



Council Minutes

September 13, 2010
10:00 a.m.

REPRESENTATIVES PRESENT

Chair, Commissioner Jack Mariano, Pasco County
Secretary/Treasurer, Commissioner Larry Bustle, Manatee County
Past Chair, Vice Mayor Bill Dodson, City of Plant City
Commissioner Nina Bandoni, City of Safety Harbor
Commissioner Ron Barnette, City of Dunedin
Commissioner Kevin Beckner, Hillsborough County
Mayor Scott Black, City of Dade City
Commissioner Neil Brickfield, Pinellas County
Vice Mayor Woody Brown, City of Largo
Council Member Alison Fernandez, City of Temple Terrace
Commissioner Al Halpern, City of St. Pete Beach
Council Member Bill Jonson, City of Clearwater
Mr. Robert Kersteen, Pinellas County Gubernatorial Appointee
Vice Mayor Michele King, City of Gulfport
Mr. Harry Kinnan, Manatee County Gubernatorial Appointee
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee
Councilman Bob Langford, City of New Port Richey
Councilor Bob Matthews, City of Seminole
Council Member Janice Miller, City of Oldsmar
Mayor Bob Minning, City of Treasure Island
Council Member Wengay Newton, City of St. Petersburg
Mr. Andy Núñez, Pinellas County Gubernatorial Appointee
Mayor Kathleen Peters, City of South Pasadena
Vice Mayor Robin Saenger, City of Tarpon Springs
Ms. Barbara Sheen Todd, Pinellas County Gubernatorial Appointee
Ms. Laura Woodard, Hillsborough County Gubernatorial Appointee
Mr. Waddah Farah, Alt., Ex-Officio, Florida Department of Transportation
Mr. Todd Pressman, Ex-Officio, Southwest Florida Water Management District
Ms. Pamala Vazquez, Alt., Ex-Officio, Department of Environmental Protection

REPRESENTATIVES ABSENT

Vice Chair, Ms. Jill Collins, Hillsborough County Gubernatorial Appointee
Mayor Shirley Groover Bryant, City of Palmetto
Mr. Julian Garcia, Jr., Hillsborough County Gubernatorial Appointee
Councilwoman Mary Mulhern, City of Tampa
Councilman Patrick Roff, City of Bradenton
Vice Mayor Ed Taylor, City of Pinellas Park
Ms. Kim Vance, Hillsborough County Gubernatorial Appointee
Mr. Charles Waller, Pasco County Gubernatorial Appointee
Mr. Earl Young, Pasco County Gubernatorial Appointee
Ms. Michelle Miller, Ex-Officio, Enterprise Florida

OTHERS PRESENT

John Healey, Planner, Hillsborough County
Trisha Neasman, Planner, SWFWMD
Rick MacAulay, Planning Manager, City of St. Petersburg
Todd Pokrywa, VP Planning, SMR
Will Augustine, Planner, Hills Co. Planning Commission
Jason Mickel, Planner, SWFWMD
Kathleen Thompson, Planner, Manatee County

STAFF PRESENT

Mr. Manny Pumariega, Executive Director
Mr. Donald Conn, Legal Counsel
Ms. Suzanne Cooper, Principal Planner
Ms. Lori Denman, Recording Secretary
Mr. Marshall Flynn, Principal Planner
Mr. John Jacobsen, Accounting Manager
Ms. Betti Johnson, Principal Planner
Ms. Wren Krahl, Director of Administration/Public Information
Ms. Jessica Lunsford, Senior Planner
Mr. John Meyer, Principal Planner
Mr. Greg Miller, Senior Planner
Mr. Patrick O'Neil, Senior Planner
Mr. Brady Smith, Senior Planner
Mr. Avera Wynne, Planning Director

Call to Order – Chair Mariano

The September 13, 2010 regular meeting of the Tampa Bay Regional Planning Council (TBRPC) was called to order at 10:03 a.m.

The Invocation was given by Mr. Andy Núñez, followed by the pledge of allegiance.

Roll Call -- Recording Secretary

A quorum was present.

Voting Conflict Report -- Recording Secretary - None

Announcements: - Chair Mariano

The 2010 Regional Directory has been posted to the web site and is available to download.

Items provided in the Council folders:

- Letters from Senator LeMieux and Congressman Young in response to Council concerns with the oil and gas exploration in the Gulf of Mexico.
- The Executive Summary of the newly released Statewide Regional Evacuation Study Program and Data Report. The “kick off” was held on August 26th at the Council, and was well attended. This effort was coordinated between the 11 regional planning councils with TBRPC staff taking a lead roll. It is the first of its kind in the nation. Betti Johnson provided a presentation later on the agenda which provided additional information on the results of the study.
- Agenda Item 9, One Bay update, has been moved to the October meeting.

1. **Approval of Minutes – Secretary/Treasurer Bustle**
The minutes from the August 9, 2010 regular meeting were approved (J.Miller/Kinsler).

2. **Budget Committee – Secretary/Treasurer Bustle**

A. The Financial Report for the period ending 07/31/10 was approved (Jonson/Núñez)
Council Member Jonson requested the Financial Report reflect the fiscal year.

B. FY 2009/2010 Final Budget Amendment

The Budget Committee met this morning and was presented with the 2009/2010 Final Budget Amendment. The overall budget decreased slightly more than \$51,000. The major factors are as follows:

Fees and Contracts decreased \$26,000 primarily due to timing between fiscal years for Tampa Bay Cluster Study, Sea Level Rise & Habitat Analysis and DRIs. This balance will move to next fiscal year.

Utilization of Appropriated Fund Balance decreased \$20,000 due to a reduction in staff hours and some line item expenses.

The Budget Committee unanimously approved the proposed Final Budget Amendment.

The FY 2009/2010 Final Budget Amendment was approved (Peters/Núñez)

3. **Consent Agenda – Chair Mariano**

A. **Budget and Contractual**

1. Hazardous Material Emergency Preparedness (HMEP) Sub-grant Program

The TBRPC has been awarded a Federally funded Subgrant from the Federal Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) grant fund and from the Florida Division of Emergency Management for FY 2010/11 in an amount not to exceed \$60,000. The funding will be for Local Emergency Planning Committee (LEPC) planning activities and support of LEPC efforts to ensure training of public sector hazardous materials response personnel. There is a requirement for in-kind match to this grant which can be met by staff participation, LEPC membership participation, and student training participation. The subgrant period is from October 1, 2010 to September 30, 2011.

Action Recommended: Motion to authorize the Chair to sign the HMEP Subgrant agreement with DCA.

Staff contact: John Meyer, ext. 29

2. Seventh Addendum to Intergovernmental Agreement between Tampa Bay Estuary Program and Tampa Bay Regional Planning Council. This two year agreement provides for administrative support to the Estuary Program by the Council per the scope of services for the fee of \$28,619 annually.

Action Recommended: Authorization for the Chair to sign this agreement.

Staff contact: John Jacobsen, ext. 19

3. Approval to enter contract with the Tampa Bay Estuary Program to support integrating nitrogen management goals with planning activities in the Tampa Bay watershed.

