **Approval of Minutes – February 27, 2007 Governing Board Meeting**

Staff recommended approval of the minutes as presented. Following consideration, **Ms. McCree moved, seconded by Ms. Closshey, to approve the minutes as presented. Motion carried unanimously.** (CD 1/Track 2 – 04:55/05:10)

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

No one came forward to address the Board. (CD 1/Track 2 – 05:10/05:25)

Chair Rice relinquished the gavel to Regulation Committee Chair Pressman.

## Regulation Committee

### **Consent Items**

Consent Item 11 was deleted from consideration. Mr. Combee declared a conflict for Consent Item 17. Mr. Dabney requested Consent Items 23, 24, 25 and 26 be moved to Discussion Items; he declared a conflict for Item 26.

- 8. ERP No. 43031543.001 - Upper Coastal Mitigation Bank – Citrus County
- 9. ERP No. 49002635.007 - Wauchula Municipal Airport – West Side Master Conceptual Permit for Phased Development – Hardee Count
- 10. ERP No. 49001908.050 - Sun-N-Lake Estates of Sebring, Unit 12 – Highlands County
- ~~11. ERP No. 43004784.004 - Hillsborough County – Northwest Regional Water Reclamation Facility Expansion (CIP 10769) – Hillsborough County~~
- 12. ERP No. 43020690.006 - FDOT – State Road 400 (I-4), Section 3, West of 14<sup>th</sup> Street to East of 50<sup>th</sup> Street – Hillsborough County
- 13. ERP No. 43031231.000 - Myakka River Estates – Manatee County
- 14. ERP No. 43032019.000 - Oak Creek Preserve – Phase 1 – Manatee County
- 15. ERP No. 49013559.018 - Pasco County – Elementary M (a.k.a. New River Elementary) – Pasco County
- 16. ERP No. 49027030.018 - Porter Boulevard – Pasco County
- 17. ERP No. 43023451.001 - Willowbrook Square – Polk County
- 18. ERP No. 43020825.001 - City of North Port – Narramore Sports Park – Sarasota County
- 19. ERP No. 43030936.000 - Largo Preserve – Sarasota County
- 20. TWUP No. 20010420.005 - W S ~ - Extension of Temporary Permit for Peace River/Manasota Regional Water Supply Authority – DeSoto County
- 21. WUP No. 20002452.009 - W F I D- - Florida Power & Light & OCF 27 Corporation – DeSoto County
- 22. WUP No. 20002740.009 - W F I N- - Eugene H. Turner and Eugene H. Turner and Son, Inc. – DeSoto County
- 23. WUP No. 20004607.011 - W F S N- - City of Winter Haven – Polk County
- 24. TWUP No. 20006509.007 - F N- - Polk County Board of County Commissioners/ Northeast Regional Utility Service Area – Polk County
- 25. WUP No. 20013005.000 - F S N- - Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC – Sumter County

WATER USE PERMIT LEGEND	
W = Water Use Caution Area F = Floridan Aquifer I = Intermediate Aquifer S = Surface Withdrawal U = Surficial Aquifer	N = 100% new quantities + = More than 50% new quantities N- = 50% or less new quantities D+ = More than 50% decrease D- = 50% or less decrease ~ = no change
R = 100% relocated quantities R+ = More than 50% relocated quantities R- = 50% or less relocated quantities	

- 26. Electrical Power Plant Site Certification – SWFWMD Agency Report on Florida Power & Light Company Bobwhite-Manatee 230-kV Transmission Line – Manatee and Sarasota Counties
- 27. **Approval of Rule Language to Amend Rule 40D-1.600, Florida Administrative Code (F.A.C.), to Specify that Final Agency Action on Certain General Environmental Resource Permits will be by the Governing Board**  
Staff recommended to approve final rule language and authorize staff to complete the rulemaking process.

28. **Approval of Agreement Between the Water Management Districts and the Florida Department of Agriculture and Consumer Services (FDACS) and Initiation of Rulemaking to Amend Rule 40D-4.091, F.A.C., Repealing Existing Agreement**  
Staff recommended to approve the Memorandum of Agreement between the water management districts and FDACS; delegate authority to the Executive Director to execute the agreement on behalf of the District; and authorize rulemaking to repeal this District's existing agreement with FDACS.
29. **Proposed Final Revisions to the Environmental Resource Permitting (ERP) Application Form to Request Information on Corporate and Partnership Applicants and Amendment of Rule 40D-1.659, F.A.C.**  
Staff recommended to authorize final revisions to the ERP application form and amendment to Rule 40D-1.659, F.A.C.

