

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Sebring, Florida

May 20, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:15 a.m. on May 20, 2009, at the Highlands County Government Center in Sebring. 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
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
Bruce C. Wirth, Deputy Executive Director

Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

Board Members Absent

Maritza Rovira-Forino, Member*
H. Paul Senft, Member*

**Ms. Rovira-Forino and Mr. Senft participated in Item 4, Election of Officers, via telephone.*

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.

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.

Consent Agenda

The following item was deleted from consideration:

33. Interagency Agreement – SWFWMD and SFWMD - Designation of Regulatory Responsibility - Lake Marion Development Group, LLC – Polk County

Resource Management Committee

The following item was added for the Board's consideration:

➤ Agreement to Transfer Property to Sumter County – Lake Panasoffkee, SWF Parcel No. 19-528-146S

4. **Election of Governing Board Officers**

In accordance with Board Policy 110-7, Board members participate in an election of officers, which occurs in May. During this process, a Chair, Vice Chair, Secretary and Treasurer are elected. The newly elected officers assume their duties at the end of meeting.

Chair Combee entertained nominations for the position of Chair. Mr. Oakley nominated Mr. Pressman. **Ms. Glass moved to close nominations, and Mr. Gramling seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Combee announced a unanimous vote for Mr. Pressman.

Chair Combee entertained nominations for the position of Vice Chair. Mr. Gramling nominated Mr. Oakley. Ms. Rovira-Forino nominated Ms. Closshey. **Mr. Tharp moved to close nominations, and Mr. Gramling seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Combee announced a majority vote for Mr. Oakley.

Chair Combee entertained nominations for the position of Secretary. Mr. Oakley nominated Mr. Gramling. Ms. Rovira-Forino nominated herself. **Mr. Gramling moved to close nominations, and Ms. Parks seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Combee announced a majority vote for Mr. Gramling.

Chair Combee entertained nominations for the position of Treasurer. Mr. Oakley nominated Ms. Parks. **Ms. Glass moved to close nominations, and Mr. Gramling seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Combee announced a majority vote for Ms. Parks. (CD 1/Track 1 – 00:00/47:23)

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

No person(s) came forward to speak.

Consent Agenda

Item 33 was deleted from consideration. Item 13 was moved to the Regulation Committee for discussion.

Regulation Committee -- Environmental Resource Permits

6. ERP No. 43009590.002 - FDOT - SR 55 from Green Acres Street to Jump Court – Citrus County
7. ERP No. 43002166.003 - Hillsborough County - Boyette Road, McMullen Road to Bell Shoals Road – Hillsborough County
8. ERP No. 43034464.000 - FDOT - U.S. Highway 301 from State Road 674 to Balm Road – Hillsborough County
9. ERP No. 43015544.005 - Gulf Landings Boat Docks, Tracts 40B, 40C and 50C – Pasco County
10. ERP No. 43026516.009 - Pinellas County - Alligator Lake Habitat Restoration Project – Pinellas County
11. ERP No. 43013672.015 - Sarasota County - Celery Fields Regional Stormwater Facility Expansion – Sarasota County
12. ERP No. 43034475.000 - Village on the Trail - Mixed Use Subdivision – Sarasota County

Regulation Committee -- Water Use Permits

13. WUP No. 20002842.008 - Citrus County Water Resources Department/Citrus County Utilities – Citrus County
14. WUP No. 20010671.005 - Mosaic Fertilizer, LLC/Pioneer Grove – Hardee County
15. WUP No. 20005095.008 - Ray F. Ferrero, Jr., as Trustee of the Hiers Trust; Stephen A. Rappenecker & Susanne D. Rappenecker; C. Neal Andersen & Wanda W. Andersen/Needmore Farm Hiers Trust – Levy County
16. WUP No. 20008829.007 - Whisenant Farms Co., Inc./Whisenant Farms – Manatee County
17. WUP No. 20002978.011 - Lindrick Service Corporation; Pasco Reserve, Inc./Lindrick Services Corporation – Pasco County
18. WUP No. 20004345.009 - Mixon Family Farms, Inc./Mixon Family Farms – Polk County
19. WUP No. 20008694.005 - J Bar C, Inc./J Bar C Ranch – Manatee County

