



Charlotte Harbor National Estuary Program
Policy Committee
Approved Minutes
March 16, 2009
Bowling Green, Florida

Members Present:

Adam Cummings
Wayne Daltry

T.M. Gurr
David Hutchinson
Jon Iglehart
Tom Jones
Wilma Katz
Rufus Lazzell
Don McCormick
Sally McPherson
Jeffrey Spence
Philip Stevens

Charlotte County BOCC
Lee County Smart Growth
(alt. for Ray Judah, Lee County BOCC)
Gurr Professional Services
SWFRPC (alt. for Mr. Ken Heatherington)
FDEP, South District Office
City of North Port
CHNEP CAC
SWFWMD
City of Punta Gorda (alt. for Charles Wallace)
SWFWMD (alt. for Phil Flood)
Polk County
FWRI Charlotte Harbor

Also Present:

Lisa Beever
Liz Donley
Maran Hilgendorf
Judy Ott
Nichole Gwinnett

CHNEP
CHNEP
CHNEP
CHNEP
SWFRPC

1. Call to Order and Introductions

The meeting was called to order at 9:35 a.m. by Co-Chair Iglehart.

2. Agenda Additions or Deletions

Mr. Lazzell announced that his alternate, Ms. Lizanne Garcia had gotten very ill and has been a very staunch member of the CHNEP, enjoys her work and admires Dr. Beever and prays for her speedy recovery. He felt that he needed to mention it because it has been several months that she has been extremely ill. He also noted that for a variety of reasons he was not able to submit the Director's Performance Evaluation by the deadline and asked that he be able to submit it to the Chairman at today's meeting. He noted that he had listed Dr. Beever outstanding in every category and he then made the following comments. "He has worked with Dr. Beever for many years in the CHNEP and has also worked with her in a previous organization and in both she has consistently performed superbly. He can truly state that overall she has carried out every duty that she has ever been assigned in a truly outstanding manner and she is a wonderful human being."



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Mr. Daltry added a walk-on item 7a as a potential action item, a letter addressed to Mr. Eric Buermann, SFWMD regarding the minimum flows to the Caloosahatchee River.

3. Public Comments on Agenda Items

No public comments were made at this time.

4. Policy Committee Minutes

Dr. Beever noted that on page 4 of the minutes, first sentence should read “Mr. Stevens noted that the mangroves are a critical habitat for sawfish not crawfish. “

MR. LAZZELL MOVED AND MR. DALTRY SECONDED TO APPROVE THE MINUTES FROM THE NOVEMBER 17, 2008 AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

5. Evaluating Pharmaceuticals to Caloosahatchee River Bull Sharks (FY07 RRPP) Final Draft Report – Judy Ott

Dr. James Gelsleichter provided the CHNEP Program Office with the final report for the “Evaluating the Risks that Pharmaceutical-Related Pollutants Pose to Caloosahatchee River Wildlife: Observations on the Bull Shark, *Carcharhinus leucas*” project. The final report was reviewed by the CHNEP program scientist and found to be complete, consistent with the project Scope of Work and useful to support implementation of the CCMP and fill environmental indicator gaps.

The project tested a steroid, impotence agent, lipid-lowering drug, and six anti-depressant chemicals in the blood plasma of Caloosahatchee and Myakka (control) bull sharks, 2 sites in the Caloosahatchee, and in effluent and reclaimed water produced by the Fort Myers Advanced Wastewater Treatment Plant. Limits of detection are cited in Table 1. Table 2 shows presence of steroids (e.g. Ortho Evra), antidepressants Citalopram (Celexa and Lexapro) and Venlafaxine (Effexor) in effluent. The two antidepressants were most abundant in effluent dominated creeks tested in Minnesota and Texas. Presence of these drugs were observed in reclaimed that also had presence of antidepressant Sertraline (Zoloft) and impotence agent Sildenafil citrate (Viagra). This may be the first study to report the presence of Sildenafil citrate (Viagra) in environmental samples. Table 3 shows amounts of nine tested chemicals at two sites in the Caloosahatchee. Site 4 is just downstream from the Fort Myers Advanced Wastewater Treatment Plant where antidepressants Citalopram (Celexa and Lexapro) and Venlafaxine (Effexor) were detected in one of two sampling events. Site 9, near Whiskey Creek, did not have the antidepressants that were detected farther upstream but did have detectable levels of the



