

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

Note: Tape recordings have been used to record these procedures and are 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.

This meeting was held off site in order to provide an environment suitable for the critical evaluation of ongoing programs and the discussion of new initiatives. Meeting at a location other than the District Headquarters also gives citizens in the community where the meeting is held an opportunity to attend and participate.

9:00 a.m., Thursday  
May 10, 2007

Fiddler's Restaurant  
Steinhatchee, Florida

Members of the Governing Board Present:

David Pope, Chair  
Sylvia Tatum, Vice Chair  
Dr. C. 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
Joe Flanagan	Charlie Houder
Jon Dinges	Lisa Cheshire
Kirk Webster	Carolyn Purdy
David Still	Melanie Roberts
Lloyd Baldwin	

Participating Guests:

Janice Blair, Mayo, FL  
Jessica Brinkman, San Diego, CA  
Danny Griner, Taylor County Building Department, Perry, FL

Dale Jenkins, Black & Veatch, Tampa, FL  
Al Levings, Levings Forest Products, Inc., Lake City, FL  
Annette Long, Save Our Suwannee, Chiefland, FL  
Mr. and Mrs. Leon McCloud, Cannon Creek Air Park, Lake City, FL  
Ann Sorrels, Cannon Creek Air Park, Lake City, FL  
Jennifer Springfield, Springfield Law, P.A., Gainesville, 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: April 10, 2007, Governing Board Meeting and Workshop Minutes.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE APRIL 10, 2007, GOVERNING BOARD MEETING AND WORKSHOP MINUTES.

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

Additions:

- Legal Counsel – Nestle Waters North America, Inc., Request for an Extension of Time to File Administrative Complaint
- Resource Management Department - Approval of Conceptual Environmental Resource Permit Number 07-0006

Deletions:

- Resource Management Department – Agenda Item 11E Denial of ERP05-0618, Magnolia Bay Marina & Resort
- Resource Management Department - Authorization for the Executive Director to Enter into an Interlocal Agreement with the City of Starke to Provide Engineering and Construction Services for a Stream Restoration Project for Alligator Creek

Agenda Item No. 5 – Approval of Agenda.

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

Agenda Item No. 6 - Items for Information, Discussion, or Future Consideration.  
None.

Agenda Item No. 7 - Cooperating Agencies and Organizations.

John Kasbohm, Manager of the Lower Suwannee National Wildlife Refuge, gave a projects update.

**DEPARTMENT OF ADMINISTRATION**

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

ON A MOTION BY DR. DAVIDSON, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE MARCH FINANCIAL REPORT.

Agenda Item No. 9 – Approval GB 6000-Series Tape Library. – Mr. Flanagan presented the staff recommendation for authorization to purchase a Dell 6000-Series Tape Library for a price not to exceed \$25,000, as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE PURCHASE OF A DELL 6000-SERIES TAPE LIBRARY FOR A PRICE NOT TO EXCEED \$25,000.

Agenda Item No. 10 - Activity Report, Department of 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. 11 - Permitting Matters.

Agenda Item No. 11A – Application No. ERP07-0043. Jon Dinges, Department Director, presented the staff recommendation to approve Individual Environmental Resource Permit Number 07-0043, with thirty-one standard conditions, to Joe Zappoli of Top Floor Associates, LLC, for Bushmill Estates/Belmont Ranch Estates Subdivisions in Hamilton County, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT NUMBER 07-0043, WITH THIRTY-ONE STANDARD CONDITIONS, TO JOE ZAPPOLI OF TOP FLOOR ASSOCIATES, LLC, FOR BUSHMILL ESTATES/BELMONT RANCH ESTATES SUBDIVISIONS IN HAMILTON COUNTY.

Agenda Item No. 11B – Denial of Application No. ERP06-0573. Mr. Dinges presented the staff recommendation to deny, without prejudice, General Environmental Resource Permit Number 06-0573 to Gary West of West Trust for O'Reily Auto Parts Store 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 DENIAL, WITHOUT PREJUDICE, GENERAL ENVIRONMENTAL RESOURCE PERMIT NUMBER 06-0573 TO GARY WEST OF WEST TRUST FOR O'REILY AUTO PARTS STORE IN SUWANNEE COUNTY.

Agenda Item No. 11C – Denial of Application No. ERP91-0174M. Mr. Dinges presented the staff recommendation to deny, with prejudice, General Environmental Resource Permit Number 91-0174M to Ray Sessions for Country Landing Modification in Columbia County, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY MR. SHIVER, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED DENIAL, WITH PREJUDICE, GENERAL ENVIRONMENTAL RESOURCE PERMIT NUMBER 91-0174M TO RAY SESSIONS FOR COUNTRY LANDING MODIFICATION IN COLUMBIA COUNTY.

