

FINAL

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

August 6, 2004

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on August 6, 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
Thomas A. Cook, MD, Secretary
W. Thomas Brooks
Charles C. Clark
Keith Farner
Robert Kaiser
Don Nicholson
Rick Powers

Members Absent

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.

4. WELCOME AND OPENING REMARKS

Chairman Davis welcomed the Council and members of the audience.

5. APPROVAL OF MINUTES

Minor edits were discussed for the Minutes from the July 9, 2004 meeting. After brief discussion, the minutes were unanimously approved with the suggested edits.

6. DISCUSSION ITEMS

Resolution 2004-1, Appreciation / Commendation of Lake County Officials and Staff

A motion was made and passed to discuss the letter of Appreciation / Commendation for Lake County Officials and Staff as presented in the meeting documents. After brief discussion for clarification of some of the wording, the Resolution was approved by a unanimous vote.

Mr. Caputo suggested that the Council may want to request a time to present the resolution to the Lake County Board of County Commissioners (BOCC). Chairman Davis accepted his suggestion and offered to make the presentation to the BOCC. A vote taken to have Chairman Davis represent the Council in this matter passed unanimously.

Update on Resolutions – Dr. Cook

Secretary Thomas Cook started out by saying that in his discussions with the Lake County Medical Society (LCMS) they proposed that the Council's efforts may be more beneficial if they were to move towards the education aspect of the issue rather than enacting legislation to force doctors to report the suspected illnesses. He said that the LCMS offered the availability of space in their newsletters to assist in the education efforts. He also reminded the Council that Andrew Reich [whom had given a presentation to the Council on toxic exposures during the July meeting] had offered to assist in the public education aspects of the issue. Secretary Cook also discussed briefly the Draft Plan of Action prepared by Mike Perry of the Lake County Water Authority (LCWA) and asked that the Council approve the efforts to move forward with making physicians and the public aware that exposure to toxins including toxic algae, can produce illnesses. Councilman Rick Powers commended Secretary Cook on his efforts and said that he would like to move for approval. The motion was seconded.

Councilman Keith Farner expressed his concern that in light of the presentations given by Dr. Shoemaker [on toxic algae] and Mr. Reich in pointing out the risks of exposure to certain toxins, that the Council's efforts were shifting away from "requiring" physicians to report such exposure cases. He also said that he understood that it is important for the Council to at least start with the education aspects.

Secretary Cook added that he had spoken to Mr. Reich about the educational aspects of their plan to which Mr. Reich, who represents the Centers for Disease Control, offered to assist in writing articles and other efforts. Secretary Cook also understood that there may be funding available in the Council's annual budget to support these efforts. At that point, Gene Caputo of the St. Johns River Water Management District (SJRWMD) reminded the Council that theirs was a fiscal budget that expires on September 30th. Secretary Cook explained to the Council the two separate efforts involved with the action; one is to educate the physicians through the newsletters and the other is to educate the public with articles in the newspapers and through other means.

Vice (V.) Chairman Skip Goerner mentioned that in recent meetings of the LCWA there had been discussion of reducing the amount of funding spent on monitoring of the lakes which includes that for blue-green algae. He said that currently the Authority spends almost \$200,000 per year on the monitoring and suggested that the Council may want to show their support to continue the monitoring.

Mr. Caputo suggested that the Council may want to utilize some of the funds available in their advertising budget for this fiscal year to pay for any articles in newspapers as opposed to hiring and advertising firm that could take months to accomplish this task. Councilman Clark then expressed his opinion that the Council should have an agreement that the LCWA continue their monitoring of the lakes [with respect to blue-green algae] and that they should send a representative to a LCWA meeting to express their view.

Chairman Davis expressed his concern that the Plan of Action as written does not address having the physicians reporting these [toxic exposure] illnesses to any entity. He asked the Council if they would want to review the progress of these activities at least every six months. Vice (V.) Chairman Skip Goerner suggested that it be reviewed in three or four months so that it may be presented at a public meeting in either January or February 2005, as required prior to being sent to the Florida Legislature. The Council agreed to review it quarterly and Chairman Davis requested that Mr. Caputo keep track of those activities. Mr. Caputo agreed. A vote taken to approve the Plan of Action with two edits suggested by Councilman Clark passed unanimously.

When asked who would author the articles as previously discussed, Secretary Cook said that he would do it with the assistance of someone who is a more skilled writer than himself. After additional discussion, Secretary Cook made a motion that the Council notifies the LCWA of the Council's desire for them to continue monitoring of the lakes.

