

FINAL

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

November 12, 2004

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on November 12, 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
Charles C. Clark
Robert Kaiser, P.E.
Don Nicholson

Members Absent

W. Thomas Brooks
Keith Farner
Rick Powers, P.G.

1. CALL TO ORDER

Secretary Thomas Cook 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 Dave Davis called roll. Councilmen Thomas Brooks, Keith Farner and Rick Powers were absent. For the record, Gene Caputo of the St. Johns River Water Management District (SJRWMD) said that Councilman Keith Farner had called him saying that he could not make it to the meeting, but if he were needed to complete a quorum then he would come. Mr. Caputo reminded the Council that Councilman Tom Brooks had previously said that he would not be present at this meeting. He also said that he had not heard from Councilman Rick Powers.

4. WELCOME AND OPENING REMARKS

Chairman Davis welcomed the Council and members of the audience.

5. APPROVAL OF MINUTES

A call for discussion of the Minutes from the October 15, 2004 meeting was made. No comments or edits were presented. The minutes were unanimously approved.

6. DISCUSSION ITEMS

Final Draft of the Legislative Report – Patrick Hunter

In late September the Council was provided a draft of the annual report to the Florida State Legislature for their review and discussion. With a quorum present during the October 15, 2004 Council meeting, several changes and edits were discussed. The edits offered by the Council were incorporated into the final draft of the report for discussion and review by the Council during the November meeting. Additional discussions were held on various elements of the report from which additional edits were requested to the report. A motion was made to accept the final version of the report with the edits incorporated, as discussed. The motion passed unanimously, approving the 2004 Annual Report to the Florida State Legislature with the requested edits.

Legislative Funding – Keith Farner

Councilman Farner was not present at the meeting. Mr. Caputo said he had spoken with Mike Slayton (SJRWMD) who explained that Legislative funding requests for local projects need to be presented at the Legislative Delegation in order to gain support before they would go before the Legislature. Vice (V.) Chairman Goerner said that is also the way he understood the process to work.

FY 04-05 Annual Budget and 4th Quarter 03-04 Report

Councilman Brooks was not present at the meeting however, V. Chairman Goerner said that Councilman Brooks had approved the 2004 – 2005 fiscal budget for the Council. He explained that if Council members had any questions about the budget, they should ask them at the next meeting that Councilman Brooks is present.

Technical Advisory Group / Sunshine Law

V. Chairman Goerner suggested that since the majority of the Technical Advisory Group (TAG) members were not present, perhaps they should hold this discussion at the next meeting. Councilman Charles Clark reminded the V. Chairman that he had written a letter to the Florida Attorney General for clarification of the Sunshine Laws as they apply to the Council and the TAG. It was agreed that this matter should be discussed at the December meeting.

7. PRESENTATIONS

No formal presentations were scheduled to be given during the November 2004 Council meeting.

Agency Updates

Mike Perry, Executive Director of the Lake County Water Authority (LCWA) gave a brief update on the progress of the Lake Griffin Access Canal Dredging project saying that the lowest qualified bid for the canal dredging was \$7.2 million, which is considerably more than the amount budgeted for the project. He said the bid is \$4.168 million more than the \$3.032 million they currently have funded. Mr. Perry explained the proposed cost of \$16.50 per cubic yard of material removed is considerably higher than the \$5 per cubic yard estimated by the project engineers. He went on to say that the LCWA wants the project to move forward and to dredge all the canals, not just some of them and outlined several options the LCWA is considering. One of the options considered was the fact that it is estimated the dredging could take 24 months and they could go back to the Legislature next year for additional funding. Mr. Perry said the LCWA Governing Board rejected that idea and did not take action on the bid while they explored the availability of additional funding. He said that himself and Mr. Slayton met with Representative Hugh Gibson regarding the matter who said that he would take it to the Legislature with the hopes they would provide up to an additional \$3 million for the project and then the LCWA would find other sources for the balance. Mr. Perry went on to say that they are going to request that the contractor extend the 90-day bid guarantee while the LCWA explores all the funding options.

Chairman Davis leaves the meeting at 10:15 AM.

