



**Charlotte Harbor National Estuary Program  
Policy Committee  
Approved Minutes  
August 17, 2009  
Arcadia, Florida**

**Members Present:**

Adam Cummings	Charlotte County BOCC
Wayne Daltry	Lee County Smart Growth (alt. for Ray Judah, Lee County BOCC)
T.M. Gurr	Gurr Professional Services for CFRPC
Jon Iglehart	FDEP, South District Office
Tom Jones	City of North Port
Al King	City of Venice
Rufus Lazzell	SWFWMD
Don McCormick	SWFRPC
Jeffrey Spence	Polk County
Betty Staugler	Florida Sea Grant
Philip Stevens	FWC FWRI Charlotte Harbor
Jon Thaxton	Sarasota County BOCC
Charles Wallace	City of Punta Gorda
Tom Welborn	US EPA Region 4

**Also Present:**

Lisa Beever	CHNEP
Liz Donley	CHNEP
Mike Treubert	City of North Port Commissioner
Maran Hilgendorf	CHNEP
Tony Janicki	Janicki Environmental
Judy Ott	CHNEP
Deborah Kooi	SWFRPC
Jennette Seachrist	SWFWMD

**1. Call to Order and Introductions**

The meeting was called to order at 9:30 a.m. by Chairman Iglehart. Introductions were made.

**2. Agenda Additions or Deletions**

Chairman Iglehart asked if there were any additions or deletions to the agenda. There were no additions or deletions.

### **3. Public Comments on Agenda Items**

No public comments were made at this time.

### **4. Policy Committee Minutes**

**MR. LAZZELL MADE A MOTION AND COMMISSIONER THAXTON SECONDED THE MOTION TO APPROVE THE MINUTES FROM THE MAY 18, 2009 MEETING.**

Dr. Beever said that there was an additional strikethrough and underline version distributed as a handout as Mr. Daltry had some recommended changes. Ms. Kooi went back and listened to the meeting recording and added a few more details. Mr. Daltry has reviewed it and has found them acceptable.

**THE MOTION CARRIED UNANIMOUSLY.**

### **5. RESERVOIR WORKSHOP REPORT**

Ms. Ott presented the Workshop on Watershed Reservoirs: Locations, Effects and Solutions Summary Report. She distributed handouts and stated that all of the comments that were received were incorporated into the document. On the last page of the report 84 of 192, the rough process allowed additional comments as appendix to the report that came in as discussions and topics that happened after the Reservoir Workshop Report. She distributed an appendix and the people that made the comments had a chance to make sure that their edits were incorporated. One of the most important things of the workshop was to come up with next steps that needed to happen.

Mr. Iglehart asked if these were add-ons after Page 84. Ms. Ott said that was correct. Appendix C reflects the comments that were added following review by commenters. The important part of this is that it does include the CAC motion related to the report and they had some additional activities that they wanted to include in the next step to the report. Page 53 of the agenda packet contains the main content of the report which shows the conclusion and it tells a summary of the action needed which incorporates everyone's ideas.

Councilman McCormick asked if there was anything that the Policy Committee should be doing as a result of what NEP staff had given to the Policy Committee today and asked if there was a next step that staff was looking at.

Dr. Beever said the next step is in the original report under Page 21 of 193 and will be going through the conference for future action. This will involve clarifying the definition of reservoirs including inventory of the number, types and locations of the reservoirs; to complete a study to evaluate the natural water storage capacity of the watershed; coordinate agency efforts to consider reservoirs from the watershed perspective; increase considerations of environmental factors particularly the effects of reservoirs on freshwater flow regime and water budgets; To increase consideration of cumulative impacts on demographic, economic, political, legal, public safety and planning and permitting water storage activities; meet the requirements in planning,

siting and permitting to increase consideration of cost benefit analysis; to initiate aggressive water conservation programs and include water conservation budget analyses; further explore the eco reservoir concept; enhance interagency coordination of reservoir management using new technologies; to identify the primary water users to engage them in watershed wide conservation discussion; to engage staff at different levels of agencies in discussions furthering sustainable water management within the NEP; to give greater consideration to climate change and effects to assure unbiased technical review of findings regarding the reservoirs; to agree that reservoirs can provide ecosystems to meet human needs and to identify and develop specific scientific support for sensitive indicators.

Dr. Beever also stated that the Policy Committee in approving this summary was not approving these actions per se, but you are approving these actions for consideration and further NEP action.

Ms. Ott said that after the workshop, the CAC really did think this should be prioritized (i.e. where do we start next to keep the momentum going). It is a pretty extensive list provided by peer reviewers and participants in the workshop.

Mr. Daltry said that the summary of action needed as relayed, as original and as amended remains as a step for the future. I think the question to follow up with is “When is the future?” If the first step is to prioritize and we want momentum, when is that step going to take place – in the next meeting? He asked if this would be at the next TAC or CAC meeting.

Dr. Beever said that we could set these up as a committee members’ survey.

Mr. Daltry said that this gets into his first comment because some of this can be “feel” and some of this is sequential that just can’t be denied. Some steps have to be done before other steps. So a survey is that, but you are going to need some sort of “peer review” of what is the appropriate sequence just for reality check.

Dr. Beever said that is how we intended to use surveys of our committee structure in the past. We used the survey as a feel, but when we get down to actually doing prioritization, we don’t move lock step with the survey results. We use it as a beginning point.

Mr. Iglehart asked who would make the determination.

Dr. Beever said that the Policy Committee would. The recommendations are from the TAC, CAC and Management Committee and approval is by the Policy Committee.

Mr. Daltry asked if staff wanted a motion to get this follow up on process.

Mr. Iglehart said that we need a motion to approve and asked if Mr. Daltry wanted to include this in the motion.

Mr. Daltry said that he did not.

**MOTION BY MR. SPENCE TO ACCEPT THE WORKSHOP ON WATERSHED RESERVOIRS, LOCATIONS, EFFECTS AND SOLUTIONS SUMMARY AS AMENDED WITH DIRECTION THAT THE TAC AND CAC IN THE PROCESS BE INITIATED ON PRIORITIES ORGANIZATION OF THE SUMMARY OF ACTIONS NEEDED. SECONDED BY MR. LAZZELL.**

Mr. Iglehart asked if there was any discussion.

Mr. Lazzell said that he realized these are people's individual views, but I also came to the realization that there is a lot of work to be done. With regard to Shell Creek Reservoir, in times of drought, the streams coming down have adversely impacted the Shell Creek Reservoir. The water plant down there can take care of anything during times of drought affected streams. He felt that this had to be examined more because it has not adversely impacted the water the city uses because the city plant can almost clean up anything put in there.

Global warming has to be commented on because there are a variety of views on that. He wanted to make a statement that to go through an exercise assessing the effect of global warming, which he didn't agree with, affects the things he was concerned with. Mr. Lazzell also addressed the issue of alternatives to reservoirs. He stated that he was not sure what they meant by alternatives to reservoirs. Mr. Lazzell said that he felt there was an antipathy towards having more reservoirs. If the premise was accepted that there is not going to be any population growth in the next 100 years here in Florida, he did not feel that this was a feasible matter to be trying to address because there will be population growth and a need to have water and all sorts of action in process to address the fact that there is indeed going to be population growth at some point. It may be delayed a bit because of the economic downturn, but his concern arises when statements are made without addressing each one. He stated that he wanted to be on the record that the approval of this motion did not include any endorsement of some of the statements.

Ms. Ott said that in the main body of the report, we tried to separate out the technical peer reviewers comments versus the workshop participant comments. Staff hoped that the way the report was written would distinguish science from perception and that those next steps include both and that the process moves forward according to the comments in the report.

Commissioner Thaxton said that the Policy Committee should, if no one had an objection, to change the motion from "Approve the report" to "Accept the report" which is typically what a body like this does when they get a draft report. What would be subject to approval would then be the prioritizations and the tasks that the committee structure takes on.

The maker and seconder of the motion agreed.

Mr. Iglehart asked if wanted to add the timeframe to get that back in

Mr. Daltry asked that the TAC and CAC have it put on their agenda for their next meeting. Hopefully, it will be back to us in the next Policy Committee meeting, but, nevertheless the process will have begun.

