

**FINAL**

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

**May 7, 2004**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on May 7, 2004 at the Lake County Board of County Commissioners' Chambers, 315 West Main Street, Tavares, Florida.

**Members Present**

Hugh (Dave) Davis II, Chairman  
Skip Goerner, Vice Chairman  
W. Thomas Brooks  
Charles C. Clark  
Keith Farner  
Robert Kaiser  
Don Nicholson  
Rick Powers

**Members Absent**

Thomas A. Cook, MD, Secretary

**1. CALL TO ORDER**

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was given by Councilman Robert Kaiser, followed by the Pledge of Allegiance.

**3. ROLL CALL**

Chairman Davis called roll. All members were present except for Secretary Thomas Cook.

**4. WELCOME AND OPENING REMARKS**

Chairman Davis welcomed the Council and members of the audience.

## **5. APPROVAL OF MINUTES**

Councilman Charles Clark suggested two minor edits to the April minutes. Vice (V.) Chairman Goerner requested that final approval of the April minutes be postponed until he has had the opportunity to review them. The Council agreed.

## **6. DISCUSSION ITEMS**

### Quarterly Budget Report

Councilman Tom Brooks provided a Quarterly Report update on the Council's annual budget. He explained that as of 3/31/04 the total funds available to the Council were \$36,087.06 which included the current \$50,000 annual budget and \$10,649.00 carryover from the previous budget, minus \$13,867.94 in expenses (10/1/03 – 3/31/04) and holding back the \$10,694 to pay the balance of the Berryman & Henigar, Inc. (BHI.) contract for duties as Recording Secretary. The BHI contract expires on 9/30/04.

### Funding Solicitation From Supporting Agencies

V. Chairman Goerner gave an update on the funding solicitation efforts saying that at their last meeting, the Lake County Water Authority (LCWA) had unanimously approved \$40,000 in funding. Mike Perry of the LCWA explained that the \$40,000 provided by the LCWA covers the period through 9/30/04, saying that the money had been available for the Council's use, but never formally approved. Mr. Perry encouraged the Council to begin preparing next year's budget requests soon.

Gene Caputo of the St. Johns River Water Management District (SJRWMD) said that the \$10,000 provided by the SJRWMD had been approved for the 2004 – 2005 fiscal year.

V. Chairman Goerner asked the Council if they would like to request funding from the Lake County Board of County Commissioners (BOCC) before they make their request to the LCWA. He went on to explain that previous funding requests had additional monies requested so the Council could invite experts to give presentations at Council meetings.

Councilman Brooks suggested that the Council prepare a formal list of items, speakers, etc. to justify the amount requested. He said he could prepare a budget that covers the Council's normal operating expenses, but would need feedback for any additional expenses.

Councilman Bob Kaiser suggested that the Council could possibly sponsor a study to explore alternate energy sources for the Lake Apopka Marsh Flow-way. The Council did not agree. Councilman Rick Powers felt the study would be outside the purpose of the Council and the suggestion advanced no further.

Councilman Powers then suggested that the Council sponsor a couple of public workshops. The Council felt that was a good idea and he suggested budgeting two workshops at \$2,500 each.

Formation of Council Legislative Committee

Councilman Clark presented the following motion for discussion: “Mr. Chairman, I move that any idea, program or procedure must be approved by vote, following a motion, second, and discussion, before it can be represented as expressing the will of this Council.” The motion was seconded. Councilman Clark explained that this motion would ensure that only issues that had been thoroughly discussed and voted on by the Council can be presented to the Legislature or other agencies as being the will of the entire Council.

After extended discussion among the Council members regarding the motion, Chairman Davis gave his opinion of the use of the word “idea” in the motion saying that it was all encompassing and it seemed to imply that the Council would be obligated to vote on virtually everything discussed at the meetings. A motion to strike the word “idea” from Councilman Clark’s proposed motion was made and seconded. After brief discussion, a vote to remove the word “idea” passed unanimously.

