

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 28, 2017

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on March 28, 2017, at the District's Brooksville Office. The following persons were present:

Board Members Present

Randall S. Maggard, Chair
Ed Armstrong, Treasurer
Bryan K. Beswick, Secretary
Michael A. Babb, Member
H. Paul Senft, Member (Via Phone)
George W. Mann, Member
John Henslick, Member
Kelly S. Rice, Member
Michelle Williamson, Member
Mark Taylor, Member

Board Members Absent

Jeffrey M. Adams, Vice Chair

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
David T. Rathke, Division Director
Karen E. West, General Counsel
Kurt P. Fritsch, Inspector General
John J. Campbell, Division Director
Ken L. Frink, Division Director
Mark A. Hammond, Division Director
Alba E. Más, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager
Dennis Cockrell, Administrative Assistant

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).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Maggard called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Taylor offered the invocation. Chair Maggard led the Pledge of Allegiance to the Flag of the United States of America.

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

Chair Maggard 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 "Request to Speak" 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 Maggard 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. Employee Recognition

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Teri Hudson, Mike Hancock, Sherri Kubis and Brian Starford.

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

4. Additions/Deletions to Agenda

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Brian Armstrong, Executive Director, stated there were two additions to the agenda:

**General Counsel's Report
Consent Item**

13a. Approve Release of Conservation Easement and Quitclaim Deed – Florida Department of Transportation's SR 54 Widening Project – Pasco County

**Operations, Lands and Resource Monitoring Committee
Discussion**

52. Approval of Purchase and Sale Agreement, Resolution Requesting Funds from the Florida Forever Trust Fund, and Approval of Private Grant Agreement for Land Assist – Rainbow River Project, SWF Parcel No.19-593-103

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

Chair Maggard noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Chair Maggard stated he received one Request to Speak card.

Mr. David Ballard Geddis, Jr., spoke against the reclaimed water variance.

CONSENT AGENDA

Chair Maggard 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 listed on the Consent Agenda.

Chair Maggard said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:06:32)

CONSENT AGENDA

Finance/Outreach & Planning Committee

6. Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of one Volvo 720A Motor Grader, and two John Deere 650 Bulldozers through the auction process.

7. Budget Transfer Report

Staff recommended the Board approve of the Budget Transfer Report covering all budget transfers for February 2017.

Operations, Lands and Resource Monitoring Committee

8. Acceptance of Easement Donation – Hydrogeologic Investigation of the Lower Floridan Aquifer, City of Lake Wales Site, SWF Parcel No. 20-020-124

Staff recommended the Board:

1. Accept the donation of a perpetual easement for the Lake Wales LFA Hydrogeologic Investigation Project;
2. Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

9. Approval of Purchase and Sale Agreement and Acceptance of Perpetual Easement –Central Florida Water Initiative (CFWI) Project, Lake Trout, SWF Parcel No. 20-020-137

Staff recommended the Board:

1. Accept the valuation appraisal;
2. Approve the Purchase/Sale Agreement and authorize the Executive Director or designee to sign on behalf of the District;
3. Accept the perpetual easement;
4. Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Resource Management Committee

10. City of Winter Haven Cooperative Funding Initiative Projects (N339, W774 and N796)

Staff recommended the Board approve entering into cooperative funding agreements with the City of Winter Haven, and authorize the Assistant Executive Director to sign the agreements, for the following projects:

1. Winter Haven Ridge Implementation of Stormwater BMPs project (W774) for \$240,000, with the District's share not to exceed \$120,000.
2. Winter Haven Southern Basin Aquifer Recharge Feasibility project (N796) for \$300,000, with the District's share not to exceed \$150,000.

11. FARMS – Alico, Inc. Bermont Grove - Amendment (H593), Charlotte County

Staff recommended the Board:

1. Approve the Alico, Inc., Bermont Grove project amendment for a not-to-exceed project reimbursement increase of \$232,170 (from \$73,961 to \$306,131) with \$232,170 provided by the Governing Board;
2. Authorize the transfer of \$232,170 from fund 010 H017 Governing Board FARMS Funds to the H593 Alico, Inc., Bermont Grove project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

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

a. Approve Release of Conservation Easement and Quitclaim Deed – Florida Department of Transportation's SR 54 Widening Project – Pasco County

Staff recommended approval and acceptance of the partial release of conservation easement and quitclaim deed.

