



Charlotte Harbor National Estuary Program
Policy Committee
Approved Minutes
March 24, 2008
Punta Gorda, Florida

Members Present:

Herb Acken	Town of Fort Myers Beach
Jim Blucher	City of North Port
Warren & Joan Bush	Lee County – FYN Master Gardeners/CAC
Adam Cummings	Charlotte County BOCC
Wayne Daltry	Lee County Smart Growth (alt. for Ray Judah, Lee County BOCC)
Mick Denham	City of Sanibel
Lizanne Garcia	SWFWMD Resource Mngmt Dept.
Melanie Grigsby	City of Fort Myers
Jon Iglehart	FDEP – South District
Connie Jarvis	City of Cape Coral
Rufus Lazzell	SWFWMD
Molly Meadows	SFWMD
Kayton Nedza	Hardee County Outdoor Classroom
Betty Staugler	FL Sea Grant/TAC
Philip Stevens	FWRI Charlotte Harbor
Charles Wallace	City of Punta Gorda
Tom Welborn	USEPA, Region 4

Also Present:

Lisa Beever	CHNEP
Catherine Corbett	CHNEP
Liz Donley	CHNEP
Maran Hilgendorf	CHNEP
Nichole Gwinnett	SWFRPC

Agenda Item #1 - Call to Order and Introductions

Co-Chairman Welborn called the meeting to order at 9:29 am.

Agenda Item #2 – Agenda Additions or Deletions – Tom Welborn, Co-Chair

Co-Chairman Welborn noted that Mr. Lazzell requested to add a discussion on the Mining Conference to the agenda which will be added after Agenda Item #4.



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Agenda Item #3 – Public Comments on Agenda Items – Tom Welborn, Co-Chair

No public comments were made at this time.

Agenda Item #4 – Policy Committee Minutes – Tom Welborn, Co-Chair

MR. DALTRY MOVED AND COMMISSIONER BLUCHER SECONDED TO APPROVE THE MINUTES FROM THE NOVEMBER 19, 2007 POLICY COMMITTEE MEETING. THE MOTION CARRIED UNANIMOUSLY.

Agenda Item #4a – Mining Conference

Mr. Lazzell gave an overview of the Mining Conference which was held at the Best Western in Punta Gorda.

Mr. Lazzell stated that he was concerned that none of the regulatory agencies were invited to participate or make statements. He was also concerned with associating the CHNEP with the advocacy groups.

Agenda Item #5 – CCMP Update – Lisa Beaver

During their last meeting on November 19, the Policy Committee conceptually approved the CCMP Update on November 19, with the addition of a policy action concerning climate change.

The most recent CCMP update (color edition) is on our FTP site at: <ftp://ftp.swfrpc.org>

Enter user name: chnep

Password for account is: chnepaccess

The PDF document is under CCMP Update.

Note: for IE7, the user should click Page, and then click Open FTP Site in Windows Explorer.

The conceptual approval of the CCMP Update was significant because the document became the guidance for the program. The new language has become very useful, allowing staff in early 2008 to:

- Complete a questionnaire by ICF International is working under a contract from EPA's Office of Atmospheric Programs, Climate Change Division, in cooperation with the Office of Wetlands, Oceans and Watersheds, Oceans and Coastal Protection Division to support their work to design and implement a *Climate Ready Estuaries* program to support National Estuary Programs (NEPs) as they address climate change in their estuaries. (SG-Q)



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- Send information and letter of support for Battelle to seek funds from the Department of Defense to develop a climate change decision support to aid local governments. (SG-Q)
- Send a letter requesting more additional information on the CF Industry's South Pasture Mine permit modification to include a reservoir. (HA-K)
- Respond with more certainty to the CAC as they recommended a Workshop on Reservoirs. (HA-K)

TAC, CAC, and Management Committee recommended approval of the CCMP update.

A signing ceremony for the plan is scheduled in the afternoon at Laishley Park in Punta Gorda. According to state procedures, the approved plan will be sent to the State Clearinghouse for intergovernmental review. After concurrence, the final CCMP update will be printed and distributed.

Mr. Daltry recommended adding a memorial page at the end of the document.

Mr. Lazzell stated that he anticipates that the SWFWMD Governing Board will approve the document.

