

## MEETING SUMMARY

### Environmental Advisory Committee Southwest Florida Water Management District January 14, 2014

The Environmental Advisory Committee (EAC) of the Southwest Florida Water Management District convened for a regular meeting at 1:30 p.m., January 14, 2014, at the Tampa Service Office, 7601 US Highway 301, North, Tampa, FL 33637.

#### Committee Members Present

Chair Dwayne Carlton, Ocala/Marion County COC  
Mark Alderson, Vice Chair, Sarasota Bay NEP  
Alan Bailey, Florida Trail Association – Suncoast Chapter  
Lisa Beever, Charlotte Harbor National Estuary Program  
Mike Burton, Manatee County COC  
Julie Byrne, Sarasota Audubon Society  
Paul Crowell, Keystone Civic Association  
Holly Greening, Tampa Bay Estuary Program  
Alan Grubman, Save the Homosassa River Alliance  
Sam Stone, Charlotte County COC

#### Staff Members Present

Cara Martin, Facilitator  
Veronica Crow  
Eric DeHaven  
Laura Donaldson  
Don Ellison  
Carrie Felice  
Yassert Gonzalez  
Estella Gray  
Michael Molligan  
Claire Muirhead  
Jennette Seachrist  
Randy Smith  
Lois Sorensen

#### Recording Secretary

Cynthia Taylor

Approved summaries from previous meetings can be found on the District's Web site at ([www.WaterMatters.org](http://www.WaterMatters.org)).

*The numbers preceding the items below correspond to the order of presentation.*

#### **1. Call to Order and Introductions**

Chair Dwayne Carlton called the meeting to order. He welcomed members, staff, and interested persons and asked for member introductions.

#### **2. Additions and Deletions to the Agenda**

Ms. Cara Martin, board & executive services manager, stated that the number 11 agenda item will move up to the number six agenda item, and the number six item will move down. The number nine agenda item will be presented by Michael Molligan in Mark Barcelo's absence.

#### **3. Approval of the October 15, 2013 Meeting Summary**

Following consideration, the committee approved the summary of the October 15, 2013 meeting.

#### **4. Public Comments**

There were no public comments at this time.

#### **5. 2015 Regional Water Supply Plan (RWSP) Update**

Mr. Yassert Gonzalez, staff economist, stated the District is beginning the process of updating the RWSP for all 16 counties. The plan is expected to go to the Governing Board for approval at the end of 2015. Per the statutory requirement, Chapter 373.036, Florida Statute (F.S.), the plan shall be based on a 20-year period and updated every five years.

Mr. Gonzalez highlighted the following two sectors during the presentation: Industrial/Commercial and Public Supply. Demands are expected to go up in the Industrial and Commercial sector but all demands are expected to be met by existing permitted quantities. Demand methodology is projected

by taking metered and estimated water use and identify growth factors such as employment for each individual county. Mr. Gonzalez used construction employment as example, stating that building growth would increase water usage.

Members questioned the current use of water for the Industrial and Commercial sector is much lower than permitted quantities and asked if the District are over-permitting that sector. Mr. Gonzalez stated that a permit is issued based upon projected quantities therefore, if usage does not match permitting quantities there will be a reduction. A discussion ensued on this subject.

Mr. Gonzalez presented the Public Supply sector noting this sector includes individuals being served by utilities, potable wells and also people using wells to irrigate lawns. Demands are anticipated to grow however, when compared to the 2010 RWSP, per capita is 13 percent lower, indicating the per capita rate is going down. It was noted that 77 percent of the public supply permits have enough permitted quantities to carry them through 2035.

Committee members asked about the District's per capita goals and inclusion of irrigation wells in the per capita numbers. Staff confirmed that a parcel based model is used through the District's consulting team.

Members questioned the estimation that private irrigation wells use almost double the amount of water that households on public supply use. Staff stated that numbers were actually reduced from a recent study that was completed, but the District does not meter private wells.