The Tampa Bay Estuary Program is initiating a project to inform planning departments, business and development groups and other appropriate parties about regulatory requirements related to water quality standards and capping nitrogen loads at existing levels. The Tampa Bay Nitrogen Management Consortium (NMC) has developed load allocations for partners in the Tampa Bay watershed. In the future, any new loads due to development, increased wastewater treatment plant capacity, etc. will need to be offset using load reduction projects. In addition, other ongoing regulatory actions, including TMDLs for freshwaters and U.S. EPA Numeric Nutrient Criteria, also have significant implications for future land use planning. While NMC partners and others within the region are aware of the nitrogen reduction strategy, many involved with planning may not understand the process and the implications it will have for public and private entities within the region. The TBEP wishes to contract with the Tampa Bay Regional Planning Council (TBRPC) to develop appropriate educational and outreach tools and to inform those involved with planning for the future of the Tampa Bay region about nitrogen reduction strategies and future applications and how it will affect planning, zoning and development approvals.

Action Recommended: Motion to authorize the Chair to sign the contract with TBEP.

Staff contact: Suzanne Cooper, ext. 32

B. Intergovernmental Coordination & Review (IC&R) Program

1. IC&R Reviews by Jurisdiction - August 2010
2. IC&R Database - August 2010

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

C. DRI Development Order Reports (DOR) - None

D. DRI Development Order Amendment Reports (DOAR) - None

Staff contact: John Meyer, ext. 29

E. Notice of Proposed Change (NOPC) Reports

1. DRI # 16 - Tampa Bay Center, City of Tampa
2. DRI # 260 - Wiregrass Ranch/FLU Amendment, Pasco County

Action Recommended: Approve staff report

Staff contact: John Meyer, ext. 29

F. Annual Report Summaries (ARS)/Biennial Report Summaries (BRS)

1. DRI #73 - Summerfield Crossings, RYs 2008-10 Annual Report, Hillsborough County
2. DRI #93 - Lake Brandon, RY 2008-09 Annual Report, Hillsborough County
3. DRI #97 - St. Petersburg Intown Areawide, RY 2009-10 Annual Report, City of St. Petersburg
4. DRI #102 - Creekwood, RY 2008-09 Annual Report, Manatee County
5. DRI #104 - International Plaza, RY 2008-09 Annual Report, City of Tampa
6. DRI #115 - Woodland Corporate Center, RY 2008-09 Annual Report, Hillsborough County
7. DRI #121 - Carillon, RY 2008-09 Annual Report, City of St. Petersburg

8. DRI #130 - Cypress Banks, RY 2009-10 Annual Report, Manatee County
9. DRI #140 - Tampa Triangle, RY 2008-09 Annual Report, Hillsborough County
10. DRI #145 - Southbend, RY 2009-10 Annual Report, Hillsborough County
11. DRI #157 - Trinity Communities, RY 2008-09 Annual Report, Pasco & Pinellas Counties
12. DRI #161 - University Center Research & Development Park, RY 2009-10 Annual Report, City of Tampa
13. DRI #170 - Westfield Citrus Park Mall, RY 2009-10 Annual Report, Hillsborough County
14. DRI #191 - Fishhawk Ranch, RY 2008-09 Annual Report, Hillsborough County
15. DRI #197 - Gregg Business Centre, RY 2009-10 Annual Report, City of Plant City
16. DRI #216 - University Lakes, RY 2009-10 Annual Report, Manatee County
17. DRI #221 - Pinellas County Criminal Courts Complex, RY 2008-09 Annual Report, Pinellas County
18. DRI #229 - Gulf Coast Factory Shops, RY 2008-09 Annual Report, Manatee County
19. DRI #246 - Suncoast Crossings, RY 2009-10 Annual Report, Pasco County
20. DRI #255 - Bexley Ranch, RYs 2008-10 Biennial Report, Pasco County
21. DRI #266 - Wolf Creek Branch S/D, RY 2008-09 Annual Report, Hillsborough County

Recommended Action: Approve staff reports

Staff Contact: John Meyer, ext. 29

G. DRI Status Report

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

H. Local Government Comprehensive Plan Amendments (LGCP)

Due to statutory and contractual requirements, the following reports have been transmitted to the Florida Department of Community Affairs (FDCA) and the appropriate local government in accordance with Rule 29H-1.003(3), F.A.C.

- A. DCA # 10-2, Manatee County (proposed)
- B. DCA # 10-1AR, City of Pinellas Park (proposed)
- C. DCA # 10-2AR, City of St. Petersburg (proposed)
- D. DCA # 10-2AR, City of Largo (proposed)
- E. DCA # 10-2AR, Hillsborough County (proposed)

Action Recommended: For Information

Staff contact: Jessica Lunsford, ext. 38

I. Local Government Comprehensive Plan Amendments (LGCP)

The following report(s) are presented for Council action:

1. DCA # 10-2AR, City of Tampa (proposed)

Action Recommended: Approve staff report(s)

Staff contact: Jessica Lunsford, ext. 38

The consent agenda was approved. (Kersteen/Saenger)

4. Item(s) Removed from Consent Agenda and Addendum Item(s) - None

5. Review Item(s) or Any Other Item(s) for Discussion

Senate Bill 360

Legal Counsel provided a brief report on SB360 Circuit Court Judge's decision.

A decision was rendered two weeks ago in Leon County, Tallahassee related to Senate Bill 360. About a year ago we had several discussions about SB 360, which was passed during the 2009 legislative session. It dramatically decreased the oversight of the Department of Community Affairs (DCA) in the DRI process. There was a mechanism established in the bill to adopt what we referred to as mobility fees as a replacement for proportionate share for transportation impacts, and significantly established what was referred to as a transportation concurrency exception area - basically very dense areas defined in the law by a specific area and population known as TCEAs. If you were within a TCEA then certain concurrency requirements would no longer apply. Local governments had the responsibility under SB 360 to amend their comp plan in order to address, and in some way account for, transportation impacts and to assure that those impacts were being addressed in place of proportionate share payments. Within a month after the passage of SB 360 a lawsuit was filed by the City of Weston (a small community in SE Florida). A number of cities and counties joined, at one point there were 17-18 plaintiffs in the lawsuit. The lawsuit basically challenged the constitutionality of SB 360 on two grounds. First, that it violated the single subject rule of the constitution - that is it dealt with more than one subject and was not clearly enumerated as such in the title of the bill. Secondly, there were unfunded mandates in the bill, specifically the requirement for local governments to adopt comp plan amendments to deal with TCEAs and also removing from the law the limitation on local government comp plan amendments twice a year. It removed that twice a year limit for TCEAs which could have meant that you could be faced with monthly requests for comp plan changes dealing with the TCEAs, if you had those within your communities. As I said, 17 or 18 governments challenged the constitutionality of SB 360 and two weeks ago the Circuit Court in Leon County ruled in favor of the plaintiffs on the basis of the unfunded mandate challenge. The Circuit Court found that there was a very significant unfunded mandate in the legislation, that is in dealing with this requirement to go back and amend repeatedly your comp plans to deal with TCEAs and removing the limitation of twice per year. The court found that the plaintiffs had introduced estimates of \$40 million a year, statewide. The defendants in this lawsuit, the Secretary of State and the Speaker of the House and the President of the Senate, introduced affidavits that said there wouldn't be a \$40 million impact, at most it would be \$3.7 million on local governments statewide. The court found that even that was a significant unfunded mandate and on that basis, struck SB 360. What is really significant about what the court did, because usually in challenges like this a court might strike a portion of the legislation, they might enjoin the enforcement of the legislation. Mr. Conn read a portion in the court's decision about SB 360: *SB 360 is declared unconstitutional as a violation of the unfunded mandates provision of the constitution and the Secretary of State is ordered to expunge said law from the official records of the state.* What that means is, if the court's order is upheld on appeal, that SB 360 - the legal affect is that it never existed.

