

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Sarasota, Florida

October 28, 2008

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on October 28, 2008, at the Sarasota Service Office. The following persons were present:

#### Board Members Present

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

#### Staff Members Present

David L. Moore, Executive Director  
William S. Bilenky, General Counsel  
Lou Kavouras, Deputy Executive Director  
Richard S. Owen, Deputy Executive Director  
Eugene A. Schiller, Deputy Executive Director  
Bruce C. Wirth, Deputy Executive Director

#### Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

#### Board Members Absent

None

A list of others present who signed the attendance roster is filed in the permanent files of the District. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

## Public Hearing

### 1. Call to Order

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

### 2. Pledge of Allegiance and Invocation

Chair Combee led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 01- 00:00/02:10)

## Public Hearing

Chair Combee noted that this Governing Board meeting was being broadcast to the Bartow, Brooksville, and Tampa Service Offices. Public input was only taken during the meeting onsite. The Governing Board's meeting was recorded for broadcast on government access channels.

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 additions and deletions from the agenda after publication of the regular agenda.

**Consent Agenda**

*The following items were deleted from consideration:*

8. ERP No. 44026519.002 - Keystone Meadows - Phase I and II (*DENIAL*) – Hillsborough County
9. ERP No. 46033717.000 - Rearing Horse Estates (*DENIAL*) – Marion County

*The following item was added for consideration under the Resource Management Committee:*

- Request for Additional Funds – Lake Hancock Project, SWF Parcel No. 20-503-193

**General Counsel's Report**

*The following item was added for consideration under the General Counsel's Report Discussion Item:*

- Authorization to Initiate Litigation - Kenneth J. Gerena, Melinda L. Baytarian, SWF Parcel No. 11-709-131, Chito Beach Reserve

4. **District Recognition – Nature's Classroom Environmental Education Program Award**

Mr. Eric Sutton, Assistant Director, Land Resources Department, said in the past few years, the Governing Board has supported renovation efforts at Nature's Classroom being conducted by the Hillsborough County School Board and the Hillsborough Education Foundation. The renovation plan included the construction of an environmental education center, interpretive building, administrative center and replacement of other amenities that are used to provide an outstanding environmental education experience to Hillsborough County students. In addition to environmental education, the renovations have created a venue that has fostered other beneficial relationships such as a place to connect art and ecosystems.

In connection with the renovation work at Nature's Classroom, the District was nominated for the Brandon News and Tribune Brush Strokes 2007/2008 Awards for Excellence in the Arts. The Greatest Corporate Contribution Award was presented to the Southwest Florida Water Management District and Hillsborough County Water Resource Service (HCWRS) for contributions to Nature's Classroom. This award was given to the District for its continued support of Nature's Classroom and the HCWRS for promoting a poster of a painting "River Rapids" by artist Taylor Ikin who has completed a series of paintings of public reservation lands. Additionally, Nature's Classroom Site Administrator, Karen Johnson, received the Development of Arts Award from the Tribune. District staff received the award on September 14, 2008.

This item was presented for the Board's information, and no action was required.  
(CD 1/Track 03 - 00:00/01:22)

5. **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 a 20-year milestone: Ms. Mary French, Senior Regulation Processing Specialist Sarasota Regulation, Sarasota Service Office and Mr. Vince Pelham Staff Field Technician Resource Data and Restoration, Sarasota Service Office.

This item was presented for the Board's information, and no action was required.  
(CD 1/Track 04 - 00:00/00:44)

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

No person(s) came forward to speak at this time.

**Consent Agenda**

Items 8 and 9 were deleted from consideration. An item was added for consideration under the Resource Management Committee: Request for Additional Funds – Lake Hancock Project, SWF Parcel No. 20-503-193.

**Regulation Committee -- Environmental Resource Permits**

7. ERP No. 43004276.016 - Crystal River Airport - Taxiway Relocation and Widening – Citrus County
- ~~8. ERP No. 44026519.002 - Keystone Meadows - Phase I and II (**DENIAL**) - Hillsborough County~~
- ~~9. ERP No. 46033717.000 - Rearing Horse Estates (**DENIAL**) - Marion County~~
10. ERP No. 49024788.010 - Ashley Glen Boulevard – Pasco County
11. ERP No. 43030052.001 - Pasco County - SR 54, from E of I-75 to E of CR 577 (includes a partial release of a portion of a conservation easement) – Pasco County
12. ERP No. 43015030.004 - Canterbury School Athletic Fields – Pinellas County
13. ERP No. 43002514.003 - Polk County - Harden/Pipkin Intersection Improvements – Polk County
14. ERP No. 43023431.007 - FDOT - U.S. 27 (from N. of SR 540 to N. of SR 542) – Polk County
15. ERP No. 43025469.008 - Sarasota Interstate Park of Commerce - Phase 2 – Sarasota County

**Regulation Committee -- Water Use Permits**

16. WUP No. 20005060.011 - Charlee, LLC/2 X 4 Ranch – DeSoto County
17. WUP No. 20000450.009 - City of Temple Terrace/City of Temple Terrace – Department of Public Works – Hillsborough County
18. WUP No. 20002698.007 - Sid Larkin and Son, Inc. – Pasco County
19. WUP No. 20013170.000 - Angelos Aggregate Agricultural Use – Pasco County
20. WUP No. 20000341.011 - City of Bartow/Bartow Public Supply – Polk County
21. WUP No. 20002180.003 - Lee Capital, Ltd. Partnership and Sumter, LLC – Sumter County

