

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

PLANT CITY, FLORIDA

MARCH 30, 2010

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on March 30, 2010, at the Hillsborough Community College (HCC) John R. Trinkle Center in Plant City. The following persons were present:

Board Members Present

Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Sallie Parks, Treasurer
Carlos Beruff, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
Maritza Rovira-Forino, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Staff Members

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

Board's Recording Secretary

LuAnne Stout, Administrative Coordinator

Board Member(s) Absent

Bryan Beswick, Member
H. Paul Senft, Member

A list of others present who signed the attendance roster is filed in the permanent files 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

1. **Call to Order**

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

2. **Pledge of Allegiance and Invocation**

Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

3. **Welcoming Remarks – Plant City Mayor Rick Lott and HCC Campus President Dr. Felix Haynes**

Mayor Lott said the City is proud to host this meeting and thanked the Board for holding its meeting in Plant City. He noted the City is proud to have Ms. Closshey and Mr. Gramling serve on this Board, and many other committees and boards in this community. Mayor Lott said the City thanks the District for a number of cooperative projects. He thanked each Board member for being public servants, especially during this difficult economy.

Chair Pressman noted this meeting is a reflection of the Board's efforts to keep its presence throughout all areas of the District.

Dr. Haynes was unable to attend the meeting.

Public Hearing

Chair Pressman 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 Pressman 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 Pressman 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.

4. **Additions/Deletions to Agenda**

Mr. Moore said there were no additions or deletions to the agenda. He noted that Board members received revised information for Item 17 prior to this meeting.

5. **Employee Recognition**

Mr. Moore said that the newest member of the management team will be recognized at the Board's next meeting.

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

Chair Pressman noted that a member of the public submitted a request to speak.

Mr. Horton Watkins, resident of north Polk County, said he and other residents are concerned with Gator Creek flooding roads and tributaries which need clearing. Mr. Moore noted that staff is providing a presentation regarding the Hampton Tract later in this meeting which will address Mr. Watkins' concerns. (Track 1 – 00:00/Track 2 – 10:20)

Ms. Closshey said that Mr. Greg Horwedel, City of Plant City Manager, is attending today's meeting. Chair Pressman welcomed Mr. Horwedel and noted that Mr. Bruce Haddock, City of Oldsmar Manager, is in attendance as well. (Track 2 – 10:20/10:36)

Consent Agenda

Item 11 was moved for consideration on the Outreach & Planning Committee agenda.

Resource Management Committee

7. **Resolution Requesting Encumbrance of Fiscal Year 2010 Preacquisition Costs within the Florida Forever Trust Fund**

Staff recommended to approve a resolution requesting the Florida Department of Environmental Protection to encumber the District's FY2010 budget for preacquisition costs within the Florida Forever Trust Fund, and authorize staff to request periodic reimbursements for FY2010 costs not to exceed the budgeted amount of \$3,200,000.

8. **Declaration of Surplus Lands – Chito Branch Reserve, SWF Parcel No. 11-709-142S**

Staff recommended to declare SWF Parcel No. 11-709-142S surplus.

9. **Easement Exchange – Tampa Bypass Canal, SWF Parcel Nos. 13-002-752P and 13-002-753X**

Staff recommended to accept the appraisal, and to approve the no-cost exchange of easement interests in land with JPV Investments, Inc.

10. **Non-Exclusive License Agreement to Florida Gas Transmission Company for a 24-inch Natural Gas Pipeline – Little Manatee River Corridor, SWF Parcel No. 21-058-104X**

Staff recommended to accept the appraisal of the proposed non-exclusive license agreement between the District and FGT; to authorize issuance of a license agreement for

SWF Parcel No. 21-058-104X to FGT; and to authorize the Land Resources Director to execute the license agreement.

Outreach & Planning Committee

11. **Water Conservation Month Proclamation**

This item was moved for consideration as a Committee discussion item.

Finance & Administration Committee

12. **Board Travel**

No action was required.

13. **Budget Transfer Report**

Staff recommended to request approval of the Budget Transfer Report covering all budget transfers for February 2010.

14. **Office of Inspector General – Six-Month Progress Report – Purchase Card Procedure Compliance Audit**

Staff recommended acceptance of this item as presented.

Regulation Committee

15. **Initiate and Approve Rulemaking to Require Submittal of Flow Meter Accuracy Verification Forms at Specified Months by County**

Staff recommended to authorize the initiation of rulemaking and to approve the proposed amendments to Section 5.1 of the Water Use Permit Information Manual Part B, Basis of Review, and Rule 40D-2.091(1), F.A.C., to require the submittal of flow meter accuracy verification forms at specified months by county.

16. **Initiate and Approve Rulemaking to Amend Rule 40D-3.037, Florida Administrative Code, to Incorporate by Reference Modified Appendix Adding Southern Solvents Superfund Site to Memorandum of Agreement with the Environmental Protection Agency**

Staff recommended to approve the addition of the Southern Solvents Superfund Site to the Appendix for the Memorandum of Agreement Between the EPA and the District, and authorize and approve rulemaking to amend Rule 40D-3.037, F.A.C., to incorporate by reference the revised Appendix for the Memorandum of Agreement.