At first blush we might say that's wonderful. But what are the legal implications of that? Does that mean that all of the laws that were repealed by SB 360, the DCA oversight, proportionate share language, all of that language - is new life breathed into that repealed language? We don't know. What happens to applications that are in process? Some would argue that this ruling would have no affect on applications that are in process, applications for developments and what would have otherwise been DRIs. That this ruling has no affect on that because in the 2010 session there was a bill that was passed that said if SB 360 is declared unconstitutional, anything in process shall remain in process. It shall in effect, be grand-fathered in. This ruling doesn't affect the 2010 legislation. There are a number of questions as to what in fact the ultimate affect

of this ruling will be. I participated in a conference call on Friday, September 10, with a number of local government lawyers around the state. It is likely that the defendants, at least the Speaker of the House and the President of the Senate, will ask for a re-hearing of the decision particularly as it relates to the remedy. If that occurs, then this decision is not final. Assuming that re-hearing would be granted, maybe there will be some clarification issued about what are the ramifications of the ruling for applications being processed and is the 2009 law now reenacted. Is it still on the books? That is the law before SB 360. If a rehearing is not granted, there could be an appeal. And if the government appeals a ruling of unconstitutionality of a state statute then there is an automatic stay, that would then probably make this decision not affective, maybe before the 2011 legislative session. My best estimate is that we are probably looking at 2011 legislation that will clarify the effect of the ruling, maybe put in place an alternative to SB 360. I think it's unlikely we will get a definitive appellate ruling between now and the 2011 legislative session. Basically, stay tuned.

What I am advising the RPC to do in the meantime is, particularly if a rehearing is sought and if an appeal is taken, to continue to process the comp plan amendments that are submitted, to continue to handle the workload that comes to the RPC, as we have been doing since the passage of SB 360. This decision is not final.

With regard to the local cities and counties and how you handle TCEAs, and how you can handle comp plan amendments, you need to be consulting with your local government attorney to see whether or not he or she feels that you should still follow SB 360 and some local governments will be doing that. Or whether you should go back and assume that SB 360 is no longer on the books as the judge said and follow the law as it existed in 2009.

It may seem I'm not being helpful in terms of the definitive answer. That's the best I can do at this point. Sometimes when decisions come down they are not as clear as you would hope they would be. As things develop, we will keep you posted.

Councilman Newton: So projects that are currently in place, are you saying some municipalities can use the rule of SB 360?

Mr. Conn: For the regional planning council, because the 2010 session passed a law that said *if senate bill 360 is declared unconstitutional, all applications in process are validated*. I'm going to advise the regional planning council to continue to process those applications that are in process. And I suspect many local government attorneys will be advising local governments to do the same. It may vary. So far there has been no clarification from DCA about what DCA would recommend. That may be forthcoming too in the not to distant future. The 2010 law said that in the event that SB360 is declared unconstitutional, then those applications that are in process can continue to be handled. It has been declared unconstitutional but its not a final decision at this point.

6. A. Ms. Holly Greening, Executive Director, Tampa Bay Estuary Program (TBEP) provided a presentation on Existing and Pending Water Quality Regulations: Implications for Local Governments

As many of you know, eutrophication (excess nutrients) are common to many estuaries, streams and lakes in the US resulting in low dissolved oxygen, loss of submerged aquatic vegetation, fish kills, and algal mats. Here in Tampa Bay we are very fortunate in that

we have seen, because of the hard work of many of our local governments, a reversal of eutrophication in Tampa Bay. There is also recent enhanced regulatory focus from state and federal levels: Total Maximum Daily Loads (TBDLs), the Tampa Bay Reasonable Assurance, and pending Numeric Nutrient Criteria which are new federal regulations that are ongoing. All of these have implications for local governments, especially in your planning departments.

Those of you who have lived here for more than 20 years have seen the recovery in Tampa Bay. It used to be that we had algal mats, especially in Hillsborough Bay and Old Tampa Bay, and we have seen a very dramatic turnaround. Through work by the TBEP and many of the local governments we found that excess nitrogen coming into the Bay and management of that excess nitrogen is critical to the recovery of the Bay. In 1992, one of the first actions that local governments and the regulatory agencies involved with TBEP did was to assign and adopt a seagrass restoration goal recovering seagrasses in the Bay to that observed in 1950. Between 1950 and 1990 we lost about 50% of our seagrass due to excess nutrients coming into the water. Algae blooms as a result of that excess nutrient blocked the sunlight and we saw our seagrasses retreat.

Tampa Bay Nitrogen Management Consortium was formed in 1996 to join the regulatory agencies and local governments involved in the TBEP to help meet goals for recovering Tampa Bay in terms of nutrient reductions. These included local phosphate companies, agricultural interests and electric utilities. They collectively accepted responsibility for nitrogen load management goals that would help us recover seagrass to Tampa Bay.

Over 250 projects have been implemented between 1996-2009 including improved fertilizer handling at ports, reduced industrial and municipal nitrogen loading to the Bay, residential actions, and reduced atmospheric deposition from power plants. Because of these actions we have seen a remarkable recovery in Tampa Bay.

Ms. Greening showed a graphic on how goals have been met over time associated with nitrogen and the amount of algae in Tampa Bay. Starting in 1974 through 1990, very few times were we meeting those targets. Since about 1990 you can see in 1994, 1995 and 1998 we were not meeting goals and those were associated with times of very heavy rainfalls and a lot of nutrients coming into the Bay. The Bay responds very quickly and has become resilient over time. We've not only seen improvements in water clarity, but we have seen an improvement in underwater seagrasses. Our goal is to restore seagrasses to about what we saw in 1950 (38,000 acres). Currently we are seeing a recovery of about 500 acres per year. Those grasses are critical for fish, invertebrates, and manatees. Tampa Bay is one of only a few estuaries in the United States that is showing this type of recovery, especially in an urbanized estuary. We are recognized nationwide and worldwide as a recovery story.

In 1998, EPA Region 4 approved the total nitrogen (TN) loads which were our target loads to maintain seagrass as the TMDL for nitrogen for Tampa Bay. It has become now a regulatory requirement. In 2008, EPA stated that the allocations would be incorporated into regulatory permits. What this means is that no longer will we have the ability to be able to collectively meet our nutrient goals, but that each segment of the pie (189 different sources) to Tampa Bay now has a regulatory path. Recognizing the good work

of the Consortium, EPA allowed the Consortium collaboratively develop these allocations. This was done at your local governments, the industry, and the agricultural interests throughout the watershed. This is the first time that EPA has allowed a Consortium of public and private entities to develop their own allocations. We do have a bottom line number that we cannot exceed.

There are 40+ public and private partners throughout the watershed developed these allocations and agreed to limits on nitrogen limits for 189 different sources in September 2009. Those limits are now being incorporated into permits.

There is a challenge ahead. What that limit means is that the limits will result in wastewater plants and stormwater permits that are based on loading levels that were seen in 2003-2007. This means that although we don't have to reduce from our existing loads, we have to maintain those loads. That means that any new or expanded nitrogen sources associated with growth will have to show offsets to be permitted. For instance, if a wastewater treatment plant accepts additional wastewater loads and treats that load and discharges additional nitrogen, its going to have to show an offset someplace else within the watershed of an equal amount that is being discharged. Offsets can include new reduction actions or transfers between sources, so there is some flexibility in how we meet these new loads. This is the first element. The good news is that no reductions are needed from existing loads but all of the wastewater treatment plants, all of your stormwater permits are capped at existing loads.

