

FINAL

**MINUTES OF THE MEETING
of the
HARRIS CHAIN OF LAKES RESTORATION COUNCIL
August 12, 2016**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:07 a.m. on August 12, 2016 at the Lake County Board of County Commissioner Chambers, 315 West Main Street, Tavares, Florida.

Council Members Present

Robert Johnson, Chairman
Skip Goerner, Vice-Chairman
Don Nicholson, Secretary
Sid Grow
Keith Truenow

Council Members Absent

Stephanie Bishop
Hugh Davis
Dr. Ed Schlein

TAG Members Present

Mark Hoyer (University of Florida, UF)
Roland Fulton (St Johns River Water Management District, SJRWMD)
Mike Perry (Lake County Water Authority, LCWA)
Kevin Coyne (Florida Department of Environmental Protection, DEP)

TAG Members Absent

Dennis Renfro (Florida Fish and Wildlife Conservation Commission, FWC)

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 9:07 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Johnson called for a moment of silence. The Pledge of Allegiance followed.

3. COUNCIL ROLL CALL; REMINDER FOR OTHERS TO SIGN IN

Chairman Johnson called the roll. Council members Bishop, Nicholson, Davis and Schlein were absent. Councilman Nicholson arrived after the roll call and was subsequently recorded as present.

4. APPROVAL OF MINUTES

Minutes for July 8, 2016 were unanimously approved.

5. PRESENTATIONS / ACTION ITEMS

* Action items requested by council members are in bold.

Chairman Johnson called Susan Davis, SJRWMD, to discuss ex officio membership on the Council. Ms. Davis reported she had requested a legal ruling from SJRWMD at the July 8 meeting regarding ex officio membership on the Council. SJRWMD General Counsel provided a letter addressed to Chairman Johnson and Vice-Chairman Goerner with an opinion on ex officio membership. Ms. Davis read the letter into the record at the request of Chairman Johnson. The letter stated Florida Statutes do not provide for ex officio membership on the Council.

Chairman Johnson inquired as to what would happen if the directive was not followed. Ms. Davis noted the Council could petition the state attorney's office to review the ruling. Chairman Johnson suggested going to the Legislature to revise the legislation to change the membership if the Council so desired. Vice-Chairman Goerner noted there had been previous ex officio members on the Council, including Dr. Dan Canfield, University of Florida.

Mr. John Stump reported he had submitted a letter to Senator Hukill to have an interim legislative meeting to make an appointment to the Council. Vice-Chairman Goerner noted the Council could approach the legislative delegation to support Mr. Stump as a member of the Council. Mr. Stump also noted he had spoken with Representative Metz.

Chairman Johnson noted the next step was to talk to legislators. Council member Truenow remarked Mr. Stump was needed on the Council, and the legislative delegation should expedite appointment.

Vice-Chairman Goerner discussed adding Dr. Dan Canfield to Council in some way. Vice-Chairman Goerner noted a solution would be to approach the legislative delegation to write some legislation.

A. Discussion of draft letter to the Florida Fish and Wildlife Conservation Commission on Harris Council Planning - Council members, Harris Chain of Lakes Restoration Council

Denis Frazel, Harris Council Administrative Support, presented a final draft version of the Harris Council planning letter for Council review. Mr. Frazel noted the final draft letter included all edits provided by Council, with the exception of comments received from Council Member Bishop overnight. Mr. Frazel noted those comments could be incorporated into the letter as there was no quorum (at the time) to approve the letter. Mr. Frazel opened the discussion for comments on the draft letter.

Council Member Grow suggested revising the text in the first sentence under the Lake Apopka issue area to read as follows: "The Council strongly recommends a study for reconnecting Lake Apopka to the North Shore Restoration Area (NSRA)." Council Member Grow also suggested adding a start date for which agencies could provide data. Chairman Johnson and Vice-Chairman Goerner discussed types of funding that should be included in the agency reports, including the farm buyout, the Matanzas Marsh, and federal and local monies spent. The summary paragraph in the draft letter was revised to include the following text: "The Council requests an agency audit of the total amount of tax payer dollars spent to date by each agency on projects undertaken/completed during restoration, including all the farm buy-outs."

