



**MEETING MINUTES**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
WATER RESOURCES ADVISORY COMMISSION**

Thursday, April 5, 2007, 9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members and Alternates Present:

**John Adornato**

**Douglas Bournique**

**Walter Carson**

**Jennifer Conner**

**Dennis Duke**

**Brij Garg**

**Beverly Grady**

**Patrick Hayes**

**Kristin Jacobs**

**Joan Lawrence**

**Barbara Miedema**

**Jim Reynolds**

**Jeff Schmidt**

**Malcolm "Bubba" Wade**

**Howard Wegis**

**Thomas Bausch**

**Al Calloway**

**Michael Collins**

**Harry Cronin**

**Gene Duncan**

**Rebecca Garvoille**

**James Harvey**

**James Humble**

**Thomas Kenny**

**David Lithgow**

**Thomas Miller**

**Terrence Rock Salt**

**Ray Scott**

**Joseph Walsh**

**Ed Wright**

**1. Welcome and Introductions - Michael Collins, Chair**

Rick Smith gave a Legislative update. The Northern Everglades Bill passed the Senate on March 22 and will likely move through the House quickly.

Bubba Wade At the last Lake Okeechobee Committee we went over the Legislation and how the Lake Okeechobee Recommendations Paper is likely to help with the Legislation. The South Florida Water Management District (SFWMD) is working on a comprehensive plan to be presented to the Legislature February 2008.

Ray Scott The Maycheck bill is a House companion to this bill. The language in the Lake Okeechobee Protection Act states that when there is a change in land use there cant be an increase in phosphorous loading as a result of the land use change. The language has been changed to give the District statutory authority for basin specific criteria to protect water resources.

Chair Collins I appreciate the clarification.

## 2. Member Issues

30m

John Adornato There are two other bills of concern; The Wetlands Protection Act requires that no municipality can have more stringent protection than the state. If this bill passes it would go against Everglades restoration. The other is Mining Aggregate across the State of Florida. It seeks to create a Task Force with similar provisions, allowing the state to make rules in opposition to city and counties regarding mining impacts.

Chair Collins These are DEP bills and we always weigh in with them. Those issues will be handled by Ernie Barnett and the SFWMD legislative group. Long standing policy of the administration has been other agencies would not take a position on a bill when another agency is the lead.

John Adornato Requested that DEP representative on the WRAC gave an update on what is their standing on these bills.

Commissioner Jacobs Broward has delegated authority from the State of Florida regarding regulation of wetlands. In a heavily debated session as this one, during a WRAC meeting there should be an SFWMD staff member attending that can explain the Districts position. And if the District is delegating authority to DEP someone from the DEP should be attending to explain their position.

Chair Collins Our Legislative representatives are out and I didnt expect these questions were going to be addressed. I will make sure we have a follow up.

Jim Harvey Statutes say DEP will take the lead over the water management districts. The mining bill is a Palm Beach county bill and the Legislation might have legitimate issues.

Jim Reynolds What is the difference with his drought from the 2000-01 drought that require going into Phase 2?

Chair Collins The current drought is more widespread throughout the District. We're seeing the lowest lake levels, lowest Kissimmee Chain of Lakes water levels. Water levels in conservation areas declining. Much worse than 2001.

Bubba Wade This time all areas are at their historical low levels. At other times we have had available water from one or more of the areas. This is unprecedented in the history of South Florida.

Chair Collins Utilities in the fault zones near the coast are on the danger line for saltwater intrusion, and we have to have water available to help with this. Salt water intrusion lasts for decades.

Patrick Hayes We are sending the wrong message if we are allowing the esthetic use of water for all these golf courses and developments to use fountains.

Bubba Wade We are working with local government to implement restrictions and are educating law enforcement to knock on doors.

Commissioner Jacobs I support the District but the population still doesn't get it. I would love to see these restrictions to stay in place permanently..

Chair Collins This is on the Governing Board agenda for next week. Last drought there was a lot of opposition but we are trying to pass it this time.

Gene Duncan There is not enough storage in the system. After we adopt the Tentatively Selected Plan (TSP) for the Lake Okeechobee Regulation Schedule we are going to go thru this every year. It is absurd to keep the lake at such low levels and we need to rethink this approach.

Chair Collins We have the Hoover dike human safety factor to consider.

**3. Broward Water Preserve Areas (WPAs) Basis of Design Report Update - Michael Hind, Project Manager, CERP, SFWMD**

30p 30d

Mike Hind presented the Broward Water Preserve Areas (WPAs) Basis of Design Report (BODR) Update

Questions and Answers:

Commissioner Jacobs Our memo adds language back to the stakeholder comments that the Greenway area that was removed from the Project Implementation Report (PIR) be added to the Basis of Design Report (BODR) as part of the 10% dedicated recreation area funding. The county greenway plan needs to be included and has to come back to the Governing Board for adoption. The language was removed without the Broward County Commissions knowledge.