**Regulation Committee – Other**

22. **Governing Board Concurrence with Executive Director's Issuance of Fifth Modification to Executive Director Order No. SWF 07-045, Regarding Use of Peace River Diversions**  
Staff recommended concurrence with issuance of Fifth Modification to Executive Director Order SWF 07-045, for ongoing diversion from the Peace River to augment the Peace River/Manasota Regional Water Supply Authority's reservoir, two ASR wellfields, and regional water transmission system.
23. **Approve Changes to Amendments to Rule 40D-2.041, Florida Administrative Code (F.A.C.), to Revise the Small General Water Use Permit Category**

Staff recommended to approve the changes proposed to Rule 40D-2.041, F.A.C., to revise the Small General Water Use Permit category and authorize staff to initiate the rulemaking process for these amendments.

**Resource Management Committee**

24. **Five-Year Water Resource Development Work Program**

Staff recommended to approve the proposed Five-Year Water Resource Development Work Program (including the 2008 Demand Projections and new projects for inclusion in the RWSP) for submittal to the Florida Department of Environmental Protection for review and comment.

25. **Minimum Flows and Levels Priority List and Schedule Update**

Staff recommended to approve the Priority List for submission to Florida Department of Environmental Protection for its approval as required by Subsection 373.042(2), Florida Statutes.

26. **Appraisal, Purchase/Sale Agreement and Resolution Requesting Funds – Annutteliga Hammock Project, SWF Parcel No. 15-228-358**

Staff recommended to (1) acceptance of appraisal; (2) approval of purchase/sale agreement; (3) approval of resolution requesting funds; and (4) designation of SWF Parcel No. 15-228-358 as having been acquired for conservation purposes.

27. **Appraisal and Exchange Agreement -- Annutteliga Hammock Project, SWF Parcel Nos. 15-228-1302S and 15-228-1301**

Staff recommended to (1) accept the appraisal; (2) approve the exchange agreement; (3) Declare SWF Parcel No. 15-228-1302S surplus and convey the property to S. D. Sanford, Inc., Scott A. Sanford and Charles David Sanford; and (4) designate SWF Parcel No. 15-228-1301 as having been acquired for conservation purposes.

28. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-156**

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

29. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-168**

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

30. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-206**

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

The following item was added for consideration:

**Request for Additional Funds – Lake Hancock Project, SWF Parcel No. 20-503-193**

Staff recommended to approve additional funds for SWF Parcel No. 20-503-193 in the amount of \$6,394.14.

31. **Utility and Drainage Easement to Sarasota County – Sarasota Service Office, SWF Parcel No. 21-477-109X**

Staff recommended to (1) approve conveyance of a utility and drainage easement over SWF Parcel No. 21-477-109X to Sarasota County; (2) accept the appraised value of \$32,000 for a drainage and utility easement over SWF Parcel No. 21-477-109X; and (3) authorize the transfer of \$19,800 from the General Fund Contingency Reserves to the General Services Department's Fiscal Year 2009 operating budget for landscaping lost as a result of construction.

32. **Amendment to Eminent Domain Resolution to Correct Legal Description for Lake Hancock Lake Level Modification Project**

Staff recommended revising Resolution 07-34 as follows: (1) amend the elevation referenced in the resolution for the 100-year flood level from 103.85 (NGVD 1929) to 103.90 (NGVD 1929) reflecting reasonable precision for ground measurements; and (2) amend the legal descriptions to conform to the finalized survey work.

33. **Sulphur Springs Pool Upper Weir & Gates and Sulphur Springs Pumping Station Project**

Staff recommended approval of the agreement effective as of October 1, 2009, with the City of Tampa for \$2,480,000, with the District's share not to exceed \$1,240,000; and authorize the Executive Director to execute the agreement.

34. **Chassahowitzka Spring Restoration – First Amendment**

Staff recommended approval of the First Amendment to the agreement with Citrus County to revise the scope of work and extend the contract expiration date by one year; and authorize the Executive Director to execute the amendment.

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

a. **Citrus Creek Grove, LLC, Phase II – Charlotte County**

Staff recommended to (1) approve the Citrus Creek Grove, LLC, Phase II FARMS Project for a not-to-exceed project reimbursement of \$637,500, with \$159,375 provided by the Peace River Basin Board, \$159,375 provided by the Governing Board, and \$318,750 provided from State Appropriations; (2) authorize the transfer of \$159,375 from fund 020 H017 Peace River Basin Board FARMS funds, \$159,375 from fund 010 H017 Governing Board FARMS funds, and \$318,750 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to the H548 Citrus Creek Grove, LLC, Phase II FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

b. **TJ Chastain – Charlotte County**

Staff recommended to (1) approve the TJ Chastain Project for a not-to-exceed project reimbursement of \$120,000 with \$30,000 provided by the Peace River Basin Board, \$30,000 provided by the Governing Board, and \$60,000 provided from State Appropriations; (2) authorize the transfer of \$30,000 from fund 020 H017 Peace River Basin Board FARMS funds, \$30,000 from fund 010 H017 Governing Board FARMS funds, \$60,000 from State Appropriations, of which \$22,480 is allocated to fund 020 H017 and \$37,520 is allocated to fund 010 H017, to H563, TJ Chastain project fund; and (3) authorize the Executive Director to execute the agreement.

