

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

August 28, 2007

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on August 28, 2007, at Brooksville headquarters. The following persons were present:

Board Members Present

Judith C. Whitehead, Chair
Neil Combee, Vice Chair
Todd Pressman, Secretary
Jennifer E. Closshey, Treasurer
Thomas G. Dabney, Member
Patricia M. Glass, Member
Heidi B. McCree, Member
Ronald E. Oakley, Member
Sallie Parks, Member
Maritza Rovira-Forino, 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

Patsy C. Symons, 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).

Public Hearing

1. Call to Order

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

2. Pledge of Allegiance

Chair Whitehead led the Pledge of Allegiance to the Flag of the United States of America.

Public Hearing

Chair Whitehead noted that this Governing Board meeting is being broadcasted to the Bartow, Tampa, 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 Brooksville office. The Governing Board's meeting is also being recorded for broadcast on government access channels.

Chair Whitehead 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." Chair Whitehead 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. She also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Invocation**

Mr. Bilenky offered the invocation. (CD 1/Track 1 – 00:00/02:10)

4. **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 items that have been added and deleted to the agenda were received by the District or deleted after publication of the regular agenda. The Board has been provided with information and District staff's analyses of these matters. Staff has determined that, subject to Board concurrence, action must be taken on these items prior to the next Board meeting or deleted at this time. (CD 1/Track 2 – 00:00/03:19)

There will not be a closed attorney-client session held during the lunch break.

Consent Agenda

The following items were deleted from consideration:

15. ERP No. 43024788.004 - Suncoast Commercial – Pasco County

43. Consent Order – Surface Water Activity – Central Suburban, Inc. – Polk County

Regulation Committee

The following item's title and information has been revised:

57. Amended Final Agency Action Water Use Permit No. 20011796.002 – Tampa Bypass Canal Water Supply Project (including Hillsborough River Water Source) and/or the Settlement Agreement between Tampa Bay Water and Southwest Florida Water Management District Regarding Water Use Permit No. 20011796.001 – DOAH Case No. 07-3183

Finance and Administration Committee

The following items were added:

- Resolution No. 07-24 to Request Funds from the Fiscal Year 2007-2008 General Appropriation Act for the Central West Coast Surface Water Enhancement, Charlotte Harbor Restoration, Facilitating Agriculture Resource Management Systems, Myakka River Watershed Initiative, Sarasota Bay Restoration, Tampa Bay Regional Reclaimed and Downstream Enhancement, Tampa Bay Restoration, and Upper Peace River Restoration Initiative Projects
- Resolution No. 07-26 to Request Water Protection and Sustainability Trust Funds to Carry Out Surface Water Restoration Activities in District Priority Water Bodies

5. **Ceremony to Honor Former Board Member and Chair Talmadge G. "Jerry" Rice**

Chair Whitehead presented Mr. Rice with a plaque and framed resolution to honor his service from March 2003 to June 2007. The Governing Board members and District staff applauded and thanked Mr. Rice for his years of voluntary service as a Board member. (CD 1/Track 2 – 00:00/12:55)

6. **Resolution 07-25, Proclaiming the Week of September 9-15, 2007 as "Water Reuse Week"**

Mr. Gregg W. Jones, P.G., Director, Resource Conservation and Development Department, introduced Mr. Anthony Andrade as the lead staff person regarding water reuse. Mr. Andrade said the Florida Water Environment Association and Water Reuse Florida have requested the water management districts join the Governor's Office and the Florida Department of Environmental Protection in adopting a resolution proclaiming the week of September 9 - 15, 2007 as Water Reuse Week. Staff recommended approval of

Resolution 07-25, Proclaiming the Week of September 9-15, 2007 as "Water Reuse Week."

Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve the staff recommendation. Motion carried unanimously.**

In response to Ms. McCree's inquiry about what the District will be doing during the designated week to heighten awareness, Mr. Andrade said the District will be attending the National Water Reuse Symposium that week in Tampa at the Marriott Tampa Waterside. (CD 1/Track 3 – 00:00/03:04)

7. **Employee Recognition**

Mr. Moore made presentations to the Board for the employees who had achieved milestones of 20 years or greater to specially acknowledge and commend the contributions of these individuals. The following individuals celebrated 20-year milestones: Mr. Mike Ames, Senior Heavy Equipment Operator, Operations; Ms. Christine Jackson, Senior Professional Geologist/Engineer, Regulation Performance Management; and Mr. Steve Dicks, Mapping and GIS Manager, Resource Management.

The following individuals celebrated 25-year milestones: Mr. Dwayne Williams, Senior Document Specialist, General Services; Ms. Maureen Barton, Regulation Processing Specialist, Regulation Performance Management; Ms. Josie Guillen, Administrative Assistant 2, Resource Management; and Mr. Hunter Freeman, Business Applications Architect, Information Resources.

The following individuals celebrated 30-year milestones: Mr. John Reece, Survey Party Chief, Land Resources; and Mr. Richard Gant, Field Technician Supervisor, Brooksville. (CD 1/Track 4 – 00:00/13:51)

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

Mr. Al Grubman, TOO FAR, thanked the District for their positive involvement regarding the Flying Eagle Project. Mr. Grubman continued to encourage the District to get involved in muck removal and help the county in assessing a sink hole issue at Morrison Pool. (CD 1/Track 5 – 00:00/05:12)

Dr. Octavio Blanco said he has been in touch with local meteorologists and they believe the region will not receive heavy rainfall this season unless something unforeseen occurs for various reasons. He said after speaking with his homeowners insurance agent he is also concerned about large subsidence events. Dr. Blanco encouraged the District to send out the message that we are in a permanent water shortage that is not going to go away and that conservation is imperative. (CD 1/Track 6 – 00:00/4:09)

Consent Agenda

Items 15 and 43 were deleted from consideration.