MR. DALTRY MOVED AND MAYOR DENHAM SECONDED TO ADOPT THE 2008 CCMP UPDATE. THE MOTION CARRIED UNANIMOUSLY.

6. COMPENDIUM OF EXISTING MONITORING PROGRAMS

In 1997, CHNEP published its *Compendium of Existing Monitoring Programs in the Greater Charlotte Harbor Watershed*. Tom Fraser and Ralph Montgomery were contracted to prepare the report. Because the Compendium pre-dated the original CCMP, several monitoring programs that are not closely tied to the final (and updated) CCMP are included. In addition, several programs that were established since that time to implement the CCMP were (of course) not included.

Staff reviewed the draft Environmental Indicators Report update and identified key monitoring programs that the CHNEP relies upon. Janicki Environmental, under contract with Sarasota County, developed a structure to catalog monitoring programs that is similar to but goes beyond the CHNEP 1997 Compendium. Staff used this structure to prepare a database of critical monitoring programs to track CCMP implementation and to update the Compendium.

This database may be an excellent start to serving databases over our website because it is relatively small.



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TAC recommended the database include website addresses where any source data are offered. Management Committee recommended a cover page where fields can be described. These components will be added prior to finalizing the database for hosting on our website. TAC, CAC, and Management Committee recommended approval of the compendium and hosting the database on our website.

Mr. Iglehart announced that DEP's Punta Gorda lab has closed and they now ship out to other labs and up to Tallahassee.

MR. DALTRY MOVED AND MR. IGLEHART SECONDED TO APPROVE THE COMPENDIUM OF EXISTING MONITORING PROGRAMS UPDATE AND HOST THE DATABASE AT WWW.CHNEP.ORG. THE MOTION CARRIED UNANIMOUSLY.

7. STATE OF THE ESTUARY AND WATERSHEDS AND CONSERVANCY REPORT CARD

With the CCMP update, Environmental Indicators Report update, collection of data related to the indicators, and update of desktop publishing to Adobe InDesign, staff is ready to begin drafting the *State of the Estuary and Watersheds* through the Management Conference process. Using recommendations from the CAC Environmental Indicators Subcommittee which convened in 2003, staff designed an initial spread for discussion with the Management Conference.

The CAC plans to hold Environmental Indicators Subcommittee meetings to develop the document, inviting other conference members. The TAC, CAC, and Management Committee favor developing a companion website with more data and analysis available to interested people, while keeping the document.

The Management Committee further recommended that conference members rank the indicators that they think are most important so that those indicators are used (considering also data availability).

Mr. Iglehart noted that any reference to Hurricane "Charley" is spelt with an "ey" and not "ie." He also noted that the Florida Keys Marine Sanctuary has been struggling in compiling a similar document for the public and they are considering publishing it in loose-leaf booklet form so it can be sold in dive shops.

Mr. Daltry asked for clarification that the "Report Card" was previously done by The Conservancy of Southwest Florida and now it will be done by CHNEP. Dr. Beever replied that is correct.



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Councilman Acken asked if the loose-leaf booklet would be available at dive shops and other establishments along the coastline. Mr. Iglehart replied yes. Councilman Acken asked if there would be a cost for the booklet. Mr. Iglehart explained that it would not be a fund generator but there would be a cost associated enough to recover the cost of production.

MR. DALTRY MOVED AND COUNCILMAN ACKEN SECONDED TO DIRECT THE MANAGEMENT CONFERENCE TO PREPARE A STATE OF THE ESTUARY AND WATERSHEDS DOCUMENT FOCUSING ON THE HIGHEST PRIORITY INDICATORS AND DEVELOP A COMPANION WEBSITE WHERE INTERESTED PEOPLE CAN ACCESS MORE DATA AND ANALYSIS. THE MOTION CARRIED UNANIMOUSLY.

8. RESEARCH AND RESTORATION PARTNERS PROJECTS

The program office received 11 Research and Restoration Partners Grants applications by the deadline of October 26, 2007. A Review Subcommittee met all day Friday, December 7, 2007 Lemon Bay Park in Englewood, FL to review and prioritize applications for the full TAC. Thanks to the following for their invaluable efforts:

- Peter Doering, SFWMD/TAC;
- Kristen Kaufman, SFWMD/TAC;
- Gary Raulerson, Sarasota Bay Estuary Program;
- Bob Day Indian River Lagoon National Estuary Program;
- Jason Utley, SWFRPC/TAC;
- Kathi Rader-Gibson, Sarasota County/CAC and
- Ernesto Lasso de la Vega, CAC.