Regulation Committee -- Other

20. **Approve Proposed Amendments to Permit Application Processing Timeframes**
Staff recommended approval of the proposed amendments to Rules 40D-1.603, 40D-1.1020 and 40D-1.1024, F.A.C.; adopt Rule 40D-1.6051, F.A.C.; repeal Rule 40D-1.605, F.A.C.; and adopt the Applicant Transmittal Form to revise District permit processing timeframes.
21. **Initiate and Approve Rulemaking to Adopt and Incorporate by Reference New Mining and Dewatering Water Use Permit Application Form**
Staff recommended approval of the proposed amendments to Rules 40D-1.659, 40D-2.101 and 40D-2.091, Florida Administrative Code, and sections 6.2 and 6.3 of the District's Water Use Permit Information Manual Part B, Basis of Review; and approve adoption of a Mining and Dewatering Water Use Permit Application Form.
22. **Authorize Publication for Adoption of Previously Approved Amendments to Year-Round Water Conservation Measures, Rule 40D-22, Florida Administrative Code (F.A.C.)**
Staff recommended authorization of publication for adoption of the approved amendments to the Year-Round Water Conservation Measures, Rule 40D-22, F.A.C.
23. **Approve Adoption of Proposed Amendments to Section 3.2.7 of the Environmental Resource Permit (ERP) Basis of Review (BOR) of the ERP BOR to Maintain Protection for the Bald Eagle**
Staff recommended approval of the revisions to the originally approved rule language and authorize staff to complete the rulemaking process.

Resource Management Committee

24. **Resolution Requesting Funds from the Water Management Lands Trust Fund for Payment in Lieu of Taxes to Charlotte, Citrus, DeSoto, Hernando and Sumter Counties**
Staff recommended approval of a resolution requesting funds from the Water Management Lands Trust Fund for payments in lieu of taxes to Charlotte, Citrus, DeSoto, Hernando, and Sumter Counties in the total amount of \$364,042.94.

25. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-155P**
Staff recommended to (1) accept the appraisals; and (2) approve the Purchase/Sale Agreement.
26. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-192**
Staff recommended to (1) accept the appraisals; and (2) approve the Purchase/Sale Agreement.
27. **Lake Hancock Lake Level Modification Project – Memorandum of Agreement with the City of Lakeland for the Oak Hill Burial Park**
Staff recommended to approve the MOA with the City for the Project; and authorize the District's Executive Director to execute the MOA.
28. **Authorize Submission of the Preliminary Flood Insurance Rate Maps for the Tooke Lake Watershed to the Federal Emergency Management Agency**
Staff recommended authorization to submit the preliminary FIRM panels for the Tooke Lake watershed in Hernando County to FEMA.

Finance & Administration Committee

29. **Board Travel**
No action was required at this time.
30. **Budget Transfer Report**
Staff recommended approval of the Budget Transfer Report covering all budget transfers for April 2009.
31. **Transfer Funds to Purchase Digital Radios and Complete Brooksville Resurfacing**
Staff recommended the transfer of \$400,000 from the General Fund FY2009 fuel budget line to the communications budget line for the purchase of 175 digital two-way radios at a cost not to exceed \$100,000, and to the Facilities Fund budget with authorization to contract for the Brooksville resurfacing project at a cost not to exceed \$300,000.

General Counsel's Report

32. **Withdraw Request to Initiate Rulemaking to Amend Rules 40D-8.031 and 40D-8.041, F.A.C., to Clarify Hillsborough River Segment References and Waterbodies for which Minimum Flows and Levels and Guidance Levels Are Not Established**
Staff recommended approval to withdrawal an earlier request to initiate rule making to amend rules 40D-8.031 and 40D-8.041, F.A.C. to reference waterbodies for which Minimum Flows and Levels will not be established.
33. **Interagency Agreement – SWFWMD and SFWMD - Designation of Regulatory Responsibility - Lake Marion Development Group, LLC – Polk County**
This item was deleted.
34. **Consent Order – Surface Water Activity - Frank J. Dewane, Bishop of the Diocese of Venice – Charlotte County**
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation against Frank J. Dewane, Bishop of the Diocese of Venice, if necessary to obtain compliance with the Consent Order.