Regulation Committee -- Environmental Resource Permits

9. ERP No. 43023907.001 - Burnt Store Road Parcel – Charlotte County
10. ERP No. 43032764.000 - Hydrologic Restoration of the Lake Wales Ridge WEA's Royce Unit – Highlands County
11. ERP No. 43018888.015 - Waterset - Phase 2 – Hillsborough County
12. ERP No. 43027847.007 - Maury Carter Site – Hillsborough County
13. ERP No. 43001436.033 - Crescent Ridge II – Marion County
14. ERP No. 43006666.007 - Watergrass - Parcels B5, B6, D, E, F, G, H – Pasco County
- ~~15. ERP No. 43024788.004 – Suncoast Commercial – Pasco County~~
16. ERP No. 49028080.034 - Bella Verde - Parcel 8, 18A/B – Pasco County
17. ERP No. 43008227.005 - The Madison – Pinellas County

18. ERP No. 43028704.001 - Silver Companies - Bartow Site – Polk County
19. ERP No. 43032413.000 - Lakeland Oaks Wetland Mitigation – Polk County
20. ERP No. 43031393.000 - Windwood – Sarasota County
21. ERP No. 43030541.000 - Waller Flea Market – Sumter County

Regulation Committee -- Water Use Permits

22. WUP No. 20004817.009 - Peaceful Horse, LLC/Peaceful Horse – Hardee County
23. WUP No. 20005893.006 - Town of Dundee – Polk County
24. WUP No. 20006920.003 - City of Eagle Lake – Polk County
25. WUP No. 20008836.010 - Sarasota County Utilities/Sarasota County Consolidated Permit Sarasota County

Regulation Committee -- Other

26. **Approve Extension of the Well Construction Permitting Agreement between the Southwest Florida Water Management District and Marion County Health Department, and Initiate Rulemaking to Incorporate Amended Agreement into the District Rules**

Staff recommended approval of the First Amendment to Well Construction Permitting Agreement between the Southwest Florida Water Management District and Marion County Health Department and authorize the initiation of rulemaking to amend Rule 40D-1.002, F.A.C., to adopt by reference the First Amendment.

27. **Initiate Rulemaking to Amend 40D-4.021, 40D-4.041, and 40D-4.051, Florida Administrative Code (F.A.C.), to Clarify the Definition of "Alteration" and Remove the Definition of "New Surface Water Management System"**

Staff recommended approval of the proposed rule language and authorize staff to complete the rulemaking process, provided no comments are received from the Environmental Resource Permitting Advisory Groups.

28. **Initiate Rulemaking to Modify the Basis of Review for Water Use Permit Applications Regarding the District's Agency Action Noticing Procedure, to Remove Obsolete Rule References, and Correct the Number of Days Allowed to File a Petition for Hearing**

Staff recommended approval of the initiation of rulemaking to modify Section 1.6 of the District's Basis of Review for Water Use Permit Applications to correct the number of days allowed to file a Petition for Hearing and to delete obsolete rule references.

29. **Initiate Rulemaking to Eliminate Requirement for Multiple Copies of Applications Submitted Electronically**

Staff recommended approval of the initiation of rulemaking to amend Rule 40D-1.603, F.A.C., to eliminate the requirement for multiple copies of permit applications when the complete application package is received electronically through the District's electronic permitting process.

Resource Management & Development Committee

30. **Fiscal Year 2007 Board Encumbrances**
 - a. **Land Use and Cover Mapping Project**

Staff recommended approval of the encumbrance of \$25,000 remaining in FY2007 funds, without a contract, for the Land Use and Cover Mapping project to be used in FY2008 for consultant services.
 - b. **Lake Hancock Lake Level Modification Project**

Staff recommended approval of the encumbrance of \$600,000, of which \$150,000 is from the Governing Board, without a contract, to be used in FY2008 for implementation of the Lake Hancock Lake Level Modification Project
 - c. **Federal Emergency Management Agency – Cooperating Technical Partner – Mapping Activity Statement for Sumter County**

Staff recommended approval of the encumbrance of \$211,875, without a contract, to be used in FY2008 for the FEMA MAS for Sumter County.
 - d. **Federal Emergency Management Agency Map Modernization Management Support**

Staff recommended approval of the encumbrance of \$6,046 without a contract, to be used in FY2008 for the FEMA MMMS.

e. **Judy Tract Hydrologic and Wetlands Restoration Project**

Staff recommended approval of the encumbrance of \$175,000, without a contract, for the Judy Tract Hydrologic and Wetlands Restoration projects to be used in FY2008.

f. **Facilitating Agricultural Resource Management Systems Program**

Staff recommended approval of the encumbrance of up to \$174,540, or the remaining dollars available, from the FY2007 budget for future year FARMS projects.

31. **Approve Second Amendment to Increase the Project Budget for the Peace River Integrated Model Agreement**

Staff recommended to:

- (1) Approve the second amendment to the agreement with HydroGeoLogic, Inc., for the PRIM to increase the total project budget by \$75,000, from \$1,226,796 to \$1,301,796;
- (2) Authorize the use of \$75,000 in unobligated funds, originally designated for surveying of stream cross-sections, to be used to cover the increased cost of the "out of scope" items;
- (3) Authorize an increase of \$29,400 in the budget line for Phase 1, and an increase of \$69,600 in the budget line for Phase 4, to cover the cost of identified "out of scope" work items;
- (4) Authorize the use of \$24,000 in project contingencies to be used to cover the increased cost associated with these "out of scope" items; and
- (5) Authorize the Executive Director to execute the amendment.

32. **Perpetual Easements – SWF Parcel Nos. 20-020-084, 20-020-085, 20-020-086, 20-020-087, 20-020-088 – Peace River Integrated Model Project within the Regional Observation and Monitor Well Program (ROMP)**

Staff recommended authorizing the Land Resources Director to accept five easements, at no cost to the District, over SWF Parcel Nos. 20-020-084, 20-020-085, 20-020-086, 20-020-087, 20-020-088.

33. **Continuation of Public Hearing Requested by James P. Gills, Trustee, on Proposed Minimum and Guidance Levels for Crews Lake in Pasco County**

Staff recommended to continue the public hearing requested by James P. Gills, Trustee, on the proposed Minimum and Guidance Levels for Crews Lake in Pasco County until the September 2007 Governing Board meeting.

Finance & Administration Committee

34. **Board Travel**

As of August 15, 2007, the following travel outside the geographic boundaries of the District is scheduled, the Water Forum in Orlando on September 25 – 26, 2007, all the Governing Board members have been invited to attend. Staff recommended approval of the Governing Board travel as designated above.

35. **Budget Transfer Report**

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

36. **Fiscal Year 2007 Annual Service Budget Third Amendment**

Staff recommended approval of Resolution No. 07-27, Third Amendment of the Fiscal Year 2007 Annual Service Budget to increase the District's budget by \$5,278,605 from \$384,527,574 to \$389,806,179.

37. **General Services Department Fiscal Year 2007 Encumbrances for Facilities**

Staff recommended authorizing the encumbrance and carry over of funds at the FY2007 year end in the amount of \$692,938 in the General Services budget for the identified projects.

38. **Information Resources Department Fiscal Year 2007 Encumbrances**

a. **Imaging and Workflow Software**

Staff recommended authorizing the encumbrance of funds in an amount not to exceed \$98,625 in FY2007 for the purchase of imaging and workflow software in FY2008.

