

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD MEETING AND PUBLIC HEARING

Note: A digital recording system has been used to record these procedures and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

9:00 a.m., Tuesday  
April 10, 2007

District Headquarters  
Live Oak, Florida

Members of the Governing Board Present:

David Pope, Chairman  
Sylvia Tatum, Vice Chair  
Linden Davidson, Secretary/Treasurer  
Kelby Andrews  
Don Everett, Jr.  
Georgia Jones  
O. J. Lake  
J. P. Maultsby  
Louis Shiver

Members of the Governing Board Absent: None

Staff:

Jerry A. Scarborough	Tom Brown, Legal Counsel
Charlie Houder	Kirk Webster
Jon Dinges	Joe Flanagan
Carolyn Purdy	Cindy Johnson
Lisa Cheshire	Rhonda Morris
Steve Minnis	John Good
John Kruse	Glenn Horvath

Participating Guests:

Willie P. Agner, Lee, FL  
Brad Dicks, Lake City, FL  
Major Bruce Hamlin, Fish and Wildlife Conservation Commission, Lake City, FL  
Edmund Hudson, Town of Fort White, Fort White, FL  
Richard Musgrove, URS Corporation, Tallahassee, FL  
Guy Norris, Norris & Foreman, P.A., Lake City, FL  
Keith Thornton, PCS, Alachua, FL  
Mike Williams, PCS, White Springs, FL

Rob Wolfe, PCS, Live Oak, FL  
Stan Posey, PCS, White Springs, FL

The meeting was called to order at 9:00 a.m.

The roll was called and a quorum noted.

Agenda Item No. 3 - Approval of Minutes. March 13, 2007, Governing Board Meeting Minutes.

ON A MOTION BY MR. LAKE, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE MARCH 13, 2007, GOVERNING BOARD MEETING MINUTES.

Agenda Item No. 4 - Additions, Deletions, or Changes to the Agenda.

RM Department

- Updated Information to Agenda Item 10A
- Updated Memo for Agenda Item 13
- Deletion of Agenda Item 10G

LAM Department

- Emergency Item: Sale with Option to Purchase Agreement of Equine Equipment

Agenda Item No. 5 – Approval of Agenda.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. EVERETT, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE APRIL 10, 2007, AGENDA, AS AMENDED.

Agenda Item No. 6 - Items for Information, Discussion, or Future Consideration.

Brad Dicks requested staff expedite the review and approval of a modification to a permit due to a tight timeline. Mr. Scarborough explained that once it has staff approval he would approve the permit and that a memo requesting ratification would be presented at the next board meeting.

Guy Norris, counsel representing Mayo Land Partners, LLC, discussed the Natures Hammock project and requested the Governing Board reconsider their vote to initiate litigation.

Agenda Item No. 7 - Cooperating Agencies and Organizations.  
Ben Harris, ?, gave a status report on the Wilderness Trail.

## **DEPARTMENT OF ADMINISTRATION**

Agenda Item No. 8 - Approval of February Financial Report. Joe Flanagan, Deputy Executive Director, presented the February Financial Report, as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE FEBRUARY FINANCIAL REPORT.

Agenda Item No. 9 - Activity Report, Administration. The Activity Report for the Department of Administration was provided as an informational item in the Board materials.

## **DEPARTMENT OF RESOURCE MANAGEMENT**

Agenda Item No. 10 - Permitting Matters.

Agenda Item No. 10A – Approval of WUP2-05-00078. Jon Dinges, Director, presented the staff recommendation to approve general Water Use Permit Application Number 02-05-00078, with three standard conditions and fifteen special limiting conditions, for Aqua Blue Springs Water, Incorporated, in Madison County, as shown in the Board materials.

Minimum flows and levels and the sale/transfer of permits was discussed.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED GENERAL WATER USE PERMIT APPLICATION NUMBER 02-05-00078, WITH THREE STANDARD CONDITIONS AND FIFTEEN SPECIAL LIMITING CONDITIONS, FOR AQUA BLUE SPRINGS WATER, INCORPORATED, IN MADISON COUNTY.

