

# APPROVED

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 25, 2014

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:01 a.m. on March 25, 2014, at the District's headquarters in Brooksville. The following persons were present:

#### Board Members Present

Carlos M. Beruff, Chair  
Michael A. Babb, Vice Chair  
Randall S. Maggard, Secretary  
Jeffrey M. Adams, Treasurer  
Bryan K. Beswick, Member  
Thomas E. Bronson, Member  
David W. Dunbar, Member  
Wendy Griffin, Member  
George W. Mann, Member  
Michael A. Moran, Member  
Todd Pressman, Member

#### Board Member(s) Absent

H. Paul Senft, Member

#### Staff Members

David T. Rathke, Chief of Staff  
Kurt P. Fritsch, Inspector General  
Laura J. Donaldson, General Counsel  
John J. Campbell, Division Director  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director  
Ken Frink, Division Director

#### Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
LuAnne Stout, Administrative Coordinator

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

### **PUBLIC HEARING** (Video – 00:00)

#### 1. Call to Order

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

#### 2. Pledge of Allegiance and Invocation

Mr. Rathke offered the invocation. Chair Beruff led the Pledge of Allegiance to the Flag of the United States of America.

### **Public Hearing**

Chair Beruff introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Beruff 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 agenda items only during today's meeting. 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 during "Public Input." Chair Beruff 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. (Track 1 – 00:00/04:22)

3. **Additions/Deletions to Agenda** (Video – 03:44)  
Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Rathke noted the following change requested to the agenda:

**RESOURCE MANAGEMENT COMMITTEE**

The following item to be deleted from Discussion Items:

31. Consider Water Shortage Order Recommendations (Track 1 – 04:22/04:40)

4. **Public Input for Issues Not Listed on the Published Agenda** (Video – 4:45)  
Chair Beruff noted that two *Request to Speak* cards were submitted.

Mr. Dennis Dutcher, President, United Waterfowlers - Florida, Inc., spoke regarding hunting opportunities on marsh area following completion of the Lake Hancock outfall treatment project. He said the organization has been successful in requesting marsh areas for hunting in south Florida. He noted the Florida Fish and Wildlife Commission has been supportive when seeking opportunities of this nature. Mr. Dutcher said he is here today to begin talking with staff to create primitive type opportunities that are limited and well managed. (Track 1 – 04:40/08:10)

Mr. Chuck Echenique, member of several Florida Fish and Wildlife Commission advisory groups, requested the Board bring forth a recreational committee populated by the citizens and stakeholders of this District, give them voting authority, and operate under the sunshine law like the South Florida and St. Johns River Water Management Districts. He said this would allow recreational use in an equitable fashion. (Track 1 – 08:10/10:56)

**CONSENT AGENDA** (Video – 10:55)

Chair Beruff asked that, before the Board considers action on the Consent Agenda, whether there is anyone in the audience who wishes to address the Board regarding an item on the Consent Agenda. No one responded to the Chair's request to speak to the Board.

Chair Beruff then asked the Board members if they have any other items which need to be removed from the Consent Agenda for consideration on the appropriate Committee's Discussion Agenda. No other items were moved by the Board.

**Regulation Committee**

5. **Individual Water Use Permit (WUP) Referred to the Governing Board – WUP No. 20003182.009 - Florida Governmental Utility Authority / FGUA - Seven Springs (Pasco County)**

Staff recommended the Board approve the proposed permit as included in the Board's meeting materials as an exhibit.

**Resource Management Committee**

6. **Lowry Park Zoo Water Resources Master Plan – Cooperator Change (N457)**  
Staff recommended the Board approve change in cooperator from Lowry Park Zoo to the City of Tampa.
7. **Polk County Comprehensive Water Supply Plan Addendum – Scope Change (N465)**  
Staff recommended the Board approve the change in scope, with no change in budget, for the Polk County Comprehensive Water Supply Plan Update project.

8. **Facilitating Agricultural Resource Management Systems (FARMS) – Chapman Family Partnership, LLLP - 31 Groves Ranch (H708), DeSoto County**

Staff recommended the Board (1) approve the Chapman Family Partnership, LLLP – 31 Groves Ranch project for a not-to-exceed project reimbursement of \$530,000 provided by the Governing Board; (2) authorize the transfer of \$530,000 from fund 010 H017 Governing Board FARMS Fund to the H708 Chapman Family Partnership, LLLP – 31 Groves Ranch project fund; and (3) authorize the Executive Director to execute the agreement.

**Finance/Outreach & Planning Committee**

9. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for February 2014.

