



LOXAHATCHEE RIVER MANAGEMENT COORDINATING COUNCIL
MEETING

Monday, January 29, 2018 2:00 pm

Jupiter Community Center

200 Military Trail
Jupiter, FL 33458

MINUTES

I. Call to Order

Tom Howard called the meeting to order at 2:05 p.m. and welcomed everyone.

II. Roll Call

Albrey Arrington – Loxahatchee River Control District
Michael Dillon - South Indian River Water Control District (SIRWCD)
Deborah Drum - Martin County
Rebecca Elliott – Florida Department of Ag & Consumer Services
Inger Hansen - Florida Department of Environmental Protection
Tom Howard - Jupiter Inlet District
Tom Lanahan – Treasure Coast Regional Planning Council
Ivette Leiva - Florida Department of Transportation
David Levy – City of Palm Beach Gardens
Pat Magrogan - Gulfstream Council
Jonathan Ricketts - Northern Palm Beach County Improvement District
Dick Roberts - Martin County Conservation Alliance
Hal Valeche – Palm Beach County
Herb Zebuth - Florida Native Plant Society

III. Approval of Minutes from the June 26, 2017 and the September 25, 2017 meetings

The minutes from both the June 26, 2017 and September 25, 2017 meetings were approved.

IV. Election of Officers

A. Chair

Albrey Arrington nominated Jonathon Ricketts for Chair. With no other nominations, a motion was made and seconded to elect Jonathon Ricketts as Chair.

B. Vice-Chair

Albrey Arrington nominated Herb Zebuth for Vice-Chair. With no other nominations, a motion was made and seconded to elect Herb Zebuth as Vice-Chair

C. Secretary

Pat Magrogan nominated David Levy for Secretary and a motion was made and seconded to elect David Levy as Secretary.

V. Public Comment

No public comment.

VI. Project Updates

A. Proposed PalMar Land Swap – Matt Gitkin (20 min)

Susan Kennedy, President of Jupiter Farms Environmental Council, presented on the proposed Pal Mar Land Swap. Susan shared that Pal Mar Water Control District (PMWCD) is located in the western part of Palm Beach and Martin county and showed a map on where it is located in relation to the river corridor. This past year a newly elected PMWCD board member proposed a land swap to allow for development in that area. Susan shared that the South Florida Water Management District has a seat on the board and is the largest land holder in PMWCD but can't vote because their assessment fees have not been paid. The second largest land holder is the newly elected PMWCD board member whose interest is developing Pal Mar. Without the SFWMD's vote, this newly elected individual potentially carries all the votes. Susan shared their concerns that without SFWMD being involved in this District, they are abdicating their role as stewards to a major project and without the District's involvement in the protections of these areas then it opens it up to a loss for the river because we lose that watershed area. This is important to the Loxahatchee River Management Coordinating Council (LRMCC) as this could significantly impact the Loxahatchee River and the development trend in the western portion of the Loxahatchee River watershed. Susan said they are asking for a letter or resolution from the LRMCC to the PMWCD opposing any consolidation of land that would improve the development chances of that area and ask SFWMD to return to good standing with PMWCD to protect their lands and the river.

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Questions/Comments

Commissioner Valeche shared that he is Chairman of the PMWCD and shared some information about the newly elected PMWCD board member and land owner. He said that the issue they have at Palmar is that even if it's a drainage district, a 298 district under state statute, there is no drainage.

Susan shared that for the environmental folks that have been working on this these past few months, their concern is that if you say something enough times people get used to the idea and it happens. For all these years, we've been saying Palmar is for water restoration, its passive land, doesn't have development. Once the idea is placed in peoples' minds that there is development opportunity out there and it's said enough times, it becomes true regardless of their best intentions, so she wanted the Council to be on the forefront of that to make sure the concerns are addressed upfront. She said she believes that Martin county is still purchasing the lands when they can.

Deb Drum shared that Martin County has been discussing this item and they have made an informational presentation to their board in Sept 2017. At the Jan 23rd BOCC meeting, there was discussion about the assessments. They are actively continuing to acquire properties in Palmar. They have been getting inquiries directly from people who didn't know they had lands out in that area as some of those have been passed down to them and they close on a deal with them. She's reported previously that they were going for a million-dollar grant for acquisition in the Palmar area through the US Fish and Wildlife Service and unfortunately, they were not successful in getting those grants because of the complications with all of the small parcels. The small parcels in that program worked against them. They like large acreages with fewer transactions and they had a lot of transactions with few parcels.