Commissioner Cummings said he wanted to be comfortable with the Policy Committee's decision as we proceed with future conversations. The context makes all the difference in the world. There is a very big difference when you are looking at the impacts and creating a reservoir that is there for the purpose of offsetting existing environmental impacts (e.g. when they talk about raising the water level in Lake Hancock, at least the conversation is about whether or not you can have an improved flow regime due to manmade impacts that have already occurred.) He felt that it was an entirely separate conversation from talking about creating a more natural flow regime for a reservoir for the purpose of potable water, phosphate mining, etc. Is that going to create a more "natural flow regime"? He expressed his doubt that it would. How do you create a more natural flow regime by creating an additional man-made impact? The point is the context is everything. Are you creating a tool to try and reduce the existing man-made impacts or are you trying to justify a new man-made impact with another man-made impact? In other words, we know this activity is going to occur be it phosphate mining development, whatever, and, therefore, we should create another set of manmade impacts as opposed to looking at what other options . . .almost like when DOT is looking at a project and one of the things they consider is the "no build option". A point that Mr. Daltry alluded to always sticks in my mind – "historically water in Florida was stored in the ground". I always thought that was a profound observation, and I get particularly concerned when we are talking about shifting to surface water and that is good for the environment. That is great but as near as I can tell, it is what part of the environment are you interested in and if you shifted to surface water to reduce groundwater withdrawals, without solving the groundwater withdrawal problem, and because my issue is Charlotte Harbor, I still haven't solved the loss of base flow through the springfed base flow and now I have increased the impact by also reducing the surfacial flow into the river. I am having a hard time seeing how that is helping the estuary. All of it comes back into the context. Are you looking at a reservoir designed specifically for mitigating existing manmade impacts or are you looking at a new one trying to justify yet another activity? I think they are entire two different conversations that need to find a way of somehow quantifying that analysis as we go forward in determining what are the impacts of this reservoir? The context makes all the difference.

Ms. Ott asked the Policy Committee to let her know if they wanted to be copied on e-mails concerning the topic of reservoirs.

Commissioner Cummings said that the last time he went through the Peace River Master Water Supply plan we were looking at a long term shift. Right now, we are still permitted at 32.7 million gallons per day. We had quite a lengthy heated discussion about whether to go from 12 million to 18 million.

Commissioner Cummings said if the annual average – 100 million gallons per day annual average reduction in freshwater flow is from the estuary, I am having a hard time seeing this is going to be good for it.

Mr. Lazzell asked what part was not good for the estuary.

Commissioner Cumming said that is the very argument that is being made – we need to shift to these freshwater flows, almost all of which happen to be in the Charlotte Harbor Drainage Basin as an environmental good thing. Maybe it is. But if what you are focused on is Charlotte Harbor, it is hard to argue that 100 million gallons a day annual average reduction in flows is a good thing. That doesn't take into account what the peak controls are. Furthermore, right now we are pulling about 13 total out at the Peace River facility and at 10% withdrawal and 130 CFS, we couldn't even maintain that. So we are dropping it down to 90 which is strictly an operational consideration and nothing to do with the environment at all because 86 cubic feet per second in Arcadia is when the salinity level at the intake structure gets high enough that the plant can't treat it anymore. The point of that is that what few things are being called environmental protection from those withdrawal limits have already been thrown out the window. SWFWMD staffers stood in front of the Water Supply Authority and said "I could find no legally justifiable lower limit on freshwater withdrawals." I heard it and that was part of the justification for getting rid of what few protections there were and if we can't maintain any kind of environmental protection at an annual average of 13, the likelihood of thinking that there is going to be any kind of protection at 100 is laughable.

Mr. Lazzell said that he did not thoroughly agree with what Commissioner Cummings said which he thought would come up during subsequent analyses.

Mr. Iglehart said that a significant period of time should be allotted towards this discussion at the next Policy Committee meeting.

Councilman McCormick said that anything we could do to help the priority list scale toward having the quantifiable scientific priorities ahead of the unquantifiable emotional priorities would certainly improve the tenor of the meeting.

Mr. Iglehart said that there was a motion to accept the summary on the floor and to ask the TAC/CAC to report back to the Policy Committee and if there was any further discussion.

Councilman McCormick asked that the question be called.

### **MOTION CARRIED.**

Mr. Daltry said that he had a question on process. There is a statement in the Reservoir Workshop report that says "three peer reviewers including Dr. Ernest Peebles, Mr. Auturo Torres and Dr. Sam Upchurch assisted with interpreting workshop presentations." The reason why I am focusing on this is the phrase "peer review". I am beginning to wonder if there is a common understanding of what a peer review is. I am certainly starting to be confused myself. I have undergone 40 years of Peer Reviews and Public Reviews, and I have a tendency to treat them the same because I have received public comments from Mrs. Housewife who read the report because she was bored and gave me a comment that made me think "what the heck was I thinking" and I have gone back and revised it. I have received comments from people who have gotten so many degrees that it is a wonder they can stand upright and I wouldn't give their comment the length of paper it took to tell them they were wrong. I think between this and the previous comment, I would probably like to bring this up under Members' Comments for some

discussion of what we think and expect Peer Reviews are and when we expect them and how we expect them. I think the Peer Review done for the reservoir and I think the Peer Reviews that we usually get on anything are good, but I think we are having different expectations of Peer Reviews when they appear or when we ask for them, and I would kind of like to get some clarification of when we expect them, what we expect them for, how we apply them and how binding they are.

## **6. WATER QUALITY TARGETS REFINEMENT SEAGRASS TARGETS**

Mr. Tony Janicki presented the results of the Water Quality Target Refinement Project Task 2: Seagrass Target Development Interim Report. The purpose of the project was to provide technically-defensible quantitative water quality and seagrass restoration and protection targets for the CHNEP. There are 4 tasks: 1. refine the estuary segmentation scheme; 2. determine seagrass targets based on historical seagrass acreage; 3. develop water clarity targets; and 4. develop pollutant loading estimates.

**Recommendation:** Motion to approve seagrass targets and the Task 2 Interim Report.

Mr. Tony Janicki said that they had been working with the program for the last six or seven months working on establishing seagrass targets for the Charlotte Harbor system. A critical element of the system is how important quantifiable goals are as opposed to “let’s improve something”. In dealing with County Commissioners, City Mayors and City Council, I often get the question “when is enough enough?” It’s not only in terms of setting an achievable goal, but also I am recognizing especially in the financial times that the local governments find themselves in now, that it is difficult to prioritize where money should be going and where efforts should be going.

You can at least start using them as a yardstick for evaluating improvement. The other thing I would like to offer is the process that we have gone through and this is the third estuary program that I have used the same process to establish seagrass targets. It began in Tampa Bay in the mid 1990s and in the past year, I have worked with the Sarasota Bay Estuary Program and we had a meeting last Friday with the Technical Advisory Committee to look at some of the intricate nature of some of the targets that were established there. The process that we are going through here in terms of the technical process and protocol is very similar to what has been in the other two estuary programs. We received a pat on the back from EPA Region IV when they heard that. They like to see consistency because on their level, they are looking at what is happening in each of the individual programs. I just want you to recognize that we are not breaking new ground in terms of process, but we are breaking new ground in terms of when we are applying the process. The objective of this project was to provide technically defensible valuable restoration protection targets for the Charlotte Harbor System.

Seagrasses provide a very important sentinel for estuarine health. Seagrasses as a habitat are really critical in an estuarine system. They provide habitat for a variety of different organisms, scallops, fishes and all sorts of things that really depend upon the presence and viability of seagrasses to sustain their own population. Another good thing is that people can touch them, see them and given the right educational programs, they are not seeing these things as seaweeds, but as seagrasses and as something very positive. It is a very important consideration. As a third

important reason for using seagrasses as a target is the fact that they could be tied back to the watershed and have a relationship between the seagrass growth and reproduction and water quality is related to pollutant loadings that are coming from the watershed. These days in the age of total maximum daily loads, the state and the EPA are setting numeric nutrient criteria now. Those are real important considerations because at the end of the day, those numbers that are chosen for allowable loadings and allowable concentrations affect each and every one of you in terms of how you deal with protecting the aquatic resource that you are in charge of.

There is consistency across all three estuary programs. A series of photographs were taken in the 1950's in each of the systems. The photographs were not perfect as they weren't taken with the purpose of determining how many seagrasses were in a particular area and they were taken prior to the major changes in the watersheds of these systems, but they are consistent.

The recent data we have are based on a series of aerial surveys that have been conducted by the SWFWMD – their surveys began in 1988 and have been done approximately every two years since then. At the request of the estuary program, the SFWMD has been doing the same thing. We have about four surveys that have been done about every two years in the south Florida portion of the Charlotte Harbor system using similar techniques so that they are comparable. We look at where the seagrasses were before, where they are now and make a comparison. Step 2 is the recognition that there are non-restorable areas in all of these systems and non-restorable from the sense that the impact that has occurred is going to preclude without removing that impact entirely, is going to affect whether or not seagrass is going to return. With respect to the system that we are talking about, these non-restorable areas were far less prevalent than they were in Sarasota and even Sarasota was far less prevalent than Tampa.

