

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

FEBRUARY 25, 2020

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on February 25, 2020, at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary**Via Phone*
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Roger Germann, Member**Via Phone*
Jack Bispham, Member
Seth Weightman, Member**Via Phone*

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

Robyn Felix, Communications & Bd Svc Bureau Chief
Lori Manuel, Administrative Coordinator

A list of others in attendance who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Treasurer Kelly Rice stated a quorum was present.

2. Invocation and Pledge of Allegiance

Chair Taylor offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

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

Chair Taylor stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them. The following staff were recognized: Jamison Janke, Joseph Quinn and Karen Frazier.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive director, stated there were no additions or deletions to the agenda.

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

Mr. David Ballard Geddes, Jr., spoke regarding water protection.

Consent Agenda

Resource Management Committee

6. 2020 Florida Department of Transportation Mitigation Program Annual Plan

Staff recommended the Board approve the District's 2020 Florida Department of Transportation Mitigation Plan.

7. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Staff recommended the Board:

- 1) Approve repealing the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy
- 2) Authorize the Office of General Counsel to complete the steps necessary to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.)
- 3) Approve the Governing Board Policy for the Facilitating Agricultural Resource Management Systems (FARMS) Program

Finance/Outreach & Planning Committee

8. Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of one John Deere loader (unit 2061) through the auction process.

9. Florida Department of Highway Safety and Motor Vehicles Audit

Staff recommended the Board approve the Florida Department of Highway Safety and Motor Vehicle Audit.

10. 2020 Consolidated Annual Report

Staff recommended the Board approve the 2020 Consolidated Annual Report and its transmittal

11. Budget Transfer Report

Staff recommended approval of the Budget Transfer Report covering all budget transfers for January 2020.

Operations, Lands and Resource Monitoring Committee - None

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20005013.009 – North Patrick Grove/Alico, Inc. (Polk County)

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

b. WUP No. 20007332.007 – Ft. Green Farm/South Ft. Meade Land Management, Inc. (Hardee County)

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

- c. **WUP No. 20009808.009 – University Park Country Club/University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties)**
Staff recommended the Board approve the proposed permit as an exhibit.

General Counsel's Report

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

- a. **Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County**

Staff recommended the Board approve and enter Final Order SWF 20-005 to issue Environmental Resource Permit Nos. 49042599.001-002 and dismiss Long Bar Pointe, LLLP's Petition for Administrative Hearing.

14. Rulemaking – None

Executive Director's Report

15. Approve Governing Board Minutes – January 28, 2020

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:09:48)

Chair Taylor relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:10:08)

Resource Management Committee

Discussion

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

17. Withlacoochee Regional Water Supply Authority (WRWSA) Update

Ms. Suzannah Folsom, P.E., executive director, provided background regarding the WRWSA, a summary of the 2019 Regional Water Supply Plan, and an overview of water conservation efforts.

Ms. Folsom stated the WRWSA was created in 1977. It covers counties within the Southwest Florida Water Management District (SWFWMD) and part of the St. Johns River Water Management District (SJRWMD). The WRWSA water supply assets include the Charles A. Black wellfield and two water treatment facilities that serve Citrus County.

Ms. Folsom stated the WRWSA Regional Supply Plan Five-Year update was completed November 2019. This plan included public supply demand projects from 2015 to 2040 and evaluated several sources to meet those demands. Those sources included: water conservation, reclaimed water offset, additional groundwater, surface water (Withlacoochee River) and seawater desalination.

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

18. 2020 Central Florida Water Initiative (CFWI) Regional Water Supply Plan

Mr. Joseph Quinn, senior project manager, explained that CFWI is a collaborative water supply effort with the Florida Department of Environmental Protection (FDEP), SJRWMD, SWFWMD, the South Florida Water Management District (SFWMD), the Florida Department of Agriculture and Consumer Services (FDACS), regional utilities, business organizations, environmental groups, agricultural groups and other stakeholders.

Mr. Quinn explained the organizational structure which includes a steering committee and a management oversight committee. He explained that regional water supply planning is required in

areas where water sources are not adequate to supply existing/future uses and sustain water resources and related natural systems. He provided an overview of the 2020 CFWI Regional Water Supply Plan.

Mr. Quinn provided an overview of water demands in the CFWI planning area for 2015 and 2040, based on type. He provided an overview of the demand modeling that was completed for the groundwater availability assessment. Mr. Quinn provided a map that displayed the primary areas that are susceptible to groundwater withdrawals. He charted the planning level for groundwater availability once the 760 million gallons per day (mgd) is utilized. Mr. Quinn outlined the projected 2040 water conservation savings per category. He stated that public supply demands will be the greatest area of growth. Mr. Quinn outlined water source options for projects that would provide benefits and funding options associated with these.

Mr. Quinn responded to questions from the Board.

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

19. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Adopt a Reservation for Lake Hancock and Lower Saddle Creek

Mr. Randy Smith, Natural Systems & Restoration Bureau chief, explained that a reservation is an adopted rule that reserves water from use by permit applicants for the protection of fish and wildlife or public health and safety and protects existing legal uses that are not contrary to the public interest. Reservations are subject to periodic reviews and revisions.

Mr. Smith stated that the P-11 Lake Hancock Structure was replaced in 2013 as part of the District's Lake Hancock Lake Level Modification Project which is an important part of the Southern Water Use Caution Area (SWUCA) recovery strategy to achieve minimum flows in the upper Peace River. He provided information regarding the recovery needs for the minimum flows that have been established for the upper Peace River at Bartow, Fort Meade and Zolfo Springs.