#### **6. Sunshine Law Refresher**

Ms. Carrie Felice, senior attorney, provided an overview of Florida's Sunshine Law and Public Records Law. The Constitution of the State of Florida Article (F.S.A.), Section 24(b), states "all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public, except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution." The Sunshine Law, Section 286.011(1), Florida Statute states "all meetings of any board or commission or any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

Ms. Felice reminded the committee that the scope of the Sunshine Law involves the following three basic requirements: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meeting must be taken, promptly recorded and open to public inspection. Ms. Felice noted that a meeting is defined as any communication between two or more members regarding District business and went over penalties for Sunshine Law violations. This communication could be in person, by letter, phone, email, text, Twitter, Facebook, Et cetera. Ms. Felice explained that it is possible to violate the Sunshine Law within a public meeting. Inaudible discussions between Governing Board members at the dais, during breaks, or during the lunch break of a properly noticed public meeting were defined as a violation. A Governing Board member is not prohibited from discussing District business with staff or with a non-Governing Board member. However, these individuals cannot be used as a liaison for communicating information between Governing Board members. When a public board delegates any portion of its decision-making authority to another group, individual or entity, that other group, individual or entity becomes subject to the Sunshine Law.

Committee members questioned if note taking during the meeting was considered a public record. Staff confirmed that a note taken for personal use during a meeting was not considered a public record, but rather a personal recollection note.

Ms. Felice further discussed all records, including electronic records, if made or received in conjunction with official District business are public records and open to the public. The District maintains and manages all hard copy communications and reviewed the public records act violation penalties. A discussion ensued over examples of public records and a recent public records request.

Members inquired about the handling of requests they may receive for information. Ms. Laura Donaldson, general counsel, addressed the committee stating that any communication of that nature should be forwarded to the District for managing.

#### **7. Surface Water Improvement Management (SWIM) Priority List Update**

Ms. Jennette Seachrist, SWIM program manager, provided an update on the SWIM Priority List, which by Florida Statute must be updated every five years. Ms. Seachrist reminded the committee that the Governing Board approved the SWIM Priority List at the June 2013 Board meeting; however, instructed staff to evaluate the current water bodies and recommend any changes. At this time, staff is recommending removing Banana Lake and adding Weeki Wachee, Chassahowitzka and Homosassa Rivers. It was stated that staff will be presenting the proposed changes at the January 28, 2014 Governing Board meeting.

Ms. Seachrist presented a brief history of the SWIM priority water bodies and discussed the District's coordination with local governments, other water management districts and the Florida Department of Environmental Protection (FDEP). Ten water bodies were identified and noted that two priority water bodies include Rainbow River and Kings Bay.

Committee members questioned if the noted two water bodies were on the original existing list. Staff confirmed that they were included on the approved 1995 existing priority water bodies list.

Banana Lake located in Polk County, is a relatively small shallow lake and was one of the District's first significant restoration projects. Because of the water quality improvements on this lake the District and Polk County staff agree that it is appropriate to remove this from the SWIM priority list.

Ms. Seachrist explained that the District has over 150 springs and five are first magnitude springs that discharge approximately 1 billion gallons of water per day (gpd). In addition, the springs coast is the second largest sea grass area in the nation. The five springs located in the northern District were highlighted on a displayed map and the main key issues were noted. A brief description was presented on the Weeki Wachee, Chassahowitzka and Homosassa Rivers.

The committee passed a motion to endorse the staff recommendations, liking the consistency that it builds in the SWIM Priority List. This includes the five first magnitude springs and agreeing to remove Banana Lake due to the improvements.

Members inquired if the springs are separate spring sheds or considered one water body. Veronica Craw, springs and environmental flows manager, answered that they are separate.

#### **8. Aquifer Storage and Recovery (ASR) Update**

Mr. Don Ellison, senior hydrogeologist, explained that ASR is where high water season flows, reclaimed or potable, are captured and injected in the ground for use in the dry season droughts. Mr. Ellison expressed the many benefits of ASR and a chart was displayed of the District-wide ASR projects, stating the District has 26 ASR projects and six recharge projects. Mr. Ellison described the arsenic issue and stated that arsenic occurs naturally in the aquifer and is associated with pyrite, which is a common mineral. The District has been working with the Environmental Protection Agency (EPA) and FDEP for ten years and worked to remove the dissolved oxygen and eliminate the problem. Mr. Ellison detailed the following two projects: Bradenton where dissolved oxygen was removed and the City of Tampa.

Mr. Ellison presented a guidance letter from the EPA that acknowledged the work Florida has done to develop methods to deal with and eliminate the arsenic issue. The letter recognizes the projects are good for the public and will give FDEP the discretion on a case-by-case basis to permit facilities.

Committee members expressed that it has been many years since they were updated on this and congratulated staff.