Following consideration, **Mr. Dabney moved, seconded by Ms. Symons, to approve Regulation Consent Items 8, 9, 10, 12 through 16, 18 through 22, 27, 28 and 29. Motion carried unanimously.** (CD 1/Track 3 – 00:00/01:07)

Following consideration, **Ms. McCree moved, seconded by Ms. Closshey, to approve Item 17. The motion carried; Mr. Combee abstained from voting.** (CD 1/Track 3 – 01:07/01:22)

The following items were moved from Consent to Discussion Items.

23. **WUP No. 20004607.011 – W F S N- – City of Winter Haven – Polk County**  
Mr. Dabney led a discussion regarding this permit request based on the requester's location, that being in the Southern Water Use Caution Area (SWUCA). He asked Mr. Brian Starford, Director of the Bartow Regulation Department, the following questions: what was the existing per capita consumption; are conservation water rates in place; what the City's reclaimed water offset was; and do they have a landscape ordinance. Mr. Starford said the City of Winter Haven has a meaningful conservation rate structure in place. They are currently utilizing about 978,000 gallons per day (gpd) of reuse water. The City is constructing another reuse facility that should be in place by 2009 and they have worked very cooperatively with the District. The Governing Board members and staff discussed the long-range plans for this region and the time-consuming task of getting alternative water supplies online. Ms. McCree suggested that staff come back at a future meeting to update the Board regarding the SWUCA and what progress has been made. Ms. Closshey and Mr. Combee concurred with Ms. McCree's suggestion, further requesting to see the results from cooperative funding for reuse.

The permit modification meets rule criteria; therefore, staff recommended approval. Following consideration, **Ms. McCree moved, seconded by Mr. Rice, to approve the staff recommendation. Mr. Dabney amended the motion to stipulate that the permittee implement all available conservation measures to minimize groundwater withdrawals. Ms. McCree accepted the amended motion.** Mr. Rice requested guidance from Mr. Bilenky who said he thought the amendment would fall within the SWUCA rules. **Mr. Rice, as the second, accepted the amended motion. Motion carried unanimously.** (CD 1/Track 3 – 01:22/44:10)

24. **TWUP No. 20006509.007 – F N- – Polk County Board of County Commissioners/ Northeast Regional Utility Service Area – Polk County**  
Mr. Dabney said that discussions that ensued for Item 23 satisfied his questions for this item. The permit meets rule criteria; therefore, staff recommended approval. Following consideration, **Mr. Dabney moved, seconded by Ms. McCree, to approve Item 24. Motion carried unanimously.** (CD 1/Track 3 – 44:10/54:40)

25. **WUP No. 20013005.000 – F S N- – Sumter Water Conservation Authority, LLC, The Villages Water Conservation Authority, LLC, North Sumter Utility Company, LLC, Village Center Community Development District and Central Sumter Utility Company, LLC – Sumter County**

The permit modification meets rule criteria; therefore, staff recommended approval. Regulation Committee Chair Pressman heard public comment on this item at this time.

Mr. Troy Kuphal, representing the Marion County Board of County Commissioners (BOCC), read a letter into the record signed by General Patrick Howard, Marion County Administrator, conveying the BOCC's concerns regarding the approval of this permit on the water supply in Marion County. Marion County hopes to be invited to participate in any discussions regarding the development of alternative sources that would involve water in or around Marion County. The County would like to be copied on reports and data compiled by the District or the permittee.

Mr. Roger Sims, attorney representing The Villages, said their management and technical staff were in attendance at today's meeting and were available to answer any questions. He said recently The Villages extended the hand of cooperation to Lake County and contributed \$250,000 to a feasibility study for alternative water. Mr. Sims said The Villages extends the same cooperation to Marion County.

Ms. Nancy Lopez, a resident of The Villages, addressed the Governing Board regarding the following concerns: Lake Miona minimum level, other impacted natural resources, sink holes, alternative water supply, and policy issues. Ms. Lopez submitted a copy of her presentation for the record.