The subcommittee first discussed the meeting agenda and then issues for consideration in their funding recommendations. The subcommittee then discussed each project proposal individually along with their questions or concerns with each. Next, each of the applicants was allotted 5 minutes to give a description of their project before then answering questions from the review subcommittee for another 10 minutes. Finally, each review subcommittee member completed an evaluation matrix for each project proposal, circling either "high," "medium," "low" or "do not fund." Program staff then multiplied each "high" vote by 3; each "medium" vote by 2; each "low" vote by 1; and each "do not fund" vote by 0. The mean and median values for each proposal were then determined, giving the group's prioritization. This prioritization is then listed in order of preference on a Summary sheet included within this packet.

We budgeted \$60,000 for the Research and Restoration Partners Grant Program in the FY08 Workplan. In addition, the SFWMD offered to provide \$20,000 towards project F of the R&RP Grant applications. Thus, the budget is \$70-80,000 for this item. Staff recommends following the Review Subcommittee rankings to fund in order of priority:



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Projects F, I, J, A, and B. The TAC recommended approval of funding projects F, I, J, A and B.

The project proposals are available electronically from the CHNEP ftp site. If you have questions or would like further information about these proposals or the Review Subcommittee's recommendations, please contact the program office at ccorbett@swfrpc.org or (239) 338-2556 ext. 241.

Our FTP site at: <ftp://ftp.swfrpc.org>

Enter user name: chnep

Password for account is: chnepaccess

The applications are within the February 13 TAC meeting folder. Note: for IE7, the user should click Page, and then click Open FTP Site in Windows Explorer.

The TAC, CAC, and Management Committee recommended approval of the 5 projects.

MR. DALTRY MOVED AND MR. LAZZELL SECONDED TO APPROVE PROJECT APPLICATIONS F, I, J, A AND B FOR FUNDING. THE MOTION CARRIED UNANIMOUSLY.

9. PRE-DEVELOPMENT VEGETATION MAP

Within the technical section of the Fiscal Year 2008 Workplan is the item "Research or Monitoring Priority," for TAC to recommend a project addressing a priority research need or knowledge gap for our environmental indicators. The FY08 workplan budgeted \$50,000 for this item. In addition, the program has \$40,000 unencumbered for this same item in the FY07 Workplan. (The "tidal shoreline condition map" project was funded with the remaining allocation towards this item in the FY07 Workplan.) Program staff recommend funding the completion of the pre-development vegetation map (PDVM) using these funds. Completion of the PDVM would allow us to determine the extent, type and quantity of habitat loss since pre-settlement. Most of the study area has been completed by SWFWMD, SWFMWD, and CHNEP. Only Charlotte County and Manatee County remain.

CHNEP developed the PDVM for Sarasota in 2004 but has not been able to work on the effort in over 2 years.

Staff recommends funding the existing SWFWMD contractor to undertake this effort for consistency and economy of scale. A draft summary of the proposed project, including a budget is enclosed.

The TAC, CAC, and Management Committees recommended approval of the project.



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MR. LAZZELL MOVED AND MR. DALTRY SECONDED TO APPROVE FUNDING FOR COMPLETING THE PRE-DEVELOPMENT VEGETATION MAP.

Co-Chairman Welborn asked how the contract will be awarded. Ms. Corbett explained that the contract will be sole sourced.

THE MOTION CARRIED UNANIMOUSLY.

10. TAC APPOINTMENTS

On August 20, 2007, the Policy Committee made appointments to the TAC. Since that date, several members have joined, their agencies' changed the representative, or the agency (mostly consulting businesses) have opted to not participate as a voting member.

