



**Charlotte Harbor National Estuary Program Management
Committee
Approved Minutes
July 31, 2009
Arcadia, Florida**

Members Present:

Melynda Brown	Charlotte Harbor Aquatic Preserve
Pat Collins	City of North Port
David Dale	National Marine Fisheries Service/ Habitat Conservation
T. M. Gurr	CFRPC
Bob Howard	USEPA Region 4
Charlie Hunsicker	Manatee County Government
Dave Hutchinson	SWFRPC
Mike Kirby	Bonita Springs Community Development
Molly Meadows	SFWMD
Kayton Nedza	Hardee County Outdoor Classroom
Roland Ottolini	Lee County Natural Resources
Jennette Seachrist	SFWMD Resource Mgmt. Department/SWIM Section
Betty Staugler	Florida SeaGrant – Charlotte County Extension
Sam Stone	Peace River/Manasota Regional Water Supply Auth “Deority
Jennifer Thera (for Jennifer Nelson)	Florida Dept. of Environmental Protection

Lisa Beever	CHNEP
Maran Hilgendorf	CHNEP
Deborah Kooi	SWFRPC
Judy Ott	CHNEP
Tom Taylor	Florida Concensus Center
Mike Wessel	Janicki Environmental

Members Not Present:

Mike Britt	City of Winter Haven
Don Caillouette	City of Venice
Alton Cheatham	Charlotte Harbor Environmental Center
Mike Coates	Peace River/Manasota Reg Water Supply
David Dale	National Marine Fisheries Service SE
Aubrey Hershorin	US Army Corps of Engineers
Mary Grigsby	City of Fort Myers Public Works Dept.
Connie Jarvis	City of Cape Coral
Robert Kollinger	Polk County Natural Resources
Chuck Listowski	West Coast Inland Navigation District
Robert Lofflin	City of Sanibel Natural Resources
Patrick Martin	F & W Ding Darling NWR
Jack Merriam	Sarasota County
Misty Nabors Nichols	Gasparilla Island Conservation & Improvement Association
Eduardo Patino	United States Geological Survey
Gordon Romeis	FDEP
Heather Stafford	FDEP
Andy Stevens	Charlotte County Environmental & Extension Services

Paul Tritaik
Charles Vavrina

F&W Ding Darling NWR
Florida Extension South Central Region

Agenda Item #1 - Call to Order and Introductions – Meeting was called to order by Bob Howard, Co-Chairman at 9:40 a.m. Introductions were made.

Agenda Item #2. Agenda Additions or Deletions – Bob Howard, Co-Chairman

THE AGENDA WAS APPROVED AS PRESENTED BY GENERAL CONSENT.

Agenda Item #3 – Public Comments on Agenda Items – Bob Howard, Co-Chairman

No public comments were made at this time.

Agenda Item #4 – Management Committee May 1, 2009 Minutes

Ms. Seachrist recommended approval of the May 1, 2009 minutes with the following correction: Ms. Lizanne Garcia was not present.

Mr. Hutchinson also had the following corrections: 1) Under Members Present he should be listed as he was present and 2) Under Agenda Item 3 where it reflected Ken Heatherington as the co-chair, whom was the previous co-chair on behalf of the SWFRPC, was not present at the meeting. Mr. Hutchinson suggested that the minutes should reflect who wasn't present as well for future meeting minutes.

Mr. Howard asked if we had a defined list of members here.

Dr. Beever said that the CHNEP had a defined list.

Mr. Howard said that this might be a good thing to do, unless someone had an objection.

Ms. Seachrist suggested that the primary person who is the Management representative be listed instead of the alternates unless they attend in place of the primary representative.

Mr. Howard stated that if the alternate was present for the primary representative that they should be listed.

MS. SEACHRIST MOVED AND MR. HUTCHINSON SECONDED THE MOTION TO APPROVE THE MINUTES OF MAY 1, 2009 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

5. RESERVOIR WORKSHOP REPORT

Judy Ott and Tom Taylor with Florida Conflict Resolution Consortium presented the Workshop on Watershed Reservoirs: Locations, Effects and Solutions Summary Report.

Mr. Taylor praised the CAC for recognizing this cross jurisdictional problem. He stated that if the watershed was looked that there were several things that impacted it. Some of those can be done something about, but the surface water reservoirs are a major impact and are a major potential tool if man needs collaboratively to achieve some of the target outcomes. The workshop created an opportunity for the participants to learn from each other as several ideas were discussed.

Mr. Taylor highlighted the key points and stated that there were three technical peer reviewers (Ernest Peebles, Arturo Torres and Dr. Sam Upchurch) who were extremely helpful. He commented that there is still more need for clearer definitions of these reservoirs and a better inventory, but that the major factor was the coordination of the agencies both in permitting processes, regulation and water management processes which would involve some better models. He explained that they looked for unbiased, technical reviews and coordination and collaboration between agencies as the key next step.

Mr. Taylor stated that there was a review by both committees and other people who have received this report have sent in some comments. The report is going to have some edits in the text of what you are looking at, but a number of comments were about what more needs to be done rather than on the report and the different issues that need to be emphasized. There will be a section that will include those comments because there are lot of valuable reflections and insights.

Ms. Ott reviewed the format of the document. She noted that the summary from the CAC minutes had been distributed about what the next steps are. The TAC and CAC had a couple of main points which were 1) the report needs to accurately reflect what happened at the workshop and 2) the comments that resulted in discussions after the report will be included as an appendix and that these need to be with the report. Staff needs to make sure that the main bullets from the discussions are shown as the next steps as identified in the workshop.