Agenda Item No. 10B – Approval of Application No. ERP05-0604. Mr. Dinges presented the staff recommendation to approve Individual Environmental Resource Permit Application Number 05-0604, with thirty-one standard conditions and seven

special limiting conditions to Greg Boree, Madison Timberlands LLC, for the Aucilla Plantation Subdivision in Madison County. Staff also recommended the Governing Board accept a 24.08-acre conservation easement as wetland mitigation, as shown in the Board materials.

A MOTION WAS MADE BY MR. MAULTSBY TO TAKE THE CONSERVATION EASEMENT CHANGES FROM DISTRICT'S LEGAL COUNSEL BACK TO THE APPLICANT TO APPROVE CHANGES AND AMEND THE CONSERVATION EASEMENT AND BRING IT BACK TO THE BOARD AT A FUTURE MEETING FOR APPROVAL. MS. TATUM SECONDED THE MOTION.

Tammy Garcia, Environmental Consultant/Engineer, discussed the process taken by Madison Timberlands, LLC, and discussed the efforts taken to have the conservation easement reviewed and approved and the applicant's understanding that the easement was already approved by the District's counsel. Ms. Garcia requested that the Governing Board reconsider the motion to defer the item to a future board meeting.

After discussion by the Governing Board and clarification by staff and counsel, Chairman Pope requested the agenda item be tabled until 11:00 a.m. time certain to allow time for the Board members to review the Conservation Easement.

THE MAKER OF THE MOTION, MR. MAULTSBY, CONCURRED WITH THE REQUEST TO TABLE AGENDA ITEM 10B UNTIL 11:00 A.M. TIME CERTAIN. MS. TATUM AGREED.

Agenda Item No. 10C – Approval of Application No. ERP06-0037M. Mr. Dinges presented the staff recommendation to approve Individual Environmental Resource Permit Application Number 06-0037M, with thirty-one standard conditions, and a sovereignty submerged lands lease to D. Miller and N. Ryder, Ryder Partners, III, LLC, for River Bend Subdivision Modification in Taylor County, as shown in the Board materials.

ON A MOTION BY MR. EVERETT, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION NUMBER 06-0037M, WITH THIRTY-ONE STANDARD CONDITIONS, AND A SOVEREIGNTY SUBMERGED LANDS LEASE TO D. MILLER AND N. RYDER, RYDER

PARTNERS, III, LLC, FOR RIVER BEND SUBDIVISION MODIFICATION IN TAYLOR COUNTY.

Agenda Item No. 10D – Approval of Application No. ERP06-0499. Mr. Dinges presented the staff recommendation to approve Individual Environmental Resource Permit Application Number 06-0499, with thirty-one standard conditions, and six special limiting conditions to David Hartley, The Aspen Group, for Aspen Hills Subdivision in Suwannee County, as shown in the Board materials.

ON A MOTION BY DR. DAVIDSON, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION NUMBER 06-0499, WITH THIRTY-ONE STANDARD CONDITIONS, AND SIX SPECIAL LIMITING CONDITIONS TO DAVID HARTLEY, THE ASPEN GROUP, FOR ASPEN HILLS SUBDIVISION IN SUWANNEE COUNTY.

Agenda Item No. 10E – Approval of Application No. ERP06-0597. Mr. Dinges presented the staff recommendation to approve Individual Environmental Resource Permit Application Number 06-597, with thirty-one standard conditions, and six special limiting conditions to Patricia W. Glenn, RiverCreek Preserve, LLC, for RiverCreek Preserve Subdivision in Alachua County, as shown in the Board materials.

ON A MOTION BY MR. MAULTSBY, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION NUMBER 06-597, WITH THIRTY-ONE STANDARD CONDITIONS, AND SIX SPECIAL LIMITING CONDITIONS TO PATRICIA W. GLENN, RIVERCREEK PRESERVE, LLC, FOR RIVERCREEK PRESERVE SUBDIVISION IN ALACHUA COUNTY.