Chairman Davis then read the amended motion into the record: “Mr. Chairman, I move that any program or procedure must be approved by vote, following a motion, second and discussion, before it can be represented as expressing the will of this Council.” A vote taken to approve the motion passed unanimously.

Special Projects for Fiscal Year 2004 – 2005

After a brief discussion on the matter it was determined that special projects would need to be tied to the Council’s annual budget. The consensus was that the budget will be reviewed further and suggestions for special projects will be submitted at a later date.

Adoption of Roberts Rules of Order

Councilman Nicholson suggested that the Council currently “gets along very well” and that Roberts Rules of Order (RRO) may slow their progress. Chairman Davis agreed with Councilman Nicholson. Councilman Farner disagreed with Councilman Nicholson saying that although the formal RRO are strict, he felt it would be important for the Council to adopt informal RRO to conduct the meetings.

Councilman Powers agreed with Councilman Farner that the Council adopt informal RRO. V. Chairman Goerner said that he would vote to keep things the way they are currently with respect to RRO. Councilman Kaiser also felt that it would be important for the Council to operate under some form of RRO.

Councilman Clark expressed his opinion saying that he understood at the inception of the Council that they were not obligated to adopt RRO and he would be satisfied either way. He also felt that it would bring greater acceptance and respect to the Council and it would make them appear more professional.

Councilman Farner agreed with Councilman Clark and made a motion that the Council adopts informal RRO as a standard procedure for operation of the Council. The motion is seconded by Councilman Clark. Councilman Farner went on to say that there is a written

version of informal RRO which he can make available to the Council. After further discussion which included confusion as to whether there were a written set of “informal” rules, Councilman Farner made a motion to amend his previous motion to remove the word “informal.” That motion was seconded.

Dr. Dan Canfield, a Technical Advisory Group (TAG) member to the Council representing the University of Florida (UF) explained that if the Council were to adopt the use of RRO that they would be obligated to have a Parliamentarian to make ultimate decisions in matters of dispute.

Mr. Caputo suggested that the Council approve the purchase of copies of the latest version of RRO for their use, from Council funds. The Council appeared to be in agreement with this use of funds.

Chairman Davis made a motion to approve Councilman Farner’s motion: “That the Council adopts RRO for the operation of the Council.” The motion passed by a vote of 5 to 2 (Chairman Davis did not vote because he is only obligated to do so in the event of a tie). V. Chairman Goerner and Councilman Nicholson voted in opposition to the motion.

#### Technical Advisory Group’s Sunshine Law Responsibilities

Chairman Davis suggested that a discussion of the Sunshine Law be held during the June meeting. The Council agreed. He also asked the Council if they would agree to move the September meeting to 9/10/04 due to the Labor Day holiday. The Council agreed on this issue, also.

Councilman Kaiser gave a brief update on the Canal Street Wastewater Treatment Plant (WWTP) saying that he had spoken with Ray Sharp, Director of Environmental Services for the City of Leesburg, who said that renovations to the plant are underway. He also said that the Florida Department of Environmental Protection (FDEP) had granted an extension to their permit until the end of the summer. Mr. Sharp had explained that the contractor is currently onsite to install the new equipment as it arrives and to complete the renovation.

## **7. PRESENTATIONS**

No formal presentations were scheduled for the May meeting.

### Agency Updates

Dr. Larry Battoe of the SJRWMD discussed the improvement of conditions in Lake Griffin including new, emergent plants that he had seen during a recent visit to the lake which included Illinois pondweed, knotgrass, and pond lilies. Councilman Clark commented that he had recently seen a five acre area on the lake densely populated with hydrilla, just south of Haynes Creek. Dr. Battoe said that the SJRWMD has an aggressive program for identifying hydrilla that includes regular, weekly inspections. When hydrilla is identified they contact Eric Cotsenmoyer of Lake County Aquatic Plant Management and Pest Control for treatment. Dr. Battoe also provided the latest water quality information for the

lake saying that phosphorus (P) levels in the lake remain in the mid-30's parts per billion (ppb) and Secchi depths are currently around six feet. He also said that chlorophyll is around 18 micrograms per liter ( $\mu\text{g/L}$ ) and they would expect that concentration to go up during the summer months.