17. **Approve Changes to Second Phase of the Northern Tampa Bay Recovery Rules**

Staff recommended to approve the changes to the proposed rules and to authorize staff to complete the rule adoption process.

General Counsel's Report

18. **Settlement Agreement – SWFWMD v. Paul L. Dyer, et al, Case No. 2009-CA-010062, 10th Judicial Circuit – Lake Hancock Project, SWF Parcel No. 20-503-219P – Polk County**

Staff recommended to approve the Settlement Agreement in the total amount of \$75,000.

Executive Director's Report

19. **Approve Governing Board Minutes**

a. **February 22, 2010 Joint Governing Board and Tampa Bay Water Board of Directors Workshop**

b. **February 22, 2010 Regular Monthly Meeting**

Staff recommended to approve the minutes.

Following consideration, Ms. Parks moved, seconded by Mr. Oakley, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 2 – 10:36/11:20)

Executive Director's Report

20. **January 2010 Freeze Event Update**

Mr. Moore said it is appropriate that this meeting is held in Plant City today since this presentation focuses on the freeze event experienced in January by this community. He said staff did a great job responding to the event as it occurred and in the weeks following to have residents' water restored. Mr. Moore noted most wells have been taken care of or receipts paid. He said there are some wells that receipts have not been paid and that issue will be covered during the presentation. He said this effort is moving into the second

phase and staff is examining what changes need to be made to District rules, policies or procedures to reduce the risk of future problems and to address problems if they do occur. He noted the minutes of the first public workshop and accompanying information are posted on the District's web site. Mr. Moore said staff is working through a process with the invitees and technical experts, and holding meetings for several months to fully vet each issue. He said staff's goal is to have all research completed for the Board to take action in the November/December timeframe. (Track 2 – 10:36/13:40)

Ms. Alba E. Más, Director, Tampa Regulation Department, provided an update to the discussion that occurred as part of the Executive Director's report at the February 22, 2010 Governing Board meeting. Staff continues to pursue resolution of dry well complaints associated with the January 3 to January 13, 2010 freeze event. The cut-off for registering new complaints occurred on March 2, 2010. There were 641 well complaints within mitigation areas of which 122 cases remain open, and 112 complaints are outside permittee mitigation areas. Staff is staying in contact with affected well owners and coordinating with responsible water use permit holder until each registered complaint is closed. District-contracted well drillers have repaired or replaced 16 wells that were either not located in a permittee's mitigation area or could not be promptly addressed by the permittee. The final cost will be known after all applicable invoices are received from well drillers, but it appears that the amount will be well below the \$250,000 allocated by the Governing Board. Staff has used approximately \$65,000 in Governing Board-approved emergency funds to repair or replace wells for 17 residents who were without water and either fell outside of a mitigation area or had not had their wells repaired in a timely manner by the responsible permittees.

Ms. Más said the District will seek reimbursement whenever possible from the responsible permit holders. In more than 100 cases, residents have not yet been reimbursed by permit holders for repair/replacement of their wells. Staff is working with all parties to try to resolve these issues and has received receipts involving well repairs from 41 residents who are outside of any currently defined mitigation areas. District emergency funds cannot be used to reimburse for well repairs, and emergency funds can only be used to address a public health safety issue. If a well has been repaired and the resident has water, there is no health or safety issue.

Ms. Más said that, to address the second phase, staff held the first of three planned work sessions with 16 invitees and technical experts on March 24. The work session concentrated on three topics: (1) multi-governmental task force to secure state and federal funding for sinkhole and other repairs related to the January 2010 Dover/Plant City freeze event, (2) proposed modifications to well construction, pump depth and pressure valve cutoff devices criteria and inspections, and (3) consideration of a more equitable approach for assigning well mitigation responsibility for freeze events in the Dover/Plant City area.

Ms. Más said several potential funding sources have been identified: Federal Emergency Management Agency, Small Business Administration Disaster Loan Program and U. S. Department of Agriculture. It has been determined that this was a \$10 million event and therefore Federal Emergency Management Agency funding is unlikely. District staff is continuing to research options for well and sinkhole repairs.

Ms. Mas said well construction standard recommendations included expanding the area where standards are applied, updating requirement for cutoff devices, and coordinating pump inspections. Staff will discuss these recommendations with the Well Drillers Advisory Committee, and propose rule amendments to Chapter 40D-3 and other possible legislation. In response to Ms. Closshey's inquiry, Mr. Owen said, if there is consensus to expedite rule amendments, staff will come before the Board in two to three months to recommend approval.

