

**Charlotte Harbor National Estuary Program
Citizens Advisory Committee (CAC)**

*Approved Minutes of the Wednesday, November 14, 2007 Meeting
Southwest Florida Regional Planning Council ~ Fort Myers, Florida*

Attendance of Voting Members

Joan Bush	Lee FYN Master Gardener
Warren Bush	Lee FYN Master Gardener
Roger DeBruler Jr.	Sea Grant – Charlotte
Gail Giles	Lemon Bay Conservancy
Debra Highsmith	ECOSWF: Environmental Confederation of Southwest Florida
Rene A. Janneman	Sarasota County
Wilma Katz	Coastal Wildlife Club, Inc.
Stefan Katzaras	CFI Industries
Ernesto Lasso de la Vega	Lee County Hyacinth Control District
Kayton Nedza	Hardee County Outdoor Classroom
Fran Reimondo	San Marco Waterways
Kathleen Rohrer	Lemon Bay Conservancy
George Ruby	Peace River Audubon
Jean Srodes	Turtle Talks

Attendance

Sandra J. Beardswault	DeSoto County
Bill Byle	Charlotte County
Jackson Mosley	Paynes Creek Historic State Park
Harry Phillips	Cape Coral ERD
Forest Reynolds	DeSoto County
John Reynolds	DeSoto County
Rob Wright	Sarasota County
Tommy Simmons	DeSoto County
Molly Meadows	SFWMD
Maran Hilgendorf	CHNEP
Liz Donley	CHNEP

Agenda Item 1: Call to Order, Welcome and Introductions

The meeting began at 10:05 with all in attendance introducing themselves. Ms. Highsmith reported that there is a quorum of appointed members.

Agenda Item 2: Agenda Review

The agenda was accepted.

Agenda Item 3: Consent Agenda

Ms. Highsmith moved, seconded by Ms. Rohrer, that the consent agenda of the minutes of the prior meeting be accepted as amended. The motion carried unanimously. Agenda items approved include:

a. Minutes of the October 17, 2007 CAC meeting.

Agenda Item 4: New Business (a) Nomination of members for appointment by the Policy Committee

Ms. Hilgendorf explained that the CHNEP Policy Committee only meets four times a year. CAC members nominated at the last CAC meeting will be considered for appointment by the Policy Committee at their meeting in November so those nominated are not yet appointed and aren't eligible to vote at this meeting.

The CAC did not nominate additional members for the Policy Committee to consider.

Agenda Item 4: New Business (a) Nomination of members for appointment by the Policy Committee

Ms. Highsmith provided a review of the CAC bylaws since last approved by the CAC. The Policy Committee made minor changes to make it easier for the CAC to conduct its meetings. Ms. Donley made changes to the bylaws to conform to the Governor's new Executive Order regarding energy use. Members discussed holding meeting via conference telephone calls. If the CAC opts to use conference calls, the facilities used would have to have that capability. The CAC does not need to use this option but it has to be in the bylaws in order to use it.

Ms. Highsmith moved to approve the bylaw as amended, seconded by Ms. Bush. The motion passed unanimously.

Agenda Item 4: New Business (a) Nomination of members for appointment by the Policy Committee *continued*

Those who arrived late then introduced themselves.

Ms. Rohrer moved, seconded by Mr. Ruby, to nominate Gail Giles, Harry Philips and Tommy Simmons to the Policy Committee for CAC voting member status. The motion carried unanimously.

Update: Ms. Giles had already been appointed so she was not considered by the Policy Committee at their November 2007 meeting.

Agenda Item 4: New Business (c) Petition to request update of 1978 Environmental Impact Study (EIS) of phosphate region

Ms. Rohrer provided an overview of phosphate mining and an anticipated increase of mining in the CHNEP watershed in "bone valley" for next 30 years. The Army Corps of Engineers (ACOE) supports an areawide regional impact but has no funds to conduct the study. Three counties each pledged \$500,000 for an update of the 1978 EIS targeted at the phosphate region to include development and agriculture. An update is estimated to cost \$1.5 million and a full EIS is estimated to cost \$4-\$8 million. This is a repeat of the request to also help voice concern on the compact under consideration at this time. Superfund sites in Florida are all the result of phosphate because "they took their profits

and walked away.” The current agreement being considered allows the phosphate company to cease to exist with no responsibilities held by parent of that company.

Ms. Rohrer moved to write a letter to ACOE to request an update of the 1978 regional environmental impact study of phosphate region known as “Bone Valley,” seconded by Ms. Highsmith. The motion carried unanimously.

Mr. Ruby asked if the request should include earth mining. Ms. Giles said that the ordinance for dirt mining will be considered by the Charlotte County BCC on November 27, 2007.

Ms. Hilgendorf said that the earlier letters were for the phosphate region, not industry.

Mr. Nedza asked about the use of the word “primitive.” Mr. Katzaras explained the process of extraction with a dragline.

After discussion, Ms. Rohrer asked that the letter be resent asking that phosphate be prioritized so that all parties can resolve their differences.

Ms. Hilgendorf reminded members that the CHNEP Director can write letters if the issue is already covered in the CCMP and approved by the Policy Committee. If the issue has not been previously considered then the issue must be approved by the Policy Committee or by the chairs of each committee of the Management Conference. One benefit of participating in the CAC is that those in attendance can learn about issues and can take action independently of the CHNEP.

Ms. Giles said at the Charlotte County Board of County Commissions that Mosaic said that they’d support an AEIS of the phosphate region and would provide financial support.