Agenda Item No. 11D – Denial of Application No. ERP06-0156. Mr. Dinges presented the staff recommendation to deny, without prejudice, General Works of the District Permit Number 06-0156 to Cameron Boothe for the Boothe project in Dixie County, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED DENIAL, WITHOUT PREJUDICE, GENERAL WORKS OF THE DISTRICT PERMIT NUMBER 06-0156 TO CAMERON BOOTHE FOR THE BOOTHE PROJECT IN DIXIE COUNTY.

Agenda Item No. 11E – Denial of Application No. ERP05-0618. Deleted.

Agenda Item No. 11F – Ratification of ERP06-0616M. Mr. Dinges presented the staff recommendation for ratification of the Executive Director's approval of Individual Environmental Resources Permit Application Number 06-0616M, with thirty-one standard conditions, to Brad Dicks for Oaks Subdivision Modification in Columbia County, as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY MR. SHIVER, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED RATIFICATION OF THE EXECUTIVE DIRECTOR'S APPROVAL OF INDIVIDUAL ENVIRONMENTAL RESOURCES PERMIT APPLICATION NUMBER 06-0616M, WITH THIRTY-ONE STANDARD CONDITIONS, TO BRAD DICKS FOR OAKS SUBDIVISION MODIFICATION IN COLUMBIA COUNTY.

Emergency Agenda Item – Approval of Conceptual ERP07-0006. Mr. Dinges presented the staff recommendation for approval of Conceptual Environmental Resources Permit Application Number 07-0006, with sixteen standard conditions, to Hamilton County Board of Commissioners for Alapaha River at CR 150 Boat Ramp in Hamilton County, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED CONCEPTUAL ENVIRONMENTAL RESOURCES PERMIT APPLICATION NUMBER 07-0006, WITH SIXTEEN STANDARD CONDITIONS, TO HAMILTON COUNTY BOARD OF COMMISSIONERS FOR ALAPAHA RIVER AT CR 150 BOAT RAMP IN HAMILTON COUNTY.

Agenda Item No. 12 – Authorization to Publish Amendments to Chapter 40B-8, Florida Administrative Code, to Adopt the Minimum Flows and Levels for the Waccasassa River and Levy Blue Spring. Mr. Dinges presented the staff recommendation for authorization for the publication of amendments to Chapter

40B-8, Florida Administrative Code, for the minimum flows and levels for the Waccasassa River and Levy Blue Spring, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY MR. SHIVER, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE PUBLICATION OF AMENDMENTS TO CHAPTER 40B-8, FLORIDA ADMINISTRATIVE CODE, FOR THE MINIMUM FLOWS AND LEVELS FOR THE WACCASASSA RIVER AND LEVY BLUE SPRING.

Agenda Item No. 13 – Authorization for the Executive Director to Enter into an Interlocal Agreement with the City of Starke to Provide Engineering and Construction Services for a Stream Restoration Project for Alligator Creek. Deleted.

Agenda Item No. 14 – Authorization for the Executive Director to Enter into a County Incentive Grant Program Agreement with the Florida Department of Transportation for Construction of Pratt Street Drainage Improvements. Mr. Dinges presented the staff recommendation to authorize the Executive Director to enter into a County Incentive Grant Program Agreement with the Florida Department of Transportation to provide \$1,000,000 of funding for construction of the Pratt Street Drainage Improvements, as shown in the Board materials.

ON A MOTION BY MS. TATUM, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO A COUNTY INCENTIVE GRANT PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE \$1,000,000 OF FUNDING FOR CONSTRUCTION OF THE PRATT STREET DRAINAGE IMPROVEMENTS.

Agenda Item No. 15 – Activity Report, Quality Communities. The Activity Report for Quality Communities was provided as an informational item in the Board materials.

Agenda Item No. 16 - Activity Report, Resource Management Regulatory. The Resource Management Regulatory Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 17 – 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. 18 – As-Built Compliance Summary. The As-Built Compliance Summary was provided as an informational item in the Board materials.

## **DEPARTMENT OF LAND ACQUISITION AND MANAGEMENT**

Agenda Item No. 19 – Approval and Execution of Resolution 2007-11, Authorizing the Executive Director to Exercise an Option to Purchase the Robert Feagin/Middle Aucilla Addition and Requesting Funds from the Florida Forever Trust Fund.