Chairman Davis reiterated the motion for clarification saying it is for the Council to send a letter to the LCWA to show their support for the continued monitoring of the lakes for blue-green and toxic algae.

Councilman Rick Powers excused himself from the vote citing that he didn't want to create a conflict of interest between his serving on the Council and the proposed activities in that Greenwater Laboratories, a subsidiary of the company he works for, benefits from the monitoring.

Councilman Clark explained that the motion as presented incorporated two motions that should be voted on separately. Chairman Davis reiterated the separated motions saying firstly, the Council supports continued monitoring of the lakes. Secondly, the Council supports writing a letter to that effect to the LCWA.

A vote to approve the support by the Council passed unanimously. A vote to approve writing the letter to the LCWA passed unanimously. After a brief discussion as to who

should write the letter, Councilman Clark agreed to prepare a draft of the letter for presentation to the Council at the September meeting.

Ann Griffin, representing the LCWA, explained that the Water Authority may be taking a vote in August to discontinue sampling and suggested the Council expedite their efforts to prepare the letter for possible presentation at their August meeting. Chairman Davis explained that due to the logistics of writing and the Council approving the letter, it would be impossible to present it to the LCWA in their August meeting. Ms. Griffin said that she would express the views and pending action of the Council, in an effort to allow more time to present the letter. After additional discussion it was agreed upon by the Council that either V. Chairman Goerner or Councilman Clark may represent the stance that was voted on and approved by the Council, during the Public Comments portion of the LCWA meeting.

Legislative Funding Requests – Mike Slayton, SJRWMD Deputy Executive Director

Mike Slayton (SJRWMD) provided a copy of the Draft Upper Ocklawaha River Basin State Funding Initiative; Fiscal year 2005 – 2006. Mr. Slayton briefly said that the proposed funding requests to the Legislature mirror the same requests made last year and total approximately \$4.7 million, then opened the floor for questions.

Councilman Clark asked about the proposed modifications to the Dora Canal. Mr. Slayton referred the question to Dave Walker (SJRWMD) who explained that they are currently performing modeling of various alternatives for modifications to the canal and they currently have not proposed a final design. Councilman Clark expressed his concerns for altering the scenic beauty of the canal and Mr. Walker said that they are focusing on areas that may have had sediments piling up over the years and a way to remove those sediments. He also explained that the District is not currently considering any widening of the canal.

Councilman Don Nicholson asked if the efforts will help control flooding along the canal. Mr. Walker explained that the flooding issue is primarily the rate of discharge from Lake Apopka and the fact that the Dora Canal cannot handle the maximum output from the lake of 300 cubic feet per second (cfs). He said that with the modeling the District is currently reviewing, they are exploring ways to better manage the flow out of Lake Apopka in order to control flooding along the canal. Mr. Walker said that if the flow coming out of the lake were held to 100 cfs, modifications to the canal may not be necessary. He went on to say that the SJRWMD is also concerned with the scenic aspects of the canal.

V. Chairman Goerner asked about the ranking priority of the projects listed in the Funding Initiative and Mr. Slayton explained that they are listed in the document in order of priority. V. Chairman Goerner then asked that with the improved water quality and clarity in the lakes, particularly in lakes Griffin and Eustis where hydrilla is now beginning to flourish in the improved conditions, if ranking of the Control of Nuisance Aquatic Vegetation being lowest in the initiative should be reviewed? Mr. Slayton explained that there is some flexibility in the rankings if the priorities shift, but didn't think that was going to be the case with the vegetation control. He went on to say that the funding level for that

initiative may increase based on the intensity of the hydrilla infestations. Mr. Walker added that although this Funding Initiative is very similar to the previous couple of years, the nuisance vegetation funding is new to this request. And he anticipated that the level of funding may go up for these efforts.

Mr. Walker also explained that the District is looking into suction dredging which collects the entire plant and puts it in a geotech bag that allows the water to drain out. He said that this may be viable alternative to treating the lakes with herbicides.

Secretary Cook asked that if the law was to eradicate and that was not the feeling of the people in general, shouldn't there be consideration to changing the law. Mr. Slayton responded by saying that although hydrilla is an invasive, exotic plant, he does not feel that it is a reasonable goal to eradicate it completely. V. Chairman Goerner also recalled that during the 1980s there had been a collapse of the fisheries in the lakes and equated that to the extensive spraying which led to a substantial decline in vegetation and the collapse of the fisheries. He felt that if eradication is not possible and not beneficial to the lakes, that maybe the law should be reviewed. Mr. Slayton explained that the budget to perform eradication does not exist and perhaps a program of control should be explored.

