

Approved Meeting Minutes
Charlotte Harbor National Estuary Program
Technical Advisory Committee
October 14, 2009
Fort Myers, FL

MEMBERS PRESENT

Jim Sampson	CF Industries
David Shonting	Citizen/University of Rhode Island
Kim Cressman	City of Cape Coral
Steve Adams	City of Punta Gorda
Bill Byle	County - Charlotte
Keith Kibbey	County - Lee
Greg Blanchard	County - Manatee
John Ryan	County - Sarasota
Charles Kovach	Florida Department of Environmental Protection
Mark Sramek	NOAA National Marine Fisheries
Rick Bartleson	Sanibel Captiva Conservation Foundation
Julianna DaFrota	South Florida Water Management District
Sid Flannery	Southwest Florida Water Management District

ALSO PRESENT

Michelle Harmeling	Florida Department of Environmental Protection
Barry Wharton	HDR
Tony Janicki	Janicki Environmental
Keith Nadaskay	Mosaic Fertilizer
Rick Bartleson	SCCF
Dianne Rosensweig	Scheda Environmental
Pete Quasius	Snook Foundation
Molly Meadows	South Florida Water Management District
Jim Beever	Southwest Florida Regional Planning Council
Lizanne Garcia	Southwest Florida Water Management District
Kris Kaufman	Southwest Florida Water Management District
Lisa Beever	Charlotte Harbor National Estuary Program
Maran Hilgendorf	Charlotte Harbor National Estuary Program
Judy Ott	Charlotte Harbor National Estuary Program

1. **Call to Order and Introductions**—John Ryan, Co-Chair
John Ryan called the meeting to order at 1:05 pm.
2. **Agenda Additions or Deletions**—John Ryan, Co-Chair
No agenda additions or deletions were requested.
3. **Public Comments on Agenda Items**—John Ryan, Co-Chair
No public comments on agenda items were given.
4. **Consent Agenda**—John Ryan, Co-Chair
John Ryan asked for discussion of the Consent Agenda items:
 - a. Approve the minutes of July 8, 2009 TAC meeting.
 - b. Recommend Management and Policy Committees accept City of Punta Gorda Adaptation Plan report subject to City Council review and approval.
 - c. Recommend Management and Policy Committees accept staff comments on Charlotte County Comprehensive Plan Update: Smart Charlotte 2050.

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- d. Recommend Management and Policy Committees accept the FY08 RRPP Wild Turkey Strand Preserve Restoration Final Report.

No discussion ensued.

JIM SAMPSON MOVED, SECONDED BY KIM CRESSMAN, TO APPROVE THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

5. **Proposed Approach for Developing Numeric Nutrient Criteria for CHNEP**—Judy Ott
Ms. Ott presented a summary of the proposed approach for developing numeric nutrient criteria for the CHNEP study area. The purpose is to develop numeric water quality standards for nutrients specifically for CHNEP ecosystems and watersheds. Developing the criteria implements CCMP Quantifiable Objective WQ-2 and builds on the results of the pollutant loading estimates developed under the current “Water Quality Targets Refinement” project.. The project complements on-going numeric nutrient criteria development by USEPA, Tampa Bay and Sarasota Bay Estuary Programs. The numeric nutrient criteria will assist with identifying critical locations and actions needed to improve water quality and restore impaired waters. The four study tasks include: coordinating the data analysis approach and numeric nutrient criteria development with CHNEP, FDEP and USEPA; developing the data analysis approach; conducting the data analysis; and developing the numeric nutrient criteria. The project would be completed by June 2010.

Discussion ensued regarding: the timeliness of developing the numeric nutrient criteria from newly developed CHNEP water quality targets; the necessity of working with USEPA and FDEP throughout the process to foster state and federal support of locally developed criteria; the importance of completing the criteria early in 2010 to be considered by USEPA as they develop federal estuarine numeric nutrient criteria; and the value of the criteria to the TMDL and BMAP processes.

