The Withlacoochee River Basin Board of the Southwest Florida Water Management District convened for a regular meeting February 11, 2010, 9:00 a.m., at District Headquarters.

The list of others who were present and signed the attendance roster is filed in the permanent files of the Basin. Compact discs of the audio and copies of the materials and handouts, as set out in full herein, are also filed in the permanent files of the Basin.

1. **Call to Order and Roll Call**
   Co-Chair Douglas Tharp called the meeting to order at 9:00 a.m., Ms. Frances Sesler, Senior Administrative Assistant, called the roll and noted a quorum was present. (CD 1/Track 1)

2. **Pledge of Allegiance to the American Flag**
   Co-Chair Tharp led the Pledge of Allegiance to the American Flag.

3. **Additions and Deletions to the Agenda**
   Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services, noted there were no additions or deletions to the agenda. She noted there was a change in presenters; Item 6a will be presented by Ms. Sylvia Durell rather than Ms. Beth Putnam.

4. **Basin Activities Report and Agenda Review**
   Ms. Maya Burke, Staff Planner, Planning Department, provided the Board a brief overview of relevant items on the agenda, those provided as information and other upcoming topics of interest. Ms. Burke called attention to the Community Education Grants that were awarded in the Basin and included in the notebook. These projects are eligible for up to $5,000 and must be completed between March and July 2010. She encouraged the Board members to look at the projects within the Basin. The Board will be asked today to declare the week of March 14 - 20 as Springs Awareness Week, which is consistent with the Basin budget priority of spring protection.

Ms. Burke reminded the members of the “Get Outside!” Campaign. The first event was a great success, held at the Serenova Tract in Pasco County with over 400 people attending.
The next “Get Outside!” event will be held February 27, 2010, in the Green Swamp Wilderness Preserve – Hampton Tract in Polk County.

Ms. Kavouras reminded members of the public if they wished to speak on an item on the agenda, they should fill out the blue speaker card located on the table outside the board room, and they will be called upon at the appropriate time. Co-Chair Tharp said anyone submitting a blue card will be limited to a three-minute presentation.

This item was presented for the Board’s information, no action was required. (CD 1/Track 2)

5. Consent Items:
   
a. Minutes of the October 13, 2009, Joint Meeting and Workshop
   Approve the October minutes as presented.

b. FY2010 Springs Watershed Awareness Week Proclamation
   Recommend that the Withlacoochee River Basin Board declare the week of March 14–20, 2010, as Springs Awareness Week.

c. Exchange Agreement – Potts Preserve, SWF Parcel Nos. 19-484-126S and 19-484-123
   Recommend the Governing Board: (1) Accept the appraisals; (2) Approve the exchange agreement; (3) Declare SWF Parcel No. 19-484-126S as surplus and no longer needed for conservation purposes (two-thirds majority required) and convey the property to John Thomas Goodgame, Sr. and John Thomas Goodgame, Jr.; and (4) Designate SWF Parcel No. 19-484-123 as having been acquired for conservation purposes.

d. Acceptance of Land Donation – Flying Eagle Preserve, SWF Parcel No. 19-334-143
   Recommend the Governing Board: (1) Accept the donation; and (2) Designate parcel as having been acquired for conservation purposes.

Following consideration, Ms. Baldwin moved, seconded by Mr. Dennis, to approve Consent Items 5a, 5b, 5c, and 5d as presented. Motion carried unanimously.

6. Discussion Items:
   
a. Florida Water Star℠ Gold (FWSG) — Recognition of Hernando County Builder
   Ms. Sylvia Durell, Project Manager, for the Water Star Program, said this will be a regular feature at the Basin Board meetings where builders will be brought before the Board in recognition of their participation in the Florida Water Star℠ Gold (FWSG) Program. This is a voluntary program for builders that focus on indoor and outdoor water conservation. Currently, 22 homes have been certified, and 14 builders have signed intent agreements. This program encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. This is the second year of the program, which receives support from all Basin Boards and the Governing Board.
   Hernando County builder Mr. Brian Blankenship of Diamond Builders is the first builder in Hernando County to build an FWSG-certified home.