Dr. Daniel Canfield, a Technical Advisory Group (TAG) member representing the University of Florida, explained the law does not say eradicate, but to maintain at the lowest feasible level. He went on to say that agencies felt that it could be eradicated and have continued in that mode, but he felt that it would be impossible and the agencies should focus their efforts to control the plants.

Council Keith Farner asked that with the improved water quality in the lakes and if the native plants were allowed to flourish, would that help to control or reduce the numbers of hydrilla? Dr. Canfield explained that although there is improved water quality and the lake fluctuation schedule, it will help in the management of plants but there is no controlling the propagation either the native or invasive species of plants. He also said that once native plants have established themselves in the lakes, that they could help control the spread of hydrilla.

Chairman Davis then thanked Mr. Slayton for his efforts.

Quarterly Budget Report – Councilman Tom Brooks

Councilman Tom Brooks gave a brief summary of the Council's budget saying that the expenditures for the last quarter were \$179,54. He said the balance of the budget was \$35,910.52 of which \$34,411 has been earmarked for consulting services although there are still six months of billing pending for that amount, including much of the work. Councilman Brooks estimated that the Council had approximately \$26,000 in their budget after paying the consultant.

Agency Funding Requests

V. Chairman Goerner gave a summary of his attendance at the recent LCWA meeting during which he spoke during the Public Comment portion of their meeting. He was assured that the funding that they provide for the Council budget is still available and in the LCWA budget.

V. Chairman Goerner also spoke of his meeting with JoAnn Burkholder that included a visit to Lake Griffin. He explained that they spent some time on the lake trying to locate an algae bloom, with no success. He also discussed the possibility of her coming from North Carolina for a presentation during the September Council meeting. She said that she would be glad to do that and the costs to the Council would be those to cover her expenses. V. Chairman mentioned to her that it would be very beneficial if she could give her presentation at the September meeting so the information may be included in the Council's Annual Report to the Legislature. She said that she could do it as soon as the Council would like.

Councilman Keith Farner asked about Ms. Burkholder's education and background. V. Chairman Goerner explained that she is a respected scientist whom had a book written about her called "The Water Turned to Blood" and that the rights to that book had been bought by Robert DeNiro. Dr. Canfield added that Ms. Burkholder was the first scientist to identify pfiesteria and realized that in the aerosol form could cause neurological problems, as was discovered when her staff became infected while they were culturing the algae. He added that she is one of the foremost experts in toxic algae and studied under Dr. Robert Wetzel, a well known limnologist.

Chairman Davis suggested two motions to have Ms. Burkholder speak at a Council meeting. One is that the Council approve sponsoring her as a speaker and the second is to determine the maximum expenses that they will pay.

After brief discussion to have Ms. Burkholder speak at a Council meeting, the motion was made and passed unanimously. Mr. Caputo suggested that perhaps the Council would like to provide her with the same opportunity as they did for Dr. Shoemaker who had given a presentation on toxic algae to the Council last year. He reminded the Council that Dr. Shoemaker was also invited to give a presentation at a public workshop and sell his books on the subject, in conjunction with the presentation made to the Council. V. Chairman Goerner felt that the Council should be as accommodating to her as possible and if she would like to give an additional presentation to the public, then she should be allowed to do so.

A motion made to fund her travel and presentation at a Council meeting, not to exceed \$2,500, was made and passed unanimously.

7. PRESENTATIONS

Upper Ocklawaha Basin Project Overview – Dave Walker, SJRWMD

Mr. Walker gave a PowerPoint Presentation[®] as an update of the Upper Ocklawaha River Basin (UORB) Program overview.

He provided a list of activities that included:

- Reduce external nutrient loading
- Restore wetland systems
- Improve in-lake water quality
- Fluctuate lake levels more naturally
- Protect restored water bodies through development of Pollutant Load Reduction Goals (PLRGs) and Total Maximum Daily Loads (TMDLs)

He explained District Land Acquisitions which included approximately 20,000 acres in the Lake Apopka basin and just over 25,000 acres in the UORB, and that about half of the land purchased were the sites of former muck farms[®] that were responsible for extensive nutrient deposition.