Mr. Dabney voiced his concern about the 242 gallons per capita water use in The Villages. Mr. Bobby Lue, Director of the Brooksville Regulation Department, and Mr. Trey Arnett, representing The Villages, commented on this issue. Mr. Lue said there were a number of unique circumstances that skewed their per capita numbers higher than normal, such as there were less than two people per residence, no wells are used, and a large transient population. Conditions do exist in their permit stipulating they must work to lower their per capita water use consumption as best as they can. Mr. Arnett said, per their analysis, taking into account the special circumstances, per capita water use is 170 gallons; he said it is a difficult number to calculate. In response to Mr. Dabney's question about their per capita end goal, Mr. Arnett said they did not have one, but they will continue to work on lowering their per capita water use. (CD 1/Track 3 – 54:40/01:13:34)

Ms. Closshey led a discussion regarding the monitoring of impacts. Ms. McCree added to the comments and asked staff if there were recovery strategies laid out in the permit. Mr. Owen said there were provisions in the permit that included an impact management study that would identify what was causing lowered lake levels, for example, hydrologic conditions or withdrawals. If the answer was withdrawals, the next step would be to identify whose withdrawals were causing the impacts and how this could be mitigated. Board members and staff also discussed and debated water rate structures and peak month water use at length. (CD 1/Track 3 – 01:13:34/02:00:26)

Following consideration, **Mr. Combee moved, seconded by Mr. Rice, to approve Item 25. The motion carried; Mr. Dabney and Ms. Parks voted in opposition.** (CD 1/Track 3 – 02:00:26/2:03:50)

26. **Electrical Power Plant Site Certification – SWFWMD Agency Report on Florida Power & Light Company Bobwhite-Manatee 230-kV Transmission Line – Manatee and Sarasota Counties**

Staff recommended approval of the proposed Agency Report and Conditions of Certification to be submitted to the Department of Environmental Protection for Florida Power & Light Company's proposed Bobwhite – Manatee 230 kV Transmission Line.

Following consideration, **Ms. Closshey moved, seconded by Ms. Parks, to approve Item 26. The motion carried; Mr. Dabney abstained from voting.** (CD 1/Track 3 – 2:03:50/2:04:10)

At this time, the public hearing was recessed for a short break. Upon reconvening, the order of consideration was altered.

Committee Chair Pressman relinquished the gavel to Resource Management and Development Committee Chair Combee.

## Resource Management and Development Committee

### *Discussion Item*

#### 41. **Peer Review of Minimum Flows Report for the Lower Hillsborough River**

Dr. Marty Kelly, Manager, Ecologic Evaluation Section, introduced Mr. Gary L. Powell, President, Aquatic Science Associates Peer Review Panel Member, who presented the independent scientific peer review findings and recommendations upon review of District's re-evaluation of the Minimum Flow for the Lower Hillsborough River (LHR).

The peer review panel complimented District staff on a well written and comprehensive report that contained proper analyses to support the recommended flow level. The panel also commended the Board in seeking an independent review of these technical documents. The District found sound scientific documentation for proposing a minimum flow of at least 20 cubic feet per second (cfs). One major issue is that increasing flows upstream, decreases dissolved oxygen downstream, which may not be usable by the fish downstream. This issue may only be resolved by improving water quality in the watershed or finding new sources of clean water for the LHR. Equally vexing, it appears that freshwater inflows above 30 cfs move the estuarine species of interest downstream, away from the best location for fish nurseries. It was concluded that to meet the District's stated goals, the 20 cfs would be just barely adequate and not in all seasons. The peer review panel stated 24 cfs would provide adequate flow 64 percent of the time, and this is a key point because the peer review panel believes that a competent flows standard should provide its intended benefit at least half of the time. The peer review panel concluded a flow higher than the recommended 20 cfs may be needed during the springtime when there is the greatest utilization of the estuarine nursery habitats in the LHR. The peer review panel believes the minimum flow should be 24 cfs and that should occur April through June.

Ms. McCree asked Mr. Powell what the peer review found regarding other numbers that were suggested for the flow regime, numbers that exceeded the recommended 24 cfs. Mr. Powell said, as expected, a number such as 30 cfs would provide for lower salinity but does not take in to account all of the factors such as the biology, the physics, and so forth. For example, at flows above 30 cfs, displacement of other species would occur.

At this time, Committee Chair Combee heard public comment on this item.

Dr. Richard Brown, Friends of the River, said it has been about 200 days since any water has gone over the dam. The current flow of 10 cfs was not based on science. The Friends of the River would like the Governing Board to take action to protect this river.

Mr. Phil Compton, Friends of the River, feels strongly that reports are not placing proper emphasis on the LHR significance as a tidal river when it is being referred to as a canal. He also did not agree with the amount of emphasis that was placed on the importance of organisms and fish nurseries. He felt that fish should be the primary emphasis. He hopes the Governing Board can help repair the damage caused by the City of Tampa's excessive withdrawals. (CD 1/Track 4 – 00:00/44:38)

Committee Chair Combee recessed the public hearing for a short break.

Mr. Ed Ross, Friends of the River, said he was concerned about the proposed minimum level being so close to what is being called barely adequate. He asked the Governing Board to select a cfs with validity that will eliminate significant harm and restore the river to its heritage.

