



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

Members Present:

Bill Byle	Charlotte County Community Development
Joan Bush	CHNEP CAC
Warren Bush	CHNEP CAC
Alton Cheatham	Charlotte County Soil & Water
Wesley "Bo" Crum	USEPA, Region 4
David Dale	National Marine Fisheries Service SE
Lizanne Garcia	SWFWMD, Resource Management Dept.
Ken Heatherington	SWFRPC
Bob Howard	USEPA, Region 4
Charlie Hunsicker	Manatee County Conservation Lands Management Dept.
Kayton Nedza	Hardee County Outdoor Classroom/CHNEP CAC
Molly Meadows	SFWMD
Joe Ortolona	City of Fort Myers Public Works Dept.
Judy Ott	FDEP/Charlotte Harbor Aquatic Preserves/CHNEP TAC
Roland Ottolini	Lee County Natural Resources
Sam Stone	PRMRWSA

Also Present:

Lisa Beever	CHNEP
Liz Donley	CHNEP
Maran Hilgendorf	CHNEP
Jaime Boswell	CHNEP
Nichole Gwinnett	SWFRPC
Kris Kauffman	SWFWMD
West Palmer	Hardee County
Brian Pohl	Hardee County
Nick Staszko	Hardee County
Frank Baker	USEPA, Region 4

Agenda Item #1 - Call to Order and Introductions – Meeting was called to order by Bo Crum, Co-Chairman at 10:02 a.m. Introductions were made.

Agenda Item #2. Agenda Additions or Deletions – Bo Crum, Co-Chairman

No changes were made to the agenda, so the agenda was accepted as presented.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

Agenda Item #3 – Public Comments on Agenda Items – Bo Crum, Co-Chairman

No public comments were made at this time.

Agenda Item #4 – Management Committee May 4, 2007 Minutes

Mr. Dale referred page 15, last paragraph should be amended to read “Also, the Gulf of Mexico Aquaculture Fisheries Management Plan is scheduled to be released in June.” Also, on page 16, first paragraph should be amended to read “Co-Chairman Heatherington announced that the Assistant US Secretary of Commerce, US Department Commerce’s Economic Development Administration Sandy K. Baruah.”

MS. GARCIA MOVED AND MR. ORTOLONA SECONDED TO APPROVE THE MINUTES OF MAY 4, 2007 AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

Agenda Item #5 – CCMP Update – Lisa Beaver

On March 15, 2004, the CHNEP adopted its CCMP Major Update Process. This process has been followed to date. Major accomplishments included:

- Accepting a technical report entitled “Plan Gaps and Priority Analysis” which recommended changing Volume 2 to an on-line database, a new priority problem (Stewardship Gaps), simplifying the priority action pages, and considering scores of new issues;
- Canvassing management conference committees and the public for recommendations for the plan;
- Administering a survey to prioritize draft objectives and actions;
- Drafting a new vision section, objectives and actions; and
- Completing a layout with new maps and graphics within In-design desktop publishing software.
- Completing a draft on 7/25/07, with initial comments from Science Forum, CAC members, and copy editor.

Staff will review the draft included in this packet and perform final edits. Staff will send a color PDF to Management Committee members prior to the meeting and have color copies available at the meeting.

The following schedule is recommended:

- Request member agencies and interested parties to send comments on the 7/27/07 draft by 10/5/07.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

- Issue revised draft by 10/10/07 for conference review.
- Policy Committee reading and adoption 11/19/07.
- Possible second Policy Committee reading and adoption 3/17/08.

Ms. Garcia asked if EPA's TMDLs are shown for the watershed. Dr. Beaver explained that FDEP's TMDLs are shown only because they are more updated than EPAs.

Mr. Ottolini suggested showing east of the Caloosahatchee River and Lake Okeechobee impairments on the map.

Ms. Garcia asked if there is an existing monitoring vision. Dr. Beaver replied that there really isn't one in place but that is a good point. Ms. Garcia suggested placing within the text that "you like what everyone is contributing to the vision and you would like to maintain that."

