

FINAL

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

November 4, 2011

The regular meeting of the Harris Chain of Lakes Restoration Council was held at 9:00am on November 4, 2011 at the Lake County Board of County Commissioner Chambers, 315 West Main Street, Tavares, Florida

Members Present

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

Members Absent

Edward Schlein, M.D

1. CALL TO ORDER

Chairman Skip Goerner called the meeting to order at 9:04 am.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

Chairman Goerner called the roll. Councilman Schlein was absent.

4. APPROVAL OF MINUTES

- Chairman Goerner noticed a correction needed for the October 7, 2011 meeting minutes. He commented that on page 2, in the third bulleted paragraph, the word 'overtime' should be two words.
- The October 7, 2011 meeting minutes were approved by unanimous vote with the correction.

5. PRESENTATIONS / ACTION ITEMS

- 1) Chairman Goerner called for a presentation by David Walker, St. Johns River Water Management District (SJRWMD) on the temporary management of lake levels.
 - David Walker, SJRWMD, provided information on the temporary reduction of discharges on the Harris Chain of Lakes (HCOL). His presentation can be viewed on the new website at <http://www.harrischainoflakescouncil.com>. The presentation and discussion by the Council and Mr. Walker included: 1) past and present information on Apopka, Burrell, and Moss Bluff Lock and Dams; 2) HCOL lake level stages; and 3) the predicted upcoming weather forecast for the 2012 winter season. Mr. Walker explained that the Lake County Water Authority (LCWA) owns Burrell Lock and Dam, SJRWMD owns Moss Bluff Lock and Dam, and the land at Moss Bluff is leased from the United States Army Corps of Engineers (USACE). He informed the Council that the Orange County Board of County Commissioners currently owns the Apopka Lock and Dam, and the SJRWMD accepted agreements to operate them. He stated the only reference from the operating agreements is to the minimum and maximum desirable water level ranges that the lakes would be managed. The USACE water control manual for lake level regulation was published in 1993, and they have no final recommendation of required low flow releases in the system. He provided information about the similarity of last years dry weather predictions to what has been predicted for this year, and the lake levels currently are also where they were last year at this time (about a foot below regulation schedule). The lake levels last year had risen about 6 inches by the rainfall that did occur, and by reducing the discharges from the lock and dams. He explained that rainfall is what fills up the basin, and holding the water back helps keep the higher water stages. Mr. Walker informed the Council that the Lake

Apopka and Burrell Lock and Dams will again be temporarily reduced to zero discharge, although there is a leakage estimated between 3 and 7 cubic feet per second (cfs) coming from the Burrell Lock and Dam because of bad seals in the gates. The Moss Bluff Lock and Dam will also be reduced again this year to 10 cfs. He let the Council know that there is a summit planned for December to discuss issues with Lake Apopka.

- Chairman Goerner commented that this is the wrong time of year to stop the flow. He is concerned about Lake Griffin's low water level having a negative impact on the upcoming spawning and tourist season. He believes Lake Griffin should not be sacrificed to help Lake Apopka. Chairman Goerner showed the Council a graph he had on Lake Griffin's water levels and surface area, it can be viewed on the website at <http://www.harrischainoflakescouncil.com>. The graph shows Lake Griffin is currently at 8,800 acres of surface area, and at this time of year it should be at 10,241 surface acres. He believes most of the vegetation is in the littoral zone, and the reduction in water levels is going to have a harmful effect on the spawning habitat.
- Walt Godwin, SJRWMD, informed the Council that most of the vegetation in Lake Griffin is submerged aquatic vegetation (SAV), and the littoral zone is primarily emergent vegetation. He commented Florida Fish and Wildlife Conservation Commission (FWC) would probably have information on which type of habitat is more important for fish spawning (SAV or emergent vegetation).
- Councilman Woosley had two suggestions: 1) that SJRWMD and the Technical Advisory Group (TAG) should investigate the potential benefits in slightly lowering the water level in Lake Apopka to help the most important current fisheries in the HCOL. In addition, they will need to report on how that would affect Lake Apopka, including the major investments that have been made by the Federal, State and Local Governments; and 2) a recommendation for the 2011 annual report. He suggested encouraging SJRWMD, along with other agencies and organizations, to do whatever possible to achieve the highest water levels in all the lakes during critical fish spawning periods. The other Council Members agreed on the 'Lake Water Level Management' recommendation.
- Mike Perry, LCWA, stated his concerns on the low levels of dissolved oxygen (DO) that are coming into the Nutrient Reduction Facility (NuRF) from the Apopka - Beauclair Canal (A-B Canal). He explained that the water coming into the NuRF from the A-B Canal is at a very low DO level of 2 milligrams per liter (mg/L), and after the water enters the NuRF it increases to a DO level 6½ mg/L. However, the water drastically declines back down to 2 mg/L after it leaves the NuRF and re-enters the AB Canal. He stated the levels do increase again after the water enters into Lake Beauclair. Mr. Perry explained that DO levels less than 5 mg/L puts fish under stress, and he does not know if the temporary reduction of discharge from Lake Apopka would worsen the DO levels on the A-B Canal. The Council will put it on the agenda for next year to discuss.
- David Walker, SJRWMD, explained to the Council that the low DO levels in the A-B Canal could be caused by runoff from wetland systems that go into the A-B Canal, and recent rain events. He commented that some additional monitoring of the DO levels would be done.

