

DRAFT

**MINUTES OF THE MEETING
Of the
HARRIS CHAIN OF LAKES RESTORATION COUNCIL**

March 2, 2012

The regular meeting of the Harris Chain of Lakes Restoration Council was held at 9:00am on March 2, 2012 at the Lake County Board of County Commissioner Chambers, 315 West Main Street, Tavares, Florida

Members Present

Hugh (Dave) Davis II, Chairman
Skip Goerner, Vice Chairman
Richard (Rick) Powers P.G., Secretary
Don Nicholson
Lloyd Woosley

Members Absent

Edward Schlein, M.D

1. CALL TO ORDER

Chairman Davis called the meeting to order at 9:00 am.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Davis gave an invocation. The Pledge of Allegiance followed.

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

Chairman Davis called the roll. Councilman Schlein was absent.

4. APPROVAL OF MINUTES

- January 6, 2012 meeting minutes were approved by unanimous vote.

5. PRESENTATIONS / ACTION ITEMS

Chairman Davis called for a presentation by Jim Gross, St. Johns River Water Management District (SJRWMD).

- Jim Gross, SJRWMD, provided information on minimum flows and levels (MFLs). His presentation slides are viewable on the website at <http://harrischainoflakescouncil.com>. The presentation and discussion by the Council and Mr. Gross included: 1) what are MFLs; 2) how are MFLs evaluated by SJRWMD; 3) the status of MFLs in SJRWMD; and 4) the status of MFL development for the Harris Chain of Lakes (HCOL). Mr. Gross explained that MFL's are established to protect waterbodies from withdrawals that might negatively affect flows and levels. He spoke about how SJRWMD establishes MFLs by using models with multiple level elevations (from dry uplands to a deep-water environment). They start by looking at how the water withdrawals will affect the specific waterbody. Mr. Gross explained that most withdrawals come from groundwater sources, commonly the Floridan aquifer system. The models are used to replicate the higher levels of pumping and the stress it will have on the aquifer. Output values from groundwater models are used as input values to the surface water models, and then they simulate what the lower ground water level effects will have on the specific waterbody. He commented to the Council that they use the longest possible records available for the models. The more data that covers a wider variation of rainfall conditions, including stacked wet years and stacked dry years, provides a better representation of what the natural hydrologic variation is. Forecasting is conducted by SJRWMD to estimate the amount of draw down that will occur in the future. If the MFLs are projected to fall below the minimum within 20 years, then the water body will need a prevention strategy to protect it. If the flows and levels are already below the established MFLs, then a recovery strategy for that water body will be implemented. He informed the Council that currently 123 water bodies (within the SJRWMD) have adopted rules with MFLs. In addition, Thirty-Seven of those water bodies have recently been found to be in need of either prevention or a

recovery strategy. Mr. Gross stated that six areas have been established (close to these water bodies) to begin developing strategies with the public and other stakeholders. He spoke with the Council on the current development of MFLs for the Harris Chain of Lakes (HCOL). He stated that in 2009, the fieldwork began in the HCOL for the MFLs, the hydrologic modeling evaluations on the preliminary flows and levels are currently being done, and it is anticipated that the technical work (fieldwork, modeling work, and the peer review) will be completed by 2013. Then the rulemaking process will begin, which they will need to find funding to have a cost analysis completed by an economist.

6. **COUNCIL & AGENCY QUESTIONS & ANSWERS**

- Chairman Davis requested information on the Districts enhanced lake level fluctuation plan. Dave Walker, SJRWMD, informed the Council that the program was adopted in 2002, by SJRWMD's Governing Board, and was originally for the canal dredging project on Lake Griffin. It also had infrastructure work that was included in the plan, which was the completion of the Harris Bayou project, and completing Lake Apopka's North Shore Restoration Area (NSRA). He stated that between storing water upstream in the NSRA, and the new infrastructure, that will be the key to slowing down the release of water in the whole system. Mr. Walker informed the Council that SJRWMD Governing Board has asked staff to implement a phase-1 revised regulation schedule to hold water in the system longer for releasing into the superpond. He mentioned the phase-1 would most likely be adopted before we get too far into the rainy season of 2012. In addition, toward the end of 2013, the MFL's and the revised regulation schedule should be adopted. Mr. Walker stated the he would like to hear recommendations from the Council on managing lake levels in the HCOL.