Mr. Hunsicker referred to pages 36 and 38 and the matrix for local governments and the implementation matrix and suggested that they include both the regional planning councils and the water supply authorities.

Mr. Byle suggested that the maps should have reference points such as county lines.

Ms. Bush stated that she agrees with Mr. Byle's suggestion.

Ms. Garcia stated that the SWFWMD recommends that the CCMP adoption schedule be amended so that comments are received by October 10, 2007 from the Management Committee for conceptual adoption at its November meeting with final adoption at its March 2008 meeting.

MR. HUNSICKER MOVED AND MR. STONE SECONDED TO APPROVE THE CCMP ADOPTION SCHEDULE AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

6. FY 08 RESEARCH AND RESTORATION PARTNERS REQUEST FOR PROPOSALS

Staff drafted the Fiscal Year 2008 Research and Restoration Partners Grants Request for Proposals (RFP). There are minor changes to last year's RFP, and the modifications list requirements to meet SWFWMD requirements for those projects funded via our cooperative agreement with SWFWMD. Changes to text are as follows:

1. Page 4 and 13—additional text: "Please note that the NEP intends to use funding from the Southwest Florida Water Management District (SWFWMD) to implement selected projects within the SWFWMD geographic area. Applicants who have also received or are applying for funds from the SWFWMD for a proposed project may not use SWFWMD funds as a match."
2. Page 16—additional text: "Reports will be required to acknowledge funding entities and include an Executive Summary and title page if research findings are included."



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

3. A requirement to describe potential impacts to wetlands with the application. This language was added to existing language requiring applicants to describe impacts to threatened and endangered species on page 11.
4. Additional text on page 11: "Note also that SWFWMD has data reporting, collection and analysis requirements that the applicant will need to meet if project is funded through us by SWFWMD." This was added to language describing the federal requirement of a Quality Assurance Project Plan for projects gathering data.

Mr. Ottolini asked where \$60,000 was coming from. Dr. Beever explained that it had to come from other funding sources because it was unable to come from SWFWMD funds.

MS. GARCIA MOVED AND MR. CHEATHAM SECONDED TO RECOMMEND APPROVAL AND ADVERTISE THE FY 08 RESEARCH AND RESTORATION PARTNERS GRANT REQUEST FOR PROPOSALS. THE MOTION CARRIED UNANIMOUSLY.

7. **SOUTH FORT MEADE MINE PERMIT APPLICATION**

At their July 18 meeting, the Citizens Advisory Committee recommended that a letter be sent requesting the Army Corps of Engineers review permit application SAJ-1997-4099-IP-MGH (South Fort Meade Mine) to be consistent with the CCMP. Staff drafted the attached letter in concert with the CAC recommendation.

Dr. Beever distributed an updated letter.

Mr. Hunsicker asked what role the CCMP plays with the Corps. Do we expect the same response from the state agency reviewers? Dr. Beever explained that there has been no response from the Corps in the past on other issues.

Mr. Byle noted that the project is known as the South Fort Meade Mine Extension.

Mr. Dale suggested that staff request that a consistency of determination of the CCMP be recorded in the statement of findings which is the Corps record of decision. Also, to take it one step further you can request that the CHNEP be notified when inconsistencies are found.

MR. DALE MOVED AND MR. BYLE SECONDED TO REQUEST THAT A CONSISTENCY OF DETERMINATION OF THE CCMP BE RECORDED IN THE STATEMENT OF FINDINGS WHICH IS THE CORPS RECORD OF DECISION AND ALSO REQUEST THAT THE CHNEP BE NOTIFIED WHEN INCONSISTENCIES ARE FOUND.

Mr. Cheatham suggested asked EPA to influence the Corps to respond to the NEP's letters.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

Ms. Ott suggested asking for a copy of the "Statement of Finding."

THE MOTION CARRIED WITH MS. GARCIA ABSTAINING.

Ms. Garcia stated that she would like to see a report from staff on how many letters have been written and sent from the NEP to the Corps and how much time has been spent on each letter.

Mr. Howard stated that there is a value to have someone out there to help. He feels that the letters do make a difference.