- b. **Data Management and Retrieval Software**
Staff recommended authorizing the encumbrance of funds in an amount not to exceed \$93,000 in FY2007 for the purchase of additional Business Objects test system and Field Computing Systems in FY2008.
 - c. **Multi-Year Funded Projects**
Staff recommended authorizing the encumbrance of funds in an amount not to exceed \$506,012 in FY2007 for the purchase of multi-phase funded systems to be implemented in FY2008.
 - d. **Residual FY2007 Computer Sinking Fund**
Staff recommended authorizing the encumbrance of funds in an amount not to exceed \$20,595 of FY2007 funds remaining in the Computer Renewal and Replacement Sinking Fund reserve account for use in FY2008.
39. **Information Resources Department Fiscal Year 2008 Sinking Fund Transfers**
- a. **Planned Replacement of Personal Computers**
Staff recommended authorizing the transfer of FY2008 funds from the Computer Renewal and Replacement Sinking Fund account for execution of the planned supplemental purchase of replacement personal computers, software and peripherals contingent on final Board approval of the FY2008 Annual Service Budget.
 - b. **Planned Upgrade and Expansion of Communications Network and Servers**
Staff recommended authorizing the transfer of FY2008 funds from the Computer Renewal and Replacement Sinking Fund account for execution of the planned purchase of network upgrades and expansion equipment for FY2008 from the State of Florida Contract at a cost not to exceed \$165,000 contingent on final Board approval of the FY2008 Annual Service Budget.

General Counsel's Report

40. **Consent Order – Surface Water Activity – John P. Heinen, Trustee of the John P. Heinen Revocable Trust Agreement and Linda F. Heinen, Trustee of the Linda F. Heinen Revocable Trust Agreement – Polk County**
Staff recommended approval of the proposed consent order and authorize the initiation of litigation in the event that John P. Heinen, Trustee of the John P. Heinen Revocable Trust Agreement and Linda F. Heinen, Trustee of the Linda F. Heinen Revocable Trust Agreement fail to comply with the consent order.
41. **Consent Order – Surface Water Activity – Relick Ranch, LLC; Lake Placid Land Holdings X, LLC; RSK Ranch, LLC; PSK Ranch, LLC; Bear Run of Highlands County, LLC; CA Ranch, LLC; Andrew Ranch, LLC; Bear Pointe, LLC – Highlands County**
Staff recommended approval of the proposed consent order and authorize the initiation of litigation in the event that Relick Ranch, LLC; Lake Placid Land Holdings X, LLC; RSK Ranch, LLC; PSK Ranch, LLC; Bear Run of Highlands County, LLC; CA Ranch, LLC; Andrew Ranch, LLC; and Bear Pointe, LLC fail to comply with the consent order.
42. **Consent Order – Surface Water Activity – Terra Ceia Vest, LLC (Estates at Tillet Bayou/Bayshore Drive) – Manatee County**
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation in the event that Owner, Terra Ceia Vest, LLC, fails to comply with the Consent Order.
43. **Consent Order – Surface Water Activity – Central Suburban, Inc. – Polk County**
This item was deleted from consideration.

Executive Director's Report

44. **Approval of Minutes – July 31, 2007 Governing Board Meeting**
Staff recommended approval of the July 31, 2007 meeting minutes.
45. **Annual Calendar of Fiscal Year 2008 Board Meeting Dates**
Staff recommended approval of the Annual Calendar.

Following consideration, **Ms. Closshey moved, seconded by Mr. Dabney, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 6 – 04:09/04:26)

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

Resource Management and Development Committee

Discussion Items

46. **Consent Item(s) Moved for Discussion** - None
47. **Minimum Flows for Tampa Bypass Canal, Sulphur Springs and the Lower Hillsborough River**

Dr. Martin H. Kelly, Manager, Resource Conservation and Development Department, said staff is seeking the establishment of minimum flows for the Tampa Bypass Canal (TBC), Sulphur Springs, and the Lower Hillsborough River (LHR) and approval of changes to Rule 40D-8, Florida Administrative Code (F.A.C.), that would implement these minimum flows; approval of the proposed recovery strategy for LHR and associated changes to Rule 40D-80; and lastly the approval of joint funding agreement with City of Tampa (City) to implement projects associated with the recovery strategy for the LHR.

Dr. Kelly said the Board had received a revised copy of rule language for Chapter 40D-80 Recovery Strategy for Lower Hillsborough River where a date was changed in five places. The date change, from October 2012 to October 2013, pushes back a pipeline completion to allow for a feasibility study. A revised Joint Funding Agreement Between the Southwest Florida Water Management District and the City of Tampa for Implementation of Recovery Projects to Meet the Minimum Flow of the Lower Hillsborough River Draft 08-27-07 was handed out today.

The District proposed a minimum flow for the Lower Hillsborough River Minimum Flow of 20 cfs, to be increased to 24 cfs during the months of April, May, and June due to the increased seasonal importance of the estuarine nursery habitat. The minimum flow for the LHR has been incorporated into Rule 40D-8.

The minimum flow for Sulphur Springs was set at 18 cfs, if water temperatures in the LHR near the spring outfall fall below 59 degrees Fahrenheit in order to maintain a thermal refuge for manatees. The minimum flow can be reduced to 10 cfs during low tides, as this will not cause the incursion of high-salinity river water into the spring run.

The Tampa Bypass Canal's minimum flow was based on the peer review findings. Staff recommended a minimum flow of zero cfs at S160 and is exploring opportunities to create a low salinity habitat in McKay Bay. The minimum flow for the TBC has been incorporated into Rule 40D-8.

The Recovery Strategy for Lower Hillsborough River was required by statute and was developed as part of the minimum flow development process. The proposed recovery strategy was incorporated into Rule 40D-80. In addition to projects that are planned under the recovery strategy to divert water from Sulphur Springs, Blue Sink and the Tampa Bypass Canal, as part of the recovery strategy for the lower Hillsborough River, the District proposes to divert some water from Morris Bridge Sink to contribute to achieving or maintaining the minimum flows. A Funding Agreement has been developed outlining these projects and estimated costs. Total maximum costs to fund all projects was outlined in the Funding Agreement with the City was \$44.5 million. Board members engaged Dr. Kelly with questions and comments regarding the financial details of the Funding Agreement and the regional priorities. Committee Chair Pressman said these recommendations that the Board was about to vote on were very significant to the region,

and an excellent example of negotiation skills among the interested parties. He commended the staff members of all of the organizations involved, as well as, representatives from the non-profits for a job well done.

