

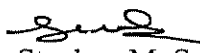


3/13 -
SMS handed out
at BCC meeting today

OFFICE OF THE COUNTY ADMINISTRATOR

M E M O R A N D U M

TO: The Honorable Chairman and
Members of the Board of County Commissioners

FROM: 
Stephen M. Spratt, County Administrator

DISTRIBUTION: Pick Talley, Director of Utilities
Liz Warren, Assistant County Administrator
Will Davis, Director of Environmental Management
Susan H. Churuti, County Attorney
Co-Chairs and Members of Environmental Science Forum

SUBJECT: East Lake Road Wells Water Use Permit

DATE: March 13, 2007

In 2005, Pinellas County Utilities set out to determine if some dormant wells in the Brooker Creek Preserve boundary may be usable to meet the requirements of our reclaimed water system. Pinellas County Utilities submitted an authorization request to SWFWMD to use an existing East Lake Road well to fill and pressure test a pipeline on April 8, 2005. After commencing authorized work in September of 2005, testing was completed on December 20, 2005. The pipeline integrity was verified for use. All indications from SWFWMD throughout this evaluation were that the potential use of these wells to augment our reclaimed water supply would be a reasonable water resource management project. I was personally assured by SWFWMD Director Dave Moore that the project was a worthwhile strategy to address our regional water supply issues. At a proposed annual withdrawal rate of approximately 415,000 gallons per day (gpd) such a request would be regarded as a small volume General Water Use Permit request and would have typically been acted upon by SWFWMD in no more than 12 – 24 weeks. The requested quantities were later reduced to 284,256 gpd.

As you are aware, controversy erupted about this project last year and the request has been undergoing extraordinary review. The primary concern is the potential impact on the ecology of wetlands and uplands as a result of ground water withdrawals. It is this very environmental concern which was magnified in the “water wars” of the 1970’s and 1990’s and is why water management districts throughout Florida regulate groundwater withdrawals and surface water activity. Tampa Bay Water member governments demand for the past 12 months was 266 million gallons per day (mgd) and is subject to SWFWMD scrutiny to ensure that environmental

harm does not occur. As the attached graphic illustrates, over 140 million gallons of water per day are withdrawn from environmentally sensitive areas in our region pursuant to SWFWMD permit controls. Consistent with the requirements of Resolution 99-196, the Pinellas County Utilities project was discussed with the Friends of the Brooker Creek Preserve at a meeting on November 29, 2005.

In light of the controversy last year, I requested an abeyance of this permit request while the newly constituted, citizen/science based Environmental Science Forum could review the matter. Once the Forum rendered a recommendation on the project on December 7, 2006, we forwarded supplemental information requested by SWFWMD as part of the permitting process. Since then, we received and responded to an additional request for information on February 8, 2007. On March 6, 2007, we received another request for clarification (copy attached) which, frankly, could have been made months ago. I had hoped to have a SWFWMD position on the permit application by now. Based upon the information we are receiving from SWFWMD, the unusually high degree of scrutiny being given to this application is a function of the high-profile controversy and level of citizen monitoring of the permit review process and the potential for appeal of a decision.

I am not comfortable with the protracted state of this request. It now has the very real potential of dragging on for many months if a permit challenge is filed. In the meantime, we will move into the wet season and protestations and pronouncements of environmental destruction continue to be circulated and churned. Unfortunately, this only spawns further negative public discourse. From a scientific basis, all indications are that it is an environmentally permissible project but I simply must weigh the benefits of pursuing this request with the broader public sensitivities and interests.

The Environmental Science Forum has commendably deliberated the issue and provided its recommendations (copy attached). They did an excellent job of weighing the competing public interests and I find importance to their perspective in my guidance to you. The ESF voted 9-4 against proceeding with the pumping request with a minority report finding that there was no scientific basis for objecting to the permit request. The ESF conclusion to advise against proceeding was from an overarching policy perspective.

Following the ESF report and recommendations, I have supported advancing the request to SWFWMD so that the Board may have the benefit of the regulatory perspective. I would not have traveled that course if it were not for all fact-based, relevant expert scientific perspectives I have consulted concluding that, with proper monitoring, the requested level of pumping should not harm the environment and is a very reasonable water resource management strategy. Nonetheless, I have reserved final judgment pending the missing piece of SWFWMD guidance for the Board's consideration.