14. Rulemaking – None

Executive Director's Report

15. Approve Governing Board Meeting Minutes - February 28, 2017

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:10:06)

Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong who called the Committee meeting to order. (Audio 00:10:12)

Finance/Outreach & Planning Committee

Discussion

16. Consent Item(s) Moved for Discussion – None

17. Legislative Update

Mr. David Rathke, Employee and External Relations Director, provided an overview of the Legislative Session which began March 7. He stated there is a \$100million request for alternative water supply projects and \$25 million of that request is proposed for Central Funding Water Initiatives (CFWI). He stated there are local government sponsored projects that are currently in appropriations. In the Florida House, each appropriation item is being filed as an individual piece of legislation. A reclaimed bill was filed; however, it was postponed by the Florida House.

18. Springs Protection Awareness Month

Ms. Jennette Seachrist, Natural Systems & Restoration Bureau Chief, provided an overview of the District's comprehensive approach for springs protection. This included: water supply planning; land management; the Springs Coast Steering Committee; water quality; monitoring and minimum flows and levels (MFLs).

Ms. Robyn Felix, Communications Manager, presented the annual springs community partner award to Mr. Jeff Sowards, Rainbow Springs Aquatic Preserve Manager. Mr. Sowards oversees ecosystem science, resource management, education and outreach.

Ms. Felix stated the District is launching a new springs campaign, in May, called "My Home, My Springs." There will be a presentation at an upcoming Board meeting.

Staff recommended the Board approve and execute Resolution No. 17-03 declaring April 2017 as "Springs Protection Awareness Month."

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:28:30)

Submit & File Reports - None

Routine Reports

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

19. Treasurer's Report and Payment Register

20. Monthly Financial Statement

21. Monthly Cash Balances by Fiscal Year

22. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Armstrong relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Beswick who called the Committee meeting to order. (Audio 00:29:15)

**Operations, Lands & Resource Monitoring Committee
Discussion**

23. Consent Item(s) Moved for Discussion Submit & File Reports - None

52. Approval of Purchase and Sale Agreement, Resolution Requesting Funds from the Florida Forever Trust Fund, and Approval of Private Grant Agreement for Land Assist – Rainbow River Project, SWF Parcel No.19-593-103

Ms. Carmen Sanders, Operations and Land Management Bureau Assistant Bureau Chief, provided a presentation that included a map depicting the general location of the parcel under consideration, the surrounding state and District ownership and the head springs for the Rainbow River.

Ms. Sanders stated this is a fee purchase of over 115 acres of land within the green boundary. She outlined an area of fee ownership will be retained by the seller with a 60-foot access easement provided to the District. Ms. Sanders stated there are 11 acres being retained by the seller which will be protected with a restrictive covenant limiting the property to one division with each resulting lot not having less than five acres. She stated there is also the allowance of one additional single family residence development. In addition, there will be a 100-foot buffer along the riverfront of the 11 acres limited to a dock, footpath and gazebo like structures and limiting removal of underbrush.

Ms. Sanders stated, if approved this acquisition will protect approximately 3,000 feet of frontage or approximately 20 percent of the eastern bank of the Rainbow River.

Ms. Sanders provided a brief definition of the Board acquisition policy. She stated this property will meet five of the six criteria listed in the policy.

Ms. Sanders stated the appraised value of the property is \$4,095,955. The District's contribution is \$3,664,893. The Nature Conservancy partnered with the District and agreed to contribute \$250,000 to the land acquisition.

Mr. Greg Connect, representing The Nature Conservancy, thanked the District for the opportunity to partner with this land acquisition.