Ms. Más said staff's goal is find a more equitable way to assign well mitigation responsibility to permit holders. She said presented the four options: status quo, proportional responsibility, volume-based allocation, or development of a mitigation fund. She said workshop attendees discussed the interest in change, combination of approaches used, and forming a committee to explore formation of a mitigation fund as a long-term solution. In response to Ms. Closshey's question, Mr. Moore said the work sessions are open to the public and anyone may present their suggestions. Ms. Whitehead stated she felt it is important to have a source of funding immediately available when situations occur and then sort out the details later.

Ms. Más said the first scheduled work session was March 24, and tentative dates for the other two work sessions are April 21 and May 18. Each of the three work sessions will be advertised in the Florida Administrative Weekly and open to the public; however, the focus will be discussion between the invitees, technical experts and District staff. Tentative April 21 topics of discussion are determining the need for a cap on groundwater use, developing means to significantly increase percentage of freeze protection accomplished by methods other than groundwater use, and optimizing the amount of groundwater that is used for freeze protection. Tentative May 18 topics of discussion are how to enhance communication during a freeze event, expansion of the data collection network for freeze-related information, and related local government coordination and land use planning. Enhancements to the District's web site include freeze event frequently asked questions, map overlaying well complaints and permit holders' mitigation areas on county's ownership parcels, and minutes from the February workshop and future work sessions.

Ms. Parks said the District should keep in mind that the policy of the last permittee in the door is responsible for mitigation is also diminishing the agricultural community because it means people will not apply anymore and it becomes a fairness issue. (Track 2 – 13:40/33:25)

Chair Pressman noted that a member of the public submitted a request to speak.

Mr. Steven Gambrell, resident of Plant City, said he grew up in north Florida and swam in the sinkholes. He read a letter into the record regarding the freeze event in Plant City in which his well pump and motor burned out. Mr. Gambrell said the permittee, Mr. Sprouts, responded immediately and by the end of the day his water was restored. He said he has now been informed that Mr. Sprouts is not responsible and the well contractor is requesting payment which is on hold until the mitigation issues are resolved.

Mr. Owen said staff will meet with Mr. Gambrell to understand the situation. Ms. Más said there are still 122 open cases. She said certain permittees have said they will not pay and in those cases staff is sending a final letter and preparing files for legal review. She noted that cases are not closed until staff has spoken to the complainant to ensure the matter is complete. Ms. Más said the legal department has determined the District cannot pay for those 112 outside any mitigation area and 41 have submitted receipts. She said staff is sending letters to inform them that the District is not going to hold anyone responsible or pay for it. (Track 2 – 33:25/41:00)

In response to Mr. Beruff's concern, Ms. Mas said corrective letters were sent to some residents once final determinations were made about mitigation areas. Mr. Beruff said he felt that it puts the District in a position of responsibility. Mr. Combee said someone authorized the work and the District should be careful regarding its role since the well contractors should not be left with unpaid bills. In response to Mr. Joerger's question whether staff knows the District's financial commitment regarding misnotified residents, Ms. Más said staff will investigate. Ms. Closshey asked that the legal department review the trail for notifying residents and report back to the Board. She said she would like an overview of the extent and scope of miscommunicating responsibility to the permittees. She said this information will help the Board understand a better way to come to a fair

conclusion whether it be the status quo or another method of allocating responsibility. Chair Pressman reiterated that the Board would like staff to report on these separate cases where misnotification has occurred and update the Board via email or by other communication as quickly as possible. He stated the Board wants to ensure everyone is being treated fairly.

Mr. Moore said staff will review these cases and report to the Board. He briefly reviewed the process followed when tracking permit holders and how they are responding to well complaints. He said one permit holder has 150 wells and another one has a significant number, and have said they can no longer fulfill the entire burden placed upon them. Mr. Moore said staff has informed these farmers that the District would pursue two avenues. One avenue is whether there is interest to form a fund to mitigate wells, and if it is ultimately created to have the administrators of the fund consider reimbursing individuals that had many of the well complaints during the January freeze. It was stated that the formation of such a fund, if it were to be established, will take at a minimum of months to form. The second avenue is to ask the Board to cover costs, but it has been determined by the District's General Counsel that such an approach is not legally defensible. Therefore, staff is recommending moving forward with consent orders to require the permit holder to reimburse well repairs. Mr. Bilenky said the District advanced public funds based upon this situation being in the interest of public safety. He said the District will seek to recover costs through the consent order process. Mr. Gramling said, although he is uncomfortable with initiating consent orders, there are issues on some of the complaints which need investigating in detail to ensure legitimacy and fairness. Mr. Bilenky said all cases will be brought before the Board before initiating action. In response to Mr. Beruff's question regarding ability to pay, Mr. Bilenky said hardship claims require documentation.