- 1) Make comparisons
- 2) Identify non restorable areas
- 3) Present options to TAC
- 4) Define restoration and protection targets

For each of the individual segments of the Charlotte Harbor system, we identified potential harvests for restoration and protection. We compared how much seagrass there is now as to how much there was before. We had a subcommittee look at the different ways of presenting this information. It was accepted by the TAC in early July and presented to the Management Committee in late July and the definition of the seagrass restoration protection targets is the larger of either what was there before or what we have now. If we have more seagrass now than what we did before, we chose that as a protection target. We want to maintain what we have now. There are some systems in which we have some higher number of acres of seagrasses now than we did previously. If we have higher historically, we chose that as a restoration target where we want to restore the number of acres that we had lost since that time period. That was the agreement that came out of the TAC and went to the Management Committee and was approved and those are now have been defined as protection and restoration targets. The bottom line is that we have a consistent methodology, consistent methodology to apply to cross systems that seems to work fairly well. The most important thing is to define a quantifiable set of targets that are spatially specific.

We have maps of both the historical and current expanse maps of the non-restorable areas. We talked about some of the trends in seagrasses. In some cases, we actually saw increasing trends

over time, and the other thing is that we have done maps where we lay down a grid and we look at each of the individual cells in a grid. It tells us where you most always find seagrasses. More often than not, we see those in the deeper edge and that would kind of corroborate that water quality is one of the critical issues in determining whether or not seagrasses are in a particular area or not. The TAC wanted us to make sure that everyone recognizes that we are looking at the number of acres of seagrasses. We are not talking about species composition or quality. We are talking about how much seagrass is there. This is an important index. What it looks like is very much a secondary question.

The important thing is that in particular in the tidal rivers (Myakka, Peace and the Caloosahatchee) the aerial photography method for determining whether or not there are sea grasses there doesn't work very well and that is because of the highly colored nature of these systems. With that color, it is very difficult through aerial photography to determine whether or not there are sea grasses at the bottom of these rivers. Consequently, we know that we have a significant underestimation of the acreage of sea grasses in each of these systems. There have been some other studies that have been done, but unfortunately, there have not been studies done repetitively so that we have a better idea of what is happening in these systems. We have talked about it with the two Water Management Districts giving consideration for using some other techniques for determining how many acres of seagrasses in these highly colored systems. The numbers that we present should be taken with a grain of salt.

Mr. Janicki asked if there were any questions.

Commissioner Thaxton asked about the early photographs and if there was any way to take into consideration that you have an unusually bad or unusually good year for the sea grass and establish baseline data from earlier photographs. It could be that you were just there at a bad year and the very next year there was twice the grass. Is there any reason to think that those photographs were taken on a freakish year?

Mr. Janicki said we are actually looking at some photos in Sarasota Bay. From what we can gather, that timeframe was not excessively wet or dry. It was not like we were in the middle of a drought. I'm fairly confident that it was a reasonable look meteorologically in time. You have to make sure that you don't have a bias. The most important thing is how you communicate this information to the public, the Policy Committee and to the Technical Advisory Committee. It is important that there is a reasonable process for presenting information in a meaningful and understandable fashion for all those different levels.

This is one of the areas in which we are going to make a recommendation. The first next step is figuring how a process is established for reporting these numbers. How is this information communicated to the various levels of concern? We are also working on how to link seagrass targets to water quality targets. This is a real important aspect for the primary reason that the State and EPA are establishing water quality targets for all of the waters in the State of Florida. It is not only freshwater but also estuarine waters. We have a little bit of time because the estuarine waters target for establishing estuarine water quality targets is January 2011. Obviously, you are going to have to go through a lot of reviews and a lot of approvals before that date comes around. EPA in particular is going to have some numbers far in advance of that. There is consideration and there have been lots of discussion at various levels as to whether or not it is appropriate for, rather than establishing a blanket number that essentially covers all the

estuarine waters of the state, but those things are more site specific or regionally specific, and I think the real strong argument for example that again for Tampa, Sarasota and Charlotte Harbor that regionally specific water quality areas might be very appropriate. That is another reason why linking these results to water quality targets becomes really important and the timing becomes really important as well. Once you know what your water quality targets are, then you can look at if we have an adequate, appropriate management in place to ensure that we are achieving or at least we are trending towards the appropriate water quality target. We are providing some initial work here because we are estimating now lowering some nutrients as well. That will be an important link in terms of appropriate management.

There is another monitoring program in which Ms. Ott is very much involved with where people are going out at specific places in space and they lay out a transect from the shoreline going out into the middle of the estuary at fixed points and they collect data as they go along. That gives you some information about the nature of the grass and what species it is, what is the quality of the grass and those sort of things that are important in terms of understanding how well do we really understand how the system is working. Comparing what we are seeing here in these targets is another important step in the process.

Councilman McCormick asked if in the survey did he have any sense of whether salinity of the water is more important in seagrass restoration than turbidity of the water? Do you have any empirical evidence one way or the other?

Mr. Janicki said this was an excellent question. All of the things are interacting – salinity is related to the amount of freshwater – so is the loading of nitrogen and color and turbidity. All of those things are interacting in many ways in different places. Most of the system is probably a combination of those that are really affecting whether we lost seagrasses or not. It is different in other estuaries. Too much nutrients coming resulting in algal blooms, higher chlorophylls has reduced light getting to the bottom. A lot of physical disruption occurs especially that area around MacDill Air Force Base as it receives a lot of the waste from ships which results in several issues.

Ms. Ott said that the seagrass transect information gives you a more quantitative evaluation of the distribution. That is where the salinity impacts would show up. It is the rainfall that is reflected in freshwater flows that causes a lot of the annual variation in the seagrasses. In some systems where there is much greater alteration to the hydrology and the seagrass changes a lot more than it does in some areas.

Mr. Janicki said that in this system the area that is most demonstrative of that is Donna Bay where the alteration that had occurred in the watershed is delivering more water to Donna Bay than it used to and in that case in particular that is salinity. Those grasses are seeing a wide variation in salinity that most systems don't see.

Mr. Daltry said that he was a dot dot area – Tidal Caloosahatchee – that is the one I am raising the question about – the numbers provided on the table of Possible Seagrass Protection seems small. I said this to the TAC and produced a couple of reports one of which was from the 60's describing the abundance of seagrass coverage, lush in other terms, which these numbers don't reflect and reports from the 20's on what normal tidal flow was from the Caloosahatchee. We have a system which is hugely altered, so we are not getting the water that we used to. We are

getting huge plugs and then we are getting nothing and for that reason the freshwater grasses die off, saltwater grasses get slaughtered. We end up with a huge barren zone. That is not the natural condition. The barren zones are a result of monitoring. My concern raised before and covered in a different table where the same numbers are given dot dots is that we do have information that came from different reports on what grass coverage would be in a more natural normal system. Factors compared to the cover sheet would be higher by a factor of 6. We do have a survey done from the 90s on what grasses were found and I think there is a sampling program now that DEP has for grasses that if I was to guess and superimpose those sights over the map where grasses are shown, we are probably sampling spots that aren't being shown as having grass under this approach. But the dot dots says that there could be a problem from this particular survey technique for a certain water bodies and this is one. So my real question is "where are the recommendations – do we have the opportunity to go back and take that slice of a water body and data source and replace it with something that would be a more appropriate restoration target because if we are going to be spending the money on the Caloosahatchee River Watershed Protection Plan where one of the indicators of success is restoration of grasses and spending \$500,000,000 (1/2 billion) on a reservoir whose purpose is to deliver a minimum flow that is higher than the previous flow, and to scalp a 170,000 acre fee we should have something for progress more than 6 acres or else we are wasting all that money.

Mr. Wallace said that really when you look at the restoration as part of the whole funding of 6% of the total compared to the protection, I would question in all areas.

Mr. Janicki said that the whole point is the recognition that how is it being used to establish how many of the seagrasses is not appropriate. There should be another technique use to do that. I spoke with the researcher that had done the surveys and of course their response was "well you had to consider when we took these numbers, so you have to accept all of these with some degree of skepticism. I think we are trying to address your concerns in the text of the report. If you feel that we need to beef up some more, we will be glad to do that.

Mr. Janicki said that there was a lot of discussion on this at the TAC and the subcommittee meetings and there was one consideration that was not to include those segments in this report because it was inappropriateness of the questionability of the methodology for the tidal rivers. That was put out as an option to not include these numbers at all for the system and the response was "no, let's put them in, put the . . . (dot dot) in so everyone understands." We followed that recommendation in the report.

Mr. Daltry said that under "Next Steps and Recommendations", the dot that I would be looking for would be examining the tidal river basins for more appropriate, different something. I don't think that is one of the dots there.

Mr. Janicki said that he would make sure that that dot is in there.

Mr. Daltry said that sometimes it appears as one dot and other times it appears as two dots just as long as it doesn't appear as three dots for those who have seen the movie "Mama Mia", we're okay.

**MOTION BY MR. DALTRY TO ACCEPT THE REPORT WITH THE COMMENTARY RAISED ON THE POINT OF THE TIDAL RIVER BASIN. SECONDED BY COMMISSIONER THAXTON.**

Mr. Iglehart asked if there was any discussion on the motion.

