

Approved
Minutes of the Meeting

PEACE RIVER BASIN BOARD
Southwest Florida Water Management District
Bartow, Florida December 3, 2010

The Peace River Basin Board of the Southwest Florida Water Management District convened for a regular meeting on Friday, December 3, 2010, at 9:38 a.m. in the District's Bartow Service Office.

Board Members Present

H. Paul Senft, Jr., Co-Chair
Rufus C. Lazzell, Secretary
Pat Crisman, Member
Gordon "Mac" Martin, Member
Fred W. Trippensee, III, Member

Staff Present

Lou Kavouras Eric DeHaven
Mike Holtkamp Mark Hammond
Chuck Lane Jeremy McKay

Recording Secretary

Phyllis Young

Board Members Absent

Bryan K. Beswick, Co-Chair
C. A. "Neil" Combee, Jr. , Co-Chair
Paul G. Samuels, Member

A list of others who attended and signed the attendance roster is filed in the permanent files of the Basin. Compact disks of the audio and copies of materials and handouts are also filed in the permanent files of the Basin.

1. **Call to Order and Roll Call**

Co-Chair Paul Senft called the meeting to order at 9:38 a.m. and asked Board Members to introduce themselves. All Basin Board members were present except Mr. Paul Samuels.

2. **Invocation and Pledge of Allegiance to the American Flag**

Mr. Rufus Lazzell provided an invocation and led the Pledge of Allegiance to the American Flag. (Track 1)

3. **Additions/Deletions to the Agenda**

Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning, Board Services and Ombudsman, reported no additions or deletions to the agenda. (Track 1)

4. **Consent Items:**

After consideration, Mr. Lazzell moved approval of the following Consent Items:

a. **Minutes of the October 8, 2010, Basin Board Meeting**

Approve the October meeting minutes, as presented

b. **Water Supply Authority – RV Griffin Reserve, SWF Parcel No. 20-223-113X**

Recommend the Governing Board:

1. Approve the assignment of a Cattle Grazing/Haying Lease between the District and Harrison Cattle LLC to the Peace River Manasota Regional Water Supply Authority, SWF Parcel No. 20-223-113X; and
2. Authorize the Land Resources Director to execute the Lease Assignment.

c. **Facilitating Agricultural Resource Management Systems (FARMS)**

i. **Roper Growers Cooperative – Amendment (H594), DeSoto County**

1. Approve the Roper Growers Cooperative project for a not-to-exceed project reimbursement of \$11,250 with \$2,812 provided by the Peace River Basin Board, \$2,813 provided by the Governing Board, and \$5,625 provided from 2009 State Appropriations;

2. Authorize the transfer of \$2,812 from Fund 020 H017 Peace River Basin Board FARMS funds, \$2,813 from Fund 010 H017 Governing Board FARMS funds, and \$5,625 from State Appropriations allocated to Fund 010 H017 FARMS funds to H594 Roper Growers Cooperative project fund; and
 3. Authorize the Executive Director to sign the agreement.
- ii. **Mary McTeer (H621), Polk County**
1. Approve the Mary McTeer project for a not-to-exceed project reimbursement of \$23,000 with \$5,750 provided by the Peace River Basin Board, \$5,750 provided by the Governing Board, and \$11,500 provided from State Appropriations;
 2. Authorize the transfer of \$5,750 from Fund 020 H017 Peace River Basin Board FARMS funds, \$5,750 from Fund 010 H017 Governing Board FARMS funds, and \$11,500 from State Appropriations allocated to Fund 010 H017 FARMS funds to H621 Mary McTeer project fund; and
 3. Authorize the Executive Director to sign the agreement.

Mr. Fred Trippensee seconded the motion, which carried unanimously. (Track 1)

5. **Discussion Item:**

a. **Memorandum of Understanding for the District's Maintenance of the Peace Creek Canal and Report of Progress in Acquiring Access Rights Necessary for Long-Term Canal Maintenance**

Mr. Chuck Lane, Senior Land Use Specialist in the Land Use and Protection Section, Land Resources Department, presented this item to inform the Board of the District's maintenance of the Peace Creek Canal, which stems from a Memorandum of Understanding (MOU) between the District and several local governments. Mr. Lane provided background of the District's maintenance of the Canal since 2005, during which access to the Canal was gained through individual temporary license agreements with property owners. While license agreements have provided sufficient access thus far, he reported that the more prudent long-term approach is to secure permanent rights for access. Therefore, in 2009 a long-term approach to accept easements for Canal maintenance activities was approved by the Governing Board. Mr. Lane explained the two methods of accepting no-cost conveyances of easements through a proposed Memorandum of Understanding that is scheduled to be presented to each of the local governments involved with the MOU. Additionally, the District is developing a Peace Creek Watershed Management Plan to identify projects that will restore lost basin storage, improve water quality, provide flood protection benefits, and improve natural systems in the watershed.

Mr. Lane further reported on the benefits and costs of a permanent maintenance corridor for the Canal, comparing an approximate cost of \$245,000 per year for long-term maintenance with approximately \$25,000, for survey and staff time, to acquire each access easement.