   Ms. Durell presented a commemorative plaque to Mr. Blankenship and joined District Program Coordinator Ms. Susan Douglas, homeowner Mr. Mike Lyles, and the Withlacoochee River Basin Board members for a group photo.
This item was presented for the Board's information, no action was required. (CD 1/Track 3)

b. **First Amendment to the Agreement with Florida Fish and Wildlife Conservation Commission (FWC) for the Potts Preserve Wildlife Management Area (WMA), SWF Parcel No. 19-484-119X**

Mr. Will Miller, Land Use and Protection Manager, said the Potts Preserve consists of 8,507 total acres of which 5,419 acres is District lands and 3,088 acres is sovereign lands in Citrus County. The Potts Preserve WMA encompasses a combined 7,715 acres and is one of ten WMAs established by the District and FWC to provide quality hunting opportunities on over 130,000 acres of District lands. Mr. Miller said the District partners with the FWC because they have the expertise to administer certain activities the District does not have. The District and FWC entered into an agreement, with a term of ten years, for the continuation of the Potts Preserve WMA in July 2009.

The proposed amendment will remove both sovereign lands and some District lands from the WMA, reducing the total acreage to a combined 4,155 acres. The District Potts land area to be removed from the Potts Preserve WMA will remain open for public uses, including hunting. Hunts will be conducted in accordance with current District Land Use Rules for non-WMA lands. The partnership between the District and FWC will continue to provide quality recreational opportunities on District lands. The District will incur no costs related to this amendment.

Staff recommended the Governing Board approve the amendment to the agreement with the Florida Fish and Wildlife Conservation Commission for the Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X.

Mr. Rooks asked if signage will be placed on the ground delineating the boundary. Mr. Miller said FWC has assured staff that the western boundary of the WMA along the main road will be clearly posted; also the District will post as practical so there will be clear indications to reduce any conflicts.

Following consideration, **Mr. Rice moved, seconded by Mr. Rook, to approve the amendment to the agreement as presented by staff. Motion carried unanimously.** (CD 1/Track 4)

c. **Potts Preserve Hydrologic Restoration - Removal of the Remaining Fills Along the Western Dike and Middle Road**

Mr. Michael Holtkamp, Director, Operations Department, said in 2000 the District developed a restoration plan to restore the natural/historic hydrology within the Potts Preserve. The restoration plan consisted of two major elements: (1) the hydrologic connection of the Potts Preserve marsh with the Hernando Pool of Lake Tsala Apopka by the removal of all artificial fills between uplands along the western, middle and east roads; and, (2) the hydrologic restoration of ditched and drained wetland systems located on the eastern portions of the preserve. Twenty-four areas were identified where fill material needed to be removed and/or ditches needed to be plugged to restore the historic flow patterns and wetland hydrology. During the permitting process, two environmental groups objected to the permit over the removal of the western dike and middle road fills citing potential impacts to scrub jay habitat that would result if Potts Preserve marsh was made more accessible to airboaters.
Since 2001 there have been significant changes to the fill areas along the western dike. Several fill areas have eroded away due to airboat and ATV traffic, District vehicle use, and the natural movement of water. A major concern expressed over the Environmental Regulation Permit (ERP) in 2001 was that the removal of the fills along the western dike and middle roads would facilitate greater airboat access into the interior sovereign lands of the Hernando Pool system.

On August 28, 2009, District staff met with FDEP staff to discuss re-submitting an ERP application to remove the remaining fills at Potts Preserve. FDEP staff confirmed they are in support of pursuing the fill removal and that the District’s application can be processed as a Noticed General ERP. FDEP staff did recommend the District contact, in writing, the two organizations and one private citizen who originally objected to the permit in 2001 to advise them of the District’s intent to pursue the removal of the remaining fills. That was done in October by letter, and to date there have been no responses. Staff held a follow-up on site pre-application meeting with FDEP staff on December 21, 2009, to confirm the current conditions along the west dike and middle road. Staff anticipates submitting the Notice General ERP application for the project on or before January 21, 2010. Provided there are no objections to the application, and the work on state-owned sovereign lands is authorized by the FDEP, the permit for the project should be issued by February 21, 2010, and work could commence in early March. However, the District must also receive approval from the U.S Army Corps of Engineers. It is estimated that it will take seven weeks to complete the work.

The removal of the remaining fills along the western dike and middle roads will restore the natural/historic hydrology within the Potts Preserve. The estimated cost to remove the remaining fills using District Field Operation’s staff is $74,000, of which $26,200 is salaries, $6,350 is central garage charges, and $41,450 is equipment rental.