**General Counsel's Report**

10. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**

a. **Consent Order – Surface Water Activity – Silver Oak Properties, LLC (Silver Oak Estates) - ERP No. 43028297.000 – Sumter County**

Staff recommended the Board approve the proposed Consent Order and authorize the initiation of litigation against Silver Oak Properties, LLC and any other necessary parties, if necessary, to obtain compliance with the Consent Order.

11. **Rulemaking**

a. **Approve Notice of Change Regarding Amendments to Chapter 40D-1, F.A.C., Procedural, and Form No. Leg-R.42.00-058 (09/28/10), Petition for Variance, to Provide for Substantive, Clarification, Conforming, and Technical Changes**

Staff recommended the Board approve Notice of Change Regarding Amendments to Chapter 40D-1, F.A.C., Procedural, and Form No. Leg-R.42.00-058 (09/28/10), Petition for Variance, to Provide for Substantive, Clarification, Conforming, and Technical Changes

**Executive Director's Report**

12. **Approve Governing Board Meeting Minutes**

- a. Cooperative Funding Public Meeting – Northern Region – February 5, 2014
- b. Cooperative Funding Public Meeting – Heartland Region – February 6, 2014
- c. Cooperative Funding Public Meeting – Tampa Bay Region – February 9, 2014
- d. Cooperative Funding Public Meeting – Southern Region – February 10, 2014
- e. Monthly Meeting Minutes – February 25, 2014

Staff recommended the Board approve the minutes as presented.

**Mr. Dunbar moved, seconded by Mr. Babb, to approve the published agenda as amended. Motion carried unanimously. (Track 2 – 00:00/0:28)**

**Mr. Dunbar moved, seconded by Mr. Maggard, to approve the Consent Agenda as presented. Motion carried unanimously. (Track 2 – 00:28/00:44)**

Chair Beruff relinquished the gavel to Finance/Outreach & Planning Committee Chair Adams who called the Committee meeting to order.

**FINANCE/OUTREACH & PLANNING COMMITTEE (Video – 11:45)**

***Discussion Items***

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

14. **Springs Protection Awareness Month**

Mr. Rathke said this is a presentation in response to the Board's springs workshop and discussion which centered around the fact that the District cannot do it all, and public engagement is needed, as well as government partnerships, to help address the springs.

Ms. Robyn Felix, Communications Manager, Public Affairs Bureau, said the Florida Legislature is expected to pass a resolution declaring April 2014 as "Springs Protection Awareness Month" because the state's springs are essential to the environment, economy, citizens and visitors of the state. She noted that the District, in partnership with the various stakeholders, is committed to implementing projects to conserve and restore the ecological balance of these spring systems, thereby supporting regional economies and quality of life.

Ms. Felix provided an update about the District's three-month public service campaign focusing on springs protection awareness in Citrus, Hernando and Marion counties. The "Restoring Our Springs!" campaign, which began in March, is designed to encourage community support, and to inform the public that the District is committed to improving the health of the springs and has the scientific knowledge to do so.

Staff recommended the Board approve and execute Resolution No. 14-04 declaring April 2014 as "Springs Protection Awareness Month."

**Mr. Maggard moved, seconded by Mr. Babb, to approve the staff recommendation as presented. Motion carried unanimously. (Track 3 – 00:00/08:40)**

Ms. Felix recognized the District's Springs Community Partners from the following organizations for joining in the community effort to restore springs and presented each with a plaque:

- Art Jones and the "One Rake at a Time" initiative – Coordinates volunteer *Lyngbya* cleanups in Kings Bay and has inspired other community organizations and members of the public to get involved in springs protection.
- Karen Van Sickle, Rotary Club of Brooksville – Coordinates volunteer *Lyngbya* cleanups at Weeki Wachee Springs.
- Doug Brainard, Rotary Club of Spring Hill Central – Coordinates volunteer *Lyngbya* cleanups at Weeki Wachee Springs.
- Lisa Saupp and the Marion County Springs Festival – Has helped educate the public about springs protection through the Marion County Springs Festival for more than 10 years.

Mr. Art Jones addressed the Board noting education is important, and an aquarium is being launched in Crystal River to promote springs education and what is living in the springs and offshore waters. He said this plaque will be placed there.

Ms. Lisa Saupp invited everyone to attend the upcoming festival at Silver Springs. (Track 3 – 08:50/14:03)

15. **Fiscal Year (FY) 2012-13 Comprehensive Annual Financial Report** (Video – 25:50)

Ms. Melisa Lowe, Accounting Manager, Finance Bureau, noted that the District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

Ms. Lori Nissen, representing KPMG, said the Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2013, was distributed to each Board member prior to the meeting. Ms. Nissen communicated to the Board certain matters related to the conduct of the audit as required by auditing standards. She provided a brief presentation of the report and management letter. Ms. Nissen said, as a result of audit procedures, KPMG is issuing an unmodified or clean opinion on financial statements. She provided clarifying information in response to Board members' questions.