Dr. Battoe also told the Council that the Florida State Legislature had approved approximately \$3 million in appropriations for various projects in the Upper Ocklawaha River Basin (UORB). He said that was for the special projects funding request that the Council had assisted in prioritizing the projects. Dr. Battoe said that the highest priority project on the list included access canal dredging on Lake Griffin and this was given top priority and the majority of the funding will go towards that project.

V. Chairman Goerner asked Dr. Battoe about the Lowrie Brown marsh project that the SJRWMD is involved in and whether the water being pumped from the site and into Lake Griffin was being treated. Dr. Battoe explained that it was but he didn't have the data available at the meeting and offered to provide the information via email. V. Chairman Goerner said that he was concerned with the diminished clarity of the water in the lake at the point where the marsh discharged. He also expressed his concern with the potential for sport fish to be attracted to the flow of the low D.O. water that was being discharged from the Lowrie Brown marsh, similar to the tilapia that he had recently seen at that discharge point. His concern was that the sport fish could be attracted to the flow and not survive in the low D.O. water.

After a discussion of the control of water flowing from the marsh and into the lake, Dr. Battoe explained that possibly some of the riser boards had been removed from the discharge structure, allowing the water to flow from the lake. Councilman Clark said in an email he had received from David Walker (SJRWMD), the P content of the marsh water was approximately 65 ppb. He went on to say that based on the concentration of P and the volume of water discharged from the marsh, that the concentration of P in Lake Griffin may have been increased by as much as 0.75 ppb.

Councilman Farner expressed his concern with the lack of security in connection with the riser boards at the discharge control structure. Dr. Battoe said that there is a way to lock the boards in place but that is normally only done when there is a potential for property damage. He also said that he would inquire with their engineering department to see if vandalism had been a problem with this structure in the past.

V. Chairman Goerner then asked about how their projects go from endorsement to implementation. Dr. Battoe gave a lengthy explanation of the multi-step project management process.

V. Chairman Goerner then asked about the bass populations at Lowrie Brown. Bill Johnson of the Florida Fish and Wildlife Conservation Commission (FWCC) explained that the system is essentially a marsh with only a limited amount of open water and low dissolved oxygen (D.O.). He said that this area would not make a good fisheries habitat.

Dr. Battoe went on to explain that the SJRWMD is continuing to monitor the discharge from the Lake Apopka Marsh Flow-way (LAMF) for D.O. He also said that they had recently shut down three of the cells in the flow-way because the channels leading to them had become clogged with Southern Naiad. The SJRWMD contracted with a private company who mechanically removed the vegetation from those channels. Dr. Battoe also said that the SJRWMD is considering stocking the channels in the flow-way with grass [eating] carp to aid in vegetation control.

Councilman Farner then expressed his concerns with grass carp or any other non-indigenous fish being introduced into the Harris Chain of Lakes from the LAMF. Dr. Battoe explained that the SJRWMD was permitted by the FDEP for introducing grass carp to the flow-way with the understanding and confidence that they would not escape the site. He said that the only way for these fish to leave the flow-way would be through the pumps and they would most likely not survive being drawn through the pumps. Councilman Clark added that he understood that grass carp are sterile and could not reproduce. Bill Johnson (FWCC) confirmed that this was correct.