Agenda Item No. 10F – Denial of Application No. ERP04-0356. Mr. Dinges presented the staff recommendation to deny, without prejudice, General Environmental Resource Permit Application Number 04-0356, to Tracy Harris for US 129 & I-75 Commercial Park in Hamilton County, as shown in the Board materials.

ON A MOTION BY DR. DAVIDSON, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD DENIED, WITHOUT PREJUDICE, GENERAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION NUMBER 04-

0356, TO TRACY HARRIS FOR US 129 & I-75 COMMERCIAL PARK IN HAMILTON COUNTY.

Agenda Item No. 10G – Denial of Application No. ERP05-0380. Deleted.

Agenda Item No. 10H – Denial of Application No. ERP05-0088M. Mr. Dinges presented the staff recommendation to deny, without prejudice, General Works of the District Permit Application Number 05-0088M to Dianne Bowen for Bowen Residence Modification in Dixie County, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD DENIED, WITHOUT PREJUDICE, GENERAL WORKS OF THE DISTRICT PERMIT APPLICATION NUMBER 05-0088M TO DIANNE BOWEN FOR BOWEN RESIDENCE MODIFICATION IN DIXIE COUNTY.

Agenda Item 11 – Authorization to Publish Rule Amendments to Chapter 40B-4, Florida Administrative Code. Mr. Dinges presented the staff recommendation to authorize the publication of rule amendments to Part III of Chapter 40B-4, F.A.C., related to general works of the district permits, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE PUBLICATION OF RULE AMENDMENTS TO PART III OF CHAPTER 40B-4, F.A.C., RELATED TO GENERAL WORKS OF THE DISTRICT PERMITS.

Agenda Item 12 - Authorization to Publish Notice of Proposed Rule Development to Amend Chapter 40B-400, Florida Administrative Code. Mr. Dinges presented the staff recommendation for authorization to publish a Notice of Proposed Rule Development to amend Chapter 40B-400, F.A.C., as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED PUBLICATION OF NOTICE OF PROPOSED RULE DEVELOPMENT TO AMEND CHAPTER 40B-400.

Agenda Item 13 - Authorization for the Executive Director to Enter into a Contract with the Lowest Qualified Bidder for Construction of Pratt Street Drainage Improvements. Mr. Dinges presented the staff recommendation to authorize the

Executive Director to enter into contract with the lowest qualified bidder for construction of the Pratt Street drainage improvements for an amount not to exceed \$2,200,000, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH THE LOWEST QUALIFIED BIDDER FOR CONSTRUCTION OF THE PRATT STREET DRAINAGE IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$2,200,000.

Agenda Item 14 - Resolution 2007-10 Requesting Approval of Local Agency Program Agreement with the Florida Department of Transportation for Spring Creek Greenway Trail. Mr. Dinges presented the staff recommendation for approval of Resolution 2007-10 authorizing the Executive Director to make a request to the Florida Department of Transportation to encumber and release \$247,500 in reimbursement funds for the design and construction of the Spring Creek Greenway Trail, as shown in the Board materials.

ON A MOTION BY MR. MAULTSBY SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED APPROVAL OF RESOLUTION 2007-10 AUTHORIZING THE EXECUTIVE DIRECTOR TO MAKE A REQUEST TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ENCUMBER AND RELEASE \$247,500 IN REIMBURSEMENT FUNDS FOR THE DESIGN AND CONSTRUCTION OF THE SPRING CREEK GREENWAY TRAIL.

Agenda Item 15 – Cannon Creek Airpark Status Reports. A status report on the Cannon Creek Airpark permitted systems was provided as an informational item in the Board materials.

Agenda Item No. 16 – Activity Report, Quality Communities. A Quality Communities Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 17 - Activity Report, Resource Management Regulatory. The Resource Management Regulatory Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 18 - As-Built Compliance Summary. The As-Built Compliance Summary was provided as an informational item in the Board materials.

Continuation of Agenda Item 10B.