KEITH KIBBEY MOVED, SECONDED BY JIM SAMPSON, TO RECOMMEND MANAGEMENT AND POLICY COMMITTEES ACCEPT THE APPROACH FOR DEVELOPING NUMERIC NUTRIENT CRITERIA AND DIRECT STAFF TO DEVELOP THE NECESSARY MODIFICATIONS TO THE WATER QUALITY TARGETS REFINEMENT PROJECT SCOPE OF WORK AND CONTRACT PRIOR TO THE MANAGEMENT COMMITTEE MEETING. THE MOTION PASSED UNANIMOUSLY.

6. **FY08 Technical Project “Mapping Predevelopment Land Cover and Surface Waters in the CHNEP in Charlotte and Manatee Counties” Up-Date** – Barry Wharton/HDR
Mr. Wharton presented a summary of the status of the FY08 Technical Project “Mapping Predevelopment Land Cover and Surface Waters in CHNEP in Charlotte and Manatee Counties”, which was begun in August 2008. The purpose is to provide predevelopment land cover and surface water features maps of the remaining areas of the watershed in Charlotte and Manatee Counties. The maps are needed to compare predevelopment and current habitat conditions to allow identification of habitat restoration needs. The project fills in geographic gaps, using consistent historical maps and GIS techniques to create a complete predevelopment habitat map for the entire CHNEP study area. The project tasks includes: geoprocessing data from the federal General Land Office Survey; photointerpreting 1940s aerial photography; and mapping predevelopment land cover and surface water features. The project is due to be completed in December 2009 and the final deliverables will be presented to the Management Conference for approval in early 2010.

Approved Meeting Minutes
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Discussion ensued regarding: the details of the historical maps; the complementary nature of this project to previous predevelopment mapping efforts within the CHNEP study area and the usefulness of the maps for identifying habitat restoration needs. No motion was requested or given.

7. **FDEP Phosphate Mining Permitting and Reclamation Research**—Michelle Harmeling/FDEP
Ms. Harmeling presented a summary of FDEP phosphate mine permitting processes and reclamation research. The presentation included information about past and current phosphate mining activities and permitting processes in the Peace River basin; the status of current permitted phosphate mining projects and associated mitigation activities; and current research and monitoring of mine reclamation projects.

Discussion ensued regarding: the relationship of mining permits to Environmental Resource Permits for phosphate mines; the enhanced use of “integrated habitat network” conservation corridors in mine siting; the location and status of the Altman Tract, Ona Fort Green, South Fort Meade and South Pasture Mine Extension permit applications; the results of monitoring restoration project success and the connectivity of reclaimed lands to ground and surface watersheds. No motion was requested or given.

8. **Lower Peace River and Shell Creek MFL Comments**—Lisa Beever
Dr. Beever summarized the written comments CHNEP sent to the Southwest Florida Water Management District regarding the *Proposed Minimum Flows and Levels (MFLs) for the Lower Peace River and Shell Creek* under their Advocacy and Review Procedures. Subsequently, responses were received from the SWFWMD and District staff participated in a CHNEP subcommittee meeting on September 21, 2009 to allow more in depth discussions of the technical aspects of the proposed MFLs and develop some consensus among scientists and citizens within the study area. CHNEP recommended that the following conditions be incorporated into the *Proposed MFLs for the Lower Peace River*: maintain a 130 cfs low flow threshold; establish a maximum diversion rate of 400 cfs; establish a trigger of 625 cfs flow when moving to the different percent withdrawal rates in the different blocks; and include additional discussions of physical and chemical processes relative to biological productivity to compliment the salinity analyses used to develop the MFLs. Additional concerns expressed by the subcommittee participants included: incorporate consideration of future concerns, including sea level rise; incorporate discussions of reserving adequate water supply for natural systems; and incorporate discussions of developing “optimal” flows vs. “minimum” flows, recognizing that MFLs potentially cause some level of harm to the natural systems.