Council discussed adoption of the letter without having a quorum. Ms. Davis and Mr. Frazel discussed options for getting an approved letter to the Council for signature. Mark Hoyer suggested adding Section Heads for each issue as many comments would be forthcoming. Council agreed to put the revised letter on the agenda for September adoption.

Prior to the end of the meeting Council Member Nicholson arrived, providing a quorum for the meeting. Council approved the letter with noted revisions for signature and submittal to respective addressees.

B. Annual report schedule, Denis Frazel, Harris Council Administrative Support

Denis Frazel, Harris Council Administrative Support, presented the 2016 annual report development schedule to Council, noting the report would include Council activities from November 2015 through October 2016. Mr. Frazel noted the format would be similar to the 2015 annual report with modifications, including the addition of sections on Council representation and proposed projects by partners. A section on Council finding and recommendations would be deleted, with information within that former section to be included in an expanded summary of presentations. The 2016 report would also include all meeting materials as appendices, similar to the 2015 report.

Mr. Frazel presented an example project summary and a list of priority projects from the Citrus/Hernando Waterways Restoration Council 2015 Report to the Legislature. Chairman Johnson had previously expressed interest in adapting elements of the Citrus/Hernando report into the Harris Council report. Mr. Frazel noted the examples could be used as templates for Council TAG members if they provide project summaries for inclusion in the 2016 report. The first draft of the report is scheduled for distribution to the Council on August 23.

6. COUNCIL & AGENCY QUESTIONS & ANSWERS

Mike Perry, LCWA, reported his agency was still going through their budget process and funds for the Harris Council were still included. Mr. Perry noted no flow through the NuRF since May 2016.

Kevin Coyne, DEP, suggested including local governments in project submissions for the annual report. **Chairman Goerner inquired why SJRWMD is not required to have a National Pollution Discharge Elimination System (NPDES) permit to discharge lower quality waters. Mr. Coyne agreed to investigate.**

Dr. Rolland Fulton, SJRWMD, reported the departure of SJRWMD staff members Gian Basili and Jay Brawley, both who were involved with Harris Chain of Lakes activities.

7. PUBLIC COMMENTS

Chairman Johnson invited Dr. Dan Canfield, University of Florida, to address the Council regarding his meeting with Dr. Anne Shortelle, SJRWMD, Mark Hoyer, UF, Dr. Eric Marzolf, SJRWMD, Senator Alan Hays, and Dr. Roger Bachmann, UF. Dr. Canfield discussed his previous participation with the Council, noting he could participate on the TAG as long as it was a fact-finding body only. Dr. Canfield noted he currently can speak with anyone as he is not bound by Sunshine Law regulations.

Dr. Canfield reported the meeting was called because the Senator was not happy with the condition of Lake Apopka. Dr. Marzolf suggested more time was needed as the lake was on the verge of flipping over. Dr. Canfield noted he disagreed with Dr. Marzolf.

Dr. Canfield proceeded to discuss philosophies associated with lake management, and agreed to **provide a packet of information to Council on acceptable risk with water quality.** One school of thought suggests allowing uncontrolled growth of submerged aquatic vegetation. Lake water would be

clear, but would be choked with vegetation. Boaters would find it difficult to navigate lake waters. Another school of thought is to leave the lake as is. Dr. Canfield noted the lake is productive, with plenty of algal growth, but little submerged aquatic vegetation. A third school of thought is a managed lake with prolific submerged aquatic vegetation (*Hydrilla*) that is controlled through harvesting or chemical treatment. The issue before the Council is what type of lake is preferred.

Council discussed options for Lake Apopka improvement associated with expanding water movement into the NSRA. Dr. Canfield noted a suggestion by Mark Hoyer to create selected breaches in the levee, but provide bridges over those areas to maintain scenic drives. This would allow more water movement into the NSRA. Dr. Canfield explained the problem with the proposal is newly flooded areas may eradicate existing emergent vegetation in violation of U.S. Army Corps of Engineers (Corps) wetlands protection rules. In the long term, submerged aquatic vegetation would replace the lost emergent vegetation, but Corps rules do not permit such a strategy. Dr. Canfield also discussed various dredging strategies in which dredge spoil would be placed in the NSRA to re-establish land elevation. Dr. Shortelle was in agreement with testing some dredging efforts, but here again, it would violate Corps rules because of the destruction of emergent vegetation. Dr. Canfield reported Senator Hays intended to meet with the Corps to discuss waiving the rule since the wetlands are not naturally established, but were created.