Executive Director's Report

35. **Amend June 24, 2008 Governing Board Meeting Minutes**
Staff recommended approval to amend the minutes as presented.
36. **Approve April 27, 2009 Joint Workshop Minutes of the Governing Board and Withlacoochee Regional Water Supply Authority Board of Directors**
Staff recommended approval of the minutes as presented.
37. **Approve April 28, 2009 Governing Board Meeting Minutes**
Staff recommended approval of the minutes as presented.

Following consideration, **Mr. Gramling moved, seconded by Ms. Glass, to approve the Consent Agenda as amended. Motion carried unanimously.**

Chair Combee relinquished the gavel to Regulation Committee Chair Parks.

Regulation Committee

Discussion Items

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

13. **WUP No.20002842.008 - Citrus County Water Resources Department/Citrus County Utilities – Citrus County**

Ms. Whitehead was provided clarification regarding this permit and an update regarding Citrus County's water conservation efforts. Staff recommended approval of WUP No.20002842.008. Following consideration, **Ms. Whitehead moved, seconded by Ms. Closshey, to approve Consent Item 13. Motion carried unanimously.** (CD 1/Track 01 - 47:23/56:19)

39. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said this routine report provides 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. Recent rainfall has provided relief from seasonal declines at a very critical time. Improvements could be measured in the surface water supply indicators. Mr. Kinsman cautioned that this is a multi-year drought that will require months or years to correct.

40. **Water Shortage Update – Tampa Bay Water Area**

Mr. Owen said staff continues to coordinate with Tampa Bay Water, its member governments and other local water utilities affected by Water Shortage Order No. SWF 09-012 (the Modified Phase IV declaration) and remaining elements of Water Shortage Order No. SWF 08-044 (the Modified Phase III declaration, which includes enhanced enforcement, education and pricing provisions). Coordination efforts include analyzing system status reports and interacting with the water utilities through e-mail, personal contact and special meetings with utility directors regarding practical implementation details.

Mr. Owen said despite starting at relatively conservative levels of water use, the Tampa Bay area has achieved additional reductions during this current water shortage event. These additional reductions are due to Phase IV District restrictions and Tampa's emergency ordinance to ban irrigation system water use. Mr. Owen presented hydrographs for each Member Government and discussed their water use savings. In conjunction with the hydrographs Mr. Owen presented a table that compared Year to Year Water Use for Tampa Bay Water's six members, on average a 9.4 percent reduction was found compared to the same time last year. Other topics presented included: Education and Outreach, Restriction Enforcement, High-Use Single-Family Customers, Drought Surcharges, and a review of the Drought Summit held May 5 at the Tampa Convention Center. Mr. Moore noted that the City of Tampa's Master Water Plan is complete and they are sending the District a copy. He said the City is in the second year of a five-year plan to increase water rates by 100 percent. Mr. Moore said these increases are critical in helping the City of Tampa raise the money needed for their future water supply infrastructure plans.

This item was presented for the Committee's information, and no action was required.
(CD 1/Track 01 - 56:19/01:31:19)

41. **Water Shortage Update – Peace River/Manasota Regional Water Supply Authority Area**

Mr. Owen said staff continues to coordinate with the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA), its member governments and other local water utilities affected by Water Shortage Order No. SWF 09-009 (the Modified Phase III declaration, which includes enhanced enforcement, education and pricing provisions). Coordination efforts include analyzing system status reports and interacting with the water

utilities through e-mail, personal contact and special meetings with utility directors regarding practical implementation details. Staff provided a written summary of local implementation activities and updated the Board on recent developments. Topics presented during the presentation included: Education and Outreach, Restriction Enforcement, System Water Pressure Reductions, Reclaimed Water Availability Fee, High-Use Single-Family Customers, Drought Surcharges, and the Drought Summit.

Mr. Patrick Lehman, Executive Director, PR/MRWSA, said their staff has worked closely with member governments to collect data on citations, conservation messaging and other efforts local governments are implementing during this historic drought. The Authority also recently held a Water Conservation Summit where member governments and Water Alliance members exchanged information regarding conservation efforts and set priorities for the coming months and years.

Mr. Lehman said drought conservation efforts include: tiered rate structures, drought rate surcharge by Charlotte County, lawn watering restrictions of one-day per week prior to Phase III issuance, enforcement by sheriff/code enforcement/meter readers, issuing fines and fees billed to water service account, and targeting high-end users.

