

FINAL

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

February 05, 2010

The regular meeting of the Harris Chain of Lakes Restoration Council was held at 9:00am on February 05, 2010 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
Keith Farner
Don Nicholson
Richard Royal

Members Absent

Edward Schlein, M.D.
Jon VanderLey

1. CALL TO ORDER

Chairman Skip Goerner called the meeting to order at 9:00am.

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 and Councilman VanderLey were absent. Chairman Goerner acknowledged the death of Councilman Robert Kaiser.

4. APPROVAL OF MINUTES

Chairman Goerner called for a discussion of the January 8, 2010 meeting minutes.

- Council Member Rick Powers commented that he was pleased with the new format of the minutes.
- Chairman Goerner felt the minutes were a little short but accepted them.
- January 2010 minutes were approved by unanimous vote.

5. PRESENTATIONS / ACTION ITEMS

Chairman Goerner called for a presentation by David Walker, St. Johns River Water Management District (SJRWMD).

- Dave Walker, SJRWMD, gave an update of the Lake Apopka Restoration. The presentation slides can be viewed on the website at <http://harrischaincouncil.ifas.ufl.edu/>. Presentation and discussion by the Council with Mr. Walker included: 1) the rate of discharge of water from Lake Apopka to the Upper Ocklawaha Basin; 2) reducing nutrient loading from the north shore; 3) the maximum discharge rate of the Nutrient Reduction Facility (NuRF); 4) the plan to flood 5,000 acres on the North shore to include the sections of Duda, Unit 2 West and ZDWCD Unit 2 at a maximum depth of 4 feet; 5) limited dredging of Lake Apopka; 6) soil remediation and, 7) gizzard shad removal. Mr. Walker stated that there is no suitable location for dredging identified by the District at this time, and a better option would be raising the lake's average water level to improve water quality. He suggested the use of the north shore for storage because that would be better than releasing water downstream. He stated that there are problems with a sump in that it would only have a localized effect. Mr. Walker said the north shore is a problem due to nutrient

loads to the lake and it will take about three more years to control. The District has completed remediation of contaminated soil on 4000 acres in the north shore resulting in 65% pesticide reduction, which was calculated by carbon-normalized measurement (organic carbon in the soil). The TMDL for Lake Apopka is 15.7 metric Tons (34,600 lbs) per year of Total Phosphorous (TP) to be removed, and the target concentration of the TP is 55 parts per billion.

Council Members requested that Dave Walker (SJRWMD) provide the following data when available:

- 1) Information about why flooding the north shore to a shallow depth is preferable to deeper water;
- 2) The sediment analysis of re-suspension and sediment chemistry (presentations can be arranged when the reports are complete);
- 3) Lake Apopka water quality graphs in 5-year data levels (March meeting);
- 4) A report of the flood stage effects on people and structures (March meeting);
- 5) Vegetation in locations of consolidated sediments; and,
- 6) Review of the lake levels, flows and ground water interaction (March meeting).

Councilman Goerner called for any other questions or comments on the presentation from the Technical Advisory Group (TAG) Members:

- Bill Johnson, FWCC, commented that he agrees that the biggest issue is to reduce nutrient loading from the north shore and restated that water quality improvement by storing water in the north shore is a better option than dredging. He said that shad harvesting has minimal impact on improving water quality.
- Dan Canfield stated he agrees that the bottom sediments are a problem, but that the problem is not nutrients but rather a biological one. The focus needs to be more on plants, fish and habitat. He suggested removing the dike on the north shore so the mud can move into the marshland, which would move the fluid mud from the north shore and allow plants to grow.
- Christianne Ferraro, Florida Dept. of Environmental Protection (FDEP) had no comments on the presentation by Mr. Walker.

Councilman Goerner called Charles Clark, Lake County Water Authority (LCWA), to the podium to discuss his data on average flows, cost and the impact downstream of the Nutrient Reduction Facility (NuRF).

- Charles Clark, LCWA, gave a short presentation on the Total Phosphorus (TP) of Lake Apopka vs. Apopka-Beauclair Canal (A-B Canal) above/below dam from 3/1996 - 3/2000. In 1999, there was a huge spike in phosphorous contamination between Lake Apopka and what is now the entrance of the NuRF, and which was not coming from Lake Apopka or caused by rainfall. If the NuRF had been in operation at that time, it could have only removed 2/3 of the load.
 - NuRF's average cost per month is \$75,000 or \$1,000,000.00 per year, treating about 25 cfs. He suggested suspending operation of NuRF and establishing a reserve fund to treat more of the flow in the future.
 - Charles Clark, LCWA, Dave Walker, SJRWMD, and Council Members discussed the installation of a sump pump at the exit of the A-B canal into Lake Beauclair. Dave Walker, SJRWMD, does not believe a sump system is necessary at this time with the Flow-Way and NuRF operating and able to treat about 300cfs. Charles Clark, LCWA, suggested if the flow goes up to 600cfs than half the water will go untreated and the sump will be needed, and if the cost of Alum increases, it may go beyond the ability to operate NuRF. Councilman Farner brought up that NuRF was not intended for long-term operation and a 10-year plan needs to be sent to the state with recommendations on a better solution. Dan Canfield, University of Florida (UF), recommended a way to save money and put it toward the reserve fund for NuRF, would be to delay the gizzard shad harvest. Councilman Goerner commented that to discuss the use of a sump as backup he needs more data from Bill Johnson, Florida Fish and Wildlife Conservation Commission (FWCC), on the flows & sediment from the 'worst' recent events such as in 1997-1998. In addition, he

questioned if that event were repeated, would the north shore be able to store it without discharging an excess of 300cfs.

