

Approved

Minutes of the Meeting

MANASOTA BASIN BOARD

Southwest Florida Water Management District

Sarasota, Florida

February 10, 2010

The Manasota Basin Board of the Southwest Florida Water Management District convened for a regular meeting on February 10, 2010, at 9:05 a.m., in the Sarasota Service Office, Sarasota, Florida.

Board Members Present

Albert G. Joerger, Co-Chair
Carlos M. Beruff, Co-Chair
Frank E. Strelec, Vice Chair
J. Mac Carraway, Secretary
Elizabeth "Betsy" O. Benac, Member
Paul J. "Jack" Bispham, Member

Staff Present

Lou Kavouras
Roy Mazur
Terri Behling
Dianne Davies
Sylvia Durrell

Eric DeHaven
Ross Morton
Veronica Craw
Susan Douglas
Randy Emberg

Board Member Absent

Michael P. McCoy, Member

Via Video-Conference

Bruce Wirth
Beth Putnam

Linda Pilcher

Recording Secretary: Phyllis Young

A roster of other attendees is filed in the permanent files of the Basin. Compact disks of the audio and copies of the materials and handouts, as set forth in full herein, are also filed in the permanent files of the Basin.

1. Call to Order and Roll Call

Co-Chair Albert Joerger called the meeting to order at 9:05 a.m. Ms. Phyllis Young, Senior Administrative Assistant, Boards and Executive Services, called the roll and noted a quorum was present. (CD 1/Track 1)

2. Pledge of Allegiance

Co-Chair Joerger led the Pledge of Allegiance to the American Flag. (CD 1/Track 1)

3. Additions and Deletions to the Agenda

Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning, and Board Services, reported no additions or deletions to the agenda. However, she reported that the Venus II Grove Facilitating Agricultural Resource Management Systems (FARMS) Information Item 4 in the meeting notebook had been revised. Copies were provided to Board members and were available at the sign-in table.

Ms. Kavouras invited the Board to investigate the well-drilling operation, which was on-site near the main entrance. Mr. Eric DeHaven, Director, Resource Data and Restoration, would be available at the site after the meeting to answer questions about the replacement monitoring wells being drilled. (CD 1/Track 2/14:42:49)

4. Basin Activities Report and Agenda Review

Ms. Dianne Davies, Basin Planner, reminded the Board that this agenda item is part of each Basin Board agenda, providing an opportunity for the Basin Planner to give an overview of relevant items on the agenda, information items, and other topics of interest. She briefly commented on 1) the Charlotte County/Punta Gorda regional interconnect project, 2) availability of the updated Strategic Plan, 3) Community Education Grants, and 4) the Get Outside! campaign. (CD1/Track 2/14:44:03)

5. **Consent Items:**

After consideration, Mr. Carraway moved approval of the following Consent Items; second by Mr. Strelec.

a. **Minutes of the October 21, 2009, Joint Meeting and Workshop**

Approve the October meeting and workshop minutes, as presented.

b. **Facilitating Agricultural Resource Management (FARMS) Program**

i. **Sun-Fire Nurseries, LLC (H597), Sarasota County**

- 1) Approve the Sun-Fire Nurseries, LLC, project for a not-to-exceed project reimbursement of \$26,000 with \$6,500 provided by the Manasota Basin Board; \$6,500 provided by the Governing Board; and \$13,000 provided from State Appropriations;
- 2) Authorize the transfer of \$6,500 from Fund 021 H017 Manasota Basin Board FARMS funds; \$6,500 from Fund 010 H017 Governing Board FARMS funds; and \$13,000 from State Appropriations allocated to Fund 021 H017 FARMS funds, to 010 H597, Sun-Fire Nurseries, LLC, project fund; and
- 3) Authorize the Executive Director to sign the agreement.

ii. **C & D Fruit and Vegetable Company, Inc. (H599), Manatee County**

- 1) Approve the C & D Fruit and Vegetable Company, Inc., project for a not-to-exceed project reimbursement of \$225,000 with \$56,250 provided by the Manasota Basin Board; \$56,250 provided by the Governing Board; and \$112,500 provided from State Appropriations;
- 2) Authorize the transfer of \$56,250 from Fund 021 H017 Manasota Basin Board FARMS funds; \$56,250 from Fund 010 H017 Governing Board FARMS funds; and \$112,500 from the State Appropriations allocated to Fund 021 H017 FARMS funds, to 010 H599, C & D Fruit and Vegetable Company, Inc, project fund; and
- 3) Authorize the Executive Director to sign the agreement.