Councilman Kaiser made a motion that the Council support the measures outlined by Mr. Perry to acquire funding to accept the bid of \$7.2 million to dredge all of the recommended canals. After brief discussion on the matter, no second was made for the motion. The Council generally supports the efforts of the LCWA with respect to canal dredging but not all the specific alternatives for funding.

Councilman Don Nicholson expressed his opinion that the Council supports the canal dredging and felt the LCWA should move forward with the project. He believes the public would like to see some activity from the Council and the goals they represent. He also said that the Council has discussed various projects for years and it's time to start implementing some of the projects so the people of Lake County can see that the Council is working for them.

Bill Johnson of the Florida Fish and Wildlife Conservation Commission (FWCC) gave a brief update of their latest trawling efforts saying that various agencies are conducting recertification of the shad population data in the majority of the lakes in the chain. He also discussed a fish kill that was occurring in Haines Creek saying that due to heavy rains in recent days, flow to the creek had been shut down resulting in the dissolved oxygen (DO) level being near 0 milligrams per liter (mg/L). [Most fish generally can not survive in DO below 2.5 mg/L.] Mr. Johnson said that more than 1,000 shad and sport fish have died as a result of the low DO in the creek. He also said that the SJRWMD has increased flow to the creek to 100 cubic feet per second (cfs) in an effort to help the fish that have not died.

Gian Basili, Ph.D., a Senior Project Manager with the SJRWMD discussed the release of water into Haines Creek from the Burrell structure saying that it was increased to 100 cfs the day before the meeting and it would be stepped down or decreased by 20% per day for the next four or five days. He felt this would aide the fish that were being stressed by the low oxygen situation in the creek. Dr. Basili also explained that the flows from the Apopka –Beauclair (A-B) Canal had been decreased on November 1st from 300 cfs to 26 cfs. All of the water currently being released from the canal has been treated in the Lake Apopka Marsh Flow-way (LAMF). He said there have been no reports of problems with fish and low DO in the canal as a result of the decreased flow.

Dr. Basili also discussed the increased phosphorus in samples from lakes Apopka and Griffin that are most likely the result of the resuspension of sediments caused by the hurricanes of September. He made a point to say that the cause for this increase is still a matter of speculation and is being researched by SJRWMD scientists. He also said that recent samples show that the phosphorus levels in those lakes are coming down. Dr. Basili added that the shad harvesting efforts are to begin again in Lake Apopka during the first week of December.

Councilman Clark asked about the conditions that would negate the discharge of greater than 300 cfs, which would exceed the capacity of the proposed Lake Beauclair Nutrient Reduction Facility (NuRF). Dr. Basili explained it is rare to exceed 300 cfs of discharge in the A-B Canal into Lake Beauclair but this year it was exceed for approximately two months. Flows exceeded 400 cfs and the excess would by-pass the NuRF and discharged as untreated, Lake Apopka water. For the majority of the summer the Burrell structure was fully opened and the levels in the lake only allowed for flow of just over 300 cfs at maximum flow. Councilman Clark asked if there were alternatives to exceeding the 300 cfs maximum flow to the NuRF. Dr. Basili said the SJRWMD is working on 9,000 acres of former agricultural land to store water but still will not do so until the potential hazard from residual pesticides has been minimized. He went on to explain that there are an additional 9,000 acres of former Duda farmland that they have begun to store water on. In 2004 they have stored approximately two feet of water on a 2,000 acre portion of that land. The intent of the SJRWMD is to store more water from Lake Apopka in an effort to release it at a slower and more constant rate, thus minimizing flows exceeding 300 cfs.

Councilman Clark expressed his concern that flows in excess of the designed maximum of the NuRF would negate the efforts of the reduction facility by discharging phosphorus and suspended solids into Lake Beauclair and the downstream lakes. He also noted that technically, any flows greater than 150 cfs currently discharged at the Burrell structure have not received treatment in the LAMF. [Maximum flow of the LAMF is 150 cfs.] Dr. Basili and Mr. Perry both reminded the Council that if flows to the A-B Canal exceed the 300 cfs capacity of the NuRF, a large portion of that water will still receive treatment. Therefore the downstream lakes will see a benefit from the project, even though not all the water has been treated.