Mr. John Ovink, Friends of the River, encouraged the Governing Board to adopt an adequate minimum flow for the LHR as suggested by the peer review panel of 24 cfs and continue to study the river for a period of five years to conclude whether additional flows would be necessary. The Friends of the River recommends a minimum flow as high as 40 cfs and no lower than 30 cfs. In the spirit of compromise they are willing to accept 24 cfs year round as a starting point.

Mr. Tom Krumreich, Florida Consumer Action Network, said their organization has received several phone calls requesting a minimum flow be set to nurture both fresh and saltwater game fish. The Florida Consumer Action Network believes the minimum flow should be set to 30 cfs.

Ms. Bev Griffiths, Sierra Club, said they would like to see the 24 cfs maintained year round along with a re-evaluation every five years.

Mr. Gerold Morrison, Hillsborough County Environmental Protection Commission (EPC), said the District's recommendation of 20 cfs did not meet salinity targets, dissolved oxygen targets, or state water quality standards. The District's model did not attempt to match natural flow patterns of the LHR. The EPC did not recommend the use of the District's sliding scale that would allow the cfs to drop below 20 depending on the hydrologic conditions. The EPC would recommend a minimum flow of at least 24 cfs during the dry season and a minimum flow of 20 cfs during the remainder of the year. In addition to implementation of a data monitoring program, the EPC would also recommend re-evaluation of the minimum flow every five years. (CD 1/Track 4 – 44:38/01:04:48)

Ms. Janet Kovach, former Governing Board member, said she reviewed the peer review report and agrees with their comments. She said she thinks the most important issue is the continued monitoring of the river. Ms. Kovach said she also supports increased water rates for the City of Tampa and a heavier emphasis on conservation. While she agrees with the comments made by the EPC and Friends of the River, she thinks comments from the estuary program should be taken into consideration.

Mr. Brad Baird, Director of the City of Tampa Water Department, said they have been working diligently on the projects that will bring 20 cfs to the LHR. These projects are estimated to cost between \$40 and \$60 million. The City of Tampa is committed to working with the District on a recovery strategy.

Dr. Kelly said even with the difference between 20 and 24 cfs staff thought the peer review was a favorable report.

Ms. Closshey said she was grateful that the Governing Board was going through the minimum flow process and that the Board's disposition is that the environment is important. Mesdames Closshey and McCree thanked the scientific community and citizens for their valuable input.

This item is presented for the Committee's information, and no action is required. (CD 1/Track 4 – 01:04:48/1:18:00)

The meeting was recessed to provide a lunch break. Upon reconvening, the order of consideration returned to the published agenda.

Committee Chair Combee relinquished the gavel to Regulation Committee Chair Pressman.

## Regulation Committee

### *Discussion Item*

30. **Statewide Stormwater Rule Issues**  
This item was deferred to a future meeting.

### *Submit & File Report*

31. **Resource Regulation Form Letters**  
The Governing Board expressed an interest in potentially revising the various form letters used by the Resource Regulation Division in communicating with the regulated public. This topic arose during the August 1, 2006 Board Planning Workshop. Mr. Owen said in response to the Board's request, Resource Regulation is currently engaged in a thorough review of all form letters with specific regard for readability. Clear communication, with minimization of governmental jargon, is one of the objectives of the current endeavor and is consistent with the Governor's "Plain Language" initiative outlined in Executive Order 07-01. This item was submitted for the Committee's information, and no action was required.

### *Routine Reports*

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

32. **Demand Management Activities**  
33. **Overpumpage Activities**  
34. **Southern Water Use Caution Area Quantities**  
35. **Major Water Supply Summary**  
(CD 1/Track 5 – 00:00/02:50)

At this time, the order of consideration was altered. Regulation Committee Chair Pressman relinquished the gavel to Finance and Administration Committee Chair Closshey.

## Finance and Administration Committee

50. **Fiscal Year 2006 Comprehensive Annual Financial Report Presentation**  
Mr. Daryl F. Pokrana, Director, Finance Department, introduced Ms. Lori Nissen, from KPMG LLP, Certified Public Accountants, to present the District's FY2006 Comprehensive Annual Financial Report. The District is required by section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and rules of the Auditor General promulgated pursuant to section 11.45. The Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2006, were distributed prior to the meeting. Ms. Nissen made a brief presentation of the report and management letter. Mr. Pokrana commended Ms. Melisa Lowe and her staff for another great year in putting together the District's financial reports.

