

FINAL

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

October 3, 2008

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on October 3, 2008 at the Lake County Board of County Commissioners' (BOCC) Chambers, 315 West Main Street, Tavares, Florida.

Members Present

Hugh (Dave) Davis II, Chairman
Skip Goerner, Vice Chairman
Robert Kaiser, P.E.
Richard Royal
Jon VanderLey

Members Absent

Rick Powers, P.G., Secretary
Keith Farner
Don Nicholson
Edward M. Schlein, M.D.

1. CALL TO ORDER

Chairman Dave Davis called the meeting to order at 9:05 AM.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

An Invocation was given by Chairman Davis, followed by the Pledge of Allegiance.

3. ROLL CALL

Chairman Davis called roll. Secretary Rick Powers, and Councilmen Bob Kaiser, Ed Schlein, and Jon VanderLey were absent. Councilman Kaiser arrived shortly after the roll call.

Vice (V.) Chairman Skip Goerner notified the Council he had spoken with Secretary Rick Powers, and was told he did not attend the September Council meeting because he suffered a stroke. He explained that his doctors have said they believe he will have a 100% recovery and Secretary Powers anticipated attending the November Council meeting.

4. APPROVAL OF MINUTES

Chairman Davis called for discussion of the August 1, 2008 meeting minutes. V. Chairman Goerner suggested one minor edit to the minutes. The August 1, 2008 minutes were approved with the one edit, by unanimous vote.

Chairman Davis called for a discussion of the September 12, 2008 meeting minutes. No edits were suggested and the minutes were approved by unanimous vote.

5. PRESENTATIONS / ACTION ITEMS

Council Review of the Draft Annual Legislative Report

Chairman Davis called for a discussion of the second draft of the 2008 Report to the Legislature.

V. Chairman Goerner discussed changes made to the format of the draft report saying he had reviewed other professional reports by the St. Johns River Water Management District (SJRWMD) and believes the Council's annual report should be put together in a similar manner. He explained the new cover page of the report would be followed by the complete Executive Summary and the Table of Contents would follow the summary. V. Chairman Goerner said the Executive Summary also includes the Findings and Recommendations, and provides greater impact to the reader; as discussed at the last meeting.

Councilman Don Nicholson believes it looks like a great format and he is glad the Council is taking this effort. He asked if there is something more that can be done to make the bulleted items in the Executive Summary stand-out even more. Councilman Nicholson suggested putting them in bold print or italicized.

Chairman Davis called for a vote on the suggested format of the report. The format passed by unanimous vote.

Chairman Davis asked if the 2009 report could be formatted so the reader could hyperlink from the bullet points directly to that section of the report. Patrick Hunter, Recording Secretary to the Council said this type of formatting could be developed for the report. He also suggested the references to the Appendices could be linked to the individual appendices / presentations.

Chairman Davis called for a discussion of the content of the report. After additional discussion, Councilman Kaiser made a motion that the Council approved the content of the draft report. The content was approved by unanimous vote.

V. Chairman Goerner suggested the Council may want to consider a second meeting to discuss the next draft of the annual report. Mr. Hunter asked if the Council was planning to discuss the issue of their Legislative Funding Request. After a brief discussion, V. Chairman Goerner made a motion to remove any funding text from the draft report.

Councilman Kaiser asked if the funding requests would be included in the annual report. V. Chairman Goerner said the funding requests are not made until January and they do not need to be part of the report. Councilman Richard Royal asked if Section 2.5 – Requested Funding should be removed.

Chairman Davis clarified that the Council would like to remove the section on Requested Funding from the report. A motion to remove the section on Requested Funding, passed by unanimous vote.

Bill Johnson, Biological Administrator II with the Florida Fish and Wildlife Conservation Commission (FWCC) asked if Council would take suggestions for possible edits in the report. V. Chairman Goerner said the Council could listen to suggestions and then decide to accept or reject them. Mr. Johnson made the following suggestions:

- Page 29, references to Lake Denham should read Lake Dora. The Council agreed to the changes.
- Page 32. In an email from Dr. Mike Allen (FWCC) to Mr. Johnson, he refuted the statements that “A 75-80% reduction in shad biomass would not cause significant improvements in water quality and that water quality has improved in lakes where 100% of the fish were removed.”

Chairman Davis did not feel that previously approved information should be changed.

Dr. Dan Canfield of the University of Florida / Institute of Food and Agricultural Sciences (UF/IFAS) and Chairman of the Technical Advisory Group (TAG) said that Mr. Hunter is correct with the information in the report regarding biomass reductions of gizzard shad, as that is information provided in Dr. Allen’s report.