In my opinion at this point, there is simply too much negative, wasted energy being expended on this matter relative to the potential public benefit of augmentation of our reclaimed water distribution system. A decision is languishing in the regulatory system. While it is my nature to

guide my actions and advice primarily by the facts at hand, I will always consider and weigh the avoidable distractions from our important work and the potential for unnecessary negative perceptions in the minds of our citizens with the general public benefits of a particular course of action. At this point, our energies are more productively applied to our aggressive pursuit of the Clearwater/Oldsmar reclaimed water interconnect and Lake Tarpon ASR projects as immediate strategies to address our reclaimed water supply/demand challenge than engaging in a prolonged debate on the merits of this project.

Therefore, based upon the foregoing, I would like to withdraw Pinellas County's water use permit application # 20012943.000 from further consideration by SWFWMD at this time. Since I have reached this conclusion upon receiving SWFWMD's latest request and upon speaking with the District Director, Dave Moore, I wanted to alert you in advance of your March 15 Work Session. Since this matter was scheduled to be part of that workshop discussion, however, I will not notify the District of our withdrawal until I receive your concurrence. As you recall, you have delegated the authority to apply for such permits to the Administrator. This application withdrawal, however, should not be construed to prescribe your policies with regard to utilizing the East Lake Wells for future water supply requirements. That is one of the broader policy questions to be addressed as part of your work session.

Let me know if you have any questions or concerns.



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Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
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SUNCOM 578-2070

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DeSoto

David L. Moore
Executive Director

William S. Bilenky
General Counsel

March 5, 2007

Pick Talley
Pinellas County Utilities
14 South Fort Harrison Avenue
Clearwater, FL 33756

Subject: **Clarification of Received Information**
Water Use Permit Application No : 20012943.000
Project Name: Pinellas County - East Lake
Wellfield
County: Pinellas

Reference: Chapters 40D-1 and 40D-2, Florida Administrative Code

Dear Mr Talley:

Thank you for the additional information submitted to the District on February 8, 2007 in support of this application. As you may know, the property included in your application is located within an area where water resources are highly stressed. The District will evaluate your site-specific conditions to determine what water use quantities can be permitted, providing that all District rule criteria are met. The following additional information is needed to complete this review.

- 1 The District has reviewed the request to monitor Wetlands 2, 3, and 4; however, in order to provide sufficient data for Wells 18 and 20, monitoring of Wetlands 1 and 5 should be included. Please clearly identify the location and latitude and longitude of the proposed monitoring locations on the aerial, including the control site(s) [Rules 40D-2.091, 40D-2.101, 40D-2.301, F.A.C., and Subsection 4.2.A.4, Basis of Review (B.O.R.) for Water Use Permit Applications]
- 2 Please identify when the monitoring will be initiated in the monitoring wetlands. The District staff would recommend at least a year of water level data prior to initiation of any withdrawals from the wells. Please clarify. [Rules 40D-2.091, 40D-2.101, 40D-2.301, F.A.C., and Subsection 4.2.A.4, B.O.R. for Water Use Permit Applications]
- 3 Please provide the monitoring and reporting frequency for the proposed water level monitoring. The District recommends each site be monitored weekly and the reports submitted monthly to the District Service office. [Rules 40D-2.091, 40D-2.101, 40D-2.301, F.A.C., and Subsection 4.2.A.4, B.O.R. for Water Use Permit Applications]
- 4 Please clarify and define the water levels that would constitute a "significant" difference between the control and monitored wetlands. The District would define this level of change as any water level decline of 0.5 feet below the normal pool water elevation in the wetlands. Please clarify. [Rules 40D-2.091, 40D-2.101, 40D-2.301, F.A.C., and Subsection 4.2.A.4, B.O.R. for Water Use Permit Applications]

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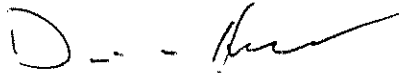
- 5 Please identify the timeframe that the water level changes must exist before the pumping is ceased. Please clarify and identify the levels at which withdrawals will stop and the duration and levels that must be obtained before withdrawals can be restarted [Rules 40D-2.091, 40D-2.101, 40D-2.301, F.A.C., and Subsection 4-2-A-4, B.O.R. for Water Use Permit Applications]

Please ensure that your response is received within 30 days from the date of this letter. The information requested must be delivered to the Tampa Service Office to be considered received within that time-frame. The response must reference the permit application number and include three copies of all requested information. Failure to provide the requested information within 30 days will delay the application's processing and will result in the application being processed for denial.