Chair Collins We will bring it back for the meeting next month.

Doug Bournique Why the seismographic detectors?

Chair Collins They are used to measure the intensity of blasting.

Dennis Duke The seismographic detector is used to help comply with national dam safety standards.

John Adornato This is a great project and I am glad to see it move through, because it is important. There are issues regarding the blasting and the high school. I am hoping we will address and resolve these issues. And how have the 2000 Water Resources Development Act (WRDA) requirements been met?

Dennis Duke Three of the components of the project were included in the WRDA document and are approved.

Chair Collins There is an assumption about what this project will do for the environment. The model we are using is the closest to the natural system and indicates how the project will deliver water to the Everglades.

Jim Harvey Is the SFWMD running this project and when finished is it going to be kept at full capacity?

Dennis Duke Maximum operational standards.

Rebecca Garvoille The seepage management system, any filtration of nutrients?

Chair Collins Seepage water out of the conservation areas is Everglades water.

Brig Garj I have not found justification for the location of the C-9 Impoundment. Can this project be moved more west and should it be part of the BODR? Can it be moved a few thousand feet?

Ken Ammon This project has been in the planning stages for over 15 years and we are past the stage where it can be moved.

4. Public Comment

30m

John Flint, City Manager, Weston In the PIR in November we had the opportunity to make comments. We had some issues that have been captured by Mr. Hind. These are all part of the BODR.

- oBlasting is prohibited within the City of Weston. We asked for a demonstration of rock fragmentation.
- oOpen burning is prohibited by the City.
- oThere is an issue re: engineering permits, inspection and review under city ordinance, and the Florida Building Code on infrastructure to be built.
- oRegulatory issues: tree removal; Broward County as the permitting agent vs. the city of Weston as permitting agent for the C-11 Impoundment..
- oMitigation areas, how is the district intending to handle this? Is the District taking ownership?
- oImpact to the Indian Trace Development District regarding downward seepage. We manage 10,000 acres of stormwater systems and are concerned about our ability to maintain and run the system with the additional water that will be added.
- oBreach of containment levees.
- oBODR emergency action plan. We still need to be consulted.
- oThe recreation activities will be regional and we asked the SFWMD to consult with Broward County.
- oSW 36th Street (Buddhist retreat.) It is a public right of way maintained by the city of Weston. We have been working with the District to find land for the new high school. The Bergeron parcel has been chosen for the new school but it abuts SW 36th Street on the south side. One of the criteria from the school district is to have secondary access. We are asking the SFWMD to come up with an alternative for that secondary access (e.g. building 196th Ave). If the SFWMD fails to build the secondary access, the city of Weston has no other alternative but to retain the right of way for 36th St. These are the concerns we would like to get on the record.

Hector Vazquez, City of Miramar Thank you for the opportunity to express our comments and concerns with the C-9 common area. We dont have an issue with Everglades Restoration but the project in its current form is not a community sensitive solution. This will have a lasting impression.

oBlasting the negative effects from mining blasting in the northwest area of Miami are been felt in Miramar. The City has not received any documentation from the District explaining the difference between rock fragmentation and blasting.

oLocation In the review of the BODR we found no explanation about why this site was chosen or whether there were alternative sites that were studied. A placement alternative further from residential areas would reduce the negative impacts.

oStormwater Management The C-9 impoundment does not provide for Everglades Restoration but just for a diversion of stormwater from west central Broward to the City of Miramar. We have yet to hear an explanation about how 4.3 downward pressure will affect city stormwater levels.

oAquifer Recharge -The current 17 acres is a natural water recharge area for the Floridan aquifer. How is the District planning to make up for the loss of this large recharge area? How will the flood plain be impacted? Will FEMA have to review flood maps?

oBreach The impoundment containment structure is a risk to homes to the east. Is the District going to use Best Management Practices (BMP) to build the embankment areas and how will it insure the breach concerns are mitigated?

oEsthetics The embankment will destroy the pristine areas and would like to see how the District plans to buffer and how it will be dressed up to look natural. The embankment use is for recreation and it looks into residential areas.

oOther minor concerns include: dust and construction noise, permitting, how debris are cleared, open burning not allowed and recreation activities we would like to see a plan, working hours, etc. We look forward to working with the District to make this project community friendly.