The second part of the presentation is on Freshwater TMDLs. Many freshwaters are designated as impaired for nutrients. These are the lakes and streams up in the watershed itself. There are two groups, group two is more associated with the Pinellas County peninsula. There are equally impaired waters. There are requirements to reduce for these loads. The status of watershed freshwater TMDLs – FDEP issued freshwater TMDLs for the Tampa Bay watershed in late 2009. Some of these required up to an 80% nutrient load reduction for discharge to lakes and streams. This was challenged by many local governments and an Administrative Law Judge has allowed local governments to prepare alternative plans for delivery by September 30, 2010, for consideration by FDEP. At that point FDEP can adopt proposed alternatives or adopt the original TMDLs. Whichever these are it will very likely result in low reductions being required, especially for new stormwater permits within the watershed.

The third element is EPAs Numeric Nutrient Criteria (NNC). This is an ongoing process and is separate and distinct from EPAs TMDLs. It applies to both freshwater and salt water bodies. Essentially the NNC is a concentration of nutrients in waterways which fully support the designated uses of that waterway, such as swimming, fishing, living resources, and water supply. The freshwater criteria is due to be finalized by October 2010. A lot of comments have come in and EPA is finalizing those in October. The Estuarine (salt water) criteria draft is due October 2011; finalized August 2012. TBEP is working with EPA and FDEP to ensure that the Tampa Bay nutrient criteria are consistent with Reasonable Assurance document and Bay TMDLs. Nutrient criteria have the potential of lowering the levels within the TMDLs that are ongoing right now for freshwater. And again, probably requiring reductions from many of your stormwater permits.

Implications for local governments will be that existing regulations will require compensation for any additional nutrient loading including changes in land use; new business discharges; increased nutrient discharges from wastewater or stormwater. Pending regulations may, and most likely will, require reductions from existing loads.

In conclusion, previous and ongoing actions have resulted in significant water quality and seagrass improvements. Because of that we do not have to reduce to meet the loads in Tampa Bay, but we do have to remain where we are right now. Near term; compensation for new growth or discharges. Longer term; permit limits may require more treatment from municipalities and counties, private development, and industries.

The action item approved this morning is the TBEP/TBRPC Project: Integrating Nitrogen Management Goals with Planning Activities in Tampa Bay. This project is to inform planning departments, businesses and development groups of new regulatory requirements related to water quality standards. This will be done through education and outreach materials, workshops, and web-based tools that will help local governments move forward with understanding these new regulations and also responding to them. Also integration with other planning venues including Resilient Tampa Bay, TBARTA, One Bay Tampa Bay.

Questions & Comments:

- Mayor Peters: Do you consider the new criteria to be scientifically achievable and reasonable?
- Ms. Greening: The Tampa Bay Regional Assurance that we have just finished with capping loads is very strongly science based. The TMDLs that have been developed by DEP, one of the reasons that the local governments have challenged that is that the scientific basis may not be as strong.
- Mayor Peters: This is cap and trade for nitrogen, basically. Have they determined the parameters on how we are going to trade or how we are going to pay so if I know its going to be rainy season and I'm going to have an influx, where are we going to purchase or trade from somebody else? What's the system? What's the plan? Are we going to put it in the commodities market?
- Ms. Greening: The State of Florida does not allow trading anywhere except the lower St. Johns River. The Tampa Bay area does not have an official trading program. We have been allowed, through the Regional Assurance process, to transfer between two permits. If there are two wastewater treatment plants and it is discharging less than its limit, it may transfer those credits with a willing partner from permit to permit, if it happens within a watershed that drains at the same base segment. For example, within Old Tampa Bay, if two treatment plants wish to trade and one has the ability to trade and the other has the need and there is an agreement between those two, then that can happen on a case by case basis. You could not trade with Jacksonville. You have to be able to show that you are not going to impact water quality in the receiving water body.
- Ms. Todd: Who gets the compensation and how does that happen?
- Ms. Greening: There is not a cash trade at this point. It is a transfer between two different entities and those entities need to decide amongst themselves

how they are going to transfer. This is a brand new concept for the Tampa Bay area and the Consortium, in our implementation plan, will be working out the details. The ability to transfer between two different permitted sources is something that is allowed within that regional assurance.

- Ms. Todd: Say it's a city that has this within their boundaries, who ultimately has the policy authority to determine how this takes place?
- Ms. Greening: The regulatory agency, DEP, authorizes the permits and they will have to agree that ten pounds from one facility can be transferred to ten pounds to that facility and that will happen in the permitting process. It will be DEP who has the ultimate say on whether the transfer is allowed or not.
- Councilman Newton: How are municipalities impacted that are doing nitrogen management ordinances?
- Ms. Greening: The fertilizer ordinance will receive a certain amount of credit that has yet to be determined and we will have to measure how much of a reduction is associated with that. But that would be considered a potential credit.
- Councilman Newton: There are also other sources that are introducing nitrogen into our waterways, like grass clippings, leaves.
- Ms. Greening: Strong education is going to be critical. Pinellas County has a strong education program, as does the Water Management District and Estuary Program. All of those are being implemented now. If those education programs are successful we should be able to detect changes in water quality.
- Mr. Núñez: Will there be a Dispute Resolution Board of some type if a certain municipality wishes to approve some development, for economic development purposes, and nobody wants to trade?
- Ms. Greening: That will eventually end up in the regulatory realm. Right now stormwater is permitted and there will potentially be a cap on that stormwater permit. Wastewater will also be permitted. At this point, because there is a cap on all of those any additional load with that new development or the wastewater treatment plant discharge will have to show the regulatory agencies how they intend to offset any additional.
- Mr. Núñez: Are there any technical mechanisms that are proven to reduce nitrogen?
- Ms. Greening: There are. We have been talking about low impact development for many years. I think that will have to be employed in order to meet this requirement. I think low impact development coupled with the stormwater management systems are going to be required.
- Vice Mayor Saenger: Following up on the fertilizer credit, low impact development, restoring impaired waterways - you mentioned something about that we will have to show an offset somewhere within the watershed and access transfer between sources. For example, Tarpon Springs has bayous, Lake Tarpon, Anclote River and all of these systems are interconnected. How is that addressed? There is no separating those. You said each one has been identified. How do you work within that whole system?
- Ms. Greening: Tarpon Springs is not draining to Tampa Bay so the Tampa Bay Reasonable Assurance transfer would not be applicable.

Vice Mayor Saenger: Is the process you are discussing similar to mitigation banks?

Ms. Greening: We may end up with something like that, but we haven't gotten that far yet. It hasn't been tested because all of the sources have been able to meet their cap by doing projects within their own municipality. I think that will be the easiest way to meet this cap. When transfers do happen that will be permit by permit. Eventually we may need to get to a nitrogen bank for a particular watershed but my guess is that would be 10-15 years down the road.

Councilor Matthews: I'm looking at this with the aspect of the person living on the street, not the permitting person. What is the measurement that we are doing to educate the average everyday person of what the impact is?

Ms. Greening: The education elements that are being developed now, there are 3 different audiences. Retail outlets that sell fertilizer, lawn care companies and the homeowner. Those 3 elements, especially in Pinellas County, will be the targets of a specific education campaign. You will start seeing some of that education coming out probably within the next 3 or 4 months.

Councilor Matthews: To follow up on that, there is an ordinance in Pinellas County in place but I have yet to see anything in print anywhere for the benefit of the person that would apply that to the street, like the lawn person. If someone decides to cite that person for the issue, ignorance is no excuse. The information ought to be posted at every lawn facility, every facility that sells the product. If you are going to implement something make it something people can learn about.