Staff recommendation included:

- Accept the appraisal;
- Approve the purchase and sale agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve the resolution requesting funds from the Florida Forever Trust Fund for SWF Parcel No. 19-593-103;
- Approve and authorize the Executive Director or designee to sign the Private Grant Agreement for Land Assist from The Nature Conservancy in the amount of \$250,000;
- Designate SFV Parcel No. 19-593-103 as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to executive any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:38:19/39:15)

Routine Reports

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

- 24. Surplus Lands Update
- 25. Structure Operations
- 26. Significant Activities

Committee Chair Beswick relinquished the gavel to the Resource Management Committee Chair Babb who called the Committee meeting to order. (Audio 00:40:06)

Resource Management Committee

Discussion

- 27. Consent Item(s) Moved for Discussion – None

- 28. Withlacoochee Regional Water Supply Authority Update

Mr. Richard Owen, Withlacoochee Regional Water Supply Authority (WRWSA) Executive Director, provided a presentation that included: a map of the service area; list of board members and their jurisdiction; per capita trend information and contract provisions for the Charles A. Black wellfield; public supply demand projections; water resource evaluation; major conclusions regarding the regional water supply plan; adopted MFLs and reservation water bodies; proposed priority water bodies; water conservation efforts and results. Mr. Owen emphasized partnership between the District, other member governments and the WRWSA.

This item was for the Board's information and no action was required.

- 29. Weeki Wachee River Surface Water Improvement and Management (SWIM) Plan (WW01)

Dr. Chris Anastasiou, Ph.D., Natural Systems & Restoration Chief Scientist, provided a presentation. Dr. Anastasiou stated the SWIM program directs the water management districts to identify priority surface waters and implement plans to improve them. Dr. Anastasiou stated there are 12 SWIM Priority Water Bodies throughout the District. He indicated the Rainbow River and Kings Bay were designated in 1989 and Homosassa, Chassahowitzka, and Weeki Wachee were added to the list in January 2014. Dr. Anastasiou stated a key element has been the Springs Coast Steering Committee (SCSC) which builds interagency partnerships to protect, manage and restore springs. The SCSC also develops comprehensive plans for five first magnitude springs. He explained there are three levels of the springs committees which include the SCSC, Springs Coast Management Committee and the technical working group.

Dr. Anastasiou outlined the SWIM plan process: 1) the plan defines issues and drivers; 2) sets quantifiable objects; develops management actions; 3) sets priority projects and initiatives; and 4) the SWIM plan is adopted. Dr. Anastasiou applied this process to the Weeki Wachee River. He stated there are 74 total projects identified in the plan.

Staff recommended the Board approve the Weeki Wachee River SWIM Plan in accordance with Section 373.453, F.S.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:11:12)

- 30. FARMS – Marion County Equine Compost Facilities Pilot Project (H751)

Mr. Chris Zajac, Facilitating Agricultural Resource Management Services (FARMS) Program Manager, provided a presentation. Mr. Zajac stated that FARMS projects have traditionally focused on water conservation but this project involves water quality Best Management Practices (BMPs). This project is identified as a pilot project, not because the District is testing a new technology, but rather a new cost share incentive to expand water quality BMPs within the springshed. Mr. Zajac explained that the FARMS program is a reimbursement program with

agricultural producers. The District created FARMS in 2003 and works closely with the Florida Department of Agriculture and Consumer Services (FDACS). He outlined the five program goals that the program focuses on: Shell, Prairie and Joshua Creek; Upper Myakka River Watershed; Southern Water Use Caution Area; Dover/Plant City Water Use Caution Area; and Northern District/Springs Coast. Mr. Zajac specifically addressed the Northern District/Springs Coast.

Mr. Zajac explained that in the Northern region, the goal is to reduce nutrient loading and reduce agricultural groundwater use. The Board has approved 16 projects to date, of which the majority are focused on water conservation BMPs. These projects have offset an estimated half million gallons per day. Last year the Board approved the first FARMS project to focus solely on water quality. That project is currently under construction at M&B Dairy in Citrus County. The project will reduce nutrient loading within the Homosassa Springshed by an estimated 1,400 pounds per year once completed.

The District will partner with FDACS to promote BMPs within the horse industry in Marion County, with each agency contributing \$100,000. The FDACS will contract with the Marion County Soil and Water Conservation District (MCSWCD) to promote the program and help operators through the application process. District staff will evaluate each application for cost effectiveness and if approved, the operator will enter into an agreement with the FDACS. The producer agrees to pay a minimum of 25 percent of total project costs with a maximum reimbursement of \$50,000 divided equally between the District and FDACS. The District anticipates between four and ten projects and estimates a reduction of nutrient loading within the Rainbow River springshed approximately between 1,000 to 3,500 pounds per year.