Motion carried unanimously. (CD 1/Track 2/14:46:22)

6. **Discussion Items:**

a. **Florida Water StarSM Gold (FWSG) — Recognition of Sarasota County Builder**

Ms. Sylvia Durell, project manager for the Florida Water StarSM Gold (FWSG) program, reported a new feature for Basin Board meetings: recognition of area builders who achieve FWSG status. The voluntary certification program for builders focuses on indoor and outdoor conservation and best management practices for landscapes. Currently, in this District, 22 homes have been certified FWSG and 13 builders have signed agreements with intent to build homes according to FWSG standards. Builders whose homes earn FWSG certification become members of an elite group of builders who have added enough water conservation measures to the homes they build to gain points required to meet program criteria.

Ms. Susan Douglas, FWSG Program Coordinator, presented a commemorative certificate to Mr. Jeffery Gates of Beechwood Builders who is the first FWSG-certified builder in Sarasota County; the FWSG house he built is in Venice. After presentation of the certificate, Basin Board members joined Ms. Douglas and Mr. Gates for a group photo and congratulations. (CD 1/Track 2/14:46:30)

b. **Legislative Update**

Ms. Terri Behling, Community Affairs Program Manager, provided the Board a preview of proposed legislative initiatives, other State issues, and State budget priorities for the upcoming legislative session.

- Proposed legislative initiatives include clarification of Basin Board language contained in Senate Bill 2080, abolishment of the Peace Creek Drainage District, and well pump depth.
- Other State Issues: delegation of permit approval, stormwater regulations, and springs protection.
- State budget priorities: Although no State funds are expected for this District, Florida Forever, the Water Management Lands Trust Fund, Water Protection and Sustainability Trust Fund, and the West-Central Florida Water Restoration Action Plan (WRAP) are priorities.

To a question from Co-Chair Beruff, Mr. Ray Pilon, Government/Community Affairs Director for the Peace River Manasota Regional Water Supply Authority, explained resolution of the Charlotte County/Punta Gorda pipeline issue, which occurred through mediation. Both the Charlotte County Board of County Commissioners and the Punta Gorda City Commission approved the mediation, and the project is moving forward.

(CD 1/Track 2/14:50:55)

c. **Establishment of Numeric Water Quality Standards for Nutrients**

Ms. Veronica Crow, Environmental Section Manager, Resource Projects, provided an overview of the U.S. Environmental Protection Agency's (EPA) recently released proposal on numeric nutrient criteria for Florida. She provided information on why numeric criteria are being proposed now, what is contained in the draft rule, and how Florida will be impacted.

A 2008 lawsuit claimed that numeric nutrient criteria are necessary and that the EPA is obligated by the Clean Water Act to propose such criteria for lakes, streams, springs, and South Florida canals. The EPA is also proposing 1) an approach for deriving Federal site-specific alternative criteria based on submissions of scientifically defensible calculation and 2) "restoration standards" that will enable stakeholders the necessary time (up to 20 years) to take incremental steps to achieve interim standards as they move closer to meeting the designated use.

Further, Ms. Crow reported that the impaired waters list can be expected to increase significantly if EPA Numeric Nutrient Standards are implemented. She emphasized that once "impaired," the requirement for Total Maximum Daily Load (TMDL) development and a Basin Management Action Plan (BMAP) are necessary for implementation. TMDL development could take up to 10 years after a water body is designated as "impaired." Cost of all related processes will be great.

Public workshops are planned throughout the State on February 16, 17, and 18, in Tallahassee, Orlando, and West Palm Beach, respectively. The District will be represented at each meeting. The written comment period closes on March 29, 2010.