Ms. Greening: I agree entirely. It just means that our education campaign is not strong enough yet.

Councilor Matthews: The Nutrient Criteria, where do you find that process? Where is that criteria so that we, as citizens, can go look at it?

Ms. Greening: That's been a very active process within the technical community, but it has not gotten out to the citizens to date. Mainly because it is still an ongoing process. There have been web sites and I can provide that information.

Councilor Matthews: As a homeowner I have no clue as to what's going on and what's going to be put into place. If you go back to the presentations we had last month and the month before in regards to the dead zone in the Gulf of Mexico, 79,000 sq. miles of dead zone because of the nutrients in the mid-west. Are we doing better than they are?

Ms. Greening: In Tampa Bay we are doing better but its taking a lot of effort to get us here. I agree with the education component.

Councilor Matthews: I would say that local news needs to put out some of this information.

Vice Mayor Saenger: Is there some type of joint system to inform the public? Is there some type of master plan on how to get information out to each of these different sectors?

Ms. Greening: I think the TBEP/TBRPC project that was approved today will be a good start. There is no doubt that education is critical and key.

Council Member Fernandez: The City of Temple Terrace, we don't treat our own wastewater. We have been actively trying to get our own wastewater treatment plant for years. One of the problems has been DEP approval of the wet weather

discharge. Our capacity has already been another component so how would you treat something like that if we were to set up our own plant, all we are doing is moving capacity back and we are probably moving it to a different discharge.

- Ms. Greening: If your discharge location goes to an impaired water, that would impact your permit.
- Council Member Fernandez: And so that would be treated separately. We wouldn't be looking at just moving capacity from one place to another, it would be new.
- Ms. Greening: Very possibly, depending on the circumstance.
- Commissioner Brickfield: In Pinellas County we have Lake Seminole, which isn't really a lake. SWFWMD has spent money to clean the lake up and are expected to spend more dollars with an additional clean up. How much will the new regulations cost all of us?
- Ms. Greening: Lake Seminole is one of the other few water bodies that has one of the Reasonable Assurance accruals, which means that DEP believes that the existing and proposed actions for Lake Seminole will result, eventually, in meeting water quality standards. For Lake Seminole, specifically, as long as the Reasonable Assurance Schedule of Projects continues then DEP probably will not require additional load reductions. Lake Seminole and Tampa Bay are the only two in this area that have the Reasonable Assurance approval. For most other lakes and streams, they will most likely need to show a reduction, depending on the freshwater TMDL and nutrient criteria.
- Commissioner Brickfield: Lake Tarpon is a natural beautiful salt water lake that we stopped years ago from being a salt water lake. Will Lake Tarpon have an exception?
- Ms. Greening: Lake Tarpon does not have that Reasonable Assurance documentation and approval so there will need to be a demonstration that actions will help to improve the lake.
- Council Member Jonson: It seems like you are doing the work of FDEP. Why aren't they coming out and telling us? What about St. Joseph Sound, Clearwater Harbor, the Intercoastal Waterway? Do these same things apply? And, within those what are the options for doing retrofit for stormwater for systems that were built 50 years ago that have direct discharge into the Intercoastal?
- Ms. Greening: Clearwater Harbor is not a part of the Tampa Bay Reasonable Assurance. That cap is not in existence right now. However, some of the lakes and streams in the watershed of Clearwater Harbor will require reductions. One or two of those TMDLs will be finalized, but most of them have not. Exactly what reductions are needed are still to be determined. In terms of the Estuary Program taking a lead on education on these things, that is within our jurisdiction to provide education to all the different entities within the watershed. We also took the lead on coordinating the public/private partnership that is the Consortium in developing Reasonable Assurance. The other two elements, the Freshwater TMDLs and the Nutrient Criteria are DEP and EPA requirements and initiatives and this is more of an education requirement. Retrofitting is probably the most challenging, especially older stormwater areas. Some may not even have stormwater conveyances in place. In terms of what sort of actions would be

appropriate there, some are going to be changes in what people do in their backyards. There will have to be consideration to infrastructure.

Council Member Miller:

Commissioner Bandoni and I live at the very top of Tampa Bay. I have lived there for 40 years. We used to have a sand beach and it was beautiful. Now, since they put the canal in, all of that fresh water comes rushing into our part of the Bay and practically everything is dead. You can't see your hand under the water. Are you saying that everyone who lives in Safety Harbor and Oldsmar are going to have to do more than most people with their backyards because we have the Courtney Campbell that stops the flow of water so it all stays in Old Tampa Bay? What is going to happen to our communities? How are we going to educate our people?

Ms. Greening:

In terms of Old Tampa Bay the Estuary Program and the Water Management District are partnering on examining how best to work with Safety Harbor, including possibly changes in how water comes down the canal and the Courtney Campbell Causeway. That work will probably be two or three years ongoing, but in the meantime the fertilizer ordinance will help.

Council Member Miller:

No one has come to our city and spoke on this. They've been to Safety Harbor but not to Oldsmar.

Ms. Greening:

It's still ongoing and hasn't been finalized yet, in terms of plans.

Commissioner Bandoni:

We invite them every year.

Mayor Black:

Ms. Greening, Florida has been singled out by EPA, we are the testing ground. I know that a lot of this has been under the radar screen and when a lot of local governments discover what's in the works there is going to be a storming of the Bastille. I'm not sure many people know about this yet. I heard a Commissioner from the City of Tallahassee tell about how they just recently went on line with a new system to get out of the Wakulla River to the south. This state of the art system that they have is not going to come anywhere close to meeting these new nutrient requirements. If that's the case, the City of Tallahassee with a new system, are they in compliance now? What about every other wastewater treatment plant? Are we all going to be working under a consent order? What percentage of us and how are we going to get out of this?

Ms. Greening:

The reason Florida is being targeted right now is because of a lawsuit that requires Estuarine Nutrient Criteria and Freshwater Nutrient Criteria to be developed by a certain date. This was a consent agreement with a lawsuit against EPA. That is why we are being singled out. EPA did not pick Florida because we were the worst. Other states are looking very closely at what's happening in Florida because they are next. And many of our waters are impaired and we need to do something about that. In terms of the wastewater treatment plants in the Tampa Bay area, because of legislation that the ABM and TBRPC fought for many years ago, in 1980 our wastewater treatment plants were required to go to AWT standards, which is 3 milligrams per liter. That's very low. And probably our wastewater treatment plants will not be required to do more than that. One of the things that will be encouraged is re-use. Many of your communities are going to re-use. That further reduces nitrogen to the Bay and to the lakes and streams. Re-use is another option that

communities can take a look at over time. Florida is being singled out because of a requirement in a lawsuit.

Mayor Black:

In my city, where does the stormwater go?

Ms. Greening:

No where in Florida is stormwater going to a wastewater treatment plant. That's called a combined sewer outfall, and Florida does not allow a combined sewer outfall. Stormwater is actually going into drains and then into lakes, streams and estuaries. Right now, all of the wastewater treatment plants in Tampa Bay are meeting their requirements. Any increase by them, they will have to show an offset not to be out of compliance.