MR. MAULTSBY MADE A MOTION TO CHANGE HIS ORIGINAL MOTION TO ACCEPTANCE OF CONSERVATION EASEMENT CONDITIONED UPON THE APPLICANT'S ACCEPTANCE OF THE ADDITIONAL CONDITIONS PROVIDED BY GRANTEE. MS. TATUM AGREED TO THE CHANGE OF MOTION. MOTION CARRIED BY UNANIMOUS VOTE.

MR. SHIVER MADE A MOTION TO APPROVE THE PERMIT, MR. ANDREWS SECONDED THE MOTION. BY UNANIMOUS VOTE THE GOVERNING BOARD APPROVED INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION NUMBER 05-0604, WITH THIRTY-ONE STANDARD CONDITIONS AND SEVEN SPECIAL LIMITING CONDITIONS TO GREG BOREE, MADISON TIMBERLANDS LLC, FOR THE AUCILLA PLANTATION SUBDIVISION IN MADISON COUNTY.

**DEPARTMENT OF LAND ACQUISITION AND MANAGEMENT**

Agenda Item No. 19 – Detailed Assessment of the Landstar Property Group LLC/Mallory Swamp Addition in Lafayette County and Addition to the Florida Forever FY07 Priority Acquisition List. Charles Houser, Deputy Executive Director, presented the staff recommendation for authorization to begin a detailed assessment of the Landstar Property Group LLC/Mallory Swamp Addition, 1,385 acres +/- in Lafayette County, as shown in the Board materials.

ON A MOTION BY MS. JONES, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO BEGIN A DETAILED ASSESSMENT OF THE LANDSTAR PROPERTY GROUP LLC/MALLORY SWAMP ADDITION, 1,385 ACRES +/- IN LAFAYETTE COUNTY.

Agenda Item No. 20 – Acceptance of Contribution to the PCS Phosphate-White Springs Agricultural Mitigation Fund. Mr. Houser presented the staff recommendation for acceptance of the final contribution from PCS Phosphate – White Springs Agricultural Mitigation Fund, as shown in the Board materials.

Stan Posey, PCS Phosphate, discussed the reclamation program and presented the Board with the final payment in the program. Keith Thornton, PCS Phosphate, made a presentation of the check.

ON A MOTION BY MS. JONES, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED ACCEPTANCE OF THE FINAL CONTRIBUTION FROM PCS PHOSPHATE – WHITE SPRINGS AGRICULTURAL MITIGATION FUND.

Agenda Item No. 21 - Contract with Southern Metal Designs for Gate Construction. Mr. Houser presented the staff recommendation for authorization for the Executive Director to execute a contract with Southern Metal Designs to build metal swing arm gates for an amount not to exceed \$20,000, as shown in the Board materials.

ON A MOTION BY MR. EVERETT, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH SOUTHERN METAL DESIGNS TO BUILD METAL SWING ARM GATES FOR AN AMOUNT NOT TO EXCEED \$20,000.

Agenda Item No. 22 - Contract with Red River Specialties, Inc., and Florida's Best for Restoration Herbicide Services. Mr. Houser presented the staff recommendation to authorize the Executive Director to enter into contract with Red River Specialties, Inc., for broadcast herbicide work for an amount not to exceed \$18,492 and Florida's Best, Inc., for hand herbicide work for an amount not to exceed \$56,340, for herbicide work on sandhill restoration sites at Peacock Slough, 47 Bridge, Ruth Springs and the Adams tract for Fiscal Year 2007, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH RED RIVER SPECIALTIES, INC., FOR BROADCAST HERBICIDE WORK FOR AN AMOUNT NOT TO EXCEED \$18,492 AND FLORIDA'S BEST, INC., FOR HAND HERBICIDE WORK FOR AN AMOUNT NOT TO EXCEED \$56,340, FOR HERBICIDE WORK ON SANDHILL RESTORATION SITES AT PEACOCK SLOUGH, 47 BRIDGE, RUTH SPRINGS AND THE ADAMS TRACT FOR FISCAL YEAR 2007.