Dr. Beever said that the TAC had recommended adoption of the Technical Report of the Workshop Summary Report, but suggested dropping the medians. The CAC recommended approval of the document with the changes that had been passed out and that they wanted these incorporated into the report to 1) include a statement that a discussion reservoir was the impetus and there was hope that it would also cover alternatives to reservoirs; 2) include a statement that the workshop was the first step and additional actions will follow; 3) carefully consider sequencing of next steps as ordering often influence the consideration of each element; 4) that these additional next steps would be included in aggressive water conservation programs; 5) expand the second bullet with the concerns concerning watershed perspective cost benefit analysis and economic costs; 6) it was imperative that USGS be included in all future actions; 7) performance studies to evaluate the natural storage capacity of the watershed recognizing it is more cost effective to avoid impacts rather than to repair them; 8) consider nonmechanical alternatives to water storage options such as land preservation before electing cost intrusive methods that require constructional activities; 9) expand purpose to include wildlife management when selecting methods for water management; 10) identify primary water users to engage them in conservation discussions; 11) engaging staff in discussions involving different levels of the

agencies and discussion to further this idea and tie together MFL permits for water usage and also to add the comments that came to us and via e-mail as an appendix to the report.

Dr. Beever stated this was referring to the Executive Summary and the summary of action on Page 23 of 191 regarding coordinating agency efforts.

Mr. Hunsicker stated that when the next steps exceed one sentence, it often causes problems. He expressed concern about the hands-on rule from USGS and the decision to dewater the State of Florida and questioned if the CAC really wanted to take this position on that issue.

Mr. Nedza said that at the CAC meeting there were several different ideas that were not narrowed down to specific comments that represented different points of view.

Mr. Hunsicker said that he would not agree with that. It really is in the hands of counties, cities and municipalities. It is a hierarchical of regulatory officials that get involved with this.

Mr. Howard said that the committee did not want to reject any of those different comments and that it seemed to him that we are dealing with two different things. We are dealing with a report that documents what happened in the workshop and the conclusions from that workshop and we are being asked to say “yes, this is what happened at that workshop” in order to get that out. I think what we are having here are comments on that and what maybe should be done in addition to the basic. He stated that he was not sure that we are at the point to be taking this next step when we are trying to make sure we capture what was in the workshop. Mr. Howard felt that these kinds of steps are a logical mix step when we have had a chance to digest this and then decide what do we want to do about it.

Mr. Hunsicker said the next step is to improve the hands on role of USGS in future actions. The next statement was not a step – it was a comment.

Mr. Howard asked if it would have been better to say “some of the comments that they wanted to include” as opposed to saying “the next step”.

Mr. Hunsicker said that he was not objecting to the first two sentences, but that he was trying to say that the decision to dewater is a comment and not a step.

Ms. Ott said that it was her understanding that the comments will be in chronological order and available for everyone to read in the appendix. The next steps would be included and determined at the next workshop.

Ms. Hilgendorf said that there are two steps – this report and what we do as the next step. She stated that she felt that their comments were falling into two categories – some are comments on the report and the next steps section is really their comments on additional things that should be added that weren't considered at the conference. She commented that Mr. Hunsicker was correct in that these were just comments that were made and that there wasn't a group consensus that we accept the wording that was said by certain members. They accepted the idea, not the wording. I think that maybe the next step should be part of the appendix.

Mr. Howard asked how the TAC proceeded with respect to this matter.

Dr. Beever said that the TAC motioned for approval that went through using the medians.

Ms. Seachrist stated that she was at the TAC meeting and that she didn't think they talked about the appendix approach at that point. She thought that the TAC had discussed that the comments that were received would be incorporated into the document. The version that we received in our packet doesn't appear to have all the comments and in finding out later that it was going to be an appendix, I don't think the reviewers knew (at least the reviewers of the TAC) about this. The reviewers thought that their comments would be incorporated into the text.

Mr. Taylor said that there were comments that were made that clearly could be incorporated into the text as edits.

Ms. Seachrist asked if there would be another version of this with those particular comments.

Mr. Taylor said that there will be another version and there were some changes in words and some clarifications, etc.

Ms. Seachrist wanted to clarify that the providers of the comments that would not be incorporated into the text would have an opportunity to know that their comments would be listed or placed into the appendix and would also have an opportunity to revise them since it was going to be in a public document.

Mr. Taylor said that this was a good point.

Ms. Seachrist said that she agreed with the discussion that these next steps would be more appropriate for that appendix versus having these put into the body of the document because these fell into more of the comments and discussion afterwards than would have been the discussion at the actual meeting.

Mr. Stone said that he was a TAC member and the alternate for the Management Committee and that he made the motion to accept the changes and the version that was passed around at that time. If there were any substantial changes, that document would then go back to the TAC. I reviewed the version that was part of the agenda package and there has been substantial changes to what we saw at the TAC. The people in the TAC voted on the document that contained a lot of my changes and suggestions. The motion was made, seconded and approved that if there were any substantial changes to that document that it would go back to the committee. It is imperative because it reflects on us and it reflects on this organization.

He stated that the NEP staff had done a great job in putting the workshop together and that the report was a good report. He did not want anyone to think that he was totally disappointed. He felt it was important to separate out what the peer panel said and what was gleaned from the presentations versus the editorial comments about it.

Mr. Howard said that Mr. Stone's comment about the version that the TAC approved is different from the version brought before the Management Committee today.

Ms. Ott said that the TAC had two copies of the report – the one with Sam's comments and the one without the changes incorporated.

Mr. Howard said he wanted to make sure that the approval the CAC and TAC gave for this document was the same document brought to the Management Committee. He stated that he was trying to ascertain if this document had been approved by the TAC and CAC with the comments or was it a document that has been approved by the TAC and CAC under the assumption that certain basic fundamental changes will be made. Mr. Howard asked if we are at a point to be able to move this forward.

Mr. Stone said he was not at that point yet. This is substantially different than what was passed out at the TAC.

Ms. Hilgendorf said that the CAC version has the draft date of June 26th. That is the same one in this packet.