Councilman Clark then asked about the disposal site for the Lake Beauclair dredging project saying that he understood that the SJRWMD had withdrawn their permission for the disposal site approximately four miles north of the dredging site and offered another site approximately nine miles from the dredging site. His concern would be for the increased costs associated with the greater distance. Dr. Battoe was uncertain of the exact status of the sites but understood it was a consideration of the District to use some of the dredge material to cap areas that had high levels of pesticides at the site further away.

Mr. Johnson provided details of the largemouth bass populations in the lakes using graphs and charts. In general the most recent electrofishing efforts indicated an increase in populations. Councilman Clark requested copies of the graphs and charts presented and Mr. Johnson said he would bring them to the next meeting. Councilman Farner asked how often the lakes are sampled. Mr. Johnson explained the frequency of sampling saying that lakes Harris, Griffin and Apopka are sampled annually and Lake Griffin has been sampled since 1983. He said that the other lakes in the chain are sampled less frequently.

Councilman Nicholson then asked when electrofishing began as a method of counting fish in the lakes and Mr. Johnson explained that it was first used in 1983 in Lake Griffin. He said prior to that they used block netting. Mr. Johnson went on to say that the most accurate data on fish populations in the lakes may be reports from anglers which they had tracked since 1965. He estimated that in the 1960s approximately 25,000 bass were caught per year where currently it may be less than 1,000 bass per year.

Dr. Canfield then discussed efforts towards a hydrilla management plan saying that the FDEP is currently working on a management plan for the entire state. He said that they have determined that chemical application is failing and there has been discussion of

putting grass carp in all of the lakes. Dr. Canfield also said that the FDEP has scheduled a one day workshop with aquatic plant experts to discuss this issue in the early fall.

Stephen Tonjes of the Florida Department of Transportation (FDOT) gave a brief update saying that he did not know of any of their projects directly associated with the Harris Chain of Lakes. However, he said that they have complied with the FDEP National Pollutant Discharge Elimination Systems (NPDES) regulations by providing better quality stormwater runoff than is required by the regulations.

Mr. Perry (LCWA) gave several brief updates:

- The canal dredging permit was still moving along and was currently under review of the Army Corps of Engineers (ACoE). He said that they were very close to resolving all of the concerns that the FWCC had with respect to eagle nesting habitats and this will help advance the progress of the ACoE issuing of the permit.
- He also explained that the LCWA was moving forward with the Nutrient Reduction Facility design. They have been conducting field evaluations of species at the site and have found the site to have more wetland areas than previously thought.
- Mr. Perry then discussed the Marsh Park Project at Lake Yale explaining that it was also moving forward and that a bid had been awarded to move the dredge material from the canals to Lake Yale. He anticipated that work should begin within 30 days.
- As clarification of the Lake Beauclair Restoration project Mr. Perry explained that the LCWA never had any formal agreements with the SJRWMD as to a disposal site for the materials dredged from the mouth of the Apopka – Beauclair Canal at Lake Beauclair. He said that their initial design did include a portion of the land where the LAMF is located and the SJRWMD suggested the property on the north shore of Lake Apopka to use a portion of the dredge material to cap land that had been contaminated with pesticides. He agreed that the additional distance would involve additional costs. Mr. Perry said that the LCWA is also considering the use of land at the Hurley Sod Farm. He said that they are going to perform a cost analysis of all the options before they make their final decisions as to a disposal site.
- Mr. Perry also explained that the LCWA collected water samples along the Apopka – Beauclair Canal to monitor P and D.O. He said that the results of their samples are very similar to those collected by the SJRWMD to monitor the discharge from the LAMF, although there had been some instances where the data has been somewhat different than the results obtained by the SJRWMD. Mr. Perry said that they may collect samples simultaneously to the District to

determine if there is an issue with the laboratories which are analyzing the samples. He also said that they have noticed a slight increase in P as the samples are collected further north from the flow-way. He was not certain for the reason, but said they are investigating the situation.