Mr. Walker also provided their current List of Projects in the basin:

- Lake Apopka Marsh Flowway (LAMF) Project operation is continuing. He provided the cumulative removal as of 5/18/04 of Total Suspended Solids (TSS) being 1,805 tons, Total Nitrogen being 63.4 tons, and Total Phosphorus being 0.18 tons.
- Sunny Hill is progressing and the SJRWMD currently has an agreement with the Army Corps of Engineers (ACoE) and are in the bidding process prior to construction. The construction process is anticipated to take approximately 24 months.
- Harris Bayou Phase II Construction project is still underway. The District is currently providing funding for culverts at the inlet side at Lake Harris that would allow for up to 1,000 cfs of flow and culverts under the US 441 road expansion project at the outlet side at Lake Griffin. An additional culvert will be needed to connect the area near Sleepy Hollow Road to the new culvert under US 441.
- Emerald Marsh Restoration Projects include activities on seven different properties in the marsh. The projects are in various stages of funding, construction and/or operation, and include the Eustis muck farm which is the permitted disposal site for the Lake Griffin Canal Dredging project.

- Ocklawaha River Basin Shad Harvesting is planned to continue in Lake Apopka on 12/1/04 and last for three months. Then harvesting will be conducted in lakes Dora and Beauclair beginning on 3/1/05 and is expected to last for two months. He explained that they are studying the phosphorus loading to Lake Griffin and the effects of the gizzard shad harvesting. Mr. Walker said the TMDL for phosphorus to the lake is 26,901 pounds per year and the external loading of phosphorus is 26,500 pounds per year. According to Dr. Larry Battoe's (SJRWMD) research, 1,000,000 pounds of gizzard, the amount removed from Lake Griffin in 2002, can contribute 28,700 to 66,100 pounds per year through internal recycling of phosphorus. He said that information is still being analyzed but the lake is experiencing better water quality than it has had in years. Mr. Walker also provided a comparison of experimental gill netting data which indicated that prior to the shad harvests in the lake in 2002, gizzard shad would typically comprise 88% of the netted fish. After the harvests the shad have comprised approximately 37%.

Councilman Clark asked about the connection in the Harris Bayou between Sleepy Hollow Road and the culverts under US 441 that had previously been described as open channel flow. He was curious as to whether that was still the case. Mr. Walker said that there is still an open channel on the eastern portion of that connection but once Sleepy Hollow Road is realigned, it will be necessary to run a culvert underneath it. He also said that the open channel portion is approximately 200 feet wide.

Councilman Brooks asked about the schedule for completion of the Harris Bayou project. Mr. Walker replied that they are trying to complete it in conjunction with the completion of US 441 and that is anticipated to be in late 2006.

Councilman Kaiser inquired as to the mechanism for moving the water through the Harris Bayou. Mr. Walker explained that the water moves by gravity due to the change in elevation between the two lakes; Lake Griffin is typically at an elevation of 58 – 59 feet and Lake Harris is typically about 63 feet. Councilman Kaiser then asked how large the Emerald Marsh project was and Mr. Walker said it was 6,500 acres.

Councilman Clark asked if the District had a map of the marsh that included topographic contour lines. Mr. Walker said that they did have them for each of the individual projects, but not for the entire marsh. He said he would work on getting a copy of a topographic map to the Council.

Chairman Davis asked about plans that the SJRWMD has for the other lakes in the chain. Mr. Walker explained that efforts include both lakes Harris and Dora and they are considering moving shad harvesting in Lake Harris. The water quality in Lake Harris has not improved as much as the other lakes and currently is slightly lower than it has been historically. Chairman Davis then asked if there are plans to fluctuate the water levels in the other lakes. Mr. Walker said that the District is continuing to consider methods of

controlling flow out of Lake Apopka and before they can begin fluctuations in the other lakes, they would like to have a better controlled base flow out of Lake Apopka. He also said that Lake Harris has a higher contribution of nutrients coming from [urban] stormwater runoff that the other lakes and that is an issue being addressed with the stormwater retrofitting improvements that are currently being completed.

Chairman Davis asked whether the quality of water in Lake Harris is going to be good enough to discharge into Lake Griffin through the Harris Bayou. Mr. Walker explained that currently the quality of water in Lake Harris is not clean enough to be discharged into Lake Eustis. He went on to explain that when the time comes, the District will look at the water quality in both lakes Harris and Eustis as compared to that in Lake Griffin. If at the time the water quality is better in Eustis than in Griffin, then they would discharge that into Lake Griffin via Haynes Creek.

Chairman Davis thanked Mr. Walker for his presentation.

Agency Updates

Dr. Canfield updated the Council on the electro fishing efforts in the Apopka-Beauclair Canal saying that testing as of June and July indicated that Dissolved Oxygen (D.O.) levels were below 1 part per million (ppm) in the canal. The electro fishing efforts indicated that there were very few fish in the canal and they apparently had moved primarily to Lake Apopka. He also cautioned the Council that there is still a possibility that under the right hydrologic situation, a slug of low D.O. water could be released from the LAMF which could make it into Lake Beauclair and could cause a fish kill. Dr. Canfield also discussed their electro fishing efforts in Lake Apopka saying the prominent near-shore fish were blue tilapia and largemouth bass, while the dominant sport fish they encountered were black crappie. He said their latest electro fishing efforts produced approximately 700 fish and he was encouraged by the 17 bass caught which showed a vast improvement over previous years.