- Vice Chairman Goerner requested from Dave Walker, SJRWMD, and Dennis Renfro, Florida Fish and Wildlife Conservation Commission (FWC), all the documentation that supports the large stock of fish in Lake Apopka that was mentioned in Mr. Walker's March Upper Oklawaha River Basin (UORB) monthly project status report on Shad Harvesting. Mr. Walker's monthly reports are viewable on the website at <http://harrischainoflakescouncil.com>. He also wants Mr. Walker to bring up what the discharges were on the Lake Griffin Flow-Way from 1994 until it was shut down.
 - Mr. Walker stated the information in his March UORB report came from a report handed out by John Benton, FWC, at the public meeting held by FWC in Winter Garden.
 - Dennis Renfro, FWC, stated he would send a copy of John Benton's report to the Council.

- Dan Canfield, University of Florida (UF), updated the Council on: 1) the United States Environmental Protection Agency (EPA) numeric nutrient criteria. He stated that the Judge in the First District Court in north Florida ruled that the EPA's numeric nutrient criteria requirement for canals and rivers in Florida is arbitrary and capricious, and it was thrown out of court. The Judge ruled that the lakes and springs still stand. Dr. Canfield stated that the adopted standards by the Environmental Regulation Commission (ERC) went through the legislature (passed the house and senate). The Florida Department of Environmental Protection (FDEP) sent it to the EPA, and it is currently in negotiations; 2) the modified permit request for testing the process of dredging at Magnolia Park on Lake Apopka will be sent to FDEP for approval; and 3) the mechanical harvester is very busy (especially with the low water conditions). He mentioned it has been breaking down a lot, and suggested that additional harvesters be obtained.

- Nathalie Visscher, FWC, updated the Council on the eelgrass on Lake Apopka. She stated the eelgrass coverage is a little over 50 acres, and she noticed that in the past year it has made a natural expansion along the shoreline.

- Mike Perry, Lake County Water Authority (LCWA), updated the Council on: 1) the Beauclair dredging project. He informed the Council that they are about 40 percent complete in the lake. The LCWA has sent a proposal to the SJRWMD on requesting approval to dredge through the summer, rather than shutting down during the hot weather. The dissolved oxygen (DO) levels were monitored, and are doing well, and they will continue checking; 2) the Nutrient Reduction Facility (NuRF) is currently treating a discharge flow of 23 cubic feet per second (cfs) of water from Lake Apopka; 3) the lake levels in the HCOL are

below minimum desirable levels. He stated that currently the level on Lake Apopka is at 63.95 feet (ft), which is 2.19 ft. below the regulation schedule. The Superpond is at 60.75 ft, which is 1.46 ft. below the regulation schedule. Lake Griffin is at 56.2 ft., which is 2.01 ft below the regulation schedule. Mr. Perry explained to the Council that since the changes were made to the flows in the system (middle of December 2011), Lake Apopka's level came down ½ ft.; the Superpond's level came down $\frac{2}{10}$ ft.; and Lake Griffin's level came up $\frac{2}{10}$ ft.

- Dennis Renfro, FWC, gave his updates to the Council on: 1) the January 2012, Lake Apopka aquatic plant management stakeholders meeting. Mr. Renfro informed the Council that the survey results from the meeting would be in next week; 2) the FWC is forming a working group for a Lake Apopka Restoration program; and 3) he informed the Council that because of research being cut back, the FWC hatchery had 80,000 large mouth bass used for research. The extra 100,000 large mouth bass were released into Lake Dora. The size of the fish was approximately four inches.
- Kraig McLane, SJRWMD, discussed with the Council: 1) he would try to find a written record if the Florida Sunshine Law applies to deliberations and discussions between two or more members of the HCOLRC Technical Advisory Group (TAG); 2) the council member vacancy position ad for three volunteers has been advertised in six different public news sources. The ad was run in the Lake Sentinel, Lake TV, Lake Co. News Release, Eustis email notice, Leesburg Daily Commercial, and the Harris Council website. He mentioned that two applications have been received so far; 3) changing the meeting date of the HCOLRC to the last Wednesday of each month. The change will conflict with Councilman Woosley, possibly Councilman Powers's schedule, and Mike Perry, LCWA is very busy on Wednesdays. They will also need to ask the new Council Members that will be appointed. The Council decided to wait until the April meeting to discuss further; 4) Mr. McLane informed the Council of the upcoming St. Johns River Water Supply Impact Study (WSIS) technical briefing. If they would like to attend, it will be held on March 30, 2012, at 9:30am at the SJRWMD headquarters in Palatka; and 5) he will send a copy of the 'Master Water Control Manual- Ocklawaha River Basin-Four River Basins Project' to the Council Members, either an electronic or a paper version, per request.