Board members engaged Mr. Lehman in a discussion about the PR/MRWSA's expansion plan for the future. Mr. Lehman said their reservoir is scheduled to begin holding water this summer. He said the Authority is moving right along with their overall plans to supply water into the future. Ms. Closshey suggested that perhaps the District could host the PR/MRWSA and others in the future to share their experiences building and designing this type of infrastructure.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 01 - 01:31:19/02:13:18)

Submit & File Reports – None

Routine Reports

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

42. **Southern Water Use Caution Area Quantities**
43. **Water Production Summary**
44. **Public Supply Benchmarks**
45. **Overpumpage Report**
46. **Resource Regulation Significant Initiatives**

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

Resource Management Committee

Discussion Items

47. **Consent Item(s) Moved for Discussion** - None
48. **Lake Wales Ridge Lakes Initiative Update**

Mr. Mark A. Hammond, P.E., Director, Resource Projects Department, said the purpose of this presentation is to provide the Board with an update of District efforts in the Lakes Wales Ridge Lakes system. Approximately 130 lakes lie along the Lake Wales Ridge (Ridge), which extends roughly 90 miles along the center of the state in Polk and Highlands counties. The lakes along the Ridge are facing issues such as lowering lake levels and degrading water quality drainage alterations, long term droughts and water withdrawals have resulted in a lowering of water levels in many of the lakes. Water quality and habitat impacts are a result of untreated stormwater runoff, lack of sediment control, shoreline habitat degradation and hydrologic alterations. As a result, the District

implemented the Ridge Lakes Restoration Initiative, emphasizing protective lake management strategies in an attempt to prevent further degradation.

In addition to the restoration initiatives, the District has adopted minimum levels on 21 lakes along the Ridge to protect them from significant harm (11 in Highlands County and 10 in Polk County). The long term drawdown of lake levels has resulted in the Ridge Lakes being included in the Southern Water Use Caution Area Recovery Plan. As part of the recovery plan the District is currently investigating projects that will increase surface water levels in two Ridge lakes that frequently fall below the minimum level. The feasibility of groundwater augmentation is being investigated for the recovery of water levels in Lake Lotela, as is the installation of surface water structures within the upper Josephine Creek canal for the purpose of increasing the level of Lake Jackson. In addition to these surface water recovery projects, there are also several water conservation and reuse projects underway along the Ridge to reduce water use. These include six projects to improve groundwater conditions under the District's Facilitating Agricultural Resource Management Systems with projected groundwater offsets of approximately 1.5 million gallons per day. Also the District is working, through the Cooperative Funding Initiative, on two reclaimed water projects in Lake Wales and Lake Placid to offset 1.3 million gallons per day of groundwater, and a proposed conservation project with the Highlands County Soil and Water Conservation District to improve irrigation and landscaping efficiency and reduce the use of fertilizer and other chemicals.

In 2003 an assessment of water quality and habitat conditions of 130 Ridge lakes was completed to prioritize water quality enhancement projects. The assessment identified one third of the lakes as having excellent water quality and habitat, another third having fair water quality, and the remaining third having poor water quality. The subsequent management strategy placed the highest priority on protecting lakes with fair water quality, followed by preserving lakes with excellent water quality, and finally restoring lakes with poor water quality. Several stormwater retrofit projects are underway on Lakes Menzie and Eva in Polk County and Lakes Clay, Isis and Tulane in Highlands County. All of these projects involve the installation of stormwater treatment systems where untreated stormwater was found to be impacting these lakes. In addition to these stormwater retrofit projects, a large scale water quality investigation is underway for Lake Placid to determine the primary sources of pollution and to identify potential future water quality enhancement projects.

Land acquisition and management is an important element of the District's Ridge Lakes Initiative. Approximately 38,229 acres of lands have been protected (fee and conservation easements) in the Lake Wales Ridge Watershed, which includes 5,071 acres of District Lands. Other entities that have protected land in this watershed include State, Federal, and local governments, as well as non-profit entities (e.g., The Nature Conservancy, Florida Fish and Wildlife Conservation Commission, Polk County, Archbold Biological Station, and The Natural Resource Conservation Service). Recently, over 3,100 acres adjacent to Crooked Lake was acquired in partnership with Polk County and the NRCS. The District has identified another 3,059 acres proposed for protection in the Lake Wales Ridge.