Detailed information on Numeric Nutrient Standards and upcoming workshops may be found at <http://www.epa.gov/waterscience/standards/rules/florida/>.

Others topics of discussion during this presentation included how site-specific criteria may compare to previous percentages; the importance of science-based information to

this process; the potential for additional requests for cooperative funding due to new standards; does the District have the technology to approach the standards; and impacts to permittees, agriculture, utility payers, etc.

In closing, Ms. Craw made the following statements:

- The rule is a Federal rule, which will be finalized in October 2010 and remain enforceable even under challenge.
- The rule is subject to change as a result of comments received during the public comment period,
- The rule will result in an increase in impaired waters within Florida, and,
- The rule will mostly impact permitted dischargers, industrial and domestic, through their National Pollution Discharge Elimination System (NPDES) permits.

She added that Florida is not in this alone; 25 states have no numeric criteria. Florida, however, seems to be the “tip of the spear” on this issue.

Co-Chair Beruff complimented Ms. Craw on her excellent presentation.

This item was presented for the Board’s information; no action was required. (CD 1/ Track 2/15:02:11)

d. **Fiscal Year 2011 Budget Status and Cooperative Funding Requests**

Ms. Dianne Davies, Basin Planner, provided a review of the economic issues affecting Basin budgets, a preview of the Cooperative Funding applications received for the fiscal year (FY) 2011 budget cycle, and an overview of the annual Cooperative Funding Initiative (CFI) and budget process. She directed the Board’s attention to the original CFI applications that were received in December 2009 and provided behind the *FY2011 CFI Applications* tab in the meeting notebook. She then provided a brief overview of this Basin’s project submittals by area of responsibility and considering the Basin’s budget priorities for FY2011 that were set at the August 2009 meeting. In reviewing the categories of the budget, Ms. Davies reported that the Florida Yards and Neighborhoods program will be moved from the Cooperative Funding category to the Basin Initiative category in FY2011. This move reflects staff’s recognition that these projects are core to Basin priorities and essential to District work.

Ms. Davies reminded Board members that review of the original Cooperative Funding applications is the first step in the process of deciding which projects the Board will fund. Staff will return to the April meeting with initial project rankings and funding recommendations for the Board’s consideration. The preliminary budget will be presented and the millage cap set at the June Basin Board meeting, for final approval in August.

While the CFI projects make up a significant percentage of the Basin’s budget, Ms. Davies emphasized that other factors are also integral to the budget: on-going activities (staff time), property appraiser and tax collector commissions, Save Our Rivers, Basin Initiatives, Surface Water Improvement and Management (SWIM) projects, and Water Supply and Resource Development projects.

As mentioned earlier in the meeting, Board members were given homework. Within the next two weeks, review the FY2011 CFI project applications and notify staff if there are questions. Cooperators will be invited to attend the April Basin Board meeting to answer questions and provide additional information. Board members should be prepared to provide input at the April meeting, also.

This item was presented for the Board’s information; no action was required. (CD 1/ Track 2/15:33:09)

7. **Reports:**

a. **Basin Board Education Committee (BBEC)**

Mr. Carraway, the Basin's primary representative on the BBEC, reminded Board members that written reports of the November 4, 2009, BBEC meeting and FY2010 Community Education Grants were included in the meeting notebook. Other highlights from the meeting included conservation and awareness events, workshops with area Homeowner Associations regarding Senate Bill 2080/Florida Friendly Landscaping™, the Get Outside! campaign, youth education on District lands, and research on advertising development. (CD 1/Track 2/15:50:43)

b. **Basin Board Land Resources Committee (BBLRC)**

Co-Chair Joerger, chair of the BBLRC, briefly commented on several topics of interest from the December 1, 2009, BBLRC meeting, which was held in the Green Swamp West meeting facility. A full report of the meeting was included as an exhibit in the meeting notebook. Mr. Strelec, the Board's primary representative on the BBLRC, commented on an interesting presentation of the Geographic Information System (GIS) utilized in the District's Project Boundary Review. Purpose of the Review is to update boundaries for lands proposed for protection under the District's Florida Forever program.