Dr. Beever said that she would like to ask for the approval of the report because of the target aspect of this. We would be accepting these as our targets and so I would like to see a little more than “accepting” the report and “approving” the report.

Mr. Daltry said that we accept the targets – is that implementing the CCMP or amending the CCMP?

Dr. Beever said that the CCMP suggests establishing the resource based water quality targets and that either one would implement the CCMP.

Mr. Daltry said that if it was the amending the CCMP, it would be one thing . . .

Dr. Beever said it would be implementing the CCMP.

Mr. Daltry agreed to the amendment of his motion from “accepting” to “approve” with the dot dots.

Commissioner Cummings said that at the risk of revealing the depth of my ignorance, is more always better with seagrass?

Mr. Daltry said it depends upon the seagrass and the location.

Mr. Janicki said that the simple answer is yes because the assumption that we are making is that the more habitats available, the more fish and scallops going to have and that is generally true.

Mr. Stevens said that was a good question.

Ms. Ott said that the premise of this process is looking at the historical locations of the sea grasses. It gives you an idea of what you expect under natural hydrologic conditions.

Mr. Janicki said that the intent is not to put seagrasses back where they were before, but we are trying to get back what we had before and get it where we can get it. I see no evidence that significant withdrawals have occurred resulting in salinity excursions upstream that will effect seagrasses. Rather, the opposite is true. Donna Bay, Tampa and the Caloosahatchee – there are wide variations in flows that are more harmful to seagrasses. We haven’t seen any type of excursion. It is possible. Two things are happening – you are increasing the salinity and decreasing the nitrogen level. You are changing the flushing time and that is an important consideration. There is no simple answer. Withdrawals are not going to be good or bad. You have to determine how much of a withdrawal, where, etc.

Mr. Daltry said, not being a member of the American Society of English professionals, but my mother was, that flushing is a withdrawal from storage during the wet season that results in the droughts and the dry season which is another way of describing withdrawal. We have taken what normally would be stored and flushed it during the wet season so it is not there during the dry season so the grass beds are affected.

Mr. Janicki said that he was talking about withdrawal directly from the water bodies (e.g. Peace River).

Mr. Daltry said that our response is that a canal is the same thing as a withdrawal.

Mr. Iglehart called the question.

### **MOTION CARRIED UNANIMOUSLY.**

#### **7. WATER QUALITY STATUS AND TRENDS SCOPE OF SERVICE**

Dr. Beever said that in 2001, the NEP approached its first Water Quality Status and Trends report. We contracted with Tony Janicki of Janicki Environmental to do the work. At the time that the work was delivered, it was decided by the Policy Committee to complete a Water Quality Status and Trends report every three years which would have been in 2004. As that was such an odd end to that period, we decided to bump it to 2005 which brings us to 2008. In the 2004-05 data, we approached Janicki Environmental as a sole source because it had all the data from the first run and had developed the methods which were replicated for the Southwest Florida Feasibility Study and so that is a dataset and methodology that is continuing on and has been accepted as a sole source in the past. The next triennial cycle is 2008, and we are proposing the same methods for the trends analysis that had been done in the past with the same kind of mapping and imagery. Each time that we have looked at the status, we have taken a bit of a different take on how to approach the status. The first time we looked at different methods to determine impairment seas in the state standard using quartiles. The next year we looked at the Charlotte Harbor Coastal Monitoring Network, the random sample stratified system and looked at the optical model with the randomized data. This time what we are proposing is looking at monthly water quality in terms of what is kind of on the minimus side and the best water quality and worst water quality we have seen, what kind of ranges we can expect throughout the estuary and an average and doing that on a monthly basis. I think that kind of information will give us context to when we see the monthly water quality for any particular parameter.

We also took a look at our parameters list on Page 157 of 193. One of the limitations in previous studies is we didn't have good trends information on some of the metals and metals impairments throughout our watershed (copper, lead and iron). So we wanted to see the trends in relation to the existing impairments, so we added this. We pulled out some of the parameters that we tend not to use. The deliverables will be a set of GIS files and a GEO database and SWFWMD is providing some funding towards this project and scope of service.

Mr. Iglehart asked if there were any questions for staff.

**COUNCILMAN MCCORMICK MADE A MOTION TO APPROVE AND MR. DALTRY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

**8. APPLICATION FOR VOTING STATUS ON CAC AND APPOINTMENT**

The CAC nominated Sandra Beardsworth for voting membership during their meeting on April 22, 2009. Also at that meeting, Bobbi Rodgers voting rights lapsed. She has already submitted an application for the CAC to consider for reappointment during their October 15, 2009 meeting.

**MOTION BY MR. DALTRY AND SECONDED BY COMMISSIONER CUMMINGS TO APPOINT SANDRA BEARDSWORTH AS A VOTING MEMBER OF THE CAC. MOTION CARRIED UNANIMOUSLY.**

**9. COMMITTEE MEETINGS FOR 2010**

**MOTION BY MR. DALTRY AND SECONDED BY COMMISSIONER THAXTON TO APPROVE THE 2010 MEETING SCHEDULE. SECONDED BY COMMISSIONER THAXTON.**

Under discussion, Mr. Tom Jones said that he would like the Policy Committee to consider holding a Policy Committee meeting in North Port as he felt it was very important to point out the importance of the Charlotte Harbor National Estuary Program to the City Council and government representatives.

Dr. Beever suggested putting North Port instead of Venice in the schedule to host the August 2010 meeting.

**MOTION MAKER AND SECONDER AGREED TO THE AMENDMENT. MOTION CARRIED UNANIMOUSLY AS AMENDED.**

**10. PUBLIC INTEREST FUNDS AND CONTRACT**

- Recommendation:**
- 1) Motion to authorize Director complete contract negotiations with sole source provider Ray Leary after committee member review and refinement of the scope of work via email.
  - 2) Motion to direct the Management Conference to develop procedures for accepting public interest funding in the future.

Dr. Beever said that in May CHNEP was asked if the program would accept \$100,000 in public interest money. This was for a new hotel where a previous one had existed – the Best Western and the marina associated with that hotel in a historic location, but was within the aquatic preserves. They not only needed to mitigate that from their impacts, but show that it was clearly in the public interest. As part of the package, the NEP was proposed to accept the \$100,000 to

help implement our CCMP. In addition, other public interest projects included a pump out station at the marina and some signage along the walkway there. The coastal and managed areas (CAMA) proposed using the \$100,000 for some unfunded research projects presented by the NEP staff at a February 11<sup>th</sup> TAC meeting and continued water quality data collection data management. The tasks included implementing the Aquatic Preserves quality assurance and quality control procedures to implement data management procedures that is putting the data in Storet and managing the data, facilitating the Southwest Florida regional ambient monitoring program that all the water quality agencies that take water quality samples get together quarterly and share samples and make sure that their data is calibrated and that they are getting similar results. Task IV would be to assess economic, social, environmental benefits, protected lands in the Charlotte Harbor NEP study area and Task V would be to identify gaps in water quality monitoring data needed to assess the impairments.

CAMA had proposed using Ray Leary as the sole source in completing these tasks and we have put together a Draft Scope of Service. It had gone to the TAC as a walk-on item, but by the time it was going to the Management Committee, Ray Leary had withdrawn as a sole source and after the Management Committee, he said he would be willing to do it. There has been some difficulty in paring the scope from that perspective. In addition, when the CAC discussed the issue, they voted to establish procedures by which the NEP would consider and accept future public interest funding and so that is a second recommended motion. Since Ray Leary had come back and is willing to do the sole source and because we didn't have a scope for you to consider, we tried to balance out the best way to get him on board as quickly as possible. The motion that we present to you, but has not gone to any of the other committees, was to authorize me to complete the negotiations for the contract with putting the Scope of Service to all the different management committee members for review and refinement and continue the negotiations prior to the November Policy Committee meeting.

Mr. Iglehart asked if there were any questions or comments.

Mr. Daltry asked who asked the NEP if they would accept the \$100,000?

Councilman McCormick said that he would say the Governor's Office.

Dr. Beever said it was through DEP.

Mr. Iglehart said that DEP has a process of how this works. Up until three years ago, public interest criteria on marina projects or any projects located within the aquatic preserves were essentially left to the local office to determine and based on the criteria, it is pretty much kind of an esoteric kind of feeling, so often times in the past, public interest criteria for a marina facility that may be 100 slips would be signage or a public restroom or something along these lines. With the current CFO, the Department was requested to take a better look at how public interest could be looked at on a monetary basis. There is nothing in rule that stipulates monetary basis, although we are in the process of writing that now. For marina projects that impact state lands, she is looking at an element that would get the state a certain percentage of the value of the facility and aquatic preserves probably double that amount. That left Bob Ballard who runs the State Lands Section for the agency to basically visit all public interest criteria and he has been

trying to put a dollar figure on it. In the case of this marina facility, a dollar figure was placed. Dollar figures have ranged as high as 1.5 million for a project down in Goodwin, but with the economy, it has gone down the scale somewhat. The next project in the hopper is Burnt Store dredging and we are looking for a public interest valuation from Bob Ballard sometime this month.

