

FINAL

**MINUTES OF THE MEETING
of the
HARRIS CHAIN OF LAKES RESTORATION COUNCIL
July 8, 2016**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:03 a.m. on July 8, 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
Stephanie Bishop
John Stump, ex officio member

Council Members Absent

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)
Dennis Renfro (Florida Fish and Wildlife Conservation Commission, FWC)
Kevin Coyne (Florida Department of Environmental Protection, DEP)

TAG Members Absent

None

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 9:03 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nicholson gave the invocation. The Pledge of Allegiance followed.

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

Chairman Johnson called the roll. Council members Davis and Schlein were absent.

4. APPROVAL OF MINUTES

Minutes for June 3, 2016 were unanimously approved as revised.

5. **PRESENTATIONS / ACTION ITEMS**

* Action items requested by council members are in bold.

Susan Davis, SJRWMD, presented information to Council on ex officio membership on the Council, previously discussed with regard to appointing Dr. Canfield as an ex officio member. Ms. Davis reported the Florida Statutes do not provide for ex officio membership on the Council. Ms. Davis subsequently posed the following question to SJRWMD General Counsel. Can the Harris Council have ex officio members? General Counsel replied no, as the current statute only provides for nine voting members with specific roles. Ex officio members hold the position of membership due to the power and influence of one's office and not by election or appointment, and an organization's bylaws specifically call for the ex officio position. Mr. Stump is therefore not legally an ex officio member. Ms. Davis noted as of July 1, Mr. Stump could be appointed to the vacant environmental and/or regulatory seat on the Council. Ms. Davis reported Dr. Canfield would need to be an appointed member to serve on the Council.

Chairman Johnson and Vice-chairman Goerner discussed previous ex officio membership, noting membership had previously not been an issue. **Vice-chairman Goerner requested an attorney from SJRWMD to defend the Council position. Vice-chairman Goerner requested the attorney from the District provide a letter including the law and statute by which the ex officio membership decision was made.** Vice-chairman Goerner suggested it was incumbent upon SJRWMD to defend the Council position.

Ms. Davis briefed Council on statutory rule changes, noting vacancies set to open in October could be advertised immediately. The environmental/regulatory position could be immediately filled by Mr. Stump pending approval by the legislative delegation. Chairman Johnson noted Senator Hukill was the delegation leader. Vice-chairman Goerner reiterated after 3 months non-participating members can be removed and new members can be appointed by the legislative delegation.

Chairman Johnson presented information on an aerial tour of Lake Apopka and the North Shore, showing aerial photos of the Beauclair Canal and the marsh flowway (Hooper Farm) depicting clear water flowing to the lake. Chairman Johnson showed another photo in which a large round object could be seen in the water on the west side of Lake Apopka. **Chairman Johnson requested Mr. Dennis Renfro, FWC, or another TAG member to identify the object.** Mr. Renfro requested more detailed location information, and Dr. Rolland Fulton, SJRWMD, reported he would pass the photo to District staff for review.

Chairman Johnson showed additional photos of vegetation in the lake, depicting both FWC plantings of spatterdock, and the varying growth rates of different planted areas. Chairman Johnson suggested these could be viable areas for further academic research.

A final photo presented by Chairman Johnson showed flooded portions of the North Shore, as well as a view of the wildlife drive. Vice-chairman Goerner noted clear water was discharged from the Lake Griffin flowway but it contained high levels of organic phosphorus (P). Dr. Fulton noted the Lake Apopka flowway is different as there is approximately 30% less P being discharged from the flowway than is going in to the flowway. The clear water is the result of suspended sediments being sequestered in the flowway. **Vice-chairman Goerner requested to see all the data on the clear water plume coming out of the flowway, including how much P it contains.**

Chairman Johnson reported Mr. Renfro had provided vegetation covers for Lake Griffin and Lake Harris to Council. Mr. Renfro noted SJRWMD has personnel on Lake Apopka collecting vegetation data along sections offshore and onshore. The FWC specific data collection is for long-term monitoring in 30 lakes in the state. Lakes Harris and Griffin are included in that subset.

A. Pesticide levels in fish from Lake Apopka and the Lake Apopka North Shore- Dr. Rolland Fulton, SJRWMD.

Dr. Rolland Fulton, SJRWMD, introduced his presentation on pesticide levels in fish from Lake Apopka and the Lake Apopka North Shore, noting the presentation was a follow-up, based on questions provided by Chairman Johnson from the June 2016 meeting.