Ms. Highsmith asked if an AEIS gets to the issues. Ms. Giles said that the ACOE information says “past, present and future.” Ms. Rohrer explained that it doesn’t address single mines but all mines simultaneously.

Mr. Nedza moved to amend the motion to cover the phosphate region to include all impacts, including development and agriculture. The motion carried unanimously.

Ms. Highsmith explained that since this had already been discussed, there is no need for a second.

Ms. Rohrer asked if the motion can be amended to prioritize phosphate. Mr. Katzaras said that the timing is irrelevant and that phosphate could be listed first. Ms. Rohrer asked if we could do as Mr. Katzaras suggests and that the EIS could be used to built upon and that counties provide financial assistance. Mr. Nedza asked about adding the financial pledge information to the letter.

Ms. Giles reiterated request and Ms. Hilgendorf asked if the committee would go to the next agenda item so that the committee can be provided with copies of the letters CHNEP sent previously.

Agenda Item 5: Report from Officers

Mrs. Bush provided an overview of the Management Committee and airboat ride of Lake Hancock. Mr. DeBruler said that fishing poles and other fishing equipment were distributed at the Charlotte Harbor Nature Festival. The committee agreed that the 2008 “calendar is wonderful.”

Agenda Item 4: New Business (c) Petition to request update of 1978 Environmental Impact Study (EIS) of phosphate region *continued*

Ms. Hilgendorf distributed the letters to ACOE that CHNEP sent November 17, 2003 and September 26, 2000.

Ms. Katz asked if a response had been received from the two prior letters CHNEP sent. Mr. Nedza said it doesn't believe a response has ever been received. Ms. Rohrer and Mr. Kataras both said that ACOE staff are willing to talk about the study but that funds aren't available to implement the study.

Mr. Nedza moved that the letter be resent explaining that funds are available from the counties and that Mosaic expressed interested in an AEIS.

Mr. Kataras asked that funds be confirmed with Mosaic, counties and others prior to sending the letter. The scientific data in the letter should be updated. Ms. Donley discouraged resending prior letters and that the new letter be kept to no more than two pages.

Ms. Rohrer said that she would like the CAC to consider the request as statement in the first full paragraph in 4c. We want NEPA rules to apply, not Florida's rules.

Ms. Highsmith said that Ms. Giles, whose judgment she trusts, says that the letter as requested is okay.

Ms. Highsmith moved that Mr. Nedza's motion include language taken from earlier CHNEP letters to read “In November 2003 the CHNEP reiterated its request made on September 2000 to the U.S. Army Corps of Engineers for a regionwide environmental impact statement (EIS) to address cumulative impacts for all types of development –mining, agriculture, residential – in the Peace and Myakka River basins in southwest Florida.”

Staff was directed to check that EIS-AEIS is correctly used.

Mr. Nedza suggested that the letter from November 2003 be resent with an explanation that funds are available from several counties and that Mosaic expressed interested in an AEIS, perhaps then it'll be more possible.

Mr. Nedza asked that a paragraph be added about potential funding sources for the study.

The CAC then proceeded to vote backwards on the motions presented (recorded above). The last motion carried unanimously. The first motion as amended carried unanimously.

Agenda Item 6: Presentations (a) CHNEP support organization

Mr. Rohrer asked members to review the draft letter regarding Friends of Charlotte Harbor Estuary, Inc. The presentation was deferred regarding the Friends organization due to time.

Agenda Item 6: Presentations (b) Lower Charlotte harbor SWIM Plan

Ms. Meadows asked if the SWIM Plan talk could be deferred to the next meeting.

Agenda Item 6: Presentations (c) Landscape ordinances

Ms. Bickford from Lee County did not attend.

Mr. Janneman from Sarasota County introduced Mr. Wright who then presented information on Sarasota County's landscaping code and distributed material. Mr. Wright explained that the state is proposing their statewide rules and that there was a concern that the counties wouldn't be allowed to set their own ordinances so Sarasota County passed their ordinance prior to the statewide rule. Sarasota asks for a voluntary buffer zone along waters edges.

Mr. Bush stated that Cape Coral Florida Yards & Neighborhoods also has a similar push.

Ms. Giles said there is a landscape tour this weekend.

Mr. Wright said that the majority of those in the landscape business thought they wouldn't have a problem meeting the code.

Ms. Reimondo asked about the cost difference for slow-release fertilizer. While the slow release costs more, it is applied less often, making the cost similar.

Ms. Hilgendorf reminded members that the CHNEP supported the NEST program with a public outreach grant for their project in Lemon Bay.

Mr. Lasso de la Vega asked if the CAC can make the brochures available as PDF files. Mr. Wright said he would be happy to provide them. They'll be posted on the CHNEP FTP site. Mr. Wright said that Sarasota County would be happy to have others use the information.

Agenda Item 7: Program Reports

Ms. Hilgendorf encouraged members to read the draft manuscript of the children's book that was included in the meeting packet. The goal is to distribute the book to every third grader in the study area.

Agenda Item 8: Partners Report

Mr. Kataras invited the CAC to a tour of phosphate activities and that CF Industries would be happy to host a meeting and offer the tour.

Several members inquired on Ellen Peterson's health.

Ms. Raimando announced that St Antonio will hold a fall festival at the church to be held this upcoming weekend.

Ms. Donley reported that the Babcock conceptual management plan for public lands public hearing on November 27 in Englewood on November 28 in Buckingham. Wednesday, November 28 is annual meeting for Babcock Preservation Partnership.

The meeting adjourned at 11:50.

Minutes were prepared by Maran Hilgendorf.