Where does that public interest money go? It can be put in a number of ways – special projects we have done down in Collier with Rookery Bay for seagrass transects. We looked at an opportunity here with the NEP being similar to an entity to direct those funds within the public interest for environmental issues. Oftentimes, there is a misconception that people think public interest is something that benefits the public like a highway or something like that and it is an environmental public interest benefit. What better institution than the NEP to do that?

Mr. Daltry said that he loves getting public interest funds over at the CREW Trust. It then says FDEP/CAMA proposed using \$100,000 for these tasks. Is that a requirement?

Mr. Iglehart said that it was not. When we go before the Governor and Cabinet to approve these projects, they want to have a specific idea of what the funding is going to be for. They want to know what the public interest project is. We have presented quite a slew of projects to CAMA, the NEP. Because of the timelines, we really haven't had anything lined up for the NEP. Out of all those projects, this simulation data seemed to be something that would be readily identifiable and would use up the majority of those funds.

Dr. Beever said that clearly had CCMP implementation benefits.

Mr. Iglehart said that whether or not a contract is a sole source contract is a different issue altogether. I think that there is an opportunity to revisit how those contracts are put out or what could be contained in those contracts. That would work well with that funding.

Mr. Daltry said that was kind of his initial response is while it was great for the \$100,000, he could see why the CAC, TAC or at least the CAC seems to have some issue. Is it necessary to get this approved at this meeting or can we do it at the next meeting once everybody else has a comfort zone?

Ms. Donley asked to talk about the status of where we are with the money going through. In addition to there being a scope of work being developed for using up the dollars, there are two other agreements that are still out there in draft form. One is an agreement between the NEP and ASMAR which is the applicant who is going to be doing the marina. I have sent out a proposed draft document, but I have not heard back from their attorney yet. That document talks about the fact that we would receive the \$100,000 – this is what we would do with the \$100,000. There is another document also that is between the NEP and DEP that talks about the fact that there are these public interest dollars that will be coming to the NEP and that we will be using them for these particular tasks. Now it is my understanding that DEP wants to sign off on the exact tasks that are going to be performed with dollars. So we have three different documents that are kind of floating out there right now. ASMAR has not written us a check for \$100,000 to initiate any of this because that is really what needs to happen and this the giving of the \$100,000 for the

public interest portion of their permitting process – they have to do that before they can continue on with what they are doing. We are in a holding pattern not just with the scope of work, but with these two other agreements. Given that we are in August, and I know that a number of people were on vacation in July, I would say at this point probably those other two agreements aren't even going to be to draft final point until the beginning of September at the earliest.

Mr. Lazzell said that he had a question. Why when we go out there do we pick the low cost? It seems like this is the way the whole process works as opposed to getting into other aspects of experience. I haven't had a chance to go into the detailed experience, but some of the others have quite a bit of experience, but we seem to go for low cost.

Ms. Donley said that she could speak to the first three tasks. The first three tasks of these five tasks are tasks that were being performed by a staff person at the Aquatic Preserve. For the past five years, the NEP has engaged in a grant with the Aquatic Preserve to fund a person to do those three tasks. That is where the origin of those three tasks come from going to this particular person. The fourth task is a new task for the NEP and I don't know if the Scope of Work has been fully flushed out on that and the fifth task also is a task that was pulled out of the CCMP and the Research Needs Inventory. This actually hasn't gone out on bids, so we didn't go for the low bid on it, because this combination of five tasks was unique to the Aquatic Preserve. They brought forward to us this combination of five tasks for using the \$100,000 that would be coming forward. In addition to these five tasks under the \$100,000, the NEP was proposing to use a minimum of \$8,000 towards Public Outreach Projects. We were looking at these five projects to not exceed \$92,000. We didn't go through the bidding process on it. With the time going on, that would be one of the options that would be available to the program should you all give us that direction.

Mr. Lazzell said that he had a concern about Task Four and the recommendation.

Councilman McCormick said that this particular project with ASMAR's name on it is almost exclusively for the benefit of the citizens of Punta Gorda having to do with their waterfront development. Riverwalk, Mooring Field does not provide any additional hotel rooms to the hotel operation. We are all tied together. We are looking at additional millions of dollars on the so-called "Ring Around the City". Let's move this thing ahead as quickly as possible. I don't want to let it slip a week.

I second that motion. It is general public interest – it not just for the City of Punta Gorda. This will be a draw for a huge regional basis.

Mr. Iglehart said that the issue is not the donation of the money. It is how the money is spent. Whether the NEP determines how to spend that money or not, the projects have been identified – how we get there can take some additional time.

Mr. Lazzell asked about competitive bids.

Ms. Donley said that in addition to going out on competitive bid, during that interim period of time when Mr. Leary withdrew his name from consideration, I believe Dr. Beever had taken

these tasks and thought about how to redistribute them either amongst current projects that we have in the hopper or putting them out for bid. That is a very valid concern. They could be repackaged, we could put out an RFP, we could have a 30 day response time, have a panel to do an analyses and get recommendation back to the Policy Committee about who should be hired to do the work.

Mr. Daltry stated that I can see that we move ahead on Item #2 – motion to direct right away except the money is a right away, but I presume that decision is already made. I think by tracking the discussion, it is important to have Tasks 1-3 continuous and the Aquatic Preserve no longer has the staff capacity if this person is gone, so at least Task 1, 2, 3 there is a desire to have a continuous effort and so if that was the sole source discussion while a plan for 10-11 is figured out, because if this is something that has been worth it all these years, I assume that it is still worth doing, I can see that piece broken up for discussion. There is nothing that says that the whole \$100,000 goes out in one check as we are already talking about \$8,000 going for public education information. If there was an interest, I would move forward on a motion to say “finish up Task 1 through 3 and bring back to us 4 and 5, because I think there is going to be more gaps. I will have some comments on that in November. Work on some of it now and finish up the rest when everyone’s comfort margin on the economic, social, environmental and data gaps.

Commissioner Thaxton asked Mr. Daltry if he was talking about doing the sole source for the first three tasks and then reassessing the other two tasks and the second motion would be the procedure.

Mr. Daltry said that was correct with the understanding that the sole source piece is only this year because it is transition.

Commissioner Thaxton said that there is a reason for sole sourcing something that has been going on as you get the continuation of the methodology. I understand what Mr. Lazzell is saying as he said that he often gets nervous when I start sole sourcing things that don’t have that direct link to specific expertise to the person giving the contract to. Clearly, Tasks 4 and 5 have no established link and we could easily be questioned on the sole sourcing goes out.

Mr. Daltry said that if your project depends upon giving us a check for \$100,000, it can start in 10 minutes.

Mr. Iglehart said that this will not hold up the project. His only concern was that if Dr. Beever is going to revisit the deliverables and we already sole source, is that something that is going to hurt her ability to change things around a little bit for a better set of deliverables.

Mr. Iglehart said that he was thinking that there are some additional thought processes going on with Dr. Beever and Ms. Ott as to what they want to see come out.

Dr. Beever said that she thought 1-2-3 would be fine. We can see if Mr. Leary is willing to do #1 through #3 under the sole source scenario.

Mr. Iglehart said that he was not sure that there will be an acceptance of that 1-2-3, so I am thinking that we may want to have the ability to have a separate contract to move forward.

**MR. DALTRY SAID HIS MOTION WAS TO UNDERTAKE TASK 2 AND THAT WHICH IS #2 WE MAKE #1, #2 WOULD BE TO GIVE THE STAFF DIRECTOR THE OPPORTUNITY TO NEGOTIATE THE CONTINUATION OF TASKS 1 THROUGH 3 WITH A SOLE SOURCE AND IF THAT IS SUCCESSFUL, TO DO WHATEVER CONSULTATIONS SHE NEEDS, THAT PIECE CAN MOVE FORWARD; THAT THE SCOPE OF WORK AND GAPS PAST 4 AND 5 CONTINUE THE DISCUSSIONS AND BRING BACK TO US A FULL BLOWN CONCEPT FOR WHICH WE GO OUT ON CONTRACT AND THE FOURTH POINT IS TO ACCEPT THE \$100,000.**

Ms. Donley asked if this motion allowed the Director to contract with another entity should the current proposed sole source not want to contract with us to do the work.

Mr. Daltry said that if the sole source doesn't work, our processes are that you have to bring it back to us.

Ms. Donley said that she did not mean to go to another sole source, but to actually engage in the contracting process.

**SECONDED BY COMMISSIONER THAXTON.**

Councilman McCormick stated that he was going to vote against this as by taking 4 and 5 out of there you are going to impact whatever the sole source thought he was getting involved in and I don't want to see this thing hang. I am going to vote no and I am telling you why.