The Council did not agree to make changes to Dr. Allen’s presentation and Mr. Johnson continued with his suggestions:

- Page 37, comments made by Jason Dotson that in-lake brush piles would promote aquatic revegetation are not correct. The Council agreed to striking the statement; “and to promote aquatic revegetation.”

Dr. Canfield explained the concept would be true if discussing near-shore barriers that would dissipate wave action and assist with aquatic revegetation. Mr. Johnson continued:

- Page 38, in the statement discussing whether fish attractors would be beneficial to the stocking of advanced fingerling bass the following statement should be removed; “...and unless there is sufficient habitat, the stocking fingerlings is not very successful. The Council did not agree to the change if it was previously approved in the monthly minutes.
- Page 39, with respect to the discussion of a meeting between the FWCC and the Florida Department of Environmental Protection (FDEP); the attractors would need to be at least 100 yards apart, not the 200 yards stated. This change will be made because the discussion was held during the August 2008 Council meeting and the minutes had not yet been finalized.

- Page 40, there is additional discussion regarding the promotion of aquatic revegetation by the installation of artificial [fish] habitat; as discussed previously. The Council agreed to the change.
- Page 62, with respect to permit requirements for stocking fish; initially said that no permit is required to bring fish into the state, but a permit is required for large-scale stocking projects. The Council rejected the change to the report.
- Page 63, two minor edits to read “largemouth” and “striped” bass were approved by the Council. Additionally on page 63 the statement that the State Fish Hatchery at Richloam produces one million fry per year is incorrect. The hatchery will produce one million fry per year but are currently not producing that many. The Council agreed the previously approved statement should not be changed.

The Council voted to approve or reject the above comments, by unanimous vote.

Mr. Hunter then discussed the options for the report cover and provided printed copies of the draft covers and displayed them on the monitors. After discussion of the various covers, the Council selected the cover of a sunset and wading bird.

Council and Public – Questions and Answers

Chairman Davis called for additional comments on the annual report. No additional comments were made.

Agency Updates

Mr. Johnson (FWCC) said he had no updates for the Council.

Dr. Canfield (UF/IFAS) explained that Florida Statute 373.468 outlines the Harris Chain of Lakes Restoration Program and that under the statute; the FWCC brush pile habitat proposal may be considered a research demonstration project and there may be funding available for that type of project. He also suggested the FWCC may consider utilizing rip rap for creating near-shore artificial habitat, which would also benefit near-shore aquatic revegetation. Dr. Canfield said there should be Legislative funds available under the statute for this type of project.

V. Chairman Goerner suggested a possible meeting with Ken Haddad [Executive Director of the FWCC] in Tallahassee and asked if Dr. Canfield could attend the meeting. Dr. Canfield agreed to attend the meeting and suggested the funds may be more readily available than a new Legislative Appropriation Request for the brush pile proposal by the FWCC. He explained the funds may be available sooner so the trees discussed in the proposal could be utilized. Dr. Canfield also noted that the statute says the Council needs to develop their own Restoration Plan.

Walt Godwin, Environmental Scientist VI with the SJRWMD, provided the following updates to the Council;

- Provided a handout of the raw flow data from the Lake Apopka Marsh Flow-Way (LAMF). A copy of the handout is provided in Attachment 1 of these minutes. They are also working on providing the data from the previous demonstration period and will provide it when the data are reformatted.
- The SJRWMD is in the process of reviewing the Council's draft annual report and will provide comments at the November meeting.
- Current phosphorus concentrations are approximately 48 parts per billion (ppb) in Lake Griffin, 55-60 ppb in Lake Eustis, Lake Harris is in the high 40s – low 50s ppb, and Lake Dora is in the 60s ppb. They still have not seen the response in the chlorophyll concentrations they are expecting.

Mr. Hunter requested that Mr. Godwin provide an electronic version of the water quality data he presented during the August council meeting, for inclusion in the finalized minutes. Mr. Godwin agreed.

Barbara Bess (FDEP) updated the Council by explaining the FDEP had recently conducted multi-media facility inspections on Department-owned properties including the Silver Springs Nature Park and Lake Griffin State Park. The inspections are conducted on an unannounced basis, to determine if the facilities are operating in accordance with appropriate State statutes. If violations are discovered, the property operators receive a detailed explanation of any discrepancies and what it would take to bring the facilities into compliance. Ms Bess offered to provide a presentation on the inspections conducted and the overall program, at the November Council meeting. The Council agreed.

V. Chairman Goerner said he would be interested in information on the Cutrale Citrus. Ms. Bess agreed to provide that information.