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steroid in both sampling events. Table 4 shows chemical levels in bull shark plasma in 30 bull sharks (8 in the Myakka River and 10 in the Caloosahatchee in 2006 and 12 in the Caloosahatchee in 2007). None of the nine chemicals were found consistently. The most severe sample was 3.79 µg/mL for the steroid (synthetic estrogen used in human contraceptive) 17a-ethynylestradiol (e.g. Ortho Evra). The sample may be evidence of a level of bio-accumulation; however, the amount is below any known effect for the chemical. Human pharmaceuticals, except for the lipid lowering drug (trade name Lipitor), are present at detectable levels in the Caloosahatchee, wastewater effluent/reclaimed water, and the plasma of bull sharks. Appearance appears to be associated with the most widely prescribed drugs. Presence was often at undetectable or near detectable levels could not be detected consistently for each sampling event.

Management Recommendations from the report:

- It may be prudent to periodically monitor trends in environmental concentration of certain widely prescribed drugs, but focus efforts on more commonly prescribed drugs. (www.rxlist.com).
- Focus management efforts on more common environmental pollutants such as nutrients.

The TAC and Management Committees recommended that the conclusions within the report be applied to bull sharks only rather than be extrapolated to wildlife considerations outside the scope of the study. The author made these corrections. TAC, CAC, and Management Committee recommend that the Policy Committee accept the final report.

Councilman McCormick asked for clarification on the sharks flushing out according to the time of year. Ms. Ott explained that she doesn't know the correct answer to that; however, the levels depending on the season and the month of sample location and what levels are in the water, it was not found to be a direct relationship to the amounts found in the blood plasma.

MR. LAZZELL MOVED AND MR. DALTRY SECONDED TO ACCEPT THE FINAL REPORT. THE MOTION CARRIED UNANIMOUSLY.

6. CHEVWQMN Citizen Summary (FY 08 Project) Final Draft Report – Judy Ott

Mr. Ray Leary, FDEP Charlotte Harbor Aquatic Preserves, provided the CHNEP Program Office with the final document for the “CHEVWQMN Status and Trends: 1998-2005 Citizen Summary” project. The project is an FY08 Workplan project and implements the following CCMP Priority Actions:

- WQ-B: Identify gaps in water quality data needed to calibrate the appropriate models used to assess impairments... coordinate monitoring programs and implement programs to fill data gaps for impairment assessments...



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- WQ-E: Implement projects to restore or protect water quality to offset anthropogenic impacts.
- WQ-M: Support public involvement programs addressing water quality issues.
- SG-B: Provide people with opportunities to be involved in research, monitoring and restoration activities.
- SG-D: Produce watershed and estuary communication tools.
- SG-K: Present scientific information in a form readily understood by the majority of people.

The purpose of the project is to provide a visually aesthetic written summary of the Charlotte Harbor Estuaries Volunteer Water Quality Monitoring Network (CHEVWQMN) results in a format easily understood by the public, summarized by watershed.

The final document was reviewed by the CHNEP program scientist and found to be complete, consistent with the project Scope of Work and useful to support implementation of the CCMP. TAC, CAC, and Management Committee recommend that the Policy Committee accept the final report.

Councilman McCormick asked if there are any trends that we should be concerned about. Dr. Beaver explained that it is not a trends report.

**MR. DALTRY MOVED AND COUNCILMAN MCCORMICK
SECONDED TO ACCEPT THE FINAL REPORT. THE MOTION
CARRIED UNANIMOUSLY.**

7. Reservoir Workshop Update – Judy Ott

The CHNEP is hosting a 2-3 day technical workshop to discuss and gain a better understanding of the benefits and impacts of reservoirs within the greater Charlotte Harbor Watershed. The workshop will be held April 13-15 in Punta Gorda at the Charlotte County Event and Conference Center. There will be no registration fee for the workshop, but we are asking participants to register by March 13, 2009. The purpose of the Reservoir Workshop is to provide a forum for the exchange of technical information between scientists and citizens about the location, design, benefits and impacts of existing and proposed reservoirs on freshwater, estuarine and groundwater water quality, hydrology and habitats in the CHNEP watershed. The workshop implements the CHNEP Comprehensive Conservation and Management Plan (CCMP) 2008 Update Priority Action:

- HA-K: Identify the hydrologic and environmental benefits and impacts of surface waters on estuaries within the CHNEP watershed.