2) Chairman Goerner called for a review and discussion on the final draft of the 2011 annual report.

- Marcy Policastro, Wildwood Consulting, Inc., discussed with the Council comments received on the most recent draft of the 2011 annual report.
- The Council reviewed and discussed the comments received on the final draft of the annual report. The 2011 annual draft report was updated and approved by the Council.
- Chairman Goerner commented on: 1) what a great job Marcy Policastro did creating the annual report, and how pleasurable it was for the Council to work with her; 2) he will create the cover letter for the 2011 annual report, and Secretary Powers will review the cover letter. It will be sent to the speaker of the house, and the president of the senate along with the annual report.

3) Chairman Goerner called for a discussion by the Council of the 2012 Harris Chain of Lakes Restoration Council (HCOLRC) scheduled meeting dates, and the 2012 presentations.

- The Council reviewed and accepted the meeting dates for 2012.
- Kraig McLane, SJRWMD, informed the Council the meeting for Lake Apopka will be held tentatively on December 14, 2011. There is no location set yet, but he will send out an email with the information when he gets it. Mr. McLane stated he would have SJRWMD provide presentations at the January meeting on: 1) the December 2011 Lake Apopka summit (per the chairman's request); and 2) the low DO levels in the A-B Canal.
- Councilman Woosley would like to have a presentation in January by Dan Canfield, University of Florida (UF), on the update of the negotiations between the United States Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) on the numeric nutrient criteria rule.
- Dennis Renfro, FWC, stated that Natalie Visscher with FWC would provide a presentation at the January 2012 meeting on the vegetation mapping (old and new map surveys) of the HCOL.
- Councilman Nicholson requested information on the economic benefit from what the HCOLRC actions have done. He suggested getting the figures from Lake County's Department of Economic Development.
 - Chairman Goerner suggested Mike Perry with the LCWA, give a presentation at the January meeting on the economic benefits of the fishing contests at Hickory Point.

6. COUNCIL & AGENCY QUESTIONS & ANSWERS

- Kraig McLane, SJRWMD, informed the Council on: 1) the rules and regulations of meetings conducted by using electronic media technology. He stated Florida Law does allow it, and the Sunshine Law requirements still apply and are not exempt. Mr. McLane explained to the Council that if the electronic means has any communication problems, the meeting would have to be stopped until it was repaired. He also explained that all documents, including presentations, would need to be sent (in advance of the meeting) to the Council Members who are electronically attending. Another issue that needs to be completed before the meeting takes place is the notice for the legal ad (that is published in the newspaper) has to mention the electronic access. Therefore, it is typically recommended that with all the requirements needed for electronic participation, it should be consistent with every meeting so all conditions can be met. In addition, the meeting should not be fully electronic, but a combination of both physically and electronically present Council Members; and 2) the SJRWMD is able to provide administrative support at the Technical Advisory Group (TAG) meetings. To be able to supply the electronic support, and to reduce the travel time of the staff support because of their limited schedule, he recommends holding the meetings at one of the district facilities, either in Maitland or in Palatka. He will arrange where to have the meetings on a case-by-case basis.
 - Chairman Goerner suggested: 1) limiting the electronic meetings to only extremely important meetings where a quorum is required for a vote. He urges all the Council Members to come to the meetings, and he will contact Mr. McLane on going forward with the advertising to fill the vacant council seats; and 2) holding the TAG meetings at a facility where Dan Canfield has hosted past meetings, or at the FWC office in Eustis. He suggested Dan and Kraig work out where the TAG meetings are going to be held.
- Dave Herbster, FDEP, briefly discussed with the Council the feasibility project of muck removal at Magnolia Park, which is almost 4 acres in Lake Apopka. He stated in order for the project to be effective (as far as nutrient cycling) all the muck should be removed or it will refill again. He suggested using a smaller lake for the project. Dave also mentioned that if the idea were to clear Lake Apopka of muck by using a sump, it would take a long time because of the large size of the lake.
 - Chairman Goerner commented they want to see what the project does in Lake Apopka, and one of the goals is to dredge a hole (create a sump), and observe if the fluid muck migrates into that hole. Should that be successful they will know to have some of these sumps around the lake. They want to do a small project to see if it is a feasible or not.