Charles Houder, Deputy Executive Director, presented the staff recommendation for approval and execution of Resolution 2007-11 authorizing the Executive Director to exercise an Option to Purchase the Robert R. and Marjorie M. Feagin/Middle Aucilla Addition, 79 acres +/-, in Taylor County, and to request approval from the Secretary of the Department of Environmental Protection for the use of funds from the Florida Forever Trust Fund, as shown in the Board materials.

Janice Blair spoke in favor of the District purchasing property on the Aucilla River.

ON A MOTION BY MR. EVERETT, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED EXECUTION OF RESOLUTION 2007-11 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXERCISE AN OPTION TO PURCHASE THE ROBERT R. AND MARJORIE M. FEAGIN/MIDDLE AUCILLA ADDITION, 79 ACRES +/-, IN TAYLOR COUNTY, AND TO REQUEST APPROVAL FROM THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE USE OF FUNDS FROM THE FLORIDA FOREVER TRUST FUND.

Agenda Item No. 20 – Agreement with the City of Bronson for the Wastewater Management Area. Mr. Houder presented the staff recommendation for approval and execution of an agreement with the City of Bronson concerning the use and transfer of deeded property, as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD VOTED TO APPROVE AND EXECUTE AN AGREEMENT WITH THE CITY OF BRONSON CONCERNING THE USE AND TRANSFER OF DEEDED PROPERTY.

Agenda Item No. 21 – Authorization to Enter into an Agreement for the Jennings Bluff Timber Sale. Mr. Houder presented the staff recommendation for authorization for the Executive Director to execute a license to cut timber with North Florida

Timber Dealers, Inc., for the Jennings Bluff Timber Sale, 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 EXECUTE A LICENSE TO CUT TIMBER WITH NORTH FLORIDA TIMBER DEALERS, INC., FOR THE JENNINGS BLUFF TIMBER SALE.

Agenda Item No. 22 – Receipt of Funds from Natural Resource Conservation Services for Mallory Swamp Restoration. Mr. Houser presented the staff recommendation to enter into a cost-share agreement with Natural Resources Conservation Service to receive Wetland Reserve Program funds for conducting additional restoration activities on the 29,485-acre Mallory Swamp core area, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. EVERETT, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO ENTER INTO A COST-SHARE AGREEMENT WITH NATURAL RESOURCES CONSERVATION SERVICE TO RECEIVE WETLAND RESERVE PROGRAM FUNDS FOR CONDUCTING ADDITIONAL RESTORATION ACTIVITIES ON THE 29,485-ACRE MALLORY SWAMP CORE AREA.

Agenda Item No. 23 – Amendment to Contract 05/06-012 with Perpetual Contracting, Inc. Mr. Houser presented the staff recommendation for authorization to increase Contract Number 05/06-012 with Perpetual Contracting, Inc., by \$50,000 and set a new not-to-exceed amount of \$288,000, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO INCREASE CONTRACT NUMBER 05/06-012 WITH PERPETUAL CONTRACTING, INC., BY \$50,000 AND SET A NEW NOT-TO-EXCEED AMOUNT OF \$288,000.

Agenda Item No. 24 – Purchase of Additional Culverts for Mallory Swamp Restoration. Mr. Houser presented the staff recommendation for authorization to purchase 50 aluminum culverts from Metal Culverts Incorporated for a cost not to exceed \$58,660, as shown in the Board materials.

ON A MOTION BY MR. EVERETT, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO PURCHASE 50 ALUMINUM CULVERTS FROM METAL CULVERTS INCORPORATED FOR A COST NOT TO EXCEED \$58,660.

Agenda Item No. 25 – Purchase of Furnishings for River Camps and Wood Rail Fencing from PRIDE Industries. Mr. Houser presented the staff recommendation to purchase furnishings for river camps and wood rail fencing for District projects from Pride Industries for a cost not to exceed \$25,000, as shown in the Board materials.

ON A MOTION BY MR. SHIVER, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED STAFF TO PURCHASE FURNISHINGS FOR RIVER CAMPS AND WOOD RAIL FENCING FOR DISTRICT PROJECTS FROM PRIDE INDUSTRIES FOR A COST NOT TO EXCEED \$25,000.

Agenda Item No. 26 – Memorandum of Understanding with the University of Florida for Conserved Forest Ecosystem Outreach and Research Cooperative. Mr. Houser presented the staff recommendation to authorize the Executive Director to execute a Memorandum of Understanding with the University of Florida to join the Cooperative for Conserved Forest Ecosystem Outreach and Research, as shown in the Board materials.

ON A MOTION BY MS. JONES, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF FLORIDA TO JOIN THE COOPERATIVE FOR CONSERVED FOREST ECOSYSTEM OUTREACH AND RESEARCH.