Staff recommended that the District's Comprehensive Annual Financial Report be accepted and placed on file, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2006. Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve Finance and Administration Committee Discussion Item 50. Motion carried unanimously.** (CD 1/Track 6 – 00:00/07:45)

The order of consideration returned to the published agenda. Committee Chair Closshey relinquished the gavel to Resource Management and Development Committee Chair Combee.

## Resource Management and Development Committee

### *Consent Items*

36. **Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes**  
Staff recommended to approve Resolution Requesting Encumbrance of Fiscal Year 2007 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes in the amount of \$19,634,474 and authorize staff to request quarterly reimbursements for the fiscal year not to exceed \$19,634,474.
37. **Water Protection and Sustainability Trust Fund – Approval of Resolution 07-08, Reallocation of Funds of Fiscal Year 2007 Projects**  
Staff recommended to approve the reallocation of \$6,000 in FY2007 Water Protection and Sustainability Trust Funds from project L766 to L468.
38. **Conveyance of Lands within the East Lake Watershed Project to Hillsborough County, SWF Parcel No. 13-797-101**  
Staff recommended to approve the conveyance SWF Parcel 13-797-101 to Hillsborough County and authorize the Chair of the Governing Board to sign the attached Quitclaim Deed.
39. **Deletion of Ten-Year Flood Guidance Levels from Previously Approved Rule Amendments to Add Minimum and Guidance Levels for Six Priority Lakes in Pasco County to Chapter 40D-8, Florida Administrative Code**  
Staff recommended to approve deletion of the Ten-Year Flood Guidance Level for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (Loyce Lake) from the previously approved rule amendments to Chapter 40D-8, Florida Administrative Code, for publication in the Florida Administrative Weekly and adoption into District rules.

Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve Resource Management and Development Committee Consent Items 36 through 39. Motion carried unanimously.** (CD 1/Track 7 – 00:00/00:15)

### *Discussion Items*

40. **Florida Department Environmental Protection - Peace River Basin Resource Management Plan**  
Mr. Mark D. Barcelo, Manager of the Hydrologic Evaluation Section, introduced Mr. Richard Cantrell, Deputy Director of the Water Resources Division, Florida Department of Environmental Protection (FDEP). Mr. Cantrell presented to the Board the FDEP's proposed Resource Management Plan for the Peace River Basin. District staff members have been providing technical assistance to the FDEP and are part of the project management team for this effort.

In 2003, the Florida Legislature directed the FDEP, in coordination with the District, to conduct the Peace River Cumulative Impact Assessment Study. The purpose of the study was to evaluate the cumulative impacts in the Peace River Basin of development activities prior to the introduction of state regulation and provide the technical foundation for development of a resource management plan. In addition, the study was to evaluate the effectiveness of existing regulatory programs in avoiding or minimizing existing and future impacts. The study focused on the principal factors affecting the ecology and hydrology of the basin, including climatic changes, groundwater withdrawals, and land use changes. The management plan, which is separate from the cumulative impact study, identifies

regulatory and non-regulatory actions needed to minimize any existing and future adverse impacts to water resources in the basin.

In closing, Mr. Cantrell said agencies and stakeholders must effectively coordinate and hold each other accountable for implementing the recommendations and action steps; monitoring their progress; and refining, adapting, and developing new actions as circumstances demand. Only through concerted effort can cumulative impacts in the Peace River basin be minimized or eliminated.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 8 – 00:00/26:00)

Ms. Closshey was provided an update on recent events at the desalination facility in Tampa. Mr. Moore said Tampa Bay Water is producing 12 mgd at the desalination plant and that water is being treated and distributed from the surface water treatment plant. The desalination plant is ready for FDEP to test the water for drinking purposes. Hopefully, Mr. Moore said, there will be more good news to that end in April.

41. **Peer Review of Minimum Flows Report for the Lower Hillsborough River**

This item was heard earlier in the meeting.

**Submit & File Reports** – None

**Routine Reports**

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

42. **Significant Water Supply and Resource Development Projects**

43. **Florida Forever Status Report**

44. **Land Resources Department Significant Activities**

45. **Minimum Flows and Levels Status Report**

46. **Hydrologic Conditions Status Report**

In response to Ms. Closshey's inquiry about hydrologic conditions, Mr. Moore said, since the District declared the water shortage in January 2007, the entire District has been on one-day-a-week watering restrictions. He said \$250,000 was set aside to continue to advertise the watering restrictions if it became necessary to continue media messaging. Mr. Molligan recommended extending the campaign through the drier months. Mr. Moore said he expects a request from Tampa Bay Water to waive the elevation limits on the Tampa Bypass Canal; their reservoir is very low. He noted that the Peace River/Manasota Regional Water Supply Authority may also be looking for some assistance since they are below their minimum flow requirements.