Agenda Item No. 23 - Contract with URS Corporation for R. O. Ranch Engineering and Design Services. Mr. Houser presented the staff recommendation to authorize the Executive Director to enter into contract with URS Corporation for engineering services to develop the R. O. Ranch Equestrian Park for a cost not to exceed \$495,000, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT WITH URS CORPORATION FOR ENGINEERING SERVICES TO DEVELOP THE R. O. RANCH EQUESTRIAN PARK FOR A COST NOT TO EXCEED \$495,000.

Agenda Item No. 24 - Amendment to Contract 05/06-019 with Mike & Sons. Mr. Houser presented the staff recommendation to authorize the Executive Director to execute an amendment to Contract 05/06-019 with Mike and Sons to increase the contract by \$30,000 for a new not-to-exceed amount of \$175,000, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. EVERETT, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO CONTRACT 05/06-019 WITH MIKE AND SONS TO INCREASE THE CONTRACT BY \$30,000 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$175,000.

Agenda Item No. 25 - Purchase of Rock Aggregate. Mr. Houser presented the staff recommendation to authorize staff to purchase rock aggregate on an as-needed basis from the mine closest to the project site. Total cost shall not exceed the budgeted amount of \$166,000, as shown in the Board materials.

ON A MOTION BY MR. MAULTSBY, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO PURCHASE ROCK AGGREGATE ON AN AS-NEEDED BASIS FROM THE MINE CLOSEST TO THE PROJECT SITE FOR A TOTAL COST NOT TO EXCEED THE BUDGETED AMOUNT OF \$166,000.

Agenda Item No. 26 - Recreation Guide Printing. Mr. Houser presented the staff recommendation to authorize staff to use Southwest Florida Water Management District's bidding process to locate a vendor for the printing of at least 5,000 copies of the District's new recreation guide for an amount not to exceed \$25,000, as shown in the Board materials.

ON A MOTION BY DR. DAVIDSON, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO USE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT'S BIDDING PROCESS TO LOCATE A VENDOR FOR THE PRINTING OF AT LEAST 5,000

COPIES OF THE DISTRICT'S NEW RECREATION GUIDE FOR AN AMOUNT NOT TO EXCEED \$25,000.

Emergency Agenda Item - Sale with Option to Purchase Agreement of Equine Equipment. Mr. Houder presented the staff recommendation for authorization for the Executive Director to enter into a sale with option to purchase agreement with Frank E. Schulte and Olive J. Schulte to allow the District to purchase the horses, mules and associated equipment listed and provide a repurchase option to the Schultes.

ON A MOTION BY MR. ANDREWS, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO A SALE WITH OPTION TO PURCHASE AGREEMENT WITH FRANK E. SCHULTE AND OLIVE J. SCHULTE TO ALLOW THE DISTRICT TO PURCHASE THE HORSES, MULES AND ASSOCIATED EQUIPMENT LISTED AND PROVIDE A REPURCHASE OPTION TO THE SCHULTES.

Agenda Item No. 27 – Notice of New Property Availability. New property offer information was provided as an informational item in the Board materials:

- Mangels/Shingle Spring Conservation Easement—240 acres +/- in Suwannee County
- Greene and Carter/Emory Carter Conservation Easement—1,479 acres +/- in Columbia County

Agenda Item No. 28 - Land Acquisition Activity Report. The Land Acquisition Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 29 - Land Management Activity Report. The Land Management Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 30 - Restoration Activity Report. The Restoration Activity Report was provided as an informational item in the Board materials.

## **DEPARTMENT OF WATER RESOURCES**

Agenda Item No. 31 - Activity Report, Department of Water Resources. The Department of Water Resources Activity Report was provided as an informational item in the Board materials.

## **LEGAL COUNSEL REPORT**

Agenda Item No. 32 – Enforcement Status and Litigation Report. The Enforcement Status and Litigation Report was provided as an informational item.

## **EXECUTIVE OFFICE**

Agenda Item No. 33 - Executive Director's Report. None.

Agenda Item No. 34 - Follow Up to Governor Charlie Crist Executive Order 07-01. David Still, Deputy Executive Director, discussed Governor Charlie Crist's Executive Order 07-01.

Agenda Item No. 35 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

The meeting adjourned at 12:03 p.m.

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Chairman

ATTEST:

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