Ms. Ott said it was the same in the TAC packet. The comments in the staff version were editorial comments. Her understanding was that at the TAC meeting, the editorial comments from Mr. Stone's report would be put in the document. Everyone would get a chance to look at it to make sure that their comments were incorporated, but if there were substantial changes that occurred after the workshop, those would go in the appendix.

Ms. Seachrist suggested a motion for the NEP staff to revise the document and at the very least to have it come back through the Management Committee. Once a copy goes to the Management Committee, we can have our own staffs review it to make sure we are comfortable with it. She stated that she was not comfortable going to the Policy Committee with a document that is not final.

Mr. Hutchinson stated that he thought that the document should correctly reflect what happened at the workshop and incorporate those comments. There is no consensus on any of these suggestions. The participants' suggestions are ideas that can be separated from any Peer Review conclusions which sound like it represents a consensus.

Discussion continued.

Mr. Howard asked if someone had a motion or recommendation.

Mr. Stone said that he would second Ms. Seachrist's motion.

Mr. Howard asked for the motion to be restated.

**MS. SEACHRIST MADE A MOTION TO HAVE THE CHNEP STAFF
REVISE THE DOCUMENT AS DISCUSSED TODAY BY**

INCORPORATING THE COMMENTS INTO AN APPENDIX AND TO HAVE IT COME BACK THROUGH THE MANAGEMENT COMMITTEE. ONCE THIS IS PRESENTED TO THE MANAGEMENT COMMITTEE, OUR OWN STAFFS COULD THEN REVIEW IT BEFORE IT GOES BACK TO THE MANAGEMENT COMMITTEE. MR. STONE SECONDED THE MOTION.

Dr. Beever said that the TAC and CAC members will have access to this version.

6. WATER QUALITY TARGETS REFINEMENT SEAGRASS TARGETS

Mr. Mike Wessel presented the results of the Water Quality Target Refinement Project Task 2: Seagrass Target Development Interim Report and reviewed the steps to acquire these targets.

Dr. Beever said that the methods are similar to Tampa Bay and Sarasota Bay and fairly consistent throughout western Florida.

Discussion on the use of aerial photography.

Mr. Wessel said that the goal is to use what is widely recognized as an indicator of ecosystem health.

Mr. Hunsicker asked about the number of flights per year.

Mr. Wessel said that currently flights are every two years in the winter when the water clarity is the most stable. There is no intention to increase sampling frequency.

Mr. Hunsicker asked if Mr. Wessel saw this moving to TMDLs based upon seagrass performance as it puts a lot of weight on the one flight per year

Ms. Seachrist stated that it is used to develop water quality targets but did not think that seagrass acreage would be a target.

Mr. Howard said that we have to be smart in the way we use targets. In most of the watersheds looked at there was pretty extensive seagrass and that the tidal Caloosahatchee had very little. He asked Mr. Wessel why this was occurring.

Mr. Wessel said that the densities are not high enough to capture through aerial photography. The tidal river segments are problematic and we have not come to a decision on how to evaluate these over time. There is an increasing trend in seagrasses in San Carlos Bay and in spite of the uncertainties we want to move ahead.

Mr. Collins asked how quickly could change be observed and if a significant amount of seagrass could be lost in less than a year.

Mr. Howard said that several NEPs look at known conditions that they take into account as they look at longer term trends. Are we moving in the way we want to be moving and if not, need to try to do some things to be a better protection for that resource.

Discussion continued on the timeframe of taking aerial photos of seagrasses.

Dr. Beever stated that she felt the two biennial cycle is a reasonable cycle given the stability of the seagrass cycle. Transects are done yearly and the density of seagrass has a long term trend of degradation.

MS. SEACHRIST MOVED TO RECOMMEND THAT THE POLICY COMMITTEE APPROVE SEAGRASS TARGETS AND THE TASK 2 INTERIM REPORT. SECONDED BY MIKE GURR.

Under discussion on the methods section regarding aerial interpretation, discussion ensued about line item qualities for aerial interpretation and the criteria to identify seagrass.

Mr. Wessel said that flight surveys are taken every two years. The photos are interpreted by the Water Management District and that his company takes the electronic data and assesses it to develop the targets. This is a standard which is applied through South and Southwest Florida for evaluating seagrasses. It is a stable monitoring program that we can use to evaluate trends over the long period of time.

Mr. Howard asked if it was fair to say it is similar to those standardized procedures being used for the photo interpretation elsewhere throughout Florida.

Mr. Wessel said that it was.

MOTION APPROVED UNANIMOUSLY.

Agenda Item #7 – CHAPs Water Quality and Seagrass Comparison Report – Judy Ott

Judy Ott will presented the status of the review of the “Comparison of CHEVWQMN, CCHMN and Seagrass Programs with Estuary Specific Optical Models 2001-2007”. She stated that the TAC suggested that a subcommittee be formed to further evaluate the document because it was a very in-depth analysis. The subcommittee had a final meeting last Monday and received comments from the SWFWMD, Mote Marine Lab, SCCF and SFWMD.

There were two water quality monitoring programs that were compared – fixed station and a random sampling based on random grids selected each month throughout the area. The purpose of the report was to prepare the results of the two monitoring programs and compare this with the seagrass data. The report originally included an optical model that looked at the relationship between water clarity and color, chlorophyll and turbidity and then had a separate habitat model that looked at the relationship of nutrients to chlorophyll. The reviewers felt that both of the optical model and the habitat suitability model were good steps at making those comparisons on a mathematical relationship, but in both cases, the optical and habitat suitability model had

questions about the way the data was inputted into the models and how the models were calculated. The review subcommittee recommended focusing the report only on the water quality results and to disconnect the link from the relationships to seagrasses.

Ms. Ott said that she had a shortened version of the report and that this was the second time the report has come through this committee sequence.

Mr. Ottolini stated that it would be interesting to see their relay of water volumes and how the grasses are successful or not based on overlay of rainfall.