47. **Structure Operations Status Report**

(CD 1/Track 8 – 26:00/30:50)

Committee Chair Combee relinquished the gavel to Finance and Administration Committee Chair Closshey.

## Finance and Administration Committee

**Consent Items**

48. **Board Travel**

As of March 15, 2007, no travel is planned for outside the geographic boundaries of the District; therefore, no action was required.

49. **Budget Transfer Report**

Staff recommended approval of the Budget Transfer Report covering all budget transfers for February 2007.

Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve Finance and Administration Committee Consent Item 49. Motion carried unanimously.** (CD 1/Track 9 – 00:00/00:12)

***Discussion Items***

50. **Fiscal Year 2006 Comprehensive Annual Financial Report Presentation**

This item was heard earlier in the meeting.

51. **Fiscal Year 2008 Water Supply and Water Resource Development Projects**

Mr. Gregg W. Jones, P.G., Director of the Resource Conservation and Development Department, said this was an information item to provide an overview of fiscal year (FY) 2008 funding requests for water supply and water resource development projects, discuss any significant changes to cornerstone projects of the Long-Range Water Supply and Water Resource Development (WS&WRD) Funding Plan, and review past allocations of the State's Water Protection and Sustainability Trust Funds (State Trust Funds) for alternative water supply projects.

At its February 27, 2007 meeting, the Governing Board accepted the Finance and Administration Committee's recommendation to revise its budget calendar to include an annual process for updating the WS&WRD Funding Plan. As part of that process, WS&WRD projects proposed for funding in FY2008 were presented to the Governing Board for the first time. Based on what cooperators have requested for FY2008 funding, staff is assessing the budget implications of the cornerstone projects that were key to the WS&WRD Funding Plan. Currently, there are no significant changes to the WS&WRD Funding Plan since it was last presented to the Governing Board in December 2006.

Mr. Jones reviewed the list of the 19 WS&WRD projects currently in house for evaluation for Governing Board funding in FY2008. Three of the projects are new and 16 are ongoing; meaning they are multi-year projects that were approved for funding in prior years and are back for approval of FY2008 funding. Of the 19 projects, 13 are potentially eligible to receive FY2008 State Trust Funds.

Regarding the distribution of State Trust Funds thus far, the District received \$25 million and \$15 million, respectively in FY2006 and FY2007, all of which is currently allocated to a total of 30 projects. Of these funds, 46 percent were allocated to the Northern Tampa Bay (NTB) Planning Area, 52 percent to the Southern Water Use Caution Area (SWUCA) Planning Area, and 2 percent to the Northern Planning Area.

The amount of State Trust Funds to be provided to the District for allocation to water supply projects for FY2008 has not yet been determined by the Legislature. However, the District is proceeding under the assumption that the amount will be \$15 million as it was in 2007. The allocation of these funds to alternative water supply projects in the SWUCA, NTB and Northern Planning Areas of the District is anticipated to be similar to how the State Trust Funds were allocated in FY2006 and FY2007, as indicated in the previous paragraph. Please note that Governor Crist and the Legislature are considering property tax relief measures. District staff members are watching cautiously to determine any impacts on funding for the planned projects.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 9 – 00:12/16:20)

***Submit & File Report***

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

52. **Treasurer's Report, Payment Register, and Contingency Reserves Report**

### ***Routine Report***

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

53. **Fiscal Year 2008 Budget Development Process Update**  
(CD 1/Track 9 – 16:20/16:30)

Committee Chair Closshey relinquished the gavel to Outreach and Planning Committee Chair Whitehead.

## **Outreach and Planning Committee**

### ***Consent Item***

54. **Water Conservation Month Proclamation**

Staff recommend the Governing Board approve and execute Resolution 07-05 declaring April 2007 as "Water Conservation Month."

Following consideration, **Mr. Combee moved, seconded by Ms. Parks, to approve Outreach and Planning Committee Consent Item 54. Motion carried unanimously.** (CD 1/Track 10 – 00:00/00:28)

### ***Discussion Items***

55. **Plain Language Initiative**

Ms. Lou Kavouras, Deputy Executive Director of Outreach, Planning and Board Services, said the purpose of this item was to request Governing Board approval for a new Board Policy promoting the Governor's Plain Language Initiative. The District is implementing the Plain Language guidelines issued by the Governor's Office of Citizen Services. In accordance with Governor Crist's Plain Language Initiative outlined in Executive Order 07-01, the District will review all types of documents intended for the general public to make them as easy to understand and use as possible.