New members include:

- Teresa Payne, City of North Port, replacing Andrew Kelley.
- Tom Jackson, City of Punta Gorda
- Mike Britt, City of Winter Haven
- John Cassani, Lee County Hyacinth Control District
- Chris Stafford, Florida Fish & Wildlife Conservation Commission, replacing Patrick Casey
- Sears Coker, Peace River Valley Citrus Growers, replacing Barbara Carlton
- Santino Provenzano, Mosaic, replacing Scott Mears
- Loren Coen, SCCF, replacing Eric Milbrandt
- Leroy Crockett, USDA NRCS, replacing Chakesha Martin
- Joyce Mazourek, US Fish and Wildlife Service
- Cynthia Ovdenk, US Army Corps of Engineers
- David Ceilley, Citizen

Affiliations which would no longer be represented include:

- Mike Gurr, CFRPC/Gurr Professional Services
- Tom Fraser, Dex Bender & Associates
- Doug Knight, Hardee County
- Don Ross, EarthBalance
- Tony Janicki, Janicki Environmental, Inc.
- Church Roberts, Johnson Engineering
- Steve Suau, KHA Engineering
- Ralph Montgomery, PBS&J



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- Gary Raulerson, Sarasota Bay Estuary Program
- Holly Greening, Tampa Bay Estuary Program.

Several of the above former members continue to attend TAC meetings and participate in CHNEP activities but do not wish to maintain voting rights.

Many member organizations maintain a list of alternates.

Ms. Corbett noted that the Central Florida RPC had requested that the following two individuals be added for consideration:

- Mr. Mike Gurr as their TAC representative
- Mr. Jay Leveroni as their TAC alternate

MR. DALTRY MOVED AND MR. LAZZELL SECONDED TO APPOINT CANDIDATES TO THE TAC, INCLUDING THE TWO ADDITIONAL CANDIDATES AS REQUESTED FROM CENTRAL FLORIDA RPC.

Mr. Iglehart asked why some TAC members had decided to not represent either themselves or their company. Ms. Corbett explained that it was mainly due to the Sunshine Law.

Dr. Beever explained that those members have been invited to participate in the TAC's Science Forum.

Ms. Grigsby stated that she would like to add her name to the TAC as the representative from the City of Fort Myers.

Mr. Iglehart stated that the non-voting members should not be excluded from participating in the discussions.

THE MOTION CARRIED UNANIMOUSLY.

11. FY 09 WORKPLAN DISCUSSION

In preparation for the May 2008 adoption of the Workplan, staff drafted the FY09 Workplan and FY08 Amendments for discussion.

Mayor Denham asked what is the process for projects to get on the technical list. Dr. Beever explained the process.



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Mayor Denham explained that he is concerned with the issue of pharmaceuticals being disposed of in the waterways. Ms. Corbett explained that there are two projects which address pharmaceutical testing.

Mayor Denham suggested that the CHNEP should be focusing on communities with having pharmaceutical collection sites.

Mr. Iglehart referred to page 90 and noted that Ms. Corbett gave a presentation to the Southwest Florida RPC on having their agenda packets done electronically and he recommends that the CHNEP Policy Committee do the same. Dr. Beever explained that issue will be discussed later in the agenda.

Mr. Lazzell noted that SFWMD keeps going down on their commitments over the years. Dr. Beever explained that it was due to the change in extra projects; in 2007 additional funding was received for the Hendry Creek project.

12. ADVOCACY TRACKING AND UPDATE

In August 2007, the Management Committee requested a summary of advocacy activities with a sense of how successful we have been.

On February 21, 2003, the Policy Committee adopted its Advocacy and Review Procedures. However, CHNEP's advocacy began four years earlier (1999) with a letter to request designation of Horse Creek as an Outstanding Florida Water (OFW). Prior to CCMP adoption, the conference was reluctant to issue advocacy positions (without the guidance of an approved CCMP).

In its history, CHNEP has issued 52 letters in support of various advocacy stances. Seventeen (33%) have yielded successful results and 26 (50%) have been unsuccessful. Partial successes account for 12% and pending or unknown accounts for the remaining 18% of occurrences. Some of the unsuccessful letters have been released multiple times. For example, CHNEP has requested a region-wide programmatic EIS four times before receiving an answer on January 11, 2008. By reducing duplicate requests, our rate of non-success is 45%.

In year 2007, we issued 14 requests, more than any other previous year. Seven requests (50%) were successful with one a partial success. Over time, we have gotten better at selecting issues to advocate, advocating our positions, and working with our partners to achieve results.



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Periods of many successful letters correspond to the 2006 and 2007 State Legislative seasons as well as the recent the conceptual adoption of the Comprehensive Conservation and Management Plan (CCMP) update.