c. **Calvin Houghland – DeSoto County**

Staff recommended to (1) approve the Calvin Houghland project for a not-to-exceed project reimbursement of \$487,500 with \$121,875 provided by the Peace River Basin, \$121,875 provided by the Governing Board, and \$243,750 provided from State Appropriations; (2) authorize the transfer of \$121,875 from fund 020 H017 Peace River Basin Board FARMS funds, \$121,875 from fund 010 H017 Governing Board FARMS funds, and \$243,750 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to H567 Calvin Houghland project fund; and (3) authorize the Executive Director to execute the agreement.

d. **Blue Fields USA, L.L.C. – Hardee County; and Additional FARMS Program Funding for Fiscal Year 2009**

Staff recommended to (1) authorize the transfer of \$293,743 from L485 Charlotte County Golf Course Reuse Storage project to H017 FARMS Program for use in implementing additional FARMS projects in FY2009; (2) approve the Blue Fields USA, L.L.C. FARMS Project for a not-to-exceed project reimbursement of \$255,868, with \$63,967 provided by the Peace River Basin Board, \$63,967 provided by the Governing Board, and \$127,934 provided from State Appropriations; (3) Authorize the transfer of \$63,967 from fund 020 H017 Peace River Basin Board FARMS funds, \$63,967 from fund 010 H017 Governing Board FARMS funds, and \$127,934 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to H564 Blue Fields USA, L.L.C. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

e. **Old Florida Investments, Inc. – Manatee County**

Staff recommended to (1) approve the Old Florida Investments, Inc., Kibler Farm project for a not-to-exceed project reimbursement of \$43,500 with \$10,875 provided by the Manasota Basin Board, \$10,875 provided by the Governing Board, and \$21,750 provided from 2005 State Appropriations; (2) authorize the transfer of \$10,875 from fund 010 H017 Governing Board FARMS funds, \$10,875 from fund 021 H017 Manasota Basin Board FARMS funds, \$21,750 from the 2005 State Appropriations

allocated to fund 021 H017 Manasota Basin Board FARMS funds, to the H566 Old Florida Investments, Inc., Kibler Farm project fund; and (3) authorize the Executive Director to execute the agreement.

f. **Sandy Branch Ranch, L.L.C – Manatee County**

Staff recommended to (1) approve the Sandy Branch Ranch, LLC project for a not-to-exceed project reimbursement of \$63,750 provided from the 2003 State Appropriations to the Manasota Basin Board; (2) authorize the transfer of \$63,750 from the 2003 State Appropriations allocated to fund 021 H017 FARMS funds to H565, Sandy Branch Ranch, LLC, project fund; and (3) authorize the Executive Director to execute the agreement.

**Finance & Administration Committee**

36. **Board Travel**

No action was required at this time.

37. **Budget Transfer Report**

Staff recommended to approve the Budget Transfer Report covering all budget transfers for September 2008.

**General Counsel's Report**

38. **Consent Order – ERP No. 46029136.000 - Columbia Apartments II, LLC (Columbia Pines) – Hillsborough County**

Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Columbia Apartments II, LLC to obtain compliance with the Consent Order.

**Executive Director's Report**

39. **Approval of Minutes – September 16, 2008 Tentative Public Budget Hearing; September 30, 2008 Governing Board Meeting; and September 30, 2008 Final Public Budget Hearing**

Staff recommended to approve the minutes as presented.

Following consideration, **Ms. Parks moved, seconded by Ms. Glass, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 5 – 00:00/00:45)

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

**Resource Management Committee**

***Discussion Items***

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

41. **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.

Mr. Kinsman said rainfall deficits are expanding and hydrologic indicators are declining with the greatest impacts occurring in the central region. The forecast favors drier-than-normal conditions and seasonal declines are expected to be greater than normal.

Chair Combee said it is important to step up our efforts to let the public know that this drought and its effects are not over. Ms. Closshey suggested the District work directly with homeowner associations to help them communicate drought information in their neighborhoods. Mr. Oakley inquired about the number of inches of rainfall the District is behind; Mr. Kinsman replied that the District has a 16-inch rainfall deficit, which was accumulated over the past two years. Board members continued with a discussion regarding rainfall deficits. Mr. Kinsman said he would gather more data for a future presentation to compare some historic numbers.

This item was provided for the Committee's information, and no action was required.  
(CD 1/Track 6 – 00:00/12:51)

42. **District's Long-Range Water Supply and Water Resource Development Funding Plan**

Mr. Bruce C. Wirth, P.E., Deputy Executive Director, Resource Management Division, noted this was an information item and presented an update of the Long-Range Water Supply and Water Resource Development Funding Plan (Funding Plan). He provided a comprehensive update of the Funding Plan based on the most current information and projections from our cooperators and our own initiatives. As with previous years, the projected cash outflow requirements for the Governing Board and the affected Basin Boards were compared to their expected revenue streams to determine their respective abilities to meet the financial demands when costs are incurred.

Mr. Wirth reviewed the major water supply and water resource development projects in the planning area. He said the grand total of the District's participation for funding capital costs is \$1.4 billion, \$234 million was previously funded, and the remaining \$1.19 billion of capital funds is needed through FY2025. The Governing Board's share is \$591 million and Basin Boards' share is \$600 million.