In summary, Dr. Kelly said District staff was requesting establishment of minimum flows on the LHR, Sulphur Springs and the TBC by approval of proposed amendments to Rule 40D-8; approval of the recovery strategy for the LHR as reflected in the proposed amendments to Rule 40D-80, approval of a reservation of a quantity of water from the Morris Bridge Sink to help meet the minimum flow of the lower Hillsborough River; and approval of a Joint Funding Agreement with the City. (CD 1/Track 7 – 00:00/27:00)

Staff recommended:

- (1) Adoption of Amendments to Rule 40D-8, F.A.C., that establish minimum flows for Sulphur Springs.
- (2) Adoption of Amendments to Rule 40D-8, F.A.C., that establish minimum flows for the Tampa Bypass Canal.
- (3) Adoption of Amendments to Rule 40D-8, F.A.C., that establish minimum flows for the Lower Hillsborough River.
- (4) Adoption of Amendments to Rule 40D-80, F.A.C., that incorporate the recovery strategy needed to achieve the minimum flows for the Lower Hillsborough River.
- (5) Adoption of Amendments to Rule 40D-2, F.A.C., that establish a reservation of water from the Morris Bridge Sink.
- (6) Approval of Joint Funding Agreement with City of Tampa, pending approval by the City, and authorize the Executive Director to execute the agreement.

Following consideration, **Ms. McCree moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation.**

Committee Chair Pressman heard public comment at this time.

Mr. Joe Gross, Compliance Director, City of Temple Terrace, thanked Governing Board members and District staff for responding to public concerns regarding the middle Hillsborough River. They remain concerned that recovery plans will not further damage the middle river and looked for reassurance that a feasibility study would be carried out. Mr. Gross said the City of Temple Terrace would like to encourage the Governing Board members to continue to guide the District in the development and use of alternative sources. He said the Mayor of the City of Temple Terrace and a Marine Patrol Officer also attended the meeting.

Mr. Carl Anri-Cooper, City of Temple Terrace, expressed appreciation to the Governing Board and District staff members for taking the time to listen to their concerns. He encouraged the District to proceed with a feasibility study before working on the pipeline. Mr. Anri-Cooper also asked that the District consider relief to the middle Hillsborough River when the desalination plant is fully running and to consider a reuse project with the City of Tampa.

Mr. John Ovink, Friends of the River, said the organization he represents has worked on this issue for seven years. He believes this is a good solution for the river's recovery and encouraged the Governing Board to vote in favor of the staff recommendation. Mr. Ovink thanked Board members and staff members from all of the entities who worked on this project.

Mr. Tony D'Aquila, representing the Environmental Protection Commission of Hillsborough County, said he was there to express their support of the staff recommendation. He thanked Mr. Moore and all the District staff members who worked on this project.

Mr. Steve Daignault, City of Tampa, encouraged the Governing Board to vote in favor of the staff recommendation. He said this solution was unique because it services the needs of several groups up and down the river.

Mr. Phil Compton, Friends of the River, said he and the organization are very glad the MFLs have been set and they are looking forward to the continued restorative process.

Dr. Rich Brown, Friends of the River, on behalf of the organization and many others he thanked the Governing Board for supporting the staff recommendation.

Ms. Alison Adams, Tampa Bay Water (TBW), said she was on hand to offer TBW's technical support for the rule and recovery strategy.

Ms. Koni Cassini, Acting General Manager, TBW, said she was here today to thank the Governing Board and District staff for their diligent work in striking a balance between the environment and public supply water needs.

Following public comment, **the Governing Board unanimously approved the staff recommendation. Motion carried unanimously.** (CD 1/Track 7 – 27:00/53:36)

48. **Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review**

a. **Lower Alafia River**

Mr. Sid Flannery, Senior Environmental Scientist, Resource Conservation and Development Department, said this was an information item for the proposed minimum flows for the Lower Alafia River and the methodologies used to develop them. The recommended minimum flow for the Lower Alafia River is a 19 percent reduction of daily flow from historic baseline conditions, assuming an unlimited diversion capacity from the river. This minimum flow should be used in conjunction with a 120 cfs Low Flow Threshold (LFT). The LFT would require that withdrawals not be allowed when the flow into the Lower Alafia River is below 120 cfs. The 120 cfs LFT will be in effect approximately 18 percent of the time on average during the year. The LFT was based on an increased sensitivity the Lower Alafia River has to adverse impacts at low flows; including an increased frequency of high phytoplankton blooms, low dissolved oxygen concentrations in upper river segments, and increased populations of a jelly-fish organism in the river that can impact larval fish populations.

The next step in the minimum flow process is peer review of the proposed minimum flows by an independent scientific panel. The Panel will conduct their review and report to the Governing Board at a future meeting. Following a favorable peer review report, staff will return to the Board with rule language to establish the minimum flow.

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

Committee Chair Pressman heard public comment on this item.

Mr. Gray Gordon, Vice President, Mosaic Fertilizer, LLC, said that his company would do whatever they could to help meet the MFLs on the Lower Alafia River including using water from Lithia Springs. (CD 1/Track 8 – 00:00/25:24)

b. **Estuarine Reaches of the Lower Peace River and Shell Creek**

Dr. Martin Kelly, Manager, Ecologic Evaluation Section, Resource Conservation and Development Department, said this was an information item for the proposed minimum flows for estuarine reaches of the lower Peace River and Shell Creek and the methodologies used to develop these recommendations. The technical report was being finalized for outside review and comment by interested parties and for the panel that will conduct scientific peer review.

The basic function of minimum flows establishment is to ensure that the hydrologic requirements of natural systems are met and not significantly harmed by excessive water withdrawals. Significant harm was defined as occurring when modeled withdrawals from the baseline or unaltered flow condition caused more than a 15 percent decline in any one of several ecologically based habitat metrics. Habitat availability was characterized based on several biologically relevant salinity zones: <2 ppt, <5 ppt, and <15 ppt.

A LFT of 90 cubic feet per second (cfs) was determined for the lower Peace River. Attempts were made to develop empirical models that related flow to dissolved oxygen concentration and chlorophyll *a* for purposes of establishing a low flow cutoff; however, no defensible relationships were found, and no LFT based on ecological criteria is proposed. Nevertheless a LFT of 90 cfs was recommended based on maintaining freshwater conditions near the withdrawal point of the Peace River/Manasota Regional Water Supply Authority's water supply facility.

No LFT was proposed for Shell Creek. In the absence of a LFT, the District's percent-of-flow reduction strategy insures that even under the lowest flow conditions the hydrologic regime is protected.

The next step in the minimum flow process is peer review by an independent scientific panel. The Panel will conduct their review and report to the Governing Board at a future meeting regarding the findings of the District's minimum flows assessment. Following a favorable peer review report, staff will return to the Board with rule language to establish the minimum flow.

This item was provided for the Committee's information, and no action was required. (CD 1/Track 9 – 00:00/14:37)

49. **Status of District's Watershed Management Program, Federal Emergency Management Agency Map Modernization and Use of the Information in the Environmental Resource Permitting Program**

This item was heard at 2:30 p.m. and is reflected later in this set of minutes.