In 2004 the District completed an assessment of all public lands along the Ridge to identify parcels where hydrologic restoration would offer regional benefits through aquifer recharge and basin storage. Three parcels were identified during this process (Highlands Hammock State Park, Jack Creek and Crooked Lake). Drainage ditches have been restored in Highlands Hammock State Park and a wetland rehydration project is underway on Jack Creek. The recently acquired Crooked Lake tract will undergo hydrologic restoration of approximately 800 acres of wetlands, restoration of basin storage and improvement of water quality discharging to Crooked Lake.

This item was for the Committee's information, and no action was required. (CD 1/Track 01 - 02:13:18/02:55:18)

Resource Management Committee Chair Gramling relinquished the gavel to Chair Combee.

Chair Combee recessed the public hearing for a lunch break. Following the break, Chair Combee asked Committee Chair Gramling to resume the public hearing with the Addition to today's agenda.

The following item did not appear on the published agenda but was added for consideration.

Agreement to Transfer Property to Sumter County – Lake Panasoffkee, SWF Parcel No. 19-528-146S

Mr. Eric Sutton, Director, Land Resources Department, said the purpose of this item is to recommend the Governing Board declare SWF Parcel No. 19-528-146S surplus; execute an agreement (Transfer Agreement) with Sumter County establishing the terms of transfer; and approve and execute the respective quitclaim deed.

The subject property recommended for transfer to Sumter County is comprised of two contiguous parcels. Both parcels were acquired for the purpose of storing spoil dredged from Lake Panasoffkee as part of the Lake Panasoffkee Restoration Project which was completed in October 2008. Since acquisition, the property has been significantly altered to accommodate the District's specific use of the site. Berms have been constructed to create large cells for dredge material to be deposited. Dredging activities are completed and, in its current state, the property has little value with respect to the protection of water resources. The property was not purchased for conservation purposes and may be surplus under the provisions set forth in Chapter 373, Florida Statutes. Accordingly, the Governing Board may make a determination that these lands are no longer needed and may dispose of them by majority vote.

The County has informed the District that County residents have expressed a desire for the County to establish certain recreational amenities and other land uses within the County. The County is seeking cost-effective approaches to creating these recreational opportunities. As such, the County has approached the District with a request to take title to the property at no cost to the County for the purpose of creating a public shooting facility, a public trap and skeet range, a police training facility and a receiving wetland for the discharge of reclaimed water. With the transfer of ownership, the burden of liability associated with these activities will belong to the County.

Staff recommended to (1) declare SWF Parcel No. 19-528-146S surplus; (2) approve the Transfer Agreement with Sumter County; and (3) convey SWF Parcel No. 19-528-146S to Sumter County. Following consideration, **Mr. Combee moved, seconded by Ms. Closshey, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 02 - 00:00/10:18)

49. **Fifth Annual Report of Natural Systems Restoration on District Lands**

Mr. Eric Sutton, Director, Land Resources Department, said the primary directive which guides the District's land management program is established in Section 373.1391, Florida Statutes, which states that District lands be managed and maintained, to the extent practicable, to ensure a balance between public access, general public recreational purposes, and restoration of their natural state and condition. The District strives to manage lands in such a way as to prevent any further degradation to natural systems, and where the technology and resources exist, to restore damaged systems. The Land Resources, Resource Projects and Operations departments are the primary departments involved in implementing restoration on District lands. Since 1992, when accurate record-keeping was initiated to track restoration acres, approximately 16,416 acres have been restored, including 13,666 acres of uplands and 2,750 acres of wetlands. This fifth annual report recaps activities completed on upland and wetland restoration projects from

January 1, 2008 through March 30, 2009. For this time period, 1,446 acres of uplands and 1,380 acres of wetlands were restored. A map depicting the general location of the capital restoration projects outlined below was included in the board packet.

The Water Management Lands Trust Fund provides funding to manage and restore District lands. Additional funding for restoration is obtained through the Florida Department of Transportation (FDOT) mitigation program and the Natural Resource Conservation Service (NRCS) Wetland Reserve Program.