The basis for projections include: no increase in millage rates or revenue growth projected over planning period ending in 2025, the funding allocation for planning purposes would be \$30 million per year from the Governing Board and the same from the Basin Boards in total, no other State or Federal funding included in this analysis, and project costs are reported in 2009 dollars. Mr. Wirth reviewed the potential funding versus estimated project costs for each basin, as well as the State Florida Forever Program funding allocation to-date.

Mr. Wirth said in conclusion, tax reform and declining economies could significantly reduce future District revenues and allocations for water supply and resource development projects. The Governing Board is presently positioned to meet financial demands through 2016. The Basin Boards in the northern Tampa Bay planning area, with the exception of the Alafia River Basin, are well positioned to meet financial demands. Basin Boards in the Southern Water Use Caution Area planning area do not appear capable of meeting financial demands under the current basis of projections. Success in obtaining State and Federal grants for projects could significantly lower District cost contributions. (CD 1/Track 7 – 00:00/35:09)

Mr. Gramling said he has identified some areas he would like the Governing Board to consider. First, he noted is the percentage of funding between the Governing Board and the Basin Boards. In addition to capital costs, the Governing Board splits the cost with the Basin Boards on data collection, analysis, and recovery related to MFLs, water supply technical studies, and water supply planning efforts. Second, Mr. Gramling said the Governing Board may consider participating in water resource programs currently funded 100 percent by the Basin Boards. Third, he asked what should be the expectation of the Governing Board when a Basin Board is unable to meet the projected funds needed for projects under the current millage rates. Mr. Gramling said he would like staff to bring these questions back at the next Governing Board meeting for the Board's discussion.

Ms. Closshey suggested adding a fourth component to Mr. Gramling's suggestions, which is to look at different ways of evaluating the various projects so that proportions could be applied differently to the highest ranked projects. She said a fifth suggestion is the Governing Board be provided a primer regarding raising millage rates and what the implications would be for each Basin Board. Ms. Whitehead said local economies and assessments need to be taken into consideration when looking at the possibility of increases to millage rates.

Following consideration, **Mr. Pressman moved, seconded by Ms. Parks, to direct staff to bring back the five items, summarized in the aforementioned paragraph, for a full discussion at the November Governing Board meeting. Motion carried unanimously.** (CD 1/Track 7 – 35:09/62:40)

43. **Lake Panasoffkee Restoration Council – Eleventh Annual Report to the Legislature**

Mr. Michael L. Holtkamp, Director, Operations Department, said the purpose of his presentation was to recommend the Governing Board accept the Lake Panasoffkee Restoration Council's 2008 Report to the Legislature. Since the submittal of the Council's first Report to the Legislature in November 1998, the Council working with its Advisory Group, made up of the District, Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, has worked to identify the management issues, strategies, and goals to restore Lake Panasoffkee. The primary restoration strategy for Lake Panasoffkee was a multi-step in-lake dredging project to remove sediments and dense emergent vegetation in order to restore fisheries habitat and historic shoreline, and to improve navigation.

The 2008 Report to the Legislature will be the Council's final report and summarizes the successful implementation of all the elements of the Council's recommended restoration plan for Lake Panasoffkee. The Report makes the following recommendations: the Legislature enact legislation to de-authorize the Council; the District's Surface Water Improvement and Management Program assume the lead role in monitoring water quality and submerged aquatic vegetation coverage in the lake to ensure the long-term health of the lake; the Florida Fish and Wildlife Conservation Commission continue to monitor the health of the lake's fisheries and snail populations; and the Florida Department of Environmental Protection continue to enforce illegal dredge and fill activities and other water quality violations, and regulate activities involving sovereign submerged lands.

Following Governing Board acceptance, the report will be distributed to the Legislature in accordance with the requirements of Chapter 98-69. The draft 2008 Report to the Legislature, less the accompanying photo-documentation is an exhibit to this recap.

Staff recommended acceptance of the Lake Panasoffkee Restoration Council's 2008 Report to the Legislature, as presented. Following consideration, **Ms. Parks moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 8 – 00:00/19:45)

44. **Southern Water Use Caution Area Recovery Strategy Status Report**

Mr. Mark D. Barcelo, Hydrologic Evaluation Program Director, Resource Projects Department, said the purpose of the presentation is to provide the Board with its annual update and status of the District's efforts to monitor the recovery of water levels and flows in the Southern Water Use Caution Area (SWUCA).

The purpose of the Recovery Strategy is to provide a plan for reducing the rate of saltwater intrusion, and restoring low flows to the Upper Peace River and lake levels by 2025 while ensuring sufficient water supplies and protecting the investments of existing water use permittees. The strategy has six basic components: conservation, alternative water supply development, resource recovery projects, and land use transitions, permitting, and monitoring and reporting. Promoting conservation and alternative supply development are a continuation of longstanding District programs that, along with the District's permitting program, have contributed to a stabilization of groundwater withdrawals in the region over the past 30 years. Resource recovery projects, like the project to raise the levels of Lake Hancock for release to the Upper Peace River during the dry season, are actively being pursued. Whereas coastal areas will generally meet their future demands through development of alternative supplies, some new uses in inland



areas will be met with ground water from displaced non-residential uses (i.e., land use transitions).

The success of the Recovery Strategy will be determined through continued monitoring of the resource. The District uses an extensive monitoring network to assess actual versus anticipated trends in water levels, flows, and saltwater intrusion. Additionally, the District conducts an assessment of the cumulative impacts of the factors affecting recovery. Information developed as part of this monitoring effort is to be provided to the Governing Board on an annual basis.