Staff recommended the Basin Board approve the transfer of $74,000 from the Basin Board’s Watershed Management Reserves account to fund the removal of the remaining fills along the western dike and middle road at Potts Preserve.

Mr. Al Grubman, Too Far of Citrus County, thanked the District for assuming the responsibility to move forward with the removal of the dikes from Potts Preserve.

Following consideration, Mr. Dennis moved, seconded by Ms. Baldwin, to approve the staff recommendation as presented. Motion carried unanimously. (CD 1/Track 5)

d. Construction of a Tie-back Berm at Structure S-353

Mr. Jeff Hagberg, Manager, Field Operations Department, said staff is requesting Basin Board approval to proceed with the environmental permitting and the construction of a District-owned and controlled tie-back berm at Structure S353. This berm will hold back desirable water levels in the Hernando Pool of Lake Tsala Apopka, and provide the District with a northern access to the Potts Preserve.

Dating back to December 1999, Mr. Charles Strange, the property owner to the east, and adjacent to Structure S-353, has requested the District assume the responsibility for maintaining the berm on his property that ties into the District’s property at Structure S-353. This berm acts to impound water in the Hernando Pool. Previously, in the Basin Board’s June 2009 meeting packet, staff provided the Basin Board with a detailed history of the issues relating to the berm on Mr. Strange’s property. Based on this history and
Mr. Strange’s continued position to not grant the District the necessary easement to maintain the berm located on his property, this past summer staff examined alternative berm alignments that would ensure a structurally sound embankment, while at the same time providing the District with much needed access to Potts Preserve from the north. Anticipating the need to construct an alternative tie-back berm, the Operations Department included funds in the amount of $150,000 from the Water Management Lands Trust Fund in its fiscal year (FY) 2010 budget. No Basin Board ad valorem funds are anticipated to be needed.

Proceeding with the construction of the tie-back berm on District property will ensure there is a structurally sound embankment holding back water in the Hernando Pool which District Operations personnel can legally access for routine inspections and maintenance. It will also provide the Operations and Land Resources Departments legal access to Potts Preserve from the north for emergencies and fire suppression. Based on feedback from Florida Department of Environmental Protection staff during an on-site pre-application meeting conducted on December 21, 2009, the District will be required to provide boat and/or air boat access to Mr. Strange since the proposed berm alignment would sever his riparian access to the Hernando Pool. Staff anticipates being able to construct the required air boat slide and/or boat ramp with the funds currently budgeted.

Staff recommended the Basin Board authorize staff to proceed with the environmental permitting and construction of an alternative tie-back berm at Structure S-353.

Mr. Grubman said his major interest in this history is the securing of the lakes. He is pleased this is intended to secure the holding of the water in the Hernando Pool. Mr. Grubman is concerned that the shell material from Lake Panasoffkee will not make good fill material. He suggested, if the design is pursued, the shell material be replaced with “good old fashion rock.” Co-Chair Tharp thanked Mr. Grubman and said his comments will be taken into consideration.

Following consideration, Ms. Baldwin moved, seconded by Mr. Dennis, to approve staff recommendation as presented. Motion carried unanimously. (CD 1/Track 6)

e. Town of Inglis Watershed Management Plan - Implementation (L551)

Mr. Mark Hammond, Director, Resource Projects Department, provided a detailed history of the Town of Inglis (Town) Watershed Management Plan – Implementation Project. In fiscal year (FY) 2003, the Town received funding through the District’s cooperative funding program to update its 1992 watershed model and identify potential projects to address flood protection related issues. The cost for this phase was $50,000 with the Basin Board contributing $25,000. Three projects were identified. In FY2006, a cooperative funding application was approved by the Basin Board for implementation of Alternative 3/4/5D. The Board approved $150,000 with the Town matching $50,000 as a Rural Economic Development Initiative community. Additional cooperative funding was requested and received by the Town for the project in FY2007 and FY2008, for a total of $600,000 from the District and $200,000 from the Town.

In December 2008, the Town notified the District that the project would not provide the flood relief for the area that the Town expected as an outcome and they were considering terminating the project. The District was requested to determine whether the Town would be required to repay the $49,625.62 in engineering fees that the District had reimbursed the Town for the project. District staff advised that the contract
language was clear and required the Town to reimburse the District if they did not carry through on construction.