8. SEAGRASS STATUS AND TRENDS

Kris Kaufman, SWFWMD, is the project manager for the biennial mapping of seagrass within the SWFWMD area. The 2006 seagrass map and analysis have been completed. Kris will present the methods and findings. Catherine Corbett will present findings from the SFWMD 2006 seagrass maps and a status and trends analysis.

Mr. Stone asked what impact does the dry and wet years have on the color of the water. Mr. Kaufman explained that some seagrasses benefited from the salinity levels and some didn't, but water clarity is a big issue.

9. WATERSHED PRESENTATION

Frank Baker, EPA, will provide the Management Committee with a brief presentation on watersheds and his role with the Charlotte Harbor NEP.

Ms. Garcia asked how the Watershed Restoration Action Plan works with DEP's (BMAP) Plan. Mr. Baker explained that many states within EPA's Region 4 do not have BMAP's; however, Florida does and where many cities and counties that have areas with rivers and tributaries that have various issues BMAPs are very useful and in the areas such as Hendry Creek the restoration plan work best.

10. HENDRY CREEK PROJECT UPDATE

The USEPA has designed voluntary guidelines for management of onsite treatment and disposal systems (OSTDS – septic systems). These guidelines have been used throughout the country in the development of OSTDS management programs of varying sizes and styles. These systems can be a cost-effective and environmentally friendly way to treat wastewater if properly designed, sited, and maintained. Many communities and watershed basins within South Florida could benefit from the implementation of OSTDS management programs. The South Florida Water Management District provided funding for a pilot project in the Hendry Creek Basin within Lee County, the only coincident county within both agencies study areas.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

The primary part of this project involved engaging a small community, identified by the Charlotte Harbor NEP, within the Hendry Creek basin (an impaired water body). The intent was to pilot an outreach program to homeowners with aging septic systems. Homeowner education is an essential aspect, and the first step towards maintaining effective OSTDS, and therefore protecting water quality. The Charlotte Harbor NEP in cooperation with the SFWMD and Crews Environmental has offered free septic system pumpouts and inspections to participating homeowners. Several outreach methods were used, and to date seven of forty homeowners (18%) have opted to participate.

In order to address larger scale questions about the feasibility of a management program an OSTDS Management Stakeholder Workshop was developed, and participation was requested by all community stakeholders within the Charlotte Harbor NEP study area. There were over 40 participants, representing state, regional and county agencies, not-for-profits, and septic system professionals. Presentations were given to provide adequate background for a facilitated discussion. A full draft report on the workshop presentations and discussion is provided as an attachment.

Ms. Boswell gave a verbal presentation due to time constraints on the Hendry Creek project.

11. **LEGISLATIVE SUBCOMMITTEE**

In 2003, a Legislative Subcommittee was created with representatives for the entire Management Conference to:

- (1) Refine the Legislation Agenda for consideration by the Policy Committee,
- (2) Increase communication and discussion on proposed legislation that may affect the program's ability to implement the CCMP,
- (3) Provide members an opportunity to learn about and consider proposed legislation for action by their member organizations,
- (4) Establish a quick response for the CHNEP to have a voice in proposed legislation, following the Advocacy and Review Procedures adopted February 21, 2003, and
- (5) Provide an informal subcommittee structure for direct communication among conference members of different roles — citizen, scientist, manager, agency official and elected official.

Interested members of the Management Committee are asked to volunteer to participate on this subcommittee.

Ms. Donley explained that the reason that the item is on the agenda is due to the CCMP changes and also the TAC changes with the Policy Committee making appointments to the TAC.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

12. **TECHNICAL ADVISORY COMMITTEE**

At its last meeting, the Policy Committee approved a motion to revisit their previous motion that approved a CHNEP structure that would allow the Technical Advisory Committee (TAC) to fit within the fact-finding committee exemption of the Sunshine Law. This therefore voids the prior motion, *de facto* establishing the TAC as an advisory committee that makes recommendations directly to the Management and Policy Committees. Concurrently, the Policy Committee requested NEP staff review the structures of the other Florida NEP for consistency and request an opinion by the Florida Attorney General.