Through the Plain Language Initiative, the District will make it as easy as possible for the general public to understand our commonly used forms, letters, applications, notices, reports and web sites. There will always be a place for legal analysis and scientific reports, particularly due to our agency's expertise in technical and engineering work. But the use of needlessly complex jargon, acronyms and difficult sentences should be avoided in everyday documents intended for the public.

A procedure to accompany the Board Policy will be developed that will stress the expectation that using plain language is part of everyone's job at the District to ensure that information communicated to the public is clear, consistent, concise, easy-to-read and relevant. The procedure will designate a leadership team to oversee and monitor the District's plain language efforts and to ensure that the initiative moves forward agencywide. Education and training will be available for employees to improve writing skills that embrace the use of plain language and the District's intranet site will be updated to include access to the Governor's Plain Language Initiative handbook and other helpful administrative standards.

Staff recommended to approve Board Policy 110-9, Plain Language Initiative. Following consideration, **Mr. Combee moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 00:28/04:55)

56. **Legislative Preview**

Ms. Colleen Thayer, APR, Legislative Affairs Representative of the Community and Legislative Affairs (CLA) Department, provided today's update. She briefly reviewed the latest legislative issues including: property taxes, roll-backs, and sales tax increases. The Senate proposed to slow things down and look into options before making any sweeping changes.

An update on each of the following topics was also provided: Governing Board Make-Up, Water Management Districts, Springs Protection, Incentive Based Permitting, Municipal Annexation of State Lands, Department of the Interior, Expedited Permitting, Myakka River Wild and Scenic Designation, and the Peace River Watershed Resolution.

Both the House and Senate committees are expected to move forward with appropriations bills this week, and staff will keep the Board updated. The District continues to seek funding for the Tampa Bay Regional Reclaimed Water Project and the Upper Peace River and Myakka River Watershed Restoration Initiative.

This item was presented for the Committee's discussion only, and no action was required.  
(CD 1/Track 11 – 00:00/17:22)

**Submit & File Reports** – None

**Routine Reports**

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

57. **Comprehensive Plan Amendment and Related Reviews Report**
58. **Review of Developments of Regional Impact**
59. **Upcoming Events**  
(CD 1/Track 11 – 17:22/17:34)

Committee Chair Whitehead relinquished the gavel to Chair Rice.

**General Counsel's Report**

**Consent Items**

Consent Item 66 was deleted from consideration. Mr. Dabney declared a conflict for Item 65.

60. **Consent Order – Surface Water Activity – Cattlemen Commerce Center, LLC (Cattlemen Commerce Center) – Sarasota County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Owner, Cattlemen Commerce Center, LLC, fails to comply with the Consent Order.
61. **Consent Order – WUP No. 20009060.005 – Lemkco Florida, Inc. – Hernando County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Lemkco Florida, Inc. fails to comply with the Consent Order.
62. **Consent Order – WUP No. 20007299.003 – LWV Utilities, Inc. – Pasco County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that LWV Utilities, Inc. fails to comply with the Consent Order.
63. **Consent Order – WUP No. 20009360.003 – Windstream Utilities Company - Marion County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Windstream Utilities Company fails to comply with Consent Order.
64. **Settlement Agreement – MSW No. 45010942.001 – SWFWMD v. David K. Smith – Circuit Court Case No. 04-1907-CA – Charlotte County**  
Staff recommended approval of the proposed Settlement Agreement.
65. **Initiation of Litigation – MSSW No. 489667.00 – Alan Ferguson (Alan Ferguson Photography Studio) – Sarasota County**  
Staff recommended to authorize initiation of litigation against Alan Ferguson and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for permit condition violation, and to recover District enforcement costs, court costs and attorney's fees.

- ~~66. Initiation of Litigation – WUP No. 2011993.001 – Aniceto Estrada – Hardee County~~
67. **Initiation of Litigation – WUP No. 20004994.003 – James A. Messana – Hardee County**  
Staff recommended to authorize the initiation of litigation against James A. Messana and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.
68. **Initiation of Litigation – WUP No. 20003341.003 – Schontag Parnell Ltd. and Edward S. Schontag, Jr. – Hardee County**  
Staff recommended to authorize the initiation of litigation against Schontag Parnell Ltd. and Edward S. Schontag, Jr. and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.
69. **Initiation of Litigation – WUP No. 20000426.004 – Allapatah Cragg Groves Corporation – Polk County**  
Staff recommended to authorize the initiation of litigation against Allapatah Cragg Groves Corporation and any other appropriate parties to obtain compliance, a monetary penalty and recovery of District enforcement costs, court costs and attorney's fees.