Mr. Smith outlined the proposal of the reservation. He explained that water will be temporarily stored in Lake Hancock through the P-11 structure and released to Lower Saddle Creek for upper Peace River minimum flows recovery. Mr. Smith explained the benefits of the reservation. He stated that all analysis has been peer reviewed by an independent panel of experts and any issues identified have been addressed by staff. Mr. Smith outlined all outreach efforts and communication efforts.

Mr. Smith responded to questions from the Board.

Staff recommended:

- 1) Accept the report entitled "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."
- 2) Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of an amendment to Rule 40D-2.302, F.A.C., to establish a reservation for Lake Hancock and Lower Saddle Creek.
- 3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:00:15)

Submit & File Reports - None

Routine Reports

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

20. Minimum Flows and Levels Status Report

21. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (01:01:10)

Finance/Outreach & Planning Committee

Discussion

22. Consent Item(s) Moved for Discussion - None

23. Legislative Update

Mr. Michael Molligan, Employee and External Relations director, outlined the schedule for the 2020 Legislative session. He reminded the Board that there are five Board member appointments pending confirmation. Mr. Molligan provided overviews for various bills. These bills included water quality improvements, reclaimed water, land acquisition trust, the aquatic preserve, the Citrus/Hernando Waterways Restoration Council, and the water management district boundaries.

Mr. Molligan provided an overview of budgets that have passed the House and the Senate. This included: \$2.25 million to the District for land management activities; \$50 million for springs funding; \$40 million for alternative water supply; and \$41.5 million for local water projects. He also stated that the Senate passed a \$125 million budget for Florida Forever funding, while the House passed a \$20 million budget for the same funding.

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

Submit & File Reports

24. Association of Inspectors General Peer Review of the Office of Inspector General

25. District Performance Measures

Routine Reports

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

26. Monthly Financial Statement

27. Treasurer's Report and Payment Register

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair James Murphy, who called the meeting to order. (01:08:46)

Operations, Lands & Resource Monitoring Committee

Discussion

30. Consent Item(s) Moved for Discussion - None

Mr. Brian Starford provided an update to public comments that were received at the January Board meeting from Mr. Tom Palmer and Ms. Marian Ryan. They had concerns regarding the Turnpike Enterprise (Turnpike) and access to the Marshall Hampton property. Mr. Starford informed the Board that staff had met with the Turnpike authorities for a pre-application meeting. The District was keeping Mr. Palmer and Ms. Ryan apprised of any information.

Submit & File Reports

31. Hydrologic Conditions Report

Routine Reports

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

32. Significant Activities

33. Structure Operations

34. Surplus Lands Update

Committee Chair Murphy relinquished the gavel to the Regulation Committee Vice Chair Michelle Williamson, who called the meeting to order. (01:11:35)

Regulation Committee

Discussion

35. Consent Item(s) Moved for Discussion - None

36. Denials Referred to the Governing Board

No Denials were presented.

Submit & File Reports - None

Routine Reports

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

37. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update

39. Individual Permits Issued by District Staff

Regulation Committee Vice Chair Williamson relinquished the gavel to Chair Taylor. (01:12:05)

General Counsel's Report

Discussion

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

Mr. Chris Tumminia, deputy general counsel, provided an update regarding the Rainbow River Minimum Flows and Levels (MFLs) rule challenge. He stated that the ruling has been issued in favor of the District. Mr. Tumminia explained that a portion of the rule language regarding the development of recovery or prevention strategy was removed but all other aspects of the challenge were validated.

Submit & File Reports – None

Routine Reports

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

41. February 2020 Litigation Report

42. February 2020 Rulemaking Update

Committee/Liaison Reports

43. Environmental Advisory Committee

Ms. Jennette Seachrist, Resource Management director, stated there were two recommendations from the Environmental Advisory Committee (EAC). The first recommendation involved the Weeki Wachee carrying capacity study. She stated the EAC recommended a follow-up study to evaluate how the enforcement of vessel limitation is assisting in recovery efforts. The study also identified management options and recommended the development of a management working group which will be led by Hernando County. Staff recommended that the working group initiate any further studies, if necessary.

Ms. Seachrist stated the second recommendation involved extending the Lower Hillsborough River MFL five-year assessment review period until the end of April. She stated that staff is supportive of this recommendation.

A written summary of the January 14 meeting was provided.

44. Industrial Advisory Committee

A written summary of the February 11 meeting was provided.

45. Public Supply Advisory Committee

Treasurer Rice stated that the committee voted to support staff's recommended rule changes affecting how reclaimed water credits are calculated.

A written summary of the February 11 meeting was provided.

Executive Director's Report

46. Executive Director's Report

Mr. Brian Armstrong, executive director, informed the Board of a control burn of 23,000 acres in the Green Swamp. He stated that the District coordinated with the Florida Forestry Service, the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. Mr. Armstrong stated that the controlled burn took four days. However, without the combined efforts from these agencies it would have taken 30 days. He credited Mr. James Karels, Executive Director of the Florida Forestry Service with this effort.

Mr. Armstrong recognized Mr. Brian Werthmiller, Inspector General. He stated that the State Auditor General (AG) recommended the Office of Inspector General (OIG) have a peer review completed. Mr. Werthmiller coordinated with the Association of Inspector Generals (AIG) to complete this peer review. This resulted in a cost savings to the District by not hiring an outside consultant. Mr. Armstrong stated that the AIG unanimously concluded the OIG passed all applicable standards.

Chair's Report

47. Chair's Report

Chair Taylor commended staff and the Board for the efforts made related to the Rainbow River Minimum Flows and Levels (MFLs) rule challenge.

Chair Taylor reminded the Board that the next meeting is on March 24 at the Sarasota County Operations Center.

48. Employee Milestones

The meeting was adjourned at 10:24 a.m.

Chair

Attest:

Secretary