Consequently, the Charlotte Harbor scientific community conducted a Science Forum on July 11. The agenda included presentations on a variety of topics of interest to scientists and others, which allowed members to engage in more detailed scientific discussion. Participants and Program staff found it to be worthy.

The TAC currently exists but appointments have not yet been made.

Ms. Donley explained that at the last Policy Committee meeting the Policy members asked for a reconsideration of whether or not the TAC would fall under the exemption of the Sunshine Law. So it was decided by the Policy Committee to contact the other NEPs and ask for their input on the issue and also write an opinion letter stating that the TAC will function under the Sunshine Law and not under the exemption of fact finding committee. At the conclusion of the meeting there are no individuals currently appointed to the TAC so the Policy Committee recommended that members of the TAC be appointed by the Policy Committee. She then stated that she will present a draft letter addressed to the Attorney General Office based on the fact that the CHNEP is revising the CCMP and this is what we are proposing our administrative structure to work and does it comply with the Sunshine Law.

Agenda Item #13 – Science Forum Report

Judy Ott gave the Science Forum report and stated that the next forum is scheduled for September 12, 2007.

Agenda Item #14 – CAC Report

Mr. Bush gave the CAC Report and explained that they discussed the CCMP, bylaws, and quorum issues.

Agenda Item #15 – ABM Report

Lisa Beever gave the ABM report.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

Agenda Item #16 – NEP Program Report

Dr. Beever recommended adding a Florida Seagrass representative to the Management Committee as a voting member.

Mr. Howard stated that he supports the representation.

MR. HUNSICKER MOVED AND MR. CHEATHAM SECONDED TO ADD A FLORIDA SEAGRASS REPRESENTATIVE TO THE MANAGEMENT COMMITTEE AS A VOTING MEMBER. THE MOTION CARRIED UNANIMOUSLY.

Dr. Beever reviewed the deliverables as contained within the agenda packet.

Ms. Hilgendorf reviewed the following:

- NEPs celebrated their 20 year anniversary
- 2008 Calendar: 81 people submitted a total of 211 images
- Distributed survey for 2008 calendar images
- Next CAC meeting 3rd Wednesday in August
- Florida Friendly Workshops scheduled for the 2nd Saturday in September and October
- National Estuaries Days
- Harbor Happenings Newsletter Dedicated to National Estuaries Days
- More Sponsors Needed for the Nature Festival
- Professional Development Opportunities Workshop (NOAA) in December
- Florida Friendly Neighborhood Video w/FGCU

Ms. Donley reviewed the following:

- Coastal Partnership Initiative Grant From NOAA
- Fish America Foundation/Mangrove Restoration Grant
- EPA, Region 4 Permitted Wetland Impacts Grant
- Senator Martinez Water Quality and Quantity Issues

Agenda Item #17 – Member Comments

Mr. Heatherington gave an overview of the Economic Development Forum which the Southwest Florida Regional Planning Council is hosting on October 18th at the Harborside Event Center. For further information, please contact Ms. Nichole Gwinnett at ngwinnett@swfrpc.org or visit the Council's website at www.swfrpc.org.

Mr. Hunsicker announced that the SWFWMD recently purchased 646 acres of conservation easement adjacent to Manatee Park.



**Charlotte Harbor National Estuary Program
Management Committee
Approved Minutes
August 3, 2007
Englewood, Florida**

Mr. Byle asked if the EPA Watershed Management Assistance Program would help the local governments and the water management districts compile their plans. Co-Chair Crum said that a meeting should be arranged to discuss the issue. Mr. Howard explained that the management assistance program could be used as a tool.

Ms. Garcia announced that July was the 20th anniversary of the SWIM program.

Agenda Item #18 – Public Comments

There were no public comments.

Agenda Item #19 – Next Meeting’s Topics, Location and Date – *Friday, November 2, 2007*

Dr. Beever stated that the location will be in Bartow and topics of discussion will be the CCMP.

Agenda Item #20 – Adjourn

Meeting adjourned at 12:55 pm.