Discussion continued.

Dr. Beever said that the RPC has certain standards regarding how to approach procurement and for \$5,000, it is just calling around.

Ms. Donley said that for \$5,000, we can request three bids.

Dr. Beever said it then goes faster as you don't see Scopes of Work for \$5,000 because we have the other procedures in place to accommodate that. I just wanted to verify that this approach is acceptable to DEP.

Mr. Iglehart said that it was.

Mr. Daltry said that under discussion, under Point 4, I am on the board of directors of the largest protected piece of land in southwest Florida that is privately owned, and I don't think this person sole sourced for what might impact are economically, socially and environmentally so.

Mr. Iglehart asked if there was any further discussion.

Discussion ensued with respect to Research and Restoration Grant funding for next year.

Ms. Donley would be pursuing grant funding.

Mr. Iglehart said that typically if these public interest monies are directed towards a project that has CAMA approval for the resource area.

**MOTION CARRIED WITH COUNCILMAN MCCORMICK OPPOSED.**

**11. 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.

Ms. Ott spoke about the annual field reviews of the partners that help us collect water quality monitoring monthly through the Coastal Charlotte Harbor Monitoring Network. The data is very valuable, the partnerships are valuable, it is a very cost effective to get a uniform water quality monitoring that is consistent throughout the region which wouldn't happen otherwise because our territory processes only so many agencies. The idea that the methods are approved by both water management districts and DEP and the fact that we have the data consistently on a monthly basis since 2001 is really helpful.

Because of budget constraints, we have the system that is about 13 different hydrologic strata that are divided in square mile grids and we get a sample each month which is helpful to statisticians. Recently, starting on October 1, we have had cutbacks in our funding that supports water sampling in the lower Caloosahatchee River and San Carlos Bay. SFWMD has taken funding for random sampling and put it towards continuing fixed station sampling and there are some questions about how they are contracting because they bring a consultant over from the east coast to do the sampling which Lee County Environmental Lab has the ability to do this in house. In the past, the San Carlos Bay strata was supported in the past by the City of Sanibel working with the Lee County Lab and Tourist Development dollars, so we have to figure out how to cover those strata starting October 1<sup>st</sup>. She asked if anybody had any helpful ideas to send them to her.

Ms. Ott said that the cost for the field data in the lower Caloosahatchee River that the SFWMD was about \$35,000. One sampling day a month and the lab analyses costs about \$35,000 a year if Lee County Lab does both.

Mr. Daltry said that the sampling gets affected. We have TMDLs. Is the cutting of the sampling going to interfere with our ability to understand the nature of our impairments and the success of our management?

Ms. Ott said that it was not specifically used for TMDLs because of the delayed response getting it into Storet and that is a technical issue related to the random nature of how the samples and

this is strictly an administrative problem with the database analysis. The answer to your question is that it definitely helps us understand the ambient conditions in the strata and estuary water bodies. If one wanted to go to the site specific data that was collected, one could capture that data and identify what was going on in the WBID, but because the data is not specifically in Storet regularly, it is hard to use for TMDLs.

Dr. Beever said that the particular problem on this strata is the WMD is not getting it into Storet. The NEP had a contract to get the randomized data into Storet, our contractor worked with our different partners and to that point everything was in Storet, but South Florida's contractor did not put it into Storet, so we weren't getting those data anyway. It would be our goal should the program continue to make sure the people responsible for the data are getting it into Storet.

Mr. Daltry said if it is not in Storet, it is not in the statewide database? What was the District's data going to?

Dr. Beever said she did not know.

Ms. Ott said that they have a district database – DB Hydro. Both Water Management Districts are updating their databases and it is a little fuzzy about how they get their ranked data into the new databases.

Dr. Beever said that this is one reason that we have such an emphasis on any data that is collected for water quality gets into Storet and we continue to work with our partners on that and sometimes things slip through the cracks.

Commissioner Cummings stated that he thought Mr. Daltry's original question was that if we are reducing some of the data sampling that is going to be done, and that he thought the answer he was hearing was "no because it wasn't being recorded fast enough." If that is correct, then I would question do you want to really cut out the sampling that is being done or do you want to work on the problem of getting it recorded more quickly understanding that you have already tried this and not gotten it done, but still is the answer to stop having the same thing done.

Dr. Beever said that the answer is that we want to do both. We want to continue sampling, need to get into Storet and need to assess impairments. For the most part, we are doing that, but something fell through the cracks on the South Florida Water Management District random sample data.

Mr. Iglehart said that here was the opportunity to revise the Scope of Work.

## **12. TAC REPORT**

Ms. Staugler said the TAC met on Wednesday, July 8<sup>th</sup>, and most of what we discussed here today was on our agenda. We did have a couple of additional items: 1) Presentation from Sid Flannery on the Lower Peace River and Shell Creek minimum flows and levels – the TAC did make a motion to form a subcommittee to review the comments that the NEP will be getting

back from the District and 2) Presentation by Jim Beever on the SWF Charlotte Harbor Climate Change Vulnerability Assessment Report.

### **13. CAC REPORT**

Ms. Hilgendorf said that both chairs apologized for not being in attendance today – one is a teacher and today is the first day of school and the other coordinates volunteers to monitor sea turtles and it is a very busy time of the year for her.

The last CAC meeting was July 15<sup>th</sup> in this building and our agenda was very similar to the TAC except we spent a lot more time talking about Public Outreach projects. She reported that Joan Bush died unexpectedly in early July. A service will be held on September 5<sup>th</sup>.

When we developed the CCMP, we also created the Memorial Page which was one of Mr. Daltry's ideas, and we will have a paragraph about Joan and also another CAC member who had been very active for the first 10 years of the CAC and also passed away about 1 ½ months ago of cancer.

The CAC will be very active during the next couple of months with our calendar development. They have a September 2<sup>nd</sup> meeting and we would like to send an invitation for all of you to participate if you have an interest and we will be furthering development of the calendar and the regular meeting is later in October. The next round of meetings will be at the Regional Planning Council in Fort Myers, but because the calendar meeting will be at that location, we will be having a little splurge and going to Six Mile Cypress Slough and visiting their new Nature Center, so our October meeting will be at that location.

### **14. ESTERO BAY ABM REPORT**

Dr. Beever said that on July 13<sup>th</sup>, Jim Beever presented the Climate Change Vulnerability Assessment. FDEP presented an update of the impaired water basins in the Everglades west coast which includes Estero Bay and they plan a kickoff meeting on July 22<sup>nd</sup> which occurred and so we are pursuing basin management action plans for the Everglades west Estero Bay Basin and also the tidal Caloosahatchee. The Estero Bay Watershed Public Symposium will be held on September 28<sup>th</sup> with field trips on September 27<sup>th</sup>. Registration is up and links are on the CHNEP website. On August 10<sup>th</sup> Keith Kibbey presented some of the water quality issues and Ms. Ott sat in on this meeting.

### **15. CHNEP REPORT**

Dr. Beever said that the Climate Change Vulnerability Assessment was presented by Jim Beever for both the TAC and CAC that recommended acceptance of the report. Since then, I have spoken with Bob Howard who is the project officer for that particular project and EPA had an interest in having the 500 page document condensed to about 50 pages and had more of a look and feel of the new CCMP as opposed to the look and feel of the old CCMP. I have taken that on and am about 1/3 of the way through the process. I have been able to do an additional analysis of air temperature since 1900 and rainfall since 1900, so I will think that there will be

some good source information there added to the assessment. The CHNEP has been awarded the conference location for the Association of NEPs in 2010, so we will be hosting our brethren NEPs and we have sent out working with our different tourist and visitors bureaus to get bids from different hotels and have received about 10 back and have made our selection at the Sheraton Four Points.

Ms. Hilgendorf said that we are still negotiating on this.

Dr. Beever said that we are currently negotiating with a hotel in the City of Punta Gorda. We expect to have the rooms in Punta Gorda and have the actual conference at the Charlotte Harbor Event and Convention Center. We expect to have some trips before and after the conference and we are promoting it as a family-friendly event that they can bring their whole family and enjoy the area.

The ABM Symposium is on September 28<sup>th</sup> and we had sent a letter on the Peace River-Shell Creek Minimum Flow and Level. We want to do is schedule a meeting with the TAC and other interested committee members to hear presentations from Martin that gets us through the different levels to review our draft and to review their response and to have refined comments that will go before the Governing Board.

Ms. Hilgendorf said that in addition to the ANEP meeting, we are going to encourage them to spend some time in Lee County at one of the beachfront hotels, because the Lee County Visitors and Convention Bureau will offset carbon imprint for travel and by combining both counties, we will be able to take advantage of both Visitor Bureaus.

Dr. Beever distributed padfolios to committee members that would like one.