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Workshop Goals include:

- Clarify understanding of what reservoirs are and how they are designed and managed.
- Compile locations of existing and proposed reservoirs throughout the watershed.
- Exchange technical information on the potential benefits and impacts of reservoirs.
- Exchange technical information on alternative reservoir management and designs.
- Summarize existing policy, planning and regulatory considerations of reservoirs.
- Discuss options to enhance consistency of reservoirs with CHNEP CCMP.

Workshop Format includes: background materials to review before attending the workshop, a pre-workshop survey, technical presentations and posters, and a variety of facilitated, interactive activities to allow for exchange of information, ideas, questions and answers between the workshop participants.

Expected Workshop Outcomes and Proceedings include:

- Background materials in PDF format will be available via the CHNEP website and CD.
- Presentations and Posters in PDF format will be available via the CHNEP website and CD.
- Workshop Document, including summaries of discussions and recommendations for research, monitoring and/or management projects and programs, will be available via the CHNEP website and CD.

The next meeting of the Reservoir Workshop Subcommittee will be held Friday February 20 in Punta Gorda at the Charlotte Harbor Aquatic Preserves Office. The subcommittee will finalize the agenda, review presentation abstracts, recommend speakers and identify where additional speakers are needed.

Mr. Lazzell asked if the Reservoir Workshop will be addressing in-stream reservoirs. Ms. Ott explained that there will be a discussion on in-stream reservoirs but for the future we are not anticipating to put in place anymore in-stream reservoirs. Mr. Lazzell stated that it is his understanding that there are only half a dozen in-stream reservoirs throughout the State of Florida.

Dr. Beever stated that Shell Creek is the only in-stream reservoir within the CHNEP.

Commissioner Cummings stated that as he looks down the list of presenters and as it often happens with a workshop the presenters already have a project(s) in mind. He also said that he



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was sure that the attendees would be involved as well. He noted that he hopes that the following two things are kept up front:

1. This is supposed to be measured in terms of consistency with the CCMP and environmental impacts and socio-economic issues; and
2. The primary focus is keeping the estuary going and are the reservoirs going to be a net gain or a net drain for the estuary.

Ms. Ott noted that on page 67 is the list of the workshop's purposes, objectives and outcomes.

Mr. Hutchinson stated that it seems that the first objective was to discuss natural resources, human water and budget needs in the relationship to reservoirs that would incorporate a discussion or consideration of conservation issues. It looks like it may not be as explicitly referenced in the outcomes as it is in the objectives, so he hopes it would be incorporated throughout the entire day because it does have an over arching relationship to reservoirs.

Dr. Beever stated that based on the recent discussion that it maybe worthwhile to have some core values stated.

Commissioner Cummings agreed and stated that anything that would help to stay on focus.

Mr. Daltry stated that some of the advantages of reservoirs are that we impede the water and then we never really tap it for a user because we just replenish the groundwater system. So core value/core outcome is that wetlands can survive without a pump giving water because we haven't purged the wetlands anymore.

Mr. Iglehart stated that he has concerns with core values outside of outcomes because the values can change the way the presentations handle their value system by slowing down the open discussion.

Commissioner Cummings stated that some of the interest with the reservoirs is to increase the recharge. From the CHNEP's perspective, the primary focus is the estuary and if you are impounding water that is not going to get into surface modes and it is going into the aquifer that only benefits the estuary if you have an actual plan for the aquifer to recover instead it begins going back to the river.

Councilman McCormick asked for clarification on the goal of the drinking water aspect. Dr. Beever explained that the goal is to ensure that the surface water flows replicate natural variability.



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Mr. Lazzell stated that he still has a problem with the relationship because you don't build a reservoir for no reason.

MR. DALTRY MOVED AND MR. GURR SECONDED TO APPROVE RESERVOIR WORKSHOP AGENDA AND ASSOCIATED MATERIALS. THE MOTION CARRIED UNANIMOUSLY.

7a. Minimum Flows to the Caloosahatchee River Letter – Wayne Daltry

Mr. Daltry reviewed the distributed letter addressed to Mr. Eric Buermann at the South Florida Water Management District.