Discussion ensued regarding: the process and timing for initiating a reevaluation of the Lower Peace River MFL; inclusion of additional biological data, including Fisheries Independent Monitoring results; and clarification that the trigger of 625 cfs would apply to all blocks.

KEITH KIBBEY MOVED, SECONDED BY KIM CRESSMAN, TO MODIFY THE LETTER TO FORMALLY REQUEST REEVALUATION OF THE MFL WITHIN 5 YEARS AND RECOMMEND MANAGEMENT AND POLICY COMMITTEES APPROVE THE DRAFT LETTER AND THAT IT BE SENT TO THE SWFWMD GOVERNING BOARD. THE MOTION PASSED, WITH ONE ABSTENTION.

Approved Meeting Minutes
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Fort Myers, FL

9. Reservoir Workshop Priorities Survey Results—Lisa Beever

Dr. Beever explained the request for and results of the Reservoir Workshop Action Item Survey. On August 17, the Policy Committee approved the “Workshop on Watershed Reservoirs: Locations, Effects and Solutions Summary,” Technical Document 09-02 and requested that the Management Conference recommend priorities related to the recommended actions. On August 19, CHNEP staff issued a Reservoir Workshop Action Item Survey, due September 25. Eighteen Conference members responded with their relative ranking or weighting of importance and suggested years to begin and complete the work. Not all respondents agreed to all tasks. All tasks had a very large range indicating a wide range of disagreement regarding the importance of a task. The projects with the most importance and urgency include: clarify definitions of manmade reservoirs and water storage practices; complete an inventory of proposed and possible reservoirs and water storage facilities; and agree that reservoirs can provide ecosystem benefits and meet human needs if properly sited, designed and managed.

Discussion ensued regarding: how timing and funding for beginning and completing the actions affects the priority rankings, and clarifying that definitions relating to manmade, not natural, water storage facilities.

**KEITH KIBBEY MOVED, SECONDED BY KIM CRESSMAN, TO
RECOMMEND MANAGEMENT AND POLICY COMMITTEES APPROVE THE
PRIORITIES. THE MOTION PASSED UNANIMOUSLY.**

10. Review Procedures for CHNEP Projects, Grants, Publications and Deliverables —Judy Ott
Ms. Ott presented a summary of the findings of the “Peer Review Guidelines” subcommittee, which met August 17, 2009 to evaluate the need for Review Guidelines for CHNEP projects and publications, as well as develop a list of options for Review Procedures for Management Conference consideration. The purpose of the subcommittee was to provide guidelines for reviewing a variety of documents, including: technical workplan proposals, RRPP proposals, technical and RRPP deliverables (reports and data bases) and publications for technical journals such as the *Florida Scientist Specials* from the Watershed Summits. Subcommittee participants included Roger DeBruler/CAC-Charlotte County, George Ruby/CAC-Peace River Audubon, Loren Coen/SCCF, Greg Tolley/FGCU, Keith Kibbey/Lee County, and Wayne Daltry/Lee County. Background reference materials and thoughts were provided based on input from scientists experienced with peer review of technical documents.

Discussion ensued regarding: incorporating recommended changes to the RRPP review process and incorporating procedures for funding agencies to review contracts and deliverables for projects their funding helps support.

**KIM CRESSMAN MOVED, SECONDED BY SID FLANNERY, TO
RECOMMEND MANAGEMENT AND POLICY COMMITTEES APPROVE THE
PROCEDURES. THE MOTION PASSED UNANIMOUSLY.**

11. Public Interest Policies—Lisa Beever

Dr. Beever provided a summary of recent discussions regarding public interest funding. At its August 17 meeting, the Policy Committee directed the Management Conference to develop procedures for accepting public interest funding in the future. Before a project is approved within Aquatic Preserve boundaries it must mitigate impacts but also be found to be clearly in the public interest. The issue of public interest is not well defined in state statutes.