Ms. Seachrist asked if this had the DEP changes in it.

Ms. Ott said that she put in as many changes as she could.

Ms. Seachrist asked if the Management Committee recommended forwarding this to the Policy Committee would the Policy Committee packet include the final version?

Ms. Ott said that would depend on the Management Conference.

Ms. Brown said that would be up to Mr. Ray Leary.

Dr. Beever stated that if Mr. Leary was able to get the changes incorporated, it will be the final version.

MS. SEACHRIST MADE A MOTION THAT IF THE REPORT IS FINALIZED AND THE AQUATIC PRESERVE APPROVES THE SUBCOMMITTEE CHANGES AND MAKES THOSE CHANGES, THEN THIS REPORT SHOULD BE PRESENTED TO THE POLICY BOARD. IF NOT, THEN THIS ITEM WOULD COME BACK TO THE MANAGEMENT COMMITTEE AND THEN TO THE POLICY BOARD. MR. STONE SECONDED THE MOTION.

Mr. Howard asked if there was any more discussion.

MOTION CARRIED UNANIMOUSLY.

8. WATER QUALITY STATUS AND TRENDS SCOPE OF SERVICE

Lisa Beever presented a summary of the pending Water Quality Status and Trends project Scope of Work. CHNEP has a policy to update the water quality status and trends analysis every three years, beginning in 2001. Because 2004 ended so oddly, the review was delayed to include data through 2005. Therefore, the next triennial cycle is through 2008. The CHNEP is working with Janicki Environmental as a sole source contractor because they have the data and the consistent methods already in place. The CHNEP staff has worked closely with Tony Janicki and Mike Wessel and have developed a Scope of Service that will provide maximum utilization to the conference for a minimum amount of money.

The status information has been kind of difficult over the years because DEP issues the impairments list and we never wanted to replicate what they did for the impairments list because if you did have a difference, then there are a lot of legitimate reasons to have differences. If they are the same, you have just spent money doing the same work, so it doesn't make sense to replicate what DEP does. In this case, what we want to do, is that several maps that show the median of several water quality parameters and normal maximum and normal minimum and those will be mapping products and, in fact, will have that monthly and so I will be able to make those animated GIF files for each of the water quality parameters. In addition, we will have that kind of parentheses around what is normal and then we will be able to compare that with monthly data that comes out and so it will put monthly water quality maps in a context. Part of this also is working with the TAC and Management conference to identify legitimate thresholds, like, for example, on the salinity maps that I showed you earlier, we had freshwater, polyhaline, oligohaline and marine. There are breaks identified for that. We don't have quite as good breaks on a lot of the different parameters, but we have a lot of different sources for breaks so we will working through the TAC to identify those breaks. When we do monthly water quality maps, we will have the same breaks and you can kind of compare what is going on now with a good minimum or maximum if something is out of line we will be able to see it better. We also looked with Janicki at some of the parameters. In past analyses, we haven't had metals, so we haven't been able to look at the impairments list in terms of trends, copper, lead or iron. We have added all the different parameters that are incorporated in the impairments list which is on Page 138 of 191. There were some parameters that we haven't had any person identify themselves as using it like fluoride.

Mr. Hunsicker asked about Page 137 where it says "The Contractor agrees to provide an initial list of parameters which meet the sampling requirements for trends analysis. (Suggest adding table of rainfall and flow parameters)".

Dr. Beever said that some editorial comments are added in.

Ms. Ott said we talked about adding the rainfall and flow data as a table in there. It is a reminder to add the table.

Dr. Beever said that Janicki Environmental incorporates some rainfall and flow analysis and we will add that to the table.

Dr. Beever said that the list of deliverables is on Page 151 of 191 and include an Executive Summary, the project reports and access database of all the water quality data and access geo database which incorporates all the layers that we discussed – both in trends and in status. It also includes 36 spatial analysis grids and layers for each of the parameters and meetings as necessary with the TAC.

Ms. Seachrist asked if this was just the scope of work as they had not begun work yet. What is timing of notice to proceed?

Dr. Beever said that it would be by October 1st and that this was 2010 funding.

MOTION BY MS. SEACHRIST TO APPROVE THE WATER QUALITY TATUS AND TRENDS SCOPE OF SERVICE. SECONDED BY MR. GURR AND CARRIED UNANIMOUSLY.

9. COMMITTEE MEETINGS FOR 2010

As in the past, the Management Conference routinely sets committee meeting dates for the coming year. In order for these dates to be included on the 2010 CHNEP Calendar later this fall, we are asking the committees to consider the 2010 meeting dates now. Also, to facilitate scheduling, draft meeting locations have been proposed for consideration. It is helpful for meeting logistics if the 4 committee meetings for each round are held in the same city.

In May, Director Beever surveyed Policy Committee members regarding their schedules for days in the month that members can or cannot attend. Since she last surveyed the membership, there have been some changes in representation and now some members cannot regularly attend meetings on the third Monday of the month. From those members that answered, Friday is consistently the most popular day and the one all members could attend. If Friday is the Policy Committee day, then February available because Friday does not conflict with President's Day. Moreover, the Management Committee would meet consistently on the first Friday of the month. The dates and locations would be:

Management Committee

Friday, July 31, 2009	Arcadia
Friday, October 30, 2009	Fort Myers
Friday, February 5, 2010	Lakeland
Friday, May 7, 2010	Bonita Springs
Friday, August 6, 2010	Venice
Friday, November 5, 2010	Fort Myers

MOTION BY MR. GURR AND SECONDED BY MS. STAGLER TO APPROVE THE 2010 MEETING SCHEDULE. MOTION CARRIED UNANIMOUSLY.