Ms. Hilgendorf said that the calendar is one of our outreach projects and this year I wasn't expecting the tremendous increase in the number of people submitting entries. We had 160 people submit about 450 entries. Last year we had 102 people and 290 entries. Because of that success, I have already had success in making the process easier for next year where in people could submit their online entries through an FTP process and register. We have a lot of details to work out. We have used the vendor from last year again this year with respect to voting and would like your input on how to improve this also.

We look at the content of the images and would not include images outside of the study area, are mostly exotic species or is a message that we don't want to support, like feeding animals. By doing this, we eliminated about 40 different images. A couple of years ago we started asking for donations and we added an envelope to the cover wrap to help make that easier, but we aren't getting enough donations to justify that expense. The 2010 will not include envelope and because of dropping the envelope, we were able to print more calendars – 24,000 this year. Everyone who gets the newsletter automatically gets a copy. Those who submit images get a dozen copies unless they ask for more or less. The third batch is distribution by our partners to their staffs, volunteers or guests. We need you to respond back from that as 1) we have a limited supply, but the hope is that the numbers all work out so that we can fulfill all the requests that you have, but once they are gone, they are gone. If your request doesn't come in in time, we

may not be able to adjust the quantities in order to get everybody a supply. The other part of it is that it takes a lot more time, money to fulfill requests after the time.

All of you are invited to the meeting on September 2<sup>nd</sup> where we will take the survey results gathered during the month of August and decide which images we want to include the calendar. The TAC part is pretty much drafted and it will be ready for distribution by late October –early November. We will help promote our Nature Festival on the back cover.

Mr. Iglehart asked if she meant that 12 copies were being sent to each person who sent photos.

Ms. Hilgendorf said that was our only source of payment to them is a thank you for contributing. One of the suggestions was to add “a suggested retail price”. People think that might help increase the donations that we receive.

The last two issues of the newsletter expanded to 16 pages and were able to include a poster in each. The new changes have been really popular and more people are referring to it as a magazine, so I made some changes to the cover to make it look like a magazine.

Ms. Hilgendorf said that she reviewed statistics regarding the website over the past couple of years. The Economic Fact sheet that the NEP developed in the early years made the top five one year and the other was a Cape Coral conference and the year we had the conference it made the top 10 and the next year it didn't make that and all of a sudden it did again, so we are not quite sure what happened that spurred that interest again. The website will be undergoing a renovation by changing to a new software program and we will be able to add a lot more features to the site. We have a couple of events coming up, one of which is the Nature Festival which is the Saturday before Thanksgiving. The NEP provides a little bit of funding for that, but most of the expenses are borne by other sponsors. This year because of the economic downturn, all of our basic expenses are covered by sponsors, but we really could use a little bit more help. If you know anyone who is able to sponsor the festival, we would appreciate it. Sponsorships start at \$100 and we have an onsite raffle, so if you know a company that might want to donate something for the raffle, we would be happy to have that too. It is a great event and about 3,000 people attend and is always in Charlotte County at the Sports Park. It is free to the public. There is a whole tent for the kids activities and the last two years, we have been able to give fishing poles to children in exchange for them attending the class.

We are working with the NOAA Coastal Services Center to schedule a GIS training and talked with Charlotte County about the possibility of using their computer facility, so we are looking at next April, May or June. A few meetings ago we decided to change the National Estuaries Day. We probably will be asking for proclamations of support this winter, but have not established all the details instead of in September. We are creating a half-day program that will probably be held in Punta Gorda that we are modeling after Tampa Bay's estuary academy. In three hours, we will have experts spend time with people learning about mangroves, wildlife, going on a wading trip and learning about animals living in the water.

The deadline for Public Outreach Grants applications is September 2<sup>nd</sup> and the guidance is on the website as well as the microgrant applications.

Next year, we are working two new projects – one is to target the boaters and anglers in our study area. The other one is working with WGPU public media to produce a virtual wading trip. We have been able to combine all the videos we have produced since 2002. It is now on one DVD. They will be offered to the School Districts.

Mr. King asked if there was a means to accept donations on the CHNEP website.

Dr. Beever said that we did not.

**MOTION BY MR. KING TO LOOK AT INVESTIGATE ON PUTTING  
PAY PAL ON THE CHNEP WEBSITE AS A WAY TO ACCEPT  
DONATIONS. SECONDED BY MR. DALTRY. MOTION CARRIED  
UNANIMOUSLY.**

Ms. Ott said that all the RRP projects are well underway and we are happy with the progress except for the Charlotte County Dept. of Health one where they are investigating two of our techniques trying to find out what subject is getting into the canals in Port Charlotte. They are having money constraints as well and they had to reprioritize in kind services.

Updates are needed on the condition of the vegetation habitats along the coastal areas of the whole system. We will be starting in fall with volunteers and will be participating in the scallop search and seagrass surveys. We participated in the TMDL meetings for Coral Creek and Caloosahatchee River and the west coast. The Lemon Bay Fishery Contract technical project is well underway.

The next science forum will be on September 9<sup>th</sup> in Punta Gorda. We have a couple of presentations about scallops from FWRI and Sarasota will share information about other types of monitoring programs.

Ms. Donley said that the final dollars collected by the Babcock Preservation Partnership are going to be disbursed to Lee County and it is about \$82,000. Lee County finally accepted \$2.8 million from NOAA in March. The CHNEP submitted to USEPA Region IV for a Wetlands Program Development Grant and once again we are an awardee. The EPA does this once every two years. This project will be funding research on salt marshes in Southwest Florida, their location and their type. The previous Wetlands Grant is currently underway and they will overlap a little bit.

We also submitted for the second round of Climate Ready Estuaries projects and we won technical assistance for that also. We are going to be receiving in-kind services from an EPA contractor to develop environmental indicators for climate change in our estuary and also to identify monitoring needs and a way to monitor these environmental indicators. IN addition, EPA is offering us the service of one of their staff people to work on developing model language to integrate into comprehensive plans and ordinances to deal with climate change. Mr, Daltry has volunteered to work with us here at the NEP to coordinate a workgroup so within the next 6 weeks, we will probably be contacting you or your staff to see if they would be interested in

participating in the workgroup now that we have the ability to have internet meetings, it shouldn't take any travel time from your staff.

With regard to the stimulus grant, we did submit one stimulus grant to NOAA. We were not one of the awardees. Only three awards were made in Florida and it is really hard to compete when they want to fund coral reef restoration. However, the grant we put together I will be using those projects to pursue additional dollars from other federal sources. The US Fish & Wildlife Service has some grant opportunities coming up in the fall. We already have the projects put together. I already have a team of folks that are interested. There is a large NOAA grant and this is what Dr. Beever referred to earlier about looking for alternate sources for funding for the RRPPs. It is a three year grant and we are going to go after \$500,000 a year over three years to fund one large restoration project in our area and then to use our RRPP process to fund other projects in our study area. We will be following up with the SWFWMD to talk to you about your larger restoration projects that you have on the books.

Dr. Beever said that the Cape Haze restoration concept is just glorious. The restorations that incorporate hydrologic restoration with water quality habitat are just magic. SWFWMD has done some of these with the alligator, slough restoration.

Ms. Donley said that we are tracking the Fiscal Year 2010 budget and it is quite possible if everything goes through as it is now we are going to have a wonderful challenge next year which is to find a match for \$1,000,000. Right now for 2010 we are funded at \$600,000 baseline from EPA. The fiscal year 2010 dollars would go to our FY 2011 . Currently, in committees the discussion of funding for the NEP is \$1,000,000 for each NEP.

Commissioner Cummings asked about the internet meetings for the language on sea level rise impacts and considering that Charlotte County is the most vulnerable and has the greatest vulnerability assessment. He asked if the NEP might want to contact Elliott Kampert because he is an institution in his own right as far as his wealth of knowledge of Charlotte County.

Dr. Beever asked where he was now.

Commissioner Cummings stated that he was working up in the Panhandle but was not sure of which county he is in. He may be a good resource to bring into this if he has the time.

Ms. Hilgendorf said that the second part of our climate ready project is an adaptation plan and the City of Punta Gorda is the city that we are using in the final of three workshops which will be on September 3 at the Punta Gorda Isles Civic Association. Details are on the website.

Ms. Ott said that at the FLERA conference, passed out two publications one related to climate change and the other to economic value. You can "Google" Florida Oceans and Coastal Council and get both documents. They are very helpful. We have hard copies at our office.

## **16. MEMBER COMMENTS**

Councilman Mike Drury thanked the board for letting him sit on this as it was very informative.

Mr. King said that he was happy to be here as it was a new experience for him. His background is basically field maintenance and code enforcement.

Ms. Staugler said that Ms. Ott had already mentioned the scallop hunt which is a Sea Grant project and the date is September 12<sup>th</sup> and the goal of the program is to assess the current scallop population in Charlotte County coastal waters. We have 153 volunteers registered and 40 boats. This will be a very exciting event and we are looking forward to it. We are tapping into Tampa Bay which has been doing a search since 1983 and they are helping me with this.