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After taking office, State of Florida Chief Financial Officer Alex Sink determined that funding toward projects which benefit the Aquatic Preserves can be used toward this determination. In May, the opportunity for CHNEP to receive public interest funds presented itself. The project was a marina serving a hotel in the historic area of Punta Gorda. Funding is being used toward quality assurance so that, among other things, the Charlotte Harbor Estuaries Volunteer Water Quality Monitoring Program (CHEVWQMN) data meet requirements to be used in TMDL determination. The most relevant CCMP Priority Actions include SG-M and FW-B. The purpose of this item was to brainstorm alternatives for consideration prior to accepting public interest funding to implement the CCMP.

Discussion ensued regarding: defining public interest vs. mitigation; assuring public interest funds support projects that accomplish CHNEP CCMP objectives, actions and goals; assuring public interest projects are located within the watershed; maintaining the link between the public interest funds and resource protection; reduce appearance of inappropriately accepting funds; and convening an ad hoc subcommittee to develop public interest acceptance procedures.

**JOHN RYAN MOVED, SECONDED BY GREG BLANCHARD, TO CONVENE
AN AD HOC SUBCOMMITTEE TO DEVELOP PUBLIC INTEREST
PROCEDURES. THE MOTION PASSED UNANIMOUSLY.**

12. Shoreline Survey 2010 Update—Judy Ott

Ms. Ott presented a summary of the Shoreline Survey 2010 Up-Date activities and schedule. In FY 2007, a shoreline survey of the 2,200 mile tidal shoreline of the Charlotte Harbor NEP study area was completed. The survey combined on-site field visits by volunteers with aerial photography interpreted by scientists at Photo Science to assess the percent of shoreline in vegetation (natural and nonnative) vs. “hardened” (with seawalls or riprap), as well as the extent of hurricane damage to the vegetation. The shoreline survey implements the CCMP Priority Actions: FW-1D, FW1-F, FW-1P and FW-3L. The 2008 report *Tidal Charlotte Harbor Shoreline Condition Map* report is available at www.chnep.org. The shoreline survey provides valuable information for the CHNEP Top 10 Environmental Indicators: Submerged and Intertidal Habitats Extent and Quality. It is also used by resource managers to make decisions regarding restoration of estuary shorelines that support diverse fishery and invertebrate populations. In addition, the data are also being used in a study of wetland conditions and changes within the watershed conducted by the SWFRPC and the CHNEP through a grant from the U.S. Environmental Protection Agency. The results of the *Watershed Analysis of Permitted Coastal Wetland Impacts and Mitigation Methods within the CHNEP Study Area* study will be available in 2010. To provide additional information about trends in tidal shoreline conditions to be used by scientists, resource managers and in the *Watershed Analysis of Permitted Coastal Wetlands Impacts* study, the field visits of the shoreline survey will be repeated during the fall of 2009 through the spring of 2010. The same field methods will be utilized as in 2007 and the corps of volunteer kayakers and boaters will be rejuvenated. Staff will begin organizing volunteers and team leaders beginning in October 2009 and the surveys will be conducted from December 2009 through March 2010.

Discussion ensued regarding: when the initial volunteer meetings would be; when the surveys would be started and completed; and how people can volunteer to participate. No motion was requested or given.

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13. **NEP Program Report**—NEP staff
Staff summarized CHNEP partner and staff activities accomplished during the last quarter, including the Public Outreach Grant Selection for FY10, Public Outreach Grant Guidance for FY11, status of the 2010 calendar and request for articles for future *Harbor Happenings*.
14. **Member Comments**—Members
 - a. Mr. Byle initiated a discussion regarding the North Spreader Ecosystem Management Agreement status and Dr. Beever confirmed CHNEP participation in the Stakeholder group meetings.
15. **Public Comments**—Public
No public comments were given.
16. **Next Meeting's Topics, Location and Date**—Wednesday, January 13, 2010 in Lakeland.
17. **Adjourn**—John Ran, Co-Chair
John Ryan adjourned the meeting at 4:00 pm.