Ms. Closshey said fairness is the goal and this Board does have the responsibility of recognizing its requirements to the public and any precedence that might be set by taking action outside of anything done in the past. She said cases should be investigated for those components that fall outside the scope of this well went dry and this person is responsible. She said wells and pumps have a life expectancy and farmers should not be responsible when the well and/or pump are nearing their end. In response to Ms. Whitehead's concern regarding mitigation area designations, Mr. Owen said there is not a singular mitigation area but multiple areas associated with permits. He said it has been determined that some residents are outside any mitigation area and will have to bear the costs of repairs. Mr. Joerger suggested that, to address the issue of public funds, perhaps residents with a failed well outside of a mitigation area enter in an agreement to let the District monitor the well to serve a public purpose. Mr. Moore noted, from a technical point of view, small domestic wells do not typically lend themselves for monitoring.

Chair Pressman said the Board wants to be closely updated on this matter and the report needs to be detailed especially in regards to the individual cases. He said this has been a herculean effort by staff and thanked all who have been involved from the beginning, especially Board members who have spent extra time. He said direction is needed on how to handle this situation on an industry-wide basis and then move forward. (Track 2 – 00:41:00/01:03:20)

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

Chair Pressman relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

Discussion Items

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

22. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said February historically marks the fifth month of the eight-month dry season and provisional rainfall totals for the month were normal or above-normal in all regions of the District. Analysis of dry-season rainfall shows October through February totals to be above the historic mean in all regions of the District. Rainfall during the month was regionally variable and associated with the passage of several cold front systems moving across the Florida peninsula. The provisional 12-month District-wide rainfall deficit improved during February, ending the month approximately 1.4 inches above the long-term average. The 24-month and 36-month cumulative rainfall deficits also improved, but ended the month approximately 6.6 inches and 16.4 inches, respectively, below the historic 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. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data. (Track 3 – 00:00/07:50)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. David Gore, resident of Polk County, said river flows are how fast the water is leaving here without being retained in the land. He said all water flows are connected and escaping water means less for everyone. He said sinkholes can happen all over the state and the situation in Plant City is from drawdown of the entire system. He said he would like to meet with staff to discuss this on a scientific basis. (Track 3 – 07:50/12:00)

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

23. **Establishment of Numeric Water Quality Standards for Nutrients Update**

Mr. Wirth said staff is posting the District's letter and technical comments on the web site. He said the Executive Director has been speaking with editorial boards on the District's position to make it clear that it is a technical review of the report. He noted that staff has been collecting articles on this issue and copies are available.

Ms. Veronica Crow, Environmental Section Manager, Resource Projects Department, provided an update on the U.S. Environmental Protection Agency's (EPA) proposal on numeric nutrient criteria for Florida. EPA has extended the comment period for an additional 30 days and the public comment period will now close on April 28, 2010. In addition, EPA is planning another round of public hearings for April 13 in Fort Myers, April 14 in Tampa (Hilton Tampa Airport Hotel) and April 15 in Jacksonville.

Ms. Crow presented a summary of staff actions to date. She said staff is attending EPA public hearings (mid-April) and the Department of Environmental Protection (DEP) Technical Advisory Committee meeting on April 7, tracking comments submitted to the docket, working with DEP and the National Estuary Programs (NEPs) to develop scientifically sound estuarine targets, and providing written comments. She noted the estuarine targets for Tampa Bay, Sarasota Bay and Charlotte Harbor NEPs (NEP led) and Springs Coast (DEP led) are to be developed by summer 2010 for submission to EPA. (Track 3 – 12:00/19:15)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. David Gore, resident of Polk County, said the only way to address water quality is to stop it at the source. (Track 3 – 19:15/20:05)

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

24. **Upper Peace River Recovery – CS-11 Project**

Mr. Kenneth R. Herd, P.E., Water Supply Program Director, Resource Projects Department, said the CS-11 site is old mine land that could potentially be utilized as a reservoir to store excess surface waters to be released to help meet the minimum flows in the upper Peace River. He explained the basis of the project and provided a quick review of the site. He reviewed estimated costs and other considerations that led staff's recommendation to request the Governing Board direct staff to discontinue negotiations to purchase the CS-11 property.

The site is a 1,200-acre clay settling area currently owned by Clear Springs Land Development Company (Clear Springs). The District was interested in CS-11 for the following benefits: it is the largest site, the only site where the embankments are still intact, is in close proximity to the Peace River, and could store up to 25,000 acre-feet of water following a reconstruction process. Beginning in 2004, the District procured the services of a consultant to document site observations, conduct soil testing to ascertain overall suitability (including potential sinkhole risk), general feasibility, and water yield analysis. Concurrently, the District was engaged in discussions with Clear Springs regarding possible acquisition of the property.

Following the September 29, 2009 Governing and Basin Board joint workshop, District staff developed preliminary supply yield and cost estimates for the CS-11 project solely designated as a potable water supply project. Potential users of this facility for potable purpose include Polk County and other local municipalities such as the City of Bartow. District staff met with Polk County Utilities representatives to discuss these estimates and additional CS-11 background information on January 22 and 29, 2010. Polk County Utilities staff is currently evaluating potential County interest in the acquisition of the CS-11 property.