District staff and the Town worked together to explore alternatives. Other options considered were a scaled-down version of the project, deemed impractical due to the limited benefits, and transfer of funds to another area project, Harrison Branch. District staff proposed that the funds already paid ($49,625.62) by the District for the design of the original project would be credited towards the proposed Harrison Branch work. District staff estimated that approximately $20,000 in engineering costs (District share 75 percent or $15,000) should have been all that was necessary to determine the original project was not feasible. Therefore, staff would recommend the amount to be reimbursed to the District for the design of the original project, or credited to the proposed Harrison Branch work, be reduced by $15,000 from $49,625.62 to $34,625.62. Any changes to the original agreement would need to be approved by the Board.

In a letter dated December 11, 2009, the Town requested the District waive the requirement for the Town to reimburse the District for the $49,625.62 expended on the design of the original project, Alternative 3/4/5D. The Town has indicated that it does not intend to construct any project.

The Town has requested that its Watershed Management Plan Implementation project be cancelled and not constructed. The Town is also requesting that the Basin Board waive the contractual requirement for the Town to reimburse the District for the design costs expended for this project.

Staff recommended the Basin Board request the Town reimburse the District in the amount $34,625.62, as agreed to in the cooperative funding agreement.

Following Mr. Hammond’s presentation, the Board recognized Mr. Bill Lake, Mayor of the Town of Inglis. Mayor Lake said the Town consists of 1,700 people with an ad valorem of under $400,000 per year. He reviewed problems encountered by the Town from the beginning of the project and specific mistakes that were made. Of particular concern was the fact that no geotechnical work was done by the Town’s consultant engineer, and he felt that the District should have provided guidance in this area. He said the District staff has worked cooperatively with the Town, but the Town simply does not have the money to reimburse the District.

Upon questions from the Board relative to the oversight role the District had regarding the project, Mr. Hammond explained that the cooperator is responsible for overseeing the project. The Town of Inglis contracted with a consultant whose engineer had the responsibility to do upfront the geotechnical work. Having District engineers take the lead is problematic for staff as far as workload implications. Mr. Hammond said local governments are best suited to implement projects.

Ms. Baldwin said the Board is not in a position to say forgive this debt; this is taxpayers’ money. The contract is legal and binding, and specifies the money must be reimbursed, but not necessarily in a lump sum. She offered a solution that the debt can be resolved over a 5- or 10-year repayment period.

Following consideration, Ms. Baldwin moved, seconded by Ms. Nathe, that the Town of Inglis reimburse the District $34,625.62 over a 10-year period with payments to be worked out between the District and the Town.
There was further discussion regarding the cooperative funding process, financial aspects of REDI community projects, the poor economy, precedence and the Board’s flexibility to waive repayment, and clarification of the discount of $15,000 from the original $49,625.62 for that amount of the original project that was necessary to determine the project was not feasible.

The question was called and the motion carried unanimously. (CD 1/Track 7)

f. Legislative Update
Ms. Cara Martin, Community Affairs Program Manager, discussed issues associated with the current state budget including projections for the coming year and legislation that could have potential impacts to the District. Ms. Martin said the District has two proposed Legislative Initiatives: 1) Basin Board clarification language, and 2) Peace Creek drainage district. Other State issues include delegation of permits, stormwater, American Water Works Association, Statewide Water Board, conservation, local sources and springs. She mentioned the State Budget Priorities which include Florida Forever, Water Management Lands Trust Fund, Water Protection and Sustainability Trust Funds and West-Central Florida Water Restoration Action Plan.

This item was presented for the Board’s information; no action was required. (CD 1/Track 8)

g. FY2011 Cooperative Funding Requests and Basin Priorities
Ms. Burke, Staff Planner, provided the Board with an overview of the economic issues affecting the Basin budget, a preview of the Cooperative Funding applications received for the FY2011 budget cycle, and an overview of the annual Cooperative Funding and budget process.

In reviewing the categories of the budget, Ms. Burke informed members that Florida Yards and Neighborhoods programs and Hillsborough Adopt-A-Pond Program would be moved from the cooperative funding category to the basin initiative category in FY2011. This move reflects staff’s recognition that these projects are core to Basin priorities and essential to District work.

A total of 297 applications were received in December for the FY2011 Cooperative Funding cycle, 32 for the Withlacoochee River Basin at a cost of $2.7 million. Staff provided a brief overview of the project submittals, reviewed the Basin Board’s Budget Priorities, and discussed the District’s project ranking and budget process. Ms. Burke said state and federal funding is critical; and the Withlacoochee River Basin is positioned to meet funding requirements through 2030, but must continue to stay the course, and fund on a pay-as-you-go basis.