Bill Johnson of the Florida Fish and Wildlife Conservation Commission (FWCC) provided a brief update saying that they are continuing to collect information on fish populations in lakes Dora and Beauclair prior to starting shad harvesting next year. The FWCC is also conducting vegetation mapping in lakes Beauclair, Dora and Eustis which includes both hydrilla and Illinois pondweed. He said that there is a substantial return of submerged vegetation and the Illinois pondweed has become prominent. He also noted that there are patches of hydrilla located throughout the lakes and that the efforts of vegetation management appear to be keeping the populations somewhat low.

8. COUNCIL MEMBER COMMENTS

Discussion of September 10, 2004 Meeting

Mr. Caputo provided a summary of scheduled agenda items for the September meeting including:

- A discussion of the County's efforts in aquatic weed control, in particular hydrilla;
- A discussion of the letter being prepared by Councilman Clark;
- Councilman Farner suggested that the Council discuss their own specific funding requests for the Legislature, for projects they endorse that are outside of the Funding Initiative put forth by the SJRWMD;
- A discussion of the Council's Annual Report to the Florida Legislature;
- A discussion of the scientific / medical data that Secretary Cook is to supply to coauthor an article on exposure to toxins;
- A presentation of the Council's annual budget for the fiscal year beginning 10/1/04; and
- JoAnn Burkholder's presentation.

General Discussion / Comments

Dr. Canfield suggested that the Council consider requesting a minimum of \$750,000 from the Legislature in order to combat the issues that he believes are coming with respect to the reemergence of hydrilla. He suggested that a portion of the money could be used to purchase a mechanical harvester (as had been discussed at a previous meeting) to help control the spread of the plants.

Councilman Powers added that when it comes to the ability of native vegetation to hold back or help control the spread of hydrilla, he has personal experience in working with a lake over the past 15 years. He said there had been weed control efforts to maintain the hydrilla and the bulrush that they planted and it is just now taking a firm hold on the lake. Therefore these are long-term situations to see desired result. Dr. Canfield reminded the Council of the last outbreak of hydrilla on the Harris Chain of Lakes in 1988 when large quantities of chemicals were used to control the hydrilla and it destroyed a lot of habitat and turned the lakes green. Therefore, he said that it is best to make substantial efforts to control the hydrilla now before it gets too bad.

Councilman Powers then discussed the scheduling conflicts for the November meeting due to the American Water Resources Association (AWRA) conference that week in Orlando. He suggested that other Council members may want to attend the conference.

Councilman Brooks discussed other scheduling items for the November meeting that the Council should take into consideration including the fact that ample time should be set aside to discuss the Council's Annual Report, to which Chairman Davis added; which should be in final format by the meeting so that it can be voted on and mailed out. The date of November 12th was suggested to hold the meeting. After checking with the scheduling office, Mr. Caputo said that the County Commissioners' Chambers would be available for November 12th. The Council agreed to reschedule the November meeting to that date.

Secretary Cook reiterated that the Council agreed that he would be writing the articles to be published in an effort to educate the public and the potential hazards of toxic algae exposure, and he inquired as to who would be assisting him with that task. Chairman

Davis volunteered for that task. Secretary Cook also suggested that the Council consider inviting Roger Armond to talk at the October meeting to voice his opinion as to why the Council should not sponsor legislation to require the reporting of toxic illnesses. The Council agreed. He went on to say that to the best of his knowledge there is currently an existing statute that requires the reporting by physicians and that perhaps that could be discussed at the same time.

Councilman Nicholson asked about the ramifications of having a Council member running for public office, with respect to Councilman Farner running for the County Commission of Lake County. Councilman Clark explained that he believed that enacting legislation for the Council addressed that situation. It was both his and Councilman Farner's recollection that members of the Council could not hold public office while sitting on the Council. Chairman Davis said that he would get an opinion on the matter.

No additional Council member comments were made.

9. PUBLIC COMMENTS

No public comments were made.

10. ADJOURNMENT

Chairman Davis called for meeting adjournment. A motion to adjourn was made, seconded, and passed. The meeting was adjourned at 11:40 AM.

Respectfully submitted by:

Hugh "Dave" Davis II, Chairman

Dr. Thomas Cook, Secretary