Mayor Denham stated that the Fertilizer Bill (SB 2352) that is going through the Senate needs to be killed. The Fertilizer Task Force voted 18-0 and the bill prevents local governments from putting in any language or passing an ordinance that has more stringent language. Also, the waters must also be already impaired in order to take any action.

Mr. Lazzell asked what Senator Aronberg's position is. Mayor Denham replied that he believes that he is starting to move towards not supporting the bill; however, the more calls his office receives not supporting the bill; the more he will be persuaded.

Commissioner Blucher stated that he agrees with Mayor Denham and suggests that the local governments bring the issue back to their councils/commissions. Mayor Denham suggested that they contact their local legislative delegation.

Commissioner Blucher suggested that the CHNEP send a letter of opposition.

COMMISSIONER BLUCHER MOVED AND MR. DALTRY SECONDED TO SEND A LETTER FROM THE CHNEP STATING THAT THEY OPPOSE SB 2352 FETILIZER BILL AND ALSO HAVE EACH LOCAL JURISDICTION CONTACT THEIR LOCAL LEGISLATIVE DELEGATION STATING THAT THEY ARE IN OPPOSITION OF SB 2352.

Mr. Lazzell explained that Mr. Casey Fitzgerald is the water management district's representative on the Fertilizer Task Force so he needs to abstain from voting on the motion.

Commissioner Blucher requested that the representatives of SWFWMD request an update on the issue.

Mr. Iglehart stated that he needs to abstain from voting on the motion as a DEP representative.

Commissioner Cummings requested that a copy of the letter be sent to each member.

THE MOTION CARRIED WITH BOTH SWFWMD AND DEP ABSTAINING.

Mr. Daltry noted that C43 PIR should state "yes." He then gave updated on other C43 projects and projects along the Caloosahatchee River.

Ms. Corbett announced that the state is considering using water quality targets for TMDLs.



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13. NORTH SPREADER WATERWAY SYSTEM

The City of Cape Coral and the Florida Department of Environmental Protection (DEP) have been working to address the breaches of the North Spreader Waterway. The attached photographs show the lift and the extent of the erosion around it. The existing lift is now serving no useful purpose either to provide navigation access or to prevent the unrestricted movement of water from the canal system to the receiving waters (Matlacha Pass Aquatic Preserve). The original intent of the spreader waterway was to allow the stormwater generated in the Cape Coral canal system to sheet flow through the mangroves and out into the receiving waters. That design worked for many years until the development level in the uplands with its increase in impervious surface caused the volume of water to exceed the capacity of the system. The Gator Slough canal also drains into this system. The increase in flow combined with hurricanes pushed water over and through the mangroves at the low points to the extent they eroded to the state seen in the photographs. There is also a major break in the northern reach of the spreader waterway that has eroded through the mangroves with accelerated erosion. DEP's concerns are for the pollutant loading coming from this system and the sheer volume of fresh water discharged at point sources into the receiving waters.

The City of Cape Coral staff met with DEP to work out how to correct the problem of the lift. The original solution was to put in a lift or lock at a point upstream of the original structure at a point that would have "solid" ground on the west end. That option had considerable cost involved in the construction and probably more in the continued operation. If it was constructed there is no guarantee that the mangroves will not erode a new channel somewhere else due to the elevation of the water behind the structure.

The current concept is to pursue an Ecosystem Management agreement pursuant to Section 403.0752 F.S. This would be a holistic approach that would address water quality and quantity at build-out conditions. The City and possibly other interests could spend the money on projects to improve the discharge water quality and quantity rather on a structure. The proposed projects would have to show a net ecosystem benefit. If that can be achieved there would not need to be a structure to separate the canal system from the receiving waters.

The Ecosystem Management agreement is based on setting up a team of stakeholders (City of Cape Coral, Lee County, DEP, all regulatory agencies that would have jurisdiction over the project, environmental groups, interested parties) that would develop a plan for the projects. The permitting agencies would be directly involved so that the projects would meet the permitting criteria of all. FDEP sent a draft Consent Order to the City that will authorize the removal of the existing structure. The Order will also require



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the formation of the Ecosystem Management team with a 1 year period to develop a list of recommended projects. If the list of projects does not achieve the required net ecosystem benefit then the City will have to pursue the construction of the lock/lift structure.