David Levy shared that it's a patchwork out there between government and privately-owned lands. Wouldn't government entities have to agree to land swaps? If this is an under funded board, do we want to encourage the water management district to fund it?

Susan replied yes, you are funding the water district, but they do have some minimal administrative cost they have to cover, and it does eliminate the voting opportunities for many thousands of folks by the water district that they are abdicating by not paying and yes, it is a patchwork of land and a patchwork of agencies.

Deb Drum said she will be abstaining from this vote as this is a current item that is before her BOCC and they have not decided their path forward yet. Also, she would like to encourage all her fellow council members to recognize that this issue is much more complicated and there are a lot of details not being brought forth in this discussion today and to be very cautious to ensure that they get all of the different perspectives before they take their position on this item.

Albrey agreed with Deb's suggestion and said that personally he's opposed to telling the district to pay this because he feels the Council hasn't heard all the details about this issue, but he's not opposed to this board speaking clearly and saying that there is long history documenting the value of these lands and he thinks there is a big opportunity for this board to act to preserve them but he is opposed to telling the water management district to pay a fee that their attorneys may have determined is not necessary.

Albrey made a motion for the current or newly elected chairman of the LRMCC to draft a letter that states that the LRMCC recognizes and identifies the Palmar parcels as a high value, high quality wetland etc... and end the letter with a request to SFWMD, PBC, MC and FWC advising them that it's in the watersheds best interest not to do anything to support, promote or encourage development of these properties. Dick Roberts seconded the motion.

Motion was made to draft the letter and bring back to the Council for review before the letter goes out to the agencies.

(Note: Minutes below from FDEP Minutes dated 1/29/18)

B. FDEP Update on Reasonable Assurance Plan (30 min)

Julie Espy, DEP Program Administer, provided an overview of events to date, current status, plan options, and options for a path forward on the RAP.

Overview of Events

Julie stated that on behalf of DEP, Wildwood Consulting emailed stakeholders on January 23, 2018, a summary of DEP comments in response to the questions/comments posed at the last RAP meeting held on October 30, 2017. DEP posted an updated Pollutant Load Screening Model (PLSM) version 6.7 on December 14, 2017. DEP held a "Watershed Modeling 101" webinar on December 12, 2017, and a waterbody identification (WBID) workgroup webinar on November 15, 2017. Discussions on the PLSM and groundwater occurred at the October 30, 2017 public meeting.

Current Status

As of today, Julie stated that DEP has undertaken the following activities with stakeholders:

- Cleaned up the WBID boundaries (which do not affect the RAP boundary)

- Collected some project information for the RAP
- Prepared a draft RAP
- Established monitoring parameters
- Discussed additional monitoring that could be included in the RAP to answer additional questions
- Evaluated and presented information on groundwater considerations
- Discussed a potential evaluation of sediment load from existing data
- Discussed the lack of flow data

DEP proposes using the PLSM in the final RAP. To do so, stakeholders need to agree on the inputs (event mean concentrations, runoff coefficients, rainfall data, WBIDs, etc.) to use.

Plan Options

Julie provided a recap of RAP plan options: Goldfish (move forward with RAP using PLSM), Peacock (delay the RAP to work on a refined model), Rabbit (prepare a 4e plan rather than a RAP as an interim step while DEP establishes a total maximum daily load [TMDL]), or Hedgehog (no RAP; wait for DEP to establish a TMDL).

Path Forward

Julie stated that the path forward as of today is for stakeholders to either 1) use the current draft RAP as a 4e plan as an interim step (Rabbit option); 2) move forward with the PLSM to finalize the RAP (Goldfish option); or 3) do nothing and wait for DEP to establish a TMDL. If the Goldfish option is selected, then DEP will not move forward with establishing a TMDL. If the Rabbit option is selected, it is an interim plan and the stakeholders will likely have until February 2019 to complete a new or revised loading model that will lead to an adoption-ready Peacock plan. Otherwise, TMDL development will begin in 2019 and be completed by 2022.

Project Collection

Tiffany Busby, Wildwood Consulting/DEP contractor, discussed the project collection results to date and estimated load reductions (credits) associated with the projects. Tiffany emphasized that she could not perform precision-level calculations based on DEP-approved methodologies due to the limited project data available. Of the 110 projects submitted by stakeholders, 65 projects are missing information. She stressed that the estimated credits are "ball park estimates" and provided the following caveats:

- Agricultural best management practices (BMPs) were applied to 80 % of the agricultural land uses using 30 % total nitrogen (TN) and 15 % total phosphorus (TP) reductions for estimation purposes
- Certain projects (such as research, planning, monitoring and exotic plant removal projects) are ineligible for load reductions
- Land use types, in most cases, were estimated in the treated area
- Public education credits were not determined
- Most street sweeping efforts were not accounted for
- Many retention levels were roughly estimated

For the credit calculations, it was deemed that 28 % of the projects have complete information, 59 % require more information, and 13 % are ineligible.