Agenda Item No. 27 – Annexation by Horseshoe Beach. Mr. Houser presented the staff recommendation to authorize the Executive Director to execute a petition for annexation of the District's wellhead protection area into the town of Horseshoe Beach, as shown in the Board materials.

ON A MOTION BY DR. DAVIDSON, SECONDED BY MR. ANDREWS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO EXECUTE A PETITION FOR ANNEXATION OF THE DISTRICT'S WELLHEAD PROTECTION AREA INTO THE TOWN OF HORSESHOE BEACH.

Agenda Item No. 28 – Approval of Expenditure of General Funds for Payment in Lieu of Taxes. Mr. Houder presented the staff recommendation for approval of Resolution 2007-12, for Payment in Lieu of Taxes in the amount of \$157,460.94, to qualifying counties for lands acquired from 1997-2006, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED APPROVAL OF RESOLUTION 2007-12, FOR PAYMENT IN LIEU OF TAXES IN THE AMOUNT OF \$157,460.94, TO QUALIFYING COUNTIES FOR LANDS ACQUIRED FROM 1997-2006.

Agenda Item No. 29 – Consideration of Resolution 2007-13, Requesting Reimbursement of Preacquisition Costs and Land Management Expenses. Mr. Houder presented the staff recommendation for approval and execution of Resolution 2007-13, requesting the Department of Environmental Protection reimburse the District from the Water Management Lands Trust Fund for preacquisition costs in the amount of \$171,594.57 and quarterly land management expenses in the amount of \$1,026,866.11 expended during the quarter ending March 31, 2007, as shown in the Board materials.

ON A MOTION BY MR. ANDREWS, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD VOTED TO APPROVE AND EXECUTE RESOLUTION 2007-13, REQUESTING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION REIMBURSE THE DISTRICT FROM THE WATER MANAGEMENT LANDS TRUST FUND FOR PREACQUISITION COSTS IN THE AMOUNT OF \$171,594.57 AND QUARTERLY LAND MANAGEMENT EXPENSES IN THE AMOUNT OF \$1,026,866.11 EXPENDED DURING THE QUARTER ENDING MARCH 31, 2007.

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

Agenda Item No. 31 - Land Management Activity Report. The Land Management Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 32 – R.O. Ranch Activity Report. The R.O. Ranch Activity Report was provided as an informational item in the Board materials.

## **DEPARTMENT OF WATER RESOURCES**

Agenda Item No. 33 - Authorization for the Executive Director to Amend Agreement #06/07-071 with the Florida Department of Agriculture and Consumer Services for Providing Additional Cost Share. Kirk Webster, Deputy Executive Director, presented the staff recommendation for authorization for the Executive Director to amend Agreement #06/07-071 with Florida Department of Agriculture and Consumer Services for the purpose of providing additional cost share to agriculture operations implementing best management practices and related services associated with the Suwannee River Partnership to increase the funds available from \$750,000 to \$1,315,000, as shown in the Board materials.

ON A MOTION BY DR. DAVIDSON, SECONDED BY MS. JONES, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO AMEND AGREEMENT #06/07-071 WITH FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE PURPOSE OF PROVIDING ADDITIONAL COST SHARE TO AGRICULTURE OPERATIONS IMPLEMENTING BEST MANAGEMENT PRACTICES AND RELATED SERVICES ASSOCIATED WITH THE SUWANNEE RIVER PARTNERSHIP TO INCREASE THE FUNDS AVAILABLE FROM \$750,000 TO \$1,315,000.

Agenda Item No. 34 - 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**

Supplemental Agenda Item – Nestle Waters North America Inc., Request for an Extension of Time to File Administrative Complaint. Tom Brown, Legal Counsel, presented the recommendation to grant the Motion for Extension of Time to File a Petition for Administrative Hearing from Nestle Waters North America, Incorporated, by authorizing the Chairman to sign the Order.

ON A MOTION BY MR. LAKE, SECONDED BY MR. MAULTSBY, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD GRANTED THE MOTION FOR EXTENSION OF TIME TO FILE A PETITION FOR ADMINISTRATIVE HEARING FROM NESTLE WATERS NORTH AMERICA, INCORPORATED, BY AUTHORIZING THE CHAIRMAN TO SIGN THE ORDER.

Agenda Item No. 35 - Enforcement Status & Litigation Report. The Enforcement Status & Litigation Report was provided as an informational item in the Board materials.

### **EXECUTIVE OFFICE**

Agenda Item No. 36 - Executive Director's Report. The update of the Governing Board biographies and web page was discussed.

Agenda Item No. 37 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

The meeting adjourned at 11:30 a.m.

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Chairman

ATTEST: \_\_\_\_\_