Council inquired about the status and use of bubblers in Lake Apopka. Dr. Canfield discussed the benefits of bubblers, but questioned their overall efficacy in removing nutrients from the water column. Dr. Canfield discussed bubble size, acknowledging the potential use of nano-bubbles for lake management. Dr. Canfield indicated the current test areas were using micro-bubblers that may not be effective. Dr. Canfield noted Senator Hays was in favor of continuing bubbler projects in Lake Apopka. Council Member Nicholson noted bubblers were used effectively in the Florida Keys to create a barrier to sediment inflow into canals.

Mr. John Stump addressed the Council, discussing elements of the Harris Plan letter, in particular a request for analysis of hydrologic impacts associated with reconnection. Modeling could be limited to those areas not currently flooded. Mr. Stump discussed dredging contract authorizations that could be of interest to Council. **Chairman Johnson requested reports resulting from the authorizations be sent to Council for review.** Council discussed various dredging strategies, including withdrawal of flocculant from deep sump areas and deposition of sediments on the NSRA.

8. COUNCIL MEMBER COMMENTS

Chairman Johnson noted Dennis Renfro, FWC, was scheduled to make a presentation at the September meeting.

Chairman Johnson reviewed the "Requests for Action" list from July, with comments as follows:

Items 1 and 2. Ex officio membership. Vice-Chairman Goerner noted the Council has had ex officio members in the past, and he did not think the statute prevents ex officio membership. Chairman Johnson encouraged Mr. Stump to move forward with gaining membership on the Council.

Item 3. Identify photo of round object in Lake Apopka. Mr. Renfro identified the round object as aquatic vegetation. **Chairman Johnson inquired whether the vegetation was planted or occurred naturally.**

Item 4. Flowway outflow data. Data was provided by Dr. Fulton. Dr. Fulton noted the outflow plume was not sampled but rather the flowway itself. Chairman Johnson inquired whether phosphorus concentrations were lower coming out of the flowway. Vice-Chairman Goerner inquired if all types of phosphorus were sampled. Dr. Fulton responded that three forms of phosphorus were measured: total phosphorus, total dissolved phosphorus, and dissolved orthophosphate. reported an approximate 30% reduction total phosphorus in waters that passed through the flowway.

Vice-Chairman Goerner inquired whether Dr. Canfield or Mike Perry had data on flowway output. Mark Hoyer noted UF does not have data from flowway discharges. Mr. Hoyer reported inflow data tracked well with SJRWMD data. Dr. Canfield noted data from SJRWMD was OK, it was interpretation of the data that differed.

Item 5. NSRA Biological Assessment. Dr. Fulton reported two reports were included in data provided to the Council. Vice-Chairman Goerner Goerner suggested flowway data did not agree with previous data provided by Mike Perry from samples collected at the NuRF. **Vice-Chairman Goerner requested NuRF flowway data from Mr. Perry.**

Item 6. Fish pesticide data. No comments

Item 7. SJRWMD Executive Director meeting. Chairman Johnson suggested the Council wait until receiving replies from the Harris Plan letter.

Item 8. SJRWMD use of \$5 million on projects. Council Member Grow noted this item should be listed as pending, not complete. Information may be presented during the Annual Report process.

Item 9. Bird mortality information. Dr. Fulton noted bird mortality information was provided.

9. REQUESTS FOR ACTION

- a. Chairman Johnson requested staff provide copies of any reports from several SJRWMD contract authorizations, discussed by Mr. Stump, to Council.
- b. Chairman Johnson inquired whether the circular area of aquatic vegetation in Lake Apopka was planted or occurred naturally.
- c. Vice-Chairman Goerner requested Kevin Coyne investigate why SJRWMD does not require an NPDES permit for discharging lower quality water into receiving waters.
- d. Vice-Chairman Goerner requested Mike Perry locate historic phosphorus data for the flowway.
- e. Dr. Canfield agreed to leave a packet of information for the Council.

10. ADJOURNMENT

The meeting adjourned at 11:53 a.m.