Staff recommended the authorization of the transfer of \$100,000 from fund 010 H017 Governing Board FARMS funds to H751 Marion County Equine Compost Facilities Pilot Project fund and the authorization of the division director to sign the agreement.

Chair Maggard requested yearly updates on this project.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:22:58)

31. FARMS – Wes Smith (WS) Farms (H750), Levy County

Mr. Chris Zajac, Facilitating Agricultural Resource Management Services (FARMS) Program Manager, provided a presentation. This 56-acre farm is in Levy County near the City of Williston within the Rainbow Springs groundwater recharge area. This farm currently utilizes BMPs such as a GPS controlled center pivot irrigation system and soil moisture sensors. The request is to implement three additional BMPs on this farm. The first two BMPs will promote water conservation and include a variable rate irrigation controller for the center pivot system and a weather station on site. The third BMP is a fertigation system that will help to reduce nutrient loading. The District estimates that the water conservation BMPs can save up to 15 percent of the daily quantities used for irrigation. In addition, the District estimates a reduction of 103 pounds of nitrogen per year using the fertigation system. This is important because crop fertilizer is estimated at 18 percent of the total load to Rainbow Springs.

Staff recommended approval of the WS Farms project for a not-to-exceed reimbursement of \$29,948 provided by the Governing Board. Authorization of the transfer of \$29,948 from fund 010 H017 Governing Board FARMS Fund to the H750 WS Farms project fund and authorize the Division Director to sign the agreement

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:27:04)

32. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt a Minimum Flow for the Rainbow River System and Accept Reports

Mr. Eric DeHaven, Resource Management Division Assistant Director, provided the background of the staff that are tasked with working on the minimum flows and levels (MFLS). Mr. DeHaven stated there was a correction to the rule language that was previously provided. A correction was provided to the Board.

Ms. Kym Rouse Holzwart, Senior Environmental Scientist, provided a presentation. She explained the Rainbow River System is in the northern part of the District in southwest Marion County, and is one of the largest spring-fed rivers in Florida. Ms. Holzwart outlined ten environmental values that are listed in the statute that must be protected when developing minimum flows which included: recreation in and on the water; fish and wildlife habitats and the passage of fish; estuarine resources; transfer of detrital material; maintenance of freshwater storage and supply; aesthetic and scenic attributes; filtration and absorption of nutrients and other pollutants; sediment loads; water quality; and navigation.

Ms. Holzwart explained the District defines significant harm as more than a 15 percent decrease in an available habitat or resource resulting from withdrawals, which protects 85 percent of the available habitat or resource. She explained the District's approach to developing minimum flows is habitat based. Protection of the habitat also protects the functions the habitat provides. Ms. Holzwart stated the recommended minimum flow protects 95 percent of the natural flow or is a five percent allowable reduction in flow due to withdrawals. She stated the District recommends the minimum flow adopted for the Rainbow River System be re-evaluated in 10 years.

Mr. Ron Basso, P.G., Chief Hydrogeologist, provided a presentation that outlined the impact of groundwater withdrawals on Rainbow Springs and staff MFL recommendation. Mr. Basso provided some historical background on the springs flow (1930-2010). He provided background on the geology of the northern region and information on the impact of pumping on springflow in the northern area of the District. Mr. Basso outlined the northern district model utilized by the District. Mr. Basso explained that most the decline in observed springflow is due to rainfall deficits. In addition, geology and relatively low groundwater use have led to flow changes of only one to two percent due to groundwater withdrawals.

Mr. Dann Yobbi, P.G., retired USGS hydrologist, spoke regarding the Rainbow Springs peer review panel. Mr. Yobbi chaired the panel and assisted in reviewing the MFL report for the Rainbow Springs. Mr. Yobbi provided background information on the review panel.

Treasurer Armstrong asked if the 15 percent threshold is the best benchmark to use for this MFL. Mr. Yobbi stated it was suggested the District continue to review the 15 percent threshold to determine if that is the appropriate percentage that should be used. Currently, there is no additional scientific evidence to support an alternative.