In summary, the District will continue to monitor water resources, realizing that not all minimum flows and levels will be achieved at this time. The pursuit of recovery projects will continue. Thus far cumulative impact assessment indicates improvements in northern areas and declines in southern areas. District staff will continue to make strides in improving methods for assessing the Recovery Strategy; no adjustments to the Recovery Strategy are needed at this time.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 9 – 00:00/31:08)

45. **District's Watershed Management Program and Federal Emergency Management Agency Map Modernization Update**

Mr. Mark A. Hammond, P.E., Director, Resource Projects Department, said this was an information item to provide the Board with an update on the status of the District's Watershed Management Program and associated Federal Emergency Management Agency (FEMA) Map Modernization, including the District's role in the FEMA process. Staff is currently conducting public meetings for Hernando, Pasco, and Sarasota counties.

The District initiated a partnership with FEMA to modernize Flood Insurance Rate Maps (FIRMs) as part of its Watershed Management Program (WMP). In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, either because the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 1990s.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve the existing FIRMs to better identify risks of flooding within the District. The program goals include: updating the topographic information, watershed evaluation, watershed management plan, implementation of BMPs, maintenance of watershed parameters and models. To date, the District has received approximately \$11.2 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties.

District staff members review the preliminary floodplain maps as they are received, coordinate the peer review activities, and schedule public meetings. Public meetings have begun and will continue in October and November 2008 for Hernando and Pasco counties. Public meetings are scheduled in December 2008 and January 2009 for Sarasota County. The floodplain maps will be presented to the Governing Board following the public meetings and prior to submitting the floodplain maps to FEMA. Two watersheds in Hernando County are anticipated to be presented at the November meeting.

This item was presented for the Committee's information, and no action was required.  
(CD 1/Track 10 – 00:00/25:08)

### ***Submit & File Report***

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

46. **Staff Response to the Peer Review of "Scientific Peer Review of the Proposed Minimum Flows and Levels for the Weeki Wachee River System"**

### ***Routine Reports***

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

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

Ms. Rovira-Forino asked how reclaimed water from Hillsborough County may be utilized in the future. In response, Mr. Moore said at the November or December Governing Board meeting the Board will be asked to approve a cooperative funding agreement between the District and Tampa Electric Company (TECO) for Phase I of the Regional Reclaimed Project to take water from Lakeland down to TECO. A water supply agreement is being developed between Lakeland and TECO. An expansion of the project into Phase II would require TECO obtaining approval from the Public Service Commission and it is contemplated that that water would come from Hillsborough County. (CD 1/Track 10 – 25:08/38:45)

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

Chair Combee recessed the public hearing for a lunch break. (CD 1/Track 11 – 00:00/00:09)

Following the lunch break, Chair Combee relinquished the gavel to Outreach and Planning Committee Chair Rovira-Forino.

## **Outreach and Planning Committee**

### ***Discussion Items***

52. **Fiscal Year 2010-2014 Strategic Plan Approval**

Ms. Roy Mazur P.E., Director, Planning Department, said the purpose of this agenda item was to seek approval of the final Fiscal Year (FY) 2010-2014 Strategic Plan document. The document was received by the Governing Board, prior to the meeting. The Strategic Plan provides the overarching strategic direction, from which all of our District strategies evolve.

Staff recommended approval of the FY 2010-2014 Strategic Plan, and authorize its publication and distribution. Following consideration, **Mr. Combee moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 12 – 00:00/05:02)

53. **Sarasota Bay Estuary Program Update**

Ms. Lizanne Garcia, Sr. Environmental Scientist, Resource Data and Restoration Department, introduced Mr. Mark Alderson, Executive Director, Sarasota Bay Estuary Program, who presented the update to the Board.

In 1989, Sarasota Bay was designated by the United States Environmental Protection Agency as an estuary of Federal Significance. As a result of this designation, the

Sarasota Bay National Estuary Program (SBNEP) was established to develop a comprehensive plan for the restoration and protection of Sarasota Bay. The SBNEP is a partnership of citizens, elected officials, resource managers and commercial and recreational resource users working to improve the ecological integrity of Sarasota Bay and its watershed. In 1995, the District identified Sarasota Bay as a Surface Water Improvement and Management (SWIM) priority waterbody.

In 2004, the partners in the SBNEP entered into an Interlocal Agreement which established the Sarasota Bay Estuary Program (SBEP) as an independent special district. The District has provided annual funding to the SBEP and provided a representative for on the Management and Policy Committees since 1990. The partners of the SBEP jointly developed and approved a Comprehensive Conservation and Management Plan (CCMP) to protect and restore Sarasota Bay in 1995. Subsequently, the District approved the first Sarasota Bay SWIM Plan in 1997 and it was last updated in 2002. Through the implementation of these plans, a number of restoration and diagnostic projects have been completed, including (1) investigation of toxic loading sources to the Bay, (2) seagrass mapping, (3) development of stormwater master plans, (4) habitat restoration projects, (5) construction of artificial reefs and oyster reefs, and (6) public outreach and education activities.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 13 – 00:00/15:55)