Recent studies have indicated that the District may be able to meet the minimum flows on the upper Peace River 94 percent of the days through two other projects: Lake Hancock Lake Level Modification and reducing flow losses into the Dover Sink. Based on the anticipated increased flows from these other projects, District staff did not believe it could justify the cost of the CS-11 project at \$163 million for land and reconstruction. CS-11 may be a good option as a water supply project for the county or the city of Bartow. If either of those entities choose to take the lead on the project, it could be considered for District Cooperative Funding as an alternative water supply.

Mr. Herd said staff is recommending the Governing Board direct staff to discontinue negotiations to purchase the CS-11 property. (Track 3 – 20:05/33:05)

Mr. Tharp said he is concerned with abandoning the property when it may be needed for alternative water supplies in the future. He asked, if the Board accepts staff's recommendation, what involvement, if any, will the District have in furthering negotiations on this property. Mr. Herd said the District would be allowing another potential user for potable water supply to take the lead and any future negotiations for potential acquisition of the property. In response to Mr. Tharp's question, Mr. Herd said the reclamation obligation has been extended by the Department of Environmental Protection to start construction in 2014.

Following consideration, **Ms. Closshey moved to approve the staff recommendation to discontinue negotiations to purchase the CS-11 property which enables the Board to make a decision today and allow any other interested parties to move forward and determine the ultimate best use of this particular property. Ms. Rovira-Forino seconded the motion.** (Track 3 – 20:05/35:20)

Committee Chair Joerger noted that a member of the public submitted a request to speak.

Mr. Doug Conner, representing Clear Springs, said the District and Clear Springs have worked for several years to develop the project and restore minimum flows of the upper Peace River. Clear Springs believes the staff report in the Board meeting information is a fair representation of those efforts. Clear Springs also agrees with staff's recommendation to take an adaptive management strategy approach; however, Clear Springs thinks the Board should also consider a strategy to also preserve CS-11 as a reservoir. Clear Springs' reservoir engineers have reported that CS-11 could be brought up to current standards for about \$69 million or about \$35 million less than the cost to build a new one. He said this is a substantial deviation from the District's experts. The Department of Environmental Protection has been cooperating by deferring the reclamation plan requirement. As time passes and the minimum flows and levels (MFLs) can more accurately be measured, it may become important to have a reservoir to help meet the remaining MFLs. This reservoir eventually retrofitted could provide storage for any remaining volume to reach the MFLs, but it could also be conjunctively used as water supply reservoir for Polk County. (Track 3 – 35:20/39:00)

In response to Mr. Beruff's question, Mr. Wirth said Polk County's master plan completed last spring did identify the Peace River as a source of water but due to cost projected for 20 years plus in the future. Mr. Wirth said staff has run the scenario of withdrawals from the river to meet MFLs and other permit conditions to find an estimated safe yield of six to eight million gallons per day. He said Polk County's viewpoint it may not need water from this source for a 20-year to 30-year period. He said the County's efforts are at the southeast groundwater site for water quality. Mr. Moore said the City of Bartow will be the water service provider for the Clear Springs development, and the District has issued a 10-year water use permit through 2018. He said the City of Bartow has indicated, along with Clear Springs as part of that permit, it would like to get a permit from 2018 through 2028. Mr. Moore said staff has suggested that timeframe is sooner than Polk County will need it. He said, if they are willing to pursue this as a reservoir, District staff would be willing to approach the Board and suggest that the District provide funding in terms of alternative supply. Mr. Moore said staff does not see this as feasible for MFLs, but it is a viable water supply and especially if it can be developed by the reservoir's owner at a lesser cost.

Discussion ensued regarding reclamation costs and requirements, postponing development of facility, donating property to Polk County or City of Bartow, and using cooperative funding at a future time. Mr. Tharp stated he would like staff to follow this project closely. Mr. Combee said Polk County, City of Bartow, Clear Springs and Mosaic have a vested interest to reach an agreement that will be mutually beneficial. He said the District may be a cooperator in the future.

Committee Chair Joerger called the motion and it carried unanimously. (Track 3 – 39:00/47:30)

25. **District-Owned Lands Wetlands Restoration Program – Green Swamp Preserve – Hampton Tract Restoration Project**

Mr. Philip A. Rhinesmith, Senior Environmental Scientist, Resource Projects Department, provided an update on the proposed restoration activities associated with the Green Swamp Preserve Hampton Tract. In January 2000, the District acquired the 7,760-acre Hampton Tract which is part of the District's Green Swamp Wilderness Preserve. The budget for the project for design, permitting, and construction is \$1.5 million; and the District's Florida Department of Transportation (FDOT) Mitigation Program provides 100 percent of the funding necessary for project completion.