This item was recommended for approval by the Governing Board at its November 16 meeting and was presented to Basin Board members for their information; no action was required. (Track 2)

6. **Reports:**

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

Mr. Mac Martin, the Basin Board's primary representative on the BBLRC, shared highlights of the November 18, 2010, BBLRC meeting, specifically mentioning discussion of the investigation of hunting on additional District lands. Ms. Kavouras added that opportunities are particularly being investigated on appropriate properties where the District could partner with the Fish and Wildlife Commission so that

organization could manage hunting activities. Other topics of discussion included the *Get Outside!* campaign, review of District rules regarding the sale/consumption of alcoholic beverages on cooperatively managed lands, and discussion of continuing the joint meetings of the BBLRC and the Land Use Stakeholders group. (Track 3)

b. **Charlotte Harbor National Estuary Program (CHNEP) Policy Committee**

Mr. Lazzell, the Basin's representative on the CHNEP Policy Committee, provided a report of the November 22, 2010, meeting, which was held in Ft. Myers. He spoke of the composition of the associated Citizens Advisory Committee; the great leadership of Dr. Lisa Beever, the CHNEP Executive Director; and whether it is necessary for the Governing Board to be involved with the technical issues of the CHNEP. Once again, Mr. Lazzell expressed appreciation to staff for their excellent support. (Track 4)

Mr. Martin interjected that he recently attended a CHNEP event, which was attended by various groups concerned about the Charlotte Harbor estuary. He added that much good is being done by the CHNEP. (Track 5)

In closing, Mr. Lazzell recognized the *Charlotte Sun* for a well-written, informative article on water conservation that was published in the November 24, 2010, issue. (Track 5/0:01:22)

c. **Governing Board Activities**

Co-Chair Senft shared highlights of the November 16 Governing Board meeting including the ongoing partnership with Tampa Bay Water, progress of Frost-Freeze Management Plan for the Dover/Plant City area, legislative changes to the rule-making process, declaration of Phase 1 water shortage that is advisory in nature, and approval of the 2012-2016 Strategic Plan. (Track 5/0:03:17)

These reports were presented for the Board's information; no action was necessary.

ADD-ON

Lake Henry and Lake Hamilton Water Levels

Co-Chair Senft prefaced a presentation by Mr. Michael Holtkamp, Operations Director, with background of inquiries from residents of the Sweetwater Community regarding lake levels and the raising and lowering of the lake levels, particularly the lowering of Lake Henry in October 2010 after heavy rain caused flooding on some properties around the Lake. To address those questions and concerns, staff was asked to present information to residents in that area. (Track 5/0:7:00–Track 6)

Mr. Michael Holtkamp gave highlights of the information staff shared with interested persons in the Lake Henry/Lake Hamilton area who attended an informational meeting as requested by Mr. Senft. He explained the District's involvement with operation and maintenance of structures on the Lake Hamilton chain and the agreement with the Lakes Region Lakes Management District (LRLMD), which gave the District authority to override an operational decision made by the LRLMD if there were a compelling reason to do so. Mr. Holtkamp explained the rationale behind the District's decision to direct the LRLMD to lower the level of Lake Henry. He used graphs to show the two lakes' maximum desirable lake level, which is a fair and equitable level that would be environmentally good for a lake and is the level a lake would be at-or-above about 20 percent of the time, based on a long period of record. He added that Lake Henry is above its maximum desirable level much of the time and Lake Hamilton, down-stream, is often up to 1.5 feet below its maximum desirable level.

Mr. Holtkamp told the group that District staff found no adverse affects in lowering the level of Lake Henry and is confident the decision was correct. Lowering the level of Lake Henry helped flooding around that Lake and benefitted Lake Hamilton by providing needed water to raise its level. This was a one-time action based on specific circumstances. (Track 7)

Basin Board members were provided copies of a letter, dated November 30, 2010, and addressed to LRLMD Board members, explaining the facts and rationale behind the District's decision to lower the level of Lake Henry.

Comments and discussion ensued among Board members and staff on the need for the Basin Board to have the ability to be proactive instead of reactive, the importance of more and better communication among those involved in specific issues, the public's misunderstanding of the District's mission and how the District operates, and that the LRLMD should notify local governments and the public whenever it raises or lowers lake levels, also. (Track 8)

Mr. Kyle Ewing, President of the Board of Directors of the Sweetwater Community, addressed the Board to thank Mr. Senft and staff for getting involved with this issue, for setting up the meeting, and for providing the educational presentation. He stated the District has the resources, scientific knowledge, etc., and should operate the P-5 Structure when the current contract ends. (Track 9)

This item was presented at the request of Co-Chair Senft for the Board's information; no action was required.

7. **Announcements:**

The next Basin Board meeting is Friday, February 4, 2011, beginning at 9:30 a.m. in the Bartow Service Office.

Ms. Kavouras reported the City of Winter Haven requested to present an overview of its Sustainable Water Resource Management Plan during the February 4 meeting; the Board was agreeable. (Track 10)

Mr. Martin thanked staff for implementing a series of tours that allowed Board members to get a first-hand look at some of the various Basins' projects and encouraged Board members to participate in the tours. He reported the tours were educational and proof of the importance of the District's work. Mr. Trippensee and Ms. Crisman reiterated Mr. Martin's sentiments. (Track 11)

Mr. Lazzell brought members' attention to an article in the latest edition of the Charlotte Sun regarding potential cutbacks/changes that could affect State agencies. (Track 12)

8. **Adjournment**

The day's business being complete, Co-Chair Senft adjourned the meeting at 10:32 a.m.