Tiffany estimated credits of 62,581 pounds of TN per year (lb-TN/yr) and 17,757 pounds of TP (lb-TP/yr). The project types associated with the largest amount of credits were agricultural

BMPs (BMPs were treated the same, not by crop type; all agricultural acreage was assumed to be enrollable), hydrologic restoration, and wastewater service area expansions (septic to sewer conversions).

Tiffany reminded stakeholders that previous discussions on the PLSM indicated a 37 % load reduction requirement (171,277 lb-TN/yr and 17,794 lb-TP/yr) based on the original PLSM results and a 50 % load reduction requirement (209,313 lb-TN/yr and 21,746 lb-TP/yr) based on the alternative analysis PLSM. The current estimated project credits achieve a 37 % TN reduction and 100 % TP reduction for the original PLSM results; 30 % TN reduction and 82 % TP reduction for the alternative analysis PLSM.

Action by LRMCC

The LRMCC approved a motion to move forward with the Goldfish option using the PLSM while reserving the right to modify the plan based on model refinement.

Questions/Comments by Attendees

1. Albrey Arrington: Terrific presentation, thank you. How do you determine yearly credits associated with muck removal? Tiffany: Muck removal credits are estimated based on DEP guidance. For example, for the Indian River Lagoon BMAP, to allow credit for muck removal, DEP required measurement of flux, the prevention of muck from returning, and dredging down to bare sediment.
2. Albrey: Are your load reduction estimates/project credits conservative? Tiffany: Yes, the estimates are conservative since complete data were available for only 28 % of the projects.
3. Albrey: It appears based on the estimated credits that TP is already addressed for the original PLSM reduction requirements. Tiffany: Yes, that is correct.
4. Rebecca Elliott: The agricultural BMPs may not be too conservative. Further review is needed; the estimates may be too high based on the WBIDs and land use. Tiffany: I agree that further review is needed. We may have to discount for long-term citrus enrollment that do not constitute new reductions.
5. Herb Zebuth: Why is vegetation removal considered as an ineligible project type? Tiffany: Exotic plant removal is not viewed by DEP as a water quality improvement effort.
6. Herb: Aquatic vegetation removal should be counted as a water quality improvement, especially if the removal is through harvesting rather than spraying. Tiffany: DEP provides credit for aquatic vegetation removal if the removal is not through spraying in place or spraying and placing the vegetation on the bank. Specific DEP guidance is available that describes when water quality credit can be given for aquatic plant removal and disposal away from the waterbody.
7. Tom Howard: Are credits only relevant for each water quality analysis/progress analysis? Tiffany: Projects are not erased from analysis to analysis. New projects will be needed if not meeting the water quality targets. Existing credits may be adjusted based on new data.
8. Tom: I am trying to understand the practical effect of the project credits since you are giving us credit for projects already done when we don't fully know project effectiveness. Julie: Since the PLSM uses land use change data from 2008, DEP will accept projects completed since 2008.
9. Tom: DEP is willing to give us a 10-year look back? Julie: Yes, DEP will accept projects completed since 2008.