This is one of six active wetland restoration projects under the District's wetland restoration program approved by the Board in 2004 and uses a four-phase approach:

(1) feasibility and alternatives phase, (2) surface water modeling and design, (3) environmental permitting and (4) construction. The proposed hydrologic restoration activities will result in the hydrologic restoration to approximately 1,300 acres of impacted wetlands on the property, and involves restoring the historic storage and natural wetland drainage pathways associated with Bee Tree Drain, Sapling Drain, and Colt Creek Drain. These three ditched creek wetland systems contribute flow directly to a ditched segment of Gator Creek, a tributary to the Withlacoochee River. Since this is a restoration project, the District will not pursue any restoration activity which will result in any increase in runoff or water elevations to private properties.

In response to Committee Chair Joerger's inquiry, Mr. Rhinesmith said breaches will be cut into the berm to allow water to flow through District-owned lands that is currently impacting adjacent property owners. Committee Chair Joerger asked whether this creates a private benefit to the adjacent property owners and does it allow the District to reserve the right to re-inundate them. Mr. Wirth said, while it does provide some flood relief on pastures, the public benefit is that when the berm is breached it will provide water to wetlands that are dry. He said staff does not see a value to re-flood the adjacent properties. In response to Mr. Oakley's question, Mr. Rhinesmith said water will be held back with ditch plugs on District-owned lands to rehydrate the impacted wetlands.

Mr. Combee said he requested this presentation because he was concerned about the property owners in the Ranchland Acres area. He said that area stays wet at times and he did not want the District making situation worse. He said there is a dike that floods property owners upstream. He said the property owners are delighted about restoring the natural state as long as the residents are protected. Mr. Wirth said staff will restore the system so that all potential changes occur within District property but not back to its original natural drainage.

Mr. Rhinesmith said, on March 13, 2010, a public meeting was held for adjacent property owners and interested parties on the Hampton Tract to provide an opportunity to present the restoration plan and receive comments. Most of the comments raised involve non-project related offsite flooding issues. One property owner raised concerns that the proposed activities may result in flooding of his property. Once the comments are addressed, the District will finalize the design plans and submit permit applications to Florida Department of Environmental Protection and the United States Army Corps of Engineers for project construction. Project construction activities are expected to be completed in 12 months following receipt of permits. (Track 3 – 00:47:30/01:02:44)

Committee Chair Joerger noted that several members of the public submitted requests to speak.

Mr. Charles Parker, Sr., resident of Ranchland Acres, said he is a life-long resident of Florida and lived at his current home for 26 years. He said 20 years ago flooding was occurring from Gator Creek since it cannot handle the water flow with three inches of rain. He said he would like this project postponed indefinitely until the water flow problem is addressed for Gator Creek.

Mr. David Gore, resident of Polk County, said he saw the same issues with Lake Lowry. He said it rains all over and this project is creating flooding where restoration will occur.

For clarification, Committee Chair Joerger said Mr. Parker's property should have no change since nothing is being done to Gator Creek. He said the project affects creeks that will back up water on District property. He said important habitat on District property will be rehydrated thereby providing flood relief to adjacent property owners. Mr. Wirth noted that low flow ditch blocks will be installed to restore the drainage areas.

Mr. Horton Watkins, resident of Ranchland Acres, stated his concerns associated with Bee Tree Drain, Sapling Drain, and Colt Creek Drain. He said the County needs to clean out the four large culverts in Gator Creek. (Track 3 – 01:02:44/01:12:44)

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

26. **Authorize Submission of Preliminary Hernando County Flood Insurance Rate Maps to the Federal Emergency Management Agency**

Mr. Gordon McClung, P.E., Engineering & Watershed Management Program Director, Resource Projects Department, said staff is requesting the Board's authorization to submit the preliminary Hernando County Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA). FEMA will then begin the FIRM adoption process for Hernando County. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for 17 of 20 watersheds in Hernando County. The watershed models and floodplain information have gone through the District's process including internal review and external peer review by experienced licensed professional engineers. The District's Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were provided opportunities to review and comment on the watershed models and floodplain information. Public workshops were held for each watershed for the public to review and comment on the floodplain information. The floodplain information was also made available through the District's website.

Mr. McClung said staff recommends to authorize submission of the preliminary Hernando County FIRMs for Hernando County to FEMA. Following consideration, **Ms. Parks moved, seconded by Ms. Closshey, to approve the staff recommendation.**

In response to Chair Pressman's question regarding public concerns, Mr. McClung said staff has worked with the public who felt the results were unreasonable and reviewed the parameters and, although they may not have liked the results, they were reasonable. Ms. Whitehead said she was impressed that staff researched past history and met with long-time residents.

Committee Chair Joerger called the motion and it carried unanimously. (Track 3 – 01:12:44/01:17:20)

Submit & File Report

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

27. **Fiscal Year 2011 Water Supply and Water Resource Development Projects**
28. **Lower Hillsborough River Recovery Strategy Implementation Annual Update**
29. **City of Oldsmar Request for Voluntary Annexation of District Lands – Lake Tarpon Outfall Canal**

Routine Reports

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

30. **Florida Forever Funding**
31. **Minimum Flows and Levels**
32. **Structure Operations**
33. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
34. **Significant Water Supply and Resource Development Projects**
(01:17:20/01:17:40)

Resource Management Committee Chair Joerger relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Item 11 was moved from Consent Agenda for consideration as a Discussion Item.