Dr. Fulton reviewed the Lake Apopka North Shore land management plan, adopted in January 2013 by the SJRWMD Governing Board. The plan states “The Lake Apopka North Shore will be actively managed as marsh systems for the continued restoration of the water resources of Lake Apopka and for lake level fluctuation improvement within the lake.” Chairman Johnson remarked there was no apparent flexibility in the plan, even with new information. Dr. Fulton reported there is flexibility, however SJRWMD does not support reconnection of the North Shore, based on the most current information. Dr. Fulton noted the SRJWMD management plan did not require United States Fish and Wildlife Service (USFWS), but that any plans for reconnection would require approval. The process for an approved change requires a biological assessment be completed and submitted to USFWS for approval. Vice-chairman Goerner inquired whether biological assessments are reviewed by the Council. Dr. Fulton noted they are not reviewed by the Council. **Vice-chairman Goerner formally requested copies of the biological assessments for Council review.**

Dr. Fulton discussed toxicity threshold levels and Toxicity Reference Values (TRVs) in whole fish, noting at the last meeting only toxaphene information was provided. The new data presented included a more comprehensive list of pesticides. Dr. Fulton noted the TRVs development was previously discussed by Dr. Mike Coveney, SJRWMD, and were approved by both USFWS and an expert review group. Chairman Johnson suggested avian toxicology should review the TRVs. Dr. Fulton noted there were avian toxicologists on the review panel and with USFWS.

A total of 349 fish were collected from seven units within the North Shore for the assessment of ecological risk in 2014-2015. 4.6% of the samples exceeded the TRV for the pesticide DDE and 0.3 % of the samples exceeded the TRV for the pesticide dieldrin. This was considered acceptable ecological risk to wildlife by USFWS, therefore shallow flooding of the North Shore was authorized.

Chairman Johnson noted no fishing signs were posted on the North Shore; and if the North Shore was reconnected, then FWC could institute a fishing ban on the lake with no fishing signs. Council discussed reasons for reconnecting the North Shore and options such as dredging to clean Lake Apopka. John Stump noted since Lake Apopka water level is higher than the North Shore, natural exchange is not possible. Water must be pumped, as is currently done with the flowway. Dr. Fulton showed a map of the existing flowway and described water movement through the flowway. Dr. Fulton also identified other control structures throughout the North Shore. Councilman Truenow proposed using one inlet at Beauclair Canal and one at the McDonald canal to provide water to the Duda and Sand Farm Units. Both could be used for an additional flowway.

John Stump queried Dr. Fulton about North Water elevation values. Dr. Fulton noted water elevations represent the maximum desirable elevation to maintain marsh habitat. The current lake is 65.3 ft., which is three to five feet higher than the North Shore. Reconnection would lower lake levels and would eliminate marsh habitat, creating open water. Vice-chairman Goerner and Councilman Truenow discussed leakage of water from the lake to the North Shore through the dike and whether any circulation was occurring.

Dr. Fulton compared the toxicity threshold levels of DDT and toxaphene for ecological risk, and screening values for human consumption in whole fish, noting the human consumption values are much lower. A slide of Lake Apopka North Shore fish pesticide samples from 2014-2015 showed exceedances for DDT ranging from 33% to 98% of samples, and for toxaphene ranging from 32% to 100% of whole fish samples (primarily mosquitofish). Overall, for the 2014-15 samples from the Lake Apopka North Shore, 72% exceeded the DDT screening value and 80% exceeded the Toxaphene screening value. In Lake Apopka, 91 whole fish samples from 2004-2008 only had 12% DDT exceedances and 18% toxaphene exceedances. Exceedances for 83 fish fillets from Lake Apopka for 2004-2008 only exceeded the DDT screen in 1% of the samples, and 12% of the samples for toxaphene. Because of the low number of pesticide threshold exceedances in Lake Apopka the Florida Department of Health issued only a fish consumption advisory, not a formal health advisory.

Dr. Fulton reported fish fillets have not been analyzed for the North Shore because of the limited numbers of sportfish in the North Shore. Also, the few sportfish that can be caught are coming from the ditches, which are cleaner than the broad marsh. **Chairman Johnson requested information detailing the exact percentage of threshold exceedance for each of the fish samples used in the pesticide analyses for the North Shore and Lake Apopka.** Chairman Johnson discussed LD50 toxicity tests used by EPA and their efficacy on the North Shore.

Chairman Johnson discussed the historic contributions of municipal and other dischargers to Lake Apopka in addition to the farms on the North Shore. Dr. Fulton noted the nutrient budget reconstruction by SJRWMD showed the majority of nutrients came from the farms. Chairman Johnson, Vice-chairman Goerner, and Councilman Truenow discussed the both efficacy and success/failure of the plowing of contaminated soils on the North Shore.