Submit & File Reports - None

Routine Reports

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

50. **Significant Water Supply and Resource Development Projects**
51. **Land Resources Department Significant Activities**
52. **Florida Forever Funding Status Report**
53. **Minimum Flows and Levels Status Report**
54. **Hydrologic Conditions Status Report**
55. **Structure Operations Status Report**

Committee Chair Pressman relinquished the gavel to Regulation Committee Chair Rovira-Forino.

Regulation Committee

Discussion Items

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

57. **Amended Final Agency Action Water Use Permit No. 20011796.002 – Tampa Bypass Canal Water Supply Project (including Hillsborough River Water Source) and the Settlement Agreement between Tampa Bay Water and Southwest Florida Water Management District Regarding Water Use Permit No. 20011796.001 – DOAH Case No. 07-3183**

Ms. Alba E. Más, Director, Tampa Regulation Department, said subsequent to the District Governing Board approving Permit No. 20011796.001 on June 26, 2007, for withdrawals by Tampa Bay Water from the Hillsborough River and the Tampa Bypass Canal, both Tampa Bay Water and the City of Tampa challenged the permit and requested a hearing before the Division of Administrative Hearings (DOAH). Among other things, Tampa Bay Water challenged the term of the permit and references within the permit to the proposed rule that, if approved, would adopt a recovery strategy for the Lower Hillsborough River. Both the Tampa Bay Water petition and the City of Tampa's petition were deemed sufficient and both were referred to the DOAH for scheduling of an administrative hearing.

General Counsel Bilenky said after negotiations by the District's Chair, Executive Director and staff, with Tampa Bay Water's Chair, General Manager and staff, resolution of the outstanding permit issues was achieved. Motions to relinquish jurisdiction were filed by the District and Tampa Bay, as well as the City of Tampa, and the DOAH dismissed the petitions returning jurisdiction over the permit to the District. A settlement agreement was executed by the Executive Director and the General Manager of Tampa Bay Water agreeing, in part, to submit an amended permit to the District's Governing Board with a recommendation for approval.

Substantive changes incorporated into this permit include the following:

- (1) The expiration date was changed from December 31, 2010 to December 31, 2030. This permit term of 23 years is consistent with statutory provisions regarding the duration of a water use permit for alternative water supplies. In addition, periodic compliance reports (described below) will ensure all conditions of issuance continue to be met over the term of the permit.
- (2) Deletion of language in special condition 3 which stated "operation of the pumping facilities associated with this permit shall not interfere with the withdrawal of up to 11 cfs (7.1 mgd) when required to mitigate unacceptable adverse impacts or address minimum flows in the lower Hillsborough River." The District is provided reasonable assurance that such interference will not occur based upon the proposed Lower Hillsborough River minimum flow recovery strategy language, approved by the Board earlier in the meeting.
- (3) Inclusion of a Multi-Year Compliance Report to be submitted by Tampa Bay Water to the District by July 1, 2010 and by the first of July 2015, 2020 and 2025. These compliance reports must contain sufficient information to demonstrate reasonable assurance that for the remaining duration of the permit, Tampa Bay Water's use of water will continue to meet the conditions for permit issuance set forth in the District rules 40D-2 and the Basis of Review for Water Use Permits. This condition was also revised to clearly articulate the process that will be followed should the District determine the diversions from the Hillsborough River or the withdrawals from the Tampa Bypass Canal are causing, or are anticipated to cause, adverse impacts.

Staff recommended concurrence with the settlement agreement and approval of Water Use Permit No. 20011796.002.

Committee Chair Rovira-Forino heard public comment on this item.

Ms. Alison Adams, TBW, said on behalf of TBW staff she wanted to express their appreciation to the Governing Board and District staff for working collectively on this agreement and permit.

Ms. Koni Cassini, Acting General Manager, TBW, said they have already approved the settlement agreement and encouraged the Governing Board to approve the permit. Ms. Cassini echoed Ms. Adams expressions of appreciation.

Following consideration, **Ms. McCree moved, seconded by Mr. Pressman, to concur with the settlement agreement and approve the permit as included in the Board packet. Motion carried unanimously.** (CD 1/Track 10 – 00:00/26:18)

58. **Demand Management Activities – Governing Board Concurrence with Executive Director's Issuance of Emergency Orders**

- a. **Executive Director Order No. SWF 07-042 for Increased Withdrawals from the Tampa Bypass Canal and the Hillsborough River**
- b. **Executive Director Order No. SWF 07-043 for Increased Withdrawal from the Alafia River**
- c. **Executive Director Order No. SWF 07-045 for Increased Withdrawal from the Peace River**

Mr. Owen said the Board requested staff evaluate any other options that might contribute to managing the current drought situation. In August 2007, Executive Director Order Nos. SWF 07-042 and SWF 07-043 were issued. Order Nos. SWF 07-042 makes two temporary changes to Tampa Bay Water's Water Use Permit No. 20011796.000 for the Canal in order to authorize additional diversions of water from the Canal to the Reservoir. First, it authorizes withdrawal of water from the intake on the Canal's lower pool, above a stage elevation of 9.0 feet NGVD. Second, the Order authorizes diversion from the Hillsborough River to the middle pool of the Canal up to 40% of the flow through Structure 161 when 100 cfs is flowing at the City of Tampa Dam. Both of these temporary changes are consistent with the permit modification for Tampa Bay Water just previously approved. Order SWF 07-043 authorizes an increase in the percentage of withdrawal under Tampa Bay Water's Water Use Permit No. 20011794.001 to increase the withdrawal from the Alafia River from the current 10 percent to 19 percent of the total flow of the River as measured at Bell Shoals when that flow exceeds 80 mgd (124 cfs). This is consistent with the minimum flows and levels (MFLs) previously presented to the Board.

Ms. Closshey inquired if reports were accurate that the reservoir has a leak. Ms. Alba Más, Director, Tampa Regulation Department, responded to Ms. Closshey's inquiry and said that she has been in contact with Mr. Warren Hogg of TBW, who said that TBW is conducting normal maintenance on the reservoir and there is not a leak. Mr. Hogg added to this discussion and said that the reservoir is so low at this time it has allowed certain maintenance activities to be performed more easily. The reservoir is lined with a soil cement wall and this acts as a wave reducer and is not a structural part of the reservoir. Mr. Hogg reassured Board members that the reservoir is not damaged and is not leaking. He also said that the reservoir is inspected by the Florida Department of Environmental Protection.