Discussion Items

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

11. **Water Conservation Month Proclamation**

Mr. Michael Molligan, Director, Communications Department, said staff is requesting the Governing Board to execute a resolution declaring April 2010 as "Water Conservation Month." April has historically been used by the District as a means to focus the attention of the public on the need for and benefits of water conservation and to highlight the resources available to help them. It is anticipated that the Governor will sign a proclamation that April 2010 is "Water Conservation Month." Last year, more than 170 local governments and the water management districts declared April 2009 as "Water Conservation Month." Approximately 70 of the 98 local governments within the District have passed similar resolutions this year.

Staff recommended to approve and execute Resolution 10-03 declaring April 2010 as "Water Conservation Month." **Ms. Closshey moved to approve staff's recommendation.** She noted that she represented the Board before the City of Plant City Council when it approved its proclamation. **Ms. Rovira-Forino seconded the motion and it carried unanimously.** Ms. Whitehead said she attended the City of Brooksville Council meeting and received its proclamation. She noted the City is very appreciative of the District and is committed to following conservation guidelines and per capita requirements. (Track 4 – 00:00/02:15)

36. **"Get Outside!" February 27 Hampton Tract Event Highlights**

Mr. Michael Molligan, Director, Communications Department, provided an overview of highlights of "Get Outside!" Day, held 10 a.m. to 2 p.m. on February 27, 2010, at Green Swamp Wilderness Preserve – Hampton Tract in Polk County. Despite cold and rainy weather, the event drew 130 visitors and 29 volunteers, and offered 22 booths and displays. Attendees included 20 youth and chaperones from Dade City Boys and Girls Club, and 57 family members from the Dade City Farmworkers Self-Help Union. Volunteers included members of Boy Scout Troop 72, members of American Disability Adventures, and students from Tenoroc High School. Event expenses were \$4,675 and include bus rental, portable toilet rental, tent rental, refreshments for staff and volunteers, promotional items, and hike guides.

The next event is scheduled for April 10, 2010, at the Deep Creek Preserve in DeSoto County. This item was presented for the Committee's information, and no action was required. (Track 4 – 02:15/11:10)

37. **2010 Regional Water Supply Plan Update**

Mr. Roy Mazur P.E., Director, Planning Department, presented information regarding recent activities in the compilation of the 2010 Regional Water Supply Plan (RWSP) Update and to discuss the significant findings of the Regional Water Supply Plan. Chapter 373, Florida Statutes, requires each water management district to initiate a Districtwide water supply assessment that describes water demands and identifies potential sources of water to meet demand over a 20-year planning horizon.

Mr. Mazur said District staff is currently developing the 2010 updated plan and anticipates a draft RWSP for public comment in April 2010. He reviewed the current project status, significant findings within each planning region, and upcoming public outreach. After stakeholder input through public workshops and the advisory committees, it is anticipated the RWSP will be presented to the Governing Board for consideration in November or December 2010. (Track 4 – 11:10/22:55)

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

38. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, discussed the progress of state legislation related to water and natural resources, current legislative activities, District priorities, and budget forecasts. (Track 4 – 22:55/35:30)

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

Submit & File Report – None

Routine Reports

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

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

40. **Development of Regional Impact Reviews**

41. **Speakers Bureau**

42. **Significant Activities**

- Ms. Kavouras noted that on March 8 the District hosted "Water Matters Day" at the Pittsburgh Pirates/New York Yankees Spring Training Game in Bradenton at which Chair Pressman threw out the first pitch. Staff distributed water conservation materials and more than 2,000 five-minute shower timers. There will be advertisements in the brochures and programs throughout spring training.

(Track 4 – 35:30/38:06)

Outreach and Planning Committee Chair Tharp relinquished the gavel to Finance and Administration Committee Chair Parks.

Finance and Administration Committee

Discussion Items

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

44. **Fiscal Year 2009 Comprehensive Annual Financial Report**

Mr. Daryl F. Pokrana, Director, Finance Department, introduced Ms. Lori Nissen, representing KPMG, the District's financial auditors, who presented the District's fiscal year 2009 Comprehensive Annual Financial Report (CAFR). 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. Nissen provided an overview of the CAFR, 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, 2009. She distributed to the Board members the required communications letter. Ms. Nissen reviewed certain matters related to the conduct of the audit as required by auditing standards. She said there were no negative findings or areas of improvement to report to the Board.