Ms. Parks led a discussion regarding expanding the District's Outreach efforts. Ms. Closshey said she was interested in trying to further penetrate public awareness such as with the drought situation. Mr. Molligan updated the Governing Board on the District's most recent outreach efforts. The District has an extensive radio buy currently being aired for the next eight weeks; and a very high reach is expected with this ad campaign. One of the ads features Mr. Moore discussing the fact that the drought is not over and that the District needs the public's help. The other ad highlights ways people can conserve. Other avenues the District employs to distribute information regarding the drought and ways to conserve include the Speaker's Bureau, the Communications Department staff members send columns to newspapers and homeowner associations, meteorologists are regularly contacted and kept apprised of rain reports, and the District is working with local governments and utilities. Ms. Closshey suggested the possibility of using focus groups and university polling programs and studies to measure change. Ms. Parks said in her experience she has found that the public is much more likely to do something if you tell them "why they should be doing it". She suggested the District design some outgoing message campaigns to be used through the internet similar to what is used for Amber Alerts. Mr. Senft suggested partnering with utility departments to help show customers when water was used and how they can conserve. Mr. Moore said these are all great suggestions that the Governing Board members have spoken about today. He said he will keep his eye on water use and look at the entire package of programs the District utilizes to drive down water use. (CD 1/Track 13 – 15:55/40:33)

**Submit & File Reports** – None

***Routine Reports***

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

54. **Comprehensive Plan Amendment and Related Reviews Report**
55. **Development of Regional Impact Activity Report**
56. **Speakers Bureau**
57. **Significant Activities Report**

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

## Regulation Committee

### *Discussion Items*

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

A corrected exhibit to Item 23 was handed out at the meeting. Mr. Owen noted the recap in the Board's notebooks was correct but the exhibit was not the correct version. Staff recommended approval of Item 23 with the corrected exhibit.

Following consideration, **Ms. Glass moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 14 – 00:00/01:41)

59. **Approve for Adoption the Final Amendments to 40D-22, F.A.C., Year-Round Water Conservation Measures, in Accordance With Statewide Consistency Initiative**

Mr. Owen said the current adopted version of the District's Year-Round Water Conservation Measures rule went into effect in September 2003. This version was the culmination of a two-year rule development effort that included extensive advisory committee and public input. It also addressed recommendations of the Florida Department of Environmental Protection's statewide "Water Conservation Initiative" report, which was produced in response to the 1999-2001 drought and contained several ideas intended to mitigate the effect of future droughts.

Compared to Florida's four other water management districts, this District currently has the most stringent set of adopted year-round water conservation measures. By comparison, the St. Johns River Water Management District (SJRWMD) also has a twice-per-week lawn watering schedule as part of its adopted year-round water conservation measures; however, its rule currently allows people to pick their own watering days unless their local government has an ordinance to the contrary, a provision which makes the rule difficult to enforce. The South Florida Water Management District (SFWMD) currently has a three-times-per-week lawn watering schedule in its adopted year-round water conservation measures; however, this schedule is only in effect for three of its counties.

An initiative to address these interdistrict inconsistencies began as one outcome of a statewide drought coordination teleconference in November 2007. Specifically, since year-round water conservation measures are the foundation upon which additional district actions are taken during a drought event, close coordination along water management district boundaries was initially challenging because the districts and the local governments charged with enforcing the districts' water use measures were starting from differing levels of measures, especially lawn and landscape irrigation schedules. Staffs from this District and SJRWMD began working-through the details of a proposed consistency effort because it was a natural extension of the coordination they were already engaged in within Marion County. Staff from SFWMD joined the discussion in February 2008, and the executive directors of all three agencies meet in April 2008 to verify agreement or seek consensus on all substantive issues.

The proposed amendments to Rule 40D-22 (this District's Year-Round Water Conservation Measures) were included as an exhibit. These amendments contain the following fundamental lawn and landscape irrigation measures that are consistent with year-round rule amendments proposed for adoption by the SJRWMD and SFWMD: (1) a maximum of twice-per-week watering with specified days for residential properties, (2) a separate twice-per-week watering schedule for nonresidential properties, and (3) uniform allowable watering hours for all property types and sources of water, including reclaimed water. Other consistency-related changes in the proposed amendments include: modification of the establishment period allowance for new plant material, clarification regarding what constitutes one complete irrigation application, clarification regarding the need to improve the efficiency of reclaimed water, and a provision for review of a local

government's proposed ordinance containing different year-round measures prior to approval of the ordinance by the applicable city council or county commission.

Staff recommended approval for adoption the final amendments to 40D-22, F.A.C., Year-Round Water Conservation Measures, as shown in the exhibit, in accordance with the statewide consistency initiative. Following consideration, **Mr. Combee moved, seconded by Mr. Gramling, to approve the staff recommendation.**

Regulation Committee Chair Parks heard public comment at this time.

Mr. Rich McLean, Pinellas County Utilities, encouraged the Governing Board not to make changes to the use of reclaimed water. During the wet-season utilities would have a problem meeting the timeframes for watering requirement of the rules as proposed and he does not believe getting a variance to correct this situation when there is an opportunity to address in the rule.

Ms. Jan McLean, City of Tampa, said the City has a significant amount of reclaimed water it is trying to implement and she has come today to ask the Governing Board not to vote to place more restrictions on its use.