Councilman Nicholson asked if the areas along the north shore of Lake Apopka that had been bermed off from the lake, have been dredged to make them deeper. His thought was that these areas could be used to store an increased volume of water to help alleviate the flows greater than 300 cfs. Dr. Basili said they had not dredged them but subsidence had taken place which lowered that land surface to some degree. Councilman Nicholson also asked if they had considered berming off other areas along the north shore of the lake that could be used for storage and would also assist in reducing contaminants in the sediments through oxidation. Dr. Basili said that increasing the volume of water that could be held there by excavation or berming off other areas of the lakes have not been considered by the SJRWMD.

Councilman Kaiser asked if the lakes could be lowered several days in advance of large storms. Dr. Basili explained that they typically do this and they had lowered the level the lakes prior to the arrival of Hurricane Charley.

Councilman Clark asked if the Council could receive the monthly updates on the LAMF operation that the SJRWMD used to send them. Dr. Basili said that he would ensure that the Council receives future updates. V. Chairman Goerner asked if he could also receive the agenda of the SJRWMD Governing Board and Dr. Basili said he would see to it that he does.

Councilman Clark asked if the SFRWMD still had plans to expand the LAMF and Dr. Basili explained that with the improvement in water quality that has been seen in Lake Apopka through the shad harvests and other efforts, the expansion of the project may not be necessary. He added that marsh flow-ways are not as effective for total phosphorus (TP) reduction in water with low concentrations of the nutrient, reminding the Council that the Total Maximum Daily Load (TMDL) Target Concentration for Lake Apopka is 55 parts per billion (ppb). He said that they will continue to review the trends of water quality in the lake and make a decision about expansion of the project at some point in the future.

A discussion was then had concerning the increased phosphorus in the lakes due to the storms and resuspension of the bottom sediments. Dr. Basili provided a handout that graphically presented the changes in TP during the period of 8/20/04-10/22/04 in Lake Apopka explaining that prior to Hurricane Frances, TP levels in the lake were below 100 ppb. After the storm they peaked at 150 ppb and then started decreasing a little. Then after Hurricane Jeanne the TP levels peaked at just over 200 ppb and it is gradually coming down, although the lake is not yet at the pre-storm concentration.

Dr. Basili also discussed the current status of the LAMF saying that they are working closely with the system in an effort to again achieve a net removal of phosphorus. After the storms the flow-way began exporting [discharging] a net increase of phosphorus and the SJRWMD reduced the flows to 130 cfs [in an effort to provide additional residence time of water in the system]. He explained that over the past month the system was beginning to produce a net reduction in phosphorus being discharged. V. Chairman Goerner asked about the current discharge at the flow-way and Dr. Basili said that it was

operating at a 10% reduction efficiency for TP and the numerical concentration of TP being discharged is dependent on the concentration of the water flowing into the system. He went on to say the cumulative removal by the system has included 3,400 metric tons (MT) of total suspended solids (TSS), 101 MT of total nitrogen and 50 kilograms (kg) of TP.

There was also extended discussion on the volumes of phosphorus and sediments that were discharged from the A-B Canal as a result of the recent hurricanes. Mr. Johnson (FWCC) estimated that 20 acre-feet mud was released into Lake Beauclair that included sediments deposited in the canal during periods of low flow rates. He also said that when the increased flow was released into the lake, the water had the appearance of pudding. Councilman Clark felt the Council should study the issue of volume of flow from the canal. Mr. Johnson also believed that an increased storage capacity of water in Lake Apopka may be the solution to moderating flow through the canal.

Dr. Basili felt that the discharge of sediments into Lake Beauclair from the A-B Canal was an environmental concern. He said that the SJRWMD has budgeted the design and permitting of an A-B Canal dredging project for the 2004 – 2005 fiscal year. The SJRWMD feels it would be beneficial if during the periods of increased flow through the canal; excess sediments were not available for discharge. He went on to say that the SJRWMD is considering the installation of an additional discharge pump at the LAMF to help maximize the flow of water through the existing treatment cells at the flow-way. Councilman Clark raised the point that the data indicates increased flow rates of greater than 150 cfs through the flow-way lowers the removal efficiencies of the system. Dr. Basili said they are still working with the project to determine the window of maximum flow versus maximum removal efficiencies.