Mr. Pressman:

In regard to Council Member Miller's comments, we just finished a numbers study and I will make sure that you get your reports. The primary issue in Old Tampa Bay is muck and development of species. I heard comments from some experts that some of the reclaimed waters that have evolved may not meet these standards. That's a pretty significant benchmark. Florida has been targeted with a lawsuit. There is no science on their side, they just want to cut hard. The basic fight from our side has been, what's the science? There is a lot up in the air and it's an important fight which could have drastic impacts on the local governments.

Mayor Peters:

Although we have a dead zone coming from the mid-west of the country, that is not going to get help because Florida is the only one. There's also great concern around the state on how this is going to impact our agriculture. And agriculture is still a mainstay for our economy and our state. I'm not sure how our agriculture economy is going to be impacted by this. I would like to propose to this Council is to consider some type of resolution to send to our Congressmen and our U.S. Senators about our concerns and how this is going to impact the State of Florida and the unfunded mandate and the science about this. I think we are being unfairly targeted and I'm not sure how we are going to sustain ourselves. Do you know how this is going to impact the agriculture economy of our state?

Ms. Greening:

Agriculture is under a different process than other entities are and the agricultural work will be done through the Florida Department of Consumer Services. FDCS has developed best management practices for each type of agricultural and if a farm entity implements the best management practices that have been recommended by the state, that entity is assumed to be meeting its TMDL requirements. There is a mechanism for a farmer by implementing best management practices recommended by the state.

Ms. Todd:

I think this goes so much further than people who began this idea. We all have demonstrated our concern for the environment, but the city and county people here are going to have to deal with land use decisions, which if they make a decision to deny the land use, the counties are going to be sued or the cities are going to be sued. I don't know who sued the EPA but I can bet that once this begins to take motion they will get sued again, but from other people who are financially impacted. I want to suggest that maybe one of the things we can do as an RPC would be to find a way to make certain that the cities and the counties are involved from the beginning in doing an economic impact analysis, just

like they do an environmental one. We have counties and cities that are being told to drop \$20 million or \$30 million from your budget and this is an unfunded mandate. Maybe our staff can look at some ways that we could encourage a bottoms up approach on the developing and actual planning and implementation that representatives of the cities and counties are involved in that process rather than being recipients of unfunded mandates. The people who are making these decisions need to hear from us and they need to know, as Mayor Black said, if our equipment that has just been put in in Tallahassee or anywhere else isn't up to par we are looking at millions and millions of dollars. I don't know how we could do that Mr. Chair, but I think it would be a beginning and then we could follow that up with the resolution suggested by Mayor Peters to let them know we are aware and they need to go back to the drawing board and think not only of how to do this environmentally, but involve the cities and counties from the beginning. They are the ones that will have to deal with it.

Chair Mariano:

This criteria affects Pasco County greatly. We are extremely concerned with what this is going to do to affect our plans for development. We here that the number is between \$200 to \$300 million dollars for Pasco County. The thing that scares me, and I'm working with DEP right now on a different project, but when I hear Reasonable Assurances and Offsets-those things throw up flags and puts fear in my system. For example, Pasco County we are trying to do a type for type mitigation with DEP on a project. I have very little seagrass damage. The only damage we could find out there was from 1949 bombing runs from MacDill. That's the only seagrass damage in Pasco County. But they still want me to go type to type and they want reasonable assurances. They wanted me to take out three areas right off New Port Richey, and recreation areas that our people use for mitigation so they can replant seagrass beds. When big government steps on little government and tells them what to do, and the technology is not there, that scares me. The City of Tallahassee spent all that money and the Howard Curran Plant, how much did they spend? They did a dramatic improvement and I give TBEP a lot of credit because that change alone is responsible for seagrass improvements. This is a critical issue. When you look at the dead zone caused by agriculture pursuits for the Mississippi River, they say the flooding from Iowa and letting all that water flow into the river without any protections has created that dead zone. If we have more and more growth we may have that issue as well. But to have big government say they want us to do this and get to the result and not have a solution or anything on the table, I think we need to put all flags up and get this stopped.

Ms. Todd:

Would it be appropriate for us to send a notification or resolution as Mayor Peters suggested indicating our concern and encouraging some type of process be established that gives local governments, from the beginning, before this gets implemented any further, the opportunity to give input as to the financial impact?

Mr. Pumariega:

Are you referring to the EPA rule that they will come up with another draft?

Ms. Todd: This is starting in Washington DC. It's going to Tallahassee. I used to be on the EPA local government advisory group and one of the things that our city council people and county commissioners kept telling them over and over again is, you create these magnificent rules. You dump them on the local governments and tell them to react. I'm suggesting that before they go any further we let them know that this is the concern. Let's set up a process because we all want to improve the environment and the water, but let's come up with something that addresses the concerns heard this morning...the technology, and let's look from the beginning. What can we afford?

Mr. Pumariega: We have to take a look at what the state is doing and maybe some of our local governments have taken action already. We will see where we can go from there and bring back a report or resolution.

Ms. Greening: As clarification, the estuary program is working with many of the local governments staff to develop an alternative to the estuarine criteria that EPA is developing, specifically for Tampa Bay and Sarasota Bay and Charlotte Harbor also. Many of your staffs have already been involved with this process. I don't think it's a matter of not having estuarine nutrient criteria at all, something is going to come down from EPA. EPA has been very open to accepting alternatives and our programs are working with your programs with your staffs to develop an alternative that we think is scientifically defensible and achievable. Those are being developed and being provided to EPA. We're going through the technical end, that doesn't address the economic feasibility.

Councilor Matthews: You said EPA is contacting and looking for suggestions. Who are they contacting? They are removed from us. We are answerable to our constituents for the money we spend, and the decisions we make. Amendment 4 is on the table now because the average citizen doesn't believe we do our jobs. In fact, we do our job better than Tallahassee or Washington or EPA. We answer to the people. Our citizens expect information that is workable and useable and it's good for them. We only have so much money.

Motion that staff generates a letter to our federal legislators to enquire if they are familiar with this EPA effort. (Black/Matthews)

B. Ms. Susan Chrzan, Communications Manager, Tampa Hillsborough County Expressway Authority provided a presentation on upcoming changes to the Lee Roy Selmon Crosstown Expressway.

The Selmon Expressway will be converting to all electronic tolling on September 17, 2010, after rush hour. All electronic tolling means that the toll booths are going away and there will not be any change collected on the roadway. You will either have to have a SunPass or a picture will be taken of your license plate and you will be sent a monthly bill. The benefits of going to all electronic tolling is safety; savings in fuel, time, and money; and the environment such as emissions and noise. The choices are either a SunPass in your vehicle which is a pre-paid account that can be used anywhere in the state with the exception of the Rickenbacker Bridge in Miami and you save a quarter at each tolling point. If you don't want to use the SunPass there is video toll collection, or "we bill you." The video toll collection is much better than it used to be as far as the

camera images and the software behind it. It takes a picture of the entire back of the vehicle so you are able to see the type of car, color, and any bumper stickers you may have. If you change your license plate this other information shows enough of a fingerprint to help identify your vehicle. We would then send you a note and ask that you update your records. It will be easy for the customer and a lot less expensive for the Expressway Authority.

One of the things that SunPass did not do a good job at is to promote the SunPass mini. Before it was \$25 for the transponder and \$25 to put your account in, and that was for each transponder. If you had two cars it was a \$100 investment and that's a large amount. They now have the SunPass Mini which is a sticker so it can't be moved from car to car. The cost is \$4.99. When you activate your account with \$10.00, \$4.99 will be put back into your account. The money you put into your account is for tolls only. There are no administrative fees, no charge to keep your account.