10. PUBLIC INTEREST SCOPE OF SERVICE

Dr. Beever said that the TAC and CAC had reviewed a draft Scope of Service related to \$100,000 worth of public interest work. As the recommended contractor withdrew from consideration, the CHNEP was proceeding with contracting this according to normal procedures. The CAC was especially concerned about the CHNEP's acceptance of public interest funding. The permittee has to prove that they have mitigated the impact and demonstrate that the project is clearly in the public interest. The Department of Environmental Protection has an interest in using funding towards the NEP to implement the CCMP as justification for the project being clearly in the public interest. In this particular instance, it is the Punta Gorda hotel just west of the US 41 bridge. The project includes a pump out station, some signage and other public information as well as a \$100,000 donation to the CHNEP in support of water quality work.

Dr. Beever reported that she surveyed other NEPs as to whether they have accepted public interest money. Although none of them had, the Director stated that there would be no problem in doing so. The CAC voted to establish procedures by which the NEP would consider and accept future public interest funding. She felt it was certainly worth of a Management conference discussion to establish these procedures as it had the potential to be a source of funding to implement the CCMP and would assist CHNEP staff in the future if public interest funds would become available in a very timely manner.

Ms. Brown said that as far as the Aquatic Preserves office was concerned that they would like to continue to work with the NEP to make sure that the projects and the scope of work are fulfilled in order to make the public requirement. Ms. Brown read into the record the following statement from Heather Stafford who was on vacation:

“I would like to correct and clarify a few things regarding this item. The first thing is the first initial scope of work suggested by CAMA as written in today’s meeting agenda item is an incorrect characterization of the document. Liz Donley and Ray Leary worked on the scope of work and associated contract with Liz’s approval on July 7th. I assume Lisa Beever also approved the scope of work prior to presenting it to the TAC and CAC. With this, it was not just an initial scope of work suggested by CAMA. This original scope of work was recommended for approval by the TAC and CAC and is included in the packet I brought for you today. It includes tasks for deliverables based on meetings and agreements between NEP, CAMA, southwest representative office, council staffs and a representative of Punta Gorda Hotel, a permittee that was required to provide public interest and was also based on the letter from NEP to DEP that delineated what projects would be funded for \$100,000 donation. This letter, also in your packet, went to the DEP south district prior to Punta Gorda Hotel as an agenda item being sent to the Board of Trustees’ internal improvement trust fund before the Governor and Cabinet for approval. After the board of trustees’ approval, NEP provided to Punta Gorda Hotel a draft agreement between them that outlined the projects identified in the letter as well. So, the intended use of the funds should be clear. As far as Ray Leary who was a contractor who withdrew from consideration as written in today’s agenda item, it is important for the committee to know that there are a couple of key missing points.

It was my understanding when I left for vacation that Ray, the NEP, TAC and CAC approved and were all in agreement on a two-year contract with the scope of work. It wasn’t until major revisions were made to the scope of work after the TAC and CAC recommendations for approval that Ray was notified that the scope of work and the document that was going to come before the Management Committee today that he withdrew from consideration. With no chance to recommend changes, Ray felt his hands were tied and had no other choice. If you compare this revised Scope of Work with the time estimate spreadsheet, which is in your packet, with the already approved Scope of Work, you will find numerous additional entire meetings with NEP committees and subcommittees, coastal

Charlotte Harbor monitoring partners and others. An unreasonable expectation was done - it takes time to prepare reports and additional activities and deliverables that have not been discussed. It appears to Ray that this Scope of Work would require more than two years worth of work for one person. It is difficult to determine the exact amount of time that would be required for each task and activity because of the inconsistencies between the Scope of Work and the time estimate spreadsheet.

As the Charlotte Harbor Aquatic Preserves Manager and as a member of this committee, I would be happy if this contract would ultimately get approved and includes all the tasks and deliverables that were in the original approved Scope of Work. Successful completion of that two year contract will satisfy the Punta Gorda Hotel's public interest requirement. In fact, successful completion of a contract that includes the Revised Scope of Work may also satisfy the public interest requirement as well. We, CAMA, continue to look forward to working with the NEP to insure that the intended use of the \$100,000 public interest donation and our shared goals are met. The Board of Trustees' agenda item also included in today's meeting package refers to a special approval condition. I have included the special approval condition in your packet. Prior to receipt of a fully executed contract, determined by DEP's Office of Coastal and Aquatic Management Office of the General Counsel, Division of State Lands to be acceptable detailing the specifics of the agreement and confirming donation of \$100,000 to the NEP. . . CAMA would support a contract and a Scope of Work that includes the task and deliverables in the original Scope of Work and will review and consider any draft contracts, scope of work or agreements with the NEP and Punta Gorda Hotel ultimately submitted to DEP for approval. At this point, I am requesting an NEP procedural policy position regarding items recommended for approval by committee and moved to the next committee for review. How can a decision be made to not move forward and how can an item already approved be changed prior to the item coming before the committee for approval?

I would also like to make a motion to bring forth the original scope of work as written and approved and recommended by the TAC and CAC to the Management Committee for approval.

Discussion – if motion is approved, Management Committee should be sure that the RFP of who does all the tasks and deliverables and the original Scope of Work in the Greater Charlotte Harbor Estuaries would benefit by having two CCMP projects completed in addition to continuing for two years all the data management analysis for the monitoring programs at Charlotte Harbor Aquatic Preserves and group printing of a story of the Greater Charlotte Harbor Watershed that is not under contract. The Management Committee should aim at the most value for the dollar. We have one contractor that can fulfill the approved Scope of Work. I am concerned that we may not find another that will be able to fulfill the revised Scope of Work for two years at \$192,000. If the above motion fails,

then I would like to make a motion that the committee defer any decision on approving any revised or alternate Scope of Work contract, contractor or RFP for a draft agreement required by the Board of Trustees special group approval condition is submitted and determined to be acceptable by DEP.”

Discussion ensued.