Ken Ammon Most of the concerns will be addressed in the engineering design, seepage will be sooner at the 30% design within 7 to 8 months. We will hold public meetings. The key issue is the school site. When the site was purchased it could not be developed because of wetland issues. Another school site was proposed but it was within the boundaries of the WPA project. Everglades restoration is of the highest priority. The Bergeron site was discussed at that time. The school board committee analyzed 5 sites for this region; two sites had the potential for schools. We met with the city to discuss abandonment of 36th St and access, blasting and other things. We agreed to come up with a memorandum of agreement and that we would work with permitting regarding blasting noise. We also suggested a non-binding letter of agreement. We will provide emergency access within the boundaries of the WPA. We will take over mitigation maintenance. For this we asked an alternative for blasting noise and open burning. We sent a letter to the city manager and the mayor; I had no response from the school. The School Board committee had decided on the Bergeron site and all other issues are independent. The city is insisting that 36th Street be the access through the WPA and that the SFWMD be obligated to pay the cost to create a pass. We have clearly stated that they knew for years that this was not possible. Theyve had other alternatives. We were looking for a win-win situation.

Commissioner Jacobs This project is too valuable. I suggest workshops with all elected officials and the District. A test for blasting should be done immediately. A Memorandum of Agreement will not happen; attorneys will keep working on this and it will never happen. Landscaping and other details can be easily worked out. Suggest the SFWMD do a Letter of Intent vs. a MOU.

Ken Ammon We need cooperation to schedule meeting with the city. We invited officials to the West Coast to demonstrate rock fragmentation.

Commissioner Jacobs - Lets pick a deadline for the demonstration.

Jim Harvey We need to work together so that things do not get inflated but get resolved.

Chair Collins We have been trying to work with local government for 15 years. They have known about this project and our responsibilities are to provide water quality. This project is necessary and is in the public interest for the Lower East Coast. That goes beyond city interests alone. Martin County has worked with us by providing land to these projects and also Dade County. A smaller project will provide no benefits. Commissioner Jacobs, we will try to work with the cities.

Commissioner Jacobs The County Commission has allowed for development to go too far west and the District doesnt have the responsibility for schools but we have to work together. The policy makers need to be at the table.

Chair Collins We are at a point where the project might be compromised.

5. Lake Okeechobee Committee Report and Discussion of Committee Draft Recommendations - Bubba Wade, Committee Chair

15p 15d

Malcolm Bubba Wade gave a brief overview of the projections from Cal Neidrauer on future rain and the effect of La Nina. David Unsell discussed Lake Okeechobee projects, controlled burns on the Lake and the Lake Okeechobee recommendations paper, and how the recommendation document will help with the implementation of the Northern Everglades Plan. We will try to finalize the review of the recommendations paper at our next Lake Okeechobee Committee meeting. Rick and I will summarize the results so that it can be presented at the next WRAC meeting.

Chip Merriam We have \$2.5 M to start moving the muck out and we also have the permits.

Bubba Wade - I would like for the next meeting a map showing the projects for removing muck that we have going on now.

David Lithgow What are the issues with getting the permits for the controlled burns? Can we get the agencies talking?

Bubba Wade It is controversial and we will try to get information for the next meeting.

6. Lake Okeechobee Regulation Schedule Update - Peter Milam,  
Project Manager, U.S. Army Corps of Engineers

30p 30d

Pete Milam, United States Army Corps of Engineers (USACE) presented on the Lake Okeechobee Regulation Schedule Tentatively Selected Plan (TSP).

Questions and Answers:

Jim Harvey I dont see the benefits on this TSP. It doesnt help the estuaries, it impacts water supply and it breaks state law on Minimum Flows and Level (MFL). I think we should still work on revising this document.

Tom Kenny I thought this TSP was to benefit the estuaries.

Dennis Duke The TSP has been recommended to improve the health of the lake. Improvement to the estuaries is not going to be noticed. When we use the simulation we want to have a schedule that is more manageable between the zones. When the lake starts coming up we will still be concerned about the integrity and safety of the Herbert Hoover dike.

Barbara Miedema I think a reformulation is needed. We need to incorporate pumps for phase 2 water restrictions. This TSP only meets our needs 25% of the time and the rest of the time you are missing your target. There is problem with meeting the Minimum Flows and Levels (MFLs). There is double the time of low lake stages. We are not keeping enough water in the lake to provide water for Phase 2 restrictions. We have the time to tweak this document before it gets published in the Federal Register.

Beverly Grady This TSP should go forward because it provides flexibility so we dont get into high water stages where the discharges will hurt the estuaries, seagrasses, etc. There are certain problems, but it will be revised in 2010 and our recommendation should be that the Governing Board recommends it go forward.