In 1995 the District's Governing Board directed staff to conduct an assessment of altered sites on District-owned lands and develop an implementation plan for restoration of those sites. The first restoration plan, titled *Natural Systems Restoration Ten-Year Plan: 1998-2007* was completed in 1997 and an updated version was generated for the period from 2002-2012; (the 2009-2018 plan is currently being finalized). Upland projects identified in the ten-year plan are conducted by the Land Management Section in accordance with District Procedure Number 61-10, titled *Natural Systems Restoration*. To qualify for restoration under the District's restoration procedure, a site must meet one or more of the following criteria: (1) the site has an important role in the overall function of the ecosystem; (2) the site has an important role in the perpetuation of listed species; (3) due to the lack or excess of elements necessary for natural succession, intervention will significantly direct and accelerate the successional process; and (4) restoration is feasible considering all management constraints.

Upon concluding his remarks Mr. Sutton turned the presentation over to Ms. Veronica Craw, Environmental Manager, Resource Projects Department, who provided an overview of the Hydrologic and Wetlands Restoration on District-owned Lands.

The District Governing Board approved the Hydrologic and Wetlands Restoration of District-owned Lands initiative at its January 2004 meeting. The project focuses on two goals: (1) recovering the functions of water storage and conveyance in impacted wetlands and streams; and (2) recapturing the benefits of water quality and wildlife habitat formerly provided by the impacted system in its undisturbed state. To accomplish this goal, the District completes a feasibility study and alternatives analysis to determine the best option for restoration while considering the potential for offsite drainage changes. This is followed by the design and permitting phase followed by construction. Wetland acreage recovery estimates were provided in the board packet.

This item was presented for the Committee's information, and no action was required.

Submit & File Report

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

50. **Report from the Peer Review Panel of the Proposed Minimum Flows and Levels for the Dona Bay/Shakett Creek System Below Cow Pen Slough**

Routine Reports

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

51. **Florida Forever Funding**
52. **Minimum Flows and Levels**
53. **Structure Operations**
54. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
55. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Gramling relinquished the gavel to Outreach and Planning Vice Chair Whitehead.

Outreach and Planning Committee

Discussion Items

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

57. **Legislative Wrap-Up**

Mr. David Rathke, Director, Community and Legislative Affairs Department, said the extended session ended May 8, 2009. The major issue this session was the budget. Overall there was a reduction of about 24 percent for environmental programs. No new money was allocated to Florida Forever for next year; however, the legislature did continue to fund the existing debt service so this year's money could still be spent. The debt service was also continued for the Water Management Lands Trust Fund. Other substantive legislation included aircraft safety, expedited permitting, growth management, and property tax limits, real property used for conservation purposes, water management District limited liability, and water conservation. The biggest piece of legislation passed this year related to water management was Senate Bill 2080 Water Resources, which is comprised of three components Florida-friendly, Sunset Review, and West-Central Florida Water Restoration Action Plan. The Sunset Review Reenacts the Water Management Districts. Senate Bill 2080 also allows for technology to conduct meetings, allows for longer term permits, delegates permit issuance, and streamlines Basin Boards. Other legislation that did not pass this year included Rewriting Chapter 373, Combined Ad Valorem Taxes, Streamlined Permitting, and Springs Protection.

Following discussion, **Mr. Combee moved, seconded by Mr. Gramling, to send a letter to Governor Crist supporting Senate Bill 2080. Motion carried unanimously.**
(CD 1/Track 02 -10:18/52:45)

Submit & File Reports – None

Routine Reports

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

58. **Comprehensive Plan Amendment and Related Reviews**

59. **Development of Regional Impact Reviews**

60. **Speakers Bureau**

61. **Significant Activities**

Outreach and Planning Vice Chair Whitehead relinquished the gavel to Finance and Administration Committee Chair Oakley.

Finance and Administration Committee

Discussion Items

62. **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.

63. **Fiscal Year 2010 Budget Update**

Mr. Schiller said the Governing Board will be receiving the recommended annual service budget for Fiscal Year 2010 Budget for discussion at the June Governing Board meeting.

Routine Reports

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

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

Committee Chair Oakley said he had received a report from staff regarding the collection of ad valorem taxes and payments are coming in as anticipated with prior years' records. Committee Chair Oakley thanked Mr. Schiller and Finance staff members for all of their assistance during his service as Treasurer. (CD 1/Track 02 - 52:45/56:00)

65. **Management Services Significant Activities**

Committee Chair Oakley relinquished the gavel to Chair Combee.