Mr. Bush stated that his concern is how the pollutants are going to be controlled upstream. Mr. Iglehart explained that DEP's goal is to control the pollutants before they enter the canal system.

Mr. Bush asked if the City of Cape Coral adopted a fertilizer ordinance. Ms. Jarvis replied that the City of Cape Coral did adopt a resolution.

Mayor Denham suggested that he make a presentation on what the SWFRPC Lower West Coast Watersheds Subcommittee is doing in their efforts to improve the water quality around Southwest Florida.

Agenda Item #14 – TAC Report

Ms. Staugler gave the Science Forum and TAC Report and announced that the TAC met on February 13th at the South Florida Community College in Arcadia. The TAC adopted a resolution regarding Green Meetings and asks that other committees consider their own green meeting procedures. The next TAC meeting is scheduled for April 9th.

Dr. Beever stated that the TAC is recommending that the other committees adopt a similar resolution regarding "Green Meetings" and/or go to electronic agenda packets. She noted that Management Committee agreed to consider a similar resolution, but they were concerned having members print out their own paper packets and the costs involved to those members versus having staff printing the packets. It was suggested conducting a quorum count earlier to obtain a count on how many paper packets will be needed.

Mr. Lazzell stated that he would prefer a paper copy.

Ms. Grigsby stated that she doesn't have access to a laptop, so she would prefer a paper copy.

Mr. Iglehart suggested asking the members what they prefer when polling for a quorum.

Agenda Item #15 – CAC Report

Mr. Bush gave the CAC report of the CAC meeting on February 20th. He noted that the primary focus of the meeting was the CCMP and the Signing Ceremony, other items discussed was the children's book and the "Going Green Resolution." The next CAC meeting is scheduled for April 16th in Lemon Bay.



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Agenda Item #16 – ABM Report

Dr. Beever gave the ABM report. She explained that the Management Committee requested that the ABM Report no longer be included in their agenda packets.

Mr. Iglehart expressed his concerns with the ABM and feels that it needs to continue to be placed on the agenda. He also stated that the CHNEP needs to help the ABM move forward and grow into their position.

It was decided among the committee members to keep the ABM Report on the agenda for both the Management and Policy Committees.

Agenda Item #17 – NEP Program Report

Dr. Beever reviewed the deliverables as presented.

Ms. Hilgendorf reviewed the following:

- CCMP Signing Ceremony at Laishley Park in Punta Gorda from 2-4 pm.
- Adventures in the Charlotte Harbor Watershed – 3rd Grade Book which can be purchased for a donation of \$8.95. All of the school districts have accepted the book except for Charlotte County.
- To date, approximately \$1,800 in donations have been received from the 2008 CHNEP Calendar.

Dr. Beever reminded members to write-in their hours that they have dedicated to the CHNEP next to their name on the sign-in sheet.

Dr. Beever announced that Councilman Wallace has graciously donated the back room of his restaurant “River City Grill” for the reception.

Ms. Corbett announced that Florida Scientist has agreed to publish the Watershed Summit in their publication.

Ms. Donley announced that the CHNEP is becoming a “climate ready estuary.” Region 4 has verbally approved a \$30,000 grant to the CHNEP.



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Agenda Item #18 – Member Comments

Mr. Daltry noted that the family of Mr. David Burr thanked the CHNEP for the dedication at the Watershed Summit.

Commissioner Cummings stated that the Peace River/Manasota Regional Water Supply Authority is now suggesting rather than directional drilling under the Peace River, they are proposing setting up turbidity barriers on both sides and digging a trench and dropping a pipe down east of I-75 across the Peace River. He explained that the purpose of this is the savings of \$3 million versus directional drilling.

Ms. Meadows explained that she is under contract with the SFWMD and she doesn't have the authority to represent the SFWMD as a member.

Ms. Jarvis announced that the City of Cape Coral is holding their first "Canal Clean-up Day" on Sunday, March 30th.

Agenda Item #19 – Public Comments

No public comments were made at this time.

Agenda Item #20 – Next Meeting's Topics, Location and Date

The next Policy Committee meeting was scheduled for Monday, May 19, 2008 at the South Florida Community College in Arcadia. Topics for discussion include: 2009 Workplan, Strategic Communication Plan, and Resolution to Reducing Greenhouse Gas Emissions.

Agenda Item #21 – Adjourn

The meeting adjourned at 12:10 pm.