B. Discussion of draft letter to the Florida Fish and Wildlife Conservation Commission on Harris Council Planning - Council members, Harris Chain of Lakes Restoration Council Chairman Johnson, reviewed the intent of the first draft letter to FWC on Harris Council Planning, and his desire to have the letter sent to the heads of all relevant agencies. The goal is to provide information to the agencies on Harris Council issues. Councilman Grow provided written comments on the draft letter and reviewed his comments with Council from the podium.

Councilwoman Bishop noted she had reviewed the Citrus/Hernando annual report and observed it had a listing of proposed projects, pictures and cost breakdowns of projects. Councilwoman Bishop inquired whether Harris Council was going to include proposed projects. Chairman Johnson need the current report does not have projects, but Vice-chairman Goerner noted previous reports recommended projects until 2008 when funds were not available for budget requests, and supported adding project listings as a priority for the next year's report. Councilwoman Bishop supported revising the Harris Council annual report similar to the format for the Citrus/Hernando report. Chairman Johnson expressed desire to change the annual report to include projects.

Chairman Johnson and Vice-chairman Goerner discussed funding of Lake Apopka projects and reporting of expenditures on Lake Apopka by agencies.

Council instructed Denis Frazel, Council Administrative Support, to incorporate Councilman Grow's comments into the draft letter in tracked changes (strikethrough/underline) and forward back to Council members for individual review. Mr. Frazel would then combine all comments into a master document for review at the next Council meeting.

Chairman Johnson inquired about the agency mailing list and requested SJRWMD Governing Board members be added to the mailing list. **Vice-chairman Goerner requested the SJRWMD Executive Director speak to the Council on SJRWMD plans.**

6. COUNCIL & AGENCY QUESTIONS & ANSWERS

Dennis Renfro, FWC, updated Council on progress in Emerald Area III, noting all internal levees had been breached, and the parking area foundation had been installed. Mr. Renfro reported FWC and SJRWMD staff have been planting the levees and created islands with trees.

Kevin Coyne, DEP, had no new updates, but inquired on to what agency to provide address information for the Harris Council letter. Chairman Johnson indicated correspondence information should be provided to Susan Davis.

Dr. Fulton reported 1,000 cypress trees had been planted along the North Shore with the assistance of volunteers.

Dr. Fulton provided some brief comments on the draft letter, noting SJRWMD had areas of both agreement and disagreement with elements of the preliminary draft letter, as follows:

Areas of disagreement:

- SJRWMD does not support reconnection of the Lake Apopka North Shore (LANS) to the Lake at this time, as pesticide levels in fish and some game on LANS are too high for human consumption, deeper water conditions created by reconnection of LANS would lead to higher pesticide bioaccumulation rates that would increase risks to wildlife, nutrient levels on LANS are too high, separate LANS provides cost-effective area for disposal of sediments removed from the Lake, and maintaining separate water storage on LANS provides greater flexibility for water and flood management
- SJRWMD supports continued rough fish harvesting as a cost effective way to remove nutrients.
- SJRWMD believes science has shown that excessive phosphorus levels are the root cause of poor water and habitat quality in the lake. Phosphorus reduction is the first step in restoration, which has led to reduced algal growth, increased water transparency, and ultimately increased aquatic vegetation habitat. SJRWMD wants to expand these accomplishments and accelerate recovery and expansion of habitat necessary for sport fish populations.
- SJRWMD continues to support treatments to maintain Hydrilla at lowest feasible levels.

Areas of agreement:

- SJRWMD supports strategic sediment removal, and intends to dredge sediments from McDonald Canal and Apopka-Beauclair canals to improve access via new boat ramp. SJRWMD is also preparing to dredge test catchment sumps, and is evaluating sediment removal at south end of the lake.
- SJRWMD supports efforts to increase native aquatic vegetation in the Lake, including plantings and near-shore habitat improvement. SJRWMD is currently pumping water and floc onto the LANS to improve shallow habitat for plant growth.
- SJRWMD supports adoption of MFLs to prevent significant harm to aquatic habitats due to consumptive uses of water and flexible water management to avoid prolonged periods of low water on the Lake.
- SJRWMD agrees with the goal to create habitat conditions conducive to sustainable sport fish populations and the associated economic benefits.

SJRWMD would be addressing the Council with an official response to the final letter, once it has been received and reviewed by SJRWMD staff. Dr. Fulton indicated Dr. Erich Marzolf, SJRWMD Director, Division of Water and Land Resources, would be a likely SJRWMD representative to provide the official response. Chairman Johnson noted it was important to have the response provided in outline form.

Dr. Fulton noted SJRWMD is in the permitting process to test catchment sumps. SJRWMD is also evaluating removal in south Lake Apopka in the vicinity of Winter Garden. Dr. Fulton advised copies of work orders were sent out to Council for review. Mr. Hoyer noted SJRWMD is considering options for placing sediments in the North Shore area.