Chair Collins Legally the District does not have the ability to ignore MFLs regarding Lake Okeechobee and the Governing Board may not be able to agree with this TSP, as it violates MFLs for Lake Okeechobee.

Gene Duncan The Federal government should not interfere in the States right to allocate water. I see it as a serious infringement on the right of the State to send water to water supply users.

Jim Harvey If there is a consensus to reformulate the TSP, I think we should state that this group does not agree with the USACE breaking state laws.

Chair Collins Modified Water Deliveries and storage north of the lake will solve these issues. This plan will need to be reviewed in three years when new storage comes on line. Is there a real issue with Jim Harveys suggestion of reformulating the TSP?

Beverly Grady I am not ready to make a decision on a 30 minute presentation that I have not had the time to study.

Bubba Wade The Governing Board will have to make a decision on this next week.

Ray Scott This new TSP doesnt do much for the estuaries. I dont see us moving forward with it. Until March 2, we didnt know about the full water supply impacts. The only beneficial thing about the current TSP is the safety of the dike. I agree with other members - we should reformulate before sending to the Governing Board.

Beverly Grady objected to taking the present TSP to the Governing Board for approval

Patrick Hayes We have a six month frame to look at this schedule again, so under that condition I agree to recommend reformulation to the Governing Board.

ACTION: Chair Collins asked Beverly to come up with any wording she may want to add to the current TSP. I will pass it along to the Governing Board with everyones concerns (the estuaries, water supply and MFLS violations) and comments to reformulate.

Tom Miller Will the message to the Board be to operate the schedule at the lowest level of the operational bands?

Dennis Duke If we are going to keep the level down, even after the three years, it will still hurt the estuaries.

Dr. David Rudnick presented on the Florida Bay Algal Blooms.

Thomas Kenny - When was the original bridge built?

Chair Collins - We have been looking at serious algal blooms in the bay for 30 years. There is nothing new about blooms but there is something different about this algal bloom.

John Adornato Thanks for the presentation. Part of the solution is filling in the C-111 canal and we hope the USACE moves quickly on that project. Was it the hurricane or just rainfall that promoted the growth of this bloom? What about the material/muck sitting on the side of the road?

David Rudnick That is a regulatory issue with Miami-DERM. They are talking about a location on Pennekamp State Park for disposal of the debris. To improve a system long term there is always a short term negative result.

Chair Collins There is a borrow pit on The National Crocodile Refuge that has no tidal connection that is also being considered, It is state land and the debris could be used to fill the mining pits.

David Rudnick - We are getting a working group together to start working on this problem.

John Adornato asked that the Everglades National Park and The Florida Keys National Marine Sanctuary be included.

Dr. Cindy Heil, Florida Institute for Fish and Wildlife Research, FWCC, presented on Florida Bay Algal Blooms.

Questions and Answers:

John Adornato The microorganisms in the western blooms: Is there, an explanation about why they are not showing up in the East?

Cindy Heil No, but it may have to do with circulation of the water.

Chair Collins The cold water helps to control the blooms and we havent had any cold water for months.

Bijaya Kattel presented on proposed alligator hunting during the 2007 hunting season on STA 1-West and STA 5  
We would like WRAC approval to present to the Governing Board.

Rock Salt Is there a sense of the carrying capacity for alligators in the STAs?

BJ Kattel We dont have an answer on carrying capacity or count.  
This is only our second year managing an alligator hunt.

Joe Walsh - Capacity right now is unlimited. If alligator management is going to be an issue we should start monitoring.

Walter Carson How is this impacting the ecology, affecting the phosphorus and the nutrient loading?

Joe Walsh The hunting is actually moving phosphorus out of the STAs as hunters catch the biggest fattest alligators which produce the highest content of phosphorus. It would be good to track the phosphorus export in the STAs.

Bubba Wade Consensus is to pass to the Governing Board for approval.

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7. Lunch - 12:30 p.m.

60m

8. Florida Bay Algal Blooms: Dr. David Rudnick, Sr. Supervising Env. Scientist, Everglades Div., SFWMD; and, Dr. Cindy Heil, Sr. Research Scientist, Fish and Wildlife Research Institute, Florida Fish and Wildlife Conservation Commission

30p 30d

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| <b>9.</b>  | Public Comment  | 15m     |
| <b>10.</b> | Alligator Hunting on Stormwater Treatment Areas 1, West and 5 - Bijaya Kattel, Sr. Recreation Planner, Land Stewardship Div., SFWMD | 10p 20d |

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11. Adjourn: 3:15 p.m.