General Counsel's Report

Discussion Items

66. **Consent Item(s) Moved for Discussion** – None

Regarding Consent Item 32, Withdraw Request to Initiate Rulemaking to Amend Rules 40D 8.031 and 40D-8.041, F.A.C., to Clarify Hillsborough River Segment References and Waterbodies for which Minimum Flows and Levels and Guidance Levels Are Not Established, Mr. Bilenky said the Florida Department of Environmental Protection asked the District to withdrawal an earlier request to initiate rulemaking to amend rules 40D-8.031 and 40D-8.041, F.A.C., to reference waterbodies for which Minimum Flows and Levels will not be established because the agency felt this may be inconsistent with previous precedents.

67. **Approve Initiation of Rulemaking to Amend Rule 40D-2.302, F.A.C., to Reserve Flows from the Upper Peace River Watershed for the Restoration of Minimum Flows for the Protection of Fish and Wildlife**

Ms. Karen Lloyd, Assistant General Counsel, General Counsel Department, said staff is seeking to initiate rulemaking to establish a reservation of surface water flow within the upper Peace River watershed to recover and protect the minimum flows established for the upper Peace River as set forth in 40D-8, Florida Administrative Code (F.A.C.).

The District Governing Board, in 2006, approved the Southern Water Use Caution Area (SWUCA) Recovery Strategy and rules establishing minimum flows and levels on various water resources within the SWUCA. The Board adopted into rule minimum low flows for the upper Peace River designed to return perennial conditions to the upper Peace River for the protection of fish and wildlife. The Board adopted minimum low flows of 17 cubic feet per second (cfs), 27 cfs, and 45 cfs at the Bartow, Fort Meade and Zolfo Springs United States Geological Survey stream gages, respectively. The actual flows are below the adopted minimum low flows. To allow the actual flows to recover to the minimum flows as required by statute, the District is implementing minimum flows and level recovery projects as described in the SWUCA Recovery Strategy. In order to accomplish this, it is necessary to capture excess water during periods of high flow on the upper Peace River for storage and subsequent release; therefore, the District will need to reserve from use by permit applicants a quantity of water sufficient to meet the minimum low flows. Establishing a reservation will ensure that sufficient quantities of water are available to recover the minimum low flows of the upper Peace River consistent with the Board adopted Recovery Strategy.

Staff recommended to approve the initiation of rulemaking to amend Rule 40D-2.302, F.A.C., to reserve flows from the upper Peace River watershed for the restoration of minimum low flows for the protection of fish and wildlife.

Following consideration, **Mr. Gramling moved, seconded by Ms. Glass, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 02 - 56:00/01:05:00)

Submit & File Reports – None

Routine Reports

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

68. **Litigation Report**

69. **Rulemaking Update**

Executive Director's Report

70. Executive Director's Report

- Mr. Moore thanked Board members for attending the Tampa Bay Water Regional Water Shortage Summit.
- Mr. Moore recognized District staff members Don Ellison and Judy Richtar for their efforts working with the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection to resolve the aquifer storage and recovery issue. In addition, Mr. Ellison and Ms. Richtar recently represented the District at the EPA National Summit on Aquifer Storage and Recovery Systems.
- Mr. Moore said he and Mr. Owen met with St. Johns River Water Management District and the Withlacoochee Regional Water Supply Authority regarding boundary issues and permitting in the Northern District.
- Mr. Moore thanked Mr. Senft for attending the Tampa-Orlando Area Super Regional Leadership Conference on May 7.
- The Peace River/Manasota Regional Water Supply Authority Reservoir Dedication was attended by Messrs. Pressman, Beswick, and Ms. Glass. Former Governing Board member Ms. Patsy Symons also attended the Dedication.
- Mr. Moore noted the Lake Panasoffkee Dedication is planned for May 29, 2009.

Chairman's Report

71. Chairman's Report

Chair Combee said it has been an honor and a pleasure to serve as Chairman for the past year. He thanked his fellow Board members and District staff for the experience. Chair Combee said on behalf of the Board and staff he expressed appreciation to all of the Highlands County officials and staff for hosting the District for this month's meeting.

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

The meeting was adjourned at 2:23 p.m. (CD 1/Track 02 – 01:05:00/01:17:07)

Attest:

Chairman