Staff recommended to accept and place on file the District's CAFR, 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, 2009. Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (Track 5 – 00:00/13:32)

Submit & File Report

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

45. **Fiscal Year 2011 Budget Update**

Routine Reports

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

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

47. **Management Services Significant Activities**

- Ms. Rovira-Forino thanked staff regarding the combined expenditures of \$4.5 million with minority and small businesses in the first quarter of fiscal year 2010 which shows the District's commitment to and participation in minority business opportunities. She noted the diversity report will be presented at the Board' next meeting.
- Mr. Terry Redman, Director, Information Resources Department, provided an update on the IBM mainframe successful decommissioning. Mr. Schiller noted that the *Information Resources Department Five-Year Technology Plan* will be presented next month.
- Mr. Schiller said the District has received over 85 percent of its yearly tax commissions. (Track 5 – 13:32/19:58)

Finance and Administration Committee Chair Parks relinquished the gavel to Regulation Committee Vice Chair Rovira-Forino.

Regulation Committee

Discussion Items

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

49. **Denials Referred to the Governing Board**

There were no requests for applications or petitions referred to the Governing Board for final action.

Submit & File Report

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

50. **Individual Permits Issued by District Staff**

Routine Reports

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

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

52. **Overpumpage Report**

53. **Resource Regulation Significant Initiatives**

(Track 6 – 00:00/00:30)

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

General Counsel's Report

Discussion Items

54. **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.

55. **Litigation Report**

56. **Rulemaking Update**

(Track 7 – 00:00/00:05)

Chair's Report

57. **Basin Board Education Committee Meeting**

Ms. Rovira-Forino said the meeting was held on March 3, 2010. The Committee meeting included presentations on the Florida Water StarSM Gold incentive program for builders who incorporate indoor and outdoor water conservation practices in their model homes; "Get Outside!" campaign accomplishments; District's public service advertising campaign, which promoted skipping a week of irrigation in the winter months; and staff's refined criteria for ranking and prioritizing education projects being considered for FY2011. The next meeting is scheduled for July 14, 2010, at the Tampa Service Office. (Track 7 – 00:05/00:48)

58. **Basin Board Land Resources Committee Meeting**

Mr. Joerger said the meeting was held on March 16, 2010 and included the land use stakeholders. The Committee meeting included presentations on a research effort initiated by a multi-departmental team of staff to determine the most effective approach to enhance awareness of District lands through signage, a staff evaluation of potential revenue generating uses on District lands, latest developments in Tallahassee regarding funding for the District's land acquisition and management programs, and "Get Outside!" campaign accomplishments, followed by open discussion on a number of issues. The next meeting is scheduled for July 14, 2010 in Lecanto. (Track 7 – 00:48/02:00)

59. **Agricultural Advisory Committee Meeting**

Mr. Gramling said the meeting was held on February 25, 2010. Mr. Mac Caraway was elected chair and Mr. Jeff Krieger was elected vice chair of the Committee. The Committee meeting included presentations on the CARES, which stands for County Alliance for Responsible Environment Stewardship, program which is designed to recognize farmers who adopt best management practices in their operation to benefit the farmer and the environment and to demonstrate their commitment to water resource protection; frost/freeze protection update; hydrologic conditions/drought update and water shortage restrictions; establishment of numeric water quality standards for nutrients update; Institute of Food and Agricultural Sciences (IFAS) research projects update; and the rulemaking process from the recommendation to the Governing Board to initiate rulemaking to the final rule adoption. The next meeting is scheduled for May 27, 2010 in the Tampa Service Office. (Track 7 – 02:00/03:05)

60. **Environmental Advisory Committee Meeting**

Ms. Rovira-Forino said the meeting was held on March 8, 2010. The Committee meeting included presentations on the establishment of numeric water quality standards for nutrients update, frost/freeze protection update, hydrologic conditions/drought update and water shortage restrictions, rulemaking update, and an overview of the hydrology and geology of the Green Swamp. The next meeting is scheduled for June 16, 2010 in the Tampa Service Office. (Track 7 – 03:05/04:20)

Chair's Report

52. **Chair's Report**

- Chair Pressman noted he attended the March 8, 2010, meeting of the Tampa Bay Regional Planning Council. There was a presentation on Amendment 4, a proposed constitutional amendment also known as Hometown Democracy, which would require voters to approve local comprehensive plan amendments. The Council held its Future of the Region Awards/Luncheon on March 19 at the Quorum Hotel in Tampa. Three Board

members (Mr. Oakley, Ms. Parks and Ms. Rovira-Forino) represented the District at this event.

- Chair Pressman said the Tampa Bay area newspapers have had articles about the success of conservation causing water rates to increase to meet operating expenses. He said he spoke to Mr. Molligan about the public perception of this message. Staff met with both the Tampa Tribune and St. Petersburg Times which wrote editorials addressing the issue.

There being no further business to come before the Board, Ms. Closshey moved, seconded by Mr. Joerger, to adjourn the meeting. (Track 7 – 04:20/07:47)

The meeting was adjourned at 12:27 p.m.