Ms. Burke said in April staff will return with initial recommendations and rankings; this is an opportunity for the Basin Board members to discuss the projects in detail and provide feedback. She asked that if Board members are interested in a particular project or cooperator to let her know by Friday, February 26, so the cooperator can be present at the next meeting.

Dr. Burt Eno, President of Rainbow River Conservation (RRC), Inc., proposed another study to see what impact recreational activity has had on the river. The increased activity is having a great impact on the vegetation. Dr. Eno submitted an application, Project
Number W412 listed in the Board's notebook under RRC, as being the cooperator. However, Department of Environmental Protection Bob Ballard, has agreed and committed to replace RRC as the cooperator. But RRC will remain as being particularly concerned and would like to come back in April to give a better description of the project.

Several questions were asked of Dr. Eno concerning the use of the river, better management, and limitation of activities on the river. Co-Chair Tharp thanked Dr. Eno for his comments, they were well taken and protection of our natural resources is important to all.

This item was presented for the Board's information; no action was required. (CD 1/Track 9)

7. **Reports:**
   a. **Basin Board Education Committee**
      Ms. Beth Putnam, Communications Projects Administrator Manager, provided an overview of the Basin Board Education Committee (BBEC) meeting held on November 4, 2009, at the Tampa Service Office. Highlights of the meeting consisted of the FY2010 Community Education Grants and homeowners associations (HOA) regarding Senate Bill 2080. The law prohibits HOA from banning Florida-friendly landscaping in their communities. The new guidelines sparked many questions and a series of workshops were held to help educate HOA on what Florida-friendly landscaping is and to introduce them to the programs. Youth education land events, research and ad development for public service announcements, and the District’s “Get Outside!” campaign were other topics of discussion. Part of the development process of the new “Skip a Week” ads for the upcoming November-February campaign involved staff creating videos of draft ads and testing them with four focus groups. The final ads reflected the feedback from those focus groups. The next BBEC meeting will be held Wednesday, March 3, 2010, at the Tampa Service Office.

      This item was presented for the Board's information; no action was required. (CD 1/Track 10)

   b. **Basin Board Land Resources Committee (BBLRC)**
      Mr. Bo Rooks, Primary Representative to the BBLRC provided a brief overview of the December 1, 2009, Basin Board Land Resources Committee meeting, which was held in the Green Swamp West Field Office, Dade City. Staff presented an update of the project boundary review. The project utilized GIS analysis, expert review, stakeholder review, and public meetings to update the boundaries for lands proposed for protection under the District’s Florida Forever program. The committee received an update on the multiple use programs revising existing methods to evaluate traditional uses such as cattle leases and timber management zones, but also looking at potential new sources based on best practices and policies of other public land entities. Looking at the future of the land use stakeholders group, it was proposed to have a joint meeting with the BBLRC along with the Stakeholders group to get greater input from a broader group of people.

      This item was presented for the Board's information; no action was required.

   c. **Governing Board Activities**
      Co-Chair Tharp read the highlights of the January 26, 2010, Governing Board meeting into the record.
This item was presented for the Board's information; no action was required.

8. **Announcements:**
Ms. Kavouras called attention to the announcements on the agenda. Next Basin Board Meeting will be held Thursday, April 15, 2010, 9:00 a.m., Brooksville. Ms. Kavouras advised members that Ms. Sesler, administrative support for the Basin Board, will be retiring the end of March. Co-Chair Tharp and members of the Board wished Ms. Sesler well and thanked her for her service.

9. **Adjournment**
There being no further business to come before the Board, Co-Chair Tharp adjourned the meeting at 11:27 a.m. (CD 1/Track 10)

***Information Items***
The items listed below were for the Board's information, intended to keep them apprised of completed projects, cancelled projects, and projects that have executed contracts and are ready to begin. These items did not require Board action at this time.

1. Withlacoochee River Watershed Initiative (H066)
2. Watershed Management Program – Maintenance of Watershed Parameters and Models - First Amendment (B206) – Execution Notice
7. Cooperative Funding Agreement for the Lizzie Hart Watershed Management Plan (N170) – Execution Notice
8. Budget Transfer Report
9. 2010 Community Education Grants in the Withlacoochee River Basin

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702 or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-221-6103; or email to ADACoordinator@swfwmd.state.fl.us.