Secretary Beswick asked if the ten-year re-evaluation period is acceptable. Mr. Yobbi responded he personally would prefer the re-evaluation be done in less than ten years. However, he stated the District is continuing to monitor all spring systems and will take appropriate actions, if necessary.

Board Member Taylor asked about the statement in the peer review report, "in the absence of key supporting data, the District should consider capping withdrawals at the current levels". Mr. Yobbi responded that the District adequately addressed the panels comments.

Committee Chair Babb stated he received several "Request to Speak" cards.

Ms. Louis Kenny, resident, spoke in opposition of the Rainbow River MFL. She thanked the District for the acquisition of the Rainbow River Ranch property.

Mr. William Vibbent, resident, spoke in opposition of the Rainbow River MFL.

Mr. Jim Tatum, Our Sante Fe River, Inc., spoke in opposition of the Rainbow River MFL.

Mr. Bob Knight, Florida Springs Institute, spoke in opposition of the Rainbow River MFL.

Mr. Paul Marraffino, Rainbow River Conservation, spoke in opposition of the Rainbow River MFL.

Mr. Dan Washburn, resident, spoke in opposition of the Rainbow River MFL.

Mr. Brad Rimbey, P.E., resident, spoke in opposition of the Rainbow River MFL.

Ms. Rosemarie Grubba, resident, spoke in opposition of the Rainbow River MFL.

Ms. Nancy Washburn, resident, submitted a request to speak card opposing the Rainbow River MFL but declined to speak

Ms. Deevon Quirolo, Nature Coast Conservation, spoke in opposition of the Rainbow River MFL.

Mr. Curt Williams, Florida Farm Bureau Federation spoke in favor of the Rainbow River MFL.

Mr. Robert Keim, resident, spoke in opposition of the Rainbow River MFL.

Mr. Dan Hilliard, Kings Bay Springs Alliance, Inc., spoke in opposition of the Rainbow River MFL.

Ms. Mary Ann Ermatingeir, resident, submitted a request to speak card opposing the Rainbow River MFL but declined to speak.

Ms. Kathryn Taubart, Sierra Club, spoke in opposition of the Rainbow River MFL.

Mr. Martyn Johnson., spoke in opposition of the Rainbow River MFL.

Ms. Janet Barrow, resident, spoke in opposition of the Rainbow River MFL.

Mr. Dennis Junes, resident, spoke in opposition of the Rainbow River MFL. He thanked the District for the acquisition of the Rainbow River Ranch.

Dr. Burt Eno, Rainbow River Coalition, spoke in opposition of the Rainbow River MFL.

Ms. Heather Obara, Florida Springs Council, spoke in opposition of the Rainbow River MFL.

Mr. Jerry Rogers, resident, spoke in opposition of the Rainbow River MFL. He thanked the District for the acquisition of the Rainbow River Ranch property.

Ms. Deb Bismarck, resident, spoke in opposition of the Rainbow River MFL.

Ms. Pam Kern, resident, spoke in opposition of the Rainbow River MFL.

Ms. Stacey Sheldon, resident, spoke in opposition of the Rainbow River MFL.

Mr. Jack Dennis, resident, spoke in opposition of the Rainbow River MFL.

Ms. Harriett Jones, Sierra Club, spoke in opposition of the Rainbow River MFL.

Ms. Karen Chadwick, resident, spoke in opposition of the Rainbow River MFL.

Mr. Whitey Markle, Suwannee/St. Johns Sierra Club, spoke in opposition of the Rainbow River MFL.

Mr. Bill Dinnin, resident, spoke in opposition of the Rainbow River MFL. He thanked the District for the acquisition of the Rainbow River Ranch property.

Ms. Linda Bystrak, resident, spoke in opposition of the Rainbow River MFL.

Mr. Michael Roth, resident, spoke in opposition of the Rainbow River MFL.

Ms. Kathleen Hernandez, spoke in opposition of the Rainbow River MFL.

Mr. Pete Ackerman, Water is Life House, spoke in opposition of the Rainbow River MFL.

Mr. John Dunn, resident, spoke in opposition of the Rainbow River MFL.