Mark Hoyer, UF, reported on a meeting held on July 7 with Dr. Dan Canfield, UF, Dr. Anne Shortelle, SJRWMD, and Senator Hays. Discussions at this meeting included the question of placing dredge spoil on the north shore and the permitting process with the US Army Corps of Engineers (ACOE). Senator Hays indicated he would discuss the permit process with the Jacksonville ACOE. Dr. Shortelle noted SJRWMD was in favor of capping portions of the North shore units with dredge material.

Councilman Truenow inquired about the aeration project and why it is still operating. Dr. Fulton reported monitoring for the pilot project is underway; however, project reports have not yet been submitted. Mr. Renfro reported the aeration project received a six-month extension. The preliminary 10-month period had ended, and a report is due from UF at the end of August.

7. PUBLIC COMMENTS

Lynda Bystrak presented a table of Beauclair sediment sample data and discussed the additive effects that multiple pesticides may have on an organism. Ms. Bystrak reviewed data on water in sediment samples and found similar concentrations as in sediments. Ms. Bystrak's main concern was that breaching dikes could release pesticides still in soil in bottom of marshes.

8. COUNCIL MEMBER COMMENTS

A. Chairman Johnson discussed a meeting on July 7 with Drs. Canfield and Bachman, UF, Senator Hays, and Drs. Anne Shortelle and Eric Marzolf, SJRWMD. The purpose of the meeting was to discuss dredging. Chairman Johnson noted he had met with Senator Hays the previous week, and the Senator was in favor of dredging and continuing the bubblers.

- B. Vice-chairman Goerner expressed concern over the accessibility of data and follow-up on Council requests for information. Vice-chairman Goerner inquired as to a mechanism for recording requests and following up every meeting so they do not get passed over. Councilwoman Bishop suggested recapping data requests at end of each meeting, and make them as concise as possible. Dr. Fulton noted Vice-chairman Goerner had asked for additional information on pesticides; however, the information was not immediately available as the appropriate SJRWMD staff person was on extended leave. Dr. Fulton indicated it was good idea to make formal record requests for recorded data.
- C. Councilman Grow showed a slide of an article appearing July 1 in the Orlando Sentinel reporting \$5 million in legislative funding for Lake Apopka. Councilman Grow inquired on which agency receives the money and whether Council had any input on how it is spent. Chairman Johnson noted the \$5 million goes to SJRWMD. Chairman Johnson expressed concern that the Council is not invited to meetings regarding funding and/or is not briefed on meetings that occur.
- D. Truenow inquired about what ad valorem tax dollars go the Harris Chain of Lakes and Lake Apopka. **Councilman Grow queried Dr. Fulton about the \$5 million and requested a statement from the top management at SJRWMD as to why the Council would not be included in viewing the listing of the projects and on how the money (\$5 million) is to be spent.** Dr. Fulton noted SJRWMD is currently developing proposals on how the funds should be spent and that projects and funding is under discussion with Senator Hays.
- E. Chairman Johnson asked about surveys in the North Shore for dead fish and birds. Dr. Fulton noted regular surveys for dead birds, and in some cases, necropsies are performed if a carcass is available. Dr. Fulton also noted SJRWMD had necropsied birds known to have died from causes other than pesticides (e.g. power lines, alligators, etc.) and those birds had lower levels of pesticides than those collected during the bird mortality event. **Chairman Johnson requested Dr. Fulton provide information on dead birds in the North Shore next month.**

9. REQUESTS FOR ACTION

- a. Vice-chairman Goerner requested an attorney from SJRWMD to defend the Council position (on ex officio membership).
- b. Vice-chairman Goerner requested the attorney from the District provide a letter including the law and statute by which the ex officio membership decision was made.
- c. Chairman Johnson requested Mr. Dennis Renfro, FWC, or another TAG member to identify the round object shown in the aerial photograph presented during the meeting.
- d. Vice-chairman Goerner requested to see all the data on the clear water plume coming out of the flowway, including how much P it contains.
- e. Vice-chairman Goerner formally requested copies of the (North Shore) biological assessments for Council review.
- f. Chairman Johnson requested information detailing the exact percentage of threshold exceedance for each of the fish samples used in the pesticide analyses for the North Shore and Lake Apopka.
- g. Vice-chairman Goerner requested the SJRWMD Executive Director speak to the Council on SJRWMD plans.

- h. Councilman Grow queried Dr. Fulton about the \$5 million, and requested a statement from the top management at SJRWMD as to why the Council would not be included in viewing the listing of the projects, and on how the money (\$5 million) is to be spent.
- i. Chairman Johnson requested Dr. Fulton provide information on dead birds in the North Shore next month.

10. ADJOURNMENT

The meeting adjourned at 11:53 a.m.