The Peace River/Manasota Regional Water Supply Authority relies on diversions from the Peace River to meet the water needs of over 250,000 residents in the City of North Port and the counties of Charlotte, DeSoto and Sarasota. Drought conditions have caused a public water supply shortage within the Authority's regional water supply system, including critically low water levels in its reservoir and two Aquifer Storage and Recovery (ASR) wellfields. The Authority typically stores water from the Peace River in its reservoir and ASR wellfields during periods of high flow for later use during the annual dry season or when other supplies are not sufficient to meet potable water demand. When full, the reservoir stores approximately 625 million gallons of water

and the two ASR wellfields together store approximately 7.3 billion gallons. As of August 5, 2007, the Authority only had a total of 304 million gallons of water in storage.

On August 10, the Authority requested emergency District action which would allow it to increase withdrawals from the Peace River to augment the storage in its reservoir and ASR wellfields. Executive Director Order Nos. SWF 07-045 was issued on August 13, 2007, which makes a temporary change to the Authority's Water Use Permit No. 20010420.004 in order to authorize additional diversions of water from Peace River. Specifically, the maximum allowable diversion from the Peace River is increased from 10 percent of the average daily flow as measured at the Arcadia Station for the previous day to 12 percent of the combined average daily flow as measured at the Arcadia Station, Horse Creek gauge and Joshua Creek gauge for the previous day. This authorization maintains the permit condition that prohibits withdrawal from the Peace River when flow from the river falls below 130 cfs as measured at the Arcadia Station for the previous day. These temporary authorizations are consistent with the revised MFLs proposed for the lower Peace River, as presented to the Board earlier.

Staff recommended:

- (1) Concurrence with the issuance of Executive Director Order No. SWF 07-042 for increased withdrawals from the Tampa Bypass Canal and the Hillsborough River to augment the C. W. Bill Young Reservoir.
- (2) Concurrence with the issuance of Executive Director Order No. SWF 07-043 for increased withdrawal from the Alafia River to augment the C.W. Bill Young Reservoir.
- (3) Concurrence with the issuance of Executive Director Order No. SWF 07-045 for increased withdrawal from the Peace River to augment the Peace River/Manasota Regional Water Supply Authority's reservoir and ASR wellfields.

Following consideration, **Ms. Closshey moved, seconded by Ms. McCree, to concur with the aforementioned staff recommendation. Motion carried unanimously.** (CD 1/Track 11 – 00:00/11:58)

59. **Authorization to Publish Notice of Proposed Rule to Amend 40D-2.091, 40D-2.321 and 40D-2.801(3)(c), Florida Administrative Code (F.A.C.), and Part B, Basis of Review, of the Water Use Permit Information Manual to Establish the Central Florida Coordination Area and to Provide Regulations for the Area**

Mr. Owen said at its October 2006 meeting, the Governing Board authorized staff to initiate Rule Development to address concerns about increasing stress to the water resources in Central Florida and the sustainability of continued and escalating development of traditional ground water sources. The Central Florida Coordination Area (CFCA) includes all of Polk, Orange, Osceola and Seminole counties, and southern Lake County. The CFCA initiative involves the three water management districts that regulate water use in this area, including the St. Johns River Water Management District (SJRWMD), South Florida Water Management District (SFWMD) and Southwest Florida Water Management District (SWFWMD). The water resource concerns are based on the water supply demand projections and impact analyses completed of data in the water use permitting (WUP) program and the minimum flows and levels program in each of the three districts.

Collectively, the proposed interim rules constitute a balanced regulatory approach that protects the public interest against the adverse effects of competition and harm to the water resources of Central Florida, while providing for allocations of available ground water and the expeditious development of supplemental water supply projects.

Staff recommended that the Governing Board authorize publication of the Proposed Rule in the Florida Administrative Weekly to amend the District's water use permitting rules to address water supply issues in Central Florida. The language of the proposed rules was

included in the Governing Board information notebook. Staff will return to the Board at its October or November meeting to request final approval of the rules after the time period for requests for hearings has expired.

Committee Chair Rovira-Forino heard public comment at this time.

Mr. Gregg Bletcher, Polk County Utilities Director, said the Polk County Board of County Commissioners supports this rule.

Following consideration, **Ms. McCree moved, seconded by Mr. Oakley, to concur with the aforementioned staff recommendation. Motion carried unanimously.**
(CD 1/Track 12 – 00:00/22:49)

60. **Rule Adoption to Amend 40D-2.091, F.A.C., and Part B, Basis of Review, of the Water Use Permit Information Manual to Expand the Southern Water Use Caution Area Per Capita Requirements Districtwide**

Mr. Jay Yingling, Planning Department, said the purpose of his presentation today was to obtain Governing Board approval for the publication of the proposed rules in Florida Administrative Weekly to advance the rule development process that will provide a consistent methodology for calculating and reporting utility per capita water use, reporting of other water demand related data, and compliance with a per capita water use standard.

Staff recommended approval for Adoption of the Amendments to Chapter 40D-2, F.A.C., which were included in the Governing Board information notebook, to Extend the SWUCA Per Capita and Reporting Requirements to those Portions of the District Outside the SWUCA.

Committee Chair Rovira-Forino heard public comment on this item.

Dr. Octavio Blanco addressed the Board regarding the 150 gpcd threshold mentioned as a Districtwide goal by Mr. Yingling during his presentation and wondered what other goals the District may have in mind. He believes there is a potential to further conservation efforts.

Following consideration, **Ms. McCree moved, seconded by Mr. Oakley, to concur with the aforementioned staff recommendation. Motion carried unanimously.**
(CD 1/Track 13 – 00:00/27:10)

Submit & File Reports

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

61. **Overview of Trends in Resource Regulation**

Mr. Owen pointed out that this is a new report to capture trends.

Routine Reports

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

62. **Overpumpage Activities**

63. **Southern Water Use Caution Area Quantities**

64. **Water Production Supply Summary**

65. **Resource Regulation Significant Initiatives Report**

Mr. Owen said this was a new report and he said it is reflective of the large number of permits that are processed through the Regulation Department every month. He explained that Hillsborough County asked to have the District's inspector general, Kurt Fritsch, assist them in conducting an audit of their activities under an existing Memorandum of Understanding we have with them where they assist the District in applying our wetlands regulation program in Hillsborough County.

Following consideration, **Ms. Closshey moved, seconded by Ms. McCree, to suggest that Hillsborough County seek an outside auditor. Mr. Pressman declared that he had a conflict of interest. Motion carried with Mr. Pressman abstaining from the vote.** (CD 1/Track 13 – 27:10/36:21/CD 1/Track 14 – 00:00/00:24)

Committee Chair Rovira-Forino relinquished the gavel to Chair Whitehead who recessed the public hearing for a short lunch break.

Following the lunch break, Chair Whitehead relinquished the gavel to Finance and Administrative Committee Closshey.