Ms. Brown said Ms. Stafford was concerned that the revised Scope of Work was not going to be doable and how the original Scope of Work was supposed to come to this Management Committee being revised. She is concerned that we no longer have a contract to do these projects and it will hold up the public interest requirement. With the revised Scope of Work, are we going to be able to get a contractor to do all these activities in a two-year timeframe?

Dr. Beever stated that staff had looked at the Scope of Work and we think it might be worthwhile to bring the scope, not to get just one contractor, but because there is a variety of skills there. There are some pieces that would be suitable as an add-on to the Janicki Water Quality Status & Trends contract. There are some pieces also that would be worthwhile to issue as a separate RFP competition and aspects that we probably need a need low-ball research organization that likely is to do that. She stated that the NEP staff had planned on breaking up the scope and dealing with each part of the deliverables in a separate and most efficient way that they could. Ms. Brown said that the current concern is that all of these projects were lumped together for the Board of Trustees and that Ms. Stafford was concerned that breaking them up is going to ultimately affect the public interest requirement fulfillment.

Dr. Beever said that as long as the deliverables were met that she felt that it was doable. It doesn't need to be under one contractor

Dr. Beever said that they were interested in what went to the Board of Trustees so that staff could work from what those legal documents were and that she would be more than happy to work with Ms. Brown on this matter.

Mr. Hunsicker said that the Trustee report appears to be under the last two pages of this handout.

Ms. Brown said that these are just the first few pages as there are many pages that I didn't print out.

Mr. Howard said it sounded like some additional discussion was needed.

Dr. Beever said that staff expected to bring a scope of service to the Management Committee in the next cycle or two.

Ms. Seachrist said that this was a great opportunity for the NEP to get funding and that we need to be very careful as we proceed forward so that it does not appear to be a conflict of interest. She also felt that we should also be extremely careful so that it doesn't appear that we are funneling money to another agency in any shape or form. Ms. Seachrist stated that she appreciated the fact that this was being relooked at and discussed further. It is important that the

NEP works with the TAC to develop how limited funds can best be used for meeting the Board of Trustees and what their requirements are as well as the NEPs.

Ms. Brown said that the public interest requirement does have to benefit the aquatic preserves.

Mr. Hutchinson said that he felt it was a valid concern to make sure that the scope doesn't exceed the funds that are being contributed.

Ms. Brown said that the contractor was concerned that the original scope of work that he agreed to was being changed throughout the approval between the TAC and CAC and that it was revised before it was supposed to be taken to the Management Committee. He thought that the work was not doable.

Mr. Howard said that this brought up a different issue that may be an important issue. If these funds for this scope were given to the NEP, the NEP determines who the contractor is and how that is to be implemented and to do it in the best fashion. I don't know that we are in a position that we would say "okay, we are going to take this and we can be directed as to who we can send that money to." I think from a contractual standpoint as a Regional Planning Council that might be problematic. Obviously, in this process, the RPC has to meet their requirements for due diligence with those funds, and it may be very difficult for a condition where they negotiate something and then say "here you take it if you will give it to this person" that may cause some issues.

Ms. Staugler stated that she was a little confused on why the draft changed from the TAC to the Management Committee meeting. The motion was just to approve the document.

Dr. Beever said that basically she had asked Ms. Ott to fill in some blanks for the Management Committee so that they would have a complete scope.

Ms. Ott said that she started by looking at the general level of effort for each task. The meetings with the TAC were incorporated into the scopes to make sure that projects were on track through the process.

Ms. Ott reorganized some of the tasks so that the order was more logical within the subtasks and applied the "track changes" so it looked like there were a lot more changes than there were really were. From our perspective, it wasn't more tasks than what was in the original. It was reorganized a little bit with some more presentations to the TAC.

Ms. Ott said that definitions and a breakdown of the total hours were needed on the missing tasks. There is a table at the very end where it listed deliverables and it listed percent of time and the associated hours that would be in order to come up with the right budget. That wasn't available for the first scope of work. I used the tasks that were in the original scope of work and the deliverables and I bulleted them, so it really didn't change the context of those, but it did look like there were a lot of editorial changes. There were formatting changes.

Mr. Howard stated that if no motion was being requested as there is some more staff work that needs to be done to move this forward and to be able to do good things for the estuary, but if there some more general discussion that relates to this particular kind of issue that Management Committee might need to think about or to process . . .it may not be necessary for the Management Committee at this time.

Mr. Nedza stated that the thing the CAC was concerned with is how it might look as far as taking money from an outfit. It might be a time for the Management Committee to start looking into developing a policy that could be implemented so that staff, if they have someone walk in and say “here’s \$25,000” that they can go ahead and approve this.

Dr. Beever said that some of these things come up very quickly and have to be resolved very quickly and a policy would be very useful to us.

Mr. Hutchinson asked if this was why this was on the agenda today.

Dr. Beever said yes.

Mr. Howard asked if the CAC had any suggestions about what should be included in a process and if they didn’t, did they have an idea of how they might suggest that such a policy be developed?

Mr. Nedza said that he believed that they had asked staff to start looking at this. At the CAC meeting, it also came up all of a sudden. The CAC did not want to spend a whole lot of time on this matter, but could see the possibility of this coming up again in the future and felt that establishing good guidelines would be extremely helpful to the CHNEP staff.

Dr. Beever said that this was put on the agenda today to hear any feedback that the Management Committee would have regarding acceptable of public interest dollars in the future.

Mr. Howard asked if this was something the Management Committee would want to 1) task the CAC with this, 2) have the staff work with the CAC or 3) have just the staff to put this together.

Dr. Beever said that she felt we are at the point of the staff generating something for TAC review and refinement, but that she was hoping for some ideas from the Management Committee.

Mr. Ottolini left at 11:45 a.m.

Mr. Howard said that he had two concerns – 1) He wanted to make sure that the CHNEP does not get into a situation where there is a conflict of interest or end up supporting something that the CHNEP might otherwise have a problem with if it was inconsistent with the CCMP and 2) That we are able to follow financial procedures properly so that there are no problems with the auditors.