MR. DALTRY MOVED AND COMMISSIONER CUMMINGS SECONDED TO SEND A LETTER TO THE COLONEL OF THE CORPS OF ENGINEERS AT THE JACKSONVILLE DISTRICT WHICH OVERSEES DISCHARGES OF LAKE OKEECHOBEE TO REQUEST THAT THEY CONTINUE TO PROVIDE MINIMUM FLOWS AND LEVELS TO THE CALOOSAHATCHEE RIVER SO THAT THE RECOVERY THAT WE HAVE STARTED TO EXPERIENCE WILL HAVE A CHANCE TO FILL IN THE OBJECTIVES OF THE CHNEP'S MANAGEMENT PLAN.

Councilman McCormick asked how we got into this situation. Mr. Daltry explained that the letter points to the public process in reaching discharge decisions which was not an item on the agenda. Every month they have a status report on the system.

Mr. Iglehart asked if the SFWMD cut flows to other areas or just to the Caloosahatchee River. Mr. Daltry replied that it was just to the Caloosahatchee River.

Councilman McCormick stated that another part of the puzzle is smalltooth sawfish habitat will be affected.

THE MOTION CARRIED UNANIMOUSLY.

8. Citizen Advisory Committee Membership – Lisa Beever and Maran Hilgendorf

At its November 17, 2008 meeting, the Policy Committee discussed concerns regarding membership distribution of the Citizen Advisory Committee (CAC). Staff presented some of the concepts discussed by Policy Committee members at the February CAC meeting. In order to better represent CAC membership, members have agreed to complete the recently adopted membership application form. Information will be



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compiled for the Policy Committee once the CAC members have had the opportunity to complete the forms.

Staff recommends working with CAC members to amend their affiliations so that other organizations or affiliations that they represent will be named (before showing a duplicate affiliation or duplicate type of organization).

Mr. Lazzell stated that he feels that this is a step in the right direction since he has had some concerns for a while on having the proper groups represented on the CAC.

MR. LAZZELL MOVED AND MR. DALTRY SECONDED TO APPROVE CHNEP STAFF'S APPROACH. THE MOTION CARRIED UNANIMOUSLY.

9. Advocacy Tracking and Update – Lisa Beever

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 2008, 5 advocacy positions were taken by CHNEP. Four had satisfactory conclusions and one is pending.

10. FY10 Workplan Discussion – Lisa Beever

In preparation for the May 2009 adoption of the Workplan, staff drafted the FY10 Workplan and FY09 Amendments for discussion. The draft has been reviewed by the TAC, CAC, and Management Committee.

Commissioner Cummings explained that if Charlotte County does not change their millage rate then they are looking at cutting their ad valorem budget by 1/3 in a year. He also noted that he has been trying to explain to his fellow Commissioners the difference between various memberships which could affect both the CHNEP and SWFRPC.

11. CHNEP Director Review – Dave Hutchinson

Nancy Doyle, Human Resources-Operations Manager, prepared the following memorandum:



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Memorandum

To: CHNEP Policy Committee
From: Nancy Doyle-H/R-Operations Manager
Through: Dave Hutchinson, Planning Director
Date: March 4, 2009
Subject: FY 09 Evaluation of CHNEP Director, Dr. Lisa Beever

On February 6, 2009 The Southwest Florida Regional Planning Council sent out via email, the Performance Evaluation of CHNEP Director to the Policy Committee Member, and co-chairs of the other committees associated with the CHNEP Program, for review and comments.

Six evaluations were completed and submitted. All evaluations received rated Dr. Beever's overall performance as "Above" expectations.

Dr. Beever received a cost of living raise (COLA) of 3 percent on October 1, 2008 for the Fiscal Year 2009, as approved by the Policy Committee in 2006, consistent with the staff of the Southwest Florida Regional Planning Council.

The current annual salary for the position of CHNEP Director is \$98,176.00.

The Southwest Florida Regional Planning Council budgeted a range of 0% -2% for annual merit raises in the Fiscal Year 2009 budget.

Commissioner Cummings thanked Dr. Beever for her service.

Mr. Daltry thanked Dr. Beever for her service.

**THE RECOMMENDED ACTION WAS PASSED BY GENERAL CONSENSUS.
DUE TO BUDGET CONSTRAINTS, DR. BEEVER RECOMMENDS NO
ANNUAL MERIT INCREASE.**

12. TAC Report

Ms. Ott gave the TAC Report of the meeting held on February 11th. The next meeting is scheduled for April 8th in Port Charlotte.