In response to Mr. Bronson's question about improvements for consideration, Mr. Rathke said staff will provide a summary of the exit interview.

Staff recommended the Board accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2013.

**Mr. Dunbar moved, seconded by Chair Beruff, to approve the staff recommendation as presented. Motion carried unanimously.** (Track 4 – 00:00/22:30)

***Submit & File Reports*** – None

***Routine Reports***

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

16. **Legislative Update**
17. **Treasurer's Report and Payment Register**
18. **Monthly Financial Statement**
19. **Monthly Cash Balances by Fiscal Year**
20. **Comprehensive Plan Amendment and Related Reviews**
21. **Development of Regional Impact Activity Report**
22. **Significant Activities** (Track 4 – 22:30/22:39)

Committee Chair Adams adjourned the Committee meeting, and relinquished the gavel to Regulation Committee Chair Babb who called the Committee meeting to order.

**RESOURCE MANAGEMENT COMMITTEE** (Video – 48:30)

***Discussion Items***

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

24. **Withlacoochee Regional Water Supply Authority Update**

Mr. Richard Owen, Executive Director of the Withlacoochee Regional Water Supply Authority, provided an update regarding the status of the Authority's water supplies, regional projects and vision for the future. In cooperation with the District, the Authority plans and provides a cost-effective and environmentally sustainable water supply for the four-county region of Citrus, Hernando, Marion, and Sumter counties. The Authority is updating its Water Supply Plan to review existing potential water supply project options, and address how conservation and water reuse can prolong the availability of current water resources. (Track 5 – 00:00/14:28)

Committee Chair Maggard thanked Mr. Owen for the presentation. Mr. Owen responded to questions from Board members and provided clarifying information regarding growth projections, springs, recharge from sinks, and working cooperatively across political lines. (Track 5 – 14:28/22:38)

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

25. **Managing Forests for Increased Regional Water Supply Project (P102) – Funding Request** (Video – 71:00)

Ms. Veronica Craw, Manager, Springs & Environmental Flows, noted this project is a collaborative effort between the Florida Department of Agriculture and Consumer Services (FDACS) and the five water management districts. This proposed project is a four-year best management practices research project to have the University of Florida examine and quantify the impact of forest management techniques on water resources.

Total project cost is \$637,725 with the District contributing a total of \$101,661, including \$41,661 in FY2014 to begin the project (site selection, install equipment and initiate data collection) and \$20,000 in each of the three subsequent years for continued data collection and reporting. Funds can be transferred from the Homosassa Pepper Creek Stormwater Retrofit and Wetland Treatment Project (P701) to cover the District's first year costs (\$41,661).

Mr. Ed Caplet, representing the University of Florida, provided clarification for Board members' questions.

Staff recommended the Board (1) approve the funding request for \$101,661 for the Managing Forests for Increased Regional Water Yield Project including \$41,661 to start the project in FY2014; (2) authorize the transfer of \$41,661 from the Homosassa Pepper Creek Stormwater Retrofit and Wetland Treatment Project (P701) to the Managing Forests for Increased Regional Water Yield Project (P102); and (3) authorize Executive Director to negotiate and execute the multi-year agreement with FDACS for \$101,661, with future funding subject to Governing Board approval each year.

**Mr. Bronson moved, seconded by Mr. Dunbar, to approve the staff recommendation as presented. The motion passed with Mr. Mann voting against.** (Track 6 – 00:00/12:36)

**Submit & File Reports** – None

***Routine Reports***

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

26. **Minimum Flows and Levels**
27. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
28. **Significant Water Supply and Resource Development Projects** (Track 6 – 12:36/13:02)

Committee Chair Babb adjourned the Committee meeting, and relinquished the gavel to Regulation Committee Chair Mann who called the Committee meeting to order.

**REGULATION COMMITTEE** (Video – 84:15)

Item 31 was deleted from consideration.

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

30. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said February historically marks the fifth month of the eight-month dry season (October-May) and rainfall totals for the month were within the normal range in all three regions of the District. Analysis of the District-wide dry-season rainfall, to date, shows October through February totals to be about 2.1 inches below the historic long-term average. Rainfall received during February was associated with the passage of several cold fronts and was in the upper-end of the normal range in the northern region, while it was in the lower-end of the normal range in the central and southern regions. District-wide, the 12-month cumulative rainfall totals improved to a surplus of 1.7 inches above the long-term historical average, while the 24-month deficit improved to 0.9 inches below the long-term average. Most hydrologic indicators showed some improvement during February, with regional groundwater levels and streamflow conditions in regional index rivers ending the month within the normal range of historic values. Regional lake levels improved, ending the month within the annual normal range in the Tampa Bay region, but remained at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions.