Following the speakers and a question and answer session, **Mr. Gramling withdrew his second from the original motion.**

Following consideration, **Mr. Gramling moved, seconded by Ms. Rovira-Forino, to suggest a new staff recommendation, one that would approve for adoption the final amendments to 40D-22, F.A.C., Year-Round Water Conservation Measures, excluding the times of the day for reclaimed water use.**

Clarification was sought from legal staff regarding the final public hearing on this rule. Ms. Karen Lloyd said the Boards of the SJRWMD and SFWMD both approved the rules, but did schedule a final hearing on the rules in December to allow an opportunity for any further changes based on public input. Mr. Owen suggested the Governing Board view this rule provision as a standard for all users. Variances and permitting conditions that are available to address necessary accommodations. The time of day restrictions simply address the most efficient use of the water by minimizing the evaporative losses and it would go further and serve more customers over time.

Mr. Moore emphasized that the Governing Board could adopt the proposed rule changes today, and as the other two Water Management Districts have done thus far; and still have an opportunity to make changes at the public hearing in December. Mr. Moore suggested the Board consider the original staff recommendation and move forward in-step with the other Water Management Districts.

**Mr. Senft moved, seconded by Mr. Combee, to offer an amended motion to approve the original staff recommendation and not publish the rule until after the public hearing in December.**

Mr. Gramling said he would like to speak to the amendment. He said he believes it is important to work towards consistent regulation across the state. Since there will be a public hearing in December and an opportunity to change things at that point, he stands by his motion with the modified staff recommendation as it is functionally the same as other motions offered surrounding this item.

Mr. Senft sought clarification from General Counsel Bilenky if the Governing Board was restricted to putting restrictions back into a rule in December if they are removed today. General Counsel Bilenky said the Board would not be restricted either way.

Ms. Closshey said she would support the amended motion over Mr. Gramling's motion because she is in favor of moving in lock-step with the other Water Management Districts.

Ms. Rovira-Forino said she does not understand the rush; the Board can wait to make changes and have this time to consider the issues more fully.

**Committee Chair Parks entertained a motion whether or not to accept the amended motion. The motion to accept Mr. Senft's amended motion carried with 12 voting in favor and Mr. Gramling voting in opposition.**

**Committee Chair Parks called for a vote on the motion as amended. This motion was restated for the record that Mr. Senft had moved, seconded by Mr. Combee, to offer an amended motion to approve the original staff recommendation and not publish the rule until after the public hearing in December. The motion carried unanimously. (CD 1/Track 14 – 00:00/58:57)**

60. **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 08-043, Regarding Increased Use of the Tampa Bypass Canal**

Ms. Alba Más, Director, Tampa Regulation Department, said on October 14, 2008 Tampa Bay Water requested emergency District action to lower the elevation of the middle pool of the Tampa Bypass Canal to 10.0 feet NGVD from the currently permitted 12.0 feet NGVD, while not exceeding a 12.0 foot head differential across Structure S-161 of the Tampa Bypass Canal. Ms. Más said Executive Director Order No. SWF 08-043 declares a water shortage emergency for the Hillsborough River Reservoir and authorizes Tampa Bay Water to lower the middle pool of the Tampa Bypass Canal to elevation 10.0 NGVD. It also authorizes head differential at S-161 to 12.0 feet and allows Tampa Bay Water to withdraw 40 MGD. Executive Director Order SWF 08-043 would expire on July 31, 2009.

Staff recommended concurrence with issuance of Executive Director Order SWF 08-043, for augmentation of the Hillsborough River Reservoir. Following consideration, **Mr. Gramling moved, seconded by Ms. Rovira-Forino, to concur with Executive Director Order SWF 08-043, for augmentation of the Hillsborough River Reservoir. Motion carried unanimously. (CD 1/Track 14 – 58:57/62:22)**

61. **Phase III Water Shortage Declaration Request from Tampa Bay Water**

Mr. Owen said on October 15, 2008, Tampa Bay Water transmitted a letter requesting that the District declare a Phase III Extreme Water Shortage for Tampa Bay Water and its member governments, in accordance with Rule 40D-21, the District's Water Shortage Plan. This would replace the current modified Phase II Severe Water Shortage restrictions imposed by the District on a Districtwide basis since January 2007. Declining surface water availability, demonstrated by both extremely low river flows and low storage in the C.W. Bill Young Regional Reservoir, and ongoing rainfall deficit, were cited as reasons for the request.

Staff recommended the following: (1) that the rule covers all of Hillsborough, Pasco and Pinellas counties; (2) modified Phase III lawn watering: Keep current once-per-week schedule, Keep hours - before 8 a.m. or after 6 p.m., Stricter establishment period - "30, 30", Hand-watering & micro-irrigation allowed only before 8 a.m. or after 6 p.m.; (3) supplement restrictions with seasonal messaging; (4) limit fountain operation to a maximum of 4hrs/day; (5) postpone turfgrass renovation; (6) eliminate non-essential uses; (7) utilities must limit unattended line flushing; (8) members and other local governments must respond to citizen complaints, conduct compliance monitoring, and go directly to issuing citations; and (9) Tampa Bay Water must initiate evaluation of other emergency

supplies. The staff recommendation was for the Board to approve the Modified Phase III restrictions with these provisions.

Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 15 – 00:00/17:48)

At Regulation Committee Chair Parks' request Mr. Warren Hogg, Tampa Bay Water, provided an update to the Governing Board regarding the C. W. Bill Young Reservoir. Mr. Hogg said the reservoir was safe and operation. Currently, 5.2 billion gallons of water is being stored. The repair processes needed to address the cracking issue are still being evaluated.