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13. CAC Report

Ms. Hilgendorf gave the CAC Report of its February 18th meeting.

- Quarterly Meetings
- Elections are to be held in April
- Next Meeting is Scheduled for April 22 in Port Charlotte at the Cultural Center
- April 22nd Earth Day

14. ABM Report

Dr. Beever gave the ABM Report.

Mr. Hutchinson explained the funding issue that the SWFRPC is facing for the ABM.

Mr. Daltry gave a background overview of the ABM.

Mr. Iglehart asked how important is the ABM to the CHNEP Policy Committee and what is the CHNEP willing to do to support the ABM. Mr. Daltry stated that he feels that it is very important to have a watershed technical function.

Mr. Daltry stated that he believes that it is important to have an audit function of outcomes that we expect for Estero Bay and its watershed. Now if the CHNEP can absorb that then the ABM which came before the CHNEP can be discussed as being superseded.

Councilman McCormick asked if the Committee needed a resolution of the issue today. Mr. Iglehart replied no, it was provided for information purposes only. Mr. Daltry explained that the CHNEP agreed to accept the reports as an area of the CHNEP's area to oversee how well we are doing within one of the watersheds.

Mr. Hutchinson stated that it sounds like that part of the function is seeing if the implementation of commitments is consistent with the intent of the commitment.

Mr. Daltry noted that there is one more source of potential funding and it would take help from our lead environmental agency and the WMD to get federal funding from planning and management from Everglades Restoration because we did set up an RRCT for Southwest Florida for Everglades Restoration.



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15. NEP Program Report

Ms. Donley gave an overview of the recent legislation.

Councilman McCormick asked if the CHNEP had taken a stand on SB360. Dr. Beever explained that the CHNEP hasn't taken a stand on SB360 because it affects the SWFRPC greatly which is the CHNEP's host agency.

Commissioner Cummings referred to SB2294 which deals with offshore drilling and explained that there are major concerns of where the onshore industries will be placed for the offshore drilling.

Mr. Iglehart stated that FDEP has received an application for testing on the Collier Enterprise property and he expects to see more applications to come in. Currently there is drilling going on in Big Cypress, Felda and in Miami. He then said that if SB2294 passes then he expects that Port Manatee and Port Tampa would be the most likely candidates for the onshore drilling industry.

Ms. Donley gave an overview of the grants that the CHNEP is currently working on.

Ms. Ott reviewed the following:

- Lemon Bay Fisheries Monitoring
- Florida Scientist
- Habitat Maps

Ms. Hilgendorf reviewed the following:

- Magnetic CHNEP Nametags
- Harbor Happenings
- Children's Book
- 2010 Calendar Deadline to submit images is July 14th
- Peace River Environmental Education Network
- 10th Annual Nature Festival will be November 21st at Charlotte County Sports Park

Dr. Beever announced that the hardcopy of the CCMP is available.



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16. Member Comments

Mr. Iglehart gave a status update on the Ceitus spreader way. Mr. Daltry asked if all of the agencies involved have the funds needed in an account. Mr. Iglehart explained that there is \$3.5 million currently, but he isn't sure that would be enough to cover the cost of replacing the boat lift.

Mr. Stevens asked what the other options besides replacement are. Mr. Iglehart explained that the process is basically to replace the structure and everything would be fine or develop ecosystem benefits where other projects try to get back and capture, store and treat the Cape Coral runoff and let it bleed over into the mangrove system and into the Matlacha Pass.

Commissioner Cummings asked if one of the projects include the water that has been backed up along I-75 and US41. Dr. Beever explained that it is included within one of the projects within the Southwest Florida Feasibility Study in the re-plumbing around the Yucca pens and the Web.

Mr. Stevens asked how are you keeping the runoff from Cape Coral from being "flashy." Mr. Iglehart explained that the weirs and structures are still in place along Burnt Store Road.

17. Public Comments

No public comments were made at this time.

18. Next Meeting's Topics, Location and Date

The next Policy Committee meeting was scheduled for Monday, May 18, 2009 in Port Charlotte and topics for discussion include:

- Reservoir Workshop Update
- FY10 Workplan
- FDEP CHEVWQMN Optical Model Final Report
- Water Quality Targets Refinement Segmentation Scheme

20. Adjourn

The meeting adjourned at 12:20 pm.