Dr. Beever said that it was just to bring up the topic and that it will be a topic in the future Management Committee meetings.

Mr. Howard said that he would hate this to result in the CHNEP being completely incapable of taking advantage of some opportunities to be able to be useful to the community and that we have to be cautious at the same time.

Dr. Beever said that in this case we have no authority over approval or denial of a permit.

Ms. Seachrist said that at a minimum we would want to have policy approval of accepting funds.

Dr. Beever suggested using something similar to the advocacy and review procedures that would allow us to do something within a cycle rather than having to wait for a whole cycle. In this case, if we would have had to wait for the whole cycle, then we would miss the opportunity.

Mr. Howard said that also the understanding is that certain key features would be there and would have been looked at by the staff. If you know that there are going to be some problems associated with certain things, then I'm not sure that if you circumvent the entire process and go to the Policy Committee, that they are going to be aware of all that, therefore, he felt that a process was needed.

Mr. Collins said that both ethics and integrity are paramount whenever you are accepting money. Our world is changing quickly around us and I would hate for funding and our ability to fund these very valuable services to be affected. The Management Committee may want to look at what those standards may be in the future.

11. LOWER PEACE RIVER AND SHELL CREEK MINIMUM FLOWS AND LEVELS

Dr. Beever said at the last Management Committee meeting that she had said there would be a presentation on this issue. However, as the rulemaking went to the SWFWMD in June, we had to develop a letter prior to this meeting. Through the advocacy and review procedures, the CHNEP staff did develop a letter requesting a delay of the rulemaking. The acceptance of the rule was delayed from July until September. Staff did a draft analysis which had been added as an attachment to the draft NEP comments. Once the SWFWMD has responded and we have the technical responses, a subcommittee meeting will be set up to review these responses.

12. COASTAL CHARLOTTE HARBOR MONITORING NETWORK ANNUAL REVIEW

Judy Ott presented a summary of the Coastal Charlotte Harbor Monitoring Network (CCHMN) annual field audits and meeting.

Dr. Beever said that part of our responsibility as an NEP according to our work plan is to provide an annual audit for the coastal Charlotte Harbor Monitoring Network Partners. Ms. Ott conducted this review.

Ms. Ott said that the informational results are in the report. The program is important because it uses partners to effectively collect water quality information in consistent methods throughout the region. We have recently had to renegotiate funding for a couple of the sections.

Mr. Howard said that this is a function that the NEP works and assists in and often is not recognized for the value that it provides. I just want to say that I think this a very important thing that all of these organizations are agreeing to work together trying to get some common procedures to talk to each other. This is so valuable and this is not done everywhere.

13. TAC REPORT

Ms. Staugler said that the Technical Advisory Committee met here in Arcadia on July 8, 2009 from 1:30 p.m. to 4:45 p.m. Our agenda was very similar to the Management Committee agenda, but we did have a number of presentations including Sid Flannery from the Water Management District who gave a presentation on minimum flows and levels. Mr. Beever gave a presentation on the Climate Vulnerability Study. Due to the length of the meeting, there was not much discussion on the public interest item or the Coastal Charlotte Harbor Monitoring.

14. CAC REPORT

Mr. Nedza said that he had some sad news to report as Joan Bush had passed away in the last month or so. She had been one of the Co-Chairs a couple of years ago. Her husband, Warren, had also been a co-chair several times.

Mr. Beever gave a very good presentation on the Climate Vulnerability Study.

15. ESTERO BAY ABM REPORT

Dr. Beever said that on July 13th, Mr. Beever presented the SWF Charlotte Harbor Climate Change Vulnerability Assessment Report. FDEP did a presentation on the update of the impaired water basins and announced that there would be a kickoff meeting for the Basin Management Action Plan on July 22nd. In addition, the Estero Bay Agency for Bay Management would be having a Watershed Public Symposium on September 28th at Florida Gulf Coast University with a series of tours on Sunday. The CHNEP is a major sponsor and other sponsors are also being sought. It will feature Greg Pittman, co-author of "Paving Paradise", and Tropicalia Editor Amy Bennett Williams. The dinner will start at 6:00 p.m. to raise money for conservation land acquisition in the Estero Bay Basin.

16. CHNEP REPORT

The deliverables for April 1, 2009 to June 30, 2009 were presented.

Dr. Beever reported that the Climate Change Vulnerability Assessment was missing from the packet. The EPA felt that the Vulnerability Assessment which had catalogued many vulnerabilities regarding climate change should be reformatted to be more accessible to the public. She stated that the CHNEP staff would apply the skills learned from condensing the CCMP from 750 pages to 160 pages to the Vulnerability Assessment. Staff expects to have the new version of the Vulnerability report in either this next cycle or the cycle thereafter.

Mr. Howard said that the EPA was very pleased that Dr. Beever and the CHNEP staff would be condensing the report to make it more useful to a broader section of the public.

Dr. Beever said that the list of deliverables from April 1st to July 30th was included in the agenda packet. The CHNEP now has a You Tube presence as several of the videos that have been produced are now on You Tube. Several of the Public Outreach Grants have come to fruition and we have also had Research and Restoration projects coming in. Dr. Beever noted that in the last year 7,000 acres had been added in public land acquisition in the Charlotte Harbor study area.

Ms. Hilgendorf stated that she had brought with her to today's meeting a few copies of the 2009 calendar. The deadline for submitting images for the 2010 calendar was July 14th. 160 people submitted 433 images. When the first calendar was done in 2005, there were 47 entrants with 94 images. Next year, I am looking for a way of allowing people to submit their images electronically, so if anyone has any ideas of a secure way to do this that is not e-mail, she said she would greatly appreciate the suggestions.

Mr. Howard said that EPA had used Shutterfly. The one difficulty is that if you do send it up there and put it into a folder, if they want to download it or have it printed they can do so. It is a way to distribute, but if you don't want it distributed to other people. then this isn't the way to do so.