For the Monday morning commute, pay attention to the car in front of you. You may know that all electronic tolling is here and you might know not to stop at that toll booth, or the cash machine but the car in front of you might not know that. Please pay attention. You will continue to go highway speed with no slowing down.

Questions & Comments:

Commissioner Bustle:

What about rental cars and out of state cars?

Ms. Chrzan:

The rental cars currently have an agreement with the Florida Turnpike. Basically they sent the Turnpike a list of their license plates so if it doesn't get a transponder beep they realize it's a rental car and they charge it to the rental car company. The one thing you have to remember to do is look at your rental car agreements because some will charge the toll and a small administrative fee, some charge a big administrative fee and you can go through any toll. For out of state, it will be the same way as it is with us, we have reciprocity with all 50 states so if you are from Alabama and you have gone through our toll more than twice then we will send a bill to that address on the vehicle registration.

Councilor Matthews:

Where is the information for the SunPass disseminated?

Ms. Chrzan:

The SunPass is a product of the Turnpike but they haven't done a good job in marketing in this particular market. That's one of the reasons all of our stuff has been, get your SunPass - primarily in Tampa. You can go to Publix, CVS or AAA offices and they have the SunPass.

Councilor Matthews:

My suggestion to you is, why would you not pass out a flyer with each renewal of a vehicle registration to teach us what the process is? I go through toll plazas and I don't deal with the SunPass because I don't do it that often. There's nothing available unless you go chasing after it.

Ms. Chrzan:

That's a great idea. I know in Hillsborough County we have our information about going to electronic tolling at the DMV (Department of Motor Vehicles).

Councilor Matthews:

Do you have to keep up with your balances?

Ms. Chrzan: For your SunPass account you can either automatically replenish it with your debit or credit card or you can keep up with it and know how much money you spend. If its for your business you can just do the toll by plate and get the monthly bill.

Councilman Newton: You said the monthly bill is 25 cents cheaper than the SunPass. Is there additional fees for postage and printing?

Ms. Chrzan: We decided that the cash rate on the road today is 25 cents more so that will cover our initial invoice to you. So the first invoice you get is only for the toll that you accumulated on the road. If you don't pay that invoice then we will add an admin fee and penalties. If you don't drive the toll roads that often the "we bill you" is probably a better option.

Ms. Kinsler: Is this for all of the toll roads? Do you have to apply for the "we bill you?"

Ms. Chrzan: No. This is only for the Selmon Expressway and the camera does it all, you do not have to apply. The bill will be sent to the address on your registration which you are supposed to keep up to date. If you don't there are other ways to search in other databases for your address.

Ms. Kinsler: Did you ever consider marketing in the newspaper or grocery stores? I didn't know about this.

Ms. Chrzan: There has been articles of us converting and you will see a lot in the next week. As far as the SunPass goes, their budget has been reduced and they haven't done a good job with Tampa.

Council Member Jonson: It's my understanding that the SunPass is not consistently accepted across the state and other states have a uniform process. Would you allow the use of SunPass equivalence from Washington or Virginia?

Ms. Chrzan: Basically the transponders are individual and are proprietary systems and they don't talk to each other. Up in the northeast there's Easy Pass and that's pretty much from Massachusetts all the way over to Ohio/Illinois and that's a good integration. But that's all the same transponder. SunPass's transponder does not talk to it. They are working on ways of making that interoperable or the video part may be probable. Then you should be able to call SunPass and ask them to use your video as a transponder. They are working on it, but they aren't there yet.

Council Member Jonson: I just find that Florida is unusual in being consistent.

Ms. Chrzan: The EasyPass does not work down here, and California's doesn't work down here nor in the northeast.

Vice Mayor Brown: You mentioned that this is just for the Selmon Expressway. Are there plans for other toll roads?

Ms. Chrzan: There are plans but because of the economy they have been pushed back. What you will see in other toll roads, like the Suncoast Parkway, you can go in the cash lane or if you have a SunPass you can go around. The Selmon Expressway doesn't have that kind of right-a-way so we had to make a decision. You will see more things like the Suncoast Parkway or you will start to see at the toll plazas there will be two cash lanes and five SunPass lanes.

Council presentations can be found at:

www.tbrpc.org/council_members/council_presentations.shtml

8. Program Reports

A. Agency on Bay Management (ABM) – Chair, Mr. Robert Kersteen

The Agency's Habitat Restoration Committee met on August 12th. We learned about the Feather Sound Tidal Wetland Restoration Project from Ms. Lindsay Cross of the Tampa Bay Estuary Program. The project includes improving water quality in western Old Tampa Bay by reducing the amount and improving the quality of runoff from golf courses in the area; restoring mangrove habitat, and restoring hydrology in the tidal wetlands there.

Mr. Roger Johansson of the City of Tampa Bay Study Group, presented the results of the last decade of work monitoring seagrasses throughout Tampa Bay. The recovery of seagrasses in Tampa Bay is one of the best success stories in the country when it comes to wetlands.

Ms. Cross described the important and long-term seagrass transect monitoring program and the discussions underway to determine the future course of action, given reductions in staff and funding among the various environmental resource and management programs around Tampa. It appears that biennial monitoring may become necessary, and a few entities have agreed to assume responsibility for monitoring the locations that have been dropped by others.

The full Agency met on September 9th, and a diversity of projects were discussed.

Dr. Aubree Hershorn, U.S. Army Corps of Engineers, provided an update on the planning underway for the widening of the Tampa Bay Ship Channel. The latest economic study shows the most efficient project to be the widening of Cut B and the portion of Cut A north of the Sunshine Skyway Bridge - about 5.5 miles in all. Environmental impact mitigation planning is also in process.

Ms. Kelly Reezack, Wildlife Legacy Biologist with the Florida Fish and Wildlife Conservation Commission, described the State Wildlife Action Plan Update that is now underway, as well as the Legacy program. The main focus is on public-private partnerships to protect wildlife and to integrate listed species and game management activities.

Representatives of Clearwater Christian College presented the college's plan to fill about eight acres of wetlands to provide land for athletic fields, parking and dorms at the campus on Courtney Campbell Causeway on Old Tampa Bay. The Council staff is currently reviewing a Land Use Plan amendment from the City of Clearwater for this project, and the Agency members voted to send TBRPC a list of concerns.

On October 14th the Agency's Natural Resources/Environmental Impact Review Committee will meet. All are invited to attend.

B. Clearinghouse Review Committee (CRC) - No Report

C. Local Emergency Planning Committee (LEPC) – No Report

D. Emergency Management

Ms. Betti Johnson, Principal Planner, provided an overview of the *Statewide Regional Evacuation Study Program* findings and implications for comprehensive planning.

Tampa Bay not only is the first region in the country to have conducted a regional evacuation study, we are the first region to complete our evacuation study. This time around it was a part of the statewide initiative, which is the only time in the country that a state has done this. This was a tremendously challenging endeavor. All eleven regions in the State of Florida conducted and updated their evacuation study in a consistent and coordinated manner. We are tying together the shelter plans, the evacuation transportation plans so that we will be able to move more smoothly. It has been a challenging effort. There are areas in the Panhandle and in South East Florida that had not updated their evacuation studies in more than ten years.

We released Tampa Bay's Statewide Regional Evacuation Study. There are eight volumes as a part of the study, two of which are electronic.