If the additional information cannot be provided within the stated time period, you may make a written request for a time extension, provided that an acceptable justification for the time extension accompanies the request. The time extension request should be received within 30 days from the date of this letter.

Please contact me at the Tampa Service Office, extension 2014, if you have questions concerning the information requested or the District's procedures. For assistance with environmental concerns, please contact Patricia A. Frantz, extension 2054.

Sincerely,



Darrin W. Herbst, P.G.
Tampa Regulation Department

DWH:gjn

cc. File of Record
David Slonena, P.G., Pinellas County Utilities Engineering
Ken Weber, Southwest Florida Water Management District
Ralph O. Kerr, P.G., Southwest Florida Water Management District
Patricia A. Frantz, Southwest Florida Water Management District

ENVIRONMENTAL SCIENCE

FORUM

TO: Steve Spratt, Pinellas County Administrator

FROM: Holly Greening, ESF Science Co-Chair
Darden Rice, ESF Policy Co-Chair

DATE: January 10, 2007

Pinellas County Environmental Science Forum Summary of Findings and Recommendations

Use of water from wells at Brooker Creek Preserve for golf course irrigation December 7, 2006

At the October and November 2006 meetings of the Pinellas County Environmental Science Forum, County staff presented proposed plans, permits and environmental assessment results for pumping three groundwater wells located on Brooker Creek Preserve property. The proposed pumping would provide irrigation water for the East Lake Woods Golf Course when reclaimed water was not available, to fulfill an existing agreement between the County and the golf course. An ESF Pumping Subcommittee was formed to examine alternative water sources and actions that could support the golf course irrigation requirements.

On December 7, 2006, the Pumping Subcommittee chair, Bruce Hasbrouck, provided findings and recommendations to the ESF. Mr. Hasbrouck reported that the Subcommittee identified a number of potential alternative irrigation water sources. Mr. Hasbrouck reported that the pumping as proposed by the County had the least environmental impact compared to the other alternatives examined. In response to a question from the ESF Science Co-Chair, Mr. Hasbrouck provided his professional opinion that, from a science-based perspective, there would be negligible environmental impact on the preserve from the pumping and the required wetland ecosystem monitoring would serve as safe guard in the event an impact was detected.

Following the procedure developed by the Forum, members asked questions and provided comments, followed by public comments. Following the public comments and further ESF discussion, the following actions were approved:

1. The Pinellas County Environmental Science Forum recommends against the use of Brooker Creek water for golf course irrigation.

Vote result: 9 = Yes 4 = No

2. Furthermore, the ESF concluded that if the County decides to go forward with the use of Brooker Creek Preserve water for golf course irrigation, the ESF recommends:

- Enhance required monitoring to include wet season / dry season wetlands and uplands within the predicted (groundwater withdrawal) cone of influence. Include baseline and then monitor again in the middle to the end of the dry season.
- Consider (wetland) augmentation as a mitigation strategy as necessary
- Specify exact (operational) triggers when wells are activated
- Adopt a minimization strategy of the golf course's water use
- Create financial incentives to encourage decreased water usage by the golf course through a tiered fee schedule

Vote result: 13 = Yes 0 = No

3. The ESF identified the following essential policy question:

- Should the County be using water from the Preserve for anything other than to support Preserve ecosystems?

Although the following were not voted on by the ESF, reasons identified by members voting against the use of Brooker Creek Preserve water for golf course irrigation during the meeting included the following:

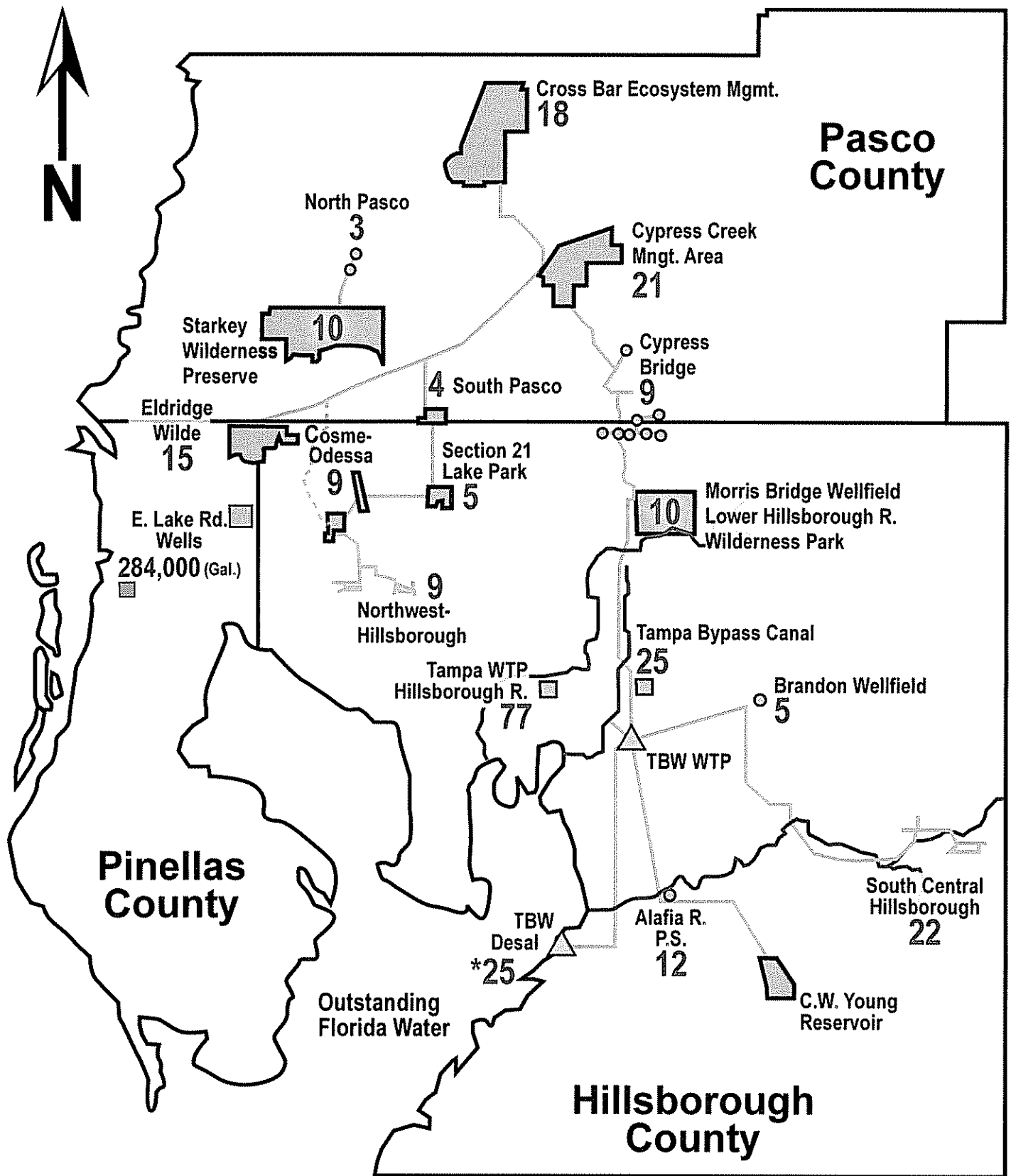
1. The usage of this water for irrigation may be inconsistent with federal Safe Drinking Water Act, which states that potable water can only be used for potable purposes.
2. Sustainable options may be available, such as strategies reviewed by the Pumping Subcommittee.
3. Use of Preserve water for off-site irrigation sets a bad precedent for the Preserve because it is part of our commonwealth to protect a natural resource.

Two of the ESF members voting “No” to the motion expressed their opinion that, although the policy issues identified are important for the County to address, they could not recommend against pumping because scientific evidence that pumping would cause a detectable, negative environmental impact to the Preserve ecosystem was not evident from the materials presented.

However, some members of the ESF looked at the proposal through the additional filters of social, culture, and philosophical queries. Many who voted against the use of Brooker Creek water for East Lake Golf Course felt that a larger policy question needed to be addressed, a question perhaps independent of whatever pro or con scientific findings the group studied. The question is not necessarily “how” do we pump water from Brooker Creek (a management question), but “should” we pump such water for the purpose of golf course irrigation (a policy question).

Although the premise of the ESF forum is to perhaps study more narrowly defined scientific questions, it is unavoidable not to consider the larger context for how these scientific findings are applied. Many of the ESF forum members do not have primarily scientific backgrounds. In short, many non-scientific members of the forum - including the ESF Policy Co-Chair- can't help but take heavily into account the social and political considerations about use of the community's natural resources, as well as what the term “preserve” means as a community value that is something we value and protect.

Tampa Bay Water Current Water Supplies



Water Supply Sites
 TBW WY 2006 Pumpage (mgd)
 * Permitted
 Permit Applied For