Following consideration, **Mr. Dabney moved, seconded by Ms. McCree, to approve Outreach and Planning Committee Consent Items 60 through 64, 67, 68 and 69. Motion carried unanimously.**

Following consideration, **Ms. Whitehead moved, seconded by Ms. Closshey, to approve Outreach and Planning Committee Consent Item 65. The motion carried; Mr. Dabney abstained from voting.** (CD 1/Track 12 – 00:00/01:00)

***Discussion Items*** – None

***Submit & File Reports*** – None

### ***Routine Reports***

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

70. **Litigation Summary and Report**  
71. **Rulemaking Update**

## **Reports**

72. **Environmental Advisory Committee Liaison Report**  
Ms. Parks reported that the Environmental Advisory Committee met at the Sarasota Service Office on March 14, 2007. Topics for discussion included the Northern District Proposed WUCA, the Peace River Cumulative Impact Analysis, and the Myakka River Watershed Management Initiative. The Committee recommended that the Governing Board express to the Peace River Basin Board that funding efforts to protect remaining natural forested areas in the Peace River Basin be reinforced and that action be expeditiously taken between the Florida Department of Environmental Protection and the District to work in partnership. Chair Rice suggested Ms. Kavouras work closely with Mesdames Parks and Whitehead to add this item to a future agenda. (CD 1/Track 12 – 00:30/06:15)
73. **Basin Board Education Committee Report**  
Ms. Kavouras said the Basin Board Education Committee met on March 6, 2007. She said the meeting was well attended and that some of the topics discussed were Media messaging, Florida Yards and Neighbors Status Report, and The Children's Museum for Tampa. (CD 1/Track 12 – 06:15/07:00)
74. **Basin Board Land Resources Committee Report**  
Mr. Eric Sutton, Assistant Director of the Land Resources Department, said the Basin Board Land Resources Committee met on March 22, 2007, at the Starkey Environmental

Education Center. The meeting was well attended, and Ms. Seeth Trimpert chaired the meeting. Mr. Sutton described the meeting as a procedural review; some of the topics discussed were acquisitions, fire management and gopher tortoise. The Committee discussed the upcoming Public Land and Acquisition Management Conference, which will be held December 5-7, 2007 at the Sarasota Hyatt. Mr. Sutton reminded the Governing Board that Volunteer Appreciation Day will be held April 14, 2007 at Lake Panasoffkee. (CD 1/Track 12 – 07:00/08:55)

75. **Executive Director's Report**

- Mr. Moore provided an overview of the Edward W. Chance Reserve Dedication Ceremony held in Manatee County on March 2, 2007.
- Mr. Moore updated the Governing Board regarding the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA) and its long-term strategic plan. The PR/MRWSA is struggling with financing the billion dollars worth of projects planned for the next 15 years. Mr. Moore said all of the member governments are experiencing a slow down so their priorities are shifting.
- The March 23 Water Conservation Summit in Ocala went well and was attended by over 200 people, including most of the Governing Board members.
- General Counsel and staff are still working with the City of Lakeland on permitting differences.
- Some parcels of land around the Old Florida Plantation and Lake Hancock area are being sought for potential park areas by Polk County. Mr. Moore reassured the Board that the District is not looking to donate land in this area but rather look for win/win options or recoup the money that was spent to acquire the land.
- District staff met with Pasco County regarding its flooding issues. A short-term solution was developed, as well as a long-term plan to build operable structures.
- District staff also met with Hernando County regarding FEMA mapping update and the 90-day review process.

(CD 1/Track 12 – 08:55/22:30)

76. **Chair's Report**

Chair Rice said he appreciates the Board members' ability to go through serious discussion and debate sessions without disrespecting anyone else's opinions or stances. He said he is very proud to be a part of the process. (CD 1/Track 12 – 22:30/30:40)

77. **Other Business**

- Ms. Symons said she was asked to serve on the Natural Resources Leadership Institute Board where she represented the Governing Board.
- Ms. Parks said she participated in a field trip to the monitoring project the District funds at Brooker Creek.
- Ms. Parks also announced that on May 10, 2007, Honeymoon Island will be opening a nature center.

**Public Input**

No requests to address the Board were submitted.

There being no further business to come before the Board, **Mr. Dabney moved, seconded by Ms. Parks, to adjourn the meeting. Motion carried unanimously.** (CD 1/Track 12 – 30:40/30:50)

The meeting was adjourned at 3:28 p.m.

*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 4604; TDD ONLY 1-800-231-6108 (Florida only); FAX 352-754-6874.*