Members conveyed concern about water going into the aquifer and potentially destroying the quality of the aquifer water. Staff stated that educating the public that most of the projects involve water that meets drinking water standards was an important part of the process.

#### **9. Southern Water Use Caution Area (SWUCA) Update**

Mr. Michael Molligan, public affairs assistant bureau chief, reminded the committee of the five-year SWUCA assessment presentation they were provided at the October 2013 meeting, and presented the committee with printed copies of the assessment. Mr. Molligan reviewed the SWUCA goals and discussed the two stakeholder groups that are being created to identify changes and strategies.

Mr. Molligan stated that the most impacted area (MIA) and saltwater intrusion group meeting is on February 21, 2014 in Sarasota and the Lakes group will begin meeting in May 2014. Mr. Molligan directed committee members to the SWUCA website to obtain information and also to provide comments: <http://www.swfwmd.state.fl.us/projects/swuca/>.

Committee members questioned how the previous presentation on the RWSP ties into SWUCA and the need for more water in the future. Staff noted that one of the four goals is to meet our water needs not just for today, but the growing water needs. The District will continue to develop water sources.

Mr. Molligan noted that the District has been successful at reducing withdrawals and have exceeded goals but did not see the results that were expected. In the MIA, the District feels 10 million gallons per day (mgd) of benefit is needed in reducing withdrawals or adding 10 mgd of water to the aquifer.

Committee members inquired which industry uses the 10 mgd that has been identified. Staff indicated that it was Upper Floridian and not identified to any one industry.

Members expressed that we all need to use less water, especially on lawns, and asked if the District should take a stand, come up with plans and say "we need to use less water." Staff stated that the District has always considered conservation to be the cheapest water supply source. The District promotes education on conservation through programs such as, toilet rebates, Florida-Friendly Landscaping™ and Florida Water Star<sup>SM</sup>.

The members commended the District on their strong conservation efforts. A brief discussion ensued on the conservation efforts and programs.

#### **10. Hydrologic Conditions and Water Shortage Update**

Ms. Lois Sorensen, demand management program manager, presented various graphs representing the current rainfall distribution, groundwater, surface water and public supply data. Conditions are showing seasonal declines and are expected to decline through March/April and staff will closely monitor. Ms. Sorensen stated that the Bill Young Reservoir is under renovation and was not able to take advantage of storage for the rainy season. At the December 2013 Governing Board meeting, the Board declared a Phase II water shortage for the Hillsborough, Pasco and Pinellas counties. Ms. Sorensen highlighted the Tampa Region of Hillsborough, Pasco and Pinellas counties, indicating the following two regional indicators were severely abnormal: 8-week flow and 7-day flow for the Alafia River at Lithia. A recent study in Tampa indicated the water shortage order would produce a 10 percent reduction in residential water use equating to 17.5 mgd in the three-county area. The rest of the District remains under year-round water restrictions.

**11. 2015 Cooperative Funding Initiative (CFI) Update**

Mr. Randy Smith, project manager, provided a background on the District's signature partnership program that has contributed over \$1 billion dollars to leverage projects in our area for a total of over \$2.5 billion dollars spent on projects.

The timeline was presented, noting that the regional subcommittee meetings will be held in February and April 2014 and detailed the meeting schedule. For Fiscal Year (FY) 2015, 140 proposal projects were applied for in October 2013, but 20 have been withdrawn for various reasons, leaving 120 to be evaluated. The 120 proposal projects total \$65.2 million in FY2015 District requested funds. If Governing Board approval is obtained, the District does have the available funding for all 120 projects.

Mr. Smith reviewed the number of proposal project applications broken down by the District's Areas of Responsibility (AOR); 64 have a water quality component, 39 water supply, 41 flood protection and six natural systems. It was noted that the natural systems projects' main focus is natural systems restoration. Mr. Smith directed committee members to the CFWI website to obtain information: <http://www.swfwmd.state.fl.us/cfwf>.

**12. April 15, 2014 Environmental Advisory Committee Tour – Lake Hancock**

The next committee meeting will be a District project tour of Lake Hancock and members will be informed of the details.

**13. Announcements and Other Business**

**Topics for future meetings:**

- Peace River Integrated Surface Water Model and scenario tested
- CFWI Update
- Restore Act
- Chair and Vice Chair elections – July 15, 2014

**14. Adjournment**

There being no further discussions, the meeting was adjourned at 4:05 p.m.