7. PUBLIC COMMENTS

- Ann Griffin, citizen, spoke about her concerns on the low water levels in Lake Griffin, and the closing of the Burrell Lock and Dam at Haynes Creek. Ms. Griffin handed out a notebook with her information to the Council. The information is viewable at <http://www.harrischainoflakescouncil.com>. Her concerns are the damages caused by the low water levels, and the harm it will have on people, fish, aquatic wildlife, and businesses along the lakes and canals. She is against the temporary reduction of the discharges on the HCOL.
- Linda Bystrak, Oklawaha Valley Audubon Society (OVAS), spoke about: 1) the concerns OVAS has on the Florida Fish and Wildlife Conservation Commission (FWC) adaptive management plan of allowing the increase of hydrilla to grow in Lake Apopka. She informed the Council there is a petition circulating (from numerous organizations) against this particular management plan for Lake Apopka. Ms. Bystrak agreed that Lake Apopka is in need of aquatic vegetation, just not hydrilla that is an invasive species. She suggests the HCOLRC find a noninvasive plant to grow on the lake instead of hydrilla; 2) she mentioned to the Council that there are Federal mandates and procedures for Minimum Flows and Levels (MFLs) and Total Maximum Daily Load (TMDL), and by law those protocols must be followed. Ms. Bystrak told the Council that SJRWMD could not do what the HCOLRC recommends in their 2011 annual report on the lake water levels. In addition, she supports SJRWMD on following the guidelines for the water levels; and 3) she informed the Council that they should be concerned with the State of Florida switching to the Lake Vegetation Index (LVI) rating from the Lake Condition Index (LCI) rating, which samples macroinvertebrate from the lake bottom. Ms. Bystrak said if they use the LVI numeric rating system, Lake Apopka and other impaired Florida lakes would be considered healthy.
 - Chairman Goerner commented that the HCOLRC is not looking at policies, but rather what the Council feels is best for the lakes. He spoke about how the Council was established to take a broad view at what is going on in the HCOL, and they will make recommendations on what they believe is most beneficial for the lakes, regardless of what policies have been put in place.
 - Dan Canfield, UF, informed the Council that there was a meeting yesterday in Tallahassee of the Environmental Regulation Commission (ERC). He explained that one of the ERC amendments (which will be voted on at the ERC Dec. 8, 2011 meeting) is to strike the use of LVI ratings. The ERC has recognized this rating as not being a good measure of the biological health of lakes. Dr. Canfield commented that the FDEP wants the LVI rating used, in the hopes that the EPA will rescind their numeric nutrient criteria rules for Florida lakes.

8. COUNCIL MEMBER COMMENTS

A. Comments

- Chairman Goerner commented he would attend SJRWMD's Governing Board meeting on November 8, 2011, to represent the HCOLRC recommendation on 'Lake Water Level Management' in the 2011 annual report.
- Councilman Woosley commented he would like to take a tour of Lake Apopka in 2012. Chairman Goerner mentioned that the other Council Members have already had a tour of Lake Apopka and the attendance would be very low, he suggested it would be better for him to arrange an individual tour for himself. Dave Walker, SJRWMD, stated he would arrange for Councilman Woosley to have a tour.
- Chairman Goerner suggested canceling next months meeting in December. All Council Members agreed by consensus.

B. Motions

- Councilman VanderLey made a motion to approve the draft as their final report to the legislature. Councilman Nicholson seconded the motion. All Council Members approved, and the motion carried unanimously.

C. Discussion of Next Scheduled Meeting: January 6, 2012

- The January 2012 meeting was discussed earlier, in item five; part three, in the presentations/action section.

9. ADJOURNMENT

- The meeting was adjourned at 11:24 am