Dr. Basili then discussed the TP data for several of the lakes in the chain that he provided to the Council in a handout. He pointed out that in July the TP concentration in Lake Griffin was 51 ppb and in August it was 58 ppb. He explained that in September there was a spike of TP with concentrations in the lake at 104 ppb and only a very slight reduction in October, with the provisional data indicating a concentration of 93 ppb. V. Chairman Goerner again asked that the Council be updated on the data from the LAMF. Councilman Clark requested that the Secchi Depth should also be included in the updates.

Councilman Kaiser asked about the reaeration efforts for the low DO being discharged from the LAMF. Dr. Basili said the SJRWMD has reviewed some of the options and does not believe it is currently in their budget to construct something of that nature at the site. He said they looked at the possibility of installing 30 aeration pumps at the discharge basin but they do not believe that this effort would raise the DO of the discharged water to the 5.0 mg/L, as required by state regulations. Dr. Basili also reminded the Council that there have not been any reported fish kills in the A-B Canal due to the discharge from the flow-way.

No further agency updates were provided.

8. COUNCIL MEMBER COMMENTS

V. Chairman Goerner mentioned Councilman Clark's request for clarification of the Sunshine Laws saying that it should be discussed by the Council at the December meeting. Mr. Caputo offered to include a copy of the letter received 10/15/04 by the SJRWMD on the matter in the information packet for the next meeting. He briefly said the information indicated that if the Council asks the TAG to prioritize or make recommendations on a specific matter that the TAG would fall under the Sunshine Laws. V. Chairman Goerner asked that the letter be included in the packet so the matter can be briefly discussed next month.

Discussion of December 3, 2004 Meeting

Mr. Caputo provided a summary of scheduled agenda items for the December 3rd meeting including:

- The presentation to be given by Dr. JoAnn Burkholder;
- A discussion of Legislative Funding / Delegation by V. Chairman Goerner;
- Continuation of the Budget Report by Councilman Tom Brooks; and
- A final discussion of the Technical Advisory Group and Sunshine Laws.

Discussion of Dr. Burkholder's presentation on December 2, 2004

Mr. Caputo gave an update on Dr. Burkholder's presentation saying that she is prepared to arrive on Thursday 12/2 for the public presentation and may possibly leave on Friday 12/3 after her presentation to the Council. Previously V. Chairman Goerner had requested that Dr. Burkholder stay for a couple of extra days so that she may be able to collect samples during an algal bloom. V. Chairman Goerner admitted that his request was made a few months ago and that in December the possibility of algal blooms may have passed. He said that he would accommodate her if she decided to stay and conduct the sampling.

General Discussion / Comments

Secretary Tom Cook gave an update on his article preparation for the Lake County Medical Association (LCMA) saying that he has spoken to Andrew Reich of the Florida Department of Health who agreed to review the article so that his name could appear on it as an endorsement. Secretary Cook also said that Mr. Reich has agreed to write an article for publication in the LCMS Journal.

Mr. Perry said that he is still working on scheduling their presentation and co-sponsorship of the LCMS Quarterly Meeting. He also felt that it may be beneficial if the article Secretary Cook has written were to be published in the LCMS Journal prior to the presentation. Mr. Perry thought this may not only spark interest in the presentation but may also assist in the education process.

Mr. Caputo presented the 2005 Council Meeting Schedule, which was approved by a unanimous vote. Councilman Nicholson notified the Council that he will not be present for the December or January 2005 meetings due to business obligations.

There were no additional comments made by the Council.

9. PUBLIC COMMENTS

Ann Griffin speaking as a member of the LCWA Board of Directors made several comments on budgetary considerations to fund the canal dredging saying that in her review of the LCWA budget, she identified approximately \$1 million in projects that could possibly be eliminated to provide additional funding for the access canal dredging project. Ms. Griffin felt that possibly the SJRWMD could provide some additional funding for the project in that they are recommending the fluctuation schedule for which the dredging must be completed prior to implementation. She also expressed her opinion that is important to dredge all of the canals proposed, not just some of them. Ms. Griffin went on to express her concerns about the fish kills in Haines Creek.

10. ADJOURNMENT

The meeting was adjourned at 11:35 AM.

Respectfully submitted by:

Chairman Dave Davis

Vice Chairman Skip Goerner