The desalination facility has been producing 20 mgd for the past 12 months. The operations plan anticipates producing 18 to 20 mgd for this fiscal year. (CD 1/Track 16 – 00:00/07:59)

#### ***Submit & File Report***

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

62. **Phase II - Flow Meter Accuracy Verification Project**

#### ***Routine Reports***

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

63. **Southern Water Use Caution Area Quantities**
64. **Water Production Summary**
65. **Public Supply Benchmarks**
66. **Overpumpage Report**
67. **Resource Regulation Significant Initiatives Report**

Regulation Committee Chair Parks relinquished the gavel to Finance and Administration Committee Chair Oakley.

## **Finance and Administration Committee**

#### ***Discussion Items***

68. **Consent Item(s) Moved for Discussion**
69. **Office of Inspector General Proposed Annual Audit Plan for Fiscal Year 2009**  
In the interest of time, Ms. Closshey suggested Mr. Kurt P. Fritsch, Inspector General, defer his presentation to the November or December Governing Board meeting, but to mover forward today with the staff recommendation.

Staff recommended the Board accept this report. **Following consideration,** Ms. Closshey moved, seconded by Ms. Glass, to approve the annual audit plan for Fiscal Year 2009. Motion carried unanimously. (CD 1/Track 17 – 00:00/08:11)

#### ***Submit & File Report***

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

70. **Office of Inspector General Annual Report for Fiscal Year 2008**
71. **District Environmental Stewardship Initiative Status Report**

#### ***Routine Report***

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

72. **Treasurer's Report, Payment Register, and Contingency Reserves Report**
73. **Management Services Status Report**

Finance and Administrative Committee Chair Oakley relinquished the gavel to Vice Chair Pressman.

## General Counsel's Report

### *Discussion Items*

#### 74. Consent Item(s) Moved for Discussion

The following item was added for consideration.

#### Authorization to Initiate Litigation - Kenneth J. Gerena, Melinda L. Baytarian, SWF Parcel No. 11-709-131, Chito Beach Reserve

General Counsel Bilenky said this case involved a long list of unauthorized activities on District property such as: removal of District fence; installation of electric and other fences; construction of a three stall horse barn with horses; pastures; livestock watering system; damage to vegetation, and ditching. The residents have been notified in writing to cease activities on July 10, 2008 and September 18, 2008. District staff made every effort to resolve the matter without having to resort to legal involvement to no avail.

Staff recommended concurrence in the Executive Director and Chair's approval of filing suit for Unlawful Entry and Unlawful Detainer, County Court, Hillsborough County. Following consideration, **Mr. Senft moved, seconded by Ms. Rovira-Forino, to concur with the staff recommendation and initiate litigation. Motion carried unanimously.**

**Submit & File Reports** – None

### *Routine Reports*

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

#### 75. Litigation Report

General Counsel Bilenky announced that effective November 1, 2008 the lease for the Weeki Wachee Preserve to FDEP will be executed. (CD 1/Track 18 – 00:00/06:34)

#### 76. Rulemaking Update

## Reports

#### 77. Industrial Advisory Committee Liaison Report

Ms. Closshey said the Industrial Advisory Committee met on October 21, 2008. She said some of the topics discussed were: Drought Update, Year-Round Watering Restrictions, Statewide Rule Consistency, 20-Year Permit Updates, and Water Management Information Systems Enhancements.

#### 78. Public Supply Advisory Committee Liaison Report

Mr. Pressman said the Public Supply Advisory Committee met on October 21, 2008. He said a lot of discussion time was spent on statewide rule consistency issues. Other topics included: wholesale permits, MFL Recovery, and Conservation.

Mr. Senft said the Peace River Basin Board members asked him to carry forward the message that the Basin Board members were very sorry that District staff would not be receiving raises this year. The Basin Board wanted staff to know they are still very much appreciated.

#### 79. Well Drillers Advisory Committee Liaison Report

Mr. Oakley said the Well Drillers Advisory Committee met on October 22, 2008. The Committee heard a presentation from Ms. Elaine Kuligofski, Director, Human Resources Department, on the District's Climate Change Initiative. (CD 1/Track 18 – 06:34/10:42)



80. **Executive Director's Report**

Mr. Moore introduced and welcomed Ms. Cori Cuttler, Community Affairs Program Manager, Community and Legislative Affairs Department, who will work in the Tampa Service Office.

Mr. Moore said keeping in line with the directive from Governor Crist, the District had sent a letter to all of its cooperators asking them to expedite any projects possible.

The State of the Water Resources Workshop will be held in Tampa on November 21, 2008. Mr. Moore said Board members will be receiving further instructions regarding their participation in the coming weeks.

A copy of a letter written to Secretary Sole was handed out to the Governing Board members regarding the possibility of streamlining some of the Basin Boards. Mr. Moore said this issue will be on the November Governing Board agenda. He said he wanted the Governing Board to be aware of some of the possibilities and recommendations being discussed.

81. **Chair's Report**

Vice Chair Pressman said the Tampa Bay Regional Planning Council met on October 15, 2008. Discussions covered the following topics: Leadership Energy and Environmental Design, Non-Agricultural Fertilizer Application, Policy Board in August, and adoption of a resolution to continue land acquisition for environmental use.

There being no further business to come before the Board, **Ms. Whitehead moved, seconded by Mr. Oakley, to adjourn the meeting at 2:30 p.m.. Motion carried unanimously.** (CD 1/Track 19 – 00:00/04:39)

Attest:

\_\_\_\_\_  
Chairman