Mike Perry, Executive Director of the Lake County Water Authority (LCWA) provided the following updates to the Council;

- The LCWA spoke with the Lake County BOCC on September 16th about considering a Low or No Phosphorus Fertilizer Ordinance and they accepted it favorably. The commissioners initiated the review and development of a draft ordinance.
- The LCWA Board of Directors (Board) approved their annual budget which includes \$40,000 for operation of the Council.
- The contract for the expenditure of Council funds between the LCWA and SJRWMD expired on September 30th and no further action has been taken on the matter.
- The LCWA Board took action to appeal the final order on the development of Minimum Flows and Levels (MFLs) for the Harris Chain of Lakes (HCOL), provided by the SJRWMD. The SJRWMD Governing Board disagreed with the language submitted by the LCWA; to utilize the existing regulatory schedules and maximum / minimum

desirable levels, citing the potential for decreased water quality that could be caused by water stagnation. The existing regulatory schedules were developed by the LCWA primarily for navigation and recreation, not water quality or lake management.

- The SJRWMD requested that the LCWA provide specific [water] levels in their petition for development of MFLs. The LCWA Board did not agree with the request and is included in their appeal.
 - The LCWA Board will take action on the MFL issue at their November meeting.
 - The development of MFLs on the HCOL remains on the SJRWMD priority list.
- The Lake Griffin Access Canal Dredging project is complete
 - The final payment has been made to the dredging contractor and all equipment has been removed from the area.
 - Current water levels in the Harris Chain of Lakes are approximately 0.75 foot below Minimum Desirable Levels and one foot below the regulatory schedule.
 - Additional rainfall is needed before entering the dry season.
 - Four (4) of the current LCWA Board members are leaving after the October meeting.
 - A farewell reception will be held at Hickory Point.
 - Two citizens attending the Council meeting will be taking positions on the Board; [Charles Clark (former Council member) and Carolyn Dillon of the Restore Our Waterways (ROW) organization.]

V. Chairman Goerner noted that the LCWA have actually reduced the amount of taxes they collect through the property tax millage. Mr. Perry explained the 9.2% millage rate stayed the same however, the property evaluations went down 9% as compared to last year.

Mr. Johnson (FWCC) informed the Council that they are in the process of identifying alternative sources of funding for their brush pile / fish attractor project, and encouraged the Council to participate. V. Chairman Goerner offered his appreciation on the efforts of the FWCC for the project.

6. OTHER PUBLIC COMMENTS

Chairman Davis made a call for public comments.

No additional comments were made.

7. COUNCIL MEMBER COMMENTS

Chairman Davis made a call for Council member comments.

Councilman Kaiser said he is pleased with the new format and progress of the annual report. He also suggested that it may be beneficial for members of the Legislative Delegation to occasionally attend Council meetings.

Councilman Nicholson also said he likes the new format and content of the annual report.

V. Chairman Goerner suggested the Council should schedule a second meeting on either October 22nd or 24th to discuss the next draft of the annual report. Nancy Christman, Intergovernmental Coordinator with the SJRWMD said she would inquire as to the availability of the BOCC Chambers.

No further Council member comments were made.

Discussion of November 7, 2008 Meeting

- Discussion and vote on the final draft of the 2008 Report to the Legislature
- Presentation by Barbara Bess on the FDEP Multi Media Facility Inspections
- Discussion of Legislative Funding Requests by the Council

8. ADJOURNMENT

The meeting was adjourned at 10:48 AM.

Respectfully submitted by:

Chairman Dave Davis II

Vice Chairman Skip Goerner

Attachment 1

Raw Flow Data

from Lake Apopka Marsh Flow-way

Walt Godwin – SJRWMD

October 2008

Lake Apopka Marsh Flow-Way Data
project inflow and outflow (no individual cell flow)

Date	Inflow cfs	Outflow cfs
Nov-03	27	25
Dec-03	62	61
Jan-04	105	104
Feb-04	159	157
Mar-04	158	155
Apr-04	146	142
May-04	133	128
Jun-04	140	135
Jul-04	129	124
Aug-04	143	139
Sep-04	69	65
Oct-04	121	119
Nov-04	146	144
Dec-04	163	161
Jan-05	150	148
Feb-05	151	148
Mar-05	109	107
Apr-05	109	106
May-05	128	124
Jun-05	133	129
Jul-05	108	104
Aug-05	106	103
Sep-05	114	111
Oct-05	113	111
Nov-05	96	94
Dec-05	102	101
Jan-06	127	125
Feb-06	115	113
Mar-06	169	166
Apr-06	169	165
May-06	170	165
Jun-06	162	157
Jul-06	168	163
Aug-06	161	157
Sep-06	163	159
Oct-06	153	150
Nov-06	161	159
Dec-06	162	160
Jan-07	170	168
Feb-07	172	170
Mar-07	163	160
Apr-07	94	90