Ms. Holly Johnson, Friends of Whales & Panther Action Coalition, spoke in opposition of the Rainbow River MFL.

Mr. Jay Rhodes, resident, spoke in opposition of the Rainbow River MFL.

Mr. Trey Arnett, Arnett Environmental, spoke in favor of the Rainbow River MFL.

Dr. Amy Wood, resident, spoke in opposition of the Rainbow River MFL.

Ms. Andrea Rea, resident, spoke in opposition of the Rainbow River MFL.

Mr. Nathan Whitt, resident, spoke in favor of the Rainbow River MFL.

Ms. Doriley Fernandez, submitted a request to speak card opposing the Rainbow River MFL but left the meeting before speaking.

Mr. John Nephew, resident, spoke in opposition of the Rainbow River MFL.

Mr. Dwight Porter, resident, spoke in opposition of the Rainbow River MFL. He thanked the District for the acquisition of the Rainbow River Ranch property.

Ms. Karen Garren, resident, spoke in opposition of the Rainbow River MFL.

Ms. Merrilee Maliwitz-Jipson, Sierra Club, spoke in opposition of the Rainbow River MFL.

The Committee took a brief recess at approximately 1:30 p.m.

Committee Chair Babb reopened the meeting at approximately 2:00 p.m.

Board Member Mann asked if any other models have been recommended or used. Mr. Hammond responded in the negative.

Board Member Taylor asked about the accuracy of the statement that since 2000 the springflow has declined. Mr. Hammond responded the reference is made to the decline in peak. He stated all systems fluctuate. Board Member Taylor asked about the reference to the Rainbow Springs as a national nature land mark. Mr. Hammond responded it is also referred to as an Outstanding Florida Water (OFW) and a Surface Water Improvement & Management (SWIM) priority water body. Board Member Taylor asked about the four criteria that Dr. Antastasiou presented. He asked if it was possible that the Rainbow could be considered different from other springs. Mr. Hammond responded that each spring is unique and is evaluated appropriately. Recommendations are based on those evaluations.

Board Member Taylor asked if it would make sense to consider an allowed two and half percent withdrawal versus the recommended allowable five percent reduction associated with the MFL. Mr. Hammond responded that the two and a half percent is not based on any science that has been used for the evaluation of this spring.

Board Member Henslick asked about the statement that references a 15 percent impact to an environmental system without causing significant harm. Mr. Hammond responded that the 15 percent was originally suggested by an independent peer review panel for one of the first systems evaluated. In addition, 17 additional peer review panels found this reasonable and have supported these criteria. Mr. Hammond explained this is based on the expertise and experience of staff and the 17 peer review panels. Board Member Henslick asked about a reference in District studies that indicated an allowable reduction in flow of seven percent could be used to establish the MFL. Mr. Hammond responded the peer review report supported a seven-percent allowable reduction for the MFL, but recommended an allowable five-percent reduction. Staff notes this is more conservation MFLs, and would be more protective of the system.

Board Member Taylor asked if routine monitoring will be done. Mr. Hammond responded in the affirmative. Mr. Hammond explained the MFL is not an allocation of water, it is more a measuring stick. He stated the District is continuing to work with communities and improve the science associated with the Rainbow system.

Board Member Henslick asked what the result would be if zero additional withdrawals were considered. Mr. Hammond responded this would be denying any additional water use permits and the District would have to be able to defend this decision if challenged.

Board Member Henslick stated that he took exception to the comments that were made from audience members that indicated the Board or staff members had ulterior motives in their decision making. Board Member Senft agreed with this comment.

Board Member Senft stated he would like to see the public become more vocal on speaking out regarding the metering of domestic self-supply and the use of septic systems.

Board Member Taylor stated he would like to see a more conservative approach. He amended the motion to reduce the MFL reevaluation period from ten to seven years. Committee Chair Babb stated that the motion cannot be amended as the motion has been made and seconded. He stated a new motion can be made if the first motion does not pass. Board Member Taylor asked if it is within staff's ability to request a review for the spring system prior to the recommended ten-year deadline. Mr. Hammond responded in the affirmative and stated that the District is already required to review the springs systems on a yearly basis.