- Councilman Farner discussed obtaining Trust Fund money from the State. Dan Canfield, UF, commented that the Council should discuss help for NuRF funding with the SJRWMD Governing Board. Chairman Goerner agreed that LCWA needs financial help to effectively run NuRF and will discuss with Dave Fisk, SJRWMD, and Mike Perry, LCWA. Councilman Royal disagrees with asking for money and suggested to explore methods that are more effective in stopping sediment movement down the canal. Charles Clark stated that suspending operation of NuRF or requesting outside funding has not been discussed by the LCWA yet. The LCWA can direct Mike Perry on how to address the issue with the Harris Council.

6. COUNCIL & PUBLIC QUESTIONS & ANSWERS

Agency Updates, including reports received with agenda package

- Bill Johnson, FWCC, stated that large mouth bass stocking for Lake Griffin is going forward. In March or April, they will be stocking 220,000 bass; He introduced Marty Hale, Fisheries Biologist with the FWCC, who will possibly be his replacement upon retirement in the next 12 months.
- Councilman Rich Royal requested that at the next meeting Bill Johnson provide information on the water quality and fish count data for Orange Lake before and after fish stocking.
- Marty Hale, Fisheries Biologist, FWCC, introduced himself to the council and provided his background and fishery experience. He discussed the brush attractors and stocking of sunshine bass in Lake Apopka.
- Christianne Ferraro, FDEP, updated the Council on the numeric nutrient criteria established by the Environmental Protection Agency (EPA), stated that there are scheduled public hearings in Orlando, Tallahassee and West Palm Beach; the criteria will become take effect around Oct.15, 2010. DEP has scheduled a public meeting on this subject on Feb. 23, 2010, 8:30am-12:30pm at the Windham Orlando Resort on I-Drive. The new criteria can have a large impact on the state with costly projects for stormwater and wastewater improvements. She also said that funding sources are Section 319 grants for construction projects. The Wildlife Commission and the Army Corps of Engineers may provide funding for habitat restoration.
- Dan Canfield, UF, provided information on: 1) the history of the standards of the DEP nutrient criteria; information and water quality data problems. He stated that the Environmental Protection Agency (EPA) wants all the Florida lakes to become oligotrophic, which would not be good for fishing; 2) the harvester at the Beauclair Canal; 3) bass movement from Medard lake into Lake Dora ; and 4) the artificial habitat project should be operational by March.
- Dave Walker, SJRWMD, provided a written report on activities in the Upper Oklawaha River Basin (UORB). It can be viewed on the website at <http://harrischaincouncil.ifas.ufl.edu/>.

7. OTHER PUBLIC COMMENTS

No Public comments

8. COUNCIL MEMBER COMMENTS

A. Comments

- Council Member Powers stated that 1) he was disturbed that Dan Canfield, as the chairman of the TAG, was critical of the SJRWMD in his paper "An Alternative View of Mary Jane Angelo's Stumbling Toward Success: A Story of Adaptive Law and Ecological Resilience" at a time when the Council is trying to rebuild its relationship with the District. He also did not think Dan's comments should have used the Harris Chain of Lakes Restoration Council's two annual reports as a basis to criticize the District. 2) He then suggested the idea of implementing terms for Council members & TAG members to bring in different views so the thought process stays alive.
- Chairman Goerner said that he agrees with Dan Canfield's paper because a response was needed to the paper by Mary Jane Angelo, which was sent to the Council by the District.

- Dan Canfield, UF, stated that his paper was a rebuttal to the Angelo paper and was submitted to the Nebraska Law Review. He sent to Nancy Christman, SJRWMD, as a courtesy to the Council.
- Councilman Nicholson stated that it is a good idea to raise the Lake Apopka levels.

B. Motions

- Councilman Nicholson made a motion to authorize plaques for the deceased Councilman Bob Kaiser to give to his wife and for the previous Recording Secretary, Patrick Hunter.
- Chairman Goerner made a motion to authorize a resolution for the late Councilman Kaiser.
- Councilman Farner made a motion to send a letter of reference to Patrick Hunter.
- All Council Members approved and motions carried unanimously.

C. Discussion of Next Scheduled Meeting: March 5, 2010

- Chairman Goerner called on Nancy Christman, SJRWMD to include the following on the agenda for March: 1) Joe Branham, owner of Bug Spring, is to discuss data on Bug Spring, other springs and historic water levels for Lake Griffin. 2) Dave Walker, SJRWMD, is to continue the discussion on Lake Apopka restoration, groundwater levels and how groundwater conditions influence the lakes.

9. ADJOURNMENT

The meeting was adjourned at 12:20pm.

Respectfully submitted by:

Chairman Skip Goerner

Secretary Rick Powers, P.G.