Finance and Administration Committee

Discussion Items

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

67. **Fiscal Year 2008 Budget Update**

Ms. Linda Pilcher, Assistant Finance Director, provided the Committee with an update on the fiscal year (FY) 2008 budget development process and highlighted proposed changes since the last budget update, July 31, 2007, including upcoming activities, and report status. Ms. Pilcher also reviewed the remaining FY2008 budget calendar. The Tentative Public Budget Hearing is scheduled for September 11, 2007, 5:01 p.m., at the Tampa Service Office and the Final Public Budget Hearing is scheduled for 5:01 p.m. at Brooksville Headquarters on September 25, 2007.

Staff recommended acceptance of the August Budget Update. Following consideration, **Ms. Parks moved, seconded by Ms. McCree, to accept the Budget Update. Motion carried unanimously.** (CD 1/Track 15 – 00:00/07:19)

This following items were added for consideration.

Resolution No. 07-24 to Request Funds from the Fiscal Year 2007-2008 General Appropriation Act for the Central West Coast Surface Water Enhancement, Charlotte Harbor Restoration, Facilitating Agriculture Resource Management Systems, Myakka River Watershed Initiative, Sarasota Bay Restoration, Tampa Bay Regional Reclaimed and Downstream Enhancement, Tampa Bay Restoration, and Upper Peace River Restoration Initiative Projects

Staff recommended adoption of Resolution No. 07-24 requesting \$5,550,000 from the Ecosystem Management and Restoration Trust Fund to implement the Central West Coast Surface Water Enhancement, Charlotte Harbor Restoration, Facilitating Agriculture Resource Management Systems, Myakka River Watershed Initiative, Sarasota Bay Restoration, Tampa Bay Regional Reclaimed and Downstream Enhancement, Tampa Bay Restoration, and Upper Peace River Restoration Initiative Projects.

Resolution No. 07-26 to Request Water Protection and Sustainability Trust Fund to Carry Out Surface Water Restoration Activities in District Priority Water Bodies

Staff recommended adoption of Resolution 07-26 requesting \$2,500,000 from the Water Protection and Sustainability Trust Fund to implement projects in the District's SWIM Program and Surface Water Restoration activities in water management district designated priority water bodies for FY2008.

Following consideration, **Mr. Combee moved, seconded by Ms. McCree, to approve the staff recommendations to approve Resolution Nos. 07-24 and 07-26, respectively. Motion carried unanimously.** (CD 1/Track 15 – 07:19/10:28)

Submit & File Reports

The following items were submitted for the Committee's information.

68. **Inspector General's Report – Chemistry Laboratory Managerial Audit**
69. **Treasurer's Report, Payment Register, and Contingency Reserves Report**

Routine Reports

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

70. **Management Services Status Report**
71. **July 2007 Interim Report on Workforce and Vendor Diversity**
Ms. Rovira-Forino said that Ripples is a wonderful newsletter and it highlights how the District incorporates Diversity every day. (CD 1/Track 15 – 10:28/13:15)

Committee Chair Closshey provided a report on the Climate Change Initiative. On July 12 -13, 2007, Governor Crist held a climate change summit. Three Executive Orders initiating Florida's energy policy were signed on July 13. In these orders, Governor Crist called for all State agencies to implement plans to reduce greenhouse gases and increase energy efficiency. Executive Director Moore has appointed a team to examine ways that the District can continue its environmentally friendly initiatives. Periodic reports will be provided to the Governing Board. (CD 1/Track 16 – 00:00/05:42)

Chair Whitehead turned the gavel over to Outreach and Planning Committee Chair Combee.

Outreach and Planning Committee

Discussion Item

72. **Fiscal Year 2009 Strategic Plan Update**
Mr. Kurt Fritsch, Inspector General, said the purpose of this agenda topic was to provide the Governing Board a project status report on the update to the District's Strategic Plan. During the presentation, staff provided a status report on work activities to date; the Governing Board received updated copies of the strategic map with some performance metrics as developed by the Strategic Team; and responded to Governing Board Member questions on the Team's work to date.

Mr. Roy Mazur, Director, Planning Department, reviewed the draft agenda for the September 11, 2007 Joint Governing Board and Basin Boards Workshop. Mr. Moore discussed ideas for the Workshop and said the Strategic Team will be looking to the Governing Board for feedback. Governing Board members discussed the role of Basin Board members and agreed those members should be given the opportunity to see the District's overall direction and time should be allotted for them to discuss how those directives fit into their own specific areas.

Mr. Moore said he wanted to emphasize three key points regarding the workshop and strategic planning process in general. First he said he believes there to be great value in having the Governing Board members and the Basin Board members meet and interact with one another. Second there are tremendous benefits associated with having 13 senior level directors/managers examine the organization from every angle. Third Mr. Moore said the Basin Board members are interested in learning where the District stands on all of the current major issues. Ms. McCree and Mr. Dabney suggested staff return to the previous draft version of the District's Mission Statement, both members felt that version was more succinct; Mr. Fritsch said that would be done. (CD 1/Track 17– 00:00/39:29)

Submit & File Report

73. **Legislative Update**
This item was submitted for the Committee's information.

Routine Reports

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

74. **Significant Activities Report**
75. **Comprehensive Plan Amendment and Related Reviews Report**
76. **Review of Developments of Regional Impact**

Committee Chair Combee relinquished the gavel to Chair Whitehead who turned the gavel over to Resource Management and Development Committee Chair Pressman to hear item 49, which was heard at 2:30 p.m.

Resource Management and Development Committee

49. **Status of District's Watershed Management Program, Federal Emergency Management Agency Map Modernization and Use of the Information in the Environmental Resource Permitting Program**

Mr. Wirth said this presentation would focus on two parts. The first on the procedural process of developing watershed models in regard to revised 100-year flood elevations associated with FEMA's Federal Insurance Rate Maps (FIRMs) and the approval and adoption process of this work by the District and FEMA respectively. The second part would focus on the more technical issue of the rainfall events used to determine the FEMA 100-year flood elevations and the rainfall event used in the District's ERP rule and its implications on site development.

Mr. Gordon McClung, Engineering Manager, Resource Management Department, began his presentation by asking the audience to keep the following key points in mind: this is not the end of the process; there will be extensive public input opportunities; and that the District is committed to getting the right floodplain elevation. The District's Strategic Plan Goal Statement for Flood Protection calls to minimize flood damage by optimizing and maintaining storage and conveyance in natural and man-made systems, and by encouraging appropriate locations and design standards for growth.

The District partners with local governments through the Cooperative Funding Program to implement the Watershed Management Program (WMP). The local governments have been partnering with the District on these studies because they need better floodplain information for land use decisions (building and zoning). Currently, the District has ongoing or completed studies in approximately 170 of the 419 watersheds in the District.

