



GOVERNING BOARD MEETING
TUESDAY, FEBRUARY 23, 2021 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34604

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair
Rebecca Smith, Ph.D., Secretary*
James G. Murphy, Treasurer*
Michelle Williamson, Member*
Ed Armstrong, Member*
Jack Bispham, Member
Seth Weightman, Member*
John Mitten, Member
Ashley Bell Barnett, Member

Board Members Absent

Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
John J. Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

*Attended Via Electronic Media

1. Convene Public Meeting

Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on February 23, 2021, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

Approved minutes from previous meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Rice called the meeting to order. He provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Rice 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.

1.2 Invocation and Pledge of Allegiance

Board Member Jack Bispham offered the invocation and led the Pledge of Allegiance.

Chair Rice introduced each member of the Governing Board (this served as roll call) and staff at the dais. He noted that the Board meeting was being recorded for broadcast on

government access channels, and public input was only taken during the meeting via telephone communication.

1.3 **Additions/Deletions to Agenda**

No additions or deletions were made to the agenda.

Request to speak cards were submitted for the following items, which were moved to Discussion:

General Counsel's Report

2.6 **Authorization to Issue Administrative Complaint and Order – Mining Activities Conducted without Water Use Permit – Watermelon Pit, LLC, and JDI Farms, Inc. – CT No. 404443 – Charlotte County**

2.10 **Approval of Consent Order Between SWFWMD and Econo Boat and RV Storage of Westchase, LLC - Unauthorized Construction - CT No. 405894 - Pinellas County**

1.4 **Public Input for Issues Not Listed on the Published Agenda**

Mr. David Ballard Geddes, Jr., spoke against the use of reclaimed water.

Chair Rice stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio-00:04:14)

2. **Consent Agenda**

Finance/Outreach & Planning Committee

2.1 **2021 Consolidated Annual Report**

Staff recommended the Board approve the 2021 Consolidated Annual Report and its transmittal.

Operations, Lands & Resource Monitoring Committee

2.2 **Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp Wilderness Preserve, SWF Parcel No. 10-200-1100C, Bronson Ranch**

Staff recommended the Board:

1. Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 10-200-1100C encumbered by a District conservation easement.
2. Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 10-200-1100C.

2.3 **Amendment to Access Easement for the P-6 Canal Structure SWF Parcel No. 20-006-101P**

Staff recommended the Board approve and accept the Amended Access Easement for relocation of existing access.

Regulation Committee

2.4 **WUP No. 20001156.013, Bay Laurel Center Public Water Supply System / Bay Laurel Center Community Development District and On Top of the World Communities, LLC (Marion County)**

Staff recommended the Board approve the proposed permit attached as an exhibit.

2.5 **WUP No. 20009741.021, Pine Level Property / Mosaic Fertilizer, LLC and Family Dynamics, Inc. (Manatee County)**

Staff recommended the Board approve the proposed permit.

General Counsel's Report

~~2.6 Authorization to Issue Administrative Complaint and Order – Mining Activities Conducted without Water Use Permit – Watermelon Pit, LLC, and JDI Farms, Inc. – CT No. 404443 – Charlotte County~~

Staff recommended the Board:

- ~~1. Authorize District staff to issue an Administrative Complaint and Order to the Permittees to obtain compliance with District rules.~~
- ~~2. Authorize District staff to initiate an action in Circuit Court against the Permittees to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees if appropriate.~~
- ~~3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.~~

2.7 Approval of Consent Order Between SWFWMD and Abdelijail and Cindy Lou Bekkach - Unauthorized Construction - CT No. 380586 - Polk County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing appropriate actions in Circuit Court, if necessary.

2.8 Approval of Consent Order Between SWFWMD and Arthur L. Schaer Revocable Trust - Unauthorized Construction - CT No. 383658 - Pasco County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

2.9 Approval of Consent Order Between SWFWMD and Travel Imagination LLC - Unauthorized Construction - CT Number 40329 - Manatee County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue additional measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

~~2.10 Approval of Consent Order Between SWFWMD and Econo Boat and RV Storage of Westchase, LLC - Unauthorized Construction - CT No. 405894 - Pinellas County~~

Staff recommended the Board:

- ~~1. Approve the Consent Order.~~
- ~~2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.~~

2.11 Approve Governing Board Minutes - January 26, 2021 – Executive Director's Report

Staff recommended the Board approve the minutes from the January 26 meeting.

A Motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (00:08:54)

Finance/Outreach & Planning Committee

Treasurer James Murphy called the Finance/Outreach & Planning Committee meeting to order. (Audio-00:09:23)

3.1 Consent Item(s) Moved to Discussion

3.2 2021 Legislative Update

Ms. Cara Martin, Government and Community Affairs Office Chief, presented an update of the 2021 legislative session. She provided a calendar of the 2021 legislative session, outlined the number and types of bills that have been filed and provided an overview of the key Senate and House chairmanships.

Ms. Martin provided an overview of the environmental budget outlined by the Governor. She addressed specific bills, Senate Bill (SB) 952 and House Bill (HB) 169, SB64 and HB263, SB912 and HB859 and SB62, which does not have a companion house bill. Ms. Martin outlined District priorities that included Senate confirmation of Governing Board members and the monitoring of legislation with potential policy or fiscal impact to the District.

This item was for information only; no action was required.

3.3.1 Budget Transfer Report

This item was for information only; no action was required.

Resource Management Committee

Board Member Weightman called the Resource Management Committee meeting to order.

(Audio-00:20:12)

4.1 Consent Item(s) Moved to Discussion

4.2 Northern Tampa Bay Recovery Update

Mr. Warren Hogg, representing Tampa Bay Water, presented the final Northern Tampa Bay (NTB) Recovery Assessment plan. He provided an overview of the creation of Tampa Bay Water (TBW) and outlined its responsibilities. Mr. Hogg discussed the wellfields that were constructed due to demand from population increase. He provided an overview of wetlands and lakes that were impacted from wellfield pumping. Mr. Hogg stated that this recovery plan focused on lakes and wetlands as the indicators. He stated that metrics and method types were developed to measure wetland recovery. Mr. Hogg outlined the environmental benefits that have occurred because of the recovery plan. He stated that this plan benefitted from the use of environmental data that has been collected by the District for decades. Mr. Hogg outlined the site assessment process that was used. He outlined the timeline that occurred for the final assessment process and a summary of results.

Mr. Ron Basso, Chief Hydrogeologist for the District, presented the hydrologic evaluation for the NTB Recovery. This presentation provided an overview of the recovery that has occurred. He summarized components that staff evaluated to determine recovery. This included lake stage history, wetland stage history, rainfall data, groundwater withdrawals, changes in aquifer water level, ecological health, and flooding issues. Mr. Basso defined the hydrogeology associated with the NTB area and locations of the TBW central system wellfields. He explained that the TBW central system wellfields were combined into a consolidated permit and provided a brief history. A graph was presented that charted the average annual pumping withdrawals for the central wellfield area from 1990 until 2019. Mr. Basso presented a map that charted lakes where minimum lake levels were set in the central wellfield area. He stated that minimum lake levels were set for approximately 71 lakes and all are meeting their 10-year status. Mr. Basso stated that minimum levels were also set for approximately 30 wetlands. He stated that all but one wetland has met its 10-year status. This presentation included rainfall data for Hillsborough county from 1920 through current and a comparison of precipitation data for Hillsborough and Pasco counties.

Mr. Basso stated that Tampa Bay aquifer water levels are at, or near, their long-term maximums. Information was provided regarding groundwater withdrawals showing significant reduction in the Tri-County and Eastern wellfields since the 1990s. Mr. Basso presented information that displayed the median water level for monitor wells from 2008-2019 that showed post cutback levels were at the highest levels for some wells in 40 to 60 years. Information included water table recovery data in the Surficial and Upper Floridan aquifers since the 1990s. He explained that improved hydrologic conditions in the wellfields have contributed to increased flooding risks.

Mr. Basso stated the District will continue to monitor the recovery and existing minimum flows and levels network. The District will also continue to work with TBW to minimize impacts under their consolidated permit. Staff will also continue to provide outreach to stakeholders. Mr. Basso also indicated that staff will come back to the March Governing Board meeting to initiate rulemaking to repeal the recovery strategy and remove all references to the strategy in District rules.

This item was for information only, no action was required.

Operations, lands & Resource Monitoring Committee

Board Member Bispham called the Operations, Lands and Resource Monitoring Committee to order. (Audio-01:11:34)

5.1 Consent Item(s) Moved to Discussion

5.2 Hydrologic Conditions Report

Ms. Asmita Shukla, Lead Hydrologic Data Analyst, provided an update on the state of the hydrologic conditions. January rainfall was below-normal and the northern region was drier than the rest of the District. Ms. Shukla presented provisional rainfall data for the month of February which showed that the February rainfall had already surpassed the long-term monthly mean. This higher-than-average rainfall helped decrease the deficit, especially in the northern region. Groundwater levels showed the usual seasonal declines but were either in normal or above-normal range. Similar to groundwater levels, lake levels also showed the normal seasonal declines but were in the normal range except for the northern lakes. Northern lakes broke into the below normal range but there were no concerns. Except Alafia in the above-normal range, flows in all rivers were in the normal range. Given the normal/above-normal flows in the rivers, public water supply systems were healthy and ready for the remainder of the dry season. The near-term forecast predicts a dry spring due to La Niña conditions. However, with the onset of rainy season, chances are that we will receive higher-than-normal rainfall.