10. Jonathan Ricketts: Will you accept septic to sewer projects completed prior to 2008 since they address legacy nutrients? Julie: We have to draw a line and have chosen 2008 based on the land use coverage data in the PLSM. However, if you can provide data to support projects in prior years whose benefits were delayed until 2008 or later, DEP will review them. Tiffany: We need to be careful to not over or under estimate project credits.
11. Tom: We are at a crossroads. Tiffany, your information is good. We need to make a decision. Do we spend \$100,000 to \$200,000 on a potentially better model? The Jupiter Inlet District (JID) is willing to consider providing funds for a better starting point, better starting data.
12. Albrey: Can we use the project credits to meet the required load reductions? Julie: Yes, the credits can be applied toward the required load reduction.
13. Albrey: The Goldfish option is more palatable to me now.
14. Jonathan: North Palm Beach County Improvement District (NPBCID) is willing to provide some funding for a new model. Julie: A revised or new model along with an adoption-ready Peacock plan will need to be provided by February 2019. Otherwise, DEP will begin the TMDL process in February 2019 for completion by 2022.
15. Tom: Is the consultant in the audience who provided comments to us at the October meeting regarding time line and cost associated with a new model? Tony Janicki: Very little time is being spent on the relationship of loading to water quality response. There needs to be a further look at this part of the process.
16. Herb: If additional money and time are spent on a more sophisticated model, how will that change the load reduction requirements? Julie: A more sophisticated model may provide a better idea of the loading sources and types of projects needed, but will likely not substantially change the overall load reduction requirements.
17. Tiffany: Keep in mind that securing local agreements and funding for a new model can be a lengthy process and the modeling can take longer than expected. Right now, you will at least have a 4e plan based on the DEP work to date.
18. Jonathan: If we select the Goldfish option is there nothing to prevent LRMCC to move forward with a better model? Julie: Correct. You can complete a Goldfish plan and have the ability to refine the plan at a later date based on a different model. Tiffany: Having a more sophisticated model is valuable and it is important to have numbers that you are happy with. Moving forward with the RAP does not preclude you from pursuing a more detailed model and other technical refinements during the RAP implementation phase.
19. Jonathan: Are there other funding sources other than JID and NPBCID?
20. Tom: It appears that stakeholders are losing enthusiasm to spend money since agencies will have to be persuaded to spend money on a non-mandatory RAP. I am more inclined now to support the Goldfish option subject to refinement.
21. Deborah Drum: This has been an incredible learning process but also a distraction. I am ready to support the Goldfish option now. I am developing a capital improvements plan (CIP) that includes Lox projects, including funding for model refinement. I want other entities to concur to funding model refinement. We need to move off the mark. We need to provide Tiffany the project information she needs.
22. Rebecca: I need clarity on the water quality targets and how they relate to plan options. If we go with the Goldfish option, can we revisit the numeric nutrient criteria (NNC)? Julie: Yes, you can revisit the NNC.

Next Meeting

A workshop on the PLSM will be organized by DEP for a date in February in Jupiter, Florida.

Adjournment

The DEP portion concluded at 4:05 PM.

DEP Action Items

The meeting resulted in the below list of action items.

1. Julie/Cathy: Post the final PowerPoint presentation and meeting summary on the DEP public access site.
2. Cathy: Schedule the February PLSM workshop to finalize inputs. Reserve Room C at the Jupiter Community Center and send a save-the-date announcement.
3. Julie/Cathy: Prepare and publish the Florida Administrative Register (FAR) notice for February workshop.
4. Julie/Cathy: Prior to the February workshop, email stakeholders a request for information on the PLSM inputs to be discussed.
5. Tiffany/Cathy: Email updated project collection requests to stakeholders and Kathy LaMartina (for her to share with LRMCC).

- C. Assessment of Implementation of 2010 LRMCC Plan Objectives (10min)

There were no comments from the Council on this item.

VII. Watershed Status Updates

- A. Loxahatchee River Dashboard Overview, Albrey Arrington, LRD (5 min)

Albrey was not ready to present at this time.

- B. Water Quality, Bud Howard, LRD (5 min)

Bud Howard shared with everyone some of the new information that has been made available on the Loxahatcheeriver.org website over the past several months. If you click under "Protecting the River" there are a few new items added in the water quality section and river keeper. The Datasonde information is new and there is also a new NEXRAD Explorer tool from the water management district. It's a radar-based tool that was developed to be able to visualize rainfall data. This information gets updated every couple of weeks.

VIII. Member Issues (brief, verbal status update)

- A. Land Management
- B. Flood Control
- C. Environmental Issues
- D. Recreation Opportunities
- E. Permits

Dick Roberts reminded everyone that this year is the 50th Anniversary of the National Wild and Scenic Rivers Act that was signed by President Johnson on October 2, 1968...earlier on September 12 the House voted 265-7 in favor of it. There are ceremonies nationwide and some of them are listed by American Rivers and River Management Society, with observance at the Jupiter Inlet Lighthouse and Museum.

Tom Howard shared that the Jupiter Inlet District will complete construction on Moonshine Creek Oxbow restoration in April/May. Also, Jupiter Inlet District will be doing some investigations in Simms Creek, SW Fork of the Loxahatchee River. They decided to do some

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core samplings of possible sources of nitrogen and phosphorus in conjunction with the existing projects they have.

Kathy LaMartina shared that there will be a meeting of the Aquatic Preserve Management Plan from Loxahatchee and Lake Worth tonight at 6 p.m. at that same location.

IX. Adjourn

Meeting was adjourned at 4:21 p.m.

Next Meeting is scheduled for March 26, 2018.