Ms. Hilgendorf said that they have established a good relationship with the people that submit entries. If someone else wants to use there picture, she sends a request for permission to the entrant. The survey is now up on the CHNEP website for people to vote on. We have sent out our requests for printing quotes and we are going to be able to increase our quantity by 1,000 to 24,000 this year. There are now over 217 distributors. In the last two years, we have asked for donations. However, this year we will not incorporate the envelope into the wrap around the folder as it is the most expensive part.

In the past two years, we have received about \$5,000 donated. One of the other things we are changing is by including a price on the calendar we will be able to register this through ISBN so that it will be listed as an official publication through the publishing system.

Ms. Hilgendorf stated that the newsletter has been expanded to 16 pages and her goal was to have the center two pages devoted to a poster. She stated that the newsletter had been redesigned to look more like a magazine.

Ms. Hilgendorf said that she was working on the fall issue of the newsletter and that she was always eager to accept articles or article ideas. Approximately 8,000 people are now receiving the newsletter and 3,000 more are supplied for distribution at events, the Nature Center, etc.

Training opportunities for next year are being explored. As a result of the survey sent to the Management Conference members and past participants of those workshops, GIS seemed to be the topic that most people were interested in receiving training for. The NOAA Coastal Service Center offers a series of training, but one complication is that a computer lab is needed. FGCU

expressed interest in helping us out a couple of years ago, so she stated that she would be contacting them to see if they would still like to do so.

Ms. Staugler said that Charlotte County used to have a computer lab that they conducted GIS training in.

Ms. Hilgendorf said that she would keep the committee posted on the possibility of training being offered. The annual Charlotte Harbor Nature Festival will be held on Saturday, November 21, 2009. She asked the board members to let her know if they knew of anyone who might be interested in being a sponsor.

Microgrants are still available for this fiscal year. The Public Outreach Grant guidance is available on the website and the applications are due on September 2nd. We are still working on the Strategic Communication Plan and we have a contract with a university professor who is helping us with the audit portion.

The NEP has a contract in progress with Charlotte County to hire a person who has worked with the boating and angling community. We will be asking them to complete a short survey to find out what their concerns and ideas are and try to match that up with the CCMP in order to find out what our other partners are doing and what they could do to help us.

The CHNEP staff was also progressing on a contract with FGCU to do a virtual wading trip that WGPU will air on their station.

Ms. Hilgendorf said that one of the CAC members is earnest in finding someone to write a check to subsidize the Children's Book next year. Last year, we received a grant from the Children's Family Foundation that helped with expenses.

Ms. Ott said that one of the things we are trying to get a handle on this coming year is starting with RRAP contract making sure the deliverables and tasks are very outlined so that there is no question about any of the contracts. As part of that, she said that she would be going into the field with the projects at least once to see how their activities are going and their level of detail and what their quality assurance is. We also attended the Seagrass Training and Seagrass Workgroup to get the Charlotte Harbor Seagrass Transect Monitoring Data consistent with other areas in the region.

One Research and Restoration Project was lost - Charlotte County was going to do a study of a number of parameters that would assess septic system inputs in the Port Charlotte canal, but unfortunately they were not able to make their match. We also attended the TDML and BMAP meetings for Coral Creek in Charlotte County and the Caloosahatchee River. The next Science Forum will be held on September 9th in Punta Gorda

The CHNEP staff is working on coordinating some restoration and research projects with the other NEP scientists along the harbor and survey work will be started this fall. She also reported that she had attended the Florida Local Environmental Research Association Conference and

learned a lot about some of the climate change related activities that local governments are doing.

Dr. Beever said Ms. Donley is in Washington, DC now on an infrastructure and climate change meeting. The EPA is paying for her trip. She has been working hard on developing many different grants. She worked with several of the partners during the stimulus funding days. We have successfully been awarded an Economic Development Administration Grant.

Mr. Hutchinson said that he did not have the amount yet, but it has been submitted.

Dr. Beever said that we have received the Wetland Program Development Grant to address saltmarshes in the Charlotte Harbor study area, one of the major ecosystems that we don't have much information regarding. We are pursuing a NOAA grant to get funding to support our RRPP projects which are unfunded for 2010 and trying to get funding to support that.

17. MEMBER COMMENTS

Ms. Staugler said that on September 12th she was hosting a scallop hunt in Lemon Bay, Gasparilla Sound – the Charlotte county portion of it. If anyone would like more information, she asked those interested to see her. There will be 150 participants, 30 boats and the rest are snorkelers. 115 have already signed up. This will be a ½ day long event which is supported by a CHNEP microgrant.

Mr. Stone asked Ms. Seachrist if she would be willing for the sake of schedule and time to adjust your motion on the reservoir report so that we could do it by internet or something to speed it up and try to stay in the cycle.

Ms. Seachrist said that she would be supportive of this so that the final document would be in the Policy packet.

Dr. Beever said that staff would try to achieve this, but if we miss the packet deadline, we will do it according to the motion and if we are able to do so, we will send it to the Policy Committee.

Ms. Ott said that there are two brand new documents available from the Florida Ocean Council that were made available yesterday. One is on Climate Changes in the Ocean and there is another one that came out recently on National Ocean Economics Program Facts and Figures for Economic Value of Oceans. The Economic report is available on the website.

18. PUBLIC COMMENTS

None.

19. NEXT MEETING'S TOPICS, LOCATION AND DATE

Fort Myers, Friday, October 30, 2009

- Public Outreach Grant Guidance Document for FY11

- Public Interest Funding procedures
- Phosphate Mining permitting

Mr. Howard said that the next meeting will be on Friday, October 30th in Fort Myers.

20. ADJOURN

Meeting adjourned at 12:30 p.m.

Minutes prepared by Deborah Kooi.