- Mr. Perry also said that the LCWA is working with the FDOT on the quality of stormwater discharged into Lake Eustis. He explained that all the runoff from the City of Eustis discharges into the lake via either a 60 or 72 inch stormwater culvert. He said that they are beginning the preliminary design stage to add additional treatment to stormwater prior to discharge into the lake.
- He also discussed submerged aquatic vegetation saying that he has seen the hydrilla in Lake Griffin and that they also received a complaint of too much vegetation in Lake Eustis. He said that hydrilla was only part of the problem and there was a lot of desirable submerged vegetation found in the lakes. He felt the desirable vegetation was a positive sign that there has been progress made in improving habitat.
- Mr. Perry also discussed the concerns with the spraying of midges (blind mosquitoes) and possible disruption of the food chain. He said that the Lake County BOCC policy is that if a citizen complains, then pest control will respond by spraying them with malathion. The LCWA has concerns with this policy when it comes to midges because they are an important source of food for sport fish. Mr. Perry told the Council that the LCWA sent a letter to Eric Cotsenmoyer expressing their concerns.

Dr. Canfield briefly discussed the Sunshine Law with respect to the TAG saying that if they fall under the law, then there is a requirement to have minutes taken at their meetings. He said he wanted to inform the Council of this prior to their upcoming discussion on the matter, because that requirement would include budgetary considerations by the Council. He also said that to date, the TAG has only had two such meetings.

## **8. COUNCIL MEMBER COMMENTS**

### Discussion of June 4, 2004 Meeting

Mr. Caputo provided a recap of the items scheduled for the June meeting agenda which included:

- Further discussion on RRO
- Possible presentation by Dave Walker (SJRWMD) on the funding of the Upper Ocklawaha River Basin projects. (Based on his availability.)
- Approval of the April minutes

### Comments

V. Chairman Goerner mentioned the appropriated funding that was discussed by Dr. Battoe and he thought the total was \$1.5 million with an additional \$500,000 designated for water quality projects, not the \$3 million that Dr. Battoe had suggested. Councilman Brooks reminded the V. Chairman that a discussion of this subject is tentatively scheduled for the June Council meeting, depending on the availability of Mr. Walker. Therefore, Dr. Battoe did not respond.

No additional Council member comments were made.

## **9. PUBLIC COMMENTS**

Ann Griffin (speaking as a private citizen) discussed her concerns with the midge spraying activities and how it is affecting the crappie populations. She suggested that the Council write a letter to Eric Cotsenmoyer of Lake County Aquatic Plant Management and Pest Control expressing their stand on the issue. She provided an article from the Orlando Sentinel that mentioned that the midge larvae are a primary source of food for crappie and other sport fish.

Councilman Clark asked Mr. Johnson's opinion of this issue who said that he is not convinced that enough of the midges are sprayed to affect the food chain. He said that it would take more research on his part to be better prepared to respond to the issue.

V. Chairman Goerner made a motion for the Council to draft a letter to the BOCC asking them to suspend spraying of midges while the Council reviews the scientific data on the issue. The motion is seconded.

Chairman Davis expressed his opinion saying that he felt the Council was being a little premature in pursuing this issue until they have more information. V. Chairman Goerner then asked that the TAG prepare information on this matter. Dr. Canfield suggested that the Council consider addressing the issue for the economic aspects of the cost of spraying the midges that die in two or three days, not the chemical concerns or the food chain issues. He also explained that the crappie primarily feed on the midges when they are in the larval stage, not in the adult stage when they are sprayed.

Councilman Nicholson expressed his opinion that perhaps this issue falls outside the goals of the Council. V. Chairman Goerner then withdrew his previous motion saying the Council needs more information before moving forward with the issue.

## **10. ADJOURNMENT**

Chairman Davis called for meeting adjournment. A motion to adjourn was made, seconded, and passed. The meeting was adjourned at 11:45 AM.

Respectfully submitted by:

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Hugh “Dave” Davis II, Chairman

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Dr. Thomas Cook, Secretary