Mr. Moore addressed the Watershed Management Program Preliminary Results Disclaimer, which states that this information has not been finalized and may be revised following public review and comment. He added that this information should be used as a reference only and not as the definitive source. Mr. Moore cautioned counties against rushing the process. Mr. Larry Jennings, Hernando County, addressed the Governing Board regarding this issue and stated that the County is making use of all of the new information made available regarding flood plain mapping, but is not using it as the definitive source for land use decision making. Major developments and building permits are being scrutinized with the new mapping guidelines in the quotient because it is a necessary consideration in the review process. (CD 1/Track 18 – 00:00/60:17)

Resource Management and Development Committee Chair Pressman heard public comment at this time.

Mr. M. Krishnamurthy, a resident of Orlando, said he was a volunteer with the non-profit organization called the Florida Floodplain Managers Association; the organization's goal is to educate the public and government officials about floodplain awareness in Florida. The organization stresses that mapping is a guide but the true flooding potential in an area may be far greater than maps depict. The organization applauds the District's effort in

working with FEMA on this map modernization project because it is time for updates due to all of the growth that has occurred in Florida.

Mr. Rod Ghioto said he has worked in the water resources field since the early 1970s and he is supportive of the work the District is doing with FEMA. One of the studies done in Bear Creek, which Mr. Ghioto was a contributing author, is being used today to ascertain historical knowledge and predict future events; Mr. Ghioto believes this is the type of data that should be considered because it was reality.

Dr. Octavio Blanco said he remembers when Hurricane Donna swept through the area. Floodplain mapping is an ongoing dynamic. He hopes the District will concentrate efforts on the use of natural floodplains and encourage vertical land use development. Dr. Blanco said in reviewing historic District reports he noticed that Lake Iola has not reached minimum low in over 10 years which tells him we are losing wetlands, this is why he stresses conservation and natural floodplains. (CD 1/Track 18 – 60:17/70:23)

Mr. Jake Varn said he is here today representing approximately 50 individuals. The group he is representing is in favor of updated maps. Mr. Varn said there is a lot of confusion out there in the public regarding the modernization program and he is confused about the process. He expressed his thoughts about the District's statistical methods used to develop the 100-year flood elevation and questioned whether or not staff was making policy decisions in lieu of the Governing Board. Mr. Varn reviewed some of the implications of the new mapping on areas in Hernando and Pasco counties and pointed out what he thought to be mistakes and inconsistencies; he said the point he was making is that the maps have to be right. If the District is going to use a five-day rainfall event there should be a public hearing just on that issue. Peer review should be completed. Conduct well advertised public hearings with good notices. There should be adequate time to review the maps and Mr. Varn suggested 45 days was not sufficient. No map should be released until those steps have been taken. (CD 1/Track 18 – 70:23/85:55)

Mr. Dabney said this situation reminds him of his experience when Sarasota County faced flooding issues many years ago. He said the models that are developed will be in the public domain and he would like to better understand why there are different models for different areas. Mr. Dabney said he is wondering if FEMA is going to take into account infiltration. He said he understands that there will be robust public hearings before any maps are adopted. Ms. McCree asked that the Board receive periodic updates regarding the project.

This item was presented for the Committee's information only, and no action was required. (CD 1/Track 19 – 00:00/05:50)

General Counsel's Report

Discussion Items

77. **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.

78. **Litigation Summary and Report**
79. **Rulemaking Update**

Reports

80. **Agricultural Advisory Committee Liaison Report**

The Committee met on August 21, 2007. Ms. Symons is the Board's liaison; however, in her absence, Mr. Oakley attended the meeting. Mr. Oakley said the meeting was very informative and covered a wide range of topics. Ms. Kavouras noted that Mr. Michael Molligan, Director, Communications Department, had taken the lead in having an agricultural portal designed on the District's Web Site for agriculturalists to use. Ms. Deanna Naugler demonstrated the online Water Use Agricultural Small General Permit Renewal System. (CD 1/Track 20 – 00:00/06:30)

81. **Green Industry Advisory Committee Liaison Report**

The Committee met on August 23, 2007. Ms. Parks is the Board's liaison and she said some of topics discussed included Demand Management, Northern District Water Use Strategies, Central Florida Coordination Area, the Desalination Facility, and MFLs for the Hillsborough River.

Ms. Rovira-Forino said the District's CHAMP is going strong and continues to grow with 309 participating hotels out of 951 hotels Districtwide. The estimated water savings is 400,000 gpd. In July 2007, Governor Crist signed an Executive Order limiting all state agencies to using Green Lodges for meetings and conferences. There are five certified Green Lodges in the District. (CD 1/Track 20 – 06:30/11:37)

82. **Special Joint Meeting of the Environmental and Public Supply Advisory Committees Liaison Report**

The Committee met on August 27, 2007. Mr. Pressman is the Board's liaison for the Environmental Advisory Committee. He said brackish groundwater was the key topic heard at the Committee and he will report more on that subject matter at the September Governing Board meeting. Mr. Pressman said this was a well attended joint meeting.

Mr. Pressman said he also attended the Tampa Bay Regional Planning Council meeting. He also called attention to the Overpumpage Report and encouraged staff to pursue those who are out of compliance and have been for some time.

Ms. Parks attended a Century Commission meeting held in Pinellas County that centered on water issues. A work group dealing with water was developed out of this meeting and Ms. Parks thought perhaps a Board member and a staff member could participate with this workgroup. Mr. Dabney suggested Ms. Parks work with the work group. Mr. Moore said staff would send representation. (CD 1/Track 20 – 11:37/19:37)

83. **Executive Director's Report**

Mr. Moore said Mr. Gregg Jones will be leaving to pursue a career in the private sector and we all wish him well.

Ms. Closshey asked for a status report on her request to be provided clarification on the roles of officers and Committee chairs. Ms. Kavouras said that document went out about three weeks ago for review and since all of the feedback she received was positive no changes to the document were proposed. Ms. Closshey said she would forward her comments. (CD 1/Track 20 – 19:37/23:01)

84. **Chair's Report**

Chair Whitehead said she has been busy attending meetings with TBW regarding permitting and MFLs for the Hillsborough River. Last week, she traveled with Mr. Moore to conduct the semi-annual employee meetings at each of the service offices. Chair Whitehead said she enjoyed attending these meetings very much. The FEMA updates have been a key subject matter for Chair Whitehead who has had numerous discussions with citizens and contractors regarding their concerns and trying to explain the District's

role in the process. Chair Whitehead said she is looking forward the September 11, 2007 Joint Governing Board and Basin Boards Strategic Planning Workshop. (CD 1/Track 20 – 23:01/26:13)

Public Input

No requests to address the Board were submitted.

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

The meeting was adjourned at 4:40 p.m.

Attest:

Chairman