Staff will arrange a live demonstration of the District's GIS for the April 14 Basin Board meeting. (CD 1/Track 2/15:54:17)

c. **Sarasota Bay Estuary Program (SBEP) Policy Board**

Mr. Mark Alderson, Executive Director of the SBEP, gave this report instead of Mr. Bispham, the Board's representative on the SBEP Policy Board. He began by praising Ms. Craw's presentation on numeric nutrient criteria, saying it was the best he has heard in the State of Florida. He then spoke of the SBEP's involvement with the numeric nutrient criteria issue, which was the main topic of the January 15 SBEP Policy Board meeting. He reported that the SBEP Technical Committee is compiling notes for the February 17 public meeting and that the SBEP will send written comments, also. Mr. Alderson stressed the importance of consistency of comments from groups throughout the area.

Other topics of discussion included "potential profound economic impact" of the numeric nutrient criteria rule; the importance of a balanced, science-based approach; and a sensitivity analysis of the EPA models.

Mr. Bispham thanked Mr. Alderson for the work he and the SBEP have done, without a great amount of funding, to accomplish major improvements for Sarasota Bay.

Mr. Alderson introduced Ms. Sara Peatrowsky, SBEP Public Outreach Coordinator, who showed a short video about Sarasota Bay. Mr. Alderson then presented the first Gulf Guardian Partnership award to the Basin Board for its contribution in restoring Sarasota Bay. Afterwards, Ms. Peatrowsky and Mr. Alderson joined the Board for a group photo, thanks, and congratulations. (CD 1/Track 2/15:57:26)

d. **Governing Board Activities**

Co-Chair Joerger reported that the major topic of the February Governing Board meeting was the recent, record frost/freeze event and associated water withdrawals/dry wells in the Plant City/Dover area. Ms. Kavouras interjected that the continuing four-year drought has lowered aquifer levels in that area and the additional pumping was so concentrated in that area that weak areas collapsed with sinkholes. She also reported that several public workshops are scheduled to address this issue going forward.

Use of reclaimed water and the sinkhole issue were topics of brief discussion during this report.

Co-Chair Joerger expressed gratitude to the District and the agricultural community for their quick response to the frost/freeze issues. (CD 1/Track 2/16:18:48)

8. **Announcements**

Ms. Kavouras brought members' attention to announcements listed on the agenda.

Ms. Benac reported that Girl Scouts of Gulf Coast Florida are sponsoring a fundraiser on March 6, beginning at 6 p.m., involving Camp Honi Hanta on the Braden River in Manatee County. The District has provided funding for wetlands restoration in that area. Tours will be available; the event is open to the public. (CD 1/Track 2/16:24:20)

9. **Adjournment**

When there was no further business to come before the Board, Co-Chair Joerger adjourned the meeting at 10:52 a.m. (CD 1/Track 2/16:26:20)

******INFORMATION ITEMS******

The items listed below were for the Board's information, intended to keep the Board apprised of completed projects, cancelled projects, and projects that have executed contracts and are ready to begin. These items did not require Board action at this time.

Execution Notices

1. Watershed Management Program - Consulting Services for Maintenance of Watershed Parameters and Models - Second Amendment (B206)
2. Watershed Management Program - Maintenance of Watershed Parameters and Models - Third Amendment (B206)
3. Consulting Services for the Lake Hancock Lake Level Modification - First Amendment (H008)
4. Facilitating Agricultural Resource Management Systems - CFI USA, Inc. – Venus II Grove, Phase 1A (H532), Manatee County
5. Englewood Reclaimed Water Supply Project (N218)
6. Hydrologic and Wetland Restoration of District Owned Lands-Edward W. Chance-Gilley Creek Reserve (SB19) and Myakka State Forest (SA31)
7. Sarasota Bay Spoil Islands Restoration Projects (W611)

Other

8. 2010 Community Education Grants in the Manasota Basin