Dr. Beever said that she would like to get with Ms. Staugler about the Watershed Report and how to present scallop information. I have the data on scallop closures, but it would be nice to have a little bit more than that.

Ms. Staugler said we have been monitoring scallops since October of last year. The other thing I want to mention is that the first crab trap closure occurred in this area of the state in June 10-19, SeaGrant working with the local commercial fishermen in Lee and Charlotte Counties went out and pulled 200 traps out of the CHNEP waters, so that was a very successful project.

On the positive side, if FWC had hired a contractor and they had removed that gear, that owner would have been fined for every trap that was pulled out of the water. Since we were doing it as a volunteer event, they weren't assessed fines.

Ms. Hilgendorf asked if this was going to be a yearly undertaking.

Ms. Staugler said it was her understanding was that this would occur every year with a 10-day closure unless an area is deemed clean. That rule was passed in February.

Councilman McCormick said thank you to CHNEP staff for thinking of Punta Gorda and we can accommodate your events, conferences, etc.

Mr. Jones said thank you for allowing us to have a meeting in 2010 to North Port. I have already sent that information to the City Clerk to get it scheduled. He said he sent Dr. Beever information about Little Salt Springs in North Port in case you don't have all the field trips set for the NEP. It is a very interesting spot run by the University of Miami.

Commissioner Cummings said that with reference to the conversation on reservoirs, the popular sound bite is to use it to scalp high flows as this whole conversation proceeds. I hope that we test that hypothesis and go back and measure both in terms of the quantities of the days of the years when those flows are being taken and in terms of the total quantity of the water being taken and see whether or not it is actually happening during high flows. I suspect that what you are going to find is that the intake structure could handle approximately 5% of the average annual flows going past the intake structure which makes it essentially mathematically impossible for the majority of the water being withdrawn to be coming from those high flows and with the limitations being reduced down to what the mechanical capacity of an intake structure is, I think what you are going to find is medium to relatively low post and see most of that water actually

being withdrawn. That is my impression. It would be good to run the numbers and see. As we proceed and the reason for bringing that up is when we look at what context - when we looked at measuring the impacts rather than having them based upon what we think we will implement from a regulatory standpoint, we should see historically – did we stick by those anticipated conditions that were described under which withdrawals would be used or did the withdrawals in fact occur based on what was mechanically possible based on what was built? I think you will find that basically it was used for whatever was mechanically possible. Rather than building enough infrastructure to only use the withdrawals during high flows, what happened instead was since the demand was there, the supply that was being provided would be increased to consume whatever was mechanically possible and so, it is a nice sounding theory to say we are only going to withdraw during high flows, but what happens is the demand is so great they keeping increasing the production until you are using everything that is mechanically possible to provide. The limitations on salt into the intake structure is going to be your limiting factor. You should base it on that assumption rather than some hypothetical set of ideal regulations that nobody is going to stick to. I get frustrated with the constant conversation of “don’t worry, we are just taking this water during high flows” when it is causing a loss of seagrass habitat to begin with because I don’t think their numbers will bear that out.

Mr. Wallace asked why did we spend all the money for that reservoir?

Commissioner Cummings said that while we are building that reservoir, we are reducing and loosening the environmental protections on when the withdrawals are occurring and we are increasing the permitted production capacity and selling more capacity from that plant which backs up the hypothesis that they will sell as much capacity as is mechanically available. If they instead were using that capacity just to reduce the impact on low flows, then you could make all kinds of arguments that this was supporting the CCMP, NEP’s Management Plan, but that is not the way it actually happens in practice.

Mr. Daltry said that in answer to Ms. Ott, sea grass will migrate towards light until it hits a concrete wall which is what is going to happen. Previously, a couple of years ago, there was a bicker back and forth on the light reports. What is the difference between good light and bad light? I said color and he said that there was no difference. I said I was drinking with fishermen these last couple of weeks and they say we are getting a lot of red water coming down the Caloosahatchee River, but you can see all the way to the bottom and the grass beds are flourishing, so I consider that good color. But in our quick discussion, that good color goes away when Lake Okeechobee starts to discharge again. We are going to get bad color.

I read these science reports for the policy aspects and when you can talk about operating a lock determines whether or not you wave goodbye to your estuary, that is a policy impact and if we have regulations on color and what knot, these are the sorts of things I look for when we read these reports. So here comes our Science Reports – whether it is a Reservoir Report or a symposium or the science subcommittee, I read these reports for their policy impacts. The greater part of them have it whether the writer understands it or not which is why this whole Peer Review makes some sort of impact on me is I think our Science Reports and our critiques of them involve a certain need for transparency of how we are doing this, because if we are going to have reports come in , that is fine and we are going to move them forward as we develop policy,

that's fine, but if we are going to start having Peer Review processes that may not be as transparent as I would like to see, not so fine. After all, I was one of the people that got the shrapnel from the panther dispute of the Fish and Wildlife Service which went to the national level which has been the whistleblower cases which has brought forth the concept from what was good science and bad science and who got to suppress reports and who didn't and you only need to do one of those in your life. I would like to ask this board to ask the long suffering TAC and CAC to just look at the subject of Peer Reviews. When do they think they are because CAC has as much play in it and how they think they should be employed given the different circumstances we use here. I am looking back at the symposium we had a process that was in place. I had a concern with that process that I mentioned last meeting. I went and looked at processes employed nationwide and found a number of good ones – National Academy of Science . I looked at critiques raised – scientists have a lot of critiques on peer review processes and however we use peer review I would just like to make sure that we have a fairly transparent process on how it is done. In my life, I don't think I have ever participated in an anonymous peer review and if ever I got one, I booted it beyond the moons of Saturn. I had as much fun with the ones who have no trouble telling me their name and what they think of my work to worry about an anonymous one. That is my feel, but I would rather hear from the TAC and CAC to the Management Committee on how we apply that because a lot of the science gets done under the heading of the NEP.

**MOTION BY MR. DALTRY TO REQUEST THE TAC AND CAC LOOK AT THE SUBJECT OF PEER REVIEW WHEN WE NEED IT AND REQUIRE IT AND HOW WE APPLY IT AND COME BACK TO THE MANAGEMENT CONFERENCE WITH A RECOMMENDED FORMAT OR TAXONOMY ON IT. SECONDED BY MR. LAZZELL.**

Mr. Iglehart asked if there was any discussion.

Commissioner Cummings said that his observation of true Peer Review was that they need to not be your peers. If you are not reaching outside your stakeholder group, then you are really contemplating your own navel. You should have stakeholders involved in the review, but that shouldn't be the totality of it, because if it is, I don't think that it is a Peer Review. It always means getting beyond.

Ms. Ott said that was an important concept when picking Peer Reviewers for the Reservoir Workshop. We were so lucky to get those that we had because they were experts in their field with a variety of backgrounds and outside our Management Conference and yet knowledgeable of the area.

**MOTION CARRIED UNANIMOUSLY.**

Mr. Spence of Polk County said that later this month will be coming out with a draft report of land use around Lake Hancock. They had purchased 7,700 acres. The report is going to be very good but will probably be used as a basis to surplus some of their lands and it is hard not to acquire environmental lands when you start selling off some of those lands. It is something that

committee members may want to take a look at to make sure that we preserve what we preserve. The draft report will be presented to the Governing Board the end of this month.

Ms. Hilgendorf said Polk County is hosting our first round of meetings in 2010 at the Polk Nature Center which will included a guided tram tour of the Hancock Property.

Commissioner Cummings said that he would have to agree with your observation that it is hard enough to get acquire land that almost never is a good cost benefit decision.

Mr. Iglehart expressed his appreciation for the job Dr. Beever and staff did on the Reservoir Workshop. It is a very contentious issue and she had a good facilitator to initiate a conversation.

#### **17. PUBLIC COMMENTS**

None.

#### **18. NEXT MEETING'S TOPICS, LOCATION AND DATE**

- PUBLIC OUTREACH GRANT GUIDANCE DOCUMENT FOR FY 11
- PUBLIC INTEREST FUNDING PROCEDURES
- PHOSPHATE MINING PERMITTING

Dr. Beever said that the next meeting will be at the offices of the Southwest Florida Regional Planning Council on November 16, 2009 at 9:30 a.m. The topics will be the Public Outreach Grant Guidance Document for FY 11; Public Interest Funding Procedures and the Scope of Work; Reservoir Action Item Prioritization; Presentation on Climate Change Adaptation Plan for the City of Punta Gorda and possibly the Climate Change Vulnerability Assessment for the Charlotte Harbor Region and Phosphate Mining Permitting and Peace River Management Advisory Committee meeting.

Mr. Iglehart said that the next meeting will be the last Monday meeting as we will be having meetings on Fridays.

#### **19. ADJOURN**

Meeting adjourned at 12:22 p.m.

Minutes prepared by Deborah Kooi.