Committee Chair Babb asked if two percent can come out of groundwater. Mr. Hammond responded that water-use demand projected for 2035 indicates withdrawals will impact Rainbow flows by two to two and a half percent, and added that water-use is stabilizing. Staff recommended the Board:

1. Accept the report entitled, "Recommended Minimum Flow for the Rainbow River System, Final Draft, March 2017."
2. Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Rainbow River System.
3. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.
4. Initiate the emergency rulemaking process set forth in Section 120.54(4), F.S., and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Rainbow River System to ensure that the District will be able to meet the July 1, 2017 statutory deadline.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 04:32:50/05:08:35)

Submit & File Reports

33. **Report from the Scientific Peer Review for the Recommended Minimum Flow for the Crystal River/Kings Bay System and Staff Responses**

Routine Reports

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

34. **Minimum Flows and Levels Status Report**
35. **Significant Water Resource and Development Projects**

Committee Chair Babb relinquished the gavel to the Regulation Committee Chair Senft who called the Committee meeting to order. (Audio 05:09:05)

Regulation Committee

Discussion

36. **Consent Item(s) Moved for Discussion** – None
37. **Hydrologic Conditions Report**
Mr. Granville Kinsman, Hydrologic Data Manager, presented the hydrologic conditions report. He stated that La Niña is gone, but the rainfall deficit is continuing to grow throughout the District.

Rainfall is well below normal for most the District. Groundwater levels are continuing to decline but still in the normal range, except in the northern counties, especially the most-impacted counties in the northeastern corner of the District. Lake levels are declining District-wide and in the northern and Lake Wales Ridge region, they are below the normal range. Lakes in the Tampa Bay and Polk Upland regions are still within the normal range. All four of the major river monitoring stations are recording below normal stream flow, now classified as severe flow conditions based on regulatory water shortage rules. The Bill Young and Peace River Reservoirs are both showing declines due to use, but stored water supplies remain high. La Niña has officially dissipated and conditions are considered neutral. The climate models favor development of El Niño conditions in upcoming months, which would favor a much wetter winter. Until above-normal rainfall is received, the rainfall deficit will continue to grow.

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.

This item was for the Board's information and no action was required.

38. **Consider Water Shortage Order(s) as Necessary**
No order recommended for this month.

- 39. Denials Referred to the Governing Board - None
- 40. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program
- 41. Overpumpage Report
- 42. Individual Permits Issued by District Staff - February 2017

Committee Chair Senft relinquished the gavel to Chair Maggard. (Audio 05:16:53)

**General Counsel's Report
Discussion**

- 43. Consent Item(s) Moved for Discussion Submit & File Reports - None

Routine Reports

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

- 44. March 2017- Litigation Report
- 45. March 2017-Rulemaking Update

Committee/Liaison Reports

- 46. Agricultural and Green Industry Advisory Committee
Board Member Rice stated the Committee recommended support for the staff recommendation for the Rainbow River MFL (Item 32). In addition, the Committee expressed support for the FARMS Marion County Equine Compost Facilities Pilot Project H751 (Item 30).
- 47. Other Committee/Liaison Reports - None

Executive Director's Report

- 48. Executive Director's Report
No Comments were given.

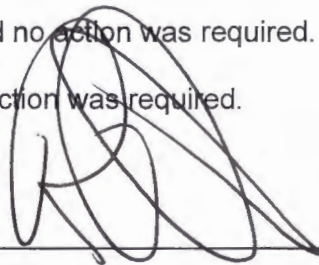
Chair's Report

- 49. Chair's Report
- 50. Other
The April 25 Governing Board meeting will be at the Lake Eva Banquet Hall in Haines City. The May 23 Governing Board meeting will be in the Brooksville Office. The June 27 Governing Board meeting will be at Tampa Bay Water in Clearwater.

- 51. Employee Milestones
This item was presented for the Board's information, and no action was required.

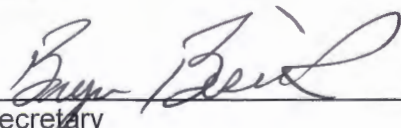
This item was presented for the Board's information, and no action was required.

The meeting was adjourned at. 3:19 p.m.



Chair

Attest:



Secretary