Mr. Kinsman said, in summary, there has been a general improvement in conditions, hydrologic indicators are seasonally normal, and the forecast is for normal rainfall chances. (Track 7 – 00:00/06:30, Video – 39:35)

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

31. **Consider Water Shortage Order Recommendations**

This item was deleted from consideration.

32. **Denials Referred to the Governing Board** – None

***Submit & File Reports*** – None

***Routine Reports***

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

33. **Overpumpage Report**
34. **Individual Permits Issued by District Staff**
35. **Resource Regulation Significant Initiatives** (Track 7 – 06:30/06:53)

Committee Chair Mann adjourned the Committee meeting, and relinquished the gavel to Operations & Land Management Committee Chair Maggard who called the Committee meeting to order.

## **OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 91:05)

36. **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.

37. **Recreation Ad Hoc Committee Update**

Committee Chair Maggard noted that one *Request to Speak* card was submitted.

Mr. Dennis Dutcher, President, United Water Fowlers, thanked the Board and staff for their efforts on behalf of the Recreation Ad Hoc Committee. He said that, moving forward, he would like to see stakeholders form a committee similar to the other water management districts. Mr. Dutcher noted that staff was helpful and informative, and he looks forward to working with stakeholders to create recreational opportunities on District properties.

Committee Chair Maggard thanked those involved and noted that the District is always looking for improvement opportunities and continually seeks stakeholder input.

38. **Structure Operations**

39. **Significant Activities** (Track 8 – 00:00/04:43)

Committee Chair Maggard adjourned the Committee meeting, and relinquished the gavel to Chair Beruff.

## **GENERAL COUNSEL'S REPORT** (Video – 95:48)

### ***Discussion Items***

40. **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.

41. **Litigation Report**

Ms. Donaldson noted that a verified complaint, as allowed by Florida Statutes, was filed with the Florida Department of Environmental Protection regarding a lawsuit the District is currently involved in dealing with a SWIM project with Hillsborough County School District. She said there is an ongoing litigation with the owner of property which is in bankruptcy and a favorable proceeding was recently received for the \$6 million involved in penalties, enforcement and cleanup costs.

42. **Rulemaking Update** (Track 9 – 00:00/01:35)

## COMMITTEE/LIAISON REPORTS (Video – 97:25)

43. **Joint Agricultural and Green Industry Advisory Committees Meeting**

A written report was provided for the Board's information.

44. **Other Committee/Liaison Reports** (Track 9 – 01:35/01:44)

## EXECUTIVE DIRECTOR'S REPORT

45. **Executive Director's Report** – No report due to Executive Director's absence.

Mr. Rathke introduced Mr. John Campbell, the District's recently hired Management Services Division Director. (Track 9 – 01:44/02:30)

## CHAIR'S REPORT (Video – 98:20)

46. **Chair's Report**

Chair Beruff said the District has about 17,000 income-producing acres out of approximately 225,000 District-owned acres. He led a discussion regarding maximizing revenue on non-environmentally sensitive lands and surplus of non-core mission lands purchased as part of overall tract. Discussion included expanding forestry programs, reducing costs while increasing income (forestry and cattle), identifying and correctly managing environmentally sensitive versus non-environmentally sensitive lands, communicate that acquiring lands may include non-environment lands but required to make the purchase, should the District purchase small versus large tracts, consider whether land not needed today may be needed in the future, lands for buffer can be of value to protect the asset, and surplus that portion of land not needed upfront since land prices are rising and use revenue to expand core properties for the future.

The Board requested the following topics for future meetings: overview of District-owned lands inventory, maximizing revenue on non-environmentally sensitive lands, discussion of acquisition policy, and surplus non-core mission lands purchased as part of overall tract. (Track 9 – 02:30/18:10)

a. **Employee Service Milestones**

This item provided a list of employees who have reached five-year increments in service to the District. Chair Beruff noted staff who have reached 20-year and 25-year milestones, and thanked them for their service. This item was provided for the Board's information, and no action was required.

b. **Other**

Chair Beruff noted dates of upcoming Board meetings and locations. Mr. Pressman asked whether the Haines City meeting will begin later due to travel time. Following consideration, Board consensus was to begin the April meeting at 10 a.m. Mr. Rathke noted that a tour of the Lake Hancock project is planned to follow the meeting. Chair Beruff requested staff's presentation on Lake Hancock include whether there are surplus areas to be considered. (Track 9 – 18:10/21:12)

Chair Beruff recessed the public hearing.

There being no further business to come before the Board and without objection, Chair Beruff adjourned the meeting. (Track 9 – 21:12/21:22, Video – 117:29)

The meeting was adjourned at 10:58 a.m.

*The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us).*