7. PUBLIC COMMENTS

- Diane Heitman, on behalf of the Antique Classic Boat Group, expressed her concerns about the upcoming Antique Boat Show (that begins on March 22 on Lake Dora) with the current low water levels in the Dora Canal, and the lakes. Ms. Heitman requested support from the Council on stopping the current regulation schedule for 2012, and she requests the following additional criteria be added to the evaluation of MFLs: 1) actual rain events and potential drought; 2) economic impact on the local municipalities and businesses; 3) affect on water front property owners; and 4) determine actual flood areas and why. Her presentation handout to the Council is viewable on the website at <http://harrischainoflakescouncil.com>. She stated if the Council would prefer, she would revise her handout to include Lake Griffin and Lake Apopka.
 - Vice Chairman Goerner stated he would not support her request. He supports maintaining higher water levels in all the lakes on the chain, not just the Superpond, and does not want the Superpond to withhold water from Lake Griffin. Vice Chairman Goerner wants the current regulation schedule to be followed, but at the highest possible level.
 - Chairman Woosley agrees with holding more water in the lakes during the upcoming rainy season, and would like to prevent 'not' going with the historical regulation schedule this coming summer.
 - Chairman Davis commented that Ms. Heitman would need to contact SJRWMD for her request on raising the water level for the Antique Boat Show. He also suggested she should come to the Harris Chain of Lakes Restoration Council's (HCOLRC) next meeting, as it might have more information on her other concerns.
- Linda Bystrak, Oklawaha Valley Audubon Society (OVAS), asked the HCOLRC if they would join in a letter campaign that is going to be sent to the Executive Director of SJRWMD, and Governor Scott, on not allowing the proposed Jetport to be built on the north shore of Lake Apopka. The proposed area is on 1500 acres of SJRWMD's land. Ms. Bystrak stated that there are over 350 different species of birds in the area

that would be threatened, along with harming the future ecotourism for that area. She mentioned that there is an FAA guideline that states there can only be a minimum amount of birds within 10,000 feet (almost 2 miles) of a jetport.

- Vice Chairman Goerner stated the Council has recommended in their 2011 annual report to the Legislature that the SJRWMD continue with its restoration effort to the extent that the NSRA becomes a usable tool for the restoration of Lake Apopka. He commented that the NSRA is recognized as being very important, and it should only be used for restoring Lake Apopka. The Council would repeat that recommendation for this year too.
- Chairman Davis commented that the Council could only get involved if it pertained to their statutory objectives (help improve water quality). Then the Council could send their recommendation to the various agencies that they report to.
- The Council Members all agreed that they could not send a letter on a specific land use proposal that is not directly related to lake restoration. Ms. Bystrak was informed that people could use the information from the HCOLRC annual report as a reference.
- Ann Griffin, citizen, spoke with the Council about the low water levels of Lake Griffin. Her handouts are viewable on the website at <http://harrischainoflakescouncil.com>. Ms. Griffin stated since December 2010, the water level at her lake front property (on Lake Griffin) has remained about four feet lower than it should be. She explained to the Council how the low water level not only has had a negative impact on the lake, but there has also been a loss to the stakeholders, and the fish and wildlife. Ms. Griffin acknowledges there has been a drought for the past two years, but she also holds SJRWMD responsible for fluctuating lakes lower during a drought. She stated the SJRWMD should put in an act of recovery, as Lake Griffin is the worst lake in the HCOL.

8. COUNCIL MEMBER COMMENTS

A. Comments

- Vice Chairman Goerner wants his agenda request from the January 2012 meeting (regarding the HCOL flows and levels) on the agenda for next month. He stated the economic importance of maintaining the safest and highest water levels on the HCOL in relation to the regulation schedule, and he suggested there should be on-line access to the 'Master Water Control Manual- Ocklawaha River Basin-Four River Basins Project'.
- Councilman Woosley thanked David Walker for the tour of the NSRA. He was very impressed with the alligator population in the NSRA, and the large number of eelgrass beds. He also thanked Dennis Renfro, FWC, for giving him a tour of the aquatic habitat in Lake Harris and Lake Eustis. He recommends that the new Council Members be given tours too, as it would be very beneficial for them to see those areas.

B. Discussion of Next Scheduled Meeting: April 6, 2012

- Kraig McLane, SJRWMD, will arrange to have a presentation by:
 - 1) Joe Branham (owner of Bugg Spring) on his survey of the past 100 years of data collected on the water levels in Lake Griffin; and 2) SJRWMD, on lake level management, including historical information.

9. ADJOURNMENT

The meeting was adjourned at 12:10 pm