The first volume is the Technical Data Report and a copy of the Executive Summary is in your Council folder. The Technical Data Report looks at demographics and land use; hazards analysis; behavioral analysis; vulnerability analysis; shelter analysis; and evacuation transportation analysis. The Demographics and Land Use looked at those socio-economic characteristics that impact evacuation and that included income, age, linguistic isolation, and transportation dependency. We took an all hazards approach with the Hazards Analysis and we looked at those types of hazards that would initiate evacuation on a regional level such as tropical storms and hurricanes, flooding events, and wildfire. The biggest component of this statewide effort was the collection of the LIDAR along all of the coastal communities and Lake Okeechobee, as well as the SLOSH Model update and the basin updates for all of the basins in the State of Florida. The basins themselves also used that LIDAR topographic to update what their potential for storm surge would be. The Datum was updated to NAVD88. There were more than 12,000 hypothetical storms modeled with varying forward speed compared with only 735 in 2006, this is because NOAA recognizes that it isn't just the wind that is impacting the amount of storm surge or even the configuration of our Bay, but also varying that forward speed was a huge factor as well as the size of the storm and astronomical tide. This generated surge heights at 3,500 grid points so the grid itself had a much higher resolution. With Marshall Flynn and our GIS team he developed the methodology for the storm tide analysis that takes the LIDAR, the storm surge projections overlaid on the top to generate the atlas that identifies our coastal high hazard area and those areas that are vulnerable for categories 1 through 5 storms.

Again, we have the Behavioral Analysis and for the first time a statewide survey of our residents and also looked at the general response model. Sometimes people don't always do what they said they are going to do. These behavioral assumptions are important because they impact the shelter planning, transportation modeling, and our public education and how we phrase our evacuation notices. The Behavioral Analysis looked at the participation rate, evacuation timing, evacuation refuge, evacuation destination, and vehicle use. This information is in Volume Three, which is the Behavioral Survey Report. Volume Two is the Behavioral Assumptions that were used.

Vulnerability and Population Analysis was taken from the areas that are most at risk and the emergency managements identified the evacuation zones. We looked at populations at risk as well as the evacuation population. We also looked at the vulnerability of critical facilities.

Storm surge zones and evacuation zones are still very close. Population-at-risk was looked at because we used the larger storms and varied the forward speed for the major storm events - category 4 and 5. We are looking at an increase in the population at risk, 100,000-200,000 region wide.

We also looked at our Critical Facilities creating a geodatabase, in looking at the vulnerabilities of storm surge, freshwater flooding and wildfire for our healthcare facilities, military facilities, hazards materials facilities, and our public safety facilities such as law enforcement, fire and EMS.

The Regional Shelter Analysis looked at shelter criteria, risk shelter capacity and demand, pet shelters, and special needs shelters. The shelter capacity changed significantly, not the capacity itself but the demand. Because shelter demand and the number of people that choose to use public shelters has decreased dramatically over the last 20-30 years, since Hurricane Elana, the behavioral assumptions that were used statewide went from 15 to 25% of the evacuation population to 5-10%. That means that all of our counties with the exception of Pinellas County did not have a shelter deficit and that has some policy implications for growth management.

Evacuation Transportation Analysis used a totally new methodology. Statewide we are using the same type of methodology and software that we use for our day to day and long range transportation planning. It's a much more sophisticated procedure and it is all tied in statewide. We will be able to look at our clearance times from a consistent format. We also defined the clearance times that are in the state statutes so for the first time we know what the statute means when it says clearance time to shelter. Our clearance times are up a little but not really significantly, in fact they were lower for the lower intensity storms. A little higher for a category 4 or 5 because of the behavioral assumptions.

We developed a new tool to measure the impact of new roadways coming on-line as well as the potential for what measure the variations determine impacts of population or

infrastructure changes, like a new development, or new shelter availabilities. This new tool will come on-line in October.

What are the implications for comprehensive planning and growth management? The Regional Evacuation Study identifies: the Coastal High Hazard Area (CHHA); the Hurricane Vulnerability Zone, which is that area the is vulnerable for category 1, 2, and 3; Evacuation Clearance Times; and the Shelter Capacity. Policy responsibilities for all local governments are to limit public expenditure of funds in the CHHA; to limit the population growth; and direct populations away. They also have the responsibility to maintain or reduce hurricane evacuation clearance times.

The Developments of Regional Impact (DRI) have a substantial regional impact and shelter capacity also have requirement that talk about mitigating the impacts of any kind of development in the CHHA or in the hurricane vulnerability zone. We also significantly discourage any type of development such as a nursing home or hospital in the hurricane vulnerability zones.

The release of the study for each region will become effective upon approval and release by the Florida Division of Emergency Management (FDEM). Once it is approved by FDEM the study will be the best available data and professionally acceptable analysis for the purposes of growth management.

The TBRPC official release was on August 26 at 10:00 a.m. and that was the day that the Florida Department of Transportation, the Division of Community Planning and the Division of Emergency Management met with all of us for that official release.

Mr. Pumariega: We received several Letters of Commendation for the employees of the Council that worked on this Project. Without them I think we would still be spinning our wheels because they were key to the entire statewide project. Let me just read a few of the comments from these letters:

Betti is recognized as an expert and leader in emergency preparedness planning throughout the State of Florida. She fully engaged in the process during the past three years making significant contributions to the overall effort and set the bar for the rest of the RPCs to follow.

Marshall Flynn was selected as the technical GIS statewide lead person because of Marshall's reputation for excellence and innovation in that area.

Avera Wynne – His leadership and management assured that resources and support were fully available for the successful completion of the project.

Brady Smith – Brady assisted as troubleshooter for some of the other RPCs and his work around Lake Okeechobee in Central Florida was particularly noteworthy.

Chair Mariano: It's pretty impressive to be picked for a task, but then to excel the way they consistently do is a great testament to Manny and his whole team.

E. Legislative Committee – Mayor Scott Black, Chair - No Report

F. Regional Planning Advisory Committee (RPAC) – No Report

G. Economic Development - No Report

H. Regional Domestic Security Task Force (RDSTF) - No Report

Taken out of order:

7. Council Member Comments

Councilman Newton asked everyone to keep Councilwoman Curran in their thoughts. She is making a slow recovery from her bike accident.

Council Member Jonson: There was a brief summary of the ABM meeting on the review of the Clearwater Christian College. I would like to mention that the development agreement is approved subject to getting all the other approvals, otherwise it rolls back. Speaking for myself the things that seemed most beneficial were the things benefitting Tampa Bay.

9. Other Council Reports

The One Bay update was deferred to the October 11, 2010 Council meeting.

10. Executive/Budget Committee Report – Chair Mariano

Today the Executive/Budget Committee met prior to the Council meeting. We approved the FY 2009/2010 Final Budget Amendment which was approved by the full Council this morning. We also had a discussion regarding the One Bay Regional Vision. As I stated earlier, Avera will be providing the full Council with a presentation at the October Council meeting.

We also met to discuss the Executive Director's annual evaluation. I would like to thank Manny for his dedicated and diligent service to this Council. As usual, Manny received high marks from the entire Committee. We are grateful to have such strong leadership during these tough economic times. Manny continues to practice strong fiscal responsibility while maintaining an excellent level of service to the Board and our stakeholders. We also appreciate the great team that he has assembled around him. The type of respect he gives to his staff he gets back ten fold.

Mr. Pumariega thanked the Council for their support to staff and he again thanked staff for increasing the productivity to get the work done and to do it well.

11. **Chair's Report** - None

12. **Executive Director's Report** - None

Adjournment: 11:55 a.m.

Next meeting, October 11, 2010



Jack Mariano, Chair



Lori Denman, Recording Secretary