This item was for information only, no action was required.

Regulation Committee

Vice Chair Schleicher called the Regulation Committee to order. (Audio-01:19:48)

6.1 Consent Item(s) Moved to Discussion

6.2 404-Assumption Update

Mr. Cliff Ondercin, Environmental Manager, presented an update regarding the 404-assumption program. This update included information regarding the wetland delineation certification program, the coordination with the Florida Department of Environmental Protection (FDEP), and the federal challenge to the program.

Mr. Ondercin stated that the FDEP has always had the responsibility for wetland delineation methodology and ensuring statewide coordination and consistency under 62-340 Florida Administrative Code. This remains under the 404-assumption program. This includes the statewide certified wetland evaluator program that was developed to bring consistency and accountability for staff and to help address any concerns about the accuracy of wetland delineations. The water management districts have been given direction to certify appropriate staff. Mr. Ondercin stated that four District environmental scientists have become certified and additional staff will be provided the opportunity for certification.

Mr. Ondercin stated that District staff will be allowed to screen projects to determine if they are sent to the FDEP based on direct impacts in assumed waters. He stated that proximity to wetlands is no longer a requirement for forwarding projects to FDEP.

Mr. Ondercin reminded the Board that challenges come with any new program. Staff is continuing to create efficiencies and develop process improvements.

Ms. Karen West, General Counsel, provided an update regarding the federal rule challenge. She stated that FDEP has been granted leave to intervene and is now included in the lawsuit.

This item was for information only, no action was required.

6.3 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

2.6 Authorization to Issue Administrative Complaint and Order – Mining Activities Conducted without Water Use Permit – Watermelon Pit, LLC, and JDI Farms, Inc. – CT No. 404443 – Charlotte County

Ms. Jessica Lehr, Lehr Law Group, submitted a Request to Speak card. She spoke on behalf of the permittee. She requested additional time for corrective action.

Mr. Chris Tumminia, Deputy General Counsel, provided the Board with background information. He stated the permittee provided a voluntary corrective action plan but did not agree to a Consent Order that was offered. Mr. Tumminia stated that multi-agency efforts have been made to assist the permittee. He addressed violations, both ongoing and additional, that the District has documented.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittees to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Permittees to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

A motion was made to approve staff's recommendation. The motion was seconded and passed unanimously. (Audio-01:33:47)

2.10 Approval of Consent Order Between SWFWMD and Econo Boat and RV Storage of Westchase, LLC - Unauthorized Construction - CT No. 405894 - Pinellas County

Mr. Richard Norgart submitted a Request to Speak card. He declined to address the Board.

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

A motion was made to approve staff's recommendation. The motion was seconded and passed unanimously. (Audio-01:26:25)

Committee/Liaison Reports

8.1 Environmental Advisory Committee

A written summary of the January 12 meeting was provided.

Secretary Smith shared information regarding the District's partnership with the Tampa Bay Estuary program and the projects it supports.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, provided the Board with infographics that give an overview of the District's responsibilities, accomplishments and the benefits provided through programs for water quality, water supply, natural systems, and flood protection.

Mr. Armstrong commented how efforts made by staff and decisions by previous Boards have assisted with the success of the Northern Tampa Bay Recovery. However, he reminded the Board that it was not without difficulty and financial expense. Mr. Armstrong stated that the Polk Regional Water Cooperative (PRWC) is currently in a similar circumstance. He outlined the efforts and funding with which the District has assisted the PRWC to meet its goals. Mr. Armstrong stated that an agreement is being voted on by the PRWC municipalities. The PRWC will be making the decision to move forward with the agreement or begin legal challenges over remaining groundwater. The Board will be kept apprised and an update will be provided at the March Board meeting.

Chair's Report

10.1 Chair's Report

Vice Chair Schleicher expressed his concerns regarding cybersecurity. He stated that evaluation of cyber and physical security needs to be considered as part of the review process for project funding requests. Vice Chair Schleicher referenced the recent hacking attempt of the City of Oldsmar. He asked that a staff presentation be provided.

Chair Rice stated the March 23 Board meeting will be at 9:00 a.m., in the Brooksville Office.

10.2 Employee Milestones

Chair Rice recognized staff who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Michael Molligan and John Chapman.

ADJOURNMENT

Chair Rice adjourned the meeting at 10:54 a.m.